

Report

Date September 26, 2023

File: TUP00029

Subject Temporary Use Permit Application for 6823/6833 Bell McKinnon Road

PURPOSE

To consider an application for the temporary use of 6823/6833 Bell McKinnon Road for construction worker vehicle parking trades trailers and storage of topsoil during the Cowichan District Hospital Replacement Project.

BACKGROUND

The Cowichan District Hospital Replacement Project (CDHRP) at 6700 Bell McKinnon Road employs hundreds of workers, and there is not sufficient space available on the site for worker vehicle parking. Similarly, the construction site is not large enough to accommodate “trades trailers” used by the many trades and sub-contractors working on the new hospital for use as offices, lunch rooms and storing tools and equipment. Topsoil removed from the site for later landscape works also needs to be stored off-site due to insufficient space on the property for storing the material.

An application has been submitted by EllisDon, the CDHRP prime contractor, on behalf of the property owner of the parcel immediately north of the hospital property (6823/6833 Bell McKinnon Road – see Attachments 1-3) for the above-described temporary uses. The permit is requested for a three-year term and may be extended for a further three years with Council approval.

DISCUSSION

Proposal:

The application requests approval for construction workers parking the placement of trades trailers and topsoil storage, all on a temporary basis. A site plan (Attachment 4) has been provided showing the location of the temporary uses on 6823/6833 Bell McKinnon Road (“the subject property”).

An environmental assessment report was submitted with the application (Attachment 6). The report assessed environmental features on the property and provides recommendations for protecting them. Recommended environmental protection measures include keeping development 15 metres away from a wetland/watercourse feature on the property and the installation of sediment and erosion controls. The report will be a schedule to the permit, and the report recommendations will be conditions of the permit.

The eastern (rear) boundary of the subject property abuts land in the Agricultural Land Reserve, and any development within 30 metres of that boundary requires a development permit for Farmland Protection (DPA-3). The applicant has installed a chain link fence 15 metres back from the agricultural boundary and has applied for a development permit for the soil storage proposed in the 15-30 metre zone. Another development permit and establishment of a vegetated agricultural buffer will be required with future development of the property.

The temporary uses were partially established on the property this summer in advance of the property owner or applicant obtaining a temporary use permit. Issuance of the permit would legitimize what is already occurring on the property as well as allow some expansion of temporary uses on the property.

Zoning:

The subject property is zoned Rural Residential 1 (R1) and currently has a single-family dwelling located on it. Uses permitted in the R1 zone include single and two-family residential use, agriculture, and home-based business. The uses proposed in the temporary use permit application are not permitted in the R1 zone unless authorized through the issuance of a temporary use permit (TUP).

Official Community Plan:

The subject property is designated "Village Core" and "Village Residential" in the Official Community Plan (OCP). It is expected the property will be re-developed for mixed commercial/residential uses and 3-5 storey multi-storey residential buildings. The timing for redevelopment of the property is uncertain, but staff have had multiple pre-application meetings with the property owners' design team, and submission of a rezoning application for the property is expected later this year.

Section 11.2 of the OCP designates all lands within the boundaries of the Municipality of North Cowichan, an area where temporary uses not otherwise permitted by the Zoning Bylaw may be permitted on a temporary basis. In order for a temporary use to be authorized through the issuance of a TUP, Council (or Council's delegate) must be satisfied that:

- Potential adverse impacts on adjacent and surrounding properties will be appropriately managed;
- (The temporary use) will not give the permit holder a competitive advantage over similar businesses operating in locations zoned for the use;
- (The temporary use) will not result in permanent facilities and land alterations that will encourage non-compliance with the Zoning Bylaw once the temporary use permit has expired;
- (the property owner/applicant) will return the land to a condition conducive to the uses it is zoned for.

Legislation:

TUPs are enabled through Division 8 of the *Local Government Act* ("The Act"). Where a local government has designated areas for temporary uses in its Official Community Plan, the Act allows local governments to issue TUPs for uses not permitted by the zoning bylaw and to specify conditions under which temporary uses may be conducted. Prior to issuing a TUP, notice must be given in

accordance with Section 94 of the *Community Charter* and the Public Notice Bylaw. Notice (Attachment 7) was published on the District's social media on September 11, 2023 (first public notice) and in the September 21, 2023, edition of the Cowichan Valley Citizen (second public notice). Notice was also issued to owners and occupiers of property within 60 metres of the subject property.

Summary and Conclusion:

The CDHRP is an immense construction project on a scale not seen before in the Cowichan Valley. The size of the project and the amount of material, labour and other resources needed to accomplish it make it difficult to have all work and activities ancillary to the construction to occur on-site. Using land immediately adjacent or close to the hospital site for these activities is more efficient for the project and is potentially less disruptive than locations further away where there would be greater impacts to local roads and more logistical issues with moving people and products between the hospital site and locations for temporary uses required for the construction project.

Many of the parcels near the hospital site, including the subject property, have been purchased by development companies that intend to re-develop them in accordance with the land uses and densities outlined in the OCP and Bell McKinnon Local Area Plan (BMLAP). While the time for re-development of the lands surrounding the hospital site is uncertain, the interim use of the property immediately adjacent for facilitating the construction of the new hospital is supportable, provided the temporary uses do not negatively impact sensitive site features or interfere with intended future uses.

The draft temporary use permit recommended for approval (Attachment 8) includes a requirement for a \$10,000 security deposit that could be used to restore the property to its pre-development condition upon expiry of the temporary use permit should the restoration works not be voluntarily undertaken by the applicant or property owner.

OPTIONS

1. **(Recommended Option)** THAT Council issue Temporary Use Permit No. TUP00029 to EllisDon Corporation to allow construction worker vehicle parking, trades trailers, and storage of topsoil at 6823/6833 Bell McKinnon Road for a term of three years.
 - This option will allow the temporary uses presently occurring on the subject property to continue and will help facilitate the construction of the new hospital.
2. THAT Council deny issuance of Temporary Use Permit No. TUP00029 to EllisDon Corporation to allow construction worker vehicle parking, trades trailers, and topsoil storage at 6823/6833 Bell McKinnon Road.
 - Denial of the application will require the temporary uses on the subject property to cease and any works associated with the temporary uses to be removed from the property.

RECOMMENDATION

THAT Council issue Temporary Use Permit No. TUP00029 to EllisDon Corporation to allow construction worker vehicle parking, trades trailers, and storage of topsoil at 6823/6833 Bell McKinnon Road for a term of three years.

Report prepared by:

Rick Brundgrige

Rick Brundgrige, BSc., MCP
Contract Planner
Building
Choose Author's Title.

Report reviewed by:



Rob Conway, MCIP, RPP
Director, Planning and

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Location Plan
- (2) Ortho Photo
- (3) Zoning Map
- (4) Site Plan
- (5) Letter of Intent
- (6) Environmental Assessment Report
- (7) Notice
- (8) Draft Permit