

# **Municipality of North Cowichan**

## **Regular Council**

### **AGENDA**

Wednesday, November 20, 2019, 1:30 p.m.  
Municipal Hall - Council Chambers

**Pages**

**1. CALL TO ORDER**

This meeting is open to the public. All representations to Council form part of the public record. Proceedings will be streamed live and archived at northcowichan.ca.

**2. APPROVAL OF AGENDA**

Recommendation:

**That Council adopt the November 20, 2019 Regular Council agenda, as circulated [or as amended].**

**3. ADOPTION OF MINUTES**

**3.1 October 16, 2019 - Committee of the Whole Minutes**

**7 - 10**

Recommendation:

**That Council adopt the minutes of the Committee of the Whole meeting held October 16, 2019.**

**3.2 November 6, 2019 Special Council**

**11 - 12**

Recommendation:

**That Council adopt the Special Council minutes of the meeting held November 6, 2019.**

**3.3 November 6, 2019 Regular Council**

**13 - 18**

Recommendation:

**That Council adopt the Regular Council minutes of the meeting held November 6, 2019.**

**4. MAYOR'S REPORT**

**5. DELEGATIONS AND PRESENTATIONS**

**5.1 DELEGATION: Chris Duncan, President, Duncan Cowichan Chamber of Commerce**

Purpose: Chris Duncan, President, Duncan Cowichan Chamber of Commerce to provide Council with an update on the Cowichan Regional Visitor Centre.

## 6. PUBLIC INPUT

Opportunity for brief verbal input from registered speakers regarding subsequent agenda items.

## 7. REPORTS

### 7.1 Proposed 2020 Council Meeting Schedule

19 - 21

Purpose: To review and approve the 2020 Regular Council meeting schedule.

#### Recommendation:

1. That Council endorse January 14 and 29, 2020 as the Council meeting dates for January, 2020.
2. That Council cancel the February 5, 2019 Council meeting to accommodate the LGLA Conference.
3. That Council endorse holding the first meeting in June, 2020 on Tuesday, June 2, 2019 to accommodate those Council members attending the FCM conference.
4. That Council support holding one Council meeting in July (to be held on July 15 2019) and one Council meeting in August (to be held on August 19, 2019).
5. That the Council meeting dates as proposed for March, April, May, June, September, October, November, and December be endorsed as per Council's Procedure Bylaw and as attached to the November 20, 2020 report by the Corporate Officer.

## 8. NEW BUSINESS

## 9. CLOSED SESSION

#### Recommendation:

That Council close the November 20, 2019 Regular Council meeting at \_\_\_\_ p.m. to the public on the basis of the following sections of the *Community Charter*:

- 90(1)(e) - the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- 90(1)(g) - litigation or potential litigation affecting the municipality; and
- 90(1)(i) - the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

## 10. RECESS COUNCIL MEETING

Purpose: to recess the Council meeting until the conclusion of the public hearing.

#### Recommendation:

That Council recess the meeting at \_\_\_\_ p.m. and resume the open meeting at the conclusion of the Public Hearing.

## 11. PUBLIC HEARING 6:00 P.M.

Mayor Siebring to provide an explanation of the public hearing process and to advise members of the public that no further verbal or written presentations can be received by any member of Council following the closure of each public hearing.

### 11.1 PUBLIC HEARING: Rezoning Application No. ZB000120 for Bylaw 3758 (Keeping of Farm Animals and Poultry), 2019

22 - 25

- Mayor Siebring to call the Public Hearing to order for Rezoning Application ZB000120.
- Corporate Officer to provide a summary of the correspondence received as well as acceptance of any petitions or late correspondence.
- Larissa Barry-Thibodeau, Planning Technician to introduce the application (note: previous staff report attached as background information).
- Call for submissions from the public on the proposed zoning amendment to update general regulations pertaining to the keeping of farm animals and poultry, and regulations for kennels.
- Final call for submissions by the public (Mayor Siebring will ask 3 times).
- Adjournment of the Public Hearing for Rezoning Application ZB000120 for Bylaw 3758 (Keeping of Farm Animals and Poultry), 2019.

### 11.2 PUBLIC HEARING: Rezoning Application No. ZB000093 for Bylaw 3763 (Retail Cannabis Sales - 8432 Trans-Canada Highway), 2019

26 - 51

- Mayor Siebring to call the Public Hearing to order for Rezoning Application ZB000093.
- Corporate Officer to provide a summary of the correspondence received as well as acceptance of any petitions or late correspondence.
- Caroline von Schilling, Development Planner to introduce the application (note: previous staff report attached as background information).
- Presentation by the applicant.
- Call for submissions from the public on the proposed site specific zoning amendment to permit cannabis sales at 8432 Trans-Canada Highway.
- Final call for submissions by the public (Mayor Siebring will ask 3 times).
- Adjournment of the Public Hearing for Rezoning Application ZB000093 for Bylaw 3763 (8432 Trans-Canada Highway), 2019.

**11.3 PUBLIC HEARING: Rezoning Application No. ZB000111 for Bylaw 3765 (2903 Cypress Street), 2019**

52 - 71

- Mayor Siebring to call the Public Hearing to order for Rezoning Application ZB000111.
- Corporate Officer to provide a summary of the correspondence received as well as acceptance of any petitions or late correspondence.
- Larissa Barry-Thibodeau, Planning Technician to introduce the application (note: previous staff report attached as background information).
- Presentation by the applicant.
- Call for submissions from the public on the proposed site specific zoning amendment to rezone the subject property located at 2903 Cypress Street in Chemainus from the Commercial General (C2) to the Urban Medium Density Comprehensive Development Zone (CD10) to regularize the existing apartment building use.
- Final call for submissions by the public (Mayor Siebring will ask 3 times)
- Adjournment of the Public Hearing for Rezoning Application ZB000111 for Bylaw 3764 (CD10 - 2903 Cypress Street), 2019”.

**11.4 PUBLIC HEARING: Rezoning Application No. ZB000118 for Bylaw 3766 (1038 Herd Road), 2019**

72 - 89

- Mayor Siebring to call the Public Hearing to order for Rezoning Application ZB000118.
- Corporate Officer to provide a summary of the correspondence received as well as acceptance of any petitions or late correspondence.
- Larissa Barry-Thibodeau, Planning Technician to introduce the application (note: previous staff report attached as background information).
- Presentation by the applicant.
- Call for submissions from the public on the proposed site-specific zoning amendment to amend the Residential Rural zone (R1) to permit two residential buildings, with a maximum of two dwelling units for the purpose of short-term accommodation (Bed and Breakfast) at 1038 Herd Road.
- Final call for submissions by the public (Mayor Siebring will ask 3 times)
- Adjournment of the Public Hearing for Rezoning Application ZB000118 for Bylaw 3766 (1038 Herd Road), 2019.



## 12. RESUME COUNCIL MEETING

Recommendation:

**That Council resume the meeting at \_\_\_\_.**

## 13. BYLAWS

- 13.1 Bylaw 3758 - "Zoning Amendment Bylaw (Keeping of Farm Animals and Poultry), 2019" (third reading) 90 - 91

Purpose: To consider giving third reading to "Zoning Amendment Bylaw (Keeping of Farm Animals & Poultry), No. 3758, 2019" - a bylaw to regulate the keeping of farm animals and poultry, and to establish setbacks specific to kennels to include general regulations pertaining to the keeping of farm animals and poultry, and regulations for kennels.

Recommendation:

**That Council give third reading to "Zoning Amendment Bylaw (Keeping of Farm Animals & Poultry), No. 3758, 2019" - a bylaw to regulate the keeping of farm animals and poultry, and to establish setbacks specific to kennels.**

- 13.2 Bylaw 3763 - "Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans-Canada Highway), 2019" (third reading) 92 - 92

Purpose: To consider giving third reading to "Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans-Canada Highway), 2019" No. 3763 – a bylaw to permit cannabis retail sales at 8432 Trans-Canada Highway.

Recommendation:

**That Council give third reading to "Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans-Canada Highway), 2019" No. 3763 – a bylaw to permit cannabis retail sales at 8432 Trans-Canada Highway.**

- 13.3 Bylaw 3765 - "Zoning Amendment Bylaw (CD10 - 2903 Cypress Street), 2019" (third reading and adoption) 93 - 94

Purpose: To consider giving third reading to "Zoning Amendment Bylaw (CD10 - 2903 Cypress Street), No. 3765, 2019" - a bylaw to rezone the subject property located at 2903 Cypress Street in Chemainus from the Commercial General (C2) to the Urban Medium Density Comprehensive Development Zone (CD10) to regularize the existing apartment building use.

Recommendation:

**That Council give third reading to "Zoning Amendment Bylaw (CD10 - 2903 Cypress Street), No. 3765, 2019" - a bylaw to regularize the existing apartment building use at 2903 Cypress Street.**

Recommendation:

**That Council adopt "Zoning Amendment Bylaw (CD10 - 2903 Cypress Street), No. 3765, 2019" - a bylaw to regularize the existing apartment building use at 2903 Cypress Street.**

**13.4 Bylaw 3766 - "Zoning Amendment Bylaw (1038 Herd Road), 2019" (third reading and adoption)**

95 - 96

Purpose: To consider giving third reading and adoption to "Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019" - a bylaw to permit two residential buildings, with a maximum of two dwelling units.

Recommendation:

**That Council give third reading to "Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019" - a bylaw to permit two residential buildings, with a maximum of two dwelling units.**

Recommendation:

**That Council adopt "Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019" - a bylaw to permit two residential buildings, with a maximum of two dwelling units.**

**14. RISE AND REPORT (from the November 20, 2019 Closed Session)**

**15. QUESTION PERIOD**

Public opportunity to ask brief questions regarding the business of this meeting.

**16. ADJOURNMENT**

Recommendation:

**That Council adjourn the November 20, 2019 Regular Council meeting at     p.m.**

# **Municipality of North Cowichan Committee of the Whole MINUTES**

**October 16, 2019, 11:30 a.m.  
Municipal Hall - Council Chambers**

Members Present	Councillor Kate Marsh, Chair Mayor Al Siebring Councillor Rob Douglas Councillor Christopher Justice Councillor Tek Manhas Councillor Rosalie Sawrie
Members Absent	Councillor Debra Toporowski
Staff Present	Ted Swabey, Chief Administrative Officer (CAO) Mark Frame, General Manager, Financial and Protective Services Ernie Mansueti, General Manager, Community Services Sarah Nixon, General Manager, Corporate Services David Conway, Director of Engineering Rob Conway, Director of Planning Natasha Horsman, Manager, Communications and Public Engagement Megan Jordan, Acting, Manager, Communications and Public Engagement Chris Hutton, Community Planning Coordinator Nelda Richardson, Deputy Corporate Officer Alyssa Meiner, Acting Corporate Officer

## **1. CALL TO ORDER**

There being a quorum present, Councillor Marsh, Chair, called the meeting to order at 11:39 a.m.

## **2. APPROVAL OF AGENDA**

It was moved and seconded:

**That the October 16, 2019 Committee of the Whole agenda be adopted as circulated.**

**CARRIED**

## **3. PUBLIC INPUT**

Council received brief public input from Cam Campbell regarding the agenda item.

## **4. BUSINESS**

### **4.1 Official Community Plan Project Objectives**

The Committee heard from the Community Planning Coordinator that approximately 40 people attended the Official Community Plan (OCP) Volunteers Workshop held at Providence Farm on Saturday October 5th. The Workshop included a broad orientation in the morning, followed by team building and engagement activities in the afternoon. The Committee heard that volunteers covered what makes a great OCP, project objectives, volunteer roles, and stakeholder identification.

Highlights from the Community Planning Coordinator's presentation included the following thematic (broad theme) objectives for the project:

#### **Growth Management** - policies around the Urban Containment Boundary (UCB).

- With the approach to growth management, questions raised at the workshop included how much are we going to grow, what does that look like, and where is growth going to be allowed.
- The term 'revising' was discussed and the Committee heard a review of the Urban Containment Boundary (UCB) could include revisions.

#### **Community Character**

- The Committee heard that community character is a big objective with servicing and development challenges.
- The Committee heard that while there is a rural community ambassador team that will focus on rural areas, rural and natural character aspects will also likely be discussed and considered through the project process. Rural character is not exclusive to the rural ambassadors.

#### **Climate Change**

- There was a lot of interest in climate change, and "incorporating climate adaptation, mitigation and resilience" which is the language from North Cowichan's Climate Action and Energy Plan (CAEP).
- The Committee heard staff are communicating and cooperating with the CVRD (regional approach) and acknowledging green infrastructure and environmentally sensitive areas.

#### **Employment and Economy**

- The volunteers recognized that North Cowichan is part of a regional economy.
- The Committee discussed language used, OCP objectives versus Project Objectives, and the need to show mindfulness around these topics and language as part of consultation and create room for that conversation.
- The Committee asked about the term 'healthy employment' and heard from staff that OCPs typically focus on "where we're going". In this case, healthy employment stems from wage and affordability (i.e. secure employment with livable income).

- The Committee heard from the Director of Planning that North Cowichan is attempting to capture concepts of 'complete community' and this was previously captured in the current OCP as Smart Growth.
- The Committee supported including "complete communities" as an additional objective for the Project.

The Committee then reviewed the following procedural objectives, as set out in the Community Planning Coordinator's presentation, noting inconsistencies with the report on the agenda:

**1. Prioritize Urgent Issues** (not included in report)

**2. Inter-Governmental Engagement**

**3. First Nations Engagement**

The Committee heard from staff that First Nations need to self-determine if and how they wish to be engaged, and that the Mayor sent letters to local First Nations seeking direction on whether and how they wish to be engaged.

**4. Achievable and Adaptable Outcomes**

The Committee heard this objective includes properly defined and achievable deliverables. If the OCP is expected to provide a panacea to all society's ills, this is set up for failure. There is a need to establish realistic and achievable deliverables.

The Committee asked questions about resolving conflicts with competing policies in an OCP and heard from the Director of Planning that an OCP will not solve all issues and it is the role of Council to resolve issues. An OCP should be readable and flexible enough to allow Council to apply discretion in their decision making. An OCP should provide a sense of general intent.

**5. Vetted Deliverables**

The Committee heard deliverables will be vetted first through the OCP Community Ambassador Groups, OCP Advisory Group, and project steering committee, before going to Council.

**6. Creating an Accessible Plain Language Plan and Planning Process**

The Committee clarified that the proposed project objectives will include objectives discussed at today's meeting, and thanked staff for their work on the workshop over the weekend.

It was moved and seconded:

**That Council support the proposed project objectives outlined in the October 16, 2019 report by the Community Planning Coordinator so that the OCP Project Plan can advance.**

**CARRIED**

**5. NEW BUSINESS**

None.

**6. QUESTION PERIOD**

The Committee received questions from Cam Campbell and Marilyn Palmer regarding business considered at this meeting.

**7. ADJOURNMENT**

It was moved and seconded:

**That the October 16, 2019 Committee of the Whole meeting be adjourned at 12:39 p.m.**

**CARRIED**

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Certified by Corporate Officer

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Signed by Mayor

# **Municipality of North Cowichan Special Council MINUTES**

**November 6, 2019, 11:00 a.m.  
Municipal Hall - Maple Bay Meeting Room**

Members Present      Mayor Al Siebring  
                                 Councillor Rob Douglas (11:10 a.m.)  
                                 Councillor Christopher Justice  
                                 Councillor Tek Manhas  
                                 Councillor Kate Marsh  
                                 Councillor Rosalie Sawrie  
                                 Councillor Debra Toporowski

Staff Present            Ted Swabey, Chief Administrative Officer (CAO)  
                                 Rob Conway, Director of Planning and Building  
                                 Karen Robertson, Corporate Officer  
                                 Nelda Richardson, Deputy Corporate Officer

## **1. CALL TO ORDER**

There being a quorum present, Mayor Siebring called the meeting to order at 11:00 a.m.

## **2. APPROVAL OF AGENDA**

It was moved and seconded:

**That Council approve the November 6, 2019 Special Council agenda, as amended, to add an item under New Business item 5.1.**

**CARRIED**

## **3. CLOSED SESSION**

It was moved and seconded:

**That Council close the November 6, 2019 Special Council meeting at 11:00 a.m. to the public on the basis of the following section of the Community Charter:**

- **90(1)(e) – the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality; and**
- **90(1)(i) - the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.**

**CARRIED**

**4. RISE AND REPORT**

Council rose without report and adjourned the meeting at 1:00 p.m.

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Certified by Corporate Officer

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Signed by Mayor



# **Municipality of North Cowichan Regular Council MINUTES**

**November 6, 2019, 1:30 p.m.  
Municipal Hall - Council Chambers**

Members Present     Mayor Al Siebring  
                             Councillor Rob Douglas  
                             Councillor Christopher Justice  
                             Councillor Tek Manhas  
                             Councillor Kate Marsh  
                             Councillor Rosalie Sawrie  
                             Councillor Debra Toporowski

Staff Present         Ted Swabey, Chief Administrative Officer (CAO)  
                             Mark Frame, General Manager, Financial and Protective Services  
                             Ernie Mansueti, General Manager, Community Services  
                             David Conway, Director of Engineering  
                             Rob Conway, Director of Planning and Building  
                             Karen Robertson, Corporate Officer  
                             Megan Jordan, Acting, Manager, Communications and Public Engagement

## **1. CALL TO ORDER**

There being a quorum present, Mayor Siebring called the meeting to order at 1:32 p.m.

## **2. APPROVAL OF AGENDA**

It was moved and seconded:

**That Council adopt the November 6, 2019 Regular Council agenda, as circulated.**

**CARRIED**

## **3. ADOPTION OF MINUTES**

### **3.1 October 1, 2019 - Special Council - Public Hearing**

It was moved and seconded:

**That Council adopt the Special Council - Public Hearing minutes of the meeting held October 1, 2019.**

**CARRIED**

### **3.2 October 16, 2019 - Special Council**

It was moved and seconded:

**That Council adopt the Special Council minutes of the meeting held October 16, 2019.**

**CARRIED**

**3.3 October 16, 2019 - Regular Council**

It was moved and seconded:

**That Council adopt the Regular Council minutes of the meeting held October 16, 2019.**

**CARRIED**

**3.4 October 21, 2019 - Special Council**

It was moved and seconded:

**That Council adopt the Special Council minutes of the meeting held October 21, 2019.**

**CARRIED**

**4. MAYOR'S REPORT**

The Mayor gave a verbal report on meetings and activities he recently attended.

Councillors Sawrie, Toporowski, and Marsh provided highlights of the "Livable Cities" forum they recently attended in Victoria on October 28 – 30, 2019.

**5. DELEGATIONS AND PRESENTATIONS**

**5.1 PRESENTATION: RCMP Quarterly Report (July through September, 2019)**

Council heard from Inspector Chris Bear regarding the North Cowichan/Duncan RCMP Detachment's activities and accomplishments over the reporting period July through September, 2019.

Council asked questions of Inspector Bear and thanked him for his presentation and work.

**6. PUBLIC INPUT**

Council received brief public input regarding agenda items from the following registered speakers:

- Jack McNeil (spoke to item 8.1)
- Monique Joseph (spoke to item 8.1)
- Martina Joe (spoke to item 8.1)
- Jared Williams (spoke to item 8.1)
- Sandy McPherson (spoke to item 8.1)

**7. BYLAWS**

**7.1 Bylaw 3748 - "Zoning Amendment Bylaw (Cannabis Sales - 2900 Drinkwater), 2019"**

Councillor Manhas declared a conflict of interest as his employer has submitted a rezoning application for a retail cannabis store and left the Council Chambers at 2:34 p.m.

Councillor Toporowski declared a conflict of interest as Cowichan Tribes is a partner in the Costa Canna Corporation and she is a Cowichan Tribes Council member and left the Council Chambers at 2:34 p.m.

It was moved and seconded:

**That "Zoning Amendment Bylaw (Retail Cannabis Sales - 2900 Drinkwater Road), No. 3748, 2019" be abandoned.**

**CARRIED**

Councillors Manhas and Toporowski returned to the Council Chambers at 2:35 p.m.

## **8. REPORTS**

### **8.1 Reconsideration of Zoning Amendment Bylaw No. 3761, 2019**

It was moved and seconded:

**That reconsideration of third reading of Bylaw No. 3761 be deferred until after a further public hearing has been held, and that staff be directed to schedule a public hearing and give notice in accordance with the requirements of the Local Government Act, with the public hearing to be held at the Cowichan Performing Arts Centre.**

**CARRIED**

By consensus Council recessed the meeting at 2:46 p.m.

The Council meeting resumed at 2:48 p.m.

### **8.2 Reconsideration of Development Permit Application DP000155**

It was moved and seconded:

**That reconsideration of Development Permit Application DP000155 be deferred until Council has concluded its reconsideration of Bylaw No. 3761.**

**CARRIED**

### **8.3 Bylaw 3765 - "Zoning Amendment Bylaw (CD10 - 2903 Cypress Street), 2019"**

It was moved and seconded:

**That Council give first and second readings to "Zoning Amendment Bylaw (CD10 - 2903 Cypress Street), No. 3765, 2019" - a bylaw to regularize the existing apartment building use at 2903 Cypress Street; and,**

**That a Public Hearing for "Zoning Amendment Bylaw (CD10-2903 Cypress Street), No. 3765, 2019" be scheduled as required by the *Local Government Act*.**

**CARRIED**

### **8.4 Bylaw 3758 - "Zoning Amendment Bylaw (Keeping of Farm Animals and Poultry), 2019"**

It was moved and seconded:

**That Council remove the words "but for clarity this does not include roosters" from section 1(c) of Bylaw No. 3758.**

**CARRIED**

It was moved and seconded:

**That Council give first and second reading to "Zoning Amendment Bylaw (Keeping of Farm Animals & Poultry), No. 3758, 2019" in order to regulate the keeping of farm animals and poultry, and to establish setbacks specific to kennels; and**

**That a Public Hearing be scheduled and notification given, as per the requirements of the Local Government Act.**

**CARRIED**

**8.5 Bylaw 3766 - "Zoning Amendment Bylaw (1038 Herd Road), 2019"**

It was moved and seconded:

**That Council give first and second reading to "Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019" in order to permit two residential buildings, with a maximum of two dwelling units; and,**

**That a Public Hearing be scheduled for "Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019" and notification be issued in accordance with the requirements of the Local Government Act.**

**CARRIED**

**8.6 Bylaw 3767 - "Zoning Amendment Bylaw (Reduction of Setbacks in Agricultural Zones), 2019"**

It was moved and seconded:

**That Council give first and second reading to "Zoning Amendment Bylaw (Reduction of Setbacks in Agricultural Zones), No. 3767, 2019"; and**

**That referrals be sent to the BC Young Agrarians, the Cowichan Agricultural Society, and the Cowichan Green Community, and that referral agencies be given a maximum of 30 calendar days to provide a response before a public hearing is held; and**

**That a Public Hearing be scheduled for Zoning Amendment Bylaw (Reduction of Setbacks in Agricultural Zones), No. 3767, 2019", and notification issued in accordance with the requirements of the Local Government Act.**

**CARRIED**

**8.7 Canada Avenue Flood Gate, Drainage and Road Upgrade Project**

It was moved and seconded:

**That Council support an application to the Union of British Columbia Municipalities' Community Emergency Preparedness Fund for \$750,000 for the *Canada Ave Flood Gate, Road and Drainage Upgrade Project*; and**

**Direct staff to cancel the *Canada Ave Road Upgrade Project* and adjust the budgets for 2020 and 2021 for the Canada Ave Flood Gate, Road and Drainage Upgrade Project.**

**CARRIED**

**9. NOTICE OF MOTIONS**

None.

**10. REVIEW OF COMMITTEE MINUTES**

**10.1 October 16, 2019 - Committee of the Whole Minutes**

**10.1.1 Official Community Plan (OCP) Project Objectives**

It was moved and seconded:

**That Council support the proposed project objectives outlined in the October 16, 2019 report by the Community Planning Coordinator so that the OCP Project Plan can advance.**

**CARRIED**

**11. NEW BUSINESS**

**11.1 Community Emergency Preparedness Fund Grant Application**

It was moved and seconded:

**That Council support an application to the Union of British Columbia Municipalities' Emergency Preparedness Fund for the Volunteer & Composite Fire Departments Equipment and Training funding stream for \$25,000 to assist in purchasing an extra hose, sprinklers and equipment to outfit the Wildfire Sprinkler Protection Unit trailer and to provide the necessary training; and**

**Direct staff to sign an Approval Agreement including terms and conditions of the grant awarded and manage the funds received if the application for the Volunteer & Composite Fire Departments Equipment and Training funding stream for \$25,000 is successful.**

**CARRIED**

**11.2 Cowichan Valley Regional District Board Appointments**

It was moved and seconded:

**That Council re-affirm Mayor Siebring, Councillor Marsh and Councillor Toporowski as the Cowichan Valley Regional District Board appointees for the remainder of the Council term;**

**And That Council reaffirm Councillor Justice as Alternate #1, Councillor Manhas as Alternate #2, and Councillor Sawrie as Alternate #3 for the remainder of the Council term.**

(Opposed: Manhas)

**CARRIED**

**12. QUESTION PERIOD**

Council received questions from the public regarding business considered at this meeting.

**13. ADJOURNMENT**

It was moved and seconded:

**That Council adjourn the November 6, 2019 Regular Council meeting at 3:36 p.m.**

**CARRIED**

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Certified by Corporate Officer

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Signed by Mayor

# Report

Date November 20, 2019  
To Council  
From Karen Robertson, Corporate Officer  
Subject Council and Public Hearing Schedule for 2020

File: 0530--01

Endorsed:



## Purpose

To present the Council and Public Meeting schedule for 2020.

## Background

In accordance with Section 127 of the *Community Charter*, and Section 4 of Council's Procedure Bylaw, Council must annually make available to the public, a schedule of the dates, time and place of regular Council meetings and give notice of the availability of the schedule through advertising.

## Discussion

Under Council's Procedure Bylaw, regular Council meetings are to be held on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays of each month commencing at 1:30 pm. When a regular meeting falls on a statutory holiday, the meeting must be held on the next day the Municipal Hall is open following the statutory holiday.

Based on the above for 2020, a few conflicts arise related to the timing of Council conferences for 2020 and Christmas vacation. As such, the following four amendments are being proposed:

- To endorse holding the Council meetings for January on January 14 and 29 (the 3<sup>rd</sup> and 5<sup>th</sup> Wednesdays). The rationale for this change is that under Council's Procedure Bylaw, the first Council meeting in January would be scheduled for January 2, 2019. As many Council members and staff are on vacation between Christmas and New Years, it makes it difficult to produce an agenda prior to Christmas break. This has been the case in years past and past practise has been to have one meeting in the middle of January; however, because there are 5 Wednesdays in January, two meetings can be accommodated.
- To hold only one meeting in February (on the 3<sup>rd</sup> Wednesday). The rationale for this amendment is: 1) the first Wednesday in February conflicts with the LGLA Conference which is scheduled for February 5 – 7, 2020; and 2) because two meetings can be accommodated in January.

- To hold the first meeting in June on Tuesday, June 2<sup>nd</sup> vs. Wednesday June 3<sup>rd</sup> to accommodate those attending the FCM conference who will be flying out on the Wednesday, June 3, 2020.
- To hold one meeting during the months of July and August. This has been tradition and provides the opportunity for Council and staff to take summer vacation, without missing any meetings. When putting forward the schedule to Council this time last year, Council passed a motion to continue with this practise for 2019. Ultimately a second meeting was called for July and one meeting was held in August and Council always has the ability to call a Special meeting should the need arise.

#### Recommendation

- 1. That Council endorse January 14 and 29, 2020 as the Council meeting dates for January, 2020.**
- 2. That Council cancel the February 5, 2019 Council meeting to accommodate the LGLA Conference.**
- 3. That Council endorse holding the first meeting in June, 2020 on Tuesday, June 2, 2019 to accommodate those Council members attending the FCM conference.**
- 4. That Council support holding one Council meeting in July (to be held on July 15 2019) and one Council meeting in August (to be held on August 19, 2019).**
- 5. That the Council meeting dates as proposed for March, April, May, June, September, October, November, and December be endorsed as per Council's Procedure Bylaw and as attached to the November 20, 2020 report by the Corporate Officer.**

Attachment(s): Council and Public Hearing Meeting Schedule for 2020



January 2020						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	14	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February 2020						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

March 2020						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
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June 2020						
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July 2020						
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August 2020						
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September 2020						
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October 2020						
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November 2020						
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29	30					

December 2020						
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2020						
Council Meetings						
Council Meetings/Public Hearings						
Statutory Holidays						
Council Conferences						
LGLA February 5 – 7, 2020 (Richmond)						
AVICC April 17-19 (Nanaimo)						
FCM June 4-7 (Toronto)						
UBCM September 21-25 (Victoria)						


Meeting Times:

Council Meetings: 1:30 pm  
Public Hearings: 6:00 pm

Deputy Mayor Schedule:

Rob Douglas – Nov. 7, 2018 – June 30, 2019  
Kate Marsh – July 1, 2019 – Feb. 28, 2020  
Christopher Justice – March 1, 2020 – Oct 31, 2020  
Tek Manhas – Nov. 1, 2020 – June 30, 2021  
Rosalie Sawrie – July 1, 2021 – Feb. 28, 2022  
Debra Toporowski – March 1, 2022 – Oct. 31, 2022

# Report

Date	November 6, 2019	File: ZB000120
To	Council	
From	Larissa Barry-Thibodeau, Development Planner	Endorsed: 
Subject	"Zoning Amendment Bylaw (Keeping of Farm Animals & Poultry), No. 3758, 2019"	

## Purpose

The purpose of this report is to provide Council with information, analysis, and a recommendation to update "Zoning Bylaw 1997, No. 2950" to include general regulations pertaining to the keeping of farm animals and poultry, and regulations for kennels.

## Background

"Animal Responsibility Bylaw No. 3740, 2019", was adopted by Council on May 1, 2019. In that process, regulations pertaining to number of permitted animals, minimum lot sizes, and setbacks for the keeping of farm animals and poultry from repealed "Animal Control Bylaw 1995" were removed. This report recommends a comprehensive zoning amendment bylaw to replace and relocate regulations from repealed "Animal Control Bylaw 1995" in "Zoning Bylaw, No. 2950, 1997".

## Discussion

As noted, a gap in regulation exists for the keeping of farm animals, poultry, and kennels. Previously, the keeping of animals including farm animals and poultry was permitted in all zones, but limited by the provisions of "Animal Control Bylaw 1995" for minimum lot size, number of permitted animals, and setback provisions. Kennels were permitted but only on lots greater than 8093 m<sup>2</sup> (2 acres). These regulations were removed in the adoption "Animal Responsibility Bylaw No. 3740, 2019".

The relevant regulations from the former "Animal Control Bylaw 1995" can be see in Attachment 1, and have been adapted for consolidation with "Zoning Bylaw, No. 2950, 1997". In addition, the proposed changes include defining farm animals and poultry, and differentiating kennel use from other types of uses for minimum setback requirements. "Zoning Amendment Bylaw (Keeping of Farm Animals & Poultry), No. 3758, 2019" can be reviewed in Attachment 2.

## Proposed Changes to Definitions

The following definitions for farm animals and poultry are proposed to be added:

1. "farm animals" means domesticated cows, donkeys, horses, mules, llamas, emus, ostriches, swine, sheep, or goats, and other animals usually associated with farming, but not necessarily used solely for agricultural purposes.
2. "poultry" means chickens, turkeys, ducks, geese and pigeons."

### Proposed Changes to General Regulations (Permitted in All Zones)

The following changes to the general regulations section of "Zoning Bylaw No. 2950, 1997", limits the keeping of farm animals, poultry, and rabbits, on all lots, by re-assigning minimum lots sizes for keeping of animals, and re-assigning setback requirements for structures for farm animals, poultry, and rabbits.

#### *Keeping of Farm Animals and Poultry*

- 48.1 (1) The keeping of farm animals and poultry is permitted on a lot greater than 8000 m<sup>2</sup> (1.98 ac) in area.
- (2) The keeping of farm animals and poultry is not permitted on a lot less than 8000 m<sup>2</sup> (1.98 ac) in area, except as follows:
- (a) on a lot greater than 1675 m<sup>2</sup> (0.41 ac) in area but less than 4000 m<sup>2</sup> (0.99 ac) in area, a total of not more than 12 rabbits or poultry, but for clarity this does not include roosters;
  - (b) on a lot equal to or greater than 4000 m<sup>2</sup> (0.99 ac) in area but less than 8000 m<sup>2</sup> (1.98 ac) in area, a total of not more than 12 rabbits or poultry and a total of not more than 2 farm animals.
- (3) Any structure to house farm animals, or poultry must be set back at least 15 m from any lot line.
- (4) Any structure used for the storage of manure must be set back at least 15 m from any lot line.
- (5) Notwithstanding the foregoing, where the minimum setback requirements from all lot boundaries of the zone in which the structure is located are greater than 15 m, the greater setback requirements apply.

### Proposed Changes to Kennel Use (Setbacks and Lot Size)

The following setbacks for kennels are proposed for the A1 and A2 Zones, consistent with the current setbacks for 'All Other Principal Buildings' in the associated zone:

#### *Agricultural (A1) Zone*

1. A kennel shall be located no closer than 46 m (150.91') from any lot line in the Agricultural Zone (A1).
2. A kennel must not be located on a lot less than 8000 m<sup>2</sup> (1.98 acres) in area.

#### *Rural (A2) Zone*

1. A kennel shall be located no closer than 30 m (98. 43') from any lot line in the Rural Zone (A2).
2. A kennel must not be located on a lot less than 8000 m<sup>2</sup> (1.98 acres) in area.

## Analysis

When "Animal Control Bylaw 1995" was repealed, regulations pertaining to number of permitted animals, minimum lot sizes, and setbacks for the keeping of farm animals, kennels, and poultry were not included in "Animal Responsibility Bylaw No. 3740, 2019".

While parameters for the regulations of farm animals, poultry, and kennels, will be considered as part of the OCP and Zoning Bylaw review, staff recommend that the former regulations from "Animal Control Bylaw 1995" be re-instated as an interim measure to mitigate nuisance and noise complaints, to provide regulations to the public consistent with the District's past practice, and to differentiate setbacks for kennels from other uses, which is consistent with other jurisdictions.

## Options

### Staff Recommendation:

That Council give first and second reading to "Zoning Amendment Bylaw (Keeping of Farm Animals & Poultry), No. 3758, 2019" in order to regulate the keeping of farm animals and poultry, and to establish setbacks specific to kennels; and,

That a Public Hearing be scheduled and notification given, as per the requirements of the *Local Government Act*.

### Alternate Recommendation:

Option 2: That no amendments to "Zoning Bylaw No. 2950, 1997" to regulate the keeping of farm animals, poultry, and kennels be pursued at this time, and consideration of these issues be deferred to the OCP and Zoning Bylaw review.

## Recommendation

**That Council give first and second reading to "Zoning Amendment Bylaw (Keeping of Farm Animals & Poultry), No. 3758, 2019" in order to regulate the keeping of farm animals and poultry, and to establish setbacks specific to kennels; and,**

**That a Public Hearing be scheduled and notification given, as per the requirements of the *Local Government Act*.**

### Attachment(s):

1. Animal Control Bylaw, 1995, Excerpts
2. Proposed Bylaw No. 3758



The Corporation of the District of North Cowichan

## **A Bylaw to Regulate the Keeping of Dogs and Other Animals**

Bylaw 2856

...


- 19** A dog kennel must not be located on a lot less than 2 ac in area.

...

### **Keeping of animals**

- 46** No person shall keep any farm animals, exotic animals, or poultry on any lot in the municipality that is less than 8000 m<sup>2</sup> (1.98 ac) in area, except as follows:
- (1) on a lot greater than 1675 m<sup>2</sup> (0.41 ac) in area but less than 4000 m<sup>2</sup> (0.99 ac) in area, a total of not more than 12 rabbits or poultry;
  - (2) on a lot equal to or greater than 4000 m<sup>2</sup> (0.99 ac) in area but less than 8000 m<sup>2</sup> (1.98 ac) in area, a total of not more than 12 rabbits or poultry and a total of not more than 2 farm animals or 2 exotic animals.
- 47**
- (1) Any structure or enclosure to house farm animals, exotic animals, or poultry shall be set back at least 15 m from any lot line.
  - (2) Any structure used for the storage of manure shall be set back at least 15 m from any lot line.
  - (3) Notwithstanding the foregoing, where the minimum setback requirements from all lot boundaries of the zone in which the structure or enclosure is located are greater than 15 m the greater minimum setback requirements shall be applied.

# Report

Date	October 16, 2019	Prospero No. ZB000093
To	Council	Folio No. 12393-000
From	Caroline von Schilling, Development Planner	File No. 3360-20 18.19
Subject	Zoning Bylaw Amendment Application No. ZB000093 (8432 Trans-Canada Hwy) – Cannabis Retail Sales Second Reading	
		Endorsed: 

## Purpose

To provide Council with an update regarding the requirement of the applicant of ZB000093 (8432 Trans-Canada Highway) to host an Information Meeting as per Section 4.8 of the *Retail Cannabis Sales Policy*:

Section "4.8 All applicants are required to arrange and conduct an Information Meeting to provide residents and property owners within 60 m of the subject property with information about their application. A summary of the feedback received at the meeting will be incorporated as part of the staff report to Council".

## Discussion

On September 4, 2019 Council gave First Reading to Zoning Bylaw Amendment No. ZB000093 (8432 Trans-Canada Highway). The applicant was directed to conduct an Information Meeting prior to Council's consideration of Second Reading. Additionally, the applicant was directed to advise Halalt First Nation and Lyackson First Nation of the Information Meeting.

Staff wish to advise Council that the applicant arranged and conducted an Information Meeting on October 3, 2019 at the Red Rooster Restaurant at 8432 Trans-Canada Highway from 5:30 – 8:00 pm. The applicant stated they notified properties within a 60m radius of the Subject Property, as well as Halalt First Nation and Lyackson First Nation, of the Information Meeting. The applicant's summary of the Information Meeting is attached (see Attachment 1). Staff believe that the *Retail Cannabis Sales Policy* and Council's requirements have been satisfied.

Note: Second Reading to Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans-Canada Highway), 2019, No. 3763 is amended to correct the address from 8432 Trans Canada Highway Drinkwater Road to *8432 Trans-Canada Highway*, i.e., removing the words 'Drinkwater Road'.

## Staff Recommendation

**That Council give second reading, as amended (to remove reference to Drinkwater Road) to "Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans-Canada Highway), 2019" No. 3763; and**

**That staff be directed to schedule a Public Hearing and issue notice in accordance with the requirements of the *Local Government Act*.**

Attachment: Applicant's Summary of the Information Meeting (email)

**From:** Patrick Nadeau <pjwnadeau@gmail.com>  
**Sent:** Friday, October 4, 2019 9:04 AM  
**To:** Caroline von Schilling  
**Subject:** Father Natures Meeting

Good morning Caroline. We had our meeting last night from 5:30-8pm

We had 10,people come to the meeting. The meeting was held at 8432C Trans Canada highway, at the Red Rooster Diner.

Unfortunately all the people we sent invitations to, did not show up, nor did any representatives from the Halalt or Lyackson bands attend.

What I was not aware of was the invitation I sent to the people in Mount sicker, was posted on their Facebook, and web page, which went out to all the people in our area. They have their own community billboard on the net.

So the people that did show up, were locals, but directly 60m from us. That surprised me.

Attending...

10 names
----------

The meeting went very well. There were some concerns and some suggestions.

Concerns from [Name(s)] regarding the safety of the shop, because there has been a lot of break-ins in the area. I assured them that the standards for safety set out by the Province, has made it certain that We will not be an easy target. On our application with you, it lays out all the safety features, IE cameras, monitoring, and lighting.

They Suggested a few more Cameras on the back of the building facing Mount Sicker road, in case there is trouble, it will be easier for the RCMP to get a better visual on the traffic coming and going. We agreed and will be putting in 2 additional cameras at that location.

[Name(s)] wanted to know what our hours of operation will be, they don't want a lot traffic after midnight in their area.

We have applied for maximum hours of operation with the Province. They have set out hours like the Liquor stores. 9am-11pm, but we have chosen to limit our hours from 9am-9pm, and maybe 10pm in the summer. They were very happy to hear that.

[Name(s)] wanted some history on me, because they did not want some monopolizing corporation to come in and send the money elsewhere.

They were also enquired on staffing and will I be hiring locally.

I have told them that I am local, I will be hiring locally, and the money will, stay in the Cowichan Valley.

I also told them that all staff including myself have to go through a serious security screening before they can work in this industry. I am grateful for that, and so were they.

besides that, there was a lot of positive comments. Fortunately I have been at the Red Rooster for 5 years now, and they were happy to see a familiar face opening this business instead of someone they did not know.

I was asked if they had to register or get prescriptions from their doctors to purchase at the store. I let them know, that we will all be recreational Cannabis stores set out by the province, we are not allowed to be considered an apothecary or anything to do with the medicinal side.

The meeting lasted 2.5 hours, and everyone including myself left the meeting in a very positive way.



It went far better than I anticipated. Nothing negative, just great conversation, and helping to educate them on the rules and regulations set forth by the Provincial Government. We could have talked all night.

I hope this is what you wanted.

Thank you Caroline, I await your reply.

Patrick Nadeau



Virus-free. [www.avg.com](http://www.avg.com)

# Report

Date	September 4, 2019	Prospero No. ZB000102
To	Council	Folio No. 05463-050
From	Caroline von Schilling, Development Planner	File No. 3360-20 18.28
Subject	Zoning Bylaw Amendment Application No. ZB000093 (8432 Trans-Canada Highway) – Cannabis Retail Sales	Endorsed: 

## Purpose

The purpose of this report is to provide Council with information, analysis and a recommendation regarding a site specific zoning amendment application to permit the use of Retail Cannabis Sales at 8432 Trans Canada Highway to facilitate a cannabis retail store.

## Background

The 0.49 ha (1.21 ac) subject property is located at the corner of Mount Sicker Road and the Trans-Canada Hwy. (see ATTACHMENTS 1 & 2). The property is designated Highway Service Commercial in the Official Community Plan (OCP), is zoned Commercial Service (C3) in the zoning bylaw (ATTACHMENT 3). The Subject Property is located within the Agriculture Land Reserve (ALR). Proximity of the proposed location of the proposed cannabis retail sales store to parks, schools, and recreation areas is identified in ATTACHMENT 4.

## Land Use Context

**North:** Commercial; Agricultural and rural properties beyond  
**South:** Agricultural and rural properties  
**East:** Agricultural and rural properties; Halalt First Nation beyond  
**West:** Agricultural and rural properties

## Proposal

The applicant is proposing to amend the Zoning Bylaw to permit a cannabis retail store at 8432 Trans-Canada Highway (ATTACHMENT 5 & 6) within the Commercial Service (C3) Zone (ATTACHMENT 7).

## Discussion

In October, 2018, the Federal government legalized non-medical Cannabis regulated by Bill C-45 the *Cannabis Act*. This federal legislation created a number of responsibilities for all levels of government regarding cannabis use, possession, production, and sales. The Province of BC has since adopted the *Cannabis Control and Licensing Act* and the *Cannabis Distribution Act*, as well as a series of regulations, to regulate private cannabis retail stores.

The Province has been clear that local governments can choose to prohibit cannabis stores or cap the number permitted in the community, or establish criteria for permitting cannabis retail stores. On January 16, 2019, Council considered and adopted the Retail Cannabis Sales Policy in order to establish criteria to guide Council in its consideration of land use amendment applications for site-specific cannabis retail sales. It was revised on July 17, 2019 (see ATTACHMENT 8).

Policy considerations regarding this application are:

#### Official Community Plan

Provide clear policies guiding the location and operation of commercial enterprises

**Policy 2.4.5.2** *The Municipality encourages a range of commercial facilities from local to regional in scope.*

**Policy 2.4.5.12** *The Municipality will take the following into consideration for zoning to permit highway service commercial development:*

- Land use along the Trans-Canada Highway will be governed by highway service commercial zone and policy. [see also 2.5.6.10 & Map 11]
- Commercial land along the highway should be protected for highway commercial uses ...

**Policy 2.5.6.10** *The Municipality supports the maintenance of the existing service and transportation corridors in North Cowichan.*

Achieve results consistent with the goals, principles and policies of the OCP

**Policy 3.2.2.2** *The Municipality will work together with neighbouring First Nations on matters of shared concern, including traffic, water and servicing.*

*(a) The Municipality will continue to work together with First Nations to integrate standards and share service delivery equitably*

The OCP designates the Subject Property within the Westholme Highway Service Commercial area (Map 9), which services the surrounding rural/regional area as well as the neighbourhood jurisdiction of Halalt First Nation. The OCP further designates the Subject Property within the Trans Canada Highway Corridor Rural Designation, which identifies this section of the Trans Canada Corridor for rural land uses.

The proposal is generally consistent with the policies of the OCP. The Municipality should work together with neighbouring jurisdiction of Halalt First Nation on matters of shared concern (OCP Policy 3.2.2.2).

#### Retail Cannabis Sales Policy

##### **Policy 4.1 Location**

*Retail cannabis use must be located on, or in close proximity to, a provincial highway ...; and in commercial areas ...*

This application proposal is located in close proximity to the Trans-Canada Highway, and in an established commercial area.

**Policy 4.2** *Only one retail cannabis sales storefront will be allowed per parcel.*

No other active application has been approved for this parcel at this time.

**Policy 4.5 Community Impact**

*Council will consider the impact of retail cannabis sale in proximity to libraries, public recreation centres, public community centres, parks, places of worship and family-oriented facilities.*

The proposal is located within approximately 500m from Chemainus Community Park and the historic Westholme School, and approximately 800m from Halalt First Nation, e.g., day care, library, and community centre.

The location is separated from Chemainus Community Park by a bridge crossing the Chemainus River. The location is separated from historic Westholme School and Halalt First Nation by an arterial highway.

**Policy 4.9 Application Process**

*The municipality will refer all retail cannabis sales applications to School District #79, North Cowichan RCMP, and jurisdictional neighbours for up to 30 days to ensure that their comments are considered in Council's decision.*

Referrals were sent to School District #79, North Cowichan RCMP, and the jurisdictional neighbours of Halalt First Nation, Cowichan Tribes, City of Duncan, and the Cowichan Valley Regional District, to notify them and invite comment or concern about the proposal.

All jurisdictions and agencies provided comment. In summary, no concerns over proximity were raised by SD79. No concerns were raised by the City of Duncan nor the Cowichan Valley Regional District. Cowichan Tribes wished to defer to Halalt First Nation. The RCMP did not raise concerns.

Concerns over the proximity of the cannabis retail sales store proposal were raised by Halalt First Nation (ATTACHMENT 9).

**Development Permit Areas**

This area is subject to Development Permit Area-1 (General) should new construction or significant exterior upgrades to the store be required.

**Zoning Bylaw**

Retail use is permitted in the existing Commercial Service (C3) Zone. Cannabis retail use is not permitted without a zoning amendment.

**Ministry of Transportation and Infrastructure**

The subject property is within 800 m of a Controlled Access Highway (Trans-Canada Highway) requiring Ministry of Transportation and Infrastructure (MOTI) approval of this proposed zoning amendment bylaw prior to bylaw adoption. The application was referred to the MOTI on August 19, 2019; no concerns were raised.

## Analysis & Conclusion

Official Community Plan (OCP) support for the proposal (Commercial Section 2.4.5) is based on, the proposal:

- Encourages a range of commercial facilities, and
- Is consistent with the policy direction of Highway Service Commercial designation, i.e., commercial proximity to an arterial highway.

Further, Cannabis Retail Sales Policy support for the proposal (Location Policy 4.1 & Community Impact Policy 4.5) is based on, the proposal is:

- Located near an arterial highway, and within an established commercial area, and
- Unlikely to negatively impact use of Chemainus River Community Park on the north side of the Chemainus River and the periodic use of historic Westholme School.

However, Cannabis Retail Sales Policy (Community Impact Policy 4.5) is not supportive of the proposal because the proposal:

- Could negatively impact Halalt First Nation, e.g., day care, library, community centre.

In conclusion, this zoning amendment application to a permit a cannabis retail sales store does not contradict the intent of the Official Community Plan, including the Highway Service Commercial and Trans Canada Corridor Rural designations, nor, on the balance, the Cannabis Retail Sales Policy. Therefore, staff, provides a positive recommendation to this application.

Yet, the Westholme Highway Service Commercial area services local area community residents, including Halalt First Nations community residents. As such, this area functions as a rural neighbourhood commercial node as well as a highway service commercial node. In order to determine if retail cannabis sales is an appropriate use in this context, the local community should be consulted.

## Communications and Engagement

The applicant is required to arrange and conduct an Information Meeting to provide residents and property owners within a 60 m of the subject property with information about their application (Section 4.8, Cannabis Retail Sales Policy) prior to Public Hearing. A summary of the feedback received at the meeting will be incorporated as part of the staff presentation to Council. An Information Meeting for this application has not yet occurred, but would be required prior to a Public Hearing.

Should Council choose to provide 1<sup>st</sup> and 2<sup>nd</sup> Reading to this bylaw, the application will proceed to a Public Hearing, at which time the general public will be provided an opportunity to provide input to the proposed Zoning Bylaw amendment. Neighbouring properties within a 60 m radius of the subject property will be notified of this application and advertisements will be placed in the local newspaper, as required by the *Local Government Act*.

## Options

The following options are presented for Council's consideration (ATTACHMENT 10):

### Option 1 – Staff Recommended

1. That Council give first and second readings to "Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans Canada Highway), 2019" No. 3763 – a bylaw to permit cannabis retail sales at 8432 Trans-Canada Highway;
2. That the Applicant be directed to conduct an Information Meeting prior to a Public Hearing; and,
3. That a Public Hearing be scheduled as required by the *Local Government Act*.

### Option 2 – Alternate Recommendation:

That Council deny first and second readings to "Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans Canada Highway), 2019" No. 3763.

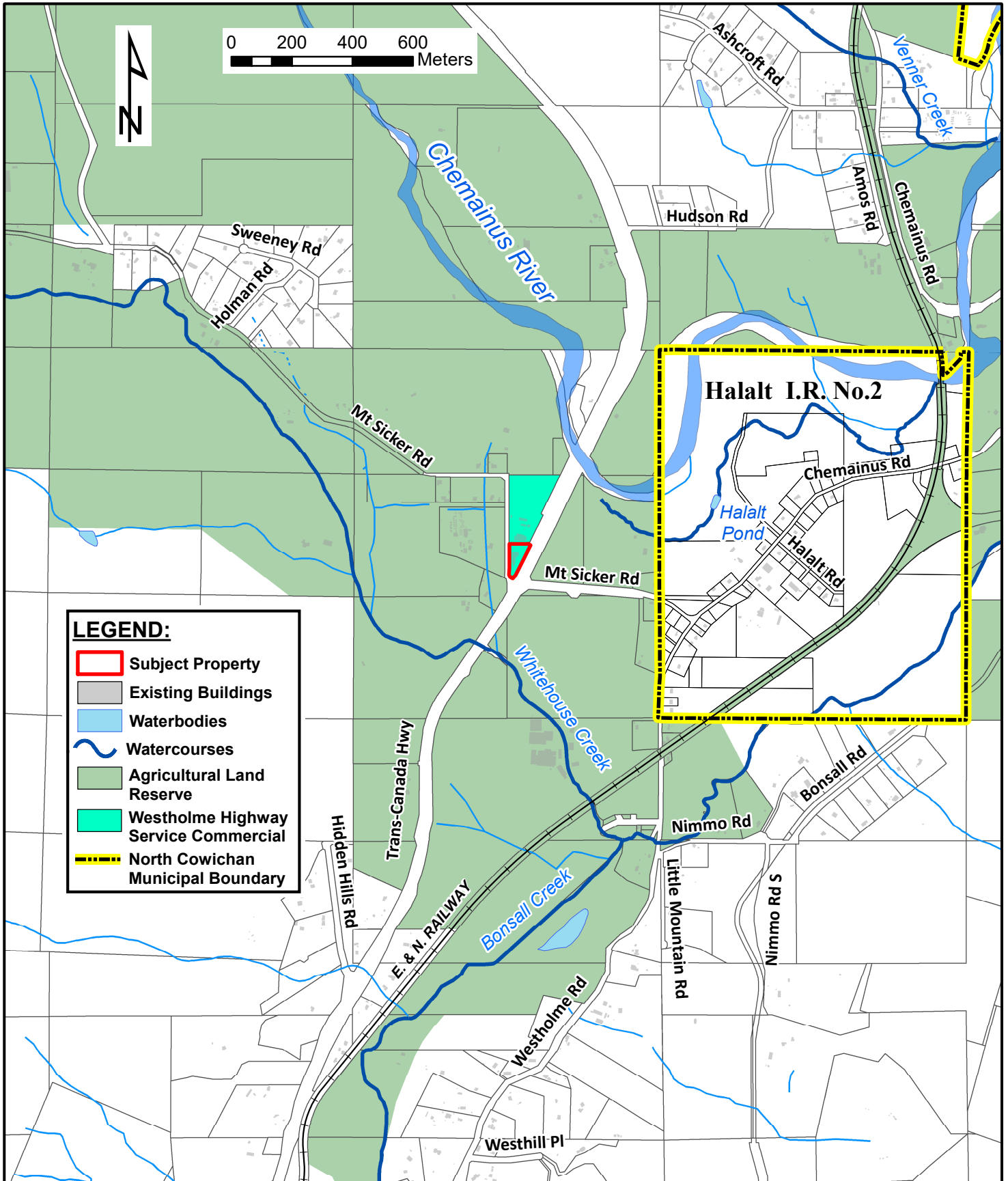
Should Council choose to deny this zoning amendment application the applicant would be required to conform to the permitted uses of the Commercial Service (C3) Zone.

## Recommendation

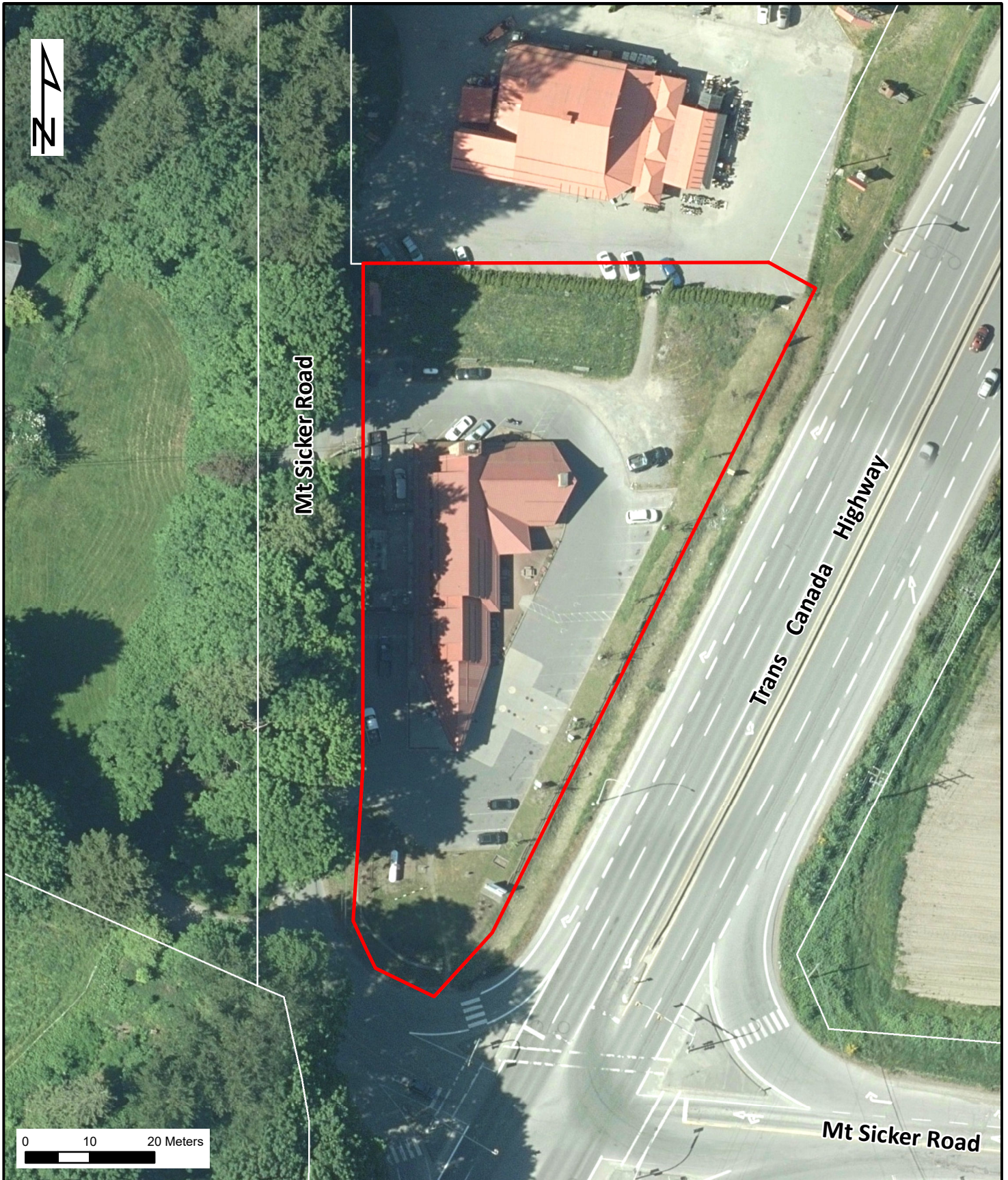
- 1. That Council give first and second readings to "Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans Canada Highway), 2019" No. 3763 – a bylaw to permit cannabis retail sales at 8432 Trans-Canada Highway;**
- 2. That the Applicant be directed to conduct an Information Meeting prior to a Public Hearing; and,**
- 3. That a Public Hearing be scheduled as required by the *Local Government Act*.**

## Attachments:

1. Location Map
2. Air Photo
3. Zoning Map
4. Cannabis Policy Map
5. Letter of Rationale
6. Site Photos
7. Commercial Service (C3) Zone
8. Council Policy: Cannabis Retail Sales
9. Halalt First Nation Referral (Concerns)
10. Bylaw 3763







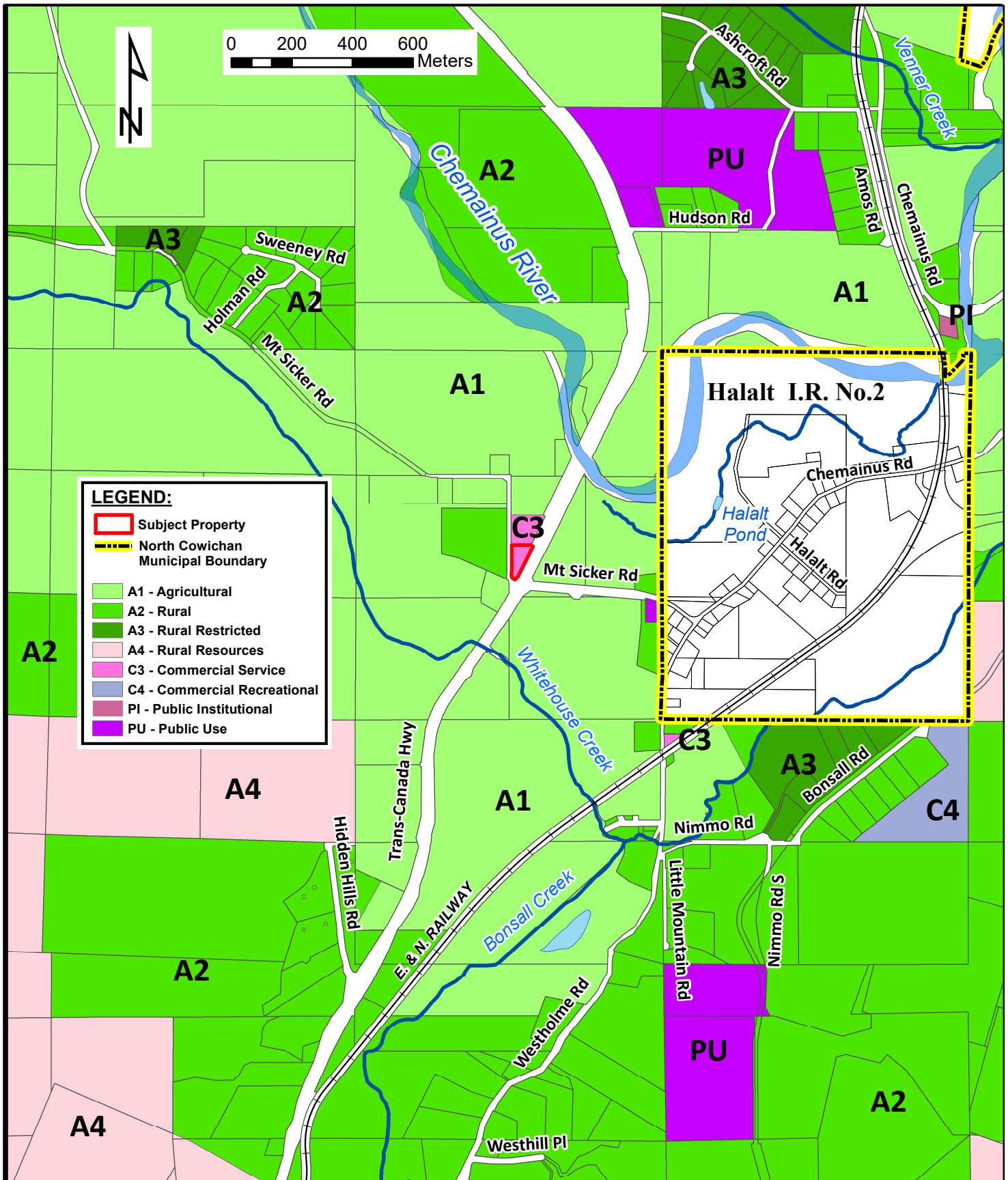
## ORTHOPHOTO MAP

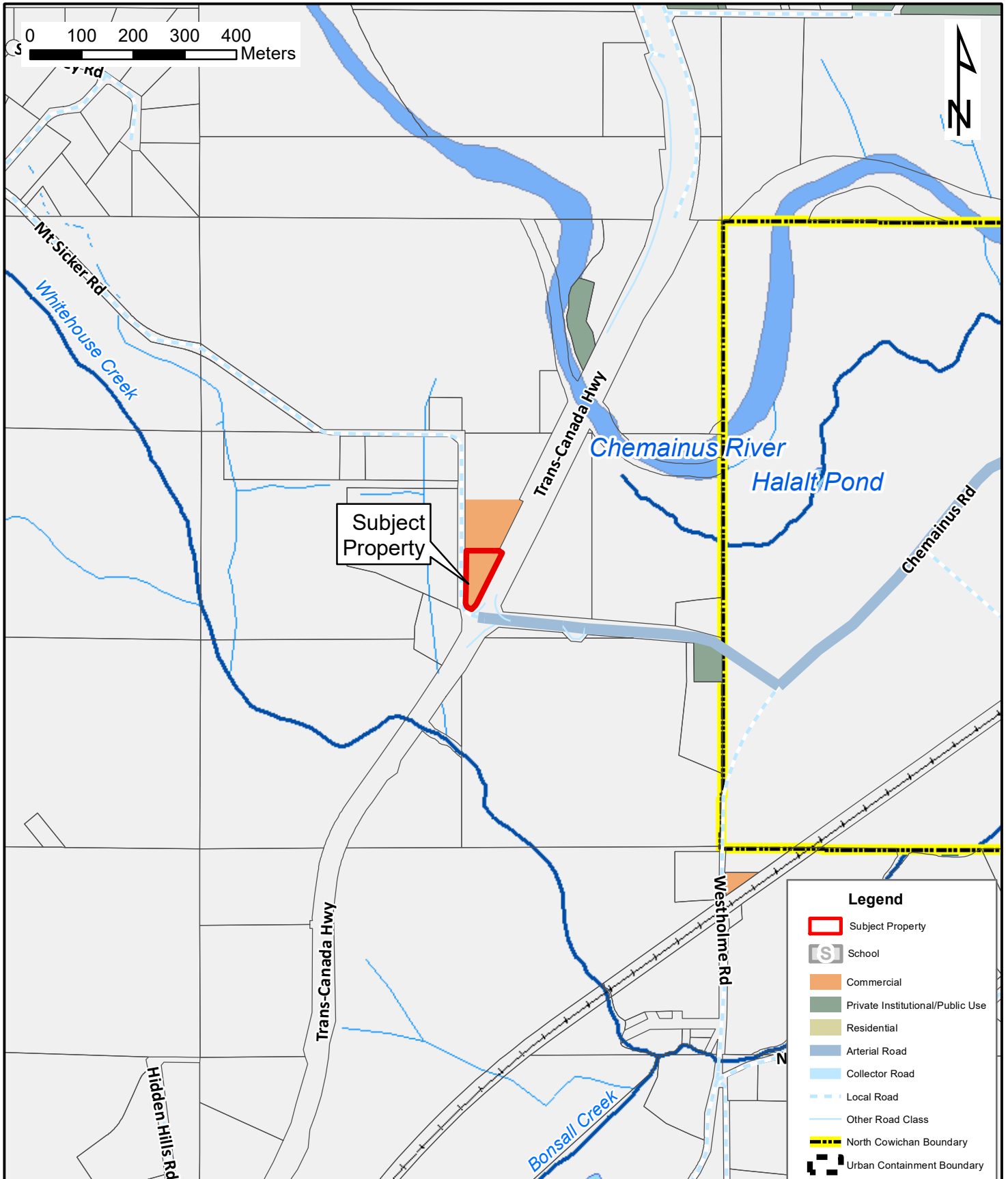
( Orthophoto is from 2017 aerial photography)

8432 Trans-Canada Highway

DATE:	September 14, 2018
TYPE:	Zoning Amendment
FILE#:	ZB000093









# **Father Nature's Gifts LTD**

## **Business Operating Manual**

**Policies, procedures  
and practices.**

**2018**

B.C. 1144949  
Gst 780498887 RT 0001  
PST 1107-5325

**SCANNED**

*Aug 27/18*

**Father Nature's Gifts LTD**  
**Operating manual**

***Our goal is to implement high standards.***

***We will give our customers the best and safest means for acquiring their Products. We will annually review our systems and develop ongoing methods to improve our standards.***

**I am fortunate enough to have been in the hospitality industry for over 30 years.**

**I have owned and managed restaurants, hotels, nightclubs and bars.**

**I spent 8 years being the General Manager of the Phoenix station Motor Inn in the Cowichan Valley. The Hotel included a Bar, a night club that served until 2:00am, a Liquor store, a dining room, full banquet facilities and a rooms division.**

**I am very clear on the regulations regarding , the Service, Consumption and off-sales of Alcohol. I was responsible for the training and testing of all staff before they were able to serve or sell Alcohol.**

**I was in touch weekly with the areas liquor inspector, { Rob Sabayan at the time} and in 8 years we never received a single violation for over-service, serving minors, or any other contraventions to the Liquor Control Act. I was very proud of that.**

**It was imperative to understand the serious consequences that could occur for not following the regulations.**

**I believe the experience that I have gained in that industry will be incredibly beneficial in the transition to a retail Cannabis store. Rules and regulations will be very similar to Alcohol service and understanding what to look for in impaired people, and knowing the laws regarding service to minors.**

**No one under the age of 19 shall be allowed on the premises.**

**ID will be required.**

**Before a customer will be allowed to purchase product they will have to have 2 pieces of identification on their person. One will be a primary ID. Drivers license, Passport, Military card, Status card, etc. it will have to have a photo and be government issued.**

**They will also require a second piece of Id with their name and signature on it to help verify the primary ID. IE bank card, credit card, Sin card ETC.**

## **Complaints:**

**Any complaints about our business that any customer has will be handled on an individual basis. We will definitely do everything to solve any problem.**

**This will include having a policy in place to deal with any complaints**

**As we grow we will continue to educate our customers on the potential health risks and side effects of Cannabis. We will include suggested doses depending upon the customers usage and tolerances. Only suggestions, not rules.**

**In the future we will be offering some educational content such as strains, ingestion options, potency and possible side effects. Who to call and what to do if there are any complications with adverse side effects, or negative symptoms**

**All special considerations customers can book one on one time to help with their individual needs.**

**We will have our hours of operation posted on the door and our web sites, so that customers are aware of our opening and closures.**

**Our operation will be lit up well and with Cameras to help ensure the safety of our customers coming and going.**

**Our establishment is also Wheel chair accessible.**

**As we build our stocks and suppliers, we will be able to ensure that we will have a good selection of products available to the patients**

**We will also ensure that non cannabis products are approved for sale in Canada and that we will have the appropriate licensing to do so.**

**We prohibit the sales of tobacco, alcohol, or any scheduled substances other than marijuana and marijuana products.**

**Our staff will be fully trained in understanding all the products that we carry to ensure the right medicines go for the right symptoms.**

**Our staff will be trained to understand when to flag a customer for abuse. We will carry information on where to go and who to contact in case of abuse or addiction or customers that may require this kind of help.**

### **Quantity restrictions:**

**On our policy it will clearly state what our quantity restrictions are. We will be following Government regulations, of a maximum of 30 grams**

### **Policies regarding refusing service to a customer:**

**We have the right to refuse any customer that is abusive to staff, or other customers.**

**Anyone that is acting erratically or in a manner that seems to be unsafe.**

**customers with obvious mental health issues**

**Any customers that seems to be overly inebriated or high on other substances.**

**If this occurs, there will be a policy that will require all staff to fill out a refusal form, that will include details of their actions that required us to refuse that customer. We will implement a policy that will allow us to suspend or permanently suspend them.**

### **Product handling:**

**All product handlers will have their “ Food Safe “ certification and we will comply with all health safety and cleanliness standards and procedures.**

**All products will be in clean sanitized glass jars, and the back up product will be kept in a safe and clean environment to protect the quality of the product.**

**We will carry 2 certified digital scales to ensure that Patients are getting what they are paying for. A secondary scale will be kept in case of dispute.**

**We will ensure that all cannabis and cannabis products will be properly labelled with strains and strengths of products. When legislation changes we would like to include the names of the producers, so that customers are knowing where the products and sources comes from.**

### **Tracking and collecting sales records:**

**We will be having a legal cash register and running our business like a business, that will include all details such as sales tax collected and remitted, as well as source deductions from employees. We want to ensure that when legalization does occur, then we are in compliance with any rules and regulations put forth. We have our Certified General accountant handling all of these details**

### **Incident policy:**

**We will have an incident report and daily log book, that will be filled out after each incident. Their problem, and the resolution.**

**We will have a suggestion box in our store to give our customers a chance to share their opinions, and concerns in anonymity . This allows our business to grow and give our customers what they want, and address the concerns put forth.**

**Each job done in our business will have a job description available to that employee. Our hiring practices will be very strict and specific as to what our needs will be. We will be doing back ground checks if necessary. They will not be able to have had previous substance charges or problems as well, if we deem necessary to have that employee have a criminal record search.**

**All staff will be appropriately trained for their position before starting the job. They will need to continue to educate themselves for the better of the business. There will be annual staff evaluations. This helps them improve in the areas that are needed.**

**There will be regular staff meetings to bring up concerns and new ideas.**

**We will follow the regulations regarding employment standards of Canada.**

**We will get involved in some of the communities needs and take on a cause that will help locally. Give back to the community that gives to us.**

**Our store will be kept clean and healthy. All surfaces will be sanitized daily. Our store front is attached to other businesses so it is imperative that we keep it clean and looking professional.**

### **Safety and Security:**

**We have a full security system that includes 8 cameras in a 800 sq. ft operation.**

**Bars on Windows, steel door safe and window coverings, to not allow visibility inside the store from the outside.**

**We have a safety plan set forward with our staff and the owner of the building. Covered in this document is a plan of action in case of:**

**Robbery**

**Assault**

**Mental health problems**

**Medical emergencies**

**Natural disasters**

**We will have an online presence and through email and face book we will be able to communicate and continue to educate our customers, on new products and new treatments.**

**We intend on putting together a Monthly news letter for our customers, that keeps them advised as to what we are doing, new products and interesting ways to educate our patients on the risks and benefits of medical Marijuana.**

#### **Devices for cannabis administration:**

**We will carry a variety of devices such as Papers, Pipes, and Vape pens.**

#### **Strain information:**

**We will do everything we can to assure that there is information on each strain to our customers. The staff will be well trained and informed before a product can go on the shelf.**

**The staff and owners will go to meetings that include educational learning from various experts. Our goal is to be prepared for any questions our customers have. If we do not know, we will guarantee the patients that we will find the information for them.**

**We would like to set up an area in our store that carries information on Ancillary health care and other community services. These might be important to our customers that may have addiction problems, mental health issues or in a crisis situation.**

**No product will be used in the store or on the property. To do so will mean that person will no longer be allowed to purchase product from our store.**

**We will comply with rules and regulations put forth by North Cowichan, the Province and The federal Government.**

**In closing I would like to add that our Location is not near any schools, playgrounds, or day care centers.**

**Our Neighbors at the Russell Farm Market have also been incredibly supporting in our endeavour. I have been Managing the Red Rooster Restaurant for the last 3.5 years. I know our clientele very well, and have discussed with a lot of them about what we intend to do. I have had not one negative comment from anyone. The only concern is that we do not allow people to use products on the property. They do not want to see people hanging around. I have assured them that this will not happen and we will be very strict on enforcing this policy.**

**Thank you for your time and considerations.**











**Permitted Uses**

- 70** (1) The permitted uses for the C3 zone are as follows:
- All Uses Permitted in the C2 Zone
  - Accessory Custom Workshop
  - Automotive Repair Shop
  - Bed and Breakfast
  - Home-Based Business
  - Major Equipment Repair
  - Market Garden
  - Micro cannabis production facility
  - Mobile Food Service
  - Motor Vehicle Sales and Rentals
  - Single-family Dwelling (subject to the provision of the R3 zone)
  - Truck Depot
  - Warehousing [BL3037, BL3150, BL3657; BL3746]

**Minimum Lot Size**

- (2) The minimum permitted lot size for the C3 zone is 560 m<sup>2</sup> (6,028 sq. ft.).

**Minimum Frontage**

- (3) The minimum permitted frontage for the C3 zone is 15.0 m (49.21').

**Maximum Lot Coverage**

- (4) The maximum permitted lot coverage for the C3 zone is 50% of the lot area.

**Minimum Setbacks**

- (5) The minimum permitted setbacks for the C3 zone are as follows:
- (a) Principal Buildings
    - Yard, Front, 8.0 m (26.25')
    - Yard, Side (One only), 5.0 m (16.4')
  - (b) Accessory Buildings and Structures (Excluding Fences)
    - Yard, Front, 8.0 m (26.25')
    - Yard, Side (One only), 1.0 m (3.28')
  - (c) Where a lot line, side, of a lot abuts residentially-zoned land, the yard, side, shall be maintained on that side adjacent to such residentially zoned land.
  - (d) Despite the foregoing, where the lot line, rear, of a lot abuts residentially-zoned land the required yard, rear, shall be 8.0 m (26.25').

**Maximum Building Height**

- (6) The maximum permitted building heights for the C3 zone are as follows:
- (a) Principal Buildings, 12.0 m (39.37')
  - (b) Accessory Buildings, 5.0 m (16.4')



## COUNCIL POLICY: RETAIL CANNABIS SALES POLICY



Council Approval Date: January 16, 2019

Department: Development Services

Amended: July 17, 2019

### 1. PURPOSE

This policy outlines criteria that will be considered by North Cowichan Council as part of any Zoning Bylaw Amendment Application, Temporary Use Permit Application, or Liquor and Cannabis Regulation Branch referral for cannabis retail use.

This policy was established in response to the legalization of cannabis by the federal government. It is intended to address potentially adverse community impacts of retail cannabis sales, including inappropriate exposure of cannabis to minors and undesirable concentration of storefront cannabis retailers.

### 2. SCOPE

This policy is intended to guide Council when considering applications for rezoning or temporary use permit, as well as for provincial licensing referrals for retail cannabis sales. It is not intended to fetter Council's discretion when considering individual applications. Each application will be evaluated on its own merits.

### 3. DEFINITIONS

**"applicant"** means an applicant for an application that would allow for a retail cannabis sales at a particular location;

**"retail cannabis sales"** means premises where cannabis is sold or otherwise provided to a person who attends at the premises.

### 4. POLICY

#### Location

4.1 Retail cannabis use must be located on, or in close proximity to, a provincial highway, urban arterial road, or urban collector road; and in commercial areas, including areas zoned for retail use, or designated for commercial use in the Official Community Plan or Local Area Plan.

4.2 Only one retail cannabis sales storefront will be allowed per parcel.

4.3 *[Rescinded- July 17, 2019]*

#### 4.4 *[Rescinded – July 17, 2019]*

##### Community Impact

- 4.5 Council will consider the impact of retail cannabis sales in proximity to public or independent elementary, middle or secondary schools, playgrounds, libraries, public recreation centres, public community centres, parks, places of worship, family-oriented facilities, or areas where children and youth frequent.

##### Application Process

- 4.6 The Municipality will not accept applications for proposals that are not associated with an application that has been accepted by the Liquor and Cannabis Regulation Board (LCRB).
- 4.7 Should the Municipality accept an application and then that application is cancelled or withdrawn from consideration by the LCRB, the Municipality will terminate the application process by giving the applicant the opportunity to withdraw the application, and subsequently recommending that Council reject the application.
- 4.8 All applicants are required to arrange and conduct an Information Meeting to provide residents and property owners within 60 m of the subject property with information about their application. A summary of the feedback received at the meeting will be incorporated as part of the staff report to Council.
- 4.9 The Municipality will refer all retail cannabis sales applications to School District #79, North Cowichan RCMP, and jurisdictional neighbours for up to 30 days to ensure that their comments are considered in Council's decision.
- 4.10 All applications for retail cannabis sales under this Policy shall be forwarded to registered or selected Community Associations, for information and comments they may wish to provide.

## **5. ROLES & RESPONSIBILITIES**

Staff will include an analysis of each application's compliance with this Policy as part of the staff report to Council.



**HALALT FIRST  
NATION**

**A Coast Salish First Nation**

7973 Chemainus Road ~ Chemainus, BC V0R 1K5

Ph: 250-246-4736 Fax: 250-246-2330

August 8, 2019

Municipality of North Cowichan  
7030 Trans-Canada Highway  
Duncan, BC V9L 6A1

*By Email: caroline.vonschilling@northcowichan.ca*

Dear Ms. von Schilling,

**Re: Cannabis Retail Sales Zoning Amendment Application Referral for 8432 Trans-Canada Hwy**

I write on behalf of Halalt First Nation in response to your email regarding the above noted referral.

Halalt First Nation does not support the proposed amendment to the property zoning which would permit a cannabis retail store at 8432 Trans Canada Highway. The site is the closest convenience, gas and market space to Halalt First Nation and we, including the elders of our community, strongly oppose the potential for easily accessible cannabis particularly by our younger community members and youth. We are very supportive of a drug and alcohol-free lifestyle and Canada's Indigenous population struggles with addictions to these and other substances; furthermore, the proximity of such a retail location would be of no benefit to the promotion of a healthy lifestyle for our community.

Respectfully,

*Signed on Behalf of  
Chief James Thomas*

*by: Caroline Gladstone, General Manager*

Chief James R. Thomas  
Halalt First Nation

# Report

Date	November 6, 2019	Prospero No. ZB000111
To	Council	Folio No. 16159-000
From	Larissa Barry-Thibodeau, Development Planner	File No. 3360-20 19.06
Subject	"Zoning Amendment Bylaw (CD10-2903 Cypress Street), No. 3765, 2019"	

Endorsed: 

## Purpose

The purpose of this report is to provide Council with information, analysis and recommendations regarding "Zoning Amendment Bylaw (CD10-2903 Cypress Street), No. 3765, 2019", a bylaw to rezone the subject property located at 2903 Cypress Street in Chemainus from the Commercial General (C2) to the Urban Medium Density Comprehensive Development Zone (CD10) to regularize the existing apartment building use.

## Site Context

The subject property is located at 2903 Cypress Street in Chemainus in the mixed use commercial core. It is a 0.1 Ha lot with frontage on Cypress Street (south) with vehicle access from an abutting lane (east) (see Attachment 2). The property is zoned Commercial General (C2) (see Attachment 4), is within the Chemainus Urban Containment Boundary and specifically identified as Chemainus Mixed Use / Commercial Core within the Official Community Plan (OCP). The site is predominantly flat, with a retaining wall, separating elevations between adjacent lands, along the west property line, and is developed with a 3 storey, 14-unit rental apartment building, constructed in 1969.

## Land Use Context

**North:** Commercial General (C2) Empty Lot, Municipally Owned Future Parking Lot Site

**East:** Mixed Use Commercial Core Zone (CD 16) Future Supportive Housing Site, and Public Use (PU) Future Library Site

**South:** Commercial General (C2) Commercial Building

**West:** Commercial General (C2) Service Station

The neighbourhood consists of lots similar in size to the subject property, with a diversity of surrounding land uses, including commercial, mixed commercial and residential use, and public use. The property is located in downtown Chemainus, within walking distance (400 m) to services and amenities including transit, parks, shops, and trails. The parking lot adjacent to the property is expected to be developed into a District parking lot.



The Building Permit for the Apartment Building was issued in 1969, though no records of completion exist in District Files. At the time, the property was zoned R3, and the R3 zone permitted the use of apartment building. The apartment building use was subsequently removed from the R3 zone, and in the latest iteration of "Zoning Bylaw No. 2950, 1997", the property was rezoned to the Commercial General (C2) Zone, which does not permit apartments as a use.

### Proposal

The applicant has applied to rezone the property from the current Commercial General (C2) zone to the Urban Medium Density Comprehensive Development Zone (CD10) to regularize the existing apartment building use. They intend to add three ground floor units in the future (Attachment 5). The applicant has provided proposed building floor plans (Attachment 6) in support of the application. Access will continue to be from the laneway to the east of the building.

### **Discussion**

The following policies are relevant to this application.

### Official Community Plan (OCP)

The Official Community Plan supports multi-family development within North Cowichan's Mixed Use / Commercial Core areas through the following policies.

Policy 2.4.1.3 *The Municipality will link economic development with community planning.*

*f) The Municipality will focus efforts of redevelopment within urban centres, to support each commercial core.*

The proposal formalizes the existing apartment building to allow for its continued use. This is consistent with the policy as referenced above to support the existing downtown core.

Policy 2.5.1.5 *The Municipality recognizes as a priority the need to identify and plan for appropriate densities in its growth centres.*

*b) Highest density development will occur within North Cowichan's Mixed Use Commercial Core areas. The Municipality will encourage dense development close to existing amenities (e.g., parks, community centres), services and employment centres (commercial or recreational), and in proximity to transit nodes where there is also safe access to and from major roads.*

This proposal formalizes higher density in the Chemainus Mixed Use Commercial Core, and is in proximity to a variety of services, amenities, and transit options.

Policy 2.5.2.1 *The Municipality recognizes the need for a variety of housing types (by size, type, tenure, density and cost) integrated into a range of neighbourhoods in all growth centres, and especially for housing types suitable for the aging population and young families.*

Policy 2.5.2.8 – *The Municipality encourages sensitive integration of increased density in growth centres through the use of multi-unit housing.*

The change in zone formalizes an existing multi-family housing site in the zoning, and it acknowledges the existing use as part of the neighbourhood fabric. The zoning provisions for height, setbacks, and density, are similar to adjacent properties to provide continuity of integration of density into a designated growth centre.

#### Community Amenity Contribution

Policy 2.5.1.5 *The Municipality recognizes as a priority the need to identify and plan for appropriate densities in its growth centres.*

*d) The Municipality requires all new development to contribute to improved quality of life in North Cowichan. As part of development approval for commercial and higher density residential use, the Municipality will require community amenity contributions, in accordance with the legislation.*

No community amenities are proposed for this regularization; therefore, the *Policy* is not satisfied. The applicant is applying to rezone from the general commercial zone to a medium density residential zone. The scale of the proposal, in staff's view, does not warrant a community amenity contribution, and is therefore not recommended.

#### Development Costs Charges

Policy 2.5.2.3 (c) *The Municipality will seek to offset the added costs of providing new affordable housing (e.g., by reducing parking requirements and reduced development cost charges).*

Policy 3.2.3.7 *The Municipality expects growth to be responsible for paying for services required to accommodate it.*

The applicant has requested that the District waive Development Cost Charges for the future buildout of three units. While there is some support for the reduction of associated Development Cost Charges within the OCP, there is also language which sets an expectation that new development shall pay for the services it requires. There is no qualification of the term affordable housing in the OCP, and the District has not established parameters for consideration, nor a bylaw, under which to waive Development Cost Charges, as required by Section 563 of the *Local Government Act*. The former Revitalization Program Bylaw (Bylaw 3635) established parameters for waiving Development Cost Charges, but expired March 29, 2019, therefore Council has no current bylaw under which to consider waiving these fees.

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### Council's Strategic Plan

The proposal is consistent with Council's Strategic Priority to provide housing choices for all.

### Chemainus Town Centre Revitalization Plan

The subject property falls within the Chemainus Town Centre Revitalization Plan area. The plan provides direction to pursue a variety of housing forms to support downtown revitalization. The plan does not specifically reference plans for Cypress Street, and labels the property as existing residential, despite its status as a commercially zoned (C2) property.

### Climate Energy and Action Plan (CAEP)

The Climate Energy and Action (CAEP) Plan identifies north western Chemainus (downtown) as one of the best candidates for future housing density and amenity development in North Cowichan.

### "Zoning Bylaw No. 2950, 1997"

Implications of rezoning to the Urban Medium Density Comprehensive Development Zone (CD10) include increased setbacks, and reduction in permitted uses from the present General Commercial (C2) Zone. The CD10 Zone is a residential zone, while the General Commercial (C2) Zone permits a variety of commercial uses with some residential options.

### Development Variance Permit (Parking and Principal Access Points)

An increase in the number of dwelling units will require the provision of additional parking stalls. Pursuant to "Cash in Lieu of Parking (Chemainus) Bylaw 1995", if the applicant cannot provide the additional spaces on site, they are required to contribute \$8000.00 per required space to the *Cash-in-Lieu of Parking Fund* prior to the issuance of a Building Permit.

The applicant may request a variance to Section 20.1 of "Zoning Bylaw No. 2950, 1997" to increase the number of permitted small-car stalls, as a way to increase the total number of parking stalls they are able to provide.

Additionally, Section 80.10 (12) of "Zoning Bylaw No. 2950, 1997" requires that individual access be provided to each ground floor dwelling unit; as the building is existing, the proposed renovations on the lowest floor cannot comply with this section of the bylaw, likely resulting in a future variance request to this section of the "Zoning Bylaw No. 2950, 1997".

## Conclusion

In conclusion, the proposed "Zoning Amendment Bylaw (CD10-2903 Cypress Street), No. 3765, 2019" is supported by staff for the following reasons: it regularizes existing multi-family housing, currently used primarily by seniors; it regularizes its use as part of the existing neighbourhood fabric since 1969; it formalizes a denser form of development near to existing services and amenities; it is sensitive to permitted heights and setbacks of the existing neighbourhood, and it allows for future expansion of the existing use.

## **Communications and Engagement**

Should Council support the application proceeding to provide 1<sup>st</sup> and 2<sup>nd</sup> reading to "Zoning Amendment Bylaw (CD10-2903 Cypress Street), No. 3765, 2019", the application will proceed to the Public Hearing stage, at which time the general public will be provided an opportunity to have input on the proposed amendment(s) to "Zoning Bylaw No. 2950, 1997". Neighbouring properties within a 60 m radius of the subject property will be notified of this application and advertisements will be placed in the local newspaper as per the requirements of the *Local Government Act*.

The applicant has advised their intent to contact the surrounding neighbours regarding the project. The Chemainus Residents Association was notified of the application by staff.

## **Options**

### Recommended Option:

Option 1: That Council give first and second readings to "Zoning Amendment Bylaw (CD10-2903 Cypress Street), No. 3765, 2019" - a bylaw to regularize an existing apartment building use at 2903 Cypress Street; and,

That a Public Hearing for "Zoning Amendment Bylaw (CD10-2903 Cypress Street), No. 3765, 2019" be scheduled as required by the *Local Government Act*.

### Other Options:

Option 2: That "Zoning Amendment Bylaw (CD10-2903 Cypress Street), No. 3765, 2019" for 2903 Cypress Street be denied.

## **Implications**

Should Council deny the application, the applicant would be restricted to the current lawful non-conforming use and the permitted uses in the Commercial General (C2) Zone.

Should Council ultimately approve the rezoning application and "Zoning Amendment Bylaw (CD10-2903 Cypress Street), No. 3765, 2019", the apartment use would be consistent with zoning. The applicant would require a building permit to increase the number of dwelling units in the building, and would be required to address the parking and access requirements at that time.

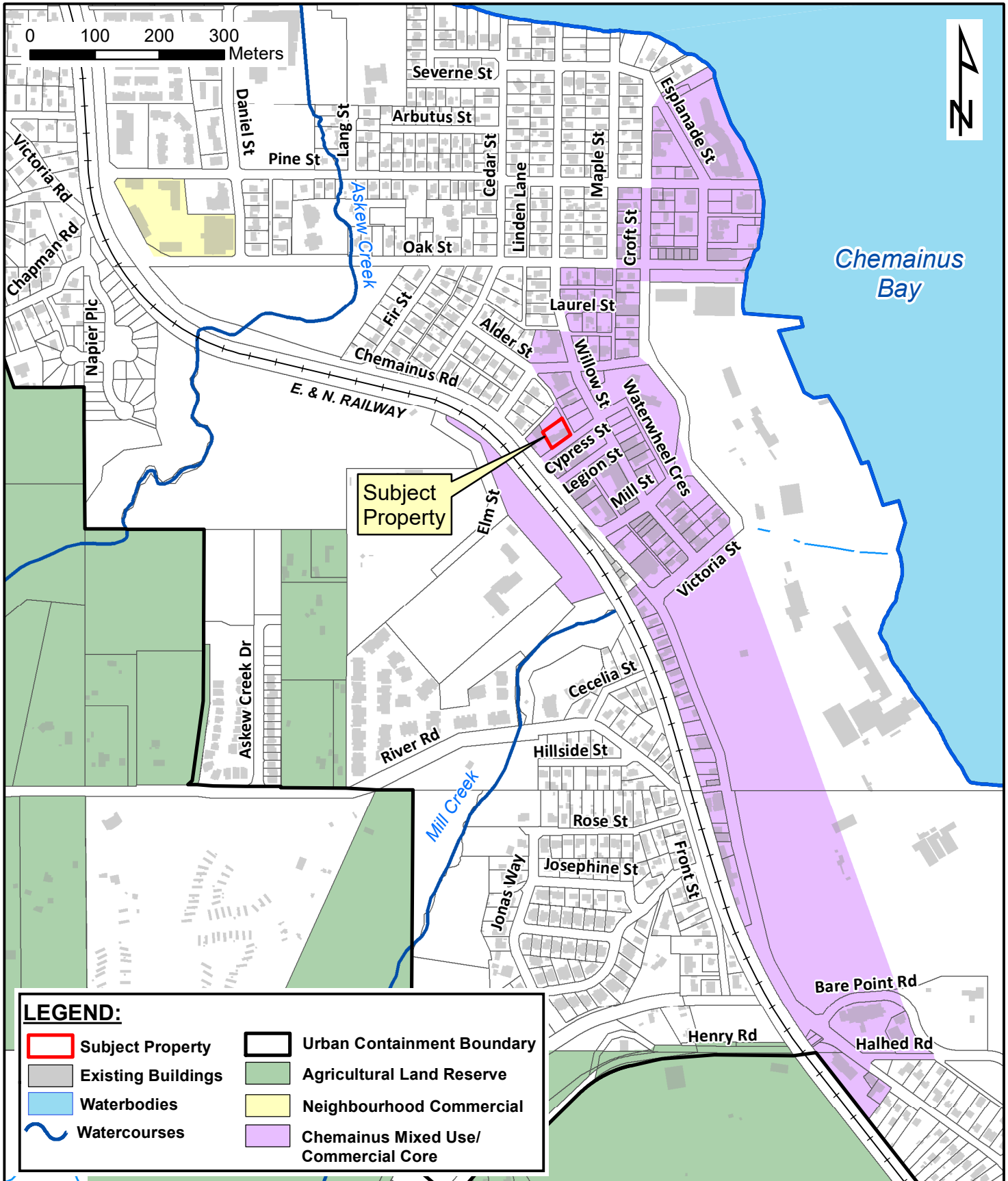
## Recommendation

**That Council give first and second readings to “Zoning Amendment Bylaw (CD10 - 2903 Cypress Street), No. 3765, 2019” - a bylaw to regularize the existing apartment building use at 2903 Cypress Street; and,**

**That a Public Hearing for “Zoning Amendment Bylaw (CD10-2903 Cypress Street), No. 3765, 2019” be scheduled as required by the *Local Government Act*.**

### Attachments:

- Attachment 1– Location Map
- Attachment 2 – Aerial Photo
- Attachment 3 – Zoning Map
- Attachment 4 – Site Photos
- Attachment 5 – Letter of Rationale
- Attachment 6 – Development Concept
- Attachment 7 – CD10 Proposed Zone
- Attachment 8 – C2 Current Zone
- Attachment 9 – Proposed Bylaw 3765





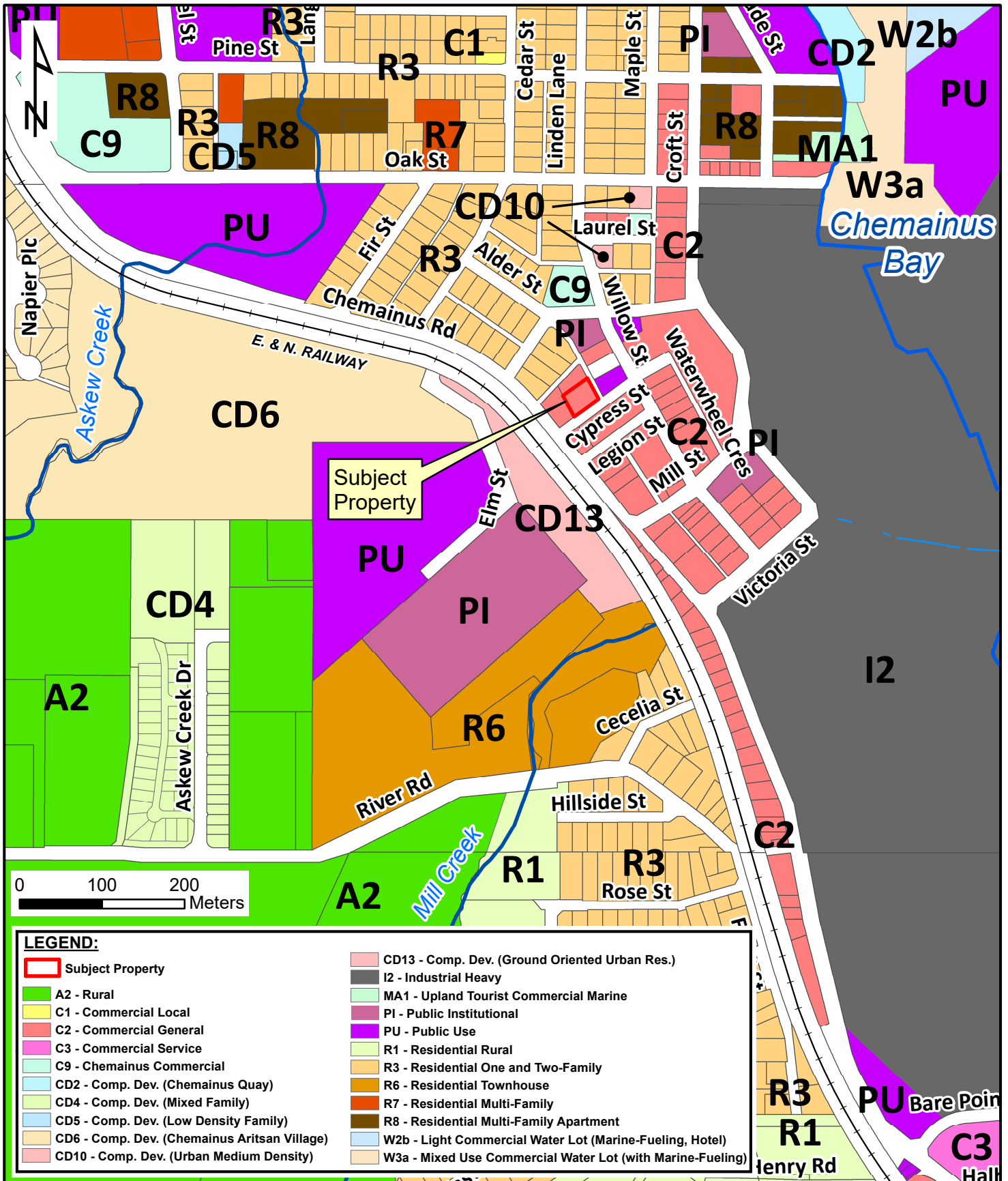


# ORTHOPHOTO MAP

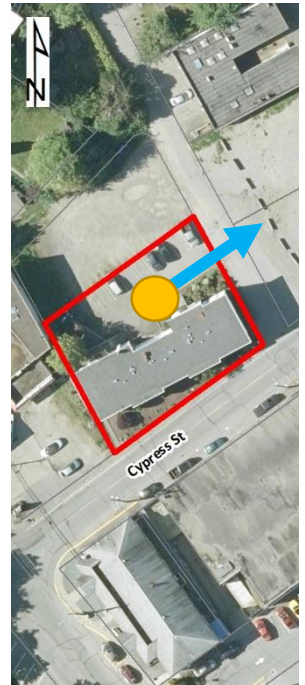
( Orthophoto is from 2017 aerial photography)

2903 Cypress Street

DATE:	May 27, 2019
TYPE:	Rezoning
FILE#:	ZB000111





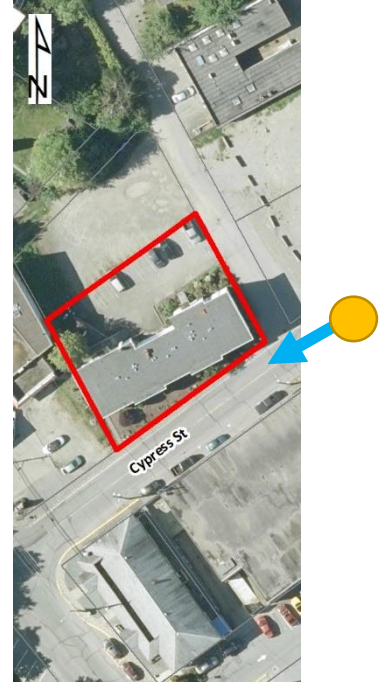


Facing east, from parking lot, looking toward library and affordable housing sites.

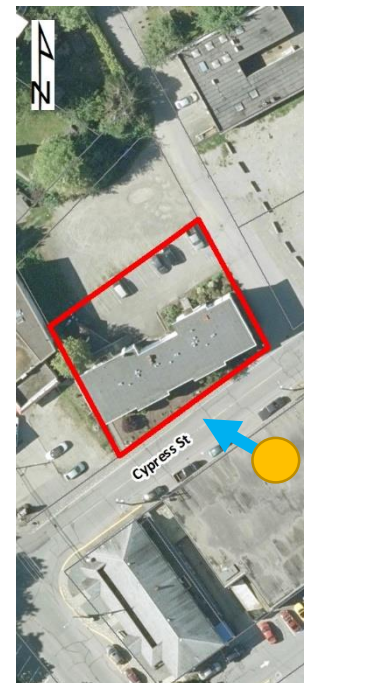


Facing west, from parking lot, looking toward existing building and adjacent service station.





Facing east, from Cypress Street, with laneway and parking lot visible. (Google Street View, 2014)



Facing northwest, from Cypress Street.





Facing west along Cypress Street with adjacent commercial and public use properties.



Facing southeast from laneway, showing building access points. (Google Street View, 2014)

## Tim & Patti Openshaw

~~January 14, 2019~~  
 T.O.  
 April 10<sup>th</sup> 2019

North Cowichan Planning Department

P.O. Box 278

Duncan, BC V9L 3X4



### Re: 2903 Cypress Street, Chemainus, BC

Further to my application for a zoning amendment, according to the information we have and provided by the planning department of North Cowichan, in 1968 two lots were amalgamated to create the current lot in order for the Normandie Apartments to be built. Records do not indicate at what time either the zoning was changed or allowable uses were changed. It now falls into a legal non-conforming use under the current C-2 zoning.

Given the history of the building and the objectives of the OCP I would think that there would be support to transfer the lot to the appropriate ~~R8 Residential Multi-Family Apartment Zone~~. My plan is to create three more units on the lower floor of the building where there are currently 2 units. On both the main and upper floors there are six units (each floor).

APPLICANT AMENDED TO PROPOSE CD10 URBAN MEDIUM DENSITY  
 COMPREHENSIVE DEVELOPMENT ZONE

In addition, given the fact that it was built and will continue to operate as affordable seniors housing, that a parking variance may be considered. At this time about half the residents own a vehicle and given its downtown location and mounting financial pressures of our seniors, this trend will likely continue. In fact, at peak times during the summer the parking is often used by non-residents.

Further, in light of some of the objectives of the OCP and every other level of government, I would ask that should my rezoning application be approved, that both the parking variance and development cost charges be waived.

Let's all work together to meet the municipalities long term objectives.

Sincerely,

Tim Openshaw



NOTE:  
GREAT CARE AND EFFORT HAS BEEN TAKEN IN THE MAKING OF THIS DESIGN.  
3D DIRON DESIGN & DRAFTING SERVICES CANNOT ASSUME ANY RESPONSIBILITY  
FOR DAMAGE AS A RESULT OF ERRORS OR OMISSIONS. IT IS RECOMMENDED  
THAT THE OWNER AND/OR BUILDER CONSULT A LOCAL ENGINEER AND CHECK  
WITH YOUR LOCAL BUILDING OFFICIALS PRIOR TO THE START OF CONSTRUCTION.

BEFORE ORDERING OR CUTTING TRUSSES/BEAMS/POSTS  
ACCURATE FINAL DIMENSION HAVE TO BE TAKEN ON SITE

DRAWING TO BE READ IN CONJUNCTION WITH  
STRUCTURAL/MECHANICAL & ELECTRICAL DRAWINGS

ALL PRODUCTS USED MUST BE INSTALLED  
TO MANUFACTURER'S SPECIFICATION & LAYOUT

ALL DIMENSIONS HAVE TO BE CONFIRMED ON SITE

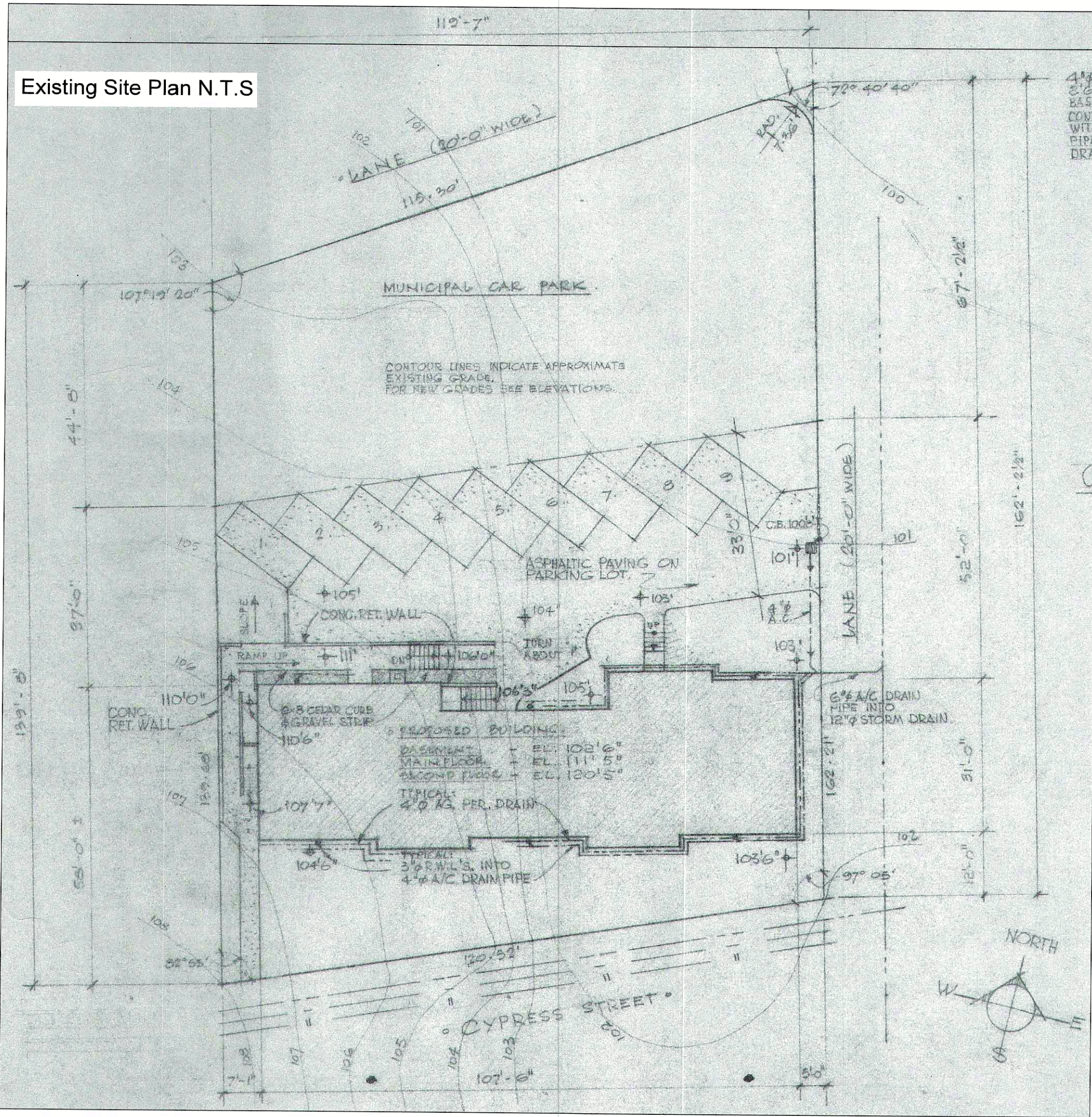
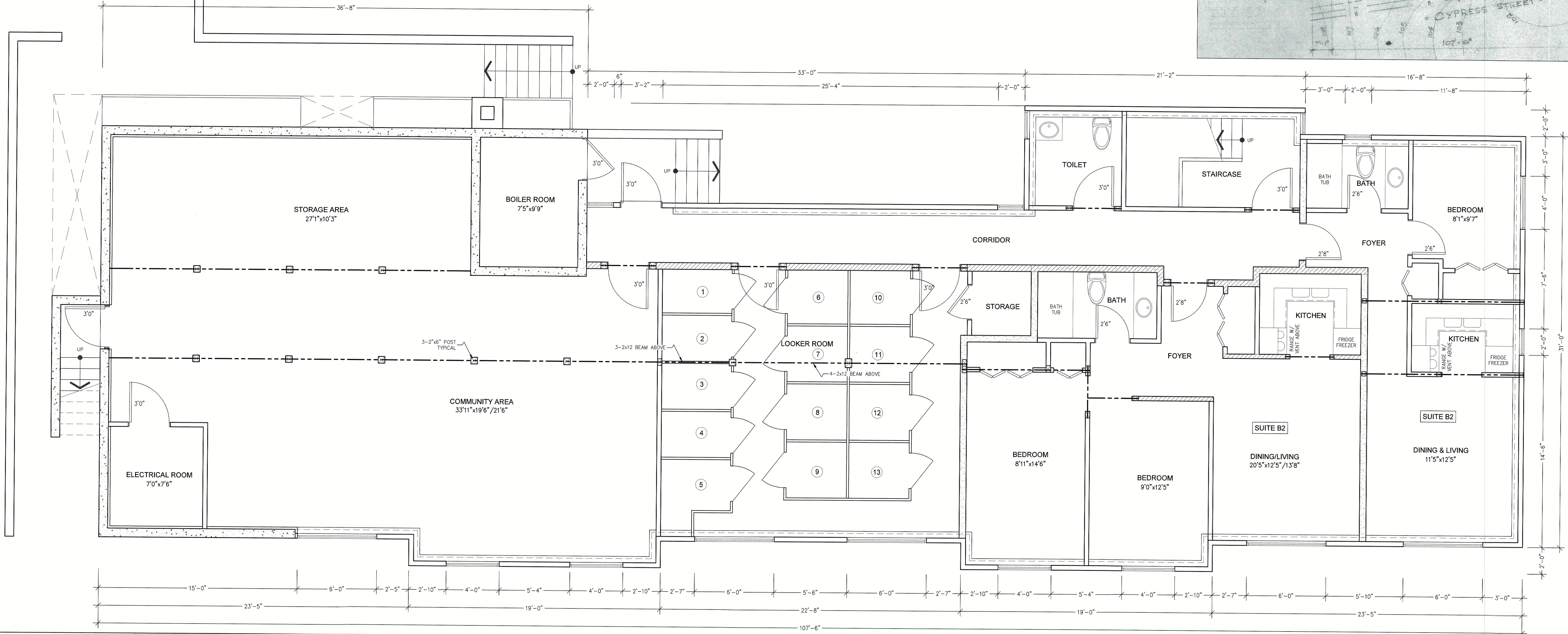
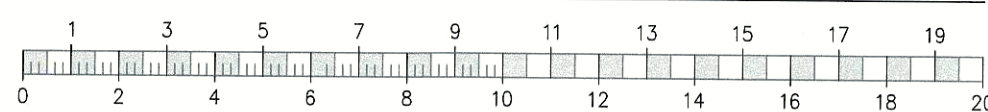
LEGEND

- LOAD BEARING WALL
- SOUNDPROOF WALL
- BEAM ABOVE
- POINT LOAD  
SOLID WOOD OR BUILT-UP POST
- FULL HEIGHT FOUNDATION WALL

EXISTING - BASEMENT FLOOR PLAN

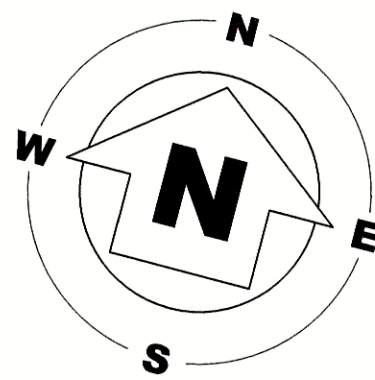
SCALE 1/4" = 1'-0"

SCALE BAR



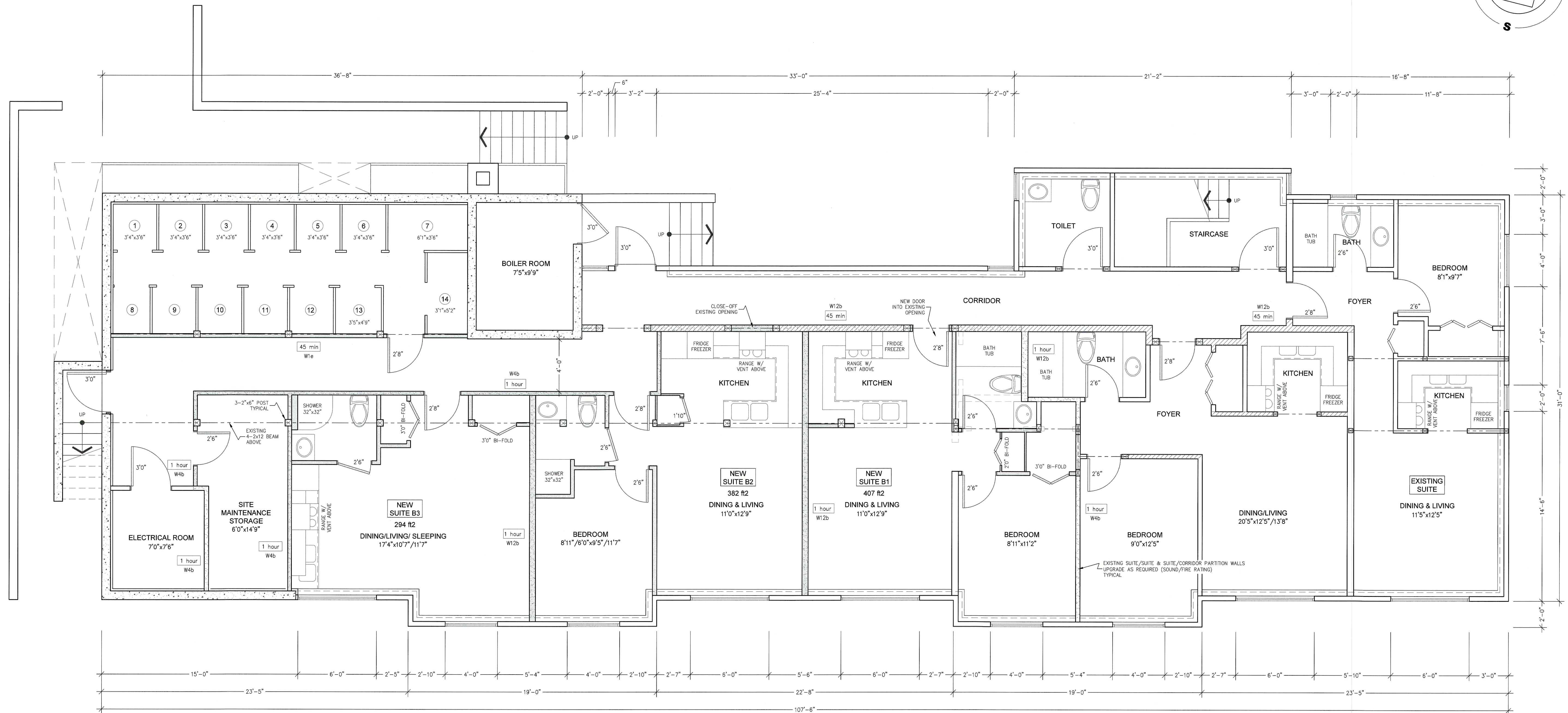
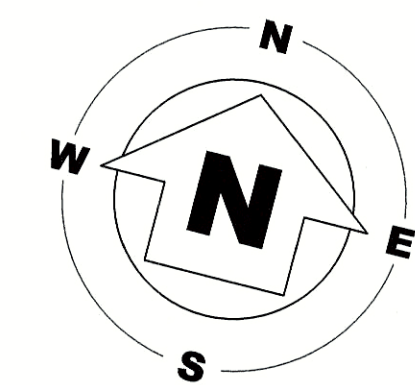
CONSTRUCTION NOTES

(UNLESS OTHERWISE NOTED)  
\* ALL CONSTRUCTION TO CONFORM TO THE 2018 BRITISH COLUMBIA BUILDING  
CODES AND ALL OTHER CODES AND LOCAL AUTHORITIES HAVING JURISDICTION

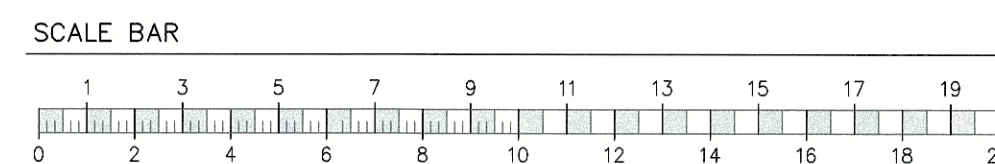


April 2019		Development Permit
NO	DATE	REVISION/ISSUE
<div>3D</div> <div>Diron Design &amp; Drafting Services</div> <div>915 Island Highway Sayward BC V0P 1R0</div> <div>Tel. 1250 282 3695 3djens@gmail.com web:3djens.com</div>		
Additional Suites to Existing Building 2903 Cypress Street Chemainus, BC		
Existing – Basement Floor Plan Existing – Site Plan		
Owner  Tim Openshaw 1-250-246-0630		Date Plotted: 07.04.2019 Designed JD Drawn: JD Dwg 1 of 2 Scale:  as Shown
		Job No. #A1910 Sheet No. A01





NEW/PROPOSED - BASEMENT FLOOR PLAN  
SCALE 1/4" = 1'-0"



LEGEND	
	LOAD BEARING WALL
	SOUNDPROOF WALL EXISTING WALL
	NEW WALL
	FILL IN EXISTING WALL
	DEMOLISH EXISTING WALL
	NEW BEAM ABOVE
	POINT LOAD
	SOLID WOOD OR BUILT-UP POST
	EXISTING BEAM ABOVE
	FULL HEIGHT FOUNDATION WALL

#### SPECIFICATIONS

- 1 hour**  
**INTERIOR WALLS (W12b) - 1 hour F.R.R.**  
**NEW SUITE/SUITE - SUITE/EXISTING CORRIDOR SEPARATION**  
2x6 STUDS @ 16" OR 24" o.c. STAGGERED  
3.5" ROXUL NOISE INSULATION BATTS ON ONE SIDE  
RESILIENT METAL CHANNELS ON ON SIDE @ 24" o.c.  
2 LAYER OF 5/8" TYPE "X" GYPSUM BOARD ON  
RESILIENT METAL CHANNEL SIDE  
1 LAYER OF 5/8" TYPE "X" ON OTHER SIDE  
(W12b) 56 STC RATING - 1 H F.R.R.
- 1 hour**  
**INTERIOR WALLS (W4b) - 1 hour F.R.R.**  
**NEW SUITES/CORRIDOR SEPARATION**  
2x4 STUDS @ 24" o.c.  
3.5" ROXUL NOISE INSULATION BATTS ON ONE SIDE  
RESILIENT METAL CHANNELS ON ON SIDE @ 24" o.c.  
2 LAYER OF 5/8" TYPE "X" GYPSUM BOARD ON  
RESILIENT METAL CHANNEL SIDE  
1 LAYER OF 5/8" TYPE "X" ON OTHER SIDE  
(W4) 54 STC RATING - 1 hour F.R.R.
- 45 min**  
**INTERIOR WALLS (W1e) - 45 min F.R.R.**  
**CORRIDOR/STORAGE**  
2x4 STUDS @ 16" OR 24" o.c.  
1 LAYER OF 1/2" TYPE "X" GYPSUM  
BOARD EACH SIDE  
(W1e) 32 STC RATING - 45 min F.R.R.

- INTERIOR WALL 2x4/2x6**  
STUDS 16" o.c.  
3" NOISE INSULATION BATTS TO CONSTRUCTOR'S SPEC.  
1/2" OR 5/8" GYPSUM BOARD EACH SIDE
- INTERIOR WALLS 2x4/2x6 - WET AREA**  
STUDS @ 16" o.c.  
3" NOISE INSULATION BATTS ONE SIDE  
1 LAYER 1/2" TYPE "X" PLASTERBOARD DRY SIDE  
1 LAYER GREEN OR CEMENT BOARD AS REQ'D

BEFORE ORDERING OR CUTTING TRUSSES/BEAMS/POSTS ACCURATE FINAL DIMENSION HAVE TO BE TAKEN ON SITE	
DRAWING TO BE READ IN CONJUNCTION WITH STRUCTURAL/MECHANICAL & ELECTRICAL DRAWINGS	
ALL PRODUCTS USED MUST BE INSTALLED TO MANUFACTURER'S SPECIFICATION & LAYOUT	
ALL DIMENSIONS HAVE TO BE CONFIRMED ON SITE	

NOTE:  
GREAT CARE AND EFFORT HAS BEEN TAKEN IN THE MAKING OF THIS DESIGN.  
3D DIRON DESIGN & DRAFTING SERVICES CANNOT ASSUME ANY RESPONSIBILITY  
FOR DAMAGE AS A RESULT OF ERRORS OR OMISSIONS. IT IS RECOMMENDED  
THAT THE OWNER AND/OR BUILDER CONSULT A LOCAL ENGINEER AND CHECK  
WITH YOUR LOCAL BUILDING OFFICIALS PRIOR TO THE START OF CONSTRUCTION.

April 2019		Development Permit
NO	DATE	REVISION/ISSUE
<div>3D</div> <div>Diron Design &amp; Drafting Services</div> <div>915 Island Highway Sayward BC V0P 1R0</div> <div>Tel. 1250 282 3695 3djens@gmail.com web:3djens.com</div>		
<div>Additional Suites to Existing Building</div> <div>2903 Cypress Street</div> <div>Chemainus, BC</div> <div>New/Proposed – Basement Floor Plan</div>		
Owner Tim Openshaw 1-250-246-0630		Date Plotted: 07.04.2019
Designed JD	Drawn: JD	Job No. #A1910
Scale: as Shown		Dwg of 2 2
		Sheet No. A02



**Urban Medium Density Comprehensive Development Zone (CD10)** [BL3619, BL3672]

**Permitted Uses**

- 80.10** (1) The Permitted Uses for the CD10 zone are as follows:
- apartment
  - multi-family residence
  - home-based business

**Minimum Lot Area**

- (2) The minimum lot area required for the CD10 zone is 700 m<sup>2</sup> (7,534.74 sq. ft.)

**Minimum Frontage**

- (3) The minimum frontage required for the CD10 zone is 15 m (49.21').

**Density**

- (4) The maximum permitted floor space ratio for the CD10 zone is 1.5:1 except that parking garages located below a building are not included in the calculation of gross floor area of the building.

**Setback Requirements**

- (5) The minimum permitted setbacks for a principal building within the CD10 zone from any lot line is 1.5 m (4.92').

**Maximum Building Height**

- (6) The maximum height of a principal building is 12 m (39.37').
- (6.1) Despite section 80.10 (6), the maximum height of a principal building on 6472 Paddle Road (PID: 005-949-416) is 13 m (42.65').

**Landscape Open Space**

- (7) All open areas not covered by buildings, driveways, or parking must be maintained as landscaped area.

**Parking Requirements**

- (8) Despite section 21 (1) of this Bylaw, parking spaces must be provided on-site as follows:
- (a) 1 parking space per dwelling unit with 1 bedroom;
  - (b) 1.5 parking spaces per dwelling unit with 2 or more bedrooms;
  - (c) an additional 15% of the total number of units designated as visitor parking.
- (8.1) Despite sections 21 (1) and 80.10 (8), parking spaces must be provided on 6472 Paddle Road (PID: 005-949-416) as follows:
- (a) 1.25 parking spaces per dwelling unit, and
  - (b) an additional 15% of the total number of units designated as visitor parking.

**Conditions of Use**

- (9) The conditions of use for the CD10 zone are as follows:
- (a) no fences over 1.2 m in height are permitted in any yard that abuts public property, a highway or a lane;
  - (b) no fences over 1.8 m in height are permitted in any other yard;
  - (c) common garbage receptacles must be enclosed by walls or decorative fencing or enclosures and landscaping for the purpose of screening. [BL3693]
- (10) Where a lot abuts a lane, driveway access to a garage must be from the lane. [BL3693]



- (11) [Repealed; BL3693]
- (12) All ground floor residential units must provide an individual identifiable principal access point from the exterior of the building and for certainty may also have an internal or shared access if desired.
- (13) At least 240 m<sup>2</sup> of 6472 Paddle Road (PID: 005-949-416) must be designated and developed as an outdoor amenity space for residents.

## Commercial General Zone (C2)

### Permitted Uses

- 69 (1) The permitted uses for the C2 zone are as follows:
- Accessory Dwelling Unit
  - Appliance and Small Equipment Repair
  - Bed and Breakfast
  - Bus Depot
  - Car Wash
  - Club
  - Commercial Cardlock Facility
  - Commercial School
  - Dry Cleaner
  - Entertainment Use
  - Financial Institution
  - Fitness Centre/Gymnasium
  - Funeral Parlour
  - Hairdresser
  - Home-Based Business
  - Hotel
  - Laundromat
  - Medical Laboratory
  - Mini-Warehousing
  - Mixed-use Building
  - Mobile Food Service
  - Night Club
  - Nursery
  - Office
  - Parking Use
  - Pub
  - Restaurant
  - Retail Lumber and Building Supply Yard
  - Retail of Motor Vehicle Parts and Accessories
  - Retail Store
  - Service Station
  - Single-Family Dwelling (subject to the provision of the R3 zone)
  - Tool Rental
  - Veterinary Clinic
  - Wholesale Store [BL3150, BL3657]

### Minimum Lot Size

- (2) The minimum permitted lot size for the C2 zone is 560 m<sup>2</sup> (6,028 sq. ft.).

### Minimum Frontage

- (3) The minimum permitted frontage for the C2 zone is 15 m (49.21').

### Maximum Lot Coverage

- (4) The maximum permitted lot coverage for the C2 zone is 100% of the lot area, except such area as required for off-street parking and loading facilities, landscaping requirements, and fencing and highway setbacks.

**Minimum Setbacks**

- (5) There are no minimum setbacks for the C2 zone except:
  - (a) where the lot abuts residentially zoned land that yard which abuts the residentially zoned land shall be 3.0 m (9.84') in depth; and
  - (b) where the lot abuts an arterial highway the yard, front, shall be 4.5 m (15') in depth.

**Maximum Building Height**

- (6) The maximum permitted building heights for the C2 zone are as follows:
  - (a) Principal Building, 12.0 m (39.37')
  - (b) Accessory Building, 5.0 m (16.4')

# Report

Date November 6, 2019

To Council

From Larissa Barry-Thibodeau, Development Planner

Subject "Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019"

Prospero No. ZB000118

Folio No. 08694-002

File No. 3360-20 19.13

Endorsed:



## Purpose

The purpose of this report is to provide Council with information, analysis and recommendations regarding a site-specific zoning bylaw amendment application for 1038 Herd Road. A Bylaw to amend the Residential Rural Zone (R1) to permit two residential buildings, with a maximum of two dwelling units for the purpose of short-term accommodation (Bed and Breakfast).

## Background

On April 17, 2019, Council denied a zoning amendment application to permit two detached residential buildings, with a maximum of two dwelling units, at 1038 Herd Road. Prior to the meeting, new information was made available to staff which confirmed the presence of an unauthorized secondary suite (second kitchen) in the existing single-family dwelling. "Zoning Bylaw No. 2950, 1997" does not permit two kitchens in a single-family dwelling. The kitchen has since been removed bringing the single-family dwelling into compliance with the R1 zone. The applicant is re-applying to request permission for their original proposal which is to permit a second, detached residential building to the rear of the property for the purpose of short-term accommodation rental (Bed and Breakfast).

## Site Context

The subject property is a 0.43 Ha (1.08 acre) lot located at 1038 Herd Road. The Rural Residential (R1) parcel (see Attachment 7) is developed with a single family dwelling, accessory building, and Quonset hut accessory building. Site photos are included in Attachment 4.

## Land Use Context

Direction	Land Use	Zone
North	Single-Family Dwelling	A5 (Rural Residential Zone)
South	Single-Family Dwelling	R1 (Residential Rural Zone)
East	Single-Family Dwelling	R1 (Residential Rural Zone)
West	Single-Family Dwelling	R1 (Residential Rural Zone)

The surrounding neighbourhood generally consists of one and two storey rural residential homes on properties of about 0.4 ha (1 acre) and larger in size.

## Proposal

The applicant is proposing to regularize an unlawfully converted 63 m<sup>2</sup> (676 ft<sup>2</sup>) accessory building on the property to serve as a residential building for a Bed and Breakfast, while retaining the principal single-family dwelling (Attachment 5). The existing access is to be shared by both the principal dwelling and the accessory building. The applicant has provided a current BCLS prepared site plan and confirmation of septic capacity in support of this application.

The Residential Rural (R1) Zone permits a two-family residence, which is defined as two (2) dwelling units within one (1) residential building. With this application, the applicant requests permission for two (2) dwelling units within two (2) residential buildings, i.e., an existing single-family dwelling and the proposed second 63 m<sup>2</sup> (676 ft<sup>2</sup>) building, to allow for the permitted use of Bed and Breakfast to be operated in a separate residential building.

## **Discussion**

### Official Community Plan

The following policy considerations are relevant to this application:

#### HOUSING & SERVICES in RURAL AREAS:

- Policy 2.1.5.1 *The Municipality will discourage any relaxation of subdivision and zoning standards that have the effect of increasing net density in rural areas ...*
- Policy 2.1.5.5 *All rezoning applications in rural areas are required to consider policy 2.1.5.6.*
- Policy 2.1.5.6 *The Municipality may consider rezoning applications in rural areas to allow additional residential units if all the following provisions are met:*
- i) *The proposal demonstrates how the applicant will produce, complement or expand rural economic development activity ... and incorporate provision for the long-term security of the land (e.g., through an Agriculture Land Reserve (ALR) designation or a covenant on use); and*
  - ii) *Rural views from public areas will be maintained*
  - iii) *Any adjacent agricultural or other resource use (e.g., forestry, gravel removal) will be appropriately buffered from the residential units; and*
  - iv) *The extension of municipal services is not anticipated or, should service extension be required, the proposed development will cover the full cost of installing, maintaining and operating the additional services; and ...*

Staff are satisfied that this application is consistent with these guidelines, as the proposal complements rural economic activity, does not impact rural views, and will not impact agricultural activity as the subject property is not adjacent to agricultural lands. Further, the accepted septic filing demonstrates capacity to support the proposed use, such that service extension is not anticipated.

Policy 2.5.2.5 *The Municipality will ensure that new residential development respects and complements the character of the surrounding neighbourhood.*

While this proposal does not increase the number of permitted dwelling units in this neighbourhood, the proposal could impact the form and character of this neighbourhood comprised of mixed one and two storey residences.

This proposal demonstrates sensitive and appropriate scaled design/siting as it is:

- a) Located in an existing 63 m<sup>2</sup> (676 ft<sup>2</sup>) accessory building.
- b) Located to the rear of the 0.43 (1.08 acre) Subject Property, behind the existing single-family dwelling.
- c) Largely obscured from public view by the existing single-family dwelling.
- d) Located at a distance of approximately 40 m (131 ft) to the closest neighbouring residence.

#### Zoning Bylaw – R1 (Residential Rural) Uses

The R1 zoning provisions permit two-family dwellings (i.e. duplexes, secondary suites). No increase in the number of dwelling units is proposed, the permitted density is reallocated from one detached residential building to two. Bed and Breakfast is a permitted use in a residential building in the R1 zone.

The proposal meets setback, lot coverage, permitted use, parking, and building height requirements of the Residential Rural (R1) Zone.

#### Servicing and Infrastructure

Adequate septic service for the proposal has been demonstrated to be feasible by a Registered Onsite Wastewater Practitioner.

#### Building Permit

A Building Permit application has been submitted for the interior renovations to the accessory building, subject to a successful zoning amendment application.

#### Analysis & Conclusion

This proposal is generally consistent with the policies of the Official Community Plan (OCP) for the development of additional residential units in rural areas, as well as for sensitive and appropriate building siting. While the applicant has stated the intent of operating a Bed and Breakfast, should they be successful in their application, they could also use the building as a second dwelling unit for long term occupancy.

It is the opinion of staff that the balance of policies in support of maintaining the allowable number of dwelling units and permitted uses, providing complementary economic activity options in rural areas, and potential alternative housing options, and at the same time preserving rural views and demonstrating servicing feasibility, have reasonably been met with this proposal.

## Communications and Engagement

Should Council choose to provide 1<sup>st</sup> and 2<sup>nd</sup> readings to “Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019”, the application will proceed to the Public Hearing stage, at which time the general public will be provided with an opportunity to have input on “Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019”. Neighbouring properties within a 60 m radius of the subject property will be notified of this application and advertisements will be placed in the local newspaper, as per the requirement of the *Local Government Act*.

The Maple Bay Community Association was notified of this proposal.

## Options

### Staff Recommendation:

That Council give first and second reading to “Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019” in order to permit two residential buildings, with a maximum of two dwelling units; and

That a Public Hearing be scheduled for “Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019” and notification be issued in accordance with the requirements of the *Local Government Act*.

### Alternate Recommendation:

Option 2: That Council deny “Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019” to permit a second residential building at 1038 Herd Road.

## Implications

If Council denies “Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019”, the applicant could develop within the existing provisions of the R1 Zone. For example, the applicants could maintain an office/studio space with washrooms, but no cooking facilities in the accessory building. They could not operate a Bed and Breakfast in it, nor have a kitchen. They would be permitted to operate a Bed and Breakfast in the existing residence with the proper permits in place.

If Council adopts “Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019”, the applicant would be permitted to have a dwelling unit in the accessory building. They could operate this dwelling unit as short-term accommodation, but could also use the building as a second residence for long term occupancy.

## Recommendation

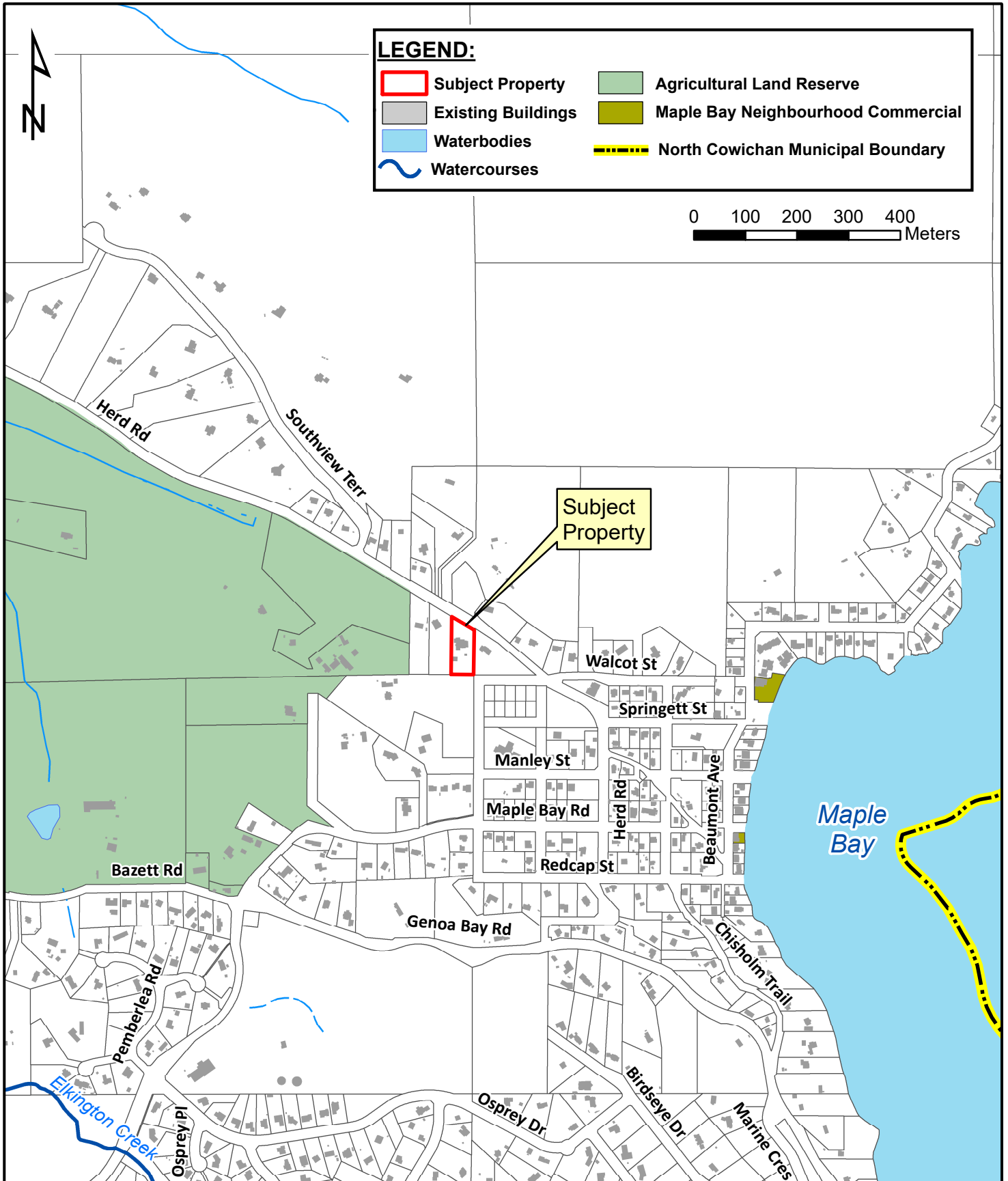



***That Council give first and second reading to "Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019" in order to permit two residential buildings, with a maximum of two dwelling units; and,***

***That a Public Hearing be scheduled for "Zoning Amendment Bylaw (1038 Herd Road), No. 3766, 2019" and notification be issued in accordance with the requirements of the Local Government Act.***

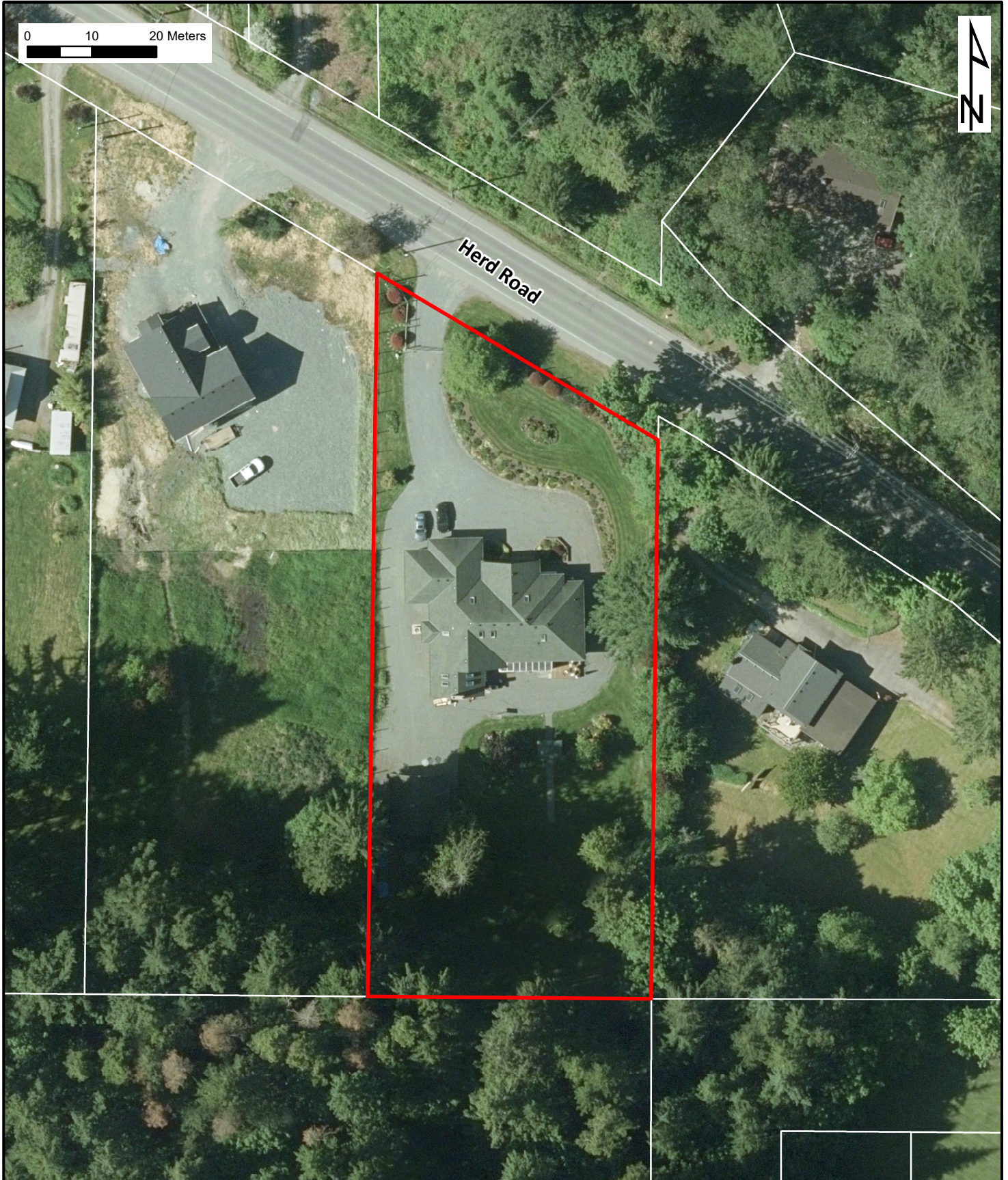
Attachments:

1. Location Map
2. Orthophoto
3. Zoning
4. Site Photos
5. Rationale
6. Site Plan
7. Rural Residential Zone (R1)
8. Proposed Bylaw No. 3766



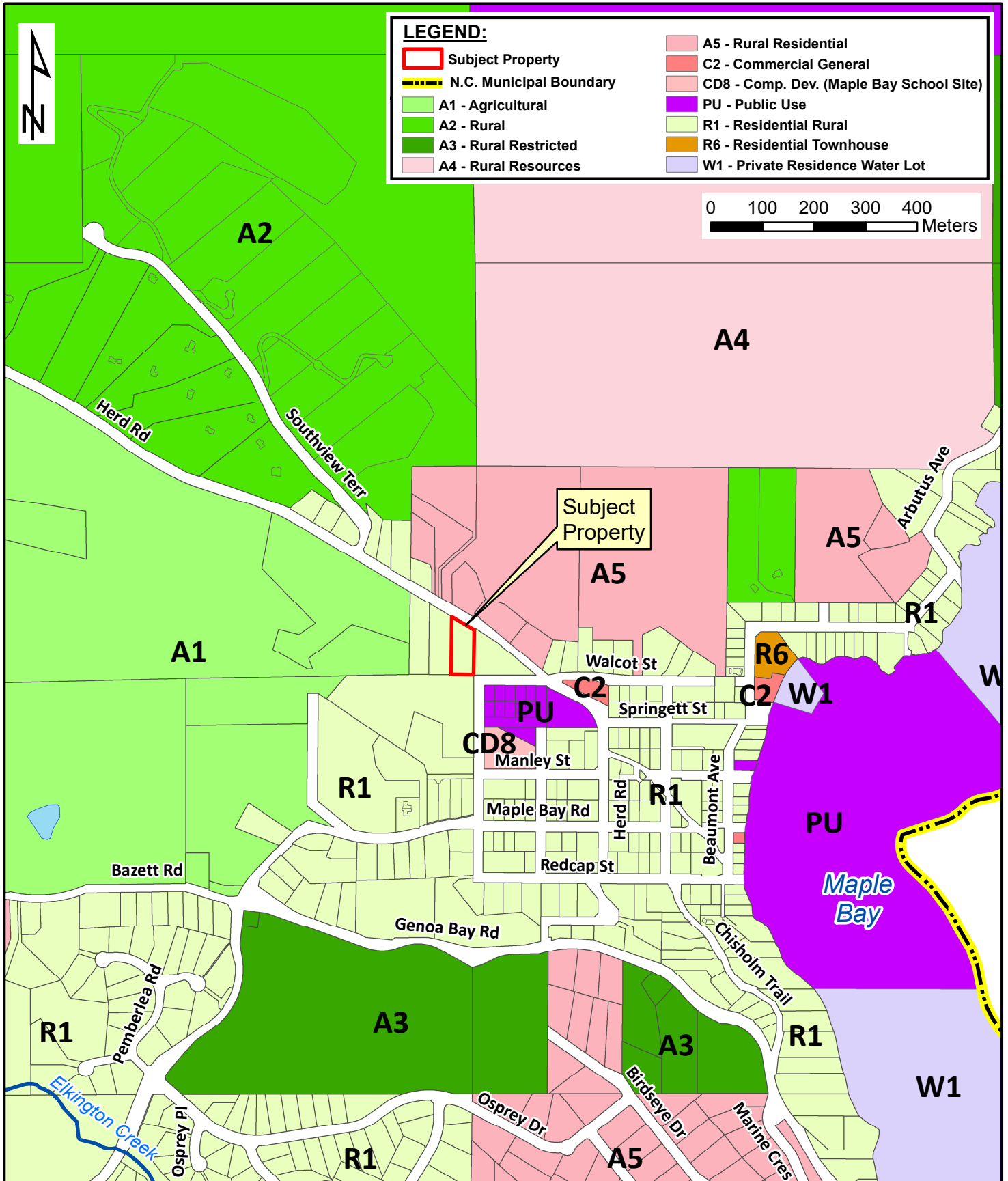
	<b>LOCATION MAP</b>		DATE:	October 1, 2019
	1038 Herd Road		TYPE:	Zoning Amendment
			FILE#:	ZB000118



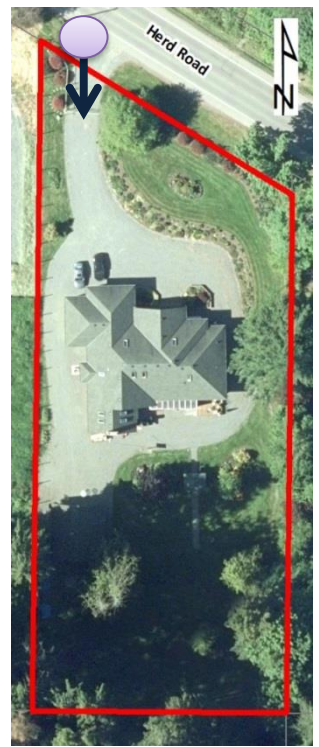


	<b>ORTHOPHOTO MAP</b> ( Orthophoto is from 2017 aerial photography)	<b>DATE:</b> October 1, 2019
	1038 Herd Road	<b>TYPE:</b> Zoning Amendment
		<b>FILE#:</b> ZB000118





	<b>ZONING MAP</b>		DATE:	October 1, 2019
	1038 Herd Road		TYPE:	Zoning Amendment
			FILE#:	ZB000118

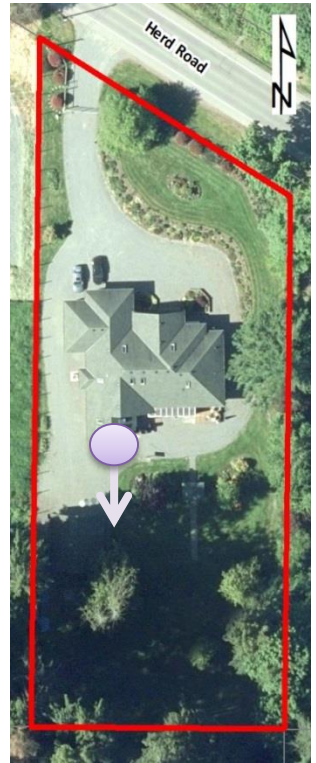


Principal residence and shared driveway access with neighbour's principal dwelling oriented closest to the front property line. Accessory building is located behind.



Accessory building with parking area for proposed short term accommodation.





Accessory building for proposed short term accommodation.

**1038 Herd Rd  
Duncan B.C.  
V9L 5W9  
Phone 778-455-2181  
Fax 778-455-5000  
Cell 250-734-3801**

**Municipality of North Cowichan  
Development Services  
7030 Trans-Canada Highway  
Duncan, BC, V9L6A1**

**16 September 2019**

**Dear Sir or Madame**

**Re: Rational Letter for Zoning Amendment**

**Ref: A: Rationale Letter dated 5 Dec 2018 (attached)  
B: Your letter dated April 29, 2019  
C. Council Meeting April 17, 2019  
D. Zoning Amendment Application dated Dec 7, 2018  
E: My letter of 17 June 2019 (attached)  
F: Your letter of September 10, 2019 (attached)**

**The planning amendment for the property is to allow the conversion of the 2 car garage (accessory building) to a carriage house for accommodation usage.**

**Background**

**A previously rezoning application (Ref D) was denied at Reference B because our property had purportedly a secondary suite installed. In fact the property had a second kitchen installed which is allowed by BC Building Code but not authorized by North Cowichan bylaws. The second kitchen has been decommissioned and the residence is now effectively a single family dwelling. (Ref F refers)**

**Current Situation**

**The auxiliary building is presently nearing completion as a studio/office under permit. My letter at Ref E (attached) explains the current situation. The second kitchen has been decommissioned as confirmed at Ref F. We are now making application to amend the zoning to allow the building to be used as an accommodation. Septic upgrades will be undertaken once the rezoning application is approved.**

**Sincerely**

**Neil Sorsdahl**



REF: A.

1038 Herd Rd  
Duncan B.C.  
V9L 5W9  
Phone 778-455-2181  
Fax 778-455-5000  
Cell 250-734-3801

5 December 2018

Municipality of North Cowichan  
7030 Trans-Canada Highway  
Duncan, BC  
V9L 6A1

**Rationale Letter – Rezoning 1038 Herd Rd**

*The property above was purchased in May 2017 by my wife, son and myself as a retirement property. The property had a detached 2 car garage/workshop which we considered could be used as a mortgage helper if converted to an accommodation space. The unit was of little use to us as a garage as we already had 3 car garage in the main house.*

*Some changes were made to the unit to convert it to an accommodation without permit which was identified in May 2018 as being not in compliance and all work stopped as of that date. It was also identified at that time that the previous owner had not completed the garage/workshop and further inspections were required. These have now been completed.*

*We have been in discussion with the development services to ascertain the requirements to complete this project and have identified issues to be resolved to do so.*

**The Project**

*The present structure (2 car garage/workshop) is being converted to a studio which does not require rezoning but will be constructed to a level where it could be used for accommodation (with permit). There is no change to the present footprint on the property, just a change of usage of the building. To make the building usable as an accommodation the property will need to be rezoned to allow 2 residential buildings on the property. Permit guidelines have been established with the planning department and a building permit will be issued once this zoning amendment is submitted. The building will not be used for accommodation until rezoning is approved.*

*I operated a Bed and Breakfast for the past 16 years in Nanaimo prior to moving to Maple Bay. This area is a superb tourist area and having more accommodation for tourists in this area would be beneficial not only to us but for the local community as well.*

**Neil Sorsdahl**

April 29, 2019

Prospero No: ZB000103

Folio No: 08694-002

File: 3360-20 18.29

Neil Sorsdahl  
1038 Herd Road  
DUNCAN BC V9L 5W9

Dear Mr. Sorsdahl

**Re: Zoning Amendment Bylaw No. 3743 for 1038 Herd Road<sup>1</sup>**

This is to advise that the Municipal Council, at its April 17, 2019 Regular Council meeting passed the following motion regarding your Zoning Bylaw Amendment application:

***It was moved, seconded and carried that Council deny Zoning Amendment Bylaw No. 3743 (1038 Herd Road) to permit a second residential building at 1038 Herd Road.***

As Council did not support your application, please follow up with the Building Department no later than May 29, 2019 to determine next steps in regularizing or decommissioning the unpermitted secondary suite in the basement, concluding your Building Permit application for the accessory building in the rear of the property, and regularizing your Quonset Hut.

Please contact me directly at 250-746-3260 or by email to [larissa.barrythibodeau@northcowichan.ca](mailto:larissa.barrythibodeau@northcowichan.ca) if you have any questions.

Sincerely



Larissa Barry-Thibodeau, B.A.  
Planning Technician  
Development and Engineering Services Division | Planning Department

/fb

<sup>1</sup> LOT B SECTION 8 RANGE 4 COMIAKEN PLAN VIP61806 - PID: 023-168-501

REF: E

1038 Herd Rd  
Duncan B.C.  
V9L 5W9  
Phone 778-455-2181

June 17, 2019

Council Members of  
Municipality of North Cowichan  
7030 Trans-Canada Highway  
Duncan, BC V9L6A1

References: A. Zoning Amendment Bylaw No. 3743 for 1038 Herd Rd  
B. Your letter dated April 29, 2019  
C. Council Meeting April 17, 2019  
D. Zoning Amendment Application dated Dec 7, 2018

Dear Sirs and Madame's:

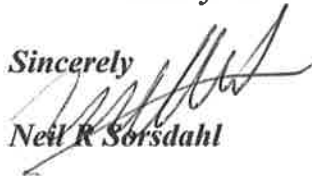
My request to rezone at Reference D to allow a second residential building at 1038 Herd Rd was denied at Reference C and officially communicated to me at reference B. During the meeting on April 17 I was asked to choose if I wanted to go ahead with the rezoning or regularize my secondary suite. Having chosen to regularize the secondary suite at that moment made it obvious to you that I could not be rezoned, and thus the denial.

As a result of the denying of my rezoning request, Reference B indicated to me that I must regularize or decommission my secondary suite in the basement. Discussions with your building inspector has resulted in my inability to regularize the secondary suite. The previous owner of the building designed and constructed the house to accommodate his paraplegic son which included ramps and wide doors throughout the house. To regularize the secondary suite would include installing a separate heating system, fire door, fire and smoke sensor changes, a second exit, to name a few. This makes the regularization of the secondary suite untenable. I have undertaken to decommission the kitchen and return the home to a single family dwelling.

The public hearing on April 17 provided public input into the rezoning that would not affect the approval of the application. Had I chosen to decommission the kitchen at that time I can only assume that I would have been approved. I respectfully request that a second review of my request be considered given the investigation and information provided to me by your building inspector.

Thank you.

Sincerely



Neil R Sorsdahl

September 10, 2019

Folio No. 08694-002  
File No. CIB00614

SORSDAHL, NEIL R  
SORSDAHL, LESLIE C  
1038 HERD RD  
DUNCAN BC V9L 5W9

Dear Mr. Sorsdahl

**Re: LT B SEC 8 RGE 4 COM PL VIP61806 - 1038 HERD RD**

As discussed, this letter is to confirm the removal of the 220-volt power supply and domestic cooking range from the lower floor kitchen area. The building no longer contains two domestic cooking facilities. The building is a single tenancy (single-family dwelling).

I have received and saved a copy of the *electrical permit application* and *final inspection report* that you have supplied.

I have also added a photo of the cabinet that has replaced the range to our records.

Sincerely



Lane Killick  
Chief Building Inspector R.B.O.  
DEVELOPMENT SERVICES | Building Department

**B. C. LAND SURVEYOR'S  
CERTIFICATE OF LOCATION FOR**

**LOT B, SECTION 8, RANGE 4,  
COMIAKEN DISTRICT,  
PLAN VIP61806.**

Note: Lot B lies within the Corporation of the District of North Cowichan and is Zoned R-1. Bylaw setback requirements are as follows:

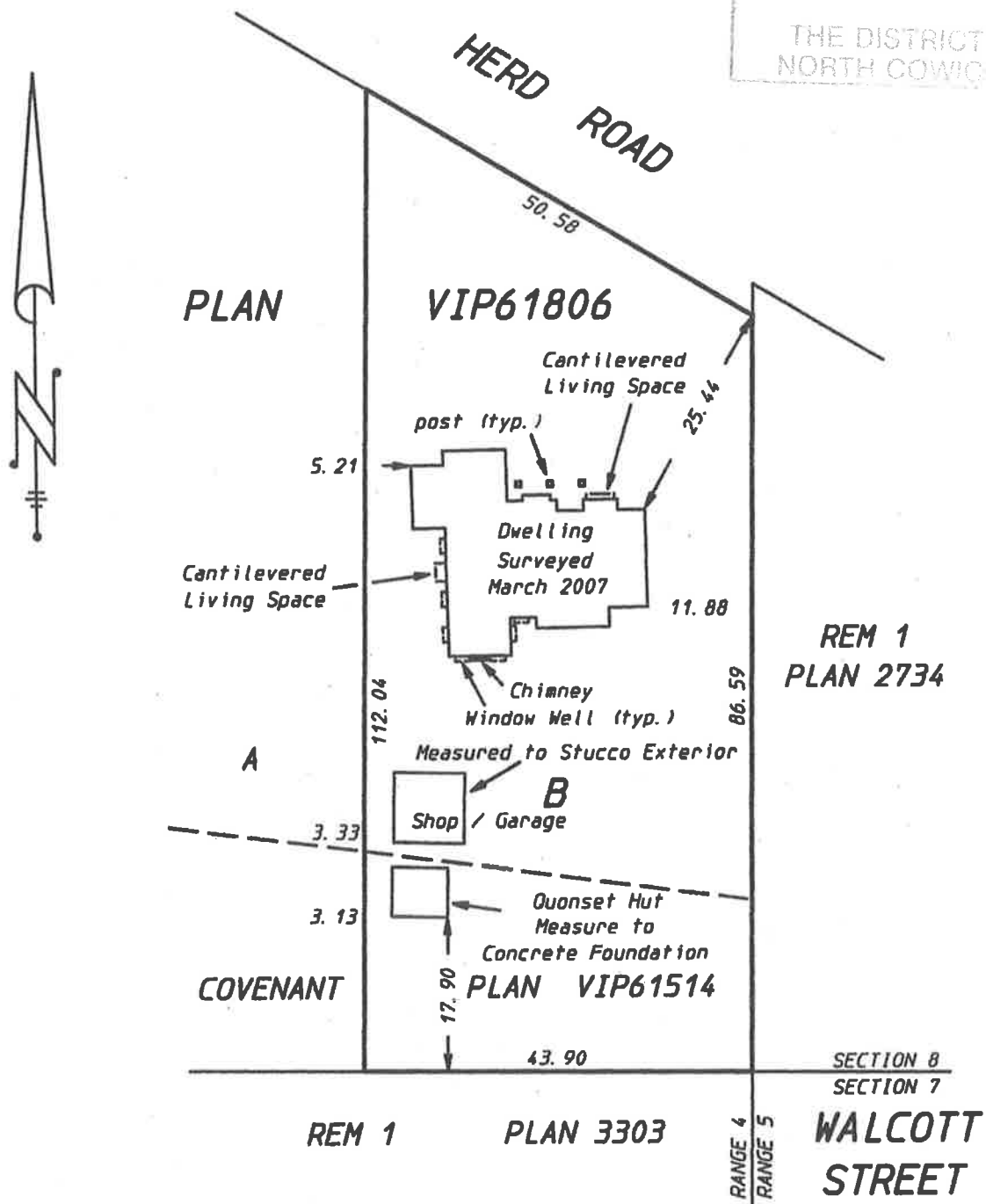
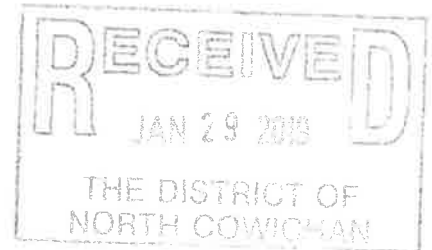
Principal Buildings		Accessory Buildings	
Front	6.0 m	Front	6.0 m
Side	3.0 m	Side	3.0 m
Rear	8.0 m	Rear	3.0 m

Minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m.

SCALE 1 : 750



All distances are in metres.



All clearance distances are shown to a 87 accuracy of plus or minus 0.05 metres.

## Residential Rural Zone (R1)

### Permitted Uses

- 56 (1) The permitted uses for the R1 zone are as follows:
- Agriculture
  - Assisted Living
  - Bed and Breakfast
  - Community Care Facility
  - Home-based Business
  - Modular Home
  - Single-Family Dwelling
  - Supportive Housing
  - Temporary Trailer (subject to "Temporary Trailer Permit Bylaw 1976", No. 1685)
  - Two-Family Dwelling [BL3302, BL3367]

### Minimum Lot Size

- (2) The minimum permitted lot size for the R1 zone is 1,675 m<sup>2</sup> (18,029 sq. ft.).

### Minimum Frontage

- (3) The minimum permitted frontage for the R1 zone is 30.0 m (98.43').

### Density

- (4) The maximum permitted density for the R1 zone is as follows:
- (a) The number of residential buildings shall not exceed one.
  - (b) Despite the foregoing, the placement of a temporary trailer may also be permitted on lots larger than 0.81 ha (two acres) subject to "Temporary Trailer Permit Bylaw 1976", No. 1685.
  - (c) The maximum permitted floor space ratio for the R1 zone is 0.5:1. [BL3383]
  - (d) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 9272 Cottonwood Road (PID: 006-038-000). [BL3642]
  - (e) Despite section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 1217 Barnes Road (PID: 003-134-814). [BL3666]

### Maximum Lot Coverage

- (5) The maximum permitted lot coverage of the R1 zone is 30% of the lot area.

### Minimum Setbacks

- (6) The minimum permitted setbacks for the R1 zone are as follows:
- (a) Principal Buildings
    - Yard, Front, 6.0 m (19.68')
    - Yard, Side, 3.0 m (9.84')
    - Yard, Rear, 8.0 m (26.25')
  - (b) Accessory Buildings and Structures (Excluding Fences)
    - Yard, Front, 6.0 m (19.68')
    - Yard, Side, 3.0 m (9.84')
    - Yard, Rear, 3.0 m (9.84')
- (6.1) The minimum permitted setback from the vehicle entrance of a principal or accessory building to a public road other than a lane is 5.8 m (19.03'). [BL3150]

## Maximum Building Height

- (7) The maximum permitted building heights for the R1 zone are as follows:
  - (a) Principal Buildings, 9.0 m (29.53')
  - (b) Accessory Buildings, 5.0 m (16.40')

## Conditions of Use

- (8) The conditions of use for the R1 zone are as follows:
  - (a) No fences over 1.2 m (4.00') in height are permitted in the required yards, front.
  - (b) No fences over 2.0 m (6.56') in height are permitted in the required yards, side or rear.
  - (c) In no situation shall a fence be greater than 2.0 m (6.56') in height.
  - (d) Bed and breakfast uses may have no more than six sleeping units.
  - (e) Agriculture use shall be subject to "Animal Control Bylaw, 1995", No. 2856.
  - (f) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that the number of residents does not exceed ten, including resident staff,
    - (ii) the use is within a single-family dwelling unit only,
    - (iii) valid health permits for septic systems or on-site wastewater treatment systems are obtained, where no municipal sewer is available. [BL3302]
  - (g) Limited farm sale of agricultural products may be sold directly to the public provided that:
    - (i) a minimum of 50% of the agricultural products offered for sale are produced on the land;
    - (ii) the covered retail sales area does not exceed 100 m<sup>2</sup> (1076.4 sq. ft.); and
    - (iii) the retail sales are clearly ancillary to the farm use. [BL3083]
  - (h) [Repealed. BL3367]





The Corporation of the District of North Cowichan

**Bylaw No. 3758**

**Zoning Amendment Bylaw (Keeping of Farm Animals & Poultry), 2019**

The Council of The Corporation of The District of North Cowichan enacts as follows:

**1 "Zoning Bylaw, No. 2950, 1997" is amended as follows:**

**(a) Section 12 [definitions] is amended by adding the following definitions:**

**"farm animals"** means domesticated cows, donkeys, horses, mules, llamas, emus, ostriches, swine, sheep, or goats, and other animals usually associated with farming, but not necessarily used solely for agricultural purposes;" **and**

**"poultry"** means chickens, turkeys, ducks, geese and pigeons;"

**(b) Section 48 (4) is repealed.**

**(c) Section 48.1 [Keeping of Farm Animals and Poultry] is added:**

- "48.1** (1) The keeping of farm animals and poultry is permitted on a lot greater than 8000 m<sup>2</sup> (1.98 ac) in area.
- (2) The keeping of farm animals and poultry is not permitted on a lot less than 8000 m<sup>2</sup> (1.98 ac) in area, except as follows:
- (a) on a lot greater than 1675 m<sup>2</sup> (0.41 ac) in area but less than 4000 m<sup>2</sup> (0.99 ac) in area, a total of not more than 12 rabbits or poultry;
  - (b) on a lot equal to or greater than 4000 m<sup>2</sup> (0.99 ac) in area but less than 8000 m<sup>2</sup> (1.98 ac) in area, a total of not more than 12 rabbits or poultry and a total of not more than 2 farm animals.
- (3) Any structure to house farm animals, or poultry must be set back at least 15 m from any lot line.
- (4) Any structure used for the storage of manure must be set back at least 15 m from any lot line.
- (5) Notwithstanding the foregoing, where the minimum setback requirements from all lot boundaries of the zone in which the structure is located are greater than 15 m, the greater setback requirements apply."

**(d) Section 51 (6) [minimum setbacks in the Agricultural (A1) Zone] is amended by adding the following:**

"(g) Kennel  
Yard, Front, 46 m (150.91')  
Yard, Side, 46 m (150.91')  
Yard, Rear, 46 m (150.91')".

**(e) Section 51 (8) [conditions of use in the Agricultural (A1) Zone] is amended by adding the following:**

"(g) A kennel must not be located on a lot less than 8000 m<sup>2</sup> (1.98 acres) in area."

**(f) Section 52 (6) [minimum setbacks in the Rural (A2) Zone] is amended by adding the following:**

"(f) Kennel  
Yard, Front, 30 m (98.43')  
Yard, Side, 30 m (98.43')  
Yard, Rear, 30 m (98.43')".

**(g) Section 52 (8) [conditions of use in the Rural (A2) Zone] is amended by adding the following:**

"(g) A kennel must not be located on a lot less than 8000 m<sup>2</sup> (1.98 acres) in area."

**(h) Section 56 (8) (e) [conditions of use in the Residential Rural (R1) Zone] is repealed.**

**(i) Section 58 (8) (f) [conditions of use in the Residential One and Two Family (R3) Zone] is repealed.**

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READ a first time on November 06, 2019  
READ a second time on November 6, 2019  
CONSIDERED at a Public Hearing on  
READ a third time on  
APPROVED by Ministry of Transportation and Infrastructure on  
ADOPTED on

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CORPORATE OFFICER

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PRESIDING MEMBER



The Corporation of the District of North Cowichan  
**Zoning Amendment Bylaw (Cannabis Sales – 8432 Trans-Canada Highway), 2019**

Bylaw 3763

The Council of The Corporation of The District of North Cowichan enacts as follows:

**1      *Zoning Bylaw 1997, No. 2950, is amended by adding the following text as a new subsection after 40.6:***

**"40.7** Despite section 40.5, one cannabis retail store is permitted at 8432 Trans-Canada Highway (PID: 001-305-310)."

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READ a first time on September 4, 2019  
Information Meeting held on October 3, 2019  
READ a second time as amended on October 16, 2019  
CONSIDERED at a Public Hearing on  
READ a third time on  
APPROVED BY the Ministry of Transportation and Infrastructure on  
ADOPTED on

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CORPORATE OFFICER

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PRESIDING MEMBER



The Corporation of the District of North Cowichan

## **Bylaw No. 3765**

Zoning Amendment Bylaw (2903 Cypress Street), 2019

The Council of The Corporation of The District of North Cowichan enacts as follows:

### **1 Title**

This Bylaw may be cited as "Zoning Amendment Bylaw No. 3765, 2019."

### **2 Administration**

**Zoning Bylaw 1997, No. 2950 is amended as follows:**

- 2.1 ***Schedule "C" of "Zoning Bylaw 1997", 2950, is amended by reclassifying from Commercial General Zone (C2) to Urban Medium Density Comprehensive Development Zone (CD10), 2903 Cypress Street (PID 003-290-000), shown as the "Subject Property" and outlined in bold on the Schedule attached to and forming part of this bylaw.***

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READ a first time on November 06, 2019  
READ a second time on November 6, 2019  
CONSIDERED at a Public Hearing on  
READ a third time on  
ADOPTED on

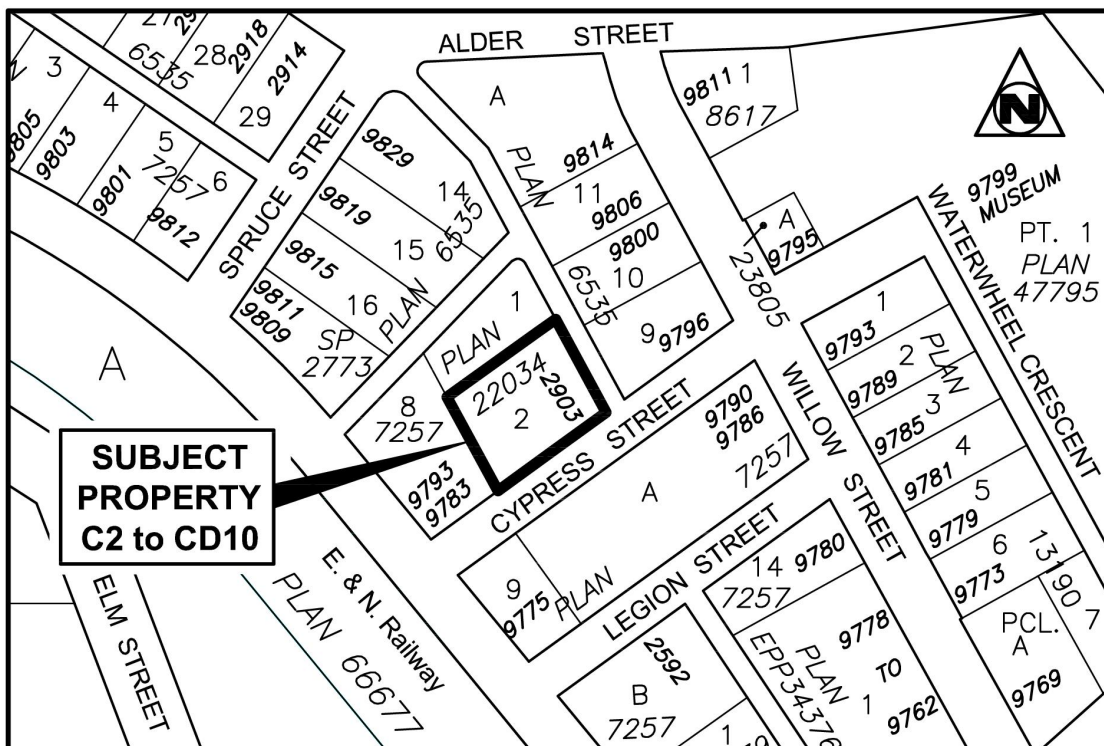
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CORPORATE OFFICER

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PRESIDING MEMBER

## Schedule





The Corporation of the District of North Cowichan

## **Bylaw No. 3766**

Zoning Amendment Bylaw (1038 Herd Road), 2019

The Council of The Corporation of The District of North Cowichan enacts as follows:

### **1 Title**

This Bylaw may be cited as "Zoning Amendment Bylaw No. 3766 (1038 Herd Road), 2019."

### **2 Administration**

**Zoning Bylaw 1997, No. 2950 is amended as follows:**

2.1 ***Section 56 (4) [Density in the Residential Rural (R1) Zone], is amended by adding the following paragraph.***

2.1.1 Despite Section 56 (4) (a), a maximum of 2 residential buildings, with a total combined maximum of 2 dwelling units, is permitted on 1038 Herd Road (PID: 023-168-501).

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READ a first time on November 6, 2019  
READ a second time on November 6, 2019  
CONSIDERED at a Public Hearing on  
READ a third time on  
ADOPTED on

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CORPORATE OFFICER

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PRESIDING MEMBER

# Schedule

