



STAFF REPORT TO COMMITTEE

DATE OF REPORT November 1, 2023

MEETING TYPE & DATE Electoral Area Services Committee Meeting of November 15, 2023

FROM: Development Services Division
Land Use Services Department

SUBJECT: Application No. RZ22C01 (3450 Trans-Canada Highway/PID: 000-033-057)

FILE: RZ22C01

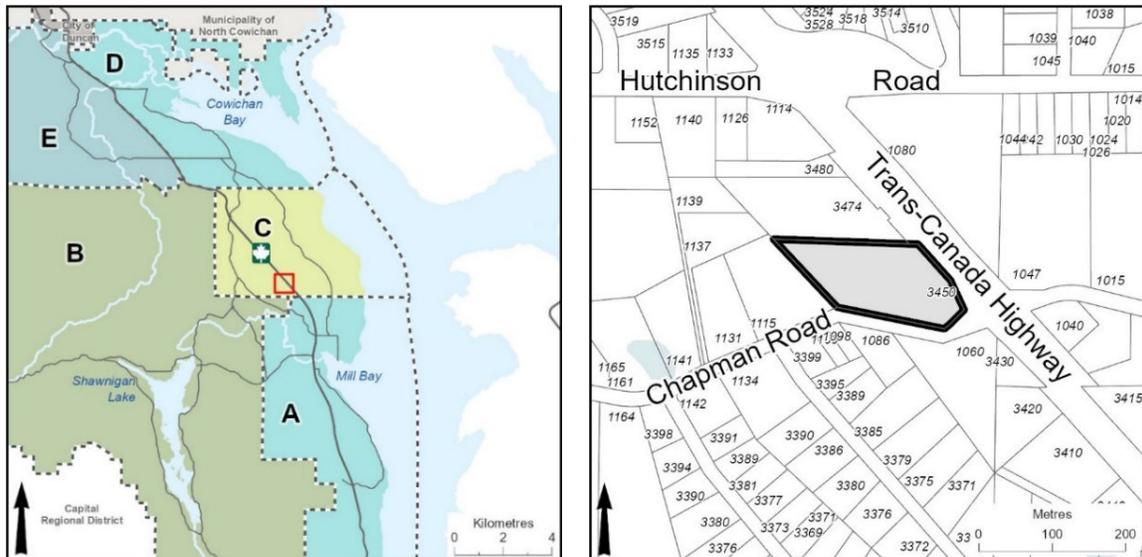
PURPOSE/INTRODUCTION

To re-introduce an application to amend Official Community Plan for Electoral Areas Bylaw No. 4270 by re-designating the subject property from Regional: Residential and Local: Rural Residential to Regional: Commercial and Local: Highway Commercial; and to amend the South Cowichan Zoning Bylaw No. 3520 by rezoning the subject property from Rural Residential 2 (RR-2) to Rural Comprehensive Development 3 – Chapman Road (CD-3) to facilitate the expansion of the Arbutus RV & Marine Sales Mill Bay/Cobble Hill location.

RECOMMENDED RESOLUTION

That it be recommended to the Board that Application No. RZ22C01 (3450 Trans Canada Highway, PID: 000-033-057), be denied.

LOCATION MAP



BACKGROUND

The submitted application is a request to expand an existing recreational vehicle (RV) and marine sales business to include the subject property. The main business site is currently located across Chapman Road to the south at 1060 Chapman Road and 3430 Trans Canada Highway, which are regionally designated Commercial, locally designated Highway Commercial and zoned Rural Comprehensive Development 3 – Chapman Road (CD-3). These properties were rezoned to the current CD-3 zone in 2009 to permit the current business. The current proposal is to expand the same zoning and OCP land use designation to the subject parcel to allow for the construction of two maintenance/service shops and a sales and office area for staff. The new site will also display RVs along the Trans Canada Highway frontage and have RV parking/display areas on the central and south portions of the site.

The subject property is located on the west side of the Trans Canada Highway, on the northwest corner of the Trans Canada Highway/Chapman Road intersection. The parcel is approximately 1.92 ha and is relatively flat. A derelict single residential dwelling and several smaller detached accessory buildings are located on the parcel, adjacent to the east parcel line. The southernmost portion of the property is a gravel parking area, that is currently used by the owner of the parcel for staff parking. There is pond in the northwest corner of the parcel which discharges into the ditch adjacent to Chapman Road. The site was recently cleared by the applicant, after obtaining an Ecological Assessment.

Application No. RZ22C01 was first introduced to the EASC on January 18, 2023. The following recommendation was passed at the January 25, 2023, Board Meeting:

1. *That Application No. RZ22C01 (3450 Trans-Canada Highway, PID: 000-033-057), be referred to the Area C Advisory Planning Commission and external agencies as noted in the staff report to the Electoral Area Services Committee January 18, 2023, pending the receipt of a site plan prepared by a BC Land Surveyor;*
2. *That the applicant for RZ22C01 submit the following information, in accordance with CVRD Bylaw No. 3540 - Development Approval Information Bylaw, 2011, prior to consideration of 1st reading of the amendment bylaws:*
 - a. *A Transportation Impact Assessment prepared by a Professional Engineer;*
and
 - b. *An Environmental Impact Assessment report prepared by a Professional Engineer that analyzes the proposed development on applicable aquifers and hydrology.*
3. *That prior to consideration of adoption of amendment bylaws, the applicant for RZ22C01 provide proof of a Province of BC water license authorizing commercial use.*

In response to Board direction, the applicant has submitted comments from professional engineer with regard to the traffic impacts of the proposal and an aquifer protection plan. A survey plan showing the proposed site plan has not been submitted and a water licence application for commercial use has not been made.

OFFICIAL COMMUNITY PLAN / POLICY CONSIDERATIONS

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

The subject property is [regionally designated](#) Residential with a Local Area Plan designation of Rural Residential, as outlined in the [Area C – Cobble Hill Local Area Plan](#). The Residential designation is intended to provide a wide range of housing and lifestyle options for various stages of life and different lifestyles and to provide a rural residential lifestyle option.

The application proposes to re-designate the subject property to the Commercial designation with a Local Area Plan designation of Highway Commercial. These proposed designations anticipate increased demand for various types of commercial development, including highway-oriented commercial uses adjacent to the Trans Canada Highway. The property is outside of the Cobble Hill Growth Containment Boundary.

There are no policies related to the Commercial designation relevant to this application within Schedule A of Bylaw No. 4270. The following policies from the Cobble Hill Local Area Plan should be considered:

Policy 2.1.2 (1) – The regional board does not support servicing to lands outside of the village growth containment boundary.

Policy 2.8.4 (1) – The Regional Board discourages additional Highway Commercial lands along the Trans-Canada Highway or the major road networks.

CVRD South Cowichan Zoning Bylaw No. 3520, 2012:

The subject property is currently zoned Rural Residential 2 (RR-2) which permits agriculture, horticulture and one single residential dwelling as principal uses.

The proposed Rural Comprehensive Development 3 – Chapman Road (CD-3) zone was developed specifically for this owner through a rezoning application in 2009. The CD-3 zone is only applicable to the current Arbutus RV sites at 1060 Chapman Road and 3430 Trans Canada Highway. The permitted uses of the zone include: indoor mini warehouse and storage; office use; outdoor storage of recreational vehicles, mobile homes or boats; sale, rental or servicing of recreational vehicles, mobile homes, boats and farm equipment and accessory part sales; and tourist accommodation, mini golf and accessory gift shop. In addition, one single residential dwelling or one mobile home per parcel is permitted. Further provisions outlining the density requirements for the tourist accommodation use are also outlined.

It is important to note that while it is titled a Comprehensive Development zone (CD), it is only so in name. The CD-3 zone functions more as a custom zone with regard to permitted uses. It does not delineate where any specific use is to occur.

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

Depending on CVRD Board direction with regard to this application, staff will either proceed with previous direction to refer the application to the Area C – Cobble Hill Advisory Planning Commission and external agencies, or not.

PLANNING ANALYSIS

Consistent with the application of the [CVRD Development Application Referrals Policy](#) at the time, the recommendation to the EASC on January 18, 2023, did not contain a staff recommendation. The policy has since been amended and staff are seeking additional Board direction with regard to this application.

The CVRD is bound to consider the current OCP for this application. At this time, the proposed development does not conform to the direction of the OCP, which specifically discourages additional Highway Commercial-designated lands along the Trans Canada Highway. Further, the existing local area plan policies do not support servicing to lands outside of the village growth containment boundary. This is consistent with good planning practice to direct growth towards designated growth containment boundaries. Based on these policies, staff are recommending that the application be denied.

The Modernized Official Community Plan (MOCP) is in active development, and has not been adopted by the Board. However, if adopted, the OCP policies that apply to the subject property may change. As such, there may be policy support in a future OCP for the proposal. Regardless, the CVRD Board may wish to entertain amending the existing OCP to permit the zoning change. In either case, staff would recommend against the expansion of the CD-3 zone as it is currently presented.

The CD-3 zone was developed through a rezoning application in 2009 and applies to the current Arbutus RV sites at 1060 Chapman Road and 3430 Trans Canada Highway. The submitted traffic impact analysis completed by Watt Consulting Group and the Aquifer Protection Plan completed by Madrone Environmental Services only contemplate expanding the RV sale use to the subject property. However, if the subject property was zoned to the CD-3 zone, all the uses listed in the zone would be permitted.

Therefore, if the CVRD Board would like to entertain changes to the land use at 3450 Trans-Canada Highway, it is recommended that CD-3 zone be amended in a manner more typical of true comprehensive development zones. Such a zone could include delineating which uses are permitted on certain parts of the parcel, include appropriate landscaping buffers adjacent to the Trans-Canada Highway, stormwater management provisions, and ensure appropriate transitions with neighboring land uses. As such, included as an option for the Board's consideration is to refer the application back to Staff to work with the applicant to refine the CD-3 zone and proceed with referrals. As it has been identified that non-compliant zoning uses may be occurring on the properties, staff would work with the applicant to document any non-compliant zoning uses currently occurring on the parcels and identify avenues to bring the properties into compliance.

OPTIONS

Option 1: (Recommended)

That it be recommended to the Board that Application No. RZ22C01 (3450 Trans-Canada Highway, PID: 000-033-057), be denied.

Option 2:

That it be recommended to the Board that Application No. RZ22C01 (3450 Trans-Canada Highway, PID: 000-033-057), be referred back to staff to work with the applicant to refine the CD-3 zone to include delineating which uses are permitted on certain parts of the parcel, include appropriate landscaping buffers adjacent to the Trans-Canada Highway, stormwater management provisions, and ensure appropriate transitions with neighboring land uses.

Option 2: (Existing Direction)

That it be recommended to the Board that Application No. RZ22C01 (3450 Trans-Canada Highway, PID: 000-033-057) proceed with referrals to the Area C – Cobble Hill Advisory Planning Commission, Malahat First Nation, Cowichan Tribes and the following agencies:

- a. BC Transit;
- b. Cowichan Valley School District (SD 79);
- c. Mill Bay Volunteer Fire Department;
- d. Island Health;
- e. Ministry of Environment and Climate Change Strategy;
- f. Ministry of Forests, Lands and Natural Resource Operations;
- g. Ministry of Municipal Affairs;
- h. Ministry of Transportation and Infrastructure; and
- i. RCMP, Shawnigan Lake Detachment.

GENERAL MANAGER COMMENTS

Prepared by:



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Planner III

Reviewed by:



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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 – Applicant Rationale
- Attachment C – Conceptual Site Plan
- Attachment D – Ecological Assessment
- Attachment E – Traffic Impact Assessment Memo
- Attachment F – Aquifer Protection Plan
- Attachment G – Survey Plan