Subject: Concerns Regarding Proposed Bylaw No. 4710 and Request for Public Hearing

To the Board of the Cowichan Valley Regional District,

I am writing to share my concerns regarding the proposed Comprehensive Zoning Bylaw (Bylaw No. 4710), as well as the decision to move forward without a public hearing.

From what I've reviewed, this bylaw represents a major shift in how land use is regulated across our area. While I understand the intent of creating consistency and protecting our Residential lands and agricultural lands, the overall approach feels like a significant overreach. It moves toward a system that feels more permission-based than practical, where everyday, reasonable uses of private property require approval or are restricted altogether.

There is a strong emphasis on enforcement, control, and limitation throughout the bylaw. Provisions around property access, compliance, and penalties raise concerns about how far this goes in terms of oversight on private land. At a certain point, this begins to feel like an infringement on property rights and raises questions around alignment with the principles of the Canadian Charter of Rights and Freedoms.

Beyond that, many parts of the bylaw seem disconnected from real life in this community. There are restrictions and regulations that go well beyond my personal situation but still raise serious concern, including:

- Limitations around RV living and temporary housing options
- Restrictions impacting small-scale food security practices like keeping chickens
- Regulations affecting docks and waterfront use
- Rules around uninsured vehicles on private property
- Heavy fines

These are everyday realities for many rural residents. Regulating them to this level does not reflect how people actually live, and it risks creating unnecessary conflict between residents and the district.

It also feels important to acknowledge that this bylaw process began prior to COVID, and the world has changed significantly since then. Housing affordability, cost of living, and food security have all become much more pressing issues. A bylaw that reduces flexibility at a time when people need it most does not seem to reflect current realities.

There are also potential unintended consequences that haven't been fully addressed. For example, stricter bylaw compliance requirements can impact home insurance coverage. In some cases, non-compliance with zoning or use regulations can affect claims or payouts in the event of a total loss, which puts homeowners at additional risk.

On a personal level, this bylaw directly impacts my family. My husband an I own a residential property currently zoned R3, and my husband owns a 3.5-acre property within the ALR with his

mother (currently A1 zoning), both are located in Area E. We pay significant property taxes and take pride in maintaining our properties responsibly.

We had planned to add a detached secondary dwelling (90m2 or smaller) on the ALR property to support our family (ageing parent) in a way that is low-impact and consistent with rural living. Under the proposed bylaw, this would not be permitted. Under the current bylaw we could have requested to be rezoned from A1 to A2 (secondary agriculture) which permits a detached secondary dwelling. CVRD advised me last year that all that was on hold due to this new bylaw.

Importantly, my property was originally approximately 5 acres in size and met the 2-hectare threshold referenced in the proposed bylaw. Due to a registered plan (Plan 35773), a portion of the property was removed, reducing the parcel below 2 hectares. This reduction was not initiated by me as the property owner and was outside of my control.

As a result, the proposed bylaw applies a blanket minimum parcel size requirement that does not account for properties that historically met the threshold but were subsequently reduced through subdivision, road dedication, or other statutory processes. This creates an inequitable outcome, where properties that were once compliant are now excluded, despite no change in how they are used or their suitability for a secondary dwelling.

I have discussed this with our Area Director and was advised to consider applying for an ALR exemption. However, based on my understanding, this is not a realistic solution for our situation and does not address the broader restrictions being introduced. I was also advised that I could apply for a variance through the CVRD, but under the structure of this new bylaw, that path also appears limited or unlikely to succeed.

I highly recommend that you reconsider this section of the bylaw and change the threshold from 2ha or more for secondary dwelling to 1.2 ha (3 acres) or more on ALR lands. I have spoken with ALR, and they have no issues with us adding a Secondary detached dwelling.

This highlights a larger issue: the bylaw removes practical options while offering alternatives that are not realistically attainable for most residents in all zones.

Overall, this bylaw feels overly restrictive, enforcement-heavy, and out of step with the needs of the community today. It does not strike the right balance between protecting land and allowing people to reasonably use and adapt their properties.

I strongly believe that a bylaw of this scale and impact should not proceed without a public hearing. Residents deserve the opportunity to be heard on something that affects so many aspects of daily life.

I respectfully ask that the Board reconsider both the decision to waive a public hearing and place Bylaw No. 4710 on pause while the board goes back to the drawing board.

Thank you for your time and consideration.

Sincerely,
Nicole & Rob Lovett