



The Corporation of the District of Saanich

# Supplemental Report

**To:** Mayor and Council  
**From:** Lindsay Chase, Director  
**Date:** April 11, 2025  
**Subject:** Rezoning Application File: REZ00640 • 226 Stevens Road  
**File:** REZ00640 • 226 Stevens Road

---

## PURPOSE

The purpose of this Report is to provide Council with additional information regarding a requirement placed on the applicant, and to be executed, prior to Final Reading of the Zoning Bylaw, 2003. Staff are recommending a change in process to facilitate the application being finalized resulting from recent changes to Provincial legislation.

## BACKGROUND

### Council Direction

Council considered the subject application at its meeting of September 15, 2020. The application was a request to rezone from the P-4 (Recreation and Open Space) Zone to a new P-4SC (Recreation Supervised Camping) Zone to permanently allow overnight camping activities as part of the use of the property by the Power To Be Adventure Therapy Society.

At the September 15, 2020, meeting, Council gave Second and Third Readings to Zoning Bylaw, 2003, Amendment Bylaw, 2020, No. 9643, and required that Final Reading of the Zoning Bylaw Amendment be withheld pending:

1. Registration of a Covenant; and
2. Confirmation from the Ministry of Environment (MoE) that the applicants have met the requirements set out by the Director of the Environmental Management Act in a letter dated July 6, 2020.

The first condition was satisfied with the registration of the covenant on March 18, 2021.

### Changes to Provincial Legislation

When the application to Rezone was originally made, providing a "site profile" was a condition of the application. Site profiles are forms that require information about the past and present uses of a site, as well as basic land descriptions. The owner completed the site profile and then the province required a site investigation. However, before the site investigation was complete the process for Provincial approval in the relevant legislation was amended. Because of this, the applicant could not get the release notice and satisfy the requirements of the July 6, 2020, letter from the MoE.

The MoE responded that it would not review the request for the release notice because the purpose of the release options is to allow for remediation concurrent with development. The MoE also stated "If the subject site is not contaminated, it is not eligible for a release notice. However, the site may be eligible for a certification document."

The applicant sought clarification and was informed by the MoE that the regulations had now changed and, when a site is not contaminated parcels are not eligible for a release notice under the new regulations.

## **DISCUSSION**

As noted, the Applicant was held at third reading pending confirmation from the Ministry of Environment (MoE) that the applicant has met the requirements of the letter, dated July 6th, 2020, from the Director, Environmental Management Act.

In response, the applicant completed both Stage 1 and 2 Preliminary Site Investigation. No contamination was identified from these investigations, and a release request was submitted to the MoE by the applicant on March 9, 2021.

However, by the time Power to Be submitted the request for a release notice, amendments to the Environmental Management Act and Contaminated Site Regulation meant that Power to Be could not get the release notice and satisfy the requirements of the letter.

### Requirements of the Local Government Act

At the heart of the matter is Section 557 (2) of the *Local Government Act*, which prohibits a municipality from approving a specified zoning application until both 557 (2) (a) and (b) have been satisfied.

557 (2) (a) requires that the municipality has received the site disclosure statement, has assessed it, and forwarded it to the (provincial site) registrar (as appointed under the Environmental Management Act).

557 (2) (b) requires that the municipality has received one of a list of items, including a "Certificate of Compliance."

The applicant subsequently obtained a Certificate of Compliance from the Ministry of Environment, which satisfies the requirements of 557 (2) (b) of the *Local Government Act*.

Consequently, as all conditions of approval have now been satisfied, Council has the ability to approve the Rezoning Application. A revised recommendation has been provided for Council.

## **RECOMMENDATION**

1. That the Zoning Bylaw amendment to rezone from the P-4 (Recreation and Open Space) Zone to the P-4SC (Recreation Supervised Camping) Zone be given Final Reading.
2. Upon Final Reading of the Zoning Bylaw amendment, the existing Temporary Use Permit (TUP00007) be rescinded.

Prepared by: Chuck Bell, Planner

Reviewed by: Carl Purvis, Manager of Current Planning

Approved by: Lindsay Chase, Director

Attachments: N/A

**ADMINISTRATOR'S COMMENTS:**

I endorse the recommendation from the Director.

Brent Reems, Chief Administrative Officer