



STAFF REPORT TO COMMITTEE

DATE OF REPORT November 24, 2023
MEETING TYPE & DATE Electoral Area Services Committee Meeting of December 6, 2023
FROM: Community Planning Division
Land Use Services Department
SUBJECT: Application No. RZ21A02 (Holker Place/PID: 002-062-364)
FILE: RZ21A02

PURPOSE/INTRODUCTION

The purpose of this report is to provide the EASC with external agency feedback regarding an application to amend the following bylaws to facilitate a light industrial development and subdivision:

1. Official Community Plan Bylaw No. 4270;
2. South Cowichan Zoning Bylaw No. 3520; and
3. Development Permit Exemptions and Guidelines Bylaw No. 4485

The Board is asked to consider directing staff to draft amendment bylaws.

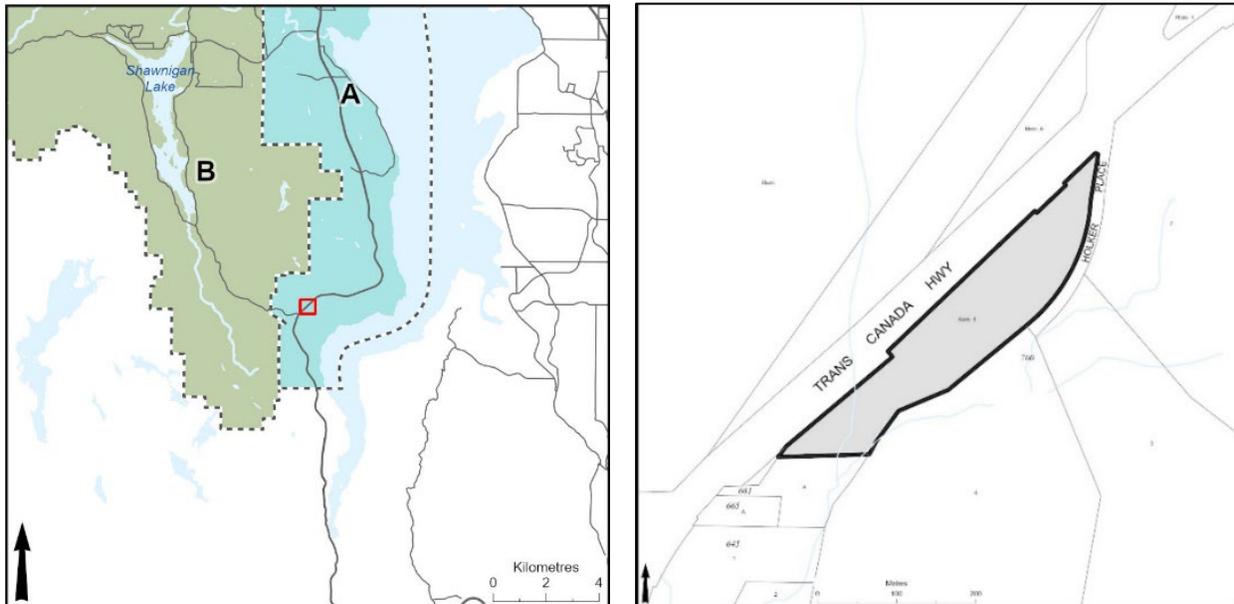
RECOMMENDED RESOLUTION

That it be recommended to the Board for Application No. RZ21A02 (Holker Place/PID: 002-062-364):

1. That an Official Community Plan Amendment Bylaw be forwarded to the Board for consideration of 1st reading, to:
 - a. Re-designate the property from Rural Residential (RR) to Industrial; and
 - b. Update Schedule U Development Permit Area Maps to apply the following Development Permit Areas to the subject property: DPA 12 Industrial Development and DPA 13 Energy and Water Conservation; Greenhouse Gas Emissions Reductions.
2. That a Zoning Amendment Bylaw to the CVRD Development Permit Exemptions and Guidelines Bylaw No. 4485 be forwarded to the Board for consideration of 1st reading, to introduce additional DPA 12 and DPA 13 guidelines.
3. That a draft Zoning Amendment Bylaw to the South Cowichan Zoning Bylaw No. 3520 be forwarded to the Board for consideration of 1st reading, to create a light industrial zone for the subject property; and
4. That prior to consideration of 2nd reading of the proposed amendment bylaws, the applicants, at their sole expense, be asked to provide to the CVRD the following additional information:
 - a. A geotechnical assessment by a qualified geotechnical engineer that identifies a safe buildable area for each proposed strata lot as well as the common property access route;
 - b. Proof of sewer, water and drainage servicing capability on the subject property for the proposed light industrial uses, including water licensing authorization for the use of surface and/or groundwater;
 - c. Testing of fill to establish a baseline for the property (regarding possible level of contamination); and

- d. An environmental inventory/impact assessment report from a qualified professional relating to the impact of development on the natural environment and compliance with the Provincial *Riparian Areas Protection Regulation (RAPR)*.

LOCATION MAP



BACKGROUND

The application consists of the following:

- To amend the land use designation of the Official Community Plan (OCP) for the subject property from Rural Residential (RR) to Industrial; and,
- To rezone the subject property from Rural Residential 2 (RR-2) to a new Light Industrial zoning designation.

The applicant is proposing to create up to four (4) bare-land-strata lots with zoning to allow the following uses:

- Building Supply Sales and Storage
- Contractors Workshop Equipment and Storage
- Light Manufacturing (Boats, Modular homes, Utility Trailers, Camping Trailers)
- Secondary Manufacturing (Furniture, Cabinets & wood products)
- Warehouse & Storage
- Mini/Self Storage
- Boat & RV Storage
- Maintenance and Repair (Boat, RV, general vehicle)
- Accessory residential/caretaker units

This application was last considered by the EASC on [September 6, 2023](#):

It was moved and seconded that it be recommended to the Board that this application be referred to the following external agencies:

- a. First Nations;*
- b. Ministry of Forests;*
- c. Ministry of Environment and Climate Change Strategy;*
- d. Volunteer Fire Department;*
- e. BC Hydro;*
- f. Island Health (VIHA);*
- g. Ministry of Transportation & Infrastructure;*
- h. Ministry of Water, Land and Resource Stewardship;*
- i. B.C. Transit;*
- j. Royal Canadian Mounted Police (RCMP); and*
- k. Cowichan Valley School District (SD 79).*

The Board authorized the application to proceed to external agencies on September 13, 2023. Referral responses have been received (see Attachment A). The Vancouver Island Health Authority and the Ministry of Water, Land & Resource Stewardship have provided comments which have been incorporated into the recommended additional information (to be provided prior to Board consideration of 2nd reading and prior to public hearing).

Advisory Planning Commission (APC)

The application was referred to a joint meeting of the Electoral Area A, B & C APCs on April 7, 2022, and their resolution was that the rezoning application (RD21A02) be recommended to the Board for approval.

A public Electoral Area A – Mill Bay/Malahat APC meeting to accommodate a site visit was held on July 6, 2023.

- Following the site visit meeting, the Electoral Area A APC passed a resolution that the APC has no objection to approval of the zoning change subject to conditions (see Attachment B).

OFFICIAL COMMUNITY PLAN / POLICY CONSIDERATIONS

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

The proposal is not consistent with the current OCP Designation. The applicant has applied to amend the land use designation from Rural Residential to Industrial.

Development Permit Areas:

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

Should the Board advance this application, a recommended condition of rezoning will be to require the subject property to be included in the following DPAs that apply to industrial land use:

- DPA 12 Industrial Development – which establishes form and character for industrial development;

- DPA 13 Energy and Water Conservation; Greenhouse Gas Emissions Reductions – which establishes objectives to reduce energy and water consumption in new buildings, reduce operation and maintenance costs of buildings, and promote innovative building design.

South Cowichan Zoning Bylaw No. 3520:

The subject property is currently zoned Rural Residential 2 (RR-2), which permits agriculture, horticulture and one single-family dwelling as principal uses. Under the existing zoning, the property could potentially be subdivided into two Rural Residential lots.

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS The CVRD Emergency Management Division and external agencies have provided further feedback (Attachment A).

Previous comments received from internal divisions are included for continuity (Attachment B). This includes the Advisory Planning Commission's feedback:

- Rezoning the lands should be limited to low-intensive industrial uses that are not water, traffic, or noise intensive.
- 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.
- 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.
- Referrals to other agencies to ensure access to updated information is encouraged.
- The CVRD Board should consider advocating for the improvements to the highway through the Ministry of Transportation and Infrastructure.

The recommended resolution and additional recommended information is based on the internal and external feedback.

PLANNING ANALYSIS

Next Steps:

Draft Bylaws:

- If the EASC wishes to advance this application, it may recommend to the Board that staff be directed to prepare the appropriate amendment bylaws.

First Reading:

- OCP and zoning amendment bylaws would be prepared and forwarded to the Board for consideration of 1st reading.

Second Reading:

- Pending 1st reading and prior to consideration of 2nd reading of the proposed amendment bylaws, staff have recommended that the applicants provide additional information.
- Depending on the content of this additional information, staff may recommend changes to the proposed amendment bylaws at 2nd reading.

Public Hearing:

- Following consideration of 2nd reading, additional information can be requested prior to the scheduling of a public hearing.

Once a Public Hearing has closed, no new information on the matter can be received by the Board (this is to allow a fair process as established by provincial case law).

Additional Information – Public Hearing:

Based on the feedback received during the referral process, additional information may be required. The Board may direct that prior to the scheduling a public hearing the following be provided:

1. A draft covenant (to be registered prior to bylaw adoption) to secure the design and location of the common property access, common property greenspace, and common property utilities (e.g. sewer, water and drainage);
2. A draft covenant (to be registered prior to bylaw adoption) to require compliance with NFPA 1142 “*Standard on Water Supplies for Suburban and Rural Firefighting*” in an effort to ensure that adequate firefighting protection be secured should the applicant elect to construct Part 9 structures;
3. A draft covenant (to be registered prior to bylaw adoption) to require energy reduction measures as part of the building construction, and the installation of light coloured roofs that provide cooling effects in summer months, the installation of onsite water storage infrastructure, the installation of permeable or reflective paving material; and
4. A drainage master plan with a pre-development assessment (pre-fill of historic watercourses) and post development analysis to ensure that natural drainage targets are identified and water quality is maintained.

The recommended technical reports in the resolution will be reviewed by staff to inform covenant recommendations. These and other items may be addressed through a subsequent report to EASC, prior to the scheduling of a public hearing.

Development Permits:

As noted in the September 6, 2023, EASC Report, any future development of the site would be subject to the DPAs, and a Development Permit would be required prior to development.

If the Board proceeds with the OCP and zoning amendment, and designates the property within DPAs 12 & 13 – the Board may also consider directing staff to develop appropriate guidelines specific to the site.

The recommended resolution (to amend Development Permit Exemptions and Guidelines Bylaw No. 4485) could result in the following:

Changes to DPA 12 to include:	Changes to DPA 13 to include:
<ul style="list-style-type: none">• Clarity on permit exemptions• Expanding guidelines for buffering/screening industrial uses• Expanding guidelines for vehicle and pedestrian access guidelines.• Guidelines for site grading	<ul style="list-style-type: none">• Clarity on permit exemptions• Further clarity on application requirements• Guidelines for site grading• Expanding guidelines for landscaping and rainwater management

<ul style="list-style-type: none">• Guidelines for landscaping• Guidelines for developments with multiple buildings	<ul style="list-style-type: none">• Including guidelines for building form (e.g. design buildings to be “solar ready”)
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OPTIONS

Option 1 (Advance the application):

That it be recommended to the Board for Application No. RZ21A02 (Holker Place/PID: 002-062-364):

1. That an Official Community Plan Amendment Bylaw be forwarded to the Board for consideration of 1st reading, to:
 - a. Re-designate the property from Rural Residential (RR) to Industrial; and
 - b. Update Schedule U Development Permit Area Maps to apply the following Development Permit Areas to the subject property: DPA 12 Industrial Development and DPA 13 Energy and Water Conservation; Greenhouse Gas Emissions Reductions.
2. That a Zoning Amendment Bylaw to the CVRD Development Permit Exemptions and Guidelines Bylaw No. 4485 be forwarded to the Board for consideration of 1st reading, to:
 - a. Introduce additional DPA 12 and DPA 13 guidelines.
3. That a draft Zoning Amendment Bylaw to the South Cowichan Zoning Bylaw No. 3520 be forwarded to the Board for consideration of 1st reading, to create a light industrial zone for the subject property; and
4. That prior to consideration of 2nd reading of the proposed amendment bylaws, the applicants, at their sole expense, be asked to provide to the CVRD the following additional information:
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 - b. Proof of sewer, water and drainage servicing capability on the subject property for the proposed light industrial uses, including water licensing authorization for the use of surface and/or groundwater;
 - c. Testing of fill to establish a baseline for the property (regarding possible level of contamination);
 - d. An environmental inventory/impact assessment report from a qualified professional relating to the impact of development on the natural environment and compliance with the Provincial *Riparian Areas Protection Regulation (RAPR)*.

Option 2 (Request Additional Information):

That it be recommended to the Board that the preliminary staff report for Application No. RZ21A02 (Holker Place/PID: 002-062-364), be referred back to staff for the following information [*requested information to be provided by the Board*], prior to further consideration. This could include:

1. A geotechnical assessment by a qualified geotechnical engineer that identifies a safe buildable area for each proposed strata lot as well as the common property access route;
2. Proof of sewer, water and drainage servicing capability on the subject property for the proposed light industrial uses, including water licensing authorization for the use of surface and/or groundwater;
3. Testing of fill to establish a baseline for the property (regarding possible level of contamination);

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4. An environmental inventory/impact assessment report from a qualified professional relating to the impact of development on the natural environment and compliance with the Provincial *Riparian Areas Protection Regulation (RAPR)*.

Option 3 (Deny):

That it be recommended to the Board that Application No. RZ21A02 (Holker Place/ PID: 002-062-364), be denied, [*specific reasons to be identified by the Board*].

Prepared by:



Richard Buchan, B.A, M.A.
Planner III

Reviewed by:



Michelle Pressman, RPP MCIP, MPlan
Manager



Ann Kjerulf, 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 – New Referral Comments
- Attachment B – Previous Referral Comments
- Attachment C – Rationale
- Attachment D – Proposed Site Plan