



STAFF REPORT TO COMMITTEE

DATE OF REPORT April 19, 2024
MEETING TYPE & DATE Electoral Area Services Committee Meeting of May 1, 2024
FROM: Development Services Division
Land Use Services Department
SUBJECT: Application No. RZ24B01 (Easter Seals)
FILE: RZ24B01

PURPOSE/INTRODUCTION

The purpose of this report is to present an application to rezone the Easter Seals Camp located on the east side of Shawnigan Lake.

The application is proposing to amend the Official Community Plan and Zoning Bylaw for the ten parcels of land that are associated with the Easter Seals camp, in order to update the facility and provide opportunities for year-round use at the site.

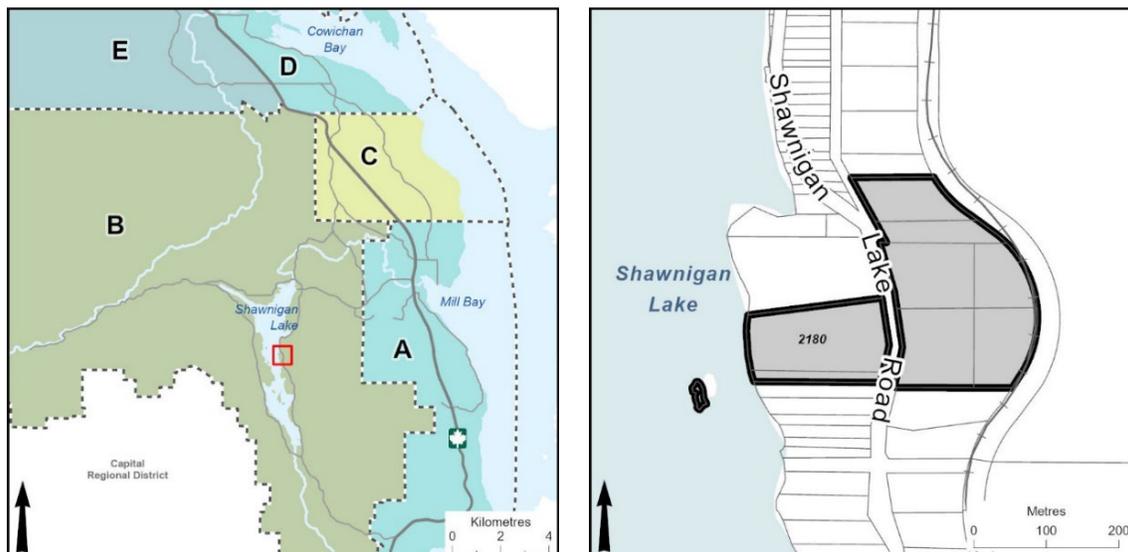
Staff recommend referrals to external agencies prior to Electoral Area Services Committee (EASC) consideration of potential amendment bylaws. External agency feedback will be addressed through a subsequent report to the EASC.

RECOMMENDED RESOLUTION

That it be recommended to the Board that Application No. RZ24B01 (Easter Seals), be referred to the following external agencies:

1. Malahat Nation;
2. Tsawout First Nation;
3. Ministry of Forests;
4. Ministry of Environment and Climate Change Strategy;
5. BC Hydro;
6. Island Health (VIHA);
7. RCMP Shawnigan Lake;
8. Fisheries and Oceans Canada;
9. Shawnigan Village Waterworks;
10. Cowichan Tribes;
11. Te'Mexw Treaty Association;
12. Ministry of Transportation & Infrastructure;
13. Ministry of Water, Land and Resource Stewardship (Water authorizations);
14. B.C. Transit;
15. Cowichan Valley School District (SD 79);
16. Ministry of Water, Land and Resource Stewardship; and
17. Shawnigan Lake Volunteer Fire Department.

LOCATION MAP



BACKGROUND

The subject properties are (PID: 005-501-261, PID: 005-500-958, PID: 009-363-947, PID: 009-358-048, PID: 009-357-637, PID: 009-245-596, PID: 009-242-731, PID: 009-246-231, PID: 009-245-880, and PID: 009-245-529). Please refer to attachment A.

The key components of the proposal include:

- Replacing the aging infrastructure and buildings (e.g. dormitories, cafeteria, dock, shed, etc.)
- Creating staff housing;
- Adding new administration facilities;
- Upgrading the gymnasium building to include a daycare facility;
- Creating a preliminary layout for the lands east of Shawnigan Lake Road to accommodate future development of housing and/or institutional uses and community services, when infrastructure can support it;
- Installing new infrastructure for water and sewer to serve the camp
 - Note: some of the proposed development is within Riparian Assessment Areas. This includes the proposed new septic field, roadside ditches and the drainage outlet to the north of the lakeside property; and
- Allowing other organizations to use the facilities during the camp off-seasons (e.g. after school care, daycare, government/health agency offices, festivals, assembly uses, weddings, etc.

The applicant has provided the following preliminary information:

- Site plan and surveys (Attachment B)
- A rationale report (including a site review and open house results (Attachment C)
- An environmental impact assessment report (Attachment D).

- A preliminary servicing report (Attachment E)
- A stormwater management memo (Attachment F)
- An Archeological report (Attachment G)
- An accessibility report (Attachment H)
- A preliminary parking assessment (Attachment I)

OFFICIAL COMMUNITY PLAN / POLICY CONSIDERATIONS

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

Portions of the land assembly are designated “[Residential](#)” in the OCP, and the remainder is designated “[Institutional](#)”. The [institutional](#) designation is consistent in the Local Area Plan and the residential lands are designated ‘[rural residential](#)’ in the Local Area Plan.

The *Institutional* designation recognizes that increased population growth and changing demographics in the CVRD have resulted in increased demands for recreation services, library services, police protection, adult education facilities and health service.

The Residential designation is intended to maintain and generate, through redevelopment, a range of lot sizes that support low and medium density residential development throughout the Electoral Areas.

The OCP also establishes overarching policy area directions. With respect to services and infrastructure (e.g. water, liquid waste, etc.) the OCP policy framework includes a policy that servicing should be aligned with the growth containment boundary.

While the Modernized Official Community Plan has yet to be adopted, a draft is available [online](#). The draft plan notes that growth will be focused within the Growth Containment Boundary (GCB). The current draft does not include the subject lands within a GCB; however, a portion of the lands presently designated residential is identified in a Special Study Area for sewer servicing infrastructure. The draft plan indicates that the CVRD does not support further expansion of the GCB, except where special study areas indicate the potential for future comprehensive development and/or infrastructure servicing needs.

Development Permit Areas

The subject property is currently subject to the following Development Permit Areas (DPA): DPA - 1 Riparian Protection; DPA - 2 Sensitive Ecosystem; DPA - 4 Aquifer Protection; and DPA - 5 Wildfire Hazard.

Electoral Area B – Shawnigan Lake Zoning Bylaw No. 985:

The subject property is split into three distinct zones: Parks and Institutional ([P-1](#)), Suburban Residential ([R-2](#)), and Water Recreation ([W-2](#)).

Attachment A provides a zoning and OCP map and comparison of existing and proposed zoning.

Cowichan Valley Regional District Bylaw No. 4348 (Shawnigan Lake Flood Hazards):

Portions of the subject lands are subject to Bylaw No. 4348 which requires a flood construction level of 120 m (geodetic). Flood construction levels must be demonstrated at time of building permit (where flood construction levels cannot be met, structural fill and/or raising the height of

buildings may be required). The Building Inspector may also require a parcel-specific flood hazard assessment at time of building permit.

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

The application was referred to internal divisions, and preliminary comments have been received (Attachment J). If the Board advances the application, these comments and the external agency feedback will be addressed through a subsequent report to the EASC, prior to consideration of bylaw readings.

The Environmental Services Division has noted that:

- If the development is to proceed with an independent sewer system, the SCLWMP requires effluent discharge of at least Class A effluent standard.
- Further decisions on development in the Shawnigan Creek watershed which rely upon new surface water extraction licenses be postponed until after the establishment of a Provincial *hydrological model for surface and ground water*, or another tool which could inform availability of water in the watershed.

The Community Planning Division has noted that:

- Water supply and sewage capacity are key considerations for this proposal.

The Utilities Division has noted that:

- The property is not serviced by the community water system or the proposed service area boundary.
- If the private Shawnigan Village Waterworks system is purchased by the CVRD (fall/winter 2024) the property owners will need to apply to join (and expand the service area). There is no guarantee that these properties will be added. The CVRD cannot commit any capacity allocation before establishment of the service.
- If the applicant is proposing a water draw from Shawnigan Lake, CVRD Utilities Division would like to ensure this applicant is included in the Shawnigan Weir group and contribute to the CVRD Weir function.

The Parks & Trails Division has noted that:

- The Shawnigan Lake Community Parks & Trails Master Plan does not identify any park dedication interests in the respective area.
- The increase in guests and use of the site could increase demand for local parks services. Therefore, a public amenity contribution towards the Shawnigan Lake Parks capital reserve fund to support current and future projects in the area may be considered as part of the application.
- CVRD Parks & Trails is developing a "*Rail with Trail*" connection between Masons Beach Park and Old Mill Park. Old Baldy Mountain Park is also currently undergoing the development of a park management plan that will outline upgrades to the park over the next 10 – 15 years. Any contribution towards either of these local projects would be considered as a community amenity contribution towards this rezoning.

The Economic Development Division has noted that:

- Parts of this application are supported because of the increased need for facilities for people with a variety of (dis)abilities.
- The consultations that have taken place indicate that there is an increased need for this type of service, or very similar services, using the same facilities and infrastructure.
- The plans for the redevelopment of the lakeshore properties, including year-round use, seem reasonable. The plans for the redevelopment of the properties on the east side of Shawnigan Lake Road seem ill-defined.

External Agency Referrals:

Should the Board choose to proceed with the application, external referrals to the following agencies are recommended:

- Malahat Nation
- Tsawout First Nation
- Ministry of Forests
- Ministry of Environment and Climate Change Strategy
- BC Hydro
- Island Health (VIHA)
- RCMP Shawnigan Lake
- Fisheries and Oceans Canada
- Shawnigan Village Waterworks
- Cowichan Tribes
- Te'Mexw Treaty Association
- Ministry of Transportation & Infrastructure
- Ministry of Water, Land and Resource Stewardship (Water authorizations)
- B.C. Transit
- Cowichan Valley School District (SD 79)
- Ministry of Water, Land and Resource Stewardship
- Shawnigan Lake Volunteer Fire Department

Advisory Commission Referral:

The Board may forward the application to the Area B – Shawnigan Lake Advisory Planning Commission (APC) and Parks Advisory Commission (PAC) for feedback.

PLANNING ANALYSIS

Additional Uses:

The applicant proposes to consolidate the zoning into a single comprehensive development zone and add the following uses:

- Daycare Facility
- Healthcare Services
- Commercial Tourist Accommodation & Campground (including accessory commercial assembly)
- Accessory residential (single-detached, multi-unit/workforce, and secondary suite)
- Catering
- Farm or artisan market

The applicant has indicated that:

- On the west side (lake side) of Shawnigan Lake Road, cabins are proposed to replace the existing dormitory, and uses accessory to the camp (e.g. dining hall, administration building, activity studio, etc.) will be constructed.
- On the east side (non-lake side) of Shawnigan Lake Road, the playfields are proposed to be retained, and additional cabins/tourist accommodation units are proposed. The agent has also identified a surplus of land that could either be:
 - a) subdivided in the future and sold as market housing;
 - b) converted into workforce housing; or
 - c) repurposed into additional facilities that complement the camp (e.g. Healthcare Services)

Density:

The application proposes up to 4 residential units per lot, plus the opportunity for multi-unit dwellings (workforce housing). At present there are ten parcels. If the Board advances the application, staff will work with the agent to further refine the proposed comprehensive development zone map and clarify proposed densities. As part of the rezoning process the CVRD may require that some of the parcels be consolidated for the camp use.

For context, the existing R-2 (Suburban Residential) zoning (that applies to a portion of the properties) presently allows for a minimum lot size of 1.0 ha (or 0.4 ha if serviced by a community system). The agent proposes 1.0 ha sized lots (or 0.4 ha if serviced by a community water system, or 0.2 if connected to both community water and community sewer).

One of the parcels (PID: 006-500-958) is approximately 0.26 ha in size and is used for institutional purposes despite being zoned R-2 and designated 'Residential'. As a condition of rezoning, this parcel could be consolidated.

The remaining 2.7 ha of R-2 zoned parcels cannot be further subdivided without either (1) rezoning the lands or (2) connecting to a community sewer or water system. The preliminary plans presently show these lands being further subdivided into six 0.4 ha lots. Subdivision cannot occur until servicing is confirmed.

No limit is presently proposed for the amount of accommodation associated with the camp and/or tourist accommodation uses.

It is anticipated that the applicant will refine the density for camping/dormitories, staff housing, and residential uses – and staff will be working with the agent to:

- a. further clarity/refinement on proposed densities for residential and staff housing uses; and,
- b. further clarity/refinement on the proposed accessory uses including commercial short-term accommodation use of the cabins, and density of camp accommodation.

Alternatively, the Board may refer the application back to staff, and direct staff to work with the applicant to reduce the intensity of proposed uses and clarify proposed densities prior to undertaking referrals.

Water License:

The subject lands are not currently serviced by a community water system and are not located in a water service area.

A Short-Term Use Approval for BC Lions Society Easter Seals Camp on Shawnigan Lake was issued in October 2023. It is for 14,680 m³/year with a maximum daily withdrawal of 52 m³/day. Flow measurement and record-keeping are requirements of the Approval. It will expire October 23, 2025. This licence was authorized temporarily to accommodate the historical/present-day use of the land. There is no guarantee that the short-term approval will be renewed or expanded.

This short-term approval was intended to provide the proponent with a temporary authorization so that the camp operations can resume, while allowing time for the rezoning and permitting processes. It will also provide flow data that would inform the long-term licence application. A referral to the Ministry of Water, Land and Resource Stewardship (Water Authorizations) is anticipated.

Board adoption of the rezoning and OCP amendment bylaws can be made contingent upon prior approval of a long-term water licence.

Additional Information:

Based on the feedback received during the initial referral process, additional information may be required. The Board may direct that these items be resolved prior to advancing bylaws. These items could include:

1. Consideration of a Traffic Impact Assessment (TIA) (in accordance with both MoTI and CVRD terms of reference), and further details on where the proposed temporary parking discussed in the parking assessment would be located; to include details on proposed safety measures for active transportation access between the east and west portions of the subject lands;
2. Details on proposed water storage, metering, and conservation methods (i.e., xeriscaping, low-flow appliances) to be secured via a covenant;
3. Confirmation that the proposed stormwater management plan is consistent with the *Riparian Area Protection Regulation (RAPR)* and *Water Sustainability Act (WSA)*, through approval of a *RAPR* assessment and *WSA* Section 11 permit for the proposed redevelopment.
4. Confirmation that sewerage disposal systems on the land shall meet or exceed a Class A effluent standard; including a Section 219 Covenant to be registered on the proposed residential lots to require a Type 3 Septic System; and
5. Consideration of a Section 219 covenant to require *Rick Hansen Foundation Accessibility Certification* for new construction.

This list could be further refined following the external agency feedback. These and other items would be addressed through a subsequent report to EASC, prior to consideration of bylaw readings.

Next Steps:

If the Board wishes to advance this application, the next step would be to consult with external agencies.

Other options include:

- to refer the application back to staff to require additional information;
- to refer the application back to staff, and direct staff to work with the applicant to reduce the intensity of proposed uses prior to undertaking referrals, or
- to deny the application due to conflict with existing OCP (and draft MOCP) policies and/or other issues (such as unknown water servicing capabilities).

OPTIONS

Option 1 (Advance the Application):

That it be recommended to the Board that Application No. RZ24B01 (Easter Seals), be referred to the following external agencies:

1. Malahat Nation;
2. Tsawout First Nation;
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12. Ministry of Transportation & Infrastructure;
13. Ministry of Water, Land and Resource Stewardship (Water authorizations);
14. B.C. Transit;
15. Cowichan Valley School District (SD 79);
16. Ministry of Water, Land and Resource Stewardship; and
17. Shawnigan Lake Volunteer Fire Department.

Option 2 (Request Additional Information):

That it be recommended to the Board that the preliminary staff report for Application No. RZ24B01 (Easter Seals), be referred back to staff for the following information, prior to further consideration.

1. *[requested information to be provided by the Board]*
2. Confirmation that the proposed stormwater management plan is consistent with the *Riparian Area Protection Regulation (RAPR)* and *Water Sustainability Act (WSA)*, through approval of a *RAPR* assessment and *WSA* Section 11 permit for the proposed redevelopment.

Option 3 (Deny):

That it be recommended to the Board that Application No. RZ24B01 (Easter Seals), be denied, *[specific reasons to be identified by the Board]*.

Prepared by:



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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 Information
- Attachment B – Site Plan and Surveys
- Attachment C – Rationale Report
- Attachment D – Environmental Impact Report
- Attachment E – Servicing Report
- Attachment F – Stormwater Management
- Attachment G – Archaeological Report
- Attachment H – Accessibility report
- Attachment I – Parking Assessment
- Attachment J – Referral Comments