



PUBLIC HEARING REPORT
Bylaw No. 3679

The following is a summary of the proceedings of the Public Hearing for Zoning Amendment Bylaw No. 3679, applicable to Electoral Area E – Cowichan Station/Sahtlam/Glenora (A-1 Zone Small Suite Deletion), held on Monday, June 3, 2013, at the Sahtlam Fire Hall, 4384 Cowichan Lake Road, Duncan, BC at 7:17 p.m.

**HEARING
DELEGATES**

Director L. Duncan, Electoral Area E – Cowichan Station/Sahtlam/Glenora,
Chair

Director I. Morrison, Electoral Area F – Cowichan Lake South/Skutz Falls

Absent

Director B. Fraser, Electoral Area B – Shawnigan Lake

**CVRD STAFF
PRESENT**

Mr. R. Conway, Manager, Planning & Development Department

Ms. J. Hughes, Recording Secretary, Planning & Development Department

Members of the Public:

There were 19 members of the public present.

CALL TO ORDER

Director L. Duncan chaired the Hearing and called the meeting to order. The Chair introduced the Hearing Delegates and CVRD staff present.

Director Duncan stated that at a Public Hearing there is a Code of Conduct that must be followed and advised that everyone in attendance would be permitted to provide their comments either for or against the proposed Amendment Bylaws in a safe manner.

PROCEDURES

Mr. Conway explained the requirements under Section 890 of the *Local Government Act*. He advised that notice of the Public Hearing was advertised in two consecutive issues of the *Leader Pictorial* (Friday, May 24, 2013 and Wednesday, May 29, 2013) and *Citizen* (Friday, May 24, 2013 and Wednesday, May 29, 2013) as required by the *Local Government Act*.

Zoning Amendment Bylaw No. 3679 would amend Electoral Area E Zoning Bylaw No. 1840 by removing “small suites” as a use in the Primary Agricultural (A-1) Zone. “Small suites” are small (90 square metres or less in floor area) freestanding secondary dwelling units on a parcel of land that already has a single family residence on it. The A-1 Zone is composed almost entirely of land within the Provincial Agricultural Land Reserve and the Agricultural Land Commission regulations do not permit small suites without an application being approved.

Secondary suites (also 90 square metres or less in floor area), that are attached to or within the main single family dwelling on a parcel will still be permitted in the A-1 Zone should Bylaw 3679 be adopted, and Agricultural Land Commission (ALC) regulations permit these without applications to the ALC being required.

The purpose of Amendment Bylaw No. 3679 is to delete “small suites” as a permitted use in the A-1 Zone of Area E.

Mr. Conway further advised that:

- A-1 Zone is a zone where agricultural is intended as the primary principal use. Most A-1 zoned lands are in the Agricultural Land Reserve (ALR). Land in the ALR is regulated by both local government zoning and the *Agricultural Land Commission Act*.
- The ALC allows a single family dwelling on ALR land without any kind of special approval. The ALC also allows dwellings for farm help without ALC approval where the local government zoning allows it. Second dwellings for the purposes other than farm help are only allowed where it is permitted by the Local Government and where it has been authorized by the ALC through a non-farm use approval.
- By way of background, up until 2008 the Area E Zoning Bylaw did not allow small suites, but it did allow a second dwelling on A-1 parcels 6 ha. (15 acres) or larger and one additional dwelling for farm help where a need for farm help could be demonstrated. Secondary suites were also permitted in the A-1 Zone.
- In August 2008 the bylaw was amended to also allow "small suites" on A-1 parcels larger than 2.0 ha. This amendment allowed owners of property between 2 and 6 ha. to have a second dwelling without it necessarily being for farm help. In order to be eligible for a small suite, approval from the ALC through a "non-farm use application" was still required (unless the small suite was in the form of a mobile home).
- When the amendment for small suites was being considered in 2008, the ALC cautioned against the change because additional residences in agricultural areas can negatively impact agriculture (dogs, trespass, complaints) and it can create subdivision pressures. Nevertheless, the amendment was adopted by the CVRD Board.
- Since 2008 the ALC and the new ALC Chair has been quite vocal about protecting agricultural land for agriculture and in discouraging increased residential densities in the in the ALR. CVRD policy has also been heading in this direction in other Electoral Areas. There are policies to this effect in the South Cowichan and Area D OCP's and the new draft Zoning Bylaws for Electoral Areas A, B, C and D do not include small suites in the A-1 zone.
- In summary, the proposed amendment is intended to align A-1 zoning with ALC policy and A-1 zoning in other Electoral Areas.
- Secondary suites, dwellings for farm labor, and second dwellings on parcel 6 ha. or larger will still be permitted in the A-1 Zone if the Amendment Bylaw is adopted, but the ability to have a detached second dwelling on parcels between 2 and 6 ha. would be removed unless it is for farm help.

Mr. Conway stated that two pieces of correspondence had been received from the date the advertising was placed within the local newspapers to the opening of the Public Hearing.

Correspondence

The following items were received and are attached to the Minutes as Exhibits:

- 1) Letter dated May 28, 2013, from Roger Cheetham, Regional Planner, Provincial Agricultural Land Commission (EXHIBIT 1);
- 2) Email dated June 3, 2013, from Lynda Lee (EXHIBIT 2).

Location of the File

Chair Duncan advised that the Information Binder was available for review on the back table along with copies of the proposed Amendment Bylaw and advised that any letters or submissions which were to be included as part of the Public Hearing record must be received at the front table prior to the close of the Public Hearing.

**APPLICANT,
CVRD**

Director Duncan advised that the CVRD is the applicant for Bylaw No. 3679 and stated the following:

- He brought the Small Suite Bylaw forward in 2008 and at that time the ALC strongly criticized the CVRD for approving it. In the 5 years since adoption of that Bylaw two applications have come forward, noting that one was approved and one denied by the ALC.
- Small suites are not permitted in the new South Cowichan Official Community Plan (OCP) or the new Area D OCP. Area E is now proposing to move back to what it previously was and is going the direction the other Electoral Areas.
- There is great controversy over uses in the Agricultural Land Reserve (ALR) and many different community opinions but noted there is one consistent opinion and that is from the Agricultural Land Commission (ALC). The ALC have stated that they do not approve the CVRD having the particular permitted use within the Area E Zoning Bylaw. The problem is people see it as a permitted use and then they want to apply for it or they feel that it is a right that runs with their land. In the past the CVRD used to send a "no comment" recommendation to the ALC but noted that is not permitted anymore and the ALC wants either a support or not support comment. Challenging decisions are made at the CVRD Board and noted that even the Planning staff can have different views with regard to agricultural land use where sometimes not everyone agrees with it.
- Has heard some very meaningful and heartfelt comments about affordable housing and housing for the poor and they are legitimate comments but noted that they are not consistent with the ALC's view of the use of agricultural land.

QUESTION PERIOD

Chair Duncan opened the public question period of the Public Hearing. He stated that the Public Hearing Delegates and staff members could answer questions at this time, and that after the close of the Question Period and the opening of the official Public Hearing there could be no questions taken, only comments received.

Ian MacDonald,

- 3580 Glenora Road
- Permitted use on the land is a 1,000 sq. ft. accessory building and does not see the impact of a 900 sq. ft. second dwelling.

Director Duncan

- Issue is about the residency and the people living in the building.
- The building, as a residence, has significant value which may or may not contribute to agriculture and that is where the ALR gives permissions for additional residency.
- ALC notes that additional residency brings more dogs and conflicts with farmers and difficulties with neighbouring farms. ALC is very strict with their regulations and they state if the purpose of the residency on the agricultural land is not for farming then it should not be on the property, only the primary residence should be on site.
- ALC does allow second residences for farm help as well as approving a modular or mobile home for a relative and noted that has been in effect for a very long time.

Ian MacDonald

- If multiple accessory buildings are permitted why are there two governing bodies, CVRD and ALC, if the Land Commission has the final say?
- If there is no impact on the land why would it not be allowed?

- Director Duncan** ➤ Anyone can apply presently to the ALC for a small suite if they fit the regulations but noted if the CVRD approves the proposed Amendment Bylaw a person will not be permitted to apply for a small suite.
- Ian MacDonald** ➤ Does not see the difference with a secondary suite or small suite.
- Director Duncan** ➤ Can make application to the ALC and plea his case. CVRD is not permitting small suites anymore in Areas A, B, C and D and if the Amendment Bylaw is adopted it would not be permitted in Area E noting there is a bit of a pattern emerging.
- Chris Lachmanec** ➤ 4261 Cowichan Lake Road
➤ Does the proposed Amendment Bylaw only apply to farm land?
- Director Duncan** ➤ Only applies to A-1 zoned parcels.
- Anthony Stock** ➤ If a farm is only seasonal with seasonal farm help hired, why can't he rent out those structures for the latter part of the year as they then will not be sitting vacant and asked why that would be taken away from him?
- Director Duncan** ➤ Does not have that now.
- Anthony Stock** ➤ Understood he does have it now as he has the right to make application to the ALR and asked why the CVRD is proposing to take that away?
- Director Duncan** ➤ Amendment Bylaw is to remove the small suite provision but noted that application can still be made to the ALR for farm help.
- Anthony Stock** ➤ Taking his ability away from him to apply for a small suite.
➤ If he increases his seasonable holdings on his property he will need to increase his seasonal help and in order to do that he would require dwellings for them.
- Director Duncan** ➤ How many dwellings did he want to have on site?
- Anthony Stock** ➤ Possible a 950 sq. ft. cabin for a couple to live in.
- Director Duncan** ➤ ALC does approve a modular home for farm help but noted that they might not approve renting it out in the off-season.
- Anthony Stock** ➤ Proposed Bylaw is taking away the ability to make that application.
- Director Duncan** ➤ Can apply for farm help dwellings with the ALC at any time.
- Jennifer** ➤ 5100 Indian Road
➤ Not exactly sure if the proposed Bylaw will affect her property.
➤ A question was asked, why are their rights being taken away from them to apply to the ALC if they want a small suite and the answer she heard was that Areas A, B, C and D have removed it from their Bylaws. What is the benefit of getting rid of it from Area E?
➤ Sustaining farmland is extremely expensive and there needs to be two people working off the land in order to help pay the mortgage.
➤ If they want people to farm there must be alternative ways and one of those ways is to allow a small suite that does not need farm help living in it, that would be extra income to help off-set the mortgage and it would also

support the future of farming.

- Farmlands can be million dollar properties but a millionaire is not a farmer and a farmer is not a millionaire and as a way to help bridge that gap is to permit small suites.

Director Duncan

- Some of those comments have also been made by the CVRD Directors but noted they are totally inconsistent with the ALC and making that argument with them would be ineffective.
- There is a fundamental difference of opinion between the ALR's rules and regulations and what some people think who own ALR land.
- When he originally brought the small suites forward it was to assist the farming operation and needs. Understands the comments that have been made but noted they are inconsistent with the original intent and the policies of the ALC.
- If an application goes before the CVRD's Electoral Area Services Committee (EASC) after being processed it would go forward to the ALC with a recommendation and noted that if the ALC did not support the type of request it could be put at the end of the pile making it a very long process.
- A lot of people talk to their representatives about dumping the ALR but noted others strongly support the ALR.
- Deeply regrets the decision to bring the Bylaw in as he now sees it as an inappropriate inclusion in the Zoning Bylaw for Area E.

Jennifer

- What benefit is it for the public by taking the Bylaw and their options away from them?

Anthony Stock

- Why can't the CVRD assume the position of supporting the small farmers and putting that recommendation forward to the ALR?

Director Duncan

- He would not support an application at the Regional Board table unless he sees direct support of the ALR.

Anthony Stock

- Public elects a Director and they should be supporting and working for the public in their area.

Brian Duncan

- 3100 Doupe Road.
- He is a hobby farmer and apologized for not being at the meeting when it first started and asked why Director Fraser was not in attendance at the Hearing?

Director Duncan

- Apologized for not commenting on Director Fraser being absent and advised that he had another commitment in his community that he had to attend.

Brian Duncan

- Understood that three Directors are delegated to sit at a Public Hearing.

Director Duncan

- Most often three Directors, but it could be four or more, that are delegated to a Public Hearing but advised that a Hearing could be held with only one Director in attendance.

Brian Duncan

- On agricultural land a secondary suite is permitted and he would be permitted to add a 900 sq. ft. addition onto his home but he cannot build a 600 sq. ft. detached cottage. The end result would be there would still be two families on the property with one in the main house and one in the cottage or secondary suite.

- Director Duncan**
- Understood that in all zones throughout the Province the ALR permits a secondary suite in the primary dwelling. ALR is deeply concerned about a detached small suite building but they are not as concerned about having a secondary suite within a primary residence. A person would have to ask the ALC why they made that decision.
 - CVRD has a Siting Bylaw that states where on the property a person can build so that good farmland is not marginalized. ALC is also looking at that regulation as well as the size of a house on farmland on parcels, as there have been past issues in the Fraser Valley and they do not want to see very large homes with secondary suites placed right in the middle of a farm.
- Brian Duncan**
- If he wanted to put in a secondary suite he does not have to speak to the ALC.
- Director Duncan**
- Correct, would only have to speak to the Building Department and believes the size of a secondary suite is not regulated.
- Brian Duncan**
- They are regulated.
 - There have only been two applications in 5 years and asked what is the big rush to pull it out of the Bylaw now?
- Director Duncan**
- Has had some people come forward and they look at it as a right but noted that when the hoops and difficulties are explained and reviewed it then creates a lot of turmoil at the Committee table and then at the ALC.
- Brian Duncan**
- For the record, Without Prejudice, does not see any sense if it is not broken don't fix it, and why waste time, energy and money to change something.
 - Bylaw clearly states that it is subject to ALC approval and in the end it is up to the ALC to approve or not. Two applications in the past 5 years, and he personally knows the one that was approved no longer has a family member in it and it is now creating some income for the family that built it.
 - Not every person that owns ALR land wants to bring in 600 dairy cattle and farm it; he owns 12 acres being 600,000 sq. ft. of land and is told where he can put his farm buildings on his land.
- Director Duncan**
- No, a person is told where they can put the residence and non-farm buildings.
- Brian Duncan**
- He is looking at the impact of 600 sq. ft. out of 600,000 sq. ft.
 - Not every person living in the ALR is or wants to be a farmer and does not know why the Bylaw is being changed only in the A-1 Zone.
 - Was not aware that Areas A, B, C and D were changing their A-1 Zone to eliminate small suites and asked if that had just come up or has it been in progress for quite some time?
- Director Duncan**
- Has been in the works for some time and it went through Areas A, B, C and D community reviews and the public input stage.
 - If a building is used as a rental the ALC does not want the densification on the land.
- Brian Duncan**
- A person living in a secondary suite does not have to be farm help and theoretically it could be rental income on agricultural land outside of the jurisdiction of the Land Commission.

Director Duncan

- Agrees, some people say why not have 4, 5 or 10 small suites as that would help mortgage costs and those comments have merit too but noted they will not go very far with the ALC.
- CVRD strongly supports the ALR.
- ALC sees many applications with different situations and pressures and they push back and deny applications, CVRD is very small compared to the Fraser Valley.
- Secondary suites have always been permitted in the A-1 Zone and they are not regulated by the ALC.

Jennifer

- It was stated that the ALC has been very consistent in their comments but noted that is not very appropriate to say as the ALR has changed over the years.
- Bylaw is not actively being used and it should be kept in place. In 20 years when the Commission sees things in a different way the Bylaw will already be in place and it will not have to be changed back again.
- Does not see the merit in Areas A, B, C and D noting she does not live in those areas she lives in Area E and they can be different.

Director Morrison

- Director Duncan has made some progressive steps which include siting of homes so it does not impact the best soils on ALR land and confirmed there are varying opinions at the CVRD Board table.
- At the recent AVICC meeting held in Ucluelet the ALC spoke to them about Vancouver Island farms and the cost of the farms. Concerns expressed by the Commission at that meeting were that when there is the additional revenue opportunity that does not pertain to farming the consideration of the price that a farm will garner at a future date is not necessarily based on the value of the land and its ability to produce crops as that additional income increases the value of that already expensive piece of land. Understands the concerns from both sides of the table and stated the ALC is really pushing for change. If the Bylaw goes through does not know if it will be a better situation or not and he is open to hear what the community has to say on the proposal.

Director Duncan

- ALR has the support of the broader community and noted that very few people live on ALR land. There is very strong support across the Province for the ALC but noted that might not be consistent with the local agricultural community.
- Has been in discussions with present ALC Chair Richard Bullock, along with past ALC Chairs since 2008, regarding the small suites issue and there are three past letters from the ALC on file not supporting it. ALC has been consistent in not wanting to see small suites on ALR land.

Anthony Stock

- He is a farmer and his issue is the level of support from the local Directors and the community for adopting the Bylaw in 2008 as it gives the farmers the support when they go before the ALC.
- There have been two applications received since 2008 when the Bylaw came in with a 50% support rate as one out of the two applications was approved. With the support of the local Directors and the community a suite application might have a fighting chance at the ALC.

Director Duncan

- Is that support just in the agricultural community or support broadly across the area?

Anthony Stock

- Speaking as a farmer just trying to make ends-meet.

- Director Duncan**
- There are two aspects, the agricultural community and the broader community and the broader community supports agriculture and the ALC.
- Jan Stock**
- Is hearing that farmers have one opinion and people that do not have a clue on what it takes to farm, especially in the unique Cowichan Valley, are supposed to have the right to take their rights away.
 - Brining other people onto a farm living in a residence whether they are there to work there or not helps the farmers get through and supports them.
 - Was told that approximately 4 years ago 900 farms on Vancouver Island are no longer in existence and asked what does that say for the community, no support.
- Director Duncan**
- Numbers display the struggle within the agricultural community and stated that the community broadly supports agriculture, the local farming community and the ALC.
 - BC Assessment spoke recently to the agricultural community about the unique assessment situation and taxes on farmland.
 - There is core support in society for agriculture and there are lots of tools being used to try to help agriculture.
- Joyce Benson**
- What she has heard is something major is happening in B.C. and noted 2 years ago she saw a notice put out by the Provincial Government that stated they were increasing the control of the ALC. Knows what a true farmer is and that they are trying to survive even with all the controls put on them.
 - Past chicken poultry processing plant was killed by North Cowichan because of the development cost charges.
 - ALR land is a land grab by the Government to control the people and the use of the land.
 - Back in 1972 a chunk of B.C. was put into the ALR and people were told if they wanted it removed they would have to apply to do that.
 - Has flown over Vancouver Island seeing that much of it is undeveloped and the people who want to develop have so many regulations they have to go through.
 - Much of the farmland on Vancouver Island is good for growing rocks, hay or nothing as there are no good soils or valuable farmlands.
 - The Bylaw that was put in place a few years ago was brilliant and to let go of it now due to pressure from government control was not his style.
 - Should be looking at better types of housing and more affordable services.
 - Country stores have been lost as people have to travel back into downtown Duncan to buy their supplies.
 - Does not understand how the new Somenos ball fields were removed from the ALR and others parcels that cannot grow anything on them cannot be removed from the ALR.
 - What is good farmland in truth and why is the CVRD giving up control for the government over the people when it is their rights as they pay for everything?
- Director Duncan**
- He is consistent in his support with the ALR and ALC and if someone does not support ALR then they do not support ALC.
 - The bigger picture of whether to keep the ALR or not is not the subject of tonight's Hearing.
 - Asked for further questions from the public present regarding Zoning Amendment Bylaw No. 3679.

- Ian MacDonald** ➤What is the impact of having a suite on property and why is there a difference between attached and detached as the end result is there could be the same amount of people living on the property?
- Director Duncan** ➤What the ALC has experienced over the years is the detached dwelling may stimulate an application for subdivision in the future.
- Ian MacDonald** ➤A person cannot subdivide property as they have to register a covenant that states it could not be subdivided.
- Director Duncan** ➤There have been past applications to subdivide ALR land under Section 946 of the *Agricultural Land Commission Act*.
- Ian MacDonald** ➤Properties in question are up to 6 hectares and can't be subdivided under a 6 hectare minimum.
- Director Duncan** ➤Correct, but a smaller lot can be subdivided under Section 946.
➤Regional Board sees approximately six of those applications per year. ALC requires the Regional Districts comments on an application. The CVRD used to send a no comment but the ALC has stated they want either an endorsement or a recommendation to deny the application.
- Ian MacDonald** ➤Concerned over the negative impact of the second dwelling, if it is attached it is ok and he sees no difference.
➤Has not yet heard a real reason as to why a person cannot have a small suite on their property but an attached suite is approved.
- Director Duncan** ➤That would have to be a dialogue with the ALC as they have the final say on the application.
- Ian MacDonald** ➤That is his point, why are they at the meeting?
- Brian Duncan** ➤Why is he shutting the door on them?
- Director Duncan** ➤Finds it inconsistent with what the ALC has asked the CVRD to do.
➤He supports the ALR and they may not and that is their privilege.
- Brian Duncan** ➤Point of Order.
- Director Duncan** ➤Point of Order, there is a lady who has the floor next.
- Jennifer** ➤Is he the representative for Area E?
- Director Duncan** ➤Yes.
- Jennifer** ➤Farmers are in support of farming and their land but they might have issues with the ALR.
➤Has heard Director Duncan state that he supports the ALR and the greater community supports the ALR and she noted that it is nice that the greater community supports the ALR but they do not have to put the work in to make the food or try to survive on ALR land. Asked if Director Duncan is the representative from Area E and is he in support of the people who are supportive of the ALR, what is the proportion of Area E that is ALR land?
- Director Duncan** ➤Good question, not sure possibly half of Area E maybe a little less but a better guess might be a third of Area E.

- Jennifer** ➤ All of Glenora is mainly ALR land.
- Director Duncan** ➤ Yes, but when speaking acreage there is also a lot of forestry land in Area E and if he had to guess it would be a third.
- Jennifer** ➤ If he is representing Area E, then what are the needs of Area E?
➤ Has not yet heard one comment to say please go forward with changing the Bylaw.
- Director Duncan** ➤ Approximately 5,530 hectares or approximately 12,000 acres of land is in the ALR which is somewhere between a third and a half of Area E.
- Jennifer** ➤ The minority of Area E is non ALR or non-forestry.
- Director Duncan** ➤ Acre for acre the majority is forestry and other uses.
- Jennifer** ➤ He stated that he supports the ALR and the general community supports the ALR. The majority of people in the Electoral Area is not of the people that he represents and he should be representing the needs of the people.
➤ There are probably more acres in forestry and the least amount of acres is non ALR lands.
- Director Duncan** ➤ The words would be occupied lands as the ALR lands are occupied lands and the other lands are occupied but not forestry lands. Unfortunately he does not see anyone from Eagles Heights or Glenora at tonight's meeting.
- Jennifer** ➤ Has to work in Victoria to support her farm in the community of Area E.
- Director Duncan** ➤ Many other farmers also make that commute.
➤ Supports the ALC.
➤ Bylaw is in the process and anyone who wants to apply for a small suite can make application now and they would have up to one year for the application to go through.
- Rob Conway** ➤ Clarified that one year protection was only for subdivision.
➤ A building permit application for the small suite would have to be applied for prior to the Bylaw being adopted.
- Joyce Benson** ➤ Very nice for people to support the ALR land but noted that they really need to support the farmers. What people like is the view of ALR land.
➤ When did people lose their rights on their own lands?
- Director Duncan** ➤ In 1972 when the Agricultural Land Reserve Act came into effect and those regulations were brought in the Province.
➤ One of the first things the Liberal Government did when they were elected into office was to get rid of the Forest Land Reserve which was also managed like the ALC. They also promised their supporters that they were going to get rid of the ALC next and they were advised to rethink that decision. Transit funding was also taken away but noted that was not a good decision and funding was brought back to it.
- Joyce Benson** ➤ Government control on land, what rights do the people have?
➤ Does the Government presume that everyone will wreck their land and not use it properly?

- Brian Duncan**
- Not at the Hearing for personal gain and stated that it is a public hearing and they are entitled to their opinion as taxpayers.
 - Point of Order he wanted to make is Director Duncan is the elected representative of Area E not the elected representative of the ALC.
- Director Duncan**
- Yes, does not disagree with his comment.
 - Clarified that the Public Hearing is still in the question period and it has not yet moved into the official comment section.
- Jim Mercer**
- Payne Road
 - Purpose of the ALC is to keep land productive?
- Director Duncan**
- Yes, to keep it productive for agricultural uses.
- Jim Mercer**
- If the mortgage helper keeps the small parcel producing it helps to keep a small parcel viable and if it is not producing then the ALR is shooting themselves in the foot.
- Director Duncan**
- Good point and they hear that quite often that a small suite also gives other opportunities on the land.
 - Has heard over the years that by allowing subdivision on ALR land also helps to keep farms going.
- Jim Mercer**
- By taking away the ability to try that would not be helping the farm.
- Director Morrison**
- Phrase he keeps hearing from ALC is if someone buys a farm you will sell a farm and the ALC does not want any change in use.
- Jim Mercer**
- It is still farmland being farmed and it is just a viable farm instead of an abandoned farm.
- Director Duncan**
- Difference of opinion and the opinions are valid but they are inconsistent with the ALC.
- Jim Mercer**
- Would a suite attached to a farm building be considered?
- Director Duncan**
- A secondary suite if it was attached to a primary building would be permitted.
- Jim Mercer**
- Why were those ball fields removed and asked what their thinking was?
- Director Duncan**
- That property is located in the District of North Cowichan which is the largest District Municipality in the Province and they have more influence than Area E. The old ball fields at Pioneer Park were given up for the University and they needed to be replaced and he explained the process as to how those new ball fields came about.
- Sharon Driver**
- Does not understand the comment made over a detached building leads to possible subdivision because if subdivision is not allowed why would it even be an issue?
- Director Duncan**
- As an example, the property located close to the Sahtlam Fire Hall applied for a Section 946 application to subdivide from the ALR and it was approved and noted that there was another property down the road from the Fire Hall that applied for the same Section 946 and it was rejected.

- Sharon Driver** ➤ Cannot say that it does not happen.
- Director Duncan** ➤ People do apply and it does happen noting that he has strongly opposed previous applications. The CVRD has a clause that states if a road dissects property and they meet the minimum parcel sizes then it can be applied for subdivision.
- Ian MacDonald** ➤ Still does not understand why he cannot have a suite on his property.
➤ If he does not have a suite on his property but he applies for and is granted subdivision he could build a new house where that suite would have been located, the end result is the same amount of property but now with two houses on it.
- Director Duncan** ➤ Does not support most subdivisions in the ALR either but noted that if a person can get the ALC to support a 946 application or if there is a road bisecting property, for example, then it may be approved.
➤ Applications come before the Regional Board consistently and they are forwarded onto the ALC noting there is general consistency but not complete and that he does not agree with all their decisions but he does accept them.
- Ian MacDonald** ➤ Has 8 acres and is inside the window that is possibly going to be eliminated and does not see the advantage to that.
➤ Does not understand why a secondary suite attached to a house is acceptable and a detached small suite is not accepted.
- Director Duncan** ➤ Under present ALC rules a mobile home would be permitted on property. There are different rationales for farm help or aging parents that the ALC does look at.
- Jennifer** ➤ Has not yet heard at the Hearing any verbal support for the Bylaw and asked if there was anything in writing that supported the Bylaw and if so who supports the Bylaw?
➤ Asked if Director Duncan, as their area representative, was open minded and would he listen to the comments of the public present at the meeting who were not supportive of the proposed Bylaw?
- Director Duncan** ➤ Still has to make his mind up on the Bylaw and there is a letter in the file from the ALC that strongly supports the proposed Bylaw Amendment.
- Jennifer** ➤ Not working for the ALC, he works for the residents of Area E.
- Director Duncan** ➤ Listening to all the comments made at the Hearing and the Electoral Area Directors will also review the Minutes prior to making a decision on the Bylaw.
➤ Public at the meeting are representing themselves and they do not have the mandate of Area E residents.
- Jennifer** ➤ Has not heard any support at the meeting for the proposed Bylaw change to remove small suites.
- Director Duncan** ➤ Agreed, has not heard support at the Hearing for the Bylaw.
- Jennifer** ➤ What are the comments of the two letters that were received?

- Director Duncan** ➤ One letter did not support the Bylaw and the other letter was from the ALC and they strongly support the Bylaw.
- Anthony Stock** ➤ Made the right choice in 2008 by bringing the Bylaw in and sees no benefits that have been stated at the meeting to remove it from the area now and hoped that information would be passed onto the other Directors when they have to make a decision on it.
- Director Duncan** ➤ His support of the ALR and the ALC will not waiver.
- Anthony Stock** ➤ Not asking him to, thinks he made the right choice in 2008 and hopes that he holds back on the Bylaw as it would offer some credibility to the ethical purpose for supporting it if it helps the local farmers.
- Director Duncan** ➤ Technically correct as out of the two previous applications that were forwarded onto the ALC with support one of those applications was approved by the ALC.
- Director Morrison** ➤ Spends most of his Sunday's before meetings reading all his paperwork prior to making any decisions. All Electoral Area Directors will receive the same Public Hearing Minutes package for review prior to making a decision on the proposed Bylaw Amendment. Directors listen to all comments made at a Hearing by the public who show up.
- Jennifer** ➤ Asked if the Hearing could move into the official comments section before more of the audience leaves the meeting.
- Director Duncan** ➤ Asked for further questions from the public present.
- Jim Mercer** ➤ Asked what the feedback would be from each Director that has a vote on the Bylaw?
- Director Morrison** ➤ There have been mixed reviews from all the Directors on the Bylaw Amendment.
- Jim Mercer** ➤ All they are asking for is that their opinions be heard and they want the door to remain open so they have that option of a small suite.
- Jennifer** ➤ Application can be approved as it all depends on the land; her land is in the ALR but it is not very appropriate.
- Director Duncan** ➤ Message received from the Chair of the ALC is that those applications that are dead in the water will go to bottom of the ALC pile. If the Bylaw is left as it is people can apply and the application will go through the process and forwarded onto the ALC, noting there are some applications that do have merit.
- Jennifer** ➤ Hopes that, as the local representative, he would help them with wording an application properly to ensure there were no inconsistencies.
- Director Duncan** ➤ Applications going before the ALC must be consistent with accuracy and truthfulness.
- Jennifer** ➤ Not what they are asking, just want it to be kept open.

- Sharon Driver** ➤ Process should be fair for everyone.
- Director Duncan** ➤ ALC Chair Richard Bullock has stated that if there is no measureable advantage to the ALR land that application will sit at the bottom of the pile forever and noted that he also has the support of the Government.
- Jim Mercer** ➤ Applications should be dealt with in order as to when they are received at the ALC and they should not be put at the bottom of the pile.
- Director Duncan** ➤ Have been told do not send the applications to the ALC as they will go to the bottom of the pile and understands the public's frustration.
- Brian Duncan** ➤ ALC is also funded by taxpayer's money and that is a breach by putting it on the bottom of the pile in spite because of the fact that they do not agree with it, but noted that is another battle for another day.
- Director Duncan** ➤ Heard the ALC Chair at an AVICC meeting with 300 people in attendance and he stated that they were there to build and support the ALR and that was a mandate from the Ministry of Agriculture.
- Jim Mercer** ➤ They should be working for the public.
- Director Duncan** ➤ There are inconsistencies in ALR land and the Provincial Government has stated stop the marginalization of the lands, stop subdivisions and stop what has happened in the Fraser Valley and they are playing hardball with applications.
- Jim Mercer** ➤ Those big homes on good farmland in the Fraser Valley are not right but taking away a small suite option on marginal land is not right either.
- Brian Duncan** ➤ Asked if Director Duncan was in support of hobby farming?
➤ Breeds horses and he was told he is a hobby farm but the ALC does not recognize that as farming. Was told by the ALC that they do not consider hobby farming as farming.
➤ People relying on income from hobby farms to pay their taxes and send kids to school should get some sort of recognition as they are also ALR lands.
- Director Duncan** ➤ Yes, supports hobby farming. There are a lot of ALR parcels and to be economically viable as a farm it would require a very unique person with a unique commitment. Assessment Authority has a set of rules which makes it more difficult for hobby farmers to capture the taxation privileges. ALC does not go out to review a hobby farm but noted the Assessment Authority does and the hobby farm must meet Assessment's rules.
- Brian Duncan** ➤ The small acreage farmer should be given the opportunity to make small acreage viable and if a small suite is necessary to keep it afloat the support should be there from the ALC and there should be the opportunity to be heard without being put on the bottom of the pile.
- Director Duncan** ➤ At the present time ALC Chair Richard Bullock has said that would not be happening.
- Director Duncan** Asked for further questions from the public present three times regarding Zoning Amendment Bylaw No. 3679.

**PUBLIC
COMMENTS**

The Public Hearing was then opened to those members of the public present who deemed themselves affected by the proposed Amendment Bylaw. Chair Duncan reminded the public that the Information Binder was available for review located on the back table along with copies of the proposed Amendment Bylaw, and that all submissions must be received at the head table prior to the close of the Public Hearing.

Mike Lees

- 4948 Arla Court
- Not a farmer and does not own a magnificent amount of land, owns a small piece of property in Sahtlam but stated that he supports the ALC.
- When he was a child living in Southern Ontario he would leave for school in the morning walking through wonderful agricultural land and stated that unfortunately that agricultural land is no longer there and it has been replaced by houses.
- Does not understand why someone would buy a 27 acre parcel if it cannot be farmed noting if there was the opportunity for someone to have a suite on their property that would assist them by having a little income coming in through the winter to help pay bills and it would be a good idea.
- Will not hurt anything by leaving that suite clause in the Bylaw.
- Let the application go straight to the ALC and they will make the final decision.
- Will not help anyone by taking it out as there could still be a suite attached to the house.

Brian Duncan

- 3100 Doupe Road.
- Opposes any changes to the existing Bylaw as he would still like to have the opportunity to go before the ALC, whether it goes to the bottom of the pile or not as he is very patient and will wait for it to come to the top as he would really like the opportunity to have his day and say with the ALC.

Anthony Stock

- Indian Road, Glenora.
- Strongly in support of leaving things as they are to give the opportunity or option to anybody that feels the need to utilize it.
- Requested that the Area Directors look at each individual application on a case-by-case basis and from time-to-time offer support.

Jennifer Freeman

- 5100 Indian Road.
- Opposed to the Bylaw being changed as she believes farmers are patient, optimistic people and if it means being on the bottom of the pile at the ALC they will wait.
- In support of farming in order to making farming sustainable for the future, there needs to be alternative income sources off of their properties so they can off-set the high costs of the properties, especially on the Island and as a way to support farmers to farm that needs to be available to them.
- Keeping things the way they are allows them to move forward and that is beneficial to them and that should be put forward to the ALC.
- Need to leave Bylaw as it is and not change it.

Sharon Driver

- 3580 Glenora Road
- Leave the Bylaw as it is, just in case down the road they have a relative that needs a place to live.

Jen Stock

- Indian Road, Glenora.
- Leave the Bylaw as it is, as it is hard to make farming work in the area especially without extra hands and the extra income.
- Having to work out of the area for the past 4 years she has only recently been able to quit her job to have the time on her acreage to make it viable and they have fought very hard to keep the farmland as farmland and to have that other option available would be supportive.

Ian MacDonald

- 3580 Glenora Road
- Disagrees with changing the Bylaw.
- Has not yet heard at the meeting any arguments made that there would be a negative impact by having that suite on the land as a person is already permitted the same size suite attached to a house.

Director Duncan

- Asked for comments a 1st and 2nd time from the public present regarding Zoning Amendment Bylaw No. 3679.

Jennifer Freeman

- Is an oral statement the same as making a written statement?

Director Duncan

- They are different and the public can make both.

Jennifer Freeman

- Are they weighed and calculated differently?

Director Duncan

- They are weighed on the content.


ADJOURNMENT

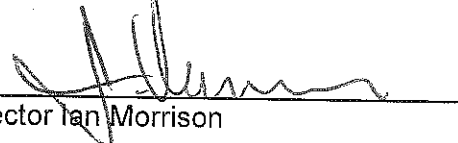
Chair Duncan asked for public comments or submissions three times from the public present regarding Zoning Amendment Bylaw No. 3679.

Chair Duncan declared the Public Hearing closed at 9:17 p.m.


CERTIFICATION:

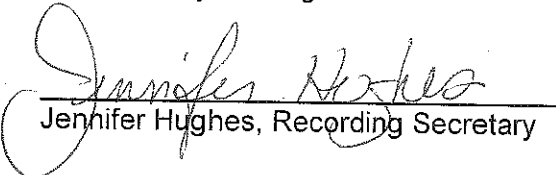
We attended the Public Hearing on Monday, June 3, 2013, and hereby certify that this is a fair and accurate report of the Public Hearing.

 Date June 27, 2013
Director Loren Duncan, Chair

 Date June 24, 2013
Director Ian Morrison

Absent Date _____
Director Bruce Fraser

 Date June 21, 2013
Rob Conway, Manager

 Date June 21, 2013
Jennifer Hughes, Recording Secretary