



STAFF REPORT TO COMMITTEE

DATE OF REPORT September 25, 2024

MEETING TYPE & DATE Electoral Area Services Committee Meeting of October 16, 2024

FROM: Development Services Division
Land Use Services Department

SUBJECT: Application No. RZ24E01 (3725 Glenora Road/PID: 004-928-105)

FILE: RZ24E01

PURPOSE/INTRODUCTION

The purpose of this report is to reintroduce an application to rezone the property located at 3725 Glenora Road (PID: 004-928-105) from P-1 (Parks and Institutional) to A-1 (Primary Agriculture) in the Cowichan Valley Regional District Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840.

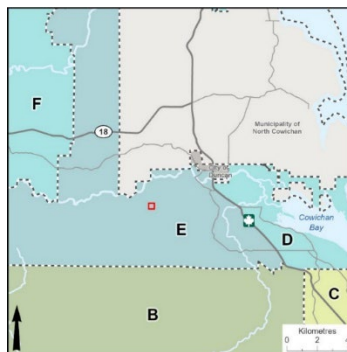
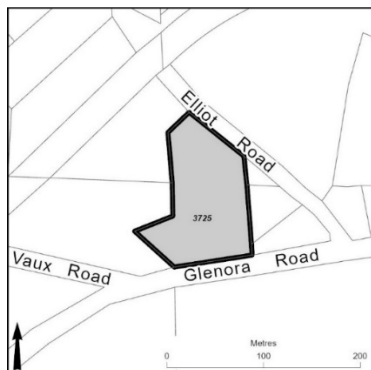
This application was last considered by the Electoral Area Services Committee (EASC) on June 5, 2024, and was subsequently referred to the Electoral Area E Advisory Planning Commission (APC). The APC reviewed the application on September 10, 2024, and was supportive of the proposed zoning amendment.

The Board previously resolved (24-298) that a public hearing not be held for Application No. RZ24E01 (3725 Glenora Road, PID: 004-928-105). Notice will be undertaken in accordance with the *Local Government Act* and Development Applications Procedures Bylaw No. 4483, prior to Board consideration of bylaw readings.

RECOMMENDED RESOLUTION

That it be recommended to the Board that the draft Zoning Amendment Bylaw for Application No. RZ24E01 (3725 Glenora Road, PID: 004-928-105), be prepared by staff and forwarded to the Board for consideration of 1st, 2nd and 3rd readings.

LOCATION MAP



BACKGROUND

The subject property is zoned P-1 (Parks and Institutional) due to its historic use as the Glenora Elementary School. Despite the P-1 Zoning, the OCP designation remains “Renewable Resource – Agriculture”. The subject property is also within the Agricultural Land Reserve (ALR) which prioritizes farm uses.

Under P-1 Zoning, a dwelling is not permitted unless it is accessory to a parks or institutional use (such as the former Glenora Elementary School). Section 23(a.1) of the *ALC Act* is applicable to the subject property; therefore, the school cannot be re-established as a lawfully non-conforming use because it has been discontinued for a period greater than 6 months.

If the rezoning application is approved the applicant also intends to undertake a property boundary adjustment (as they own an adjacent parcel on Vaux Road). It is preferable to complete the boundary adjustment after rezoning so that no split zoned parcels are created.

OFFICIAL COMMUNITY PLAN / POLICY CONSIDERATIONS

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

The land is designated “Renewable Resource – Agriculture” in both the HOCP and Local Area Plan.

A primary goal of this designation is to protect agricultural resource lands and the agricultural industry. The Agriculture designation in the plan is intended to accommodate and recognize the provincial ALR regulations that permit a variety of farming and non-farming activities, including basic production of agricultural products, value-added production activities and agri-tourism.

The proposed A-1 (Primary Agriculture) zone is consistent with the OCP Designation and ALR regulations.

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;

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

The subject property is zoned Parks and Institutional ([P-1](#)).

The P-1 Zone restricts the use of the property and does not include ‘agriculture’ as a permitted use; however, Section 5.3 of zoning Bylaw No. 1840 includes a clause which references that the *ALC Act* will take precedence on ALR lands despite zoning restrictions (unless the *Act* allows the CVRD to be more restrictive).

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

The application was referred to internal divisions, and preliminary comments have been received (Attachment C). No concerns were raised by internal divisions. Environmental Services has advised that if the rezoning proceeds and the lands are operationalized as agriculture, water would be needed for irrigation. This is also true if the lands are operationalized for agriculture under existing zoning.

External Agency Referrals:

The application was referred to external agencies July 2024, and comments have been received:

- Cowichan Tribes has indicated that the area is important; however, more time would be needed to coordinate their review and response.
- The Ministry of Transportation and Infrastructure (MoTI) confirms that the property does not fall within Section 52 of the *Transportation Act* and will not require MoTI's formal approval.
- Ministry of Agriculture staff recognize the importance of consistent zoning for properties in the ALR and as such, support the proposed rezoning application. The Ministry of Agriculture has also recommended requiring that the new residence (and if possible, all accessory residential structures) be constructed over the existing footprint of the school.
- The Ministry of Water, Land and Resource Stewardship – Aquatic Ecosystems Branch has indicated that RAPR would apply to any residential, commercial or industrial development within 30m of a stream boundary.
- The Advisory Planning Commission (APC) considered this application on September 10, 2024, and was supportive of the application.

PLANNING ANALYSIS

The proposed A-1 (Primary Agriculture) zone is consistent with the, OCP Designation, ALR regulations, and surrounding residential properties.

The primary purpose of rezoning the property from P-1 to A-1 is to permit a residential use. The implication of the existing P-1 Zoning is that residential uses are not permitted unless it is accessory to a Parks or Institutional use.

Due to the combination of P-1 zoning and ALR Use Regulation, the lands may only be used for agriculture (including associated residential use), and uses that may not be prohibited under the *ALR Use Regulation Act* (e.g. Horse facilities, Forestry, Agri-Tourism, Gathering for an Event, ecological reserve, etc.).

Rezoning of the property would provide consistency with the ALR regulations, the OCP, and surrounding properties (see maps in Attachment A).

The feedback from the Ministry of Agriculture included a recommendation requiring that the new residence (and if possible, all accessory residential structures) be constructed over the existing footprint of the school to preserve the remainder of the Subject Property, which appears to be flat and cleared, for future agricultural use. The CVRD Board may wish to secure this condition in a Section 219 Covenant.

As noted in Attachment C, Cowichan Tribes required more time to coordinate their review and response. If the Board wishes to wait for a Cowichan Tribes response they may refer the application back to staff instead of proceeding.

OPTIONS

Option 1 (Advance the application for the subject property):

That it be recommended to the Board That the draft Zoning Amendment Bylaw for Application No. RZ24E01 (3725 Glenora Road, PID: 004-928-105), be prepared by staff and forwarded to the Board for consideration of 1st, 2nd and 3rd readings.

NOTE: A public hearing will not be held for Application No. RZ24E01 (3725 Glenora Road, PID: 004-928-105). Notice will be undertaken in accordance with the *Local Government Act*, prior to bylaw readings

Option 2 (Request Additional Information): That it be recommended to the Board that the preliminary staff report for Application No. RZ24E01 (3725 Glenora Road, PID: 004-928-105), be referred back to staff for the following information [*requested information to be provided by the Board*], prior to further consideration.

Option 3 (Deny): That it be recommended to the Board that Application No. RZ24E01 (3725 Glenora Road, PID: 004-928-105), be denied, [*specific reasons to be identified by the Board*].

Prepared by:

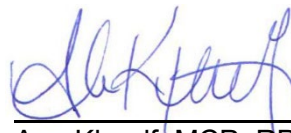


Richard Buchan, RPP, MCIP
Planner III

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 and Maps

Attachment B – Applicant Rationale

Attachment C – Referral Responses