



STAFF REPORT TO COMMITTEE

MEETING TYPE & DATE Electoral Area Services Committee of December 3, 2025

FROM: LAND USE SERVICES - Development Services

SUBJECT: Application No. SA21D02 (Frontage Exemption - 1205 Sutherland Drive, PIDs: 027-634-434, 029-642-698, 029-642-701, 029-642-710, 029-642-728, 029-642-736, 029-642-744 & 000-837-598)

FILE: SA21D02

REPORT SUMMARY

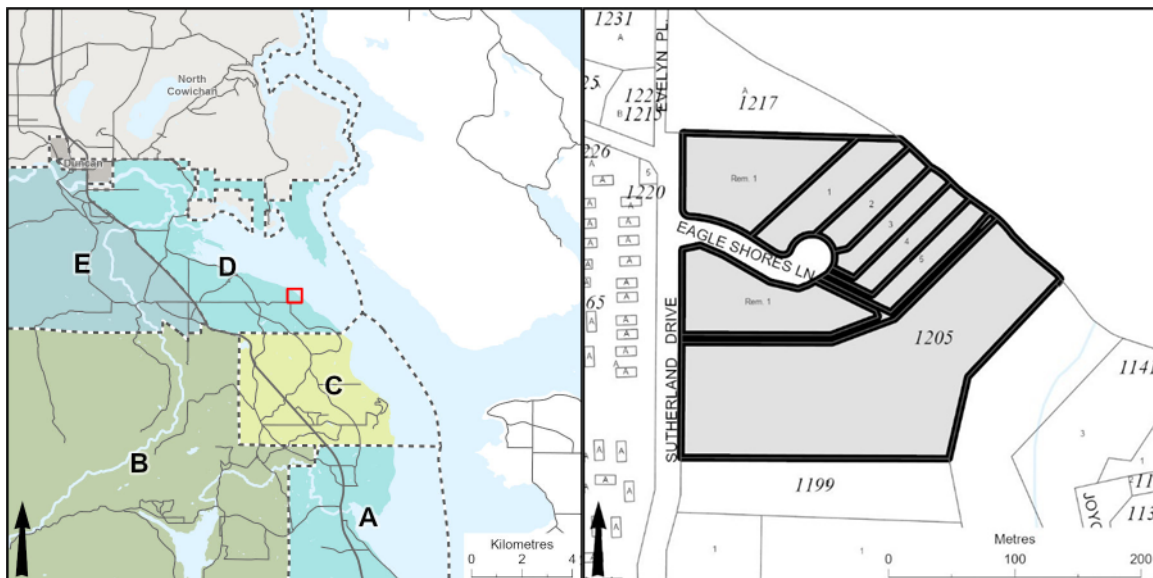
The applicant is requesting a minimum frontage exemption for 3 lots under Section 512 of the *Local Government Act* to allow for an 11-lot subdivision (Application No. SA21D02).

RECOMMENDED RESOLUTION

That it be recommended to the Board:

That proposed Lots 1, 2 and 6 in Subdivision Application SA21D02 (1205 Sutherland Drive, PIDs: 027-634-434, 029-642-698, 029-642-701, 029-642-710, 029-642-728, 029-642-736, 029-642-744 & 000-837-598), be exempted from the minimum parcel frontage requirement in accordance with Section 512 of the *Local Government Act*.

LOCATION MAP



BACKGROUND

The subject properties are located in Electoral Area D – Cowichan Bay. The subdivision abuts Sutherland Drive to the west, and it is accessed from Sutherland Drive through the newly

constructed Eagle Shores Lane. The frontage of Lots 1, 2 and 6 do not meet the requirement of 10% of the lot perimeter contiguous to a highway, and the applicants are requesting a frontage exemption.

The Ministry of Transportation and Transit (MoTT) Provincial Approving Officer is the approving authority for subdivisions in the CVRD; however, subdivisions must meet CVRD bylaw requirements. The Ministry issued a Preliminary Layout Review (PLR) on April 15, 2025, requiring a geotechnical report to address potential landslide and flooding hazards as well as a stormwater management plan, in addition to other requirements. Development Permit No. DP22D05 has been issued for the proposed subdivision layout. Covenant CB948263 was registered on all proposed lots to limit the subdivision to the 11 lots for water and sewer utilities servicing.

- See Attachment A – Background Table
- See Attachment B – Subdivision Plan
- See Attachment C – Rationale

POLICY AND REGULATORY CONSIDERATIONS

Official Community Plan for the Electoral Areas Bylaw No. 4270: The properties are designated Residential in the OCP, and Cluster Residential in the Local Area Plan. They are within the Rural Village Growth Containment Boundary. The properties are subject to the Aquifer Protection development permit area (DPA 4), which was addressed by the Development Permit No. DP22D05.

Electoral Area D Zoning Bylaw No. 3705: Existing parcels may be consolidated and re-subdivided into new parcels, provided that the subject parcels are adjoining, no additional parcels are created, and 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. The properties are zoned CR-1 – Cluster Residential Zone, which permits a single-detached dwelling as a principal use, and an attached or detached suite as an accessory use. The minimum parcel area for the purpose of subdivision is 0.4 ha for parcels serviced by a community water system. Parcels that do not meet minimum parcel area that have been created pursuant the provisions of the bylaw may be occupied for the uses permitted in the zone in which they are located. The CR1 zone also contains regulations for Cluster Residential development, however, the proposed subdivision is not subject to these regulations.

Subdivision Servicing Bylaw No. 4331: The properties fall within the Lambourn Estates water and sewer systems; the applicants are working with the CVRD Utilities Division on connections to all parcel lines. All parcels must be serviced by a drainage collection and disposal system.

Local Government Act: If a parcel being created by a subdivision fronts a highway, the minimum frontage on the highway must be greater than 10% of the perimeter of the lot [Section 512(1)]. A local government may exempt a parcel from the statutory minimum frontage [Section 512(2)].

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

BC Archaeological Branch: Provincial records indicate that a previously recorded archaeological site and areas of high archaeological potential are located on the site. An Archaeological Impact Assessment (AIA) has been reviewed by the Archaeological Branch which accepts the

recommendation that no additional archaeological work is required within the proposed development area.

Ministry of Transportation and Transit: A Preliminary Layout Review (PLR) was issued on April 15, 2025. The PLR requires a geotechnical report to address landslide and flood hazards, as well as safe building sites. A stormwater management plan is required, prepared by a professional engineer. Existing covenants for geotechnical safety and stormwater infrastructure need to be amended to reflect the updated reports. All roads will be engineered and constructed to Ministry standards.

PLANNING ANALYSIS

OCP and zoning considerations: The proposed subdivision meets the policies for the Residential and Cluster Residential designations in the OCP. Lots 1-4 of the subdivision are a result of a boundary adjustment to pre-existing lots, necessary to provide the land for the CVRD sewer utility and parkland. The new lots, Lots 5-11, will meet the minimum parcel size of 0.4 ha. Despite that Lots 1-4 are undersized, the zoning bylaw allows for single detached dwelling construction on all lots within the subdivision.

Geotechnical and stormwater considerations: The applicants have submitted a geotechnical report and stormwater management plan to the Ministry of Transportation and Transit as well as the CVRD, in support of the proposed subdivision. The geotechnical report concluded that the land is safe for the intended residential use from a geotechnical perspective, provided that all recommendations contained within the report are followed. The access for all lots within the subdivision falls within the area identified as safe for the intended use.

Frontage and access considerations: The minimum frontage regulations in the *Local Government Act* exist to ensure adequate space for driveway access, utilities servicing, and ensure adequate building envelope. Lot 1, Lot 2 and Lot 6 do not meet the minimum frontage regulation of 10%, with frontages of 22.01 m, 27.42 m, and 18.95 m respectively. Despite that these lots do not meet the minimum frontage, staff consider the width of the access to be sufficient to allow for safe residential driveway construction, utilities servicing, as well as safe emergency vehicle access. All 3 of these properties still allow for adequate building envelope, and do not result in lots that are too narrow to build upon. The terrain for access to all of these lots have been identified as geotechnically safe for intended use. Further subdivision is currently not possible and is prohibited by the covenant CB948263 that as registered on the Titles of all properties.

Overall, staff consider the proposed subdivision layout to be adequate to allow for safe access, utilities servicing, emergency access, and provide enough area for suitable building envelope. The geotechnical report has identified safe buildable area for all lots. Staff recommend approval of the frontage exemption request.

OPTIONS

Option 1: (recommended)

That it be recommended to the Board that proposed Lots 1, 2 and 6 in Subdivision Application SA21D02 (1205 Sutherland Drive, PIDs: 027-634-434, 029-642-698, 029-642-701, 029-642-710, 029-642-728, 029-642-736, 029-642-744 & 000-837-598), be exempted from the minimum parcel frontage requirement in accordance with Section 512 of the *Local Government Act*.

Option 2: That it be recommended to the Board that proposed Lots 1, 2 and 6 in Subdivision Application SA21D02 (1205 Sutherland Drive, PIDs: 027-634-434, 029-642-698, 029-642-701, 029-642-710, 029-642-728, 029-642-736, 029-642-744 & 000-837-598), not be exempted from the minimum frontage requirement in accordance with Section 512 of the *Local Government Act*.

Submitted by: C. Boyle, RPP, MCIP, Planner II

Concurrence: M. Pressman, RPP, MCIP, Manager, Development Services Division

Concurrence: A. Kjerulf, MCP, RPP, MCIP, GM, Land Use Services Department

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

Resolution:

Financial Considerations:

Corporate Officer

Chief Financial Officer

ATTACHMENTS:

Attachment A – Background Table

Attachment B – Subdivision Plan

Attachment C – Rationale