



STAFF REPORT TO COMMITTEE

DATE OF REPORT January 5, 2024
MEETING TYPE & DATE Electoral Area Services Committee Meeting of January 17, 2024
FROM: Development Services Division
Land Use Services Department
SUBJECT: Application No. RZ23I03 (8976 Youbou Road/PID: 009-575-103)
FILE: RZ23I03

PURPOSE/INTRODUCTION

The purpose of this report is to introduce an application to rezone a portion of the subject property at 8976 Youbou Road (PID: 009-575-103) from F-1 Forestry Resource 1 to I-4 Recreational Vehicle Storage Industrial 4, for the purpose of expanding an existing RV storage business.

In accordance with the [CVRD Development Application Referrals Policy](#), this report is intended as a preliminary step to introduce the application to the EASC.

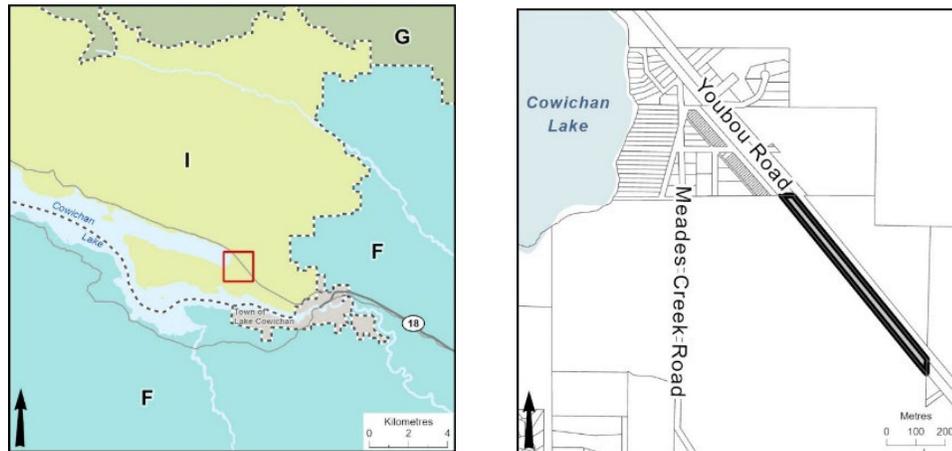
- Attachment A: Background Table
- Attachment B: Maps (OCP, Orthophoto, Zoning)

RECOMMENDED RESOLUTION

That it be recommended to the Board that Application No. RZ23I03 (8976 Youbou Road, PID: 009-575-103), be referred to the following external agencies and First Nations:

1. Electoral Area I – Youbou/Meade Creek Advisory Planning Commission;
2. Ts'uubaa-asatx (Lake Cowichan) First Nation;
3. Cowichan Tribes;
4. Town of Lake Cowichan;
5. Ministry of Environment and Climate Change;
6. Ministry of Forests, Lands and Natural Resource Operations;
7. Ministry of Transportation and Infrastructure;
8. Island Health;
9. Cowichan Lake Fire Service; and
10. Royal Canadian Mounted Police.

LOCATION MAP



BACKGROUND

The subject property, at 8976 Youbou Road (PID: 009-575-103), is a split-zoned property of 2.298 hectares (5.68 acres) in area. The northwest portion of the property is currently zoned F-1 (Forestry Resource 1), the middle section is zoned I-4 (RV Storage Industrial 4), and the southeast portion is zoned F-1 (Forestry Resource 1). The OCP designations parallel these zoning boundaries on the property, with the northwest and southeast portions designated Renewable Resource – Forestry both regionally and in the local area plan, and the middle portion designated Industrial both regionally and locally.

This application proposes to rezone the northwest portion of the property, approximately 0.9 ha, from F-1 to I-4, so that the current RV storage business can be expanded. This expansion will increase storage capacity from 50 to 130 recreational vehicles.

As part of this expansion, the applicants propose to provide a 30.5 m (100 foot) buffer, including a berm, along the property line to create visual screening from the neighbouring property to the northwest. They also propose to plant vegetation along Youbou Road for visual screening from the road. A 30.5 m (100 foot) vehicle turnaround area between the berm and the parking areas is also proposed.

The subject property is long and narrow, and originally was part of the railbed for the former Canadian Pacific Rail line that extended to Youbou. It is 33 m (110 feet) wide. There is a house, with several accessory buildings, in the southeast portion of the property proposed to remain F-1 zoned. A variety of RV's occupy the lands currently zoned I-4. Lands proposed for rezoning to I-4 currently have two sheds and a water tank, as well as some miscellaneous equipment. See site photos (Attachment C) for full details.

There are two access points to the property from Youbou Road. The eastern access is the main access at this time, and serves both the existing business and the residence on the property. The western access is proposed to become the main business access, leaving the current access point for residential uses.

Surrounding uses:

- North: Youbou Road, with F-1 zoned lands beyond.

- South: BC Ministry of Forests seed bank (test plots of trees grown for seed generation) – there is an elk fence along this entire property line. Zoned F-1.
- West: Similar property (former railbed) zoned for Suburban Residential (R-2).
- East: Similar property (former railbed) zoned for Forestry (F-1), which abuts Meade Creek. There is also a gravel pit on the east side of Meade Creek, zoned I-2.

There are no documented creeks or sensitive ecosystems on this property. There is a well for residential use in proximity to the house. The owner has installed a water tank on-site, which is filled with water for fire-fighting purposes exclusively.

This property was the subject of a previous OCP amendment/rezoning application (02-I-14RS) to convert part of the property to I-4 zoning.

Another rezoning application (RZ18102), to permit heavy equipment storage on the property, was opened in 2018, but abandoned in response to community concerns about the proposed use.

The applicants have submitted 20 letters of support for their application.

Due to the potential conflict with OCP policy (see next section), the option of rezoning the entire property to I-4 was discussed with the applicant (with an allowance for the single detached dwelling). The applicant had the following concerns:

- It is better for the environment, including the elk, bears, and cougars which use Meade Creek as a corridor, for that part of the property to remain designated for Forestry use (and zoned for Forestry), and
- Concerns about the potential tax implications of changing the designation on the entire property. BC Assessment's process addresses both the actual uses of the land, as well as the potential uses of the land, in making its assessments about property value

Further information can be found in:

- Attachment C: Site Photos
- Attachment D: Site Plan
- Attachment E: Rationale

OFFICIAL COMMUNITY PLAN / POLICY CONSIDERATIONS

The subject property is designated as a mix of Renewable Resource-Forestry and Industrial, both regionally and in the local area plan. The designations follow the same dimensions as the zoning.

The OCP has policies and objectives related to industrial development which are relevant to consideration of this application:

1. *Policy 3.2.1.2.6: The CVRD Board encourages appropriately located commercial, institutional and light and heavy industrial development;*
2. *Policy 3.2.1.4.4: The CVRD Board encourages buffering of commercial and industrial uses from adjacent rural and residential uses and the preservation of access and views from adjacent rural and residential uses;*

3. *Policy 3.2.5.2.3: The CVRD Board supports a diversity of commercial and light industrial uses that provide living wage employment and contribute to the local economy.*
4. *Policy 3.2.5.2.15: The CVRD Board encourages the growth of tourism industry associated products.*
5. *Objective 4.5.1.2: Support employment land development that corresponds with the rural, residential, agricultural and recreational values of the plan area.*
6. *Objective 4.5.1.5: Ensure industrial uses are located where there are minimal negative impacts of increased noise, traffic or servicing costs or loss of environmental quality to the surrounding neighbourhood or the municipality.*
7. *Policy 4.5.2.1: The CVRD Board encourages a diverse economy by providing for a wide range of industrial businesses within appropriate industrial areas.*

Because the property is split-zoned, and the application specifically requests that the property have the split zoning extended, OCP policy 4.1.2.1 which states that “Creation of split-zoned parcels is discouraged” is also relevant.

The Area I Youbou/Meade Creek Local Area Plan, Section 2.4, describes the Industrial designation as being “intended for a broad range of industry.” The Light Industrial designation is “intended for uses that facilitate recreational activities relating to watercraft, wood processing, value-added wood product manufacturing, artisan businesses and other low-impact light industrial uses.” The current and proposed uses would, in most jurisdictions, be classified as “light industrial” because there are very limited nuisances, power consumption, or other aspects of most industrial activities.

The property is also subject to the following Development Permit requirements:

- a. DPA1 – Riparian Protection
- b. DPA 4 – Aquifer Protection
- c. DPA 5 – Wildfire Hazard

A development permit will be required prior to any alteration of land.

ZONING BYLAW CONSIDERATIONS

The subject property is currently split zoned between F-1, Forest Resource 1 zone, and I-4, Recreational Vehicle Storage Industrial 4 zone.

Per Bylaw No. 2465, Electoral Area I – Youbou/Meade Creek Zoning Bylaw, the permitted uses in the I-4 zone include:

- a. Storage of recreational vehicles, motor vehicles, boats and trailers;
- b. Agriculture; and
- c. Silviculture.

Please note that the I-4 zone does not include any residential uses. Storage of recreational and related vehicles is also permitted in the I-1 and I-1A zones.

The minimum lot size for subdivision purposes in the I-4 zone is 2 hectares.

Per Bylaw No. 2465, the principal permitted uses in the F-1 zone include:

- a. Agriculture;
- b. Silviculture; and
- c. Single-family dwelling.

The accessory uses permitted in the F-1 zone include:

- d. Bed and breakfast accommodation;
- e. Buildings and structures accessory to a principal permitted use; and
- f. Home occupation.

The minimum lot size for subdivision purposes in the F-1 zone is 80 hectares.

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

This application was circulated internally within the CVRD to determine if there were any issues to be considered from a CVRD perspective. Responses were received from Bylaw Enforcement, Transit, Parks & Trails, Utilities, and Community Planning. Transit and Parks both replied that interests were unaffected. Utilities recommended that waste management servicing be required. Community Planning provided a detailed objection to the rezoning application, suggesting that the entire property be rezoned to I-4, rather than a portion. (For full information, see Attachment F, CVRD Internal Referrals)

The key questions that the CVRD Board will need to be able to answer in responding to this application are:

1. Whether there is significant community support for this application?
2. Whether there are any significant reasons not to proceed with this application?

To assist with responding to these questions, staff recommend that a referral report be sent to the following organizations:

- Cowichan Tribes
- Ts'uubaa-asatx (Lake Cowichan) First Nation
- Town of Lake Cowichan
- Province:
 - Ministry of Environment and Climate Change
 - Ministry of Forests, Lands and Natural Resource Operations
 - Ministry of Transportation
 - Island Health
- Area I Advisory Planning Commission
- Cowichan Lake Fire Service
- Royal Canadian Mounted Police

Once responses have been received, the EASC will be in a position to identify whether or not to proceed with moving this application forward to bylaw stage.

PLANNING ANALYSIS

There is significant supportive policy related to expansion of industrial uses within the OCP to provide justification for moving this application forward in the rezoning process.

The location along Youbou Road appears to be ideal, with no neighbours to disturb. Many people from other parts of the Island and the Province have vacation homes along the lake, and would like a nearby place to store their RVs, which include boats and motorized campers.

The one policy barrier to moving this application forward is that the creation of split-zoned parcels is discouraged by the OCP. This proposal does not alleviate this situation.

From the zoning perspective, it should be noted that the approximate area of the proposed area for rezoning is 0.9 ha. This combined with the existing approximate 0.6 ha for existing I-4 zoning, means that the total area on the parcel which would be zoned I-4 equals approximately 1.5 ha.

Prior to any further consideration of the application, it is recommended that external consultation take place with community representation, external agencies, and First Nations, to identify whether there are any issues with this application.

Should the application proceed, the OCP Land Use Designation would need to be amended as well, and the industrial portion should be subject to the form and character Development Permit Area 12: Industrial Development and additional development permit guidelines, as appropriate. There should also be a covenant to protect the 33 m berm and landscape buffer between the proposed industrial uses of the property and the neighbouring residential designation. There may be other ways of addressing the intent of the application as well, such as establishing a Comprehensive Development zone or other means to respect the intent of the OCP with regard to avoiding split zoned parcels.

NOTE: All measurements in this report are approximate, based on the BC Assessment data and planner calculations from the CVRD's GIS data and from the applicant's measurements. There is no recent survey of the property, and the existing surveys (from 1931 or earlier) do not indicate the specifics of property size. Should the application proceed, the applicant will need to provide a BCLS survey showing the precise area to be rezoned, for purposes of covenant registration as well as accurate mapping.

OPTIONS

Per the CVRD Development Application Referrals Policy, the Electoral Area Services Committee is requested to identify the preferred option for next steps related to this application. Staff recommend Option 1:

Option 1 – Referral

That it be recommended to the Board that Application No. RZ23103 (8976 Youbou Road, PID: 009-575-103), be referred to the following external agencies and First Nations:

1. Electoral Area I – Youbou/Meade Creek Advisory Planning Commission;
2. Ts'uubaa-asatx (Lake Cowichan) First Nation;
3. Cowichan Tribes;
4. Town of Lake Cowichan;

5. Ministry of Environment and Climate Change;
6. Ministry of Forests, Lands and Natural Resource Operations;
7. Ministry of Transportation and Infrastructure;
8. Island Health;
9. Cowichan Lake Fire Service; and
10. Royal Canadian Mounted Police.

Option 2 – Request Further Information

That it be recommended to the Board that Application No. RZ23103 (8976 Youbou Road, PID: 009-575-103), be referred back to staff for further information, prior to further consideration. Specific information that the EASC seeks includes [specify here].

Option 3 – Denial

That it be recommended to the Board that Application No. RZ23103 (8976 Youbou Road, PID: 009-575-103), be denied for the following reasons: [specify here].

GENERAL MANAGER COMMENTS

Split designations/zoning of parcels is poor practice and discouraged, consistent with existing policy. The Board may consider rezoning parcels with mixed uses to “comprehensive development”, with regulations and development guidelines, which are appropriate to the site context.

Prepared by:



Beverly A. Suderman, RPP, MCIP
Planner III (Casual)

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

Attachment B – Maps

Attachment C – Site Photos

Attachment D – Site Plan for Expanded RV Storage Area

Attachment E – Rationale

Attachment F – Internal Referrals