



Corporation of the
Village of Cumberland

*Advisory
Planning
Commission*

Agenda

A meeting of the APC will be held on Thursday, April 16, 2020 via video conference, commencing at 4:00pm. The meeting can be viewed on the Village of Cumberland YouTube channel, accessible via <https://cumberland.ca/meetings/3-20-apc-2/>

1. **CALL TO ORDER:**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF THE MINUTES**
 - a) APC meeting minutes of February 13, 2020
4. **REFERRAL FROM COUNCIL**
 - a) 2020-01-DV – 4708 Cumberland Road
 - b) 2020-01-DP & 2020-02-DV 2821 Windermere Avenue
 - c) Zoning Bylaw Amendment to Permit Rooftop Beekeeping in VCMU-1 Zone
 - d) Zoning Bylaw Amendment to Prohibit Water Bottling
5. **OLD BUSINESS**

None
6. **NEW BUSINESS**

None
7. **NEXT REGULAR MEETING**

Thursday, May April 9, 2020 at 4:00pm. (pending any referrals from Council)
8. **TERMINATION**

Time:



Minutes

The meeting of the APC was held on Thursday, February 13, 2020 in the Council Chambers located at 2675 Dunsmuir Avenue, commencing at 4:09pm.

PRESENT:	Roger Kishi, Acting Chair	Jaye Mathieu
	Janet Bonaguro, Recording Secretary	Dan Griffin
ABSENT:	Eric Krejci	Nick Ward
	Neil Borecky	
STAFF:	Karin Albert, Planner	

Roger Kishi volunteered as Chair in the absence of Nick Ward.

1. CALL TO ORDER

2. APPROVAL OF AGENDA

Bonaguro/Mathieu: THAT the agenda be approved.

CARRIED

3. APPROVAL OF MINUTES

Griffin/Mathieu: THAT the minutes of the meeting held January 9, 2020 be approved.

CARRIED

4. REFERRALS FROM COUNCIL

a) Zoning Bylaw Housekeeping Amendments Report

Bonaguro/Mathieu: THAT the Advisory Planning Commission receive "Zoning Bylaw Housekeeping Amendments" report dated February 6, 2020.

CARRIED

DISCUSSION

Staff provided a report on the proposed changes and an overview of the OCP and zoning bylaw amendment process.

- 3.2.2. Definitions Daycare In-Home - Daycares permitted provincially therefore the municipality can't restrict this use in the OCP or zoning bylaw anywhere in residentially zoned areas.

Not quite true, in residential zones the Village can limit daycares to 8 or less with a Community Care Facility License, without this provincial permit they are limited to 2.

6.4.2(a)(i) – Accessory Dwelling Units – One intent of infill housing is to increase density; they should be able to go where they can fit rather than restricting it to the backyard. It also enables the owners to orient the principal residence to the back of their yard.

Bonaguro/Griffin: THAT the Advisory Planning Commission recommend to Council that Zoning Amendment Bylaw No. 1116 be presented to Council for first and second reading with the following amendments:

- Update the Table of Contents and Page Numbers within the Zoning Bylaw
This is not technically part of the Bylaw, it is provided for convenience
- 3.2.2 Definitions Manufactured Home - Include the specific CSA approval number (CSA Z240 MH: Standard for Manufactured (Mobile) Home Construction) for manufactured/mobile homes to differentiate them from CSA approved modular construction homes (CSA A277: Procedure for Certification of Prefabricated Buildings, Modules and Panels)
We took this out in 2016 because we don't want to restrict them to only single or double wides. And A-277 are park model trailers and are not typically rated for year round use.
- 11.4.7 Home Occupations (k) – Change to: “In the case of child daycare use, a minimum of 14.0 square metres (150.7 square feet) of usable outdoor activity space shall be provided for the first child in care and an additional 6.0 square metres (64.6 square feet) for every additional child in care up to the maximum permitted 8 children.
If the daycare has more than 2 children they require a CCFL and this permit outlines the required play areas.
- 14.4.13 Urban Agriculture d) A roadside stand shall: “only food and value-added products made from produce grown on site may be sold” – align with “Market Garden” language in 4.14a) i) in the Zoning Bylaw
Is value-added defined?
- 16.6.3 Required Number of Vehicular Parking Stalls Tables 6.3.1 and 6.3.2 – Remove the parking requirement for employees/pupil parking under Home Occupation for the reason that as soon as more parking is required on the property it takes away roadside parking that would otherwise be available in front of where the new required parking would be. Not hearing complaints about employee parking during the day. Direct a future parking plan to consider further.
I've heard significant complaints regarding this, in particular on Bruce Street, there as a permitted yoga studio that had parking on site, but people chose to park on the street, the neighbourhood was inflamed. It is my understanding that a Home Occupation should not impact the neighbourhood at all.

- 26.7.10 MU-1 Mixed Use Residential Zone 6. Principal Buildings and Structures Single Family Dwelling Setbacks, Minimum Front – label the building components on the drawing for ease of interpretation.

CARRIED

In addition to the recommendations on the report, the APC recommends the following:

Griffin/Mathieu: THAT the Council consider looking at the potential need for other types of residential uses in addition to “apartment” in VCMU1 for the following reasons resulting from the bylaw housekeeping discussion:

- Existing residential uses in the zone are likely non-conforming, especially with the addition of the definition of “apartment” as presented in the staff report
- Dwelling units are legally non-conforming if they have been permitted
If they were built legally, not just permitted.
- There are about eight dwelling units in the VCMU1 zone that don’t align with the proposed new definition of “apartment”
- Within VCMU1 “apartment” is identified as the only residential use, but there are some existing single-family dwellings within the zone or dwellings that might be considered Accessory Dwelling Units however ADUs are not listed as a permitted use in the zone

That was done on purpose in 2016 because it was felt that residential above commercial was the desired “look”.

- Need to consider if the OCP supports single-family or accessory dwelling units as recommended
- Need to consider the intent for the residential uses in the municipality (especially VCMU1)
- Need to consider what happens in the situation where the owner only wants 1 or 2 units above commercial instead of 3
- Need to consider another use in the zoning bylaw that permits residential use in addition to “apartments”.

Perhaps a version of Multi-family? Apartments not three or more, but above or behind (attached) to a commercial use?

- Need to consider if commercial uses could exist in the existing laneway houses which are currently used as residential accessory use within the VCMU1

Three of them are non-conforming to staff’s knowledge, built without permits

- Consider the potential to add “Accessory Dwelling” as an accessory to a commercial use

See notes above

AND THAT Staff or Council determine if the Village can use the Village Cash-in-lieu Parking Fund to fund a parking study.

CARRIED

5. OLD BUSINESS

None

6. NEW BUSINESS

None

7. NEXT REGULAR MEETING

Thursday, March 12 at 4:00pm.

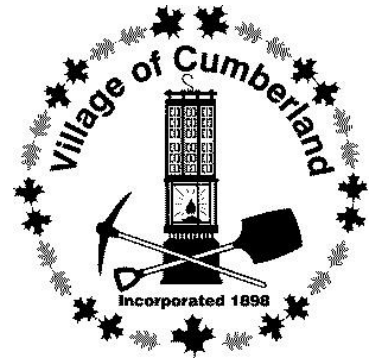
8. TERMINATION:

Mathieu: THAT the meeting terminate.

Time: 6:10pm

Certified Correct: <hr/> <p style="text-align: right;">Chair</p>	Confirmed: <hr/> <p style="text-align: right;">Corporate Officer</p>
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APC REPORT



REPORT DATE: March 2, 2020

MEETING DATE: April 16, 2020

File No. 0540-20

TO: Chair and Members

FROM: Joanne Rees, Planner

RE: Application for a Development Variance Permit – 4708 Cumberland Road

FILE:	2020-01-DV		
OWNER:	Caroline Leadbitter		
FOLIO NO.:	516 00820.222	PID:	017-719-593
LEGAL DESCRIPTION:	Lot 2, District Lot 24, Nelson District, Plan VIP53952		
ZONE:	Residential One (R-1)	OCP DESIGNATION	Residential
CONDITIONS UNDER APPLICATION	PERMITTED BY BYLAW	REQUESTED VARIANCE	
REAR SETBACK FOR PRINCIPLE DWELLING	4.5metres (14.8feet)	2.6metres (8.5feet)	

RECOMMENDATION

- i) THAT the Advisory Planning Commission receive the report “Application Development Variance Permit – 4708 Cumberland Road” dated March 2, 2020.
- ii) THAT the Advisory Planning Commission recommends that Council approve the application for a Development Variance Permit for property legally described as Lot 2, District Lot 24, Nelson District, Plan VIP53952 (4708 Cumberland Road) which varies the rear yard setback for principal dwellings from the required 4.5metres to 2.6metres as shown on the site drawing attached as Schedule A.

Subject Property



SUMMARY

The applicant wishes to construct an addition to the back of the existing single family dwelling. As this addition would be sited too close to the rear lot line, a Development Variance is being sought.

BACKGROUND

The applicant proposes to construct an addition to the back of the existing single family dwelling which would be too close to the rear lot line. In 1998, the house was moved in and was sited close to the middle of the lot. The proposed 2-storey addition adds 5 bedrooms for her extended family who now resides with her. The addition is approximately 10.1metres (33feet long) and this places the foundation at 2.6metres from the rear property line, where the Zoning Bylaw requires 4.5metres for principal dwellings.

The configuration of the addition is long and narrow, and it is done this way to avoid having to cover windows. No trees are proposed to be removed because of this addition.



CITIZEN/PUBLIC RELATIONS IMPLICATIONS

1. As required by the *Village of Cumberland Procedures and Fees Bylaw No. 1073, 2018* the applicant has placed the required sign on-site.

2. Pursuant to the requirements of the *Local Government Act*, a notice of Council consideration of a Development Variance Permit was mailed on January 29, 2020 to owners of adjacent properties (within 75.0metres) which meets the requirement of at least 10days before the Council considers the application (anticipated to be in May 2020).

FINANCIAL IMPLICATIONS

None

STRATEGIC OBJECTIVE

None

ATTACHMENTS

1. Development Variance Permit
 - a) Schedule A: Site Plan

CONCURRENCE

Ken Rogers, Manager of Development Services

OPTIONS

- i) The Advisory Planning Commission recommends approval;
- ii) The Advisory Planning Commission recommends denial (must give reasons);
- iii) Any other action deemed appropriate by the Advisory Planning Commission.

Respectfully submitted,

Joanne Rees
Planner



TO: Caroline Leadbitter

OF: PO Box 301, Cumberland, BC V0R 1S0

This Development Variance Permit (2020-01-DV) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as specifically varied or supplemented by this Permit for the purposes of varying the rear setback to permit an addition to the existing single family dwelling.

1. This Development Variance Permit applies to and only to those lands within the Village of Cumberland described below, and any and all buildings, structures and other development thereon:

Legal Description: Lot 2, District Lot 24, Nelson District, Plan VIP53952

Folio: 516 00820.222

PID: 017-719-593

Civic Address: 4708 Cumberland Road

2. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit:

Section 7.1.6 The rear setback for principal buildings and structures is varied to as close as 2.6metres (8.5feet) as shown on the shown on the site drawing attached as Schedule A to this Permit. The setback is to be confirmed by a BC Land Surveyor at the time of Building Permit.

3. **Security**

None

4. **Expiry**

Subject to the terms of the Permit, if the Applicant of this Development Variance Permit does not substantially start any construction with respect to which the Permit was issued within 2 years after the date it is issued, the Permit lapses.

5. **Timing and Sequencing of Development**

None

6. **List of Reports or Plans attached as Schedules**

Schedule A – Site Drawing to be replaced by a Survey Drawing to be prepared by a BC Land Surveyor at the time of Building Permit.

7. **Contaminated Sites Regulation** (*choose one of the following as applicable*)

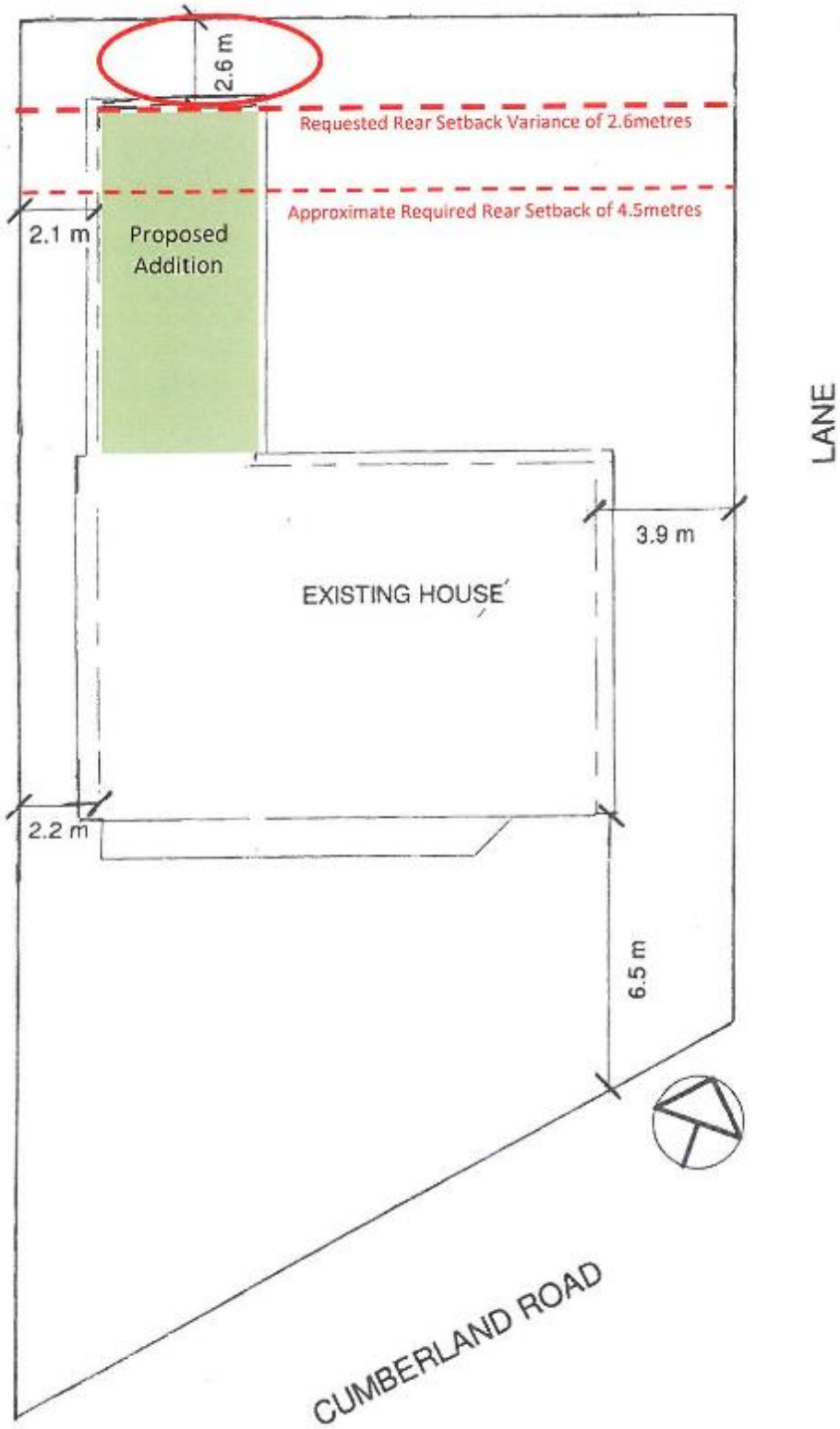
This Permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Applicant has completed a "Site Declaration" for the subject property.

8. This Permit is **not** a Building Permit.

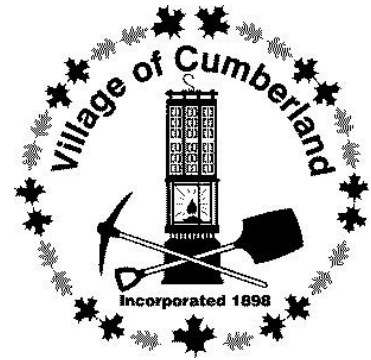
CERTIFIED as the DEVELOPMENT VARIANCE PERMIT approved and issued by resolution of the Council of the Corporation of the Village of Cumberland on _____, 2020.

Corporate Officer

Schedule A Site Drawing



APC REPORT



REPORT DATE: March 2, 2020

MEETING DATE: April 16, 2020

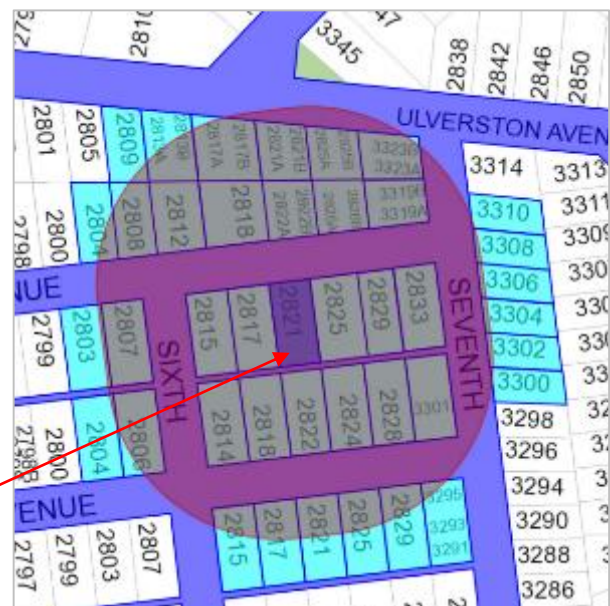
File No. 0540-20

TO: Chair and Members
FROM: Joanne Rees, Planner
SUBJECT: Development & Development Variance Permit – 2821 Windermere Avenue

OWNERS	Leon & Phebe May		
FOLIO No.:	516 00353.000	PID: 008-931-283	File No. 2020-01-DP & 2020-02-DV
LEGAL DESCRIPTION:	Lot 10, Block 25, District Lot 21, Nelson District, Plan 522C		
ZONE:	Residential One A (R-1A)		
DP PURPOSE:	Residential Infill Development Permit		
CONDITION UNDER APPLICATION	PERMITTED BY BYLAW	REQUESTED VARIANCE	
Right side setback for ADU	1.5metres (4.9feet)	1.33metres (4.36feet)	

RECOMMENDATION

- i) THAT the Advisory Planning Commission receive “Development Permit & Development Variance Permit – 2821 Windermere Avenue” report dated March 2, 2020.
- ii) THAT the Advisory Planning Commission recommends that Council approve the applications (2020-01-DP & 2020-02-DV) for Development Permit & Development Variance Permit on property described as Lot 10, Block 25, District Lot 21, Nelson District, Plan 522C (2821 Windermere Avenue) substantially in compliance with the attached draft Development Permit & Development Variance Permit.



Subject Property

SUMMARY

Applications have been received for the above noted property to permit the conversion of an existing garage into an Accessory Dwelling Unit.

BACKGROUND

The subject property is within Development Permit Area No. 6 being the “Residential Infill Development Permit Area.”

Residential infill development is intended to build density in mature residential areas located within a short walk of the downtown core. The creation of additional density may impact the privacy of adjacent landowners and the established neighbourhood character of these areas. Generally, residential neighbourhoods in the Village enjoy the privacy and aesthetic benefits of modestly scaled character homes surrounded by well-established tree cover and landscaping. New infill developments are encouraged to maintain and enhance these intrinsic characteristics.

It is the objective of the Village to guide the integration of new housing into established residential neighbourhoods and to promote quality residential environments that maintain desirable relationships to their surrounding context. It is also a Village objective to encourage new development that incorporates energy and water conservation principles as well as designs that work towards reducing greenhouse gas emissions.

Staff recommends that the proposed Accessory Dwelling Unit meets the guidelines of the DPA and recommends approval of the attached Development Permit.

The Owners wish to renovate a portion of an existing garage into an Accessory Dwelling Unit. As the building is too close to the right side property line, an application for the conversion has also been made. Given that the requested Variance is minor in nature, staff recommend approval of the Development Variance Permit as attached.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Pursuant to the requirements of the *Village of Cumberland Development Procedures and Fees Bylaw No. 1073, 2018*:

1. The applicants have placed the required sign on-site.
2. Village Staff will prepare a notice of Council consideration of a Development Permit which will be mailed to owners of adjacent properties meeting the Bylaw minimum of 10 days before the Council considers the application anticipated to be March 23, 2020.
3. Council has waived the requirement for a Neighbourhood Public Meeting.

FINANCIAL IMPLICATIONS

None

OPERATIONAL IMPLICATIONS

The review of Development Permit and Development Variance Permit applications are part of the services provided by the Planning Department.

STRATEGIC OBJECTIVE

None

ATTACHMENTS

1. Draft Development Permit
 - a) Survey Drawing
 - b) Building Elevations
 - c) Landscape Plan
 - d) Stormwater Management Plan prepared by ONSITE Engineering Ltd. dated February 25, 2020.
2. Draft Development Variance Permit
 - a) Survey Drawing

CONCURRENCE

Ken Rogers, Manager of Development Services

OPTIONS

- i) The Advisory Planning Commission recommends approval;
- ii) The Advisory Planning Commission recommends denial (must give reasons);
- iii) Any other action deemed appropriate by the Advisory Planning Commission.

Respectfully submitted,

Joanne Rees
Planner



TO: Leon & Phebe May

OF: 3125 Rachel Road, Courtenay, BC V9N 9L4

This Development Permit (2020-01-DP) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as supplemented by this Permit for the purposes of the conversion of an existing garage to an Accessory Dwelling Unit.

1. This Development Permit applies to and only to those lands within the Village of Cumberland described below:

Legal Description: Lot 10, Block 25, District Lot 21, Nelson District, Plan 522C

Folio: 516 00353.000 **PID:** 008-931-283

Civic Address: 2821 Windermere Avenue

2. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit:

Required prior to Issuance of the Permit:

a) Site Design

The siting shall be substantially in conformance with the attached Schedule A.

Required prior to Final Inspection of the Building Permit:

b) Landscaping

The landscape plan shall be implemented substantially in conformance with the attached Schedule C.

c) Accessibility

Accessibility features be integrated into the overall design concept and identified on the site plans, such as but not limited to barrier-free universal design principles and travel routes a hard, slip-resistant surface with a minimum width per the BC Building Code.

d) Building Form and Character

- i) The ADU shall be constructed substantially in compliance with the attached Schedule B and the colours will be complimentary to the primary residence which is shown on the attached drawing.
- ii) Civic addressing shall be visible from the street frontage on Windermere Avenue.

e) Lighting

- i) Exterior building lighting shall be concealed in soffits or other similar architectural features.
- ii) Neither lamp poles and luminaries used for site area lighting shall be permitted.

f) Access, Parking, & Amenity Areas

- i) The parking space shown on the attached Schedule A shall be for the exclusive use of the ADU resident. The parking space shall be surfaced with a paving treatment (including: pervious paving, cellular paving and concrete unit pavers).
- ii) Access from the parking space to the ADU shall be concrete and at least 1.2metres wide, however the clearance shall be maintained for 1.5metres for emergency services.
- iii) The required outside amenity area shall be a grade level patio as shown on the drawing Schedule A. This area shall be fenced or screened to provide privacy of use.
- iv) Parking areas for all recreational vehicles, trailers and boats, including commercial or industrial vehicles (if permitted by bylaw), shall be located behind the front face of the primary dwelling unit. "Temporary" storage or parking areas are not permitted.

g) Energy Conservation & Reduction of Greenhouse Gas Emissions

- i) The ADU shall be designed and engineered to be solar ready.
- ii) An electric vehicle plug-in shall be required.

h) Water Conservation

The Owner is encouraged to:

- i) Incorporate rainfall capture systems for irrigation where feasible;
- ii) Use native and drought-tolerant plant species suitable for the growing area in landscaping;
- iii) Not use high water use types of turf, sod and lawn.

i) Stormwater

A Stormwater Management Plan prepared by Mike Hanson, PEng of ONSITE Engineering dated February 25, 2020 is attached as Schedule D and forms part of this Permit which requires an infiltration gallery to shall be installed in accordance with the attached report.

3. Security

- a) A security in an amount equal to 120% of the cost estimate for the approved landscape plan shall be received before the Permit is granted.
- b) When the plan has been completely implemented the Owner shall request an inspection. If found to be compliant, a refund of 75% shall be made.
- c) The remaining 25% will be held back for one year at which time the Owner will request an inspection. If the plantings are to the satisfaction of the Village, the holdback will be returned to the person who paid it. If any of the plants have not survived, they shall be replaced by the Owner per the approved landscape plan, or failing this, the Village may use the holdback to replace the plants. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

4. Expiry

Subject to the terms of the Permit, if the Owner of this Development Permit does not substantially start any construction with respect to which the Permit was issued within 2 years after the date it is issued, the Permit lapses.

5. Timing and Sequencing of Development None

6. List of Reports or Plans attached as Schedules

- Schedule A Site Plan
- Schedule B Elevation Drawings
- Schedule C Landscape Plan
- Schedule D Stormwater Management Plan

7. Contaminated Sites Regulation

This Permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Owner has completed a "Site Declaration" for the subject property.

8. This Permit is not a Building Permit.

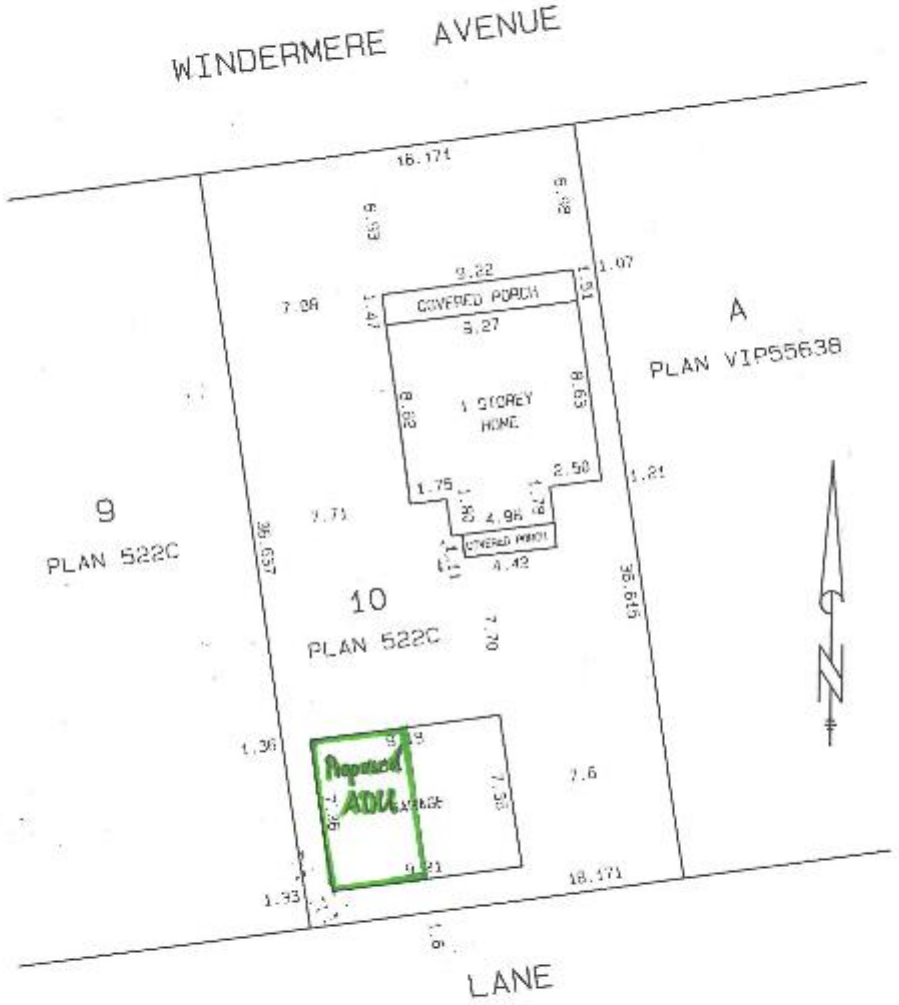
CERTIFIED as the **DEVELOPMENT PERMIT** granted by resolution of the Council of the Corporation of the Village of Cumberland on _____, 2020 and issued on _____, 2020 (*the Council issues the Permit, and senior staff shall grant the Permit when all the conditions have been met. (such as the landscaping security, etc)*)

Corporate Officer

Schedule A - Site Drawing

BRITISH COLUMBIA LAND SURVEYOR'S CERTIFICATE OF LOCATION
FOR LOT 10, BLOCK 25, D.L. 21, NELSON DISTRICT, PLAN 522C.

2821 WINDERMERE AVENUE, CUMBERLAND
SCALE 1 : 250 (METRIC)



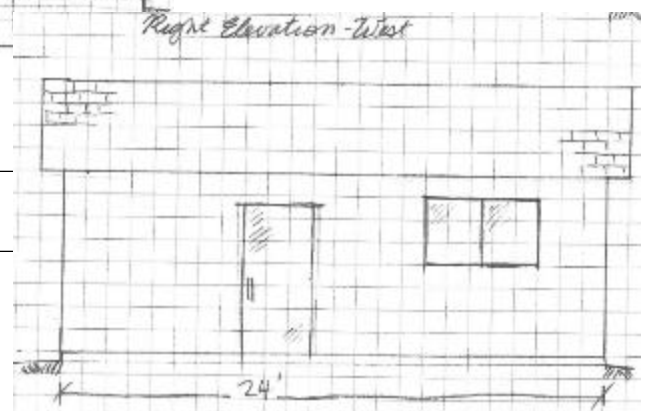
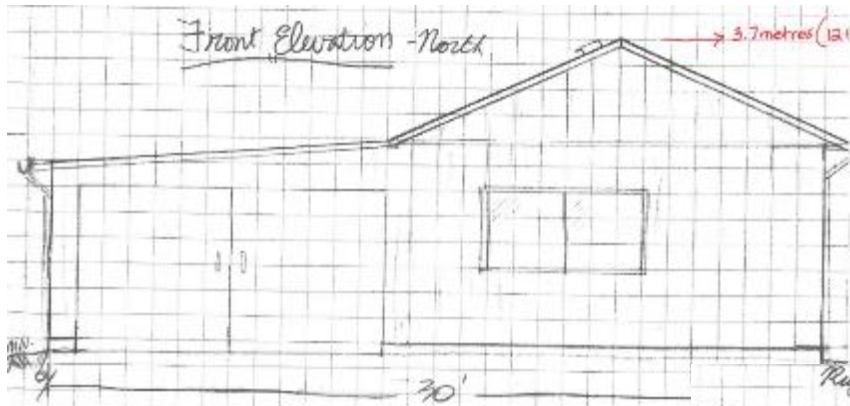
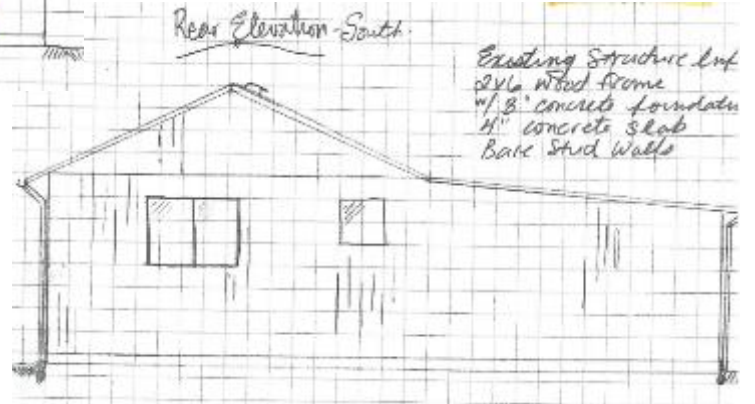
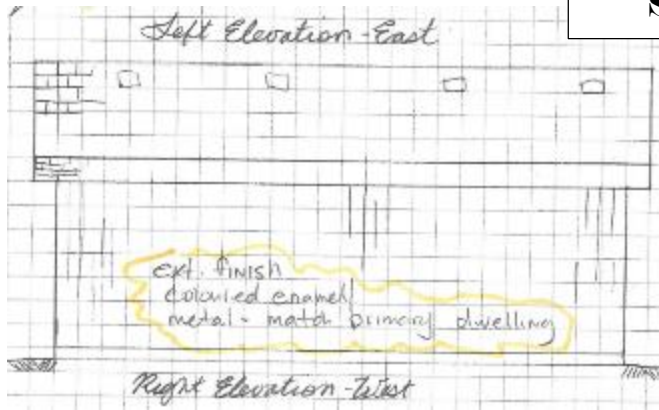
NOTES:
OFFSETS SHOWN ARE NOT TO BE USED FOR DEFINING LOT BOUNDARIES.
LOT DIMENSIONS AND OFFSET DISTANCES SHOWN COULD VARY
UPON A COMPLETE RESURVEY OF THE SUBJECT PROPERTY.

[Signature]
DECEMBER 30, 2019 B.C.L.S.

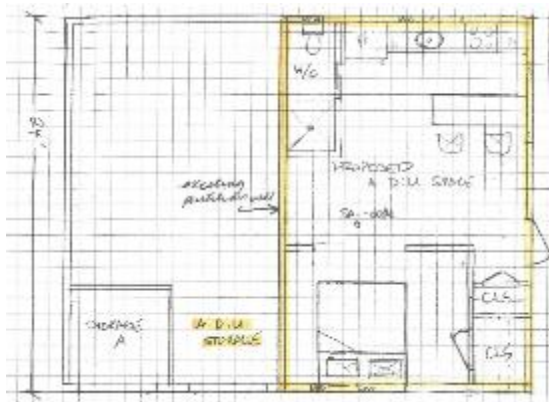
THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED

HOERBJURGER LAND SURVEYORS
COMOX, B.C. © 2019
1250 290-0130
FILE: 2019/011/169.26 FD. 62/100

Schedule B Elevation Drawings



Entrance to ADU

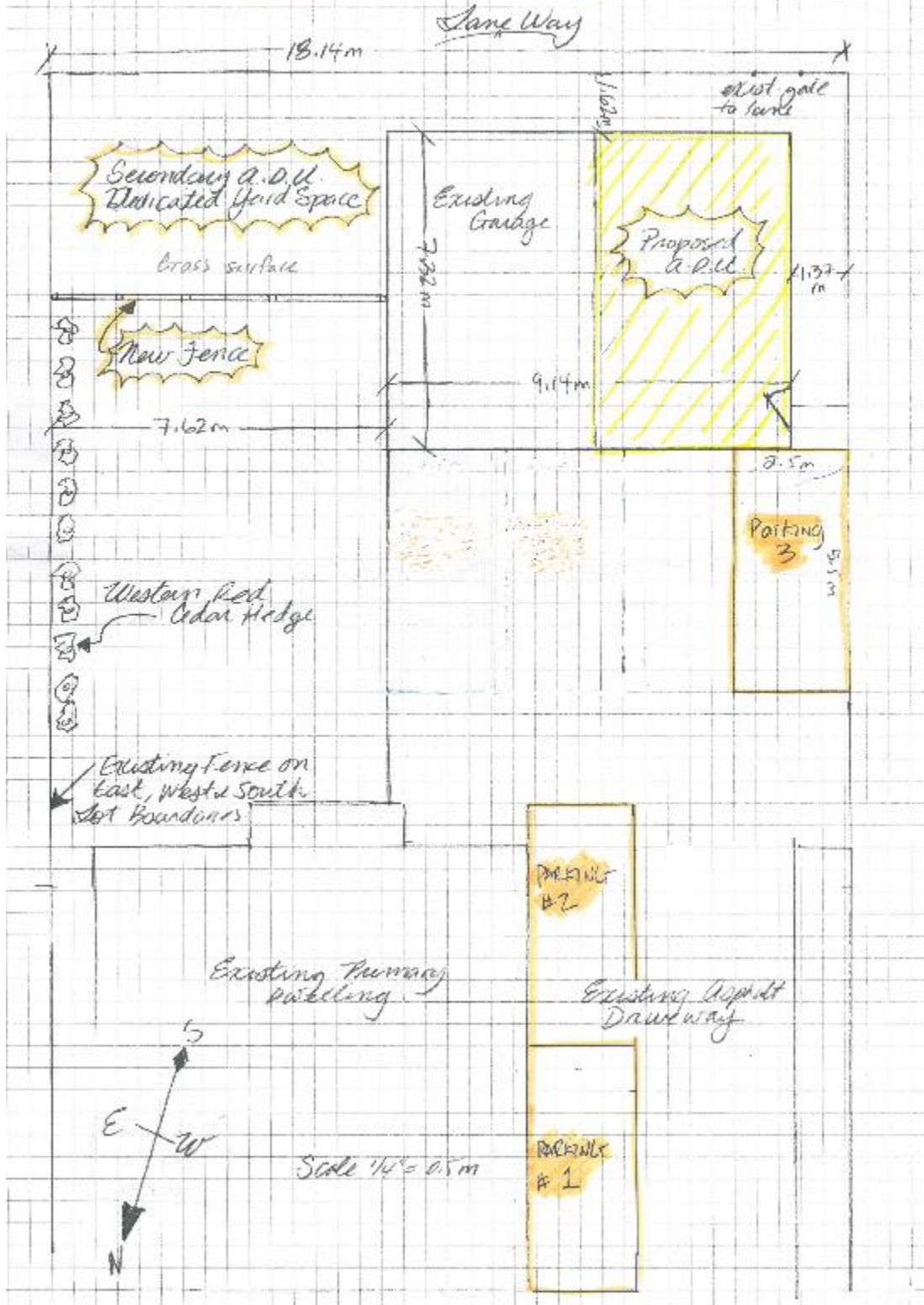


Proposed Floor Plan

Schedule C Landscape Plan

2821 Windermere Cumberland
Side and Landscape Plan
Proposed A.P.U.

Owner/Contractor
Lane Way
3125 Rachel Rd
Courtney



February 25, 2020

The Corporation of the Village of Cumberland
Development Services
2673 Dunsmuir Avenue
Cumberland, BC
V0R 1S0

Re: Stormwater Management Plan for the Proposed Development at 2821 Windermere Avenue

This Stormwater Management Plan (SMP) has been prepared for the Village of Cumberland (Village) by Onsite Engineering Ltd. (OEL) on behalf of the homeowner, Leon May, and pertains to the proposed development at 2821 Windermere Avenue which consists of converting a single story garage into an Accessory Dwelling Unit (ADU).

The purpose of the SMP is to summarize the effects of development in terms of stormwater run-off and to discuss our recommended solutions intended to minimize the effects of development while not compromising the safety of persons or property.

1. Introduction

The stormwater management design has been guided by the Village’s Bylaw No. 1024, Part C: Green Alternatives [to stormwater management] and by communication from the Village’s development department in regards to the Development Application No. 2020-01.

The Village requires that as part of the development the stormwater run-off from the roof leaders on the ADU be connected to an infiltration gallery to reduce the stress on the municipal stormwater system. The proposed development will not increase the size of the existing building, and therefore the proposed stormwater management plan will result in an overall decrease in stormwater runoff to the municipal system during most storm events. This report will present our assumptions and calculations with respect to the post-development flows, on-site detention facilities, and off-site storm infrastructure.

2. On-site Stormwater Containment

2.1 Hydrological Analysis

The Rational Method was used in the hydrological analysis since the site is less than 10 ha in size, with the Q100 being used as the design storm. Calculations for the infiltration pit are as follows:

<p>Where:</p>	$Q = \frac{CiA}{360}$
	$Q = \text{design flow } \left(\frac{m^3}{s}\right)$
	$C = \text{runoff coefficient}$
	$i = \text{rainfall intensity } \left(\frac{mm}{hr}\right)$
	$A = \text{area (ha)}$

A runoff coefficient of 0.95 for major storm events was used for the roof, and a roof area of 67 m² based on the site plans and measurements of the existing building.

Drainage from permeable surfaces was neglected in the flow calculations because the existing grading will not be altered, and is primarily covered with topsoil and landscaping, where storm water generally infiltrates. Therefore, we assumed that if any overland flows occur from these areas, these flows will appear after the larger flows are already discharged.

Rainfall intensity for the Q100 design flow was derived from the City of Courtenay IDF curve, which results in a rainfall intensity = 82.0 mm/hr for a 10 minute time of concentration.

Using the above criteria, a Q100 design flow of 0.32 m³/s was determined for the infiltration pit.

2.2 Infiltration Pit Sizing

The infiltration pit size is a function both of the rate of the storm flow entering the pit (inflow rate) and the rate of the storm water infiltrating the surrounding soils (outflow rate). The total pit volume is the sum of the stormwater volume and volume of the drain rock, assuming a 33% void ratio in the drain rock.

The permeability of the underlying soils has been estimated based on discussions with the client and their experience with soil conditions at the property. The assumed soil type will be confirmed on site following excavations for the pit, prior to placing the drain rock. If necessary, the size of the pit will be revised following confirmation of the soil type.

Runoff input					
Q = CIA = (0.95) * (82.0mm/hr) * (67m²)					
Q (m ³ /s)	Coefficient (C)	Design Intensity (I) (mm/hr)	Impermeable Area (A) (m ²)		Input during 10min storm (m ³)
1.45E-03	0.95	82	67		0.87

Drainage out of Pit					
Q = AKi = (effective area of pit)*(k)*(1.0)					
Q (m ³ /s)	A (m ²)	K (m/s)		i	Output during 10min storm (m ³)
2.63E-05	5.25	5.00E-06		1	0.0158

Pit Sizing					
Length (m)		2			Use bottom of pit (Y/N)?
Width (m)		1.5			
Effective Depth (m)		1.5			
Storage Capacity (m ³)		1.50	(with drain rock, 33% voids)		N
					(Bottom is only to be used when the pit is in fine-grained soils)

Required Storage Volume (m ³)	0.85
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Figure 1 - Infiltration Pit Sizing

As shown above, this site requires an infiltration pit that is 3.4 m³ in volume, and 1.5 m deep. The most suitable location for this pit has been determined to be in the southeast corner of the property, which is at least 3.0 m away from the two buildings and existing trees. The pit and drain pipes will be covered by at least 150 mm of soil.

The roof leaders on the ADU will drain into a 9" square catch basin, complete with a debris screen and sediment filter, which will prevent debris from accumulating in the infiltration pit. The catch basins will be connected to the infiltration pit with a 150 mm \varnothing solid PVC pipe at a 1.0% grade and enter the pit at the upper elevation of the pit. The infiltration pit will consist of clean drain rock, wrapped in nonwoven geotextile fabric. A 150 mm \varnothing solid PVC overflow pipe will be installed at the same elevation as the inlet and run along the east side of the property, connecting into the municipal stormwater main on Windermere Avenue.

We have confirmed the invert elevations of the Village's stormwater pipes at the catch basin at the North side of the property on Windermere Avenue are at an appropriate elevation to allow for positive drainage in the overflow pipe.

2.3 Grading

The site has a consistent slope of approximately 2% from west to east across the property. The existing site grading will remain unaltered and is currently functioning adequately to direct water away from the two buildings, and is not adversely impacting the neighbouring properties.

3.0 Erosion and Sediment Control Measures During Construction

Disturbance of the existing soil and vegetation that may result in erosion and sediment in stormwater runoff will be limited to the excavations required for implementing this SMP. No additional excavations are proposed as part of this project. The contractor will be advised to follow best management practices regarding erosion and sediment control during construction, which at a minimum must generally include:

- Plan excavations during periods of dry weather as best possible
- Limit duration of open excavations
- Cover stockpiled materials during periods of wet weather
- Install sediment containment measures around the catch basin at the front of the property
- Reinststate vegetation as soon as possible

4.0 Closure

This SWP has been prepared in accordance with generally accepted engineering for the area. We trust that this report satisfies your present requirements. Should you have any questions or comments, please contact our office at your convenience. If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

ONSITE ENGINEERING LTD.

Prepared by:

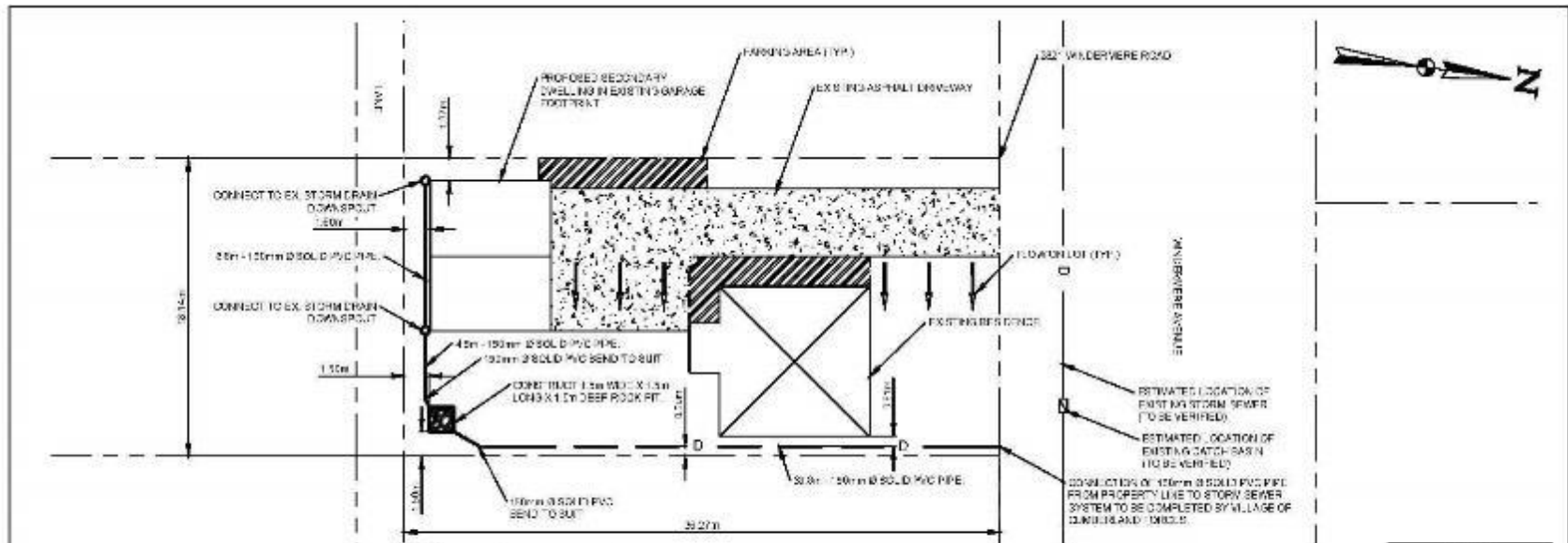
A circular blue ink stamp for a Professional Engineer in the Province of British Columbia. The stamp contains the text: "PROFESSIONAL ENGINEER", "PROVINCE OF BRITISH COLUMBIA", "M. J. HANSON", and "# 45145". A handwritten signature in black ink is written over the stamp, and the date "025, 2020" is written in black ink at the bottom right of the stamp.

Mike Hanson, P.Eng.
Project Engineer

Reviewed by:

A handwritten signature in blue ink that reads "Joel McAllister".

Joel McAllister, P.Eng.
Project Manager



- NOTES:**
1. MAPTING DATA PROVIDED BY CLIENT.
 2. 2016 ORTHOPHOTO RETRIEVED FROM THE COXWAL VALLEY REGIONAL DISTRICT WEB MAP, WAIVE DEVIATION DUE TO ORTHOPHOTO PARALLAX.
 3. PROPOSED BEHIVE LAYOUT BASED ON DRAWING PROVIDED BY CLIENT.
 4. ROCK PIT TO BE CONCRETE (WAS USED TO DRAIN ROCK GRAVEL ON TOP AND SIDES IN MIDDLE) ON APPROXIMATE EQUIVALENT WORKMAN GRADE EXTENDED WITH MINIMUM 10% ON BLAT.
 5. ON SITE STORM WATER AND ANY DRAINAGE COLLECTED BY THE PERIMETER DRAINS OF THE RESIDENCES ARE TO BE DIRECTED TO THE ROCK PIT BY BURIED DRAIN PIPES CONNECTED TO EXISTING STORM DRAIN NETWORK TO GRADE AND CONNECTED TO THE ROCK PIT.
 6. ROCK PIT DRAIN PIPES TO BE 40mm Ø SOLID PVC SEND TO SUIT TO TAKE MINIMUM COVER OF 0.15m BASED ON LOCAL CLIMATE AND AS EX INDICATED 1.50m INVERT. INFORMATION PROVIDED BY CLIENT A PIPE GRADE OF 1.0% SHOULD BE USED. PIPE GRADE SHOULD BE VERIFIED BY THE CONTRACTOR PRIOR TO INSTALLATION.

CAUTION:
DRAWING COULD BE DISTORTED WITH PRINTING.
SHOULD BE PRINTED ON 11x17" PAPER.



PREPARED FOR: LEON MAY	PREPARED BY: ONSITE ENGINEERING LTD. COURTENAY #102 327 5TH STREET COURTENAY, BC, V9N 1J4 PH: 778 647 5943 FAX: 250 235 6943
STORMWATER MANAGEMENT PLAN FOR: 221 WINDERMERE AVENUE, CUMBERLAND, BC	
DWG No: 1971-1 DRAINAGE PLAN - 001	SHEET: 1 OF 1
DESIGN BY: MICHAEL HANSON, P.ENG DESIGN DATE: FEBRUARY 18 2020 REVIEWED BY: JEREMY ARAKI, P.ENG DRAWN BY: ANDREW KRAUS SITE VISIT: ONSITE ENGINEERING LTD. REVISION DATE: FEBRUARY 11, 2021 FILE NAME: 1971-1 DRAINAGE PLAN.DWG SCALE: AS NOTED REVISION NUMBER: REVISION DATE: ALL MEASUREMENTS IN M UNLESS OTHERWISE NOTED.	SEAL OF P.E. P.E. ENG M. J. HANSON #45145 REGISTERED PROFESSIONAL ENGINEER



TO: Leon & Phebe May

OF: 3125 Rachel Road, Courtenay, BC V9N 9L4

This Development Variance Permit (2020-02-DV) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as specifically varied or supplemented by this Permit for the purposes of conversion of part of an accessory building into an Accessory Dwelling Unit.

1. This Development Variance Permit applies to and only to those lands within the Village of Cumberland described below, and any and all buildings, structures and other development thereon:

Legal Description: Lot 10, Block 25, District Lot 21, Nelson District, Plan 522C

Folio: 516 00353.000 **PID:** 008-931-283

Civic Address: 2821 Windermere Avenue

2. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit:

Section 7.1.7 The right side setback for accessory buildings and structures is varied to as close as 1.33metres (4.36feet) as shown on the shown on the survey drawing prepared by Steve Hoerbarger, BCLS dated December 19, 2019.

3. **Security**

None

4. **Expiry**

Subject to the terms of the Permit, if the Applicant of this Development Variance Permit does not substantially start any construction with respect to which the Permit was issued within 2 years after the date it is issued, the Permit lapses.

5. **Timing and Sequencing of Development**

None

6. **List of Reports or Plans attached as Schedules**

Schedule A – Survey Drawing

7. **Contaminated Sites Regulation**

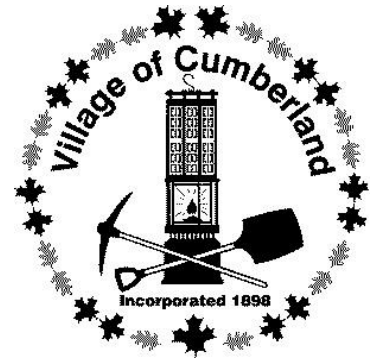
This Permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Applicant has completed a "Site Declaration" for the subject property.

8. This Permit is **not** a Building Permit.

CERTIFIED as the DEVELOPMENT VARIANCE PERMIT approved and issued by resolution of the Council of the Corporation of the Village of Cumberland on _____, 2020.

Corporate Officer

APC REPORT



REPORT DATE: March 4, 2020

MEETING DATE: April 16, 2020

File No. 0540-20

TO: Chair and Members

FROM: Karin Albert, Senior Planner

SUBJECT: Zoning Bylaw Amendment
to Permit Rooftop Beekeeping in the VCMU-1 Zone

RECOMMENDATION

1. THAT the Advisory Planning Commission receive the 'Zoning Bylaw Amendment to Permit Rooftop Beekeeping in the VCMU-1 Zone' report dated March 4, 2020.
2. THAT the Advisory Planning Commission recommend that Zoning Bylaw No. 1027, 2016 be amended to permit keeping two bee hives and two nucs on the rooftops in the VCMU-1 zone, permit keeping two nucs in addition to the permitted bee hives as part of the 'urban agriculture' use, and add beekeeping to the definition of 'agricultural use'.

SUMMARY

At their February 11, 2019 meeting Council received a delegation by Iain Glass and Wendy Gilson of Ethical Bees with a request to permit rooftop bee keeping in the Village's commercial core in the VCMU-1 zone. Council directed staff to explore this request as part of reviewing the Village Zoning Bylaw for needed updates.

Based on research into practices in other municipalities and further discussions with Wendy Gilson, staff recommends to permit keeping two hives on the rooftops in the VCMU-1 zone as part of the market garden use. In order to facilitate splits of beehives in the spring, staff also recommend to permit keeping two nucs in addition to two hives in all zones where beekeeping is permitted.

In addition, staff recommend to add 'beekeeping' to the definition of agricultural use in the Zoning Bylaw for clarity.

BACKGROUND

During their presentation at the February 11, 2019 Council meeting, Mr. Glass and Ms. Gilson provided an overview of their Ethical Bees Program which breeds local queen bees with the goal of developing bees that are resistant to some of the diseases and pests affecting honey

bees. The delegates requested that they be permitted to keep bees on the rooftops in the commercial area of downtown Cumberland.

At their February 25, 2019 meeting, Council passed the following resolution:

THAT Council direct staff to explore amending the Zoning Bylaw to permit beekeeping in the VMUC-1 zone as part of the Zoning Bylaw Review currently underway.

Following the meeting, planning staff obtained additional information from Mr. Glass and Ms. Gilson on their proposal and learned that they wished to raise queen bees on the Riders Pizza rooftop in up to 80 nucs (mini-hives).

Since this scenario is not contemplated in the Zoning Bylaw which only permits the keeping of two hives in some zones, staff researched other municipalities' bylaws on bees and spoke to provincial apiculture staff to understand the process to raise queen bees to ensure that the use is compatible with other Village core commercial uses.

During a discussion on January 17, 2020, Ms. Gilson informed the Village that Ethical Bees wishes to revise their request to the Village to permit only two hives on rooftops in the VCMU-1 zone. However, Ms. Gilson advised that they may wish to explore the initial request with the Village in the future. Therefore, this report outlines and discusses the earlier request as well as the more recent one.

Beekeeping Regulations in Zoning Bylaw 1027, 2016

The Village of Cumberland Zoning Bylaw currently permits small scale or hobby beekeeping for domestic purposes, that is, two hives with colonies, on all lots allowing urban agriculture. The R-1, R-1A, R-2, R-3, R-4, and RU-1 zones permit urban agriculture and, therefore, two hives. Section 4.13 on urban agriculture in the Zoning Bylaw outlines regulations affecting domestic beekeeping:

- The use is not to generate pedestrian, vehicular traffic or parking in excess of what is characteristic of the zone;
- Lots have to meet minimum lot width (15.0metres) and minimum lot area (550square metres);
- A solid fence or dense hedge that serves as a flyway barrier at least 1.8 metres in height places along the side of the hive that contains the entrance;
- Hives need to be at least 6.0metres from any neighbouring house, sidewalk, streets or public areas;
- Only two hives with colonies are permitted on each lot;
- Hives are to be securely located to prevent accidental disturbance;
- Hives shall be equipped with adequate ventilation and near a water source;
- Honey production is for personal consumption only.
- Beekeeping is not permitted in multi-family residential areas, commercial or industrial areas.

While the definition of agricultural use in the Zoning Bylaw is not entirely clear, beekeeping without the above restrictions may be permitted in zones within the Village where agricultural use is permitted, in the FGS – Forest Stewardship Greenway and in the WF – Working Forest zones. Beekeeping is also permitted in the Agricultural Land Reserve (ALR). The closest lots in

the ALR are located outside of the Village boundaries off Minto Road and off the lower part of Royston Road.

The VCMU-1 Village Core Commercial Mixed Use zone does not permit urban agriculture but permits market gardens. However, the latter use does not include beekeeping.

Ethical Bees’ Initial Proposal to Raise Queen Bees in up to 80 Nucs

In discussions and emails with Ms. Gilson, staff learned that Ethical Bees initially wished to keep not only two hives on the rooftops in the VCMU-1 zone, but were proposing a use that is not currently included under the definition of urban agriculture use; namely, breeding queen bees in a nucs (mini-hives). Following is Ethical Bees’ initial proposal:

- The intended use is to breed queen bees as opposed to producing honey. The project is part of a Vancouver Island-wide initiative to breed bees that are resistant to some of the common bee diseases. The project has completed its third year.
- The preferred rooftop is that of Riders Pizza. However, other businesses have also expressed an interest to host nucs.
- The mini mating nucs are significantly smaller than a regular hive as per the photos to the right.
- Swarming in the spring is generally not a concern since the colonies are very tiny.
- Ethical Bees is planning to put ten pallets on the roof of Riders Pizza. Six to eight nucs fit on a pallet for a total of 60 to 80 nucs.
- It is difficult to calculate the amount of bee poop that may occur. In the best case scenario, there will be none or very little. The amount of bee poop over the sidewalks depends on the flying direction of the bees which can be adjusted.
- The average weight of a nuc full of bees is 4 lbs. Ethical Bees will confirm with the building owners the carrying capacity of their roof.
- The beekeepers intend to use a ladder to access roof tops using normal safety precautions. The ladder will only be present when the beekeepers are accessing the roof.
- Roof access is required about once or twice a week for approximately three hours.



Figures from top to bottom: Stacked nucs, an open nuc, nucs and hives in transport.

- Ethical bees has liability insurance through the BC Honey Producers Association which protects landowners and the beekeeper regardless of where colonies are placed.
- Ethical bees will be providing the bees with water and securing them from the wind.
- The two boxes currently on the rooftop of Rider's Pizza are empty and for illustrative purposes.
- The Ethical Bees project has several locations and includes hundreds of hives, including many commercial apiaries. The project's goal is to develop stronger bees that have an increased resistance to viruses and parasites.

Ethical Bees' Current Proposal to Keep Two Hives

Since the above initial proposal, as per a January 17, 2020 phone conversation, Ethical Bees has changed their request to the Village to permit the keeping of two hives (colonies) on rooftops in the VCMU-1 zone. The latter corresponds to what is permitted in the Zoning Bylaw in the R-1, R-1A, R-2, R-3, R-4, and RU-1 zones as part of the urban agriculture use.

Beekeeping in Commercial Areas in other Municipalities

Through the review of other jurisdictions and their zoning bylaws, urban beekeeping, or animal control bylaws, staff found that most bylaws focus on hobby beekeeping and regulate the number of hives on a property (typically dependent on lot size), placement (distance to the lot line) and require a protective flyway barrier (location close to a hedge or fence or other flyway barrier).

Staff did not find examples of bylaws in small municipalities that permit the keeping of nucs on rooftops in commercial areas. This may not be due to a lack of interest or support by small municipalities but may be due to not having received a request for such a use. Rooftop beekeeping is more common in large municipalities such as Vancouver, Burnaby and Calgary. This could be due to the limited availability of land and/or distance from agricultural areas where bees can be kept in larger urban areas.

The City of Vancouver is currently reviewing both its Urban Farm Guidelines, which regulate urban farming including beekeeping, and its Urban Honey Beekeeping bylaw. Neither the guidelines nor the beekeeping bylaw currently permit the sale of honey or other hive products. The City is reviewing whether to permit commercial sales to support the commercial beekeeping sector.

The Urban Farm Guidelines restrict the size of urban farms and income. This is to prevent urban farms from achieving a size and income threshold necessary to receive farm status and, therefore, have the property benefit from lower property taxes, effectively shifting the tax burden to other commercial and residential properties. Under Vancouver's proposed new Urban Farm Guidelines, if honey and hive products are permitted to be produced for sale on urban farms, commercial beekeepers would be subject to the same thresholds to prevent them from receiving farm status.

The other reason to prevent urban agriculture in commercial areas from receiving farm status is that they would then be protected by the provincial *Farm Protection (Right to Farm) Act*. This Act protects normal farm practices which may produce odours, noise, dust or other nuisances and trumps municipal nuisance and noise bylaws that adjacent businesses would normally have access to if a neighbouring use negatively affects their business. In the case of beekeeping, nuisances are not expected to be an issue, especially if bees are only permitted to be kept on rooftops.

Impact of Possible Farm Status of Commercial Beekeeping for Cumberland

Staff reviewed the possibility of a commercial property in Cumberland receiving farm status if queen breeding in up to 80 nucs was permitted on a rooftop and those nucs were sold to generate a farm income. BC Assessment Authority staff confirmed that it may be possible for a commercial property to receive farm status; however, a minimum of \$10,000 in income would have to be generated from the agricultural product. The farm class status would only be applied to the area of land used for the agricultural use. Therefore, if six or eight pallets with nucs take up approximately 90metres² but the property is 900metres² in size, only approximately 1/10 of the *land* value may benefit from the lower farm class property tax. The commercial building below the rooftop beekeeping operation would be taxed at the commercial rate.

A reduction in the property tax on one property shifts the tax burden to other properties. If farm status was to be sought by Ethical Bees, due to the small footprint of a queen breeding agricultural use, the tax shift would likely be fairly small. Nonetheless, Cumberland could follow the Vancouver example if it was to permit more intensive rooftop beekeeping in the commercial zone and establish a threshold for the maximum sales that can be generated from an urban farm.

The above is not an issue if only two hives are permitted on the rooftops in the VCMU-1 zone, as per the more recent request.

Drawbacks and Advantages of Keeping Bees on Rooftops in the VCMU-1 zone

From the beekeeper's perspective, one important advantage of keeping bees on rooftops is that the bees would be save from predation by bears. When keeping bees in backyards, beekeepers either need to count on their luck or a high voltage electric fence to keep out bears.

Another advantage of keeping bees on a rooftop is that their flight paths are above where people walk and therefore separation distances to neighbouring houses, sidewalks, streets and public areas are not a concern. Consequently, a flyway barrier is not required.

Further, keeping bees in urban areas where the use of pesticides is prohibited, reduces bees' contacts with pesticides when foraging and increases their chance of survival.

Finally, urban areas where people keep and water their flower gardens tend to provide forage to bees throughout the pollen and nectar gathering season.

Drawbacks of keeping bees on rooftops in the VCMU-1 zone is that the beekeeper will need access to the rooftop. This access should be obtained from within the property, not the adjacent sidewalk or other public area in order to reduce conflict with the public. There is also

the possibility of some bee poop on vehicles parked close to the rooftop that is hosting the hives. With just two hives, this should be minimal, especially since vehicle along Dunsmuir are moved frequently.

Evaluation of the two Proposals and Staff Recommendations

Raising queens in up to 80 nucs requires more intensive management by the beekeeper than keeping just two hives. If Ethical Bees wishes to request being permitted to raise queen bees in up to 80 nucs (and potentially sell the nucs to other beekeepers in the future), staff recommend that Ethical Bees apply for a temporary use permit for up to three years to test out this new use to ensure compatibility with other uses in the Village Core.

The keeping of two hives on the rooftop is expected to have a fairly low impact on the public and commercial businesses on Dunsmuir Street. There are currently approximately 21 buildings with flat, or areas of flat roofs along Dunsmuir Avenue. Ms. Gilson has confirmed that two other businesses have expressed interest to have bee hives on their rooftops.

Because of the limited impact of rooftop beekeeping, staff recommend to amend the zoning bylaw to allow this use in the VCMU-1 zone.

The VCMU-1 zone permits 'market garden' but not 'urban agriculture'. Only the latter includes beekeeping. Since urban agriculture also permits keeping of backyard hens which is not desirable in a commercial area, staff do not recommend to extend 'urban agriculture' as a permitted use to the VCMU-1 zone. Instead, staff recommend amending the market garden regulations, section 4.14 of the Zoning Bylaw, to permit the keeping of two hives on rooftops in the VCMU-1 zone only. Specific beekeeping regulations would be included in the market garden use that are relevant for rooftop beekeeping.

In order to avoid bees affecting public use (e.g. avoidance by people with allergies to bee stings), staff do not recommend the keeping of hives on the ground in the VCMU-1 zone where the flight path may cross sidewalks and other public areas.

Broadening the Zoning Bylaw Permissions Regarding Beekeeping

Swarming is a natural bee behaviour and, without intervention of the beekeeper, happens every spring when about half the colony leaves the hives with the old queen while the remaining hive attends to a new queen.

In order to avoid swarming and losing half their colonies, beekeepers intervene to split their hives into two each spring to imitate swarming behaviour without having the hive actually swarm.

The restriction to two hives in the Village of Cumberland Zoning Bylaw does not permit for this expansion of hives which is essential to beekeeping. In their review of other municipalities' bylaws, staff found that many permit the keeping of two hives and two nucs. The nucs can temporarily accommodate the split hive which the beekeeper can eventually pass on to someone else or may overwinter and allow to grow into a new colony in the event that one of the existing hives do not survive the winter. In order to permit for this, staff recommend permitting the keeping of two hives and two nucs in the residential zones where beekeeping is permitted. Staff recommend to extend this permission to the VCMU-1 zone as well.

The Zoning Bylaw currently does not specifically permit beekeeping in zones where agricultural use is permitted, that is in the FGS – Forest Stewardship Greenway and in the WF – Working Forest zones. For clarity, staff recommend amending the definition in the Zoning Bylaw for agricultural use to list beekeeping as an agricultural use. Beekeeping in those zones would not be regulated any further other than through the provincial *Animal Health Act – Bee Regulation*.

FINANCIAL IMPLICATIONS

None, since this proposed zoning bylaw amendment would be processed at the same time as the housekeeping amendments recently presented to Council.

OPERATIONAL IMPLICATIONS

Long range planning, including Zoning Bylaw housekeeping updates, are part of the regular services provided by the Development Services Department.

STRATEGIC OBJECTIVE

Strategic Priority 2: Comprehensive Community Planning

- Update the Zoning Bylaw

ATTACHMENTS

Draft Zoning Amendment Bylaw

CONCURRENCE

Ken Rogers, Manager of Development Services

OPTIONS

1. Recommend that Zoning Bylaw No. 1027, 2016 be amended to permit keeping two bee hives and two nucs on the rooftops in the VCMU-1 zone, permit keeping two nucs in addition to the permitted bee hives as part of the 'urban agriculture' use, and add beekeeping to the definition of 'agricultural use'.
2. Recommend against the proposed amendments to Zoning Bylaw No. 1027, 2016 (must give reasons).
3. Recommend changes to the proposed amendments to Zoning Bylaw No. 1027, 2016 (must give reasons).
4. Any other recommendation deemed appropriate by the APC.

Respectfully submitted,

Karin Albert
Senior Planner

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. XXXX

A Bylaw to amend Zoning Bylaw No. 1027, 2016

The Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts as follows:

1. This Bylaw shall be cited as “Zoning Amendment Bylaw No. XXXX, 2020”.

Zoning Amendments

2. The Zoning Bylaw No. 1027, 2016 is amended in Part 2, Section 2.2 by **adding** “beekeeping” after “horticulture” in the definition of Agricultural Use.
3. The Zoning Bylaw No. 1027, 2016 is amended in Section 4.13 (e)(vii) by **adding** “and two nucs” after “only two hives with colonies”.
4. The Zoning Bylaw No. 1027, 2016 is amended in Section 4.14 by **adding**
 - b) Rooftop beekeeping is permitted in the VCMU-1 zone as part of the *market gardens* use provided that:
 - i) *honey bees* are kept on the rooftop only;
 - ii) the *hives* are not located on rooftops that have an adjacent building with windows facing the rooftop;
 - iii) the *hives* shall be located at least 6.0metres (19.6feet) from any neighbouring building, regardless of where the windows face;
 - iv) *honey bees* shall be housed in *hives*;
 - v) *hives* shall be registered with the Provincial authority, BC Ministry of Agriculture and Lands (BCMAL) [*for additional information contact the Provincial Apiculturist Apiary Inspector*];
 - vi) only two *hives* with colonies and two nucs shall be permitted on each *lot*;
 - vii) *hives* shall be equipped with adequate ventilation and near a water source.

and changing the lettering of the following sections accordingly.

5. The Zoning Bylaw No. 1027, 2016 is amended in Section 4.14 (c) by **adding** “honey and other honey bee products” following “On site sales of”.

Severability

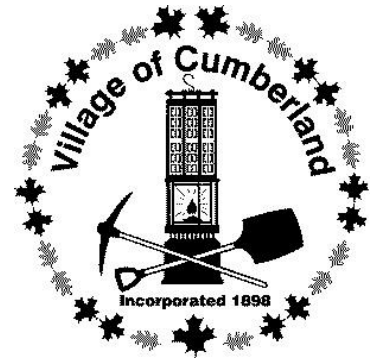
6. If any section or subsection of this bylaw is found to be invalid by a court of competent jurisdiction, the section or subsection may be severed from the Bylaw without affecting the validity of the remainder of the bylaw.

READ A FIRST TIME THIS	DAY OF	2020.
READ A SECOND TIME THIS	DAY OF	2020.
PUBLIC HEARING HELD THIS	DAY OF	2020.
ADOPTED THIS	DAY OF	2020.

Mayor

Corporate Officer

APC REPORT



REPORT DATE: March 4, 2020

MEETING DATE: April 16, 2020

File No. 0540-20

TO: Chair and Members

FROM: Karin Albert, Senior Planner

SUBJECT: Zoning Bylaw amendment to prohibit water bottling

RECOMMENDATION

- 1) THAT the Advisory Planning Commission receive the “Zoning Bylaw Amendment to Prohibit Water Bottling” report, dated March 4, 2020.
- 2) THAT Advisory Planning Commission recommend that Zoning Bylaw No. 1027, 2016 be amended to prohibit water and beverage bottling in all zones except where the source is the municipal water supply supplied directly to the property on which the bottling is taking place.

SUMMARY

At the November 26, 2018 regular council meeting, Council passed the following resolution:

THAT Council direct staff to bring forward an amendment to Zoning Bylaw No. 1027, 2014 to not allow bottling of groundwater in all zones.

Since that time, the Town of Comox and the City of Courtenay have amended their zoning bylaws to prohibit water bottling in all zones except where the source of the water is the municipal water supply. The Comox Valley Regional District’s zoning bylaw prohibits water and beverage bottling facility as a use in all zones.

Staff recommend prohibiting water and beverage bottling in all zones except where the source is the municipal water supply. This would require property owners who wish to establish a water or beverage bottling facility to apply for a zoning bylaw amendment and allow Council to review each application on its own merit.

BACKGROUND

Merville Water Guardians Request to Ban Water Bottling

At the September 4, 2018 Council meeting, Bruce Gibbons of the Merville Water Guardians presented to Council on a proposed water bottling plant in Merville. At that time, the Province had approved a groundwater licence for a resident of Merville to extract up to 10,000 litres of

water per day from the aquifer, bottle and sell that water. The applicant received approval for the licence in November of 2017. However, since the Comox Valley Regional District (CVRD) Zoning Bylaw did not permit for water bottling in the RU-8 Rural Residential Zone covering the applicant's property, he was required to apply for a rezoning. The proposed rezoning received strong opposition by neighbours, the farming community, and the K'omoks First Nation and was denied by the CVRD. During this process, Mr. Gibbons formed the Merville Water Guardians to oppose the water licence issued by the province and to petition for reforms to the provincial *Water Sustainability Act* to protect groundwater aquifers in BC.

The Merville Guardians state that there is not enough information known about the extent and capacity of aquifers to risk bottling and selling water from aquifers. Mr. Gibbons requested that Cumberland Council prohibit water bottling in its Zoning Bylaw to protect local aquifers for residents and farmers today and in the future.

The Zoning Bylaw and Water Bottling

A zoning bylaw cannot restrict or prohibit the extraction of groundwater. The management of groundwater, including monitoring groundwater quality and quantity and groundwater extraction, is under the jurisdiction of the Province and regulated by the *Water Sustainability Act* and the *Groundwater Protection Regulation*.

However, zoning bylaws govern how land may be used and can prohibit a use in a zone or in all zones. Water bottling or water bottling facility is a use and therefore can be regulated through zoning. It is important to note that if water bottling is not permitted as a use in the Zoning Bylaw, water can still be extracted under a water licence issued by the Province and could be trucked off-site for bottling.

The Village of Cumberland's zoning bylaw has a definition for 'renewable resource processing' that includes processing, storage and wholesaling of water and also includes water bottling plants. Renewable resource processing is a permitted use in the I-2 Heavy Industrial zone.

In addition, the definition for light industrial use in the Zoning Bylaw includes 'manufacturing' and 'wholesale'. The definition for heavy industrial use includes 'manufacturing'. According to the North American Industry Classification System (NAICS) of Canada bottled water falls under either code 312 (manufacturing) for purified or treated, and 413 (wholesale) for untreated water.

Manufacturing and wholesale are permitted principal uses in the I-1 – Light Industrial Zone.

The I-2 – Heavy Industrial zone only permits manufacturing but, as identified above, also permits renewable resource processing. Consequently, both the I-1 and I-2 zones permit bottling of purified, treated and untreated water.

Given that beverages, such as soft drinks, iced tea, kombucha, cider and beer have water as the main ingredient and are included under the NAICS definitions for manufacturing and/or wholesale, the bottling of beverages would need to be explicitly prohibited in all zones if the intent is also to prohibit that type of value-added industrial use.

Official Community Plan Policy

Cumberland's Official Community Plan lists the following environmental preservation policies under 7.1.3:

- 8) Recognize the headwaters and associated wetlands of each of the following watersheds as Development Permit Areas:
 - a) Comox Lake;
 - b) First Supply Creek;
 - c) Morrison Creek;
 - d) Piercy Creek;
 - e) Millard Creek;
 - f) Roy Creek;
 - g) Trent River;
 - h) Maple Lake and Creek, and
 - i) Perseverance Creek.
- 9) Special consideration is given to Comox Lake as the source waters for the Comox Valley Regional district water supply system intake in the upper Puntledge River.
- 10) The Village supports integrated watershed planning to protect the Village's five drinking water reservoirs, as well as groundwater protection.

The Official Community Plan also lists a number of relevant economic development policies under section 6.1.3.:

- 7) Develop new opportunities for light and medium industry, including value added manufacturing activities including federally licensed medical marijuana production facilities.
- 8) Encourage industrial activities that are non-polluting that support the local economy and provide local employment
- 9) Ensure industrial uses permitted in the Village do not adversely affect the natural environment, the community's unique character or the peaceful enjoyment of neighbouring properties.

The above Official Community Plan policies include protection of the Morrison Creek headwaters, the watershed that is fed by an aquifer underlying the Bevan industrial lands, and the protection of groundwater resources in general. While the economic development policies support new opportunities for light and medium industry, including value added manufacturing (which would include bottling of beverages), the policies also state that industrial uses should not adversely affect the natural environment.

Unless other agencies have completed studies that are available to the Village, it would be difficult for the Village to ascertain whether groundwater extraction for the purpose of water or beverage bottling negatively affects water quantity or quality in an aquifer. To deal with uncertainty when it comes to the management of environmental resources, environmental best practices suggest to apply the precautionary principle. In this case, that would mean prohibiting bottling of groundwater unless proven that it does not, over time, overdraw the aquifer.

Water Bottling Regulations in Comox, Courtenay and the Comox Valley

The Town of Comox and the City of Courtenay amended their zoning bylaws in 2019 to prohibit water bottling in all zones where the source of the water is other than the municipal water supply. The Comox and Courtenay zoning bylaws do not speak to the bottling of beverages where water is the main ingredient.

The Comox Valley Regional District's zoning bylaw prohibits water and beverage bottling facility as a use in all zones.

Cumberland's Industrial Two (I-2) zone which, as discussed, currently permits water bottling, is located within the Bevan industrial lands, along Cumberland Road and at the east end of Ulverston Avenue. The other zone that permits water bottling, the Industrial One (I-1) zone, is located at the east end of Ulverston Avenue and between Grant and Royston Road. Of those areas, the I-2 zone covering the Bevan industrial lands is the only area where there is no municipal water supply. In the other areas, bottling plants would have the option of purifying municipal water for the purpose of bottling it or making other beverages.

Prohibiting the bottling of water that does not originate from the municipal water supply would apply the precautionary principle to the protection of the aquifer below the Bevan industrial area as well as below other areas within the Village. It would also be in support of OCP policy which recognizes the sensitivity of the Morrison Creek headwaters which are fed by the aquifer underlying the Bevan industrial lands.

In order to avoid property owners trucking municipal water to an unserved property for bottling and thereby increasing green house gas emissions associated with the bottling use, staff also recommend that water and beverage bottling only be permitted on properties where the source is the municipal water supply supplied directly to the property on which the bottling is taking place.

If the goal is to protect the groundwater resource, then value-added bottling of water to create beverages should be treated the same as bottling pure water.

In summary, prohibiting the bottling of water and beverages is consistent with the environmental protection and economic development policies in the OCP. Amending the Zoning Bylaw would make it more congruent with the OCP. For these reasons, staff recommend prohibiting the bottling of water and beverages from sources other than the municipal water supply in all zones.

FINANCIAL IMPLICATIONS

None.

OPERATIONAL IMPLICATIONS

Zoning bylaw updates are part of the regular services provided by the Development Services Department.

STRATEGIC OBJECTIVE

None.

ATTACHMENTS

Draft Zoning Amendment Bylaw

CONCURRENCE

Ken Rogers, Manager of Development Services

OPTIONS

1. Recommend that the Village Zoning Bylaw be amended to prohibit water and beverage bottling in all zones except where the source is the municipal water supply supplied directly to the property on which the bottling is taking place (staff recommendation).
2. Recommend against amending the Zoning Bylaw to prohibit water and beverage bottling in all zones except where the source is the municipal water supply (must give reasons).
3. Any other recommendation deemed appropriate by the APC.

Respectfully submitted,

Karin Albert
Senior Planner

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. XXXX

A Bylaw to amend Zoning Bylaw No. 1027, 2016

The Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts as follows:

1. This Bylaw shall be cited as “Zoning Amendment Bylaw No. XXXX, 2020”.

Zoning Amendments

2. The Zoning Bylaw No. 1027, 2016 is amended in Part 2, Section 2.2 by
 - a) **deleting** “...and includes water bottling plants” in the definition of Renewable Resource Processing.
3. The Zoning Bylaw No. 1027, 2016 is amended in Section 3.3(d) by
 - a) **adding** “(vi) water and beverage bottling except where the source is the municipal water supply supplied directly to the property on which the bottling is taking place.”

Severability

4. If any section or subsection of this bylaw is found to be invalid by a court of competent jurisdiction, the section or subsection may be severed from the Bylaw without affecting the validity of the remainder of the bylaw.

READ A FIRST TIME THIS	DAY OF	2020.
READ A SECOND TIME THIS	DAY OF	2020.
PUBLIC HEARING HELD THIS	DAY OF	2020.
ADOPTED THIS	DAY OF	2020.

Mayor

Corporate Officer