

Report

Date February 16, 2022 File: 5630-40
Subject South End Waterworks District Amendment Bylaw No. 3861, 2022 for first three readings

PURPOSE

To introduce an amendment to South End Water Local Service Area Bylaw that would expand the service area boundary to include two lots on Donnay Drive South.

BACKGROUND

North Cowichan has received two valid petitions (one for each parcel; Attachments 1 and 2) from Vancouver Island Providence Community Association to have the said lots included in the South End Water Local Area Service (LAS). The two properties are already included in the South End Sewer LAS.

DISCUSSION

Referring to Figure 2A, the subject properties are shown in green and red as Subject Property (1) and Subject Property (2), respectively. Referring to Figure 1A, there are water mains at the end of Deborah Drive and St. Anne's Drive that the owner can connect to, so no water main extensions will be required. The owner has indicated that they do not intend to connect at this time.



Figure 1A Utility location map.

Referring to Figure 2A, both properties are currently located within the Urban Containment Boundary and zoned A1. There are currently no structures located on either property. The properties are not located within the Agricultural Land Reserve. The green property is fully treed with a pond alongside Donnay Drive South. The red property is a mixture of trees and grass/marsh land.

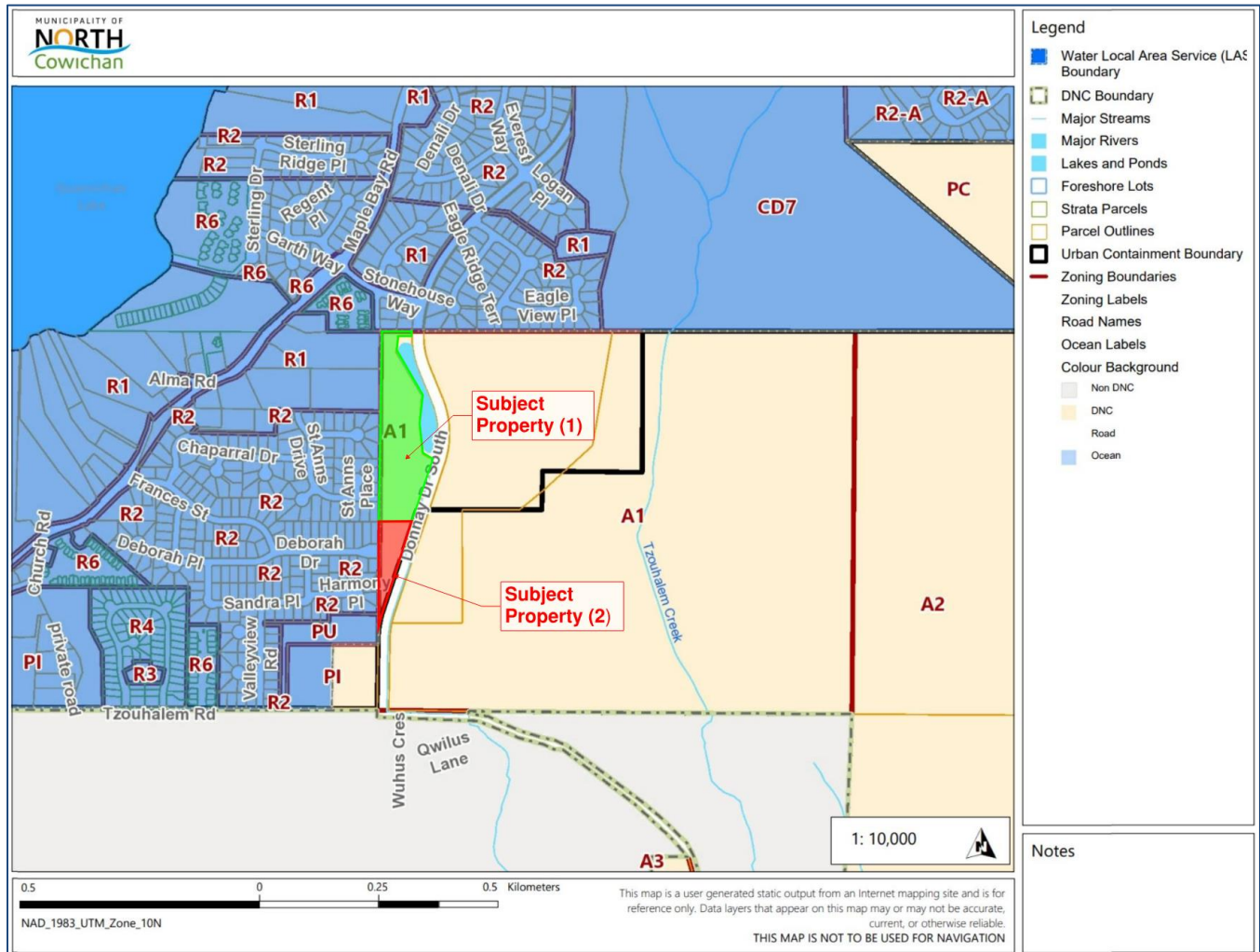


Figure 2A Parcel location map.

The green lot is 3.1 ha in area. The red lot is 0.7 ha in area. The minimum lot size under A1 zoning is 12 hectares. Therefore, no further subdivision can occur under the present zoning. The A1 zone allows for a variety of permitted uses (Attachment 4). However, uses may be limited due to the minimum setback requirements and Development Permit Area requirements.

The current owners want to market the two properties. Having the properties included in the South End Water LAS will provide the owners with a similar level of service to the lots located immediately to the west.

OPTIONS

- **Option 1 (RECOMMENDED)** THAT Council give first, second and third readings to South End Waterworks District Amendment Bylaw No. 3861, 2022.
- **Option 2** THAT Council deny the request to include Lot A, Section 19, Range 2, Cowichan District, Plan VIP86516, Parcel Identifier 027-871-665 and Lot A, Section 18, Range 1, Cowichan District, Plan VIP62100, Parcel Identifier 023-216-573 within the South End Water Local Area Service.

IMPLICATIONS

If the bylaw is adopted, there are no known implications to the water system, given that the likely uses will not allow for the exertion of a high water demand.

If the bylaw is adopted, each property owner will be required to pay the following fees and charges at the time indicated:

- a) The Capital Cost Charge (equivalent to the Development Cost Charge) of \$2,501.00 (payable at the time of inclusion).
- b) The service connection fee bylaw rate of \$3,195 (payable prior to issuance of Building Permit).
- c) The Plumbing Permit fee of \$31.50 (payable prior to issuance of Building Permit).
- d) The annual South End Water Parcel Tax of \$203 (2021 rate) (payable at the time of inclusion).
- e) The annual South End Water User Fee of \$178 (2021 rate) (payable prior to granting of occupancy).

Note: the petitioner is aware that despite the amounts noted in the petition, the rates charged will be those applicable at the time the charge is incurred.

RECOMMENDATION

THAT Council give first, second and third readings to South End Waterworks District Amendment Bylaw No. 3861, 2022.

Report prepared by:



Hugh Zunti
Engineering Technologist

Report reviewed by:



Clay Reitsma
Director, Engineering

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

1. Petition 1 – Lot A VIP86516
2. Petition 2 – Lot A VIP62100
3. Agent Authorization 1
4. Schedule 1
5. Schedule 2 (Bylaw No. 3861)

**Petition 1
Lot A, VIP86516**

MUNICIPALITY of *North*
COWICHAN

Petition

Date Nov 5, 2021 Folio: 00016-001
 To North Cowichan Municipal Council
 From Property Owners of Vancouver Island Providence Community Association (VIPCA)
 Subject Petition to Enlarge a Local Area Service

We, the undersigned property owners, petition the North Cowichan Municipal Council, to enlarge the legal boundary established by bylaw of the Southend water local area service, to include our property located at Lot A, Section 19, Range 1, Plan VIP62100, and to adjust the boundaries of the local area service accordingly.

We agree to assume the responsibilities of a user of the local area service, and to pay North Cowichan the following:

- (a) N/A to extend the main along our full property frontage;
- (b) \$3,195.00 to connect our property to the service;
- (c) \$2,501.00 as a capital cost contribution;
- (d) \$203.00 per year for the local service (parcel) taxes; and
- (e) \$168.00 per year for use of the service.

We understand the above fees and taxes are estimates and are subject to change.

Owners Names	Owners Signatures	Date Signed
Beverly A. Suderman ↳ Agent for VIPCA	Bev Suderman	Nov 5, 2021

Note: A majority of the owners of the property must sign.

OFFICE USE ONLY

Certificate of Sufficiency and Validity of Petition

I hereby certify that this is a valid and sufficient petition, pursuant to section 212 of the *Community Charter*.


 _____ November 16, 2021 _____ Date
 Michelle Martineau, Corporate Officer

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

Petition 2
Lot A, VIP86516

MUNICIPALITY of *North*
COWICHAN

Petition

Date Nov 5, 2021 Folio: 00016-010
 To North Cowichan Municipal Council
 From Property Owners of Vancouver Island Providence Community Association (VIPCA)
 Subject Petition to Enlarge a Local Area Service

We, the undersigned property owners, petition the North Cowichan Municipal Council, to enlarge the legal boundary established by bylaw of the Southend water local area service, to include our property located at Lot A, Section 19, Range 2, Plan VIP86516, and to adjust the boundaries of the local area service accordingly.

We agree to assume the responsibilities of a user of the local area service, and to pay North Cowichan the following:

- (a) N/A to extend the main along our full property frontage;
- (b) \$3,195.00 to connect our property to the service;
- (c) \$2,501.00 as a capital cost contribution;
- (d) \$203.00 per year for the local service (parcel) taxes; and
- (e) \$168.00 per year for use of the service.

We understand the above fees and taxes are estimates and are subject to change.

Owners Names	Owners Signatures	Date Signed
Beverly A. Siderman (Agent for VIPCA)	Beverly Siderman	Nov 5, 2021

Note: A majority of the owners of the property must sign.

OFFICE USE ONLY

Certificate of Sufficiency and Validity of Petition

I hereby certify that this is a valid and sufficient petition, pursuant to section 212 of the *Community Charter*.



November 16, 2021 Date

Michelle Martineau, Corporate Officer

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

Agent Authorization 1



7030 Trans-Canada Highway
Duncan BC V9L 6A1 Canada
www.northcowichan.ca
T 250.746.3100
F 250.746.3154

AGENT AUTHORIZATION

Legal description of Property under application: [] Additional page(s) attached
Lot A, Section 18, Range 2, Cowichan District, Plan VIP62100 (PID 023-216-573) AND Lot A, Section 18, Range 2, Cowichan District, Plan VIP86516 (PID 027-871-665)

Civic address of Property under application (house number, street name, city, postal code): (if applicable)
n/a (the "Property").

Agent: (full legal name & contact information)
Beverly A Suderman
Address: 401-341 Ypres St, Duncan, BC V9L 3T5
Phone: 250-510-5514 Email: bsuderman2005@gmail.com

Registered Owner(s): (list full legal name of all owner(s) registered on Property title)* [] Additional page(s) attached
Vancouver Island Providence Community Association (VIPCA) also known as Providence Farm

I/we, the Registered Owner(s) on title of the Land under Application, hereby grant permission to the Agent to act on my/our behalf in the following applications related to the said Land described above (check the following boxes that are applicable):

- [] Any/All Applications
[] Board of Variance
[] Building Permit
[] Development Permit
[] Development Variance Permit
[] Other Inclusion in water and sewer service areas
[] Official Community Plan Amendment
[] Subdivision Application
[] Temporary Use Permit
[] Zoning Bylaw Amendment (i.e., rezoning)
[] Property File Review

In authorizing the above listed Agent to act as applicant on my behalf, I/we acknowledge and agree that the Municipality of North Cowichan will maintain communication only with the Agent. I/we understand that any decisions by municipal staff or Council will be based on information provided by the Agent and that it is my/our responsibility to maintain a two-way communication with the Agent. I/we, the registered owner(s) of the Land under Application, do hereby agree to be bound by all decisions of the Agent in this matter.

Table with 3 columns: Name of all Registered Owner(s), Signature of all Registered Owner(s), Date. Content includes Vancouver Island Providence Community Association, Noelle Philp, Board Chair, and date October 12, 2021.

*Note: In order to use an agent to work on the owners' behalf all owners registered on title must sign to grant authorization. If the property is owned by a corporation, a designated person with signing authority for the company must sign the form and provide documentation of signing authority.

Personal information is collected under the authority of section 26(c) of the Freedom of Information and Protection of Privacy Act for the purpose of processing property applications. Should you have any questions about the collection of this personal information please contact: Deputy Director of Corporate Services, Municipality of North Cowichan, 250-746-3100; 7030 Trans Canada Hwy, Duncan, BC V9L 6A1.



Schedule 1

Division (2) - Zones
Agricultural Zone (A1)

Permitted Uses

- 51 (1) The permitted uses for the A1 zone are as follows:
- Agricultural Exhibition and Fairground
 - Agriculture
 - Agricultural Storage
 - Assisted Living
 - Bed and Breakfast
 - Craft Distillery
 - Community Care Facility
 - Feedlot
 - Forestry Use
 - Fur Farm
 - Greenhouse
 - Home-based Business
 - Kennel
 - Large Animal Hospital
 - Manufactured Home
 - Mushroom Farm
 - Piggery
 - Poultry Farm
 - Riding Stable
 - Single-Family Dwelling
 - Slaughterhouse
 - Supportive Housing
 - Temporary Mobile Home (subject to the Temporary Mobile Home Permit Bylaw) [BL3754]
 - Two-Family Dwelling. [BL3302, 3356, 3457, 3520]

Minimum Lot Size

- (2) The minimum permitted lot size for the A1 zone is 12 hectares (29.65 acres).
- (2.1) Despite subsection (2), the minimum permitted lot size for Lot 1, Section 5, Range 2, Somenos District, Plan VIP63560 on North Road (PID: 023-483-539) is 9.0 hectares (22.2 acres). [BL3515]

Minimum Frontage

- (3) The minimum permitted frontage for the A1 zone is 180.0 m (590.55').

Density

- (4) The maximum permitted density for the A1 zone is as follows:
- (a) The residential buildings per lot shall not exceed one.
 - (i) Despite the foregoing, where the land is not within the Agricultural Land Reserve, and where the land is two hectares (4.94 acres) or larger in area, a maximum of two residential buildings are permitted. In no case shall more than two dwelling units be permitted.
 - (ii) Despite the foregoing, where the land is within the Agricultural Land Reserve, and where the land is two hectares (4.94 acres) or larger in area, additional dwelling units may be permitted for bona fide farm labour providing the Agricultural Land Commission approves.
 - (iii) Despite the foregoing, the placement of a Temporary Mobile Home may also be permitted subject to the Temporary Mobile Home Permit Bylaw. [BL3754]

- (iv) Despite the foregoing, parcel identifier 004-870-514 (the remnant parcel of the East 30 Acres of Section 5, Range 6, Chemainus District, except Parts Lying West of the Chemainus River and except Parts in Plan VIP54048 and VIP69792), is permitted a maximum of two residential buildings. [BL3284, BL3323]

Maximum Lot Coverage

- (5) The maximum permitted lot coverage for the A1 zone is 10 % of the lot area.

Minimum Setbacks

- (6) The minimum permitted setbacks for the A1 zone are as follows:
 - (a) Single-Family Dwellings and Two-Family Dwellings
 - Yard, Front, 6.0 m (19.68')
 - Yard, Side, 3.0 m (9.84')
 - Yard, Rear, 8.0 m (26.25')
 - (b) Mobile Homes
 - Yard, Front, 30.0 m (98.42')
 - Yard, Side, 12.0 m (39.37')
 - Yard, Rear, 12.0 m (39.37')
 - (c) Slaughterhouses
 - Yard, Front, 92.0 m (301.84')
 - Yard, Side, 92.0 m (301.84')
 - Yard, Rear, 92.0 m (301.84')
 - (d) All Other Principal Buildings
 - Yard, Front, 25 m (82.02')
 - Yard, Side, 15 m (49.21')
 - Yard, Rear, 15 m (49.21)''
 - Yard, Abutting Residentially Zoned Property, 30 m (98.42') [BL3767]
 - (e) Accessory Buildings and Structures (Excluding Fences)
 - Yard, Front, 8.0 m (26.25')
 - Yard, Side, 3.0 m (9.84')
 - Yard, Rear, 8.0 m (26.25')
 - (f) Temporary Mobile Homes
 - To be sited in accordance with the provisions of the Temporary Mobile Home Permit Bylaw. [BL3754]
 - (g) Kennel
 - Yard, Front, 46 m (150.91')
 - Yard, Side, 46 m (150.91')
 - Yard, Rear, 46 m (150.91') [BL3758]

Maximum Building Height

- (7)
 - (a) The maximum permitted building height for buildings, containing one or more dwelling units, within the A1 zone is 9 m (29.53').
 - (b) Despite the foregoing, the heights of other farm buildings are subject to the provisions of the Associate Committee on the National Building Code (ACNBC) Farm Building Code 1995.

Conditions of Use

- (8) The conditions of use for the A1 zone are as follows:
 - (a) Bed and breakfast uses may have no more than six sleeping units and may be conducted in a maximum of one accessory building (with no kitchen) and/or one dwelling unit. [BL3323]
 - (b) 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 m² (1076.4 sq. ft.); and
 - (iii) the retail sales are clearly ancillary to the farm use. [BL3083]
- (c) Assisted Living, Supportive Housing, and Community Care Facilities may be permitted provided that
- (i) the number of residents does not exceed ten, including resident staff,
 - (ii) the use is within a single-family dwelling unit only, which for clarity does not include a two-family dwelling,
 - (iii) approval from the Agricultural Land Commission is obtained, where the property is within the Agricultural Land Reserve,
 - (iv) valid health permits for septic systems or on-site wastewater treatment systems are obtained, and
 - (v) each single-family dwelling unit may contain this use where the property is two hectares (4.94 acres) or greater and has two single-family dwelling units.
- (d) Without limiting the generality of the definition, and for clarity, agricultural exhibition and fairground may include the following activities:
- (i) sales and auctions of livestock, farm equipment, home craft and farm products;
 - (ii) ancillary concessions;
 - (iii) ancillary indoor and outdoor recreational activities;
 - (iv) temporary outdoor concerts, midways, and amusements for up to 40 days per year; and
 - (v) temporary camping and recreational vehicle parking related to a sanctioned event up to 60 days per year.
- (e) Craft Distillery may be permitted provided that approval from the Agricultural Land Commission is obtained where the property is located within the Agricultural Land Reserve.
- (f) A maximum of 30 gatherings for an event with up to 150 attendees, including the use of a cookhouse and two short-term accommodations for the events, are permitted per year on 5881 Genoa Bay Road. [BL3083, BL3302, BL3323, BL3356, BL3520, BL3682]
- (g) A kennel must not be located on a lot less than 8000 m² (1.98 acres) in area. [BL3758]



The Corporation of the District of North Cowichan
South End Waterworks District Amendment Bylaw

Bylaw No. 3861

WHEREAS the District of North Cowichan established the South End Waterworks District pursuant to Bylaw No. 1104, cited as "South End Waterworks District Bylaw 1966";

AND WHEREAS section 218 of the *Community Charter* authorizes Council, by bylaw, to amend the service area by enlarging or reducing the boundaries of that local area service;

AND WHEREAS the District of North Cowichan has been petitioned to enlarge the boundaries of the benefitting area of the service area to include the land shown in green on Schedule "A" of this bylaw and legally described as:

- (1) Lot A, Section 19, Range 2, Cowichan District, Plan VIP86516 (Parcel Identifier 027-871-665), and
- (2) Lot A, Section 18, Range 1, Cowichan District, Plan VIP62100 (Parcel Identifier 023-216-573).

AND WHEREAS at least 50% of the service participants have consented to pay the parcel tax and associated fees in accordance with section 212 of the *Community Charter*;

NOW THEREFORE 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 "South End Waterworks District Amendment Bylaw No. 3861, 2022".

Amendment

- 2. That Bylaw No. 1104, South End Waterworks District Bylaw 1966, is amended as follows:
 - (a) By enlarging the service area to include the lands outlined in Schedule "A" of this bylaw, and
 - (b) By amending the plan attached to Bylaw No. 1104 to include the lands outlined in Schedule "A" of this bylaw.

READ a first time on
READ a second time on
READ a third time on
ADOPTED on

CORPORATE OFFICER

PRESIDING MEMBER

Schedule "A"

Schedule "A" to accompany "South End Waterworks District Amendment Bylaw No. 3861, 2022".

Presiding Member

Corporate Officer

