



STAFF REPORT TO COMMITTEE

DATE OF REPORT March 17, 2022

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

FROM: Development Services Division
Land Use Services Department

SUBJECT: Application No. DVP20109 (Lot 3, Blk 180, Cowichan Lake District,
Plan VIP78710/PID: 026-276-879)

FILE: DVP20109

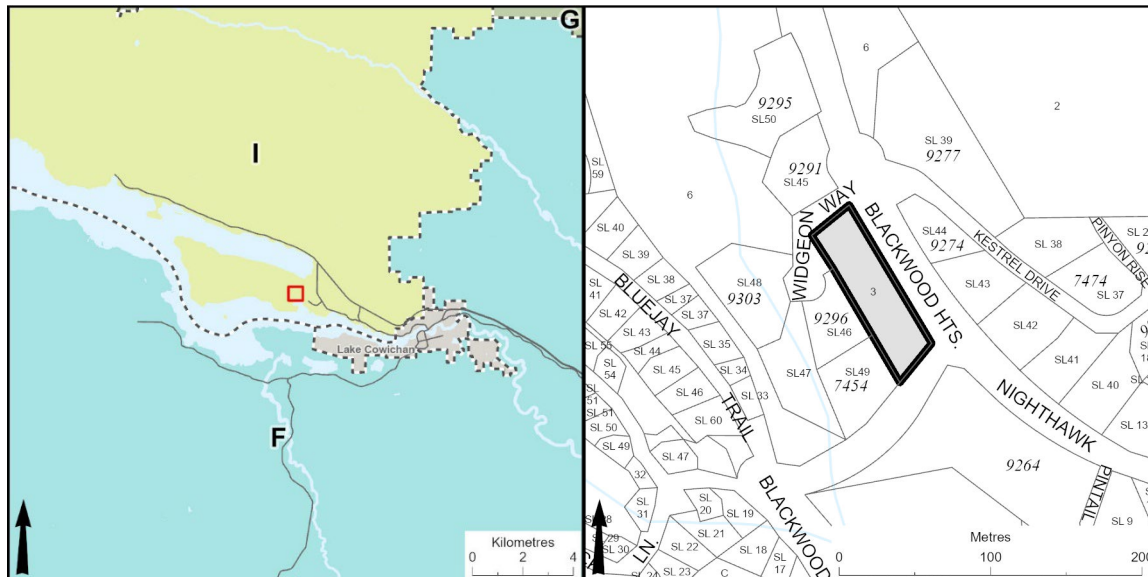
PURPOSE/INTRODUCTION

The purpose of this report is to introduce an application to vary CVRD Zoning Bylaw No. 2465, 2004, Electoral Area I - Youbou/Meade Creek, Section 5.11A.3, to allow for onsite water and sewer for consideration.

RECOMMENDED RESOLUTION

That it be recommended to the Board that Development Variance Permit No. DVP20109 (PID: 026-276-879), be issued.

LOCATION MAP



BACKGROUND

The subject property is 0.35 hectares (0.86 acres) in size. It is located adjacent to the Cottages at Marble Bay bare land strata on all sides, which has private water and sewer services, and approximately 600 m from the Woodland Shores community water and sewer system. The site is currently undeveloped but is zoned Lakeview Recreational 11 (LR-11) which is intended to accommodate a recreational home.

The legal address of the property is Lot 3, Blk 180, Plan VIP78710, PID: 026-276-879. The property has three frontages including Blackwood Heights on two sides and Widgeon Way on the third.

At the CVRD EASC Meeting of April 7, 2021, the following resolution was made:

Report from the Development Services Division Re: Application No. DVP20I09 (Lot 3, Blk 180, Cowichan Lake District, Plan VIP78710/PID: 026-276-879)

It was moved and seconded that it be recommended to the Board that Development Variance Permit No. DVP20I09 (PID: 026-276-879) be referred back to staff due to new information received.

This new information was correspondence received from the Strata.

- See Attachment A – Orthophoto 2019
- See Attachment B – Water
- See Attachment C – Sewer
- See Attachment D – Zoning Map
- See Attachment E – Strata Correspondence

APPLICATION SUMMARY

OCP Amendment

The current proposal does not require an amendment to the Electoral Area I – Youbou/Meade Creek Official Community Plan Bylaw No. 2650.

Zoning Amendment

Section 5.11A, Subsection 3. *Servicing All parcels in the LR-11 Zone shall be connected to a community sewer system and a community water system.*

The proposed variance would seek to allow onsite water and sewer services due to the significant costs associated with extending community water and sewer from Woodland Shores.

Proposed Future Development

A recreational dwelling is permitted, and will be subject to a separate development permit application at a future date. A development permit application will be required due to the site being included within the Watercourse Protection DPA.

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

The proposed subdivision plan was referred to CVRD internal divisions on May 8, 2019. The Parks & Trails Division and the Water Management Division both responded with no concerns.

OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS

CVRD Zoning Bylaw No. 2465, 2004, Electoral Area I - Youbou/Meade Creek:

Section 5.11A, Subsection 3. *Servicing All parcels in the LR-11 Zone shall be connected to a community sewer system and a community water system.*

The proposed variance would seek to allow onsite water and sewer due to the significant costs associated with extending community water and sewer from the nearest community water and sewer system located at Woodland Shores.

Electoral Area I – Youbou/Meade Creek Official Community Plan Bylaw No. 2650:

Policy 11.4: Where a parcel of land is not connected to a community owned and operated sewage disposal system, all sewage effluent originating on that parcel will

be disposed of on that parcel by an acceptable means of ground disposal approved by the authority having jurisdiction.

Policy 11.7: Septic fields and other sewage disposal systems must be well removed from watercourses and constructed, operated and maintained in a manner which precludes effluent from reaching the drainage network.

The current proposal does not require an amendment to the Electoral Area I – Youbou/Meade Creek Official Community Plan Bylaw No. 2650.

The site falls within the Watercourse Protection Development Permit Area (DPA), which exists for the protection of riparian areas. As such, while a development permit is required to ensure development proceeds in a manner consistent with the guidelines contained within the DPA, that is not the subject of this application.

PLANNING ANALYSIS

Zoning considerations: The applicant is not seeking approval for development. Instead, the application is seeking to vary the requirement to connect to a community water and sewer system.

Water and sewer considerations: The nearest community water and sewer hookup is from the Woodland Shores system which, at its closest connection point, is approximately 600 m from the subject site. Connecting to this system for a single recreational home is cost-prohibitive.

The adjacent Cottages at Marble Bay has private water and sewer. However, the strata has not supported a water connection as there is a shortage of capacity in their system. The applicant has had discussions with the strata regarding a possible sewage connection, however, the applicant prefers to create an on-site sewage solution for the property. The separation of procurement of these service options combined with the unavailability of formal water infrastructure for approximately two years has caused the applicant to pursue on site servicing. As such, the applicant is proposing onsite water and sewer through an engineered septic system and well. Staff has confirmed with Island Health that there is sufficient area on the lot to accommodate a septic, well and recreational dwelling.

Due to the expected cost to extend services and the issues regarding the potential for only partial servicing through the adjacent Strata 5772, staff recommend that the Board approve the variance to allow for onsite water and sewer services as per Policy 11.4 of the Electoral Area I – Youbou/Meade Creek Official Community Plan Bylaw No. 2650.

Drainage considerations: The site is currently undeveloped. When development is contemplated, a drainage plan will be required as part of a development permit application.

OPTIONS

Staff is presenting three options for consideration including issuance of the variance (recommended); issuance of the variance subject to a restrictive covenant requiring connection to community services if these become available in the future; and denial. Staff note that denial of the variance should be accompanied by reasons.

Option 1: (Recommended):

That it be recommended to the Board that Development Variance Permit No. DVP20I09 (Lot 3, Blk 180, Cowichan Lake District, Plan VIP78710/PID: 026-276-879), be issued.

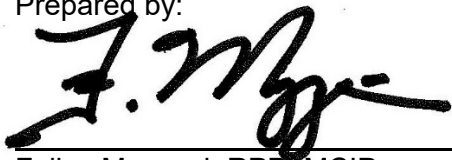
Option 2:

That it be recommended to the Board that Development Variance Permit No. DVP20I09 (Lot 3, Blk 180, Cowichan Lake District, Plan VIP78710/PID: 026-276-879), be issued subject to a restrictive covenant registered on the property requiring connection to community water/sewer if it becomes available within a 50 m distance.

Option 3:

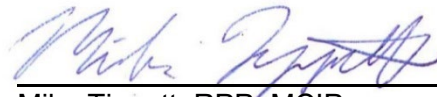
That it be recommended to the Board that Development Variance Permit Application No. DVP20I09 (Lot 3, Blk 180, Cowichan Lake District, Plan VIP78710/PID: 026-276-879), be denied.

Prepared by:



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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:

☒ Manager, Legislative Services

Financial Considerations:

☒ Manager, Finance

ATTACHMENTS:

Attachment A – Orthophoto 2019

Attachment B – Water

Attachment C – Sewer

Attachment D – Zoning Map

Attachment E – Draft Development Variance Permit