

Overview of Amendments External Agencies Bylaw 4270 OCP for the Electoral Areas (April 21, 2021)

Referral Agency	Response/Actions
Ministry of Transportation and Infrastructure	<p>4.1 General Development – 4.1.2 Objectives</p> <ul style="list-style-type: none"> Should include objective of new roads to support the existing road network and identify gaps in local, collector and arterial roads to support new development, local travel and regional travel. <p>4.9. Commercial Designation – 4.9.1 Objectives</p> <ul style="list-style-type: none"> Develop commercial areas with access that limits impact on major transportation networks. <p>4.10 Residential Designation – 4.10.1 Objectives</p> <ul style="list-style-type: none"> Ensure access is developed to limit impact on existing transportation networks. <p>4.13 – Roads and Servicing</p> <ul style="list-style-type: none"> First bullet should read “includes development and identification of gaps in the supporting road network of local, collector and arterial roads supporting new development, local travel and regional travel” not directing vehicles to the TCH. <p>General Comment</p> <ul style="list-style-type: none"> Zoning needs to be clearly outlined on planning referral reports and shared with the Health Authority to ensure correct determinations for approvals. <p>CVRD Comment: added/amended</p>
Islands Trust	<p>No objection subject to the comments below: HOCP Sec 1.1.2</p> <p>The OCP applies to the entire area of the regional district except for those areas within the jurisdiction of Islands Trust, First Nation reserves and the four municipalities within CVRD: City of Duncan, Town of Lake Cowichan, District of North Cowichan and Town of Ladysmith.</p> <p>The regional district electoral area boundaries are outlined on Schedule G, G1 Growth Management Concept Index – Regional. The Cowichan Valley Regional District includes a number of southern Gulf Islands, including</p>

	<p>Thetis, Valdes, Reid and Ruxton islands, which are the planning jurisdiction of the Islands Trust. While CVRD provides a number of services to the Islands Trust area, such as permitting and inspection related to building construction, land use permitting such as development permits, temporary use permits and rezoning of land are the jurisdiction of Islands Trust. Islands Trust and the municipalities within the CVRD geographic area have their own official community plans and land use bylaws that are separate and apart from this OCP.</p> <p>CVRD comment: Added</p>
Agricultural Land Commission	<p>Comments:</p> <p>On page 3, ALC staff suggest the following edit:</p> <ul style="list-style-type: none"> 5. Our Livelihoods: The Regional Economy; Agriculture Preserve and protect Agriculture Land Reserve lands and support initiatives of the Agricultural Land Commission Ministry of Agriculture to assist farming to be economically viable <p>On page 26, ALC staff suggest the following text for the Renewable Resource – Agriculture Designation</p> <ul style="list-style-type: none"> 4.3 Renewable Resource – Agriculture Designation Agriculture is an important sector of the economy and essential to the rural ambience and beauty of the landscape. A primary goal of this plan is to protect agricultural resource lands and the agricultural industry. Lands designated as Agriculture have potential for a wide range of agricultural production and as of the date of adoption of this plan, there are 18,993 ha or 4.7% of ALR land within the electoral areas, as shown on Schedule D, D1 Agricultural Land Reserve and Agricultural Lands Index – Regional, with the capability for agricultural use. Outside of the ALR, an additional 1,695 ha are classified as farm use in the regional district and 865 ha are in the electoral areas. The lack of summer moisture is perhaps agriculture's most severe limiting factor in the plan area. When irrigation is used, it significantly increases the quantity and diversity of crops that may be grown. As such, consideration must be given to developing bylaw policies, in consultation with communities of interest (local/provincial/federal), that support water storage for irrigation for agriculture. Another limiting factor for agriculture is the price of land, which is driven by estate residential uses, either multiple homes or very large homes. However, recent provincial legislative changes to the ALR regarding home size and number is attempting to provide some relief. Regardless, for new entrants to the agricultural industry, accessing farmland often requires the economic help of family and/or partnerships to raise the necessary capital. These economic factors continue to put pressure on farms for additional housing and revenue streams. Farmers are increasingly seeking to diversify their primary and value-added production and add agri-tourism activities and other events to augment their income. The Agriculture designation in the plan is intended to accommodate and recognize the provincial ALR regulations that permit a variety of farming and non-farming activities, including basic production of agricultural products, value-added production activities and agri-tourism. The Agriculture designation supports the agricultural sector by accommodating supplemental employment opportunities, such as home-based businesses and value-added opportunities to maintain the viability of farm businesses. Growth policies in the plan direct that the rural settlement

areas are to grow at a rate of no more than 10% of any new residential development in the regional district over the next 50 years. While land use changes and community growth may be inevitable, negative impacts to agricultural land are not. The future viability of our agricultural lands depends heavily on policies that encourage farming, protect farmlands and minimize conflicts. In lands designated as ALR, the Regional Board plays an important role in the administration of the ALR, in that the CVRD Board must authorize any landowner ALR application for inclusion, subdivision, non-farm use or non-adhering residential uses for the ALC's review, and it must initiate ALR exclusion applications. In order to protect the land base for current and potential agriculture and ensure that growth and development on or near agricultural lands do not disrupt or limit agricultural viability, the following objectives and policies have been adopted:

4.3.1 Objectives

1. Recognize and preserve the agricultural land base of the plan area including associated farming, orchards, vineyards, ranching and associated value-added activities.
2. Prioritize food security on agricultural lands and develop access to markets for local foods.
3. Encourage agricultural diversity, including connections between agriculture and tourism, local agricultural processing and value-added agriculture.
4. Encourage environmentally friendly agricultural practices, including improved water management.
5. Work with the Agricultural Land Commission to facilitate adequate housing for farm labour.
6. Encourage agricultural land leasing and the accommodation of lessees of agricultural land.
7. Encourage agricultural processing for farmers that is consistent with the Agricultural Land Commission regulations.
8. Maintain or increase the amount of land in the Agriculture/ALR designation and ensure early consultation with the Agricultural Land Commission with respect to any land use changes that affect the ALR.
9. Discourage exclusion of ALR land unless it is in part with a community-wide planning process.
10. Protect ALR land from uses that are incompatible or inconsistent with agricultural use and support proposed development adjacent to agricultural and rural areas only in accordance with the following criteria: a. the development will: i. have minimal impact on the existing human made and natural physical features of the area; and ii. provide a buffer zone between the proposed land use and the agricultural parcels of land, on the non-farm side of the agricultural area consistent with the Ministry of Agriculture's Guide to Edge Planning.
11. Educate neighbours about normal farm practices such as odor, noise, and traffic.
12. Discourage non-agricultural development for properties exempt from the *Agricultural Land Commission Act* under section 23(1).
13. Discourage residential uses in the ALR that are inconsistent with bylaw designations.
14. Discourage subdivision of farm parcels and lands within the ALR unless for farm purposes.

15. Consider beekeeping in agriculture and food security.

4.3.2 Policies

The CVRD Board will:

1. Support all types of crop and livestock-based agricultural activities on agricultural lands.
2. Not accept requests from landowners seeking exclusion unless it is in part with a community-wide planning process.
3. Not support any commercial or non-agricultural development on land located in the ALR unless it meets the rural values of the regional district and is approved by the Agricultural Land Commission.
4. May permit outdoor recreation uses on non-ALR lands where it can be demonstrated that there is no reduction in the amount of land being used for agricultural purposes and no impact on surrounding agricultural uses on lands designated Agricultural and Rural.
5. Retain agricultural zoning designations for properties exempted from the *Agricultural Land Commission Act* under section 23(1).
6. Require non-agricultural zoning bylaws adjacent to the ALR boundary to establish a suitable buffer strip for agricultural protection.
7. Not support applications to the ALC for houses larger than 500 m² on parcels not used for agriculture.
8. Only forward applications for farm worker housing to the ALC on parcels that have BC Assessment “farm” status.
9. Only support subdivision applications that are beneficial to agriculture or that meet the criteria of the Agricultural Land Commission’s Homesite Severance policy.
10. Only supports non-farm uses that are beneficial to agriculture on parcels which have BC Assessment “farm” status.

ALC Comments on Schedule C Development Permit Areas for the Electoral Areas:

ALC staff are pleased to see that Development Permit Area 8: Protection of Farming includes all land adjacent to the ALR boundary and Agriculture designation and extends 30 meters into the non-agricultural lands. ALC staff agree that the permit guidelines for landscape buffers must be a minimum width of 15 meters. Research shows that 15-meter vegetated buffers are effective at mitigating drainage issues, reducing the impact of noise and intercepting dust and chemical sprays, as well as preventing trespass (with appropriate plant selection) and providing a visual screen. The Subdivision Permit Guidelines indicate residential subdivision will require building setbacks of at least 30 meters for habitable buildings from the agricultural boundary. ALC staff would also like to add that no commercial or industrial buildings should be located within 15 m of the boundary of the ALR. Finally, ALC staff suggest that the Permit Guidelines outline that road patterns in subdivisions must be designed in such a way to direct urban traffic

	<p>away from routes used by farmers to move equipment. As a final point, ALC staff suggest that CVRD staff consider including a disclosure statement in the form of a restrictive covenant under section 219 of the <i>Land Title Act</i> on the titles of all newly created lots located partially or entirely within the development permit area. The covenant should specify that the lot is located near a farming area and that the following impacts are to be expected: a) noise from farm operations at various times of the day, including devices used to deter wildlife; b) farm odours and chemical sprays; c) unappealing aesthetic appearances of fields and equipment; d) light from greenhouses; and that the following restrictions apply: e) the vegetated buffer is to be maintained; and f) no habitable structures shall be built within 30 meters of the ALR agricultural boundary.</p> <p>ALC Comments on Schedule D Agricultural Land Maps A map to confirm CVRD's ALR boundaries will be provided in subsequent correspondence.</p> <p>CVRD: Amended/Added</p>
Ministry of Agriculture	<p>Comments:</p> <p>Part 2: Translating the Plan Vision into Broad Goals 5 – Our Livelihoods: The Regional Economy; Agriculture: The Ministry is pleased to see that this goal contains strong language regarding CVRD's commitment to preserving and protecting land in the Agricultural Land Reserve (ALR).</p> <p>Part 3: Land Use Policy Areas Goal 1. Manage Growth Holistically</p> <p>3.2.1.2 Policies – 4: To further strengthen the language associated with the preservation of farmland, the Ministry suggests amending the wording as follows: "Discourages rezoning subdivision of rural settlement areas and all land in the ALR to smaller parcels for residential use"</p> <p>The Ministry also suggests adding an additional policy to section 3.2.1.2 Policies that reads "Discourages non-farm use of land in the ALR other than those non-farm uses permitted in the Agricultural Land Reserve Use Regulations".</p> <p>Goal 2. Improve and Expand the Range of Housing and Type of Construction</p> <p>3.2.1.4. Policies – 5: To further strengthen the language associated with the preservation of farmland, the Ministry suggests amending the wording as follows: "Does not support subdivision within rural areas or on parcels within the ALR"</p> <p>Goal 6. Strengthen Food and Agricultural Systems for Food Security</p> <p>3.2.4.2 Policies – 4: The Ministry is encouraged to see support for edge planning for the protection of agriculture. Edge planning, including the installation of vegetated buffers and appropriate setbacks from the ALR boundary,</p>

	<p>is critical to mitigating potential residential/agricultural conflicts and is extremely effective at preventing potential nuisance complaints from residents living in farming areas.</p> <p>3.2.4.2 Policies – 5: The Ministry suggests amending the wording of this policy as follows: “Does not support subdivision of farm parcels and lands within the ALR unless for farm purposes.”</p> <p>In the Ministry’s experience, it is extremely rare that subdividing a parcel in the ALR for farm purposes is beneficial for agriculture. More commonly, applicants masquerade their proposed subdivision for farm purposes when in reality, the subdivision has no benefit to agriculture and the applicant is merely attempting to subdivide their land for financial gain. An example of this is when an applicant proposes to subdivide their property that is currently not in agricultural production into two (or more) parcels to create smaller, more affordable, parcels that can be purchased by a farmer and converted into a working farm. In reality, Ministry data for parcels of ALR land throughout the province confirms that the smaller a parcel is, the less likely it is to be farmed. Moreover, subdivision and the creation of smaller parcels can erode long term agricultural and economic potential of the parcels and increase land cost per acre which limits future farm business opportunities. While the Ministry recognizes that it is possible that a proposed subdivision of ALR land can be beneficial for agriculture, because applicants routinely use bogus agricultural arguments as a smoke screen for their subdivision application, it is prudent on the part of local governments to simply remove all reference to supporting subdivision applications on agricultural grounds within their OCPs.</p> <p>Part 4: Land Use Designations and Policies</p> <p>4.3 Renewable Resource – Agriculture Designation</p> <p>4.3.2 Policies – 9: Similar to 3.2.4.2 Policies – 5 above, the Ministry suggests amending the wording of this policy as follows: “Only support subdivision applications that are beneficial to agriculture or that meet the criteria of the Agricultural Land Commission’s Homesite Severance policy.”</p> <p>Schedule C: Development Permit Areas for the Electoral Areas</p> <p>Overall, the Ministry is pleased with the strong wording and commitment to protecting agriculture within Development Permit Area 8: Protection of Farming and that the Ministry’s Guide to Edge Planning (the ‘Guide’) was utilized when creating this DPA. The Ministry is particularly pleased to see the 15 metre landscape buffer requirement as well as the 30 metre setback requirement for habitable buildings from lands designated for agricultural use. As per the Guide, a 15 metre vegetated buffer and 30 metre setbacks of residential buildings from the ALR boundary are effective at preventing trespass, litter, crop damage and harassment of livestock, as well as mitigating the effects of noise, light and dust or spray drift and odour. With respect to the Subdivision Permit Guidelines portion of the DPA, the CVRD is encouraged to add the following three provisions in section PF6 after sub section b.:</p> <p>c. Prohibiting new single family residential lots larger than 0.10 ha along the boundary of the ALR.</p> <p>d. Prohibiting half roads and half cul-de-sacs along the boundary of the ALR.</p>
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	<p>e. Designing the road pattern in such a way to direct urban traffic away from routes used by farmers to move equipment. Ministry research shows that large single-family lots located along the boundary of the ALR tend to generate more farm practices complaints than smaller lots or townhouse/apartment developments. Lastly, the Ministry also encourages the CVRD to require that a disclosure statement in the form of a restrictive covenant under section 219 of the <i>Land Title Act</i> be placed on title of all newly created lots located partially or wholly within the DPA. This covenant should specify that the lot is located near a farming area and as such, that the following impacts can be expected:</p> <ul style="list-style-type: none">• Noise from farm operations at various times of the day, including propane cannons and other devices used to deter wildlife;• Farm odours and chemical spray;• Unappealing aesthetic appearance of fields (unkempt, storage of materials, etc.); and• Light from greenhouses and that the following restrictions apply: Vegetated buffers are to be maintained; and No habitable structures shall be built within 30 m of the boundary of the ALR. <p>CVRD comments: Added/Amended</p>
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