



# STAFF REPORT TO THE BOARD

**DATE OF REPORT** November 6, 2024  
**MEETING TYPE & DATE** Regular Session Board of November 27, 2024  
**FROM:** Development Services Division  
Land Use Services Department  
**SUBJECT:** Application No. RZ23A01 (2522/2528 Mill Bay Road)  
**FILE:** RZ23A01

## **PURPOSE/INTRODUCTION**

The purpose of this report is to request that the Board rescind first reading of CVRD Bylaw No. 4592 – South Cowichan Zoning Amendment Bylaw (2522 and 2528 Mill Bay Road), 2024, to accommodate the Province’s new statutory notice requirements for zoning amendment bylaws involving residential development.

## **RECOMMENDED RESOLUTION**

That first reading of CVRD Bylaw No. 4592 – South Cowichan Zoning Amendment Bylaw (2522 and 2528 Mill Bay Road), 2024, be rescinded.

## **BACKGROUND**

Under section 464(3) of the *Local Government Act (LGA)*, a local government must not hold a public hearing for a proposed zoning bylaw if:

- (a) *an official community plan is in effect for the area that is the subject of the zoning bylaw;*
- (b) *the bylaw is consistent with the official community plan;*
- (c) *the sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development; and*
- (d) *the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures proposed as part of the development.*

Zoning Amendment Bylaw No. 4592 falls under section 464(3), therefore, under section 467 of the *LGA*, notice is required to be mailed or otherwise delivered at least 10 days before the first reading of Bylaw No. 4592 is given.

First reading of corresponding OCP Amendment Bylaw No. 4591 does not need to be rescinded as public hearings are still required for OCP amendment bylaws.

## **ANALYSIS**

The notice for Zoning Amendment Bylaw No. 4592 was not distributed prior to first reading, therefore, first reading of the Bylaw should be rescinded. Once first reading is rescinded, notice will be provided following section 467 of the *LGA*. After the notice period, the Board may reconsider first reading of Bylaw No. 4592.

**FINANCIAL CONSIDERATIONS**

N/A

**COMMUNICATIONS CONSIDERATIONS**

N/A

**STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

N/A

Referred to (upon completion):

- Community Services (*Cowichan Community Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Facilities & Transit*)
- Corporate Services (*Finance, Human Resources, Information Technology, Legislative Services*)
- Operations (*Utilities, Parks & Trails, Recycling & Waste Management*)
- Land Use Services (*Community Planning, Strategic Initiatives, Development Services, Building Inspection & Bylaw Enforcement*)
- Strategic Services (*Communications & Engagement, Economic Development, Emergency Management, Environmental Services*)

Prepared by:

  
\_\_\_\_\_  
Jaime Dubyna  
Planner III

Reviewed by:

  
\_\_\_\_\_  
Michelle Pressman, RPP, MCIP, MPlan  
Manager, Development Services Division

  
\_\_\_\_\_  
Ann Kjerulf, MCP, RPP, MCIP  
General Manager  
Land Use Services Department

Reviewed for form and content and approved for submission to the Board:

Resolution:

Corporate Officer

Financial Considerations:

Chief Financial Officer

Chief Administrative Officer's Comments / Concurrence

  
\_\_\_\_\_  
Danielle Myles Wilson

Chief Administrative Officer

---

**ATTACHMENTS:**

Attachment A – Amendment Bylaw No. 4592