

# CVRD

COWICHAN VALLEY REGIONAL DISTRICT  
175 Ingram Street, Duncan, B.C. V9L 1N8  
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## BYLAW AMENDMENT REFERRAL FORM

Date: February 15, 2008

CVRD File: Bylaw 3074/3075 (Cowichan Koksilah Official  
Community Plan and Electoral Area E Zoning  
Amendment)

We are proposing to enact an amendment to the Cowichan Koksilah Official Community Plan (Amendment Bylaw No. 3074) of the Cowichan Valley Regional District by deleting the present "Section 10.3 Schools" and replacing it with a new "Section 10.3 Public School Properties", which would contain a number of new passages and policies respecting the importance of schools in rural communities and aim to ensure that such properties remain available for public use, even if the schools are closed and the properties are sold.

The purpose of Amendment Bylaw No. 3074 is to develop contingency policies for the possibility that existing school sites that are either presently operating as schools or already disused schools that may be made available for sale. The policies are aimed at communicating the CVRD's intent that the present zoning of these sites is not likely to be changed to allow alternative, non-public, uses of the land and buildings, and rather that the CVRD would do whatever it can to ensure ongoing public uses remain the only permitted uses on these lands.

Zoning Amendment Bylaw No. 3075 proposes to amend Electoral Area E Zoning Bylaw No. 1840, 1998, by redefining "civic use" so that it no longer includes "jails and prisons" and explicitly prohibits jails and prisons, halfway houses and similar uses. "Civic uses" are permitted in lands that are zoned as P-1 Parks and Institutional under Bylaw 1840.

The purpose of Amendment Bylaw 3075 is to ensure that prisons, halfway houses and other similar uses are not permitted in the Parks and Institutional Zone of Electoral Area E – Cowichan Station/Sahtlam/Glenora.

**Bylaw 3074:** General Property Location: All parcels of land in the communities of Cowichan Station/Sahtlam/Glenora (Electoral Area E) that are current or former public school sites, still in public ownership.

**Bylaw 3075:** All parcels of land in the communities of Cowichan Station/Sahtlam/Glenora (Electoral Area E) that are zoned Parks and Institutional 1 (P-1).

Legal Description: N/A

You are requested to comment on this proposal for potential effect on your agency's interests. **We require your response by March 3, 2008 at the very latest.** If no response is received within that time, it will be assumed that your agency's interests are unaffected. If you require more time to respond, please contact Mike Tippett, Deputy Manager, at (250) 746-2602.

Comments:

Approval recommended for reasons outlined below

Interests unaffected

Approval recommended subject to conditions below

Approval not recommended due to reasons outlined below

Comments:

Signature \_\_\_\_\_ Title \_\_\_\_\_ Your File # \_\_\_\_\_  
Date \_\_\_\_\_

This referral has been sent to the following agencies:

- Agricultural Land Commission
- Ministry of Transportation
- School District No. 79



## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 16, 2008

**DATE:** January 8, 2008 **FILE NO:** E-General  
**FROM:** Mike Tippett, Deputy Manager **BYLAW NO:** 1490 and 1840  
**SUBJECT:** Cowichan Station Policy Review

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**Recommendation:**

That the Cowichan-Koksilah Official Community Plan be amended by replacing the present "Schools" section with a new section that reflects the current situation and encourages ongoing public use of surplus school property, and that the Electoral area E Zoning bylaw be amended by deleting prisons, halfway houses and jails from the definition of "civic use", with Directors Duncan, Hodson and Dorey named as delegates to the public hearing, and that the application referral to the Ministry of Community Services, School District No. 79, the Agricultural Land Commission and Ministry of Transportation be accepted.

**Purpose:**

To update the Cowichan-Koksilah Official Community Plan and Electoral Area E Zoning Bylaw with respect to public use of institutional properties.

**Financial Implications:**

Hearing costs

**Interdepartmental/Agency Implications:**

N/A

**Background:**

Following an initial community meeting on October 18<sup>th</sup>, at which Directors Duncan and Cossey were present, the Electoral Area Services Committee on November 5, 2007 (Item 4, motions not to Board) gave direction for the Deputy Manager to meet again with representatives of the Cowichan Station community, in order to review the institutional policies of the Cowichan-Koksilah Official Community Plan. On November 15<sup>th</sup> and December 11<sup>th</sup>, these meetings were held.

At the initial meeting on October 18<sup>th</sup>, the community members in attendance expressed serious concern about the closure of Cowichan Station School, and the likely future of this site, which is a key central focus in this small rural community. The community is interested in seeing an ongoing public use there, not necessarily as a public school. In examining the Institutional

section of the OCP, it is obviously woefully dated insofar as it deals with school issues – with numerous references to School Districts 65 and 66, and no contingency policies in place for possible school closure.

The meeting on November 15<sup>th</sup> was a brainstorming session, in which the roughly 30 people in attendance were asked to imagine suitable future uses for the Cowichan Station school site. A number of very creative ideas were generated, principal among them being the ongoing continued availability of this site as a community meeting and gathering place, for both organized and unorganized activities. I took the various notes that were generated at this session and attempted to work them into a policy format that would be suitable for inclusion in the OCP.

Prior to the meeting on December 11<sup>th</sup>, and following the meeting of November 15<sup>th</sup>, staff drafted a new Section 10.3 for the OCP, to be used as a discussion document on the 11<sup>th</sup>. This draft was forwarded by email to attendees of the first meeting about a week beforehand. The community members expressed satisfaction with the draft at the December 11<sup>th</sup> meeting, but suggested further improvements, which are now reflected in the proposed amendment bylaws that are attached to this report. On that basis, the community members suggested that the amendments proceed to the CVRD Board for consideration.

Chief among the proposed amendments is a bringing up-to-date of the policies respecting schools and school sites in Electoral Area E. References to defunct school districts have been removed, and a detailed policy framework regarding the importance to small communities of their schools and school sites has been created.

The importance of the school sites for ongoing public use has been highlighted, and while the OCP amendments as proposed do not commit the CVRD to acquire or lease properties on behalf of the community, but they do commit the CVRD to do whatever is within its power to ensure that these sites remain in public, institutional use, or are used for educational purposes. Essentially this is a signal to the landowners (Crown and school district) that rezoning for other private, exclusionary uses will be frowned upon.

The community also expressed concern about the fact that “civic use” as allowed in the Parks and Institutional Zone includes prisons and similar uses. Following a bad experience with this in the recent past, the community has requested that this prison use be removed from the definition of “civic use”.

The community in Cowichan Station has expressed hope that they can organize as a body and perhaps directly approach the School District regarding the public use of this site. Alternatively, the CVRD may wish to consider the feasibility of operating this site as a community centre of sorts. Neither of these scenarios is directly suggested in the proposed policies, but the Committee needs to be aware of this.

Implementing these proposed policies would be a major step forward in Electoral area E, because it would bring the most outdated part of the OCP up to date and provide the community with comfort that their interests in key public lands are being protected.


**Options:**

1. That the Cowichan-Koksilah Official Community Plan be amended by replacing the present "Schools" section with a new section that reflects the current situation and encourages ongoing public use of surplus school property, and that the Electoral area E Zoning bylaw be amended by deleting prisons, halfway houses and jails from the definition of "civic use", with Directors Duncan, Hodson and Dorey named as delegates to the public hearing, and that the application referral to the Ministry of Community Services, School District No. 79, the Agricultural Land Commission and Ministry of Transportation be accepted.
2. Leave the Cowichan Koksilah Official Community Plan as it is.

Submitted by,



Mike Tippett, MCIP  
Deputy Manager  
Development Services Department

<p><i>Department Head's Approval:</i></p>  <hr/> <p><i>Signature</i></p>
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MT/ca

Attachments (draft amendment bylaws)



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW NO. 3074

#### **A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. 1490, Applicable To Electoral Area E – Cowichan Station/Sahtlam/Glenora**

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**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 Station/Sahtlam/Glenora, 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 Bylaw No. 3074 – Area E – Cowichan Station/Sahtlam/Glenora Official Community Plan Amendment Bylaw (School Sites), 2008**".

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 and Solid Waste Management Plan of the Cowichan Valley Regional District and is consistent therewith.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2008

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary



C·V·R·D

## SCHEDULE "A"

To CVRD Bylaw No. 3074

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

1. Section 10.3 in its entirety is deleted and replaced with the following:

### **10.3 Public School Properties**

The background of this Official Community Plan includes a review of School District policy. School District 79 has focused its policy onto centralized schools, with larger student populations. This is evident in the closure and sale to a private party of Sahtlam School, and the recent closure of the school at Cowichan Station. Schools have also been closed at Paldi and Glenora. Only Koksilah School remains in operation, within the plan area.

While there is undoubtedly an economic argument at work here, there is also a strong community aspect to schools and the roles they fulfill, especially in rural communities. The CVRD believes that the importance of schools and school sites to the community must be considered in these decisions, and in the subsequent disposal of school properties deemed to be surplus.

The CVRD therefore will make a real effort to encourage the ongoing use of surplus school properties for public assembly, recreation, education and cultural activities. This effort may involve land acquisition on behalf of the community, zoning amendments where these would enhance ongoing public use, and – where appropriate – support of third-party community associations that may propose to acquire these properties.

Schools are gathering places for the community, places of socialization, centres of recreational activities and, in rural areas and smaller settlements, they are often the very heart of the community. School properties are therefore vital to the health and well-being of such communities, and need to be preserved in public use. Some school sites have a long history and represent a link to pioneers of centuries past.

#### **POLICY 10.3.1**

Any major rezoning for residential development which would result in additional density and the need for a new school site shall only be considered if school sites appropriate to the School District are identified on the development plan, and offered as an amenity under Section 904 of the *Local Government Act*.



**POLICY 10.3.2**

Public School buildings and grounds in the Community Plan Area should continue to remain available to community members, for recreational and cultural activities as well as educational programs, during non-school hours.

**POLICY 10.3.3**

Where the School District proposes to close public schools and sell off the property and buildings, the Regional District strongly encourages the School District and Ministry of Education to give preference to local community groups and associations as well as regional recreation functions, among others, all of whom would keep the buildings and facilities open to the public. Alternatively, long-term leases of such properties to appropriate bodies will be strongly encouraged by the CVRD.

**POLICY 10.3.4**

Examples of public uses that the CVRD considers to be worthy of encouragement at disused school sites are: daycare, pre-school and kindergarten, after-school care, alternative education (private or public), senior citizens programs, civil emergency public shelter and similar uses. The CVRD is prepared to work with the community and other government agencies in order to encourage such uses at disused school sites.

**POLICY 10.3.5**

The Regional District considers all properties and facilities that are zoned as Parks and Institutional in the implementing zoning bylaw to be important for public uses, and converting these sites to an alternative land use zone that would exclude the public and close the facilities will be very strongly discouraged by the Board.

**POLICY 10.3.6**

The Regional District may be prepared to consider adding permitted land uses, such as limited commercial, to the Parks and Institutional zones that apply to school sites, so long as these uses would be complementary to the principal institutional use.

**POLICY 10.3.7**

The site of Cowichan Station School is in the Provincial Agricultural Land Reserve. The Regional District strongly encourages the Agricultural Land Commission to deny applications for non-farm uses or subdivision proposals that would support non-public/institutional uses at the site.

**POLICY 10.3.8**

In rural communities where a school or school site represents one of the very few – or perhaps even the only – public institutional gathering place, the CVRD Board will work especially hard to ensure that these sites remain in a zone which would only permit public uses to occur.



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW NO. 3075

#### A Bylaw For The Purpose Of Amending Zoning Bylaw No. 1840 Applicable To Electoral Area E – Cowichan Station/Sahtlam/Glenora

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

**AND WHEREAS** the Regional District has adopted a zoning bylaw for Electoral Area E – Cowichan Station/Sahtlam/Glenora, that being Zoning Bylaw No. 1840;

**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 Zoning Bylaw No. 1840;

**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 Bylaw No. 3075 - Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Civic Use Definition), 2008**".

2. **AMENDMENT**

Cowichan Valley Regional District Zoning Bylaw No. 1840, as amended from time to time, is hereby amended in the following manner:

a) The definition of "civic use" in Section 3.1 is deleted and replaced with the following:

**"civic use"** means a use providing for government functions and services; includes federal, provincial, regional and municipal offices, public schools, colleges, public hospitals, fire halls, community halls, libraries, museums, parks, cemeteries, courts of law, highways, waterworks and facilities and sewage facilities, and does not include jails, prisons, halfway houses and similar uses;

**3. FORCE AND EFFECT**

This bylaw shall take effect upon its adoption by the Regional Board.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2008

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary

# NOTICE OF PUBLIC HEARING

## OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW No. 3074 ZONING AMENDMENT BYLAW No. 3075

Applicable to Electoral Area E – Cowichan Station/Sahtlam/Glenora

**NOTICE** is hereby given that a Public Hearing will be held as follows to consider the above noted Amendment Bylaws:

**DATE:** Monday, March 3, 2008  
**PLACE:** Eagles Hall  
2965 Jacob Road, Duncan, BC  
**TIME:** 7:00 pm

Official Community Plan Amendment Bylaw No. 3074 proposes to amend the Cowichan Koksilah Official Community Plan Bylaw No. 1490, 1994 - Electoral Area "E" and part of Electoral Area "F" of the Cowichan Valley Regional District - by deleting the present "Section 10.3 Schools" and replacing it with a new "Section 10.3 Public School Properties", which would contain a number of new passages and policies respecting the importance of schools in rural communities and aim to ensure that such properties remain available for public use, even if the schools are closed and the properties are sold.

The purpose of Amendment Bylaw No. 3074 is to develop contingency policies for the possibility that existing school sites that are either presently operating as schools or already disused schools that may be made available for sale. The policies are aimed at communicating the CVRD's intent that the present zoning of these sites is not likely to be changed to allow alternative, non-public, uses of the land and buildings, and rather that the CVRD would do whatever it can to ensure ongoing public uses remain the only permitted uses on these lands.

Zoning Amendment Bylaw No. 3075 proposes to amend Electoral Area E Zoning Bylaw No. 1840, 1998, by redefining "civic use" so that it no longer includes "jails and prisons" and explicitly prohibits jails and prisons, halfway houses and similar uses. "Civic uses" are permitted in lands that are zoned as P-1 Parks and Institutional under Bylaw 1840.

The purpose of Amendment Bylaw 3075 is to ensure that prisons, halfway houses and other similar uses are not permitted in the Parks and Institutional Zone of Electoral Area E – Cowichan Station/Sahtlam/Glenora.

At the public hearing, all persons who deem their interests affected by the proposed amendments will be afforded an opportunity to be heard or to present written submissions on matters contained therein, before representatives of the Regional Board. Prior to the public hearing, written comments on the bylaws may be faxed to (250) 746-2621, e-mailed to [ds@cvrd.bc.ca](mailto:ds@cvrd.bc.ca), or mailed and/or deposited at the Regional District offices up to 4:30 pm on March, 2008. For further information, please call the Development Services Department at (250) 746-2620.

The public hearing on March 3, 2008, is to be held by Director L. Duncan, Director M. Dorey and Director B. Hodson as delegates of the Board. A copy of the Board resolution making the delegation is available for public inspection along with copies of the amendment bylaws as set out in this notice. A copy of the proposed amendment bylaws and relevant support material may be examined at the Regional District Development Services Department office, 175 Ingram Street, Duncan, BC, from Tuesday, February 19, 2008, to Monday, March 3, 2008, between the hours of 8:30 am to 4:30 pm.

Dated at Duncan, BC this  
18<sup>th</sup> day of February, 2008

J.E. Barry,  
Corporate Secretary