



August 9, 2024

Municipality of North Cowichan  
7030 Trans Canada Highway  
Duncan, BC  
V9L 6A1

Attention: Caroline von Schilling  
Development Planner

Re: Update Letter of Rationale  
Rezoning of : 9337 Trans Canada Highway, Chemainus  
Rezoning and OCP Amendment OCP0017 of:  
3036 Juniper Road, 3037 Henry Road, and 3041 Henry Road, Chemainus

Dear Ms. von Schilling;

Following an initial Letter of Rationale originally submitted in support of this application on May 17, 2021, and resubmitted on May 15, 2024, please accept this update Rationale Letter as a revision 4. In the period of time since the initial Letter was submitted, the subject property has undergone a protracted timeline process of application delay caused by new Provincial Government legislation that intervened, mid-application. On August 31, 2021, the Applicant received a Notice from the Provincial Government Contaminated Sites Officer which stated that "the municipality cannot approve the application until the applicant meets at least one of the requirements prescribed in the following..." (no specific "permit" application was referenced). The Owner's environmental consulting firm explained the scope of work required to meet the Provincial Government regulations and a Stage 2 Environmental Report was commissioned by the Owner in September 2021. Since that time the Report has been completed, with peer review, and accepted by the Provincial Government (on or about November 2023). The MNC was thereafter provided a permit release (we had mistakenly understood this release affected all permitting). The Owner is now in a position to provide Application updates which are in response to prior communications from MNC staff on or about November 24, 2020, December 19, 2022 and March 26, 2024. We attach herewith:

- i) A copy of the Stage 2 Report FINAL, adopted by the Provincial Government
- ii) A copy of the communication from the Provincial Government regarding the Stage 2 Report,
- iii) A copy of the updated Architectural Site Plan for the intended use of the property under the OCP Amendment and the Rezoning Application,
- iv) A copy of the updated Civil Engineer design and Grading/Servicing plan for the proposed development,
- v) A copy of a revised Storm Water Management Report,
- vi) A copy of a proposed Land Exchange Plan between the Owner and the Municipality to support the proposed development.
- vii) Resubmission without amendment of the proposed Sanitary System Design by Traxx

### Design Services.

The current subdivision plan consists of 4 properties, with the largest currently zoned I1 (Industrial) and the remaining 3 zoned R1 (Single Family Residential). The proposal being made to the MNC is to achieve:

- a) Redesignate under the OCP the 3 Residential properties to commercial use,
- b) Rezoning of all 4 properties to C2 Commercial,
- c) Consolidation of all 4 Lots into one parcel, net of Road Exchange as proposed,
- d) The execution of the Exchange of Land between the MNC and the Owners so as to allow for a new intersection at Juniper Rd and Henry Rd, a pavement widening of Henry Road to allow for public sidewalk and a cycle path, and for improved alignment of Henry Road at the TransCanada Highway (TC1)
- e) To allow for the permitting of 4-5 buildings for uses conforming to the C2 zone which are to be built in 2-3 phases
- f) Phase 1 is proposed to be two buildings with two separate drive-through lanes associated.

The initial interest for the property has been achieved in executed conditional Leases with a fuel retailer, a Tim Horton's and an A & W Restaurant. All uses have held interest for several years for locations on this subject property. It should be noted that certain of these occupants have had to be replaced as the loss of time caused certain prior interest to fall away.

The proposed project and design is reasoned to be very a significant benefit to all vested interests in the Community. The subject properties are currently vastly underutilized and the real estate is unsightly today. However all parties recognize that these Lots form an important entry feature into the Chemainus community. It is the Owner's desire to work with the Municipality and render this important corner into a newly refreshed and publicly supported commercial project.

The current use of the largest of the four properties is as a large tractor trailer and truck access between Henry Road and an active long term lumber mill just adjacent. The currently very unfavorable access at Henry Road will be significantly improved for the safety and benefit of local, visiting, and commercial vehicle traffic into and out of Chemainus. The 3 residential properties are currently rented but the structures are best soon demolished due to aged condition. The residential zoning of these three properties is not appropriate as these border commercial and industrial neighborhood uses along the high traffic corridor of Henry Road. Further, the amalgamation of these properties together with a proposed land exchange will allow for the significant safety upgrades to the Juniper Rd intersection.

The Owner is seeking the permits to allow 2 Quick Service Restaurants which includes 2 drive-through lanes, uses that were consistent with the MNC Bylaws at the time the initial Applications for OCP Amendment, Rezoning, and Development Permit were made. The Owner feels this proposed commercial design is still supported today by the following points of rationale;

- 1) At the time the Applications for both an OCP Amendment and Rezoning (OCP00017) and a Development Permit (DP000229) were made there was not a limit to the drive-through uses on the proposed development,
- 2) It was in late Summer 2021 that the Owners learned of and fully understood that recently



enacted Provincial Environmental Legislation had caused the MNC to halt the processing of permits for this property until the Owners had complied with Provincial Environmental legislation which requirements were further described within a Notice from the Provincial Government dated August 31, 2021. This compliance effort commenced by the Owner in September 2021 and the Provincial Gov't permit release approval was attained in October 2023,

- 3) It was not clear to the Owner that Application OCP00017 could have proceeded during the period of the hold on "permits" as according to the Notice from the Provincial Government, no specific "permit" application was addressed, rather the term "permit" was generically used, and the Owners presumed this term meant any further permits whatsoever,
- 4) In the process of time in (2) above, the MNC enacted a change to the Bylaws which, among other changes, amended the number of permissible drive-through uses to not exceed one per property,
- 5) It was not clear to the Owners that this Bylaw amendment was either in process nor approved by Council while the Application DP000229 was in process and/or within the Provincial Government permit hold period,
- 6) Despite the Bylaw changes the Owners believe they should be entitled to a variance in the number of drive-through uses on the property for the following reasons:
  - a) At the time of original application, more than one drive-through was a permitted use
  - b) It was a matter of Force Majeure that caused delays to the Owner's applications wherein the changes to Zoning Bylaws took place,
  - c) The property location is unique to any other commercial location in the entire community being that it is adjacent to, and orients to, the TC1,
  - d) All surrounding properties are heavy industrial and/or commercial zoned and there would be no reasonable negative neighborhood impacts caused by the proposed development,
  - e) The property access has been reviewed by both the Ministry of Transportation and Infrastructure and the Engineering division of the MNC and it conforms to safer and proper access for the commercial uses proposed,
  - f) This development offers a wonderful opportunity to upgrade a very understated, industrialized, main entry point into the Chemainus community into an inviting and welcoming entry,
  - g) The development will allow for several enhancements to the adjacent Henry Road and safety of Juniper Rd and Henry Rd intersection
  - h) The enhanced public safety from properly redesigned roadways to accommodate large truck traffic to and from the Lumber Mill site,
  - i) The added amenity of a cycle path and public sidewalk extensions will bring local improvements to Henry Road,
  - j) The traffic to and from this subject location will have no impact whatsoever to all of the downtown and residential traffic in the greater Chemainus community,
  - k) Locating these commercial services at this location removes any pressure for similar services being requested in future in Downtown Chemainus,
  - l) The uses proposed on the Property will not be in conflict with any uses located in Downtown Chemainus,
  - m) The commercial uses proposed at the Property will help slow and stop otherwise passing or fast moving TC1 traffic and enhance the possibility of more activity coming

into the downtown of Chemainus itself.

- n) With a solid landscape plan between the development and Henry Road, the area will beautify to enhance the Chemainus main entrance.

In terms of a proposed land exchange between the MNC and the Owner, the attached Plan indicates that the Owner would dedicate approximately 2535 SM of private lands to the MNC and in exchange the MNC would transfer to the Owner 530 SM of current public land, comprised mainly of the current mis-aligned Juniper Road. The Property Owner has agreed to make improvements to municipal standards to a portion of the realigned Juniper Road to the point of entry into the development site. This land exchange proposed is a substantial net loss to the Owner for the purposes and support of making Henry Road and a new Juniper Road far safer for vehicles and pedestrians. It has been further discussed and recognized between the Owner and senior MNC Staff that it is the MNC's desire to see Juniper Road be extendable west/northwest in future past the subject site. While impeded today by other various private industrial lands, the Owners have generously agreed to dedicate, as part of the land exchange, private lands from the subject property to the MNC for the purpose of, and future improvement to, the Juniper Road extension.

Municipal services for domestic water and fire protection are located at the property. Storm water is able to be handled on the property with controlled release. Sanitary is enabled by use of septic fields, located on adjacent lands owned by the Owners. The proposed Septic Field area has been tested and a preliminary design meeting the needs of the proposed uses has been configured. The Owner acknowledges that final approval of the Septic Field Design shall be by the appropriate authorities having jurisdiction over the intended installation. The location of this Septic Field has been discussed and understood between the Owner and senior Engineering Staff at the MNC in regards to future extensions of Juniper Road. For specific clarity, there are no EV charging stations proposed at this time within the subject development, though if tenants have an interest they will not be discouraged.

In conclusion, the proposed OCP Amendment to convert the three residential Lots to commercial use, and the Rezoning of the Residential and Industrial Lots to a consolidated property with C2 zone, is an excellent opportunity for this strategic corner. The daily public benefits of viable and enhanced commercial uses, significant improvements to roads, conversion of an unsightly strategic corner into something welcoming to otherwise passing traffic, opportunities for employment, and enhanced tax revenues makes this Application is a fair and reasonable request by the Owner..

We look forward to support from Staff and Council endorsement of this very long overdue and worthy project.

Thank you very much.

**CENTURION LUMBER LTD**



David Longpre on behalf of Jerry Doman