

PUBLIC HEARING INFORMATION PACKAGE

Zoning Amendment Bylaw No. 3925, 2023 3211 Malcolm Road

Public Hearing Notice and Bylaw No. 3925

1. Notice of Public Hearing for **September 26, 2023** at **7:00 p.m.**
2. 1st Notification- Facebook and Twitter – September 11, 2023
3. 2nd Notification – Cowichan Valley Citizen and Chemainus Valley Courier - September 21, 2023
4. Bylaw No. 3925 and Map of Subject Property


Planning Staff Report

1. Report to August 16, 2023 Regular Council – First and Second Readings of Bylaw No. 3925

Council Minutes

1. Excerpt from August 16, 2023 Regular Council Minutes – First and Second Readings of Bylaw No. 3925, Schedule Public Hearing

Public Comments

1. Emails dated September 10 & 12, 2023 from and to Gregg and Tracey Halfyard Re: Questions and Planning Staff Response. **Note:** Gregg and Tracey Halfyard received a phone call from Planning Staff on September 13, 2023 in response to their questions.
- 

NOTICE OF PUBLIC HEARING

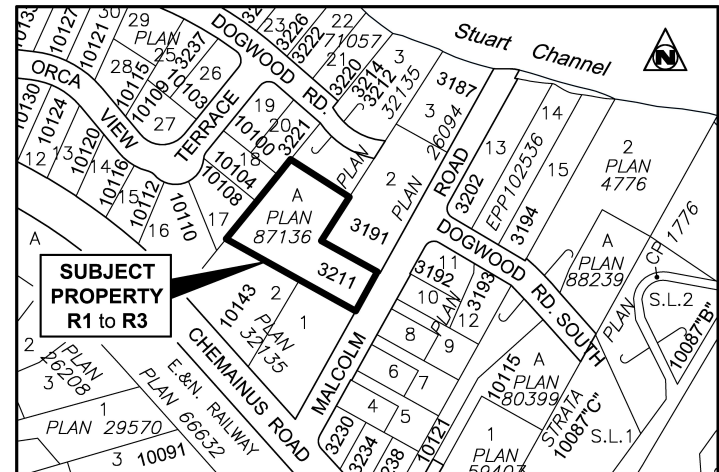
The Director of Planning and Building gives notice that a Public Hearing will be held at **7:00 p.m.** on **Tuesday, September 26, 2023** to allow Council to receive public input on Bylaw No. 3925 which proposes to amend Zoning Bylaw 1997, No. 2950. As authorized by the *Local Government Act*, this hearing will be conducted by electronic means and members of the public will be provided an opportunity to be heard verbally or by submitting their comments in writing in advance of the hearing. This hearing will be conducted by video conference using the Cisco Webex platform, and though electronic, is open to the public and anyone wishing to participate may do so in person by attending Council Chambers, or by joining the meeting using a computer, smartphone, or tablet. If you wish to participate electronically, please visit www.northcowichan.ca/virtualmeeting for instructions on how you can join this hearing and find the link to join. You may also view the hearing as it is streamed live by going to www.northcowichan.ca/Agendas and click on the 'View Live Stream' link. A copy of the recording will be made available after the hearing on North Cowichan's website for on-demand viewing.

Zoning Amendment Bylaw No. 3925 (3211 Malcolm Road), 2023 proposes to amend Zoning Bylaw 1997, No. 2950 by reclassifying 3211 Malcolm Road (PID: 028-082-419) from Residential Rural Zone (R1) to Residential One and Two-Family Zone (R3).

The purpose of the Zoning Bylaw Amendment is to facilitate a two-lot subdivision on the subject property (PID: 028-082-419) as shown outlined in bold on the map.

PUBLIC INPUT

If you believe your interests in land will be affected by the proposed bylaw, you are encouraged to submit your comments in writing to Mayor and Council by **1:00 p.m.** on **Monday, September 25, 2023**, using any of the writing methods identified below. Comments may also be shared verbally during the Public Hearing, by following the instructions provided below.



1. In Writing in Advance of the Public Hearing:

Written submissions will be accepted by:

- Email to publicmeetings@northcowichan.ca
- Mail to Mayor and Council, Municipality of North Cowichan, 7030 Trans-Canada Highway, Duncan BC, V9L 6A1
- Fax to 250-746-3133
- In-Person deposited through the mail slot at the Municipal Hall, Main Entrance

2. Verbally or in Writing at the Public Hearing:

- In Person by attending Council Chambers at Municipal Hall, 7030 Trans-Canada Highway, Duncan BC.
- Virtually by logging in electronically, details and instructions will be available at least one week prior to the Hearing at www.northcowichan.ca/PublicHearings.
- Written submissions may be submitted during the Public Hearing by presentation to the Corporate Officer or her designate.

PLEASE NOTE: Submissions should reference the bylaw number and include your name and the civic address or legal description of the land affected by the proposal. Please be advised that all submissions, including the individual's name and address will form part of the public record and will be published on North Cowichan's website. Do not include any personal information in your submission that you do not wish to be disclosed, as submissions received are public documents and will not be redacted (with the exception of email addresses on electronic submissions, phone numbers and signatures). Written submissions will not be accepted after the conclusion of the Public Hearing.

Copies of the bylaw and related documents, including public comments received in writing, will be available to inspect online at www.northcowichan.ca/PublicHearings until the close of the Public Hearing. The documents may also be inspected in the Planning Department at the Municipal Hall, Monday to Friday (excluding statutory holidays) between **8:00 a.m.** and **4:00 p.m.** from **August 25, 2023** to **September 1, 2023** and from **September 5, 2023** to **September 26, 2023** between **8:30 a.m.** and **4:30 p.m.**

Rob Conway
Director, Planning and Building

Personal information is collected by North Cowichan under the authority of s. 26 (c) of the *Freedom of Information and Protection of Privacy Act* for the purpose of administering the Public Hearing. Please direct any questions about personal information to North Cowichan's Privacy Officer by Phone: 250-746-3116, Email: privacy@northcowichan.ca or Regular Mail: 7030 Trans-Canada Highway, Duncan, BC, V9L 6A1

7030 Trans-Canada Highway, Duncan BC V9L 6A1
T: 250-746-3100 F: 250-746-3133 www.northcowichan.ca

MUNICIPALITY OF
NORTH
Cowichan

PUBLIC HEARING NOTICE

1ST NOTIFICATION

Social Media Publication Date

September 11, 2023

2ND NOTIFICATION

Newspaper Publication Date

September 21, 2023

Twitter Preview

Sep 11, 2023 - 12:00 PM PDT

**North Cowichan** @NorthCowichan • 1h

A Public Hearing for Zoning Amendment Bylaw No. 3925 is scheduled for 7:00pm on September 26, 2023. Copies of the public notice and bylaw are available on North Cowichan's website at <https://loom.ly/1J7GoCM>

Notice of Public Hearing

Zoning Amendment Bylaw No. 3925
3211 Malcolm Road
September 26, 2023 at 7pm



Load Twitter Analytics

State Published

Assigned to

Legislative Services

This post has been published for each of the following services:

- Facebook at September 11 - 12:00 PM PDT
Successfully published at September 11 - 12:00 PM PDT
[View post on Facebook](#)
- Twitter at September 11 - 12:00 PM PDT
Successfully published at September 11 - 12:03 PM PDT
[View post on Twitter](#)

Facebook

Twitter

Facebook Preview

Sep 11, 2023 - 12:00 PM PDT



Municipality of North Cowichan

September 11 at 12:00 PM

Council will be conducting a Public Hearing in Council Chambers and by video conference using the Cisco Webex platform at 7:00 p.m. on September 26, 2023 to provide all persons who believe that they are affected by Zoning Amendment Bylaw No. 3925, an opportunity to be heard or to present written submissions to Council.

Those wishing to comment on the bylaw may share their thoughts during the Public Hearing or submit their feedback in writing by email, mail, or by dropping them off at the Municipal Hall by 1:00 p.m. Monday, September 25, 2023.

The purpose of this amendment is to facilitate a two-lot subdivision on the subject property at 3211 Malcolm Road. You can view the bylaw and public notice at <https://loom.ly/lU7GbCM>

Notice of Public Hearing

Zoning Amendment Bylaw No. 3925
3211 Malcolm Road
September 26, 2023 at 7pm

NORTH
Cowichan

Load Facebook Analytics

State: Published

Assigned to: Legislative Services

This post has been published for each of the following services:

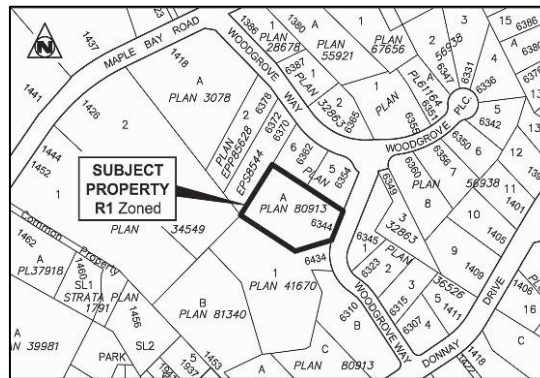
- Facebook at September 11 - 12:00 PM PDT
Successfully published at September 11 - 12:00 PM PDT
[View post on Facebook](#)
- Twitter at September 11 - 12:00 PM PDT
Successfully published at September 11 - 12:03 PM PDT
[View post on Twitter](#)

NOTICE OF PUBLIC HEARING

The Director of Planning and Building gives notice that a Public Hearing will be held at **7:00 p.m.** on **Tuesday, September 26, 2023** to allow Council to receive public input on Bylaws No. 3919 and No. 3925 which propose to amend Zoning Bylaw 1997, No. 2950. As authorized by the *Local Government Act*, this hearing will be conducted by electronic means and members of the public will be provided an opportunity to be heard verbally or by submitting their comments in writing in advance of the hearing. This hearing will be conducted by video conference using the Cisco Webex platform, and though electronic, is open to the public and anyone wishing to participate may do so in person by attending Council Chambers, or by joining the meeting using a computer, smartphone, or tablet. If you wish to participate electronically, please visit www.northcowichan.ca/virtualmeeting for instructions on how you can join this hearing and find the link to join. You may also view the hearing as it is streamed live by going to www.northcowichan.ca/Agendas and click on the 'View Live Stream' link. A copy of the recording will be made available after the hearing on North Cowichan's website for on-demand viewing.

Zoning Amendment Bylaw No. 3919 (6344 Woodgrove Way), 2023

proposes to amend Zoning Bylaw 1997, No. 2950 section 56(4) [Density in the Residential Rural Zone (R1) by adding the following subsection: "(o) A total combined maximum of two dwelling units within a maximum of two residential buildings is permitted on 6344 Woodgrove Way (PID: 026-674-301)."



The purpose of the Zoning Bylaw Amendment is to allow for a secondary detached dwelling unit on the subject property (PID: 026-674-301) as shown outlined in bold on the map.

Zoning Amendment Bylaw No. 3925 (3211 Malcolm Road), 2023

proposes to amend Zoning Bylaw 1997, No. 2950 by reclassifying 3211 Malcolm Road (PID: 028-082-419) from Residential Rural Zone (R1) to Residential One and Two-Family Zone (R3).



The purpose of the Zoning Bylaw Amendment is to facilitate a two-lot subdivision

on the subject property (PID: 028-082-419) as shown outlined in bold on the map.

PUBLIC INPUT

If you believe your interests in land will be affected by the proposed bylaw, you are encouraged to submit your comments in writing to Mayor and Council by **1:00 p.m.** on **Monday, September 25, 2023**, using any of the writing methods identified below. Comments may also be shared verbally during the Public Hearing, by following the instructions provided below.

1. In Writing in Advance of the Public Hearing:

Written submissions will be accepted by:

- Email to publicmeetings@northcowichan.ca
- Mail to Mayor and Council, Municipality of North Cowichan, 7030 Trans-Canada Highway, Duncan BC, V9L 6A1
- Fax to 250-746-3133
- In-Person deposited through the mail slot at the Municipal Hall, Main Entrance

2. Verbally or in Writing at the Public Hearing:

- In Person by attending Council Chambers at Municipal Hall, 7030 Trans-Canada Highway, Duncan BC.
- Virtually by logging in electronically, details and instructions will be available at least one week prior to the Hearing at www.northcowichan.ca/PublicHearings.
- Written submissions may be submitted during the Public Hearing by presentation to the Corporate Officer or her designate.

PLEASE NOTE: Submissions should reference the bylaw number and include your name and the civic address or legal description of the land affected by the proposal. Please be advised that all submissions, including the individual's name and address will form part of the public record and will be published on North Cowichan's website. Do not include any personal information in your submission that you do not wish to be disclosed, as submissions received are public documents and will not be redacted (with the exception of email addresses on electronic submissions, phone numbers and signatures). Written submissions will not be accepted after the conclusion of the Public Hearing.

Copies of the bylaws and related documents, including public comments received in writing, will be available to inspect online at www.northcowichan.ca/PublicHearings until the close of the Public Hearing. The documents may also be inspected in the Planning Department at the Municipal Hall, Monday to Friday (excluding statutory holidays) between **8:00 a.m.** and **4:00 p.m.** from **August 25, 2023** to **September 1, 2023** and from **September 5, 2023** to **September 26, 2023** between **8:30 a.m.** and **4:30 p.m.**

Rob Conway, Director of Planning and Building

Personal information is collected by North Cowichan under the authority of s. 26 (c) of the *Freedom of Information and Protection of Privacy Act* for the purpose of administering the Public Hearing. Please direct any questions about personal information to North Cowichan's Privacy Officer by Phone: 250-746-3116, Email: privacy@northcowichan.ca or Regular Mail: 7030 Trans-Canada Highway, Duncan, BC, V9L 6A1

7030 Trans-Canada Highway, Duncan BC V9L 6A1
T: 250-746-3100 F: 250-746-3133 www.northcowichan.ca

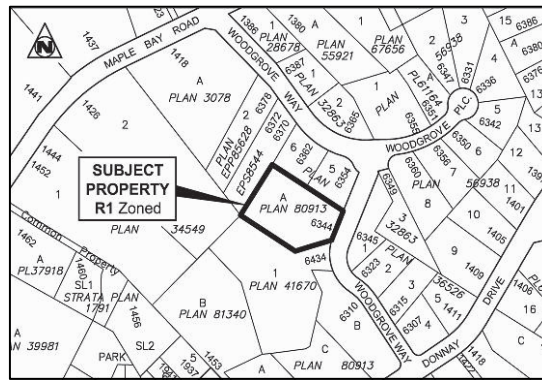
MUNICIPALITY OF
NORTH
Cowichan

NOTICE OF PUBLIC HEARING

The Director of Planning and Building gives notice that a Public Hearing will be held at **7:00 p.m.** on **Tuesday, September 26, 2023** to allow Council to receive public input on Bylaws No. 3919 and No. 3925 which propose to amend Zoning Bylaw 1997, No. 2950. As authorized by the *Local Government Act*, this hearing will be conducted by electronic means and members of the public will be provided an opportunity to be heard verbally or by submitting their comments in writing in advance of the hearing. This hearing will be conducted by video conference using the Cisco Webex platform, and though electronic, is open to the public and anyone wishing to participate may do so in person by attending Council Chambers, or by joining the meeting using a computer, smartphone, or tablet. If you wish to participate electronically, please visit www.northcowichan.ca/virtualmeeting for instructions on how you can join this hearing and find the link to join. You may also view the hearing as it is streamed live by going to www.northcowichan.ca/Agendas and click on the 'View Live Stream' link. A copy of the recording will be made available after the hearing on North Cowichan's website for on-demand viewing.

Zoning Amendment Bylaw No. 3919 (6344 Woodgrove Way), 2023

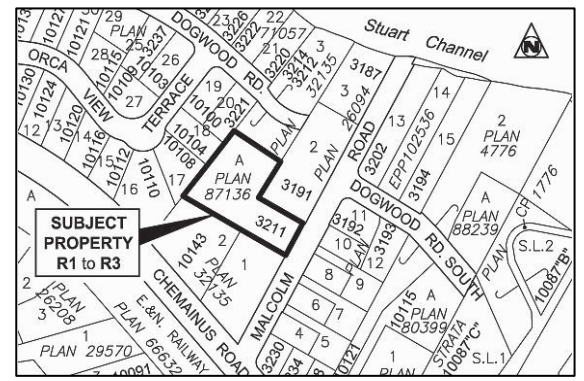
proposes to amend Zoning Bylaw 1997, No. 2950 section 56(4) [Density in the Residential Rural Zone (R1) by adding the following subsection: "(o) A total combined maximum of two dwelling units within a maximum of two residential buildings is permitted on 6344 Woodgrove Way (PID: 026-674-301)."



The purpose of the Zoning Bylaw Amendment is to allow for a secondary detached dwelling unit on the subject property (PID: 026-674-301) as shown outlined in bold on the map.

Zoning Amendment Bylaw No. 3925 (3211 Malcolm Road), 2023

proposes to amend Zoning Bylaw 1997, No. 2950 by reclassifying 3211 Malcolm Road (PID: 028-082-419) from Residential Rural Zone (R1) to Residential One and Two-Family Zone (R3).



The purpose of the Zoning Bylaw Amendment is to facilitate a two-lot subdivision

on the subject property (PID: 028-082-419) as shown outlined in bold on the map.

PUBLIC INPUT

If you believe your interests in land will be affected by the proposed bylaw, you are encouraged to submit your comments in writing to Mayor and Council by **1:00 p.m.** on **Monday, September 25, 2023**, using any of the writing methods identified below. Comments may also be shared verbally during the Public Hearing, by following the instructions provided below.

1. In Writing in Advance of the Public Hearing:

Written submissions will be accepted by:

- Email to publicmeetings@northcowichan.ca
- Mail to Mayor and Council, Municipality of North Cowichan, 7030 Trans-Canada Highway, Duncan BC, V9L 6A1
- Fax to 250-746-3133
- In-Person deposited through the mail slot at the Municipal Hall, Main Entrance

2. Verbally or in Writing at the Public Hearing:

- In Person by attending Council Chambers at Municipal Hall, 7030 Trans-Canada Highway, Duncan BC.
- Virtually by logging in electronically, details and instructions will be available at least one week prior to the Hearing at www.northcowichan.ca/PublicHearings.
- Written submissions may be submitted during the Public Hearing by presentation to the Corporate Officer or her designate.

PLEASE NOTE: Submissions should reference the bylaw number and include your name and the civic address or legal description of the land affected by the proposal. Please be advised that all submissions, including the individual's name and address will form part of the public record and will be published on North Cowichan's website. Do not include any personal information in your submission that you do not wish to be disclosed, as submissions received are public documents and will not be redacted (with the exception of email addresses on electronic submissions, phone numbers and signatures). Written submissions will not be accepted after the conclusion of the Public Hearing.

Copies of the bylaws and related documents, including public comments received in writing, will be available to inspect online at www.northcowichan.ca/PublicHearings until the close of the Public Hearing. The documents may also be inspected in the Planning Department at the Municipal Hall, Monday to Friday (excluding statutory holidays) between **8:00 a.m.** and **4:00 p.m.** from **August 25, 2023** to **September 1, 2023** and from **September 5, 2023** to **September 26, 2023** between **8:30 a.m.** and **4:30 p.m.**

Rob Conway, Director of Planning and Building

Personal information is collected by North Cowichan under the authority of s. 26 (c) of the *Freedom of Information and Protection of Privacy Act* for the purpose of administering the Public Hearing. Please direct any questions about personal information to North Cowichan's Privacy Officer by Phone: 250-746-3116, Email: privacy@northcowichan.ca or Regular Mail: 7030 Trans-Canada Highway, Duncan, BC, V9L 6A1

7030 Trans-Canada Highway, Duncan BC V9L 6A1
T: 250-746-3100 F: 250-746-3133 www.northcowichan.ca

MUNICIPALITY OF
NORTH
Cowichan



The Corporation of the District of North Cowichan

Zoning Amendment Bylaw

BYLAW NO. 3925

A bylaw to amend Zoning Bylaw 1997, No. 2950, to reclassify 3211 Malcolm Road from R1 to R3.

The Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

Citation

1 This Bylaw may be cited as "*Zoning Amendment Bylaw No. 3925, 2023*".

Amendment

2 Zoning Bylaw 1997, No. 2950, Schedule "C" is amended by reclassifying 3211 Malcolm Road (PID: 028-082-419) from Residential Rural Zone (R1) to Residential One and Two-Family Zone (R3), as shown outlined in black in Schedule 1 attached to and forming part of this Bylaw.

READ a first time on August 16, 2023

READ a second time on August 16, 2023

This bylaw was advertised on the municipality's social media sites on _____, in the Cowichan Valley Citizen and the Chemainus Valley Courier on _____ and was posted to the municipality's public notice places on _____.

CONSIDERED at a Public Hearing on _____.

READ a third time on _____.

ADOPTED on _____.

CORPORATE OFFICER

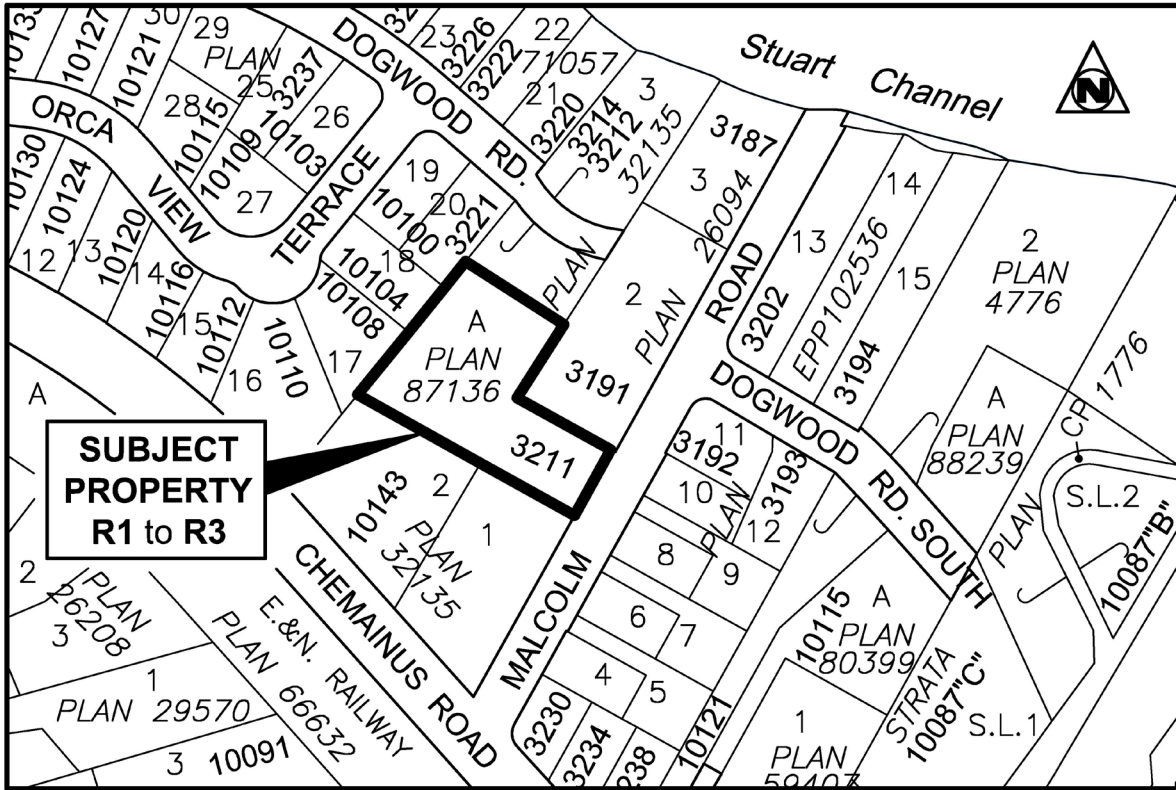
PRESIDING MEMBER

Schedule "1" to accompany "Zoning
Amendment Bylaw No. 3925, 2023".

Presiding Member

Corporate Officer

SCHEDULE 1 – 3211 MALCOLM ROAD



PLANNING REPORT

Report

Date August 16, 2023

File: 3360-20 21.19

Subject Zoning Amendment Bylaw No. 3925, 2023, for first and second readings

PURPOSE

To introduce Zoning Amendment Bylaw No. 3925, 2023, which proposes to amend Zoning Bylaw No. 2950, 1997, to facilitate a two-lot subdivision at 3211 Malcolm Road.

BACKGROUND

Property Details

The subject property is located at 3211 Malcolm Road and is 0.29 hectares in area. The subject property (Attachments 1 & 2) contains a single-family dwelling and a shed and is accessed via Malcolm Road. The property is within the Residential Rural (R1) Zone (Attachments 3), a designated Residential Neighbourhood within the Official Community Plan, and is inside of the Urban Containment Boundary (UCB).

The property is serviced by municipal water and sewer, with residential land use predominantly surrounding the subject property. The adjacent lands are zoned Residential Rural (R1) and Residential One and Two-Family (R3) zoning.

Proposal

The applicant is requesting to rezone the subject property from R1 to R3, which will reduce the lot area requirement and facilitate a two-lot subdivision.

DISCUSSION

The proposed two-lot conventional fee-simple subdivision (Attachment 4) would involve one lot (705 square metres) fronting Malcolm Road and a second lot accessed by a panhandle connected to Malcolm Road, approximately 2016 square metres in area. The final subdivision plan (should the requested zoning amendment be adopted) may vary from the reference site plan provided it complies with the Zoning Bylaw and other applicable subdivision requirements.

All proposed lots will be connected to existing municipal services along Malcolm Road and an adjacent Statutory Right of Way (located on Lot 2, Plan VIP32135) through a subsequent subdivision process. Extension of sewer and storm drain connections will be necessary. Widening of Malcolm Road along the property frontage will be required, as will construction of concrete curb and gutter, to be completed at the time of subdivision.

The subject parcel was created by subdivision in 2009 and is currently serviced by septic. In 2001 a sewer line was installed along Malcolm Road, and it currently services neighbouring lots. A smaller lot size can now be permitted with access to the sewer, as lots do not need to accommodate septic fields.

Community Amenity Contributions (CACs) or parkland are not required as a condition of rezoning as this is not a typical request for small-scale residential infill applications such as this. Obligation to meet servicing standards and provide any necessary road dedication along Malcolm Road will be required through the subdivision process.

Official Community Plan (OCP)

The Residential Neighbourhood designation supports sensitive infill and a range of lower-density housing types compatible with existing single-family neighbourhoods. The following OCP policies are considered relevant to this application:

<i>Urban Containment Boundary</i>	
3.1.2 a	Direct growth inside the UCB, resisting growth elsewhere.
<i>Residential Neighbourhood Designation</i>	
3.2.6	(Residential Neighbourhood) designation is where a range of lower-density residential types create housing options for people with different needs, with sensitive infill development taking place alongside the preservation of single-family homes.
3.2.7 a	Encourage development to be predominantly lower-density residential... (In areas designated as Residential Neighbourhood)
<i>Diverse Housing Mix</i>	
5.1.2 g	Encourage a range of ground-oriented housing opportunities in neighbourhood areas. Residential development in these areas may include small lot, single-detached houses, semi-detached houses, duplexes, ...

ANALYSIS & CONCLUSION

This application is largely compliant with OCP policy, as additional density within the UCB is encouraged. Land uses, and densities within the Residential Neighbourhood designation are expected to be compatible with the character of the existing neighbourhood. Lands in north Chemainus are predominantly zoned R3, and the proposed zoning amendment is consistent with this area's existing land use pattern. Subdivision requirements in terms of servicing, lot area, frontage and any required road dedication will be addressed through the subdivision process. Approval of this application is recommended.

OPTIONS

- (Recommended Option)** THAT Council:
 - Give first and second readings to Zoning Amendment Bylaw No. 3925, 2023,; and,
 - Authorize a Public Hearing for Zoning Amendment Bylaw No. 3925, 2023.
- THAT Council deny Zoning Amendment Application ZB000170 to change the zoning of 3211

Malcolm Road from Residential Rural (R1) to Residential One and Two-Family (R3).

IMPLICATIONS

If the application is denied, subdivision of the property will not be possible due to the minimum required parcel size of the R1 zone.

Should Council choose to give first and second readings to Zoning Amendment Bylaw No. 3925 and forward the application to a public hearing, owners and occupants of properties within a 60-metre radius of the subject property will be notified, as per section 4. (a) of Public Notice Bylaw No. 3906, and advertisements placed in the local newspaper and posted on the website, the noticeboard, and through social media, in accordance with the requirements of section 2 of Public Notice Bylaw No. 3906.

RECOMMENDATION

THAT Council:

- (1) Give first and second readings to Zoning Amendment Bylaw No. 3925, 2023; and,
- (2) Authorize a Public Hearing for Zoning Amendment Bylaw No. 3925, 2023.

Report prepared by:

Sarah Foulkes

Sarah Foulkes, MCP
Development Planner

Report reviewed by:



Rob Conway, MCIP, RPP
Director, Planning and Building

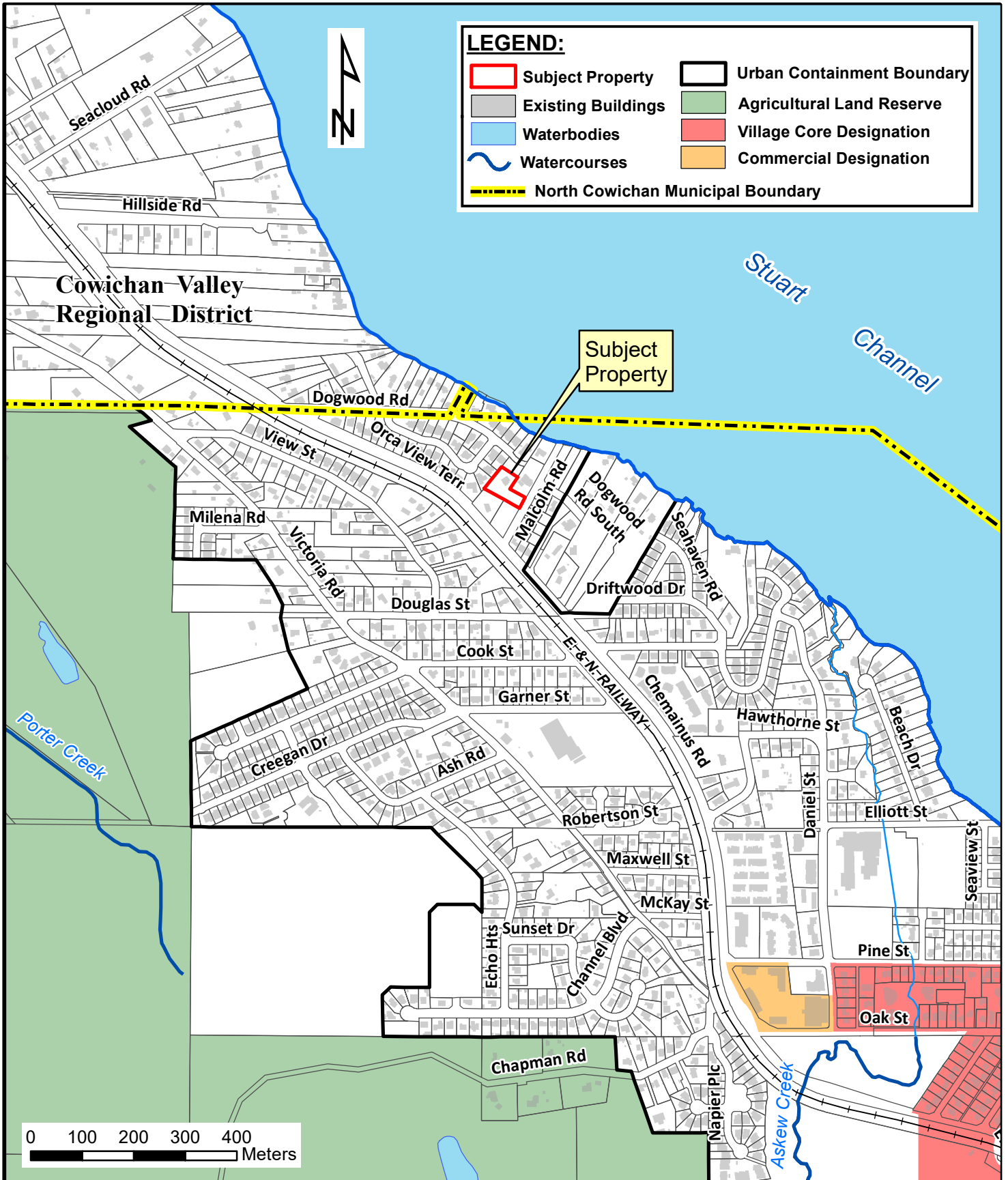
Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

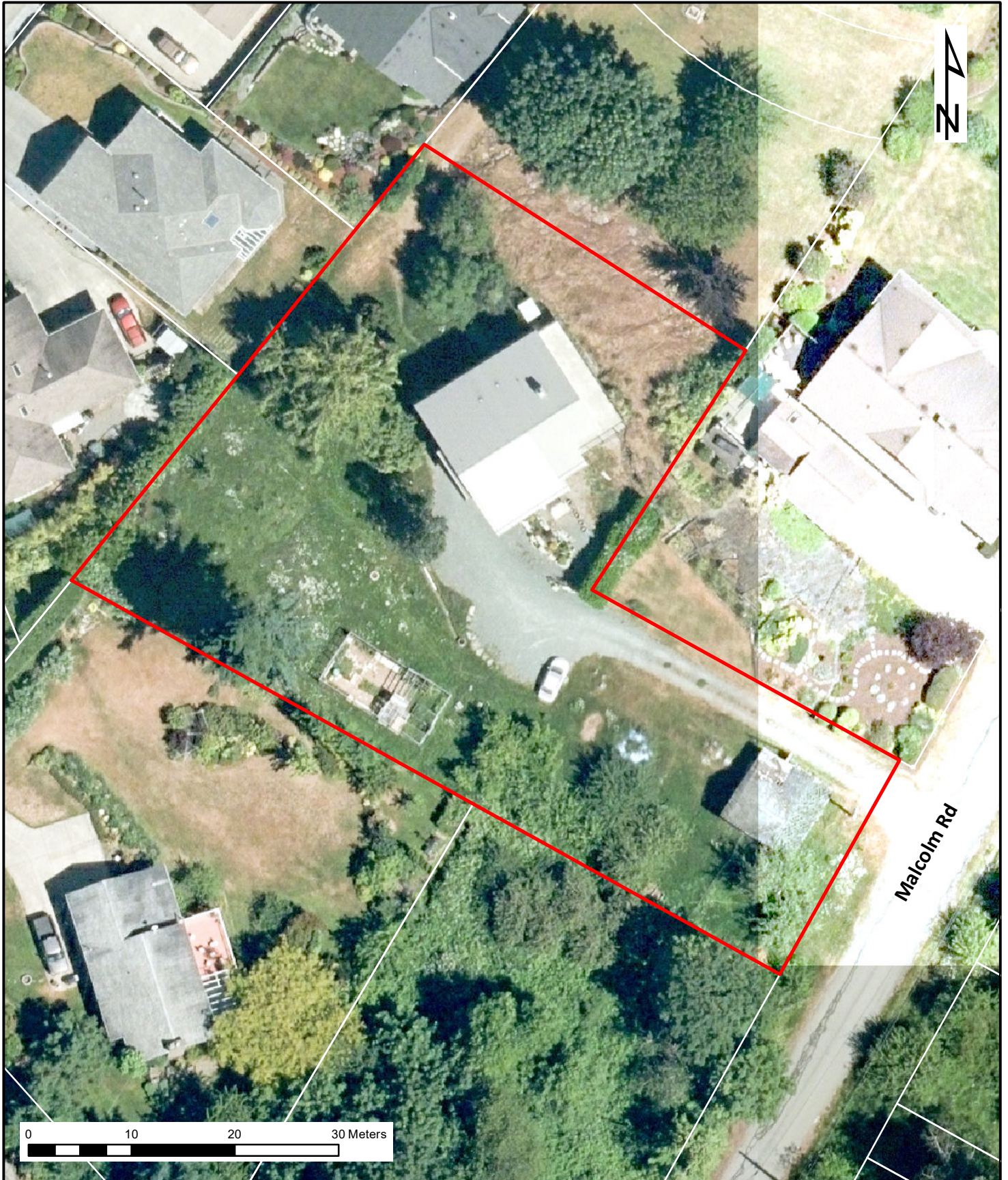
- (1) Location Map
- (2) Orthophoto Map
- (3) Zoning Map
- (4) Site Plan
- (5) Letter of Rationale
- (6) Draft Zoning Amendment Bylaw No. 3925, 2023



LOCATION MAP

3211 Malcolm Road

DATE:	June 2, 2023
TYPE:	Rezoning
FILE#:	ZB000170

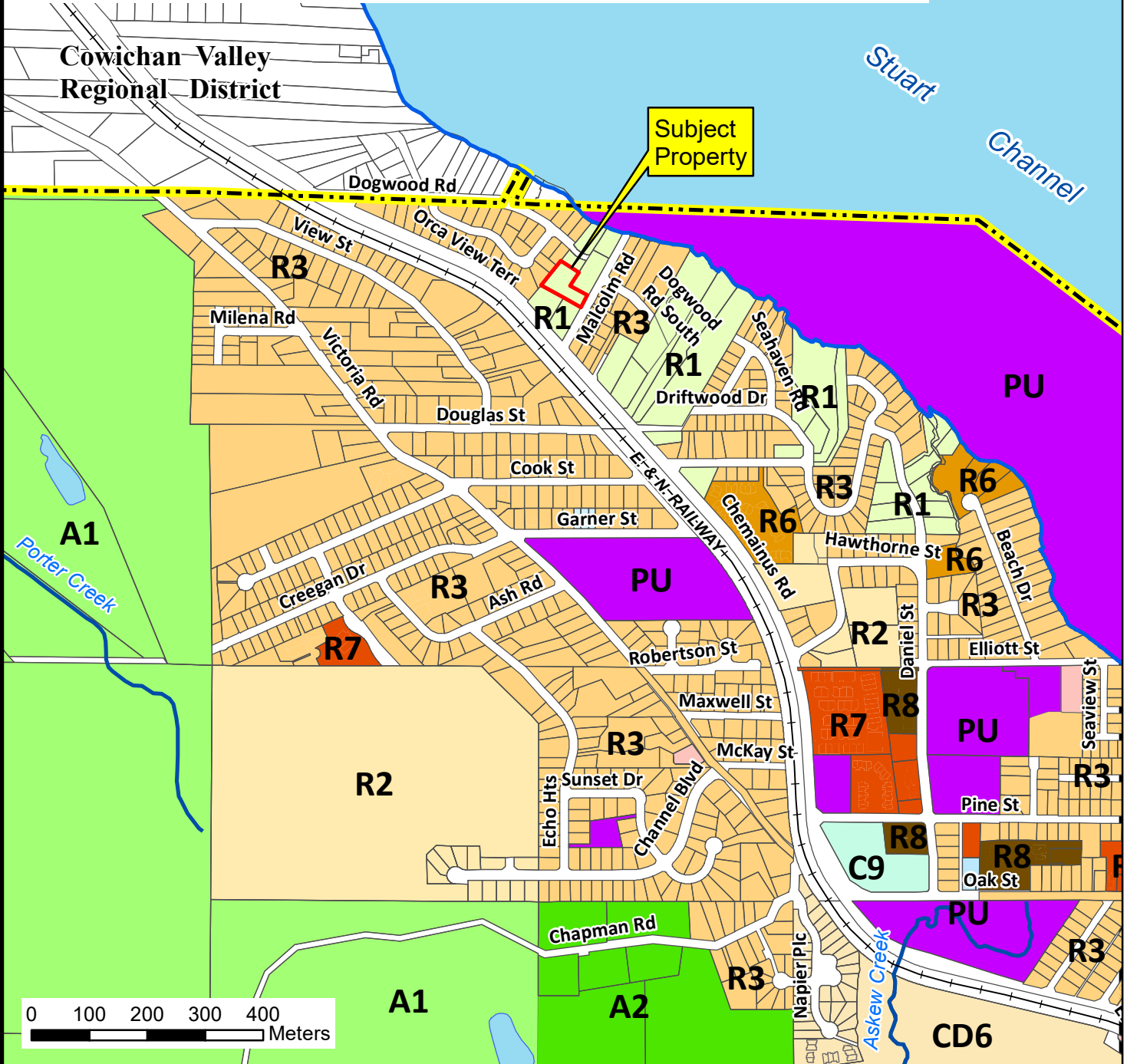


ORTHOPHOTO MAP
(Orthophoto is from 2019 aerial photography)
3211 Malcolm Road

DATE:	June 2, 2023
TYPE:	Rezoning
FILE#:	ZB000170

LEGEND:

- A1 - Agricultural
- A2 - Rural
- C9 - Chemainus Commercial
- CD5 - Comp. Dev. (Low Density Family)
- CD6 - Comp. Dev. (Chemainus Aritsan Village)
- CD13 - Comp. Dev. (Ground Oriented Urban Res.)
- PU - Public Use
- R1 - Residential Rural
- R2 - Residential Restricted
- R3 - Residential One and Two-Family
- R3-MF - Res. Med. Density Multi-Family
- R3-S - Res. Small Lot Single-Family
- R6 - Residential Townhouse
- R7 - Residential Multi-Family
- R8 - Residential Multi-Family Apartment



ZONING MAP
3211 Malcolm Road

DATE:	June 2, 2023
TYPE:	Rezoning
FILE#:	ZB000170

**PLAN OF PROPOSED SUBDIVISION OF
LOT A, SECTION 20, RANGE 4,
CHEMAINUS DISTRICT,
PLAN VIP87136.**

Scale 1 : 500



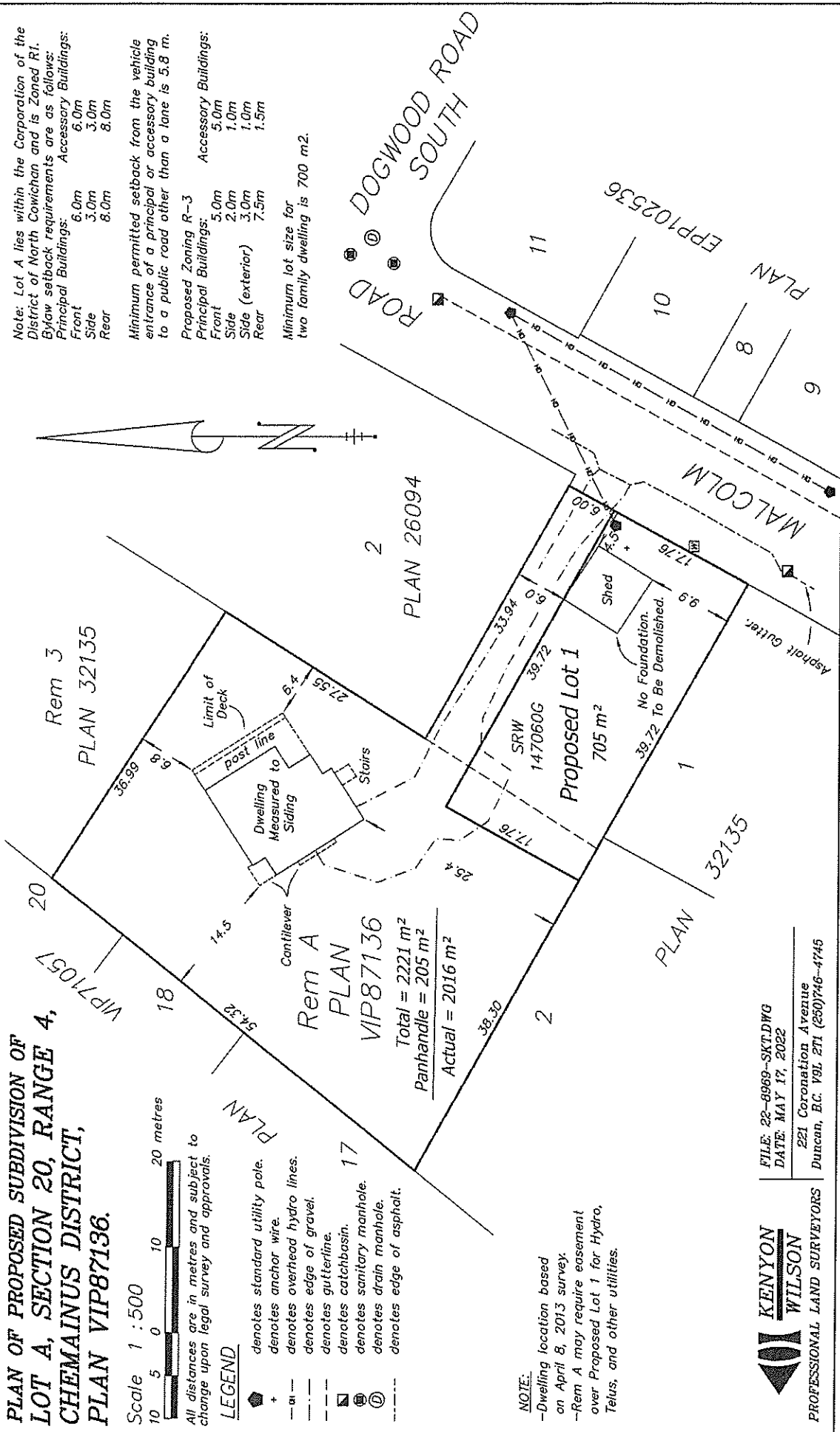
All distances are in metres and subject to change upon legal survey and approvals.

LEGEND

- denotes standard utility pole.
- + denotes anchor wire.
- denotes overhead hydro lines.
- - - denotes edge of gravel.
- denotes gutterline.
- denotes catchbasin.
- ⊕ denotes sanitary manhole.
- ⊙ denotes drain manhole.
- denotes edge of asphalt.

NOTE:

- Dwelling location based on April 8, 2013 survey.
- Rem A may require easement over Proposed Lot 1 for Hydro, Telus, and other utilities.



Note: Lot A lies within the Corporation of the District of North Cowichan and is Zoned R1. Bylaw setback requirements are as follows:

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

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.

Proposed Zoning R-3

Principal Buildings:	5.0m	Accessory Buildings:	5.0m
Front	2.0m	Side	1.0m
Side (exterior)	3.0m	Side	1.0m
Rear	7.5m	Rear	1.5m

Minimum lot size for two family dwelling is 700 m².

FILE: 22-8969-SKT.DWG
DATE: MAY 17, 2022
221 Coronation Avenue
Duncan, B.C. V9L 2T1 (250)746-4745

KENYON WILSON
PROFESSIONAL LAND SURVEYORS

3211 Malcolm Road Rezoning request

Letter of Rationale

Written Submission

Please accept this written submission to adjust the zoning for 3211 Malcolm Road, Chemainus British Columbia from the current R-1 zoning designation to R-3. We are looking to rezoning our current property to allow for consideration for a future lot on the property. The property in question has been utilized in several ways going back to 1950. Our current land size is .72/acre.

We have reviewed the following documents to prepare for this submission.

- 2021 draft Official Community Plan Bylaws and related policies.
- Zoning bylaws 1997 (No.2950)
- Zoning amendments.

Contained in the Draft 2021 Official Community Plan (OCP) - **Thoughtful Growth Management 2.5.1.** under section A review of **3.2 Assignment of Growth** in the Chemainus Urban Containment Boundary (UCB) we noted the following:

- Outlined in 3.2 Assignment of Growth are areas of where adjustment to the OCP is being proposed. One of the key elements of the new land use plan includes a revised UCB which concentrates growth and development in the areas that generally have adequate capability for development that can provided a mix of housing types that meet the needs of residents.

We believe our submission covers off the following:

- Located in the Growth Area and within the Chemainus UCB
- Easy access and close proximity to municipal services and businesses
- Access to full services adjacent to the proposed lot along Malcolm Road including sanitary, water, power. (also, within the Growth Area and Chemainus UCB)
- Access to public transit

A review of the current zoning designations within the Chemainus UCB shows a variety of zones including R-1 and R-3 properties. Recently and adjacent to our property, the south side of Malcolm Road to the waterfront access was rezoned from R-1 to R-3. A new subdivision consisting of 15 lots was created.

Also of note, the Chemainus UCB area from Dogwood Road south to Hawthorne Street has seen several areas rezoned from R-1 to R-3 in the last 20 years.

We believe our submission meets the criteria contained under the Draft 2021 Official Community Plan (OCP) & Zoning Bylaws 1997 (No.2950) as specified under the Residential R-3 regulations. This would include a minimum lot size, frontage and density.

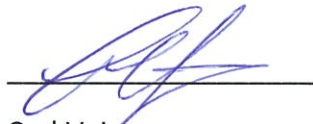
Further we believe it fits within the framework, spirit, intent and requirements of the Draft 2021 Official Community Plan (OCP) bylaws and Chemainus UCB.

In terms of tree canopy on our property we have a mix of apple, plum, pear, fir, garry oak and other tree species totaling 30+ trees. The only trees potentially impacted by the rezoning application would be the apple and plum trees. The remainder will stay as is and be part of our property to enjoy while still retaining a diverse tree canopy in the area for current wildlife that inhabit our neighbourhood.

We believe that an R-3 zoning designation will allow the property to align with the draft Official Community Plan and the Chemainus Urban Containment Boundary.

Thank you for your consideration of this application

Respectfully submitted by

A handwritten signature in blue ink, appearing to read 'CV', written over a horizontal line.

Carl Veistrup

A handwritten signature in blue ink, appearing to read 'Janine', written over a horizontal line.

Janine Jakeman

Dated June 16, 2022



The Corporation of the District of North Cowichan

Zoning Amendment Bylaw

BYLAW NO. 3925

A bylaw to amend Zoning Bylaw 1997, No. 2950, to reclassify 3211 Malcolm Road from R1 to R3.

The Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

Citation

1 This Bylaw may be cited as "Zoning Amendment Bylaw No. 3925, 2023".

Amendment

2 Zoning Bylaw 1997, No. 2950, Schedule "C" is amended by reclassifying 3211 Malcolm Road (PID: 028-082-419) from Residential Rural Zone (R1) to Residential One and Two-Family Zone (R3), as shown outlined in black in Schedule 1 attached to and forming part of this Bylaw.

READ a first time on _____

READ a second time on _____

This bylaw was advertised on the municipality's _____ site on _____, in the Cowichan Valley Citizen and the Chemainus Valley Courier on _____, and was posted to the municipality's public notice places on _____.

CONSIDERED at a Public Hearing on _____.

READ a third time on _____.

ADOPTED on _____.

CORPORATE OFFICER

PRESIDING MEMBER

Schedule "1" to accompany "Zoning
Amendment Bylaw No. 3925, 2023".

Presiding Member

Corporate Officer

COUNCIL MINUTES

9.3 Zoning Amendment Bylaw No. 3919, 2023, for first and second readings

IT WAS MOVED AND SECONDED:

THAT Council:

- (1) Give first and second readings to Zoning Amendment Bylaw No. 3919, 2023; and,
- (2) Authorize a Public Hearing for Zoning Amendment Bylaw No. 3919, 2023. CARRIED

9.4 Zoning Amendment Bylaw No. 3920 for first and second reading

IT WAS MOVED AND SECONDED:

THAT Council:

- (1) Gives first and second readings to Zoning Amendment Bylaw No. 3920, 2023; and,
- (2) Authorize a Public Hearing for Zoning Amendment Bylaw No. 3920, 2023. CARRIED

9.5 Zoning Amendment Bylaw No. 3925, 2023, for first and second readings

IT WAS MOVED AND SECONDED:

THAT Council:

- (1) Give first and second readings to Zoning Amendment Bylaw No. 3925, 2023; and,
- (2) Authorize a Public Hearing for Zoning Amendment Bylaw No. 3925, 2023. CARRIED

9.6 Towing and Vehicle Impound Bylaw No. 3923 and Fees and Charges Amendment Bylaw No. 3921 for first three readings

IT WAS MOVED AND SECONDED:

THAT Council:

- (1) Give first, second and third readings to Towing and Vehicle Impound Bylaw No. 3923, 2023, and,
- (2) Give first, second and third readings to Fees and Charges Amendment Bylaw No. 3921, 2023. CARRIED

10. REPORTS

10.1 2nd Quarter Report for RCMP Activities

Ken Beard presented the North Cowichan/Duncan RCMP Detachment's quarterly report for April to June 2023, the Downtown Corridor and Area April to June 2023, the 2022-2024 Annual Performance Plan, and responded to questions from Council.

IT WAS MOVED AND SECONDED:

THAT Council endorse the North Cowichan/Duncan RCMP Detachment 2023-2024 Annual Performance Plan Initiatives as presented. CARRIED

IT WAS MOVED AND SECONDED:

THAT Council extend the meeting to 9:00 p.m. CARRIED

10.2 CWAV Licence of Occupation – 6002 Canada Ave property green-space

IT WAS MOVED AND SECONDED:

THAT Council approve the five-year licence of occupation with the Cowichan Women Against Violence Society for green space over a portion of 6002 Canada Avenue.

CARRIED

PUBLIC COMMENTS

From: Glenn Morris
Sent: Tuesday, September 12, 2023 8:31 AM
To: [REDACTED] **FIPPA s. 22(1)**
Cc: Fiona Baker; Rob Conway; Sarah Foulkes
Subject: ZB000170 - 3211 Malcolm Road - Halfyard Questions

Hi Gregg and Tracey,

You have posed a number of questions to staff. I recommend that you provide your best phone number contact by return email in order to discuss. I may be able to answer most of your questions in this manner.

Sincerely

From: GREGG HALFYARD [REDACTED] **FIPPA s. 22(1)**
Sent: Sunday, September 10, 2023 6:39 AM
To: Public Meetings <PublicMeetings@northcowichan.ca>
Subject: Re: Zoning Amendment Bylaw No.3925

Correction,
 1. To the east of our property.

FIPPA s. 22(1)

On Sep 9, 2023, at 5:29 PM, GREGG HALFYARD [REDACTED] wrote:

To: Mayor and Council, Municipality of North Cowichan
 From: Gregg and Tracey Halfyard, 10108 Orca View Terrace, Chemainus V0R1K2

Thank you accepting our written input for your consideration in advance of the public hearing on September 26, 2023.

1. We moved into our home on March 24,2023 and we are enjoying the community, neighbours and lifestyle of Chemainus. With the proposed amendment to the zoning bylaw to the property adjacent to the west of our property, we wanted clarification on issues affecting us, and to ask some questions.
2. If the amendment is passed, when would construction likely begin?
3. What are the building height restrictions (e.g., in feet, meters, number of stories)?
4. Which direction/ configuration will the houses be built?
5. Will noise bylaws be enforced regarding the proximity to adjacent houses and decibel levels of heat pumps?
6. Will our property be impacted in any way due to construction?
7. Please define what R3 zoning means (e.g., duplex, condos, apartments, multi-housing units)?
8. What criteria is applied to pass or deny this application to amend the current bylaw?

We look forward to hearing your responses regarding our questions about this proposal for a zoning amendment bylaw.

Gregg & Tracey HALFYARD