



STAFF REPORT TO COMMITTEE

DATE OF REPORT April 14, 2022

MEETING TYPE & DATE Electoral Area Services Committee Meeting of May 4, 2022

FROM: Development Services Division
Land Use Services Department

SUBJECT: Application No. SA21C09 (Gallier Road/PID: 008-080-755)

FILE: SA21C09

PURPOSE/INTRODUCTION

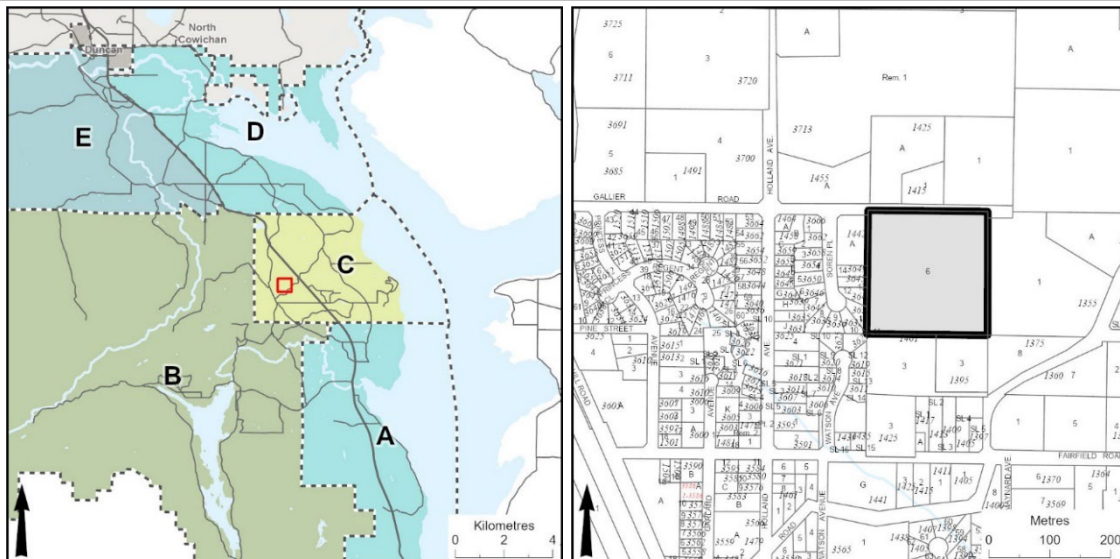
The purpose of this report is to present a parcel frontage exemption request and park dedication requirements for a proposed 35-lot subdivision on Gallier Road (PID: 008-080-755).

RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That proposed Lots 8, 9, 10, 15 and 16 in Subdivision Application No. SA21C09 (Gallier Road, PID: 008-080-755) be exempted from the minimum parcel frontage requirement in accordance with Section 512 of the *Local Government Act*.
2. That 5% cash-in-lieu of park dedication be accepted for Subdivision Application No. SA21C09 (Gallier Road, PID: 008-080-755) to satisfy Section 510 of the *Local Government Act*.

LOCATION MAP



BACKGROUND

The subject property is 4 hectares (9.88 acre) in size and located on Gallier Road, east of Soren Place. The subject property is currently undeveloped and forested. Surrounding properties include an industrial (recycling/composting) facility to the east; residential lots and the CVRD Galliers Road Park to the west; residential lots to the south; and agricultural and residential lots to the north across Gallier Road.

Staff visited the site on March 10, 2022, and observed what appears to be primarily second growth forest. No watercourses were observed.

- Attachment A – Background Table
- Attachment B – Zoning Map
- Attachment C – Orthophoto (2019)
- Attachment D – Site Photos

APPLICATION SUMMARY

The applicant has submitted an application to the Ministry of Transportation and Infrastructure (MOTI) to subdivide the subject property into 35 residential lots. All lots are proposed to be connected to community water and sewer systems, along with the CVRD Cobble Hill Drainage System. A proposed new road that would loop through the subdivision will provide access at two points onto Gallier Road. There is a proposed 1 hectare “covenanted no disturbance” area (or vegetation buffer) measured 51 metres westward from the parcel line shared with the industrial lot to the east (Lot 1, Plan 29581). The vegetation buffer is a condition in the CD-10 Zone regulations to permit an increase in density from 22 dwelling units to 35 (single family) or 45 (single, duplex and multiple family) dwelling units.

- Attachment E – Proposed Subdivision Plan

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

Advisory Planning Commission (APC): On March 22, 2022, the Area C APC passed a motion that the application be approved with the recommendation that a restrictive covenant be held by the CVRD to maintain the buffer zone.

CVRD Community Planning Division: Supports application as it appears to comply with recent amendments to zoning (Bylaw No. 4404).

CVRD Water Management Division: Supports application subject to recommendations outlined, which includes submission of a storm water management plan.

CVRD Parks & Trails Division: Supports application subject to recommendations outlined. The recommendation from the Parks & Trails Division is to accept 5% cash-in-lieu of parkland. Parks & Trails note that the developer will need to provide the current market value assessment of the existing parcel to calculate the 5% cash-in-lieu value (i.e. BC Assessment).

CVRD Recycling & Waste Management Division: Recommendations cannot be implemented as part of the Subdivision Referral process.

Ministry of Transportation and Infrastructure: The applicant has applied through the MOTI to subdivide the subject property into 35 lots. The applicant is now in the process of completing required subdivision conditions, which includes obtaining a Development Permit (DP) from the CVRD. The subdivision also requires resolution of parcel frontage and park dedication requirements under the *Local Government Act (LGA)*. Once the applicant completes the requirements of all relevant agencies, the Provincial Approving Officer will consider approval of the subdivision.

Section 510 – Local Government Act (Park Dedication): As the proposed subdivision includes more than 3 lots and all proposed lots are less than 2 hectares in area, park dedication under Section 510 of the *LGA* is required. Subsection 510 (2)(b) allows local governments to determine whether land or a cash-in-lieu contribution be provided.

Section 510 – Local Government Act (Parcel Frontage): Under Section 512 of the *LGA* a parcel fronting on a public road must have road frontage that equates to 10% of the perimeter of the

parcel. Where the frontage requirement cannot be met, a local government may exempt a parcel from this requirement.

OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS

Official Community Plan for the Electoral Areas Bylaw No. 4270 (HOCP)

The subject property is designated Village Residential within the HOCP, which is intended to accommodate a range of housing types in the Cobble Hill Village Growth Containment Boundary.

Development Permit Area (DPA)

The applicant has submitted a DP application alongside the subdivision application. At the time of application submission, the Cobble Hill Village DPA within the repealed South Cowichan Official Community Plan Bylaw No. 3510 was in effect.

The authority of issuance of DPs is delegated to the General Manager, in accordance with Section 7 of the CVRD Bylaw No. 4379 – Development Application Procedures Bylaw, 2022.

South Cowichan Zoning Bylaw No. 3520

The property is zoned Village Comprehensive Development 10 (CD-10), which permits up to 22 dwelling units in the zone. The CD-10 zone regulations allow an increase in density to 35 (single family) or 45 (single, duplex and multiple family) dwelling units, provided that Sections 11.10.5.c through 11.10.5.f are met. These include required minimum parcel areas for single family, duplex and multiple family dwellings, and the requirement for a vegetation buffer of at least 50 metres depth measured from the western boundary of the neighbouring industrial lot to the east that remains free of development and is used for landscaped screening purposes, by way of covenant or another instrument acceptable to the CVRD.

PLANNING ANALYSIS

Parcel Frontage

The applicant has applied to subdivide the subject property into 35 lots through the MOTI, as permitted under the CD-10 zone regulations, with all lots to be connected to community water and sewer systems. Due to the configuration of the proposed subdivision, proposed Lots 8, 9, 10, 15 and 16 are located on the curve of the proposed access road, and do not meet the 10% parcel frontage requirement of the LGA:

Lot	Required frontage (m)	Proposed frontage (m)	Percent frontage (%)
8	10.8	7.8	7.3%
9	12.7	10.4	8.2%
10	11	8.8	8%
15	18.3	11	6%
16*	23.73	11.8	5%
*If the buffer area was not included in the calculation, lot 16 would meet the 10% frontage requirement			

The proposed lots appear to be sufficient in size to accommodate residential development, and appear to have no access or topography concerns, nor are there any further regulations or policies with respect to parcel frontage; therefore, staff is supportive of the parcel frontage exemptions. The parcel frontage exemptions are not associated with the DP application, and a separate recommendation is included in Option 1 to address this matter.

Park Dedication

As noted, park dedication under Section 510 of the *LGA* is required. The recently adopted Bylaw No. 4404 removed the regulation (11.10.5.e) in the CD-10 zone that required the (1 hectare) buffer area be transferred to the CVRD and held as community parkland. Since this regulation has been removed, the Parks & Trails Division has recommended acceptance of 5% cash-in-lieu of parkland to be consistent with the recent zoning amendment approved by the CVRD Board. A separate recommendation is included in Option 1 to address this matter.

OPTIONS

Option 1:

That it be recommended to the Board:

1. That proposed Lots 8, 9, 10, 15 and 16 in Subdivision Application No. SA21C09 (Gallier Road, PID: 008-080-755) be exempted from the minimum parcel frontage requirement in accordance with Section 512 of the *Local Government Act*.
2. That 5% cash-in-lieu of park dedication be accepted for Subdivision Application No. SA21C09 (Gallier Road, PID: 008-080-755) to satisfy Section 510 of the *Local Government Act*.

Option 2:

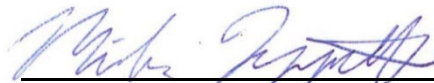
That it be recommended to the Board that proposed Lots 8, 9, 10, 15 and 16 in Subdivision Application No. SA21C09 (Gallier Road, PID: 008-080-755) not be exempted from the minimum parcel frontage requirement in accordance with Section 512 of the *Local Government Act*.

Prepared by:



Jaime Dubyna
Planner II

Reviewed by:



Mike Tippett, RPP, MCIP
Manager



Ann Kjerulf, 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 – Zoning Map
Attachment C – Orthophoto (2019)
Attachment D – Site Photos
Attachment E – Proposed Subdivision Plan