



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** May 9, 2024

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of June 5, 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 an application to amend the Electoral Area G – Saltair Zoning Bylaw No. 2524 to permit a 107 m<sup>2</sup> detached suite and to reduce the minimum parcel size for subdivision on the subject property at 11170 Branksome Road (PID: 000-433-306).

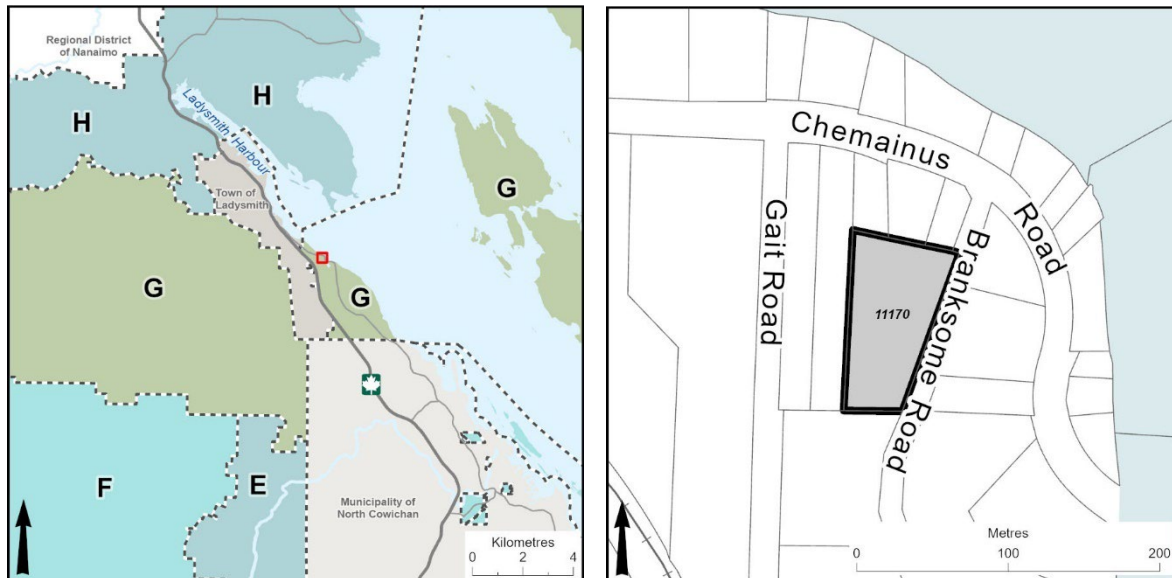
In accordance with the [CVRD Development Application Referrals Policy](#), this report is intended as a preliminary step to introduce the application to the EASC.

## **RECOMMENDED RESOLUTION**

That it be recommended to the Board that Application No. RZ23G02 (11170 Branksome Road, PID: 000-433-306), to permit a 107 m<sup>2</sup> 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.

## LOCATION MAP



## BACKGROUND

The subject property is an approximately 0.63 hectare (ha) parcel located on Branksome Road, northwest of Davis Lagoon. Existing buildings include two dwellings – the original dwelling measured to be 107 m<sup>2</sup> in floor area and the principal dwelling measured to be 235 m<sup>2</sup> in floor area; and several accessory buildings and structures – a barn, garage, gazebo and two sheds.

The property has a moderate but steady slope from the south to the north (toward Chemainus Road). Water servicing is provided by CVRD Saltair Water System; each dwelling is connected to a separate onsite sewerage system.

Neighbouring properties consist of residential parcels within the R-2 and R-2A zones.

CVRD Building Inspection records indicate the original dwelling was to be moved, decommissioned or destroyed following the completion of the new principal dwelling. The original dwelling was never decommissioned or removed, and was the subject of bylaw enforcement action following completion of the new principal dwelling (2009). A previous rezoning application (01-G-09-RS) to permit an accessory dwelling on the property was withdrawn in September 2010. CVRD records indicate the original dwelling was decommissioned to an accessory building in 2012. The property owner is now seeking to rezone the subject property in order to legally reinstate the second dwelling as a detached suite, with potential for a future two-lot subdivision.

## OFFICIAL COMMUNITY PLAN / POLICY CONSIDERATIONS

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

The subject property is designated Residential in the OCP, 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 to direct density to serviced areas. Objectives of the Residential designation include preserving the rural character of rural areas; ensuring development is compatible with physical site conditions and natural features; and providing safe, affordable and special needs housing.

The property is designated Suburban Residential in the Area G Local Area Plan (LAP), which is intended to remain semi-rural and agricultural over the long term. Objectives for 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.

The subject property is within Development Permit Area (DPA) 1 – Riparian Areas Protection and DPA 4 – Aquifer Protection. Any future development of the site, including subdivision, may require a Development Permit.

Electoral Area G – Saltair Zoning Bylaw No. 2524:

The subject property is zoned R-2 Suburban Residential 2, which currently permits a single detached dwelling and either an attached or detached suite. The 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.

At its May 22, 2024, meeting, the Board adopted Bylaw No. 4552 (Bill 44 Compliance) and Bylaw No. 4577 (Detached Suites & Miscellaneous Amendments) to amend Zoning Bylaw No. 2524. To come into compliance with new provincial legislation (Bill 44), Bylaw No. 4552 removed the minimum parcel size for an “attached suite” (secondary suite).

Bylaw No. 4577 permits either an attached suite or “detached suite” (accessory dwelling unit) in the R-2 zone. The regulation for a maximum floor area of 85 m<sup>2</sup> for a detached suite remains. Additional regulations for detached suites include approval from the authorities responsible for domestic water supply; approval for the appropriate level of sewage treatment to permit the total density; and requirements for off-street parking (one additional space).

Bylaw No. 4577 permits a detached suite to be subdivided from the parcel upon which it is located, only if:

- The zone permits the proposed lot sizes following subdivision;
- The existing principal dwelling and detached suite meet setback requirements following subdivision;
- Approval from Island Health for sewage disposal has been obtained; and
- All other requirements for subdivision are met.

Where the aforementioned requirements are met, following a subdivision that separates the principal dwelling and detached suite onto separate parcels, the detached suite would become the principal dwelling on that parcel.

If the detached suite is within a zone that does not allow for subdivision, prior to issuance of a Building Permit the owner will be required to register a covenant on the parcel that would prevent subdivision or registration of any form of strata plan under the *Strata Property Act*.

**COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS**

CVRD division referral comments are provided in Attachment F. Comments received from CVRD Divisions include:

- **Building Inspection** states that a Building Permit will be required for reinstating the detached suite as a dwelling as it was previously legally decommissioned under permit.

- **Strategic Initiatives** supports the rezoning for the detached suite, provided it is confirmed that both dwellings are serviced by an onsite septic system. They do not support the rezoning for subdivision, noting that in the draft OCP Bylaw No. 4373, the density in the Country Suburban designation is 2.5 units per hectare, plus permitted suites, which this application exceeds.
- **Utilities** notes that the property is currently connected to the Saltair Water System, but is being charged for one service. The detached suite will require a secondary suite capacity fee in order to come into compliance. The proposed new subdivision will require payment of capacity connection and installation of a new service connection, at the cost of the property owner, at the time of subdivision.
- **Environmental Services** indicates that the property is within the Coastal Slope Stability Study area for Saltair (Stantec, 2022), and recommend that all study recommendations for properties in the area be followed. Stormwater management recommendations were provided, including limiting runoff and avoiding vegetation removal.

In accordance with the [CVRD Development Application Referrals Policy](#), this application has not been referred to external agencies or First Nations. Staff recommend referrals be sent to the following:

- |  |                               |
|--|-------------------------------|
| • Area G Advisory Planning Commission                  | • Cowichan Tribes             |
| • BC Transit   | • Halalt First Nation         |
| • Nanaimo-Ladysmith School District 68                 | • Lyackson First Nation       |
| • Island Health  | • Penelakut Tribe             |
| • Ministry of Transportation and Infrastructure (MOTI) | • Snuneymuxw First Nation     |
| • Ladysmith Fire Department                            | • Stz'uminus First Nation     |
|  | • Ts'uubaa-asatx First Nation |

## **PLANNING ANALYSIS**

### **Second Dwelling:**

OCP objectives and policies support a wide range of housing and lifestyle options, and specifically encourage providing safe, affordable rental and special needs housing, and housing that enables aging in place. An application has been submitted to permit the existing detached suite to ensure safe and appropriate housing for a family member, which is consistent with OCP policies that encourage affordable housing, including secondary suites or second dwelling units in service areas, and that support development consistent with the surrounding context and character of the existing neighbourhood. Given the detached suite is already in existence and is modest in size, staff do not consider it to negatively impact the rural character of the community.

Since this application was submitted, the Board adopted Bylaw No. 4577, to allow the option of either a detached suite or attached suite in the R-2 zone with no minimum lot size limitation. While zoning now permits a detached suite on the subject property, the original dwelling exceeds the permitted maximum floor area of 85 m<sup>2</sup> for a detached suite, as it is 107 m<sup>2</sup> in floor area. The additional 22 m<sup>2</sup> of floor area could be addressed as part of this rezoning application.

Staff have previously not supported an increased floor area beyond 95 m<sup>2</sup> for detached suites, although this is generally in relation to new proposed construction, and not existing dwellings. It is staff's understanding this has been done in the past to ensure that detached suites are noticeably *incidental* to the principal dwelling. Maximum floor area for suites will be considered as part of the comprehensive Zoning Bylaw.

It is noted that a Building Permit will be required to reinstate the original dwelling as it was previously decommissioned under permit.

Proposed Subdivision:

Neither the OCP nor Area G LAP specify a minimum parcel size or density range for the Suburban Residential designation. OCP objectives and policies endeavor to maintain the rural residential character of Saltair, preserve green space, minimize urban sprawl, and discourage subdivision within rural settlement areas. Saltair is identified in the OCP as a rural settlement area.

Regarding the proposed future subdivision of the parcel, staff consider the following:

- The subject property (~0.63 ha) is already an under-sized parcel in the R-2 zone, based on servicing and the current minimum parcel size requirement (1 ha). Further subdivision would result in parcels that are even further under-sized in the R-2 zone.
- Surrounding properties in the R-2 zone are an average size of 0.57 ha, ranging in area from 0.08 ha to 2.2 ha (with subdivision plans dated from 1942 to 2006).
- Other residential zones in Zoning Bylaw No. 2524 require a minimum parcel size of 0.4 ha for parcels served by a community water system only.
- The smallest permitted minimum parcel size in a residential zone in Zoning Bylaw No. 2524 is 0.2 ha on parcels served by both a community water and community sewer system, in the R-3 General Residential zone. It is noted that a CVRD-operated sewer system is currently not planned for this area.
- A proposed subdivision of this property would result in parcels between 0.2 and 0.4 ha in area.

Generally, minimum parcel sizes are intended to regulate density in an area, maintain rural form and character, ensure sufficient groundwater recharge, impose suitable building sites outside of setback areas, and safely accommodate septic tanks and drinking water wells. Where a parcel is not served by a community sewer system, the minimum parcel size is typically larger to ensure adequate area for the onsite sewerage system. Island Health specifies minimum lot sizes for properties based on slope, native mineral soil depth and discharge area; requirements for minimum lot sizes differ depending on the variables of a site. According to the applicant, there are separate onsite sewerage systems that service each dwelling and are approved by Island Health.

Currently, the property appears to function as two parcels with a dwelling at each end separated by a large lawn area, with separate driveways and on-site parking; the creation of a second lot seems likely to not impact the surrounding community character. However, the creation of two lots would double the permitted density, as each lot would be permitted a principal dwelling and either a detached suite or attached suite – resulting in a total of four dwellings where two are currently permitted. Notwithstanding, a covenant could be required as a condition of rezoning that would allow attached suites (but not detached suites).

The draft Modernized Official Community Plan Bylaw No. 4373 (MOCP) includes the subject property and the surrounding area within the Growth Containment Boundary (GCB) and the Country Suburban designation. The purpose of the Country Suburban designation is to enable single detached housing with country character, where homes face and front a street. Properties in this designation do not always have access to servicing (water and sewer). The Country Suburban designation specifies a maximum density of 2.5 units per hectare (plus permitted suites). Based on the size of the subject property (~0.63 ha), the density range would permit 1.5 dwellings (1 dwelling), plus a permitted suite.

Servicing:

The property is currently connected to the Saltair Water System, but is only being charged for one service. Utilities staff indicate a secondary suite capacity fee of \$1,500 for the detached suite will be required in order to come into compliance with the CVRD Bylaw No. 4231 – Water Systems Regulatory and Management Bylaw, 2021.

In addition, subdivision of the subject property will require payment of a capacity connection fee (\$7,000) and payment for the installation of a new service connection to a new lot (price to be determined). These would be required at the time of subdivision as conditions of CVRD approval of a proposed subdivision.

Other Considerations:

OCP Policy 4.8.4.5 seeks to ensure residential developments are compatible with physical site conditions of slope, soil types and drainage patterns. The [Coastal Slope Stability Assessment](#), by Stantec Consulting Ltd., dated February 14, 2022, identifies the northeast corner of the subject property within the recommended 15 m setback area (green line) from areas that could be affected by landslide (orange line), see Figure 1.

The Assessment provides recommendations for development on properties identified within landslide areas. While much of the property is outside of the identified landslide risk area, it is upland and within close proximity to these areas.



Subdivision of this property would increase density and (potential for) future development of the site, which could have drainage implications with potential negative impact to slope stability of downhill properties. To mitigate potential impacts, staff would recommend registering a section 219 covenant on title ensuring adequate onsite stormwater management for future development of the site.

**Figure 1.**

Recommendation:

The purpose of this application is two-fold – first, the property owner proposes to legalize an existing 107 m<sup>2</sup> detached suite, and second, to reduce the minimum parcel size to allow for (future) subdivision of the subject property.

The detached suite appears to be consistent with the community character and aligns with OCP policies that encourage affordable housing and support aging in place. The proposed subdivision does not appear completely consistent with OCP policies that discourage subdivision in rural settlement areas; however, it does not appear to conflict fully with the surrounding context, as the property appears to operate as two parcels currently. That being said, a subdivision of the property would double permitted density, and this may have implications on downslope properties.

Staff are recommending the application be forwarded to external referral agencies and First Nations, prior to further consideration.

Should this application proceed, staff would recommend that the following be included as conditions of rezoning:

- Submission of a comprehensive septic report prepared by a Registered Onsite Wastewater Practitioner (ROWP) or Professional Engineer (P.Eng.) 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;
- Payment of the secondary suite capacity fee of \$1,500 be received; and
- Registration of a covenant in favour of the CVRD, ensuring adequate onsite stormwater management for future development of the site.

### **OPTIONS**

#### *Option 1: (Recommended)*

That it be recommended to the Board that Application No. RZ23G02 (11170 Branksome Road, PID: 000-433-306), to permit a 107 m<sup>2</sup> detached suite and reduced 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.

#### *Option 2:*

That it be recommended to the Board:

1. That a draft Zoning Amendment Bylaw for Application No. RZ23G02 (11170 Branksome Road, PID: 000-433-306), to permit a 107 m<sup>2</sup> detached suite and reduced the minimum parcel size for subdivision on the subject property, be prepared and forwarded to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> 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 on Title requiring installation of onsite stormwater management infrastructure prior to future development of the site.
4. That a public hearing be held for Application No. RZ23G02 (11170 Branksome Road, PID: 000-433-306), with all Electoral Area Directors as delegates.

Option 3:

That it be recommended to the Board that Application No. RZ23G02 (11170 Branksome Road, PID: 000-433-306), to permit a 107 m<sup>2</sup> detached suite and reduced the minimum parcel size for subdivision on the subject property, be referred back to staff for further information, including: *[requested information to be identified by the Board]*, prior to further consideration.

Option 4:

That it be recommended to the Board that Application No. RZ23G02 (11170 Branksome Road, PID: 000-433-306), to permit a 107 m<sup>2</sup> 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



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 – Context Maps



Attachment C – Site Plan

Attachment D – Site Photos

Attachment E – Rationale Letter

Attachment F – CVRD Internal Division Referral Responses