



ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
March 1, 2011
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 pm

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NOTE: A copy of the full agenda package is available at the CVRD website www.cvrld.bc.ca

Minutes of the Special Electoral Area Services Committee Meeting held on Monday, January 31, 2011 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

Director L. Iannidinardo, Chair
Director B. Harrison, Vice-Chair
Director M. Dorey
Director G. Giles
Director I. Morrison
Director K. Kuhn
Director L. Duncan
Director M. Marcotte
Alt. Director B. Bandhar
ABSENT: Director K. Cossey

CVRD STAFF

Tom R. Anderson, General Manager
Brian Farquhar, Parks and Trails Manager
Mike Tippett, Manager
Rob Conway, Manager
Ron Austen, General Manager
Brian Dennison, General Manager
Brian Duncan, Chief Building Inspector
Warren Jones, Administrator
Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

The Chair introduced and welcomed Chief Michael Harry from the Malahat First Nation.

The Chair introduced and welcomed Alternate Director Buddy Bandhar, new alternate director for Shawnigan Lake.

The Chair noted changes to the agenda which included adding one item of new business.

It was Moved and Seconded
That the agenda, as amended, be approved.

MOTION CARRIED

STAFF REPORT

R1 – 4-A-06RS

Rob Conway, Manager, presented Staff Report dated January 25, 2011, regarding Application No. 4-A-06RS (Bamberton/Three Point Properties) to build a community at Bamberton.

Mr. Conway advised that the staff report is in response to direction given at the November 23rd EASC meeting as to whether the material provided by the applicants is sufficient to proceed with preparing amendment bylaws. It was noted that the material submitted by the applicants at the November 23rd EASC meeting is available on the CVRD website.

Mr. Conway stated that staff feels that draft bylaws and a phased development agreement would not be acceptable to the EASC or the public, therefore cannot recommend proceeding based on what has been received to date. The application has many unresolved issues and has had several changes since the last review.

Mike Tippett, Manager, reviewed letter received from applicants dated January 30, 2011. He stated that staff met with the applicants and explored aspects of the application that could be supported. An option could be to move forward with a business park element near the Bamberton interchange, west of the highway. Another option would be to expand current light industrial uses on the upper and lower village area. If there is direction to move forward with the limited industrial use options, the Committee would have to reject the other elements of the application or the applicants would have to withdraw those elements of the application.

Ross Tenant, applicant, was present. Mr. Tenant reviewed his letter dated January 30th. He stated that given the recommendation of staff, it is difficult to move forward on the overall application. Mr. Tenant requested that the EASC instruct staff to move forward with the job creation aspect of the proposal. Mr. Tenant further requested that the future residential use, which they are proposing to withdraw from this application, be re-considered in the future OCP re-write. Mr. Tenant thanked the community, committee, and various groups who have given their time to the proposal, and gave special acknowledgement for the cooperation from the Malahat First Nations.

The Committee directed questions to staff and the applicant.

The Committee members provided individual comments. Director Harrison stated he felt that staff did a thorough job in their staff report. Director Harrison suggested that, at this time, the Committee proceed according to what the applicant has suggested, as he believes that to be in the best interest of the community.

It was Moved and Seconded

That appropriate amendment bylaws be prepared, in an expedient manner, regarding Application No. 4-A-06RS (Bamberton/Three Point Properties) with respect to the light industrial permitted uses proposed in the vicinity of the waterfront areas and also with respect to the proposed business park (lower northlands) to the west of the Bamberton interchange, and further, that the draft bylaws be referred to the Area A - Mill Bay/Malahat Advisory Planning Commission for review and comment.

MOTION CARRIED

INFORMATION

IN1 – Parks Minutes

It was Moved and Seconded

That the minutes of the Area A Parks Commission meeting of January 7, 2011, be received and filed.

MOTION CARRIED

NEW BUSINESS

**NB1 – Bamberton
letter**

It was Moved and Seconded
That the letter dated January 30, 2011 from Bamberton Properties regarding
January 25th staff report, be received and filed.

MOTION CARRIED

**PUBLIC QUESTION
PERIOD**

Public question period ensued.

ADJOURNMENT

It was Moved and Seconded
That the meeting be adjourned

MOTION CARRIED

The meeting adjourned at 5:00 pm.

Chair

Recording Secretary

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, February 1, 2011 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

Director L. Iannidinardo, Chair
Director B. Harrison, Vice-Chair
Director M. Dorey
Director G. Giles
Director I. Morrison
Director K. Kuhn
Director L. Duncan
Director M. Marcotte
Director K. Cossey

CVRD STAFF

Tom R. Anderson, General Manager
Brian Farquhar, Parks and Trails Manager
Mike Tippett, Manager
Rob Conway, Manager
Brian Duncan, Chief Building Inspector
Carla Schuk, Planning Technician
Ann Kjerulf, Planner II
Rachelle Moreau, Planner I
Cathy Allen, Recording Secretary

In Memory

The Chair noted that she has lit a candle to mark awareness of the tragic passing of a young community member, Tyeshia Jones, and to show respect and support for her family.

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included adding four items of new business.

It was Moved and Seconded
That the agenda, as amended, be approved.

MOTION CARRIED

MINUTES

M1

It was Moved and Seconded
That the minutes of the January 18, 2011 EASC meeting be adopted.

MOTION CARRIED

STAFF REPORTS

R1 – 3-E-10ALR

Carla Schuk, Planning Technician, presented Staff Report dated January 25, 2011, regarding Application No. 3-E-10ALR (Ellison) to construct a single family dwelling and small suite on ALR land on Glenora Road.

Mathew Ellison, applicant, was present.

The Committee directed questions to staff.

It was Moved and Seconded

That Application No. 3-E-10ALR, submitted by Shawn and Mathew Ellison, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a single family dwelling and a small suite on the subject property be forwarded to the Agricultural Land Commission with a recommendation to approve the application.

MOTION CARRIED

Director Cossey arrived to the meeting at this point.

R2 – 5-E-10ALR

Carla Schuk, Planning Technician, presented Staff Report dated January 25, 2011, regarding Application No. 5-E-10ALR (Dent) to subdivide the subject property located at 2831 Mountain Road under Section 946.

The Committee directed questions to staff.

Robert Dent, applicant, was present and provided further information to application. He requested that the application be sent to the ALC without recommendation.

It was Moved and Seconded

That Application No. 5-E-10ALR, submitted by Robert and Carol Dent, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide Lot 6, Section 3, Quamichan District, Plan 1233 and pursuant to Section 946 of the *Local Government Act* be forwarded to the Agricultural Land Commission with a recommendation to deny the application.

MOTION DEFEATED

It was Moved and Seconded

That Application No. 5-E-10ALR, submitted by Robert and Carol Dent, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide Lot 6, Section 3, Quamichan District, Plan 1233 and pursuant to Section 946 of the *Local Government Act* be denied.

MOTION CARRIED

**R3 – Accessory
Fixture**

It was Moved and Seconded
That the request by Elizabeth Biberger to allow a utility sink, in addition to two permitted plumbing fixtures, within an accessory building at 1373 Nelson Road (Lot 4, Section 2, Range 6, Cowichan District, Plan 25069 PID: 002-865-921), be approved subject to registration of a covenant prohibiting occupancy of the accessory building as a dwelling.

MOTION CARRIED

**R4 – Vessel
Restriction Regs**

Ann Kjerulf, Planner III, presented Staff Report dated January 26, 2011, regarding Vessel Operation Restriction Regulation and Navigation Channel Proposal for Cowichan Bay.

The Committee directed questions to staff.

It was Moved and Seconded
That the staff report dated January 26, 2011, regarding Vessel Operation Restriction Regulation and Navigation Channel Proposal for Cowichan Bay, be received and filed.

MOTION CARRIED

**R5 – Honeymoon Bay
Gazebo Project**

It was Moved and Seconded
That the proposed donation by the Honeymoon Bay Community Society of a 16 x 30 foot wood Gazebo for Central Park in Electoral Area F be approved, and that the building permit fee for the project by CVRD's Building Inspection Division be waived; and further, that a letter of support for the project, signed by the CVRD Board Chair, be provided to accompany grant funding applications.

MOTION CARRIED

**R6 – City of Duncan
Smoking Bylaw**

It was Moved and Seconded
That City of Duncan Public Health Smoking Protection Bylaw No. 2084, 2010, be forwarded to CVRD Electoral Area Parks Commissions and Recreation Centres for review, to request comment respecting implementing similar no-smoking regulations in area parks and recreation centres.

MOTION CARRIED

**R7 – Thetis Is. Wharf
Services**

It was Moved and Seconded
That the draft Thetis Island Wharf Regulation Bylaw be referred to the Thetis Island Port Commission for further discussion and comment; and further, that the draft bylaw be also forwarded to the Mill Bay Parks Commission for information as interest in a similar bylaw may exist.

MOTION CARRIED

CORRESPONDENCE

C1 – Grant in Aid

It was Moved and Seconded
That a grant in aid, Electoral Area C- Cobble Hill, in the amount of \$250 be given to the Cowichan Food Connection Society, to help support their Bread Van initiative.

MOTION CARRIED

INFORMATION

IN1 – Parks Minutes

It was Moved and Seconded
That staff be directed to investigate and prepare a report to the EASC on options and steps required to acquire the MoTI road ends around Shawnigan Lake under the local community parks function.

MOTION CARRIED

It was Moved and Seconded
That staff be directed to investigate and report to the EASC opportunities to obtain the Baldy Mountain Trail.

MOTION CARRIED

It was Moved and Seconded
That the minutes of the Area B Parks and Recreation Committee meeting of December 16, 2010, be received and filed.

MOTION CARRIED

IN2 – Parks Minutes

It was Moved and Seconded
That the minutes of the Area B Parks and Recreation Commission meeting of January 20, 2011, be received and filed.

MOTION CARRIED

IN3 – APC Minutes

It was Moved and Seconded
That the minutes of the Area F APC meeting of January 19, 2011, be received and filed.

MOTIOIN CARRIED

IN4 – APC Minutes It was Moved and Seconded
That the minutes of the Area D APC meeting be January 12, 2011, be received and filed.

MOTION CARRIED

IN5 – AVICC It was Moved and Seconded
That the memo from AVICC dated January 13, 2011, regarding 2011 resolutions deadline, be received and filed.

MOTION CARRIED

IN6 – Building Report It was Moved and Seconded
That the December 2010 Building Report be received and filed.

MOTION CARRIED

NEW BUSINESS

NB1 – Parks Capital Funds It was Moved and Seconded
That the Purchasing Policy be waived to allow completion of Shawnigan Hills Athletic Field Phase 1 and elements of Phase 2 to proceed in the amount of \$160,000 prior to the adoption of the CVRD 2011 Five Year Financial Plan in order to ensure that critical project elements are completed prior to April 1st when league play on the ball field is scheduled to commence.

MOTION CARRIED

NB2 - FCM Mr. Anderson advised that to date four Directors – Duncan, Marcotte, Harrison and Dorey – have indicated they plan to attend the 2011 FCM conference in Halifax. Mr. Anderson asked if any other Directors plan to attend.

Director Giles indicated that the Director’s conference budget allows for any interested Director to attend.

It was Moved and Seconded
That any Electoral Area Director who is interested in attending the 2011 FCM conference in Halifax, be authorized to attend, including applicable expenses.

MOTION CARRIED

Mr. Anderson indicated that he will advise the Legislative Services Secretary that any Director who contacts her to sign up for the FCM conference is authorized to attend.

Director Marcotte stated that she would like to see a report prepared outlining expenses incurred last year for Director’s conferences and training.

NB3 – Boundary Adjustment

Director Marcotte advised of property in Area H on Doole Road where the owner would like to adjust their property boundary to have all of their property in the A-2 zone to permit subdivision. Mr. Tippett advised of Density averaging issues in Area H and recommended a bylaw amendment for the zone boundary adjustment subject to a covenant restricting the number of lots permitted.

It was Moved and Seconded

1. That the CVRD amend the North Oyster/Diamond Zoning Bylaw No. 1020, by adjusting the zone boundaries between A-2 and A-1, such that all of Parcel A, District Lot 11, Oyster District, Plan VIP63675 would be located in the A-2 Zone, subject to the owner agreeing that the entire property not be permitted to be subdivided into more than 14 total lots, and that a covenant to this effect be registered on title prior to consideration of adoption of the bylaw.
2. That a public hearing be waived due to the proposed change being consistent with the Official Community Plan, and that public notice in lieu be given in accordance with the *Local Government Act*.
3. That the draft bylaw be referred to the Area H APC for comment and review.

MOTION CARRIED

CLOSED SESSION

It was Moved and Seconded

That the meeting be closed to the public in accordance with the *Community Charter* Part 4, Division 3, Section 90(1), subsections as noted in accordance with each agenda item.

MOTION CARRIED

The Committee moved into Closed Session at 4:45 pm.

RISE

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 5:35 pm.

Chair

Recording Secretary

D1



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Meeting Information

Request to Address:

CVRD Board

If Committee, specify the Committee here:

Committee
Electoral Area Services Committee

Meeting Date:

Mar. 1 2011

Meeting Time:

3 PM

Applicant Information

Applicant Name:

HILDING FRANSON

Representing:

myself as an experienced retired planner and Valley resident

(Name of organization if applicable)

As:

(Capacity / Office)

Number Attending:

1

Applicant Contact Information

Applicant Mailing Address:

#11- 2575 Alexander Street

Applicant City:

Duncan BC V9L 4P5

Applicant Telephone:

Home 250-715-0899 cell 250-701-2010

Applicant Fax:

250-715-1416

Applicant Email:

hottof@shaw.ca

- COWICHAN EVENTS
- CVRD FEEDBACK
- COWICHAN PHOTOS
- NOTIFY ME
- LOCAL WEATHER
- VOLUNTEERING
- EMERGENCY ALERT

Presentation Topic and Nature of Request:

Request to make presentation to EAS Committee re Bamberton rezoning application. I attended last mtg on Jan 31/11 but had not seen or read the Staff Report. It was given to me by Rob Conway after the meeting. I have now read it and am better prepared to make, what I believe would be useful, relevant comments. As a professional planner with 30+ years of experience and some knowledge of Newtown Developments, I believe I have a responsibility to make a number of comments to the Committee Members. Please allow me to be heard. Thank you.

- Submit
- Submit and Print
- Reset
- Cancel



C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING
OF JANUARY 18, 2011

RI

Date: January 7, 2011 **File No:** 1-B-10RS

FROM: Ann Kjerulf, Planner III **BYLAW NO:** 985
Community & Regional Planning Division

SUBJECT: Rezoning Application No. 1-B-10RS (Walter)

Recommendation:

That Rezoning Application No. 1-B-10RS (Walter) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

Purpose:

An application has been received to amend Electoral Area B – Shawnigan Lake – Zoning Bylaw No. 985 to permit a seven lot subdivision on a site currently zoned F-1 (*Primary Forestry*) and designated for *Forestry* by Electoral Area B (Shawnigan Lake) Official Community Plan Bylaw No. 1010.

Background:

Application Date: March 2010
 Owner: M. Walter Contracting Ltd.
 Applicant: Michael Walter

Location: Riverside Road – Electoral Area B – Shawnigan Lake
 Legal Description: Parcel A (DD 375861), District Lot 36, Helmcken District (009-710-809)
 Size of Parcel: ± 27.42 hectares (± 67.76 acres)

Existing Use: Forestry – According to the applicant, the portion of the site that is north of the Koksilah River was logged as recently as three or four years ago; and the southern portion of the site was logged 30 to 40 years ago.

Adjacent Uses: All surrounding land parcels are zoned F-1 and designated Forestry. Parcels immediately to the east and west are owned by the Crown.

Existing OCP Designation: Forestry
 Proposed OCP Designation: Forestry (no change)
 Existing Zoning Designation: F-1 (Primary Forestry)
 Proposed Zoning Designation: Another forestry zone, similar to F-2 (Secondary Forestry)

Minimum Lot Size (F-1): 80 ha
 Minimum Lot Size (F-2): 4 ha

Road Access: Riverside Road
 Water: Drilled wells for residential lots (proposed)
 Sewage Disposal: On-site disposal (proposed)

Fire Protection:	The site is not within a CVRD Fire Protection Area. The closest fire station is the Cowichan Bay Fire Station, several kilometers away.
Public Transit:	No scheduled service to area
Agricultural Land Reserve Status:	N/A
Environmentally Sensitive Areas:	Sensitive Ecosystem polygons V1423 and V1417A (CVRD Environmental Planning Atlas)
Contaminated Sites Regulation:	Declaration signed; no Schedule 2 uses noted
Archaeological Sites:	None confirmed on the subject property

SITE CONTEXT

The ± 27.42 ha (± 67.76 acre) site is located in Electoral Area B and accessed by Riverside Road, approximately 0.5 km east of the Kinsol Trestle. The site is bisected by the Koksilah River, with no bridge crossings between the northern and southern portions. The site is well-treed. There are currently no dwellings on the property. All adjacent land parcels are designated Forestry, zoned F-1, and are 12 ha (30 acres) and larger. Parcels immediately to the east and west are Provincial Crown-owned lands.

PROPOSAL

An application has been made to rezone the site from F-1 (Primary Forestry) to another forestry zone, similar to F-2 (Secondary Forestry), for the purpose of accommodating a seven lot residential subdivision. The applicant wishes to create one ± 1 ha (2.5 acre) parcel to the north of Riverside Road with the remaining property north of the Koksilah River divided into six lots ranging from ±2 to 2.2 ha (5 – 5.5 acres) in size. The southern ± 12 ha (± 30 acres) portion of the site is proposed to be dedicated as parkland.

While the proposal does not satisfy the requirements of the F-2 zone, this would be the zoning designation that is most consistent with the proposal. As such, the F-2 zone is used as a frame of reference for this proposal.

The minimum lot size in the F-2 zone is 4 hectares. As the proposed residential lots do not meet the minimum lot size requirement in the F-2 zone, a new zone would need to be created which has a 2 hectare minimum lot size. Section 13.4(a) of Bylaw 985 allows a parcel that is physically separated from the remainder of the parcel by a public road to be subdivided from the remainder of the parcel. This would exempt the proposed ± 1 ha lot from a minimum 2 ha lot size requirement. The applicant has submitted a conceptual subdivision plan illustrating the proposed layout of the parcels (see attached).

Site Access

The northern portion of the site is accessed by Riverside Road; the southern portion has no road access. Riverside Road is the proposed access for the seven lot subdivision. The amount of land to be set aside for road dedication, location of site and driveway accesses will be determined at the time of subdivision by the BC Ministry of Transportation and Infrastructure (MoTI), the subdivision approving authority.

Parcel Frontage

The proposed lots do not appear to meet the frontage requirement of 10% of the perimeter of the parcel outlined in Section 13.7 of Zoning Bylaw No. 985. However, MoTI could waive this requirement at the time of subdivision.

Water and Sewer Servicing

The property is not serviced by a community water or sewer system and there are no onsite water or sewer services at the present time. Individual wells and on-site sewage disposal are proposed.

Fire Protection

The site is outside the Cowichan Bay Fire Protection Area.

Parks and Trails

As part of the rezoning application, the applicant is proposing to dedicate the southern portion of the property as park and place a covenant on the riparian area north of the river. Pending an EASC recommendation to approve this application, the matter of park dedication will be referred to Electoral Area B – Shawnigan Lake Parks and Recreation Commission for their comment and input regarding parks and trail opportunities onsite.

The Local Government Act (Section 941) requires a 5% parkland dedication in a location acceptable to the local government (or cash-in-lieu) from subdivisions where the smallest parcel is 2.0 ha or less in size and 3 or more new parcels are created. The subdivision would yield more than three new parcels and the smallest parcel would be less than 2.0 ha in size. As such, 5% parkland dedication or cash-in-lieu would be a requirement of subdivision.

Environmentally Sensitive Areas

The CVRD Environmental Planning Atlas (2000) identifies a stream planning area along the Koksilah River which is known to be a fish-bearing watercourse. As such, the applicant is required to undertake a riparian area assessment and obtain a development permit approval from the CVRD prior to the subdivision of land.

Agency Referrals

The proposed amendment was referred to the following external agencies for comment: the Central Vancouver Island Health Authority; the Ministry of Transportation and Infrastructure; the Ministry of Environment; the Ministry of Forests, the Cowichan Bay Fire Department; Cowichan Tribes; Malahat First Nation; and School District 79. The application was also referred to the following internal CVRD departments for comment: the Parks and Trails Division of the Parks, Recreation & Culture Department, and the Public Safety Department.

POLICY CONTEXT

Official Community Plan

The Electoral Area B Official Community Plan Bylaw No. 1010 provides the policy context for making land-use decisions including those for rezoning applications. It is important to consider the goals, objectives and policies of the Plan in relation to the rezoning application at hand. The overriding goal of the Plan is *“to accept a reasonable share of Vancouver Island growth while protecting and enhancing Electoral Area B recreational, scenic, and forest resources.”*

Specific plan objectives, that are relevant to this rezoning application, include:

- *“To provide for a variety of residential accommodation and different lifestyles while preserving the essential rural character of Shawnigan.”*
- *“To ensure the harmonious and economical integration of existing and future land use and services by means of orderly and phased growth primarily in and around existing developed areas.”*
- *“To discourage intensive commercial and residential development that would erode the present rural and resort character of the area.”*
- *“To promote the wise use and conservation of agricultural, recreational, and resource lands, historical sites and ecologically sensitive areas.”*
- *“To ensure that the overriding consideration in any development is the preservation of the natural qualities and recreational amenities of land and water areas, especially Shawnigan Lake.”*

Specific plan policies that relate to the use of forestry and resource lands, and that are relevant to this application, include:

Policy 2.1: Forestry related uses shall be given priority on lands designated Forestry in the Plan, however, the following subordinate uses may be permitted in the Electoral Area B Zoning Bylaw:

- a) Mineral and aggregate extraction and processing;*
- b) Outdoor recreational activities, not involving permanent structures;*
- c) Residential, agricultural and horticultural uses.*

Policy 2.3: The potential for outdoor recreation that exists in some forested uplands of this area shall be protected for continuous use by future generations in conjunction with the management of the forest.

Policy 2.6: It is the Board's Policy that further residential development should be discouraged in the areas designated Forestry. Furthermore, linear residential growth along Renfrew Road, Koksilah River, and other natural waterways shall be discouraged in order to preserve the wilderness features of these areas.

Policy 2.7: Lands within the Forestry designation shall generally be zoned as F-1 (Primary Forestry), wherein the minimum parcel size is 80 hectares.

Policy 2.10: The primary purpose of the F-2 (Secondary Forestry) Zone, with a minimum parcel size of 4 hectares is to provide a buffer between large forestry parcels and residential land designations, as a means of limiting the potential for land-use conflicts. In considering applications for rezoning of Primary Forestry (F-1) to Secondary Forestry (F-2), the Regional Board will give preference to proposals that meet the following criteria:

- a) The subject lands are designated for forestry use in the Official Community Plan;*
- b) The subject lands are adjacent to residentially-designated lands or between forestry land and residentially-designated lands;*
- c) A very substantial dedication of public park and/or community forest (a public amenity) is a component of the application, and the proposed dedication is in a location and of a character considered by the Board to be beneficial to the community and region.*

Policy 6.1 The majority of future residential growth shall be encouraged to locate adjacent to the existing Village area to the north and north-east of Shawnigan Lake. Preference will be given to development outside of the Shawnigan Lake Watershed.

Policy 9.2: The Regional District shall endeavour to secure control over lands adjacent to lakes and watercourses for park purposes where they become available, whether through purchases, lease, dedication or other means.

Zoning Regulations

According to Electoral Area B – Shawnigan Zoning Bylaw No. 985, the property is zoned F-1 (Primary Forestry), which has a minimum parcel size of 80 ha and permits the following uses:

- (1) Management and harvesting of primary forest products excluding sawmilling and all manufacturing and dry-land log sorting operations;
- (2) Extraction crushing milling concentration for shipment of mineral resources or aggregate minerals, excluding all manufacturing;

- (3) Single-family residential dwelling or mobile home;
- (4) Agriculture, silviculture, horticulture;
- (5) Home occupation – domestic industry;
- (6) Bed and breakfast accommodation;
- (7) Secondary suite or small suite on parcels that are less than 10.0 hectares in area; and
- (8) Secondary suite or a second single-family dwelling on parcels that are 10.0 hectares or more in area.

In order for the property to be subdivided, a Zoning Bylaw amendment is required. As mentioned previously, the applicant is proposing that the property be rezoned to another Forestry designation, similar to F-2. The F-2 designation permits the following:

- (1) Management and harvesting of primary forest products excluding sawmilling and all manufacturing and dry land log sorting operations;
- (2) Single-family residential dwelling or mobile home;
- (3) Two single-family residential dwellings on parcels 8.0 ha or larger
- (4) Agriculture, silviculture, horticulture;
- (5) Home occupation – domestic industry; and
- (6) Bed and breakfast accommodation

Under the existing F-1 zone a maximum of two single family residential dwellings are permitted on this parcel because the parcel is larger than 10.0 hectares. There are currently no existing dwellings on the subject parcel. The rezoning proposal has a potential density of seven single family residential dwellings. Additionally, each dwelling could potentially have a secondary suite. The F-1 and F-2 zoning regulations are attached to this report for reference.

ADVISORY PLANNING COMMISSION COMMENTS

The Area B Advisory Planning Commission reviewed this application on October 7, 2010 where the following motion was passed:

“APC recommends that the CVRD not approve this application.”

Further to this, the Advisory Planning Commission passed a second motion:

“APC recommends that (the) Koksilah River corridor be reviewed for special River Corridor Zoning.”

In addition to the APC recommendation, the Area B APC Chair has provided comments to help elaborate on the reasons for the foregoing motions. The October 7, 2010 Area B APC meeting minutes and correspondence from the APC Chair are attached to this report.

REFERRAL AGENCY COMMENTS:

This application was referred to government agencies on September 27, 2010. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation and Infrastructure – *No written comments received to date. Verbal comments suggest doubt as to whether or not Riverside Road is a gazetted road.*
- Central Vancouver Island Health Authority – *Interests unaffected. The applicant will be required to meet the Vancouver Island Subdivision Standards at the subdivision stage.*
- Ministry of Forests – *No comments received*
- Ministry of Environment – *Comments were received January 6, 2011. Concerns were expressed regarding potential negative impacts on environmentally sensitive riparian habitat and the addition of another “pocket of development to the landscape.” If this application proceeds, development should be guided by the Ministry of Environment publication “Develop with Care: Environmental Guidelines for Urban and Rural Development” (see attached memo)*
- Malahat First Nation – *No comments received*

- Cowichan Tribes – *Comments were received November 29, 2010. Cowichan Tribes does not support rezoning of any forest lands due to “lack of planning” and the “possible effects of unlimited development and growth.” Specific concerns include water extraction, linear development along the Koksilah River, damage to salmon and wildlife, splitting of forestry parcels resulting in “further alienation of Cowichan Tribes from the traditional use and cultural practices on the land and the river.” (see attached memo)*
- School District No. 79 – *No comments received.*
- CVRD Parks and Trails Division, Parks Recreation & Culture – *Comments pending*
- CVRD Public Safety Department – *Recommended that the application not be approved. The proposal is outside the fire response area and the area is identified as a high to extreme risk for wildfire. Notations include completion of a “Wildland Urban Interface Assessment”, two point of access/egress, and compliance with NFPA 1142, Standard on Water supplies for Suburban and Rural Fire Fighting. (see attached memo)*

PUBLIC RESPONSE

To date, staff have received two phone calls from local residents regarding the rezoning application. These residents expressed neither support nor opposition for the proposal.

A formal notification process would be undertaken if staff is directed to prepare bylaws and schedule a public hearing.

PLANNING COMMENTS

Proposed Use

The OCP directs that Forestry uses be given priority in areas designated for Forestry while allowing subordinate residential uses; explicitly discourages linear residential growth along the Koksilah River; and contemplates rezoning parcels from F-1 to F-2 where the parcel would provide a buffer between residential and forestry uses.

The proposed subdivision of the subject property would result in the conversion of land from forestry to residential and recreational uses. Given the size of the parcels to be created (<2.2 ha), it is unlikely that the land on the northern portion of the property would remain in active forestry use. As the subject property is surrounded by Forestry-designated land, the rezoning would not serve to provide a buffer between forestry and residential uses. Furthermore, the proposed subdivision contradicts the direction of the OCP to discourage linear residential growth along the Koksilah River. Given the location of the site, there is a question as to whether or not fire service is even a possibility.

Rezoning to the F-2 designation appears to be supported in cases involving a “*very substantial dedication of public park and/or community forest...and is in a location considered to be beneficial to the community and region.*” The southern portion of the subject property, proposed to be gifted as park, is an area that currently experiences informal recreational trail use and is identified by the Electoral Area B Parks Master Plan as an area that could be acquired for a trail connection. It should be reiterated that the OCP considers that the “*potential for outdoor recreation that exists in some forested uplands of this area shall be protected for continuous use by future generations in conjunction with the management of the forest.*” The potential for the southern portion of the subject property to be placed in a community forest designation could be considered in light of the OCP policy.

It should be noted that parkland dedication through rezoning is not the sole method for obtaining parks and trail amenities. The Official Community Plan speaks to a variety of available methods such as “lease, purchase, dedication and other means.” Albeit, dedication through rezoning appears to be the most common method for obtaining parkland.

Good community planning practices speak to the collocation of different types of land uses (e.g. housing, jobs, shopping and services) in order to achieve efficiencies in land use. Examples of potential efficiencies include reduced reliance on private automobile use, less time spent commuting, decreased costs for infrastructure and servicing, and the ability to preserve large tracts of resource land by clustering other, more intensive land uses. The proposed rezoning would result in suburban residential development in an area with no public transit that is several kilometers away from employment, shopping and services. With respect to provincial (Bill 27) climate change legislation, there should also be consideration of the potential impact of the proposed rezoning and subdivision in regard to greenhouse gas emissions. Transportation represents the greatest source of GHG emissions in the CVRD.

It is also interesting to note that over the past five years, the CVRD has received 145 applications for OCP amendments and/or rezoning. 37 (25%) of these applications have involved requests to rezone land from F-1 (Primary Forestry) to another designation and roughly half of the applications have involved requests to rezone F-1 land to a residential zone. 17 of 28 applications – 60% – were approved and 12 applications are currently pending. More than 50% of applications received are for properties located in Electoral Area B.

Given that 25% of all applications for OCP/zoning amendment received over the past five years have involved forest lands, it is clear that forest lands are continuing to undergo speculative pressure and that a regional forest lands policy may be useful in guiding decisions on future applications of this nature. Notably, the CVRD Corporate Strategic Plan, dated September 2010, identifies the development of a long-term land use strategy/policy for forestry lands in the Cowichan Region as a strategic action to achieve sustainable land use.

Based on current Official Community Plan policies and planning principles which are inconsistent with this application; the Electoral Area B Advisory Planning Commission motion that the application not be approved; and concerns expressed by the Ministry of Environment, Cowichan Tribes, and CVRD Public Safety Department, staff is obliged to recommend that this application be refused.

Public Response

None received to date

Conceptual Subdivision Plan

The proposed subdivision is conceptual at the rezoning stage as key considerations such as site access, road dedication and lot layout have not yet been fully determined. These details will be finalized once the applicant receives approval from the Ministry of Transportation and Infrastructure. However, at this stage of the process, it is most important that the EASC consider whether or not the proposed use is suitable given the site context and direction of the Official Community Plan with regard to the use of Forestry lands.

South Cowichan Official Community Plan Review

Electoral Area B is currently undergoing a major Official Community Plan review along with Electoral Areas A and C. During this process, consideration of broad planning matters such as land use, growth management and appropriate uses and lot sizes for resource lands are being reviewed. At this point in time, there is direction from the OCP Steering Committee to include OCP policies to strengthen protection of lands designated for Forestry including the potential for a policy to direct the elimination of the F-2 zone.

Options:

Option A

That Rezoning Application No. 1-B-10RS (Walter) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

Option B

That Rezoning Application No. 1-B-10RS (Walter) be tabled pending the outcome of the South Cowichan OCP Review.

Option C

1. That the applicant provides a wildland urban interface assessment and confirm commitments with respect to park land dedication;
2. That the applicant undertakes to guide development according to the Ministry of Environment publication, "Develop with Care: Environmental Guidelines for Urban and Rural Development in British Columbia, March 2006" to the satisfaction of the Manager of Development Services.
3. That the applicant undertakes to comply with *NFPA 1142, Standard on Water supplies for Suburban and Rural Fire Fighting* to the satisfaction of the Chief Building Official.
4. That the applicant arranges with Cowichan Tribes to have the site examined by Tribes' staff, elders and cultural advisors for past and contemporary cultural use and that the applicant commits to incorporating such considerations in the siting of buildings and overall design of the development.
5. That the southern portion of the property identified for park dedication be placed into a community forest designation with accommodation for a trail connection as identified in the Electoral Area B Parks Master Plan.
6. That a covenant be placed on the northern portion of the property, in the riparian corridor adjacent to the Koksilah River.
7. That application referrals to the Ministry of Transportation and Infrastructure, the Central Vancouver Island Health Authority, the Ministry of Environment, Ministry of Forests; Malahat First Nations, Cowichan Tribes and School District 79 be accepted;
8. That draft bylaws be prepared and presented at a future EASC meeting for review.

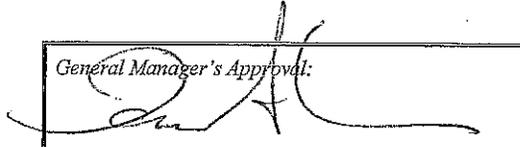
If Option C is moved, staff require additional direction as to whether (a) a new forestry/residential or river corridor zone should be developed or (b) the rezoning should comply with the minimum lot size requirements of the existing F-2 zoning designation.

Option A is recommended.

Submitted by,



Ann Kjerulf, Planner III
Community and Regional Planning Division
Planning and Development Department

General Manager's Approval: 
Signature

AK/ca
Attachments

Oct. 7th, 2010
7:30 p.m.

Minutes of the Electoral Area B Advisory Planning Commission held on the above noted date and time at Shawaigan Community Centre .

Present:

APC members: Chair Graham Ross-Smith, Vice-Chair Sara Middleton, Carol Lane, recording secretary Cynara de Goutiere, Roger Painter, Rod MacIntosh

Absent: John Clark

Delegation: Mike Walters

Also Present: Director Ken Cossey

ORDER OF BUSINESS

1) Introductions.

2) Revision of Agenda. add correspondence.

3) Presentation Mike Walters for # 1-B-10RS.

Proposal is to rezone +/- 67/76 acre parcel from F1 to F2, so that on the North side of the Koksi-lah River 6 lots can be created of 5-5.5 acres each. The part of the property on the South side would be designated as park. The property is not in the fire protection area.

4) Minutes.

Motion to accept minutes of May 2010 meeting. **Motion seconded and carried.**

6) New Business from Director Ken Cossey

- As of Oct. 12, Shawnigan Lake will have first Parks Master Plan.

It is suggested that CVRD provide APC with hard copies of the Parks Master Plan.

- October 15th "Meet the Director" 1-5 PM and Nov.25 6-9 PM
- Else Miles meeting hoping for long term lease and then will lobby for official eventual purchase.
- Farmer's Market Plan in the works for core area of village.
- O.C.P. April -May looking at final adoption. Public Presentation will be shortly.
- Incorporation is puttering along. Phase 2 not yet funded. Would not proceed until 2012. Warren Jones in CVRD is to provide electronic copy of Phase 1 governance to us.
- Regional Recreation is being discussed.

5) Application #1-B-10RS Walters. Discussion.

Motion APC recommends that the CVRD not approve this application.

Motion seconded and carried.

Motion APC proposes another zone for River Properties “River Corridor Zone” as applications arise, applied case by case. This application would form the template.
Motion seconded. Motion turned down.

Motion APC recommends that Koksilah River corridor be reviewed for special River Corridor Zoning.
Motion seconded. Motion carried.

6) Correspondence. Letter read from Chair Graham Ross-Smith to Partridge following the May APC meeting

7) Eco-Depot discussion

8) Discussion of whether internal APC housekeeping matters such as member attendance should be noted in the minutes. Joel Barry will provide direction in the matter.

9) meeting adjourned.

Ann Kjerulf

From: Graham Ross-Smith [rossmith@shaw.ca]
Sent: Wednesday, January 05, 2011 4:52 PM
To: Ann Kjerulf
Cc: cynarae@shaw.ca
Subject: Area B APC - the Walter application 1-B-10RS

Hi Ann,

I spoke with our APC's secretary, Cynara de Goutiere, about the reasons behind the APC's decision to recommend that the Walter application be declined. The following is my attempt to provide the rationale based on my discussion with Cynara and a re-read of the application documents.

The vote on the recommendation was not unanimous. The opportunity for the CVRD to acquire a significant parcel of new riverside park-land certainly weighed heavily in favour of supporting approval of the application.

However the cons seemed to outweigh the pros. To the best of my memory and that of Cynara, the cons were:

1. approval not supported by OCP policy "To ensure the harmonious and economical integration of existing and future land use and services by means of orderly and phased growth primarily in and around existing development."
2. approval not supported by OCP policy "To promote the wise use and conservation of . . . resource lands . . . and ecologically sensitive areas."
3. approval not supported by policy that "forestry related uses shall be given priority on lands designated Forestry in the plan . . ."
4. approval not supported by policy that ". . . further residential development should be discouraged in the areas designated Forestry," . . .
and ". . . linear residential growth along . . . Koksilah River . . . shall be discouraged . . ."
5. the proposal to go to F-2 runs counter to the policy that "The primary purpose of the F-2 zone . . . is to provide a buffer between large forestry parcels and residential land designations" when the "lands are adjacent to residentially-designated lands or between forestry land residentially-designated lands; . . ." Mr. Walter's lands were not so positioned.
6. the proposal runs counter to Smart Growth principles as it would locate homes at a considerable distance from commercial and public services such as schools, health care professionals, stores, fire stations, etc. thereby requiring reliance on motor vehicles and increased local government expenditures for infrastructure development and maintenance.

Immediately following the item on the Walter application, the October minutes of the APC shows a motion being passed which suggests that the CVRD consider creating a new zone to deal with private lands along the Koksilah River: a "River Corridor Zone." Although we did not discuss this zoning category in any detail, I think that the intention behind the suggestion was to find a way to enable some residential/recreational uses of riverside lands that would protect these ecologically sensitive areas and would not entail having to resort to the use of the inappropriate F-2 zoning. It was my impression of the meeting that the commissioners also felt that they needed the direction of the soon-to-be-completed new OCP in order to deal with this application in the context of the latest thinking on the issues involved.

In future the Area B APC minutes will provide reasons for its recommendations. I regret that we failed to do so in this case.

I hope that the information provided above is helpful to you and your colleagues. Please note, however, that the contents of this note reflect my memory and interpretation of what transpired and do not, therefore, necessarily represent the thoughts or recollections of the other commissioners.



January 6, 2011

Your File: 1-B-10RS (Walter)
 BCE File: 58000-35/RD10
 Cliff/Ers: 93393

VIA FAX

Ann Kjerulf
 Planner III
 Cowichan Valley Regional District
 175 Ingram St
 Duncan BC V9L 1N8

Dear Ann Kjerulf:

Re: Zoning Amendment on Riverside Road, Parcel A, District Lot 36, Helmcken District

Thank you for providing us with the opportunity to review the above application for a zoning amendment on Riverside Road, Parcel A, District Lot 36, Helmcken District from Primary Forestry to Secondary Forestry for the purpose of accommodating a seven-lot residential subdivision. We apologize for the tardiness of our response.

We have the following concerns with this application. The proposed development may jeopardize the health of sensitive habitats that occur on the property. The valuable floodplain riparian habitat is environmentally sensitive as indicated by the Sensitive Ecosystem Inventory (SEI) polygons (V1412 and V1417A) on the CVRD environmental Planning Atlas (2000). The property straddles the Koksilah River which has high fish values, and we are concerned that development of the property would degrade fish habitat. In addition to negative impacts to the site, we are concerned about the negative impacts to the surrounding area, especially the Koksilah corridor, by adding another pocket of development to the landscape. We support the Electoral Area B Official Community Plan which preserves ecological integrity by discouraging sprawl of development into resource lands.

.../2

Ann Kjerulf
Cowichan Valley Regional District

- 2 -

January 6, 2011

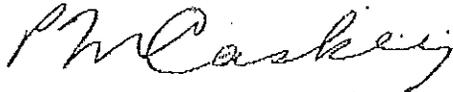
If this application is authorized, we strongly encourage development to be guided by the ministry's *Develop with Care: Environmental Guidelines for Urban and Rural Development in British Columbia, March 2006* document is expected to address most development related questions. In particular, we recommend that you review sections 2 and 3 of the document which is available at:

http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare2006/develop_with_care_intro.html. These sections focus on environmentally sound solutions at the community and site development level. Appendix B provides separate checklists for local government review and site level design to help focus your proposal review. Section 4 provides recommendations relative to environmentally valuable resources.

The *Develop with Care* document reflects the ministry's typical recommendations regarding various aspects of land development and land use designation and has undergone extensive peer and stakeholder review. Although *Develop with Care* does include some regulatory information, much of this document represents our recommendations intended to minimize the negative impacts of expanding urban and rural development on the landscape and on biological resource values, while creating more liveable communities.

If you have any further questions, contact myself or Marlene Caskey at 250 751-3220.

Yours truly,



for Ann Rahme, RPBio, MSc.
Ecosystem Biologist
West Coast Region



Cowichan Tribes

5760 Allenby Road Duncan, BC V9L 5J1
Telephone (250) 748-3196 Fax: (250) 748-1233

November 29, 2010

Your File No: 1-B-10RS
Our File No: 857761

Planning Department
175 Ingram St.
Cowichan Valley Regional District
Duncan, BC V9: 6G6

Attention Ann Kjerulf, Planner III

Dear Ann Kjerulf:

Re: Amendment of Zoning Bylaw No. 985 to permit a seven lot subdivision on a site currently zoned F-1

We recently received a referral package dated September 27, 2010 regarding an application submitted by Michael Walter for amendment of zoning bylaw 985. Cowichan Tribes was requested to provide comments on this proposal for the potential effect on our interests by October 22, 2010. Due to the high volume of referrals we are receiving we are late in our response.

Rezoning of forestry lands is occurring within our Traditional Territory at a rapid rate and because the CVRD does not yet have a regional growth strategy this rezoning for development has become haphazard and appears to be disorganized. Cowichan does not agree with rezoning of any forestry lands at this time because of lack of planning and the possible effects that unlimited development and growth might impose on our Traditional Territory.

Some of our concerns are the unknowns about how much water extraction our territory handle and the effect that increased water extraction may have on our rivers. With this particular application, we are also concerned also about the linear development along the Koksila River. This type of development can further damage the river, affecting the salmon and other wildlife. Splitting up of these forestry lands into private parcels, even though this land is already privately owned, further alienates Cowichan Tribes from the traditional use and cultural practices on the land and the river. The remaining undeveloped lands along all three of our rivers should be protected, and not developed to ensure the protection of our culture, rivers, fish and wildlife. We have depended upon the health of our rivers for thousands of years and today, to see the destruction of them and the loss of the salmon is felt with sadness within our community.

We suggest that a decision not be made until the South Cowichan OCP is completed. We request that one of our staff and elder or cultural advisor be shown the site and further it for examine past and contemporary cultural use.

Yours truly,

A handwritten signature in black ink, appearing to read 'L. George', written in a cursive style.

Larry George
Smaalthun
Manager, Lands and Governance Department

LG/hr



MEMORANDUM

DATE: October 1, 2010 **FILE NO:** 1-B-10RS (Walter)

TO: Ann Kjerulf, Planner III, Development Services Division

FROM: Sybille Sanderson, Acting General Manager, Public Safety

SUBJECT: Rezoning Application No. 1-B-10RS – Public Safety Application Review

In review of the Rezoning Application No. 1-B-10RS the following concerns affect the delivery of emergency services within the proposed area:

- ✓ Proposal is outside the Cowichan Bay Volunteer Fire Department (MVFD) response area and their input further affect Public Safety concerns/comments.
- ✓ The Community Wildfire Protection Plan has identified this area as a **high to extreme risk for wildfire**.
- ✓ It is recommended that a “Wildland Urban Interface Assessment” conducted by a qualified RPF or RFT with relevant applicable experience be required. The objective of the assessment is to review the potential wildfire risk associated with the proposed development and to provide recommended actions to reduce the risk of wildfire.
- ✓ Minimum two points of access/egress to the proposed development should be considered to provide citizenry and emergency services personnel secondary evacuation route.
- ✓ The water system for the development must be compliant with “NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting” to ensure necessary firefighting water flows.
- ✓ Proposal is within the North Cowichan Lake RCMP Detachment area.
- ✓ Proposal is on the border of British Columbia Ambulance Station 152 (Duncan) and Station 137 (Mill Bay) response areas and either station could be called to respond.
- ✓ Proposal is within the boundaries of the CVRD Regional Emergency Program.



This map is compiled from various sources for internal use and is designed for reference purposes only.

The Regional District does not warrant the accuracy.

All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

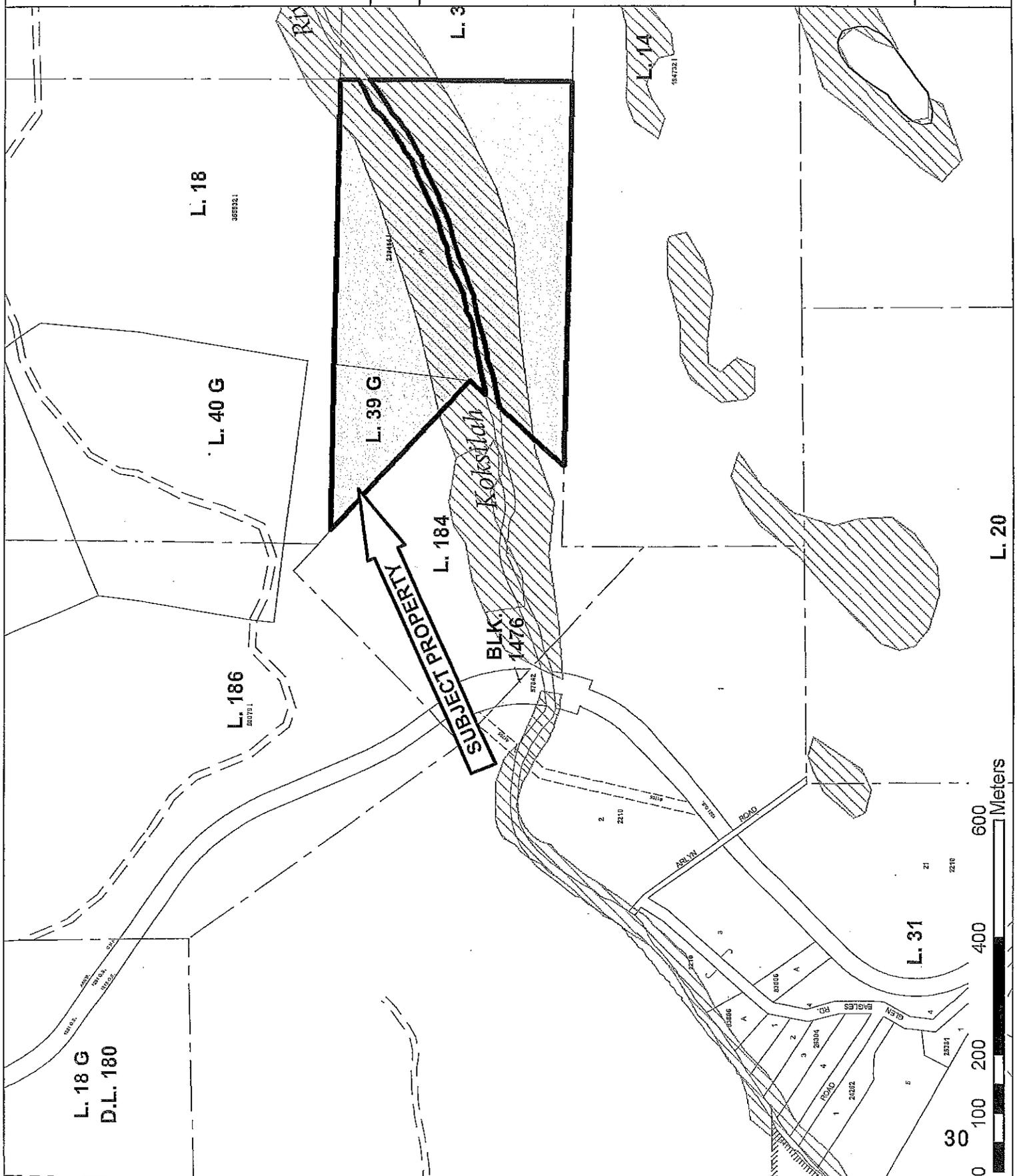
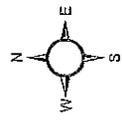
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 1-B-10-RS

Sensitive Ecosystem Inventory

Legend

- Subject Property
- SEI 2C04





Covichan
Valley
Regional
District

This map is compiled from various sources for internal use and is designed for reference purposes only.

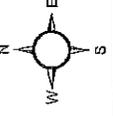
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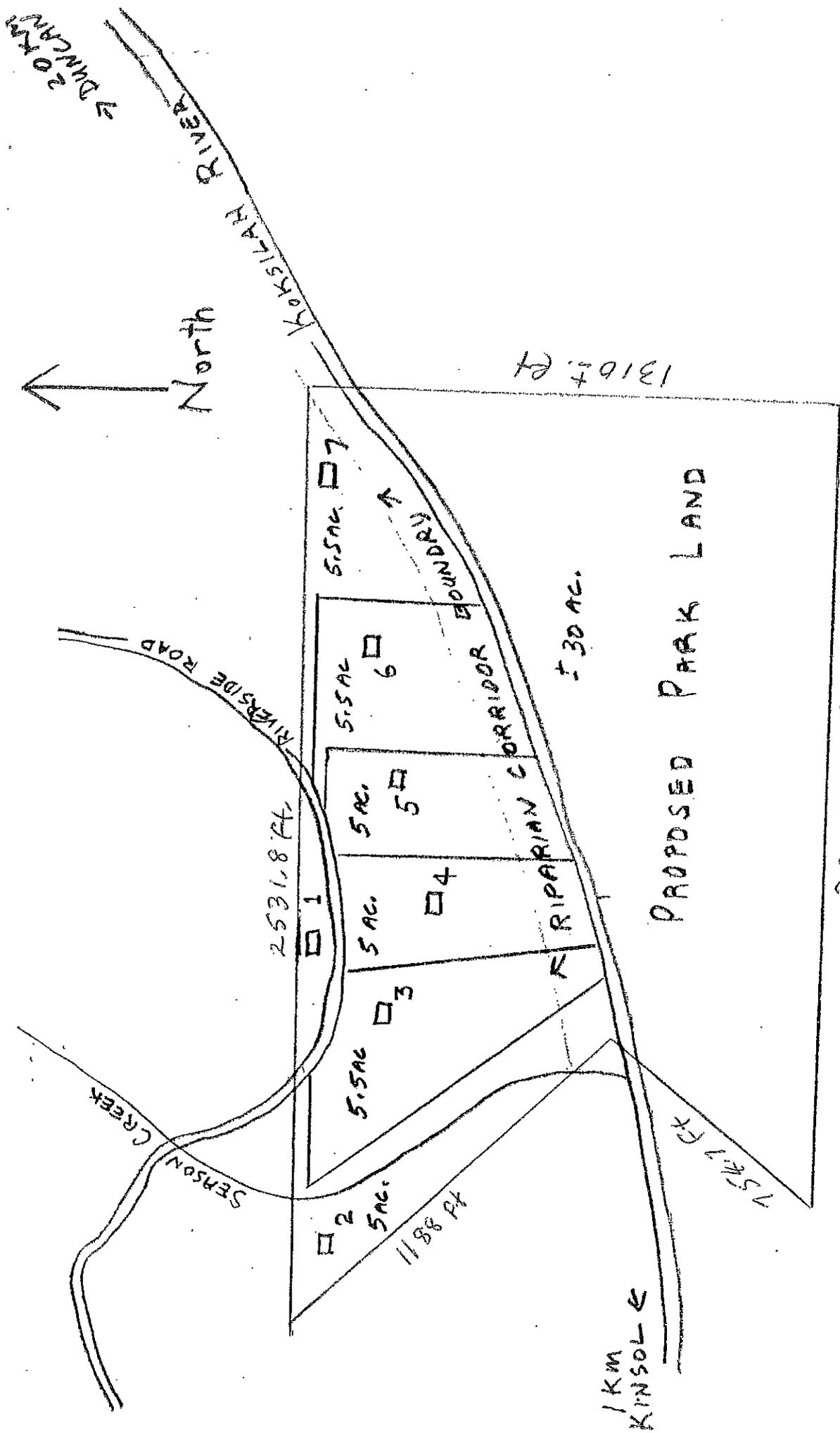
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The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 1-B-10-RS

Orthophoto (2002)





Parcel A
 Lot 36
 P.T. 009-710-809

□ - Possible House Site

Existing Use of Surrounding Properties:

North: C-6 (Country Village Commercial)
 South: A-1 (Primary Agriculture)
 East: A-1 (Primary Agriculture)
 West: C-1 (Convenience Store Commercial) and A-1 (Primary Agriculture)

Services:

Road Access: Trans Canada Highway/Koksilah Road
Water: Well
Sewage Disposal: On-site septic

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas does not identify any environmentally sensitive areas on the subject property.

The Proposal:

An application has been made to: The Agricultural Land Commission, pursuant to Section 20(3) of the *Agricultural Land Commission Act*

For the purpose of: Constructing an addition on the side of an existing building for the storage of an antique fire truck and equipment maintenance space.

Soil Classification:

Canada Land Inventory Maps:

100% 3⁸A - 4²W (2⁸D - 2²D)
 W

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
1	-	-
2	-	100%
3	80%	-
4	20%	-
5	-	-
6	-	-
7	-	-
TOTAL	100	100

Explanation of Land Capability Classifications:

- Class 1 lands have no limitations for Agricultural Production
- Class 2 lands have minor limitations, can be managed with little difficulty
- Class 3 lands have moderate limitations for Agricultural Production
- Class 4 lands have limitations that require special management practices
- Class 5 lands have limitations that restrict capability to produce perennial forage crops
- Class 6 lands suitable for domestic livestock grazing, may not be suitable for cultivation
- Class 7 lands have no capability for arable culture.
- Subclass "A" indicates soil moisture deficiency, improvable by irrigation
- Subclass "C" thermal limitations
- Subclass "D" indicates low perviousness, management required
- Subclass "P" indicates stoniness, improvable by stone picking
- Subclass "R" indicates bedrock near the surface or rock outcrops
- Subclass "T" indicates topography limitations, not improvable
- Subclass "W" indicates excess water, may be improvable by drainage.

Soil classifications for this property are Class 3 and 4. With mediation they can be improved to Class 2.

Policy Context

The Official Community Plan designation for this property is Agricultural. The Area D – Cowichan Bay Official Settlement Plan Agricultural Objectives, as specified in Part 2 of Official Settlement Plan Bylaw No. 925, state:

- *To preserve all lands presently within the British Columbia Agricultural Land Reserve for agricultural use*
- *To ensure the preservation and enhancement of agricultural lands and to encourage greater agricultural productivity in the area*

Despite being designated as Agricultural in the OCP, approximately half of the subject property is zoned Parks and Institutional, which is reflected by its current use as a Fire Hall.

For development applications taking place in the Agricultural Land Reserve, it is CVRD Board Policy to forward the applications to the Agricultural Land Commission (ALC) if the proposed development complies with CVRD bylaws.

Agricultural Capabilities:

The subject property is presently composed of 80% Class 3 soil and 20% Class 4 soil. The agricultural capability of the soil is mostly limited by aridity, with some areas being affected by excess water. By taking improvement measures such as irrigation and drainage installation, the soil quality could be improved to 100% Class 2 soil.

Planning Division Comments:

The subject property is ± 1.73 acres (0.7 ha) in size, split-zoned P-1 (Parks and Institutional) and A-1 (Primary Agriculture) and located at 4461 Trans Canada Highway. Currently there is a fire hall, a 2 bay fire truck garage, a basketball court and a fenced-off storage area on site. The fenced-off storage area is zoned A-1. The applicant is proposing to build a ± 77.35 square metre (832.6 square foot) addition to the side of the existing 2 bay fire truck garage for the storage of an antique fire truck and provide space for equipment repair. The antique fire truck would be used at special events such as parades and presentations at schools.

A variance of 1 metre is required as the applicant is proposing to construct the addition 5 metres from the interior side parcel line. The interior side parcel line setback requirement is 6 metres in the P-1 zone. Because the need for a development variance permit is conditional on receiving approval from the Agricultural Land Commission to construct the addition, the applicant prefers to apply for the variance after the ALC passes a resolution concerning this application.

To the east of the subject property is a farm, to the north is a commercial complex, to the south is a farm/pet resort and to the west is the highway, a gas station and farm land. Other surrounding property use is primarily agricultural.

Advisory Planning Commission Comments:

Members of the Area D Advisory Planning Commission reviewed this application at a meeting held January 12, 2011, and made the following recommendation:

“By a vote of 7-0, the members recommend that this application be supported.”

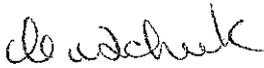
Options:

The CVRD Board's Policy with respect to ALR non-farm use applications is to forward applications to the ALC only if the proposed non-farm use complies with CVRD Bylaws, which in this case it does.

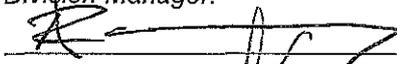
1. That Application No. 1-D-10ALR, submitted by Gordon Fraser, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct an addition on the side of an existing building for the storage of an antique fire truck and equipment maintenance space on the subject property be forwarded to the Agricultural Land Commission with a **recommendation to approve** the application.
2. That Application No. 1-D-10ALR, submitted by Gordon Fraser, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct an addition to an existing building on the subject property be forwarded to the Agricultural Land Commission with **no recommendation**.
3. That Application No. 1-D-10ALR, submitted by Gordon Fraser, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct an addition to an existing building on the subject property be forwarded to the Agricultural Land Commission with a **recommendation to deny** the application.

Staff recommends Option 1.

Submitted by,



Carla Schuk, Planning Technician
Development Services Division
Planning and Development Department

<p>Reviewed by: Division Manager:</p> 
<p>Approved by: General Manager:</p> 

MK/CS//ca
Attachments



**Cowichan
Valley
Regional
District**

This map is compiled from various sources for internal use and is designed for reference purposes only.

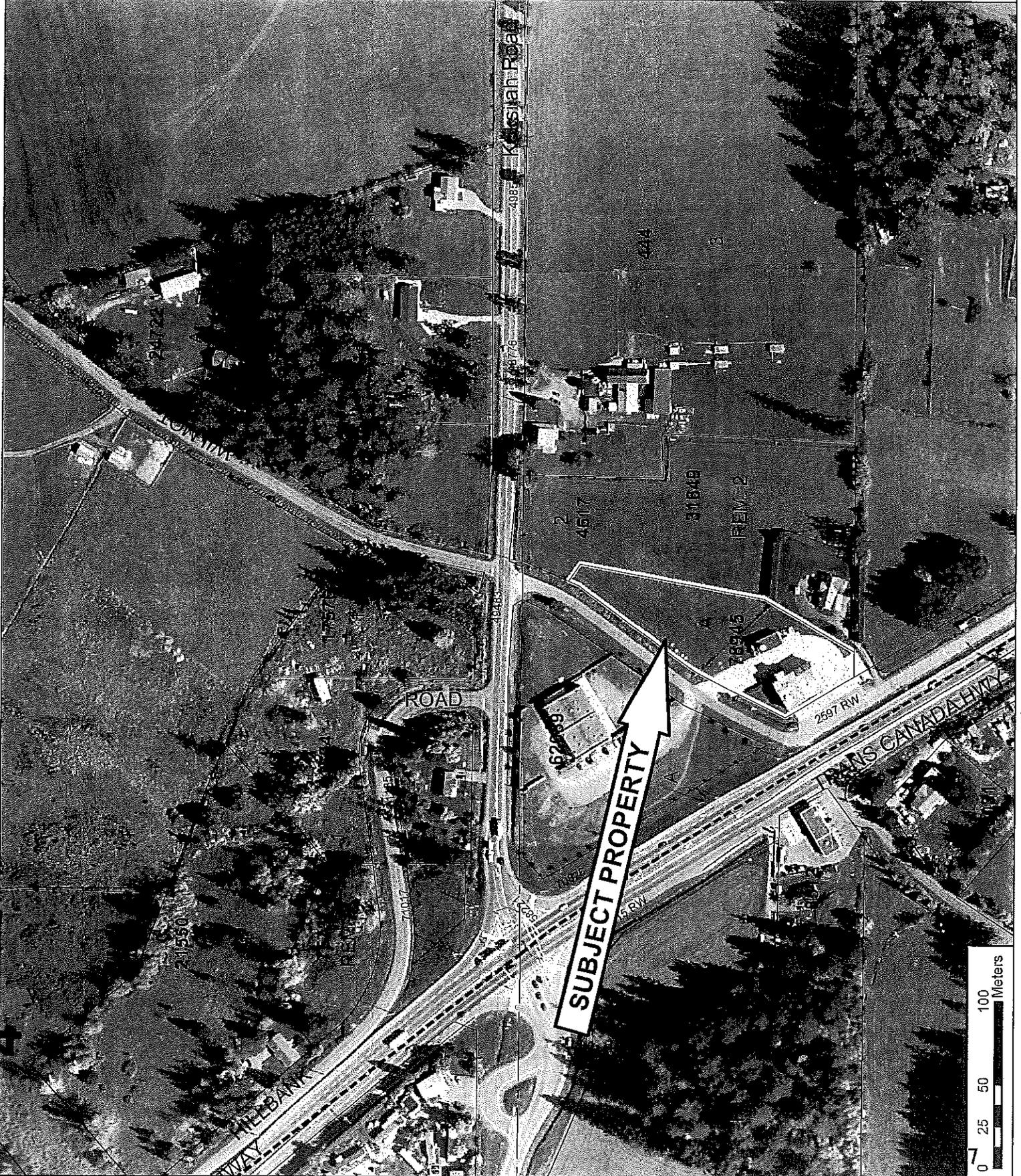
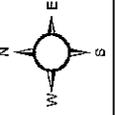
The Regional District does not warrant the accuracy.

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The original Bylaws should be consulted to full purposes of interpretation and application of the Bylaws.

**FILE: 1-D-10
-ALR**

Orthophoto (2004)





**Cowichan
Valley
Regional
District**

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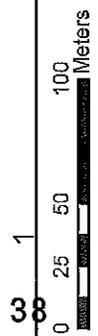
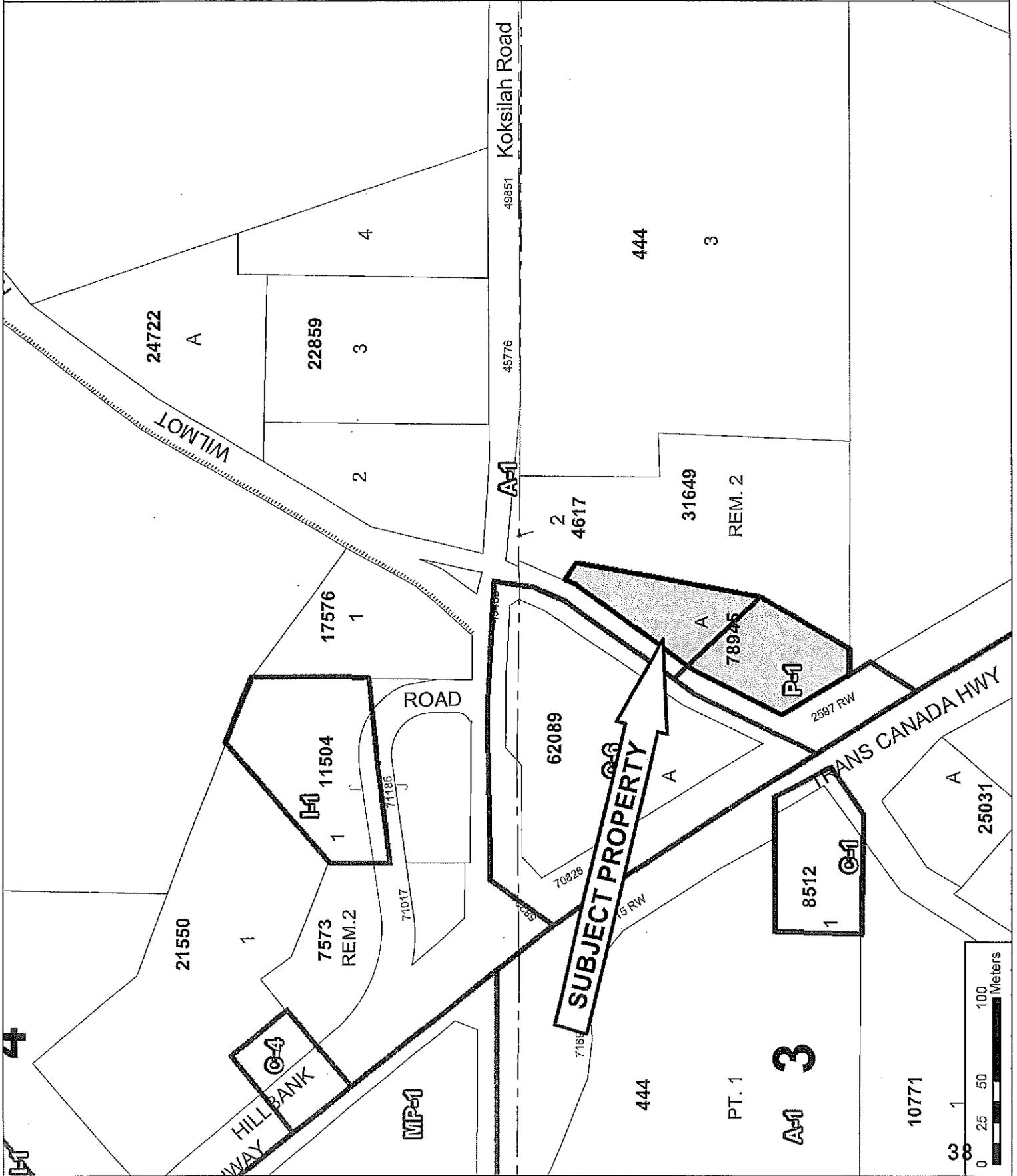
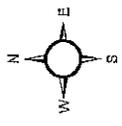
**FILE: 1-D-10
-ALR**

ZONING

Legend

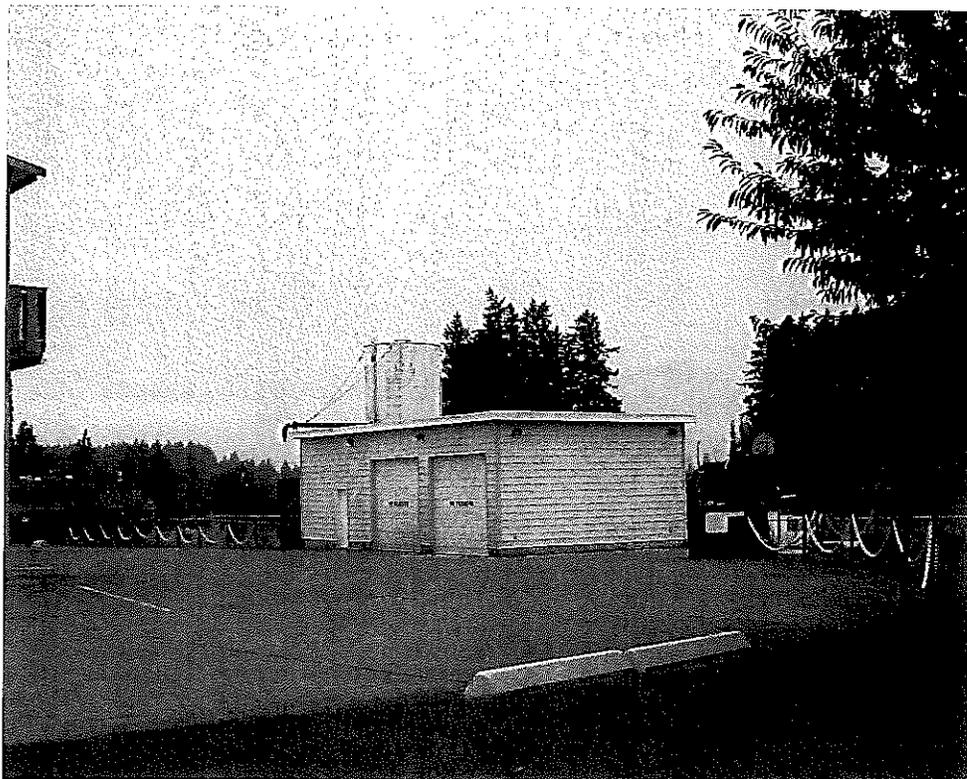


Subject Property
Zoning Electoral Area D

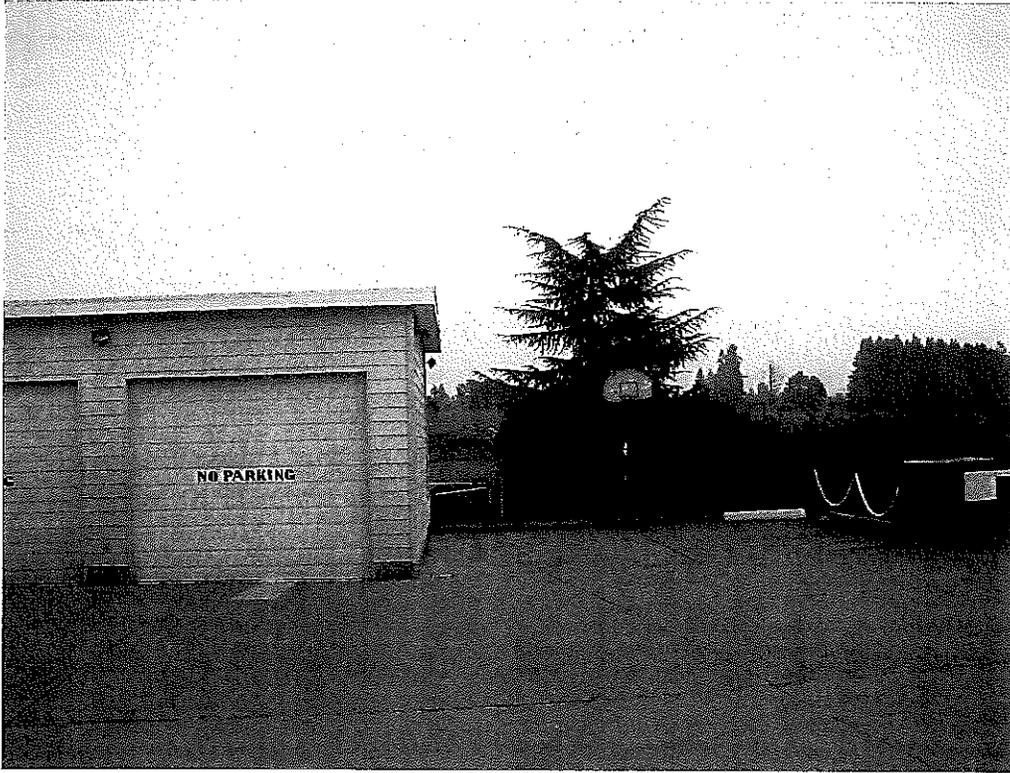




The main fire hall building.



The 2 bay garage located to the east of the main fire hall building.



The addition is proposed to be constructed on the south side of the 2 bay storage garage in place of the existing basketball court.



The site of the proposed addition, looking west.

PART TEN

PARK AND INSTITUTIONAL ZONES

10.1 P-1 ZONE - PARKS AND INSTITUTIONAL

(a) Permitted Uses

The following uses and no others are permitted in a P-1 Zone:

- (1) institution;
- (2) assembly use;
- (3) civic use, transportation facility including airport;
- (4) ecological reserve, public park, greenbelt;
- (5) public botanical garden;
- (6) personal care facility;
- (7) public school, private school including boarding facilities; and
- (8) One single family dwelling or mobile home per parcel, accessory to a use permitted in Section 10.1(a)(1) to (7) inclusive.

(b) Conditions of Use

For any parcel in a P-1 Zone:

- (1) the parcel coverage shall not exceed 40 percent for all buildings and structures;
- (2) the height for all buildings and structures shall not exceed 12.0 metres;
- (3) the minimum setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

COLUMN I Type of Parcel Line	COLUMN II Buildings and Structures
Front Yard	6.0 metres
Side Yard	6.0 metres
Rear Yard	6.0 metres



R3

STAFF REPORT

**ELECTORAL AREA SERVICES COMMITTEE MEETING
OF MARCH 1, 2011**

DATE: February 22, 2011 **FILE NO:** 2-D-10 DVP
FROM: Carla Schuk, Planning Technician **BYLAW NO:** 1015
SUBJECT: Development Variance Permit Application No. 2-D-10DVP
(McKercher)

Recommendation/Action:

That the application by Peter and Margaret McKercher for a variance to Section 8.1(b)(3) of Zoning Bylaw No. 1015 by reducing the minimum front parcel line setback from 7.5 metres to 5 metres for Parcel B (DD 348731) of Section 4, Range 7, Cowichan District, Except part in Plan 2454, and Except part of Cherry Road lying within the Limits of said Parcel B, be approved, subject to the applicant providing a survey confirming compliance with approved setbacks.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: N/A

Purpose:

To consider a request for an application to vary the front parcel line setback in the R-2 Zone of Cowichan Bay.

Background Information:

Location of Subject Property: 1145 Fairbanks Road, Cowichan Bay

Legal Description: Parcel B (DD 348731) of Section 4, Range 7, Cowichan District, Except part in Plan 2454, and Except part of Cherry Road lying within the Limits of said Parcel B (PID 000-837-601)

Owner/Applicant: Peter and Margaret McKercher

Size of Parcel: ±1.9 hectares

Existing Zoning: R-2 Suburban Residential

Minimum Lot Size Under Existing Zoning: 0.8 hectares (for parcels not serviced by either a community water or sewer system).

Existing Plan Designation: Suburban Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North:	Ocean W-2
South:	Agricultural (within the ALR)
East:	Residential R-2
West:	Residential R-2 and R-2A

Services:

<u>Road Access:</u>	Fairbanks Road
<u>Water:</u>	Well
<u>Sewage Disposal:</u>	On-site system

Agricultural Land Reserve Status: The property is not located within the ALR.

Environmentally Sensitive Areas: The Cowichan Valley Environmental Planning Atlas identifies a TRIM stream with possible fish presence on the property.

Archaeological Site: The Ministry of Natural Resource Operations' (MNRO) RAAD mapping identifies an archeological site along the shoreline of the subject property. MNRO has confirmed that this site is not of concern for the proposed development and that the non-shoreline areas of the subject property have low archeological potential.

The Proposal:

An application has been made to: The Regional Board to vary Section 8.1(b)(3) of Zoning Bylaw No. 1015.

For the purpose of: Reducing the minimum required setback for the front parcel line from 7.5 metres to 5 metres.

Planning Division Comments:

The subject property is located at 1145 Fairbanks Road in Cowichan Bay. It is a sloping, ± 1.9 hectare lot with an existing home and two small accessory buildings. The applicants, Peter and Margaret McKercher, are seeking a reduction of 2.5 metres from the 7.5 metre front parcel line setback outlined within the zoning bylaw. The applicants have indicated that they would like to situate their new shop 5 metres from the front parcel line in the southeast portion of the subject property. The shop would be built on the site of a previous accessory building that has since been removed.

The subject property has a watercourse that runs through it from south to north, emptying into Cowichan Bay. The applicants contracted a Qualified Environmental Professional (QEP), Trystan Willmott from Madrone Environmental Services Ltd., to provide a letter of opinion concerning whether the watercourse triggered the need for a Riparian Areas Regulation Development Permit. The QEP's opinion states that the watercourse is not subject to the Riparian Areas Regulation and therefore the proposed development does not require a development permit. The QEP's report states that the accessory building will be approximately 15 metres from the watercourse. The QEP also makes recommendations for site management during construction that would limit potential impacts on the stream. The applicant has stated that they plan to follow the recommendations of the QEP during construction, should the development be approved.

The applicants are requesting this variance to the front parcel line because abiding by the 7.5 metre setback would partially situate the proposed shop on a steep dropoff. The location of the proposed shop would be on a previous building footprint and provides more flat building area on which to build. Also, there is an existing stand of cedar hedge along Fairbanks Road, adjacent to the proposed location of the shop, which will remain, and act as screening. Due to the property sloping down from Fairbanks Road, the hedge and bank will visually screen a large portion of the proposed 6.7m (22ft) tall accessory building.

Staff is recommending approval of the 2.5 metre variance to permit siting of the accessory building 5 metres from the front parcel line as this allows for a flat building footprint and would require less slope disturbance than adhering to the proscribed setback of 7.5 metres.

Surrounding Property Owner Notification and Response:

A total of fifteen (15) letters were mailed out or delivered, as required pursuant to CVRD Development Application Procedures and Fees Bylaw No. 3275. The notification letter described the purpose of this application and requested comments on this variance within a recommended time frame. Staff has not received any correspondences opposed to the 2.5 metre variance.

Options:

1. That the application by **Peter and Margaret McKercher** for a variance to Section 8.1(b)(3) of Zoning Bylaw No. 1015 by reducing the minimum front parcel line setback from 7.5 metres to 5 metres for Parcel B (DD 348731) of Section 4, Range 7, Cowichan District, Except part in Plan 2454, and Except part of Cherry Road lying within the Limits of said Parcel B, **be approved**, subject to the applicant providing a survey confirming compliance with approved setbacks.
2. That the application by **Peter and Margaret McKercher** for a variance to Section 8.1(b)(3) of Zoning Bylaw No. 1015 by reducing the minimum front parcel line setback from 7.5 metres to 5 metres for Parcel B (DD 348731) of Section 4, Range 7, Cowichan District, Except part in Plan 2454, and Except part of Cherry Road lying within the Limits of said Parcel B, except part of Cherry Road lying within the Limits of said Parcel B, **be denied**.

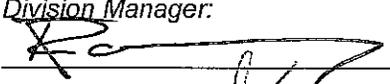
Option 1 is recommended.

Submitted by,



Carla Schuk, Planning Technician
Development Services Department
Planning and Development

CS/ca
Attachments

<p>Reviewed by: Division Manager:</p> 
<p>Approved by: General Manager:</p> 



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

NO: 2-D-10DVP

DATE: March XX, 2011

TO: Peter and Margaret McKercher

ADDRESS: 1145 Fairbanks Road
Cowichan Bay, BC V0R 1N2

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below (*Legal Description*):
Parcel B (DD 348731) of Section 4, Range 7, Cowichan District, Except Part in Plan 2454, and Except Part of Cherry Point Road lying within the Limits of said Parcel B.
3. Zoning Bylaw No. 1015 applicable to Section 8.1(b)(3), is varied as follows:
Front parcel line setback is reduced by 2.5 metres to allow construction of an accessory building 5 metres from the front parcel line.
4. A survey certificate from a BC Land Surveyor is required confirming compliance with the setback variance described in Section 3 of the Permit.
5. The following plans and specifications are attached to and form a part of this permit.
 - Schedule A – Site Plan
6. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Development Services Department.

AUTHORIZING RESOLUTION NO. XX-XX.X PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 9th DAY OF March 2011.

Tom Anderson, MCIP
General Manager, Planning and Development Department

NOTE: Subject to the terms of this Permit, if the holder of this Permit does not substantially start any construction within 2 years of its issuance, this Permit will lapse.

I HEREBY CERTIFY that I have read the terms and conditions of the Development Permit contained herein. I understand and agree that the Cowichan Valley Regional District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with *[name on title]* other than those contained in this Permit.

Owner/Agent (signature)

Witness

Print Name

Occupation

Date

Date



**Cowichan
Valley
Regional
District**

This map is compiled from various sources for internal use and is designed for reference purposes only.

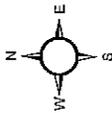
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FILE: 02-D-10-DVP

Google Earth Photo (2005)



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Image © 2010 IMTCAN

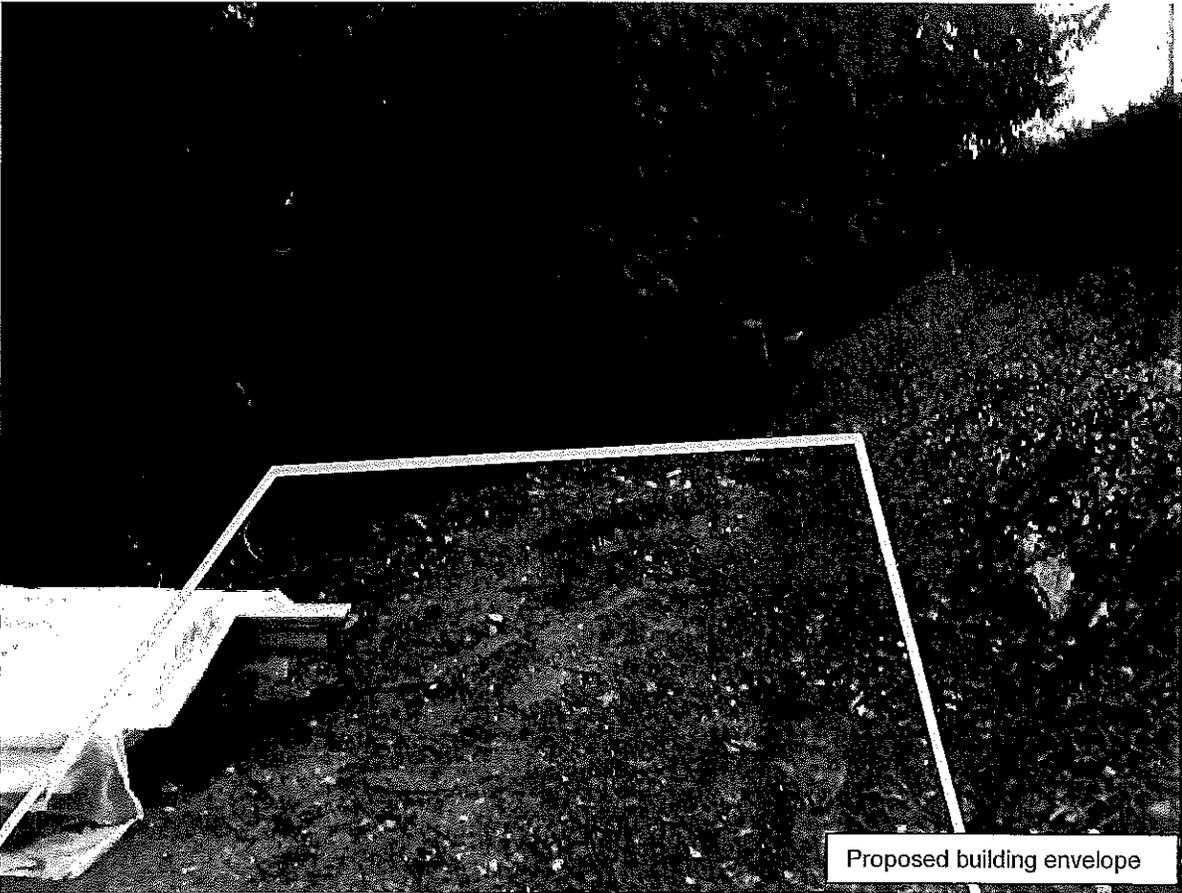
43°43'50.63" N 123°35'05.01" W elev 124 ft

Eye alt 3217 ft

Imagery Date: Jul 17, 2005

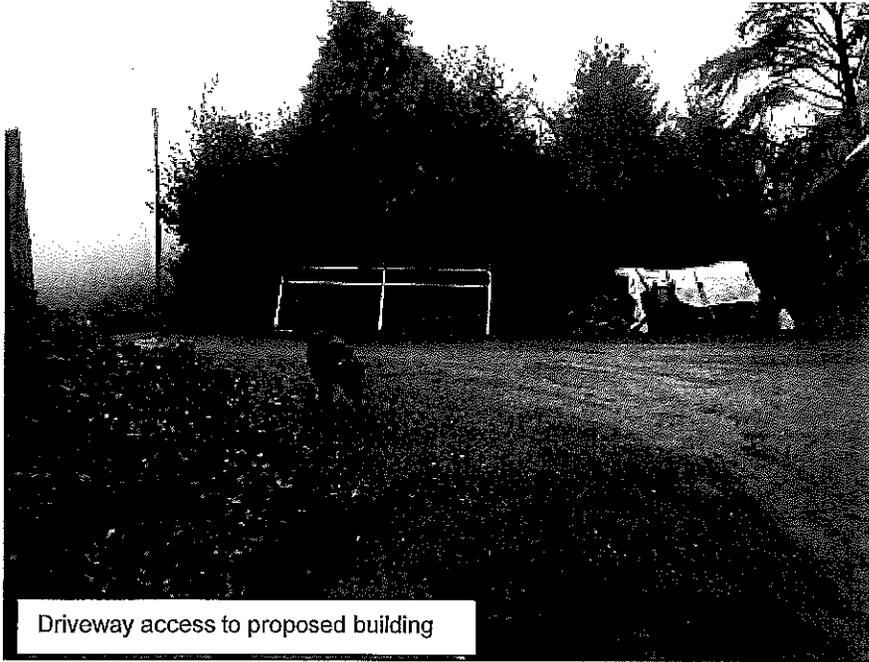


Looking towards proposed building site from residence

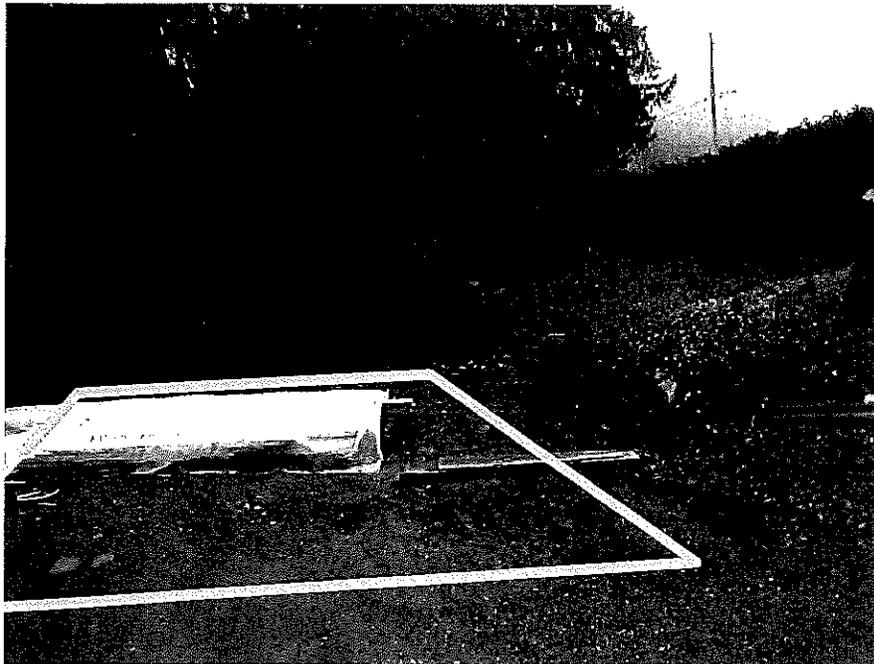


Proposed building envelope





Driveway access to proposed building



PART EIGHT

RESIDENTIAL ZONES

8.0 RESIDENTIAL ZONES

8.1 R-2 ZONE - SUBURBAN RESIDENTIAL

- (1) single family residential dwelling or mobile home;
- (2) agriculture, horticulture;
- (3) home craft;
- (4) bed and breakfast accommodation;
- (5) daycare, nursery school accessory to a residential use;
- (6) small suite or secondary suite.

(b) Conditions of Use

For any parcel in an R-2 Zone:

- (1) the parcel coverage shall not exceed 30 percent for all buildings and structures;
- (2) the height of all buildings and structures shall not exceed 10 metres except for accessory buildings which shall not exceed a height of 7.5 metres; and
- (3) the minimum setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column III and IV:

COLUMN I Type of Parcel Line	COLUMN II Residential Use	COLUMN III Agricultural and Accessory Use	COLUMN IV Accessory Res- idential Use
Front	7.5 metres	30 metres	7.5 metres
Side (Interior)	10% of the parcel width or 3 metres whichever is less	15 metres	10% of the parcel width or 3.0 metres, whichever is less, or 1.0 metres if the building is located in a rear yard
Side (Exterior)	4.5 metres	15 metres	4.5 metres
Rear	4.5 metres	15 metres	4.5 metres



1081 Canada Avenue
Duncan, BC V9L 1V2
P: 250.746.5545
F: 250.746.5850
www.madrone.ca
info@madrone.ca

November 16, 2010

Mr. Peter McKercher
1145 Fairbanks Road
Cowichan Bay, BC, V0R 1L0

WATERCOURSE ASSESSMENT – 1145 FAIRBANKS ROAD, COWICHAN BAY

Dear Mr. McKercher,

At your request, I conducted a watercourse assessment on the above-listed property on November 9th, 2010. The assessment was triggered by your proposal to construct a workshop approximately 15 m from the edge of a watercourse located on the property. In most cases, any development activities within the Riparian Assessment Area (RAA) - 30 m from the edge of a “stream”, are subject to a Riparian Area Regulations (RAR) assessment by a Qualified Environmental Professional (QEP). The main goal of the field assessment was to ascertain whether the watercourse that exists on your property qualifies as a “stream” under the RAR.

The watercourse enters the southern end of your property via a culvert underneath Fairbanks Road. Upstream of the culvert road crossing, the watercourse parallels the southern side of the road as a straight ditch. Surface flowing water was evident throughout the ditch during the assessment. The outlet of the culvert spills out onto a steep (60% gradient) slope on your property. Water flow was subsurface on the steep slope immediately below the culvert outflow at the time of the assessment, despite seasonally wet conditions. Continual surface flow became evident at the base of the steep slope below the culvert outlet.

Upon entering your property, the watercourse flows through a steep-sided gully, with evidence of significant incision through the substrate by flowing water. The watercourse appears to represent a “flashy” system, with short-lived high-flow events responsible for the down-cutting. The steep-sided banks immediately adjacent to the watercourse appear unstable, with evidence of bank erosion during high flows.

The steep-sided gully supports a mix of mature Douglas-fir (*Pseudotsuga menziesii*), bigleaf maple (*Acer macrophyllum*), western redcedar (*Thuja plicata*), grand fir (*Abies grandis*) and red alder (*Alnus rubra*). The watercourse consists of a defined channel, with an alluvial bed, where it flows through the gully.

Due to the configuration of property boundary lines, the watercourse flows through a neighbouring property to the east prior to re-entering the north-eastern corner of your property. This property corner lies adjacent to the marine environment of Cowichan Bay. The watercourse flows as a narrow (less than 1 m wide) drainage through the lower portion of your property prior to spilling out onto a gravel beach.

In terms of fish habitat potential, the watercourse will not support resident fish, as it dries completely on a seasonal basis. There are no habitat attributes (e.g. permanently wetted deep pools) that will offer summer refugia for resident fish. In addition, there is no source of fish connected to the watercourse (e.g. permanent lake). The watercourse does not connect to any other stream, lake, ditch or wetland that could support fish, as it flows directly to the ocean. Regarding the potential for seasonal use by anadromous fish entering the watercourse from the ocean, a lack of necessary habitat attributes, including wetted width, perennial water flow and rearing habitat preclude the use of the watercourse by anadromous fish. In my professional opinion, therefore, based on a lack of habitat attributes required by fish for survival, it is reasonable to assume that the watercourse does not support fish.

As the watercourse on your property is disconnected from fish habitat and does not provide habitat for fish, it does not qualify as a “stream” under the RAR, as per Section 1 (1) of the RAR. While the RAR focuses on the protection of fish habitat, it is still important to consider the value of non fish-bearing drainages and adjacent riparian zones. For example, the steep-sided treed gully adjacent to the drainage represents a vegetated corridor that likely provides habitat for wildlife (e.g. nesting birds).

Raptors such as bald eagles (*Haliaeetus leucocephalus*) may use the emergent conifers as perching/roosting habitat, given the adjacency of prime foraging habitat over Cowichan Bay. There is also the potential that great blue herons (*Ardea herodias fanninni*) will roost and perch in the treed gully, as forage habitat is abundant in proximal marine foreshore areas. A great blue heron was observed flying over the steep-sided gully during the field assessment.

The watercourse and moist, treed gully may also provide habitat for native amphibians, such as Pacific tree frogs (*Hyla regilla*) and red-legged frogs (*Rana aurora*). The life strategies of these amphibians involve a terrestrial-phase, where dispersing adults require moist, forested areas in which to forage. The watercourse may also offer breeding habitat (albeit marginal) for native amphibians, as species such as the red-legged frog and Pacific tree frog can complete their breeding cycle in seasonally wetted areas. The larvae are able to metamorphose into adults prior to the seasonal drying of watercourses, depending on annual variations in weather patterns.

Any future developments on the property must ensure the protection of trees in the steep-sided gully, both to preserve wildlife habitat and to maintain the bank stability function on the steep slopes provided by the network of roots. I understand that some snags may require clearing, due to hazards associated with these trees. In addition, trees have been recently removed adjacent to the proposed workshop construction footprint, as these trees represented potential hazards. Any future work on snags or “danger trees” in the gully must take place outside the breeding bird season (April 1st to July 31st) to avoid disturbance to nesting birds and to avoid contravening relevant legislation. All nesting birds are protected under Section 34 (c) of the provincial Wildlife Act; all nesting migratory birds are also protected under Section 6 of the federal Migratory Birds Convention Act.

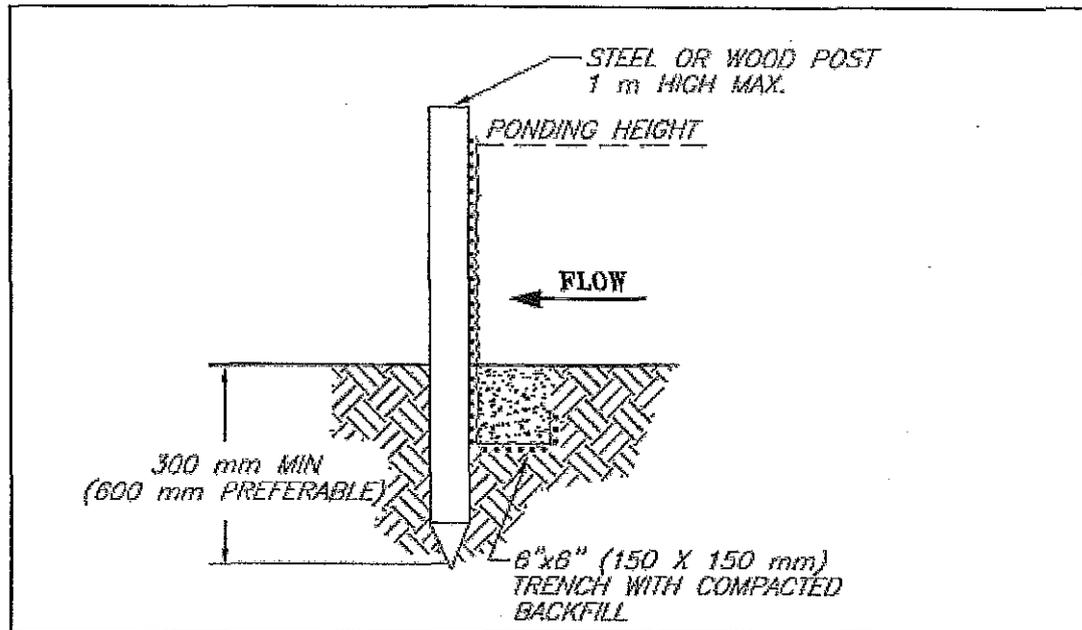
Any future usage of the north-eastern corner of the property must take into account the importance of marine foreshore habitat attributes and the biological function of foreshore riparian vegetation. Vegetated foreshore areas provide benefits in the form of bank stability, shade and nutrient input into adjacent marine environments. Foreshore “hardening”, which includes the construction of retaining walls, beach access roads or docks, must be avoided, as these structures often affect the natural transportation of beach sediment and can lead to increased erosion from wave activity and scour.

Foreshore areas close to the high tide line are sensitive in that these areas provide potential spawning habitat for “forage fish”, such as surf smelt (*Hypomesus pretiosus*) and sand lance (*Ammodytes hexapterus*). Forage fish spawning has recently been confirmed in the Cowichan Bay and Cherry Point areas, which represents the general assessment area.

The development of the workshop is proposed for the southern portion of the property, approximately 5 m from the northern edge of Fairbanks Road. The development will be placed on a pre-existing construction footprint at least 15 m from the western edge of the watercourse. Despite the fact that setbacks do not apply under the RAR, the “watercourse setback” of 15 m (implemented through the local government – the Cowichan Valley Regional District) is being adhered to in this case. This setback will help maintain a buffer between the developed area and the watercourse.

Despite the lack of fish habitat attributes in the watercourse, it is important to consider the direct connectivity of the watercourse to the marine environment when carrying out the proposed construction of the workshop. Appropriate measures must be implemented to ensure that sediment does not become mobilized during the construction process and transported into the watercourse, as any sediment will be carried directly to the ocean.

A silt fence should be installed along the edge of the construction footprint as soon as possible, to act as a barrier to any sediment that may become mobilized from the exposed construction footprint. The bottom of the silt fence must be dug in, as per the diagram below, to ensure that sediment does not migrate underneath the fence. Any fill material that is excavated or brought onto the site must be covered to prevent the mobilization of sediment from rain-splash. Tarps will suffice for this purpose, but the tarps must be weighted down accordingly to prevent them from being blown away by wind. Throughout the duration of the construction process, any temporarily exposed areas must be covered with a layer of straw mulch to protect the surface of the soil from rain, thus preventing the mobilization of sediment.



Proper installation of silt fencing.

In conclusion, the provincial RAR assessment procedure should not be triggered by the proposed development of a workshop on your property, as the watercourse does not qualify as a "stream" under the RAR assessment methodology. Furthermore, any future developments on the property should not trigger an assessment under the RAR.

Sediment and erosion control measures must be adhered to throughout the duration of the construction process, to ensure that sediment does not become mobilized and transported via the watercourse into the connected marine environment. Any development on the lot must take into account the value of the foreshore riparian area and adjacent foreshore riparian vegetation. The treed gully represents potential habitat for numerous species of wildlife and, therefore, should remain in its current state, aside from the removal of "hazard trees", where absolutely necessary.

I appreciate your diligence in contacting me regarding this matter. If you have any questions, please do not hesitate in contacting the undersigned.

Sincerely,




Trystan Willmott, B.Sc., A.Sc.T.
Madrone Environmental Services Ltd.

RAR Assessment Methodology Accessed at:

(http://www.env.gov.bc.ca/habitat/fish_protection_act/riparian/documents/assessment_methods.pdf).



SITE PHOTOGRAPHS



Looking west along Fairbanks road from the point where the focus watercourse enters a culvert and flows north under the road and onto the subject property. Watercourse route is highlighted in blue.

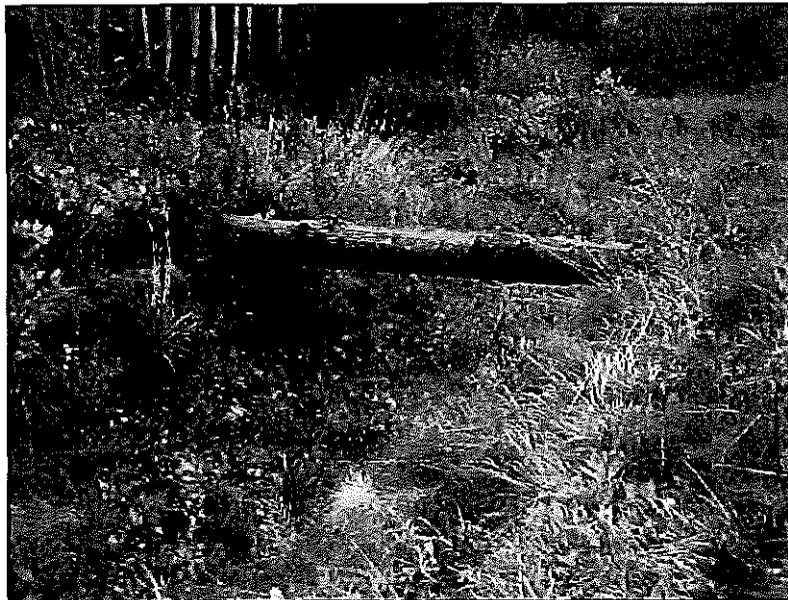


Looking north down the steep slope immediately below the culvert outlet on the north side of Fairbanks Road.

Note lack of surface flow along the poorly defined watercourse (highlighted in blue).



Looking south (upslope) along the steep bank below the culvert outlet on the north side of Fairbanks Road. Note poorly-defined nature of the watercourse in this area and unstable banks.



Looking southwest along the lower portion of the watercourse where it flows through the northeastern corner of the property. This photo was taken approximately 20 m from tidewater.

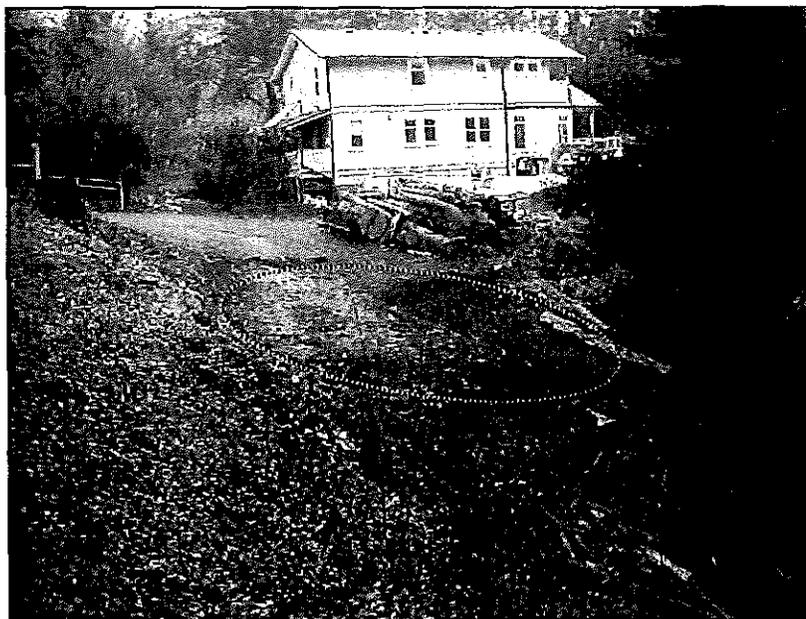


Typical characteristics of the watercourse immediately prior to its confluence with the ocean. Note general lack of attributes required by fish for survival (e.g. deep pools, cover and spawning areas).



Looking east at the point where the watercourse spills out onto a gravel beach.



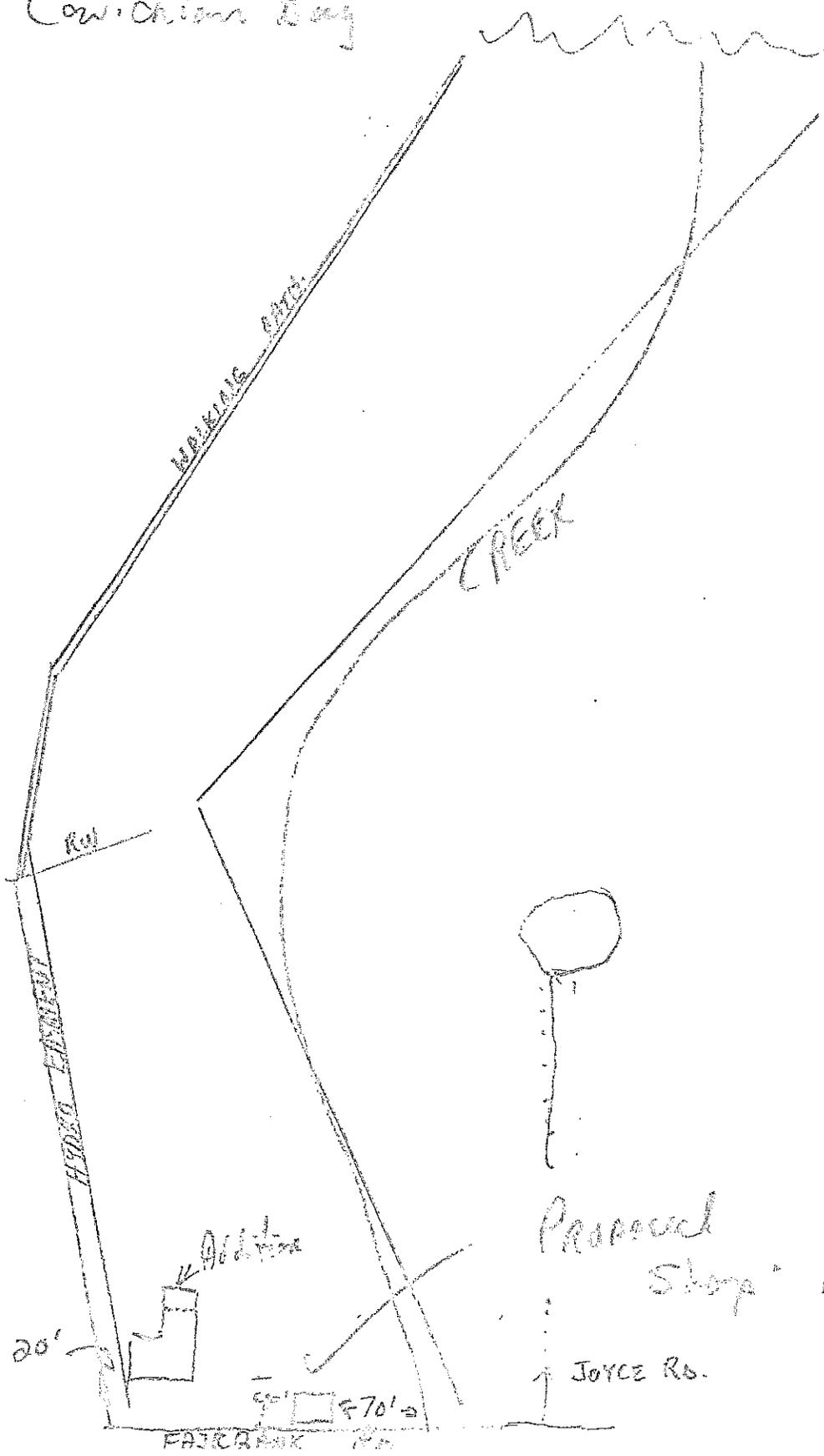


Looking northwest towards the existing residence. The highlighted area represents the proposed workshop footprint, the edge of which is located at least 15 m from the western edge of the watercourse. Silt fencing should be installed along the lower edge of the footprint, to prevent the mobilization and transportation of sediment into the watercourse and the connected marine environment.

P. McRorden
1145 FAIRBANK Rd
Cowichan Bay

OCEAN

Field



24x32
max height
34'

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North:	Ocean
South:	Residential
East:	Residential
West:	Residential

Services:

<u>Road Access:</u>	Chemainus Road
<u>Water:</u>	Saltair Community Water System
<u>Sewage Disposal:</u>	On-site septic

Agricultural Land Reserve Status: Property is not located within the ALR

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas identifies this property as being in a Shoreline Sensitive Area.

Archaeological Site: CVRD has no record of any archaeological sites on the subject property.

The Proposal:

An application has been made to the Regional Board to issue a Development Permit, pursuant to Electoral Area G – Saltair Official Community Plan Bylaw No. 2500, for the purpose of legitimizing and completing construction of a single family dwelling within the Ocean Shoreline Development Permit Area.

Planning Division Comments:

The subject property is located on Chemainus Road near the intersection with Gait Road and lies north of Davis Lagoon in Electoral Area G – Saltair. This oceanfront property is situated within the Ocean Shoreline Development Permit Area, which is intended to protect the sensitive environment of the ocean shoreline and foreshore bluffs, and to protect development from hazardous conditions.

The property slopes downwards towards the ocean, from south to north, with an elevation change of approximately 16 metres between Chemainus Road and the waterfront. The property has moderate relief along a shelf from the road to a point in the eastern section of the property where there is a 14m drop off to the ocean. There is currently a single family dwelling, garage, and shed on site and a boat house on the waterfront. The existing dwelling is located approximately 6m back from the top of bank and over 15m from the high water mark of the ocean. A current site plan was included with the application and has been included as an attachment to this report.

The applicant commenced renovations on an existing mobile home that was located on the property during the summer of 2010. It became apparent that the existing structure required more extensive repairs than originally thought due to carpenter ants infestation. A visit from the Building Inspector concluded that the renovations were occurring to such an extent that the residence is considered a new construction and therefore a development permit would be required for the work. To legitimize the recent construction, the applicant immediately stopped construction activity, submitted a development permit application as requested and retained the services of a geotechnical engineer.

This application proposes construction of single family dwelling, a new garage, and a new septic system in compliance with the Ocean Shoreline Development Permit Area guidelines. A report was completed by Lewkowich Engineering Associates Ltd. on October 29, 2010, relating to the construction of the residence (see attached).

The geotechnical engineering assessment report discusses site, soil, and groundwater conditions, as well as recommendations for construction activities, in particular foundation construction. The geotech report concludes that the proposed development is safe and suitable for the intended use provided that the recommendations of the report are followed.

The subject property was largely cleared of trees in previous years prior to the current owner purchasing the property. The applicant has subsequently removed two fruit trees recently, located in the southern part of the property, as they were determined to be a food source for the carpenter ants and a contributing factor to the infestation mentioned above. The removal of these trees was considered essential to the prevention of infestation recurrence. A few sapling bushes were also cut down, leaving root structures in place, along the lower parts of the retaining structures in order for the applicant and the geotechnical engineer to see the condition of current retaining structures located in this area.

The Official Community Plan Bylaw No. 2500 has established guidelines (attached) meant to assist applicants in meeting the objectives of the Ocean Shoreline Development Permit Area. The following will describe how the applicant has addressed each of these guidelines outlined in Section 20.3.4.

- a) The property was almost entirely cleared in previous years before the current owner bought the property. The applicant recently removed two fruit trees because they were determined to be a food source for carpenter ants that had infested the residence on the property. No further vegetation removal is being proposed as part of this application.
- b) The proposed driveway and parking area will be located at the southern reaches of the property, on the opposite side of the property from the ocean. This part of the property is relatively level. The driveway will be covered with gravel and runoff will be directed into two perimeter drains that will run down each side of the property.
- c) There is an existing footpath to the shoreline and the applicant does not have plans to alter this area as part of this development permit application.
- d) The foreshore area was largely cleared by previous owners. The geotechnical report states that routine upkeep of existing landscaping and vegetation will prevent erosion towards the shoreline. The dwelling and garage construction will be occurring within the footprint of the existing buildings and will not result in further clearing of vegetation. The installation of the new septic system will require excavation activity, but will be revegetated upon completion.
- e) The imperviousness of the proposed development will remain the same as the existing development. The applicant is utilizing the existing residence and garage footprints.
- f) Public access along the waterfront will not be obstructed by the proposed development.
- g) The applicant is not proposing any retaining walls along the marine foreshore as part of this development permit application. One retaining wall of approximately 3 – 4 feet in height is planned for the proper installation of the new septic system. It will run in an east – west direction extending from the southernmost side of the house towards the eastern property line.
- h) All steep slopes are vegetated and the geotechnical report states that routine upkeep of existing vegetation will mitigate erosion on these slopes.
- i) No new retaining walls in the marine foreshore area are proposed as part of this development permit application.
- j) See above

- k) See above
- l) No fence is being proposed
- m) The proposed development will not increase impervious surfaces on the property, and the geotechnical report recommends stormwater management at the building site that will protect slope stability and upkeep of existing vegetation and rock facing that will control erosion in the area. Also, no development is being proposed within the 15m setback from the sea.

Advisory Planning Commission Comments:

Members of the Area G Advisory Planning Commission reviewed this application at a meeting held February 12, 2011, and made the following recommendation:

That the Advisory Planning Commission recommend approval of the application subject to incorporating the recommendations of the geotechnical study. – Carried Unanimously

Options:

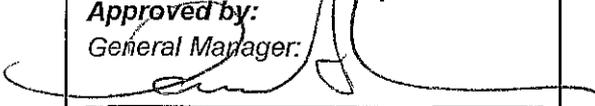
1. That application No. 8-G-10DP be approved, and that a development permit be issued to Dan Casler for Lot 1, District Lot 34, Oyster District, Plan 18775 to legitimize and finish construction of a house, subject to compliance with the recommendations noted in the October 29th, 2010 report by Lewkowich Engineering Associates Ltd.
2. That application no. 8-G-10DP be revised.

Submitted by,



Carla Schuk, Planning Technician
Development Services Division
Planning and Development Department

CS/ca
Attachments

<p>Reviewed by: <i>Division Manager:</i> </p> <hr/> <p>Approved by: <i>General Manager:</i> </p>



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 8-G-10DP

DATE: March XX, 2011

TO: Dan Casler

ADDRESS: 11195 Chemainus Road

Ladysmith, BC

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below (legal description):
Lot 1, District Lot 34, Oyster District, Plan 18775 (PID: 003-784-941)
3. Authorization is hereby given to legalize and finish construction of a single family dwelling in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following condition:
 - 1) Compliance with the recommendations noted in the October 29th, 2010 report by Lewkowich Engineering Associates Ltd.
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedules are attached:
 - Schedule A – Lewkowich Engineering Associates Ltd. Report dated October 29, 2010
 - Schedule B – Site Plan

This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Development Services Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. XX-xx.x PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 9TH DAY OF MARCH 2011.

**Tom Anderson, MCIP
General Manager
Planning and Development Department**

NOTE: Subject to the terms of this Permit, if the holder of this Permit does not substantially start any construction within 2 years of its issuance, this Permit will lapse.

I HEREBY CERTIFY that I have read the terms and conditions of the Development Permit contained herein. I understand and agree that the Cowichan Valley Regional District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with DAN CASLER other than those contained in this Permit.

Signature of Owner/Agent

Witness

Print Name

Occupation

Date

Date

SECTION 20.3 – OCEAN SHORELINE DEVELOPMENT PERMIT AREA

20.3.1 CATEGORY

The **Ocean Shoreline Development Permit Area** is designated pursuant to Section 919(1)(a) and (b) of the *Local Government Act*, to protect the natural environment, its ecosystems and biological diversity, and for the protection of development from hazardous conditions.

20.3.2 AREA OF APPLICATION

The **Ocean Shoreline Development Permit Area** applies to all parcels with frontage on the ocean shoreline, as shown on **Map 9: Ocean Shoreline Development Permit Area Map**.

20.3.3 JUSTIFICATION

Pursuant to Section 919 of the *Local Government Act*, the **Ocean Shoreline Development Permit Area** is established to address the following:

- (a) There are over 140 parcels fronting on the ocean shoreline in Saltair. The cumulative impact of careless development on these parcels would have a detrimental impact on the sensitive ocean shoreline.
- (b) Davis Lagoon consists of an accretion beach, sheltered marshlands and surrounding uplands that support a diversity of plant and animal life and should be maintained for such purposes. The lagoon acts as a valuable staging area for waterfowl and birds. Salmon use it to enter Stocking Creek, and the freshwater it discharges into Ladysmith Harbour supports some productive oyster beds. This is an area of high biotic capability that should be protected. It is one of the few remaining lagoons on southeastern Vancouver Island.
- (c) An aquatic buffer, or riparian zone, consisting of natural vegetation, rocks, trees, or fallen trees can help protect land by protecting the bank from slumping or being washed away. Roots of plants and trees act to reinforce soil and sand and help hold them together, while the leaves of plants reduce the energy of wind and the force of falling rain, increase the evaporation rate and slow water runoff (further information can be obtained at the CVRD Development Services Department).
- (d) Research into watershed hydrology and environmental resilience has demonstrated that once certain thresholds of impervious surfaces (total area of roofs, paving, concrete slabs, accessory buildings and other hard surfaces) are exceeded, irretrievable harm may be done to aquatic life. Many of the developed areas of the OCP area already exceed this threshold of imperviousness (for further information, contact the Development Services Department).
- (e) While many oceanfront parcels in Saltair have already developed extensive hard surfaces and clearings in close proximity to the shoreline, there is increasing evidence that buffer areas are critical in protecting natural values, even where existing development does not allow them to be as wide as a conventional 30 to 100 metre strip.
- (f) Parcels along the shoreline of Saltair slope down to the ocean. They require special attention because they are on the receiving end of drainage and seepage from uphill and may have wetter soils which are more easily compacted and damaged than upland soils. They have the tendency to erode because of both slope and the action of water and wind over exposed stretches of water.

- (g) Surface water is quickly and directly affected by pollution from sources such as poorly placed and maintained septic systems, fertilizer (nitrates, phosphates), driveway runoff, and lawn and garden pesticides. A vegetated buffer can filter pollutants out of runoff from roads, yards, and septic systems before they reach the ocean. Conversely, hard surfaces and reduced vegetation increase runoff and erosion potential and decrease absorption by the soil.
- (h) On a property with substantial native vegetation, the use of fertilizers and pesticides can be avoided, as these substances are not required to grow native plants.
- (i) The marine foreshore bluffs in Saltair consist of steep slopes and complex topography generally unsuitable for urban development. The bluffs have been created by wave action eroding away at the glacial material of the backshore. There is limited beach material protecting the bluffs. The bluff and foreshore is low in gravel and high in silt and clay. Particularly when vegetation is removed at the edge of bank, it is susceptible to further wave action which may result in land slippage, sloughing or soil creep. The placement of buildings and structures and the clearing of vegetation near the edge of the Saltair Bluffs could increase the rate of erosion and add to the risk of land slides.

20.3.4 GUIDELINES

Within the **Ocean Shoreline Development Permit Area**, no person shall:

- subdivide land;
- alter land, including the removal of trees or vegetation and removal/deposit of soil;
- construct a road, bridge or driveway; or
- construct a building or structure

prior to the owner of land applying for and receiving a development permit from the CVRD, which shall sufficiently address the following guidelines:

- (a) Trees and shrubs in the riparian buffer area should be carefully pruned, where necessary to enhance views, rather than removed;
- (b) Roads and driveways should be located as far as possible from the edge of a bluff or from the ocean shoreline, so as to keep sand, gravel, leady oils and fuels, and road salt out of runoff. Driveways should be angled across the hill's gradient, where possible, and be composed of porous materials such as road mulch, small modular pavers or pre-cast concrete lattice, to keep runoff to a minimum. For driveways that are already paved, a portion of the runoff can be diverted by the use of speed bumps in regular intervals. Settling pools can be installed in runoff ditches that slope to water;
- (c) Footpaths to the shoreline should be planned to avoid erosion, using slope contours rather than a straight downhill line, and be narrow to minimize impacts on drainage patterns. Impacts to a slope can be minimized by elevating stairs above the natural vegetation;
- (d) Site preparation should be carried out in a manner which minimizes the need for vegetation clearing. In order to control erosion and to protect the environment, the development permit may specify the amount and location of tree and vegetative cover to be planted or retained;

- (e) Figures for total imperviousness on sites within this development permit area should be calculated by the proponent and submitted at the time of development permit application. The Board may specify maximum site imperviousness or effective imperviousness in a development permit;
- (f) Public access along the marine waterfront is important to Saltair residents and should not be affected by any obstructions;
- (g) Retaining walls along the marine shoreline will be limited to areas above the high water mark, and to areas of active erosion, rather than along the entire shoreline frontage. Backfilling behind the wall, to extend the existing edge of the slope, is not permitted unless it can be clearly demonstrated that the fill is necessary to prevent further erosion or sloughing of the bank;
- (h) Where possible, steep, bare slopes should be cut back, and soft erosion control methods should be used. In cases where hard armouring, such as using solid concrete or heavy rocks or rock in wire cages, is necessary, the planting of native vegetation should be done to soften its impact, and the base of the wall should be constructed to be habitat friendly;
- (i) Retaining walls along the marine shoreline should be faced with natural materials such as wood and stone, particularly darker colours that blend in with the natural shoreline and are less obtrusive when seen from the water. Large, fortress like, uniform walls should not be permitted unless composed of pervious materials and stepped or softened to provide for water absorption;
- (j) Deep rooted vegetation should be planted along the retaining wall on the steps or along the top, to help filter runoff before it enters the beach;
- (k) Retaining walls or sea walls should not utilize unsightly construction debris like broken concrete, blocks or bricks;
- (l) Where a fence is constructed on, or in conjunction with, a uniform retaining wall or the highest uniform section of a retaining wall, the retaining wall or portion thereof should be considered to be an integral part of the fence for the purpose of determining height;
- (m) The latest Best Management Practices for land development of the Ministry of Water Land and Air Protection and Fisheries and Oceans Canada, should be respected.

20.3.5 EXEMPTIONS

The following will be exempted from the requirement of obtaining a development permit in the **Ocean Shoreline Development Permit Area**:

- (a) Retaining walls that are more than 2 metres from the high tide mark, and are under 0.7 metres in height;
- (b) Buildings and structures located more than 30 metres from the high water mark of the ocean;
- (c) Removal of hazardous trees;
- (d) Interior renovations and minor exterior renovations of existing buildings.

20.3.6 APPLICATION REQUIREMENTS

- (a) Before the CVRD authorizes the issuance of a development permit for a parcel of land in the **Ocean Shoreline Development Permit Area**, the applicant must submit a development permit application, which at a minimum includes:
1. a written description of the proposed project;
 2. reports or information as listed in the relevant Development Permit Guidelines;
 3. information in the form of one or more maps, as follows:
 - location/extent of proposed work;
 - location of ocean high tide mark;
 - location of other watercourses;
 - topographical contours;
 - location of slopes exceeding 25 percent grade;
 - location of lands subject to periodic flooding;
 - percentage of existing and proposed impervious surfaces;
 - existing tree cover and proposed areas to be cleared;
 - areas of known sensitive or rare native plant communities;
 - existing and proposed buildings;
 - existing and proposed property parcel lines;
 - existing and proposed roads, vehicular access points, driveways, and parking areas;
 - existing and proposed trails;
 - existing and proposed stormwater management works, including retention areas and drainage pipes or ditches;
 - existing and proposed erosion mitigation and bank alterations;
 - existing and proposed septic tanks, treatment systems and fields;
 - existing and proposed water lines and well sites;
- (b) In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense, a report certified by a professional engineer with experience in geotechnical engineering which includes:
1. a hydrogeological report, which includes an assessment of the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition;
 2. a report on the safety of the proposed use and structures on-site and off-site, indicating that the land may be used safely for the use intended; and/or
 3. a stormwater management plan, which includes an assessment of the potential impact of the development on the groundwater resource.
- (c) In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense, an environmental impact assessment, certified by a registered professional biologist, assessing any impacts of the project on watercourses and lands in the area.



This map is compiled from various sources for internal use and is designed for reference purposes only. The Regional District does not warrant the accuracy.

All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

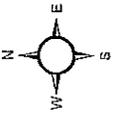
FILE: 08-G-10-DP

ZONING

Legend



Subject Property
Zoning Electoral Area G



Ladysmith Harbour

W-1

SUBJECT PROPERTY

W-9 L. 404

W-1

R-3

Davis Lagoon

P-1

11046

82497

82499

39472

31671

6915

39472

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8053

591541

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1387 R

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66782

298R

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32314

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CHEMUNUS RD.

GAIT RD.

BRAN KSONE RD.

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Cowichan
Valley
Regional
District

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FILE: 08-G-10-DP

Google Earth Photo (2005)

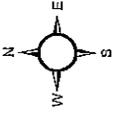


Image © 2011 IMTCAN
© 2011 Google

Google

Eye alt 1013 ft

clow 13 ft

48°57'53.49" N 123°41'37.53" W

Imagery Date: Jul 17, 2005

Map 9
Ocean Shoreline DPA

 Ocean Shoreline DPA

Stuart Channel

Saltair

Electoral Area G

Trans-Canada Highway

Town of Ladysmith

Electoral Area G



Municipality of North Cowichan

CASTLER RESIDENCE
 MOBILE HOME RENOVATION AND ADDITION
 11195 CHEMAMNUS RD SALTAR BC

**MATTHEWS
 DRAFTING &
 DESIGN**

DATE: 01/11/2011
 11:23 AM
 11:23 AM

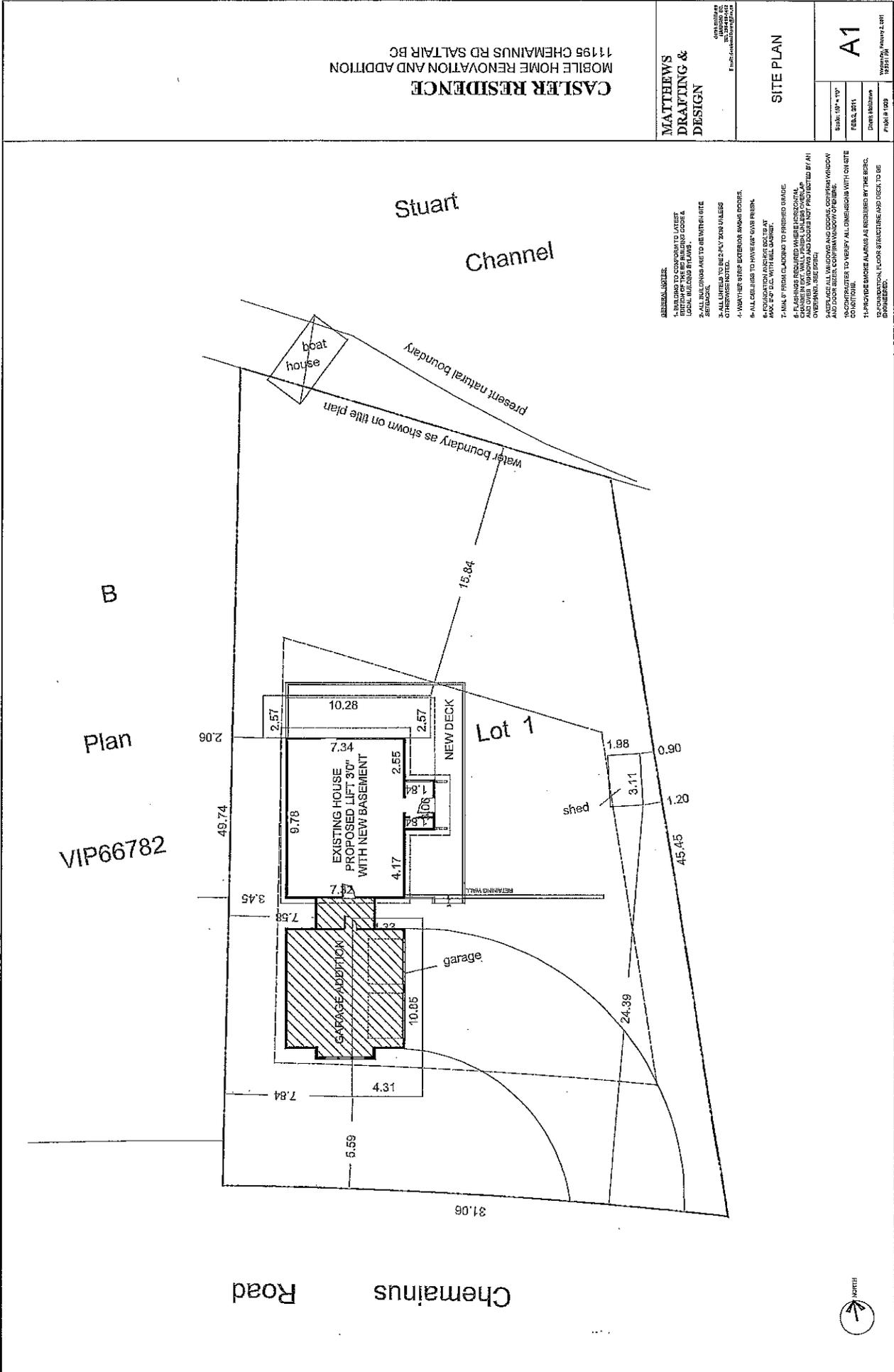
SITE PLAN

A1

Scale: 1/8" = 1'-0"
 FEB 2, 2011
 Date Issued:
 Project # 1009

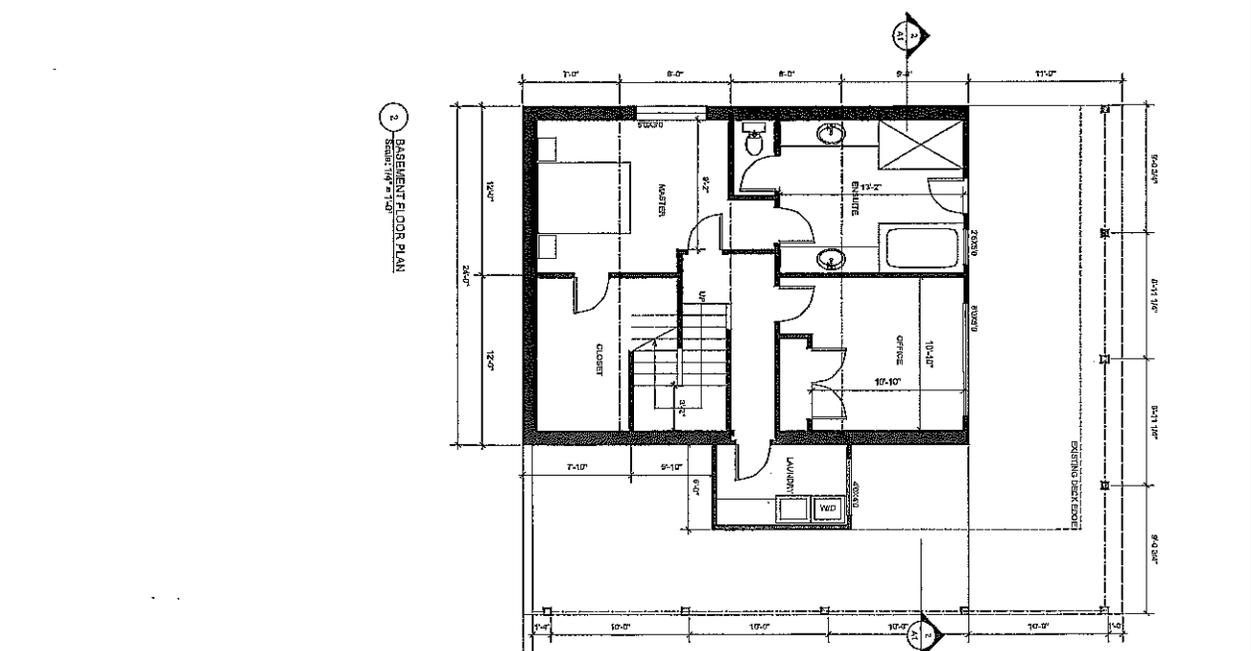
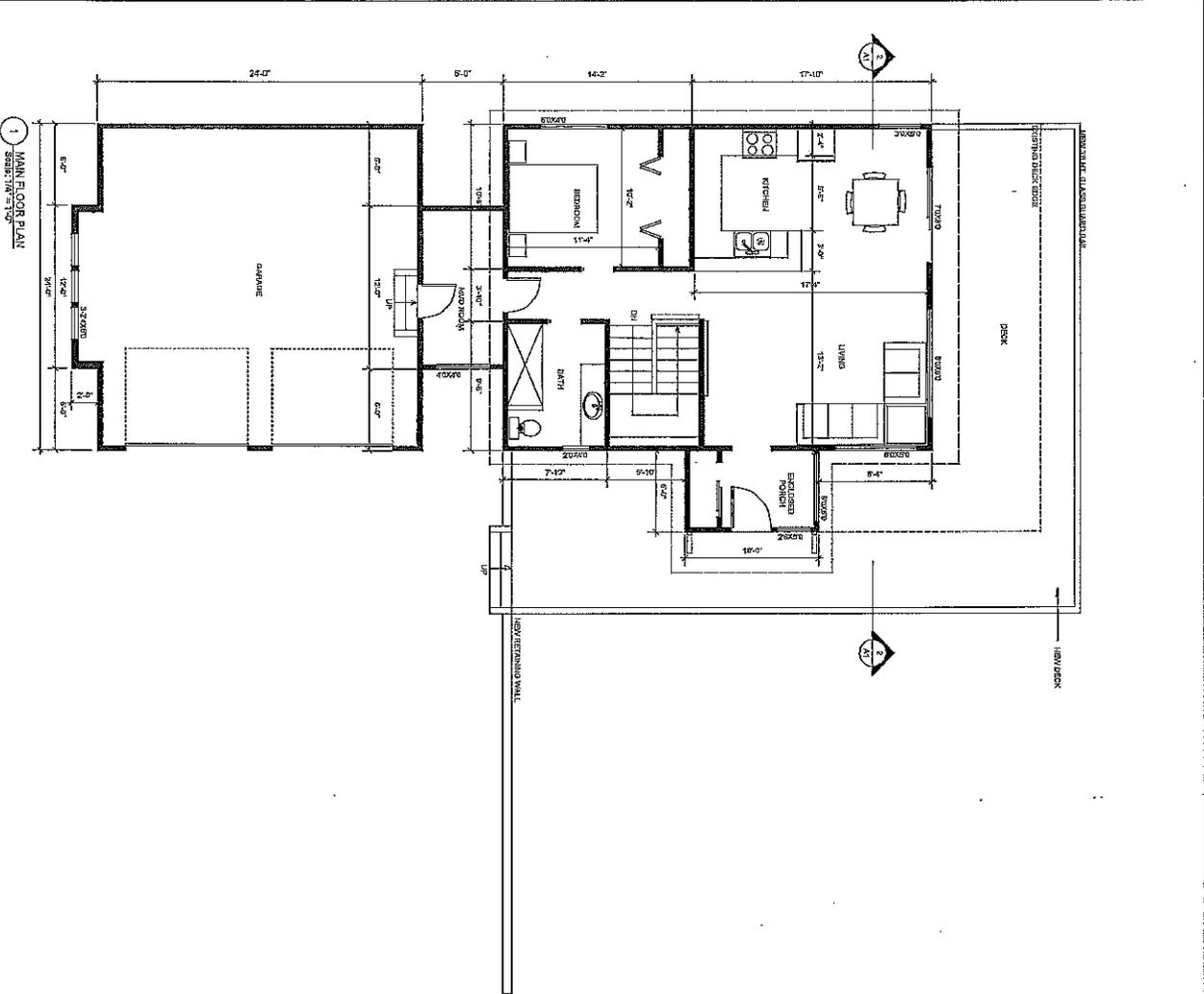
North Arrow
 West 2011

- ORIGINAL NOTE:**
1. PERMANENT TO EXISTING TO LATEST EDITION OF THE BC BUILDING CODE & LOCAL BUILDING BY-LAWS.
 2. ALL DIMENSIONS ARE TO BE WITHIN SITE SETBACKS.
 3. ALL UTILITIES TO BE 2'-0" FROM WALLETS OTHERWISE NOTED.
 4. W/OUT STRIP EXTERIOR W/ALK DOORS.
 5. ALL CEILING TO HAVE 60" OVER FINISH.
 6. FOUNDATION W/ALKERS NOT TO EXCEED 2'-0" D.C. WITH 1/2" LAGERS.
 7. MIN. 8" FROM CLADDING TO FINISHED GRADE.
 8. FLASHING REQUIRED WHERE HORIZONTAL AND VERTICAL MEETINGS AND CORNERS AND OVER W/ALKERS AND CORNERS NOT INDICATED BY AN OVERHANG. SEE SPEC.
 9. REPLACE ALL W/ALKERS AND DOORS WITH NEW W/ALKERS AND DOORS WITH 1/2" OVERHANGS.
 10. PROVIDE TO VERIFY ALL DIMENSIONS WITH ON SITE SURVEYOR.
 11. PROVIDE EROSION CONTROL MEASURES AS REQUIRED BY THE BCRC. RECONSTRUCTION OF FLOOR STRUCTURE AND DECK TO BE SHOWN.



B
Plan
VIP66782





CASLER RESIDENCE
MOBILE HOME RENOVATION AND ADDITION
11195 CHEMAINUS RD SALT AIR BC

MATTHEWS DRAFTING & DESIGN

FLOOR PLANS

<p>DATE: 11-11-17 FIELD: 2011 CLIENT: MATHIAS PROJECT: 16-003</p>	<p>A2</p> <p>Working Drawing 2/311 10/22/17</p>
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CASLER RESIDENCE
 MOBILE HOME RENOVATION AND ADDITION
 11195 CHEMAMUS RD SALTAR BC

**MATTHEWS
 DRAFTING &
 DESIGN**

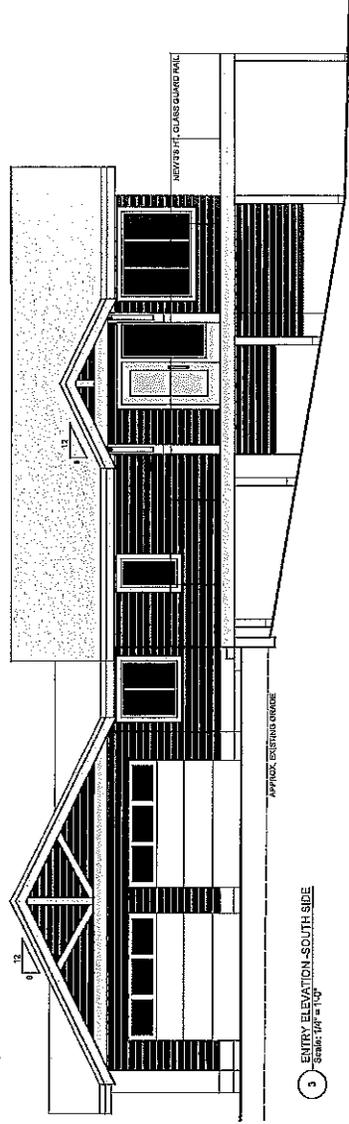
PROJ. NO. 11195
 11195 CHEMAMUS RD
 SALTAR BC V0N 1A0

**ELEVATIONS
 AND SECTION**

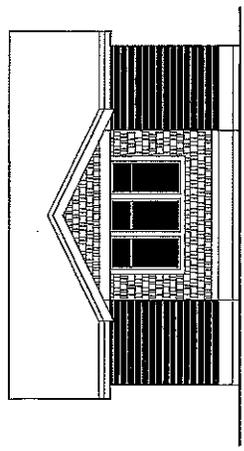
A3

DATE: FEB 2011
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO: 11195

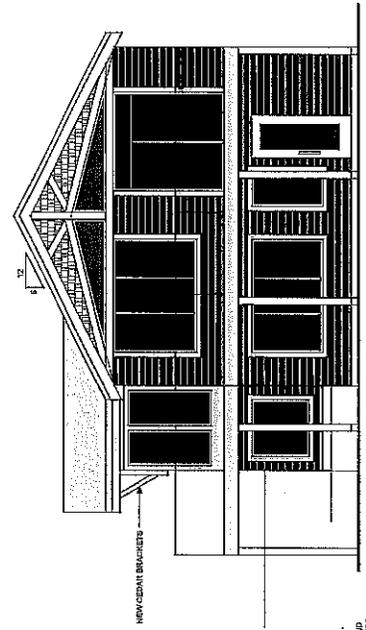
- ELEVATION NOTES:**
- 1- FABRICATE REQUIRED AT ANY HOLE, CHANGE IN EXT. OR WINDOW TO BE PROTECTED BY OVERHANG.
 - 2- CALC ALL VENT. JOINTS.
 - 3- USE 1/4" COMB FACE FOR ALL HORIZONTAL CORNERS.
 - 4- USE 2" X 2" PANDA SAND W/ ALUM. CUTTERS.
 - 5- ALL FINISHING TO W/VE END GRAB.
 - 6- 6" MIN. FROM EXT. CLADDING TO GRADE.



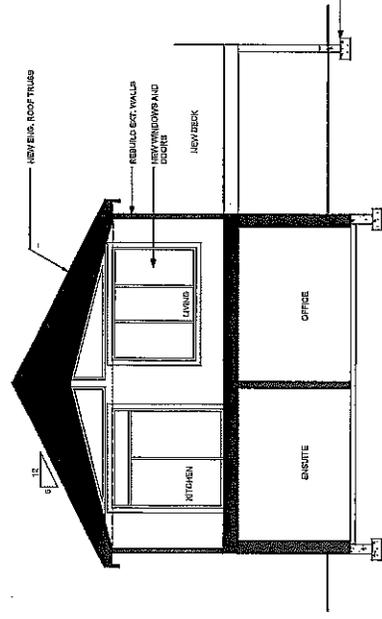
3 ENTRY ELEVATION SOUTH SIDE
 SCALE: 1/4" = 1'-0"



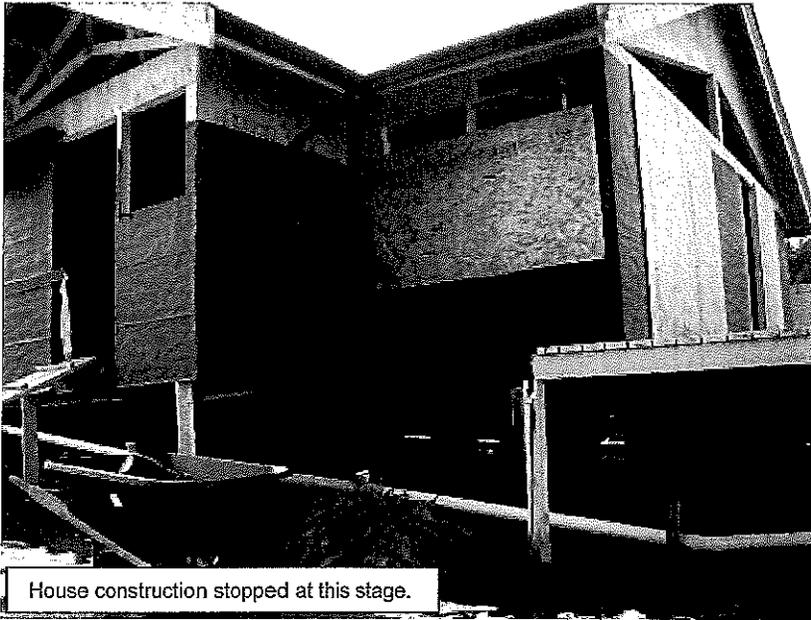
1 CHEMAMUS ROAD ELEVATION
 SCALE: 1/4" = 1'-0"



4 OCEAN ELEVATION
 SCALE: 1/4" = 1'-0"



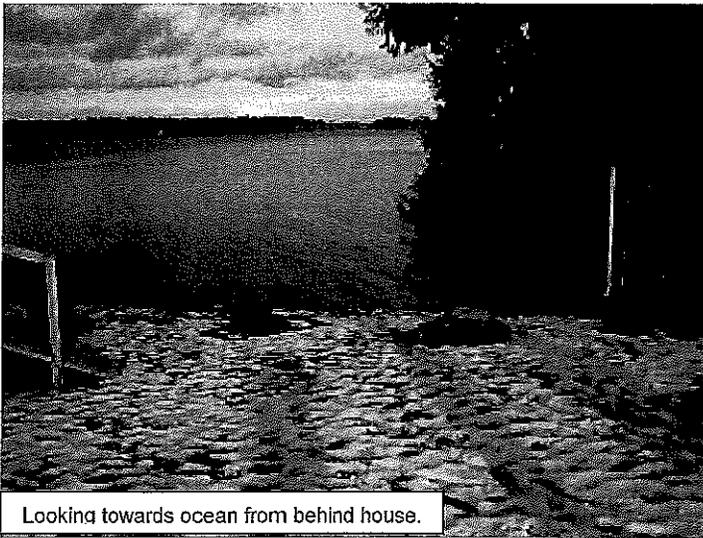
2 SECTION
 SCALE: 1/4" = 1'-0"



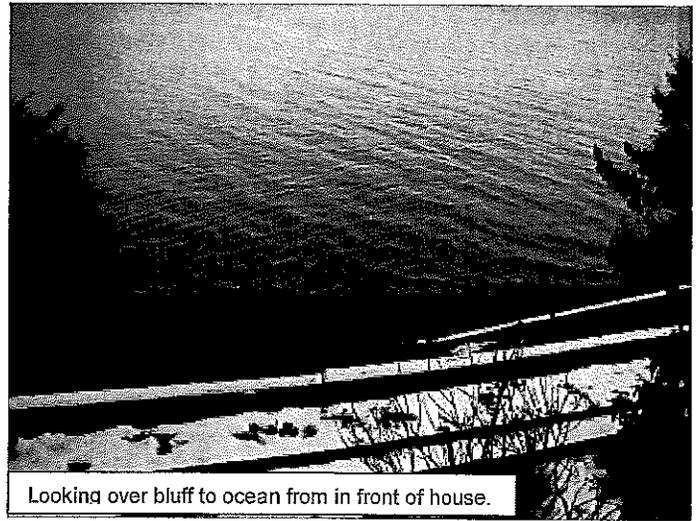
House construction stopped at this stage.



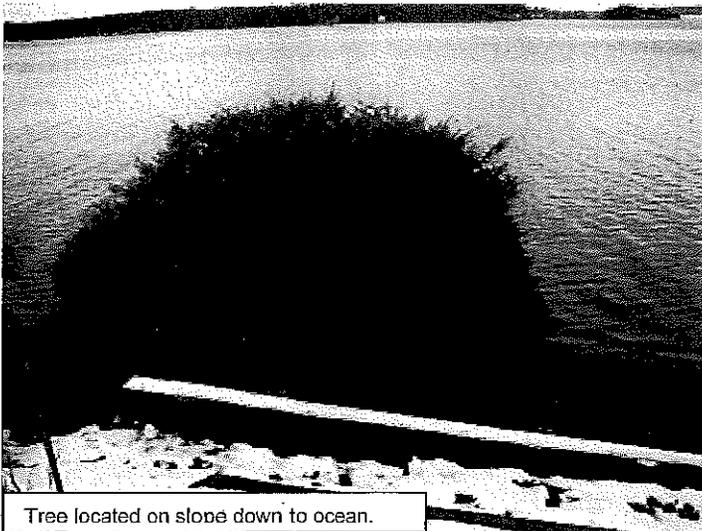
Flagging represents 15m from HWM of ocean



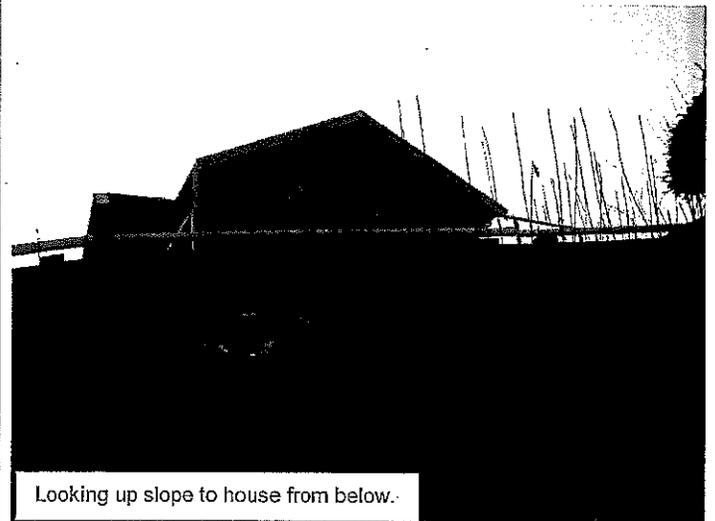
Looking towards ocean from behind house.



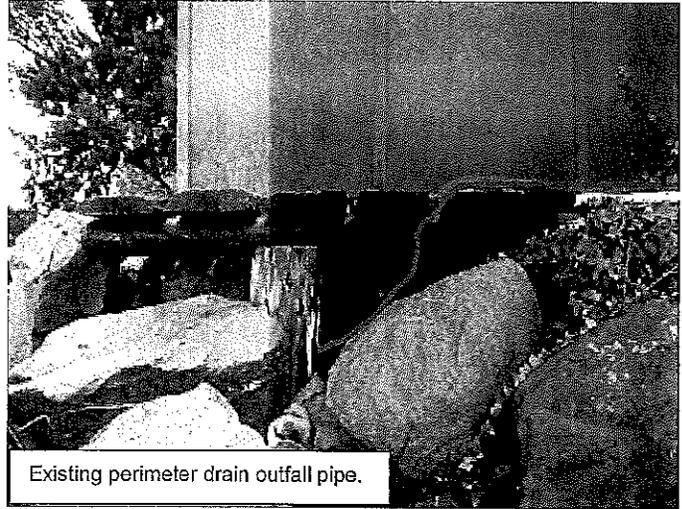
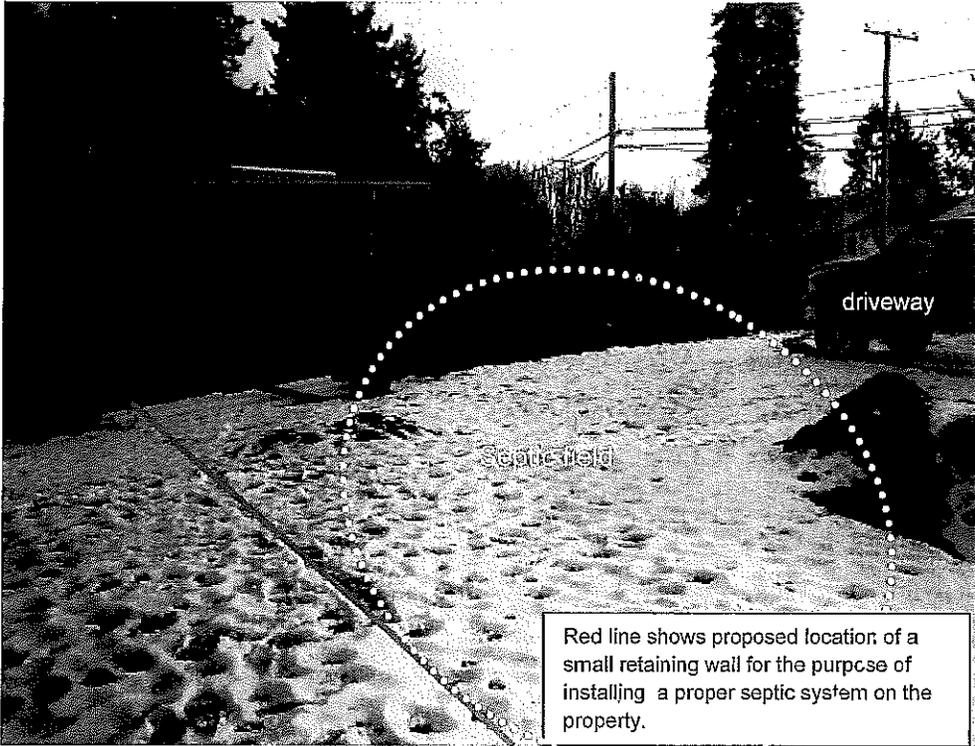
Looking over bluff to ocean from in front of house.



Tree located on slope down to ocean.

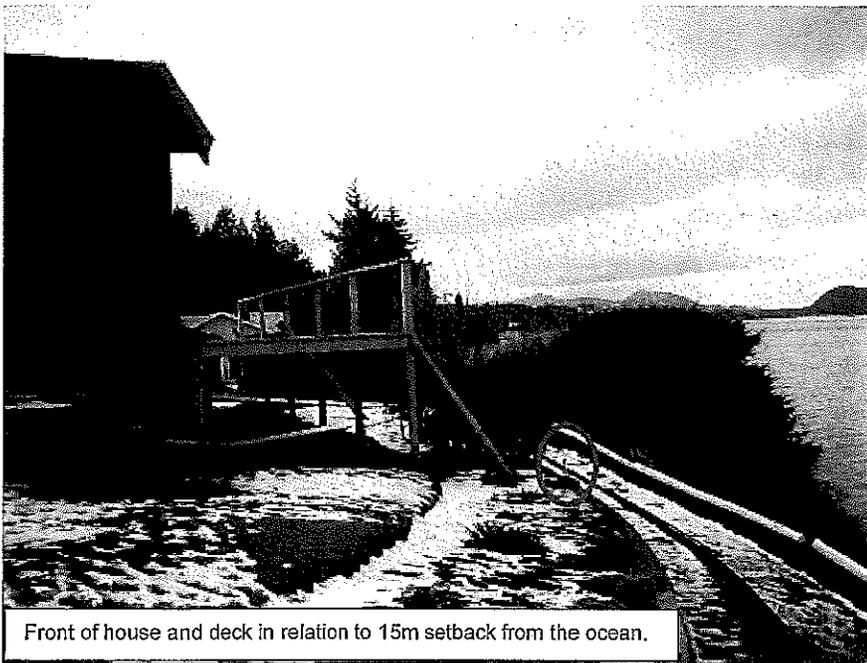
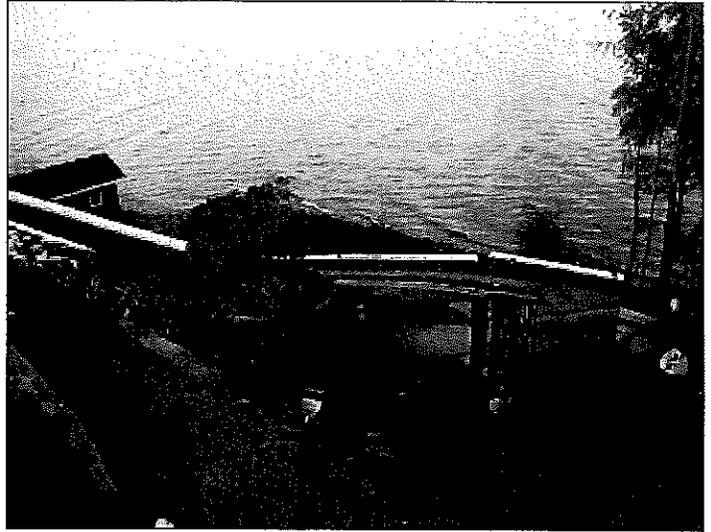


Looking up slope to house from below.





Existing path and retaining structures down to oceanfront.



Front of house and deck in relation to 15m setback from the ocean.



Dan Casler
11275 Greenhill Road.
Ladysmith, BC
V9G 1Y4

File No: G8617.01
October 29, 2010

Attention: Mr. Dan Casler

PROJECT: PROPOSED RESIDENCE
11195 CHEMAINUS ROAD, SALTAIRE, BC

PID
003-784-
941

SUBJECT: GEOTECHNICAL ASSESSMENT

Dear Mr. Casler:

1. INTRODUCTION

- a. At your request, Lewkowich Engineering Associates Ltd. (LEA) has carried out a preliminary geotechnical assessment of the above noted oceanfront property. This report provides a summary of our findings and recommendations.

2. BACKGROUND

- a. It is understood that the existing property will be developed by placing a rebuilt mobile home of wood-frame construction on a permanent concrete foundation. It is noted that an interior slab on grade is to be utilized in the walkout basement level. It is understood that the structures will be designed and constructed in accordance with the current (2006) B.C. Building Code.
- b. We also understand that the proposed structure will be situated atop a steep slope and that the set back distance from the bank has been approved by others. We understand that approved erosion control measures have been implemented several years prior along the foreshore region in the form of large rock armour.

3. ASSESSMENT OBJECTIVES

- a. The assessment, as summarized within this report, is intended to meet the following objectives:

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Project: 11195 Chemainus Road, Saltaire, BC
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- i. Determine whether the land is considered safe for the use intended (defined for the purposes of this report as construction of a residence), with the probability of a geotechnical failure resulting in property damage of less than 10 percent (10%) in 50 years, with the exception of geohazards due to a seismic event which are to be based on a 2 percent (2%) probability of exceedance in 50 years, notwithstanding the setback distance from the top of slope determined by others,
- ii. Identify any geotechnical deficiency that might impact the design and construction of the development, and prescribe the geotechnical works and any changes in the standards of the design and construction of the development that are required to ensure the land, buildings, and works and services are developed and maintained safely for the use intended, and
- iii. Acknowledge that approving and/or building inspection officer may rely on this report when making a decision on applications for the development of the land.

4. ASSESSMENT METHODOLOGY

- a. A site reconnaissance was carried out on October 19, 2010. Soil exposures were examined in several locations along the slope and in the area below the existing residence. Discussions were conducted with the property owner in order to gain a historic knowledge of the site.

5. SITE CONDITIONS

5.1. General

- a. The property is located on the east side of Chemainus Road, abutting the ocean. The subject property's main feature is that it possesses light to moderate relief until a point near the east side of the property is reached then there is an approximate 14m drop-off to the ocean. Vegetation on the property consists of a grass and ornamental garden as well as several mature trees and underbrush. The residence is located on the north side of the property, approximately 6m back from the poorly defined 'top of bank'. A septic field is located south

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of the residence. The slope possesses a winding path and inclined bench features that are defined with landscaping 'logs'. Silty gravel soil is exposed on several locations on the grass-lined path.

6. SOIL CONDITIONS

- a. A surface layer of 0.0 to 0.2 m of topsoil, and then approximately 0.8m of brown, weathered sandy silt and silty gravel was encountered in the upper stratum of the site in general.
- b. Subsurface soils noted in several areas of exposed soil on the slope consisted of weathered silty gravel, dense, damp glacial till. The till was noted to be tough and resistant to erosion. It is expected that the glacial till underlies the entire site.
- c. No seepage or sloughing was noted on the slope, however the location of former sewer outfall, near the north west corner of the property at the bottom of the slope, was noted. No detrimental effects from this were noted. It is noted that without surface erosion protection and rock sea wall the till would be susceptible to erosion.

7. GROUNDWATER CONDITIONS

- a. Generally speaking, no groundwater seepage was expect in the dense impermeable till. It is expected that any shallow groundwater would be infiltrated rainwater that has collected and flows above the relatively impervious bedrock that underlies the entire site.
- b. Groundwater levels can be expected to fluctuate seasonally with cycles of precipitation. During the wet season, surface water flows may become concentrated depending on the surface topography. Groundwater conditions at other times and locations may differ from those observed within the test pits at the time of our assessment.

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8. CONCLUSIONS AND RECOMMENDATIONS

8.1. General

- a. From a geotechnical perspective and under the conditions outlined within this report the proposed development is considered safe and suitable for the intended use for the major portion of the site provided the recommendations in this report are followed. This report does not address the setback distance from the top of slope as it was specified by others.

8.2. Site Preparation and Removal of Unsuitable Materials

- a. Prior to construction, all unsuitable materials, such as vegetation, topsoil or other materials containing organic matter, should be removed within areas that are required to provide a suitable base of support. Unsuitable materials also include any existing fills, deposits as well as any soft, loose and dynamically unstable or disturbed soils. The removed soils may be evaluated for their suitability for various purposes after they have been excavated and stockpiled. Organic and non organic soils should be kept separate if at all possible.
- b. Steps in elevation should be made on the uphill side of any footing that is to run parallel to a step. Footings and their associated foundation walls that run perpendicular to a step should contain adequate reinforcement to accommodate forces arising from bearing on different levels. Steps should run at least thrice their rise and are encouraged to not be more than 0.6m (2') per step. Steps should be backfilled with adequate soil cover. Site specific recommendations may be necessary if steps are used.
- c. Footings shall be provided with a minimum of 0.45m (18") of earthen cover (0.6m above the bottom of footing) as protection against uplift forces, frost and potential undermining.
- d. It is recommended that the Geotechnical Engineer confirm the removal of unsuitable materials and approve the exposed subgrade. It would be prudent to have the excavator on site until after the subgrade approval.

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- e. The footing excavation should be cut to drain and not to hold water since that may cause instabilities in the slope. It is understood that a cut of at least 1.2m below existing grade is proposed and that there will be a walk out basement and cantilevered deck on the east side of the residence, above the slope. It is recommended that the excavation be provided with a drainage system that directs infiltrated water to the bank and then to the bottom of the slope via a solid 100mm PVC pipe, at which point it should be dispersed in a shallow ex-filtration pit. The purpose of the ex-filtration pit is to disperse the storm water's energy and distribute the flow across a reasonable area. The ex-filtration pit should consist of a 3.0m (10') long, perforated 100mm PVC pipe, placed lateral to the slope incline, covered with at least 0.3m of drain rock that is protected on the top and sides by non-woven geotextile. The pit may be contained in an arrangement of boulders for aesthetics. The solid PVC pipe that runs down the slope should be buried and have a minimum of 0.1m of earthen cover and may also have vegetative cover added to help prevent slope erosion. It is acceptable to locate the ex-filtration pit above the rock sea wall.

8.3. Structural Fill

- a. It is not anticipated that structural fill will be required for this site. Recommendations pertaining to structural fill may be provided upon request.

8.4. Foundation Support

- a. The dense glacial till soils encountered on site have a low-moderate potential for volume change with changes in soil moisture. Soils should be kept in a moist condition during construction and especially prior to placing any foundation or slab concrete, since that will help reduce areas of dry or loosened soil that may temporarily hold up footing concrete until later in the life of the residence. A value of 200 kPa may be applied as a design value for strip footings founded on the undisturbed glacial till. This value should be verified by the undersigned or other qualified personnel prior to placing the footing concrete. It is essential that no disturbed or loosened soil remain in the footing form prior to placing the concrete.

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- b. Settlements for foundations constructed on natural soils should be within that range considered to be normal and tolerable for wood frame construction, being: 20 to 25 mm total and 10 to 15 mm differential between typical column spacings. This is contingent on removals of any organic, loosened or disturbed soils within footing areas, according to conventional and good construction practice.
- c. Our assessment of the bearing conditions at the site are general in nature and are not intended to replace detailed geotechnical assessment of the prepared building site and its associated slope. A detailed slope analysis may be provided upon request and would require some subsurface exploration (i.e. drilling). As required by the BC Building Code a geotechnical engineer should be retained to provide Geotechnical Assurance services during the construction of the building.

8.5. Foundation Drainage

- a. Drainage around the building should be well defined. Water should not be allowed to stand within 2 meters of the foundation. This is particularly important on the high side of the building envelope. Impervious soil should be used for the upper backfill soil of the excavation in order to shed water away from the residence.
- b. As previously noted, the footing excavation should be cut to drain and not to hold water since that may cause instabilities in the slope. It is recommended that the excavation be provided with a drainage system that directs infiltrated water from a perimeter drainage system to the bank and then to the bottom of the slope via a solid 100mm PVC pipe, at which point it should be dispersed in a shallow ex-filtration pit. A trench dam at the top of the slope in the drainage trench should be used to direct water from the excavation to the solid PVC pipe. The ex-filtration pit should consist of a lateral 3.0m long, perforated 100mm PVC pipe, covered with at least 0.3m of drain rock that is protected on the top and sides by non-woven geotextile. The pit may be contained in hand placed boulders for aesthetics. The solid PVC pipe that runs down the slope should be buried and have a minimum of 0.1m of

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earthen cover and may also have vegetative cover added to help prevent slope erosion. The rain water leader may also be directed to the ex-filtration pit, entering the solid pipe downstream of the trench dam, at a point lower than the perimeter drainage system. Clean out openings should be provided at convenient locations across the entire system.

8.6. Erosion Control

- a. The site is rated as being relatively resistant to erosion, due to the dense gravel outwash and till soil, and abundant vegetation. No special measures beyond upkeep of the existing vegetation and rock facing are anticipated to control erosion in the area.

9. ACKNOWLEDGEMENTS

Lewkowich Engineering Associates Ltd. acknowledges that this report may be requested by the Building Inspector of the Cowichan Valley Regional District as a precondition to the issuance of a building or development permit and that this report, or any conditions contained in this report, may be included in a restrictive covenant filed against the title to the subject property. It is acknowledged that the Approving Officers and Building Officials may rely on this report when making a decision on application for the subdivision or development of the land.

We acknowledge that this report has been prepared solely for, and at the expense of, the owner of the subject land. We have not acted for or as an agent of the Cowichan Valley Regional District in the preparation of this report.

10. LIMITATIONS

The conclusions and recommendations submitted in this report are based upon the data obtained from a limited number of explorations. The nature and extent of variations between these explorations may not become evident until construction or further investigation. If unanticipated conditions are discovered during construction, our office should be contacted immediately to allow reassessment of the recommendations provided. It

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is also noted that the setback distance from the top of slope was determined by others prior to our study and our report does not address the resultant factor of safety at the current setback.

11. CLOSURE

Lewkovich Engineering Associates Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or additional requirements at this time, please contact us at your convenience.

Respectfully Submitted,
Lewkovich Engineering Associates Ltd.

A handwritten signature in black ink is written over a circular professional seal. The seal is from the British Columbia Professional Engineers Association and contains the text: 'PROFESSIONAL ENGINEER', 'PROVINCE OF BRITISH COLUMBIA', 'D. G. CLARK', and '# 30208'. The date '10/29/10' is written in the bottom right corner of the seal area.

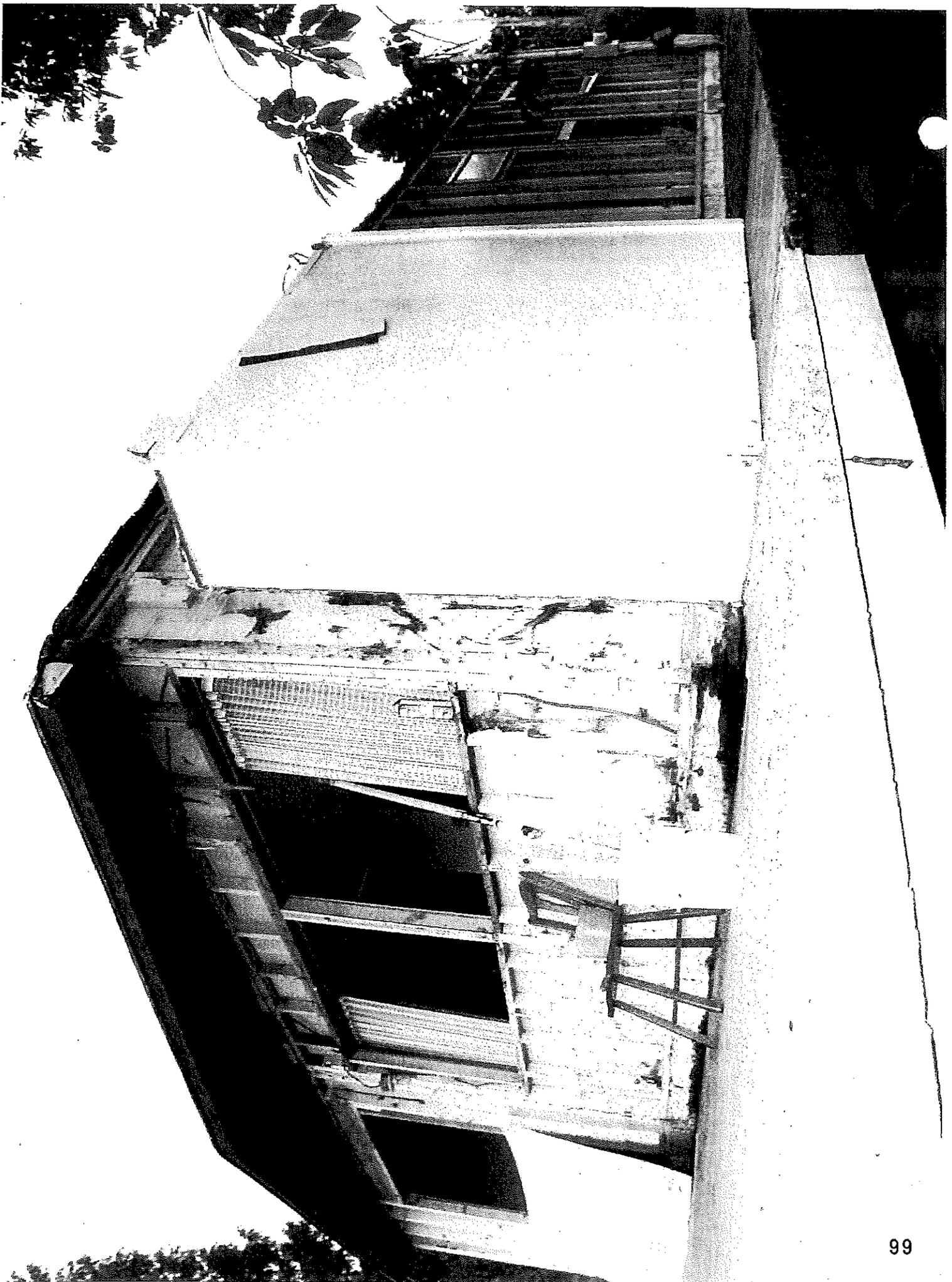
Darron G. Clark, P. Eng.
Geotechnical Engineer

















R5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MARCH 1, 2011

DATE: February 22, 2011 FILE NO: 1-G-11DP/VAR
FROM: Carla Schuk, Planning Technician BYLAW NO: 2524
SUBJECT: Application No. 1-G-11DP/VAR (Lealand)

Recommendation/Action:

That application No. 1-G-11DP/VAR be approved, and that a development permit be issued to Brian and Sandra Cromp for Lot 4, District Lot 34, Oyster District, Plan 22516 and a variance to Section 3.24(1) of Zoning Bylaw No. 2524 to reduce the setback from a watercourse from 15 metres to 10 metres for the purpose of building a 2 metre wide deck and a wheelchair ramp on an existing house also be approved, subject to the applicant providing a survey confirming compliance with approved setbacks

Relation to the Corporate Strategic Plan: N/A

Financial Impact: N/A

Purpose:

To consider an application to construct a 2 metre wide deck and wheelchair ramp onto an existing house within the Ocean Shoreline Development Permit Area.

Background:

Location of Subject Property: 3900 Linton Circle

Legal Description: Lot 4, District Lot 34, Oyster District, Plan 22516 (PID: 003-251-144)

Date Application and Complete Documentation Received: January 10, 2011

Owner: Brian and Sandra Cromp

Applicant: Jerry Lealand

Size of Parcels: ± 0.1 ha

Existing Zoning: R-3 General Residential 3 Zone

Minimum Lot Size Under Existing Zoning: 0.4 ha for parcels connected to a community water

Existing Plan Designation: Residential

Existing Use of Property: Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Ocean
 South: Residential
 East: Residential
 West: Residential

Services:

Road Access: Linton Circle
Water: Saltair Community Water System
Sewage Disposal: On-site septic

Agricultural Land Reserve Status: Property is not located within the ALR

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas identifies this property as being in a Shoreline Sensitive Area.

Archaeological Site: CVRD has no record of any archaeological sites on the subject property.

The Proposal:

An application has been made to the Regional Board to issue a Development Permit with variance, pursuant to Electoral Area G – Saltair Official Community Plan Bylaw No. 2500 and CVRD Bylaw no. 2524, for the purpose of constructing a deck and wheelchair ramp on an existing house within the Ocean Shoreline Development Permit Area and 10 metres from the high water mark of the ocean.

Planning Division Comments:

The subject property is located at 3900 Linton Circle, in Electoral Area G – Saltair. This oceanfront property is situated within the Ocean Shoreline Development Permit Area, which is intended to protect the sensitive environment of the ocean shoreline and foreshore bluffs, and to protect development from hazardous conditions.

The property slopes downwards towards the ocean, from south to north, with an elevation change of approximately ± 6 metres between Linton Circle and the waterfront. There is currently a single family dwelling located on the property. This application is separate from an active development permit application in process to legitimize a retaining wall that was constructed along the waterfront of the property.

The applicants are seeking permission to construct a 2 metres wide deck off of the north facing side of the existing house that will be accessed by a ramp along western side of the house. The ramp and deck are proposed for this location because the septic tanks and field are located in the southern portion of the property. The proposed location is also advantageous as the slope of the land allows for a moderately sloping ramp access. The deck will provide oceanfront views and wheelchair access to the house. Because the house will be used as a residence for the owners' parents, wheelchair accessibility is desired for future needs.

The Ocean Shoreline Development Permit Area was established with two objectives: to protect the natural environment and biological diversity, and to protect development from hazardous conditions. The Official Community Plan Bylaw No. 2500 has established guidelines (attached) meant to assist applicants in meeting the objectives of the Ocean Shoreline Development Permit Area. The following will describe how the applicant has addressed each of these guidelines outlined in Section 20.3.4.

- a) No clearing is required for the proposed construction of a deck and wheelchair ramp
- b) The existing driveway is not being altered as part of the proposed construction.
- c) No footpaths to the ocean are being proposed as part of this development.
- d) No vegetative clearing is proposed as part of this development. The only soil movement will be a result of digging the holes in which the six deck support posts will be located.
- e) Minimal increase in site imperviousness will result from the proposed development. A small 34 ft² area of the site will be filled in and become part of the house at the southeastern corner.
- f) Public access along the shoreline will not be altered as a result of this development.
- g) No retaining walls are proposed as part of this application.
- h) No changes to the slope towards the waterfront are being proposed as part of this application.
- i) No retaining walls are being proposed as part of this application.
- j) See above
- k) See above
- l) No fencing is being proposed as part of this application
- m) Proposed development is minor in nature and is not expected to significantly increase runoff on the property beyond existing conditions.

Surrounding Property Owner Notification and Response:

A total of fifteen (15) letters were mailed out or delivered, as required pursuant to CVRD Development Application Procedures and Fees Bylaw No. 3275. The notification letter described the purpose of this application and requested comments on this variance within a recommended time frame. Staff has not received any correspondences opposed to the 5 metres variance, and one email that is in favour of it.

Advisory Planning Commission Comments:

Members of the Area G Advisory Planning Commission reviewed the proposed development at a meeting held February 12, 2011, and made the following recommendation:

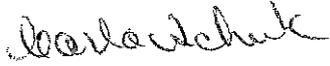
That the Advisory Planning Commission has no objection to the proposal to construct footings for a wheelchair access ramp on the Cromp property. – Carried Unanimously

Options:

- That application No. 1-G-11DP/VAR be approved, and that a development permit be issued to Brian and Sandra Cromp for Lot 4, District Lot 34, Oyster District, Plan 22516 and a variance to Section 3.24(1) of Zoning Bylaw No. 2524 to reduce the setback from a watercourse from 15 metres to 10 metres for the purpose of building a 2 metre wide deck and a wheelchair ramp on an existing house also be approved, subject to the applicant providing a survey confirming compliance with approved setbacks
2. That application no. 1-G-11DP be revised.

Staff recommends Option 1.

Submitted by,



Carla Schuk, Planning Technician
Development Services Division
Planning and Development Department

CS/
Attachments

<p>Reviewed by: Division Manager:</p>  <hr/>
<p>Approved by: General Manager</p>  <hr/>



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT WITH VARIANCE

NO: 1-G-11DP/VAR

DATE: March X, 2011

TO: Brian and Sandra Cromp

ADDRESS: 3901 Linton Circle

LADYSMITH BC V9G 1Z1

1. This Development Permit with a Variance is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit with a Variance applies to and only to those lands within the Regional District described below (legal description):
*Lot 4, District Lot 34, Oyster District, Plan 22516, Except Part in Plan 25159
(PID 003-251-144)*
3. Authorization is hereby given for the construction of deck and wheelchair ramp attached to the existing house on the subject property in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following condition:
 - *Section 3.24 (1) of Zoning Bylaw No.2524 is varied from 15 metres to 10 metres to permit construction of a 2 metres wide deck and wheelchair ramp.*
 - *Submission of a survey confirming compliance with the approved setbacks*
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedule is attached:
 - *Schedule A- Site Plan*
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit with a Variance have been complied with to the satisfaction of the Development Services Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO.XX-xx PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE XXTH DAY OF MARCH, 2010.

**Tom Anderson, MCIP
Manager, Planning and Development Department**

NOTE: Subject to the terms of this Permit, if the holder of this Permit does not substantially start any construction within 2 years of its issuance, this Permit will lapse.

I HEREBY CERTIFY that I have read the terms and conditions of the Development Permit contained herein. I understand and agree that the Cowichan Valley Regional District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with Brian and Sandra Crompt other than those contained in this Permit.

Signature

Witness

Owner/Agent

Occupation

Date

Date

SECTION 20.3 – OCEAN SHORELINE DEVELOPMENT PERMIT AREA

20.3.1 CATEGORY

The Ocean Shoreline Development Permit Area is designated pursuant to Section 919(1)(a) and (b) of the *Local Government Act*, to protect the natural environment, its ecosystems and biological diversity, and for the protection of development from hazardous conditions.

20.3.2 AREA OF APPLICATION

The Ocean Shoreline Development Permit Area applies to all parcels with frontage on the ocean shoreline, as shown on **Map 9: Ocean Shoreline Development Permit Area Map**.

20.3.3 JUSTIFICATION

Pursuant to Section 919 of the *Local Government Act*, the Ocean Shoreline Development Permit Area is established to address the following:

- (a) There are over 140 parcels fronting on the ocean shoreline in Saltair. The cumulative impact of careless development on these parcels would have a detrimental impact on the sensitive ocean shoreline.
- (b) Davis Lagoon consists of an accretion beach, sheltered marshlands and surrounding uplands that support a diversity of plant and animal life and should be maintained for such purposes. The lagoon acts as a valuable staging area for waterfowl and birds. Salmon use it to enter Stocking Creek, and the freshwater it discharges into Ladysmith Harbour supports some productive oyster beds. This is an area of high biotic capability that should be protected. It is one of the few remaining lagoons on southeastern Vancouver Island.
- (c) An aquatic buffer, or riparian zone, consisting of natural vegetation, rocks, trees, or fallen trees can help protect land by protecting the bank from slumping or being washed away. Roots of plants and trees act to reinforce soil and sand and help hold them together, while the leaves of plants reduce the energy of wind and the force of falling rain, increase the evaporation rate and slow water runoff (further information can be obtained at the CVRD Development Services Department).
- (d) Research into watershed hydrology and environmental resilience has demonstrated that once certain thresholds of impervious surfaces (total area of roofs, paving, concrete slabs, accessory buildings and other hard surfaces) are exceeded, irretrievable harm may be done to aquatic life. Many of the developed areas of the OCP area already exceed this threshold of imperviousness (for further information, contact the Development Services Department).
- (e) While many oceanfront parcels in Saltair have already developed extensive hard surfaces and clearings in close proximity to the shoreline, there is increasing evidence that buffer areas are critical in protecting natural values, even where existing development does not allow them to be as wide as a conventional 30 to 100 metre strip.
- (f) Parcels along the shoreline of Saltair slope down to the ocean. They require special attention because they are on the receiving end of drainage and seepage from uphill and may have wetter soils which are more easily compacted and damaged than upland soils. They have the tendency to erode because of both slope and the action of water and wind over exposed stretches of water.

- (g) Surface water is quickly and directly affected by pollution from sources such as poorly placed and maintained septic systems, fertilizer (nitrates, phosphates), driveway runoff, and lawn and garden pesticides. A vegetated buffer can filter pollutants out of runoff from roads, yards, and septic systems before they reach the ocean. Conversely, hard surfaces and reduced vegetation increase runoff and erosion potential and decrease absorption by the soil.
- (h) On a property with substantial native vegetation, the use of fertilizers and pesticides can be avoided, as these substances are not required to grow native plants.
- (i) The marine foreshore bluffs in Saltair consist of steep slopes and complex topography generally unsuitable for urban development. The bluffs have been created by wave action eroding away at the glacial material of the backshore. There is limited beach material protecting the bluffs. The bluff and foreshore is low in gravel and high in silt and clay. Particularly when vegetation is removed at the edge of bank, it is susceptible to further wave action which may result in land slippage, sloughing or soil creep. The placement of buildings and structures and the clearing of vegetation near the edge of the Saltair Bluffs could increase the rate of erosion and add to the risk of land slides.

20.3.4 GUIDELINES

Within the **Ocean Shoreline Development Permit Area**, no person shall:

- subdivide land;
- alter land, including the removal of trees or vegetation and removal/deposit of soil;
- construct a road, bridge or driveway; or
- construct a building or structure

prior to the owner of land applying for and receiving a development permit from the CVRD, which shall sufficiently address the following guidelines:

- (a) Trees and shrubs in the riparian buffer area should be carefully pruned, where necessary to enhance views, rather than removed;
- (b) Roads and driveways should be located as far as possible from the edge of a bluff or from the ocean shoreline, so as to keep sand, gravel, leady oils and fuels, and road salt out of runoff. Driveways should be angled across the hill's gradient, where possible, and be composed of porous materials such as road mulch, small modular pavers or pre-cast concrete lattice, to keep runoff to a minimum. For driveways that are already paved, a portion of the runoff can be diverted by the use of speed bumps in regular intervals. Settling pools can be installed in runoff ditches that slope to water;
- (c) Footpaths to the shoreline should be planned to avoid erosion, using slope contours rather than a straight downhill line, and be narrow to minimize impacts on drainage patterns. Impacts to a slope can be minimized by elevating stairs above the natural vegetation;
- (d) Site preparation should be carried out in a manner which minimizes the need for vegetation clearing. In order to control erosion and to protect the environment, the development permit may specify the amount and location of tree and vegetative cover to be planted or retained;

- (e) Figures for total imperviousness on sites within this development permit area should be calculated by the proponent and submitted at the time of development permit application. The Board may specify maximum site imperviousness or effective imperviousness in a development permit;
- (f) Public access along the marine waterfront is important to Saltair residents and should not be affected by any obstructions;
- (g) Retaining walls along the marine shoreline will be limited to areas above the high water mark, and to areas of active erosion, rather than along the entire shoreline frontage. Backfilling behind the wall, to extend the existing edge of the slope, is not permitted unless it can be clearly demonstrated that the fill is necessary to prevent further erosion or sloughing of the bank;
- (h) Where possible, steep, bare slopes should be cut back, and soft erosion control methods should be used. In cases where hard armouring, such as using solid concrete or heavy rocks or rock in wire cages, is necessary, the planting of native vegetation should be done to soften its impact, and the base of the wall should be constructed to be habitat friendly;
- (i) Retaining walls along the marine shoreline should be faced with natural materials such as wood and stone, particularly darker colours that blend in with the natural shoreline and are less obtrusive when seen from the water. Large, fortress like, uniform walls should not be permitted unless composed of pervious materials and stepped or softened to provide for water absorption;
- (j) Deep rooted vegetation should be planted along the retaining wall on the steps or along the top, to help filter runoff before it enters the beach;
- (k) Retaining walls or sea walls should not utilize unsightly construction debris like broken concrete, blocks or bricks;
- (l) Where a fence is constructed on, or in conjunction with, a uniform retaining wall or the highest uniform section of a retaining wall, the retaining wall or portion thereof should be considered to be an integral part of the fence for the purpose of determining height;
- (m) The latest Best Management Practices for land development of the Ministry of Water Land and Air Protection and Fisheries and Oceans Canada, should be respected.

20.3.5 EXEMPTIONS

The following will be exempted from the requirement of obtaining a development permit in the **Ocean Shoreline Development Permit Area**:

- (a) Retaining walls that are more than 2 metres from the high tide mark, and are under 0.7 metres in height;
- (b) Buildings and structures located more than 30 metres from the high water mark of the ocean;
- (c) Removal of hazardous trees;
- (d) Interior renovations and minor exterior renovations of existing buildings.

20.3.6 APPLICATION REQUIREMENTS

- (a) Before the CVRD authorizes the issuance of a development permit for a parcel of land in the **Ocean Shoreline Development Permit Area**, the applicant must submit a development permit application, which at a minimum includes:
1. a written description of the proposed project;
 2. reports or information as listed in the relevant Development Permit Guidelines;
 3. information in the form of one or more maps, as follows:
 - location/extent of proposed work;
 - location of ocean high tide mark;
 - location of other watercourses;
 - topographical contours;
 - location of slopes exceeding 25 percent grade;
 - location of lands subject to periodic flooding;
 - percentage of existing and proposed impervious surfaces;
 - existing tree cover and proposed areas to be cleared;
 - areas of known sensitive or rare native plant communities;
 - existing and proposed buildings;
 - existing and proposed property parcel lines;
 - existing and proposed roads, vehicular access points, driveways, and parking areas;
 - existing and proposed trails;
 - existing and proposed stormwater management works, including retention areas and drainage pipes or ditches;
 - existing and proposed erosion mitigation and bank alterations;
 - existing and proposed septic tanks, treatment systems and fields;
 - existing and proposed water lines and well sites;
- (b) In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense, a report certified by a professional engineer with experience in geotechnical engineering which includes:
1. a hydrogeological report, which includes an assessment of the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition;
 2. a report on the safety of the proposed use and structures on-site and off-site, indicating that the land may be used safely for the use intended; and/or
 3. a stormwater management plan, which includes an assessment of the potential impact of the development on the groundwater resource.
- (c) In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense, an environmental impact assessment, certified by a registered professional biologist, assessing any impacts of the project on watercourses and lands in the area.



This map is compiled from various sources for internal use and is designed for reference purposes only.

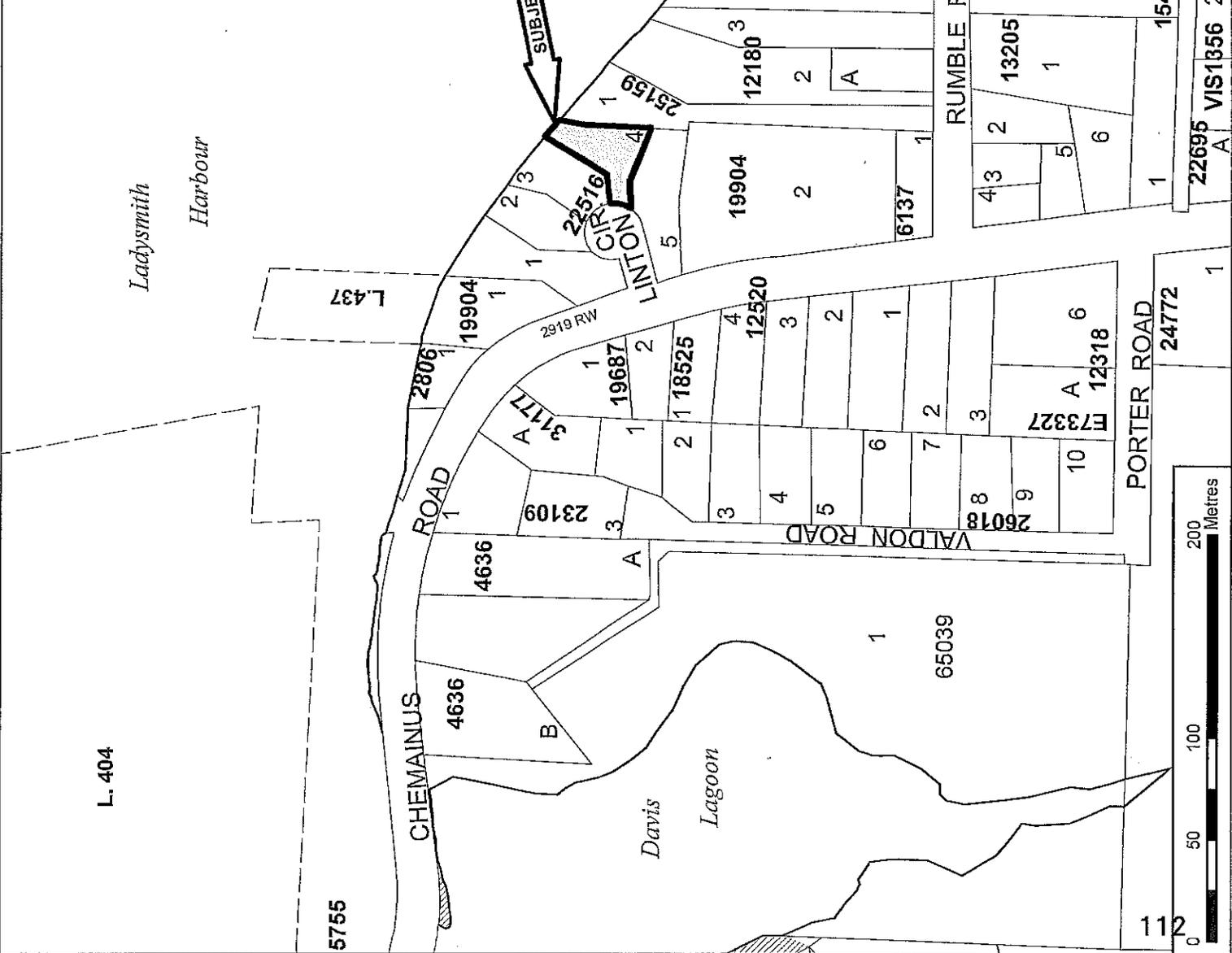
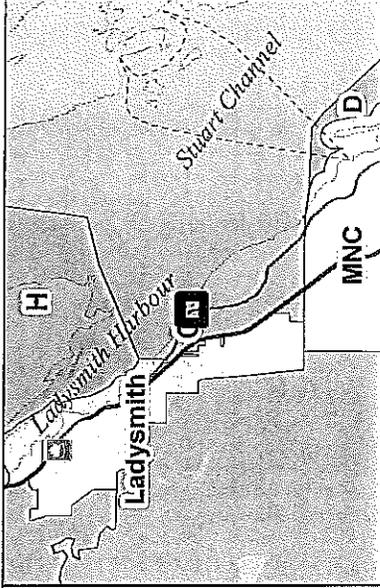
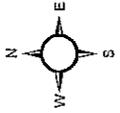
The Regional District does not warrant the accuracy.

All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-G-11-DP-VAR

Legend
 Subject Property





This map is compiled from various sources for internal use and is designed for reference purposes only.

The Regional District does not warrant the accuracy.

All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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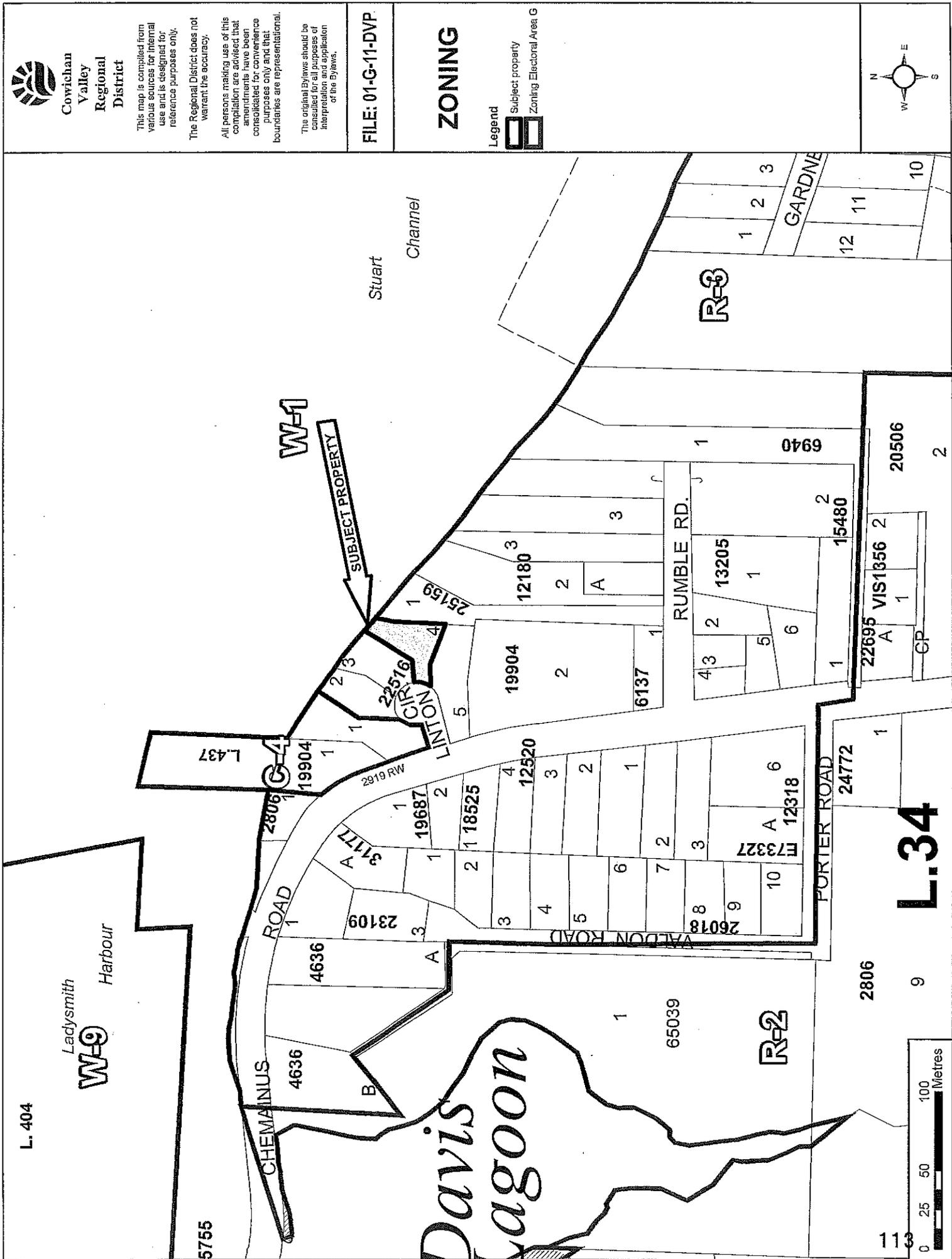
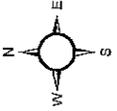
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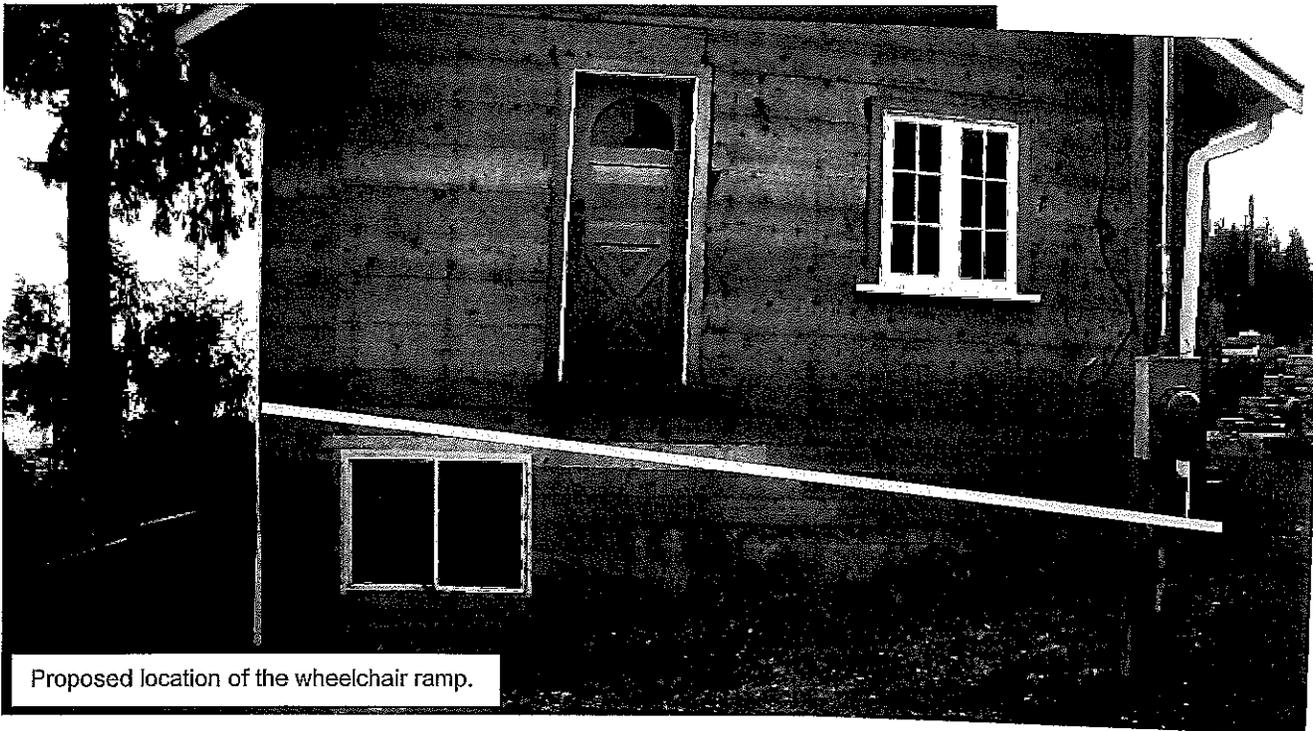
ZONING

Legend



Subject property
Zoning Electoral Area G

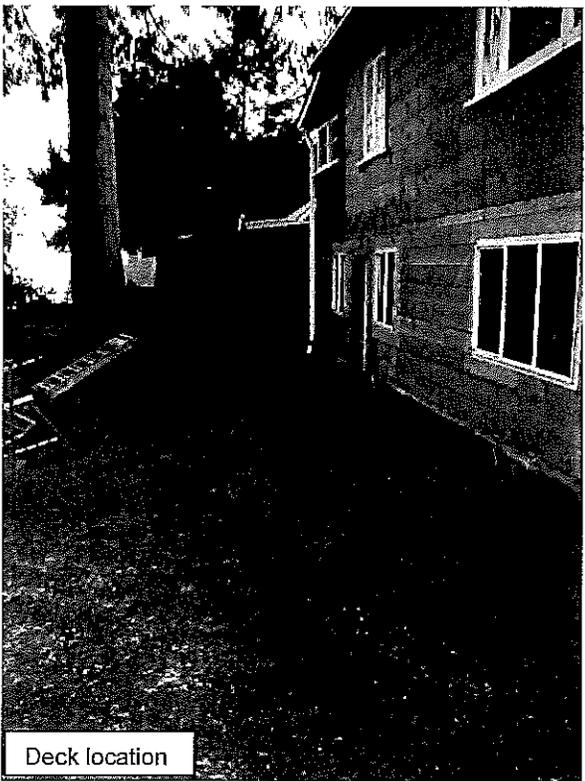




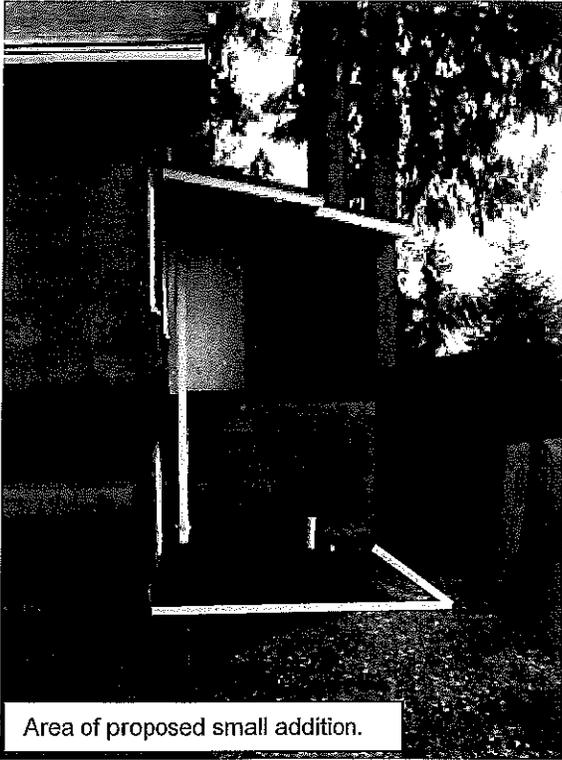
Proposed location of the wheelchair ramp.



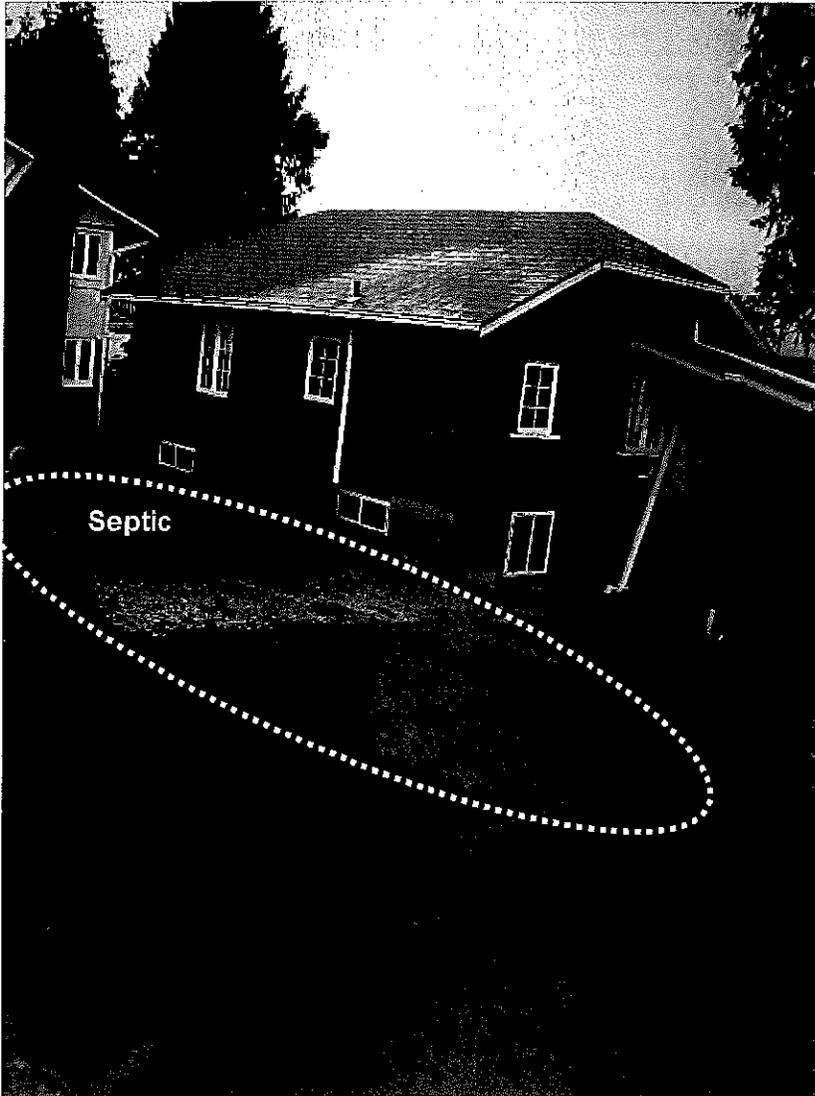
Location of proposed deck.



Deck location



Area of proposed small addition.



Septic

Carla Schuk

From: CVRD Development Services
Sent: Monday, February 21, 2011 2:55 PM
To: Carla Schuk
Subject: FW: Development variance 1-G-11 DPVAR (Lealand)

From: Jim & Carolyn Whittaker [<mailto:seajayw@telus.net>]
Sent: Monday, February 21, 2011 1:33 PM
To: CVRD Development Services
Cc: cromp@shaw.ca; 'Mel Dorey'
Subject: Development variance 1-G-11 DPVAR (Lealand)

Dear Ms. C. Schuck

I am the owner of 3903 Linton Circle, and I am IN FAVOUR of the granting of the variance permit to Brian and Sandra Cromp. Since wheelchair access is required by the Cromps, I can not see any moral reason why they should not be allowed to go ahead with their proposed construction. Carolyn Whittaker

B.C. LAND SURVEYOR'S SKETCH OF LOTS 3 AND 4, DISTRICT LOT 34, OYSTER DISTRICT, PLAN 22516

SCALE: 1:250



(ALL DIMENSIONS ARE IN METRES)

NOTES:

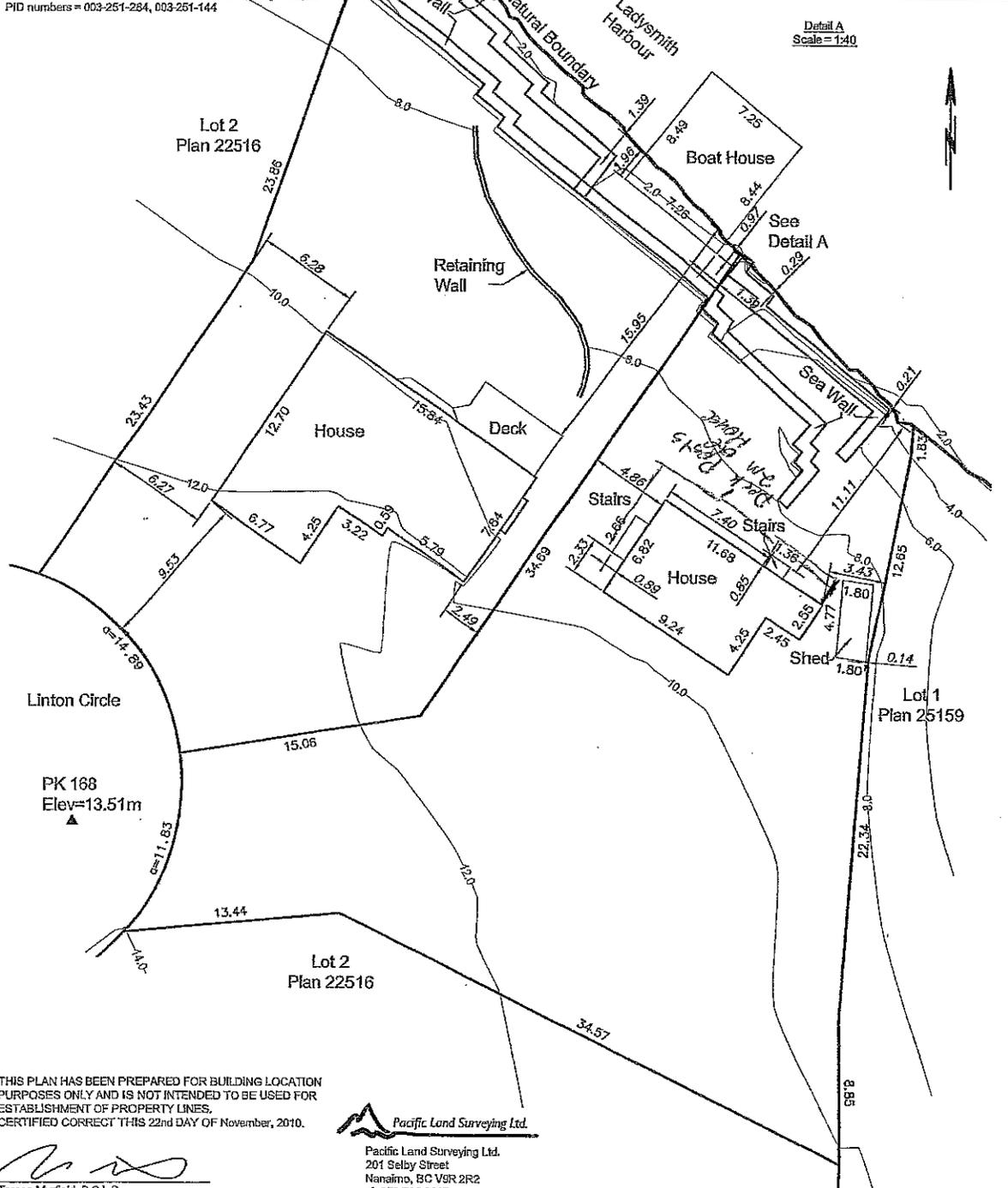
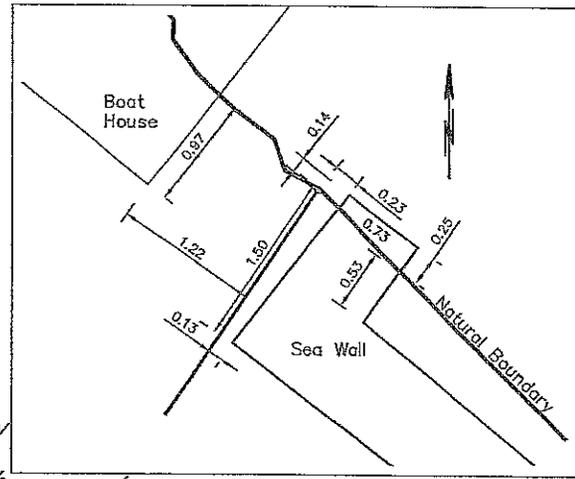
LOT DIMENSIONS ARE RESOLVED FROM FIELD MEASUREMENTS

CONTOUR INTERVAL = 2 metres.

ELEVATIONS ARE RELATIVE TO AN ASSUMED DATUM. FOR ELEVATION REFERENCE PLEASE SEE PK NAIL IN CUL-DE-SAC WITH ASSIGNED ELEVATION OF 13.51m

M76300 ESQUIMALT AND NANAIMO RAILWAY COMPANY

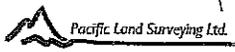
CIVIC ADDRESS = 3901 and 3900 Linton Circle, Ladysmith, BC
PID numbers = 003-251-284, 003-251-144



Deck 10m from HWM
 House 12m from HWM

THIS PLAN HAS BEEN PREPARED FOR BUILDING LOCATION PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR ESTABLISHMENT OF PROPERTY LINES. CERTIFIED CORRECT THIS 22nd DAY OF November, 2010.

Teresa Myrfield
Teresa Myrfield, B.C.L.S.



Pacific Land Surveying Ltd.
201 Selby Street
Nanaimo, BC V9R 2R2
ph 250 722 0007
fax 604 648 9268
project: 100920 Linton Circle

This document is not valid unless originally signed and sealed.



R 6

STAFF REPORT

**ELECTORAL AREA SERVICES COMMITTEE MEETING
OF MARCH 1, 2011**

DATE: February 21, 2011 **FILE NO:** 1-F-10 RS
FROM: Alison Garnett, Planner II **BYLAW NO:**
SUBJECT: Rezoning Application 1-F-10 RS (Hignell)

Recommendation/Action:

That Application No. 1-F-10RS (Hignell) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: N/A

Background Information:

Location: 5720 Riverbottom Road West

Legal Description: Lot C, Section 7, Range 1, Sahtlam District, Plan 13363
except part in plan VIP 68383 (PID: 004-471-661)

Date Application and Complete Documentation Received: July 26, 2010

Owner(s): David and Valerie Hignell
Applicant: As above

Size of Land Parcel: 2.14 ha (5.2 acres)

Contaminated Site Profile Received: Declaration pursuant to the Environmental Management Act signed by owners.

Existing Use of Property: Single family residence and tourist commercial accommodation

Existing Use of Surrounding Properties:

North: Residential
South: Cowichan River
East: Residential
West: Residential

Road Access: Riverbottom Road West

Water: On site
Sewage Disposal: On site

Agricultural Land Reserve Status: The property is not located in the ALR

Environmentally Sensitive Areas: The subject property is located along the Cowichan River, a recognized Heritage River, acknowledged for its cultural importance and as a major spawning, migration and rearing watercourse for fish species.

According to the Hardy BBT Floodplain and Erosion Potential mapping (1989), the subject property is located partially within Zone A (defined as land that is unconditionally unsuitable for development) and partially within Zone B (defined as conditionally suitable for development)

Archaeological Sites: None identified in CVRD mapping
Fire Protection: Sahtlam Fire Service Area

Existing Plan Designation: River Corridor
Proposed Plan Designation: No change

Existing Zoning: C-4 Tourist Commercial
Min lot size under existing zoning: 1 hectare

Proposed Zoning: River Corridor 5 (RC-5)
Min lot size under proposed zoning: 0.4 hectares (+0.9 acres)

Property Context:

The subject property is a 2.14 ha lot (5.2 acres), located on Riverbottom Road West. The property is designated as River Corridor in the Electoral Area E Official Community Plan (OCP) Bylaw No. 1490, and is zoned C-4 Tourist Commercial in accordance with Electoral Area F Zoning Bylaw No. 2600. The applicants have operated Sahtlam Lodge and Cabins on the property for the previous 20 years. There are 3 cabins, the applicant's primary residence and some residential accessory buildings currently located on the subject property.

The subject property is located along the Cowichan River, and within Zones A and B of the Hardy BBT Floodplain and Erosion Potential mapping (1989). Zone A is defined as land that is unconditionally unsuitable for development, and Zone B is defined as conditionally suitable for development. Development of the subject property is subject to the guidelines of the Cowichan River Development Permit Area of OCP Bylaw No. 1490, which relate to the protection of the natural environment and the protection of development from hazardous conditions.

A number of covenants are registered on the title of the subject property. Covenant EB 3190, registered to the Cowichan Valley Regional District in 1988, limits the use of land to the following: tourist accommodation, restaurant, accessory retail sales, residential use, home occupation and day care or nursery school. Temporary accommodation is further restricted to 70 overnight guests, to be accommodated in not more than 9 cabins, 6 camp sites and 8 lodge units. Occupancy terms are limited to a maximum of 30 days. Finally, mobile homes are prohibited on the land. This covenant is relevant in that it provides greater restriction on the use of the subject property than the permitted uses of the C-4 Tourist Commercial zone.

The remaining covenants registered on title are in the name of the CVRD or the Province, and these documents fulfill multiple purposes: establish a 30 metre setback from the natural boundary of the Cowichan River for building construction, a 15 metre buffer from the river that prohibits the alteration of land or removal of vegetation, and finally, establish a specific floodplain elevation for dwellings and storage of damageable goods.

Proposal Overview:

The applicants are proposing to rezone the subject property for two purposes: to change the primary use of the land from tourist commercial to residential, and secondly, to permit subdivision of the 2.1 ha property into 3 lots. The proposed lots sizes range from 0.4 to 0.6 hectares (0.9 to 1.5 acres). A conceptual subdivision plan shows each of the three lots with road frontage and driveway access from Riverbottom Road West. The applicants are not proposing any new construction, as the existing cabins would effectively become the single family residence on the new lots. The central lot would retain the lodge and one cabin.

The applicants have already submitted an application for subdivision to the Ministry of Transportation and Infrastructure, although MOTI has not issued Preliminary Layout Approval as the application does not comply with CVRD zoning bylaws. The applicants have proceeded with testing the sewage disposal capability on each lot, and appear to have conditional approval from the Vancouver Island Health Authority.

As the subject property is not located in a community water service area, a proven source of potable water would have to be demonstrated for each lot, in accordance with CVRD Subdivision Bylaw No. 1215.

Finally, we note that parkland dedication would not be required pursuant to Section 941 of the *Local Government Act*, as fewer than 3 lots are proposed. No additional parkland dedication is being proposed by the applicant.

Policy Context:

Zoning

The existing C-4 Tourist Commercial zone is attached to this report, however these uses and the scale of tourist accommodation are limited through the restrictive covenant registered on title, noted above. The minimum parcel size in the C-4 zone is 1 ha for lots not serviced by community water and sewer systems, therefore the subject property could theoretically be subdivided into two lots under the existing zoning.

The applicant's intention of creating three residential lots with a 0.4 ha minimum parcel size would require a new residential zone. The RC-3 (River Corridor 3) zone, which applies to the majority of land in this area, has a minimum lot size of 20 hectares for all new parcels, and therefore would not permit subdivision. There are no existing residential zones within Electoral Area F which would allow for subdivision of the 2.14 ha subject property, without connection to a community water system, as the standard lot size for unserviced residential lots is 2 hectares (5 acres).

Official Community Plan

Electoral Area E OCP Bylaw No. 1490 contains the following policies in the Environmentally Sensitive Areas and Hazard Lands section:

Policy 3.1.4 In order to sustain the areas' high fish bearing capabilities, the rezoning, subdivision, construction or alteration of land adjacent to a watercourse shall be conditional upon the dedication of a protective setback area with the greater of the following distance requirements:

- a) 20 metres from the natural boundary of a watercourse to any clearing or construction; or if applicable
- b) Rivers which have a 200 year flood of 80 cubic metres per second or greater, including the

Cowichan, Chemainus and Koksilah Rivers shall require a minimum setback of 30 metres from the natural boundary.

Policy 3.1.6 Development shall be prohibited in areas prone to flooding or river based erosion. Floodplain mapping by the Ministry of Environment will be utilized where possible, but if unavailable, a site inspection shall be required to determine the probability of flooding or excessive erosion.

Policy 3.1.15 Development on hazard lands shall be prohibited unless adequate protective measures are taken to prevent any detrimental environmental consequences, possible damage or loss of life.

The River Corridor Policies relevant to this application include the following:

7.7.1 Land designated as "River Corridor" shall generally require a minimum parcel size of 20 hectares.

7.7.2 Notwithstanding Policy 7.6.1 [7.7.1], land in the "River Corridor" designation which has Suburban Residential (R-2), Tourist Commercial (C-4), Primary Forestry (F-1), and Secondary Forestry (F-2) zoning on the date of adoption of this Plan may continue within these zones.

7.7.3 Construction, alteration, rezoning or subdivision on land within the River Corridor designation shall not be permitted prior to the owner complying with the development permit requirements pursuant to Section 13.3 of this Community Plan.

Finally, within the Commercial policies, Sahtlam Lodge is recognized as an existing tourist commercial use.

Advisory Planning Commission Comments:

The Electoral Area F APC reviewed this application January 19, 2011, and passed the following motion:

Whereas the lot size in the vicinity is 0.4 hectares; the proposal would divide the existing property into lots of approximately 0.6 hectares; the property divides naturally along the proposed lines; the property may currently be divided into two properties zoned C-4 under the current OCP. Therefore be it resolved that this Commission advises this proposal go forward with the two smaller lots zoned RC-3 and the central lot to remain C-4, with a revised covenant of temporary accommodation restricted to 25 overnight guests in no more than two cabins and eight lodge units. Motion carried unanimously.

The Electoral Area E APC also reviewed this application January 20, 2011, and passed the following motion:

APC supports rezoning application (Hignell) if it all goes to residential zoning. Motion- unanimous support.

Referral Agency Comments:

This application was referred to government agencies on November 17, 2010. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation and Infrastructure – *No objection, subject to overcoming the conditions listed in Preliminary Layout Not Approval letter dated August 9, 2010*
- Vancouver Island Health Authority – *This office conducted a site review of the above property, triggered by a Ministry of Transportation and Infrastructure subdivision referral. As it was found that the soil depths and setback distances met the intent of the VIHA*

Subdivision Standards, and this proposal is, in some ways, unique with respect to building numbers and locations, this office is able to relax the required minimum lot size, provided the applicant complies with the requirements noted in our response to MOTI. This office has no objections to the above rezoning application.

- Cowichan Tribes – No comments received.
- Sahtlam Volunteer Fire Department – *No impact to fire department. The only concern for this area is access roads. There are few areas in which access to water for this area is not in private hands. We have always looked at this access road [2 lots east of subject property] as a place to put a tank for fire protection in the future. We would like to know if anything is going to change for this access road.*
- School District #79 - No comments received.
- CVRD Parks and Trails Division – *Parks and Trails staff have reviewed the application and referred it to the Parks Commission. No park dedication is requested.*
- CVRD Public Safety Department – *Proposal appears to border the Duncan and Lake Cowichan RCMP Detachment areas. Proposal appears to border the Duncan and Lake Cowichan BC Ambulance Station areas (#152 Duncan and # 119 Lake Cowichan). Proposal is within the boundaries of the CVRD Regional Emergency Program. Proposal is within the Sahtlam VFD Fire Protection response area.*
The Community Wildfire Protection Plan has identified this area as extreme to high risk for wildland urban interface fire which is defined as: Extreme- will support aggressive crown fires. Suppression will not be successful. High- will support crown fires. Suppression is unlikely.
As a result, the following is recommended:
-a water system compliant with NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting is recommended to ensure necessary fire flows.
-Driveways must be designed to allow access to the largest emergency vehicle likely to be operated on the driveway. This includes fire trucks and other emergency vehicles.
- CVRD Environmental and Engineering Department (Water Management Division)– *This property is not in any CVRD water or sewer service areas, therefore Water Management has no comment for this development.*

Planning Division Comments:

The subject property is located in an area dominated by residential uses and the River Corridor designation. It is the only commercially zoned property within the Riverbottom Road area, and Sahtlam Lodge is specifically identified in the OCP as a local tourist operation. The response from the community with regards to maintaining the tourist commercial use on the land is mixed. The Area F APC's recommendation was to keep the commercial use on the single center lot; however seven letters have been received from area residents which support the full conversion to residential use. These letters are attached to this report.

Staff have no concerns with the land use conversion from commercial to full time residential, although we wish to highlight that the subject property is located within an area identified as both environmentally sensitive and subject to erosion and flooding. On a case by case basis, development may be approved on the subject property if property owners are able to comply with the setback requirements, and can provide confirmation from a professional engineer that proposed development is safe for the intended use. This risk to development may not significantly change as a result of this proposal, especially as no new construction is immediately planned (a residence already exists on each of the proposed lots). However the transition from a tourist commercial use to residential use will involve a change from temporary to a full time occupancy.

With respect to the subdivision component of this application, the Area F APC notes that the proposed minimum parcel size is consistent with existing lots in the area. The attached subject property maps show that the historical settlement pattern consists of varied lot sizes, ranging from a single 5 hectare lot, several 2 hectare lots, to numerous 0.4 ha lots. These 0.4 ha lots located adjacent to the Cowichan River, to which the APC refers, were created by subdivision in 1958.

The proposed 0.4 ha lot size may be compatible with the land use pattern in the area, but does not meet the current River Corridor policies. Generally speaking, this area is not a sensible location for increased residential density, due to the distance from transit, general commercial services, employment opportunities, and other community amenities. The 20 hectare minimum lot size in the River Corridor was intended to reduce the subdivision potential within this rural and environmentally sensitive area. As the proposed subdivision is not consistent with River Corridor policy 7.7.1, an OCP amendment would be required to approve this proposal. Although this application represents a specific scenario due to the historical tourist commercial use, amending the Plan for this application will establish a precedent for the River Corridor.

Although staff recommend that this application be denied due to the proposal's inconsistency with the Plan, we have attached draft zoning and OCP amendment bylaws for the EASC to consider. The new River Corridor 5 zone is similar to the RC-3 zone, with the exception of a 0.4 hectare minimum lot size, and no provision for secondary dwelling units or secondary suites. The 0.4 ha lot size is necessary to accommodate the smallest lot in the applicant's proposal, but the 2.14 ha subject property could yield more than three 0.4 hectare sized lots. We therefore recommend that a covenant be registered to ensure that a maximum of 3 lots could be created, should the EASC wish to proceed with option B.

Options:

A:

1. That Application No. 1-F-10RS (Hignell) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

B:

1. That the draft bylaws for application No. 1-F-10RS (Hignell) be forwarded to the Board for consideration of first and second reading;
2. That the application referrals from the Ministry of Transportation and Infrastructure, Sahtlam Volunteer Fire Department, and Vancouver Island Health Authority be accepted;
3. That a public hearing be scheduled with Directors Morrison, Kuhn and Dorey appointed as delegates of the Board, following receipt of a draft covenant that would limit the subdivision of the subject property to a maximum of 3 lots.

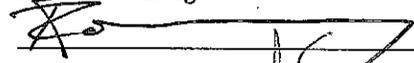
Option A is recommended.

Submitted by,



Alison Garnett, Planner II
Development Services Division
Planning and Development Department

AG/ca

<p>Reviewed by: Division Manager:</p> 
<p>Approved by: General Manager:</p> 



C.V.R.D.

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3471

**A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. 1490
Applicable To Electoral Area E – Cowichan Station/Sahtlam/Glenora and Part of
Electoral Area F – Cowichan Lake South / Skutz Falls**

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 and Part of Electoral Area F – Cowichan Lake South / Skutz Falls, 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. 3471 - Area E – Cowichan Station/Sahtlam/Glenora and Area F – Cowichan Lake South/Skutz Falls Official Community Plan Amendment Bylaw (Hignell), 2011".

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.

.../2

READ A FIRST TIME this _____ day of _____, 2011.

READ A SECOND TIME this _____ day of _____, 2011.

READ A THIRD TIME this _____ day of _____, 2011.

Secretary

Date

Chairperson

Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3471

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

1. Policy 7.7.7 is added to the River Corridor Policies:

POLICY 7.7.7

Notwithstanding Policy 7.7.1, in specific circumstances the Regional Board may allow for a River Corridor 5 (RC-5) Zone, wherein the minimum parcel size is 0.4 hectares. The RC-5 Zone is appropriate for land that was previously zoned for tourist commercial use, and where a 0.4 hectare minimum parcel size is consistent with the adjacent settlement pattern.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3472

A Bylaw For The Purpose Of Amending Zoning Bylaw No. 2600 Applicable To Electoral Area F – Cowichan Lake South / Skutz Falls

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 F – Cowichan Lake South / Skutz Falls, that being Zoning Bylaw No. 2600;

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. 2600;

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. 3472 - Area F – Cowichan Lake South / Skutz Falls Zoning Amendment Bylaw (Hignell), 2011**".

2. AMENDMENTS

Cowichan Valley Regional District Zoning Bylaw No. 2600, as amended from time to time, is hereby amended in the following manner:

- a) That Part 5 be amended by adding the following after Section 5.9:

5.9A RC-5 RIVER CORRIDOR 5 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the RC-5 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the RC-5 Zone:

- a. Single family dwelling;
- b. Agriculture, excluding intensive agriculture;
- c. Environmental protection and conservation;

The following accessory uses are permitted in the RC-5 Zone:

- d. Bed and breakfast accommodation;
- e. Buildings and structures accessory to a principal permitted use;
- f. Home-based business.

2. Minimum Parcel Size

The minimum parcel size in the RC-5 Zone is 0.4 hectares.

3. Setbacks

The following minimum setbacks apply in the RC-5 Zone:

Type of Parcel Line	Buildings and Structures
Front parcel line	7.5 metres
Interior side parcel line	3.0 metres
Exterior side parcel line	4.5 metres
Rear parcel line	7.5 metres

4. Height

In the RC-5 Zone, the height of all principal buildings and structures shall not exceed 10 metres, and the height of all accessory buildings shall not exceed 7.5 metres, except in accordance with Section 3.9 of this Bylaw.

5. Parcel Coverage

The parcel coverage in the RC-5 Zone shall not exceed 20 percent for all buildings and structures.

6. Parking and Loading

Off-street parking spaces in the RC-5 Zone shall be provided in accordance with Section 3.15 of this Bylaw.

- b) That Part 4, Section 4.1 Creation of Zones be amended by adding the following to the Zones Table in the Waterfront category:
 “River Corridor 5 Zone (RC-5)”
- c) That Appendix One- Minimum Parcel Size Summary be amended by adding the minimum parcel size for RC-5 Zone, and that RC-5 Zone be added to the Table of Contents.
- d) That Schedule B (Zoning Map) to Electoral Area F – Cowichan Lake South / Skutz Falls Zoning Bylaw No. 2600 is amended by rezoning Lot C, Section 7, Range 1, Sahtlam District, Plan 13363, except part in Plan VIP68383, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3472, from C-4 (Tourist Commercial 4) to RC- 5 (River Corridor 5).

3. **FORCE AND EFFECT**

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

READ A FIRST TIME this _____ day of _____, 2011

READ A SECOND TIME this _____ day of _____, 2011.

READ A THIRD TIME this _____ day of _____, 2011.

ADOPTED this _____ day of _____, 2011.

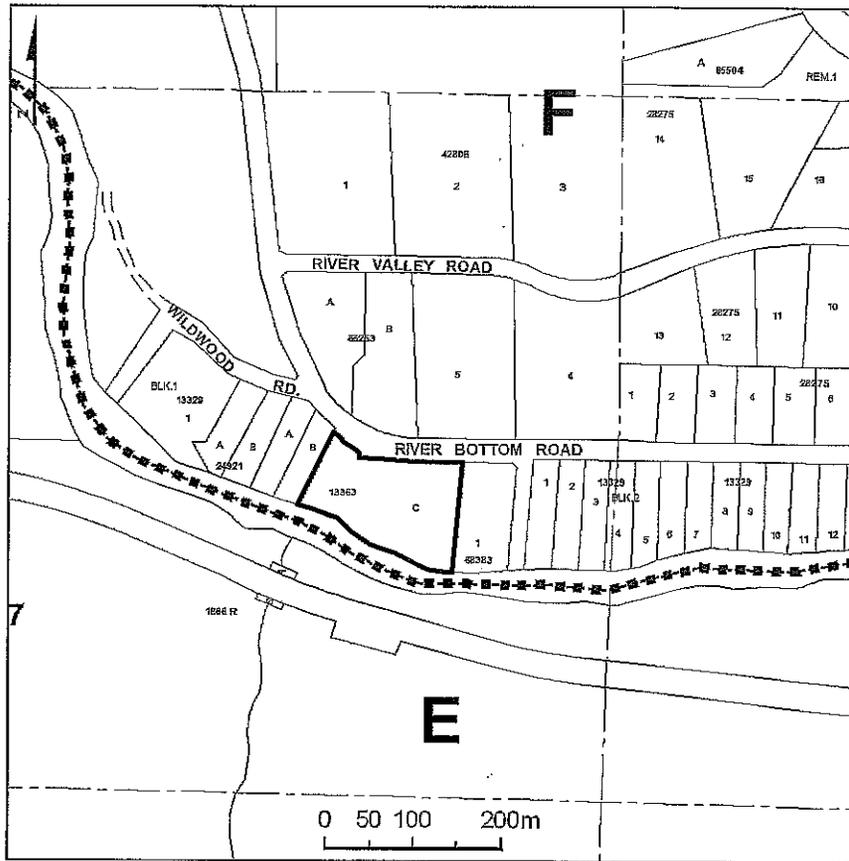
Chairperson

Secretary

PLAN NO. Z-3472

**SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO.
OF THE COWICHAN VALLEY REGIONAL DISTRICT**

3472



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

C-4 (Tourist Commercial)

TO

RC-5 (River Corridor 5)

APPLICABLE

TO ELECTORAL AREA F



Cowichan
Valley
Regional
District

This map is compiled from various sources for internal use and is designed for reference purposes only.

The Regional District does not warrant the accuracy.

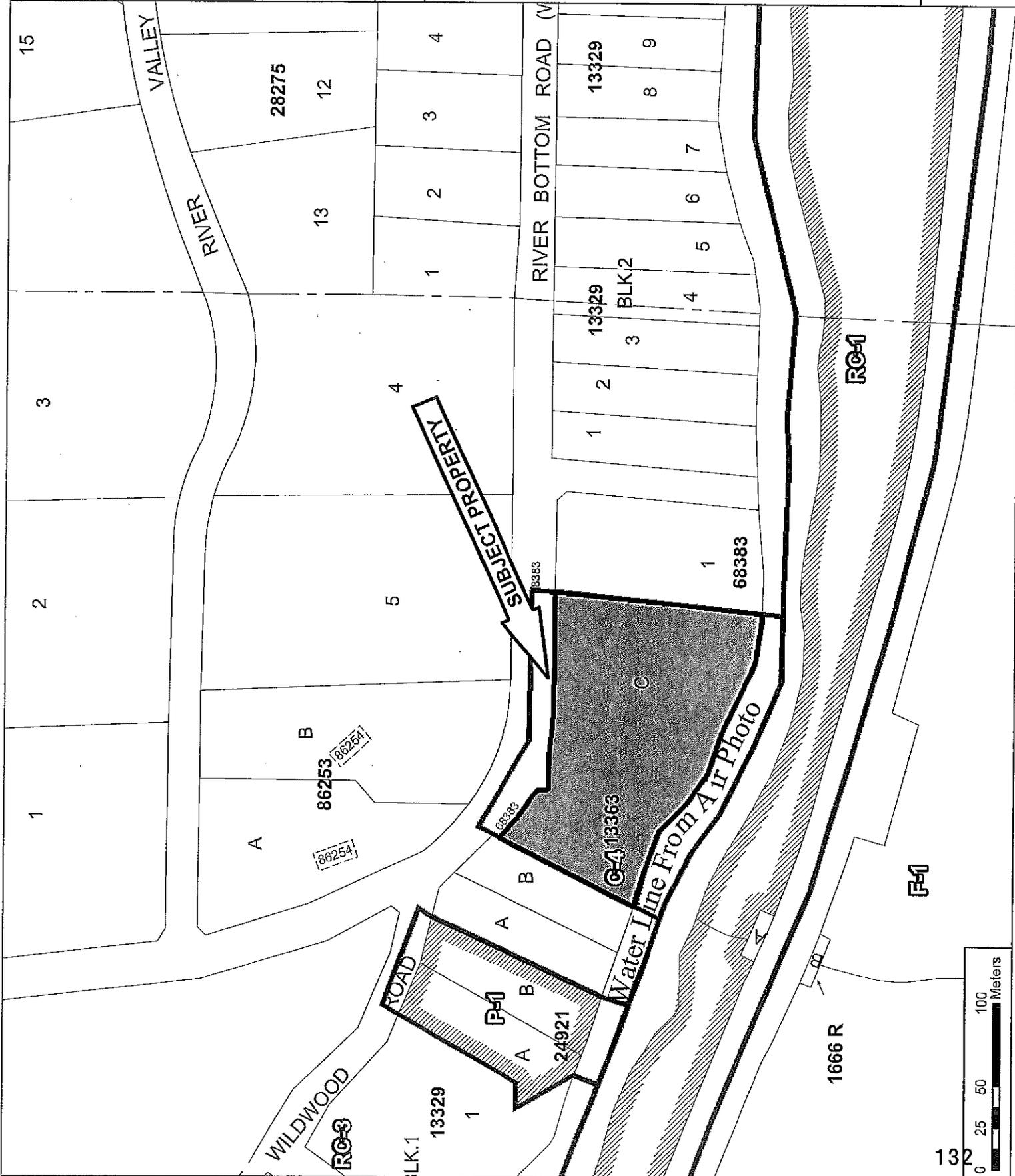
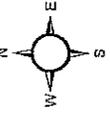
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

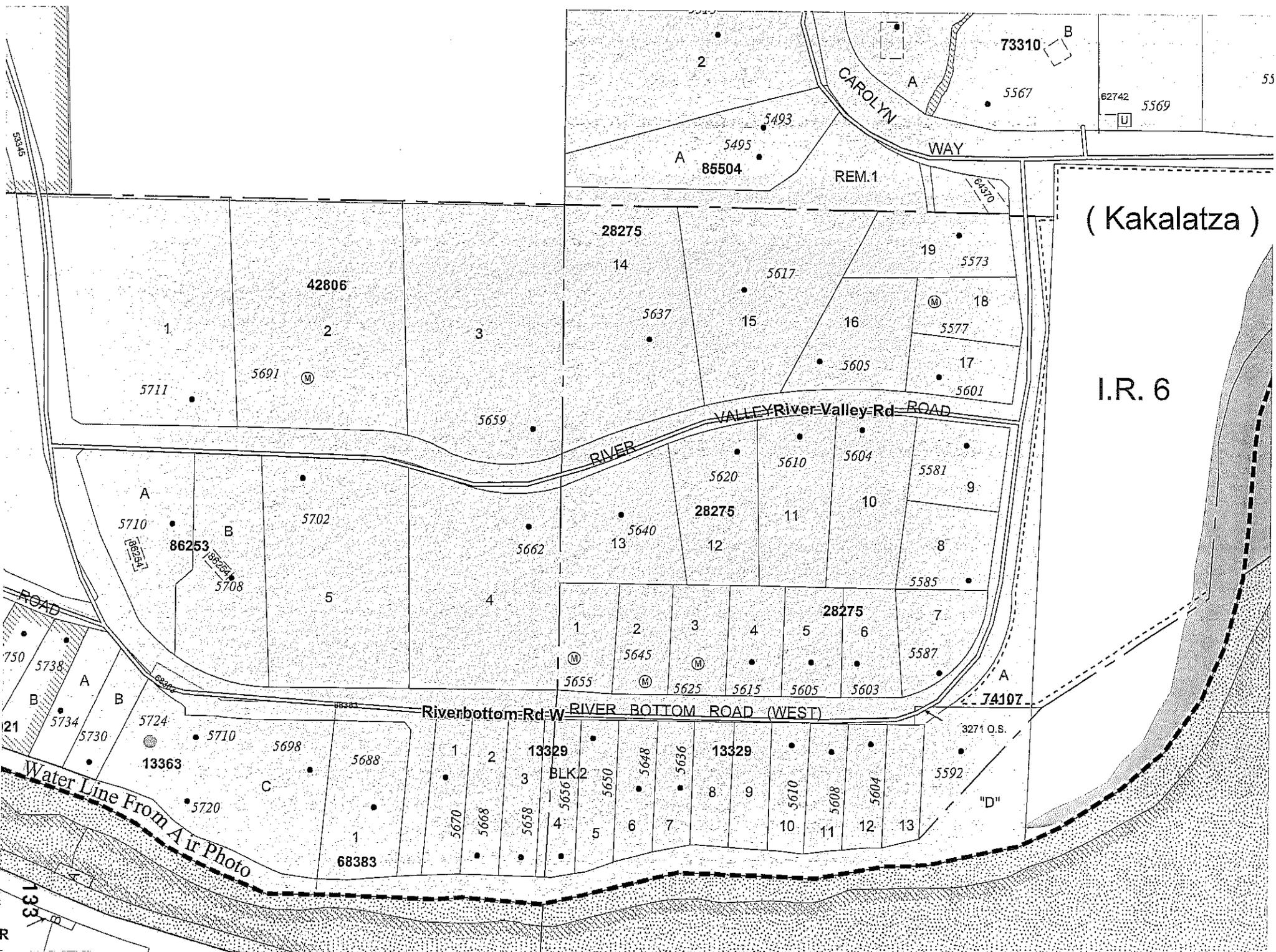
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 1-F-10-RS

ZONING

Legend





(Kakalatza)

I.R. 6

73310

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5567

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5569

55

CAROLYN

WAY

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REM.1

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5493

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14

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5617

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5605

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19

5573

(M)

18

5577

17

5601

42806

1

5711

2

5691

(M)

3

5659

RIVER

VALLEY RIVER VALLEY RD ROAD

A

5710

(M)

86253

5708

B

5702

5

4

5662

5640

13

5620

11

5610

5604

10

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5655

2

5625

(M)

5615

3

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4

5603

5

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6

74107

A

Riverbottom Rd W

RIVER BOTTOM ROAD (WEST)

3271 O.S.

5592

"D"

Water Line From Air Photo

68383

1

2

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4

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13

BLK.2

5656

5650

5648

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5610

5608

5604

ROAD

750

5738

A

21

5734

B

5730

5724

13363

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C

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R

Sahtlam Lodge

AND CABINS

Cowichan River, Vancouver Island

July 26, 2010

CVRD
175 Ingram Street
Duncan, BC
V9L 1N8

Val & Dave Hignell

Rezoning Application

Please find enclosed:

- 1) Application form together with fee (cheque \$2400)
- 2) Legal plan of property
- 3) Sketch plan of proposed subdivision
- 4) State of Title Certificate
- 5) Copy of all covenants easements and modifications

It is our desire to subdivide our 5 acre C-4 property into 3 parcels. The 2 divided parcels rezoned to residential. The remainder lot zoning to residential is negotiable. The 3 generous lots, each enjoying 170 ft+ of river frontage infill and conform to neighbouring riverfront lots both in size and density. Application for subdivision was filed May 5th with the Ministry of Transportation.

Over the last 24 years we have maintained good standing in the community by creating a business that is inconspicuous in the neighbourhood. There is no bold signage, late hours of operation, no large volume public events, weddings, etc. Buildings are designed to accommodate small numbers. As owners of this commercial property approaching retirement we are at a crossroad. Commercial potential & density can be maxed on this heritage acreage or we can continue to live and blend into this tightly defined community. Covenants allow for 9 cabins, 6 campsites, 8 lodge units, but we believe that our small community benefits from the reduction or elimination of commercial zoning. An unsuccessful application leaves the issues described here unresolved.

Subject lots each have existing:

1. Driveways and driveway aprons
2. Independent electric services
3. Septic systems
4. Wells: 5698 Riverbottom well ID plate 18136, & 5724 Riverbottom ID plate 18137
5. Single family residences:
 - i) 5698 Riverbottom (easterly lot) built in 2001
 - ii) 5720 Riverbottom (remainder lot) has applicant's residence and one 850 sq.ft cottage
 - iii) 5724 Riverbottom (westerly lot) is under construction via CVRD building permit F-513-08 and preceding Development Permit 12-F-07-DP

5720 Riverbottom Rd Duncan, RR2 Cowichan Valley, British Columbia Canada V9L 1N9 ☎ (604) 748-7738

Sahtlam Lodge

AND CABINS

Cowichan River, Vancouver Island

CVRD Planning's Rob Conway suggested a review of the proposal by Ministry of Health. Cole Diplock attended the property suggesting that along with other processing Health would require further test holes to verify sufficient septic backup for residential use.

This rezoning application is subject to subdivision of the property into 3 parcels.

We look forward to a site inspection and discussion of this application.

Yours truly,



David & Valerie Hignell

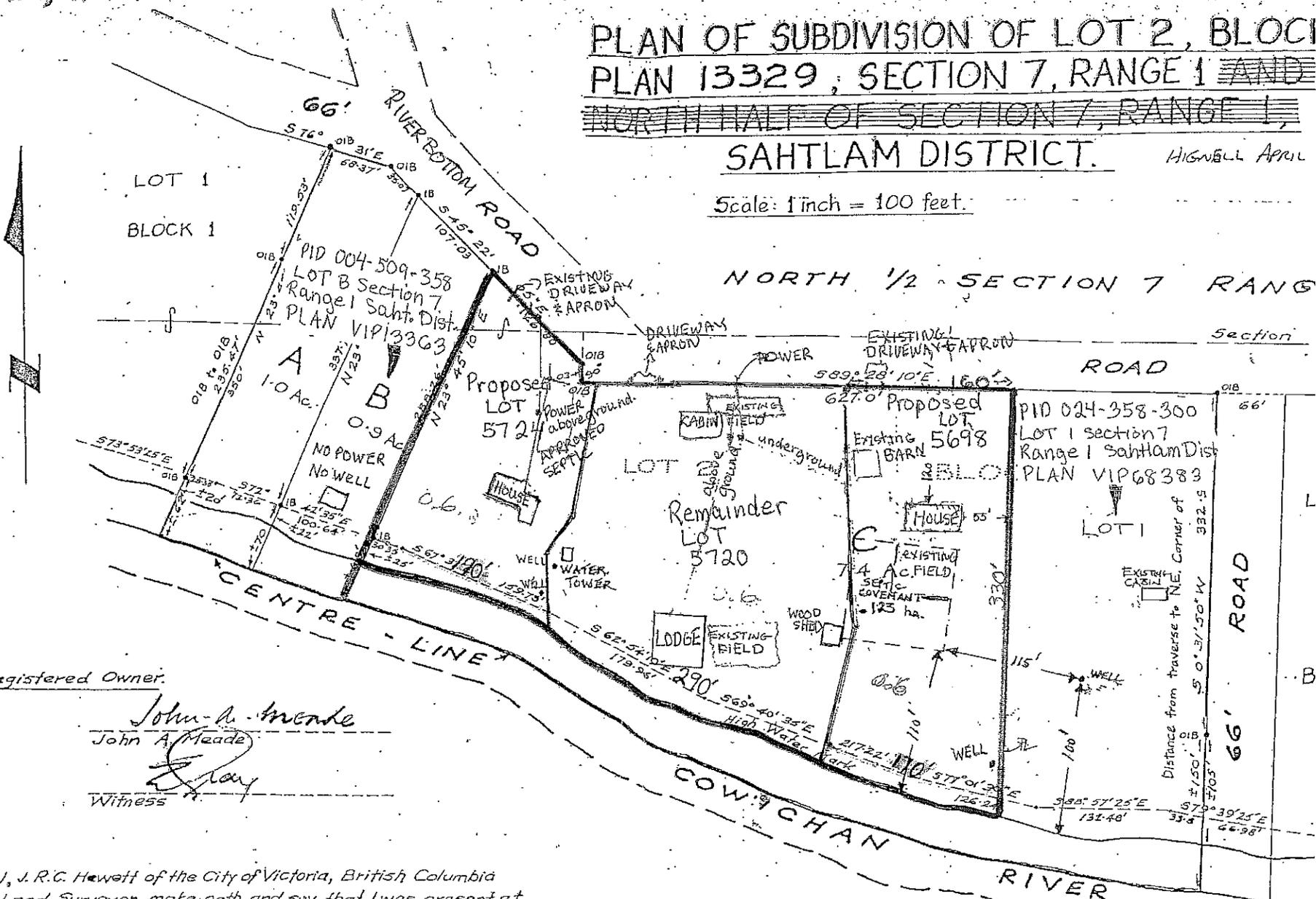
Cc Ross Deveau, Ministry of Highways
Cole Diplock, Ministry of Health
Ian Morrison, CVRD Area F Director
Loren Duncan, CVRD Area E Director

wildflowers, birds, clean air, cozy fire ... deep sleep

J. R. C. Hewett
 Approving Officer

PLAN OF SUBDIVISION OF LOT 2, BLOCK 1
PLAN 13329, SECTION 7, RANGE 1 AND
NORTH HALF OF SECTION 7, RANGE 1,
SAHTLAM DISTRICT. HIGBELL APRIL

Scale: 1 inch = 100 feet.



Registered Owner:

John A. Meade
 John A. Meade
[Signature]
 Witness

I, J. R. C. Hewett of the City of Victoria, British Columbia
 Land Surveyor, make oath and say that I was present at
 and did personally superintend the survey represented
 by this plan and that the survey and plan are correct.
 The said survey was completed on the 6th day of August, 1959.

Sworn before me this
 10th day of August, 1959.
[Signature]
 B.C.L.S.

LEGEND

- O/B Denotes iron bar found.
- IB " " 1/2 inch square galvanized iron bar set and stamped "253".

5.17 C-4 TOURIST COMMERCIAL 4 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the C-4 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the C-4 Zone:

- a. Convention facility;
- b. Golf course, pitch-and-putt course and driving range, including clubhouses, pro shops and similar ancillary facilities customarily incidental to golf course operation;
- c. Hotel, motel, campground (subject to CVRD Campsite Standards Bylaw No. 1520), resort;
- d. Marina operations, including accessory boat sales, rental and servicing, but excluding boat building and the rental of personal water craft vessels;
- e. Recreational facility;
- f. Restaurant;

The following accessory uses are permitted in the C-4 Zone:

- g. Buildings and structures accessory to a principal permitted use;
- h. Gift shop, accessory retail sales;
- i. Single family dwelling.

2. Minimum Parcel Size

The minimum parcel size in the C-4 Zone is:

- g. 0.2 hectares for parcels served by a community water and sewer system;
- h. 0.4 hectares for parcels served by a community water system only;
- i. 1 hectare for parcels served neither by a community water system or a community sewer system.

3. Number of Dwellings

Not more than one dwelling unit is permitted on a parcel in the C-4 Zone, in association with a permitted principal use.

4. Setbacks

The minimum setbacks for buildings and structures in the C-4 Zone is 4.5 metres from all parcel lines.

5. Height

In the C-4 Zone, the height of all buildings and structures shall not exceed 10 metres, except in accordance with Section 3.9 of this Bylaw.

6. Parcel Coverage

The parcel coverage in the C-4 Zone shall not exceed 20 percent for all buildings and structures.

7. Parking and Loading

Off-street parking and loading spaces in the C-4 Zone shall be provided in accordance with Sections 3.14 and 3.15 of this Bylaw.



THE SUSTAINABILITY CHECKLIST For Rezoning and Development Permit Applications

REZONING

DEVELOPMENT PERMIT

Uses Proposed:

Single Family Residential

Industrial

Multi Family

Institutional

Commercial

Agricultural

Other _____

Environmental Protection and Enhancement

Please explain how the development protects and/or enhances the natural environment. For example does your development:

		YES	NO	N/A	EXPLANATION
1.	Conserve, restore, or improve natural habitat?	✓			
2.	Remove invasive species?	✓			Knotweed, BROOM, IVY
3.	Impact an ecologically sensitive site?				
4.	Provide conservation measures for sensitive lands beyond those mandated by legislation?			✓	
5.	Cluster the housing to save remaining land from development and disturbance?	✓			
6.	Protect groundwater from contamination?			✓	

Please explain how the development contributes to the more efficient use of land. For example does your development:

		YES	NO	N/A	EXPLANATION
7.	Fill in pre-existing vacant parcels of land?	✓			
8.	Utilize pre-existing roads and services?	✓			
9.	Revitalize a previously contaminated area?			✓	
10.	Use climate sensitive design features (passive solar, minimize the impact of wind and rain, etc.)?			✓	
11.	Provide onsite renewable energy generation such as solar energy or geothermal heating?	✓			water license for irrigation no depletion of groundwater table

Please explain how the development facilitates good environmentally friendly practices. For example does your development:

		YES	NO	N/A	EXPLANATION
12.	Provide onsite composting facilities?	✓			
13.	Provide an area for a community garden?			✓	
14.	Involve innovative ways to reduce waste, and protect air quality?				installation of propane rather than wood fireplaces
15.	Include a car free zone?	✓		✓	building and natural stone barriers
16.	Include a car share program?			✓	keep cars/recreation vehicles from river frontage

Please explain how the development contributes to the more efficient use of water. For example does your development:

		YES	NO	N/A	EXPLANATION
17.	Use plants or materials in the landscaping design that are not water dependant?	✓			primarily native planting
18.	Recycle water and wastewater?	✓			

Please explain how the development contributes to the more efficient use of land. For example does your development:

		YES	NO	N/A	EXPLANATION
7.	Fill in pre-existing vacant parcels of land?	✓			
8.	Utilize pre-existing roads and services?	✓			
9.	Revitalize a previously contaminated area?			✓	
10.	Use climate sensitive design features (passive solar, minimize the impact of wind and rain, etc.)?			✓	
11.	Provide onsite renewable energy generation such as solar energy or geothermal heating?	✓			water license for irrigation no depletion of groundwater table

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		YES	NO	N/A	EXPLANATION
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13.	Provide an area for a community garden?			✓	
14.	Involve innovative ways to reduce waste, and protect air quality?				installation of propane rather than wood fireplaces
15.	Include a car free zone?	✓		✓	building and natural stone barriers
16.	Include a car share program?			✓	keep cars/recreation vehicles from river frontage

Please explain how the development contributes to the more efficient use of water. For example does your development:

		YES	NO	N/A	EXPLANATION
17.	Use plants or materials in the landscaping design that are not water dependant?	✓			primarily native planting
18.	Recycle water and wastewater?	✓			

		YES	NO	N/A	EXPLANATION
19.	Provide for no net increase to rainwater run-off?	✓			minimal gutters & no sealed driveway
20.	Utilize natural systems for sewage disposal and rain water?	✓			
21.	Use energy saving appliances?	✓			

Please explain how the development protects a 'dark sky' aesthetic by limiting light pollution and light trespass from outdoor lighting. For example does your development:

		YES	NO	N/A	EXPLANATION
22.	Include <u>only</u> "Shielded" Light Fixtures, where 100% of the lumens emitted from the Light Fixture are retained on the site?	✓			

Please explain how the project will be constructed sustainably.

		YES	NO	N/A	EXPLANATION
23.	Built to a recognized green building standard i.e., Built Green BC, LEED Standard, etc.?		✓		
24.	Reduce construction waste?	✓			
25.	Utilize recycled materials?	✓			
26.	Utilize on-site materials/ reduce trucking?	✓			
27.	Avoid contamination?	✓			
28.	Please outline any other environmental protection and enhancement features.				

Community Character and Design

Does the development proposal provide for a more "complete community" within a designated Village Centre? For example does your development:

		YES	NO	N/A	EXPLANATION
1.	Improve the mix of compatible uses within an area?	✓			
2.	Provide services, or an amenity in close proximity to a residential area?			✓	

		YES	NO	N/A	EXPLANATION
3.	Provide a variety of housing in close proximity to a public amenity, transit, or commercial area?			✓	

Please explain how the development increases the mix of housing types and options in the community. For example does your development:

		YES	NO	N/A	EXPLANATION
4.	Provide a housing type other than single family dwellings?		✓		
5.	Include rental housing?	✓			
6.	Include seniors housing?	✓			disabled/senior accessible (5724) site
7.	Include cooperative housing?		✓		

Please explain how the development addresses the need for affordable housing in the community. For example does your development:

		YES	NO	N/A	EXPLANATION
8.	Include the provision of Affordable Housing units or contribution to?		✓		

Please explain how the development makes for a safe place to live. For example does your development:

		YES	NO	N/A	EXPLANATION
9.	Have fire protection, sprinkling and fire smart principles?	✓			
10.	Help prevent crime through appropriate site design?	✓			
11.	Slow traffic through the design of the road?			✓	

Please explain how the development facilitates and promotes pedestrian movement. For example does your development:

		YES	NO	N/A	EXPLANATION
12.	Create green spaces or strong connections to adjacent natural features, parks and open spaces?	✓			
13.	Promote, or improve trails and pedestrian amenities?			✓	

		YES	NO	N/A	EXPLANATION
3.	Provide a variety of housing in close proximity to a public amenity, transit, or commercial area?			✓	

Please explain how the development increases the mix of housing types and options in the community. For example does your development:

		YES	NO	N/A	EXPLANATION
4.	Provide a housing type other than single family dwellings?		✓		
5.	Include rental housing?	✓			
6.	Include seniors housing?	✓			(5724) disabled/senior accessible
7.	Include cooperative housing?		✓		

Please explain how the development addresses the need for affordable housing in the community. For example does your development:

		YES	NO	N/A	EXPLANATION
8.	Include the provision of Affordable Housing units or contribution to?		✓		

Please explain how the development makes for a safe place to live. For example does your development:

		YES	NO	N/A	EXPLANATION
9.	Have fire protection, sprinkling and fire smart principles?	✓			
10.	Help prevent crime through appropriate site design?	✓			
11.	Slow traffic through the design of the road?			✓	

Please explain how the development facilitates and promotes pedestrian movement. For example does your development:

		YES	NO	N/A	EXPLANATION
12.	Create green spaces or strong connections to adjacent natural features, parks and open spaces?	✓			
13.	Promote, or improve trails and pedestrian amenities?			✓	

		YES	NO	N/A	EXPLANATION
14.	Link to amenities such as school, beach & trails, grocery store, public transit, etc.? (provide distance & type)			✓	
Please explain how the development facilitates community social interaction and promotes community values. For example does your development:					
		YES	NO	N/A	EXPLANATION
15.	Incorporate community social gathering places? (village square, halls, youth and senior facilities, bulletin board, wharf, or pier)			✓	
16.	Use colour and public art to add vibrancy and promote community values?	✓			
17.	Preserve heritage features?			✓	
18.	Please outline any other community character and design features.				

Economic Development

Please explain how the development strengthens the local economy. For example does your development:

		YES	NO	N/A	EXPLANATION
1.	Create permanent employment opportunities?			✓	
2.	Promote diversification of the local economy via business type and size appropriate for the area?			✓	
3.	Increase community opportunities for training, education, entertainment, or recreation?			✓	
4.	Positively impact the local economy? How?			✓	
5.	Improve opportunities for new and existing businesses?	✓			
6.	Please outline any other economic development features.	The cessation of an accommodation business will likely provoke others to replace room nights in a less environmentally sensitive area.			

Other sustainable features?

Rather than developing to maximum commercial potential this "development" works to blend/mesh with surrounding neighbourhood & park.

Disclaimer: Please note that staff are relying on the information provided by the applicant to complete the sustainability checklist analysis. The CVRD does not guarantee that development will occur in this manner.

David Hignell

Signature of Owner

Date

JULY 26/10

Deby Hignell

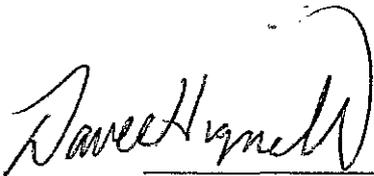
Signature of Agent

Date

Other sustainable features?

Rather than developing to maximum commercial potential this "development" works to blend/mesh with surrounding neighbourhood & park.

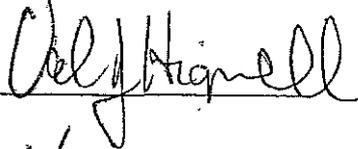
Disclaimer: Please note that staff are relying on the information provided by the applicant to complete the sustainability checklist analysis. The CVRD does not guarantee that development will occur in this manner.



Signature of Owner

Date

JULY 26/10



Signature of Agent

Date



Cowichan Valley Regional District
175 Ingram Street
V9L 1N9
Duncan, BC V9L 1N8

28 November 2010

Dear Sirs:

RE: CVRD FILE 01-F-10RS

This letter is in support of the request by Sahtlam Lodge and Cabins, 5720 West Riverbottom Road, Duncan, BC, for rezoning of their above-mentioned property.

We have lived at Sahtlam for 15 years and feel that the elimination of commercial zoning would be beneficial to the neighbourhood.

As it stands now, if the capacity under the present commercial zoning was fully utilized, it would have a greater impact than the proposed three-lot subdivision. The three-lot subdivision would be in keeping with the local community of Sahtlam, i.e. the potential of 70 lodge guests, as opposed to two-or-three-person families on three lots.

We assume the original intent of the subdivision minimum was to reduce the population impact on the river corridor. If this is so, then the proposed subdivision would be in keeping with this, and higher density commercial properties are not.

Yours truly,

Dan Syroid
5670 West Riverbottom Road
RR #2
Duncan, BC V9L 1N9

Fran Syroid

hearthfire

RECEIVED
NOV 26 2010

5688 Riverbottom Road West,
Duncan, BC

November 18, 2010

Zoning Department,
C.V.R.D.
175 Ingram Street
Duncan, BC

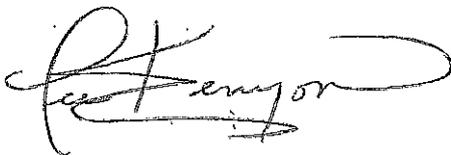
I live beside Sahtlam Lodge, a commercially zoned property at 5720 Riverbottom Road.

My next door neighbours, Val and David Hignell, have applied for a down zoning of their property.

The Hignells wish to replace their commercial zoning (overnight guest capacity of 70 persons in 8 lodge units, 9 cabins, 6 campsites, restaurant and retail sales) with three residential lots, each of which would be larger than almost all of the other riverfront properties on this side of the river, in this area.

I am writing in support of their request.

Yours truly,



Lee Kenyon

NOVEMBER 20TH 2010



CRVD
175 Ingram Street
Duncan
B.C V9L 1N8

Re: Support for Sahtlam Lodge and Cabins , 5720 Riverbottom Road to receive a variance to sub-divide existing property into three residential use only properties

Reference : CVRD File 01-F-10RS

To whom it may concern ,

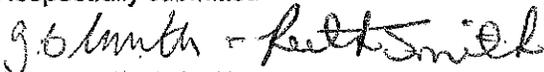
As property owners at 5668 West Riverbottom Road ,we wanted to express our support to allow the property owners of Sahtlam Lodge and Cabins the opportunity to subdivide the existing commercial property into three residential properties .

We understand the requirement of a property footprint must meet or exceed the area of 20ha to allow for subdivision due the River Corridor Zoning , understanding that the property size of Shatlam Lodge and Cabins sits on does not meet this criteria . The premise of our support is focused on the protection and enhancement of the river corridor as demands increase on it due to added use and added mis-use . The current operation of the property in question has been operated in our opinion as good stewards of the river and the local community . We understand the potential of how this property could be operated under the commercial zoning may place increased demands on the river by new owners , something that causes us some concern partly due to the unknown and some due to our professional understanding of how sensitive currently this river is to increased demands .

The concept of losing the commercial zoning for this property and establishing 3 residential properties is attractive to us as vested users of the river and adjoining property owners to the river . We would like to think that the CVRD would also view it as a positive change for the river corridor and bring stability to the property use along the river for the future decades .

Therefore , we are requesting that a variance be granted by the CRVD to allow the sub-division of the existing Shatlam Lodge and Cabins property into three residential properties as a one time situation .

Respectfully submitted


Gord and Ruth Smith
3943 Winton Street
Victoria , B.C
V8P 3L4

CVRD FILE
01-F-10 RS



MR & MRS W C PARSONS
1269 LAYRITZ PLACE
VICTORIA BC
V8Z 7C4

NOV. 19 / 10

DEAR SIR OR MADAM :

WE WISH TO EXPRESS OUR
SUPPORT FOR DAVE & VAL
HIGNELL IN THEIR APPLICATION
TO REZONE 5720 RIVER BOTTOM
RD. ON THE COWICHAN RIVER.

OUR INTEREST IS BECAUSE
WE OWN 5762 WILDWOOD RD.

D. Parsons.
W.C. Parsons.

A circular stamp with a crown at the top, containing the text "C.V.R.D." and "RECEIVED" in a stylized font.

NOV 19 2010

TO WHOM THIS MAY CONCERN

SAHTLAM LODGE LAND ISSUE

We live at 5734 Wildwood Rd. two lots west of the land in question.

We received the information as to what the owners, Val and Dave Hignall

Would like to do with the Lodge Property, and we are all in favour of the

Proposal to have the Sahlam Lodge property, be divided into three lots rather

Than have it continue being commercial property.

Vince and Helen Tasa

Handwritten signatures in cursive script. The first signature is "Vince Tasa" and the second is "Helen Tasa".

RECEIVED
NOV 18 2010

Re: CVRD File 01-F-10RS

To Whom It May Concern:

It has been brought to our attention that our neighbours, Val & David of Sahtlam Lodge, wish to downzone their property into three residential units and eliminate commercial zoning.

We are strongly in favor of eliminating commercial zoning from our neighbourhood.

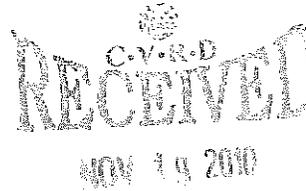
We purchased our home, across the street from the Lodge, last year, in hopes of raising our family in this idyllic setting. We searched over two years for a place like this. Now our daughter is 8 months old and we fear that our peaceful neighbourhood is at risk of being changed forever.

Having a business housing 70 guests per night, a restaurant, retail sales and liquor license across the street from our family home would be devastating for us in many ways.

Please accept Val & David's request to downzone to three residential properties and in doing so help us preserve our family's neighbourhood. We would much rather welcome two new neighbours than see the impact of potential commercial development steps from our backyard.

Sincerely,

Adam, Lisa & Caitlyn
5710 River Valley Road,
Duncan, BC
V9L 6H8
250-709-9945



November 15, 2010

Judy and Alex Brayden
5658 West Riverbottom Rd.,
Duncan, B.C.
V9L 6H9
(2500 701-0570)

Re: CVRD file 01- F-10RS

To whom it may concern:

We are residents in the immediate area mentioned in the above file.

We have a 1.1 acre parcel on the Cowichan River and like the other 17 of 20 neighbours, we have a lot that is smaller than the above proposed lot size. We feel that the above application will develop two new lots that are definitely "in keeping" with the rural, riverfront nature of our neighbourhood.

We are definitely in favour of this application to rezone 3720 West Riverbottom Road from commercial to residential and to have two additional single families join our neighbourhood.

Sincerely

Handwritten signatures of Alex Brayden and Judy Brayden. The signature of Alex Brayden is written in a cursive style and is positioned above the signature of Judy Brayden, which is also in cursive.

Judy Brayden
Alex Brayden



R7

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MARCH 1, 2011

DATE: February 21, 2011 FILE NO: 1-I-10 DVP
FROM: Alison Garnett, Planner II BYLAW NO:
SUBJECT: Development Variance Permit 1-I-10 DVP (Brubaker for Tonn)

Recommendation/Action:

That the application by Brubaker for Tonn (1-I-10DVP) respecting Lot 28, District lot 32, Cowichan District, Plan 1003, except part in Plan 1584RS be approved, to increase the height of an accessory building from 6 metres to 7.5 metres, subject to a survey confirming compliance with the approved height variance prior to issuance of building permit.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: N/A

Background:

Location of Subject Property: 8260 Sa-seen-os Road

Legal Description: Lot 28, District lot 32, Cowichan District, Plan 1003, except part in Plan 1584RS (PID 005-856-990)

Date Application and Complete Documentation Received: October 14, 2010

Owner: Debby Tonn

Applicant: Rick Brubaker

Size of Lot: 0.5 ha (1.2 acres)

Existing Zoning: R-3 (Urban Residential)

Existing Plan Designation: Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North:	Residential
South:	Residential
East:	Residential
West:	Residential

Services :

Road Access:	Sa-seen-os Road
Water:	Youbou Water
Sewage Disposal:	On site

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: The subject property is located along Cowichan Lake, however proposed development is located further than 30 metres from the high water mark.

Archaeological Site: None have been identified.

Proposal:

The applicant intends to build a 4 bay garage with a secondary dwelling unit on the second floor. Currently on the lot is a single family home and a few small accessory buildings. The size of the proposed new building is 270 m² (2912 ft²). The height variance is being requested in order to accommodate the storage of a recreational vehicle within the garage, as well as the design of the residential suite.

The height limit of an accessory building in the R-3 zone is 6 metres, and is calculated from the average existing natural grade at the perimeter of the building. The applicants are requesting a relaxation of this height limit from 6 metres to 7.5 metres, although the building plans attached to this report show a 6.65 metres height (21.9 ft), which suggests that the applicants may not require the full 7.5 metres.

A survey of the property has been submitted, and confirms that the location of the proposed building is further than 30 metres from the 164 metre high water elevation of the lake, and is above the 200 year floodplain elevation.

Surrounding Property Owner/Occupiers Notification:

A total of 22 letters were mailed out and/or otherwise hand delivered to adjacent property owners, as required pursuant to CVRD Development Application Procedures and Fees Bylaw No. 3275, which described the purpose of this application and requested comments on this variance within a specified time frame. One letter has been received, which supports the variance request.

Staff observed during a site visit that views from adjacent properties are unlikely to be impacted by the additional height of this proposed building, based on the size and orientation of the lots, location of existing buildings, and the topography of the area.

Options:

1. That the application by Brubaker for Tonn (1-I-10DVP) respecting Lot 28, District lot 32, Cowichan District, Plan 1003, except part in Plan 1584RS be approved, to increase the height of an accessory building from 6 metres to 7.5 metres, subject to a survey confirming compliance with the approved height variance prior to issuance of building permit.
2. That the application by Brubaker for Tonn (1-I-10DVP) respecting Lot 28, District lot 32, Cowichan District, Plan 1003, except part in Plan 1584RS, not be approved.

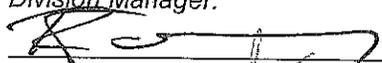
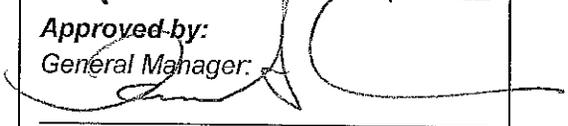
Option 1 is recommended.

Submitted by,



Alison Garnett
Planner II
Development Services Division

AG/ca

Reviewed by: Division Manager: 
Approved by: General Manager: 



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

FILE NO: 1-I-10 DVP
DATE: February 2011

TO: Debby Tonn -DRAFT
ADDRESS: 2490 Westhill Court
West Vancouver, BC V7S 3A5

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below (legal description):
Lot 28, District lot 32, Cowichan District, Plan 1003, except part in Plan 1584RS (PID 005-856-990)
3. Authorization is hereby given for the development of the subject property in accordance with the conditions listed below.
4. Zoning Bylaw No. 2465, applicable to Section 5.12(5), is varied as follows:
The permitted height of the accessory building is increased from 6 metres to 7.5 metres, subject to the applicant providing a survey confirming compliance with the approved height limit.
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedule is attached:
 - Schedule A – Elevation drawings
 - Schedule B- Site Plan
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Planning and Development Department.
8. ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. XXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE TH DAY OF 2011.

Tom Anderson, MCIP
General Manager, Planning and Development

NOTE: Subject to the terms of this Permit, if the holder of this Permit does not substantially start any construction within 2 years of its issuance, this Permit will lapse.

I HEREBY CERTIFY that I have read the terms and conditions of the Development Permit contained herein. I understand and agree that the Cowichan Valley Regional District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with CHERYL CLANDENING other than those contained in this Permit.

Signature

Witness

Owner/Agent

Occupation

Date

Date



**Covichan
Valley
Regional
District**

This map is compiled from various sources for internal use and is designed for reference purposes only.

The Regional District does not warrant the accuracy.

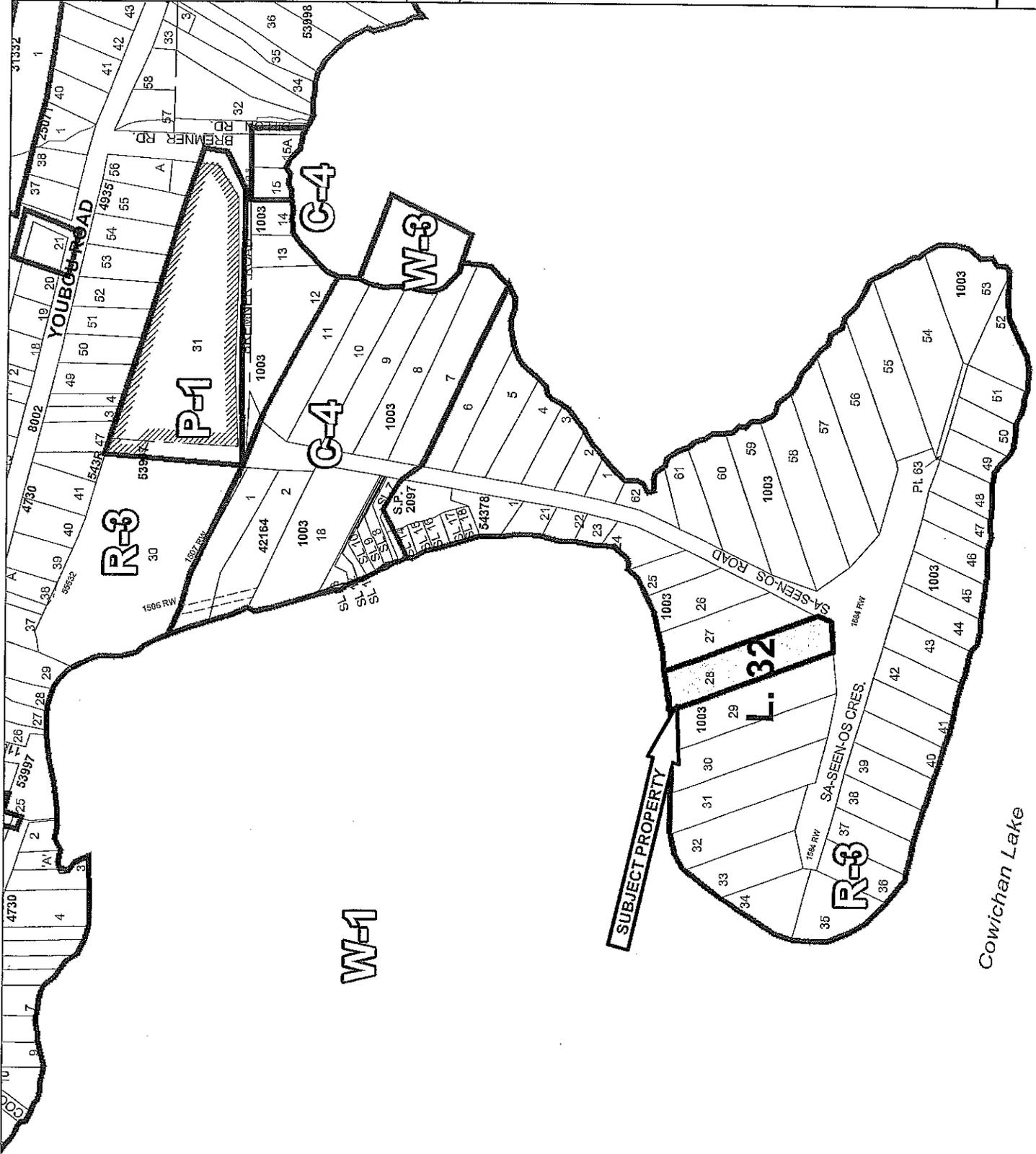
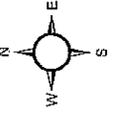
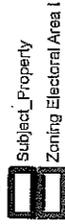
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only, and that boundaries are representational.

The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 01-I-10-DVP

ZONING

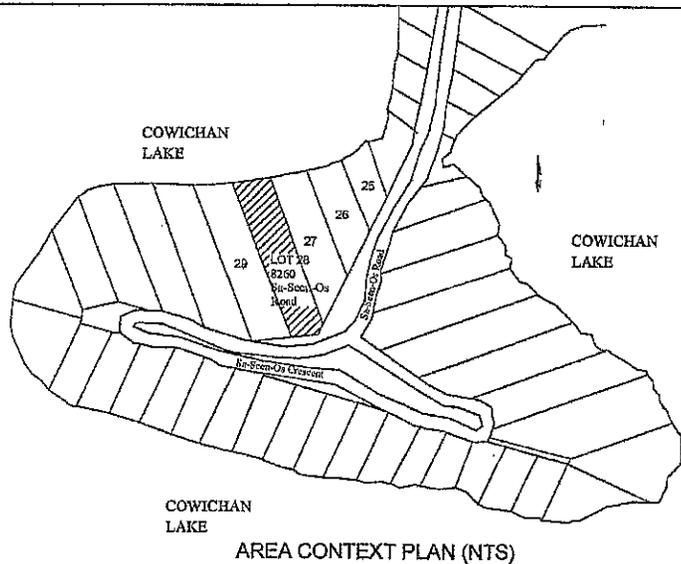
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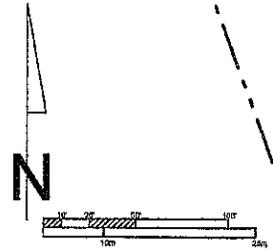
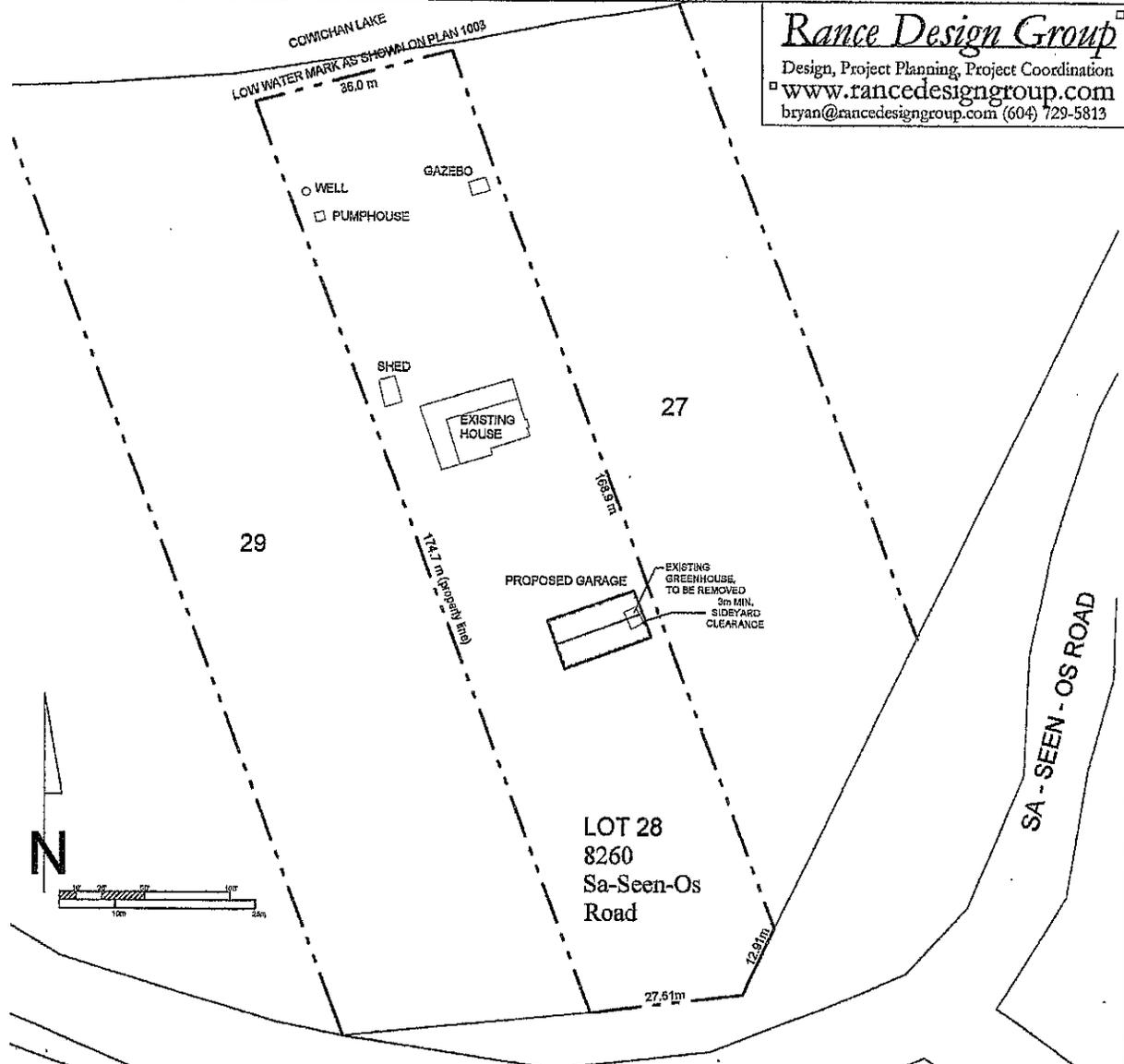
Cowichan Lake



Rance Design Group
 Design, Project Planning, Project Coordination
 www.rancedesigngroup.com
 bryan@rancedesigngroup.com (604) 729-5813



- LEGEND:**
 SHEET 1 SITE PLAN
 SHEET 2 GROUND FLOOR PLAN
 SHEET 3 SECOND FLORR PLAN
 SHEET 4 ROOF PLAN
 SHEET 5 FRONT ELEVATION
 SHEET 6 BACK ELEVATION
 SHEET 7 SIDE ELEVATIONS

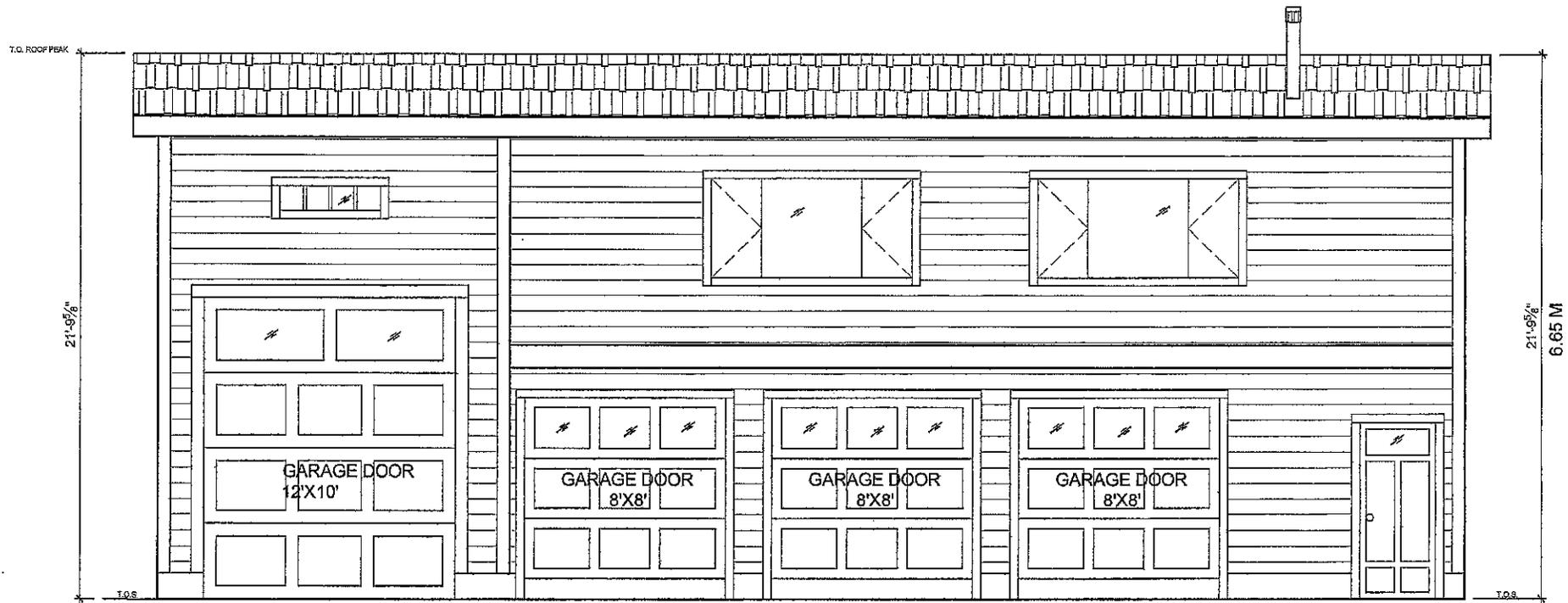


SHEET #1, SITE AND AREA PLAN

SCALE: 1/64" = 1'

SEPTEMBER 29, 2010

DEVELOPMENT VARIANCE PERMIT APPLICATION DRAWINGS. 8260 Sa-Seen-Os Road, Youbou BC



FRONT

SHEET #5, FRONT ELEVATION

SCALE: 1/4"=1'

SEPTEMBER 29, 2010

DEVELOPMENT VARIANCE PERMIT APPLICATION DRAWINGS. 8260 Sa-Seen-Os Road, Youbou BC

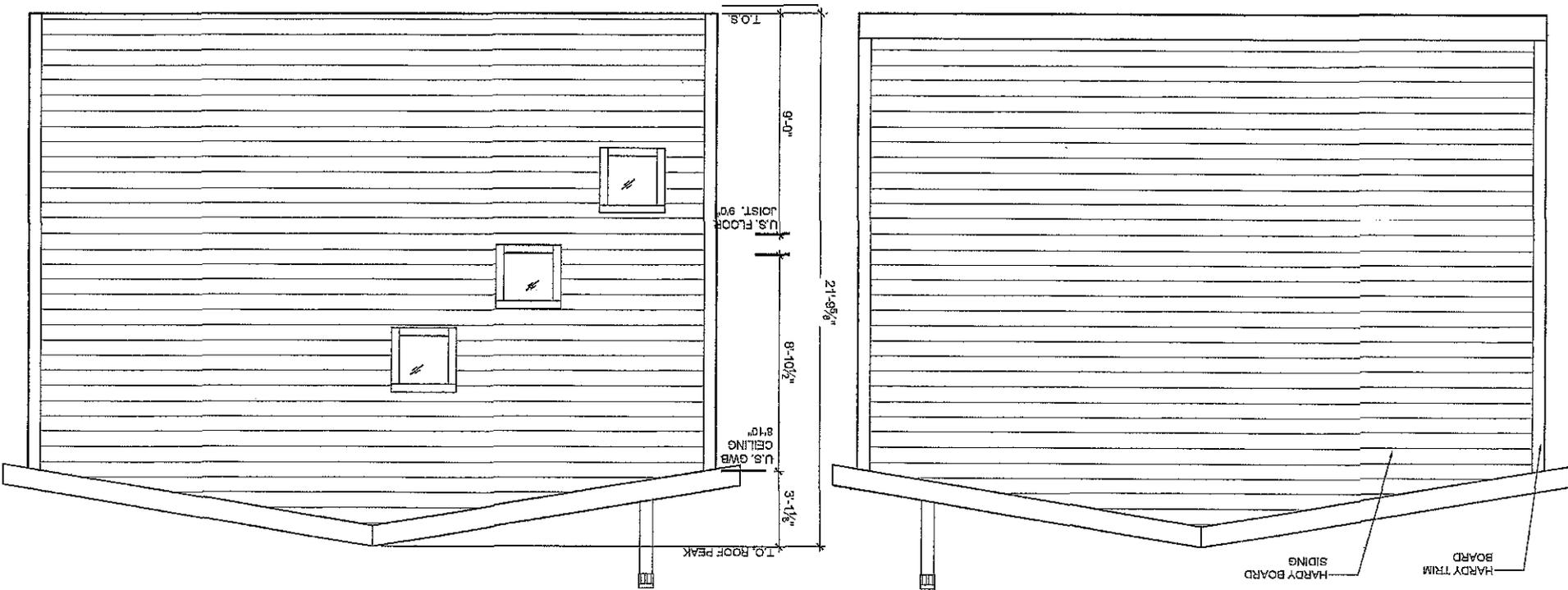
SEPTEMBER 29, 2010

SHEET #7, SIDE ELEVATIONS

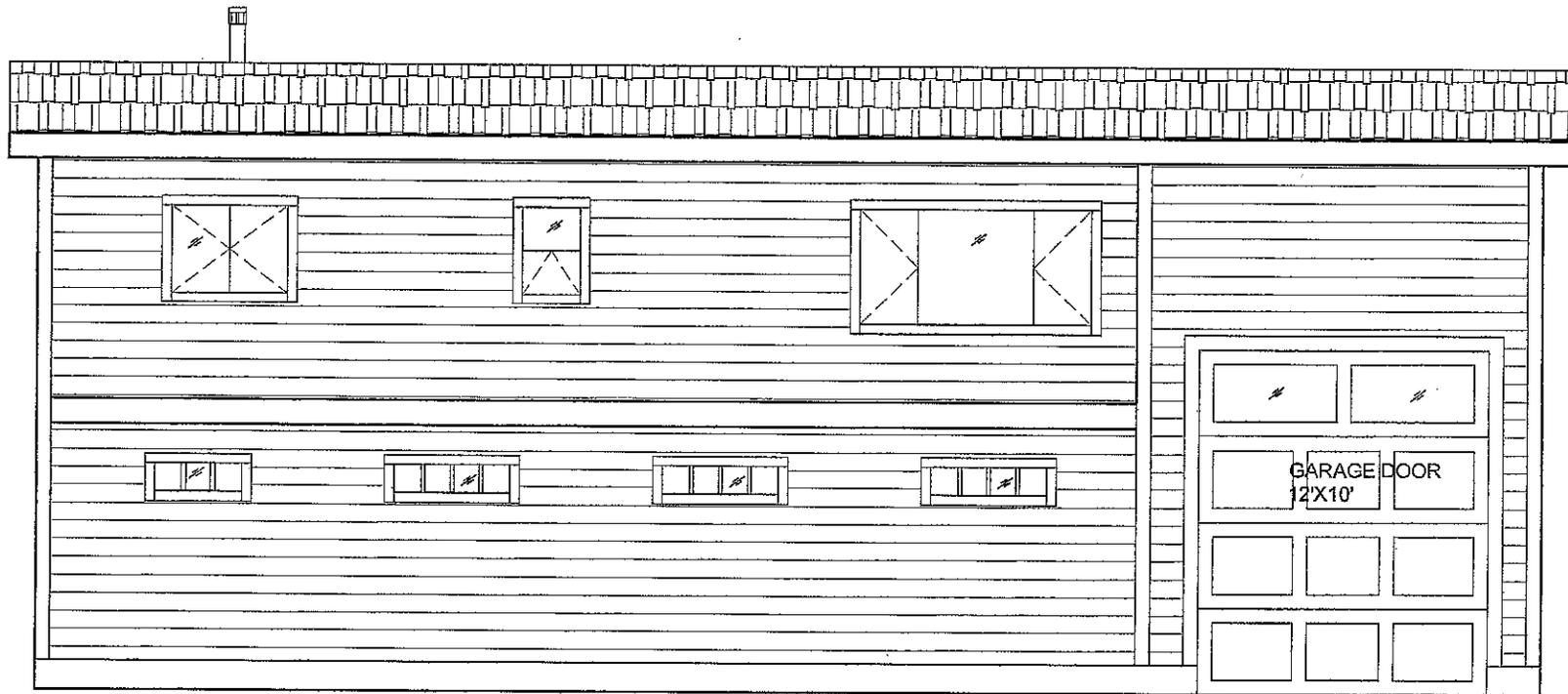
SCALE: 1/4"=1'

RIGHT
SIDE

LEFT



Rance Design Group
 Design, Project Planning, Project Coordination
 www.rancedesigngroup.com
 ryan@rancedesigngroup.com (604) 729-5813



BACK

SHEET #6, BACK ELEVATION

SCALE: 1/4"=1'

SEPTEMBER 29, 2010

DEVELOPMENT VARIANCE PERMIT APPLICATION DRAWINGS. 8260 Sa-Seen-Os Road, Youbou BC

Alison Garnett

From: CVRD Development Services
Sent: Friday, February 18, 2011 8:38 AM
To: Alison Garnett; Ann Kjerulf; Carla Schuk; Catherine Tompkins; Deb Bumphrey; Maddy Koch; Mike Tippet; Rob Conway
Subject: FW: Development Variance

From: Graeme Cockle [<mailto:gcockle@shaw.ca>]
Sent: Thursday, February 17, 2011 11:42 AM
To: CVRD Development Services
Subject: Development Variance

G.B. Cockle We have reviewed the variance request submitted on behalf of Debbie Tonn , File #1-1-10 DVP and have no objection to this proposal.

Graeme and Edythe
Cockle

8250- Sa-seen-os

Cresent

Youbou, B. C.

VOR3EO



R8

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MARCH 1, 2011

DATE: February 22, 2011 **FILE NO:** 4-B-10DVP
FROM: Rachelle Moreau, Planner I **BYLAW NO:** Bylaw No. 985
SUBJECT: Application No. 4-B-10DVP
(Jim and Lisa Lindsay)

Recommendation/Action:

That application 4-B-10 DVP by Jim and Lisa Lindsay for a variance to Section 8.5(b)(3) of Bylaw No. 985 in order to reduce the required exterior side setback from 4.5 metres down to 3 metres on Strata Lot 8, Shawnigan Lake Suburban Lots, Shawnigan District, Strata Plan 731 (PID:000-020-711) be approved, subject to receipt of a post construction survey indicating the location of the workshop complies with the variance.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: N/A

Purpose:

To consider an application to reduce the minimum exterior side yard setback from 4.5 metres (14.7 ft) down to 3 metres (10 ft).

Background:

Location of Subject Property: #8-2180 Renfrew Road

Legal Description: Strata Lot 8, Shawnigan Lake Suburban Lots, Shawnigan District, Strata Plan 731, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1 (PID:000-020-711).

Date Application and Complete Documentation Received: November 18, 2010

Owner: Jim and Lisa Lindsay

Applicant: As above

Size of Parcel: 0.1370 ha (0.34 acres)

Zoning: R-3 (Urban Residential)

Existing Plan Designation: Urban Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Residential
 South: Residential
 East: Residential
 West: Common Property (Private Strata Road)

Services:

Road Access: Strata Road
Water: CVRD Shawnigan Lake North Community Water System
Sewage Disposal: On-site septic system

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: None Identified

Archaeological Site: None Identified

Proposal

An application has been made to: vary Section 8.5(b)(3) of CVRD Bylaw No. 985.

For the purpose of: reducing the minimum exterior side yard setback from 4.5 metres down to 3 metres in order to build a workshop.

Surrounding Property Owner Notification and Response:

A total of 15 letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 3275. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. To date, we have not received any letters.

Planning Division Comments:

The subject property is located at #8-2180 Renfrew Road, which is a Bare Land Strata subdivision west of Sunny Glades Road, adjacent to Scobhal Road. Currently, the property is used for a single family dwelling, and the applicant would like to construct a workshop approximately 3 metres from the exterior side parcel line. The proposed workshop is a one-storey building with a loft for storage, which will be used for boat storage and as a workshop.

The property slopes down towards the south, and the location for the workshop was chosen as it is the only area not currently occupied by the septic field and is relatively flat.

There is a Land Use Contract applied to the property, which prohibits construction of any building within 3 metres (10 ft) of any common boundary. The application as proposed adheres to this requirement.

Typically, any construction within 4.5 metres (15 ft) from a road allowance requires approval from the Ministry of Transportation and Infrastructure (MOTI). However, as this is a strata subdivision, approval from the Ministry of Transportation and Infrastructure is not required.

Options:

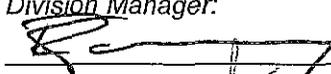
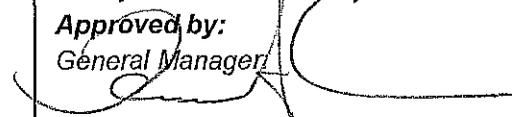
1. That application 4-B-10 DVP by **Jim and Lisa Lindsay** for a variance to Section 8.5(b)(3) of Bylaw No. 985 in order to reduce the required exterior side setback from 4.5 metres down to 3 metres on Strata Lot 8, Shawnigan Lake Suburban Lots, Shawnigan District, Strata Plan 731 (PID:000-020-711) **be approved**, subject to receipt of a post construction survey indicating the location of the workshop complies with the variance.
2. That application 4-B-10 DVP by **Jim and Lisa Lindsay** for a variance to Section 8.5(b)(3) of Bylaw No. 985 in order to reduce the required exterior side setback from 4.5 metres down to 3 metres on Strata Lot 8, Shawnigan Lake Suburban Lots, Shawnigan District, Strata Plan 731, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1 (PID:000-020-711) **be denied**.

Option 1 is recommended.

Submitted by,



Rachelle Moreau
Planner I
Development Services Division
Planning and Development Department

<i>Reviewed by:</i> <i>Division Manager:</i> 
<i>Approved by:</i> <i>General Manager:</i> 

RM/ca



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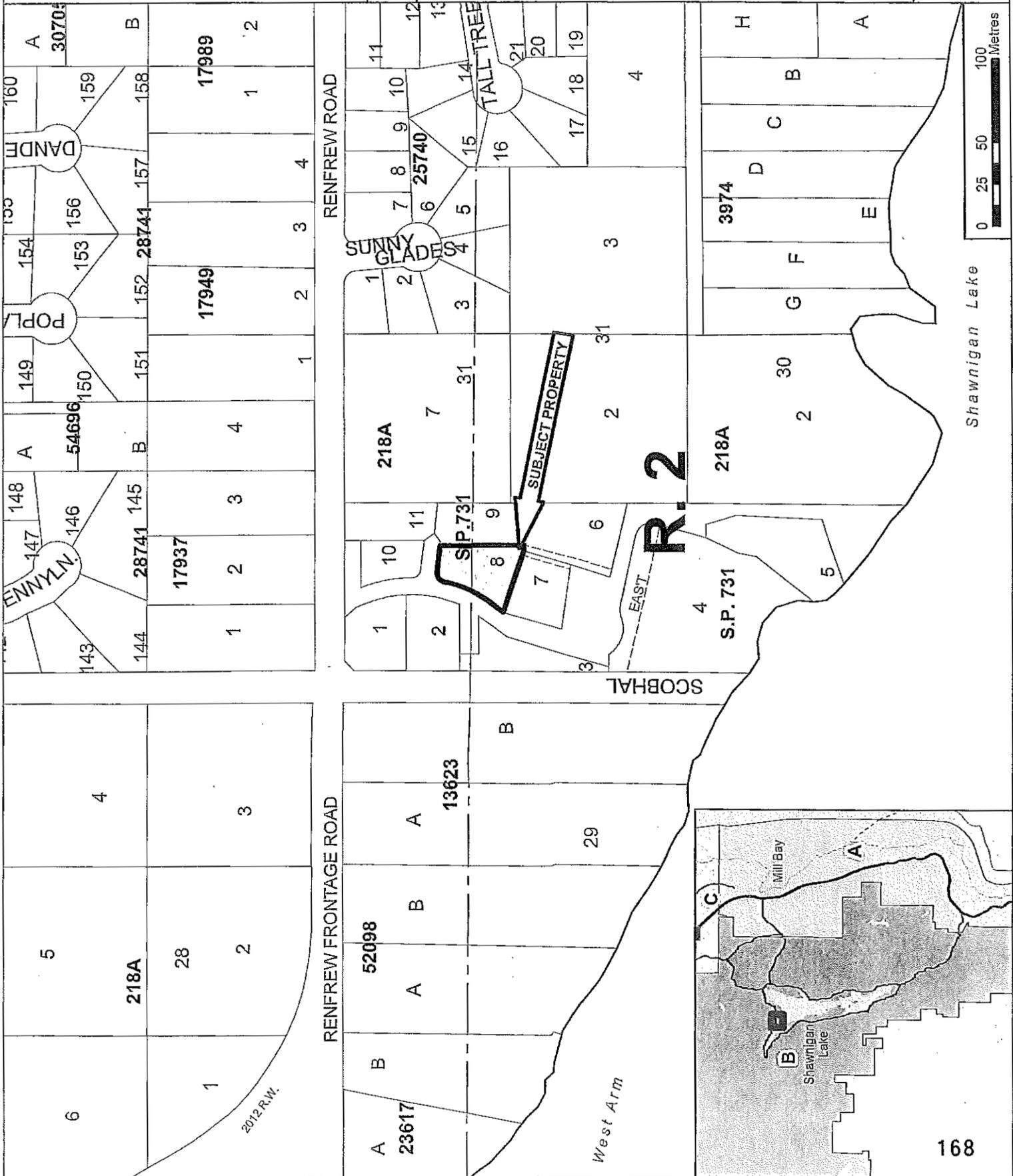
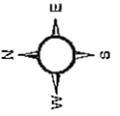
The Regional District does not warrant the accuracy.

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The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 04-B-10-DVP

Legend Subject Property





**Cowichan
Valley
Regional
District**

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This original Bylaws should be used in conjunction with the Bylaws of Interpretation and Application of the Bylaws.

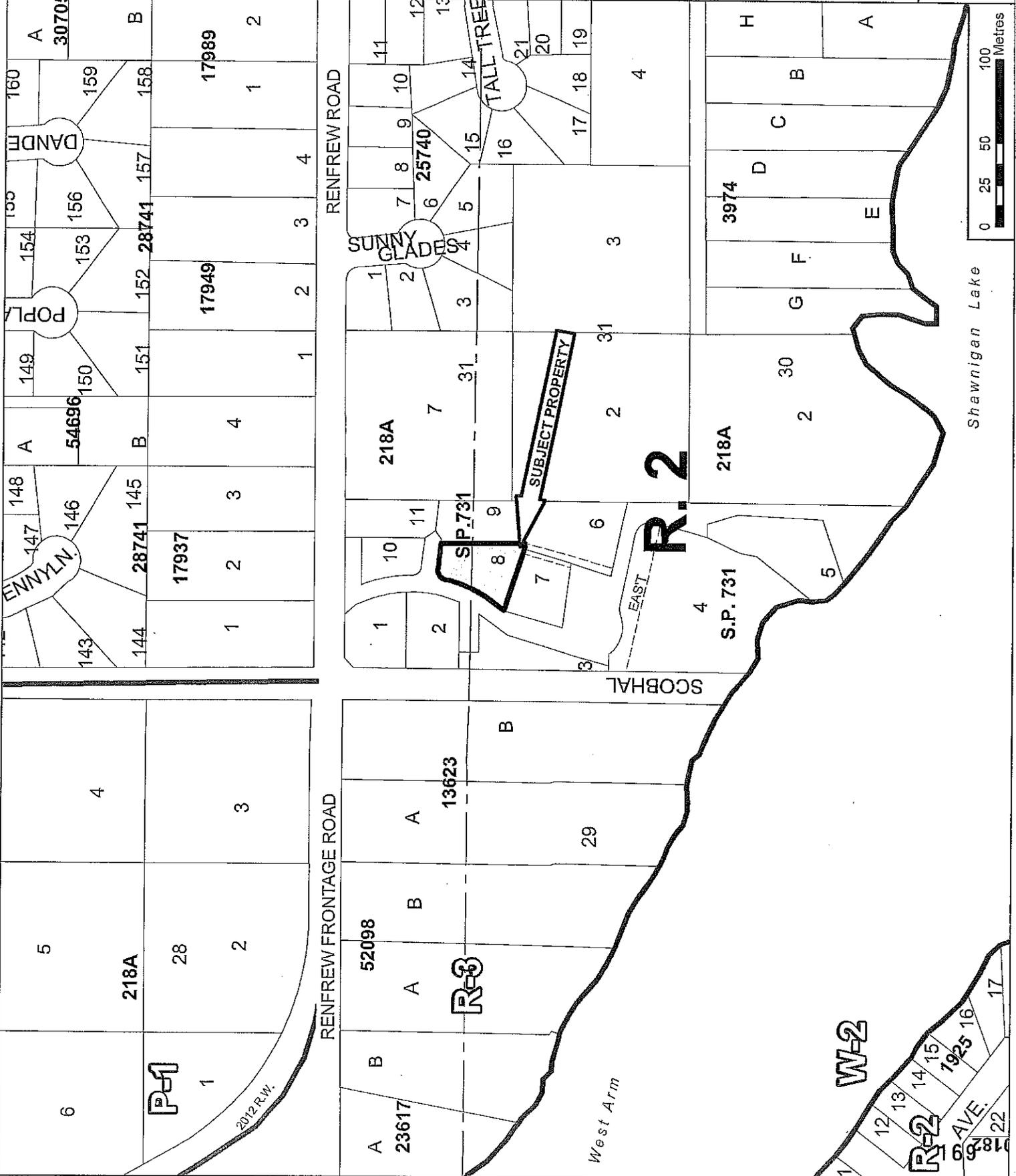
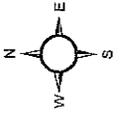
FILE: 04-B-10-DVP

ZONING

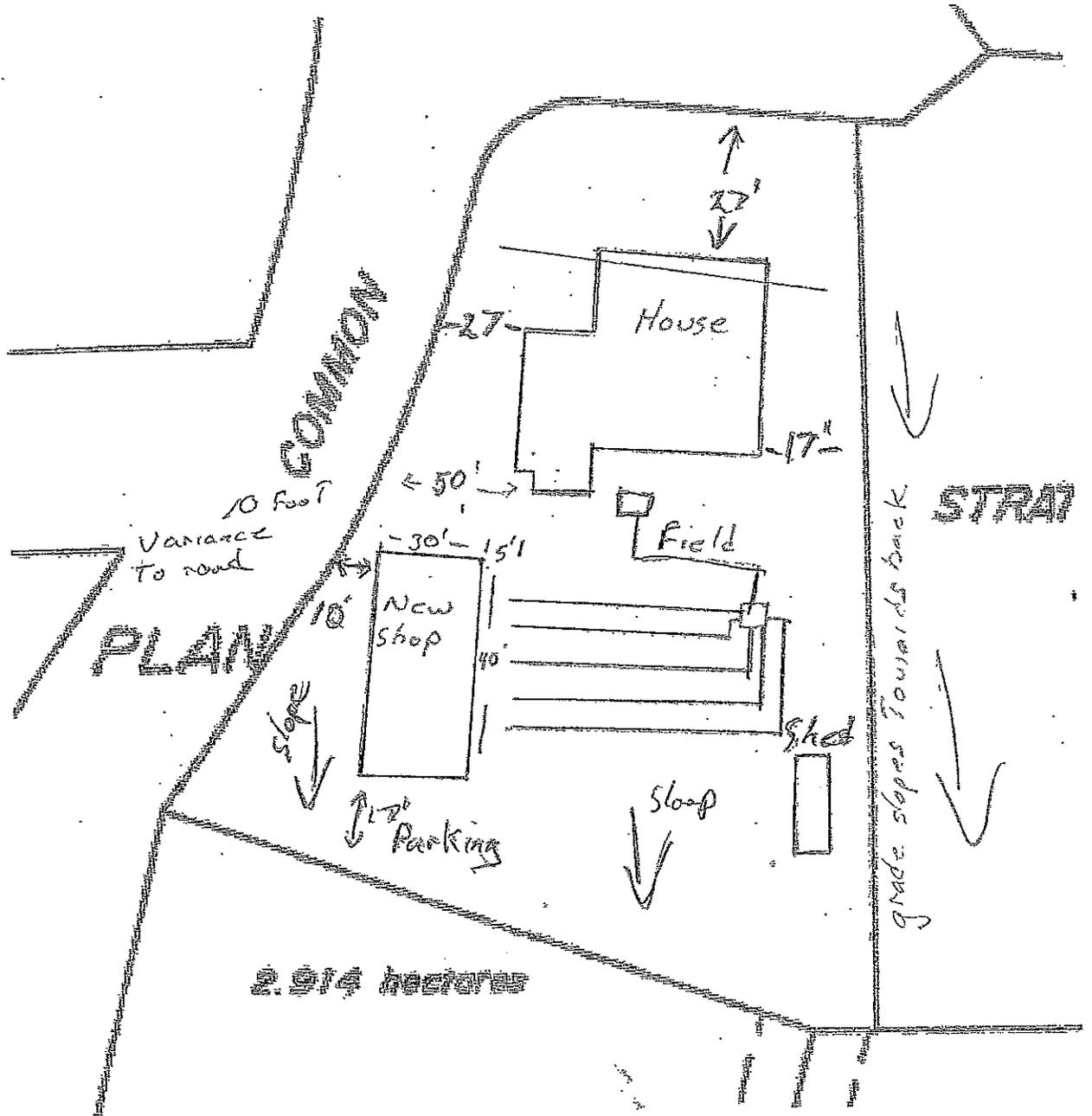
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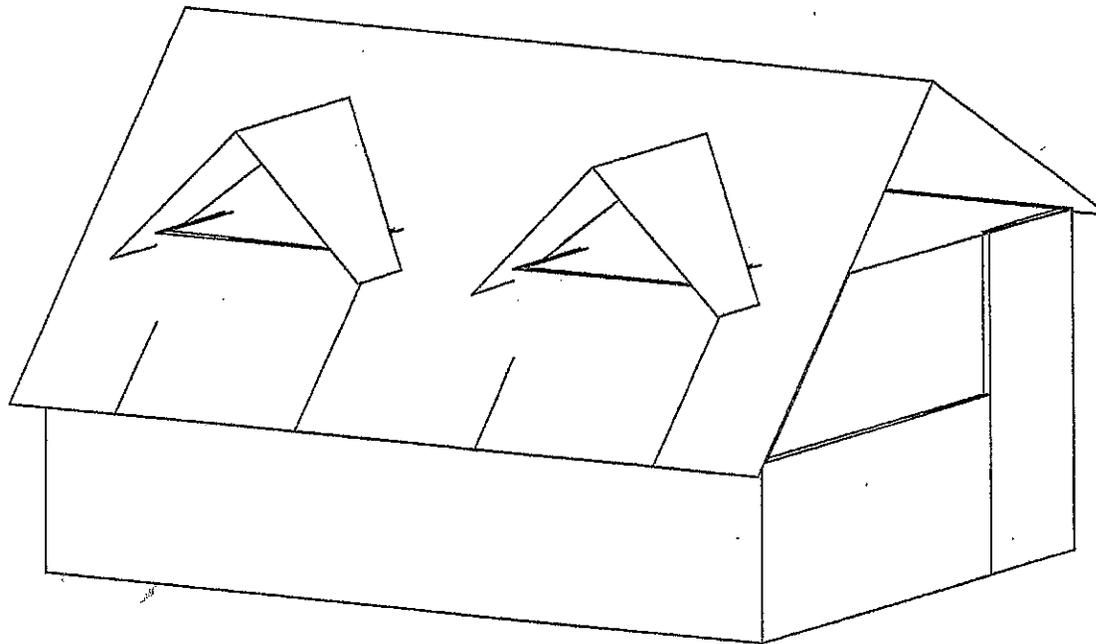


Subject Property
Zoning Electoral Area B



Site plan





**PACIFIC
RUSS**

14da Highway

VOR 1LO

Ernie Ferguson
LOT ?
Shawnigan Lake, B.C.
ROOF TRUSS LAYOUT
Q10J043B

Roof Loading
TC Live: 0.00 psf
TC Dead: 3.00 psf
BC Live: 0.00 psf
BC Dead: 7.00 psf
TC Stress Inc: 0.00
BC Stress Inc: 0.00
Spacing: 2- 0- 0 o.c.

Account: Ernie Ferguson
Job: Q10J043B
Designer: AW
Checker: PBS
Date: 11-03-10

8.5 R-3 ZONE - URBAN RESIDENTIAL

(a) Permitted Uses

The following uses and no others are permitted in an R-3 Zone:

- (1) single family residential dwelling;
- (2) horticulture;
- (3) home occupation-service industry;
- (4) bed and breakfast accommodation;
- (5) daycare nursery school accessory to a residence; and
- (6) small suite or secondary suite

(b) Conditions of Use

For any parcel in an R-3 Zone:

- (1) the parcel coverage shall not exceed 30 percent for all buildings and structures;
- (2) the height of all buildings and structures shall not exceed 10 metres except for accessory buildings which shall not exceed a height of 7.5 metres;
- (3) the setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

COLUMN I Type of Parcel Line	COLUMN II Residential Use	COLUMN III Accessory Residential Use
Front Side (Interior)	7.5 metres 10% of the parcel width or 3 metres whichever is less	7.5 metres 10% of the parcel width or 3.0 metres whichever is less or 1.0 metres if the building is located in a rear yard
Side (Exterior) Rear	4.5 metres 4.5 metres	4.5 metres 4.5 metres

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

NO: 4-B-10DVP

DATE: _____

TO: Jim and Lisa Lindsay

ADDRESS: #8-2180 Renfrew Road
Shawnigan Lake,

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below (legal description):
Strata Lot 8, Shawnigan Lake Suburban Lots, Shawnigan District, Strata Plan 731 (PID:000-020-711)
3. Zoning Bylaw No. 985, applicable to Section 8.5(b)(3), is varied as follows:
The exterior side setback for construction of an accessory building is reduced from 4.5 metres down to 3 metres subject to the applicant providing a survey confirming compliance with the approved setback variance.
4. The following plans and specifications are attached to and form a part of this permit.
 - Schedule A – Site plan
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Development Services Department.

AUTHORIZING RESOLUTION NO. PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE th DAY OF 2010.

Tom Anderson, MCIP
General Manager, Planning and Development Department

NOTE: Subject to the terms of this Permit, if the holder of this Permit does not substantially start any construction within 2 years of its issuance, this Permit will lapse.

I HEREBY CERTIFY that I have read the terms and conditions of the Development Permit contained herein. I understand and agree that the Cowichan Valley Regional District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with _____ other than those contained in this Permit.

Signature

Witness

Owner/Agent

Occupation

Date

Date



R9

STAFF REPORT

ELECTORAL AREAS SERVICES COMMITTEE MEETING OF MARCH 1, 2011

DATE: February 22, 2011 FILE NO: 4465 Uphill Road
FROM: Rachelle Moreau, Planner I BYLAW NO:
SUBJECT: 4465 Uphill Road - Accessory Building Fixtures

Recommendation/Action:

Committee direction is requested.

Relation to Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division: N/A)

Background:

A request has been made by John Salmen to install a utility sink and a three piece bathroom in an accessory building. The utility sink and shower would therefore be additional to the two-piece bathroom (toilet and sink) permitted in an accessory building. Currently on the property, there is a house, a new small suite, and the proposed accessory building. The applicant is in the process of moving his office to this accessory building, and requires a "mud room type" bathroom complete with shower and work sink. For reference, please see attached letter.

The property is zoned R-2 (Suburban Residential) and is approximately 1 ha (2.5 acres) in size.

As a measure to reduce the number of illegal dwellings in the CVRD, the Board adopted the following policy with regards to bathroom fixtures in accessory buildings:

"That staff be authorized to allow for one toilet and one sink, and no other facilities such as showers, bathtubs, and laundry and kitchen facilities, in accessory buildings, without the specific authorization of the Board."

Staff Comments:

The R-2 Zone permits a single family dwelling in addition to a small suite, which are both already located on the property. Future conversion of the accessory building to a residential dwelling unit is not permitted. As a condition of approval, the Board typically has required applicants requesting additional bathroom fixtures to register a restrictive covenant prohibiting the occupancy of the accessory structure as a dwelling.

Although the covenant would not guarantee that the structure would not be occupied as a dwelling in the future, it would inform any future owner of the property that the accessory building cannot be used as a dwelling and may facilitate future enforcement action, should it be required.

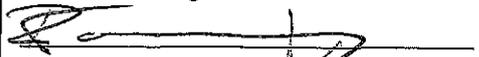
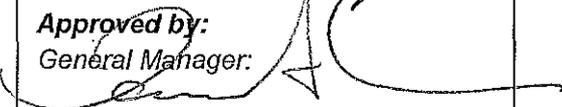
Options:

1. That the request by John Salmen and Gretchen Hartley to allow a shower and utility sink, in addition to two permitted plumbing fixtures, within an accessory building at 4465 Uphill Road (Parcel C (DD 676071) of Section 3, Range 1, Cowichan District PID: 009-534-555), be approved subject to registration of a covenant prohibiting occupancy of the accessory building as a dwelling.
2. That the request by John Salmen and Gretchen Hartley to allow a shower and utility sink, in addition to two permitted plumbing fixtures, within an accessory building at 4465 Uphill Road (Parcel C (DD 676071) of Section 3, Range 1, Cowichan District PID: 009-534-555), be denied.

Submitted by,



Rachelle Moreau
Planner I
Development Services Division
Planning and Development Department

<p>Reviewed by: Division Manager:</p> 
<p>Approved by: General Manager:</p> 

RM
Attachments



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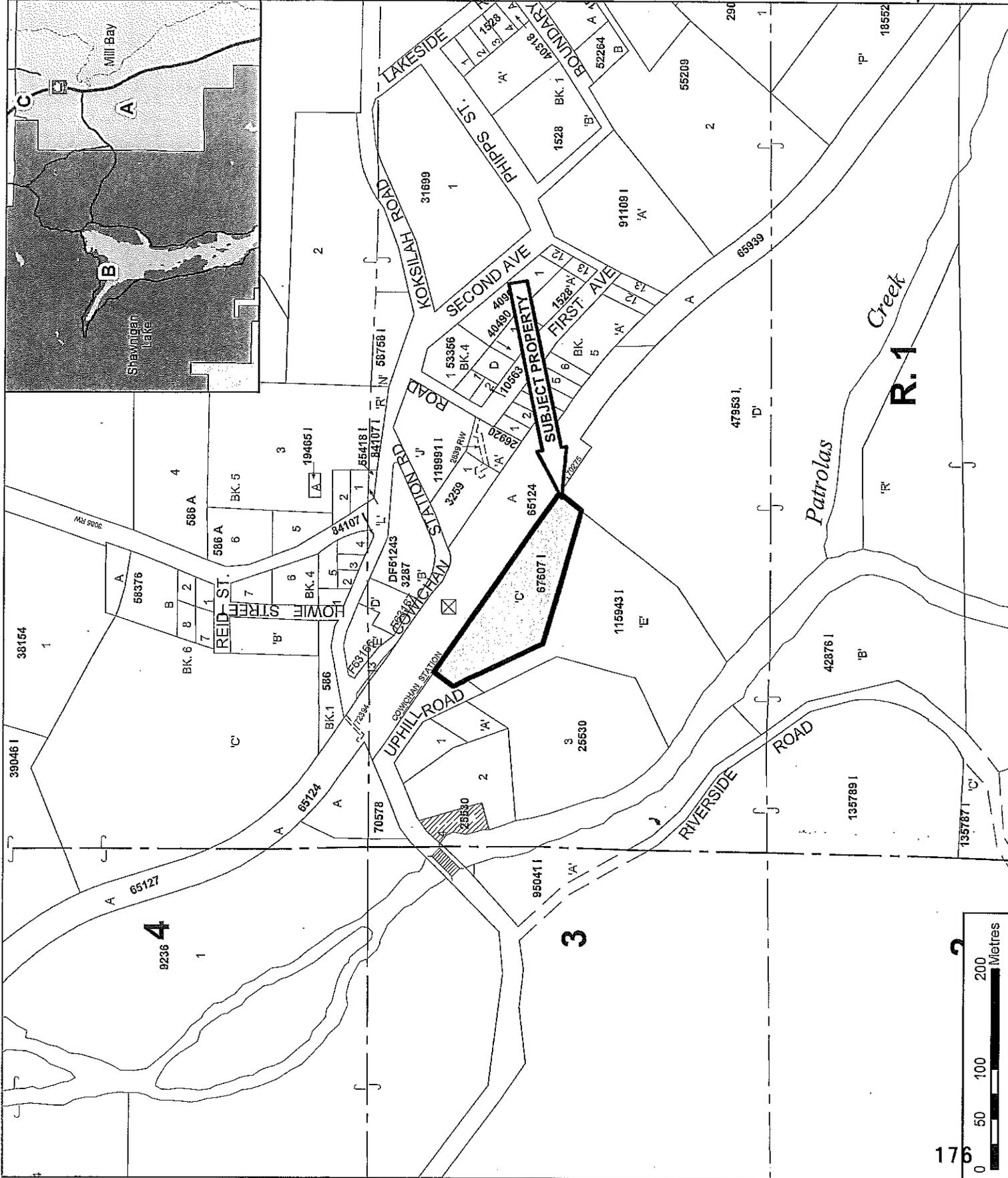
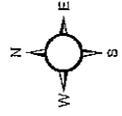
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This original Bylaw should be consulted for all purposes of interpretation and application of the Bylaws.

4465 Uphill Road

Legend  Subject Property





PARCEL C (DD 676071) SECT.3, RANGE 1 COWICHAN
CVRD – AREA E – R2 URBAN RESIDENTIAL
4465 UPHILL RD, DUNCAN BC V9L 6M7

SMALL SUITE 79.5M2 (796 SQ.FT)
ACCESSORY 37 M2 (398 SQ.FT)
CARPORT 21 M2 (228 SQ.FT)

Recently I submitted plans for building permit (subsequently approved #E-19-11) that included plumbing provisions within the proposed accessory building for a 3 piece 'mud room type' toilet room (corner shower, sink, toilet) as well as rough in provisions for a work sink. I was informed that there was a restriction in effect for Area E that limited plumbing to 2 piece within an accessory. This bylaw is not incorporated into the public record of bylaws so the limitation could not be incorporated into the design and planning process. I am also not aware of this limitation in other jurisdictions and have provided these features in other designs as they are useful on rural properties.

The accessory building encloses a carport, small office and utility room. The enclosed toilet is very small (36.5 sq.ft).and as planned has a small functional corner shower unit. The utility area was planned with rough-in provision for a worksink. The purpose was to provide a 'clean up' mud room for contaminated work clothing and gear – as part of the function of my office/workspace so contaminants were not tracked into living spaces which is not an unreasonable requirement for this type of space.

I appreciate the intent of the requirement but the purpose of this plumbing is ancillary. It may have been possible to incorporate this into the small suite design as we are under the allowed footage for that but the intent was to segregate it from the living areas with the assumption that it was reasonable. It is too late to revise the design and as the waste system is buried it needs to be provided for at this point in construction.

We would appreciate if you would grant approval to this request. If you have any questions please feel free to contact me.

Sincerely,

John Salmen (agent)

Gretchen Hartley (owner)

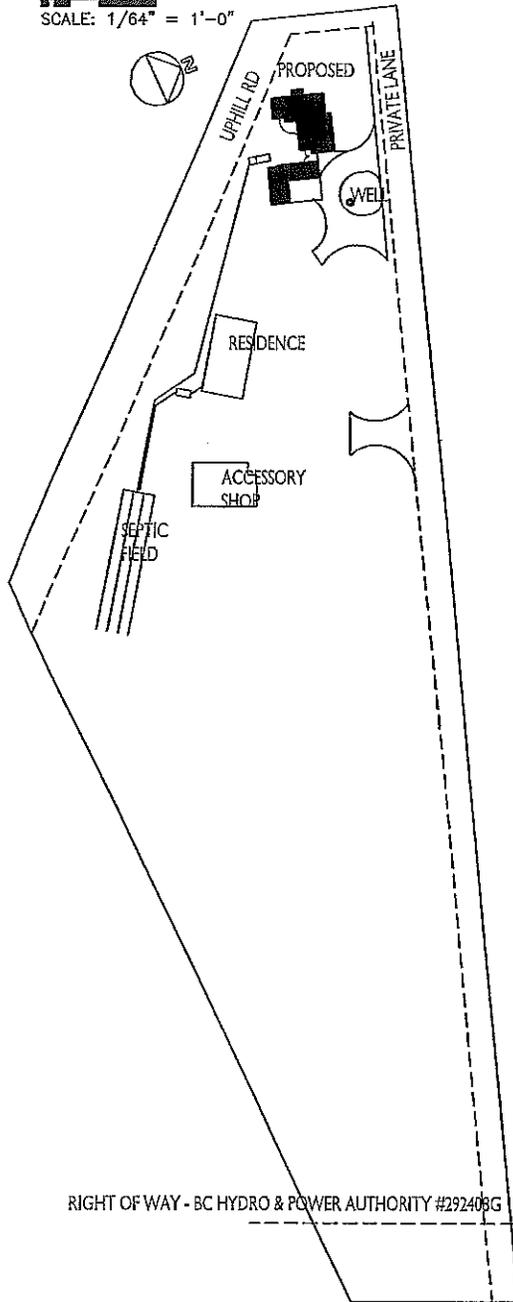
JOHN SALMEN – ENVIRONMENTAL DESIGN AND CONSULTATION
4465 Uphill Rd. Duncan BC CAN V9L 6M7 250-748-7672 FAX 250-748-7612

terrain@shaw.ca

SITEPLAN: PARCEL C, SECT.3, RANGE 1
COWICHAN, PORTION DD 677071

0 16' 32' 64'

SCALE: 1/64" = 1'-0"

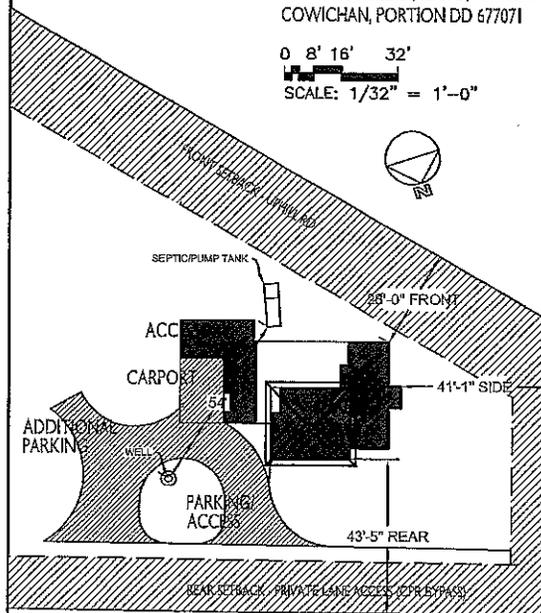


PROPOSED	
ACCESSIBLE SMALL SUITE	
ACCESSORY BUILDING	
STREET ADDRESS	
4465 UPHILL RD. DUNCAN BC V9L6M7	
LEGAL	
PARCEL C (DD 676071) SECT.3,RANGE 1, COWICHAN	
ZONING	
CVRD - AREA 'E' - R2 URBAN RESIDENTIAL	
PROPOSED BUILDING(S)	AREA (EXT. WALL LINE)
SMALL SUITE	79.6M2 (796 SQ.FT)
ACCESSORY	37M2 (398 SQ.FT)
CARPORT	21M2 (228 SQ.FT)
% LOT COVERAGE	1.14%
ZONING PROJECT REQ.	PROPOSED REQUIRED
BUILDING HEIGHT	4M 7.5M
FRONT SETBACK	8.53M 7.5M
SIDE SETBACK	12.5M 4.5M
REAR SETBACK	13.1M 4.5M
RIGHT OF WAY	7.3M 4.5M
SEPTIC / WATER	
SEPTIC - MIN HEALTH APPROVAL - 398909H	
WATER - 208'DEPTH / YIELD > 30 GPM (EST)	
EXISTING BUILDING(S)	
HOUSE	98M2 (1056 SQ.FT)
SHOP	81M2 (869 SQ.FT.)
% LOT COVERAGE	1.55%

DETAIL: PARCEL C, SECT.3, RANGE 1
COWICHAN, PORTION DD 677071

0 8' 16' 32'

SCALE: 1/32" = 1'-0"



P-1	DATE	OCT 1, 2010
	SCALE	AS SHOWN
	SHEET#	P1
	DRAWING	SITEPLAN
REV#	DATE	DESCRIPTION
1	OCT 9, 2010	

ES JOHN SALMEN
ENVIRONMENTAL
DESIGN &
CONSULTATION

4465 UPHILL RD, DUNCAN, B.C. V9L 6M7
250-719-7672 FAX 250-718-7612 CELL 250-246-5515
john@esbc.ca

STATION SUITE

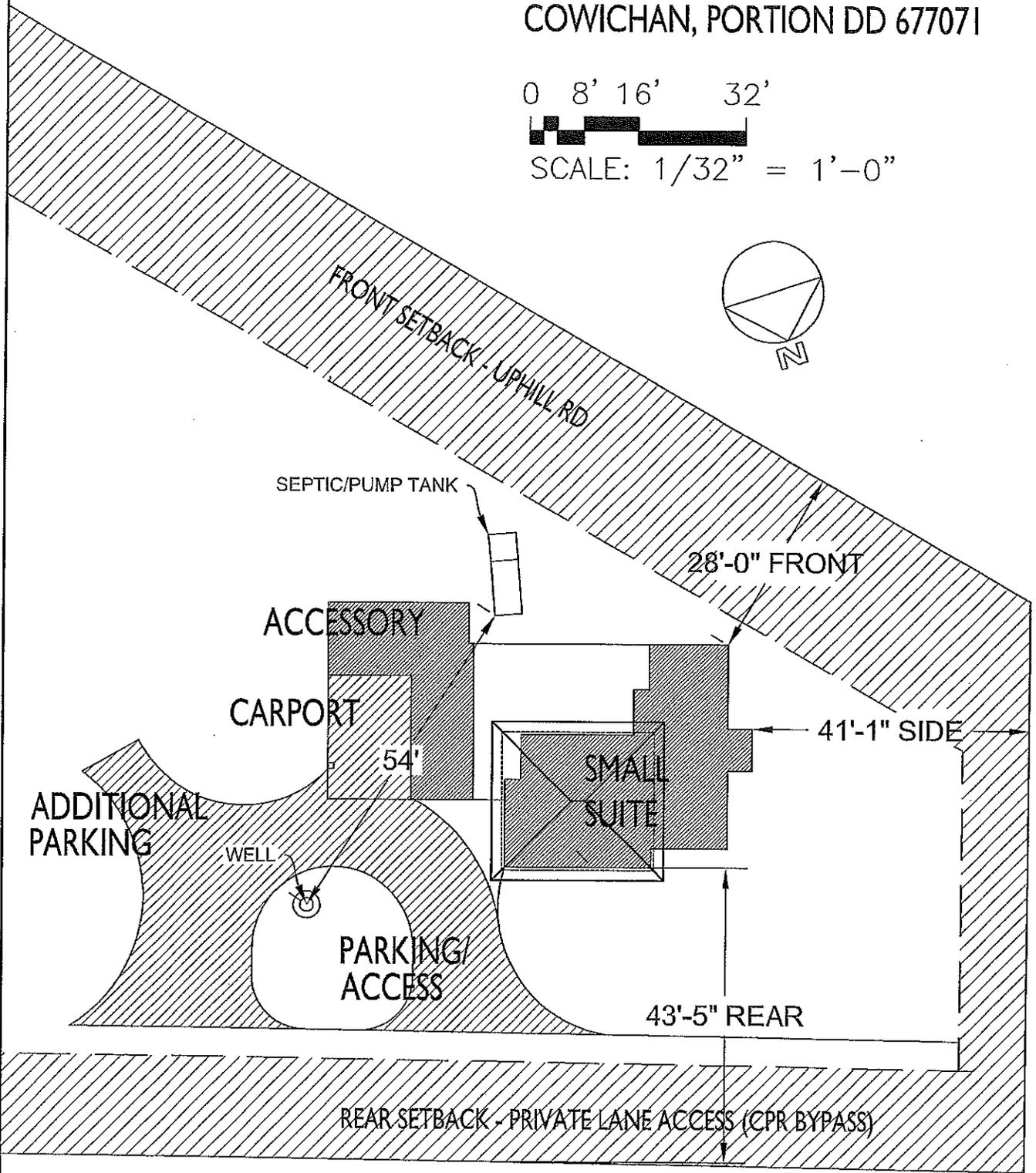
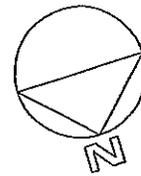
SMALL SUITE / ACCESSORY 4465 UPHILL RD, DUNCAN

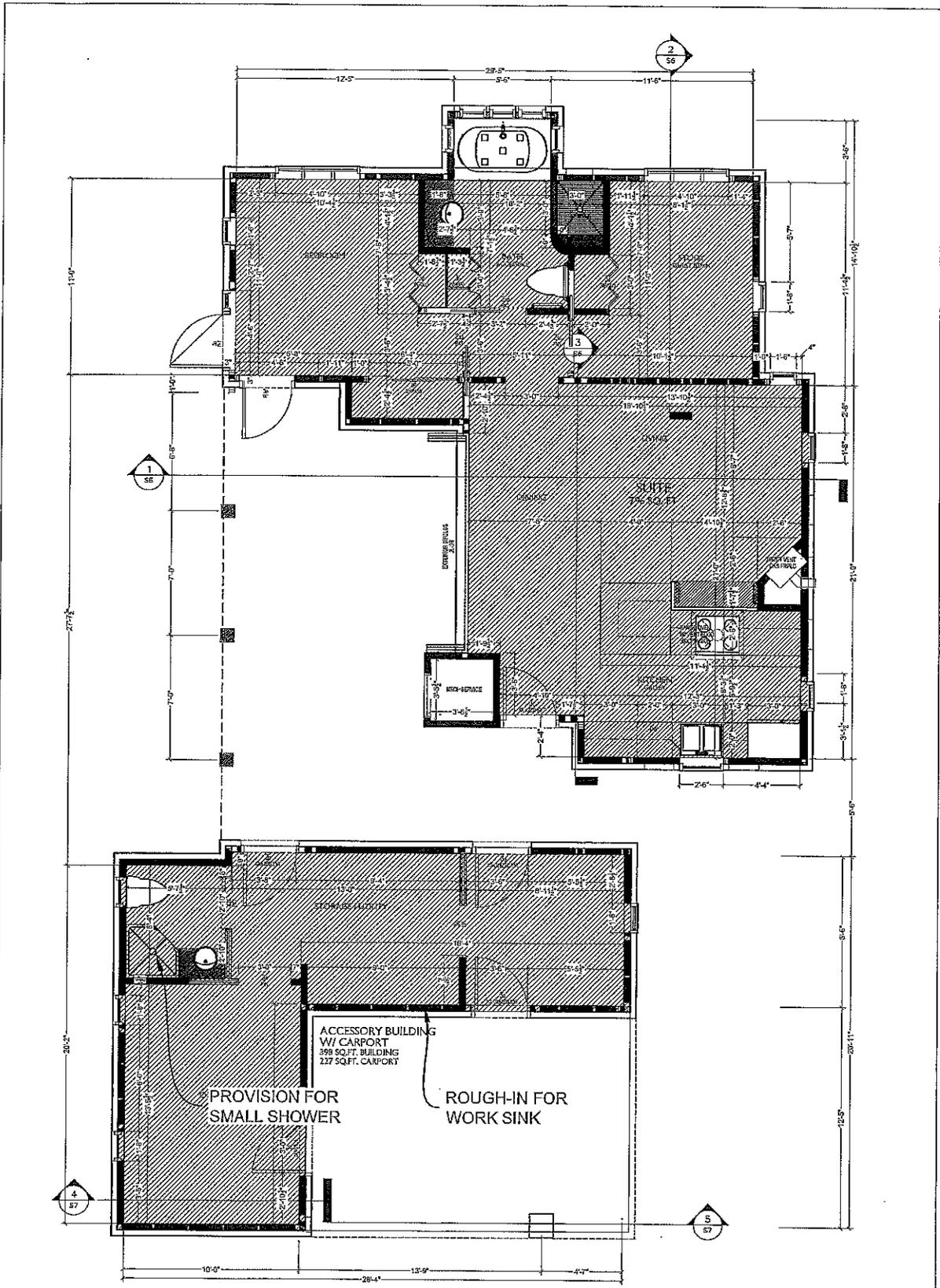
DETAIL: PARCEL C , SECT.3, RANGE I
COWICHAN, PORTION DD 677071

0 8' 16' 32'



SCALE: 1/32" = 1'-0"





FLOORPLAN

3/16" = 1'-0"

P-2	DATE	JULY 13, 2010
	SCALE	3/16" = 1'-0"
	SHEET#	P-2
	DRAWING	FLOORPLAN
	REV	001 6/20/10

JE JOHN SALMEN
ENVIRONMENTAL
DESIGN &
CONSULTATION

4465 UPHILL RD, DUNCAN, B.C. V9L 6H7
250-748-7672 FAX 250-748-7672 CELL 250-246-8845
jsalmen@ibonora.com

STATION SUITE
SMALL SUITE / ACCESSORY 4465 UPHILL RD, DUNCAN



R10

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MARCH 1, 2011

DATE: February 16, 2011 FILE NO:
FROM: Tom R. Anderson, General Manager BYLAW NO:
SUBJECT: Sidewalks within Ministry of Transportation Road Rights-of-Way

Recommendation/Action:

This report is provided to the Committee for information and direction, if desired.

Relation to the Corporate Strategic Plan:

Relates to the goal of providing a safe and healthy community.

Financial Impact: *(Reviewed by Finance Division:)*

If the Regional District was to establish sidewalks as a new service, policies and guidelines would need to be created to reduce costs and the risk of liabilities, however there would still be costs to the CVRD that would include the following;

- Cost of responding to complaints and performing as and when required inspections.
- Cost of repairing any identified hazards.
- Cost defending against slip and fall claims.
- Bylaw costs related to the enforcement of the policy on adjacent property owners.
- A limited ability to reclaim costs that may be incurred to avoid hazards.

What these cost are is unknown at this time, a new service area would need to be created and 100% of the costs would be covered by the service area.

Background:

Beginning in 2007, the Ministry was approached regarding a proposed sidewalk service for Sentinel Ridge. At that time our Advisory Officer with the Ministry of Community, Sport and Cultural Development, indicated that following extensive consultations with the Policy Branch and provincial lawyers, the Ministry was "not willing to consider approving a sidewalk service bylaw for the CVRD" at that time.

In 2009, the CVRD again approached the Ministry for authority to provide a sidewalk service for the Peninsula Co-op on Deloume Road. Again our Advisory Officer was contacted regarding process and approvals, at which time we were made aware that the Ministry still had several concerns centred on maintenance and liability issues for RD's to provide this type of service. Further discussions were held between the RD and its solicitors, our Advisory Officer, and others from the Ministry of Transportation & Infrastructure (MoTI) wherein criteria, process and the necessary next steps to be taken to provide the service for this specific site were disclosed. Additional information was also provided by the Minister in a letter to the CVRD Board Chair

regarding mechanisms for gaining additional authority to provide this service (see attachment). At that time we were advised that if all the necessary pre-steps were taken and MOTI was in agreement, the Ministry would consider approval of a service establishment bylaw on "a case by case basis". To that end, the necessary agreements were created, and the Mill Bay Coop moved forward with sidewalks in front of their business.

Given recent conversations with the Ministry, it would appear that they are softening their position with regard to allowing Regional Districts to establish service areas for sidewalks. Staff conversation with Ministry staff has provided the following framework for achieving authority to provide sidewalks in electoral areas.

- The Regional Board must apply for additional powers through an Order in Council under Section 799 of the *Local Government Act*
- In order for the province to consider our request, they need to know the nature of the authority being requested, the purpose of the request, and whether the authority will be exercised in one or more electoral areas
- If Cabinet grants the Regional District an additional authority for sidewalks, the Board will need to establish the service by bylaw.
- The Service Area Establishment Bylaw must receive approval by the electors and the Inspector of Municipalities. The approval of the electors can be obtained by referendum, the alternate approval process (if the service costs less than \$0.50/\$1,000 of taxable assessed value of land and improvements in the services area), or Directors consent (if a sufficient petition is received)
- The Service Establishment Bylaw must indicate the method of cost recovery in accordance with Section 803 of the *Local Government Act*
- The CVRD must obtain a Licence of Occupation from MoTI for sidewalks situated on a road right of way
- The Regional District Sidewalk Service may be operated through another public authority, person or organization, however, it is unlikely that the CVRD will be able to assign sole liability for the service to that third party

Ministry staff noted that Cabinet has not considered requests from other regional districts for additional authority in relation to sidewalks. Historically, the MoTI did not support granting regional districts additional authority to establish sidewalk services. However, the MoTI has more recently indicated that it is not adverse to the idea as long as the regional district assumes, through agreement, all liability for sidewalks.

As liability is such a significant issue, the attached memorandum from our Finance Division has been obtained which summarizes their discussions with the Municipal Association of BC (MIA).

If the Regional Board wishes to pursue the authority to provide sidewalk services in the electoral areas, our Legislative Services Division recommends that the following resolution be considered.

"That pursuant to s.799 of the *Local Government Act*, the Board of the Cowichan Valley Regional District request that the Province provide the CVRD with additional powers and exceptions, including power to regulate, prohibit and impose requirements, in relation to the provision, construction, operation and maintenance of sidewalk services within all Electoral Areas of the CVRD".

If approved by the Province, the Regional District would then be in a position to move forward with a Sidewalk Service Establishment Bylaw for either an entire electoral area(s) or even just a specific property.

Submitted by,

A handwritten signature in black ink, appearing to read 'Tom R. Anderson', with a long horizontal flourish extending to the right.

Tom R. Anderson
General Manager
Planning and Development Department

TRA/ca



100 C1
M

Ref: 133305

NOV 26 2009

Ms. Gerry Giles
Chair
Cowichan Valley Regional District
175 Ingram Street
Duncan, BC V9L 1N8

Dear Chair Giles:

Thank you for your letter of July 20, 2009, advising that the Board of Directors (Board) for the Cowichan Valley Regional District (CVRD) passed a resolution requesting provincial legislation to transfer liability for sidewalk maintenance from regional districts to homeowners. I apologize for the delay in my response.

In areas located beyond the boundary of a municipality, sidewalks that are situated on a road right-of-way are the responsibility of the Ministry of Transportation and Infrastructure (MoTI). Since no regional district has established sidewalks as a service, they have no responsibility for sidewalk maintenance or liability for claims.

I understand that discussions are taking place between staff of the Ministry of Community and Rural Development (Ministry), the MoTI, and the CVRD about the possibility of the CVRD having a sidewalk constructed for a property located at the northeast corner of Deloume Road and the Trans-Canada Highway that is owned by Peninsula Consumer Services Co-operative (Peninsula Co-op). It is proposed that the MoTI issue a licence of occupation to the CVRD for the sidewalk. The CVRD would then assign responsibility for the maintenance of the sidewalk to Peninsula Co-op by way of an agreement.

Additional discussions are necessary before the matter can be finalized. However, it would appear that the CVRD will not be able to proceed unless it is granted an additional authority by Cabinet to undertake the sidewalk service. Section 799 of the *Local Government Act* is the mechanism by which the additional authority might be granted. If the Board supports this idea,

Original	Copy to
<i>[Signature]</i>	<i>[Signature]</i>
Level	
<i>[Signature]</i>	
Comments (s)	

Dave
BRIAN
Low

Ministry of Community
and Rural Development

Office of the Minister



BRITISH COLUMBIA
533
POST PRODUCE

PO Box 9056 Stn Prov Govt
Victoria BC V8W 9E2

Phone: 250 387-2283
Fax: 250 387-4312
www.gov.bc.ca/cd

Ms. Gerry Giles, Chair
Page 2

the Ministry will require a resolution to this effect and an indication whether the service is to be undertaken in specific electoral areas. As part of the Ministry's review of the Board's request, we will need to consult with the MoTI. It should be noted that even if the Board's request is approved, it will not be possible to exempt the CVRD's liability with regard to the sidewalk service, or any service.

If you require further information about the issue of sidewalks, please contact Mr. Don Sutherland, Director, Advisory Services Branch, by telephone at: 250 387-4025, or by email at: Don.Sutherland@gov.bc.ca.

Thank you, again, for writing about this matter.

Sincerely,



Bill Bennett
Minister

pc: Honourable Gordon Campbell
Premier

Mr. Don Sutherland
Director
Advisory Services Branch
Ministry of Community and Rural Development



MEMORANDUM

DATE: January 5, 2011 **FILE No:**

TO: Tom Anderson, General Manager of Planning & Development

FROM: Steve Hurcombe, Budget Coordinator

SUBJECT: Sidewalk Liability

The main liability risk associated with the CVRD owning and maintaining public sidewalks are related to slip and fall incidents relating to either to inspection and maintenance or snow removal and sanding issues.

The Municipal Insurance Association of BC (MIA) recommends that in order to reduce our risk exposure we would be advised to develop a policy specific to these issues that serve the purpose of both reducing the expenditures to the CVRD and liability exposure. Lawsuits have been successfully defended in the past by developing policies that categorically state there will be no maintenance and/or snow removal unless a complaint has been filed and a hazard has been determined. In order to reduce our risk exposure I would suggest that such a policy address these issues as outlined below. Aside from the additional risk exposure, however there should be no increased costs to our liability insurance premiums.

Whereas such a policy will likely reduce costs and liabilities, there will still be costs to the CVRD that would require the establishment of a service area, namely;

- Costs of responding to complaints and performing as and when required inspections
- Costs of repairing any identified hazards
- Costs of defending against slip and fall claims even in the event of a successful defense
- Bylaw costs related to the enforcement of the policy on adjacent property owners
- A limited ability to reclaim costs that may be incurred to avoid hazards that would normally be chargeable to property owners in a municipality (e.g. failure to adhere to a requirement to perform remedial action)

1. Inspection and Maintenance

As with all surfaces sidewalks are subject to wear and tear as well as cracking and settlement issues. The greatest threat from a liability standpoint in this regard is from trip and fall incidents due to uneven surfaces. In order to defend against such claims the CVRD's policy would need to incorporate the following elements;

- Specification that inspections and regular maintenance will not be done and that the CVRD will only respond to complaints where examination indicates a possible hazard to the public.
- Determination of a classification of defects that require a response

- Establishment of budgetary or resource constraints to support the limitation of inspection and maintenance services
- Establishment of a framework to respond to reported or identified defects
- Delegation of responsibility to property owners as and where required

2. Snow Removal and Sanding.

Another significant source of liability exposure is as a result of snowfall. Similar to inspection and maintenance the CVRD will require a policy and procedures in place in order to mitigate exposure to risk. MIA has recommended a policy reflecting that no snow removal or sanding be performed unless a specific hazard has been reported by the public. This policy should address the following issues;

- Specify that snow removal and sanding will not be performed except when a specific hazard has been reported by the public
- Guidelines for monitoring and responding to sever weather conditions
- Determination of budgetary or resource constraints that limit the CVRDs response to weather conditions
- Establishment of a framework to respond to reported or identified conditions that may warrant immediate action
- Call out lists for Regional District staff and/or contractors to perform snow removal
- Delegation of responsibility to property owners as and where required

3. Responsibilities of adjacent property owners

Although the Regional District may not have the authority to implement bylaws related to sidewalks, it is advisable to include the assignment of responsibility for snow removal and sanding to adjacent property owners in the policy as well as adequately inform them of their responsibility in this regard. Although this will not reduce our legal liability it would serve the purpose of reinforcing the policies regarding maintenance and snow removal.

Steve Hurcombe, C.G.A., HBCom
Budget Coordinator

SH:tk

Z:\Steve\Memos\Sidewalk Liability.doc



R 11

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE
MARCH 1, 2011

DATE: February 16, 2011 FILE NO: 0550-05
FROM: Sybille Sanderson, A/General Manager Public Safety BYLAW NO:
SUBJECT: CVRD Volunteer Fire Departments Appointments 2011-2012

Recommendation/Action:

That it be recommended to the Board to approve the following appointments to the CVRD Volunteer Fire Departments:

Mesachie Lake VFD – Fire Chief, Gary Eve – Deputy Fire Chief, David Middlemost
Youbou VFD – Fire Chief, Orest Smycniuk – Deputy Fire Chief, Stu McKee

These appointments are for a 2-year term to expire December 31, 2012.

Relation to the Corporate Strategic Plan:

To promote volunteer incentive programs to better recognize, support and enhance volunteer efforts.

Financial Impact: (Reviewed by Finance Division: N/A)

Background:

CVRD Fire Department Bylaws state that “subject to the Position Posting and Eligibility Program for all CVRD fire departments, the Fire Chief, Deputy Fire Chief and senior ranking officers shall be appointed by resolution of the Regional Board for a 2-year term.”

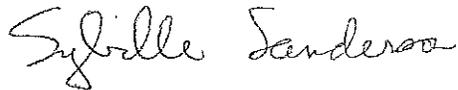
Submitted by,

Sybille Sanderson
A/General Manager
Public Safety

purchase, we would use up to \$83,692 of the surplus. With the additional funds now available, we are able to move forward without tapping into additional reserves or requisition.

The sole source purchase of a used vehicle was already approved by the Board on May 12, 2010. Once a replacement fire tender is purchased, Tender #2 will be disposed of in accordance with CVRD policies.

Submitted by,

A handwritten signature in cursive script that reads "Sybil Sanderson".

S. Sanderson
Acting General Manager
Public Safety



R13

STAFF REPORT

**ELECTORAL AREA SERVICES COMMITTEE
OF MARCH 1, 2011**

DATE: February 22, 2011 **FILE NO:**
FROM: Ryan Dias, Parks and Trails Operations **BYLAW NO:**
Superintendent
SUBJECT: Fee Waiver Request – Bright Angel Park Group Site Booking

Recommendation/Action:

Provide staff with board direction regarding the request to waive park booking fees for the Cowichan Valley Metis Nation Cultural Camp at Bright Angel Park tentatively scheduled for May 8-13, 2011.

Relation to the Corporate Strategic Plan:

Safe and healthy community – Promote individual and community wellness.

Financial Impact: (Reviewed by Finance Division: N/A)

Background:

For the second year in a row the Cowichan Valley Metis Community is proposing to host a Metis cultural camp for some of the grade 5 classes in School District 79 to enrich their in class studies (see request letter attached).

The group would again like to use Bright Angel Park as the venue for this event and have requested the use of both group shelters and a small portion of the field to carry out the planned program. The program would be in the park from May 8th to May 13th setting up on the afternoon of May 8th and dismantling the camp on the afternoon of May 13th. The Cowichan Valley Metis group has also suggested that some of their people would be committed to staying overnight during this period at the camp, to provide security.

To use both the upper and lower shelter, and a portion of the upper field, the park's group facility booking fees for the duration of May 8 – May 13, 2011 are as follows:

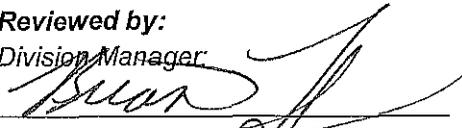
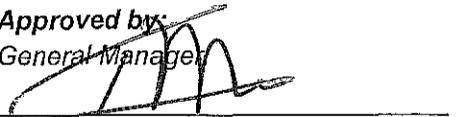
Upper Shelter - \$550.00
Lower Shelter - \$240.00
Upper Field - \$150.00
TOTAL FEES \$940.00

The Cowichan Valley Metis are again requesting a waiver of the group facility booking fees to reduce costs of hosting the week long program. In 2010 the Board approved waiving of the group facility booking fees to accommodate the request from the Metis association.

Submitted by,



Ryan Dias
Parks and Trails Operations Superintendent
Parks and Trails Division

<p>Reviewed by: Division Manager</p> 
<p>Approved by: General Manager</p> 

RD/ca



COWICHAN VALLEY MÉTIS NATION
cvmn@shaw.ca

552 Trunk Road
Duncan, BC V9L 2R1

Phone: (250) 746-6146
Fax: (250) 597-4766

The Cowichan Valley Metis Community is planning another cultural camp for grade five classes in School District 79 to compliment their fur trade curriculum. Working with the Aboriginal department of the school district, we are planning to have two classes per day visit the camp.

We are hoping to have the use of Bright Angel Park as our venue. We would need the use of both shelter areas and part of the upper field to carry out the program. We would be in the park from May 8 to May 13. The first day would be used for setting up our teepees and other materials used at the learning stations. We would dismantle on the 13th after school hours. We would have some people staying overnight in the park during the week of the camp, to provide security.

We have received a small grant from the school district, but we need to rely largely on the time and efforts of our volunteers. We are requesting that the CVRD support this educational community event for children, by allowing us to use the park for the week and to waive the user fees.

Our program will be similar to last years. The students rotate through the stations where they learn about the economy, transportation, housing, language, clothing, art forms and food.

Our program last year was very well received and applauded by the school staff. We are already being asked about this year's camp. It is our sincere desire to provide this program for the valley's students; however, we need the support of the CVRD to be in a position to accomplish this.

Please contact me if you have any questions or need further information.

Respectfully,

Jan Ovans
Vice-President
Cowichan Valley Metis Nation



R 14

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF MARCH 1, 2011

DATE: February 22, 2011 **FILE NO:**

FROM: Ryan Dias, Parks Operations Superintendent **BYLAW NO:**

SUBJECT: Glenora Trails Head Park Caretaker Contract Extension

Recommendation/Action:

That the Glenora Trails Head Park Caretaker Contract with the incumbent caretakers be extended for a maximum two year term extension beyond the original three year term, commencing March 1, 2011 and completing February 29, 2013.

Relation to the Corporate Strategic Plan:

Provide exceptional recreation, cultural and park services.

Financial Impact: (Reviewed by Finance Division: N/A)

Background:

The existing three year Glenora Trails Head Park Caretaker Services Contract approved by the Board will expire on February 29, 2011. In exchange for accommodation of the caretakers-residence at Glenora Trails Head Park (formally Glenora Staging Area Park), located at 4284 Robertson Road, Duncan, BC, the caretakers provide a variety of services including year round park security, landscaping and maintenance of the entire park, daily washroom cleaning, and monthly playground maintenance.

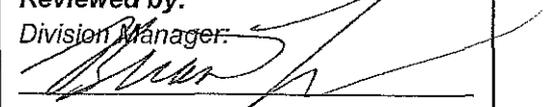
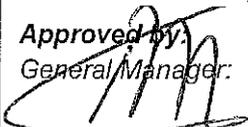
The terms of this caretaker contract allow for, at the discretion of the CVRD, the contract to be re-negotiated with the incumbent contractor for renewal, on a yearly basis, for a maximum of (two) additional years beyond the original (three) year term.

Staff have discussed the renewal terms with the incumbent caretakers, Mr. Ron Davies and Ms. Monica Arthurs, and they are agreeable to stay on as caretakers for up to an additional two year term under the existing terms and conditions.

Feedback from the Electoral Area E Parks Commission, as well as the public has been positive, with respect to the level of care and performance of required duties within the park. Based on the feedback received and the performance over the past three years, it is recommended the caretaker contract be extended with the incumbent caretakers.

Submitted by,

Ryan Dias,
Parks & Trails Operations Superintendent
Parks and Trails Division
RD/ca

<p>Reviewed by: Division Manager:</p> 
<p>Approved by: General Manager:</p> 



R 15

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF MARCH 1, 2011

DATE: February 22, 2011 **FILE NO:**
FROM: Ryan Dias, Parks & Trails Operations **BYLAW NO:**
Superintendent
SUBJECT: Half IronMan Triathlon Special Event Request

Recommendation/Action:

That the Committee provide direction on the request from Lifesport Coaching for the provision of a Parks staff person for the duration of the two day weekend event and relocation of trail access boulders, estimated in the order of \$2,500, to be funded either through the Shawnigan Lake Community Parks budget or by the event organizers.

Relation to the Corporate Strategic Plan:

Achieve Excellence through Community Partnerships.

Financial Impact: *(Reviewed by Finance Division: N/A)*

Background:

The Cowichan Valley Regional Board in 2009 approved a multi-year approval for Lifesport Coaching of Victoria to stage the Shawnigan Lake Half Ironman Triathlon Event in West Shawnigan Lake Park and on portions of the Cowichan Valley Trail. For 2009 and 2010 the event organizers requested the assistance of the Regional District to undertake pre-event site preparation work at both West Shawnigan Lake Park (a BC Park operated at-cost by the CVRD through funding by the Electoral Area B Community Parks budget) and on the Cowichan Valley Trail, which was supported by the Shawnigan Lake Parks Commission and approved by the EASC and Board. For 2011, Lifesport BC has again submitted a letter requesting a number of items be addressed by the Regional District prior to and in support of the Shawnigan Lake Half Ironman Triathlon Event scheduled for May 27-29 (see attachment).

The letter was forwarded to the Shawnigan Lake Parks Commission to their meeting of February 17th, 2011 for consideration and feedback, due to the operational costs that would be incurred by the Electoral Area B Community Parks budget. In reviewing the requested support items from Lifesport Coaching, the Commission was supportive of a number of items that were at no additional cost, but expressed concerns over the expenditure of additional funds specific to items that were only of benefit to the event. As noted in the letter attached, the no additional cost items requested include providing the organizers with keys to the park and trail gates, sealing up existing toilets, mowing the grass areas and removing windfall (part of regular maintenance) and confirming sections of the Cowichan Valley Trail which will be accessible on the south side of the Kinsol Trestle.

However, the Parks Commission has expressed that such events should be supported at cost-recovery to the community. These additional cost items would include assignment of a CVRD Parks and Trails staff person to assist with any park logistics over the weekend of the event (would entail payment of overtime for staff coverage through the weekend and the removal/replacement of boulders on the connector trail (approximately \$1,000 cost). A couple of items in the letter are also beyond the authority of the CVRD to provide, as it involves private lands or works by BC Parks, as well as the request also repeats a request for Cowichan Valley Trail improvements which were previously done in 2009 for the annual event.

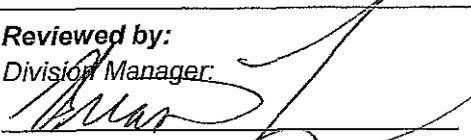
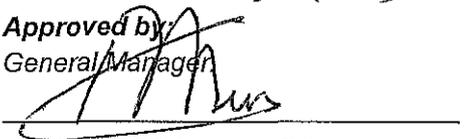
Direction is therefore required on whether to apply incurred costs in support of the 2010 Shawnigan Lake Half Ironman Triathlon Event to the Electoral Area B Community Parks budget or that the event organizers be advised that their request for an assigned CVRD Parks staff person for the duration of the event and relocation of boulders on the connecting trail between Shawnigan Lake Park and the Cowichan Valley Trail can be accommodated on the basis that the event cover these costs.

Submitted by,



Ryan Dias
Parks and Trails Operations Superintendent
Parks and Trails Division

RD/ca

Reviewed by: Division Manager: 
Approved by: General Manager: 

LifeSport COACHING

Janet Anderson, Series Director
770 Sayward Road
Victoria, BC, Canada, V8Y 1R2
250-220-2259 Phone
1-866-287-9465 Fax
www.LifeSport.ca
janet@triserries.ca

C.V.R.D.
RECEIVED
NOV 02 2010

October 21th, 2010

Mr. Brian Farquhar, CVRD Parks
175 Ingram Street
Duncan, BC, V9L 1N8
Attention: Brian Farquhar, Parks Manager

RE: Half IronMan Triathlon Event at Shawnigan Lake:

Dear Mr. Farquhar:

My name is Janet Anderson, and I am the Series Race Director for LifeSport. LifeSport is an international triathlon coaching and experienced sport event management group headed by Lance Watson and Paul Regensburg, the Canadian Olympic Triathlon team coaches at the Sydney and Athens Olympic Games. We are proposing to host a Half Ironman Triathlon event at Shawnigan Lake on Sunday May 29th, 2011. The event will feature:

- 500 participants from across North America
- 200 volunteers and many family members, media, and spectators
- The Superstar elite athletes of the triathlon world and the grass roots component of amateur participants
- A fun, family and community oriented kid's event
- Promotion of the fitness lifestyle of the world's three most popular activities; swimming, cycling and running
- A large economic impact to the Cowichan Valley and international exposure

LifeSport Coaching is seeking permission from the Cowichan Valley Regional District Parks to hold the running portion of our Triathlon on the Trans Canada Trail in the area of Shawnigan Lake. We are not asking for exclusive use of the trail, but only approval to hold an event using the trail.

This triathlon will be held on May 29th, 2011, starting with a 7:00 a.m. swim in West Shawnigan Lake Provincial Park (subject to approval), followed by a 88 kilometre bike ride around the Shawnigan Lake roads, followed by a 21 Kilometre run. We would like to use the Cowichan Valley Trail between the Kinsol Trestle and the Sooke Lake Road for the running portion of our event.

Since the run portion of this event is following both the swim and bike, I am estimating that the runners will be spread out on the trail between approximately 10:00 a.m. to 3:00 p.m. For the 2011 event, we are requesting that all the trail gates along this run route be opened and left open for the duration on the event. (See map attached)

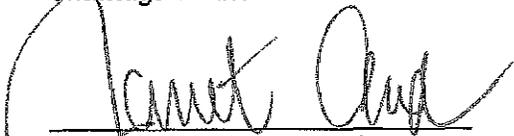
All the safety, liability, and insurance concerns for the entire event will be sanctioned by Triathlon British Columbia and the insurance policy will be forwarded early in 2011.

Further to our trail access requests for the upcoming Triathlon we will be requesting that the items below be activated as well.

- Provide access and full use of West Shawnigan Lake Provincial Park from May 27-29
 - Have the boulders moved and replaced from both ends of the connector trail across the road from West Shawnigan Lake Provincial Park Service Road (Friday, May 27 for removal and Replaced Monday, May 30)
 - Fill in the ditch and grade the first 12M of this connector trail to allow safe access for the runners (Friday, May 27)
 - Grade & compact section of Cowichan Valley Trail south of Butler Road for 2 miles (Any time before May 28) if necessary
 - Provide a copy of the West Shawnigan Lake Park key for both the parking lot and Service road gates
 - Seal the Existing Toilets so they cannot be used.
 - Provide Key for gates on the Cowichan Valley Trail for the run course from (Key needed sometime before May 27 to be used only on race day – May 29)
 - Assign a staff member on site to assist with any park logistics for May 27-29 (Times to be Confirmed – 8:00 am – 7:00 pm)
 - Confirm construction schedule and obstacles in the area south of the Kinsol Trestle as soon as possible.
 - Confirm the brush mowing timeline as soon as possible.
 - Provide GIS map of the CVRD.
 - Confirm what is being done with the Goose Fencing at the edge of the Lake. Confirm if it is being left or whether it is being taken out.
 - Cut the grass and removing the windfall from West Shawnigan Lake Provincial Park (May 25).
-
- Capital improvements as requested in 2009:
 - Paving shoulder on eastside (park side) south of West Shawnigan Lake park access road to main access road.

This year we have once again formed a partnership with the Cowichan Family Caregivers support Society, and joined forces in planning an entire weekend of events including the Caregivers Walk on Saturday.

Your approval of this event would be greatly appreciated, and please contact me if you require any other information, or clarification. Thank you very much for your assistance in our preparation for the 5th Annual Shawnigan Lake International Triathlon.



Janet Anderson, Series Director
LifeSport

R 16



STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING
OF MARCH 1, 2011

DATE: February 23, 2011 FILE NO: 4-REG-11BE
FROM: Nino Morano, Bylaw Enforcement Officer BYLAW NO:
SUBJECT: MTI – Ticketing Amendments

Recommendation/Action:

That CVRD Bylaw No. 3209 – Ticketing Information Authorization Bylaw, 2008, be amended as identified in this report.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division: N/A)

Background:

The attached includes recommended amendments to the existing CVRD Bylaw No. 3209 – Ticketing Information Authorization Bylaw, 2008 (bylaw text and schedules) and are mainly concerned with housekeeping, altering fine amounts in the Waste Stream and Parks Bylaw and adding water, sewer and drainage Bylaws (3313, 3305, 3406, 3306, 3307).

Submitted by,

Nino Morano,
Bylaw Enforcement Officer
Planning and Development Department

Approved by:
General Manager:

NM/ca
attachments

BYLAW NO. 3209 Proposed Text Amendments:

4. **OFFENCES**

The words or expressions set forth in Column I of Schedules 2 through to 55, attached to and forming part of this bylaw, designate the offence committed under the bylaw section number appearing in Column II, opposite the respective words or expressions.

5. **FINES**

The amounts appearing in Columns III of Schedules 2 through to 55, attached to and forming part of this bylaw, are fines set pursuant to Section 265 of the *Community Charter* for the corresponding offences designated in Column I.

BYLAW NO. 3209 Proposed Schedule 1 amendments:

CVRD Bylaw No. 2570, Waste Stream Management Licensing Bylaw, 2004	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Recycling and Waste Management Division -Environmental Technologist
CVRD Bylaw No. 2560 – Youbou Sewer System Management Bylaw, 2005	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division
CVRD Bylaw No. 1926 – Eagle Heights Sewer System Management Bylaw, 1999	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division
CVRD Bylaw No. 2526 – Kerry Village Sewer System Management Bylaw, 2004	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division
CVRD Bylaw No. 3313– Dogwood Ridge Water System Management Bylaw, 2009	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division
Cowichan Valley Regional District Bylaw No. 3305 – Arbutus Ridge Water System Management Bylaw, 2009	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division
CVRD Bylaw No. 3406 – Douglas Hill Water System Management Bylaw, 2010	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division
Cowichan Valley Regional District Bylaw No. 3306 – Arbutus Ridge Sewer System Management Bylaw, 2009	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division
Cowichan Valley Regional District Bylaw No. 3307 – Arbutus Ridge Drainage System Management Bylaw, 2009	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division

BYLAW NO. 3209 Proposed Schedule Amendments:

- Schedule 7 (amended)
- Schedule 11 (amended)
- Schedule 20 (amended)
- Schedule 32 (amended)
- Schedule 33 (amended)
- Schedule 34 (amended)
- Schedule 51 (new)
- Schedule 52 (new)
- Schedule 53 (new)
- Schedule 54 (new)
- Schedule 55 (new)

SCHEDULE 7
CVRD BYLAW NO. _____

Cowichan Valley Regional District Parks By-law No. 738, 1983

Column I	Column II	Column III
Designated Offence	Section	Fine
Remove, destroy or damage vegetation	3.2(a)	\$100
Cut or remove tree	3.2(b)	\$250
Damage or deface structure	3.2(c)	\$250
Foul or pollute any area of water	3.2(d)	\$100
Inappropriate waste disposal	3.2(f)	\$100
Temporary abode overnight	3.2(i)	\$100
Obstruct free use of park	3.2(j)	\$100
Waste water from fixture	3.2(l)	\$100
Vehicle parked outside designated area	3.2(o)	\$100
Drive any vehicle outside designated area	3.2(p)	\$100
Post, paint or affix any advertisement, poster or bill	3.2(q)	\$100
Horse outside designated path	3.2(r)	\$100
Animal running at large	3.2(s)	\$100
Deposit or remove any material without permission	3.2(u)	\$100
Molest, injure, trap or snare any animal	3.2(v)	\$100
Violate any notice or order from Regional District	3.2(w)	\$100
Sale of anything without permission	3.3(a)	\$100
Set fire outside designated area or place lighted material on ground	3.3(c)	\$250
Construction, tent, mobile home, trailer in a park	3.3(d)	\$100
Horse or dog on beach	3.6(a)	\$100
Interfere with free use of beach	3.6(d)	\$100
Litter on beach or in waters adjacent	3.6(f)	\$100
Drive any vehicle on beach without permission	3.6(g)	\$100
Dog unleashed on waterfront apparatus	3.6(h)	\$50

SCHEDULE 11
CVRD BYLAW NO. _____

Electoral Area "C" Zoning By-law, 1991

Column I	Column II	Column III
Designated Offence	Section	Fine
Prohibited use	4.2	\$100
Kennel building improperly sited	5.5	\$100
Junkyard prohibited	5.6	\$100
Accessory building prohibited	5.9(b)	\$100
Accessory building used as a dwelling unit	5.9(d)	\$100
Over height – corner sight triangle	5.11	\$100
Over height fence	5.12(b)	\$100
Home craft – exterior storage	5.13(c)	\$100
Home craft – oversized floor area	5.13(e)	\$100
Home occupation – oversized floor area	5.14(d)	\$100
Home occupation – exterior storage	5.14(e)	\$100
Bed and breakfast – too many rooms	5.15(c)	\$100
Secondary suite prohibited	5.22(7)	\$100
Accessory building improperly sited	7.1(b)(4), 7.2(b)(4), 7.3(b)(2), 7.4(b)(3), 8.1(b)(3), 8.2(b)(3), 8.3(b)(3), 8.4(c)(3), 8.5(b)(3), 9.1(b)(3), 9.2(b)(3), 9.3(b)(3), 9.4(b)(3), 9.5(b)(3), 9.6(b)(3), 9.7(b)(5), 11.1(b)(3), 11.2(b)(4), 11.3(b)(3), 11.4(b)(3) or 11.5(b)(4)	\$100
Mini storage - outdoor storage	11.5(b)(3)	\$100
Mini storage – no adequate vegetative screen TCH	11.5(c)(1)	\$100
Mini storage – no adequate vegetative screen abutting non industrial zone	11.5(c)(2)	\$100

SCHEDULE 20
CVRD BYLAW NO. _____

CVRD Bylaw No. 2570, Waste Stream Management Licensing Bylaw, 2004

Column I	Column II	Column III
Designated Offence	Section	Fine
Operating facility without license	4.1	\$1000
Noncompliance with facility licence	4.1	\$500
Failure to install and maintain locking gate	6.1(a)	\$250
Failure to install and maintain barrier	6.1(c)	\$250
No functioning communication equipment	6.1(d)	\$250
Litter outside facility	6.1(e)	\$250
Leachate from containment system	6.1(f)	\$1000
Employee not present	6.1(g)	\$250
Failure to inspect load	6.1(h)	\$250
Failure to maintain records	6.1(i)	\$250
Failure to confirm waste appropriately removed	6.1(j)	\$500
Burning	6.1(k)	\$1000
Failure to comply with operating plan	6.1(l)	\$500
Failure to notify fire department	6.1(o)	\$250
Fail to deliver waste or recyclable to licenced facility	8.2	\$500
Failure to remove waste	8.3	\$500
Failure to document compliance	8.4	\$500
Failure to replenish security	10.7	\$500
Failure to pay annual fee	12.3	\$250
Failure to submit monthly statements	12.4	\$250
Failure to maintain records	12.6	\$250
Failure to report waste discharge	13.1	\$500
Failure to report deviation	13.2	\$500
Failure to take all reasonable measures	13.3	\$500
Failure to notify of ownership change	18.1	\$250

SCHEDULE 32
CVRD BYLAW NO. _____

CVRD Bylaw No. 2560 – Youbou Sewer System Management Bylaw, 2005

Column I	Column II	Column III
Designated Offence	Section	Fine
Connection without approval	5(1)(b)	\$250
No temporary connection	5(8)	\$250
Illegal connection to sewer system	9(1)(b)	\$1000
Willfully causes damage or obstruction	9(1)(c)	\$500
Discharges into system or manhole any substance interfering with system.	9(1)(d)	\$1000

SCHEDULE 33
CVRD BYLAW NO. _____

CVRD Bylaw No. 1926 – Eagle Heights Sewer System Management Bylaw, 1999

Column I	Column II	Column III
Designated Offence	Section	Fine
Connection without approval	11(b)	\$250
No temporary connection	18	\$250
Illegal connection to sewer system	29(ii)	\$1000
Willfully causes damage or obstruction	29(iii)	\$500
Discharges into system or manhole any substance interfering with system.	29(iv)	\$1000

SCHEDULE 34
CVRD BYLAW NO. _____

CVRD Bylaw No. 2526 – Kerry Village Sewer System Management Bylaw, 2004

Column I	Column II	Column III
Designated Offence	Section	Fine
Connection without approval	5(1)(b)	\$250
No temporary connection	5(8)	\$250
Illegal connection to sewer system	9(1)(b)	\$1000
Willfully causes damage or obstruction	9(1)(c)	\$500
Discharges into system or manhole any substance interfering with system.	9(1)(d)	\$1000

SCHEDULE 51
CVRD BYLAW NO. _____

CVRD Bylaw No. 3313– Dogwood Ridge Water System Management Bylaw, 2009

Column I	Column II	Column III
Designated Offence	Section	Fine
Occupant supplies water elsewhere without authority	11(1)(c)	\$500
Tampers with hydrant or appurtenance or obstructs access	11(1)(d)	\$1000
Alter water meter or bypass to alter water register	11(1)(f)	\$500
Illegal connection to water system	11(1)(g)	\$1000
Establish connection allowing cross-connection	11(1)(i)	\$500
Water use contrary to restrictions	11(1)(k)	\$100

SCHEDULE 52
CVRD BYLAW NO. _____

Cowichan Valley Regional District Bylaw No. 3305 – Arbutus Ridge Water System Management Bylaw, 2009

Column I	Column II	Column III
Designated Offence	Section	Fine
Occupant supplies water elsewhere without authority	11(1)(iii)	\$500
Tampers with hydrant or appurtenance or obstructs access	11(1)(iv)	\$1000
Alter water meter or bypass to alter water register	11(1)(vi)	\$500
Illegal connection to water system	11(1)(vii)	\$1000
Establish connection allowing cross-connection	11(1)(ix)	\$500
Water use contrary to restrictions	11(1)(xi)	\$100

SCHEDULE 53
CVRD BYLAW NO. _____

CVRD Bylaw No. 3406 – Douglas Hill Water System Management Bylaw, 2010

Column I	Column II	Column III
Designated Offence	Section	Fine
Occupant supplies water elsewhere without authority	11(1)(c)	\$500
Tampers with hydrant or appurtenance or obstructs access	11(1)(d)	\$1000
Alter water meter or bypass to alter water register	11(1)(f)	\$500
Illegal connection to water system	11(1)(g)	\$1000
Establish connection allowing cross-connection	11(1)(i)	\$500
Water use contrary to restrictions	11(1)(k)	\$100

SCHEDULE 54
CVRD BYLAW NO. _____

Cowichan Valley Regional District Bylaw No. 3306 – Arbutus Ridge Sewer System Management Bylaw, 2009

Column I	Column II	Column III
Designated Offence	Section	Fine
Connection without approval	5(1)(b)	\$250
No temporary connection	5(8)	\$250
Illegal connection to sewer system	9(1)(b)	\$1000
Willfully causes damage or obstruction	9(1)(c)	\$500
Discharges into system or manhole any substance interfering with system.	9(1)(d)	\$1000

SCHEDULE 55
CVRD BYLAW NO. _____

**Cowichan Valley Regional District Bylaw No. 3307 – Arbutus Ridge Drainage System
Management Bylaw, 2009**

Column I	Column II	Column III
Designated Offence	Section	Fine
Discharge domestic or other prohibited waste	3.0(1)	\$200
Alter regional district drainage system	4.0(1)(a)	\$200
Obstruct watercourse	6.0(1)	\$200



R17

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MARCH 1, 2011

DATE: February 17, 2011 FILE NO: Floodplain Bylaw
FROM: Mike Tippett, Manager, BYLAW No: N/A
Community & Regional Planning
SUBJECT: Floodplain mapping for the lower Cowichan River

Recommendation/Action:

That the Electoral Area Services Committee authorizes staff to participate in the local government ad-hoc committee discussions regarding the new floodplain mapping for the lower Cowichan River, and to prepare a draft Floodplain Management Bylaw for the CVRD in conjunction with municipalities, for future consideration by the Electoral Area Services Committee.

Relation to the Corporate Strategic Plan:

Responsible management of natural hazards is a requirement of good governance and contributes to community sustainability.

Financial Impact: (Reviewed by Finance Division: *sent*)

Participation in the local government ad-hoc committee on floodplain management will probably take up to an estimated ten hours of staff time. After that work is done, drafting a bylaw and report for the Electoral Area Services Committee would take approximately six hours of additional staff time.

Background:

The CVRD participated with other local governments recently in a mapping project related to floodplain updates in the lower reaches of the Cowichan River, between the City of Duncan western boundary and Cowichan Bay. The consulting engineers have prepared a draft floodplain map for this area, which would supersede the Provincial floodplain map, designated in 1997 by the Province.

Although it is only in a draft form at this time, it is important that this information be used to manage the potential flood hazard. Building Division staff have been provided with a copy of the draft map.

Interestingly, with the exception of Cowichan Bay and some very small portions of the Koksilah Industrial Park, the new mapping indicates that the flood construction levels are generally somewhat lower than previously indicated by the 1997 mapping, as much as 1 metre lower in some areas.

At this time, the CVRD manages flood hazard using only the discretion of the Building Inspectors to require an engineer's report pursuant to Section 56 of the *Community Charter*. It would be preferable, for a number of reasons, to enact a floodplain management bylaw under Section 910 of the *Local Government Act* for the entire Region, which would formalize the procedures around floodplain management, in areas where the CVRD has floodplain mapping. In areas where floodplains are unmapped, standard setbacks and elevations above natural boundary would also be built into the floodplain management bylaw (these are now in some zoning bylaws). Preparation of a draft floodplain management bylaw would allow the ad-hoc committee to review management options and also allow for a coordinated approach with one or more neighbouring partner municipalities. This coordinated approach, along with a bylaw draft and report, would be presented in due course to the Electoral Area Services Committee for review and consideration.

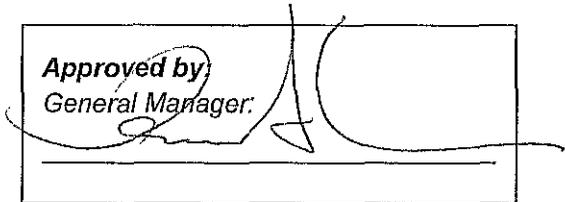
Staff is simply seeking direction to participate in the initial part of this process.

Submitted by,



Mike Tippett, MCIP
Manager
Community and Regional Planning Division
Planning and Development Department

Approved by
General Manager.



MT/ca



R18

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING
OF MARCH 1, 2011

DATE: February 16, 2011 FILE NO: Bylaw 3460
 FROM: Mike Tippett, Manager BYLAW NO: 3460
 Community & Regional Planning
 SUBJECT: Referral agencies for Bylaw 3460

Recommendation/Action:

That the Electoral Area Services Committee refer Bylaw 3460 to the Stz'uminus First Nation, the Agricultural Land Commission and the Ministry of Transportation and Infrastructure.

Relation to the Corporate Strategic Plan:

Following usual amendment bylaw procedure as set out in the *Local Government Act*.

Financial Impact: (Reviewed by Finance Division: N/A)

Background:

The Electoral Area Services Committee, as new business at a recent meeting, directed staff to prepare Zoning Amendment Bylaw No. 3460, and also directed that Public Notice occur in place of a hearing. This amendment bylaw will be before the Board on March 9th for consideration of first and second readings. What was not done was to choose a list of appropriate referral agencies for this amendment bylaw.

Action Required:

This report aims to establish a list of appropriate agencies to receive a referral concerning Bylaw 3460. The following are suggested:

- Stz'uminus First Nation
- Ministry of Transportation and Infrastructure
- Agricultural Land Commission

Submitted by,

Mike Tippett, MCIP
Manager
Community and Regional Planning Division
Planning and Development Department

Approved by:
General Manager



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3460

A Bylaw For The Purpose Of Amending Zoning Bylaw No. 1020 Applicable To Electoral Area H – North Oyster/Diamond

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 H – North Oyster/Diamond, that being Zoning Bylaw No. 1020;

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 notification period and with due regard to the public comments received, the Regional Board considers it advisable to amend Zoning Bylaw No. 1020;

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 "**Cowichan Vally Regional District Bylaw No. 3460 - Area H – North Oyster/Diamond Zoning Amendment Bylaw (Doole Road A1-A2), 2011**".

2. **AMENDMENTS**

Cowichan Valley Regional District Zoning Bylaw No. 1020, as amended from time to time, is hereby amended in the following manner:

- a) That Schedule B (Zoning Map) to Electoral Area H – North Oyster/Diamond Zoning Bylaw No. 1020 is amended by rezoning that part of Lot A, District Lot 11, Oyster District, Plan VIP 63675 that is zoned as Primary Agricultural A-1, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3460, from Primary Agricultural A-1 to Secondary Agricultural A-2.

.../2

3. FORCE AND EFFECT

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

READ A FIRST TIME this _____ day of _____, 2011.

READ A SECOND TIME this _____ day of _____, 2011.

READ A THIRD TIME this _____ day of _____, 2011.

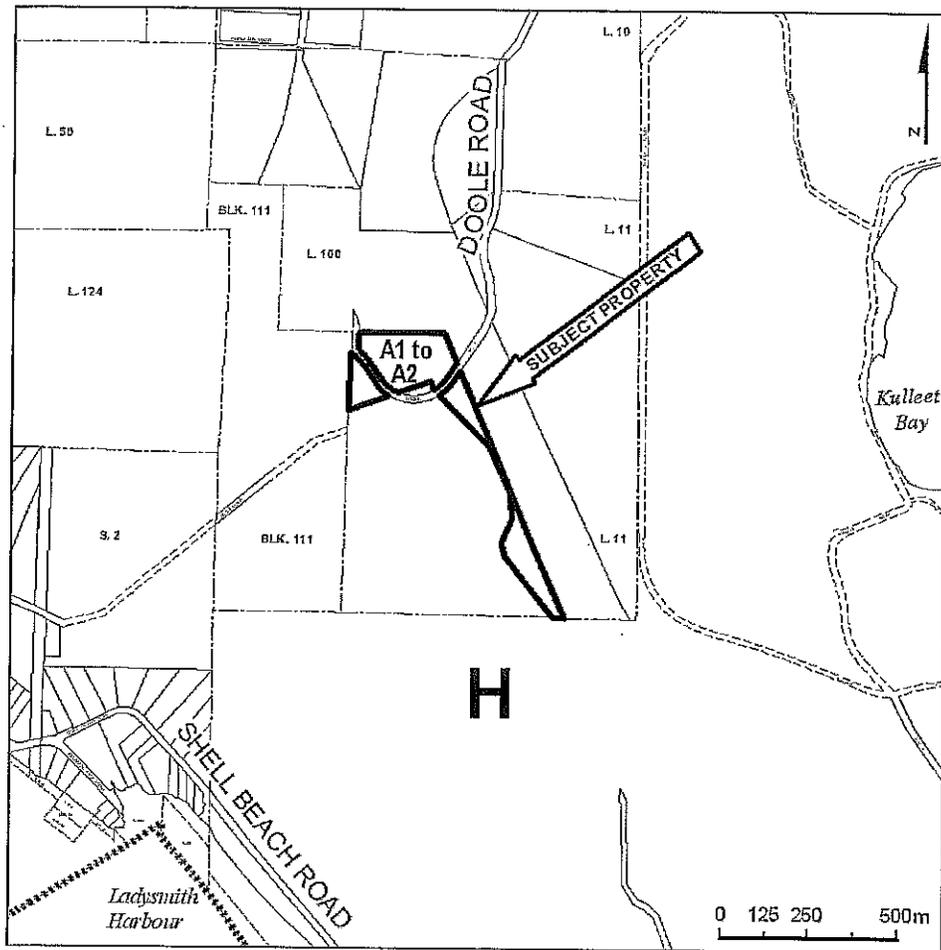
ADOPTED this _____ day of _____, 2011.

Chairperson

Secretary

PLAN NO. Z-3460

**SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO. 3460
OF THE COWICHAN VALLEY REGIONAL DISTRICT**



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

A-1 (Primary Agricultural) **TO**

A-2 (Secondary Agricultural) **APPLICABLE**

TO ELECTORAL AREA H



C1

COWICHAN VALLEY REGIONAL DISTRICT

SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS)

Submitted by Director G. Gibbs Area C

Grantee: _____ Grant Amount \$ 500.00

NAME: Bard @ Brentwood

ADDRESS: 96 Rod Pearce
2735 Mt. Baker Rd
Mill Bay, BC UOR 2P1

Contact Phone No: Rod Pearce (250) 743-0760

PURPOSE OF GRANT: Assist with production of "Inherit the Wind"

REQUESTED BY: _____
 Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
<u>01-2-1950-0312-113</u>	<u>500.00</u>	<u>10.0</u>

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____


 ——— SUMMER PRODUCTIONS ———
Bard@Brentwood
 ——— T.GIL BUNCH CENTRE ———

RECEIVED
 JAN 25 2011

January 20th, 2011

Ms. Gerry Giles
 Director, Electoral Area B
 Cowichan Valley Regional District
 175 Ingram Street,
 Duncan, B.C.
 V9L 1N8

Dear Gerry:

Your support over the years for Bard@Brentwood is most appreciated. It has helped us to continue with our stated objective of providing arts and theatrical culture to our area in the Cowichan Valley.

We are all aware of the enormous pressure for support being placed on all agencies and organizations in these most stressful economic times.

Last year's production received no support from Direct Access Program Grant through the provincial government Lotteries Commission. This presented us with a significant challenge. We are pleased to advise that we managed to make it through thanks to a good attendance participation.

We are hopeful that your generous support in the past will be able to be continued through the CVRD Grant – In Aid program.

Our production this year will be the highly acclaimed "Inherit The Wind" directed by Gregg Perry with shows July 7, 8, 9, 14, 15 and 16.

Should you have any questions please do not hesitate to contact me.

Rod Pearce

Rod Pearce, Chair of Board
 250-743-0760

Original: <i>Finance</i>	Copies for: <i>Chair</i>
Date:	
Comments:	
Signed by: <i>[Signature]</i>	Date: <i>Jan 27/11</i>
File #:	

T. GIL BUNCH CENTRE FOR PERFORMING ARTS

2755 Mt. Baker Road, Mill Bay, B.C. V0R 2P1
 Box Office: (250) 743-0760 | boxoffice@brentwoodbc.ca | Bard@BrentwoodBC.ca

Sharon Moss

From: Gerry Giles [ggiles12@shaw.ca]
Sent: Monday, February 07, 2011 2:39 PM
To: Sharon Moss
Subject: Cobble Hill Grant In Aid
Attachments: Bard @ Brentwood.tif

Hi Sharon,
Attached please find a grant request from the Bard @ Brentwood group. Could I please process a grant in the amount of \$500.00 for this Society. Thank you.
Gerry

C2



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS)

Submitted by Director K. Cossey Area B

Grantee: _____ Grant Amount \$ 200.00

NAME: Shawnigan Beach Estates Neighbourhood Association

ADDRESS: 2787 Gregory Rd
Shawnigan Lake BC V0R 2W1

Contact Phone No: Gaileen Flaman

PURPOSE OF GRANT: _____

REQUESTED BY: _____
 Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
<u>01-2-1950-382-112</u>	<u>200.00</u>	<u>10.0</u>

FOR FINANCE USE ONLY

BUDGET APPROVAL _____

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____

Tammy Knowles

From: Ken Cossey [kcossey@seaside.net]
Sent: Saturday, February 12, 2011 1:59 PM
To: Tammy Knowles; Sharon Moss
Cc: Gaileen Flaman
Subject: Fw: Request for grant-in-aid

Sharon,

Can you please start the paperwork for a grant-in-aid for the start of the Shawnigan Beach Estates Neighbourhood Association for \$200.00.

The contact person is Gaileen Flaman at 2787 Gregory Road, Shawnigan Lake, BC, V0R 2W1. Please contact Ms. Flamenn directly if you need any additional information.

Cheers

Ken

----- Original Message -----

From: [gaileen flaman](#)
To: [ken cossey](#)
Sent: Friday, February 04, 2011 4:38 PM
Subject: Request for grant-in-aid

Dear Director Ken Cossey

As you know, I am interested in creating a Shawnigan Beach Estates Neighbourhood Association, with the blessings of the Shawnigan Residents Association, for the purpose of providing a voice for the residents in my neighbourhood.

To effectively and efficiently spread the word and invite residents to take part, I would like to request an amount of \$200 for the purpose of drafting, printing and distributing an invitation to the 400-500 households in this community. These funds would cover the cost of the printing at a local print shop and the distribution through Canada Posts supermail box delivery system.

Any unused funds would be used to provide for group childcare as the intention is that gatherings would be held, initially, in my home, welcoming families and sharing in a potluck meal.

Thank you for considering this request and I will keep you updated on the progress.

Gaileen Flaman
Shawnigan Beach Estates

C3



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS)

Submitted by Director K. Cossey Area B

Grantee: _____ Grant Amount \$ 200.00

NAME: Cowichan Spirit of Women

ADDRESS: One Kenneth Street
Duncan BC V9L 5G3

Contact Phone No: Helga Lambrecht 748-8722

PURPOSE OF GRANT: To assist with the operations of
the Womens Resource Centre

REQUESTED BY: _____
 Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
<u>01-2-1950-0105-112</u>	<u>200.00</u>	<u>10.0</u>

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____

Tammy Knowles

Subject: FW: Request grant in aid

-----Original Message-----

From: kcossey@uniserve.com [<mailto:kcossey@uniserve.com>]
Sent: Monday, February 14, 2011 9:49 AM
To: Tammy Knowles
Subject: RE: Request grant in aid

Tammy,

Please start the request for \$200.00 for 2011.

Cheers

Ken

Quoting Tammy Knowles <tknowles@cprd.bc.ca>:

>
> ----- Original Message -----
>
> From: Gerry Giles <<mailto:ggiles12@shaw.ca>>
>
> To: Brian Harrison <<mailto:briger@shaw.ca>> ; Ken Cossey
> <<mailto:kcossey@seaside.net>> ; Lori Iannidinardo
> <<mailto:lianni@shaw.ca>> ; Loren Duncan <mailto:loren_duncan@telus.net>
> ; Mel Dorey <<mailto:meldorey@shaw.ca>> ; Mary Marcotte
> <<mailto:marym@island.net>> ; Klaus Kuhn <<mailto:k.k@shaw.ca>> ; Ian
> Morrison <<mailto:morrison.director@shaw.ca>>
>
> Sent: Sunday, January 02, 2011 10:54 AM
>
> Subject: FW: Request grant in aid
>
>
>
> Happy New Year everyone. I was asked to pass the attached on for your
> consideration.
>
> Cheers
>
> Gerry
>
>
>
> From: Helga Lambrecht [<mailto:helgal@shaw.ca>] <<mailto:helgal@shaw.ca>>
> Sent: December-18-10 9:30 PM
> To: Gerry Giles

> Cc: Cowichan Spirit of Women
> Subject: Request grant in aid
>
>
>
> The Cowichan Spirit of Women
>
> Womens Resource Centre, One Kenneth Street, Duncan, B.C. V9L 5G3
>
> Phone (250)715 3893 Faxsimile (250) 748 3509
>
> e-mail spiritofwomen@shaw.ca <<mailto:spiritofwomen@shaw.ca>> or e-mail
> helgal@shaw.ca <<mailto:helgal@shaw.ca>>
>
> 2010 12 18
>
> Chair Gerry Giles and Directors
>
> Cowichan Valley Regional District
>
> Re Grant in Aid
>
> Dear Chair Giles,
>
> We have received \$100 to \$500 grants in aid from many electoral areas of
> the Cowichan Valley Regional District over the years and are requesting
> grants from all the directors. The Cowichan Spirit of Women, organized
> in 1992, seek funds to operate the Women Resource Centre and run other
> programs and projects.
>
> The Women Resource Centre opened fifteen years ago and is run by
> volunteers and a coordinator as funds permit. Computer, internet and
> office skills are taught to women; information and help is given and
> bimonthly newsletters are distributed. Movies are shown the fourth
> Tuesday night of the month while Community Kitchens meets semi-monthly.
> We help organize annual events: International Women's Day, Equinox and
> Solstice days, Canada's Day of Remembrance of Violence Against Women. In
> addition, CSW sponsors a variety of workshops, classes and seminars.
> Community involvement include Volunteer Cowichan, Women Against Violence
> Against Women and the Cowichan Intercultural Society. We aim to serve
> the women and children in the Cowichan Valley which helps men too. Our
> mandate is "women helping women" which builds a cohesive community for
> all.
>
> All that we do together increases our profile in the community and
> ensures our continued success. Your contribution to a project such as
> sponsoring underemployed students in a course at approximately \$100 to
> \$200 each, co-sponsoring International Women's Day or assisting with the
> operation of the Women Resource Centre would be greatly appreciated.
> Thank you for your careful consideration of this important request for a
> grant in aid. On behalf of the Cowichan Spirit of Women, I thank you.
>
> Respectfully yours
>
>
>

> Helga Lambrecht, Organizer, CSW

>

> 748-8722 or (250) 744-8922 cell

>

>

>

>

> No virus found in this message.

> Checked by AVG - www.avg.com

> Version: 10.0.1191 / Virus Database: 1435/3355 - Release Date: 01/02/11

>

>



REC
FEI

C4

COWICHAN VALLEY REGIONAL DISTRICT
Financial Services
SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS)

Submitted by Director IANNIDINARDO Area D

Grantee: _____ Grant Amount \$ 1,000.00

NAME: Hylton McAllister / Susan LaGrove

ADDRESS: Cowichan Wooden Boat Society
4th ANNUAL PRAWN FESTIVAL
1761 COWICHAN BAY RD. VORINO

Contact Phone No: _____

PURPOSE OF GRANT: SUPPORT FUNDING FOR
THE 4th ANNUAL PRAWN FESTIVAL
IN COWICHAN BAY MAY 14th 2011

REQUESTED BY: Lu L. Iannidardo
Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
<u>01-2-1950-0289-114</u>	<u>1,000.00</u>	<u>10.0</u>

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____

Hi Lori:

The 3rd Annual Prawn Festival, to be held in Cowichan Bay will be on May 14th. I have been asked to be the Event Coordinator. I shall oversee the

budgetting and expense allocation process. If there is any donation money left over at the end of the Festival (which I doubt), it will be banked and go towards the

2012 4th annual Prawn Festival which will be even bigger and better.

Funds can be made out to the Cowichan Wooden Boat Society, 1761 Cowichan Bay Road VOR 1N0,

attention: Suzan LaGrove. We are requesting \$1,000 towards a budget of \$7,000. We have a commitment for \$3,000 from the Prawn Fisher Association.

Cowichan Bay retailers will donate \$1,000 and the balance will come from other businesses in the Valley.

Thanks

Hylton

PS: We cannot save the tree.



RECEIVED
CVRD

C5

COWICHAN VALLEY REGIONAL DISTRICT

FEB 17 2011

SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS)

Financial Services Department

Submitted by Director IANNIDINARDO Area D

Grantee: Bike to work Cowichan Grant Amount \$ 375⁰⁰/₁₀₀

NAME: ALEX HADDAD

ADDRESS: 3330 DOUPE RD DUNCAN V9L 6P1

Contact Phone No: 250-746-5129

PURPOSE OF GRANT: SUPPORT BIKE TO WORK
WEEK 2011 - 30 MAY - 5 JUNE
2011.

REQUESTED BY: Lou L. Iannidinaro
Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
<u>01-2-1950-0353-114</u>	<u>375.00</u>	<u>10.0</u>

FOR FINANCE USE ONLY

BUDGET APPROVAL _____

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____



CVRD

FINANCIAL SERVICES
POLICIES and PROCEDURES

Title: Regional Grants-in-Aid Guideline (Cont'd.)

Classification: Finance – Grants to Organizations

Approval Date: Oct. 13, 1999

Revision Date: November 12, 2008

REGIONAL GRANT IN AID APPLICATION

Name of Organization: BIKE TO WORK COWICHAN

Name of Contact Person: ALEX HADDAD

Mailing Address: 3330 Doupe Rd. Duncan Postal Code: V9L 6P1

Telephone No. 250-746-5129 Fax No: —

Description of Event/Project: ORGANISE & HOST BIKE TO WORK WEEK 2011 - 30 MAY to 5 June

Is the Event/Project already provided in the community by another organization?

Yes _____ No X

If yes, provide details: _____

Who will benefit from the Event/Project Valley cyclists

Total cost of the Event/Project: \$⁺ 3000.00

Will you receive other sources of funding? Yes No _____

Please describe other sources of funding and amounts as requested or expected:

City of Duncan, private CASH donations \$2000.00

Indicate the volunteer labour and/or in-kind donations to be contributed to the Event/Project:

APPROX. 200 HOURS volunteer & \$1000-1500 in-kind donations

Grant in Aid applied for: AREAS A, B, C, D, E
(5 x \$75) \$375.00

Note: All applications must be received by the Regional District on or before January 1st of each year to be considered in the current year. Please attach documentation as required by CVRD policy, and any additional documentation supporting your Event/Project.



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FEB 17

COWICHAN VALLEY REGIONAL DISTRICT

SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS) Department

Submitted by Director IANNIDINARDO Area D

Grantee: _____ Grant Amount \$ 500.00

NAME: COWICHAN SENIORS COMMUNITY FOUNDATION

ADDRESS: 135 THIRD ST DUNCAN
VAL 1R9

Contact Phone No: Carol Hunt 250-715-6481

PURPOSE OF GRANT: FUNDING TO HELP OFFSET THE
COSTS OF STAGING A MAJOR FUND RAISING
EVENT - THE GREAT COWICHAN CAPER

REQUESTED BY: Levi L. Iannidinaro
Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
<u>01-2-1950-0372-114</u>	<u>500.00</u>	<u>10.0</u>

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

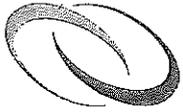
Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____



Cowichan Seniors
Community Foundation

135 Third St., Duncan, B.C. V9L 1R9
Tel: (250) 715-6481
cscfoundation@shaw.ca
www.cowichanseniors.ca

February 1, 2011

Director Lori Iannidinardo, CVRD Electoral Area D – Cowichan Bay
Cowichan Valley Regional District,
175 Ingram Street,
Duncan, BC V9L 1N8

Dear Lori,

RE: GRANT-IN-AID

Last year, the CVRD Directors in each electoral district were asked by the Cowichan Seniors Community Foundation for assistance in the form of a Grant-In-Aid of \$500.00 each that would help off-set the costs in staging a major funding raising event, The Great Cowichan Caper, Sunday, June 6th. The Foundation received \$1,500.00 from Electoral Areas B,C and D. The Cowichan Seniors Community Foundation is very grateful for your support in this regard.

The Great Cowichan Caper was a success and will be repeated this year, only with some important changes to the venue and market audience. We were able to contribute \$20,000.00 (not all raised at this single event) to three most deserving community projects that benefit seniors here in Cowichan. This year we are staging a Grand Family Day at the BC Forest Discovery Centre on Sunday, June 5th. This is a partnering event with net profits being shared by these two organizations to support their respective community projects. Admission will be free, with tickets being sold for rides, activities and "contests".

The expected attendance is between 1000 – 2000 visitors. Since admission is free, no one will be left out due to financial circumstances. Enclosed is an overview of this fun family day and our projected costs and revenues. The Cowichan Seniors Community Foundation will, once again, award another \$20,000.00 to the successful candidate applying for the Seniors Community Fund.

We are again asking you to consider helping us with a grant to off-set this year's staging costs; \$500.00 per electoral area. A recent letter that our Foundation endorsed for the City of Duncan in application for funds to build an enhanced transit infrastructure, stated that over half the residents in the Cowichan Valley are, or will soon be, over the age of 55. Our Foundation is aggressively trying to build capacity for a community where aging in place may happen with the best possible programs and services available locally.

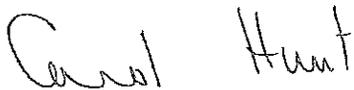
Currently we are the umbrella for Meals On Wheels here, publish a very popular Seniors Guidance Directory offered in hard copy and on line free of charge to the public, and participate in as many community planning activities as possible. We support other agencies that have a senior constituency.

We have representation on the Cowichan Community Health Network, the Working Group for Cowichan Lodge Re-Development, Community Futures and various business groups and service clubs.

Our events are run by a network of capable volunteers without whose help raising these funds would not be possible.

Thank you for your time and consideration re: a request for a grant-in-aid.

Sincerely,

A handwritten signature in cursive script that reads "Carol Hunt". The letters are fluid and connected, with a prominent loop at the start of the first name.

Carol Hunt, Executive Director

Cowichan Seniors Community Foundation

INI



BC Ministry of Natural Resource Operations
presents
**Coastal Douglas Fir Stewards
Workshop**

When: March 15 in Duncan
March 22 in Victoria
March 25 in Qualicum Beach

9:00AM – Noon in each location

Invitation is extended to all land owners, stewardship groups, and everyone interested!

Join us for this half-day workshop to:

- ✓ *Raise awareness of the conservation status of the Coastal Douglas Fir ecosystems*
- ✓ *Promote the concept of ecological integrity*
- ✓ *Encourage shared stewardship*
- ✓ *Present success stories*
- ✓ *Explore conservation tools*

Registration is free.

Pre-registration is required because space is limited.

Please contact Ann.Rahme@gov.bc.ca

Funding support by:



Registration form for
Coastal Douglas Fir Stewards Workshop 2011

Pre-registration is required as space is limited.

Please submit your registration before March 8 for the Duncan, and March 15 for the Victoria and Qualicum Beach workshops.

Name: _____

Affiliation: _____

Email: _____

Tel: _____

Options

1. Dietary requirements: _____

2. Select one of the 3 options:

- March 15, Duncan
- March 22, Victoria
- March 25, Qualicum Beach

Return to Ann Rahme, Ecosystems Section, Ministry of Natural Resource Operations, Nanaimo
email: Ann.Rahme@gov.bc.ca
Fax: 250-751-3208
Mail: 2080 Labieux Rd, Nanaimo BC V9T 6J9

MINUTES
FEB 14 2011

IN 2

Minutes of a Cobble Hill Park & Recreation Commission e-meeting held on February 14, 2011. Those participating: John Krug, Lynn Wilson, Dennis Cage, Ruth Koehn and Bill Turner with no response received from Ian Sparshu or Alan Seal. Excluded from the discussion Gord Dickenson.

Discussion: compensation in the form of an honorarium for Gord Dickenson for the use of personal equipment on parks projects.

Moved/seconded

that the Cobble Hill Parks & Recreation Commission authorizes the payment of a one-time honorarium cheque to Mr. Dickenson in the amount of \$280.00 in recognition of the costs he personally incurred volunteering the use of his equipment on several parks projects (i.e. fuel, consumables, replacement bits, etc.).

MOTION CARRIED

E-vote initiated and recorded by Director G. Giles



IN3

MINUTES OF ELECTORAL AREA I (Youbou/Meade Creek) PARKS COMMISSION MEETING

DATE: February 8, 2011

TIME: 7:00pm

MINUTES of the Electoral Area I Parks Commission Meeting held on the above noted date and time in the Upper Hall, Youbou, BC. Called to order by chair at 7:05pm.

PRESENT:

Chairperson: Marcia Stewart

Vice-chairperson:

Members: Dan Nickel, Gerald Thom, Ken Wilde

ALSO PRESENT:

Director:

Alternate Director:

Secretary: Tara Daly

REGRETS: Dave Charney, Director Klaus Kuhn

GUESTS: Sheny Gregory

ACCEPTANCE OF AGENDA

*It was Moved and Seconded to accept the agenda with the following additions:
Under New Business ~ trail on North Arm, addition of wharf*

MOTION CARRIED

ACCEPTANCE OF MINUTES

It was Moved and Seconded that the minutes of December 14, 2010 be accepted with the following amendment:

Under those present, Director Kuhn sent his regrets

MOTION CARRIED

BUSINESS ARISING

- **Font Board** ~ fluorescent tubes are able to be removed; G. Thom will try it in the near future

CORRESPONDENCE

- NONE

DIRECTOR'S REPORT

- AGM Sunday, February 27, 1pm in lower Community Hall for Parks Commission and Fire Commission followed by a Town Hall Meeting

COWICHAN LAKE RECREATION

- **Furnace Oil** has been stolen from the Honeymoon Bay Hall and the Mesachie Lake Hall (5000litres)
- **Oil Tank** is being replaced from in-ground to above ground

CHAIRPERSON'S REPORT

- there will be a regional-wide parks' chairperson's meeting with Budget discussions
- B. Farquhar and T. Saroka sent condolences on the passing of Wayne Palliser; M. Stewart will send them on to the family; M. Stewart spoke on behave of the Commission at the service

COWICHAN VALLEY REGIONAL DISTRICT

- the contractor has been picking up garbage over the off-season
- estimate of \$10 000-15 000 damage done at Stoker Park, \$2 500 deductible, irrigation system hasn't been assessed yet, contractor will level and reseed as needed
- **commission would like to have a detailed estimate, including a breakdown of material and labour for repairs at Stoker Park**

OLD BUSINESS

- **Parks caretaker/gatekeeper** ~ Stoker Park – Ed Dziekan; Mile 77 Park ~ G. Thom; Little League Park ~ K. Wilde
- **Woodland Shores vandalism** ~ a house is being built so hopefully that will deter vandalism
- **Dock/wharf on North Shore** ~ a large dock has been installed on what the Commission feels is the park right-of-way; footing were poured; N. Morano, CVRD by-law officer said no permit is needed; D. Nickel has a picture that he will forward to M. Stewart who will ask staff about it
- **Marble Bay Cottages** ~ discussion on possible land between Marble Bay Cottages and Phase II Woodland Shores, no financial commitment at this time, land bank for future use

It was Moved and Seconded by the Area I (Youbou/Meade Creek) Parks Commission to accept the land gift from Marble Bay Cottages (Bourque) for a possible future consideration of a corridor trail connection between Marble Bay and Phase II Woodland Shores.

MOTION CARRIED

NEW BUSINESS

- **Park Activities** ~ K. Swan has offered to do the Nature Walk even though she has moved to Duncan; G. Thom suggested maybe he could do something on Fish Habitat in the area; ballgame maybe organized by K. Wilde; bring more information back to the next meeting
- **Arbutus Park** ~ the booms have shifted so that boats could get inside if they so desired; the yard light is on all the time; the elk have been running through
- **Memorial Bench** ~ S. Gregory will ask the Palliser family if it's okay with them to put a bench at Mile 77 Park in memory of Wayne; commission will think about what to put on plaque; G. Thom will get braces and possibly wood to build.

ADJOURNMENT

It was Moved and Seconded that the meeting be adjourned at 8:00pm.

MOTION CARRIED

NEXT MEETING

March 8, 2011

7pm at Upper Hall

**PLEASE NOTE: AGM February 27, 2011 at 1pm in the Youbou Community Hall
Town Hall Meeting to follow**

/s/ Tara Daly
Secretary

IN 4

**Minutes of the Cowichan Station/Sahtlam/Glenora parks and Recreation Commission
Annual General Meeting, held on January 20th, 2011, at the Sahtlam Fire Hall.**

Call to Order

The meeting was called to order at 7:05 p.m. and Director Loren Duncan welcomed everyone to the Annual General Meeting and introduced all members of the Commission that were present. There were approximately 40 in attendance. He also indicated that this was an annual event .

Highlights of 2010

Director Duncan outlined many of the projects and accomplishments of the Commission during the previous 12 months. This included the following:

- The purchase of Wake Lake which he mentioned is a lake in transition to a western Cranberry bog and is an important ecological reserve for the protection of toads and rare frogs. The total cost to purchase the property was \$479,000 of which \$117,000 was recovered from the sale of a two acre portion subdivided for a residential property, thus it cost \$362,237 or about \$36,200 per acre to establish the 10 acre ecological reserve.
- The new tot lot at the Glenora Trails Head Park which cost \$82,454. This amount included the actual equipment plus other site improvement requirements and amenities such as fencing and trees.
- The planning work for the new landscaped and kiosk work in the Boys Road-Trans Canada Highway intersection. This work should be finished later in the spring.
- New maps were produced for the side of the washrooms in the kiosk area at the Glenora Trails Head Park. The CVRD parks and GIS staff was commended for their exceptional work on information maps both at the Park as well as at the kiosk adjacent the Sahtlam Fire Hall. In addition, Director Duncan wanted to thank the members of the Sahtlam Fire Department for their effort in constructing the kiosk and adjacent improvements to this site.
- Director Duncan also mentioned the support given by the Parks and Recreation Commission for the maintenance of the sports field at the Cowichan Station School for the enjoyment of area residents.
- In 2010 there was additional improvements made at the trail riding facilities at the Glenora Trails Head Park. This included the second picnic table and notice board in addition to the already constructed corrals, manure shelter, power and water at the site.

At this point Director Duncan touched on three other projects that were being looked at by the Commission. They included the development of a trail running from the kiosk area at the Boys Road-TCH intersection south to Allenby Road, then to the Koksilah School and finally to the Miller Road rest stop area. This could be done in sections as staff time becomes available. Also he mentioned the work undertaken by the Ministry of Highways and Federal Fisheries to create very important Coho salmon habitat on a lower section of Busy Place Creek just north of Miller Road. He indicated that in the future there may be a very small trail constructed in the area.

Finally, there was mention of the work being planned in the Sahtlam area. This included the lands in the Jordan's Lane area as well as the Inwood Creek parcels that were recently subdivided. With respect to the latter area 54%, or 118.5 acres was returned to the CVRD. It is an ecologically significant elk habitat as well as will allowing for a portion of a north south trail connector to the Trans Canada Trail system on both the north and south side of the Cowichan River. An appropriate bridge will of course be required to cross the river some time in the future which, Director Duncan mentioned, the Commission has been considering for a number of years.

Area E Parks and Recreation Commission AGM of January 20, 2011, continued:

Chairman Frank McCorkell touched on other aspects that he felt the public should be aware of with respect to parks development in the Electoral Area. This included the fact that while the Glenora Trails Head Park was in Glenora adjacent the Trans Canada Trail and it was developed for the enjoyment of everyone. He also mentioned the Glenora Cowichan River Park with its viewing areas on the extensive stair case and the swimming area was located just a short distance from the Trails Head Park.

He also mentioned that as the Commission starts to consider the development of parkland within the Sahtlam area it will be important to hold some public meetings to get input as to what the community would like to see done before any final decisions are made.

At this point Director Duncan opened the floor for questions.

One resident asked if there was going to be any connection between the first and second phase areas in the Inwood Creek development. Director Duncan indicated that there is but the green space corridor in the first phase is quite narrow compared to the large parkland area in the second phase.

Another individual asked when a new OCP and Parks and Trails Master Plan would be undertaken for the Electoral area. With respect to the OCP Director Duncan felt that while it was still a very good plan and had been updated on a regular basis that a more thorough review could be started in a year or so. CVRD staff were presently updating four other OCP's. As for the Parks and Trails Master Plan he indicated that the Commission had looked at this and actually started to put some ideas down on paper eight or more years ago but because of the uncertainty about the future use of a number of large parcels of land within the electoral area it was next to impossible to start any master plan.

Finally, one resident mentioned that there seemed to be a number of celebrations planned around the province to mark the 100th anniversary of B.C. Parks and wanted to know if the Commission or Director was aware of any events planned for the Cowichan Valley. At this point, to their knowledge, nothing has been announced but the Commission suggested an appreciation day could be hosted at the Glenora Trails Head Park this summer and involve B.C. Parks. The Commission will look into this shortly.

Nominations for Park & Recreation Commission Members

A total of 10 individual were nominated for 5 elected positions to the Commission with others to be appointed by the Director in the future. The following were elected:
Frank McCorkell, Paul Slade, Howard Heyd, John Ramsey, Ron Smith.

Adjournment

The Annual General Meeting adjourned at 8:53 p.m.



FEB 10 2011

INS

MINUTES OF ELECTORAL AREA "G" (SALT AIR/GULF ISLANDS)
PARKS COMMISSION MEETING

DATE: January 10th, 2011

TIME: 7:00 pm

MINUTES of the Electoral Area G Parks Commission regular meeting held on the above noted date and time at the Water Board Building, Saltair, BC. Meeting called to order by Chair at 7:15 pm.

PRESENT:

Paul Bottomley, Norm Flinton, Kelly Schellenberg, Jackie Rieck, Tim Godau, Harry Brunt,

ABSENT:

Glen Hammond and Dave Key

ALSO PRESENT:

Director Mel Dorey

ANNUAL ELECTION:

MOTION: It was Moved and Seconded for Harry Brunt to continue as the Park Commission Chairperson. Glen Hammond to sit as Vice Chairperson and Jackie Rieck to continue on as Secretary.

MOTION CARRIED

ACCEPTANCE OF MINUTES:

It was Moved and Seconded the the Minutes of the Area G Parks Commission Meeting of November 1st, 2010 be accepted.

MOTION CARRIED

APPROVAL OF AGENDA:

Motion to approve the Agenda as submitted.

MOTION CARRIED

STANDING REPORTS:

CVRD UPDATE:

Harry to contact Ryan Dias regarding budget updates.

CENTENNIAL PARK:

Commission members would like to know the final cost of the Beautification Project at the East end of Centennial Park as it appears extra sprinklers were installed which were not on the original plans. There is also a PVC pipe near the concession stand in need of repair. Harry or Mel to follow up with CVRD.

Mel suggested in March that we plan to plant some decorative trees in Centennial Park.

MOTION: It was Moved and Seconded to purchase six decorative trees for planting in Centennial Park in March of 2011.

MOTION CARRIED

PRINCESS DIANA PARK:

The East Entrance widening of the Service Trail has not yet begun. Harry or Mel to follow up.

STOCKING CREEK PARK:

Future trail maintenance and Interpretative Signage was discussed. Wood-rail safety fence at the Waterfall has been completed. Looks great!

BEACH ACCESS:

A new Saltair Area Map displaying all beach accesses has been installed at "Byron's Store". CVRD to contact Coastal Mission Group regarding a potential Beach Access at the end of Hillside Rd. Mel Dorey volunteered to look into sprucing up the Lagoon Access.

LADYSMITH PARKS & REC:

No report

BASEBALL:

Commission members would like to meet with the Baseball Association before the beginning of Ball Season. Harry is to contact appropriate members and invite them to our next meeting.

DIRECTOR'S REPORT:

Annual Saltair Rate Payer's Meeting is scheduled for March 24th, 2011 at the United Church in Chemainus.

Discussed and reviewed Proposed Rezoning of property located at 10830 Chemainus Rd.

CLOSED SESSION:

Property acquisition update.

SPECIAL EVENTS:

Annual Easter Celebration planned for April 24th 2011

Future Tree planting session planned for late spring 2011. Kelly Schellenberg will look into ordering more trees from the Mesachie Research Centre.

NEXT MEETING:

Next meeting is scheduled for Monday, February 14th, 2011 7:00 pm at the Water Board Building Chemainus Rd.

ADJOURNMENT:

Meeting was adjourned at 8:20 pm.

RECEIVED

FEB 07 2011

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Minutes of the Cobble Hill Parks and Recreation Commission meeting held at 7 p.m. on February 2, 2011 in the Boardroom of the Arbutus Ridge Golf and Country Club.

Those present: Ruth Koehn, Gord Dickenson, Bill Turner, Lynn Wilson, Allan Seal, Dennis Cage, John Krug and Gerry Giles – Director.

Also present: Scott Mitchell and Matthuw Ronald-Jones

The meeting was called to order by Director Giles who welcomed those present along with new commission member Dennis Cage. She called for election for Chair of the Parks Commission whereupon John Krug was nominated. John accepted the nomination and there being no further nominations he was declared elected as Chair of the Commission for 2011. Director Giles called for election of Vice Chair. Allan Seal was nominated and when he accepted the nomination he was declared elected as Vice Chair of the Parks Commission for 2011.

John Krug assumed the Chair and called for additions to the agenda. Farnsworth, Manley Creek and the Train Station parks were added to the agenda.

Moved/seconded

That the agenda be accepted as amended.

MOTION CARRIED

John welcomed Scott and Matthuw to the meeting and asked them to speak to their interest in entering into a Stewardship Agreement with the CVRD regarding the Cleasby Bike Park. Scott explained the organizational structure of the South Island Mountain Bike Society (SIMBS). Their presence is mostly in the Victoria area where they have a Stewardship Agreement with the CRD for the Hartland site. The Club has its own funds to cover insurance and to run programs. While they belong to an international organization, their focus is the Island. The Society does have regular monthly meetings and they host a variety of activities for the mountain biking community but are looking for an opportunity to expand into to the South Cowichan area where Matthuw lives. Their focus here would be to encourage young riders and others to enjoy Cleasby Bike Park and Cobble Hill Mountain eventually taking in the Kinsol Trestle area. They are looking for a 3 to 5 year Stewardship Agreement, but will need to take the Draft as outlined in Dan Brown's February 1, 2011 memo back to their Board of Directors for consideration. John thanked Scott and Matthuw for their attendance and they left the meeting.

Moved/seconded

That the minutes of October 28, 2010 be accepted as distributed.

MOTION CARRIED

Business Arising:

1. **Dog Park:** The minutes of the November 4th 2010 community meeting regarding the Dog Park were reviewed as was the outline of the long and short term actions

agreed to at that meeting. Complaints continue and a meeting will be arranged with John Krug, Ryan Dias, Jocelyn Rowe and Gerry Giles to discuss the updates undertaken and future activities in the park.

- 2. Parks and Trails Master Plan:** A brief review of the Cobble Hill Parks and Trails Master Plan took place. It was agreed that all would have amendments to Tanya Soroka at the CVRD by February 15, 2011. tsoroka@cverd.bc.ca

Moved/seconded

That the Cobble Hill Parks and Recreation Commission recommend the CVRD adopt the Cobble Hill Parks and Trails Master Plan as amended.

MOTION CARRIED

- 3. Twin Cedar/Watson Avenue Pathway:** A report was provided on the trail that was grubbed out by Mann Excavating between Twin Cedars Drive and Watson Avenue. This route will shortly house the sewer system that will be extended from the Twin Cedars system to Watson Avenue. Evergreen Independent School will hook into this system in exchange for help building the pathway.

New Business:

- 4. Farnsworth Park:** Bill reported the light at Farnsworth Park was cycling on and off all night long to the annoyance of the neighbours. ***PARKS STAFF**
- 5. Manley Creek Park:** Lynn reported the heavy rains have caused some blow outs between the first and second bridge, which is causing damage to the trail and drainage system. This situation needs to be rectified before further erosion takes place. ***PARKS STAFF**
- 6. Train Station Park:** Gord reported that maintenance staff is dumping their trimmings and grass clippings at the north end of the park beyond the kiosk. These should be taken away for disposal elsewhere. ***PARKS STAFF**
- 7. Sport Court at Evergreen School:** The parks commission considered the pros and cons of partnering with the Evergreen Independent School Society to build a 50' x 80' community use sport court on school grounds as per the letter addressed to the commission by Society President Chris Urquhart. Much discussion ensued with Ruth Koehn and Dennis Cage providing clarification on the building design and location.

Ruth and Dennis excused themselves from the room due to a potential conflict of interest.

Discussion ensued with commission members supporting the partnership with opportunity provided the school assume responsibility for maintenance and community use was guaranteed.

Moved/seconded

That the Cobble Hill Parks and Recreation Commission endorses entering into a partnership agreement with Evergreen Independent School Society to assist with the building of a sport court on their property by contributing a grant in an amount not to exceed \$28,500 in exchange for which a community use agreement will be entered into between the CVRD and the Society for community after school, weekend and summer holiday use and potential summer programming with all funds to be found with the 2011 budget. **MOTION CARRIED**

Note: the use agreement should include a payback clause for the full amount if the Society sells the property within the first 5 years and a depreciating amount between 5 and 10 years.

Ruth and Dennis returned to the meeting.

8. **Concept Drawing – Cobble Hill Common:** Ruth explained the concept drawing for the Cobble Hill Common. This drawing was based upon the community surveys received as well as consultation with the volunteered to assist with the development of the concept plan. These members are: Annie Ingraham, Veronica Scott, Gar Clapham, Carolyn Bendall, Bonnie Walsh, Allan Garside, Dennis Cage, Gerry Giles, John Krug, Ruth Koehn, Jennifer (David) Symon and Lois Turner.

The concept plan will be presented at the AGM of the Cobble Hill Parks and Recreation Commission to be held on March 24th 2011 in the Cobble Hill Hall.

Ruth Koehn left the meeting due to a conflict of interest.

Moved/seconded

That a soul source contract be granted to Ruth Koehn in an amount not to exceed \$2,000 to develop the concept plan for Cobble Hill Common.

MOTION CARRIED

Ruth returned to the meeting.

9. **Cleasby Bike Park Agreement:**

Moved/seconded

That the Cobble Hill Parks and Recreation Commission recommends that the CVRD enter into a Stewardship Agreement with the South Island Mountain Bike Society for Cleasby Bike Park and that once developed the Agreement be sent back to the Parks Commission for information. **MOTION CARRIED**

10. Towns for Tomorrow: An update was provided by Director Giles on the Towns for Tomorrow application and what this work would entail should the grant be received.

11. Cobble Hill Cross Country Classic: As outlined in a memo from Dan Brown dated February 2, 2011 to the Commission. Race to take place on Sunday, March 27th 2011. The memo outlined five conditions for granting permission for staging the race.

Moved/seconded

That the Cobble Hill Parks and Recreation Commission approve holding the Cross Country Mountain Bike Race Event on March 27, 2011 subject to the Evert Cycling Club complying with the conditions listed in the February 2nd memorandum.

MOTION CARRIED

Other business:

12. A brief budget review took place and after consideration it was

Moved/seconded

That the 2011 Cobble Hill Parks budget be adjusted by deleting \$15,000 from Galliers Road capital then transferring these funds to the Evergreen grant. The remainder of the Evergreen grant is to be found within the budget by the Chair and the Director.

MOTION CARRIED

13. Director's Report included an update on:

- the Kinsol Trestle
- the South Cowichan OCP Review with appreciation going to Lynn for her notice on the legal
- the Bamberton decision, and the
- postponement of the Eco Depot Open Houses.

There being no further business, the meeting adjourned at 9:25 p.m.

John Krug, Chair

Minutes of the Electoral Area G (Saltair)
Advisory Planning Commission
February 10, 2011

In attendance: Ted Brown, Ruth Blake, Gary Dykema, David Thomas, Director
Mel Dorey

The Meeting was called to order at 7:00 p.m. by Chairman Ted Brown.

**1. Application to legitimize a retaining wall (Development Permit
Application No. 7-G-10DP Brian and Sandra Crompt)**

Brian and Sandra Crompt were present for this item. Mr. Crompt noted that the purpose of the application was to gain approval of a retaining wall which had previously been constructed. Prior to the construction taking place Mr. Crompt had contacted the CVRD, including providing the person he talked to with his name and address, and was informed that a development permit was not necessary for his project. It was subsequently determined that a permit was required which resulted in the current application. The retaining wall was necessitated by visible slippage which had occurred on the Crompt property as well as on an adjacent lot. All work to build the retaining wall was done within the lot boundaries and no beach access was required to complete the work. Soil was removed in order to build the wall and, upon completion, was replaced with blast rock and geo grip to ensure good drainage. After finding out that a development permit was necessary a geotechnical report was commissioned which concluded that the wall was safe and met acceptable construction standards.

During construction, plants from the construction area were removed and replaced following construction. In addition, additional plantings were undertaken to help soften the visual impact of the wall. In response to questions Mr. Crompt stated that it was his intention to undertake additional plantings to help break up the massing of the structure.

Following discussion of the application, the following motion was made:

*That the Advisory Planning Commission recommend approval of
the development permit application.*

Carried Unanimously

**2. Forthcoming application on the Crompt property to install footings for
an access ramp**

The APC was advised that a second application was in the works for the Crompt property, the purpose of which was to construct footings to support a wheelchair

access ramp on the north side of the dwelling. Given the minor nature of the project and in order to expedite the application the APC decided to deal with this project as well.

After reviewing the plans for the project the following motion was made:

That the Advisory Planning Commission has no objection to the proposal to construct footings for a wheelchair access ramp on the Crompt property.

Carried Unanimously

3. Application to legitimize and finish construction of a single family dwelling (Development Permit Application No. 8-G-10DP Dan Casler)

Dan Casler and Norm Casler were present for this item. The purpose of this application is to allow the completion of the construction of a dwelling within the Ocean Shoreline Development Permit Area. Dan Casler provided background information with respect to the application. The project originally started as a renovation to an existing dwelling which was necessary as a result of extensive damage caused by carpenter ants. However, it became apparent that the changes needed to the structure were so extensive as to virtually require the replacement of the building. As a result, work was halted and a development permit applied for. The new structure is being built on the same foot plate as the original building. A geotechnical report was commissioned by the applicant and contained a number of recommendations as to how the project should proceed.

Following discussion of the application, the following motion was made:

That the Advisory Planning Commission recommend approval of the application subject to incorporating the recommendations of the geotechnical study.

Carried Unanimously

4. Application to rezone lands from C-2 and R-2 to a zone that would permit a seven lot subdivision (Rezoning Application No. 1-G-10RS Laird)

Hal Laird, Gregory Smith and Keith Christie were present to speak to this item.

Mr. Laird provided a brief overview of the application and all three attendees responded to a variety of questions from the APC members relating to such

things as land dedication, public access through the development, storm and sanitary sewer plans for the development and the relationship of the development to adjacent lands.

Following discussion of the application, the following motion was made:

That the Advisory Planning Commission provide the following comments with respect to this rezoning application:

- *Given the parkland dedication to the CVRD which forms part of the development proposal the APC believes there is significant public benefit associated with this application and the Commission would support a rezoning to R-3 and density averaging to permit the creation of the seven residential lots proposed.*
- *The development should provide for a public access easement from Chemainus Road to Stocking Creek Park utilizing the internal road and a walkway adjacent to one of the lots fronting on the ravine.*
- *The potential of designing the development's sewage treatment system and storm water drainage plan to allow for the tie-in of the existing parcel to the north should be investigated.*
- *A sanitary sewer management operational plan should be prepared that ensures the septic treatment system will be operated in a responsible manner following completion of the development.*
- *A storm water management system for the development (as well as the lot the north) should be prepared which ensures that there is no damage from run off to the adjacent natural area and no negative environmental impact on Stocking Creek.*
- *There is a need to examine land use policy for that portion of the lot to the north which abuts proposed residential lots SL1, 2, 3 and 7 to ensure compatible development.*
- *The proposed rezoning should be examined in the context of the visioning study for Saltair's commercial core undertaken by the APC and the Saltair Ratepayer Association and, to the extent appropriate, recommendations of that study incorporated into the proposed development.*

Carried Unanimously

5. Comments with respect to the Ocean Shoreline Development Permit Area

Given the APC's experience with and concerns about the operation of the Ocean Shoreline Development Permit Area the APC would like to make the following recommendations to the CVRD:

1. that the CVRD be requested to notify property owners in the DP area of the need for development permits for retaining walls and other activities within this area;
2. that contractors, and Saltair Marine in particular, be advised about the need for DP's for this kind of work;
3. that amendments to the Ocean Shoreline DP requirements be considered to include, where appropriate, a requirement for an application to spell out how the development is to be constructed (e.g., in the APC's experience the impact on the natural terrain required to construct a path to the beach was significant enough to question whether the development should have been approved);
4. that consideration be given to including a more precise definition in the DP regulations as to what constitutes a trail (again, in the APC's experience an application to construct a trail to the beach resulted in a much wider path than the Commission thought would occur).

Ted Brown
Chairman
Saltair Advisory Planning Commission

IN 8

Feb 3rd, 2011

7:00 p.m.

Minutes of the Electoral Area B Advisory Planning Commission held on the above noted date and time at Shawnigan Community Centre .

Present:

APC members: Chair Graham Ross-Smith, Vice-Chair Sara Middleton, Carol Lane, recording secretary Cynara de Goutiere, Roger Painter,

Absent: John Clark Rod MacIntosh

Delegation: Daryl and Deborah Conner

ORDER OF BUSINESS

1) Introductions.

3) Presentation from Daryl and Deborah Conner on Application 2-B-10RS. Powerpoint presentation outlining the proposed tenor of the Riverside Restaurant and Beach House project. Heritage house was bought in the fall of 2010 with the intent of making a teahouse and expanded to a restaurant featuring "slow food", with local, organic and heritage consciousness. Parking, septic system issues, water availability and traffic egress is all under consideration and options are being explored. MOTI has been consulted, but answers are still forthcoming. Riparian Area Regulations have been addressed.

4) Minutes.

Motion to accept minutes of November 2010 meeting. **Motion seconded and carried.**

5) Discussion. Application 2-B-10RS

John Clark's notes were read, which concurred with APC members' thoughts:

DP Area and limited C2 zoning in this Shawnigan Creek watershed, would be appropriate, as would attention to water needs and traffic questions.

Motion that APC recommend Application 2-B-10RS be approved subject to the following:

- Limited C2 Zone which would take into consideration the environmental sensitivity of the lot, and with allowable uses from the Bylaw limited to 1, 2, 3 (with limiting to table service only), 4, 14, and 15.
- Shawnigan Village Commercial DPA should extend to this area.
- MOTI communication and recommendations be completed in regards to entrance and egress and speed zones.

Motion seconded and carried.

6) Discussion on general APC housekeeping business. CVRD to be quizzed on the question of APC's being proactive (Graham to do).

Discussion on querying CVRD on the definition of Mobile Home Park in the zoning bylaw. Graham will write letter.

7) Meeting adjourned.

IN9

Area "E", APC meeting, January 20, 2011
Glenora Community Hall, 7:00 pm

Present: Frank McCorkell(chair), Keith Williams, Ben Marrs, David Tattam
Also Present: Director Duncan

Application-2-E-10RS, Michelle Young and David Pywell
Rezoning application.

Presentation, questions, debate, motion
Questions and concerns were discussed as to precedent of spot-zoning.

***APC supports the application based on the individual characteristics of
This application which does not necessarily support a desire for a major
change in our R-1 zoning.***

Motion- 3 support, 2 against

Application-1-F-10RS, David and Val Hignell
Rezoning application.

Presentation, questions, debate, motion
Debate on commercial zoning, pro-con.

APC supports rezoning application if it all goes to residential zoning.

Motion-unanimous support

Adjourn.

IN 10



CVRD

MINUTES OF ELECTORAL AREA I (Youbou/Meade Creek) AREA PLANNING COMMISSION MEETING

DATE: December 7, 2010

TIME: 7:00pm

MINUTES of the Electoral Area I Planning Commission meeting held on the above noted date and time at the Youbou Upper Community Hall, Youbou, BC. Called to order by Chairperson Mike Marrs at 7:00pm.

PRESENT:

Chairperson: Mike Marrs

Vice-Chairperson: George deLure

Members: Jeff Abbott, Shawn Carlow, Gerald Thom

ALSO PRESENT:

Director: Klaus Kuhn

Recording Secretary: Tara Daly

REGRETS:

Erica Griffith, Pat Weaver

GUESTS:

Michael Dix, Terry Coughlin

AGENDA:

It was Moved and Seconded to accept the agenda.

MOTION CARRIED

MINUTES:

It was Moved and Seconded to accept the minutes of November 2, 2010 as circulated.

MOTION CARRIED

DELEGATIONS:

• **APPLICATION NO: 3-I-1DP/RAR (Dix) – Billy Goat Island**

M. Dix observed that Ted Burns noted there would be no impact on the fish; septic fields (Type 3) are approved for both sites (Eagle Engineering); considering withdrawing the application for the second dwelling; proposing one (either) end of the island as parkland to be purchased by Area I (Youbou/Meade Creek) Parks; would consider selling the entire island for parkland; have spoken with TimberWest about purchasing the bottom of the lake in a way that would make the land mass a rectangle around both islands changing the positioning of the 164m mark; hydro would come down ROW (Grace Road) with CVRD having to agree to maintain the ROW; frustrated in the length of time the application is taking to process; have given CVRD staff two months for an answer

Commission asked if the site plan was proper (no); what's the height of building site (the knoll is about 1m above 200 flood plane according to the rough staking/elevation markings); Commission felt that, on either proposed site, a major bend in the SPEA would be required

It was Moved and Seconded by Area I (Youbou/Meade Creek) APC, based on public sentiment and long-standing motions regarding the enforcement of the SPEA, not to support Application 3-I-10DP/RAR (Dix) and recommends denial by the CVRD Board of Directors.

MOTION CARRIED

• **APPLICATION NO: 4-I-10DP/RAR (Coughlin)**

The property has been in the family for thirty (30) years, bought before current SPEA and RAR in effect; felt Coonskin Creek was moved to allow a buffer for Youbou Bar & Grill, would be a seasonal residence (but not RV) meeting CVRD requirements, small plateau (approximate size 24X24) is the proposed site, retaining wall would need to be put in for the installation of a driveway;

Commission concerns are the entire property is within the SPEA, grade of the land, stability of the bank, site-lines for highway access are dangerous, tree removal would put a lot of pressure on the soil

There is a specific clause within the RAR regulations known as 'hardship', which must be supported by CVRD, MoE/DFO which may be an avenue to pursue

It was Moved and Seconded by Area I (Youbou/Meade Creek) APC, based on public sentiment and long-standing motions regarding the enforcement of the SPEA, not to support Application 4-I-10DP/RAR (Coughlin) and recommends denial by the CVRD Board of Directors.

MOTION CARRIED

NEW BUSINESS

It was Moved and Seconded by Area I (Youbou/Meade Creek) APC that highwater and SPEA measurements should be pinned and flagged on Mann property on north side of Bald Mountain, along with installation of a snow fence along the SPEA border, enforcing motion made when Mann property development was approved

AND FURTHER THAT

any future developments be surveyed, flagged, and fenced along the SPEA boundary, if applicable, as part of DP requirements.

MOTION CARRIED

ANNOUNCEMENTS:

- **Next Meeting** at the call of the Chairperson

The meeting was adjourned at 8:40pm

/s/ Tara Daly
Secretary

IN 11

Area A Advisory Planning Commission Minutes

8 February 2011 at 6:30 PM

Mill Bay Fire Hall

Present: June Laraman, Geoff Johnson, Deryk Norton, David Gall, Ted Stevens, Archie Staats, Margo Johnston, Cliff Braaten, Brian Harrison (Director, Area A), Roger Burgess (Alternate Director, Area A) and Mike Tippett (Manager, Community & Regional Planning, CVRD)

Regrets: Dola Boas

Audience: 23 public representatives

Meeting called to order at 6:30 pm.

Previous minutes:

It was moved and seconded the minutes of 14 December 2010 meeting be adopted.

MOTION CARRIED

New Business:

Rezoning Application No. 3-A-10RS (Johnston for Gill)

Purpose: to rezone the subject property to permit commercial and residential uses, including a service station, card lock, and 30 traditionally constructed frame homes.

Mike Johnston, the applicant presented an overview of the property and answered questions from APC members.

- Property access has a large right of way owned by MoT and BC Hydro (Transmission line Right-of Way)
- Site would be divided into 2 sections, multifamily residential and a neighbour commercial centre.
- Space for septic system on property.
- Provide 30 affordable homes.
- Provide parking for a Park and Ride.
- Held a community public meeting. The Area A APC was provided with a package of signatures that had been solicited by the applicant at an sponsored open house. The package included 25 resident and/or business owner addresses within the Shawnigan Lake area who indicated they supported the rezoning request.
- Amenities and Benefits to the community
 - Provided land for a new fire hall which is not needed although upgrades to existing fire hall would be given.
 - Kerry Park assisted.
 - Park and Ride space.
 - Services close to South Shawnigan residents.
 - Well on site would not affect the existing aquifer or water line from Shawnigan Lake:
 - provide water for fire hydrants
 - home owner fire insurance rates for would decrease

Nadine King, transportation engineer, *Boulevard Transportation Group* provided information on proposed road access and traffic concerns then answered questions from APC members.

- No light at intersection onto Hwy 1 due to 8% grade.
- Traffic survey conducted September 2010 indicated at existing peaks 6:15 - 7:15 am Shawnigan Lake Road right turn 227 (F rating) left turn 9 (A rating) 4:15 - 5:15 pm Shawnigan Lake Road right turn 116 (D rating) left turn 12 (B rating).
- 21 collisions in 5 years at this intersection. Prone to collisions.
- Project would add 150 vehicles to the intersection daily (112 commercial and 38 residential vehicles) both peak hours times would have an F rating.
- Improvements:
 - Right turn onto Hwy – provide an acceleration lane and raised island – this would assist with the merging problem turning right onto the TCH.
 - Have not contacted MoT about the changes recommended at the intersection.

APC Discussion with Presenters:

- MoT is looking at the intersection - traffic study conducted in September 2010. Does not want to install a traffic light.
- Traffic growth is estimated 2% per year eventually this roadway will max out for vehicles.
- Acceleration lane would be on MoT land.
- Spectacle Lake residents using commercial and/or Park and Ride – more left hand turns onto TCH – no traffic light due to grade.
- Effect of vehicles using Park and Ride – this traffic was not included in count. Safe left turns across 2 lanes Hwy. Traffic – is a problem and not addressed.
- No structures on Park and Ride will allow for road and parking.
- No indication that MoT will approval the road change recommendations.
- *West Arm* is the owners company's name.
- Applicant has not heard from Parks Commission regarding their application.
- Pond on property is from runoff – add culvert from pond and improve the ditch line so water runs to Hwy instead of forming a pond.
- Park and Ride maintained by BC Transit. Could create a lot of traffic and a lot of left and right hand turns.
- Plan to build own sewage treatment plant. Applicant is willing to turn plant over to the CVRD.
- Lot size is 6000 Sq. Ft. (520 Sq. M.).
- BC Hydro owns right of way - can't build structures but can put in roads and parking.

APC Questions to Mike Tippett:

Explained Zoning and Policy implications:

- Commercial Policy Context - Page 5, Policy 8.4.6 states "An Official Community Plan amendment would be required.
- Commercial Zoning - Page 4, C-2 zoning instead of C-1? C-2 offers a wider range of commercial uses e.g. drive thru.
- Current zoning of property is R-1 Rural residential – 2 ha (4.94 acres) minimum lot size.
- Current OCP encourages C-1 Service Commercial thus discouraging adding additional commercial uses along TCH.

APC Comments:

Traffic

- Card locks are for trucks – one lane upgrade not adequate for trucks turning off the TCH.
- Safety concern for trucks with trailers travelling north turning left onto Shawnigan Lake Road to access this site.
- Park and Ride traffic problem – all vehicles need to go out – safety issue for Spectacle Lake residents would be turning left.
- Creating serious traffic problems – more collisions - more Malahat closures.

Residential

- High-density – influx of families – long way from schools – busing a concern.
- Affordable housing needed – this is a questionable location with no place for children to play.
- May create affordable housing for seniors but what would they do there?
- No provisions for children – no green space. A school bus would need to make a left hand turn as all schools are located to the north.

General

- Too much diversity.
- Too dangerous.
- Very little is being contributed to the community.
- Commercial development is minimal and not all that attractive to Shawnigan Lake community.

At the request of the APC chair, the Shawnigan Lake SCOCP APC (4 members) provided the following comments pertaining to the application:

Plus

- Park and Ride.

Negative

- Stopping for convenience items on the way home in PM involve left hand turns which will be more prevalent than use of the convenience store in the morning.
- Gas station – on the wrong side of the road and too close to the highway.
- Fire hall – good for South Shawnigan but not for servicing Spectacle Lake, Bamberton or Mill Bay which would require the fire trucks to make a left hand turn onto the TCH and then proceed up hill.
- Northbound traffic on TCH – turns left at intersection creating a dangerous situation anything that further aggravates the situation should be discouraged.
- Affordable housing – should be closer to town centres where there are the necessary "walk to" amenities.
- Service Station - already a service station near Malahat Inn.
- Traffic light – would be too dangerous to stop TCH traffic going downhill particularly in bad weather.

The APC chair also pointed out that the draft SCOCP recommends that:

- No commercial or residential in this area.
- Residential growth should be focused within the Village Containmentment.

APC Recommendations:

The Area A APC unanimously recommends to the CVRD **Rezoning Application No. 3-A-10RS (Johnston for Gill)** not be approved.

Development Permit Application 5-A-10DP (Limona)

Purpose: Application for a development permit to construct 261 single family residential units and 33 multiple family residential units on two parcels of the Stonebridge lands.

CVRD Overview:

Mike Tippett explained:

- In revised application only the open spaces that are part of the riparian area are proposed to be dedicated to the CVRD as parkland.
- Proposed pedestrian bridge across the creek would be conditional upon approval of adjacent landowner – the same landowner as the subject lands.

- MoT information received, Monday, February 8th indicated the development required a secondary public access road.
- Alteration to open spaces and road access – significant changes to original proposal.

Mike Johnston, the applicant wanted to proceed with his overview, as his proposal meets the OCP (pgs 77-89) guideline for the environment aspects. He stated that the APC did not need to be concerned with the “technical aspects” of the Development Permit application.

Mike Tippett stated a developer can't pick and choose guidelines they apply under for a development permit.

It was moved and seconded **Development Permit Application 5-A-10DP (Limona)** be referred back to the CVRD Planning Department to evaluate the apparent non-compliance of the Limona Development Permit application with the development permit guidelines outlined in the Area A OCP.

MOTION CARRIED

APC Recommendations:

The Area A APC unanimously recommends to the CVRD **Development Permit Application 5-A-10DP (Limona)** be referred back to the CVRD Planning Department for review and evaluation.

Meeting Adjournment:

It was moved and seconded the meeting be adjourned.

MOTION CARRIED

Meeting adjourned at 8:13 pm.

The next regular meeting will be at 6:30 pm, **8 March 2011** at Mill Bay Fire Hall.



MEMORANDUM

DATE: February 7, 2011

TO: Tom R. Anderson, General Manager, Planning and Development Department

FROM: Brian Duncan, Chief Building Inspector

SUBJECT: BUILDING REPORT FOR THE MONTH OF JANUARY, 2011

There were 32 Building Permits and 0 Demolition Permit(s) issued during the month of January, 2011 with a total value of \$ 3,403,420

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"				1,093,670	39,000		8	8	1,132,670	1,132,670
"B"					93,010		3	3	93,010	93,010
"C"				198,030			1	1	198,030	198,030
"D"				629,650	500		7	7	630,150	630,150
"E"				216,740	10,500		5	5	227,240	227,240
"F"				158,500	89,100		2	2	247,600	247,600
"G"					3,000		1	1	3,000	3,000
"H"				261,920			1	1	261,920	261,920
"I"				529,800	80,000		3	3	609,800	609,800
Total	\$ -	\$ -	\$ -	\$ 3,088,310	\$ 315,110	\$ -	31	31	\$ 3,403,420	\$ 3,403,420

B. Duncan, RBO
 Chief Building Inspector
 BD/db

NOTE: For a comparison of New Housing Starts from 2008 to 2011, see page 2
 For a comparison of Total Number of Building Permits from 2008 to 2011, see page 3

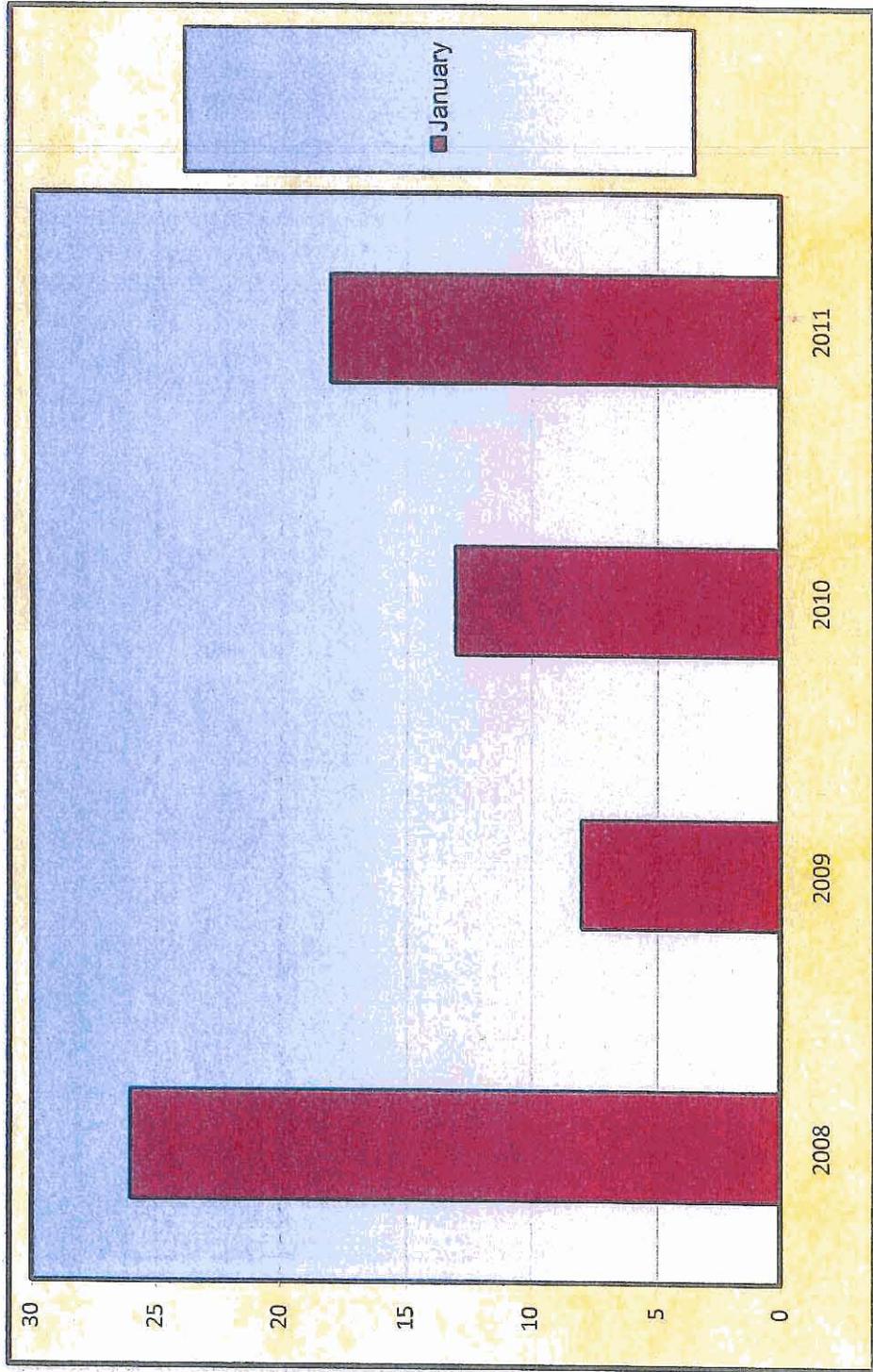
IN 12



CVRD

Total of New Housing Starts

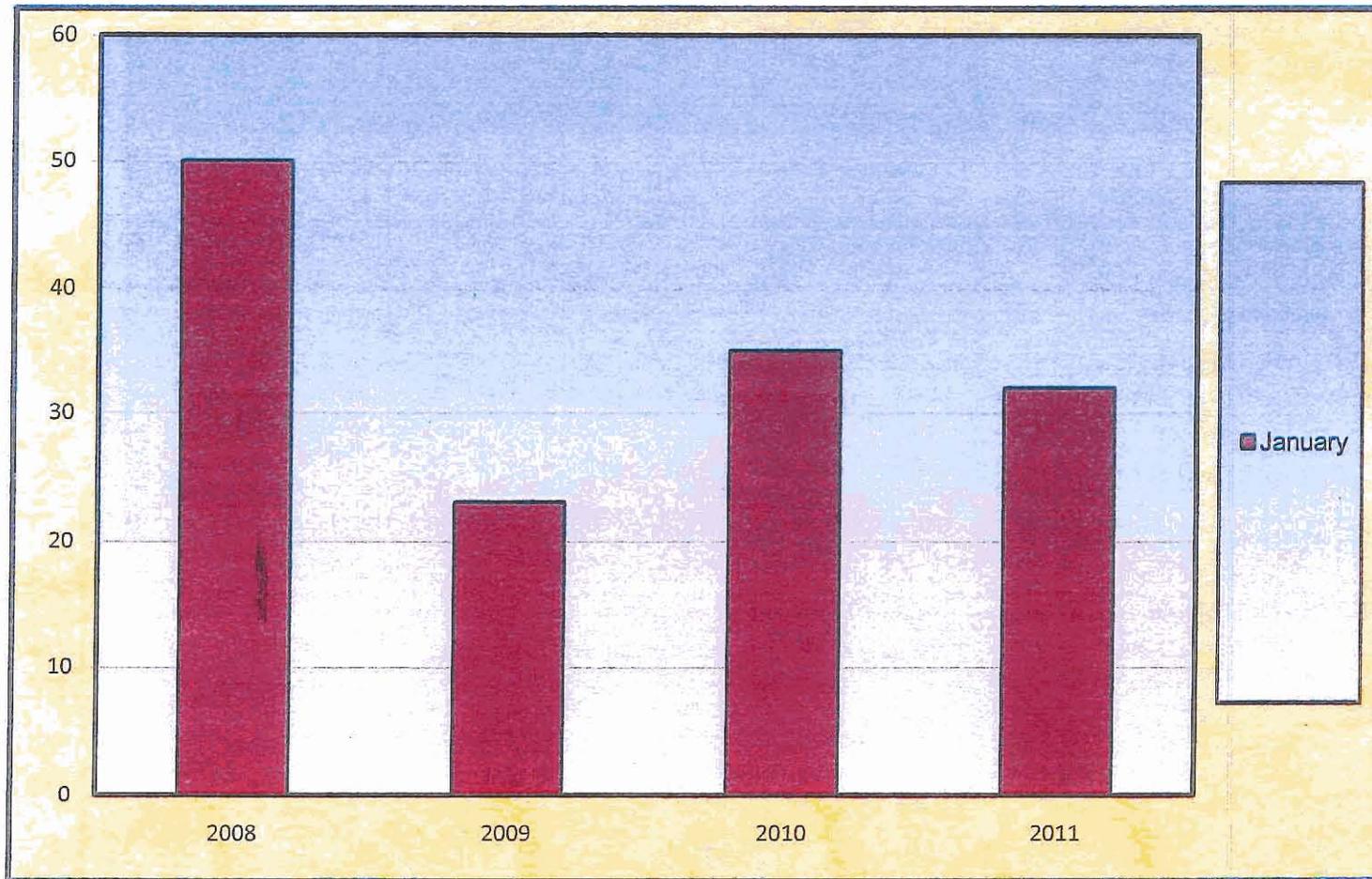
	2008	2009	2010	2011
January	26	8	13	18
YTD Totals	26	8	13	18





Total Building Permits Issued

	2008	2009	2010	2011
January	50	23	35	32
YTD Totals	50	23	35	32



NB1

Notice of Motion:

That the EAS Directors request that the Chair separate the present Engineering Committee into two separate committees.

One to deal with Regional issues.

One to deal with Electoral Area issues.

Loren Duncan