



# STAFF REPORT

**DATE OF REPORT** July 26, 2024

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of September 4, 2024

**FROM:** Development Services Division  
Land Use Services Department

**SUBJECT:** Subdivision Application No. SA23C04 (3370 Cobble Hill Road/PID: 009-463-330 and 009-463-313)

**FILE:** Application No. SA23C04

## PURPOSE/INTRODUCTION

The purpose of this report is to present a lot frontage exemption request for a proposed boundary adjustment (subdivision) at 3370 Cobble Hill Road.

## RECOMMENDED RESOLUTION

That it be recommended to the Board that Proposed Lot A in Subdivision Application No. SA23C04 (3370 Cobble Hill Road, PID: 009-463-330 and 009-463-313), be exempted from the minimum parcel frontage requirement in accordance with Section 512 of the *Local Government Act*.

## LOCATION MAP



## BACKGROUND

The subject properties – Parcel K (PID: 009-463-330) with road frontage on Cobble Hill Road, is measured to be 2.5 hectares (ha) in area; Parcel H (PID: 009-463-313) is land-locked, sharing a parcel line to the east with Parcel K, is measured to be 0.81 ha. There are two (2) existing dwellings, several accessory buildings, and a garden for personal use on Parcel K. Parcel H remains treed and undeveloped.

Both properties are within the Agricultural Land Reserve (ALR). The neighbouring lot to the north is a residential lot with a small hobby farm, lots to the south, east and west are all residential lots. All neighbouring lots are within the ALR.

Subdivision applications in the ALR must first receive local government endorsement prior to Agricultural Land Commission (ALC) consideration. The subject properties were subject of ALR application ALR22C01, presented to the CVRD Board on July 13, 2022, where the following resolution was passed:

*That Application No. ALR22C01 (3370 Cobble Hill Road, PID: 009-463-330 and PID: 009-463-313), be forwarded to the Agricultural Land Commission with a recommendation for approval.*

The ALC approved the application with conditions (See Commission / Agency / Departmental Considerations). A subdivision application has been submitted to the Ministry of Transportation and Infrastructure (MOTI) to realign the parcel boundaries to create two properties with road frontage on Cobble Hill Road: Proposed Lot A measured to be 2.5 ha and Proposed Lot B measured to be 0.81 ha. An existing dwelling will be sited on each of the proposed lots. Both properties will have onsite septic and wells.

Under Section 512 of the *Local Government Act (LGA)*, where a parcel being created by subdivision fronts on a highway, the minimum frontage on the highway must be the greater of 10% of the perimeter of the lot, and the minimum frontage required by a local government bylaw, unless exempted by a local government.

#### **OFFICIAL COMMUNITY PLAN / POLICY CONSIDERATIONS**

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

The land is designated Renewable Resource – Agriculture in the OCP, and in the Area C Local Area Plan. OCP policies generally discourage subdivision in the ALR, and more specifically where subdivision proposes to create small parcels for residential use.

The property is within Development Permit Area (DPA) 1 Riparian Area Protection, DPA 2 Sensitive Ecosystem Protection and DPA 4 Aquifer Protection. In CVRD Bylaw No. 4485, a development permit is not required for boundary adjustments in DPA 1, 2 and 4, where the subdivision does not result in the ability to construct a new dwelling unit.

##### South Cowichan Zoning Bylaw No. 3520:

Both subject properties are zoned A-1 Agricultural Resource 1. One single detached dwelling and either one attached or detached suite is permitted on a parcel in the A-1 zone.

The minimum parcel size in the A-1 zone is 30 hectares.

Section 6.11 provides:

*Existing parcels may be consolidated and re-subdivided into new parcels, provided that:*

- a. the subject parcels are adjoining;*
- b. no additional parcels are created;*
- c. where the proposed parcels are under 1 ha in area, the boundary change does not result in the reduction of any parcel by 20% or more of its original size;*

- d. the requirements of this Bylaw respecting siting of buildings and structures are complied with.*

#### COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

Following the CVRD Board decision of July 13, 2022, to forward the application to the ALC with a recommendation for approval, the application was considered by the ALC. The ALC approved the application on January 10, 2023, with the following conditions:

- Registration of a covenant on Proposed Lot A restricting construction on the western portion of the property to farm related structures only;
- Submission of a surveyed subdivision plan that is compliant with the plan attached to the ALC decision, within 3 years of the date of the ALC decision release;
- Agreement in writing to rescind Resolution #641/1982 (previous ALC decision).

#### PLANNING ANALYSIS

A subdivision application has been submitted to MOTI for a boundary adjustment to eliminate the parcel that is land-locked and create two properties with frontage on Cobble Hill Road. The area of the proposed parcels would remain the same (2.5 ha and 0.81 ha), with a different configuration. Proposed Lot A

Proposed Lot A does not meet the 10% frontage requirement of the LGA:

| Lot | Required frontage (m) | Proposed frontage (m) | Percent frontage (%) |
|-----|-----------------------|-----------------------|----------------------|
| A   | 70.68                 | 16.8                  | 2.4%                 |
| B   | 43.5                  | 139.2                 | 32%                  |

MOTI's [Guide to Rural Subdivision Approvals](#) states that 10% is, “a good rule of thumb for avoiding parcel shapes that would be too small for a building envelope (building site, access, and so on) and for any further development of the parcel”. When the Provincial Approving Officer (PAO) is considering granting a frontage exemption, the Guide notes that they may consider the following:

- Whether the frontage is adequate to provide the access required now?
- Whether the terrain is suitable where the frontage is provided?
- Is there an adequate building envelope?
- Will further subdivision potential be limited by the proposed frontage?

These considerations can also guide the planning analysis and CVRD Board's decision. Staff consider the proposed access for Proposed Lot A to be sufficient, as it would make use of an existing driveway. There are clear site lines on and off the property, the terrain is suitable, and there is an adequate building envelope, as evidenced by the existing buildings. Both proposed new lots do not have sufficient area to be subdivided again under the current minimum parcel size for the A-1 zone; further subdivision would also require ALC approval.

Staff consider the proposed subdivision layout to address the considerations of the PAO and are supportive of the parcel frontage exemption.

## OPTIONS

### Option 1 (recommended, *approve frontage exemption request*)

That it be recommended to the Board that Proposed Lot A in Subdivision Application No. SA23C04 (3370 Cobble Hill Road, PID: 009-463-330 and 009-463-313), be exempted from the minimum parcel frontage requirement in accordance with Section 512 of the *Local Government Act*.

### Option 2 (*not approve frontage exemption request*)

That it be recommended to the Board that Proposed Lot A in Subdivision Application No. SA23C04 (3370 Cobble Hill Road, PID: 009-463-330 and 009-463-313), not be exempted from the minimum parcel frontage requirement in accordance with Section 512 of the *Local Government Act*.

## GENERAL MANAGER COMMENTS

Proposal resolves access issue, 100% support Option 1.

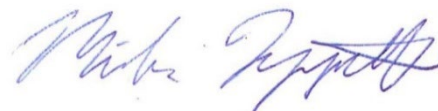
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Reviewed for form and content and approved for submission to the Committee:

Resolution:

☒ Corporate Officer

Financial Considerations:

☒ Chief Financial Officer

## ATTACHMENTS:

Attachment A – Proposed Subdivision Plan  
Attachment B – Site Photos