

## COUNCIL POLICY

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### PHASING PLAN FOR THE BELL MCKINNON LOCAL AREA PLAN

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#### 1. PURPOSE

The purpose of this policy is to provide considerations to Council in relation to rezoning land in the Bell McKinnon Local Area Plan (BMLAP).

Section 3.1 "Assignment of Growth" of the North Cowichan Official Community Plan Bylaw No. 3900, 2022 (OCP) states:

"While most Growth Centres are in existing urban locations, the Bell McKinnon Growth Centre is presently undeveloped and will require substantial investments in infrastructure and community amenities. To facilitate its development, a phasing and implementation plan for development in the Bell McKinnon Growth Centre will be prepared to ensure:

- a. The urban design vision promised to the community is realized in each phase and that piecemeal or scattered growth in the plan is avoided.
- b. That growth occurs in a logical, incremental manner respectful of the social, economic, environmental and climate objectives of the District as a whole.
- c. That infrastructure costs are recovered to the greatest extent possible and that any financial burdens associated with infrastructure are minimized."

This policy represents the phasing aspect of the phasing and implementation plan described in the above OCP policy.

The OCP and BMLAP designations are in place to guide land use decisions for the Bell McKinnon Growth Centre, however most properties will require a zoning bylaw change and other development approvals prior to development. Once a property is zoned for the envisioned development, the Municipality cannot generally control the timing of the development. This means that for the purpose of this policy, "phasing" refers to the phasing of zoning bylaw amendments.

The purpose of this policy is to provide criteria to guide the sequence and timing of zoning bylaw amendments for properties within the BMLAP, in accordance with the OCP policy.

#### 2. SCOPE

North Cowichan staff will consider this policy when reviewing any applications for zoning bylaw amendments for properties within the BMLAP area. Staff will communicate this policy to the development industry, property owners, and the public.

In considering applications for zoning bylaw amendments for properties within the BMLAP area, North Cowichan Council will consider this policy. However, nothing in this policy fetters Council's discretion in considering applications for such zoning bylaw amendments.

### 3. ACRYNOMS & DEFINITIONS

#### 3.1. Acronyms

The following acronyms are used in the place of the full term.

Acronym	Full term
BMLAP	the Bell McKinnon Local Area Plan (as described in Appendix 2 of the OCP to which excludes the area north of Herd Road)
OCP	Official Community Plan
UCB	Urban Containment Boundary (as identified in the OCP)

#### 3.2. Definitions

The following defined terms are italicized when used in this policy.

**“Remnant Parcel”** means an area of land that is too small, awkwardly shaped, or otherwise unable to be developed in accordance with the land use designation of the BMLAP when factors including the required road dedications and existing property lines are considered. For example, where a required road dedication severs a small portion of a property from the rest. Note this is also known as an orphan parcel.

**“Subject Property”** means the property that is the subject of an application for a zoning amendment application.

### 4. PHASE 1 & 2

4.1. As shown in **Schedule 1: BMLAP Phasing Map** which is attached to and forms a part of this policy:

- a) Phase 1 consists of all the properties within the BMLAP that are located west of the Trans-Canada Highway, and
- a) Phase 2 consists of all the properties that are within the BMLAP, within the UCB, and that have frontage on Bell McKinnon Road.

4.2. When the Municipality of North Cowichan receives an application for a zoning bylaw amendment for a property located within Phase 1 or Phase 2, that application shall be processed as usual.

4.3. The Municipality discourages applications for a zoning amendment when consolidation of the *subject property* with an adjacent property is required to prevent creating a *remnant parcel*. Where an application for a zoning bylaw amendment includes or is adjacent to a potential *remnant parcel* the following steps apply:

- a) The applicant may demonstrate that the potential *remnant parcel* can be developed in accordance with the vision and land use designation of the BMLAP,
- b) The applicant will be encouraged to amend their development proposal to make development of the potential *remnant parcel* feasible (e.g., provide access via a private lane, adjust a setback, shift a road or other public land dedication if it can be

done without negative impacts),

- c) If a) and b) do not prevent the potential *remnant parcel* to the satisfaction of the Municipality, zoning permissions for all or part of the *subject property* may be withheld until the potential *remnant parcel* can be consolidated with the adjacent property or otherwise resolved.

## 5. PHASE 3

5.1. Phase 3 consists of all the properties within the BMLAP, and within the UCB, excluding the properties that are in Phase 1 or Phase 2, as shown in **Schedule 1: BMLAP Phasing Map**.

5.2. The Municipality discourages zoning amendment applications for properties located in Phase 3 until the conditions in both a) and b) of this section have been met:

- a) At least 75% (29.4 gross ha) of the total area of Phase 2<sup>1</sup> has been zoned to reflect the land use designations in the BMLAP, including at least:
  - 2 gross ha of the Village Core Designation, and
  - 10 gross ha of the Residential High Designation.
- b) Building Permits have been issued for either:
  - Construction of the first building on 75% of the number of individual properties<sup>2</sup> that have been rezoned in accordance with a), or,
  - of a minimum of 1,500 residential units in Phase 2.

whichever comes first.

5.3. The Municipality may approve a zoning amendment application for a subject property located in Phase 3, prior to the conditions in section 5.2. a) and b) being met, under the following circumstances:

- a) Where the property in Phase 3 is part of a larger *subject property* which includes one or more contiguous parcels that are located within Phase 2.
- b) Where the property in Phase 3 is adjacent to a property where development is underway (e.g., construction has started) or complete, provided that the road network and infrastructure that connect the property in Phase 3 with Bell McKinnon Road as well as the infrastructure trunk mains are contiguous and complete.
- c) Where the proposal will resolve a significant infrastructure challenge (e.g., construction of a sewage pump station, watermain looping, or dedication of a location suitable for storm water retention)
- d) Where the proposal includes dedication of significant planned public lands that are

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1 Note that the site of the new Cowichan Regional Hospital is excluded from this calculation.

2 For the purpose of calculating 75% of properties in Section 5.2.b), the property boundaries from the time the zoning amendment bylaw is adopted shall be used to calculate the percentage of properties for which a building permit has been issued.

shown in the BMLAP mapping (e.g., a school site or a large park).

- e) Based on other compelling rationales that support the vision of the BMLAP, the goals of phasing that are articulated in the OCP, and that do not compromise the ultimate development potential.

5.4. The Planning & Building Department will track development within the BMLAP and advise Council when the thresholds identified in section 5.2 have been met and Phase 3 is therefore open to zoning amendment applications.

5.5. If the thresholds identified in section 5.2. have not been met within 10 years of adoption of this policy, the policy should be reviewed for continued relevance and effectiveness.

## 6. FUTURE GROWTH PHASE

6.1. The Future Growth Phase consists of the area north of Herd Road that was included in the BMLAP prior to the adoption of the OCP. This area is outside of the UCB and is designated as Future Growth Area in the OCP. Policies related to the timing and process for redesignating the Future Growth Area are included in the OCP.

6.2. Policies for internal phasing the area within the Future Growth Phase should be developed concurrently with any OCP Amendment which brings all or part of the Future Growth Area into the UCB.

## RELATED POLICIES & PROCEDURES

**North Cowichan Official Community Plan (including the Bell McKinnon Local Area Plan in Appendix 2)**

## APPROVAL HISTORY

WRITTEN BY: Bell McKinnon Local Area Plan Technical Steering Committee	APPROVED BY:	DATE: <a href="#">Click here to enter a date.</a>
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# BMLAP Phasing Map

