



STAFF REPORT TO COMMITTEE

DATE OF REPORT October 17, 2023

MEETING TYPE & DATE Electoral Area Services Committee Meeting of November 1, 2023

FROM: Development Services Division
Land Use Services Department

SUBJECT: Application No. 01-C-17RS (Fisher Road/PID: 025-580-311, PID: 027-050-572, and PID: 002-315-408)

FILE: 01-C-17RS

PURPOSE/INTRODUCTION

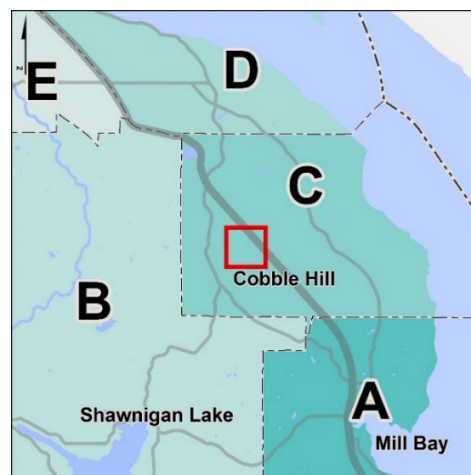
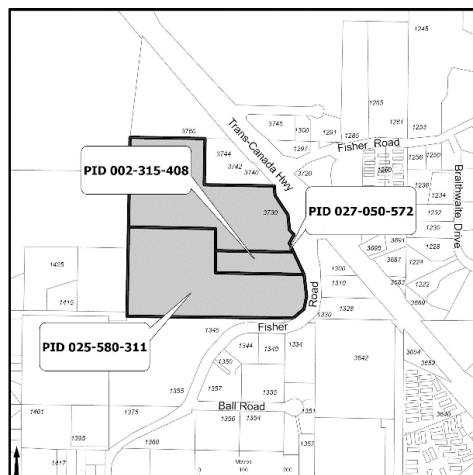
The purpose of this report is to consider revisions to Rezoning Application No. 01-C-17RS and Zoning Amendment Bylaw No. 4276.

RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That 1st, 2nd and 3rd readings of Zoning Amendment Bylaw No. 4276 for Application No. 01-C-17RS (PID: 025-580-311 and PID: 002-315-408), be rescinded.
2. That Zoning Amendment Bylaw No. 4276 for Application No. 01-C-17RS (PID: 025-580-311, PID: 027-050-572, and PID: 002-315-408), be amended and granted 1st and 2nd reading.
3. That a public hearing be scheduled for Zoning Amendment Bylaw No. 4276 prior to consideration of 3rd reading.

LOCATION MAP



BACKGROUND

An application was made in 2018 to amend the Official Community Plan and rezone the subject properties to eliminate the A-1 Zone and establish an industrial business park. The proposed

amendment bylaws were drafted, went to public hearing, and received 1st, 2nd and 3rd readings. The applicant has been working to address the conditions of rezoning approval prior to adoption.

The Electoral Area Services Committee (EASC) received staff reports on proposed Zoning Amendment Bylaw No. 4276 and Official Community Plan Amendment Bylaw No. 4275 on April 3, 2019, June 19, 2019, April 15, 2020, and April 6, 2022. The application was referred back to staff several times to address concerns about sewer connections, aquifer impacts, and covenant requirements. Staff worked with the applicant to develop a new industrial zone (I-1H Zone) for a portion of the lands which limited uses that may be deleterious to the aquifer.

At their April 6, 2022, meeting, the EASC recommended that the Board advance the application and that the following conditions be secured:

- a. Registration of a replacement Statutory Right-of-Way for the existing groundwater monitoring well for CVRD access in perpetuity.
- b. Completion of a lot boundary adjustment and lot consolidation to clearly identify the future subdivision parcel.
- c. Registration of a Section 219 covenant to secure the following:
 - i. Community water connections installed to the property line of all future lots at the subdivision stage;
 - ii. Installation of fire hydrants, to the satisfaction of the CVRD Emergency Management Division, at the subdivision stage; and
 - iii. A restriction on the creation of a shared sewerage system, unless connected to a CVRD community sewer system (which would mean that all future lots must be independently served by on onsite sewerage system or connected to a CVRD owned and operated system).

Previous Board Resolutions:

- On April 27, 2022, the Board granted 1st and 2nd reading to the proposed amendment bylaws.
- A public hearing was held on December 15, 2022.
- On January 25, 2023, the Board received the public hearing minutes and gave the proposed amendment bylaws 3rd reading.

PLANNING ANALYSIS

Rezoning Conditions:

The property owner and agent have been working with Development Service staff to address the conditions of rezoning prior to bringing the application forward for final consideration/adoption.

Prior to adoption of the Official Community Plan Amendment Bylaw No. 4275 and Zoning Amendment Bylaw No. 4276 for Application No. 01-C-17-RS (PID: 025-580-311 and PID: 002-315-408), the following conditions must be secured:

- a. Registration of a replacement Statutory Right-of-Way for the existing groundwater monitoring well for CVRD access in perpetuity.
- b. Completion of a lot boundary adjustment and lot consolidation to clearly identify the future subdivision parcel.
- c. Registration of a Section 219 covenant to secure the following:

- i. Community water connections installed to the property line of all future lots at the subdivision stage;
- ii. Installation of fire hydrants, to the satisfaction of the CVRD Emergency Management Division, at the subdivision stage; and
- iii. A restriction on the creation of a shared sewerage system, unless connected to a CVRD community sewer system
 - (Note: condition iii. is intended to prohibit the creation of a shared sewerage system, which would mean that all future lots must be independently served by on onsite sewerage system or connected to a CVRD owned and operated system; further, some of the uses permitted in the zone require connection to a CVRD system).

Lot Boundary Adjustment:

The property owner has been working towards completing a lot boundary adjustment and lot consolidation to clearly identify the future subdivision parcel.

The owner/agent has refined the proposed boundaries of the future subdivision parcel and notes that the proposed lot boundaries are not aligned with the proposed zone boundaries. The proposed lot boundaries roughly follow the topography of the property. This results in a split-zoned parcel.

The applicant asks that the CVRD consider a modification to Zoning Amendment Bylaw No. 4276 so that the zone boundary between the I-1C and I-1H Zones follow the proposed lot boundaries. No modifications to Official Community Plan Amendment Bylaw No. 4275 are necessary.

Current Amendment Bylaw Vs. Proposed Amendment Bylaw

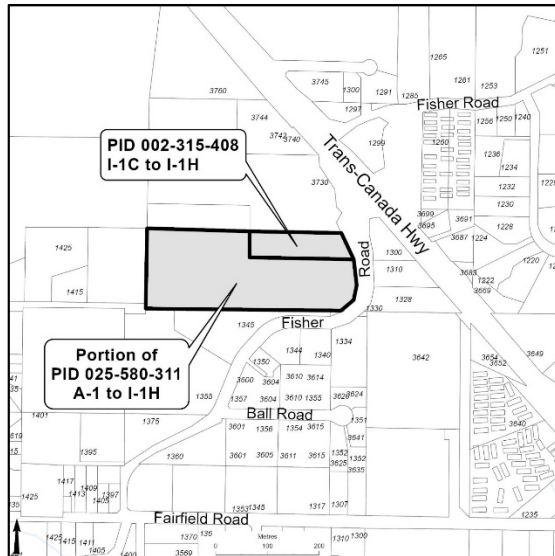
The proposed changes to amendment Bylaw No. 4276 are intended to align the proposed zone boundaries with the natural topography and road access for the proposed subdivision. Attachment D includes a proposed lot consolidation as well as a conceptual layout for the proposed 9-lot subdivision.

Key changes include:

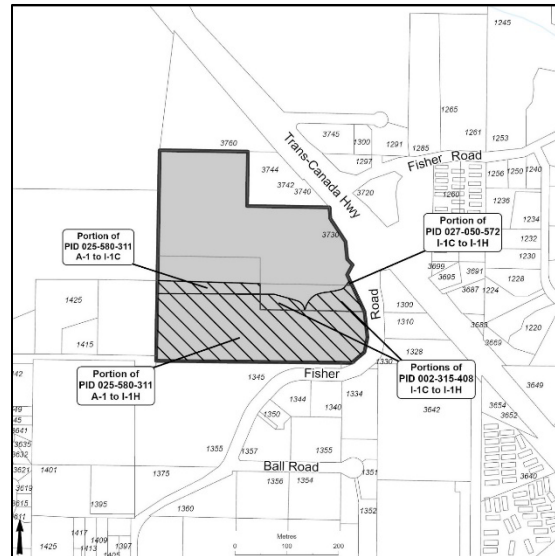
- PID: 002-315-408 will be split and consolidated with the proposed lots; and
- A small portion of PID: 027-050-572 will need to be rezoned from I-1C to I-1H.

These changes are intended to facilitate road access to the proposed subdivision without creating a split-zoned property, and to ensure that the proposed lot boundaries are based on the topography of the site.

Current Amendment Bylaw



Proposed Amendment Bylaw



Modifying Zoning Amendment Bylaw No. 4276:

Changes can be made to a bylaw at any point during 1st, 2nd or 3rd reading.

Once 3rd reading is complete changes are more challenging (3rd reading must be repealed, amended, and granted 3rd reading a second time); however, 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). The CVRD is being asked to modify the boundaries of the I-1C and I-1H Zones (Attachment C). To accommodate this request, the Board must:

1. Rescind 1st, 2nd and 3rd reading of Bylaw No. 4276 (Attachment B);
2. Consider the proposed amendments and grant 1st and 2nd reading of the amended bylaw (Attachment C).
3. Schedule a Public Hearing for the amended Bylaw No. 4276;
4. Consider 3rd reading of Bylaw No. 4276 after the Public Hearing; and
5. Following the Public Hearing, Bylaw No. 4276 and Bylaw No. 4275 can be considered for adoption once the conditions of rezoning are resolved.

Referrals:

While the proposed modifications to Zoning Amendment Bylaw No. 4276 require a Public Hearing, staff note that the changes are proposed to address the existing conditions of rezoning approval (as authorized by the CVRD Board in 2022). The proposed modifications to the zone boundaries are not anticipated to have a significant impact on the use of the lands.

A Public Hearing will be required to facilitate the proposed changed. Notice will be undertaken in accordance with the *Local Government Act*.

If the Board does not wish to accommodate this request, the agent will need to continue forward with the zoning boundaries that have already received third reading (Attachment B), which could result in the creation of a split-zoned parcel.

OPTIONS

Option 1 (Modify the Amendment Bylaw)

That it be recommended to the Board:

1. That 1st, 2nd and 3rd readings of Zoning Amendment Bylaw No. 4276 for Application No. 01-C-17RS (PID: 025-580-311 and PID: 002-315-408), be rescinded.
2. That Zoning Amendment Bylaw No. 4276 for Application No. 01-C-17RS (PID: 025-580-311, PID: 027-050-572, and PID: 002-315-408), be amended and granted 1st and 2nd reading.
3. That a public hearing be scheduled for Zoning Amendment Bylaw No. 4276 prior to consideration of 3rd reading.

Option 2 (Do Not Modify the Amendment Bylaw)

That it be recommended to the Board that no changes be made to Amendment Bylaw No. 4276

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 – Applicant's Rationale

Attachment B – Current Zoning Amendment Bylaw No. 4276

Attachment C – Proposed Zoning Amendment Bylaw No. 4276

Attachment D – Proposed Subdivision

Attachment E – December 15, 2022, Public Hearing Minutes

Attachment F – Official Community Plan Amendment Bylaw No. 4275