



STAFF REPORT TO COMMITTEE

DATE OF REPORT May 21, 2025

MEETING TYPE & DATE Electoral Area Services Committee Meeting of May 21, 2025

FROM: Development Services Division
Land Use Services Department

SUBJECT: Application No. RZ21C01 (3570 Telegraph Road, PID: 010-427-171)

FILE: RZ21C01

PURPOSE/INTRODUCTION

The purpose of this report is to provide an update on the status of Rezoning Application RZ21C01 for 3570 Telegraph Road (PID: 010-427-171), and discuss next steps of the application process.

RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That CVRD Bylaw No. 4652 – South Cowichan Zoning Amendment Bylaw, 2025, be forwarded to the Board for consideration of 1st, 2nd and 3rd reading;
2. That a public hearing not be held and public notice be given that a public hearing is prohibited with respect to CVRD Bylaw No. 4652 – South Cowichan Zoning Amendment Bylaw, 2025; and
3. That prior to adoption of CVRD Bylaw No. 4652 – South Cowichan Zoning Amendment Bylaw, 2025, a restrictive covenant be registered to prohibit subdivision, to protect a vegetated landscape buffer, and to restrict the number of dwellings and temporary accommodation units.

LOCATION MAP



BACKGROUND

On June 22, 2022, the Board adopted the following [Resolution](#) (22-395):

1. *That the Official Community Plan and Zoning Amendment Bylaws for Application No. RZ21C01 (3570 Telegraph Road, PID: 010-427- 171) be forwarded to the Board for consideration of 1st and 2nd reading;*
2. *That a public hearing be scheduled for Application No. RZ21C01 (3570 Telegraph Road, PID: 010-427-171), with Directors from Electoral Areas A, B, and C as delegates;*
3. *That the referrals for Application No. RZ21C01 (3570 Telegraph Road, PID: 010-427-171) be accepted;*
4. *That a restrictive covenant be registered to prohibit subdivision, to protect a vegetated landscape buffer, to restrict an increase in dwellings, and to restrict an increase in tourist accommodation units; and*
5. *That prior to consideration of adoption of Official Community Plan and Zoning Amendment Bylaws for Application No. RZ21C01 (3570 Telegraph Road, PID: 010-427-171), the applicant be required to provide the CVRD with a copy of the authorization from the Province of BC for the proposed use in accordance with the Water Sustainability Act.*

Items 1-3 of the above Resolution have been executed. Following a Public Hearing held on February 28, 2023, ([Minutes](#) received by the Board on April 26, 2023), the above noted bylaws received 3rd reading on April 26, 2023. Items 4 and 5 will be further discussed in this report.

OFFICIAL COMMUNITY PLAN / POLICY CONSIDERATIONS

Previously presented in the staff report to Electoral Area Services Committee of June 15, 2022.

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

The applicant is in the process of submitting information for building permits for the proposed uses.

PLANNING ANALYSIS

The following is a discussion on how the application can proceed.

Water Licence:

With respect to Resolution #5, the applicant applied to the Province for an Existing Use (Transitioning) Groundwater Licence for commercial use of well water for the existing bed and breakfast and temporary accommodation establishment on the property. The Province informed the CVRD in April 2025 that those uses can be considered domestic uses and a water licence is no longer required. Therefore, the proposed bylaws may proceed to adoption without the water licence condition as per Resolution #5. However, under the Drinking Water Protection Regulation, Island Health approval is still required through the building permit process if a water system that

supplies water to multiple domestic residential units from a single well, rather than individual wells or separate storage cisterns, is used.

Replacement Zoning Amendment Bylaw:

Since the previous readings of CVRD Bylaw No. 4422 – South Cowichan Zoning Amendment Bylaw, 2022, some existing and proposed uses on the property have changed. Kitchenettes in the bed and breakfast units within the single detached dwelling have been removed. These units are no longer tourist sleeping units with cooking facilities as defined in the draft bylaw, but rather bed and breakfast units without cooking facilities as defined in the current zoning bylaw. In addition, relevant terminology in the bylaw will need to be made consistent with current South Cowichan Zoning Bylaw No. 3520, such as “attached suite”, “detached suite”, “single detached dwelling”, “temporary accommodation”.

To accurately reflect the current and proposed uses on the property and current zoning bylaw terminology, the new comprehensive development zone (CD-6), as proposed previously, is no longer suitable. Instead, site-specific regulations for the existing RR-2 (Rural Residential 2) zone for the property are recommended. Due to these substantial changes, it is recommended the previous bylaw be abandoned and replaced by a new zoning amendment bylaw – CVRD Bylaw No. 4652 – South Cowichan Zoning Amendment Bylaw, 2025.

The replacement bylaw can be found in Attachment A.

Amendment to Covenant:

Corresponding to the above proposed new replacement bylaw, the covenant in respect of Resolution #4 will need to be updated before adoption of the bylaw.

Abandonment of OCP Bylaw:

Based on the above recommendations, the existing and proposed uses on the property would remain primarily residential, and thus the bylaw would remain consistent with the OCP designation of Rural Residential. Therefore, the previously proposed OCP amendments to re-designate the property from Rural Residential to Tourist Commercial and to include the property in a Form and Character Development Permit Area for Commercial and Mixed-use Development are no longer required.

Therefore, it is recommended that CVRD Bylaw No. 4421 – Official Community Plan for the Electoral Areas Amendment Bylaw, 2022, be abandoned.

Public Hearing Prohibition:

To proceed with CVRD Bylaw No. 4652 – South Cowichan Zoning Amendment Bylaw, 2025, pursuant to s. 464(3) of the *Local Government Act*, a public hearing is not permitted. However, the local government must still give notice that a public hearing will not be held, prior to first reading of the bylaw.

OPTIONS

Option 1 (recommended):

That it be recommended to the Board that:

1. That CVRD Bylaw No. 4652 – South Cowichan Zoning Amendment Bylaw, 2025, be forwarded to the Board for consideration of 1st, 2nd and 3rd reading;
2. That a public hearing not be held and public notice be given that a public hearing is prohibited with respect to CVRD Bylaw No. 4652 – South Cowichan Zoning Amendment Bylaw, 2025; and
3. That prior to adoption of CVRD Bylaw No. 4652 – South Cowichan Zoning Amendment Bylaw, 2025, a restrictive covenant be registered to prohibit subdivision, to protect a vegetated landscape buffer, and to restrict the number of dwellings and temporary accommodation units.

Option 2:

That it be recommended to the Board that Application No. RZ21C01 (3570 Telegraph Road, PID: 010-427-171), be denied.

Prepared by:



Yuli Siao
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Reviewed by:



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Ann Kjerulf, MCP, RPP, MCIP
General Manager

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

Resolution:

☒ Corporate Officer

Financial Considerations:

☒ Chief Financial Officer

ATTACHMENTS:

Attachment A – CVRD Bylaw No. 4652 – South Cowichan Zoning Amendment Bylaw, 2025

Attachment B – CVRD Bylaw No. 4422 – South Cowichan Zoning Amendment Bylaw, 2022

Attachment C – CVRD Bylaw No. 4421 – Official Community Plan for the Electoral Areas
Amendment Bylaw, 2022



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4652

A Bylaw to Amend South Cowichan Zoning Bylaw No. 3520 Applicable to Electoral Areas A – Mill Bay/Malahat and C – Cobble Hill

WHEREAS the *Local Government Act* empowers the Regional Board to adopt and amend zoning bylaws;

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Areas A – Mill Bay/Malahat and C – Cobble Hill, that being the CVRD South Cowichan Zoning Bylaw No. 3520, 2012;

AND WHEREAS the Regional Board voted on and received the required majority vote of those present and eligible to vote on each reading of this bylaw, as required by the *Act*;

AND WHEREAS the Regional Board considers it advisable to amend South Cowichan Zoning Bylaw No. 3520;

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

1. CITATION

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 4652 – South Cowichan Zoning Amendment Bylaw (3570 Telegraph Road/PID: 010-427-171), 2025**".

2. AMENDMENTS

Cowichan Valley Regional District Zoning Bylaw No. 3520 is amended in the following manner:

a) The following subsection be added to Section 10.2 RR-2 Rural Residential 2 Zone:

7. **Special Regulations**

The following special regulations apply only to 3570 Telegraph Road (PID 010-427-171), Legal description: LOT 2, SECTION 12, RANGE 9, SHAWNIGAN DISTRICT, PLAN 46498.

a. **Attached Suite and Detached Suite**

- i. Notwithstanding Section 4.15.1 and Section 4.16.5, one attached suite is permitted within the single detached dwelling, and one detached suite is permitted on the parcel; and
- ii. All regulations under Sections 4.15 and Sections 4.16, other than 4.15.1 and 4.16.5, apply to the attached suite and the detached suite.

b. Temporary Accommodation

- i. Temporary accommodation is permitted within no more than one accessory building; and
- ii. The floor area of the temporary accommodation shall not exceed 85 m².

c. Bed and Breakfast Accommodation

- i. Notwithstanding Section 4.12.c, bed and breakfast accommodation operated in a maximum of 3 sleeping units is permitted within a single detached dwelling;
- ii. The floor area of a single bed and breakfast sleeping unit shall not exceed 85 m²;
- iii. No cooking facilities shall be permitted within the bed and breakfast accommodation; and
- iv. Food service shall be limited to the provision of one breakfast per day to guests of the bed and breakfast accommodation.

d. Other Requirements

- i. The use of bed and breakfast and temporary accommodation shall comply with applicable senior government regulations; and
- ii. The use of bed and breakfast and temporary accommodation shall not produce excessive traffic, or create a nuisance of any kind.

e. Landscaping

Temporary accommodation shall be screened from view from any street or adjoining property. The exterior boundaries of the parcel shall be buffered by a continuous 20-metre-wide evergreen vegetated landscape screen, within which no buildings or structures may be constructed.

3. FORCE AND EFFECT

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

READ A FIRST TIME this _____ day of _____, 2025.

READ A SECOND TIME this _____ day of _____, 2025.

READ A THIRD TIME this _____ day of _____, 2025.

ADOPTED this _____ day of _____, 2025.

Chair

Corporate Officer



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4422

A Bylaw to Amend South Cowichan Zoning Bylaw No. 3520 Applicable to Electoral Areas A & C

WHEREAS the *Local Government Act* empowers the Regional Board to adopt and amend zoning bylaws;

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Areas A and C, that being the CVRD South Cowichan Zoning Bylaw No. 3520, 2012;

AND WHEREAS the Regional Board voted on and received the required majority vote of those present and eligible to vote on each reading of this bylaw, as required by the *Act*;

AND WHEREAS after the close of the public hearing and with due regard to the representations received, the Regional Board considers it advisable to amend South Cowichan Zoning Bylaw No. 3520;

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

1. CITATION

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 4422 – South Cowichan Zoning Amendment Bylaw (3570 Telegraph Road/PID: 010-427-171), 2022**".

2. AMENDMENTS

Cowichan Valley Regional District South Cowichan Zoning Bylaw No. 3520 is amended in the following manner:

- a) That Section 8.1 – Creation of Zones; Residential Zones be amended to include:

Rural Comprehensive Development	CD-2	Rural Comprehensive Development 2 – Telegraph Road
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- b) That Section **11.2 Rural Comprehensive Development 2 – Telegraph Road** be added:

1. Permitted uses

The following principal uses and no others are permitted in the CD-2 Zone:

- Single-family Dwelling
- Tourist Accommodation
- Horticulture

The following accessory uses are permitted in the CD-2 Zone:

- Home-based business
- Secondary Suite

- f. Accessory Dwelling Unit

2. Parcel Coverage

The parcel coverage in the CD-2 Zone shall not exceed 20% of parcel area, or 500 m², whichever is less, for all buildings and structures

3. Building Height

The height of buildings and structures in the CD-2 Zone shall not exceed:

- a. 10 metres for a principal building and structure
- b. 7.5 metres for an accessory building and structure

4. Setbacks

The following minimum setbacks for buildings and structures apply in the CD-2 Zone

Type of Parcel Line	Residential and Accessory Uses
Front parcel line	20 metres
Interior parcel line	3 metres
Exterior side parcel line	4.5 metres
Rear parcel line	4.5 metres

5. Minimum Parcel Size

The minimum parcel size in the CD-2 Zone is 2 ha.

6. Special Regulations for Secondary Suite and Accessory Dwelling Unit

The following special regulations apply to the accessory use of a parcel for a secondary suite and an accessory dwelling unit:

- a. Notwithstanding Section 4.15.1. and Section 4.16.6. one secondary suite is permitted within the single-family dwelling, and one accessory dwelling unit is permitted on the parcel;
- b. A maximum of three dwelling units for residential use are permitted on the parcel;
- c. All regulations under Sections 4.15 and Sections 4.16, other than 4.15.1 and 4.16.6, apply to the secondary suite and the accessory dwelling unit; and,
- d. The secondary suite and accessory dwelling unit shall be used for residential use, and not for tourist accommodation.

7. Special Regulations for Tourist Accommodation

The following special regulations apply to the use of a parcel for tourist accommodation:

- e. A maximum density of 4 tourist sleeping units are permitted on the parcel, with a maximum of 3 tourist sleeping units within the single-family dwelling, and 1 sleeping unit within a wholly permitted separate building;
- f. The maximum number of rooms within a single tourist sleeping unit shall not exceed 2 rooms;
- g. The maximum number of rooms on the property used for overnight guest accommodation must not exceed 6 rooms for the entire property;
- h. Tourist accommodation must be conducted by a resident on the parcel, who may not employ more than one additional non-resident person on the parcel;
- i. Tourist accommodation must be completely contained within the single-family dwelling or in a separate building permitted for use as a tourist sleeping unit;
- j. The floor area of a single tourist sleeping unit shall not exceed 85 m²;
- k. Where a renovation, addition or new construction is required, applications for building permits shall explicitly show which rooms in the dwelling will be used for tourist accommodation, and shall show any proposed cooking facilities;

- l. Food service will be limited to the provision of one breakfast meal per day to guests;
- m. The use of tourist accommodation shall comply with applicable senior government regulations; and
- n. The use of tourist accommodation shall not produce excessive traffic, or create a nuisance of any kind.

8. Landscaping and Screening Regulations

Temporary tourist accommodation shall be screened from view from many street or adjoining property. The exterior boundaries of the CD-2 Zone shall be buffered by a continuous 20-metre-wide evergreen vegetated visual landscape screen, within which no buildings or structures may be constructed.

- c) That Schedule A (Zoning Map) to CVRD South Cowichan Zoning Bylaw No. 3520, 2012, is amended by rezoning LOT 2, SECTION 12, RANGE 9, SHAWNIGAN DISTRICT, PLAN 46498 – PID 010-427-171, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this Bylaw, Number Z-4422, from RR-2 – Rural Residential 2 Zone to CD-2 Comprehensive Development 2 – Telegraph Road.

3. FORCE AND EFFECT

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

READ A FIRST TIME this 13th day of July, 2022.

READ A SECOND TIME this 13th day of July, 2022.

READ A THIRD TIME this 26th day of April, 2023.

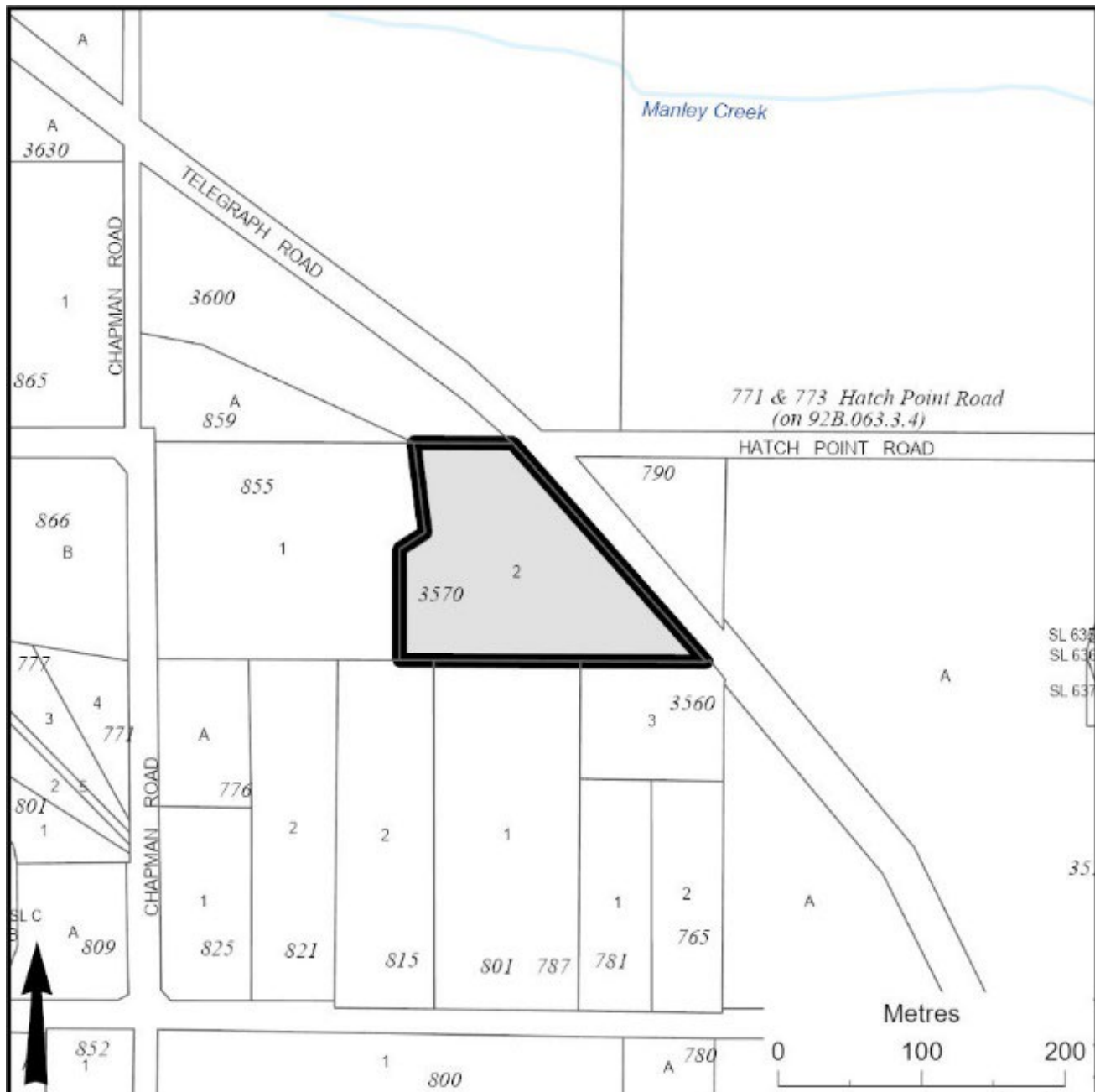
ADOPTED this _____ day of _____, 2022.

Chair

Corporate Officer

PLAN NO. Z-4422

SCHEDULE A **TO PLAN AMENDMENT BYLAW NO.**
OF THE COWICHAN VALLEY REGIONAL DISTRICT

4422

THE AREA OUTLINED IN SOLID BLACK LINE IS REZONED FROM RR-2 – RURAL RESIDENTIAL 2 ZONE TO CD-2 RURAL COMPREHENSIVE DEVELOPMENT 2 – TELEGRAPH ROAD, APPLICABLE TO ELECTORAL AREA C



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4421

A Bylaw to Amend Official Community Plan Bylaw No. 4270 Applicable to Electoral Areas A, B, C, D, E, F, G, H & I in the Cowichan Valley Regional District

WHEREAS the *Local Government Act* empowers the Regional Board to adopt and amend official community plan bylaws;

AND WHEREAS the Regional District has adopted an official community plan for all Electoral Areas, that being Official Community Plan Bylaw No. 4270;

AND WHEREAS the Regional Board voted on and received the required majority vote of those present and eligible to vote on each reading of this bylaw, as required by the *Act*;

AND WHEREAS after the close of the public hearing and with due regard to the representations received, the Regional Board considers it advisable to amend Official Community Plan Bylaw No. 4270;

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

1. CITATION

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 4421 – Official Community Plan for the Electoral Areas Amendment Bylaw, 2022**".

2. AMENDMENTS

CVRD Bylaw No. 4270 – Cowichan Valley Regional District Official Community Plan for the Electoral Areas Bylaw, 2021, 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.

4. FORCE AND EFFECT

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

READ A FIRST TIME this 13th day of July, 2022.

READ A SECOND TIME this 13th day of July, 2022.

READ A THIRD TIME this 26th day of April, 2022.

ADOPTED this _____ day of _____, 2022.

Chair

Corporate Officer

**SCHEDULE A****To CVRD Bylaw No. 4421**

Schedule L: Land Use Designations Maps and Schedule U: Development Permit Area Maps, to CVRD Bylaw No. 4270 – Cowichan Valley Regional District Official Community Plan for the Electoral Areas Bylaw, 2021, is hereby amended as follows:

1. That LOT 2, SECTION 12, RANGE 9, SHAWNIGAN DISTRICT, PLAN 46498 – PID: 010-427-171, as shown outlined in a solid black line on Plan Number Z-4421 attached hereto and forming Schedule B of this bylaw, be re-designated from Rural Residential to Tourist Commercial; and that Schedule L to Official Community Plan Bylaw No. 4270 be amended accordingly.
2. That LOT 2, SECTION 12, RANGE 9, SHAWNIGAN DISTRICT, PLAN 46498 – PID 010-427-171, as shown outlined in a solid black line on Plan Number Z-4421 attached hereto and forming Schedule B of this bylaw, be included in the Form and Character Development Permit Area 11: Commercial and Mixed-use Development, and that Schedule U to Official Community Plan Bylaw No. 4270 be amendment accordingly.

PLAN NO. Z-4421

SCHEDULE B TO PLAN AMENDMENT BYLAW NO. 4421
 OF THE COWICHAN VALLEY REGIONAL DISTRICT



THE AREA OUTLINED IN SOLID BLACK LINE IS RE-DESIGNATED FROM RURAL RESIDENTIAL TO TOURIST COMMERCIAL, APPLICABLE TO ELECTORAL AREA C – COBBLE HILL

THE AREA OUTLINE IN SOLID BLACK LINE IS INCLUDED IN THE FORM AND CHARACTER DEVELOPMENT PERMIT AREA 11: COMMERCIAL AND MIXED-USE DEVELOPMENT