



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** April 18, 2024  
**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of May 1, 2024  
**FROM:** Development Services Division  
Land Use Services Department  
**SUBJECT:** Application No. RZ20E01 (5237 Koksilah Road/PID: 001-169-874)  
**FILE:** RZ20E01

## **PURPOSE/INTRODUCTION**

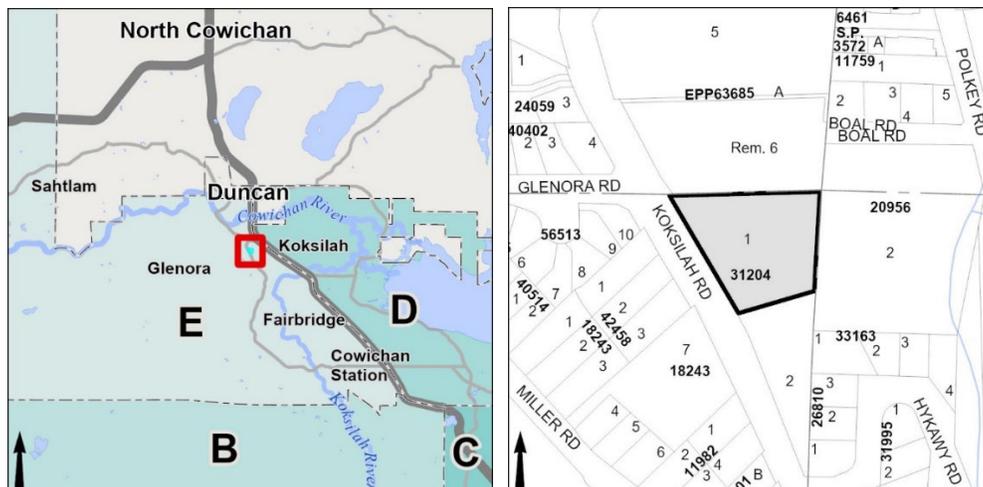
The purpose of this report is to present an application to amend the Official Community Plan for Electoral Areas Bylaw (OCP) No. 4270 and Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 to permit a proposed 44-unit market rental residential building.

## **RECOMMENDED RESOLUTION**

That it be recommended to the Board that Application No. RZ20E01 (5237 Koksilah Road/PID: 001-169-874), be referred to the following external agencies and First Nations for comment:

1. BC Transit;
2. City of Duncan;
3. Cowichan Tribes;
4. Cowichan Valley School District (SD 79);
5. Duncan Fire Department;
6. Electoral Area E – Cowichan Station/Sahtlam/Glenora Advisory Planning Commission;
7. Island Health;
8. Ministry of Transportation and Infrastructure;
9. Ministry of Water, Land and Resource Stewardship; and
10. Royal Canadian Mounted Police.

## **LOCATION MAP**



## **BACKGROUND**

The subject property is a 0.892-hectare (ha) parcel located in the Eagle Heights neighbourhood. Currently there is one single family dwelling on the lot. The parcel slopes sharply from Koksilah Road, then gradually to two unnamed watercourses (identified as ditches) that run along the boundary of the property – one that flows along the north parcel line and one that originates in the northeast of the subject property and flows adjacent to the east parcel line. Both watercourses connect to Sh-hwuykwselu (Busy Place) Creek, a tributary of the Koksilah River.

The immediate parcel to the north is zoned Integrated Community Comprehensive Development (CD-1), which supports mixed-use development and permits residential density of 23 units/ha; dedication for the (undeveloped) Boal Road Trail is located along the northern boundary of that parcel. Other neighbouring parcels include single family residential lots to the south and west (across Koksilah Road), and the Koksilah Industrial Park to the east. The east parcel line is shared with the BC Transit Maintenance Facility. A BC Transit bus stop is located adjacent to the existing driveway entrance on Koksilah Road.

The application has been revised from the original proposal submitted in 2020. The rezoning application proposes to create a new Comprehensive Development zone that would permit 50 units per hectare, for a total of 44 market rental units. The applicant has provided conceptual plans (Attachment D), which includes:

- A mix of one- and two-bedroom units;
- Impervious surface coverage of 19.26%;
- Building height of 18.21 m (five stories at the entry level and four stories at the Koksilah Road frontage);
- Sixty-eight (68) onsite parking spaces, including two (2) accessible parking spaces and six (6) EV spaces (with capacity for 18 EV spaces); and
- Ninety (90) onsite bicycle parking spaces.

The property falls within the City of Duncan's Eagle Heights Water Service Area and CVRD Eagle Heights Sewer Service Area. The City of Duncan Engineering Department has indicated a water modelling study should be submitted to assess whether the water system can provide the required domestic and fire demand. CVRD Utilities staff have indicated there is capacity to accept additional flow; however, upgrades to sewer infrastructure may be required.

## **OFFICIAL COMMUNITY PLAN / POLICY CONSIDERATIONS**

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

The subject property is designated Residential in the OCP and Village Residential in the Area E – Cowichan/Koksilah Local Area Plan (LAP), and is currently not included in the Area E Growth Containment Boundary (GCB). Relevant OCP policies are listed in **Attachment A**.

In the Area E LAP, the Village Residential designation applies to areas that are fully serviced or will be fully serviced, and encourages ground-oriented multi-unit residential development, such as traditional row houses, stacked townhouses and courtyard row houses. There are currently no Village Residential policies in the LAP; such policies will be considered during the modernization phase of the OCP. A density range is currently not provided for the Village Residential designation.

This site is within the Eagle Heights/Koksilah Village LAP Area presently under development. The current LAP recognizes the Eagle Heights neighbourhood may be suitable for intensification of

uses given its access to services and transit, and proximity to employment opportunities. Objectives for the Eagle Heights neighbourhood include developing a comprehensive understanding of the hydrologic and geotechnical constraints from a development suitability perspective; improving active transportation options through the neighbourhood and to Duncan; and developing a neighbourhood plan in conjunction with the Koksilah Business Park to create a more complete community. Policy 1.5.8.1 considers the establishment of a stormwater management service in the Sh-hwuykwselu (Busy Place) Creek watershed.

The proposed development would be subject to applicable DPA guidelines at the Development Permit stage for DPA 1 – Riparian Area Protection and DPA 4 – Aquifer Protection.

Should the application proceed, Schedules C and U of the OCP should be amended to include the subject property within DPA 10 Multi-family Residential Development and DPA 13 Energy and Water Conservation; Greenhouse Gas Emissions Reduction.

#### Electoral Area “E” – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840:

The lot is currently zoned Medium Density Multi-Family Residential (RM-2), which permits a maximum of 30 dwelling units per hectare (ha) of parcel area. Permitted uses in the RM-2 zone include “multiple family residence” – which is defined as a building containing three or more dwelling units and includes townhouses and apartment buildings. Based on the size of the parcel (0.892 ha), 26 dwelling units are permitted under the current zoning.

The application is to rezone the subject property from RM-2 to a new Comprehensive Development zone that would permit a proposed density of 50 units/ha. New zone regulations would also include new principal and accessory uses, and other provisions including minimum lot size, density, building height, setbacks, parcel coverage, etc.

#### **COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS**

This application was submitted prior to the adoption of the CVRD Development Application Referrals Policy, effective June 2022. The previous process for rezoning applications was to send referrals, including to Advisory Planning Commissions (APC), prior to proceeding with a staff report to the EASC and Board.

The Electoral Area E – Cowichan Station/Sahtlam/Glenora APC considered the application at their [meeting held on March 8, 2022](#) (see page 4 to 81). The APC recommended the following:

*It was Moved and Seconded the Area E APC does not recommend a rezoning to approve:*

- *Increased parking*
- *Increased building height*
- *An increase of up to 83 units*
- *Increased density at this location.*

*It was Moved and Seconded that it be recommended that the following be considered with respect to RZ20E01 5237 Koksilah Road:*

- *That parcel (001-169-874) be included in the MOCP/MZP development of a Form and Character DPA.*
- *That a detailed neighbourhood plan be developed for Eagle Heights and the Koksilah Business Park.*

**MOTION CARRIED**

While this application has already been referred to CVRD internal divisions, external agencies and First Nations, it was done so under the original submission. Should the application proceed, staff would refer the application to CVRD internal divisions again for comment, and the Board may direct staff to refer to external agencies and First Nations.

### **PLANNING ANALYSIS**

Under the current RM-2 zoning, the subject property is permitted 30 units/ha, which is the highest permitted density in Electoral Area E. The LAPs do not currently specify a density range for land use designations; however, the *draft* Modernized OCP Bylaw No. 4373 (MOCP) *anticipates* a density range of 25 to 50 units/ha for the Village Residential designation and encourages ground-oriented plex housing (duplex, triplex, fourplex) and townhomes that face and front a street. For clarity, density ranges are provided as a guide in the MOCP and permitted density regulations are stipulated in zoning bylaws.

OCP Policies 3.2.1.2.3 and 3.2.1.2.5 support new development within GCBs, consistent with servicing capacity and near transit, and where servicing has capacity for growth. While the subject property is currently not within a GCB, it is within a serviced area that appears to have capacity for this proposal provided the necessary requirements of the service providers are fulfilled. An existing transit route runs along Koksilah Road (#5 – Eagle Heights) with a bus stop in front of the property; however, current service levels are limited. The applicant has proposed to develop a covered BC Transit bus shelter and bus bay for the existing bus stop on Koksilah Road, as a community amenity contribution. Staff note that the *draft* MOCP includes the subject property within the GCB.

OCP Policy 3.2.1.4.2 supports housing consistent with the surrounding context and character of the existing neighbourhood. Aside from the adjacent parcel to the north, which permits a density of 23 units/ha, surrounding residential parcels permit one dwelling unit per parcel (excluding attached or detached suites). The proposed five-storey building differs from the surrounding neighbourhood character, which is predominantly single-family dwellings and industrial lands to the east. It is noted that the Eagle Heights neighbourhood is identified as a potential area for intensification of uses in the LAP. However, the LAP indicates that a neighbourhood plan for Eagle Heights should be developed to identify appropriate locations for intensified uses and areas to enhance community amenities, including community parks and off-road pedestrian connecting trails. The subject property is included in the LAP area currently under development in conjunction with the MOCP.

Key issues in the Sh-hwuykwselu (Busy Place) Creek watershed include flooding and erosion, water quality issues from pollution and surface water contamination, and environmental degradation of aquatic and riparian habitats, which are exacerbated by development pressures. The current RM-2 zone regulations permit a parcel coverage of 40%, plus an additional 5% of other impervious surfaces. The applicant has proposed a total impervious surface coverage of 19.26%, which is consistent with OCP Policy 4.1.2.12, to minimize non-permeable surfaces. No details have been provided at this time regarding proposed onsite stormwater management measures, however, under the Development Approval Information (DAI) Bylaw No. 4545, the CVRD may require submission of a stormwater management plan detailing how surface runoff and drainage will be managed onsite.

Should the application proceed, the property would be subject to DPA 10 Multi-family Residential Development. It is noted that the conceptual plan (Attachment D) does not demonstrate compliance with certain General Form & Character Guidelines applicable to DPA 10, and may require revisions. These include:

- *orient and scale new buildings to minimize impacts and/or retain views* – minimal separation between the proposed building and neighbouring property to the south;
- *locate and orient buildings to the public street to create and enhance active frontages* – the proposed building is oriented towards the middle of the property and parking lot, one side of the building will face Koksilah Road;
- *locate surface parking at the rear and/or side of buildings* – the parking lot is located to the front of the property;
- *minimize the use of retaining walls, or where necessary, retaining walls that exceed 1.2 m in height should be terraced and planted to reduce visual impact* – retaining walls are shown throughout the plan, and within setback areas;
- *softening the appearance of large buildings through layered plantings* – not present on plan;
- *mitigate potential conflicts between residential and non-residential uses through physical separation, landscaping and fencing* – the east side of the building is directly adjacent to the BC Transit Maintenance Facility, no landscaping is shown on the plan between the building and east boundary.

The [Regional Housing Needs Assessment](#) (January 2021) indicates there is a rental shortage within the region. This proposed development would contribute to the supply of market rental housing. Specifically for Electoral Area E, the [Electoral Area E – Cowichan Station/Sahtlam/Glenora Housing Needs Assessment Data Report](#) indicates there is limited data on the supply of market rental housing in Area E, and it is presumed most of the supply is likely provided through the secondary rental market. The sub-regional report also states that there are no non-market units within Area E. Engagement results for Area E identified the need for more rental options, especially for pet owners, families and single parents.

The applicant had previously provided copies of a public consultation summary (June/July 2021); RAR Assessment (May 22, 2019); Arborist Report (October 7, 2019); and Parking and Traffic Study (June 28, 2021), that addressed the original submission. Given the proposal has seen significant changes since the original submission, should the application proceed, the CVRD could request updated/revised reports that address the current proposal under the DAI Bylaw No. 4545.

#### Recommendation:

Since the original submission, the applicant has revised the proposal to 44 market rental units (one- and two-bedroom), with onsite parking and a reduced overall surface coverage. This application was previously referred to CVRD internal divisions, external agencies and First Nations, however this was done so under the original application submission. As well, there is a potential that referral responses received to date may be under previous legislation and/or bylaws. Therefore, staff are recommending the application be forwarded to external agencies and First Nations for comment, prior to further consideration.

#### **OPTIONS**

##### Option 1:

That it be recommended to the Board that Application No. RZ20E01 (5237 Koksilah Road/PID: 001-169-874), be referred to the following external agencies and First Nations for comment:

1. BC Transit;
2. City of Duncan;
3. Cowichan Tribes;

4. Cowichan Valley School District (SD 79);
5. Duncan Fire Department;
6. Electoral Area E Advisory Planning Commission;
7. Island Health;
8. Ministry of Transportation and Infrastructure;
9. Ministry of Water, Land and Resource Stewardship;
10. Royal Canadian Mounted Police.

Option 2:

That it be recommended to the Board that Application No. RZ20E01 (5237 Koksilah Road/PID: 001-169-874), be referred back to staff for further information, prior to further consideration.

Option 3:

That it be recommended to the Board that Application No. RZ20E01 (5237 Koksilah Road/PID: 001-169-874), be denied.

**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 – Conceptual Plans