

Midco Holdings Ltd.
P.O.Box 280, 3605 Cobble Hill Road
Cobble Hill, B.C. V0R 1L0

Page 1 of 3

To DNC Council RE: File #ALR00056 for the property at 6651 Lakes Road

Dear Council Members,

I am writing this letter of rationale in the hopes to better be able to describe the situation that has been developing for over two years now on the property at 6651 Lakes Road. This property was part of the Christmas tree farm and was land only of 9.8 acres, with no buildings on it, in the ALR.

Starting in January of 2022 my builder, Warm Valley, sent emails out to the DNC Building/Planning Department/Engineering to describe what we were hoping and planning to construct on the property. I do not want to mention any staff names at this point, but just want to explain that both departments, Building and Planning, were included and saw what was asked. We have copies of all of the emails.

At that point the question was simple. We have a property, here is where it is located, this is what we are proposing - Do you see any issues with this? If so please let us know before we proceed with anything.

The responses then were simple and really only related to the actual building process etc. The ALC or ALR were not brought up at all. We explained that the project would be phased and that we were going to construct three buildings on it. First was the electrical building for hydro power in and the agricultural building. Second was the principal residence. None of the building plans had been started yet as we wanted to make sure we were good to go first.

None of the DNC staff brought up, or made any mention of the ALC or ALR at that time. Yes, we knew that the land was in the ALR, and planned on following any rules and regulations listed in their bulletins. What wasn't made clear by any of the parties, DNC or ALR was that there is a procedure. Which is.....any structures built on ALR land, in a nutshell, needs to be reviewed and approved by the ALR first. Then it goes to the local municipality.

Anyway, not knowing that, or seeing it written anywhere, we proceeded to get drawings done for the electrical building and the agricultural building. Once they were completed we submitted them to DNC and applied for permit. On March 29th, 2022 we were issued a building permit for the electrical building. On April 20th, 2022 we were issued a building permit for the agricultural building. (Copy enclosed for your reference.) So we began construction on both.

Still no mention of ALR or ALC, so off we went with construction of the electrical building first and then shortly after started the agricultural building. In the meantime, the building plans for the main residence (house) were being designed. Once they were completed we submitted them to DNC. All the while still working on the other two buildings. A few months go by and we follow up asking how it was going with the building permit for the single family residence. On May 4th we get a letter from the building department saying that the building permit was rejected for the house and that we had to contact the ALC for approval and fill out what's called a Notice of Intent for the proposed buildings on the property. ?

At this point my builder and I are very confused and frustrated as to why this was brought up now after receiving two building permits for the property.

When we called DNC to question this decision, as to why we were issued and allowed permits for the electrical building and agricultural building without ALC involvement, the response we got back by someone in the Planning Department was "The ALC is happy that we are building an agricultural building on ALR land for agricultural purposes, without a residence, but a residence on ALR land is completely different. Residences on ALR land are not considered to be an agricultural purpose. Any works of a non agricultural nature requires compliance with the ALC's regulations pertaining to residences in the ALR which can require a NOI." According to the ALC, when I spoke to them about this, they said that yes, that is partially correct, however DNC should have actually asked for this at the onset of the whole project, and not just for one building.

After much back and forth with DNC planning staff trying to get clarity on this rejection, we decided to just go with it and apply for a NOI with the ALC. It was June of 2022. During the application process my builder and myself had numerous conversations and emails with different ALC staff trying to understand the requirements as well as making sure we included everything they needed for the NOI. We asked them why we were issued building permits without ALC involvement earlier and their response was "They (DNC) should not have issued any building permits at all if they were "unsure" if what we were proposing for all structures on the property were in compliance with all ALC regulations." They also said they have had this happen many times within the Cowichan Valley !

Ironically I understand that DNC has now implemented a notice/handout with regards to building on ALR land explaining the procedures.

Fast forward to August 11, 2022 we receive a response letter. ALC reviewed the whole project, all three proposed building, and gave what they called a "Partial Approval Letter", which allowed us to proceed with the electrical building and the main house or principal residence, but not the agricultural building. Now keep in mind that at this point in time, the agricultural building was about half constructed before we were told to stop by ALC. This is how it sits today - half constructed, since about July/August 2022. Having spent about \$300,000 on it prior to all this because until ALC was involved we had a building permit for it. We have tarped the building hoping to protect it from deteriorating.

We seemed to meet all other ALC requirements for the three buildings, except the agricultural building. For it the response was that ALC was unable to determine if the structure was a farm building and to be used for farm use. When we called to follow up for clarity, the response was that due to the design aspects of the plans they didn't feel it looked like a barn !

Numerous attempts were made to get clarity from them on what that statement meant. In the end they told us they could not tell us but that we would have to redesign the plans, in a nutshell, to look and act more like a barn. So we did that, using this same footprint, because as mentioned it was half built already. We then had to re apply using a Soil and Fill Application, which triggers a municipal review, which then if approved goes back to ALC for their final review to see if we have met their guidelines with the new design. This is where we are at today.

I may have missed a few things but it is a lot to remember after two years and a lot of back and forth and confusion on our part, but hopefully it makes enough sense.

So to summarize. For me the rationale for DNC approval of this building is simple and I will quote from the the ALC response letter. " I don't imagine it should be an issue for DNC to approve this revised building plan as they had already issued building permits for it."

You will see that the changes are mostly aesthetic, inside and out. The footprint hasn't changed. This whole process has take a toll on both my builder and myself, we just seek resolution to put it behind us. I believe the ALC handout is a good idea, for anyone inquiring at municipal governments for building on ALR land requirements. While we understand that this is a procedural process that was initiated by the ALC, with their soil and fill application, and not by DNC, I feel that my situation could have been avoided if I had that information up front. Thank you for your time and consideration.

The Corporation of the District of North Cowichan7030 Trans Canada Highway
Duncan, BC V9L 6A1

Building Department

Phone: 250-746-3100 Fax: 250-746-3154

BUILDING PERMITPermit #: **BP009488**

Folio: 08594-001

Issued Date: Apr 20, 2022

Permit Type: **AGRICULTURE - NEW** *Baru*

Description: THIS PERMIT IS FOR THE CONSTRUCTION OF AGRICULTURAL BUILDING

Address: **6651 LAKES RD**
Legal: LT A SEC 6 RGE 1 COM PL EPP117684Zone:
P.I.D. 031-609-724Owner: MIDCO HOLDINGS LTD
Address: PO BOX 280 COBBLE HILL BC V0R 1L0

Phone: 250-213-8829

Builder: WARM VALLEY CONTRACTING LTD.
Address: WARM VALLEY CONTRACTING LTD. BOX 20080 DUNCAN BC V9L 5H1 250-715-8243

Description	Quantity	Amount	Description	Quantity	Amount
Bp Fees	718,128.13	5,376.90	Bp Fixtures	6.00	75.60
Bp Plumb Water	1.00	31.50	P Eng Reduction	718,128.13	-537.69
Total:					\$4,946.31

Building Information:TYPE OF IMPROVEMENT: NEW
FLOOR AREA RATIO (%): 1.71CONSTRUCTION VALUE: 718,128.13
SITE COVERAGE (%): 1.33**Special Conditions:**

- * The Municipality of North Cowichan is relying on the registered professional engineer or architect of record provided to ensure compliance to the current B.C. Building Code for design, plan certification and field reviews as provided for in section 290 of the Local Government Act and section 12 & 13 of the Municipality of North Cowichan's Building Bylaw No. 3172, 2003.
- * The Municipality of North Cowichan will not be responsible for any errors, deficiencies and omissions in this plan information.
- * Neither the granting of a permit nor the approval of the relevant drawings and specifications nor the inspections made by the Municipality of North Cowichan shall in any way relieve the owner of such a building from full responsibility for the carrying out of work or having work carried out in full accordance with the requirements of the B.C.B.C. 2018.
- * Plans have been reviewed for general conformance. It is the designers responsibility for accuracy, adequacy and all code requirements.
- * This permit expires and the right of an owner shall terminate, if the work is not commenced within 6 months, or if the work is not completed within 24 months of the date of issue of the permit.

This permit expires and the right of an owner shall terminate, if the work is not commenced within 6 months, or if the work is not completed within 24 months of the date of issue of the permit. All Construction shall conform to the current edition of the B.C. Building Code and approved drawings issued with the Application For Permit For Erection, Alteration, or Repair of a Building. No deviation from these drawings, including site plans, shall be made without authorization being given subject to the same procedures established for the examination of the original plans.

The department reserves the right to reject any work which has been concealed or completed without first having been inspected and approved by the department in accordance with the requirements of the various codes.

Applicant:

DocuSigned by:

WARM VALLEY CONTRACTING LTD.

E2F0991013D0C4A8

Building Inspector:

DocuSigned by:

Tim Byron

DE1692743BC947D

FEE SLIP

Please remit with payment.

Folder: BP009488

BUILDING PERMITS
AGRICULTURE - NEW

Summary
Building Fees
TOTAL

Outstanding
4,946.31
\$4,946.31

RECEIVED: 09/03/01
7030 Trans-Canada Highway
Duncan, BC V9L 6A1
Phone: 250-746-3100
Fax: 250-746-3133

Receipt: 090301
Date: 09/03/01
Amount: \$4,946.31

PAID: 09/03/01
DEPT: 090301
TOTAL: \$4,946.31

Thank you for your payment.

0191-50120 (W)
Corporation of the District of North Cowichan
7030 Trans-Canada Highway
Duncan, BC V9L 6A1
Phone: 250-746-3100
Fax: 250-746-3133

Folder: BP009488

BUILDING PERMITS
AGRICULTURE - NEW

Address: 6651 LAKES RD

Description	Quantity	Amount	Description	Quantity	Amount
Bp Fees	718,128.13	5,376.90	Bp Fixtures	6.00	75.60
Bp Plumb Water	1.00	31.50	P Eng Reduction	718,128.13	-537.69
Summary					
Building Fees	4,946.31	0.00	Outstanding		4,946.31
TOTAL	4,946.31	0.00			