

Letter of Rationale for Development Proposal

Subject Property: 3833 Gibbins Road --- Lot 3 Plan VIP2462 Section 16 Range 2 Land District 45 Except Plan 6403 BL380 PID: 006-570-208

To Mayor, Council and Municipality of North Cowichan Staff,

In support of our Development Proposal, for the land noted above, we present the following Letter of Rationale. The proposal is for a Secondary Detached Dwelling, for a senior family member who will also assist with farm labour. The proposal is for a 89.2 square meter (960 square foot), dwelling. Upon acceptance, a Building Permit Application, for new construction, will be completed. The placement of the proposed structure has been carefully considered, and will have little to no effect on usable Agricultural Land. The proposal includes the use of an existing driveway for access to the dwelling, with a designated parking area outside the structure.

We consider the application to be in full alignment of the Agricultural Land Reserve Use Regulation, and Order in Council No. 438: Division 2 – Additional Residences 34.3. The portion that applies to the specific proposal is provided below:

Additional residences constructed after December 30, 2021

(1) The use of agricultural land for an additional residence for which construction begins after December 30, 2021 is permitted on a parcel if all of the following conditions are met:

- (a) at the time that construction begins, the parcel has located on it only one residence, whether or not a secondary suite is located in the residence permitted under section 31;*
- (b) neither residence will be attached to, nor be part of, the other residence*
- (c) one of the following applies to the residences, as constructed:*
 - (i) if the parcel is 40 ha or less, there will be*
 - (A) one residence, the total floor area of which is 500 m² or less, and*
 - (B) one residence, the total floor area of which is 90 m² or less;*
 - (ii) if the parcel is more than 40 ha, there will be*
 - (A) one residence, the total floor area of which is any size permitted under the Act,*
 - (B) one residence, the total floor area of which is 186 m² or less.*

(2) The size of a residence permitted under this section must not be altered unless one of the following applies: (a) the alteration is permitted under section 25 or 45 of the Act; (b) the alteration does not increase the size of the residence beyond the size permitted under subsection (1) (c).

(3) Nothing in this section prevents the granting of permission, under section 25 or 45 of the Act, for additional residences to be constructed after the additional residence permitted under this section.

Furthermore, this proposal supports initiatives and policies as set forth by the Municipality of North Cowichan, and the Official Community Plan. The proposal will not decrease any usable farming land, due to the specific location of the Structure on the Land Parcel, the proposal will in fact encourage Agricultural based activities, as well as provide support for a family member. The proposal includes the use of a current driveway which will become shared with the current residence. No municipal services are required to service the proposed dwelling.

Upon review of the Official Community Plan (OCP) Bylaw 3450, we have identified many Policies that our proposal reinforces and ultimately support achieving the Primary Goals as laid out in Section II of the Official Community Plan. The following are some of those Policies and how our proposal will support them.

Protect the agricultural land base - 2.1.1.2 The Municipality will protect Agricultural Land Reserve (ALR) and other agricultural lands from inappropriate development.

This proposal encourages Agriculture based activities by allowing a structure for Farm Labour, while promoting the importance of local agriculture. The proposal should be considered appropriate development as it supporting Agriculture growth.

Strengthen the economic vitality of farming - 2.1.1.7 The Municipality will permit non-agricultural activities as “home occupations” on small agricultural holdings where it is necessary to enable a second income in support of the primary agricultural activity.

The proposal supports this idea, as the land is relatively small and could not support a sole source of income from farming or agriculture use. The approval would allow for the opportunity to strengthen agricultural activity on the property by allowing a second residence, which in turn could assist with farming or agriculture activities.

Promote the importance of local agriculture -- 2.1.1.9 As part of its commitment to food security, the Municipality will strive to reduce regulatory barriers to increased agricultural and food production.

The approval of this application would allow for an opportunity to increase local agricultural or food production.

Prevent sprawl into rural areas - 2.1.5.7 Properties outside of North Cowichan's sewer system areas are generally serviced with private, on-site septic systems. a) Approval of private septic systems is the responsibility of the Ministry of Health. b) The Municipality expects landowners with septic systems to maintain them in good working condition and in compliance with Ministry of Health regulations.

The septic system will be designed by a Registered Onsite Wastewater professional, and maintained in good working order.

Minimize the risk to public health from air pollution - 2.2.2.1 The Municipality recognizes the importance of clean air to the health and well-being of residents and will work to protect clean air in North Cowichan. c) The Municipality will encourage reduced vehicle emissions by discouraging idling and excessive use of vehicles and by emphasizing transit use, cycling, walking and other alternatives.

The proposal is on a designated Public Transport Route, encouraging the use of Public Transport for any current or future residents.

Encourage new, and support existing, rural- and environmental-based businesses - 2.4.2.1 The Municipality supports and encourages the development of new rural and environmentally based businesses, including those that enhance the productivity of the natural environment and link climate change strategies to economic opportunities.

The approval encourages the opportunity for new rural based business, by allowing potential for further Agricultural development.

Recognize the importance of housing as a fundamental part of community health and liveability - 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. The approval would allow for exactly this situation, a housing type suitable for the aging population.

In addition, the proposal is in very close alignment with the directive from council in regards to "Second Dwelling Rural Lands Policy" - December 2019.

It was moved and seconded: That Council direct staff to review all future site specific applications for second dwellings, including second residences and detached suites, in the context of existing OCP Policy; and That all future site specific applications for second dwellings,

outside the Urban Containment Boundary, be reviewed with respect to the following criteria: a. That size of the proposed second dwelling be restricted by covenant to 92 m² (990.28 ft²) or less; b. That subdivision be restricted by covenant to prevent subdivision including strata subdivision; c. That the size of the parcel be a minimum of; and i. 1 ha (2.5 acres) where no Municipal sewer or water exists; ii. 0.4 ha (1 acre) where no Municipal sewer exists; iii. 0.2 ha (0.5 acres) where Municipal water and sewer exist; and d. That siting of second dwellings on agricultural lands be established and restricted by covenant to preserve agricultural land.

In summary we feel careful consideration has been given to specific details of the proposal including but not limited to:

1. Placement of the structure, with an effort to reduce the impact to usable land for agriculture purposes.
2. Placement of the structure, with consideration given to neighbouring properties and visual impacts to preserve the rural character of North Cowichan.
3. Placement of the structure to utilize the existing driveway and meet the minimum required off-street parking spaces.

The proposed Zoning Amendment, if approved, will help Build a More Sustainable Community by allowing an opportunity for an increase in agricultural activity, while preserving a rural setting. The application falls closely in line with the new ALC Order in Council No. 438, as well as the Municipality of North Cowichan Official Community Plan. Consultations with direct neighbouring property owners have received no concerns or objections, and have encouraged the proposal.

Please feel free to contact us if you require any further documents or material, we would be happy to provide it. We thank you in advance for consideration of our application.

Respectfully Submitted,

Steve & Jackie Poznecov