



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** October 20, 2023  
**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of November 15, 2023  
**FROM:** Development Services Division  
Land Use Services Department  
**SUBJECT:** Application No. RZ23A01 (2530 Mill Bay Road/PID: 023-004-193)  
**FILE:** RZ23A01

## **PURPOSE/INTRODUCTION**

The purpose of this report is to present an application to rezone the subject property at 2530 Mill Bay Road (PID: 023-004-193), from R-3 – Village Residential to a site-specific residential zone that would permit a minimum parcel size of 700 m<sup>2</sup>, for parcels serviced by community water and sewer systems. The proposed rezoning would facilitate a proposed four (4)-lot bare land strata subdivision of the subject property.

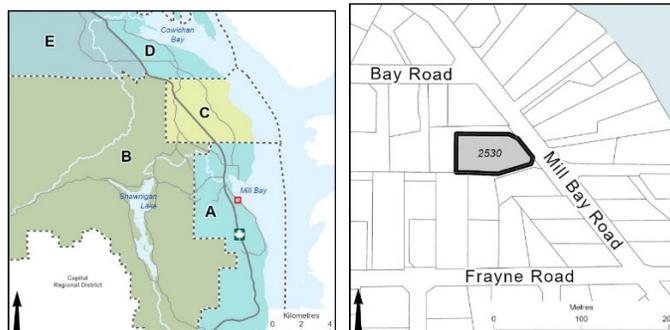
In accordance with the [CVRD Development Application Referrals Policy](#), this report is intended as a preliminary step to introduce the application to the EASC.

## **RECOMMENDED RESOLUTION**

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

- a. Electoral Area A – Mill Bay/Malahat Advisory Planning Commission;
- b. BC Transit;
- c. Cowichan Valley School District (SD 79);
- d. Island Health;
- e. Mill Bay Improvement District (Fire);
- f. Mill Bay Waterworks District;
- g. Ministry of Transportation and Infrastructure;
- h. Malahat Nation; and
- i. Cowichan Tribes.

## **LOCATION MAP**



## **BACKGROUND**

The subject property is a 0.343 hectare (ha) parcel located on Mill Bay Road, between Bay Road and Frayne Road. There is an existing dwelling on the subject property, which is to be removed. Neighbouring properties consist of residential parcels within the R-3 zone.

The applicant is proposing to rezone the subject property to allow for a 4-lot bare land strata subdivision. The conceptual layout plan identifies four lots and a common property access, measured in area as follows:

- Proposed Lot 1 – 704 m<sup>2</sup>;
- Proposed Lot 2 – 705 m<sup>2</sup>;
- Proposed Lot 3 and 4 – 714 m<sup>2</sup> each; and
- Common Property Access – 591.6 m<sup>2</sup>.

Servicing is proposed to be Mill Bay Waterworks District (water) and CVRD Sentinel Ridge Sewer (sewer).

A site visit was conducted on August 22, 2023. The subject property slopes moderately from the west down to the east, toward Mill Bay Road. There are several mature trees scattered in groups on the property, however, the majority of the property is cleared and contains lawn/grass, invasive Himalayan blackberries and shrubs.

The property is currently the subject of a separate open subdivision application SA23A01 that proposes a 2-lot subdivision under the current Zoning Bylaw regulations. The Board approved a frontage exemption under s. 512 of the *Local Government Act* at the October 11, 2023, Board meeting. The rezoning application and the 2-lot subdivision application SA23A01 are being processed separately.

## **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 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 ensuring residential development is compatible with physical site conditions and natural features, and on-site parking is appropriate for the scale of development.

In the 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.

Relevant OCP policies include:

- **3.2.1.2.3** *Supports new development in growth containment boundaries consistent with servicing capacity.*
- **3.2.1.2.5** *Supports compact development near transit and within serviced areas that have capacity for growth.*

- **3.2.1.4.2** Supports housing that is consistent with the surrounding context, including character of existing neighbourhoods and rural areas.
- **3.2.2.4.2** Supports rainwater management techniques in the design and construction of new development to control quantity and quality of rainwater runoff.
- **4.8.4.5** Seeks to ensure that residential developments are compatible with the 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.
- **4.10.2.2** Encourages affordable housing in all communities.
- **4.10.2.3** Encourages secondary suites or second dwelling units in service areas.

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.

South Cowichan Zoning Bylaw No. 3520:

The subject property is currently zoned R-3 – Village Residential, which permits single-family dwelling and horticulture as principal uses.

Section **4.16.11.a** permits a principal dwelling and a secondary suite on parcels within the Mill Bay Village, with no minimum parcel size specified, provided both dwellings are serviced by community water and community sewer.

The minimum parcel size in the R-3 zone is:

- 1675 m<sup>2</sup> for parcels serviced by both community water and sewer systems;
- 2000 m<sup>2</sup> for parcels serviced by community water only; and
- 1 ha for parcels not serviced by community water or sewer.

There does not appear to be an existing single-family residential zone in Bylaw No. 3520 that corresponds with the proposal. Current residential zones in Area A that require a minimum parcel size of 700 m<sup>2</sup> (or less) include zones that permit manufactured home parks or Comprehensive Development (CD) zones for larger, complex developments.

**COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS**

CVRD division referral comments are provided in Attachment F. Comments received from CVRD Divisions are generally supportive of the application, including the Utilities Division which have confirmed there is sufficient capacity in the Sentinel Ridge Sewer System to service additional lots at this location. The Strategic Initiatives Division indicate that the proposed density is consistent with the draft OCP Bylaw No. 4373 proposed for the Medium Lot Suburban designation, which is identified as 15 units per hectare (UPH), plus permitted suites.

Comments received from the Community Planning (CP) Division note until the draft OCP Bylaw No. 4373 is adopted and there are clear policies for the relevant land use designation, this application is premature as the current OCP does not support this level of density for the area. Concerns were also raised for meeting on-site parking requirements for single-family dwellings and secondary suites.

In accordance with the [CVRD Development Application Referrals Policy](#), dated June 14, 2023, this application has not been referred to external agencies. Staff recommend referrals be sent to the following:

- Area A Advisory Planning Commission
- BC Transit
- Cowichan Valley School District (SD 79)
- Island Health
- Malahat Nation
- Cowichan Tribes
- Mill Bay Improvement District (Fire)
- Mill Bay Waterworks District
- Ministry of Transportation & Infrastructure

## **PLANNING ANALYSIS**

### **OCP Policies:**

OCP policies 3.2.1.2.3 and 3.2.1.2.5 support new development within GCBs, consistent with servicing capacity and the surrounding context, and where servicing has capacity for growth. Ostensibly, this application is consistent with these OCP policies as it is within the Mill Bay GCB, within a serviced area (pending approval of draft Bylaw No. 4491 to include the property within the Sentinel Ridge Sewer Service Area) and along a CVRD transit route, within 60 m of a transit bus stop.

OCP Policy 3.2.1.4.2 supports housing consistent with the surrounding context and character of the existing neighbourhood. The proposal does not appear consistent with this policy as it would create parcels that are comparatively under-sized to surrounding parcels. The calculated average parcel size in the surrounding area is approximately 0.2 ha in area, with parcel sizes ranging from approx. 950 m<sup>2</sup> to 0.5 ha. The proposed min. parcel size of 700 m<sup>2</sup> is well below the average size in the area and would essentially double the permitted amount of density on the subject property. The proposed density is in line with current zoning for manufactured home parks or CD zones for larger developments, such as Stonebridge. An example of zoning that would correspond with this application is found elsewhere in the Village Residential zones (R3, R3B) in the Area D – Cowichan Bay (Upland) Zoning Bylaw No. 3705, which accommodate single detached dwellings on fully-serviced parcels that are 700 m<sup>2</sup> or larger.

While the draft OCP Bylaw No. 4373 is not yet adopted, it is noted the proposal would align with the Medium Lot Suburban designation, which would permit a maximum density of 15 units per hectare (UPH). The proposed rezoning would result in 5 UPH.

Should the application proceed, an OCP amendment application will be required to amend Schedule U of the OCP to include the property within DPA 9 – Intensive Residential Development, which applies to single-family detached dwellings on parcels less than 0.074 ha (740 m<sup>2</sup>) in area, in Electoral Area A. DPA 9 guidelines include guidelines for sediment and erosion control, protecting viewsapes, pedestrian connectivity, parking and landscaping.

### **Other Considerations:**

#### **Servicing:**

CVRD Utilities Division has confirmed there is adequate capacity in the Sentinel Ridge Sewer Service Area to service additional parcels at this location. Confirmation from Mill Bay Waterworks via a referral from the CVRD would provide clarity around water servicing capacity for this proposal.

The parcel is not within a CVRD drainage area – drainage along the road is the jurisdiction of the MOTI. During subdivision, onsite drainage may be addressed through the Development Permit process for DPA 4. However, under the CVRD Development Approval Information (DAI) Bylaw No. 3540, the CVRD may request additional information in the form of a report that details

existing drainage patterns and estimates the amount of additional surface drainage that would be generated by the proposed development (4-lot subdivision), and that provides options available for onsite retention/absorption, collection, storage and dispersal of rainwater. Additional information regarding drainage would align with OCP policies 3.2.2.4.2 and 4.8.4.5 that support rainwater management techniques that are compatible with physical site conditions for new development.

Comments received from CVRD Recycling and Solid Waste Management include consideration of curbside pick-up trucks and accommodating truck turning radius. Alternatively, if the turning radius of trucks cannot be accommodated, the CVRD may provide laneway pick-up service, provided the collection point meets the requirements of the CVRD Recycling and Solid Waste Management.

**Parking:**

An objective of the Residential designation (4.10.1.5) is to ensure that on-site parking is appropriate to the scale of development. Relevant Off-Street Parking requirements in Section 7.1 of Bylaw No. 3520 are as follows:

<b>Single family residence</b> and duplex	<b>2 spaces per dwelling unit</b> , which may be in tandem; 1 space per dwelling unit for parcels under 460 m <sup>2</sup> in area
<b>Secondary suite</b> and accessory dwelling unit	<b>1 space</b>

This application proposes one single-family dwelling and secondary suite per parcel, which would require 3 off-street parking spaces according to Section 7.1. One off-street parking space is required per room used for guest accommodation (bed and breakfast).

Guidelines for DPA 9 – Intensive Residential Development direct parking to the rear and/or side of buildings. Consideration of parking requirements should be included as part of any site planning for the proposed 4-lot strata subdivision.

**Bed and Breakfast:**

Generally, “bed and breakfast” use is a permitted accessory use in residential zones in Bylaw No. 3520. Regulations for “bed and breakfast” use include limiting the number of rooms in a dwelling that will be used for the bed and breakfast, and parking on a per room basis.

One OCP objective for the Village Residential designation in the Area A LAP encourages the provision of bed and breakfast accommodation, while another supports the provision of affordable housing options in the Mill Bay Village.

Given that the focus of this application is to provide residential infill development, and given the size of the proposed parcels and potential for parking constraints, should the application proceed, staff would recommend that “bed and breakfast” use not be included as a permitted use in a future bylaw amendment for the subject property.

**Community Amenity Contributions:**

At this time, no amenity contributions have been discussed with the application. Should the application proceed, staff would enter into discussions with the applicant regarding the opportunity for community benefits.

**Recommendation:**

The proposed rezoning is consistent with several OCP policies that direct development within GCBs, consistent with servicing capacity and near transit and employment opportunities. However, the proposal is not consistent with OCP policies that support housing that is consistent with the context and character of the existing neighbourhood, as it would double the permitted density on the subject property and the proposed strata lots would be well under the calculated average parcel area of 0.2 ha for the surrounding area.

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

**OPTIONS**

**Option 1:** *(Recommended, refer to external agencies and First Nations)*

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

- a. Electoral Area A – Mill Bay/Malahat Advisory Planning Commission;
- b. BC Transit;
- c. Cowichan Valley School District (SD 79);
- d. Island Health;
- e. Mill Bay Improvement District (Fire);
- f. Mill Bay Waterworks District;
- g. Ministry of Transportation and Infrastructure;
- h. Malahat Nation;
- i. Cowichan Tribes;

**Option 2:** *(refer application back to staff for more information, prior to further consideration)*

That it be recommended to the Board that Application No. RZ23A01 (2530 Mill Bay Road, PID: 023-004-193), be referred back to staff for further information, including: *[requested information to be identified by the Board]*, prior to further consideration.

**Option 3:** *(advance application without seeking referral comments, OCP amendment submission)*

That it be recommended to the Board that Application No. RZ23A01 (2530 Mill Bay Road, PID: 023-004-193), be forwarded back to staff for preparation of a report with planning analysis on the merits of the application and a detailed policy review, pending the submission of an Official Community Plan amendment application and required fees, to include the parcel within Development Permit Area 9 – Intensive Residential Development.

**Option 4:** *(deny the application)*

That it be recommended to the Board that Application No. RZ23A01 (2530 Mill Bay Road, PID: 023-004-193), be denied.

**GENERAL MANAGER COMMENTS**

Prepared by:



---

Jaime Dubyna  
Planner III

Reviewed by:



---

Michelle Pressman, MCP, RPP, 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 – Conceptual Subdivision Plan
- Attachment D – Applicant Rationale Letter
- Attachment E – Site Photos
- Attachment F – CVRD Internal Division Referral Responses