



C·V·R·D

## REGIONAL AGRICULTURAL ADVISORY COMMISSION

TUESDAY, MAY 29, 2012  
12:00 PM, CVRD BOARDROOM  
175 INGRAM STREET, DUNCAN, BC

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### AGENDA

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7. <b><u>UNFINISHED BUSINESS</u></b>	
UB1 Kathy Lachman, Economic Development Officer, sub-committees	

**8. NEW BUSINESS****9. CLOSED SESSION**

Motion that the meeting be closed to the public in accordance with the Community Charter Part 4, Division 3, Section 90, subsections as noted in accordance with each agenda item.

**10. ADJOURNMENT**

**NOTE: A copy of the full agenda package is available at the CVRD website [www.cvrld.bc.ca](http://www.cvrld.bc.ca)**

Director Marcotte, Chair  
Director Hartmann, Vice Chair  
Director Duncan  
Director Giles

Director Hutchins  
Bob Crawford  
Mick Smith  
Joanne McLeod

Ian Christison  
Pat Durose  
Wayne Haddow  
Rodger Hunter

Dave Thomson  
Fred Oud  
George Robbins  
Judy Stafford

**DISTRIBUTION:****Full Agenda Package:**

PETER KEBER, ALTERNATE, ENVIRONMENT COMMISSION  
DAN FERGUSON, ALTERNATE, COWICHAN AGRICULTURAL SOCIETY  
WARREN JONES, CHIEF ADMINISTRATIVE OFFICER  
TOM ANDERSON, GENERAL MANAGER PLANNING & DEVELOPMENT  
GEOFF MILLAR, ECONOMIC DEVELOPMENT MANAGER  
KATHY LACHMAN, BUSINESS DEVELOPMENT OFFICER

**Agenda:**

DIRECTOR KENT  
DIRECTOR LEFEBURE  
DIRECTOR LINES  
DIRECTOR MCGONIGLE  
DIRECTOR WALKER

DIRECTOR FRASER  
DIRECTOR IANNIDINARDO  
DIRECTOR MORRISON  
DIRECTOR DOREY  
DIRECTOR WEAVER

MARK KUEBER, GENERAL MANAGER CORPORATE SERVICES  
ROB KLINE, MINISTRY OF AGRICULTURE & LANDS

Minutes of the Regular Regional Agricultural Advisory Commission held on Tuesday, April 24, 2012 at 12:00 pm in the CVRD Boardroom, 175 Ingram Street, Duncan, BC.

**PRESENT**

Director M. Marcotte, Chair  
Directors L. Duncan, G. Giles and R. Hutchins  
Bob Crawford, Mick Smith, Joanne McLeod, Ian Christison, Pat Durose, Wayne Haddow, Rodger Hunter, Fred Oud, Dave Thomson, George Robbins and Judy Stafford

**ALSO PRESENT**

Pete Keber, Dan Ferguson and Director I. Morrison  
Maddy Koch, Planning Technician  
Warren Jones, Chief Administrative Officer  
Tom Anderson, General Manager, Planning & Development  
Geoff Millar, Manager, Economic Development  
Kathy Lachman, EDC Business Development Officer  
Judy Mills, Recording Secretary

**ABSENT**

Director R. Hartmann

**APPROVAL OF AGENDA**

**It was moved and seconded that the agenda be amended with the addition of New Business items as follows:**

**NB1 EDABC award;**

**NB2 CVRD supplies;**

**NB3 AVICC speaker;**

**NB4 Vancouver Island Natural Gas prices;**

**and the addition of Information items as follows:**

**IN1 Cowichan Wine & Culinary Festival;**

**IN2 Director Iannidinardo;**

**IN3 South Cowichan Chamber Event;**

**IN4 2012 Buy Local, Buy Fresh, map;**

**and the order of the agenda be adjusted to move NB3 prior to R2;**

**and that the agenda, as amended, be approved.**

**MOTION CARRIED**

**ADOPTION OF MINUTES**

**M1**

**It was moved and seconded that the minutes of the regular Regional Agricultural Advisory Commission meeting held March 27, 2012 be adopted.**

**MOTION CARRIED**

**BUSINESS ARISING FROM THE MINUTES**

**BA1 – General Liability Coverage for CVRD Volunteers**

Tom Anderson reported the CVRD has general liability coverage for volunteers. However, Regional Agricultural Advisory Commission members are not liable for anything therefore it is not applicable. It was noted that the CVRD does not have coverage for slander.

**REPORTS**

**R1 – Subdivisions in the ALR under Section 946 of the Local Government Act**

Maddy Koch provided a report on the background of subdivisions for relatives (Section 946 subdivisions) in the ALR and the outcome of these applications since 2005. In summary, Section 946 of the *Local Government Act* facilitates subdivision of agriculture land to lot sizes much smaller than anticipated by CVRD zoning bylaws. However, in the CVRD these applications have only amounted to an approximate average of one successful subdivision of this type per year since 2005.

**It was moved and seconded that staff report dated April 16, 2012, from Maddy Koch, Planning Technician, regarding Subdivisions in the ALR under Section 946 of the *Local Government Act* be forwarded to all electoral area Advisory Planning Commissions.**

**MOTION CARRIED**

Discussion took place. Maddy Koch left the meeting.

**NEW BUSINESS**

**NB3 – AVICC Speaker**

Director Duncan attended the Association of Vancouver Island and Coastal Communities (AVICC) convention in April 2012 and reported on Richard Bullock's Agricultural Land Commission presentation. It was a powerful speech with a message discouraging sending applications that benefit anything other than agriculture. Chair Marcotte added they are reviewing Agriculture land boundaries to confirm it is good farm land. This is a new way of looking at mapping.

Discussion took place.

**REPORTS**

**R2 – CVRD Integrated Regional Sustainability Plan**

Tom Anderson presented the Integrated Regional Sustainability Plan to the Regional Services Committee on March 28, 2012 and they recommended to the Board that the Terms of Reference be forwarded to the Economic Development, Environment, Regional Agricultural Advisory and electoral area Advisory Planning Commissions as well as the four Municipalities and First Nations for comment and support. It is a high priority under the Corporate Strategic Plan and will be funded by gas tax dollars. The Plan will be a 30 year term.

The challenge is to have a common definition of "sustainability" for all. It is a complex integration to fit with current studies including the Sustainable Economic Development Strategy, Social Planning, First Nations and food security. Looking to find unique ways to get the message out and get feedback from the community and engage the youth. Implementation plan will include actions, targets and timeline. Want to raise food self sufficiency to 45 percent. Components to follow actions for irrigating. Full process expected to

take two years. Documents will go out for an expression of interest which will be evaluated down to two consultants who will receive a request for proposal. Cost of the study is expected to be \$275,000 plus \$25,000 for fees and disbursements.

Commission role is to review and provide comments and support back to Tom Anderson within the next month. Potential for key role on steering committee for Regional Agricultural Advisory and Economic Development Commissions. Once input has been received a further report with a revised Terms of Reference will be forwarded to an up-coming CVRD Regional Services Committee meeting.

Discussion took place. Chair Marcotte advised she will add this topic to sub-committees.

**R3 – CVRD Climate Action Plan**

Tom Anderson presented the CVRD Climate Action Plan to the Regional Services Committee on March 28, 2012 and they recommended to the Board that the Terms of Reference be forwarded to the Environment, Economic Development and Regional Agricultural Advisory Commissions for comment and support, and further, that the Climate Action Plan be undertaken as a part of the more comprehensive Integrated Regional Sustainability Plan.

The plan will have five to ten year targets. Want to make systems more resilient to climate change. Budget is \$75,000 and will be funded by gas tax dollars. One consultant will be hired for both studies as they are closely linked.

Commission role is to review and provide comments and support back to Tom Anderson within the next month.

**UNFINISHED BUSINESS**

**UB1 – Sub-committees**

Kathy Lachman provided sub-committee participation handouts. Each member has been assigned to a sub-committee with two goals. Plan is to continue the work of previously identified action items from the 2011 sub-committees. Please advise Kathy Lachman if you wish to switch sub-committees. She will be circulating a meeting schedule. You have the ability to ask people with local knowledge to attend meetings. Sub-committee role is to make recommendations to the Commission.

Tom Anderson left the meeting at 12:54 pm.

Discussion took place.

As per tabled Information Item #1 from the March 27, 2012 Regional Agricultural Advisory Commission meeting Director Giles requested Economic Development statistics on farming be distributed to the members.

**NEW BUSINESS**

**NB1 – EDABC Award**

Kathy Lachman reported that she nominated the Islands Agriculture Show for an Economic Development Association of BC (EDABC) special event award. We will know mid May if the application was successful.

**NB2 – CVRD  
Supplies**

Member discussion took place regarding CVRD coffee supplies and meeting catering. It was decided that it would be appropriate to be supporting local food providers.

**It was moved and seconded that in the spirit of sustainability, the Board approve the establishment of an Island food procurement policy to support local food.**

**MOTION CARRIED**

**NB3 – AVICC  
Speaker**

Dealt previously following R1.

**NB4 – Vancouver  
Island Natural Gas  
Prices**

Director Hutchins reported the largest pepper greenhouse is using natural gas and being charged rates 3.5 times higher than the mainland rates. The rate structure was to be adjusted three years ago and has not yet happened.

Director Morrison arrived at 1:24 pm.

**It was moved and seconded that the Regional Agricultural Advisory Commission request the CVRD Board direct staff to investigate natural gas rates on Vancouver Island and if deemed appropriate commence efforts to establish a competitive rate structure with the Lower Mainland.**

**NOT CARRIED**

Discussion took place.

**It was moved and seconded that sub-committee #2 consider directing CVRD staff to investigate natural gas rates on Vancouver Island, and if deemed appropriate, commence efforts to establish a competitive rate structure with the Lower Mainland.**

**MOTION CARRIED**

Director Hutchins left the meeting at 1:31 pm.

**INFORMATION**

**IN1 – Cowichan Wine  
& Culinary Festival**

Geoff Millar reported that representatives from the Cowichan Wine & Culinary Festival Committee have enquired regarding attending as a delegation at an upcoming Regional Agricultural Advisory Commission meeting.

**IN2 – Director  
Iannidinardo**

Chair Marcotte reported Director Iannidinardo has two items to circulate and review for the next meeting.

**IN3 – South  
Cowichan Chamber  
Event**

A member reported the South Cowichan Chamber is hosting their 2<sup>nd</sup> Annual Culinary Treasure Hunt followed by a Cowichan 25 mile dinner on June 2, 2012. Tickets are \$35. Great opportunity to learn about the farm industry.

**IN4 – 2012 Buy  
Local, Buy Fresh  
Map**

Judy Stafford reported the 2012 Buy Local! Buy Fresh! map is in final production and will be printed end of May. There is still room for one or two more farms.

**ADJOURNMENT**

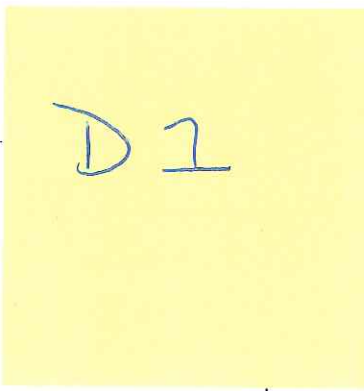
It was moved and seconded that the meeting be adjourned.

**MOTION CARRIED**

The meeting adjourned at 1:34 pm.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary



### REQUEST TO APPEAR AS A DELEGATION

(Submit completed form to Legislative Services Division – Fax 250.746.2513)

REQUEST TO ADDRESS:  CVRD BOARD

Regional Agri. Advisory <sup>COMMISSION</sup> COMMITTEE

at the meeting of May 29, 2012 at \_\_\_\_\_ pm

APPLICANT NAME Rosalie Power & Lyn Jakimchuk

REPRESENTING: Shawigan Cobble Hill Farmers Inst.  
(name of organization if applicable)

AS: Volunteers For Education Program  
(capacity/office)

NUMBER ATTENDING: 2

Applicant mailing address: Box 148

Applicant Telephone: 250-743-1990 Fax: \_\_\_\_\_

Applicant email: gillpower@shaw.ca

PRESENTATION TOPIC and NATURE OF REQUEST:  
Funding For Coloring/Activity  
Books For our South Agriculture  
Education Program

(If more space is required, please attach an additional page to this form)

Rosalie Power  
Signature

April 30, 2012  
Date

Cowichan Valley Regional District, 175 Ingram Street, Duncan BC V9L 1N8  
Please address inquiries to the Legislative Services Division at 250.746.2508.





R1

### STAFF REPORT

## REGIONAL AGRICULTURAL ADVISORY COMMISSION MEETING OF MAY 29, 2012

DATE: May 16, 2012 FILE NO: 1-H-11ALR  
 FROM: Rachelle Rondeau, MCIP, Planner I BYLAW NO: 1020  
 SUBJECT: ALR Application (1-H-11ALR)  
 Raymond and Robin Smith

**Recommendation/Action:**

Regional Agricultural Advisory Commission review and comment is requested.

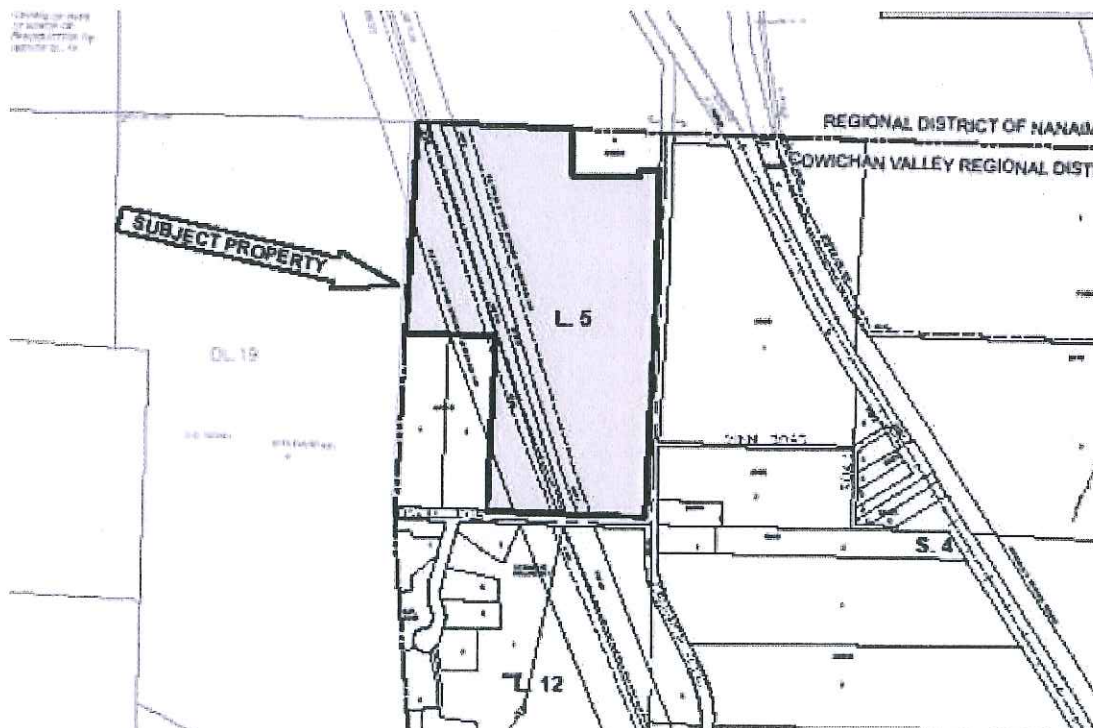
**Relation to the Corporate Strategic Plan:** N/A

**Financial Impact:** (Reviewed by Finance Division: N/A)

**Background:**

This application is for a non-farm use to construct two dwellings on the property, which is in the Agricultural Land Reserve.

The Electoral Area Services Committee at its May 1, 2012 meeting referred the application to the Regional Agricultural Advisory Commission for review and comment.



Location of Subject Property: 13150 Cameron Road

Legal Description: District Lot 5, Bright District, Except Part in Plans 32170 and VIP82582 (PID: 008-720-398)

Application Received: December 12, 2011

Owner: Raymond and Robin Smith

Applicant: As above

Size of Parcel: ± 20 hectares (49.4 acres)

Existing Zoning: A-1 (Agricultural)

Minimum Lot Size: 12 hectares

Existing Plan Designation: Agricultural

Existing Use of Property: Residential and Agricultural

Use of Surrounding Properties:

West:	Residential/Hobby farm, Private tree farm and Crown Land (Regional District of Nanaimo)
North:	Fortis BC substation, private tree farm proposed for residential and commercial development (Regional District of Nanaimo)
South:	Residential and farm
East:	Farm, private forest land

Road Access: Cameron Road

Water: Well

Sewage Disposal: On-site septic

Agricultural Land Reserve Status: Property is located within the ALR

Archaeological Site: We have no record of any archaeological sites on the subject property.

Environmentally Sensitive Areas: The Cowichan Valley Environmental Planning Atlas identifies both a TRIM and a non-TRIM<sup>1</sup> stream on the subject property. The proposed dwelling is not within 30 metres of any stream.

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<sup>1</sup> TRIM refers to a map series produced by the Province using aerial photographs. Due to the scale of the mapping, there are some streams that are not identified through TRIM maps, and these are identified as non-TRIM streams

**Soil Classification:**

Canada Land Soil Classification Inventory Maps

±70% 5P (4T); ±15% 4W (2C) ±15% 3A (2C)

A P

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
2	-	30
3	15	-
4	15	70
5	70	-
7	-	-
<b>TOTAL</b>	100	100

**Explanation of Land Capability Classifications:**

- Class 2 lands have minor limitations, and can be managed with little difficulty
- Class 3 lands have moderate limitations for Agricultural Production
- Class 4 lands have limitations that require special management practices
- Class 5 lands have limitations that restrict capability to produce perennial forage crops
- Class 7 lands have no capability for arable culture
- Subclass "A" indicates soil moisture deficiency – improvable by irrigation
- Subclass "C" indicates adverse climate, thermal limitations to plant growth
- Subclass "P" indicates stoniness
- Subclass "T" indicates topography limitations – not improvable
- Subclass "W" indicates excess water

**Property Context:**

The subject property is a 20 ha parcel of land at the northern end of the CVRD in Electoral Area H. To the north and west of the property is the Regional District of Nanaimo. The applicants have owned the property since 2007, and would like to construct a dwelling. They have purchased and placed several school portable buildings that they would like to convert to a single family residence. There is currently one dwelling on the property, which is occupied by the previous owner who has a life estate on the property.

The soil capability maps indicate that the majority of the property is Class 5 and may be improved to Class 4 with stone picking and irrigation. The lands more immediately adjacent to the road can be improved to Class 2, which has only minor limitations for agriculture. The majority of the property is field, and which is used for hay production. Currently, on the property is the principal residence of the previous owner who still resides there, as well as a number of accessory buildings and the school portables.

**Policy Context:****Official Community Plan**

The Agricultural policies of Official Community Plan Bylaw No. 1497 guide development within lands designated as Agricultural and include the following:

*Policy 5.1.3*

*Subject to the policies contained within this Plan, agricultural pursuits shall be given priority within the Agricultural designation and the only uses permitted are those which shall not preclude future agricultural uses.*

**Policy 5.1.6**

*Two dwellings may be permitted on a parcel designated Agricultural provided that the parcel is not less than two hectares in size. Only one single family dwelling may be permitted on any parcel less than two hectares in size. However, where lands are in the Agricultural Land Reserve and the additional dwelling is not necessary for farm purposes, Agricultural Land Commission approval is required before a second dwelling may be located on a parcel.*

**Zoning**

The Zoning is A-1 (Primary Agricultural), which specifies that two single family residential dwellings or mobile homes are permitted on parcels 2.0 hectares or larger. In terms of additional dwellings, the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* permits only a secondary suite or a manufactured home for the owner's immediate family provided these are also permitted in the Zoning Bylaw. Any other type of residence is required to obtain approval from the Agricultural Land Commission (ALC) for a non-farm use.

**Development Permit Area**

The property is within the Cassidy Aquifer Development Permit Area (DPA), which requires a development permit prior to construction of more than one dwelling in the DPA. If the ALC approves the non-farm use application, a development permit will be required.

**Advisory Planning Commission (APC) Comments:**

The APC reviewed this application, and subsequently conducted a site visit on February 11, 2012. The APC further discussed and made a recommendation at their regular meeting March 8, 2012. They noted concerns regarding the proposed use of the property as an equestrian centre and that this could reduce the viability of the land for food production. The APC also indicated that the location of the proposed residence has poorly drained soil and may be inappropriately sited.

The APC made the following recommendation:

*That this application to construct a second residence be denied due to the following:*

- *The location of the buildings may be inappropriate for a residence and/or equestrian activities due to deep poorly drained soil and periodic flooding.*
- *There are numerous other more suitable locations for a residence that does not contravene the CVRD policy by alienating valuable farm land.*
- *Although it may be feasible to improve these lands for equestrian purposes, it could alienate valuable arable farm land from future uses such as food production.*
- *We do not believe the land is viable for long term equestrian purposes.*

**Planning Division Comments:**

The applicants are requesting approval from the ALC to construct a second single family dwelling. There is an existing residence, and a new residence would be constructed using the school portables already on the site. As there is a life lease on the property, the existing home will remain until it is no longer needed. The owner intends to eventually remove the existing home and replace it with a new dwelling, but that will be the subject of a new application.

The applicants intend to reside in the school portable residence while they develop the property as a farm and equestrian centre, which will be operated by their daughter who is presently training for the 2012 London Paralympics, and will be moving to the property in approximately 2013. The residence must be wheel-chair accessible for their daughter. As noted, once the existing principal residence is not required, the applicants intend to remove it and construct

another new single family residence for the owners, which would still result in two dwellings on the property. An application to the Agricultural Land Reserve would be required at that time for the second dwelling.

Given there is an existing residence with no defined timeframe for removal, an application for a non-farm use was required for the currently proposed second dwelling. In many instances where there is an existing residence that will be decommissioned following construction of a new dwelling, no application to the ALC is required but a covenant is registered confirming the existing one will be decommissioned upon occupancy of the new one. However, as there is a life estate on the property, it is currently unknown when the existing residence will be decommissioned.

Therefore, consideration is being requested to approve two dwellings on the property, which is a permitted use in the A-1 (Primary Agricultural) Zone.

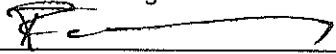
Please find attached a site plan, a description of the proposal provided by the applicant as well as the Zoning and OCP maps. Feedback from the Regional Agricultural Advisory Commission is desired and will be included in the Local Government Report to the ALC if the application is forwarded for their consideration.

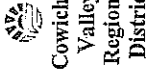
Submitted by,



Rachelle Rondeau, MCIP  
Planner I  
Development Services Division  
Planning and Development Department

RR/ca

<p><b>Reviewed by:</b>  <i>Division Manager:</i>  </p> <hr/> <p><b>Approved by:</b>  <i>General Manager:</i></p> <hr/>
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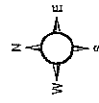
Cowichan Valley Regional District

This map is compiled from various sources for internal use and is designed for reference purposes only. The Regional District does not warrant the accuracy.

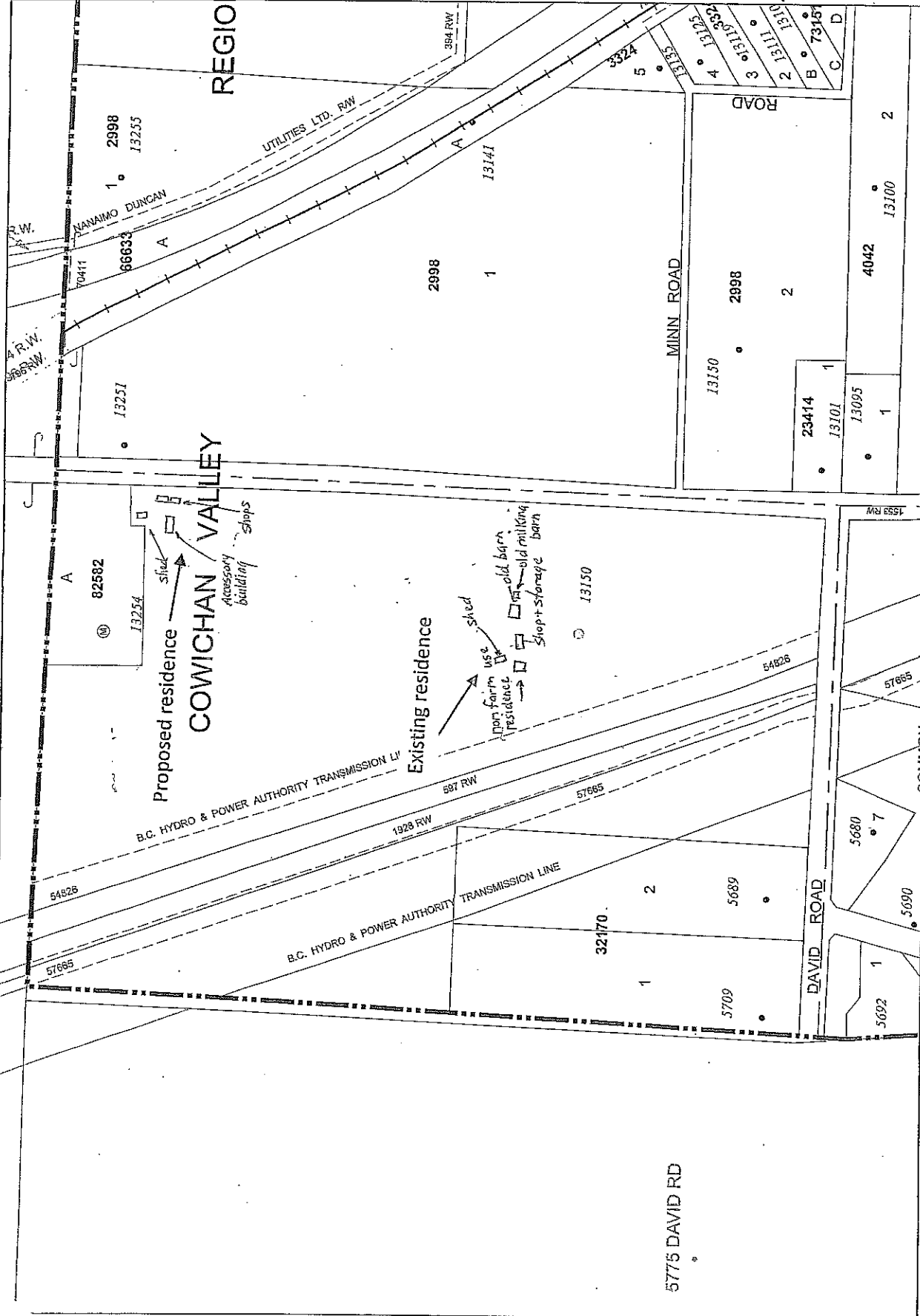
All persons making use of this compilation are advised that the information is not intended for use for legal purposes only and that inaccuracies are representative.

The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

Printed: December 12, 2011



Scale: 1:2,756



5775 DAVID RD

Dear Committee Member,

May 1, 2012

I have been involved with the 50.79 acres at 13150 Cameron Rd. since 1992 when I took a real estate listing to sell the property for Dave and Elsy Morgan who at that time had ceased their dairy operations because they found the farm to be too much work. I am very familiar with the details of the land.

Since that time I have assisted the Morgans with a "site severance" of 1 hectare in 2007. The Morgans were unable to complete the severance because of complications caused by a mill site that was a concern to the Ministry of Environment. The portion of the property that was a concern to the M of E is on the remainder or balance of the property.

In 2006, my wife Robin and I purchased the property from Elsy Morgan with the intention of selling our home in Ladysmith and building a new home at Cameron Rd. Our choice of a building site at the northeast corner of the property is predicated in part by the letter from the Agricultural Land Commission dated November 1988. This letter states that the northeast corner "is to be rehabilitated", as per attached letter. That is what is taking place at this time. As we go through the motions of removing overburden at the location marked in yellow and termed "area to be rehabilitated" we are finding to the depth of ½ meter, steel cable, steel banding, spikes and nails, rope and twine, corrugated metal roofing, cans and bottles, car parts, broken glass, discarded furniture and old burn piles. This portion of the farm should never be used to graze or paddock any type of livestock now or in the future. The reclamation of this land is not a job but an ongoing process. Digging, filling and paving, in my opinion, should take place at this location. The area outlined in the attached plan extends the perimeters of the proposed residential and ancillary building site. The property is described by the Tax Assessment Authority to have a 4.5 acre Light Industrial site and have paid taxes accordingly.

Our development plans include organic fruit and vegetable production for personal use and gate sales, removing the existing tired structures (barn, house, dairy building, poultry buildings) building a wheelchair accessible home for my daughter and her family (as in attached picture), a house for my wife and I, residential accessory buildings, barns, an indoor riding arena consistent with an Equestrian Center. The reasons for choosing this location are:

- appropriate zoning
- Proximity to transportation systems -i.e.: airport, two ferries, railway, buses, and Island Highway
- level access with double road frontage
- an excellent source of water
- good soils
- excellent exposure to the sun
- fields for hay production and animal pastures
- and a good neighbourhood

Our application for a "farm use residence" is based on our daughter Lauren Barwick operating an Equestrian Center. Her qualifications include; four star instructor's certificate from the Parelli Foundation, A Gold and Silver Medal for Canada at the 2008 Beijing Paraquestrian events. She is presently training for the 2012 London Paralympics. The "farm use" residence is being constructed from two 20' x 48' "Shelter" school portables purchased from the Campbell River School District in 2011. (As per attached photo) these buildings were constructed in Aldergrove in 1991 and are in sound condition. The units are very suitable for conversion to a wheelchair accessible home.

Robin and I previously owned a 42 acre farm in Yellowpoint on Michael Lake from 1992 to 2000 and operated a "wildlife and rescue" sanctuary which we carried forward from our farm operations on Malcolm Island beginning in 1991. This program offered relief to the SPCA, RCMP, Veterinarians and the general public who happened upon or who were presented with injured wildlife. We believe these related past experiences will serve us well while developing our present acreage. Because we did not use any pesticides or defoliants at our Yellowpoint farm, the present owners can and do grow and sell organic cranberries at the "Yellowpoint Cranberry Farm".

We believe we have acted with respect for the environment, our neighbours, the previous owner and our land. We understand our neighbour's apprehension with respect to moving the modulars to our property, but we need a little latitude and time to clean up the old mill site and beautify our proposed wheelchair assessable farm use residence.

As the Residential Application Process on ALR land is a fairly lengthy process, Robin and I hereby make a formal request to the Electoral Area Services Committee for recommendation to the Agricultural Land Commission to approve the construction of a "Non-Farm Use" residence at the northeast end of our property at 13150 Cameron Road in conjunction with the decommission of the present "Non-Farm Use" residence when no longer required provided the present application for a "Farm Use Residence" is supported by the Committee.

Sincerely



Ray and Robin Smith



British Columbia  
Agricultural  
Land Commission

Telephone: (604) 660-7000  
Faxcom: (604) 660-7033

November 30, 1988

Room 133, 4940 Canada Way, Burnaby, B.C. V5G 4K6  
Reply to the attention of  
Colin Fry

David L. and Elsy Morgan  
Cassidy, B.C.  
VOR LHO

Dear Mr. and Mrs. Morgan:

Re: Application #02-J-88-22146

This is to advise that the Provincial Agricultural Land Commission has considered your application regarding land described as District Lot 5, Bright District, Except Plan 32170.

Pursuant to Section 12(2) of the Agricultural Land Commission Act, the Commission, by Resolution #1125/88 refused your application for the exclusion of the property as it wanted to retain the right to review any future uses.

However, the Commission appreciates the circumstances concerning the application and will allow (pursuant to Section 20(1) of the Act) the subdivision of a 2.0 ha lot from the northwest corner of the subject property. Furthermore the Commission has no objections to a sawmill operation being located on this new lot. This approval is granted provided the existing mill site, in the northeast corner, is rehabilitated. A plan of the approved subdivision is attached for your information.

Section 20(1) provides for the Commission to allow your proposal while leaving your property in the Agricultural Land Reserve of the Cowichan Valley Regional District. The property is still subject to the provisions of the Act and regulations except as provided by this approval.

If you wish to proceed on this basis, please confirm in writing by return mail.

This approval in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, subdivision and other land use bylaws of the regional district and decisions of responsible authorities which may apply to the land.

...2

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Before your development can proceed, other requirements such as public road dedication, highways access permits, sewage disposal permits, etc. may be necessary and we urge you to check with the responsible authorities. Please contact the Approving Officer at the District Office of the Ministry of Transportation and Highways.


Please obtain the confirmation of the Commission, if, in the process of approval by the Approving Officer, any substantial changes are required to the subdivision proposal as approved by this office.

When the final survey plans or documents as required for Land Title purposes have been prepared, please send two paper prints to this office prior to registration. The Commission will then authorize the Registrar of Land Titles to accept the application for deposit of the subdivision plan.

Please quote application #02-J-88-22146 in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

  
Per: R. P. Murdoch, General Manager

CF/lv

Encl.

cc: Regional District - Cowichan Valley (#1.H.88ALR)  
Approving Officer, Hwys - Nanaimo  
B.C. Assessment Authority - Nanaimo  
Mr. A. Ward, 644, Stirling Avenue, Nanaimo V9R 4C7

BRITISH COLUMBIA  
 AGRICULTURAL  
 LAND COMMISSION  
 APR 22 1988  
 RECEIVED  
 BURBANK, B.C.

TRICT OF NANAIMO

AUTHORITY TRANSMISSION LINE  
 RIVERBANK SITE

L.15

APPROVED 2 Ha. SITE

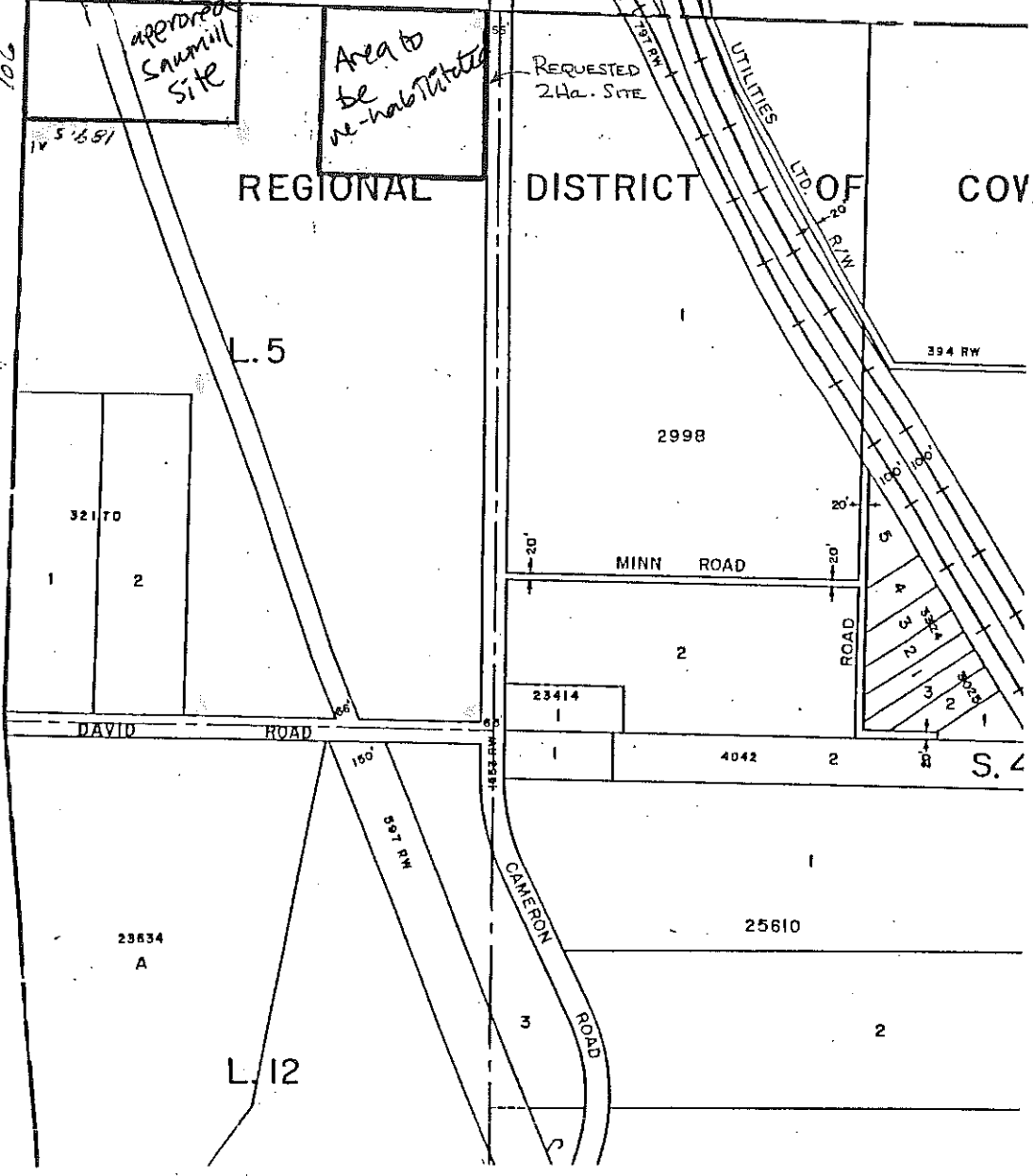
Approved Sawmill Site

Area to be rehabilitated

REQUESTED 2 Ha. SITE

REGIONAL DISTRICT OF COV

L.5



APPROVED 2.0Ha SAWMILL SITE

AREA TO BE REHABILITATED.

REMAINDER OF SUBJECT PROPERTY.

IND. FS TEST GR II  
INTERMEDIATE RESULTS

	GR I	GR II
1 BARWICK L./MAILLE	CAN	72.776
2 COULTHARD F./ROFF	GBR	71.056
3 NAEPEL Britta/CHE	GER	70.277
4 HART Rebecca/NORT	USA	68.110
5 DUARTE Sara/NEAPO	POR	66.336
6 PENG Yulian/FURST	CHN	66.279
7 MELARANCI E./LEST	BRA	66.277
8 BYRNE Eilish/YOUR	IRL	65.933










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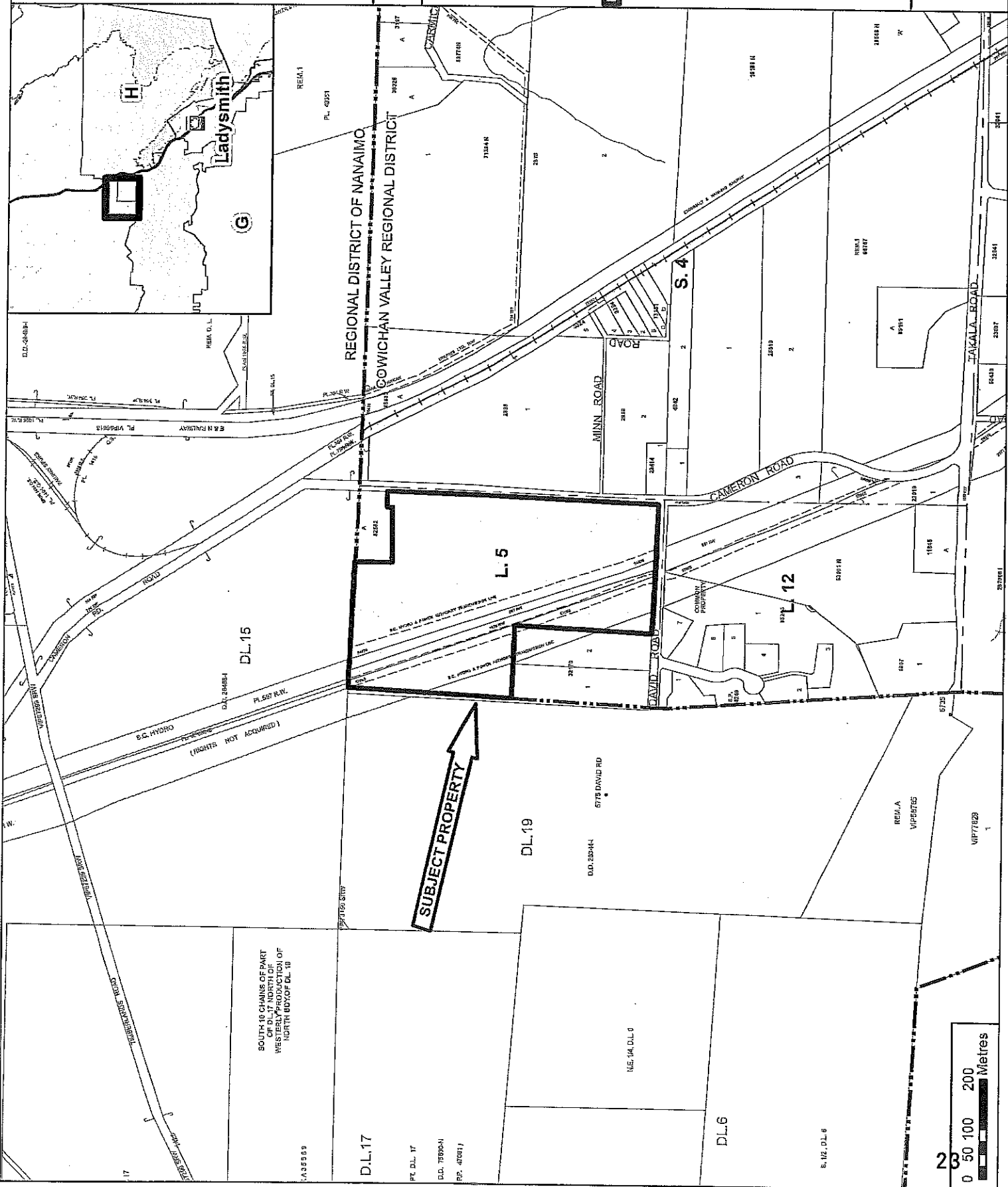
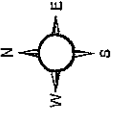
The Regional District does not warrant the accuracy.

All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-H-11-ALR

Legend  
 Subject Property



SOUTH 10 CHAINS OF PART OF DL 17 NORTH OF WESTERLY PRODUCTION OF NORTH 80X OF DL 19

D.L.17

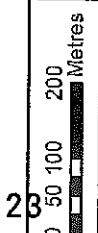
PL. DL. 17  
 D.D. 78500-H  
 P.P. 47081-1

DL.19

D.D. 354-H  
 575 DAVID RD

DL.6

S. 1/2, D.L. 6



23



Covichan  
Valley  
Regional  
District

This map is compiled from various sources for internal use and is designed for reference purposes only.

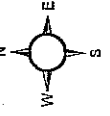
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File: 01-H-11-ALR

Google Earth  
Photo (2005)



SUBJECT PROPERTY

Images © 2011 IMTCAN

Google earth

Eye alt: 6868 ft

49°02'04.91" N 123°52'52.73" W Elev: 138 ft

Imagery Date: 7/16/2005 2005





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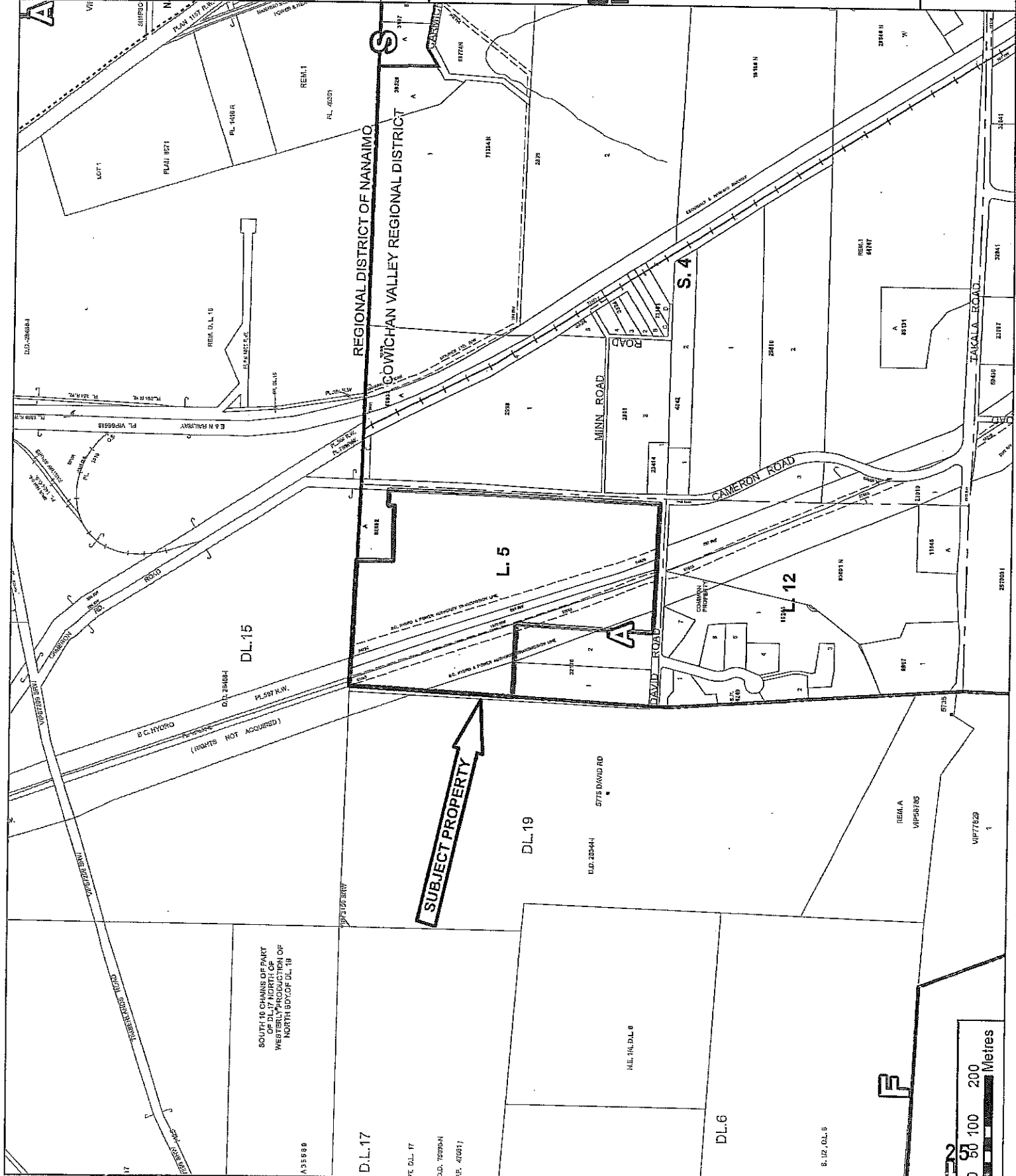
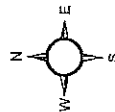
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-H-11-ALR

OCP

Legend

- Subject Property
- OCP H





# Cowichan Valley Regional District

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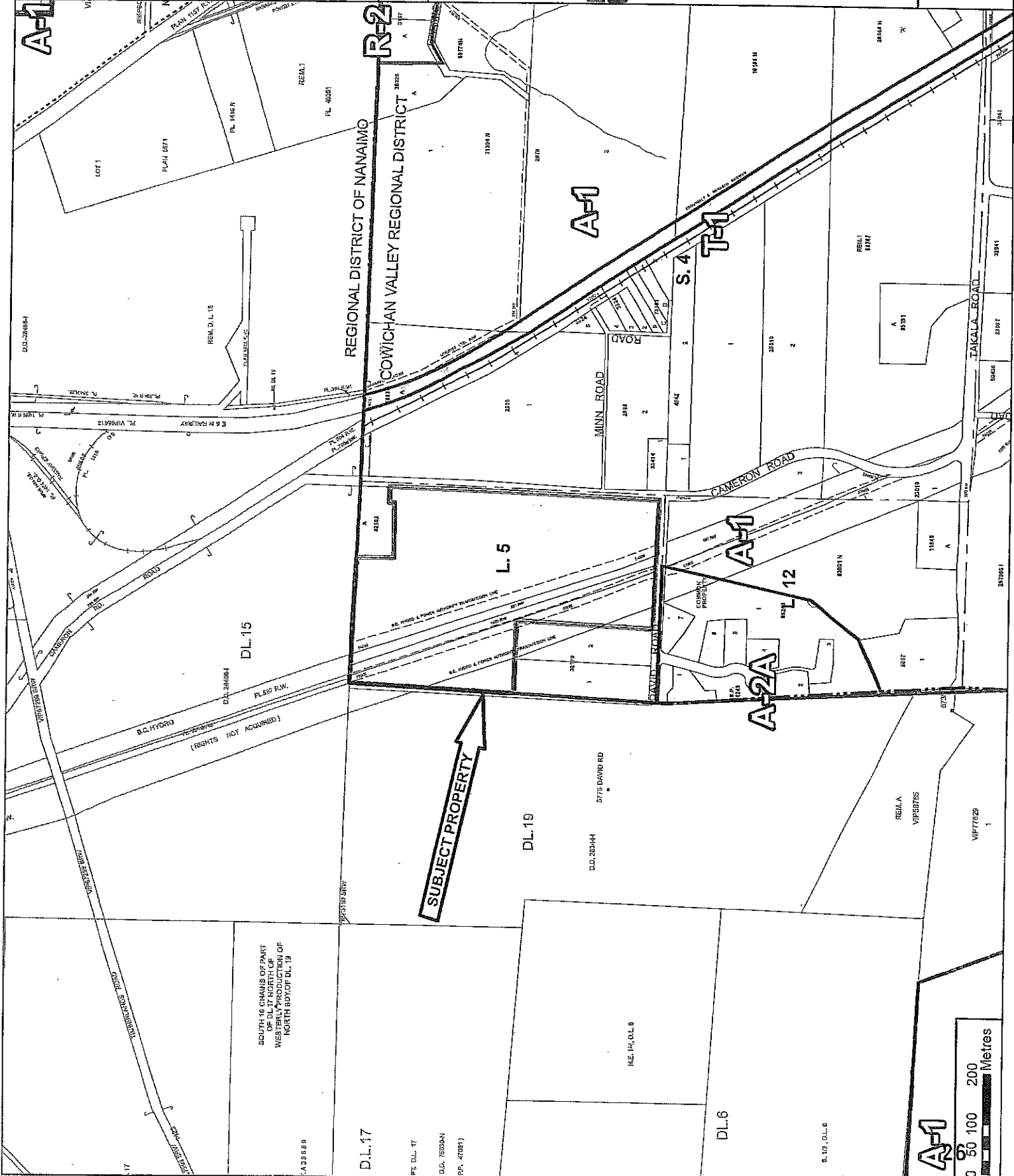
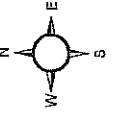
File: 01-H-11-ALR

## ZONING

### Legend



Zoning C  
Subject Property

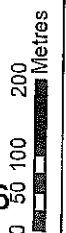


**SUBJECT PROPERTY**

SOUTH 16 CHAINS OF PART OF DL 17 NORTH OF WESTERN ADJUNCTION OF NORTH 89' OF DL 19

D.L. 17  
P.L. DL 17  
D.O. 1830-A  
P.P. 47081

A-1



0 50 100 200 Metres



# Covichan Valley Regional District

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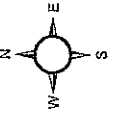
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-H-11-ALR

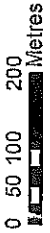
## ALR

### Legend

- Subject Property
- ALR H



**SUBJECT PROPERTY**





C1

## MEMORANDUM

**DATE:** May 9, 2012

**TO:**

- Electoral Area E Advisory Planning Commission
- CVRD Environment Commission
- Regional Agricultural Advisory Commission

**FROM:** Alison Garnett, Planner I, Development Services Division,  
Planning and Development Department

**SUBJECT:** Electoral Area E- Cowichan Station/Sahtlam/Glenora  
Proposed Zoning Bylaw and Official Community Plan Amendments

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### Purpose:

To present a package of bylaw amendments proposed for Electoral Area E Official Community Plan and Zoning Bylaw, on various subjects including climate change, species at risk protection, social sustainability, conservation of wetlands and environmentally sensitive areas.

### Background:

The Planning and Development Department has been developing policy and regulation in response to Bill 27, the *Local Government Statutes Amendment Act*. Bill 27 requires local governments to implement policies, actions and targets for reducing greenhouse gas emissions in all Official Community Plans (OCPs).

In Electoral Area E, Bill 27 presented an opportunity to update OCP Bylaw No. 1490 and implementing Zoning Bylaw No. 1840 with stronger environmental protection policies, energy efficiency requirements, and various other updates.

The result in an omnibus package, which is being forwarded to the Electoral Area E Advisory Planning Commission, the CVRD Environment Commission and Agricultural Advisory Commission with a request for review and feedback. The package has been separated into three bylaw amendments for clarity and convenience: 2 amendments to the OCP and 1 for the Zoning Bylaw. The draft bylaws are enclosed with this report, and a summary of the proposed changes is presented below.

### **Official Community Plan Amendment Bylaw – Bill 27 & Social Sustainability**

1. Background information on climate change and an inventory of locally produced greenhouse gas emissions are provided in a new section "Climate Change, Land, Resources and Energy Efficiency".
2. Policies, targets and actions for reducing greenhouse gas emissions are proposed in various parts of the OCP, in compliance with the *Local Government Statutes Amendment Act* (known as Bill 27).
3. Introduce a new section – "Social Sustainability" – with the purpose of clarifying the process whereby new development contributes to the existing community through amenity contributions.

### **Official Community Plan Amendment Bylaw – Conservation & Species at Risk**

1. Amend the existing "Environmentally Sensitive Areas and Hazard Lands", "Forestry" and "Parks and Institutional" sections of the OCP, to include policies that are supportive of conservation of significant areas, watershed planning, flood protection, species at risk protection, etc.
2. Draw attention to the significance of Wake Lake, and introduce criteria for rezoning land within 1000 metres of Wake Lake from Forestry to Rural Residential/Forestry Conservation designation, to assist in the conservation of the surrounding wetland systems.
3. Propose a new land designation and zone near Chemainus River Park, to encourage a caretaker's residence.
4. Introduce a Wetland Protection Development Permit Area, which will require a qualified environmental professional to identify wetlands and incorporate the location of wetlands into a proposed subdivision layout.

### **Zoning Amendment Bylaw – Heat Pump/Parkland**

1. Require heat pumps to be installed in all new single family construction.
2. Increase the minimum lot size in the R-2 zone for lots served by a community water system, from 0.4 hectares to 0.8 hectares.
3. Include a bylaw provision that would allow subdivision along the boundary created by a park or trail dedication, subject to certain criteria.
4. Remove wetlands and other watercourses from the land area eligible for use in calculating minimum parcel size requirements (applicable to subdivision applications).
5. Rezone public parks at Wake Lake and Busy Place Creek to P-2 (River Corridor Conservation), to reflect the public park use.

Please contact the Planning and Development Department with questions on the above, and to schedule a meeting with staff for a joint discussion on the attached draft bylaws.

Yours truly,



Alison Garnett, Planner I  
Development Services Division  
Planning and Development Department

AG/mca  
Attachments

pc: Director L. Duncan, Electoral Area E – Cowichan Station/Saftlam/Glenora



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 33XX **BILL 27 & SOCIAL SUSTAINABILITY**  
REVISED APRIL 26, 2012

**A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. 1490, Applicable To Electoral Area E – Cowichan Station/Sahtlam/Glenora**

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**WHEREAS** the *Local Government Act*, hereafter referred to as the "Act", as amended, empowers the Regional Board to adopt and amend official community plan bylaws;

**AND WHEREAS** the Regional District has adopted an official community plan bylaw for Electoral Area E – Cowichan Station/Sahtlam/Glenora, that being Cowichan Koksilah Official Community Plan Bylaw No. 1490;

**AND WHEREAS** the Regional Board voted on and received the required majority vote of those present and eligible to vote at the meeting at which the vote is taken, as required by the *Act*;

**AND WHEREAS** after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 1490;

**NOW THEREFORE** the Board of Directors of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

1. **CITATION**

This bylaw shall be cited for all purposes as "CVRD Bylaw No. 33XX - Area E – Cowichan Koksilah Official Community Plan Amendment Bylaw (Bill 27 & Social Sustainability), 2012".

2. **AMENDMENTS**

Cowichan Valley Regional District Official Community Plan Bylaw No. 1490, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. CAPITAL EXPENDITURE PROGRAM

This bylaw has been examined in light of the most recent Capital Expenditure Program and Solid Waste Management Plan of the Cowichan Valley Regional District and is consistent therewith.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 33XX **BILL 27 and Social Sustainability**

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Schedule A to Official Community Plan Bylaw No. 1490, is hereby amended as follows:

1. The following is inserted into Section 2.2.1 **Natural Environmental Objectives:**
  - (e) Encourage the reduction and mitigation of carbon emissions in the Plan Area to protect the community from adverse effects and consequences of climate change.
  - (f) Encourage and support climate adaptation responses at a community level to be more resilient to changes to hydrology and ecosystems, and impacts to infrastructure.
  
2. The following is inserted into Section 2.2.10 **Transportation Objectives:**
  - (c) Work with other levels of government to ensure that transportation networks and design take into consideration the reduction of greenhouse gas emissions and quality of life objectives noted in this Plan.
  
3. The following is inserted as Section 3.2 **Climate Change, Land, Resources and Energy Efficiency**, and is added to the Table of Contents.

**3.2 Climate Change, Land, Resources and Energy Efficiency**

The Province of BC has developed a target of reducing greenhouse gas (GHG) emissions by 33% from 2007 levels by 2020 and a reduction by 80% from 2007 levels by 2050. The Province of BC, through Bill 27, the *Local Government Statutes Amendment Act (2008)*, requires that all local governments develop targets and energy policies for reducing greenhouse gas emissions, as well as actions and frameworks designed to achieve the targets. The Regional District and the Plan area propose to assist in achieving those targets by developing strategic responses to the underlying cause of GHG emissions in the areas in which they have jurisdiction or influence, namely land use, the built form, economic development, infrastructure and relationships with other levels of government. While acknowledging the important role local governments play in land use decisions, which are integrally connected to greenhouse gas production, this Plan highlights the importance of collaborating with senior levels of government, businesses, and neighboring jurisdictions to meaningfully respond to climate change. A strong foundation of communication and partnership between all players is necessary to increase our resiliency, and to prepare adaptation and mitigation strategies for our communities which are appropriate for their unique situations. Clearly these strategies will change over the Plan life, therefore an adaptive response will be developed that takes into consideration new opportunities and lessons learned.

An inventory of greenhouse gas emissions conducted for the Regional District<sup>1</sup> estimated 77.9%

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<sup>1</sup> Province of BC, Cowichan Valley Regional District Community Updated Community Energy and Emissions Inventory: 2007 (2010)



of GHG emissions produced in 2007 were produced from transportation, as a result of driving to work, schools and other daily activities. Building related emissions account for 20.9% of our emissions in 2007, while solid waste sources contribute 1.2%. Given the proportion of transportation related emissions, the CVRD will increasingly take this into consideration in land use decisions and working relationships with other provincial entities that have direct control over transportation planning by way of road networks and public transit provision. Land use planning, which determines the location of homes, workplaces, schools, and rural lands, directly relies on this important infrastructure, and in turn affects the community's production of associated GHGs.

This Plan emphasizes the numerous community benefits and potential reductions to GHG emissions that are possible by increasing the efficiency of both land and energy use. Communities that concentrate and combine land uses in well defined areas, and preserve rural lands, will reduce GHG emissions, but also improve health, decrease the costs of infrastructure and servicing, and promote the Plan area's high quality of life.

To reflect the complex nature of climate change, an integrated response is required. This response deals both with the reduction of activities that produce GHG emissions, and the need to address the complexities of climate adaptation. Therefore policies designed to increase land and energy efficiency are incorporated throughout multiple sections in this OCP, including the Residential, Agricultural, Environmentally Sensitive Areas and Transportation sections. The Regional District is currently in the process of developing a Regional Energy framework as well as a climate change action plan; both of these policy documents will inform the next comprehensive Plan revision. This integrated effort is intended to meet the Province's greenhouse gas reduction targets, which the CVRD has committed to.

#### Policy 3.2.1

The CVRD Board recognizes the importance of reporting and measuring greenhouse gas emissions, and will set new refined targets as our knowledge on emissions and inventories improves.

4. The following is inserted as Section 4.2 **Agriculture and Sustainability**, and is added to the Table of Contents:

#### **4.2 Agriculture and Sustainability**

Much of the Plan area is characterized by a rural residential landscape and productive agricultural lands. Communities such as Cowichan Station, Sahtlam and Glenora contribute to the rural ambiance, and provide a high quality of life in the Plan area. According to the CVRD's Community Energy and Emissions Inventory, the region as a whole has 18,998 hectares of land in the ALR as of 2007, which comprises 5.4% of the land base. Retaining agricultural land, increasing farming, local food production and processing capabilities will be necessary to increase regional food security and enhance community sustainability.

The CVRD's State of the Environment Report found that the Cowichan Region currently produces approximately 18% of its total food needs. In addition to promoting health and the local economy, increased production and consumption of locally grown farm products can be a significant source of GHG reductions. Therefore the Board establishes the following targets:

- A. To increase food production within Electoral Area E to 40% of our total food needs by 2020.

- B. To allow no net loss of land in the Agricultural Land Reserve from 2007 levels, and no net reduction in the quality of soil classes for land in the Agricultural Land Reserve.

Policy 4.2.1

The ongoing and increased support to agriculture is of prime importance to climate mitigation and community adaptation responses. Therefore the CVRD will preserve the agricultural land base of the Plan area by protecting agriculture from inappropriate adjacent residential development, by viewing all lands as having agricultural potential at a range of scales, and by supporting agricultural uses throughout the Plan area as long as nuisance issues are abated.

Policy 4.2.2

Lands that are zoned A-2 Secondary Agriculture at the time of the Bill 27 amendments will continue to be zoned A-2 until an OCP review is completed, at which time the Board and community will consider whether small agricultural lots are supportive of the stated targets to increase local food production.

Policy 4.2.3

To increase food self sufficiency, the CVRD will consider permitting limited agriculture in all residential zones, and community gardens will be encouraged in appropriate locations in the Plan area.

Policy 4.2.4

To support the objectives of agricultural resilience and sustainable economic development, small scale production and redistribution systems shall be supported where properties can lease or sell produce to a third party, regardless of individual home based business regulations.

5. Within Section 5.1 **Forestry**, the following is added after Policy 5.1.10 and 5.1.11:

Policy 5.1.12

Forestry lands will be increasingly important for the continued sequestration of carbon emissions in the Plan area, and the CVRD will strive to protect and enhance forestry lands in partnership with the provincial government and private landowners.

Policy 5.1.13

Regardless of the land tenure and the important role of forestry to our community and economy, the Regional District will develop appropriate watershed drinking water plans where necessary and as resources permit, and will work with the appropriate agencies to implement. This will be increasingly important as a climate adaptation mechanism to protect long term water needs for developed communities.

Policy 5.1.14

Given the uncertainties related to climate change impacts, consideration of urban wildfire interfaces should be considered, which take into account forestry objectives, biodiversity and public safety in a holistic and strategic way.

6. Section 6.0 is renamed **Mineral, Aggregate, Hydrocarbon Resources, and Alternative Energy Generation**, and the following is added after Policy 6.1.7:

Policy 6.1.8

Where alternative energy resource zones are identified, the Regional District may specify development criteria in order to achieve the climate and GHG mitigation targets.

7. The following is inserted as Section 7.10 Residential Development, Climate Change, Land and Energy Efficiency

**7.10 Policies: Residential Development, Climate Change, Land and Energy Efficiency**

The rural character of the Plan area is undeniably one of its defining features, worthy of protection for its visual beauty, contribution to the economy, and enjoyment of the residents. Protection of the rural land base supports other meaningful objectives as well, including helping to reduce locally produced greenhouse gas emissions, and conserving natural areas that provide ecological functions and assist in climate change adaptation. The ecological functions of natural systems will provide buffering capabilities for the area residents, from anticipated effects of climate change such as heating and cooling impacts, to changing drought and flooding patterns. Natural systems also allow for natural migration shifts in both ecological and wildlife needs.

To realize the goal of protecting the rural land base, future residential growth areas must be identified. Suitable locations for residential and mixed use development are where water and sewer infrastructure exists, community services and facilities are accessible, and people can travel recreationally and for commuting purposes by bicycle, walking, transit or carpooling. By purposefully accommodating new residents in such areas, the rural, agricultural, ecological and forestry land base of the Plan area can be protected from sprawling development impacts, and the land base will be used more efficiently.

Improving the energy efficiency in existing and new construction is another meaningful way to reduce greenhouse gas emissions, and help residents pay less to heat and operate their homes. Based on 2006 census data, 90% of the Area's residents live in single family homes. These homes are increasing in size relative to the number of occupants, and increasing technological tools are changing our associated energy dependency. If we are to achieve the greenhouse gas reduction targets, we must reduce our relative energy footprint and emissions by either making reductions or increasing efficiency.

**Policy 7.10.1**

The Board will consider greenhouse gas reduction targets when making decisions on land use change applications, as they in turn affect the production of transportation related greenhouse gas emissions. All development proposals should take into consideration opportunities for enhanced use of public transportation or non vehicular alternatives.

**Policy 7.10.2**

In order to achieve the greenhouse gas reduction targets, residential development should be built to take into consideration increasing performance standards related to energy consumption, efficiency and energy resilience. The implementing zoning bylaw may require the highest standard of energy efficient heating/cooling systems, water efficient plumbing fixtures and appliances, and passive solar design principles, as mandatory components of single family dwellings.

**Policy 7.10.3**

Applications for residential rezoning will be evaluated based on the objective of achieving the highest energy efficiency and green building standards in new developments. Minimum standards may be legally secured by bylaw, development agreements and/or restrictive

covenants. Nothing in this policy precludes expectations for amenities as part of a rezoning application package, as outlined in Section 7.11.

#### Policy 7.10.4

In a future OCP review, the community and Board will consider the following initiatives:

- i. Establish village containment boundaries in the Plan area, where a combination of residential, commercial and institutional uses will be focused.
- ii. Permit semi detached residences in the Urban Residential designation, if connection to community water and sewer is available.
- iii. Revise the home occupation regulations, to permit an increase in cottage industry/home based business operations, without negatively impacting the existing character of the Plan area.

#### Policy 7.10.5

In order to transform the built form to achieve the greenhouse gas reduction targets, while recognizing the pace at which new development or replacement development is occurring, the Board will take two approaches:

- i. All new development will achieve increased energy performance requirements or integration of alternative energy resiliency as set out by the Board to achieve greenhouse gas reduction and energy policy targets. The BC Building Code will continue to set out minimum safety requirements.
- ii. Existing development will be expected to increase energy performance as a condition of permitting based on assessment in order to reduce greenhouse gas emissions.

8. Within Section 11.1 **Parks and Institutional Uses**, Policy 11.1.15 is deleted and replaced with the following:

#### Policy 11.1.15

A walkway/bikeway/bridle path network should be considered to connect parkland to residential neighbourhoods and commercial areas. To support the regions greenhouse gas reductions targets, linear park connections should also take into consideration the increasing need for alternative transportation modes for commuting purposes. Appropriate park and ride facilities should be considered as components of this infrastructure.

9. The following is added after Policy 11.1.17

#### Policy 11.1.18

Within CVRD operated buildings, infrastructure, local parks and ongoing programming, the Board will undertake educational initiatives, to generate broader community knowledge of climate change issues, clean and sustainable water resources, clean air initiatives, watershed functions, local ecosystems and local biodiversity, as well as the threats posed by habitat degradation and invasive plant and animal species.

10. The following is inserted as Section 13.2 **Transportation, Climate Change, Land and Energy Efficiency**, and is added to the Table of Contents:

### **13.2 Transportation, Climate Change, Land and Energy Efficiency**

Vehicle related transportation is by far the largest contributor to overall emissions in this region. It represented an estimated 77.9% of GHG emissions produced in 2007<sup>2</sup>, as a result of driving to work, schools and other daily activities. In addition to the distribution of homes, workplaces and schools throughout our communities, the method of transportation and efficiency of vehicles has a large effect on GHG production.

Based on 2006 census data, 83% of commuters travel to work by car, truck or van as a driver, while 10% carpool and 5% commute by transit, walking or cycling. To meet the Province's greenhouse gas reduction targets, and build a more sustainable community, the CVRD establishes the following target: To increase the percentage of commuters using transit, cycling or walking from 15% of Area E residents in the workforce in 2006, to 30% by the 2021 census. The following policies will support achievement of this target.

**Policy 13.2.1**

The CVRD Board will pursue funding opportunities and amenity contributions through rezoning applications, to expand and improve transit infrastructure, cycling and walking paths.

**Policy 13.2.2**

The Board will consider transportation and GHG targets in land use change decisions, understanding that land use plays a central role in determining the transportation options available to individuals.

**Policy 13.2.3**

The CVRD Board will consider existing and future transit infrastructure in all land use planning decisions, because public transit is a critical component in reducing the area's GHG contribution. Furthermore, the CVRD will continue to pursue opportunities to make the Cowichan Valley Regional Transit System a viable transportation option in the region.

**Policy 13.2.4**

Connectivity is highly encouraged within the Plan area, to encourage non-motorized transportation between neighbourhoods, community services and facilities, urban centers and other community nodes. Opportunities to build and improve dedicated cycling lanes will be pursued, in collaboration with the Ministry of Transportation and Infrastructure and adjacent jurisdictions.

**11.** The following is inserted after Section 2.2.11:

**2.2.12 Social Sustainability Objectives**

It is the objective of the Regional Board to:

Increase community amenities within the Plan Area through rezoning and development processes. New development should help contribute toward necessary community amenities, to ensure that chronic amenity deficits are not perpetuated, and that new development does not

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<sup>2</sup> Province of BC, Cowichan Valley Regional District Community Updated Community Energy and Emissions Inventory: 2007 (2010)

negatively impact amenities which existing residents use.

12. The following is inserted after Section 7.10, and is added to the Table of Contents

### **7.11 Policies: Social Sustainability**

#### Policy 7.11.1

When an application is received to rezone land within the Plan Area, the CVRD may negotiate for a Community Amenity Contribution in the form of a monetary contribution, contribution of land, or other contribution appropriate to the scope and scale of the development proposed.

#### Policy 7.11.2

Recognizing that all developments, large and small, have cumulative impacts on the community, all rezoning applications should be encouraged to contribute community amenities, irrespective of their size, scope or location.

#### Policy 7.11.3

Community amenities to be considered during a rezoning process should include, but not be limited to:

- i. Dedication of parkland, trails, environmentally sensitive areas, and significant natural areas, in excess of *Local Government Act* requirements for parkland dedication;
- ii. New recreation facilities or improvements to existing recreation facilities;
- iii. Dedication of land or improvements to support the development of public or non-profit facilities, including daycare, senior or youth centres, community gardens, transition homes, fire halls, arts, culture and heritage programs, library;
- iv. Contribution of land or funds to support affordable, supportive or special needs housing;
- v. Contribution of lands or funds to support offsite transportation infrastructure improvements, including but not limited to roadside paths or trails, intercept parking lots, transit shelters, or cycling lanes;
- vi. Other contribution deemed to be a significant community amenity;
- vii. Equivalent cash in lieu of an appropriate community amenity.

#### Policy 7.11.4

Site specific conditions, as well as the scope and scale of the project, will determine the specific community amenity contributions that will be required for each rezoning application. Criteria for determining priority among possible amenities will include:

- i. Site characteristics, including natural features that are environmentally sensitive, or have heritage or recreational value;
- ii. Needs of the surrounding community for schools, transit facilities, community gathering spaces or other amenities;
- iii. Affordable housing potential and need and relative compatibility with the character of the proposed development; and
- iv. The size, location and character of the proposed development, projected population increases, and the potential impacts of the development on existing community infrastructure.

**Policy 7.11.5**

The CVRD Board shall have the ability to apply amenity zoning, whereby the land density may be increased relative to the community amenity provided.

**Policy 7.11.6**

Through amenity zoning, the CVRD may accept:

- i. The provision of an amenity or contribution toward an amenity on the subject property or within the Plan Area; or
- ii. Cash-in-lieu of amenities, to be held in a reserve fund for the eventual provision of community amenities with the Plan Area.

**Policy 7.11.7**

The CVRD shall establish an Electoral Area E- Cowichan Station/Sahtlam/Glenora Amenity Contribution Reserve Fund for the specific purpose of providing community social amenities within the Plan Area.

**Policy 7.11.8**

When a community amenity is provided in exchange for extra density, the amenity must be provided or legally guaranteed at the time of adoption of the rezoning. The CVRD may require the amenity or amenities to be contributed by the developer prior to granting subdivision or occupancy permit, require the registration of a covenant on title to ensure the amenity is provided, include the amenity as a requirement in a housing agreement or require an irrevocable letter of credit equal to the value of the amenity contribution, to be held as a security to cover the costs of providing the amenity in the event of default.

**Policy 7.11.9**

The appraised dollar value of the community amenity should not be less than 75% of the increase in the value of the land attributable to the rezoning. The increase in the land value should be calculated as the gross difference between the appraised value of the land before and after the rezoning. Costs associated with the rezoning application, site preparation costs, and profit should not be deducted from the calculation of the increase in the value of the land.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 33XX CONSERVATION & SPECIES AT RISK

A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. 1490, Applicable To Electoral Area E – Cowichan Station/Sahtlam/Glenora

WHEREAS the *Local Government Act*, hereafter referred to as the "Act", as amended, empowers the Regional Board to adopt and amend official community plan bylaws;

AND WHEREAS the Regional District has adopted an official community plan bylaw for Electoral Area E – Cowichan Station/Sahtlam/Glenora, that being Cowichan Koksilah Official Community Plan Bylaw No. 1490;

AND WHEREAS the Regional Board voted on and received the required majority vote of those present and eligible to vote at the meeting at which the vote is taken, as required by the *Act*;

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 1490;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

1. CITATION

This bylaw shall be cited for all purposes as "CVRD Bylaw No. 33XX - Area E – Cowichan Koksilah Official Community Plan Amendment Bylaw (Conservation & Species at Risk), 2011".

2. AMENDMENTS

Cowichan Valley Regional District Official Community Plan Bylaw No. 1490, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. CAPITAL EXPENDITURE PROGRAM

This bylaw has been examined in light of the most recent Capital Expenditure Program and Solid Waste Management Plan of the Cowichan Valley Regional District and is consistent therewith.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012. .../2



\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 33XX **Conservation & Species at Risk**

Schedule A to Official Community Plan Bylaw No. 1490, is hereby amended as follows:

1. Section 3.0 **Environmentally Sensitive Areas and Hazard Lands**, introductory paragraphs are deleted and replaced with the following:

Watercourses and wetlands in the Cowichan/Koksilah Plan Area are a vital natural resource worthy of careful land use planning. The Plan area includes the following three major rivers; Cowichan River, Koksilah River and Chemainus River. Numerous streams, lakes and marshlands are also included, as are Keating Lake, Wake Lake, and other marsh and bog areas that act as staging areas for waterfowl and provide valuable habitat for various species.

The coastal lowlands of the Plan area are ecologically unique within Canada. A diversity of plants, plant communities and animals - many of them rare - thrive in the area's Mediterranean type climate and long growing season. Sensitive ecosystems are in need of additional protective measures, not only for their own intrinsic values, but for the significant role they play in creating healthy and attractive communities for people and their important natural capital values.

Wetlands purify drinking water and help provide protection from flooding. Forests clean the air, refresh the spirit and provide visual relief from urban settings. Riparian forests are cool, moist havens during hot, dry summers. Open hilltop meadows - especially when carpeted with spring flowers - present spectacular views and resting places.

Environmentally sensitive areas in the Plan Area include riparian areas (including watercourses, springs and surrounding areas), rocky bluffs and inland cliffs, natural terrestrial herbaceous areas (natural grasslands and grass and moss covered outcrops), wetlands (bogs, fens, marshes, swamps and wet meadows, or shallow water wetlands), woodlands (including Gary oak stands, mixed Douglas-fir/ Gary oak, Arbutus/Gary oak, and Arbutus/Douglas-fir), older forests (with an average tree age of 100 years), older second growth forests (60-100 years in age and acting as important biological buffers) and seasonally flooded agricultural fields (providing critical flood attenuation and important winter bird habitat). These areas may be vulnerable to destruction due to various uses of land. As well, environmentally sensitive areas often include hazardous lands which may be subject to flooding, erosion, wildfire or landslides.

Identification of special natural features is an ongoing process and it is recognized that there may be many areas of significance which are not yet recognized. The Plan recognizes that additional resources and information is currently being updated by way of mapping and conservation planning.

2. Policy 3.1.1 is deleted and replaced with the following:

All environmentally sensitive areas identified on current sensitive ecosystem mapping have been identified for inclusion in the Plan Area as Environmentally Sensitive Areas as contained in Figure 2. Other sensitive ecological areas exist that will require identification and protection in

the future.

3. Policy 3.1.4 is amended by adding the following after "high fish bearing capabilities":  
...and ecologically significant areas, habitats and features.

4. Policy 3.1.6 is deleted and replaced with the following:  
Development shall be prohibited in areas prone to flooding or river-based erosion. Floodplain mapping by Ministry of Environment, as well as the CVRD Cowichan Koksilah integrated flood management updates, will be utilized where possible. If mapping is unavailable, a site inspection will be required to determine the probability of flooding, excessive erosion or adverse impacts elsewhere in the Plan area as a consequence of development.

5. Policy 3.1.7 is deleted and replaced with the following:  
In evaluating subdivision proposals within the Plan Area where it is believed there may be some potential deleterious impact on neighbouring watercourse, and other sensitive habitats, that it be recommended to the approving officer that the prospective developer shall be required to:

- i. Provide details of the anticipated increase in runoff as a result of land clearing and site development, by way of a water balance model or other appropriate mechanism as determined by the CVRD;
- ii. Outline a program of rainwater retention by which this potential increase in site runoff may be prevented or minimized and water quantity and quality improved; and
- iii. Undertake any other environmental impact assessments as may be required by the Board. This may include providing a report by an appropriately qualified professional which outlines the environmentally sensitive features of the site and provides appropriate protective management strategies for its ecological values and functions.

6. Policy 3.1.9 is deleted and replaced with the following:  
Sites offering good potential for fish spawning and rearing, or other valuable ecological function, should be identified and protected from further degradation. In other cases, habitat areas should be rehabilitated.

7. Policy 3.1.10 is deleted and replaced with the following:  
Stream channelization, dredging and stream bank dyking are unacceptable means of flood protection in the Plan area. Instead, setback dyking should be used when required. In addition, flood attenuation shall not be impacted by infilling of flood ways and watercourses.

8. Policy 3.1.11 is deleted and replaced with the following:  
The Regional District will not support any major water consuming use should the user's rate of water consumption jeopardize the fish bearing capability of watercourses in the Plan Area. Water users are encouraged to develop appropriate water storage and catchment features as part of their developments to reduce the impact on natural systems during low flow periods. Large proposals that have groundwater extraction should take into consideration the avoidance of groundwater surface water interactions.

9. Policy 3.1.12 is deleted and replaced with the following:  
The Regional District supports the Ministry of Environment's effort to develop and adopt a Watershed Development Plan for the major watercourses which pass through the Plan Area. The Plan Area will as much as possible take into consideration watershed based approaches where possible to support such plans.

10. Policy 3.1.17 is deleted and replaced with the following:

In order to encourage the protection of wetlands, creeks, lakes, old growth trees and other special natural features, parks or amenities, as noted in Section 3.1.1, the Regional Board may provide for density bonusing in a zoning bylaw. Such bonuses must be predicated on the permanent and irrevocable dedication or protection of such amenities by the owner of the land for which the bonus is provided.

11. The following is added after Section 3.1.19:

Policy 3.1.20

The CVRD Board will rely on the internationally recognized "Precautionary Principle" when making decisions affecting the Plan Area. The Precautionary Principle is an integral principle of sustainable development, and essentially states that where there are serious threats to the natural environment, a lack of full scientific certainty shall not be used as a reason for delaying action to prevent environmental degradation.

Policy 3.1.21

The CVRD Board recognizes that wetlands and adjacent riparian areas within the Plan area are places of high biological diversity, supporting a wide variety of animal and plant species that are valued by the local, national and international community. Wetlands are also highly vulnerable to disturbance and therefore the Board will support land use decisions that prioritize the conservation of these important areas.

Policy 3.1.22

The Board will endeavor to protect species at risk as identified by the federal and provincial species at risk legislation as it emerges, and the ecosystems upon which they depend. The CVRD Board will undertake to expand the Sensitive Ecosystems Inventory as well as red- and blue-listed species at risk occurrences within the Plan area and region, and provide updated information to the BC Conservation Data Centre.

Policy 3.1.23

The Board may establish a development permit area, for the protection of wetlands and other sensitive wildlife habitats. Identification and protection of known species at risk occurrences, sensitive ecosystems and all wetlands will be an essential component of development permit guidelines.

Policy 3.1.24

In order to avoid negative effects upon environmentally sensitive areas, the implementing zoning bylaw may provide regulations to ensure environmentally sensitive areas are identified on a proposed development, and minimum parcel size requirements will be met without the benefit of calculating environmentally sensitive areas as part of the parcel area.

12. Section 5.1 **Forestry**, Policy 5.1.5 is deleted and replaced with the following:

Ministry of Forests and private forest land holders are encouraged to manage their forest lands so that they do not:

- i. Pose a threat to the quality of fresh water within the drainage system of the Cowichan, Koksilah or Chemainus Rivers;
- ii. Alter the aesthetic appeal and visual integrity;
- iii. Disturb areas of unique vegetation or wildlife;
- iv. Make soil subject to erosion;
- v. Alter natural hydrologic regimes;

vi. Increase the risk of slope destabilization.

13. The following is added following Policy 5.1.10

**Policy 5.1.11**

Where lands identified as environmentally sensitive in Section 3.1.1 fall in Forestry zoned lands, the Regional District will work with the Province and landowners to protect ecological values to the highest extent possible.

**Policy 5.1.12**

Wake Lake is a prime example of an immature Cranberry bog, and is the largest breeding ground within the CVRD for the Western Toad, a species in need of conservation, and the Red Legged Frog, a blue listed species. The migratory routes of both amphibian species extend beyond Wake Lake, to adjacent forests, wetlands and the Cowichan river corridor. Therefore, notwithstanding policies 5.1.2 and 5.1.8, the Board may consider Primary Forestry lands within a 1000 metre radius of Wake Lake to be eligible for the Rural Residential/Forestry Conservation designation, noted in Policy 7.5 of this plan.

14. Section 7.3 **Suburban Residential**, Policy 7.3.2 is amended by replacing the Suburban Residential Development Standards table with the following:

Suburban Residential Development Standards	
Services Provided	Maximum Density
No Services	2.0 ha per parcel
Community Water	0.8 ha per parcel
Community Water, Sewer	0.4 ha per parcel

15. Within Section 11.1 **Parks and Institutional Uses**, the following is added after Policy 11.1.17 and 11.1.18:

**Policy 11.1.19**

The Board will pursue partnerships with the Ministry of Transportation and Infrastructure, Ministry of Environment, non-governmental organizations, and community groups, to fund and implement habitat conservation and communication projects. Projects include but are not limited to fisheries restoration, amphibian and ungulate protection corridors and connected riparian waterways and wetlands (green infrastructure). A particular focus will be on:

- i. Busy Place Creek fisheries enhancement, integrated riparian waterways, educational development and green flood buffering infrastructure.
- ii. The construction of safe passage routes for amphibians in the vicinity of Wake Lake. Projects may include use of signage and temporary road closures during spring breeding season (March to April), when amphibian road mortality is highest.
- iii. Enhanced communication and outreach in parks adjacent to Cowichan and Koksilah Rivers.
- iv. Enhanced protection of the Chemainus River Park.
- v. Development of ecological management plans for key parks in the Plan area to guide future management and protect ecosystems and species at risk.

**Policy 11.1.20**

Wake Lake is a prime example of an immature Cranberry bog, and is the largest breeding ground within the CVRD for the Western Toad, a species in need of conservation, and the Red Legged Frog, a blue listed species. The migratory routes of both amphibian species extend beyond Wake Lake, to adjacent forests, wetlands and the Cowichan river corridor. The CVRD will continue to actively pursue public land acquisition around Wake Lake, for the purpose of habitat conservation.

**Policy 11.1.21**

In support of the above habitat conservation objectives and policy 3.1.17, the Board may consider land within a 1000 metre radius of Wake Lake to be eligible for the Rural Residential/Forestry Conservation designation, noted in Policy 7.5 of this plan.

**Policy 11.1.22**

CVRD owned parcels near Wake Lake and public land located on Busy Place Creek shall be zoned P-2 River Corridor Conservation.

**Policy 11.1.23**

In the interest of protecting Chemainus River Park and managing access and wildfire risks, the Regional Board may consider designating land at strategic locations along Hillcrest Road a combination of Parks and Institutional and Rural Residential/Forestry Conservation. The purpose is to allow two lots of equal size, one of which is for a parks caretakers' residence and the other lot for regular residential use.

16. The following is inserted as Section 14.12, and added to the Table of Contents:

**14.12 Wetland Protection Development Permit Area**

**14.12.1 CATEGORY**

The Wetland Protection Development Permit Area is designated pursuant to Section 919.1(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity; and for the establishment of objectives to promote the reduction of greenhouse gas emissions.

**14.12.2 DEFINITIONS**

For the purposes of this Development Permit Area, the terms "wetland", "qualified environmental professional" and "riparian area" have the same meaning that they do under the Riparian Areas Regulation (BC Reg. 376/2004), as of the date of adoption of this bylaw.

**14.12.3 JUSTIFICATION**

Wetlands and riparian areas function as natural water storage and purifying systems, and provide safe corridors for wildlife movement. Wetlands need to remain in a largely undisturbed state in order to protect habitat, mitigate flooding, control erosion, reduce sedimentation, store greenhouse gases and recharge groundwater. The simplest method of protecting wetlands is identification and complete avoidance from the impacts of development.

Wetlands are areas of land that characteristically have wet or saturated soils and are dominated by water-loving plants. They provide a specialized habitat for diverse and unique sets of species assemblages and are a vital link between upland and open-water aquatic environments. Wetlands perform a number of essential and varied natural functions that are significant in maintaining local biodiversity. Classes of wetlands that exist in the Plan area include marshes,

bogs, fens, swamps, and wet meadows. Wetlands are sensitive and important because they exhibit high biodiversity, specialized habitat and functions, and connectivity. The ecological functions and rarity of wetlands justifies the preservation of all remaining wetlands in Electoral Area E, and restoration of previously damaged wetlands.

This development permit area is utilized at the subdivision stage, to ensure that impacts on wetlands will be avoided in all future stages of development. Subdivision layouts will demonstrate that proposed lots have a viable and useable area of land, exclusive of a wetland and associated riparian protection area. The importance of wetland mapping by qualified environmental professionals is essential to the preservation of these sensitive natural areas and the ability to make sound development decisions. Finally, this development permit area is intended to provide protection to wetlands, as they are not typically protected under the *Riparian Areas Regulation*.

#### 14.12.4 APPLICABILITY

The Wetland Protection Development Permit Area applies to all land in Electoral Area E. A development permit must be applied for, and issued by the Cowichan Valley Regional District, prior to the subdivision of land as defined in section 872 of the *Local Government Act*, regardless of the Zone or Plan designation, if a wetland is located on the subject property, or is located within 30 metres of the subject property. All determinations as to whether an area is a wetland or former wetland and as to the boundaries of riparian protection areas shall be made by a qualified environmental professional at the time of application for a development permit authorizing the subdivision.

#### 14.12.5 GUIDELINES

No person shall subdivide land in the Wetland Protection Development Permit Area, prior to the owners receiving a development permit from the CVRD, which adapts the proposed development to ecosystem conditions and establishes protective buffers around sensitive ecosystems. An application for development permit will sufficiently address the following guidelines:

- a) A qualified environmental professional (QEP) shall be retained at the expense of the applicant, for the purpose of preparing an assessment of land that is the subject of a subdivision application, in order to identify wetland(s) on the subject property.
- b) The QEP assessment will include wetlands that have been previously disturbed or filled in, and in such cases, will provide recommendations for restoration.
- c) If a wetland, whether previously disturbed or not, is located on the property, the biologist report will include a map that accurately identifies the wetland. The assessment will describe and identify appropriate riparian protection areas (setbacks) in relation to a wetland or in relation to any wetland on any other parcel.
- d) The proposed plan of subdivision will incorporate wetland(s) and riparian protection areas. Minimum lot sizes will be met exclusive of the wetland and riparian protection area, as required under the implementing Zoning Bylaw. Applicants are encouraged to consider various proposed subdivision layouts that demonstrate how development of property could proceed with complete avoidance of wetlands and riparian protection areas.
- e) Proposed lots that are part of or adjacent to a wetland should be large enough and located in such a way as to minimize road, trail, and utility crossings of a wetland or riparian protection area.

- f) Proposed lots that are part of or adjacent to a wetland should be large enough to accommodate a reasonable usable yard between the proposed building envelope and the edge of a riparian protection area, a minimum width of 7.5 metres.
- g) No development activities (such as grading, clearing, trenching, installation of pipes, sewer or water infrastructure, etc.) relating to the creation of lots or provision of services for those lots shall occur in the wetland or riparian protection area.
- h) Prior to preliminary subdivision approval, the boundaries of the riparian protection area will be clearly marked with high visibility temporary fencing, which will remain in place throughout site preparation, construction or any other form of disturbance. A follow up report by a qualified environmental professional may be required.
- i) In all situations where a wetland or other significant environmental feature is located on a property, the owners will be encouraged to provide long term protection of the wetland and riparian protection area, either through gifting to a nature protection organization or the CVRD, or by registering a conservation covenant confirming the long term preservation of the wetland.
- j) The biologist report will identify, describe and make recommendations for protecting any species at risk occurrences, based on species identified by federal and provincial legislation, as it emerges. Species at risk occurrence information will be provided to the BC Conservation Data Centre.
- k) Where invasive plant and animal species are located on land that is subject to subdivision, the qualified environmental professional should provide recommendations for appropriate removal and disposal of invasive species.

#### **14.12.6 Application Requirements**

Before issuing a development permit for subdivision, the Cowichan Valley Regional District requires that the following information be submitted along with the application form and fee:

1. A site plan drawn to scale, indicating existing and proposed parcel lines, the location of sensitive environmental features, wetlands and riparian protection areas. A written description may accompany the plan.
2. The location of existing and proposed buildings and structures, septic tanks or sewage systems, existing and proposed driveways, pedestrian and bike trails, parking areas and yards.
3. Proposed lot sizes and lot dimensions, and setbacks to wetlands and riparian protection areas.
4. A report by a qualified environmental professional, which identifies wetlands and other sensitive environmental features, assesses potential impacts of the project and provides recommendations for protection and mitigation.
5. A landscaping plan, identifying existing and proposed plant species, areas of sensitive native plant communities and areas to be cleared or planted.

#### **14.12.7 Exemptions**

A Wetland Protection Development Permit is not required where a qualified environmental professional provides written confirmation that a wetland is not located on or within 30 metres of the subject lands, or other proof of the absence of wetlands on a subject property is provided, to the satisfaction of the General Manager of Planning and Development.

#### **14.12.8 Concurrent Development Permit Areas**

Where more than one development permit area applies to land in the Wetland Protection Development Permit Area, a single development permit may be issued.





COWICHAN VALLEY REGIONAL DISTRICT  
BYLAW NO. 33XX (HEAT PUMP, PARKLAND)  
REVISED APRIL 27, 2012

**A Bylaw For The Purpose Of Amending Zoning Bylaw No. 1840  
Applicable To Electoral Area E – Cowichan Station/Sahtlam/Glenora**

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**WHEREAS** the *Local Government Act*, hereafter referred to as the "Act", as amended, empowers the Regional Board to adopt and amend zoning bylaws;

**AND WHEREAS** the Regional District has adopted a zoning bylaw for Electoral Area E – Cowichan Station/Sahtlam/Glenora, that being Zoning Bylaw No. 1840;

**AND WHEREAS** the Regional Board voted on and received the required majority vote of those present and eligible to vote at the meeting at which the vote is taken, as required by the *Act*;

**AND WHEREAS** after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 1840;

**NOW THEREFORE** the Board of Directors of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

1. **CITATION**

This bylaw shall be cited for all purposes as "CVRD Bylaw No. 33XX – Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Heat Pump, Parkland), 2012".

2. **AMENDMENTS**

Cowichan Valley Regional District Zoning Bylaw No. 1840, as amended from time to time, is hereby amended in the following manner:

- a) The definition of a "dwelling unit" in Section 3.1 is deleted and replaced with the following:

"dwelling unit" means one or more habitable rooms with self-contained sleeping, living, cooking, eating, sanitary facilities and direct access to the open air without passing through any other similar unit, intended for year round occupancy as the residence of one family, and is equipped with a *heat pump* as the primary heating source.

- b) The following definition is added to Section 3.1:  
"heat pump" is a heating and cooling system which uses the natural heat scavenged from air, water or the earth as an energy source to heat and cool the inside of a building, and which

provides an energy efficient form of heating, particularly in conjunction with efficient insulation and passive solar design principles.

c) The following is added after Section 5.30:

**Section 5.31 Heat Pumps**

- i. A residential dwelling unit shall be equipped with a heat pump.
- ii. Adjacent dwelling units may share a common heat pump system and/or natural energy source for a heat pump.
- iii. A heat pump shall be the primary heat source for a residential dwelling, but may be used in conjunction with electric, wood, gas or other heating source.
- iv. A residential dwelling unit is exempt from requiring a heat pump, if a development permit has been issued for energy conservation and greenhouse gas emissions reductions, and specifies that a district energy system will provide the primary heat source for the residence.

d) The following replaces Section 8.2(c) Minimum Parcel Size, relevant to the R-2 Zone:

Subject to Part 12, the minimum *parcel* size shall be as follows:

- 1) 0.4 Ha. for *parcels* served by a *community water and sewer system*;
- 2) 0.8 Ha. for *parcels* served by a *community water system* only;
- 3) 2.0 Ha. for *parcels* served neither by a *community water* or *sewer system*.

e) The following is inserted as Section 12.7, and the remaining sections are renumbered accordingly:

12.7 The minimum parcel size provisions of this Section do not apply in the case of a subdivision of a parent parcel into two parcels, when that parcel is separated by a road, park or trail corridor that has been dedicated to the Regional District, provided that:

- i. The parent parcel is identified in Section 13.2 Appendices;
- ii. The minimum width of a dedicated road is 25 metres; or the minimum width of a dedicated trail corridor is 10 metres;
- iii. The parcels created by the plan comply with Section 944 of the *Local Government Act*;
- iv. The requirements of this bylaw respecting siting of buildings and structures is complied with;
- v. The parcels created by the plan are an absolute minimum of one hectare where the parcel is not serviced with community water, and 2000 m<sup>2</sup> where the parcel is serviced by community water.

f) The following is inserted as Section 12.12:

12.12 Where a parcel contains all or part of a natural water body, watercourse or wetland, the area of the natural water body, watercourse or wetland shall not be included in the area of the parcel for the purposes of calculating the permitted number of parcels. All determinations as to whether an area is a wetland shall be made by a qualified environmental professional at the time of application for a development permit authorizing the subdivision.

g) Part Thirteen Appendices is amended by adding the following:

**13.2 Planned Road, Trail or Parkland Acquisitions**

- 1) The CVRD considers it within the public interest to acquire road dedication through Section 7, Range 8, Sahtlam District, except parts in Plan VIP80873, for the purpose of connecting the public road network west of the subject property with Riverbottom Road and Barnjum Road to the east.

*(Refer to Figure 1 for illustration- area shown in grey)*

- h) Schedule B (Zoning Map) to Zoning Bylaw No. 1840 is amended by rezoning Lot A, Section 7, Range 9, Sahtlam District, Plan VIP 88170, and Lot 1, Section 7, Range 9, Sahtlam District, Plan 83485, as shown outlined with a thick black line on Plan Z-XXXX attached hereto and forming Schedule A of this Bylaw, from R-2 (Suburban Residential) to P-2 (River Corridor Conservation).

*(Refer to Figure 1- subject property outlined in black near Wake Lake)*

- i) Schedule B (Zoning Map) to Zoning Bylaw No. 1840 is amended by rezoning Legal Lot Poly 15927 VIP 64839 as shown outlined with a thick black line on Plan Z-XXXX attached hereto and forming Schedule A of this Bylaw, from I-1 (Light Industrial) to P-2 (River Corridor Conservation).

*(Refer to Figure 2 - Subject property outlined in black near Busy Place Creek)*

**3. FORCE AND EFFECT**

This bylaw shall take effect upon its adoption by the Regional Board.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2012

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2012

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2012

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary

C2

# CVRD

COWICHAN VALLEY REGIONAL DISTRICT  
175 Ingram Street, Duncan, B.C. V9L 1N8  
Tel: (250) 746-2620 Fax: (250) 746-2621

## BYLAW REFERRAL FORM

Date: May 14, 2012

### CVRD Files:

South Cowichan Zoning Bylaw No. 3520

South Cowichan OCP Amendment Bylaw No. 3604

Attached is a report concerning the proposed new Zoning Bylaw for the southern three Electoral Areas of the Cowichan Valley Regional District as well as the following:

- The text of proposed Zoning Bylaw No. 3520 with a zoning map covering the entire area that would be subject to this bylaw. The new Zoning Bylaw would implement the policies and provisions within the South Cowichan Official Community Plan, which was adopted in July 2011.
- Official Community Plan Amendment Bylaw No. 3604, which is a package of small adjustments to the South Cowichan Official Community Plan that were identified as being advisable or otherwise required during the development of the new zoning bylaw.

**General Property Location:** Electoral Area A – Mill Bay/Malahat, Electoral Area B – Shawnigan Lake, and Electoral Area C – Cobble Hill.

You are requested to comment on this proposal for potential effect on your agency's interests. **We would appreciate your response by June 29, 2012 (July 13<sup>th</sup> for First Nations).** If no response is received within that time, it will be assumed that your interests are unaffected. If you require more time to respond, please contact: **Mike Tippett MCIP, Manager, Community and Regional Planning Division** at (250) 746-2602 or at [mtippett@cvrd.bc.ca](mailto:mtippett@cvrd.bc.ca) as soon as possible.

### Comments:

- |   |   |
|---|---|
| <input type="checkbox"/> Approval recommended for reasons outlined below  | <input type="checkbox"/> Interests unaffected                                   |
| <input type="checkbox"/> Approval recommended subject to conditions below | <input type="checkbox"/> Approval not recommended due to reasons outlined below |

Name: \_\_\_\_\_ Title \_\_\_\_\_ Your File # \_\_\_\_\_  
*(sign & print)* *(print)*

Date: \_\_\_\_\_

### This referral has been sent to the following agencies:

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Agricultural Land Commission       | <input checked="" type="checkbox"/> Burnham Utility              | <input checked="" type="checkbox"/> CVRD Engineering & Environmental Services            |
| <input checked="" type="checkbox"/> Mill Bay Waterworks District       | <input checked="" type="checkbox"/> Miller Water Supply          | <input checked="" type="checkbox"/> CVRD Regional Agricultural Advisory Commission Chair |
| <input checked="" type="checkbox"/> Cobble Hill Improvement District   | <input checked="" type="checkbox"/> Garnett Creek Water Users    | <input checked="" type="checkbox"/> Shawnigan Lake RCMP detachment                       |
| <input checked="" type="checkbox"/> Braithwaite Improvement District   | <input checked="" type="checkbox"/> Carlton Improvement District | <input checked="" type="checkbox"/> Capital Regional District                            |
| <input checked="" type="checkbox"/> Lidstech Holdings Ltd.             | <input checked="" type="checkbox"/> Arbutus Ridge Strata Corp.   | <input checked="" type="checkbox"/> City of Langford                                     |
| <input checked="" type="checkbox"/> Meredith Road Improvement District | <input checked="" type="checkbox"/> Malahat First Nation         | <input type="checkbox"/> Ministry of Community, Sport & Cultural Development             |
| <input checked="" type="checkbox"/> Oceanview Improvement District     | <input checked="" type="checkbox"/> Cowichan Tribes              | <input checked="" type="checkbox"/> Ministry Forests/Lands/NRO-Ecosystem Branch          |
| <input checked="" type="checkbox"/> Sylvania Improvement District      | <input checked="" type="checkbox"/> Tseycum First Nation         | <input checked="" type="checkbox"/> Ministry of Agriculture                              |
| <input checked="" type="checkbox"/> Mill Springs Sewer Utility         | <input checked="" type="checkbox"/> Tsawout First Nation         | <input checked="" type="checkbox"/> Ministry of Transportation & Infrastructure          |
| <input checked="" type="checkbox"/> Wace Creek Water Users             | <input checked="" type="checkbox"/> Tsartlip First Nation        | <input checked="" type="checkbox"/> Ministry Energy/Mines - Housing Branch               |