

## **PUBLIC HEARING INFORMATION PACKAGE**

### **Zoning Amendment Bylaw**

**(3005, 3011 Drinkwater Road & 6455 Ford Road from R1 to CD23)**

**Bylaw No. 3868**

#### ***Public Hearing Notice & Draft Bylaw No. 3868***

1. Notice of Public Hearing for **September 21, 2022** at **6:00 p.m.**
2. Public Hearing Ad – 1<sup>st</sup> Notification – September 8, 2022
3. Public Hearing Ad – 2<sup>nd</sup> Notification – September 15, 2022
4. Bylaw No. 3868
5. Subject Property

#### ***Staff Reports***

1. Planning Staff Report to May 18, 2022 Regular Council – 1<sup>st</sup> Reading
2. Planning Staff Report to July 20, 2022 Regular Council and Public Hearing – 2<sup>nd</sup> Reading

#### ***Minutes***

1. Excerpt from May 18, 2022 Regular Council Minutes – 1<sup>st</sup> Reading and Recommendation
2. Excerpt from July 20, 2022 Regular Council and Public Hearing Minutes – 2<sup>nd</sup> Reading and Schedule Public Hearing

#### ***Correspondence***

1. Letter dated March 11, 2021 to Woodsmere Holdings Corp. Re: Application Acknowledgement

#### ***Public Comments***

No Written Submissions Received To-Date



# NOTICE OF PUBLIC HEARING

The Director of Planning and Building gives notice that a Public Hearing will be held at **6:00 p.m. on Wednesday, September 21, 2022** to allow Council to receive public input on Bylaw No. 3868 which proposes to amend “Zoning Bylaw 1997,” No. 2950. As authorized by the *Local Government Act*, this hearing will be conducted by electronic means and members of the public will be provided an opportunity to be heard verbally or by submitting their comments in writing in advance of the hearing. This hearing will be conducted by video conference using the Cisco Webex platform, and though electronic, is open to the public and anyone wishing to participate may do so in person by attending Council Chambers, or by joining the meeting using a computer, smartphone or tablet. If you wish to participate electronically, please visit [www.northcowichan.ca/virtualmeeting](http://www.northcowichan.ca/virtualmeeting) for instructions on how you can join this hearing and find the link to join. You may also view the hearing as it is streamed live by going to [www.northcowichan.ca/Agendas](http://www.northcowichan.ca/Agendas), and click on the ‘View Live Stream’ link. A copy of the recording will be made available after the hearing on North Cowichan's website for on-demand viewing.

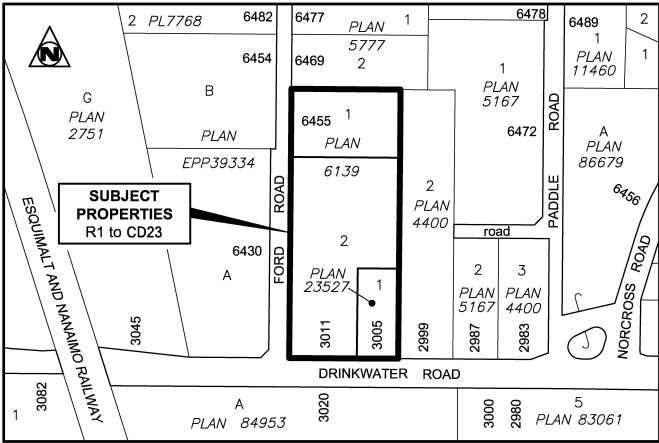
**Zoning Amendment Bylaw (3005, 3011 Drinkwater Road & 6455 Ford Road from R1 to CD23), No. 3868** proposes to amend the following sections of Zoning Bylaw 1997, No. 2950 by inserting under:

- Section 12, the definition “**residential rental tenure**”.
- Section 43 “**Ford Road South Comprehensive Development Zone (CD23)**” to the end of the list of zones.
- Section 80.21 the new zone “**Ford Road South Comprehensive Development Zone (CD23)**”.

and to:

- Reclassify 3005 Drinkwater Road (PID: 003-108-163), 3011 Drinkwater Road (PID: 000-209-457), and 6455 Ford Road (PID: 005-926-866) from Residential Rural Zone (R1) to Ford Road South Comprehensive Development Zone (CD23).

The purpose of the Zoning Bylaw Amendment is to allow for the construction of three apartment buildings (262 apartment units) on the subject properties (PID’s 003-108-163, 000-209-457 and 005-926-866) as outlined in bold on the map.



## Public Input

If you believe your interests in land will be affected by the proposed bylaw, you are encouraged to submit your comments in writing to Mayor and Council by **1:00 p.m. on Monday, September 19, 2022**, using any of the writing methods identified below. Comments may also be shared verbally during the Public Hearing, by following the instructions provided below.

### 1. In Writing in Advance of the Public Hearing:

Written submissions will be accepted by:

- Email to [publicmeetings@northcowichan.ca](mailto:publicmeetings@northcowichan.ca)
- Mail to Mayor and Council, Municipality of North Cowichan, 7030 Trans-Canada Highway, Duncan BC, V9L 6A1
- Fax to 250-746-3133
- In-Person deposited through the mail slot at the Municipal Hall, Main Entrance

### 2. Verbally or in Writing at the Public Hearing:

- In Person by attending Council Chambers at Municipal Hall, 7030 Trans-Canada Highway, Duncan BC
- Virtually by logging in electronically, details and instructions will be available at least one week prior to the Hearing at [www.northcowichan.ca/PublicHearings](http://www.northcowichan.ca/PublicHearings) and at our automated Public Hearing Info Line: 250-746-3264
- Written submissions may be submitted during the Public Hearing by presentation to the Corporate Officer or her designate

**PLEASE NOTE:** Submissions should reference the bylaw number and include your name and the civic address or legal description of the land affected by the proposal. Please be advised that all submissions, including the individual’s name and address will form part of the public record and will be published on North Cowichan’s website. Do not include any personal information in your submission that you do not wish to be disclosed, as submissions received are public documents and will not be redacted (with the exception of email addresses on electronic submissions, phone numbers and signatures). Written submissions will not be accepted after the conclusion of the Public Hearing.

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Rob Conway, Director of Planning and Building

Personal information is collected by North Cowichan under the authority of s. 26 (c) of the *Freedom of Information and Protection of Privacy Act* for the purpose of administering the Public Hearing.

Please direct any questions about personal information to North Cowichan's Privacy Officer by  
Phone: 250-746-3116, Email: [privacy@northcowichan.ca](mailto:privacy@northcowichan.ca) or Regular Mail: 7030 Trans-Canada Highway, Duncan, BC, V9L 6A1

# NOTICE OF PUBLIC HEARING

The Director of Planning and Building gives notice that a Public Hearing will be held at **6:00 p.m.** on **Wednesday, September 21, 2022** to allow Council to receive public input on Bylaw No's 3685, 3868 and 3878 which propose to amend "Zoning Bylaw 1997," No. 2950. As authorized by the *Local Government Act*, this hearing will be conducted by electronic means and members of the public will be provided an opportunity to be heard verbally or by submitting their comments in writing in advance of the hearing. This hearing will be conducted by video conference using the Cisco Webex platform, and though electronic, is open to the public and anyone wishing to participate may do so in person by attending Council Chambers, or by joining the meeting using a computer, smartphone or tablet. If you wish to participate electronically, please visit [www.northcowichan.ca/virtualmeeting](http://www.northcowichan.ca/virtualmeeting) for instructions on how you can join this hearing and find the link to join. You may also view the hearing as it is streamed live by going to [www.northcowichan.ca/Agendas](http://www.northcowichan.ca/Agendas), and click on the 'View Live Stream' link. A copy of the recording will be made available after the hearing on North Cowichan's website for on-demand viewing.

**Zoning Amendment Bylaw (3181, 3183 Gibbins Rd; R3 to R3-MF), 2018 No. 3685** proposes to amend Zoning Bylaw 1997, No 2950 by: (1) Amending section 58.3 (5) [R3-MF, Density] by inserting the following: "(c) Despite section 5(a), the minimum site area per dwelling unit of 215m<sup>2</sup> (2,314 ft<sup>2</sup>) is permitted at 3181/3183 Gibbins Road (PID: 000-120-308)" and (2) Reclassifying 3181/3183 Gibbins Road (PID: 000-120-308) from Residential One and Two-Family Zone (R3) to Residential Medium Density Multi-Family Zone (R3-MF).

The purpose of the proposed bylaw is to authorize an existing four-plex on the subject property (PID: 000-120-308) outlined in bold on the map.



**Zoning Amendment Bylaw (3005, 3011 Drinkwater Road & 6455 Ford Road from R1 to CD23), No. 3868** proposes to amend the following sections of Zoning Bylaw 1997, No. 2950 by inserting under: Section 12, the definition "**residential rental tenure**"; Section 43 "**Ford Road South Comprehensive Development Zone (CD23)**" to the end of the list of zones; and Section 80.21 the new zone "**Ford Road South Comprehensive Development Zone (CD23)**"; and further to reclassify 3005 Drinkwater Road (PID: 003-108-163), 3011 Drinkwater Road (PID: 000-209-457), and 6455 Ford Road (PID: 005-926-866) from Residential Rural Zone (R1) to Ford Road South Comprehensive Development Zone (CD23).

The purpose of the Zoning Bylaw Amendment is to allow for the construction of three apartment buildings (262 apartment units) on the subject properties (PID's 003-108-163, 000-209-457 and 005-926-866) as outlined in bold on the map.



**Zoning Amendment Bylaw (Cannabis Sales – 3288 Cowichan Lake Road), No. 3878, 2022** proposes to amend Zoning Bylaw 1997, No. 2950 by adding the following new subsection after 40.9: "40.10 Despite section 40.5, one cannabis retail store is permitted at 3288 Cowichan Lake Road (PID: 030-911-842)."

The purpose of the Zoning Bylaw Amendment is allow for retail cannabis sales on the subject property (PID: 030-911-842) as outlined in bold on the map.



## PUBLIC INPUT

If you believe your interests in land will be affected by the proposed bylaws, you are encouraged to submit your comments in writing to Mayor and Council by **1:00 p.m.** on **Monday, September 19, 2022**, using any of the writing methods identified below. Comments may also be shared verbally during the Public Hearing, by following the instructions provided below.

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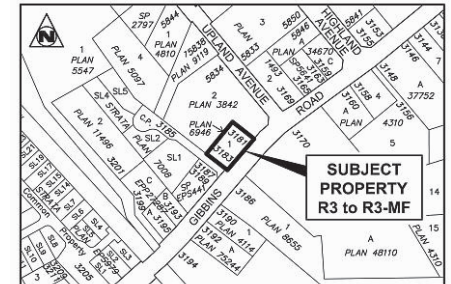
MUNICIPALITY OF  
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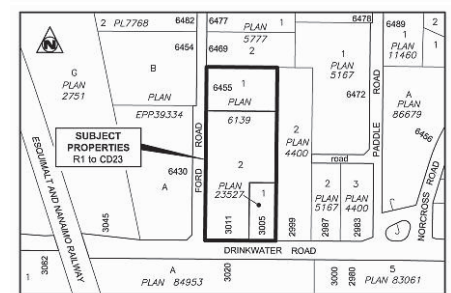
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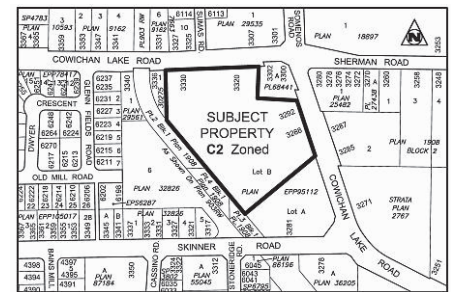
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MUNICIPALITY OF  
**NORTH**  
Cowichan





The Corporation of the District of North Cowichan

**Zoning Amendment Bylaw (3005, 3011 Drinkwater Road & 6455 Ford Road from R1 to CD23)**

Bylaw No. 3868

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

**Title**

- 1 This Bylaw may be cited as "Zoning Bylaw Amendment Bylaw No. 3868 (3005, 3011 Drinkwater Road & 6455 Ford Road from R1 to CD23), 2022".

**Amendment**

- 2 Zoning Bylaw No. 2950, Section 12 [Definitions] is amended by inserting the following definition:  
**"residential rental tenure"** means, in relation to a dwelling unit, a tenancy governed by a tenancy agreement that complies with the *Residential Tenancy Act*."
- 3 Zoning Bylaw No. 2950, Part 5 – Zones, Division (1) Establishment of Zones, Section 43 is amended by adding "Ford Road South Comprehensive Development Zone (CD23)" to the end of the list of zones.
- 4 Zoning Bylaw No. 2950, is amended by inserting the following new zone at the end of Division (2) - Zones:

**"Ford Road South Comprehensive Development Zone (CD23)**

**Permitted Uses**

**80.23** (1) The permitted uses for Area 1 and Area 2 of the CD23 zone, as shown on Schedule I-4, attached to and forming part of this bylaw, are as follows:

Apartment  
Limited home-based business

**Minimum Lot Size**

- (2) The minimum permitted lot size for the CD23 zone is 650 m<sup>2</sup> (6,996.5 ft<sup>2</sup>).

**Minimum Frontage**

- (3) The minimum permitted frontage required for the CD23 zone is 16 m (52.5').

**Maximum Density**

- (4) The maximum permitted floor space ratio for all Areas of the CD23 zone is 2.0:1.

**Maximum Lot Coverage**

- (5) The maximum permitted lot coverage for all Areas of the CD23 zone is 55%.

**Minimum Setbacks**

- (6) The minimum permitted setbacks for all buildings and structures for all Areas of the CD23 zone is 3.0 m (9.8').

**Maximum Building Height**

- (7) The maximum permitted principal building height for all Areas of the CD23 zone is as follows:
- (a) In Area 1, 18.3 m (60.0') and 5 storeys
  - (b) In Area 2, 15.6 m (51.2') and 4 storeys
- (8) The maximum permitted accessory building height for all Areas of the CD23 zone is 7 m (23.0').

**Open Space**

- (9) All open areas not covered by buildings, driveways, or parking must be maintained as landscaped open space.

**Conditions of Use**

- (10) The conditions of use for the CD23 Zone are as follows:
- (a) In Area 1, 100% of all dwelling units shall have a form of tenure that is "residential rental tenancy".
  - (b) In Area 1, a minimum of 55% of the total off-street parking stalls must be provided underground.
  - (c) In Area 2, a minimum of 64% of the total off-street parking stalls must be provided underground.

**Area Boundaries**

- (11) The Areas and Area boundaries for the CD23 zone shall be as set out in Schedule I-4.
- (12) Despite the definition of "lot" under section 12, all regulations within the CD23 zone, except provisions (2) and (3), shall be interpreted as if the Area boundaries were lot boundaries."

- 5 Zoning Bylaw No. 2950 is amended by inserting Schedule I-4 as shown on Schedule 1 attached to and forming part of this bylaw.
- 6 Zoning Bylaw No. 2950, Schedule "C" is amended by reclassifying 3005 Drinkwater Road (003-108-163), 3011 Drinkwater Road (000-209-457), and 6455 Ford Road (005-926-866) from Residential Rural Zone (R1) to Ford Road South Comprehensive Development Zone (CD23), as shown on Schedule 2 attached to and forming part of this bylaw.

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READ a first time on May 18, 2022  
READ a second time on July 20, 2022  
CONSIDERED at a Public Hearing on  
READ a third time on  
APPROVED by Ministry of Transportation and Infrastructure on  
COVENANT registered on  
ADOPTED on

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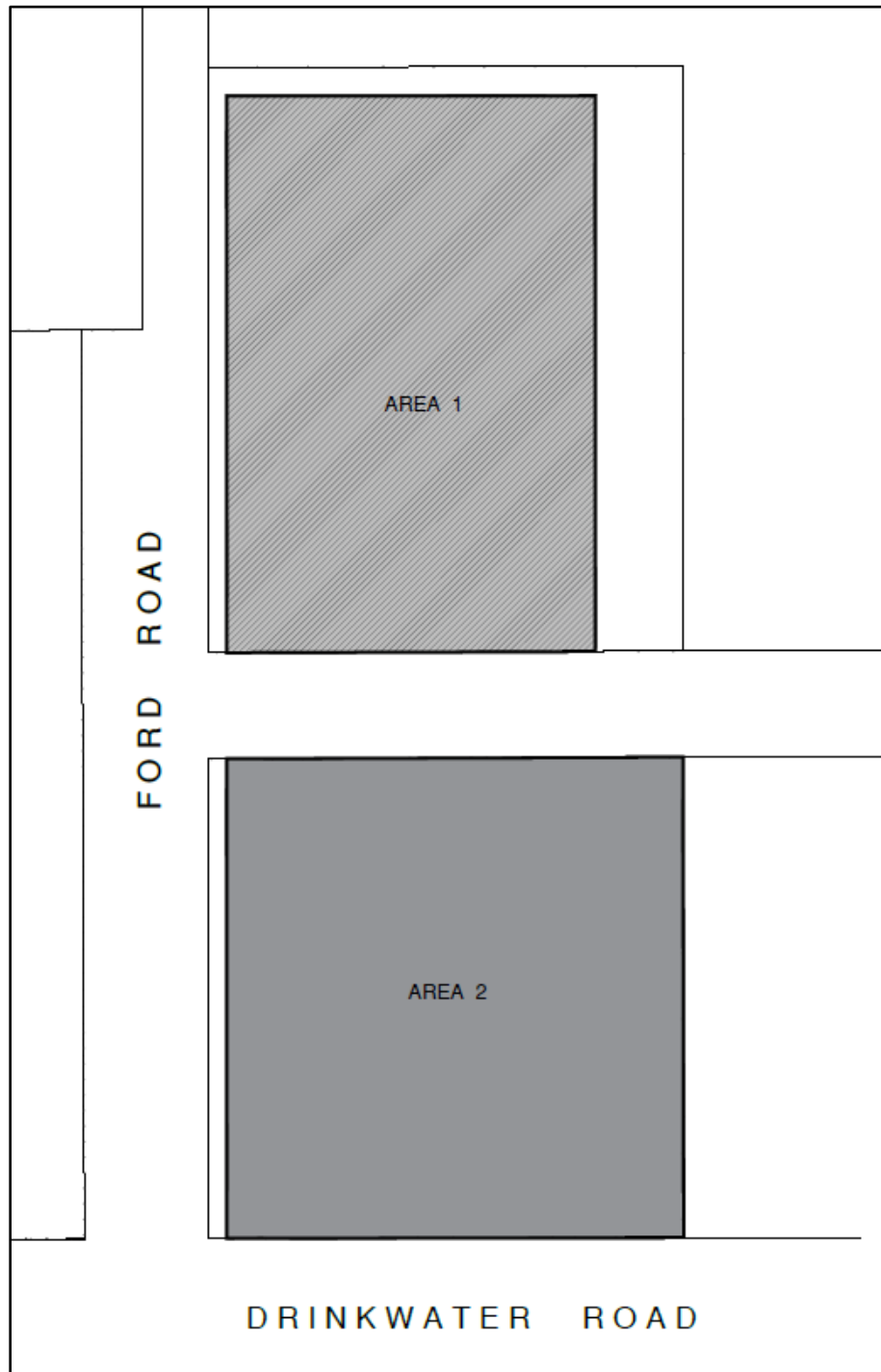
CORPORATE OFFICER

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PRESIDING MEMBER

Schedule 1

**Schedule "I-4"**





# **STAFF REPORTS**

# Report

Date May 18, 2022

File: 3360-20 20.11

Subject Zoning Amendment Bylaw No. 3868 for first and second readings

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## PURPOSE

To introduce Zoning Amendment Bylaw No. 3868 (3005, 3011 Drinkwater Road and 6455 Ford Road from R1 to CD23), 2022", which proposes to amend Zoning Bylaw No. 2950, 1997 to permit high density residential use. A staff presentation will be provided.

## BACKGROUND

The subject properties cover an area of 1.2 hectares (2.94 acres) and are located on the north east corner of the intersection of Drinkwater and Ford Roads, north of the Cowichan Commons Regional Shopping Centre and west of the Trans Canada Highway (Attachment 1 and 2). The subject properties are currently zoned for low density residential use (i.e., R1 Residential Rural; Attachment 3). The Bell McKinnon Local Area Plan (BMLAP) designates the subject properties for high density residential uses (Residential High - RH) (Attachment 4). The subject properties (except 6455 Ford Road) are located within the 'Regional Shopping Centre' and 'Commercial' land use designations, and within the Urban Containment Boundary (UCB) of the Official Community Plan (OCP Map 9, 12, 17, Bylaw No. 3450).

## Land Use Context

The subject properties are surrounded by rural residential uses to the north and east, an RCMP station currently under construction to the west, and regional shopping centre uses to the south. This rural residential neighbourhood between Paddle Road and Ford Road is in transition to multi-family housing.

## Proposal

### *Land Use & Density*

The subject properties are located in the Rural Residential R1 Zone, which permits low-density residential uses, such as single and two-family dwellings. The R1 Zone is provided in Attachment 5.

The applicant proposes to construct three rental apartment buildings on the subject properties for a total of 262 apartment units. For the use and density to be permitted as proposed, a change to the current zoning is required. Therefore, the applicant is applying to amend the Zoning Bylaw (No. 2950) to change the zone from R1 to a zone that permits high density residential use.

As the properties are subject to the land use policies of the Bell McKinnon Local Area Plan (BMLAP), and there is no other zone currently available in the zoning bylaw that is consistent with the BMLAP land use designation for the subject properties, the applicant proposes a new "Ford Road South Comprehensive Development Zone (CD23)", which would permit the proposal, as well as meet the intent of the BMLAP.

The Ford Road South Comprehensive Development Zone (CD23) & Draft Zoning Amendment Bylaw No. 3868 is provided in Attachment 6.

This application proposes to change permitted land uses. Approval of the land use application does not authorize specific development on the subject properties. As such, the eventual development proposal could change from what is currently envisioned (shown in Figure 1 below). Should the application be successful, the applicant proposes to:

- Assemble the 3 subject properties: 3005, 3011 Drinkwater Road, and 6455 Drinkwater Road into a single consolidated lot;
- Submit a development permit application for two 4-storey and one 5-storey apartment buildings for a total of 262 apartment units;
- Provide a range of unit types within the development permit application; and if successful,
- Operate the apartment buildings as purpose-built rental housing.

A rendering of the anticipated development concept for the land use and density sought in this rezoning application is provided in Figure 1.

Estimated units per bedroom type for the apartments as envisioned are provided in Figure 2.



**Figure 1.** A rendering of the project provides an overview of 3 potential apartment buildings located at the corner of Drinkwater and Ford Road, all of which are proposed to be operated as rental housing.

<u>TOTAL, BLDGS A, B, &amp; C – 262</u>	
TOTAL BUILDINGS – 3	
STUDIO –	11
ONE BEDROOM –	106
TWO BEDROOM –	108
THREE BEDROOM –	37

**Figure 2.** Units per bedroom type as proposed

The Letter of Rationale from the applicant is provided in Attachment 7. The Site Plan is provided in Attachment 8. Site Photos are provided in Attachment 9.

## DISCUSSION

### Official Community Plan: Land Use Designations & 'Housing' Objective

The zoning amendment proposal for increased residential density for the subject properties is inconsistent with the Official Community Plan (OCP) land use policies in that they designate the subject properties for future commercial development (i.e., 'Regional Shopping Centre', 'Commercial'; Map 9, 12, 17) and residential growth (i.e., 'Growth Centre' applies to 6455 Ford Road only; Map 17)).

Yet, a zoning amendment proposal for increased residential density on the subject properties, as identified in the Bell McKinnon Local Area Plan (i.e., designated residential high density – RH), will align with the OCP's (No. 3450) objective of 'Housing' toward the goal of 'Building Strong Communities', providing that the balance of 'Housing' policies are met.

Key 'Housing' policies relevant to this proposal are:

1. *The Municipality recognizes the need for a variety of housing types (by size, type, tenure, density and cost) integrated into a range of neighbourhoods in all growth centres ... (sec. 2.5.2.1)*
2. *The Municipality will encourage development that makes North Cowichan a more walkable community (sec. 2.5.1.5 a))*
3. *The Municipality requires that 10% of units within major projects ... incorporate an affordable housing requirement (sec. 2.5.2.3 a))*
4. *The Municipality will assess the community impact of each application for a multi-unit housing project in terms of (sec. 2.5.2.5 b)):*

*The project scale in relation to the character and privacy of existing developments nearby;*

*The potential for increased traffic and parking congestion;*

*The adequacy and capacity of existing services ... including open space, parks and recreation; and*

*The extent to which the project would impose additional capital costs on the Municipality.*

The proposal aligns with the selection of key policies of the OCP's objective of 'Housing' by providing:

- Apartment unit housing type, i.e., est. 262 units with 1 to 3 bedrooms could be achieved on-site;
- Walkability to both the commercial centre (Cowichan Commons) immediately to the south of the proposal, as well as to future park, i.e., a "Central Paddle Park" (see *Bell McKinnon LAP Policy & Community Amenity Contribution* sections);
- Market rental housing, which the OCP identifies as a type of affordable housing (sec. 2.5.2, p. 71) (see *Ford Road South Comprehensive Development Zone CD23* section); and
- To mitigate project scale, buildings would be limited to 4 and 5 storeys in the new CD23 Zone



Off-Street Parking is addressed in section *Development Permits*. Traffic and servicing implications are addressed in section *BC Transit & Ministry of Transportation and Infrastructure* and *Servicing Infrastructure*.

An amendment to the OCP Maps 9, 12 and 17 is required such that all the subject properties are included in the 'Growth Centre' land use designation, for the zoning amendment proposal to be consistent with OCP land use designations, currently identified as 'Regional Shopping Centre' and 'Commercial'. Staff are satisfied that the zoning amendment proposal aligns with the balance of the OCP's 'Housing' policies for housing diversity, walkability, affordability, and appropriate scale (sec. 2.5).

### **Bell McKinnon Local Area Plan Policy**

The Bell McKinnon Local Area Plan (BMLAP), which applies to the area where the subject properties are located, provides further policy guidance for land use and development. The BMLAP supplements the more general OCP.

Key policies of the BMLAP relevant to this proposal are:

- *Preferred land use of high density multi-family housing ranging from 1.5:1 floor area ratio (FAR) and/or 3-storeys (or greater) with 70% underground parking up to 2.5:1 FAR and/or 4-storeys (or greater) with 90% underground parking (i.e., "Residential High (RH)"; sec. 4.3.5).*
- *'Green urbanism' translating to, for example, energy efficient buildings (Step Code 3), a 30% minimum urban tree canopy cover, and greenspace coverage. Storm water infrastructure should include on-site rain gardens (sec. 4.5).*
- *Street typology design standards for public roads, including street trees, traffic calming, and street parking; and public laneway linking Ford Road with public park (sec. 5.3.4 & 5.3.3, and p. 66 b.)*
- *Park access within 5 minute walk (BMLAP, p. 27) whereby a 2 acre park is envisioned between Ford Road and Paddle Road (sec. 6.3.2 pg. 93, 95). See Figure 3 for the actual public park location proposed.*

Highlights of the BMLAP land use policies as they relate to the subject properties are shown in Figure 3.

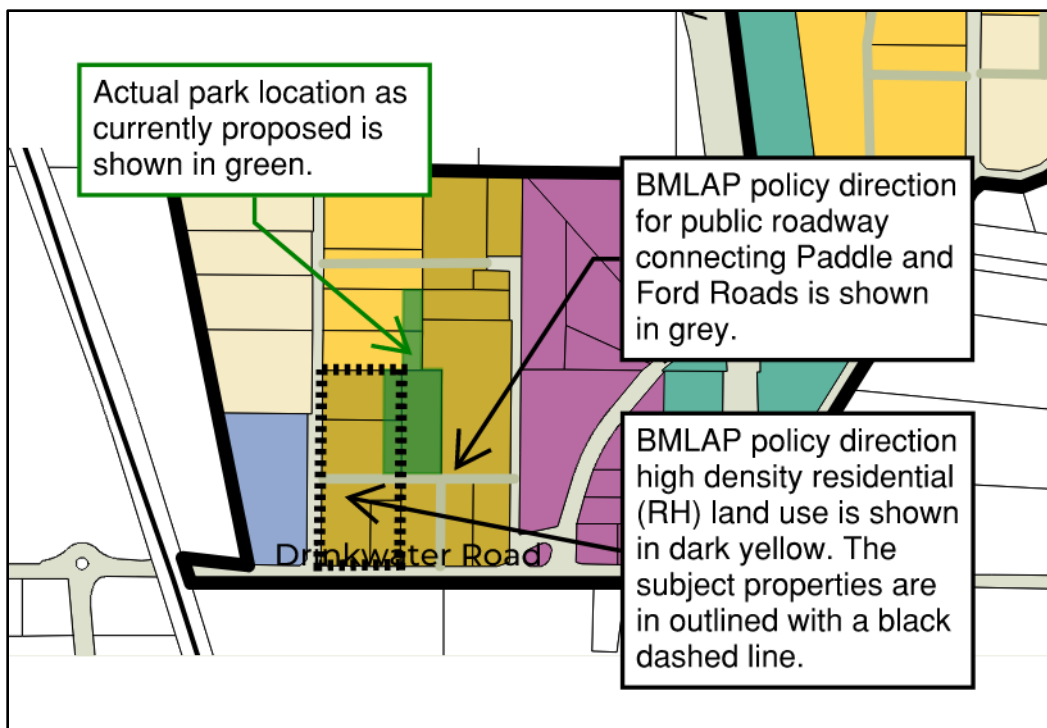
While the rezoning proposal for the new CD23 Zone provides 10% less underground parking than required by BMLAP policy for the 4 and 5 storey building heights, the proponent is willing to commit to a 40% urban tree canopy cover, which mitigates the impact of the site's surface parking. In alignment with 'green urbanism', street typology, and park policies of the BMLAP, the applicant is willing to secure the following with a *Land Title Act* section 219 covenant agreement with successful rezoning:

- BC Energy Step Code 3 standard for the construction of the proposed buildings;
- 40% urban tree canopy cover, which exceeds the minimum required of 30% , and on-site rain gardens to help manage storm water;
- Public roadway construction to enhanced design standards, i.e., street trees, bulb-outs, parking; dedication for a portion of public laneway and laneway landscaping/trail construction; and

- Lands for park (1,480 m<sup>2</sup>), and a \$3,000 financial contribution for parkland acquisition and improvements, toward achieving a public park between Ford and Paddle Road. Of note, the closest park is 300 metres south of the subject properties, i.e., Averill Creek Natural Area.

Community amenities are discussed in more detail in section *Community Amenity Contributions*.

Staff are satisfied that, overall, the rezoning proposal aligns with the land use policies of the BMLAP for the preferred use and density, and, with a *Land Title Act* section 219 covenant agreement registered prior to the adoption of Zoning Amendment Bylaw 3868 (if successful), design features related to energy efficiency and tree canopy cover, street typology, and park policies (BMLAP, sec. 4.3.5, 4.5, 5.3.4, 6.3.2).



**Figure 3.** BMLAP policy for the preferred land use for high density residential is shown in dark yellow. BMLAP policy for the location of a public roadway connecting Ford with Paddle Road is shown in grey. The actual park location as currently proposed is shown in green. The subject properties are shown in black (dashed).

### Proposed Ford Road South Comprehensive Development Zone (CD23)

Consistent with BMLAP land use policy for residential use, density, and building height, the CD23 Zone would permit an increase in residential density from approximately 12 units per hectare (i.e., maximum permitted in the R1 Zone) to up to 2.0 floor area ratio<sup>1</sup> (given the proponent's underground parking commitment) which would facilitate the 4 and 5-storey apartment buildings as proposed. For comparison, the proposed CD23 zone and the applicant's 262-unit development concept represent a site density of 218 units per hectare.

<sup>1</sup> Floor area ratio (FAR) means the floor area of all buildings divided by the lot. For example, an FAR of 2.0 is a measure of the floor areas of a building or buildings, which, when added together, is twice the area of the lot. FAR is a common density measure for buildings with multiple storeys.

Recent changes to the *Local Government Act* now permit local governments to identify 'residential rental tenancy' within zones. This has been applied to the new proposed CD23 Zone. If adopted, the proposed CD23 Zone would limit a portion of the site to 'residential rental tenure', which would secure rental housing on that portion in perpetuity while also allowing for flexibility on the remainder of the site into the future. For example, regarding the concept presented with this rezoning application, the new CD23 Zone would restrict the proposed L-shaped building to the north for approximately 135 apartment units to 'residential rental tenure' (see Figure 1). See Attachment 6.

### Servicing & Infrastructure

Staff are satisfied that water, sanitary, and storm water services can be supplied for the subject properties for the land use requested.

Prior to subdivision or development, the applicant is requested to dedicate lands for and construction of new public roadway connecting Ford with Paddle Road in the location identified in the Bell McKinnon Local Area Plan (Figure 3), dedications and improvements to Ford and Drinkwater Road, and a 5 metre contribution of land toward a 10 metre wide public laneway linking Ford Road with a future "Paddle Park" (BMLAP sec. 5.3.1 (13)b).

The applicant is willing to secure infrastructure works with a *Land Title Act* section 219 covenant, requiring the works to be provided before the subject properties are subdivided or developed:

- Dedication of lands for road widening of Ford (643 m<sup>2</sup>) and Drinkwater Road (94 m<sup>2</sup>);
- Dedication of lands for a new east-west public road to connect Ford and Paddle Road (1,391 m<sup>2</sup>);
- Dedication of lands for (313 m<sup>2</sup>), and financial contribution toward landscaping and construction, a 5m strip along the north boundary of 6455 Ford Rd., for a 10m public laneway to future park; and
- 150 m<sup>2</sup> of on-site storm water management using 'green' rain gardens/bioswales.

Lands to be dedicated to the Municipality for proposed public park, road & lane are shown in Figure 4.

### Community Amenity Contributions

In addition to infrastructure, the applicant is prepared to secure, in a *Land Title Act* section 219 covenant agreement, the following community amenities in accordance with Official Community Plan policy (sec. 2.5.1.5):

- Enhanced street design standard to include boulevard trees, bulb-outs, and on-street parking, exceeding the Municipality's basic road design standard;
- Land (1,480 m<sup>2</sup>) & a \$3,000 financial contribution per residential unit for a future "Paddle Park";
- Minimum BC Energy Step Code 3 construction standard;
- Minimum 20.5% parking stalls with electric vehicle charging & 10% electric bike charging;
- Minimum 40% on-site tree canopy cover, which exceeds policy min. of 30% (BMLAP, sec. 4.5.1); and
- Unique urban design features, i.e., stepped back 5<sup>th</sup> storey, adjacent to a future public laneway.



**Figure 4.** A schematic of the applicant's Site Plan highlighting the locations of lands to be dedicated to the Municipality for public park, roadway, and laneway, should Council approve the zoning amendment. The



schematic includes apartment buildings as currently proposed, including the number of storeys and est. # units. Should Council give third reading to the amendment bylaw, a finalized *Land Title Act* section 219 covenant agreement would be registered on the title of the property prior to bylaw adoption to secure infrastructure and community amenity commitments.

## **Future Development Approvals**

### *Variances*

Should Council approve this application and the associated zoning amendment bylaw, the applicant intends to seek a development variance to the Municipality's current zoning bylaw (No. 2950) to reduce the minimum required off-street parking stalls (sec. 21) from approximately 452 to 289, which is equivalent to an estimated proposed 1.1 stalls per residential apartment unit.

This and any other variance the proponent may request in the future is not part of this zoning amendment application and would be addressed at a later date through a development variance or development permit application. As part of any such application, the proponent will be asked to provide an analysis of parking demand and effective transportation management strategies, prepared by a qualified professional, to justify requests to vary the Municipality's off-street parking requirements.

At this time the proponent has indicated, for example, this multi-family rental housing concept would include a station-based car-sharing program. Transportation features such as this can be required as conditions for the issuance of a future variance for parking standards, and may be secured with a *Land Title Act* section 219 covenant agreement.

Should Council not approve any of the variances anticipated to be requested, the applicant would need to adjust their plans and/or residential density accordingly to meet the Municipality's bylaw standards.

### *Development & Building Permits*

Development of the site for apartment buildings is subject to the Development Permit Area-1 (General) requirements and guidelines to meet objectives for the form and character of multi-family residential development (OCP, No. 3450, p. 137). Development permit approval must be achieved before building permits can be issued.

Infrastructure works and community amenities will be required at the building permit stage.

## **BC Transit & Ministry of Transportation and Infrastructure (MOTI)**

### *BC Transit*

BC Transit has recommended the Municipality provide a pair of transit stops on Drinkwater Road between Paddle and Ford Roads, i.e., one stop in each direction (east, west).

The transit stops are required to service the future development on the north side of Drinkwater Road, including what is proposed in this application. It is encouraging that the density of the Paddle/Ford Road area developments warrants a new transit stop, as that will help to reduce private vehicle usage and contribute to the goals and objectives for focused growth and high density development expressed in the OCP and BMLAP.

Options for funding the transit stops include development cost charges (DCC), negotiated contributions through the rezoning process, or from the Municipality's capital works budget. As the exact location, cost and timing of the future transit stops are unknown at this time, the applicant has not been asked to provide financial contributions towards it.

Following discussions with BC Transit and the Cowichan Valley Regional District (CVRD), which are still preliminary, it is recommended that the project and infrastructure upgrades required to service existing and future development in the Paddle Road/Ford Road neighbourhood be considered as a project for inclusion in the DCC Bylaw when it is next reviewed and updated.

#### *Ministry of Transportation and Infrastructure (MOTI)*

The subject properties are located within 800 metres of a Controlled Access Highway (Trans-Canada Highway). Should Council give third reading to Zoning Amendment Bylaw No. 3868, MOTI approval will be required prior to adoption (sec. 52(3) *Transportation Act*).

The application was referred to MOTI and it advised the Municipality that two receiving lanes will be required by the Municipality on Drinkwater Road west of the intersection with the Trans-Canada Highway (TCH), in anticipation of intersection improvements to the TCH's northbound left turn lane. MOTI was unable to provide a timeline for when the TCH intersection improvements are expected. No further concerns were identified. These works should be included in future capital budgets and considered for inclusion in the DCC Bylaw.

### **Summary & Conclusion**

The three subject properties at the corner of Drinkwater Road and Ford Road are proposed to be assembled to facilitate the eventual construction of three apartment buildings with 262 apartment units in total. This requires an amendment from the current Rural Residential (R1) Zone to a Comprehensive Development Zone that aligns with municipal land use policies.

While the zoning amendment proposal is generally inconsistent with the Official Community Plan (OCP) land use designations of 'Regional Shopping Centre' and 'Commercial' (Maps 9, 12, 17) where future commercial development is encouraged, the rezoning proposal is consistent with OCP 'Housing' policy for housing diversity, walkability, affordability, and appropriate project scale.

Consistent with the land use, density, and design policy of the Bell McKinnon Local Area Plan (BMLAP), the applicant is committed to providing BC Energy Step Code 3 construction standard, 20.5% EV charging stations, 40% urban tree canopy cover, and on-site rain gardens. Further commitments include the transfer of lands for and construction of a 5 metre wide strip toward a future laneway linking Ford Road with, and, land and financial contribution toward, a future "Central Paddle Park".

The proponent intends to operate the entire site for rental housing. Should Council approve Bylaw No. 3868, 50% of the subject properties would be limited to apartment use for 'residential rental tenure' only. This would secure rental tenure housing on the subject properties while also allowing for flexibility on the remainder of the site for either rental or strata ownership tenure.

Servicing (water, sanitary, storm) and access as proposed is considered adequate for this request to increase residential density. The applicant is willing to provide dedications and construction for public roadway improvements on Drinkwater and Ford Roads, and a new public roadway connecting Ford with Paddle Road. The applicant is committing to construct public roadway frontages to enhanced street design standards (as per BMLAP, street typologies), which include street trees, bulb-outs/traffic calming, and on-street parking (pending detailed design).

Based on the intended development, development permits required prior to building permit issuance are anticipated to include a request to vary minimum required off-street parking standards. Should Council deny any future request for variances to municipal zoning bylaw standards, adjustments to the proposal as presented would result. The intended development concept may also change for other reasons, provided it complies with applicable zoning and the section 219 covenant.

The Ministry of Transportation and Infrastructure has provided preliminary approval, but has advised the Municipality that two receiving lanes will be required on Drinkwater Road in anticipation of TCH intersection improvements, with increased traffic demand in the future.

Should the OCP Amendment Bylaw No. 3869 to amend 'Regional Shopping Centre' and 'Commercial' designations on Maps 9, 12, and 17 be successful such that the subject properties would be located within the 'Growth Centre' designation for focussed residential development, staff are satisfied this proposal aligns with guiding land use policies of the OCP and the BMLAP. It is recommended that Zoning Amendment Bylaw 3868 receive first and second reading, and that a public hearing be scheduled.

## OPTIONS

1. **(Recommended Option)** THAT Council give first and second readings to "Zoning Amendment 3868 (3005, 3011 Drinkwater Road and 6455 Ford Road from R1 to CD23), 2022".  
 THAT a Public Hearing for "Zoning Amendment Bylaw No. 3868 (3005, 3011 Drinkwater Road and 6455 Ford Road from R1 to CD23), 2022" be scheduled and notification be issued in accordance with the *Local Government Act*.
2. THAT Council deny application ZB000138 to amend Zoning Bylaw No. 2950, 1997 to permit high density residential housing at 3005, 3011 Drinkwater Road and 6455 Ford Road.

## IMPLICATIONS

While this rezoning proposal for increased residential density for multi-family apartment housing is largely consistent with the BMLAP, the future development of the subject properties will incur costs to the Municipality for the maintenance (and eventual replacement) of new infrastructure, which would be constructed by the developer, including:

- Street trees on the municipal boulevard (as identified in the BMLAP)
- New public roadway
- New public laneway (linking Ford Road with a proposed "Central Paddle Park")

Additionally, the following infrastructure is anticipated in the future with increased transit and traffic demands in this area that will need to be funded by the Municipality with the potential to recover part of the cost through development cost charges:

- Twinning of the receiving lanes on Drinkwater Road
- Two transit stops, i.e., one in each direction, between Ford and Paddle Road

## RECOMMENDATION

THAT Council:

1. Give first and second readings to "Zoning Amendment 3868 (3005, 3011 Drinkwater Road and 6455 Ford Road from R1 to CD23), 2022".
2. Schedule a Public Hearing for "Zoning Amendment Bylaw No. 3868 (3005, 3011 Drinkwater Road and 6455 Ford Road from R1 to CD23), 2022" and that notification be issued in accordance with the *Local Government Act*.

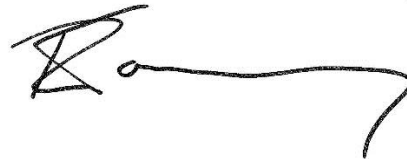
Report prepared by:

*Caroline von Schilling*

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Caroline von Schilling  
Development Planner

Report reviewed by:




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Rob Conway, MCIP, RPP  
Director, Planning and Building

**Approved to be forwarded to Council:**



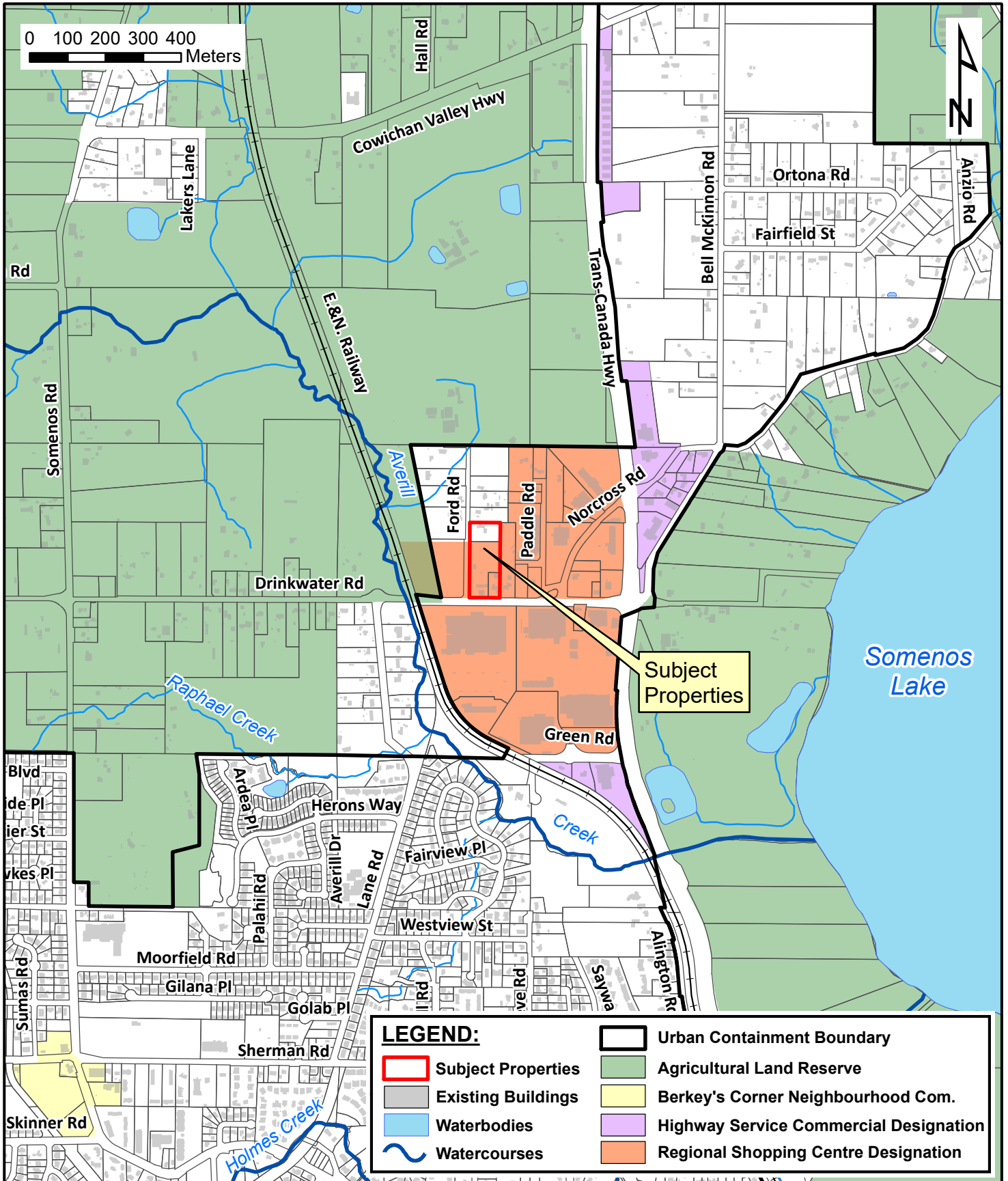

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Ted Swabey  
Chief Administrative Officer

Attachment(s):

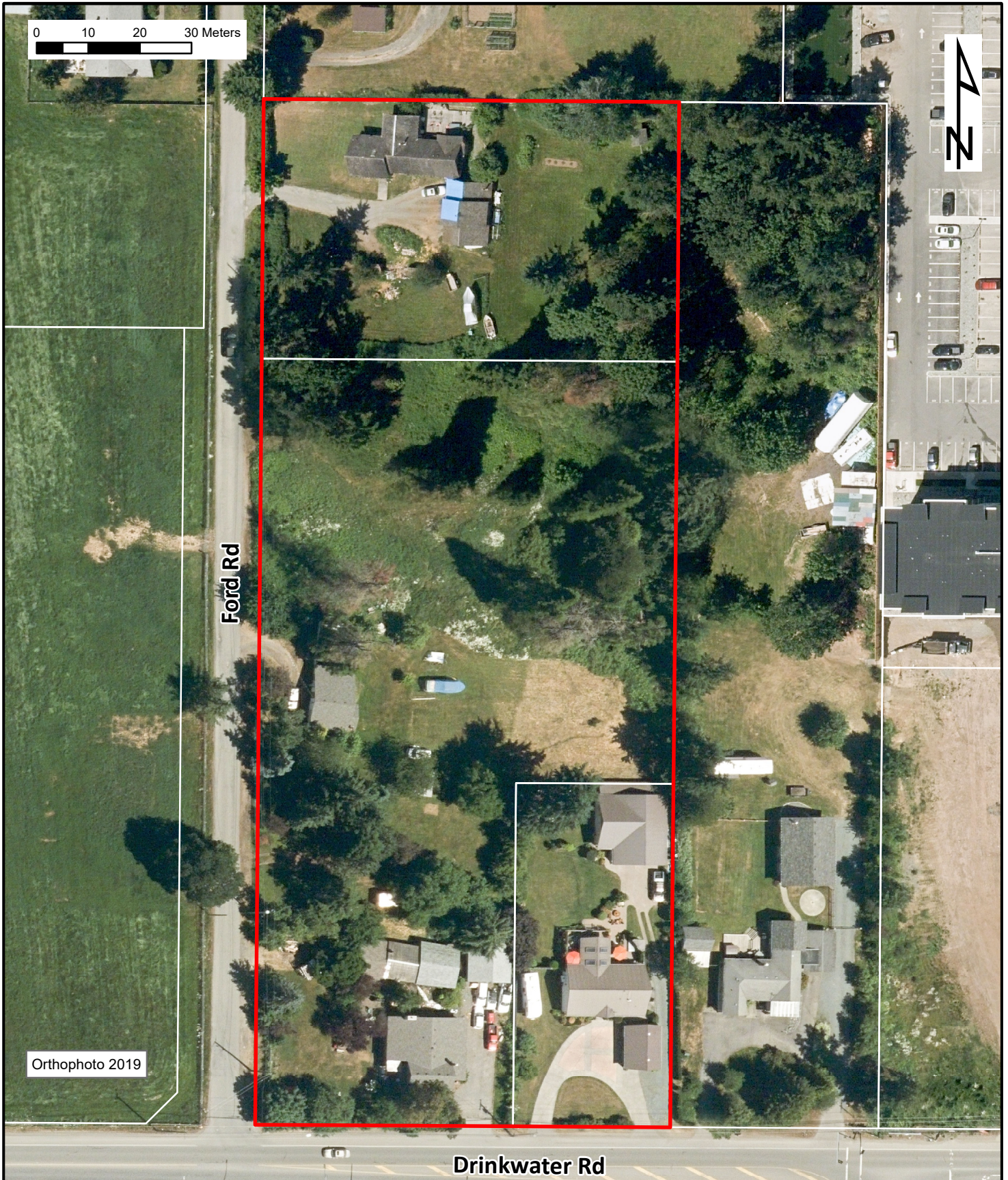
- (1) Location
- (2) Orthophoto
- (3) Zoning
- (4) BMLAP Map
- (5) R1 Zone
- (6) Draft CD23 Zone & Amendment Bylaw No. 3868
- (7) Rationale
- (8) Site Plan
- (9) Site Photos






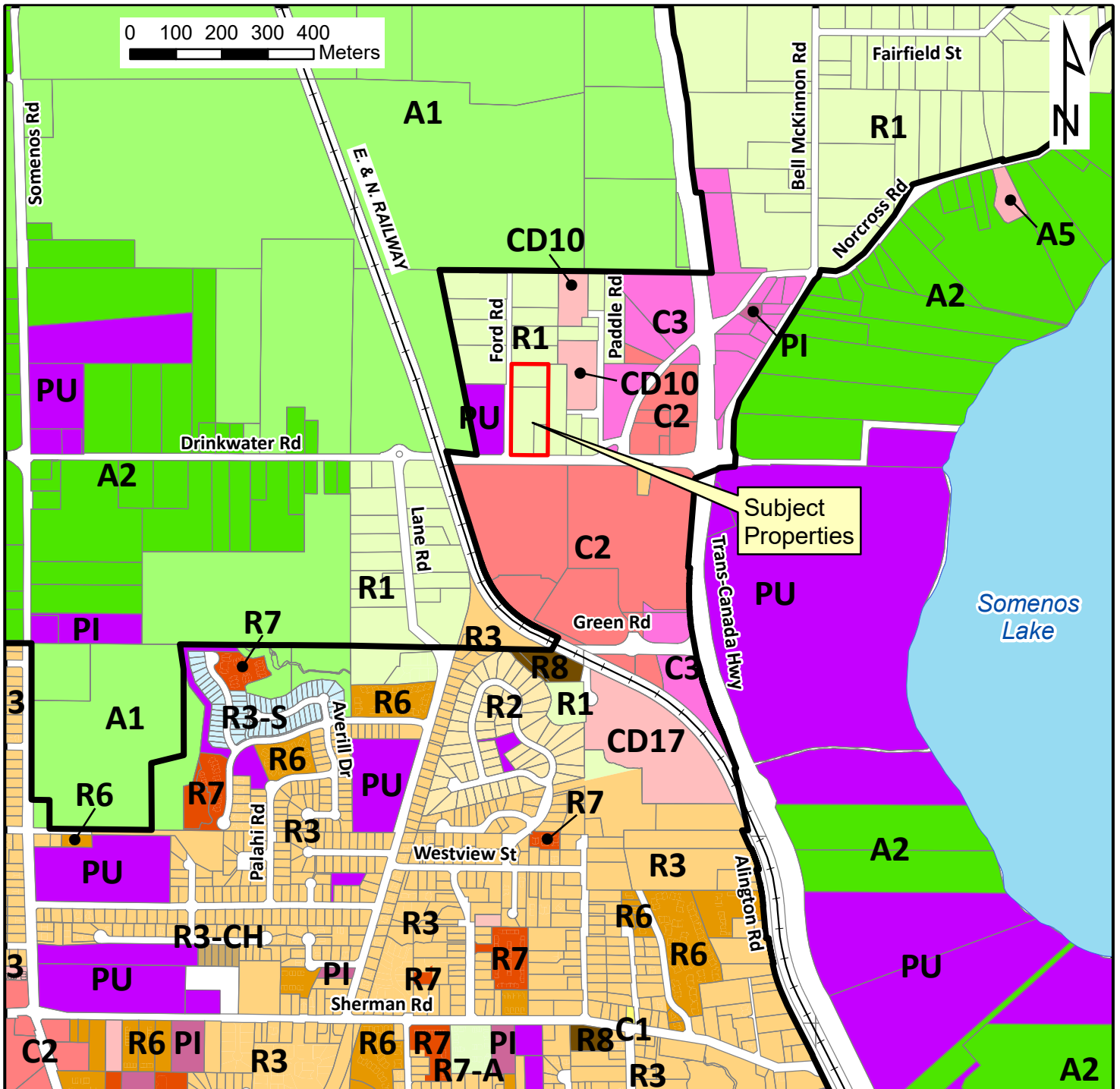
	<b>LOCATION MAP</b> 3005 & 3011 Drinkwater Road and 6455 Ford Road	DATE:	March 24, 2021
		TYPE:	Zoning Amendment
		FILE#:	ZB000138





	<b>ORTHOPHOTO MAP</b>		DATE:	March 24, 2021
	3005 & 3011 Drinkwater Road and 6455 Ford Road		TYPE:	Zoning Amendment
			FILE#:	ZB000138





**LEGEND:**

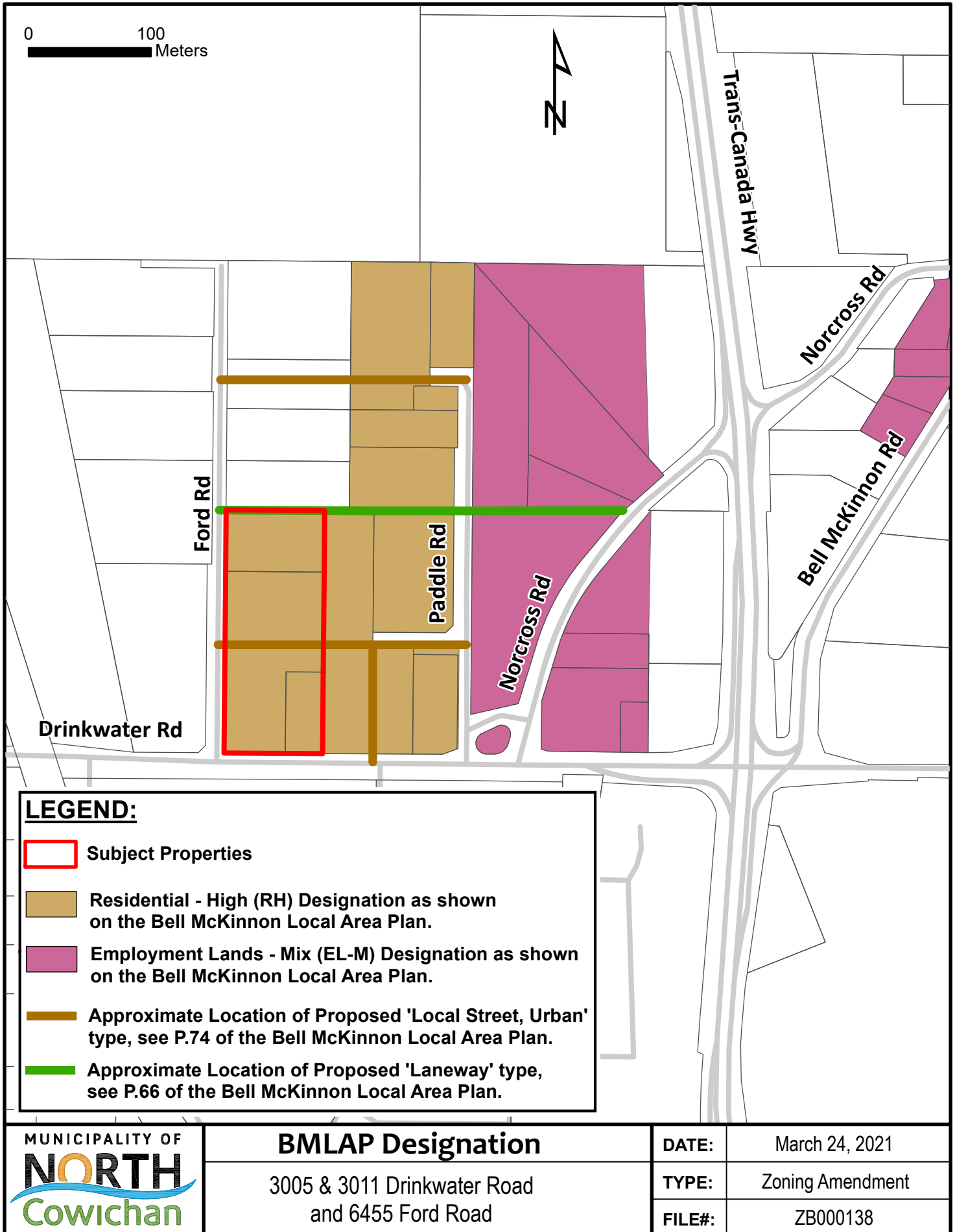
Urban Containment Boundary	C4 - Commercial Recreational	R2 - Residential Restricted
A1 - Agricultural	CD10 - Comp. Dev. (Urban Medium Density)	R3 - Residential One and Two-Family
A2 - Rural	CD11 - Comp. Dev. (Comm. Services Health Care)	R3-CH - Residential Two-Family Detached
A5 - Rural Residential	CD17 - Comp. Dev. (Congregate Housing)	R3-MF - Residential Medium Density Multi-Family
C1 - Commercial Local	I1 - Industrial Light	R3-S - Residential Small Lot Single-Family
C2 - Commercial General	PI - Public Institutional	R6 - Residential Townhouse
C3 - Commercial Service	PU - Public Use	R7 - Residential Multi-Family
R1 - Residential Rural	R7-A - Residential Ground-Oriented Multi-Family	R8 - Residential Multi-Family Apartment



**ZONING MAP**

3005 & 3011 Drinkwater Road  
and 6455 Ford Road

DATE:	March 24, 2021
TYPE:	Zoning Amendment
FILE#:	ZB000138



## Residential Rural Zone (R1)

### Permitted Uses

- 56** (1) The permitted uses for the R1 zone are as follows:
- Agriculture
  - Assisted Living
  - Bed and Breakfast
  - Community Care Facility
  - Home-based Business
  - Modular Home
  - Single-Family Dwelling
  - Supportive Housing
  - Temporary Mobile Home (subject to the Temporary Mobile Home Permit Bylaw)
  - Two-Family Dwelling [BL3302, BL3367, BL3754]

### Minimum Lot Size

- (2) The minimum permitted lot size for the R1 zone is 1,675 m<sup>2</sup> (18,029 sq. ft.).

### Minimum Frontage

- (3) The minimum permitted frontage for the R1 zone is 30.0 m (98.43').

### Density

- (4) The maximum permitted density for the R1 zone is as follows:
- (a) The number of residential buildings shall not exceed one.
  - (b) Despite the foregoing, the placement of a Temporary Mobile Home may also be permitted on lots 0.81 ha (two acres), or larger, subject to the Temporary Mobile Home Permit Bylaw. [BL3754]
  - (c) The maximum permitted floor space ratio for the R1 zone is 0.5:1. [BL3383]
  - (d) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 9272 Cottonwood Road (PID: 006-038-000). [BL3642]
  - (e) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 1217 Barnes Road (PID: 003-134-814). [BL3666]
  - (f) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 6343 Wicks Road (PID: 003-145-603). [BL3731]
  - (g) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 10097 Chemainus Road (PID: 018-858-651). [BL3732]
  - (h) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 2372 Regina Drive (PID 000-368-393). [BL3760]
  - (i) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 1038 Herd Road (PID: 023-168-501). [BL3766]
  - (j) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on Lot 7 Wellburn Place (PID: 031-028-314). [BL3809]
  - (k) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 9376 Cottonwood Road (PID: 004-156-676). [BL3815]

- (l) Despite section 56 (4)(a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 6353 Genoa Bay Road (PID: 001-165-283) [BL3847]
- (m) Despite section 56 (4)(a) a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 8921 Chemainus Road (PID: 029-612-829) [BL3852]

### **Maximum Lot Coverage**

- (5) The maximum permitted lot coverage of the R1 zone is 30% of the lot area.

### **Minimum Setbacks**

- (6) The minimum permitted setbacks for the R1 zone are as follows:
  - (a) Principal Buildings
    - Yard, Front, 6.0 m (19.68')
    - Yard, Side, 3.0 m (9.84')
    - Yard, Rear, 8.0 m (26.25')
  - (b) Accessory Buildings and Structures (Excluding Fences)
    - Yard, Front, 6.0 m (19.68')
    - Yard, Side, 3.0 m (9.84')
    - Yard, Rear, 3.0 m (9.84')
- (6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m (19.03'). [BL3150]

### **Maximum Building Height**

- (7) The maximum permitted building heights for the R1 zone are as follows:
  - (a) Principal Buildings, 9.0 m (29.53')
  - (b) Accessory Buildings, 5.0 m (16.40')

### **Conditions of Use**

- (8) The conditions of use for the R1 zone are as follows:
  - (a) No fences over 1.2 m (4.00') in height are permitted in the required yards, front.
  - (b) No fences over 2.0 m (6.56') in height are permitted in the required yards, side or rear.
  - (c) In no situation shall a fence be greater than 2.0 m (6.56') in height.
  - (d) Bed and breakfast uses may have no more than six sleeping units.
  - (e) Repealed [3758]
  - (f) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that the number of residents does not exceed ten, including resident staff,
    - (ii) the use is within a single-family dwelling unit only,
    - (iii) valid health permits for septic systems or on-site wastewater treatment systems are obtained, where no municipal sewer is available. [BL3302]
  - (g) Limited farm sale of agricultural products may be sold directly to the public provided that:
    - (i) a minimum of 50% of the agricultural products offered for sale are produced on the land;
    - (ii) the covered retail sales area does not exceed 100 m<sup>2</sup> (1076.4 sq. ft.); and
    - (iii) the retail sales are clearly ancillary to the farm use. [BL3083]
  - (h) [Repealed. BL3367]





The Corporation of the District of North Cowichan

**Zoning Amendment Bylaw (3005, 3001 Drinkwater Road & 6455 Ford Road from R1 to CD23)**

Bylaw No. 3868

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

**Title**

- 1 This Bylaw may be cited as "Zoning Bylaw Amendment Bylaw No. 3868 (3005, 3011 Drinkwater Road & 6455 Ford Road from R1 to CD23), 2022".

**Amendment**

- 2 Zoning Bylaw No. 2950, Section 12 [Definitions] is amended by inserting the following definition:  
**"residential rental tenure"** means, in relation to a dwelling unit, a tenancy governed by a tenancy agreement that complies with the *Residential Tenancy Act*."
- 3 Zoning Bylaw No. 2950, Part 5 – Zones, Division (1) Establishment of Zones, Section 43 is amended by adding "Ford Road South Comprehensive Development Zone (CD23)" to the end of the list of zones.
- 4 Zoning Bylaw No. 2950, is amended by inserting the following new zone at the end of Division (2) - Zones:

**"Ford Road South Comprehensive Development Zone (CD23)**

**Permitted Uses**

- 80.23** (1) The permitted uses for Area 1 and Area 2 of the CD23 zone, as shown on Schedule I-4, attached to and forming part of this bylaw, are as follows:

Apartment  
 Limited home-based business

**Minimum Lot Size**

- (2) The minimum permitted lot size for the CD23 zone is 650 m<sup>2</sup> (6,996.5 ft<sup>2</sup>).

**Minimum Frontage**

- (3) The minimum permitted frontage required for the CD23 zone is 16 m (52.5').

**Maximum Density**

- (4) The maximum permitted floor space ratio for all Areas of the CD23 zone is 2.0:1.

**Maximum Lot Coverage**

- (5) The maximum permitted lot coverage for all Areas of the CD23 zone is 55%.

**Minimum Setbacks**

- (6) The minimum permitted setbacks for all buildings and structures for all Areas of the CD23 zone is 3.0 m (9.8').

**Maximum Building Height**

- (7) The maximum permitted principal building height for all Areas of the CD23 zone is as follows:
- (a) In Area 1, 18.3 m (60.0') and 5 storeys
  - (b) In Area 2, 15.6 m (51.2') and 4 storeys
- (8) The maximum permitted accessory building height for all Areas of the CD23 zone is 7 m (23.0').

**Open Space**

- (9) All open areas not covered by buildings, driveways, or parking must be maintained as landscaped open space.

**Conditions of Use**

- (10) The conditions of use for the CD23 Zone are as follows:
- (a) In Area 1, 100% of all dwelling units shall have a form of tenure that is "residential rental tenancy".
  - (b) In Area 1, a minimum of 55% of the total off-street parking stalls must be provided underground.
  - (c) In Area 2, a minimum of 64% of the total off-street parking stalls must be provided underground.

**Area Boundaries**

- (11) The Areas and Area boundaries for the CD23 zone shall be as set out in Schedule I-4.
- (12) Despite the definition of "lot" under section 12, all regulations within the CD23 zone, except provisions (2) and (3), shall be interpreted as if the Area boundaries were lot boundaries."

- 5 Zoning Bylaw No. 2950 is amended by inserting Schedule I-4 as shown on Schedule 1 attached to and forming part of this bylaw.
- 6 Zoning Bylaw No. 2950, Schedule "C" is amended by reclassifying 3005 Drinkwater Road (003-108-163), 3011 Drinkwater Road (000-209-457), and 6455 Ford Road (005-926-866) from Residential Rural Zone (R1) to Ford Road South Comprehensive Development Zone (CD23), as shown on Schedule 2 attached to and forming part of this bylaw.

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READ a first time on  
READ a second time on  
CONSIDERED at a Public Hearing on  
READ a third time on  
APPROVED by Ministry of Transportation and Infrastructure on  
COVENANT registered on  
ADOPTED on

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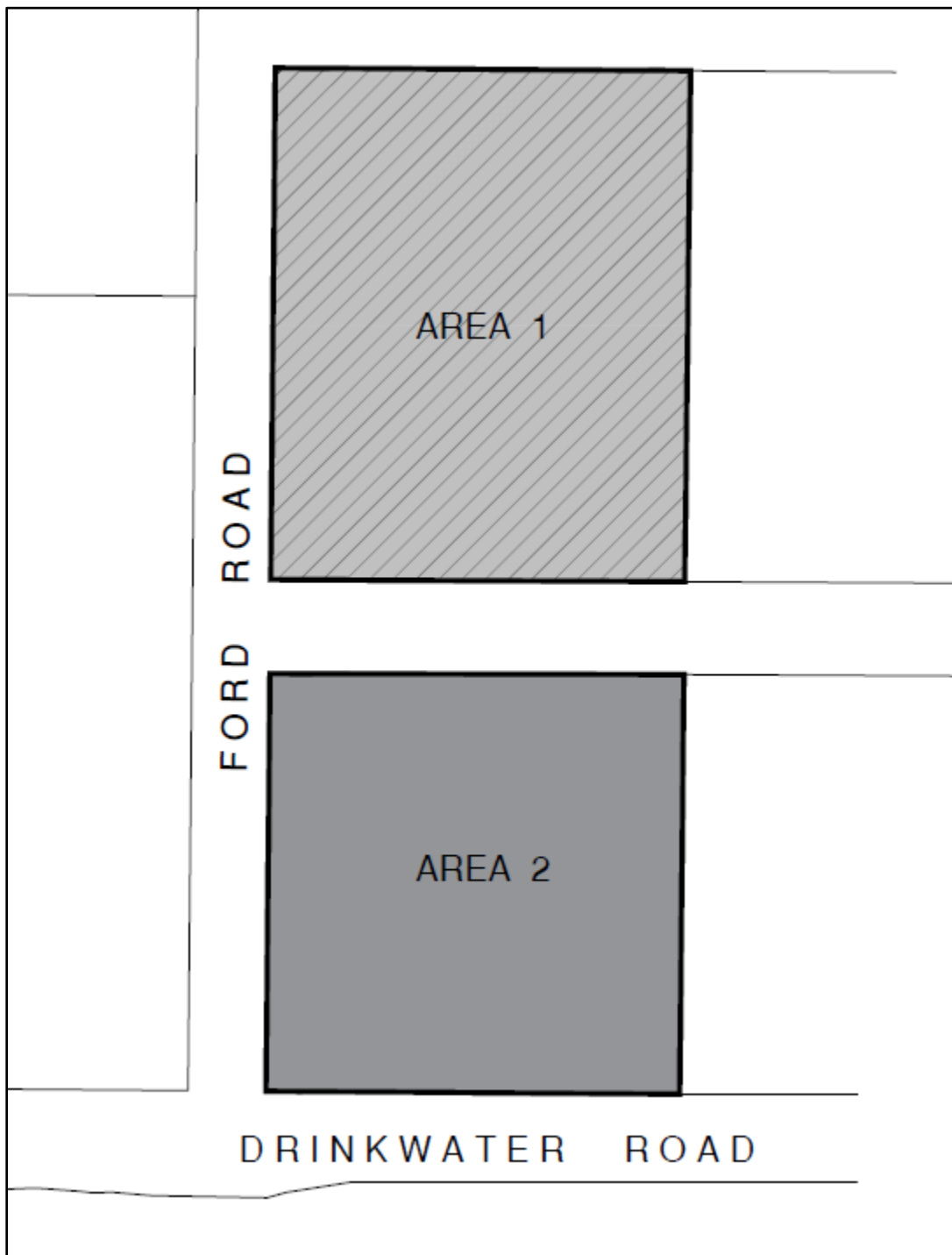
CORPORATE OFFICER

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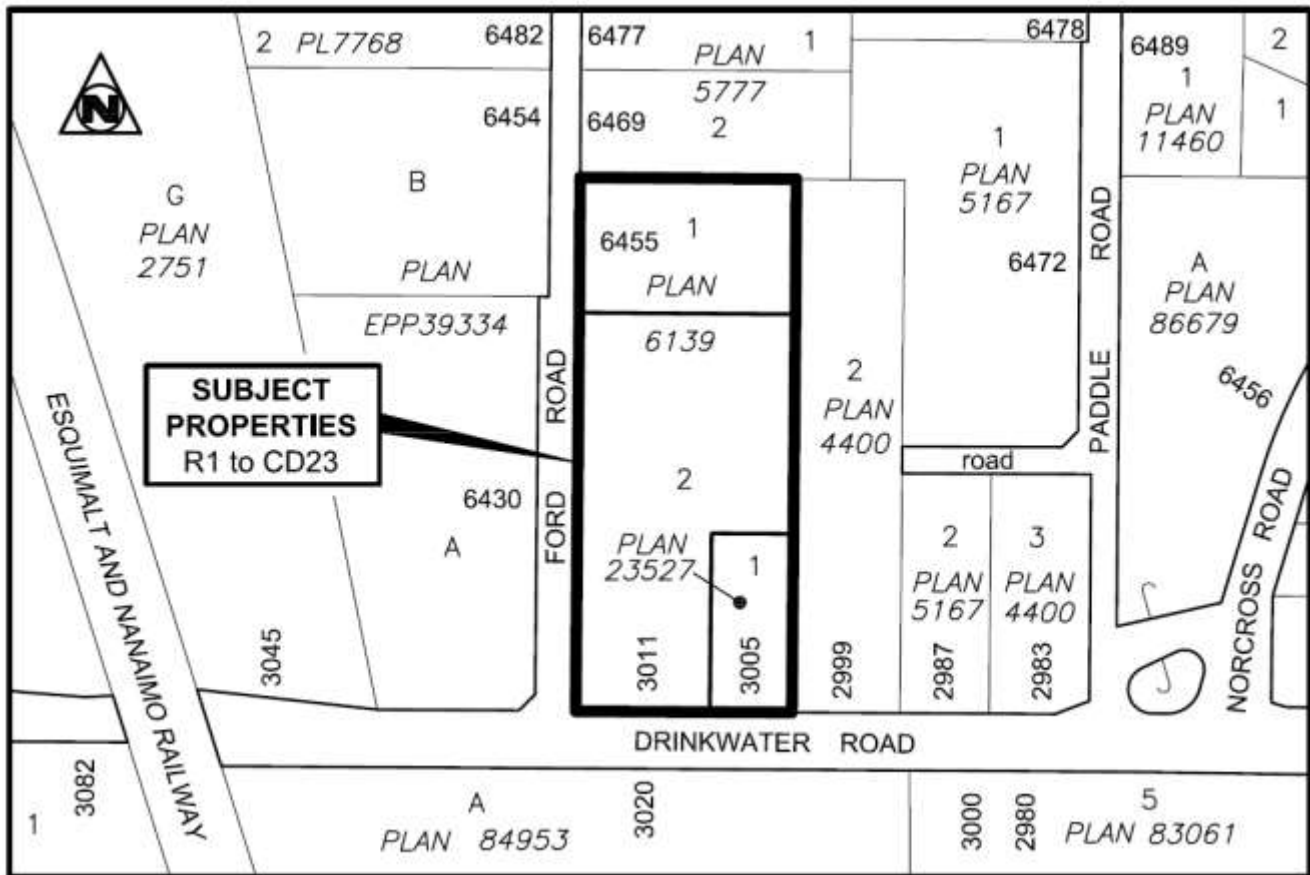
PRESIDING MEMBER

Schedule 1

**Schedule "I-4"**



# Schedule 2



# Drinkwater Apartments

Drinkwater Apartments is a comprehensive purpose-built rental development located in the growing community of North Cowichan. The proposed rezoning application from Residential Rural Zone (R1) to Residential – High Zone (RH) accommodates 262 units in two four-story buildings and one five-story building. This comprehensive development continues Woodmere’s commitment to providing apartments that accommodate various lifestyles and demographics and improves housing options for the Municipality of North Cowichan.

## Policy:

### Bell McKinnon Local Area Plan (BMLAP)

The Bell McKinnon Local Area Plan (BMLAP) was approved in 2018 to provide planning policies that direct future growth for North Cowichan’s Bell McKinnon neighbourhood. The Land Use Plan shows that the subject lands are identified as Residential – High (RH). This designation accommodates apartments with min-max heights of 3-5 storeys, which aligns with the intent of the proposed application. Furthermore, the proposed application conforms to design elements stated within the BMLAP by:

*“Streets for People Create streets that are comfortable and safe for all users – including pedestrians and cyclists.”*

Frontage improvements down Drinkwater Road, Ford Road, and the internal connector road include on-street parking separating pedestrians from vehicular traffic. Sidewalks, street trees, and streetlights create a desirable walking experience and are aesthetically pleasing.

*Smart Growth Facilitates compact development that creates vibrant, walkable places that provide long-term community growth while avoiding urban sprawl and worsening impacts on the natural environment.*

Drinkwater Apartments is an intensification of density in an appropriate location as identified in the BMLAP. Its proximity to significant employment and commercial centres such as the future hospital and the Cowichan Commons Retail Centre make walking and cycling to work and shopping a reasonable endeavour for residents.

*“Housing Choices Provide a range of housing types and tenures to serve local residents through all stages of life.”*

Unit types include studio, one-bed, two, and three-bed apartments to accommodate various lifestyles, demographics, and families. Moreover, the three-bedroom units appeal to families and allow existing residents to remain in the community and age in place without maintaining a property.



*“Blue-Green Infrastructure Develop a comprehensive blue-green space network that enhances local ecologies and supports a healthy community.”*

Woodsmere dedicates approximately 1480m<sup>2</sup> towards the central park located in Cell “K” of the Blue-Green network. Additionally, approximately 312m<sup>2</sup> has been dedicated to a future laneway on the north property line.

Commitments to green infrastructure include implementing stormwater best management practices such as rain gardens that collect and polish roof drainage, absorbent landscaping, and a grass swale. Lastly, the Drinkwater Apartments exceeds the 30% minimum tree canopy requirement outlined in the BMLAP.

### **Site Design & Characteristics:**

The site design provides underground and surface parking. Enhanced landscaping compliments the existing community and increases North Cowichan’s tree canopy. The northeast portion of the site includes parkland dedication to form part of a “Central Park” concept and a 5m dedication along the north property line to accommodate a future laneway. Interconnected roads, sidewalks, and walkways provide permeability through the complex and facilitate connectivity to employment and commercial centres and the regional open space system. Ground floor private amenity spaces abut Ford Road and the future Laneway fostering ground floor interaction between the public/private realms.

The parkade ramps have been internalized to avoid pedestrian/vehicle conflict on the public roads.

Currently, Woodsmere intends on applying for the CMHC MLI Select program for affordable housing at the time of the rezoning approval. The MLI Select program is an innovative multi-unit mortgage loan program focused on affordability, accessibility, and climate compatibility. Typically, this entails a commitment of 10% of units at 30% of median renter income established by Statistics Canada, and a 25% above code Energy Efficiency and GHGs Reductions over 2017 NECB/ 2015 NBC. This attestation to energy efficiency is provided by a qualified professional with energy modeling experience.

Drinkwater Apartments benefits from the Woodsmere car-sharing program – a station-based electric car service for apartment residents. This robust car-share program offers a minimum of three fully electric cars reducing a common barrier to vehicle ownership which is to have a vehicle for non-regular, non-commuting trips that cannot easily be fulfilled by transit or active modes such as out of town trips. Further, our carsharing service ties into Woodsmere’s affordability narrative, by providing tenants an alternative to the burden of car ownership costs. Details can be found using this link:

<https://woodsmerecarsharing.ca/>

Lastly, on-site unsheltered, and sheltered bike storage supports the sustainability directives of the BMLAP by facilitating alternative modes of transportation.

**Please see the enclosed Site Plan and Landscape Plan to refer to the design components mentioned above.**

### **Architecture:**

The Drinkwater development is comprised of three apartment complexes: two four wood-framed storey buildings to the south end of the site and a five-storey third building towards the north end. Fully concealed below grade parkades serve all buildings, and are accessed from the onsite parking area at Buildings A and C, and directly from the Paddle Road connector at Building B.

An internal corridor system will serve all residential units with elevator access. Unit type allocation is approximately split between studio /one-bedroom units and two bedrooms/three bedrooms units. Ground-level private amenity spaces facing Ford, Drinkwater, and Paddle Roads encourage interaction between private/public realms. Further, units facing the new park laneway will similarly connect using hard landscaping, helping to activate a public/private streetscape realm.

Each building will be organized around a rectangular ground level "plinth," with portions of higher storeys extended outwards to achieve a visual variety of forms and suitable transitions among cladding types and colours. Cladding will be selected with an eye for durability and attractiveness, with a variation among cementitious horizontal lap siding, cementitious panel siding with trimless reveals, and prefinished metal lap siding. The fifth storey facade of the northerly building-C will be stepped back from the park laneway, helping to alleviate its visual impact. Furthermore, building C will employ timber-clad struts to support the canted west coast style shed roof structure facing the laneway, as well at ground level locations supporting second-storey extensions above.

### **Landscape:**

Landscape components include passive, naturalistic rain gardens for stormwater treatment and benching provides places for residents to relax and contemplate life. A pavilion with seating also allows residents to congregate and socialize.

We have suggested a palette of plant materials, primarily native and drought-tolerant species. The abundant tree planting enhances the tree canopy in conformance with the BMLAP.

**Please refer to the enclosed Landscape Plan.**

### **Servicing:**

Existing sanitary and water services extensions from Drinkwater Road and Ford Road provide servicing for the proposed development. McElhanney Consulting has conducted a conceptual servicing study and stormwater management analysis to demonstrate the feasibility and identify upgrades required to accommodate the proposed development.

McElhanney has engaged municipal staff regarding their LTR review comments, and issues pertaining to high-level servicing are resolved.

**Transportation:**

Approximately 643.3m<sup>2</sup> widening of the Ford Road right-of-way has been included for the entire frontage of Ford Road. Another 94.4m<sup>2</sup> widening has been included for Drinkwater Road right-of-way. Also, 5.0m wide land dedication across the full northern property line of 6455 Ford Road is included to accommodate a future laneway.

A Traffic Impact Assessment has been conducted to assess the performance of area roads after development. These technical documents reviewed traffic operations for the proposed residential development at the northeast corner of Ford Road and Drinkwater Road in North Cowichan, British Columbia.

**DRAFT Residential – High (RH) Bylaw:**

**Parking Variance:** Overall parking for the site achieves 1.09, instead of the required 1.25. Also, there is confusion regarding the underground parking requirements related to the RH zone. Cumulatively, the application proposes 61% underground parking. At the request of North Cowichan staff, a Parking Demand Study has been prepared by McElhanney and submitted for review in support of this variance request.

**Rear Property Line Setback:** Each building requires a rear property setback as they do not meet the 6m rear setback prescribed in the RH Zone:

Building A – 3.23m Setback Variance

Building B– 3.23m Setback Variance

Building C– 3.98m Setback Variance

We feel these locations warrant relaxation as there is reasonable space to avoid crowding against Drinkwater Road and the future Laneway.

**Common Space Amenity Relaxation:** The proposed application allocates approximately 4.8% of common amenity space, therefore not meeting the RH zone requirements. However, residents benefit from the proximity of the adjacent central park and the future stormwater amenity across the Ford Road. We request a relaxation on this condition.

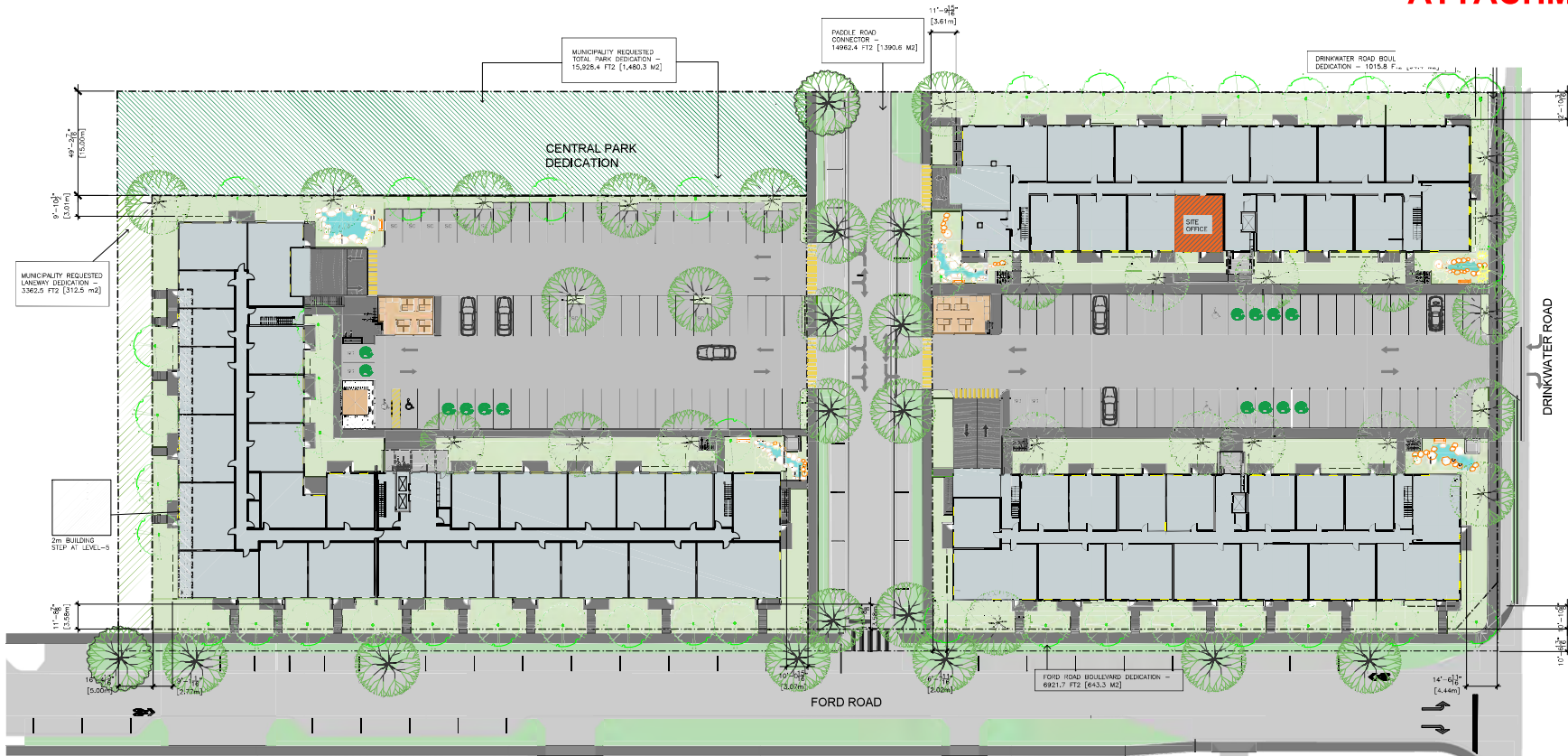
**Community Amenity Contributions:**

Woodsmere has worked extensively with the Municipality of North Cowichan to agree on equitable Community Amenity Contributions for the proposed development. The following highlights the main contributions:

- A 1480m<sup>2</sup> land dedication towards the central park;
- A five-metre land dedication towards the public walkway along the north property line, including a financial contribution towards the walkway construction;

- A commitment to providing 40% tree canopy;
- A 1390m<sup>2</sup> land dedication towards Paddle Road Connector;
- A Financial contribution of \$3000 per residential unit;
- A commitment to affordable housing through the CMHC MLI Select program; and
- A commitment to providing the Woodsmere Carsharing program for development.

# ATTACHMENT 8



## LAND AREA DEDICATION

<b>ORIGINAL CONSOLIDATED LOT AREA:</b> (.484 acres)	15,866.7 m <sup>2</sup> (171,802 ft <sup>2</sup> )
<b>PADDLE ROAD CONNECTOR DEDICATION:</b> DRINKWATER ROAD BOULEVARD DEDICATION:	1,396.4 m <sup>2</sup> (14,862 ft <sup>2</sup> )
<b>FORD ROAD BOULEVARD DEDICATION:</b> LANEWAY DEDICATION:	842.4 m <sup>2</sup> (9,072 ft <sup>2</sup> )
<b>PARK DEDICATION:</b>	316.4 m <sup>2</sup> (3,392 ft <sup>2</sup> )
<b>TOTAL ROAD AND PARK DEDICATION:</b> (.047 acres)	3,621.6 m <sup>2</sup> (42,191 ft <sup>2</sup> )
<b>REMAINING LOT AREA</b> (ORIGINAL MINUS DEDICATIONS)	12,245.1 m <sup>2</sup> (132,610 ft <sup>2</sup> ) (.287 acres)
<b>TOTAL BUILDING AREA -</b> (A,B,C TOTAL)	(1,380.3 + 1,380.3 + 2,291.4) m <sup>2</sup> = 5,052.0 m <sup>2</sup>
<b>BUILDING FLOOR SPACE -</b> (A,B,C TOTAL)	(5,455.1 + 5,431.2 + 11,324.0) m <sup>2</sup> = 22,210.3 m <sup>2</sup>
<b>PROPOSED FSR -</b>	5,052.0 / 12,045.6 = <b>0.42</b> (0.55 MAX. PERMITTED)
<b>PROPOSED LOT COVERAGE -</b>	
BUILDING-C (NORTH):	11,324.0 / 5,882.5 = 1.92
BUILDINGS-A&B (SOUTH):	10,886.3 / 6,163.1 = 1.77
<b>TOTAL CONSOLIDATED SITE:</b>	22,210.3 / 12,045.6 = <b>1.84</b>
<b>TOTAL ONSITE PAVED AREA -</b>	7,152.3 m <sup>2</sup>
<b>TOTAL ONSITE LANDSCAPED AREA -</b>	592.0 m <sup>2</sup>

## TOTAL, BLDGS. A, B, & C - 262

<b>TOTAL BUILDINGS - 3</b>	
STUDIO - 11	
ONE BEDROOM - 106	
TWO BEDROOM - 106	
THREE BEDROOM - 37	
<b>PARKING STALLS (onsite)</b>	
PROPOSED: 292	
REQUIRED: 262	
<b>TOTAL BELOW GRADE PARKING</b>	
PROPOSED: 59%	
<b>BIKE PARKING - 262</b>	
OFFSITE PARKING - 26	
<b>USABLE OFFSITE - COMMON AMENITY SPACE</b>	
1048 sqm / 11,307 ft <sup>2</sup>	
3,587 / (129,615 + 54,359) = 4.9% (NOT INCL. BLDGS)	
3,587 / (129,615 + 54,359) = 4.9% (NOT INCL. BLDGS)	
<b>GREEN INFRASTRUCTURE</b>	
48% TREE CANOPY	
3,400,000 LITRE CAR SHEDDING	
85-EV CAR STALLS (50.5%)	
27-EV BIKE CHARGING STATIONS (10%)	
5-RAIN GARDENS (847 ft <sup>2</sup> /78.7m <sup>2</sup> )	
GREEN SWALE (867 ft <sup>2</sup> /80.9m <sup>2</sup> )	

## BUILDING A & B, 4 STOREYS - 127 UNITS

<b>STUDIO - 1</b>	
<b>ONE BEDROOM - 56</b>	
<b>TWO BEDROOM - 48</b>	
<b>THREE BEDROOM - 22</b>	
<b>PARKING (onsite) - 141</b>	
2 ACCESSIBLE STALLS	
47 REGULAR SURFACE STALLS (8 EV STALLS)	
2 SURFACE SMALL CAR STALLS	
85 REGULAR UNDERGROUND STALLS (24 EV STALLS)	
5 UNDERGROUND SMALL CAR	
95 BIKE PARKING	
<b>TOTAL BELOW GRADE PARKING:</b>	
70% REQUIRED	
<b>64% PROPOSED</b>	
<b>SETBACKS</b>	
FRONT YARD	REQUIRED 3m PROVIDED 3.03m
SIDE YARD	REQUIRED 3m PROVIDED 3.92m
REAR YARD	REQUIRED 6m PROVIDED 2.02m PROPOSED
<b>BUILDING HEIGHTS</b>	
BUILDING-A	15.55m
BUILDING-B	15.54m

## BUILDING C, 5 STOREYS - 135 UNITS

<b>STUDIO - 10</b>	
<b>ONE BEDROOM - 50</b>	
<b>TWO BEDROOM - 60</b>	
<b>THREE BEDROOM - 15</b>	
<b>PARKING (onsite) - 151</b>	
2 ACCESSIBLE STALL	
56 REGULAR SURFACE STALLS (8 EV STALLS)	
10 SURFACE SMALL CAR STALLS	
77 REGULAR UNDERGROUND STALLS (20 EV STALLS)	
6 UNDERGROUND SMALL CAR	
70 BIKE PARKING	
<b>TOTAL BELOW GRADE PARKING:</b>	
70% REQUIRED	
<b>55% PROPOSED</b>	
<b>SETBACKS</b>	
FRONT YARD	REQUIRED 3m PROVIDED 3.07m
SIDE YARD	REQUIRED 3m PROVIDED 3.21m
REAR YARD	REQUIRED 6m PROVIDED 2.77m PROPOSED
<b>BUILDING HEIGHT</b>	
BUILDING-C -	19.22m

## SITE LEGEND

BR-1	10 CAPACITY BIKE RACK
SC	LANDSCAPED PLANTINGS/GRASS SEE LANDSCAPE DRAWINGS
SC	"SMALL CAR" PARKING
SC	ELECTRIC VEHICLE PARKING SPACE WITH CHARGING STATION
SC	NEW TREE SEE LANDSCAPE DRAWINGS
SC	RAIN GARDEN

## SITE NOTES

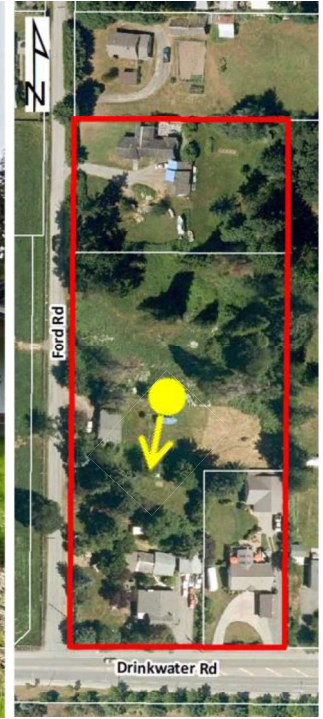
- TRANSFORMER ON CONCRETE PAD WITH BOLLARD AT EACH CORNER
- REFUSE/RECYCLE ENCLOSURE WITH ROOF
- CONCRETE WALK: CURBED AT VEH. DRIVE, FLUSH WITH LANDSCAPED AREAS
- PAVED VEHICULAR DRIVE, PAINTED PARKING LINES
- CONCRETE PARKWAY ACCESS RAMP
- PERIMETER FENCED SCREENING 1" TYPICAL
- BARRIER FREE ACCESSIBLE RAMP WITH PREFINISHED ALUMINUM GUARD/HANDRAILS
- CONCRETE ENTRY AND STAIRWELL EXIT STEPS WITH PREFINISHED ALUMINUM GUARD/HANDRAILS
- PRIVATE CONCRETE PATIO WITH PREFINISHED ALUMINUM GUARD
- STEPS AND CONCRETE WALK FROM PRIVATE BALCONY TO PUBLIC WALK
- USABLE COMMON OPEN SPACE: BENCHES SEATING WITH RAINGARDEN/STORMWATER MANAGEMENT AND TREATMENT FEATURE - SEE ALSO LANDSCAPE DRAWINGS
- USABLE COMMON OPEN SPACE: TREES ARBOUR WITH BENCH SEATING - SEE ALSO LANDSCAPE DRAWINGS
- BIOSWALE - SEE ALSO LANDSCAPE DRAWINGS
- CONCRETE RETAINING WALL

1	20210320	RE-CONFIG
NO	Date	Revisions
<b>Woodsmere Holdings Corp.</b> <b>DRINK WATER Apartments</b> 3011 Drink Water Road, Duncan, BC V9L 6C6 DRAWING TITLE: SITE PLAN		
PROJECT NO: 2102 SCALE: 1" = 25'-0" (1,300) DRAWN BY: RS/GS CHECKED BY: GS DATE: AUGUST 26, 2021 A1.1		





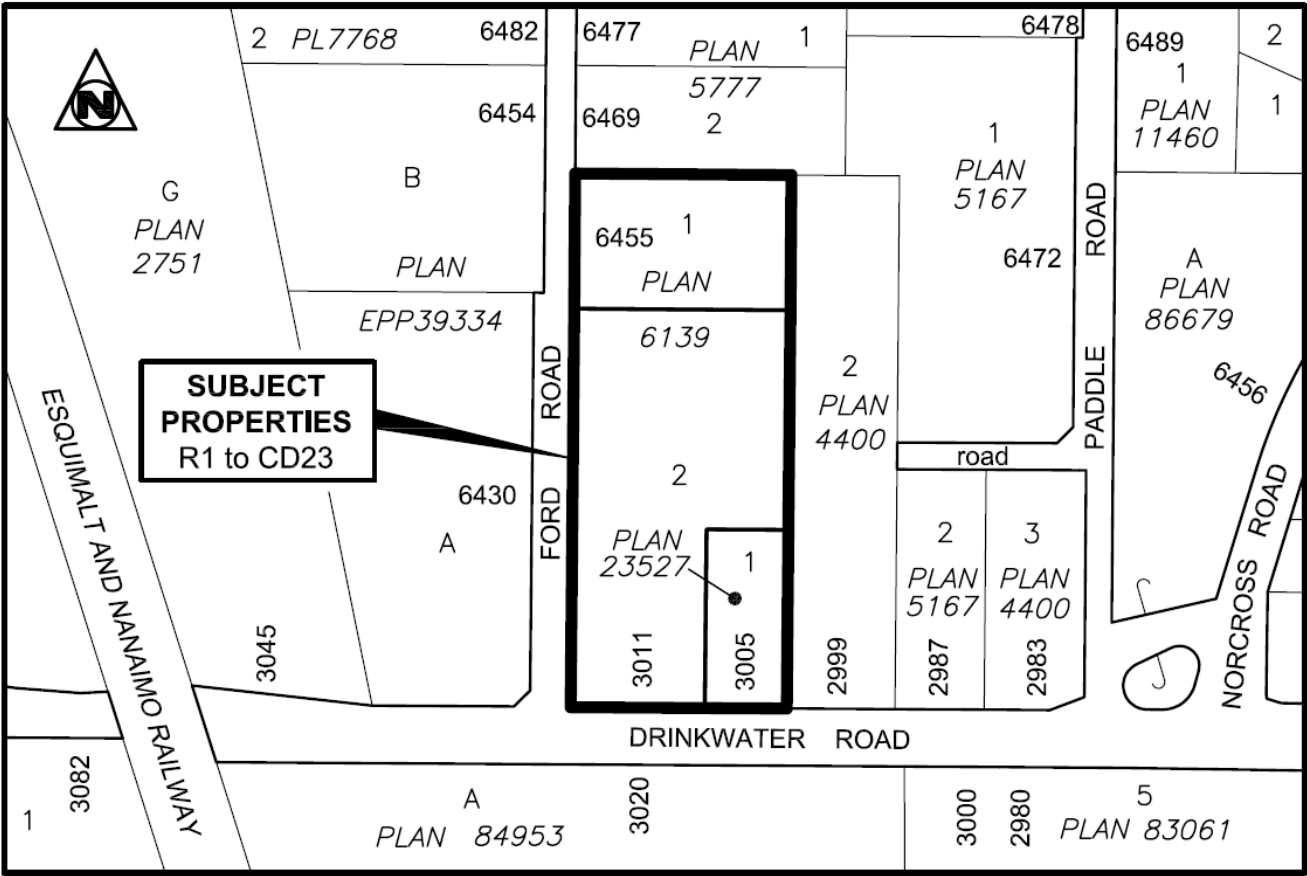








Schedule 2



# Report

Date July 20, 2022

File: 3360-20 20.11

Subject **Zoning Amendment Bylaw No. 3867 (Paddle Road) and Zoning Amendment Bylaw No. 3868 (Ford Road) for second reading**

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## PURPOSE

To consider second reading of Zoning Amendment Bylaw No. 3867 which proposes to amend Zoning Bylaw No. 2950, 1997 to permit high-density residential and commercial uses at 6478, 6494, 6493, 6489 and 6495 Paddle Road and Zoning Amendment Bylaw No. 3868 which proposes to amend Zoning Bylaw No. 2950, 1997 to permit high-density residential use at 3005, 3011 Drinkwater Road and 6455 Ford Road following further negotiations with both applicants.

## BACKGROUND

At the Regular Council meeting on May 18, 2022, two zoning amendment proposals, a land assembly of five properties located at the end of Paddle Road (ZB000122; Bylaw No. 3867 – Attachment 1) and a land assembly of three properties at the corner of Drinkwater and Ford Road (ZB000138; Bylaw No. 3868 – Attachment 2), were introduced to Council to consider giving first and second readings. (Note, the May 18, 2022 Council meeting was adjourned due to technical difficulties from the wind storm and reconvened on May 20, 2022).

On May 20, 2022, Council passed the following resolution:

*“... direct staff to negotiate [both applicants] to secure a percentage of total units or floor area as secure **non-market** rental units, consistent with inclusionary housing policies in other B.C. municipalities prior to Council considering second reading of [Zoning Amendment Bylaw 3867 & Zoning Amendment Bylaw 3868]” [author’s bold].*

## DISCUSSION

To fulfill Council’s May 20, 2022 resolution, the following will be outlined:

1. Initial & REVISED Community Amenity Contributions with Affordable Housing
2. Common Definitions of ‘Affordable Housing’
3. B.C. Municipalities: Affordable Housing/ Community Amenity Contribution (CAC) Policies
4. Alignment of CAC Proposals with B.C. Municipal Policies

### 1. INITIAL & REVISED Applicant’s Affordable Housing Commitments

Presented in order of bylaw number, the applicants of the ‘Paddle Road’ (ZB000122; Bylaw No. 3867) and ‘Drinkwater/Ford Road’ (ZB000138; Bylaw No. 3868) rezoning proposals were asked to offer secured non-market rental housing units, which would involve registering a section 219 covenant and/or housing agreement as appropriate on the title of the property and with successful rezoning.



### 1.1. Application 'Paddle Road'

The initial **and revised** for consideration of second reading, 'Paddle Road' (ZB000122; Bylaw 3867) commitments for secured rental units are summarized as:

COMMITMENT	Subject Properties	Bylaw #	Zone	Proposed Uses	Est. Unit #	Secured Rental #	Secured Non-Market Rental #
<b>INITIAL</b>	5	3867	CD22	apartment townhouse duplex commercial	351	35	0
<b>REVISED</b>	same				<b>366</b>	<b>37*</b>	<b>37**</b> (9 at 30% of median income 28 at 10% below market rental rate)

\*Minimum # rental apartment units are secured in the CD22 Zone. More than the minimum can be constructed/maintained.

\*\*Non-market rental apartment units can come in different forms. Below a median income level or below a market rental rate are some examples. These definitions are discussed in *Section 2. Common Definitions*.

The applicant's initial proposal was to secure 10% of the total housing units (approx. 351 total) for a total of *35 rental apartment units*. Secured within the proposed CD22 Zone, a minimum number of apartment units would be required to be made available for 'residential rental tenancy'. While the Zone sets this minimum requirement, it does not preclude that *more* than the minimum number could be constructed and maintained for this purpose.

The applicant's *REVISED* proposal in response to Council's May 20, 2022 resolution provides *37 rental apartment units* restricted to 'residential rental tenancy'. This increase to 37 rental units is based on the same 10% 'affordable housing' commitment but is calculated from an increased total number of units from 350 to 365 achieved by adding a 5<sup>th</sup> storey to Building D (in Area 5), shown in Figure 1.

Further, the proponent is offering to register a housing agreement on title to secure the following affordability breakdown:

- Of the minimum 10% rental units (37):
  - ❖ 2.5% to be based on 30% of median household income (9 units) based on published CMHC Housing Income Limits data. The units would be located in Building A (Area 1), provided in the first building constructed.
  - ❖ 7.5% of the units to be 10% below market rental rates (28 units) by appraisal. These would be located in Building D (Area 5), provided in subsequent phases.

To offset the cost of subsidizing the 'affordable housing' units borne by the remainder of the units, the applicant is requesting an extra storey on Building D (in Area 5). This building was initially proposed as a 4-storey building. The revised proposal requests to permit a 5-storey building, maximum height of 21.5 m (71 ft.), which would permit an additional 15 units (Figure 1).

The impact of this extra storey would primarily be on the form and character of the neighbourhood, specifically the existing 4-storey apartment building immediately to the south at 6472 Paddle Road. However, a shadow study provided by the applicant indicates that the impact of the increased shadow created by the extra storey would primarily be northward.

The applicant's revised Site Plan & Shadow Study is provided in Attachment 3.

Figure 1. 'Paddle Road' proposal requesting a 5<sup>th</sup> storey to Area 5 (Attachment 8)



Additionally, the proponent is committing to increasing the percentage of underground parking stalls that would be roughed in for future electric vehicle charging stations from 20 to 25%.

Also, note that the overall financial contribution for parkland acquisition and improvements toward a future Central Paddle Park based on \$3,500 per residential unit, anticipating 351 residential units, remains unchanged. This reduces the financial contribution from \$3,500 to \$3,300 *per unit* with a proposed increase in overall units from 351 to 366.

The applicant's initial (at first reading) and revised letters of community amenities, including non-market housing units, are provided in Attachment 4.



## 1.2. Application 'Drinkwater and Ford Road'

The initial and revised 'Drinkwater/Ford Roads' (ZB000138; Bylaw 3868) commitments for secured rental units are summarized as:

COMMITMENT	Subject Properties	Bylaw #	Zone	Proposed Residential Uses	Est. Unit #	Secured Rental #	Secured Non-Market Rental #
INITIAL	3	3868	CD23	Apartment	262	135*	0
REVISED	same				262	135*	0

\*Area 1 of CD23 Zone, apartment use is restricted to 'residential rental tenancy'. As initially estimated, the zoning could result in approximately 135 residential units; final unit numbers are determined at time of development

The applicant's initial proposal is to guarantee approximately 50% of the development area for 'residential rental tenancy,' or an estimated total of **135 rental apartment units**. This number would be secured with the proposed CD23 Zone whereby the apartment use of Area 1 would be restricted to 'residential rental tenancy' (Attachment 2). While the Zone sets out this condition of the 'apartment' use in Area 1, the zoning does not preclude that a portion, or all, of Area 2 could be constructed and maintained for this purpose.

The applicant's revised proposal in response to Council's May 20, 2022 resolution provides no further changes to the affordable housing component of the CAC.

Despite no further changes to the affordable housing component of the applicant's contributions, the applicant has offered the following in addition to or toward a higher development standard:

- Further to the initial commitment of 20.5% of parking stalls to have electrical vehicle charging stations, a commitment to installing conduits to the remainder of the parking stalls to allow for future conversion to electrical vehicle charging;
- Heat pumps for each apartment unit; and,
- Electrical rough-in for future solar panels.

The applicant's revised Letter of Community Amenities is provided in Attachment 5.

## 2. Common Definitions

Inclusionary zoning policy from other B.C. municipalities, reveals that what is considered 'affordable housing' and, further, acceptable affordable housing *policy*, varies across organizations and municipalities.

As an example, the housing continuum is often used as a starting point to categorize what is considered affordable in informing housing and related policies. While similar in concept to North Cowichan's "Housing Continuum" (OCP No. 3450, p. 71), categorical differences are depicted in the housing continuums between municipalities and other organizations.

"Housing continuum" information from some B.C. municipalities and organizations is provided in Attachment 6.

Despite variations on how 'affordable housing' is approached across B.C. municipalities as selected, some common definitions of '*inclusionary zoning*' toward types of '*affordable housing*', e.g., based on 30% household income or based on '*below-market housing*', are provided.

These definitions are followed by a brief discussion about a range of inclusionary zoning policies found in a selection of other B.C. municipalities, as well as the extent to which the non-market housing offered by the proponents of the 'Paddle Road' (ZB000122; Bylaw No. 3868) and 'Drinkwater and Ford Road' (ZB000138; Bylaw No. 3867) proposals are consistent with them.

*Inclusionary zoning* refers to the practice of acquiring 'affordable' housing units by engaging the development community through the rezoning process:

*"Inclusionary" practices use the planning system and development regulations to engage private developers in providing affordable housing in their market housing developments"*  
(Inclusionary Zoning: Domestic and International Practices, CMHC, August 2017).

*Affordable housing*, from the BC Housing Glossary, refers to:

Housing is considered affordable when 30 per cent or less of your household's gross income goes towards paying for your housing costs (*BC Housing Glossary*).

*Below-market rental housing*, from the BC Housing Glossary, refers to:

Housing with rents equal to, or lower than, average rates in private-market rental housing (*BC Housing Glossary*).

For general information, a *CMHC Inclusionary Zoning* bulletin is provided in Attachment 7.

### 3. Selection of Municipal Inclusionary Housing Policies

To determine the consistency of the subject applications with inclusionary zoning policies of other B.C. municipalities' policy expectations from six municipalities were reviewed.

These municipalities were selected on the basis of similar geography or population size and/or for which more recent housing/CAC policies (policy year in brackets) were found:

- District of Central Saanich (2017)
- City of Courtenay (2007, 2021 in draft)
- City of Langford (2018)
- City of Nanaimo (2021)
- District of Squamish (2017, 2021)
- City of Victoria (2019)

The purpose of selecting a range of similar municipalities was to provide a reasonable 'window' into the range of key themes informing inclusionary zoning.

### **3.1. Key Themes: About Policies and their Approaches**

Some key themes informing inclusionary zoning practices from the selected B.C. municipalities emerging from the review were:

➤ *Policy Approaches:*

Affordable housing is realized by including 'specific targets' for affordable housing, typically in conjunction with other CACs, within community amenity policies. Alternatively, in the absence of a community amenity policy or other prescriptive means, affordable housing policy is realized through the engagement of private developers in rezoning processes toward 'housing strategies' on a case-by-case basis.

➤ *Affordable Housing & General Amenities:*

Affordable housing amenities are realized in tandem with general amenities, such as those identified in upper-level plans (e.g. Official Community Plan (OCP)) or other community plans (e.g., Local Area Plans (LAPs), Parks, Active Transportation) for either in-kind or financial contributions in lieu of in-kind contributions. Affordable housing is typically defined in a policy as non-market housing, but some jurisdictions included market rental housing within the spectrum of affordability.

➤ *Incentives toward Affordable Housing:*

Incentives for affordable housing included reductions in financial contribution rates for, typically, provision of affordable housing units and/or 'above expectation' residential densities. This could be defined as a 'bonus' *from* a defined baseline density or number of storeys.

➤ *Exemptions*

Beyond incentives to provide affordable housing, exceptions were made for projects providing some *alternative and equal benefit*. Some examples identified were 100% purpose-built rental (secured), above Step Code expectation, or with the provision of significant public amenity as defined by a community plan.

Table 1 outlines some key themes and highlights from the six selected B.C. municipalities.

Table 1 – Summary of Affordable Housing Policy &amp; Comparison

<b>CITY/DM (pop./21)</b>	<b>SUMMARY Housing &amp; CAC Policy</b>	<b>APPROACHES</b>	<b>INCENTIVES &amp; EXEMPTIONS</b>
<b>Central Saanich  (17, 300)</b>	Contributions are expected for new community amenities, affordable housing, and other community needs, cash in lieu or in-kind as agreed upon.  Affordable Housing references Housing Needs Assessment Report (Saanich Peninsula)	10% rental affordable housing (30% of household income, at incomes at or below 80% of median)  \$2,000/unit to Affordable Housing Fund  \$5,500/unit to General Amenity Fund	Consideration given to proposed amenity contributions where application includes non-market rental and moderate income market rental housing as defined
<b>Courtenay  (28,400)</b>	Housing policy (draft) to incentivize affordable housing with density bonus, protect rental, promote infill/densification	Use of BC Housing's Housing Income Limits (HILs) or limits on gross achievable residential income to set eligibility conditions for market developments accessing 'below market rent' incentives	Requested as per housing policy
<b>Langford  (46, 500)</b>	Affordable Housing Program for low income families/grant & CAC strategy for increased residential density, including non- and market rental housing	\$7,000 per unit with reductions applied for provision of in-kind affordable units, increased residential density (\$1,000 to housing fund; \$6,000 to general amenity fund)	Per unit \$/unit reductions with increased density and non-market units* Alternative options are considered
<b>Nanaimo  (99, 800)</b>	Affordable Housing Strategy 2018 (to be developed into policy) & CAC Policy, 2021 for non-market housing, affordable rental and homeownership	\$2,000/MF unit (2022) & \$3,500 per/MF unit (2023) BC Housing Income Limits used to determine household income In-kind considered if equivalent to financial contribution 40% contribution to housing fund	Examples include: Target CAC rates reduced 50% for secured market rental units CACs may be waived for 100% non-market rental units as defined
<b>Squamish (District)  (23, 800)</b>	Affordable housing units (e.g., at or below 30% housing hold income as per CMHC) and below market rental or ownership as per <i>Perpetually Affordable Housing Policy</i> , 2020, (e.g., between 80%-120% of median total income as defined) & CAC park or active transportation	Min. 10% secured non-market housing managed under Housing Agreement  AND  Active transportation and park amenities	No CACs calculated for non-market housing operated by a non-profit agency
<b>Victoria  (91, 800)</b>	Inclusionary housing units defined as on-site secured rental (30% of total household income) or (inclusionary) homeownership units; secured for minimum 60 years or life of building	\$5/ft <sup>2</sup> of bonus** floor space: 70% Affordable Housing Fund, 30% to CAC Fund  AND/OR  20% of units	E.g., Atypical rezonings requiring: e.g., significant public amenities specified in a City plan  OR  E.g., 100% purpose built secured rental

\*Langford - CAC with affordable housing as offered, financial contributions for proposals ZB000122 (Paddle Rd) & ZB000138 (Drinkwater/Ford) would be approx. consistent with policy with land dedication for PARK taken into account in ZB000138.

\*\*Victoria - Bonus Density, means over existing zoning to an OCP Base Density; consistency based on atypical zoning qualifier with "significant public amenities specified in a City plan"



#### 4. Alignment of Revised CACs with B.C. Municipal Policies

The CACs of the rezoning proposal of 'Paddle Road' (ZB000122; Bylaw No. 3867), and 'Drinkwater/Ford Road' (ZB000138; Bylaw No. 3868), are subject to demonstrating consistency with municipal bylaws as well as the OCP and supporting policies, e.g., Bell McKinnon Local Area Plan (BMLAP). At first reading, the proponents were requested to secure non-market housing, for which staff were directed to negotiate to be consistent with inclusionary zoning policy of B.C. municipalities.

The *revised* amenity commitments largely align with CACs and affordable housing policies of the selected B.C. municipalities with regard to the following:

1. *A balance of significant general amenities* (with secured residential rental tenancy), such as the expectations of the BMLAP for public roadway street typology standards in exceedance of municipal standards, public laneway where applicable, public parkland and/or financial contributions toward acquisition and improvements, and design criteria (not otherwise identified in other municipal bylaws, or development permit area guidelines), such as secured minimum % tree canopy cover (met or exceeded), on-site green storm water infrastructure, and BC Energy Step Code 3 standard;
2. *Density allowances expressed as number of storeys for a percentage ratio of underground parking* as outlined in the BMLAP; and further, specific to the 'Paddle Road' proposal,
  - a. *Additional density* for secured non-market rental units (i.e., additional proposed 5<sup>th</sup> storey, Area 5, CD22 Zone; 'Paddle Road'); and,
3. *A contribution toward secured residential rental apartment housing* in perpetuity (with zoning).

While the revised CAC proposals are inconsistent with policy identifying the general expectation that all large development shall provide 10% of units secured at or below 30% of a median household income, it is unclear from this policy review to what extent the affordable housing component of the proponents' community amenity packages would have measured against the selected policies, given the balance of incentives, exemptions, and exceptions, within actual rezoning processes.

#### 5. Conclusion

Inclusionary zoning refers to the practice of acquiring affordable housing units from private-sector developments through, typically, rezoning processes. What is considered 'affordable housing' (Attachment 6), and the policy approach for pursuing it, will depend on housing needs and pressures, and trade-offs communities are willing to make between housing types and competing community amenity priorities. As such, affordable housing policies and their definitions vary between jurisdictions.

While varying in approach, the selected B.C. municipal policies for affordable housing were often integrated with community amenity expectations, typically toward a *balance* of affordable housing and general amenities as identified in a community plan. In North Cowichan, rezoning proposals require consistency with the guiding policies of the Official Community Plan (No. 3450), as well as applicable supporting policies such as the BMLAT. These provide guidance for affordable housing (OCP) and general community amenities (OCP, BMLAP).

For the affordable housing component of the community amenity policies reviewed, the general expectation is for a minimum of 10% non-market housing to be achieved with larger projects, preferably secured for long periods (10+ years). However, there is also significant indication that a balance of affordable housing given general amenities provided (and visa versa) and alternative and equal contributions are also considered.

Staff have discussed the affordable housing component of each application with the respective applicants. Both have advised that economic conditions make it challenging to provide additional commitments for non-market housing units. The 'Paddle Road' applicant has proposed some additional affordable housing commitments in exchange for increased building height and additional dwelling units on one of the proposed apartment buildings. The 'Drinkwater/Ford Road' applicant has chosen to maintain the affordable housing commitments that were proposed when the application was presented at the May 20, 2022 Council meeting. Both have provided their commitments in writing (Attachment 4 & Attachment 5) and intend to address Council at the July 20, 2022 Council meeting.

Zoning Amendment Bylaw 3867 (6478, 6494, 6493, 6489, 6495 Paddle Road), ***as revised***, is provided in Attachment 8.

The recommendations consistent with those provided at first reading for Zoning Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489, and 6495 Paddle Road) and Zoning Amendment Bylaw No. 3868 (3005, 3011 Drinkwater Road and 6455 Ford Road) are provided in the next section.

## OPTIONS

1. **(Recommended Option) Amend Bylaw No. 3867 as per the proposed changes and give both Bylaws No. 3867 and No. 3868 second reading and schedule public hearings.**

THAT Council:

- (1) Amend section 4 of Zoning Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22), 2022 by:
  - (a) Striking out the value of 1.6 for the floor area ration in column 3 of item 1, maximum density, in the table under subsection 80.22(2) and inserting 2.0 in its place;
  - (b) Striking out the value of 4 for the number of storeys in column 3 of item 3, maximum storeys, in the table under subsection 80.22(2) and inserting 5 in its place;
  - (c) Striking out the value of 17 m (55.8') in column 3 of item 4, maximum building height, in the table under subsection 80.22(2) and inserting 21.5 m (71') in its place; and,
  - (d) Striking out 35 in subsection 80.22(9)(f) and inserting 37 in its place;
- (2) Give second reading to Zoning Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22), 2022, *as amended*; and,
- (3) Schedule a Public Hearing for Zoning Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22), 2022, in accordance with the *Local Government Act*.
- (4) Give second reading to Zoning Amendment Bylaw No. 3868 (3005, 3011 Drinkwater Road & 6455 Ford Road from R1 to CD23), 2022; and,

(5) Schedule a Public Hearing for Zoning Amendment Bylaw No. 3868 (3005, 3011 Drinkwater Road & 6455 Ford Road from R1 to CD23), 2022, in accordance with the *Local Government Act*.

**2. Give Bylaws No. 3867 and No. 3868 second reading as presented when they received first reading, and schedule public hearings for both bylaws.**

THAT Council:

(1) Give second reading to Zoning Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22), 2022;

(2) Schedule a Public Hearing for Zoning Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22), 2022, in accordance with the *Local Government Act*;

(3) Give second reading to Zoning Amendment Bylaw No. 3868 (3005, 3011 Drinkwater Road & 6455 Ford Road from R1 to CD23), 2022; and,

(4) Schedule a Public Hearing for Zoning Amendment Bylaw No. 3868 (3005, 3011 Drinkwater Road & 6455 Ford Road from R1 to CD23), 2022, in accordance with the *Local Government Act*.

**3. Not proceed to public hearing for either bylaw.**

THAT Council abandon:

(1) Zoning Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22), 2022; and,

(2) Zoning Amendment Bylaw No. 3868 (3005, 3011 Drinkwater Road & 6455 Ford Road from R1 to CD23), 2022.

## **IMPLICATIONS**

Should Council give second reading to Bylaw 3867 (as amended) and Bylaw 3868, the bylaws would proceed to a public hearing where the public would have an opportunity to provide comment prior to consideration of third reading and adoption.

Should Council abandon second reading of Bylaw 3867 and/or Bylaw 3868, any development of the subject properties would be required to adhere to the provisions of applicable zoning (i.e. Rural Residential Zone – R1).

Lastly, it should be noted that any public hearing for Bylaw 3867 or 3868 will need to be coordinated with a public hearing for OCP Amendment Bylaw 3869 and OCP Bylaw 3900.

## RECOMMENDATION

THAT Council:

- (1) Amend section 4 of Zoning Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22), 2022 by:
  - (a) Striking out the value of 1.6 for the floor area ration in column 3 of item 1, maximum density, in the table under subsection 80.22(2) and inserting 2.0 in its place;
  - (b) Striking out the value of 4 for the number of storeys in column 3 of item 3, maximum storeys, in the table under subsection 80.22(2) and inserting 5 in its place;
  - (c) Striking out the value of 17 m (55.8') in column 3 of item 4, maximum building height, in the table under subsection 80.22(2) and inserting 21.5 m (71') in its place; and,
  - (d) Striking out 35 in subsection 80.22(9)(f) and inserting 37 in its place;
- (2) Give second reading to Zoning Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22), 2022, *as amended*;
- (3) Schedule a Public Hearing for Zoning Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22), 2022, in accordance with the *Local Government Act*;
- (4) Give second reading to Zoning Amendment Bylaw No. 3868 (3005, 3011 Drinkwater Road & 6455 Ford Road from R1 to CD23), 2022; and,
- (5) Schedule a Public Hearing for Zoning Amendment Bylaw No. 3868 (3005, 3011 Drinkwater Road & 6455 Ford Road from R1 to CD23), 2022, in accordance with the *Local Government Act*.

Report prepared by:

*Caroline von Schilling*

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Caroline von Schilling  
Development Planner

Report reviewed by:




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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) Proposed Zoning Amendment Bylaw 3867
- (2) Proposed Zoning Amendment Bylaw 3868
- (3) Paddle Road - revised Site Plan and Shadow Study
- (4) Paddle Road - initial and revised CAC Letter
- (5) Drinkwater, Ford – initial and revised CAC Letter
- (6) Housing Continuum Examples
- (7) Inclusionary Zoning Bulletin, CMHC
- (8) Proposed Zoning Amendment Bylaw 3867, AS AMENDED





The Corporation of the District of North Cowichan

**Zoning Amendment Bylaw (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22)**

Bylaw No. 3867

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

**Title**

- 1 This Bylaw may be cited as "Zoning Bylaw Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 from R1 & 6495 Paddle Road from CD10 to CD22), 2022".

**Amendment**

- 2 Zoning Bylaw No. 2950, Section 12 [Definitions] is amended by inserting the following definition:  
**"residential rental tenure"** means, in relation to a dwelling unit, a tenancy governed by a tenancy agreement that complies with the *Residential Tenancy Act*."
- 3 Zoning Bylaw No. 2950, Part 5 – Zones, Division (1) Establishment of Zones, Section 43 is amended by inserting "Paddle Road North Comprehensive Development Zone (CD22)" after "Motorsport Circuit Comprehensive Development Zone (CD21)".
- 4 Zoning Bylaw No. 2950, is amended by inserting the following new zone after Section 80.21:  
**"Paddle Road North Comprehensive Development Zone (CD22)**

**Permitted Uses**

- 80.22** (1) The permitted uses for Areas 1 to 5 of the CD22 zone, as shown on Schedule I-3, attached to and forming part of this bylaw, are as follows:
- a) In Area 1
    - i. Apartment
    - ii. Limited home-based business
  - b) In Area 2
    - i. Apartment
    - ii. Limited home-based business
    - iii. Recreational facility small scale
    - iv. Fitness Centre / Gymnasium
  - c) In Area 3
    - i. Apartment

- ii. Limited home-based business
- iii. Community care facility
- iv. Live work studio
- v. Brew Pub
- vi. Commercial school
- vii. Daycare
- viii. Dry cleaner
- ix. Entertainment use
- x. Fitness Centre / Gymnasium
- xi. Gallery
- xii. Health service
- xiii. Laundromat
- xiv. Medical laboratory
- xv. Office
- xvi. Personal service
- xvii. Restaurant
- xviii. Retail store

d) In Area 4

- i. Limited home-based business
- ii. Two family dwelling
- iii. Townhouse

e) In Area 5

- i. Uses in Area 5 are the same as Area 3.

### Regulatory Conditions

(2) The regulatory conditions in the following table apply to the CD22 zone:

Item	Column 1 Description	Column 2 Area	Column 3 Value
1	Maximum density	1	2.0 Floor Area Ratio
		2	1.5 Floor Area Ratio
		3	3.5 Floor Area Ratio
		4	0.5 Floor Area Ratio (24 units/ha)
		5	1.6 Floor Area Ratio
2	Maximum Area coverage	1	65%
		2	55%
		3	55%
		4	30%
		5	65%
3	Maximum storeys	1	6-storeys
		2	6-storeys
		3	6-storeys
		4	3-storeys
		5	4-storeys

4	Maximum building height	1	26 m (85.3')
		2	26 m (85.3')
		3	26 m (85.3')
		4	12 m (39.4')
		5	17 m (55.8')

### **Minimum Lot Size**

- (3) The minimum permitted lot size for the CD22 zone is 650 m<sup>2</sup> (6,996.54 ft<sup>2</sup>).

### **Minimum Frontage**

- (4) The minimum permitted frontage required for the CD22 zone is 16 m (52.5').

### **Minimum Setbacks**

- (5) The minimum permitted setbacks for all buildings and structures for all Areas of the CD22 zone is 3.0 m (9.8').

### **Accessory Building**

- (6) The maximum permitted accessory building height for all Areas of the CD22 Zone is 7 m (23.0').

### **Open Space**

- (7) All open areas not covered by buildings, driveways, or parking must be maintained as landscaped open space.
- (8) The minimum required amenity space for all Areas of the CD22 Zone, and of which half must be comprised of landscaped open space, is 30% of the Area and may be located on the roof and/or on decks above grade.

### **Conditions of Use**

- (9) The conditions of use for the CD22 Zone are as follows:
- a) A fence must not exceed 1.2m (3.94') in height in any required front yard.
  - b) A fence must not exceed 2.0m (6.56') in height in any required side or rear yards.
  - c) Despite 80.22 (1) permitted uses, "live work studio" is restricted to the ground floor, whereby each live work studio entrance must face a public roadway.
  - d) In Area 3 permitted uses v. to xviii are restricted to the ground floor and whereby a minimum of 15% of the ground floor area shall be for permitted uses v. to xviii.
  - e) In Area 5 permitted uses v. to xviii are restricted to the ground floor, whereby a minimum of 30% of the ground floor area shall be for permitted uses v. to xviii.
  - f) In Area 1 and/or Area 5, a minimum of 20% of all dwelling units (or 35 dwelling units, whichever is greater) shall have a form of tenure that is "residential rental tenancy".

### **Area Boundaries**

- (10) The Areas and Area boundaries for the CD22 zone shall be as set out in Schedule I-3.
- (11) Despite the definition of "lot" under section 12, all regulations within the CD22 zone, except provisions (3) and (4), shall be interpreted as if the Area boundaries were lot boundaries."

- 5 Zoning Bylaw No. 2950 is amended by inserting Schedule I-3 as shown on Schedule 1 attached to and forming part of this bylaw.
- 6 Zoning Bylaw No. 2950, Schedule "C" is amended by reclassifying 6478 Paddle Road (002-363-313), 6494 Paddle Road (005-351-464), 6493 Paddle Road (005-351-472), and 6489 Paddle Road (005-039-029) from Residential Rural Zone (R1), and 6495 Paddle Road (005-351-499) from Urban Medium Density Comprehensive Development Zone (CD10), to Paddle Road North Comprehensive Development Zone (CD22), as shown on Schedule 2 attached to and forming part of this bylaw.

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READ a first time on  
READ a second time on  
CONSIDERED at a Public Hearing on  
READ a third time on  
APPROVED by Ministry of Transportation and Infrastructure on  
COVENANT registered on  
ADOPTED on

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CORPORATE OFFICER

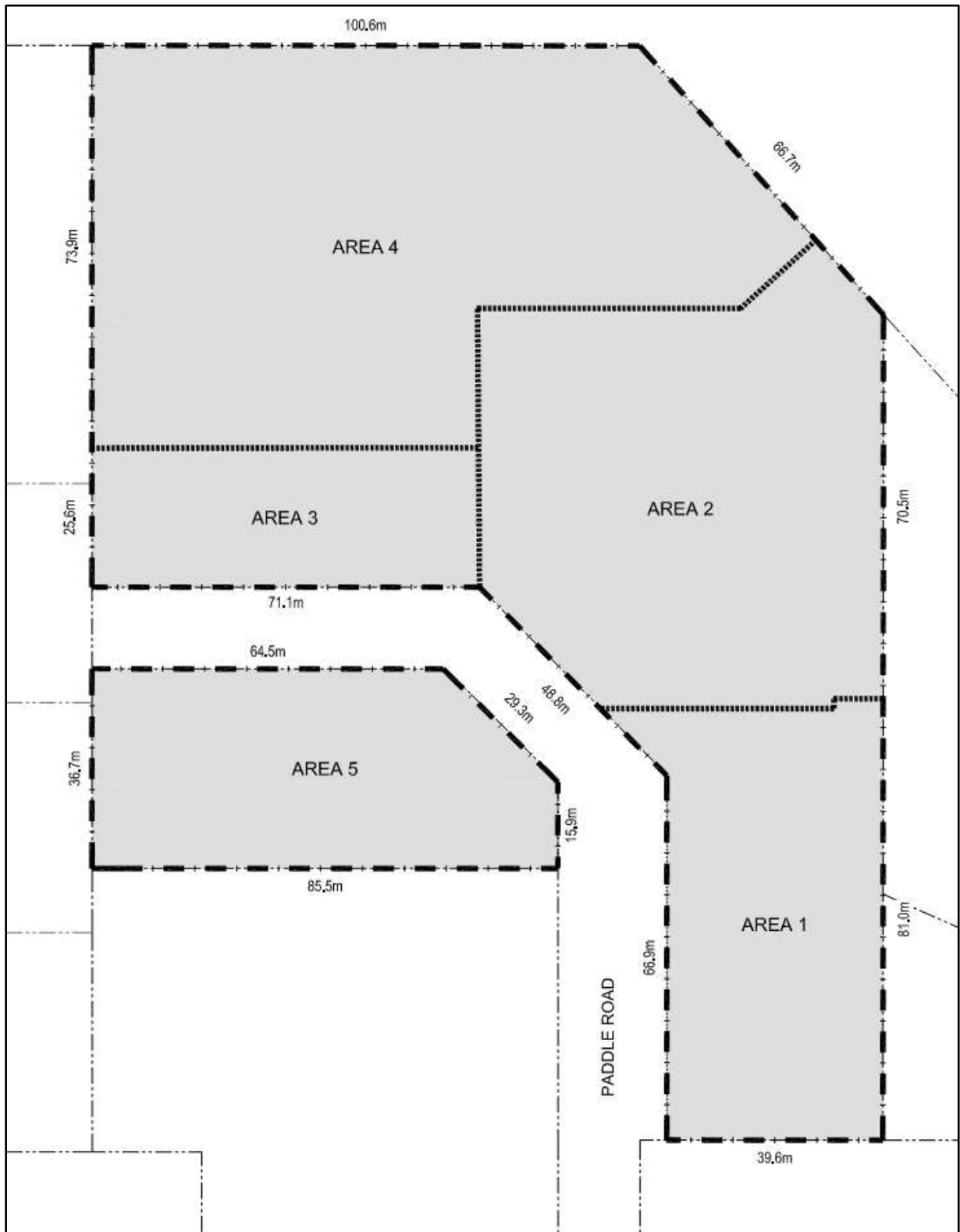
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PRESIDING MEMBER

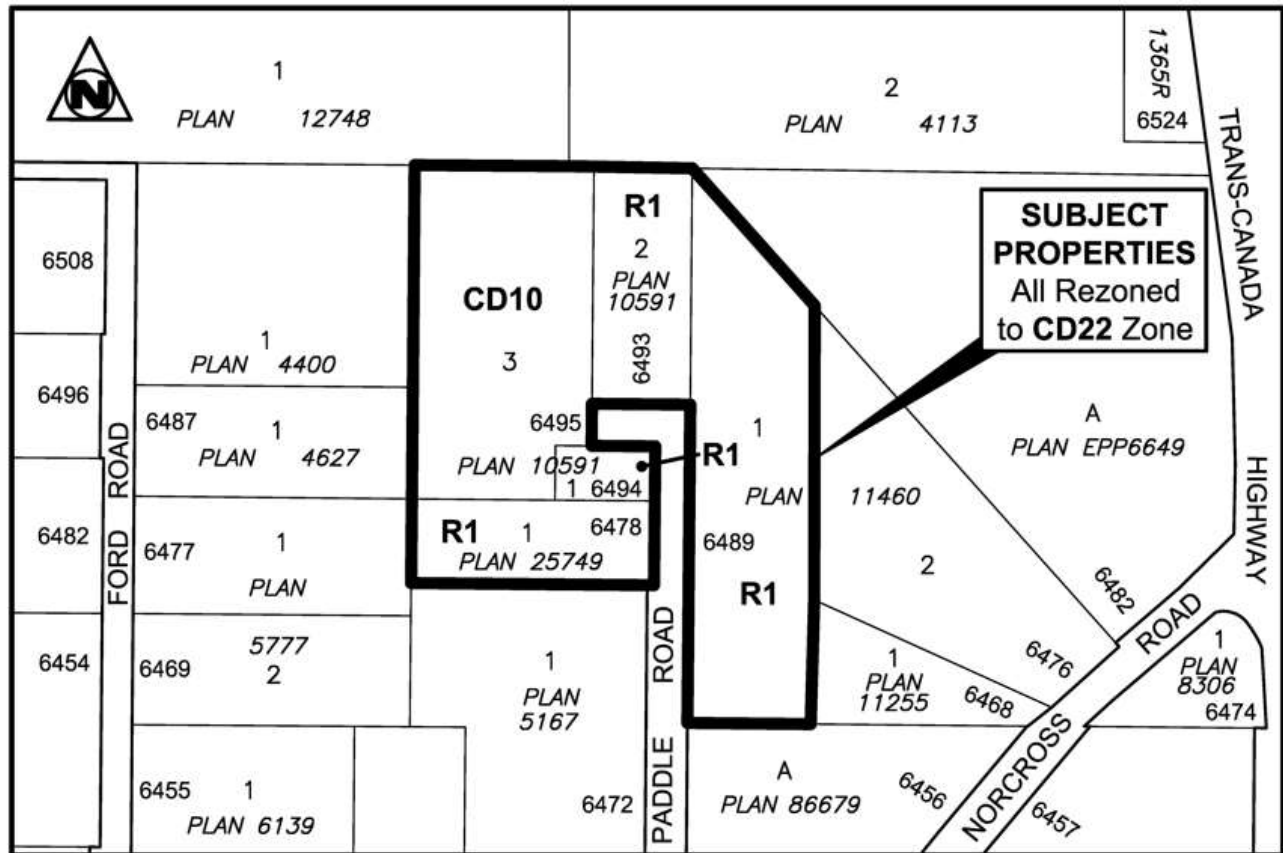


## Schedule 1

### Schedule "I-3"



# Schedule 2





The Corporation of the District of North Cowichan

**Zoning Amendment Bylaw (3005, 3001 Drinkwater Road & 6455 Ford Road from R1 to CD23)**

Bylaw No. 3868

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

**Title**

- 1 This Bylaw may be cited as "Zoning Bylaw Amendment Bylaw No. 3868 (3005, 3011 Drinkwater Road & 6455 Ford Road from R1 to CD23), 2022".

**Amendment**

- 2 Zoning Bylaw No. 2950, Section 12 [Definitions] is amended by inserting the following definition:  
**"residential rental tenure"** means, in relation to a dwelling unit, a tenancy governed by a tenancy agreement that complies with the *Residential Tenancy Act*."
- 3 Zoning Bylaw No. 2950, Part 5 – Zones, Division (1) Establishment of Zones, Section 43 is amended by adding "Ford Road South Comprehensive Development Zone (CD23)" to the end of the list of zones.
- 4 Zoning Bylaw No. 2950, is amended by inserting the following new zone at the end of Division (2) - Zones:

**"Ford Road South Comprehensive Development Zone (CD23)**

**Permitted Uses**

**80.23** (1) The permitted uses for Area 1 and Area 2 of the CD23 zone, as shown on Schedule I-4, attached to and forming part of this bylaw, are as follows:

Apartment  
 Limited home-based business

**Minimum Lot Size**

- (2) The minimum permitted lot size for the CD23 zone is 650 m<sup>2</sup> (6,996.5 ft<sup>2</sup>).

**Minimum Frontage**

- (3) The minimum permitted frontage required for the CD23 zone is 16 m (52.5').

**Maximum Density**

- (4) The maximum permitted floor space ratio for all Areas of the CD23 zone is 2.0:1.

**Maximum Lot Coverage**

- (5) The maximum permitted lot coverage for all Areas of the CD23 zone is 55%.

**Minimum Setbacks**

- (6) The minimum permitted setbacks for all buildings and structures for all Areas of the CD23 zone is 3.0 m (9.8').

**Maximum Building Height**

- (7) The maximum permitted principal building height for all Areas of the CD23 zone is as follows:
- (a) In Area 1, 18.3 m (60.0') and 5 storeys
  - (b) In Area 2, 15.6 m (51.2') and 4 storeys
- (8) The maximum permitted accessory building height for all Areas of the CD23 zone is 7 m (23.0').

**Open Space**

- (9) All open areas not covered by buildings, driveways, or parking must be maintained as landscaped open space.

**Conditions of Use**

- (10) The conditions of use for the CD23 Zone are as follows:
- (a) In Area 1, 100% of all dwelling units shall have a form of tenure that is "residential rental tenancy".
  - (b) In Area 1, a minimum of 55% of the total off-street parking stalls must be provided underground.
  - (c) In Area 2, a minimum of 64% of the total off-street parking stalls must be provided underground.

**Area Boundaries**

- (11) The Areas and Area boundaries for the CD23 zone shall be as set out in Schedule I-4.
- (12) Despite the definition of "lot" under section 12, all regulations within the CD23 zone, except provisions (2) and (3), shall be interpreted as if the Area boundaries were lot boundaries."



- 5 Zoning Bylaw No. 2950 is amended by inserting Schedule I-4 as shown on Schedule 1 attached to and forming part of this bylaw.
- 6 Zoning Bylaw No. 2950, Schedule "C" is amended by reclassifying 3005 Drinkwater Road (003-108-163), 3011 Drinkwater Road (000-209-457), and 6455 Ford Road (005-926-866) from Residential Rural Zone (R1) to Ford Road South Comprehensive Development Zone (CD23), as shown on Schedule 2 attached to and forming part of this bylaw.

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READ a first time on  
READ a second time on  
CONSIDERED at a Public Hearing on  
READ a third time on  
APPROVED by Ministry of Transportation and Infrastructure on  
COVENANT registered on  
ADOPTED on

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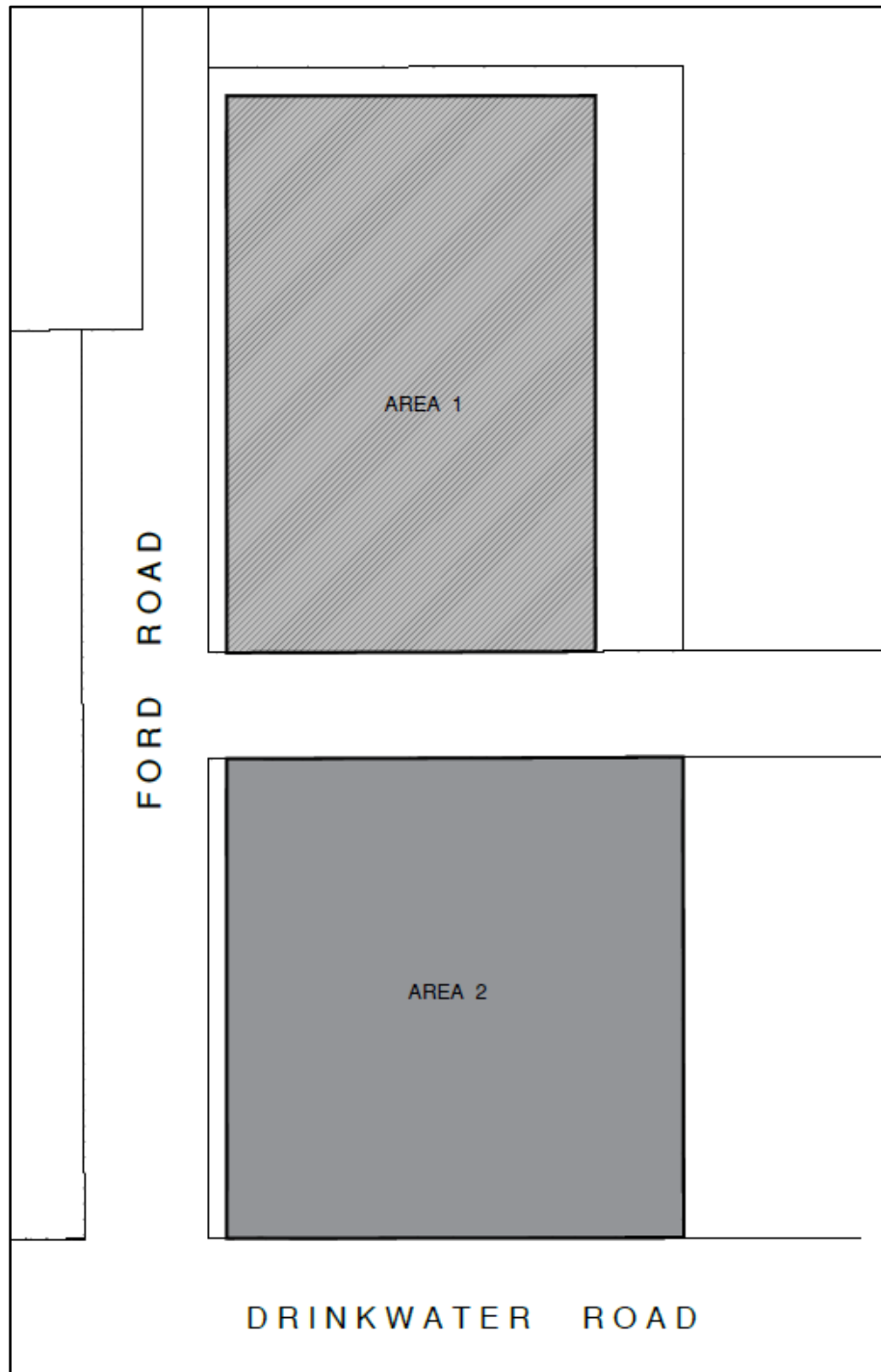
CORPORATE OFFICER

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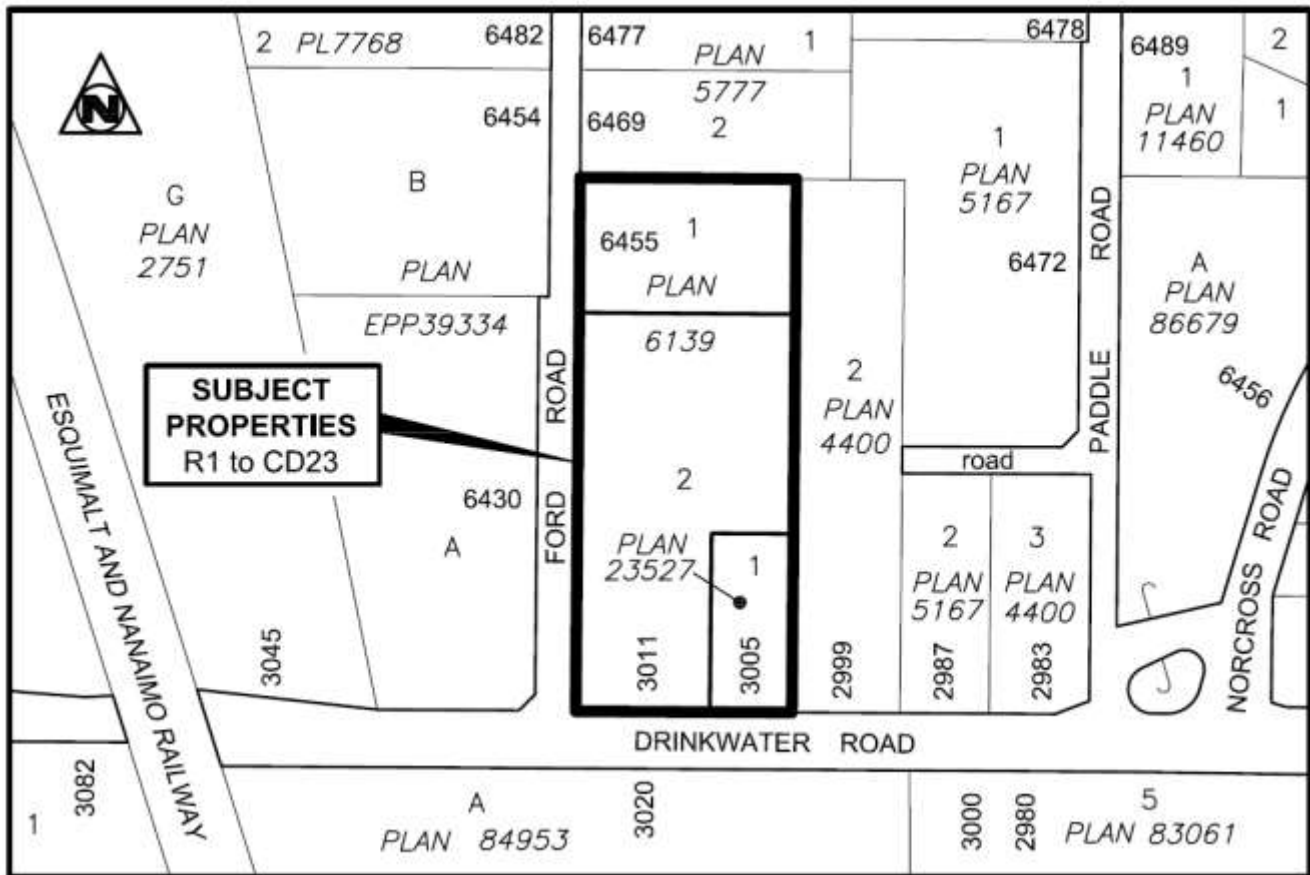
PRESIDING MEMBER

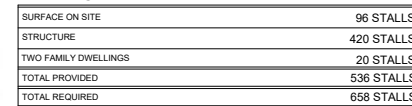
Schedule 1

**Schedule "I-4"**



# Schedule 2



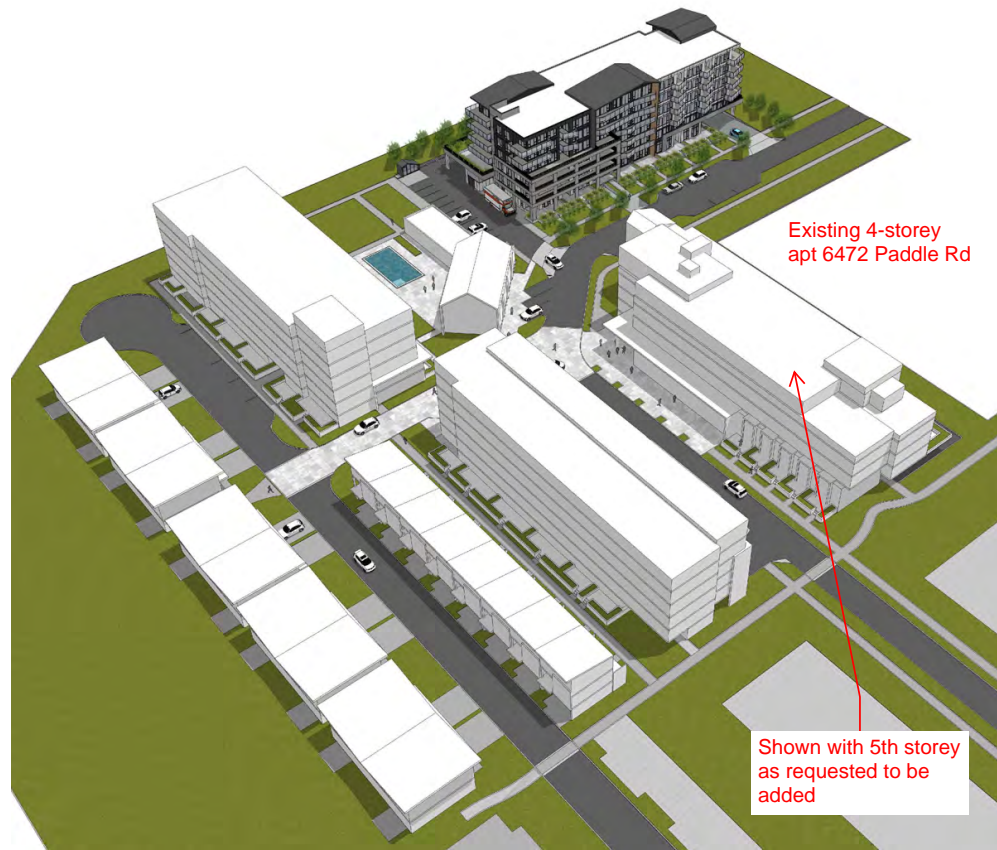


5TH FLOOR WITH 15  
UNITS ADDED





BUILDING D - 4 STOREYS  
WINTER SOLSTICE 3:00PM



BUILDING D - 5 STOREYS  
WINTER SOLSTICE 3:00PM

5TH FLOOR ADDED  
TO BLDG D



**Municipality of North Cowichan Council**

7030 Trans-Canada Highway  
Duncan, British Columbia V9L 6A1

July 7<sup>th</sup>, 2022

**RE: Rezoning ZB000122 – Paddle Road Development – Community Amenity Contributions Commitment**

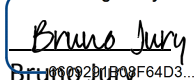
Cowichan Project 168 Ltd is pleased to provide the Municipality of North Cowichan's Council with the list of community amenity contributions proposed for the above-mentioned development. The community amenity contributions proposed are aligned with Council's priorities (2019-2022), specifically related to housing, environment, and community.

1. Financial contribution toward park acquisition and improvement of \$3,300 per residential unit.
2. Minimum street typology standard consistent with the intent of the Bell McKinnon Local Area Plan for Paddle Road and future public east-west connector roadway, including accessible sidewalks, traffic calming & public walkway statutory rights of way where needed.
3. Minimum of 10% (37 units) to be rental units, with the following affordability breakdown: 7.5% below market (10% below market rates, 27 units, located in Building D); and 2.5% affordable per CMHC definition (9 units, located in building A).
4. Development to achieve a minimum British Columbia Energy Step Code, Level 3 standard.
5. Two public charging stations above ground and rough-in for EV charging for 25% of the parking stalls for below ground.
6. Tree canopy cover as per Landscape Plans.
7. On-site storm water management green infrastructure, i.e., raingardens, as shown on the Landscape Plans.
8. Unique urban design features and/or public art, to be proposed at DP stage for each phase of the development up to \$100,000.
9. Vegetation Management and Maintenance Plan of 15m vegetated ALR buffer.

Please accept this letter as a formal commitment. Feel free to contact us if you have any questions.

Kind regards,

DocuSigned by:

  
Bruno Jurey

Director of Development  
Kerkhoff Develop-Build



CACs as initially  
proposed, first reading

Municipality of North Cowichan Council  
7030 Trans-Canada Highway  
Duncan, British Columbia V9L 6A1

May 9<sup>th</sup>, 2022

**RE: Rezoning ZB000122 – Paddle Road Development – Community Amenities Commitment**

Cowichan Project 168 Ltd is pleased to provide the Municipality of North Cowichan's Council with the list of community amenities proposed for the above-mentioned development. The community amenity contributions proposed are aligned with Council's priorities (2019-2022), specifically related to housing, environment, and community.

1. Financial contribution toward park acquisition and improvement of \$3,500 per residential unit.
2. Minimum street typology standard consistent with the intent of the Bell McKinnon Local Area Plan for Paddle Road and future public east-west connector roadway, including accessible sidewalks, traffic calming & public walkway statutory rights of way where needed.
3. Minimum of 10% (35 units) to be rental units.
4. Development to achieve a minimum British Columbia Energy Step Code, Step 3 standard.
5. Two Level 2 standard public charging stations above ground and rough-in for EV charging for 20% of the parking stalls for below ground.
6. Tree canopy cover as per Landscape Plans.
7. On-site storm water management green infrastructure, i.e., raingardens, as shown on the Landscape Plans.
8. Unique urban design features and/or public art, to be proposed at DP stage for each phase of the development up to \$100,000 in total.
9. Vegetation Management and Maintenance Plan of 15m vegetated ALR buffer.

Please accept this letter as a formal commitment. Feel free to contact us if you have any questions.

Kind regards,

DocuSigned by:

*Bruno Jury*

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Bruno Jury  
Director of Development  
Kerkhoff Develop-Build



## 2021 Housing Income Limits (HILs) effective September 1, 2021<sup>1</sup>

Housing Income Limits (HILs) represent the maximum gross household income for eligibility in many affordable housing programs. The HILs are based on figures established by CMHC and are intended to reflect the minimum income required to afford appropriate accommodation in the private market.

<b>Planning Area Lower Mainland</b>	<b>1 Bdrm or Less</b>	<b>2 Bdrm</b>	<b>3 Bdrm</b>	<b>4+ Bdrm</b>
Abbotsford	\$39,500	\$48,000	\$68,000	\$91,500
Chilliwack	\$36,500	\$48,500	\$61,500	\$66,000
Hope	\$29,000	\$37,500	\$42,000	\$55,500
Powell River	\$37,000	\$38,500	\$42,000	\$54,000
Squamish	\$52,500	\$58,000	\$69,500	\$92,000
Sunshine Coast	\$40,000	\$48,000	\$50,500	\$63,000
Vancouver	\$57,500	\$69,000	\$80,000	\$88,500
Non-Market Areas	\$74,000	\$83,000	\$90,500	\$96,000

<b>Planning Area Southern BC</b>	<b>1 Bdrm or Less</b>	<b>2 Bdrm</b>	<b>3 Bdrm</b>	<b>4+ Bdrm</b>
Ashcroft/Cache Creek	\$28,000	\$36,000	\$41,000	\$48,000
Castlegar	\$32,000	\$44,000	\$46,000	\$53,000
Cranbrook	\$33,500	\$38,500	\$48,500	\$60,000
Creston	\$26,500	\$35,000	\$41,500	\$46,500
Elk Valley	\$36,000	\$36,000	\$49,000	\$60,000
Grand Forks	\$27,000	\$32,000	\$41,500	\$48,500
Kamloops	\$41,000	\$50,000	\$59,500	\$71,000
Kelowna	\$47,500	\$58,500	\$71,500	\$71,500
Kimberley	\$27,500	\$33,500	\$38,000	\$45,500
Merritt	\$28,000	\$36,000	\$39,000	\$50,500
Oliver/Osoyoos	\$32,000	\$35,500	\$48,500	\$56,500
Penticton	\$38,000	\$50,000	\$71,000	\$72,000
Revelstoke	\$40,000	\$41,500	\$49,000	\$59,500
Salmon Arm	\$33,500	\$41,000	\$52,000	\$59,500
Trail	\$26,500	\$33,500	\$41,500	\$54,500
Vernon	\$37,500	\$49,000	\$50,000	\$59,500
Williams Lake	\$33,500	\$39,500	\$49,000	\$58,500
Non-Market Areas	\$56,000	\$65,000	\$74,500	\$80,000

<sup>1</sup> 2021 HILs effective September 1, 2021 replace the [2021 HILs - Dec 1, 2020 to Aug 31, 2021](#) that were published in October 2020, based on more recent market data.

<b>Planning Area Vancouver Island</b>	<b>1 Bdrm or Less</b>	<b>2 Bdrm</b>	<b>3 Bdrm</b>	<b>4+ Bdrm</b>
Campbell River	\$37,500	\$45,000	\$62,500	\$77,000
Courtenay-Comox	\$39,500	\$49,000	\$61,000	\$66,500
Duncan-N.Cowichan	\$35,500	\$42,000	\$62,000	\$69,500
Nanaimo	\$40,000	\$51,500	\$57,000	\$73,000
Parksville-Qualicum	\$34,500	\$41,000	\$56,500	\$65,500
Port Alberni	\$33,500	\$39,000	\$52,500	\$55,500
Port Hardy	\$25,000	\$33,500	\$44,000	\$52,000
Victoria	\$47,500	\$61,000	\$79,000	\$84,500
Non-Market Areas	\$56,000	\$65,500	\$75,000	\$80,500

<b>Planning Area Northern BC</b>	<b>1 Bdrm or Less</b>	<b>2 Bdrm</b>	<b>3 Bdrm</b>	<b>4+ Bdrm</b>
Chetwynd	\$43,000	\$48,000	\$54,000	\$62,000
Dawson Creek	\$36,500	\$50,500	\$58,500	\$75,000
Fort St. John	\$39,000	\$49,000	\$61,500	\$79,500
Houston	\$24,000	\$30,000	\$38,000	\$44,000
Kitimat	\$44,000	\$53,000	\$58,500	\$66,500
Mackenzie	\$39,000	\$49,000	\$60,000	\$68,500
Prince George	\$33,500	\$40,500	\$42,500	\$55,000
Prince Rupert	\$38,500	\$44,500	\$45,500	\$53,000
Quesnel	\$29,500	\$35,000	\$37,500	\$46,500
Smithers	\$30,500	\$37,000	\$45,000	\$55,500
Terrace	\$34,500	\$45,000	\$57,500	\$63,000
Vanderhoof	\$29,500	\$33,500	\$46,000	\$53,000
Non-Market Areas	\$58,000	\$68,500	\$78,500	\$85,000


**McElhanney**

## Class D Cost Estimate

**Project:** Cowichan Development - Civil Frontage & Offsite Works  
**Client:** Kerkhoff Construction Ltd.

**File #:** 2233-02051-00  
**Date Prepared:** June 1, 2022

DIRECT CONSTRUCTION COSTS - OFFSITE CIVIL INFRASTRUCTURE					
ITEM NO.	ITEM	UNIT	QUANTITY	UNIT PRICE	AMOUNT
<b>1</b>	<b>PHASE 1.1 (BUILDING A)</b>				
<b>1.1</b>	<b>Frontage Works (Assumes Full Road Width Constructed)</b>				
1.1.1	Removals	sq.m.	1,600	\$20.00	\$32,000.00
1.1.2	Earthworks	sq.m.	1,600	\$35.00	\$56,000.00
1.1.3	Sanitary Service (Bldg D service pre-installed)	ea	2	\$2,000.00	\$4,000.00
1.1.4	Storm Service & Manhole (Bldg D service pre-installed)	ea	2	\$6,000.00	\$12,000.00
1.1.5	300mm Watermain Upgrade - Frontage	l.m.	75	\$600.00	\$45,000.00
1.1.6	Water Service	ea	1	\$3,500.00	\$3,500.00
1.1.7	Asphalt Roadworks & Driveways (incl. base)	sq.m.	730	\$125.00	\$91,250.00
1.1.8	Temporary Turnaround	ea	1	\$25,000.00	\$25,000.00
1.1.9	Concrete Curb & Gutter	l.m.	155	\$150.00	\$23,250.00
1.1.10	Concrete Sidewalk	sq.m.	245	\$150.00	\$36,750.00
1.1.11	Streetlighting - Allowance	l.s.	1	\$50,000.00	\$50,000.00
				<b>Subtotal</b>	<b>\$378,750.00</b>
<b>1.2</b>	<b>Offsite Works</b>				
1.2.1	300mm Watermain Upgrade - South Side Property to Paddle Road	l.m.	210	\$600.00	\$126,000.00
1.2.2	Asphalt Restoration	sq.m.	525	\$75.00	\$39,375.00
				<b>Subtotal</b>	<b>\$165,375.00</b>
				<b>Phase 1.1 Subtotal</b>	<b>\$544,125.00</b>
<b>2</b>	<b>PHASE 1.2 (BUILDING B &amp; AMENITY BUILDING)</b>				
<b>2.1</b>	<b>Frontage Works (Assumes Full Road Width Constructed)</b>				
2.1.1	Removals	sq.m.	550	\$20.00	\$11,000.00
2.1.2	Earthworks	sq.m.	550	\$35.00	\$19,250.00
2.1.3	250mm Sanitary Main	l.m.	30	\$500.00	\$15,000.00
2.1.4	Sanitary Manhole	ea	2	\$3,500.00	\$7,000.00
2.1.5	300mm Storm Main	l.m.	15	\$500.00	\$7,500.00
2.1.6	Sanitary Service	ea	1	\$2,000.00	\$2,000.00
2.1.7	Storm Service	ea	1	\$2,000.00	\$2,000.00
2.1.8	300mm Watermain Upgrade - Frontage	l.m.	35	\$600.00	\$21,000.00
2.1.9	Water Service	ea	2	\$3,500.00	\$7,000.00
2.1.10	Asphalt Roadworks & Driveways (incl. base)	sq.m.	290	\$125.00	\$36,250.00
2.1.11	Temporary Turnaround	ea	1	\$25,000.00	\$25,000.00
2.1.12	Concrete Curb & Gutter	l.m.	65	\$150.00	\$9,750.00
2.1.13	Concrete Sidewalk	sq.m.	150	\$150.00	\$22,500.00
2.1.14	Streetlighting - Allowance	l.s.	1	\$15,000.00	\$15,000.00
				<b>Subtotal</b>	<b>\$200,250.00</b>



<b>2.2</b>	<b>Offsite Works</b>				
2.2.1	250mm Sanitary Main (Portion Is Future Frontage Works)	l.m.	260	\$500.00	\$130,000.00
2.2.2	Sanitary Manholes	ea	3	\$3,500.00	\$10,500.00
2.2.3	Sanitary Pump Station (Ford Road) - Allowance	l.s.	1	\$400,000.00	\$400,000.00
2.2.4	Sanitary Forcemain (Ford Road)	l.m.	150	\$450.00	\$67,500.00
2.2.5	300mm Storm Main	l.m.	260	\$500.00	\$130,000.00
2.2.6	Storm Manholes	ea	4	\$3,500.00	\$14,000.00
2.2.7	Averill Creek Outfall - Allowance	l.s.	1	\$20,000.00	\$20,000.00
2.2.8	Asphalt Restoration	sq.m.	375	\$75.00	\$28,125.00
				<b>Subtotal</b>	<b>\$800,125.00</b>
				<b>Phase 1.2 Subtotal</b>	<b>\$1,000,375.00</b>
<b>3</b>	<b>PHASE 1.3 (BUILDING C, TOWNHOUSES &amp; DUPLEXES)</b>				
<b>3.1</b>	<b>Frontage Works (Assumes Full Road Width Constructed)</b>				
3.1.1	Removals	sq.m.	975	\$20.00	\$19,500.00
3.1.2	Earthworks	sq.m.	975	\$35.00	\$34,125.00
3.1.3	Sanitary Service	ea	1	\$2,000.00	\$2,000.00
3.1.4	Storm Service	ea	1	\$2,000.00	\$2,000.00
3.1.5	300mm Watermain Upgrade - Frontage	l.m.	65	\$600.00	\$39,000.00
3.1.6	Water Service	ea	2	\$3,500.00	\$7,000.00
3.1.7	Asphalt Roadworks & Driveways (incl. base)	sq.m.	750	\$125.00	\$93,750.00
3.1.8	Concrete Curb & Gutter	l.m.	125	\$150.00	\$18,750.00
3.1.9	Concrete Sidewalk	sq.m.	190	\$150.00	\$28,500.00
3.1.10	Streetlighting - Allowance	l.s.	1	\$30,000.00	\$30,000.00
				<b>Subtotal</b>	<b>\$274,625.00</b>
				<b>Phase 1.3 Subtotal</b>	<b>\$274,625.00</b>
				<b>TOTAL - FRONTAGE &amp; OFFSITE WORKS</b>	<b>\$1,819,125.00</b>
				<b>25% Contingency</b>	<b>\$454,781.25</b>
				<b>Total</b>	<b>\$2,273,906.25</b>

**Notes & Assumptions:**

- 1) No onsite works included: stormwater management facilities, strata roads, onsite servicing beyond property line, water meter assemblies, etc.
- 2) Estimated costs are derived from recent experience on Vancouver Island, but there is no warranty that actual cost will not vary. McElhanney accepts no liability for actual cost which may vary from the estimated construction costs provided herein.
- 3) A "Class D" estimate is a schematic design estimate where preliminary site information has been established and is based on probable conditions affecting this project. It is used for planning, to establish a more specific definition of client needs and to obtain approval in principle.
- 4) Quantities are based on the Conceptual Site Servicing Plan completed by McElhanney in March 2022
- 5) Engineering, approvals and testing costs are not included
- 6) Phasing timing and extents subject to significant change in costing; 2022 unit rates utilized



**Project:** Cowichan Development - Onsite Civil Works  
**Client:** Kerkhoff Construction Ltd.

**File #:** 2233-02051-00  
**Date Prepared:** June 10, 2022

DIRECT CONSTRUCTION COSTS - ONSITE CIVIL INFRASTRUCTURE					
ITEM NO.	ITEM	UNIT	QUANTITY	UNIT PRICE	AMOUNT
<b>1</b>	<b>PHASE 1.1 (BUILDING A)</b>				
<b>1.1</b>	<b>Onsite Works</b>				
1.1.1	Removals	sq.m.	2,000	\$20.00	\$40,000.00
1.1.2	Earthworks	sq.m.	2,000	\$35.00	\$70,000.00
1.1.3	Sanitary Service Connection	ea	1	\$1,000.00	\$1,000.00
1.1.4	Storm main - 250mm - Underside of Parkade	l.m.	120	\$500.00	\$60,000.00
1.1.5	Catchbasin - Underside of Parkade	ea	4	\$2,500.00	\$10,000.00
1.1.6	Stormwater Detention System	l.s.	1	\$50,000.00	\$50,000.00
1.1.7	Storm Control Manhole Structure	ea	1	\$5,000.00	\$5,000.00
1.1.8	Water Service Connection	ea	1	\$1,000.00	\$1,000.00
1.1.9	Asphalt Roadworks & Driveways (incl. base)	sq.m.	1,700	\$125.00	\$212,500.00
1.1.10	Concrete Curb & Gutter	l.m.	250	\$150.00	\$37,500.00
1.1.11	Concrete Sidewalk/Plaza	sq.m.	430	\$150.00	\$64,500.00
1.1.12	Streetlighting - Allowance	l.s.	1	\$30,000.00	\$30,000.00
				<b>Phase 1.1 Subtotal</b>	<b>\$581,500.00</b>
<b>2</b>	<b>PHASE 1.2 (BUILDING B &amp; AMENITY BUILDING)</b>				
<b>2.1</b>	<b>Onsite Works</b>				
2.1.1	Removals	sq.m.	2,250	\$20.00	\$45,000.00
2.1.2	Earthworks	sq.m.	2,250	\$35.00	\$78,750.00
2.1.3	250mm Sanitary Main	l.m.	110	\$500.00	\$55,000.00
2.1.4	Sanitary Manhole	ea	1	\$3,500.00	\$3,500.00
2.1.5	Sanitary Service	ea	3	\$2,000.00	\$6,000.00
2.1.6	300mm Storm Main	l.m.	165	\$500.00	\$82,500.00
2.1.7	Storm Manhole	ea	2	\$3,500.00	\$7,000.00
2.1.8	Catchbasin - Roadway	ea	6	\$3,000.00	\$18,000.00
2.1.9	Catchbasin - Underside of Parkade	ea	4	\$2,500.00	\$10,000.00
2.1.10	Stormwater Detention System	l.s.	1	\$70,000.00	\$70,000.00
2.1.11	Storm Control Manhole Structure	ea	1	\$5,000.00	\$5,000.00
2.1.12	Storm Service	ea	3	\$2,000.00	\$6,000.00
2.1.13	300mm Watermain	l.m.	95	\$600.00	\$57,000.00
2.1.14	Hydrant	ea	1	\$10,000.00	\$10,000.00
2.1.15	Water Service	ea	4	\$3,500.00	\$14,000.00
2.1.16	Asphalt/Paver Stone Roadworks & Driveways (incl. base)	sq.m.	1,055	\$125.00	\$131,875.00
2.1.17	Concrete Curb & Gutter	l.m.	250	\$150.00	\$37,500.00
2.1.18	Concrete Sidewalk/Plaza	sq.m.	900	\$150.00	\$135,000.00
2.1.19	Streetlighting - Allowance	l.s.	1	\$50,000.00	\$50,000.00
				<b>Phase 1.2 Subtotal</b>	<b>\$822,125.00</b>
<b>3</b>	<b>PHASE 1.3 (BUILDING C, TOWNHOUSES &amp; DUPLEXES)</b>				
<b>3.1</b>	<b>Onsite Works</b>				
3.1.1	Removals	sq.m.	7,430	\$20.00	\$148,600.00
3.1.2	Earthworks	sq.m.	7,430	\$35.00	\$260,050.00
3.1.3	Sanitary Service	ea	5	\$2,000.00	\$10,000.00
3.1.4	Sanitary Service Connection	ea	1	\$1,000.00	\$1,000.00
3.1.5	Catchbasin - Roadway	ea	4	\$3,000.00	\$12,000.00
3.1.6	Catchbasin - Underside of Parkade	ea	2	\$2,500.00	\$5,000.00
3.1.7	Stormwater Detention System	l.s.	1	\$100,000.00	\$100,000.00
3.1.8	Storm Control Manhole Structure	ea	1	\$5,000.00	\$5,000.00
3.1.9	Storm Service	ea	5	\$2,000.00	\$10,000.00
3.1.10	Storm Service Connection	ea	1	\$1,000.00	\$1,000.00
3.1.11	300mm Watermain	l.m.	70	\$600.00	\$42,000.00
3.1.12	Water Service	ea	5	\$3,500.00	\$17,500.00
3.1.13	Water Service Connection	ea	1	\$1,000.00	\$1,000.00
3.1.14	0	sq.m.	450	\$125.00	\$56,250.00
3.1.15	Temporary Turnaround	ea	1	\$25,000.00	\$25,000.00
3.1.16	Concrete Curb & Gutter	l.m.	150	\$150.00	\$22,500.00
3.1.17	Concrete Sidewalk/Plaza/Driveways	sq.m.	1,000	\$150.00	\$150,000.00

3.1.18	Streetlighting - Allowance	I.s.	1	\$30,000.00	\$30,000.00
				<b>Phase 1.4 Subtotal</b>	<b>\$896,900.00</b>
<b>4</b>	<b>PHASE 1.4 (BUILDING D)</b>				
<b>4.1</b>	<b>Onsite Works</b>				
4.1.1	Removals	sq.m.	3,000	\$20.00	\$60,000.00
4.1.2	Earthworks	sq.m.	3,000	\$35.00	\$105,000.00
4.1.3	Sanitary Service Connection	ea	1	\$1,000.00	\$1,000.00
4.1.4	Storm main - 250mm - Underside of Parkade	I.m.	80	\$500.00	\$40,000.00
4.1.5	Catchbasin - Underside of Parkade	ea	4	\$2,500.00	\$10,000.00
4.1.6	Stormwater Detention System	I.s.	1	\$50,000.00	\$50,000.00
4.1.7	Storm Control Manhole Structure	ea	1	\$5,000.00	\$5,000.00
4.1.8	Water Service Connection	ea	1	\$1,000.00	\$1,000.00
4.1.9	Asphalt Roadworks & Driveways (incl. base)	sq.m.	1,300	\$125.00	\$162,500.00
4.1.10	Concrete Curb & Gutter	I.m.	190	\$150.00	\$28,500.00
4.1.11	Concrete Sidewalk/Plaza	sq.m.	375	\$150.00	\$56,250.00
4.1.12	Streetlighting - Allowance	I.s.	1	\$30,000.00	\$30,000.00
				<b>Phase 1.5 Subtotal</b>	<b>\$549,250.00</b>
<b>TOTAL - ONSITE WORKS</b>					<b>\$2,849,775.00</b>

25% Contingency \$712,443.75  
**Total \$3,562,218.75**

**Notes & Assumptions:**

- 1) The following is not included in the estimate: preparation for parkade or building construction; assumes combined domestic/fire water assemblies are inside building for apartment complexes
- 2) Quantities are subject to substantial variance as onsite design is not yet completed
- 3) Estimated costs are derived from recent experience on Vancouver Island, but there is no warranty that actual cost will not vary. McElhanney accepts no liability for actual cost which may vary from the estimated construction costs provided herein.
- 4) A "Class D" estimate is a schematic design estimate where preliminary site information has been established and is based on probable conditions affecting this project. It is used for planning, to establish a more specific definition of client needs and to obtain approval in principle.
- 5) Quantities are based on the Conceptual Site Servicing Plan completed by McElhanney in March 2022
- 6) Engineering, approvals and testing costs are not included
- 7) Phasing timing and extents subject to significant change in costing; 2022 unit rates utilized

July 6, 2022

Municipality of North Cowichan  
7030 Trans-Canada Highway  
Duncan, British Columbia  
V9L 6A1

**Attention: Mayor Siebring and Council:**

During the May 20, 2022, Council meeting, the following motion was made regarding Woodsmere's comprehensive purpose-built rental project (the "Drinkwater Apartments") :

*THAT Council direct staff to negotiate with the Ford Road Comprehensive Development applicant to secure a percentage of total units or floor area as secure non-market rental units, consistent with inclusionary housing policies in other BC municipalities prior to Council considering second reading of Zoning Amendment 3868 (3005, 3011 Drinkwater Road and 6455 Ford Road from R1 to CD23), 2022.*

During the Council Hearing, we explained that Drinkwater Apartment would be a purpose-built rental project in its entirety. In connection with the development, a covenant will be provided to BC Housing covenanting to maintain rental use for a period of 10 years. Such covenant will be registered on the title. Substantial capital will have to be borrowed to finance the construction of the Drinkwater Apartments.

We cannot agree to conditions and restrictions charging the lands which would adversely affect our ability to obtain the financing required to complete the construction of the Drinkwater Apartments.

Normally for rental housing projects, the most viable source of financing is through one of the CMHC-sponsored programs. These programs contain restrictions on rental rates and require environmental standards in excess of the BC Building Code.

Currently, the program we plan to apply for is the CMHC MLI Select program. The MLI Select program encourages the preservation and construction of affordable and climate-compatible multi-unit housing across Canada with the following affordable & energy efficiency requirements:

- 10% of total units must be rented at not more than 30% of median renter income which is to be determined by CMHC through StatsCan for the application region; and
- The building must achieve a 25% reduction in energy consumption and Green House Gas emissions reduction over a base case building designed in compliance with the 2017 NECB or the 2015 NBC.

Funding is limited under the MLI Select Program as this program has become very popular and is in high demand with developers. Delays in applying are likely to affect the results of the application. An application cannot occur prior to zoning approval.

To date, we have submitted 5 applications under various CMHC affordable housing programs for multi-Family purpose-built rental projects on Vancouver Island in communities including Courtenay and Langford. In these communities, we have completed 3 purpose-built rental projects, and currently have an additional 2 purpose-built multi-family rental projects under construction.

**Please refer to the enclosed letter from, David Beckingham a principal of Dominion Lending Centres National Commercial Division confirming Woodsmere's involvement in CMHC programs. The letter additionally details the detrimental impacts of encumbering a title in relation to qualifying for a CMHC program.**

While we continue to look for financing options, it is unlikely that any other form of financing is likely to suit our construction budgets and requirements. Conventional financing simply would make this project too expensive, and we would not be able to build Drinkwater Apartments because the financing available would be inadequate for us to complete construction or to service take-out financing requirements including payment of principal and interest. The outcome would be that tenants wishing to live in this area would not have the benefit of the affordable housing we are proposing to construct in this area which is near where they work.

Because our financing for this project is not committed (and indeed cannot be until rezoning has been approved) we cannot agree to any covenant or any other restrictions that would limit our flexibility or affect our ability to comply with the conditions which will be required in our proposed financing application.

Likewise, the construction industry is experiencing a confluence of negative factors that may make projects, including our proposed project of Drinkwater Apartments, unfeasible. Among the principal factors are: (i) construction costs- these have been affected by significant inflation and escalation of construction costs partly caused by supply chain issues. On average Woodsmere has experienced over a 20% increase in construction costs including materials and labour over the last 2 years, and (ii) borrowing costs - The 2.5% interest rate increase on lending has further compounded and worsened pressures on the purpose-built rental market. Higher construction costs to finance Woodsmere's purpose-built rental projects directly impact the rent required to be charged to make our project financially viable. Demands by the Municipality for additional rent concessions which further suppress rental income for Drinkwater Apartments means Woodsmere can no longer comply with lending requirements or move forward with the Drinkwater Apartment project thus directly impacting market supply.

The additional requirement requested cannot be separated from the already extensive requirements levied by the Municipality and to which we have agreed including:

- Additional Park dedication [area] to accommodate park design and expansion;
- \$3000 per unit towards realizing the central park;
- Public road and dedications and improvements; and
- Dedication of a 5m strip along the north boundary of 6455 Ford Rd., for a 10m public laneway to future park.

The cumulative effect of these requirements representing a substantial cost to the developer cannot be ignored by the Municipality.



Furthermore, Woodsmere is proposing the following sustainability commitments:

- 150 m2 of on-site stormwater management using 'green' rain gardens/bioswales
- Compliance with the BC Energy Step Code 3 construction standard;
- Minimum 20.5% parking stalls with electric vehicle charging & 10% electric bike charging.  
The remainder of the stalls will allow conduits for future conversion to electrical vehicle charging;
- A 40% on-site tree canopy cover;
- The Woodsmere carsharing program;
- Every unit will be fitted with a heat pump; and
- Rough-in for future solar panels.

Lastly, to recent substantial increases in interest rates, a segment of the population that could otherwise have afforded to purchase a home no longer qualifies for a mortgage. The result will be that until interest rates and housing prices decline, demand for rental housing will continue to increase pressure on the need for rental properties to service the housing needs of the Municipality particularly with the future RCMP facility and Cowichan District Hospital becoming operational.

We trust the above addresses Council's concerns regarding the May 20<sup>th</sup> Motion related to our rezoning application. We request Council move to a second reading of the proposed rezoning by-law. Thank you for your consideration of our application.

**Woodsmere Holdings Corp.**

Per:



Danny Jadresko, President



# COMMERCIAL

David Beckingham  
President  
Tel: 604-960-9600  
Cell: 604-351-3662  
Toll Free: 1-888-236-8861

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

To Mayor and Council:

My name is David Beckingham & I am a principal of Dominion Lending Centres National Commercial Division. Dominion Lending is the largest real estate mortgage brokerage in Canada both for commercial real estate financing and residential mortgages. Dominion Lending has expert knowledge of the real estate financing marketplace and lending programs available to real estate developers in Canada. I am proud to say Dominion has been providing brokerage services to Woodsmere for more than 24 years.

I have been asked by Woodsmere Holdings Corporation to write this letter confirming their intent to apply to the Canada Mortgage and Housing Corporation (CMHC) for construction financing under their MLI Select Program for their Municipality of North Cowichan project.

The CMHC MLI Select program encourages the preservation and construction of affordable and climate-compatible multi-unit housing across Canada with the following affordable & energy efficiency requirements:

- 10% of total units at 30% of median renter income which is to be determined by CMHC
- 25% reduction in energy consumption and GHG emissions over a base building designed to the 2017 NECB or the 2015 NBC.

A successful applicant under this program will have to demonstrate the following attributes:

- 1) The developer must have a proven track record of successful developments
- 2) The developer must have the financial ability to successfully complete the project.
- 3) The developer must have a relationship with CMHC and a record of completing CMHC developments.
- 4) That the subject development is proven to be an economically viable project.
- 5) Projects are to have been rezoned and ready for building with no impediments to title that would affect the value of the project.

It is important to note that for over 24 years Woodsmere has been developing properties for CMHC programs across Canada. In fact, Woodsmere has the designation as a CMHC major account. A designation given to very few organizations in Canada.

Funding is limited as the MLI Select program has become extremely popular & is in high demand with developers and the availability of these funds is limited to only a few. In the past 3 years Woodsmere has completed 5 affordable housing projects for CMHC all being on Vancouver Island. In each of these cases, CMHC required the projects to be free of any charges before the application was made to CMHC.

Today's development world has changed vastly in the last 120 days as interest rates have more than doubled and has made it very difficult to make these project a viable investment. In the coming months you will begin to see the volume of projects start to diminish as higher interest rates start to set in.

I would ask that you consider these issues and make this project a viable investment for Woodsmere Holdings and the Municipality of North Cowichan.

I would be happy to discuss this matter with you further and can be reached at the above address or telephone number.

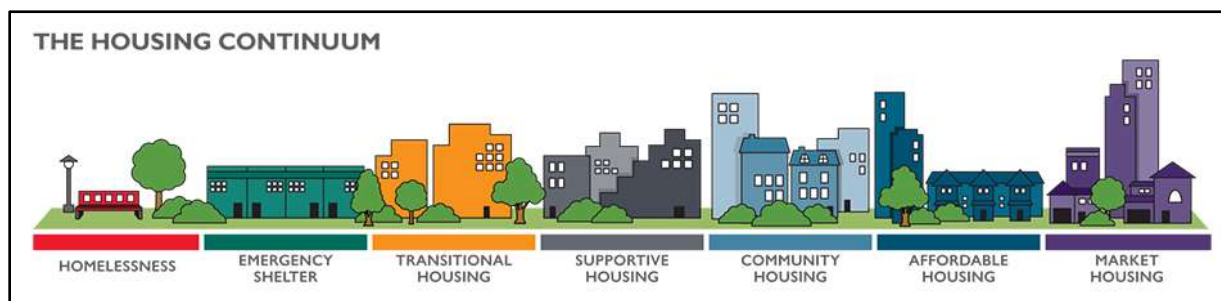
Yours truly,

A handwritten signature in black ink, appearing to read 'D. Beckingham', with a long horizontal line extending to the right.

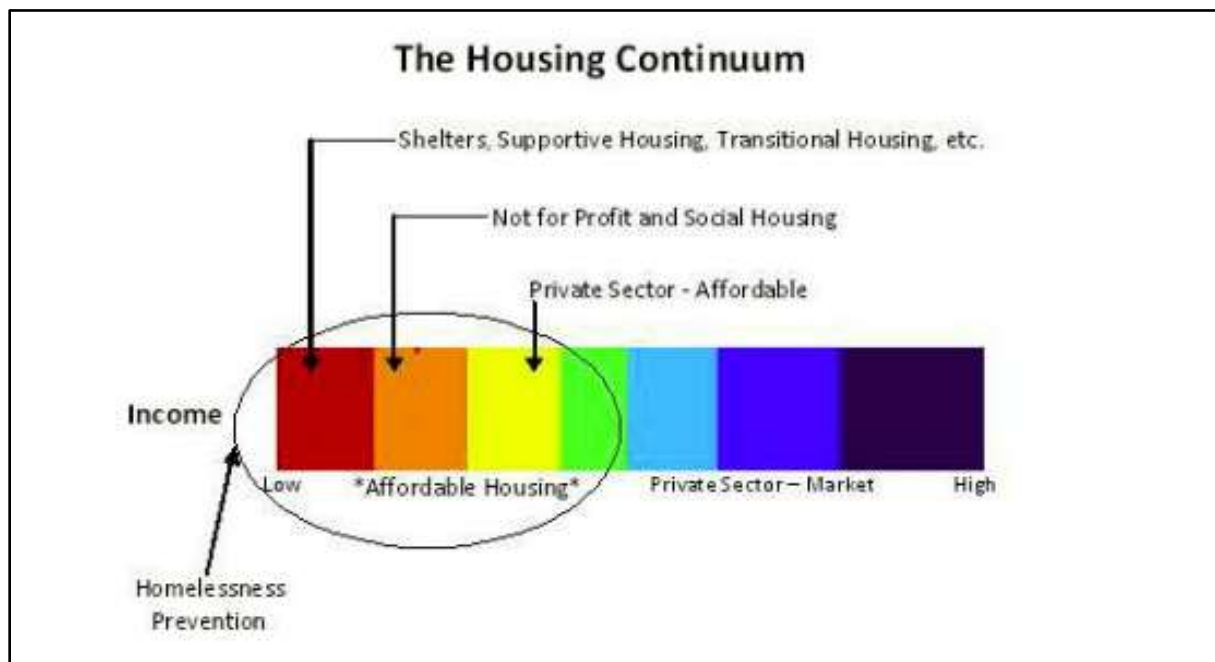
David Beckingham

## “Housing Continuums” from some BC municipalities & organizations

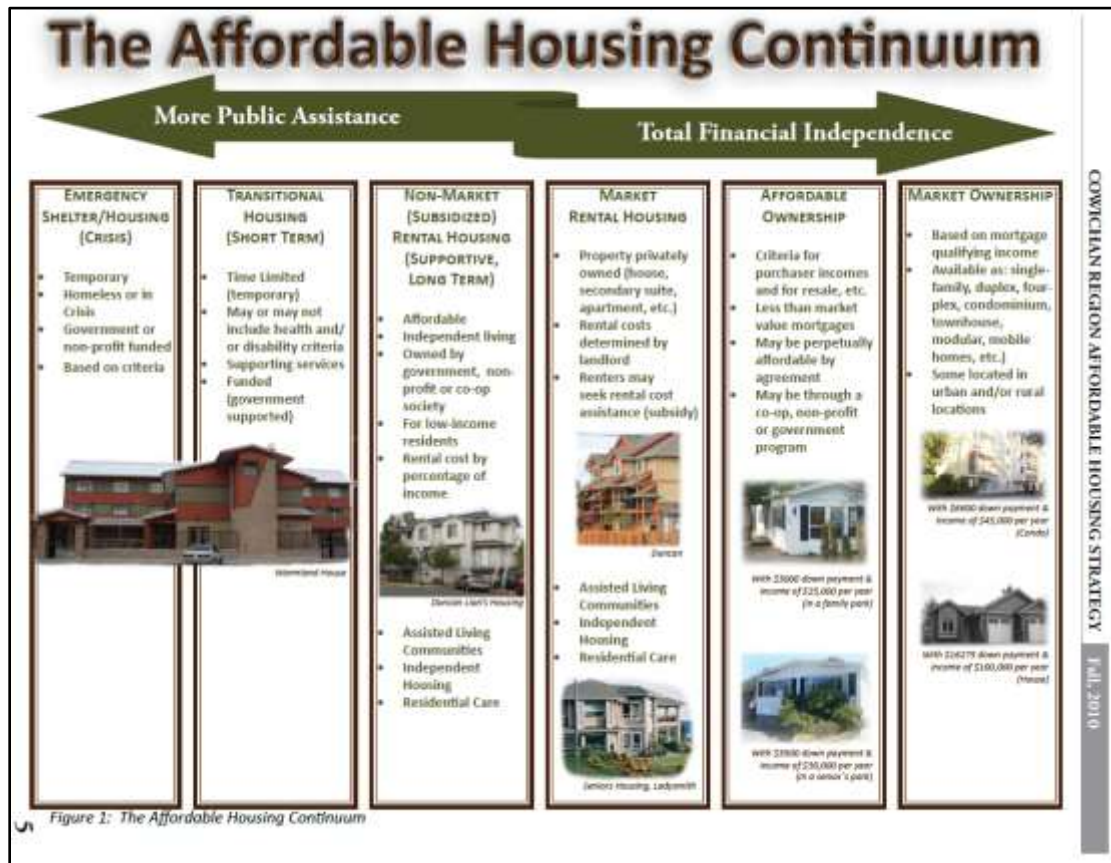
### 1. Canada Mortgage and Housing Corporation (CMHC)



### 2. Municipality of North Cowichan OCP (Bylaw No. 3450)



3. Cowichan Region Affordable Housing Strategy (2010, p. 5), by Social Planning Cowichan



4. District of Central Saanich, Council Policy: Community Amenity Contributions, 2017





# Inclusionary Zoning: Domestic and International Practices

## CONTEXT

“Inclusionary” practices use the planning system and development regulations to engage private developers in providing affordable housing in their market housing developments. The practices capture some of the enhanced land value released by development approvals for the public benefit of affordable housing. Inclusionary zoning (IZ), largely mandatory, was popularized in the United States and has been used extensively to create hundreds of thousands of affordable housing units. In Canada, three major cities—Montréal, Toronto and Vancouver—as well as Richmond and Langford, B.C. and Edmonton, Alta. have formally enacted inclusionary housing policies. Recently, Manitoba, Ontario and Alberta have adopted or are in the process of authorizing inclusionary zoning through amendments to their planning acts.

## THE RESEARCH

This project examines and explains IZ and related inclusionary housing practices in the United States (U.S.), England, Australia and Canada. The research provides an overview of the emerging practices in each country highlighting their main similarities and differences, summarizes some of the key lessons for Canada and discusses the future potential of IZ in Canada as a means of providing access to more affordable housing.

The term “inclusionary zoning” (IZ) in this paper is reserved for uniquely American-style inclusionary housing programs used widely across the U.S. These programs, while varied, adhere to a common set of rules and procedures which are distinctly different from inclusionary practices in Canada.

### What is inclusionary zoning?

Zoning and development regulations that require a set proportion, typically 10–20%, of new market housing developments to be affordable.

#### Characteristics:

1. Generally, but not always, regulatory concessions are offered in compensation.
2. Sometimes restricted to developments over a certain number of units (eg, 10, 30 or 50).
3. Typically includes “below-market housing”—both ownership and rental—for moderate-income households left out of the marketplace.
4. Creates mixed-income developments, with affordable housing integrated with the market units.

**Figure 1:** Example of inclusionary housing with density bonus

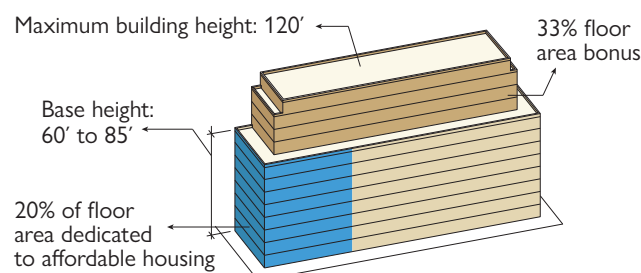


Photo credit: Example of Inclusionary Housing designated area Bonus in an R8A District used with permission of the New York City Department of City Planning. All rights reserved.

## KEY FINDINGS

- Inclusionary practices fall into three categories:
  - **Mandatory**—all developments required to provide affordable housing as a condition of development approval. This could be in the form of units, cash-in-lieu, or a land set-aside.
  - **Based on rezoning**—leverages increased density allowed under a rezoning approval in exchange for the provision of affordable housing. Developers have an option to build under the existing as-of-right conditions with no affordability requirement, or apply for a higher density with agreed-to provision of affordable housing units.
  - **Incentive-based or voluntary**—offers incentives to encourage developers to contribute the affordable housing. The developers have the choice to participate.
- In the U.S., inclusionary zoning (IZ) (typically mandatory) is especially notable for integrating affordable housing into market housing. Over time, affordable housing is built widely across the community, providing residents greater choice and better access to services and jobs.
- Based on U.S. experience, essential measures to make inclusionary zoning effective include:
  - making the provision of affordable housing mandatory
  - applying the obligation as universally as possible
  - using fixed and non-negotiable rules
  - targeting “below-market” housing
  - maintaining affordability “permanently”
  - providing limited flexibility

- The key and most fundamental difference between inclusionary practices in Canada and IZ in the US is that IZ requires virtually all developments—not just those selectively getting a rezoning—to provide affordable housing.
- Municipalities in Canada have used a variety of inclusionary housing practices, but they all rely on rezonings—particularly, density increases granted under these rezonings—to secure the voluntary contribution of affordable housing from developers.
- Municipalities in Canada have generally lacked the authority to require or oblige—as opposed to encourage or incentivize—private developers to include affordable housing in their market housing developments.
- England principally uses two ways of supporting the provision of affordable housing: conventional capital subsidies provided by the central government, and developer contributions provided through the planning gain system. The two are used both together and separately, depending upon the type of housing and local conditions. Because of two significant differences in the planning system in England—development rights are separate from land ownership and there is no zoning—the approach cannot be readily replicated in Canada.
- In Australia, inclusionary practices have been used in limited ways and are sometimes associated with, or justified by, the concept of “value sharing”.

## Examples of IZ program features

### Incentives:

Allowing additional units, through increases in floor area, height or building size, in exchange for affordable housing.

### Compliance alternatives:

- Payment of cash-in-lieu
- Construction of affordable units on another site
- Provision of developable land
- Provision of upgraded existing units

### Cost offsets:

- Regulatory relaxations (for example, density, height, setback, parking and other limits)
- Fee reductions or waivers
- Fast-tracked approvals

## IMPLICATIONS FOR THE HOUSING SECTOR

The recent move by three provinces in Canada to authorize inclusionary zoning through changes to their planning acts could mark a significant change in how inclusionary approaches are used in Canada. With enabling legislation, it may become easier for municipalities in Canada to implement inclusionary zoning. Experience from the U.S. and England demonstrate that mandatory approaches have created hundreds of thousands of affordable housing units. As housing becomes increasingly expensive in many of Canada’s urban centers, IZ is an important tool that can increase housing choices and social inclusion by requiring below-market housing to be integrated into new housing developments in communities and neighbourhoods, particularly in areas of high growth.

IZ can enable municipalities to harness their own powers to engage private developers in the provision of “below-market” or “workforce” housing for moderate-income households left behind by the market. But there are important limitations to what IZ and inclusionary practices can achieve. IZ cannot target very low income or subsidized households without government programs aimed at achieving deeper affordability. Because IZ takes a share of what is being produced, it is dependent on growth. It is not capable of producing affordable housing in communities, or in parts of communities, where little or no market development is occurring. Further, as IZ often results in mixed-income neighbourhoods, local opposition, such as NIMBYism, may delay or prevent the take-up of inclusionary zoning initiatives by municipalities. Regardless, IZ is an important tool that municipalities can use to help address affordable housing needs.

## FURTHER READING

Full report – [Inclusionary Zoning: Domestic & International Practices](ftp://ftp.cmhc-schl.gc.ca/chic-ccdh/Research_Reports-Rapports_de_recherche/2017/RR_Inclusionary_Zoning_EN_w.pdf)  
([ftp://ftp.cmhc-schl.gc.ca/chic-ccdh/Research\\_Reports-Rapports\\_de\\_recherche/2017/RR\\_Inclusionary\\_Zoning\\_EN\\_w.pdf](ftp://ftp.cmhc-schl.gc.ca/chic-ccdh/Research_Reports-Rapports_de_recherche/2017/RR_Inclusionary_Zoning_EN_w.pdf))

**Project Manager:** Janet Kreda  
Housing Needs,  
Canada Mortgage and Housing Corporation

**Consultant:** Richard Drdla Associates



The Corporation of the District of North Cowichan

**Zoning Amendment Bylaw (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22)**

Bylaw No. 3867

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

**Title**

- 1 This Bylaw may be cited as "Zoning Bylaw Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 from R1 & 6495 Paddle Road from CD10 to CD22), 2022".

**Amendment**

- 2 Zoning Bylaw No. 2950, Section 12 [Definitions] is amended by inserting the following definition:  
**"residential rental tenure"** means, in relation to a dwelling unit, a tenancy governed by a tenancy agreement that complies with the *Residential Tenancy Act*."
- 3 Zoning Bylaw No. 2950, Part 5 – Zones, Division (1) Establishment of Zones, Section 43 is amended by inserting "Paddle Road North Comprehensive Development Zone (CD22)" after "Motorsport Circuit Comprehensive Development Zone (CD21)".
- 4 Zoning Bylaw No. 2950, is amended by inserting the following new zone after Section 80.21:  
**"Paddle Road North Comprehensive Development Zone (CD22)**

**Permitted Uses**

- 80.22** (1) The permitted uses for Areas 1 to 5 of the CD22 zone, as shown on Schedule I-3, attached to and forming part of this bylaw, are as follows:
- a) In Area 1
    - i. Apartment
    - ii. Limited home-based business
  - b) In Area 2
    - i. Apartment
    - ii. Limited home-based business
    - iii. Recreational facility small scale
    - iv. Fitness Centre / Gymnasium
  - c) In Area 3
    - i. Apartment

- ii. Limited home-based business
- iii. Community care facility
- iv. Live work studio
- v. Brew Pub
- vi. Commercial school
- vii. Daycare
- viii. Dry cleaner
- ix. Entertainment use
- x. Fitness Centre / Gymnasium
- xi. Gallery
- xii. Health service
- xiii. Laundromat
- xiv. Medical laboratory
- xv. Office
- xvi. Personal service
- xvii. Restaurant
- xviii. Retail store

d) In Area 4

- i. Limited home-based business
- ii. Two family dwelling
- iii. Townhouse

e) In Area 5

- i. Uses in Area 5 are the same as Area 3.

### Regulatory Conditions

(2) The regulatory conditions in the following table apply to the CD22 zone:

Item	Column 1 Description	Column 2 Area	Column 3 Value
1	Maximum density	1 2 3 4 5	2.0 Floor Area Ratio 1.5 Floor Area Ratio 3.5 Floor Area Ratio 0.5 Floor Area Ratio (24 units/ha) <del>1.6</del> <b>2.0 Floor Area Ratio</b>
2	Maximum Area coverage	1 2 3 4 5	65% 55% 55% 30% 65%
3	Maximum storeys	1 2 3 4 5	6-storeys 6-storeys 6-storeys 3-storeys <b>4 5-storeys</b>

4	Maximum building height	1	26 m (85.3')
		2	26 m (85.3')
		3	26 m (85.3')
		4	12 m (39.4')
		5	<del>17 m</del> 21.5 m (71')

### Minimum Lot Size

- (3) The minimum permitted lot size for the CD22 zone is 650 m<sup>2</sup> (6,996.54 ft<sup>2</sup>).

### Minimum Frontage

- (4) The minimum permitted frontage required for the CD22 zone is 16 m (52.5').

### Minimum Setbacks

- (5) The minimum permitted setbacks for all buildings and structures for all Areas of the CD22 zone is 3.0 m (9.8').

### Accessory Building

- (6) The maximum permitted accessory building height for all Areas of the CD22 Zone is 7 m (23.0').

### Open Space

- (7) All open areas not covered by buildings, driveways, or parking must be maintained as landscaped open space.
- (8) The minimum required amenity space for all Areas of the CD22 Zone, and of which half must be comprised of landscaped open space, is 30% of the Area and may be located on the roof and/or on decks above grade.

### Conditions of Use

- (9) The conditions of use for the CD22 Zone are as follows:
- a) A fence must not exceed 1.2m (3.94') in height in any required front yard.
  - b) A fence must not exceed 2.0m (6.56') in height in any required side or rear yards.
  - c) Despite 80.22 (1) permitted uses, "live work studio" is restricted to the ground floor, whereby each live work studio entrance must face a public roadway.
  - d) In Area 3 permitted uses v. to xviii are restricted to the ground floor and whereby a minimum of 15% of the ground floor area shall be for permitted uses v. to xviii.
  - e) In Area 5 permitted uses v. to xviii are restricted to the ground floor, whereby a minimum of 30% of the ground floor area shall be for permitted uses v. to xviii.
  - f) In Area 1 and/or Area 5, a minimum of 20% of all dwelling units (or ~~35~~ 37 dwelling units, whichever is greater) shall have a form of tenure that is "residential rental tenancy".

### Area Boundaries

- (10) The Areas and Area boundaries for the CD22 zone shall be as set out in Schedule I-3.



(11) Despite the definition of "lot" under section 12, all regulations within the CD22 zone, except provisions (3) and (4), shall be interpreted as if the Area boundaries were lot boundaries."

- 5 Zoning Bylaw No. 2950 is amended by inserting Schedule I-3 as shown on Schedule 1 attached to and forming part of this bylaw.
- 6 Zoning Bylaw No. 2950, Schedule "C" is amended by reclassifying 6478 Paddle Road (002-363-313), 6494 Paddle Road (005-351-464), 6493 Paddle Road (005-351-472), and 6489 Paddle Road (005-039-029) from Residential Rural Zone (R1), and 6495 Paddle Road (005-351-499) from Urban Medium Density Comprehensive Development Zone (CD10), to Paddle Road North Comprehensive Development Zone (CD22), as shown on Schedule 2 attached to and forming part of this bylaw.

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READ a first time on  
READ a second time on  
CONSIDERED at a Public Hearing on  
READ a third time on  
APPROVED by Ministry of Transportation and Infrastructure on  
COVENANT registered on  
ADOPTED on

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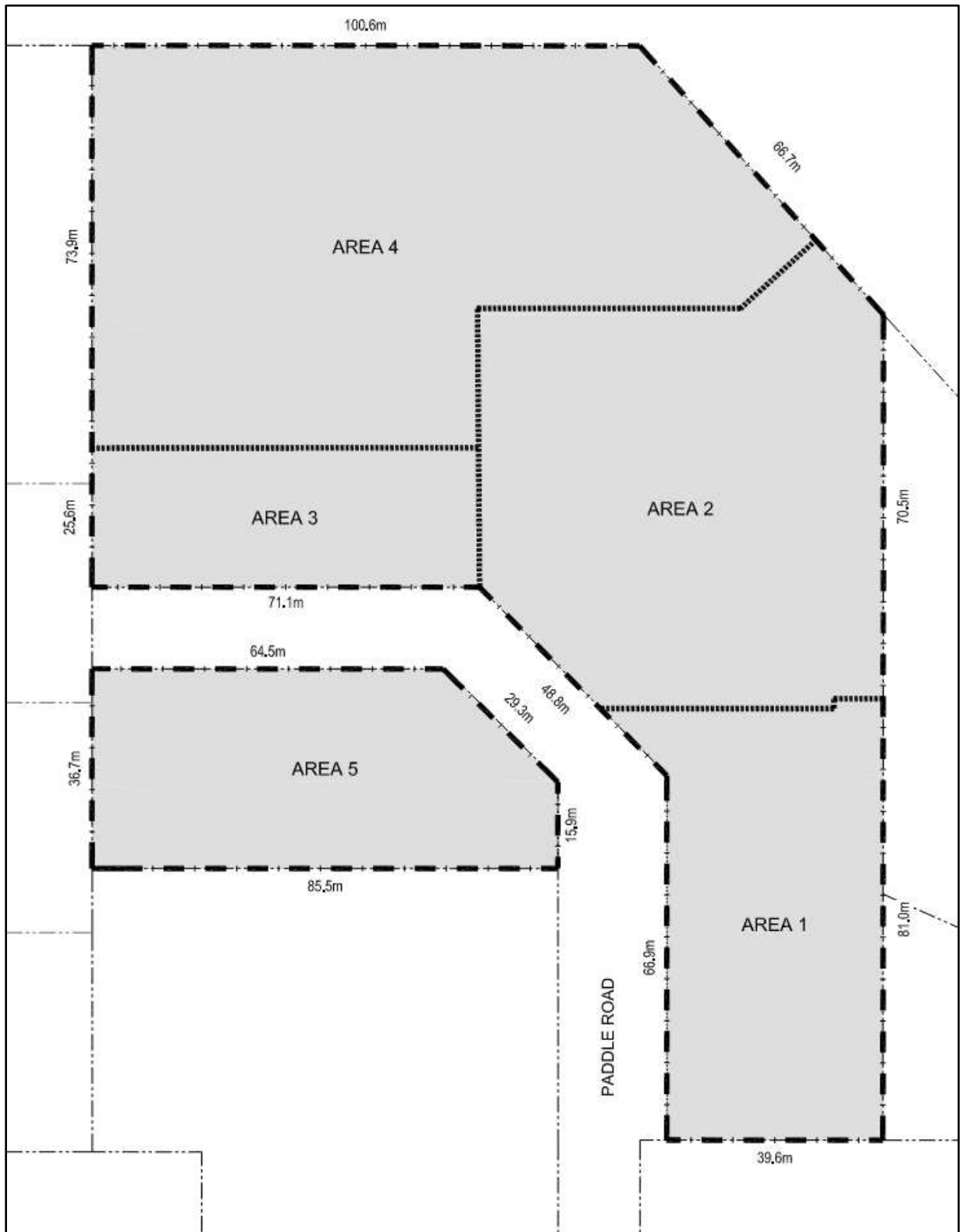
CORPORATE OFFICER

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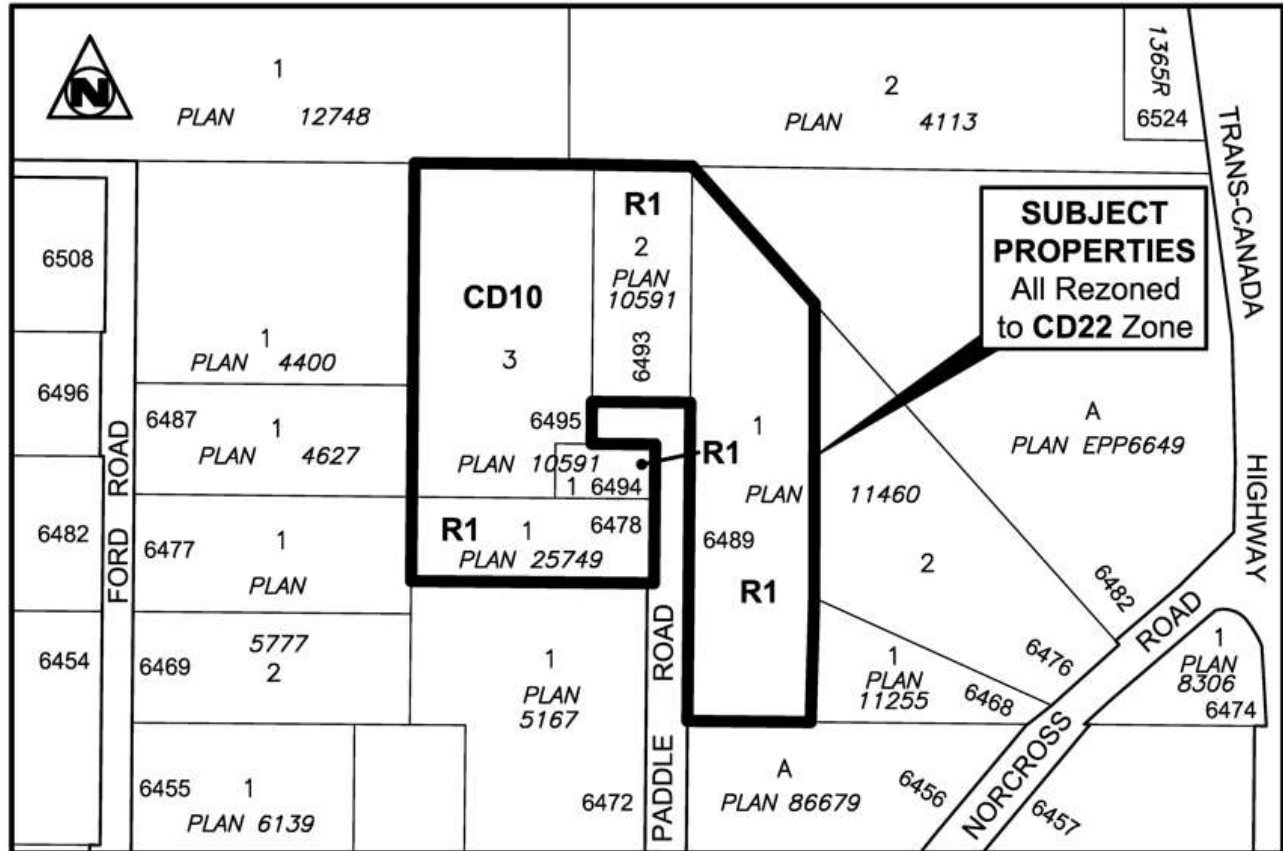
PRESIDING MEMBER

## Schedule 1

### Schedule "I-3"



# Schedule 2



# **COUNCIL MINUTES**

Mr. Sjolie provided a presentation to Council outlining the impact to his property from stormwater erosion along Hayhurst Creek.

**6. PUBLIC INPUT**

Council received no public input.

**7. BYLAWS**

**7.1 Official Community Plan Amendment Bylaw No. 3869 for first and second readings**

IT WAS MOVED AND SECONDED:

THAT Council give first and second reading to Official Community Plan Amendment Bylaw No. 3869, 2022.

CARRIED

**7.2 Zoning Amendment Bylaw No. 3867 for first and second readings**

IT WAS MOVED AND SECONDED:

THAT this meeting be adjourned at 2:40 p.m. to reconvene at 2:00 p.m. on Friday, May 20, 2022 through electronic means.

CARRIED

The meeting reconvened at 2:00 p.m. on Friday, May 20, 2022.

IT WAS MOVED AND SECONDED:

THAT Council give first reading to "Zoning Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22), 2022.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to negotiate with the Paddle Road Comprehensive Development applicant to secure a percentage of total units or floor area as secure non-market rental units, consistent with inclusionary housing policies in other BC municipalities prior to Council considering second reading of Zoning Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22), 2022.

(Opposed: Manhas Siebring)

CARRIED

**7.3 Zoning Amendment Bylaw No. 3868 for first and second readings**

Councillor Toporowski left the meeting at 3:53 p.m.

IT WAS MOVED AND SECONDED:

THAT Council:

1. Give first reading to "Zoning Amendment 3868 (3005, 3011 Drinkwater Road and 6455 Ford Road from R1 to CD23), 2022".

2. THAT Council direct staff to negotiate with the Ford Road Comprehensive Development applicant to secure a percentage of total units or floor area as secure non-market rental units, consistent with inclusionary housing policies in other BC municipalities prior to Council considering second reading of Zoning Amendment 3868 (3005, 3011 Drinkwater Road and 6455 Ford Road from R1 to CD23), 2022.

(Opposed: Siebring)

CARRIED



**7.2 Zoning Amendment Bylaw No. 3867 (Paddle Road) and Zoning Amendment Bylaw No. 3868 (Ford Road) for second reading**

IT WAS MOVED AND SECONDED:

THAT Council:

- (1) Amend section 4 of Zoning Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22), 2022 by:
  - (a) Striking out the value of 1.6 for the floor area ratio in column 3 of item 1, maximum density, in the table under subsection 80.22(2) and inserting 2.0 in its place;
  - (b) Striking out the value of 4 for the number of storeys in column 3 of item 3, maximum storeys, in the table under subsection 80.22(2) and inserting 5 in its place;
  - (c) Striking out the value of 17 m (55.8') in column 3 of item 4, maximum building height, in the table under subsection 80.22(2) and inserting 21.5 m (71') in its place; and,
  - (d) Striking out 35 in subsection 80.22(9)(f) and inserting 37 in its place;
- (2) Give second reading to Zoning Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22), 2022, *as amended*;
- (3) Schedule a Public Hearing for Zoning Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22), 2022, in accordance with the *Local Government Act*. CARRIED

IT WAS MOVED AND SECONDED:

THAT Council:

- (1) Give second reading to Zoning Amendment Bylaw No. 3868 (3005, 3011 Drinkwater Road & 6455 Ford Road from R1 to CD23), 2022; and,
- (2) Schedule a Public Hearing for Zoning Amendment Bylaw No. 3868 (3005, 3011 Drinkwater Road & 6455 Ford Road from R1 to CD23), 2022, in accordance with the *Local Government Act*. (Opposed: Douglas, Justice) CARRIED

IT WAS MOVED AND SECONDED:

THAT no unit under either bylaw being Zoning Amendment Bylaw No. 3867 and Zoning Amendment Bylaw No. 3868 be less than 350 square feet. CARRIED

IT WAS MOVED AND SECONDED:

THAT Council require that no less than half the non-market housing units be included in phases 1 to 3 for Zoning Amendment Bylaw No. 3867.

(Opposed: Manhas, Sawrie, Siebring)  
CARRIED

Council, by unanimous consent, recessed the meeting at 3:50 p.m. and reconvened at 4:05 p.m.

# **CORRESPONDENCE**

March 11, 2021

Prospero No: ZB000138  
Folios: 06168-000, 05662-000 and 05661-000  
Reference No: 3360-20 20.11

Danny Jadresko  
Woodsmere Holdings Corp.  
779 Blackberry Road  
VICTORIA BC V8X 5J3

Dear Mr. Jadresko

**Re: Zoning Bylaw Amendment for 3005 and 3011 Drinkwater Road, and 6455 Ford Road<sup>1</sup>**

We are in receipt of your rezoning application for the above-noted properties. The application fee in the amount of \$2500.00 is also acknowledged.

Caroline von Schilling, Development Planner will be your key contact and may be reached by phone at 250-746-3261 or by email to [caroline.vonschilling@northcowichan.ca](mailto:caroline.vonschilling@northcowichan.ca). Please contact her directly should you have any questions.

Please reference our file number ZB000138 on all future correspondence pertaining to this application.

Sincerely



Rob Conway, MCIP, RPP  
Director of Planning and Building

/fb

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<sup>1</sup> LOT 1 SECTION 5 RANGE 4 SOMENOS PLAN 23527, LOT 2 SECTION 4 RANGE 5 SOMENOS PLAN VIP6139 EXCEPT PLAN BL934 23527 and LOT 1 SECTION 4 RANGE 5 SOMENOS PLAN VIP6139 - PIDs: 003-108-163, 000-209-457, 005-926-866

# **PUBLIC COMMENTS**

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**(NO COMMENTS RECEIVED TO DATE)**