



Presentation to North Cowichan Council

**Re: Notice of Motion - Amnesty for Land-use applications for
properties removed from the UCB in the new OCP**

February 1, 2023

Background

- Notice of Motion introduced by Councillor Findlay during January 18, 2023 Council meeting:
 - "That Council provide a 24-month "amnesty" period for all owners whose properties were excluded from the revised Urban Containment Boundary (UCB) included in the Official Community Plan, in order for those property owners to provide notice to North Cowichan staff of their intention to proceed with their property development options, which had been available to them prior to the UCB change."

Context

- Townsite Planning, on behalf of our client, engaged North Cowichan Planning staff in June of 2020 (26 months prior to adoption of the new OCP) in a pre-application meeting to discuss a rezoning application for 1771 Robert Street in Crofton.
- We spent approximately 12 months working with staff to develop our application. This included a pre-application submission of our proposal to staff in June 2020 in order for them to provide comments and feedback. This information was used to modify and refine our application in order to be able to submit an application that Staff was able to support.
- We formally submitted our application in June of 2021 (14 months prior to adoption of the new OCP).

Context

- We became aware during the fall of 2021 that Council was considering a significant reduction to the UCB in the new draft OCP, which would remove our clients lands from the Urban Containment Boundary.
- When discussed with staff we were advised that they were working to process these active application in advance of adoption of the new OCP. We were also advised, in writing, that these types of active applications would be reviewed and considered as in-stream applications regardless of the timing of the adoption of the new OCP.
- We submitted a letter / formal comments on the OCP/UCB in December 2021, indicating that we did not support the removal of our clients' lands from the UCB.

Context

- We continued to respond to staff requests for additional information through 2021 and the first half of 2022.
- Staff did not advance our application to Council prior to considering adoption of the new OCP in August 2022.
- Council adopted the new OCP in August 2022, which removed my clients land from the Urban Containment Boundary.
- We have been unable since this time to get any confirmation as to the status of our application or when our application will go forward to Council. We were advised that we may now be required to submit and pay for an OCP amendment application and that Staff would now likely not be able to support our application in spite of having been told previously that our application was supportable and would be considered in-stream.

Context

- Our last correspondence with staff (December 2022) provided no indication of our application status, nor a timeline for our application to move forward. We were advised that we would need to wait for a report from staff some time in early 2023 that would ask Council whether they were prepared to and/or how they wished to deal with these in-stream applications (we assume there are other applicants besides us in this situation).
- Our applications has now been in a “holding pattern” with no further discussion or progress (September 2022). We are unclear as to how the Municipality views the current status of the application

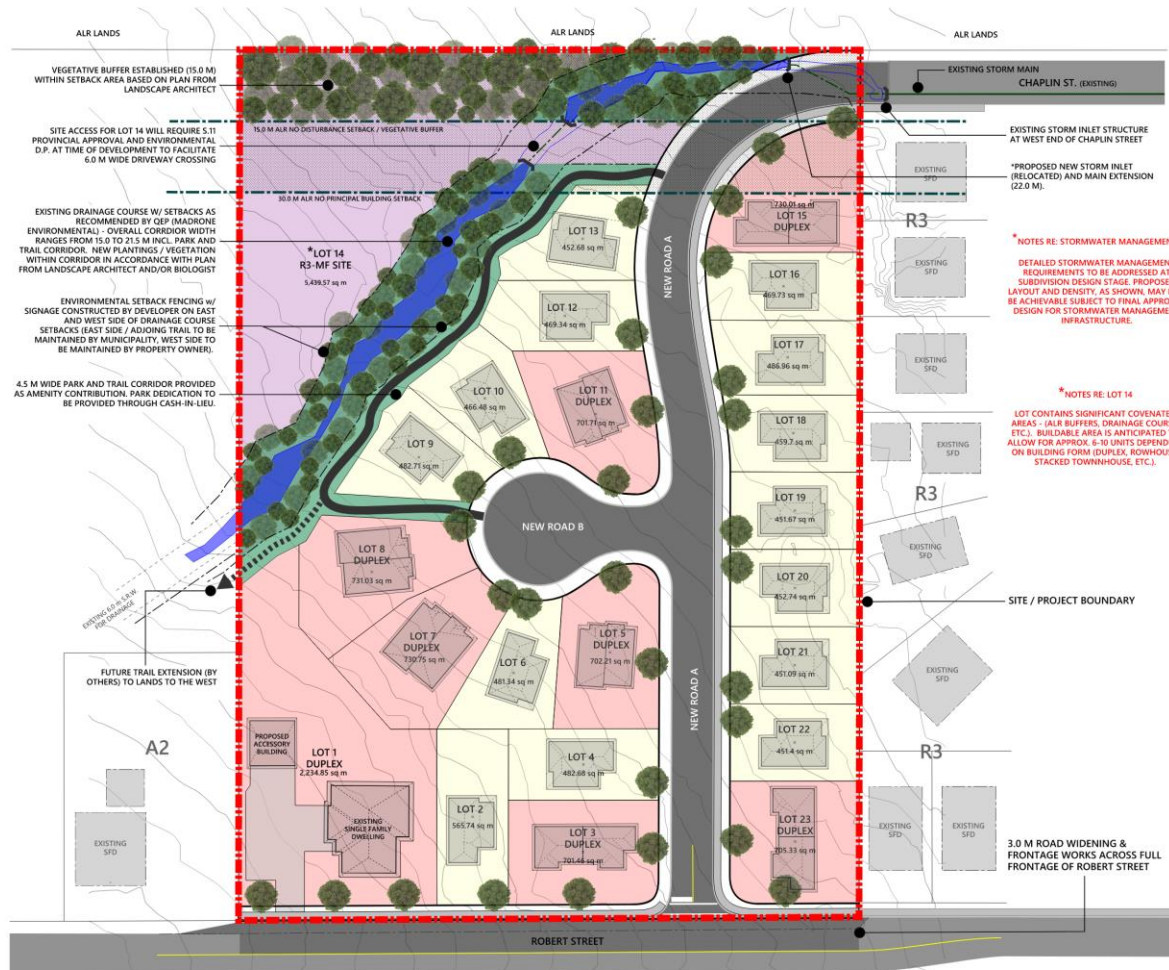
Discussion

- The recommendation and decision to remove my clients lands from the UCB in the new OCP did not have strong rationale:
 - Subject property is not a non-contiguous rural property requiring major off-site extension of municipal services (i.e. leap-frog development)
 - Lands are directly contiguous / adjacent to existing urban development and already connected to existing municipal roads, sanitary sewer service and municipal water service.
 - Proposed development is consistent with previous OCP (which was in place when we submitted the application), and is still consistent with the existing Crofton Community Local Area Plan, which was adopted in 2015 and included extensive community consultation.
 - Subject property is within walking distance to virtually all critical community services. This is exactly the type of site that should be developed with urban land uses in order to protect valuable rural, agricultural and environmentally sensitive lands.

Walkability – Access to Services



Proposed Land Use Concept



- Mix of single family, single family with suite, duplex and multi-family / townhouse development
- Establishes protective vegetative buffer for ALR lands to north
- Establishes protective vegetative buffer for drainage that travels across the site
- Trail amenity to be developed adjacent to drainage course
- Financial amenity to be provided towards affordable housing
- Provides linkage between Chaplin Street and Robert Street (enhanced neighbourhood connectivity and public safety (secondary access))
- Provides water main looping between Chaplin Street and Robert Street (enhanced water system function)

Closing

- We strongly support Councillor Findlay's motion and urge Council to support and endorse this recommendation. Doing so:
 - Provides clarity for applicants (like my client) who have been left hanging with an active application. My clients have spent 3 years and tens of thousands of dollars on consultants, surveyors, engineers, a biologist etc. and presented a development proposal that met OCP and Local Area Plan guidelines when it was submitted.
 - Provides a path for us to move forward to present our application to Council.
 - For those landowners who do not currently have an active application, this creates a window of opportunity for them to consider whether or not to bring forward an application. Many landowners likely did not / do not understand the implications of Council's decision to remove so many properties from the UCB. The amnesty period provides these landowners with that necessary time and opportunity.
- Thank-you for your time. I would be happy to address any questions.