



Staff Report to the Planning, Zoning and Affordable Housing Committee

DATE: Monday, June 13, 2022

DEPARTMENT: Planning

APPLICATION NO.: TUP22-0002

SUBJECT: Application to allow for the sale of rock extracted and crushed on site at 1324 and 1336 Langshire Road.

PURPOSE:

Arden Baker of Tri-X Excavating has applied on behalf of Gordon "N" Gordon Interiors Ltd and 1109572 BC Ltd to permit the temporary sale of crushed rock on the subject properties.

BACKGROUND:

Z19-0028 and OCP19-0007 – In 2020, 1324 Langshire Road was rezoned from RR4 (Rural Residential 4) to BP2A (Business Park 2A- Sooke Road West) zone to allow for light industrial and commercial uses on the subject property. Concurrently with the rezoning application, an Official Community Plan amendment was adopted to change the OCP designation from Hillside or Shoreline to Business or Light Industrial.

Z20-0001 and OCP20-0001 – In 2020, 1336 Langshire Road was rezoned from RR4 (Rural Residential 4) to BP2A (Business Park 2A- Sooke Road West) zone to allow for light industrial and commercial uses on the subject property. Concurrently with the rezoning application, an Official Community Plan amendment was adopted to change the OCP designation from Hillside or Shoreline to Business or Light Industrial.

DP20-0014 – An environmental Development Permit for site preparation was obtained in 2020, which addressed the Environmental Protection and Hazardous Area classifications on the subject properties.

SUB21-0006 - There is currently an active subdivision application to create six new fee simple lots from the two subject properties.

Table 1: Site Data for 1324 Langshire Road

<i>Applicant</i>	Arden Baker
<i>Owner</i>	Gordon “N” Gordon Interiors Ltd, 1109572 BC Ltd
<i>Civic Address</i>	1324 and 1336 Langshire Road
<i>Legal Description</i>	1324 Langshire Road: Lot 3, Section 87, Metchosin District, Plan 31715, PID 001-138-146 1336 Langshire Road: Lot 4, Section 87, Metchosin District, Plan 31715, PID 001-138-154
<i>Size of Property</i>	1324 Langshire Road: 39,396 m ² 1336 Langshire Road: 40,468 m ²
<i>DP Areas</i>	Business Park, Extreme Fire Hazard, Habitat and Biodiversity, Steep Slopes, Woodland
<i>Zoning Designation</i>	Business Park 2A- Sooke Road (BP2A)
<i>OCP Designation</i>	Business or Light Industrial

SITE AND SURROUNDING AREA:

The subject properties are combined 79,864 m² (19.7 ac) site located in the western area of Langford, north of Sooke Road, between West Shore Parkway and Mount Wells Regional Park. Both sites have been cleared of vegetation, with ongoing blasting and grading to prep the area for development. The properties slope upwards from South to North.

Table 2: Surrounding Land Uses

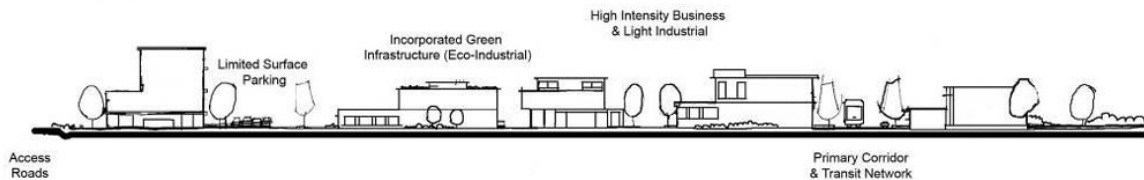
	Zoning	Use
<i>North</i>	CD3 (Comprehensive Development 3- Westhills)	Undeveloped
<i>East</i>	BP2A (Business Park 2A- Sooke Road)	Recently rezoned to allow business park uses, but currently contain single-family dwellings
<i>South</i>	BP2A (Business Park 2A- Sooke Road)	Currently vacant
<i>West</i>	P4 (Park and Open Space)	Mount Wells Regional Park

OFFICIAL COMMUNITY PLAN:

The Official Community Plan (OCP) Bylaw No. 1200 designates the subject property as “Business or Light Industrial Centre”, which is defined by the following text:

- Predominantly business and light industrial precinct that supports a range of business uses;
- Parks, open spaces are integrated throughout the centre where appropriate to serve users and employees and green corridors (creeks, wildlife corridors, trails, etc.) that connect to other parts of the community where appropriate;
- Transit stops are located where appropriate.

Figure 1: A Concept for Business or Light Industrial Centre



DEVELOPMENT PROPOSAL:

As noted, the applicant wishes to temporarily sell crushed rock from the subject properties. While the extraction and crushing of the rock on site is allowed as part of the site preparation for subdivision of the lands, the retail sale of the rock is no longer a permitted use in the BP2A Zone.

Prior to 2020, the BP2A Zone allowed for a Gravel and Aggregate Processing and Sale. However, Council approved the removal of the use from the BP2A Zone such that Council could instead consider such uses on a case-by-case basis through the TUP process and apply any conditions they feel appropriate based on the site context.

The BP2A (Business Park- Sooke Road West) Zone permits light industrial uses, such as manufacturing, warehouse storage, the retail sale, repair and storage of motor vehicles, as well as the retail sale of larger items like lumber and agricultural supplies. In addition, the BBPA zone allows for commercial uses such as accessory retail stores, restaurant, and office space.

Additionally, with the understanding that site preparation of the subject properties does require some rock extraction and crushing, Council have specified a two-year time limit for this stage of site preparation as a condition of rezoning. This condition of restricting the time of rock extraction and crushing on site

was secured in the covenants registered on the title of each of the subject properties (CA8225513 and CA8518672).

LEGAL IMPLICATIONS:

Pursuant to s. 497 of the *Local Government Act*, the City may issue a Temporary Use Permit (TUP) for a period of up to three years. The *Local Government Act* also allows a temporary use permit to be extended for a maximum of an additional three years. If the holder of a TUP wishes to conduct the temporary use beyond 6 years period, they are required to make a new application to Council for a TUP or apply for rezoning. As the extraction and crushing of rock has a time constraint of two years after the commencement of work, no further TUP or Rezoning applications for the sale of product are anticipated.

Council has no specific policies with respect to temporary use permits. Applications for Temporary Commercial Use Permits are considered on their individual merit. However, Council does regulate Temporary Use Permits through Part 3 of Zoning Bylaw No. 300. Sections 3.27.03 and 3.27.04 of the Zoning Bylaw 300 give Council the right to require that the form and character of the building meets guidelines for commercial properties and allow Council to ask for specific information or reports.

OPTIONS:

Option 1

THAT the Planning, Zoning and Affordable Housing Committee recommend:

1. That Council direct staff to provide notice that Council will consider issuing temporary use permit for the sale of crushed rock at 1324 and 1336 Langshire Road, subject to the following terms and conditions:
 - i. That the temporary use permit is issued for a period of three years from time of issuance;
 - ii. That the extraction and crushing of the rock on each site is in compliance with the covenants (CA8225513 and CA8518672) registered on title of the subject properties;
 - iii. That a sediment and erosion control and mud control plan is submitted to the satisfaction of the Director of Engineering prior to the commencement of rock extraction and crushing;
 - iv. That a security bond in the amount of \$5,000 be deposited to the satisfaction of the Director of Engineering in case of dirt on the roads during operations.

OR Option 2

THAT the Planning, Zoning and Affordable Housing Committee recommend:

1. That Council reject this application for a temporary use permit.

SUBMITTED BY: Anastasiya Mysak, Planning and Land Development Technician

Concurrence: Leah Stohmann, MCIP, RPP, Deputy Director of Planning and Subdivision

Concurrence: Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision

Concurrence: Donna Petrie, Manager of Business Development and Events

Concurrence: Will Ying-udomrat, Manager of Legislative Services

Concurrence: Michelle Mahovlich, P.Eng, P.Geo, Director of Engineering and Public Works

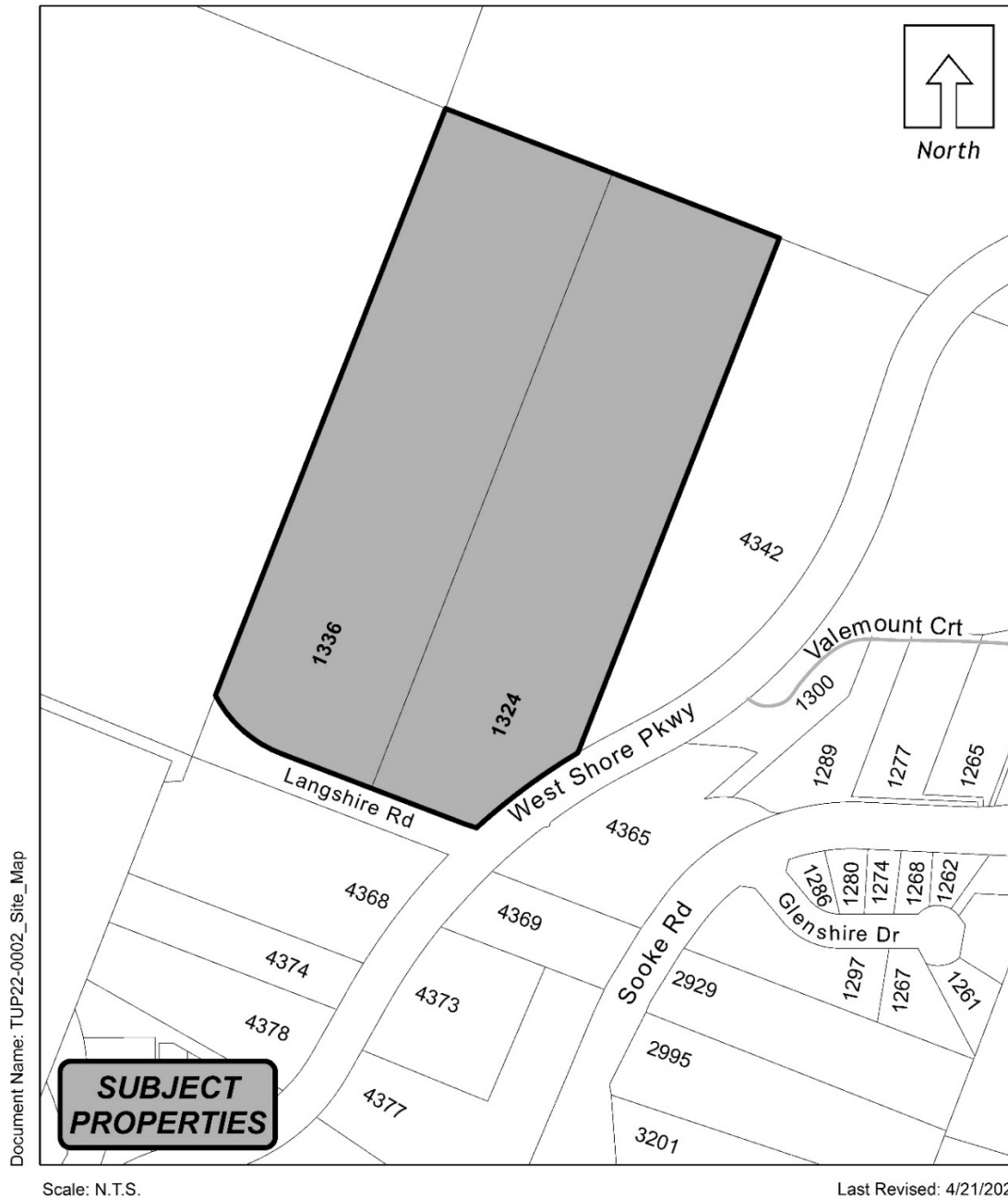
Concurrence: Michael Dillabaugh, CPA, CA, Director of Finance

Concurrence: Marie Watmough, Acting Director of Corporate Services

Concurrence: Darren Kiedyk, Chief Administrative Officer

SUBJECT PROPERTY MAP

**TEMPORARY USE PERMIT
(TUP22-0002)
1324 & 1336 Langshire Rd**



LOCATION MAP

**TEMPORARY USE PERMIT
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