

Minutes of the Cobble Hill Advisory Planning Commission meeting held at 7 p.m. on Thursday, September 13<sup>th</sup> 2012 in the Youth Hall located on Watson Avenue.

Those present: Jens Liebgott – Chair, John Krug, Rosemary Allen, Jerry Tomljenovic, Janice Hiles, Don Herriott, Robin Brett and Director Gerry Giles. Apologies: Rod de Paiva, Dave Lloyd, David Hart.

Also present: Gar Clapham, Betsy Burr and Alf Pink

Moved/second

that the agenda be accepted as amended by adding an item by Robin Brett.

MOTION CARRIED

Moved/second

that the minutes of July 19<sup>th</sup> 2012 be adopted as circulated.

MOTION CARRIED

Robin Brett offered some observations on the Advisory Planning Commission, the decision made with respect to the sign variance requested at the last meeting and the responsibilities held by APC members. Her overview included the following comments:

- the APC is charged with expressing community wishes/vision/goals
- comments made by staff on applications need to be read and taken seriously
- the OCP is our guiding document as it was developed with a lot of community input
- we should not take the guidelines and policies expressed in the OCP lightly
- staff comments are the first and last thing we should read about an application
- the discussion on the sign variance serves as an example of how not to view an application
- the variance requested was over height and illuminated against the suggestions contained in the OCP guidelines/policies
- our job is not to state what we personally like or dislikes
- our job is to listen to an applicant then apply the standards the community wants or envisions for itself wherever it is practical to do so
- we need to ask questions like are very tall and illuminated signs along the Trans Canada Highway something the Cobble Hill community really wants to see
- the APC helps to ensure consistency so it should always be remembered there is a precedent set with every decision made.

Director Giles provided an update on the sign variance approved by the CVRD Board for the Valley View Centre. The height was restricted to 5 metres, which is consistent with Area A, D, E and the City of Duncan. The Municipality of North Cowichan is also considering the 5 metre height restriction.

#### Delegations:

Mr. Alf Pink was present regarding ALR Application No. 2-C-12 ALR. Mr. Pink made a presentation in which he stated that his youngest daughter had just bought the property and she would be moving into the family home. In turn, Mr. Pink would move into the mobile and the third building on the property will be converted back to a tack room. Upon questioning Mr. Pink stated he had no problem ensuring the kitchen is decommissioned in the tack building.

After considerable discussion, it was

Moved/second

the APC recommends that application 2-C-12 ALR (Pink) be approved subject to the kitchen being decommissioned and further that a covenant be registered on the property to ensure the third residence will not be reconstructed on the site.

MOTION CARRIED

Mr. Pink left the meeting after thanking the APC.

Business Arising:

Rosemary Allen left the meeting.

- 1) The APC's comments to proposed Zoning Bylaw 3520 and Mike Tippett's response to the same were reviewed. The document containing this information is appended to the minutes for easy reference. The final comment made by Mr. Tippett was discussed at length. The area of concern is the zoning on the east side of the highway between the Trans Canada and Hutchinson Road to the north down to the boundary of Area C on the south. Upon consideration the APC felt there were sufficient reasons to change the designation on these blocks of land from RR-2 to RR-3.

Moved/second

The APC recommends the OCP and zoning designation on the properties on the east side of the Trans Canada Highway between the southern boundary of Area 'C' and Hutchinson Road to the north be changed from RR-2 to RR-3.

MOTION CARRIED

Jerry Tomljenovic left the meeting at 7:52 p.m. Rosemary Allen returned to the meeting at that time.

New Business:

A discussion paper by Chair Rod de Paiva regarding the operations of the Joint APC in which he outlined a number of suggestions was discussed. This paper has been distributed to the three South Cowichan Directors and APC Chairs for their consideration and comment. No comments have been received to date. This item will be redistributed to APC members for consideration at their next meeting, and it has also been appended to these minutes for ease of referral.

Director's Report:

Information contained in the Director and Alternate Director's reports included:

- Update on the washroom and Village sewer system
- Update on the pathway constructed between Watson Avenue and Twin Cedar Drive
- Update on the Age-Friendly initiative for the Cobble Hill Common
- Update on the proposed cell tower location at Rona
- Update on the success of the 103<sup>rd</sup> Cobble Hill Fair with thank you to Betsy Burr for a job well done on the 2012 parade
- Provision of the handouts for the Age-Friendly meetings, the Water Study initiative and the Cobble Hill Historical Society's 2012 Glimpses of Our Past. Compliments were extended to the Historical Society for this publication as "it just gets better every year."

The meeting adjourned at 8:23 p.m. with the next meeting being scheduled for October 11, 2012.

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Jens Liebgott  
Chair

## **Some thoughts on Joint APCs - August 16, 2012**

by Rod de Paiva

### **Conduct of Meetings:**

- Conduct meetings according to the present bylaw.
- The Area in which the joint meeting is being held may invite the members of their APC not designated as Joint APC members to attend.
- Meeting procedures can allow such persons to speak to the meeting. This is accomplished by the chair polling the Commission members and getting their approval to hear from such persons.
- Such persons do not participate in the meeting other than being recognized to speak and each time such persons wish to speak they must be so recognized.
- Such persons form a part of the audience.
- Such persons have no vote.
- The chair does not have the prerogative to determine who and who does not speak but to make sure proper order and procedures are followed.
- The APCs should formally adopt some rules of order, which will confirm a consistency of operation.
- The documentation forwarded to the Joint APC can be given to Area APC. (Even all the APC's.)
- Meetings need to be regularly scheduled by having a fixed day, a fixed week and perhaps a fixed month. (perhaps hold each Area Joint meeting on the same day as the Area APC meeting with Joint meeting preceding the Area meeting.)
- Future considerations:
  - Make the quorum to hold a meeting at five provided that there is at least one in attendance from each Area APC.
  - Allow for alternates for designated members.
  - Allow for both Joint APC's and Area APC's to make a recommend on Joint applications by conducting both Joint and Area meetings on the same day with the Area meeting immediately following the Joint meeting. (The applicant must be able to be present at both meetings)

### **What should come to the Joint APC**

- All proposed amendments to the OCP.
- Applications that propose new community sewer or community water services, or extensions of existing services to areas not identified on the OCP's Schedule C as potential sewer or water expansion areas, necessitating an amendment to Schedule C.
- Applications that would expand an existing VCB or create a new VCB.

### **What should come to the Area APC**

- Applications covering part or all of the water surface of any lake or the ocean .  
(Does this include the shoreline?)
- Any applications that borders on the Area APC that does not result in a change of the OCP.
- Administrative amendments proposed by CVRD
- Applications that convert RR-4 to an RR-5.

### **Comments:**

- Joint meetings have a distinctive and unique contribution to make to the planning process. It brings an objective view to the discussions as there tends to be a more objective approach to the notion of what is in the best interests of the community, the principle guideline for all APC's.
- Since the SCOCP is a three community plan it seems that as much three community participation as possible should take place. (It is recognized that this may take a bit more time and effort but the outcome is worth it.)

With a bit of planning and goodwill the difficulty in the calling of meetings doesn't need to be an issue.

Area C, Cobble Hill Advisory Planning Commission  
Proposed Bylaw 3520 Review  
APC Comments  
as compiled by Chair de Paiva

**General Comment:**

The overriding policy is that the outcome of the proposed zoning changes is not to result in a down-zoning of any parcel within the South Cowichan.

**Comments on Definitions:**

- Aggregate processing: - In the definition it lists storage of these materials. Does this preclude a landowner who is zoned to extract gravel from purchasing and storing such material on his property (gravel pit)?
- “**Aggregate processing**” means the crushing, washing, screening, grading, sorting, milling, concentration or storage of minerals, rocks, earth, clay, sand or gravel; *\*\* (Does this definition open the door to dirty dirt deposits?)*
- Arcade: defined by 4 machines. What would having one or two machines be called?
- “**Auto workshop**” means a building or structure used or intended to be used for all manner of mechanical repairs to motor vehicles and parts thereof, including: engine and transmission tuning, **upgrading\*\*** and rebuilding as well as the rebuilding of other auto components and associated machine shop; and cosmetic and structural repair and restoration of motor vehicle bodies and chassis, including sand and media blasting, painting and metal plating of automobile parts and bodies, and also includes motor vehicle assembly and parts and accessory sales, but does not include motor vehicle manufacturing or automobile salvage or wrecking yards; *\*\* (Exceptionally broad definition)*
- Boarding Stable: needs some punctuation?
- Caretaker’s Residence: add an “a” to single family dwelling
- Catering: how can there be immediate consumption if it needs to be carried away?
- Centre Line: can this be interpreted to mean the centre-line of the road allowance vs the centre-line of the driving surface??
- “**Civic use**” means a use providing for government functions and services, including but not limited to federal, provincial, regional and municipal offices, public schools and colleges, publicly owned and operated hospitals, fire halls, community halls, libraries, museums, parks, cemeteries, jails and prisons, courts of law, waterworks facilities and sewage facilities, but excludes storage as a principal use, and excludes public works yards\*\* ; *(Makes me go hum... would people prefer a jail or prison to a public works yard?)*
- Dwelling: In the first line of the ‘dwelling’ or ‘duplex’ definition there is a superfluous ‘of’ between ‘comprise’ and ‘a’.
- “**Front yard**” means the area of a parcel, bounded by the front parcel line, the interior side parcel lines and a line drawn parallel to the front parcel line at a point 15 metres distant from the front parcel line\*\* ; *\*\* (I need an explanation on this?)*
- “**Home-based business**” means an occupation, business, trade or professional practice which is carried on for remuneration or financial gain, and which is clearly accessory to the residential use of the property\*\* ; *\*\* (Very broad and will be abused by some thereby creating conflict in some neighbourhoods.)*
- “**Incubator mall**” means a building or series of buildings within which light industrial uses occur, and where the costs of renting space are reduced to below market value with a view to encouraging

the establishment of light industrial business which will, once established, move to other premises\*\*; \*\*(Does moving ever happen and what is there that will ensure it will?)

- Incubator mall: Sounds like a recipe for future litigation and a bylaw enforcement nightmare.
- Kitchens: not all kitchens necessarily have both upper and lower cabinets!!
- **“Personal service”** means the use of a building or structure to provide professional services to a person, including but not limited to a barber shop, hairdresser salon, dry cleaner, tailor, shoe repair shop\*\*, photographer studio, picture framing shop, doctor’s office, dentist office and fitness studio, and may include the sale of goods, wares, personal merchandise, articles, or things accessory to the provision of such services; \*\*(Does dry cleaner fit within this definition? Dry cleaning operations pose huge risks to the environment.)
- Rear Parcel Line: how would this be defined for a triangular parcel??
- Residence: “or return if absent” seems redundant!
- Subdivision: not in the list of definitions within the Strata Property Act as stated?
- “Delicatessen” and “Specialty food store” means an eating establishment where specialty foods are served and which provides no more than 10 seats\*\* for customers to consume food on the premises, and which does not serve food via a drive through window; \*\*(Why just 10?)
- **“Take-out restaurant”** means an eating establishment which provides no more than 6 seats for customers to consume food on the premises, and which does not serve food via a drive-through window. This includes restaurants which have no provision for consumption of food on the premises\*\* ; \*\*( Why 6?)
- **“Waste transfer station”** means the use of land or buildings, for consolidating waste from multiple collection vehicles into transfer vehicles for shipment to disposal sites, and may include accessory office, recycling and vehicle scaling facilities\*\* ; \*\*Makes me go hum!

### Uses Prohibited in all Zones

1. Any use not expressly permitted in this Bylaw is prohibited in every zone, and where a particular use is expressly permitted in one zone, such use is prohibited in every zone where it is not expressly permitted.
2. The following uses are prohibited in all zones, unless explicitly permitted elsewhere in this Bylaw:
  - a. The use of a houseboat, float home, float camp, or other vessel used or intended to be used for temporary or permanent residential use;
  - b. The use of a recreational vehicle for permanent, full time occupancy;
  - c. The parking of more than one commercial or industrial vehicle with a GVW in excess of 5000 kg, except on a parcel zoned for a commercial or industrial use;
  - d. The keeping of more than 4 cats or dogs that are over 4 months of age, except in zones where a kennel is permitted;
  - e. Disposal of any waste matter on land or in lake or marine areas, except such waste matter as is lawfully permitted under the *Sewage Disposal Regulation*, the *Agricultural Waste Control Regulation* or the *Waste Management Act*;
  - f. Storage of any wastes or contaminated soils, if the wastes did not originate on the same parcel;
  - g. Treatment of contaminated soils on any parcel other than that upon which the contamination arose;
  - h. Gaming and gambling establishments, other than charity gaming;
  - i. Junk yard or for the storage, collection or accumulation of all or part of any automobile wreck or all or part of any motor vehicle which is not validly registered and licensed in accordance with the *Motor Vehicle Act*, or capable of motivation under its own power; and

- j. Storing portable containers, other than during a construction project with an active building permit\*\*. \*\*What does this do to the storage facility at Baycedar Mall? Their operation is all portable containers

#### 4.8 Chickens and Other Domestic Fowl in Residential Zones

A parcel of land in any zone within which Single Family Dwelling is a permitted use, may be used for the keeping of a maximum of six chickens – roosters excluded – or six ducks of either gender, or six domestic fowl of another species, and any pen or shelter shall be set back no less than 7.5 metres\*\* from all parcel lines. \*\*(This whole clause could present a problem...)

**4.10 Home – Based Business Regulations\*\* \*\*90008** (This definition is likely problematic and I would use the Braithwaite Drive (Rooke) example of how disruptive a home based business can be. Also, given the heavy industrial type use on the property described above, it would appear this home based business was given an unfair advantage in the market place in that residential not industrial taxes were charged.)

For zones in which home-based business is a permitted use, all of the following regulations apply:

1. The home-based business use shall only be conducted within a dwelling unit or within a wholly enclosed permitted accessory building;
2. The home-based business use shall be clearly subservient and incidental to the use of the dwelling unit for residential purposes and to the residential use of the parcel upon which the dwelling is located;
3. There shall be no variation from a primarily residential appearance of the land and premises where the home-based business is located;
4. The home-based business use shall not produce any hazard, offensive odour, noise, dust, smoke, glare, toxic or noxious matter, contaminated site, heat, electrical interference, fire hazard, litter, additional waste, floodlighting, vibration, excessive customer or service traffic, or create a nuisance of any kind;
5. The home-based business use shall have no external display or advertisement other than a maximum of one non-illuminated sign, which shall not exceed 0.4 m<sup>2</sup> in area;
6. The home-based business use shall not involve exterior storage of any material or equipment used directly or indirectly in the processing, servicing or sale of any product;
7. The maximum floor area per parcel used for home-based business use, including office space, storage, processing or sales, shall not exceed:
  - a. 100 m<sup>2</sup> on a parcel which is less than 1 ha in area;
  - b. 200 m<sup>2</sup> on a parcel 1 ha in area or larger, subject to the Agricultural Land Commission's approval if the land lies within the ALR.
8. The home-based business use shall only be conducted by a resident on the parcel and shall not employ more than:
  - a. one additional non-resident person on a parcel which is less than 1 ha in area; or
  - b. two additional non-resident persons on a parcel 1 ha or larger.
9. The home-based business use may involve the repair of motor vehicles, excluding the painting and bodywork of vehicles, and shall:
  - a. be limited to not more than one fully enclosed service bay with a total area not exceeding 25 m<sup>2</sup>; and
  - b. exclusive of the resident's own licensed vehicles, be permitted to park not more than one vehicle out of doors. No work on a vehicle is permitted while it is out of doors.
10. Automobile body shops, machine shops, welding shops, heavy equipment repair and similar uses are not permitted as home-based businesses.

11. A daycare, licensed under the *Community Care and Assisted Living Act*, is permitted as a home-based business, provided it complies with Provincial regulations.
12. No off-site parking associated with the home-based business use is permitted.
13. On parcels where the principal use is residential, no more than one commercial vehicle with a maximum gross vehicle weight of 5,000 kg or more shall be located outside of a building or structure.
14. Any home-based business use must comply with all Regional and senior government agency environmental protection regulations.

(I like the notion that fencing will no longer include barb wire unless on agricultural land or containing agricultural uses. I'll work my way through the rest of the bylaw as time permits.

### Comments on Specific Zones Pertinent to Area C

#### A-1 Agricultural Resource 1 Zone

- There nothing that would hinder a farmer as he goes about making his living. pigs of course aren't mentioned but I was surprised that rabbits were limited to 24.

#### A-4 Agricultural Golf Course 4 Zone I

- As for A- above.

#### A-2 Small Lot Agricultural 2 Zone

- As for A- above.

#### A-6 Agricultural Institutional 6 Zone

- This zone does not appear in Cobble Hill.

#### RUR-1 Rural Resource 1 Zone

- This zone is at the base of Cobble Hill Mountain. Future consideration of this area as parkland should be considered prior to any permits being granted. This should be done in cooperation with Shawnigan Lake.
- No difficulty with the description of the zone.

#### RR-2 Rural Residential 2 Zone

- Other than the Chapman Road Area there are no concerns.

#### RR-3 Rural Residential 3 Zone

- *No issues with the section.*

#### RR-3A Rural Residential 3A Zone

- *No issues with the section.*

#### RR-4 Rural Mobile Home Park 4 Zone

- *No issues with the section.*

#### RR-5 Rural Manufactured Home 5 Zone

- Under definitions of Home based business I feel there needs to be a clarification what "accessory" to the residential use of the property means. Page 59, special regulations sec b. common storage area needs a definition, e.g.; what could it be, a building, covered patio etc. Maybe it could be defined as to what it could not be?

#### R-2 Village Suburban Residential 2 Zone

- 1,permitted uses, f) Accessory dwelling unit, there should some mention of what the maximum and minimum size could be.



### R-3 Village Residential 3 Zone

- 30 Setbacks. I wonder why in area C setbacks for accessory uses are less for Interior Side 1m. whereas in the other areas it is 3m.? The same applies to the rear setbacks. C is 1m. whereas A is 3m. and B is 4.5m. Is there some reason for the differences in each area?
- Building Height; Why the difference in the building Heights in the different Areas. It sort of jumped out at me and there does not appear to be an explanation anywhere.
- 8) Minimum Parcel Size; community water and community sewer, why is the parcel size 900m2 so much smaller in C as compared to A and B ?

### R-4 Village Mobile Home Park 4 Zone

- Question/Concern: Allows for home based business as per part 4.10 9 (page 24/25) This section allows for a business that may involve the repair of motor vehicles (with certain restrictions). I question whether this type of Home Based Business is appropriate in this zone? As mentioned, other than that question nothing obvious jumps out at me.

### R-5 Village Manufactured Home Residential 5 Zone

- Seems in order.

### R-6 Village Mixed Use Residential 6 Zone

- Seems in order.

### CD-1 Rural Comprehensive Development 1 Arbutus Ridge

- did not see any issues with the Arbutus ridge section or the Eco village section but I do not know these areas as well.

### CD-3 Rural Comprehensive Development 3 Chapman Road

- I did not find any issues with the Chapman road zone, but I did wonder if the uses laid out actually cover the tool rental business that takes place on this property.

### CD-10 Rural Comprehensive Development 10 Galliers Road East

- The one on Galliers road east is well thought out, I like it.

### C-2 Rural Highway Commercial 2 Zone

- The description of restaurants is inconsistent. The sections should either all mention that drive-throughs are not permitted or not mention them at all as they are not allowed under Section 4.18 unless explicitly permitted

### C-3 Rural Service Commercial 3 Zone

- See C-2

### C-4 Rural Tourist Recreation Commercial 4 Zone

- See C-2

### C-5 Village Neighbourhood Commercial 5 Zone

- Seems fine. What about parking allowance in Commercial Areas. They have zero setbacks, so would it not cause a shortage of parking

### C-6 Mixed Use Village Commercial/Residential 6 Zone

- Seems fine. What about parking allowance in Commercial Areas. They have zero setbacks, so would it not cause a shortage of parking

### C-7 Village Commercial 7 Zone

- Seems fine. What about parking allowance in Commercial Areas. They have zero setbacks, so would it not cause a shortage of parking

### C-8 Village Tourist Commercial 8 Zone

- The variances in the setbacks for the four Village zone designations is confusing. Why do Commercial businesses in C-8 have a 4.5 metre setback and pubs and restaurants in C-9 have a 6 metre requirement. There are restaurants in both the C-8 and C-9 Zones and they don't have the same setback requirements.

#### C-9 Village Neighbourhood Pub Commercial 9 Zone

- Comment same as C-8 above.

#### I-1C Light Industrial 1C Zone

- This Zone allows for 160,000 litres of propane ,ethane etc. This seems to be excessive when Service Stations are not apparently allowed within this Zoning. Where would the regulations be spelled out regarding the safest storage containers required for this volume of very flammable fluids? This translates into 40,000 gallons which seems to be very excessive.

#### I-3 Transportation Industrial 2 Zone

- Specific to the Chevron tank farm only
- No concerns

#### I-6 Agricultural Industrial 6 Zone

- This zone relates to the tomato farm?
- Equipment sales should be limited to agricultural equipment.
- Perhaps Green House should be a specifically permitted.

#### I-7 Railway Transportation 7 Zone

- The permitted uses seem appropriate to the zone.

#### P-1 Parks 1 Zone

- The permitted uses seem appropriate to the zone.

#### P-2 Institutional 2 Zone

- The permitted “institutional use” seems pretty general. How would it be interpreted?

#### P-3 Village Institutional 3 Zone

- No comment wrt Cobble Hill Area

#### P-5 Forest Institutional 5 Zone

- No comment wrt Cobble Hill Area

#### W-1 Marine Conservation 1 Zone

- No comment.

#### W-2 Fresh Water Conservation 2 Zone

- No comment.

#### Comments on Applicable Sections of the OCP:

- Relocation Report ;Page 4, b, demographic profile of residents----- I find this to be intrusive and could be challenged, e.g.; why is age to be identified?

#### Other Comments:

- (Rosemary Allen) I do have a big issue with the down zoning of my property.. It has been taken out of RR2 were it has always been and placed in RR1. RR1 is for properties 4 ha. and up. Our property is 3.89 ha. The property is 876 Chapman Road. We live next door at 872 Chapman Road. We bought the property in 1971. When we built our house at 872 Chapman Road it was a family decision to keep the property for our sons. One son lives on it now in a small trailer and the youngest son will be retiring in about 5 years and intends to build on the property at 876 too. If the said property is moved into RR1 we cannot split it in half for the two boys. The oldest son in the trailer will need help in the future. . If this property is kept in RR2 where it belongs our plans would be assured. Lot2plan24358 Section 10, Range8 Shawnigan Land district Except plan 25320&Excep139829Pid 39829 (from the tax notice.) If this is hard to follow I intend to bring the plot plans and legal description to the meeting so it can be better understood. I would be pleased to drop it off to your house tomorrow if that is possible or perhaps you would care to come here and see the lay out. Gerry has been over and walked down the property already. The back of the property fronts on Gay Manor Road a paved Road.

August 31, 2012 - Reply to the APC Comments  
by Mike Tippett

Hello Rod,

Thank you and the APC members for a thorough set of comments on the draft South Cowichan Zoning Bylaw. Since the minutes containing these comments often had questions in them concerning the draft, I have decided to send a detailed email to you which you can share with the membership, in which I relate any changes made in response to the APC comments as well as my attempts to answer questions posed in your minutes.

The below information is presented in bullet form, corresponding to the bullets in the APC minutes:

- Aggregate processing: this definition only has relevance to the two parcels that would have RUR-3 Zoning: SIA and MIA's quarries in South Shawnigan. The storage of materials being permitted there has no bearing on parcels in other zones.
- The definition of gravel processing does not open the door to receipt of "dirty dirt" deposits even on the two parcels that are in the RUR-3 Zone. The Province has concurrent (hence – pre-eminent) authority concerning the disposition of contaminated soils in BC.
- Any place (like a convenience store) that has three or fewer gaming machines would not be considered to be an arcade, so it would be a permitted accessory use.
- Auto workshop with its reference in the definition to "upgrading" was written to accommodate tuning shops, customizing shops etc. This definition only applies in the zones which permit the use: I-1, I-1A, I-1B, I-1C, and I-8.
- Corrected the punctuation in Boarding Stable definition.
- Corrected Caretaker's Residence sentence.
- Changed word in Catering definition from "immediate" to "imminent".
- Centre line refers to the centreline of the road allowance, not the pavement centreline.
- Civic Use – I removed Jails and prisons from the definition in the early August re-draft.
- Corrected grammar in "Dwelling" definition.
- Front Yard – the only application of this definition is with respect to fence height regulations, i.e. the fence height in the "front yard" (as defined) on a residential property cannot be more than 1.2 m.
- Home-based Business – remember that this definition is supplemented by a very detailed set of regulations under Section 4.10 (to be discussed later in this email)
- Incubator mall – it's likely that the only agency that would ever consider subsidizing a light industrial mall would be a local government. Whomever would operate such a mall would have the final say on how long a business could remain before moving out. I am not sure why the local government would find itself in litigation concerning such a mall, presumably any operator of an incubator mall would have tenants sign contracts at the outset specifying the terms of occupancy.
- Kitchens – amended reference to upper cabinets.
- Personal Service – removed dry cleaning from the definition.
- Rear Parcel line – hard to generalize about whether a triangular lot has a rear parcel line or not, the location of lines relative to building location would determine that.
- Residence – "or return to if absent" is a necessary component of a legally defensible definition of residence.
- Subdivision – I did not understand what you are getting at here.
- "Delicatessen" – the definition has been altered by removing the regulation concerning maximum number of seats
- "Take out Restaurant" – same, deleted maximum number of seats from definition.

- “Waste Transfer Station” – this use is only permitted in a couple of industrial zones in the draft bylaw, but it’s permitted anywhere now.
- Uses prohibited in all zones – Baycedar Mall’s use of containers for storage has never been legal.
- Section 4.8 – the chicken regulation will be gutted and instead point to the limited agriculture regulation. The upshot of this is that the keeping of chickens will only be permissible in zones that allow limited agriculture, i.e. not in any R-3 Zone.
- Home-based business regulation – I have lowered the permissible floor area in Area C and area B from 100/200 square metres to 90 square metres. Area A will retain (its present) 100/200 standard. The Rooke example was way beyond the 90 SM limit so it’s not necessary to redesign the regulation to interdict this from happening.
- A-1/A-2, A4, A-6 Zones – I don’t see where there is a 24 rabbit limit! Also A-6 does not appear in the Cobble Hill area.
- RUR-1 – Cobble Hill Mountain base – it is not a zoning issue but it would be possible to put some aspirational language into an OCP policy that deals with the future use of this area.
- RR-5 (and R-5) – I added a definition of “Common storage area” indicating that it may be covered, indoor or outdoor and is only for the use of residents of the development.
- R-2 – maximum size of accessory dwelling unit (and secondary suite) is specified in the general regulations, Section 4.16 and 4.17 respectively.
- R-3 – all differences in building height and setback between Areas A B and C are reflective of present standards in the separate zoning bylaws that are presently in force. There is a chance to rethink these standards if you like.
- R-3 – the difference in minimum parcel size in the R-3 Zone for fully serviced parcels is again a legacy of the present practices in each of the 3 communities. The 2011 OCP contains these density provisions as policy so deviating from it would require a plan amendment.
- R-4 and RR-4 – you have made a very important point here, highlighting an error in the original draft, so all references to home-based business have been banished from these two zones.
- CD-3 – I have asked Gerry whether we should add tool rental as a permitted use in CD-3. I haven’t heard back yet.
- C-5, 6 and 7 – zero setbacks actually enhance the opportunity for on-site parking, as we have already seen with a couple of recent developments in Shawnigan Village.
- C-8, C-9 – setbacks have been reduced to 4.5 m.
- I-1C – this zone (in my draft at least) does not permit 160,000 L of HC storage. I-1, I-1A and I-1B do, however, these zones are in Area A mostly, none in Area C.
- I-6 – have changed equipment sales to “agricultural equipment sales”.
- P-2 – “institutional use” would be interpreted as per the definition in Part 3.
- Comment on Demographic Profile in Area C within OCP – the point of having some basic information about who lives in an area is so the services and needs of that population can be better addressed in policy and regulation. All OCPs do this to one extent or another.
- “Downzoning” comments: I note that the remainder of the original lot that was subdivided in the 1970s and again in the 1980s (the latter time with the subdivision to provide a residence for a relative clause of the day) is apparently about 3.7 hectares. Since this is less than 4 ha, even RR-2 zoning (which the present draft zoning map – see CVRD website) has for this area would not be small enough to allow for the creation of 2 parcels of 2 hectares each. And with the 25 hectare minimum for using Section 946 (the aforementioned “subdivision to provide a residence for a relative” clause) in the draft bylaw, this would not be an option either. RR-3 or RR-3A zoning would be required to achieve sub-2 ha lots here. I note that this area is zones Rural Residential R-1 under the present zoning bylaw (in force since 1992) and so the 2 hectare minimum is already in place.

If you have any follow-up comments or questions, please feel free to reply!