



Electoral Area Services Committee Meeting Agenda

Wednesday, April 4, 2018
Board Room
175 Ingram Street, Duncan, BC

1:30 PM

1. APPROVAL OF AGENDA

2. ADOPTION OF MINUTES

M1. Electoral Area Services Committee Meeting of March 21, 2018

Recommendation That the minutes of the Electoral Area Services Committee meeting of March 21, 2018, be adopted.

3. BUSINESS ARISING FROM THE MINUTES

4. PUBLIC INPUT PERIOD

The purpose of the Public Input Period is to provide the public with an opportunity to comment on an agenda item before the Board / Committee / Commission considers the item. The Public Input Period Procedure Policy provides for the public input period to proceed in a timely fashion. Public Input Period items cannot include matters which are, or have been, the subject of a Public Hearing.

5. DELEGATIONS

D1. Candace Spilsbury, School District 79 (Cowichan Valley) , Re: School District 79 Board of Education's Strategic Priorities

Recommendation For information.

6. CORRESPONDENCE

C1. Grant-in-Aid Request, Electoral Area A – Mill Bay/Malahat, Re: Frances Kelsey Secondary School Dry Grad Committee

Recommendation That it be recommended to the Board that a Grant-in-Aid, Electoral Area A – Mill Bay/Malahat, in the amount of \$500 be provided to Frances Kelsey Secondary School Dry Grad Committee to support its Dry Grad Celebrations.

C2. Grant-in-Aid Request, Electoral Area B – Shawnigan Lake, Re: Red Willow Womyn's Society

Recommendation That it be recommended to the Board that a Grant-in-Aid, Electoral Area B – Shawnigan Lake, in the amount of \$500 be provided to Red Willow Womyn's Society to support the acquisition of office space in Duncan for child protection services offered to aboriginal women in the community.

C3. Grant-in-Aid Request, Electoral Area D – Cowichan Bay, Re: Cittaslow Cowichan

Recommendation That it be recommended to the Board that a Grant-in-Aid, Electoral Area D – Cowichan Bay, in the amount of \$2,500 be provided to Cittaslow Cowichan to support the Cittaslow Society 2018 events.

C4. Grant-in-Aid Request, Electoral Area D – Cowichan Bay, Re: Cowichan Bay Improvement Association

Recommendation That it be recommended to the Board that a Grant-in-Aid, Electoral Area D – Cowichan Bay, in the amount of \$500 be provided to Cowichan Bay Improvement Association to support the Maritime Centre Boat Festival on July 7 and 8, 2018.

7. INFORMATION

- IN1. 1. Electoral Areas A, B & C Joint Advisory Planning Commission Minutes – March 22, 2018;
2. Electoral Area E – Cowichan Station/Sahtlam/Glenora Advisory Planning Commission Minutes – March 13, 2018;
3. Electoral Area A – Mill Bay/Malahat Parks Commission Minutes – March 8, 2018;
4. Electoral Area E – Cowichan Station/Sahtlam/Glenora Parks Commission Minutes – March 8, 2018;
5. Electoral Area F– Cowichan Lake South/Skutz Falls Parks Commission Minutes – March 1, 2018;
and
6. Electoral Area I – Youbou/Meade Creek Parks Commission Minutes – March 13, 2018.

Recommendation For information.

8. REPORTS

R1. Application No. 03-C-17DVP (4172 Chelsea Place) – Report from Development Services Division

Recommendation That it be recommended to the Board that Development Variance Permit Application No. 03-C-17DVP (4172 Chelsea Place) to vary Section 10.3.4 of Zoning Bylaw No. 3520 be approved as follows:

1. A reduced interior side parcel line setback (east) for an accessory building from 1.0 metre to 0.91 metres, and
2. A reduced rear parcel line setback (west) for an accessory building from 4.5 metres to 1.53 metres.

R2. Application No. DVP18D01 (1099 Cherry Point Road) – Report from Development Services Division

Recommendation That it be recommended to the Board that Development Variance Permit Application No. DVP18D01 (1099 Cherry Point Road) to vary Section 5.2(4) of Zoning Bylaw No. 3705 to decrease the minimum setback from the front parcel line from 7.5 metres to 4.5 metres be approved.

R3. Application No. 02-G-17DVP (10844 Olsen Road) – Report from Development Services Division

Recommendation That it be recommended to the Board that Development Variance Permit Application No. 02-G-17DVP (10844 Olsen Road) to vary Section 5.4.4 of Zoning Bylaw No. 2524 to reduce the rear parcel line setback for an accessory building from 4.5 metres to 1.0 metre, be approved.

R4. Application No. 08-C-17DP (920 Chapman Road) – Report from Development Services Division

Recommendation That it be recommended to the Board:

1. That Development Permit Application No. 08-C-17DP (920 Chapman Road) 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 the development permit guidelines of Official Community Plan Bylaw No.3510.

R5. Cowichan Valley Regional District Cannabis Bylaw Amendments – Report from Community Planning Division

Recommendation That it be recommended to the Board:

1. That 2nd reading of Zoning Amendment Bylaws Nos. 4118, 4119, 4120, 4121, 4122, 4123, 4124 and 4125, be rescinded.
2. That Zoning Amendment Bylaws Nos. 4118, 4119, 4120, 4121, 4122, 4123, 4124 and 4125 be amended in accordance with Attachments A through H and be forwarded to the Board for consideration of 2nd reading, as amended.
3. That Zoning Amendment Bylaws Nos. 4118, 4119, 4120, 4121, 4122, 4123, 4124 and 4125 be amended in accordance with Attachments A through H and not be referred to any external agencies.
4. *That a public hearing for Zoning Amendment Bylaws Nos. 4118, 4119, 4120, 4121, 4122, 4123, 4124 and 4125, as amended per Attachments A through H, be held in the CVRD Boardroom with the Directors from Electoral Areas A, F, & H delegated to attend on behalf of the Board.*

9. UNFINISHED BUSINESS

10. NEW BUSINESS

11. QUESTION PERIOD

Questions shall be addressed to the Chair and must be truly questions and not statements of opinions. Questioners are not permitted to make a speech.

12. CLOSED SESSION

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

13. ADJOURNMENT

Minutes of the Electoral Area Services Committee Meeting held on Wednesday, March 21, 2018 in the Board Room, 175 Ingram Street, Duncan BC at 1:43 PM.

PRESENT: Director I. Morrison, Chair
Director S. Acton
Director M. Clement <until 3:32 PM>
Director K. Davis
Director M. Dorey
Director L. Iannidinardo
Director K. Kuhn
Director M. Marcotte
Director A. Nicholson

ALSO PRESENT: M. Tippett, Manager, Community Planning Division
K. Harrison, Deputy Corporate Secretary
R. Conway, Manager, Development Services Division
K. Batstone, Planning Coordinator
A. Tokarek, Asset Coordinator
I. MacDonald, Chief Building Inspector
S. Herrera, Planner II
T. Soroka, Parks & Trails Planner
S. Carlow, Legislative Assistant
J. Hughes, Secretary IV
K. Madge, Recording Secretary

APPROVAL OF AGENDA

It was moved and seconded that the agenda be amended with the deletion of Item R2, the addition of an Unfinished Business Item UB1 and two New Business Items:

UB1 Land Use Services Department 2017 Year End Report – Verbal Report from Mike Tippett (carried over from March 7, 2018, Electoral Area Services Committee Agenda – IN2);

NB1 Union of BC Municipalities (UBCM) – Resolution Response, Re: Highway Maintenance;

NB2 Association of Vancouver Island and Coastal Communities (AVICC), Re: Director’s Forum; and

that the agenda, as amended, be approved.

MOTION CARRIED

ADOPTION OF MINUTES

M1 Regular Electoral Area Services Committee meeting of March 7, 2018

It was moved and seconded that the minutes of the Regular Electoral Area Services Committee meeting of March 7, 2018, be adopted.

MOTION CARRIED

CORRESPONDENCE

C1 Grant-in-Aid Request, Electoral Area B – Shawnigan Lake, Re: Frances Kelsey Secondary School Dry Grad 2018 Committee

It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area B – Shawnigan Lake, in the amount of \$500 be provided to Frances Kelsey Secondary School Dry Grad Committee to support its 2018 Dry Grad Celebration.

MOTION CARRIED

C2 Grant-in-Aid Request, Electoral Area E – Cowichan Station/Sahtlam/Glenora, Re: Red Willow Womyn's Society

It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area E – Cowichan Station/Sahtlam/Glenora, in the amount of \$500 be provided to Red Willow Womyn's Society to support acquisition of space in Duncan for child protection services offered to aboriginal women in the community.

MOTION CARRIED

C3 Grant-in-Aid Request, Electoral Area F – Cowichan Lake South/Skutz Falls, Re: Lake Cowichan School Bursary

It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area F – Cowichan Lake South/Skutz Falls, in the amount of \$500 be provided to Lake Cowichan School for a bursary to a graduating Area F student pursuing post-secondary education.

MOTION CARRIED

- C4** Grant-in-Aid Request, Electoral Area F – Cowichan Lake South/Skutz Falls, Re: Lake Days Celebration Society

It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area F – Cowichan Lake South/Skutz Falls, in the amount of \$550 be provided to Lake Days Celebration Society to sponsor and support the “pancake breakfast” during Lake Days, June 3 – 10, 2018.

MOTION CARRIED

- C5** Grant-in-Aid Request, Electoral Area G – Saltair/Gulf Islands, Re: Chemainus Secondary School Bursaries

It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area G – Saltair/Gulf Islands, in the amount of \$1000 be provided to Chemainus Secondary School for two bursaries; (1) Saltair Community – \$500 (2) Thetis Island CVRD – \$500.

MOTION CARRIED

- C6** Grant-in-Aid Request, Electoral Area G – Saltair/Gulf Islands, Re: Nanaimo – Ladysmith Schools Foundation Bursary

It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area G – Saltair/Gulf Islands, in the amount of \$500 be provided to Nanaimo – Ladysmith Schools Foundation to support the Ladysmith Secondary School Bursary program, for a student residing in Area G.

MOTION CARRIED

REPORTS

- R1** Application No. No. 04-B-17DP-VAR (Lot 4, Ark Road) - Report from Development Services Division

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

- 1. That Development Permit Application No. 04-B-17DP/VAR (Lot 4, Ark Road) be approved;**
- 2. That Zoning Bylaw No.985 Section 11.4 (b) (2) be varied from 10 metres to 12.95 metres; and that Section 11.4 (b) (5) be varied to remove the screening requirements along the eastern boundary due to an existing right-of-way and to remove the requirements along the remaining boundaries as the majority of the boundaries contain protected riparian areas; and**
- 3. That the General Manager of Land Use Services be authorized to permit minor revisions to the permit in accordance with the intent of the development permit guidelines of Official Community Plan Bylaw No. 3510.**

MOTION CARRIED

R2 Application No. 03-C-17DP/VAR (1480 Heigh Street) - Report from Development Services Division, was deleted during Approval of the Agenda.

R3 Jack Fleetwood Trail License Agreement Renewal – Report from Parks & Trails Division

It was moved and seconded that it be recommended to the Board that a two-year extension (2018 – 2020) of the Jack Fleetwood Trail License Agreement with Island Timberlands LP be executed.

MOTION CARRIED

2:15 PM The Committee took a recess at 2:15 PM.

2:21 PM The meeting resumed at 2:21 PM.

R4 February 2018 Building Inspection Report – Verbal Report from Ian MacDonald, Chief Building Inspector, Inspections & Enforcement Division, was received for information.

R5 February 2018 Bylaw Enforcement Report – verbal Report from Rob Conway, Manager, Inspections & Enforcement Division, was received for information.

R6 2018 Budget Amendment for Function 469 – Cowichan Station Association – Electoral Area E – Report from Engineering Services Department

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

- 1. That the 2018 Budget for Function 469 – Cowichan Station Association – Area E be amended to:**
 - 1. Increase Grant to Organization by \$15,000; and**
 - 2. Increase Transfer from Gas Tax Reserve by \$15,000.**
- 2. That Function 469 – Cowichan Station Association – Area E 2018 Budget amendment be authorized to proceed prior to adoption of the 2018 Budget Amendment.**

MOTION CARRIED

R7 Directors Report from K. Kuhn, Re: Picnic Shelter Donation to Mile 77 Park

It was moved and seconded that it be recommended to the Board that a financial donation contribution equivalent to the cost of materials and labour for a 20 x 20 ft picnic shelter be accepted from Laketown Ranch, with the donation applied to the Electoral Area I Community Parks for capital improvement investment at a park site in the community.

MOTION CARRIED

UNFINISHED BUSINESS

UB1 Land Use Services Department 2017 Year End Report – Verbal Report from Mike Tippett (carried over from March 7, 2018, Electoral Area Services Committee Agenda – IN2), was received for information.

NEW BUSINESS

NB1 Union of BC Municipalities (UBCM) – Resolution Response, Re: Highway Maintenance

It was moved and seconded that a letter be drafted for review and comment by the Electoral Area Services Committee advising the Minister of Transportation and Infrastructure of the concerns with delivery of highway maintenance service within the unincorporated Electoral Areas of the Cowichan Valley Regional District.

MOTION CARRIED

NB2 Association of Vancouver Island and Coastal Communities (AVICC), Re: Director’s Forum, was received for information.

CLOSED SESSION

3:31 PM It was moved and seconded that the meeting be closed to the public in accordance with the *Community Charter* Part 4, Division 3, Section 90 (1)(e), Land Acquisition Sub (1)(g) and adoption of the Closed Session Electoral Area Services Committee Minutes of March 7, 2018.

MOTION CARRIED

3:32 PM Director Clement left the meeting at 3:32 PM

RISE FROM CLOSED SESSION

3:53 PM It was moved and seconded that the Committee rise, without report, and return to the open portion of the meeting.

MOTION CARRIED

ADJOURNMENT

3:53 PM It was moved and seconded that the meeting be adjourned.

The meeting adjourned at 3:53 PM.

Chair

Recording Secretary

Dated: _____

Jennifer Hughes

From: noreply@civicplus.com
Sent: February 27, 2018 6:40 PM
To: Jennifer Hughes; Kylie Madge; Mary Anne McAdam
Subject: Online Form Submittal: Electoral Area Services Committee

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 each month starting at 1:30 p.m. in the CVRD Boardroom at 175 Ingram Street, Duncan.

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 250.746.2517 or 1.800.665.3955 to advise.

Meeting Date 4/4/2018

Contact Information

Contact Name Candace Spilsbury

Representing School District 79 (Cowichan Valley)

Number Attending 1

Address 2557 Beverly Street

City Duncan

Province BC

Postal Code V9L 2X3

Telephone Number 250-748-0321

Reply Email gkueber@sd79.bc.ca

Presentation Topic and Nature of Request Trustee Spilsbury would like to present the School District 79 Board of Education's Strategic Priorities.

Do you have a PowerPoint presentation? No



CVRD RECEIVED
MAR 21 2018

Finance Division

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director K. Davis Area A

Grantee: _____ Grant Amount \$ 500.00

NAME: FKSS Dry Grad Committee

ADDRESS: PO Box 279
953 Shawnigan/Mill Bay Rd.
Mill Bay, BC V0R 1P0

Contact Phone No: Sophia Ali 778-676-0549

PURPOSE OF GRANT: Support Dry Grad Celebrations

REQUESTED BY: [Signature]
Director's Signature

ACCOUNT NO.	AMOUNT
<u>01-2-1950-0161-111</u>	<u>500.00</u>

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

Approval at Regional Board Meeting of _____

Finance Authorization

Frances Kelsey Secondary School
C/O Dry Grad Committee
PO Box 279
953 Shawnigan-Mill Bay Rd
Mill Bay, BC V0R 1P0

Kerry Davis
696 Frayne Road
Mill Bay, BC V0R 2P4

Attention: Kerry Davis, Director of Area A- Mill Bay/ Malahat

The parents of Frances Kelsey Secondary School's 2018 graduating class are organizing a Dry Grad Celebration, and are actively fundraising to host a most memorable event for our graduating students.

Dry Grad celebrations were started by the Summit Alcohol and Drug Services in 1989 with the idea of providing students a safe, alcohol and drug free environment to celebrate their graduation. Since its inception there has not been a youth alcohol or drug related fatality in the Cowichan Valley on Grad night. This event will be safe and chaperoned and every penny raised goes towards providing the Grads an unforgettable evening which includes food, games, dancing and prizes.

The event is completely parent-driven, which means the organizing, prize donations and sponsorship is being handled entirely by parent volunteers. Many of the students attending FKSS are residents of Area A and it would be very much appreciated if Area A could support our grads.

Feel free to contact me directly at 778-676-0549 if you have any questions.

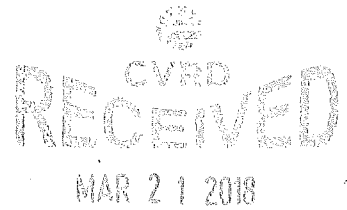
On behalf of the Frances Kelsey Dry Grad 2018 Committee, we warmly thank you for your consideration and generous support of this milestone in our children's lives.

Sincerely,



Sophia Ali, Co-Chair Dry Grad Committee 2018
Loretta Taylor, Co-Chair Dry Grad Committee 2018
Email: sophiajali@gmail.com or taylortrucking@live.ca





COWICHAN VALLEY REGIONAL DISTRICT

Finance Division

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

Submitted by Director Acton Area B.

Grantee: _____ Grant Amount \$ 500 -

NAME: Red Willow Womyn's Society - Patricia Delisle

ADDRESS: 2584 Lodgepole Road
Mill Bay, VOR 2A

Contact Phone No: 250-929-1199

PURPOSE OF GRANT: Support aquisition of office space
in Duncan for child protection services
offered to aboriginal women in the
community.

REQUESTED BY: [Signature]
Director's Signature

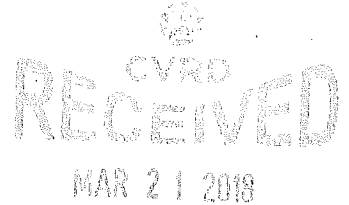
ACCOUNT NO.	AMOUNT
<u>01-2-1950-0435-112</u>	<u>500.⁰⁰</u>

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 IANNIDINARDO Area D

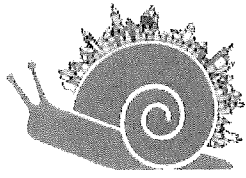
Grantee:	Grant Amount \$ <u>2,500.00</u>
NAME:	<u>Cittaslow Cowichan</u>
ADDRESS:	<u>6024 Chippewa Road</u> <u>Duncan</u> <u>BC V9L 5P5</u> <u>Cittaslowcowichan.org</u>
Contact Phone No:	<u>NICK VERSTEEG. 250-946-4510</u>
PURPOSE OF GRANT:	<u>Support for Cittaslow Society</u> <u>for their 2018 Events</u>
REQUESTED BY:	<u>Lou L. Iannidinarlo</u> Director's Signature

ACCOUNT NO.	AMOUNT
<u>01-2-1950-0366-114</u>	<u>2,500.00</u>

FOR FINANCE USE ONLY	
BUDGET APPROVAL	<u>A</u>

Approval at Regional Board Meeting of _____

Finance Authorization



Cittaslow Cowichan

March 21, 2018

Ms. Lori Iannidinardo
Regional Director, Area D
Cowichan Valley Regional District
175 Ingram Street
Duncan, BC V9L 1N8

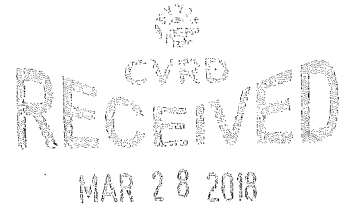
Dear Lori,

On behalf of the Cittaslow Cowichan Society, I would like to thank you for your generous support of our organization since our inception in 2009. The support we receive each year through the Grant-in-Aid program enables our society to continue work started in the year prior and move forward with sustainability plans we have laid out for the year ahead. For this reason, we ask for your consideration of a \$2,500 Grant-in-Aid in support of our plans for 2018.

In addition to covering the cost of the international Cittaslow membership fee, a \$2,500 Grant-in-Aid will allow us to send a board member to the International assembly in France to learn more about what other regions in the world do to enhance local environmental and social sustainability, including

- 1) Working with the CVRD on our initiative "The Three Things Project" to have companies and organizations change three things to help the environment
- 2) Hosting a community pancake breakfast in celebration and support of the Cowichan Bay Maritime Society,
- 3) Launching the "Cittaslow Story" contest on our website asking the community to contribute stories that exemplify Cittaslow Cowichan's values
- 4) Providing a representative of Cittaslow at the Duncan Farmers Market once a month to 'get the word out' to curious visitors and community members about Cittaslow Cowichan's vision, mission and values, membership opportunities and upcoming events,
- 5) Hosting the 7th Annual Cittaslow Cowichan Bay Dinner in White, this year to be held at Hecat Park
- 6) Helping celebrate International Cittaslow day in September
- 7) Showcasing the talent of local chefs and the incredible food produced in our region with a fundraising dinner on April 26, 2018
- 8) Raise funds for the yearly "Brook McLeod Best Farm Practices" award and the "Cittaslow Environmental Award"

We intend to continue to grow our membership base to the point that we are self-sufficient. Until that time, the Grant-in-Aid program allows our society to



COWICHAN VALLEY REGIONAL DISTRICT Finance Division

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

Submitted by Director IANNI DINARDO Area D

Grantee: _____ Grant Amount \$ 500.⁰⁰

NAME: COWICHAN BAY IMPROVEMENT ASSOCIATION

ADDRESS: P.O. BOX 2326
COWICHAN BAY
VORINO

Contact Phone No: Colleen Underwood 250-710-7329

PURPOSE OF GRANT: SUPPORT FOR
BOAT FESTIVAL JULY 7/8, 2018

REQUESTED BY: *Lou L. Dinardo*
 Director's Signature

ACCOUNT NO.	AMOUNT
<u>01-2-1950-0108-114</u>	<u>500.⁰⁰</u>

FOR FINANCE USE ONLY

BUDGET APPROVAL *A*

Approval at Regional Board Meeting of _____

Finance Authorization

From: admin_colleen@cowbaymudroom.com
Subject: Re: Grant-in-aid request for sponsoring the
Maritime Centre Boat Festival.
Date: Mar 25, 2018 at 10:53:30 PM
To: Lori Iannidinardo liannidinardo@cvrd.bc.ca

Date: March 25, 2018

To: Director Lori Iannidinardo, Area D - Cowichan Bay

From: Colleen Underwood

Representing: Cowichan Bay Improvement Association

Re: Grant-in-aid request for sponsoring the Maritime Centre Boat Festival.

Dear Lori,

On behalf of the CBIA I would like to apply for an Area D (Cowichan Bay) grant-in-aid of \$500 to sponsor the Boat Festival that the Maritime Centre is organizing for July 7 and 8. This is something that we have done in the past and it is a wonderful community event. They usually use the money towards certain part of the day (such as boat racing).

With thanks,
Colleen Underwood
PO Box 2326
Cowichan Bay, BC
V0R 1N0

779.888.1111

Date: March 22, 7:00 p.m.

Minutes of the joint electoral Area A, B & C Advisory Planning Commissions held on the above noted date and time at the Mill Bay Community Hall.

Present:

Chairperson: Glenn Terrell (Area A)

Vice Chair: Jennifer Young (Area A)

Secretary: David Knott (Area A)

Area A: Frank Lockerbie – Margo Johnston

Area B: Bruce Stevens – Dave Hutchins – Michael Battler – Pieter DeVries

Area C: Brenda Krug – Lynn Wilson

Also present: Area A director Kerry Davis and CVRD planner, Sheila Herrera

Applicants: Frank Ryan Contracting

Acceptance of Agenda.

CVRD File No 02 – A – 17RS

Rezoning Application:

Applicant gave a presentation of plans for a proposed RV park – commission members had had a site visit and had many concerns and questions.

Notable concerns were the density – highway access – Geotechnical and community amenities.

In regards to density, the applicant proposal almost doubles the amount of RV spaces than the new C4 zoning would permit. While the commission members did not object to the plan as submitted, they expressed concern that the application was not consistent with the zoning bylaw.

Highway access and egress concerns resulted in no real conclusion that this will be made safe.

Motion: The Area A, B & C commissions support the concept of the application # 02 – A – 17RS

But with the need to address the following concerns:

Discrepancies in density

Highway access

Community Amenities

Geotechnical survey

Motion carried.

Meeting adjourned 8:15 p.m.



DATE: Tuesday, March 13, 2018

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: Justin Straker
Members: David Coulson
Patrick Jackson
Julia Rylands
John Salmen
Ken Smith
Marianna Terauds

ALSO present:

Director: Alison Nicholson

ABSENT:

Sarah Davies-Long
Celina Gold
Parker Jefferson

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 January 9, 2017 be accepted.

MOTION CARRIED

BUSINESS ARISING FROM MINUTES

None.

REPORTS

Chair's report:
None.

Director's report:

None.

Planner's report:

None.

NEW BUSINESS

Application 02-F-17RS – Commission discussion of merits and issues with the application.

MOTION: The APC recommends that Application 02-F-17RS not proceed at this time, for the following reasons:

1. A similar application in 2006-2007 was referred back to staff by the EASC several times, and eventually amended to not include the current re-zoning request, due to incompatibility with regulations and a range of concerns raised by the EASC, CVRD planners and APC. The concerns that led to its amendment in 2006-2007 have if anything increased since that time.
2. The application is not compliant with the existing Cowichan-Koksilah OCP¹ and Area F zoning bylaws, and is not consistent with the vision of the 2018 Cowichan-Koksilah OCP currently under review.
3. There are large amounts of undeveloped land and current potential housing stock, including the Paldi CD, that should be reviewed in the context of the Sahtlam Local Area Plan with appropriate community consultation, prior to allowing the current Application to proceed.
4. The need to contain residential growth and reduce urban sprawl into rural areas.
5. The need to protect existing forestry-designated properties for forestry uses, wildlife habitat and corridors, recreation and carbon capture, particularly within the Coastal Douglas-Fir (CDF) biogeoclimatic zones, which is recognized as having endangered ecosystems and is under substantial pressure from development. The proposed property contains productive second-growth CDF forest with substantial future potential for carbon sequestration. The APC estimates that currently less than 25% of the Cowichan-Koksilah OCP area contains CDF forest.
6. Concerns over availability of potable water and appropriate septic disposal – in August 2008 the Vancouver Island Health Authority expressed concern over the lack of suitable area for septic fields on the property.
7. Members of the Cowichan Tribes live in the Plan area, and there are reserves within its boundaries. Cowichan Tribes expressed substantial concerns over the original (2006) application, citing the property as being valuable as wildlife habitat and for traditional land uses by Cowichan Tribe members. At this time the APC understands that the

¹ e.g., Policy 5.1.14, which states: "Forestry lands will be increasingly important for the continued sequestration of carbon emissions in the Plan area, and the CVRD will strive to protect and enhance forestry lands in partnership with the provincial government and private landowners"; and General Residential Policy 7.1.1, which states: "The Regional Board shall not approve any bylaw which would designate additional land for residential use or increase the permitted density of existing residential lands prior to a review of residential land availability in the planning area."

current Application has been referred to Cowichan Tribes – we have not been able to view their response and believe that there is a need to collaborate more closely with the Cowichan Tribes on decisions affecting the Cowichan-Koksilah OCP area.

Moved and seconded.

MOTION CARRIED.

ADJOURNMENT

It was moved that the meeting be adjourned at 7:50 pm.

MOTION CARRIED

NEXT MEETING: Next APC meeting is Tuesday, April 10, 2018.



Secretary


Chair



Date: March 8, 2018

Time: 7:30 P.M.

MINUTES of Electoral Area E Parks and Recreation Committee Regular Meeting held at the Glenora Hall at the above time and date.

PRESENT: Frank Mccorkell (Chair), Gregg Shoop (V/Chair and Secretary), Irene Evans, Howard Heyd and Mike Lees. APOLOGIES: Alison Nicholson (Director), Paul Slade, Patty John, Larry Whetstone and Gretchen Hartley.

AGENDA: Adopted as circulated with addition of two items under New Business.

ACCEPTANCE OF PAST MINUTES: Motion to adopt Minutes of last Regular Meeting held on February 7, 2018. Moved/Carried.

MATTERS ARISING:

1. Currie Park: It was reported to the meeting that a contract for the building of the washroom facility has been awarded to R. Carlson. Completion of the structure is anticipated by this summer.
2. Parks Volunteer Policy: It was reported that discussion took place at this weeks meeting of the Regional Services Committee.

UNFINISHED BUSINESS: There was none.

NEW BUSINESS:

1. Glenora Trailhead Park: The Chair reported that the zip-line is closed for repairs and that a treatment system would be installed on the main water line by this summer.
2. BBQ's: There was a consensus that these annual summer events should again be held at Glenora Trailhead and Currie Parks; dates to be decided.

NEXT REGULAR MEETING: Confirmed for 7:30 P.M., Thursday, April 12, 2018.

ADJOURNMENT: 7:50 P.M.

Certified correct by:

Chairperson:

Secretary:

Date:

3/13,



**Area A Parks Commission
Minutes, March 8, 2018**

Attending: Brook Adams, Sharon Arnold, Nancy Crichton, Director Kerry Davis, David Keir,
April Tilson

Regrets: Libby Connor, Bonnie Mills

The meeting was convened at 7:05 PM

DISCUSSION:

Hollings Road beach access beside Mill Bay Nature Park – after an accident, the steps have been removed. Some of the members have looked at the area and noted that the lookout in Mill Bay Nature Park needs some work. CVRD received a letter complimenting the park.

MOTION:

That we not rebuild the stairs. Instead we advise rehabilitation of the access with native plantings, and cancellation of our Permit to Operate the Hollings Rd Beach access with Ministry of Transportation and Infrastructure (MoTI).

DISCUSSION: Renaming some Parks and Trails

INFORMATION:

A letter was received requesting the removal of family names in certain parks. However other family members since contacted have expressed their desire to keep the names. We will defer to board when a letter arrives from the other family members to the CVRD.

INFORMATION:

The terms of Commission members have been extended to the end of 2018

MOTION to adjourn: 8:05

Next Meeting: April 12, 7:00 PM Livingston Room, Brentwood College



AREA F PARKS ADVISORY COMMISSION MINUTES

March 1, 2018

Called to order at 19:05 hours. David Lowther in the chair.

Attendance: David Lowther, Thor Repstock, David Darling, Rose Darling

Excused: Ray Wear, Ian Morrison

MSC: to approve the Previous Minutes.

Correspondence:

From: Tanya Soroka, CVRD re proposed rezoning (PID: 009 845 526) 16/3/2018

MSC: that the Commission concurs with the staff recommendation in the first paragraph of page two re the desirability of a trail corridor along the east boundary.

Unfinished Business:

MSC: that the Chair inquire regarding the requested report on cost breakdowns for the Mayo Lake improvements.

MSC: that the Chair inquire into the consolidation of titles at Mesachie Lake Park.

MSC: to adjourn at 19:40 hours.



Minutes of the regular meeting of the Area I (Youbou/Meades Creek) Parks Commission

Held in the Upper Community Hall, 8550 Hemlock St. Youbou BC on Tuesday, Mar.13 2018
at 7:11 PM.

Present: Chairperson Marcia Stewart

Vice Chair Rob Somers

Don Macdonald

Area Director – Klaus Kuhn

Possible new member – Randal Wilson

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 Area I (Youbou/Meades Creek) Parks Commission meeting held on Wednesday, Jan. 17th, 2018 be adopted.

Motion carried.

Business Arising from Minutes. It was brought to the attention of the Parks Commission that with the closing of Mile 77 Park, all five picnic tables are to be removed in addition to the garbage can which has already been removed by CVRD staff. Commission members felt that even though the park will be closed, local residents will still use it and these amenities should remain.

Motion : It was moved and seconded that the garbage can at Mile 77 Park be reinstalled and all 5 picnic tables remain in place.

Motion carried.

REPORTS

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

-The Carley Cove subdivision proposal has been declined by the CVRD at the EASC. Director Kuhn has suggested that the owners reapply with a new proposal for this property.

-The Shaw Creek subdivision – No new proposal to report.

-The Youbou Lands property has been sold – No concrete information regarding the new owner's intentions for this area, however any proposal must include an extension of Arbutus Park west along the lake shore, south of the Fire Department property.

Cowichan Lake Rec: No report.

Chair Report: No report.

CVRD Report: It's expected that the Arbutus Park upgrade will be complete in early April, and the swim float will be repaired in time for the summer season.

Old Business:

New Business: The meeting dates for the Parks Commission for 2018 are: Apr10, May15, Jun12, Jul10, Sep11, Oct9, Nov13, Dec11.

Adjournment

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

Motion Carried

Meeting adjourned at 8:51 PM

The next regular meeting is scheduled for Tuesday, Apr10, 2018



STAFF REPORT TO COMMITTEE

DATE OF REPORT March 22, 2018
MEETING TYPE & DATE Electoral Area Services Committee Meeting of April 4, 2018
FROM: Development Services Division
Land Use Services Department
SUBJECT: Development Variance Permit Application No. 03-C-17DVP
(4172 Chelsea Place)
FILE: 03-C-17DVP

PURPOSE/INTRODUCTION

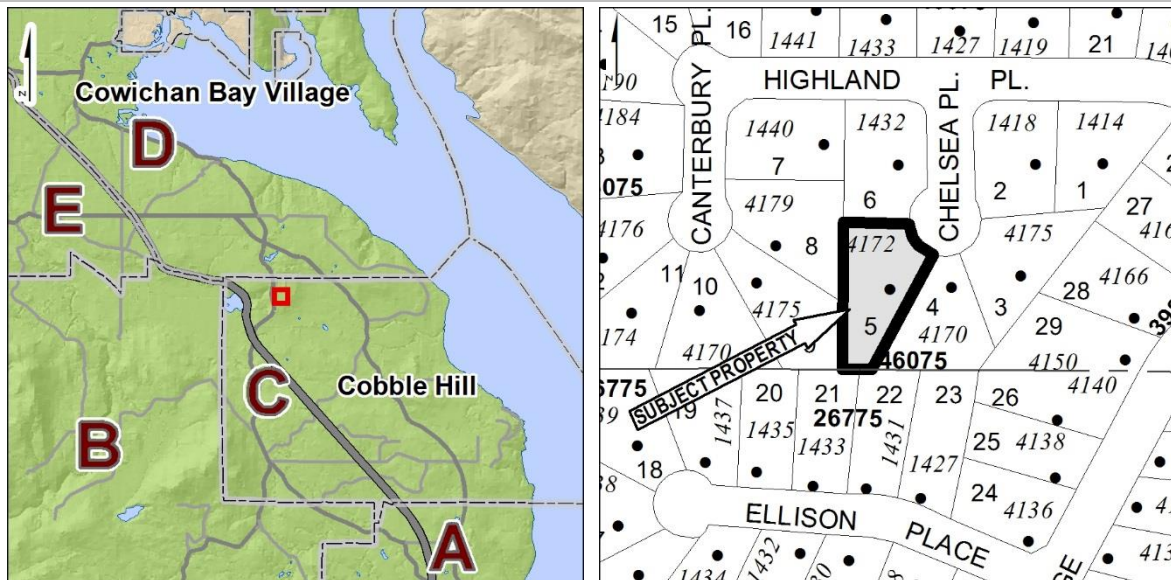
The purpose of this report is to set out a request to vary the setbacks for an accessory building to be located at 4172 Chelsea Place.

RECOMMENDED RESOLUTION

That it be recommended to the Board that Development Variance Permit Application No. 03-C-17DVP (4172 Chelsea Place) to vary Section 10.3.4 of Zoning Bylaw No. 3520 be approved as follows:

1. A reduced interior side parcel line setback (east) for an accessory building from 1.0 metre to 0.91 metres, and
2. A reduced rear parcel line setback (west) for an accessory building from 4.5 metres to 1.53 metres.

LOCATION MAP



BACKGROUND

Location of Subject Property: 4172 Chelsea Place (PID: 009-445-820)
Legal Description: Lot 5, Section 20, Range 6, Shawnigan District, Plan 46075
Size of Parcel: 2,004 m² (0.495 acres)

<u>OCP Designation:</u>	Rural Residential (RR)
<u>Zoning:</u>	Rural Residential 3 Zone (RR-3)
<u>Use of Property:</u>	Single Family Residential
<u>Use of Surrounding Properties:</u>	
	North Residential (RR-3)
	East Residential (RR-3)
	South Residential (RR-3)
	West Residential (RR-3)
<u>Water:</u>	Douglas Hill Water System
<u>Sewage Disposal:</u>	Onsite septic system
<u>Drainage:</u>	No community service
<u>Fire Protection:</u>	Cowichan Bay Volunteer Fire Department
<u>Landscape Description:</u>	The five-sided pie-shaped lot is generally flat with a landscape consisting of a fenced yard with a grass lawn surrounded by conifer hedges, large trees with small fruit trees in the middle of the rear yard. The large fir and cedar trees are located on both sides of the property lines of the subject and adjacent properties. An existing storage shed (approximately 25m ² to 40m ²) is located west of the fruit trees. An RV and boat are stored in the rear yard. See attachments.

APPLICATION SUMMARY

The applicant is proposing to construct a storage building and garage in the rear (southern) corner of the property.

Section 10.3(4) of Zoning Bylaw No. 3520, relating to the RR-3 (Rural Residential) Zone, specifies minimum set-back requirements for buildings and structures. The application seeks the following:

- A side parcel line setback variance from 1 metre* to 0.91 metres, and
- A rear parcel line setback variance from 4.5 metres to 1.53 metres.

The applicants state several reasons for siting the building at the southernmost part of their lot, primarily for the storage of recreational vehicles away from other uses on the property.

It needs to be noted that the applicant interprets the interior parcel line requirements as 3.0 metres for the east line and 1.0 metre for the south line. Both such lines could be interpreted as 1.0 metre required setbacks, as the requirement is reduced when a building is in the rear yard—defined as 15.0 metres back of the front parcel line. When both interior parcel line requirements are 1.0 metre, a variance of 0.09 metre is necessary to result in a 0.91 metre east line setback.

Subsequent to the application, the applicants noted that the building may disturb tree roots and tree retention may be an issue with neighbours. The applicants are motivated to retain the trees. A tree specialist was retained and a recommendation to remove one 0.8m diameter tree was discussed with neighbours.

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

Surrounding Property Owner Notification and Response:

A total of 23 letters were mailed-out or hand delivered as required pursuant to CVRD *Development Application and Procedures and Fees Bylaw No. 3275*. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame

Two letters were received via email from residents of adjacent and neighbouring properties on Ellison Place to the southeast of the subject property. The attached letters (see Attachment H) describe concerns with tree root disturbance of the large firs within the construction area of the proposed garage. The neighbours suggest that disturbance or removal of shallow roots could cause tree destabilization and potentially result in a wind-fall hazard to neighbouring houses. One neighbour would like an arborist be retained to assess the potential hazard.

OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS

Official Community Plan No.3510

The subject property falls within the South Cowichan Rural Official Community Plan No. 3510 and is located within the Rural Residential (RR) designation.

In addition, the property is located within the South Cowichan Rural Development Permit Area. The proposed construction is exempt from the guidelines because it is an accessory use to a single family dwelling.

Zoning Bylaw No.3520

The subject property is zoned Rural Residential (RR-3). Section 10.3.4 requires residential accessory buildings to be setback 4.5 metres from rear the parcel line and 1 metre from an interior side parcel line (*3 metres if not in rear yard). The applicant has requested the following variances:

- To vary Section 10.3.4 in order to:
 - reduce the east interior side parcel line setback for an accessory building from 1.0 metre to 0.91 metres, and
 - reduce the rear (west) parcel line setback for an accessory building from 4.5 metres to 1.53 metres.

Note:

- Section 4.5.4 of the bylaw states: *no accessory building shall contain ... not more than two fixtures such as a toilet or sink ...*; and
- The bylaw does not require a minimum or maximum size for an accessory building.
- There is no tree bylaw to protect damage to, or removal of, trees.

PLANNING ANALYSIS

Planner's Comments:

The proposed two-floor accessory building is 111.5 m² (1200 ft²) in area and 7.5 m in height. The proposed use is to house a boat trailer and boat, a recreational vehicle and other goods on the first floor and fitness/hobby space on the second floor.

The proposed building would be the second accessory building on the parcel, as the survey plan shows a shed (approximately 40 m²) on the rear (west) property line which does not conform to the rear parcel line setback. See Attachments D, E and F: building and survey plans and site photos.

The applicant has stated the following reasons for requesting the variance:

- *Irregularly shaped lot with unused space at south end;*

- *Existing driveway leads to south end of property;*
- *Keeping established fruit trees;*
- *We would like to use our existing attached garage as additional living space, resulting in the need for a detached garage on the property for storage.*

We have spoken with all 6 of our neighbours (only 4 of which would be impacted by the garage) and they are in agreement with our proposed garage and location. There are no buildings immediately bordering the property to the south, west and east of the proposed garage.

The proposed garage will be used to store our boat, RV and items from our existing attached garage. Upstairs will be used as a fitness/hobby room.

One stated purpose the applicant chose the proposed building site was to avoid disturbing existing fruit trees. The survey plan shows the drip lines of these trees which would be north of the proposed building. The drip lines of the surrounding large conifer trees are not shown, but the proposed building site would clearly encroach into the root areas of the conifers, as noted in the letters from two neighbours. Destabilized trees are known to be subject to falling in high winds, and may be a hazard to people and property.

If the applicant chose to comply with the bylaw setbacks (e.g. with a denied application), the distance to the conifers would be greater, but the building foundation may still affect tree roots. Pruning or removing any parts of the trees remains a civil matter to be settled by neighbours.

To resolve the potential tree hazard issue, the applicant hired a tree service company to assess the potential root damage of the proposed building's foundation. The owner/ operator of the tree service recommended that one fir tree be removed. See Attachment G: Tree Service Letter. The applicants indicate that they discussed removing one 0.8m diameter tree with their southern neighbours and there was agreement on removal.

The proposed building includes a second floor where a fitness/ hobby room is proposed with a sink/ toilet washroom. Section 4.5.4 of the zoning bylaw states: *no accessory building shall contain ... not more than two fixtures such as a toilet or sink* This meets the bylaw requirement, but the zone does not permit an accessory dwelling in this location, as the lot is under 1.0 ha (2.47 ac) in area (as per bylaw s. 4.15.11.c).

General Manager's Comments:

The CVRD has had a long-standing practice of generous consideration of variance requests, which can be criticized. This included a somewhat general review/ analysis of a proposed variance request. On one hand, this is certainly to the advantage of the applicant whose interest is vested in a Board approval. However, this lenient approach to variance requests also represents a disadvantage to a more rigorous Planning analysis that should, at the heart, rely, in part, on maintaining the integrity of the community's official community plan and the companion zoning bylaw. It can be argued that significant variances, by definition, conflict with these principal policy and regulatory documents. Accordingly, Planning staff will be updating its rationalized ("best practice") approach to establishing key criteria for and analysis of variance requests. The purpose is to ensure greater consistency, validity and technical rigor to ensure appropriate alignment with OCPs and zoning bylaws that the community relies on for reasons of surety.

The requested variances have not raised any issues besides the relationship of the proposed building to the trees. Staff have reviewed the application and conclude that there will be no negative impacts resulting from this variance.

Staff recommend Option 1.

OPTIONS

Option 1:

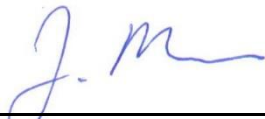
That it be recommended to the Board that Development Variance Permit Application No. 03-C-17DVP (4172 Chelsea Place) to vary Section 10.3.4 of Zoning Bylaw No. 3520 be approved as follows:

1. A reduced interior side parcel line setback (east) for an accessory building from 1.0 metre to 0.91 metres, and
2. A reduced rear parcel line setback (west) for an accessory building from 4.5 metres to 1.53 metres.

Option 2:

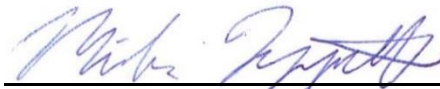
That it be recommended to the Board that Development Variance Permit Application No. 03-C-17DVP (4172 Chelsea Place) to vary Section 10.3.4 of Zoning Bylaw No. 3520 be denied.

Prepared by:

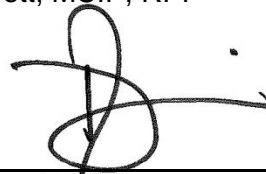


Jon Munn, MCIP, RPP
Planner II

Reviewed by:



Mike Tippett, MCIP, RPP
Manager



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

ATTACHMENTS:

- Attachment A – Aerial Photo Map
- Attachment B – Zoning Map
- Attachment C – Application and Letter
- Attachment D – Application Site Photos 4127 Chelsea Place
- Attachment E – Site and Building Plans 4127 Chelsea Place
- Attachment F – Site Photos 4127 Chelsea Place
- Attachment G – Tree Service Letter
- Attachment H – Referral Reply Letters
- Attachment I – Draft Development Variance Permit



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

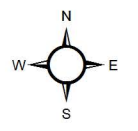
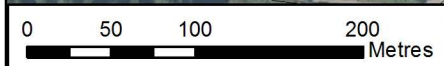
The Cowichan Valley Regional District does not warrant the accuracy.

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: 03-C-17DVP

TRIM Orthophoto (2014)





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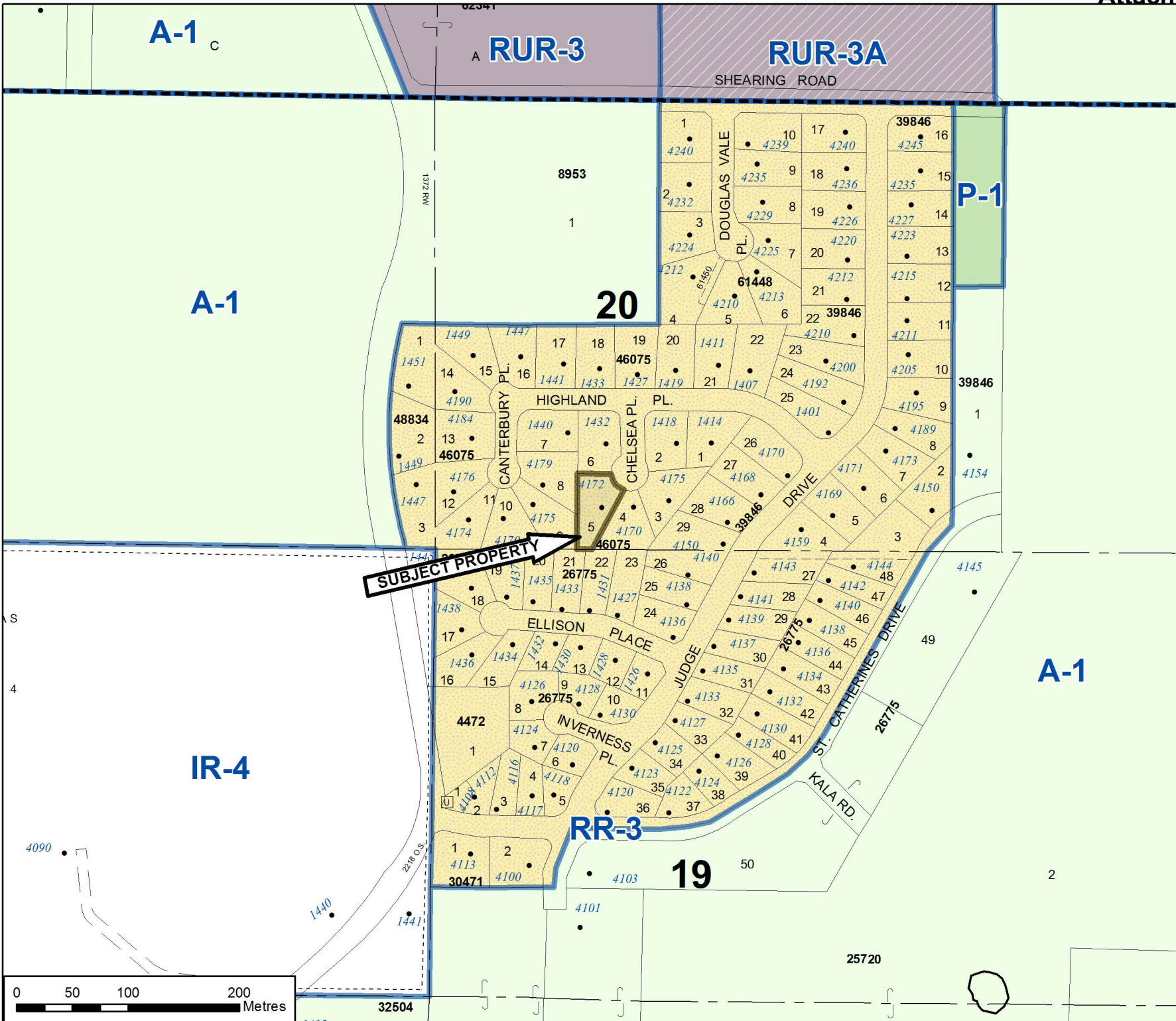
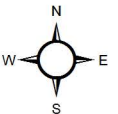
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 03-C-17DVP

ZONING

Legend

- Subject Property
- Zoning D Uplands
- Zoning AC



SUBJECT PROPERTY

COWICHAN VALLEY REGIONAL DISTRICT

APPLICATION FOR DEVELOPMENT VARIANCE PERMIT

1. Name of Owner(s): Ryan Clements & Emily Clements
2. Address of Owner(s): 4172 Chelsea Place, Cobble Hill
3. Telephone No. of Owner(s): 778 356 1111 ^{cell} 1-778-867-7531 email:
_{fax: 250 732 7531}
4. Name of Applicant: Ryan Clements
5. Address of Applicant: 4172 Chelsea Place, Cobble Hill VOR 1L3
6. Telephone No. of Applicant: 778 356 1111 ^{cell} 778 867 7531 email:
_{fax: 250 732 7531}
7. Legal Description of Property: Lot 5, Section 20, Range 6,
Shawnigan Dist. Plan 46075. PID 009-445-820
8. Civic Address of Property: 4172 Chelsea Place, Cobble Hill
9. Size of Property:
10. Existing Use of Property: Residential
11. Adjacent Land Use:
 - North: Residential
 - South: Residential
 - East: Residential
 - West: Residential
12. Zoning: RR 3
13. Official Plan Designation:
14. Proposed Use of Property: ~~Addition of~~ ^{New} ~~an~~ accessory building
(Residential)
15. I require a variance to Section: 10.3,4 of CVRD Bylaw No. 3520
Which states
16. Indicate the extent of the variance requested and the justification for the proposed variance:
See next page

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AUG 02 2017

DECLARATION PURSUANT TO THE ENVIRONMENTAL MANAGEMENT ACT

I, RYAN CLEMENT, owner of land described above on this application form, hereby declare that the land which is the subject of this application has not to my knowledge been used for industrial or commercial activity as defined in the list of "industrial purposes and activities" (Schedule 2) of the *Contaminated Sites Regulation* (BC Reg. 375/96). I therefore declare that I am not required to submit a site profile under Section 20.11 or any other section of the *Environmental Management Act*.

R. Clement
Signature

JULY 25th / 2017
Date

THE FOLLOWING MUST BE INCLUDED WITH THIS APPLICATION:

- (a) One copy of the legal plan of the property
- (b) Scale plan of the property or properties showing true dimensions and shape of the property, the site location of proposed and existing buildings, the approximate location of the buildings on adjoining properties and, where applicable, additional information such as dimensioned floor plans, elevations, watercourses, areas of standing water, etc. (Note: At least one copy of any submissions must be a maximum of 11"x17" in size.)
- (c) State of Title Certificate (available from the Land Titles Office, in Victoria or through a title search company, notary or lawyer) and copies of all easement, covenant and right-of-way documents etc. on the title.
- (d) Additional material, certified resolutions or comments in support of the application.
- (e) Payment of the applicable application fee (see fee schedule).
- (f) Completed Site Profile as per the Site Contamination Regulation of the *Environmental Management Act* (if required).

I HEREBY DECLARE that all the above statements and information contained in the material submitted in support of this application are, to the best of my knowledge true and correct in all respects. I further declare that I am aware that should a development permit be issued, the CVRD is required by Section 927 of the *Local Government Act* to file notice of the issuance of the permit in the Land Title Office and that such notice will be filed against the title of the subject property.

Personal Information Declaration: This information is collected pursuant to Part 26 of the *Local Government Act* and CVRD Development Application Procedures and Fees Bylaw No. 3275. This information has been collected and may form part of the public record and may be included in a meeting agenda that is posted online when this matter is before the Board or a Committee of the Board. I hereby consent that all information, including personal information, contained in this document including all attachments may be made available to the public. Note: For more information on disclosure, contact the CVRD FOI Coordinator at 250-746-2507 or 1-800-665-3955.

R. Clement
Signature of Owner(s)

July 25 2017
Date

By completing this application form, the owner and/or applicant hereby is aware and authorizes site inspections to be conducted by Regional District staff and Advisory Planning Commission members as authorized by the Regional Board.

COWICHAN VALLEY REGIONAL DISTRICT
APPLICATION FOR DEVELOPMENT VARIANCE PERMIT

16. We are requesting a variance to the setbacks of our proposed garage as outlined on the Concept Drawings done by Somenos Construction.

Justification for proposed variance:

- Irregularly shaped lot with unused space at south end
- Existing driveway leads to south end of property
- Keeping established fruit trees
- We would like to use our existing attached garage as additional living space, resulting in the need for a detached garage on the property for storage.

We have spoken with all 6 of our neighbours (only 4 of which would be impacted by the garage) and they are in agreement with our proposed garage and location. There are no buildings immediately bordering the property to the south, west and east of the proposed garage.

The proposed garage will be used to store our boat, RV and items from our existing attached garage. Upstairs will be used as a fitness/hobby room.

4172 Chelsea Place, Cobble Hill
Lot 5, Section 20, Range 6
Ryan & Emily Clements

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Attachment D



Proposed location of shed off
garage

- Behind fruit trees
- At end of existing side
driveway
(photo facing south)

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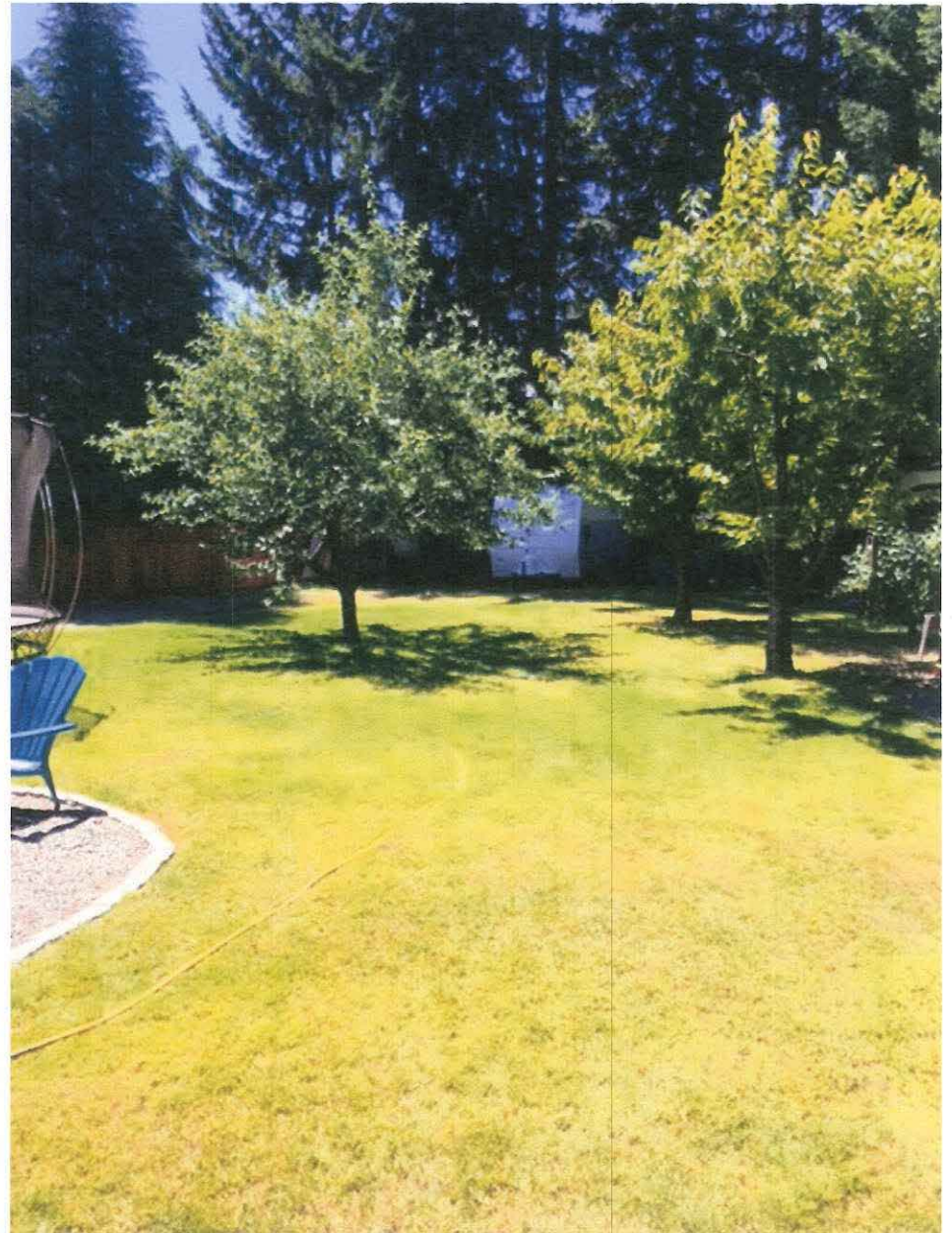
AUG 02 2017



Proposed location of garage

- Behind fruit trees
- At end of existing side driveway
(photo facing south)

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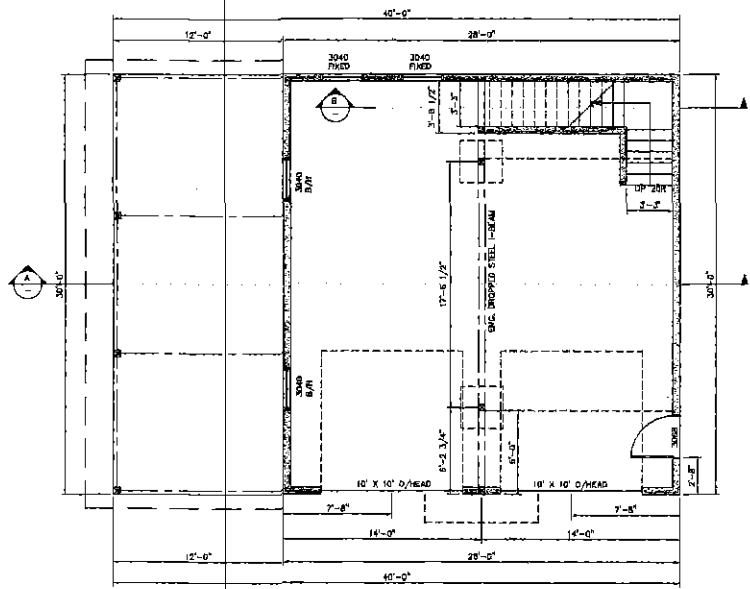
Location of proposed garage

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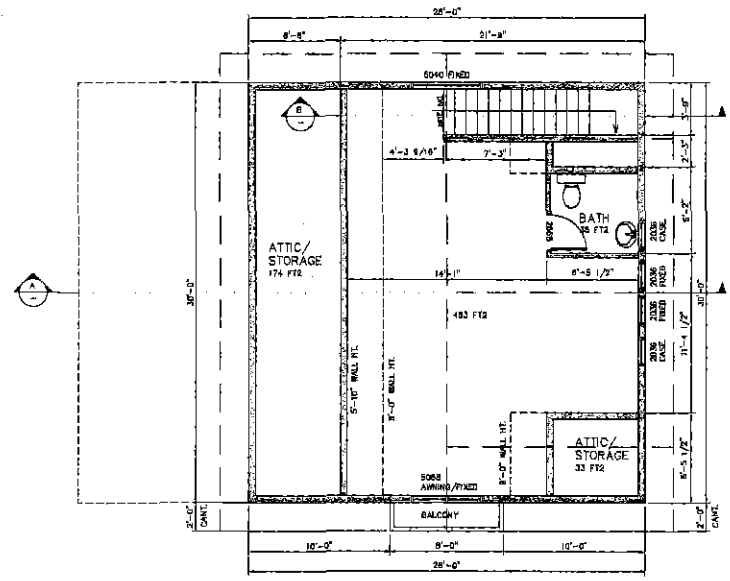
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MAIN FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 ENCLOSED GARAGE = 841 FT²
 GREEN CARPENTRY = 360 FT²
 TOTAL = 1200 FT²

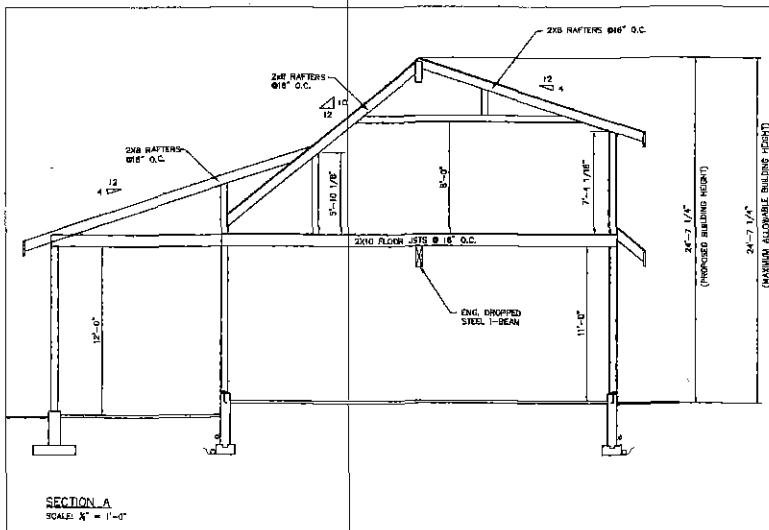


UPPER FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 LIVING = 608.2 FT² (46.83m²)
 ATTIC/STORAGE = 371.87 FT²
 TOTAL = 776.57 FT²

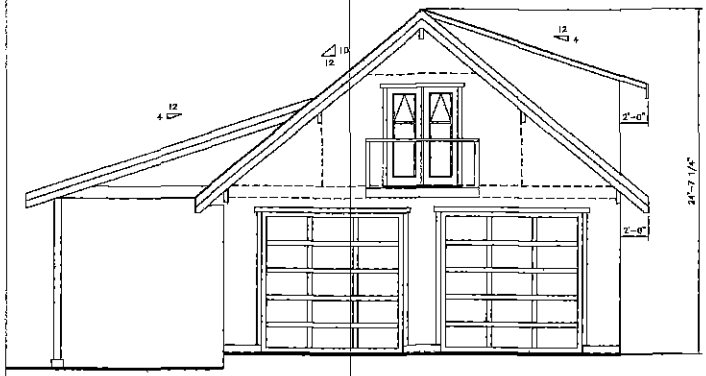
CONCEPT ONLY - NOT FOR CONSTRUCTION

<p>Somenos CONSTRUCTION</p> <p>4-1086 Riverside Drive Dorset, BC, V1L 6C4 TEL: (604) 746-8881</p> <p>This plan is the property of Somenos Construction and shall not be reproduced or included without the written consent of the firm.</p>		<p>RYAN AND EMILY CLEMENTS</p> <p>Project Location: 4172 CHELSEA PLACE COBBLE HILL, BC</p> <p>Sheet Title: FLOOR PLANS AND SECTIONS</p>	
<p>4 28/07/17 OIP Application 2 17/09/17 OIP Application 2 16/09/17 Garage 2 2 01/04/17 Concept 1</p>	<p>Rev: 04/17 Date: 04/17 Description: [Blank]</p>	<p>Drawn By: [Blank] Checkd By: [Blank]</p>	<p>Sheet Number: 2 of 3 Scale: [Blank]</p>

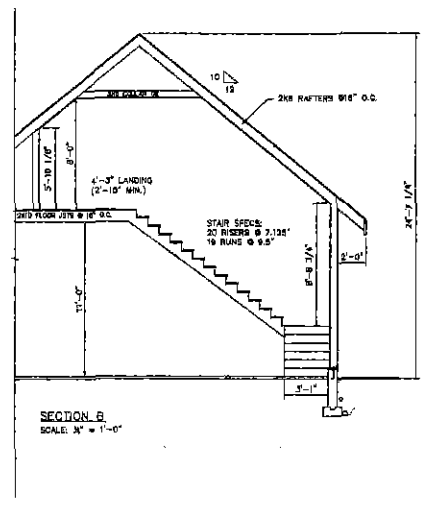
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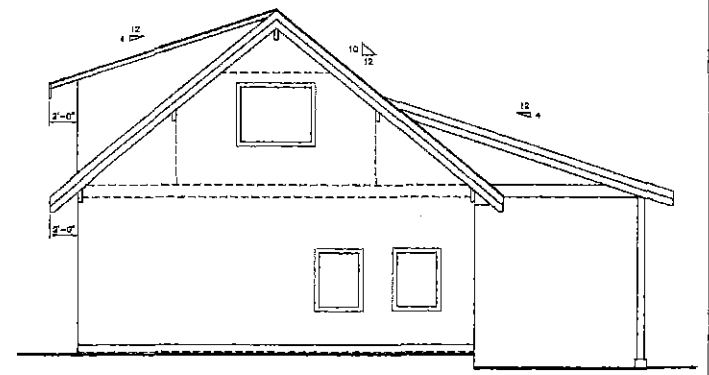
SECTION A
SCALE: 1/4" = 1'-0"



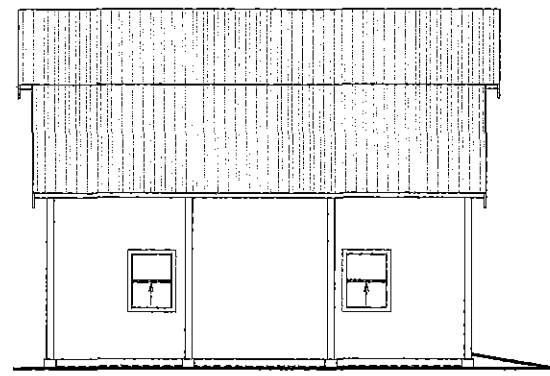
NORTH ELEVATION
SCALE: 1/4" = 1'-0"



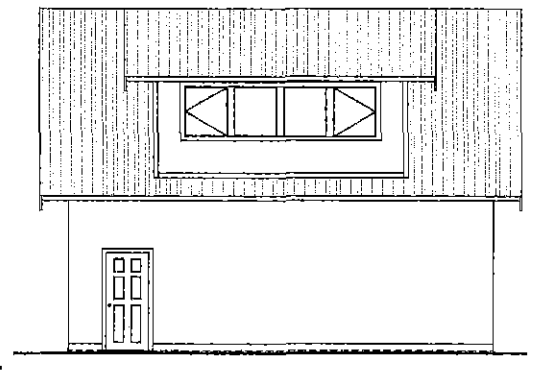
SECTION B
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



EAST ELEVATION
SCALE: 1/4" = 1'-0"



WEST ELEVATION
SCALE: 1/4" = 1'-0"

CONCEPT ONLY - NOT FOR CONSTRUCTION

		RYAN AND EMILY CLEMENTS	
44-1000 Redwood Close Surrey, BC, V4A 6S4 TEL: (604) 244-4403		Project Location: 4172 CHELSEA PLACE COBBLE HILL, BC	
4/26/17 DWP Application 2/17/17 DWP Application 3/16/17 Concept 2 3/27/17 Concept 1	Date: Issue Description	Sheet Title: SECTIONS AND ELEVATIONS	Drawn By: RUDY Scale: As Shown 3 of 3

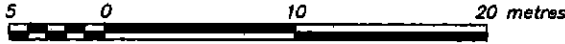
RECEIVED
AUG 02 2017

**SKETCH PLAN SHOWING
IMPROVEMENTS ON
LOT 5, SECTION 20, RANGE 6,
SHAWNIGAN DISTRICT,
PLAN 46075.**

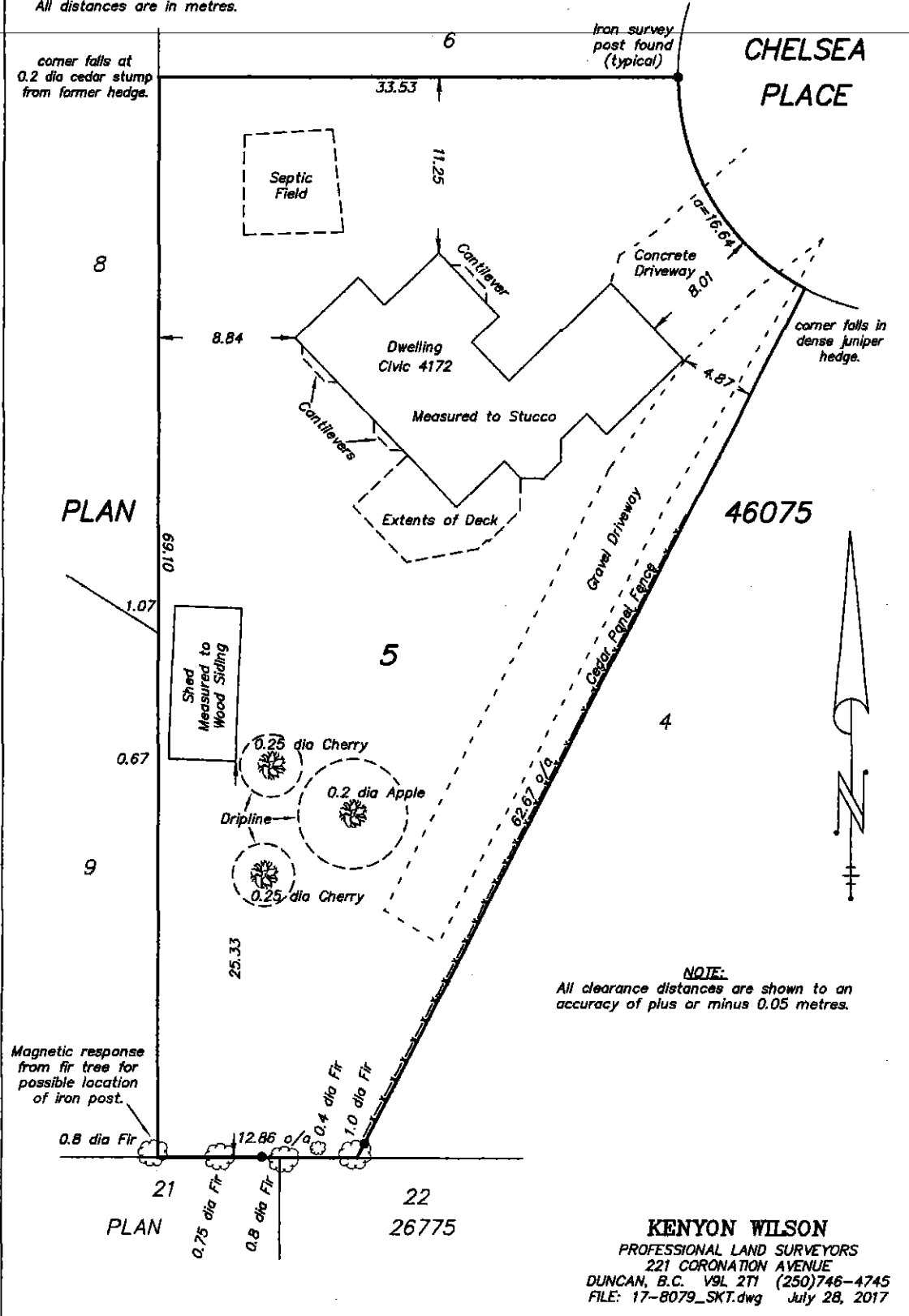
Note: Lot 5 lies within the C.V.R.D.
Area C and is Zoned RR-3.
Bylaw setback requirements are as follows:

	Principal Use	Accessory Use
Front	7.5 m	7.5 m
Side (Interior)	3.0 m	3.0 m /
		1.0 m in rear yard
Side (Exterior)	4.5 m	4.5 m
Rear	4.5 m	4.5 m

Scale 1 : 300



All distances are in metres.



CHELSEA PLACE

46075



NOTE:
All clearance distances are shown to an accuracy of plus or minus 0.05 metres.

RECEIVED
AUG 02 2017

KENYON WILSON
PROFESSIONAL LAND SURVEYORS
221 CORONATION AVENUE
DUNCAN, B.C. V9L 2T1 (250)746-4745
FILE: 17-8079_SKT.dwg July 28, 2017

Photos for
Development Variance Permit Application
03-C-17DVP, 4127 Chelsea Pl



1 View from cul-de-sac



2 Rear Yard - southeast



3 Rear Yard - to the west, fruit trees



4, 5 Storage Area from the north



6 Storage Area & Perimeter Trees from the south



7 Storage Area from the west

Telegraph Tree Services

820 Marchmont Rd
Duncan, B.C. V9L 2M3
Phone: 250-710-8893
E-Mail: telegraphtree@gmail.com
Web: www.telegraphtree.ca

February 6th, 2018



To Whom It May Concern:

This report is regarding 4172 Chelsea Place, Cobble Hill.

Observation:

Upon arrival I talked to homeowner regarding the shop building site and the impact on the root system of the fir trees along the back property line. We talked about the location of the foundation in regards to the trees. I noticed sap running from a few of the trees and fungus starting on some of them and seemed to be more dominate on certain ones. I also noticed that the trees all had significantly larger limbs on the lower west side that were not proportionate to the limbs in the mid and upper east side.

Conclusion:

In conclusion, my professional opinion is that the trees are a safe distance from the proposed foundation with the exception of one that should be removed as it will have a compromised root system as well as is showing signs of root rot more than the rest including running pitch and fungus on the trunk. Some of the other trees in this cluster are also showing signs of root rot but not to the same extent.

I would suggest removing the circled tree in the diagram as well as removing some of the larger lower limbs to even the weight of the trees as they are very limb heavy to the west side of the trees. I would suggest leaving the stump after the removal to avoid disturbing the trees on either side.

Sincerely,

Telegraph Tree Services

John Webster, Owner/ Operator

John Webster

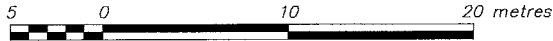
03-017 DVP

**SKETCH PLAN SHOWING
IMPROVEMENTS ON
LOT 5, SECTION 20, RANGE 6,
SHAWNIGAN DISTRICT,
PLAN 46075.**

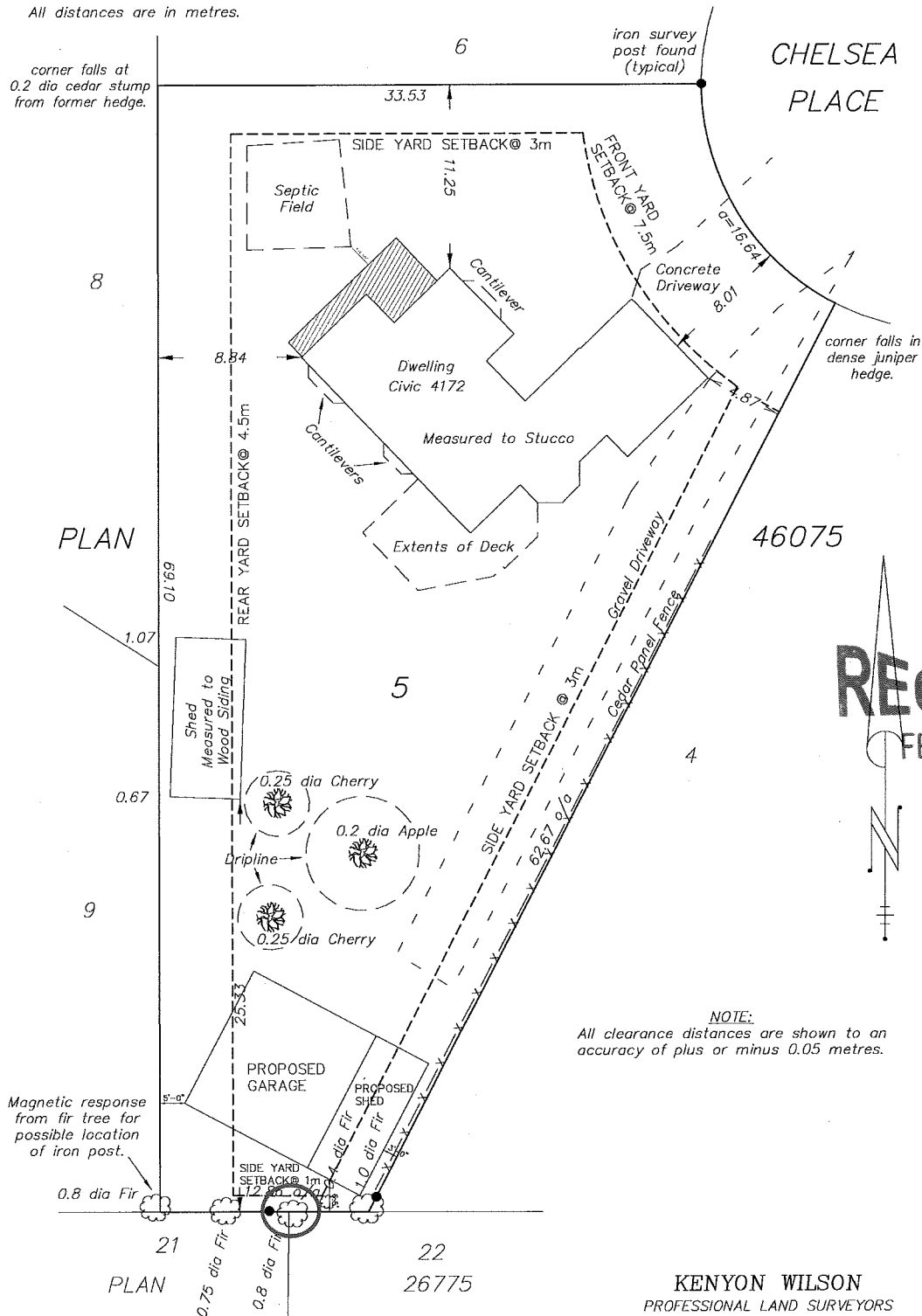
Note: Lot 5 lies within the C.V.R.D.
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	Principal Use	Accessory Use
Front	7.5 m	7.5 m
Side (Interior)	3.0 m	3.0 m /
		1.0 m in rear yard
Side (Exterior)	4.5 m	4.5 m
Rear	4.5 m	4.5 m

Scale 1 : 200



All distances are in metres.



**CVRD
RECEIVED
FEB 07 2018**

NOTE:
All clearance distances are shown to an accuracy of plus or minus 0.05 metres.

KENYON WILSON
PROFESSIONAL LAND SURVEYORS
221 CORONATION AVENUE
DUNCAN, B.C. V9L 2T1 (250)746-4745
FILE: 17-8079_SKT.dwg July 28, 2017

From: Philip Early
Sent: December-21-17 3:45 PM
To: Planning and Development <ds@cvrd.bc.ca>
Subject: File Number 03-C-17DVP

Dear Sirs:

With reference to: the proposed Variance to Lot 5, 4172 Chelsea Place

I am the owner of 1427 Ellison Place and have one concern relating to the placing of a structure on the southern boundary of lot 5.

There exists, in an east west line along this boundary, a row of fir trees which were planted many years ago as a hedge row. These trees are now thirty meters tall and a good meter in diameter. Four old firs and one younger fir would be directly affected. Any structure positioned so close, especially in the south east corner where it would be almost touching the trees, would have a disastrous effect.

Any damage to root or removal of lower branches could cause future instability in the trees. It is unlikely that a falling tree would reach my house, with the height they are today, but I would suggest that my neighbours at 1431 and 1433 Ellison as well as 4175 Canterbury, to say nothing of 4172 Chelsea, would be well within striking distance should we have one of our frequent Douglas Hill winter winds.

All of this to say that it might be a good idea to firstly consider this row of firs, before granting the variance allowing a structure on this southern boundary.

Sincerely yours,
Philip Early

From: Planning and Development
Sent: December 18, 2017 9:53 AM
To: Rob Conway; Jennifer Hughes
Subject: FW: file number 03-C-17DVP

This was being handled by Alex Duncan, I don't know who has it now.

Colin Turner, Administrative Assistant
Land Use Services Department
Cowichan Valley Regional District
175 Ingram Street, Duncan, BC V9L 1N8
Email: ds@cvrld.bc.ca
Tel: 250.746.2620 Toll Free: 1.800.665.3955 Fax: 250.746.2621

Please note that the CVRD offices located at 175 Ingram Street will be closed over the Christmas Season from 4:30 p.m., December 22, 2017 up to and including Monday, January 1, 2018. Regular office hours of 8 a.m. –4:30 p.m. will resume on Tuesday, January 2, 2018.

-----Original Message-----

From: Donna Trueit [mailto:]
Sent: December-18-17 9:45 AM
To: Planning and Development <ds@cvrld.bc.ca>
Subject: file number 03-C-17DVP

Dear Sir,

My husband and I own the property on the south side of Lot 5, Section 20, Range 6, Shawnigan District, Plan 46075. As I read the drawings, the boundary setback nearest our lot at 1431 Ellison Place would be reduced to 0.91 metres and the proposed garage and shed would therefore be backed up to the very large fir trees growing along the property line. My concern is that the proposed structure is positioned too close to the trees and more specifically will disturb the root systems which anchor the trees. While I am not an arborist, my research indicates that a recommended tree protection zone provides a radius of 1 foot for every 1 inch of trunk diameter (or a 12:1 ratio). Roots grow within the top foot of the soil extending 2-3 times the width of the drip line, which, for these trees (4 trees will be affected), far exceeds the proposed setback. If the roots are damaged by construction, the trees become vulnerable — and so does our house. I would like to suggest that an arborist should be retained in the planning stage to assess the trees, review the plans, and look for roots in the proposed development area.

Understanding that Emily and Ryan Clement want to position their garage/storage area as far away from their house as possible, at this time, regretfully, I am against granting this request for variance.

Respectfully,

Donna Trueit and William Doll



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMITFILE NO: 03-C-17DVP

DATE: _____

REGISTERED PROPERTY OWNER(S):Ryan and Emily Clements

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below:
Lot 5, Section 20, Range 6, Shawnigan District, Plan 46075 (PID: 009-445-820)
3. Authorization is hereby given to vary Section 10.3.4 of Zoning Bylaw No. 3520 to reduce the east interior side parcel line setback for an accessory building from 1.0 metre to 0.91 metres, and reduce the rear (west) parcel line setback for an accessory building from 4.5 metres to 1.53 metres.
4. The following plans and specifications are attached to and form a part of this permit.
Schedule A – Site Plan Showing Building Location prepared by ... dated , 201_
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. **This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Land Use Services Department.**

AUTHORIZING RESOLUTION NO. [from Board Minutes] PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE [day] DAY OF [month] [year].

NOTE: Subject to the terms of this Permit, if the holder of this Permit does not substantially start any construction within 2 years of its issuance, this Permit will lapse.

I HEREBY CERTIFY that I have read the terms and requirements of the Development Variance Permit contained herein. I understand and agree that the Cowichan Valley Regional District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with *[NAME ON TITLE; or NAME OF AGENT, on behalf of NAME ON TITLE]*, other than those contained in this Permit.

Owner/Agent (signature)

Witness (signature)

Print Name

Print Name

Date

Date

DRAFT



STAFF REPORT TO COMMITTEE

DATE OF REPORT March 22, 2018
MEETING TYPE & DATE Electoral Area Services Committee Meeting of April 4, 2018
FROM: Development Services Division
Land Use Services Department
SUBJECT: Development Variance Permit Application No. DVP18D01
(1099 Cherry Point Road)
FILE: DVP18D01

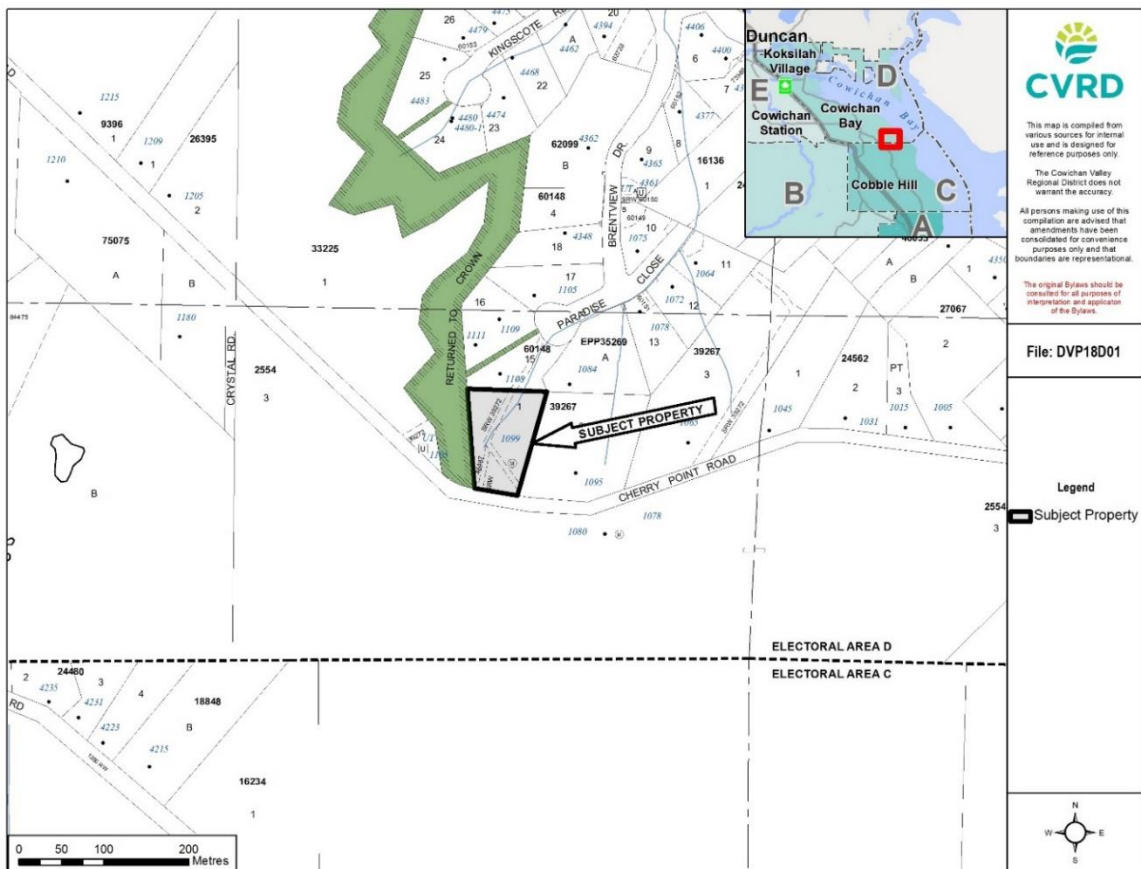
PURPOSE/INTRODUCTION

The purpose of this report is to present a Development Variance Permit application to reduce the setback from a front parcel line from 7.5 metres to 4.5 metres for an accessory building.

RECOMMENDED RESOLUTION

That it be recommended to the Board that Development Variance Permit Application No. DVP18D01 (1099 Cherry Point Road) to vary Section 5.2(4) of Zoning Bylaw No. 3705 to decrease the minimum setback from the front parcel line from 7.5 metres to 4.5 metres be approved.

LOCATION MAP



BACKGROUND

<u>Location of Subject Property:</u>	1099 Cherry Point Road
<u>Legal Description:</u>	Lot 1, Section 1, Range 7, Cowichan District, Plan 39267 (PID: 000-973-891)
<u>Size of Parcel:</u>	0.8817 ha (2.18 acres)
<u>OCP Designation:</u>	Rural Residential
<u>Zoning:</u>	RR-2
<u>Use of Property:</u>	Residential
<u>Use of Surrounding Properties:</u>	
	North Residential
	East Residential
	South Cherry Point Road and Agriculture (ALR)
	West Park
<u>Water:</u>	Cherry Point Estates Water
<u>Sewage Disposal:</u>	Septic
<u>Drainage</u>	Not in a service area
<u>Fire Protection:</u>	Cowichan Bay Volunteer Fire Department
<u>Agricultural Land Reserve:</u>	Outside
<u>Archaeological Sites:</u>	None identified
<u>Environmentally Sensitive Areas:</u>	Steep slopes (Ravine)

APPLICATION SUMMARY

The applicants propose to construct an approximately 31 m² (332 sq. ft) accessory building. A variance to the front parcel line setback is requested to locate the building closer (4.5 metres) to Cherry Point Road than permitted in the Zoning Bylaw (7.5 metres) in order to avoid a steep ravine that occupies the bulk of the property.

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

Surrounding Property Owner Notification and Response:

A total of 10 letters were mailed-out or hand delivered as required pursuant to CVRD *Development Application and Procedures and Fees Bylaw No. 3275*. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. To date, no letters have been received.

OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS

Official Community Plan No.3605

The subject property is designated Rural Residential (RR). Development on the property is subject to the guidelines of the Rural Character, Sensitive Lands, and Agricultural Protection Development Permit Area guidelines.

The location of the proposed of accessory building will not impact agriculture as it is separated from nearby farm activities by Cherry Point Road, the building is minor in scope, and will not be

occupied. Rainwater will be directed through a rain water catchment system for irrigation of the garden areas, with overflow into perimeter drains ultimately discharging to the ravine bottom.

Zoning Bylaw No.3705

The subject property is zoned RR2, which specifies the minimum front parcel line setback of 7.5 metres for both the principal building and any accessory buildings.

The zoning bylaw also specifies a lower height for accessory buildings (7.5 metres) than that of the dwelling (10 metres), which will reduce the building's profile from the road relative to the principal dwelling.

PLANNING ANALYSIS

Planner's Comments:

In 2016, the applicants replaced an older mobile home with a new dwelling on the property approximately 15 metres from Cherry Point Road. Much of the property is occupied by a steep and forested ravine, which limits the potential building envelopes on the property.

Aside from the dwelling, there is one small shed and an existing carport structure. The carport will be removed, and replaced with the proposed accessory building. No trees are proposed to be removed and the existing trees provide a modest screen between the building the road. The proposed location for the accessory building is suitable considering the geotechnical restrictions, the location of the existing dwelling and garden areas.

This variance to the front parcel line setback is justified as much of the property is affected by a steep ravine as demonstrated on the site plan. The Official Community Plan for Cowichan Bay recommends avoiding steep areas, and the proposed structure will not affect any adjacent property owners.

General Manager's Comments:

The CVRD has had a long-standing practice of generous consideration of variance requests, which can be criticized. This included a somewhat general review/ analysis of a proposed variance request. On one hand, this is certainly to the advantage of the applicant whose interest is vested in a Board approval. However, this lenient approach to variance requests also represents a disadvantage to a more rigorous Planning analysis that should, at the heart, rely, in part, on maintaining the integrity of the community's official community plan and the companion zoning bylaw. It can be argued that significant variances, by definition, conflict with these principal policy and regulatory documents. Accordingly, Planning staff will be updating its rationalized ("best practice") approach to establishing key criteria for and analysis of variance requests. The purpose is to ensure greater consistency, validity and technical rigor to ensure appropriate alignment with OCPs and zoning bylaws that the community relies on for reasons of surety.

Staff recommends Option 1.

OPTIONS

1. That it be recommended to the Board that Application No. DVP18D01 (1099 Cherry Point Road) to vary Section 5.2(4) of Zoning Bylaw No. 3705 to decrease the minimum setback from the front parcel line from 7.5 metres to 4.5 metres be approved.
2. That it be recommended to the Board that Application No. DVP18D01 (1099 Cherry Point Road) be denied.

Prepared by:

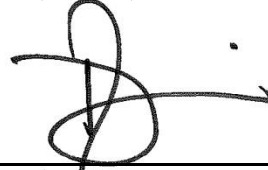


Rachelle Rondeau, MCIP, RPP
Planner II

Reviewed by:



Mike Tippett, MCIP, RPP
Manager



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

ATTACHMENTS:

- Attachment A – Zoning Map
- Attachment B – Orthophoto
- Attachment C – Site Plan
- Attachment D – RR2 Zone
- Attachment E – Draft Development Permit with Variance



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.

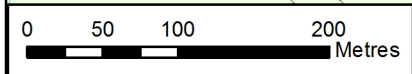
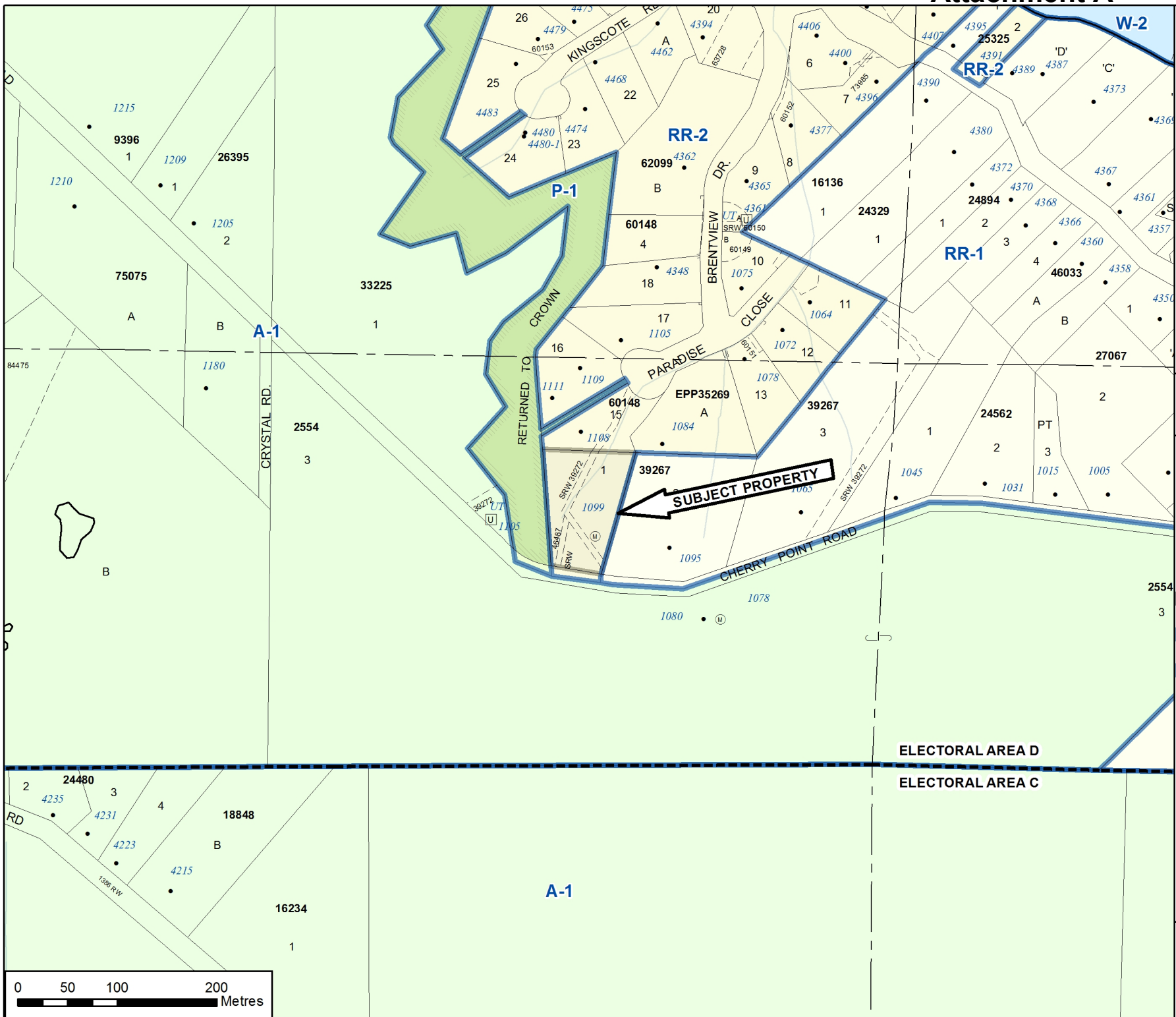
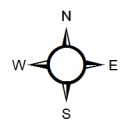
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: DVP18D01

ZONING

Legend

-  Subject Property
-  Zoning D Uplands
-  Zoning AC





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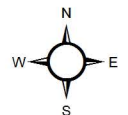
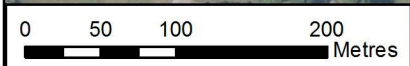
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File: DVP18D01

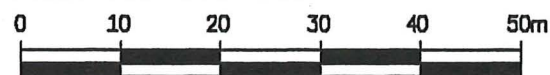
**TRIM
Orthophoto
(2014)**



**B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING(S)
ON LOT 1, SECTION 1, RANGE 7, COWICHAN DISTRICT, PLAN 39267**

Attachment C

P.I.D. 000-973-891



ALL DISTANCES ARE IN METRES UNLESS OTHERWISE NOTED
THE INTENDED PLOT SIZE OF THIS PLAN IS 432 mm
IN WIDTH BY 280 mm IN HEIGHT (B-SIZE) WHEN
PLOTTED AT A SCALE OF 1:750

CIVIC ADDRESS:
1099 CHERRY POINT ROAD
COWICHAN BAY, BC

CLIENT: DAMIEN NEUFELD AND LAURA PIETERSON

NOTE:

PARCEL DIMENSIONS ARE DERIVED FROM PLAN 39267

OFFSETS TO PROPERTY LINE FROM BUILDING ARE FROM THE
EXTERIOR FINISHED SURFACE

DATE OF FIELD SURVEY: MAY 9, 2017

NOTE: TITLE SUBJECT TO:
COVENANT J1286
COVENANT M17614
STATUTORY RIGHT OF WAY EB22114

THIS PLAN IS PREPARED SOLELY FOR A LIMITED CONTRACTUAL
USE BETWEEN McELHANNEY ASSOCIATES AND OUR CLIENT.

THIS DOCUMENT SHOWS THE RELATIVE LOCATION OF THE SURVEYED
STRUCTURES AND FEATURES WITH RESPECT TO THE BOUNDARIES OF
THE PARCEL DESCRIBED ABOVE. THIS DOCUMENT SHALL NOT BE
USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.

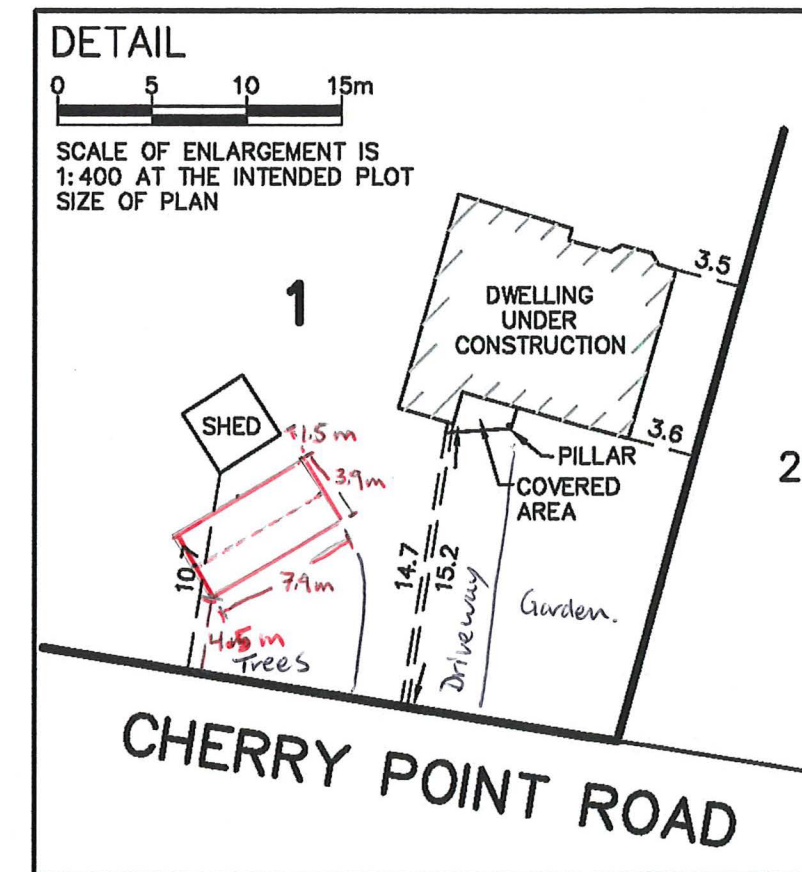
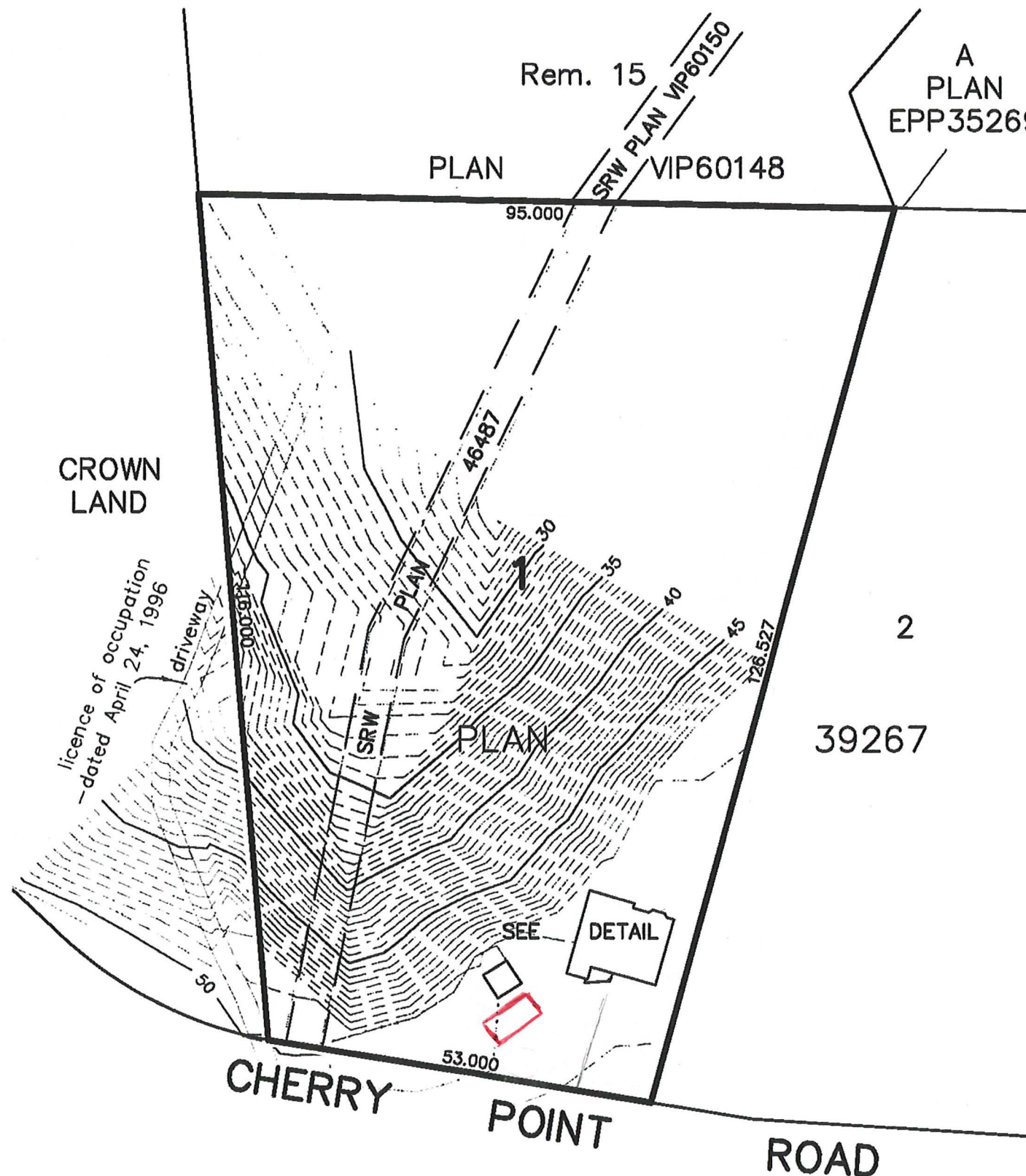
THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY
DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF
ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

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CONSENT OF THE SIGNATORY.

McELHANNEY ASSOCIATES LAND SURVEYING LTD.
#202-5855 YORK ROAD
DUNCAN, B.C.
V9L 3S3

250.748.3335 (P)

OUR FILE NO.: 2232-00276-00
DWG NO.: 00276-0-V-1 BLC.dwg



CERTIFIED CORRECT THIS 23RD DAY OF MAY, 2017.

Michael J. Taylor
Digitally signed by Michael
J. Taylor, BCLS, CLS
Date: 2017.05.23 11:36:27
-07'00'

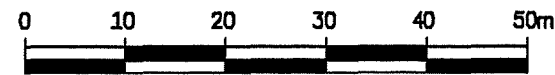
MICHAEL J. TAYLOR, BCLS, CLS

THIS DOCUMENT IS NOT VALID UNLESS DIGITALLY SIGNED

THIS LOCATION CERTIFICATE IS BASED ON LAND
TITLE AND SURVEY AUTHORITY RECORDS AND
FIELD SURVEY. UNREGISTERED INTERESTS HAVE
NOT BEEN INCLUDED OR CONSIDERED.

B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING(S) ON LOT 1, SECTION 1, RANGE 7, COWICHAN DISTRICT, PLAN 39267

P.I.D. 000-973-891



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THE INTENDED PLOT SIZE OF THIS PLAN IS 432 mm
IN WIDTH BY 280 mm IN HEIGHT (B-SIZE) WHEN
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1099 CHERRY POINT ROAD
COWICHAN BAY, BC

CLIENT: DAMIEN NEUFELD AND LAURA PIETERSON

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DATE OF FIELD SURVEY: MAY 9, 2017

NOTE: TITLE SUBJECT TO:
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STATUTORY RIGHT OF WAY EB22114

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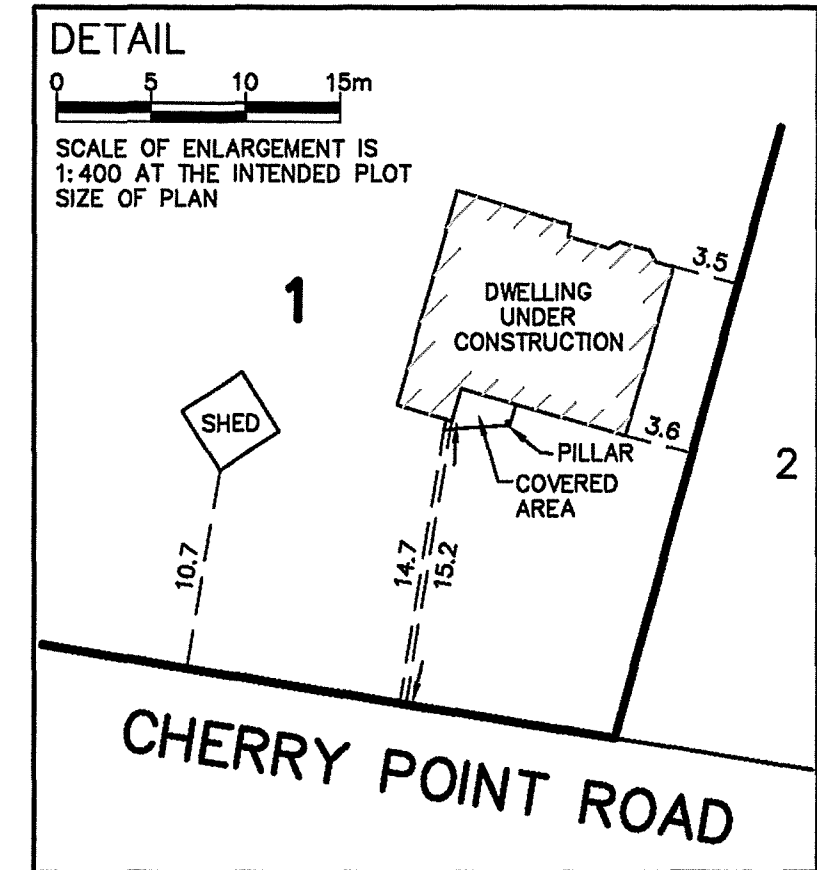
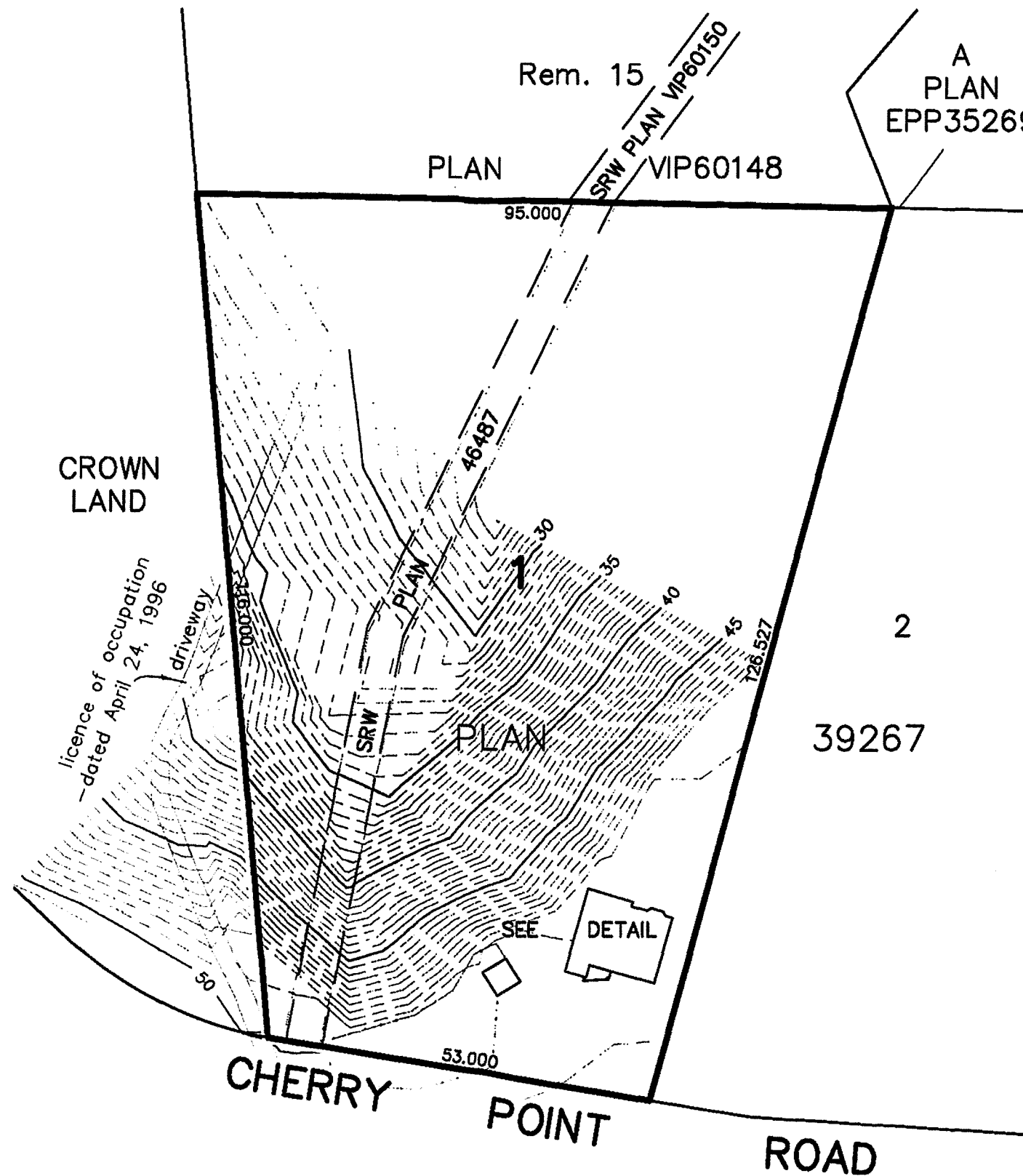
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McELHANNEY ASSOCIATES LAND SURVEYING LTD.
#202-5855 YORK ROAD
DUNCAN, B.C.
V9L 3S3

250.748.3335 (P)

OUR FILE NO.: 2232-00276-00
DWG NO.: 00276-0-V-1 BLC.dwg



CERTIFIED CORRECT THIS 23RD DAY OF MAY, 2017.

Digitally signed by Michael
J. Taylor, BCLS, CLS
Date: 2017.05.23 11:36:27
-07'00'

MICHAEL J. TAYLOR, BCLS, CLS

THIS DOCUMENT IS NOT VALID UNLESS DIGITALLY SIGNED

THIS LOCATION CERTIFICATE IS BASED ON LAND
TITLE AND SURVEY AUTHORITY RECORDS AND
FIELD SURVEY. UNREGISTERED INTERESTS HAVE
NOT BEEN INCLUDED OR CONSIDERED.

5.2 RR2 – Rural Residential 2 Zone

Subject to compliance with **Part 2** of this bylaw, the following regulations apply in the **RR2** zone:

1. Permitted Uses

The following principal uses and no others are permitted:

- (a) Single detached dwelling;

The following accessory uses and no others are permitted:

- (b) Limited agriculture;
- (c) Accessory dwelling or Secondary suite;
- (d) Backyard hen keeping;
- (e) Bed and breakfast;
- (f) Day care;
- (g) Farm stand;
- (h) Group day care;
- (i) Home-based business.

2. Density

Residential use is limited to one single detached dwelling and one secondary suite per parcel, or one single detached dwelling and one accessory dwelling per parcel.

3. Subdivision Regulation

The minimum parcel area for the purpose of subdivision is:

- (a) 1 ha for parcels not serviced by a community water system;
- (b) 0.4 ha for parcels that are serviced by a community water system.

4. Development Regulations

- (a) Parcel coverage shall not exceed 20% or 500 m², whichever is less, for all buildings and structures;
- (b) The following minimum setbacks for buildings and structures apply:

Type of Parcel Line	Principal Residential Use	Accessory Residential Use	Limited Agriculture
Front	7.5 m	7.5 m	15 m
Interior Side	3 m	3 m	15 m
Exterior Side	4.5 m	4.5 m	15 m
Rear	4.5 m	4.5 m	15 m
Adjoining ALR	30 m	30 m	15 m

- (c) The maximum height of all buildings and structures is 10 m, except it is 7.5 m for accessory buildings and structures;



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT with VARIANCE

FILE NO: DVP18D01
DATE: _____

REGISTERED PROPERTY OWNER(S):

1. This Development Permit with Variance is issued and is subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit with Variance applies to and only to those lands within the Regional District described below:
(Lot 1, Section 1, Range 7, Cowichan District, Plan 39267 (PID: 000-973-891))
3. Authorization is hereby given for construction of an accessory building in accordance with the requirements listed in Section 4, below.
4. The development shall be carried out subject to the following requirement(s):
 - Section 5.2(4) of Zoning Bylaw No. 3705 is varied by reducing the front parcel line setback from 7.5 metres to 4.5 metres;
 - A post-construction survey confirming compliance with the approved variance.
5. The land described herein shall be developed in substantial compliance with the terms and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedule(s) is/are attached:

Schedule A – Site Plan

This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Land Use Services Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. XXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE X DAY OF MONTH, 2018.

Ross Blackwell, MCIP, RPP, General Manager
Land Use Services Department

NOTE: Subject to the terms of this Permit, if the holder of this Permit does not substantially start any construction within 2 years of its issuance, this Permit will lapse.

I HEREBY CERTIFY that I have read the terms and requirements of the Development Permit contained herein. I understand and agree that the Cowichan Valley Regional District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) DAMIEN NEUFIELD AND LAURA PIETERSON, other than those contained in this Permit.

Owner/Agent (signature)

Witness (signature)

Print Name

Print Name

Date

Date

DRAFT

BACKGROUND

<u>Location of Subject Property:</u>	10844 Olsen Road (PID: 003-346-633)
<u>Legal Description:</u>	Lot 17, District Lot 12, Oyster District, Plan 22190
<u>Size of Parcel:</u>	1,097 m ² (0.27 acres)
<u>OCP Designation:</u>	General Residential (R)
<u>Development Permit Area (DPA):</u>	Stormwater Management DPA Riparian Areas Regulation DPA
<u>Zoning:</u>	General Residential (R-3)
<u>Use of Property:</u>	Residential
<u>Use of Surrounding Properties:</u>	North - Residential (R-3) East - Residential (R-3) South - Residential (R-3) West – Residential (R-3)
<u>Water:</u>	Community Water (Saltair Water System – CVRD)
<u>Sewage Disposal:</u>	Private On-Site Sewerage
<u>Drainage Service:</u>	Responsibility of owner
<u>Fire Protection:</u>	Saltair Volunteer Fire Department
<u>Agricultural Land Reserve:</u>	N/A
<u>Archaeological Sites:</u>	None identified

Site and Surrounding Area

The subject property is located on Olsen Road, approximately 55 metres north of Clifcoe Road. A two-storey single family dwelling occupies the site. Photos of the subject property are attached. The surrounding area consists of similar sized properties with similar dwelling types. The site and surrounding area is zoned R-3 (General Residential).

- **See Attachment A – Aerial Photo**
- **See Attachment B – Site Photos**
- **See Attachment C – Zoning Map**

APPLICATION SUMMARY

The applicant would like to build a new accessory building / workshop. The proposed workshop is 7.3 m x 4.8 m for a total floor area of 35 m² (376 ft²). The building will have a shed style roof with a maximum height of 4.3 m (14 ft). The applicant has requested a variance in order to locate the shed 1.0 metre from the rear parcel line.

- **See Attachment D – Site Plan and 3D Elevation**

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

Surrounding Property Owner Notification and Response:

A total of 20 letters were mailed-out or hand delivered as required pursuant to CVRD *Development Application and Procedures and Fees Bylaw No. 3275*. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. To date, 5 responses have been received.

- **See Attachment E – Public Submissions**

OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS

Saltair Official Community Plan No.2500

The subject property falls within the Saltair Official Community Plan No. 2500 and is located within the General Residential (R) designation, as well as the Riparian Area Regulations Development Permit Area (DPA,) and the Stormwater Management Development Permit Area (DPA). The proposed workshop is exempt from these DPA's. However, Policy 8.8 under the General Residential designation states – *Minor siting adjustments within the General Residential Designation may be permitted through a development variance permit in order to preserve trees, other significant natural features, views or sensitive areas.*

Saltair Zoning Bylaw No.2524

The subject property is zoned General Residential (R-3), which has a rear parcel line setback requirement of 4.5 metres. The applicant has requested to vary Section 5.4.4 (Setbacks) of Zoning Bylaw No. 2524 to reduce the rear parcel line setback for an accessory building from 4.5 metres to 1.0 metre. A rationale for the variance was submitted with the application and is attached.

- **See Attachment F – Applicant Rationale**

PLANNING ANALYSIS

The proposed workshop is 35 m² (376 ft²) and is proposed to be sited in the southwest corner of the lot. The workshop will have a shed-style roof; the low side of the building (west elevation) is approximately 3.0 metres in height; and the east elevation will have a maximum height of 4.2 metres.

The proposed site plan shows the new workshop 1.0 metre from the side parcel line (southern boundary) and 1.0 metre from the rear parcel line (western boundary). Along the southern boundary, the workshop meets the side parcel line setback as accessory buildings are permitted 1.0 metre from the side parcel line when located within the rear yard. However, along the western boundary a 4.5 metre rear parcel line setback is required. Therefore, the applicant has requested a variance to reduce the rear setback from 4.5 metres to 1.0 metre. As noted above, the applicant's rationale is attached.

To meet the setback requirements on the southwest side of the lot, the workshop would have to be moved closer to the existing dwelling leaving little to no separation between the buildings. The main dwelling has a sliding glass door that leads to a sunken patio with two tiers of retaining walls that make this a functional outdoor amenity space. If the proposed workshop met the zoning bylaw setback, this outdoor amenity space would be lost.

Other options for siting the workshop in zoning compliant locations include the middle of the backyard or along the north side of the lot. Clearly, the middle of the lot is not a common location for accessory buildings as it is not an efficient use of the backyard and would also result in part of the workshop being too close to the existing house. Finally, the workshop could be placed on the north side of the lot in a zoning compliant location. However, a septic field takes up most of the front yard so construction of the workshop and general access to it would be frustrated. In addition, this location would result in the workshop being in full view of the street. Visually, this location would not be in keeping with the character of the street. This location may also block the views of the abutting neighbour to the west, especially if the workshop was built to the maximum permitted height of 7.5 metres.

- **See Attachment G – Zoning Compliant Siting Plan**

In terms of amenity impacts to neighbours, the property with the greatest potential for impact would be 10843 Grandview Road. However, this property contains a dwelling with a setback of approximately 12 metres from the shared rear parcel line, therefore there is sufficient separation between the house and the proposed workshop. The houses at 10841 and 10851 Grandview Road are sited even further away, therefore there are no significant impacts associated with the

proposed variance. In addition, the applicant's have sited the workshop such that the shorter 3 metre wall is along the rear boundary, which helps reduce the building massing from the neighbour's side. Comments from abutting neighbours have been received and there is no objection to the proposed workshop subject to the height being limited to 4.2 metres. The condition is reasonable considering the zoning would allow significantly more height than what is currently proposed, therefore a condition has been included in the draft DVP limiting the height of the workshop to 4.2 metres.

The Planner considers the proposed variance reasonable due to a variety of factors. The existing septic field limits the use of the side and rear yards on the north side of the lot and having a workshop in this alternative location would not be keeping with the character of the street in the neighbourhood. Currently, along the north side of the lot the home has an aesthetically pleasing front and side yard. A highly visible workshop would have the potential for scrap wood and other materials and equipment to be left outdoors alongside the building, which would reduce the curb appeal of the existing house and overall character of the street/neighbourhood. This location may also impact views from the neighbour, and the OCP policy noted above supports some siting adjustments to preserve existing views. There is already a gravelled 4 metre access along the south side of the dwelling leading to the backyard where the workshop can be tucked away from the street. The zone permits 35% lot coverage and the home and proposed accessory building combined result in 15% lot coverage, which is well below the maximum permitted. Lastly, the proposed variance is not considered to negatively impact the adjacent properties due to the separation between the existing homes and the proposed workshop.

General Manager's Comments:

The CVRD has had a long-standing practice of generous consideration of variance requests, which can be criticized. This included a somewhat general review/ analysis of a proposed variance request. On one hand, this is certainly to the advantage of the applicant whose interest is vested in a Board approval. However, this lenient approach to variance requests also represents a disadvantage to a more rigorous Planning analysis that should, at the heart, rely, in part, on maintaining the integrity of the community's official community plan and the companion zoning bylaw. It can be argued that significant variances, by definition, conflict with these principal policy and regulatory documents. Accordingly, Planning staff will be updating its rationalized ("best practice") approach to establishing key criteria for and analysis of variance requests. The purpose is to ensure greater consistency, validity and technical rigor to ensure appropriate alignment with OCPs and zoning bylaws that the community relies on for reasons of surety.

Option 1 is recommended.

- **See Attachment H – Draft DVP**

OPTIONS

1. That it be recommended to the Board that Application No. 02-G-17DVP (10844 Olsen Road) to vary Section 5.4.4 of Zoning Bylaw No. 2524 to reduce the rear parcel line setback for an accessory building from 4.5 metres to 1.0 metre, be approved.
2. That it be recommended to the Board that Application No. 02-G-17DVP (10844 Olsen Road) to vary Section 5.4.4 of Zoning Bylaw No. 2524 to reduce the rear parcel line setback for an accessory building from 4.5 metres to 1.0 metre, be denied.

Prepared by:

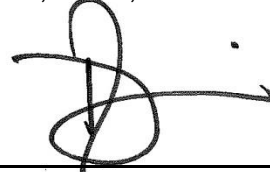


Sheila Herrera, MCIP, RPP
Planner II

Reviewed by:



Mike Tippett, MCIP, RPP
Manager



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

ATTACHMENTS:

- Attachment A – Aerial Photo
- Attachment B – Site Photos
- Attachment C – Zoning Map
- Attachment D – Site Plan and 3D Elevation
- Attachment E – Public Submissions
- Attachment F – Applicant Rationale
- Attachment G – Zoning Compliant Siting Plan
- Attachment H – Draft Development Variance Permit









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.

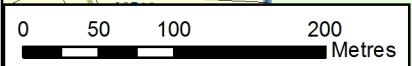
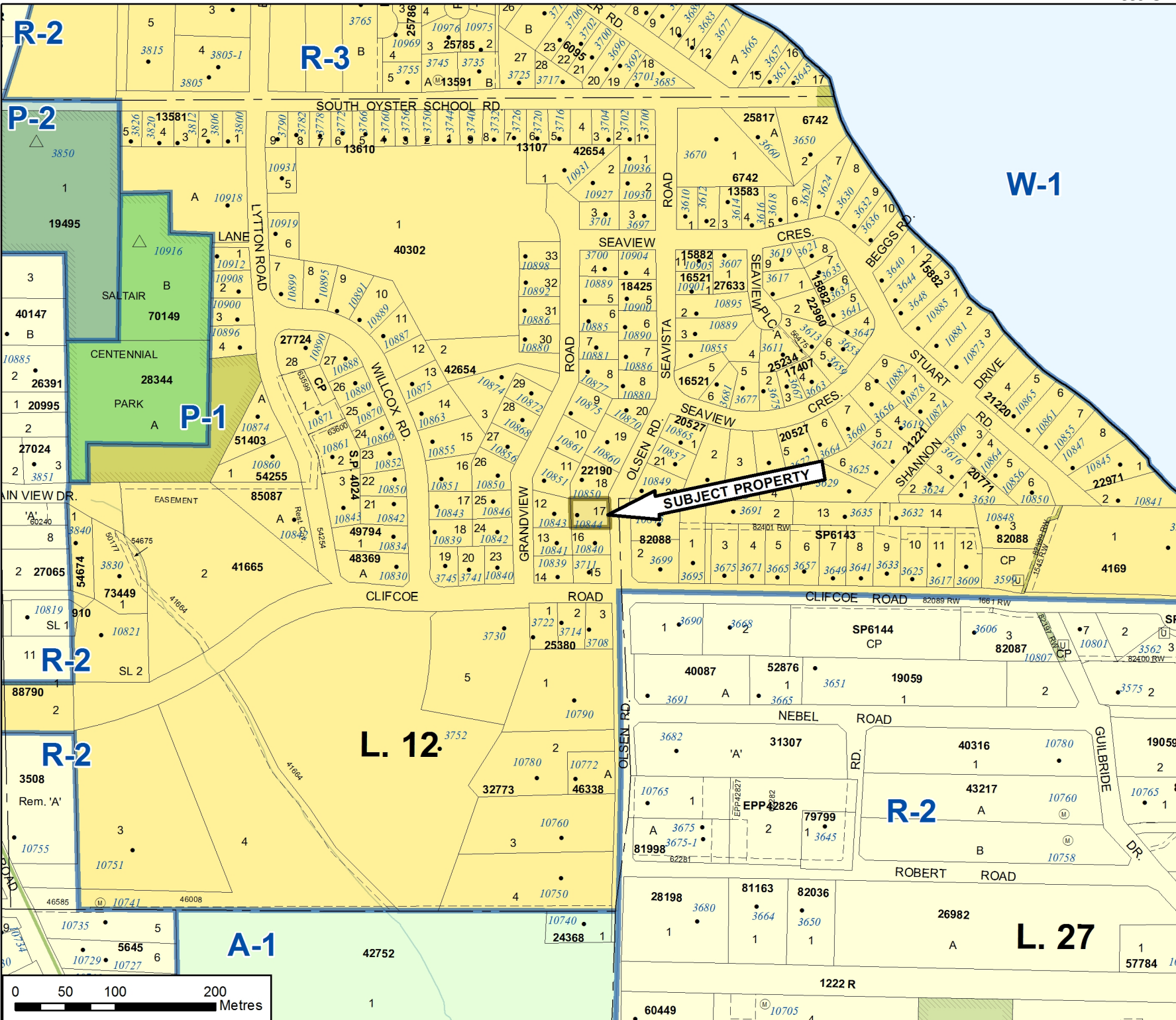
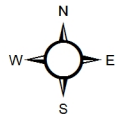
File: 02-G-17DVP

ZONING

Legend

Subject Property

Zoning G



**SITE PLAN OF
LOT 17, DISTRICT LOT 12,
OYSTER DISTRICT, PLAN 22190.**

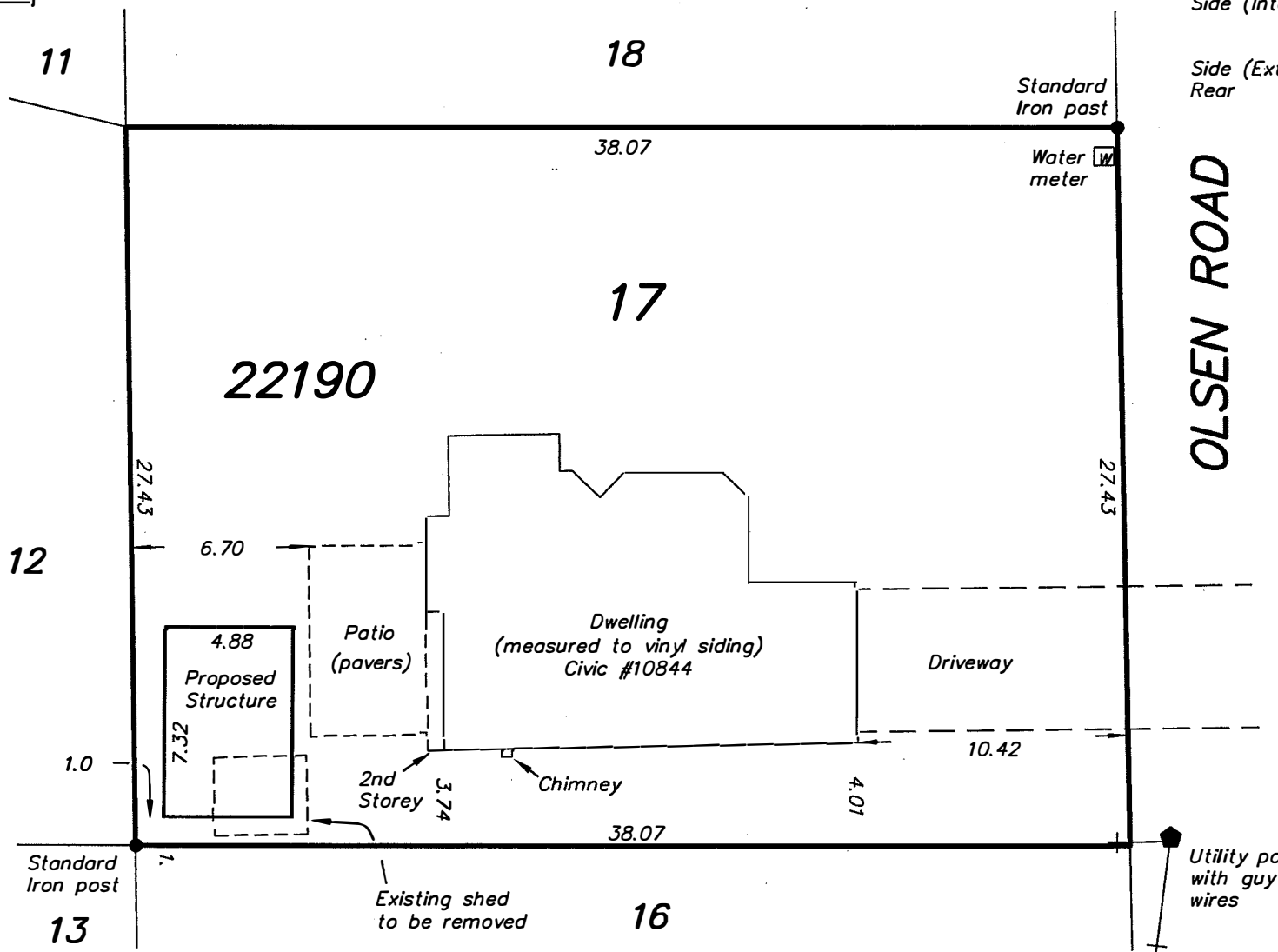
Scale 1: 250



All distances are in metres.



PLAN

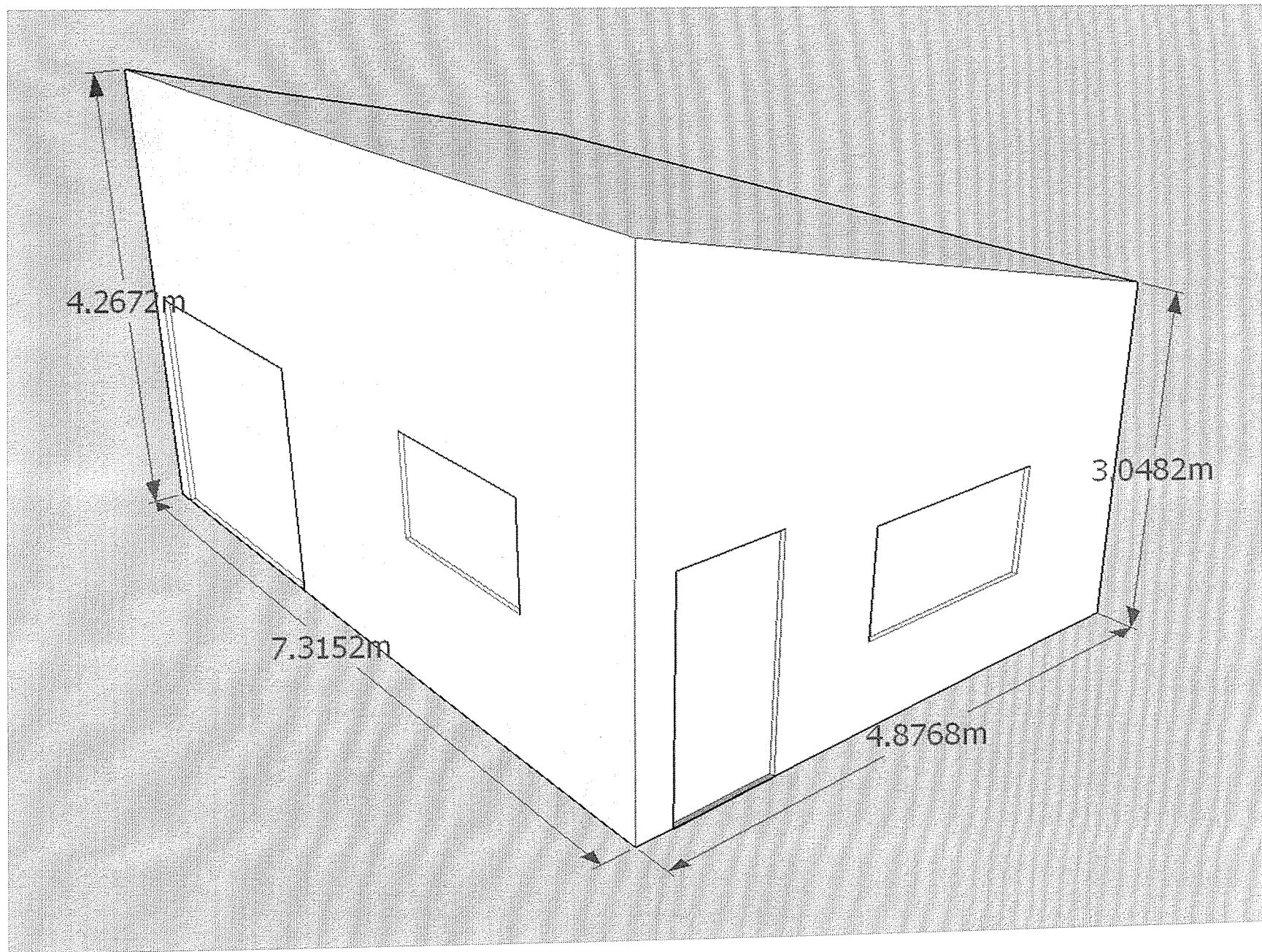


Note: Lot 17 lies within the C.V.R.D. Area G and is Zoned R-3.
Bylaw setback requirements are as follows:
Residential Use:

Front	7.5 m
Side (Interior)	3.0 m or 10% of the parcel width
Side (Exterior)	4.5 m
Rear	4.5 m
Accessory Residential Use:	
Front	7.5 m
Side (Interior)	3.0 m or 10% of the parcel width or 1.0m if in a rear yard
Side (Exterior)	4.5 m
Rear	4.5 m

OLSEN ROAD

KENYON WILSON
PROFESSIONAL LAND SURVEYORS
221 CORONATION AVENUE
DUNCAN, B.C. V9L 2T1 (250)746-4745
FILE: 17-7988.dwg Date: March 16, 2017



Sheila Herrera

From: Planning and Development
Sent: February-06-18 2:27 PM
To: Sheila Herrera
Subject: FW: Development Variance Permit: 10844 Olsen Road, File No 02-G-17DVP

Colin Turner, Administrative Assistant
Land Use Services Department
Cowichan Valley Regional District
175 Ingram Street, Duncan, BC V9L 1N8
Email: ds@cvrd.bc.ca
Tel: 250.746.2620 Toll Free: 1.800.665.3955 Fax: 250.746.2621

From: Ian Paydli
Sent: February-06-18 2:26 PM
To: Planning and Development <ds@cvrd.bc.ca>
Cc: Danielle Paydli
Subject: Development Variance Permit: 10844 Olsen Road, File No 02-G-17DVP

Attention: Sheila Herrera, Development Services Division, Land Use Services Department, CVRD

Re: Development Variance Permit - 10844 Olsen Road

My wife and I recently relocated to Vancouver Island and purchased our house located at 10841 Grandview Road, which is identified on your Attachment A as #13. Coming from Saskatchewan we are, on a daily basis, in awe of the panoramic ocean and mountain views that we have been able to enjoy in our new residence. In fact, these views are the primary reason why we chose our property and we likely paid a premium to obtain it. Secondly, we selected this property because it provides a feeling of spaciousness as opposed to a sense of confinement to which we had left behind in downtown Saskatoon.

Currently, secondary buildings (garages, sheds, etc.) on adjacent properties are limited in height and size and, as such, do not impact our view or sense of spaciousness. The current rear parcel setback of 4.5 metres is important to the neighborhood as it ensures that various structures do not impose a sense of confinement to those in adjacent lots.

We have no concerns about the footprint and location of the proposed secondary building as per information circulated. However the information circulated by the CVRD does not provide height information for the project, except to advise that the bylaw limits height to 7.5 metres. A building of that height with only a 1 metre setback would not be acceptable in our view. The applicants have provided supplementary information to the neighbourhood stating that the building will be limited to 14 feet (4.2 metres) high. This proposed height would not be a concern from our perspective.

Having said, we do not object to the setback variance request pending that the height of the structure is limited to a maximum of 4.2 metres as proposed by L. Cunningham and A. Simmond.

Respectfully,

Ian Paydli
10841 Grandview Road.
Ladysmith, BC. V9G 1Z7

Sheila Herrera

From: Planning and Development
Sent: February-06-18 10:39 AM
To: Sheila Herrera
Subject: FW: Development Variance Permit - 10844 Olsen Road File No 02-G-17DVP

Colin Turner, Administrative Assistant
Land Use Services Department
Cowichan Valley Regional District
175 Ingram Street, Duncan, BC V9L 1N8
Email: ds@cvrd.bc.ca
Tel: 250.746.2620 Toll Free: 1.800.665.3955 Fax: 250.746.2621

From: Jim Phillips
Sent: February-06-18 10:11 AM
To: Planning and Development <ds@cvrd.bc.ca>
Cc: Sharon Phillips
Subject: Development Variance Permit - 10844 Olsen Road File No 02-G-17DVP

Attention: Sheila Herrera, Development Services Division, Land Use Services Dep't, CVRD

Re: Development Variance Permit - [10844 Olsen Road](#)

We are the owners and residents of [10839 Grandview Road](#), which is identified on your Attachment A as #14.

The current rear parcel setback of 4.5 metres helps create a building buffer between houses, and this setback is generally important in the neighbourhood.

We have no concerns about the footprint and location of the proposed secondary building as per information circulated. However the information circulated by the CVRD does not provide height information for the project, except to advise that the bylaw limits height to 7.5 metres. A building of that height with only a 1 metre setback would not be acceptable in our view. The applicants have provided supplementary information to the neighbourhood stating that the building will be one storey 14 feet (4.2 metres) high. This proposed height would not be a concern from our perspective.

Therefore we would not object to the change in setback if the height of the building is limited as a condition of the setback variance to a maximum of 4.2 metres as proposed by L Cunningham and A Simmonds.

Kind regards,
James & Sharon Phillips
10839 Grandview Road
Ladysmith, B.C. V9G1Z7

Sheila Herrera

From: Planning and Development
Sent: February-06-18 9:22 AM
To: Sheila Herrera
Subject: FW: File No. 02-G-17DVP

Colin Turner, Administrative Assistant
Land Use Services Department
Cowichan Valley Regional District
175 Ingram Street, Duncan, BC V9L 1N8
Email: ds@cvrd.bc.ca
Tel: 250.746.2620 Toll Free: 1.800.665.3955 Fax: 250.746.2621

From: Niels Weise
Sent: February-06-18 8:57 AM
To: Planning and Development <ds@cvrd.bc.ca>
Subject: Fwd: File No. 02-G-17DVP

Attention Sheila Herrera,

My name is Niels Weise and my wife is Linda Sheffield and we live at 10843 Grandview Rd. We write to you concerning the above mentioned file number. We are currently at our US home and have not received the package concerning the variance request coming from the below mentioned property.

However we are in agreement with our other neighbors that the location and size of the shed is acceptable to my wife and I with the condition that the building be NO larger than the drawing and be limited in height to ONE story or 4.2 METRES.

Hopefully this response is acceptable to the district.

Sent from Niels iPad

Begin forwarded message:

Sheila Herrera

From: Planning and Development
Sent: February-06-18 8:27 AM
To: Sheila Herrera
Subject: FW: File No. 02-G-17DVP

From: ken youds - jan therrien
Sent: February-06-18 7:13 AM
To: Planning and Development <ds@cvrd.bc.ca>
Cc:
Subject: File No. 02-G-17DVP

Attention: Sheila Herrera, Development Services Division, Land Use Services Dep't, CVRD

Re: Development Variance Permit - 10844 Olsen Road

We are the owners and residents of 10851 Grandview Road, which is identified on your Attachment A as #11.

A key reason we purchased our home here in 2016 was the sense of spaciousness between the houses. Secondary buildings (sheds, garages) on adjacent properties are low profile and therefore do not affect the apparent (visual) density of large structures.

The current rear parcel setback of 4.5 metres helps create a building buffer between houses, and therefore this setback is important in the neighbourhood.

We have no concerns about the footprint and location of the proposed secondary building as per information circulated. However the information circulated by the CVRD does not provide height information for the project, except to advise that the bylaw limits height to 7.5 metres. A building of that height with only a 1 metre setback would NOT be acceptable in our view.

Subsequent to receipt of the CVRD information about the application, the applicants have provided supplementary information to the neighbourhood stating that the building will be one storey 14 feet (4.2 metres) high. This proposed height would not be a concern from our perspective.

Therefore we would not object to the change in setback **if the height of the building is limited as a condition of the setback variance to a maximum of 4.2 metres**, as proposed by the applicants.

Ken Youds & Jan Therrien
10851 Grandview Rd.
Ladysmith BC
V9G 1Z7

Sheila Herrera

From: Planning and Development
Sent: February-09-18 1:14 PM
To: Sheila Herrera; Rob Conway
Subject: FW: File# 02-G-17DVP

Colin Turner, Administrative Assistant
Land Use Services Department
Cowichan Valley Regional District
175 Ingram Street, Duncan, BC V9L 1N8
Email: ds@cvrd.bc.ca
Tel: 250.746.2620 Toll Free: 1.800.665.3955 Fax: 250.746.2621

From: PETER MACCALLUM [mailto:pmfoto@shaw.ca]
Sent: February-09-18 12:29 PM
To: Planning and Development <ds@cvrd.bc.ca>
Subject: File# 02-G-17DVP

Attention: Sheila Herrera, Development Services Division, Land Use Services Dep't, CVRD

Re: Development Variance Permit - 10844 Olsen Road

Dear Sheila Herrera,

We own lot 24 as identified on your map. While not directly affected by any proposed buildings on lot 17 we would like to address the issue of set-backs in general.

With the assumption that the existing set-back regulations are in place to preserve the open feel of the area we are of the opinion that a variance should not be granted for this property.

If the property in question was lower than the adjacent properties the effect on sight lines of the proposed structure would be minimal. Since the shared property lines are level, allowing a new structure to be built so close to the property line would have a negative impact on the neighboring lots. Allowing such a variance is not a trend we would like to see in this neighborhood.

Yours truly,
Peter and Irene MacCallum
10842 Grandview Road
Saltair.

DATE: January 30, 2018

TO: Sheila Herrera
Development Services Division
Land Use Services Department
Cowichan Valley Regional District

FROM: Arthur Simmonds

RE: 02-G-17DVP - 10844 Olsen Road

Rationale for Application for Variance

The variance is required in order to construct a workshop at the southwest corner of the property, at one metre from the side and one metre from the rear. A 10' x 12' shed currently occupies the space.

In order to comply with the bylaw, the workshop would have to be situated in the centre-rear of the property. However, a large, mature plum tree, palm tree, fish pond and other shrubs would have to be removed to accommodate the workshop.

A driveway follows the south edge of the property providing access from the street to the shed and proposed workshop. A septic system located on the north side of the property prohibits location of a driveway on that side.

A precedent for this application exists on the property immediately to the north, at 10850 Olsen Road, where a two-car garage is located at less than one metre from the southwest corner of the lot.

Thank you for your consideration.

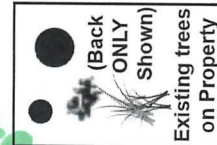
Arthur Simmonds

**SITE PLAN OF
LOT 17, DISTRICT LOT 12,
OYSTER DISTRICT, PLAN 22190.**

Scale 1: 250

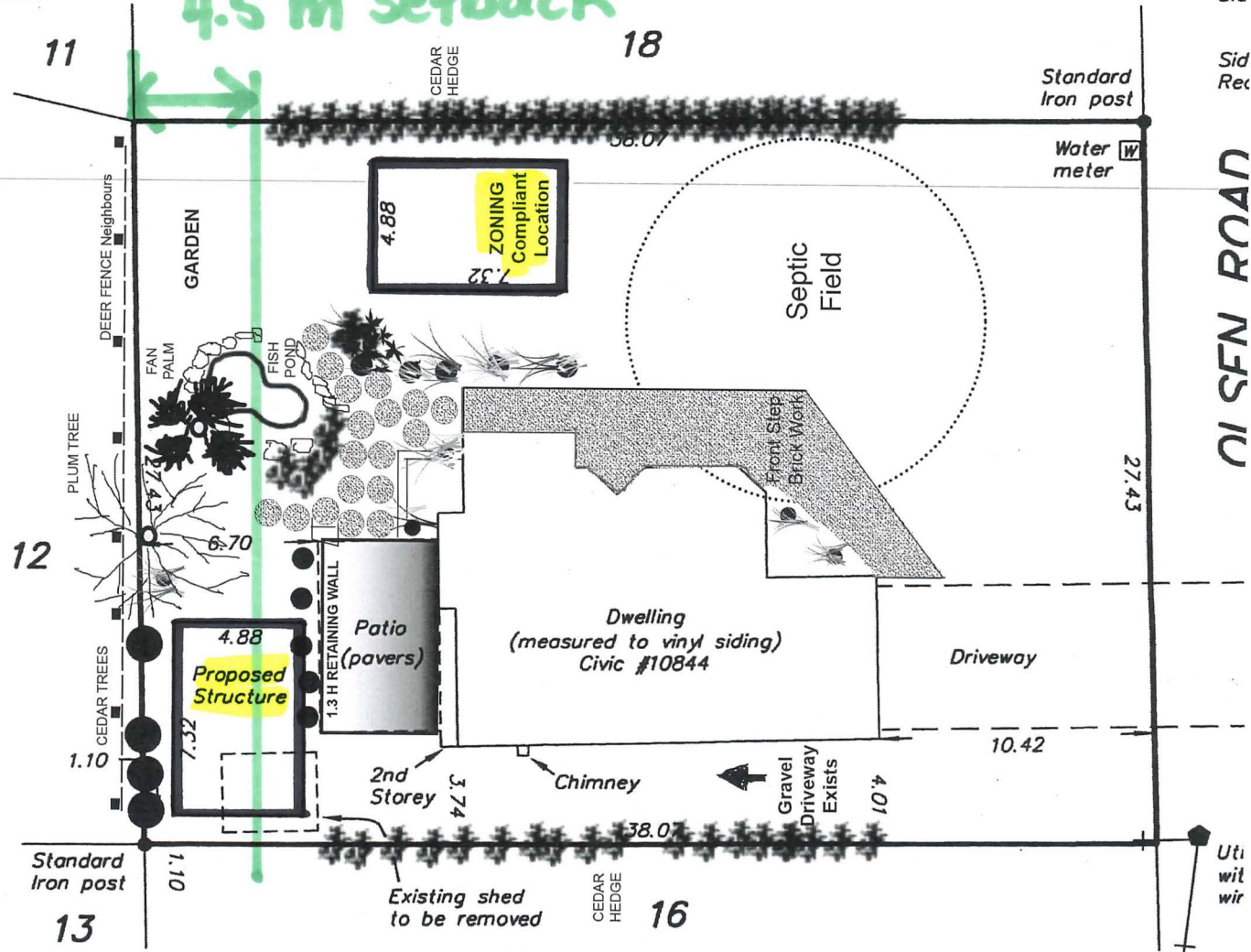


All distances are in metres.



Approximate
4.5 m setback

PLAN



KENYON WILSON
PROFESSIONAL LAND SURVEYORS
221 CORONATION AVENUE
DUNCAN, B.C. V9L 2T1 (250)746-4745
FILE: 17-7988.dwg Date: March 16, 2017

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COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

FILE NO: 02-G-17DVP

DATE: _____

REGISTERED PROPERTY OWNER(S):

JAMES DAVID ARTHUR SIMMONDS &
LYNN MARIE CUNNINGHAM

1. This Development Variance Permit is issued and is subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.

2. This Development Variance Permit applies to and only to those lands within the Regional District described below:

*LOT 17, DISTRICT LOT 12, OYSTER DISTRICT, PLAN 22190
(PID: 003-346-633)*

3. Authorization is hereby given for the **construction of a residential accessory building** in accordance with the following requirements:

- **Development shall occur in accordance with the attached Schedules;**
- **The rear parcel line setback in Section 5.4.4 of Zoning Bylaw No. 2524 is varied from 4.5 metres to 1.0 metre for an accessory building.**
- **The height of the accessory building shall be limited to a maximum of 4.2 metres.**

4. **The following plans and specifications are attached to and form a part of this permit.**

- **Schedule A – Location Plan**
- **Schedule B – Site Plan**

5. The land described herein shall be developed in substantial compliance with the terms and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.

6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Land Use Services Department.

AUTHORIZING RESOLUTION XXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE XX DAY OF MONTH, 20XX.

Subject to the terms of this Permit, if the holder of this Permit does not substantially start any construction within 2 years of its issuance, this Permit will lapse.

I HEREBY CERTIFY that I have read the terms of the Development Variance Permit contained herein. I understand and agree that the Cowichan Valley Regional District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with JAMES DAVID ARTHUR SIMMONDS & LYNN MARIE CUNNINGHAM (owners) other than those contained in this Permit.

Owner/Agent (signature)

Witness (signature)

Print Name

Print Name

Date

Date

DRAFT



STAFF REPORT TO COMMITTEE

DATE OF REPORT March 22, 2018
MEETING TYPE & DATE Electoral Area Services Committee Meeting of April 4, 2018
FROM: Development Services Division
Land Use Services Department
SUBJECT: Development Permit Application No. 08-C-17DP (920 Chapman Road)
FILE: 08-C-17DP

PURPOSE/INTRODUCTION

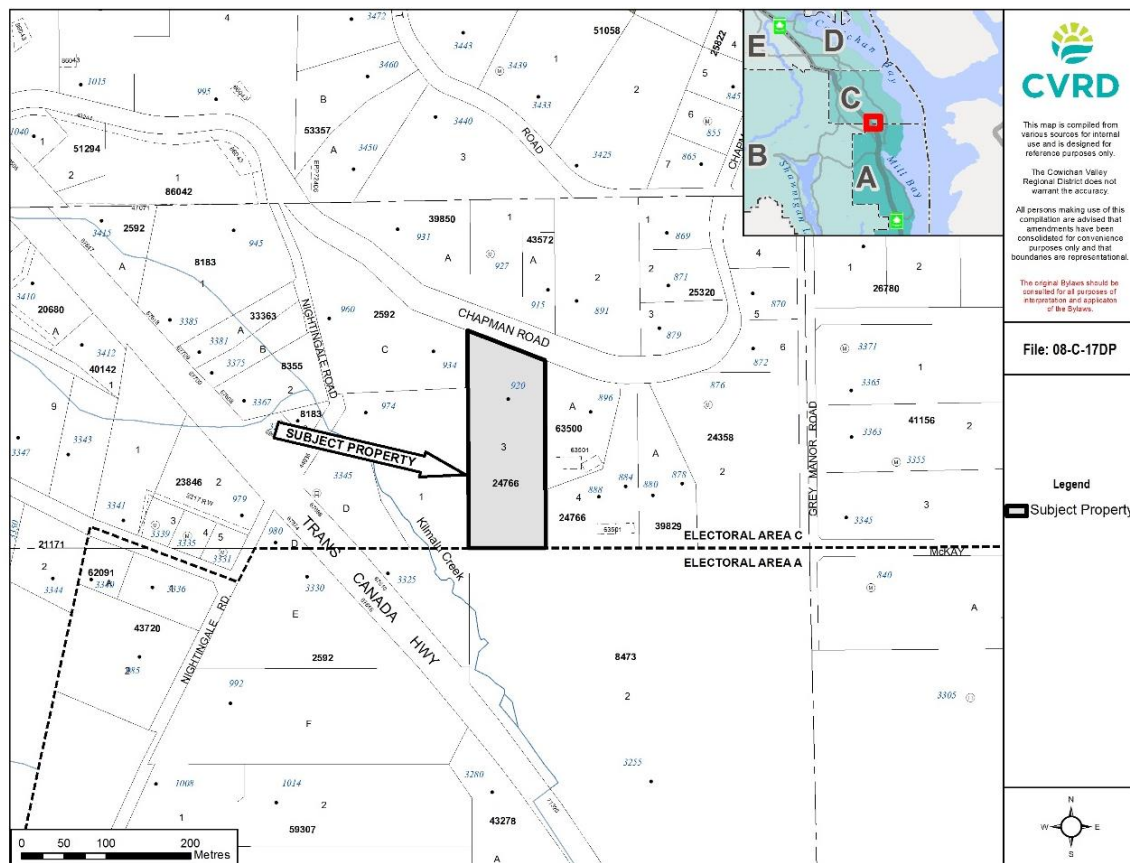
The purpose of this report is to present a Development Permit Application for a two lot subdivision at 920 Chapman Road.

RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That Development Permit Application No. 08-C-17DP (920 Chapman Road) 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 the development permit guidelines of Official Community Plan Bylaw No.3510.

LOCATION MAP



BACKGROUND

<u>Address:</u>	920 Chapman Road
<u>Legal Description:</u>	Lot 3, Section 10, Range 8, Shawnigan District, Plan 24766 (PID: 002-820-633)
<u>Applicant / Owners:</u>	Marrienne and Chad Levesque Janet and Robert Lyon
<u>Size of Existing Parcel:</u>	2.26 ha (5.58 acres)
<u>Existing Use of Property:</u>	Residential
<u>Use of Surrounding Properties:</u>	<u>North:</u> Residential <u>East:</u> Residential <u>South:</u> Residential <u>West:</u> Residential
<u>Existing Water:</u>	On-site well
<u>Existing Sewage Disposal:</u>	On-site septic system
<u>Existing Drainage:</u>	Groundwater infiltration
<u>Fire Protection:</u>	Mill Bay Volunteer Fire Department
<u>Archaeological Site:</u>	None identified
<u>Environmentally Sensitive Areas:</u>	None identified
<u>Wildfire Hazard Rating:</u>	High
<u>Official Community Plan Designation:</u>	Rural Residential (RR)
<u>Zoning:</u>	Rural Residential 3 Zone (RR-3)
<u>Development Permit Area (DPA):</u>	South Cowichan Rural DPA

Site and Surrounding Properties

The subject property is located in Electoral Area C on the south side of Chapman Road. The subject property is 2.26 hectares (5.58 acres) in area. The lot is heavily treed, like much of the rural residential lots in the area. The existing parcel contains a single residential dwelling. There are no community water, sewer or drainage services for the area. The adjacent lot to the east has been subdivided in a similar manner as the proposed subdivision for the subject property.

- **See Attachment A – Aerial Photo**

APPLICATION SUMMARY

The applicant proposes to subdivide the property into two new lots using a panhandle configuration. The minimum parcel size requirement is 1 hectare, as there is no community water system available in the area. Each new lot will be 1.13 hectares. The existing dwelling and structures remaining on proposed Lot A meet the setback requirements of the zone. The proposed subdivision plan is attached.

- **See Attachment B – Proposed Subdivision Plan**

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

Advisory Planning Commission (APC)

The application is exempt from review by the area APC pursuant to Section 6 (d) of CVRD Development Application Procedures and Fees Bylaw No. 3275.

OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS

South Cowichan Rural Development Permit Area (DPA) - OCP Bylaw No. 3510

The subject property is located within the South Cowichan Rural Development Permit Area (DPA). Compliance with the applicable DPA guidelines is triggered for any proposed subdivision. A Development Permit (DP) must be issued prior to any subdivision being approved by the Ministry of Transportation and Infrastructure. The DPA guidelines that apply to the proposed subdivision include:

- 24.4.1A General Guidelines
- 24.4.6A Landscaping, Rainwater Management and Environmental Protection Guidelines
- 24.4.14A Subdivision Guidelines

- **See Attachment C – DPA Guidelines**

South Cowichan Zoning Bylaw No.3520

The subject property is zoned Rural Residential (RR-3) in the South Cowichan Zoning Bylaw. The minimum parcel size for the RR-3 Zone is 1.0 ha when not serviced by a community water system. The proposed subdivision meets the minimum lot size requirements.

PLANNING ANALYSIS

The proposed subdivision meets the Zoning Bylaw minimum lot size requirements for lots not connected to a community water system. In terms of the DPA, the proposed subdivision is considered to meet the intent of the applicable guidelines.

A significant number of trees were removed from the property last year in anticipation of a successful subdivision and to take advantage of solar access as the applicant intends to build to a 'passive house' standard, including use of solar panels. The challenge with solar access for a passive home is mainly access to the winter sun, when the sun is much lower on the horizon. The lot remains very private and surrounded by trees. On the proposed new lot a large wooded area was retained along the eastern boundary (approximately 10 metres in depth). Trees from the property will also be milled and used for siding and flooring for the new home. The applicant also intends to plant grass and have a small hobby farm.

A rainwater analysis was completed for the property after tree removal took place, the report is attached. The analysis concluded that drainage patterns will not be affected in the area and that the soils have the capacity to accept, infiltrate and retain rainwater deposited on the site. The soil storage capacity will be augmented by natural uptake of water by plants and trees. There is a small patch of blackberry on Lot A that will be removed and the applicant intends to retain all the remaining trees.

- **See Attachment D – Rainwater Analysis**

As the proposed subdivision meets the intent of the DPA guidelines, Staff recommends Option 1. A copy of the draft DP is attached.

- **See Attachment E – Draft Development Permit**

OPTIONS

Option 1:

That it be recommended to the Board:

1. That Development Permit Application No. 08-C-17DP (920 Chapman Road) 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 the development permit guidelines of Official Community Plan Bylaw No.3510.

Option 2:

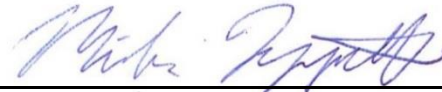
That it be recommended to the Board that Development Permit No. 08-C-17DP (920 Chapman Road) be denied based on stated inconsistency with specific guidelines.

Prepared by:

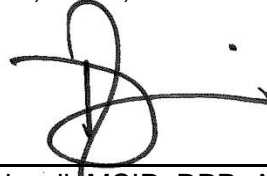


Sheila Herrera, MCIP, RPP
Planner II

Reviewed by:



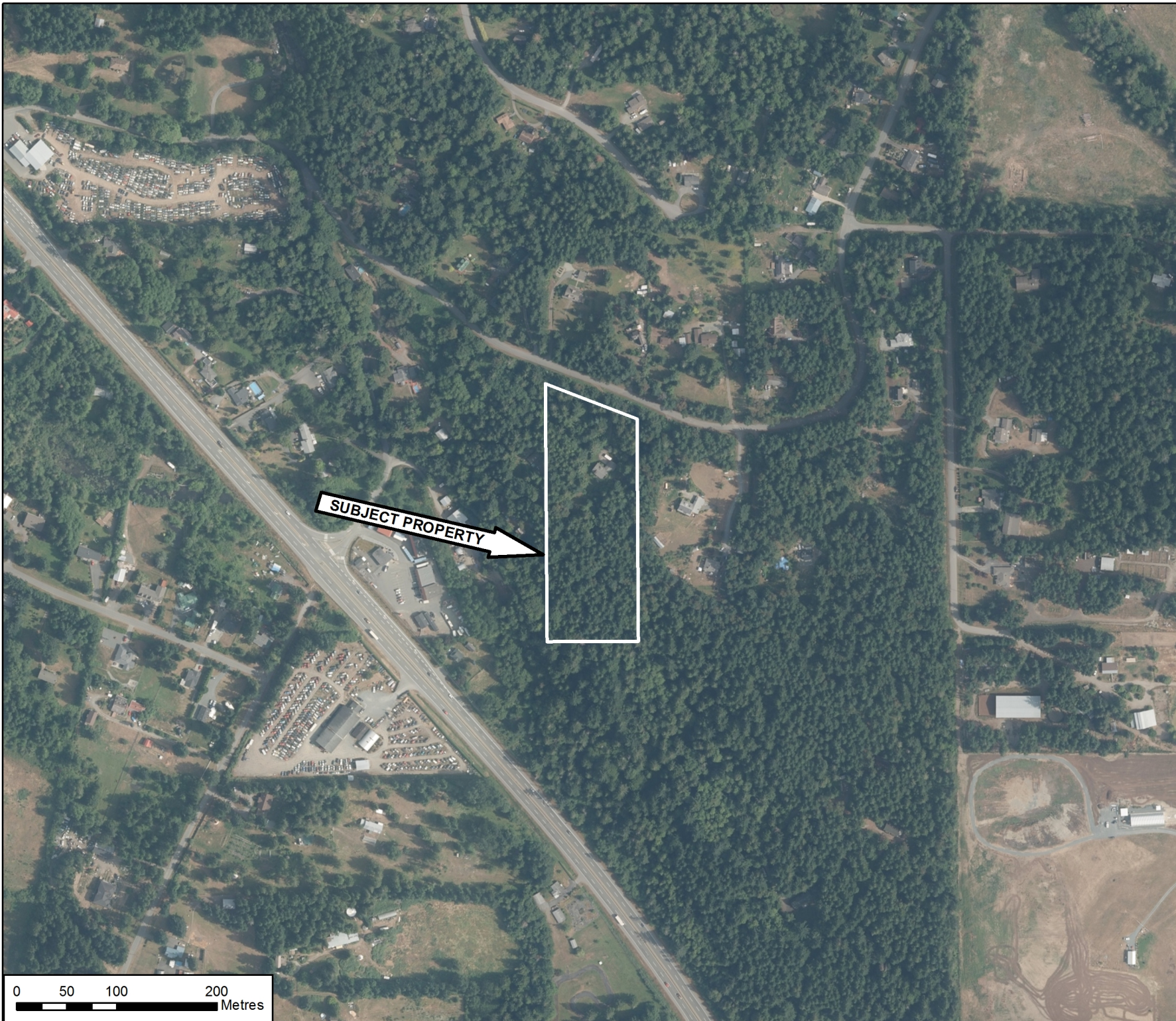
Mike Tippett, MCIP, RPP
Manager



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

ATTACHMENTS:

- Attachment A – Aerial Photo
- Attachment B – Proposed Subdivision Plan
- Attachment C – DPA Guidelines
- Attachment D – Rainwater Analysis
- Attachment E – Draft Development Permit



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

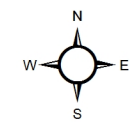
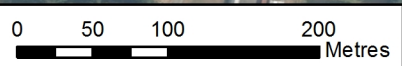
The Cowichan Valley Regional District does not warrant the accuracy.

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: 08-C-17DP

TRIM Orthophoto (2014)



PLAN EPP 2757
DRAFT

**SUBDIVISION PLAN OF
 LOT 3, SECTION 10, RANGE 8,
 SHAWNIGAN DISTRICT, PLAN 24766.**

BCGS 92B 063



The intended plot size of this plan is 560 mm in width by 432 mm in height (C Size) when plotted at a scale of 1:750.

LEGEND

- All distances are in metres.
- denotes standard iron post found.
- denotes standard iron post placed.
- ▲ denotes traverse hub found.
- △ denotes traverse hub placed.
- CSF denotes combined scale factor.
- EHPA denotes estimated horizontal positional accuracy.

NAD83 (CSRS) grid bearings are derived from differential carrier phase GNSS observations referred to the central meridian of UTM Zone 10 (123° West).

To obtain astronomic bearings referred to the meridian passing through traverse hub '290' subtract 0° 25' 54".

The UTM coordinates and estimated horizontal positional accuracy achieved are derived from differential carrier phase GNSS observations to Western Canadian Deformation Array Active Control Point Nanoose GCM # B16868 and Albert Head GCM # 534933.

This plan shows horizontal ground-level distances unless otherwise specified.

To compute grid distances, multiply ground-level distances by the average combined factor of 0.99961209. The average combined factor has been determined based on an ellipsoidal elevation of 62.0 metres.

Datum NAD83 (CSRS) 3.0.0.BC.1.NVI
 Albert Head GCM # 534933
 UTM (Grid) N 5 359 738.49
 E 463 912.89
 CSF 0.99961099

Traverse Hub '290'
 UTM (Grid) N 5 392 454.17
 E 457 706.95
 CSF 0.99961173
 EHPA 0.02

Traverse Hub '291'
 UTM (Grid) N 5 392 039.23
 E 458 078.36
 CSF 0.99961244
 EHPA 0.02

Rem 'C'
 PLAN 2592

PLAN 18709

R

CHAPMAN ROAD

10

PLAN VIP63500

8

Rem 4

PLAN 24766

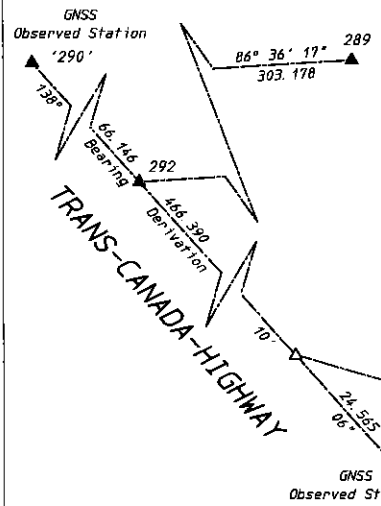
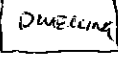
SECTION 10
 SECTION 9

Rem 'E'
 PLAN 2592

Rem 2 PLAN 8473

1.13 ha

1.13 ha



TRAVERSE TABLE			
289 to 211	149° 48' 30"	75.210	
211 to 1129	128° 01' 57"	161.894	
1129 to 1105	116° 29' 05"	91.580	

KENYON WILSON
 PROFESSIONAL LAND SURVEYORS
 221 CORONATION AVE.
 DUNCAN, B.C. V9L 2T1 (250) 746-4745
 FILE 17-8012.MN2

This plan lies within the jurisdiction of the Approving Officer for The Ministry of Transportation and Infrastructure Ministry File # 2016-06426 (eDas)

This Plan lies within The Cowichan Valley Regional District.
 The field survey represented by this plan was completed on the 17th day of November, 2017.
 Allen L. Cox BCLS #778

24.4 Rural Development Permit Area: GUIDELINES and EXEMPTIONS

Prior to commencing any development, including subdivision, construction or land clearing, on lands within the South Cowichan Rural Development Permit Area, unless exempted below, the owner will submit information that demonstrates how the proposed development meets the guidelines in the following Sections:

24.4.1A General Guidelines

1. In all cases where a development permit is required, the eradication of invasive weeds, such as English Ivy, Scotch Broom, Gorse, Himalayan Blackberry, Morning Glory and Purple Loosestrife, and other non-native invasive weeds listed by the Coastal Invasive Plant Committee and the BC Landscape and Nursery Association, will be a requirement of the development permit.
2. In all cases where a development permit is required, the best management practices within the Ministry of Environment *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia* will be encouraged.
3. Where the Regional District considers that construction would be on land that is subject to or is likely to be subject to flooding, mud flows, debris flows, debris torrent, erosion, landslide, rock falls, subsidence or avalanche, the applicant may be required to provide a report certified by a professional engineer with experience in geo-technical engineering indicating that the development will not result in property damage or the loss of life on the site or in the surrounding area.

24.4.1B General Guideline Exemptions

The General Guidelines do not apply to development that does not require a development permit under Sections 24.4.2 through 24.4.15.

24.4.6 A: Landscaping, Rainwater Management and Environmental Protection Guidelines

The Landscaping/Rainwater Management/Environmental Protection Guidelines apply to the subdivision of land, and to commercial, industrial, multiple family and intensive residential development and their accessory uses.



1. Preparation of a landscaping plan by a British Columbia Society of Landscape Architects (BCSLA) or BC Landscape and Nursery Association (BCNTA)-certified landscape architect is preferred. Any landscaping plan submitted with an application for a development permit, whether professionally prepared or not, will be assessed by the CVRD according to BCSLA/BCNTA guidelines.
2. All required landscaping plans should be integrated with a rainwater management plan, which should favour natural solutions to drainage such as rain gardens and bio-swales, and should contain measures to limit impervious surfaces. The rainwater management plan must be prepared by a professional engineer with experience in drainage and submitted with the application for any commercial, mixed use or multiple family residential development proposal.
3. Runoff from the development must be strictly limited to prevent rainwater flows from damaging roads, surrounding properties and sensitive watershed features. Pervious surfaces should predominate, to encourage infiltration of water. The removal of trees should only be allowed where necessary and where alternate vegetation and water retention measures can be achieved.
4. For subdivision, where appropriate, lands should remain in a natural state, with landscaping measures used to provide rainwater infiltration.
5. All public areas should be landscaped, including entrances, building peripheries, parking and pedestrian areas, and open space areas, in a way that is complementary to both the site and surrounding lands.
6. Streetscape design should incorporate treatments that enhance the pedestrian experience and create a sense of local identity. Public streetscape amenities including walkways, benches, planters, and bike racks should have a high quality of design.
7. The appearance of large buildings should be enhanced using plants, shrubs and trees, and where necessary, hard landscaping treatments such as terraced retaining walls,



planters, gardens, special features such as a courtyards or fountains, outdoor seating and decorative paving or lighting.

8. Developments should incorporate and emphasize native landscape materials, and use drought resistant plants to reduce irrigation needs.
9. Industrial and commercial development visible from the Trans Canada Highway or major network roads should be screened and landscaped, including entrances, building peripheries, parking and pedestrian areas, and open space areas. The landscaping should consist of a mix of coniferous and deciduous vegetation, with low plantings and taller tree species at intervals.
10. Sites should not be dominated by areas of bark mulch, gravel or other similar materials.
11. Walkways or trails must be developed to encourage walking and cycling and to connect the development with surrounding areas. Public ocean views and access are encouraged.
12. A landscape buffer should be provided on industrial lands that adjoin a parcel within a residential land use designation. For industrial parcels with a potential for noise, smell or sight impacts, the minimum width of the landscape buffer should be 20 metres.

24.4.6 B Landscaping, Rainwater Management and Environmental Protection Guideline Exemptions

The Landscaping, Rainwater Management, and Environmental Protection Guidelines do not apply to:

- a. single family residential subdivision if the subject property is located within a CVRD Drainage Control Area;
- b. Construction of single family dwellings.

24.4.14 A Subdivision Guidelines

The Subdivision Guidelines apply to the subdivision of land, regardless of the land designation.

1. A trail system should link neighbourhoods to amenities and, where possible, provide corridors of native vegetation that can provide for groundwater infiltration.
2. The removal of trees should only be allowed where necessary and where alternate vegetation and water retention measures can be achieved.
3. If a subdivision proposal is received in an area identified for major road network connection or improvement in the Transportation section of this OCP, any development permit issued should accommodate major road network and intersection improvements that have been identified.

24.4.14 B Subdivision Guideline Exemptions

The Subdivision Guidelines do not apply to proposed boundary adjustments between two or more parcels of land.



July 28, 2017

Mr. Rob Lyon
 2346 Rozon Rd.
 Mill Bay

Re: Rain Water Management Proposed Lots A&B Lot 3 Section 10 Range 8 Shawnigan District Pl.24766

The proposed lots as described above are able to retain 30mm per day application of precipitation with a retention time of six days. The lot has a gentle slope to the south, south west of between 4 and 6 percent grade with level areas. The property will remain partially treed with approximately a 30 percent coverage. The remainder of the lot area will be landscaped grass and garden bed or grassland for animal grazing.

The following calculation of infiltrative capacity of the lots assumes a maximum hard surface cover of .05 hectare (500m²).

Overall site infiltration capacity Proposed Lot A			
Area of site total	1.13	Ha	
Area of site drainage	1.13	Ha	
Area of site, impermeable cover	.05	Ha	Maximum parcel coverage
Area of site, permeable	1.08	Ha	
Depth of water over site	20	mm	Based on max rainfall data Env. Canada
Unsaturated soil depth	600	mm	Average
Soil depth allowed to saturate	200	mm	
Soil drainable porosity	0.340		From pedotransfer (Saxton and Rawls) for Loamy Sand
Soil storage capacity	51	mm	
Overall site capacity, allowing for impermeable area	110	mm	
Soil infiltration capacity	1000	mm/day	At Ksat x 0.5 (soil moderation factor). Ksat measured for site soils by JRSC Ltd.
Overall site capacity, allowing for impermeable area	1080	mm/day	
Volume of 30 mm over permeable area of lot	324	m ³	
Days to discharge required storage volume through soil	5		
Maximum water discharge through soil	0.9	L/per hour	

Proposed Lot A has sufficient natural soil capacity to retain 30mm (30L per square meter per day) water based on soil storage and discharge time. This does not take into consideration natural uptake of water by plants and trees within the landscape. Assuming a nominal uptake by flora of 20% the lot storage capacity is six days.

Overall site infiltration capacity Proposed Lot B			
Area of site total	1.13	Ha	
Area of site drainage	1.13	Ha	
Area of site, impermeable cover	.05	Ha	Maximum parcel coverage
Area of site, permeable	1.08	Ha	
Depth of water over site	20	mm	Based on max rainfall data Env. Canada
Unsaturated soil depth	600	mm	Average
Soil depth allowed to saturate	200	mm	
Soil drainable porosity	0.340		From pedotransfer (Saxton and Rawls) for Loamy Sand
Soil storage capacity	51	mm	
Overall site capacity, allowing for impermeable area	110	mm	
Soil infiltration capacity	1000	mm/day	At Ksat x 0.5 (soil moderation factor). Ksat measured for site soils by JRSC Ltd.
Overall site capacity, allowing for impermeable area	1080	mm/day	
Volume of 30 mm over permeable area of lot	324	m ³	
Days to discharge required storage volume through soil	5		
Maximum water discharge through soil	0.9	L/per hour	

Proposed Lot B has sufficient natural soil capacity to retain 30mm (30L per square meter per day) water based on soil storage and discharge time. This does not take into consideration natural uptake of water by plants and trees within the landscape. Assuming a nominal uptake by flora of 20% the lot storage capacity is six days.

Conclusion:

The creation of the two parcels will not affect current drainage patterns in the area. The soils on the sites have the capacity to accept, infiltrate and retain rainwater deposited on the site at a rate of 30mm per day or greater. The expected development of hard surfaces, driveway and homes sites will not create sufficient drainage impact on the sites water holding capacity or area drainage if limited to the expected .05 HA. Retained storage capacity will be augmented by natural uptake by plants and tree retained or planted on the sites.

Yours Truly



John Rowse B.A.A., C.P.H.I.(C), MA Env., R.O.W.P.



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMITFILE NO: 08-C-17DP

DATE: _____

REGISTERED PROPERTY OWNER(S):
MARRIANNE & CHAD LEVESQUE
JANET & ROBERT LYON

1. This Development Permit is issued and is subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below:

LOT 3, SECTION 10, RANGE 8, SHAWNIGAN DISTRICT, PLAN 24766
(PID: 002-820-633)

3. Authorization is hereby given for **the subdivision of the subject property** in accordance with the following requirements:
 - **Development shall occur in accordance with the attached Schedules; and**
 - **Removal of invasive plant species (Blackberry);**
4. The following plans and specifications are attached to and form a part of this permit.
 - Schedule A – Location Plan**
 - Schedule B – Proposed Subdivision Plan**
5. The land described herein shall be developed in substantial compliance with the terms and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. **This Permit is not final subdivision approval.** No certificate of final completion or recommendation of subdivision approval by the Cowichan Valley Regional District shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Land Use Services Department.
7. Subject to the terms of this Permit, if the holder of this Permit does not substantially start any construction within 2 years of its issuance, this Permit will lapse.

AUTHORIZING RESOLUTION **XXXX** PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE **XX** DAY OF **MONTH**, 201**X**.

I HEREBY CERTIFY that I have read the terms of the Development Permit contained herein. I understand and agree that the Cowichan Valley Regional District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with MARRIANNE & CHAD LEVESQUE and JANET & ROBERT LYON (owners) other than those contained in this Permit.

Owner/Agent (signature)

Witness (signature)

Print Name

Print Name

Date

Date

DRAFT



STAFF REPORT TO COMMITTEE

DATE OF REPORT March 22, 2018
MEETING TYPE & DATE Electoral Area Services Committee Meeting of April 4, 2018
FROM: Community Planning Division
Land Use Services Department
SUBJECT: Cowichan Valley Regional District Cannabis Bylaw Amendments
FILE: Zoning General

PURPOSE/INTRODUCTION

The purpose of this report is to present revisions to amendment bylaws for existing Zoning Bylaws, as directed by EASC and in preparation for the anticipated authorization of the cultivation, processing, and retail sale of medical and non-medical cannabis consistent with and in support of federal, provincial and other local government policies and regulations.

RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That 2nd reading of Zoning Amendment Bylaws Nos. 4118, 4119, 4120, 4121, 4122, 4123, 4124 and 4125, be rescinded.
2. That Zoning Amendment Bylaws Nos. 4118, 4119, 4120, 4121, 4122, 4123, 4124 and 4125 be amended in accordance with Attachments A through H and be forwarded to the Board for consideration of 2nd reading, as amended.
3. That Zoning Amendment Bylaws Nos. 4118, 4119, 4120, 4121, 4122, 4123, 4124 and 4125 be amended in accordance with Attachments A through H and not be referred to any external agencies.
4. That a public hearing for Zoning Amendment Bylaws Nos. 4118, 4119, 4120, 4121, 4122, 4123, 4124 and 4125, as amended per Attachments A through H, be held in the CVRD Boardroom with the Directors from Electoral Areas A, F, & H delegated to attend on behalf of the Board.

BACKGROUND

In December 2015, the Federal Government made a commitment to “*legalize, regulate, and restrict access*” to cannabis. On April 13, 2017, the Government of Canada introduced draft legislation to legalize, regulate and restrict access to cannabis. This legislation is expected to come into effect by July 2018. Cannabis is currently a controlled substance under the federal *Controlled Drugs and Substances Act (CDSA)*. The proposed federal legislation would:

- allow adults to possess up to 30 grams of legally-produced cannabis;
- allow adults to grow up to four cannabis plants per household;
- set the minimum age for purchase and use at 18 years of age, with the option for provinces to increase the age limit;
- enable a regulatory regime for the licensed production of cannabis, which would be controlled by the federal government;
- enable a regulatory regime for the distribution and sale of cannabis, which would be controlled by the provincial government; and
- establish new provisions to address drug-impaired driving (while also making several change to the overall legal framework to address alcohol impaired driving).

The Electoral Area Services Committee (EASC) received a staff report on March 15, 2017, regarding cannabis-related land use considerations, in anticipation of the above-note approach of the Government of Canada towards legalization and regulation. At that time, EASC provided direction that staff prepare a series of zoning amendment bylaws that would provide future flexibility in determining where cannabis related uses could be considered by communities through the zoning amendment application process. EASC subsequently received a staff report on June 7, 2017, providing draft zoning amendments which proceeded to 1st and 2nd reading. Since this time, the proposed regulatory framework has been adjusted by the Government of Canada, in consultation with industry stakeholders and other levels of government, which requires corresponding revisions to the previously drafted zoning bylaw amendments.

Local governments have begun to develop further insight into the likely regulatory approaches of federal and provincial governments and the recommended best practices for jurisdictions to adapt local policies and regulations to cannabis-related land use. The proposed zoning bylaw amendments contain provisions reflective of comparable local governments; consistent with the advice of the Local Government Management Association (LGMA) and the Union of British Columbia Municipalities (UBCM); and, in conjunction with CVRD legal counsel.

On March 7, 2018, EASC received a staff report outlining the purpose and intent of the recommended approach towards regulating cannabis-related land uses through the Zoning Bylaws. At that time, EASC referred Amendment Bylaw Nos. 4118 through 4125 back to staff with direction to prepare revisions to clarify that the Zoning Bylaw definition of ‘agriculture’ does not include “cannabis production (commercial – medical)”. The Zoning Bylaw amendments appended this report as Attachments A through H reflect the above direction of EASC.

ANALYSIS

The Government of Canada continues to indicate that non-medical cannabis will become legal around July 1, 2018. Local governments in BC have been advised by legal counsel that their communities should consider reviewing and updating zoning regulations to pre-empt land use changes that may result from future lawful non-medical cannabis related activities.

The generally recommended approach for local governments is to prepare zoning bylaw amendments that acknowledge the anticipated allowance by the Government of Canada of *cultivation* (ie. growing), *processing* (ie. research, manufacture and distribution), and *retail sale* activities associated with legal cannabis. The proposed Zoning Bylaw amendments are therefore intended to achieve the following:

1. establish zoning bylaw definitions for the types of land use(s) intended to be *regulated*;
2. identify types of land use(s) to be *prohibited* in the Regional District; and
3. identify locations for the types of land use(s) to be *permitted* in the Regional District.

The existing zoning bylaw requirements for medical marijuana, which were established in consideration of the Government of Canada *Marijuana for Medical Purposes Regulation*, are not applicable to the full range of potential cannabis related activities. As it stands, any land use zones that provide for “retail store” as a permitted use would, for example, be allowed to incorporate a cannabis retail outlet without any requirement to obtain a development permit or zoning amendment.

Staff is of the opinion that local communities would be well served to establish regulatory flexibility that would allow for and support future cannabis related land uses in a controlled manner. In short, the CVRD would clarify any distinctions that are required between existing land uses and similar cannabis related land uses, while prohibiting the new land uses until federal and provincial laws have come into full force and effect. For example, cannabis storefront retailing activities would be

distinguished from 'retail store' while cannabis production (commercial – commercial or non-medical) is distinguished from 'agriculture' activities.

The overall intent of the proposed bylaw amendments, at this time, is to preclude the occupation of existing zoned property by cannabis-related operations contrary to the vision of the Electoral Area communities. The proposed zoning bylaws would remain in effect until such time that the new federal and provincial management regimes are in place, at which time the Board could consider further amendments as each Electoral Area decides the level and types of cannabis related activities that are deemed to be appropriate to the community context.

Staff is of the opinion that the subject of this report is a local priority matter that does not require referral to any external agencies or partner municipalities.

The proposed Zoning Bylaws would contain many similar provisions intended to have the same effect – see Appendices A through H. As a result of the overall intent and scope of the amendments, it is recommended that a single public hearing be convened at the Board Room at 175 Ingram Street, Duncan, BC.

It is requested that the Committee consider the following Options:

Option 1 [Recommended]:

That it be recommended to the Board:

1. That 2nd reading of Zoning Amendment Bylaws Nos. 4118, 4119, 4120, 4121, 4122, 4123, 4124 and 4125, be rescinded.
2. That Zoning Amendment Bylaws Nos. 4118, 4119, 4120, 4121, 4122, 4123, 4124 and 4125 be amended in accordance with Attachments A through H and be forwarded to the Board for consideration of 2nd reading, as amended.
3. That Zoning Amendment Bylaws Nos. 4118, 4119, 4120, 4121, 4122, 4123, 4124 and 4125 be amended in accordance with Attachments A through H and not be referred to any external agencies.
4. That a public hearing for Zoning Amendment Bylaws Nos. 4118, 4119, 4120, 4121, 4122, 4123, 4124 and 4125, as amended per Attachments A through H, be held in the CVRD Boardroom with the Directors from Electoral Areas A, F, & H delegated to attend on behalf of the Board.

Option 2:

That it be recommended to the Board:

1. That 2nd reading of Zoning Amendment Bylaws Nos. 4118, 4119, 4120, 4121, 4122, 4123, 4124 and 4125, be rescinded.
2. That Zoning Amendment Bylaws Nos. 4118, 4119, 4120, 4121, 4122, 4123, 4124 and 4125 be forwarded to the Board for consideration of 2nd reading, as amended.
3. That Zoning Amendment Bylaws Nos. 4118, 4119, 4120, 4121, 4122, 4123, 4124 and 4125 (as amended) not be referred to any external agencies.
4. That a separate public hearing for Zoning Amendment Bylaws Nos. 4118, 4119, 4120, 4121, 4122, 4123, 4124 and 4125 be held in each community with the Directors of the affected Electoral Areas plus two others to be named at this time be delegated to attend on behalf of the Board.

Option 3:

That it be recommended to the Board:

1. That 2nd reading of Zoning Amendment Bylaws Nos. 4118, 4119, 4120, 4121, 4122, 4123, 4124 and 4125, be rescinded.
2. That Zoning Amendment Bylaws Nos. 4118, 4119, 4120, 4121, 4122, 4123, 4124 and 4125 be forwarded to the Board for consideration of 2nd reading, as amended.

3. That Zoning Amendment Bylaws Nos. 4118, 4119, 4120, 4121, 4122, 4123, 4124 and 4125 be referred to relevant external agencies, CVRD municipal partners, all local First Nations, and adjacent regional districts.
4. That a public hearing for Zoning Amendment Bylaws Nos. 4118, 4119, 4120, 4121, 4122, 4123, 4124 and 4125 be held in the CVRD Boardroom at least 45 days after referral notices are sent out for all these bylaws with the Directors for Electoral Areas A, F, & H delegated to attend on behalf of the Board.

FINANCIAL CONSIDERATIONS

N/A.

COMMUNICATION CONSIDERATIONS

Follow existing Corporate Policy and protocols.

STRATEGIC/BUSINESS PLAN CONSIDERATIONS

The proposed zoning amendment bylaw are consistent with the existing Official Community Plans which do not contemplate cannabis-related activities but support community development.

Referred to (upon completion):

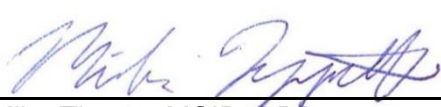
- Community Services (*Island Savings Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Public Safety, Facilities & Transit*)
- Corporate Services (*Finance, Human Resources, Legislative Services, Information Technology, Procurement*)
- Engineering Services (*Environmental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

Prepared by:

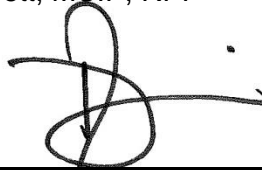


Keith Batstone, MCIP, RPP
Planner III

Reviewed by:



Mike Tippett, MCIP, RPP
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General Manager

ATTACHMENTS:

- Attachment A – Bylaw 4118 – Areas A & C: South Cowichan Zoning
- Attachment B – Bylaw 4119 – Area B: Shawnigan Lake Zoning
- Attachment C – Bylaw 4120 – Area D: Cowichan Bay (Uplands) Zoning
- Attachment D – Bylaw 4121 – Area E: Cowichan Station/Sahtlam/Glenora Zoning
- Attachment E – Bylaw 4122 – Area F: Cowichan Lake South/Skutz Falls Zoning
- Attachment F – Bylaw 4123 – Area G: Saltair/Gulf Islands Zoning
- Attachment G – Bylaw 4124 – Area H: North Oyster/Diamond Zoning
- Attachment H – Bylaw 4125 – Area I: Youbou/Meade Creek Zoning



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4118

A Bylaw for the Purpose of Amending South Cowichan Zoning Bylaw No. 3520 Applicable to Electoral Areas A – Mill Bay/Malahat and C – Cobble Hill

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

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Areas A and C, that being South Cowichan 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 "**Cowichan Valley Regional District Bylaw No. 4118 – South Cowichan Zoning Amendment Bylaw (Cannabis Regulations), 2018**".

2. AMENDMENTS

South Cowichan Zoning Bylaw No. 3520 is hereby amended in the following manner:

- a) Section 3.1 is amended by deleting the definition of agriculture and replacing it with the following:

"Agriculture" means growing, rearing, producing or harvesting agricultural crops or livestock and includes the processing on a parcel of the primary agricultural products harvested, reared or produced on that parcel and the use and storage of associated farm machinery, implements and agricultural supplies, but excludes cannabis production (commercial – medical), cannabis production (commercial – non-medical), and cannabis production (personal – home cultivation);

- b) Section 3.1 is further amended by adding the following definitions in alphabetical order:

"Cannabis" means cannabis as defined in the *Controlled Drugs and Substances Act* or any subsequent legislation or regulations which may be enacted in substitution and includes any products containing cannabis derivatives intended for human consumption;

“Cannabis Act” means the statute of the Government of Canada by that name, once in force, or any other statute of Canada which regulates the production and sale of cannabis for non-medical purposes;

“Cannabis-related business” means the carrying on of activity where:

- a. the primary purpose of the business is to advocate or promote the use of cannabis for medical purposes;
- b. Cannabis is sold or otherwise provided to persons for medical purposes;
- c. Cannabis is stored for the purpose of sale or distribution to persons for medical purposes;

“Cannabis consumption lounge” means the use of a building or structure for the service to customers of cannabis products, medical marijuana, equipment, paraphernalia, and related therapeutic services which are primarily intended to be consumed, used or otherwise provided on-site and includes the accessory sale of goods, wares, personal merchandise, articles, or things incidental to the provision of such service;

“Cannabis production (commercial – medical)” means the carrying on of any of the following activities in accordance with the Access to Cannabis for Medical Purposes Regulations:

- a. the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis;
- b. the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis;
- c. the storage and transshipping of materials, goods or products;
- d. the storage, distribution and sale of materials, goods and products derived from plants or parts of plants of the genus cannabis, to licenced retailers or individual customers;

“Cannabis production (commercial – non-medical)” means the carrying on of any of the following activities in accordance with the *Cannabis Act*, but excludes cannabis production (commercial - medical) and cannabis production (personal - home cultivation):

- a. the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis;
- b. the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis;
- c. the storage and transshipping of materials, goods or products;
- d. the storage, distribution and sale of materials, goods and products derived from plants or parts of plants of the genus cannabis, to licenced retailers or individual customers;

“Cannabis production (personal – home cultivation)” means the use of no more than 10% of the gross floor area of a residential dwelling or accessory structure and the carrying on of any of the following activities in accordance with the requirements of Access to Cannabis for Medical Purposes Regulations or the *Cannabis Act*:

- a.) the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis by an individual for their personal use or consumption, or for the personal use or consumption of another individual where authorized under Part 2 of the Access to Cannabis for Medical Purposes Regulations;
- b. the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis by an individual for personal use or consumption;
- c. the storage and transshipping of materials, goods or products;
- d. the storage of materials, goods and products derived from plants or parts of plants of the genus cannabis by an individual for personal use or consumption;

“Cannabis storefront retail” means the use of lands, buildings or structures for the marketing and sale of cannabis to the final consumer, who attends the premises, provided that the consumer product is stored and sold from within a building;

“Medical marijuana” means cannabis that is produced and consumed or used for a medical purpose in accordance with the requirements of the Access to Cannabis for Medical Purposes Regulations or any subsequent legislation or regulations which may be enacted in substitution;

- c) The following prohibited uses are added to Section 4.2.2:
 - k. cannabis-related business;
 - l. cannabis consumption lounge;
 - m. cannabis production (commercial - medical);
 - n. cannabis production (commercial - non-medical);
 - o. cannabis production (personal - home cultivation);
 - p. cannabis storefront retail;
- d) Section 4.23 is deleted and replaced by the following:

4.23 Commercial Cannabis Regulations

- 1. Where cannabis production (commercial – medical) or cannabis production (commercial – non-medical) is permitted in a zone, the use is subject to the following regulations:
 - a. the cannabis producer must be in possession of a valid license from the Government of Canada and be consistently operating in full conformity with all of the conditions of that license;
 - b. all buildings, structures or greenhouses used for that purpose shall be located not less than 30 metres from all parcel lines;
 - c. all parcels used for that purpose shall be located not less than 300 metres from a park, school, daycare, residential or rural residential zone, park zone, institutional zone, comprehensive zone or mixed use zone.
 - 2. Cannabis production (commercial – medical) is a permitted use on lands located in the ALR in accordance with the Province of British Columbia Agricultural Land Reserve Use, Subdivision and Procedure Regulation.
- e) Section 13.2.1 (I-1A Zone) is amended by adding the following as permitted uses, and relabeling all alphabetically subsequent permitted uses as appropriate:
 - e. cannabis-related business;
 - f. cannabis production (commercial - medical);
 - g. cannabis production (commercial – non-medical);
 - h. cannabis storefront retailing;
 - f) Section 13.3.1 (I-1B Zone) is amended by adding the following as permitted uses, and relabeling all alphabetically subsequent permitted uses as appropriate:
 - e. cannabis-related business;
 - f. cannabis production (commercial - medical);
 - g. cannabis production (commercial – non-medical);
 - h. cannabis storefront retailing;

3. FORCE AND EFFECT

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

READ A FIRST TIME this _____ day of _____, 2018.

READ A SECOND TIME this _____ day of _____, 2018.

READ A THIRD TIME this _____ day of _____, 2018.

ADOPTED this _____ day of _____, 2018.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4119

A Bylaw for the Purpose of Amending Electoral Area B Zoning Bylaw No. 985 Applicable to Electoral Area B – Shawnigan Lake

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

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area B – Shawnigan Lake, that being Electoral Area B Zoning Bylaw No. 985;

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 Electoral Area B Zoning Bylaw No. 985;

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 "**Cowichan Valley Regional District Bylaw No. 4119 – Electoral Area B – Shawnigan Lake Zoning Amendment Bylaw (Cannabis Regulations), 2018**".

2. AMENDMENTS

Electoral Area B Zoning Bylaw No. 985 is hereby amended in the following manner:

- a) Section 3.1 is amended by deleting the definition of agriculture and replacing it with the following:

"Agriculture" means growing, rearing, producing or harvesting agricultural crops or livestock and includes the processing on a parcel of the primary agricultural products harvested, reared or produced on that parcel and the use and storage of associated farm machinery, implements and agricultural supplies, but excludes cannabis production (commercial – medical), cannabis production (commercial – non-medical), and cannabis production (personal – home cultivation);

- b) Section 3.1 is further amended by adding the following definitions in alphabetical order:

"Cannabis" means cannabis as defined in the *Controlled Drugs and Substances Act* or any subsequent legislation or regulations which may be enacted in substitution and includes any products containing cannabis derivatives intended for human consumption;

“Cannabis Act” means the statute of the Government of Canada by that name, once in force, or any other statute of Canada which regulates the production and sale of cannabis for non-medical purposes;

“Cannabis-related business” means the carrying on of activity where:

- a) the primary purpose of the business is to advocate or promote the use of cannabis for medical purposes;
- b) Cannabis is sold or otherwise provided to persons for medical purposes;
- c) Cannabis is stored for the purpose of sale or distribution to persons for medical purposes;

“Cannabis consumption lounge” means the use of a building or structure for the service to customers of cannabis products, medical marijuana, equipment, paraphernalia, and related therapeutic services which are primarily intended to be consumed, used or otherwise provided on-site and includes the accessory sale of goods, wares, personal merchandise, articles, or things incidental to the provision of such service;

“Cannabis production (commercial – medical)” means the carrying on of any of the following activities in accordance with the requirements of the Access to Cannabis for Medical Purposes Regulations:

- a) the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis;
- b) the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis;
- c) the storage and transshipping of materials, goods or products;
- d) the storage, distribution and sale of materials, goods and products derived from plants or parts of plants of the genus cannabis, to licenced retailers or individual customers;

“Cannabis production (commercial – non-medical)” means the carrying on of any of the following activities in accordance with the requirements of the *Cannabis Act*, but excludes cannabis production (commercial - medical) and cannabis production (personal - home cultivation):

- a) the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis;
- b) the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis;
- c) the storage and transshipping of materials, goods or products;
- d) the storage, distribution and sale of materials, goods and products derived from plants or parts of plants of the genus cannabis, to licenced retailers or individual customers;

“Cannabis production (personal – home cultivation)” means the use of no more than 10% of the gross floor area of a residential dwelling or accessory structure and the carrying on of any of the following activities in accordance with the requirements of the Access to Cannabis for Medical Purposes Regulations or the *Cannabis Act*.

- a) the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis by an individual their personal use or consumption, or for the personal use or consumption of another individual where authorized under Part 2 of the Access to Cannabis for Medical Purposes Regulations;
- b) the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis by an individual for personal use or consumption;
- c) the storage and transshipping of materials, goods or products;
- d) the storage of materials, goods and products derived from plants or parts of plants of the genus cannabis by an individual for personal use or consumption;

“Cannabis storefront retail” means the use of lands, buildings or structures for the marketing and sale of cannabis to the final consumer, who attends the premises, provided that the consumer product is stored and sold from within a building;

“Medical marijuana” means cannabis that is produced and consumed or used for a medical purpose in accordance with the requirements of the Access to Cannabis for Medical Purposes Regulations or any subsequent legislation or regulations which may be enacted in substitution;

- c) The following is added after Section 4.6:

The following uses are prohibited in all zones under this Bylaw, unless expressly permitted elsewhere in this Bylaw:

- a) cannabis-related business;
- b) cannabis consumption lounge;
- c) cannabis production (commercial – medical);
- d) cannabis production (commercial – non-medical);
- e) cannabis production (personal - home cultivation);
- f) cannabis storefront retail;

- d) Section 5.21 is deleted and replaced by the following:

5.21 Commercial Cannabis Regulations

(a) Where cannabis production (commercial – medical) or cannabis production (commercial – non-medical) is permitted in a zone, the use is subject to the following regulations:

- i. the cannabis producer must be in possession of a valid license from the Government of Canada and be consistently operating in full conformity with all of the conditions of that license;
- ii. all buildings, structures or greenhouses used for that purpose shall be located not less than 30 metres from all parcel lines;
- iii. all parcels used for that purpose shall be located not less than 300 metres from a park, school, daycare, residential or rural residential zone, park zone, institutional zone, comprehensive zone or mixed use zone.

(b) Cannabis production (commercial – medical) is a permitted use on lands located in the ALR in accordance with the Province of British Columbia Agricultural Land Reserve Use, Subdivision and Procedure Regulation.

- e) Section 11.2 (I-1A Zone) is amended by adding the following as permitted uses, and relabeling all alphabetically subsequent permitted uses as appropriate:

- 1) cannabis-related business;
- 2) cannabis production (commercial - medical);
- 3) cannabis production (commercial – non-medical);
- 4) cannabis storefront retailing;

- f) Section 11.4 (I-1C Zone) is amended by adding the following as permitted uses, and relabeling all alphabetically subsequent permitted uses as appropriate:

- 1) cannabis-related business;
- 2) cannabis production (commercial - medical);
- 3) cannabis production (commercial – non-medical);
- 4) cannabis storefront retailing;

- g) Section 11.8 (I-5 Zone) is amended by adding the following as permitted uses, and relabeling all alphabetically subsequent permitted uses as appropriate:
 - 1) cannabis-related business;
 - 2) cannabis production (commercial - medical);
 - 3) cannabis production (commercial – non-medical);
 - 4) cannabis storefront retailing;

3. FORCE AND EFFECT

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

READ A FIRST TIME this _____ day of _____, 2018.

READ A SECOND TIME this _____ day of _____, 2018.

READ A THIRD TIME this _____ day of _____, 2018.

ADOPTED this _____ day of _____, 2018.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4120

A Bylaw for the Purpose of Amending Electoral Area D Upland Zoning Bylaw No. 3705 Applicable to Electoral Area D – Cowichan Bay

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

AND WHEREAS the Regional District has adopted a zoning bylaw for non-marine areas of Electoral Area D – Cowichan Bay, that being Electoral Area D Zoning Bylaw No. 3705;

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. 3705;

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 "**Cowichan Valley Regional District Bylaw No. 4120 – Electoral Area D – Cowichan Bay Zoning Amendment Bylaw (Cannabis Regulations), 2018**".

2. AMENDMENTS

Electoral Area D Zoning Bylaw No. 3705 is hereby amended in the following manner:

- a) Section 1.4 is amended by deleting the definition of agriculture and replacing it with the following:

"Agriculture" means growing, rearing, producing or harvesting agricultural crops or livestock and includes the processing on a parcel of the primary agricultural products harvested, reared or produced on that parcel and the use and storage of associated farm machinery, implements and agricultural supplies, but excludes cannabis production (commercial – medical), cannabis production (commercial – non-medical), and cannabis production (personal – home cultivation);

- b) Section 1.4 is further amended by adding the following definitions in alphabetical order:

"Cannabis" means cannabis as defined in the *Controlled Drugs and Substances Act* or any subsequent legislation or regulations which may be enacted in substitution and includes any products containing cannabis derivatives intended for human consumption;

“Cannabis Act” means the statute of the Government of Canada by that name, once in force, or any other statute of Canada which regulates the production and sale of cannabis for non-medical purposes;

“Cannabis-related business” means the carrying on of activity where:

- a) the primary purpose of the business is to advocate or promote the use of cannabis for medical purposes;
- b) Cannabis is sold or otherwise provided to persons for medical purposes;
- c) Cannabis is stored for the purpose of sale or distribution to persons for medical purposes;

“Cannabis consumption lounge” means the use of a building or structure for the service to customers of cannabis products, medical marijuana, equipment, paraphernalia, and related therapeutic services which are primarily intended to be consumed, used or otherwise provided on-site and includes the accessory sale of goods, wares, personal merchandise, articles, or things incidental to the provision of such service;

“Cannabis production (commercial – medical)” means the carrying on of any of the following activities in accordance with the requirements of the Access to Cannabis for Medical Purposes Regulations:

- a) the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis;
- b) the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis;
- c) the storage and transshipping of materials, goods or products;
- d) the storage, distribution and sale of materials, goods and products derived from plants or parts of plants of the genus cannabis, to licenced retailers or individual customers;

“Cannabis production (commercial – non-medical)” means the carrying on of any of the following activities in accordance with the requirements of the *Cannabis Act*, but excludes cannabis production (commercial - medical) and cannabis production (personal - home cultivation):

- a) the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis;
- b) the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis;
- c) the storage and transshipping of materials, goods or products;
- d) the storage, distribution and sale of materials, goods and products derived from plants or parts of plants of the genus cannabis, to licenced retailers or individual customers;

“Cannabis production (personal – home cultivation)” means the use of no more than 10% of the gross floor area of a residential dwelling or accessory structure and the carrying on of any of the following activities in accordance with requirements of the Access to Cannabis for Medical Purposes Regulations or the *Cannabis Act*:

- a) the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis by an individual for their personal use or consumption, or for the personal use or consumption of another individual where authorized under Part 2 of the Access to Cannabis for Medical Purposes Regulations;
- b) the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis by an individual for personal use or consumption;
- c) the storage and transshipping of materials, goods or products;
- d) the storage of materials, goods and products derived from plants or parts of plants of the genus cannabis by an individual for personal use or consumption;

“Cannabis storefront retail” means the use of lands, buildings or structures for the marketing and sale of cannabis to the final consumer, who attends the premises, provided that the consumer product is stored and sold from within a building;

“Medical marijuana” means cannabis that is produced and consumed or used for a medical purpose in accordance with the requirements of the Access to Cannabis for Medical Purposes Regulations or any subsequent legislation or regulations which may be enacted in substitution;

- c) The following prohibited uses are added to Section 2.1.2 in alphabetical order, relabeling as required all other uses:
- (b) cannabis-related business;
 - (c) cannabis consumption lounge;
 - (d) cannabis production (commercial - medical);
 - (e) cannabis production (commercial - non-medical);
 - (f) cannabis production (personal - home cultivation);
 - (g) cannabis storefront retail;
- d) Section 2.1.20 is deleted and replaced by the following:

20. Commercial Cannabis Regulations

- (a) Where cannabis production (commercial – medical) or cannabis production (commercial – non-medical) is permitted in a zone, the use is subject to the following regulations:
- (a) the cannabis producer must be in possession of a valid license from the Government of Canada and be consistently operating in full conformity with all of the conditions of that license;
 - (b) all buildings, structures or greenhouses used for that purpose shall be located not less than 30 metres from all parcel lines;
 - (c) all parcels used for that purpose shall be located not less than 300 metres from a park, school, daycare, residential or rural residential zone, park zone, institutional zone, comprehensive zone or mixed use zone.
- (b) Cannabis production (commercial – medical) is a permitted use on lands located in the ALR in accordance with the Province of British Columbia Agricultural Land Reserve Use, Subdivision and Procedure Regulation.
- e) Section 4.5 (A7 Zone) is amended by adding the following as permitted uses, and relabeling all alphabetically subsequent permitted uses as appropriate:
- (b) cannabis-related business;
 - (c) cannabis production (commercial - medical);
 - (d) cannabis production (commercial - non-medical);
 - (e) cannabis storefront retailing;

3. FORCE AND EFFECT

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

READ A FIRST TIME this _____ day of _____, 2018.

READ A SECOND TIME this _____ day of _____, 2018.

READ A THIRD TIME this _____ day of _____, 2018.

ADOPTED this _____ day of _____, 2018.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4121

A Bylaw for the Purpose of Amending Electoral Area E Zoning Bylaw No. 1840 Applicable to Electoral Area E – Cowichan Station/Sahtlam/Glenora

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

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

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

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

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

1. CITATION

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 4121 – Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Cannabis Regulations), 2018**".

2. AMENDMENTS

Electoral Area E Zoning Bylaw No. 1840 is hereby amended in the following manner:

- a) Section 3.1 is amended by deleting the definition of agriculture and replacing it with the following:

"Agriculture" means growing, rearing, producing or harvesting agricultural crops or livestock and includes the processing on a parcel of the primary agricultural products harvested, reared or produced on that parcel and the use and storage of associated farm machinery, implements and agricultural supplies, but excludes cannabis production (commercial – medical), cannabis production (commercial – non-medical), and cannabis production (personal – home cultivation);

- b) Section 3.1 is further amended by adding the following definitions in alphabetical order:

"Cannabis" means cannabis as defined in the *Controlled Drugs and Substances Act* or any subsequent legislation or regulations which may be enacted in substitution and includes any products containing cannabis derivatives intended for human consumption;

“Cannabis Act” means the statute of the Government of Canada by that name, once in force, or any other statute of Canada which regulates the production and sale of cannabis for non-medical purposes;

“Cannabis-related business” means the carrying on of activity where:

- (a) the primary purpose of the business is to advocate or promote the use of cannabis for medical purposes;
- (b) Cannabis is sold or otherwise provided to persons for medical purposes;
- (c) Cannabis is stored for the purpose of sale or distribution to persons for medical purposes;

“Cannabis consumption lounge” means the use of a building or structure for the service to customers of cannabis products, medical marijuana, equipment, paraphernalia, and related therapeutic services which are primarily intended to be consumed, used or otherwise provided on-site and includes the accessory sale of goods, wares, personal merchandise, articles, or things incidental to the provision of such service;

“Cannabis production (commercial – medical)” means the carrying on of any of the following activities in accordance with the requirements of the Access to Cannabis for Medical Purposes Regulations:

- (a) the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis;
- (b) the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis;
- (c) the storage and transshipping of materials, goods or products;
- (d) the storage, distribution and sale of materials, goods and products derived from plants or parts of plants of the genus cannabis, to licenced retailers or individual customers;

“Cannabis production (commercial – non-medical)” means the carrying on of any of the following activities in accordance with the requirements of the *Cannabis Act*, but excludes cannabis production (commercial - medical) and cannabis production (personal - home cultivation):

- (a) the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis;
- (b) the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis;
- (c) the storage and transshipping of materials, goods or products;
- (d) the storage, distribution and sale of materials, goods and products derived from plants or parts of plants of the genus cannabis, to licenced retailers or individual customers;

“Cannabis production (personal – home cultivation)” means the use of no more than 10% of the gross floor area of a residential dwelling or accessory structure and the carrying on of any of the following activities in accordance with the requirements of the Access to Cannabis for Medical Purposes Regulations or the *Cannabis Act*:

- (a) the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis by an individual their personal use or consumption, or for the personal use or consumption of another individual where authorized under Part 2 of the Access to Cannabis for Medical Purposes Regulations;
- (b) the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis by an individual for personal use or consumption;
- (c) the storage and transshipping of materials, goods or products;
- (d) the storage of materials, goods and products derived from plants or parts of plants of the genus cannabis by an individual for personal use or consumption; .../3

“Cannabis storefront retail” means the use of lands, buildings or structures for the marketing and sale of cannabis to the final consumer, who attends the premises, provided that the consumer product is stored and sold from within a building;

“Medical marijuana” means a cannabis that is produced and consumed or used for a medical purpose in accordance with the requirements of the Access to Cannabis for Medical Purposes Regulations or any subsequent legislation or regulations which may be enacted in substitution;

- c) Section 4.9 is amended by adding the following sentence at the end:

For additional clarity, the following uses are amongst those explicitly prohibited:

- (a) cannabis-related business;
- (b) cannabis consumption lounge;
- (c) cannabis production (commercial - medical);
- (d) cannabis production (commercial - non-medical);
- (e) cannabis production (personal - home cultivation);
- (f) cannabis storefront retail;

- d) Section 5.31 is deleted and replaced by the following:

5.31 Commercial Cannabis Regulations

- (a) Where cannabis production (commercial – medical) or cannabis production (commercial – non-medical) is permitted in a zone, the use is subject to the following regulations:

- i. the cannabis producer must be in possession of a valid license from the Government of Canada and be consistently operating in full conformity with all of the conditions of that license;
- ii. all buildings, structures or greenhouses used for that purpose shall be located not less than 30 metres from all parcel lines;
- iii. all parcels used for that purpose shall be located not less than 300 metres from a park, school, daycare, residential or rural residential zone, park zone, institutional zone, comprehensive zone or mixed use zone.

- (b) Cannabis production (commercial – medical) is a permitted use on lands located in the ALR in accordance with the Province of British Columbia Agricultural Land Reserve Use, Subdivision and Procedure Regulation.

- e) Section 11.1 (I-1 Zone) is amended by adding the following as permitted uses, and relabeling all alphabetically subsequent permitted uses as appropriate:

- (4) cannabis-related business;
- (5) cannabis production (commercial - medical);
- (6) cannabis production (commercial – non-medical);
- (7) cannabis storefront retailing;

- f) Section 11.1(A) (I-1A Zone) is amended by adding the following as permitted uses, and relabeling all alphabetically subsequent permitted uses as appropriate:

- (5) cannabis-related business;
- (6) cannabis production (commercial - medical);
- (7) cannabis production (commercial – non-medical);
- (8) cannabis storefront retailing;

- g) Section 11.2 (I-2 Zone) is amended by adding the following as permitted uses, and relabeling all alphabetically subsequent permitted uses as appropriate:
- (1) cannabis-related business;
 - (2) cannabis production (commercial - medical);
 - (3) cannabis production (commercial – non-medical);
 - (4) cannabis storefront retailing;

3. FORCE AND EFFECT

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

READ A FIRST TIME this _____ day of _____, 2018.
READ A SECOND TIME this _____ day of _____, 2018.
READ A THIRD TIME this _____ day of _____, 2018.
ADOPTED this _____ day of _____, 2018.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4122

A Bylaw for the Purpose of Amending Electoral Area F Zoning Bylaw No. 2600 Applicable to Electoral Area F – Cowichan Lake South/Skutz Falls

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

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area F – Cowichan Lake South/Skutz Falls, that being Electoral Area F Zoning Bylaw No. 2600;

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. 2600;

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 "**Cowichan Valley Regional District Bylaw No. 4122 – Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (Cannabis Regulations), 2018**".

2. AMENDMENTS

Electoral Area F Zoning Bylaw No. 2600 is hereby amended in the following manner:

- a) Section 1.3 is amended by deleting the definition of agriculture and replacing it with the following:

"Agriculture" means growing, rearing, producing or harvesting agricultural crops or livestock and includes the processing on a parcel of the primary agricultural products harvested, reared or produced on that parcel and the use and storage of associated farm machinery, implements and agricultural supplies, but excludes cannabis production (commercial – medical), cannabis production (commercial – non-medical) and cannabis production (personal – home cultivation);

- b) Section 1.3 is further amended by adding the following definitions in alphabetical order:

"Cannabis" means cannabis as defined in the *Controlled Drugs and Substances Act* or any subsequent legislation or regulations which may be enacted in substitution and includes any products containing cannabis derivatives intended for human consumption;

“Cannabis Act” means the statute of the Government of Canada by that name, once in force, or any other statute of Canada which regulates the production and sale of cannabis for non-medical purposes;

“Cannabis-related business” means the carrying on of activity where:

- a. the primary purpose of the business is to advocate or promote the use of cannabis for medical purposes;
- b. Cannabis is sold or otherwise provided to persons for medical purposes;
- c. Cannabis is stored for the purpose of sale or distribution to persons for medical purposes;

“Cannabis consumption lounge” means the use of a building or structure for the service to customers of cannabis products, medical marijuana, equipment, paraphernalia, and related therapeutic services which are primarily intended to be consumed, used or otherwise provided on-site and includes the accessory sale of goods, wares, personal merchandise, articles, or things incidental to the provision of such service;

“Cannabis production (commercial – medical)” means the carrying on of any of the following activities in accordance with the requirements of the Access to Cannabis for Medical Purposes Regulations:

- a. the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis;
- b. the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis;
- c. the storage and transshipping of materials, goods or products;
- d. the storage, distribution and sale of materials, goods and products derived from plants or parts of plants of the genus cannabis, to licenced retailers or individual customers;

“Cannabis production (commercial – non-medical)” means the carrying on of any of the following activities in accordance with the requirements of the *Cannabis Act*, but excludes cannabis production (commercial - medical) and cannabis production (personal - home cultivation):

- a. the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis;
- b. the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis;
- c. the storage and transshipping of materials, goods or products;
- d. the storage, distribution and sale of materials, goods and products derived from plants or parts of plants of the genus cannabis, to licenced retailers or individual customers;

“Cannabis production (personal – home cultivation)” means the use of no more than 10% of the gross floor area of a residential dwelling or accessory structure and the carrying on of any of the following activities in accordance with the requirements of the Access to Cannabis for Medical Purposes Regulations or the *Cannabis Act*.

- a. the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis by an individual for their personal use or consumption, or for the personal use or consumption of another individual where authorized under Part 2 of the Access to Cannabis for Medical Purposes Regulations;
- b. the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis by an individual for personal use or consumption;
- c. the storage and transshipping of materials, goods or products;
- d. the storage of materials, goods and products derived from plants or parts of plants of the genus cannabis by an individual for personal use or consumption; .../3

“Cannabis storefront retail” means the use of lands, buildings or structures for the marketing and sale of cannabis to the final consumer, who attends the premises, provided that the consumer product is stored and sold from within a building;

“Medical marijuana” means cannabis that is produced and consumed or used for a medical purpose in accordance with the requirements of the Access to Cannabis for Medical Purposes Regulations or any subsequent legislation or regulations which may be enacted in substitution;

c) Section 2.3 is amended by adding the following sentence at the end:

3. For additional clarity, the following uses are explicitly prohibited:

- a. cannabis-related business;
- b. cannabis consumption lounge;
- c. cannabis production (commercial - medical);
- d. cannabis production (commercial - non-medical);
- e. cannabis production (personal - home cultivation);
- f. cannabis storefront retail;

d) Section 3.29(a) and (b) is deleted and replaced by the following:

3.29 Commercial Cannabis Regulations

1. Where cannabis production (commercial – medical) or cannabis production (commercial – non-medical) is permitted in a zone, the use is subject to the following regulations:

- a. the cannabis producer must be in possession of a valid license from the Government of Canada and be consistently operating in full conformity with all of the conditions of that license;
 - b. all buildings, structures or greenhouses used for that purpose shall be located not less than 30 metres from all parcel lines;
 - c. all parcels used for that purpose shall be located not less than 300 metres from a park, school, daycare, residential or rural residential zone, park zone, institutional zone, comprehensive zone or mixed use zone.
2. Cannabis production (commercial – medical) is a permitted use on lands located in the ALR in accordance with the Province of British Columbia Agricultural Land Reserve Use, Subdivision and Procedure Regulation.

e) Section 5.21 (I-1 Zone) is amended by adding the following as permitted uses, and relabeling all alphabetically subsequent permitted uses as appropriate:

- e. cannabis-related business;
- f. cannabis production (commercial - medical);
- g. cannabis production (commercial – non-medical);
- h. cannabis storefront retailing;

3. FORCE AND EFFECT

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

READ A FIRST TIME this _____ day of _____, 2018.

READ A SECOND TIME this _____ day of _____, 2018.

READ A THIRD TIME this _____ day of _____, 2018.

ADOPTED this _____ day of _____, 2018.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4123

A Bylaw for the Purpose of Amending Electoral Area G Zoning Bylaw No. 2524 Applicable to Electoral Area G – Saltair

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

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area G – Saltair/Gulf Islands, that being Electoral Area G Zoning Bylaw No. 2524;

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. 2524;

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 "**Cowichan Valley Regional District Bylaw No. 4123 – Electoral Area G – Saltair/Gulf Islands Zoning Amendment Bylaw (Cannabis Regulations), 2018**".

2. AMENDMENTS

Electoral Area G Zoning Bylaw No. 2524 is hereby amended in the following manner:

- a) Section 1.3 is amended by deleting the definition of agriculture and replacing it with the following:

“Agriculture” means growing, rearing, producing or harvesting agricultural crops or livestock and includes the processing on a parcel of the primary agricultural products harvested, reared or produced on that parcel and the use and storage of associated farm machinery, implements and agricultural supplies, but excludes cannabis production (commercial – medical), cannabis production (commercial – non-medical) and cannabis production (personal – home cultivation);

- b) Section 1.3 is amended by adding the following definitions in alphabetical order:

“Cannabis” means cannabis as defined in the *Controlled Drugs and Substances Act* or any subsequent legislation or regulations which may be enacted in substitution and includes any products containing cannabis derivatives intended for human consumption;

“Cannabis Act” means the statute of the Government of Canada by that name, once in force, or any other statute of Canada which regulates the production and sale of cannabis for non-medical purposes;

“Cannabis-related business” means the carrying on of activity where:

- (a) the primary purpose of the business is to advocate or promote the use of cannabis for medical purposes;
- (b) Cannabis is sold or otherwise provided to persons for medical purposes;
- (c) Cannabis is stored for the purpose of sale or distribution to persons for medical purposes;

“Cannabis consumption lounge” means the use of a building or structure for the service to customers of cannabis products, medical marijuana, equipment, paraphernalia, and related therapeutic services which are primarily intended to be consumed, used or otherwise provided on-site and includes the accessory sale of goods, wares, personal merchandise, articles, or things incidental to the provision of such service;

“Cannabis production (commercial – medical)” means the carrying on of any of the following activities in accordance with the requirements of the Access to Cannabis for Medical Purposes Regulations:

- (a) the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis;
- (b) the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis;
- (c) the storage and transshipping of materials, goods or products;
- (d) the storage, distribution and sale of materials, goods and products derived from plants or parts of plants of the genus cannabis, to licenced retailers or individual customers;

“Cannabis production (commercial – non-medical)” means the carrying on of any of the following activities in accordance with the requirements of the *Cannabis Act*, but excludes cannabis production (commercial - medical) and cannabis production (personal - home cultivation):

- (a) the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis;
- (b) the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis;
- (c) the storage and transshipping of materials, goods or products;
- (d) the storage, distribution and sale of materials, goods and products derived from plants or parts of plants of the genus cannabis, to licenced retailers or individual customers;

“Cannabis production (personal – home cultivation)” means the use of no more than 10% of the gross floor area of a residential dwelling or accessory structure and the carrying on of any of the following activities in accordance with the requirements of the Access to Cannabis for Medical Purposes Regulations or the *Cannabis Act*:

- (a) the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis by an individual for their personal use or consumption, or for the personal use or consumption of another individual where authorized under Part 2 of the Access to Cannabis for Medical Purposes Regulations;
- (b) the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis by an individual for personal use or consumption;
- (c) the storage and transshipping of materials, goods or products;
- (d) the storage of materials, goods and products derived from plants or parts of plants of the genus cannabis by an individual for personal use or consumption;

“Cannabis storefront retail” means the use of lands, buildings or structures for the marketing and sale of cannabis to the final consumer, who attends the premises, provided that the consumer product is stored and sold from within a building;

“Medical marijuana” means a cannabis that is produced and consumed or used for a medical purpose in accordance with the requirements of the Access to Cannabis for Medical Purposes Regulations or any subsequent legislation or regulations which may be enacted in substitution;

- c) Section 2.3 is amended by adding the following sentence at the end:
 - 3. For additional clarity, the following uses are amongst those explicitly prohibited:
 - (a) cannabis-related business;
 - (b) cannabis consumption lounge;
 - (c) cannabis production (commercial - medical);
 - (d) cannabis production (commercial - non-medical);
 - (e) cannabis production (personal - home cultivation);
 - (f) cannabis storefront retail;

- d) Section 3.30 is deleted and replaced by the following:

3.30 Commercial Cannabis Regulations

- 1. Where cannabis production (commercial – medical) or cannabis production (commercial – non-medical) is permitted in a zone, the use is subject to the following regulations:
 - (a) the cannabis producer must be in possession of a valid license from the Government of Canada and be consistently operating in full conformity with all of the conditions of that license;
 - (b) all buildings, structures or greenhouses used for that purpose shall be located not less than 30 metres from all parcel lines;
 - (c) all parcels used for that purpose shall be located not less than 300 metres from a park, school, daycare, residential or rural residential zone, park zone, institutional zone, comprehensive zone or mixed use zone
- 2. Cannabis production (commercial – medical) is a permitted use on lands located in the ALR in accordance with the Province of British Columbia Agricultural Land Reserve Use, Subdivision and Procedure Regulation.

3. FORCE AND EFFECT

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

READ A FIRST TIME this _____ day of _____, 2018.

READ A SECOND TIME this _____ day of _____, 2018.

READ A THIRD TIME this _____ day of _____, 2018.

ADOPTED this _____ day of _____, 2018.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4124

A Bylaw for the Purpose of Amending Electoral Area H Zoning Bylaw No. 1020 Applicable to Electoral Area H – North Oyster/Diamond

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

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area H – North Oyster/Diamond, that being Electoral Area H Zoning Bylaw No. 1020;

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. 1020;

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 "**Cowichan Valley Regional District Bylaw No. 4124 – Electoral Area H – North Oyster/Diamond Zoning Amendment Bylaw (Cannabis Regulations), 2018**".

2. AMENDMENTS

Electoral Area H Zoning Bylaw No. 1020 is hereby amended in the following manner:

- a) Section 3.1 is amended by deleting the definition of agriculture and replacing it with the following:

"Agriculture" means growing, rearing, producing or harvesting agricultural crops or livestock and includes the processing on a parcel of the primary agricultural products harvested, reared or produced on that parcel and the use and storage of associated farm machinery, implements and agricultural supplies, but excludes cannabis production (commercial – medical), cannabis production (commercial – non-medical), and cannabis production (personal – home cultivation);

- b) Section 3.1 is amended by adding the following definitions in alphabetical order:

"Cannabis" means cannabis as defined in the *Controlled Drugs and Substances Act* or any subsequent legislation or regulations which may be enacted in substitution and includes any products containing cannabis derivatives intended for human consumption;

“Cannabis Act” means the statute of the Government of Canada by that name, once in force, or any other statute of Canada which regulates the production and sale of cannabis for non-medical purposes;

“Cannabis-related business” means the carrying on of activity where:

- (a) the primary purpose of the business is to advocate or promote the use of cannabis for medical purposes;
- (b) Cannabis is sold or otherwise provided to persons for medical purposes;
- (c) Cannabis is stored for the purpose of sale or distribution to persons for medical purposes;

“Cannabis consumption lounge” means the use of a building or structure for the service to customers of cannabis products, medical marijuana, equipment, paraphernalia, and related therapeutic services which are primarily intended to be consumed, used or otherwise provided on-site and includes the accessory sale of goods, wares, personal merchandise, articles, or things incidental to the provision of such service;

“Cannabis production (commercial – medical)” means the carrying on of any of the following activities in accordance with the requirements of the Access to Cannabis for Medical Purposes Regulations:

- (a) the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis;
- (b) the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis;
- (c) the storage and transshipping of materials, goods or products;
- (d) the storage, distribution and sale of materials, goods and products derived from plants or parts of plants of the genus cannabis, to licenced retailers or individual customers;

“Cannabis production (commercial – non-medical)” means the carrying on of any of the following activities in accordance with the requirements of the *Cannabis Act*, but excludes cannabis production (commercial - medical) and cannabis production (personal - home cultivation):

- (a) the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis;
- (b) the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis;
- (c) the storage and transshipping of materials, goods or products;
- (d) the storage, distribution and sale of materials, goods and products derived from plants or parts of plants of the genus cannabis, to licenced retailers or individual customers;

“Cannabis production (personal – home cultivation)” means the use of no more than 10% of the gross floor area of a residential dwelling or accessory structure and the carrying on of any of the following activities in accordance with the requirements of the Access to Cannabis for Medical Purposes Regulations or the *Cannabis Act*.

- (a) the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis by an individual for their personal use or consumption, or for the personal use or consumption of another individual where authorized under Part 2 of the Access to Cannabis for Medical Purposes Regulations;
- (b) the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis by an individual for personal use or consumption;
- (c) the storage and transshipping of materials, goods or products;
- (d) the storage of materials, goods and products derived from plants or parts of plants of the genus cannabis by an individual for personal use or consumption; .../3

“**Cannabis storefront retail**” means the use of lands, buildings or structures for the marketing and sale of cannabis to the final consumer, who attends the premises, provided that the consumer product is stored and sold from within a building;

“**Medical marijuana**” means cannabis that is produced and consumed or used for a medical purpose in accordance with the requirements of the Access to Cannabis for Medical Purposes Regulations or any subsequent legislation or regulations which may be enacted in substitution;

- c) The following is added after Section 4.6:

4.7 Prohibitions

1. Any use not expressly permitted in this Bylaw is prohibited.
2. Non-conforming uses of land, buildings and structures, as well as siting, size or dimensions of buildings and structures are governed by the provisions of the *Local Government Act*.
3. For additional clarity, the following uses are amongst those explicitly prohibited:
 - (a) cannabis-related business;
 - (b) cannabis consumption lounge;
 - (c) cannabis production (commercial - medical);
 - (d) cannabis production (commercial - non-medical);
 - (e) cannabis production (personal - home cultivation);
 - (f) cannabis storefront retail

- d) Section 5.23 is deleted and replaced by the following:

5.23 Commercial Cannabis Regulations

- (a) Where cannabis production (commercial – medical) or cannabis production (commercial – non-medical) is permitted in a zone, the use is subject to the following regulations:
 - (a) the cannabis producer must be in possession of a valid license from the Government of Canada and be consistently operating in full conformity with all of the conditions of that license;
 - (b) all buildings, structures or greenhouses used for that purpose shall be located not less than 30 metres from all parcel lines;
 - (c) all parcels used for that purpose shall be located not less than 300 metres from a park, school, daycare, residential or rural residential zone, park zone, institutional zone, comprehensive zone or mixed use zone.
- (b) Notwithstanding Section 4.7.3, Cannabis production (commercial – medical) is a permitted use on lands located in the ALR in accordance with the Province of British Columbia Agricultural Land Reserve Use, Subdivision and Procedure Regulation.

3. FORCE AND EFFECT

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

READ A FIRST TIME this _____ day of _____, 2018.

READ A SECOND TIME this _____ day of _____, 2018.

READ A THIRD TIME this _____ day of _____, 2018.

ADOPTED this _____ day of _____, 2018.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4125

A Bylaw for the Purpose of Amending Electoral Area I Zoning Bylaw No. 2465 Applicable to Electoral Area I – Youbou/Meade Creek

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

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area I – Youbou/Meade Creek, that being Electoral Area I Zoning Bylaw No. 2465;

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. 2465;

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 "**Cowichan Valley Regional District Bylaw No. 4125 – Electoral Area I – Youbou/Meade Creek Zoning Amendment Bylaw (Cannabis Regulations), 2018**".

2. AMENDMENTS

Electoral Area I Zoning Bylaw No. 2465 is hereby amended in the following manner:

- a) Section 1.3 is amended by deleting the definition of agriculture and replacing it with the following:

“Agriculture” means growing, rearing, producing or harvesting agricultural crops or livestock and includes the processing on a parcel of the primary agricultural products harvested, reared or produced on that parcel and the use and storage of associated farm machinery, implements and agricultural supplies, but excludes cannabis production (commercial – medical), cannabis production (commercial – non-medical), and cannabis production (personal – home cultivation);

- b) Section 1.3 is further amended by adding the following definitions in alphabetical order:

“Cannabis” means cannabis as defined in the *Controlled Drugs and Substances Act* or any subsequent legislation or regulations which may be enacted in substitution and includes any products containing cannabis derivatives intended for human consumption;

“Cannabis Act” means the statute of the Government of Canada by that name, once in force, or any other statute of Canada which regulates the production and sale of cannabis for non-medical purposes;

“Cannabis-related business” means the carrying on of activity where:

- a. the primary purpose of the business is to advocate or promote the use of cannabis for medical purposes;
- b. Cannabis is sold or otherwise provided to persons for medical purposes;
- c. Cannabis is stored for the purpose of sale or distribution to persons for medical purposes;

“Cannabis consumption lounge” means the use of a building or structure for the service to customers of cannabis products, medical marijuana, equipment, paraphernalia, and related therapeutic services which are primarily intended to be consumed, used or otherwise provided on-site and includes the accessory sale of goods, wares, personal merchandise, articles, or things incidental to the provision of such service;

“Cannabis production (commercial – medical)” means the carrying on of any of the following activities in accordance with the requirements of the Access to Cannabis for Medical Purposes Regulations:

- a. the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis;
- b. the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis;
- c. the storage and transshipping of materials, goods or products;
- d. the storage, distribution and sale of materials, goods and products derived from plants or parts of plants of the genus cannabis, to licenced retailers or individual customers;

“Cannabis production (commercial – non-medical)” means the carrying on of any of the following activities in accordance with the requirements of the *Cannabis Act*, but excludes cannabis production (commercial - medical) and cannabis production (personal - home cultivation):

- a. the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis;
- b. the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis;
- c. the storage and transshipping of materials, goods or products;
- d. the storage, distribution and sale of materials, goods and products derived from plants or parts of plants of the genus cannabis, to licenced retailers or individual customers;

“Cannabis production (personal – home cultivation)” means the use of no more than 10% of the gross floor area of a residential dwelling or accessory structure and the carrying on of any of the following activities in accordance with the requirements of the Access to Cannabis for Medical Purposes Regulations or the *Cannabis Act*.

- a. the cultivation, growth, harvesting, and processing of plants or parts of plants of the genus cannabis by an individual for their personal use or consumption, or for the personal use or consumption of another individual where authorized under Part 2 of the Access to Cannabis for Medical Purposes Regulations;
- b. the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging, and labelling of plants or parts of plants of the genus cannabis by an individual for personal use or consumption;
- c. the storage and transshipping of materials, goods or products;
- d. the storage of materials, goods and products derived from plants or parts of plants of the genus cannabis by an individual for personal use or consumption;

“Cannabis storefront retail” means the use of lands, buildings or structures for the marketing and sale of cannabis to the final consumer, who attends the premises, provided that the consumer product is stored and sold from within a building;

“Medical marijuana” means a substance used for medical purposes authorized by a licence issued under the Access to Cannabis for Medical Purposes Regulations or any subsequent legislation or regulations which may be enacted in substitution;

c) Section 2.3 is amended by adding the following at the end:

3. For additional clarity, the following uses are amongst those explicitly prohibited:
 - a. cannabis-related business;
 - b. cannabis consumption lounge;
 - c. cannabis production (commercial - medical);
 - d. cannabis production (commercial - non-medical);
 - e. cannabis production (personal - home cultivation);
 - f. cannabis storefront retail;

d) Section 3.27 is deleted and replaced by the following:

3.27 Commercial Cannabis Regulations

- 1.0 Where cannabis production (commercial – medical) or cannabis production (commercial – non-medical) is permitted in a zone, the use is subject to the following regulations:
 - a. the cannabis producer must be in possession of a valid license from the Government of Canada and be consistently operating in full conformity with all of the conditions of that license;
 - b. all buildings, structures or greenhouses used for that purpose shall be located not less than 30 metres from all parcel lines;
 - c. all parcels used for that purpose shall be located not less than 300 metres from a park, school, daycare, residential or rural residential zone, park zone, institutional zone, comprehensive zone or mixed use zone.
- 2.0 Cannabis production (commercial – medical) is a permitted use on lands located in the ALR in accordance with the Province of British Columbia Agricultural Land Reserve Use, Subdivision and Procedure Regulation.

e) Section 5.33 (I-1 Zone) is amended by adding the following as permitted uses, and relabeling all alphabetically subsequent permitted uses as appropriate:

- f. cannabis-related business;
- g. cannabis production (commercial - medical);
- h. cannabis production (commercial - non-medical);
- i. cannabis storefront retailing;

3. FORCE AND EFFECT

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

READ A FIRST TIME this _____ day of _____, 2018.

READ A SECOND TIME this _____ day of _____, 2018.

READ A THIRD TIME this _____ day of _____, 2018.

ADOPTED this _____ day of _____, 2018.

Chairperson

Corporate Secretary