



STAFF REPORT TO COMMITTEE

DATE OF REPORT September 27, 2023
MEETING TYPE & DATE Electoral Area Services Committee Meeting of October 18, 2023
FROM: Development Services Division
Land Use Services Department
SUBJECT: Application No. RZ23B01 (3068 Renfrew Road/PID: 006-410-065)
FILE: RZ23B01

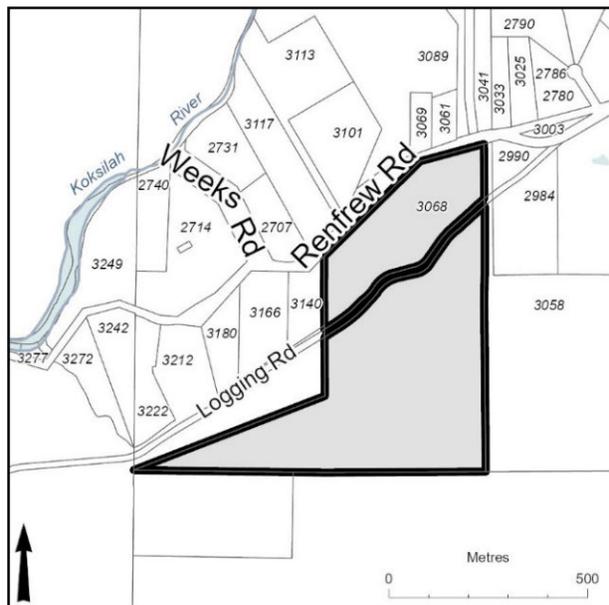
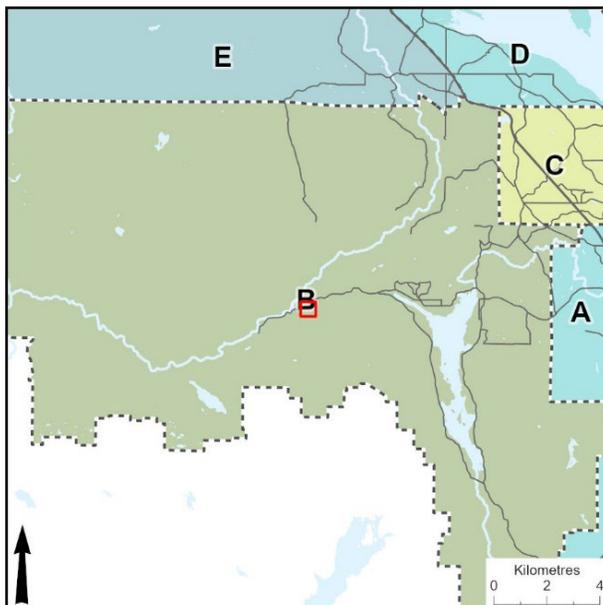
PURPOSE/INTRODUCTION

The purpose of this report is to present an application to rezone 2 hectares (ha) of the subject property at 3068 Renfrew Road (PID: 006-410-065), from F-1 – Primary Forestry to R-2 – Suburban Residential. The proposed rezoning would facilitate a three-lot subdivision that would result in two 1 ha residential parcels and a 31.5 ha remainder parcel that would retain the F-1 zoning. The remainder parcel would also require a site-specific amendment to allow for an undersized parcel in the F-1 zone.

RECOMMENDED RESOLUTION

That it be recommended to the Board that Application No. RZ23B01 (3068 Renfrew Road, PID: 006-410-065), be denied.

LOCATION MAP



The subject property is a 33.5 ha parcel, with road frontage along Renfrew Road; Kapoor Mainline (identified as “Logging Road”/Plan 498) crosses the subject property. The subject property is approximately 0.5 km from the Koksilah River. Neighbouring parcels consist of forestry and rural residential properties.

The applicant is proposing to rezone 2 ha of the subject property from F-1 to R-2 zoning to facilitate a 3-lot subdivision; the remaining 31.5 ha would retain the F-1 zoning. The proposed three lot subdivision would result in two 1 ha residential parcels, the remainder parcel would continue the existing forestry and residential use. Servicing will be provided by onsite wells and sewerage systems.

The applicant has submitted a subdivision application proposing a 3-lot subdivision (Subdivision Application No. SA23B03). In the referral response to the Ministry of Transportation and Infrastructure (MOTI), Development Services staff identified that the proposed subdivision does not comply with F-1 zoning regulations for minimum parcel size, and a rezoning application is required. Subdivision Application No. SA23B03 is on hold while this rezoning application is completed.

A site visit was conducted on May 16, 2023. The subject property is primarily undeveloped and treed, with a wetland and several watercourses (mapped and unmapped) that cross the property. There is currently an existing dwelling (CSA-Z240 mobile home) and accessory building on the parcel. The subject property is within the Private Managed Forest Land (PMFL) program.

Development Permit No. DP21B06 was issued for the placement of the mobile home within Development Permit Area 1 (DPA 1) – Riparian Area Protection.

OFFICIAL COMMUNITY PLAN / POLICY CONSIDERATIONS

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

The subject property is designated Renewable Resource – Forestry both regionally and locally, and is outside of the Shawnigan Lake Growth Containment Boundary (GCB).

The Forestry designation is intended to accommodate forest management and other resource land uses. OCP objectives recognize forests as renewable resources and strive to protect the long-term economic and wilderness recreation value of forestry lands, along with its role in the water cycle and carbon sequestration.

Relevant OCP policies include:

- **3.2.1.2.3** *Supports new development in growth containment boundaries consistent with servicing capacity.*
- **3.2.1.4.2** *Supports housing that is consistent with the surrounding context, including character of existing neighbourhoods and rural areas.*
- **3.2.1.4.5** *Does not support subdivision within rural areas or on parcels within the ALR.*
- **3.2.2.4.4** *Supports consideration of impacts to ground and surface water resources during development application reviews. Applications that pose negative impacts will not be supported unless those impacts are mitigated on the subject parcel or an adjacent parcel containing similar habitat such that the end result represents an overall improvement to the function of the ecosystem being impacted.*
- **4.1.2.9** *Development proposals should address the requirements for suburban and rural fire fighting.*

- **4.4.2.2** Encourages the retention of the most productive private forest lands within the managed forest classification.
- **4.4.2.7** Prefers a minimum parcel size of 80 ha for all zones within the Renewable Resource – Forestry designation.

While there are currently no policies in the Area B – Shawnigan Lake Local Area Plan (LAP) for the Renewable Resource – Forestry designation, as policies are “*to be considered in the modernization*”, one objective (2.3.1.1) is to reduce the occurrence of wildfire interface events by minimizing the creation of new wildfire interface areas (forest lands fragmented by residential development).

The subject property is within the Riparian Areas Protection, Sensitive Ecosystem Protection, Aquifer Protection and Industrial Development Permit Areas (DPA). Any future development of the site would be subject to the DPAs. A condition of subdivision includes issuance of a Development Permit.

Electoral Area B – Shawnigan Lake Zoning Bylaw No. 985:

The subject property is zoned F-1 – Primary Forestry. The minimum parcel size in the F-1 zone is 80 ha.

The minimum parcel size in the R-2 zone is 1 ha for parcels not serviced by community water or sewer, and 0.4 ha for parcels serviced by community water and sewer or community water only.

Section 14.4(a) provides that, notwithstanding the minimum parcel size requirements of zones specified in Section 14.1, where a portion of a parcel is physically separated from the remainder by a public road or another parcel, and that physical separation has existed at the time of adoption of Zoning Bylaw No. 985; then the physically separated parcel may be subdivided from the remainder of the parcel provided that the public road or other parcel is used as the subdivision boundary.

COMMISSION/AGENCY/DEPARTMENTAL CONSIDERATIONS

CVRD division referral comments are provided in Attachment F. Comments received from the Community Planning Division state that the degradation of large, environmentally-important parcels of land via small-scale subdivision limits the intended use of Forestry lands, and is against the OCP policies and objectives that protect forest lands for their long-term forest management and wilderness values. Comments received from the Strategic Initiatives Division indicate that the current OCP discourages residential subdivision within the Forestry designation, and that the MOCP Bylaw No. 4373 (not yet adopted) focuses growth in strategic locations near village centres, jobs, public transit and other amenities.

In accordance with the CVRD Development Application Referrals Policy, this application has not been referred to external agencies. Should the application proceed, staff recommend referrals be sent to the following:

- Area B Advisory Planning Commission
- BC Transit
- School District (SD 79)
- Shawnigan Lake Fire Rescue
- Island Health
- Ministry of Forests
- Malahat Nation
- Cowichan Tribes
- Stz’uminus First Nation
- Ts’uubaa-asatx Nation
- Mosaic Forest Management

- Ministry of Water, Land & Resource Stewardship
- Ministry of Transportation & Infrastructure

PLANNING ANALYSIS

OCP Designation:

The proposal to rezone two hectares (2 ha) of the subject property to the R-2 zone is inconsistent with OCP policies that generally do not support residential development in rural areas and outside of GCBs; nor is it consistent with the intent of the Renewable Resource - Forestry designation in the OCP, which envisions a minimum parcel size of 80 ha for Forestry parcels.

Should the application proceed, it is staff's assessment that an OCP amendment application is required to redesignate the proposal area to enable the rezoning.

Surrounding Context:

OCP Policy 3.2.1.4.2 supports housing consistent with the surrounding context, including character of existing neighbourhoods and rural areas; and OCP Policy 3.2.1.4.5 does not support subdivision within rural areas.

The surrounding area includes a mix of rural residential, forestry, and park or outdoor recreational properties. Parcel sizes in the vicinity vary considerably (0.8 ha to 230 ha), however, the average size of smaller parcels in the area, and along Renfrew Road, is 1.8 ha in area.

Parcels are generally zoned F-1 and designated Renewable Resource – Forestry in this area, with some exceptions as a result of previous rezoning applications. Neighbouring parcels were primarily subdivided in the 1960s through 1990s, with exception being two R-1 zoned parcels to the west (2005); and two larger developments to the east – a CD-6 zoned neighbourhood to the east (2014), and R-2 zoned parcels to the northeast, which were subdivided in 1998, 1999 and 2009, respectively. These properties are all serviced onsite. Schedule S – Service Area Maps of the OCP does not indicate potential service expansion to this area. These developments pre-date the introduction of the South Cowichan Official Community Plan and more recently, Official Community Plan for Electoral Areas, with policy direction to limit growth outside village boundaries or containment areas.

Water:

OCP policies include consideration of impacts to ground and surface water resources during development application reviews.

The proposal would result in two additional domestic groundwater wells. Under the Development Approvals Information Bylaw No. 3540, the CVRD may request additional information from the applicant to demonstrate sufficient potable water is available and to analyze any potential impacts to the surrounding environment (including groundwater resource), as a result of the proposed development.

It is noted the subject property is within the Koksilah River watershed, which is currently the subject of a significant planning initiative between the Province and Cowichan Tribes: <https://www.koksilahwater.ca/planning>.

Other Considerations:

Staff have identified Section 14.4 of Zoning Bylaw No. 985 under “Policy Considerations” for the following reasons:

- The regulation presents an alternative subdivision option should this rezoning application not proceed, as it allows for subdivision of parcels that do not meet the minimum parcel size of a zone, where the parcel is separated by an existing public road or another parcel, provided the requirements of Section 14.4 are met. However, access to the southern portion would need to be solidified, as a subdivision under Section 14.4 would result in a “land-locked” property with no road frontage.
- Should the rezoning application proceed, the Board could consider requiring a covenant prohibiting further subdivision under Section 14.4 be registered on Title, as there is potential that a separate subdivision of the remainder parcel be completed under Section 14.4; thus, resulting in further subdivision of the land (4 in total).

Community Amenity Contributions:

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

Recommendation:

Staff are recommending the application be denied as it is inconsistent with OCP policies that do not support subdivision within rural areas and to direct residential development within Growth Containment Boundaries, consistent with servicing capacity.

The proposal would reduce the size of an already under-sized Forestry lot, which is inconsistent with the intent of the Forestry designation to accommodate renewable resource extraction, which requires large areas of land.

Should the Board require further information, staff have provided an alternative recommendation (Option 2) that lists suggested information and requirements that could be requested. Following submission of these items, the application could proceed to the listed external agencies.

OPTIONS

Option 1: *(Recommended; deny the application, citing reasons for the denial)*

That it be recommended to the Board that Application No. RZ23B01 (3068 Renfrew Road, PID: 006-410-065), be denied.

Option 2: *(refer application back to staff for further information prior to forwarding the preliminary report to referral agencies for comment)*

That it be recommended to the Board that Application No. RZ23B01 (3068 Renfrew Road, PID: 006-410-065), be referred to external agencies as outlined in the October 18, 2023, Staff Report to the Electoral Area Services Committee meeting, pending the receipt of the following:

- a. Submission of an environmental impact assessment in accordance with Section 8 of the CVRD Development Approval Information Bylaw No. 3540;
- b. Proof that sufficient potable water is available for future residential uses; and

- c. Submission of an Official Community Plan amendment application and required fees, to redesignate the area of rezoning Rural Residential.

Option 3: (advance the application without requesting additional information or seeking comments from referral agencies)

That it be recommended to the Board that Application No. RZ23B01 (3068 Renfrew Road, PID: 006-410-065), be forwarded back to staff for preparation of a report with planning analysis on the merits of the application and a detailed policy review, prior to further consideration.

GENERAL MANAGER COMMENTS

Prepared by:



Jaime Dubyna
Planner III

Reviewed by:



Michelle Pressman, RPP, MCIP, 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 – Site Photos
- Attachment D – Proposed Subdivision Plan
- Attachment E – Applicant Rationale
- Attachment F – CVRD Internal Division Referrals