



STAFF REPORT TO COMMITTEE

DATE OF REPORT March 12, 2025

MEETING TYPE & DATE Electoral Area Services Committee of April 2, 2025

FROM: Development Services Division
Land Use Services Department

SUBJECT: Application No. RZ24A04 (240 Okotoks Drive/PID: 030-309-581
and 296 Meadow Way/PID: 000-005-398)

FILE: RZ24A04

PURPOSE/INTRODUCTION

In accordance with the [CVRD Development Application Referrals Policy](#), this is a “preliminary report” to introduce an application to redesignate and rezone the subject properties located at 240 Okotoks Drive (PID: 030-309-581) and 296 Meadow Way (PID: 000-005-398), from rural residential to industrial, to permit the existing non-conforming auto wrecking and salvage use.

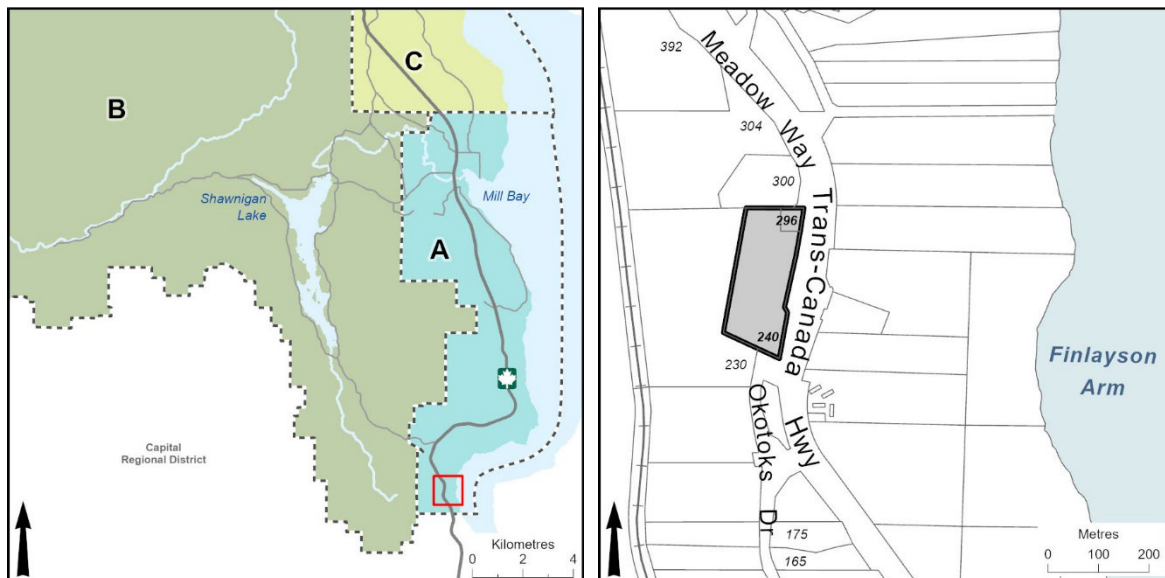
The applicants are requesting to legalize the existing use, as they are interested in expanding and modernizing the business (including construction of new buildings and/or structures to improve services).

RECOMMENDED RESOLUTION

That it be recommended to the Board that Application No. RZ24A04 (240 Okotoks Drive, PID: 030-309-581 and 296 Meadow Way, PID: 000-005-398), be referred to the following external agencies and First Nations:

1. Electoral Area A – Mill Bay/Malahat Advisory Planning Commission;
2. BC Transit;
3. Cowichan Valley School District (SD 79);
4. Island Health;
5. Malahat Fire Rescue;
6. Ministry of Environment and Climate Change Strategy;
7. Ministry of Transportation and Transit;
8. Ministry of Water, Land and Resource Stewardship;
9. Royal Canadian Mounted Police (RCMP);
10. Cowichan Tribes;
11. Malahat Nation;
12. Pauquachin First Nation;
13. Te'mexw Treaty Association;
14. Tsartlip First Nation;
15. Tsawout First Nation; and
16. Tseycum First Nation.

LOCATION MAP



BACKGROUND

The subject properties are located on the west side of the Trans-Canada Highway (TCH), near the CVRD and Capital Regional District boundary. The properties are 2.97 ha (240 Okotoks Drive) and 0.19 ha (296 Meadow Way) in area. Malahat Auto Wrecking and Metal Recycling operates an automobile salvage and wrecking yard on the larger property, which has been in operation for over 50 years. The smaller lot currently provides residential (caretaker) housing.

Existing buildings and structures include a one-storey office building with attached repair bay and dome tent, and several accessory structures (dome tent, concrete block dome, seacan dome, scale, crusher and crusher ramp, barn) on 240 Okotoks Drive. There is an existing single detached dwelling, garage and shed on 296 Meadow Way. Water and sewer servicing are onsite (groundwater well and sewerage system).

Surrounding properties are commercial – tourist accommodation to the north, campground to the west and south, and tourist accommodation, restaurant, convenience store, and gas station across the TCH to the east. Rural residential parcels are also to the northeast, across the TCH, and further south. See Attachment B for mapping.

CVRD mapping indicates the neighbouring property to the west includes Mature Forest sensitive ecosystem. Minimal vegetation has been retained onsite aside from some trees retained along the north, west and southwest boundary of the larger property. There are no watercourses mapped on the property.

The applicants have provided a rationale for the application, site plans, landscaping plan and an ecological overview by Danaca Consulting, dated June 30, 2024 (see Attachments C through F).

OFFICIAL COMMUNITY PLAN / POLICY CONSIDERATIONS

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

The subject property is designated Residential regionally and Rural Residential locally and is outside of the Mill Bay Growth Containment Boundary (GCB). The applicant has applied to amend the land use designation from Rural Residential to Industrial.

Official Community Plan (OCP) policies generally support industrial development, albeit in appropriate locations and buffered from adjacent rural and residential uses and along transportation corridors. The OCP recognizes there is a lack of industrial lands in the CVRD, and supports a diverse range of industrial uses. Industrial uses are recognized for their contribution to the local economy in the Electoral Area A – Mill Bay/Malahat Local Area Plan (LAP), which emphasizes accommodating existing industrial areas, such as Bamberton. Conversely, the LAP recognizes that more industrial businesses are required to attract and retain a skilled workforce over an indefinite period.

Relevant OCP and LAP land use policies are listed in Attachment A.

The subject property is subject to Development Permit Areas (DPA) 1 Riparian Protection, DPA 4 Aquifer Protection and DPA 5 Wildfire Hazard.

A recommended condition of rezoning will be to include the subject properties in development permit areas for form and character, and to reduce energy and water consumption in new buildings, reduce operation and maintenance costs of buildings, and promote innovative building design.

Any future development of the site would be subject to the DPAs, and a Development Permit would be required prior to development (unless exempted in CVRD Bylaw No. 4485).

Proposed Official Community Plan Bylaw No. 4373:

Under proposed Bylaw No. 4373, the subject property is identified within the Small Lot Rural designation and is not within the GCB. The Small Lot Rural designation is intended for single detached housing on rural acreages with a maximum density of one (1) unit per hectare (plus permitted suites), typically with no access to community water and sewer system.

Proposed Bylaw No. 4373 has two industrial designations, both of which have access to community water or sewer systems:

- The **Light Industrial** designation enables industrial or mixed-use buildings on small lots, typically located in or near village and urban centres or at a crossroads in more rural settings;
- The **General Industrial** designation enables industrial buildings and structures on large lots, typically located along major highway corridors for access, distribution of materials and tourism-related visibility.

South Cowichan Zoning Bylaw No. 3520:

The subject properties are currently zoned RR-2 Rural Residential 2, which permits agriculture, horticulture and one single detached dwelling as principal uses.

The applicant is proposing to rezone the subject properties to the I-8 Auto Wrecking/Salvage Industrial 8 zone, which permits the following principal uses:

- a. Automobile salvage or wrecking yard, including trucks and other vehicles;*
- b. Automobile workshop;*
- c. Sales of used automotive parts and products;*

and accessory uses:

- d. Sales of new auto parts;*
- e. Single detached dwelling.*

Siting regulations for the I-8 zone include a maximum parcel coverage of 60% for buildings and structures; maximum height of 12 m; setbacks for industrial and residential use; and a minimum parcel size of 2 ha for subdivision.

Section 13.15.4 requires: *Any parcel in the I-8 Zone shall be comprehensively screened by continuous evergreen vegetation from any fronting public road.*

Other regulations that apply to the I-8 zone include Section 5.2.3, which permits a maximum fence height of 2.5 m for industrial zones; and Section 7.1 parking requirements, which requires 1 space per 100 m² of covered storage plus 1 space per employee.

Environmental Management Act (Contaminated Sites Regulation):

Under section 557 of the *Local Government Act (LGA)*, a rezoning application for a specified industrial or commercial use listed in [Schedule 2](#) may not be approved unless the regional district has received a site disclosure statement (SDS), or it is a listed exemption. The applicant has submitted an SDS that identifies the following use listed in Schedule 2:

G2. Automotive, truck, bus, subway or other motor vehicle maintenance, repair, salvage or wrecking.

Requirements under the *Contaminated Sites Regulation* may apply. The Ministry of Environment and Climate Change Strategy has been included as a recommended referral agency.

Water Sustainability Act (WSA):

A provincial groundwater licence is required under the *WSA* for commercial and industrial water use. Water licence applications for both properties have been submitted to the Province.

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

CVRD division referral comments are summarized as follows:

- ***Building Inspection and Enforcement*** – A few buildings in the last few years are unpermitted and required to be removed; Minus the residential parcel, being able to regulate the parcel is appropriate.
- ***Economic Development*** – There is a lack of Industrial land in CVRD, so access to industrial land towards the highway is sought after; Recycling parts is a supportive initiative.
- ***Environmental Services*** – Potential for contamination (proponent provided an overview of contamination mitigation); Some overlap with mature forest (development should be outside of this area); Majority of concerns are around contamination of groundwater and surface water; Surface water accumulating in depressions was noted in Ecological Overview, recommendations made to this issue including capture and discharge into ditches; Stormwater management and infiltration onsite into the aquifer is a concern; Oil and grit separators to capture washing and degreasing, may require additional mitigation

measures (closed loop containment system; new buildings are to be adequately sized to capture fluids).

- **Fire Services** – 10,000 gallon tank from Malahat Fire (they have access to the gate); Malahat Fire supports application if nothing changes to the existing tank access; No fire hydrants in area.

Recommended external referrals are listed in the staff recommendation on Page 1 of this report.

PLANNING ANALYSIS

This application proposes to redesignate the subject properties from Rural Residential to Industrial, and rezone from the RR-2 Rural Residential 2 to the I-8 Auto Wrecking/Salvage Industrial 8 zone, to bring the existing non-conforming auto wrecking and salvage use into compliance.

While it is understood this business has been in operation for more than 50 years, section 530 of the *Local Government Act (LGA)* provides:

530 *In relation to land, section 528 [non-conforming uses] does not authorize the non-conforming use of land to be continued on a scale or to an extent or degree greater than that at the time of the adoption of the land use regulation bylaw.*

A successful rezoning and re-designation of the properties would permit the existing use, which provides a (regional) service to ensure end-of-life motor vehicles are stripped of commercially usable parts and then appropriately disposed of; and allow for additional buildings and structures or renovations to the existing buildings and structures, to accommodate and update the operation.

The applicant has provided an Ecological Overview, by Danaca Consulting, dated June 30, 2024, that includes recommendations for protecting the Mature Forest sensitive ecosystem adjacent to the property; stormwater and wastewater management, including a closed loop system; and revegetation. Recommendations would best be required through a covenant.

Additional information may be requested and the Board may direct these items be resolved prior to proceeding (either prior to referrals – see Option 2 - or prior to bylaw readings). These items include:

1. Proof of servicing capability (water, sewer, drainage) on the subject property for the existing uses, including water licensing authorization for the use of surface and/or groundwater.
2. Confirmation that there is a written agreement between the applicant and Malahat Fire for 24/7 access to the water supply and an agreement in place to provide water supply to the 10,000 gallon tank. A covenant may be required to be registered prior to bylaw adoption to secure compliance with NFPA 1142 “Standard on Water Supplies for Suburban and Rural Firefighting” in an effort to ensure adequate firefighting protection.
3. A stormwater management plan including an assessment of existing drainage infrastructure and details, and recommendations for on-site drainage design.
4. Registration of a statutory right-of-way and installation of a groundwater monitoring well, as part of the CVRD Drinking Water and Watershed Protection Hydrometric Monitoring Network.

Upon completion of the rezoning, the property owner will need to satisfy CVRD Building Regulation Bylaw requirements for the existing buildings and structures, which may include wastewater, stormwater and engineering requirements.

Staff consider this application an opportunity to address and improve outstanding or potential issues – including environmental considerations; drainage, oil/water separation and stormwater management; fire protection; and screening from the TCH.

Staff are recommending this application proceed to referrals.

OPTIONS

Option 1: (Recommended, refer to external agencies and First Nations)

That it be recommended to the Board that Application No. RZ24A04 (240 Okotoks Drive, PID: 030-309-581 and 296 Meadow Way, PID: 000-005-398), be referred to the following external agencies and First Nations:

1. Electoral Area A – Mill Bay/Malahat Advisory Planning Commission;
2. BC Transit;
3. Cowichan Valley School District (SD 79);
4. Island Health;
5. Malahat Fire Rescue;
6. Ministry of Environment and Climate Change Strategy;
7. Ministry of Transportation and Transit;
8. Ministry of Water, Land and Resource Stewardship;
9. Royal Canadian Mounted Police (RCMP);
10. Cowichan Tribes;
11. Malahat Nation;
12. Pauquachin First Nation;
13. Te'mexw Treaty Association;
14. Tsartlip First Nation;
15. Tsawout First Nation; and
16. Tseycum First Nation.

Option 2: (refer application back to staff for more information, prior to further consideration)

That it be recommended to the Board that Application No. RZ24A04 (240 Okotoks Drive, PID: 030-309-581 and 296 Meadow Way, PID: 000-005-398), be referred back to staff for further information prior to further consideration, including:

1. Proof of servicing capability (water, sewer, drainage) on the subject property for the existing uses, including water licensing authorization;
2. Written confirmation of an agreement between the property owner and Malahat Fire Rescue regarding access to the 10,000 gallon tank (water supply) and an agreement to provide water supply to the tank;
3. Registration of a covenant to secure compliance with NFPA 1142 "Standard on Water Supplies for Suburban and Rural Firefighting";
4. A stormwater management plan that includes an assessment of existing drainage infrastructure and recommendations for on-site drainage design.

Option 3: (advance application without seeking referral comments)

That it be recommended to the Board:

1. That Official Community Plan and Zoning Amendment Bylaws for Application No. RZ24A04 (240 Okotoks Drive, PID: 030-309-581 and 296 Meadow Way, PID: 000-005-398), be prepared and forwarded to the Board for consideration of 1st and 2nd reading.
2. That a public hearing be scheduled for Application No. RZ24A04 240 Okotoks Drive, PID: 030-309-581 and 296 Meadow Way, PID: 000-005-398).


Option 4: (deny the application)


That it be recommended to the Board that Application No. RZ24A04 (240 Okotoks Drive, PID: 030-309-581 and 296 Meadow Way, PID: 000-005-398), be denied.

Prepared by:


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Reviewed by:


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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 and Site Photos

Attachment C – Rationale Letter

Attachment D – Plans

Attachment E – Ecological Overview, Danaca Consulting, June 30, 2024

Attachment F – Landscape Plans, Danaca Consulting, July 24, 2024