

# Report

Date	October 4, 2023	File: 6480-30 23.04
Subject	OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw 3915 and updated community amenity contribution offer	

## PURPOSE

To consider moving OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw No. 3915 forward and accepting the applicant's updated offer for community amenity contributions for 1771 Robert Street.

## BACKGROUND

At the August 16, 2023, Regular Council Meeting, OCP Amendment Bylaw No. 3914 (to re-designate 1771 Robert Street from Rural Residential to Neighbourhood Residential) and Zoning Amendment Bylaw No. 3915 (to reclassify it from the A2 (Rural) zone to R3 (Residential One and Two-Family) and R3-MF (Residential Medium Density Multi-Family) zone) were each given first reading. The proposed amendments aim to facilitate future residential development of approximately 32 to 50 housing units at 1771 Robert Street.

In addition to previously committed amenities of land dedication for trail, trail construction, enhanced public roadway design, and vegetation replanting and protection measures, the proponent offered an increased financial contribution to the municipal Affordable Housing Fund of between \$136,000 and \$152,000, which was based on \$4,000 per unit for the estimated 34-38 units, excluding secondary suites (Attachment 1).

Council also requested, at that time, that the applicant increase their proposed contribution for affordable housing to \$245,000.

### OCP Amendment Bylaw (1711 Roberts Street) No. 3914 and Zoning Amendment Bylaw No. 3915 for first and second readings

IT WAS MOVED AND SECONDED:

THAT Council:

- (1) give first reading to Official Community Plan Amendment Bylaw No. 3914, 2023; and,
- (2) give first reading to Zoning Amendment Bylaw No. 3915, 2023

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to continue to work with the proponent regarding affordable housing community amenity contributions, to see the amount offered prior to Council's potential consideration of second reading of zoning amendment bylaw No 3915, 2023 to a target amount of \$245,000 for affordable housing.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

## DISCUSSION

On September 12, 2023, in response to Council's resolution and without prior consultation with Planning staff, the proponent submitted a letter updating the affordable housing commitment (Attachment 2). In summary, the monetary amount of the commitment remains the same as offered on August 16, 2023, i.e., \$4,000 per unit, with the following addition:

In the interests of supporting Council's goals related to increased affordability, density and housing choice, my client is also prepared to add the following commitments, which would be secured as part of the s.219 covenant(s) to be registered as part of the rezoning:

1. That a full subdivision of the parent property will include the necessary servicing and lot areas to accommodate a minimum of five (5) duplex lots.
2. That future building permits for any single-family home shall include the following minimum necessary rough-ins to accommodate a potential / future secondary suite (assuming that a completed secondary suite isn't included in the initial building plans):
  - 220-amp outlets for dryer and range;
  - plumbing rough-in for kitchen, laundry facilities and a full bathroom; and,
  - second exterior entrance.

Despite the proponent's commitment to provide a minimum of five duplex lots, any subdivision of the land would need to comply with all applicable subdivision and zoning requirements. As such, the total number of lots and subdivision layout may not be achievable as currently proposed and cannot be easily secured with a covenant.

The applicant's offer to "rough-in" for future suites is also potentially problematic, as such installations are generally not permitted unless authorized through the issuance of a building permit for a secondary suite. If the applicant wishes to commit to providing secondary suites, that can be secured with a covenant, but not the roughed-in suite fixtures. It is recommended that the proposed commitments for duplex lots and secondary suite "rough ins" not be accepted, as the commitments are not easily administered and secured through a covenant. Furthermore, the Municipality of North Cowichan does not have a policy or established practice supporting such offerings as affordable housing contributions.

The applicant has not increased the financial commitment for affordable housing to the target amount identified by Council on August 16, 2023, and the applicant has no obligation to comply with Council's directive. As such, Council must decide whether to proceed with the amendment bylaws and associated amenity contributions as proposed by the applicant or defeat and abandon the bylaws.

## OPTIONS

As previously stated, Council's options are to pass the following motion and move forward with a public hearing or defeat the motion; hence, the bylaws would be abandoned:

THAT Council:

- (1) give second reading to Official Community Plan Amendment Bylaw No. 3914, 2023; and
- (2) give second reading to Zoning Amendment Bylaw No. 3915, 2023; and

(3) authorize a Public Hearing for Official Community Plan Amendment Bylaw No. 3914, 2023 and Zoning Amendment Bylaw No. 3915, 2023.

**IMPLICATIONS**

Passing the above motion would allow the amendment bylaws to proceed to a public hearing with the applicant’s amenities and affordable housing commitments secured in a Section 219 covenant (excluding commitments for duplex lots and “roughed in” suites unless directed otherwise by Council). Consideration of third reading and bylaw adoption would occur following the public hearing.

Defeating the motions would deny the rezoning application, and the property would retain the Rural Residential land use designation and A2 zoning.

**RECOMMENDATION**

A staff recommendation has not been provided. Council’s options are to adopt a motion to give second reading to the bylaws and proceed to a public hearing or defeat the motion.

Report prepared by:

Report reviewed by:

*Caroline von Schilling*



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Caroline von Schilling, MCIP, RPP  
Development Planner

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Rob Conway, MCIP, RPP  
Director, Planning and Building

**Approved to be forwarded to Council:**



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Ted Swabey  
Chief Administrative Officer

Attachments:

- (1) Letter Community Amenity Contribution 2023-08-16
- (2) Letter Updated Community Amenity Contribution 2023-09-12
- (3) Report first reading OCP Bylaw 3914 Zoning Bylaw 3915 2023-07-19 (which includes the bylaws)

# October 4, 2023 Report to Council Attachment 1



PO Box 160, Lantzville, BC V0R 2H0 t: (250) 797.2515  
e: scott@townsiteplanning.ca w: www.townsiteplanning.ca

August 16, 2023

District of North Cowichan  
7030 Trans-Canada Highway  
North Cowichan, BC V9L 6A1

Our File: 20-05 Robert Street

Attn: Caroline von Schilling, Planner  
Re: Rezoning Application – 1771 Robert Street

Dear Caroline,

Further to recent discussions, including the feedback we received from Council when they originally considered first and second reading of the amending bylaws at their July 19, 2023, Regular Council Meeting, my client would like to propose a voluntary increase to his Community Amenity Contribution (CAC). He feels strongly that this project will be very beneficial for the community of Crofton and is committed to taking the necessary steps to gain support from staff and Council for this project, but also must ensure that the project remains viable in order to be able to bring it to market. My client had previously committed to a CAC (cash contribution) of \$2,500 per single family and duplex lot, plus \$5,000 for the proposed multi-family site, which was anticipated to generate a total cash contribution of approximately \$60,000.

My client wishes to revise this proposal to increase his cash contribution to **\$4,000 per unit** (single family, duplex, townhouse) at subdivision (SFD) / building permit (Duplex, MF), with these funds directed towards the municipality's *Affordable Housing Reserve Fund*. Based on the projected unit range (34-38), this would result in a contribution of between \$136,000 and \$152,000. This cash contribution now represents a 6-8X increase over the original request from Staff (approx. \$20,000) in December 2021 and is 2.5X higher than our previous offer. The updated cash contribution is still in addition to the previously committed excess (uncredited) parkland and trail construction requested by staff. The total value of my client's contribution (cash, land, and trail) will now likely exceed \$250,000.

We trust that this updated proposal illustrates my client's commitment to moving forward with this project and his interest in advancing a project that is truly beneficial for the residents of Crofton, the Municipality, and the developer.

Sincere Regards.

A handwritten signature in blue ink, appearing to read "Scott W. Mack".

Scott W. Mack, M.Arch., B.Sc. (PLAN), MCIP, RPP  
Managing Partner | Registered Professional Planner

# October 4, 2023 Report to Council Attachment 2

TOWNSITE  
PLANNING

PO Box 160, Lantzville, BC V0R 2H0 t: (250) 797.2515  
e: scott@townsiteplanning.ca w: www.townsiteplanning.ca

September 12, 2023

District of North Cowichan  
7030 Trans-Canada Highway  
North Cowichan, BC V9L 6A1

Our File: 20-05 Robert Street

Attn: Caroline von Schilling, Planner  
Re: Rezoning Application – 1771 Robert Street

Dear Caroline,

Further to our recent discussions, and following Council's direction from the August 16, 2023 Council meeting, I have had the opportunity to discuss the Community Amenity Contribution (CAC) proposal with my client. He has concluded that he wishes to continue to maintain his proposed CAC at **\$4,000 per unit** (single family, duplex, townhouse) at subdivision (SFD) / building permit (Duplex, MF), with these funds directed towards the municipality's *Affordable Housing Reserve Fund*. As previously noted, based on the projected unit range (34-38), this would result in a contribution of up to \$152,000. This cash contribution represents a nearly 8X increase over the original offer (+/- \$20,000, as requested by Staff) in December 2021 and is 2.5X higher than our previous offer of +/- \$60,000 (June 2023).

The cash contribution is still in addition to the previously committed amenities of additional green space (uncredited parkland) and trail construction requested by staff.

In the interests of supporting Council's goals related to increased affordability, density and housing choice, my client is also prepared to add the following commitments, which would be secured as part of the s.219 covenant(s) to be registered as part of the rezoning:

1. That a full subdivision of the parent property will include the necessary servicing and lot areas to accommodate a minimum of five (5) duplex lots.
2. That future building permits for any single-family home shall include the following minimum necessary rough-ins to accommodate a potential / future secondary suite (assuming that a completed secondary suite isn't included in the initial building plans):
  - 220-amp outlets for dryer and range;
  - plumbing rough-in for kitchen, laundry facilities and a full bathroom; and,
  - second exterior entrance.

We look forward to seeing the application proceed to Council for consideration of second reading on September 26, 2023.

Sincere Regards.



Scott W. Mack, M.Arch., B.Sc. (PLAN), MCIP, RPP  
Managing Partner | Registered Professional Planner

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# October 4, 2023 Report to Council Attachment 3

## Report

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Date July 19, 2023

File: 6480-30 23.04

Subject **OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw No. 3915 for first reading**

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### **PURPOSE**

To consider amendments to the Official Community Plan and Zoning Bylaws to facilitate future residential development of approximately 32 to 50 housing units, inclusive of secondary suite potential, at 1771 Robert Street.

### **BACKGROUND**

In June 2021, the Municipality received a zoning amendment application to increase residential density at 1771 Robert Street (PID: 001-147-544). The 2.37-hectare (5.87 acres) subject property is zoned Rural Zone (A2) (Attachment 1 – Location Map & Attachment 2 - Orthophoto). It is situated within the Rural Residential land use designation outside the Urban Containment Boundary (UCB) of the Official Community Plan (OCP) and immediately adjacent to the community of Crofton (Attachment 3 – OCP Map; Attachment 4 – Zoning Map).

Lands surrounding the subject property are primarily forested, with rural residential uses to the west and forested lands on municipal property to the south and within the Agriculture Land Reserve (ALR) to the north. One and two-family residential uses are situated within the UCB to the east. Community services, a public school, and recreation trails are located within one kilometre of the subject property.

### **DISCUSSION**

#### **1. OCP Bylaw Amendment**

Since OCP Bylaw 3900 was adopted in August 2022, the proposal for the subject property has been inconsistent with the guiding Rural Residential land use policy to include “very little housing growth” and generally no subdivision of lots less than 2 hectares (s. 3.2.18/19 p. 51). As any change in land use requires consistency with the OCP (*Local Government Act* s. 478), an amendment to the OCP is needed before a rezoning proposal to increase residential density can be considered for approval for the subject property.

Prior to adopting OCP Bylaw 3900 in August 2022, the subject property was located within the UCB, where the growth management policy considered increased residential density. As the proposal associated with Draft Zoning Amendment Bylaw 3915 for increased residential density was based on the growth management policy of the previous OCP (Bylaw 3450), Council directed staff to initiate an amendment to the current OCP (Bylaw 3900) to consider including 1771 Robert Street within the UCB and adjusting its land use designation, so it could consider the rezoning proposal originally submitted under application ZB000133 (Attachment 5 – Council Minutes 2023-02-21).

### **1.1 OCP & Crofton Local Area Plan**

Should Council amend the OCP to redesignate the subject property from Rural Residential to Residential Neighbourhood and include it within the UCB, the proposed land use and density would be consistent with the objective of the Residential Neighbourhood designation for sensitive infill and "gentle densification" (p. 45).

The proposal is also generally consistent with the land use policy of the Crofton Local Area Plan (LAP) (i.e., designation PA4 CDZ, p. 61) for low to medium residential density and cluster housing appealing to young families and seniors.

### **1.2 OCP Amendment Legislative Requirements**

Procedural requirements for amending an OCP are set out in Part 14, Division 4 of the *Local Government Act* (LGA). These include that a local government must, in relation to an OCP Amendment Bylaw:

(s. 473) Content and process requirements

- Consider the most recent housing needs report and the housing information on which the report is based 2.1 b).

(s. 475) Consultation during development of OCP

- Provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.
- Consider whether the opportunities for consultation with one or more of the persons, organizations and authorities should be early and ongoing.

(s. 476) Consultation on planning for school facilities

- Consult with the boards of education for those school districts within which it applies.

(s. 477) Adoption procedures for official community plan

- After first reading and prior to a public hearing in the following indicated order, consider it in conjunction with
  - i) The Municipality's financial plan, and
  - ii) Any waste management plan under Part 3 [Municipal Waste Management] that is applicable in the municipality.

### **1.3 Consultations & Council Resolutions**

In response to statutory procedural requirements related to OCP amendments, a request for consultative input was sent to the following organizations and agencies:

- a) School District 79 (SD79);
- b) Agriculture Land Commission (ALC); and,
- c) Ministry of Agriculture (MoA).

Referral responses were received from the ALC and MoA, with no concerns identified. A response was received from SD79 stating that an increase in student enrolment at Crofton Elementary School could result in some students being reallocated to the school in Chemainus (Attachment 6).

Statutory procedural requirements are reflected in the Council resolutions included in the Options section of this report and as may be applicable in subsequent reports.

## 2. Zoning Bylaw Amendment

The LGA states that local governments may consider an OCP amendment in conjunction with any other land use planning (s. 477):

*(4) In addition to the requirements under subsection 3 ... a local government may consider a proposed official community plan in conjunction with any other land use planning ... that the local government considers relevant.*

For Council's consideration and concurrent with the OCP amendment, this report introduces the applicant's request to rezone the subject property to increase residential density at 1771 Robert Street. **Proposal**

The application requests to rezone the subject property from A2 (Rural) to R3 (Residential One and Two-Family) and R3-MF (Residential Medium Density Multi-Family) Zone to facilitate subdivision for residential development that could yield approximately 32 single-family, duplex and multi-family dwelling units up to 50 units inclusive of secondary suite potential (Attachment 7 – Concept Site Plan).

### 2.2 Policy

#### 2.2.1 OCP

In addition to the proposal's general consistency with the land use policy of the OCP Residential Neighbourhood designation and Crofton LAP (see section 1.1 OCP & Crofton LAP above), the rezoning proposal is generally consistent with:

- Recreation policy by dedicating lands and proposing to construct approx. 700m<sup>2</sup> of public trail (s. 4.4.1.a & Parks and Trails Master Plan/PTMP, p. 91);
- Biodiversity policy by protecting open drainage/watercourse for green space and biodiversity contiguity (s. 4.4.1.c);
- Appropriate density (proposed R3) that also includes housing diversity with townhouse cluster (proposed R3-MF) (s. 5.1.2.d and g); and,
- Proximity to community services within 1km (cycling/transit) and to transit within 300m (walk) from the site to the closest transit stop at Chaplin and Crofton Rd., contributing to policy direction for compact communities (s. 3.1.4.d).

In addition, OCP policy 5.2.2.d seeks to incorporate “affordable housing” within new developments or, in the absence of direct provision of affordable units, a cash-in-lieu contribution to the Municipality’s Affordable Housing Reserve Fund. While the proponent has offered a cash contribution of \$2,500 per R3 lot and \$5,000 for the R3-MF lot in response to this policy, the amount offered falls significantly below both the approximate per unit amount represented in recent rezoning proposals (e.g., Paddle Road land-assembly zoned CD22 & Ford/Drinkwater Road land-assembly zoned CD23) and the guideline amount contained within the emerging draft affordable housing policy.

It is recommended that Council seek a more robust amenity contribution towards affordable housing by directing staff to continue discussions with the applicant to arrive at an appropriate contribution that could be formally accepted or refused by Council at the time of second reading of Zoning Amendment Bylaw 3915, should it get that far. To guide these discussions, the emerging affordable housing policy (Committee of the Whole agenda July 11, 2023) provides a formula-based approach that seeks 2% of the total market value of the proposed development, according to benchmark prices as determined by the Vancouver Island Real Estate Board. Applying these figures to the development concept facilitated by the rezoning:

- 16 x single-family dwellings, benchmark price \$759,450
- 9 x duplex units, benchmark price \$538,000
- 10 x apartment units, benchmark price \$360,000

yields a total market value of \$20,593,200; 2% of this is \$411,864, or an average of **\$11,770 per unit**.

In recognition of the fact that the affordable housing policy is emerging policy in draft form, the other amenity contributions offered as part of this development, and the approximate size of the affordable housing amenity contribution from another significant development in recent times, a target average amenity contribution for affordable housing of \$7,000 per unit is suggested.

### *2.2.2 SITE ADAPTIVE PLANNING*

Council Policy “Site Adaptive Planning in Urban Rural Interface” identifies properties within the Municipality, which includes the subject property, on which future development is expected to consider and accommodate environmental and hazard features. As open drainage, watercourse and ALR vegetated buffer protection, and the site’s topography was considered and reflected in the site design. Further, as environmental and farmland protection and steep slopes hazard development permits will be required prior to development, it is the opinion of staff that the proposal is consistent with the intent of this policy (Attachment 8 – Site Adaptive Planning).

### **2.3 Servicing & Infrastructure**

A public roadway with civil servicing is proposed to be provided for access and site servicing. A public roadway would be designed and constructed in accordance with municipal design standards, including traffic calming, active transportation features, rainwater/green infiltration, and pedestrian crossing where appropriate. Road widening and frontage improvements would occur on Robert Street.

Staff are satisfied that water, sanitary, and stormwater service can be supplied to the subject property for the land use requested; however, downstream stormwater service capacity may require significant upgrades to accommodate future residential development of the site. The owner has acknowledged they are responsible for analysis and onsite stormwater management based on the property's previous state prior to mature tree removal, as well as potential upgrades to the downstream municipal stormwater service and in accordance with Engineering standards (Attachment 9). The owner further acknowledges that, given municipal engineering onsite stormwater management requirements, the number of lots/units as indicated on the Concept Site Plan may not be achieved (Attachment 7).

#### **2.4 Future Development Approvals**

SECTION 11 STREAM CROSSING: A change approval from the province under Section 11 of the *Water Sustainability Act* is required should future development contemplate a stream-crossing to the northwest corner of the site. Should appropriate provincial permits not be issued, the area that proposes multi-family housing could remain undeveloped.

DPA1/6: Multi-family housing development under the proposed R3-MF zone would require a development permit for its form and character (DPA1, MF/intensive residential; DPA6 GHG Reduction, Energy and Water Conservation).

DPA3: A development permit for the protection of the natural environment (DPA3, riparian) would be required prior to development. A preliminary assessment of the drainage course running through the property was conducted by a Qualified Environmental Professional (QEP), who determined that the watercourse would not be defined under the Riparian Area Protection and Enhancement Regulation. However, at the advice of the QEP, the owner has committed to replanting a 5-metre no-disturbance area on either side of the watercourse and protecting this vegetation into the future by registering a s. 219 (*Land Title Act*) protective covenant over this area. Further, a minimum setback of 15 metres for structures and fill is required from the watercourse (per Zoning Bylaw, sec. 13).

DPA4: A development permit for steep slope hazard areas would be required prior to development. This would require a Qualified Professional to assess the hazards related to the lands and provide any conditions that may pertain to the future development of those lands for ensuring they are safe for the intended use.

DPA5: A development permit for the protection of farmland would be required at the time of development. The applicant has demonstrated on their site plan that building and vegetated setbacks from agricultural lands to the north can be achieved.

#### **2.5 Commitments & Amenity Contributions**

The owner is willing to enter into a covenant agreement registered on the title of the property as a condition of successful rezoning, which would secure the following commitments and amenity contributions (Attachment 10 – Owner Commitments):

- a. Trail construction (3m) and dedication (4.5m) to the Municipality in the general location shown on the Concept Site Plan (Attachment 7);
- b. Registration of a vegetation management plan over a 5-metre no disturbance area on either side of the watercourse and over the ALR buffer with vegetation restoration by the owner;

- c. Public roadway design standards that include sidewalks, active transportation, pedestrian crossings, and traffic calming where appropriate;
- d. One tree per lot (front), \$300 security provided at the time of Building Permit;
- e. A financial contribution of \$2,500 per R3 lot and \$5,000 per R3-MF lot (\$57,500 - \$60,000) to be allocated to the Municipality's Affordable Housing Reserve Fund;
- f. 5% cash in lieu of parkland contribution, calculated as per the LGA;
- g. Infrastructure, including dedication for a new public roadway with construction and civil servicing works and statutory rights of way where required
- h. A 3.0m (approx.) dedication for road widening and improvements on Robert Street provided at the subdivision

As discussed above, the sufficiency of item (e) is in question when compared to the contributions provided by another development in recent times and the target amounts identified in the emerging affordable housing policy. This is reflected in the recommendation to seek a higher sum prior to second reading; however, if Council is satisfied that the ~\$60,000 offered is a sufficient affordable housing amenity contribution, Option 3 below enables Council to give both first and second readings to the OCP and Zoning amendment bylaws and schedule a public hearing.

### 3. Conclusion

An OCP amendment is required to include it within the UCB and redesignate it from Rural Residential to Residential Neighbourhood for Council to consider a Zoning Amendment Bylaw to increase residential density at the subject property. Procedural requirements for amending the OCP set out in the LGA are:

1. Consider the most recent housing needs report.
2. Provide opportunities for persons, organizations and authorities whose interests Council considers affected, how to consult with them, and whether consultation should be early and ongoing.
3. Seek the input of SD79 on the proposed OCP amendment.
4. After first reading, consider the proposed OCP amendment in conjunction with the financial plan and any waste management plan under Part 3 of the *Environmental Management Act*.
5. Conduct a public hearing.

While the subject property is not currently designated for the proposed uses and densities such that the proposal would be aligned, there are valid reasons for considering OCP and Zoning Bylaw amendments that would allow the subject property to be developed as proposed. These include:

- The rezoning proposal generally complies with the use and density policies of the Residential Neighbourhood land use designation of the OCP to which the subject property is proposed to be reclassified.
- The applicant has committed to community amenities and development features generally supported by planning policies in the OCP (although it is recommended that a higher contribution is sought).
- The Crofton LAP supports the proposed uses and densities.
- The property is immediately adjacent to residential uses similar to those proposed.
- The property can be serviced with Municipal water and sewer.
- The proposal's location is within one kilometre of transit, a school, and community services.

- The proposal accommodates a vegetated buffer from agricultural lands to the north in accordance with Ministry of Agriculture and Food guidelines and secures the revegetation and protection of open drainage.

While there are justifications for the proposed OCP amendment, any expansion of the UCB should be undertaken cautiously, and proximity to the UCB boundary alone should not justify amending the OCP. That said, it should also be recognized that the OCP review and update process that concluded with the adoption of OCP Bylaw 3900 did not involve a detailed property-by-property analysis when assigning OCP land use designations. The OCP amendment application process allows for a more considered review of property attributes that are not practical for land use planning at a larger scale—the reasons above support redesignating the subject property to Residential Neighbourhood and including it within the UCB.

The recommendation is to proceed with first reading of the attached amendment bylaws and seek a higher affordable housing amenity contribution commitment prior to consideration of second reading. If Council does not wish to request a higher contribution, it may proceed to give both first and second readings, as per Option 3 below. It may also specify a different target figure by amending the recommendation option accordingly.

Draft OCP Amendment Bylaw No. 3914 is provided in Attachment 11.

Draft Zoning Amendment Bylaw No. 3915 is provided in Attachment 12.

## **OPTIONS**

### **1. (Recommended Option)**

(1) THAT Council:

- a) consider the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- b) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023 and determine that the interests of School District 79, the Ministry of Agriculture and Food, and the Agriculture Land Reserve may be affected and should receive a written request for consultation;
- c) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the consultation under that section does not need to be early and ongoing;
- d) consult under Section 476 of the *Local Government Act* with School District 79 in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- e) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the North Cowichan 2022 Five-Year Financial Plan; and,
- f) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the Cowichan Valley Regional District Solid Waste Management Plan (as amended) and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan.

(2) THAT Council give first reading to Official Community Plan Amendment Bylaw No. 3914, 2023.

(3) THAT Council give first reading to Zoning Amendment Bylaw No. 3915, 2023.

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- (4) THAT Council direct staff to continue discussions with the proponent regarding affordable housing community amenity contributions, to seek an increase in the amount offered prior to Council's potential consideration of second reading of Zoning Amendment Bylaw No. 3915, 2023, to a target amount of \$245,000 for affordable housing.

## 2. (Alternative Option)

### (1) THAT Council:

- a) consider the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- b) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023 and determine that **in addition to** those of School District 79, the Ministry of Agriculture and Food and the Agriculture Land Reserve the interests of **the following persons, organizations and authorities are affected** and should receive a written request for consultation **within 30 days**:
  - [Council to identify]
- c) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the consultation under that section does not need to be early and ongoing;
- d) consult under Section 476 of the *Local Government Act* with School District 79 in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- e) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the North Cowichan 2022 Five-Year Financial Plan; and,
- f) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the Cowichan Valley Regional District Solid Waste Management Plan (as amended) and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan.

- (2) THAT Council postpone consideration of first and second reading of Official Community Plan Amendment Bylaw No. 3914, 2023 until after consultation is completed or the 30-day consultation period has lapsed.

## 3. (Alternative Option)

### (1) THAT Council:

- a) consider the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- b) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the interests of School District 79, the Ministry of Agriculture and Food, and the Agriculture Land Reserve may be affected and should receive a written request for consultation;
- c) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the consultation under that section does not need to be early and ongoing;
- d) consult under Section 476 of the *Local Government Act* with School District 79 in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
- e) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the

North Cowichan 2022 Five-Year Financial Plan; and,

- f) considers Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the Cowichan Valley Regional District Solid Waste Management Plan (as amended) and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan.
- (2) THAT Council give first and second reading to Official Community Plan Amendment Bylaw No. 3914, 2023.
- (3) THAT Council give first and second reading to Zoning Amendment Bylaw No. 3915, 2023.
- (4) THAT Council direct staff to schedule a public hearing for Official Community Plan Amendment Bylaw No. 3914, 2023, and Zoning Amendment Bylaw No. 3915, 2023.

#### 4. **(Alternative Option)**

THAT Council deny Zoning Amendment Application ZB000133 to facilitate future residential development at 1771 Roberts Street.

### **IMPLICATIONS**

Should Council be satisfied with its consideration of the recent housing needs report received under section 585.31 of the LGA, i.e., Sub-Regional Report, January 21, and be satisfied that there is no need for consultation opportunities to be early and ongoing and that consultations as conducted by staff for which referral responses were received, are satisfactory (Attachment 6), OCP Amendment Bylaw No. 3914 can be considered for first reading, followed by first reading of Zoning Amendment Bylaw No. 3915.

Should Council not be satisfied with consultation with SD 79, the Ministry of Agriculture and Food, and the ALC and decide that additional persons, organizations and authorities are considered affected by OCP Amendment Bylaw No. 3914, the OCP amendment bylaw could be deferred until Council identified consultations were completed, after which first and second reading could be scheduled.

Pending the items above, should Council wish to consider Zoning Amendment Bylaw 3915 for first reading, Council could direct staff to engage the property owner toward a higher amenity contribution for the Affordable Housing Fund than what the owner currently offers, or an alternative as may be decided by Council. Alternatively, Council could accept the contributions as submitted (see Attachment 10).

If Council is not supportive of the proposed land use change, denial of the application would result in abandonment of OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw No. 3915 and any use and development of the subject property would be subject to the provisions of the Rural (A2) Zone.

**RECOMMENDATION**

- (1) THAT Council:
  - a) consider the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
  - b) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the interests of School District 79, the Ministry of Agriculture and Land, and the Agriculture Land Reserve may be affected and should receive a written request for consultation;
  - c) consider consultations under Section 475 of the *Local Government Act* in relation to Official Community Plan Amendment Bylaw No. 3914, 2023, and determine that the consultation under that section does not need to be early and ongoing;
  - d) consult under Section 476 of the *Local Government Act* with School District 79 in relation to Official Community Plan Amendment Bylaw No. 3914, 2023;
  - e) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the North Cowichan 2022 Five-Year Financial Plan; and,
  - f) consider Official Community Plan Amendment Bylaw No. 3914, 2023, in conjunction with the Cowichan Valley Regional District Solid Waste Management Plan (as amended) and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan;
- (2) THAT Council give first reading to Official Community Plan Amendment Bylaw No. 3914, 2023;
- (3) THAT Council give first reading to Zoning Amendment Bylaw No. 3915, 2023;
- (4) THAT Council direct staff to continue discussions with the proponent regarding affordable housing community amenity contributions, to seek an increase in the amount offered prior to Council’s potential consideration of second reading of Zoning Amendment Bylaw No. 3915, 2023, to a target amount of \$245,000 for affordable housing.

Report prepared by:

Report reviewed by:

*[Caroline von Schilling]*



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Caroline von Schilling, MCIP, RPP  
Development Planner

---

Rob Conway, MCIP, RPP  
Director, Planning and Building

**Approved to be forwarded to Council:**



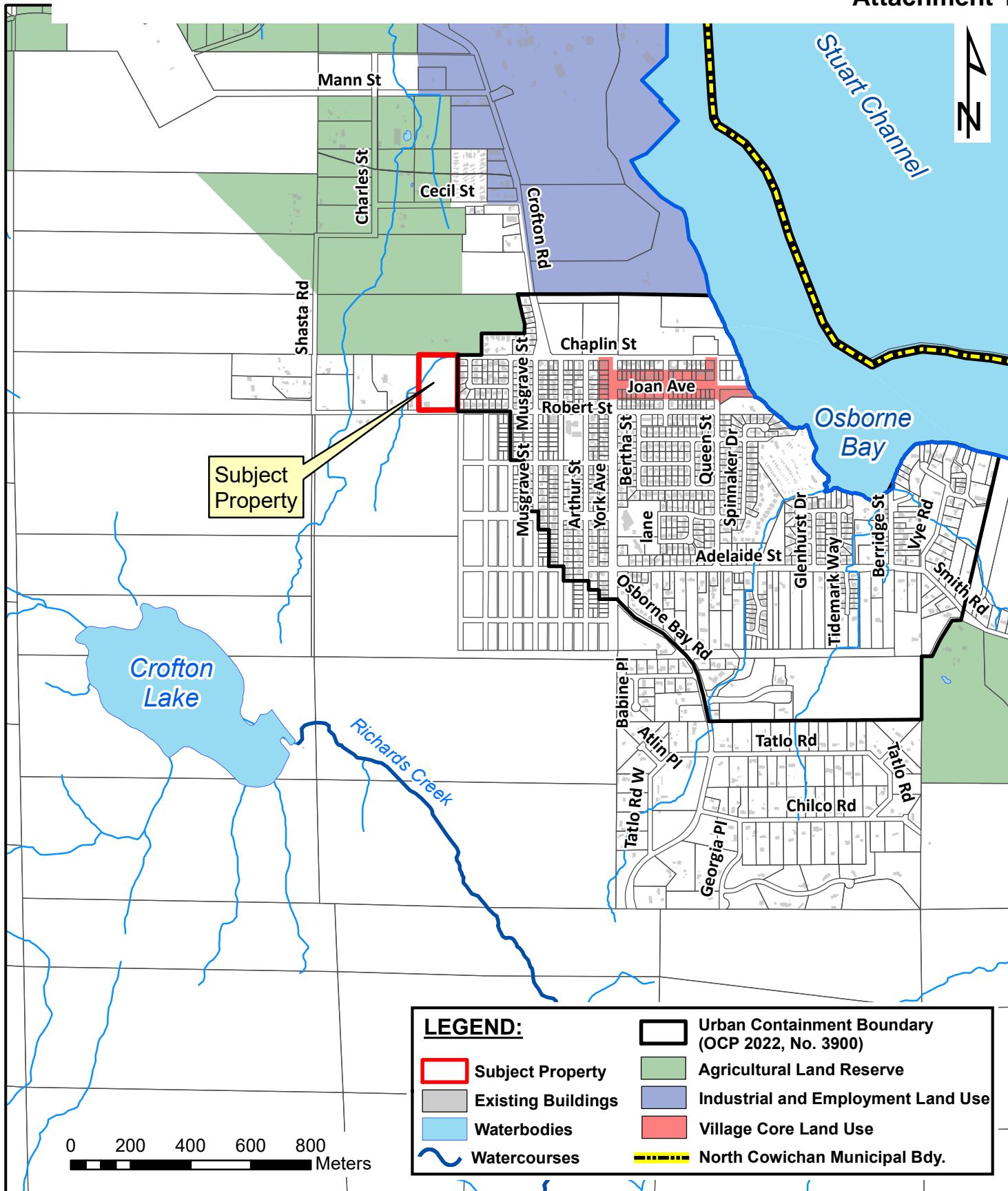
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Ted Swabey

Chief Administrative Officer

Attachments:

- (1) Location Map
- (2) Orthophoto
- (3) OCP Map
- (4) Zoning Map
- (5) Council Minutes 2023-02-21
- (6) Referral Responses
- (7) Concept Site Plan
- (8) Site Adaptive Planning
- (9) Owner Acknowledgement
- (10) Owner Commitments
- (11) Draft OCP Amendment Bylaw 3914
- (12) Draft Zoning Amendment Bylaw 3915



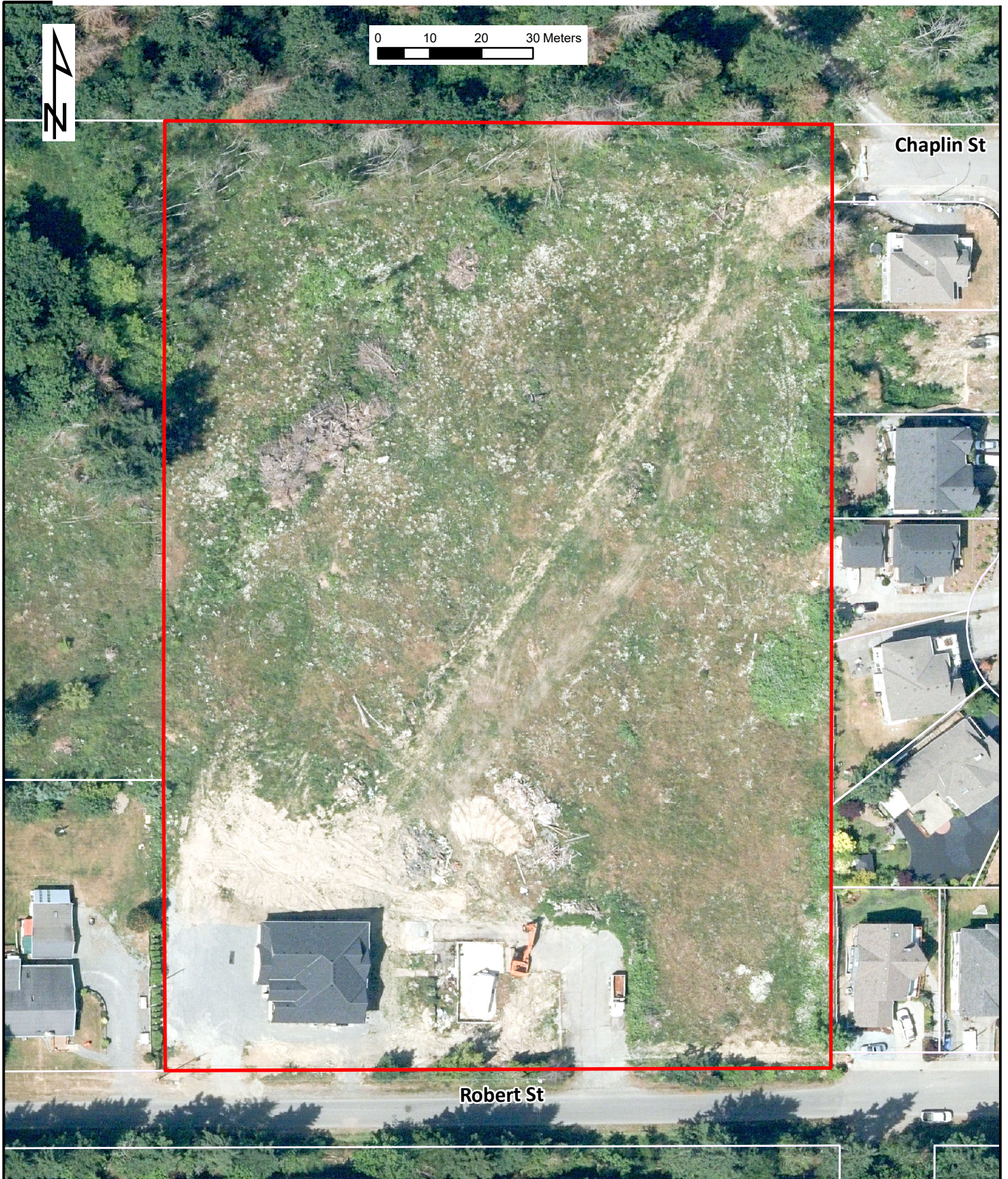
**LOCATION MAP**

1771 Robert Street

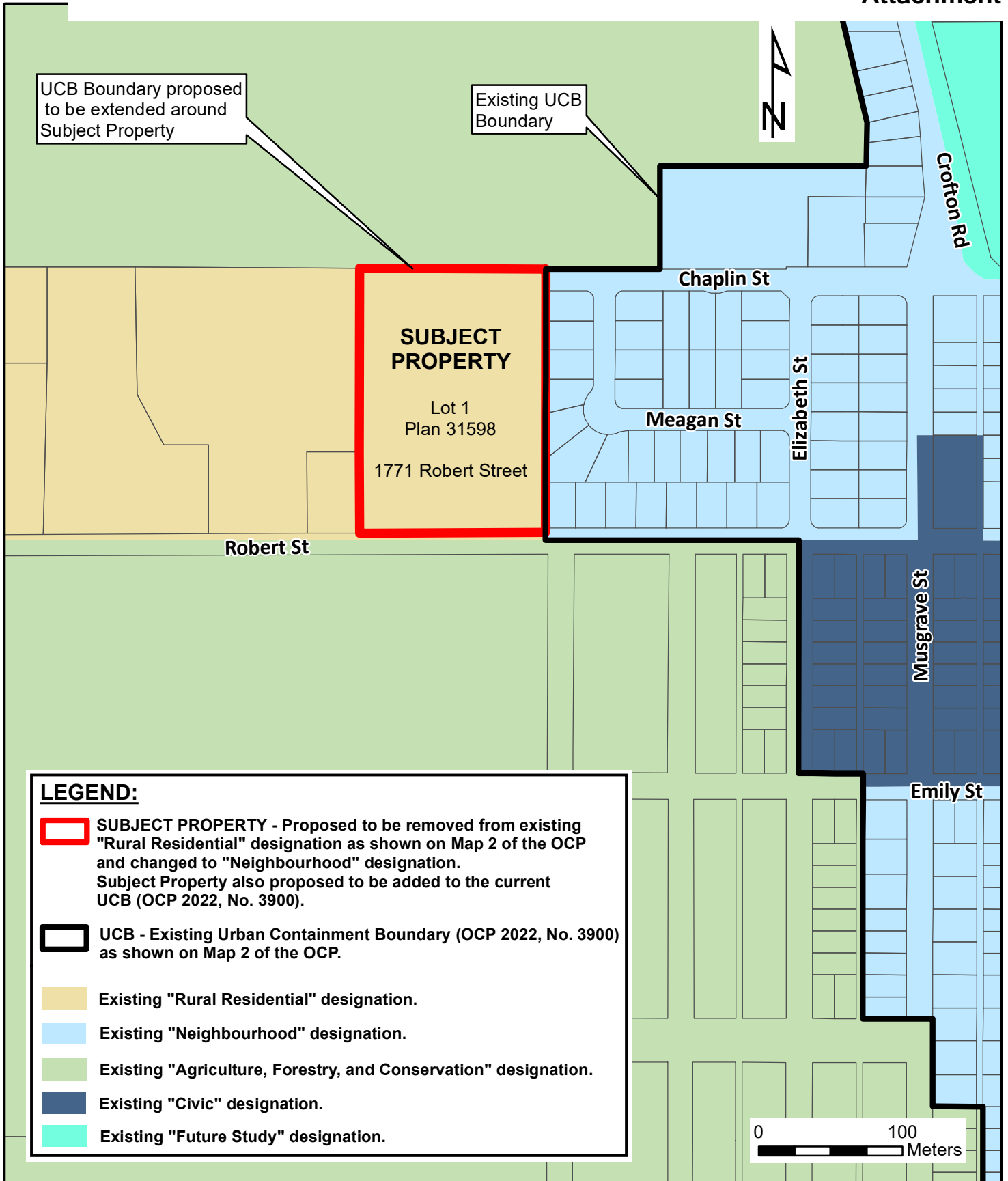
DATE: January 18, 2023

TYPE: Zoning Amendment

FILE#: ZB000133




	<p><b>ORTHOPHOTO MAP</b> ( Orthophoto is from 2019 aerial photography)</p>	<p><b>DATE:</b> January 18, 2023</p>
	<p>1771 Robert Street</p>	<p><b>TYPE:</b> Zoning Amendment</p>
		<p><b>FILE#:</b> ZB000133</p>

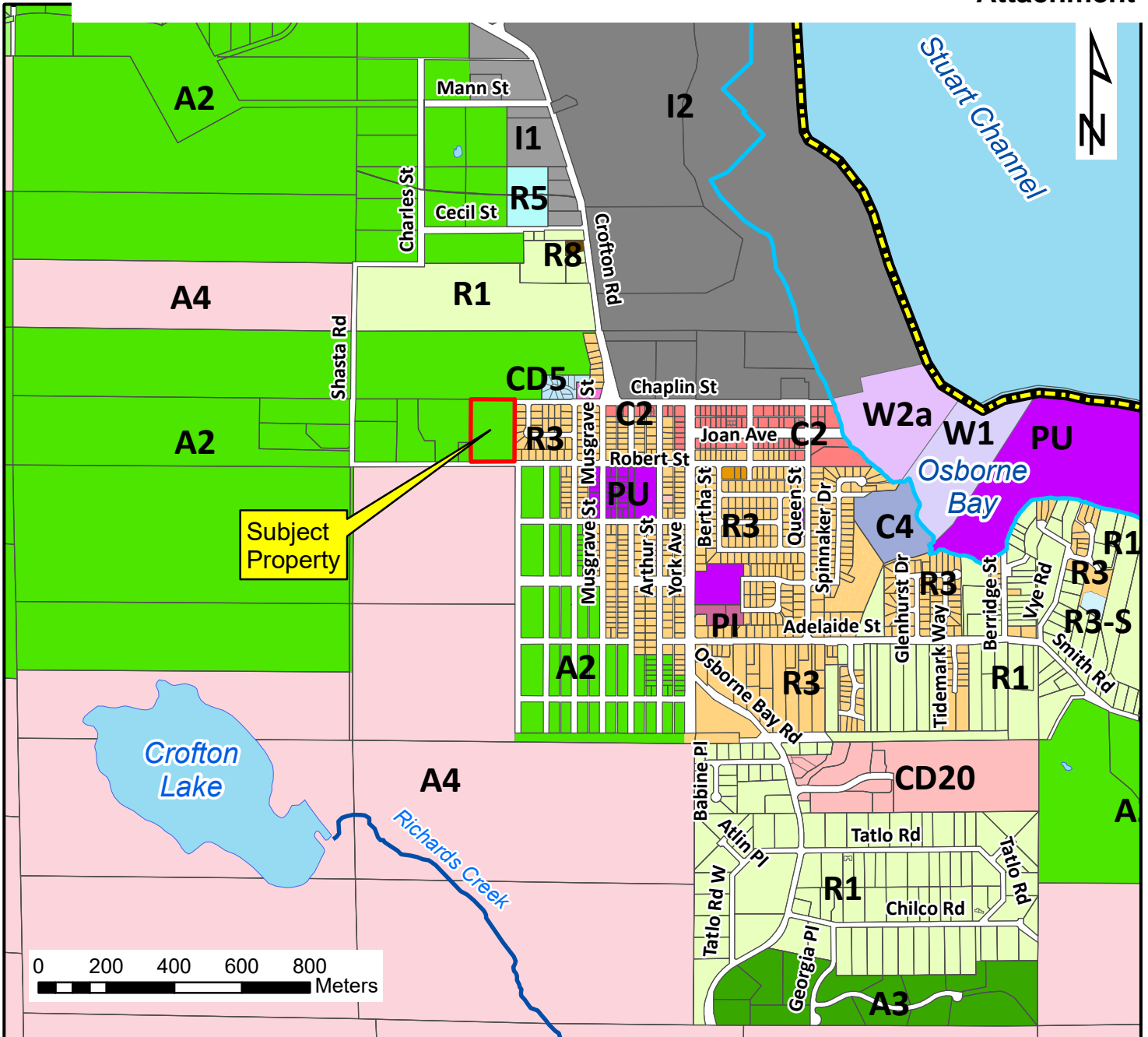


**LEGEND:**

- SUBJECT PROPERTY** - Proposed to be removed from existing "Rural Residential" designation as shown on Map 2 of the OCP and changed to "Neighbourhood" designation. Subject Property also proposed to be added to the current UCB (OCP 2022, No. 3900).
- UCB - Existing Urban Containment Boundary (OCP 2022, No. 3900)** as shown on Map 2 of the OCP.
- Existing "Rural Residential" designation.
- Existing "Neighbourhood" designation.
- Existing "Agriculture, Forestry, and Conservation" designation.
- Existing "Civic" designation.
- Existing "Future Study" designation.



	<b>OCP MAP 2 Revisions</b>	DATE:	June 14, 2023
	(OCP Map 2 Growth and Land Use Management)	TYPE:	OCP Amendment
	1771 Robert Street	FILE#:	OCP00026



**LEGEND:**

- |  |  |
|--|--|
| <span style="display:inline-block; width:15px; height:15px; background-color:#90EE90; border:1px solid black;"></span> A1 - Agricultural                     | <span style="display:inline-block; width:15px; height:15px; background-color:#808080; border:1px solid black;"></span> I2 - Industrial Heavy                             |
| <span style="display:inline-block; width:15px; height:15px; background-color:#32CD32; border:1px solid black;"></span> A2 - Rural                            | <span style="display:inline-block; width:15px; height:15px; background-color:#C71585; border:1px solid black;"></span> PI - Public Institutional                         |
| <span style="display:inline-block; width:15px; height:15px; background-color:#228B22; border:1px solid black;"></span> A3 - Rural Restricted                 | <span style="display:inline-block; width:15px; height:15px; background-color:#FFD700; border:1px solid black;"></span> PU - Public Use                                   |
| <span style="display:inline-block; width:15px; height:15px; background-color:#FFB6C1; border:1px solid black;"></span> A4 - Rural Resources                  | <span style="display:inline-block; width:15px; height:15px; background-color:#90EE90; border:1px solid black;"></span> R1 - Residential Rural                            |
| <span style="display:inline-block; width:15px; height:15px; background-color:#FF4500; border:1px solid black;"></span> C2 - Commercial General               | <span style="display:inline-block; width:15px; height:15px; background-color:#FFD700; border:1px solid black;"></span> R3 - Residential One and Two-Family               |
| <span style="display:inline-block; width:15px; height:15px; background-color:#FF69B4; border:1px solid black;"></span> C3 - Commercial Service               | <span style="display:inline-block; width:15px; height:15px; background-color:#FFA07A; border:1px solid black;"></span> R3-MF - Residential Medium Density Multi-Family   |
| <span style="display:inline-block; width:15px; height:15px; background-color:#6495ED; border:1px solid black;"></span> C4 - Commercial Recreational          | <span style="display:inline-block; width:15px; height:15px; background-color:#ADD8E6; border:1px solid black;"></span> R3-S - Residential Small Lot Single-Family        |
| <span style="display:inline-block; width:15px; height:15px; background-color:#ADD8E6; border:1px solid black;"></span> CD5 - Comp. Dev. (Low Density Family) | <span style="display:inline-block; width:15px; height:15px; background-color:#87CEEB; border:1px solid black;"></span> R5 - Residential Mobile Home Park                 |
| <span style="display:inline-block; width:15px; height:15px; background-color:#FFA07A; border:1px solid black;"></span> CD20 - Comp. Dev. (The Commons)       | <span style="display:inline-block; width:15px; height:15px; background-color:#FF8C00; border:1px solid black;"></span> R6 - Residential Townhouse                        |
| <span style="display:inline-block; width:15px; height:15px; background-color:#808080; border:1px solid black;"></span> I1 - Industrial Light                 | <span style="display:inline-block; width:15px; height:15px; background-color:#8B4513; border:1px solid black;"></span> R8 - Residential Multi-Family Apartment           |
|  | <span style="display:inline-block; width:15px; height:15px; background-color:#9370DB; border:1px solid black;"></span> W1 - Private Residence Water Lot                  |
|  | <span style="display:inline-block; width:15px; height:15px; background-color:#DDA0DD; border:1px solid black;"></span> W2a - Light Comm. Water Lot (with Marine-Fueling) |



**ZONING MAP**  
1771 Robert Street

DATE:	January 18, 2023
TYPE:	Zoning Amendment
FILE#:	ZB000133

February 21, 2023 - Regular Co

companies by supporting fossil fuel free investment portfolios (such as the MFA Fossil Fuel Free Short-Term Bond Fund), and of". (Opposed: Findlay, Manhas)  
CARRIED

IT WAS MOVED AND SECONDED:

THAT Council refer the draft Investment Policy back to staff to prepare a report on options for an investment policy/strategy that in addition to prioritizing safety, liquidity and return on investment also;

- (1) reflects our OCP's over-arching goals related to environmental and climate action and social justice,
- (2) is consistent with the municipality's acknowledgement of a climate emergency, and
- (3) preferentially selecting investments that make positive contributions to Environmental, Social and Governance (ESG) factors. (Opposed: Findlay, Manhas)  
CARRIED

## 9.2 Official Community Plan and In-Stream Development Applications

IT WAS MOVED AND SECONDED:

THAT Council direct staff to initiate an amendment to Official Community Plan Bylaw No. 3900 for 1771 Robert Street to be presented at a future meeting concurrently with Zoning Amendment Application ZB133. CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB83 (2083 Indian Crescent) due to it being inconsistent with the land use designation in the Official Community Plan. (Opposed: Caljouw, Findlay, Manhas)  
CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB161 (6409 Wicks Road) due to it being inconsistent with the land use designation in the Official Community Plan. (Opposed: Caljouw, Findlay, Istace, Manhas)  
DEFEATED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to initiate an amendment to Official Community Plan Bylaw No. 3900 for 6409 Wicks Road to be presented at a future meeting concurrently with zoning amendment Application ZB161. (Opposed: Douglas)  
CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB164 (Lot 2, Moose Road) due to it being inconsistent with the land use designation in the Official Community Plan. (Opposed: Caljouw, Findlay, Manhas)  
CARRIED

IT WAS MOVED AND SECONDED:

THAT Council deny Zoning Amendment Application ZB127 (7022 Bell McKinnon Road) due to it being inconsistent with the land use designation in the Official Community Plan. (Opposed: Caljouw, Findlay, Manhas)  
CARRIED



April 14, 2023

Caroline von Schilling  
Development Planner, Planning Department  
Municipality of North Cowichan  
caroline.vonschilling@northcowichan.ca

**Sent by email**

Dear Caroline:

**Re: File OCP00026 – OCP and Rezoning Application at 1771 Robert Street (PID: 001-147-544) – The Subject Property**

Thank you for providing the opportunity for Ministry of Agriculture and Food (Ministry) staff to comment on File OCP00026 that proposes to rezone the 2.4 ha Subject Property from A2 (Rural) to R3 (Residential One and Two Family) and R3-MF (Residential Multi-Family) to facilitate a 23 lot subdivision for future residential development of approximately 34 – 40 dwelling units that borders land in the Agricultural Land Reserve (ALR) to the north.

A referral response was initially provided by Ministry staff on December 10, 2021. From an agricultural perspective, Ministry staff offer the following comments:

**Setbacks, Vegetative Buffer and Buffer Design:**

Ministry staff note that, similar to the initial project proposal for the Subject Property dated May 19, 2021, a 30 metre setback between the residential structures proposed to be constructed on the northern portion of the Subject Property and the adjacent property to the north that is within the ALR is still proposed in the revised project plan. Additionally, within this 30 metre setback, the 15 metres directly adjacent to the ALR boundary is once again proposed to be dedicated to a vegetative buffer.

Ministry staff are pleased to see that the residence proposed on lot 15 (labelled lot 16 on the previous project plan) will be setback more than 30 metres from the ALR boundary. Previously, the residence on lot 16 was only proposed to be setback approximately 20 metres from the ALR boundary.

Ministry staff note that a Buffer Design Plan was not submitted with the updated OCP/Zoning Bylaw Amendment application. Ministry staff welcome the opportunity to review a Buffer Design Plan for the Subject Property if/when one is completed.

Overall, Ministry staff are encouraged to see that the proposed setback and vegetative buffer provisions are largely consistent with section 3.8 'Urban-side buffer design specifications' contained within the Ministry's Guide to Edge Planning.

**Proposed Rezoning:**

Be advised that the Ministry has no comment with respect to rezoning the Subject Property from the current A2 (Rural) to R3 (Residential One and Two Family), R3-MF (Residential Multi-Family) to accommodate residential development on the Subject Property.

Please contact Ministry staff if you have any questions regarding the above comments.

Thank you for the opportunity to provide comments from an agricultural perspective with respect to this file.

Sincerely,

A handwritten signature in black ink that reads "Reed Bailey". The signature is written in a cursive style with a long, sweeping underline.

Reed Bailey  
Land Use Planner  
778-698-3455  
[Reed.Bailey@gov.bc.ca](mailto:Reed.Bailey@gov.bc.ca)

cc: Agricultural Land Commission – [ALC.Referrals@gov.bc.ca](mailto:ALC.Referrals@gov.bc.ca)

**From:** Collins, Martin ALC:EX <Martin.Collins@gov.bc.ca>  
**Sent:** Monday, March 27, 2023 2:10 PM  
**To:** Caroline von Schilling  
**Subject:** OCP Bylaw No. 3900,

**Categories:** c - Filed, 3 - Applications

Caroline

The ALC has no objection to the proposed development adjacent to the ALR, finding the buffering/setbacks adequate to ensure minimal conflict with future potential agricultural development.

Regards

Martin Collins, Regional Planner, ALC

**From:** Jason Sandquist <JSandquist@sd79.bc.ca>  
**Sent:** Tuesday, May 2, 2023 1:48 PM  
**To:** Caroline von Schilling  
**Cc:** Rob Conway  
**Subject:** RE: OCP Amendment Referral Comment - Requested OCP00026 1771 Robert Street  
ADDENDUM

Hi Caroline,

Thank you for following up.

We are now at capacity for Crofton Elementary School with a projected enrolment for 2023/2024 of 204 students. Should this development proposal bring additional children to the school it may trigger a recent motion of the Board of Education that states that in the event that a portable classroom is required at Crofton Elementary or Chemainus Elementary the grade 6 populations from both of those schools will transfer to Chemainus Secondary. Leaving both Chemainus and Crofton Elementary Schools as K-5 schools.

This would be an impact to both of those communities and should be taken into consideration by North Cowichan. I am happy to expand further if requested.

Thank you,

**Jason Sandquist**  
Secretary-Treasurer

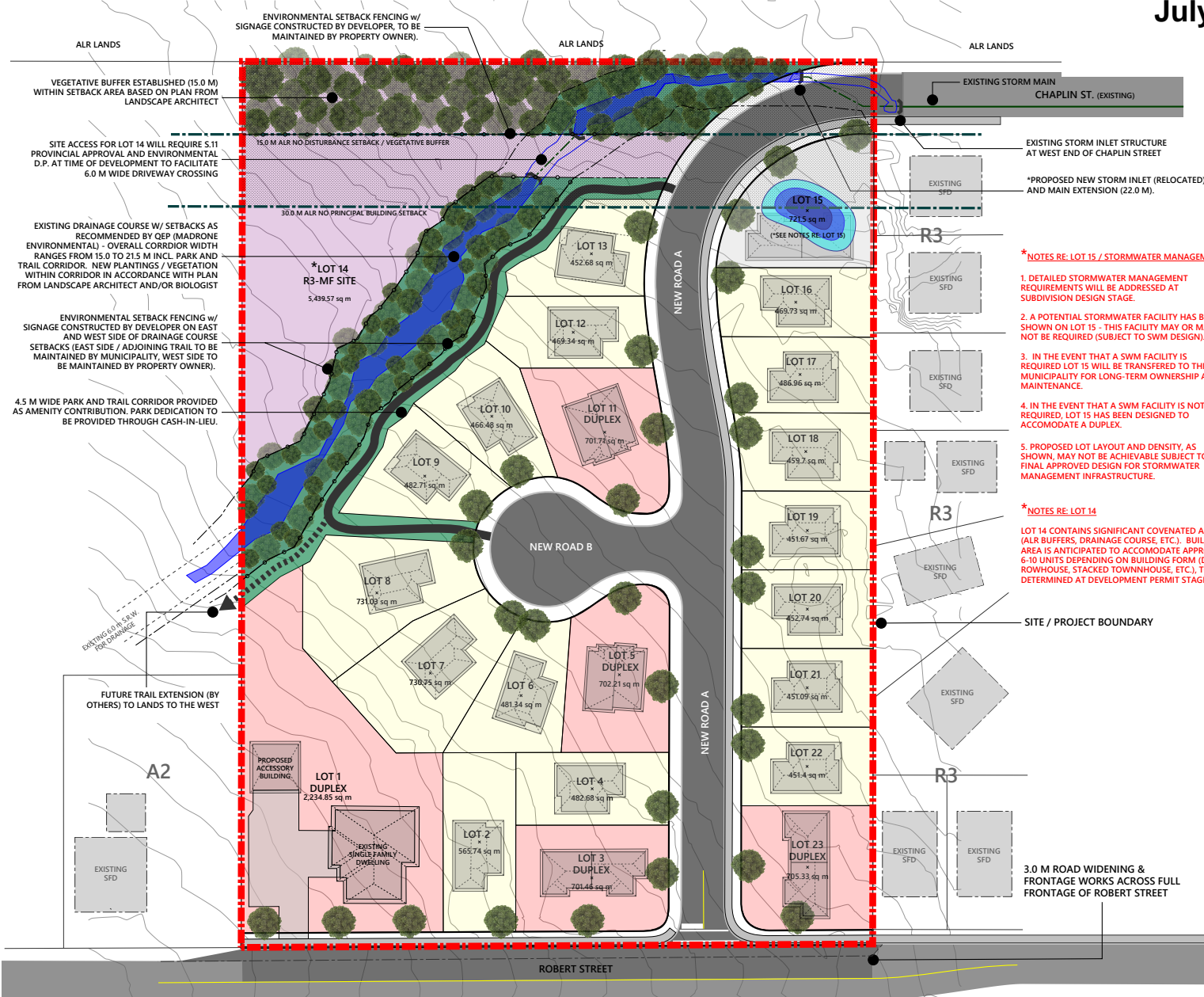
**Cowichan Valley School District**  
AD: 2557 Beverly Street, Duncan, BC  
PH: 250-748-0321 Ext. 208  
W: [www.sd79.bc.ca](http://www.sd79.bc.ca)  
S: @CowichanSchools - FB / Twitter / IG



Our Journey is **Beyond Education**

I acknowledge that for thousands of years the Quw'utsun, Malahat, Ts'uubaa-asatx, Halalt, Penelakut, Stz'uminus, & Lyackson Peoples have walked gently on the unceded territories where I now work.

## DEVELOPMENT PLAN



### SITE & PROJECT DATA

CIVIC ADDRESS:  
1771 ROBERT STREET

LEGAL ADDRESS:  
LOT 1, SECTION 10, RANGE 10, CHEMAINUS DIST., PLAN 31598

PID: 001-147-544

AREA: 2.37 HA (5.87 ACRES)

JURISDICTION: MUNICIPALITY OF NORTH COWICHAN

EXISTING ZONING: A2 - RURAL

PROPOSED ZONING:  
R3 - ONE AND TWO-FAMILY RESIDENTIAL  
R3-MF - RESIDENTIAL MEDIUM DENSITY MULTI-FAMILY ZONE

TOTAL PROPOSED LOTS: 23

TOTAL MULTI-FAMILY UNITS: 6-10 (SUBJECT TO DETAILED DESIGN / BUILDING FORM / UNIT SIZE)

TOTAL ANTICIPATED UNITS: +/- 32-38 UNITS

\*PROPOSED NEW STORM INLET (RELOCATED) AND MAIN EXTENSION (22.0 M).

**\*NOTES RE: LOT 15 / STORMWATER MANAGEMENT**

1. DETAILED STORMWATER MANAGEMENT REQUIREMENTS WILL BE ADDRESSED AT SUBDIVISION DESIGN STAGE.
2. A POTENTIAL STORMWATER FACILITY HAS BEEN SHOWN ON LOT 15 - THIS FACILITY MAY OR MAY NOT BE REQUIRED (SUBJECT TO SWM DESIGN).
3. IN THE EVENT THAT A SWM FACILITY IS REQUIRED LOT 15 WILL BE TRANSFERRED TO THE MUNICIPALITY FOR LONG-TERM OWNERSHIP AND MAINTENANCE.
4. IN THE EVENT THAT A SWM FACILITY IS NOT REQUIRED, LOT 15 HAS BEEN DESIGNED TO ACCOMMODATE A DUPLEX.
5. PROPOSED LOT LAYOUT AND DENSITY, AS SHOWN, MAY NOT BE ACHIEVABLE SUBJECT TO FINAL APPROVED DESIGN FOR STORMWATER MANAGEMENT INFRASTRUCTURE.

**\*NOTES RE: LOT 14**

LOT 14 CONTAINS SIGNIFICANT COVENATED AREAS - (ALR BUFFERS, DRAINAGE COURSE, ETC.). BUILDABLE AREA IS ANTICIPATED TO ACCOMMODATE APPROX. 6-10 UNITS DEPENDING ON BUILDING FORM (DUPLEX, ROWHOUSE, STACKED TOWNHOUSE, ETC.), TO BE DETERMINED AT DEVELOPMENT PERMIT STAGE.

\*NOTE - THIS PLAN IS CONCEPTUAL AND HAS BEEN PREPARED FOR ILLUSTRATIVE PURPOSE IN ORDER TO DEMONSTRATE A POTENTIAL SUBDIVISION / DEVELOPMENT SCENARIO IF REZONING IS SUCCESSFUL. CONCEPTS IDENTIFIED ON THIS PLAN SHOULD NOT BE CONSIDERED TO HAVE ANY SPECIFIC ENDORSEMENT AT THIS STAGE BY THE MUNICIPALITY OF NORTH COWICHAN. ALL FUTURE SUBDIVISION AND/OR DEVELOPMENT APPLICATIONS SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE DISTRICT OF NORTH COWICHAN.

File: 20-05 (ROBERT STREET / SYMBORKSI)  
Drawn By: SWM  
Date: 2023-07-07  
Version: 20-05-06



**TOWNSITE PLANNING**

TOWNSITE PLANNING INC.  
PO BOX 160  
Lantzville, BC V0R 2H0  
tel / text: 250.797.2515  
email: scott@townsiteplanning.ca  
web: www.townsiteplanning.ca

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ALL DOCUMENTS AND PLANS ARE PROTECTED BY COPYRIGHT LAW AND MAY NOT BE USED OR REPRODUCED FOR ANY PURPOSE EXCEPT WITH EXPRESS WRITTEN CONSENT PROVIDED BY TOWNSITE PLANNING INC.  
CONTOUR DATA DERIVED FROM MUNICIPALITY OF NORTH COWICHAN WEB MAP DATA  
DRAINAGE COURSE ALIGNMENT DERIVED FROM FLAGGING AND SURVEY WORK COMPLETED BY MADRONE ENVIRONMENTAL AND HEROLD ENGINEERING.



PO Box 160, Lantzville, BC V0R 2H0 t: (250) 797.2515  
e: scott@townsiteplanning.ca w: www.townsiteplanning.ca

March 30, 2022

## Site Adaptive Planning in Urban Rural Interface - 1771 ROBERT STREET

### SITE:

1771 Robert Street is a 2.37 ha (5.75 acre) parcel located in the northwest corner of the community of Crofton within the Municipality of North Cowichan. The site is located within the Municipality's Urban Containment / Growth Centre Boundaries.

The lands contain an existing newer single-family dwelling in the southwest corner of the parcel which was constructed in 2018. Historic air photos indicate that the southern half of the property was cleared and open as far back as the mid-1970's (note, there was an older home from the 1960's (approx.) that was removed when the new home was built in 2018). The northern half of the property appears to have been cleared in approximately 2016/2017. The current state of the property is that the majority of it is roughly graded, except for those areas directly around / in proximity to the single-family dwelling.

The existing single-family dwelling has a connection to municipal water, which runs along the entire frontage of the property along Robert Street. Municipal water is also stubbed at northern end of Chaplin Street. Municipal sanitary and storm sewer services are also stubbed at the end of Chaplin Street in anticipation of future extension to these lands. The house is connected to municipal sewer at the northeast corner of the site.

### TERRAIN:

The subject property slopes fairly consistently at 10-12% from the southwest corner of the property (90m above sea level) to the northeast corner (63 m above sea level).

### ECOSYSTEM / SURROUNDING CONTEXT:

There is a minor overland drainage route that enters the property approximately halfway along the western boundary of the site and exits the property into the piped municipal stormwater system near the northeast corner of the site.

Lands directly adjoining to the east consist of an existing low density residential neighbourhood (R3 zoning: single family / duplex). Lands to the west are also located in the Urban Containment Boundaries (UCB) and are serviced with municipal water. Lands to the south (across Robert Street) are forested, located outside of the UCB and owned by the Municipality. Lands to the north are forested and are located within the Agricultural Land Reserve (ALR), although do not currently appear to be in use for any agricultural purposes.

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## **COMMUNITY CONTEXT:**

Crofton is an established and stable community located on Osborne Bay within the Municipality of North Cowichan. The majority of the community consists of older residential housing stock on serviced urban lots. Newer developments have occurred within the community, primarily in the south / southeast areas of the community, along with lands directly east of the subject property.

The following important community facilities are located within walking distance to the site:

- BC Transit route: 250 m
- Crofton Community Fire Hall: 275 m
- Crofton Community Centre: 300 m
- Crofton Community Pool: 340 m
- Crofton Post Office: 600 m
- Grocery / Liquor Store / Neighbourhood Pub: 650 m
- Crofton Elementary: 850 m
- Crofton waterfront / Seawalk: 1000 m

## **KEY SITE PLANNING CONSIDERATIONS:**

In consideration of the various on-site and surrounding characteristics, proximity to community services and direct access to municipal services (water, sanitary storm, roads, etc.) the subject property appears to be an excellent candidate for well-planned residential development. The following critical site characteristics have been carefully considered in the development of a conceptual land use plan for this site:

### **Drainage Course:**

The seasonal drainage course has been reviewed by Madrone Environmental and they have confirmed that a 5.0 m setback (on both sides) will provide for adequate protection of this minor drainage course. This setback has been augmented in our site planning with an additional 4.5 m of park dedication with a hard-surfaced trail on the east side of the environmental setback and will have an environmental fence to minimize impact. Impact is also reduced through the inclusion of a single crossing of the drainage course for access and servicing to the west side of the drainage course.

### **ALR Buffer:**

As previously noted, the lands to the north are located within the Agricultural Land Reserve, although do not appear to be in use for any agricultural purposes at this time. Notwithstanding this, it is important to establish a buffer to these lands to acknowledge potential long-term farm uses that could take place on the lands. Best practices established by the Agricultural Land Commission (ALC) encourage the establishment of a 15.0 m vegetative buffer from the property line. In the case of the subject property, as these lands have previously been cleared, a re-planting plan will be required to re-establish appropriate buffer vegetation. In addition, a secondary 15.0 m buffer is also used to restrict principal

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dwellings (homes) within this area, which ensures that homes are no less than 30.0 m (100 ft.) from the ALR property. This secondary buffer may still be used for yard areas, driveways, access, etc.

These buffering requirements have been incorporated into the proposed development.

**Terrain:**

As noted, the lands have a fairly consistent slope of 10-12% from SW to NE. Planning the site in consideration of these contours minimizes the land alteration required to establish appropriate grades and elevation for municipal roads, servicing and building sites.

**Community Impact:**

The fourth and final key consideration with this site is community impact. The Crofton community engaged in and largely endorsed a community plan that was adopted in 2017. This plan identifies the subject lands for low density residential development, which is what has been proposed with this application. The forms of housing proposed with this development are consistent with and match the goals and objectives of the Community Plan and are similar in scale and density to the existing low density residential lands directly adjoining to the east. Additional residential units (single family, duplex and townhouse) and the corresponding increase in population will also help to support and encourage new and existing commercial and personal services and will also support the student population at Crofton Elementary School.

Overall, we believe that this well-planned development has given careful consideration to the various relevant site and community characteristics and will be a positive and welcome addition to the community.

---

End of Document



PO Box 160, Lantzville, BC V0R 2H0 t: (250) 797.2515  
e: scott@townsiteplanning.ca w: www.townsiteplanning.ca

July 21, 2022

District of North Cowichan  
7030 Trans-Canada Highway  
North Cowichan, BC V9L 6A1

Our File: 20-05 Robert Street

Attn: Caroline von Schilling, Planner

Re: Rezoning Application – 1771 Robert Street

Further to the request included in the email we received from you on July 5, 2022 regarding commitments related to the rezoning for the above-noted property, the owner of the property hereby offers the following acknowledgment and commitment:

1. That all storm water, including from the proposed public roadway, is required to be managed on-site and that the development plan and achievable density may be impacted by accommodating storm water management facilities on-site. The expectation would be that post development flows from the site are no greater than pre-development flows based on the site being naturally vegetated.
2. If storm water is not fully managed on-site, an analysis of the down-stream drainage system will be required, and all costs associated with securing rights of way and undertaking required upgrades will be borne by the developer.
3. That the owner will apply for a Development Permit to undertake restorative site works for the watercourse area (as defined Madrone Environmental) within 12 months of the approval of the rezoning for the subject properties. Included with the Development Permit application will be a management / replanting plan, a s.219 covenant to define and protect the covenant area and statutory right of way to allow for the conveyance of stormwater across the subject property. The owner further commits to complete the works authorized under the Development Permit within 12 months of the issuance of a Development Permit for this work. In order to ensure the commitment is binding and enforceable, a mutually agreeable rent charge may be included in the covenant that would apply if the property owner breaches the covenant requirements.

Please contact us if you have any questions or require any further clarification.

Sincere Regards.

Letter Prepared by:

A blue ink signature of Scott W. Mack, written in a cursive style.

Scott W. Mack, M.Arch., B.Sc. (PLAN), MCIP, RPP  
Managing Partner | Registered Professional Planner

On behalf of:

A blue ink signature of Terry Symborski, written in a cursive style.

Terry Symborski  
Property Owner



PO Box 160, Lantzville, BC V0R 2H0 t: (250) 797.2515  
e: scott@townsiteplanning.ca w: www.townsiteplanning.ca

July 7, 2023

District of North Cowichan  
7030 Trans-Canada Highway  
North Cowichan, BC V9L 6A1

Our File: 20-05 Robert Street

Attn: Caroline von Schilling, Planner  
Re: Rezoning Application – 1771 Robert Street

Dear Caroline,

Further to the request included in the email we received from you on June 13, 2023, we have compiled the requested information and provide the following for the District's review and consideration:

1. The preliminary development concept has been updated with all of the requested changes identified in your email:
    - a. A potential stormwater management facility has been shown in the area of Lot 15, with a note indicating that the requirement for this facility will be confirmed during the detailed design stage at the time of subdivision;
    - b. Lots 7 and 8 have been updated to remove the duplex designation; and,
    - c. The preliminary development concept already contains a note that indicates that fencing and signage will be provided along both the east and west sides of the drainage course.
  
  2. The owner further agrees to provide the following at the subdivision stage:
    - a. Dedication of a 4.5m trail ROW for public walkway with construction of a 3.0 m trail for which detailed design drawings are provided to and approved by the Director of Parks prior to construction;
    - b. To erect signage at intervals of a minimum of 20.0 m or 1 per lot (whichever is greater), or as approved by the Director of Planning, to be located on the trail ROW immediately adjacent to the vegetated open drainage. Signage shall indicate: 'Vegetation Protection Area, No clippings/dumping', or similar, and will be owned and maintained by the Municipality.
    - c. To undertake restorative site works of replanting and invasive species management plan for a period of 4 years with QEP monitoring;
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- i. Letters of substantial completion provided by OEP per replanting plan each year with letter of final completion at the end of the 4<sup>th</sup> year;
    - ii. erect all required signage; temporary fencing during construction with ESC measures as appropriate; and provide security bonding plus 10% for its completion. Plan with Estimate to be provided by a QP and be approved by the Municipality prior to undertaking restoration and signage works.
  - d. To register a s.219 protection and management covenant agreement, and provide BCLS reference plan for registration of the covenant area, and which stipulates that the Owner shall maintain the area free from invasive species and protect and maintain existing vegetation, including maintenance of existing signage and fencing;
  - e. To register a SRW for municipal access to drainage area;
  - f. To construct fencing at the time of development, either wood post and rail or black chain link or alternative as approved by the Director of Planning at the location/s provided in a Schedule called Fencing Detail (or as otherwise preferred, e.g., Site Plan) to be provided by the developer for the rezoning s.219; security bonding required for fencing and its construction plus 10%;
  - g. Dedication and construction of frontage improvements on Robert Street and new public Roads A and B;
  - h. Construction drawings to be prepared by a qualified professional civil engineer, and to include the following minimum design standards:
    - i. Traffic calming measures;
    - ii. Pedestrian crossings;
    - iii. Active transportation infrastructure; bicycle lane;
    - iv. Bioswale stormwater green infrastructure submitted by qualified professional for public roadway; and,
    - v. Dark sky compliant street lighting.
  - i. Stormwater management design may require downstream analysis or onsite management per approval of Director of Engineering. Post development flows not to exceed those of mature treed site, as per 2010 air photo;
  - j. 1 tree per lot shall be provided at the time of development (Building Permit), with a \$300 per tree landscape bond provided at the time of Building Permit application; and,

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- k. Park land, as per the requirements of the Local Government Act, shall be satisfied through the provision of a cash-in-lieu contribution at the time of subdivision.

With regard to Community Amenity Contributions (CAC's), we note that our previous amenity contribution proposal of \$500 per each single family and duplex unit, plus \$250 per each townhouse / MF unit, was based on a staff recommendation from December 2021. Having said that, the owners have agreed to reconsider their CAC proposal and have increased it as follows:

1. The land required to provide a for 4.5 m trail dedication adjoin Lots 8 – 13 totals approximately 700 m<sup>2</sup> or 3% of the subject property. In addition, the District has requested that a trail be constructed within these lands. Normally, these lands would be used to satisfy a portion of the legislative park dedication requirements, however, the District has indicated a preference for a 5% cash-in-lieu payment.

We believe that the value of this land, with improvements, is approximately \$100,000. This equates to a contribution of approximately \$4,350 - 4,500 per lot (based on yield of 22-23 lots). In addition, the owner is also prepared to offer a cash contribution of \$2,500 per R3 lot, plus \$5,000 for the R3-MF lot at the time of subdivision, to be directed towards the Municipality's Affordable Housing Reserve Fund. Subject to final lot count, it is anticipated that this will result in a \$57,500 - \$60,00 contribution. Overall, the total value of our CAC proposal is approximately \$160,000 (approx. \$7,000 - \$7,200 per lot).

We trust that the information provided herein, along with previous updates and commitments, will allow this application to proceed to Council for consideration of first and second reading on July 19, 2023.

Please contact us if you have any questions or require any further clarification.

Sincere Regards.



Scott W. Mack, M.Arch., B.Sc. (PLAN), MCIP, RPP  
Managing Partner | Registered Professional Planner

ec: Terry Symborski and Louise Violette (Owner)  
Patrick Ryan (Herold Engineering)



The Corporation of the District of North Cowichan

**Official Community Plan Amendment Bylaw**

BYLAW NO. 3914

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*A bylaw to amend Official Community Plan Bylaw No. 3900 to include 1771 Robert Street within the UCB and change the designation from Rural Residential to Residential Neighbourhood.*

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WHEREAS Council has considered the January 2021 Housing Needs Assessment report for the Municipality of North Cowichan,

AND WHEREAS Council has considered consultation under Sections 475 and 476 of the *Local Government Act*,

The Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

**Citation**

1 This Bylaw may be cited as "*Official Community Plan Amendment Bylaw No. 3914, 2023*".

**Amendment**

2 Official Community Plan Bylaw No. 3900, 2022 be amended by redesignating 1771 Robert Street (PID: 001-147-544) in Schedule "A", Appendix 1: Maps, Map 2 [*Growth and Land Use Management*] from Rural Residential to Residential Neighbourhood and realigning the Urban Containment Boundary in Map 2 [*Growth and Land Use Management*] to include 1771 Robert Street, as shown in Schedule 1, attached to and forming part of this Bylaw.

\_\_\_\_\_  
READ a first time on \_\_\_\_\_.

READ a second time on \_\_\_\_\_.

This bylaw was advertised on the municipality's social media sites on \_\_\_\_\_, in the Cowichan Valley Citizen and the Chemainus Valley Courier on \_\_\_\_\_, and was posted to the municipality's public notice places on \_\_\_\_\_.

CONSIDERED at a Public Hearing on \_\_\_\_\_.

ADOPTED on \_\_\_\_\_.

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CORPORATE OFFICER

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PRESIDING MEMBER

Schedule "1" to accompany "Official  
Community Plan Amendment Bylaw No.  
3914, 2023".

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Presiding Member

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Corporate Officer





The Corporation of the District of North Cowichan

**Zoning Amendment Bylaw**

BYLAW NO. 3915

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*A bylaw to amend Zoning Bylaw 1997, No. 2950, to reclassify  
1771 Robert Street from A2 to R3 and R3-MF.*

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The Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

**Citation**

1 This Bylaw may be cited as "Zoning Amendment Bylaw No. 3915, 2023".

**Amendment**

2 Zoning Bylaw 1997, No. 2950, Schedule "C" be amended by reclassifying 1771 Robert Street (PID: 001-147-544) from Rural Zone (A2) to Residential One and Two-Family Zone (R3) and Residential Medium Density Multi-Family Zone (R3-MF), as shown outlined in black in Schedule 1 attached to and forming part of this Bylaw.

\_\_\_\_\_  
READ a first time on \_\_\_\_\_.

READ a second time on \_\_\_\_\_.

This bylaw was advertised on the municipality's social media sites on \_\_\_\_\_, in the Cowichan Valley Citizen and the Chemainus Valley Courier on \_\_\_\_\_ and was posted to the municipality's public notice places on \_\_\_\_\_.

CONSIDERED at a Public Hearing on \_\_\_\_\_.

READ a third time on \_\_\_\_\_.

COVENANT registered on \_\_\_\_\_.

ADOPTED on \_\_\_\_\_.

\_\_\_\_\_  
CORPORATE OFFICER

\_\_\_\_\_  
PRESIDING MEMBER

Schedule "1" to accompany "Zoning  
Amendment Bylaw No. 3915, 2023".

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Presiding Member

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Corporate Officer

