

Municipality of North Cowichan

Public Hearings Agenda

AGENDA

Wednesday, July 17, 2024, 7:00 p.m.

Municipal Hall - Council Chambers & Electronically

This meeting which is open to the public, will be conducted in-person in Council Chambers and by video conference using the Cisco Webex platform, and will be streamed live and archived for viewing on demand at www.northcowichan.ca. All representations to Council form part of the public record.

Members of the public may attend the Municipal Hall [7030 Trans-Canada Highway] in person, or join the meeting electronically to participate during the 'Comments from the public' portions of the public hearing. Please visit northcowichan.ca/virtualmeeting for instructions on how to connect online or you may dial 1.844.426.4405, enter 1# for English, enter the meeting ID 2772 543 6260, and then enter the meeting password 1111.

Pages

1. CALL TO ORDER

As soon as there is a quorum present after the time specified for the Council meeting, the Mayor shall call the meeting to order. If there is no quorum of Council present within 30 minutes of the scheduled time for the meeting, the meeting is adjourned until the next scheduled meeting.

2. APPROVAL OF AGENDA

To consider any items of business not included in the Agenda that are of an urgent nature they must be introduced and approved at the time the agenda is adopted. Matters must be taken up in the order that they are listed unless changed at this time.

Recommendation:

THAT the agenda be adopted as circulated [or as amended].

3. PUBLIC HEARINGS

3.1 Public hearing for Official Community Plan Amendment Bylaw No. 3914, 2023 [1771 Robert Street]

5 - 135

3.1.1 Call public hearing to order

Mayor Douglas to call first public hearing to order for Official Community Plan Amendment Bylaw No. 3914, 2023 which proposes to amend Official Community Plan Bylaw No. 3900, 2022, to include 1771 Robert Street within the Urban Containment Boundary and change the designation from Rural Residential to Residential Neighbourhood.

3.1.2 Explanation of the public hearing process

Mayor Douglas to provide an explanation of the public hearing process and to advise members of the public that no further verbal or

written presentations can be received by any member of Council following the closure of the public hearing. Written submissions received between 1:00 p.m. on Friday, July 12, 2024 and the holding of the public hearing will be provided to Council when they are received and are available for review by the public on the municipal website and in the public hearing book located in Council Chambers. Following the close of the public hearing, Council may give the bylaws further consideration.

3.1.3 Acceptance of petitions and late correspondence

The Corporate Officer will advise Council of any petitions accepted during the first part of the Public Hearing and will read aloud any late correspondence received that has not been uploaded to the website and placed in the public hearing book / information package located at the entrance to Council Chambers.

3.1.4 Introduction of the proposal

Staff from the Planning and Building department will present an overview of the proposal to provide the public with an opportunity to hear and comment on the proposal.

3.1.5 Summary of correspondence

The Corporate Officer will provide a summary of the correspondence received and published in the agenda.

3.1.6 Presentation by proponent

The applicant will have an opportunity to present their proposal and respond to any questions for clarification from Council.

3.1.7 Comments from the public

All persons who believe their interest in property is affected by the proposed bylaws will have an opportunity to be heard or present written submissions respecting matters contained in the bylaws.

3.1.8 Close of first public hearing

Once all members of the public who wish to address Council have had an opportunity to share their views, the Mayor shall call three times for any additional speakers before closing the public hearing for these bylaws.

3.2 Public hearing for Zoning Amendment Bylaw No. 3915, 2023 [1771 Robert Street]

136 - 266

3.2.1 Call second public hearing to order

Mayor Douglas to call the second public hearing to order for Zoning Amendment Bylaw No. 3915, 2023, which proposes to amend Zoning Bylaw No. 2950, 1997, to permit residential development at 1771 Robert Street.

3.2.2 Explanation of the public hearing process

Mayor Douglas to provide an explanation of the public hearing process and to advise members of the public that no further verbal or written presentations can be received by any member of Council following the closure of the public hearing. Written submissions received between 1:00 p.m. on Friday, July 12, 2024 and the holding of the public hearing will be provided to Council when they are received and are available for review by the public on the municipal website and in the public hearing book located in Council Chambers. Following the close of the public hearing, Council may give the bylaws further consideration.

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The Corporate Officer will advise Council of any petitions accepted during the first part of the Public Hearing and will read aloud any late correspondence received that has not been uploaded to the website and placed in the public hearing book / information package located at the entrance to Council Chambers.

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Staff from the Planning and Building department will present an overview of the proposal to provide the public with an opportunity to hear and comment on the proposal.

3.2.5 Summary of correspondence

The Corporate Officer will provide a summary of the correspondence received and published in the agenda.

3.2.6 Presentation by proponent

The applicant will have an opportunity to present their proposal and respond to any questions for clarification from Council.

3.2.7 Comments from the public

All persons who believe their interest in property is affected by the proposed bylaws will have an opportunity to be heard or present written submissions respecting matters contained in the bylaws.

3.2.8 Close of second public hearing

Once all members of the public who wish to address Council have had an opportunity to share their views, the Mayor shall call three times for any additional speakers before closing the public hearing for these bylaws.

4. BYLAWS CONSIDERED AFTER PUBLIC HEARING

4.1 Official Community Plan Amendment Bylaw No. 3914, 2023 for third reading and adoption

267 - 269

Purpose: To consider third reading (and adoption) of Official Community Plan Amendment Bylaw No. 3914, 2023 which proposes to amend Official

Community Plan Bylaw No. 3900, 2022, to include 1771 Robert Street within the Urban Containment Boundary and change the designation from Rural Residential to Residential Neighbourhood.

4.2 Zoning Amendment Bylaw No. 3915 for third reading

270 - 272

Purpose: To consider third reading of Zoning Bylaw Amendment Bylaw No. 3915, 2023 which proposes to amend Zoning Bylaw No. 2950, 1997, to permit residential development at 1771 Robert Street. The required covenant to be registered before the bylaw can be considered for adoption.

5. ADJOURNMENT

Once all the business is done and over with, the Mayor may declare the meeting adjourned without requiring a resolution of Council.

Report

Date	July 17, 2024	File: 6480-30 23.04
Subject	OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw 3915 and the implications of Zoning Amendment Bylaw 3964 for the applicant's proposal	

PURPOSE

To provide information regarding Zoning Amendment Bylaw 3964, the impact of recent amendments to Zoning Bylaw 2950 on the proposed zoning for 1771 Robert Street, and the applicant's preferred next steps.

BACKGROUND

At the August 16, 2023, Regular Council Meeting, OCP Amendment Bylaw No. 3914 (to re-designate 1771 Robert Street from Rural Residential to Neighbourhood Residential) and include the property in the Urban Containment Boundary (UCB) and Zoning Amendment Bylaw No. 3915 (to reclassify it from the A2 (Rural) zone to R3 (Residential One and Two-Family) and R3-MF (Residential Medium Density Multi-Family) zone were each given first reading.

At the October 4, 2023, Regular Council Meeting, Bylaws 3914 and 3915 were given second reading with updated community amenity contributions by the proponent, which included \$4,000 per unit for the estimated 34-38 units, excluding secondary suites.

An excerpt from the October 4, 2023, minutes is provided in Attachment 1.

The applicant's Concept Site Plan, which has not changed to date, is provided in Attachment 2.

The R3 Zone in effect prior to June 19, 2024, is provided in Attachment 3.

On June 19, Council adopted Zoning Amendment Bylaw 3964, which introduced sweeping changes to Zoning Bylaw No. 2950, 1997 due to the enactment of Bill 44 *Housing Statutes (Residential Development) Amendment Act, 2023* on December 7, 2023, by the Province. The current R3 Zone (for lots inside the UCB) is provided in Attachment 4.

DISCUSSION

Since Council adopted Bylaw 3964 amendments to Zoning Bylaw No. 2950, 1997 (Zoning Bylaw) on June 19, 2024, the proposed Concept Site Plan previously reviewed by Council at first and second readings no longer complies with the R3 zone.

For the Concept Site Plan to comply with the current R3 zone, lots less than 670 m² in area would need to be increased to meet the minimum lot size of the R3 zone.

Given this application with associated zoning amendment bylaw was instream at the time Council adopted Zoning Amendment Bylaw 3964, staff provided the applicant with the following options to move the application forward.

1. Revise the proposal to comply with the amended R3 zone;
2. Request that Council rescind second reading of the bylaw amendment, revise the amendment to a site-specific zoning amendment that would accommodate the proposal and then proceed to public hearing at a subsequent Council meeting; or,
3. Continue to Public Hearing with the bylaw which received first and second reading and address the non-compliance created by Zoning Amendment Bylaw 3964 through a Development Variance Permit or future site-specific Zoning Bylaw Amendment.

After discussion with staff of the potential benefits and risks of each option and consideration of these, the applicant selected option three in order to move directly to a public hearing.

Should the proposed amendment bylaws be approved under the updated R3 zone, the applicant could:

- Work within the current R3 zone,
- Proceed with a Development Variance Permit to vary the minimum lot size from 670 m² as would be identified on a surveyed plan, or,
- Request a site-specific amendment to the R3 zone to decrease the minimum lot size to 450 m² at 1771 Robert Street.

The applicant has opted for North Cowichan to bring a development variance permit application forward to Council to reduce the lot sizes as would be identified on a survey site plan provided by the applicant. The applicant understands it is Council's decision to approve or not to approve the variance request at that time.

Should Council adopt Bylaws 3914 and 3915, the applicant has indicated that a development variance permit application would follow for Council's consideration. Should Council not approve the variance anticipated to be requested, the applicant would need to adjust their plans to meet the standards in the Zoning Bylaw.

RECOMMENDATION

This report is provided for information only.

Report prepared by:

Caroline von Schilling

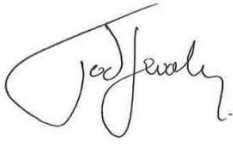
Caroline von Schilling, MCIP, RPP
Development Planner

Report reviewed by:



Amanda J. Young, MCIP, RPP
Director, Planning and Building

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Excerpt from October 4, 2023, minutes
- (2) Concept Site Plan
- (3) R3 Zone prior to June 19, 2023 – previous
- (4) R3 Zone after June 19, 2023 – current

IT WAS MOVED AND SECONDED:

THAT Council direct staff to strengthen all bylaws that support enforcing safety for the community and prepare an open drug use bylaw that minimizes public exposure to open drug use in parks and adjacent to school properties while continuing to provide support aimed at saving lives of some of the most vulnerable people in our community who use drugs.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to reconstitute the Somenos Marsh Wildlife Committee and investigate ways to partner on more fulsome marsh patrols.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to consult with community health partners to develop a formal request to the province for additional support services in the medical and social services sector to improve outcomes in the drug addiction, mental health, and homelessness issues in the Cowichan Valley Regional District.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to include funding opportunities for a "Clean Team" in the 2024 budget discussions.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to continue to advocate to the province for funding to help manage the public disorder to support bylaw and/or RCMP resourcing.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council provide staff with pre-budget approval to hire a Social Planner.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

9. NOTICES OF MOTIONS

None.

10. UNFINISHED AND POSTPONED BUSINESS

10.1 OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw No. 3915 and updated community amenity contribution offer

THAT Council:

- (1) give second reading to Official Community Plan Amendment Bylaw No. 3914, 2023; and
- (2) give second reading to Zoning Amendment Bylaw No. 3915, 2023; and
- (3) authorize a Public Hearing for Official Community Plan Amendment Bylaw No. 3914, 2023 and Zoning Amendment Bylaw No. 3915, 2023.

(Opposed: Douglas, Justice, Toporowski)

CARRIED

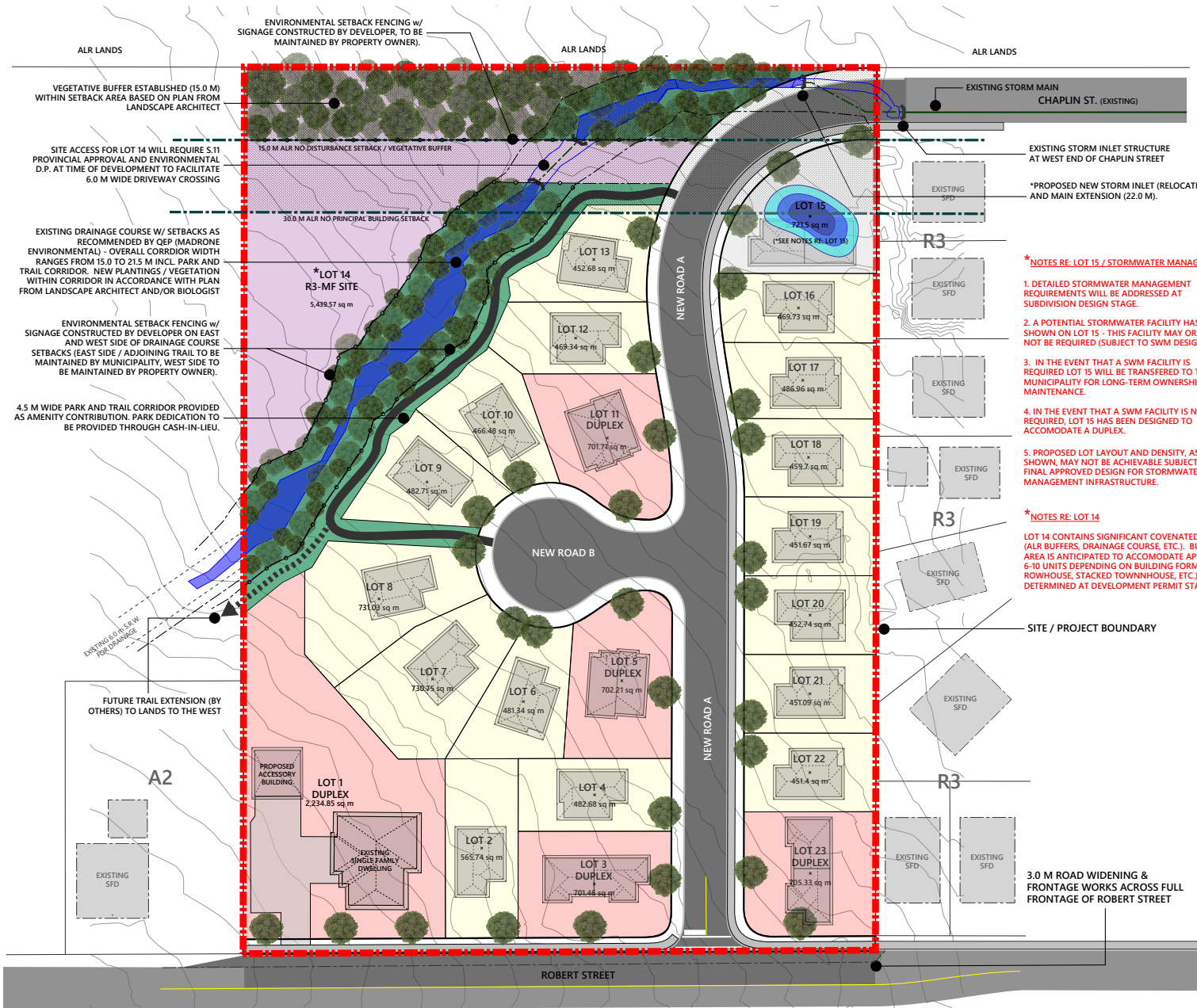
**1771 ROBERT STREET
CONCEPTUAL
DEVELOPMENT PLAN**

TOTAL ANTICIPATED UNITS: +/- 32-38 UNITS



TOWNSITE PLANNING INC.
PO BOX 160
Lantzville, BC V0R 2H0
tel / text: 250.797.2515
email: scott@townsiteplanning.ca
web: www.townsiteplanning.ca

DRAINAGE COURSE ALIGNMENT DERIVED FROM FLAGGING AND SURVEY WORK COMPLETED BY MADRONE ENVIRONMENTAL AND HEROLD ENGINEERING.



Residential One and Two-Family Zone (R3)

Permitted Uses

- 58** (1) The permitted uses for the R3 zone are as follows:
- Agriculture
 - Assisted Living
 - Bed and Breakfast
 - Community Care Facility
 - Home-based Business
 - Secondary Suite
 - Single-Family Dwelling
 - Supportive Housing
 - Two-Family Dwelling [BL3302]

Minimum Lot Size

- (2) A lot in the R3 zone must meet the minimum area requirements for the purposes of subdivision and use of the lot for permitted uses as follows:
- (a) Single-family dwelling, 450 m² (4,844 sq. ft.)
 - (b) Single-family dwelling with a secondary suite, 450 m² (4,844 sq. ft.)
 - (c) Two-family dwelling, 700 m² (7,535 sq. ft.) [BL3647, BL3674]
- (2.1) Despite section 58 (2) (b), a single-family dwelling with a secondary suite is permitted on 3133 Cook Street (Parcel Identifier: 027-873-200) with a lot area of 510 m² (5,490 sq. ft.). [BL3663]
- (2.2) Despite section 58 (2) (c), a two-family dwelling is permitted on Lot 15 of Plan 5756, on Sayward Road (PID: 001-503-120) with a lot area of 669 m² (7,201 sq. ft.). [BL3684]

Minimum Frontage

- (3) The minimum permitted frontage in the R3 zone is as follows:
- (a) Single-family dwelling, 15 m (49.21'),
 - (b) Single-family dwelling with a secondary suite, 15 m (49.21'),
 - (c) Two-family dwelling, 23.0 m (75.46'). [BL3083, BL3674]

Density

- (4) The maximum permitted density for the R3 zone is as follows:
- (a) The number of residential buildings shall not exceed one.
 - (b) The maximum permitted floor space ratio is 0.5:1.
 - (c) The number of residential units per building shall not exceed two. For strata buildings/lots, each strata unit constitutes one residential unit.
 - (d) [Repealed, BL3754]
 - (e) Despite the foregoing, a maximum of 2 residential buildings, with a total combined maximum of 2 residential dwelling units, is permitted on 3340 Cowichan Lake Road (PID: 001-375-482). [BL3668]

Maximum Lot Coverage

- (5) The maximum permitted lot coverage for the R3 zone is as follows:
- (a) 30% of the lot area for lots of 650 m² (7,000 sq. ft.) or larger; and
 - (b) 35% of the lot area for lots less than 650 m² (7,000 sq. ft.).

Minimum Setbacks

- (6) The minimum permitted setbacks for the R3 zone are as follows:
 - (a) Principal Buildings
 - Yard, Front, 5.0 m (16.40')
 - Yard, Side, 2.0 m (6.56')
 - Yard, Side when adjacent to a lane or street, 3.0 (9.8')
 - Yard, Rear, 7.5 m (24.6') [BL3323]
 - (b) Accessory Buildings and Structures (Excluding Fences)
 - Yard, Front, 5.0 m (16.40')
 - Yard, Side, 1.0 m (3.28')
 - Yard, Rear, 1.5 m (4.92') [BL3323]
- (6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m (19.03'). [BL3150]

Maximum Building Height

- (7) The maximum permitted building heights for the R3 zone are as follows:
 - (a) Principal Building, 9.0 m (29.53')
 - (b) Accessory Building, 5.0 m (16.40')

Conditions of Use

- (8) The conditions of use for the R3 zone are as follows:
 - (a) [Repealed. BL3891]
 - (b) [Repealed. BL3891]
 - (c) [Repealed. BL3891]
 - (d) Bed and breakfast uses may have no more than three sleeping units.
 - (e) Bed and breakfast uses in a single-family dwelling must be an accessory use and shall not be the principal use.
 - (f) [Repealed. BL3758]
 - (g) [Repealed. BL3674]
 - (h) For a lot created prior to March 31, 2000, a single-family dwelling, two-family dwelling, or secondary suite is permitted on any lot. [BL3323, BL3418]
 - (i) Limited farm sale of agricultural products may be sold directly to the public provided that:
 - (i) a minimum of 50% of the agricultural products offered for sale are produced on the land;
 - (ii) the covered retail sales area does not exceed 100 m² (1076.4 sq. ft.); and
 - (iii) the retail sales are clearly ancillary to the farm use. [BL3083]
 - (j) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that
 - (i) the number of residents does not exceed three, and
 - (ii) the use is within a single-family dwelling unit only, which for clarity does not include a two-family dwelling. [BL3083; BL3302; BL3323; BL3418]

Driveway Width

- (9) Individual driveway widths shall not exceed 6.0 m (19.68') of the lot frontage for each dwelling.

Residential One and Two-Family Zone (R3)

Permitted Uses

- 58** (1) The permitted uses for the R3 zone are as follows:
- Agriculture
 - Assisted Living
 - Bed and Breakfast
 - Community Care Facility
 - Detached Accessory Dwelling Unit
 - Home-based Business
 - Multi-Family Residence
 - Secondary Suite
 - Single-Family Dwelling
 - Supportive Housing
 - Two-Family Dwelling [BL3302]

Minimum Lot Size

- (2) The minimum permitted lot size in the R3 zone is 670 m² (7,212 sq. ft.).

Minimum Frontage

- (3) The minimum permitted frontage in the R3 zone is 18.0 m (59.06').

Density

- (4) The maximum permitted density for the R3 zone is as follows:
- (a) The number of residential buildings shall not exceed one, except, where the principal residential building consists of a single-family dwelling with or without a secondary suite, in which case one detached accessory dwelling unit is permitted.
 - (b) The number of dwelling units shall not exceed:
 - (i) Three in the case of lots that are less than 280 m² (3,014 sq. ft.) in area.
 - (ii) Four in the case of lots that are at least 280 m² (3,014 sq. ft.) but not more than 4,050 m² (1 acre) in area.
 - (iii) Two in the case of lots that are greater than 4,050 m² (1 acre) in area.

Maximum Lot Coverage

- (5) Where a lot contains one residential building and up to two dwelling units the maximum permitted lot coverage in the R3 zone is as follows:
- (a) 30% of the lot area for lots of 650 m² (7,000 sq. ft.) or larger; and
 - (b) 35% of the lot area for lots less than 650 m² (7,000 sq. ft.).
- (5.1) Where a lot contains three or more dwelling units or contains a detached accessory dwelling unit the maximum permitted lot coverage in the R3 zone is as follows:
- (a) 35% of the lot area for lots of 650 m² (7,000 sq. ft.) or larger;
 - (b) 40% of the lot area for lots less than 650 m² (7,000 sq. ft.) but larger than 500 m² (5,382 sq. ft.); and
 - (c) 45% of the lot area for lots 500 m² (5,382 sq. ft.) or less.

Minimum Setbacks

- (6) The minimum permitted setbacks for the R3 zone are as follows:
- (a) Principal Buildings
 - Yard, Front, 4.5 m (14.76')
 - Yard, Side, 1.5 m (4.92')
 - Yard, Side when adjacent to a lane or street, 3.0 (9.8')
 - Yard, Rear, 7 m (22.97')

- (b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 5.0 m (16.40')
Yard, Side, 1.0 m (3.28')
Yard, Rear, 1.5 m (4.92') [BL3323]
- (6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m (19.03'). [BL3150]

Maximum Building Height

- (7) The maximum permitted building heights for the R3 zone are as follows:
 - (a) Principal Building, 9.0 m (29.53')
 - (b) Accessory Building, 5.0 m (16.40')

Conditions of Use

- (8) The conditions of use for the R3 zone are as follows:
 - (a) [Repealed. BL3891]
 - (b) [Repealed. BL3891]
 - (c) [Repealed. BL3891]
 - (d) Bed and breakfast uses may have no more than three sleeping units.
 - (e) Bed and breakfast uses in a single-family dwelling must be an accessory use and shall not be the principal use.
 - (f) [Repealed. BL3758]
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 - (i) Limited farm sale of agricultural products may be sold directly to the public provided that:
 - (i) a minimum of 50% of the agricultural products offered for sale are produced on the land;
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 - (j) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that
 - (i) the number of residents does not exceed three, and
 - (ii) the use is within a single-family dwelling unit only, which for clarity does not include a two-family dwelling. [BL3083; BL3302; BL3323; BL3418]
- (9) Despite sections 58 (2) and 58 (3) the minimum permitted lot size is 450 m² (4,844 sq. ft.) and the minimum permitted frontage is 15 m (49.21') on the following properties:
 - (a) 6077 Mary Street (PID: 000-328-332)
 - (b) 3056 Gibbins Road (PID: 005-667-909)
 - (c) Lot 1 Sophia Road (PID: 029-263-123)
 - (d) 3214 Cowichan Lake Road (PID: 001-086-359)
 - (e) 7978 Tidemark Way (PID: 028-795-261)
 - (f) 6125 Lakeview Drive (PID: 003-760-251)
 - (g) 9921 Echo Heights (PID: 027-633-250)
 - (h) 5850 (Lot 3) Highland Avenue (PID: 007-387-687)
 - (i) 1578 Adelaide Street (PID: 003-247-988)
 - (j) 3192 Sherman Road (PID: 002-748-851)
 - (k) 5951 Highland Avenue (PID: 000-392-651)

Driveway Width

- (10) Individual driveway widths shall not exceed 6.0 m (19.68') of the lot frontage for each dwelling.

PUBLIC HEARING INFORMATION PACKAGE

Official Community Plan Amendment Bylaw No. 3914, 2023 Zoning Amendment Bylaw No. 3915, 2023 1771 Robert Street

Public Hearing Notice and Bylaws No. 3914 and No. 3915

1. Notice of Public Hearing for **July 17, 2024 at 7:00 p.m.**
2. 1st Notification - Twitter and Facebook - Publication Date: Week of July 2, 2024
3. 2nd Notification - Cowichan Valley Citizen and Chemainus Valley Courier – Publication Date: July 11, 2024
4. Bylaws No. 3914 and No 3915
5. Map of Subject Property

Planning Staff Reports

1. Report to February 21, 2023 Regular Council Meeting – OCP and In Stream Applications
2. Report to July 19, 2023 and August 16, 2023 Regular Council Meetings – 1st Readings of Bylaws
3. Report to October 4, 2023 Regular Council Meeting – 2nd Readings of Bylaws and Updated Community Amenity Contribution Offer

Council Recommendations

1. Council Recommendation from February 21, 2023 Regular Council Minutes – Initiate OCP Amendment
2. Council Recommendation from July 19, 2023 Regular Council Minutes - 1st and 2nd Readings Deferred
3. Council Recommendation from August 16, 2023 Regular Council Minutes – 1st Readings
4. Council Recommendation from October 4, 2023 Regular Council Minutes – 2nd Readings, Schedule Public Hearing

Public Comments

See Written Submissions Package

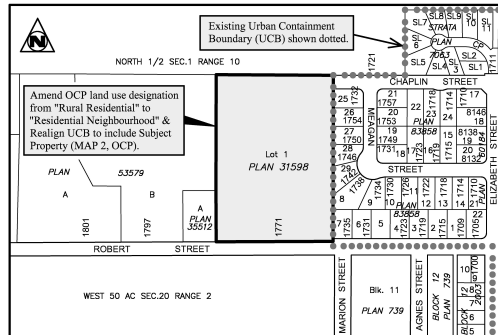
NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held at **7:00 p.m. on Wednesday, July 17, 2024** to allow Council to receive public input on **“Official Community Plan Amendment Bylaw No. 3914, 2023”** and **“Zoning Amendment Bylaw No. 3915, 2023”**. As authorized by the *Local Government Act*, this hearing will be conducted by electronic means and members of the public will be provided an opportunity to be heard verbally or by submitting their comments in writing in advance of the hearing. This hearing will be conducted by video conference using the Cisco Webex platform, and though electronic, is open to the public and anyone wishing to participate may do so in person by attending Council Chambers, or by joining the meeting using a computer, smartphone, or tablet. If you wish to participate electronically, please visit www.northcowichan.ca/virtualmeeting for instructions on how you can join this hearing and find the link to join. You may also view the hearing as it is streamed live by going to www.northcowichan.ca/Agendas and click on the ‘View Live Stream’ link. A copy of the recording will be made available after the hearing on North Cowichan’s website for on-demand viewing.

Official Community Plan

Amendment Bylaw No. 3914, 2023

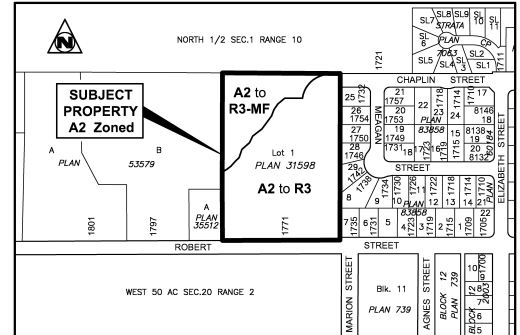
proposes to amend Official Community Plan Bylaw No. 3900 by redesignating 1771 Robert Street (PID: 001-147-544) in Schedule “A”, Appendix 1: Maps, Map 2 [Growth and Land Use Management] from Rural Residential to Residential Neighbourhood and realigning the Urban Containment Boundary in Map 2 [Growth and Land Use Management] to include 1771 Robert Street as shown outlined in bold on the map.



Zoning Amendment Bylaw No.

3915, 2023 proposes to amend Zoning Bylaw 1997, No. 2950 by reclassifying 1771 Robert Street (PID: 001-147-544) from Rural Zone (A2) to Residential One and Two-Family Zone (R3) and Residential Medium Density Multi-Family Zone (R3-MF).

The purpose of the amendment is to allow for residential development on the subject property as shown outlined in bold on the map.



PUBLIC INPUT

If you believe your interests in land will be affected by the proposed bylaws, you are encouraged to submit your comments in writing to Mayor and Council by **1:00 p.m. on Monday, July 15, 2024**, using any of the writing methods identified below. Comments may also be shared verbally during the Public Hearing, by following the instructions provided below.

1. In Writing in Advance of the Public Hearing:

Written submissions will be accepted by:

- Email to publicmeetings@northcowichan.ca
- Mail to Mayor and Council, Municipality of North Cowichan, 7030 Trans-Canada Highway, Duncan BC, V9L 6A1
- Fax to 250-746-3133
- In-Person deposited through the mail slot at the Municipal Hall, Main Entrance

2. Verbally or in Writing at the Public Hearing:

- In Person by attending Council Chambers at Municipal Hall, 7030 Trans-Canada Highway, Duncan BC.
- Virtually by logging in electronically, details and instructions will be available at least one week prior to the Hearing at www.northcowichan.ca/PublicHearings.
- Written submissions may be submitted during the Public Hearing by presentation to the Corporate Officer or her designate.

PLEASE NOTE: Submissions should reference the bylaw numbers and include your name and the civic address or legal description of the land affected by the proposal. Please be advised that all submissions, including the individual’s name and address will form part of the public record and will be published on North Cowichan’s website. Do not include any personal information in your submission that you do not wish to be disclosed, as submissions received are public documents and will not be redacted (with the exception of email addresses on electronic submissions, phone numbers and signatures). Written submissions will not be accepted after the conclusion of the Public Hearing.

Copies of the bylaws and related documents, including public comments received in writing, will be available to inspect online at www.northcowichan.ca/PublicHearings until the close of the Public Hearing. The documents may also be inspected in the Planning Department at the Municipal Hall, Monday to Friday (excluding statutory holidays) between **8:00 a.m. to 4:00 p.m.** from **July 3, 2024** to **July 17, 2024**.

Personal information is collected by North Cowichan under the authority of s. 26 (c) of the *Freedom of Information and Protection of Privacy Act* for the purpose of administering the Public Hearing. Please direct any questions about personal information to North Cowichan’s Privacy Officer by Phone: 250-746-3116, Email: privacy@northcowichan.ca or Regular Mail: 7030 Trans-Canada Highway, Duncan, BC, V9L 6A1



The Corporation of the District of North Cowichan

Zoning Amendment Bylaw

BYLAW NO. 3915

*A bylaw to amend Zoning Bylaw 1997, No. 2950, to reclassify
1771 Robert Street from A2 to R3 and R3-MF.*

The Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

Citation

- 1 This Bylaw may be cited as "*Zoning Amendment Bylaw No. 3915, 2023*".

Amendment

- 2 Zoning Bylaw 1997, No. 2950, Schedule "C" be amended by reclassifying 1771 Robert Street (PID: 001-147-544) from Rural Zone (A2) to Residential One and Two-Family Zone (R3) and Residential Medium Density Multi-Family Zone (R3-MF), as shown outlined in black in Schedule 1 attached to and forming part of this Bylaw.

READ a first time on August 16, 2023

READ a second time on October 4, 2023

This bylaw was advertised on the municipality's social media sites on _____, in the Cowichan Valley Citizen and the Chemainus Valley Courier on _____ and was posted to the municipality's public notice places on _____.

CONSIDERED at a Public Hearing on _____.

READ a third time on _____.

COVENANT registered on _____.

ADOPTED on _____.

CORPORATE OFFICER

PRESIDING MEMBER

Schedule "1" to accompany "Zoning
Amendment Bylaw No. 3915, 2023".

Presiding Member

Corporate Officer

“2. Growth and Land Use Management”





The Corporation of the District of North Cowichan

Official Community Plan Amendment Bylaw

BYLAW NO. 3914

A bylaw to amend Official Community Plan Bylaw No. 3900 to include 1771 Robert Street within the UCB and change the designation from Rural Residential to Residential Neighbourhood.

WHEREAS Council has considered the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan,

AND WHEREAS Council has considered consultation under Sections 475 and 476 of the *Local Government Act*,

The Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

Citation

1 This Bylaw may be cited as "*Official Community Plan Amendment Bylaw No. 3914, 2023*".

Amendment

2 Official Community Plan Bylaw No. 3900, 2022 be amended by redesignating 1771 Robert Street (PID: 001-147-544) in Schedule "A", Appendix 1: Maps, Map 2 [*Growth and Land Use Management*] from Rural Residential to Residential Neighbourhood and realigning the Urban Containment Boundary in Map 2 [*Growth and Land Use Management*] to include 1771 Robert Street, as shown in Schedule 1, attached to and forming part of this Bylaw.

This bylaw was considered in conjunction with the North Cowichan 2022 Five Year Financial Plan, the Cowichan Valley Regional District Solid Waste Management Plan (as amended), and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan on July 19, 2023.

READ a first time on August 16, 2023

READ a second time on October 4, 2023

This bylaw was advertised on the municipality's social media sites on _____, in the Cowichan Valley Citizen and the Chemainus Valley Courier on _____, and was posted to the municipality's public notice places on _____.

CONSIDERED at a Public Hearing on _____.

ADOPTED on _____.

CORPORATE OFFICER

PRESIDING MEMBER

Schedule "1" to accompany "Official
Community Plan Amendment Bylaw No.
3914, 2023".

Presiding Member

Corporate Officer

NORTH 1/2 SEC.1 RANGE 10

**SUBJECT PROPERTY
A2 Zoned**

A2 to R3-MF

Lot 1
PLAN 31598

A2 to R3

1801 1797 1771

PLAN 53579

PLAN 35512

ROBERT STREET

CHAPLIN STREET

ELIZABETH STREET

MARGAN STREET

VARION STREET

AGNES STREET

BLK. 11
PLAN 739

BLOCK 12
PLAN 739

10 12 14 16 18 20 22 24 26 28 30 32 34 36 38 40 42 44 46 48 50 52 54 56 58 60 62 64 66 68 70 72 74 76 78 80 82 84 86 88 90 92 94 96 98 100

WEST 50 AC SEC.20 RANGE 2

PLANNING REPORTS

Report

Date February 21, 2023

File: ZB133/ZB164/
ZB161/ZB83/
ZB127

Subject Official Community Plan and In-Stream Development Applications

PURPOSE

Consider options for in-stream rezoning applications impacted by the new Official Community Plan (OCP).

BACKGROUND

On August 17, 2022, Council adopted Official Community Plan Bylaw 3900, which replaced North Cowichan's former (2011) OCP with the new (2022) OCP. Much of the content and policies of the 2011 OCP carried over into the 2022 document, but the new OCP also included amendments and new land use and planning policies. Among the changes were new land use designations that supported increased densities in designated areas and reductions to the Urban Containment Boundary (UCB) in other areas.

A primary function of an OCP is to guide land use decisions and to identify future land uses supported by the Municipality. As such, the OCP is the principal policy document for evaluating land use changes and zoning amendment proposals. The *Local Government Act* (s. 478) requires that all bylaws enacted and works undertaken by Council be consistent with the OCP, so zoning amendment bylaws and other land use and planning approvals cannot be given unless they are consistent with the OCP. If a zoning amendment application is inconsistent with the OCP, it can only be considered for approval if the OCP is amended to achieve consistency.

There are five zoning amendment applications currently with the Planning Department that were submitted before the 2022 OCP was adopted. They are not consistent with the new OCP because the properties are either not within the UCB or do not have land use designations that support the type of development proposed in the applications. This report requests Council direction with respect to those applications.

DISCUSSION

Overview of OCP Growth Management Strategy:

Council's 2019-2022 Strategic Plan included "Reconsider the Urban Containment Boundary and where future growth should be concentrated, especially in relation to the Quamichan watershed" as a priority action. Revising the approach to growth management was endorsed as an objective of the OCP review project (October 16, 2019), and the development of a growth management strategy was included in the Municipality's contract with the MODUS Planning, Design and Engagement (the Project Consultants). The process for preparing the OCP, including the growth management strategy component and community engagement, was reviewed and authorized by Council at a number of points during the three-year OCP review process.

The process for obtaining community input on growth management scenarios and the results of the community engagement process is summarized in the June 21, 2021 report "How Should We Grow – Exploring Growth Scenarios" (the "What We Heard" report). After receiving the report, Council passed the following resolution at its July 21, 2021, meeting:

That Council accepts the recommendations of the MODUS June 28, 2021 "What We Heard" report as a basis for drafting a growth management strategy and land use plan for the new Official Community Plan, omitting the part of the plan that references adding 'A Health and Wellness Precinct in Bell McKinnon to allow compact mixed-use development directly adjacent to the hospital site which will protect the natural and rural lands including the Somenos Watershed,' and that staff be directed to schedule a workshop for Council on the implications of options 2Plus on the Bell McKinnon Corridor."

As directed by Council, the UCB and land use designations were prepared using the Option 2 Plus scenario. Council subsequently gave direction to retain all lands in the Bell McKinnon Local Area Plan (BMLAP) south of Herd Road in the UCB and to designate the lands north of Herd Road as a future development area. The first draft of the OCP was released for public input from November 8 to December 22, 2021.

A Special Committee of the Whole Meeting was held on February 15, 2022, where Council participated in a workshop to review public input received on the draft OCP. Correspondence from 11 property owners who objected to having their properties removed from the UCB was provided to Council in advance of the workshop. A staff report provided for the workshop identified the 11 properties and included a map showing the properties relative to the 2011 UCB and the proposed UCB (Attachment 1). On March 16, 2022, Council adopted a resolution to amend the draft UCB to include Crosland Place properties and exclude properties on Anzio Road. No amendments were proposed to include properties with in-stream applications in the UCB.

A staff report on the potential impacts of the new OCP on Land Use Applications was provided to Council at the March 16, 2022, Council meeting (Attachment 2). The report identified seven in-stream rezoning applications that would be impacted by the adoption of the new OCP, four of which are the subject of this report. The March 16, 2022, report suggested that OCP land use designations and the UCB should be determined based on the broad goals and objectives of the OCP and not the preferences or land use intentions of individual property owners. The OCP amendment process was identified as the recommended means for considering unique features and circumstances that may warrant a different land use designation or inclusion in the UCB.

Further input was received from property owners and the public up to the close of the OCP public hearing on July 19, 2022. On August 17, 2022, Council gave third reading and adoption of OCP Bylaw 3900 without further amendments to land use designations or the UCB.

Owner's Rights: OCP Designations vs Zoning

The zoning of a parcel sets out an owner's development rights, and it is important to remember that no zonings have been changed as a result of the OCP adoption. Zoning parcels is also a discretionary function of a council, and council can change the zoning on any parcel at any time without the owner's consent. A council can also decline to change a zoning, even if such a change would be consistent with an OCP designation. However, the *Local Government Act* does provide protection for owners who established uses and buildings (or demonstrate commitment thereto) in accordance with the zoning at the time, a provision commonly called "grandparenting." A Council may still rezone a parcel, but an owner is statutorily allowed to continue any legally non-conforming uses indefinitely, subject to certain conditions.

In contrast, an OCP designation is an expression of the policy wishes of council and is intended to be *indicative* of how future zoning decisions might be resolved and not prescriptive. It does not provide any development rights, and any assumptions made about future zonings are speculative unless and until a zoning amendment has been adopted. No owners are "owed" a particular land use designation. Accordingly, no corresponding "grandparenting" clause is set out in any statute providing in-stream protection in the same way the zoning (development rights) is protected. Doing so would fetter a council's discretion to enact and implement land use policy in response to the conditions of the time and significantly compromise the effect and usefulness of establishing land use designations in the first place.

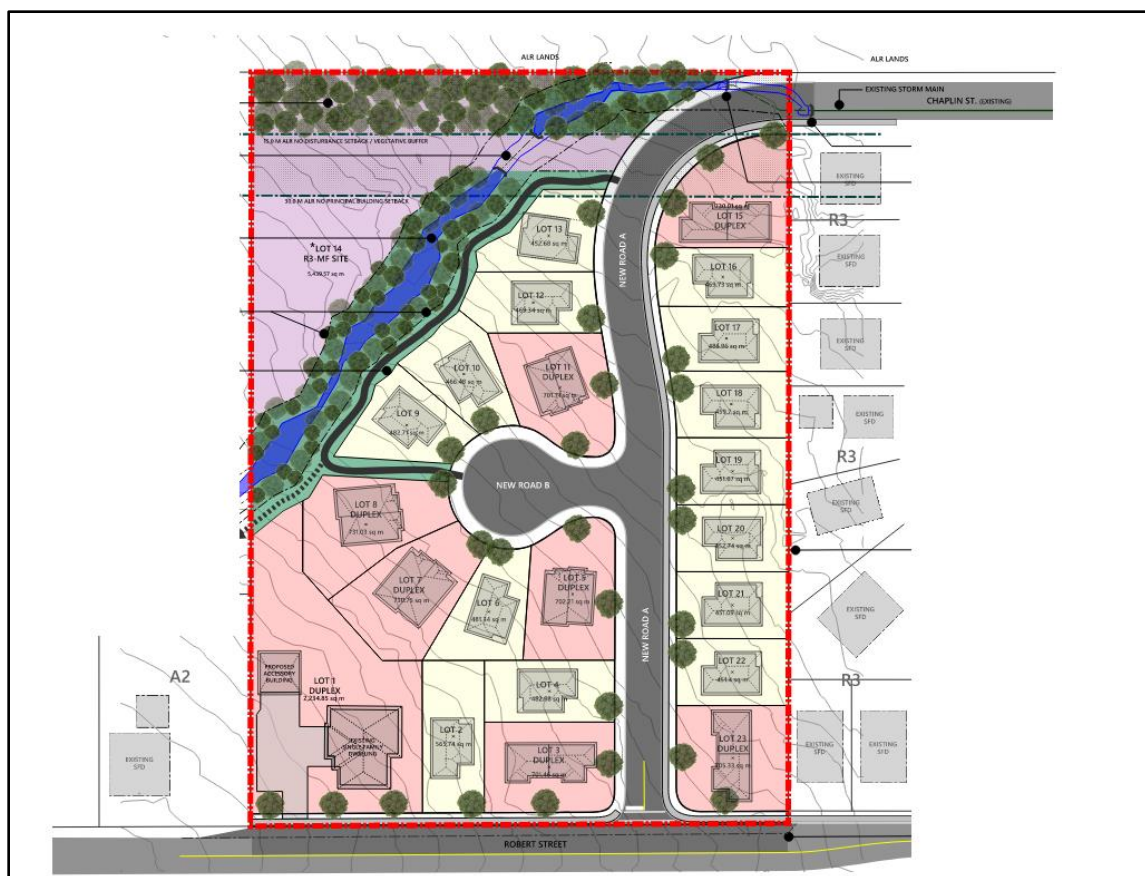
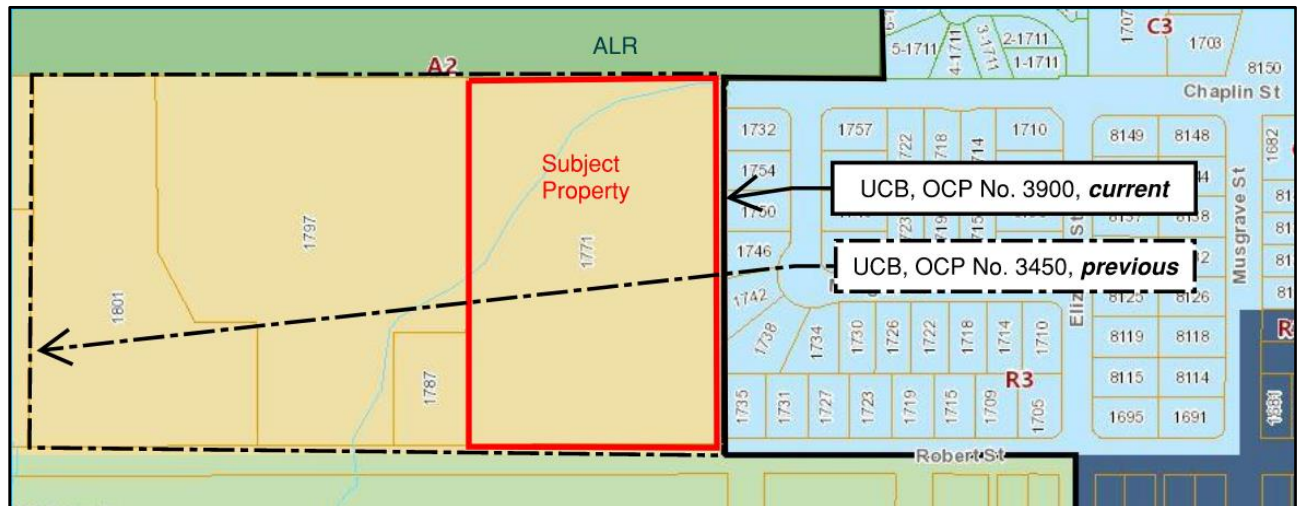
Summary of 5 "In-Stream" Zoning Amendment Applications

The five zoning amendment applications that are the subject of this report are summarized below. Please note that the applications are not presented in full, as staff are just seeking direction on potential OCP amendments. Should Council wish to consider concurrent OCP and zoning amendments for one or more of the applications, full staff reports on the applications and draft bylaw amendments will be brought forward at future meetings.

1. **1771 Robert Street** (Application ZB133)

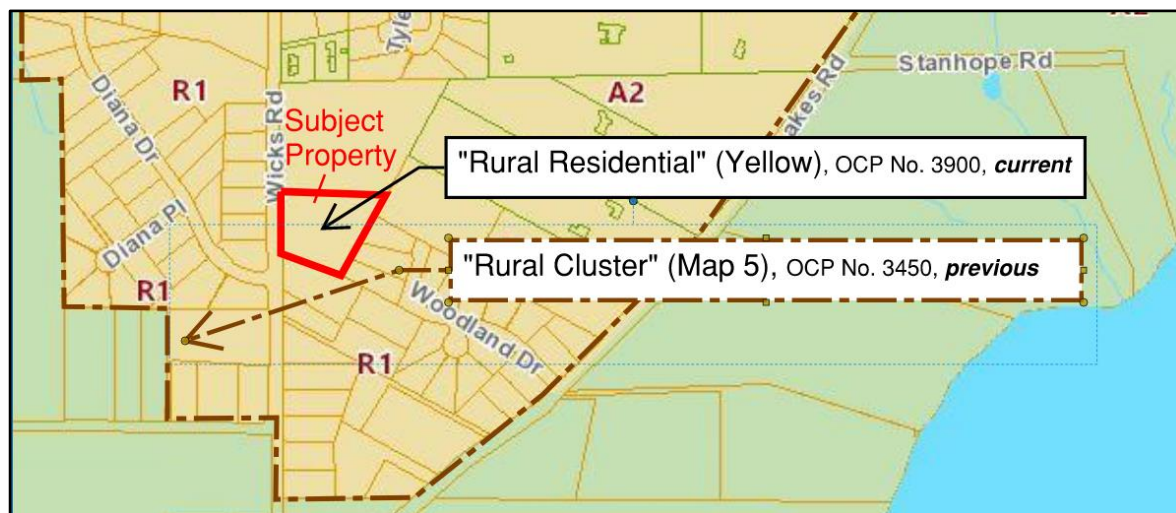
Date of Submission -	June 11, 2021
Application Status	Application review completed
Proposal -	To rezone from A2 to R3 and R3-MF to facilitate a housing development of approximately 14 single family lots, 6-7 duplex lots and 6-10 ground oriented multi family units for a total of 34 to 40 housing units.
Servicing Considerations -	Can be serviced with municipal water and sewer. Downstream drainage issues remain unresolved and may require additional on-site stormwater management, potentially resulting in reduced density.
Policy Consideration -	<ul style="list-style-type: none"> Property was included in UCB with the 2011 OCP Current OCP designation is Rural Residential, which does not support subdivision less than 2ha. or higher density residential use.

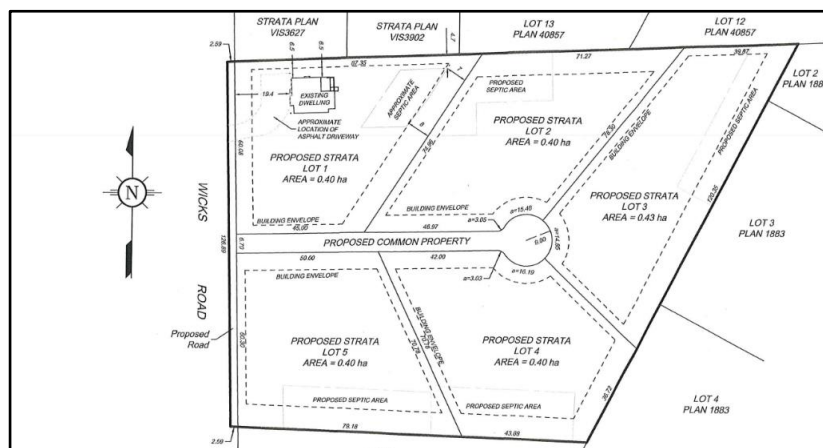
OCP Amendments needed for rezoning to proceed -	<ul style="list-style-type: none"> Proposed use generally aligns with Crofton Local Area Plan <p>Include in urban containment boundary and re-designate property from Rural Residential to Residential Neighbourhood.</p>
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2. **6409 Wicks Road** (Application ZB161)

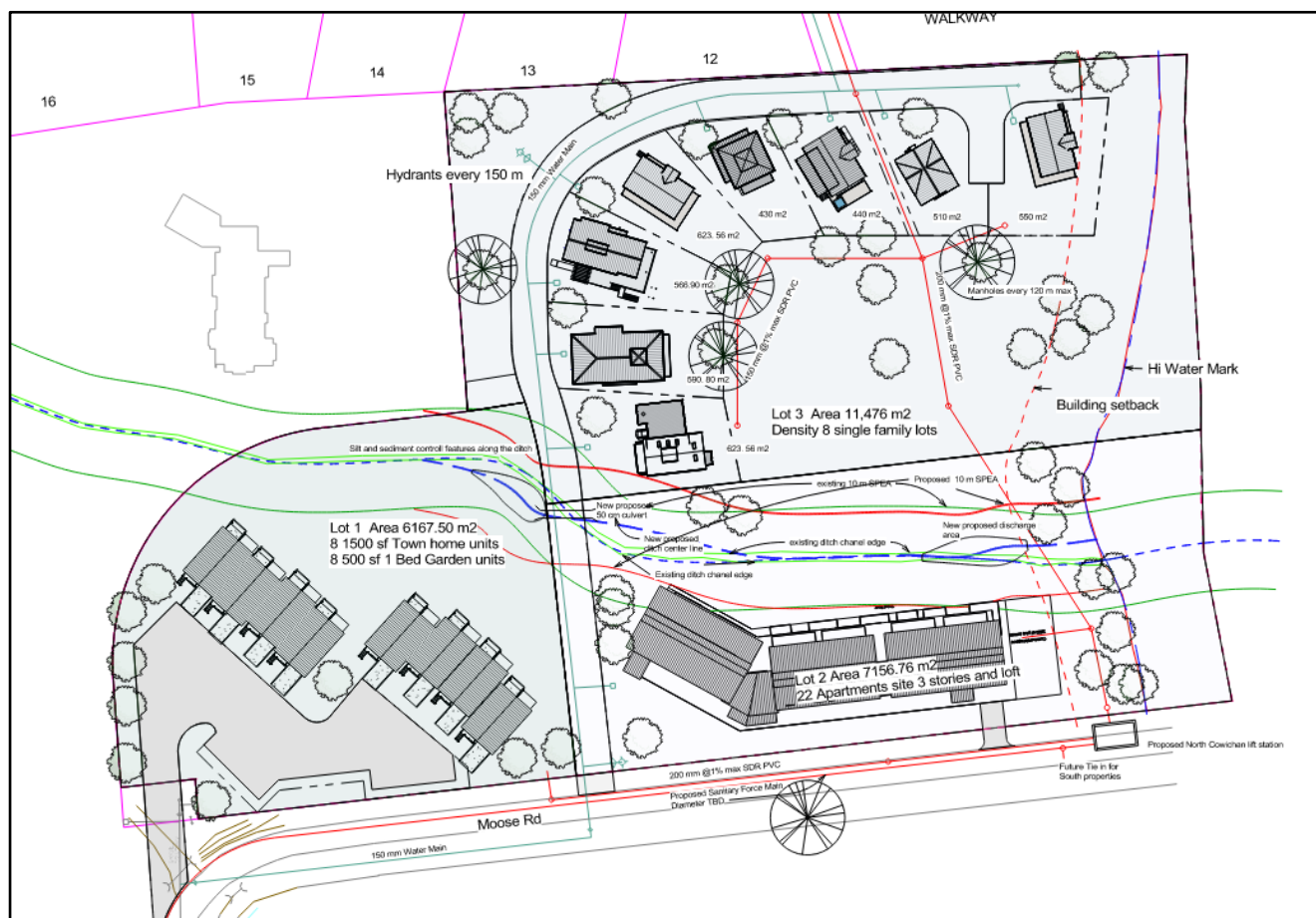
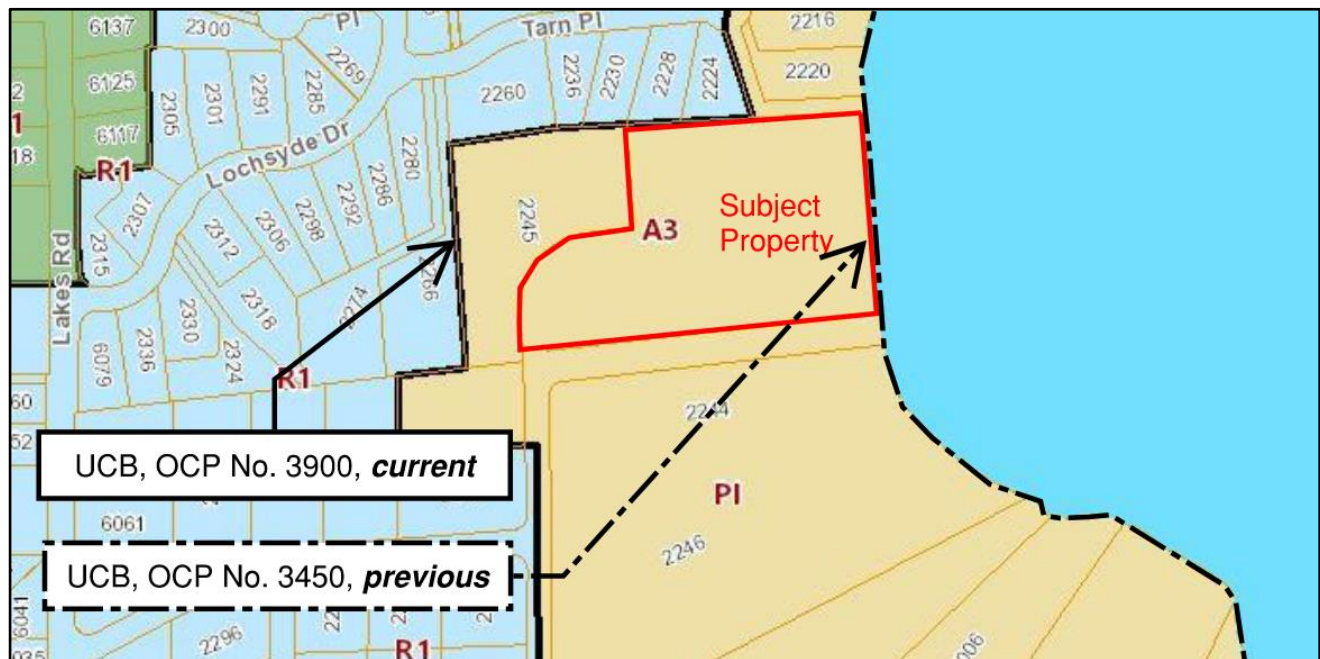
Date of Submission -	September 24, 2021
Application Status -	Application review completed
Proposal -	To rezone from A2 to A5 to permit a 4-5 lot bare land strata subdivision with lot sizes of approximately 4000 square metres (1 acre). Suites and duplexes are permitted in the A5 zone so that rezoning could allow between three and eight new dwelling units.
Servicing Considerations -	<ul style="list-style-type: none"> Can be serviced with municipal water. On-site sewage disposal and stormwater management will require approvals and prove-out at the time of subdivision.
Policy Consideration -	<ul style="list-style-type: none"> Property was not in UCB previously but had "Rural Cluster" designation, which provided limited support for rezoning where land uses are inconsistent with surroundings. Property remains outside of the UCB and has a Rural Residential designation that does not support subdivision.
OCP Amendments needed for rezoning to proceed -	<ul style="list-style-type: none"> Redesignation from Rural Residential to some form of new land use designation that supports subdivision in rural areas.





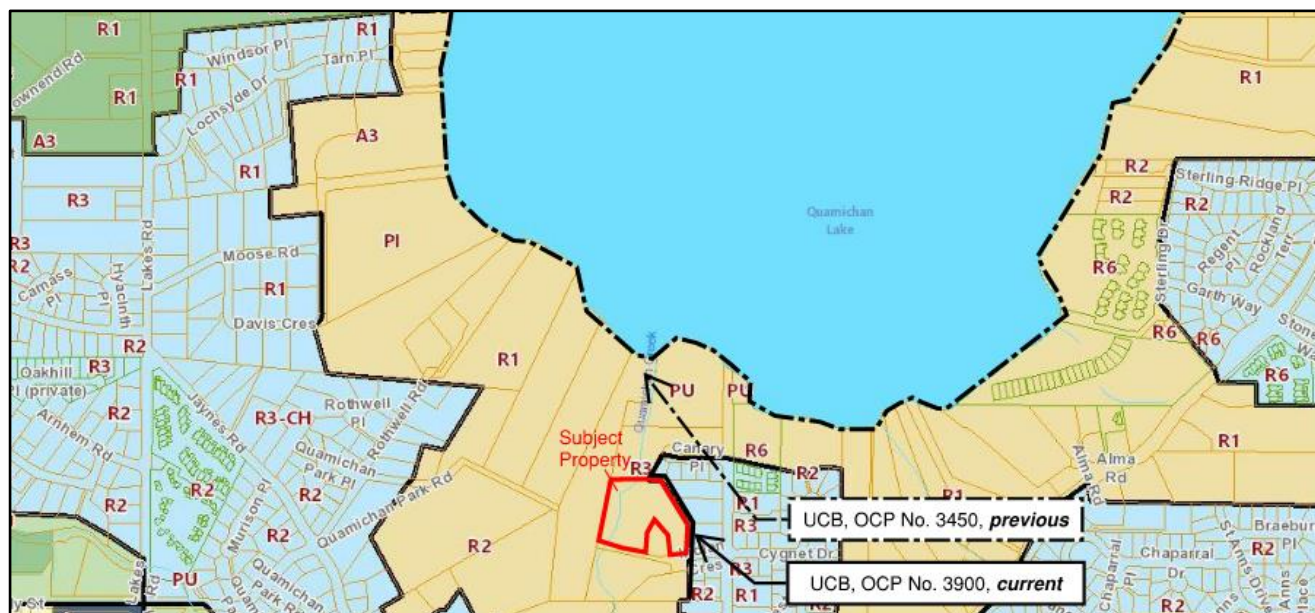
3. **Lot 2 Moose Road** (Application ZB164)

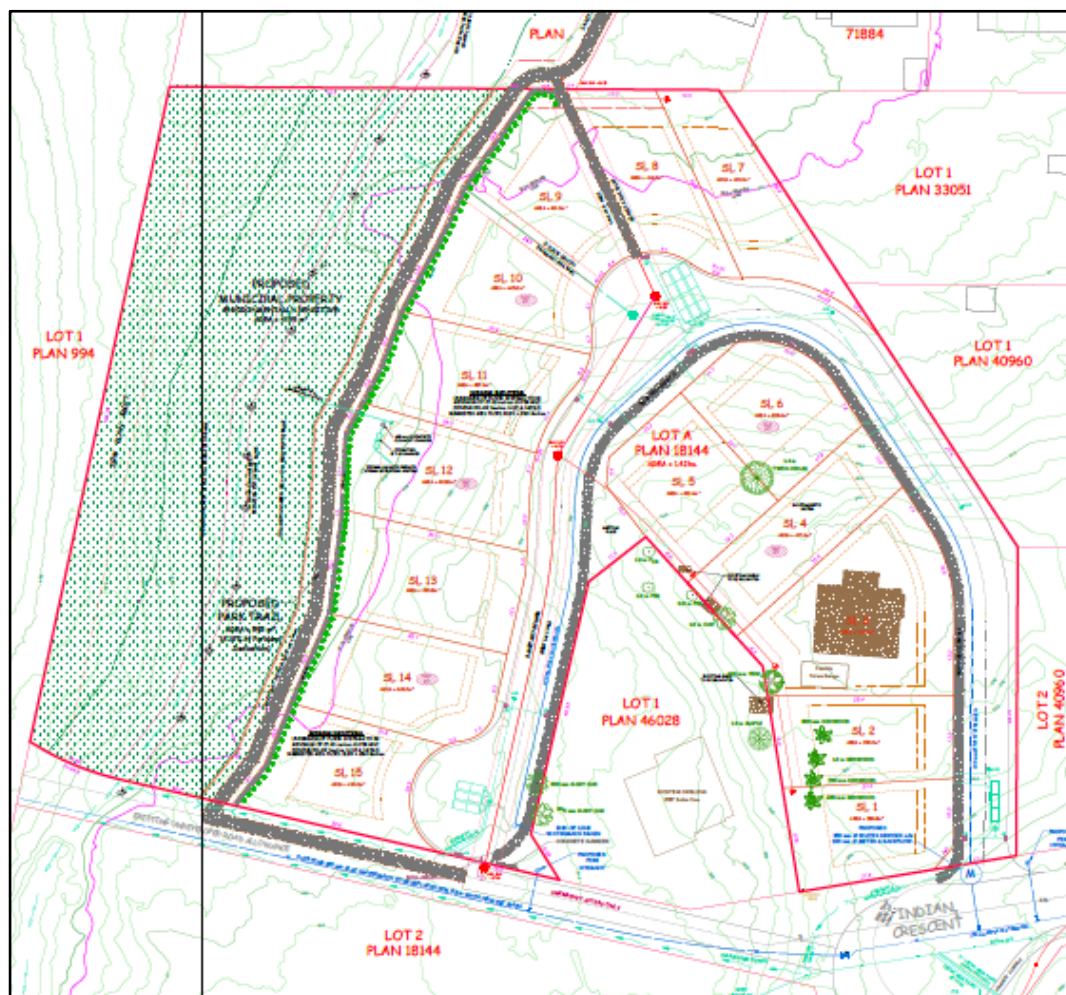
Date of Submission -	June 11, 2021
Application Status -	Awaiting re-submission of application material
Proposal -	To rezone from A3 new Comprehensive Development zone to facilitate a housing project of approximately eight single family dwellings, eight townhomes with secondary suites, 22 apartment units and 200 square metres of commercial space.
Servicing Considerations -	<ul style="list-style-type: none"> Can be serviced with municipal water and sewer but will require infrastructure upgrades. Municipal pump station needed to service lakefront properties with Municipal sewer
Policy Consideration -	<ul style="list-style-type: none"> Property was previously in the UCB, but OCP policies did not fully support proposed land use. Property is outside of UCB and has a Rural Residential designation that does not support subdivision or medium/high density residential use.
OCP Amendments needed for rezoning to proceed -	<ul style="list-style-type: none"> Inclusion in UCB and redesignation from Rural Residential to some form of new land use designation. Residential Neighbourhood designation that applies to Moose Road and Tarn Place neighbourhood not suitable due to the proposed land use and density.



4. **2083 Indian Crescent** (Application ZB83)

Date of Submission -	April 2018
Application Status -	Awaiting re-submission of application material
Proposal -	To rezone from R2 to R3-S to facilitate a residential development of 15 single family dwellings on strata lots.
Servicing Considerations -	<ul style="list-style-type: none"> Can be serviced with municipal water and sewer.
Policy Consideration -	<ul style="list-style-type: none"> Property was previously in the UCB and was removed due to its proximity to Quamichan Lake and Quamichan Creek. Property is designated Rural Residential, which does not support subdivision with lot sizes less than 2 ha. UCB and Residential Neighbourhood designation located on the property's eastern boundary. Riparian assessment work is incomplete, and property may not be fully developable as proposed.
OCP Amendments needed for rezoning to proceed -	<ul style="list-style-type: none"> Inclusion in UCB and redesignation from Rural Residential to Residential Neighbourhood.

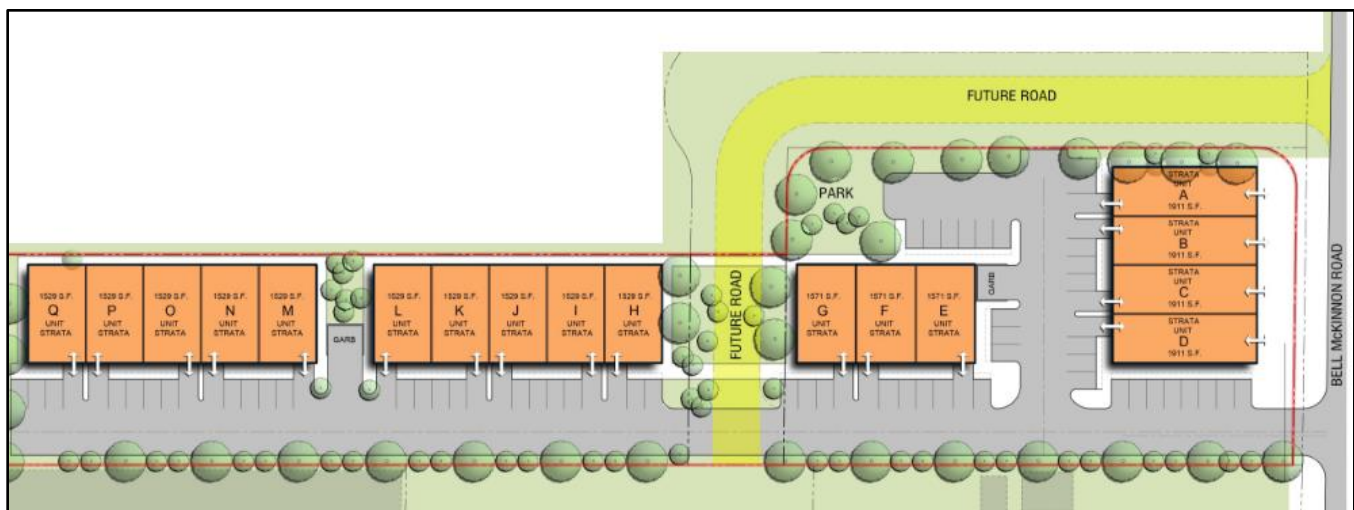
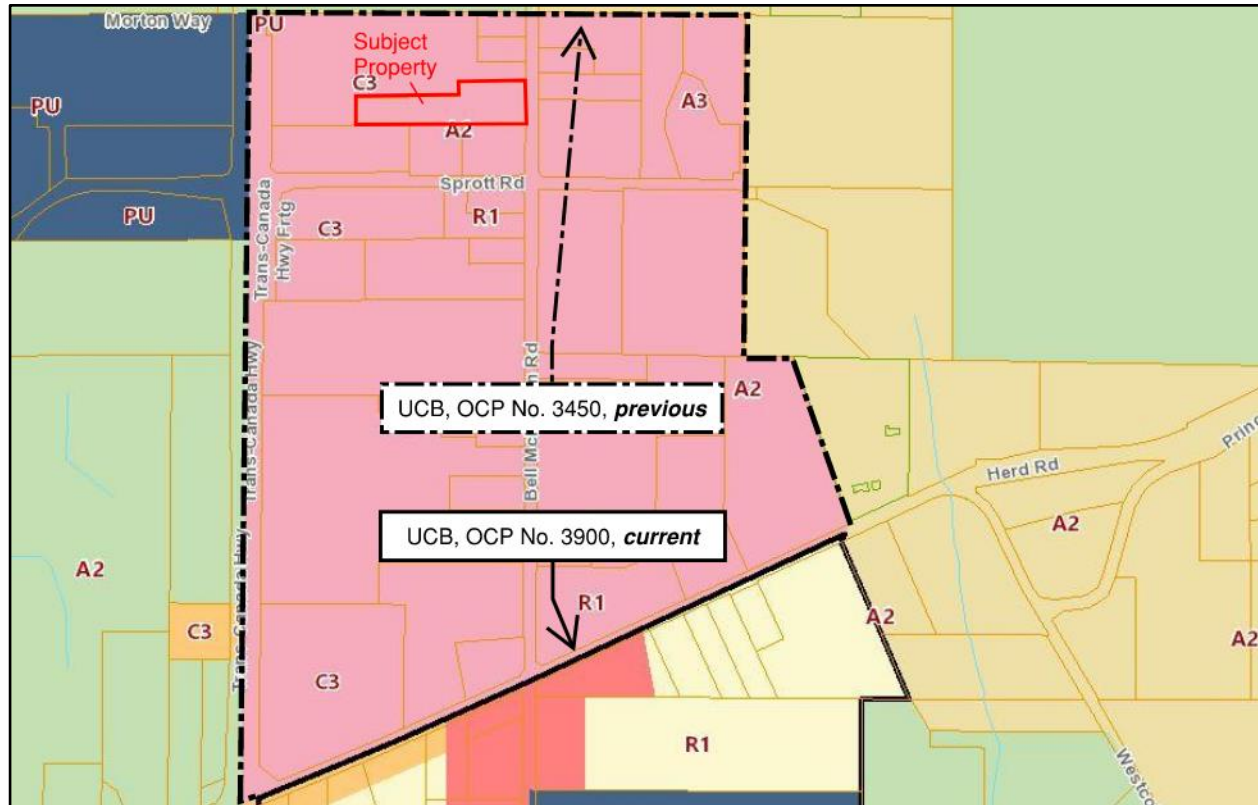




5. **7022 Bell McKinnon Road** (Application ZB127)

Date of Submission -	March 2020
Application Status -	Awaiting re-submission of application material
Proposal -	To rezone from A2 to C3 facilitate a service commercial development.
Servicing Considerations -	<ul style="list-style-type: none"> Can be serviced with municipal water. Municipal sewer is not available, so on-site sewage disposal is required.
Policy Consideration -	<ul style="list-style-type: none"> Property was added to the UCB with the adoption of the 2011 OCP but was not designated for commercial use. Property was designated for "Employment Lands" in 2018 Bell McKinnon LAP. 2022 OCP included property in "Future Growth Area" designation. The designation is intended to reserve lands for future growth and discourage development that may interfere with future urban development.

	<ul style="list-style-type: none"> Policy guidance in the BMLAP for roads, infrastructure, community amenities etc., no longer applies.
OCP Amendments needed for rezoning to proceed -	<ul style="list-style-type: none"> Re-designation from Future Growth Area to Commercial.



Considerations and Approaches

The five applications presented in this report share the common features of having been submitted before the new OCP was adopted. All require an amendment to the OCP before they can be considered for approval. Council has three options available when considering each of the applications at this stage:

Option 1 – Deny

If Council believes the zoning amendment application to be incompatible with both the letter and intent of the OCP, denial of the application should be considered. Denying applications that would unlikely be approved saves the applicant from further investment in the application process, frees up limited staff resources for other priorities and may reduce potential community controversy.

Option 2 – Direct staff to initiate an OCP amendment

If Council believes there is merit in the proposed zoning amendment application and is prepared to amend the OCP to accommodate the zoning change, direction could be given for staff to initiate an OCP amendment bylaw that could be considered concurrently with the zoning amendment bylaw. By having the Municipality initiate the OCP amendment, the proponent would not have to pay the \$2,500 application fee. This option should be reserved for applications Council is willing to consider approving and where Council wishes to provide relief from the application fee because it was submitted prior to the OCP being adopted or some other circumstance beyond the applicant's control.

Option 3 – Invite the applicant to submit an OCP amendment application

Property owners always have the option of applying to amend the OCP, so this option re-iterates what is already available. However, it would confirm that Council expects a completed application and application fee before the zoning amendment application will be considered. If an OCP amendment application is pursued by any of the applicants, a deadline (e.g., 60 days) should be established for submitting the subsequent application so that the zoning amendment is not held in abeyance indefinitely.

Summary and Conclusion:

The OCP review and update process was not designed to consider land use designations and UCB status (in or out) on a rigorous property-by-property basis. Rather, the designations were assigned at a high-level using planning principles and community input received through public engagement processes. Property owners did have an opportunity to request changes to land use designations, and several such requests were received. Council did make some adjustments to the UCB and land use designations in response to public input before the new OCP was adopted but did not accommodate every request.

The OCP amendment application process allows every property owner to have the land use designation for their property reconsidered and for Council and staff to provide more focused consideration of the land use designations for specific properties that are not practical when preparing a land use plan for the entire Municipality. Should Council wish to consider any or all of the five applications for approval, OCP amendments will be required in order to comply with the requirements of the *Local Government Act*.

Council is not obliged to approve any of the five applications and can deny one or more of the applications because of inconsistency with the new OCP. This option should not be taken lightly but should be considered for applications that are considered to be so misaligned with the new OCP that approving them would seriously undermine the OCP's growth strategy.

1771 Robert Street and 2083 Indian Crescent:

Of the five applications, planning staff consider two (1771 Robert Street and 2083 Indian Crescent) to be sufficiently compatible with the structure and intent of the OCP that an OCP amendment could be approved without undermining the land use planning objectives of the Plan. Because those applications can be accommodated within the existing policy framework of the OCP and were submitted well before the new OCP was adopted, it is recommended that staff be directed to initiate OCP amendments to be considered concurrently with the proposed zoning bylaw amendments.

6409 Wicks Road & Lot 2, Moose Road:

Two of the applications (6409 Wicks Road and Lot 2, Moose Road) would require site-specific OCP amendments that are not compatible with the OCP policy framework and would potentially undermine the growth management strategy of the Plan in favour of piecemeal and ad hoc land use decision making. There are no existing land use designations within the current structure of the OCP that are suitable for the proposed land uses, so structural changes to the OCP's land use planning framework would be needed to accommodate the proposals. As the zoning amendment applications for 6409 Wicks Road and Lot 2 Moose Road would require significant re-working of the OCP in order for the applications to be approved, denial of these two applications is recommended.

7022 Bell McKinnon Road:

The 7022 Bell McKinnon Road application differs from the other applications in that it proposes a commercial land use. The issue with this application is that the property is within an area designated as a Future Growth Area, and there is no policy direction in the OCP regarding preferred land uses and development requirements other than the area should be reserved for future development.

The Future Growth Area designation suggests that land uses in the area should largely remain as they are until an OCP amendment to open that area up for development is passed and a development plan for the area is prepared. As the BMLAP no longer applies to the lands north of Herd Road, there is no development plan for the area to provide direction on issues such as the road network, servicing standards and community amenities that are typically negotiated and secured through the rezoning process. So, while Council could consider an OCP amendment for 7022 Bell McKinnon Road within the existing Plan framework, it is not recommended because the pre-planning work to guide development in the Future Growth Area designation is not in place. For this reason, it is recommended that Council deny the application.

OPTIONS

Option 1 (Recommended Option):

THAT Council:

1. Direct staff to initiate an amendment to Official Community Plan Bylaw No. 3900 for 1771 Robert Street to be presented at a future meeting concurrently with Zoning Amendment Application ZB133;
2. Direct staff to initiate an amendment to Official Community Plan Bylaw No. 3900 for 2083 Indian Crescent to be presented at a future meeting concurrently with Zoning Amendment Application ZB83;
3. Deny Zoning Amendment Application ZB161 (6409 Wicks Road) due to it being inconsistent with the land use designation in the Official Community Plan;
4. Deny Zoning Amendment Application ZB164 (Lot 2, Moose Road) due to it being inconsistent with the land use designation in the Official Community Plan; and,
5. Deny Zoning Amendment Application ZB127 (7022 Bell McKinnon Road) due to it being inconsistent with the land use designation in the Official Community Plan.

Option 2 (Alternative Options):

THAT Council:

1. Direct staff to initiate an OCP amendment for (Council to select one or more of the following properties: 1771 Robert Street; 2083 Indian Crescent; 6409 Wicks Road; Lot 2 Moose Road; 7022 Bell McKinnon Road).
2. Direct staff to invite the applicants for zoning amendment applications (Council to select one or more of the following applications: ZB133, ZB83, ZB161; ZB164; ZB127) to submit OCP amendment applications by April 30, 2023, to be presented at a future meeting concurrently with the zoning amendment application.
3. Deny zoning amendment applications (Council to select one or more of the following applications: ZB133; ZB83; ZB161; ZB164; ZB127) due to it being inconsistent with land use designations in the Official Community Plan.

IMPLICATIONS

If Council decides to maintain the OCP land use designations for any of the subject properties, the in-stream zoning amendment applications could not be approved, and a resolution to deny the applications would be needed in order to close them. As the applications have not yet proceeded to a public hearing, the applicants would be eligible for a \$500 refund.

If Council decides to either direct staff to initiate OCP amendments or invite applicants to submit OCP amendment applications, the zoning amendment applications will return to Council at a future meeting along with OCP amendment bylaws. There are procedural requirements for OCP amendment bylaws set out in the *Local Government Act* that must be satisfied before Council can give readings to the amendment bylaws.

Council has the authority to amend the OCP at its discretion, provided all procedural requirements are followed. Amendments that deviate from the general intent and structure of the OCP should be undertaken cautiously, as they may erode the public's confidence in the OCP and encourage land use applications that are incompatible with the OCP's vision, principles, and growth management strategy.

RECOMMENDATION

THAT Council:

1. Direct staff to initiate an amendment to Official Community Plan Bylaw No. 3900 for 1771 Robert Street to be presented at a future meeting concurrently with Zoning Amendment Application ZB133;
2. Direct staff to initiate an amendment to Official Community Plan Bylaw No. 3900 for 2083 Indian Crescent to be presented at a future meeting concurrently with Zoning Amendment Application ZB83;
3. Deny Zoning Amendment Application ZB161 (6409 Wicks Road) due to it being inconsistent with the land use designation in the Official Community Plan;
4. Deny Zoning Amendment Application ZB164 (Lot 2, Moose Road) due to it being inconsistent with the land use designation in the Official Community Plan; and,
5. Deny Zoning Amendment Application ZB127 (7022 Bell McKinnon Road) due to it being inconsistent with the land use designation in the Official Community Plan.

Report prepared by:



Rob Conway, MCIP, RPP
Director, Planning and Building
Community Services

Report reviewed by:



George Farkas
General Manager, Planning, Development and

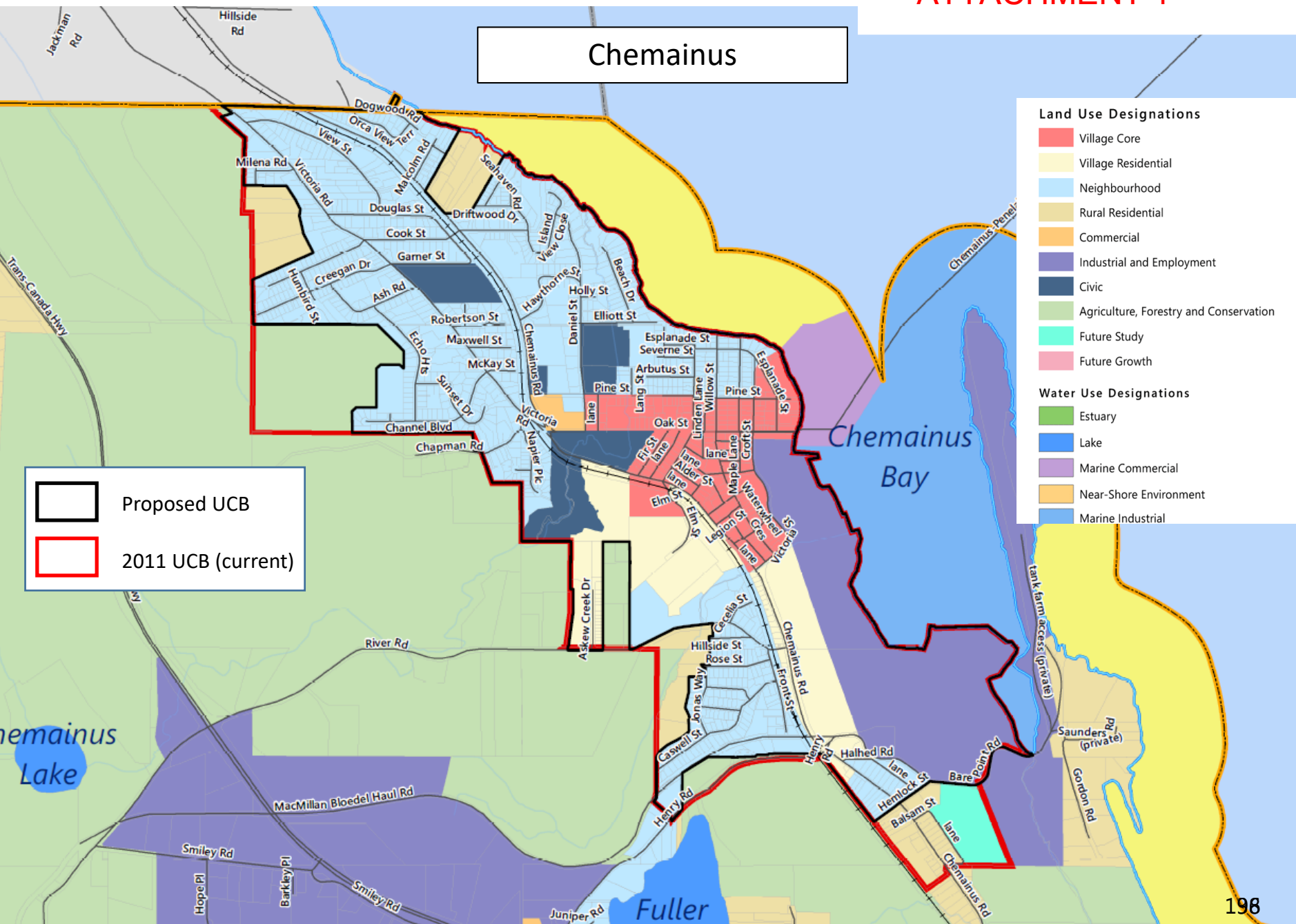
Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Map from February 15, 2022 Special Committee of the Whole meeting
- (2) March 16, 2022 Staff Report on In-stream Applications



Crofton

1773 Robert St

Proposed UCB

2011 UCB (current)

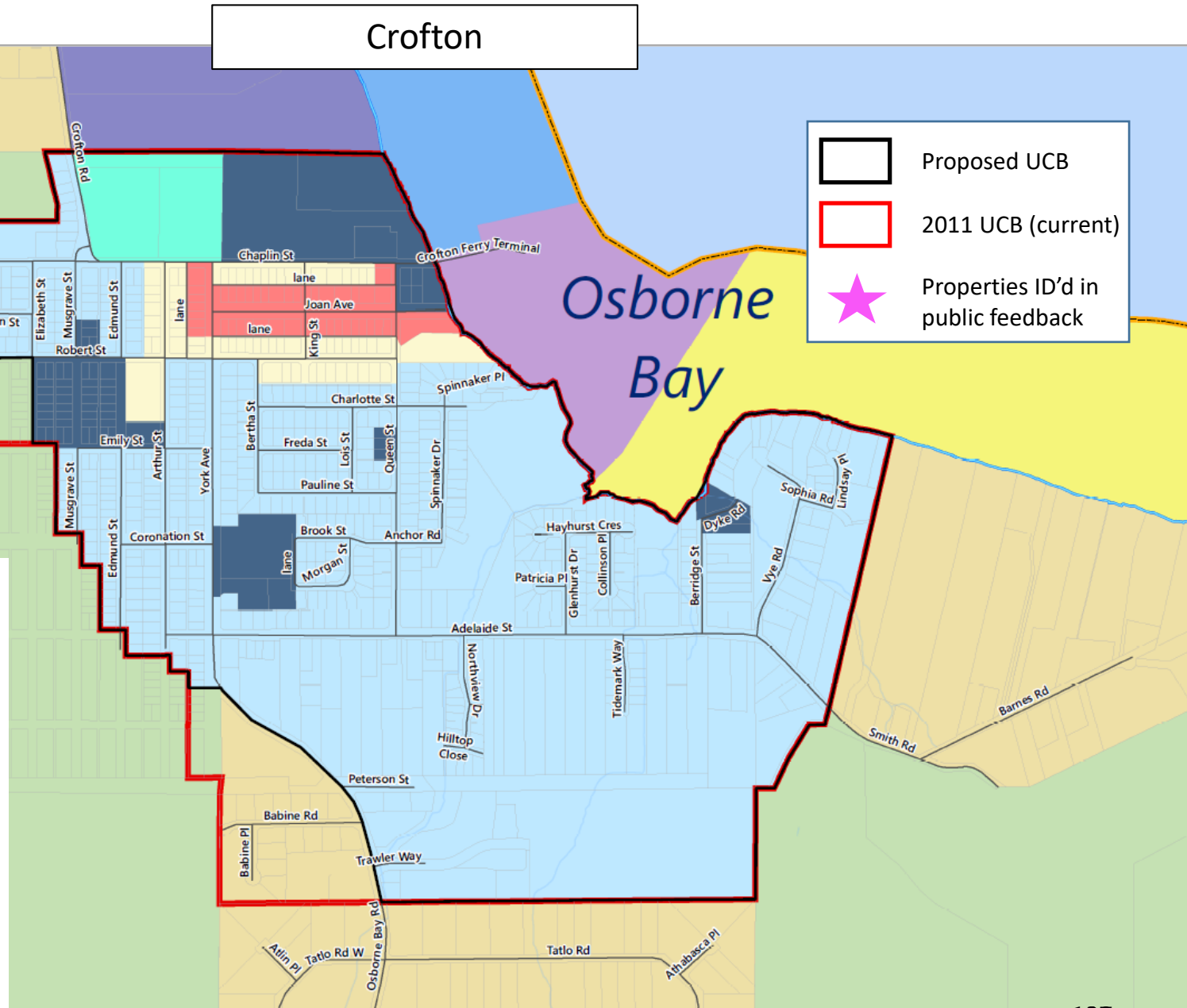
Properties ID'd in public feedback

Land Use Designations




- Village Core
- Village Residential
- Neighbourhood
- Rural Residential
- Commercial
- Industrial and Employment
- Civic
- Agriculture, Forestry and Conservation
- Future Study
- Future Growth

Water Use Designations

- Estuary
- Lake
- Marine Commercial
- Near-Shore Environment
- Marine Industrial



Bell McKinnon

-  Proposed UCB
-  2011 UCB (current)
-  Properties ID'd in public feedback

Various District Development Corp Properties

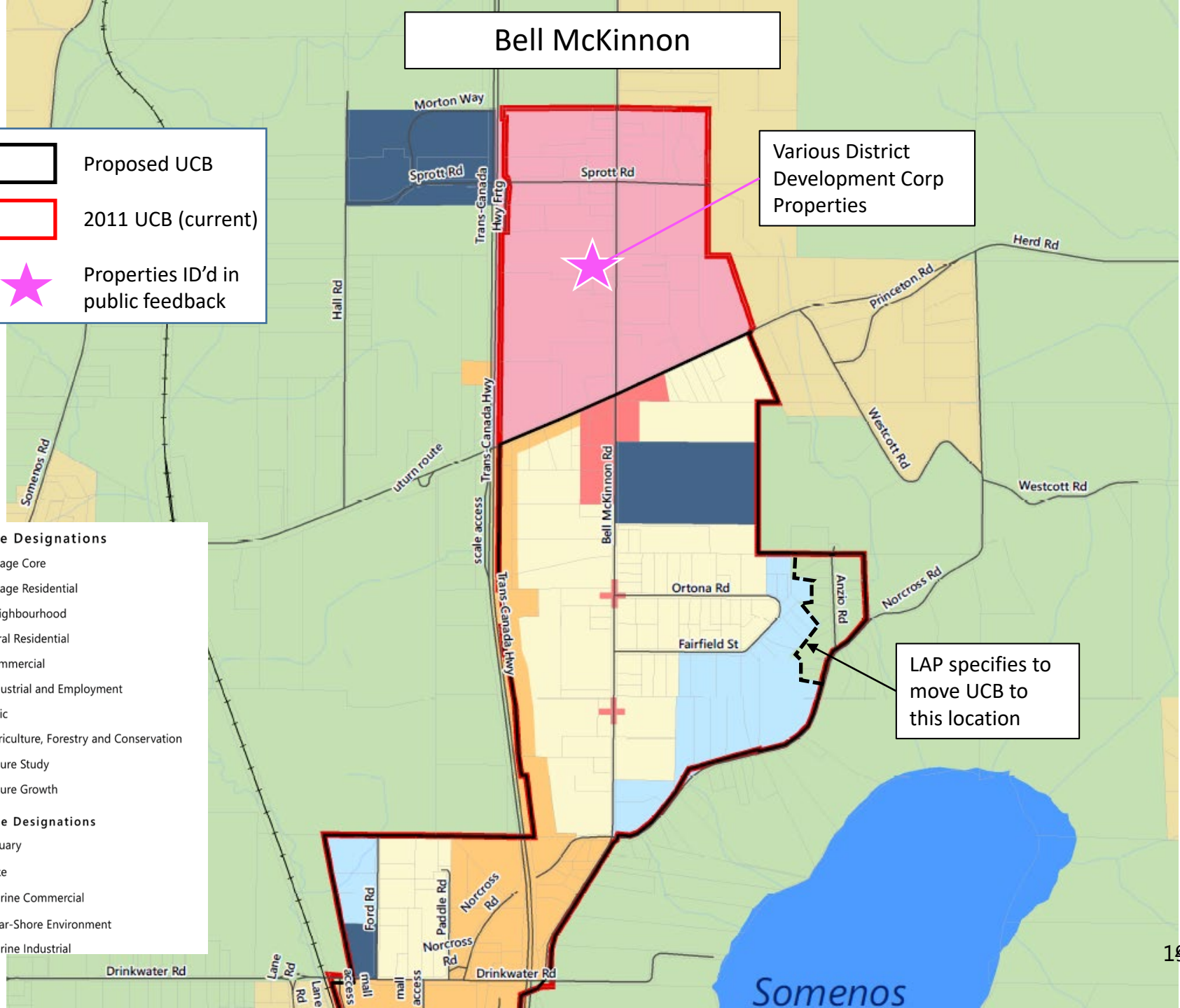
LAP specifies to move UCB to this location

Land Use Designations




-  Village Core
-  Village Residential
-  Neighbourhood
-  Rural Residential
-  Commercial
-  Industrial and Employment
-  Civic
-  Agriculture, Forestry and Conservation
-  Future Study
-  Future Growth

Water Use Designations

-  Estuary
-  Lake
-  Marine Commercial
-  Near-Shore Environment
-  Marine Industrial



Berkey's Corner

-  Proposed UCB
-  2011 UCB (current)
-  Properties ID'd in public feedback

Lot A Fairview Way

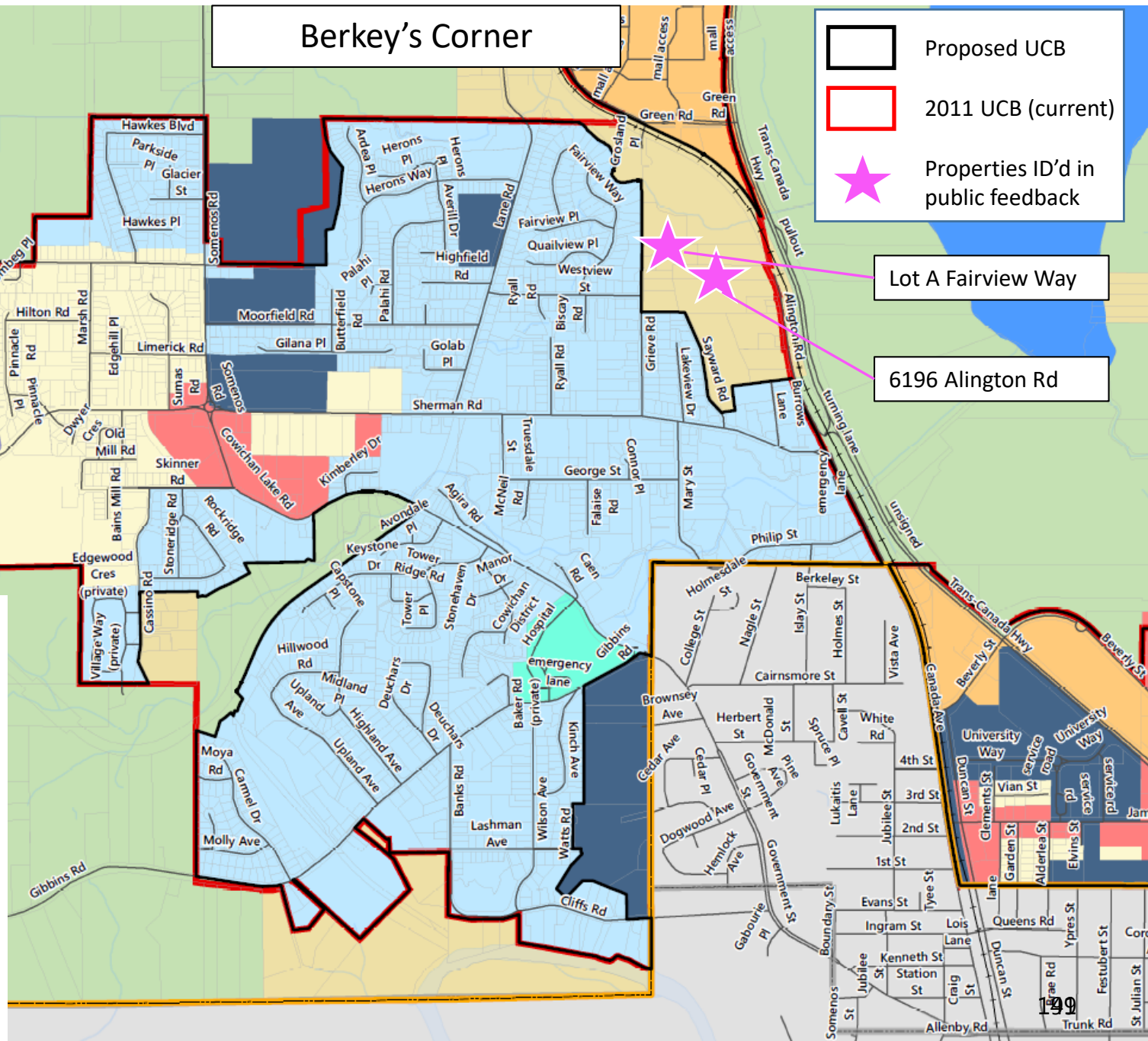
6196 Alington Rd

Land Use Designations




-  Village Core
-  Village Residential
-  Neighbourhood
-  Rural Residential
-  Commercial
-  Industrial and Employment
-  Civic
-  Agriculture, Forestry and Conservation
-  Future Study
-  Future Growth

Water Use Designations

-  Estuary
-  Lake
-  Marine Commercial
-  Near-Shore Environment
-  Marine Industrial



Maple Bay Corridor

-  Proposed UCB
-  2011 UCB (current)
-  Properties ID'd in public feedback

2245 Moose Rd
Lot 2 Moose Rd

1967 Maple Bay Rd

1872 Maple Bay Rd
1876 Maple Bay Rd
1882 Maple Bay Rd

Kingsview

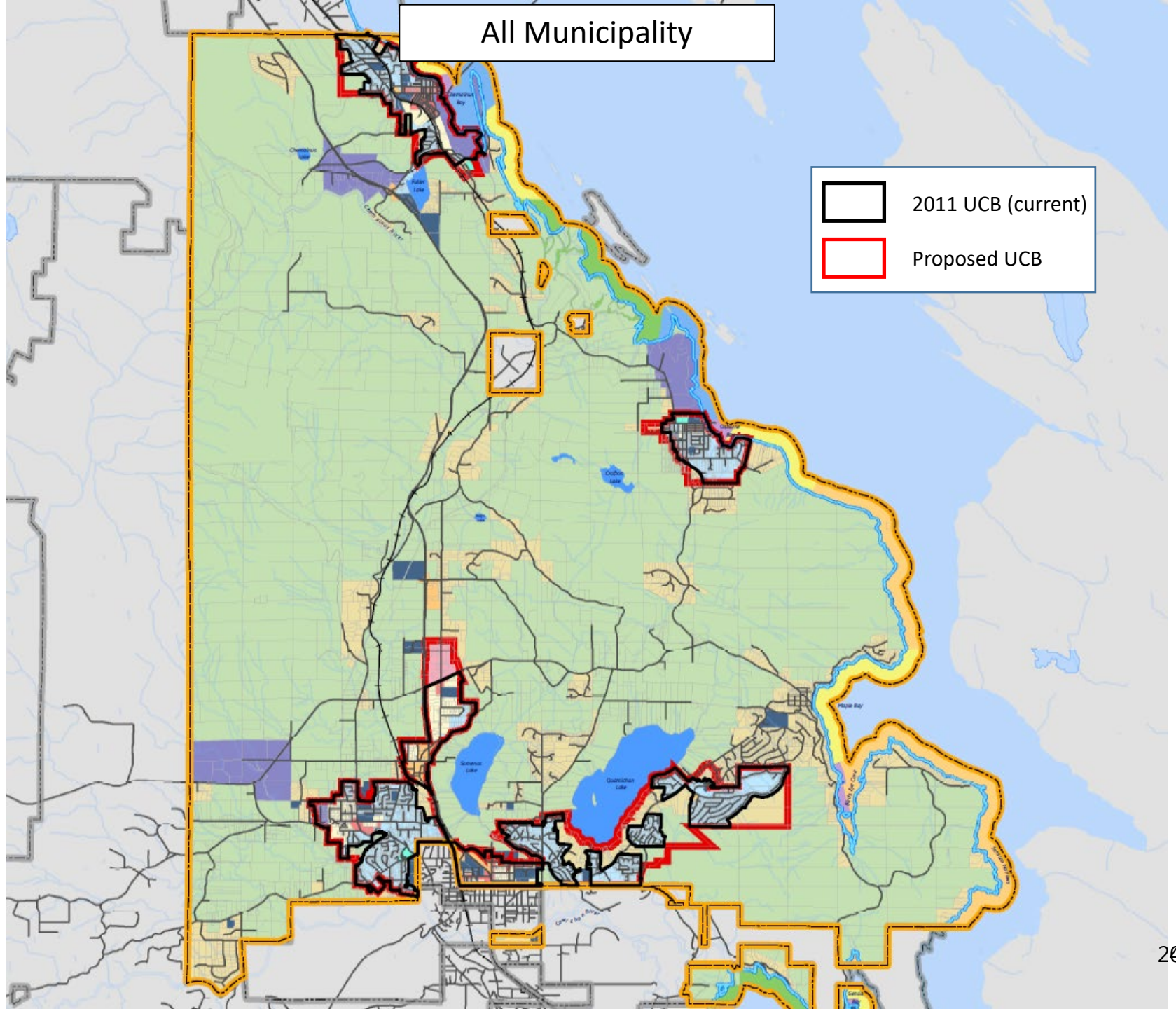
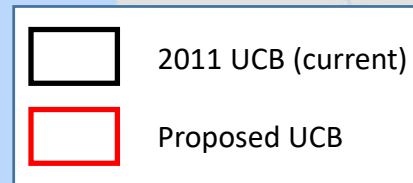
Land Use Designations

-  Village Core
-  Village Residential
-  Neighbourhood
-  Rural Residential
-  Commercial
-  Industrial and Employment
-  Civic
-  Agriculture, Forestry and Conservation
-  Future Study
-  Future Growth

Water Use Designations

-  Estuary
-  Lake
-  Marine Commercial
-  Near-Shore Environment
-  Marine Industrial

All Municipality



Report

Date	March 16, 2022	File: SPP00040
Subject	Potential Impacts of new Official Community Plan on land use applications	

PURPOSE

To provide Council with information about how land use applications may be impacted if Council adopts a new Official Community Plan.

BACKGROUND

Council has received a draft Official Community Plan (OCP) that is the product of a process that began in 2019 to review and update the 2011 Official Community Plan. The draft OCP was reviewed and discussed by the Committee of the Whole at workshops on February 15 and March 8. On March 16 Council is expected to consider and debate potential amendments to the document before the bylaw is considered for first reading.

At the February 15 Committee of the Whole meeting, staff were asked to explain how applications submitted prior to the adoption of the new OCP will be processed and how those applications could be impacted. As the response to that question is complex, staff committed to provide the information at a subsequent meeting in a staff report.

DISCUSSION

Defining “In-Stream” Land Use Applications:

Applications are considered to be “in-stream” when the applicant has submitted all required application materials, including the application fee, and the application has been entered into the Municipality’s record management system as “opened and received”. Pre-application discussions with staff and applications that have been submitted without all required application materials are not considered to be in-stream applications.

The Municipality is responsible for processing many types of development approvals, including zoning amendments (rezonings), OCP amendments, temporary use permits (TUPs), development permits, development variance permits, building permits, and subdivision applications. Most permit applications are processed in relation to the Zoning Bylaw, the Building Bylaw and other applicable development regulations rather than OCP policy. They are therefore not impacted by the adoption of the new OCP. Applications for changes in land use (rezonings, OCP amendments and TUPs) are potentially impacted by changes in OCP policy and it is those types of applications that are the focus of this report.

Defining “Impacted Applications”:

OCPs are broad-based policy documents intended to provide local governments direction on various land use, community planning, and development-related issues. Most OCPs, including North Cowichan’s draft OCP, contain a broad array of objectives and policies that guide Council decisions on land use applications in many ways. In this sense, adoption of a new OCP could potentially impact any

land use application that subsequently comes before Council. The impact a new OCP would have on decisions before Council is difficult to generalize because it will ultimately be up to Council to determine if and how OCP policy will influence their decision making when voting on land use applications.

Section 478 of the *Local Government Act* requires that all bylaws adopted by Council be consistent with the OCP. Adopting a new OCP that results in changes to OCP land use designations will preclude Council from approving zoning amendment applications and temporary use permit applications where the proposed land use is inconsistent with the OCP land use designation or is in direct conflict with other OCP policy.

Effect of Official Community Plan

478 (1) An Official Community Plan does not commit or authorize a municipality, regional district or improvement district to proceed with any project that is specified in the plan.

(2) All bylaws enacted or works undertaken under section 711 of the *Municipal Act, R.S.B.C. 1979, c. 290*, or an official settlement plan under section 809 of that Act, before the repeal of those sections became effective, must be consistent with the relevant plan.

The adoption of a new OCP potentially impacts all in-stream land use applications because new policy may influence Council's decision-making and the outcome of the application. In-stream applications that are not consistent with the new OCP's land use designations and policies would be directly impacted because Council could not consider the application without first amending the OCP.

Summary of In-Stream Land Use Applications

As of March 2, 2022, there are 23 in-stream land use applications at various stages of the development review process. These are summarized in Table 1. Policies in the new OCP potentially impact all applications in Table 1.

Applications that are directly impacted by adoption of the new OCP and would require an OCP amendment to be considered are highlighted in yellow.

Table 1

Application Type:	File No.	Property Location:	Application Date:	Proposed Amendment(s)
OCP and Zoning Amendment	OCP00015	3137 Henry Road	Oct. 27, 2020	A3 to I1
OCP and Zoning Amendment	OCP00016	6846 Bell McKinnon Rd.	Dec. 11, 2020	A2 to Mixed Use, Commercial & Residential CD Zone
OCP and Zoning Amendment	OCP00017	3037/3041 Henry Rd. 3036 Juniper Rd. 9337 TCH	Nov. 16, 2020	R1& I2 to C3

Application Type:	File No.	Property Location:	Application Date:	Proposed Amendment(s)
OCP and Zoning Amendment	OCP00018	3418 & Lot 3, Cowichan Lake Road	Apr. 15, 2020	R3 & R4 to CD zone
Zoning Amendment	ZB000083	2083 Indian Crescent	Apr. 4, 2018	R1 to R3-S
Zoning Amendment	ZB000122	6478/6489/6493/6494 Paddle Road	Oct. 15, 2020	R1 to CD zone
Zoning Amendment	ZB000126	934 Khenipsen Road	April 9, 2020	Site Specific amendment for second dwelling
Zoning Amendment	ZB000127	7022 Bell McKinnon Rd.	Mar. 6, 2020	A2 to industrial/commercial zone
Zoning Amendment	ZB000133	1771 Robert St.	June 11, 2021	A2 to R3, R3-MF & PC
Zoning Amendment	ZB000138	3005/3011 Drinkwater Rd.	Aug. 7, 2020	R1 to multi-family zone
Zoning Amendment	ZB000142	6644 Bell McKinnon Rd.	Sept. 22, 2020	R1 to multi-family zone
Zoning Amendment	ZB000143	6194 Marsh Rd.	March 22, 2021	R3 to multi-family
Zoning Amendment	ZB000153	3288/3330 Cowichan Lake Rd.	March 15, 2021	Site specific amendment for cannabis retail
Zoning Amendment	ZB000155	7167 Bell McKinnon Rd.	June 28, 2021	Site specific amendment for 2 nd dwelling
Zoning Amendment	ZB000159	Lot 32, Pacific Place	Apr. 9, 2021	Site specific amendment for 2 nd dwelling
Zoning Amendment	ZB000161	6409 Wicks Road	Sept. 28, 2021	A2 to A5 for 5 lot subdivision
Zoning Amendment	ZB000164	Lot 2, Moose Road	Nov. 9, 2021	A3 to CD/mix housing zone
Zoning Amendment	ZB000169	3833 Gibbins Road	Oct. 25, 2021	Site specific amendment for 2 nd dwelling
Zoning Amendment	ZB000172	Lot 71 Viewtop Rd.	Oct. 29, 2021	To amend definition of townhouse for two family dwelling
Zoning Amendment	ZB000173	3110 Moorfield Rd.	Nov. 9, 2021	Site specific amendment for 2 nd dwelling
Zoning Amendment	ZB000177	2950 Elm St.	Nov. 25, 2021	Amendment to CD6 zone
Zoning Amendment	ZB000179	3543 Auchinachie Rd.	Jan. 24, 2022	Site specific amendment for 2 nd dwelling

Issues and Considerations for Directly Impacted In-Stream Land Use Applications

Of the 23 in-stream applications listed in Table 1, seven would require an amendment to the new OCP in order for Council to approve them (assuming the new OCP is adopted before the proposed zoning amendment is adopted). Of those seven applications, three would require an amendment to the current 2011 OCP.

Council should keep in mind that any amendment to zoning is approved at Council's discretion and Council isn't compelled to approve any application just because it is supported by the OCP land use designation or other policies in the applicable OCP. So, while applications highlighted in yellow are identified as directly impacted should the new OCP be adopted as currently proposed, they wouldn't necessarily be approved as proposed under the current OCP. Three of the seven are inconsistent with the current 2011 OCP and would require an amendment to both the current OCP and new OCP. The

impact on the yellow highlighted applications is largely procedural. Under the current OCP, four of the seven of the applications could be approved with just a zoning amendment. If the new OCP is adopted before the applications are decided, all seven would require amendments to the OCP before the proposed zoning amendment could be considered (i.e. they are inconsistent with the new OCP). The decision to approve or deny any of the applications in Table 1, including the ones highlighted in yellow, ultimately rests with Council.

Subdivision Applications:

This report only addresses in-stream applications for land use changes and not other types of development applications. However, since the subdivision approving officer is required by the *Land Title Act* to consider the “public interest” when considering the approval of subdivision applications and an OCP can be considered to be an expression of the public interest, a few words on how adoption of a new OCP could impact in-stream subdivision applications are in order.

Section 511 of the *Local Government Act* gives in-stream subdivision applications 12 months of protection from bylaw changes that effect the subdivision from the date the bylaw is adopted. In-stream subdivision applications would therefore not be subject to policies of the new OCP for a 12 month period after its adoption. Twelve months following adoption of the new OCP the subdivision approving officer could consider policies of the new OCP when considering subdivision applications submitted prior to adoption of the new OCP.

Concluding Comments:

There is no protection in law for land use applications submitted before a new OCP is adopted, and Council has no obligation to consider in-stream applications any differently than applications received after a new OCP has been adopted. However, Council has considerable discretion when reviewing land use applications before it. The date of when an application was submitted can be considered in the decision if Council believes it to be relevant.

Land use designations and the urban containment boundary in the draft OCP were prepared based on the broad goals and objectives of the OCP and not the preferences or intentions of individual land owners. It is recommended that Council also take this approach when reviewing the draft OCP. The application process provides an opportunity for any property owners to request changes to land use designations and to highlight any unique features or circumstances that may justify land uses that are different from what is identified in the OCP.

RECOMMENDATION

THAT Council receive for information the March 16, 2022 report from the Director of Planning and Building regarding the potential impacts of new Official Community Plan on land use applications.

Report prepared by:



Rob Conway, MCIP, RPP
Director, Planning and Building

Report reviewed by:



George Farkas
General Manager

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Report

Date July 19, 2023

File: 6480-30 23.04

Subject **OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw No. 3915 for first reading**

PURPOSE

To consider amendments to the Official Community Plan and Zoning Bylaws to facilitate future residential development of approximately 32 to 50 housing units, inclusive of secondary suite potential, at 1771 Robert Street.

BACKGROUND

In June 2021, the Municipality received a zoning amendment application to increase residential density at 1771 Robert Street (PID: 001-147-544). The 2.37-hectare (5.87 acres) subject property is zoned Rural Zone (A2) (Attachment 1 – Location Map & Attachment 2 – Orthophoto). It is situated within the Rural Residential land use designation outside the Urban Containment Boundary (UCB) of the Official Community Plan (OCP) and immediately adjacent to the community of Crofton (Attachment 3 – OCP Map; Attachment 4 – Zoning Map).

Lands surrounding the subject property are primarily forested, with rural residential uses to the west and forested lands on municipal property to the south and within the Agriculture Land Reserve (ALR) to the north. One and two-family residential uses are situated within the UCB to the east. Community services, a public school, and recreation trails are located within one kilometre of the subject property.

DISCUSSION

1. OCP Bylaw Amendment

Since OCP Bylaw 3900 was adopted in August 2022, the proposal for the subject property has been inconsistent with the guiding Rural Residential land use policy to include “very little housing growth” and generally no subdivision of lots less than 2 hectares (s. 3.2.18/19 p. 51). As any change in land use requires consistency with the OCP (*Local Government Act* s. 478), an amendment to the OCP is needed before a rezoning proposal to increase residential density can be considered for approval for the subject property.

Prior to adopting OCP Bylaw 3900 in August 2022, the subject property was located within the UCB, where the growth management policy considered increased residential density. As the proposal associated with Draft Zoning Amendment Bylaw 3915 for increased residential density was based on the growth management policy of the previous OCP (Bylaw 3450), Council directed staff to initiate an amendment to the current OCP (Bylaw 3900) to consider including 1771 Robert Street within the UCB and adjusting its land use designation, so it could consider the rezoning proposal originally submitted under application ZB000133 (Attachment 5 – Council Minutes 2023-02-21).

1.1 OCP & Crofton Local Area Plan

Should Council amend the OCP to redesignate the subject property from Rural Residential to Residential Neighbourhood and include it within the UCB, the proposed land use and density would be consistent with the objective of the Residential Neighbourhood designation for sensitive infill and "gentle densification" (p. 45).

The proposal is also generally consistent with the land use policy of the Crofton Local Area Plan (LAP) (i.e., designation PA4 CDZ, p. 61) for low to medium residential density and cluster housing appealing to young families and seniors.

1.2 OCP Amendment Legislative Requirements

Procedural requirements for amending an OCP are set out in Part 14, Division 4 of the *Local Government Act* (LGA). These include that a local government must, in relation to an OCP Amendment Bylaw:

(s. 473) *Content and process requirements*

- *Consider the most recent housing needs report and the housing information on which the report is based 2.1 b).*

(s. 475) *Consultation during development of OCP*

- *Provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.*
- *Consider whether the opportunities for consultation with one or more of the persons, organizations and authorities should be early and ongoing.*

(s. 476) *Consultation on planning for school facilities*

- *Consult with the boards of education for those school districts within which it applies.*

(s. 477) *Adoption procedures for official community plan*

- *After first reading and prior to a public hearing in the following indicated order, consider it in conjunction with*
 - i) *The Municipality's financial plan, and*
 - ii) *Any waste management plan under Part 3 [Municipal Waste Management] that is applicable in the municipality.*

1.3 Consultations & Council Resolutions

In response to statutory procedural requirements related to OCP amendments, a request for consultative input was sent to the following organizations and agencies:

- a) School District 79 (SD79);
- b) Agriculture Land Commission (ALC); and,
- c) Ministry of Agriculture (MoA).

Referral responses were received from the ALC and MoA, with no concerns identified. A response was received from SD79 stating that an increase in student enrolment at Crofton Elementary School could result in some students being reallocated to the school in Chemainus (Attachment 6).

Statutory procedural requirements are reflected in the Council resolutions included in the Options section of this report and as may be applicable in subsequent reports.

2. Zoning Bylaw Amendment

The LGA states that local governments may consider an OCP amendment in conjunction with any other land use planning (s. 477):

(4) In addition to the requirements under subsection 3 ... a local government may consider a proposed official community plan in conjunction with any other land use planning ... that the local government considers relevant.

For Council's consideration and concurrent with the OCP amendment, this report introduces the applicant's request to rezone the subject property to increase residential density at 1771 Robert Street. **Proposal**

The application requests to rezone the subject property from A2 (Rural) to R3 (Residential One and Two-Family) and R3-MF (Residential Medium Density Multi-Family) Zone to facilitate subdivision for residential development that could yield approximately 32 single-family, duplex and multi-family dwelling units up to 50 units inclusive of secondary suite potential (Attachment 7 – Concept Site Plan).

2.2 Policy

2.2.1 OCP

In addition to the proposal's general consistency with the land use policy of the OCP Residential Neighbourhood designation and Crofton LAP (see section 1.1 OCP & Crofton LAP above), the rezoning proposal is generally consistent with:

- Recreation policy by dedicating lands and proposing to construct approx. 700m² of public trail (s. 4.4.1.a & Parks and Trails Master Plan/PTMP, p. 91);
- Biodiversity policy by protecting open drainage/watercourse for green space and biodiversity contiguity (s. 4.4.1.c);
- Appropriate density (proposed R3) that also includes housing diversity with townhouse cluster (proposed R3-MF) (s. 5.1.2.d and g); and,
- Proximity to community services within 1km (cycling/transit) and to transit within 300m (walk) from the site to the closest transit stop at Chaplin and Crofton Rd., contributing to policy direction for compact communities (s. 3.1.4.d).

In addition, OCP policy 5.2.2.d seeks to incorporate “affordable housing” within new developments or, in the absence of direct provision of affordable units, a cash-in-lieu contribution to the Municipality’s Affordable Housing Reserve Fund. While the proponent has offered a cash contribution of \$2,500 per R3 lot and \$5,000 for the R3-MF lot in response to this policy, the amount offered falls significantly below both the approximate per unit amount represented in recent rezoning proposals (e.g., Paddle Road land-assembly zoned CD22 & Ford/Drinkwater Road land-assembly zoned CD23) and the guideline amount contained within the emerging draft affordable housing policy.

It is recommended that Council seek a more robust amenity contribution towards affordable housing by directing staff to continue discussions with the applicant to arrive at an appropriate contribution that could be formally accepted or refused by Council at the time of second reading of Zoning Amendment Bylaw 3915, should it get that far. To guide these discussions, the emerging affordable housing policy (Committee of the Whole agenda July 11, 2023) provides a formula-based approach that seeks 2% of the total market value of the proposed development, according to benchmark prices as determined by the Vancouver Island Real Estate Board. Applying these figures to the development concept facilitated by the rezoning:

- 16 x single-family dwellings, benchmark price \$759,450
- 9 x duplex units, benchmark price \$538,000
- 10 x apartment units, benchmark price \$360,000

yields a total market value of \$20,593,200; 2% of this is \$411,864, or an average of **\$11,770 per unit**.

In recognition of the fact that the affordable housing policy is emerging policy in draft form, the other amenity contributions offered as part of this development, and the approximate size of the affordable housing amenity contribution from another significant development in recent times, a target average amenity contribution for affordable housing of \$7,000 per unit is suggested.

2.2.2 SITE ADAPTIVE PLANNING

Council Policy “Site Adaptive Planning in Urban Rural Interface” identifies properties within the Municipality, which includes the subject property, on which future development is expected to consider and accommodate environmental and hazard features. As open drainage, watercourse and ALR vegetated buffer protection, and the site’s topography was considered and reflected in the site design. Further, as environmental and farmland protection and steep slopes hazard development permits will be required prior to development, it is the opinion of staff that the proposal is consistent with the intent of this policy (Attachment 8 – Site Adaptive Planning).

2.3 Servicing & Infrastructure

A public roadway with civil servicing is proposed to be provided for access and site servicing. A public roadway would be designed and constructed in accordance with municipal design standards, including traffic calming, active transportation features, rainwater/green infiltration, and pedestrian crossing where appropriate. Road widening and frontage improvements would occur on Robert Street.

Staff are satisfied that water, sanitary, and stormwater service can be supplied to the subject property for the land use requested; however, downstream stormwater service capacity may require significant upgrades to accommodate future residential development of the site. The owner has acknowledged they are responsible for analysis and onsite stormwater management based on the property's previous state prior to mature tree removal, as well as potential upgrades to the downstream municipal stormwater service and in accordance with Engineering standards (Attachment 9). The owner further acknowledges that, given municipal engineering onsite stormwater management requirements, the number of lots/units as indicated on the Concept Site Plan may not be achieved (Attachment 7).

2.4 Future Development Approvals

SECTION 11 STREAM CROSSING: A change approval from the province under Section 11 of the *Water Sustainability Act* is required should future development contemplate a stream-crossing to the northwest corner of the site. Should appropriate provincial permits not be issued, the area that proposes multi-family housing could remain undeveloped.

DPA1/6: Multi-family housing development under the proposed R3-MF zone would require a development permit for its form and character (DPA1, MF/intensive residential; DPA6 GHG Reduction, Energy and Water Conservation).

DPA3: A development permit for the protection of the natural environment (DPA3, riparian) would be required prior to development. A preliminary assessment of the drainage course running through the property was conducted by a Qualified Environmental Professional (QEP), who determined that the watercourse would not be defined under the Riparian Area Protection and Enhancement Regulation. However, at the advice of the QEP, the owner has committed to replanting a 5-metre no-disturbance area on either side of the watercourse and protecting this vegetation into the future by registering a s. 219 (*Land Title Act*) protective covenant over this area. Further, a minimum setback of 15 metres for structures and fill is required from the watercourse (per Zoning Bylaw, sec. 13).

DPA4: A development permit for steep slope hazard areas would be required prior to development. This would require a Qualified Professional to assess the hazards related to the lands and provide any conditions that may pertain to the future development of those lands for ensuring they are safe for the intended use.

DPA5: A development permit for the protection of farmland would be required at the time of development. The applicant has demonstrated on their site plan that building and vegetated setbacks from agricultural lands to the north can be achieved.

2.5 Commitments & Amenity Contributions

The owner is willing to enter into a covenant agreement registered on the title of the property as a condition of successful rezoning, which would secure the following commitments and amenity contributions (Attachment 10 – Owner Commitments):

- a. Trail construction (3m) and dedication (4.5m) to the Municipality in the general location shown on the Concept Site Plan (Attachment 7);
- b. Registration of a vegetation management plan over a 5-metre no disturbance area on either side of the watercourse and over the ALR buffer with vegetation restoration by the owner;

- c. Public roadway design standards that include sidewalks, active transportation, pedestrian crossings, and traffic calming where appropriate;
- d. One tree per lot (front), \$300 security provided at the time of Building Permit;
- e. A financial contribution of \$2,500 per R3 lot and \$5,000 per R3-MF lot (\$57,500 - \$60,000) to be allocated to the Municipality's Affordable Housing Reserve Fund;
- f. 5% cash in lieu of parkland contribution, calculated as per the LGA;
- g. Infrastructure, including dedication for a new public roadway with construction and civil servicing works and statutory rights of way where required
- h. A 3.0m (approx.) dedication for road widening and improvements on Robert Street provided at the subdivision

As discussed above, the sufficiency of item (e) is in question when compared to the contributions provided by another development in recent times and the target amounts identified in the emerging affordable housing policy. This is reflected in the recommendation to seek a higher sum prior to second reading; however, if Council is satisfied that the ~\$60,000 offered is a sufficient affordable housing amenity contribution, Option 3 below enables Council to give both first and second readings to the OCP and Zoning amendment bylaws and schedule a public hearing.

3. Conclusion

An OCP amendment is required to include it within the UCB and redesignate it from Rural Residential to Residential Neighbourhood for Council to consider a Zoning Amendment Bylaw to increase residential density at the subject property. Procedural requirements for amending the OCP set out in the LGA are:

1. Consider the most recent housing needs report.
2. Provide opportunities for persons, organizations and authorities whose interests Council considers affected, how to consult with them, and whether consultation should be early and ongoing.
3. Seek the input of SD79 on the proposed OCP amendment.
4. After first reading, consider the proposed OCP amendment in conjunction with the financial plan and any waste management plan under Part 3 of the *Environmental Management Act*.
5. Conduct a public hearing.

While the subject property is not currently designated for the proposed uses and densities such that the proposal would be aligned, there are valid reasons for considering OCP and Zoning Bylaw amendments that would allow the subject property to be developed as proposed. These include:

- The rezoning proposal generally complies with the use and density policies of the Residential Neighbourhood land use designation of the OCP to which the subject property is proposed to be reclassified.
- The applicant has committed to community amenities and development features generally supported by planning policies in the OCP (although it is recommended that a higher contribution is sought).
- The Crofton LAP supports the proposed uses and densities.
- The property is immediately adjacent to residential uses similar to those proposed.
- The property can be serviced with Municipal water and sewer.
- The proposal's location is within one kilometre of transit, a school, and community services.

- The proposal accommodates a vegetated buffer from agricultural lands to the north in accordance with Ministry of Agriculture and Food guidelines and secures the revegetation and protection of open drainage.

While there are justifications for the proposed OCP amendment, any expansion of the UCB should be undertaken cautiously, and proximity to the UCB boundary alone should not justify amending the OCP. That said, it should also be recognized that the OCP review and update process that concluded with the adoption of OCP Bylaw 3900 did not involve a detailed property-by-property analysis when assigning OCP land use designations. The OCP amendment application process allows for a more considered review of property attributes that are not practical for land use planning at a larger scale—the reasons above support redesignating the subject property to Residential Neighbourhood and including it within the UCB.

The recommendation is to proceed with first reading of the attached amendment bylaws and seek a higher affordable housing amenity contribution commitment prior to consideration of second reading. If Council does not wish to request a higher contribution, it may proceed to give both first and second readings, as per Option 3 below. It may also specify a different target figure by amending the recommendation option accordingly.

Draft OCP Amendment Bylaw No. 3914 is provided in Attachment 11.

Draft Zoning Amendment Bylaw No. 3915 is provided in Attachment 12.

OPTIONS

1. (Recommended Option)

(1) THAT Council:

- consider the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023 and determine that the interests of School District 79, the Ministry of Agriculture and Food, and the Agriculture Land Reserve may be affected and should receive a written request for consultation;
- consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the consultation under that section does not need to be early and ongoing;
- consult under Section 476 of the *Local Government Act* with School District 79 in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the North Cowichan 2022 Five-Year Financial Plan; and,
- consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the Cowichan Valley Regional District Solid Waste Management Plan (as amended) and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan.

(2) THAT Council give first reading to Official Community Plan Amendment Bylaw No. 3914, 2023.

(3) THAT Council give first reading to Zoning Amendment Bylaw No. 3915, 2023.

- (4) THAT Council direct staff to continue discussions with the proponent regarding affordable housing community amenity contributions, to seek an increase in the amount offered prior to Council's potential consideration of second reading of Zoning Amendment Bylaw No. 3915, 2023, to a target amount of \$245,000 for affordable housing.

2. (Alternative Option)

(1) THAT Council:

- a) consider the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- b) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023 and determine that **in addition to** those of School District 79, the Ministry of Agriculture and Food and the Agriculture Land Reserve the interests of **the following persons, organizations and authorities are affected** and should receive a written request for consultation **within 30 days**:
 - [Council to identify]
- c) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the consultation under that section does not need to be early and ongoing;
- d) consult under Section 476 of the *Local Government Act* with School District 79 in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- e) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the North Cowichan 2022 Five-Year Financial Plan; and,
- f) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the Cowichan Valley Regional District Solid Waste Management Plan (as amended) and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan.

- (2) THAT Council postpone consideration of first and second reading of Official Community Plan Amendment Bylaw No. 3914, 2023 until after consultation is completed or the 30-day consultation period has lapsed.

3. (Alternative Option)

(1) THAT Council:

- a) consider the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- b) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the interests of School District 79, the Ministry of Agriculture and Food, and the Agriculture Land Reserve may be affected and should receive a written request for consultation;
- c) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the consultation under that section does not need to be early and ongoing;
- d) consult under Section 476 of the *Local Government Act* with School District 79 in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- e) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the

North Cowichan 2022 Five-Year Financial Plan; and,

- f) considers Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the Cowichan Valley Regional District Solid Waste Management Plan (as amended) and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan.
- (2) THAT Council give first and second reading to Official Community Plan Amendment Bylaw No. 3914, 2023.
- (3) THAT Council give first and second reading to Zoning Amendment Bylaw No. 3915, 2023.
- (4) THAT Council direct staff to schedule a public hearing for Official Community Plan Amendment Bylaw No. 3914, 2023, and Zoning Amendment Bylaw No. 3915, 2023.

4. (Alternative Option)

THAT Council deny Zoning Amendment Application ZB000133 to facilitate future residential development at 1771 Roberts Street.

IMPLICATIONS

Should Council be satisfied with its consideration of the recent housing needs report received under section 585.31 of the LGA, i.e., Sub-Regional Report, January 21, and be satisfied that there is no need for consultation opportunities to be early and ongoing and that consultations as conducted by staff for which referral responses were received, are satisfactory (Attachment 6), OCP Amendment Bylaw No. 3914 can be considered for first reading, followed by first reading of Zoning Amendment Bylaw No. 3915.

Should Council not be satisfied with consultation with SD 79, the Ministry of Agriculture and Food, and the ALC and decide that additional persons, organizations and authorities are considered affected by OCP Amendment Bylaw No. 3914, the OCP amendment bylaw could be deferred until Council identified consultations were completed, after which first and second reading could be scheduled.

Pending the items above, should Council wish to consider Zoning Amendment Bylaw 3915 for first reading, Council could direct staff to engage the property owner toward a higher amenity contribution for the Affordable Housing Fund than what the owner currently offers, or an alternative as may be decided by Council. Alternatively, Council could accept the contributions as submitted (see Attachment 10).

If Council is not supportive of the proposed land use change, denial of the application would result in abandonment of OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw No. 3915 and any use and development of the subject property would be subject to the provisions of the Rural (A2) Zone.

RECOMMENDATION

- (1) THAT Council:
- a) consider the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
 - b) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the interests of School District 79, the Ministry of Agriculture and Land, and the Agriculture Land Reserve may be affected and should receive a written request for consultation;
 - c) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the consultation under that section does not need to be early and ongoing;
 - d) consult under Section 476 of the *Local Government Act* with School District 79 in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
 - e) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the North Cowichan 2022 Five-Year Financial Plan; and,
 - f) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the Cowichan Valley Regional District Solid Waste Management Plan (as amended) and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan;
- (2) THAT Council give first reading to Official Community Plan Amendment Bylaw No. 3914, 2023;
- (3) THAT Council give first reading to Zoning Amendment Bylaw No. 3915, 2023;
- (4) THAT Council direct staff to continue discussions with the proponent regarding affordable housing community amenity contributions, to seek an increase in the amount offered prior to Council's potential consideration of second reading of Zoning Amendment Bylaw No. 3915, 2023, to a target amount of \$245,000 for affordable housing.

Report prepared by:

[Caroline von Schilling]

Caroline von Schilling, MCIP, RPP
Development Planner

Report reviewed by:



Rob Conway, MCIP, RPP
Director, Planning and Building

Approved to be forwarded to Council:

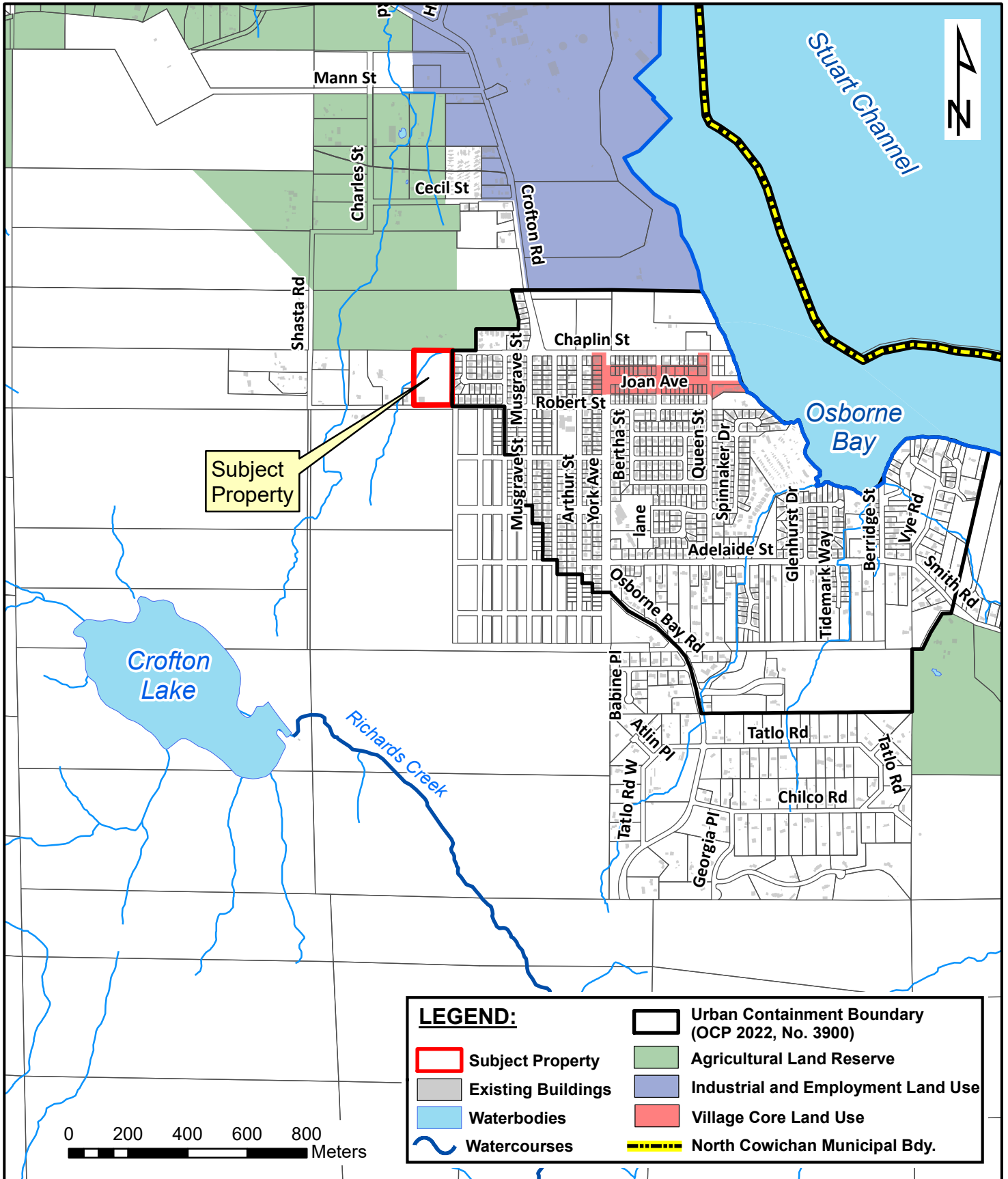


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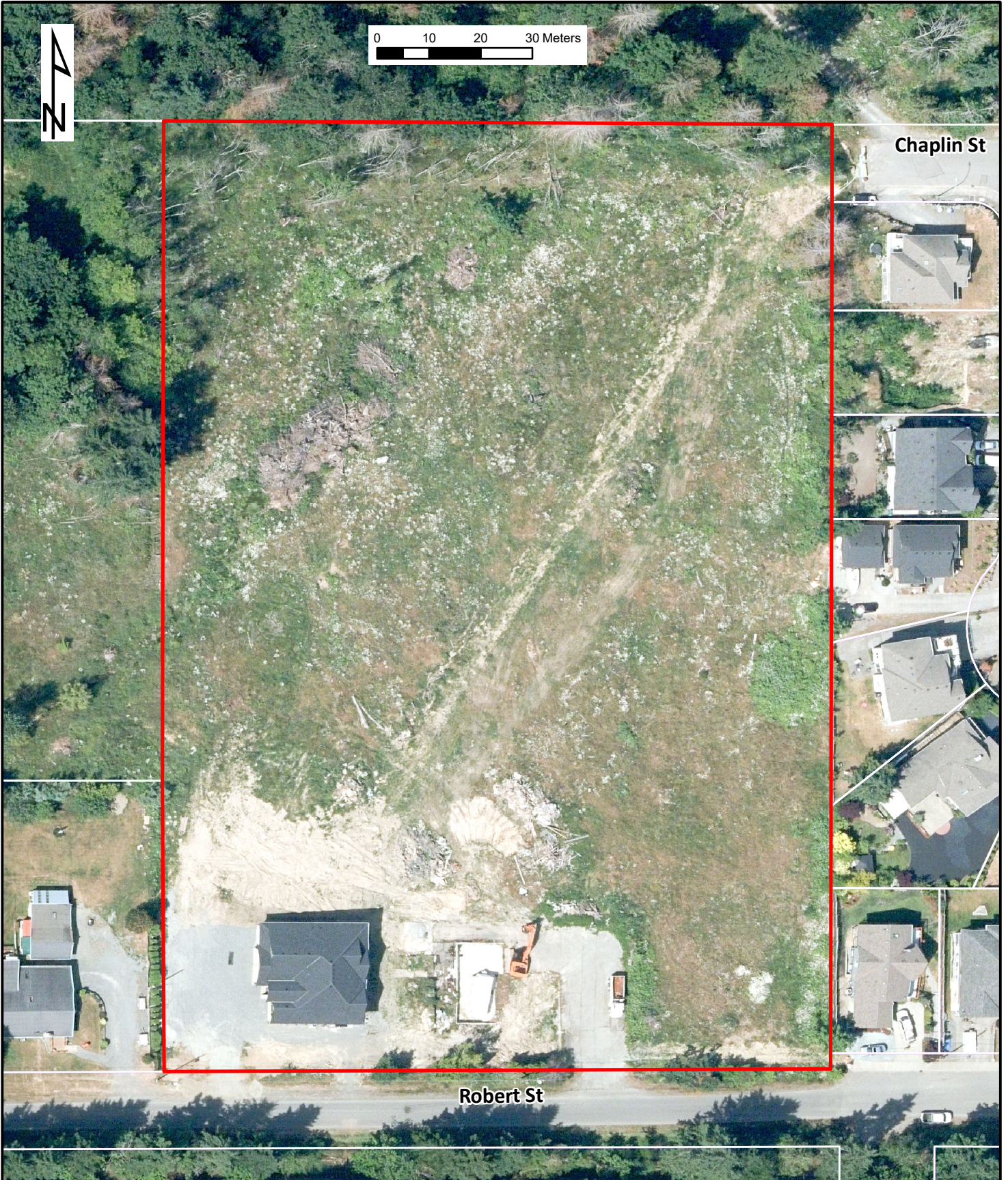
Chief Administrative Officer

Attachments:

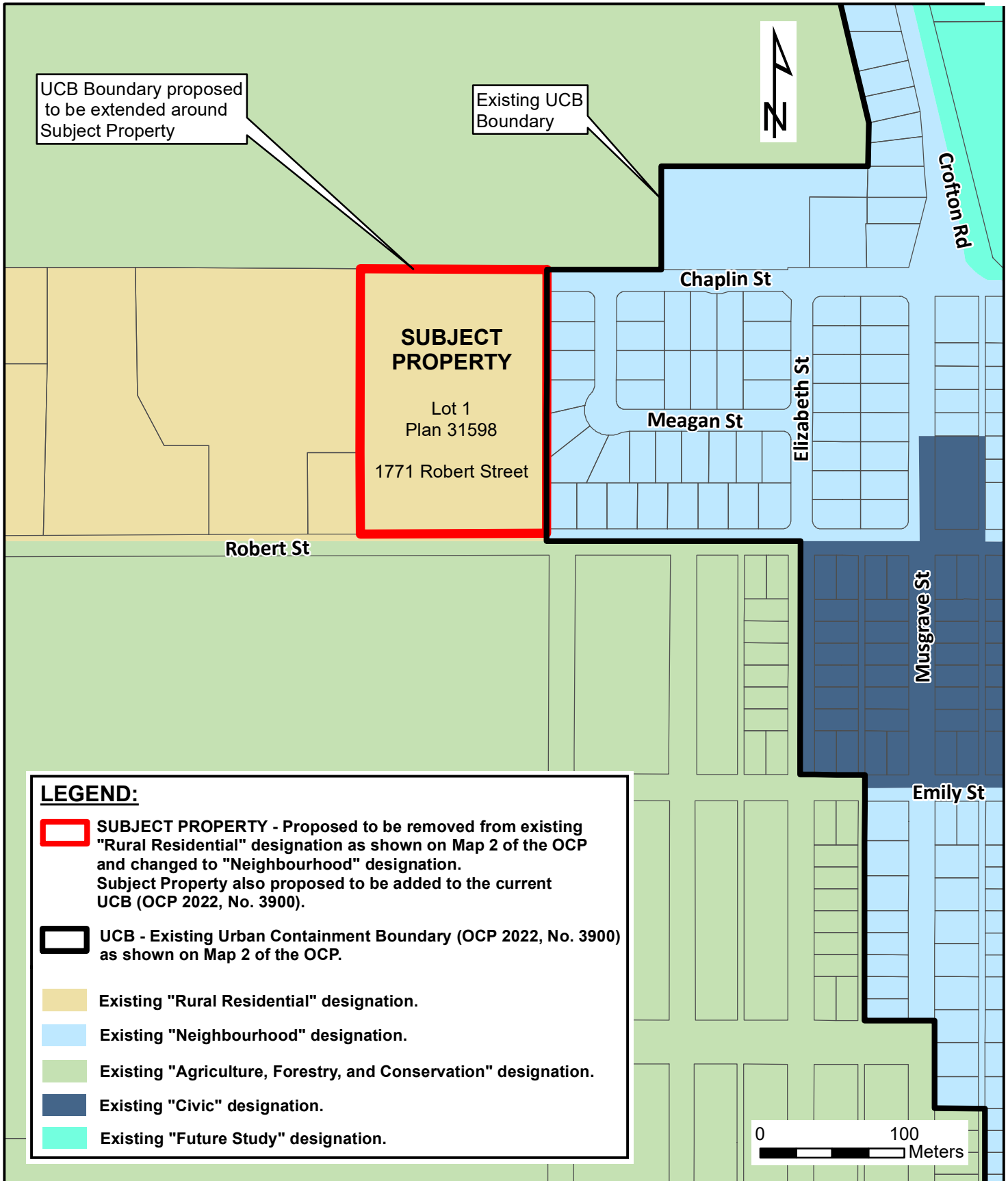
- (1) Location Map
- (2) Orthophoto
- (3) OCP Map
- (4) Zoning Map
- (5) Council Minutes 2023-02-21
- (6) Referral Responses
- (7) Concept Site Plan
- (8) Site Adaptive Planning
- (9) Owner Acknowledgement
- (10) Owner Commitments
- (11) Draft OCP Amendment Bylaw 3914
- (12) Draft Zoning Amendment Bylaw 3915



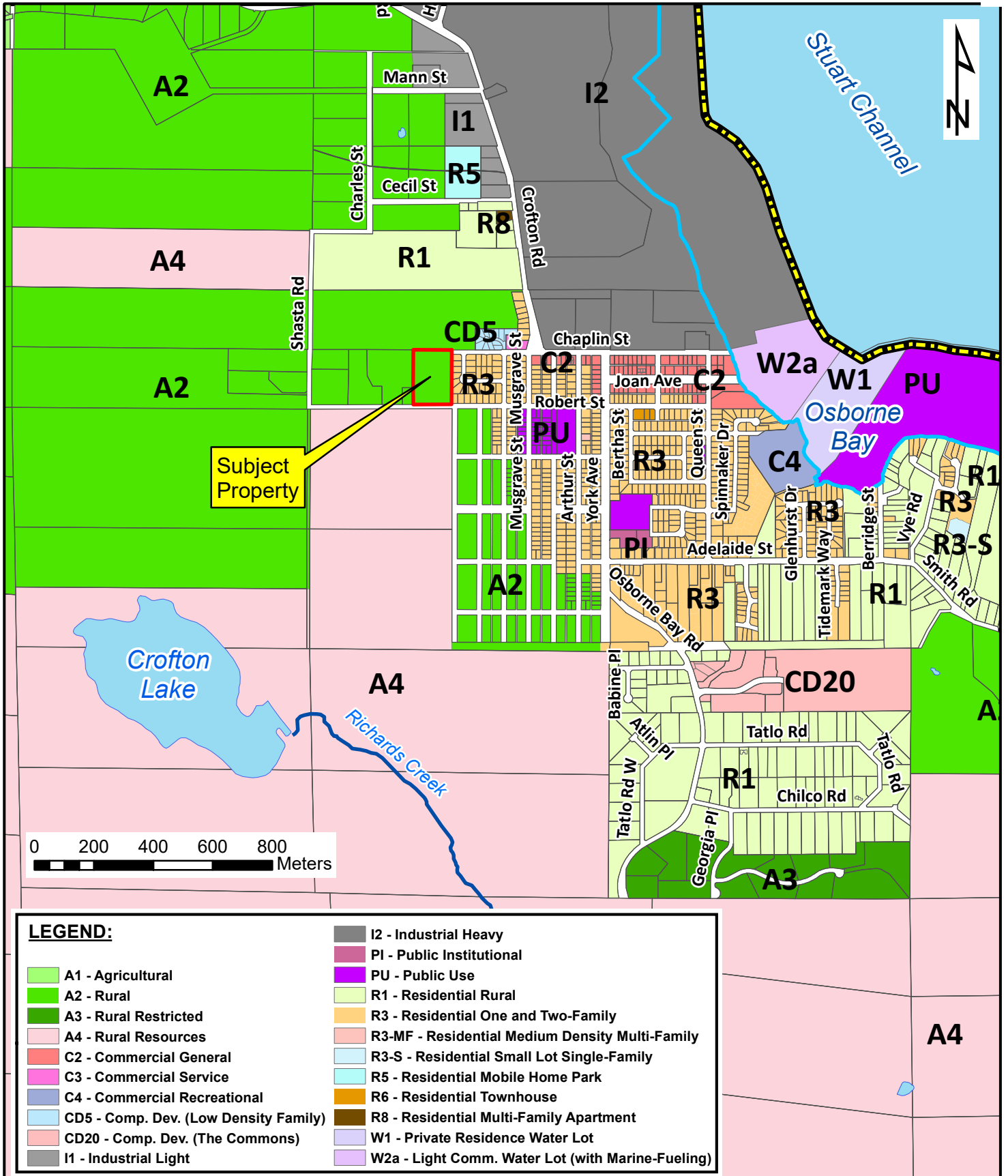
	LOCATION MAP 1771 Robert Street	DATE:	January 18, 2023
		TYPE:	Zoning Amendment
		FILE#:	ZB000133



	ORTHOPHOTO MAP (Orthophoto is from 2019 aerial photography)	DATE: January 18, 2023
	1771 Robert Street	TYPE: Zoning Amendment
		FILE#: ZB000133



	OCP MAP 2 Revisions		DATE:	June 14, 2023
	(OCP Map 2 Growth and Land Use Management)		TYPE:	OCP Amendment
	1771 Robert Street		FILE#:	OCP00026



companies by supporting fossil fuel free investment portfolios (such as the MFA Fossil Fuel Free Short-Term Bond Fund), and of". (Opposed: Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council refer the draft Investment Policy back to staff to prepare a report on options for an investment policy/strategy that in addition to prioritizing safety, liquidity and return on investment also;

- (1) reflects our OCP's over-arching goals related to environmental and climate action and social justice,
- (2) is consistent with the municipality's acknowledgement of a climate emergency, and
- (3) preferentially selecting investments that make positive contributions to Environmental, Social and Governance (ESG) factors. (Opposed: Findlay, Manhas)

CARRIED

9.2 Official Community Plan and In-Stream Development Applications

IT WAS MOVED AND SECONDED:

THAT Council direct staff to initiate an amendment to Official Community Plan Bylaw No. 3900 for 1771 Robert Street to be presented at a future meeting concurrently with Zoning Amendment Application ZB133.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB83 (2083 Indian Crescent) due to it being inconsistent with the land use designation in the Official Community Plan.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB161 (6409 Wicks Road) due to it being inconsistent with the land use designation in the Official Community Plan.

(Opposed: Caljouw, Findlay, Istace, Manhas)

DEFEATED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to initiate an amendment to Official Community Plan Bylaw No. 3900 for 6409 Wicks Road to be presented at a future meeting concurrently with zoning amendment Application ZB161.

(Opposed: Douglas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB164 (Lot 2, Moose Road) due to it being inconsistent with the land use designation in the Official Community Plan.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB127 (7022 Bell McKinnon Road) due to it being inconsistent with the land use designation in the Official Community Plan.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED



April 14, 2023

Caroline von Schilling
Development Planner, Planning Department
Municipality of North Cowichan
caroline.vonschilling@northcowichan.ca

Sent by email

Dear Caroline:

Re: File OCP00026 – OCP and Rezoning Application at 1771 Robert Street (PID: 001-147-544) – The Subject Property

Thank you for providing the opportunity for Ministry of Agriculture and Food (Ministry) staff to comment on File OCP00026 that proposes to rezone the 2.4 ha Subject Property from A2 (Rural) to R3 (Residential One and Two Family) and R3-MF (Residential Multi-Family) to facilitate a 23 lot subdivision for future residential development of approximately 34 – 40 dwelling units that borders land in the Agricultural Land Reserve (ALR) to the north.

A referral response was initially provided by Ministry staff on December 10, 2021. From an agricultural perspective, Ministry staff offer the following comments:

Setbacks, Vegetative Buffer and Buffer Design:

Ministry staff note that, similar to the initial project proposal for the Subject Property dated May 19, 2021, a 30 metre setback between the residential structures proposed to be constructed on the northern portion of the Subject Property and the adjacent property to the north that is within the ALR is still proposed in the revised project plan. Additionally, within this 30 metre setback, the 15 metres directly adjacent to the ALR boundary is once again proposed to be dedicated to a vegetative buffer.

Ministry staff are pleased to see that the residence proposed on lot 15 (labelled lot 16 on the previous project plan) will be setback more than 30 metres from the ALR boundary. Previously, the residence on lot 16 was only proposed to be setback approximately 20 metres from the ALR boundary.

Ministry staff note that a Buffer Design Plan was not submitted with the updated OCP/Zoning Bylaw Amendment application. Ministry staff welcome the opportunity to review a Buffer Design Plan for the Subject Property if/when one is completed.

Overall, Ministry staff are encouraged to see that the proposed setback and vegetative buffer provisions are largely consistent with section 3.8 'Urban-side buffer design specifications' contained within the Ministry's Guide to Edge Planning.

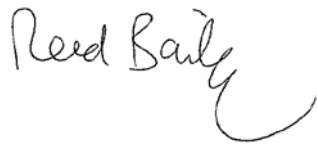
Proposed Rezoning:

Be advised that the Ministry has no comment with respect to rezoning the Subject Property from the current A2 (Rural) to R3 (Residential One and Two Family), R3-MF (Residential Multi-Family) to accommodate residential development on the Subject Property.

Please contact Ministry staff if you have any questions regarding the above comments.

Thank you for the opportunity to provide comments from an agricultural perspective with respect to this file.

Sincerely,

A handwritten signature in black ink that reads "Reed Bailey". The signature is written in a cursive, flowing style with a long, sweeping underline.

Reed Bailey
Land Use Planner
778-698-3455
Reed.Bailey@gov.bc.ca

cc: Agricultural Land Commission – ALC.Referrals@gov.bc.ca

From: Collins, Martin ALC:EX <Martin.Collins@gov.bc.ca>
Sent: Monday, March 27, 2023 2:10 PM
To: Caroline von Schilling
Subject: OCP Bylaw No. 3900,

Categories: c - Filed, 3 - Applications

Caroline

The ALC has no objection to the proposed development adjacent to the ALR, finding the buffering/setbacks adequate to ensure minimal conflict with future potential agricultural development.

Regards

Martin Collins, Regional Planner, ALC

From: Jason Sandquist <JSandquist@sd79.bc.ca>
Sent: Tuesday, May 2, 2023 1:48 PM
To: Caroline von Schilling
Cc: Rob Conway
Subject: RE: OCP Amendment Referral Comment - Requested OCP00026 1771 Robert Street
ADDENDUM

Hi Caroline,

Thank you for following up.

We are now at capacity for Crofton Elementary School with a projected enrolment for 2023/2024 of 204 students. Should this development proposal bring additional children to the school it may trigger a recent motion of the Board of Education that states that in the event that a portable classroom is required at Crofton Elementary or Chemainus Elementary the grade 6 populations from both of those schools will transfer to Chemainus Secondary. Leaving both Chemainus and Crofton Elementary Schools as K-5 schools.

This would be an impact to both of those communities and should be taken into consideration by North Cowichan. I am happy to expand further if requested.

Thank you,

Jason Sandquist
Secretary-Treasurer

Cowichan Valley School District
AD: 2557 Beverly Street, Duncan, BC
PH: 250-748-0321 Ext. 208
W: www.sd79.bc.ca
S: @CowichanSchools - FB / Twitter / IG



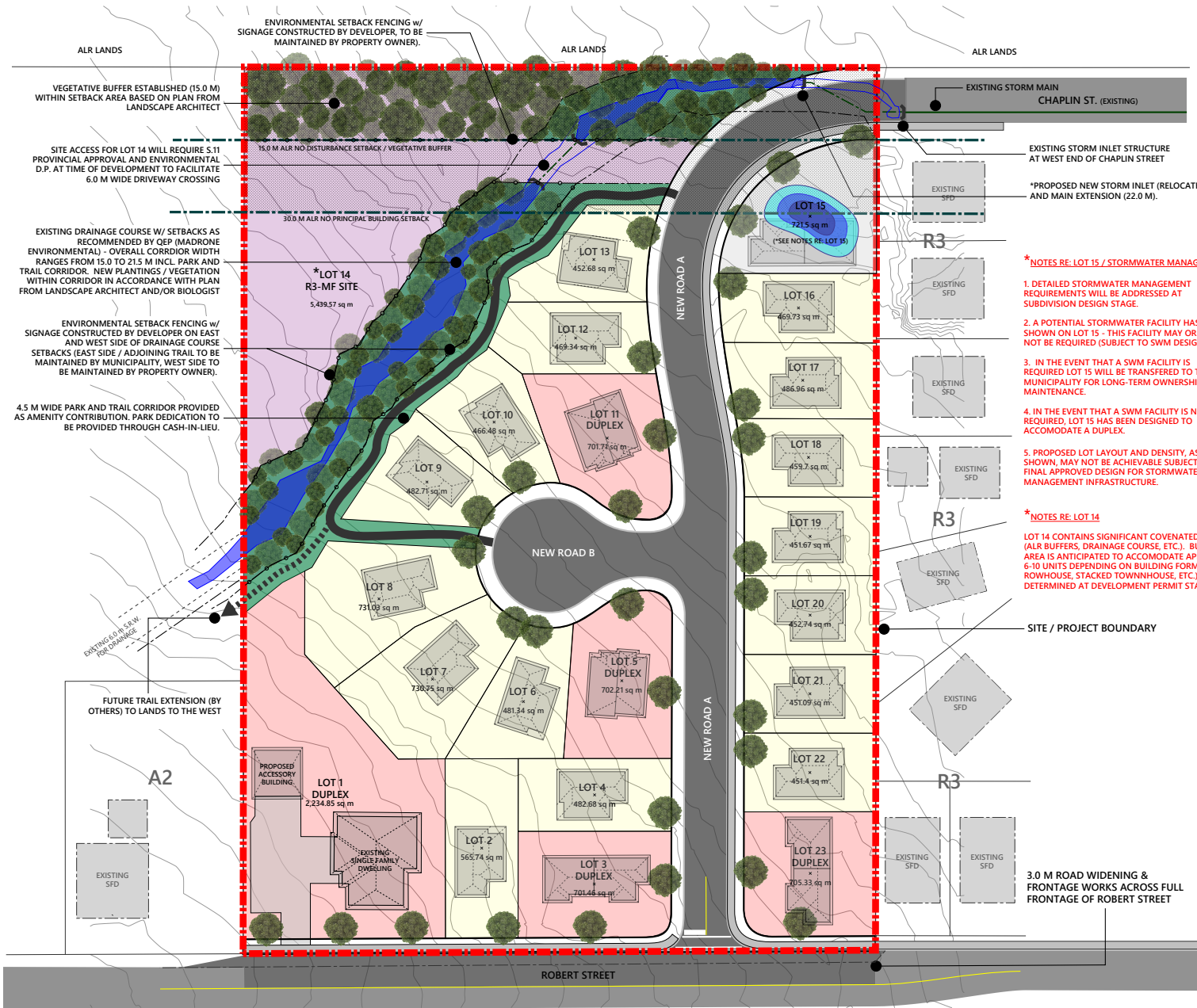
Our Journey is **Beyond Education**

I acknowledge that for thousands of years the Quw'utsun, Malahat, Ts'uubaa-asatx, Halalt, Penelakut, Stz'uminus, & Lyackson Peoples have walked gently on the unceded territories where I now work.

**1771 ROBERT STREET
CONCEPTUAL
DEVELOPMENT PLAN**

TOWNSITE PLANNING INC.
PO BOX 160
Lantzville, BC V0R 2H0
tel / text: 250.797.2515
email: scott@townsiteplanning.ca
web: www.townsiteplanning.ca

DRAINAGE COURSE ALIGNMENT DERIVED FROM FLAGGING AND SURVEY WORK COMPLETED BY MADRONE ENVIRONMENTAL AND HEROLD ENGINEERING.





PO Box 160, Lantzville, BC V0R 2H0 t: (250) 797.2515
e: scott@townsiteplanning.ca w: www.townsiteplanning.ca

March 30, 2022

Site Adaptive Planning in Urban Rural Interface - 1771 ROBERT STREET

SITE:

1771 Robert Street is a 2.37 ha (5.75 acre) parcel located in the northwest corner of the community of Crofton within the Municipality of North Cowichan. The site is located within the Municipality's Urban Containment / Growth Centre Boundaries.

The lands contain an existing newer single-family dwelling in the southwest corner of the parcel which was constructed in 2018. Historic air photos indicate that the southern half of the property was cleared and open as far back as the mid-1970's (note, there was an older home from the 1960's (approx.) that was removed when the new home was built in 2018). The northern half of the property appears to have been cleared in approximately 2016/2017. The current state of the property is that the majority of it is roughly graded, except for those areas directly around / in proximity to the single-family dwelling.

The existing single-family dwelling has a connection to municipal water, which runs along the entire frontage of the property along Robert Street. Municipal water is also stubbed at northern end of Chaplin Street. Municipal sanitary and storm sewer services are also stubbed at the end of Chaplin Street in anticipation of future extension to these lands. The house is connected to municipal sewer at the northeast corner of the site.

TERRAIN:

The subject property slopes fairly consistently at 10-12% from the southwest corner of the property (90m above sea level) to the northeast corner (63 m above sea level).

ECOSYSTEM / SURROUNDING CONTEXT:

There is a minor overland drainage route that enters the property approximately halfway along the western boundary of the site and exits the property into the piped municipal stormwater system near the northeast corner of the site.

Lands directly adjoining to the east consist of an existing low density residential neighbourhood (R3 zoning: single family / duplex). Lands to the west are also located in the Urban Containment Boundaries (UCB) and are serviced with municipal water. Lands to the south (across Robert Street) are forested, located outside of the UCB and owned by the Municipality. Lands to the north are forested and are located within the Agricultural Land Reserve (ALR), although do not currently appear to be in use for any agricultural purposes.

COMMUNITY CONTEXT:

Crofton is an established and stable community located on Osborne Bay within the Municipality of North Cowichan. The majority of the community consists of older residential housing stock on serviced urban lots. Newer developments have occurred within the community, primarily in the south / southeast areas of the community, along with lands directly east of the subject property.

The following important community facilities are located within walking distance to the site:

- BC Transit route: 250 m
- Crofton Community Fire Hall: 275 m
- Crofton Community Centre: 300 m
- Crofton Community Pool: 340 m
- Crofton Post Office: 600 m
- Grocery / Liquor Store / Neighbourhood Pub: 650 m
- Crofton Elementary: 850 m
- Crofton waterfront / Seawalk: 1000 m

KEY SITE PLANNING CONSIDERATIONS:

In consideration of the various on-site and surrounding characteristics, proximity to community services and direct access to municipal services (water, sanitary storm, roads, etc.) the subject property appears to be an excellent candidate for well-planned residential development. The following critical site characteristics have been carefully considered in the development of a conceptual land use plan for this site:

Drainage Course:

The seasonal drainage course has been reviewed by Madrone Environmental and they have confirmed that a 5.0 m setback (on both sides) will provide for adequate protection of this minor drainage course. This setback has been augmented in our site planning with an additional 4.5 m of park dedication with a hard-surfaced trail on the east side of the environmental setback and will have an environmental fence to minimize impact. Impact is also reduced through the inclusion of a single crossing of the drainage course for access and servicing to the west side of the drainage course.

ALR Buffer:

As previously noted, the lands to the north are located within the Agricultural Land Reserve, although do not appear to be in use for any agricultural purposes at this time. Notwithstanding this, it is important to establish a buffer to these lands to acknowledge potential long-term farm uses that could take place on the lands. Best practices established by the Agricultural Land Commission (ALC) encourage the establishment of a 15.0 m vegetative buffer from the property line. In the case of the subject property, as these lands have previously been cleared, a re-planting plan will be required to re-establish appropriate buffer vegetation. In addition, a secondary 15.0 m buffer is also used to restrict principal

dwelling (homes) within this area, which ensures that homes are no less than 30.0 m (100 ft.) from the ALR property. This secondary buffer may still be used for yard areas, driveways, access, etc.

These buffering requirements have been incorporated into the proposed development.

Terrain:

As noted, the lands have a fairly consistent slope of 10-12% from SW to NE. Planning the site in consideration of these contours minimizes the land alteration required to establish appropriate grades and elevation for municipal roads, servicing and building sites.

Community Impact:

The fourth and final key consideration with this site is community impact. The Crofton community engaged in and largely endorsed a community plan that was adopted in 2017. This plan identifies the subject lands for low density residential development, which is what has been proposed with this application. The forms of housing proposed with this development are consistent with and match the goals and objectives of the Community Plan and are similar in scale and density to the existing low density residential lands directly adjoining to the east. Additional residential units (single family, duplex and townhouse) and the corresponding increase in population will also help to support and encourage new and existing commercial and personal services and will also support the student population at Crofton Elementary School.

Overall, we believe that this well-planned development has given careful consideration to the various relevant site and community characteristics and will be a positive and welcome addition to the community.

End of Document



PO Box 160, Lantzville, BC V0R 2H0 t: (250) 797.2515
e: scott@townsiteplanning.ca w: www.townsiteplanning.ca

July 21, 2022

District of North Cowichan
7030 Trans-Canada Highway
North Cowichan, BC V9L 6A1

Our File: 20-05 Robert Street

Attn: Caroline von Schilling, Planner

Re: Rezoning Application – 1771 Robert Street

Further to the request included in the email we received from you on July 5, 2022 regarding commitments related to the rezoning for the above-noted property, the owner of the property hereby offers the following acknowledgment and commitment:

1. That all storm water, including from the proposed public roadway, is required to be managed on-site and that the development plan and achievable density may be impacted by accommodating storm water management facilities on-site. The expectation would be that post development flows from the site are no greater than pre-development flows based on the site being naturally vegetated.
2. If storm water is not fully managed on-site, an analysis of the down-stream drainage system will be required, and all costs associated with securing rights of way and undertaking required upgrades will be borne by the developer.
3. That the owner will apply for a Development Permit to undertake restorative site works for the watercourse area (as defined Madrone Environmental) within 12 months of the approval of the rezoning for the subject properties. Included with the Development Permit application will be a management / replanting plan, a s.219 covenant to define and protect the covenant area and statutory right of way to allow for the conveyance of stormwater across the subject property. The owner further commits to complete the works authorized under the Development Permit within 12 months of the issuance of a Development Permit for this work. In order to ensure the commitment is binding and enforceable, a mutually agreeable rent charge may be included in the covenant that would apply if the property owner breaches the covenant requirements.

Please contact us if you have any questions or require any further clarification.

Sincere Regards.

Letter Prepared by:

Scott W. Mack, M.Arch., B.Sc. (PLAN), MCIP, RPP
Managing Partner | Registered Professional Planner

On behalf of:

Terry Symborski
Property Owner



PO Box 160, Lantzville, BC V0R 2H0 t: (250) 797.2515
e: scott@townsiteplanning.ca w: www.townsiteplanning.ca

July 7, 2023

District of North Cowichan
7030 Trans-Canada Highway
North Cowichan, BC V9L 6A1

Our File: 20-05 Robert Street

Attn: Caroline von Schilling, Planner
Re: **Rezoning Application – 1771 Robert Street**

Dear Caroline,

Further to the request included in the email we received from you on June 13, 2023, we have compiled the requested information and provide the following for the District's review and consideration:

1. The preliminary development concept has been updated with all of the requested changes identified in your email:
 - a. A potential stormwater management facility has been shown in the area of Lot 15, with a note indicating that the requirement for this facility will be confirmed during the detailed design stage at the time of subdivision;
 - b. Lots 7 and 8 have been updated to remove the duplex designation; and,
 - c. The preliminary development concept already contains a note that indicates that fencing and signage will be provided along both the east and west sides of the drainage course.
2. The owner further agrees to provide the following at the subdivision stage:
 - a. Dedication of a 4.5m trail ROW for public walkway with construction of a 3.0 m trail for which detailed design drawings are provided to and approved by the Director of Parks prior to construction;
 - b. To erect signage at intervals of a minimum of 20.0 m or 1 per lot (whichever is greater), or as approved by the Director of Planning, to be located on the trail ROW immediately adjacent to the vegetated open drainage. Signage shall indicate: 'Vegetation Protection Area, No clippings/dumping', or similar, and will be owned and maintained by the Municipality.
 - c. To undertake restorative site works of replanting and invasive species management plan for a period of 4 years with QEP monitoring;

-
- i. Letters of substantial completion provided by OEP per replanting plan each year with letter of final completion at the end of the 4th year;
 - ii. erect all required signage; temporary fencing during construction with ESC measures as appropriate; and provide security bonding plus 10% for its completion. Plan with Estimate to be provided by a QP and be approved by the Municipality prior to undertaking restoration and signage works.
 - d. To register a s.219 protection and management covenant agreement, and provide BCLS reference plan for registration of the covenant area, and which stipulates that the Owner shall maintain the area free from invasive species and protect and maintain existing vegetation, including maintenance of existing signage and fencing;
 - e. To register a SRW for municipal access to drainage area;
 - f. To construct fencing at the time of development, either wood post and rail or black chain link or alternative as approved by the Director of Planning at the location/s provided in a Schedule called Fencing Detail (or as otherwise preferred, e.g., Site Plan) to be provided by the developer for the rezoning s.219; security bonding required for fencing and its construction plus 10%;
 - g. Dedication and construction of frontage improvements on Robert Street and new public Roads A and B;
 - h. Construction drawings to be prepared by a qualified professional civil engineer, and to include the following minimum design standards:
 - i. Traffic calming measures;
 - ii. Pedestrian crossings;
 - iii. Active transportation infrastructure; bicycle lane;
 - iv. Bioswale stormwater green infrastructure submitted by qualified professional for public roadway; and,
 - v. Dark sky compliant street lighting.
 - i. Stormwater management design may require downstream analysis or onsite management per approval of Director of Engineering. Post development flows not to exceed those of mature treed site, as per 2010 air photo;
 - j. 1 tree per lot shall be provided at the time of development (Building Permit), with a \$300 per tree landscape bond provided at the time of Building Permit application; and,

-
- k. Park land, as per the requirements of the Local Government Act, shall be satisfied through the provision of a cash-in-lieu contribution at the time of subdivision.

With regard to Community Amenity Contributions (CAC's), we note that our previous amenity contribution proposal of \$500 per each single family and duplex unit, plus \$250 per each townhouse / MF unit, was based on a staff recommendation from December 2021. Having said that, the owners have agreed to reconsider their CAC proposal and have increased it as follows:

1. The land required to provide a for 4.5 m trail dedication adjoin Lots 8 – 13 totals approximately 700 m² or 3% of the subject property. In addition, the District has requested that a trail be constructed within these lands. Normally, these lands would be used to satisfy a portion of the legislative park dedication requirements, however, the District has indicated a preference for a 5% cash-in-lieu payment.

We believe that the value of this land, with improvements, is approximately \$100,000. This equates to a contribution of approximately \$4,350 - 4,500 per lot (based on yield of 22-23 lots). In addition, the owner is also prepared to offer a cash contribution of \$2,500 per R3 lot, plus \$5,000 for the R3-MF lot at the time of subdivision, to be directed towards the Municipality's Affordable Housing Reserve Fund. Subject to final lot count, it is anticipated that this will result in a \$57,500 - \$60,00 contribution. Overall, the total value of our CAC proposal is approximately \$160,000 (approx. \$7,000 - \$7,200 per lot).

We trust that the information provided herein, along with previous updates and commitments, will allow this application to proceed to Council for consideration of first and second reading on July 19, 2023.

Please contact us if you have any questions or require any further clarification.

Sincere Regards.



Scott W. Mack, M.Arch., B.Sc. (PLAN), MCIP, RPP
Managing Partner | Registered Professional Planner

ec: Terry Symborski and Louise Violette (Owner)
Patrick Ryan (Herold Engineering)



The Corporation of the District of North Cowichan

Official Community Plan Amendment Bylaw

BYLAW NO. 3914

A bylaw to amend Official Community Plan Bylaw No. 3900 to include 1771 Robert Street within the UCB and change the designation from Rural Residential to Residential Neighbourhood.

WHEREAS Council has considered the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan,

AND WHEREAS Council has considered consultation under Sections 475 and 476 of the *Local Government Act*,

The Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

Citation

1 This Bylaw may be cited as "*Official Community Plan Amendment Bylaw No. 3914, 2023*".

Amendment

2 Official Community Plan Bylaw No. 3900, 2022 be amended by redesignating 1771 Robert Street (PID: 001-147-544) in Schedule "A", Appendix 1: Maps, Map 2 [*Growth and Land Use Management*] from Rural Residential to Residential Neighbourhood and realigning the Urban Containment Boundary in Map 2 [*Growth and Land Use Management*] to include 1771 Robert Street, as shown in Schedule 1, attached to and forming part of this Bylaw.

 READ a first time on _____.

READ a second time on _____.

This bylaw was advertised on the municipality's social media sites on _____, in the Cowichan Valley Citizen and the Chemainus Valley Courier on _____, and was posted to the municipality's public notice places on _____.

CONSIDERED at a Public Hearing on _____.

ADOPTED on _____.

 CORPORATE OFFICER

 PRESIDING MEMBER

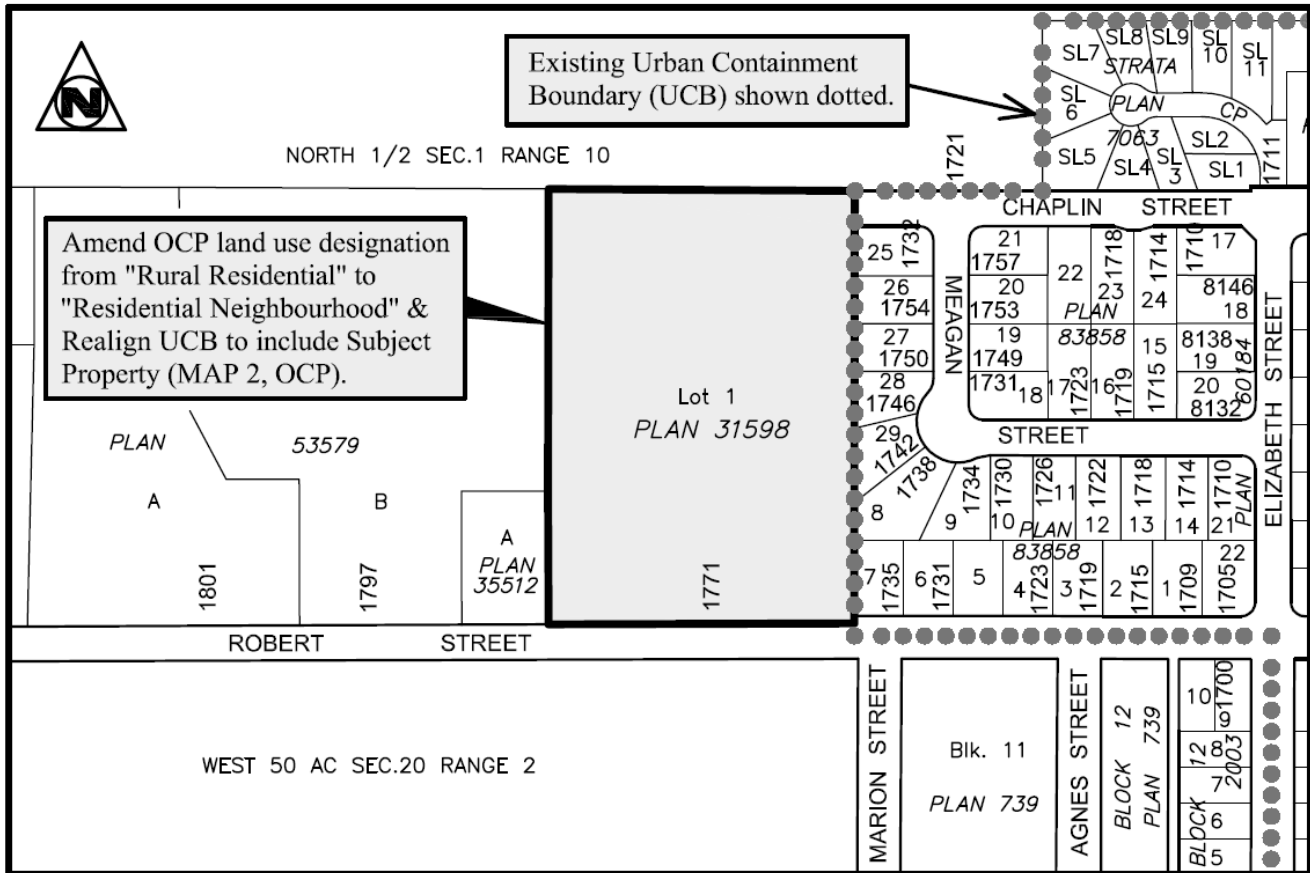
Schedule "1" to accompany "Official
Community Plan Amendment Bylaw No.
3914, 2023".

Presiding Member

Corporate Officer

SCHEDULE "1"

"2. Growth and Land Use Management"





The Corporation of the District of North Cowichan

Zoning Amendment Bylaw

BYLAW NO. 3915

*A bylaw to amend Zoning Bylaw 1997, No. 2950, to reclassify
1771 Robert Street from A2 to R3 and R3-MF.*

The Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

Citation

1 This Bylaw may be cited as "Zoning Amendment Bylaw No. 3915, 2023".

Amendment

2 Zoning Bylaw 1997, No. 2950, Schedule "C" be amended by reclassifying 1771 Robert Street (PID: 001-147-544) from Rural Zone (A2) to Residential One and Two-Family Zone (R3) and Residential Medium Density Multi-Family Zone (R3-MF), as shown outlined in black in Schedule 1 attached to and forming part of this Bylaw.

READ a first time on _____.

READ a second time on _____.

This bylaw was advertised on the municipality's social media sites on _____, in the Cowichan Valley Citizen and the Chemainus Valley Courier on _____ and was posted to the municipality's public notice places on _____.

CONSIDERED at a Public Hearing on _____.

READ a third time on _____.

COVENANT registered on _____.

ADOPTED on _____.

CORPORATE OFFICER

PRESIDING MEMBER

Schedule "1" to accompany "Zoning
Amendment Bylaw No. 3915, 2023".

Presiding Member

Corporate Officer

[illegible]

Report

Date	October 4, 2023	File: 6480-30 23.04
Subject	OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw 3915 and updated community amenity contribution offer	

PURPOSE

To consider moving OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw No. 3915 forward and accepting the applicant's updated offer for community amenity contributions for 1771 Robert Street.

BACKGROUND

At the August 16, 2023, Regular Council Meeting, OCP Amendment Bylaw No. 3914 (to re-designate 1771 Robert Street from Rural Residential to Neighbourhood Residential) and Zoning Amendment Bylaw No. 3915 (to reclassify it from the A2 (Rural) zone to R3 (Residential One and Two-Family) and R3-MF (Residential Medium Density Multi-Family) zone) were each given first reading. The proposed amendments aim to facilitate future residential development of approximately 32 to 50 housing units at 1771 Robert Street.

In addition to previously committed amenities of land dedication for trail, trail construction, enhanced public roadway design, and vegetation replanting and protection measures, the proponent offered an increased financial contribution to the municipal Affordable Housing Fund of between \$136,000 and \$152,000, which was based on \$4,000 per unit for the estimated 34-38 units, excluding secondary suites (Attachment 1).

Council also requested, at that time, that the applicant increase their proposed contribution for affordable housing to \$245,000.

OCP Amendment Bylaw (1711 Roberts Street) No. 3914 and Zoning Amendment Bylaw No. 3915 for first and second readings

IT WAS MOVED AND SECONDED:

THAT Council:

- (1) give first reading to Official Community Plan Amendment Bylaw No. 3914, 2023; and,
- (2) give first reading to Zoning Amendment Bylaw No. 3915, 2023

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to continue to work with the proponent regarding affordable housing community amenity contributions, to see the amount offered prior to Council's potential consideration of second reading of zoning amendment bylaw No 3915, 2023 to a target amount of \$245,000 for affordable housing.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

DISCUSSION

On September 12, 2023, in response to Council's resolution and without prior consultation with Planning staff, the proponent submitted a letter updating the affordable housing commitment (Attachment 2). In summary, the monetary amount of the commitment remains the same as offered on August 16, 2023, i.e., \$4,000 per unit, with the following addition:

In the interests of supporting Council's goals related to increased affordability, density and housing choice, my client is also prepared to add the following commitments, which would be secured as part of the s.219 covenant(s) to be registered as part of the rezoning:

1. That a full subdivision of the parent property will include the necessary servicing and lot areas to accommodate a minimum of five (5) duplex lots.
2. That future building permits for any single-family home shall include the following minimum necessary rough-ins to accommodate a potential / future secondary suite (assuming that a completed secondary suite isn't included in the initial building plans):
 - 220-amp outlets for dryer and range;
 - plumbing rough-in for kitchen, laundry facilities and a full bathroom; and,
 - second exterior entrance.

Despite the proponent's commitment to provide a minimum of five duplex lots, any subdivision of the land would need to comply with all applicable subdivision and zoning requirements. As such, the total number of lots and subdivision layout may not be achievable as currently proposed and cannot be easily secured with a covenant.

The applicant's offer to "rough-in" for future suites is also potentially problematic, as such installations are generally not permitted unless authorized through the issuance of a building permit for a secondary suite. If the applicant wishes to commit to providing secondary suites, that can be secured with a covenant, but not the roughed-in suite fixtures. It is recommended that the proposed commitments for duplex lots and secondary suite "rough ins" not be accepted, as the commitments are not easily administered and secured through a covenant. Furthermore, the Municipality of North Cowichan does not have a policy or established practice supporting such offerings as affordable housing contributions.

The applicant has not increased the financial commitment for affordable housing to the target amount identified by Council on August 16, 2023, and the applicant has no obligation to comply with Council's directive. As such, Council must decide whether to proceed with the amendment bylaws and associated amenity contributions as proposed by the applicant or defeat and abandon the bylaws.

OPTIONS

As previously stated, Council's options are to pass the following motion and move forward with a public hearing or defeat the motion; hence, the bylaws would be abandoned:

THAT Council:

- (1) give second reading to Official Community Plan Amendment Bylaw No. 3914, 2023; and
- (2) give second reading to Zoning Amendment Bylaw No. 3915, 2023; and

- (3) authorize a Public Hearing for Official Community Plan Amendment Bylaw No. 3914, 2023 and Zoning Amendment Bylaw No. 3915, 2023.

IMPLICATIONS

Passing the above motion would allow the amendment bylaws to proceed to a public hearing with the applicant's amenities and affordable housing commitments secured in a Section 219 covenant (excluding commitments for duplex lots and "roughed in" suites unless directed otherwise by Council). Consideration of third reading and bylaw adoption would occur following the public hearing.

Defeating the motions would deny the rezoning application, and the property would retain the Rural Residential land use designation and A2 zoning.

RECOMMENDATION

A staff recommendation has not been provided. Council's options are to adopt a motion to give second reading to the bylaws and proceed to a public hearing or defeat the motion.

Report prepared by:

Caroline von Schilling

Caroline von Schilling, MCIP, RPP
Development Planner

Report reviewed by:



Rob Conway, MCIP, RPP
Director, Planning and Building

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Letter Community Amenity Contribution 2023-08-16
- (2) Letter Updated Community Amenity Contribution 2023-09-12
- (3) Report first reading OCP Bylaw 3914 Zoning Bylaw 3915 2023-07-19 (which includes the bylaws)

August 16, 2023

District of North Cowichan
7030 Trans-Canada Highway
North Cowichan, BC V9L 6A1

Our File: 20-05 Robert Street

Attn: Caroline von Schilling, Planner
Re: Rezoning Application – 1771 Robert Street

Dear Caroline,

Further to recent discussions, including the feedback we received from Council when they originally considered first and second reading of the amending bylaws at their July 19, 2023, Regular Council Meeting, my client would like to propose a voluntary increase to his Community Amenity Contribution (CAC). He feels strongly that this project will be very beneficial for the community of Crofton and is committed to taking the necessary steps to gain support from staff and Council for this project, but also must ensure that the project remains viable in order to be able to bring it to market. My client had previously committed to a CAC (cash contribution) of \$2,500 per single family and duplex lot, plus \$5,000 for the proposed multi-family site, which was anticipated to generate a total cash contribution of approximately \$60,000.

My client wishes to revise this proposal to increase his cash contribution to **\$4,000 per unit** (single family, duplex, townhouse) at subdivision (SFD) / building permit (Duplex, MF), with these funds directed towards the municipality's *Affordable Housing Reserve Fund*. Based on the projected unit range (34-38), this would result in a contribution of between \$136,000 and \$152,000. This cash contribution now represents a 6-8X increase over the original request from Staff (approx. \$20,000) in December 2021 and is 2.5X higher than our previous offer. The updated cash contribution is still in addition to the previously committed excess (uncredited) parkland and trail construction requested by staff. The total value of my client's contribution (cash, land, and trail) will now likely exceed \$250,000.

We trust that this updated proposal illustrates my client's commitment to moving forward with this project and his interest in advancing a project that is truly beneficial for the residents of Crofton, the Municipality, and the developer.

Sincere Regards.



Scott W. Mack, M.Arch., B.Sc. (PLAN), MCIP, RPP
Managing Partner | Registered Professional Planner

September 12, 2023

District of North Cowichan
7030 Trans-Canada Highway
North Cowichan, BC V9L 6A1

Our File: 20-05 Robert Street

Attn: Caroline von Schilling, Planner
Re: Rezoning Application – 1771 Robert Street

Dear Caroline,

Further to our recent discussions, and following Council's direction from the August 16, 2023 Council meeting, I have had the opportunity to discuss the Community Amenity Contribution (CAC) proposal with my client. He has concluded that he wishes to continue to maintain his proposed CAC at **\$4,000 per unit** (single family, duplex, townhouse) at subdivision (SFD) / building permit (Duplex, MF), with these funds directed towards the municipality's *Affordable Housing Reserve Fund*. As previously noted, based on the projected unit range (34-38), this would result in a contribution of up to \$152,000. This cash contribution represents a nearly 8X increase over the original offer (+/- \$20,000, as requested by Staff) in December 2021 and is 2.5X higher than our previous offer of +/- \$60,000 (June 2023).

The cash contribution is still in addition to the previously committed amenities of additional green space (uncredited parkland) and trail construction requested by staff.

In the interests of supporting Council's goals related to increased affordability, density and housing choice, my client is also prepared to add the following commitments, which would be secured as part of the s.219 covenant(s) to be registered as part of the rezoning:

1. That a full subdivision of the parent property will include the necessary servicing and lot areas to accommodate a minimum of five (5) duplex lots.
2. That future building permits for any single-family home shall include the following minimum necessary rough-ins to accommodate a potential / future secondary suite (assuming that a completed secondary suite isn't included in the initial building plans):
 - 220-amp outlets for dryer and range;
 - plumbing rough-in for kitchen, laundry facilities and a full bathroom; and,
 - second exterior entrance.

We look forward to seeing the application proceed to Council for consideration of second reading on September 26, 2023.

Sincere Regards.



Scott W. Mack, M.Arch., B.Sc. (PLAN), MCIP, RPP
Managing Partner | Registered Professional Planner

Report

Date July 19, 2023

File: 6480-30 23.04

Subject **OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw No. 3915 for first reading**

PURPOSE

To consider amendments to the Official Community Plan and Zoning Bylaws to facilitate future residential development of approximately 32 to 50 housing units, inclusive of secondary suite potential, at 1771 Robert Street.

BACKGROUND

In June 2021, the Municipality received a zoning amendment application to increase residential density at 1771 Robert Street (PID: 001-147-544). The 2.37-hectare (5.87 acres) subject property is zoned Rural Zone (A2) (Attachment 1 – Location Map & Attachment 2 – Orthophoto). It is situated within the Rural Residential land use designation outside the Urban Containment Boundary (UCB) of the Official Community Plan (OCP) and immediately adjacent to the community of Crofton (Attachment 3 – OCP Map; Attachment 4 – Zoning Map).

Lands surrounding the subject property are primarily forested, with rural residential uses to the west and forested lands on municipal property to the south and within the Agriculture Land Reserve (ALR) to the north. One and two-family residential uses are situated within the UCB to the east. Community services, a public school, and recreation trails are located within one kilometre of the subject property.

DISCUSSION

1. OCP Bylaw Amendment

Since OCP Bylaw 3900 was adopted in August 2022, the proposal for the subject property has been inconsistent with the guiding Rural Residential land use policy to include “very little housing growth” and generally no subdivision of lots less than 2 hectares (s. 3.2.18/19 p. 51). As any change in land use requires consistency with the OCP (*Local Government Act* s. 478), an amendment to the OCP is needed before a rezoning proposal to increase residential density can be considered for approval for the subject property.

Prior to adopting OCP Bylaw 3900 in August 2022, the subject property was located within the UCB, where the growth management policy considered increased residential density. As the proposal associated with Draft Zoning Amendment Bylaw 3915 for increased residential density was based on the growth management policy of the previous OCP (Bylaw 3450), Council directed staff to initiate an amendment to the current OCP (Bylaw 3900) to consider including 1771 Robert Street within the UCB and adjusting its land use designation, so it could consider the rezoning proposal originally submitted under application ZB000133 (Attachment 5 – Council Minutes 2023-02-21).

1.1 OCP & Crofton Local Area Plan

Should Council amend the OCP to redesignate the subject property from Rural Residential to Residential Neighbourhood and include it within the UCB, the proposed land use and density would be consistent with the objective of the Residential Neighbourhood designation for sensitive infill and "gentle densification" (p. 45).

The proposal is also generally consistent with the land use policy of the Crofton Local Area Plan (LAP) (i.e., designation PA4 CDZ, p. 61) for low to medium residential density and cluster housing appealing to young families and seniors.

1.2 OCP Amendment Legislative Requirements

Procedural requirements for amending an OCP are set out in Part 14, Division 4 of the *Local Government Act* (LGA). These include that a local government must, in relation to an OCP Amendment Bylaw:

(s. 473) *Content and process requirements*

- *Consider the most recent housing needs report and the housing information on which the report is based 2.1 b).*

(s. 475) *Consultation during development of OCP*

- *Provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.*
- *Consider whether the opportunities for consultation with one or more of the persons, organizations and authorities should be early and ongoing.*

(s. 476) *Consultation on planning for school facilities*

- *Consult with the boards of education for those school districts within which it applies.*

(s. 477) *Adoption procedures for official community plan*

- *After first reading and prior to a public hearing in the following indicated order, consider it in conjunction with*
 - i) *The Municipality's financial plan, and*
 - ii) *Any waste management plan under Part 3 [Municipal Waste Management] that is applicable in the municipality.*

1.3 Consultations & Council Resolutions

In response to statutory procedural requirements related to OCP amendments, a request for consultative input was sent to the following organizations and agencies:

- a) School District 79 (SD79);
- b) Agriculture Land Commission (ALC); and,
- c) Ministry of Agriculture (MoA).

Referral responses were received from the ALC and MoA, with no concerns identified. A response was received from SD79 stating that an increase in student enrolment at Crofton Elementary School could result in some students being reallocated to the school in Chemainus (Attachment 6).

Statutory procedural requirements are reflected in the Council resolutions included in the Options section of this report and as may be applicable in subsequent reports.

2. Zoning Bylaw Amendment

The LGA states that local governments may consider an OCP amendment in conjunction with any other land use planning (s. 477):

(4) In addition to the requirements under subsection 3 ... a local government may consider a proposed official community plan in conjunction with any other land use planning ... that the local government considers relevant.

For Council's consideration and concurrent with the OCP amendment, this report introduces the applicant's request to rezone the subject property to increase residential density at 1771 Robert Street. **Proposal**

The application requests to rezone the subject property from A2 (Rural) to R3 (Residential One and Two-Family) and R3-MF (Residential Medium Density Multi-Family) Zone to facilitate subdivision for residential development that could yield approximately 32 single-family, duplex and multi-family dwelling units up to 50 units inclusive of secondary suite potential (Attachment 7 – Concept Site Plan).

2.2 Policy

2.2.1 OCP

In addition to the proposal's general consistency with the land use policy of the OCP Residential Neighbourhood designation and Crofton LAP (see section 1.1 OCP & Crofton LAP above), the rezoning proposal is generally consistent with:

- Recreation policy by dedicating lands and proposing to construct approx. 700m² of public trail (s. 4.4.1.a & Parks and Trails Master Plan/PTMP, p. 91);
- Biodiversity policy by protecting open drainage/watercourse for green space and biodiversity contiguity (s. 4.4.1.c);
- Appropriate density (proposed R3) that also includes housing diversity with townhouse cluster (proposed R3-MF) (s. 5.1.2.d and g); and,
- Proximity to community services within 1km (cycling/transit) and to transit within 300m (walk) from the site to the closest transit stop at Chaplin and Crofton Rd., contributing to policy direction for compact communities (s. 3.1.4.d).

In addition, OCP policy 5.2.2.d seeks to incorporate “affordable housing” within new developments or, in the absence of direct provision of affordable units, a cash-in-lieu contribution to the Municipality’s Affordable Housing Reserve Fund. While the proponent has offered a cash contribution of \$2,500 per R3 lot and \$5,000 for the R3-MF lot in response to this policy, the amount offered falls significantly below both the approximate per unit amount represented in recent rezoning proposals (e.g., Paddle Road land-assembly zoned CD22 & Ford/Drinkwater Road land-assembly zoned CD23) and the guideline amount contained within the emerging draft affordable housing policy.

It is recommended that Council seek a more robust amenity contribution towards affordable housing by directing staff to continue discussions with the applicant to arrive at an appropriate contribution that could be formally accepted or refused by Council at the time of second reading of Zoning Amendment Bylaw 3915, should it get that far. To guide these discussions, the emerging affordable housing policy (Committee of the Whole agenda July 11, 2023) provides a formula-based approach that seeks 2% of the total market value of the proposed development, according to benchmark prices as determined by the Vancouver Island Real Estate Board. Applying these figures to the development concept facilitated by the rezoning:

- 16 x single-family dwellings, benchmark price \$759,450
- 9 x duplex units, benchmark price \$538,000
- 10 x apartment units, benchmark price \$360,000

yields a total market value of \$20,593,200; 2% of this is \$411,864, or an average of **\$11,770 per unit**.

In recognition of the fact that the affordable housing policy is emerging policy in draft form, the other amenity contributions offered as part of this development, and the approximate size of the affordable housing amenity contribution from another significant development in recent times, a target average amenity contribution for affordable housing of \$7,000 per unit is suggested.

2.2.2 SITE ADAPTIVE PLANNING

Council Policy “Site Adaptive Planning in Urban Rural Interface” identifies properties within the Municipality, which includes the subject property, on which future development is expected to consider and accommodate environmental and hazard features. As open drainage, watercourse and ALR vegetated buffer protection, and the site’s topography was considered and reflected in the site design. Further, as environmental and farmland protection and steep slopes hazard development permits will be required prior to development, it is the opinion of staff that the proposal is consistent with the intent of this policy (Attachment 8 – Site Adaptive Planning).

2.3 Servicing & Infrastructure

A public roadway with civil servicing is proposed to be provided for access and site servicing. A public roadway would be designed and constructed in accordance with municipal design standards, including traffic calming, active transportation features, rainwater/green infiltration, and pedestrian crossing where appropriate. Road widening and frontage improvements would occur on Robert Street.

Staff are satisfied that water, sanitary, and stormwater service can be supplied to the subject property for the land use requested; however, downstream stormwater service capacity may require significant upgrades to accommodate future residential development of the site. The owner has acknowledged they are responsible for analysis and onsite stormwater management based on the property's previous state prior to mature tree removal, as well as potential upgrades to the downstream municipal stormwater service and in accordance with Engineering standards (Attachment 9). The owner further acknowledges that, given municipal engineering onsite stormwater management requirements, the number of lots/units as indicated on the Concept Site Plan may not be achieved (Attachment 7).

2.4 Future Development Approvals

SECTION 11 STREAM CROSSING: A change approval from the province under Section 11 of the *Water Sustainability Act* is required should future development contemplate a stream-crossing to the northwest corner of the site. Should appropriate provincial permits not be issued, the area that proposes multi-family housing could remain undeveloped.

DPA1/6: Multi-family housing development under the proposed R3-MF zone would require a development permit for its form and character (DPA1, MF/intensive residential; DPA6 GHG Reduction, Energy and Water Conservation).

DPA3: A development permit for the protection of the natural environment (DPA3, riparian) would be required prior to development. A preliminary assessment of the drainage course running through the property was conducted by a Qualified Environmental Professional (QEP), who determined that the watercourse would not be defined under the Riparian Area Protection and Enhancement Regulation. However, at the advice of the QEP, the owner has committed to replanting a 5-metre no-disturbance area on either side of the watercourse and protecting this vegetation into the future by registering a s. 219 (*Land Title Act*) protective covenant over this area. Further, a minimum setback of 15 metres for structures and fill is required from the watercourse (per Zoning Bylaw, sec. 13).

DPA4: A development permit for steep slope hazard areas would be required prior to development. This would require a Qualified Professional to assess the hazards related to the lands and provide any conditions that may pertain to the future development of those lands for ensuring they are safe for the intended use.

DPA5: A development permit for the protection of farmland would be required at the time of development. The applicant has demonstrated on their site plan that building and vegetated setbacks from agricultural lands to the north can be achieved.

2.5 Commitments & Amenity Contributions

The owner is willing to enter into a covenant agreement registered on the title of the property as a condition of successful rezoning, which would secure the following commitments and amenity contributions (Attachment 10 – Owner Commitments):

- a. Trail construction (3m) and dedication (4.5m) to the Municipality in the general location shown on the Concept Site Plan (Attachment 7);
- b. Registration of a vegetation management plan over a 5-metre no disturbance area on either side of the watercourse and over the ALR buffer with vegetation restoration by the owner;

- c. Public roadway design standards that include sidewalks, active transportation, pedestrian crossings, and traffic calming where appropriate;
- d. One tree per lot (front), \$300 security provided at the time of Building Permit;
- e. A financial contribution of \$2,500 per R3 lot and \$5,000 per R3-MF lot (\$57,500 - \$60,000) to be allocated to the Municipality's Affordable Housing Reserve Fund;
- f. 5% cash in lieu of parkland contribution, calculated as per the LGA;
- g. Infrastructure, including dedication for a new public roadway with construction and civil servicing works and statutory rights of way where required
- h. A 3.0m (approx.) dedication for road widening and improvements on Robert Street provided at the subdivision

As discussed above, the sufficiency of item (e) is in question when compared to the contributions provided by another development in recent times and the target amounts identified in the emerging affordable housing policy. This is reflected in the recommendation to seek a higher sum prior to second reading; however, if Council is satisfied that the ~\$60,000 offered is a sufficient affordable housing amenity contribution, Option 3 below enables Council to give both first and second readings to the OCP and Zoning amendment bylaws and schedule a public hearing.

3. Conclusion

An OCP amendment is required to include it within the UCB and redesignate it from Rural Residential to Residential Neighbourhood for Council to consider a Zoning Amendment Bylaw to increase residential density at the subject property. Procedural requirements for amending the OCP set out in the LGA are:

1. Consider the most recent housing needs report.
2. Provide opportunities for persons, organizations and authorities whose interests Council considers affected, how to consult with them, and whether consultation should be early and ongoing.
3. Seek the input of SD79 on the proposed OCP amendment.
4. After first reading, consider the proposed OCP amendment in conjunction with the financial plan and any waste management plan under Part 3 of the *Environmental Management Act*.
5. Conduct a public hearing.

While the subject property is not currently designated for the proposed uses and densities such that the proposal would be aligned, there are valid reasons for considering OCP and Zoning Bylaw amendments that would allow the subject property to be developed as proposed. These include:

- The rezoning proposal generally complies with the use and density policies of the Residential Neighbourhood land use designation of the OCP to which the subject property is proposed to be reclassified.
- The applicant has committed to community amenities and development features generally supported by planning policies in the OCP (although it is recommended that a higher contribution is sought).
- The Crofton LAP supports the proposed uses and densities.
- The property is immediately adjacent to residential uses similar to those proposed.
- The property can be serviced with Municipal water and sewer.
- The proposal's location is within one kilometre of transit, a school, and community services.

- The proposal accommodates a vegetated buffer from agricultural lands to the north in accordance with Ministry of Agriculture and Food guidelines and secures the revegetation and protection of open drainage.

While there are justifications for the proposed OCP amendment, any expansion of the UCB should be undertaken cautiously, and proximity to the UCB boundary alone should not justify amending the OCP. That said, it should also be recognized that the OCP review and update process that concluded with the adoption of OCP Bylaw 3900 did not involve a detailed property-by-property analysis when assigning OCP land use designations. The OCP amendment application process allows for a more considered review of property attributes that are not practical for land use planning at a larger scale—the reasons above support redesignating the subject property to Residential Neighbourhood and including it within the UCB.

The recommendation is to proceed with first reading of the attached amendment bylaws and seek a higher affordable housing amenity contribution commitment prior to consideration of second reading. If Council does not wish to request a higher contribution, it may proceed to give both first and second readings, as per Option 3 below. It may also specify a different target figure by amending the recommendation option accordingly.

Draft OCP Amendment Bylaw No. 3914 is provided in Attachment 11.

Draft Zoning Amendment Bylaw No. 3915 is provided in Attachment 12.

OPTIONS

1. (Recommended Option)

(1) THAT Council:

- consider the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023 and determine that the interests of School District 79, the Ministry of Agriculture and Food, and the Agriculture Land Reserve may be affected and should receive a written request for consultation;
- consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the consultation under that section does not need to be early and ongoing;
- consult under Section 476 of the *Local Government Act* with School District 79 in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the North Cowichan 2022 Five-Year Financial Plan; and,
- consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the Cowichan Valley Regional District Solid Waste Management Plan (as amended) and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan.

(2) THAT Council give first reading to Official Community Plan Amendment Bylaw No. 3914, 2023.

(3) THAT Council give first reading to Zoning Amendment Bylaw No. 3915, 2023.

- (4) THAT Council direct staff to continue discussions with the proponent regarding affordable housing community amenity contributions, to seek an increase in the amount offered prior to Council's potential consideration of second reading of Zoning Amendment Bylaw No. 3915, 2023, to a target amount of \$245,000 for affordable housing.

2. (Alternative Option)

(1) THAT Council:

- a) consider the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- b) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023 and determine that **in addition to** those of School District 79, the Ministry of Agriculture and Food and the Agriculture Land Reserve the interests of **the following persons, organizations and authorities are affected** and should receive a written request for consultation **within 30 days**:
 - [Council to identify]
- c) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the consultation under that section does not need to be early and ongoing;
- d) consult under Section 476 of the *Local Government Act* with School District 79 in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- e) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the North Cowichan 2022 Five-Year Financial Plan; and,
- f) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the Cowichan Valley Regional District Solid Waste Management Plan (as amended) and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan.

- (2) THAT Council postpone consideration of first and second reading of Official Community Plan Amendment Bylaw No. 3914, 2023 until after consultation is completed or the 30-day consultation period has lapsed.

3. (Alternative Option)

(1) THAT Council:

- a) consider the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- b) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the interests of School District 79, the Ministry of Agriculture and Food, and the Agriculture Land Reserve may be affected and should receive a written request for consultation;
- c) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the consultation under that section does not need to be early and ongoing;
- d) consult under Section 476 of the *Local Government Act* with School District 79 in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- e) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the

North Cowichan 2022 Five-Year Financial Plan; and,

- f) considers Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the Cowichan Valley Regional District Solid Waste Management Plan (as amended) and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan.
- (2) THAT Council give first and second reading to Official Community Plan Amendment Bylaw No. 3914, 2023.
- (3) THAT Council give first and second reading to Zoning Amendment Bylaw No. 3915, 2023.
- (4) THAT Council direct staff to schedule a public hearing for Official Community Plan Amendment Bylaw No. 3914, 2023, and Zoning Amendment Bylaw No. 3915, 2023.

4. (Alternative Option)

THAT Council deny Zoning Amendment Application ZB000133 to facilitate future residential development at 1771 Roberts Street.

IMPLICATIONS

Should Council be satisfied with its consideration of the recent housing needs report received under section 585.31 of the LGA, i.e., Sub-Regional Report, January 21, and be satisfied that there is no need for consultation opportunities to be early and ongoing and that consultations as conducted by staff for which referral responses were received, are satisfactory (Attachment 6), OCP Amendment Bylaw No. 3914 can be considered for first reading, followed by first reading of Zoning Amendment Bylaw No. 3915.

Should Council not be satisfied with consultation with SD 79, the Ministry of Agriculture and Food, and the ALC and decide that additional persons, organizations and authorities are considered affected by OCP Amendment Bylaw No. 3914, the OCP amendment bylaw could be deferred until Council identified consultations were completed, after which first and second reading could be scheduled.

Pending the items above, should Council wish to consider Zoning Amendment Bylaw 3915 for first reading, Council could direct staff to engage the property owner toward a higher amenity contribution for the Affordable Housing Fund than what the owner currently offers, or an alternative as may be decided by Council. Alternatively, Council could accept the contributions as submitted (see Attachment 10).

If Council is not supportive of the proposed land use change, denial of the application would result in abandonment of OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw No. 3915 and any use and development of the subject property would be subject to the provisions of the Rural (A2) Zone.

RECOMMENDATION

- (1) THAT Council:
- a) consider the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
 - b) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the interests of School District 79, the Ministry of Agriculture and Land, and the Agriculture Land Reserve may be affected and should receive a written request for consultation;
 - c) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the consultation under that section does not need to be early and ongoing;
 - d) consult under Section 476 of the *Local Government Act* with School District 79 in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
 - e) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the North Cowichan 2022 Five-Year Financial Plan; and,
 - f) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the Cowichan Valley Regional District Solid Waste Management Plan (as amended) and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan;
- (2) THAT Council give first reading to Official Community Plan Amendment Bylaw No. 3914, 2023;
- (3) THAT Council give first reading to Zoning Amendment Bylaw No. 3915, 2023;
- (4) THAT Council direct staff to continue discussions with the proponent regarding affordable housing community amenity contributions, to seek an increase in the amount offered prior to Council's potential consideration of second reading of Zoning Amendment Bylaw No. 3915, 2023, to a target amount of \$245,000 for affordable housing.

Report prepared by:

[Caroline von Schilling]

Caroline von Schilling, MCIP, RPP
Development Planner

Report reviewed by:



Rob Conway, MCIP, RPP
Director, Planning and Building

Approved to be forwarded to Council:

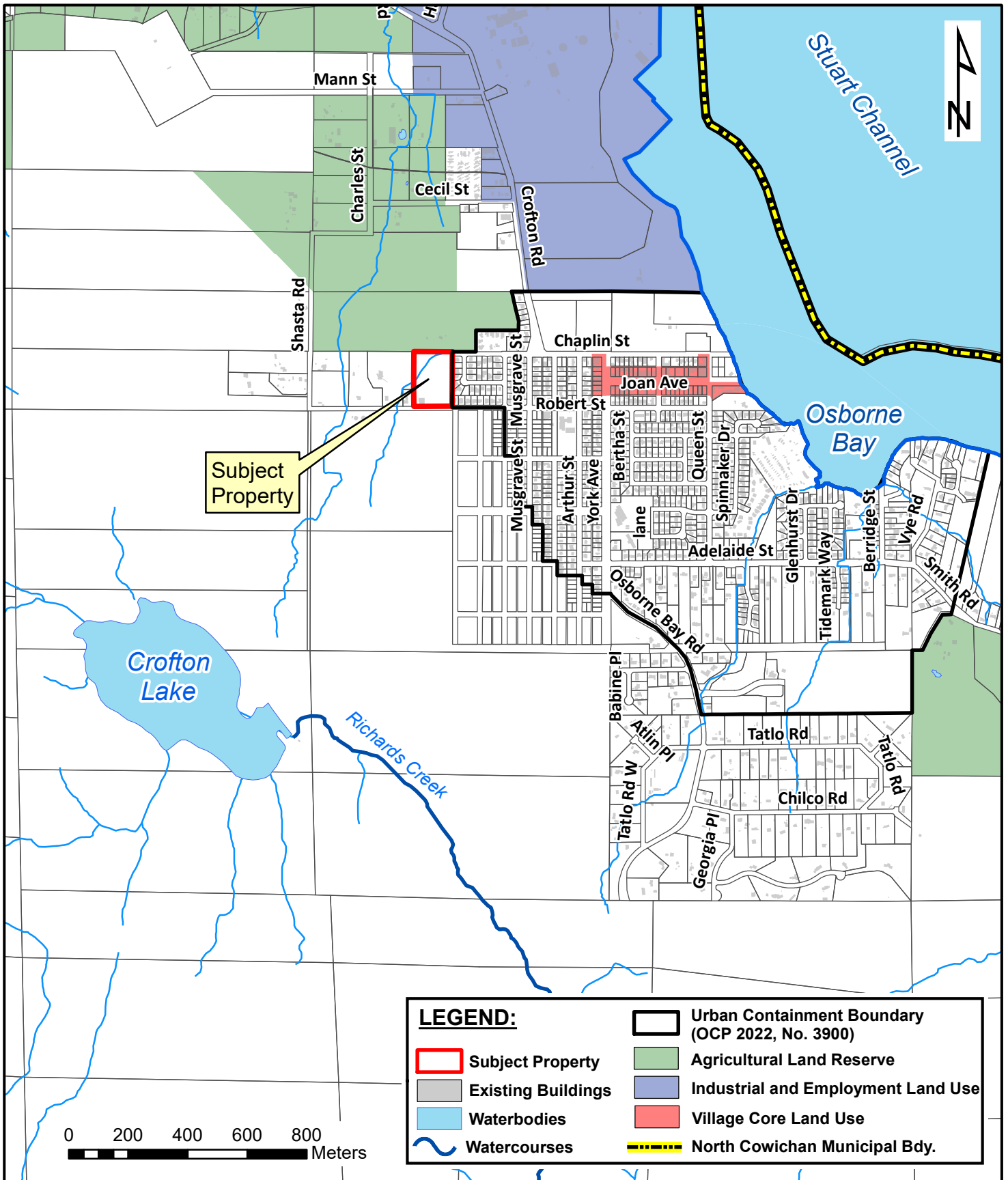


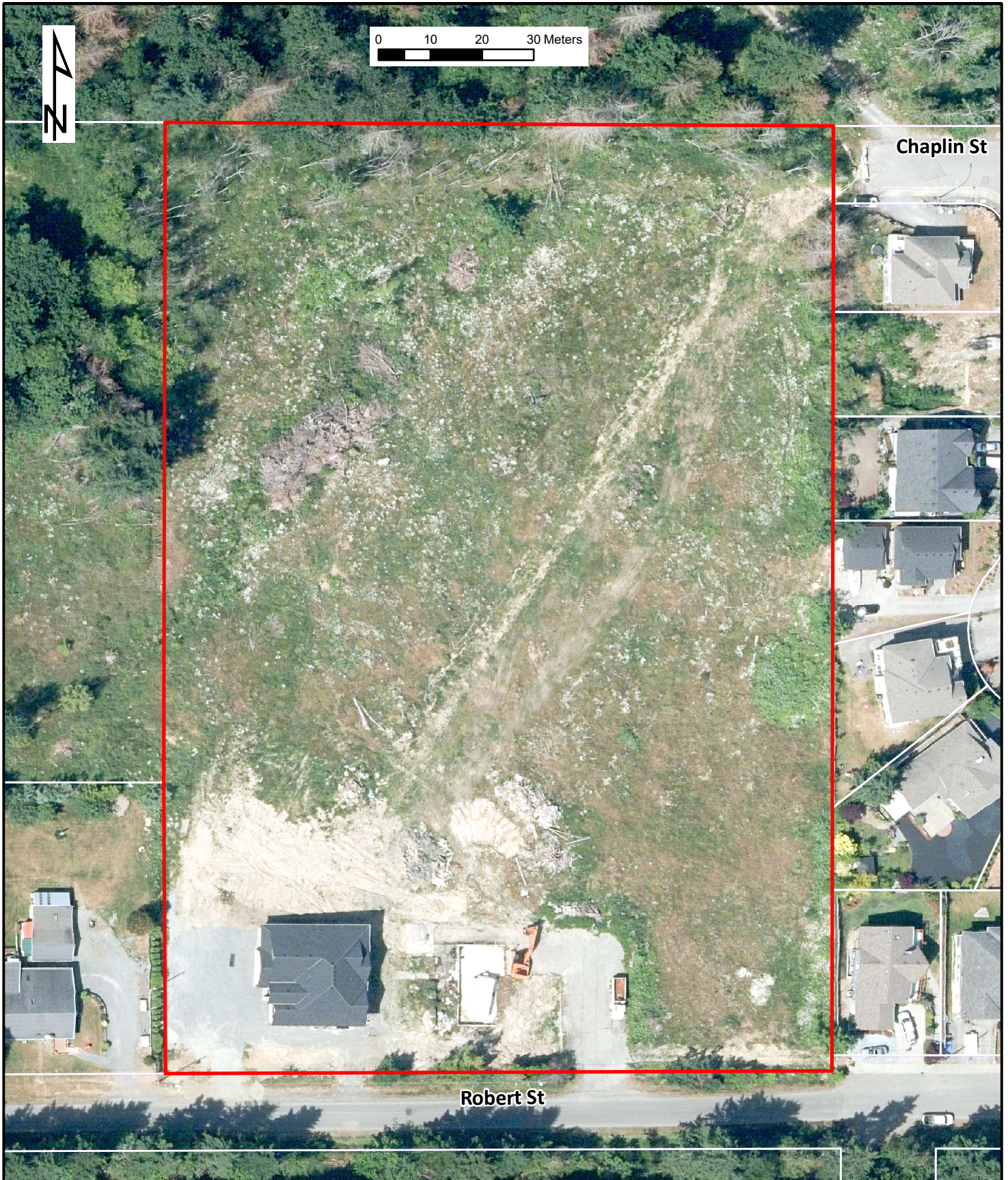
Ted Swabey

Chief Administrative Officer

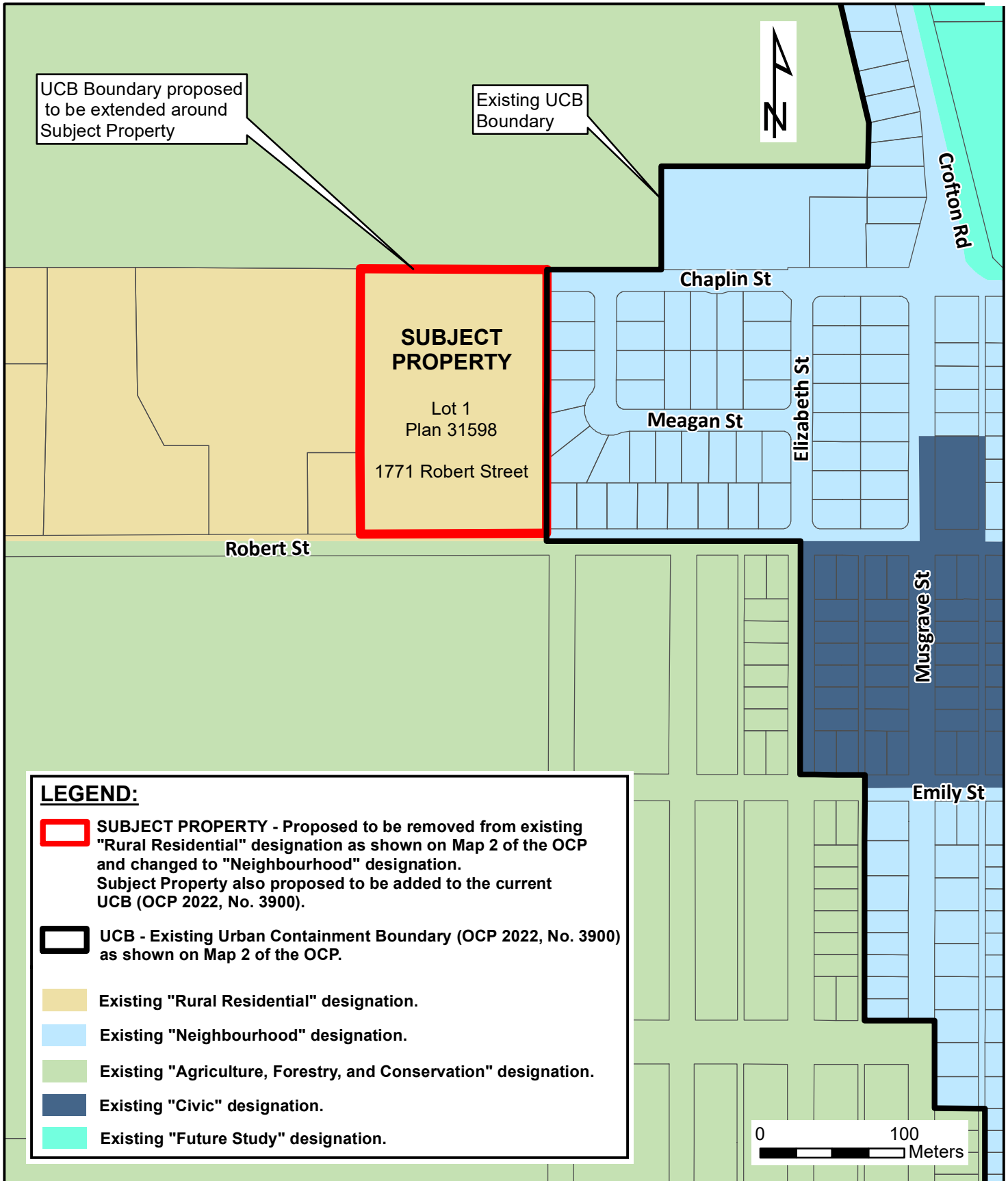
Attachments:

- (1) Location Map
- (2) Orthophoto
- (3) OCP Map
- (4) Zoning Map
- (5) Council Minutes 2023-02-21
- (6) Referral Responses
- (7) Concept Site Plan
- (8) Site Adaptive Planning
- (9) Owner Acknowledgement
- (10) Owner Commitments
- (11) Draft OCP Amendment Bylaw 3914
- (12) Draft Zoning Amendment Bylaw 3915





	ORTHOPHOTO MAP (Orthophoto is from 2019 aerial photography)	DATE: January 18, 2023
	1771 Robert Street	TYPE: Zoning Amendment
		FILE#: ZB000133



	OCP MAP 2 Revisions		DATE:	June 14, 2023
	(OCP Map 2 Growth and Land Use Management)		TYPE:	OCP Amendment
	1771 Robert Street		FILE#:	OCP00026



companies by supporting fossil fuel free investment portfolios (such as the MFA Fossil Fuel Free Short-Term Bond Fund), and of". (Opposed: Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council refer the draft Investment Policy back to staff to prepare a report on options for an investment policy/strategy that in addition to prioritizing safety, liquidity and return on investment also;

- (1) reflects our OCP's over-arching goals related to environmental and climate action and social justice,
- (2) is consistent with the municipality's acknowledgement of a climate emergency, and
- (3) preferentially selecting investments that make positive contributions to Environmental, Social and Governance (ESG) factors. (Opposed: Findlay, Manhas)

CARRIED

9.2 Official Community Plan and In-Stream Development Applications

IT WAS MOVED AND SECONDED:

THAT Council direct staff to initiate an amendment to Official Community Plan Bylaw No. 3900 for 1771 Robert Street to be presented at a future meeting concurrently with Zoning Amendment Application ZB133.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB83 (2083 Indian Crescent) due to it being inconsistent with the land use designation in the Official Community Plan.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB161 (6409 Wicks Road) due to it being inconsistent with the land use designation in the Official Community Plan.

(Opposed: Caljouw, Findlay, Istace, Manhas)

DEFEATED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to initiate an amendment to Official Community Plan Bylaw No. 3900 for 6409 Wicks Road to be presented at a future meeting concurrently with zoning amendment Application ZB161.

(Opposed: Douglas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB164 (Lot 2, Moose Road) due to it being inconsistent with the land use designation in the Official Community Plan.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB127 (7022 Bell McKinnon Road) due to it being inconsistent with the land use designation in the Official Community Plan.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED



April 14, 2023

Caroline von Schilling
Development Planner, Planning Department
Municipality of North Cowichan
caroline.vonschilling@northcowichan.ca

Sent by email

Dear Caroline:

Re: File OCP00026 – OCP and Rezoning Application at 1771 Robert Street (PID: 001-147-544) – The Subject Property

Thank you for providing the opportunity for Ministry of Agriculture and Food (Ministry) staff to comment on File OCP00026 that proposes to rezone the 2.4 ha Subject Property from A2 (Rural) to R3 (Residential One and Two Family) and R3-MF (Residential Multi-Family) to facilitate a 23 lot subdivision for future residential development of approximately 34 – 40 dwelling units that borders land in the Agricultural Land Reserve (ALR) to the north.

A referral response was initially provided by Ministry staff on December 10, 2021. From an agricultural perspective, Ministry staff offer the following comments:

Setbacks, Vegetative Buffer and Buffer Design:

Ministry staff note that, similar to the initial project proposal for the Subject Property dated May 19, 2021, a 30 metre setback between the residential structures proposed to be constructed on the northern portion of the Subject Property and the adjacent property to the north that is within the ALR is still proposed in the revised project plan. Additionally, within this 30 metre setback, the 15 metres directly adjacent to the ALR boundary is once again proposed to be dedicated to a vegetative buffer.

Ministry staff are pleased to see that the residence proposed on lot 15 (labelled lot 16 on the previous project plan) will be setback more than 30 metres from the ALR boundary. Previously, the residence on lot 16 was only proposed to be setback approximately 20 metres from the ALR boundary.

Ministry staff note that a Buffer Design Plan was not submitted with the updated OCP/Zoning Bylaw Amendment application. Ministry staff welcome the opportunity to review a Buffer Design Plan for the Subject Property if/when one is completed.

Overall, Ministry staff are encouraged to see that the proposed setback and vegetative buffer provisions are largely consistent with section 3.8 'Urban-side buffer design specifications' contained within the Ministry's Guide to Edge Planning.

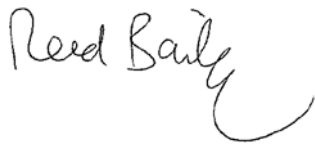
Proposed Rezoning:

Be advised that the Ministry has no comment with respect to rezoning the Subject Property from the current A2 (Rural) to R3 (Residential One and Two Family), R3-MF (Residential Multi-Family) to accommodate residential development on the Subject Property.

Please contact Ministry staff if you have any questions regarding the above comments.

Thank you for the opportunity to provide comments from an agricultural perspective with respect to this file.

Sincerely,

A handwritten signature in black ink that reads "Reed Bailey". The signature is written in a cursive style with a long, sweeping underline.

Reed Bailey
Land Use Planner
778-698-3455
Reed.Bailey@gov.bc.ca

cc: Agricultural Land Commission – ALC.Referrals@gov.bc.ca

From: Collins, Martin ALC:EX <Martin.Collins@gov.bc.ca>
Sent: Monday, March 27, 2023 2:10 PM
To: Caroline von Schilling
Subject: OCP Bylaw No. 3900,

Categories: c - Filed, 3 - Applications

Caroline

The ALC has no objection to the proposed development adjacent to the ALR, finding the buffering/setbacks adequate to ensure minimal conflict with future potential agricultural development.

Regards

Martin Collins, Regional Planner, ALC

From: Jason Sandquist <JSandquist@sd79.bc.ca>
Sent: Tuesday, May 2, 2023 1:48 PM
To: Caroline von Schilling
Cc: Rob Conway
Subject: RE: OCP Amendment Referral Comment - Requested OCP00026 1771 Robert Street
ADDENDUM

Hi Caroline,

Thank you for following up.

We are now at capacity for Crofton Elementary School with a projected enrolment for 2023/2024 of 204 students. Should this development proposal bring additional children to the school it may trigger a recent motion of the Board of Education that states that in the event that a portable classroom is required at Crofton Elementary or Chemainus Elementary the grade 6 populations from both of those schools will transfer to Chemainus Secondary. Leaving both Chemainus and Crofton Elementary Schools as K-5 schools.

This would be an impact to both of those communities and should be taken into consideration by North Cowichan. I am happy to expand further if requested.

Thank you,

Jason Sandquist
Secretary-Treasurer

Cowichan Valley School District
AD: 2557 Beverly Street, Duncan, BC
PH: 250-748-0321 Ext. 208
W: www.sd79.bc.ca
S: @CowichanSchools - FB / Twitter / IG



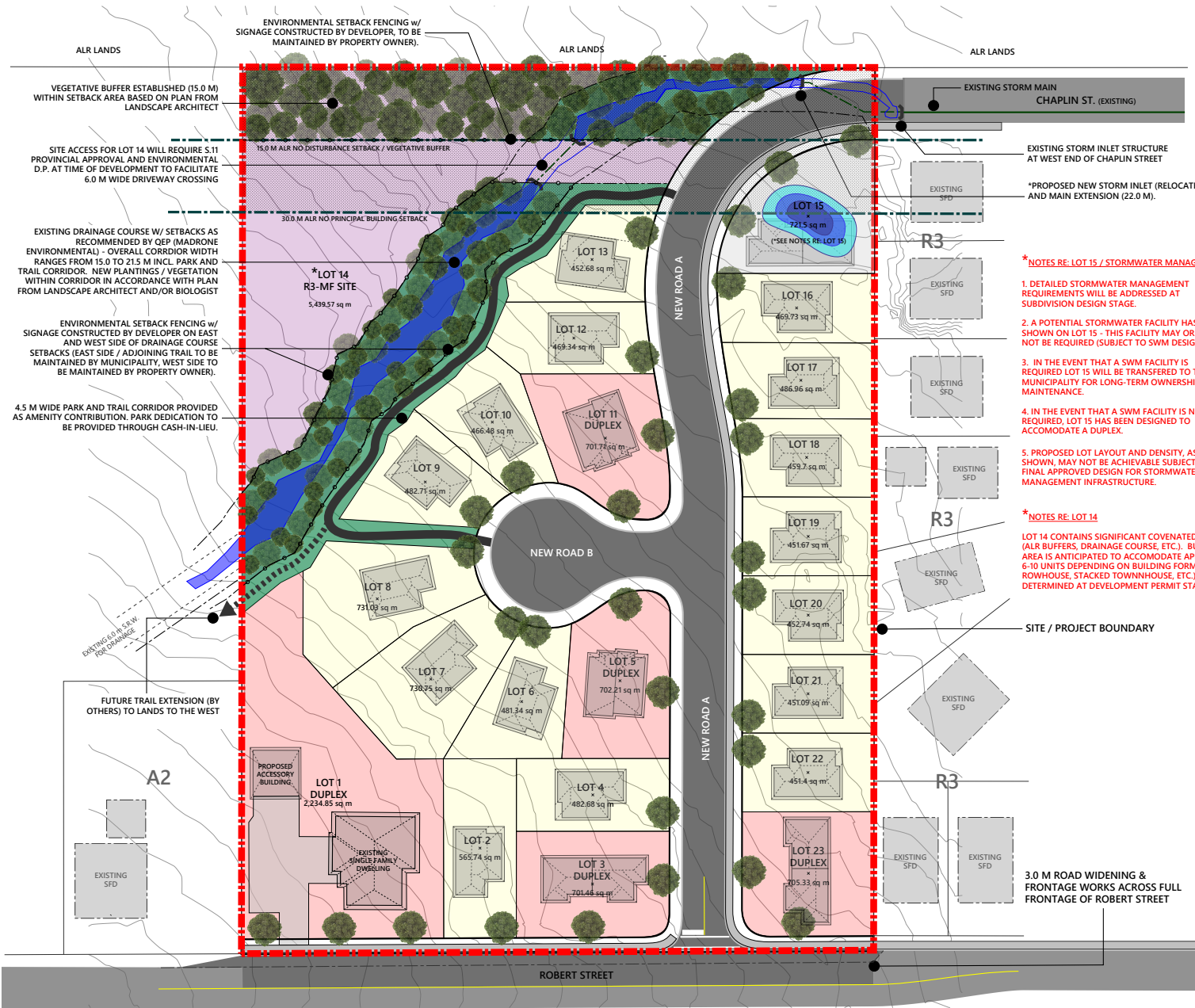
Our Journey is **Beyond Education**

I acknowledge that for thousands of years the Quw'utsun, Malahat, Ts'uubaa-asatx, Halalt, Penelakut, Stz'uminus, & Lyackson Peoples have walked gently on the unceded territories where I now work.

1771 ROBERT STREET
CONCEPTUAL
DEVELOPMENT PLAN

TOWNSITE PLANNING INC.
PO BOX 160
Lantzville, BC V0R 2H0
tel / text: 250.797.2515
email: scott@townsiteplanning.ca
web: www.townsiteplanning.ca

DRAINAGE COURSE ALIGNMENT DERIVED FROM FLAGGING AND SURVEY WORK COMPLETED BY MADRONE ENVIRONMENTAL AND HEROLD ENGINEERING.





PO Box 160, Lantzville, BC V0R 2H0 t: (250) 797.2515
e: scott@townsiteplanning.ca w: www.townsiteplanning.ca

March 30, 2022

Site Adaptive Planning in Urban Rural Interface - 1771 ROBERT STREET

SITE:

1771 Robert Street is a 2.37 ha (5.75 acre) parcel located in the northwest corner of the community of Crofton within the Municipality of North Cowichan. The site is located within the Municipality's Urban Containment / Growth Centre Boundaries.

The lands contain an existing newer single-family dwelling in the southwest corner of the parcel which was constructed in 2018. Historic air photos indicate that the southern half of the property was cleared and open as far back as the mid-1970's (note, there was an older home from the 1960's (approx.) that was removed when the new home was built in 2018). The northern half of the property appears to have been cleared in approximately 2016/2017. The current state of the property is that the majority of it is roughly graded, except for those areas directly around / in proximity to the single-family dwelling.

The existing single-family dwelling has a connection to municipal water, which runs along the entire frontage of the property along Robert Street. Municipal water is also stubbed at northern end of Chaplin Street. Municipal sanitary and storm sewer services are also stubbed at the end of Chaplin Street in anticipation of future extension to these lands. The house is connected to municipal sewer at the northeast corner of the site.

TERRAIN:

The subject property slopes fairly consistently at 10-12% from the southwest corner of the property (90m above sea level) to the northeast corner (63 m above sea level).

ECOSYSTEM / SURROUNDING CONTEXT:

There is a minor overland drainage route that enters the property approximately halfway along the western boundary of the site and exits the property into the piped municipal stormwater system near the northeast corner of the site.

Lands directly adjoining to the east consist of an existing low density residential neighbourhood (R3 zoning: single family / duplex). Lands to the west are also located in the Urban Containment Boundaries (UCB) and are serviced with municipal water. Lands to the south (across Robert Street) are forested, located outside of the UCB and owned by the Municipality. Lands to the north are forested and are located within the Agricultural Land Reserve (ALR), although do not currently appear to be in use for any agricultural purposes.

COMMUNITY CONTEXT:

Crofton is an established and stable community located on Osborne Bay within the Municipality of North Cowichan. The majority of the community consists of older residential housing stock on serviced urban lots. Newer developments have occurred within the community, primarily in the south / southeast areas of the community, along with lands directly east of the subject property.

The following important community facilities are located within walking distance to the site:

- BC Transit route: 250 m
- Crofton Community Fire Hall: 275 m
- Crofton Community Centre: 300 m
- Crofton Community Pool: 340 m
- Crofton Post Office: 600 m
- Grocery / Liquor Store / Neighbourhood Pub: 650 m
- Crofton Elementary: 850 m
- Crofton waterfront / Seawalk: 1000 m

KEY SITE PLANNING CONSIDERATIONS:

In consideration of the various on-site and surrounding characteristics, proximity to community services and direct access to municipal services (water, sanitary storm, roads, etc.) the subject property appears to be an excellent candidate for well-planned residential development. The following critical site characteristics have been carefully considered in the development of a conceptual land use plan for this site:

Drainage Course:

The seasonal drainage course has been reviewed by Madrone Environmental and they have confirmed that a 5.0 m setback (on both sides) will provide for adequate protection of this minor drainage course. This setback has been augmented in our site planning with an additional 4.5 m of park dedication with a hard-surfaced trail on the east side of the environmental setback and will have an environmental fence to minimize impact. Impact is also reduced through the inclusion of a single crossing of the drainage course for access and servicing to the west side of the drainage course.

ALR Buffer:

As previously noted, the lands to the north are located within the Agricultural Land Reserve, although do not appear to be in use for any agricultural purposes at this time. Notwithstanding this, it is important to establish a buffer to these lands to acknowledge potential long-term farm uses that could take place on the lands. Best practices established by the Agricultural Land Commission (ALC) encourage the establishment of a 15.0 m vegetative buffer from the property line. In the case of the subject property, as these lands have previously been cleared, a re-planting plan will be required to re-establish appropriate buffer vegetation. In addition, a secondary 15.0 m buffer is also used to restrict principal

dwellings (homes) within this area, which ensures that homes are no less than 30.0 m (100 ft.) from the ALR property. This secondary buffer may still be used for yard areas, driveways, access, etc.

These buffering requirements have been incorporated into the proposed development.

Terrain:

As noted, the lands have a fairly consistent slope of 10-12% from SW to NE. Planning the site in consideration of these contours minimizes the land alteration required to establish appropriate grades and elevation for municipal roads, servicing and building sites.

Community Impact:

The fourth and final key consideration with this site is community impact. The Crofton community engaged in and largely endorsed a community plan that was adopted in 2017. This plan identifies the subject lands for low density residential development, which is what has been proposed with this application. The forms of housing proposed with this development are consistent with and match the goals and objectives of the Community Plan and are similar in scale and density to the existing low density residential lands directly adjoining to the east. Additional residential units (single family, duplex and townhouse) and the corresponding increase in population will also help to support and encourage new and existing commercial and personal services and will also support the student population at Crofton Elementary School.

Overall, we believe that this well-planned development has given careful consideration to the various relevant site and community characteristics and will be a positive and welcome addition to the community.

End of Document



PO Box 160, Lantzville, BC V0R 2H0 t: (250) 797.2515
e: scott@townsiteplanning.ca w: www.townsiteplanning.ca

July 21, 2022

District of North Cowichan
7030 Trans-Canada Highway
North Cowichan, BC V9L 6A1

Our File: 20-05 Robert Street

Attn: Caroline von Schilling, Planner

Re: Rezoning Application – 1771 Robert Street

Further to the request included in the email we received from you on July 5, 2022 regarding commitments related to the rezoning for the above-noted property, the owner of the property hereby offers the following acknowledgment and commitment:

1. That all storm water, including from the proposed public roadway, is required to be managed on-site and that the development plan and achievable density may be impacted by accommodating storm water management facilities on-site. The expectation would be that post development flows from the site are no greater than pre-development flows based on the site being naturally vegetated.
2. If storm water is not fully managed on-site, an analysis of the down-stream drainage system will be required, and all costs associated with securing rights of way and undertaking required upgrades will be borne by the developer.
3. That the owner will apply for a Development Permit to undertake restorative site works for the watercourse area (as defined Madrone Environmental) within 12 months of the approval of the rezoning for the subject properties. Included with the Development Permit application will be a management / replanting plan, a s.219 covenant to define and protect the covenant area and statutory right of way to allow for the conveyance of stormwater across the subject property. The owner further commits to complete the works authorized under the Development Permit within 12 months of the issuance of a Development Permit for this work. In order to ensure the commitment is binding and enforceable, a mutually agreeable rent charge may be included in the covenant that would apply if the property owner breaches the covenant requirements.

Please contact us if you have any questions or require any further clarification.

Sincere Regards.

Letter Prepared by:

Scott W. Mack, M.Arch., B.Sc. (PLAN), MCIP, RPP
Managing Partner | Registered Professional Planner

On behalf of:

Terry Symborski
Property Owner



PO Box 160, Lantzville, BC V0R 2H0 t: (250) 797.2515
e: scott@townsiteplanning.ca w: www.townsiteplanning.ca

July 7, 2023

District of North Cowichan
7030 Trans-Canada Highway
North Cowichan, BC V9L 6A1

Our File: 20-05 Robert Street

Attn: Caroline von Schilling, Planner

Re: Rezoning Application – 1771 Robert Street

Dear Caroline,

Further to the request included in the email we received from you on June 13, 2023, we have compiled the requested information and provide the following for the District's review and consideration:

1. The preliminary development concept has been updated with all of the requested changes identified in your email:
 - a. A potential stormwater management facility has been shown in the area of Lot 15, with a note indicating that the requirement for this facility will be confirmed during the detailed design stage at the time of subdivision;
 - b. Lots 7 and 8 have been updated to remove the duplex designation; and,
 - c. The preliminary development concept already contains a note that indicates that fencing and signage will be provided along both the east and west sides of the drainage course.
2. The owner further agrees to provide the following at the subdivision stage:
 - a. Dedication of a 4.5m trail ROW for public walkway with construction of a 3.0 m trail for which detailed design drawings are provided to and approved by the Director of Parks prior to construction;
 - b. To erect signage at intervals of a minimum of 20.0 m or 1 per lot (whichever is greater), or as approved by the Director of Planning, to be located on the trail ROW immediately adjacent to the vegetated open drainage. Signage shall indicate: 'Vegetation Protection Area, No clippings/dumping', or similar, and will be owned and maintained by the Municipality.
 - c. To undertake restorative site works of replanting and invasive species management plan for a period of 4 years with QEP monitoring;

-
- i. Letters of substantial completion provided by OEP per replanting plan each year with letter of final completion at the end of the 4th year;
 - ii. erect all required signage; temporary fencing during construction with ESC measures as appropriate; and provide security bonding plus 10% for its completion. Plan with Estimate to be provided by a QP and be approved by the Municipality prior to undertaking restoration and signage works.
 - d. To register a s.219 protection and management covenant agreement, and provide BCLS reference plan for registration of the covenant area, and which stipulates that the Owner shall maintain the area free from invasive species and protect and maintain existing vegetation, including maintenance of existing signage and fencing;
 - e. To register a SRW for municipal access to drainage area;
 - f. To construct fencing at the time of development, either wood post and rail or black chain link or alternative as approved by the Director of Planning at the location/s provided in a Schedule called Fencing Detail (or as otherwise preferred, e.g., Site Plan) to be provided by the developer for the rezoning s.219; security bonding required for fencing and its construction plus 10%;
 - g. Dedication and construction of frontage improvements on Robert Street and new public Roads A and B;
 - h. Construction drawings to be prepared by a qualified professional civil engineer, and to include the following minimum design standards:
 - i. Traffic calming measures;
 - ii. Pedestrian crossings;
 - iii. Active transportation infrastructure; bicycle lane;
 - iv. Bioswale stormwater green infrastructure submitted by qualified professional for public roadway; and,
 - v. Dark sky compliant street lighting.
 - i. Stormwater management design may require downstream analysis or onsite management per approval of Director of Engineering. Post development flows not to exceed those of mature treed site, as per 2010 air photo;
 - j. 1 tree per lot shall be provided at the time of development (Building Permit), with a \$300 per tree landscape bond provided at the time of Building Permit application; and,

-
- k. Park land, as per the requirements of the Local Government Act, shall be satisfied through the provision of a cash-in-lieu contribution at the time of subdivision.

With regard to Community Amenity Contributions (CAC's), we note that our previous amenity contribution proposal of \$500 per each single family and duplex unit, plus \$250 per each townhouse / MF unit, was based on a staff recommendation from December 2021. Having said that, the owners have agreed to reconsider their CAC proposal and have increased it as follows:

1. The land required to provide a for 4.5 m trail dedication adjoin Lots 8 – 13 totals approximately 700 m² or 3% of the subject property. In addition, the District has requested that a trail be constructed within these lands. Normally, these lands would be used to satisfy a portion of the legislative park dedication requirements, however, the District has indicated a preference for a 5% cash-in-lieu payment.

We believe that the value of this land, with improvements, is approximately \$100,000. This equates to a contribution of approximately \$4,350 - 4,500 per lot (based on yield of 22-23 lots). In addition, the owner is also prepared to offer a cash contribution of \$2,500 per R3 lot, plus \$5,000 for the R3-MF lot at the time of subdivision, to be directed towards the Municipality's Affordable Housing Reserve Fund. Subject to final lot count, it is anticipated that this will result in a \$57,500 - \$60,00 contribution. Overall, the total value of our CAC proposal is approximately \$160,000 (approx. \$7,000 - \$7,200 per lot).

We trust that the information provided herein, along with previous updates and commitments, will allow this application to proceed to Council for consideration of first and second reading on July 19, 2023.

Please contact us if you have any questions or require any further clarification.

Sincere Regards.



Scott W. Mack, M.Arch., B.Sc. (PLAN), MCIP, RPP
Managing Partner | Registered Professional Planner

ec: Terry Symborski and Louise Violette (Owner)
Patrick Ryan (Herold Engineering)



The Corporation of the District of North Cowichan

Official Community Plan Amendment Bylaw

BYLAW NO. 3914

A bylaw to amend Official Community Plan Bylaw No. 3900 to include 1771 Robert Street within the UCB and change the designation from Rural Residential to Residential Neighbourhood.

WHEREAS Council has considered the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan,

AND WHEREAS Council has considered consultation under Sections 475 and 476 of the *Local Government Act*,

The Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

Citation

1 This Bylaw may be cited as "*Official Community Plan Amendment Bylaw No. 3914, 2023*".

Amendment

2 Official Community Plan Bylaw No. 3900, 2022 be amended by redesignating 1771 Robert Street (PID: 001-147-544) in Schedule "A", Appendix 1: Maps, Map 2 [*Growth and Land Use Management*] from Rural Residential to Residential Neighbourhood and realigning the Urban Containment Boundary in Map 2 [*Growth and Land Use Management*] to include 1771 Robert Street, as shown in Schedule 1, attached to and forming part of this Bylaw.

 READ a first time on _____.

READ a second time on _____.

This bylaw was advertised on the municipality's social media sites on _____, in the Cowichan Valley Citizen and the Chemainus Valley Courier on _____, and was posted to the municipality's public notice places on _____.

CONSIDERED at a Public Hearing on _____.

ADOPTED on _____.

 CORPORATE OFFICER

 PRESIDING MEMBER

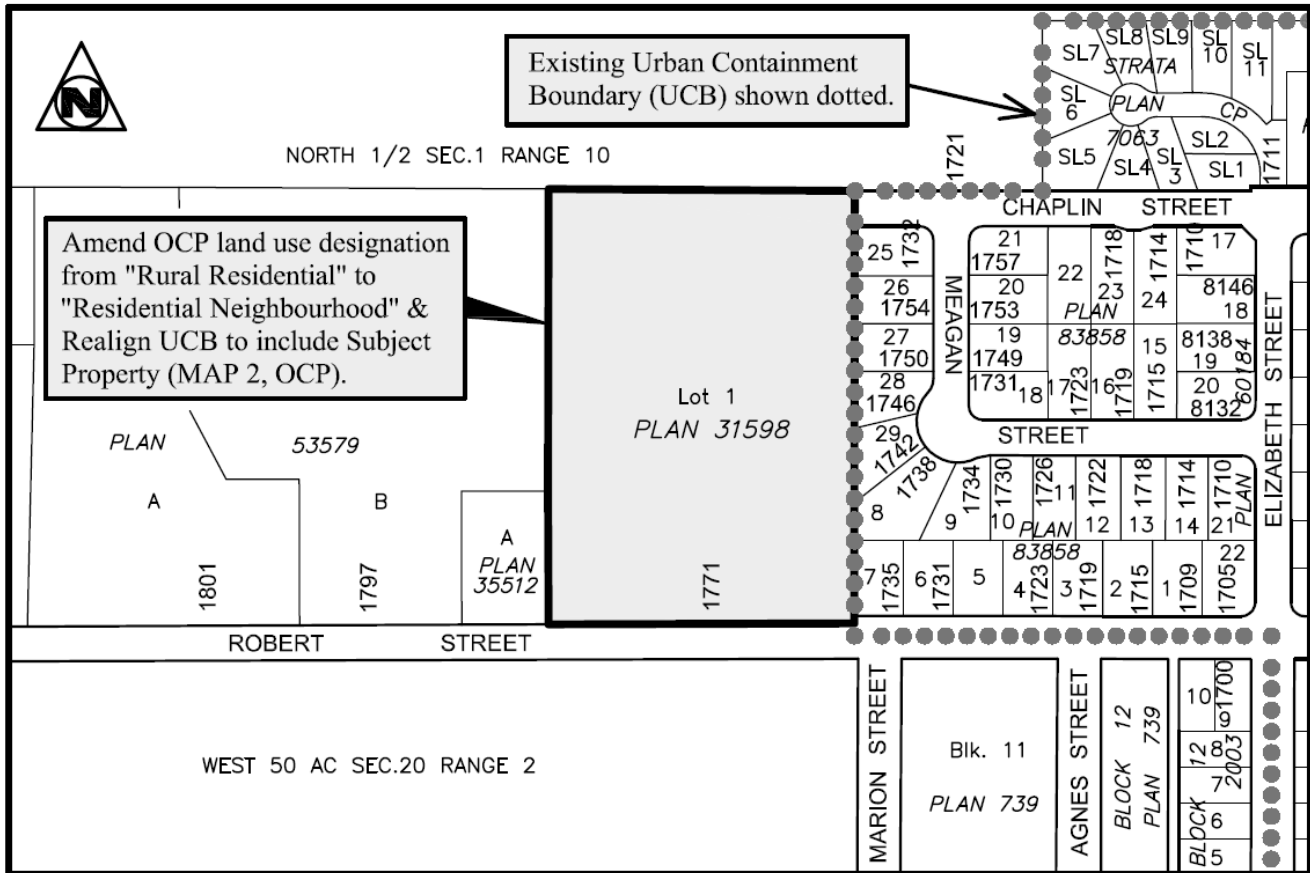
Schedule "1" to accompany "Official
Community Plan Amendment Bylaw No.
3914, 2023".

Presiding Member

Corporate Officer

SCHEDULE "1"

"2. Growth and Land Use Management"





The Corporation of the District of North Cowichan

Zoning Amendment Bylaw

BYLAW NO. 3915

*A bylaw to amend Zoning Bylaw 1997, No. 2950, to reclassify
1771 Robert Street from A2 to R3 and R3-MF.*

The Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

Citation

1 This Bylaw may be cited as "Zoning Amendment Bylaw No. 3915, 2023".

Amendment

2 Zoning Bylaw 1997, No. 2950, Schedule "C" be amended by reclassifying 1771 Robert Street (PID: 001-147-544) from Rural Zone (A2) to Residential One and Two-Family Zone (R3) and Residential Medium Density Multi-Family Zone (R3-MF), as shown outlined in black in Schedule 1 attached to and forming part of this Bylaw.

READ a first time on _____.

READ a second time on _____.

This bylaw was advertised on the municipality's social media sites on _____, in the Cowichan Valley Citizen and the Chemainus Valley Courier on _____ and was posted to the municipality's public notice places on _____.

CONSIDERED at a Public Hearing on _____.

READ a third time on _____.

COVENANT registered on _____.

ADOPTED on _____.

CORPORATE OFFICER

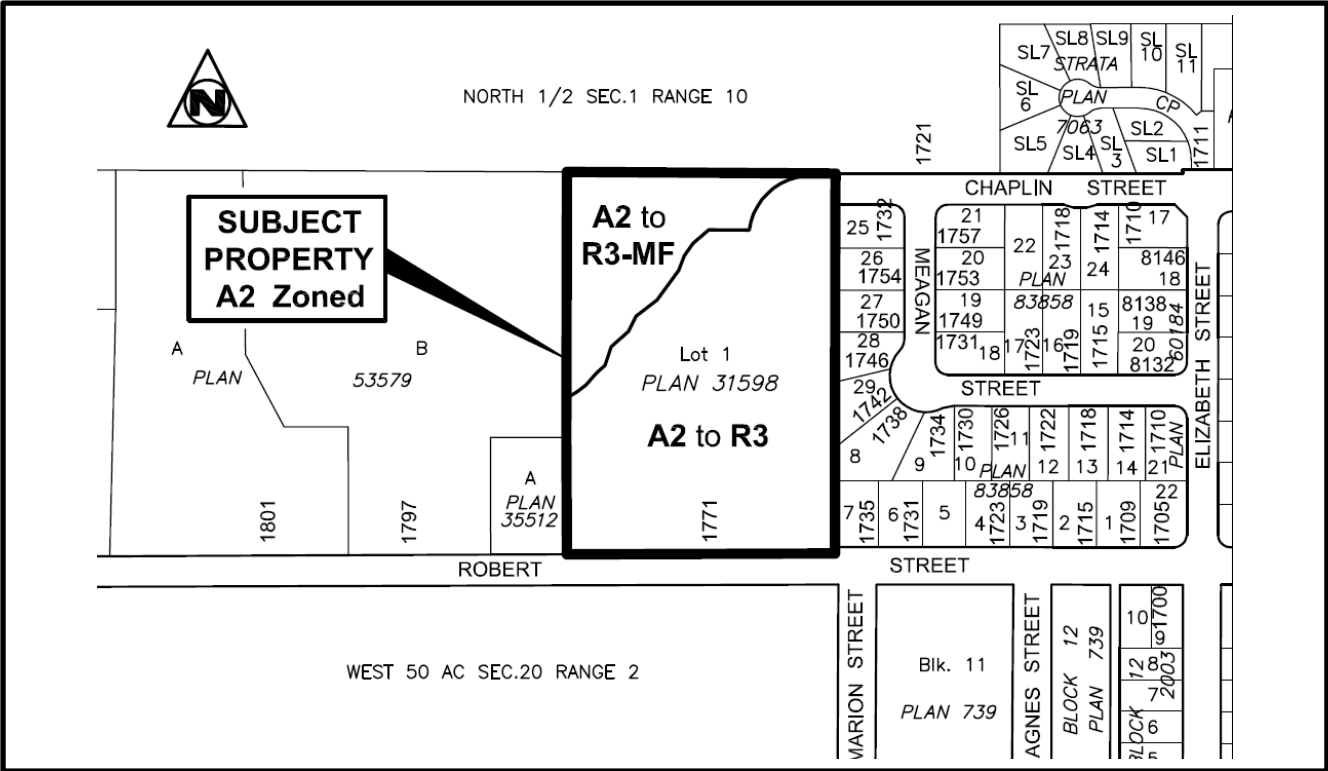
PRESIDING MEMBER

Schedule "1" to accompany "Zoning
Amendment Bylaw No. 3915, 2023".

Presiding Member

Corporate Officer

SCHEDULE "1"



COUNCIL MINUTES

companies by supporting fossil fuel free investment portfolios (such as the MFA Fossil Fuel Free Short-Term Bond Fund), and of". (Opposed: Findlay, Manhas)
CARRIED

IT WAS MOVED AND SECONDED:

THAT Council refer the draft Investment Policy back to staff to prepare a report on options for an investment policy/strategy that in addition to prioritizing safety, liquidity and return on investment also;

- (1) reflects our OCP's over-arching goals related to environmental and climate action and social justice,
- (2) is consistent with the municipality's acknowledgement of a climate emergency, and
- (3) preferentially selecting investments that make positive contributions to Environmental, Social and Governance (ESG) factors. (Opposed: Findlay, Manhas)
CARRIED

9.2 Official Community Plan and In-Stream Development Applications

IT WAS MOVED AND SECONDED:

THAT Council direct staff to initiate an amendment to Official Community Plan Bylaw No. 3900 for 1771 Robert Street to be presented at a future meeting concurrently with Zoning Amendment Application ZB133. CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB83 (2083 Indian Crescent) due to it being inconsistent with the land use designation in the Official Community Plan.
(Opposed: Caljouw, Findlay, Manhas)
CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB161 (6409 Wicks Road) due to it being inconsistent with the land use designation in the Official Community Plan.
(Opposed: Caljouw, Findlay, Istace, Manhas)
DEFEATED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to initiate an amendment to Official Community Plan Bylaw No. 3900 for 6409 Wicks Road to be presented at a future meeting concurrently with zoning amendment Application ZB161. (Opposed: Douglas)
CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB164 (Lot 2, Moose Road) due to it being inconsistent with the land use designation in the Official Community Plan.
(Opposed: Caljouw, Findlay, Manhas)
CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB127 (7022 Bell McKinnon Road) due to it being inconsistent with the land use designation in the Official Community Plan.
(Opposed: Caljouw, Findlay, Manhas)
CARRIED

4. MAYOR'S REPORT

Mayor Douglas provided a verbal update on meetings and activities he recently attended.

5. DELEGATIONS

5.1 Coastal Douglas-Fir Conservation Partnership

Lyndsay Smith presented Council with information on the Coastal Douglas-Fir Conservation Partnership prior to consideration of item 11.1.

6. PUBLIC INPUT ON AGENDA ITEMS

Council received public input from 1 members of the public from Council Chambers and 1 member of the public electronically regarding agenda items 7.3 and 11.1.

7. BYLAWS

7.1 Zoning Amendment Bylaw (Infill Residential Neighbourhood - R3-N) No. 3887 for adoption

IT WAS MOVED AND SECONDED:

THAT Council adopt Zoning Amendment Infill Residential Neighbourhood Bylaw No. 3887, 2022.

CARRIED

7.2 Traffic Amendment Bylaw No. 3917 for adoption

IT WAS MOVED AND SECONDED:

THAT Council adopt Traffic Amendment Bylaw No. 3917, 2023.

CARRIED

7.3 OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw No. 3915 for first reading

IT WAS MOVED AND SECONDED:

THAT Council:

(1) consider the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;

(2) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the interests of School District 79, the Ministry of Agriculture and Food, and the Agriculture Land Reserve may be affected and should receive a written request for consultation;

(3) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the consultation under that section does not need to be early and ongoing;

(4) consult under Section 476 of the *Local Government Act* with School District 79 in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;

(5) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the North Cowichan 2022 Five-Year Financial Plan; and,

(6) considers Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the Cowichan Valley Regional District Solid Waste Management Plan (as amended) and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan. CARRIED

IT WAS MOVED AND SECONDED:

THAT Council defer the following motions, moved, seconded, and severed to the August 16, 2023, Regular Council meeting:

(1) *THAT Council give first and second reading to Official Community Plan Amendment Bylaw No. 3914, 2023.*

(2) *THAT Council give first and second reading to Zoning Amendment Bylaw No. 3915, 2023.*

(3) *THAT Council direct staff to schedule a public hearing for Official Community Plan Amendment Bylaw No. 3914, 2023, and Zoning Amendment Bylaw No. 3915, 2023.*

CARRIED

7.4 Zoning Amendment Bylaw No. 3916, 2023 for first and second readings

IT WAS MOVED AND SECONDED:

THAT Council:

1. Give first and second readings to Zoning Amendment Bylaw No. 3916, 2023; and,
2. Authorize a Public Hearing for Zoning Amendment Bylaw No. 3916, 2023.

CARRIED

7.5 Zoning Amendment Bylaw No. 3918, 2023 for first and second readings

IT WAS MOVED AND SECONDED:

THAT Council:

1. Give first and second readings to Zoning Amendment Bylaw No. 3918, 2023; and,
2. Schedule a Public Hearing for Zoning Amendment Bylaw No. 3918, 2023.

CARRIED

7.6 Miscellaneous Offences and Fines Amendment Bylaw No. 3922 for first three readings

IT WAS MOVED AND SECONDED:

THAT Council give first, second and third readings to Miscellaneous Offences and Fines Amendment Bylaw No. 3922, 2023 CARRIED

8. REPORTS

12. UNFINISHED AND POSTPONED BUSINESS

12.1 OCP Amendment Bylaw (1711 Roberts Street) No. 3914 and Zoning Amendment Bylaw No. 3915 for first and second readings

IT WAS MOVED AND SECONDED:

THAT the following motion:

"THAT Council:

(1) give first and second reading to Official Community Plan Amendment Bylaw No. 3914, 2023;

(2) give first and second reading to Zoning Amendment Bylaw No. 3915, 2023; and

(3) direct staff to schedule a public hearing for Official Community Plan Amendment Bylaw No. 3914, 2023, and Zoning Amendment Bylaw No. 3915, 2023."

Be amended by striking out "and second" for bullets (1) and (2) and delete bullet (3).

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council:

(1) give first reading to Official Community Plan Amendment Bylaw No. 3914, 2023; and,

(2) give first reading to Zoning Amendment Bylaw No. 3915, 2023

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT the following motion:

"THAT Council direct staff to continue discussions with the proponent regarding affordable housing community amenity contributions, to seek an increase in the amount offered prior to Council's potential consideration of second reading of Zoning Amendment Bylaw No. 3915, 2023, to a target amount of \$245,000 for affordable housing."

Be amended adding "including the value of the trail land" at the end of the motion.

(Opposed: Douglas, Istace, Toporowski)

CARRIED

Mayor Douglas required the motion to amend be reconsidered, as per section 131 of the *Community Charter*, and a second vote was taken.

IT WAS MOVED AND SECONDED:

THAT the following motion:

"THAT Council direct staff to continue discussions with the proponent regarding affordable housing community amenity contributions, to seek an increase in the amount offered prior to Council's potential consideration of second reading of Zoning Amendment Bylaw No. 3915, 2023, to a target amount of \$245,000 for affordable housing."

Be amended adding "including the value of the trail land" at the end of the motion.

(Opposed: Douglas, Istace, Justice, Toporowski)

DEFEATED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to continue to work with the proponent regarding affordable housing community amenity contributions, to see the amount offered prior to Council's potential consideration of second reading of zoning amendment bylaw No 3915, 2023 to a target amount of \$245,000 for affordable housing.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

13. NEW BUSINESS

13.1 Cowichan Valley Regional District (CVRD) re Appointments to new Recreation Commissions

IT WAS MOVED AND SECONDED:

THAT Council recommends that the Cowichan Valley Regional District Board appoint:

- (1) Mayor Douglas to the Cowichan South Recreation Commission with Councillor Caljouw as the Alternate Member;
- (2) Councillor Istace to the Cowichan North Recreation Commission with Councillor Findlay as the Alternate Member;
- (3) Councillor Toporowski to the Cowichan North Recreation Commission with Councillor Justice as the Alternate Member;
- (4) Councillor Findlay to the Cowichan Core Recreation Commission with Councillor Istace as the Alternate Member;
- (5) Councillor Justice to the Cowichan Core Recreation Commission with Councillor Toporowski as the Alternate Member;
- (6) Councillor Manhas to the Cowichan Lake Recreation Commission with Councillor Istace as the Alternate Member; and,
- (7) Councillor Caljouw to the Cowichan Lake Recreation Commission with Councillor Istace as the Alternate Member.

CARRIED

Mayor Douglas and Councillor Manhas left the meeting at 8:29 p.m., due to their existing conflict of interest declaration in relation to Clements Centre for Families). Mayor Douglas turned over the Chair to Acting Mayor Councillor Toporowski.

13.2 Clements Centre for Families re: Clements Centre for Families Visit

IT WAS MOVED AND SECONDED:

THAT Council authorize Acting Mayor Toporowski to advocate on behalf of the Clements Centre for Families to the Province on following through on their commitments under Pathway to Hope initiative.

CARRIED

Mayor Douglas returned to the meeting at 8:32 p.m. and resumed as Chair.

14. QUESTION PERIOD

Council received 1 question from the public participating from Council Chambers regarding agenda item 9.6.

IT WAS MOVED AND SECONDED:

THAT Council direct staff to strengthen all bylaws that support enforcing safety for the community and prepare an open drug use bylaw that minimizes public exposure to open drug use in parks and adjacent to school properties while continuing to provide support aimed at saving lives of some of the most vulnerable people in our community who use drugs.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to reconstitute the Somenos Marsh Wildlife Committee and investigate ways to partner on more fulsome marsh patrols.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to consult with community health partners to develop a formal request to the province for additional support services in the medical and social services sector to improve outcomes in the drug addiction, mental health, and homelessness issues in the Cowichan Valley Regional District.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to include funding opportunities for a "Clean Team" in the 2024 budget discussions.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to continue to advocate to the province for funding to help manage the public disorder to support bylaw and/or RCMP resourcing.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council provide staff with pre-budget approval to hire a Social Planner.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

9. NOTICES OF MOTIONS

None.

10. UNFINISHED AND POSTPONED BUSINESS

10.1 OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw No. 3915 and updated community amenity contribution offer

THAT Council:

(1) give second reading to Official Community Plan Amendment Bylaw No. 3914, 2023; and

(2) give second reading to Zoning Amendment Bylaw No. 3915, 2023; and

(3) authorize a Public Hearing for Official Community Plan Amendment Bylaw No. 3914, 2023 and Zoning Amendment Bylaw No. 3915, 2023.

(Opposed: Douglas, Justice, Toporowski)

CARRIED

PUBLIC COMMENTS

(NO COMMENTS RECEIVED TO DATE)

**PUBLIC INPUT
WRITTEN SUBMISSIONS PACKAGE**

Official Community Plan Bylaw Amendment No. 3914, 2024

Zoning Bylaw Amendment No. 3915, 2024

1771 Robert Street

Written Submissions	
1.	Email and Letter dated June 17, 2024 from Lorne Zwaislak - Opposed
2.	Email dated July 4, 2024 from E. Marlaine and Danny Williams - Opposed
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

From: [REDACTED] **FIPPA s. 22(1)**
To: [Public Meetings](#)
Subject: Letter regarding Rezoning amendment bylaw No. 3914, 2023 & 3915, 2023
Date: Monday, June 17, 2024 11:08:45 AM
Attachments: [1742 Meagan Street.pdf](#)

1.

Please see the attached letter in regards to the rezoning application for 1771 Roberts Street, Crofton BC.

If there are any further questions I can be reached by phone or email.

Respectfully,

Lorne Zawislak
1742 Meagan Street
Crofton, BC

[REDACTED] **FIPPA s. 22(1)**
[REDACTED]

Date: June 17, 2024

Bylaw No. 3914, 2023

Property Affected: 1742 Meagan Street, Crofton, BC V0R 1R0

Owner: Lorne Zawislak

To: Mayor and City Council of North Cowichan

I am one of the adjacent property owners that will be directly affected by the potential rezoning of the property at 1771 Robert Street.

In 2016, my wife and I looked at 32 properties during our home search to find the right one. One of the main criteria whilst looking was to live in a community and neighborhood that did not have houses on-top of each other creating a “fishbowl” affect way of life.

1742 Meagan Street did not have houses directly in front, had neighbors on either side and the rear yard backed up to 1771 Robert Street. The MLS listing quoted “backs up to permanent green space”. Research prior to purchase indicated 1771 Robert Street was currently zoned A2 a 5+ acre property. One of the selling points for us was the A2 zoned property to the rear of 1742 Meagan Street affording an assemblance of privacy for the backyard. The second selling point was 1742 Meagan has a legal suite that opens up-to the backyard that I (Lorne) saw as a home for my aging mother. We made 1742 Meagan Street our home in November 2016. My now, 85-year-old mother lives in the suite and has for the past 5 years. We all enjoy the privacy and quietness of the backyard and living in the community of Crofton.

Rezoning 1771 Robert Street to R3 allows houses to be built directly behind our home. The current proposed plan has three houses that would share the property line with our back yard. These houses with R3 Zoning are allowed to be constructed up-to 29.53 feet (9m) high roof lines. Houses would be built with elevated decks overlooking our now private backyard. The R3 rezoning and future construction of homes would take away our choice of privacy and would force us into the “fishbowl” living which we do not want and went out of our way to avoid.

R3 rezoning would expose us and others to multiple years of construction traffic, construction noise, dust etc. associated with a new housing development. Not to mention a potential 2nd round of drainage issue onto our property.

Since owning 1742 Meagan Street, we watched the old house on 1771 Robert Street be moved and a new house be constructed. After the new house was constructed on 1771 Robert Street, many of the trees and ground cover were removed with some grading of the land. We noticed an increase of

water run-off when it rained from the land of 1771 Robert Street onto our property. This water run-off began to create some erosion issues and standing water issues in our backyard.

In Spring 2021 we contracted a local company to build retaining walls, additional drainage piping and a fence along the shared property line with 1771 Robert Street that would help with privacy. The drainage was installed to alleviate the water run-off from 1771 Robert Street in the current land usage configuration and divert the pooling water from our back yard when it rained. \$40,000+ was spent by my wife and I to address the issues.

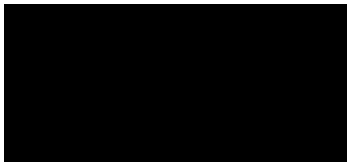
If the R3 zoning is approved and the land gets graded, are there going to be guarantees that during construction and after completion that correct drainage is in place to divert water and prevent any further washout of neighboring properties?

There are further concerns if the current Crofton infrastructure or water, sewer and storm drains are designed to support an additional 60 to 100 + people.

I ask that the North Cowichan Regional District give careful consideration to the Re-zoning request of 1771 Robert Street and the potential impact of the current surrounding homeowners and residents.

We appreciate your time and consideration in reading this letter.

Respectfully submitted



FIPPA s. 22(1)

Lorne Zawislak

From: MARLAINE WILLIAMS [REDACTED] **FIPPA s. 22(1)**
Sent: Thursday, July 4, 2024 3:49 PM
To: Public Meetings
Cc: MARLAINE WILLIAMS
Subject: OCP Amendment Bylaw No. 3914,2023 & Zoning Amendment Bylaw No. 3915, 2023

Re: Objections to the two amendment reference in the subject line above by

Danny Edward Williams and Ellen Marlaime Williams

Civic Address - 1787 Robert Street, Crofton, BC

PID 000-348-511

Lot A Section 1 Range 10 Chemainus Plan 35512

We live directly west of the property owned by Terry Symborksi and Louise Violette and in fact our properties have a joint boundary. The owners have applied for an amendment to the OPC Bylaw No. 3914, 2023 and a Zoning Amendment No. 3915, 2023 in order to sub-divide their property and build approximately 50 housing units. Danny Williams and Marlaime Williams, owners of the joining property, strongly object the these amendments for the following reasons:

- a. Sewer Systems - Our sewer system was build a number of years ago. With the number of already approved housing projects in Crofton, will the sewer be adequate? Will the housing projects improve our sewer system at their expense or will people like ourselves, who are NOT connected to sewer be taxed to upgrade the system?
- b. Water System - During the last couple of years we have been in drought conditions. The Muni has recently added a new water tank at the top of Robert Street. Will our water tanks hold enough water for another 50 units that will most likely have to deal with 200 more toilet flushes, 100 showers, 50 washers, 50 dishwashers per day? We have 22 PSI and that is the measurement made by Municipal staff a number of years ago and even with the addition of another water tower, if I have a shower my husband better not flush a toilet!!
- c. Crofton Elementary School - The new school was built less than 10 years ago because too many of the older students, grades 6 & 7, were using portable classrooms. The school was over crowded. It will be fours years ago in September that the grade 7 students were moved to Chemainus Secondary due to over crowding in our nice new school. If there is even 1 child per built unit then we have 50 more students. Will the grade 6 students, 10 & 11 years olds, be moved to Chemainus Secondary to be with students almost 8 years older than themselves or will be back to portable classrooms?

Those are just three of our major concerns for Crofton in the overall picture. I was able to access the site plan as well as other documents regarding the development. I was unable to find and information regarding the height of the housing units. This is of grave concern for us. Prior to the owners building their dwelling directly in front of our home, we had a magnificent ocean and Salt Spring Island views. After their home was finished, if we go to our "back yard" we still have some ocean and and island views. Unless these new units have considerable height restrictions, we may have ocean views between buildings and over the fence and around two corners. This will gravely affect the value of our home should we decide to sell in the future. We are

unable access sewer as it does not have Robert Street access. We spent \$30,000.00 to put in a new septic system so we could stay in our home a few more years. Again our water pressure at 22 PSI means no poop or shower at the same time.

We are seniors and have enjoyed Crofton for 30 years. We do not object to progress but we do object to having our retirement home and its sale value decreased by this project.

E. Marlaine & Danny E. Williams

Report

Date	July 17, 2024	File: 6480-30 23.04
Subject	OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw 3915 and the implications of Zoning Amendment Bylaw 3964 for the applicant's proposal	

PURPOSE

To provide information regarding Zoning Amendment Bylaw 3964, the impact of recent amendments to Zoning Bylaw 2950 on the proposed zoning for 1771 Robert Street, and the applicant's preferred next steps.

BACKGROUND

At the August 16, 2023, Regular Council Meeting, OCP Amendment Bylaw No. 3914 (to re-designate 1771 Robert Street from Rural Residential to Neighbourhood Residential) and include the property in the Urban Containment Boundary (UCB) and Zoning Amendment Bylaw No. 3915 (to reclassify it from the A2 (Rural) zone to R3 (Residential One and Two-Family) and R3-MF (Residential Medium Density Multi-Family) zone were each given first reading.

At the October 4, 2023, Regular Council Meeting, Bylaws 3914 and 3915 were given second reading with updated community amenity contributions by the proponent, which included \$4,000 per unit for the estimated 34-38 units, excluding secondary suites.

An excerpt from the October 4, 2023, minutes is provided in Attachment 1.

The applicant's Concept Site Plan, which has not changed to date, is provided in Attachment 2.

The R3 Zone in effect prior to June 19, 2024, is provided in Attachment 3.

On June 19, Council adopted Zoning Amendment Bylaw 3964, which introduced sweeping changes to Zoning Bylaw No. 2950, 1997 due to the enactment of Bill 44 *Housing Statutes (Residential Development) Amendment Act, 2023* on December 7, 2023, by the Province. The current R3 Zone (for lots inside the UCB) is provided in Attachment 4.

DISCUSSION

Since Council adopted Bylaw 3964 amendments to Zoning Bylaw No. 2950, 1997 (Zoning Bylaw) on June 19, 2024, the proposed Concept Site Plan previously reviewed by Council at first and second readings no longer complies with the R3 zone.

For the Concept Site Plan to comply with the current R3 zone, lots less than 670 m² in area would need to be increased to meet the minimum lot size of the R3 zone.

Given this application with associated zoning amendment bylaw was instream at the time Council adopted Zoning Amendment Bylaw 3964, staff provided the applicant with the following options to move the application forward.

1. Revise the proposal to comply with the amended R3 zone;
2. Request that Council rescind second reading of the bylaw amendment, revise the amendment to a site-specific zoning amendment that would accommodate the proposal and then proceed to public hearing at a subsequent Council meeting; or,
3. Continue to Public Hearing with the bylaw which received first and second reading and address the non-compliance created by Zoning Amendment Bylaw 3964 through a Development Variance Permit or future site-specific Zoning Bylaw Amendment.

After discussion with staff of the potential benefits and risks of each option and consideration of these, the applicant selected option three in order to move directly to a public hearing.

Should the proposed amendment bylaws be approved under the updated R3 zone, the applicant could:

- Work within the current R3 zone,
- Proceed with a Development Variance Permit to vary the minimum lot size from 670 m² as would be identified on a surveyed plan, or,
- Request a site-specific amendment to the R3 zone to decrease the minimum lot size to 450 m² at 1771 Robert Street.

The applicant has opted for North Cowichan to bring a development variance permit application forward to Council to reduce the lot sizes as would be identified on a survey site plan provided by the applicant. The applicant understands it is Council's decision to approve or not to approve the variance request at that time.

Should Council adopt Bylaws 3914 and 3915, the applicant has indicated that a development variance permit application would follow for Council's consideration. Should Council not approve the variance anticipated to be requested, the applicant would need to adjust their plans to meet the standards in the Zoning Bylaw.

RECOMMENDATION

This report is provided for information only.

Report prepared by:

Caroline von Schilling

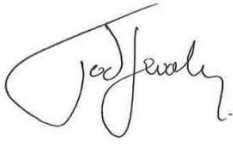
Caroline von Schilling, MCIP, RPP
Development Planner

Report reviewed by:



Amanda J. Young, MCIP, RPP
Director, Planning and Building

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Excerpt from October 4, 2023, minutes
- (2) Concept Site Plan
- (3) R3 Zone prior to June 19, 2023 – previous
- (4) R3 Zone after June 19, 2023 – current

IT WAS MOVED AND SECONDED:

THAT Council direct staff to strengthen all bylaws that support enforcing safety for the community and prepare an open drug use bylaw that minimizes public exposure to open drug use in parks and adjacent to school properties while continuing to provide support aimed at saving lives of some of the most vulnerable people in our community who use drugs.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to reconstitute the Somenos Marsh Wildlife Committee and investigate ways to partner on more fulsome marsh patrols.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to consult with community health partners to develop a formal request to the province for additional support services in the medical and social services sector to improve outcomes in the drug addiction, mental health, and homelessness issues in the Cowichan Valley Regional District.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to include funding opportunities for a "Clean Team" in the 2024 budget discussions.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to continue to advocate to the province for funding to help manage the public disorder to support bylaw and/or RCMP resourcing.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council provide staff with pre-budget approval to hire a Social Planner.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

9. NOTICES OF MOTIONS

None.

10. UNFINISHED AND POSTPONED BUSINESS

10.1 OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw No. 3915 and updated community amenity contribution offer

THAT Council:

- (1) give second reading to Official Community Plan Amendment Bylaw No. 3914, 2023; and
- (2) give second reading to Zoning Amendment Bylaw No. 3915, 2023; and
- (3) authorize a Public Hearing for Official Community Plan Amendment Bylaw No. 3914, 2023 and Zoning Amendment Bylaw No. 3915, 2023.

(Opposed: Douglas, Justice, Toporowski)

CARRIED

1771 ROBERT STREET
CONCEPTUAL
DEVELOPMENT PLAN

TOTAL ANTICIPATED UNITS: +/- 32-38 UNITS



TOWNSHIP
PLANNING

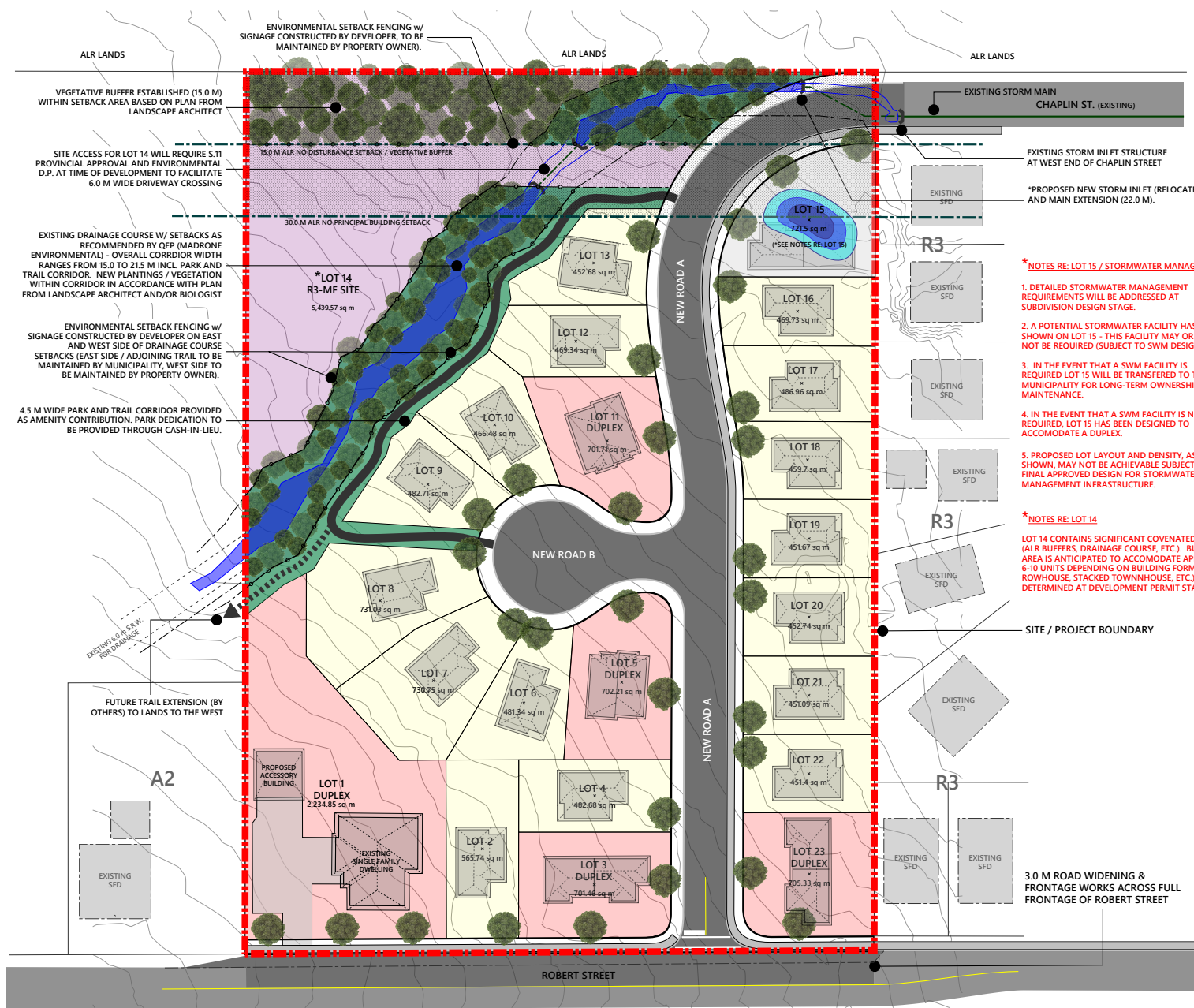
TOWNSITE PLANNING INC.
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web: www.townsiteplanning.ca

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CONTOUR DATA DERIVED FROM MUNICIPALITY OF NORTH COWICHAN WEB MAP DATA

DRAINAGE COURSE ALIGNMENT DERIVED FROM FLAGGING AND SURVEY WORK COMPLETED BY MADRONE ENVIRONMENTAL AND HEROLD ENGINEERING



Residential One and Two-Family Zone (R3)

Permitted Uses

- 58** (1) The permitted uses for the R3 zone are as follows:
- Agriculture
 - Assisted Living
 - Bed and Breakfast
 - Community Care Facility
 - Home-based Business
 - Secondary Suite
 - Single-Family Dwelling
 - Supportive Housing
 - Two-Family Dwelling [BL3302]

Minimum Lot Size

- (2) A lot in the R3 zone must meet the minimum area requirements for the purposes of subdivision and use of the lot for permitted uses as follows:
- (a) Single-family dwelling, 450 m² (4,844 sq. ft.)
 - (b) Single-family dwelling with a secondary suite, 450 m² (4,844 sq. ft.)
 - (c) Two-family dwelling, 700 m² (7,535 sq. ft.) [BL3647, BL3674]
- (2.1) Despite section 58 (2) (b), a single-family dwelling with a secondary suite is permitted on 3133 Cook Street (Parcel Identifier: 027-873-200) with a lot area of 510 m² (5,490 sq. ft.). [BL3663]
- (2.2) Despite section 58 (2) (c), a two-family dwelling is permitted on Lot 15 of Plan 5756, on Sayward Road (PID: 001-503-120) with a lot area of 669 m² (7,201 sq. ft.). [BL3684]

Minimum Frontage

- (3) The minimum permitted frontage in the R3 zone is as follows:
- (a) Single-family dwelling, 15 m (49.21'),
 - (b) Single-family dwelling with a secondary suite, 15 m (49.21'),
 - (c) Two-family dwelling, 23.0 m (75.46'). [BL3083, BL3674]

Density

- (4) The maximum permitted density for the R3 zone is as follows:
- (a) The number of residential buildings shall not exceed one.
 - (b) The maximum permitted floor space ratio is 0.5:1.
 - (c) The number of residential units per building shall not exceed two. For strata buildings/lots, each strata unit constitutes one residential unit.
 - (d) [Repealed, BL3754]
 - (e) Despite the foregoing, a maximum of 2 residential buildings, with a total combined maximum of 2 residential dwelling units, is permitted on 3340 Cowichan Lake Road (PID: 001-375-482). [BL3668]

Maximum Lot Coverage

- (5) The maximum permitted lot coverage for the R3 zone is as follows:
- (a) 30% of the lot area for lots of 650 m² (7,000 sq. ft.) or larger; and
 - (b) 35% of the lot area for lots less than 650 m² (7,000 sq. ft.).

Minimum Setbacks

- (6) The minimum permitted setbacks for the R3 zone are as follows:
 - (a) Principal Buildings
 - Yard, Front, 5.0 m (16.40')
 - Yard, Side, 2.0 m (6.56')
 - Yard, Side when adjacent to a lane or street, 3.0 (9.8')
 - Yard, Rear, 7.5 m (24.6') [BL3323]
 - (b) Accessory Buildings and Structures (Excluding Fences)
 - Yard, Front, 5.0 m (16.40')
 - Yard, Side, 1.0 m (3.28')
 - Yard, Rear, 1.5 m (4.92') [BL3323]
- (6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m (19.03'). [BL3150]

Maximum Building Height

- (7) The maximum permitted building heights for the R3 zone are as follows:
 - (a) Principal Building, 9.0 m (29.53')
 - (b) Accessory Building, 5.0 m (16.40')

Conditions of Use

- (8) The conditions of use for the R3 zone are as follows:
 - (a) [Repealed. BL3891]
 - (b) [Repealed. BL3891]
 - (c) [Repealed. BL3891]
 - (d) Bed and breakfast uses may have no more than three sleeping units.
 - (e) Bed and breakfast uses in a single-family dwelling must be an accessory use and shall not be the principal use.
 - (f) [Repealed. BL3758]
 - (g) [Repealed. BL3674]
 - (h) For a lot created prior to March 31, 2000, a single-family dwelling, two-family dwelling, or secondary suite is permitted on any lot. [BL3323, BL3418]
 - (i) Limited farm sale of agricultural products may be sold directly to the public provided that:
 - (i) a minimum of 50% of the agricultural products offered for sale are produced on the land;
 - (ii) the covered retail sales area does not exceed 100 m² (1076.4 sq. ft.); and
 - (iii) the retail sales are clearly ancillary to the farm use. [BL3083]
 - (j) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that
 - (i) the number of residents does not exceed three, and
 - (ii) the use is within a single-family dwelling unit only, which for clarity does not include a two-family dwelling. [BL3083; BL3302; BL3323; BL3418]

Driveway Width

- (9) Individual driveway widths shall not exceed 6.0 m (19.68') of the lot frontage for each dwelling.

Residential One and Two-Family Zone (R3)

Permitted Uses

- 58** (1) The permitted uses for the R3 zone are as follows:
- Agriculture
 - Assisted Living
 - Bed and Breakfast
 - Community Care Facility
 - Detached Accessory Dwelling Unit
 - Home-based Business
 - Multi-Family Residence
 - Secondary Suite
 - Single-Family Dwelling
 - Supportive Housing
 - Two-Family Dwelling [BL3302]

Minimum Lot Size

- (2) The minimum permitted lot size in the R3 zone is 670 m² (7,212 sq. ft.).

Minimum Frontage

- (3) The minimum permitted frontage in the R3 zone is 18.0 m (59.06').

Density

- (4) The maximum permitted density for the R3 zone is as follows:
- (a) The number of residential buildings shall not exceed one, except, where the principal residential building consists of a single-family dwelling with or without a secondary suite, in which case one detached accessory dwelling unit is permitted.
 - (b) The number of dwelling units shall not exceed:
 - (i) Three in the case of lots that are less than 280 m² (3,014 sq. ft.) in area.
 - (ii) Four in the case of lots that are at least 280 m² (3,014 sq. ft.) but not more than 4,050 m² (1 acre) in area.
 - (iii) Two in the case of lots that are greater than 4,050 m² (1 acre) in area.

Maximum Lot Coverage

- (5) Where a lot contains one residential building and up to two dwelling units the maximum permitted lot coverage in the R3 zone is as follows:
- (a) 30% of the lot area for lots of 650 m² (7,000 sq. ft.) or larger; and
 - (b) 35% of the lot area for lots less than 650 m² (7,000 sq. ft.).
- (5.1) Where a lot contains three or more dwelling units or contains a detached accessory dwelling unit the maximum permitted lot coverage in the R3 zone is as follows:
- (a) 35% of the lot area for lots of 650 m² (7,000 sq. ft.) or larger;
 - (b) 40% of the lot area for lots less than 650 m² (7,000 sq. ft.) but larger than 500 m² (5,382 sq. ft.); and
 - (c) 45% of the lot area for lots 500 m² (5,382 sq. ft.) or less.

Minimum Setbacks

- (6) The minimum permitted setbacks for the R3 zone are as follows:
- (a) Principal Buildings
 - Yard, Front, 4.5 m (14.76')
 - Yard, Side, 1.5 m (4.92')
 - Yard, Side when adjacent to a lane or street, 3.0 (9.8')
 - Yard, Rear, 7 m (22.97')

- (b) Accessory Buildings and Structures (Excluding Fences)
Yard, Front, 5.0 m (16.40')
Yard, Side, 1.0 m (3.28')
Yard, Rear, 1.5 m (4.92') [BL3323]
- (6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m (19.03'). [BL3150]

Maximum Building Height

- (7) The maximum permitted building heights for the R3 zone are as follows:
 - (a) Principal Building, 9.0 m (29.53')
 - (b) Accessory Building, 5.0 m (16.40')

Conditions of Use

- (8) The conditions of use for the R3 zone are as follows:
 - (a) [Repealed. BL3891]
 - (b) [Repealed. BL3891]
 - (c) [Repealed. BL3891]
 - (d) Bed and breakfast uses may have no more than three sleeping units.
 - (e) Bed and breakfast uses in a single-family dwelling must be an accessory use and shall not be the principal use.
 - (f) [Repealed, BL3758]
 - (g) [Repealed, BL3674]
 - (i) Limited farm sale of agricultural products may be sold directly to the public provided that:
 - (i) a minimum of 50% of the agricultural products offered for sale are produced on the land;
 - (ii) the covered retail sales area does not exceed 100 m² (1076.4 sq. ft.); and
 - (iii) the retail sales are clearly ancillary to the farm use. [BL3083]
 - (j) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that
 - (i) the number of residents does not exceed three, and
 - (ii) the use is within a single-family dwelling unit only, which for clarity does not include a two-family dwelling. [BL3083; BL3302; BL3323; BL3418]
- (9) Despite sections 58 (2) and 58 (3) the minimum permitted lot size is 450 m² (4,844 sq. ft.) and the minimum permitted frontage is 15 m (49.21') on the following properties:
 - (a) 6077 Mary Street (PID: 000-328-332)
 - (b) 3056 Gibbins Road (PID: 005-667-909)
 - (c) Lot 1 Sophia Road (PID: 029-263-123)
 - (d) 3214 Cowichan Lake Road (PID: 001-086-359)
 - (e) 7978 Tidemark Way (PID: 028-795-261)
 - (f) 6125 Lakeview Drive (PID: 003-760-251)
 - (g) 9921 Echo Heights (PID: 027-633-250)
 - (h) 5850 (Lot 3) Highland Avenue (PID: 007-387-687)
 - (i) 1578 Adelaide Street (PID: 003-247-988)
 - (j) 3192 Sherman Road (PID: 002-748-851)
 - (k) 5951 Highland Avenue (PID: 000-392-651)

Driveway Width

- (10) Individual driveway widths shall not exceed 6.0 m (19.68') of the lot frontage for each dwelling.

PUBLIC HEARING INFORMATION PACKAGE

Official Community Plan Amendment Bylaw No. 3914, 2023 Zoning Amendment Bylaw No. 3915, 2023 1771 Robert Street

Public Hearing Notice and Bylaws No. 3914 and No. 3915

1. Notice of Public Hearing for **July 17, 2024 at 7:00 p.m.**
2. 1st Notification - Twitter and Facebook - Publication Date: Week of July 2, 2024
3. 2nd Notification - Cowichan Valley Citizen and Chemainus Valley Courier – Publication Date: July 11, 2024
4. Bylaws No. 3914 and No 3915
5. Map of Subject Property

Planning Staff Reports

1. Report to February 21, 2023 Regular Council Meeting – OCP and In Stream Applications
2. Report to July 19, 2023 and August 16, 2023 Regular Council Meetings – 1st Readings of Bylaws
3. Report to October 4, 2023 Regular Council Meeting – 2nd Readings of Bylaws and Updated Community Amenity Contribution Offer

Council Recommendations

1. Council Recommendation from February 21, 2023 Regular Council Minutes – Initiate OCP Amendment
2. Council Recommendation from July 19, 2023 Regular Council Minutes - 1st and 2nd Readings Deferred
3. Council Recommendation from August 16, 2023 Regular Council Minutes – 1st Readings
4. Council Recommendation from October 4, 2023 Regular Council Minutes – 2nd Readings, Schedule Public Hearing

Public Comments

See Written Submissions Package

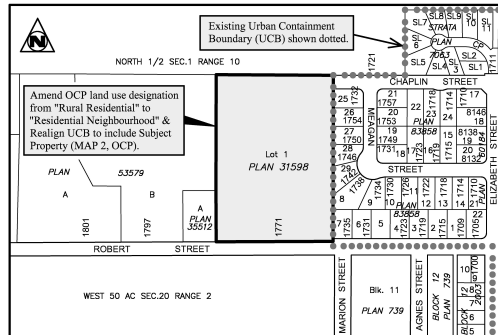
NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held at **7:00 p.m. on Wednesday, July 17, 2024** to allow Council to receive public input on **“Official Community Plan Amendment Bylaw No. 3914, 2023”** and **“Zoning Amendment Bylaw No. 3915, 2023”**. As authorized by the *Local Government Act*, this hearing will be conducted by electronic means and members of the public will be provided an opportunity to be heard verbally or by submitting their comments in writing in advance of the hearing. This hearing will be conducted by video conference using the Cisco Webex platform, and though electronic, is open to the public and anyone wishing to participate may do so in person by attending Council Chambers, or by joining the meeting using a computer, smartphone, or tablet. If you wish to participate electronically, please visit www.northcowichan.ca/virtualmeeting for instructions on how you can join this hearing and find the link to join. You may also view the hearing as it is streamed live by going to www.northcowichan.ca/Agendas and click on the ‘View Live Stream’ link. A copy of the recording will be made available after the hearing on North Cowichan’s website for on-demand viewing.

Official Community Plan

Amendment Bylaw No. 3914, 2023

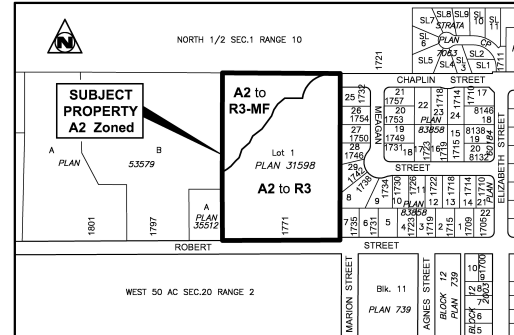
proposes to amend Official Community Plan Bylaw No. 3900 by redesignating 1771 Robert Street (PID: 001-147-544) in Schedule “A”, Appendix 1: Maps, Map 2 [Growth and Land Use Management] from Rural Residential to Residential Neighbourhood and realigning the Urban Containment Boundary in Map 2 [Growth and Land Use Management] to include 1771 Robert Street as shown outlined in bold on the map.



Zoning Amendment Bylaw No.

3915, 2023 proposes to amend Zoning Bylaw 1997, No. 2950 by reclassifying 1771 Robert Street (PID: 001-147-544) from Rural Zone (A2) to Residential One and Two-Family Zone (R3) and Residential Medium Density Multi-Family Zone (R3-MF).

The purpose of the amendment is to allow for residential development on the subject property as shown outlined in bold on the map.



PUBLIC INPUT

If you believe your interests in land will be affected by the proposed bylaws, you are encouraged to submit your comments in writing to Mayor and Council by **1:00 p.m. on Monday, July 15, 2024**, using any of the writing methods identified below. Comments may also be shared verbally during the Public Hearing, by following the instructions provided below.

1. In Writing in Advance of the Public Hearing:

Written submissions will be accepted by:

- Email to publicmeetings@northcowichan.ca
- Mail to Mayor and Council, Municipality of North Cowichan, 7030 Trans-Canada Highway, Duncan BC, V9L 6A1
- Fax to 250-746-3133
- In-Person deposited through the mail slot at the Municipal Hall, Main Entrance

2. Verbally or in Writing at the Public Hearing:

- In Person by attending Council Chambers at Municipal Hall, 7030 Trans-Canada Highway, Duncan BC.
- Virtually by logging in electronically, details and instructions will be available at least one week prior to the Hearing at www.northcowichan.ca/PublicHearings.
- Written submissions may be submitted during the Public Hearing by presentation to the Corporate Officer or her designate.

PLEASE NOTE: Submissions should reference the bylaw numbers and include your name and the civic address or legal description of the land affected by the proposal. Please be advised that all submissions, including the individual’s name and address will form part of the public record and will be published on North Cowichan’s website. Do not include any personal information in your submission that you do not wish to be disclosed, as submissions received are public documents and will not be redacted (with the exception of email addresses on electronic submissions, phone numbers and signatures). Written submissions will not be accepted after the conclusion of the Public Hearing.

Copies of the bylaws and related documents, including public comments received in writing, will be available to inspect online at www.northcowichan.ca/PublicHearings until the close of the Public Hearing. The documents may also be inspected in the Planning Department at the Municipal Hall, Monday to Friday (excluding statutory holidays) between **8:00 a.m. to 4:00 p.m.** from **July 3, 2024** to **July 17, 2024**.

Personal information is collected by North Cowichan under the authority of s. 26 (c) of the *Freedom of Information and Protection of Privacy Act* for the purpose of administering the Public Hearing. Please direct any questions about personal information to North Cowichan’s Privacy Officer by Phone: 250-746-3116, Email: privacy@northcowichan.ca or Regular Mail: 7030 Trans-Canada Highway, Duncan, BC, V9L 6A1



The Corporation of the District of North Cowichan

Zoning Amendment Bylaw

BYLAW NO. 3915

*A bylaw to amend Zoning Bylaw 1997, No. 2950, to reclassify
1771 Robert Street from A2 to R3 and R3-MF.*

The Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

Citation

- 1 This Bylaw may be cited as "*Zoning Amendment Bylaw No. 3915, 2023*".

Amendment

- 2 Zoning Bylaw 1997, No. 2950, Schedule "C" be amended by reclassifying 1771 Robert Street (PID: 001-147-544) from Rural Zone (A2) to Residential One and Two-Family Zone (R3) and Residential Medium Density Multi-Family Zone (R3-MF), as shown outlined in black in Schedule 1 attached to and forming part of this Bylaw.

READ a first time on August 16, 2023

READ a second time on October 4, 2023

This bylaw was advertised on the municipality's social media sites on _____, in the Cowichan Valley Citizen and the Chemainus Valley Courier on _____ and was posted to the municipality's public notice places on _____.

CONSIDERED at a Public Hearing on _____.

READ a third time on _____.

COVENANT registered on _____.

ADOPTED on _____.

CORPORATE OFFICER

PRESIDING MEMBER

Schedule "1" to accompany "Zoning
Amendment Bylaw No. 3915, 2023".

Presiding Member

Corporate Officer

"2. Growth and Land Use Management"





The Corporation of the District of North Cowichan

Official Community Plan Amendment Bylaw

BYLAW NO. 3914

A bylaw to amend Official Community Plan Bylaw No. 3900 to include 1771 Robert Street within the UCB and change the designation from Rural Residential to Residential Neighbourhood.

WHEREAS Council has considered the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan,

AND WHEREAS Council has considered consultation under Sections 475 and 476 of the *Local Government Act*,

The Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

Citation

1 This Bylaw may be cited as "*Official Community Plan Amendment Bylaw No. 3914, 2023*".

Amendment

2 Official Community Plan Bylaw No. 3900, 2022 be amended by redesignating 1771 Robert Street (PID: 001-147-544) in Schedule "A", Appendix 1: Maps, Map 2 [*Growth and Land Use Management*] from Rural Residential to Residential Neighbourhood and realigning the Urban Containment Boundary in Map 2 [*Growth and Land Use Management*] to include 1771 Robert Street, as shown in Schedule 1, attached to and forming part of this Bylaw.

This bylaw was considered in conjunction with the North Cowichan 2022 Five Year Financial Plan, the Cowichan Valley Regional District Solid Waste Management Plan (as amended), and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan on July 19, 2023.

READ a first time on August 16, 2023

READ a second time on October 4, 2023

This bylaw was advertised on the municipality's social media sites on _____, in the Cowichan Valley Citizen and the Chemainus Valley Courier on _____, and was posted to the municipality's public notice places on _____.

CONSIDERED at a Public Hearing on _____.

ADOPTED on _____.

CORPORATE OFFICER

PRESIDING MEMBER

Schedule "1" to accompany "Official
Community Plan Amendment Bylaw No.
3914, 2023".

Presiding Member

Corporate Officer

[illegible]

PLANNING REPORTS

Report

Date February 21, 2023

File: ZB133/ZB164/
ZB161/ZB83/
ZB127

Subject Official Community Plan and In-Stream Development Applications

PURPOSE

Consider options for in-stream rezoning applications impacted by the new Official Community Plan (OCP).

BACKGROUND

On August 17, 2022, Council adopted Official Community Plan Bylaw 3900, which replaced North Cowichan's former (2011) OCP with the new (2022) OCP. Much of the content and policies of the 2011 OCP carried over into the 2022 document, but the new OCP also included amendments and new land use and planning policies. Among the changes were new land use designations that supported increased densities in designated areas and reductions to the Urban Containment Boundary (UCB) in other areas.

A primary function of an OCP is to guide land use decisions and to identify future land uses supported by the Municipality. As such, the OCP is the principal policy document for evaluating land use changes and zoning amendment proposals. The *Local Government Act* (s. 478) requires that all bylaws enacted and works undertaken by Council be consistent with the OCP, so zoning amendment bylaws and other land use and planning approvals cannot be given unless they are consistent with the OCP. If a zoning amendment application is inconsistent with the OCP, it can only be considered for approval if the OCP is amended to achieve consistency.

There are five zoning amendment applications currently with the Planning Department that were submitted before the 2022 OCP was adopted. They are not consistent with the new OCP because the properties are either not within the UCB or do not have land use designations that support the type of development proposed in the applications. This report requests Council direction with respect to those applications.

DISCUSSION

Overview of OCP Growth Management Strategy:

Council's 2019-2022 Strategic Plan included "Reconsider the Urban Containment Boundary and where future growth should be concentrated, especially in relation to the Quamichan watershed" as a priority action. Revising the approach to growth management was endorsed as an objective of the OCP review project (October 16, 2019), and the development of a growth management strategy was included in the Municipality's contract with the MODUS Planning, Design and Engagement (the Project Consultants). The process for preparing the OCP, including the growth management strategy component and community engagement, was reviewed and authorized by Council at a number of points during the three-year OCP review process.

The process for obtaining community input on growth management scenarios and the results of the community engagement process is summarized in the June 21, 2021 report "How Should We Grow – Exploring Growth Scenarios" (the "What We Heard" report). After receiving the report, Council passed the following resolution at its July 21, 2021, meeting:

That Council accepts the recommendations of the MODUS June 28, 2021 "What We Heard" report as a basis for drafting a growth management strategy and land use plan for the new Official Community Plan, omitting the part of the plan that references adding 'A Health and Wellness Precinct in Bell McKinnon to allow compact mixed-use development directly adjacent to the hospital site which will protect the natural and rural lands including the Somenos Watershed,' and that staff be directed to schedule a workshop for Council on the implications of options 2Plus on the Bell McKinnon Corridor."

As directed by Council, the UCB and land use designations were prepared using the Option 2 Plus scenario. Council subsequently gave direction to retain all lands in the Bell McKinnon Local Area Plan (BMLAP) south of Herd Road in the UCB and to designate the lands north of Herd Road as a future development area. The first draft of the OCP was released for public input from November 8 to December 22, 2021.

A Special Committee of the Whole Meeting was held on February 15, 2022, where Council participated in a workshop to review public input received on the draft OCP. Correspondence from 11 property owners who objected to having their properties removed from the UCB was provided to Council in advance of the workshop. A staff report provided for the workshop identified the 11 properties and included a map showing the properties relative to the 2011 UCB and the proposed UCB (Attachment 1). On March 16, 2022, Council adopted a resolution to amend the draft UCB to include Crosland Place properties and exclude properties on Anzio Road. No amendments were proposed to include properties with in-stream applications in the UCB.

A staff report on the potential impacts of the new OCP on Land Use Applications was provided to Council at the March 16, 2022, Council meeting (Attachment 2). The report identified seven in-stream rezoning applications that would be impacted by the adoption of the new OCP, four of which are the subject of this report. The March 16, 2022, report suggested that OCP land use designations and the UCB should be determined based on the broad goals and objectives of the OCP and not the preferences or land use intentions of individual property owners. The OCP amendment process was identified as the recommended means for considering unique features and circumstances that may warrant a different land use designation or inclusion in the UCB.

Further input was received from property owners and the public up to the close of the OCP public hearing on July 19, 2022. On August 17, 2022, Council gave third reading and adoption of OCP Bylaw 3900 without further amendments to land use designations or the UCB.

Owner's Rights: OCP Designations vs Zoning

The zoning of a parcel sets out an owner's development rights, and it is important to remember that no zonings have been changed as a result of the OCP adoption. Zoning parcels is also a discretionary function of a council, and council can change the zoning on any parcel at any time without the owner's consent. A council can also decline to change a zoning, even if such a change would be consistent with an OCP designation. However, the *Local Government Act* does provide protection for owners who established uses and buildings (or demonstrate commitment thereto) in accordance with the zoning at the time, a provision commonly called "grandparenting." A Council may still rezone a parcel, but an owner is statutorily allowed to continue any legally non-conforming uses indefinitely, subject to certain conditions.

In contrast, an OCP designation is an expression of the policy wishes of council and is intended to be *indicative* of how future zoning decisions might be resolved and not prescriptive. It does not provide any development rights, and any assumptions made about future zonings are speculative unless and until a zoning amendment has been adopted. No owners are "owed" a particular land use designation. Accordingly, no corresponding "grandparenting" clause is set out in any statute providing in-stream protection in the same way the zoning (development rights) is protected. Doing so would fetter a council's discretion to enact and implement land use policy in response to the conditions of the time and significantly compromise the effect and usefulness of establishing land use designations in the first place.

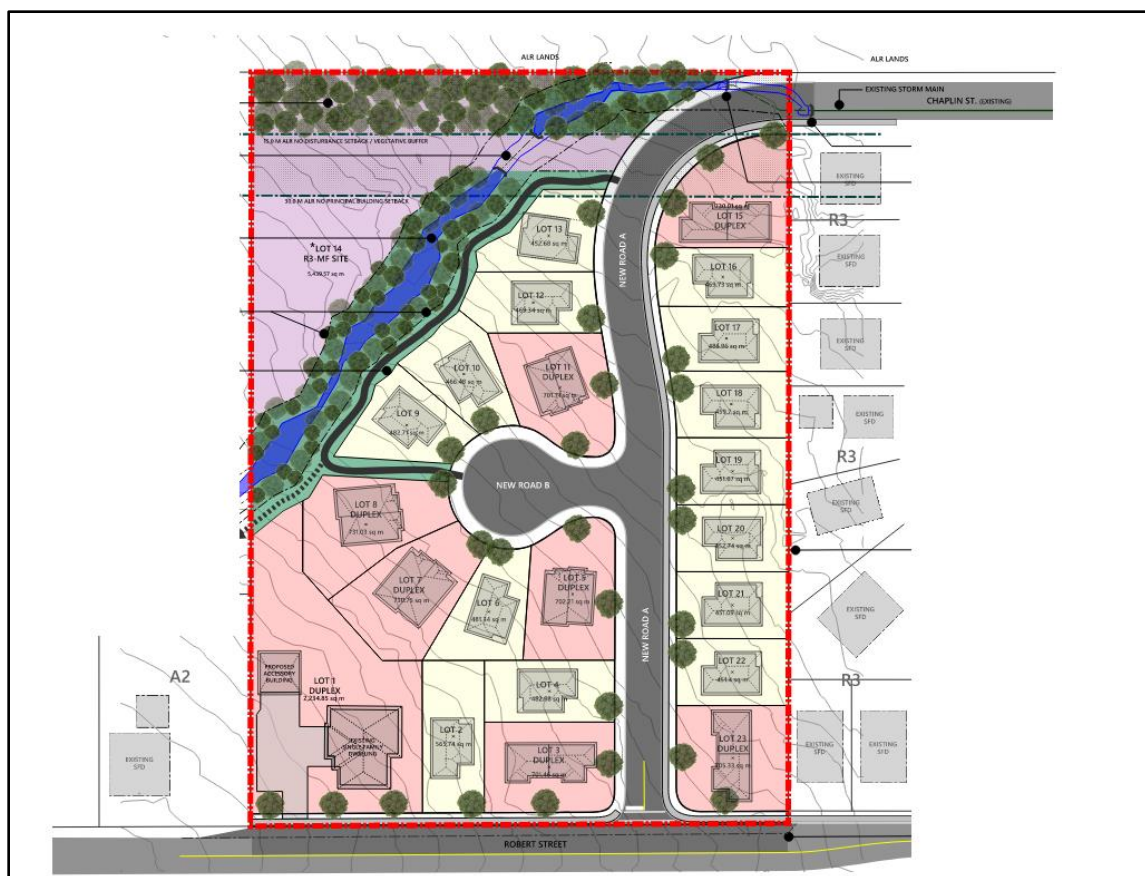
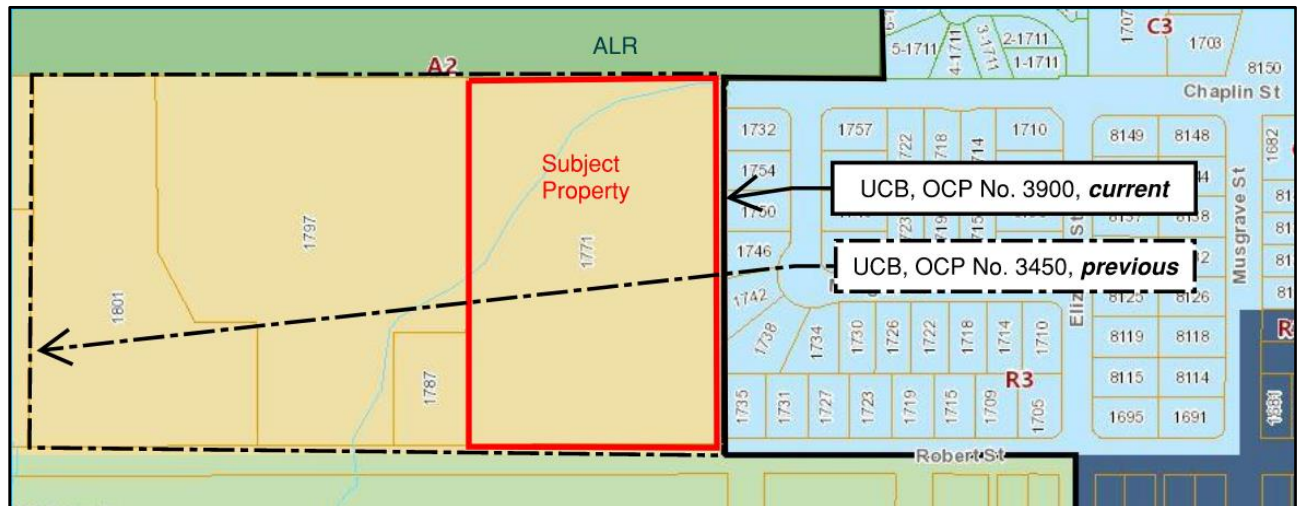
Summary of 5 "In-Stream" Zoning Amendment Applications

The five zoning amendment applications that are the subject of this report are summarized below. Please note that the applications are not presented in full, as staff are just seeking direction on potential OCP amendments. Should Council wish to consider concurrent OCP and zoning amendments for one or more of the applications, full staff reports on the applications and draft bylaw amendments will be brought forward at future meetings.

1. **1771 Robert Street** (Application ZB133)

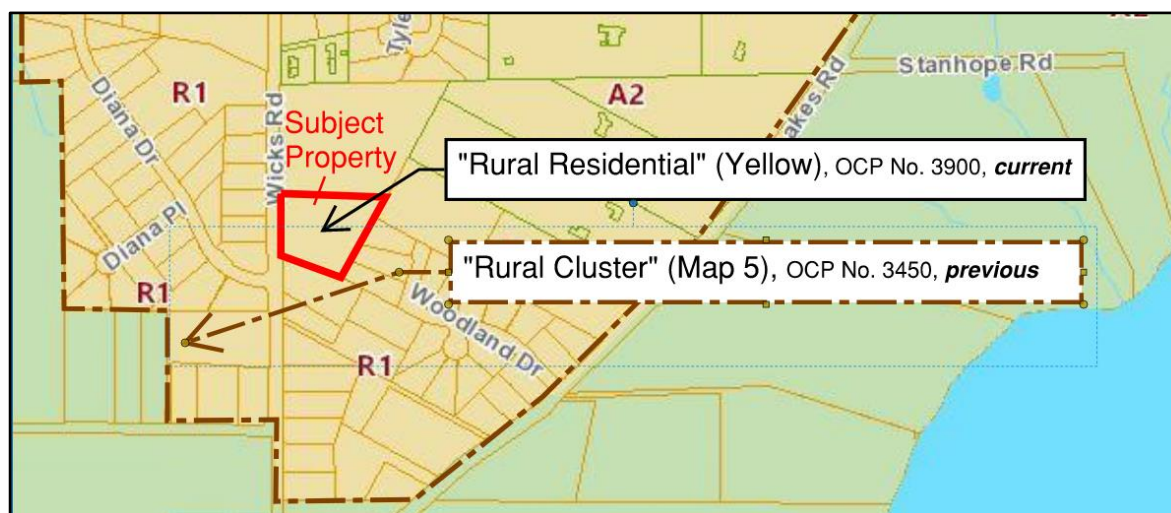
Date of Submission -	June 11, 2021
Application Status	Application review completed
Proposal -	To rezone from A2 to R3 and R3-MF to facilitate a housing development of approximately 14 single family lots, 6-7 duplex lots and 6-10 ground oriented multi family units for a total of 34 to 40 housing units.
Servicing Considerations -	Can be serviced with municipal water and sewer. Downstream drainage issues remain unresolved and may require additional on-site stormwater management, potentially resulting in reduced density.
Policy Consideration -	<ul style="list-style-type: none"> Property was included in UCB with the 2011 OCP Current OCP designation is Rural Residential, which does not support subdivision less than 2ha. or higher density residential use.

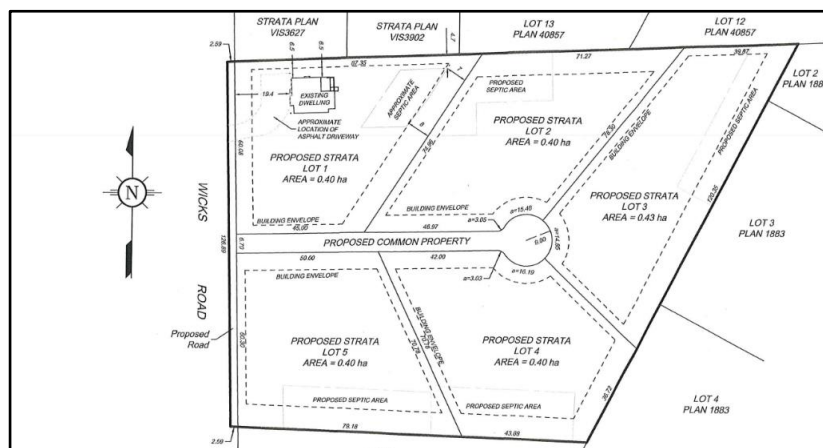
	<ul style="list-style-type: none"> Proposed use generally aligns with Crofton Local Area Plan
OCP Amendments needed for rezoning to proceed -	Include in urban containment boundary and re-designate property from Rural Residential to Residential Neighbourhood.



2. **6409 Wicks Road** (Application ZB161)

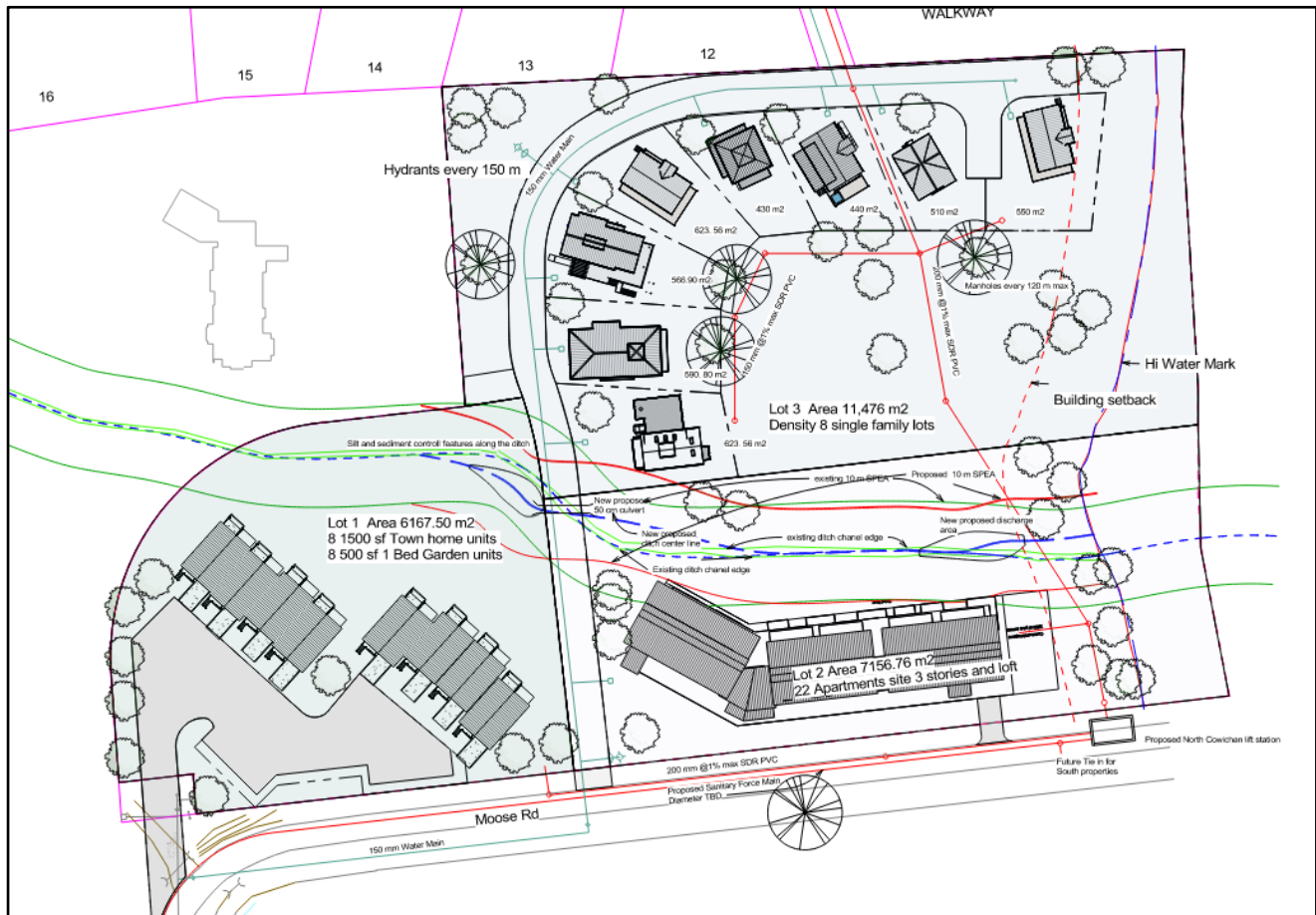
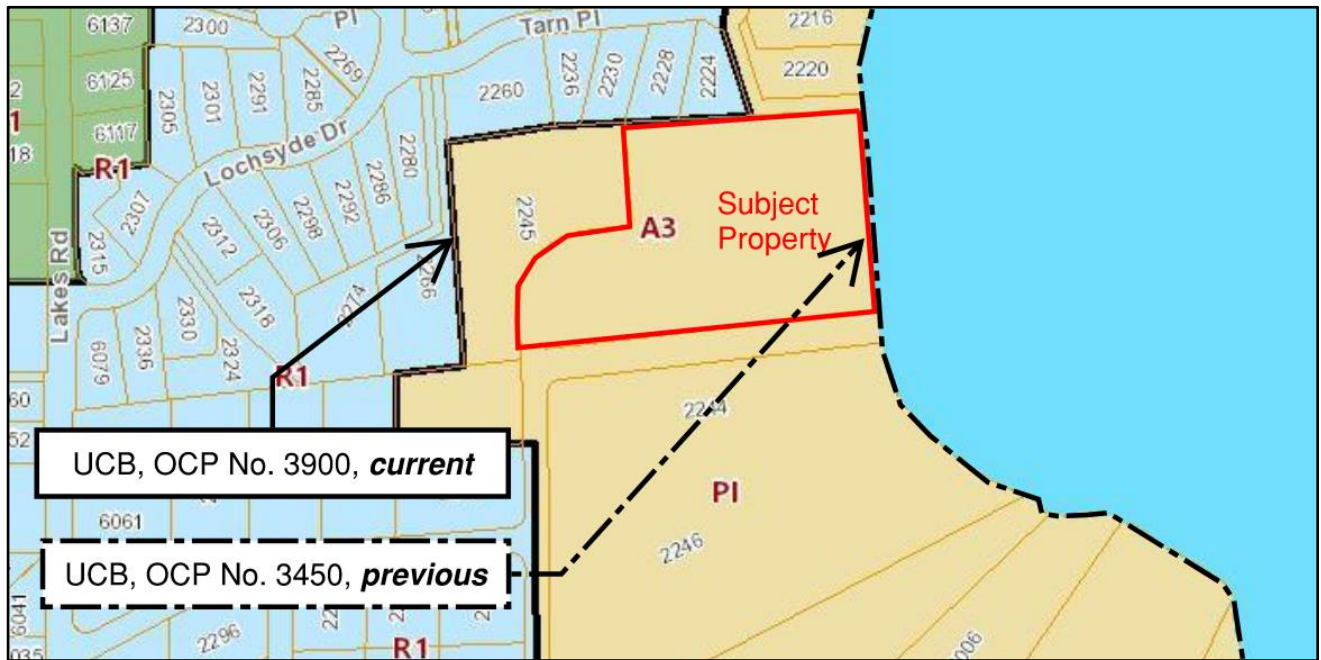
Date of Submission -	September 24, 2021
Application Status -	Application review completed
Proposal -	To rezone from A2 to A5 to permit a 4-5 lot bare land strata subdivision with lot sizes of approximately 4000 square metres (1 acre). Suites and duplexes are permitted in the A5 zone so that rezoning could allow between three and eight new dwelling units.
Servicing Considerations -	<ul style="list-style-type: none"> Can be serviced with municipal water. On-site sewage disposal and stormwater management will require approvals and prove-out at the time of subdivision.
Policy Consideration -	<ul style="list-style-type: none"> Property was not in UCB previously but had "Rural Cluster" designation, which provided limited support for rezoning where land uses are inconsistent with surroundings. Property remains outside of the UCB and has a Rural Residential designation that does not support subdivision.
OCP Amendments needed for rezoning to proceed -	<ul style="list-style-type: none"> Redesignation from Rural Residential to some form of new land use designation that supports subdivision in rural areas.





3. **Lot 2 Moose Road** (Application ZB164)

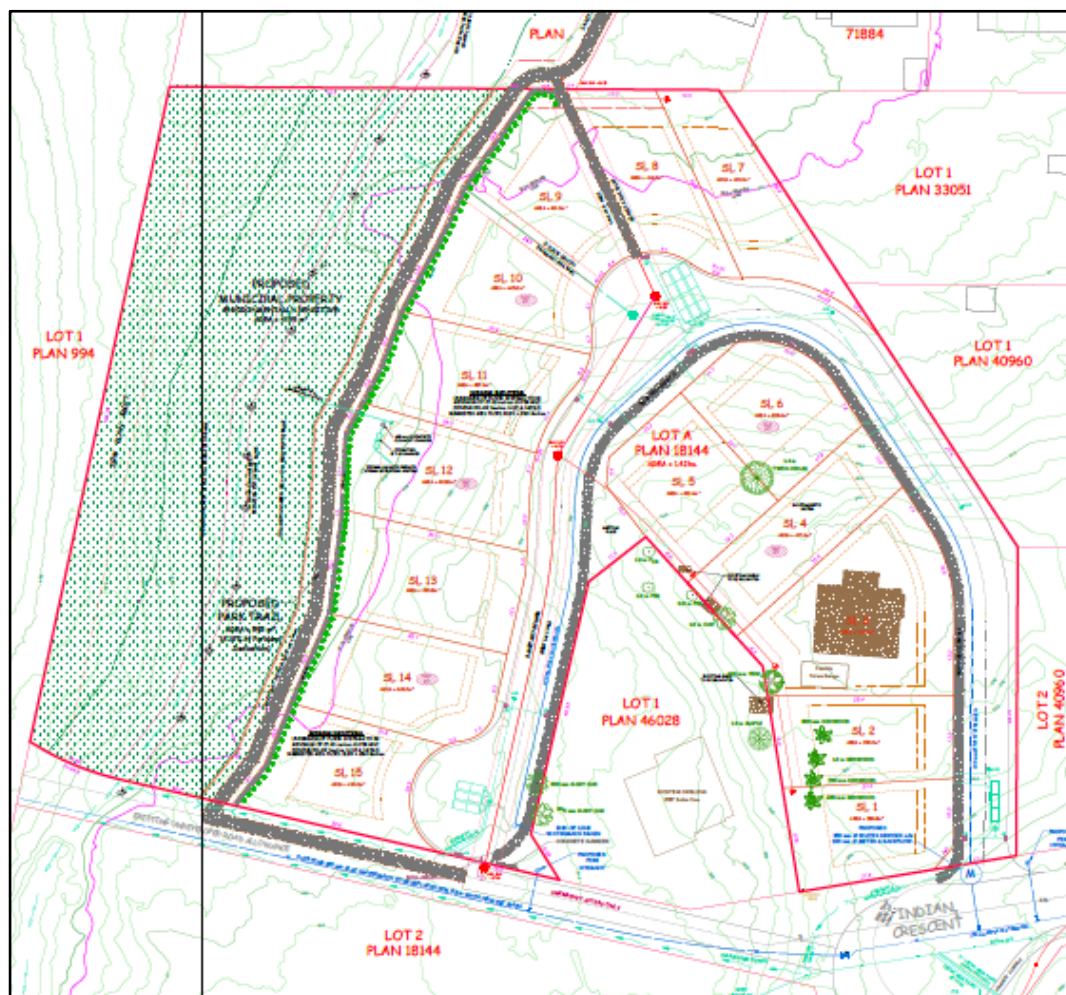
Date of Submission -	June 11, 2021
Application Status -	Awaiting re-submission of application material
Proposal -	To rezone from A3 new Comprehensive Development zone to facilitate a housing project of approximately eight single family dwellings, eight townhomes with secondary suites, 22 apartment units and 200 square metres of commercial space.
Servicing Considerations -	<ul style="list-style-type: none"> Can be serviced with municipal water and sewer but will require infrastructure upgrades. Municipal pump station needed to service lakefront properties with Municipal sewer
Policy Consideration -	<ul style="list-style-type: none"> Property was previously in the UCB, but OCP policies did not fully support proposed land use. Property is outside of UCB and has a Rural Residential designation that does not support subdivision or medium/high density residential use.
OCP Amendments needed for rezoning to proceed -	<ul style="list-style-type: none"> Inclusion in UCB and redesignation from Rural Residential to some form of new land use designation. Residential Neighbourhood designation that applies to Moose Road and Tarn Place neighbourhood not suitable due to the proposed land use and density.



4. **2083 Indian Crescent** (Application ZB83)

Date of Submission -	April 2018
Application Status -	Awaiting re-submission of application material
Proposal -	To rezone from R2 to R3-S to facilitate a residential development of 15 single family dwellings on strata lots.
Servicing Considerations -	<ul style="list-style-type: none"> Can be serviced with municipal water and sewer.
Policy Consideration -	<ul style="list-style-type: none"> Property was previously in the UCB and was removed due to its proximity to Quamichan Lake and Quamichan Creek. Property is designated Rural Residential, which does not support subdivision with lot sizes less than 2 ha. UCB and Residential Neighbourhood designation located on the property's eastern boundary. Riparian assessment work is incomplete, and property may not be fully developable as proposed.
OCP Amendments needed for rezoning to proceed -	<ul style="list-style-type: none"> Inclusion in UCB and redesignation from Rural Residential to Residential Neighbourhood.

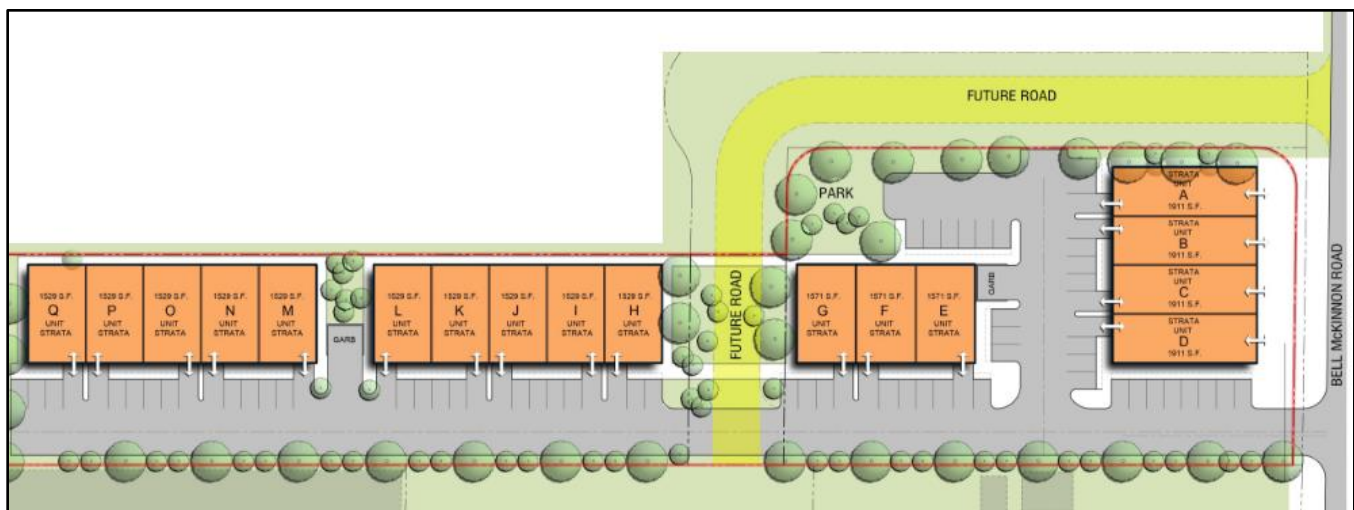
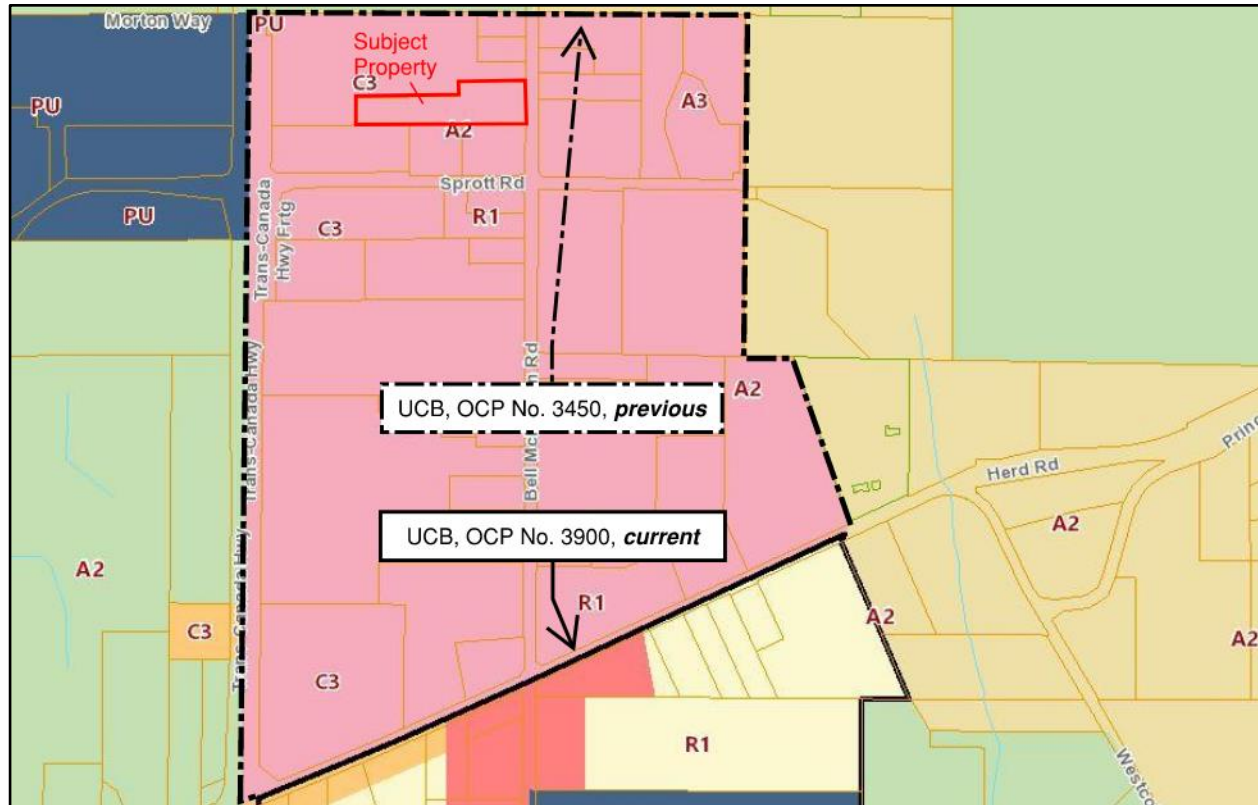




5. **7022 Bell McKinnon Road** (Application ZB127)

Date of Submission -	March 2020
Application Status -	Awaiting re-submission of application material
Proposal -	To rezone from A2 to C3 facilitate a service commercial development.
Servicing Considerations -	<ul style="list-style-type: none"> • Can be serviced with municipal water. • Municipal sewer is not available, so on-site sewage disposal is required.
Policy Consideration -	<ul style="list-style-type: none"> • Property was added to the UCB with the adoption of the 2011 OCP but was not designated for commercial use. • Property was designated for "Employment Lands" in 2018 Bell McKinnon LAP. • 2022 OCP included property in "Future Growth Area" designation. The designation is intended to reserve lands for future growth and discourage development that may interfere with future urban development.

	<ul style="list-style-type: none"> Policy guidance in the BMLAP for roads, infrastructure, community amenities etc., no longer applies.
OCP Amendments needed for rezoning to proceed -	<ul style="list-style-type: none"> Re-designation from Future Growth Area to Commercial.



Considerations and Approaches

The five applications presented in this report share the common features of having been submitted before the new OCP was adopted. All require an amendment to the OCP before they can be considered for approval. Council has three options available when considering each of the applications at this stage:

Option 1 – Deny

If Council believes the zoning amendment application to be incompatible with both the letter and intent of the OCP, denial of the application should be considered. Denying applications that would unlikely be approved saves the applicant from further investment in the application process, frees up limited staff resources for other priorities and may reduce potential community controversy.

Option 2 – Direct staff to initiate an OCP amendment

If Council believes there is merit in the proposed zoning amendment application and is prepared to amend the OCP to accommodate the zoning change, direction could be given for staff to initiate an OCP amendment bylaw that could be considered concurrently with the zoning amendment bylaw. By having the Municipality initiate the OCP amendment, the proponent would not have to pay the \$2,500 application fee. This option should be reserved for applications Council is willing to consider approving and where Council wishes to provide relief from the application fee because it was submitted prior to the OCP being adopted or some other circumstance beyond the applicant's control.

Option 3 – Invite the applicant to submit an OCP amendment application

Property owners always have the option of applying to amend the OCP, so this option re-iterates what is already available. However, it would confirm that Council expects a completed application and application fee before the zoning amendment application will be considered. If an OCP amendment application is pursued by any of the applicants, a deadline (e.g., 60 days) should be established for submitting the subsequent application so that the zoning amendment is not held in abeyance indefinitely.

Summary and Conclusion:

The OCP review and update process was not designed to consider land use designations and UCB status (in or out) on a rigorous property-by-property basis. Rather, the designations were assigned at a high-level using planning principles and community input received through public engagement processes. Property owners did have an opportunity to request changes to land use designations, and several such requests were received. Council did make some adjustments to the UCB and land use designations in response to public input before the new OCP was adopted but did not accommodate every request.

The OCP amendment application process allows every property owner to have the land use designation for their property reconsidered and for Council and staff to provide more focused consideration of the land use designations for specific properties that are not practical when preparing a land use plan for the entire Municipality. Should Council wish to consider any or all of the five applications for approval, OCP amendments will be required in order to comply with the requirements of the *Local Government Act*.

Council is not obliged to approve any of the five applications and can deny one or more of the applications because of inconsistency with the new OCP. This option should not be taken lightly but should be considered for applications that are considered to be so misaligned with the new OCP that approving them would seriously undermine the OCP's growth strategy.

1771 Robert Street and 2083 Indian Crescent:

Of the five applications, planning staff consider two (1771 Robert Street and 2083 Indian Crescent) to be sufficiently compatible with the structure and intent of the OCP that an OCP amendment could be approved without undermining the land use planning objectives of the Plan. Because those applications can be accommodated within the existing policy framework of the OCP and were submitted well before the new OCP was adopted, it is recommended that staff be directed to initiate OCP amendments to be considered concurrently with the proposed zoning bylaw amendments.

6409 Wicks Road & Lot 2, Moose Road:

Two of the applications (6409 Wicks Road and Lot 2, Moose Road) would require site-specific OCP amendments that are not compatible with the OCP policy framework and would potentially undermine the growth management strategy of the Plan in favour of piecemeal and ad hoc land use decision making. There are no existing land use designations within the current structure of the OCP that are suitable for the proposed land uses, so structural changes to the OCP's land use planning framework would be needed to accommodate the proposals. As the zoning amendment applications for 6409 Wicks Road and Lot 2 Moose Road would require significant re-working of the OCP in order for the applications to be approved, denial of these two applications is recommended.

7022 Bell McKinnon Road:

The 7022 Bell McKinnon Road application differs from the other applications in that it proposes a commercial land use. The issue with this application is that the property is within an area designated as a Future Growth Area, and there is no policy direction in the OCP regarding preferred land uses and development requirements other than the area should be reserved for future development.

The Future Growth Area designation suggests that land uses in the area should largely remain as they are until an OCP amendment to open that area up for development is passed and a development plan for the area is prepared. As the BMLAP no longer applies to the lands north of Herd Road, there is no development plan for the area to provide direction on issues such as the road network, servicing standards and community amenities that are typically negotiated and secured through the rezoning process. So, while Council could consider an OCP amendment for 7022 Bell McKinnon Road within the existing Plan framework, it is not recommended because the pre-planning work to guide development in the Future Growth Area designation is not in place. For this reason, it is recommended that Council deny the application.

OPTIONS

Option 1 (Recommended Option):

THAT Council:

1. Direct staff to initiate an amendment to Official Community Plan Bylaw No. 3900 for 1771 Robert Street to be presented at a future meeting concurrently with Zoning Amendment Application ZB133;
2. Direct staff to initiate an amendment to Official Community Plan Bylaw No. 3900 for 2083 Indian Crescent to be presented at a future meeting concurrently with Zoning Amendment Application ZB83;
3. Deny Zoning Amendment Application ZB161 (6409 Wicks Road) due to it being inconsistent with the land use designation in the Official Community Plan;
4. Deny Zoning Amendment Application ZB164 (Lot 2, Moose Road) due to it being inconsistent with the land use designation in the Official Community Plan; and,
5. Deny Zoning Amendment Application ZB127 (7022 Bell McKinnon Road) due to it being inconsistent with the land use designation in the Official Community Plan.

Option 2 (Alternative Options):

THAT Council:

1. Direct staff to initiate an OCP amendment for (Council to select one or more of the following properties: 1771 Robert Street; 2083 Indian Crescent; 6409 Wicks Road; Lot 2 Moose Road; 7022 Bell McKinnon Road).
2. Direct staff to invite the applicants for zoning amendment applications (Council to select one or more of the following applications: ZB133, ZB83, ZB161; ZB164; ZB127) to submit OCP amendment applications by April 30, 2023, to be presented at a future meeting concurrently with the zoning amendment application.
3. Deny zoning amendment applications (Council to select one or more of the following applications: ZB133; ZB83; ZB161; ZB164; ZB127) due to it being inconsistent with land use designations in the Official Community Plan.

IMPLICATIONS

If Council decides to maintain the OCP land use designations for any of the subject properties, the in-stream zoning amendment applications could not be approved, and a resolution to deny the applications would be needed in order to close them. As the applications have not yet proceeded to a public hearing, the applicants would be eligible for a \$500 refund.

If Council decides to either direct staff to initiate OCP amendments or invite applicants to submit OCP amendment applications, the zoning amendment applications will return to Council at a future meeting along with OCP amendment bylaws. There are procedural requirements for OCP amendment bylaws set out in the *Local Government Act* that must be satisfied before Council can give readings to the amendment bylaws.

Council has the authority to amend the OCP at its discretion, provided all procedural requirements are followed. Amendments that deviate from the general intent and structure of the OCP should be undertaken cautiously, as they may erode the public's confidence in the OCP and encourage land use applications that are incompatible with the OCP's vision, principles, and growth management strategy.

RECOMMENDATION

THAT Council:

1. Direct staff to initiate an amendment to Official Community Plan Bylaw No. 3900 for 1771 Robert Street to be presented at a future meeting concurrently with Zoning Amendment Application ZB133;
2. Direct staff to initiate an amendment to Official Community Plan Bylaw No. 3900 for 2083 Indian Crescent to be presented at a future meeting concurrently with Zoning Amendment Application ZB83;
3. Deny Zoning Amendment Application ZB161 (6409 Wicks Road) due to it being inconsistent with the land use designation in the Official Community Plan;
4. Deny Zoning Amendment Application ZB164 (Lot 2, Moose Road) due to it being inconsistent with the land use designation in the Official Community Plan; and,
5. Deny Zoning Amendment Application ZB127 (7022 Bell McKinnon Road) due to it being inconsistent with the land use designation in the Official Community Plan.

Report prepared by:



Rob Conway, MCIP, RPP
Director, Planning and Building
Community Services

Report reviewed by:



George Farkas
General Manager, Planning, Development and

Approved to be forwarded to Council:

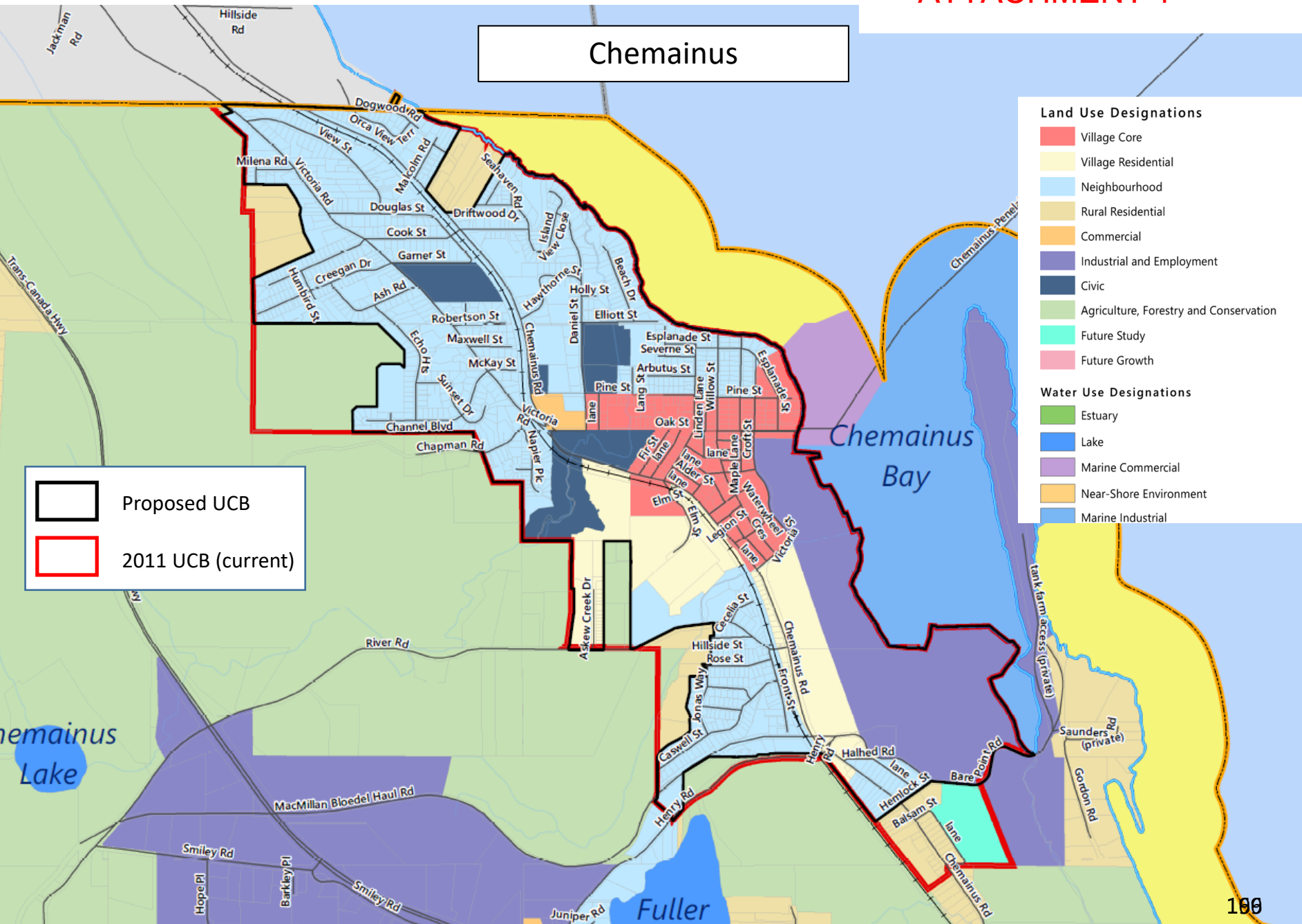


Ted Swabey
Chief Administrative Officer

Attachments:

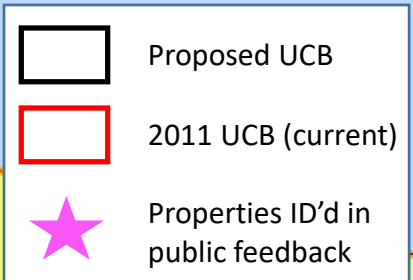
- (1) Map from February 15, 2022 Special Committee of the Whole meeting
- (2) March 16, 2022 Staff Report on In-stream Applications

Chemainus



Crofton

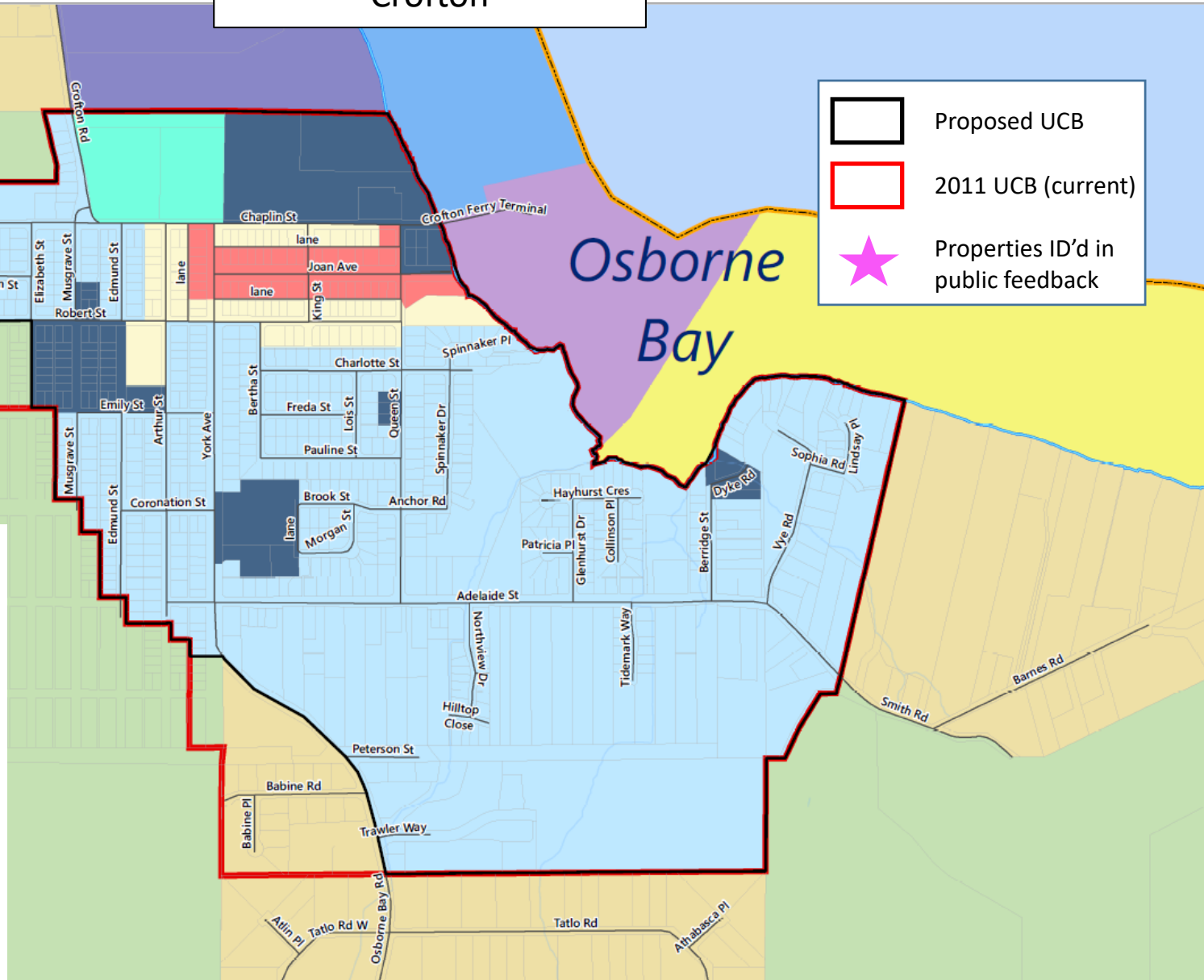
1773 Robert St






Land Use Designations



Water Use Designations



Bell McKinnon

-  Proposed UCB
-  2011 UCB (current)
-  Properties ID'd in public feedback

Various District Development Corp Properties

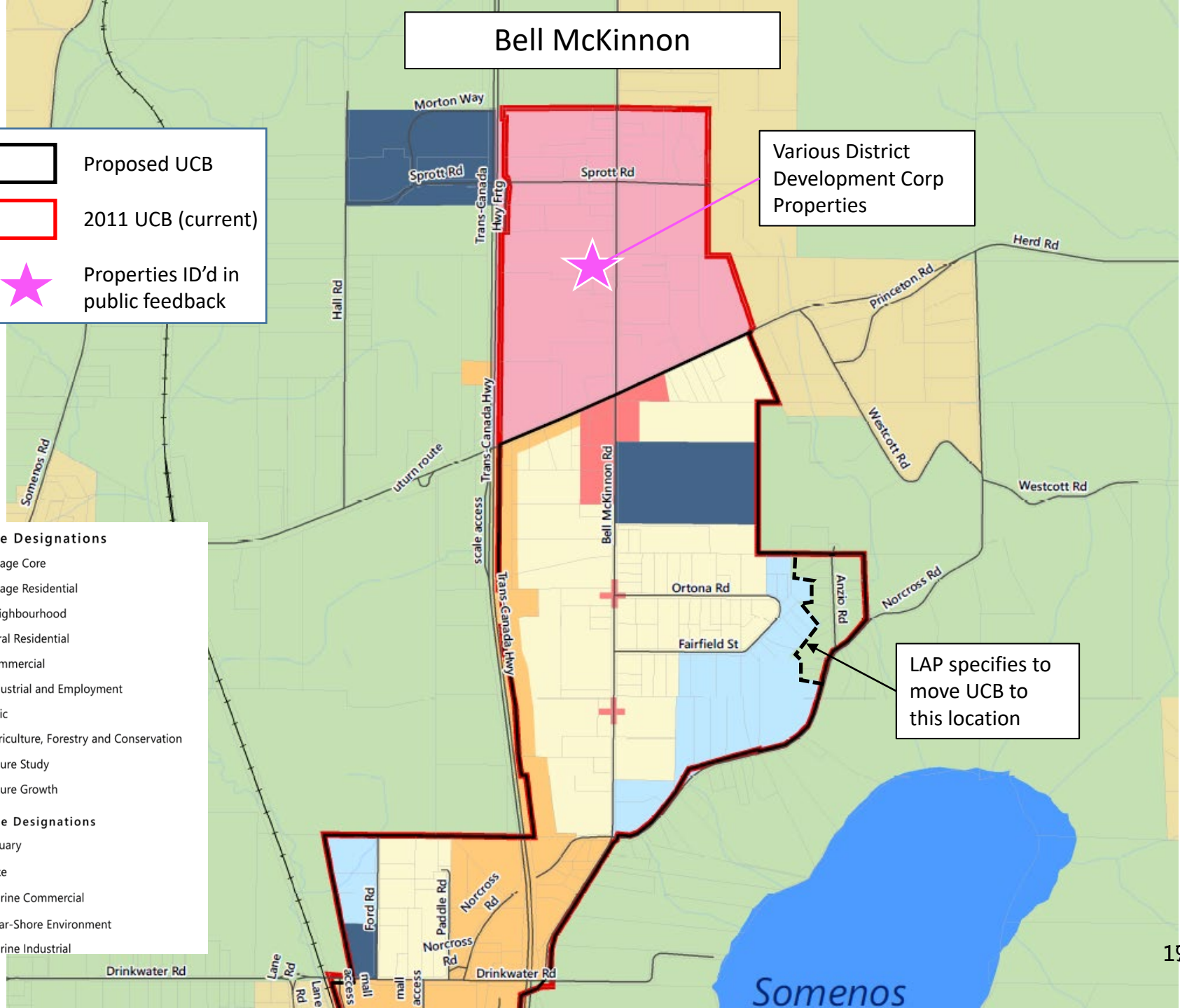
LAP specifies to move UCB to this location

Land Use Designations




-  Village Core
-  Village Residential
-  Neighbourhood
-  Rural Residential
-  Commercial
-  Industrial and Employment
-  Civic
-  Agriculture, Forestry and Conservation
-  Future Study
-  Future Growth

Water Use Designations

-  Estuary
-  Lake
-  Marine Commercial
-  Near-Shore Environment
-  Marine Industrial



Berkey's Corner

-  Proposed UCB
-  2011 UCB (current)
-  Properties ID'd in public feedback

Lot A Fairview Way

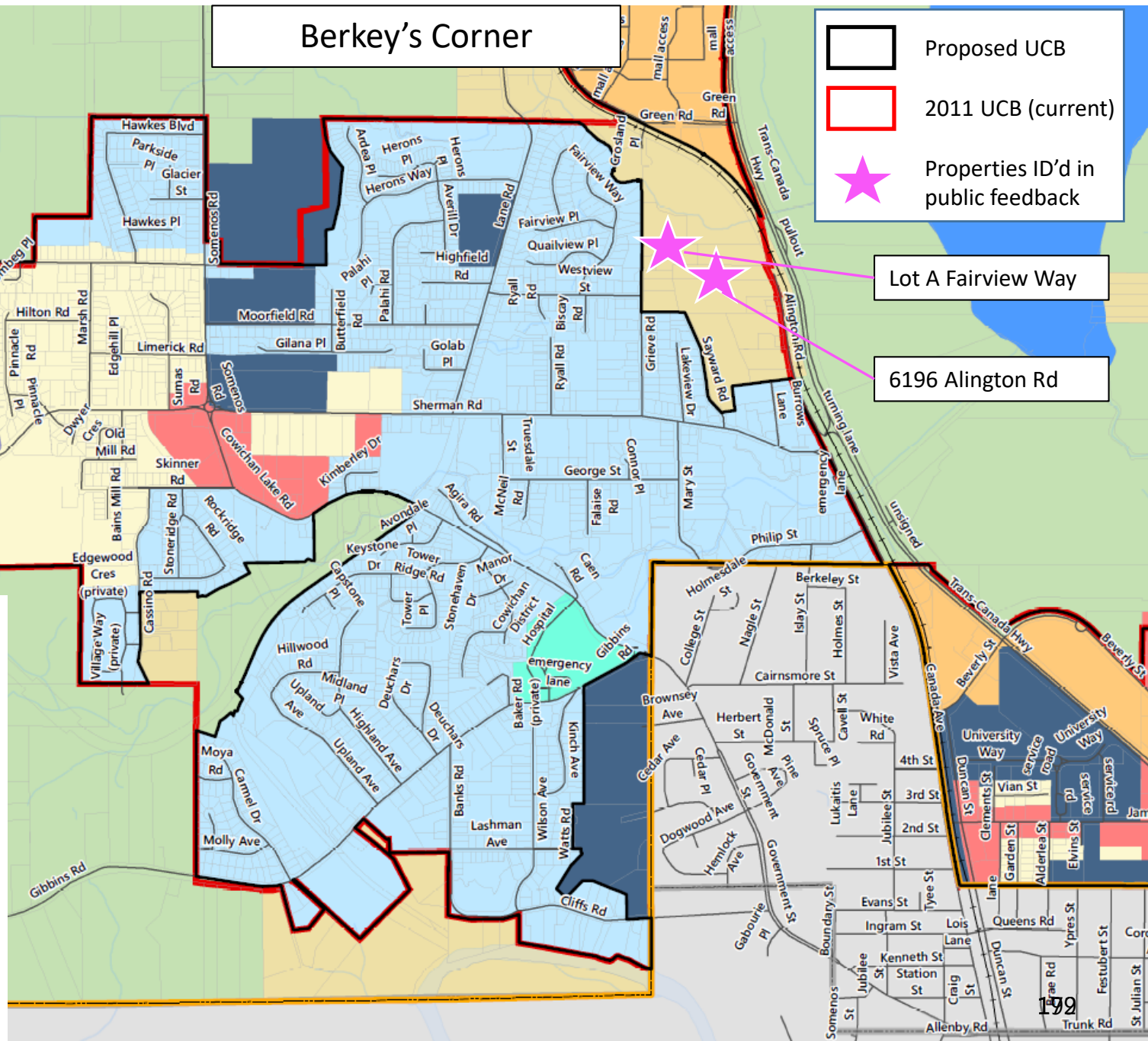
6196 Alington Rd

Land Use Designations




-  Village Core
-  Village Residential
-  Neighbourhood
-  Rural Residential
-  Commercial
-  Industrial and Employment
-  Civic
-  Agriculture, Forestry and Conservation
-  Future Study
-  Future Growth

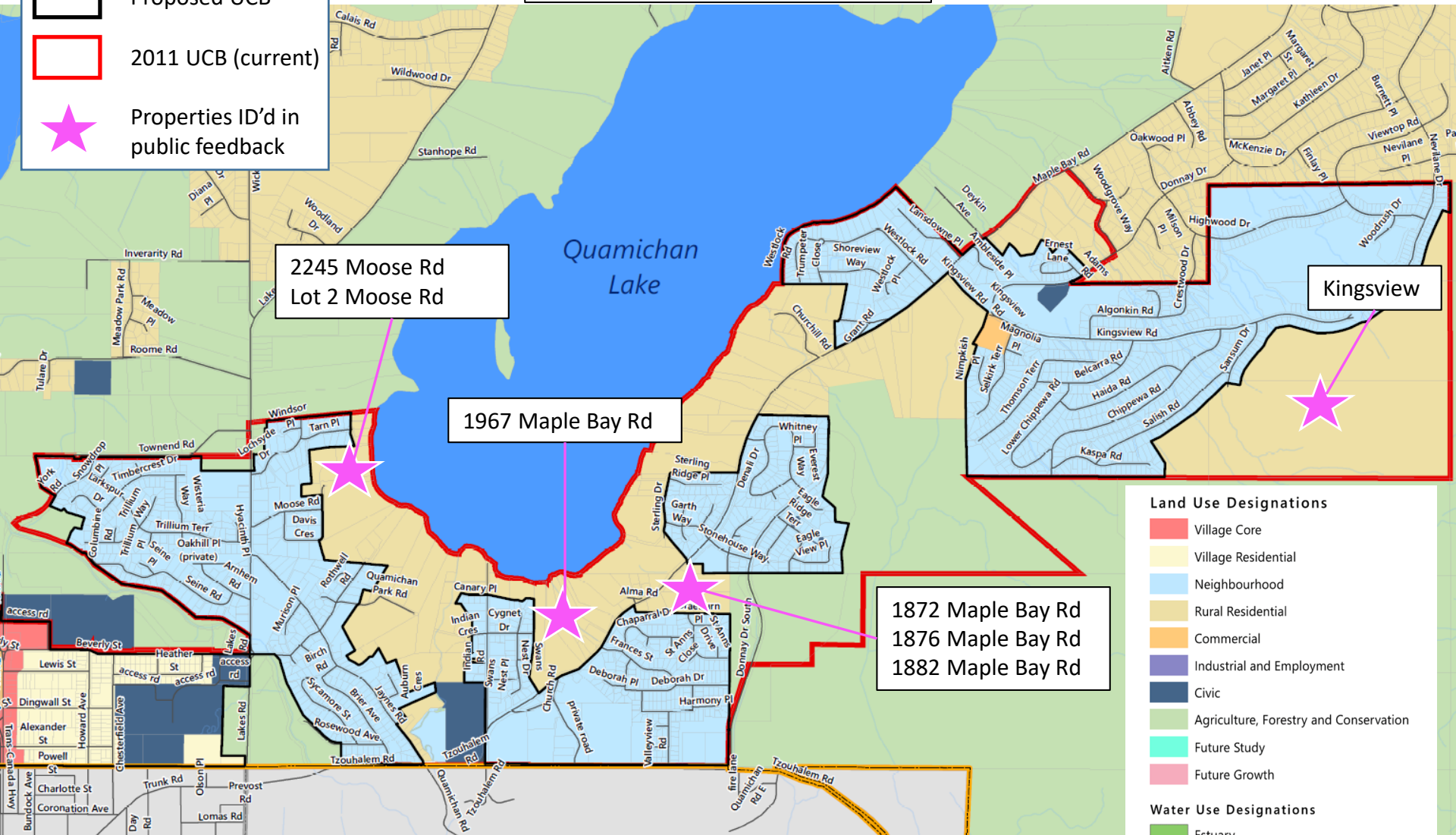
Water Use Designations

-  Estuary
-  Lake
-  Marine Commercial
-  Near-Shore Environment
-  Marine Industrial



Maple Bay Corridor

-  Proposed UCB
-  2011 UCB (current)
-  Properties ID'd in public feedback



2245 Moose Rd
Lot 2 Moose Rd

1967 Maple Bay Rd



1872 Maple Bay Rd
1876 Maple Bay Rd
1882 Maple Bay Rd

Kingsview

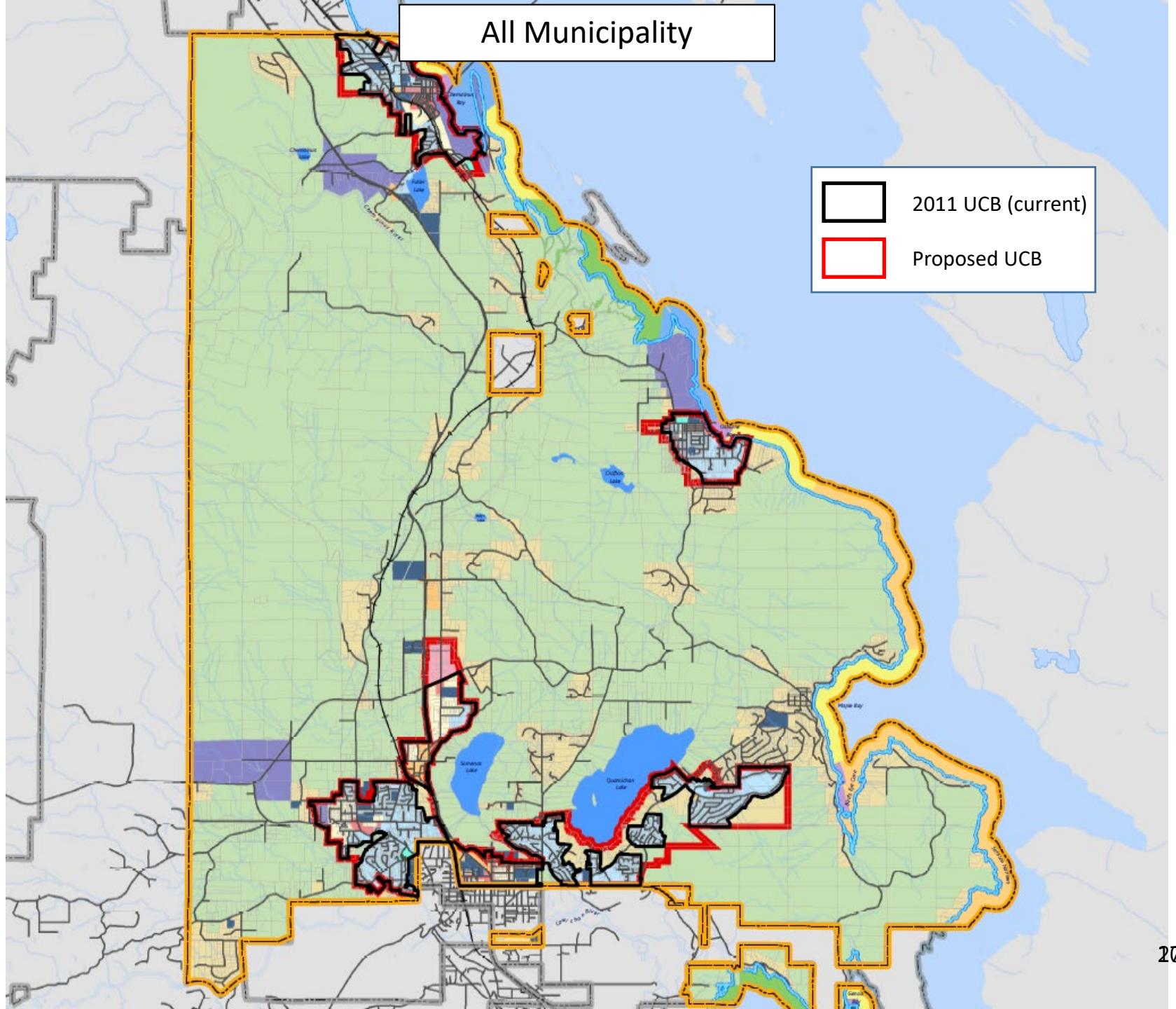
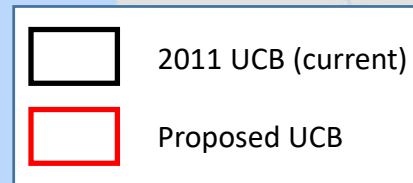
Land Use Designations

-  Village Core
-  Village Residential
-  Neighbourhood
-  Rural Residential
-  Commercial
-  Industrial and Employment
-  Civic
-  Agriculture, Forestry and Conservation
-  Future Study
-  Future Growth

Water Use Designations

-  Estuary
-  Lake
-  Marine Commercial
-  Near-Shore Environment
-  Marine Industrial

All Municipality



Report

Date	March 16, 2022	File: SPP00040
Subject	Potential Impacts of new Official Community Plan on land use applications	

PURPOSE

To provide Council with information about how land use applications may be impacted if Council adopts a new Official Community Plan.

BACKGROUND

Council has received a draft Official Community Plan (OCP) that is the product of a process that began in 2019 to review and update the 2011 Official Community Plan. The draft OCP was reviewed and discussed by the Committee of the Whole at workshops on February 15 and March 8. On March 16 Council is expected to consider and debate potential amendments to the document before the bylaw is considered for first reading.

At the February 15 Committee of the Whole meeting, staff were asked to explain how applications submitted prior to the adoption of the new OCP will be processed and how those applications could be impacted. As the response to that question is complex, staff committed to provide the information at a subsequent meeting in a staff report.

DISCUSSION

Defining “In-Stream” Land Use Applications:

Applications are considered to be “in-stream” when the applicant has submitted all required application materials, including the application fee, and the application has been entered into the Municipality’s record management system as “opened and received”. Pre-application discussions with staff and applications that have been submitted without all required application materials are not considered to be in-stream applications.

The Municipality is responsible for processing many types of development approvals, including zoning amendments (rezonings), OCP amendments, temporary use permits (TUPs), development permits, development variance permits, building permits, and subdivision applications. Most permit applications are processed in relation to the Zoning Bylaw, the Building Bylaw and other applicable development regulations rather than OCP policy. They are therefore not impacted by the adoption of the new OCP. Applications for changes in land use (rezonings, OCP amendments and TUPs) are potentially impacted by changes in OCP policy and it is those types of applications that are the focus of this report.

Defining “Impacted Applications”:

OCPs are broad-based policy documents intended to provide local governments direction on various land use, community planning, and development-related issues. Most OCPs, including North Cowichan’s draft OCP, contain a broad array of objectives and policies that guide Council decisions on land use applications in many ways. In this sense, adoption of a new OCP could potentially impact any

land use application that subsequently comes before Council. The impact a new OCP would have on decisions before Council is difficult to generalize because it will ultimately be up to Council to determine if and how OCP policy will influence their decision making when voting on land use applications.

Section 478 of the *Local Government Act* requires that all bylaws adopted by Council be consistent with the OCP. Adopting a new OCP that results in changes to OCP land use designations will preclude Council from approving zoning amendment applications and temporary use permit applications where the proposed land use is inconsistent with the OCP land use designation or is in direct conflict with other OCP policy.

Effect of Official Community Plan

478 (1) An Official Community Plan does not commit or authorize a municipality, regional district or improvement district to proceed with any project that is specified in the plan.

(2) All bylaws enacted or works undertaken under section 711 of the *Municipal Act*, R.S.B.C. 1979, c. 290, or an official settlement plan under section 809 of that Act, before the repeal of those sections became effective, must be consistent with the relevant plan.

The adoption of a new OCP potentially impacts all in-stream land use applications because new policy may influence Council's decision-making and the outcome of the application. In-stream applications that are not consistent with the new OCP's land use designations and policies would be directly impacted because Council could not consider the application without first amending the OCP.

Summary of In-Stream Land Use Applications

As of March 2, 2022, there are 23 in-stream land use applications at various stages of the development review process. These are summarized in Table 1. Policies in the new OCP potentially impact all applications in Table 1.

Applications that are directly impacted by adoption of the new OCP and would require an OCP amendment to be considered are highlighted in yellow.

Table 1

Application Type:	File No.	Property Location:	Application Date:	Proposed Amendment(s)
OCP and Zoning Amendment	OCP00015	3137 Henry Road	Oct. 27, 2020	A3 to I1
OCP and Zoning Amendment	OCP00016	6846 Bell McKinnon Rd.	Dec. 11, 2020	A2 to Mixed Use, Commercial & Residential CD Zone
OCP and Zoning Amendment	OCP00017	3037/3041 Henry Rd. 3036 Juniper Rd. 9337 TCH	Nov. 16, 2020	R1& I2 to C3

Application Type:	File No.	Property Location:	Application Date:	Proposed Amendment(s)
OCP and Zoning Amendment	OCP00018	3418 & Lot 3, Cowichan Lake Road	Apr. 15, 2020	R3 & R4 to CD zone
Zoning Amendment	ZB000083	2083 Indian Crescent	Apr. 4, 2018	R1 to R3-S
Zoning Amendment	ZB000122	6478/6489/6493/6494 Paddle Road	Oct. 15, 2020	R1 to CD zone
Zoning Amendment	ZB000126	934 Khenipsen Road	April 9, 2020	Site Specific amendment for second dwelling
Zoning Amendment	ZB000127	7022 Bell McKinnon Rd.	Mar. 6, 2020	A2 to industrial/commercial zone
Zoning Amendment	ZB000133	1771 Robert St.	June 11, 2021	A2 to R3, R3-MF & PC
Zoning Amendment	ZB000138	3005/3011 Drinkwater Rd.	Aug. 7, 2020	R1 to multi-family zone
Zoning Amendment	ZB000142	6644 Bell McKinnon Rd.	Sept. 22, 2020	R1 to multi-family zone
Zoning Amendment	ZB000143	6194 Marsh Rd.	March 22, 2021	R3 to multi-family
Zoning Amendment	ZB000153	3288/3330 Cowichan Lake Rd.	March 15, 2021	Site specific amendment for cannabis retail
Zoning Amendment	ZB000155	7167 Bell McKinnon Rd.	June 28, 2021	Site specific amendment for 2 nd dwelling
Zoning Amendment	ZB000159	Lot 32, Pacific Place	Apr. 9, 2021	Site specific amendment for 2 nd dwelling
Zoning Amendment	ZB000161	6409 Wicks Road	Sept. 28, 2021	A2 to A5 for 5 lot subdivision
Zoning Amendment	ZB000164	Lot 2, Moose Road	Nov. 9, 2021	A3 to CD/mix housing zone
Zoning Amendment	ZB000169	3833 Gibbins Road	Oct. 25, 2021	Site specific amendment for 2 nd dwelling
Zoning Amendment	ZB000172	Lot 71 Viewtop Rd.	Oct. 29, 2021	To amend definition of townhouse for two family dwelling
Zoning Amendment	ZB000173	3110 Moorfield Rd.	Nov. 9, 2021	Site specific amendment for 2 nd dwelling
Zoning Amendment	ZB000177	2950 Elm St.	Nov. 25, 2021	Amendment to CD6 zone
Zoning Amendment	ZB000179	3543 Auchinachie Rd.	Jan. 24, 2022	Site specific amendment for 2 nd dwelling

Issues and Considerations for Directly Impacted In-Stream Land Use Applications

Of the 23 in-stream applications listed in Table 1, seven would require an amendment to the new OCP in order for Council to approve them (assuming the new OCP is adopted before the proposed zoning amendment is adopted). Of those seven applications, three would require an amendment to the current 2011 OCP.

Council should keep in mind that any amendment to zoning is approved at Council's discretion and Council isn't compelled to approve any application just because it is supported by the OCP land use designation or other policies in the applicable OCP. So, while applications highlighted in yellow are identified as directly impacted should the new OCP be adopted as currently proposed, they wouldn't necessarily be approved as proposed under the current OCP. Three of the seven are inconsistent with the current 2011 OCP and would require an amendment to both the current OCP and new OCP. The

impact on the yellow highlighted applications is largely procedural. Under the current OCP, four of the seven of the applications could be approved with just a zoning amendment. If the new OCP is adopted before the applications are decided, all seven would require amendments to the OCP before the proposed zoning amendment could be considered (i.e. they are inconsistent with the new OCP). The decision to approve or deny any of the applications in Table 1, including the ones highlighted in yellow, ultimately rests with Council.

Subdivision Applications:

This report only addresses in-stream applications for land use changes and not other types of development applications. However, since the subdivision approving officer is required by the *Land Title Act* to consider the “public interest” when considering the approval of subdivision applications and an OCP can be considered to be an expression of the public interest, a few words on how adoption of a new OCP could impact in-stream subdivision applications are in order.

Section 511 of the *Local Government Act* gives in-stream subdivision applications 12 months of protection from bylaw changes that effect the subdivision from the date the bylaw is adopted. In-stream subdivision applications would therefore not be subject to policies of the new OCP for a 12 month period after its adoption. Twelve months following adoption of the new OCP the subdivision approving officer could consider policies of the new OCP when considering subdivision applications submitted prior to adoption of the new OCP.

Concluding Comments:

There is no protection in law for land use applications submitted before a new OCP is adopted, and Council has no obligation to consider in-stream applications any differently than applications received after a new OCP has been adopted. However, Council has considerable discretion when reviewing land use applications before it. The date of when an application was submitted can be considered in the decision if Council believes it to be relevant.

Land use designations and the urban containment boundary in the draft OCP were prepared based on the broad goals and objectives of the OCP and not the preferences or intentions of individual land owners. It is recommended that Council also take this approach when reviewing the draft OCP. The application process provides an opportunity for any property owners to request changes to land use designations and to highlight any unique features or circumstances that may justify land uses that are different from what is identified in the OCP.

RECOMMENDATION

THAT Council receive for information the March 16, 2022 report from the Director of Planning and Building regarding the potential impacts of new Official Community Plan on land use applications.

Report prepared by:



Rob Conway, MCIP, RPP
Director, Planning and Building

Report reviewed by:



George Farkas
General Manager

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Report

Date July 19, 2023

File: 6480-30 23.04

Subject **OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw No. 3915 for first reading**

PURPOSE

To consider amendments to the Official Community Plan and Zoning Bylaws to facilitate future residential development of approximately 32 to 50 housing units, inclusive of secondary suite potential, at 1771 Robert Street.

BACKGROUND

In June 2021, the Municipality received a zoning amendment application to increase residential density at 1771 Robert Street (PID: 001-147-544). The 2.37-hectare (5.87 acres) subject property is zoned Rural Zone (A2) (Attachment 1 – Location Map & Attachment 2 – Orthophoto). It is situated within the Rural Residential land use designation outside the Urban Containment Boundary (UCB) of the Official Community Plan (OCP) and immediately adjacent to the community of Crofton (Attachment 3 – OCP Map; Attachment 4 – Zoning Map).

Lands surrounding the subject property are primarily forested, with rural residential uses to the west and forested lands on municipal property to the south and within the Agriculture Land Reserve (ALR) to the north. One and two-family residential uses are situated within the UCB to the east. Community services, a public school, and recreation trails are located within one kilometre of the subject property.

DISCUSSION

1. OCP Bylaw Amendment

Since OCP Bylaw 3900 was adopted in August 2022, the proposal for the subject property has been inconsistent with the guiding Rural Residential land use policy to include “very little housing growth” and generally no subdivision of lots less than 2 hectares (s. 3.2.18/19 p. 51). As any change in land use requires consistency with the OCP (*Local Government Act* s. 478), an amendment to the OCP is needed before a rezoning proposal to increase residential density can be considered for approval for the subject property.

Prior to adopting OCP Bylaw 3900 in August 2022, the subject property was located within the UCB, where the growth management policy considered increased residential density. As the proposal associated with Draft Zoning Amendment Bylaw 3915 for increased residential density was based on the growth management policy of the previous OCP (Bylaw 3450), Council directed staff to initiate an amendment to the current OCP (Bylaw 3900) to consider including 1771 Robert Street within the UCB and adjusting its land use designation, so it could consider the rezoning proposal originally submitted under application ZB000133 (Attachment 5 – Council Minutes 2023-02-21).

1.1 OCP & Crofton Local Area Plan

Should Council amend the OCP to redesignate the subject property from Rural Residential to Residential Neighbourhood and include it within the UCB, the proposed land use and density would be consistent with the objective of the Residential Neighbourhood designation for sensitive infill and "gentle densification" (p. 45).

The proposal is also generally consistent with the land use policy of the Crofton Local Area Plan (LAP) (i.e., designation PA4 CDZ, p. 61) for low to medium residential density and cluster housing appealing to young families and seniors.

1.2 OCP Amendment Legislative Requirements

Procedural requirements for amending an OCP are set out in Part 14, Division 4 of the *Local Government Act* (LGA). These include that a local government must, in relation to an OCP Amendment Bylaw:

(s. 473) *Content and process requirements*

- *Consider the most recent housing needs report and the housing information on which the report is based 2.1 b).*

(s. 475) *Consultation during development of OCP*

- *Provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.*
- *Consider whether the opportunities for consultation with one or more of the persons, organizations and authorities should be early and ongoing.*

(s. 476) *Consultation on planning for school facilities*

- *Consult with the boards of education for those school districts within which it applies.*

(s. 477) *Adoption procedures for official community plan*

- *After first reading and prior to a public hearing in the following indicated order, consider it in conjunction with*
 - i) *The Municipality's financial plan, and*
 - ii) *Any waste management plan under Part 3 [Municipal Waste Management] that is applicable in the municipality.*

1.3 Consultations & Council Resolutions

In response to statutory procedural requirements related to OCP amendments, a request for consultative input was sent to the following organizations and agencies:

- a) School District 79 (SD79);
- b) Agriculture Land Commission (ALC); and,
- c) Ministry of Agriculture (MoA).

Referral responses were received from the ALC and MoA, with no concerns identified. A response was received from SD79 stating that an increase in student enrolment at Crofton Elementary School could result in some students being reallocated to the school in Chemainus (Attachment 6).

Statutory procedural requirements are reflected in the Council resolutions included in the Options section of this report and as may be applicable in subsequent reports.

2. Zoning Bylaw Amendment

The LGA states that local governments may consider an OCP amendment in conjunction with any other land use planning (s. 477):

(4) In addition to the requirements under subsection 3 ... a local government may consider a proposed official community plan in conjunction with any other land use planning ... that the local government considers relevant.

For Council's consideration and concurrent with the OCP amendment, this report introduces the applicant's request to rezone the subject property to increase residential density at 1771 Robert Street. **Proposal**

The application requests to rezone the subject property from A2 (Rural) to R3 (Residential One and Two-Family) and R3-MF (Residential Medium Density Multi-Family) Zone to facilitate subdivision for residential development that could yield approximately 32 single-family, duplex and multi-family dwelling units up to 50 units inclusive of secondary suite potential (Attachment 7 – Concept Site Plan).

2.2 Policy

2.2.1 OCP

In addition to the proposal's general consistency with the land use policy of the OCP Residential Neighbourhood designation and Crofton LAP (see section 1.1 OCP & Crofton LAP above), the rezoning proposal is generally consistent with:

- Recreation policy by dedicating lands and proposing to construct approx. 700m² of public trail (s. 4.4.1.a & Parks and Trails Master Plan/PTMP, p. 91);
- Biodiversity policy by protecting open drainage/watercourse for green space and biodiversity contiguity (s. 4.4.1.c);
- Appropriate density (proposed R3) that also includes housing diversity with townhouse cluster (proposed R3-MF) (s. 5.1.2.d and g); and,
- Proximity to community services within 1km (cycling/transit) and to transit within 300m (walk) from the site to the closest transit stop at Chaplin and Crofton Rd., contributing to policy direction for compact communities (s. 3.1.4.d).

In addition, OCP policy 5.2.2.d seeks to incorporate “affordable housing” within new developments or, in the absence of direct provision of affordable units, a cash-in-lieu contribution to the Municipality’s Affordable Housing Reserve Fund. While the proponent has offered a cash contribution of \$2,500 per R3 lot and \$5,000 for the R3-MF lot in response to this policy, the amount offered falls significantly below both the approximate per unit amount represented in recent rezoning proposals (e.g., Paddle Road land-assembly zoned CD22 & Ford/Drinkwater Road land-assembly zoned CD23) and the guideline amount contained within the emerging draft affordable housing policy.

It is recommended that Council seek a more robust amenity contribution towards affordable housing by directing staff to continue discussions with the applicant to arrive at an appropriate contribution that could be formally accepted or refused by Council at the time of second reading of Zoning Amendment Bylaw 3915, should it get that far. To guide these discussions, the emerging affordable housing policy (Committee of the Whole agenda July 11, 2023) provides a formula-based approach that seeks 2% of the total market value of the proposed development, according to benchmark prices as determined by the Vancouver Island Real Estate Board. Applying these figures to the development concept facilitated by the rezoning:

- 16 x single-family dwellings, benchmark price \$759,450
- 9 x duplex units, benchmark price \$538,000
- 10 x apartment units, benchmark price \$360,000

yields a total market value of \$20,593,200; 2% of this is \$411,864, or an average of **\$11,770 per unit**.

In recognition of the fact that the affordable housing policy is emerging policy in draft form, the other amenity contributions offered as part of this development, and the approximate size of the affordable housing amenity contribution from another significant development in recent times, a target average amenity contribution for affordable housing of \$7,000 per unit is suggested.

2.2.2 SITE ADAPTIVE PLANNING

Council Policy “Site Adaptive Planning in Urban Rural Interface” identifies properties within the Municipality, which includes the subject property, on which future development is expected to consider and accommodate environmental and hazard features. As open drainage, watercourse and ALR vegetated buffer protection, and the site’s topography was considered and reflected in the site design. Further, as environmental and farmland protection and steep slopes hazard development permits will be required prior to development, it is the opinion of staff that the proposal is consistent with the intent of this policy (Attachment 8 – Site Adaptive Planning).

2.3 Servicing & Infrastructure

A public roadway with civil servicing is proposed to be provided for access and site servicing. A public roadway would be designed and constructed in accordance with municipal design standards, including traffic calming, active transportation features, rainwater/green infiltration, and pedestrian crossing where appropriate. Road widening and frontage improvements would occur on Robert Street.

Staff are satisfied that water, sanitary, and stormwater service can be supplied to the subject property for the land use requested; however, downstream stormwater service capacity may require significant upgrades to accommodate future residential development of the site. The owner has acknowledged they are responsible for analysis and onsite stormwater management based on the property's previous state prior to mature tree removal, as well as potential upgrades to the downstream municipal stormwater service and in accordance with Engineering standards (Attachment 9). The owner further acknowledges that, given municipal engineering onsite stormwater management requirements, the number of lots/units as indicated on the Concept Site Plan may not be achieved (Attachment 7).

2.4 Future Development Approvals

SECTION 11 STREAM CROSSING: A change approval from the province under Section 11 of the *Water Sustainability Act* is required should future development contemplate a stream-crossing to the northwest corner of the site. Should appropriate provincial permits not be issued, the area that proposes multi-family housing could remain undeveloped.

DPA1/6: Multi-family housing development under the proposed R3-MF zone would require a development permit for its form and character (DPA1, MF/intensive residential; DPA6 GHG Reduction, Energy and Water Conservation).

DPA3: A development permit for the protection of the natural environment (DPA3, riparian) would be required prior to development. A preliminary assessment of the drainage course running through the property was conducted by a Qualified Environmental Professional (QEP), who determined that the watercourse would not be defined under the Riparian Area Protection and Enhancement Regulation. However, at the advice of the QEP, the owner has committed to replanting a 5-metre no-disturbance area on either side of the watercourse and protecting this vegetation into the future by registering a s. 219 (*Land Title Act*) protective covenant over this area. Further, a minimum setback of 15 metres for structures and fill is required from the watercourse (per Zoning Bylaw, sec. 13).

DPA4: A development permit for steep slope hazard areas would be required prior to development. This would require a Qualified Professional to assess the hazards related to the lands and provide any conditions that may pertain to the future development of those lands for ensuring they are safe for the intended use.

DPA5: A development permit for the protection of farmland would be required at the time of development. The applicant has demonstrated on their site plan that building and vegetated setbacks from agricultural lands to the north can be achieved.

2.5 Commitments & Amenity Contributions

The owner is willing to enter into a covenant agreement registered on the title of the property as a condition of successful rezoning, which would secure the following commitments and amenity contributions (Attachment 10 – Owner Commitments):

- a. Trail construction (3m) and dedication (4.5m) to the Municipality in the general location shown on the Concept Site Plan (Attachment 7);
- b. Registration of a vegetation management plan over a 5-metre no disturbance area on either side of the watercourse and over the ALR buffer with vegetation restoration by the owner;

- c. Public roadway design standards that include sidewalks, active transportation, pedestrian crossings, and traffic calming where appropriate;
- d. One tree per lot (front), \$300 security provided at the time of Building Permit;
- e. A financial contribution of \$2,500 per R3 lot and \$5,000 per R3-MF lot (\$57,500 - \$60,000) to be allocated to the Municipality's Affordable Housing Reserve Fund;
- f. 5% cash in lieu of parkland contribution, calculated as per the LGA;
- g. Infrastructure, including dedication for a new public roadway with construction and civil servicing works and statutory rights of way where required
- h. A 3.0m (approx.) dedication for road widening and improvements on Robert Street provided at the subdivision

As discussed above, the sufficiency of item (e) is in question when compared to the contributions provided by another development in recent times and the target amounts identified in the emerging affordable housing policy. This is reflected in the recommendation to seek a higher sum prior to second reading; however, if Council is satisfied that the ~\$60,000 offered is a sufficient affordable housing amenity contribution, Option 3 below enables Council to give both first and second readings to the OCP and Zoning amendment bylaws and schedule a public hearing.

3. Conclusion

An OCP amendment is required to include it within the UCB and redesignate it from Rural Residential to Residential Neighbourhood for Council to consider a Zoning Amendment Bylaw to increase residential density at the subject property. Procedural requirements for amending the OCP set out in the LGA are:

1. Consider the most recent housing needs report.
2. Provide opportunities for persons, organizations and authorities whose interests Council considers affected, how to consult with them, and whether consultation should be early and ongoing.
3. Seek the input of SD79 on the proposed OCP amendment.
4. After first reading, consider the proposed OCP amendment in conjunction with the financial plan and any waste management plan under Part 3 of the *Environmental Management Act*.
5. Conduct a public hearing.

While the subject property is not currently designated for the proposed uses and densities such that the proposal would be aligned, there are valid reasons for considering OCP and Zoning Bylaw amendments that would allow the subject property to be developed as proposed. These include:

- The rezoning proposal generally complies with the use and density policies of the Residential Neighbourhood land use designation of the OCP to which the subject property is proposed to be reclassified.
- The applicant has committed to community amenities and development features generally supported by planning policies in the OCP (although it is recommended that a higher contribution is sought).
- The Crofton LAP supports the proposed uses and densities.
- The property is immediately adjacent to residential uses similar to those proposed.
- The property can be serviced with Municipal water and sewer.
- The proposal's location is within one kilometre of transit, a school, and community services.

- The proposal accommodates a vegetated buffer from agricultural lands to the north in accordance with Ministry of Agriculture and Food guidelines and secures the revegetation and protection of open drainage.

While there are justifications for the proposed OCP amendment, any expansion of the UCB should be undertaken cautiously, and proximity to the UCB boundary alone should not justify amending the OCP. That said, it should also be recognized that the OCP review and update process that concluded with the adoption of OCP Bylaw 3900 did not involve a detailed property-by-property analysis when assigning OCP land use designations. The OCP amendment application process allows for a more considered review of property attributes that are not practical for land use planning at a larger scale—the reasons above support redesignating the subject property to Residential Neighbourhood and including it within the UCB.

The recommendation is to proceed with first reading of the attached amendment bylaws and seek a higher affordable housing amenity contribution commitment prior to consideration of second reading. If Council does not wish to request a higher contribution, it may proceed to give both first and second readings, as per Option 3 below. It may also specify a different target figure by amending the recommendation option accordingly.

Draft OCP Amendment Bylaw No. 3914 is provided in Attachment 11.

Draft Zoning Amendment Bylaw No. 3915 is provided in Attachment 12.

OPTIONS

1. (Recommended Option)

(1) THAT Council:

- consider the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023 and determine that the interests of School District 79, the Ministry of Agriculture and Food, and the Agriculture Land Reserve may be affected and should receive a written request for consultation;
- consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the consultation under that section does not need to be early and ongoing;
- consult under Section 476 of the *Local Government Act* with School District 79 in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the North Cowichan 2022 Five-Year Financial Plan; and,
- consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the Cowichan Valley Regional District Solid Waste Management Plan (as amended) and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan.

(2) THAT Council give first reading to Official Community Plan Amendment Bylaw No. 3914, 2023.

(3) THAT Council give first reading to Zoning Amendment Bylaw No. 3915, 2023.

- (4) THAT Council direct staff to continue discussions with the proponent regarding affordable housing community amenity contributions, to seek an increase in the amount offered prior to Council's potential consideration of second reading of Zoning Amendment Bylaw No. 3915, 2023, to a target amount of \$245,000 for affordable housing.

2. (Alternative Option)

(1) THAT Council:

- a) consider the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- b) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023 and determine that **in addition to** those of School District 79, the Ministry of Agriculture and Food and the Agriculture Land Reserve the interests of **the following persons, organizations and authorities are affected** and should receive a written request for consultation **within 30 days**:
 - [Council to identify]
- c) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the consultation under that section does not need to be early and ongoing;
- d) consult under Section 476 of the *Local Government Act* with School District 79 in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- e) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the North Cowichan 2022 Five-Year Financial Plan; and,
- f) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the Cowichan Valley Regional District Solid Waste Management Plan (as amended) and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan.

- (2) THAT Council postpone consideration of first and second reading of Official Community Plan Amendment Bylaw No. 3914, 2023 until after consultation is completed or the 30-day consultation period has lapsed.

3. (Alternative Option)

(1) THAT Council:

- a) consider the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- b) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the interests of School District 79, the Ministry of Agriculture and Food, and the Agriculture Land Reserve may be affected and should receive a written request for consultation;
- c) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the consultation under that section does not need to be early and ongoing;
- d) consult under Section 476 of the *Local Government Act* with School District 79 in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- e) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the

North Cowichan 2022 Five-Year Financial Plan; and,

- f) considers Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the Cowichan Valley Regional District Solid Waste Management Plan (as amended) and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan.
- (2) THAT Council give first and second reading to Official Community Plan Amendment Bylaw No. 3914, 2023.
- (3) THAT Council give first and second reading to Zoning Amendment Bylaw No. 3915, 2023.
- (4) THAT Council direct staff to schedule a public hearing for Official Community Plan Amendment Bylaw No. 3914, 2023, and Zoning Amendment Bylaw No. 3915, 2023.

4. (Alternative Option)

THAT Council deny Zoning Amendment Application ZB000133 to facilitate future residential development at 1771 Roberts Street.

IMPLICATIONS

Should Council be satisfied with its consideration of the recent housing needs report received under section 585.31 of the LGA, i.e., Sub-Regional Report, January 21, and be satisfied that there is no need for consultation opportunities to be early and ongoing and that consultations as conducted by staff for which referral responses were received, are satisfactory (Attachment 6), OCP Amendment Bylaw No. 3914 can be considered for first reading, followed by first reading of Zoning Amendment Bylaw No. 3915.

Should Council not be satisfied with consultation with SD 79, the Ministry of Agriculture and Food, and the ALC and decide that additional persons, organizations and authorities are considered affected by OCP Amendment Bylaw No. 3914, the OCP amendment bylaw could be deferred until Council identified consultations were completed, after which first and second reading could be scheduled.

Pending the items above, should Council wish to consider Zoning Amendment Bylaw 3915 for first reading, Council could direct staff to engage the property owner toward a higher amenity contribution for the Affordable Housing Fund than what the owner currently offers, or an alternative as may be decided by Council. Alternatively, Council could accept the contributions as submitted (see Attachment 10).

If Council is not supportive of the proposed land use change, denial of the application would result in abandonment of OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw No. 3915 and any use and development of the subject property would be subject to the provisions of the Rural (A2) Zone.

RECOMMENDATION

- (1) THAT Council:
- a) consider the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
 - b) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the interests of School District 79, the Ministry of Agriculture and Land, and the Agriculture Land Reserve may be affected and should receive a written request for consultation;
 - c) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the consultation under that section does not need to be early and ongoing;
 - d) consult under Section 476 of the *Local Government Act* with School District 79 in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
 - e) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the North Cowichan 2022 Five-Year Financial Plan; and,
 - f) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the Cowichan Valley Regional District Solid Waste Management Plan (as amended) and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan;
- (2) THAT Council give first reading to Official Community Plan Amendment Bylaw No. 3914, 2023;
- (3) THAT Council give first reading to Zoning Amendment Bylaw No. 3915, 2023;
- (4) THAT Council direct staff to continue discussions with the proponent regarding affordable housing community amenity contributions, to seek an increase in the amount offered prior to Council's potential consideration of second reading of Zoning Amendment Bylaw No. 3915, 2023, to a target amount of \$245,000 for affordable housing.

Report prepared by:

[Caroline von Schilling]

Caroline von Schilling, MCIP, RPP
Development Planner

Report reviewed by:



Rob Conway, MCIP, RPP
Director, Planning and Building

Approved to be forwarded to Council:

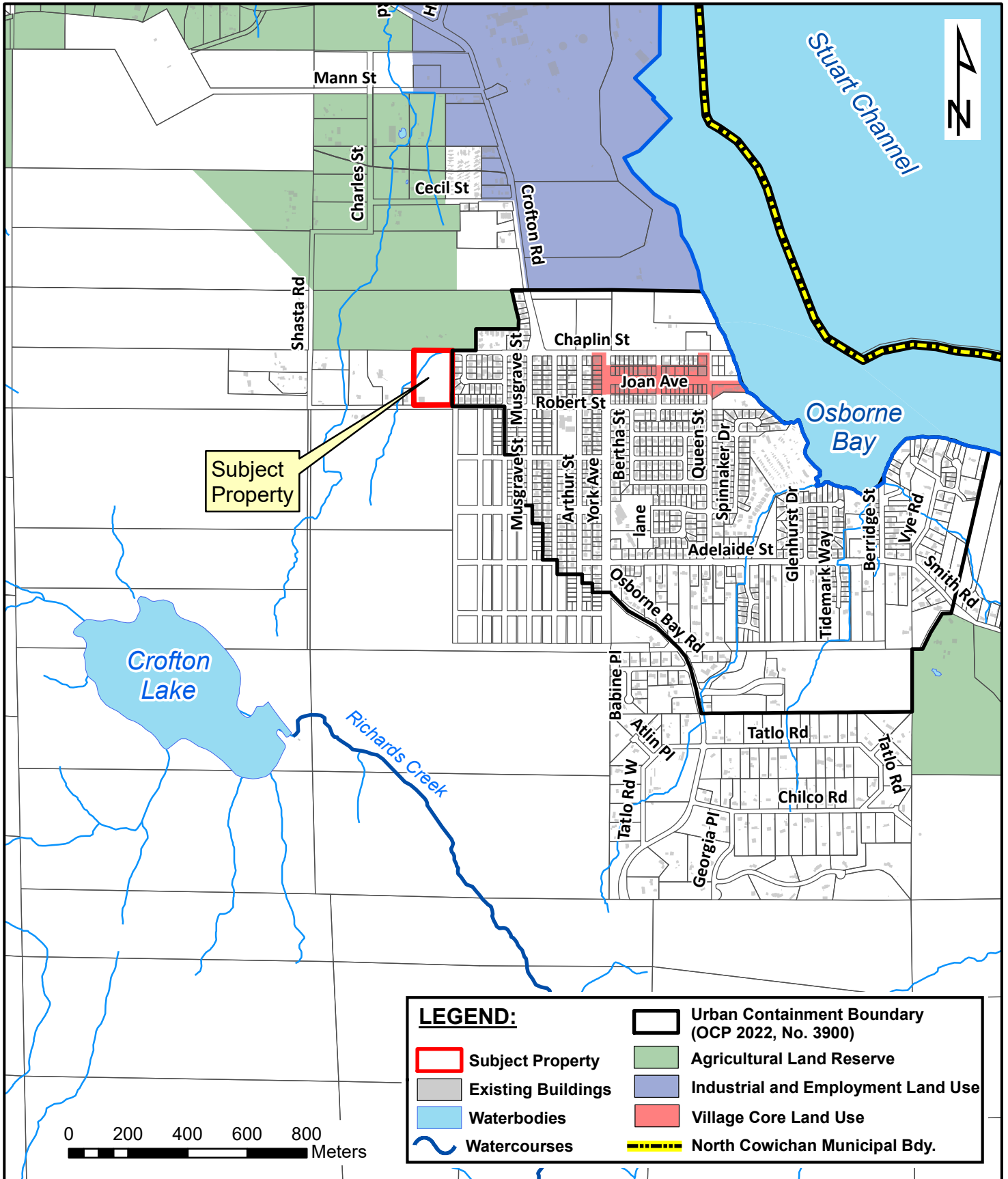


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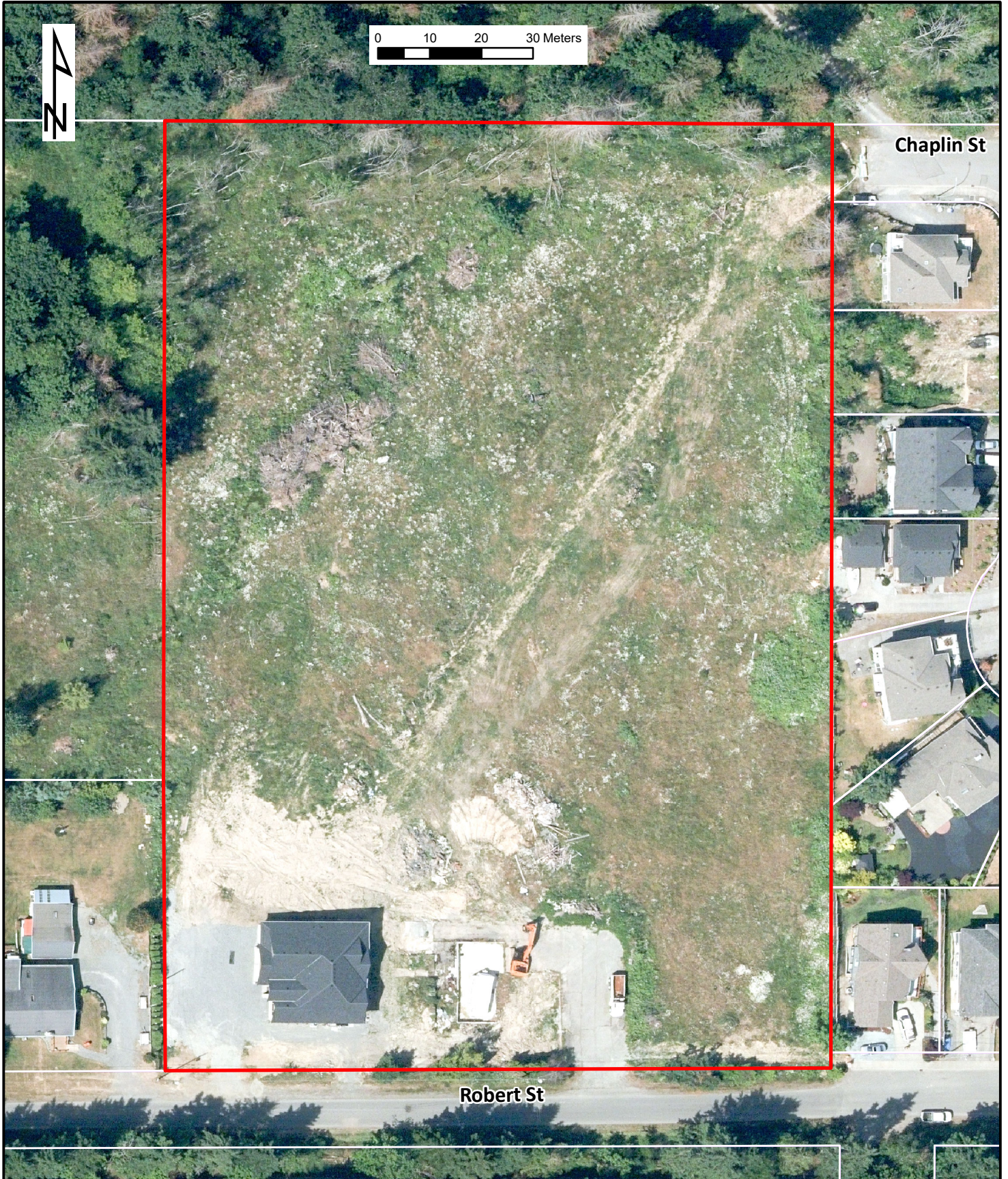
Chief Administrative Officer

Attachments:

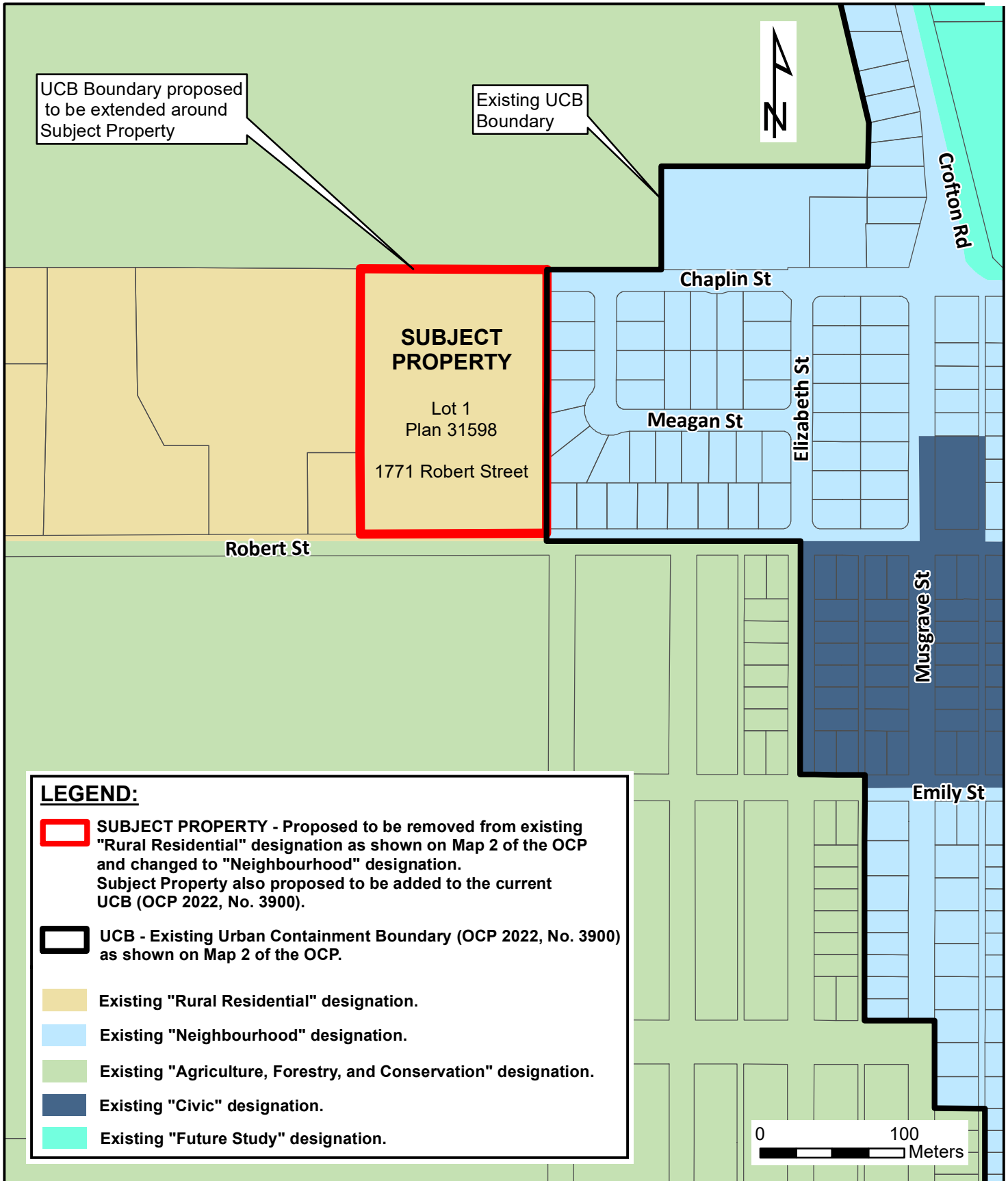
- (1) Location Map
- (2) Orthophoto
- (3) OCP Map
- (4) Zoning Map
- (5) Council Minutes 2023-02-21
- (6) Referral Responses
- (7) Concept Site Plan
- (8) Site Adaptive Planning
- (9) Owner Acknowledgement
- (10) Owner Commitments
- (11) Draft OCP Amendment Bylaw 3914
- (12) Draft Zoning Amendment Bylaw 3915



	LOCATION MAP 1771 Robert Street	DATE: January 18, 2023 TYPE: Zoning Amendment FILE#: ZB000133



	ORTHOPHOTO MAP (Orthophoto is from 2019 aerial photography)	DATE: January 18, 2023
	1771 Robert Street	TYPE: Zoning Amendment
		FILE#: ZB000133



	OCP MAP 2 Revisions		DATE:	June 14, 2023
	(OCP Map 2 Growth and Land Use Management)		TYPE:	OCP Amendment
	1771 Robert Street		FILE#:	OCP00026



companies by supporting fossil fuel free investment portfolios (such as the MFA Fossil Fuel Free Short-Term Bond Fund), and of". (Opposed: Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council refer the draft Investment Policy back to staff to prepare a report on options for an investment policy/strategy that in addition to prioritizing safety, liquidity and return on investment also;

- (1) reflects our OCP's over-arching goals related to environmental and climate action and social justice,
- (2) is consistent with the municipality's acknowledgement of a climate emergency, and
- (3) preferentially selecting investments that make positive contributions to Environmental, Social and Governance (ESG) factors. (Opposed: Findlay, Manhas)

CARRIED

9.2 Official Community Plan and In-Stream Development Applications

IT WAS MOVED AND SECONDED:

THAT Council direct staff to initiate an amendment to Official Community Plan Bylaw No. 3900 for 1771 Robert Street to be presented at a future meeting concurrently with Zoning Amendment Application ZB133.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB83 (2083 Indian Crescent) due to it being inconsistent with the land use designation in the Official Community Plan.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB161 (6409 Wicks Road) due to it being inconsistent with the land use designation in the Official Community Plan.

(Opposed: Caljouw, Findlay, Istace, Manhas)

DEFEATED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to initiate an amendment to Official Community Plan Bylaw No. 3900 for 6409 Wicks Road to be presented at a future meeting concurrently with zoning amendment Application ZB161.

(Opposed: Douglas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB164 (Lot 2, Moose Road) due to it being inconsistent with the land use designation in the Official Community Plan.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB127 (7022 Bell McKinnon Road) due to it being inconsistent with the land use designation in the Official Community Plan.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED



April 14, 2023

Caroline von Schilling
Development Planner, Planning Department
Municipality of North Cowichan
caroline.vonschilling@northcowichan.ca

Sent by email

Dear Caroline:

Re: File OCP00026 – OCP and Rezoning Application at 1771 Robert Street (PID: 001-147-544) – The Subject Property

Thank you for providing the opportunity for Ministry of Agriculture and Food (Ministry) staff to comment on File OCP00026 that proposes to rezone the 2.4 ha Subject Property from A2 (Rural) to R3 (Residential One and Two Family) and R3-MF (Residential Multi-Family) to facilitate a 23 lot subdivision for future residential development of approximately 34 – 40 dwelling units that borders land in the Agricultural Land Reserve (ALR) to the north.

A referral response was initially provided by Ministry staff on December 10, 2021. From an agricultural perspective, Ministry staff offer the following comments:

Setbacks, Vegetative Buffer and Buffer Design:

Ministry staff note that, similar to the initial project proposal for the Subject Property dated May 19, 2021, a 30 metre setback between the residential structures proposed to be constructed on the northern portion of the Subject Property and the adjacent property to the north that is within the ALR is still proposed in the revised project plan. Additionally, within this 30 metre setback, the 15 metres directly adjacent to the ALR boundary is once again proposed to be dedicated to a vegetative buffer.

Ministry staff are pleased to see that the residence proposed on lot 15 (labelled lot 16 on the previous project plan) will be setback more than 30 metres from the ALR boundary. Previously, the residence on lot 16 was only proposed to be setback approximately 20 metres from the ALR boundary.

Ministry staff note that a Buffer Design Plan was not submitted with the updated OCP/Zoning Bylaw Amendment application. Ministry staff welcome the opportunity to review a Buffer Design Plan for the Subject Property if/when one is completed.

Overall, Ministry staff are encouraged to see that the proposed setback and vegetative buffer provisions are largely consistent with section 3.8 'Urban-side buffer design specifications' contained within the Ministry's Guide to Edge Planning.

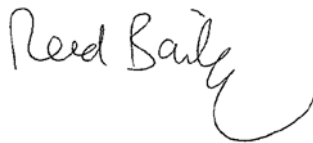
Proposed Rezoning:

Be advised that the Ministry has no comment with respect to rezoning the Subject Property from the current A2 (Rural) to R3 (Residential One and Two Family), R3-MF (Residential Multi-Family) to accommodate residential development on the Subject Property.

Please contact Ministry staff if you have any questions regarding the above comments.

Thank you for the opportunity to provide comments from an agricultural perspective with respect to this file.

Sincerely,

A handwritten signature in black ink that reads "Reed Bailey". The signature is written in a cursive style with a large, sweeping flourish at the end.

Reed Bailey
Land Use Planner
778-698-3455
Reed.Bailey@gov.bc.ca

cc: Agricultural Land Commission – ALC.Referrals@gov.bc.ca

From: Collins, Martin ALC:EX <Martin.Collins@gov.bc.ca>
Sent: Monday, March 27, 2023 2:10 PM
To: Caroline von Schilling
Subject: OCP Bylaw No. 3900,

Categories: c - Filed, 3 - Applications

Caroline

The ALC has no objection to the proposed development adjacent to the ALR, finding the buffering/setbacks adequate to ensure minimal conflict with future potential agricultural development.

Regards

Martin Collins, Regional Planner, ALC

From: Jason Sandquist <JSandquist@sd79.bc.ca>
Sent: Tuesday, May 2, 2023 1:48 PM
To: Caroline von Schilling
Cc: Rob Conway
Subject: RE: OCP Amendment Referral Comment - Requested OCP00026 1771 Robert Street
ADDENDUM

Hi Caroline,

Thank you for following up.

We are now at capacity for Crofton Elementary School with a projected enrolment for 2023/2024 of 204 students. Should this development proposal bring additional children to the school it may trigger a recent motion of the Board of Education that states that in the event that a portable classroom is required at Crofton Elementary or Chemainus Elementary the grade 6 populations from both of those schools will transfer to Chemainus Secondary. Leaving both Chemainus and Crofton Elementary Schools as K-5 schools.

This would be an impact to both of those communities and should be taken into consideration by North Cowichan. I am happy to expand further if requested.

Thank you,

Jason Sandquist
Secretary-Treasurer

Cowichan Valley School District
AD: 2557 Beverly Street, Duncan, BC
PH: 250-748-0321 Ext. 208
W: www.sd79.bc.ca
S: @CowichanSchools - FB / Twitter / IG



Our Journey is **Beyond Education**

I acknowledge that for thousands of years the Quw'utsun, Malahat, Ts'uubaa-asatx, Halalt, Penelakut, Stz'uminus, & Lyackson Peoples have walked gently on the unceded territories where I now work.

1771 ROBERT STREET CONCEPTUAL DEVELOPMENT PLAN

SITE & PROJECT DATA

CIVIC ADDRESS:

1771 ROBERT STREET

LEGAL ADDRESS:

LOT 1, SECTION 10, RANGE 10, CHEMAINUS DIST., PLAN 31598

PID: 001-147-544

AREA: 2.37 HA (5.87 ACRES)

JURISDICTION: MUNICIPALITY OF NORTH COWICHAN

EXISTING ZONING: A2 - RURAL

PROPOSED ZONING:

R3 - ONE AND TWO-FAMILY RESIDENTIAL

R3-MF - RESIDENTIAL MEDIUM DENSITY MULTI-FAMILY ZONE

TOTAL PROPOSED LOTS: 23

TOTAL MULTI-FAMILY UNITS: 6-10 (SUBJECT TO DETAILED DESIGN / BUILDING FORM / UNIT SIZE)

TOTAL ANTICIPATED UNITS: +/- 32-38 UNITS

*NOTE - THIS PLAN IS CONCEPTUAL AND HAS BEEN PREPARED FOR ILLUSTRATIVE PURPOSE IN ORDER TO DEMONSTRATE A POTENTIAL SUBDIVISION / DEVELOPMENT SCENARIO IF REZONING IS SUCCESSFUL. CONCEPTS IDENTIFIED ON THIS PLAN SHOULD NOT BE CONSIDERED TO HAVE ANY SPECIFIC ENDORSEMENT AT THIS STAGE BY THE MUNICIPALITY OF NORTH COWICHAN. ALL FUTURE SUBDIVISION AND/OR DEVELOPMENT APPLICATIONS SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE DISTRICT OF NORTH COWICHAN.

File: 20-05 (ROBERT STREET / SYMBOLKSI)

Drawn By: SWM

Date: 2023-07-07

Version: 20-05-06

SCALE (M) 0 5 10 15 20 25 30 35



**TOWNSITE
PLANNING**

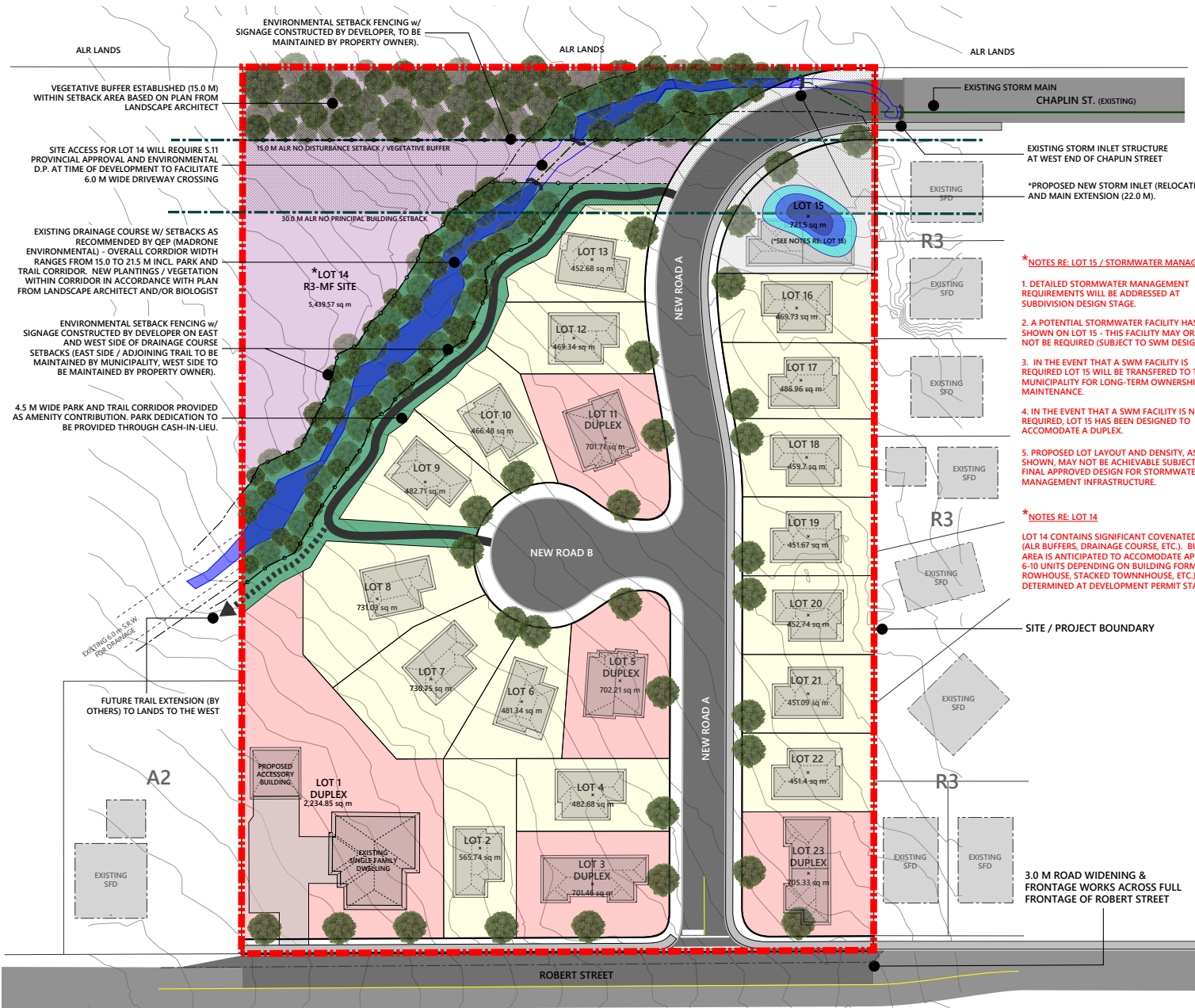
TOWNSITE PLANNING INC.
PO BOX 160
Lantzville, BC V0R 2H0
tel / text: 250.797.2515
email: scott@townsiteplanning.ca
web: www.townsiteplanning.ca

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CONTOUR DATA DERIVED FROM MUNICIPALITY OF NORTH COWICHAN WEB MAP DATA.

DRAINAGE COURSE ALIGNMENT DERIVED FROM FLAGGING AND SURVEY WORK COMPLETED BY MADRONE ENVIRONMENTAL AND HEROLD ENGINEERING.





PO Box 160, Lantzville, BC V0R 2H0 t: (250) 797.2515
e: scott@townsiteplanning.ca w: www.townsiteplanning.ca

March 30, 2022

Site Adaptive Planning in Urban Rural Interface - 1771 ROBERT STREET

SITE:

1771 Robert Street is a 2.37 ha (5.75 acre) parcel located in the northwest corner of the community of Crofton within the Municipality of North Cowichan. The site is located within the Municipality's Urban Containment / Growth Centre Boundaries.

The lands contain an existing newer single-family dwelling in the southwest corner of the parcel which was constructed in 2018. Historic air photos indicate that the southern half of the property was cleared and open as far back as the mid-1970's (note, there was an older home from the 1960's (approx.) that was removed when the new home was built in 2018). The northern half of the property appears to have been cleared in approximately 2016/2017. The current state of the property is that the majority of it is roughly graded, except for those areas directly around / in proximity to the single-family dwelling.

The existing single-family dwelling has a connection to municipal water, which runs along the entire frontage of the property along Robert Street. Municipal water is also stubbed at northern end of Chaplin Street. Municipal sanitary and storm sewer services are also stubbed at the end of Chaplin Street in anticipation of future extension to these lands. The house is connected to municipal sewer at the northeast corner of the site.

TERRAIN:

The subject property slopes fairly consistently at 10-12% from the southwest corner of the property (90m above sea level) to the northeast corner (63 m above sea level).

ECOSYSTEM / SURROUNDING CONTEXT:

There is a minor overland drainage route that enters the property approximately halfway along the western boundary of the site and exits the property into the piped municipal stormwater system near the northeast corner of the site.

Lands directly adjoining to the east consist of an existing low density residential neighbourhood (R3 zoning: single family / duplex). Lands to the west are also located in the Urban Containment Boundaries (UCB) and are serviced with municipal water. Lands to the south (across Robert Street) are forested, located outside of the UCB and owned by the Municipality. Lands to the north are forested and are located within the Agricultural Land Reserve (ALR), although do not currently appear to be in use for any agricultural purposes.

COMMUNITY CONTEXT:

Crofton is an established and stable community located on Osborne Bay within the Municipality of North Cowichan. The majority of the community consists of older residential housing stock on serviced urban lots. Newer developments have occurred within the community, primarily in the south / southeast areas of the community, along with lands directly east of the subject property.

The following important community facilities are located within walking distance to the site:

- BC Transit route: 250 m
- Crofton Community Fire Hall: 275 m
- Crofton Community Centre: 300 m
- Crofton Community Pool: 340 m
- Crofton Post Office: 600 m
- Grocery / Liquor Store / Neighbourhood Pub: 650 m
- Crofton Elementary: 850 m
- Crofton waterfront / Seawalk: 1000 m

KEY SITE PLANNING CONSIDERATIONS:

In consideration of the various on-site and surrounding characteristics, proximity to community services and direct access to municipal services (water, sanitary storm, roads, etc.) the subject property appears to be an excellent candidate for well-planned residential development. The following critical site characteristics have been carefully considered in the development of a conceptual land use plan for this site:

Drainage Course:

The seasonal drainage course has been reviewed by Madrone Environmental and they have confirmed that a 5.0 m setback (on both sides) will provide for adequate protection of this minor drainage course. This setback has been augmented in our site planning with an additional 4.5 m of park dedication with a hard-surfaced trail on the east side of the environmental setback and will have an environmental fence to minimize impact. Impact is also reduced through the inclusion of a single crossing of the drainage course for access and servicing to the west side of the drainage course.

ALR Buffer:

As previously noted, the lands to the north are located within the Agricultural Land Reserve, although do not appear to be in use for any agricultural purposes at this time.

Notwithstanding this, it is important to establish a buffer to these lands to acknowledge potential long-term farm uses that could take place on the lands. Best practices established by the Agricultural Land Commission (ALC) encourage the establishment of a 15.0 m vegetative buffer from the property line. In the case of the subject property, as these lands have previously been cleared, a re-planting plan will be required to re-establish appropriate buffer vegetation. In addition, a secondary 15.0 m buffer is also used to restrict principal

dwellings (homes) within this area, which ensures that homes are no less than 30.0 m (100 ft.) from the ALR property. This secondary buffer may still be used for yard areas, driveways, access, etc.

These buffering requirements have been incorporated into the proposed development.

Terrain:

As noted, the lands have a fairly consistent slope of 10-12% from SW to NE. Planning the site in consideration of these contours minimizes the land alteration required to establish appropriate grades and elevation for municipal roads, servicing and building sites.

Community Impact:

The fourth and final key consideration with this site is community impact. The Crofton community engaged in and largely endorsed a community plan that was adopted in 2017. This plan identifies the subject lands for low density residential development, which is what has been proposed with this application. The forms of housing proposed with this development are consistent with and match the goals and objectives of the Community Plan and are similar in scale and density to the existing low density residential lands directly adjoining to the east. Additional residential units (single family, duplex and townhouse) and the corresponding increase in population will also help to support and encourage new and existing commercial and personal services and will also support the student population at Crofton Elementary School.

Overall, we believe that this well-planned development has given careful consideration to the various relevant site and community characteristics and will be a positive and welcome addition to the community.

End of Document



PO Box 160, Lantzville, BC V0R 2H0 t: (250) 797.2515
e: scott@townsiteplanning.ca w: www.townsiteplanning.ca

July 21, 2022

District of North Cowichan
7030 Trans-Canada Highway
North Cowichan, BC V9L 6A1

Our File: 20-05 Robert Street

Attn: Caroline von Schilling, Planner

Re: Rezoning Application – 1771 Robert Street

Further to the request included in the email we received from you on July 5, 2022 regarding commitments related to the rezoning for the above-noted property, the owner of the property hereby offers the following acknowledgment and commitment:

1. That all storm water, including from the proposed public roadway, is required to be managed on-site and that the development plan and achievable density may be impacted by accommodating storm water management facilities on-site. The expectation would be that post development flows from the site are no greater than pre-development flows based on the site being naturally vegetated.
2. If storm water is not fully managed on-site, an analysis of the down-stream drainage system will be required, and all costs associated with securing rights of way and undertaking required upgrades will be borne by the developer.
3. That the owner will apply for a Development Permit to undertake restorative site works for the watercourse area (as defined Madrone Environmental) within 12 months of the approval of the rezoning for the subject properties. Included with the Development Permit application will be a management / replanting plan, a s.219 covenant to define and protect the covenant area and statutory right of way to allow for the conveyance of stormwater across the subject property. The owner further commits to complete the works authorized under the Development Permit within 12 months of the issuance of a Development Permit for this work. In order to ensure the commitment is binding and enforceable, a mutually agreeable rent charge may be included in the covenant that would apply if the property owner breaches the covenant requirements.

Please contact us if you have any questions or require any further clarification.

Sincere Regards.

Letter Prepared by:

Scott W. Mack, M.Arch., B.Sc. (PLAN), MCIP, RPP
Managing Partner | Registered Professional Planner

On behalf of:

Terry Symborski
Property Owner



PO Box 160, Lantzville, BC V0R 2H0 t: (250) 797.2515
e: scott@townsiteplanning.ca w: www.townsiteplanning.ca

July 7, 2023

District of North Cowichan
7030 Trans-Canada Highway
North Cowichan, BC V9L 6A1

Our File: 20-05 Robert Street

Attn: Caroline von Schilling, Planner

Re: Rezoning Application – 1771 Robert Street

Dear Caroline,

Further to the request included in the email we received from you on June 13, 2023, we have compiled the requested information and provide the following for the District's review and consideration:

1. The preliminary development concept has been updated with all of the requested changes identified in your email:
 - a. A potential stormwater management facility has been shown in the area of Lot 15, with a note indicating that the requirement for this facility will be confirmed during the detailed design stage at the time of subdivision;
 - b. Lots 7 and 8 have been updated to remove the duplex designation; and,
 - c. The preliminary development concept already contains a note that indicates that fencing and signage will be provided along both the east and west sides of the drainage course.
2. The owner further agrees to provide the following at the subdivision stage:
 - a. Dedication of a 4.5m trail ROW for public walkway with construction of a 3.0 m trail for which detailed design drawings are provided to and approved by the Director of Parks prior to construction;
 - b. To erect signage at intervals of a minimum of 20.0 m or 1 per lot (whichever is greater), or as approved by the Director of Planning, to be located on the trail ROW immediately adjacent to the vegetated open drainage. Signage shall indicate: 'Vegetation Protection Area, No clippings/dumping', or similar, and will be owned and maintained by the Municipality.
 - c. To undertake restorative site works of replanting and invasive species management plan for a period of 4 years with QEP monitoring;

-
- i. Letters of substantial completion provided by OEP per replanting plan each year with letter of final completion at the end of the 4th year;
 - ii. erect all required signage; temporary fencing during construction with ESC measures as appropriate; and provide security bonding plus 10% for its completion. Plan with Estimate to be provided by a QP and be approved by the Municipality prior to undertaking restoration and signage works.
 - d. To register a s.219 protection and management covenant agreement, and provide BCLS reference plan for registration of the covenant area, and which stipulates that the Owner shall maintain the area free from invasive species and protect and maintain existing vegetation, including maintenance of existing signage and fencing;
 - e. To register a SRW for municipal access to drainage area;
 - f. To construct fencing at the time of development, either wood post and rail or black chain link or alternative as approved by the Director of Planning at the location/s provided in a Schedule called Fencing Detail (or as otherwise preferred, e.g., Site Plan) to be provided by the developer for the rezoning s.219; security bonding required for fencing and its construction plus 10%;
 - g. Dedication and construction of frontage improvements on Robert Street and new public Roads A and B;
 - h. Construction drawings to be prepared by a qualified professional civil engineer, and to include the following minimum design standards:
 - i. Traffic calming measures;
 - ii. Pedestrian crossings;
 - iii. Active transportation infrastructure; bicycle lane;
 - iv. Bioswale stormwater green infrastructure submitted by qualified professional for public roadway; and,
 - v. Dark sky compliant street lighting.
 - i. Stormwater management design may require downstream analysis or onsite management per approval of Director of Engineering. Post development flows not to exceed those of mature treed site, as per 2010 air photo;
 - j. 1 tree per lot shall be provided at the time of development (Building Permit), with a \$300 per tree landscape bond provided at the time of Building Permit application; and,

-
- k. Park land, as per the requirements of the Local Government Act, shall be satisfied through the provision of a cash-in-lieu contribution at the time of subdivision.

With regard to Community Amenity Contributions (CAC's), we note that our previous amenity contribution proposal of \$500 per each single family and duplex unit, plus \$250 per each townhouse / MF unit, was based on a staff recommendation from December 2021. Having said that, the owners have agreed to reconsider their CAC proposal and have increased it as follows:

1. The land required to provide a for 4.5 m trail dedication adjoin Lots 8 – 13 totals approximately 700 m² or 3% of the subject property. In addition, the District has requested that a trail be constructed within these lands. Normally, these lands would be used to satisfy a portion of the legislative park dedication requirements, however, the District has indicated a preference for a 5% cash-in-lieu payment.

We believe that the value of this land, with improvements, is approximately \$100,000. This equates to a contribution of approximately \$4,350 - 4,500 per lot (based on yield of 22-23 lots). In addition, the owner is also prepared to offer a cash contribution of \$2,500 per R3 lot, plus \$5,000 for the R3-MF lot at the time of subdivision, to be directed towards the Municipality's Affordable Housing Reserve Fund. Subject to final lot count, it is anticipated that this will result in a \$57,500 - \$60,00 contribution. Overall, the total value of our CAC proposal is approximately \$160,000 (approx. \$7,000 - \$7,200 per lot).

We trust that the information provided herein, along with previous updates and commitments, will allow this application to proceed to Council for consideration of first and second reading on July 19, 2023.

Please contact us if you have any questions or require any further clarification.

Sincere Regards.



Scott W. Mack, M.Arch., B.Sc. (PLAN), MCIP, RPP
Managing Partner | Registered Professional Planner

ec: Terry Symborski and Louise Violette (Owner)
Patrick Ryan (Herold Engineering)



The Corporation of the District of North Cowichan

Official Community Plan Amendment Bylaw

BYLAW NO. 3914

A bylaw to amend Official Community Plan Bylaw No. 3900 to include 1771 Robert Street within the UCB and change the designation from Rural Residential to Residential Neighbourhood.

WHEREAS Council has considered the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan,

AND WHEREAS Council has considered consultation under Sections 475 and 476 of the *Local Government Act*,

The Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

Citation

1 This Bylaw may be cited as "*Official Community Plan Amendment Bylaw No. 3914, 2023*".

Amendment

2 Official Community Plan Bylaw No. 3900, 2022 be amended by redesignating 1771 Robert Street (PID: 001-147-544) in Schedule "A", Appendix 1: Maps, Map 2 [*Growth and Land Use Management*] from Rural Residential to Residential Neighbourhood and realigning the Urban Containment Boundary in Map 2 [*Growth and Land Use Management*] to include 1771 Robert Street, as shown in Schedule 1, attached to and forming part of this Bylaw.

 READ a first time on _____.

READ a second time on _____.

This bylaw was advertised on the municipality's social media sites on _____, in the Cowichan Valley Citizen and the Chemainus Valley Courier on _____, and was posted to the municipality's public notice places on _____.

CONSIDERED at a Public Hearing on _____.

ADOPTED on _____.

 CORPORATE OFFICER

 PRESIDING MEMBER

Schedule "1" to accompany "Official
Community Plan Amendment Bylaw No.
3914, 2023".

Presiding Member

Corporate Officer

“2. Growth and Land Use Management”





The Corporation of the District of North Cowichan

Zoning Amendment Bylaw

BYLAW NO. 3915

*A bylaw to amend Zoning Bylaw 1997, No. 2950, to reclassify
1771 Robert Street from A2 to R3 and R3-MF.*

The Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

Citation

1 This Bylaw may be cited as "*Zoning Amendment Bylaw No. 3915, 2023*".

Amendment

2 Zoning Bylaw 1997, No. 2950, Schedule "C" be amended by reclassifying 1771 Robert Street (PID: 001-147-544) from Rural Zone (A2) to Residential One and Two-Family Zone (R3) and Residential Medium Density Multi-Family Zone (R3-MF), as shown outlined in black in Schedule 1 attached to and forming part of this Bylaw.

READ a first time on _____.

READ a second time on _____.

This bylaw was advertised on the municipality's social media sites on _____, in the Cowichan Valley Citizen and the Chemainus Valley Courier on _____ and was posted to the municipality's public notice places on _____.

CONSIDERED at a Public Hearing on _____.

READ a third time on _____.

COVENANT registered on _____.

ADOPTED on _____.

CORPORATE OFFICER

PRESIDING MEMBER

Schedule "1" to accompany "Zoning
Amendment Bylaw No. 3915, 2023".

Presiding Member

Corporate Officer

[illegible]

Report

Date	October 4, 2023	File: 6480-30 23.04
Subject	OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw 3915 and updated community amenity contribution offer	

PURPOSE

To consider moving OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw No. 3915 forward and accepting the applicant's updated offer for community amenity contributions for 1771 Robert Street.

BACKGROUND

At the August 16, 2023, Regular Council Meeting, OCP Amendment Bylaw No. 3914 (to re-designate 1771 Robert Street from Rural Residential to Neighbourhood Residential) and Zoning Amendment Bylaw No. 3915 (to reclassify it from the A2 (Rural) zone to R3 (Residential One and Two-Family) and R3-MF (Residential Medium Density Multi-Family) zone) were each given first reading. The proposed amendments aim to facilitate future residential development of approximately 32 to 50 housing units at 1771 Robert Street.

In addition to previously committed amenities of land dedication for trail, trail construction, enhanced public roadway design, and vegetation replanting and protection measures, the proponent offered an increased financial contribution to the municipal Affordable Housing Fund of between \$136,000 and \$152,000, which was based on \$4,000 per unit for the estimated 34-38 units, excluding secondary suites (Attachment 1).

Council also requested, at that time, that the applicant increase their proposed contribution for affordable housing to \$245,000.

OCP Amendment Bylaw (1711 Roberts Street) No. 3914 and Zoning Amendment Bylaw No. 3915 for first and second readings

IT WAS MOVED AND SECONDED:

THAT Council:

- (1) give first reading to Official Community Plan Amendment Bylaw No. 3914, 2023; and,
- (2) give first reading to Zoning Amendment Bylaw No. 3915, 2023

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to continue to work with the proponent regarding affordable housing community amenity contributions, to see the amount offered prior to Council's potential consideration of second reading of zoning amendment bylaw No 3915, 2023 to a target amount of \$245,000 for affordable housing.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

DISCUSSION

On September 12, 2023, in response to Council's resolution and without prior consultation with Planning staff, the proponent submitted a letter updating the affordable housing commitment (Attachment 2). In summary, the monetary amount of the commitment remains the same as offered on August 16, 2023, i.e., \$4,000 per unit, with the following addition:

In the interests of supporting Council's goals related to increased affordability, density and housing choice, my client is also prepared to add the following commitments, which would be secured as part of the s.219 covenant(s) to be registered as part of the rezoning:

1. That a full subdivision of the parent property will include the necessary servicing and lot areas to accommodate a minimum of five (5) duplex lots.
2. That future building permits for any single-family home shall include the following minimum necessary rough-ins to accommodate a potential / future secondary suite (assuming that a completed secondary suite isn't included in the initial building plans):
 - 220-amp outlets for dryer and range;
 - plumbing rough-in for kitchen, laundry facilities and a full bathroom; and,
 - second exterior entrance.

Despite the proponent's commitment to provide a minimum of five duplex lots, any subdivision of the land would need to comply with all applicable subdivision and zoning requirements. As such, the total number of lots and subdivision layout may not be achievable as currently proposed and cannot be easily secured with a covenant.

The applicant's offer to "rough-in" for future suites is also potentially problematic, as such installations are generally not permitted unless authorized through the issuance of a building permit for a secondary suite. If the applicant wishes to commit to providing secondary suites, that can be secured with a covenant, but not the roughed-in suite fixtures. It is recommended that the proposed commitments for duplex lots and secondary suite "rough ins" not be accepted, as the commitments are not easily administered and secured through a covenant. Furthermore, the Municipality of North Cowichan does not have a policy or established practice supporting such offerings as affordable housing contributions.

The applicant has not increased the financial commitment for affordable housing to the target amount identified by Council on August 16, 2023, and the applicant has no obligation to comply with Council's directive. As such, Council must decide whether to proceed with the amendment bylaws and associated amenity contributions as proposed by the applicant or defeat and abandon the bylaws.

OPTIONS

As previously stated, Council's options are to pass the following motion and move forward with a public hearing or defeat the motion; hence, the bylaws would be abandoned:

THAT Council:

- (1) give second reading to Official Community Plan Amendment Bylaw No. 3914, 2023; and
- (2) give second reading to Zoning Amendment Bylaw No. 3915, 2023; and

- (3) authorize a Public Hearing for Official Community Plan Amendment Bylaw No. 3914, 2023 and Zoning Amendment Bylaw No. 3915, 2023.

IMPLICATIONS

Passing the above motion would allow the amendment bylaws to proceed to a public hearing with the applicant's amenities and affordable housing commitments secured in a Section 219 covenant (excluding commitments for duplex lots and "roughed in" suites unless directed otherwise by Council). Consideration of third reading and bylaw adoption would occur following the public hearing.

Defeating the motions would deny the rezoning application, and the property would retain the Rural Residential land use designation and A2 zoning.

RECOMMENDATION

A staff recommendation has not been provided. Council's options are to adopt a motion to give second reading to the bylaws and proceed to a public hearing or defeat the motion.

Report prepared by:

Caroline von Schilling

Caroline von Schilling, MCIP, RPP
Development Planner

Report reviewed by:



Rob Conway, MCIP, RPP
Director, Planning and Building

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Letter Community Amenity Contribution 2023-08-16
- (2) Letter Updated Community Amenity Contribution 2023-09-12
- (3) Report first reading OCP Bylaw 3914 Zoning Bylaw 3915 2023-07-19 (which includes the bylaws)

August 16, 2023

District of North Cowichan
7030 Trans-Canada Highway
North Cowichan, BC V9L 6A1

Our File: 20-05 Robert Street

Attn: Caroline von Schilling, Planner
Re: Rezoning Application – 1771 Robert Street

Dear Caroline,

Further to recent discussions, including the feedback we received from Council when they originally considered first and second reading of the amending bylaws at their July 19, 2023, Regular Council Meeting, my client would like to propose a voluntary increase to his Community Amenity Contribution (CAC). He feels strongly that this project will be very beneficial for the community of Crofton and is committed to taking the necessary steps to gain support from staff and Council for this project, but also must ensure that the project remains viable in order to be able to bring it to market. My client had previously committed to a CAC (cash contribution) of \$2,500 per single family and duplex lot, plus \$5,000 for the proposed multi-family site, which was anticipated to generate a total cash contribution of approximately \$60,000.

My client wishes to revise this proposal to increase his cash contribution to \$4,000 per unit (single family, duplex, townhouse) at subdivision (SFD) / building permit (Duplex, MF), with these funds directed towards the municipality's *Affordable Housing Reserve Fund*. Based on the projected unit range (34-38), this would result in a contribution of between \$136,000 and \$152,000. This cash contribution now represents a 6-8X increase over the original request from Staff (approx. \$20,000) in December 2021 and is 2.5X higher than our previous offer. The updated cash contribution is still in addition to the previously committed excess (uncredited) parkland and trail construction requested by staff. The total value of my client's contribution (cash, land, and trail) will now likely exceed \$250,000.

We trust that this updated proposal illustrates my client's commitment to moving forward with this project and his interest in advancing a project that is truly beneficial for the residents of Crofton, the Municipality, and the developer.

Sincere Regards.



Scott W. Mack, M.Arch., B.Sc. (PLAN), MCIP, RPP
Managing Partner | Registered Professional Planner

September 12, 2023

District of North Cowichan
7030 Trans-Canada Highway
North Cowichan, BC V9L 6A1

Our File: 20-05 Robert Street

Attn: Caroline von Schilling, Planner
Re: Rezoning Application – 1771 Robert Street

Dear Caroline,

Further to our recent discussions, and following Council's direction from the August 16, 2023 Council meeting, I have had the opportunity to discuss the Community Amenity Contribution (CAC) proposal with my client. He has concluded that he wishes to continue to maintain his proposed CAC at **\$4,000 per unit** (single family, duplex, townhouse) at subdivision (SFD) / building permit (Duplex, MF), with these funds directed towards the municipality's *Affordable Housing Reserve Fund*. As previously noted, based on the projected unit range (34-38), this would result in a contribution of up to \$152,000. This cash contribution represents a nearly 8X increase over the original offer (+/- \$20,000, as requested by Staff) in December 2021 and is 2.5X higher than our previous offer of +/- \$60,000 (June 2023).

The cash contribution is still in addition to the previously committed amenities of additional green space (uncredited parkland) and trail construction requested by staff.

In the interests of supporting Council's goals related to increased affordability, density and housing choice, my client is also prepared to add the following commitments, which would be secured as part of the s.219 covenant(s) to be registered as part of the rezoning:

1. That a full subdivision of the parent property will include the necessary servicing and lot areas to accommodate a minimum of five (5) duplex lots.
2. That future building permits for any single-family home shall include the following minimum necessary rough-ins to accommodate a potential / future secondary suite (assuming that a completed secondary suite isn't included in the initial building plans):
 - 220-amp outlets for dryer and range;
 - plumbing rough-in for kitchen, laundry facilities and a full bathroom; and,
 - second exterior entrance.

We look forward to seeing the application proceed to Council for consideration of second reading on September 26, 2023.

Sincere Regards.



Scott W. Mack, M.Arch., B.Sc. (PLAN), MCIP, RPP
Managing Partner | Registered Professional Planner

Report

Date July 19, 2023

File: 6480-30 23.04

Subject **OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw No. 3915 for first reading**

PURPOSE

To consider amendments to the Official Community Plan and Zoning Bylaws to facilitate future residential development of approximately 32 to 50 housing units, inclusive of secondary suite potential, at 1771 Robert Street.

BACKGROUND

In June 2021, the Municipality received a zoning amendment application to increase residential density at 1771 Robert Street (PID: 001-147-544). The 2.37-hectare (5.87 acres) subject property is zoned Rural Zone (A2) (Attachment 1 – Location Map & Attachment 2 – Orthophoto). It is situated within the Rural Residential land use designation outside the Urban Containment Boundary (UCB) of the Official Community Plan (OCP) and immediately adjacent to the community of Crofton (Attachment 3 – OCP Map; Attachment 4 – Zoning Map).

Lands surrounding the subject property are primarily forested, with rural residential uses to the west and forested lands on municipal property to the south and within the Agriculture Land Reserve (ALR) to the north. One and two-family residential uses are situated within the UCB to the east. Community services, a public school, and recreation trails are located within one kilometre of the subject property.

DISCUSSION

1. OCP Bylaw Amendment

Since OCP Bylaw 3900 was adopted in August 2022, the proposal for the subject property has been inconsistent with the guiding Rural Residential land use policy to include “very little housing growth” and generally no subdivision of lots less than 2 hectares (s. 3.2.18/19 p. 51). As any change in land use requires consistency with the OCP (*Local Government Act* s. 478), an amendment to the OCP is needed before a rezoning proposal to increase residential density can be considered for approval for the subject property.

Prior to adopting OCP Bylaw 3900 in August 2022, the subject property was located within the UCB, where the growth management policy considered increased residential density. As the proposal associated with Draft Zoning Amendment Bylaw 3915 for increased residential density was based on the growth management policy of the previous OCP (Bylaw 3450), Council directed staff to initiate an amendment to the current OCP (Bylaw 3900) to consider including 1771 Robert Street within the UCB and adjusting its land use designation, so it could consider the rezoning proposal originally submitted under application ZB000133 (Attachment 5 – Council Minutes 2023-02-21).

1.1 OCP & Crofton Local Area Plan

Should Council amend the OCP to redesignate the subject property from Rural Residential to Residential Neighbourhood and include it within the UCB, the proposed land use and density would be consistent with the objective of the Residential Neighbourhood designation for sensitive infill and "gentle densification" (p. 45).

The proposal is also generally consistent with the land use policy of the Crofton Local Area Plan (LAP) (i.e., designation PA4 CDZ, p. 61) for low to medium residential density and cluster housing appealing to young families and seniors.

1.2 OCP Amendment Legislative Requirements

Procedural requirements for amending an OCP are set out in Part 14, Division 4 of the *Local Government Act* (LGA). These include that a local government must, in relation to an OCP Amendment Bylaw:

(s. 473) *Content and process requirements*

- *Consider the most recent housing needs report and the housing information on which the report is based 2.1 b).*

(s. 475) *Consultation during development of OCP*

- *Provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.*
- *Consider whether the opportunities for consultation with one or more of the persons, organizations and authorities should be early and ongoing.*

(s. 476) *Consultation on planning for school facilities*

- *Consult with the boards of education for those school districts within which it applies.*

(s. 477) *Adoption procedures for official community plan*

- *After first reading and prior to a public hearing in the following indicated order, consider it in conjunction with*
 - i) *The Municipality's financial plan, and*
 - ii) *Any waste management plan under Part 3 [Municipal Waste Management] that is applicable in the municipality.*

1.3 Consultations & Council Resolutions

In response to statutory procedural requirements related to OCP amendments, a request for consultative input was sent to the following organizations and agencies:

- a) School District 79 (SD79);
- b) Agriculture Land Commission (ALC); and,
- c) Ministry of Agriculture (MoA).

Referral responses were received from the ALC and MoA, with no concerns identified. A response was received from SD79 stating that an increase in student enrolment at Crofton Elementary School could result in some students being reallocated to the school in Chemainus (Attachment 6).

Statutory procedural requirements are reflected in the Council resolutions included in the Options section of this report and as may be applicable in subsequent reports.

2. Zoning Bylaw Amendment

The LGA states that local governments may consider an OCP amendment in conjunction with any other land use planning (s. 477):

(4) In addition to the requirements under subsection 3 ... a local government may consider a proposed official community plan in conjunction with any other land use planning ... that the local government considers relevant.

For Council's consideration and concurrent with the OCP amendment, this report introduces the applicant's request to rezone the subject property to increase residential density at 1771 Robert Street. **Proposal**

The application requests to rezone the subject property from A2 (Rural) to R3 (Residential One and Two-Family) and R3-MF (Residential Medium Density Multi-Family) Zone to facilitate subdivision for residential development that could yield approximately 32 single-family, duplex and multi-family dwelling units up to 50 units inclusive of secondary suite potential (Attachment 7 – Concept Site Plan).

2.2 Policy

2.2.1 OCP

In addition to the proposal's general consistency with the land use policy of the OCP Residential Neighbourhood designation and Crofton LAP (see section 1.1 OCP & Crofton LAP above), the rezoning proposal is generally consistent with:

- Recreation policy by dedicating lands and proposing to construct approx. 700m² of public trail (s. 4.4.1.a & Parks and Trails Master Plan/PTMP, p. 91);
- Biodiversity policy by protecting open drainage/watercourse for green space and biodiversity contiguity (s. 4.4.1.c);
- Appropriate density (proposed R3) that also includes housing diversity with townhouse cluster (proposed R3-MF) (s. 5.1.2.d and g); and,
- Proximity to community services within 1km (cycling/transit) and to transit within 300m (walk) from the site to the closest transit stop at Chaplin and Crofton Rd., contributing to policy direction for compact communities (s. 3.1.4.d).

In addition, OCP policy 5.2.2.d seeks to incorporate “affordable housing” within new developments or, in the absence of direct provision of affordable units, a cash-in-lieu contribution to the Municipality’s Affordable Housing Reserve Fund. While the proponent has offered a cash contribution of \$2,500 per R3 lot and \$5,000 for the R3-MF lot in response to this policy, the amount offered falls significantly below both the approximate per unit amount represented in recent rezoning proposals (e.g., Paddle Road land-assembly zoned CD22 & Ford/Drinkwater Road land-assembly zoned CD23) and the guideline amount contained within the emerging draft affordable housing policy.

It is recommended that Council seek a more robust amenity contribution towards affordable housing by directing staff to continue discussions with the applicant to arrive at an appropriate contribution that could be formally accepted or refused by Council at the time of second reading of Zoning Amendment Bylaw 3915, should it get that far. To guide these discussions, the emerging affordable housing policy (Committee of the Whole agenda July 11, 2023) provides a formula-based approach that seeks 2% of the total market value of the proposed development, according to benchmark prices as determined by the Vancouver Island Real Estate Board. Applying these figures to the development concept facilitated by the rezoning:

- 16 x single-family dwellings, benchmark price \$759,450
- 9 x duplex units, benchmark price \$538,000
- 10 x apartment units, benchmark price \$360,000

yields a total market value of \$20,593,200; 2% of this is \$411,864, or an average of **\$11,770 per unit**.

In recognition of the fact that the affordable housing policy is emerging policy in draft form, the other amenity contributions offered as part of this development, and the approximate size of the affordable housing amenity contribution from another significant development in recent times, a target average amenity contribution for affordable housing of \$7,000 per unit is suggested.

2.2.2 SITE ADAPTIVE PLANNING

Council Policy “Site Adaptive Planning in Urban Rural Interface” identifies properties within the Municipality, which includes the subject property, on which future development is expected to consider and accommodate environmental and hazard features. As open drainage, watercourse and ALR vegetated buffer protection, and the site’s topography was considered and reflected in the site design. Further, as environmental and farmland protection and steep slopes hazard development permits will be required prior to development, it is the opinion of staff that the proposal is consistent with the intent of this policy (Attachment 8 – Site Adaptive Planning).

2.3 Servicing & Infrastructure

A public roadway with civil servicing is proposed to be provided for access and site servicing. A public roadway would be designed and constructed in accordance with municipal design standards, including traffic calming, active transportation features, rainwater/green infiltration, and pedestrian crossing where appropriate. Road widening and frontage improvements would occur on Robert Street.

Staff are satisfied that water, sanitary, and stormwater service can be supplied to the subject property for the land use requested; however, downstream stormwater service capacity may require significant upgrades to accommodate future residential development of the site. The owner has acknowledged they are responsible for analysis and onsite stormwater management based on the property's previous state prior to mature tree removal, as well as potential upgrades to the downstream municipal stormwater service and in accordance with Engineering standards (Attachment 9). The owner further acknowledges that, given municipal engineering onsite stormwater management requirements, the number of lots/units as indicated on the Concept Site Plan may not be achieved (Attachment 7).

2.4 Future Development Approvals

SECTION 11 STREAM CROSSING: A change approval from the province under Section 11 of the *Water Sustainability Act* is required should future development contemplate a stream-crossing to the northwest corner of the site. Should appropriate provincial permits not be issued, the area that proposes multi-family housing could remain undeveloped.

DPA1/6: Multi-family housing development under the proposed R3-MF zone would require a development permit for its form and character (DPA1, MF/intensive residential; DPA6 GHG Reduction, Energy and Water Conservation).

DPA3: A development permit for the protection of the natural environment (DPA3, riparian) would be required prior to development. A preliminary assessment of the drainage course running through the property was conducted by a Qualified Environmental Professional (QEP), who determined that the watercourse would not be defined under the Riparian Area Protection and Enhancement Regulation. However, at the advice of the QEP, the owner has committed to replanting a 5-metre no-disturbance area on either side of the watercourse and protecting this vegetation into the future by registering a s. 219 (*Land Title Act*) protective covenant over this area. Further, a minimum setback of 15 metres for structures and fill is required from the watercourse (per Zoning Bylaw, sec. 13).

DPA4: A development permit for steep slope hazard areas would be required prior to development. This would require a Qualified Professional to assess the hazards related to the lands and provide any conditions that may pertain to the future development of those lands for ensuring they are safe for the intended use.

DPA5: A development permit for the protection of farmland would be required at the time of development. The applicant has demonstrated on their site plan that building and vegetated setbacks from agricultural lands to the north can be achieved.

2.5 Commitments & Amenity Contributions

The owner is willing to enter into a covenant agreement registered on the title of the property as a condition of successful rezoning, which would secure the following commitments and amenity contributions (Attachment 10 – Owner Commitments):

- a. Trail construction (3m) and dedication (4.5m) to the Municipality in the general location shown on the Concept Site Plan (Attachment 7);
- b. Registration of a vegetation management plan over a 5-metre no disturbance area on either side of the watercourse and over the ALR buffer with vegetation restoration by the owner;

- c. Public roadway design standards that include sidewalks, active transportation, pedestrian crossings, and traffic calming where appropriate;
- d. One tree per lot (front), \$300 security provided at the time of Building Permit;
- e. A financial contribution of \$2,500 per R3 lot and \$5,000 per R3-MF lot (\$57,500 - \$60,000) to be allocated to the Municipality's Affordable Housing Reserve Fund;
- f. 5% cash in lieu of parkland contribution, calculated as per the LGA;
- g. Infrastructure, including dedication for a new public roadway with construction and civil servicing works and statutory rights of way where required
- h. A 3.0m (approx.) dedication for road widening and improvements on Robert Street provided at the subdivision

As discussed above, the sufficiency of item (e) is in question when compared to the contributions provided by another development in recent times and the target amounts identified in the emerging affordable housing policy. This is reflected in the recommendation to seek a higher sum prior to second reading; however, if Council is satisfied that the ~\$60,000 offered is a sufficient affordable housing amenity contribution, Option 3 below enables Council to give both first and second readings to the OCP and Zoning amendment bylaws and schedule a public hearing.

3. Conclusion

An OCP amendment is required to include it within the UCB and redesignate it from Rural Residential to Residential Neighbourhood for Council to consider a Zoning Amendment Bylaw to increase residential density at the subject property. Procedural requirements for amending the OCP set out in the LGA are:

1. Consider the most recent housing needs report.
2. Provide opportunities for persons, organizations and authorities whose interests Council considers affected, how to consult with them, and whether consultation should be early and ongoing.
3. Seek the input of SD79 on the proposed OCP amendment.
4. After first reading, consider the proposed OCP amendment in conjunction with the financial plan and any waste management plan under Part 3 of the *Environmental Management Act*.
5. Conduct a public hearing.

While the subject property is not currently designated for the proposed uses and densities such that the proposal would be aligned, there are valid reasons for considering OCP and Zoning Bylaw amendments that would allow the subject property to be developed as proposed. These include:

- The rezoning proposal generally complies with the use and density policies of the Residential Neighbourhood land use designation of the OCP to which the subject property is proposed to be reclassified.
- The applicant has committed to community amenities and development features generally supported by planning policies in the OCP (although it is recommended that a higher contribution is sought).
- The Crofton LAP supports the proposed uses and densities.
- The property is immediately adjacent to residential uses similar to those proposed.
- The property can be serviced with Municipal water and sewer.
- The proposal's location is within one kilometre of transit, a school, and community services.

- The proposal accommodates a vegetated buffer from agricultural lands to the north in accordance with Ministry of Agriculture and Food guidelines and secures the revegetation and protection of open drainage.

While there are justifications for the proposed OCP amendment, any expansion of the UCB should be undertaken cautiously, and proximity to the UCB boundary alone should not justify amending the OCP. That said, it should also be recognized that the OCP review and update process that concluded with the adoption of OCP Bylaw 3900 did not involve a detailed property-by-property analysis when assigning OCP land use designations. The OCP amendment application process allows for a more considered review of property attributes that are not practical for land use planning at a larger scale—the reasons above support redesignating the subject property to Residential Neighbourhood and including it within the UCB.

The recommendation is to proceed with first reading of the attached amendment bylaws and seek a higher affordable housing amenity contribution commitment prior to consideration of second reading. If Council does not wish to request a higher contribution, it may proceed to give both first and second readings, as per Option 3 below. It may also specify a different target figure by amending the recommendation option accordingly.

Draft OCP Amendment Bylaw No. 3914 is provided in Attachment 11.

Draft Zoning Amendment Bylaw No. 3915 is provided in Attachment 12.

OPTIONS

1. (Recommended Option)

(1) THAT Council:

- consider the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023 and determine that the interests of School District 79, the Ministry of Agriculture and Food, and the Agriculture Land Reserve may be affected and should receive a written request for consultation;
- consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the consultation under that section does not need to be early and ongoing;
- consult under Section 476 of the *Local Government Act* with School District 79 in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the North Cowichan 2022 Five-Year Financial Plan; and,
- consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the Cowichan Valley Regional District Solid Waste Management Plan (as amended) and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan.

(2) THAT Council give first reading to Official Community Plan Amendment Bylaw No. 3914, 2023.

(3) THAT Council give first reading to Zoning Amendment Bylaw No. 3915, 2023.

- (4) THAT Council direct staff to continue discussions with the proponent regarding affordable housing community amenity contributions, to seek an increase in the amount offered prior to Council's potential consideration of second reading of Zoning Amendment Bylaw No. 3915, 2023, to a target amount of \$245,000 for affordable housing.

2. (Alternative Option)

(1) THAT Council:

- a) consider the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- b) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023 and determine that **in addition to** those of School District 79, the Ministry of Agriculture and Food and the Agriculture Land Reserve the interests of **the following persons, organizations and authorities are affected** and should receive a written request for consultation **within 30 days**:
 - [Council to identify]
- c) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the consultation under that section does not need to be early and ongoing;
- d) consult under Section 476 of the *Local Government Act* with School District 79 in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- e) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the North Cowichan 2022 Five-Year Financial Plan; and,
- f) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the Cowichan Valley Regional District Solid Waste Management Plan (as amended) and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan.

- (2) THAT Council postpone consideration of first and second reading of Official Community Plan Amendment Bylaw No. 3914, 2023 until after consultation is completed or the 30-day consultation period has lapsed.

3. (Alternative Option)

(1) THAT Council:

- a) consider the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- b) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the interests of School District 79, the Ministry of Agriculture and Food, and the Agriculture Land Reserve may be affected and should receive a written request for consultation;
- c) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the consultation under that section does not need to be early and ongoing;
- d) consult under Section 476 of the *Local Government Act* with School District 79 in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- e) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the

North Cowichan 2022 Five-Year Financial Plan; and,

- f) considers Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the Cowichan Valley Regional District Solid Waste Management Plan (as amended) and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan.
- (2) THAT Council give first and second reading to Official Community Plan Amendment Bylaw No. 3914, 2023.
- (3) THAT Council give first and second reading to Zoning Amendment Bylaw No. 3915, 2023.
- (4) THAT Council direct staff to schedule a public hearing for Official Community Plan Amendment Bylaw No. 3914, 2023, and Zoning Amendment Bylaw No. 3915, 2023.

4. (Alternative Option)

THAT Council deny Zoning Amendment Application ZB000133 to facilitate future residential development at 1771 Roberts Street.

IMPLICATIONS

Should Council be satisfied with its consideration of the recent housing needs report received under section 585.31 of the LGA, i.e., Sub-Regional Report, January 21, and be satisfied that there is no need for consultation opportunities to be early and ongoing and that consultations as conducted by staff for which referral responses were received, are satisfactory (Attachment 6), OCP Amendment Bylaw No. 3914 can be considered for first reading, followed by first reading of Zoning Amendment Bylaw No. 3915.

Should Council not be satisfied with consultation with SD 79, the Ministry of Agriculture and Food, and the ALC and decide that additional persons, organizations and authorities are considered affected by OCP Amendment Bylaw No. 3914, the OCP amendment bylaw could be deferred until Council identified consultations were completed, after which first and second reading could be scheduled.

Pending the items above, should Council wish to consider Zoning Amendment Bylaw 3915 for first reading, Council could direct staff to engage the property owner toward a higher amenity contribution for the Affordable Housing Fund than what the owner currently offers, or an alternative as may be decided by Council. Alternatively, Council could accept the contributions as submitted (see Attachment 10).

If Council is not supportive of the proposed land use change, denial of the application would result in abandonment of OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw No. 3915 and any use and development of the subject property would be subject to the provisions of the Rural (A2) Zone.

RECOMMENDATION

- (1) THAT Council:
- a) consider the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
 - b) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the interests of School District 79, the Ministry of Agriculture and Land, and the Agriculture Land Reserve may be affected and should receive a written request for consultation;
 - c) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the consultation under that section does not need to be early and ongoing;
 - d) consult under Section 476 of the *Local Government Act* with School District 79 in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
 - e) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the North Cowichan 2022 Five-Year Financial Plan; and,
 - f) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the Cowichan Valley Regional District Solid Waste Management Plan (as amended) and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan;
- (2) THAT Council give first reading to Official Community Plan Amendment Bylaw No. 3914, 2023;
- (3) THAT Council give first reading to Zoning Amendment Bylaw No. 3915, 2023;
- (4) THAT Council direct staff to continue discussions with the proponent regarding affordable housing community amenity contributions, to seek an increase in the amount offered prior to Council's potential consideration of second reading of Zoning Amendment Bylaw No. 3915, 2023, to a target amount of \$245,000 for affordable housing.

Report prepared by:

[Caroline von Schilling]

Caroline von Schilling, MCIP, RPP
Development Planner

Report reviewed by:



Rob Conway, MCIP, RPP
Director, Planning and Building

Approved to be forwarded to Council:

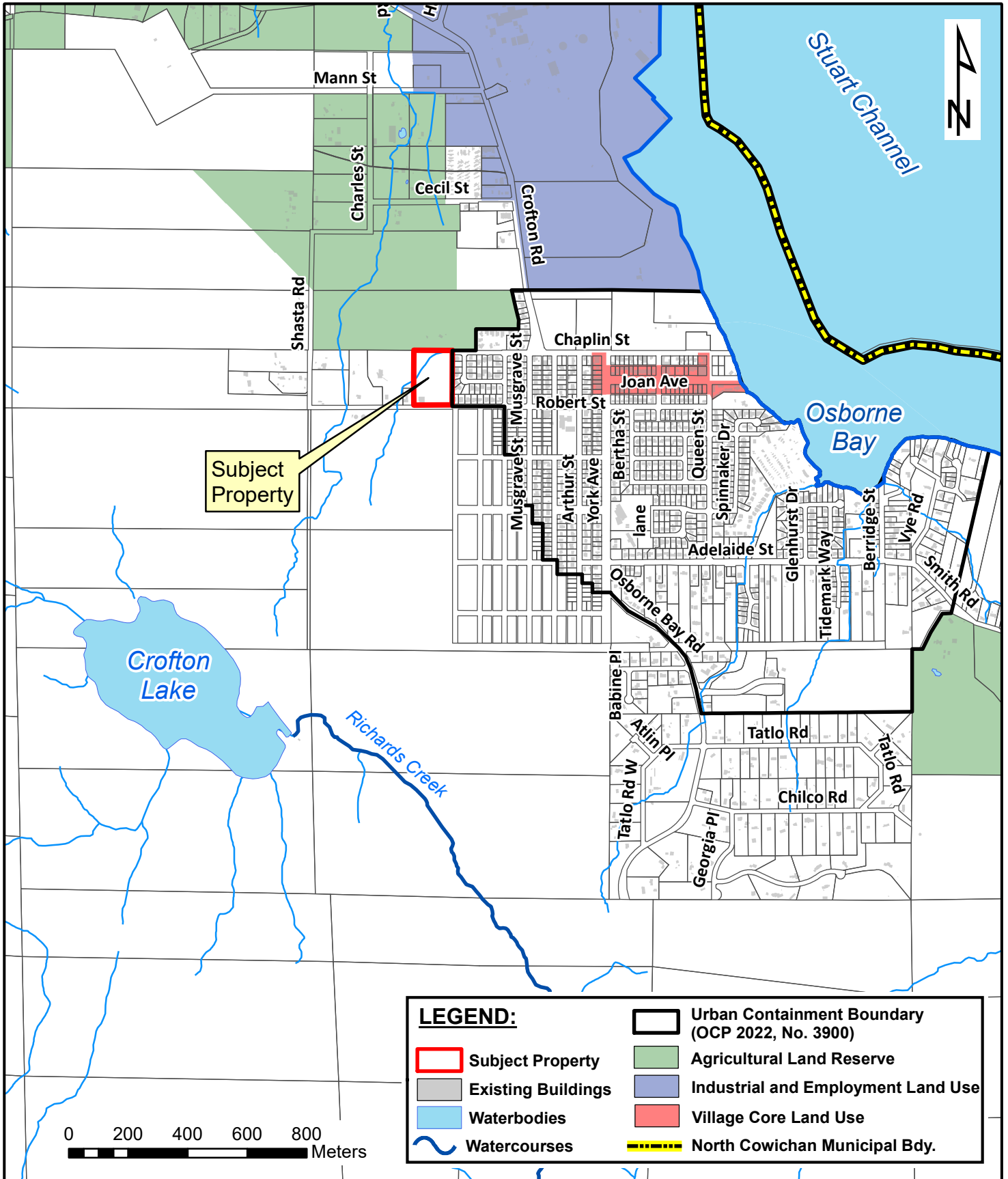


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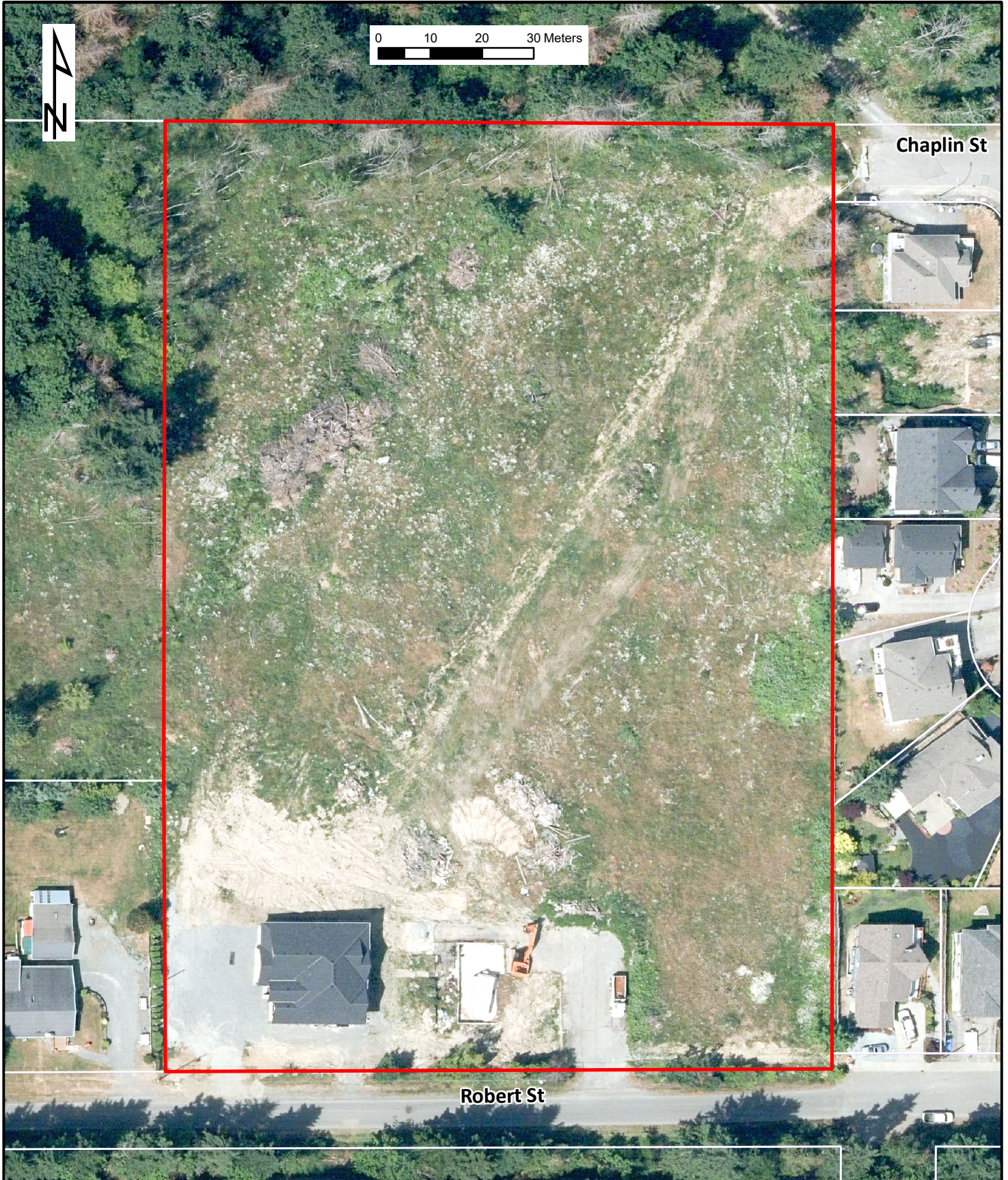
Chief Administrative Officer

Attachments:

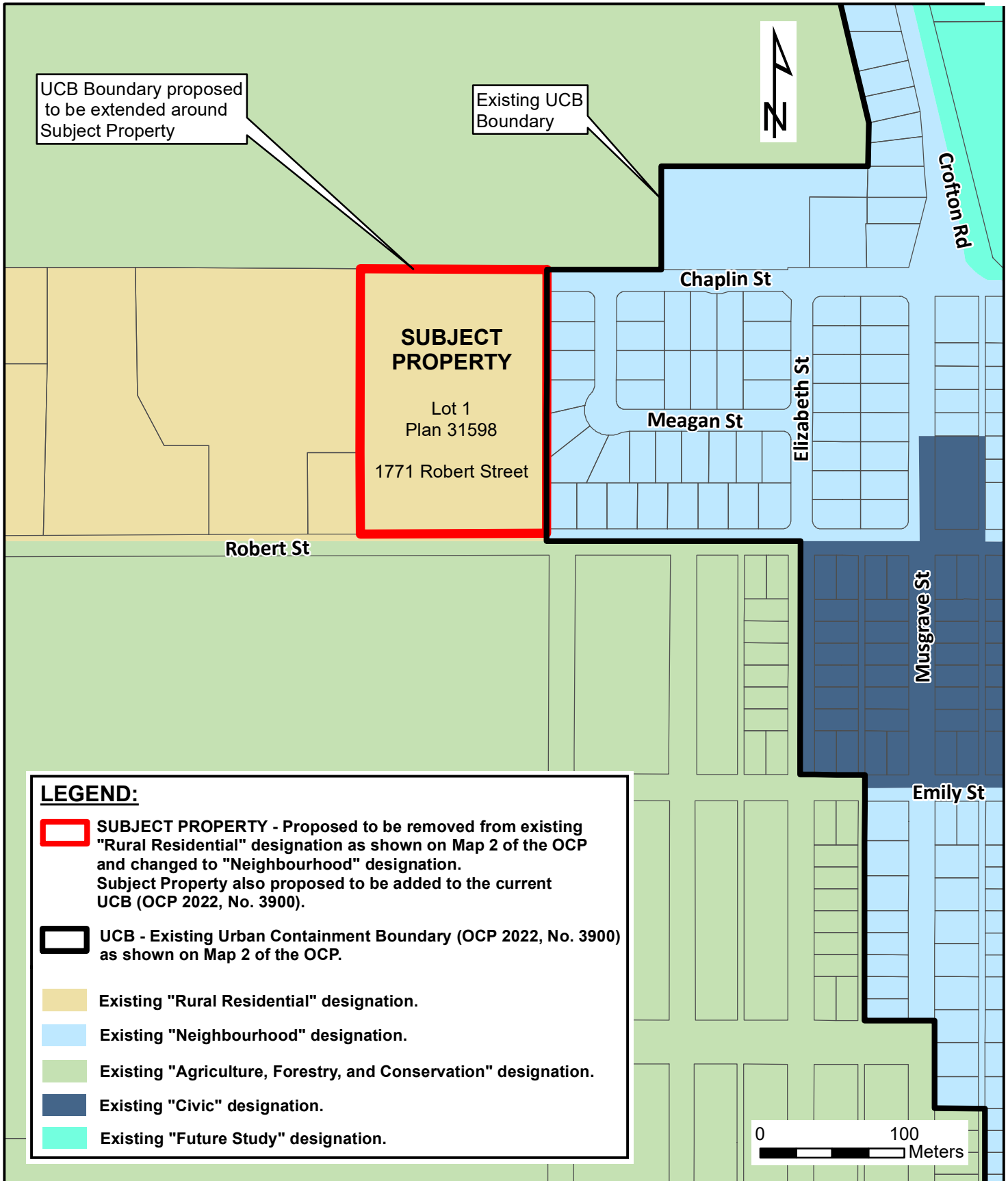
- (1) Location Map
- (2) Orthophoto
- (3) OCP Map
- (4) Zoning Map
- (5) Council Minutes 2023-02-21
- (6) Referral Responses
- (7) Concept Site Plan
- (8) Site Adaptive Planning
- (9) Owner Acknowledgement
- (10) Owner Commitments
- (11) Draft OCP Amendment Bylaw 3914
- (12) Draft Zoning Amendment Bylaw 3915



	LOCATION MAP 1771 Robert Street	DATE:	January 18, 2023
		TYPE:	Zoning Amendment
		FILE#:	ZB000133



	ORTHOPHOTO MAP (Orthophoto is from 2019 aerial photography)	DATE: January 18, 2023
	1771 Robert Street	TYPE: Zoning Amendment
		FILE#: ZB000133



	OCP MAP 2 Revisions		DATE:	June 14, 2023
	(OCP Map 2 Growth and Land Use Management)		TYPE:	OCP Amendment
	1771 Robert Street		FILE#:	OCP00026



companies by supporting fossil fuel free investment portfolios (such as the MFA Fossil Fuel Free Short-Term Bond Fund), and of". (Opposed: Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council refer the draft Investment Policy back to staff to prepare a report on options for an investment policy/strategy that in addition to prioritizing safety, liquidity and return on investment also;

- (1) reflects our OCP's over-arching goals related to environmental and climate action and social justice,
- (2) is consistent with the municipality's acknowledgement of a climate emergency, and
- (3) preferentially selecting investments that make positive contributions to Environmental, Social and Governance (ESG) factors. (Opposed: Findlay, Manhas)

CARRIED

9.2 Official Community Plan and In-Stream Development Applications

IT WAS MOVED AND SECONDED:

THAT Council direct staff to initiate an amendment to Official Community Plan Bylaw No. 3900 for 1771 Robert Street to be presented at a future meeting concurrently with Zoning Amendment Application ZB133.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB83 (2083 Indian Crescent) due to it being inconsistent with the land use designation in the Official Community Plan.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB161 (6409 Wicks Road) due to it being inconsistent with the land use designation in the Official Community Plan.

(Opposed: Caljouw, Findlay, Istace, Manhas)

DEFEATED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to initiate an amendment to Official Community Plan Bylaw No. 3900 for 6409 Wicks Road to be presented at a future meeting concurrently with zoning amendment Application ZB161.

(Opposed: Douglas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB164 (Lot 2, Moose Road) due to it being inconsistent with the land use designation in the Official Community Plan.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB127 (7022 Bell McKinnon Road) due to it being inconsistent with the land use designation in the Official Community Plan.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED



April 14, 2023

Caroline von Schilling
Development Planner, Planning Department
Municipality of North Cowichan
caroline.vonschilling@northcowichan.ca

Sent by email

Dear Caroline:

Re: File OCP00026 – OCP and Rezoning Application at 1771 Robert Street (PID: 001-147-544) – The Subject Property

Thank you for providing the opportunity for Ministry of Agriculture and Food (Ministry) staff to comment on File OCP00026 that proposes to rezone the 2.4 ha Subject Property from A2 (Rural) to R3 (Residential One and Two Family) and R3-MF (Residential Multi-Family) to facilitate a 23 lot subdivision for future residential development of approximately 34 – 40 dwelling units that borders land in the Agricultural Land Reserve (ALR) to the north.

A referral response was initially provided by Ministry staff on December 10, 2021. From an agricultural perspective, Ministry staff offer the following comments:

Setbacks, Vegetative Buffer and Buffer Design:

Ministry staff note that, similar to the initial project proposal for the Subject Property dated May 19, 2021, a 30 metre setback between the residential structures proposed to be constructed on the northern portion of the Subject Property and the adjacent property to the north that is within the ALR is still proposed in the revised project plan. Additionally, within this 30 metre setback, the 15 metres directly adjacent to the ALR boundary is once again proposed to be dedicated to a vegetative buffer.

Ministry staff are pleased to see that the residence proposed on lot 15 (labelled lot 16 on the previous project plan) will be setback more than 30 metres from the ALR boundary. Previously, the residence on lot 16 was only proposed to be setback approximately 20 metres from the ALR boundary.

Ministry staff note that a Buffer Design Plan was not submitted with the updated OCP/Zoning Bylaw Amendment application. Ministry staff welcome the opportunity to review a Buffer Design Plan for the Subject Property if/when one is completed.

Overall, Ministry staff are encouraged to see that the proposed setback and vegetative buffer provisions are largely consistent with section 3.8 'Urban-side buffer design specifications' contained within the Ministry's Guide to Edge Planning.

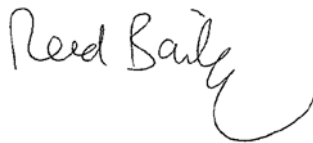
Proposed Rezoning:

Be advised that the Ministry has no comment with respect to rezoning the Subject Property from the current A2 (Rural) to R3 (Residential One and Two Family), R3-MF (Residential Multi-Family) to accommodate residential development on the Subject Property.

Please contact Ministry staff if you have any questions regarding the above comments.

Thank you for the opportunity to provide comments from an agricultural perspective with respect to this file.

Sincerely,

A handwritten signature in black ink that reads "Reed Bailey". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Reed Bailey
Land Use Planner
778-698-3455
Reed.Bailey@gov.bc.ca

cc: Agricultural Land Commission – ALC.Referrals@gov.bc.ca

From: Collins, Martin ALC:EX <Martin.Collins@gov.bc.ca>
Sent: Monday, March 27, 2023 2:10 PM
To: Caroline von Schilling
Subject: OCP Bylaw No. 3900,

Categories: c - Filed, 3 - Applications

Caroline

The ALC has no objection to the proposed development adjacent to the ALR, finding the buffering/setbacks adequate to ensure minimal conflict with future potential agricultural development.

Regards

Martin Collins, Regional Planner, ALC

From: Jason Sandquist <JSandquist@sd79.bc.ca>
Sent: Tuesday, May 2, 2023 1:48 PM
To: Caroline von Schilling
Cc: Rob Conway
Subject: RE: OCP Amendment Referral Comment - Requested OCP00026 1771 Robert Street
ADDENDUM

Hi Caroline,

Thank you for following up.

We are now at capacity for Crofton Elementary School with a projected enrolment for 2023/2024 of 204 students. Should this development proposal bring additional children to the school it may trigger a recent motion of the Board of Education that states that in the event that a portable classroom is required at Crofton Elementary or Chemainus Elementary the grade 6 populations from both of those schools will transfer to Chemainus Secondary. Leaving both Chemainus and Crofton Elementary Schools as K-5 schools.

This would be an impact to both of those communities and should be taken into consideration by North Cowichan. I am happy to expand further if requested.

Thank you,

Jason Sandquist
Secretary-Treasurer

Cowichan Valley School District
AD: 2557 Beverly Street, Duncan, BC
PH: 250-748-0321 Ext. 208
W: www.sd79.bc.ca
S: @CowichanSchools - FB / Twitter / IG



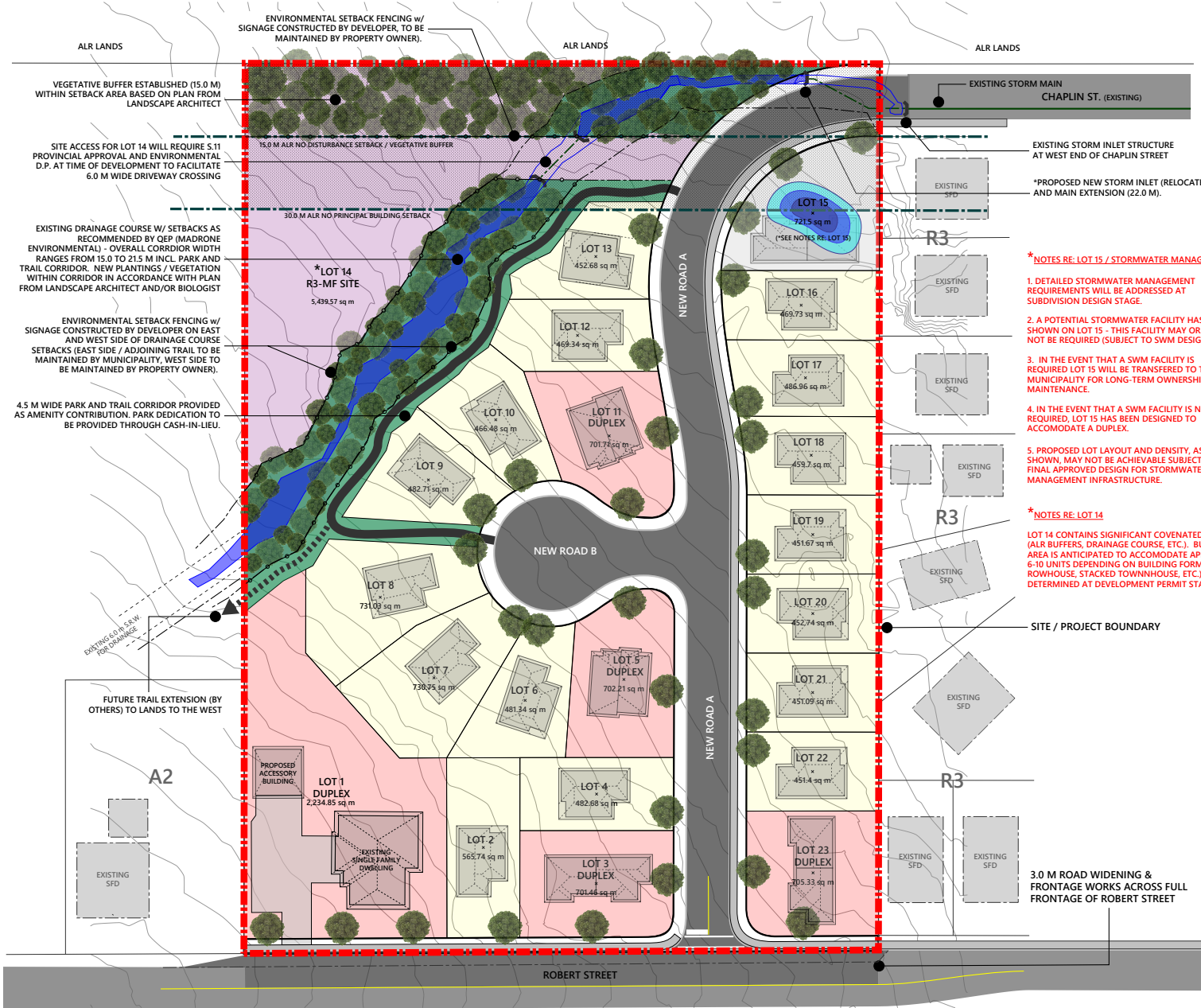
Our Journey is **Beyond Education**

I acknowledge that for thousands of years the Quw'utsun, Malahat, Ts'uubaa-asatx, Halalt, Penelakut, Stz'uminus, & Lyackson Peoples have walked gently on the unceded territories where I now work.

**1771 ROBERT STREET
CONCEPTUAL
DEVELOPMENT PLAN**

TOWNSITE PLANNING INC.
PO BOX 160
Lantzville, BC V0R 2H0
tel / text: 250.797.2515
email: scott@townsiteplanning.ca
web: www.townsiteplanning.ca

DRAINAGE COURSE ALIGNMENT DERIVED FROM FLAGGING AND SURVEY WORK COMPLETED BY MADRONE ENVIRONMENTAL AND HEROLD ENGINEERING.





PO Box 160, Lantzville, BC V0R 2H0 t: (250) 797.2515
e: scott@townsiteplanning.ca w: www.townsiteplanning.ca

March 30, 2022

Site Adaptive Planning in Urban Rural Interface - 1771 ROBERT STREET

SITE:

1771 Robert Street is a 2.37 ha (5.75 acre) parcel located in the northwest corner of the community of Crofton within the Municipality of North Cowichan. The site is located within the Municipality's Urban Containment / Growth Centre Boundaries.

The lands contain an existing newer single-family dwelling in the southwest corner of the parcel which was constructed in 2018. Historic air photos indicate that the southern half of the property was cleared and open as far back as the mid-1970's (note, there was an older home from the 1960's (approx.) that was removed when the new home was built in 2018). The northern half of the property appears to have been cleared in approximately 2016/2017. The current state of the property is that the majority of it is roughly graded, except for those areas directly around / in proximity to the single-family dwelling.

The existing single-family dwelling has a connection to municipal water, which runs along the entire frontage of the property along Robert Street. Municipal water is also stubbed at northern end of Chaplin Street. Municipal sanitary and storm sewer services are also stubbed at the end of Chaplin Street in anticipation of future extension to these lands. The house is connected to municipal sewer at the northeast corner of the site.

TERRAIN:

The subject property slopes fairly consistently at 10-12% from the southwest corner of the property (90m above sea level) to the northeast corner (63 m above sea level).

ECOSYSTEM / SURROUNDING CONTEXT:

There is a minor overland drainage route that enters the property approximately halfway along the western boundary of the site and exits the property into the piped municipal stormwater system near the northeast corner of the site.

Lands directly adjoining to the east consist of an existing low density residential neighbourhood (R3 zoning: single family / duplex). Lands to the west are also located in the Urban Containment Boundaries (UCB) and are serviced with municipal water. Lands to the south (across Robert Street) are forested, located outside of the UCB and owned by the Municipality. Lands to the north are forested and are located within the Agricultural Land Reserve (ALR), although do not currently appear to be in use for any agricultural purposes.

COMMUNITY CONTEXT:

Crofton is an established and stable community located on Osborne Bay within the Municipality of North Cowichan. The majority of the community consists of older residential housing stock on serviced urban lots. Newer developments have occurred within the community, primarily in the south / southeast areas of the community, along with lands directly east of the subject property.

The following important community facilities are located within walking distance to the site:

- BC Transit route: 250 m
- Crofton Community Fire Hall: 275 m
- Crofton Community Centre: 300 m
- Crofton Community Pool: 340 m
- Crofton Post Office: 600 m
- Grocery / Liquor Store / Neighbourhood Pub: 650 m
- Crofton Elementary: 850 m
- Crofton waterfront / Seawalk: 1000 m

KEY SITE PLANNING CONSIDERATIONS:

In consideration of the various on-site and surrounding characteristics, proximity to community services and direct access to municipal services (water, sanitary storm, roads, etc.) the subject property appears to be an excellent candidate for well-planned residential development. The following critical site characteristics have been carefully considered in the development of a conceptual land use plan for this site:

Drainage Course:

The seasonal drainage course has been reviewed by Madrone Environmental and they have confirmed that a 5.0 m setback (on both sides) will provide for adequate protection of this minor drainage course. This setback has been augmented in our site planning with an additional 4.5 m of park dedication with a hard-surfaced trail on the east side of the environmental setback and will have an environmental fence to minimize impact. Impact is also reduced through the inclusion of a single crossing of the drainage course for access and servicing to the west side of the drainage course.

ALR Buffer:

As previously noted, the lands to the north are located within the Agricultural Land Reserve, although do not appear to be in use for any agricultural purposes at this time. Notwithstanding this, it is important to establish a buffer to these lands to acknowledge potential long-term farm uses that could take place on the lands. Best practices established by the Agricultural Land Commission (ALC) encourage the establishment of a 15.0 m vegetative buffer from the property line. In the case of the subject property, as these lands have previously been cleared, a re-planting plan will be required to re-establish appropriate buffer vegetation. In addition, a secondary 15.0 m buffer is also used to restrict principal

dwellings (homes) within this area, which ensures that homes are no less than 30.0 m (100 ft.) from the ALR property. This secondary buffer may still be used for yard areas, driveways, access, etc.

These buffering requirements have been incorporated into the proposed development.

Terrain:

As noted, the lands have a fairly consistent slope of 10-12% from SW to NE. Planning the site in consideration of these contours minimizes the land alteration required to establish appropriate grades and elevation for municipal roads, servicing and building sites.

Community Impact:

The fourth and final key consideration with this site is community impact. The Crofton community engaged in and largely endorsed a community plan that was adopted in 2017. This plan identifies the subject lands for low density residential development, which is what has been proposed with this application. The forms of housing proposed with this development are consistent with and match the goals and objectives of the Community Plan and are similar in scale and density to the existing low density residential lands directly adjoining to the east. Additional residential units (single family, duplex and townhouse) and the corresponding increase in population will also help to support and encourage new and existing commercial and personal services and will also support the student population at Crofton Elementary School.

Overall, we believe that this well-planned development has given careful consideration to the various relevant site and community characteristics and will be a positive and welcome addition to the community.

End of Document



PO Box 160, Lantzville, BC V0R 2H0 t: (250) 797.2515
e: scott@townsiteplanning.ca w: www.townsiteplanning.ca

July 21, 2022

District of North Cowichan
7030 Trans-Canada Highway
North Cowichan, BC V9L 6A1

Our File: 20-05 Robert Street

Attn: Caroline von Schilling, Planner

Re: Rezoning Application – 1771 Robert Street

Further to the request included in the email we received from you on July 5, 2022 regarding commitments related to the rezoning for the above-noted property, the owner of the property hereby offers the following acknowledgment and commitment:

1. That all storm water, including from the proposed public roadway, is required to be managed on-site and that the development plan and achievable density may be impacted by accommodating storm water management facilities on-site. The expectation would be that post development flows from the site are no greater than pre-development flows based on the site being naturally vegetated.
2. If storm water is not fully managed on-site, an analysis of the down-stream drainage system will be required, and all costs associated with securing rights of way and undertaking required upgrades will be borne by the developer.
3. That the owner will apply for a Development Permit to undertake restorative site works for the watercourse area (as defined Madrone Environmental) within 12 months of the approval of the rezoning for the subject properties. Included with the Development Permit application will be a management / replanting plan, a s.219 covenant to define and protect the covenant area and statutory right of way to allow for the conveyance of stormwater across the subject property. The owner further commits to complete the works authorized under the Development Permit within 12 months of the issuance of a Development Permit for this work. In order to ensure the commitment is binding and enforceable, a mutually agreeable rent charge may be included in the covenant that would apply if the property owner breaches the covenant requirements.

Please contact us if you have any questions or require any further clarification.

Sincere Regards.

Letter Prepared by:

Scott W. Mack, M.Arch., B.Sc. (PLAN), MCIP, RPP
Managing Partner | Registered Professional Planner

On behalf of:

Terry Symborski
Property Owner



PO Box 160, Lantzville, BC V0R 2H0 t: (250) 797.2515
e: scott@townsiteplanning.ca w: www.townsiteplanning.ca

July 7, 2023

District of North Cowichan
7030 Trans-Canada Highway
North Cowichan, BC V9L 6A1

Our File: 20-05 Robert Street

Attn: Caroline von Schilling, Planner
Re: **Rezoning Application – 1771 Robert Street**

Dear Caroline,

Further to the request included in the email we received from you on June 13, 2023, we have compiled the requested information and provide the following for the District's review and consideration:

1. The preliminary development concept has been updated with all of the requested changes identified in your email:
 - a. A potential stormwater management facility has been shown in the area of Lot 15, with a note indicating that the requirement for this facility will be confirmed during the detailed design stage at the time of subdivision;
 - b. Lots 7 and 8 have been updated to remove the duplex designation; and,
 - c. The preliminary development concept already contains a note that indicates that fencing and signage will be provided along both the east and west sides of the drainage course.
2. The owner further agrees to provide the following at the subdivision stage:
 - a. Dedication of a 4.5m trail ROW for public walkway with construction of a 3.0 m trail for which detailed design drawings are provided to and approved by the Director of Parks prior to construction;
 - b. To erect signage at intervals of a minimum of 20.0 m or 1 per lot (whichever is greater), or as approved by the Director of Planning, to be located on the trail ROW immediately adjacent to the vegetated open drainage. Signage shall indicate: 'Vegetation Protection Area, No clippings/dumping', or similar, and will be owned and maintained by the Municipality.
 - c. To undertake restorative site works of replanting and invasive species management plan for a period of 4 years with QEP monitoring;

-
- i. Letters of substantial completion provided by OEP per replanting plan each year with letter of final completion at the end of the 4th year;
 - ii. erect all required signage; temporary fencing during construction with ESC measures as appropriate; and provide security bonding plus 10% for its completion. Plan with Estimate to be provided by a QP and be approved by the Municipality prior to undertaking restoration and signage works.
 - d. To register a s.219 protection and management covenant agreement, and provide BCLS reference plan for registration of the covenant area, and which stipulates that the Owner shall maintain the area free from invasive species and protect and maintain existing vegetation, including maintenance of existing signage and fencing;
 - e. To register a SRW for municipal access to drainage area;
 - f. To construct fencing at the time of development, either wood post and rail or black chain link or alternative as approved by the Director of Planning at the location/s provided in a Schedule called Fencing Detail (or as otherwise preferred, e.g., Site Plan) to be provided by the developer for the rezoning s.219; security bonding required for fencing and its construction plus 10%;
 - g. Dedication and construction of frontage improvements on Robert Street and new public Roads A and B;
 - h. Construction drawings to be prepared by a qualified professional civil engineer, and to include the following minimum design standards:
 - i. Traffic calming measures;
 - ii. Pedestrian crossings;
 - iii. Active transportation infrastructure; bicycle lane;
 - iv. Bioswale stormwater green infrastructure submitted by qualified professional for public roadway; and,
 - v. Dark sky compliant street lighting.
 - i. Stormwater management design may require downstream analysis or onsite management per approval of Director of Engineering. Post development flows not to exceed those of mature treed site, as per 2010 air photo;
 - j. 1 tree per lot shall be provided at the time of development (Building Permit), with a \$300 per tree landscape bond provided at the time of Building Permit application; and,

-
- k. Park land, as per the requirements of the Local Government Act, shall be satisfied through the provision of a cash-in-lieu contribution at the time of subdivision.

With regard to Community Amenity Contributions (CAC's), we note that our previous amenity contribution proposal of \$500 per each single family and duplex unit, plus \$250 per each townhouse / MF unit, was based on a staff recommendation from December 2021. Having said that, the owners have agreed to reconsider their CAC proposal and have increased it as follows:

1. The land required to provide a for 4.5 m trail dedication adjoin Lots 8 – 13 totals approximately 700 m² or 3% of the subject property. In addition, the District has requested that a trail be constructed within these lands. Normally, these lands would be used to satisfy a portion of the legislative park dedication requirements, however, the District has indicated a preference for a 5% cash-in-lieu payment.

We believe that the value of this land, with improvements, is approximately \$100,000. This equates to a contribution of approximately \$4,350 - 4,500 per lot (based on yield of 22-23 lots). In addition, the owner is also prepared to offer a cash contribution of \$2,500 per R3 lot, plus \$5,000 for the R3-MF lot at the time of subdivision, to be directed towards the Municipality's Affordable Housing Reserve Fund. Subject to final lot count, it is anticipated that this will result in a \$57,500 - \$60,00 contribution. Overall, the total value of our CAC proposal is approximately \$160,000 (approx. \$7,000 - \$7,200 per lot).

We trust that the information provided herein, along with previous updates and commitments, will allow this application to proceed to Council for consideration of first and second reading on July 19, 2023.

Please contact us if you have any questions or require any further clarification.

Sincere Regards.



Scott W. Mack, M.Arch., B.Sc. (PLAN), MCIP, RPP
Managing Partner | Registered Professional Planner

ec: Terry Symborski and Louise Violette (Owner)
Patrick Ryan (Herold Engineering)



The Corporation of the District of North Cowichan

Official Community Plan Amendment Bylaw

BYLAW NO. 3914

A bylaw to amend Official Community Plan Bylaw No. 3900 to include 1771 Robert Street within the UCB and change the designation from Rural Residential to Residential Neighbourhood.

WHEREAS Council has considered the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan,

AND WHEREAS Council has considered consultation under Sections 475 and 476 of the *Local Government Act*,

The Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

Citation

1 This Bylaw may be cited as "*Official Community Plan Amendment Bylaw No. 3914, 2023*".

Amendment

2 Official Community Plan Bylaw No. 3900, 2022 be amended by redesignating 1771 Robert Street (PID: 001-147-544) in Schedule "A", Appendix 1: Maps, Map 2 [*Growth and Land Use Management*] from Rural Residential to Residential Neighbourhood and realigning the Urban Containment Boundary in Map 2 [*Growth and Land Use Management*] to include 1771 Robert Street, as shown in Schedule 1, attached to and forming part of this Bylaw.

 READ a first time on _____.

READ a second time on _____.

This bylaw was advertised on the municipality's social media sites on _____, in the Cowichan Valley Citizen and the Chemainus Valley Courier on _____, and was posted to the municipality's public notice places on _____.

CONSIDERED at a Public Hearing on _____.

ADOPTED on _____.

 CORPORATE OFFICER

 PRESIDING MEMBER

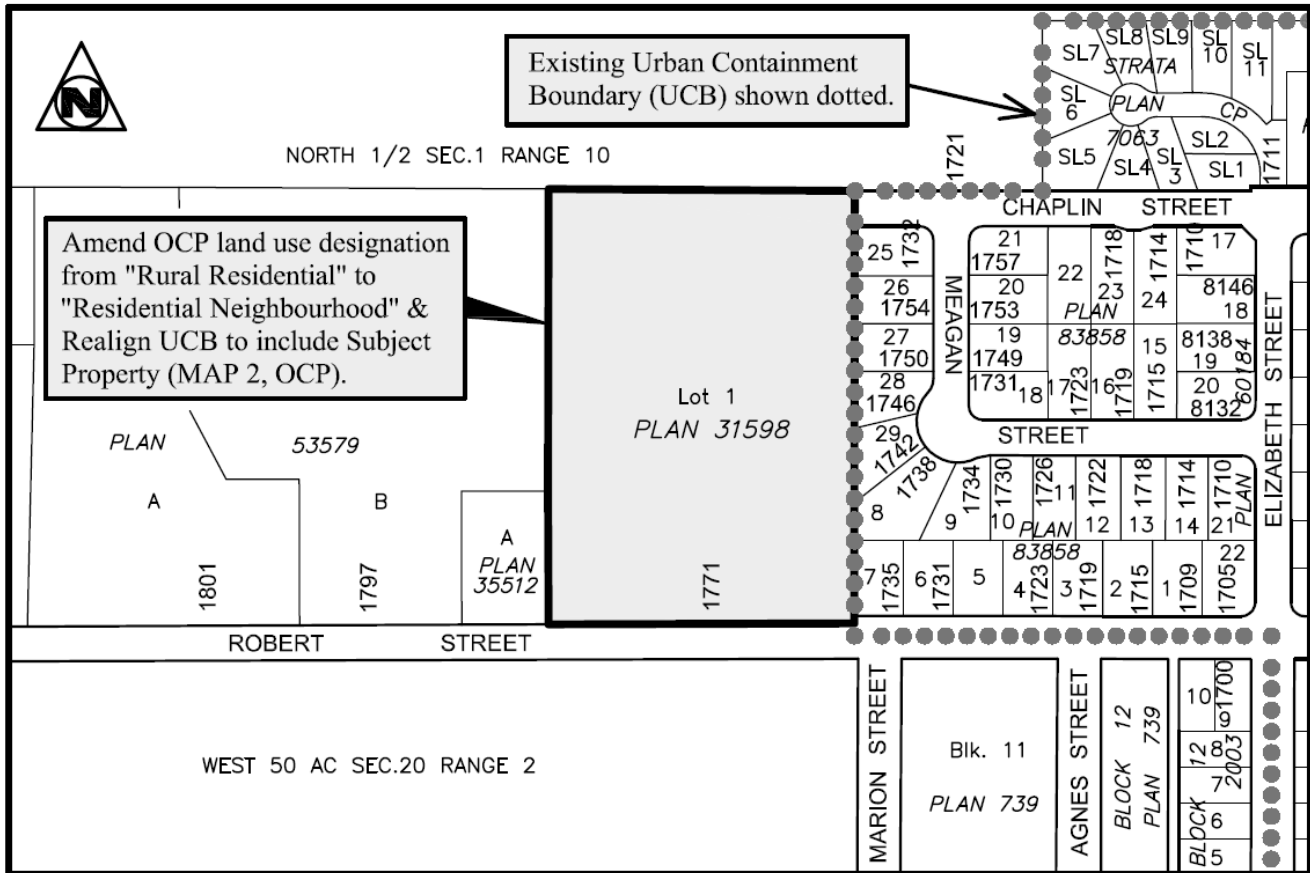
Schedule "1" to accompany "Official
Community Plan Amendment Bylaw No.
3914, 2023".

Presiding Member

Corporate Officer

SCHEDULE "1"

"2. Growth and Land Use Management"





The Corporation of the District of North Cowichan

Zoning Amendment Bylaw

BYLAW NO. 3915

*A bylaw to amend Zoning Bylaw 1997, No. 2950, to reclassify
1771 Robert Street from A2 to R3 and R3-MF.*

The Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

Citation

1 This Bylaw may be cited as "Zoning Amendment Bylaw No. 3915, 2023".

Amendment

2 Zoning Bylaw 1997, No. 2950, Schedule "C" be amended by reclassifying 1771 Robert Street (PID: 001-147-544) from Rural Zone (A2) to Residential One and Two-Family Zone (R3) and Residential Medium Density Multi-Family Zone (R3-MF), as shown outlined in black in Schedule 1 attached to and forming part of this Bylaw.

READ a first time on _____.

READ a second time on _____.

This bylaw was advertised on the municipality's social media sites on _____, in the Cowichan Valley Citizen and the Chemainus Valley Courier on _____ and was posted to the municipality's public notice places on _____.

CONSIDERED at a Public Hearing on _____.

READ a third time on _____.

COVENANT registered on _____.

ADOPTED on _____.

CORPORATE OFFICER

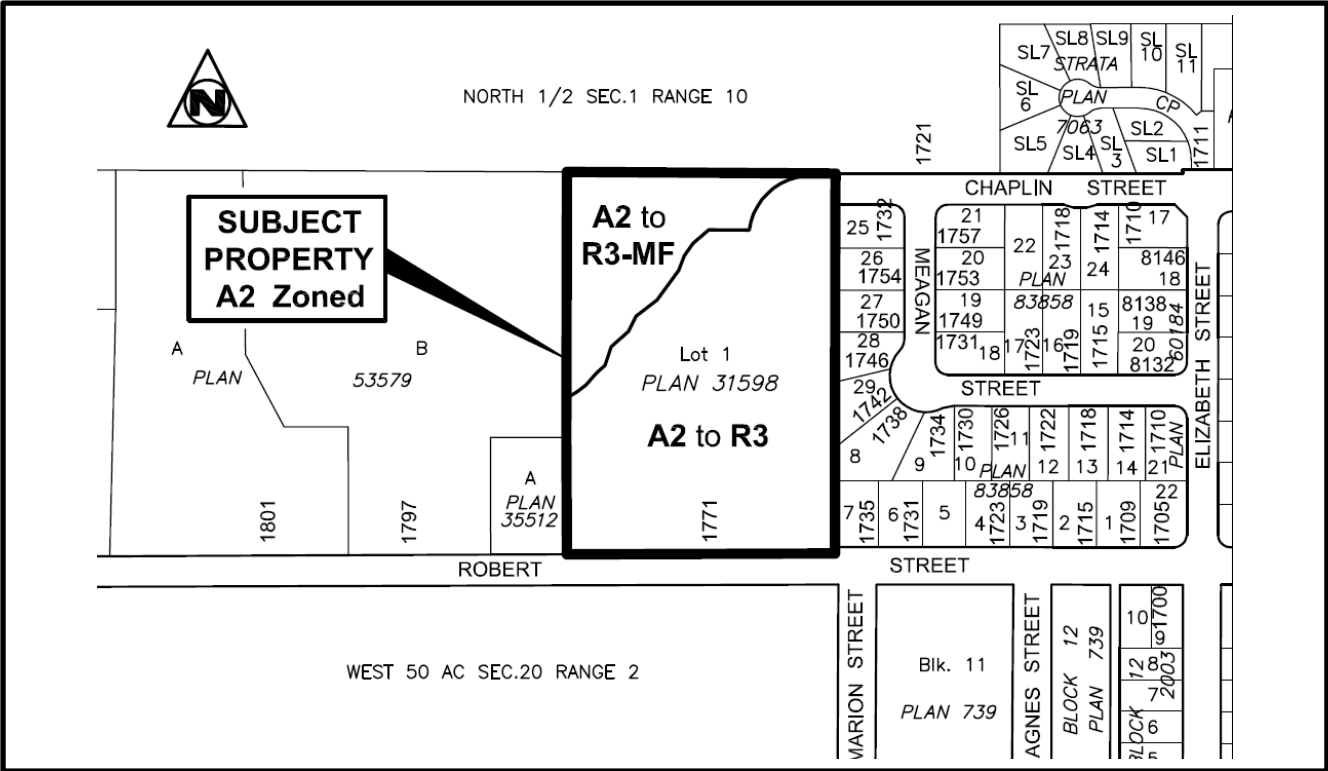
PRESIDING MEMBER

Schedule "1" to accompany "Zoning
Amendment Bylaw No. 3915, 2023".

Presiding Member

Corporate Officer

SCHEDULE "1"



COUNCIL MINUTES

companies by supporting fossil fuel free investment portfolios (such as the MFA Fossil Fuel Free Short-Term Bond Fund), and of". (Opposed: Findlay, Manhas)
CARRIED

IT WAS MOVED AND SECONDED:

THAT Council refer the draft Investment Policy back to staff to prepare a report on options for an investment policy/strategy that in addition to prioritizing safety, liquidity and return on investment also;

- (1) reflects our OCP's over-arching goals related to environmental and climate action and social justice,
- (2) is consistent with the municipality's acknowledgement of a climate emergency, and
- (3) preferentially selecting investments that make positive contributions to Environmental, Social and Governance (ESG) factors. (Opposed: Findlay, Manhas)
CARRIED

9.2 Official Community Plan and In-Stream Development Applications

IT WAS MOVED AND SECONDED:

THAT Council direct staff to initiate an amendment to Official Community Plan Bylaw No. 3900 for 1771 Robert Street to be presented at a future meeting concurrently with Zoning Amendment Application ZB133. CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB83 (2083 Indian Crescent) due to it being inconsistent with the land use designation in the Official Community Plan.
(Opposed: Caljouw, Findlay, Manhas)
CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB161 (6409 Wicks Road) due to it being inconsistent with the land use designation in the Official Community Plan.
(Opposed: Caljouw, Findlay, Istace, Manhas)
DEFEATED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to initiate an amendment to Official Community Plan Bylaw No. 3900 for 6409 Wicks Road to be presented at a future meeting concurrently with zoning amendment Application ZB161. (Opposed: Douglas)
CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB164 (Lot 2, Moose Road) due to it being inconsistent with the land use designation in the Official Community Plan.
(Opposed: Caljouw, Findlay, Manhas)
CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB127 (7022 Bell McKinnon Road) due to it being inconsistent with the land use designation in the Official Community Plan.
(Opposed: Caljouw, Findlay, Manhas)
CARRIED

4. MAYOR'S REPORT

Mayor Douglas provided a verbal update on meetings and activities he recently attended.

5. DELEGATIONS

5.1 Coastal Douglas-Fir Conservation Partnership

Lyndsay Smith presented Council with information on the Coastal Douglas-Fir Conservation Partnership prior to consideration of item 11.1.

6. PUBLIC INPUT ON AGENDA ITEMS

Council received public input from 1 members of the public from Council Chambers and 1 member of the public electronically regarding agenda items 7.3 and 11.1.

7. BYLAWS

7.1 Zoning Amendment Bylaw (Infill Residential Neighbourhood - R3-N) No. 3887 for adoption

IT WAS MOVED AND SECONDED:

THAT Council adopt Zoning Amendment Infill Residential Neighbourhood Bylaw No. 3887, 2022.

CARRIED

7.2 Traffic Amendment Bylaw No. 3917 for adoption

IT WAS MOVED AND SECONDED:

THAT Council adopt Traffic Amendment Bylaw No. 3917, 2023.

CARRIED

7.3 OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw No. 3915 for first reading

IT WAS MOVED AND SECONDED:

THAT Council:

(1) consider the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;

(2) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the interests of School District 79, the Ministry of Agriculture and Food, and the Agriculture Land Reserve may be affected and should receive a written request for consultation;

(3) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the consultation under that section does not need to be early and ongoing;

(4) consult under Section 476 of the *Local Government Act* with School District 79 in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;

(5) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the North Cowichan 2022 Five-Year Financial Plan; and,

(6) considers Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the Cowichan Valley Regional District Solid Waste Management Plan (as amended) and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan. CARRIED

IT WAS MOVED AND SECONDED:

THAT Council defer the following motions, moved, seconded, and severed to the August 16, 2023, Regular Council meeting:

(1) *THAT Council give first and second reading to Official Community Plan Amendment Bylaw No. 3914, 2023.*

(2) *THAT Council give first and second reading to Zoning Amendment Bylaw No. 3915, 2023.*

(3) *THAT Council direct staff to schedule a public hearing for Official Community Plan Amendment Bylaw No. 3914, 2023, and Zoning Amendment Bylaw No. 3915, 2023.*

CARRIED

7.4 Zoning Amendment Bylaw No. 3916, 2023 for first and second readings

IT WAS MOVED AND SECONDED:

THAT Council:

1. Give first and second readings to Zoning Amendment Bylaw No. 3916, 2023; and,
2. Authorize a Public Hearing for Zoning Amendment Bylaw No. 3916, 2023.

CARRIED

7.5 Zoning Amendment Bylaw No. 3918, 2023 for first and second readings

IT WAS MOVED AND SECONDED:

THAT Council:

1. Give first and second readings to Zoning Amendment Bylaw No. 3918, 2023; and,
2. Schedule a Public Hearing for Zoning Amendment Bylaw No. 3918, 2023.

CARRIED

7.6 Miscellaneous Offences and Fines Amendment Bylaw No. 3922 for first three readings

IT WAS MOVED AND SECONDED:

THAT Council give first, second and third readings to Miscellaneous Offences and Fines Amendment Bylaw No. 3922, 2023 CARRIED

8. REPORTS

12. UNFINISHED AND POSTPONED BUSINESS

12.1 OCP Amendment Bylaw (1711 Roberts Street) No. 3914 and Zoning Amendment Bylaw No. 3915 for first and second readings

IT WAS MOVED AND SECONDED:

THAT the following motion:

"THAT Council:

(1) give first and second reading to Official Community Plan Amendment Bylaw No. 3914, 2023;

(2) give first and second reading to Zoning Amendment Bylaw No. 3915, 2023; and

(3) direct staff to schedule a public hearing for Official Community Plan Amendment Bylaw No. 3914, 2023, and Zoning Amendment Bylaw No. 3915, 2023."

Be amended by striking out "and second" for bullets (1) and (2) and delete bullet (3).

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council:

(1) give first reading to Official Community Plan Amendment Bylaw No. 3914, 2023; and,

(2) give first reading to Zoning Amendment Bylaw No. 3915, 2023

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT the following motion:

"THAT Council direct staff to continue discussions with the proponent regarding affordable housing community amenity contributions, to seek an increase in the amount offered prior to Council's potential consideration of second reading of Zoning Amendment Bylaw No. 3915, 2023, to a target amount of \$245,000 for affordable housing."

Be amended adding "including the value of the trail land" at the end of the motion.

(Opposed: Douglas, Istace, Toporowski)

CARRIED

Mayor Douglas required the motion to amend be reconsidered, as per section 131 of the *Community Charter*, and a second vote was taken.

IT WAS MOVED AND SECONDED:

THAT the following motion:

"THAT Council direct staff to continue discussions with the proponent regarding affordable housing community amenity contributions, to seek an increase in the amount offered prior to Council's potential consideration of second reading of Zoning Amendment Bylaw No. 3915, 2023, to a target amount of \$245,000 for affordable housing."

Be amended adding "including the value of the trail land" at the end of the motion.

(Opposed: Douglas, Istace, Justice, Toporowski)

DEFEATED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to continue to work with the proponent regarding affordable housing community amenity contributions, to see the amount offered prior to Council's potential consideration of second reading of zoning amendment bylaw No 3915, 2023 to a target amount of \$245,000 for affordable housing.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

13. NEW BUSINESS

13.1 Cowichan Valley Regional District (CVRD) re Appointments to new Recreation Commissions

IT WAS MOVED AND SECONDED:

THAT Council recommends that the Cowichan Valley Regional District Board appoint:

- (1) Mayor Douglas to the Cowichan South Recreation Commission with Councillor Caljouw as the Alternate Member;
- (2) Councillor Istace to the Cowichan North Recreation Commission with Councillor Findlay as the Alternate Member;
- (3) Councillor Toporowski to the Cowichan North Recreation Commission with Councillor Justice as the Alternate Member;
- (4) Councillor Findlay to the Cowichan Core Recreation Commission with Councillor Istace as the Alternate Member;
- (5) Councillor Justice to the Cowichan Core Recreation Commission with Councillor Toporowski as the Alternate Member;
- (6) Councillor Manhas to the Cowichan Lake Recreation Commission with Councillor Istace as the Alternate Member; and,
- (7) Councillor Caljouw to the Cowichan Lake Recreation Commission with Councillor Istace as the Alternate Member.

CARRIED

Mayor Douglas and Councillor Manhas left the meeting at 8:29 p.m., due to their existing conflict of interest declaration in relation to Clements Centre for Families). Mayor Douglas turned over the Chair to Acting Mayor Councillor Toporowski.

13.2 Clements Centre for Families re: Clements Centre for Families Visit

IT WAS MOVED AND SECONDED:

THAT Council authorize Acting Mayor Toporowski to advocate on behalf of the Clements Centre for Families to the Province on following through on their commitments under Pathway to Hope initiative.

CARRIED

Mayor Douglas returned to the meeting at 8:32 p.m. and resumed as Chair.

14. QUESTION PERIOD

Council received 1 question from the public participating from Council Chambers regarding agenda item 9.6.

IT WAS MOVED AND SECONDED:

THAT Council direct staff to strengthen all bylaws that support enforcing safety for the community and prepare an open drug use bylaw that minimizes public exposure to open drug use in parks and adjacent to school properties while continuing to provide support aimed at saving lives of some of the most vulnerable people in our community who use drugs.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to reconstitute the Somenos Marsh Wildlife Committee and investigate ways to partner on more fulsome marsh patrols.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to consult with community health partners to develop a formal request to the province for additional support services in the medical and social services sector to improve outcomes in the drug addiction, mental health, and homelessness issues in the Cowichan Valley Regional District.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to include funding opportunities for a "Clean Team" in the 2024 budget discussions.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to continue to advocate to the province for funding to help manage the public disorder to support bylaw and/or RCMP resourcing.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council provide staff with pre-budget approval to hire a Social Planner.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

9. NOTICES OF MOTIONS

None.

10. UNFINISHED AND POSTPONED BUSINESS

10.1 OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw No. 3915 and updated community amenity contribution offer

THAT Council:

(1) give second reading to Official Community Plan Amendment Bylaw No. 3914, 2023; and

(2) give second reading to Zoning Amendment Bylaw No. 3915, 2023; and

(3) authorize a Public Hearing for Official Community Plan Amendment Bylaw No. 3914, 2023 and Zoning Amendment Bylaw No. 3915, 2023.

(Opposed: Douglas, Justice, Toporowski)

CARRIED

PUBLIC COMMENTS

(NO COMMENTS RECEIVED TO DATE)

PUBLIC INPUT
WRITTEN SUBMISSIONS PACKAGE

Official Community Plan Bylaw Amendment No. 3914, 2024

Zoning Bylaw Amendment No. 3915, 2024

1771 Robert Street

Written Submissions	
1.	Email and Letter dated June 17, 2024 from Lorne Zwaislak - Opposed
2.	Email dated July 4, 2024 from E. Marlaine and Danny Williams - Opposed
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

From: [REDACTED] **FIPPA s. 22(1)**
To: [Public Meetings](#)
Subject: Letter regarding Rezoning amendment bylaw No. 3914, 2023 & 3915, 2023
Date: Monday, June 17, 2024 11:08:45 AM
Attachments: [1742 Meagan Street.pdf](#)

1.

Please see the attached letter in regards to the rezoning application for 1771 Roberts Street, Crofton BC.

If there are any further questions I can be reached by phone or email.

Respectfully,

Lorne Zawislak
1742 Meagan Street
Crofton, BC

[REDACTED] **FIPPA s. 22(1)**
[REDACTED]

Date: June 17, 2024

Bylaw No. 3914, 2023

Property Affected: 1742 Meagan Street, Crofton, BC V0R 1R0

Owner: Lorne Zawislak

To: Mayor and City Council of North Cowichan

I am one of the adjacent property owners that will be directly affected by the potential rezoning of the property at 1771 Robert Street.

In 2016, my wife and I looked at 32 properties during our home search to find the right one. One of the main criteria whilst looking was to live in a community and neighborhood that did not have houses on-top of each other creating a “fishbowl” affect way of life.

1742 Meagan Street did not have houses directly in front, had neighbors on either side and the rear yard backed up to 1771 Robert Street. The MLS listing quoted “backs up to permanent green space”. Research prior to purchase indicated 1771 Robert Street was currently zoned A2 a 5+ acre property. One of the selling points for us was the A2 zoned property to the rear of 1742 Meagan Street affording an assemblance of privacy for the backyard. The second selling point was 1742 Meagan has a legal suite that opens up-to the backyard that I (Lorne) saw as a home for my aging mother. We made 1742 Meagan Street our home in November 2016. My now, 85-year-old mother lives in the suite and has for the past 5 years. We all enjoy the privacy and quietness of the backyard and living in the community of Crofton.

Rezoning 1771 Robert Street to R3 allows houses to be built directly behind our home. The current proposed plan has three houses that would share the property line with our back yard. These houses with R3 Zoning are allowed to be constructed up-to 29.53 feet (9m) high roof lines. Houses would be built with elevated decks overlooking our now private backyard. The R3 rezoning and future construction of homes would take away our choice of privacy and would force us into the “fishbowl” living which we do not want and went out of our way to avoid.

R3 rezoning would expose us and others to multiple years of construction traffic, construction noise, dust etc. associated with a new housing development. Not to mention a potential 2nd round of drainage issue onto our property.

Since owning 1742 Meagan Street, we watched the old house on 1771 Robert Street be moved and a new house be constructed. After the new house was constructed on 1771 Robert Street, many of the trees and ground cover were removed with some grading of the land. We noticed an increase of

water run-off when it rained from the land of 1771 Robert Street onto our property. This water run-off began to create some erosion issues and standing water issues in our backyard.

In Spring 2021 we contracted a local company to build retaining walls, additional drainage piping and a fence along the shared property line with 1771 Robert Street that would help with privacy. The drainage was installed to alleviate the water run-off from 1771 Robert Street in the current land usage configuration and divert the pooling water from our back yard when it rained. \$40,000+ was spent by my wife and I to address the issues.

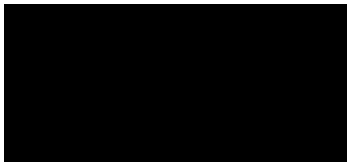
If the R3 zoning is approved and the land gets graded, are there going to be guarantees that during construction and after completion that correct drainage is in place to divert water and prevent any further washout of neighboring properties?

There are further concerns if the current Crofton infrastructure or water, sewer and storm drains are designed to support an additional 60 to 100 + people.

I ask that the North Cowichan Regional District give careful consideration to the Re-zoning request of 1771 Robert Street and the potential impact of the current surrounding homeowners and residents.

We appreciate your time and consideration in reading this letter.

Respectfully submitted



FIPPA s. 22(1)

Lorne Zawislak

From: MARLAINE WILLIAMS [REDACTED] **FIPPA s. 22(1)**
Sent: Thursday, July 4, 2024 3:49 PM
To: Public Meetings
Cc: MARLAINE WILLIAMS
Subject: OCP Amendment Bylaw No. 3914,2023 & Zoning Amendment Bylaw No. 3915, 2023

Re: Objections to the two amendment reference in the subject line above by

Danny Edward Williams and Ellen Marlaime Williams

Civic Address - 1787 Robert Street, Crofton, BC

PID 000-348-511

Lot A Section 1 Range 10 Chemainus Plan 35512

We live directly west of the property owned by Terry Symborksi and Louise Violette and in fact our properties have a joint boundary. The owners have applied for an amendment to the OPC Bylaw No. 3914, 2023 and a Zoning Amendment No. 3915, 2023 in order to sub-divide their property and build approximately 50 housing units. Danny Williams and Marlaime Williams, owners of the joining property, strongly object the these amendments for the following reasons:

- a. Sewer Systems - Our sewer system was build a number of years ago. With the number of already approved housing projects in Crofton, will the sewer be adequate? Will the housing projects improve our sewer system at their expense or will people like ourselves, who are NOT connected to sewer be taxed to upgrade the system?
- b. Water System - During the last couple of years we have been in drought conditions. The Muni has recently added a new water tank at the top of Robert Street. Will our water tanks hold enough water for another 50 units that will most likely have to deal with 200 more toilet flushes, 100 showers, 50 washers, 50 dishwashers per day? We have 22 PSI and that is the measurement made by Municipal staff a number of years ago and even with the addition of another water tower, if I have a shower my husband better not flush a toilet!!
- c. Crofton Elementary School - The new school was built less than 10 years ago because too many of the older students, grades 6 & 7, were using portable classrooms. The school was over crowded. It will be fours years ago in September that the grade 7 students were moved to Chemainus Secondary due to over crowding in our nice new school. If there is even 1 child per built unit then we have 50 more students. Will the grade 6 students, 10 & 11 years olds, be moved to Chemainus Secondary to be with students almost 8 years older than themselves or will be back to portable classrooms?

Those are just three of our major concerns for Crofton in the overall picture. I was able to access the site plan as well as other documents regarding the development. I was unable to find and information regarding the height of the housing units. This is of grave concern for us. Prior to the owners building their dwelling directly in front of our home, we had a magnificent ocean and Salt Spring Island views. After their home was finished, if we go to our "back yard" we still have some ocean and and island views. Unless these new units have considerable height restrictions, we may have ocean views between buildings and over the fence and around two corners. This will gravely affect the value of our home should we decide to sell in the future. We are

unable access sewer as it does not have Robert Street access. We spent \$30,000.00 to put in a new septic system so we could stay in our home a few more years. Again our water pressure at 22 PSI means no poop or shower at the same time.

We are seniors and have enjoyed Crofton for 30 years. We do not object to progress but we do object to having our retirement home and its sale value decreased by this project.

E. Marlaine & Danny E. Williams



The Corporation of the District of North Cowichan

Official Community Plan Amendment Bylaw

BYLAW NO. 3914

A bylaw to amend Official Community Plan Bylaw No. 3900 to include 1771 Robert Street within the UCB and change the designation from Rural Residential to Residential Neighbourhood.

WHEREAS Council has considered the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan,

AND WHEREAS Council has considered consultation under Sections 475 and 476 of the *Local Government Act*,

The Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

Citation

1 This Bylaw may be cited as "*Official Community Plan Amendment Bylaw No. 3914, 2023*".

Amendment

2 Official Community Plan Bylaw No. 3900, 2022 be amended by redesignating 1771 Robert Street (PID: 001-147-544) in Schedule "A", Appendix 1: Maps, Map 2 [*Growth and Land Use Management*] from Rural Residential to Residential Neighbourhood and realigning the Urban Containment Boundary in Map 2 [*Growth and Land Use Management*] to include 1771 Robert Street, as shown in Schedule 1, attached to and forming part of this Bylaw.

This bylaw was considered in conjunction with the North Cowichan 2022 Five Year Financial Plan, the Cowichan Valley Regional District Solid Waste Management Plan (as amended), and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan on July 19, 2023.

READ a first time on August 16, 2023

READ a second time on October 4, 2023

This bylaw was advertised on the municipality's social media sites on July 3, 2024, in the Cowichan Valley Citizen and the Chemainus Valley Courier on July 11, 2024 and was posted to the municipality's public notice places on July 3, 2024

CONSIDERED at a Public Hearing on _____.

ADOPTED on _____.

CORPORATE OFFICER

PRESIDING MEMBER

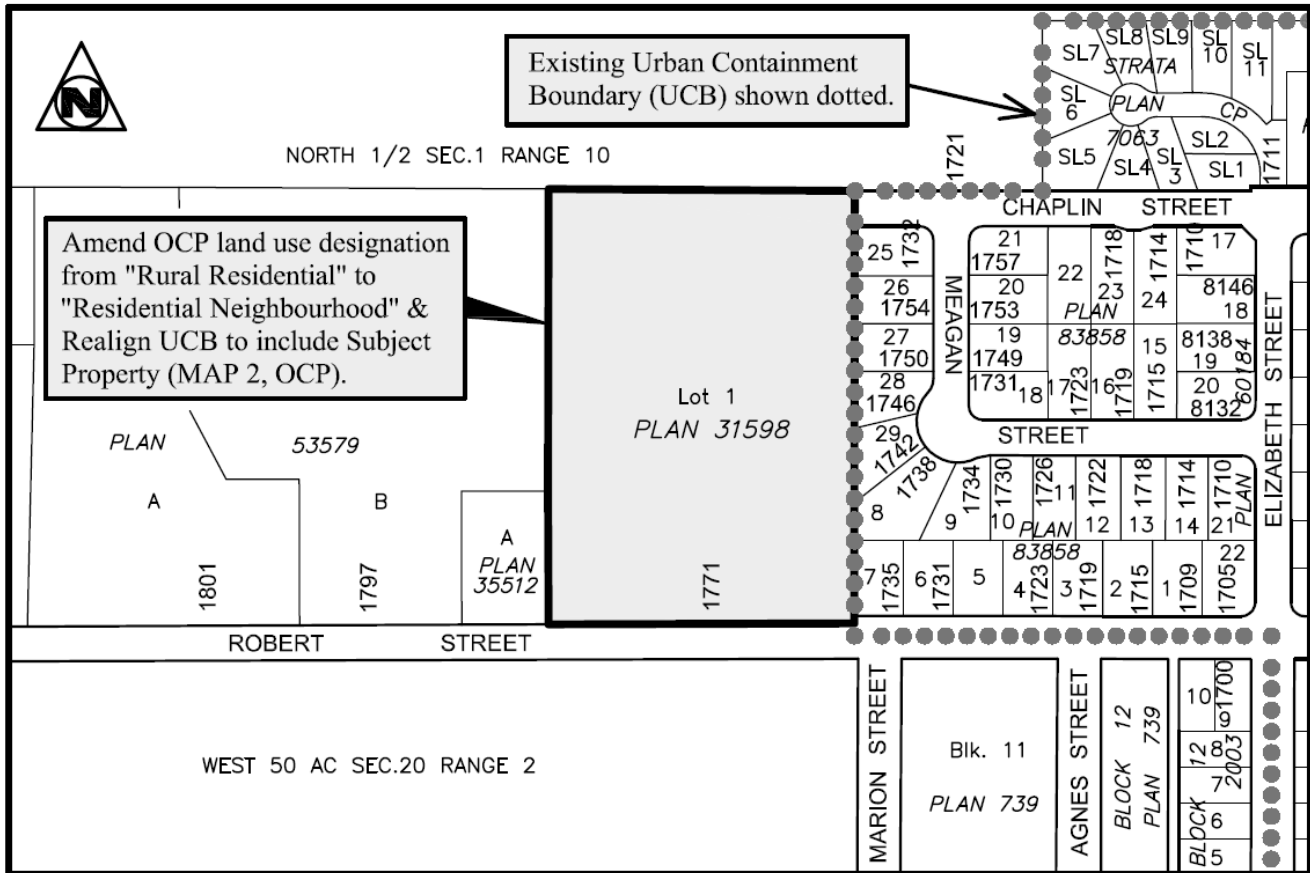
Schedule "1" to accompany "Official
Community Plan Amendment Bylaw No.
3914, 2023".

Presiding Member

Corporate Officer

SCHEDULE "1"

"2. Growth and Land Use Management"





The Corporation of the District of North Cowichan

Zoning Amendment Bylaw

BYLAW NO. 3915

*A bylaw to amend Zoning Bylaw 1997, No. 2950, to reclassify
1771 Robert Street from A2 to R3 and R3-MF.*

The Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

Citation

- 1 This Bylaw may be cited as "*Zoning Amendment Bylaw No. 3915, 2023*".

Amendment

- 2 Zoning Bylaw 1997, No. 2950, Schedule "C" be amended by reclassifying 1771 Robert Street (PID: 001-147-544) from Rural Zone (A2) to Residential One and Two-Family Zone (R3) and Residential Medium Density Multi-Family Zone (R3-MF), as shown outlined in black in Schedule 1 attached to and forming part of this Bylaw.

READ a first time on August 16, 2023

READ a second time on October 4, 2023

This bylaw was advertised on the municipality's social media sites on July 3, 2024 in the Cowichan Valley Citizen and the Chemainus Valley Courier on July 11, 2024 and was posted to the municipality's public notice places on July 3, 2024

CONSIDERED at a Public Hearing on _____.

READ a third time on _____.

COVENANT registered on _____.

ADOPTED on _____.

CORPORATE OFFICER

PRESIDING MEMBER

Schedule "1" to accompany "Zoning
Amendment Bylaw No. 3915, 2023".

Presiding Member

Corporate Officer

[illegible]