



STAFF REPORT TO COMMITTEE

DATE OF REPORT October 23, 2020

MEETING TYPE & DATE Electoral Area Services Committee Meeting of November 4, 2020

FROM: Development Services Division
Land Use Services Department

SUBJECT: Application No. 29-D-16DP - Cowichan Bay Campground (PID: 024-681-814, Lochmanetz Road)

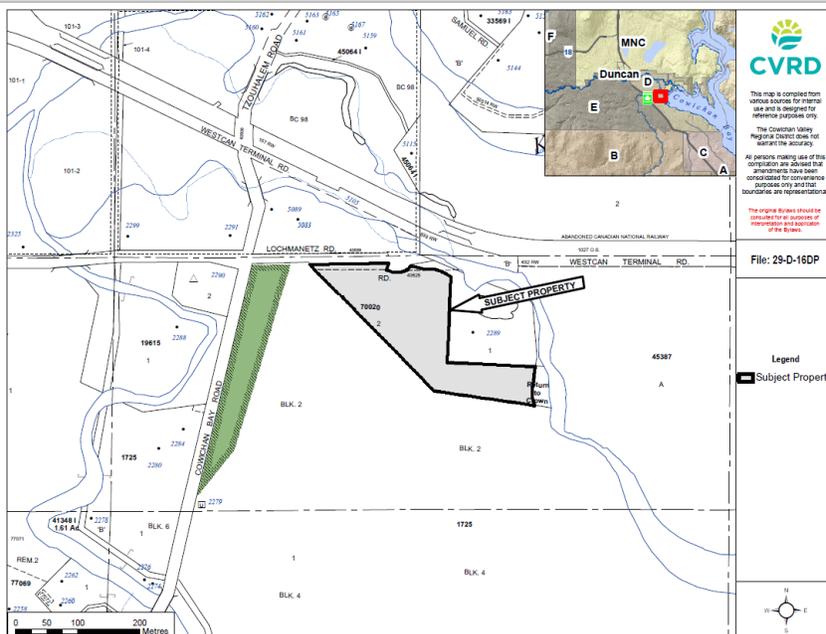
FILE: 29-D-16DP

PURPOSE/INTRODUCTION

The purpose of this report is to consider a development permit application to update an existing campground site to accommodate 38 Recreational Vehicle (RV) spaces with a service building on the subject property.

RECOMMENDED RESOLUTION

That it be recommended to the Board that Development Permit No. 29-D-16DP (PID: 024-681-814, Lochmanetz Road) be issued.



BACKGROUND

An application to redevelop the property to accommodate an RV campsite on a portion of the 3.05 ha (7.54 ac) parcel legally described as Lot 2, Section 10, Range 2 and District Lot 690, Cowichan District, Plan VIP70020 (PID 024-681-814), was received in 2016. Since that time, CVRD staff and the applicant have been working together to bring this application forward. The attached letter dated August 21, 2020, from the Bell Group (Property owner agent) provided an overview of the key dates and discussion points raised throughout the review process.

(See Attachment B below)

The subject property is zoned A-1 and is in the ALR, and the use of property for a campground is considered to be “legal non-conforming”. As a legal non-conforming use, a campground may be operated on the property provided the extent of the campground is confined to what has historically existed on the property.

The applicant has provided photographic documentation of the former campground, and has applied for a development permit to allow the campground to be re-developed within the boundaries of the former campground area.

The site is within the Aquatic Resource, Agricultural Protection, Sensitive Lands and Rural Character development permit areas, as specified in Cowichan Bay Official Community Plan Bylaw No. 3605 (OCP). A development permit is therefore required in order to undertake the proposed campground re-development. The scope of the application is limited to compliance with applicable development permit guidelines.

APPLICATION SUMMARY

Campground with Service Building:

The proposed development consists of 38 recreational vehicle sites, a service building and related works. The RV campsites will have a minimum area of 100 m² each and will be accessed by 6-metre-wide internal access road. The road is proposed to be surfaced with asphalt, while the proposed RV sites will be a gravel surface. A 7.5-metre-wide landscaped buffer will be provided around the perimeter of the campground. The southeast portion of the property abutting the Koksilah River is intended to remain undeveloped.

A service building is proposed near the entrance of the site. The building will contain washroom facilities, laundry facilities, an office and care-taker suite.

The site plan was revised to address comments received from the Advisory Planning Commission (APC) and Cowichan Estuary Environmental Management Plan Committee (CEEMPC).

(See Attachment G – Schedule B below)

Servicing:

The applicant has indicated their preference to connect to the Joint Utility Board (JUB) sewer treatment facility via the existing CVRD sewer line along Cowichan Bay Road, however, understands that capacity for Electoral Area D is limited within the system. If connection to sewer is not feasible, the campground will be serviced with an on-site sewage disposal system and utilize an existing on-site well. The water and sewer systems will need to be constructed and operated in accordance with applicable provincial regulations. A rain water management plan has been prepared and is included as part of the development permit.

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

Advisory Planning Commission

The Area D APC, at their March 30, 2017, meeting recommended support of the application as it supports growth of tourism through low-impact activities (Objective 1 - OCP), subject to the following conditions:

- Covenant be placed on title to limit occupancy for any recreational vehicle to 120 days in a calendar year;

- Landscape Architect be retained to plan the planting of proposed buffer. Buffer should continue to the end of the drainage swale and recreation area;
- Applicant should be guided to consider all environmental considerations noted in the OCP and Bylaws for sensitive area adjoining property;
- CVRD should review any permits for existing fill and quality of that fill as well as any future fill with ALC;
- Requirements for a Geotechnical review of the proposed development within Sensitive Lands permit Area – Floodplain Requirements should be met;
- Applicant work with CVRD Staff to address any First Nations' concerns; and
- Consideration should be given to CVRD to amend the existing Campground Bylaw to limit number of days a camper may stay in the park.

(See Attachment C below)

Agriculture Land Commission

The attached letter dated April 13, 2017, from the Agriculture Land Commission (ALC), confirms that past resolutions - #1340/86 and #329/90 are still valid. The property has permission for a total of 43 recreational vehicles spaces including washrooms and a second dwelling.

(See Attachment D below)

Cowichan Estuary Environmental Management Plan Committee (CEEMPC)

The application was review at the June 1, 2017, CEEMPC meeting. The CEEMPC was prepared to consider formal approval of the permit after the CVRD authorized issuance of the permit. The CEEMP committee recommended the following:

- That more detail be provided in the landscape plan with a focus on landscaping with native species that enhance s wildlife habitat (hedgerow for example);
- That fencing be provided along landscape buffers (this is particularly relevant along agricultural boundaries);
- Low impact feature be incorporated such as solar power;
- Committee support the concept of connecting to the JUB sewer system; and
- Invasive plants such as giant knotweed should be removed before the site is redeveloped.

(See Attachment E below)

OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS

The subject property is located at the south side of Lochmanetz Road, and abuts a lower arm of the Koksilah River on its eastern boundary. The property is within the Cowichan-Koksilah Estuary but has been altered in the past with excavation and filling. Much of the surrounding area is used for agriculture, but a mix of land uses are evident in the area, including the Westcan Terminal access road and abandoned CNR railway right-of-way to the north, the South Cowichan Lawn Tennis Club to the west, and scattered residential uses.

Policy Context:

Official Community Plan:

The OCP designates the subject property as “Agricultural Resource”. This designation applies to land within the Agricultural Land Reserve and is intended to encourage the productive use of agricultural lands, preserve agricultural land for agricultural purposes, and minimize potential conflicts between agricultural and non-agricultural land uses.

Zoning and Legal Non-Conforming Use:

Zoning Bylaw No. 3705 zones this property Agricultural Resource (A-1). The A-1 zone does not permit "campground" or similar type uses. However, as a legal non-conforming use, the campground use is permitted.

Agricultural Land Reserve:

The ALC previously recognized the legal non-conforming campground uses and authorized an expansion to the campground in 1988. The letter dated April 13, 2017, confirms ALC approval of the campground use.

Development Permit Areas:

Aquatic Resource Protection Development Permit Area:

This development permit area (DPA) applies to development within the floodplain of the Cowichan and Koksilah Rivers, as well as to development near streams, rivers, lakes and the ocean. Objectives of the development permit area include:

- Ensure development occurs in a manner that minimizes environmental impacts upon aquatic resources;
- Prevent damage to the environment and increased surface runoff during normal rainfall events;
- Protect development from the potential impacts of increased surface runoff, erosion, or other hazards; and
- Allow appropriate development of lands supported by geotechnical assessments where required, and appropriate design provisions to mitigate hazards.

Sensitive Lands Development Permit Area:

Objectives of the Sensitive Lands DPA are:

- To reduce the potential risk of loss of life and damage to property and the environment;
- To promote awareness of potential hazards; and
- To allow appropriate development of lands supported by geotechnical assessments and appropriate design provisions to mitigate hazards;

Agricultural Protection Development Permit Area:

Because the subject property is designated Agricultural Resource and is within the Agricultural Land Reserve, it is included within the Agricultural Protection DPA. This development permit area is intended to protect agricultural land capability and minimize potential land use conflicts between agricultural and non-agricultural land uses.

Rural Character Development Permit Area:

The Rural Character DPA applies to all of Electoral Area D, other than the Marine Village. Objectives of the Rural Character DPA applicable to the subject application are:

- Minimize impacts on adjacent land uses;
 - Preserve natural site characteristics to the greatest extent possible, including natural terrain, drainage features, soil structure and native vegetation;
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- Prevent any increase in volume and rate of surface and sub-surface drainage from a site following development by maintaining the natural hydrological cycle to the greatest extent possible;
- Improve the quality of water draining from a site following development;
- Prevent erosion and sediment transport as a result of development; and
- Incorporate low impact development techniques where possible.

Campsite Bylaw:

Campgrounds in the CVRD are regulated by CVRD Campsite Standards Bylaw No. 1520.

Cowichan Estuary Environmental Management Plan (CEEMP):

The Cowichan Estuary Environmental Management Plan was adopted by an Order in Council of the Province of BC in September 1986. The Order requires approving authorities to obtain written approval from the Minister of Environment for land use decisions and other development approvals for lands within the CEEMP. The subject property is within the Plan area, and is designated "Possible Mixed Use". This designation suggests that the Plan may support the use of the site for uses other than agriculture, habitat management or conservation, but the Plan is silent as to the specific uses that would be supported within the Possible Mixed-Use designation.

PLANNING ANALYSIS

The campground use was determined to be a non-conforming use and limited to the area historically used for the campground. The application proposes to continue the campground use by better organizing the campsite site layout and upgrade the on-site facilities.

The application has been reviewed by the APC and CEEMPC and received general support. A review of the files indicate that the support has been based on the following key factors:

- The historical use has been recognized;
- There is a lack of this type of temporary commercial accommodation in the area;
- The use supports tourism for the area; and
- The use is not out of character with the surrounding area.

The primary concerns have been focused on protecting the adjacent agricultural and natural environment.

Site Drainage:

The Rainwater Management Plan dated May 21, 2013, prepared by Active Earth Engineering was submitted in support of the application. The report is further augmented by the Erosion and Sediment Control plan dated May 22, 2018, prepared by Islander Engineering. The plan provides design information related to design, best management practices, off-site controls and silt prevention.

(See Attachment H – Schedules D and E below)

Landscape Plan:

The landscape plan illustrates proposed landscape improvements including plant species (bird-friendly and native), and fencing specifications. A landscape security in the amount of \$60,625.00 will be required prior to registration of the development permit.

(See Attachment H – Schedule C below)

Additional Comments:

The following supplemental information in support of the application includes:

- a. Memo prepared by Aqua-tex Consulting dated February 20, 2018 confirming that the subject lands are not subject the RAR regulations; and
- b. Memo dated October 22, 2020 from Islander Engineering confirming that the site preparation works to date have been completed in accordance with MMCD and good engineering practices.

(See Attachments F and G below)

The applicant will be required to register a covenant on title limiting the length of stay to no more than 120 days within a calendar year. To avoid future enforcement challenges, staff recommend the covenant specify the following:

- a. Other than the RV unit, no accessory structures or buildings shall be permitted on the RV sites. This includes, but not limited to, shelters, decking, skirting, storage units;
- b. No “park-model units” shall be permitted;
- c. The RV units shall be on wheels with valid licence plates;
- d. Signage shall be posted at the entry of the site clearly stating that maximum length of stay shall be limited to no more 120 days within a calendar year.

The Planning Department is satisfied that the proposed application satisfies the DPA guidelines and the CVRD Campsite Standards Bylaw No. 1520.

The proposed application is recommended for approval, subject to the requirements (including Section 219 Covenant and landscape security) attached to the Development Permit.

OPTIONS

Option 1 – Recommended

That it be recommended to the Board that Development Permit No. 29-D-16DP (PID: 024-681-814, Lochmanetz Road) be issued.

Option 2

That it be recommended to the Board that Development Permit No. 29-D-16DP (PID: 024-681-814, Lochmanetz Road) be denied.

Please note, a decision to deny a development permit should be accompanied by reasons indicating how the proposal does not comply with one or more of the applicable guidelines.

Prepared by:

Reviewed by:



Frank Limshue, RPP, MCIP
Manager

Not Applicable
Not Applicable



Ann Kjerulf, RPP, MCIP
General Manager

Reviewed for form and content and approved for submission to the Committee:

Resolution:

Financial Considerations:

Manager, Legislative Services

Manager, Finance

ATTACHMENTS:

Attachment A – Background Table

Attachment B – Letter dated August 21 2020 from the Bell Group

Attachment C – Minutes of Area D APC Meeting Held March 30 2017

Attachment D – ALC Letter of Approval Dated April 13 2017

Attachment E – Minutes of CEEMPC Meeting Held June 1 2017

Attachment F – Memo Dated October 22 2020 From Islander Engineering

Attachment G – Memo Dated February 20 2018 From Aqua-Tex

Attachment H – Draft Development Permit with Schedules