

Report

Date

February 21, 2024

File: OCP00028

Subject

OCP Amendment Application for 12.5 Ha Area North of Herd Road

PURPOSE

To consider an application to amend the Official Community Plan (OCP) by expanding the Urban Containment Boundary (UCB) and amending the "Future Growth Area" land use designation to facilitate a 12.5 Ha (31 acre) residential and mixed-use development north of Herd Road in the Bell McKinnon area.

BACKGROUND

As part of the recent OCP review process, Council removed the portion of the Bell McKinnon Local Area Plan north of Herd Road and designated it as a "Future Growth Area". This decision was confirmed when the North Cowichan OCP Bylaw No. 3900 was adopted in August 2022. The properties south of Herd Road are located within the UCB and are subject to the Bell McKinnon Local Area Plan policies. In the area south of Herd Road, a mix of uses and densities are proposed to create a cohesive neighbourhood surrounding the new Cowichan Regional Hospital in the short- to medium term.

In December 2020, North Cowichan received an OCP and Zoning Bylaw amendment application for the subject property. This previous application was voluntarily placed on 'hold' during the OCP deliberations relating to the UCB and the Bell McKinnon Growth Centre. Following the adoption of the new OCP, the previous application was withdrawn in September 2022 before Council considered it.

PROPOSAL & SURROUNDING CONTEXT

The application includes a land assembly of four parcels: 6846 Bell McKinnon Road (PID: 005-830-061), Lot 3 (PID: 005-649-404), Lot B (PID: 024-188-905), and 6936 Bell McKinnon Road (PID: 024-188-891) (collectively referred to as the "subject property"). The subject property totals 12.5 Ha, stretching from Herd Road north for approximately 450 m along Bell McKinnon Road to within 150 m south of Sprott Road. The parcels are mainly cleared with some treed areas. Two of the parcels each contain a house and several accessory buildings.

The applicant is requesting that the OCP be changed as follows:

- that the UCB be expanded to encompass the subject property;
- that the designation be changed from "Future Growth Area" to "Village Residential" (most of the subject property), "Village Core" (the area immediately at the corner of Herd Road), and potentially a small area designated "Commercial" (adjacent to the highway); and,
- that the Bell McKinnon Local Area Plan be reinstated for the subject property.

If approved, this OCP amendment would allow the subject property to be rezoned to accommodate a mix of commercial, employment, and residential uses, in line with what is envisioned for the Bell McKinnon Growth Centre located south of Herd Road.

The surrounding area mainly consists of large rural properties ranging from 0.25 Ha (1/2 acre) to 1.75 Ha (5 acres). The 6 Ha parcel within the subject property is one of the larger parcels in the immediate area. Note that three smaller rural residential properties (6930 Bell McKinnon Road, 6928 Bell McKinnon Road, and 6912 Bell McKinnon Road) are inset into the subject property that is not part of the current application.

The northwest edge of the subject property is adjacent to a multi-unit commercial service property (6961 Trans-Canada Highway), which is part of the small light/service industrial node at the corner of Sprott Road and the Trans-Canada Highway.

For detailed mapping see Attachments 1 (Location Map), 2 (Orthophoto), 3 (Zoning Map), and 4 (OCP Map).

DISCUSSION:

Summary

The Future Growth Area serves an important purpose within the OCP's growth strategy, and ample land is available for development within the UCB. The recommendation is to deny the application.

Suppose Council wishes instead to see the application proceed. In that case, the recommendation is to review the Future Growth Area designation in its entirety rather than permitting development of the subject property alone. This is outlined in Option 2 below.

Expansion of the UCB is not currently warranted:

The Future Growth Area designation applies only to this one location north of Herd Road. Its purpose is to "... [reserve] the area for future growth only if and when all other significant growth areas have been built out." This policy prescription aligns with the overall approach to the UCB stated in policy 3.1.2(b), that the Municipality will "Only support significant UCB alterations as part of a comprehensive OCP review, or implementation of a secondary local area or neighbourhood planning process." This proposal represents a significant departure from the growth management section of the OCP, which is one of its core components. The stated condition for consideration of development in this area has clearly not been met.

Significant development activity has occurred in the Bell McKinnon Local Area Plan area west of the Trans-Canada Highway. Many property-owners and developers are also at the pre-application stage in the area east of the Trans-Canada Highway. The existing Bell McKinnon Growth Centre can likely accommodate 6,000 units, which may be sufficient to accommodate 20+ years of housing growth.

Expanding the UCB before additional land is required may diffuse development over a larger area and lead to more fragmented growth. More compact growth will reduce the length of time that early residents of the new developments feel that they are living in an area that is under construction and will support the efficient use of infrastructure (see OCP Section 3.1. Growth Centres).

It is better to reinstate the full Future Growth Area than to proceed with the current application:

The subject property represents approximately 25 percent of the land and 40 percent of the potential dwelling yield of the Future Growth Area. The current application is so significant that releasing the subject property from the Future Growth Area essentially undermines the logic of this designation.

Should Council wish to see this application proceed, staff recommend removing the Future Growth Area and reinstating the Bell McKinnon Local Area Plan in full along with the UCB. This is Option 2 below and would imply placing this application (OCP00028) on hold. If the Future Growth Area is subsequently removed and the UCB extended, the application would become moot. It could be withdrawn, enabling the proponent to move to the rezoning stage (subject to a future phasing plan contemplated by Section 3.1 of the OCP). If the Future Growth Area is maintained, then Options 1 and 3 would remain for dealing with this application.

Policy 3.2.15(c) states that if the Future Growth Area is to be developed, North Cowichan will "*Consider appropriate public consultation processes at a future time to determine the long-term development direction for this area.*" Option 2 could include public consultation. However, Policy 3.2.15(c) is based on significant development in the southern part of Bell McKinnon. At this early stage, the details of the current local area plan remain relevant to guide the development of this area. If development is contemplated, there is little need to trigger a public consultation process other than to explore whether the Future Growth Area should be released.

Ideally, the UCB and OCP designations should allow logical, cohesive development. An amendment to facilitate only the development of the subject property would not be based on such justification and might face practical difficulties, considering the dimensions of the subject property. Option 3 is to proceed with an OCP amendment to facilitate only this proposal and is the least recommended option.

OPTIONS

(1) (Recommended Option) THAT Council:

- (1) Deny application OCP00028 to amend Official Community Plan No. 3900, 2022, to expand the Urban Containment Boundary and change the Land Use Designation to facilitate rezoning for the subject property consisting of PIDs: 005-830-061; 005-649-404; 024-188-404; and 024-188-891; and,
- (2) Direct staff to refund \$9,750 (50%) of the total application fee.
 - *This application requests a significant change to one of the core components of the OCP. Although the proposed development may be suitable/desirable in the future, at this time, there is no need for additional lands within the UCB, and the condition for activating the Future Growth Area has not been met.*
 - *In the event of denial at this stage on "in principle" grounds, the detailed work necessary to bring forward an OCP amendment bylaw for readings will not be completed. This justifies a partial refund of the application fee.*

(2) THAT Council:

- (1) Direct staff to initiate an OCP amendment respecting the entire "Future Growth Area" designation in the Official Community Plan; and,
- (2) Place application OCP00028 on hold pending the outcome of reviewing the Future Growth Area.
 - *If revisiting the Future Growth Area culminates in its removal and inclusion within the UCB, application OCP00028 would likely become redundant and could be withdrawn.*
 - *Staff will bring a draft OCP amendment bylaw forward for review along with options for process and public input.*

(3) THAT Council direct staff to proceed with processing application OCP00028 and to draft an amendment to Official Community Plan No. 3900, 2022, for consideration by Council.

- *Before this application can proceed, staff will complete additional steps and review as outlined below in the implications section, which may require the applicant to provide further studies and information.*

IMPLICATIONS

The current application is for an OCP amendment only. If this application is approved, a subsequent application will be required to amend the zoning bylaw. Staff recommended this approach to the applicant because the application requests a significant growth management decision. Council can deliberate on this question now, before the applicant invests in preparing a much more detailed zoning amendment application.

Staff recommend issuing a 50% fee refund if the application is denied:

In June 2023, a new fee structure was introduced for development applications to reflect better the amount of work required for North Cowichan to process significant files. The resulting fee for this application was \$19,500 due to the scale and proposed density.

As outlined below, if Council directs that the application proceed, significant additional work will be required to bring this application to the next stage. The purpose of this report was to recommend that Council deny the application based on the growth management considerations and the core planning principles embedded in the OCP. Much of the work the application fee is intended to cover has not yet been completed. Issuing a 50% fee refund will result in an application fee that fairly reflects the effort North Cowichan expended on the application to date.

This recommendation will result in a refund of \$9,750 to the applicant.

Additional review and consideration required if the application proceeds:

If Council directs that this application proceed, staff will complete the following steps and additional review:

- Technical and formal referrals (both internal & external);
- Consideration of the proposed internal phasing for the subject property;
- Review of the implications for servicing/infrastructure; and,

- Statutory requirements for amending an OCP as set out in Part 14, Division 4 of the *Local Government Act*.

RECOMMENDATION

THAT Council:

- (1) Deny application OCP00028 to amend Official Community Plan No. 3900, 2022 to expand the Urban Containment Boundary and change the Land Use Designation to facilitate rezoning for the subject property consisting of PIDs: 005-830-061; 005-649-404; 024-188-404; and 024-188-891; and,
- (2) Direct staff to issue a refund of \$9,750 (50%) of the total application fee.

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Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Location Map
- (2) Orthophoto
- (3) Zoning Map
- (4) OCP Map
- (5) Applicant's Rationale