



## ELECTORAL AREA SERVICES COMMITTEE MEETING AGENDA

WEDNESDAY, OCTOBER 18, 2017  
BOARD ROOM  
175 INGRAM STREET, DUNCAN, BC

1:30 PM

---

	<u>PAGE</u>
1. <b><u>APPROVAL OF AGENDA</u></b>	
2. <b><u>ADOPTION OF MINUTES</u></b>	
M1 Regular Electoral Area Services Committee meeting of October 4, 2017	1
<b>Recommendation</b> That the minutes of the regular Electoral Area Services Committee meeting of October 4, 2017, be adopted.	
3. <b><u>BUSINESS ARISING FROM THE MINUTES</u></b>	
4. <b><u>PUBLIC INPUT PERIOD</u></b>	
5. <b><u>DELEGATIONS</u></b>	
D1 Gord Van Dyck, Re: Saltair Community Centre	7
6. <b><u>CORRESPONDENCE</u></b>	
C1 Grant-in-Aid Request, Electoral Area E - Cowichan Station/Sahtlam/Glenora Re: Alexander School Sh-hwuykelu Busy Place Creek Streamkeepers	9
<b>Recommendation</b> That it be recommended to the Board that a Grant-in-Aid, Electoral Area E - Cowichan Station/Sahtlam/Glenora, in the amount of \$1,000 be provided to Alexander School Sh-hwuykelu Busy Place Creek Streamkeepers to support student transportation to and from Busy Place Creek for streamkeeping activities.	

- C2 Grant-in-Aid Request, Electoral Area E - Cowichan Station/Sahtlam/Glenora 11  
Re: Glenora Farm - The Ita Wegman Association of BC

**Recommendation** That it be recommended to the Board that a Grant-in-Aid, Electoral Area E - Cowichan Station/Sahtlam/Glenora, in the amount of \$5,000 be provided to Glenora Farm - The Ita Wegman Association of BC to support the switch of the water source for the Farm's gardens/greenhouses from the well to a storage pond in response to critical water flow issues in the Koksilah watershed.

7. **INFORMATION**

- IN1 1. Area C - Cobble Hill Advisory Planning Commission Minutes - 13  
September 28, 2017;  
2. Area E - Cowichan Station/Sahtlam/Glenora Advisory Planning Commission  
Minutes - September 26, 2017;  
3. Area D - Cowichan Bay Parks Commission Minutes - September 18, 2017;  
and  
4. Area I - Youbou/Meade Creek Parks Commission Minutes -  
September 12, 2017.

**Recommendation** For information.

8. **REPORTS**

- R1 Application No. 04-E-17DP (PID: 003-420-931) - Report from Development 23  
Services Division

**Recommendation** That it be recommended to the Board:  
1. That Development Permit Application No. 04-E-17DP for a two lot subdivision be approved; and  
2. That the General Manager of Land Use Services be authorized to permit minor revisions to the permit in accordance with the intent of development permit guidelines of Official Community Plan Bylaw No. 1840.

- R2 Application No. 01-C-16RS (3501-3505 Telegraph Road) - Report from 41  
Development Services Division

**Recommendation** That it be recommended to the Board:  
1. That the Zoning Amendment Bylaw for Application No. 01-C-16RS (3501-3505 Telegraph Road) be forwarded to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> Readings;  
2. That the referrals to the Agricultural Land Commission, Mill Bay Volunteer Fire

- Department, Island Health, Ministry of Transport and Infrastructure be accepted; and
3. That a public hearing be scheduled with Directors from Electoral Areas D, E and C as delegates.

R3 Accessory Dwelling Units on Agricultural Parcels - Report from Development Services Division 103

- Recommendation** That it be recommended to the Board:
1. That a bylaw to amend South Cowichan Zoning Bylaw No. 3520 to include accessory dwelling unit as a permitted use in the Agricultural Resource 1 (A-1) Zone be drafted and forwarded to the Board for consideration of first and second reading; and
  2. That a public hearing be scheduled with Directors of Electoral Areas A, B and C appointed as delegates.

R4 Shawnigan Lake Museum Expansion - Gas Tax Contribution Request - Report from Parks & Trails Division 115

- Recommendation** That it be recommended to the Board that a Federal Gas Tax Program Community Works Funding Agreement in the amount of \$150,000 for expansion of the Shawnigan Lake Museum be entered into with the Shawnigan Lake Historical Society, subject to conditions outlined in the report to the October 18, 2017, Electoral Area Services Committee.

R5 Arbutus Mountain Estates Sewer Transfer Agreement - Report from Water Management Division 133

- Recommendation** That it be recommended to the Board that an Arbutus Mountain Estates Sewer System Transfer Agreement be executed by the developer, Performing Equity Developments (Shawnigan) Ltd., and the CVRD.

R6 Verbal Report from Amy Melmock, Manager, Economic Development Division, Re: Agriculture Study

R7 September 2017 Building Inspection Report - Verbal Report from Robert Blackmore, Manager, Inspections & Enforcement Division 135

- Recommendation** For information.

- R8 September 2017 Bylaw Enforcement Report - Verbal Report from 139  
Robert Blackmore, Manager, Inspections & Enforcement Division

**Recommendation** For information.

**9. UNFINISHED BUSINESS**

- UB1 CVRD Bylaw No. 4153 - Community Parks Advisory Commissions Establishment 143  
Bylaw, 2017

**Recommendation** That Community Parks Advisory  
Commissions Establishment Bylaw No. 4153  
be forwarded to the Board for three readings  
and adoption.

**10. NEW BUSINESS**

**11. QUESTION PERIOD**

**12. CLOSED SESSION**

Motion that the Closed Session Agenda be approved, and 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.

- CS M1 - Closed Session Electoral Area Services Committee Minutes of  
September 6, 2017

- CS R1 - Verbal Report from the Managers, Development Services Division and  
Inspections & Enforcement Division, Re: Law Enforcement {Sub (1)(f)}

**13. ADJOURNMENT**

The next Electoral Area Services Committee Meeting will be held Wednesday, November 1, 2017 at 1:30 PM, in the Board Room, 175 Ingram Street, Duncan, BC.

**Committee Members**

Director I. Morrison, Chairperson  
Director M. Marcotte, Vice-Chairperson  
Director S. Acton

Director M. Clement  
Director K. Davis  
Director M. Dorey

Director L. Iannidinardo  
Director K. Kuhn  
Director A. Nicholson

Minutes of the Electoral Area Services Committee Meeting held on Wednesday, October 4, 2017 in the Board Room, 175 Ingram Street, Duncan BC at 1:30 PM.

**PRESENT:** Director I. Morrison, Chair  
Director S. Acton  
Director M. Clement <after 1:45 PM>  
Director K. Davis  
Director M. Dorey  
Director L. Iannidinardo  
Director K. Kuhn  
Director M. Marcotte  
Director A. Nicholson

**ALSO PRESENT:** B. Carruthers, Chief Administrative Officer  
R. Blackwell, General Manager, Land Use Services  
H. Hatimi, General Manager, Engineering Services  
R. Conway, Manager, Development Services  
B. Dennison, Manager, Water Management  
B. Farquhar, Manager, Parks & Trails  
T. Soroka, Parks & Trails Planner  
R. Rondeau, Planner II  
L. Knodel-Joy, Senior Engineering Technologist  
D. Lucas, Planning Technician  
K. Madge, Development Officer

**APPROVAL OF AGENDA**

**It was moved and seconded that the agenda be amended with the deletion of Item R1 (Application No. 03-B-17DVP Re: 2700 Worthington Road) and Item R7 (Utility Commission Approval and Establishment) and the addition of one New Business Item:**

**NB1 Verbal Report from Director M. Dorey Re: 2017 Saltair Centennial Park Halloween Event; and**

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

**MOTION CARRIED**

**ADOPTION OF MINUTES**

**M1** Regular Electoral Area Services Committee meeting of September 20, 2017

**It was moved and seconded that the minutes of the Regular Electoral Area Services Committee meeting of September 20, 2017 be adopted.**

**MOTION CARRIED**

**CORRESPONDENCE**

**C1** Letter dated August 29, 2017, from Carla Jack, BC Geographical Names Office, Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Re: Official Name Request for Arbutus Ridge

By consensus of the Committee Item C1 is to be dealt with later in the meeting.

**C2** Letter dated September 19, 2017 to Director M. Clement from John E. Batty, President, Cobble Hill Events Society (CHES), Re: CHES appreciation of support for the Cobble Hill Summer Events was received for information.

**INFORMATION**

**IN1** The following items 1 through 5 were received for information:  
1. Area C - Cobble Hill Advisory Planning Commission Minutes August 31, 2017;  
2. Area F - Cowichan Lake South/Skutz Falls Parks Commission June 1, 2017;  
3. Area F - Cowichan Lake South/Skutz Falls Parks Commission July 7, 2017;  
4. Area G - Saltair/Gulf Islands Parks Commission September 18, 2017; and  
5. Area I - Youbou/Meade Creek Parks Commission July 11, 2017.

**REPORTS**

**R1** Item R1 was deleted from the Agenda upon Adoption of the Agenda.

**R2** Application No. 22-D-16DP (PID: 029-977-266) - Report from Development Services

**It was moved and seconded that it be recommended to the Board:**

- 1. That Development Permit Application No. 22-D-16DP (PID: 029-977-266) be approved; and**
- 2. That the General Manager of the Land Use Services Department be authorized to permit minor revisions to the permit in accordance with the intent of development permit guidelines of Official Community Plan Bylaw No. 3605.**

**1:45 PM** Director Clement entered the meeting at 1:45 PM.

**MOTION CARRIED**

**It was moved and seconded that a progress report be prepared by staff regarding landscaping on the surrounding development area located at 5301 Chaster Road in connection with Application No. 22-D-16DP (PID: 029-977-266).**

**MOTION CARRIED**

**R3** Application No. 01-E-16RS Re: 4681 Sahtlam Estates Road - Report from Development Services Division, was received for information.

R4 Update on Cobble Hill Improvement District Re: Use of Galliers Park for Location of Community Well - Report from Parks & Trails Division, was received for information.

R5 Elkington Water and Sewer System Services Re: Amendment Bylaws - Report from Water Management Division

**It was moved and seconded that it be recommended to the Board that amendment bylaws be prepared to change the name of the Elkington Forest Sewer System to Malahat Sewer System and the name of the Elkington Forest Water System to Malahat Water System.**

**MOTION CARRIED**

R6 Wilmot Road Street Lighting Service Re: Limit Increase - Report from Water Management Division

**It was moved and seconded that it be recommended to the Board that a bylaw be prepared to amend "CVRD Bylaw No. 2791 – Electoral Area D - Wilmot Road Street Lighting Service Establishment Bylaw", to increase the maximum annual requisition limit from \$4,000 to \$4,990.**

**MOTION CARRIED**

**It was moved and seconded that a report be prepared with alternative options for street lighting within the Wilmot Road Street Lighting Service Area for the purposes of moderating light spill.**

**MOTION CARRIED**

R7 Item R7 Utility Commission Approval and Establishment – Report from Water Management Division was deleted from the Agenda upon Adoption of the Agenda.

**MOTION CARRIED**

R8 Shawnigan Lake North Water System Re: Crown Land Licence of Occupation - Report from Water Management Division

**It was moved and seconded that it be recommended to the Board that an application be submitted for a temporary license of occupation on Crown Land approximately 1 km North West of Shawnigan Lake for the purpose of investigative work to determine the potential for a groundwater supply for Shawnigan Lake North Water System.**

**MOTION CARRIED**

R9 Brulette Place Sewer Capital Project Re: Community Works Gas Tax and Budget Amendment - Report from Water Management Division

**It was moved and seconded that it be recommended to the Board:**

- 1. That the Electoral Area A – Brulette Place Sewer System Community Works Funds in the amount of \$220,000 be amended to "up to \$133,200 or 66.6% of total project cost", and**

**2. That an amendment to the 2017 Five Year Financial Plan Bylaw be prepared to include an Engineering structure capital expense of \$200,000, Municipal Finance Authority long term borrowing of \$66,800 and transfer from gas tax reserves of \$133,200 for installation of a new sewage treatment plant.**

**MOTION CARRIED**

**R10** Grant Application Re: Mill Bay Water District Infrastructure Planning - Report from Water Management Division

**It was moved and seconded that it be recommended to the Board that an Infrastructure Planning Grant application be submitted to the Province of British Columbia on behalf of the Mill Bay Water District.**

**MOTION CARRIED**

**C1** Letter dated August 29, 2017, from Carla Jack, BC Geographical Names Office, Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Re: Official Name Request for Arbutus Ridge

**It was moved and seconded that the Cowichan Valley Regional District (CVRD) provide a letter of support to the Province of BC, Ministry of Forests, Lands, Natural Resource Operations and Rural Development, for the request by Strata 1601 (Arbutus Ridge) to formally recognize the name "Arbutus Ridge".**

**MOTION CARRIED**

**C2** Director Clement provided a thank you to staff for all of their support within in the community.

**NEW BUSINESS**

**NB1** Verbal Report from Director M. Dorey Re: 2017 Saltair Centennial Park Halloween Event

**It was moved and seconded that it be recommended to the Board that the Saltair Parks Commission, represented by David Key, be approved to organize the 2017 Saltair Centennial Park Halloween Event with \$2,700 from the Saltair Community Parks budget being allocated to cover event costs.**

**MOTION CARRIED**

**ADJOURNMENT**

**2:26 PM** It was moved and seconded that the meeting be adjourned.

**MOTION CARRIED**

The meeting adjourned at 2:26 PM.



\_\_\_\_\_  
Chair

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

Dated: \_\_\_\_\_



**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Jennifer Hughes](#); [Kylie Madge](#); [Mary Anne McAdam](#)  
**Subject:** Online Form Submittal: Electoral Area Services Committee  
**Date:** Thursday, September 14, 2017 8:52:59 PM

---

## Electoral Area Services Committee

### Request to Appear as a Delegation at the Electoral Area Services Committee

Electoral Area Services Committee meetings are held on the first and third Wednesdays of the month at 1:30 p.m.

Please Note: Contact information supplied by you and submitted with this form will become part of the public record and will be published in a meeting agenda that is posted online when this matter is before the Electoral Area Services Committee. If you do not wish this contact information disclosed, please contact the FOI Coordinator at 250.746.2507 or 1.800.665.3955 to advise.

Meeting Date	10/18/2017
Contact Information	
Contact Name	Gord Van Dyck
Representing	The majority of the citizens in Saltair
Number Attending	1
Address	3745 Gardner Road
City	Ladysmith
Province	BC
Postal Code	V9G 2A3
Telephone Number	250-550-5619
Reply Email	<a href="mailto:gvandyck@telus.net">gvandyck@telus.net</a>
Presentation Topic and Nature of Request	To present the EASC with a petition from a majority of the citizens in Saltair for a vote about whether the CVRD will spend any more money (tax money or grant money) on repairing or upgrading the Saltair Community Centre building.
Do you have a PowerPoint presentation?	<i>Field not completed.</i>

Email not displaying correctly? [View it in your browser.](#)





COWICHAN VALLEY REGIONAL DISTRICT Finance Division

SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS)

Submitted by Director Nicholson Area E

Grantee: \_\_\_\_\_ Grant Amount \$ 1000

NAME: Alexander School Sh-hwuykelu Busy Place Creek

ADDRESS: A stream keepers  
2471 Beverley Street  
Duncan

Contact Phone No: Heidi Gropp / Sharon Lachmanec  
250-748-8148

PURPOSE OF GRANT: for student transportation to and from  
Busy Place Creek for stream keeping activities

REQUESTED BY: [Signature]  
Director's Signature

ACCOUNT NO.	AMOUNT
<u>01-2-1950-0411-115</u>	<u>1000.00</u>

**FOR FINANCE USE ONLY**

BUDGET APPROVAL [Signature]

Approval at Regional Board Meeting of \_\_\_\_\_

\_\_\_\_\_  
Finance Authorization





COWICHAN VALLEY REGIONAL DISTRICT Finance Division

SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS)

Submitted by Director Nicholson Area E

Grantee: Glenora Farm - Grant Amount \$ 5000

NAME: The Ita Wegman Association of BC

ADDRESS: 4766 Waters Road  
Duncan BC  
V9L 6S9

Contact Phone No: Karen Humber 250 - 715 - 1559

PURPOSE OF GRANT: To switch the water source for the farm's gardens/greenhouses from the well to a storage pond. in response to critical water flow issues in the Kokmilah watershed

REQUESTED BY: [Signature]  
 Director's Signature

ACCOUNT NO.	AMOUNT
<u>01-2-1950-0433 -115</u>	<u>5000.00</u>

**FOR FINANCE USE ONLY**

BUDGET APPROVAL [Signature]

Approval at Regional Board Meeting of \_\_\_\_\_

Finance Authorization \_\_\_\_\_







**ELECTORAL AREA C – COBBLE HILL  
ADVISORY PLANNING COMMISSION MINUTES  
THURSDAY, SEPTEMBER 28, 2017 - 7:00 p.m.  
COBBLE HILL YOUTH HALL**

Present: Brenda Krug – Chair, David Slade, Nick Hill, Lynn Wilson,  
Also Present: Matteus Clement – Regional Director Area ‘C’,  
Dr. Marina Sapozhnikov (7:15 p.m.), David Larouque (7:15 p.m.)  
Regrets: Chris Koehn

Chair Krug called the meeting to order at 7:00 p.m.

Moved/seconded ***that the agenda is adopted as amended to include a possible issue with a previous application regarding landscaping.*** Carried

Moved/seconded ***that the minutes are adopted as corrected to show the correct date of “December 11, 2013” in the motion to recommend the application.*** Carried

New Business:

Chair Krug reviewed the APC meeting procedure.

Director Clement explained how APC members may express concerns regarding applications.

Application 3-C-RS: At 7:15 p.m. Applicant, Dr. Marina Sapozhnikov accompanied by Mr. David Larouque joined the meeting to present **Application 3-C-17RS**, proposing rezoning from R-3 (Village Residential) to C-5 (Village Commercial) for a medical clinic. APC members addressed questions to the Applicant regarding water, sewer, parking, lot size, setbacks and hours of operation. The Applicant will approach the Cobble Hill Water Improvement District regarding permit requirements. The Applicant will seek a variance regarding a sewer line. A line presently runs along Garland Avenue but not along Holland Ave in front of the application site, but a sewer line is expected to be in place on Holland Ave in about one year. The proposed medical clinic will be a one physician office for the foreseeable future, and will require only 3 to 4 parking spaces that will be provided by altering what is now a front lawn with a hedge into parking. The lot size is under the 1,000 sq. metre minimum for parcels serviced by sewer and water for C-5 zoning contained in CVRD Bylaw 3510, and the Applicant will seek a variance from the CVRD. Setbacks will be reviewed with CVRD Staff. The proposed clinic hours will be 8:00 a.m. to 5:00 p.m. Monday to Friday.

A question was raised regarding how neighbours are advised of applications for rezoning and for variances. Director Clement explained these processes.

Moved/seconded ***that the Cobble Hill Advisory Planning Commission recommends in favour of Application 3-C-17RS, providing a water permit and variances regarding sewer, lot size, and any setback requirements are approved.*** Carried

Moved/seconded ***that if all permits and variances required are approved, that the Cobble Hill Advisory Planning Commission recommends bypassing a public hearing for rezoning Application 3-C-17RS.*** Carried

Landscaping Concern: A concern regarding landscaping of a previous application was raised. Director Clement has had meetings and discussions with the business owner.

Director's Report: Director Clement spoke to the APC about CVRD applications and local issues pertaining to land use.

Next meeting: The next meeting of the Cobble Hill APC will be at the call of the Chair.  
Adjournment: Moved/seconded ***that the meeting adjourn at 7:55 p.m.***

Submitted by Nick Hill



DATE: Tuesday, September 26, 2017

TIME: 19:00-21:00

**MINUTES** of the Electoral Area E Advisory Planning Commission held on the above noted date and time at 175 Ingram Street, Duncan, B.C., CVRD Boardroom.

**PRESENT:**

Chairperson: Susan Kaufmann  
 Secretary:  
 Members: David Coulson  
 Sarah Davies-Long  
 Michelle Geneau  
 Celina Gold  
 Patrick Jackson  
 Parker Jefferson  
 Julia Rylands  
 John Salmen  
 Ken Smith  
 Marianna Terauds  
**REGRETS:** Justin Straker

**ALSO present:**

Director: Alison Nicholson  
 Staff: Bev Suderman and Rob Conway, CVRD Planners; Kate Miller, Manager, Environmental Services, CVRD  
 Applicant: Paul Slade, Drillwell Enterprises

Meeting called to order at 7:05 pm.

**APPROVAL OF AGENDA**

It was moved and seconded that the agenda be approved.

MOTION CARRIED

**ADOPTION OF MINUTES**

It was moved and seconded that the minutes of the Area E APC meeting of September 12, 2017 be accepted as amended, with the removal of the information about the member of the public who attended the meeting.

MOTION CARRIED

**DELEGATIONS**

1. **Kate Miller: Busy Place Creek Watershed**
  - Busy Place Creek is a sub-basin of the co-joined flood plain of the Cowichan and Koksilah Rivers, which are very different types of river systems.

- Because it is small and compact, yet represents a variety of types of land uses, presents a variety development issues, and is governed by a diverse range of agencies, it makes a good case study.
- With the development of the Trans Canada Highway, the watershed now (essentially) terminates at the highway. Historically it would have extended to the Cowichan Bay estuary.
- Hampered by the absence of a regulatory framework to date including updated flood control bylaws the division is exploring a number of policy options and additional background studies to inform further work. Climate change projections indicate that major events are going to be more extreme than they have been to date, so there is a strong need to be able to adapt in a way that builds community resilience, and reduces risk for the most vulnerable residents of the Cowichan region. There are no easy solutions.
- Three projects are underway within the watershed, at different scales and different stages:
  - 1. Watershed level - Developing run-off targets, using a natural capital approach, which should be completed by the end of 2017. Builds on the work started with the Water Balance Model.
  - 2. Mid section - Developing a drainage and stormwater management strategy in the industrial area. With a focus on developing both infrastructure solutions as well as guidance documents for future land use policy.
  - 3. Systems and cross community integrations - Developing overall flood solutions, with a particular focus on properties between Polkey Road and the Koksilah River who are substantially affected by both upstream and downstream inputs. The people at the Trestle Village are particularly vulnerable, and are impacted by water management practices within the industrial properties and Eagle Heights upland areas. Trying to find solutions that will slow water down.

#### APC Discussion points:

- Look at reinventing the Koksilah Industrial Park as a model “fish-friendly” industrial area. The CVRD’s Environmental Services has explored a standardized certification program in the past and will likely be reexamining it as part of our community based consultations on multiple solutions.
  - Important area for groundwater protection; importance of isolating potential contaminants on industrial properties
- 2. Paul Slade, Drillwell Enterprises: Development Permit Application 06-E-17DP**
- Rob Conway provided some context information for the APC regarding Development Permits as a tool to manage development, and the APC’s role in the process.
  - Paul Slade identified:
    - Some internal contradictions in the RAR report, based on an assumption that the site would be paved. The site will not be paved. A corrected RAR report was circulated late in the day.
    - Invasive plants to be managed on-site: Himalayan blackberry and Daphne laurel
    - Bob Crandall, Qualified Environmental Professional, will be working with Drillwell during the clearing, staking, and land preparation phases to ensure integrity of the riparian area and management of invasive species.
  - APC Discussion points included:
    - Flood levels
    - Permeability of the property, and implications for groundwater
    - Containment measures to be put in place to prevent sheeting of water off the site
    - Whether or not any contaminants are on-site:
      - Trucks are cleaned immediately, and are generally clean when returning to the property
      - Not bringing contaminated soils or other materials to the site
      - No fuel storage on site
    - Clarification re location of parking on-site

- Use of silt fencing pre and post construction, and monitoring throughout – fine silts of concern, need to prevent them from getting into the stream
- Landscaping to improve the functioning of the site, as well as the aesthetics. Suggestion: Dave Polster as a local resource
- Need for clearer, more specific guidelines in the Development Permit Area designations within the OCP

**Recommendation:**

It was moved and seconded that the Area E Advisory Planning Commission recommends approval of the Development Permit application 06-E-17DP, subject to the following conditions:

1. Development of a system of drainage control and containment of potential contaminants for the site;
2. Development of a landscaping plan prepared by a qualified professional for the riparian boundary of the property, which will improve the aesthetics of the site, enhance the riparian area, and provide for drainage control.

MOTION CARRIED

**INFORMATION**

- Hols Application – A survey is underway; more information is needed before moving to the EASC.
- Bruce Fraser's book called "Saving Place: Land Stewardship in the Age of Limits" was an excellent read. The APC will send a note of thanks for his generous gift.
- Ross Blackwell unable to attend; Alison will talk with him and bring back a report to a future meeting.
- The Tim Horton's application for a Development Permit for the TCH and Bench Road site is now before the APC. A date will be found soon to consider this application.

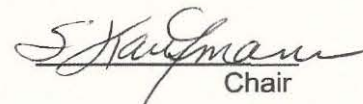
**ADJOURNMENT**

It was moved that the meeting be adjourned at 9:02 pm.

MOTION CARRIED

**NEXT MEETING:** October meeting scheduled for 3rd Tuesday, October 17, 2017.

\_\_\_\_\_  
Secretary

  
Chair



**MINUTES**  
**Area D – Cowichan Bay Parks Commission**  
**September 18, 2017**  
**Cowichan Estuary Nature Centre**

Call to Order: 6:35 p.m.

Present: Kerrie Talbot, Dave Nisbet, Nathan Mosewich, Miranda Mason, Roger Southern, Lori Iannidinaro (Director, Electoral Area D – Cowichan Bay)  
Regrets: Steve Garnett

Approval of Agenda: Moved & Passed

Adoption of Minutes of meeting June 19, 2017 Moved & Passed

Business Arising from Minutes:

Request from CVRD staff to revise motion from 06.19.17 re: Parks & Trails Open House

**Revised Motion:** Request CVRD staff assistance in organizing Area D Parks & Trails Open house / community conversation in early fall.

965 Cherry Pt. Rd. \$35,000 cash-in-lieu can only be used for new land acquisitions and not to pay down loan for previously purchased property.

Reports: June 21/17 meeting of Parks Chairs, Area Directors: discussion re: Role & operation of Parks Commissions.

Ongoing Business:

Frisbee golf – discussion at SCPC – Shawnigan Lake actively working toward acquiring land for a frisbee golf site.

Lanes/Sparwood Road site visit August 8/17: Lori to follow up with MOTI.

Eagle Shores: Discussion re: trail to beach. Subdivision has new owner (unnamed).

Cowichan Estates: Request site visit with CVRD staff to confirm trail acquisition above Phase 2 Lots 14 – 21 and location of future trails in new Phase 3.

Pacific Yews, Lanes Road

With build out of subdivision mostly complete, request developer complete off road walking trail with funds previously set aside by same.

Maple Grove Park

Request CVRD staff to remind maintenance contractor that hedgerow shrubbery is to be maintained in natural form and not pruned to rounded/mounded shape.

Site visit to all trails: Kerrie to request site visit with CVRD staff re: all Area D trails and request supporting documents for trail boundaries & delineation.

Upcoming Events:

Cowichan Bay Seniors and Community Association – Housing Interest Co-Op Meeting  
October 13, 2017 Bench School from 7-9 p.m.

Area D Volunteer Appreciation evening, December 1, 2017

Motion to adjourn: 7:50 p.m.

Next Meeting: Monday, October 16, 2017 - Annual Budget Meeting with CVRD staff



## **Minutes of the regular meeting of the Area I (Youbou/Meade Creek) Parks Commission**

Held in the Upper Community Hall, 8550 Hemlock Street, Youbou BC, on Tuesday, September 12, 2017 at 7:00 p.m.

**Present:** Chairperson Marcia Stewart  
 Vice-Chair Rob Somers  
 Don Macdonald  
 Area Director – Klaus Kuhn

**Regrets:** Duncan Hume

### **Approval of Agenda:**

**It was moved and seconded that the agenda be approved.  
 Motion Carried.**

### **Adoption of Minutes:**

**It was moved and seconded that the minutes of the regular Electoral Area I (Youbou/Meade Creek) Parks Commission meeting held on July 11, 2017, be adopted.**

**Motion Carried.**

**Business Arising from Minutes:** Commission members would like to confirm if some kind of barrier (boulder or concrete barrier) is being considered to block the gap where 4x4 vehicles have gotten onto the field near the kids play equipment at Little League Park.

## **REPORTS**

**Area I Director:** - Area Director Klaus Kuhn gave his report.

- Klaus will be contacting TimberWest and Ministry of Transportation and Infrastructure as a result of the three town hall meetings held in the Youbou Community Hall over the summer.
- Greg Adams has confirmed that the picnic shelter will be built at Mile 77 Park.
- The beach expansion at Mile 77 will possibly start in October 2017.

### **Cowichan Lake Recreation:**

- The Shawnigan to Cowichan, "Lake to Lake Walk" was very successful with 175 people registered.
- Bowling leagues have started in September and curling begins October 2, 2017.

### **No Chair Report**

### **CVRD Report:**

- The motion proposed by the Parks Commission to cancel the invasive species report on all Area I Parks and put that money towards the Arbutus Park upgrade has been refused. The concern is that area parks may become propagators of invasive species.
- The next Parks Commission meeting will be the budget meeting.

### **Old Business:**

- Arbutus Park – The report from Mike Miller indicates that the Procurement Officer is making efforts to obtain material. Klaus will clarify with the Procurement Officer.
- No activity on the picnic shelter for Mile 77 yet.
- The beach expansion for Mile 77 will possibly begin in October.



- The invasive plant species inventory will proceed.
- The Carley Cove subdivision is still in negotiations.
- The Parks Commission has not received any further information on the cancellation of the student work crew as requested.

**New Business:**

-An email from Brian Farquhar reminds members that any parks hazard should be reported to CVRD Parks staff right away, rather than waiting for the minutes to be sent, which can be a week or two after the meeting. This way the hazard can be dealt with immediately.

**Adjournment**

**It was moved and seconded that the regular meeting of Area I Parks Commission be adjourned.**

**Motion Carried**

**Meeting adjourned at 8:42 p.m.**

**The next regular meeting is scheduled for Tuesday, October 10, 2017**





# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** October 6, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of October 18, 2017

**FROM:** Development Services Division  
Land Use Services Department

**SUBJECT:** Development Permit Application No. 04-E-17DP (PID: 003-420-931)

**FILE:** 04-E-17DP

## PURPOSE/INTRODUCTION

The purpose of this report is to present a Development Permit application for a two lot subdivision on industrial land at 2800 Roberts Road, Duncan.

## RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That Development Permit Application No. 04-E-17DP for a two lot subdivision be approved; and
2. That the General Manager of Land Use Services be authorized to permit minor revisions to the permit in accordance with the intent of development permit guidelines of Official Community Plan Bylaw No. 1840.

## BACKGROUND

<u>Location of Subject Property:</u>	2800 Roberts Road (Top Shelf Feeds)
<u>Legal Description:</u>	Lot A, Section 12, Range 7, Quamichan District, Plan 21549, Except in Plans 22632, 27248 and 29799
<u>Owner:</u>	Top Shelf Feeds Inc. No. 678,659
<u>Applicant</u>	Tim Galavan
<u>Size of Parcel:</u>	16,200 square metres (4 acres)
<u>Zoning:</u>	I-1 (Light Industrial) Minimum parcel size: 0.1 hectares
<u>Plan Designation:</u>	Industrial
<u>Current Use of Property:</u>	Grain processing plant with associated retail sales
<u>Surrounding Properties</u>	North: Commercial (Car sales yard) South: Light Industrial East: Trans-Canada Highway West: Light Industrial
<u>Road Access:</u>	Roberts Road
<u>Water:</u>	Duncan Water System

Sewage Disposal: Eagle Heights Sewer System

Environmentally Sensitive Areas: N/A

Fire Protection: Eagle Heights Fire Service Area

**LOCATION MAP**

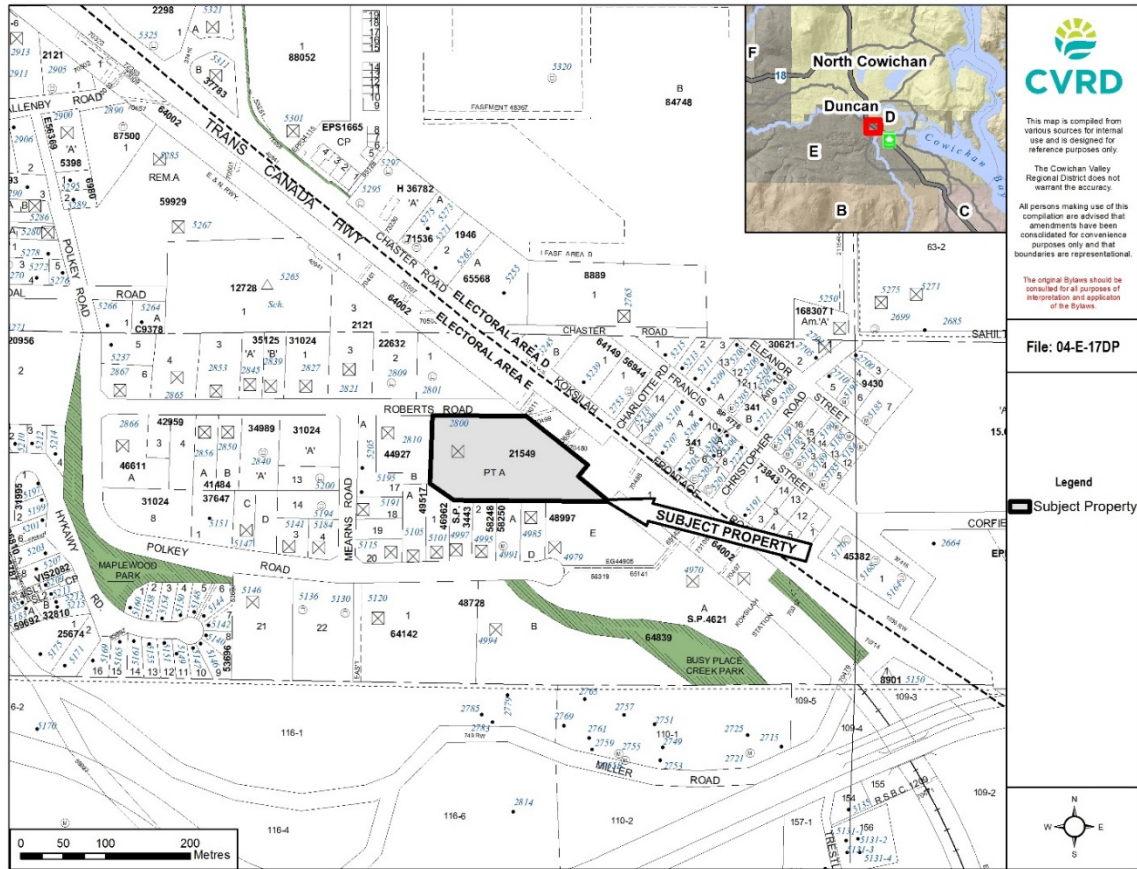


Figure 1: Subject Property Location Map.

**APPLICATION SUMMARY**

The CVRD is in receipt of a Development Permit application for a two lot subdivision on the 'Top Shelf Feeds' land in the Koksilah Industrial Park. The intent of the subdivision is to separate, by legal title, two distinct land uses currently occurring on the land.

Site Context

The subject property is an irregular shaped parcel located on the south side of Roberts Road, with the Trans-Canada Highway forming the eastern boundary of the site. The predominant land use in the area is light industrial or commercial uses, with a vehicle dealership to the north, storage yards to the south and a mechanical store to the west. The subject land currently contains a large grain processing plant on the eastern portion of the site, characterized by large silos, stacks and supports stretching approximately 50 metres upwards. The building also contains an office area and substantial gravel parking areas to the rear and front of the site. The western portion of the site contains a double storey brick building measuring approximately 1055 square metres that is utilized as a wholesaling and equipment store predominantly selling products produced within the

processing plant. A paved car-parking area encloses this building, whilst the area around the processing plant is graveled. The land is accessed from Roberts Road and is connected to public sewer, water and electricity networks. Storm water currently drains to a collection system centrally located between the two structures on site.

### Proposal

It is proposed that the land be subdivided to separate the two distinct components of the Top Shelf Feeds business currently operating on site. The newly proposed north-south boundary line would run approximately 9 metres to the west of the processing plant building, reflecting the location of existing slope and drainage infrastructure on the land. The western lot is proposed to be approximately 5,000 square metres in area, while the eastern lot is to be approximately 11,200 square metres. Minimal physical works are proposed, being limited to the construction of new utility connections to the proposed eastern lot from Roberts Road. The boundary location will still allow vehicular access to the rear of both sites, whilst allowing the western lot containing the retailing aspect of the business to have two access points to Roberts Road.

Drainage on both sites can be adequately serviced by the existing storm-water drainage system, located on the proposed new boundary line.



Figure 2: Aerial view of land with proposed new boundary shown approximately as thin red line.

### **COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS**

This application has not been referred to the Advisory Planning Commission (APC). In accordance with Section 6 (d) of Bylaw No. 3275 (CVRD Development Application Procedures and Fees), development permit applications for the subdivision of less than three new lots will not be referred to the APC.

As there are no physical changes proposed to occur on the land, the application was not referred to any external agencies or internal departments. There will be no increased strain on public sewerage and water systems as a result of the proposal.

**OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS****Zoning Considerations:**

The subject land is zoned I-1 (Light Industrial) and is within Electoral Area E (Cowichan Station/Sahtlam/Glenora). There are a number of requirements that must be met within this zone relating to site coverage (Max. 50%), building height (Max 10m), storage of waste products, and building setbacks. Of particular relevance for subdivision applications is the minimum allowable lot size, in this case being 0.1 hectares as the land has access to community water and sewerage systems. The proposed lot sizes of approximately .5 and 1.12 hectares are well in excess of this requirement.

The proposal would result in two parcels of land with distinctly different land uses, being an industrial grain processing plant on the larger eastern lot and a retailing facility on the western lot. Prior to approval it is important to note that both of these land uses are permitted within the provisions of the zone and will remain so post subdivision.

**Development Permit Areas (DPA):**

The subject land is located within three distinct Development Permit Areas, briefly discussed below:

**Koksilah Development Permit Area:**

The guidelines of the Koksilah DPA require that a development permit be attained prior to any subdivision of land. The DPA contains a wide range of policies that must be considered prior to a development permit being issued, ranging from environmental protection, form and character of buildings and structures, vehicle access, lighting and landscaping. As this application does not relate to any physical construction or alterations to the land, the majority of these considerations are not applicable. The land already has a functioning storm water disposal system with an oil/water separator. The site also contains a small amount of landscaping in the form of a garden bed along Roberts Road and scattered established trees. The height of the existing buildings on the land remove any possibility of softening any visual impacts of the subject site. As there is no fencing or other physical infrastructure to be installed along the boundary between the two newly created lots, guidelines relating to pedestrian and vehicle accessibility are also met.

The DPA also lists a number of application requirements, to be submitted at the time of application to the CVRD, however as previously noted, this application seeks to simply legally separate the two established uses existing on title. As such, meeting the full application requirements is considered to be an unnecessary request in this context.

**Wetland Protection Development Permit Area:**

The purpose of the Wetland Protection DPA is to ensure that development of land does not encroach into wetland areas unnecessarily. The DPA requires that prior to a subdivision being approved, it must be demonstrated that all proposed lots can be developed without the need to expand into any fragile wetland environments. As both resulting lots of this subdivision will already be developed with no further construction proposed, the wetland protection DPA is considered to be irrelevant to the proposal.

**Riparian Areas Regulation (RAR) Development Permit Area:**

The RAR DPA is a blanket DPA applied to most land located west of the Trans-Canada Highway. As the land is not within 30 metres of any waterway, the RAR has no bearing on the application.

Official Community Plan Policy:

OCP No.1490 contains a number of policies that must be considered prior to any development permit being issued by the CVRD. The policies listed at Section 10.2 (Light Industrial) relate largely to requests for rezoning of land for industrial purposes and to encourage infill industrial development. The policies listed are generally encouraging of the consolidation of existing industrial areas and as such are considered to be in support of the application. As no development is proposed through this application, the building design guidelines of the OCP are not relevant.

**PLANNING ANALYSIS**

The proposal is considered to be largely in accordance with the intent of the Zoning and the Official Community Plan for the area. The subdivision of the land is a logical proposal given the two distinct land uses concurrently operating on the land, both of which may be operated independently as-of-right within the permitted uses of the zone. As physical modifications to the land are limited to the connection of utilities to the eastern lot from Roberts Road, it is unlikely there will be any detrimental aesthetic or environmental impacts as a result of an approval of this application.

It is therefore recommended that a Development Permit be issued for the subdivision.

Option 1 is recommended.

**OPTIONS**

Option 1:

That it be recommended to the Board:

1. That Development Permit Application No. 04-E-17DP for a two-lot subdivision be approved; and
2. That the General Manager of Land Use Services be authorized to permit minor revisions to the permit in accordance with the intent of development permit guidelines of Official Community Plan Bylaw No.1840.

Option 2:

That Development Permit Application No. 04-E-17DP be denied based on inconsistency with specified OCP guidelines.

Prepared by:

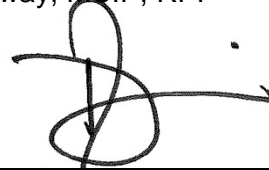


Alex Duncan  
Planner I

Reviewed by:



Rob Conway, MCIP, RPP  
Manager



Ross Blackwell, MCIP, RPP, A.Ag.  
General Manager

**ATTACHMENTS:**

Attachment A - Site Location Map

Attachment B - Proposed Plan of Subdivision

Attachment C - I-1 Light Industrial Zone

Attachment D - Koksilah Industrial Estate Development Permit Area Guidelines

Attachment E - Site Photographs



# ATTACHMENT A



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

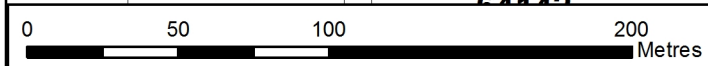
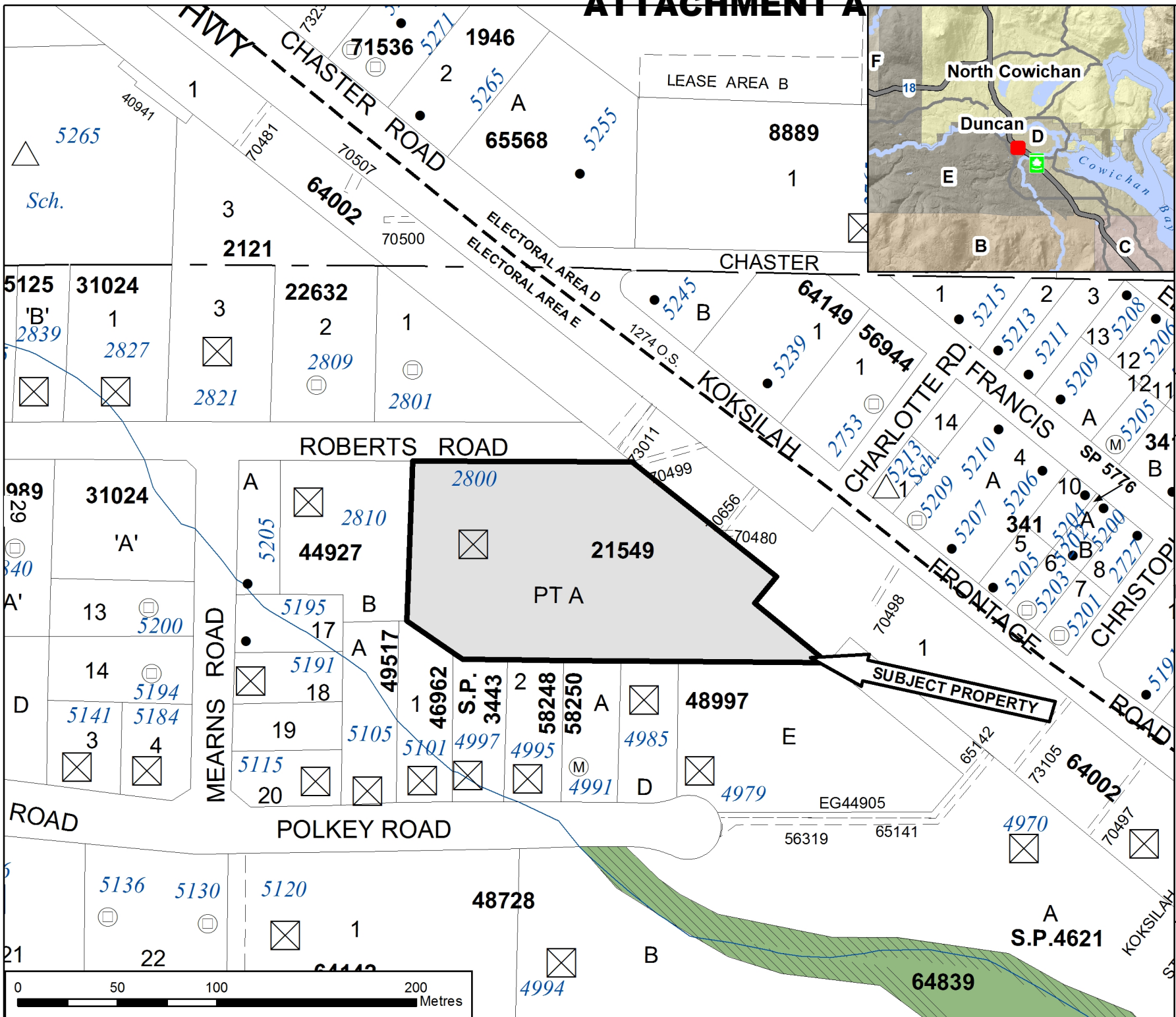
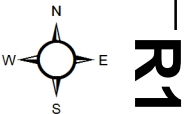
The Cowichan Valley Regional District does not warrant the accuracy.

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: 04-E-17DP

Legend  
 Subject Property



R1

**ATTACHMENT B**

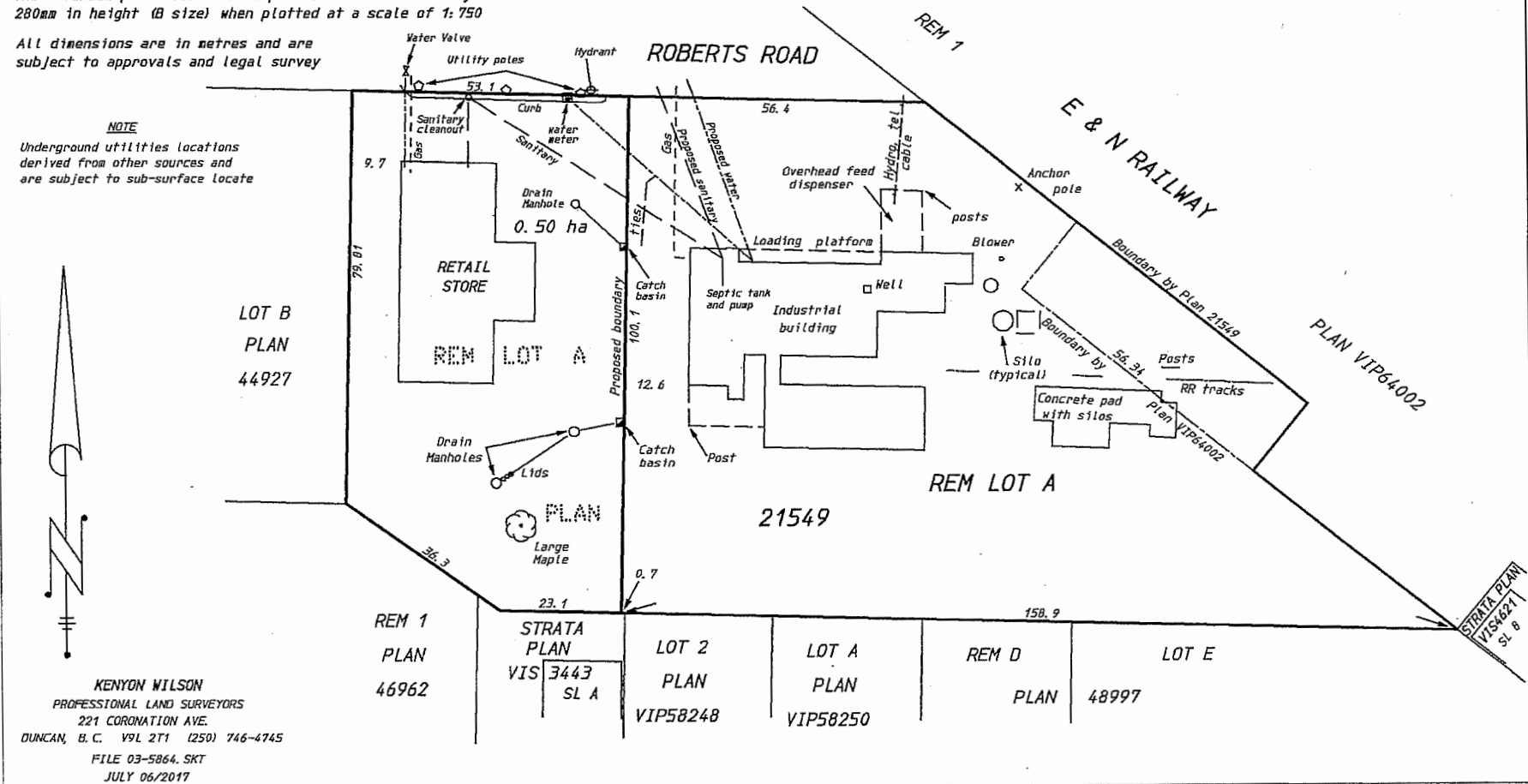
SKETCH OF PROPOSED SUBDIVISION OF PART OF  
 LOT A, SECTION 12, RANGE 7,  
 QUAMICHAN DISTRICT, PLAN 21549,  
 EXCEPT PART IN PLANS 22632, 27248 AND 29799



The intended plot size of this plan is 432mm in width by 280mm in height (B size) when plotted at a scale of 1:750

All dimensions are in metres and are subject to approvals and legal survey

**NOTE**  
 Underground utilities locations derived from other sources and are subject to sub-surface locate



Note: Rem A lies within the C.V.R.D. Area E and is Zoned I-1. Bylaw setback requirements are as follows:

Front	4.5 m
Side (Interior)	0 m abutting industrial zone 9.0 m otherwise
Side (Exterior)	4.5 m
Rear	0 m abutting industrial zone 9.0 m otherwise

30

**KENYON WILSON**  
 PROFESSIONAL LAND SURVEYORS  
 221 CORONATION AVE.  
 DUNCAN, B.C. V9L 2T1 (250) 746-4745  
 FILE 03-5864, SKT  
 JULY 06/2017

---

**PART ELEVEN****INDUSTRIAL ZONES**

---

**11.0 INDUSTRIAL ZONES**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

**11.1 I-1 ZONE - LIGHT INDUSTRIAL****(a) Permitted Uses**

The following *uses, uses* permitted under Section 4.4, and no others are permitted in an I-1 zone:

- (1) retail stores, including convenience stores, automotive rental, and automotive parts and accessory sales;
- (2) auction grounds;
- (3) automotive repair, sales, body repair, painting, wrecking, storage, salvage;
- (4) café, restaurant, take out service, catering;
- (5) clothing and garment manufacturing, laundry, dry cleaning, repair and storage;
- (6) contractor's workshop, yard and storage;
- (7) electric and electronic equipment manufacturing;
- (8) equipment repair, sales, storage and rental;
- (9) feed, seed and agricultural supplies, sales and storage;
- (10) food and candy products manufacturing, storage, processing, packaging, frozen food locker, cold storage plant, but excluding fish cannery and abattoir;
- (11) industrial processing, manufacturing, repair, storage and packaging;
- (12) *kennels* for the keeping, boarding, raising, training and/or breeding of cats and dogs and animal hospital;
- (13) laboratory;
- (14) lumber and storage yards, sale of wholesale and *retail* building supplies;
- (15) modular or prefabricated home structure and truss manufacturing and sale;
- (16) parking garage, recreational vehicle storage and sale;
- (17) processing and sale of gardening and landscaping supplies and materials;
- (18) publishing;
- (19) retail and wholesale sale of petroleum products and accessory storage of petroleum products not exceeding 455,000 litres;
- (20) secondary processing and manufacturing of wood products, including the making of cabinets, furniture, plywood, lath and particle board and similar products; but excluding sawmills, pulp and paper mills and log storage and sorting;
- (21) recycling, sorting and storage of substances or materials, including in-vessel composting;
- (22) warehouse, including mini-warehouse, freight handling and storage;
- (23) welding shop;
- (24) *office accessory* to a *principal use* permitted in Section 11.1(a)(1) to (23);
- (25) *retail sales accessory* to a *principal use* permitted in Section 11.1(a)(1) to (23);

- (26) single family dwellings accessory to a permitted use under Section 11.1(a)(1) through (25), subject to the regulations established by Section 11.1(b)(5);
- (27) funeral home;
- (28) health and wellness studio.

(b) Conditions of Use

For any *parcel* in an I-1 zone:

- (1) the *parcel coverage* shall not exceed 50 percent for all *buildings* and *structures*;
- (2) the *height* for all *buildings* and *structures* shall not exceed 10.0 metres;
- (3) notwithstanding the uses permitted in Section 11.1(a) of the Industrial-1 Zone, no sewage, septage, biosolids, animal manure, animal material or animal substance shall be stored or utilised in an industrial process on a parcel in the Light Industrial Zone;
- (4) the *setbacks* for the types of *parcel* lines set out in Column I of this section are set out for all *buildings* and *structures* in Column II:

COLUMN I Type of Parcel Line	COLUMN II Buildings & Structures
Front	4.5 metres
Interior Side	0 metres where the abutting <i>parcel</i> is zoned Industrial 9.0 metres where the abutting <i>parcel</i> is zoned Residential, Agricultural, Forestry or Institutional
Exterior Side	4.5 metres
Rear	0 metres where the abutting <i>parcel</i> is zoned Industrial 9.0 metres where the abutting <i>parcel</i> is zoned Residential, Agricultural, Forestry or Institutional

- (5) The number of accessory residences permitted on any parcel in the I-1 Zone is one. One additional accessory residence is permitted per parcel for every 0.4 hectares of parcel area, but only if the parcel lies within the Eagle Heights Sewer Service Area and is connected to this system.

(c) Minimum Parcel Size

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

- (1) 0.1 Ha. for *parcels* served by a *community water* and *sewer system*;
- (2) 0.3 Ha. for *parcels* served by a *community water system* only;
- (3) 1.0 Ha. for *parcels* served neither by a *community water* or *sewer system*.

## 11.1(A) I-1A ZONE – SPECIAL LIGHT INDUSTRIAL 1A

### (a) Permitted Uses

The following *uses, uses* permitted under Section 4.4 and no others are permitted in an I-1A zone:

- (1) retail stores, including convenience stores, automotive rental, and automotive parts and accessory sales;
- (2) auction grounds;
- (3) animal hospital;
- (4) automotive repair, sales, body repair, painting;
- (5) café, restaurant, take out service, catering;
- (6) clothing and garment manufacturing, repair and storage;
- (7) contractor's workshop, yard and storage;
- (8) electric and electronic equipment manufacturing;
- (9) equipment repair, sales, storage and rental;
- (10) feed, seed and agricultural supplies, sales and storage;
- (11) food and candy products manufacturing, storage, processing, packaging, frozen food locker, cold storage plant, but excluding fish cannery and abattoir;
- (12) funeral home;
- (13) gardening and landscaping supplies and sales;
- (14) health and wellness studio;
- (15) industrial processing, manufacturing, repair, storage and packaging enclosed within a building;
- (16) laboratory;
- (17) lumber and storage yards, sale of wholesale and retail building supplies;
- (18) modular or prefabricated home structure and truss manufacturing and sale;
- (19) parking garage, recreational vehicle storage and sale;
- (20) publishing;
- (21) secondary processing and manufacturing of wood products, including the making of cabinets, furniture, plywood, lath and particle board and similar products; but excluding sawmills, pulp and paper mills and log storage and sorting;
- (22) recycling facility for bottles, wood, metal and/or paper, excluding automobile parts and any type of composting, septage, animal materials, or animal substance;
- (23) warehouse, including mini-warehouse, freight handling and storage;
- (24) welding shop;
- (25) *office* accessory to a *principal* use permitted in Section 11.1A(a)(1) to (24);
- (26) *retail* sales accessory to a *principal* use permitted in Section 11.1A(a)(1) to (24);
- (27) single family dwellings accessory to a permitted use under Section 11.1A(a)(1) through (24), subject to the regulations established by Section 11.1A(b)(4).

### (b) Conditions of Use

For any *parcel* in an I-1A Zone:

- (1) the parcel coverage shall not exceed 50 percent for all buildings and structures;
- (2) the height for all buildings and structures shall not exceed 10.0 metres;
- (3) the setbacks for the types of parcel lines set out in Column I of this section are set out for all buildings and structures in Column II:

COLUMN I Type of Parcel Line	COLUMN II Buildings & Structures
Front	4.5 metres
Interior Side	0 metres where the abutting <i>parcel</i> is zoned Industrial 9.0 metres where the abutting <i>parcel</i> is zoned Residential, Agricultural, Forestry or Institutional
Exterior Side	4.5 metres
Rear	0 metres where the abutting <i>parcel</i> is zoned Industrial 9.0 metres where the abutting <i>parcel</i> is zoned Residential, Agricultural, Forestry or Institutional

- (4) The number of accessory residences permitted on any parcel in the I-1A Zone is one. One additional accessory residence is permitted per parcel for every 0.4 hectares of parcel area, but only if the parcel lies within the Eagle Heights Sewer Service Area and is connected to this system.

(c) Minimum Parcel Size

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

- (1) 0.1 hectare for *parcels* served by a *community water and sewer system*;
- (2) 0.3 hectare for *parcels* served by a *community water system only*;
- (3) 1.0 hectare for *parcels* served neither by a *community water or sewer system*.

11.2 I-2 - HEAVY INDUSTRIAL

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(c) Permitted Uses

The following *uses*, *uses* permitted under Section 4.4 and no others are permitted in an I-2 Zone:

- (1) Dry land log sorting operation;
- (2) Sawmilling;

-109-

**14.10 KOKSILAH DEVELOPMENT PERMIT AREA****14.10.1 CATEGORY**

The **Koksilah Development Permit Area** is designated pursuant to Section 919(1)(a) and (f) of the *Local Government Act*, for the protection of the environment, its ecosystems and biodiversity, and establishment of objectives for the form and character of commercial, industrial, and multi-family residential development.

**14.10.2 AREA OF APPLICATION**

The **Koksilah Development Permit Area** applies to all commercially and industrially-designated lands within the OCP area, including: Lot 1, Section 13, Range 6, Quamichan District, Plan 9381, as shown on **Figure 15: Koksilah Development Permit Area**.

**14.10.3 JUSTIFICATION**

- a) The OCP aims to ensure that the design of any commercial and industrial development is in keeping with the community's expectations for visual quality, and that it is functionally compatible with surrounding land uses.
- b) The OCP aims to ensure that future commercial and industrial developments offer safety and accessibility, and are adequately landscaped.
- c) The OCP aims to ensure that the integrity of surface water and groundwater is protected from inappropriate development, in areas where land uses within the development permit area may directly impact surface and groundwater resources.

**14.10.4 GUIDELINES**

Within the **Koksilah Development Permit Area**, no person will:

- subdivide land;
- alter land, including the removal of trees or vegetation and removal/deposit of soil;
- construct a road, bridge or driveway; or
- construct a building or structure

prior to the owner of land applying for and receiving a development permit from the CVRD, which will sufficiently address the following guidelines:

Environmental Protection

- a) Runoff from the development will be limited in order to prevent storm flows from damaging riparian areas during normal rainfall events. Preferably, on larger sites, natural wetland protection and enhancement should be incorporated, along with measures to limit impervious surfaces. Parking areas should contain oil/water separators, and – where feasible – use pervious landscaping that can absorb runoff. Applicants should submit figures for total site imperviousness. The Board may specify maximum site imperviousness in a development permit;

-110-

- b) The latest Best Management Practices for land development of the Ministry of Environment and Fisheries and Oceans Canada, should be respected;
- c) The entire Koksilah Development Permit Area sits upon a valuable aquifer that supplies drinking water to local residents. Applicants will submit a plan describing how they will protect this community resource on their site;

#### Landscaping

- d) Landscaping will be provided around the periphery of the parcel. Particular attention will be paid to landscaping measures along road frontages and parcel boundaries that may abut other uses such as residential. A combination of low shrubbery, ornamental trees and flowering perennials is recommended.
- e) The use of landscaped berms and raised planter berms as a visual and noise barrier between commercial/industrial uses and the Trans-Canada Highway is strongly encouraged. Such raised features need not exceed 1.5 metres in height, but should be at least 0.75 metres in height;
- f) Owner-designed landscape plans may be reviewed in accordance with the Landscape Standard developed jointly by the British Columbia Society of Landscape Architects (BCSLA) and the British Columbia Nursery Trades Association (BCNTA);

#### Form and Character of Buildings and Structures

- g) Buildings and structures will be designed in consideration of improving upon the aesthetics of the surrounding area, with finishes that are attractive, such as tinted concrete, some natural materials and natural colours;

#### Vehicle Access, Pedestrian Access and Parking

- h) Where two or more commercial or industrial facilities adjoin one another, vehicle access points, pedestrian pathways and parking and circulation patterns should be linked and possibly shared in order to encourage as safe a flow of pedestrian and vehicle traffic as possible. This can be accomplished by reciprocal easements and or rights of way. Unnecessary duplication of access points is strongly discouraged;
- i) Parking areas will be designed to physically separate pedestrian and motorized traffic, for example, through the use of raised pedestrian routes;
- j) Parking surfaces will be paved in a suitable material, whether pervious or impervious, and will not be located within 3 metres from any major road network route and the Trans-Canada Highway;
- k) Where required, pedestrian routes across, within and between sites should be clearly delineated by means of separate, raised walkways, sidewalks or paths;

#### Signs

- l) Signs should be designed to reflect the site's architecture and landscaping and should be limited to not more than 5 metres in height and also of limited area;



-111-

- m) Translucent "can" or panel signs that are wholly illuminated from behind are not permissible whether free-standing or mounted on a building fascia; however, the Board may consider permitting backlit signs if only the lettering and logos are illuminated at a low intensity. Fluorescent lighting projected towards a sign is very strongly discouraged, and low intensity incandescent lighting is preferred for that purpose.
- n) If multiple signs are required, they should be grouped and shared, and moving signs or signs with moving images or text will not be supported;

#### Wiring

- o) Underground wiring is encouraged in preference to overhead wiring;

#### Lighting

- p) Parking areas and pedestrian routes should be well lit, without glare to other lands and roads;

### 14.10.5 EXEMPTIONS

The following is exempted from the requirement of obtaining a development permit in the **Koksilah Development Permit Area**:

- a) construction or renovations of singlefamily dwellings and residential accessory uses;
- b) interior renovations to existing buildings; or
- c) changes to the text or message on an existing sign allowed by a previous development permit, provided the net illuminated area is at most equal to what was previously approved.

### 14.10.6 APPLICATION REQUIREMENTS

- (a) Before the CVRD authorizes the issuance of a development permit for a parcel of land in the **Koksilah Development Permit Area**, the applicant must submit a development permit application, which at a minimum includes:
  1. a written description of the proposed project;
  2. reports or information as listed in the relevant Development Permit Guidelines;
  3. information in the form of one or more maps, as follows:
    - location/extent of proposed work;
    - location of watercourses/waterbodies, including top of bank;
    - percentage of existing and proposed impervious surfaces;
    - existing tree cover and proposed areas to be cleared;
    - building elevation drawings for both existing and proposed structures complete with architectural details and a landscaping plan with drawings;
    - existing and proposed property parcel lines;
    - existing and proposed vehicular access points, roads and driveways;
    - existing and proposed pedestrian walkways and bike paths;
    - existing and proposed drainage ditches, septic tanks/fields;
    - existing and proposed water lines and well sites;
    - existing and proposed erosion mitigation measures and bank alterations;
    - location of slopes exceeding 25 percent grade;

-112-

- location of lands subject to periodic flooding;
  - areas of sensitive native plant communities;
  - topographical contours;
  - existing and proposed parking and loading areas;
  - existing and proposed outdoor illumination points/areas;
  - existing and proposed sign design and location.
- (b) In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense: a report certified by a professional engineer with experience in geotechnical engineering which includes:
1. a hydrogeological report, certified by a professional engineer with experience in geotechnical engineering, which includes an assessment of the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition;
  2. a report certified by a professional engineer with experience in geotechnical engineering, on the safety of the proposed use and structures on-site and off-site, indicating that the land may be used safely for the use intended; and
  3. an environmental impact assessment, certified by a registered professional biologist, assessing any environmental impacts of the project.



Figure 1: Looking south along proposed new boundary



Figure 2: Existing industrial activities



Figure 3: Looking south-west from the northern boundary at existing retail activities.



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** October 6, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of October 18, 2017

**FROM:** Development Services Division  
Planning & Development Department

**SUBJECT:** Rezoning Application No. 01-C-16RS (3501-3505 Telegraph Road)

**FILE:** 01-C-16RS

## PURPOSE/INTRODUCTION

The purpose of this report is to present an application to amend South Cowichan Zoning Bylaw No. 3520 to legalize an existing non-conforming second single family dwelling located at 3505 Telegraph Road. The second dwelling was approved by the Agricultural Land Commission (ALC) in 2009 as a non-farm use and did not need any formal approval from the CVRD under relevant planning controls at the time; however, with the adoption of South Cowichan Zoning Bylaw No. 3520 in 2013, the second dwelling is now classified as legal non-conforming. Physical circumstances relating to the land remain unchanged since the 2009 ALC decision.

## RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That the Zoning Amendment Bylaw for Application No. 01-C-16RS (3501-3505 Telegraph Road) be forwarded to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> Readings;
2. That the referrals to the Agricultural Land Commission, Mill Bay Volunteer Fire Department, Island Health, Ministry of Transport and Infrastructure be accepted;
3. That a public hearing be scheduled with Directors from Electoral Areas D, E and C as delegates.

## BACKGROUND

<u>Location:</u>	3501 & 3505 Telegraph Road
<u>Legal Description:</u>	Lot A, Section 11, Range 9, Shawnigan District Plan VIP69418
<u>Agent/Owner:</u>	William and Bertha Cameron
<u>Size of Land Parcel:</u>	2.53 hectares
<u>Use of Property:</u>	Low intensity agricultural use (hobby farm) with two dwellings.
<u>Use of Surrounding Properties:</u>	North – High density residential land and golf course South - Arbutus Ridge Golf Course East – High Density Residential land West – Arbutus Ridge Golf Club and Dawali Winery and Lavender Farm/Telegraph Road
<u>Road Access:</u>	Corner of Telegraph and Hutchinson Roads
<u>Water:</u>	Private Well
<u>Sewage Disposal:</u>	On site/private system

<u>Environmentally Sensitive Areas:</u>	None identified
<u>Fire Protection:</u>	Mill Bay ID
<u>Wildfire Hazard Rating:</u>	Moderate
<u>Existing Plan Designation:</u>	Agricultural
<u>Proposed Plan Designation:</u>	Same
<u>Existing Zoning:</u>	A-1 (Agricultural Resource)

**LOCATION MAP**

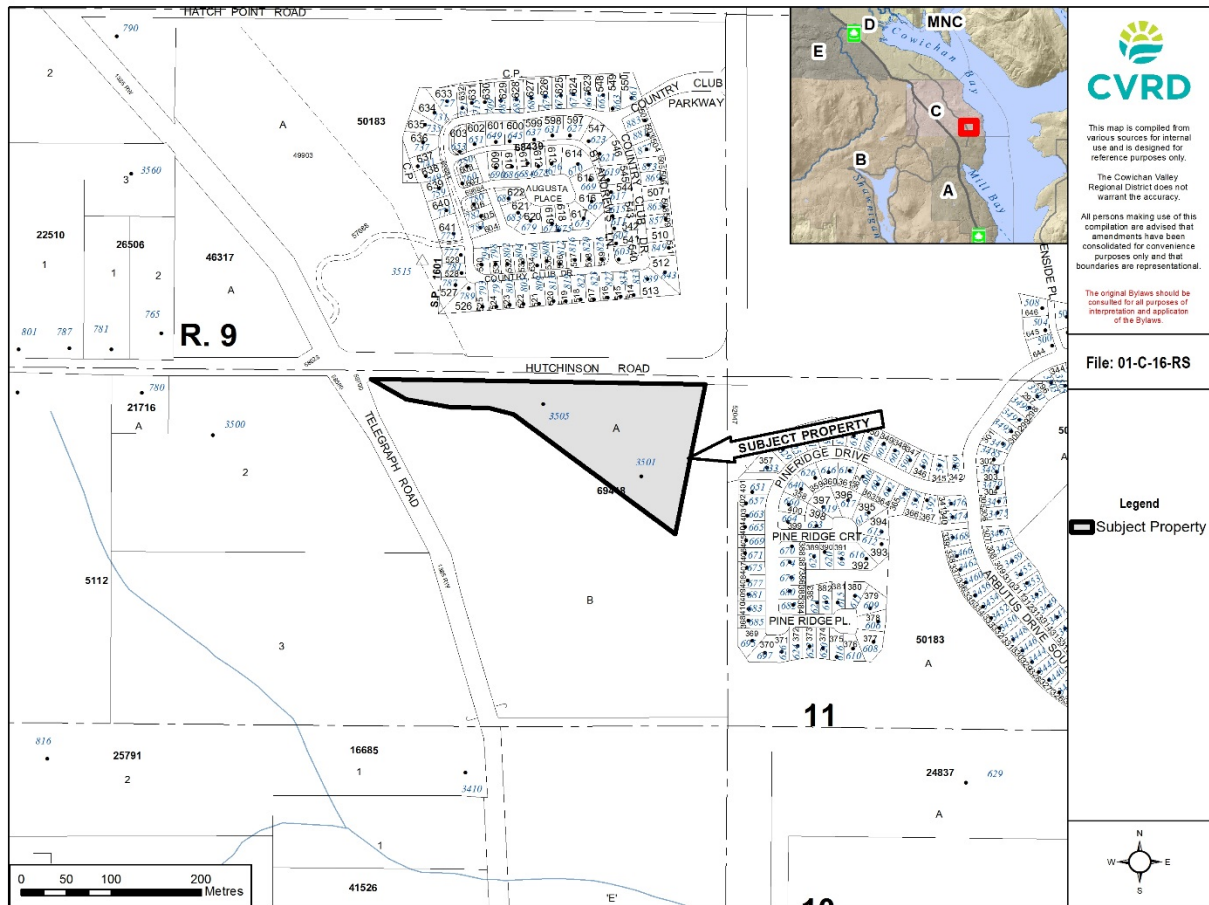


Figure 1: Subject location map

**APPLICATION SUMMARY**

**Subject Land:**

The subject property is located at 3501 & 3505 Telegraph Road, in Electoral Area C. The land is a roughly triangular shaped parcel on the southern side of Hutchinson Road, measuring approximately 2.53 hectares in area. There are currently two single-family dwellings on the property, several accessory residential and agricultural buildings, and fenced paddocks (see Attachment B). The applicant previously used the land for horse breeding; however, the use of the land now is primarily

residential. The land is surrounded by the Arbutus Ridge Golf Club, with higher density residential subdivisions located approximately 100 metres to the North and East. The land is located within the Agricultural Land Reserve (ALR).

### **Background:**

In 2009, the applicant applied to the Agricultural Land Commission (ALC) to permit a second single-family dwelling on the property. The proposal included constructing a 1,345 ft<sup>2</sup> (125 m<sup>2</sup>) dwelling for a family member on an existing paddock. The application was referred to the CVRD for consideration. At the time of application, Electoral Area C Zoning Bylaw No. 1405 permitted A-1 zoned parcels greater than 2 hectares in size to construct a second dwelling (see Attachment D). However, as the ALC only permitted one single-family dwelling on lands within the Agricultural Land Reserve (ALR), any additional residences required approval from the Commission as a Non-Farm Use.

The CVRD Board decided to forward the application to the ALC with a recommendation to approve for the following reasons (see Attachment E):

1. Proposal complied with CVRD Zoning Bylaw No. 1405;
2. The subject property was largely fragmented from surrounding agricultural uses; and,
3. The agricultural capacity of the soil was mostly rated Class 5, with soil moisture deficiency and stoniness limitations.

The ALC assessed the application based on ‘agricultural capability’, ‘agricultural suitability’, and ‘impact on agricultural’. The ALC approved the application based on the following conclusions (see Attachment F):

1. That the land under application has agricultural capability and is appropriately designated as ALR;
2. That the land under application is suitable for agricultural use;
3. That the proposal will not have any material impact on agriculture; and,
4. That the proposal is consistent with the objective of the ALC Act to preserve agricultural land.

The approved dwelling was constructed in 2010 and is now addressed as 3505 Telegraph Road.

### **Proposal:**

A new South Cowichan Zoning Bylaw No. 3520 has been adopted (December 2013) since the approval and development of the secondary dwelling unit, which no longer permits parcels zoned A-1 to have a secondary dwelling, regardless of the size (see Attachment G). The amendment was made to align the zoning regulations directly with the ALC “farm uses”. As a result, the second dwelling on the property is now classified as legal non-conforming. The applicants have submitted this rezoning application in order to legalize the secondary dwelling. A letter of rationale has been provided (see Attachment H).

### **COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS**

This proposed amendment has been referred to the following agencies for comment:

#### **External:**

Agricultural Land Commission

No response provided

Mill Bay Fire Department:

No response provided

Island Health:

Interests unaffected

Ministry of Transportation and Infrastructure:

The Ministry has no objections to the bylaw amendment and have no additional requirements for approval.

**Internal**

Environmental Services:

Interests unaffected

Engineering Services Department:

No Response Provided

Public Safety Division:

The Public Safety Division provided the following comments:

- Proposal is within the Mill Bay Fire Department boundaries area and their input may further affect Public Safety concerns/comments
- The community Wildfire Protection Plan has identified this area as **Moderate risk for wildfire**
- FireSmart principles must be adhered to and maintained
- All private roadways and driveways must be designed to support and allow access to the largest emergency vehicle likely to be operated on the driveway. This includes fire trucks and other emergency vehicles
- As per Cowichan Valley Regional District House Numbering, Unsightly Premises and Graffiti Bylaw No. 1341, building numbers assigned are to be displayed in a conspicuous place on the property which the building is located so that the number is visible from the roadway.

**Advisory Planning Commission:**

The Advisory Planning Commission for Area C met on August 31, 2017, to discuss the application. The Commission was presented with two potential courses of action, being:

Option 1: Legalize the second dwelling that was lawful when Bylaw 3520 was adopted. This can be achieved by including the following language in the General Regulations Section of the Zoning Bylaw: *Parcels that are zoned A-1 and greater than 2 hectares in area upon which a secondary dwelling unit were legally authorized up to December 11, 2013 with a valid Building Permit and Agricultural Land Commission approval as a non-farm use, are considered to be legal and conforming under this Bylaw, and may be added to, reconstructed, repaired and replaced in accordance with all other provisions of this Bylaw.*

Option 2: Create a new A-1A Zone that would permit a second dwelling on parcels greater than 2 hectares in size, subject to Agricultural Land Commission approval.



The Committee unanimously favoured the first of these options as detailed in the minutes from this meeting (Attachment J). It is noted that at the meeting there were other members of the community in attendance that were in favor of the application due to their land being impacted by the same legal non-conforming status.

## OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS

### **Official Community Plan**

The subject property is designated Agricultural within the South Cowichan Official Community Plan (OCP No. 3510). The objectives of this designation are:

- To assist in the continuing development of a thriving agricultural industry with a wide range of agricultural and related uses;
- To strive for food self-sufficiency on Vancouver Island;
- To provide local opportunities for providing a healthy, high quality diet for the community and visitors;
- To provide opportunities for large farms such as dairies, as well as small lot agriculture and organic farms;
- To encourage agricultural diversity, including connections between agriculture and tourism, local agricultural processing and value added agriculture;
- To improve and extend access to market for local foods, ensuring that residents and visitors are able to buy food locally;
- To encourage environmentally friendly agricultural practices, including improved water management, conservation and protection practices for agriculture;
- To encourage agricultural operations that practice sustainable agriculture; and
- To minimize the potential for land use conflicts between agriculture and other land uses.

The OCP includes a number of policies (Attachment I) that largely relate to the need to retain productive agricultural land for future use and for any proposals to further develop land within the Cowichan Valley's agricultural areas to be carefully considered. Of particular relevance are:

**Policy 11.9:** *In addition to the principal dwelling, one additional dwelling for farm help may be permitted on a parcel, subject to compliance with the following criteria:*

- a. *The parcel must have farm classification on BC Assessment Authority records;*
- b. *The parcel must be used as a bona-fide farm;*
- c. *The additional dwelling must not exceed 74 m<sup>2</sup>, and be located away from and otherwise not interfere with useable farm land;*
- d. *A farm plan, prepared by an Agrologist, that clearly justifies the additional dwelling in terms of the needs of the farm, must be provided to the CVRD Board. The additional dwelling must be necessary for the overall operation of the farm. The scale of the farm operation must warrant the additional dwelling.*

**Policy 11.10:** *A secondary suite or secondary dwelling unit may be permitted in any Agricultural Resource Designation (A), however if the land is in the ALR, approval of the BC Agricultural Land Commission may be required if not permitted in terms of BC Regulation 171/2002.*

As noted earlier in this report, the proposal to develop the second dwelling had previously been given support from the ALC in 2009. The commentary surrounding that decision is still considered to have relevance, as circumstances on the land have not changed in any observable way. It is noted that the

proposal does not strictly accord with all current OCP policies relating to the development of agriculturally designated land, as the parcel is not used for any intensive agricultural purposes that would justify the existence of a second dwelling and the dwelling is considered oversized at 125.5 sq m.

While approving this application would result in minor inconsistencies with the policies within the OCP, it is also put to the Committee that a refusal of this application would result in an undue financial burden being placed on the applicants and other landowners faced with the same scenario, who would then need to modify existing secondary dwellings to meet the minimum allowable dwelling size of 74 sq m.

Overall, as the application relates to the legalization of existing secondary dwellings and does not pose as an opportunity for future development, the proposal is generally in accordance with the objectives of the agricultural designation and the purpose of the A-1 zone.

## PLANNING ANALYSIS

This application has been submitted in response to an unintended non-conforming use on a parcel of land that is otherwise not primarily used for agriculture. Approval or disapproval of this application is unlikely to result in any changes to the agricultural viability or productivity of this land, as no additional development of the land would be permissible as a result of an approval of this application. Previous to the introduction of the new Zoning Bylaw for Area C, the land was compliant with all provisions of the applicable Zoning Bylaw and Official Community Plan.

It is understood that there are multiple properties within Electoral Area C that have been equally impacted by the introduction of the revised Zoning Bylaw in 2013 and equally anticipate the outcome of this application. It should be noted that parcels of land currently containing two or more dwellings within Electoral Area C that are within the ALR, which typically coincide with land that is zoned Agricultural, have previously had planning assessments undertaken and have been found to be an acceptable outcome on these parcels of land, with consent from the ALC being granted.

It is supposed that the existing secondary dwelling becoming a non-conforming land use with the adoption of the revised Area C Zoning Bylaw in 2013 was not an intended outcome, and provisions to allow existing secondary dwellings on parcels of land zoned A-1 would have been best addressed at that time. The application provides an opportunity to now revisit this inconsistency.

Please note that to ensure that no further zoning amendments similar in nature are necessary on land zoned A-1 (Agricultural Resource) in future, a minor revision to the wording to be included into the revised zone proposed to the APC has been included within the draft bylaw (Attachment K), being:

*“Secondary dwelling units in areas upon land which a secondary dwelling unit was legally authorized at the date of December 11, 2013 with a valid Building Permit and Agricultural Land Commission approval as a non-farm use.”*

The revised wording does not designate the minimum size a land parcel must be to legalize a previously compliant secondary dwelling. It is also proposed to include this wording into the permitted uses section of the zone, rather than as a detached clause within the Zone.

For the above outlined reasons, staff recommend Option 1.

## OPTIONS

### Option 1:

1. That the Zoning Amendment Bylaw for Application No. 01-C-16RS (3501-3505 Telegraph Road) be forwarded to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> reading;
2. That the referrals to the Agricultural Land Commission, Mill Bay Volunteer Fire Department, Island Health, Ministry of Transport and Infrastructure be accepted;
3. That a public hearing be scheduled with Directors from Electoral Areas D, E and C as delegates.

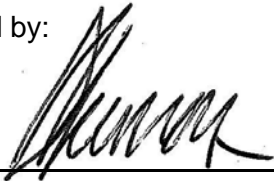
### Option 2:

1. That the Zoning Amendment Bylaw for Application No. 01-C-16RS (3501-3505 Telegraph Road) be forwarded to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> reading;
2. That the referrals to the Agricultural Land Commission, Mill Bay Volunteer Fire Department, Island Health, Ministry of Transport and Infrastructure and Internal CVRD Departments be accepted;
3. That a public hearing be waived in accordance with Section 464(2) of the *Local Government Act* as the proposed Zoning Amendment is consistent with Area C Official Community Plan No. 3510.

### Option 3:

That Rezoning Application 01-C-16RS (3501-3505 Telegraph Road) be denied and a partial refund be provided to the applicant in accordance with the CVRD's Development Application Procedures and Fees Bylaw.

Prepared by:

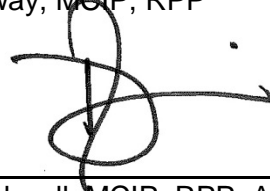


Alex Duncan  
Planner I

Reviewed by:



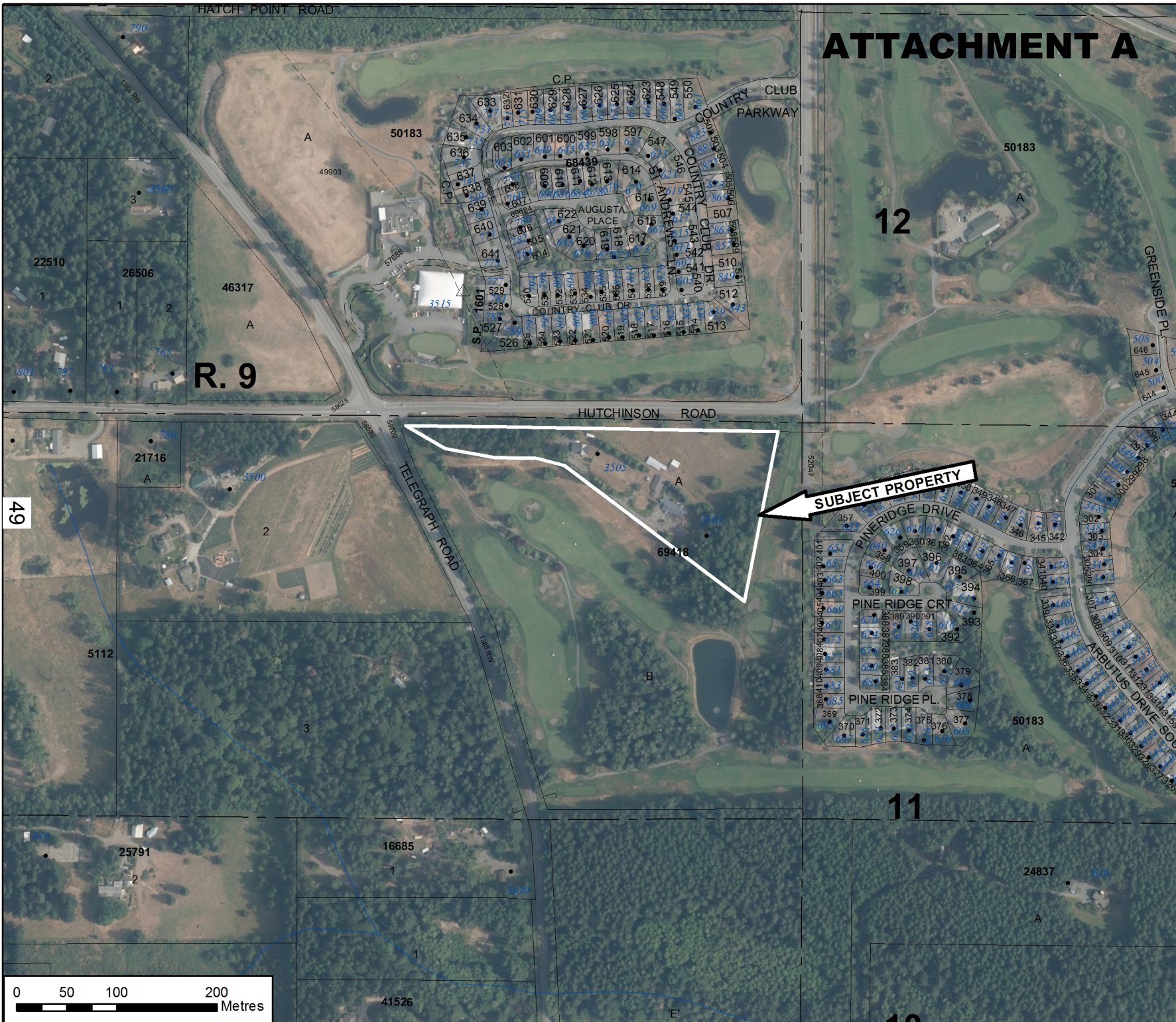
Rob Conway, MCIP, RPP  
Manager



Ross Blackwell, MCIP, RPP, A.Ag.  
General Manager

**ATTACHMENTS:**

- Attachment A – Subject Property Map
- Attachment B – Photos of Subject Property
- Attachment C – ALR Map
- Attachment D – Previous A-1 Zoning
- Attachment E – Staff Report – September 8, 2009
- Attachment F – ALC Report – September 30, 2009
- Attachment G – Current A-1 Zoning
- Attachment H – Letter of Rationale
- Attachment I – Agricultural Designation Policies
- Attachment J – Minutes from APC Area C Meeting
- Attachment K – Draft Zoning Amendment Bylaw 4154



# ATTACHMENT A



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

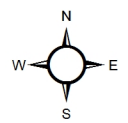
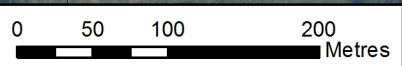
The Cowichan Valley Regional District does not warrant the accuracy.

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-C-16-RS

## TRIM Orthophoto (2014)



R2

# ATTACHMENT R2

(16 pages)



FRONT PAVED DRIVEWAY FACING EAST



BOAT SHED



HOUSE AT 3501





ROUND RING WITH BARN IN BACKGROUND



GOING WEST FROM HOUSE TO BARN



GOING EAST FROM RIDING RING TO BARN



RIDING RING W/3505 HOUSE IN BACKGROUND



FRONT PAVED DRIVEWAY FACING WEST



HOUSE AT 3505



BACK OF 3505 SHOWING SEPTIC FIELD  
GOING INTO OLD CORRAL



BACK OF 3505 SHOWING OLD CORRALS

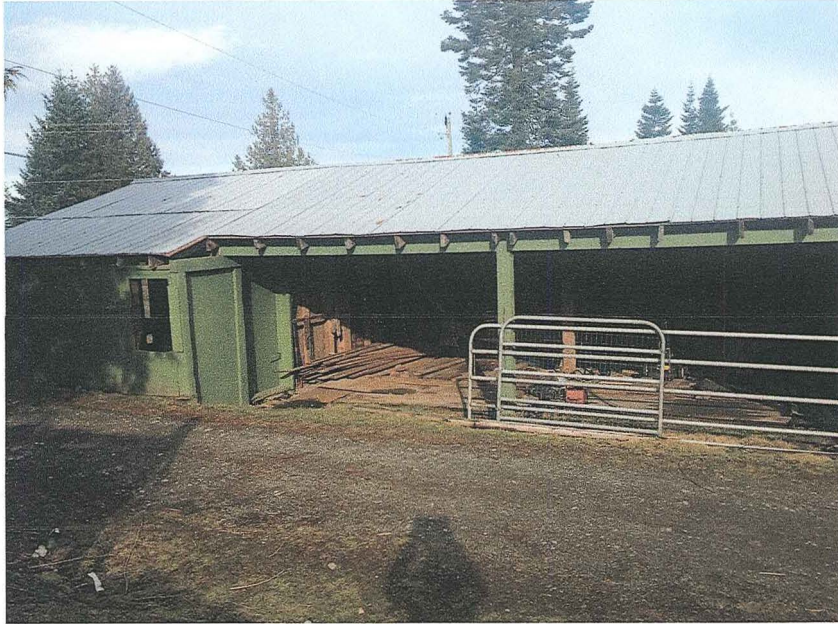




BACK DIRT & GRAVEL DRIVEWAY  
FACING EAST



EQUIPMENT STORAGE



EQUIPMENT STORAGE



OLD SHED TO BE TORN DOWN



BACK DIRT & GRAVEL DRIVEWAY FACING WEST

# ATTACHMENT C



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

The Cowichan Valley 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.

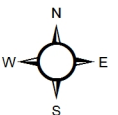
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-C-16-RS

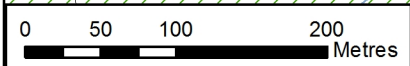
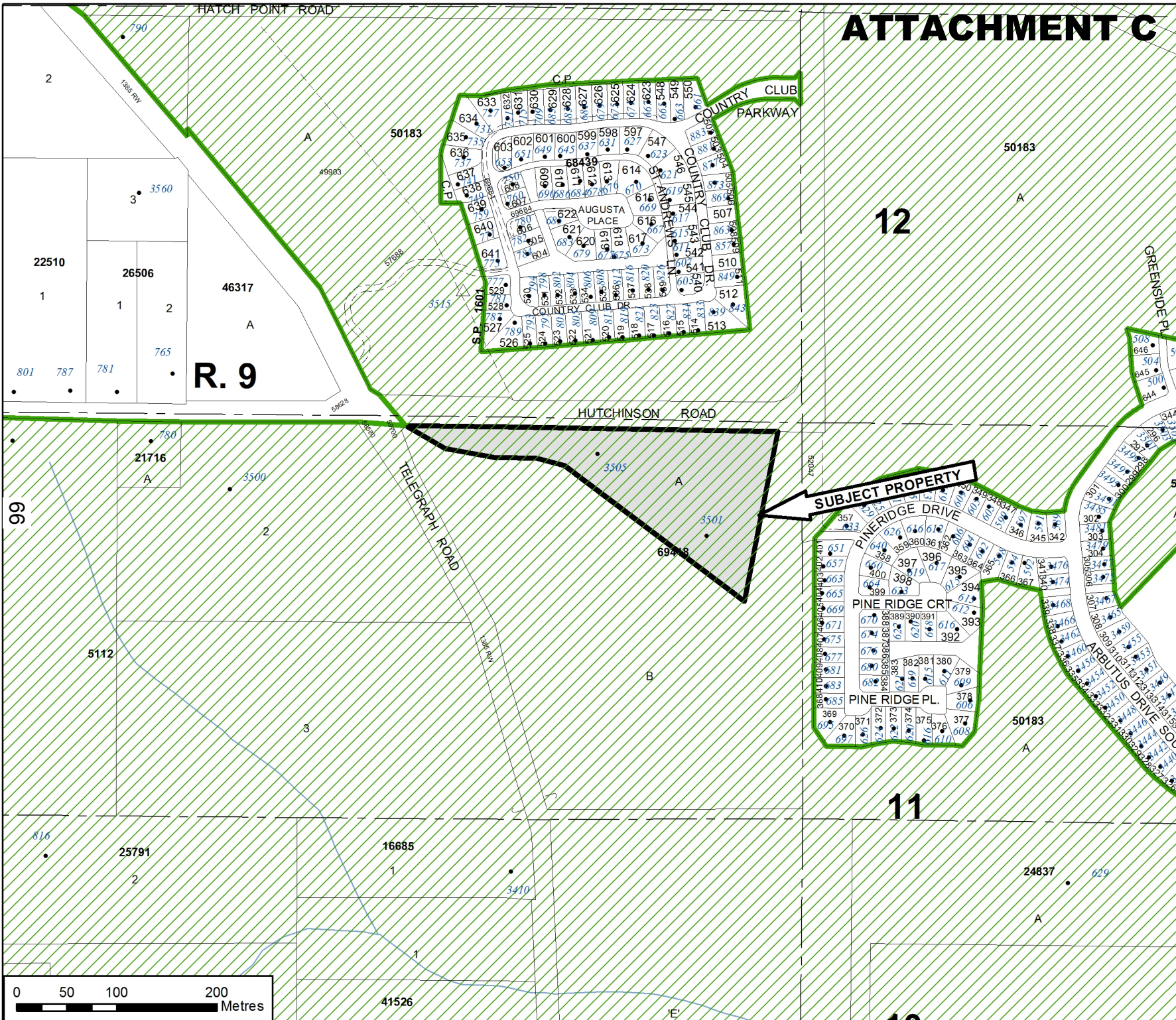
## ALR

### Legend

- Subject Property
- ALR



# R2



**7.0 AGRICULTURAL AND FORESTRY ZONES**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

**7.1 A-1 ZONE – PRIMARY AGRICULTURAL**

(a) Permitted Uses

The following uses and no others are permitted in an A-1 Zone:

- (1) agricultural, horticulture, silviculture, turf farm, fish farm;
- (2) single family residential dwelling or mobile home;
- (3) a second single family residential dwelling or mobile home on parcels two hectares or larger;
- (4) additional residence as required for agricultural use;
- (5) sale of products grown or reared on the property;
- (6) horse riding arena, boarding stable;
- (7) kennel;
- (8) home occupation;
- (9) bed and breakfast accommodation;
- (10) daycare, nursery school accessory to a residential use;
- (11) secondary suite;

(b) Conditions of Use

For any parcel in an A-1 Zone:

- (1) the parcel coverage shall not exceed 30 percent for all buildings and structures;
- (2) notwithstanding Section 7.1 (b)(1) parcel coverage may be increased by an additional 20% of site area for the purpose of constructing greenhouses;
- (3) the height of all buildings and structures shall not exceed 10 metres except for accessory buildings which shall not exceed a height of 7.5 metres;
- (4) the setbacks for the types of parcels lines set out in Column I of this section are set out for residential and accessory uses in Column II, agricultural, stable and accessory uses in Column III and auction uses in Column IV:

COLUMN I Type of Parcel Line	COLUMN II Residential & Accessory Uses	COLUMN III Agricultural & Accessory Use	COLUMN IV Auction Use
Front	7.5 metres	30 metres	45 metres
Side (Interior)	3.0 metres	15 metres	45 metres
Side (Exterior)	4.5 metres	30 metres	45 metres
Rear	7.5 metres	15 metres	45 metres

- (5) Notwithstanding Section 7.2 (b)(3), a building or structure used for the keeping of livestock shall be located no closer than 30 metres from all watercourses, sandpoints or wells;
- (6) Processing of any farm material not grown or raised on the parcel shall be specifically prohibited;
- (7) A slaughterhouse, abattoir or stockyard shall be specifically prohibited;
- (8) Maintenance and repair of any materials offered for sale shall be specifically prohibited.





**Local Government Report**  
**under the Agricultural Land Reserve**  
**Use, Subdivision and Procedure Regulation**

**R2**

R.D./Mun. File No.	_____
Fee Receipt No.	_____
Fee Amount	_____
ALR Base Map No.	_____
ALR Constituent Map No.	_____
Air Photo No.	_____

Information supplied by:  
Cowichan Valley Regional District  
Local Government

In respect of the application of:  
Bertha and William Cameron  
Name of Applicant

**PLANS and BYLAWS** (Attach relevant sections of bylaws)

Community Plan or Rural Land Use Bylaw name and designation: Cobble Hill OCP Bylaw No 1210  
designates the subject property Agriculture

Zoning Bylaw name and designation: Zoning Bylaw #1405 A-I Primary Agriculture

Minimum Lot Size: 12a

Uses permitted: see attached copy of A-I zone

Are amendments to Plans or Bylaws required for the proposal to proceed?

Plan  Yes  No      Bylaw  Yes  No

Is authorization under Sec. 25 (3) or 30 (4) of the Agricultural Land Commission Act required?

Yes (If yes, please attach resolution or documentation)       No

**COMMENTS AND RECOMMENDATIONS** (Include copies of resolutions)

Board or Council: Sept 23, 2009 - Forward to ALC with a recommendation to approve.

Advisory Planning Commission: Aug 25, 2009 - APC supports the application

Agriculture Advisory Committee: CURD does not have an AAC.

Planning staff: see attached staff report.

Others: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
Signature of Responsible Local Government Officer

Sept 28, 2009  
Date

Existing Use of Surrounding Properties:

North: Hutchinson Road and Arbutus Ridge  
 South: Arbutus Ridge  
 East: Arbutus Ridge residences  
 West: Telegraph Rd and Arbutus Ridge fairway

Services:

Road Access: Telegraph Road  
Water: Well  
Sewage Disposal: On-site septic

Agricultural Land Reserve Status: Property is located within the ALR

Environmentally Sensitive Areas: None identified

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

**Soil Classification:**

Canada Land Inventory Maps:  
 ± 90% 5 A/T (5 T<sup>7</sup>/P - 4 T<sup>3</sup>P);  
 ± 10% 4 W<sup>5</sup>-3A<sup>5</sup>/W (3W<sup>5</sup>/D-2W<sup>5</sup>/D)

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
1	-	-
2	-	5
3	5	5
4	5	27
5	90	63
6	-	-
7	-	-
<b>TOTAL</b>	100	100

Explanation of Land Capability Classifications:

- Class 1 lands have no limitations for Agricultural Production
- Class 2 lands have minor limitations, 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 6 lands suitable for domestic livestock grazing, may not be suitable for cultivation
- Class 7 lands have no capability for arable culture.

- Subclass “A” indicates soil moisture deficiency, improvable by irrigation
- Subclass “C” thermal limitations
- Subclass “D” indicates low perviousness, management required
- Subclass “P” indicates stoniness, improvable by stone picking
- Subclass “R” indicates bedrock near the surface or rock outcrops
- Subclass “T” indicates topography limitations, not improvable
- Subclass “W” indicates excess water, may be improvable by drainage.

**Policy Context:**

The Official Community Plan, Bylaw No. 1210, supports the designation and retention of agricultural lands. The following policies are derived from the Agricultural section of the OCP, and are meant to guide development within lands designated as Agricultural.

*“Policy 5.1.1:*

*All lands within the Agricultural Land Reserve (ALR) as well as other lands considered to be agricultural in character or supportive of agricultural lands shall be designated Agricultural in the plan map.*

*Policy 5.1.2:*

*a) All uses and subdivision of ALR land except those lands exempted under Section 19(1) of the Agricultural Land Commission Act shall be in accordance with the provisions of the Act, regulations thereto, and orders of the Land Commission.*

*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.*

**Planning Division Comments:**

The subject property is located at 3501 Telegraph Road, at the junction of Telegraph and Hutchinson Roads. There is currently one single-family residence on the lot, several accessory residential and agricultural buildings, and fenced paddocks. The subject property is zoned A-1, Primary Agriculture, and is located within the Agricultural Land Reserve (ALR). The applicants previously used the land for horse breeding, however they currently have only one stallion. Their use of the land today is largely residential.

The applicants are applying to construct a second residence, approximately 125 m<sup>2</sup> in size, to be used by their daughter. As the subject property is 2.58 ha, and the A-1 zone permits a second dwelling on parcels 2 ha or larger, this proposal complies with Zoning Bylaw No. 1405. However, the Agricultural Land Commission (ALC) permits only one single-family residence on lands within the ALR, and any subsequent residences require an application to the Commission for a Non-Farm Use.

A site visit has confirmed that the existing home is located in the southeast corner of the lot, and is surrounded by accessory residential and agricultural use buildings. The proposed location of the second residence is an existing paddock (please see attached site plan provided by the applicant). Practically speaking, this proposed location would leave the paddocks in the north east corner of the lot largely unaffected, and would allow the proposed residence to make use of the existing driveway.

The subject property is extremely fragmented from surrounding agricultural uses. It is bounded by Hutchinson Road to the north and Telegraph Road to the west. In addition, the fairways and residences of Arbutus Ridge golf course surround the subject property in virtually all directions. The nearest farming activity occurs opposite Telegraph Road, on a 5.5 ha property which operates as a lavender farm.

The Canada Land Inventory soil classification identifies the agricultural capacity of the subject property to be a majority of Class 5 (approximately 90 %) and Class 4 (approximately 5%) and Class 3 (approximately 5%) soils with subclasses noted above, in particular soil moisture deficiency, topography limitations and excess water. With appropriate techniques, the soil capability improves to 63% Class 5, 27% Class 4, 5% Class 3, and 5% Class 2, with many of the same subclass limitations.

The CVRD's role in this application is to advise the ALC whether a second residence on the subject property in the ALR is within the public interest. Any changes claiming current or short-term advantage for an individual should not be outweighed by the long-term importance of maintaining the ALR in a way that will benefit the entire agricultural community. However, it is important to note that the applicants' proposal does comply with CVRD zoning.

#### **Advisory Planning Commission Comments:**

This application was referred to the Electoral Area C Advisory Planning Commission, who provided the following recommendation at their meeting held August 25th 2009:

*It was moved seconded that the APC support the application*

#### **Options:**

1. That application No. 1-C-09 ALR (Cameron) regarding a second dwelling on Lot A, Section 11, Range 9, Shawnigan District, Plan VIP69418 be forwarded to the Agricultural Land Commission with a recommendation to approve.
2. That application No. 1-C-09 ALR (Cameron) regarding a second dwelling on Lot A, Section 11, Range 9,, Shawnigan District, Plan VIP69418 be forwarded to the Agricultural Land Commission without a recommendation.
3. That application No. 1-C-09 ALR (Cameron) regarding a second dwelling on Lot A, Section 11, Range 9, Shawnigan District, Plan VIP69418 be forwarded to the Agricultural Land Commission with a recommendation to deny.


Option 1 is recommended.

Submitted by,



Alison Garnett,  
Planning Technician  
Development Services Division  
Planning and Development Department

AG/ca

<i>Department Head's Approval:</i>	
<i>Signature</i>	



**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 amendments have been consolidated for convenience purposes only and that boundaries are representational.

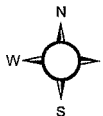
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

**FILE: 1-C-09  
-ALR**

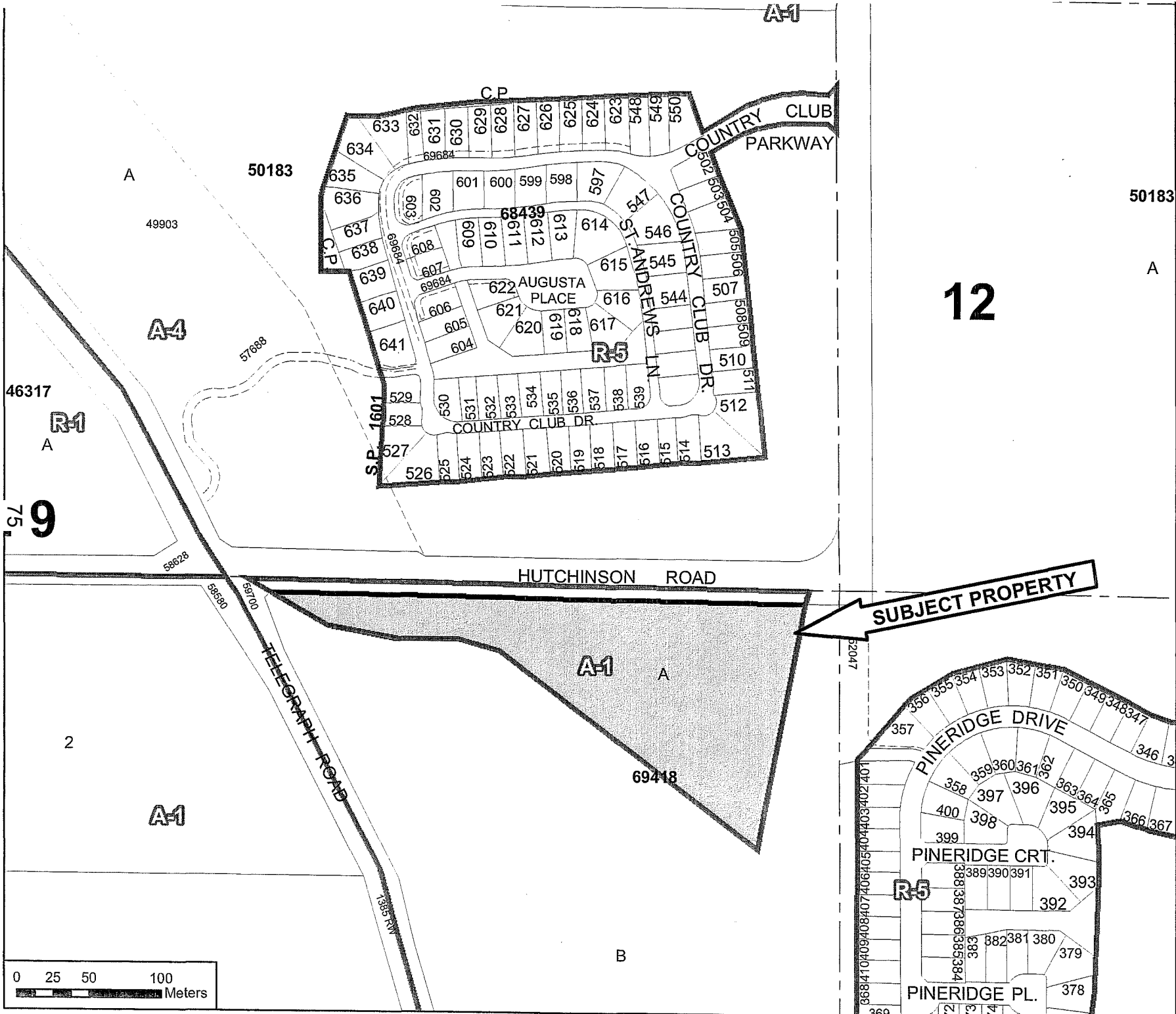
**ZONING**

**Legend**

-  Subject Property
-  Zoning Electoral Area C



**R2**

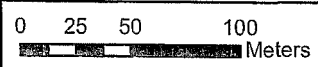


50183

A

12

**SUBJECT PROPERTY**





**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 amendments have been consolidated for convenience purposes only and that boundaries are representational.

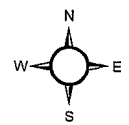
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

**FILE: 1-C-09  
-ALR**

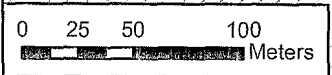
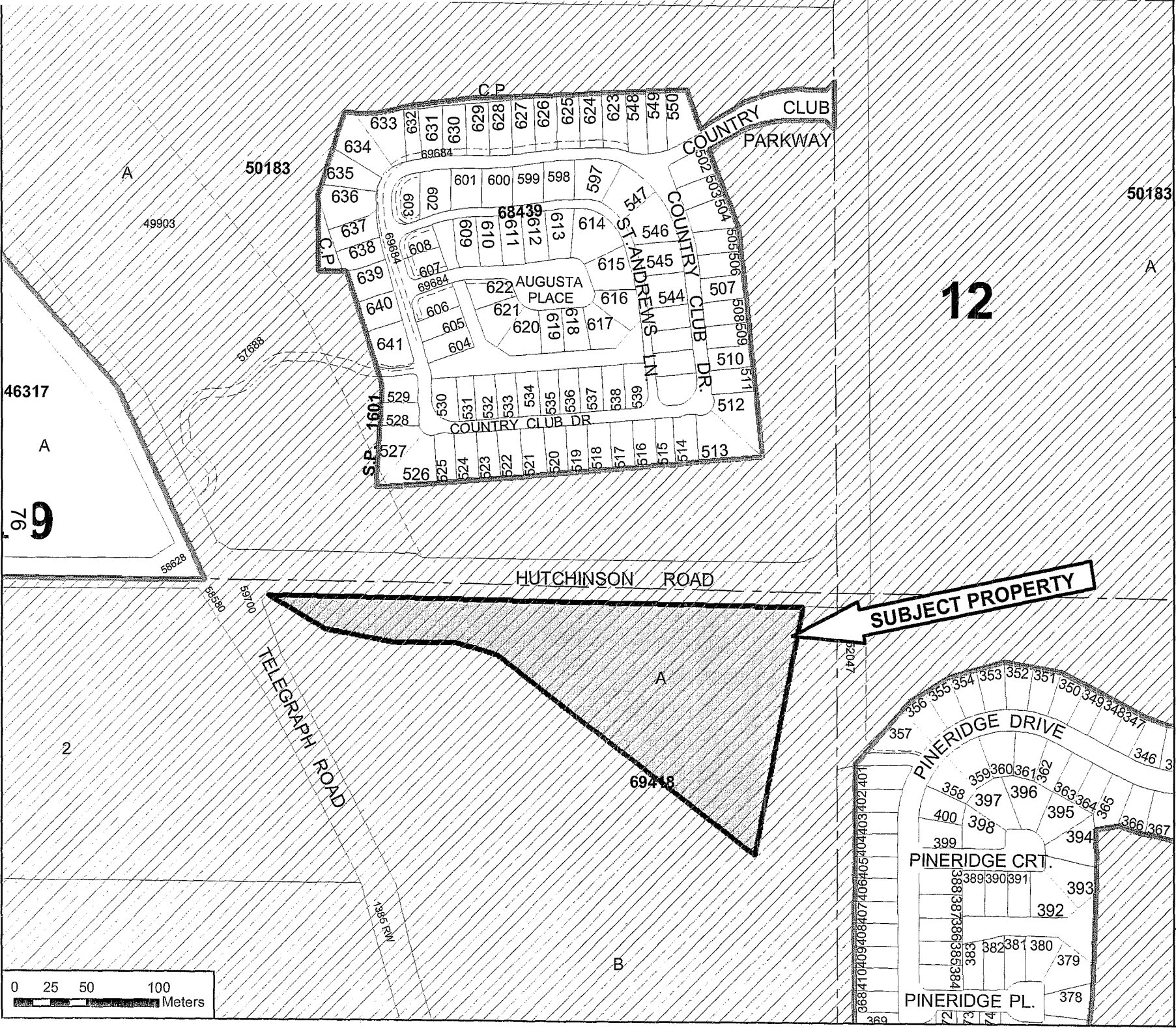
**ALR**

**Legend**

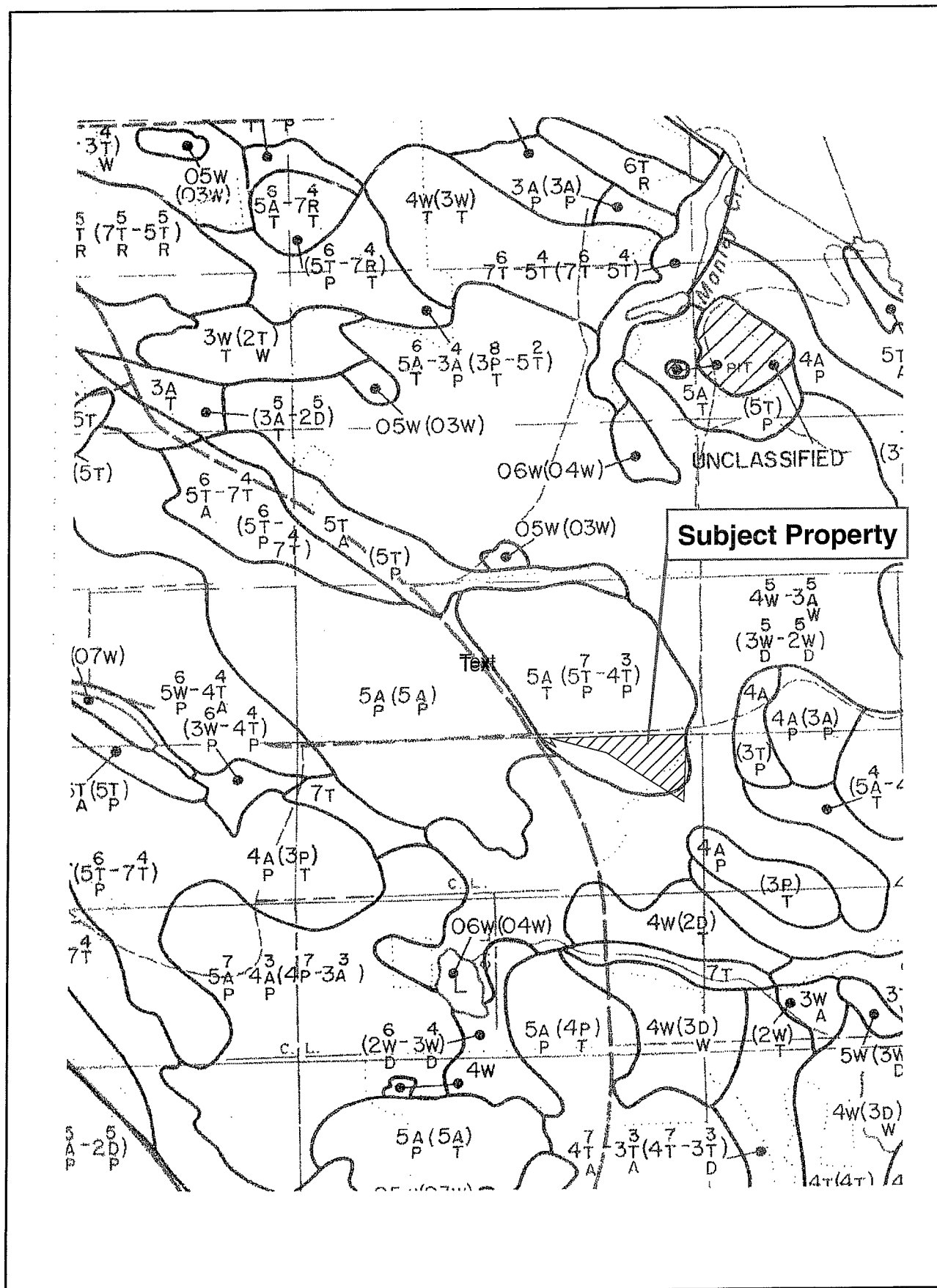
-  Subject Property
-  C\_ALR



**R2**







**COBBLE HILL ADVISORY  
PLANNING COMMISSION MINUTES**

7:00p.m., Tuesday, August 25th, 2009  
Cobble Hill Hall Dining Room, Cobble Hill

**Present:** Rod de Paiva, Chair; Rosemary Allen; Al Cavanaugh; Jerry Tomiljenovic, Jens Liebgott, Robin Brett; Brenda Krug

**Also present:** Gerry Giles, Area 'C' Regional Director

**Guests:** Bill and Bertha Cameron

**Regrets:** David Hart; John Bertagnolli, Dave Thomson, John Krug

Chair de Paiva called the meeting to order at 7:02 p.m.

**Agenda:** *Moved/seconded that the agenda be adopted as circulated. Carried*

**Minutes:** *Moved/seconded that the minutes of the March 9<sup>th</sup>, 2009 meeting be adopted as circulated. Carried*

**New Business:**

1. Cameron Application CVRD File No: 1-C-09ALR Pursuant to Section 20(3) of the *Agricultural Land commission Act*, for approval to construct a second residence on the subject property 3501 Telegraph Road.

*Moved/seconded that the APC support the application.*

Discussion: There were concerns regarding two houses on the one piece of land and of future use of this parcel and the overuse of infrastructure in the future. The site has a poor land classification for agriculture, the proposal was not in conflict with the zoning regarding a second dwelling, not inappropriate for the area and was not setting a precedent were all considered.

Motion carried unanimously.

2. Covenant Discharge Referral: Chair de Paiva asked Director Giles to outline the history of this referral.

Director Giles described a request from the owner of the Blue Rose property in 2006 asking for a release from the covenant on their property at 1300 Fisher Road. She affirmed that the APC of the time had reviewed the request and had recommended discharge of this covenant. She also explained that this request was made when the new RONA store was under construction and would be

4. Enactment of an agreement between the Cowichan Valley Regional District and the Developer with regards to outstanding Phase I park and trail improvements covered under Restrictive Covenant FB109779, inclusive of a letter of credit in the amount of 120 percent of the value of outstanding phase I works and maintenance of Phase I park improvements pending completion of outstanding works to the satisfaction of the Regional District.
  5. Confirmation the lot adjacent Marble Bay Road being dedicated to the Cowichan Valley Regional District as part of the Phase I Subdivision for future fire hall purposes as per Restrictive Covenant FB109779 is fully services with water and sewer utility connections.
  6. Receipt of a letter from Scouts BC/Yukon Division by the Cowichan Valley Regional District confirming the Scouts have no outstanding issues with relocation of the Marble Bay Scout Camp by the Developer as specified under Restrictive Covenant FB109779.
  7. Concurrent registration of public park limitation covenants by the Cowichan Valley Regional District unto itself for all lands being dedicated for park purposes to the Regional District as part of the phase I Subdivision as per conditions of Restrictive Covenant FB109779 previously approved by the Regional Board as part of the Woodland Shores rezoning approval, inclusive of new Lots 72 (Lakefront Park South), 73 (Southern Playfield Park) and Lots 75 and 76 along with Blocks 876, 997, 1010, 1047 and 1505, Cowichan Lake District (all inclusive of the Uplands Natural Park).
  8. Receipt of a biologist report from the Developer confirming the design, layout and construction of the stormwater drainage system on the north side of the main road in the vicinity of the Lakefront Public South Park will not have an adverse impact on the existing wetland pond complex noted as having high habitat value for native frogs.
7. That application No. 5-I-09DP be approved, and that a development permit be issued to Gerald and Florenda Stenberg for the construction of an addition to the existing residence on Lot B, District Lot 27, Cowichan Lake District, Plan 7339, subject to compliance with the measures and recommendations outlined in RAR assessment report No. 1295 by Lehna Malmkvist, R.P.Bio.
  8. That application No. 1-C-09ALR (Cameron) to construct a second dwelling on Lot A, Section 11, Range, 9 Shawnigan District, Plan VIP69418, be forwarded to the Agricultural Land Commission with a recommendation to approve.



**APPLICATION BY LAND OWNER**

JUN 09 2009

*NOTE: The information required by this form and the documents you provide with it are collected to process your application under the Agricultural Land Commission Act and regulation. This information will be available for review by any member of the public. If you have any questions about the collection or use of this information, contact the Agricultural Land Commission and ask for the staff member who will be handling your application.*

**TYPE OF APPLICATION** (Check appropriate box)

- EXCLUSION**  
under Sec. 30(1) of the Agricultural Land Commission Act
- INCLUSION**  
under Sec. 17(3) of the Agricultural Land Commission Act
- SUBDIVISION in the ALR**  
under Sec. 21(2) of the Agricultural Land Commission Act
- Non-farm USE in the ALR**  
under Sec. 20(3) of the Agricultural Land Commission Act

**APPLICANT**

Registered Owner: <u>BERTHA E. CAMERON</u> <u>WILLIAM M. CAMERON</u>		Agent:	
Address: <u>3501 TELEGRAPH RD</u>		Address:	
<u>COBBLE HILL</u>			
<u>B.C.</u>	Postal Code <u>V8R 1L4</u>		Postal Code
Tel. (home) <del>Fax</del> <u>250-743-9441</u>	<del>work</del>	Tel.	Fax
E-mail <u>CALASONA@LIVE.COM</u>		E-mail	

**LOCAL GOVERNMENT JURISDICTION** (Indicate name of Regional District or Municipality)

COWICHAN REGIONAL DISTRICT

**LAND UNDER APPLICATION** (Show land on plan or sketch)

Title Number	Size of Each Parcel (Ha.)	Date of Purchase	
		Month	Year
<u>EN 77199</u>	<u>2.58</u>	<u>SEPT</u>	<u>1964 - SEE ATTACHED LETTER</u>

**OWNERSHIP OR INTERESTS IN OTHER LANDS WITHIN THIS COMMUNITY**

(Show information on plan or sketch)

If you have interests in other lands within this community complete the following:

Title Number(s): EN 77200

**PROPOSAL** (Please describe and show on plan or sketch)

PROPOSE TO BUILD SECOND HOUSE ON SUBJECT PROPERTY. WE ARE BOTH IN OUR 70'S. OUR DAUGHTER WANTS TO MOVE BACK TO THE PROPERTY SO SHE IS AVAILABLE TO HELP US. THE SITE IS AN OLD, SMALL, ROCKY HORSE Paddock. THAT IS NO LONGER USED.

**CURRENT USE OF LAND** (Show information on plan or sketch)

List all existing uses on the parcel(s) and describe all buildings

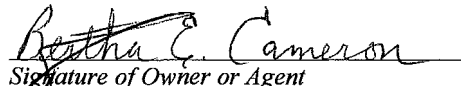
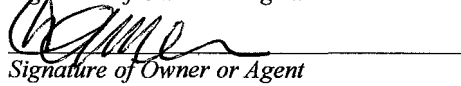
PERSONAL RESIDENCE. 1 WORK SHED 1 HORSE BARN CLEAN TO 2 RETIRED HORSES

**USES ON ADJACENT LOTS** (Show information on plan or sketch)

North	HUTCHINSON ROAD		
East	GOLF COURSE	} SEE ATTACHED LETTER	
South	" "		
West	" "		

**DECLARATION**

I/we consent to the use of the information provided in the application and all supporting documents to process the application in accordance with the *Agricultural Land Commission Act* and regulation. Furthermore, I/we declare that the information provided in the application and all the supporting documents are, to the best of my/our knowledge, true and correct. I/we understand that the Agricultural Land Commission will take the steps necessary to confirm the accuracy of the information and documents provided.

JUNE 8/09		BERTHA E. CAMERON
Date	Signature of Owner or Agent	Print Name
JUNE 8/09		WILLIAM MCL CAMERON
Date	Signature of Owner or Agent	Print Name
NH		
Date	Signature of Owner or Agent	Print Name

**Please ensure the following documents are enclosed with your application:**

- Application fee payable to the Local Government
- Certificate of Title or Title Search Print
- Agent authorization (if using agent)
- Map or sketch showing proposal & adjacent uses
- Proof of Notice of Application \*(See instructions)
- Photographs (optional)

HUTCHINSON ROAD

TITLE EN77199  
LOT B

TREES

PADDOCKS

DRIVEWAYS

DRIVEWAY

TITLE EN77200  
LOT B

Proposed  
New House

Sheds

GOLF COURSE

Riding  
Rings

GOLF  
COURSE

Barn

Existing  
House

Shed

82

R2

We have owned these two parcels of land since 1964. At that time they were lot 2 and lot 3, Plan VIP69418, Section 11, Range 9, Shawnigan Land District. In 1999 we subdivided, or changed the boundary between the two parcels to section off our farm land (2.58 ha.), now Lot A, from the land we lease to Arbutus Ridge Golf Course (9.56 ha.), now Lot B.

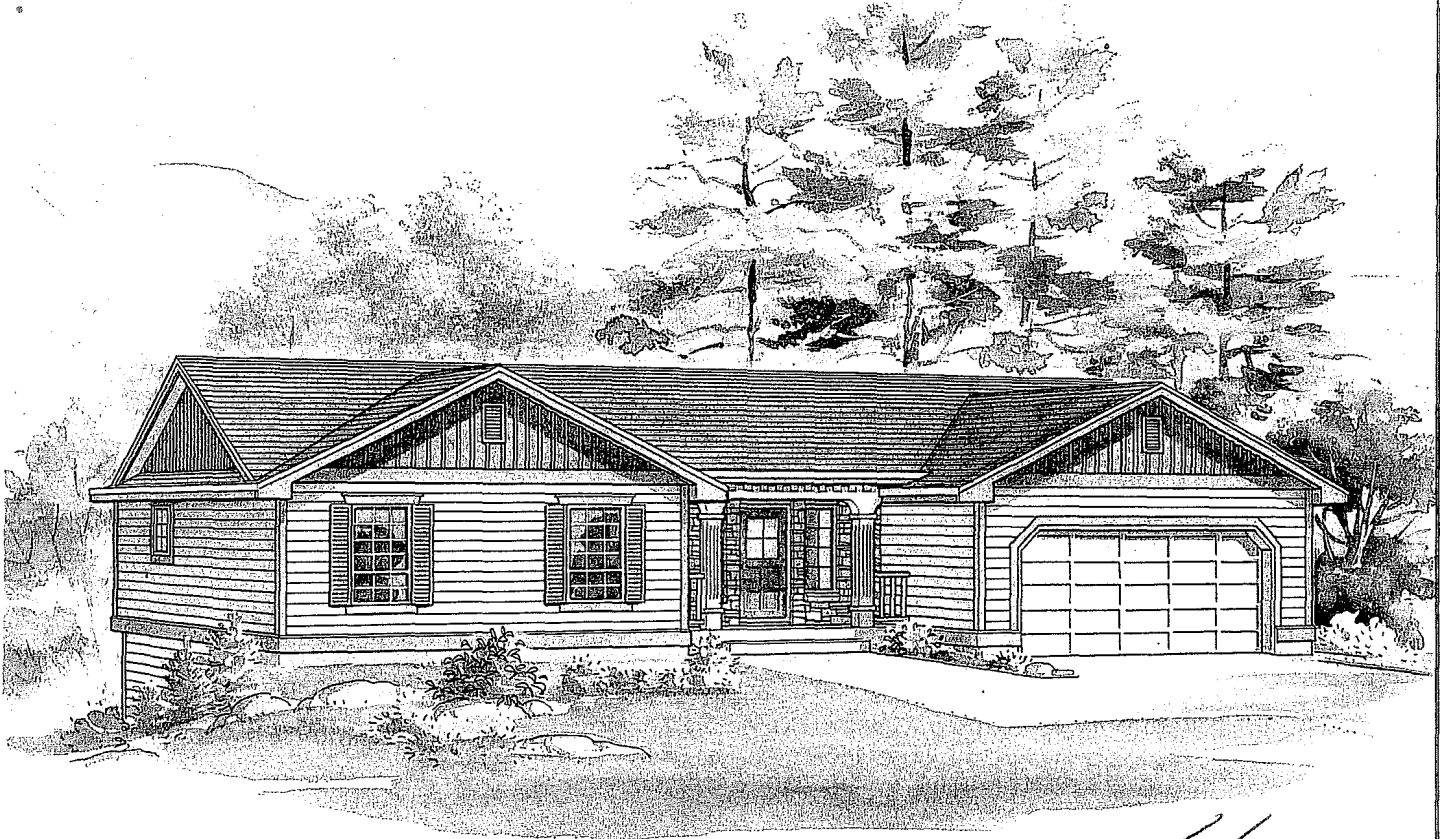
With regard to the "Uses on Adjacent Lots":

To the north is Hutchinson Road and on the other side of that is Arbutus Ridge Golf Club house, fairway number one and retirement village housing.

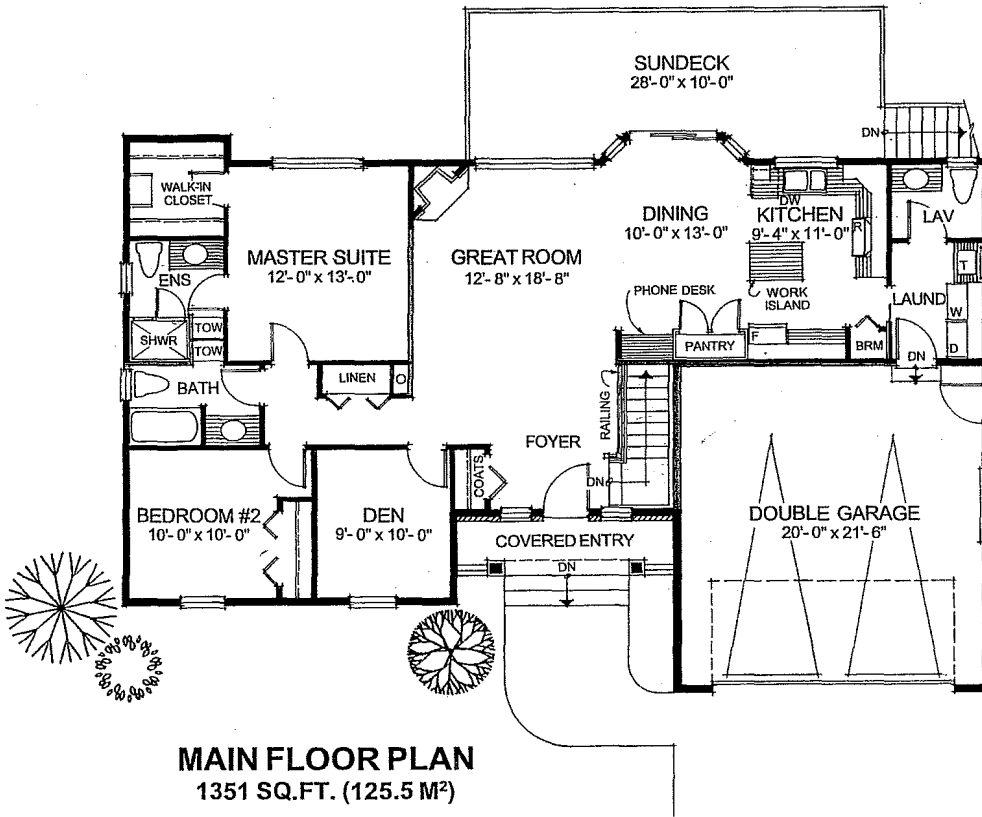
To the east is fairway number four and retirement village housing.

To south is fairways number five and six, then a no longer active hobby farm where they used to raise chickens and a few sheep.

To the east, across Telegraph Road is a grape/hobby farm.



NOTE: THIS DESIGN INCLUDES AN UNFINISHED BASEMENT (NOT SHOWN).  
*NO BASEMENT*



2 x 6 EXTERIOR WALLS

WIDTH - 58'-0" (17.7 M)  
 DEPTH - 36'-0" (11.0 M)

PLAN NO. 1-2-538  
 TOTAL 1351 SQ.FT. (125.5 M<sup>2</sup>)

JENISH HOUSE DESIGN LIMITED

STRAIGHT ENTRY



51



PROPOSED  
NEW HOUSE





FILE COPY

September 30, 2009

Our File: 1-C-09ALR

Agricultural Land Commission  
133 - 4940 Canada Way  
BURNABY, BC V5G 4K6

**Attention: Gordon Bednard, Land Use Planner**

Dear Gordon Bednard:

**Re: Application No. 1-C-09ALR – Bertha and William Cameron**

Please be advised that the Board of the Cowichan Valley Regional District considered the above-described Agricultural Land Commission Application at the Board meeting held on Wednesday, September 23, 2009, and they passed the following resolution:

*“That Application No. 1-C-09 ALR (Cameron) to construct a second dwelling on Lot A, Section 11, Range 9, Shawnigan District, Plan VIP69418, be forwarded to the Agricultural Land Commission with a recommendation to approve.”*

We are forwarding the entire file to you, including the “Application by Landowner” form, a completed Local Government Report, and all other pertinent information supplied by the applicant and this office.

We trust you will find this to be in order.

Yours truly,

Alison Garnett,  
Planning Technician  
Planning and Development Department

AG/lag

Attachments

pc: Director G. Giles, Electoral Area C – Cobble Hill  
Bertha & William Cameron  
Pat Taylor, Financial Services Department

\\Cvrdstore1\homedirs\Meadam\ALR Applications\2009 Applications\1-C-09(CameronReferral to ALC)Sept 28-09.docx



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on 18<sup>th</sup> December 2009 at Duncan, BC

<b>PRESENT:</b>	Lorne Seitz	Chair, Island Panel
	Niels Holbek	Commissioner
	Jennifer Dyson	Commissioner
	Roger Cheetham	Staff

### For Consideration

Application: 50691  
 Applicant: William and Bertha Cameron  
 Agent: N/A  
 Proposal: Non-farm use – second dwelling  
 Legal: PID 024-611-859, Lot A, Section 11, Range 9, Shawnigan District  
 Plan VIP69418  
 Location: 3501 Telegraph Road

### Site Inspection

A site inspection was conducted on 17<sup>th</sup> December 2009. Those in attendance were:

- Lorne Seitz                      Chair, Island Panel
- Jennifer Dyson                Commissioner
- Niels Holbek                  Commissioner
- Roger Cheetham              Staff
- William and Bertha Cameron      Applicants

The Commission walked the property noting that the area proposed for the second dwelling comprises a narrow strip at the western extremity of the property. The Commission noted that the property largely comprises a ridge of land separating components of the Arbutus Golf Course development to the north across Hutchinson Road and to the south where the golf course is located on a parcel of land owned by the applicants and leased to the golf club. The applicants indicated that their intention is to make the dwelling available to their daughter who will assist them. The property is at present used for keeping a limited number of horses.

### Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

## **Discussion**

### **Assessment of Agricultural Capability**

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property based on 1:20 000 soil capability mapping undertaken by the Ministry of Environment is rated as Class 5 with soil moisture deficiency and stoniness limitations. The improved ratings are similar.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

### **Assessment of Agricultural Suitability**

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission did not believe that there are external factors that render the land unsuitable for agricultural use. However the Commission noted that in view of the fact that the property comprises a somewhat isolated ridge between two areas used for the golf course its agricultural potential is somewhat limited.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission considered that the proposed location of the second dwelling would cause the least impact on the property's agricultural potential. It also noted that the dwelling was required for a daughter and that the impact of the dwelling was unlikely to be any greater than that of a manufactured home permitted without Commission approval in terms of Regulation 171/2002. On balance and bearing in mind the provisions of the Regulations the Commission was of the view that the dwelling would not have any material impact on the agricultural potential of the property provided that the second dwelling was permitted in lieu of a manufactured home.

## **Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will not have any material impact on agriculture.
4. That the proposal is consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

## **IT WAS**

**MOVED BY:** Commissioner J. Dyson  
**SECONDED BY:** Commissioner L. Seitz

THAT the application be approved subject to the second dwelling being in lieu of a manufactured home as permitted in terms of 88 (b)(ii) of Regulation 171/2002.

Page 3 of 3 Resolution # 1866/2009  
Application # 50691

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

**CARRIED**  
**Resolution # 1866/2009**

**9.1 A-1 AGRICULTURAL RESOURCE 1 ZONE**

Subject to compliance with the general regulations set out in Parts 4, 5, 6 and 7 of this Bylaw, the following regulations apply in the A-1 Zone:

**1. Permitted Uses**

The following principal uses and no others are permitted in the A-1 Zone:

- a. Agriculture, horticulture, silviculture, turf farm, fish farm;
- b. Kennel;
- c. Single family dwelling;
- d. Farm uses as designated by Statute or Regulation under the Provincial *Agricultural Land Commission Act*;

The following accessory uses are permitted in the A-1 zone:

- e. Bed and breakfast accommodation;
- f. Farm gate sales;
- g. Home-based business;
- h. Secondary suite;
- i. Unlicensed daycare and group daycare.

**2. Minimum Parcel Size**

The minimum parcel area in the A-1 Zone is 30 hectares.

**3. Number of Dwellings**

One dwelling is permitted per parcel in the A-1 Zone.

**4. Setbacks**

The following minimum setbacks for buildings and structures apply in the A-1 Zone:

Type of Parcel Line	Agricultural and Accessory Uses	Residential and Accessory Uses	Kennel Use
Front parcel line	15 metres	7.5 metres	45 m
Interior side parcel line	15 metres	3 metres	45 m
Exterior side parcel line	15 metres	4.5 metres	45 m
Rear parcel line	15 metres	7.5 metres	45 m

**5. Height**

In the A-1 Zone, the height of all principal buildings and structures shall not exceed 10 metres and the height of all accessory buildings shall not exceed 7.5 metres.

**6. Parcel Coverage**

The parcel coverage in the A-1 Zone shall not exceed:

- a. 20 percent for all buildings and structures;
- b. Notwithstanding Section 9.1.6.a, the parcel coverage may be increased by an additional 30% of the parcel area for the purpose of accommodating greenhouses.

**7. Kennel Regulation**

No outdoor runs, outdoor pens or part thereof shall be located within 50 metres of any parcel boundary.



## **REZONING APPLICATION**

### **ATTN: Members of the CVRD Board**

In June 2009, we made application to the ALR, through the CVRD, to obtain permission to build another dwelling on our 2.5 ha lot in Cobble Hill, where we have resided for 53 years. Application was approved per the decision of the ALR, dated January 13, 2010, as follows:

"The commission noted that the property largely comprises a ridge of land separating components of the Arbutus golf course development to the north.....and to the south where the golf course is located.....The applicants indicated that their intention is to make the dwelling available to their daughter who will assist them.....The agricultural capability of the soil of the subject property.... undertaken by the Ministry of Environment is rated class 5 with soil moisture deficiency and stoniness limitations.....that restrict its capability to producing perennial forage crops or other specially adapted crops".

Our daughter has been living there since 2010, taking part in the upkeep of the property and also paying the insurance, taxes and mortgage on this dwelling. We are an elderly couple, in our 80's, and need this support to help us in our day-to-day responsibilities. The new house was built with wheelchair accessibility so that if one of us should require same, we would move into the new house and our daughter would take over our's.

We were under the impression that all our ducks were in a row to pass on our legacy to our two children, in a clear and non-problematic state. To our surprise and chagrin, we discovered that this dwelling is now non-conforming due to the implementation of changes in 2013 to the CVRD zoning bylaws....four years after being given the go ahead to build, and three years after our daughter took up residence!

There are many problems caused us by this situation:

- The emotional burden and the possible financial loss of this investment within the present context.
- Our insurance provider has informed us that they usually do not ensure homes that are non-conforming. If a major loss should arise to the dwelling they would only pay out minus depreciation of the building, if at all.
- In the event of a major loss to the home, we will not receive permission to rebuild due to the changes in the CVRD zoning bylaws in 2013, as this is the second home built on this acreage.



Page two

- This would be devastating to our daughter as she would lose her home and on top of that, could not afford to rebuild.
- Mortgage possibilities would be denied as well.
- The division of our state to our two children is in jeopardy, as it would need to be re-evaluated, when we were under the impression that all matters were clear.

As you can see, the outcome of the zoning bylaw changes are creating an enormous burden on our family. If something should happen, we would be in a very obscure legal situation, not by any dereliction of duty on our part. This dwelling is now at risk. The financial loss would be insurmountable and would put us in a precarious situation.

We are requesting an amendment to the zoning bylaw that allows the second dwelling on our property, that is classified as legal non-conforming, to become legal conforming.

As I am sure you can appreciate, this process is paramount to us. Following advice given to us, this would also be the fastest way to proceed so that our exposure can be minimized by a shorter processing duration. This process was initiated in November, 2016. TIME IS OF THE ESSENCE!

Thanking you in advance, in the hopes that you will receive this application with the utmost understanding and render a favorable decision toward our situation.

We remain,



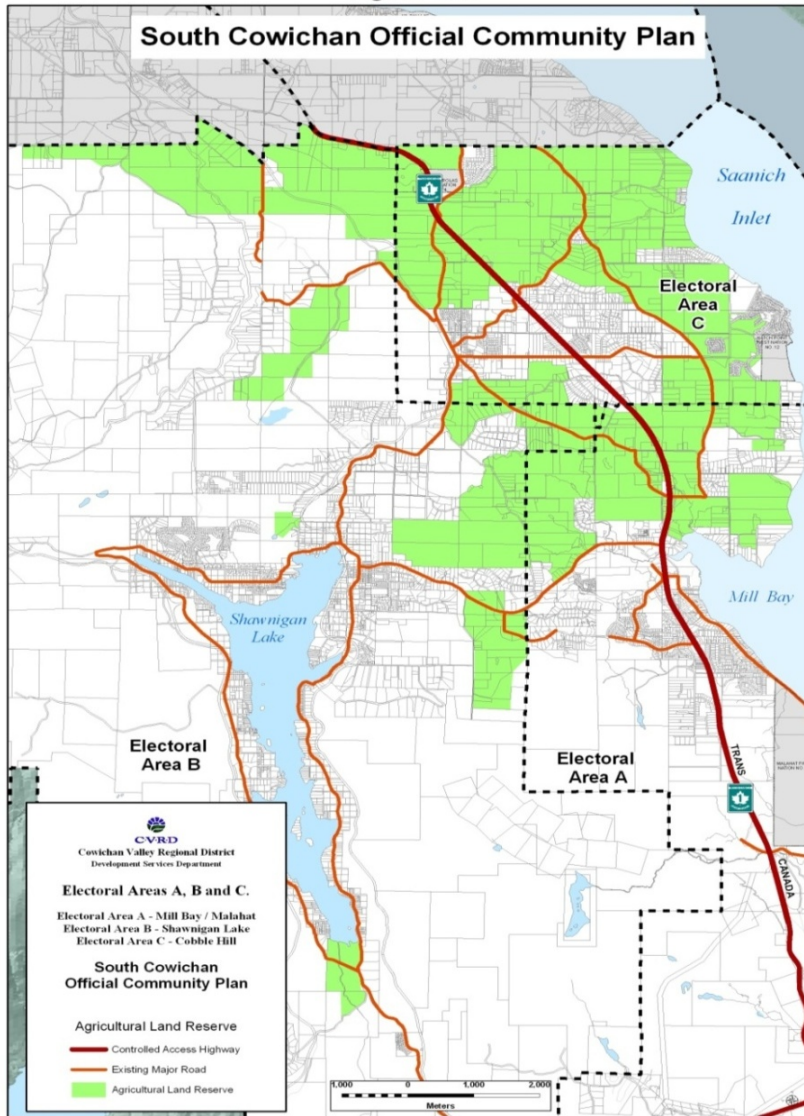
William and Bertha Cameron

AGRICULTURAL DESIGNATION: POLICIES

**Policy 11.1:** Lands within the Agricultural Land Reserve and other lands considered to be best suited for agricultural are designated as Agricultural Resource (A) on Schedule B – the Plan Map.

**Policy 11.2:** All objectives and policies in the OCP relating to lands within the Agricultural Land Reserve, shown in Figure 11A, will be consistent with the provisions of the *Agricultural Land Commission Act*, regulations thereto, and orders of the Agricultural Land Commission.

Figure 11A



Printing Date:  
 File: \\Cvrstore1\homedirs\tompkins\South Cowichan OCP\Mapping\Proposed\Version2\MapFiles\FigureMaps\Fig11A\_ALR\_ocp.mxd

**Policy 11.3:** Agricultural pursuits will be given priority within the Agricultural Resource Designation (A). Lands within this designation will generally be zoned A-1 Primary Agricultural, in the implementing Zoning Bylaw, and will have a minimum parcel size of 30 ha. In cases where the Agricultural Resource (A) designated lands are deemed suitable for small-lot agriculture, are outside of the ALR, and have historically been zoned as A-2 Small Lot Agricultural, the implementing Zoning Bylaw will continue to zone them as A-2 Small Lot Agricultural, wherein the minimum parcel size will not be less than 2 ha.

**Policy 11.4:** In addition to the zones referenced in Policy 11.3, the implementing Zoning Bylaw may create special agricultural zones, including:

- a. The A-3 “Agricultural Veterinary Zone,” to accommodate veterinary clinics and animal hospitals;
- b. The A-4 “Agricultural /Golf Course Zone,” to accommodate golf course use;
- c. The A-5 “Agricultural Market Zone,” to accommodate farm markets;

**Policy 11.5:** There is a limited supply of large agricultural parcels within the Plan area, therefore the rezoning of A-1 Agricultural Resource parcels to A-2 (Small-lot Agricultural) or to other zones that would result in subdivision of agricultural land or a loss of arable land, will not be supported.

**Policy 11.6:** ALR subdivision applications which are subject to CVRD bylaws will only be forwarded to the ALC if:

- a. The minimum parcel size regulation is complied with; or
- b. If the minimum parcel size regulation is not complied with, if the ALR applicant has also applied for the necessary bylaw amendments and these have received at least first reading.

**Policy 11.7:** ALR non-farm use applications will only be forwarded to the ALC if:

- a. The proposed non-farm use complies with CVRD bylaws; or
- b. If the proposed non-farm use does not comply with CVRD Bylaws, if the ALR applicant has also applied for the necessary bylaw amendments and these have received at least first reading.

**Policy 11.8:** Poor capability climate and soil constraints should not be considered acceptable reasons to contemplate subdivision or removal of land from the Agricultural Designation. Lower capability lands should be used for pasture, farm buildings, feedlots, greenhouses, land-based aquaculture, farm reservoirs, wood lots or other uses accessory to the farm operation but not requiring arable land.

**Policy 11.9:** In addition to the principal dwelling, one additional dwelling for farm help may be permitted on a parcel, subject to compliance with the following criteria:

- a. The parcel must have farm classification on BC Assessment Authority records;
- b. The parcel must be used as a bona-fide farm;
- c. The additional dwelling must not exceed 74 m<sup>2</sup>, and be located away from and otherwise not interfere with useable farm land;
- d. A farm plan, prepared by an Agrologist, that clearly justifies the additional dwelling in terms of the needs of the farm, must be provided to the CVRD Board. The additional dwelling must be necessary for the overall operation of the farm. The scale of the farm operation must warrant the additional dwelling.

**Policy 11.10:** A secondary suite or secondary dwelling unit may be permitted in any Agricultural Resource Designation (A), however if the land is in the ALR, approval of the BC Agricultural Land Commission may be required if not permitted in terms of BC Regulation 171/2002.

**Policy 11.11:** A home occupation may be permitted in the Agricultural Resource Designation (A), however if the land is in the ALR, approval of the BC Agricultural Land Commission is required.

**Policy 11.12:** One agricultural outlet or produce stand will be permitted within the Agricultural Resource Designation (A), in accordance with the provisions of the *Agricultural Land Commission Act* and BC Regulation 171/2002. The location of such a use may be subject to the approval of the Ministry of Transportation and Infrastructure.

**Policy 11.13:** Agri-Tourism, such as winery tours and facilities, farm tours, and other activities that support agriculture and tourism, will be supported in the implementing Zoning Bylaw.

**Policy 11.14:** The OCP supports the Cowichan Valley Food Charter, the Regional Agricultural Plan, and other programs aimed at ensuring that residents have access to safe, nutritious food and that the agricultural industry continues to thrive, diversify and grow.

**Policy 11.15:** Community agricultural activities such as seed exchanges, community gardens, farm tours, community kitchens and designated farm markets will be supported.

**Policy 11.16:** Section 24 – the *South Cowichan Rural Development Permit Area* will apply to non-farm uses in the Agricultural Resource Designation (A) and to residential lands adjoining the Agricultural Resource Designation (A), to protect agricultural lands from non-farm uses and reduce the potential for land use conflicts between residential and agricultural uses.

**Policy 11.17:** To promote health and long term environmental sustainability agricultural practices that involve the use of trans-species genetically modified organisms and promote monopolization, through the patents of multinational biotechnology firms, are discouraged.

**Policy 11.18:** For future food security purposes, the CVRD encourages senior governments to require the labelling of trans-species and genetically modified organisms intended for human consumption. (*Senior Government Jurisdiction*)

**Policy 11.19:** Most horticultural crops require some form of irrigation, and withdrawals from groundwater sources are currently unregulated by the Province of British Columbia. To ensure that agricultural enterprises have access to sufficient water and water conservation capabilities, the CVRD will work with senior governments and the farming community toward development of a water distribution and conservation strategy, which includes at a minimum: (*Consult with Province*)

- a. Guidelines for the provision of off-stream water retention areas on farms, to store winter water runoff for summer irrigation purposes;
- b. A groundwater licensing and metering strategy;
- c. Guidelines promoting water conservation, such as drip irrigation rather than spray irrigation;
- d. An examination of ways to improve access to water for farmers.

**Policy 11.20:** The CVRD will request the Ministry of Agriculture to update and digitize the Land Capability maps produced in the 1980s, and prepare a document that describes the types of crops that can be grown on each soil type, with various levels of management and improvements, and will propose this as an action item to the Union of BC Municipalities and the Association of Vancouver Island and Coastal Communities. (*Provincial Jurisdiction*)

**Policy 11.21:** The CVRD ensure that a groundwater protection bylaw (see Policy 20.11) considers matters related to all water users, including agriculture.

**Policy 11.22:** Despite their designation on Schedule B as Agriculture, the following properties may be zoned for special uses as described below:

- a. The site of the “Sol Sante” naturist facility on Cameron-Taggart Road may be zoned for institutional use;
- b. The site of the “Cedars at Cobble Hill” rehabilitation centre may be zoned for institutional use;
- c. The former site of “Camp Narnia” to the southeast of Shawnigan Lake may be zoned for agricultural-institutional use;
- d. The site of “Camp Creina” (Girl Guides of Canada) may be zoned for agricultural-institutional use.

**Policy 11.23:** Zoning amendment applications to expand to existing golf courses into lands not presently zoned for that use, and applications to rezone arable land for the creation of a new golf course will be strongly discouraged, due to the impacts upon both agricultural activities generally and to the natural environment.



## MINUTES

**ELECTORAL AREA C - COBBLE HILL  
ADVISORY PLANNING COMMISSION MEETING**

**August 31, 2017  
Cobble Hill Youth Hall**

Present: David Slade, Brenda Krug, Chris Koehn, Nick Hill, Lynn Wilson

Also present: Matteus Clement - CVRD Regional Director Area "C", Carolyn Morris – Alternate Director Area "C", Ed Voroney, Bertha Cameron, Bill Cameron, Sean McConkey, Heather Cameron, Pierre Moquin, Morris Wadds

Regrets: John Baty

Director Clement called the meeting to order at 7:00 p.m.

Director Clement presided over the election of Chair, Brenda Krug by acclamation and Vice Chair Lynn Wilson, also by acclamation.

Brenda Krug assumed the Chair and requested the election of a Secretary. As there was nobody wishing to assume this duty, the Chair will appoint a Commission member at each meeting to take the minutes.

New Business:

CVRD File No. 01-C-16RS

Rezoning Application for 3501 & 3505 Telegraph Road

To amend Area C Zoning Bylaw No. 3520 to legalize an existing legal, non-conforming second single family dwelling located at 3505 Telegraph Road. The second dwelling was legally constructed and approved by both the CVRD and ALC in 2009; however, with the adoption of South Cowichan Bylaw no. 1405 in 2013, the second dwelling is now classified as legal non-conforming.

Bill and Bertha Cameron and Pierre Moquin explained the difficulties that the non-conforming classification presents to them, and that time is a very pertinent factor in resolving the issue.

Morris Wadds, whose property is also affected by Bylaw 3520 spoke in support of the Cameron application.

All members of the APC spoke in favour of this parcel being changed from "legal non conforming" to "legal conforming".

Chair Krug explained the reasoning for change in the bylaw in 2013 and Director Clement explained the difference between "Spot zoning" versus "Blanket change" to the bylaw.

There was a discussion amongst the Commission members regarding the CVRD Staff options presented in the Staff Report. Option 1: To legalize second dwelling that was lawful when Bylaw 3520 was adopted was the option favoured by all members. This will apply to all similar situations that were legally authorized up to December 11, 2013.

*It was moved and seconded that the Cobble Hill APC supports Staff Option 1 to render the subject property and dwellings "legal conforming" using the following language in the General Regulations section of the Zoning Bylaw: Parcels that are zoned A-1 and greater than 2 hectares in area upon which a secondary dwelling unit were legally authorized up to December 1, 2013 with a valid Building Permit and Agricultural Land Commission approval as a non-farm use, are considered to be legal and conforming under this Bylaw, and may be added to, reconstructed, repaired and replaced in accordance with all other provisions of this Bylaw. Carried.*

Director Clement reported that the APC recommendation will be going to the CVRD Board on Thursday, September 21, 2017.

Chair would like to convene a meeting at least every 2<sup>nd</sup> month regardless of agenda items.

Director Clement give updates on local matters.

Motion to adjourn at 7:38 p.m.

Minutes submitted by David Slade



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW No. 4154**

**A Bylaw for the Purpose of Amending Zoning Bylaw No. 3520  
Applicable to Electoral Area A & C – South Cowichan**

**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 A & C – South Cowichan that being Zoning Bylaw No. 3520;

**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. 3520;

**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. 4154 – Electoral Area A & C – South Cowichan Zoning Amendment Bylaw (PID: 024-611-859), 2017**".

2. **AMENDMENTS**

Cowichan Valley Regional District Zoning Bylaw No. 3520, as amended from time to time, is hereby amended in the following manner:

The following is added to the list of permitted accessory uses in Section 9.1 – Agricultural Resource 1 Zone:

*‘Secondary dwelling units in areas upon land which a secondary dwelling unit was legally authorized at the date of December 11, 2013.’*

3. **FORCE AND EFFECT**

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

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2017.



ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Secretary





# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** October 5, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of October 18, 2017

**FROM:** Development Services Division  
Land Use Services Department

**SUBJECT:** Accessory Dwelling Units on Agricultural Parcels

**FILE:**

## PURPOSE/INTRODUCTION

The purpose of this report is to outline issues and options associated with second dwellings in the Agricultural Resource 1 (A-1) zone of South Cowichan Zoning Bylaw No. 3520.

## RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That a bylaw to amend South Cowichan Zoning Bylaw No. 3520 to include accessory dwelling unit as a permitted use in the Agricultural Resource 1 (A-1) Zone be drafted and forwarded to the Board for consideration of first and second reading; and
2. That a public hearing be scheduled with Directors of Electoral Areas A, B and C appointed as delegates.

## BACKGROUND

At the June 21, 2017, Electoral Area Services Committee meeting, a report from Director Clement regarding Accessory Dwellings as a Permitted Use in the A-1 Zone (South Cowichan Zoning Bylaw) was considered. After reviewing and discussing the Director's report, the Committee referred it and the topic to staff. This report is intended to provide the Committee with additional information on the topic of accessory dwellings in the A-1 Zone and to outline some options for amending the South Cowichan Zoning Bylaw to permit accessory dwellings should the EASC and Board wish to expand opportunities for accessory dwellings in South Cowichan's A-1 zoned areas.

## ANALYSIS

### *The Issue:*

South Cowichan Zoning Bylaw No. 3520 was adopted by the CVRD Board on December 11, 2013. The Bylaw was adopted following adoption of the South Cowichan Official Community Plan and was intended to implement the OCP's policies by establishing complementary land use and development regulations.

The South Cowichan Zoning Bylaw replaced zoning bylaws for Electoral Areas A and C. Electoral Area B is expected to be incorporated into the South Cowichan Zoning Bylaw in the future. Among the changes implemented with the South Cowichan Zoning Bylaw was removal of second dwelling provisions from the A-1 zone. Table 1 summarizes the A-1 Zone residential uses that were permitted by previous Electoral Area A and C zoning bylaws, and what is currently permitted by the Area B and South Cowichan Zoning Bylaws:

Table 1 - A-1 Permitted Residential Uses

Area C Zoning Bylaw 1405 (repealed)	Area A Zoning Bylaw 2000 (repealed)	Area B Zoning Bylaw 985 (current)	South Cowichan Zoning Bylaw 3520 (current)
<ul style="list-style-type: none"> <li>• Single Family Dwelling;</li> <li>• Second SFD on parcels 2 ha. or larger;</li> <li>• Secondary Suite.</li> </ul>	<ul style="list-style-type: none"> <li>• Single Family Dwelling;</li> <li>• Additional SFD as required for Agricultural Use;</li> <li>• Secondary Suite.</li> </ul>	<ul style="list-style-type: none"> <li>• Single Family Dwelling;</li> <li>• Additional SFD Accessory to Agricultural Use;</li> <li>• Secondary Suite</li> </ul>	<ul style="list-style-type: none"> <li>• Single Family Dwelling;</li> <li>• Secondary Suite</li> </ul>

Adoption of the South Cowichan Zoning Bylaw maintained the ability to have a secondary suite (attached suite), but removed the ability of A-1 zoned property owners from having a second detached dwelling in Electoral Area C and for a second dwelling to accommodate agricultural help in Electoral Area A. However, although the previous zoning in Electoral Areas A and C was more permissive with respect to second dwellings, it is important to note that some forms of second dwellings on A-1/ALR land require approval from the Agricultural Land Commission and therefore were not necessarily an outright permitted use.

Since adoption of the South Cowichan Zoning Bylaw, the CVRD has received periodic enquiries from A-1 property owners about detached second dwelling (See Attachment 3). Typically there is an expectation that there should be some opportunity for owners of larger rural properties to have a second dwelling that is detached from the principal dwelling (defined as “accessory dwelling units” in the South Cowichan Zoning Bylaw. Currently the only way for property owners to pursue accessory dwelling units in the A-1 Zone is through a site specific zoning amendment application. The CVRD has received one such application and more are expected if the restriction on accessory dwelling units is maintained.

### **South Cowichan Official Community Plan:**

Policy 11.3 of the South Cowichan Official Community Plan states:

*Agricultural pursuits will be given priority within the Agricultural Resource Designation. Lands within this designation will generally be zoned A-1 Primary Agricultural, in the implementing Zoning Bylaw and will have a minimum parcel size of 30 ha. ...*

With respect to second dwellings, the South Cowichan OCP contains the following policies:

#### **Policy 11.9**

*In addition to the principal dwelling, one additional dwelling for farm help may be permitted on a parcel subject to compliance with the following criteria:*

- a. *The parcel must have farm classification on BC Assessment Authority records;*
- b. *The parcel must be a bona-fide farm;*
- c. *The additional dwelling must not exceed 74m<sup>2</sup>, and must be located away from and otherwise not interfere with usable farm land;*
- d. *A farm plan, prepared by an Agrologist, that clearly justifies the additional dwelling in terms of the needs of the farm, must be provided to the CVRD Board. The additional dwelling must be necessary for the overall operation of the farm. The scale of the farm operation must warrant the additional dwelling.*

*Policy 11.10*

*A secondary suite or secondary dwelling may be permitted in the Agricultural Resource Designation (A), however, if the land is in the ALR, approval of the BC Agricultural Land Commission is required.*

There is no policy in the South Cowichan OCP that explicitly prohibits or discourages accessory dwelling units in the Agricultural designation or in the A-1 Zone.

**Zoning Bylaw Comparison:**

The South Cowichan Zoning Bylaw generally permits accessory dwelling units in most rural areas on properties 1 hectare or larger, other than in the A-1 Zone. This approach is common in most other Electoral Area zoning bylaws, where rural-area zoning generally allows some form of detached second dwelling. Zoning tends to be permissive of second dwellings on rural properties because they provide an alternative housing options and affordable housing in the rural context.

The South Cowichan and Cowichan Bay Zoning Bylaws generally allows accessory dwelling units in rural zones, but not in the A-1 Zone. Zoning Bylaws in most other Electoral Areas allow some form of second dwelling in the A-1 Zone. Table 2 provides a summary and comparison of residential uses permitted in A-1 Zones in the Regional District's nine Electoral Areas.

*Table 2 – Permitted Residential Uses in A-1 Zones*

<b>Electoral Area</b>	<b>Permitted Residential Uses in A-1 Zone*</b>
A & C (Zoning Bylaw 3520)	<ul style="list-style-type: none"> <li>• Single family dwelling</li> <li>• Secondary suite on parcels 1 ha. or larger</li> </ul>
B (Zoning Bylaw 985)	<ul style="list-style-type: none"> <li>• Single family dwelling</li> <li>• Additional dwelling for agricultural use</li> <li>• Secondary suite on parcels 1 ha. or larger</li> </ul>
D (Zoning Bylaw 3705)	<ul style="list-style-type: none"> <li>• Single family dwelling</li> <li>• Secondary suite on parcels 1 ha. or larger</li> </ul>
E (Zoning Bylaw 1840)	<ul style="list-style-type: none"> <li>• Single family dwelling</li> <li>• Additional SFD on parcels 6 ha. or larger</li> <li>• Additional dwelling for agricultural use</li> <li>• Small suite on parcels 2 ha. or larger</li> <li>• Secondary suite</li> </ul>
F (Zoning Bylaw 2600)	<ul style="list-style-type: none"> <li>• Single family dwelling</li> <li>• Temporary second dwelling for agricultural use</li> </ul>
G (Zoning Bylaw 2524)	<ul style="list-style-type: none"> <li>• Single family dwelling</li> <li>• Secondary suite on parcels 1 ha. or larger</li> </ul>
H (Zoning Bylaw 1020)	<ul style="list-style-type: none"> <li>• Single family dwelling</li> <li>• Second SFD on parcels 2 ha. or larger</li> <li>• Separate or secondary suite on parcels 2 ha. or larger</li> </ul>
I (Zoning Bylaw (2465)	N/A (No A-1 Zone)

\* Second dwellings may require Agricultural Land Commission approval

***Agricultural Land Commission Regulation and Policy:***

The A-1 Zone has been commonly applied to land within the Agricultural Land Reserve (ALR) and most land zoned A-1 in the nine Electoral Areas is also in the ALR. The *Agricultural Land Commission Act* (s. 18(a)) exempts agricultural and farm uses within the ALR from local government zoning. “Non-farm uses” generally must comply with the regulations of both the Agricultural Land Commission (ALC) and local government. Second dwellings are considered a non-farm use, so in addition to complying with local government zoning, second dwellings must either be permitted by ALC regulation or have received an ALC Non-Farm Use approval. In addition to a primary single family dwelling, the following residential uses are permitted in the ALR without explicit ALC approval:

- (i) one secondary suite in a single family dwelling, and*
- (ii) either*
  - (A) one manufactured home, up to 9 m in width, for use by a member of the owner's immediate family, or*
  - (B) accommodation that is constructed above an existing building on the farm and that has only a single level;*

Other forms of secondary dwellings may also be allowed by the ALC, but require authorization from the Commission through a non-farm use application and approval, in addition to appropriate local government zoning.

***Planner's Analysis:***

Land use planning principles generally discourage residential uses and increased residential density on agricultural land. Additional dwellings on agricultural land can reduce the amount of land available for agricultural production, create incentives and pressure for the subdivision and fragmentation of agricultural parcels, contribute to conflicts between agricultural and residential uses, and increase land values and rents beyond what agriculture can support. As a general rule, agricultural land should be maintained as large parcels with a minimal number of residential dwelling units.

While planning principles generally discourage the residential conversion of agricultural land, there are exemptions and nuances to the generalized approach. For example, large farms may have a need to accommodate on-site farm help. Family farms may be more viable and resilient where parents and adult children live and work on the farm, and on-farm accommodation can help facilitate the transfer of farms to a younger generation. Second dwellings in the A-1 Zone can also provide the same social benefits that it provides elsewhere (affordable housing, mortgage helper, alternative housing options). The benefits of some limited form of second dwelling for farms and agricultural parcels is recognized in ALC regulations in that they do allow some types of second dwellings on agricultural land as a permitted use. However, despite the ALC's acceptance of second dwellings, property owners are not eligible to construct detached second dwelling on agricultural land unless local government zoning also permits it. As accessory dwelling units are currently not permitted in the A-1 Zone of the South Cowichan Zoning Bylaw, the only avenue currently available for pursuing a second dwelling in those areas is through a site specific zoning amendment application.

Site specific zoning amendments for second dwellings are generally not advisable. The rezoning process is time consuming and costly for both property owners and the CVRD, and site specific or “spot zoning” can result in a disjointed land use pattern that is inequitable and difficult to administer. It is preferable that zoning provisions for second dwellings to be applied consistently through-out OCP designations and not on a property-by-property basis.

As the South Cowichan OCP contains policies that speak to second dwellings on agricultural parcels, it seems that second dwellings were contemplated during the South Cowichan OCP review process. As there was no clear policy in the OCP that recommends that detached

second dwellings be excluded from the A-1 Zone, it is not apparent that the change was a topic of discussion during the OCP review. Although removal of accessory dwelling units was presumably done to protect agricultural land, the ALC has recently adopted regulation that creates more opportunity for second dwellings on agricultural land (i.e. accommodation above existing farm buildings). Given that the ALC has been expanding opportunity for second dwellings on agricultural land, the South Cowichan OCP is supportive of them and there seems to be a desire from A-1 property owners to have the option of a detached second dwelling instead of a secondary (attached) suite, staff see merit in an amendment to the A-1 zone that would re-introduce detached second dwellings as a permitted use.

However, if accessory dwelling units are permitted in the A-1 Zone, it is important that they be located so as to maintain the agricultural potential of the parcel and reduce the potential for land use conflicts that can arise with increased residential densities. The South Cowichan Rural Development Permit Area and Agricultural Protection Guidelines already establish a process and criteria for regulating the siting and development of residential land uses on agriculturally designated land. If the South Cowichan Zoning Bylaw is amended to allow accessory dwelling units in the A-1 Zone, a development permit complaint with the agricultural protection development permit guidelines would be required before a property owner could obtain a building permit for a detached second dwelling.

The outlined amendment could be accomplished relatively quickly and with modest departmental resources if the basic public hearing and notification process specified in the *Local Government Act* is followed. Should the Committee desire expanded community and stakeholder consultation, resources will need to be shifted from other priorities. This would be best accomplished by including the work in the Development Services Division 2018 work plan.

### **Options:**

#### Option 1

1. That a bylaw to amend South Cowichan Zoning Bylaw No. 3520 to include accessory dwelling unit as a permitted use in the Agricultural Resource 1 (A-1) Zone be drafted and forwarded to the Board for consideration of first and second reading; and
2. That a public hearing be scheduled with Directors of Electoral Areas A, B and C appointed as delegates.

#### Option 2

That the 2018 Development Services Division work plan be amended to include a public and stakeholder consultation process prior to consideration of amendments to the South Cowichan Bylaw No. 3520 to include accessory dwelling unit as a permitted use in the Agricultural Resource 1 (A-1) Zone.

#### Option 3

That no action be taken at this time to amend the Agricultural Resource 1 (A-1) Zone of South Cowichan Zoning Bylaw to include Accessory Dwelling Unit as a permitted, and the issue of second dwellings on agricultural land be considered as part of a future OCP and Zoning Bylaw review.

Option 1 is recommended.

### **FINANCIAL CONSIDERATIONS**

The cost of the basic public hearing and notification process is estimated at \$1,000-\$1,500.

**COMMUNICATION CONSIDERATIONS**

It may be appropriate for zoning amendments that potentially impact a large number of properties to undertake broader consultation with the community and stakeholders than the minimum specified in the *Local Government Act*. Such consultation could include one or more public meetings, and referrals to Advisory Planning Commissions, the Advisory Agricultural Commission, the ALC and other relevant organizations and agencies.

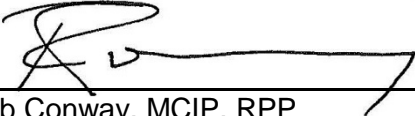
**STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

Broader public and stakeholder consultation does require resources, and as this work is not presently in the Development Services 2017 or 2018 work plan, other work the Division is tasked with doing would have to be put aside in order to accomplish it.

Referred to (upon completion):

- Community Services (*Island Savings Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Public Safety, Facilities & Transit*)
- Corporate Services (*Finance, Human Resources, Legislative Services, Information Technology, Procurement*)
- Engineering Services (*Environmental Services, Recycling & Waste Management, Water Management*)
- Land Use Services (*Community Planning, Development Services, Inspection & Enforcement, Economic Development, Parks & Trails*)
- Strategic Services

Prepared by:

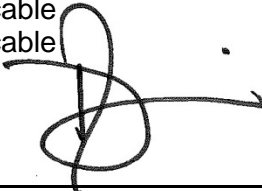



---

Rob Conway, MCIP, RPP  
Manager

Reviewed by:

Not Applicable  
Not Applicable




---

Ross Blackwell, MCIP, RPP, A.Ag.  
General Manager

**ATTACHMENTS:**

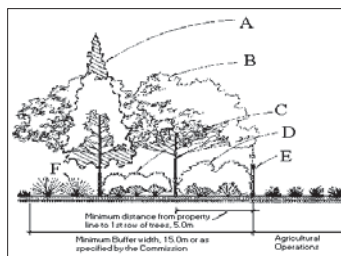
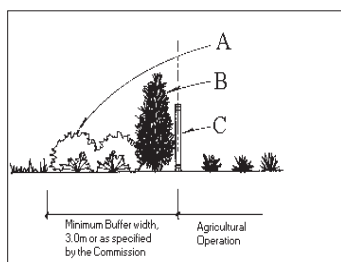
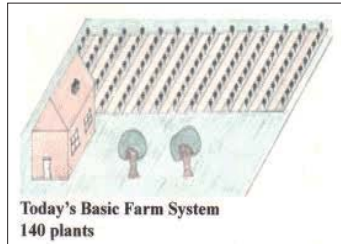
- Attachment A – South Cowichan OCP Agricultural Protection Development Permit Guidelines
- Attachment B – Draft Zoning Amendment
- Attachment C – Letter from Bonnie and Morris Wadds



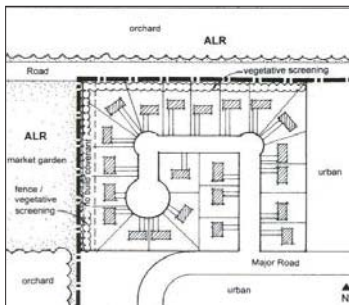
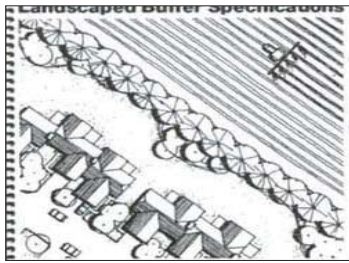
## ATTACHMENT A

### 24.4.2 A Agricultural Protection Guidelines

*The Agricultural Protection Guidelines apply to development of non-agricultural uses, buildings and structures that are located on lands designated as Agricultural, or within 30 metres of a parcel of land designated as Agricultural.*



1. Residential buildings will be located in such a way as to not impinge on the ability to farm the land. This means that the residence will not be centrally located in the middle of a highly productive soil polygon as shown on the agricultural capability mapping or as evidenced in a field observation, but rather will be located on soils that have lower agricultural potential. This will result in homes being located close to the fronting public road, with minimal driveway intrusion into and across the parcel. It may also mean that a residence is located on higher ground which has lower agricultural potential, wherever on a parcel this may be located.
2. Accessory buildings will be located similarly to residential buildings, except for agricultural accessory buildings, which are exempt from this development permit process.
3. Driveways will be placed on the land in such a way as to minimize the impact upon present and potential future farming.
4. The footprint of the proposed non-farm buildings may be limited if they are to be located on lands with high agricultural capability.
5. Non-native, invasive plants are unsightly and are a threat to agriculture. The management or elimination of the invasive plants, as listed by the Coastal Invasive Plant Committee and the BC Landscape and Nursery Association, will be required.
6. Principal buildings and structures adjacent to lands designated as Agricultural (A) should be located as far away from the edge of the Agricultural Designation as possible, without unduly impacting on the usefulness of the lot.
7. Any subdivision next to agricultural land should be designed to gradually reduce densities and the intensity of uses toward the boundary of the Agricultural land.



8. Road endings should not be located in close proximity to agricultural lands, unless they are part of the Major Road Network Plan.
9. A continuous 15 metre wide buffer area should be provided between lands in the Agricultural Designation (A) and adjacent land uses. Buildings and structures should not be located within the buffer area, in order to reduce potential for land-use conflicts to arise. A restrictive covenant, registered in the Land Title Office, may be required to ensure that the required buffer is maintained.
10. The landscape buffer provided on lands adjoining the Agricultural Designation (A) will include trees as a major landscaping component, as well as dense vegetation. Mature trees existing at the time of application should be preserved. A majority of the plant material selected should be low maintenance, indigenous vegetation and should be able to survive with little or no fertilizers. Guidelines contained in the B.C. Agricultural Land Commission's report: *Landscaped Buffer Specifications* should be respected.
11. Walkways, bikeways or passive recreational uses (such as picnic areas and lookout areas) should not be permitted within the landscaped buffer.

### 24.4.2 B Agricultural Protection Guideline Exemptions

The Agricultural Protection Guidelines do not apply to:

- a. Arbutus Ridge;
- b. Interior renovations of existing buildings;
- c. Minor renovations or alterations of existing uses, buildings and structures;
- d. Construction of a non agricultural building or structure with a floor area of 10 m<sup>2</sup> or less, provided that the building or structure is not located within an Agricultural Designation and is located farther than 15 metres from the boundary of a parcel designated as Agricultural;
- e. Fences.



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW No. 4XXX**

**A Bylaw for the Purpose of Amending Zoning Bylaw No. 3520  
Applicable to Electoral Area A & C – South Cowichan**

**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 A & C – South Cowichan that being Zoning Bylaw No. 3520;

**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. 3520;

**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. 4XXX – Electoral Area A & C – South Cowichan Zoning Amendment Bylaw - Accessory Dwellings, 2017**".

2. **AMENDMENTS**

Cowichan Valley Regional District Zoning Bylaw No. 3520, as amended from time to time, is hereby amended in the following manner:

“Secondary suite” in section 9.1.1(h) is deleted and replaced with “secondary suite and accessory dwelling unit”.

3. **FORCE AND EFFECT**

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

READ A FIRST TIME this	_____	day of	_____	2017.
READ A SECOND TIME this	_____	day of	_____	2017.
READ A THIRD TIME this	_____	day of	_____	2017.
ADOPTED this	_____	day of	_____	2017.

\_\_\_\_\_  
Chairperson

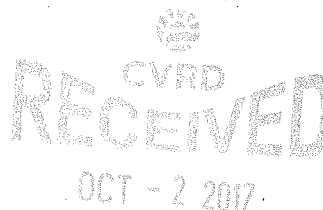
\_\_\_\_\_  
Corporate Secretary

**ATTACHMENT C**

Cowichan Valley Regional District  
Planning and Development Department  
175 Ingram Street,  
Duncan, B.C.  
V9L 1N8

September 29, 2017

3740 Telegraph Road  
Cobble Hill, B.C.  
V0R 1L4



RE: AGRICULTURAL ZONING REVIEW & LOT 1 PLN 23783 S 14, R 8, SD

ATTEN: Rob Conway, Manager Development Services.

I am writing to raise concerns with the current A1 Zone classification and to request that the CVRD return to the previous A1 zoning, pre 2013 rewrite as it pertains to additional housing units or find another method that will make existing prior approved second residences legal.

At the time of the rewrite, all of the South Cowichan CVRD Directors provided this direction to CVRD staff and I quote Gerry Giles, Area C Director at the time. "The instructions given to staff by the directors (Giles, Cossey, Harrison) was to 'not downzone or change anyone's current entitlement on their property when the new zoning bylaw was being done'".

When we purchased our property in 1988, we were permitted a second dwelling. We choose to set up a mobile home for parents. We subsequently removed the mobile home when the last parent went into care.

It is now our time to require care. Our daughter, a Master Gardener & a holder of a Small farm certificate is willing to return and continue farming our property. We have just completed a renovation that makes our home completely handicapped accessible & usable.

Under the current A1 zoning we cannot place a mobile home on the existing serviced pad nor can we build a second dwelling which we could have done under the previous zoning.

I note that the minimum lot size is 30 Hectares, our lot size is 3.6 hectares & I and many of my neighbours with small acreages are zoned A1 rather than A2.

I am not suggesting that we rezone our farm to A2 but I want my entitlement to build a second dwelling on our property to be reinstated. I note that the Agricultural Land Commission allows a mobile as a second dwelling for a family member and that the A1 zoning permits everything covered by "Permitted Uses – Section 3 {1} of the ALR Regulations".

However, we had the right to build a second dwelling prior to the 2013 zoning rewrite and we want that right reinstated for ourselves and all the other land owners unaware of the implication of the A 1 zoning change.

We are actively farming.

Our land is down slope from the Braithwaite Subdivision in Area C, Cobble Hill. The continuing subdivision of the original 2 acre lots, construction of new homes and removal of trees has exacerbated water run-off and timing. This summer we added another four hundred feet of curtain drains to add to the previous seven hundred feet of ditches and drains to keep our fields in production. We are serious in protecting the land & keeping the farm in production.

In March/April of this year we raised the issue of our need to provide accommodation for our daughter so that she may live on the farm, look after us & farm. Permission was given but on condition we bring in a mobile unit sooner rather than later.

In May of this year the Area C APC considered the rezoning application for 3501 & 3505 Telegraph Road. CVRD staff presented two options. The APC members unanimously approved option 1,

*“Legalize second dwelling that was lawful when Bylaw 3520 was adopted. This can be achieved by including the following language in the General Regulations Section of the zoning bylaw: Parcels that are zoned A-1 and greater than 2 hectares in area upon which a secondary dwelling unit were legally authorized up to December 11, 2013 with a valid Building permit & Agricultural Land Commission Approval as a non-farm use, are considered to be legal and conforming under this bylaw, and may be added to, reconstructed, repaired and replaced in accordance with all other provisions of this bylaw.”*

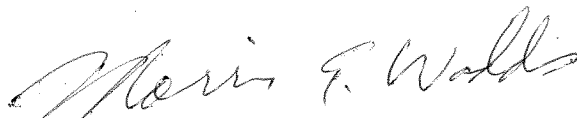
I am confident that there are more than just two families harmed by the 2013 By Law rewrite.

A way needs to be found to make us whole again.

Yours truly,



Bonnie C. Wadds



Morris E. Wadds

Attachments: five separate attachments:



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** October 5, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of October 18, 2017

**FROM:** Parks & Trails Division  
Land Use Services Department

**SUBJECT:** Shawnigan Lake Museum Expansion – Gas Tax Contribution Request

**FILE:**

## PURPOSE/INTRODUCTION

The purpose of this report is to provide a request from the Shawnigan Lake Historical Society to proceed with the Community Works Gas Tax Contribution of \$150,000 for expansion of the Shawnigan Lake Museum building, inclusive of providing public washrooms.

## RECOMMENDED RESOLUTION

That it be recommended to the Board that a Federal Gas Tax Program Community Works Funding Agreement in the amount of \$150,000 for expansion of the Shawnigan Lake Museum be entered into with the Shawnigan Lake Historical Society, subject to conditions outlined in the report to the October 18, 2017, Electoral Area Services Committee.

## BACKGROUND

The Shawnigan Lake Historical Society has managed the Shawnigan Lake Museum in the former community firehall building located in Elsie Miles Park in Shawnigan Lake since 1983. Earlier this year the Regional District issued a 20-year non-registered building lease agreement for the museum's continued operation. The building lease conditions permit the Society to expand the museum's building footprint within the park by up to 2,500 square feet (+/-). The lease provides that any such improvements being made would revert to the ownership of the Regional District at the end of the lease term, if not renewed.

Concurrent with signing of the building lease, the Society has been working on expansion plans for the museum and is now ready to proceed with implementation of the project, inclusive of fundraising to secure remaining funds. The previous Electoral Area Director for Shawnigan Lake had identified \$150,000 in Community Works Gas Tax Funds approved for the Elsie Miles Park Revitalization specifically for the museum's expansion on the condition that the building expansion include two public washrooms accessible to park users. The Historical Society is now requesting access to the \$150,000 in Gas Tax funds to commence with the museum building expansion project inclusive of the two public washrooms. A concept of the proposed building expansion and public washrooms is attached.

## ANALYSIS

Approved Community Works Gas Tax Funds for Electoral Area B - Shawnigan Lake includes \$300,000 for the Phase I – Elsie Miles Park Upgrade Project. These works are to include various upgrades and construction to the site including a nature playscape, multi-purpose covered area, public washroom and entrance plaza. The 2017 budget for Shawnigan Lake Community Parks provides \$250,000 of these approved Gas Tax Funds, of which \$100,000 was allocated by the Board to construction of the Shawnigan Lake Pavilion that was completed and opened to the public on October 7, 2017. The remaining \$150,000 of Gas Tax Funds in the 2017 budget is available at this time pending direction on project priorities for Elsie Miles Park.

Public washrooms in Elsie Miles Park are identified in the park concept plan as a priority to accommodate increased park visitations associated with existing and further planned improvements to the park, as well as proximity to the Shawnigan Lake village centre (there are no publicly accessible washrooms in the village area). As previously noted, the direction of the previous Area Director for Shawnigan Lake was in support of incorporating the two washrooms into the plans to expand the Shawnigan Lake Museum building.

Advantages of incorporating the public washrooms within the museum building expansion include cost-savings versus construction of a stand-alone public washroom building, improved efficiency of limiting new structures in the park to maintain the open-space appeal and function of this park as an outdoor gathering and event space centrally located within the community. The annual costs to operate/maintain the public two washrooms that would be located in Elsie Miles Park would be through the Shawnigan Lake Community Parks budget function.

The attached museum expansion concept plan shows the proposed located within the building of two publicly accessible washrooms. The washrooms would be accessible through exterior doors orientated towards the park, with the intention the washrooms would be open daily for public use. Incorporation of the public washrooms as part of the museum expansion would also require utility connections, inclusive of either connection to the existing Shawnigan Lake Community Centre disposal field (preferred) or installation of a separate field. These costs would therefore need to be included as part of the museum expansion's request for Community Works Gas Tax Funding.

If the Committee and Board are favourable to the Shawnigan Lake Historical Society's request for advancement of the \$150,000 Community Works Gas Tax Contribution to the museum building expansion project, inclusive of providing two washrooms accessible to the public from the park, the following should be included as conditions to this approval:

- The museum building expansion to include two fully serviced public washrooms accessible to the public through exterior doors, with the washrooms accessible from the park. The final layout and function of the two washrooms in the final building design to be reviewed and approved by the Parks and Trails Division.
- Completion of a Community Works Funding Agreement that specifies funding conditions, deliverables and project funding contribution terms. A draft agreement is attached.
- A services agreement be entered into between the Regional District and Shawnigan Lake Historical Society that specifies the responsibilities and obligations of both parties in regards to ongoing operation, maintenance, repairs and future upgrades of the two washrooms, as well as cost-sharing arrangements for services, where required (i.e. utilities that serve the overall building inclusive of the two washrooms).

A funding contribution schedule is proposed to provide the Society with partial funding at the onset of the project (i.e. at issuance of a building permit), with a subsequent progress draw schedule. The final Gas Tax Contribution payment would be conditional upon completion of the building expansion to a lock-up stage, inclusive of the two public washrooms being finished for use by the public. The status of completing the remainder of the building expansion beyond lock-up at this stage, however, would be independent of requiring access and use by the public to the two washroom. This will provide the Society with a greater range of options without time constraints to complete the interior of the museum expansion as funding and available resources permit.

If the funding advancement request from the Society is not supported at this time, it is anticipated the Society would reduce the building scope to reduce overall costs. This would likely include deletion of the two public washrooms, as there is no requirement in the building lease with the Society for publicly accessible washrooms to be provided as part of the museum. Options would also have to be investigated to determine how and where a standalone public washroom building



could be incorporated into Elsie Miles Park without impacting other planned park improvements and use of the park for community events.

**FINANCIAL CONSIDERATIONS**

The 2017 Shawnigan Lake Community Parks budget (Function 232) includes \$250,000 in approved Gas Tax Community Works Funds for the Phase I Elsie Miles Park Revitalization. Of these funds, \$100,000 expended already this year on the Shawnigan Lake Pavilion project at Elsie Miles Park.

**COMMUNICATION CONSIDERATIONS**

N/A

**STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

N/A

Referred to (upon completion):

- Community Services (*Island Savings Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Public Safety, Facilities & Transit*)
- Corporate Services (*Finance, Human Resources, Legislative Services, Information Technology, Procurement*)
- Engineering Services (*Environmental Services, Recycling & Waste Management, Water Management*)
- Land Use Services (*Community Planning, Development Services, Inspection & Enforcement, Economic Development, Parks & Trails*)
- Strategic Services

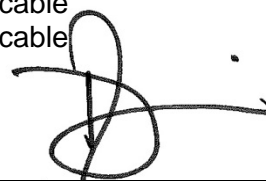
Prepared by:



Brian Farquhar  
Manager

Reviewed by:

Not Applicable  
Not Applicable



Ross Blackwell, MCIP, RPP, A.Ag.  
General Manager

**ATTACHMENTS:**

- Attachment A – Letter from Shawnigan Lake Historical Society dated September 6, 2017
- Attachment B – Proposed Concept Shawnigan Lake Museum Building Expansion
- Attachment C – Draft Community Works Funding Agreement



September 6, 2017

Attention: CVRD Board Members,

As you are aware, The Shawnigan Lake Historical Society is working towards an addition to the Shawnigan Lake Museum. We have been working closely with architect Jim Kerr and we are delighted to have made slow but significant progress in the past few months.

*Project Impact* – the expansion of the Shawnigan Lake Museum, is indeed about the impact to our community and to the region as a whole. Interest in the museum is steadily growing, from within our community, as well as from visitors around our island and elsewhere. The numbers and the locales of our visitors support this.

Although we are behind the schedule we would have preferred, and understand that the budget will likely cost more than anticipated, we are committed to making this project happen as this is the only way that we can offer the services that a museum should to a community and to visitors.

Given where we are with our planning, we ask that the board give approval to the museum expansion.

We also ask that the board approve a) the advancement of the gas tax contribution, which we understand is already committed to the project, and b) that we enter into a contribution agreement. Part of this contribution is earmarked for two public washrooms.

With the CVRD's approval of the project and the funds, we will be able to leverage funds from other capital grantors that we can, and will, access. With the gas tax contribution, we will have close to \$350000 committed - \$100 000 of that is a personal cash donation.

One option is now being considered is phasing the project. It may well be that we will plan to get to lock-up as soon as possible. This phase would include the two functional park washrooms. This option will also allow for the Elsie Miles Park development to continue.

We would like your support for this project by providing approval for Project Impact; for the gas tax funding, and as the members of our local government for Shawnigan Lake.

Sincerely,

Lori Treloar – Executive Director

# ATTACHMENT B



119

Shawnigan Lake Museum Addition  
Front View

James Kerr Architect

08-04-17

R4



120

# Shawnigan Lake Museum Addition Front Aerial View

James Kerr Architect

08-04-17

R4



121

# Shawnigan Lake Museum Addition Entrance View

James Kerr Architect

08-04-17

R4



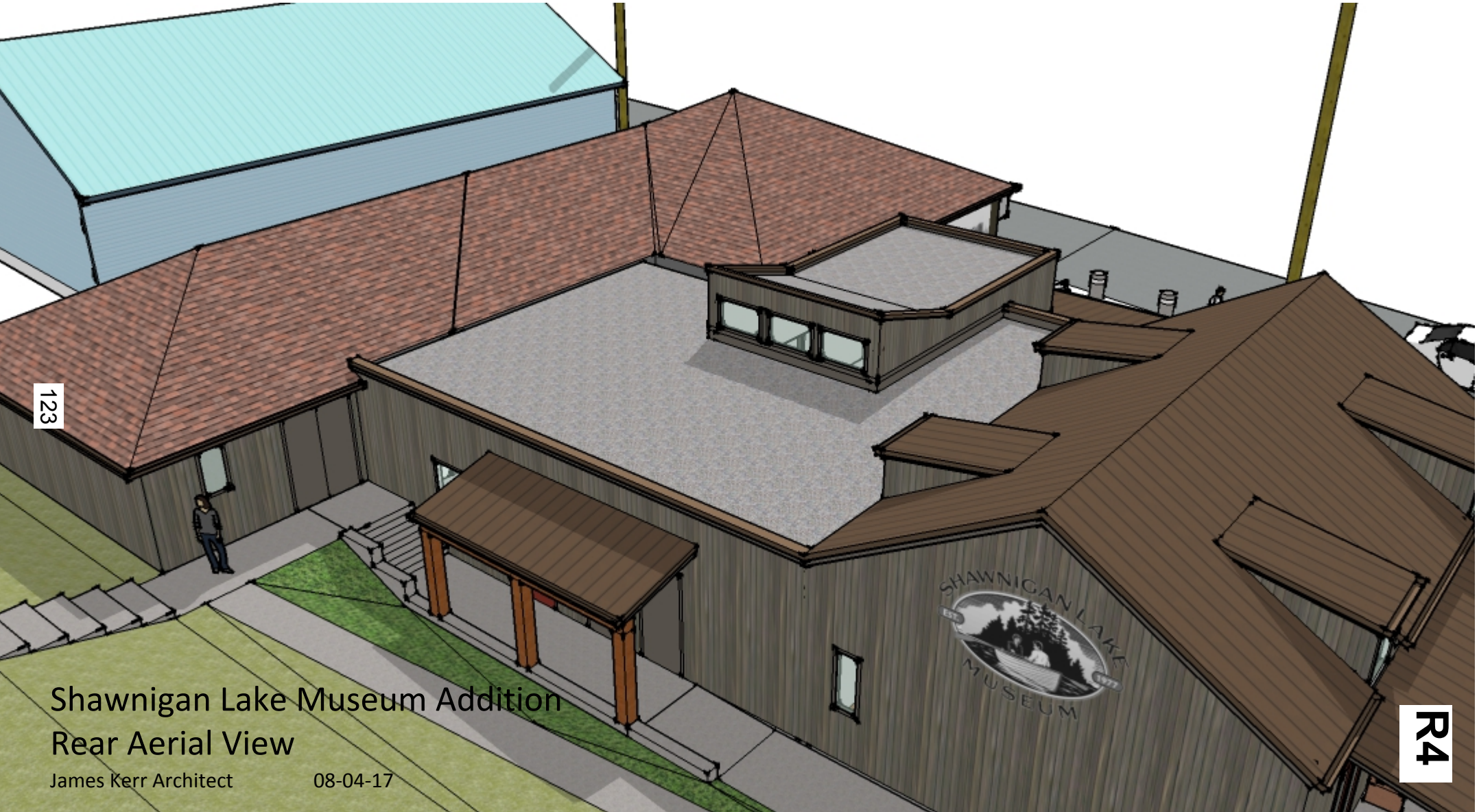
122

# Shawnigan Lake Museum Addition View from West

James Kerr Architect

08-04-17

R4



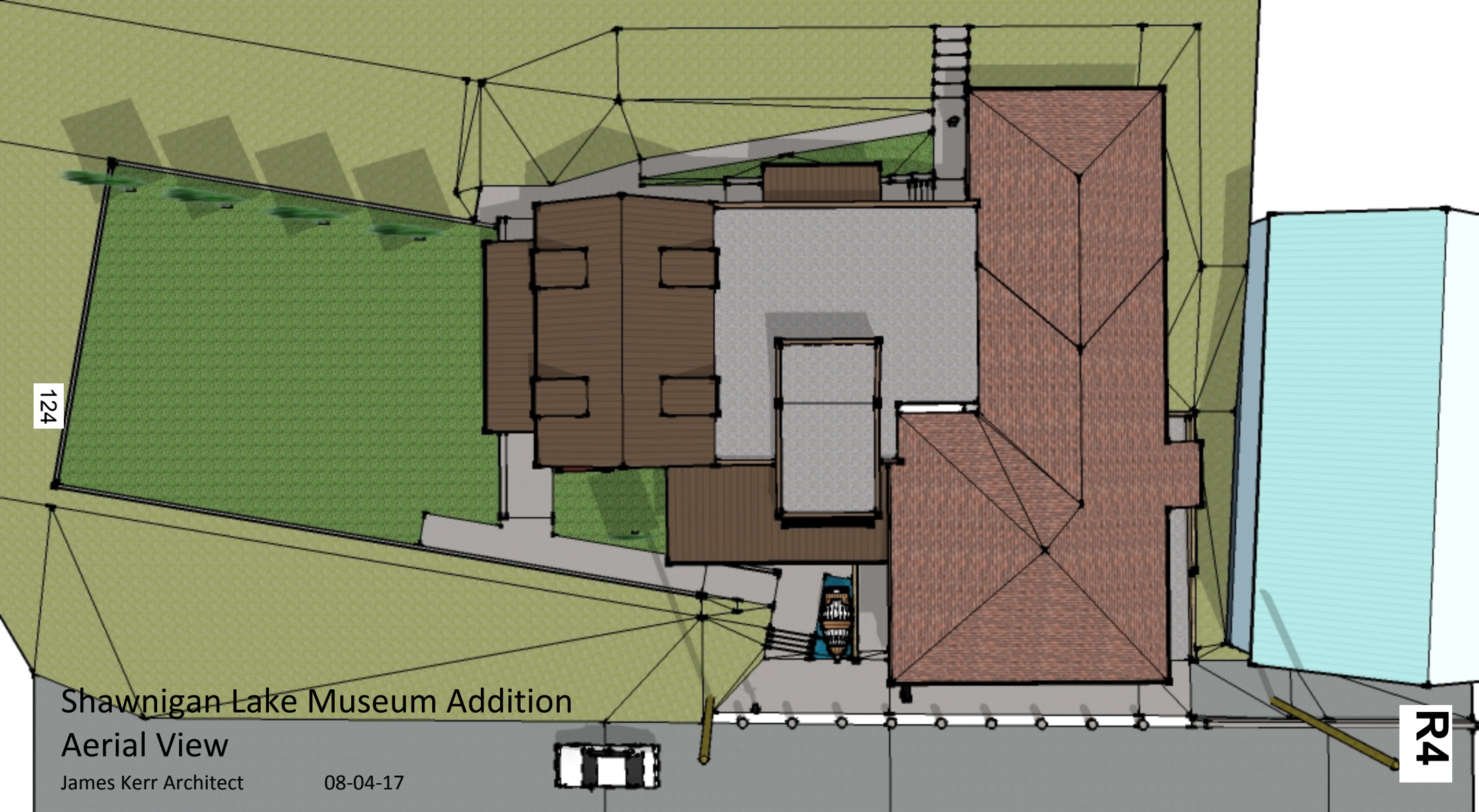
123

# Shawnigan Lake Museum Addition Rear Aerial View

James Kerr Architect

08-04-17

R4



124

# Shawnigan Lake Museum Addition Aerial View

James Kerr Architect

08-04-17

R4



## ATTACHMENT C



**Federal Gas Tax Program  
Community Works Funding Agreement**

THIS AGREEMENT dated *\_(insert date)\_*, 2017

**BETWEEN:**

**COWICHAN VALLEY REGIONAL DISTRICT**, a Regional District pursuant to the *Local Government Act*, and incorporated pursuant to the laws of the Province of British Columbia with a place of business at 175 Ingram Street, Duncan BC, V9L 1N8

(Hereafter referred to as “the CVRD”)

OF THE FIRST PART

**AND:**

**Shawnigan Lake Historical Society**, as incorporated under the Society Act of British Columbia on *\_(insert date)\_* (S-49716) with a place of business at Box 331, 1774 Shawnigan Mill Bay Road, Shawnigan Lake, BC, V0R 2W0

(Hereafter referred to as “the Proponent”)

OF THE SECOND PART

**WHEREAS:**

- A. The CVRD has entered into an Agreement with the Union of British Columbia Municipalities (the “UBCM”) for the transfer of Federal Gas Tax Fund (GTF) in British Columbia revenues through the Community Works Fund program;
- B. The purpose of the program is to help communities build and revitalize their public infrastructure that supports national objectives of productivity and economic growth, a clean environment and strong cities and communities; and
- C. The CVRD wishes to contribute funds to the **Shawnigan Lake Museum Expansion and Public Washrooms Project** (“the Project”) through the Community Works Fund.

**NOW THEREFORE** the parties enter into the following agreement:

**1. TERM**

This Agreement shall commence on (*insert date*), 2017 and expire 90 days following the completion of the project.

**2. RESPONSIBILITIES**

The Proponent shall employ, discharge, supervise, and pay all volunteers, employees or contractors considered by the Proponent to be necessary for the efficient completion of the Project, and in so doing, shall abide by all employment laws currently in force in the Province of British Columbia.

**3. FUNDING CONDITIONS**

3.1 The Proponent agrees to receive Community Works funding from the CVRD in a manner consistent with the terms of this Agreement and to expend these funds solely for the purposes of the Project as identified in Schedule A and in accordance with the Project financial plan. Should the Project not proceed as presented and the contribution be used for a purpose other than a purpose permitted under this Agreement, it shall immediately repay the total amount of the Contribution on demand to the CVRD.

3.2 As a condition of receiving funding from the CVRD, the Proponent will satisfy the following:

- a) Submission of a detailed application that includes the objectives of the Project; project impacts and outcomes; project timeline and financial plan; and source of additional funds.
- b) Adherence to the CVRD purchasing policy (see attached).
- b) A list of the Proponent's Executive and Board members, where such list is to be kept current and submitted to the CVRD when any change occurs;

3.3 As a condition of receiving funding from the CVRD, the Proponent agrees to the:

- a) Submission of an annual progress reports each year until the Project is completed, which shall include: the Project outcomes that were achieved in that year; the percent that the Project is complete; a project timeline for completion; and a comparison of budgeted vs. actual costs.
- b) Submission of a final project report upon completion of the Project that includes: details about how the Project outcomes were achieved; the degree to which the Project has contributed to the objectives of cleaner air, cleaner water and reduced GHG emissions; and copies of all invoices that account for how Community Works Funds were spent on the Project.

3.4 The Proponent will maintain all administrative, corporate, and accounting records related to receipt and expenditure of the Project grant in accordance with generally accepted

accounting principles, and retain these records for ten years following completion of the Project;

- 3.5 The Proponent agrees to the Local Government's Funding Agreement and the provisions included in this Protocol, particularly that:
- i. All communications referring to projects funded under this Agreement will clearly recognize Canada's investments; and
- 3.6 Where applicable, the Proponent shall apply for a CVRD building permit. The building permit process allows new buildings and renovations and additions to existing buildings to be reviewed to ensure compliance with the British Columbia Building Code and Regional District Building Bylaw.
- 3.7 The Proponent acknowledges that CVRD reserves the right to retain and/or distribute all greenhouse gas reduction benefits that are associated with the project. This will require that the Proponent provides historical and ongoing annual energy consumption data to the CVRD at the end of each calendar year.

#### 4. PAYMENT

- 4.1 The CVRD will provide a grant in the amount of **\$100,000** to the Proponent.
- 4.2 The Project must commence within 60 days of the signing of this agreement and be completed within one year. If the Proponent does not adhere to this timeline all unspent funds must be returned to the CVRD.
- 4.3 The CVRD shall pay the grant to the Proponent on an advance progress payment schedule as follows;

<i>(INSERT DATE)</i>	<i>\$xx,xxx</i>
<i>(INSERT DATE)</i>	<i>\$xx,xxx</i>
<i>(INSERT DATE)</i>	<i>\$xx,xxx</i>
<i>Public Washrooms Completion - Opening</i>	<i>\$xx,xxx (Final Payment)</i>

Note: Both parties agree that if the project commences at a date later than the first advance progress payment date, then this date and subsequent progress payment dates will be amended in accordance with the actual start date and payment schedule.

#### 5. COMPLIANCE WITH REGULATIONS

The Proponent shall in all respects abide by and comply with all applicable lawful rules, regulations and bylaws of the federal, provincial or local governments, or any other governing body whatsoever, in any manner affecting the Project.

## 6. ACCESS

- 6.1 The CVRD shall have full and free access for inspection purposes during normal business hours to any and every part of the Project in order to confirm that the asset has been installed. The CVRD will provide a minimum of 48 hours' notice prior to accessing the Project site.
- 6.2 A representative of the CVRD may, upon notice to the Proponent, inspect the books of account and records during normal business hours to review, copy or audit the same and such representative shall be provided with access to all accounts and records related to this Agreement.
- 6.3 Whenever the Government of Canada ("Canada") requires the UBCM to provide Canada an audit of the Project, the Proponent must permit such audit and fully cooperate with any auditor retained by the UBCM for such purpose.
- 6.4 As Canada may, at any time during the period for which records must be kept pursuant to Section 3.6 of this Agreement, conduct a performance audit (value of money) with the UBCM which may include a Project, the Proponent will permit and cooperate in such audit; making all records available to such person as Canada may retain to conduct such audit.

## 7. OWNERSHIP

- 7.1 The Proponent agrees that any and all Tangible Capital Assets resulting from the project will be included within the terms and conditions of the Lease of Building dated 15 February, 2017 between the Shawnigan Lake Historical Society and the Cowichan Valley Regional District, unless otherwise agreed by way of a separate signed agreement.

## 8. INSURANCE AND INDEMNITY

The Proponent shall indemnify and save harmless the CVRD from and against all claims, demands, losses, costs, damages, actions, suits or proceedings by whomever made, brought or prosecuted and in any manner based upon, arising out of, related to, occasioned by or attributed to any breach of any provision of this Agreement to be performed by the Proponent and the officials, servants, employees, members, agents, and contractors of the Proponent.

## 9. WORKMANSHIP

- 9.1 The Proponent agrees to use qualified tradespeople and/or volunteers under the direct supervision and responsibility of qualified tradespeople for the purpose of undertaking the completion of all aspects of this project.
- 9.2 The Proponent will comply with all Federal and Provincial Government Acts and Regulations that apply to the hiring of employees and subcontractors required to carry out the Project. This includes, but is not limited to, the *Workers' Compensation Act*.

## 10. PARTNERSHIP

Nothing in this agreement shall be interpreted as creating an agency, partnership or joint venture between the CVRD and the Proponent.

**11. DEFAULT AND TERMINATION**

- 11.1 If the Proponent fails to observe or comply with any of the terms or conditions set out in this Agreement, including the established spending criteria, the CVRD, upon the recommendation of the CVRD Board, may, at its discretion exercisable by written notice to the Proponent, reduce, suspend or terminate any further payment.
- 11.2 On receipt by the Proponent of the default notice under Section 11.1, the Proponent must not further expend or thereafter commit to expend any funds then held by it, pursuant to this Agreement; and must within 30 days of receipt of such notice, remedy the default, or demonstrate to the satisfaction of the CVRD that it has taken sufficient actions as necessary to commence curing the default or must proceed to dispute resolution.
- 11.3 In case any default, breach or non-observance made or suffered by the Proponent in respect of any of the conditions contained in this agreement which the Proponent ought to be observed or performed, and provided reasonable steps have not been taken to cure any such default, breach or non-observance within 30 days from the date of notice in writing thereof from the CVRD to the Proponent, the CVRD may terminate this Agreement without further notice and require full repayment of all grant monies that have been paid to the Proponent.

**12. DIFFERENCES**

All matters of difference arising between the CVRD and the Proponent in any matter connected with or arising out of this Agreement whether as to interpretation or otherwise, shall be determined by the CVRD but without prejudice to the Proponent to any recourse available under law.

**13. NOTICES**

Any notice or other writing required or permitted to any of the parties shall be sufficiently given if delivered personally, or by courier to the addresses or specified on the first page of this Agreement. Such addresses and facsimile numbers may be changed from time to time by either party giving notice as above provided.

**14. ASSIGNMENT**

This Agreement shall not be assigned by either party without the prior written approval of the other.

**15. ENTIRE AGREEMENT**

This Agreement shall be deemed to constitute the entire Agreement between the CVRD and the Proponent hereto with respect to the subject matter hereof and shall supersede all previous negotiations, representations, and documents in relation hereto made by any party to this Agreement.

**16. SEVERANCE**

If any portion of this Agreement is held to be illegal or invalid by a court of competent jurisdiction, the illegal or invalid portion must be severed and the decision that it is illegal or invalid does not affect the validity of the remainder of this Agreement.

**17. ADVICE**

The Cowichan Valley Regional District advises all Proponents to seek legal counsel prior to signing this agreement.

Executed this \_\_\_ day of \_\_\_\_\_, 2017

**Proponent**

By: \_\_\_\_\_

By: \_\_\_\_\_

Signed by the Proponent in the presence of:

\_\_\_\_\_  
Witness Name

\_\_\_\_\_  
Witness Address

**Cowichan Valley Regional District**

By: \_\_\_\_\_

Chair Jon Lefebure

By: \_\_\_\_\_

Joe Barry, Corporate Secretary

**SCHEDULE A**

**SHAWNIGAN MUSEUM EXPANSION AND PUBLIC WASHROOMS PROJECT PROPOSAL**







# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** October 11, 2017  
**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of October 18, 2017  
**FROM:** Water Management Division  
 Engineering Services Department  
**SUBJECT:** Arbutus Mountain Estates Sewer Transfer Agreement  
**FILE:** 0540-20/EAS/05

## PURPOSE/INTRODUCTION

The purpose of this report is to authorize signing of a transfer agreement with Performing Equity Developments (Shawnigan) Ltd. so that the Cowichan Valley Regional District (CVRD) may receive assets for upgrades to the Arbutus Mountain Estates Sewer system enabling servicing of phase three of the development.

## RECOMMENDED RESOLUTION

That it be recommended to the Board that an Arbutus Mountain Estates Sewer System Transfer Agreement be executed by the developer, Performing Equity Developments (Shawnigan) Ltd., and the CVRD.

## BACKGROUND

The Arbutus Mountain Estates Sewer System was built by the original developer, Mike Kelly, in order to service phases one and two of the development. Performing Equity Developments (Shawnigan) Ltd. has now acquired the phase three lands and wishes to continue to completion. Due to very low water demand because of the very small lot sizes and low occupancy rates the existing water system is more than adequate to provide for phase three. However, upgrades will be required for the sewer system totalling approximately \$350,000. A transfer agreement is required to transfer the assets from the developer to the CVRD and also include a few other requirements of both parties. Phase three is already within the Arbutus Mountain Estates Sewer service area.

## ANALYSIS

Phase three of the development is supported as it would be adding more customers to the system alleviating the high financial burden on the existing customer and would provide funding for some deficiencies of the initial works provided for phases one and two. The transfer agreement is necessary to ensure both parties obtain what they need from the upgrades and is standard practice for the CVRD in new utilities.

## FINANCIAL CONSIDERATIONS

In addition to the contribution of approximately \$350,000 in upgrades by the developer the 66 new lots joining the service area would pay a connection fee of \$500 each and would contribute annual parcel taxes of about \$820 and user fees of about \$490.

## COMMUNICATION CONSIDERATIONS

N/A

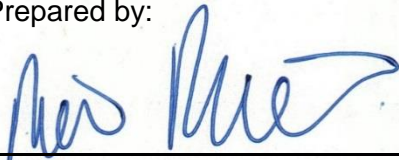
**STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

N/A

Referred to (upon completion):

- Community Services (*Island Savings Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Public Safety, Facilities & Transit*)
- Corporate Services (*Finance, Human Resources, Legislative Services, Information Technology, Procurement*)
- Engineering Services (*Environmental Services, Recycling & Waste Management, Water Management*)
- Land Use Services (*Community Planning, Development Services, Inspection & Enforcement, Economic Development, Parks & Trails*)
- Strategic Services

Prepared by:



\_\_\_\_\_  
Brian Dennison, P. Eng  
Manager

Reviewed by:

\_\_\_\_\_  
Not Applicable  
Not Applicable



\_\_\_\_\_  
Hamid Hatami, P. Eng.  
General Manager

**ATTACHMENTS: N/A**



**MEMORANDUM**

**DATE:** October 4, 2017

**TO:** Ross Blackwell, General Manager, Land Use Services Department

**FROM:** Ian MacDonald, RBO, Chief Building Inspector, Inspections & Enforcement Division

**SUBJECT:** BUILDING REPORT FOR THE MONTH OF SEPTEMBER, 2017

There were 47 Building Permits and 1 Demolition Permit(s) issued during the month of September with a total value of \$6,636,680

135

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"		100,000		1,657,470	95,940		10	70	1,853,410	30,707,528
"B"				1,148,930	24,000		6	81	1,172,930	10,815,025
"C"				225,660	115,360		6	39	341,020	3,168,190
"D"	110,000			1,391,920	3,600	20,000	10	49	1,525,520	7,818,335
"E"				144,990	44,800		3	48	189,790	5,680,575
"F"					56,930		3	19	56,930	1,811,200
"G"					270,960		1	30	270,960	3,961,582
"H"				182,250	266,430	30,000	5	27	478,680	4,090,250
"I"				747,440			4	21	747,440	3,843,100
<b>Total</b>	<b>\$ 110,000</b>	<b>\$ 100,000</b>	<b>\$ -</b>	<b>5,498,660</b>	<b>878,020</b>	<b>50,000</b>	<b>48</b>	<b>384</b>	<b>6,636,680</b>	<b>71,895,785</b>

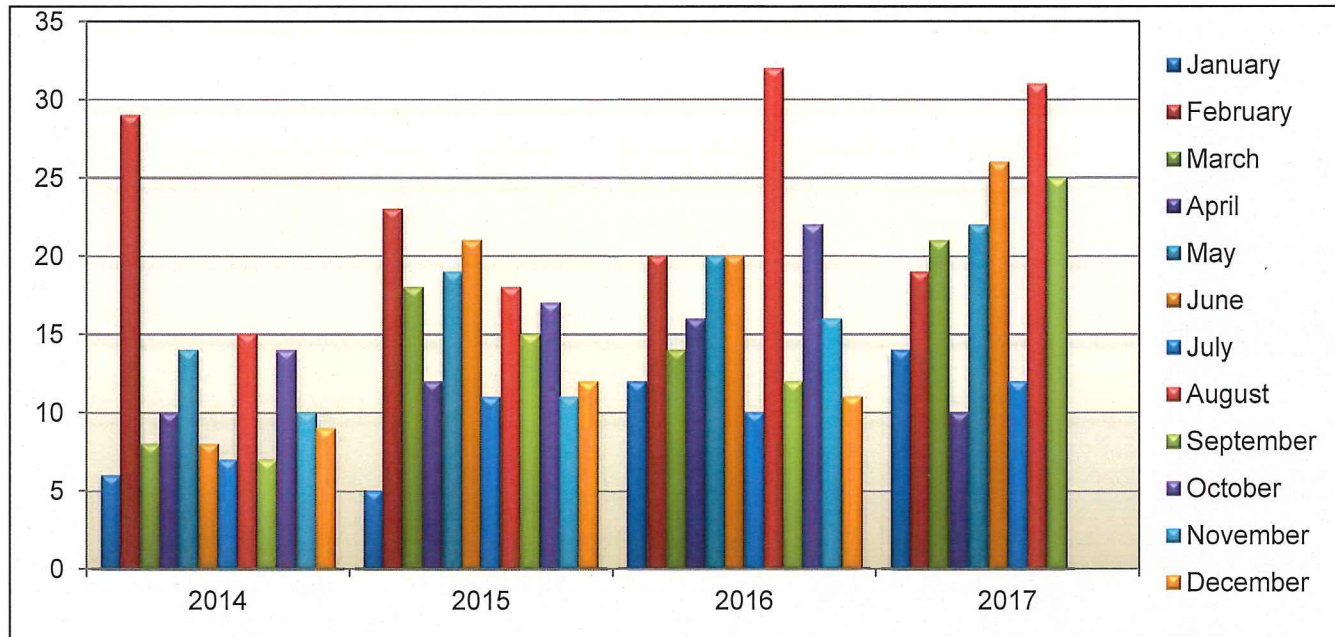
I. MacDonald, RBO  
 Chief Building Inspector, Inspections & Enforcement Division  
 Land Use Services Department  
 IM/lar

**NOTE:** For a comparison of New Housing Starts from 2014 to 2017, see page 2  
 For a comparison of Total Number of Building Permits from 2014 to 2017, see page 3



### TOTAL OF NEW HOUSING STARTS

	2014	2015	2016	2017
January	6	5	12	14
February	29	23	20	19
March	8	18	14	21
April	10	12	16	10
May	14	19	20	22
June	8	21	20	26
July	7	11	10	12
August	15	18	32	31
September	7	15	12	25
October	14	17	22	
November	10	11	16	
December	9	12	11	
<b>YTD Totals</b>	<b>137</b>	<b>182</b>	<b>205</b>	<b>180</b>

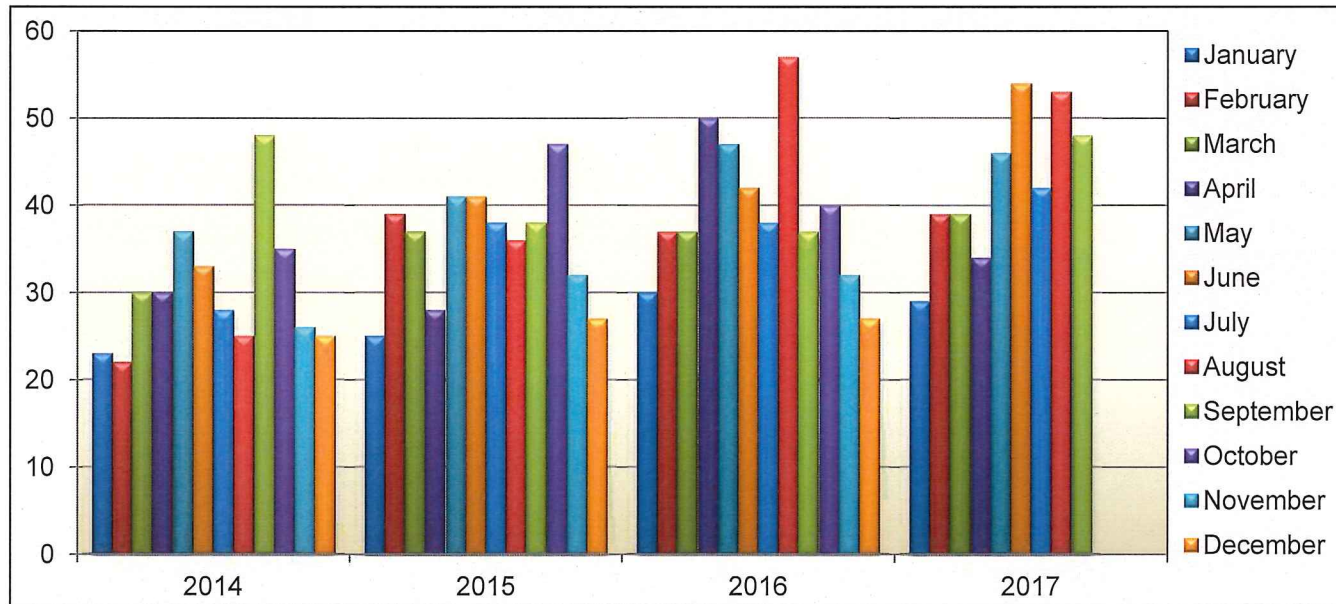


136



### TOTAL BUILDING PERMITS ISSUED

	2014	2015	2016	2017
January	23	25	30	29
February	22	39	37	39
March	30	37	37	39
April	30	28	50	34
May	37	41	47	46
June	33	41	42	54
July	28	38	38	42
August	25	36	57	53
September	48	38	37	48
October	35	47	40	
November	26	32	32	
December	25	27	27	
<b>YTD Totals</b>	<b>362</b>	<b>429</b>	<b>474</b>	<b>384</b>







Celebrating 50 years of Serving our Community  
1967 - 2017

# 320 – Bylaw Enforcement Report – September 2017

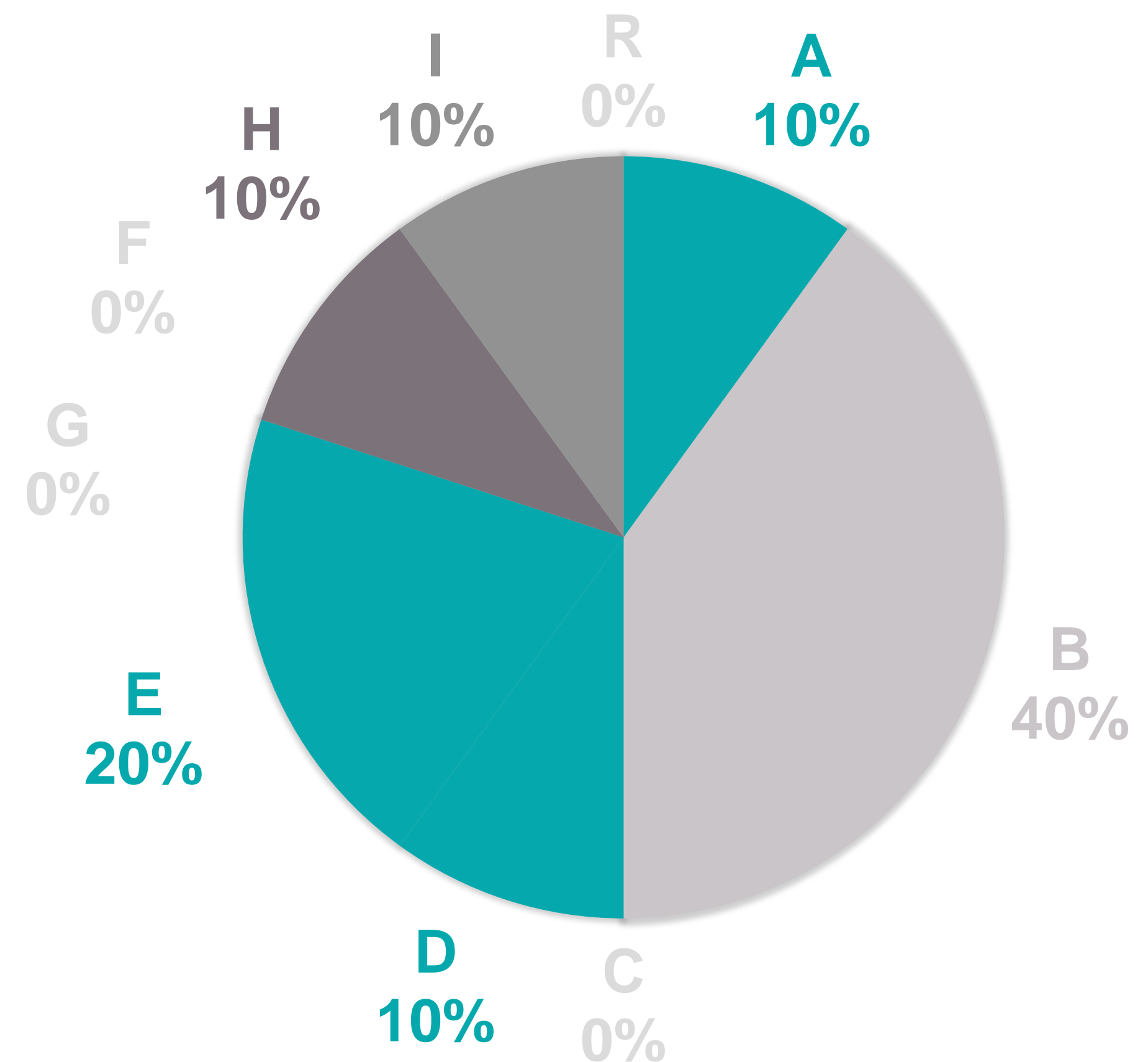
Participating Areas – All electoral areas

Purpose – Monthly review of Bylaw Enforcement files

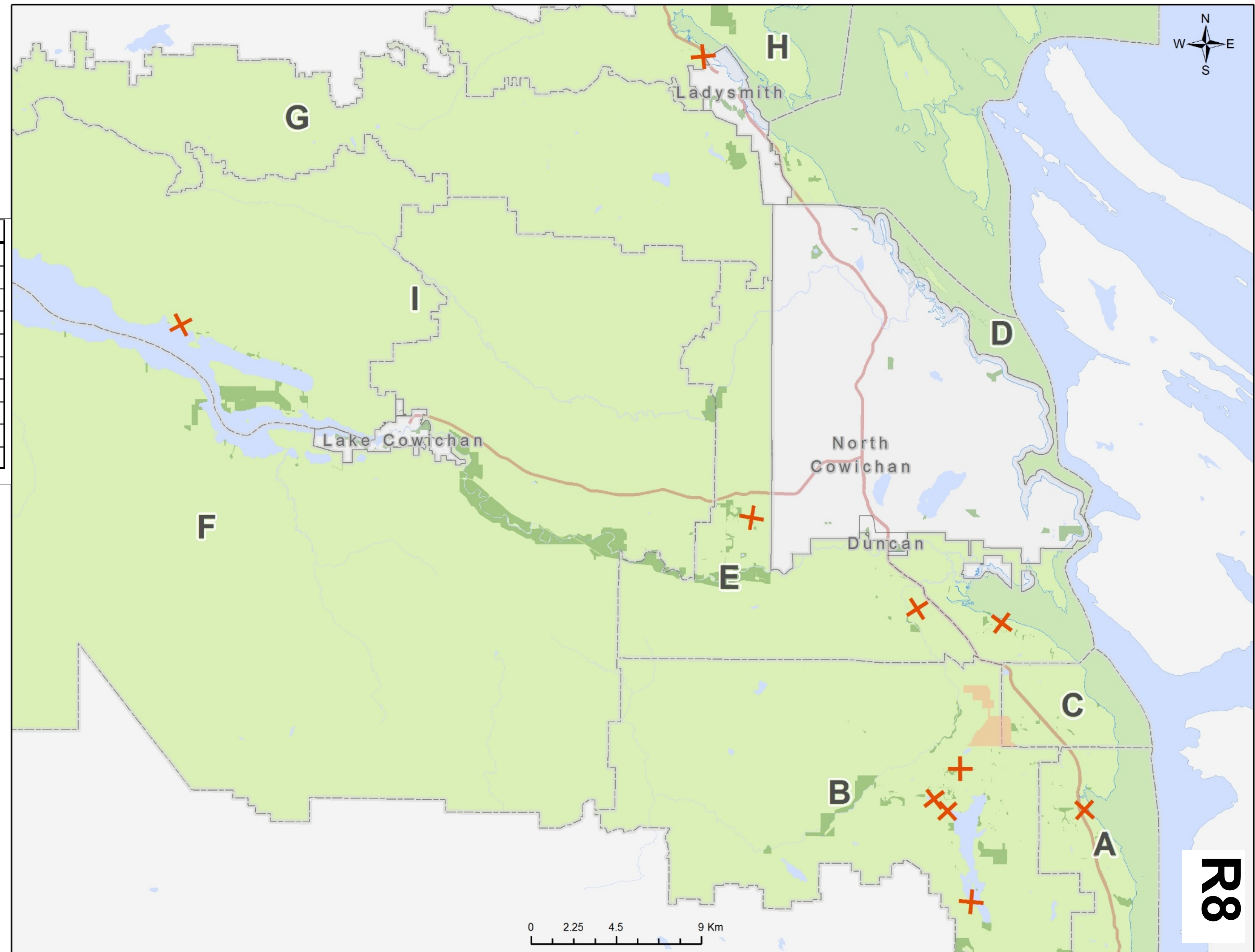
Electoral Area	Monthly Files	Percentage of month	Year Total
A	1	10%	36
B	4	40%	54
C	0	0%	23
D	1	10%	19
E	2	20%	33
F	0	0%	17
G	0	0%	10
H	1	10%	16
I	1	10%	15
Regional	0	0%	0

140

## MONTHLY FILES







EA	OffenceType	Offence Subtype
A	Zoning Allow ance	BP - Fence
B	Development Permit Area	DPA - RAR
B	Zoning Allow ance	Zoning - Suite
B	Zoning Allow ance	Zoning - Dock
B	Environment Complaint	Enviro - Waste/Dumping
D	Building Permit	BP - Addition
E	Environment Complaint	Enviro - Waste/Dumping
E	Zoning Allow ance	Zoning - Suite
H	Environment Complaint	Enviro - Unsightly
I	Environment Complaint	Enviro - Unsightly

141

# Analysis

## What is happening in your area?

Area B and had the highest number of cases opened with 4 each equaling 40%  
Areas C, F and G and had the fewest cases with 0.

## Types of issues –

Issue	Number
Zoning	4
Development permit area	1
Building permit	1
Dumping	2
Unightly	2

## Open vs Closed

Total number of enquires (calls, emails, front desk): 362

Total cases opened: 10

Cases concluded: 14

Total cases opened this year: 226

Total cases closed this year: 195

2017 File completion percentage: 86%



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 4153

#### A Bylaw to Establish Community Parks Advisory Commissions Within the Cowichan Valley Regional District

---

**WHEREAS** the Board of Directors of the Cowichan Valley Regional District wishes to establish Community Parks Advisory Commissions to provide advice on issues referred and pertaining to park and trail development, park amenities, parks volunteer engagement, parkland acquisition opportunities and community park events specific to the electoral area or sub-regional parks function each commission represents;

**NOW THEREFORE** the Board 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. 4153 – Community Parks Advisory Commissions Establishment Bylaw, 2017**".

#### 2. DEFINITIONS

"**Board**" means the Board of Directors of the Cowichan Valley Regional District;

"**Commission**" means a Community Parks Advisory Commission established pursuant to this bylaw;

"**Community Park**" means a park located solely in one electoral area and funded by that electoral area or a sub-regional park funded by two or more electoral areas.

"**Quorum**" means a majority of Commission members.

#### 3. ESTABLISHMENT AND MEMBERSHIP

- a) An Electoral Area A – Mill Bay/Malahat Community Parks Advisory Commission is established consisting of seven members who reside in the electoral area.
- b) An Electoral Area B – Shawnigan Lake Community Parks Advisory Commission is established consisting of seven members who reside in the electoral area.
- c) An Electoral Area C – Cobble Hill Community Parks Advisory Commission is established consisting of seven members who reside in the electoral area.
- d) An Electoral Area D – Cowichan Bay Community Parks Advisory Commission is established consisting of seven members who reside in the electoral area.

- e) An Electoral Area E – Cowichan Station/Sahtlam/Glenora Community Parks Advisory Commission is established consisting of seven members who reside in the electoral area.
- f) An Electoral Area F – Cowichan Lake South/Skutz Falls Community Parks Advisory Commission is established consisting of five members who reside in the electoral area.
- g) An Electoral Area G – Saltair/Gulf Islands Community Parks Advisory Commission is established consisting of five members who reside in the electoral area.
- h) An Electoral Area H – North Oyster/Diamond Community Parks Advisory Commission is established consisting of five members who reside in the electoral area.
- i) An Electoral Area I – Youbou/Meade Creek Community Parks Advisory Commission is established consisting of five members who reside in the electoral area.
- j) A South Cowichan Community Parks Advisory Commission is established consisting of seven members who reside in the following geographical area area.
  - Electoral Area A – Mill Bay/Malahat
  - Electoral Area B – Shawnigan Lake
  - Electoral Area C – Cobble Hill
  - Electoral Area D – Cowichan Bay
  - Electoral Area E – Cowichan Station/Sahtlam/Glenora
- k) The Board may suspend, cease or replace a Community Parks Advisory Commission established under this bylaw.
- l) Directors, Alternate Directors, and CVRD employees are not eligible for appointment to a Community Parks Advisory Commission. The applicable electoral area Director(s) may attend Commission meetings in a non-voting advisory capacity.
- m) Applications will be sought from the public for consideration of appointment to the Commission whenever a vacancy occurs or is about to occur.

#### 4. **TERM OF OFFICE**

- a) The term of office for Commission members shall be for a two year term expiring on December 31. For 2018, the Board may appoint some members for a one year term so as to create overlapping terms for the purpose of continuity.
- b) Commission members may be re-appointed for a further term or terms.
- c) In the event of vacancy of office, a replacement appointee shall hold office for the otherwise unexpired term of office.
- d) The Board may, at any time, terminate the appointment of a member.
- e) The Board may remove from membership any member appointed who has failed to attend three consecutive Commission meetings without good cause.

#### 5. **PROCEDURE**

- a) At the first meeting in each calendar year, the Commission shall elect from amongst its own members, a Chairperson and a Vice-Chairperson of the Commission who shall hold office until a successor is elected.

- b) In the absence of the Chairperson or Vice-Chairperson, the Commission shall elect, from the members present, a temporary Chairperson for the purpose of that meeting only.
- c) All resolutions of the Commission shall be made by a majority of the members present at the meeting, with each member having one vote.
- d) If there is no quorum of the Commission present within fifteen (15) minutes of the scheduled time for a Commission meeting, the Recording Secretary must record the names of the members present, and those absent, and the Commission shall stand adjourned until the next meeting date.
- e) Where not otherwise covered in this bylaw, the rules of procedure governing Commission meetings shall be those of the current Committee and Commissions Procedures Bylaw of the Cowichan Valley Regional District.

## 6. **RESPONSIBILITIES**

The responsibilities of the Commission shall be to provide advice on issues referred and pertaining to park and trail development, park amenities, parks volunteer engagement, parkland acquisition opportunities and community park events specific to the electoral area or sub-regional parks function each commission represents.

## 7. **REFERRALS TO THE COMMISSION**

The Board and staff may refer matters respecting community parks to the appropriate Community Parks Advisory Commission(s) in order that the Commission may provide advice on those matters.

## 8. **GENERAL**

All members of the Commission shall serve without remuneration, except for such "out of pocket" expenditures as may have received prior authorization by the Board.

## 9. **REPEAL**

The following bylaws, and amendments thereto, are hereby repealed:

- a) "Electoral Area "F" Parks and Recreation Commission" Bylaw No. 565, 1980";
- b) "CVRD Bylaw 696 - Electoral Area A Parks & Recreation Commission Establishment Bylaw, 1982";
- c) "CVRD Bylaw No. 1009 – Electoral Area C – Cobble Hill Parks and Recreation Commission Establishment Bylaw, 1986";
- d) "CVRD Bylaw No. 1238 - Electoral Area D Parks & Recreation Commission Establishment Bylaw, 1989";
- e) "CVRD - Electoral Area "H" Parks and Recreation Commission Establishment Bylaw No. 1342, 1991";
- f) "CVRD Bylaw No. 2057 - Electoral Area B – Shawnigan Lake Parks and Recreation Commission Establishment Bylaw, 2000";
- g) "CVRD Bylaw No. 2117 - Electoral Area ~~E~~ <sup>F</sup> – Cowichan Station/Sahtlam/Glenora Parks and Recreation Commission Establish <sup>145</sup> Bylaw, 2000";

- h) CVRD Bylaw No. 2315 – Bright Angel Park Commission Bylaw, 2002";
- i) "CVRD Bylaw No. 2473 – South Cowichan Parks Commission Establishment Bylaw, 2004";
- j) "CVRD Bylaw No. 2484 – Electoral Area I – Youbou/Meade Creek Parks Commission Establishment Bylaw, 2003";
- k) "CVRD Bylaw No. 2494 – Electoral Area G – Saltair/Gulf Islands Parks Commission Establishment Bylaw, 2004";
- l) "CVRD Bylaw No. 2495 – Electoral Area G – Saltair/Gulf Islands Recreation Commission Establishment Bylaw, 2004".

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Secretary