



STAFF REPORT TO COMMITTEE

DATE OF REPORT October 24, 2023
MEETING TYPE & DATE Electoral Area Services Committee Meeting of November 15, 2023
FROM: Chloe Boyle, Planner II
Land Use Services
SUBJECT: Application No. SA23B05 (301 Stebbings Road/PID: 031-411-703)
- Frontage Exemption Request
FILE: SA23B05

PURPOSE/INTRODUCTION

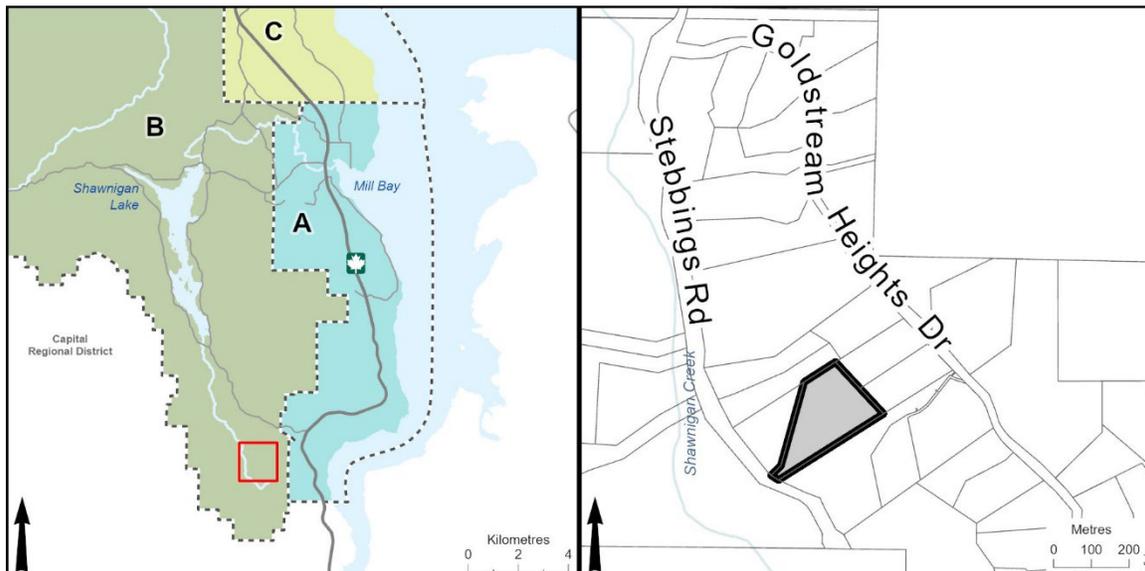
The purpose of this report is to summarise a frontage exemption request for the subdivision of property located at 301 Stebbings Road (PID: 031-411-703) associated with Subdivision Application No. SA23B05 for a two-lot subdivision.

RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That the proposed Lots A and B in Subdivision Application No. SA23B05 (301 Stebbings Road, PID: 031-411-703), be exempted from the minimum parcel frontage requirement in accordance with Section 512 of the *Local Government Act*.
2. That the applicant provide a cash amenity contribution of \$20,000.00 to the Community Parks Capital Reserve Fund (Area B – Shawnigan Lake) and/or the Shawnigan Lake Recreation Specified Area Capital Projects Reserve Fund (*the proportion of cash contribution to each/either fund is to be determined by the Board*).

LOCATION MAP



BACKGROUND

The 4.0 ha subject property fronts Stebbings Road and is located in the southern portion of Electoral Area B – Shawnigan Lake. The property is currently vacant, and zoned RR-2 – Rural Residential 2 Zone. The applicant is proposing to subdivide the property into two lots. The subdivision layout proposed results in a frontage length that is less than 10% of the perimeter for each proposed lot. Thus, the applicant is requesting a minimum frontage exemption.

The property is located within Block 201 of the Malahat District, and thus special regulations within the RR-2 Zone for minimum parcel size apply to the property. Through density amenity bonus provisions, the minimum parcel size may be 2.0 ha provided that the property owner provides a contribution of \$10,000 per new parcel created to either the Community Parks Capital Reserve Fund (Area B – Shawnigan Lake), or Shawnigan Lake Recreation Specified Area Capital Projects Reserve Fund. The density amenity bonus contribution is separate from any park dedication or cash-in-lieu requirements within the *Local Government Act*.

- See Attachment A – Background Table
- See Attachment B – Property Context Maps
- See Attachment C – Subdivision Plan
- See Attachment D – Site Photos

OFFICIAL COMMUNITY PLAN / POLICY CONSIDERATIONS

[Official Community Plan for the Electoral Areas Bylaw No. 4270](#): The property is designated Residential with a local area plan (LAP) designation of Rural Residential. The Rural Residential designation is intended to accommodate a range of rural lifestyles outside of the growth containment boundary, and to provide a buffer between resource lands and residential parcels. The zoning bylaw establishes standards for rural residential lifestyle with minimum parcel sizes of 1 ha, 2 ha and 4 ha.

[Electoral Area B Zoning Bylaw No. 985](#): The property is zoned RR-2 – Rural Residential 2 Zone. The minimum parcel size is 4 ha for lands located within Blocks 156, 201, 361 and 791 of the Malahat District. The minimum parcel size may be decreased to 2 ha if the following conditions are met:

- In respect of any parcel created that is less than 4 ha in area, a cash amenity contribution of \$10,000 per new parcel created shall be made, at the sole choice of the CVRD Board, in a proportion deemed appropriate to either the Community Parks Capital Reserve Fund (Area B – Shawnigan Lake), or Shawnigan Lake Recreation Specified Area Capital Projects Reserve Fund, prior to the registration of the new parcels.

For the purposes of subdivision, the minimum frontage of a parcel shall be 10% of the perimeter of that parcel (Section 14.7).

[Local Government Act:](#)

Minimum parcel frontage on highway

512 (1) *If a parcel being created by a subdivision fronts on a highway, the minimum frontage on the highway must be the greater of*

- 10% of the perimeter of the lot that fronts on the highway, and*
- The minimum frontage that the local government may, by bylaw, provide*

(2) *A local government may exempt a parcel from the statutory or bylaw minimum frontage provided for in subsection (1)*

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

Parks & Trails Division: For the \$20,000 amenity contribution in the zoning bylaw, the Board will determine where this contribution should be deposited. The cash-in-lieu is separate from the amenity contribution. Due to the nature of this subdivision, and the presence of a community Parks and Trails Master Plan for the area, the Parks Division is not recommending referral to the Parks Advisory Commission.

PLANNING ANALYSIS

Frontage Exemption Considerations: The proposed parcel frontage is approximately 1.5% for Lot A, and 1.4% for Lot B. Minimum parcel frontage requirements exist in the *Local Government Act* and the Zoning Bylaw to ensure that parcels have an adequate building envelope for building construction and driveway access. The minimum parcel frontage requirements broadly assume that most parcels will be rectangular in nature, and does not account for irregular shaped lots.

When the decision on minimum frontage is delegated to the Provincial Approving Officer (PAO), the PAO considers:

- Is the frontage offered adequate to the parcel right now?
- Is the terrain suitable where frontage is provided?
- Does the lot contain an adequate building envelope?
- Does the proposed parcel have further subdivision potential that will not be realized because of the limited frontage?

These questions can also guide the Board's decision. Staff consider the proposed frontage offered to allow for adequate access to the parcel. The properties in this area are large rural properties, often with long driveway access, and buildings set back at a distance from the road, as is characteristic of rural properties. The shape of these parcels allows for adequate building envelope farther to the rear of the parcel, as can be seen from the existing single-family dwelling and proposed future foundation. Staff conducted a site visit on October 13, 2023, to review driveway safety and buildable areas. The current driveway exists and is used safely, and staff have no concerns of driveway safety for the new parcel. The property owners may construct a new driveway with the new registration of parcels, or may register an easement to allow for the existing driveway to be used by both property owners. The parcel cannot be further subdivided with the current zoning, and as the properties will be located outside of nearby service areas, staff do not anticipate the possibility of future subdivision. Thus, staff consider the proposed access and building envelope to be reasonable for the future development of the properties. As such staff recommend that the application be forwarded to the Board with a recommendation of approval.

Parks Considerations: The Zoning Bylaw for Area B includes provisions for certain parcels zoned RR-2 which includes the subject property. To subdivide the property into two lots of 2 ha each, a cash amenity contribution of \$20,000.00 will be required. The contribution can be deposited in a proportion determined by the Board, to either the Community Parks Capital Reserve Fund (Area B – Shawnigan Lake), or the Shawnigan Lake Recreation Specified Area Capital Projects Reserve Fund. In accordance with the zoning bylaw, the decision rests with the CVRD Board.

Conclusion: Staff consider the proposed access and building envelope to be reasonable for the future development of the parcels. As such, staff recommend that the application be forwarded to the Board with a recommendation for approval. As for the cash amenity contribution, the Board should decide which fund, and in which proportion, the funds should be deposited into. Should the proposed subdivision proceed, the following CVRD conditions will be required to be satisfied prior to issuance of a subdivision compliance letter to the Ministry of Transportation:

- Application and issuance of a Development Permit in accordance with applicable Development Permit Areas, and confirmation of compliance with all relevant conditions;
- Payment of \$20,000.00 community amenity contribution (to a fund chosen by the CVRD Board); Confirmation of compliance with respect to the CVRD Works and Services Bylaw for water servicing, drainage infrastructure and sewage disposal;
- Confirmation that Zoning Bylaw regulations regarding siting of buildings have been met; and
- Submission of the final plan of subdivision from a BC Land Surveyor.

OPTIONS

Option 1:

That it be recommended to the Board:

1. That the proposed lots in Subdivision Application No. SA23B05 (301 Stebbings Road, PID: 031-411-703), be exempted from the minimum parcel frontage requirement in accordance with Section 512 of the *Local Government Act*.
2. That the applicant provides a cash amenity contribution of \$20,000.00 to the Community Parks Capital Reserve Fund (Area B – Shawnigan Lake) and/or the Shawnigan Lake Recreation Specified Area Capital Projects Reserve Fund (*the proportion of cash contribution to each/either fund is to be determined by the Board*)

Option 2: That the minimum parcel frontage exemption request for Subdivision Application No. SA23B05 (301 Stebbings Road, PID: 031-411-703), be denied.

GENERAL MANAGER COMMENTS

Prepared by:



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Reviewed by:



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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

Attachment C – Proposed Subdivision Plan

Attachment D – Site Photos