



## C.V.R.D

### PUBLIC HEARING REPORT Bylaws No. 3620 and 3621

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Following is a summary of the proceedings of the Public Hearing for Official Community Plan Amendment Bylaw No. 3620 and Zoning Amendment Bylaw No. 3621 (Ernest Maxwell), applicable to Electoral Area A – Mill Bay/Malahat, held on Monday, August 27, 2012, at the Kerry Park Recreation Centre, Social Lounge, 1035 Shawnigan Mill Bay Road, Mill Bay, BC at 7:00 p.m.

- HEARING DELEGATES** Director M. Walker, Electoral Area A – Mill Bay/Malahat, Chairperson  
Director M. Dorey, Electoral Area G – Saltair/Gulf Islands  
Director G. Giles, Electoral Area C – Cobble Hill
- CVRD STAFF PRESENT** Ms. D. Leitch, Planner II, Planning & Development Department  
Ms. J. Lendrum, Recording Secretary, Planning & Development Department
- Members of the Public:  
There were 16 members of the public present.
- CALL TO ORDER** Director M. Walker chaired the Hearing and called the meeting to order.  
The Chairperson introduced the Hearing Delegates and CVRD staff present.
- PROCEDURES** Ms. Leitch explained the requirements under Section 890 of the *Local Government Act*. She advised that notice of the Public Hearing was advertised in two consecutive issues of the *Citizen* (Friday, August 17, 2012 and Wednesday, August 22, 2012) and the *Leader Pictorial* (Friday, August 17, 2012 and Wednesday, August 22, 2012) and letters had also been sent to adjacent owners and occupiers of the property as required by the *Local Government Act*.
- Official Community Plan Amendment Bylaw No. 3620 proposes to amend South Cowichan Official Community Plan Bylaw No. 3510 by adding 13.1.14, which recognizes auto wrecking, salvage, and the sales of used automotive parts and products and associated uses on 3330 Trans Canada Highway (That Part of Lot E, Section 9, Range 8, Shawnigan District, Plan 2592, Lying to the South West of the Island Highway shown on Plan 1288 OS except Part in Plan VIP67616).
- Zoning Amendment Bylaw No. 3621 proposes to amend the Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000 by creating a new Auto Wrecking/Salvage Industrial Zone, the I-8-Zone, and rezoning That Part of Lot E, Section 9, Range 8, Shawnigan District, Plan 2592, Lying to the South West of the Island Highway shown on Plan 1288 OS except Part in Plan VIP67616, from A-1 (Primary Agricultural) to I-8 (Auto Wrecking/Salvage Industrial).
- The purpose of Amendment Bylaw No. 3620 and 3621 is to bring the zoning in line with the current uses on the subject property. These uses include: automobile, truck, and other motor vehicle wrecking and salvage yard and the sales of used automobile parts and products, buildings and structures accessory to a principal permitted use and one accessory

single family dwelling.

Ms. Leitch stated that one piece of correspondence had been received at the CVRD office from the date the advertising was placed within the local newspapers to the close of the CVRD office today, August 27, 2012, at 4:30 p.m.

Ms. Leitch further added:

- This rezoning application was made to the CVRD in the summer of 2011 by Mr. Maxwell.
- The property is located at 3330 Trans Canada Highway and located in Electoral Area A – Mill Bay/Malahat.
- The property is approximately 2.3 ha in size and has an existing shop, approximately four sheds, and a Quonset building located on it.
- The property is zoned A-1 and the applicant is proposing to rezone the property to a zone that would permit the current uses taking place on the property.
- This property has been used for automobiles, trucks, and other motor vehicle wrecking and salvage, and the sales of used automotive parts since 1964. These uses predate the CVRD zoning.
- The owner of the property applied for the property's exclusion from the Agricultural Land Reserve in 2007, and the property was successfully excluded in March 2011.
- This new zone would permit the uses that are currently on the property which include automobile, truck, and other motor vehicle wrecking and salvage yard and the sales of used automobile parts and products. It will also permit building structures accessory to these uses and one accessory single family dwelling.
- When the South Cowichan Official Community Plan was adopted in July 2011, the property was re-designated from Agricultural to Rural Residential. Staff propose to leave the plan designation as is.
- Staff has included a policy in the OCP amendment that recognizes the site as having a Rural Residential designation, but permits auto wrecking, salvage, and the sales of used automotive parts and products specifically on the property.
- The applicant has volunteered to enter a covenant with the CVRD for the protection and maintenance of the Leyland Cypress Hedge. It acts as a great buffer along Trans Canada highway. If the application moves forward, then the covenant will be registered prior to final adoption of the bylaws.
- The Advisory Planning Commission did review the application in September 2011, and recommended that the zoning be brought in line with the uses of the property. The Committee did recommend we move forward to a Public Hearing.
- Meeting minutes from tonight will be brought forward to the Board in September or October for a third reading.
- Ministry of Transportation and Infrastructure will have to sign the zoning bylaw associated with this because it is within a certain distance from the highway.
- There is no re-development of the site at this time.
- The property is not sub-dividable under the current zone and it will not be sub-dividable under the new proposed zone.
- The property is serviced by an existing well and septic. There is no expansion of these services being proposed at this time.
- Access to the property is directly off the Trans Canada Highway. No new access or internal roads will be built as part of this application.

- The property is in a development permit area, therefore if future development occurs on the property, the applicant or owner will be responsible for applying and obtaining a development permit from the CVRD for future development.

**Correspondence**

The following items were received and are attached to the minutes as Exhibits:

- 1) Email dated August 27, 2012, from Lavonne Huneck (EXHIBIT 1).

**Location of the File**

Director M. Walker advised that the Information Binder was available for review on the back table along with copies of the proposed Amendment Bylaws and advised that any letters or submissions which were to be included as part of the Public Hearing record must be received at the front table prior to the close of the Public Hearing.

**APPLICANT,  
Ernest Maxwell**

Ernest Maxwell, the applicant, stated the following with regard to Rezoning Application No. 2-A-11RS:

- Thanked people for coming and the staff for all the time that has been put into the application.
- Wants this to be done as a proper process.
- Has been at this location since 1964.
- Has established a positive relationship with the Ministry of Environment. They come to inspect regularly and leave very pleased.
- Wants to keep the business going, but one day would like to retire and sell the business.

**QUESTION PERIOD**

Director M. Walker opened the public question period of the Public Hearing. He stated that the Public Hearing Delegates and staff members could answer questions at this time, and that after the close of the Question Period and the opening of the official Public Hearing there could be no questions taken.

**Director M. Walker**

Asked for further questions from the public present three times regarding Official Community Plan Amendment Bylaw No. 3620 and Zoning Amendment Bylaw No. 3621.

**PUBLIC COMMENTS**

The Public Hearing was then opened to those members of the public present who deemed themselves affected by the proposed Amendment Bylaws. Chair M. Walker reminded the public that the Information Binder was available for review located on the side table and copies of the proposed Amendment Bylaws were located on the back table, and that all submissions must be received at the head table prior to the close of the Public Hearing.

**David Durrance  
992 Nightingale Road**

- Fully supports and recommends the application go through for the applicant.

**Chris Lavine  
3354 Boyles Road**

- Supports the applicant.
- The business is well run and clean.
- The applicant would do quite well with the zoning that he wants.

**Terry Little  
1040 Chapman Road**

- 100 percent in favour of this application.

**Merv Manhas  
1019 Nightingale**

- Great Idea.

**Brenda Stewart**  
3325 Trans Canada Hwy

- In favour of this application.
- Runs a tight ship at the wrecking yard.

**Gerald Zucht**  
3371 Boyles Road

- Completely supports this application.
- Has bought parts from the applicant a bunch of different times and it is a great facility. It is a pleasure to see what the applicant runs.

**Fred Short**  
3347 Boyles Road

- In favour of what is being asked for.
- It is the cleanest wrecking yard ever seen.

**Ruth Genereaux**  
3255 Trans Canada Hwy

- No objections.

**Director M. Walker**

Asked for further comments from the public present three times regarding Official Community Plan Amendment Bylaw No. 3620 and Zoning Amendment Bylaw No. 3621

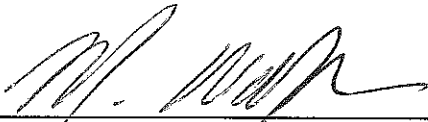
#### **ADJOURNMENT**

Chairperson M. Walker asked for public comments or submissions three times from the public present regarding Official Community Plan Amendment Bylaw No. 3620 and Zoning Amendment Bylaw No. 3621.

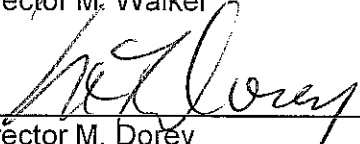
Chairperson M. Walker declared the Public Hearing closed at 7:15 p.m.

#### **CERTIFICATION:**

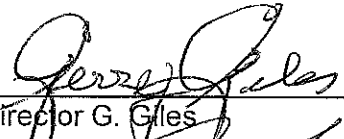
We attended the Public Hearing on Monday, August 27, 2012, and hereby certify that this is a fair and accurate report of the Public Hearing.

  
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Director M. Walker


Date Sept 4/2012

  
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Director M. Dorey

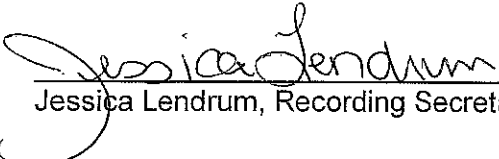
Date Sept 4/2012

  
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Director G. Giles

Date Sept 4/2012

  
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Dana Leitch, Planner II

Date Sept 4, 2012

  
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Jessica Lendrum, Recording Secretary

Date Sept 4 /12