



The Corporation of the District of Saanich

Report

To: Mayor and Council

From: Lindsay Chase, Director of Planning

Date: March 25, 2025

Subject: 4920 Prospect Lake Road and 139 Petworth Drive - Rezoning and Subdivision

File: REZ00595; SUB00793

RECOMMENDATIONS

That the application to rezone an approximately 4.2 ha portion of 4920 Prospect Lake Road from A-2 (Rural) Zone to A-4 (Rural) Zone be approved.

PURPOSE

The purpose of this Report is to seek Council's decision on an application to rezone an approximately 4.2 ha portion of 4920 Prospect Lake Road from A-2 (Rural) Zone to A-4 (Rural) Zone to facilitate the subdivision of 4920 Prospect Lake Road and 139 Petworth Drive to create five new A-4 (Rural) Zoned lots (four 4.0 ha lots and one 5.0 ha lot) and a 4.4 ha remainder A-2 (Rural) Zoned lot.

DISCUSSION

Land Use and Neighbourhood Context

The 11.7 ha property is located on the west side of Prospect Lake Road in Rural Saanich. The property is designated Rural Area within the Official Community Plan (2024) and is split zoned A-4 (Rural) Zone (approximately 3.1 ha portion of the lot) and A-2 (Rural) Zone (approximately 8.6 ha portion of the lot) in the Zoning Bylaw, 2003 (see Figure 1).

The site contains one single family dwelling. The surrounding properties include similar rural residential A-4 (Rural) Zoned properties and Prospect Lake to the east.

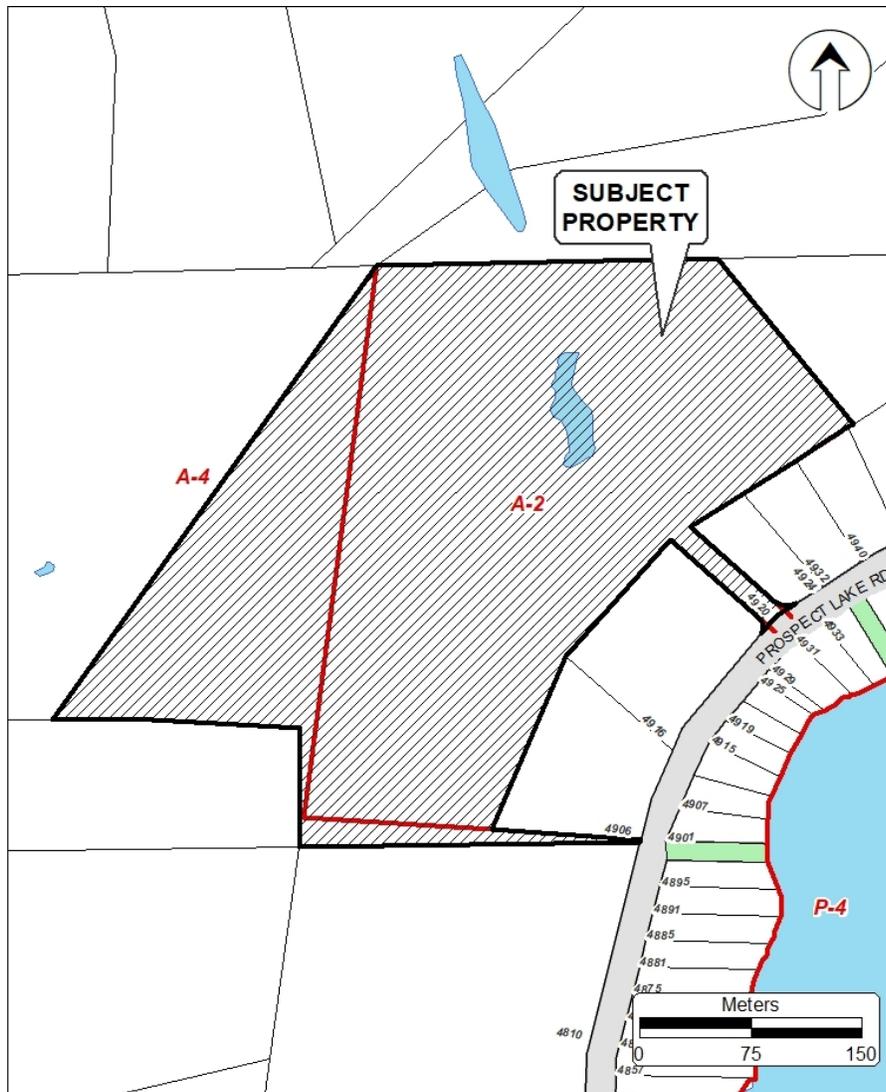


Figure 1. Neighbourhood Context

Proposed Development

The applicant has applied for a six-lot rural subdivision which involves 4920 Prospect Lake Road and the abutting property to the west, 139 Petworth Drive (see Figure 1). Based on the proposed plan of subdivision and the current zoning designation of 4920 Prospect Lake Road, two of the proposed properties (SL C and SL D shown on Figure 2 below) would be split zoned, A-2 (Rural) Zone and A-4 (Rural) Zone. Section 4.5 of the Zoning Bylaw, 2003, states that where a lot is included in more than one zone (split zoned), the zone boundary shall be deemed to be a lot boundary for the purposes of determining applicable uses and regulations. Therefore, for split zoned properties, any portion of the land within a zoning designation within a proposed lot must be of sufficient size to meet the requirements for that zoning designation. The respective A-2 (Rural) Zoned and A-4 (Rural) Zoned portions of proposed SL C and SLD would not meet the minimum 4.0 ha lot size requirement for each zone and therefore require rezoning. A draft zoning bylaw amendment required to facilitate the subdivision proposal is included as Attachment 1 to this Report.

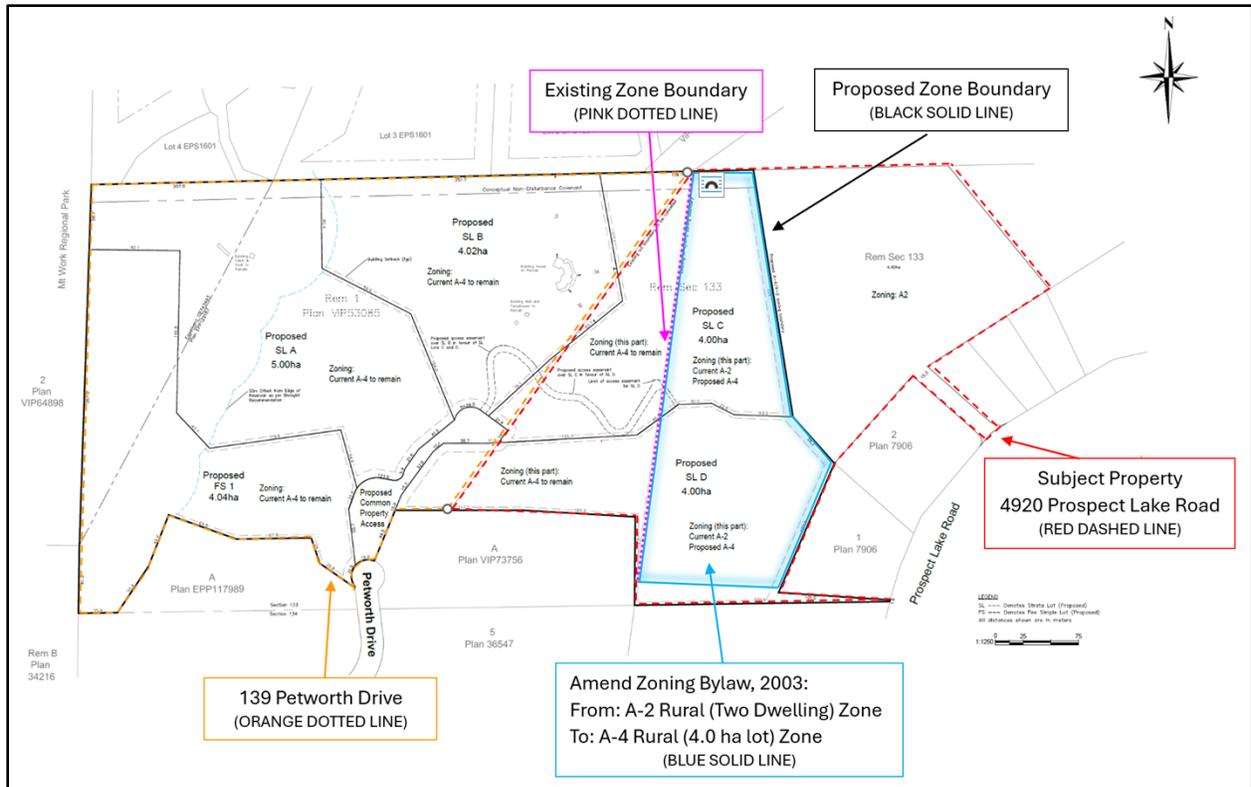


Figure 2. Proposed Rezoning and Subdivision Plan (by JE Anderson & Associates, annotated by staff)

139 Petworth Drive generally slopes downward from east to west and 4920 Prospect Lake Drive slopes downward from west to east. Particularly steep slopes can be found on the western side of 139 Petworth Drive in the vicinity of Meadowbrook Springs wetland area. A geotechnical covenant would be a requirement of subdivision in a separate process should the rezoning application be approved.

Within the proposed subdivision, driveway access to all newly created lots would be via Petworth Drive. The remainder A-2 (Rural) Zoned lot at 4920 Prospect Lake Road would continue to be accessed from Prospect Lake Road. Private Easements would be required for the driveways on proposed Strata Lots C and D to cross over the adjacent strata lots.

While no house plans have been submitted for the new lots, Tree Plans by JE Anderson & Associates dated July 19, 2024, show the proposed locations of the single-detached dwellings, septic disposal field, wells and holding tanks for the future subdivision (See Figure 3).

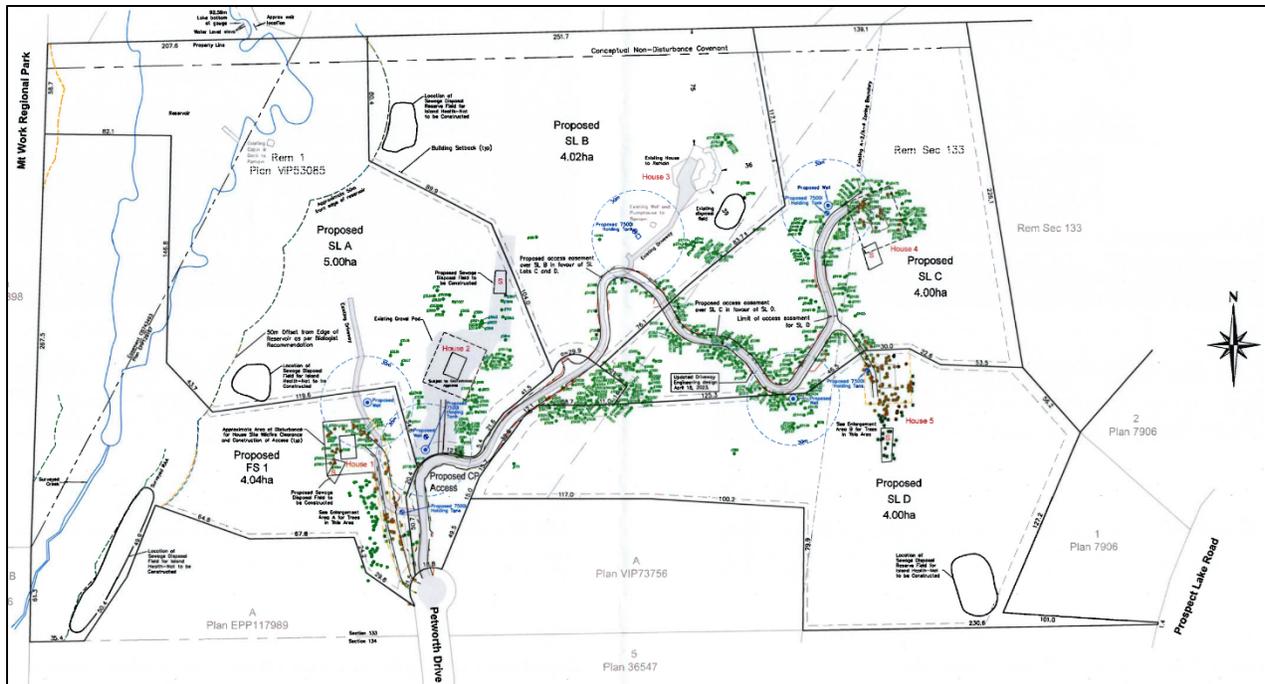


Figure 3. Tree Plan (by JE Anderson & Associates)

Environment

The applicants project Arborist estimates that 174 trees would require removal for the proposed building envelopes, fire suppression setbacks, driveways access, wells, and septic disposal. In addition, a further 36 trees may be impacted. The removal of protected trees would require the planting of replacement trees in accordance with the Tree Bylaw. For each Bylaw Protected tree removed, replacement trees would typically be required at a replacement ratio of 2:1 (for most work associated with a building permit) or 3:1 (for most work associated with site servicing).

The property is within the Coastal Douglas-fir Woodland and Young Forest ecosystems. The Saanich Environmental Significant Areas map shows the property as a rare Terrestrial Herbaceous ecosystem, as well, the Conservation Data Centre shows a rare California-tea plant on the property. A requirement of the Subdivision would be a natural state covenant around the perimeters of each lot, similar to those placed on the subdivision to the south on Meadowbrook Ridge (completed in 2015) to protect these areas in their natural state. The proposed subdivision would abut Mount Work Park to the west.

Servicing

Proposed Fee Simple Lot 1 and Strata Lots A, C, and D would be serviced by septic tank and disposal field in accordance with the requirements of Vancouver Island Health Authority (VIHA). In addition, confirmation that the existing sewage disposal field on proposed Strata Lot B and 4290 Prospect Lake Road meet the current VIHA requirements would be required.

Private wells would be required to provide water service to all lots and require confirmation by a professional engineer. In addition, adequate water supply for firefighting is required and all dwellings would need to be fully sprinklered. These details of the development would be outlined and confirmed at subsequent subdivision and building permit stages of the development process if Council were to approve the proposed rezoning application.

Consultation

Planning sent a referral to the Prospect Lake Community Association (PLCA). At the time of writing this Report, no response has been received.

PLANNING IMPLICATIONS

Policy

The following District of Saanich Planning Policies are most applicable to the subject proposal:

Official Community Plan (2024)

- 7.1.2 Maintain the Urban Containment Boundary as the principal tool for growth management in Saanich, and direct new development to locate within the urban area.
- 7.7.1 Support the retention of rural and farmlands through adherence to the Urban Containment Boundary policy and preservation of the Agricultural Land Reserve (Map 7).
- 7.7.2 Maintain farming, food production, and large lot residential as the predominant land use in rural areas.
- 7.7.3 Maintain a minimum parcel area of 2.0 ha for the A-1 (Rural) zone and 4.0 ha for the A-2 (Rural) and A-4 (Rural) zones.

Rural Saanich Local Area Plan (2007)

- 13.1 Maintain a minimum parcel area of 2.0 ha for the A-1 (Rural), Zone and 4.0 ha for the A-4 (Rural), Zone.
- 13.2 a) Do not support a rezoning application to provide for new lots having an area less than 4.0 ha in the Prospect Lake Watershed as identified on Map 13.1.
- 13.4 Consider zoning for two dwellings on one parcel outside the Urban Containment Boundary and outside the Agricultural Land Reserve only if the parcel has an area of at least twice the minimum parcel size of the zone in which the parcel is situated.
- 13.6 Do not consider an application to subdivide a parcel that is zoned to permit two dwellings on one parcel unless the parcel is first rezoned to an appropriate rural zone that permits only one dwelling on a parcel or a covenant is registered prior to final reading to permit only one dwelling on a parcel.
- 13.8 Encourage residential site and building design that acknowledges and contributes to the rural character and minimizes the risk of wildfires.

The property is located in the Rural Area, outside of the Urban Containment Boundary (UCB). The UCB aims to protect the District of Saanich's rural and farmland from rural sprawl by regulating residential development and supporting agricultural structures and single detached dwellings as the primary building forms in rural areas and limiting the minimum parcel size of these lots. The proposed rezoning is consistent with the Official Community Plan (OCP) and Rural Saanich Local Area Plan (LAP) which seeks to maintain a minimum parcel area of 4.0 ha for both the A-2 (Rural) Zone and A-4 (Rural) Zone. The respective A-2 (Rural) Zoned and A-4 (Rural) Zoned portions of the property would both exceed this requirement and maintain agriculture, single family dwellings and related accessory buildings as the primary uses of the lots.

While the Rural Saanich Local Area Plan speaks to only considering zoning for two dwellings (A-2 (Rural) Zone) where the parcel has an area twice the minimum parcel size of the zone in which it is situated (i.e. 8.0 ha), the A-2 (Rural) Zoned portion of the property could be subdivided regardless of the current rezoning request, and the OCP policy 7.7.3 speaks only to maintaining a minimum parcel area of 4.0 ha for the A-2 (Rural) Zone, which is met.

Further, the proposed rezoning of the 4.2 ha portion of the lot from A-2 (Rural) Zone to A-4 (Rural) Zone would result in only one single family dwelling being permitted on that portion of the lot, as opposed to two single family dwellings which could be constructed if the property were to be subdivided without rezoning.

The Zoning Bylaw, 2003, does not permit panhandle lots in the A-2 (Rural) Zone. However, in this instance, the panhandle is existing, and the proposed A-2 (Rural) Zoned portion would exceed the 4.0 ha minimum parcel size, excluding the panhandle access strip. No new panhandles would be created by the proposed rezoning and subdivision.

While there is wetland on the western side of 139 Petworth Drive and Prospect Lake is to the east of the subject properties, a Streamside Development Permit is not required as the building locations identified on the plan of subdivision and tree plan are outside of the required Streamside Development Permit Area (SDPA) setback. Further, the establishment of natural state covenants around the perimeter of the lot at the time of subdivision, should the rezoning be supported, may further ensure development remains outside of the SDPA.

Overall, the property is already split zoned A-2 (Rural) Zone and A-4 (Rural) Zone and the amendment to the A-2 (Rural) Zone and A-4 (Rural) Zone boundary is considered to have minimal impacts and would maintain the existing density permissions on 4920 Prospect Lake Road (i.e. two single family dwellings on the A-2 (Rural) Zoned portion and one single family dwelling on the A-4 (Rural) Zoned portion). The rezoning would facilitate a rural subdivision which would create a total of six lots with an area of 4.0 ha or greater. The proposed rezoning and subsequent subdivision are in line with the OCPs direction to maintain large rural lots in the rural area and is therefore supportable.

ALTERNATIVES

1. That Council support the application to rezone 4920 Prospect Lake Road. Staff recommend this option.
2. That Council reject the recommendations as outlined in the staff Report.
3. That Council provide the alternate direction to staff.

FINANCIAL IMPLICATIONS

There are no immediate implications related to the District of Saanich's 2024-2028 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The subject proposal aligns with the Housing theme in the District of Saanich's 2023-2027 Strategic Plan by improving the supply of diverse forms of housing in the community.

CONCLUSION

The proposed rezoning and subdivision applications are consistent with the Official Community Plan to maintain large, rural parcels outside of the urban containment boundary. Rezoning to adjust the A-4 (Rural) Zoned and A-2 (Rural) Zoned portions of the lot is considered to have minimal impact on the use of the parcel and would maintain the existing density permissions for the lot.

The rezoning would facilitate a rural subdivision which proposes to create a separately titled lot corresponding with the boundaries of the proposed A-2 (Rural) Zoned area of the 4920 Prospect Lake Road. The proposed A-4 (Rural) Zoned portion of the property would be subdivided in combination with the abutting property to the west (139 Petworth Drive) to create five A-4 (Rural) Zoned lots. Should the application be supported, a Natural State Covenant and Geotechnical Covenant would be included as Conditions of Approval at the subdivision stage.

For the above noted reasons, staff support the Rezoning application.

Prepared by: Fiona Titley, Planner

Reviewed by: Carl Purvis, Manager of Current Planning

Approved by: Lindsay Chase, Director of Planning

FT/kb

Attachment 1. Draft Zoning Bylaw Amendment No. 10134

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation from the Director of Planning.

Brent Reems, Chief Administrative Officer