



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 2601

A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. 1490, Applicable To Electoral Area E – Cowichan/Koksilah

WHEREAS the *Local Government Act*, hereafter referred to as the "*Act*", as amended, empowers the Regional Board to adopt and amend official community plan bylaws;

AND WHEREAS the Regional District has adopted an official community plan bylaw for Electoral Area E – Cowichan/Koksilah, that being Official Community Plan Bylaw No. 1490;

AND WHEREAS the Regional Board voted on and received the required majority vote of those present and eligible to vote at the meeting at which the vote is taken, as required by the Act;

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 1490;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Official Community Plan Amendment Bylaw No. 2601, 2005, Area E – Cowichan/Koksilah (Lampson/Glenora Farm), Amendment to CVRD Bylaw No. 1490**".

2. **AMENDMENTS**

Cowichan Valley Regional District Official Community Plan Bylaw No. 1490, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. CAPITAL EXPENDITURE PROGRAM

This bylaw has been examined in light of the most recent Capital Expenditure Program of the Cowichan Valley Regional District and is consistent therewith.

READ A FIRST TIME this 8th day of December, 2004.

FIRST READING RESCINDED this 23rd day of February, 2005.

READ A FIRST TIME this 23rd day of February, 2005.

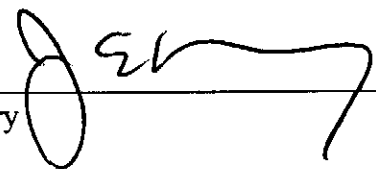
READ A SECOND TIME this 23rd day of February, 2005.

SECOND READING RESCINDED this 23rd day of March, 2005.

READ A SECOND TIME AS AMENDED this 23rd day of March, 2005.

READ A THIRD TIME this 25th day of May, 2005.

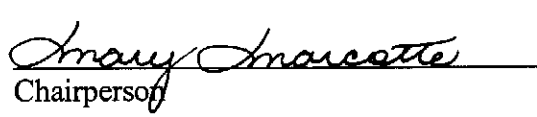
I hereby certify this to be a true and correct copy of Bylaw No. 2601 as given Third Reading on the 25th day of May, 2005.

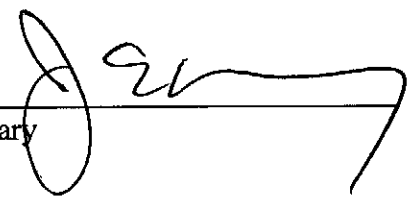
Secretary 

Date MAY 31, 2005

APPROVED BY THE INSPECTOR OF MUNICIPALITIES UNDER SECTION 913(1) OF THE LOCAL GOVERNMENT ACT this 22nd day of August, 2005.

ADOPTED this 25th day of August, 2005.

Chairperson 

Secretary 



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SCHEDULE "A"

To CVRD Bylaw No. 2601

Schedule A to Official Community Plan Bylaw No. 1490, is hereby amended as follows:

1. That Policy 4.1.10a be added after Policy 4.1.10, as follows:

"Notwithstanding Policy 4.1.10, where lands designated as Agriculture and actively farmed are owned and operated by a registered society, licensed in the Province of BC for the caring of disabled people, and have a proven track record for such activities, they may be zoned as Special Agricultural, wherein the minimum parcel size will be 38 hectares. Lands that are zoned as Special Agricultural will be subject to Section 13.5 Agricultural Community Development Permit Area."

2. That the following be added to policy 4.1.19:

"For lands that are greater than 38 hectares in size and are zoned as Special Agricultural, six dwellings and one small suite will be permitted, provided that the approval of the Agricultural Land Commission is obtained and they are located in an area of the parcel with minimal agricultural capability. The dwellings are intended for single-family residential use, subject to the CVRD definition of "family," with one of the dwellings also providing for a care facility for disabled individuals, and meeting and workshop spaces."

3. That the following be added after Section 13.4 as follows:

13.5 Agricultural Community Development Permit Area

POLICY 13.5.1 CATEGORY

The Agricultural Community Development Permit Area is designated pursuant to Section 919.1(1)(a) and (c) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity and for the protection of farming.

POLICY 13.5.2 JUSTIFICATION

(a) Agriculture is an important land use in Glenora and a vital component of the local economy and lifestyle. The Board wishes to provide long-term protection of the agricultural land base for future food production. The Regional Board wishes to ensure that residential encroachment on agricultural land is minimized within the Agricultural Community Development Permit Area;

(b) Increasing environmental awareness and declining fish stocks in the Strait of Georgia have led to the need for the protection of the OCP area's streams, wetlands and adjacent riparian lands. Glenora Creek and its tributaries provide essential habitat for fish, birds, and other wildlife. They also act as natural water storage, drainage and purifying systems. These areas need to remain in a largely undisturbed state in order to protect habitat, prevent flooding, control erosion, reduce sedimentation, and recharge groundwater.

POLICY 13.5.3 GUIDELINES

(a) Non-farm buildings, structures and safe, all-weather access routes will, where possible, be located on lands with soil and other characteristics that are least capable of agricultural production, and will be subject to the approval of the Agricultural Land Commission;

(b) To provide a buffer between non-farm buildings and agricultural production, the guidelines contained in the BC Agricultural Land Commission's *Landscaped Buffer Specifications* will be considered.

(c) Safe, all-weather vehicle access, suitable for safety vehicles, is required for each habitable building located in the Agricultural Community Development Permit Area.

(d) Development proposed within 30 metres of a watercourse will be subject to the recommendations in the Ministry of Water Land and Air Protection's Best Management Practices (*Storm Water Planning – A Guidebook For British Columbia*), to reduce areas of impervious surfaces and increase natural groundwater infiltration. On-site stormwater management techniques, that do not impact surrounding lands, should be used, rather than the culverting or ditching of stormwater runoff.

(e) The latest Best Management Practices for land development of the Ministry of Water Land and Air Protection and Fisheries and Oceans Canada, should be respected.

POLICY 13.5.4 AREA OF APPLICATION

The Agricultural Community Development Permit Area applies to the construction of non-farm use buildings, including dwellings, within parcels zoned as A-6 (Special Agricultural) as shown on Figure 12.

POLICY 13.5.5 EXEMPTIONS

The terms of the Agricultural Community Development Permit Area do not apply to:

(a) Interior and exterior renovations of existing buildings; and

(b) Activities designated as farm use in the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* and those which fall under the definition of Farm Operation under the *Farm Practices Protection Act*.

POLICY 13.5.6 VARIANCES

Where a proposed development plan is consistent with the guidelines of a development permit area, the CVRD may give favorable consideration to variances of the regulations of its zoning, sign, parking and other bylaws, where such variances are believed to have no significant impact on adjacent parcels, and would enhance the function or aesthetics of the site in question. Such variances would be incorporated into the development permit.

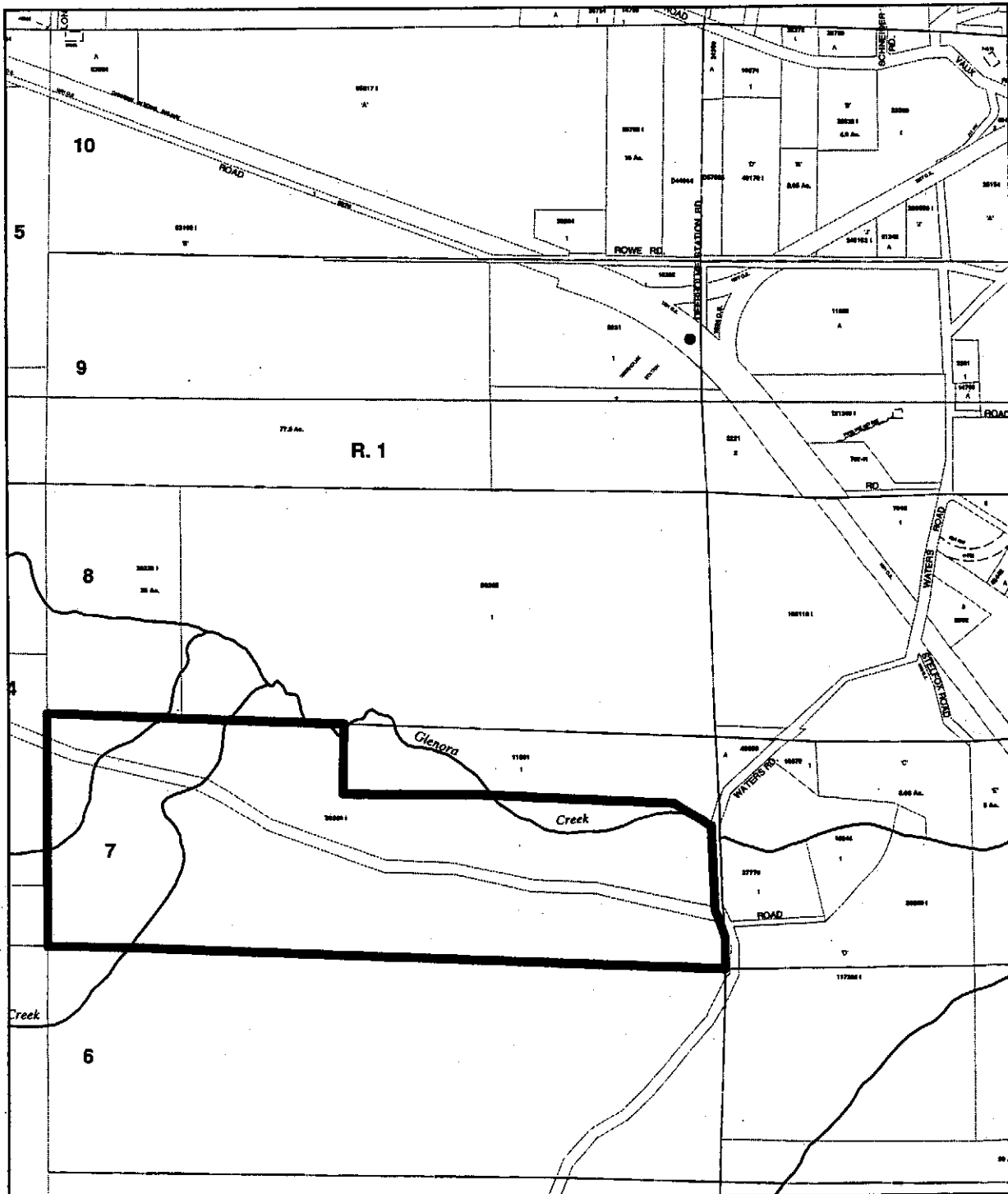
POLICY 13.5.7 APPLICATION REQUIREMENTS

(a) Before the CVRD authorizes the issuance of a development permit for a parcel of land in the **Agricultural Community Development Permit Area**, the applicant must submit a development permit application which, at a minimum, includes:

1. A written description of the proposed project;
2. Reports or information as listed in the relevant Development Permit Guidelines;
3. Information in the form of one or more maps, as follows:
 - Location/extent of proposed work;
 - Location of watercourses;
 - Topographical contours;
 - Location of lands subject to periodic flooding;
 - Percentage of existing and proposed impervious surfaces;
 - Existing tree cover and proposed areas to be cleared;
 - Existing and proposed buildings;
 - Existing and proposed property parcel lines;
 - Location of roads, vehicular access points, driveways, and parking areas;
 - Location of trails;
 - Location of stormwater management works, including retention areas and drainage pipes or ditches;
 - Location of septic tanks, treatment systems and fields;
 - Location of water lines and well sites.

(b) In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense, a report certified by a professional engineer with experience in geotechnical engineering, on the safety of the proposed use and structures, including access, indicating that the land may be used safely for the use intended.

Figure 12



Agricultural Community Development Permit Area



No. 2005056

Statutory Approval

Under the provisions of section 882

of the Local Government Act

I hereby approve Bylaw No. 2601

Cowichan Valley Regional District,

a copy of which is attached hereto.

Dated this 22nd day

of August, 2005



Minister of Community Services