



REFERRAL REPORT

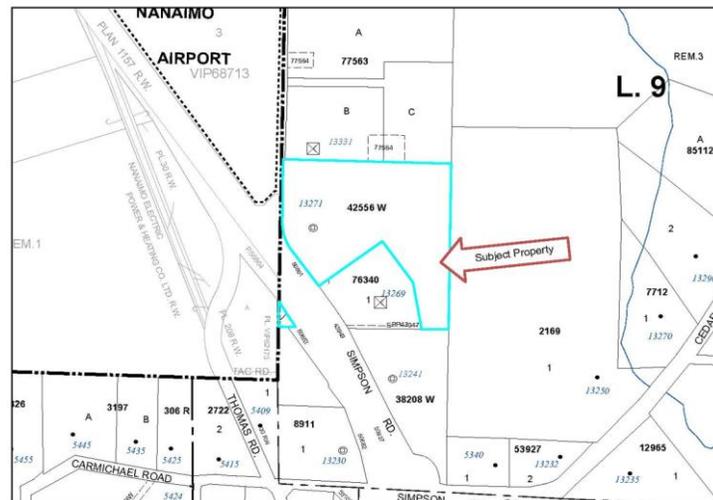
DATE OF REPORT July 21, 2023
FROM: Development Services Division
Land Use Services Department
SUBJECT: Rezoning Application 03-H-16-RS (Schnitzer Steel)
REFERRAL TO: CVRD Divisions/Departments; External Agencies; First Nations
FILE: File 03-H-16-RS

INTRODUCTION

The application was received by the CVRD in 2016. Referrals were conducted in 2017; however, as the application is still ongoing, updated referral responses are now requested prior to the application proceeding for further consideration.

The purpose of this report is to request updated referral responses for Rezoning Application No. 03-H-16-RS (Schnitzer Steel; PID: 008-903-603). The application proposes to rezone the parcel to permit vehicle dismantling and scrap metal recycling and to amend the Official Community Plan to include the subject property in the Industrial Development Permit Area.

LOCATION MAP



BACKGROUND

The subject property is zoned I-1 (Light Industrial) and is located in Area H, North Oyster/Diamond. The property is a hooked parcel bisected by the Trans-Canada Highway (TCH); however, the small triangular portion of land on the west side of the TCH is an unused portion of the property and is naturally vegetated. The north west corner of the parcel abuts the southern tip of the Nanaimo Airport property. The three lots immediately to the north of the parcel are zoned C-3 (Service Commercial) and the parcels to the south are zoned I-3 (Ultra

Light Industrial). The parcels to the east are zoned A-1 (Primary Agricultural) and are within the Agricultural Land Reserve (ALR).

In 2016, this rezoning application to permit the use on the site was initiated as a result of bylaw enforcement activity following complaints regarding an automotive and scrap metal recycling operation on the site. The owner of the site, along with the present tenants (Schnitzer Steel), assert that they have some “lawful non-conforming rights” on this site to conduct the present use. Referrals were sent out to external agencies in 2017, however updated referral responses are now being sought prior to bringing further information forward for consideration by the Electoral Areas Services Committee this Fall.

APPLICATION SUMMARY

A motor vehicle wrecking operation has been 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 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 application was initiated in 2016, the CVRD adopted a new harmonized OCP in 2021. There are two amendment bylaws associated with this application. Both of these Bylaws received second reading by the Board in 2018 and have been at that stage ever since. The Bylaws include the following:

- Bylaw No. 4194 was drafted prior the current new OCP and proposed 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 Board directed that a public meeting be held prior to any further action on the application, but only once the applicant had agreed in writing to 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 owner of the site (which is not Schnitzer Steel) agreed to a covenant. A Public Information Meeting was then subsequently held on June 19th, 2023.

POLICY & REGULATORY CONSIDERATIONS

Official Community Plan for the Electoral Areas Bylaw No. 4270 (OCP):

The subject property is split-designated, with the small triangular portion of the property designated Residential and the main portion of the parcel on the east side of the TCH designated Industrial. The subject property is not within a Growth Containment Boundary (GCB).

The objective of the Industrial Local Area Plan designation states that the continuation of small-scale industrial activities in locations that do not have a negative impact on the natural environment, in particular groundwater, is encouraged.

relevant Industrial Development Permit Guidelines and Policies include the following:

- ID1 – where feasible, avoid outdoor storage. Where it is unavoidable and permitted in the implementing zoning bylaw, screen it from the view of adjacent non-industrial parcels.
- Local Area Plan Policy 2.3.2 – the regional board discourages heavy industrial development that would erode the present rural residential, agricultural and recreational character of the plan area.

Development Permit Areas:

The subject properties are within the following Development Permit Areas (DPAs):

- DPA 1 Riparian Protection
- DPA 2 Sensitive Ecosystem Protection
- DPA 4 Aquifer Protection
- DPA 5 Wildfire Hazard

Any future development of the properties would be subject to the DPAs, and a Development Permit would be required prior to development approval.

Electoral Area H – North Oyster/Diamond Zoning Bylaw No. 1020:

The subject property is split-zoned with the small triangular piece on the west side of the TCH zoned R-2 (Suburban Residential) and the main portion of the parcel on the east side of the TCH zoned I-1 (Light Industrial). This application only proposes to rezone the portion of the parcel to the east of the TCH, which is zoned I-1. The R-2 portion is vacant.

The applicant is proposing to rezone the main portion of the parcel which is currently occupied by Schnitzer Steel, from I-1 to a new I-4 (Industrial Recycling) zone, which would permit automotive and metal recycling, including exterior storage. This would legalize the operations that currently occur on the site today, and permit future expansion of the current use, if desired by the applicant.

CONCLUSION

As this is the second time the CVRD has requested comments and recommendations regarding this application, and there are subsequent Electoral Area Services Committee (EASC) deadlines to meet in the upcoming Fall, we are requesting that all feedback be submitted by **August 25, 2023**. A [website](#) has been developed which contains all of the information applicable to this application. This information will be sent via email upon request only. Please refer to the website for the following:

- Previous EASC reports & attachments
- Application materials
- Draft covenant
- Public Information Meeting minutes

<https://www.planyourcowichan.ca/3-h-16-rs-13271-simpson-rd-schnitzer-steel>

Should you require any further information or have questions regarding the application, please contact the following, while including both on all correspondence:

- Lauren Wright, Planning Coordinator, Community Planning – lauren.wright@cvrd.bc.ca
- Mike Tippett, Manager – Community Planning – mike.tippett@cvrd.bc.ca

Prepared by:

Lauren Wright, MCIP, RPP
Planning Coordinator
Community Planning Division
Land Use Services Department
Cowichan Valley Regional District