

## **PUBLIC HEARING INFORMATION PACKAGE**

### **Zoning Bylaw Amendment No. 3990, 2024 (C2 and C3 Zones and Exemption to DPA-3)**

#### **Public Hearing Notice and Bylaw No. 3990**

1. Notice of Public Hearing for **January 15, 2025 at 7:00 p.m.**
2. 1<sup>st</sup> Notification - Twitter and Facebook - Publication Date: December 30, 2024
3. 2<sup>nd</sup> Notification - Cowichan Valley Citizen and Chemainus Valley Courier – Publication Dates: January 8/9, 2025
4. Bylaw No. 3990

#### **Planning Staff Report**

1. Report to December 18, 2024 Regular Council – First and Second Readings of Bylaw No. 3990

#### **Council Minutes**

1. Excerpt from December 18, 2024 Regular Council Minutes – First and Second Readings of Bylaw No. 3990, and Authorize Public Hearing

#### **Public Comments**

[See Written Submissions Package](#)



# NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held at **7:00 p.m.** on **Wednesday, January 15, 2025** to allow Council to receive public input on **"Zoning Amendment Bylaw No. 3990, 2024"**. 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](http://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](http://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. 3990** proposes to amend Zoning Bylaw 1997, No. 2950 by:

- Changing the residential density permitted in the C2 and C3 Zones by removing the four-unit limit; and
- exempting small scale residential construction (up to four units) from the aquifer protection requirements of the natural environment development permit area (DPA-3).

## **PUBLIC INPUT**

If you believe your interests in land will be affected by the proposed bylaw, you are encouraged to submit your comments by following the instructions provided below:

### **1. In Writing in Advance of the Public Hearing:**

Submit your comments in writing to Mayor and Council until **1:00 p.m.** on **Monday, January 13, 2025** by:

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- Mail to Mayor and Council, Municipality of North Cowichan, 7030 Trans-Canada Highway, Duncan BC, V9L 6A1
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**Municipality of North Cowichan**

December 30 at 10:00 AM

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 January 15, 2025, to provide all persons who believe that they are affected by Zoning Amendment Bylaw No. 3990 an opportunity to be heard or to present written submissions to Council. Bylaw 3990 proposes to amend Zoning Bylaw 1997, No. 2950 by:

- Changing the residential density permitted in the C2 and C3 Zones by removing the four-unit limit; and
- exempting small scale residential construction (up to four units) from the aquifer protection requirements of the natural environment development permit area (DPA-3)

You can view the bylaw and public notice at <https://loom.ly/EhYENmU>

## **Notice of Public Hearing**

**Zoning Amendment Bylaw No. 3990,  
2024**

**January 15, 2025 at 7PM**





A New Year's Eve fire has damaged an outbuilding at Alexander Elementary School. (Sarah Simpson/Citizen)

# School outbuilding sustained fire, water damage on New Year's Eve

*Continued from A1*

School officials were notified of the blaze about 10 p.m. on New Year's Eve which burned the back pod of the Beverly Street elementary school.

Firefighters from North Cowichan's South End hall arrived quickly, Rowan noted, and prevented the fire from spreading.

The cause of the fire is under investigation.

"We are incredibly grateful for the quick work of the North Cowichan Fire Department and the significant resources they deployed to ensure the damage to Alexander Elementary School was minimized. We will continue to work with the fire department and the RCMP as they investigate the cause of the fire," said School District board chair Cathy Schmidt.

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MUNICIPALITY OF  
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# Cowichan Tribes buys old RCMP detachment for \$1.2M

Robert Barron

Cowichan Tribes has bought the 2.9-acre parcel of land at 6060 Canada Ave., where the old North Cowichan/Duncan RCMP detachment was located, from the Municipality of North Cowichan for \$1.2 million.

The property is currently vacant as the RCMP has recently moved

to their new \$48-million facility on Ford Road.

North Cowichan council approved the land transfer at its meeting on Dec. 18.

North Cowichan Mayor Rob Douglas said Cowichan Tribes intends to use the property to house its emergency service and public works programs.

The land transfer includes a cov-

enant being registered on title to protect the neighbouring Bings Creek from future development, while permitting North Cowichan to conduct approximately \$165,000 in restoration and maintenance work on the north channel of Bings Creek in 2025.

But some North Cowichan councillors took issue with the manner in which the sale was conducted, and

the fact that the property was not put up for sale on the open market.

Coun. Tek Manhas said he thinks all public properties owned by the municipality that are put up for sale should be placed on the open market.

He said North Cowichan's taxpayers have paid for these properties and their maintenance and he feels it's only prudent for the

municipality to throw the sale open to all comers to try and get the best price for them.

"I know we had an appraisal but we don't know if what we sold it for is the best prices we could have gotten for our residents," Manhas said.

But Coun. Mike Caljouw said that selling the RCMP property to Cowichan Tribes is a significant milestone in the fostering of community relations and advancing reconciliation efforts.

He said the sale price was established through an impartial and comprehensive appraisal conducted by an independent appraisal company that was selected by a North Cowichan council member and staff.

"This ensures transparency and ethical standards," Caljouw said.

"Cowichan Tribes has also undertaken due diligence on this property and have decided that the property fits their strategic needs and plans."

Coun. Bruce Findlay agreed with Manhas.

"[Cowichan Tribes] conducted due diligence, identified some deficiencies in the building (including the fact that it needs a new roof and work on its HVAC systems) which, of course, the appraiser wouldn't have known because they didn't do that level of analysis, and council adjusted the price to reflect that," Corsan said.

"Under the Community Charter, [council] has met all the obligations required."

Mayor Douglas said the land transfer is important for reconciliation with First Nations.

"This will play a big part to strengthen our relationship with Cowichan Tribes which, in my view, is the right thing to do," he said.

Council approved the sale of the property, with Manhas and Findlay opposed.

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MUNICIPALITY OF  
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The Corporation of the District of North Cowichan

**Zoning Amendment Bylaw**

BYLAW NO. 3990

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*A bylaw to amend Zoning Bylaw 1997, No. 2950 to amend the C2 and C3 Zones and an exemption to DPA 3*

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

**Citation**

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**Amendment**

2 Zoning Bylaw 1997, No. 2950, is amended by:

(a) Amending Section 69 [Commercial General Zone (C2)] by:

(i) Deleting clause (7) [Conditions of Use].

(ii) Deleting "and subsection 69 (7) does not apply." from clause (8)[Conditions of Use].

(b) Amending Section 70 (Commercial Service Zone (C3)) by:

(i) Deleting clause (7) [Conditions of Use].

(c) Amending Schedule J [Development Permit Guidelines], Section 2.2 [Development Permit Guidelines "B": Exemptions], by replacing clause (m) with the following:

"Exemptions for Aquifer Protection Only:

(i) Additions to or construction of a single-family or two-family dwelling or a related accessory building on a single lot;

(ii) Additions to or construction of a building that contains up to four-dwelling units or a related accessory building on a single lot, provided that the dwelling units are serviced with municipal water and sewer."

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READ a first time on December 18, 2024

READ a second time on December 18, 2024

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 \_\_\_\_\_.

RECEIVED the approval of the Minister of Transportation on \_\_\_\_\_.

ADOPTED on \_\_\_\_\_.

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CORPORATE OFFICER

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PRESIDING MEMBER

# **PLANNING REPORT**

# Report

Date December 18, 2024

File: SPP00082 and  
SPP00101

Subject **Zoning Amendment – Bill 44 Follow Up**

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## PURPOSE

To present a zoning amendment bylaw that will:

- update a limited exemption to the natural environment development permit area (DPA 3) to include 3- and 4-unit buildings, and,
- revise a change made in the June 2024 zoning bylaw amendment (Bill 44) by updating the density in the Commercial General Zone (C2) and the Commercial Service Zone (C3).

## BACKGROUND

On June 19, 2024, Council adopted Zoning Amendment Bylaw 3964, which brought North Cowichan's zoning bylaw into partial compliance with the *Local Government Act*, as amended by the *Housing Statutes (Residential Development) Amendment Act* (known as "Bill 44"). Significant changes were made to the zoning bylaw to accommodate "secondary suites and missing middle unit housing" (SSMUsh) before the legislated deadline occurred at the end of June.

## DISCUSSION

### Development Permit Requirements for 3- and 4-unit Residential Buildings

The intention of the Bill 44 SSMUsh requirements was to increase the prevalence of 3- and 4-unit building developments occurring in low-density residential neighbourhoods. All new multi-family buildings with three or more dwelling units must obtain a development permit (DP) for form and character. This requirement is under review to evaluate the value of the development permit process relative to the effort required by project proponents and staff. Options and recommendations will be forthcoming.

In the meantime, the proposed zoning amendment includes an update to an existing exemption to DPA 3 Natural Environment as it pertains to the aquifer protection areas. A DP is not required in the vulnerable aquifer protection areas for one- and two-family dwellings. The proposal is to expand this exemption to buildings with up to 4 dwellings (now permitted as of right in many zones), provided they are connected to water and sanitary services. The purpose of requiring a DP in these areas is to protect shallow and vulnerable aquifers from the risk of groundwater contamination. Exempting small-scale residential development from requiring a DP in areas where water and sanitary services are available poses minimal risk to the aquifers.<sup>1</sup>

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<sup>1</sup> Note that the proposed new exemption has been referred to the Engineering and Subdivision & Environmental Services Departments and both support the proposal.

Natural Environment DPs would continue to be required for all residential developments in other environmentally sensitive areas (e.g., riparian buffers, coastal bluffs, mature forests, etc.). They would continue to be required for other types of development occurring in aquifer protection areas (e.g., commercial, industrial, and larger-scale residential projects).

### **Commercial General Zone (C2) and Commercial Service Zone (C3)**

The C2 and C3 zones are two of the most permissive and flexible zones in North Cowichan. The zones allow a range of commercial and residential uses. The zones occur in several areas, including downtown Chemainus, "Cowichan Commons," and much of the Trans-Canada Highway corridor north of Duncan.

One of the key components of the Bill 44 review was determining which zones and parcels were "restricted zones," which had to be amended to allow SSMUsH densities. Broadly speaking, the *Local Government Act* defines a restricted zone as any zone where the residential permissions fall below the minimum SSMUsH densities. In the review of North Cowichan's Zoning Bylaw, the C2 and C3 zones were originally identified as "restricted zones," the zones were amended by adding density provisions limiting the density to 3-4 units. However, it has been determined in consultation with legal counsel that these zones are not restricted zones since they permit "Mixed-use Building" and "Accessory Dwelling Unit" as well as "Single-Detached Dwelling". Prior to the June 2024 amendment, a mixed-use building in the C2 or C3 zone could have as many dwelling units as possible accommodated within the permitted building envelope.

The proposed zoning amendment removes the density limit on dwelling units from the C2 and C3 zones to restore the previous density potential associated with mixed-use buildings.

### **OPTIONS**

1. **(Recommended Option)** THAT Council:
  1. gives first and second reading to Zoning Amendment Bylaw No. 3990, 2024; and,
  2. directs staff to schedule a public hearing for Zoning Amendment Bylaw No. 3990, 2024.
  - The proposed bylaw would restore permitted residential densities in the C2 and C3 zones and update an exemption to the environmental protection DPA (vulnerable aquifer) as applicable to 3- and 4-unit residential buildings.
2. THAT Council directs staff to provide further information related to the proposed zoning amendments.
  - Council may request additional information if needed to support this decision.
3. (No resolution is required if Council does not wish to proceed with the proposed Zoning Amendment Bylaw No. 3990.)

### **IMPLICATIONS**

Updating the C2 and C3 zones now will ensure that more intensive development proposals in these zones do not trigger zoning bylaw amendments that would not have been required prior to June 2024.

The change to the exemptions for DPA 3 specific to aquifer protection will prevent the necessity for North Cowichan to issue “empty DPs,” where a DP is technically required, yet none of the DP guidelines apply. This is not a good use of municipal resources and would cause an unnecessary delay for applicants.

The proposed amendment supports the “service” pillar of the strategic priorities outlined in the Council Strategic Plan.

No financial implications are anticipated with any of the options presented.

**RECOMMENDATION**

THAT Council:

1. gives first and second reading to Zoning Amendment Bylaw No. 3990, 2024; and,
2. directs staff to schedule a public hearing for Zoning Amendment Bylaw No. 3990, 2024.

Report prepared by:



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Christina Hovey, RPP, MCIP  
Project Planner

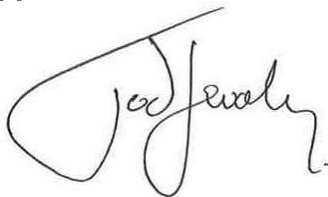
Report reviewed by:



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Amanda Young, RPP, MCIP  
Director, Planning and Building

**Approved to be forwarded to Council:**



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Ted Swabey  
Chief Administrative Officer

Attachment:

- (1) Draft Zoning Amendment Bylaw No. 3990, 2024



The Corporation of the District of North Cowichan

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BYLAW NO. 3990

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ADOPTED on \_\_\_\_\_.

---

CORPORATE OFFICER

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PRESIDING MEMBER

**COUNCIL**

**RECOMMENDATIONS**

**4. MAYOR'S REPORT**

Mayor Douglas provided a verbal update on meetings and activities he recently attended.

**5. PUBLIC INPUT ON AGENDA ITEMS**

Council received no public input from members of the public.

**6. BYLAWS**

**6.1 South End Waterworks District Amendment Bylaw No. 3987, 2024, for adoption**

IT WAS MOVED AND SECONDED:

THAT Council adopt South End Waterworks District Amendment Bylaw No. 3987, 2024.

(Opposed: Justice)

CARRIED

**6.2 Zoning Amendment - Bill 44 Follow Up**

IT WAS MOVED AND SECONDED:

THAT Council:

1. gives first and second reading to Zoning Amendment Bylaw No. 3990, 2024; and,
2. directs staff to schedule a public hearing for Zoning Amendment Bylaw No. 3990, 2024.

CARRIED

**7. REPORTS**

**7.1 Disposition of former RCMP Detachment at 6060 Canada Avenue**

IT WAS MOVED AND SECONDED:

THAT Council approves the transfer of a municipal owned parcel of land located at 6060 Canada Avenue to Cowichan Tribes for a price of \$1,200,000.

(Opposed: Findlay and Manhas)

CARRIED

**7.2 Update on Somenos Lake Health**

IT WAS MOVED AND SECONDED:

THAT Council:

1. directs staff to develop an action plan for the five goals identified in the November 27 workshop and work with the Somenos Marsh Wildlife Society to modify the current water quality sampling work under the service agreement to conform with workshop priorities.
2. enters into a strategic partnership with the CVRD for 2025 to access \$58,000 for water quality initiatives in Somenos Lake and its watershed.
3. directs staff to add \$58,000 of revenue to the 2025 budget from the CVRD to offset the expense of the Somenos Lake Water Quality initiative.

CARRIED

**7.3 Long-Term Borrowing for RCMP Detachment**

IT WAS MOVED AND SECONDED:

THAT the following motion be amended: