



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** November 6, 2023

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of November 15, 2023

**FROM:** Development Services Division  
Land Use Services Department

**SUBJECT:** Application No. DP22E05 Floodplain Exemption (2801 Roberts Road/PID: 031-700-900)

**FILE:** DP22E05

## **PURPOSE/INTRODUCTION**

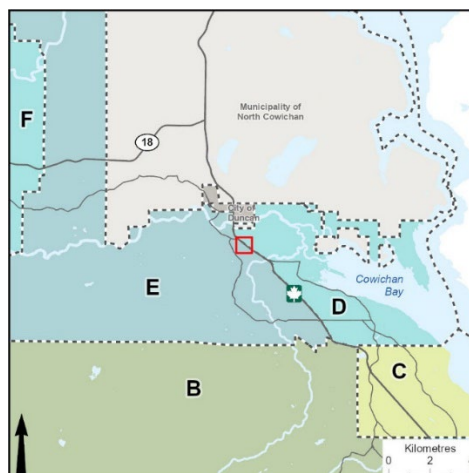
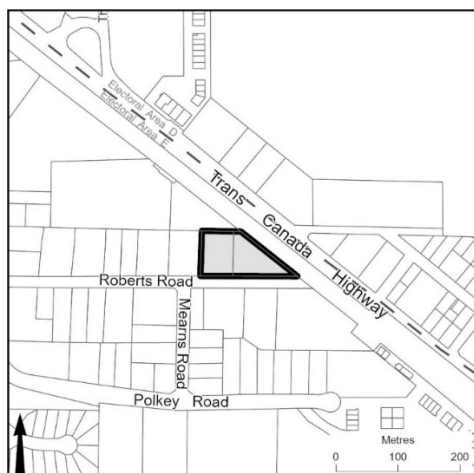
To present Application No. DP22E05 Floodplain Exemption (2801 Roberts Road, PID: 031-700-900) for a floodplain exemption request to facilitate the expansion of an existing automobile dealership.

## **RECOMMENDED RESOLUTION**

That it be recommended to the Board that an exemption to the CVRD Bylaw No. 4381 – Cowichan/Koksilah Rivers Flood Management Bylaw, 2022 to reduce the flood construction level from 10.0 m geodetic to 9.0 m geodetic, be granted for Application No. DP22E05 Floodplain Exemption (2801 Roberts Road, PID: 031-700-900), for the proposed addition to the existing building, subject to the following conditions:

1. That areas below the FCL not be used for the installation of furnaces, major electrical switchgear, or other fixed equipment susceptible to damage by floodwater; and
2. That a “save harmless” covenant be registered against the Title prior to building permit issuance.

## **LOCATION MAP**



## **BACKGROUND**

The subject property is bound on the east by the Trans Canada Highway, Roberts Road to the south, and similarly zoned industrial parcels to the north and west. The development site consists of two parcels that are approximately 0.87 ha in total. The applicant is proposing to renovate and expand an existing Hyundai automobile dealership. The proposed development consists of adding a 191.10 m<sup>2</sup> showroom addition on the eastern corner; a 24.99 m<sup>2</sup> service addition for tools on the southwestern edge; and a 11.92 m<sup>2</sup> retaining wall with landscaping features. The building will remain one storey. With the 216.09 m<sup>2</sup> ground floor addition, the total floor area will be 619.68 m<sup>2</sup>.

The existing garage will be removed as the service addition for tools and components will be built in its place. The western portion of the property is currently gravel and is planned for vehicle inventory. A total of 91 parking spaces are proposed.

## **POLICY & REGULATORY CONTEXT**

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

The subject property is [regionally designated](#) Industrial and also designated Industrial within the [Area E – Cowichan/Koksilah Local Area Plan](#). The development proposal is subject to the Riparian Protection, Aquifer Protection, Commercial & Mixed-Use Development, Industrial Development and Energy & Conservation Development Permit Areas. A development permit application has been made and the applicant has submitted all required documentation required to support the application. Supporting documentation includes a stormwater management plan, a Riparian Areas Protection Regulations assessment report, and an aquifer impact assessment. The CVRD Board has delegated the approval of Development Permits and the application will be processed concurrently to the Flood Management Bylaw exemption request.

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

The subject property is currently zoned I-1 Light Industrial (I-1), which permits automobile sales and repair use, as well as similar associated uses. The maximum permitted building height is 10.0 m. All buildings and structures must be set back 4.5 m from the front and exterior side parcel line, and 0.0 m from the interior side and rear parcels lines where the abutting parcel is zoned industrial. All requirements of the I-1 zone are being met and no variances are being requested.

### CVRD Bylaw No. 4381 – Cowichan/Koksilah Rivers Flood Management Bylaw, 2022:

Under Section 524 of the [Local Government Act](#), a local government may, by bylaw, designate lands prone to flooding as a flood plain and implement a flood construction level. CVRD Bylaw No. 4381 – Cowichan/Koksilah Rivers Flood Management Bylaw, 2022, was adopted under Section 524 and specifies a flood construction level of 10 m for the proposed development based on floodplain mapping. Section 524(7) permits local governments to exempt a development from the flood construction level specified in the Bylaw.

### **COMMISSION/AGENCY/DEPARTMENTAL CONSIDERATIONS**

The applicant has submitted a building permit application to the CVRD. The Building Inspection Division will require a Geotechnical Assessment Report to be registered against the Title as an attachment to a Save Harmless Covenant prior to Building Permit release.

### **PLANNING ANALYSIS**

In support of the Flood Management Bylaw exemption request, the applicant has submitted a Geotechnical Memorandum, authored by Lewkowich Engineering Associates Ltd. and dated April 28, 2023. A flood construction level of 10 m is required for the proposed development based on floodplain maps for the Cowichan and Koksilah Rivers. The floodplain maps represent a 200-year flood condition in the year 2100, incorporating effects of climate change and sea level rise, plus a freeboard of 0.60 m.

The submitted report recommends a flood construction level of 9.75 m for the proposed development based on interpolating between isolines as shown on applicable floodplain map. However, where a development proposal falls between isolines, CVRD Bylaw No. 4381 – Cowichan/Koksilah Rivers Flood Management Bylaw, 2022, requires the greater elevation be used as the flood construction level. Therefore, a flood construction level of 10.0 meters is required for the development proposal. The floor elevation of the existing dealership building is 9.77 m geodetic and the proposed floor elevation of the new showroom is proposed at 9.0 m. As both the existing building and the proposed additions fall under the required flood construction level, the applicant is seeking an exemption from the bylaw. Based on the proposed construction and the use as an automobile dealership, staff are recommending approval of the floodplain bylaw exemption request provided that areas below the flood construction level are not be used for the installation of furnaces, major electrical switchgear, or other fixed equipment susceptible to damage by floodwater per the recommendation in the geochemical memorandum.

The development proposal is subject to the Riparian Protection, Aquifer Protection, Commercial & Mixed-Use Development, Industrial Development and Energy & Conservation Development Permit Areas. A development permit application has been made and the applicant has submitted all required documentation required to support the application. Supporting documentation includes a stormwater management plan, a Riparian Areas Protection Regulations assessment report, and an aquifer impact assessment. The CVRD Board has delegated the approval of development permits and the application will be processed concurrently to the floodplain exemption request. The applicable guidelines require that development minimize impact to the environment, including protection for the underlying aquifer.

### **OPTIONS**

#### **Option 1: (Recommended)**

That it be recommended to the Board that an exemption to the CVRD Bylaw No. 4381 – Cowichan/Koksilah Rivers Flood Management Bylaw, 2022 to reduce the flood construction level from 10.0 m geodetic to 9.0 m geodetic, be granted for Application No. DP22E05 Floodplain Exemption (2801 Roberts Road, PID: 031-700-900), for the proposed addition to the existing building, subject to the following conditions:

1. That areas below the FCL not be used for the installation of furnaces, major electrical switchgear, or other fixed equipment susceptible to damage by floodwater; and
2. That a "save harmless" covenant be registered against the Title prior to building permit issuance.

Option 2:

That it be recommended to the Board that an exemption to the CVRD Bylaw No. 4381 – Cowichan/Koksilah Rivers Flood Management Bylaw, 2022 to reduce the flood construction level from 10.0 m geodetic to 9.0 m geodetic, for Application No. DP22E05 Floodplain Exemption (2801 Roberts Road, PID: 031-700-900), be denied.

**GENERAL MANAGER COMMENTS**

Prepared by:



Tyler Brown  
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

Attachment B – Geotechnical Memorandum