



**REQUEST FOR ENDORSEMENT OF COMMENTS ON COWICHAN VALLEY REGIONAL DISTRICT  
REZONING APPLICATION  
13271 SIMPSON ROAD, AREA H, COWICHAN VALLEY REGIONAL DISTRICT**

**RECOMMENDATION**

1. That the Board provides the following comments in response to the Rezoning Application referral from the Cowichan Valley Regional District dated July 21, 2023 with respect to 13271 Simpson Road, in Electoral Area H of the Cowichan Valley Regional District:
  - a. request that Schnitzer Steel's Environmental Management plan address the protection of the Cassidy Aquifer and that any surface water runoff is captured in an oil/water separators to avoid the contamination of the aquifer; and,
  - b. request that screening and buffering along the Trans Canada Highway be a condition of approval.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received a referral request from the Cowichan Valley Regional District (CVRD) in response to a Rezoning Application for Schnitzer Steel which is located at 13271 Simpson Road. The proposed rezoning is to permit a motor vehicle wrecking operation which has been operating on the subject property since the early 1970s (see Attachment 1 – CVRD Referral Report). The subject property borders Electoral Area A and is directly adjacent to the Nanaimo Airport.

**CVRD Application Summary**

A motor vehicle wrecking operation has been operating on the subject property since the early 1970s. The first CVRD zoning bylaw for North Oyster/Diamond, which was in effect from 1974-1987, permitted auto repair and auto wrecking on the site. In 1987, the current CVRD Area H Zoning Bylaw No. 1020 was adopted and no longer permitted auto wrecking in the I-1 (Light Industrial) zone. The facility currently accepts vehicles, appliances, tires and other materials. Fluids are removed from vehicles and appliances, and materials are sorted and transferred by barge to other facilities for further processing and recycling.

Since the rezoning application was initiated in 2016, the CVRD adopted a new harmonized Official Community Plan (OCP) in 2021. There are two amendment bylaws associated with this application. Both of these bylaws received second reading by the CVRD Board in 2018 and have remained at this stage. The proposed bylaw amendments include the following:

- Bylaw No. 4194 drafted prior to adopting the current OCP proposes to amend the former OCP to include the parcel in the Commercial/Industrial Development Permit Area. This Bylaw will need to be amended to reference the current OCP, and include the parcel in the current Development

Permit Area 12: Industrial Development. Inclusion in further Development Permit Areas may also be considered.

- Bylaw No. 4195 is a zoning amendment bylaw, which proposes a new I-4 (Industrial Recycling) Zone. The new I-4 zone includes new definitions and the uses of “auto recycling yard, including exterior storage” and “metal recycling yard, including exterior storage”, which would be applicable to the subject property.

In 2021, the CVRD Board directed that a public meeting be held prior to any further action on the application. The applicant was also requested to comply with a proposed covenant which would require the reporting of groundwater monitoring and that certain vehicle dismantling activities only occur on hard surfaced areas (which have measures in place for capturing runoff in oil/water separators). In the Spring of 2023, the property owner agreed to the covenant. A Public Information Meeting was then subsequently held on June 19th, 2023 (See Attachment 1 – CVRD Referral Report).

### **RDN Land Use Implications Comments**

#### **Protection of the Cassidy Aquifer**

The subject property sits on top of the Cassidy Aquifer. The Cassidy Aquifer has been classified as an environmentally sensitive area within the Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Bylaw No. 1620, 2011 as it is highly vulnerable to surface contamination.

The Cassidy Aquifer is a main source of drinking water for residents within Electoral Area A of the RDN. A 2010 groundwater vulnerability study conducted by GW Solutions Inc. in partnership with Vancouver Island University indicates the upper Cassidy Aquifer is highly vulnerable to surface contamination while the lower aquifer was found to be protected by a thick layer of blue clay. There is concern in the community based on the fact that the majority of residents draw their drinking water from the upper aquifer and there are no community water or sewer services to the area.

It is requested that Schnitzer Steel’s Environmental Management plan address the protection of the Cassidy Aquifer ground water supply and that any surface water runoff is captured in an oil/water separators to avoid the contamination of the aquifer.

#### **Character of Cassidy**

Cassidy Residents have concerns over the preservation of the community’s rural characteristics and aesthetic values. To address the concerns Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Bylaw No. 1620, 2011 contains the Cassidy Development Permit Area (DPA). This DPA is to ensure that development is conducted in a way which respects the environment and helps to maintain the rural characteristics of the community, encourages pedestrian and cyclist use, promotes energy and water conservation, and reduces GHG emissions.

To help protect the rural characteristic of Cassidy, Aesthetics along the Trans-Canada Highway Corridor is of concern. While the site is industrially zoned there should be some requirement for buffering and screening of the business operation from public view. It is requested that screening and buffering be a requirement of the rezoning application or a requirement of a development permit. Any screening and buffering should occur on the side that fronts the Trans-Canada Highway.

## **FINANCIAL IMPLICATIONS**

The referral request has no implications related to the Board 2023-2027 Financial Plan.

## **STRATEGIC PLAN ALIGNMENT**

The referral request has been reviewed and has no implications for the 2019 – 2022 Board Strategic Plan.

## **REVIEWED BY:**

- G. Keller, Acting Manager, Current Planning
- L. Grant, General Manager, Development and Emergency Services
- T. Osborne, Acting Chief Administrative Officer

## **ATTACHMENT**

1. CVRD Referral Report
2. 2017 RDN Referral Comments