



## REFERRAL RESPONSES

COWICHAN VALLEY REGIONAL DISTRICT

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<b>CVRD File No.:</b>	RZ21A02 Holker Place
<b>Application Type:</b>	Rezoning & Official Community Plan Amendment
<b>Subject Property:</b>	PID: 002-062-364
<b>Proposal:</b>	<ul style="list-style-type: none"> <li>To amend the land use designation of the Official Community Plan (OCP) for the subject property from Rural Residential (RR) to Light Industrial; and</li> <li>To rezone the subject property from Rural Residential 2 (RR-2) to a new Light Industrial zoning designation.</li> </ul>
<b>Economic Development Division</b> <i>(Brittany Taylor, Economic Development Analyst)</i>	<p><b>Application supported subject to the recommendations outlined below.</b></p> <p>Economic Development Cowichan is the economic development arm of the Cowichan Valley Regional District (CVRD). A key part of our mandate is to build connections between community, business, and local government. Working in collaboration with our regional economic development partners, we focus on:</p> <ol style="list-style-type: none"> <li>1. Strengthening the regional economy by supporting and attracting businesses and sector development</li> <li>2. Strengthening communities through engagement and support for community-based initiatives</li> <li>3. Communicating the advantages of living, working and investing in Cowichan</li> </ol> <p>Based on the additional information, Economic Development Cowichan offers the following additional comments/recommendations:</p> <ul style="list-style-type: none"> <li>The agents rezoning proposal now identifies the specific uses being contemplated. Self-storage and boat/RV storage facilities are proposed with a max footprint of 2,000m<sup>2</sup> per lot (for a total of 8,000m<sup>2</sup>) each.</li> <li>We recommend that the self-storage and boat/RV storage uses be limited in size or eliminated from the zone.</li> </ul> <p>During the development of the 2019 Cowichan Industrial Land Use Strategy, commercial realtors and industry representatives noted that smaller industrial lots are in greater demand than larger lots. The highest demand is for 0.5 to 2.0 acre zoned and fully serviced industrial lots suitable for a 20,000 or more square foot warehouse in a location that is close to the highway. This</p>

	<p>type of land demand represents upwards of 50% to 75% of overall market demand.</p> <p>Since the applicant plans to subdivide this property into 4 x 2 acre strata lots, and highway access is anticipated to improve, then these lots may be very well suited to industrial uses.</p> <p>As we previously recommended on April 7, 2022:</p> <ul style="list-style-type: none"> <li>• The 2019 Cowichan Land Use Strategy identified a shortage of industrial land in the region.</li> <li>• Since the property in question is not ideal for residential development due to noise from neighbouring properties, Economic Development supports the rezoning of this property to industrial.</li> <li>• As previously communicated, we strongly recommend that the applicant prioritize uses that are of high employment value. For example, self-storage facilities that are land intensive but do not provide much employment are not encouraged.</li> </ul>
<p><b>CVRD Inspection &amp; Enforcement Division</b> (Sonny Bryski, RBO, RSE Chief Building Official)</p>	<p><b>Application supported subject to the recommendations outlined below.</b></p> <p><i>The CVRD Inspection &amp; Enforcement Division is responsible for building inspections (which are mandatory under Cowichan Valley Regional District Bylaws) and for responding to complaints relating to Cowichan Valley Regional District Bylaws.</i></p> <p><i>With respect to the subject property, we have the following comments/recommendations:</i></p> <p>This property previously fell into non-compliance with the Zoning Bylaw as it was being used for industrial purposes contrary to the existing RR Zone. This site would be better served for Industrial use given the proximity to the highway and local fish and game club. That said, MOTI should be consulted as highway access is restricted to northbound traffic only and there is no merge lane coming out of Holker Rd heading north.</p> <p>The property has since been brought into Zoning compliance (removal of industrial storage items). However; large amounts of fill were brought to this site in advance of the CVRD Fill Deposit Bylaw. Devin Warwick is familiar with this site and involvement that the Province had regarding imported material. Despite recent deposits and provincial approvals, a Schedule 2 Site investigation and Disclosure Statement should be completed as soon as possible.</p> <p>With regard to the potential for 2,000m<sup>2</sup> buildings, buildings of this size will require that a professional Architect be retained to prepare drawings in advance of submitting for <b>Development Permit</b> per the Professional Governance Act. Furthermore; buildings of this size will need to comply with specific firefighting criteria respecting vehicle turn around, the presence of fire hydrants, or the presence of alternative water supply methods.</p>

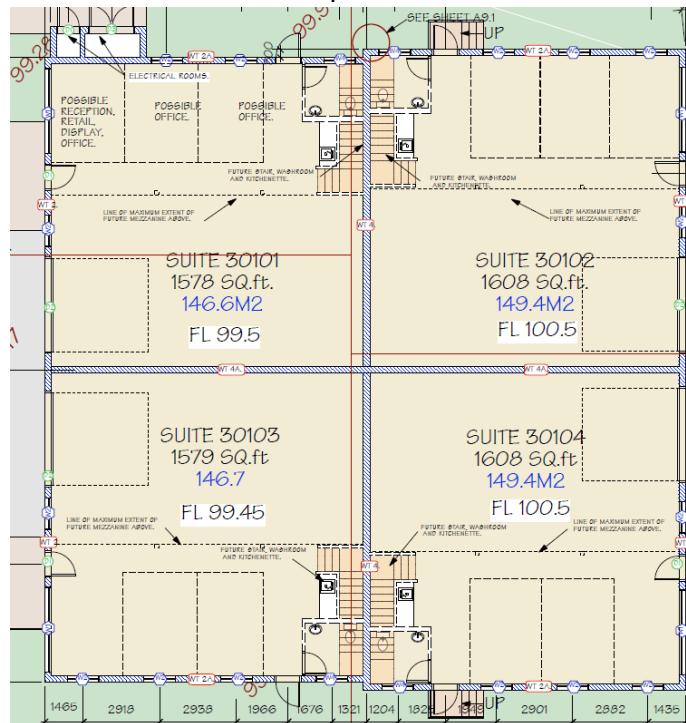
Tanya Patterson is the Fire Chief who should also be consulted as this process moves forward.

It is recommended that the CVRD consider requiring that a covenant be placed on the title in advance of subdivision that requires compliance with NFPA 1142 “*Standard on Water Supplies for Suburban and Rural Firefighting*” in an effort to ensure that adequate fire fighting protection be secured should the applicant elect to construct Part 9 structures, otherwise stand-alone or by utilizing the allowances prescribed in the Building Code for providing *Firewalls*. For example, a 2,000m<sup>2</sup> *building* could be cut into four, 500m<sup>2</sup> Part 9 *buildings* by installing *Firewalls*. A design of this type would prevent the District from enforcing fire protection measures under Part 3 of the Building Code.

**Building area** means the greatest horizontal area of a *building* above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of *firewalls*.

**Firewall** means a type of *fire separation* of *non-combustible construction* that subdivides a *building* or separates adjoining *buildings* to resist the spread of fire and that has a *fire-resistance rating* as prescribed in this Code and has structural stability to remain intact under fire conditions for the required fire-rated time.

By code; this (image below) would be four “buildings” despite that fact that its all connected due to the installation of firewalls. This design would be immune to Part 3 Fire Protection requirements:



<p><b>Community Planning Division</b> (Mike Tippett, Manager Community Planning Division)</p>	<p><b>Application not supported for the reasons outlined below.</b></p> <p>The Community Planning (CP) Division is responsible for long range land use planning for the electoral areas. As part of the Division's workplan, CP will be updating and modernizing the Zoning Bylaw for Electoral Areas. Further refinement of industrial zones may form part of the new regulations.</p> <p>Our previous (March 2022) comments/recommendations specific to this application remain valid:</p> <ul style="list-style-type: none"> <li>• There are likely significant geotechnical issues on the parts of the site that were filled. Much of the site may be unsuitable for building. Recommend a Geotech study be done in respect of the portions of the site that are safe for buildings.</li> <li>• MoTI limitations to the site impact possible build out: no direct access from the Highway is permitted</li> </ul> <p>On review of the new information, we recommend that the application to rezone not be given serious consideration unless the following is done:</p> <ul style="list-style-type: none"> <li>• This site was filled in the first decade of this century and (not to our knowledge) with the benefit of geotechnical engineering advice; therefore, a geotechnical report (as we noted in 2022) should be a pre-requisite that should show that the site is unambiguously stable in its present form, and is also suitable for supporting buildings and other activities related to the proposed zoning. This merits an analysis of the proposed lots and common property (i.e. access route).</li> <li>• Stating that the subject property not a good site for residential use alone is not a compelling rationale to change the land uses. The onus is on the owner to explicitly address geotechnical matters at the outset. An analysis of the contaminated/uncontaminated status of the fill should also be required.</li> <li>• We note that MoTI has a conceptual plan to redesign the South Shawnigan intersection in such a way that traffic from the TCH wishing to turn left at South Shawnigan Road would skirt the southeastern flank of this site and use a new overpass. What effect that would have upon the proposed uses, the MoTI's position on zoning approval under the <u>Transportation Act</u> is unknown but it could affect the access to and from the site and therefore any access permits and indeed subdivision pattern.</li> </ul>
<p><b>Strategic Initiatives Division:</b> (Alison Garnett, Planner III)</p>	<p><b>Application supported subject to the recommendations outlined below.</b></p> <p>Strategic initiatives have provided comments respecting our goal of updating, modernizing, and implementing the Official Community Plan for electoral areas.</p> <p>Based on the additional information, Strategic Initiatives offers the following additional comments/recommendations:</p> <ol style="list-style-type: none"> <li>1) Community planning is reviewing zones for height and land use to protect view corridors along Malahat Drive:</li> </ol>

	<ul style="list-style-type: none"> <li>○ A separate bylaw 4375 Malahat Vegetation to retain vegetation is now being considered as part of the new ZB along with the height/land use to protect views.</li> <li>○ The draft bylaw 4375 recommends a buffer of 50 metres measured from the centreline of the Trans Canada Highway applicable to this property.</li> <li>○ The draft bylaw 4375 also recommends specific landscaping (based on recommendation of local landscape architect) which could be included now in the application.</li> </ul> <p>2) While the CVRD has not adopted a community amenity contribution policy, the CVRD Board may still exercise its discretion regarding rezoning applications to negotiate for community amenities.</p> <p><b>Our previous comments (April 2022) remain in place:</b></p> <ul style="list-style-type: none"> <li>• The application is not consistent with the Official Community Plan Bylaw 4270; therefore, an OCP Amendment is required.</li> <li>• Should the application advance, the following goals/objectives are applicable: <ul style="list-style-type: none"> <li>○ Commercial and industrial uses should be buffered from adjacent rural and residential uses;</li> <li>○ Development should be consistent with the retention of the visual landscape of natural areas;</li> <li>○ Development should limit the removal of, or damage to, any of the existing natural vegetation cover</li> <li>○ Buildings should be of a scale and design acceptable to local communities (i.e. well integrated with adjacent rural and residential use through buffering, low-impact lighting and the maintenance of public view corridors and transportation access)</li> <li>○ The CVRD may seek information regarding the impacts of development including (a) transportation patterns including traffic flow; (b) local infrastructure; (c) public facilities including schools and parks; (d) community services; and (e) the natural environment of the area affected.</li> </ul> </li> <li>• The subject property is not in an area of water or sewer servicing. It is recommended that the Applicant submit proof of servicing capability on the subject property for the proposed light industrial zoning.</li> </ul>
<b>Emergency Management:</b>	No comments provided as of August 18 <sup>th</sup> . Emergency Management may provide comment/feedback prior to a public hearing.
<b>Environment Division:</b> (Keith Lawrence, Environmental Services Division)	<p><b>Application supported subject to the recommendations outlined below.</b></p> <p>Environmental Services has provided comments respecting our goal of the protection of water resources in relation to the proposed rezoning and</p>

subdivision layout. Our comments/recommendations specific to this application include:

Based on the additional information, Environmental Services offers the following additional comments/recommendations:

- The proposed and current use of land noted in this application likely require authorization through water licensing to use water (surface water and/or groundwater). The application should not advance to public hearing until authorized use of water is secured for this property.

Since the [Development Approval Information Requirements and Procedures Bylaw No. 3540](#) empowers the CVRD to require development approval information, the Environmental Services Division recommends that the following be provided:

- A report from a qualified professional relating to the impact of development with respect to necessary infrastructure (water, drainage, sewer, etc) and options available for on-site solutions.
- An environmental inventory/impact assessment report from a qualified professional relating to the impact of development on the natural environment. This report should include a summary of site constraints (e.g. steeply sloped areas, mature trees, watercourse setbacks, and environmentally valuable resources, etc.) and be depicted on an up-to-date survey.
- A report related to transportation patterns including estimates for onsite parking and loading requirements with internal circulation routes of the proposed development identified in relation to environmental and topographic features.

As we previously recommended on Dec 30, 2022:

- Testing of fill should be required to establish a baseline for the property (regarding possible level of contamination) prior to rezoning approval. Depending on the results may result in additional remediation requirements.
- There was a watercourse on the site that has been filled –The bay below is a highly sensitive receiving environment:
  - A drainage master plan needs to be prepared for the site with a pre-development assessment (pre-fill of historic watercourses) and post development analysis to ensure
    - Natural drainage targets are identified
    - Water quality are maintained.
    - These targets should inform the future development of the site.
- Given the sensitivity of the receiving environment the zoning should limit the activities and storage of deleterious substances and ensure that operations with potential discharges are limited.

<p><b>Utilities Division:</b> (Louise Knodel-Joy &amp; Vanessa Thomson)</p>	<p><b>No comments on support or non-support.</b></p> <p>The Utilities Division is responsible for the management and operation of 15 sewer systems, 19 water systems and select drainage and street-lighting systems.</p> <p>The Division has four key focuses for the operation, maintenance and long-term planning of the water and sewer systems:</p> <ol style="list-style-type: none"> <li>1. Planning for Growth</li> <li>2. Financial Sustainability</li> <li>3. Governance; and,</li> <li>4. Communication and Relationships</li> </ol> <p>With respect to “<i>Planning for Growth</i>”, there are no plans for the subject property to be serviced with a community system in the near future. The subject property is not currently located within an existing service area for water, drainage, sewer or street-lighting; therefore, all servicing shall be accommodated onsite in a private system.</p> <p>The Utilities Division offers the following comments/recommendations with respect to the proposed industrial development:</p> <ol style="list-style-type: none"> <li>1. It is recommended that the Applicant submit proof of servicing capability on the subject property for the proposed light industrial zoning.</li> <li>2. Further to this comment, Utilities Division has no plans for water or sewer servicing in this area.</li> </ol>
<p><b>Parks &amp; Trails Division:</b> (Mark VandenDungen, Parks &amp; Trails Division)</p>	<p><b>Application supported subject to the recommendations outlined below.</b></p> <p>The Parks &amp; Trails Division manages approximately 206 Community Parks, eight Regional Parks, two Regional Trails, as well as Cobble Hill Mountain Regional Recreation Area. There are approximately 1200 hectares of Community Parks and 823 hectares of Regional Parkland plus the Cowichan Valley Trail.</p> <p>Under Division 11, Section 510(3) of the Local Government Act, the proposed density of development would trigger park dedication (or cash in lieu) at time of subdivision. The <a href="#">CVRD Parkland Dedication Cash-In Lieu Policy</a> is applicable to the development.</p> <ul style="list-style-type: none"> <li>• Should the development be approved as proposed, the future subdivision application will require a decision of the Board to authorize the proposed parkland dedication (5% of the land or cash-in-Lieu) and will be referred by staff to the applicable Community Parks Advisory Commission (CPAC) prior to proceeding to the EASC.</li> <li>• <b>This is separate from the rezoning process before us today.</b></li> </ul> <p>With respect to the rezoning application, the Parks &amp; Trails Division offers the following comments/recommendations:</p>



	<ul style="list-style-type: none"> <li>• The Mill Bay/Malahat Community Parks &amp; Trails Master Plan does not identify any park dedication interests in the Malahat area.</li> <li>• We anticipate that four 2,000m<sup>2</sup> industrial buildings (which would increase the workforce) could increase demand for local parks services. Therefore, a payment of a cash in lieu community amenity contribution in addition to the 5% park land dedication required under the Local Government Act may be worth considering as part of this rezoning proposal.</li> <li>• A public amenity contribution towards either the Mill Bay/Malahat Parks capital reserve fund or towards the Kerry Park Recreation Centre may be considered as part of the application.</li> </ul>
<b>BC Transit (2022)</b> <i>(Aaron Thompson, Transit Planner)</i>	<b>March 21, 2022:</b> <i>BC Transit has no comments on this application at this time. Based on the proposed use, it is unlikely to be a significant generator of ridership.</i>
<b>Malahat Volunteer Fire &amp; Rescue (2022)</b> <i>(Tanya Patterson, Fire Chief)</i>	<b>March 31, 2022:</b> <i>We have no concerns at this time.</i>
<b>Ministry of Forests, Land, Natural Resource Operations and Rural Development (FLNRORD) – Water Authorizations</b> <i>(Cali Melnechenko, Water Resources Specialist)</i>	<p><b>March 31, 2022:</b></p> <p>Under the <i>Water Sustainability Act</i> an authorization is required to legally divert and use water from a stream or aquifer for all non-domestic purposes. As such, an authorization(s) would need to be applied for, and granted, prior to water use on the lot. Note there is no guarantee that an authorization will be granted by the decision maker.</p> <p>During the review of a water authorization application, the following factors are considered:</p> <ul style="list-style-type: none"> <li>- Availability of water in the intended source;</li> <li>- Potential impacts to the environment (including streams hydraulically connected to a well);</li> <li>- Potential impacts to other rights holders (including surface water licensees downstream and/or nearby well users, and property owners); and,</li> <li>- Potential impacts to Indigenous Interests.</li> </ul> <p>A technical assessment (desktop and/or field test) by a qualified professional may be required in support of a water licence application at the applicant's expense.</p> <p>Please note that, upon a cursory review:</p> <ul style="list-style-type: none"> <li>- The development area is immediately adjacent to Lionel Creek and ponds, 780 meters from Squally Creek (south) and 600 meters from Spectacle Creek (north).</li> <li>- There are also several unnamed streams near the coast (east of the development property). Spectacle Creek is noted as having a possible water shortage.</li> </ul>



	<ul style="list-style-type: none"> <li>- If a licence to divert and use water from an aquifer is required, assessment of hydraulic connectivity to these streams may be requested. If hydraulic connectivity were found to be likely, diversion during low flow months may be restricted unless supported by storage.</li> </ul> <p>Please provide the applicant of this zoning amendment with the “Before You Drill” brochure, which provides important information for planning purposes (<a href="https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/water-wells/brochure-beforeyoudrill-2020-web.pdf">https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/water-wells/brochure-beforeyoudrill-2020-web.pdf</a>). The applicant may also contact me if they have any questions about the water authorization process.</p>
<b>Malahat Nation</b> (Kate Richey, Referrals Coordinator)	<p><b>January 6, 2023:</b></p> <p>Thank you for your consultation request dated November 30th 2022, located in Malahat Nation’s traditional territory. At this time and with the information we have been provided, Malahat Nation does not object to the proposed re-designation and rezoning of the parcel at Trans Canada Highway/Holker Place (PID 002-062- 364) from Residential to Light Industrial. We do continue to require continued disclosure on an ongoing basis regarding this application.</p>
<b>Advisory Planning Commission (APC)</b> Joint meeting of the Electoral Area A, B & C	<p><b>April 7, 2022</b></p> <p>The APC had no objection to approval of the zoning change and motioned that the rezoning application (RD21A02) be recommended to Board approval.</p>
<b>Advisory Planning Commission (APC)</b> Electoral Area A (Mill Bay/Malahat)	<p><b>July 6, 2023:</b></p> <p>The APC had no objection to approval of the zoning change subject to the following considerations:</p> <ul style="list-style-type: none"> <li>• Rezoning the lands should be limited to low-intensive industrial uses that are not water, traffic, or noise intensive.</li> <li>• Maintenance covenants for drainage/silt control as well as covenants or zoning controls to ensure no-build areas on the south end of the lands should be considered as conditions of rezoning.</li> <li>• A Covenant for no future/further fill on the site, and no structures without geotechnical investigations should be considered as conditions of rezoning. The APC suggested that this covenant could have a combined benefit of providing buffering for neighbours, while also avoiding geotechnical hazards on-site.</li> <li>• Referrals to other agencies to ensure access to updated information is encouraged.</li> <li>• The CVRD Board should consider advocating for the improvements to the highway through the Ministry of Transportation and Infrastructure.</li> </ul>