



## ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,  
April 19, 2011  
Regional District Board Room  
175 Ingram Street, Duncan, BC

3:00 pm

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### A G E N D A

	<u>Pages</u>
1. <b><u>APPROVAL OF AGENDA</u></b>	1-2
2. <b><u>ADOPTION OF MINUTES</u></b> M1 Minutes of April 5, 2011 EASC Meeting	3-10
3. <b><u>BUSINESS ARISING FROM MINUTES</u></b>	
4. <b><u>DELEGATIONS</u></b> D1 District of North Cowichan Planning staff regarding draft OCP	11-15
4. <b><u>STAFF REPORTS</u></b> R1 Rob Conway, Manager, regarding Application No. 3-I-10DP/RAR (Applicant: Michael Dix)	16-100
R2 Rob Conway, Manager, regarding Application No. 1-H-10DVP (Applicant: Brian McCullough) – referred from April 5 <sup>th</sup> EASC	101-147
R3 Alison Garnett, Planner II, regarding Application No. 2-F-10DVP (Applicant: Brenda and Randy Decksheimer)	148-175
R4 Rachelle Moreau, Planner I, regarding request for Accessory Building Fixture (Applicant: Ben Maartman)	176-185
R5 Mike Tippett, Manager, regarding CRD draft OCP GHG amendments	186-222
R6 Tom Anderson, General Manager, regarding New Agricultural Zone For Electoral Area E	223
5. <b><u>CORRESPONDENCE</u></b> C1 Grant in Aid Request – Area E – Cowichan Station/Sahtlam/Glenora	224-225
6. <b><u>INFORMATION</u></b> IN1 March 2011 Building Report	226-227
IN2 Minutes of Area C Parks and Recreation Meeting of April 7, 2011	228-229
IN3 Minutes of Area I Parks meeting of February 8, 2011	230-232

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**7. NEW BUSINESS****8. PUBLIC/PRESS QUESTIONS****9. CLOSED SESSION**

Motion 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.

<b>CSM1</b> Minutes of Closed Session EASC meeting	233
<b>CSM2</b> Minutes of Closed Session Parks meeting	234
<b>CSR1</b> Land Acquisition (Section 90(1)(e))	235-243
<b>CSR2</b> Legal Opinion (Section 90(1)(i)) – Verbal Update	

**10. ADJOURNMENT**

**NOTE: A copy of the full agenda package is available at the CVRD website [www.cvrld.bc.ca](http://www.cvrld.bc.ca)**

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Director L. Iannidinardo  
Director K. Cossey  
Director I. Morrison

Director M. Marcotte  
Director G. Giles  
Director K. Kuhn

Director B. Harrison  
Director L. Duncan  
Director M. Dorey

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, April 5, 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 M. Marcotte  
 Director L. Duncan  
 Absent: Director K. Cossey

**CVRD STAFF**

Tom R. Anderson, General Manager  
 Brian Farquhar, Manager  
 Mike Tippet, Manager  
 Rob Conway, Manager  
 Brian Duncan, Manager  
 Rachelle Moreau, Planner I  
 Alison Garnett, Planner II  
 Nino Morano, Bylaw Enforcement Officer  
 Warren Jones, Administrator  
 Cathy Allen, Recording Secretary

**APPROVAL OF AGENDA**

The Chair noted changes to the agenda which included adding two new listed items of new business, two additional items of new business and one closed session listed item of new business.

It was Moved and Seconded that the agenda be amended be approved.

**MOTION CARRIED**

**MINUTES**

It was Moved and Seconded  
 That the minutes of the March 15, 2011, be amended by changing page 6, item C1-C6, grants-in-aid, first bullet, "Electoral Area C – Cobble Hill" to "Electoral Area A – Mill Bay/Malahat", and that the minutes, as amended, be adopted.

**MOTION CARRIED**

**BUSINESS ARISING**

Director Giles requested that the resolution on Page 5, item R10 (File 2-C-10DVP) be reconsidered and referred back to staff.

It was Moved and Seconded  
 That the resolution passed at the March 15, 2011 EASC meeting regarding proposed change to covenant language concerning a vegetative screen (Application No. 2-C-10DVP, South Cowichan Storage Ltd.), be reconsidered, and referred back to staff.

**MOTION CARRIED**

## DELEGATIONS

### D1 - Gallagher

Brandy Gallagher, delegate, was not present. A request has been made by OUR Ecovillage to be allowed a special allowance for a fund raising event similar to the event in Cowichan Bay that was recently approved by the CVRD.

Director Giles advised that Director Cossey asked her to move a motion, in his absence, to approve the request.

It was Moved and Seconded

That the request by O.U.R. Ecovillage to hold a multicultural music and community development fundraising event titled "Nheema North" to be held July 13<sup>th</sup> to 18, 2011, at the Ecovillage site, 1565 Baldy Mountain Road, Shawnigan Lake, be approved.

MOTION CARRIED

## STAFF REPORTS

### R1 - Carbonneau

Rob Conway presented staff report dated March 18, 2011, regarding Application No. 8-I-10DP/RAR/VAR (Ken Carbonneau) to allow replacement of an existing dwelling located at 10171 Youbou Road with a new single family dwelling.

The Committee directed questions to staff.

Ken Carbonneau, applicant, was present and provided further information to the application.

It was Moved and Seconded

That Application No. 8-I-10DP be approved, and that a development permit be issued to Ken Carbonneau for Parcel A (DD 27619W) of Lot 26, District Lot 22, Cowichan Lake District, Plan 4922 (PID: 006-016-651), with a variance to Section 3.20 of Zoning Bylaw No. 2465 to reduce the setback from a watercourse from 15 metres to 10 metres for the purpose of building a new single family dwelling, subject to the following:

- Strict compliance with the recommendations in Riparian Assessment Report No. 1777, submitted by Qualified Environmental Professional Trystan Willmott, of Madrone Environmental Services, on September 9, 2010;
- That the 10 metre SPEA be clearly demarcated with the use of flagging materials prior to commencement of development activities;
- The applicant providing a survey confirming compliance with approved setbacks.

MOTION CARRIED



**R2 - Kerravala**

Rob Conway, Manager, presented staff report dated March 28, 2011, regarding Application No. 7-A-10DP/RAR/VAR (Rohinton Kerravala) to construct a detached garage at 2434 Mill Bay Road within the Riparian Areas Regulation DPA and 1.25 metres from the side interior parcel line.

Rohinton Kerravala, applicant, was not present.

The Committee directed questions to staff.

It was Moved and Seconded

That application No. 7-A-10 DP/RAR/VAR be approved, and that a development permit with variance, be issued to Rohinton Kerravala for the construction of an accessory building 1.25 metres from the side interior parcel line on Lot A, District Lot 101, Malahat District, Plan 29059 (PID 000-182-141), subject to :

- compliance with the measures and recommendations outlined in RAR assessment report No. 1927 by Dave Munday, Golder Associates, including
  - Erection of temporary fencing along the top of bank of the ravine across the width of the property during construction activity
  - Construction of a permanent split rail fence along the top of bank once construction of the accessory building is complete to prevent future encroachment into the SPEA
- the applicant providing a survey confirming compliance with approved setbacks.

MOTION CARRIED

**R3 - Milford**

Alison Garnett, Planner II, presented staff report dated March 30, 2011, regarding Application No. 1-D-11ALR (Dwight Milford) to construct an additional residence at 5155 Samuel Road for farm help on the second story of a new agricultural building.

The Committee directed questions to staff.

Dwight Milford, applicant, was present.

It was Moved and Seconded

That Application No. 1-D-11ALR, submitted by Dwight Milford for Tanner Elton, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct an additional residence for farm help on the second story of an agricultural building be forwarded to the Agricultural Land Commission with a recommendation to approve the application.

MOTION CARRIED

**R4 - Morgan**

Rachelle Moreau, Planner I, presented staff report dated March 30, 2011, regarding application No. 3-E-10RS to amend the existing I-5 Zone to include "equipment repair, sales and rental" as a permitted use.

The Committee directed questions to staff.

Roger Morgan, applicant, was present and provided further information to the application.

It was Moved and Seconded

That Application No. 3-E-10RS (Wandering U. Inc.) proceed, and that proposed Zoning Amendment Bylaw No. 3465 be forwarded to the Board for consideration of first and second reading; and further that a Public Hearing be scheduled and Directors Duncan, Iannidinardo, and Giles be named as delegates of the Board.

MOTION CARRIED

**R5 - McCullough**

Rob Conway, Manager, presented staff report dated March 29, 2011, regarding Application No. 1-H-10DVP (Brian McCullough) to construct a single family dwelling with attached garage in the southern corner of the lot located at 4991 Reiber Road.

Brian McCullough, applicant, was present and provided further information.

Director Marcotte requested that the application be referred to the next meeting to investigate septic system concerns.

It was Moved and Seconded

That Application No. 1-H-10DVP (Brian McCullough) be referred to the next EASC meeting.

MOTION CARRIED

**R6 – Feasibility Study**

Mark Keuber, General Manager, provided an update on the feasibility study fund. He noted that the fund was established in 2004 for use by all nine electoral areas only.

A question and answer session ensued.

The Administrator stated that he will come up with some ideas to resolve Committee's concerns and report back.

**R7 – Town of Lake Cowichan OCP**

Mike Tippet, Manager, presented staff report dated March 29, 2011, regarding referral of Town of Lake Cowichan draft OCP.

The Committee members directed questions to staff.

It was Moved and Seconded

That the CVRD contact the Town of Lake Cowichan to congratulate them on their new draft Official Plan and advise that the CVRD supports the plan overall but respectfully requests that the reference in the plan to the possible annexation of industrial lands in the Meade Creek area be deleted from the text.

**MOTION CARRIED**

**R8 – Nanaimo Regional District OCP**

Mike Tippet, Manager, presented staff report dated March 29, 2011, regarding Nanaimo Regional District draft OCP.

Director Marcotte reported that she attended the public hearing where 1/3 of public attendees were from CVRD Area H. Main concern was shared watershed and aquifers. Director Marcotte requested that the CVRD express concerns to the RDN.

The Administrator suggested that staff contact Regional District of Nanaimo senior staff to advise that the CVRD Electoral Area Services Committee has discussed their draft OCP and advise of concerns regarding protection of aquifers and shared resources.

**CORRESPONDENCE**

**C1 to C6 – Grants in Aid**

It was Moved and Seconded

That the following grants in aid be approved:

- Electoral Area A – Mill Bay/Malahat in the amount of \$300 to Cobble Hill Farmers Institute to assist with advertising the 102<sup>nd</sup> annual Cobble Hill Fall Fair.
- Electoral Area A – Mill Bay/Malahat in the amount of \$1,500 to Frances Kelsey Secondary to provide three \$500 student bursaries for post secondary education.
- Electoral Area C – Cobble Hill in the amount of \$300 to Shawnigan Cobble Hill Farmers Institute to assist with advertising the 102<sup>nd</sup> annual Cobble Hill Fall Fair.
- Electoral Area C – Cobble Hill in the amount of \$500 to Cowichan Wooden Boat Society to assist with their 3<sup>rd</sup> annual prawn festival.
- Electoral Area D – Cowichan Bay in the amount of \$300 to Shawnigan Cobble Hill Farmers Institute to assist with advertising the 102<sup>nd</sup> annual Cobble Hill Fall Fair.
- Electoral Area B – Shawnigan Lake in the amount of \$300 to Shawnigan Cobble Hill Farmers Institute to assist with advertising the 102<sup>nd</sup> annual Cobble Hill Fall Fair.

**MOTION CARRIED**

**INFORMATION**

**IN1 – Riparian Areas Regulations**

Tom Anderson, General Manager, expressed concern regarding lack of government participation with riparian areas regulations. He requested that EASC members provide comments and concerns and then staff will provide a report with suggestions for improvements.

Roundtable discussion ensued. Suggestions included having the CVRD assume the responsibility to hire the QEP, and increase fines.

Director Kuhn left the meeting at this point.

**IN2 to IN5 - Minutes**

It was Moved and Seconded

That the following minutes be received and filed:

- Minutes of Area A APC meeting of March 8, 2011
- Minutes of Area G Parks meeting of February 14, 2011
- Minutes of Area C Parks meeting of March 16, 2011
- Minutes of Area G Parks meeting of March 8, 2011

**MOTION CARRIED**

**NEW BUSINESS**

**NB1 and NB2 – Grants in Aid**

It was Moved and Seconded

That the following grants-in-aid be approved:

- Electoral Area G – Saltair in the amount of \$500 to Saltair Ratepayers Association to assist with costs to build a fence on Saltair waterfront property for safety reasons.
- Electoral Area F – Cowichan Lake South/Skutz Falls in the amount of \$1,250 to Cowichan Lake Salmonid Enhancement Society to assist in funding fry salvage operations.
- Electoral Area F – Cowichan Lake South/Skutz Falls in the amount of \$1,250 to Cowichan Lake Lady of the Lake Society to assist with costs for the Lady of the Lake Ambassador Program.
- Electoral Area F – Cowichan Lake South/Skutz Falls in the amount of \$450 to Lake Days Celebration Society to assist with costs to sponsor the community breakfast during the 68<sup>th</sup> annual Lake Days event.
- Electoral Area F – Cowichan Lake South/Skutz Falls in the amount of \$3,000 to CIVC Community Radio to assist with costs in acquiring a Class A radio license.
- Electoral Area F – Cowichan Lake South/Skutz Falls in the amount of \$1,000 to Lake Cowichan Secondary School Dry Grad to assist with costs to sponsor dry grad team building adventure activities.
- Electoral Area F – Cowichan Lake South/Skutz Falls in the amount of \$500 to Lake Cowichan Secondary School to provide a bursary for a student residing in Area F.

**MOTION CARRIED**

**NB3 – Smart Metres** Director Morrison expressed concern regarding BC Hydro's plans to install smart metres at every residence in BC. He suggested that a resolution be taken to AVICC regarding concerns.

Director Giles suggested that further research be done and then send a resolution to UBCM instead.

Committee members expressed concern that UBCM would be too late.

**NB4 – Sign Bylaw** Director Duncan expressed concern regarding lack of regulations in the sign bylaw respecting LED/scrolling/flashing signs in Area E and suggested that an appropriate policy be created.

Mr. Anderson stated that staff needs to look at development permit controls and bring back a report to EASC.

Director Harrison questioned if the new South Cowichan OCP addresses sign concerns. Mr. Tippet advised that the OCP has a series of sign guidelines in the new OCP.

It was Moved and Seconded

That staff be directed to review the CVRD Sign Bylaw regarding existing regulations for LED signs and provide suggestions for amendments regarding flashing/scrolling signs, and that a report be brought back to the EASC.

MOTION CARRIED

**NB5 – Landscape bonds** Director Duncan expressed concern regarding lack of regulations respecting landscape bonds and suggested that an appropriate policy be created respecting landscape commitments and bond security.

General discussion ensued.

It was Moved and Seconded

That staff be directed to prepare a policy for consideration by the Committee and Board with respect to administering and dispensing of security for completion of amenities and/or site improvements per conditions of Development Permits or through other requirements as imposed by the Regional District (i.e. conditions of rezoning approvals).

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 5:40 pm.

**RISE**                      The Committee rose without report.

**ADJOURNMENT**              It was Moved and Seconded  
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 6:20 pm

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary

D1

COWICHAN VALLEY REGIONAL DISTRICT  
ADMINISTRATIVE SERVICES DEPARTMENT

REQUEST FOR DELEGATION

APPLICATION DATE:

APRIL 14 / 2011

NAME OF APPLICANT:

MUNICIPALITY OF NORTH COWICHAN

ADDRESS OF APPLICANT:

PLANNING AND DEVELOPMENT

PHONE NO.:

SCOTT MACK, DIRECTOR OF PLANNING

REPRESENTING:

Name of Organization

MEETING DATE:

APRIL 19th, 2011

COMMITTEE/BOARD NAME:

EASC

NO. ATTENDING:

3

NO. WISHING TO MAKE A PRESENTATION:

3 (TOTAL TIME: 20 min)

TOPIC TO BE PRESENTED:

DRAFT DISTRICT OF NORTH COWICHAN 2011 OFFICIAL  
COMMUNITY PLAN

NATURE OF REQUEST/CONCERN:

PROVIDE HIGHLIGHTS OF THE PLAN AND

INCLUDING ITEMS OF

MUTUAL INTEREST

Note: Once the request for delegation application has been favourably considered, presentations will be restricted to ten (10) minutes, unless notified otherwise.



## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 19, 2011

**DATE:** April 14, 2011 **FILE NO:** North Cowichan OCP  
**FROM:** Ann Kjerulf, Planner III **BYLAW NO:** N/A  
Community & Regional Planning  
**SUBJECT:** District of North Cowichan 2011 Official Community Plan (Bylaw 3450)

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**Recommendation/Action:**

That the Electoral Area Services Committee make a resolution concerning the District of North Cowichan 2011 Official Community Plan (Bylaw 3450).

**Relation to the Corporate Strategic Plan:** N/A

**Financial Impact:** N/A

**Background:**

The Municipality of North Cowichan has undertaken a review and update of its 2002 Official Community Plan (OCP). In accordance with the requirements of the Local Government Act, North Cowichan is undertaking a comprehensive consultation process, which includes both public consultation and referrals to affected agencies. OCP Bylaw 3450 received first reading from North Cowichan Municipal Council on February 2, 2011. North Cowichan Planning and Development staff are requesting feedback from the CVRD Board prior to proceeding to second reading.

The District of North Cowichan 2011 Official Community Plan is intended to serve three purposes. The plan:

- Sets out the community vision and values to guide decision making;
- States the primary goals of the OCP along with objectives and supporting policies to help meet the stated goals; and
- Identifies where coordination with neighbouring jurisdictions is needed.

The OCP is organized in four sections, including (Section I) guiding principles and planning context; (Section II) primary goals, objectives and policy directions; (Section III) strategy areas for implementation and monitoring; and (Section IV) appendices (maps and development permit area designations).

The draft North Cowichan Official Community Plan is available for review online at <http://northcowichan.fileprosite.com/Documents/DocumentList.aspx?ID=60504> (hard copies of the draft OCP were previously provided to those Directors whose electoral area boundaries coincide with the Municipality of North Cowichan (i.e Electoral Areas D, E, and G).



### **Discussion/Overview:**

Some of the key elements of Section II of the draft OCP that may be of particular interest to the CVRD include objectives and policies to:

- Protect rural landscape values (social, economic, ecological and aesthetic) through containment of urban development, buffering and waterfront protection;
- Designation of an Urban Containment Boundary (UCB) which includes both growth centre and future development areas (to accommodate expected population growth over the next 25 years);
- Identify Chemainus as a “growth centre”, immediately adjacent to Electoral Area G;
- Advocate for the development of a regional growth management plan or strategy that complements the North Cowichan OCP;
- Protect agricultural lands and support a working, productive landscape to enhance the local economy, food security and self-sufficiency;
- Consider the expansion of port facilities at the Crofton and Chemainus Industrial Waterfronts;
- Designate the Chemainus Community Waterfront, adjacent to Electoral Area G, as “recreational” for public access;
- Designate the Cowichan Estuary and Cowichan Bay waterfront as “Estuary”, adjacent to Electoral Area D, for the purposes of environmental restoration and protection and public access;
- Advocate for cooperation and coordination among agencies responsible for marine foreshore and upland resources and cooperate with appropriate agencies to enhance or restore fish habitat;
- Require 10% of units within major residential projects (10 units or more) to be designated for “affordable housing”;
- Encourage rental housing retention, and secondary suite construction and legalization;
- Work in partnership with other government agencies, the private sector, non-profit organizations and service agencies to ensure the provision of affordable housing for seniors or other special needs residents in North Cowichan.
- Incorporate public art into private and public developments;
- Encourage social development and inclusion, aging in place, and accessibility;
- Reduce automobile usage in North Cowichan by 20-30%;
- Work with the CVRD Regional Transit Committee to address priority public transit objectives including functioning of the Island Highway corridor through Duncan and south end of North Cowichan;
- Accommodate green infrastructure (street trees, rain gardens, sidewalks, trails) in road rights-of-way within the UCB;
- Create on-road and multi-use recreational trails that connect into adjacent CVRD Electoral Areas and continue to support CVRD in the development of the Cowichan Valley Trail;
- Coordinate with City of Duncan, Cowichan Tribes and CVRD Electoral Area E to manage the South End wastewater treatment plant and seek improvements and upgrades to wastewater systems; and
- Reduce volume of rainwater run-off (and maximize onsite rainwater retention with new development projects) through the use of absorbent landscaping, swales, rain gardens, pervious paving, green roofs, infiltration trenches).

Section III of the draft OCP speaks to how the plan goals and objectives may be achieved. This includes: regulatory measures, partnerships, direct spending and advocacy or lobby measures. Community engagement and involvement is recognized as an integral component of plan implementation. The draft OCP speaks to how the Municipality can engage its community members through improved technological capacity, improved communications about development proposals and ways of including neighbourhood and other interest groups in public consultation processes. The draft OCP also includes language around partnerships and working cooperatively with other agencies, governments and First Nations.

With respect to implementation of the plan, the draft OCP includes progress measurable/indicators that can be monitored over time in order to evaluate the effectiveness of the plan and also to prepare annual monitoring reports for residents of the Municipality. Further to this, municipal work programs will be structured and adjusted to respond to results of prior activities and recommendations of monitoring reports. A comprehensive plan review is anticipated within a 10-year period.

Development Permit Area (DPA) and Development Approval Information Area (DAIA) designations are contained within the Appendices to the draft OCP. Under Section 919.1(1) of the Local Government Act, the Municipality has designated the entire district as a development permit area and all development, unless exempted, requires a development permit. Justification for this designation is that the OCP is structured around five core guiding principles: sustainability, economic opportunity, smart growth, healthy and safe community, and community engagement.

Other DPAs have been designated as follows:

- Crofton Commercial;
- Chemainus Commercial;
- Marine Waterfronts (applies to commercial, industrial and multi-family uses within 100 m above and below the natural boundary);
- Natural Environment (applies to entire Municipality and includes 30 m from the natural boundary of watercourses, 30 m upland and seaward of the natural boundary of the ocean, all terrestrial habitat and endangered species protection areas, all wildlife trees, high vulnerability aquifer protection areas);
- Hazard Lands (slopes over 20%, wildfire interface, floodplains, coastal lands);
- Energy Conservation, Water Conservation and Greenhouse Gas Emission Reduction (applies to all lands zoned commercial, industrial, multi-family; and all residential lands within the UCB).

The entire Municipality has been designated a DAIA to require information about the potential impacts that a proposed activity or development might have on the community within a designated area. DAIA requirements are included in the draft OCP (Appendix 4). DAIA's are an appropriate complement to DPAs.

Comprehensive Development Plan areas are included in Appendix 7, and include:

- Herons Wood (39 ha site (formerly Evan's Farm) adjacent to Drinkwater Elementary School Site);
- The Cliffs (123 ha site on the northern slope of Mt. Tzouhalem);
- Chemainus Artisan Village (13.5 ha near the centre of Chemainus);
- Stonehill (53 ha site between the Properties and Coronation Hill and north of Providence Farm);


**Planning and Development Comments:**

Planning and Development staff have reviewed the draft North Cowichan Official Community Plan and have no significant concerns but would recommend the following:

- *Policy statements 2.5.7.4 (b) and (c), with reference to the South End Waste Water Treatment Plant and waste water system upgrades should include CVRD Electoral Area D; and*
- *A policy statement be included in the plan which speaks to coordination at a regional level on the development of affordable, supportive, and special needs housing policies and strategies.*

It would be appropriate for the Electoral Area Services Committee to make a resolution, including any comments or recommendations, concerning the District of North Cowichan 2011 Official Community Plan (Bylaw 3450).

Submitted by,

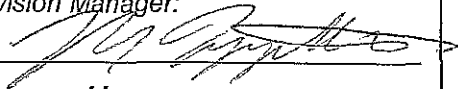


Ann Kjerulf, MCIP  
Planner III  
Community and Regional Planning Division  
Planning and Development Department

AK/ca

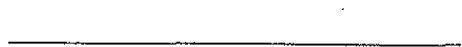
**Reviewed by:**

Division Manager:



**Approved by:**

General Manager:





R1

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE OF APRIL 19, 2011

DATE: April 13, 2011

FILE No: 3-I-10 DP/RAR

FROM: Rob Conway, MCIP  
Manager, Development Services Division

BYLAW NO:

SUBJECT: Application No. 3-I-10DP/RAR (Michael Dix)

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#### **Recommendation/Action:**

Committee direction is requested.

#### **Background:**

At the March 15, 2011 EASC meeting the Committee passed the following motion with respect to a development permit application for Island #4, Cowichan Lake in Area I:

***That Application No. 3-I-10DP/VAR by Michael Dix for a single family dwelling and associated development at Island #4, Cowichan Lake (Block 1455, Cowichan Lake District, as shown on Plan 40413) not be approved in its current form and that the applicant be requested to revise the proposal to substantially reduce the foot print of the proposed dwelling and encroachment into the SPEA, and further, that any approval include the following conditions:***

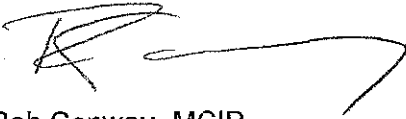
- 1. Authorization of the proposed SPEA encroachment by Department of Fisheries and Oceans and Ministry of Environment;***
- 2. Compliance with RAR Assessment Report #1910, as amended based on the reduced development footprint;***
- 3. On-site monitoring of construction by a Qualified Environmental Professional and submission of a post development report confirming compliance with the recommendations of RAR Assessment Report #1910 and any conditions of approval specified by the Ministry of Environment and Department of Fisheries and Oceans;***
- 4. Determination of the high water mark by legal survey and confirmation that the proposed building location is a minimum of 15 metres from the high water mark of Cowichan Lake;***
- 5. Installation of a "Type 3" or better sewage disposal system authorized by the Vancouver Island Health Authority.***

Since the March 15, 2011 meeting, the applicant has proposed revisions to the application as described in the attached schedules and drawings. The applicant has requested an opportunity to review and discuss to proposed amendment with the Committee.

In addition to the changes described in the attached material, the applicant is requesting a relaxation of the 15 metre waterfront setback on the south side of the island to avoid conflict with the identified septic field site and to reduce the visual impact of development from Youbou.

The changes that are proposed are still conceptual and would need to be formalized with an amendment to the RAR assessment report, variance notification and more detail about the location and design of the dwelling before an approval can be considered. If the Committee and applicant can agree on the general form and location of development, the application will still need to return to EASC once the additional information and detail is available.

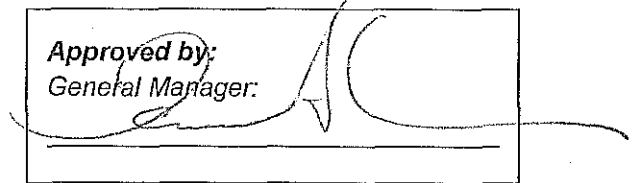
Submitted by,



Rob Conway, MCIP  
Manager, Development Services Division  
Planning and Development Department

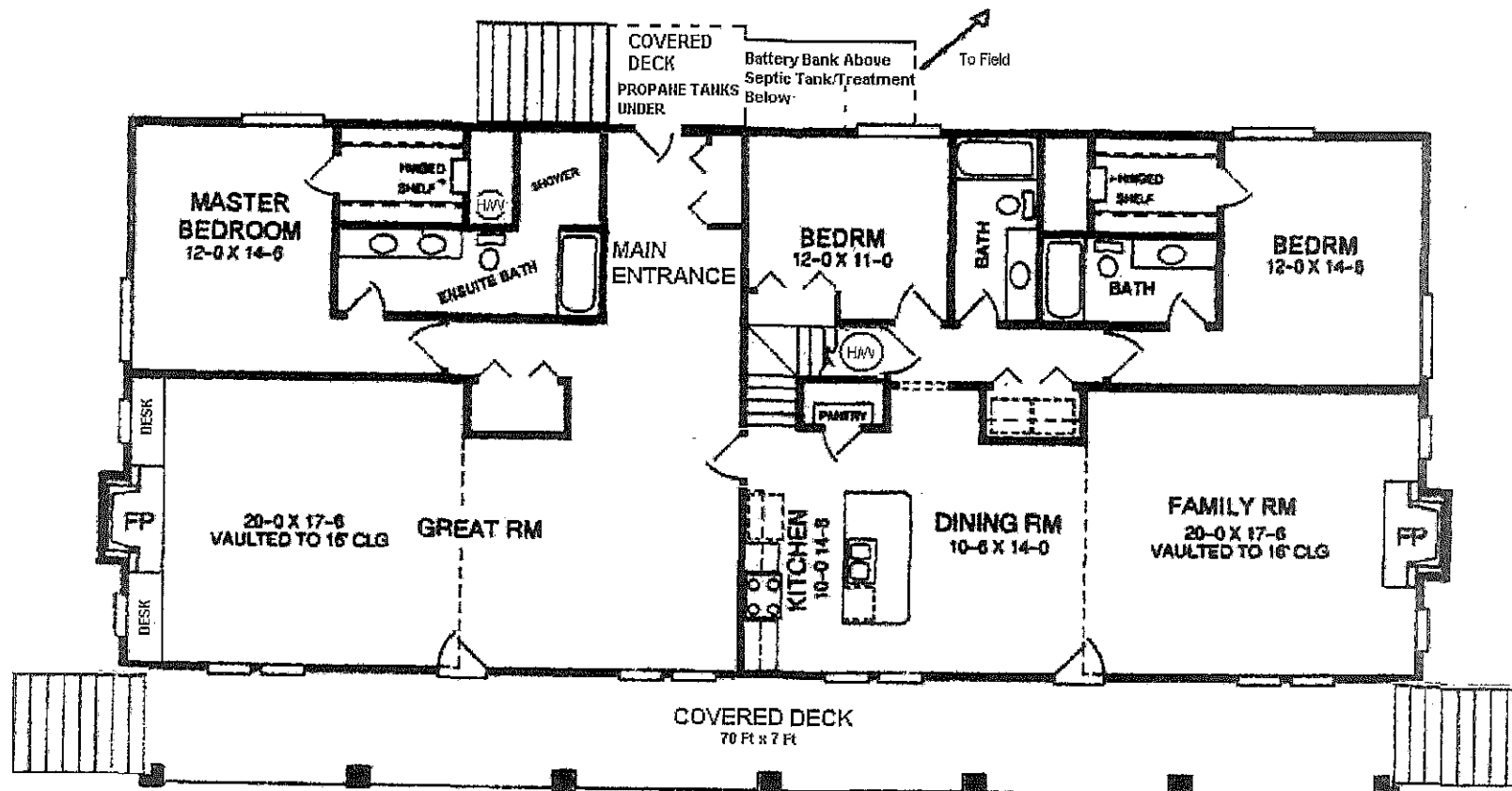
RC/ca

Approved by:  
General Manager:



## Island #4 DVP

- Application for a Primary Dwelling
- EASC Request to Revise the Footprint
- Spirit of Cooperative Compromise
- Relevance: Undue Hardship, No Identified Negative Impacts, QEP Report, Staff Report, Reasonableness
- Out of Scope: Park, Down-zoning, Building Permit, Unwarranted Delay

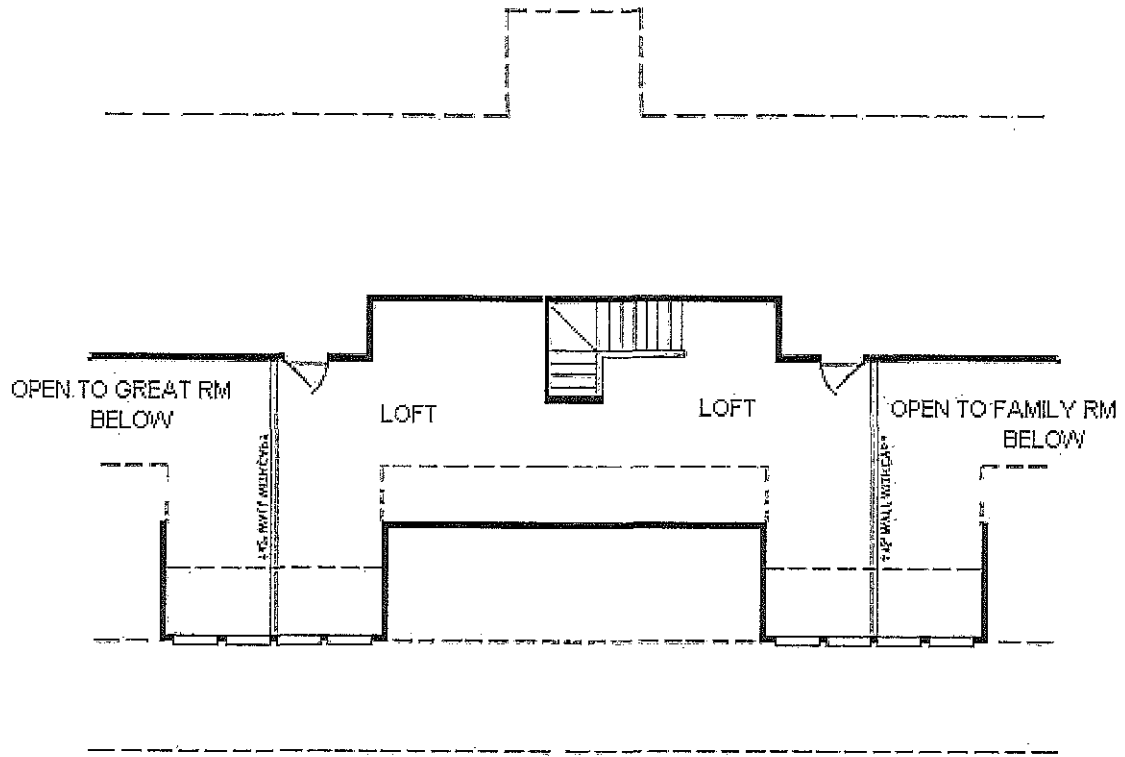


Proposed Building Footprint (v6)

Living Area: 2376 Sq Ft  
 72 Ft Wide x 33 Ft Deep  
 (22 m x 10 m)

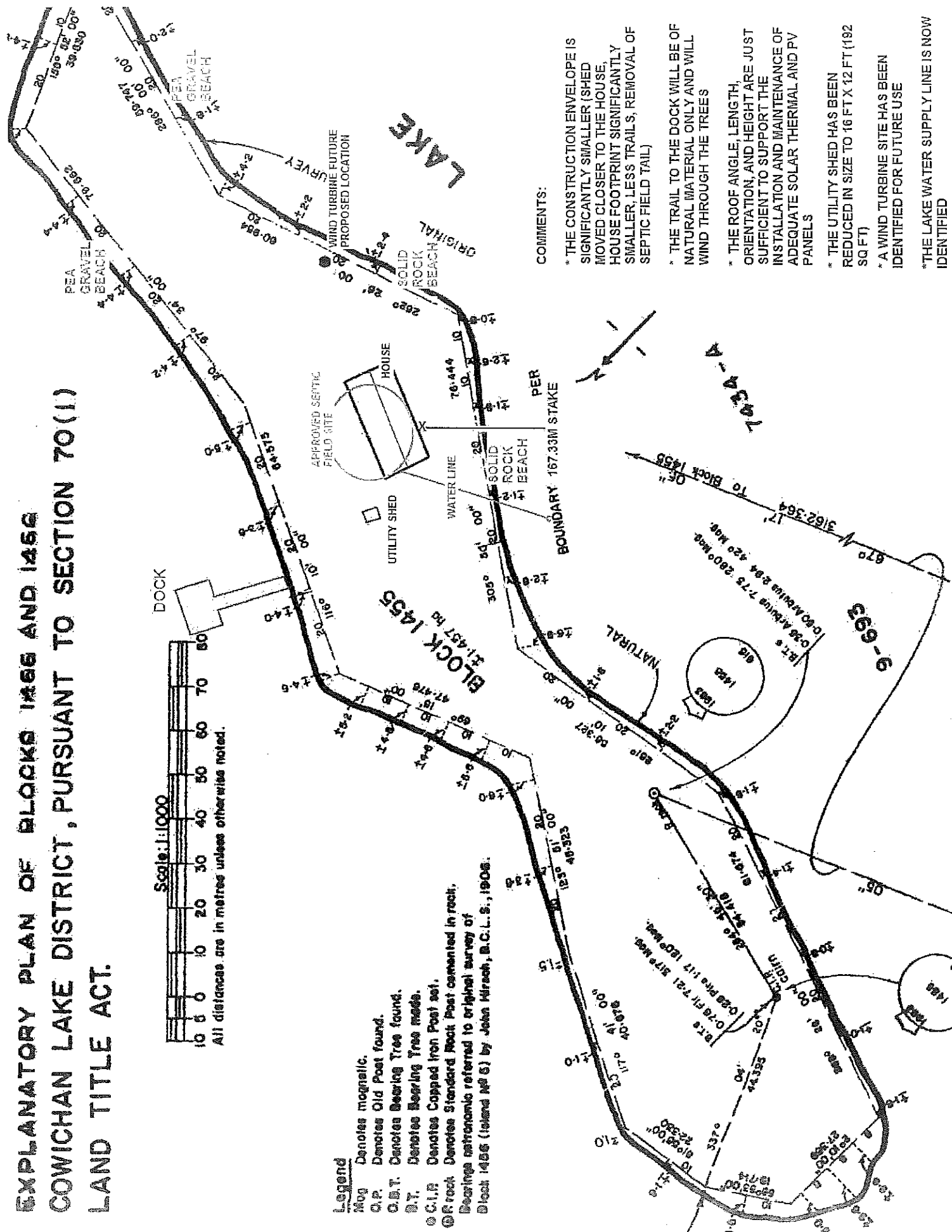
COMMENTS:

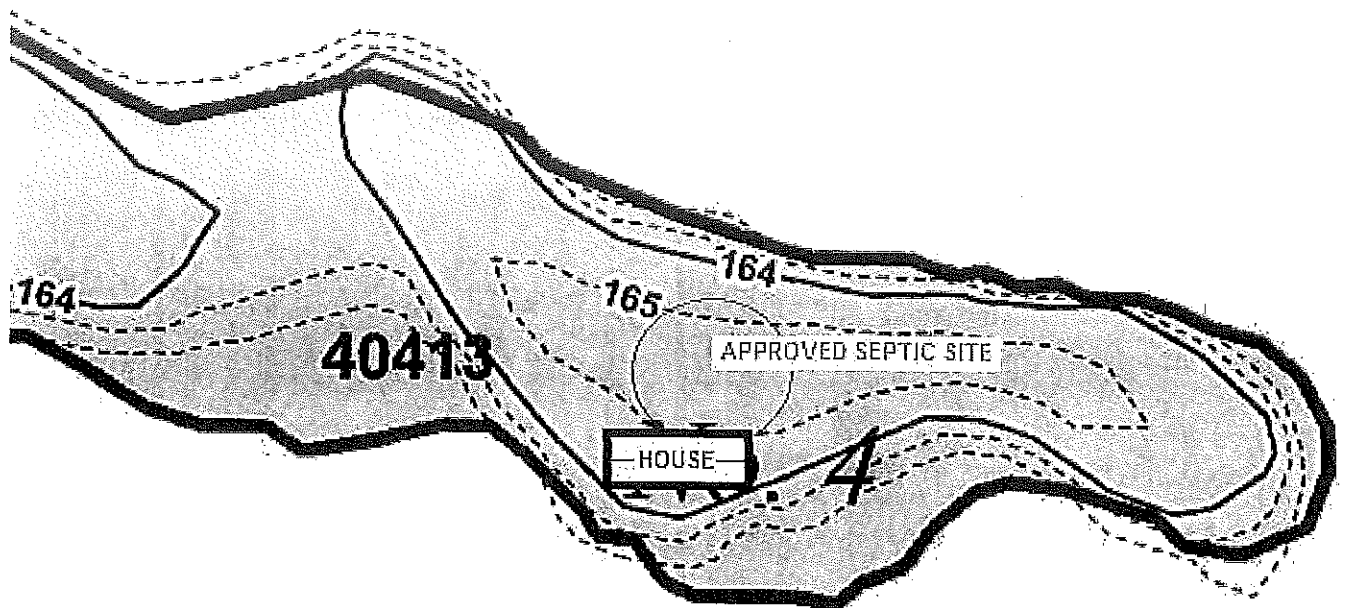
- \* REMOVED THE LARGE COVERED ENTRY PORCH AND THE SCREENED HALLWAY
- \* REMOVED 'V' SHAPE
- \* REDUCED LENGTH FROM 108 FT DOWN TO 72 FT
- \* REMOVED THE OFFICE AND ADDED BUILT-IN DESKS TO THE GREAT ROOM AS A COMPROMISE
- \* REMOVED ONE INTERIOR STAIRWELL AND THE WET BAR
- \* MAINTAINED THE SINGLE STOREY TO ENABLE AGING IN PLACE, TO ACCOMMODATE MOTHER WITH DISABILITIES, AND TO MINIMIZE VISIBILITY FROM YIOUBOU SHORELINE
- \* ROOFLINE REQUIRED FOR SOLAR THERMAL & PV PANELS, AND PASSIVE SOLAR HEAT
- \* FULLY COMPLIANT WITH LR-1 ZONING





# EXPLANATORY PLAN OF BLOCKS 1455 AND 1456 COWICHAN LAKE DISTRICT, PURSUANT TO SECTION 70(1) LAND TITLE ACT.





**CVRD ORTHO MAP: SEPTIC SITE -V- HOUSE SITE (BOTH COMPETE FOR THE HIGH LEVEL GROUND)**

TO AVOID ENCROACHMENT ON THE SEPTIC SITE, THE HOUSE SITE WOULD REQUIRE ZERO SETBACK FROM THE 164M MARK AT THE SE & SW CORNERS, AND 5M IN THE CENTRE

**BENEFITS OF THIS HOUSE SITING:**

- \* MINIMAL ENCROACHMENT ON THE SEPTIC SITE
- \* MAXIMIZES THE DISTANCE FROM THE TRUE RIPARIAN AREA ON THE NORTH SHORE
- \* THE HOUSE SITE IS AT THE HIGHEST & MOST PROTECTED POINT FROM HIGH WATER
- \* THE LEAST VISIBILITY FROM THE YOUNG SHORE (MOST TREE BUFFER AVAILABLE)
- \* IMPROVED EFFICIENCY OF SOLAR THERMAL & PV PANELS
- \* IMPROVED PASSIVE SOLAR GAIN



## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF MARCH 15, 2011

DATE: March 8, 2011 FILE No: 3-I-10DP/VAR  
FROM: Rob Conway, MCIP BYLAW No:  
SUBJECT: Development Permit Application 03-I-10DP/VAR (Michael Dix)

---

#### **Recommendation/Action:**

That application 3-I-10DP/VAR by Michael Dix for a single family dwelling and associated development at Island #4, Cowichan Lake (Block 1455, Cowichan Lake District, as shown on Plan 40413) be approved subject to the following conditions:

1. Authorization of the proposed SPEA encroachment by Department of Fisheries and Oceans and Ministry of Environment;
2. Compliance with RAR Assessment Report #1910;
3. On-site monitoring of construction by a Qualified Environmental Professional and submission of a post development report confirming compliance with the recommendations of RAR Assessment Report #1910 and any conditions of approval specified by the Ministry of Environment and Department of Fisheries and Oceans;
4. Determination of the high water mark by legal survey and confirmation that the proposed building location is a minimum of 15 metres from the high water mark of Cowichan Lake;
5. Installation of a 'Type 3' or better sewage disposal system authorized by the Vancouver Island Health Authority;

**Relation to the Corporate Strategic Plan:** N/A

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

#### **Background:**

**Location of Subject Property:** Billy Goat Island, Island #4

**Legal Description:** Block 1455, Cowichan Lake District, as shown on Plan 40413  
(PID: 000-121-924)

#### **Date Application and Complete Documentation Received:**

Initial Application Received January 15, 2010  
Variance request received March 22, 2010  
Amended application received February 9, 2011.

Owner: Michael Dix

Applicant: As above

Size of Parcel: ±1.45 hectares (3.6 acres)

Existing Zoning: LR-1

Minimum Lot Size Under Existing Zoning: 1 hectare

Existing Plan Designation: No designation

Existing Use of Property: Vacant Land

Existing Use of Surrounding Properties: Cowichan Lake

Services:

Road Access: Boat access only

Water: Lake Water

Sewage Disposal: Proposed on-site system

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

Environmentally Sensitive Areas: The subject property is located on Cowichan Lake, and is subject to the Riparian Area Regulation.

Archaeological Sites: The CVRD has no knowledge of an archaeological site on the subject property.

### **Application Context:**

An application for a development permit and variance was initially submitted by Michael Dix in January, 2010. The initial application was for two dwellings on "Billy Goat Island" or Island #4, which is located south of Youbou and east of Sa-Seen-Os Point on Cowichan Lake. The Island is approximately 1.46 hectares in area and is comprised of an east and west lobe separated by a low area that floods in winter. As the width of the island varies between about 25 and 47 metres, and the Riparian Area Regulation establishes a Streamside Protection and Enhancement Area (SPEA) of 15 metres on the north shore of Cowichan Lake (south shore of the Island) and 30 metre from the south shore of the Lake (north shore of the Island), almost the entire Island is covered by SPEA.

The initial application proposed two dwellings – one on the east lobe and one on the west lobe of the Island. The LR-1 (Lakefront Residential 1) zoning that applies to the Island permits a single family dwelling as a permitted use. A secondary dwelling unit is also permitted by zoning, but is required to be no closer than 60 metres from the natural boundary of the Lake. In order to obtain approval for the two dwellings, the owner required a development permit that would allow development within the SPEA for the two building sites and a variance to reduce the 60 metre setback for secondary dwelling unit from 60 metres to 15 metres.

The initial application was referred to the Area I APC, and notices were sent to adjacent property owners regarding the variance. The APC and some Youbou residents who responded to the notice were generally opposed to the variance. There was also general opposition any development on the Island. APC minutes and letters received in response to the application notification are attached to this report for the Committee's information.

In December, 2010, the applicant amended to the application to remove the variance request and the proposed secondary dwelling unit. The amended application removed all proposed development from the west lobe and focused on a single building site on the east lobe. This report addresses only the amended application and requests a development permit to authorize development within a SPEA.

### **Proposed Development:**

The single family dwelling is proposed approximately at the high point of the Island's west lobe. This is the widest part of the Island, where the approximate distance between the high water marks of the north and south sides of the Island is about 47 metres. There is a narrow 2 metre strip where the house site is proposed that is outside of the SPEA, but because of the narrow width of the Island, the majority of the house site is within the SPEA. Schedule 2 shows the proposed development relative to the riparian boundaries and high water mark.

The proposed dwelling is comprised of two detached wings connected by a covered porch and screened hallway. The footprint of the structure, including the porch and hallway, is about 300 square metres (3230 sq. ft.). A 28 square metre (300 sq. ft.) detached utility shed is also proposed. Floor plans of the proposed dwelling and an image of one of the proposed wings is shown on Schedule 3.

The established 200 year flood elevation (including free board) for Cowichan Lake is the 167.33 metre geodetic elevation. The floor elevation of habitable space must be constructed to this level. Although the high point of the Island, where the dwelling is proposed, is at or slightly above the 167.33m elevation, much of the building's foot print is below this level and must be elevated to achieve the required main floor elevation. To minimize excavation and to avoid the placement of fill, the dwelling is proposed to be constructed on concrete pile foundation.

As the soils on the Island are shallow and cannot support a conventional septic system, a "Type 3" sewage disposal system<sup>1</sup> is proposed that would treat sewage effluent to a high quality before it is discharge to a disposal field. The disposal field would be located a minimum of 50 metres from the shoreline and would require approximately 18 inches of sand to be added to the existing soil to achieve the required depth. The identified disposal area on the east lobe is considered sufficient to support a three bedroom dwelling. A preliminary report regarding the proposed sewage disposal system is provided in Schedule 4.

The applicant has provided a detailed description of the mitigation and protection measures that will be taken to prevent negative impacts of development on fish and fish habitat. This material is provided in Schedule 5.

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<sup>1</sup> Type 3 is the highest level of treatment within the Ministry of Health's Sewerage System Regulation. It is defined as treatment that produces effluent consistently containing less than 10 mg/L of total suspended solids and having a 5 day biochemical oxygen demand of less than 10 mg/L and a medium fecal coliform density of less than 400 Colony Forming Units per 100 ml.

**Policy Context:**

The subject property is located within the Watercourse Protection Development Permit Area (DPA). In accordance with the Youbou/Meade Creek Official Community Plan Bylaw No. 2650, the applicant must receive a development permit from the CVRD prior to commencing any site preparation or construction within 30 metres of the high watermark of Cowichan Lake. RAR Development Permit applications require an RAR assessment report, prepared by a Qualified Environmental Professional. The applicant has submitted an RAR assessment report prepared by Ted Burns (Schedule 6).

The RAR process and the Watercourse Protection Development Permit Area are primarily intended to protect riparian areas by directing development away from identified riparian areas. Although development within a SPEA is generally not supported, the Riparian Area Regulation does acknowledge that there may be situations where development with a SPEA is necessary. The Regulation is not intended to "sterilize" land by entirely precluding development that would otherwise be permitted. In situations of hardship, where compliance with the Regulation is not possible, the Regulation does allow variances to the SPEA to allow limited encroachment into it.

MoE and DFO have recently developed a Riparian Area Regulation Protocol that will establish a process for addressing variance requests to SPEA boundaries and cases of hardship. The Protocol has not yet been adopted by the agencies, but likely will be in the near future. The Protocol seems well suited to the current application and MoE staff has recommended that it be applied to the proposed development at Island #4.

The Draft RAR Variance Protocol is provided in Schedule 7. The Protocol essentially transfers the responsibility of determining hardship and SPEA relaxations to MoE and DFO. Local Government's role is primarily to minimize the extent of SPEA relaxations by relaxing other bylaw standards such as property boundary setbacks. Input from local government is strongly encouraged, and MoE has requested that the CVRD comment on the hardship aspect of the variance. If the EASC and Board consider the application to be a hardship situation and recommend that it proceeds, approval from MoE and DFO will still be required before the proposed development can proceed.

**Staff Comments:**

This application has been challenging for the Area I APC, staff and the applicant. The owner's expectation to use the property in a manner suggested by the LR-1 zoning potentially could conflict with the objectives of the Watercourse Protection DPA and Riparian Area Regulation. The situation appears to be one that may require compromise by both the applicant and the approval authorities involved.

Staff believe the application is a hardship situation, because without a relaxation of the SPEA a dwelling could not be constructed on the Island as permitted by the zoning. The RAR recognizes this scenario as hardship and case law generally supports the right of an owner to construct a dwelling on land zoned for residential use.

While the owner appears to have a case of hardship, hardship does not necessarily oblige approval of any requested development within the SPEA. Perhaps the most significant issue associated with this application is not the relaxation the SPEA boundary itself, but rather the degree or extent of development that is proposed within the SPEA and if it is reasonable given the site constraints and potential impacts. The RAR Assessment Report that was submitted with the application advises that the proposed development will not negatively impact fish habitat, and staff have no reason to conclude that fish habitat or the lake will be negatively impacted by the proposed development. The proposed dwelling, however, is relatively large and it is arguable if the proposed development has found an appropriate balance between the owner's right to construct a dwelling on the Island and the policy objective of minimizing encroachment

into riparian areas. In the absence of evidence that the proposal would result in negative impacts, staff recommend approval of the application subject to the conditions listed in Option 1.

### Options:

#### Option 1:

That application 3-I-10DP/VAR by Michael Dix for a single family dwelling and associated development at Island #4, Cowichan Lake (Block 1455, Cowichan Lake District, as shown on Plan 40413) be approved subject to the following conditions:

1. Authorization of the proposed SPEA encroachment by Department of Fisheries and Oceans and Ministry of Environment;
2. Compliance with RAR Assessment Report #1910;
3. On-site monitoring of construction by a Qualified Environmental Professional and submission of a post development report confirming compliance with the recommendations of RAR Assessment Report #1910 and any conditions of approval specified by the Ministry of Environment and Department of Fisheries and Oceans;
4. Determination of the high water mark by legal survey and confirmation that the proposed building location is a minimum of 15 metres from the high water mark of Cowichan Lake;
5. Installation of a 'Type 3' or better sewage disposal system authorized by the Vancouver Island Health Authority;

#### Option 2:

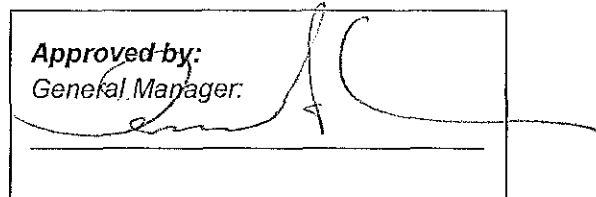
That application 3-I-10DP/VAR by Michael Dix for a single family dwelling and associated development at Island #4, Cowichan Lake (Block 1455, Cowichan Lake District, as shown on Plan 40413) not be approved in its current form, and that the applicant be requested to revise the proposal.

Submitted by,



Rob Conway, MCIP  
Manager, Development Services Division  
Planning and Development Department

Approved by:  
General Manager:



RC/ca

Attachments:

- Schedule 1 – Location and Zoning Plan
- Schedule 2 – Site Plan
- Schedule 3 – Proposed Dwelling Plans
- Schedule 4 – On-site Waste Water System Report
- Schedule 5 – Proposed Construction Plan
- Schedule 6 – RAR Assessment Report #1910
- Schedule 7 – Draft RAR Variance Protocol
- Schedule 8 – APC Minutes
- Schedule 9 – Notification Response Letter re: Variance (no longer applicable)
- Schedule 10 – LR-1 Zone
- Schedule 11 – Watercourse Protection Development Permit Area
- Schedule 12 – Draft Development Permit Area



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 Exempts should be consulted for all purposes of interpretation and application of the Bylaw.

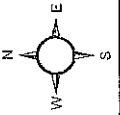
FILE:3-I-10  
-DP-VAR

ZONING

Legend



Schedule 1



BLK. 1245

L. 103

BLK. 313

BLK. 7

BLK. 1528

BLK. 1435

SUBJECT PROPERTY

W-1

Cowichan Lake

28

0 2550 100  
Meters



**EXPLANATORY PLAN OF BLOCKS 1455 AND 1456  
COWICHAN LAKE DISTRICT, PURSUANT TO SECTION 70(1)  
LAND TITLE ACT.**

**Legend**

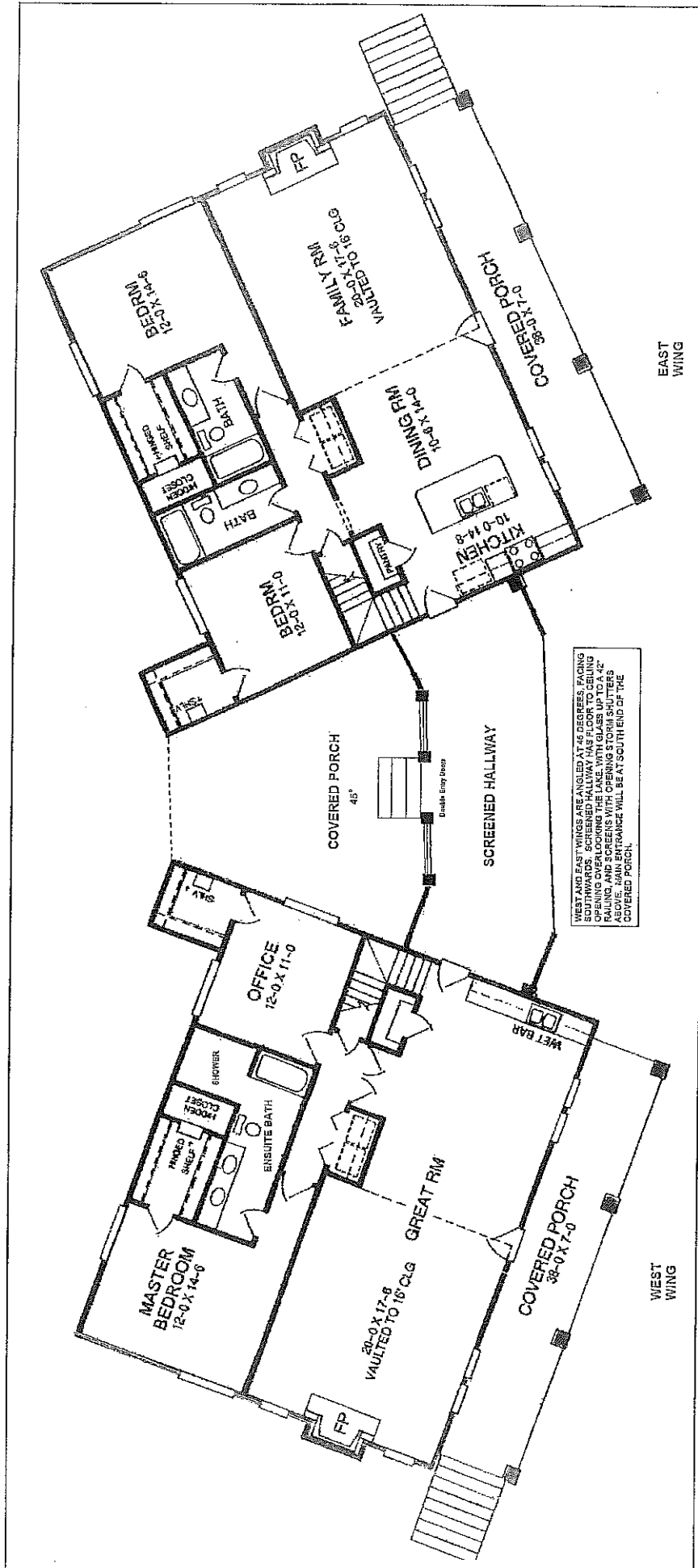
- Mag Denotes magnetic.
- O.P. Denotes Old Post found.
- O.B.T. Denotes Bearing Tree found.
- B.T. Denotes Bearing Tree made.
- C.L.R. Denotes Copied Iron Post.
- R.Rock Denotes Standard Rock Post carried in rock.

Bearings and distances referred to original survey of Block 1456 (Inland No. 5) by John Hirsch, B.C.L.S., 1906.

**Scale:** 1:1000  
All distances are in metres unless otherwise noted.

**Key Features and Callouts:**

- RAA:** Riparian Assessment Area (indicated by dashed lines).
- HWM:** High Water Mark.
- 15 m SPEA and ZOS's for Riparian functions (South Side):** South Side of the Riparian Assessment Area.
- 30 m SPEA and ZOS's for Riparian functions (North Side):** North Side of the Riparian Assessment Area.
- Wetland channel:** A channel within the wetland area.
- West Lobe:** A specific area within the wetland.
- Block 1455:** The central block shown, with various internal features like 'SEPTIC FIELD', 'UTILITY SHED', and 'ROCK BEACH'.
- Block 1456:** The block to the right of Block 1455.
- BOUNDARY 167.33M STAKE:** A boundary line between Block 1455 and Block 1456.
- PER:** Private Easement.
- GRAVEL BEACH:** A beach area on the western side.
- SOLID ROCK BEACH:** A beach area on the eastern side.
- ORIGINAL SURVEY:** The original survey lines and boundaries.
- COMPENSATION ZONE:** A zone adjacent to the riparian area.



### Specifications

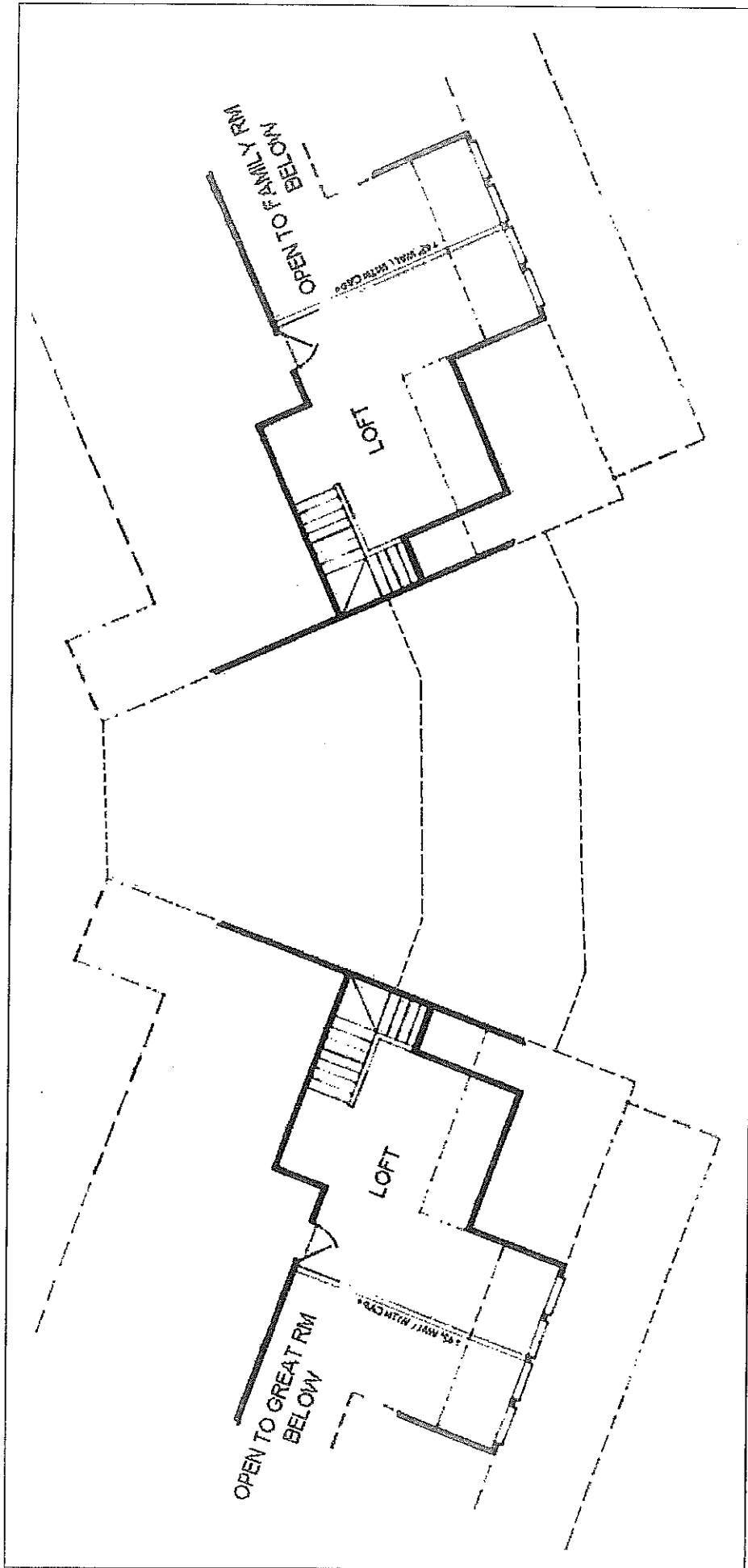
#### Country Bungalow

Main Level: 1,404 Sq Ft Each Wing  
Total Living: 2,808 Sq Ft, Plus  
Covered Porch and  
Screened Hallway

Bedrooms: 3  
Baths: 3

Width: 54' Each Wing  
Depth: 45' Each Wing  
Stories: 1

Foundation: Post and Pier

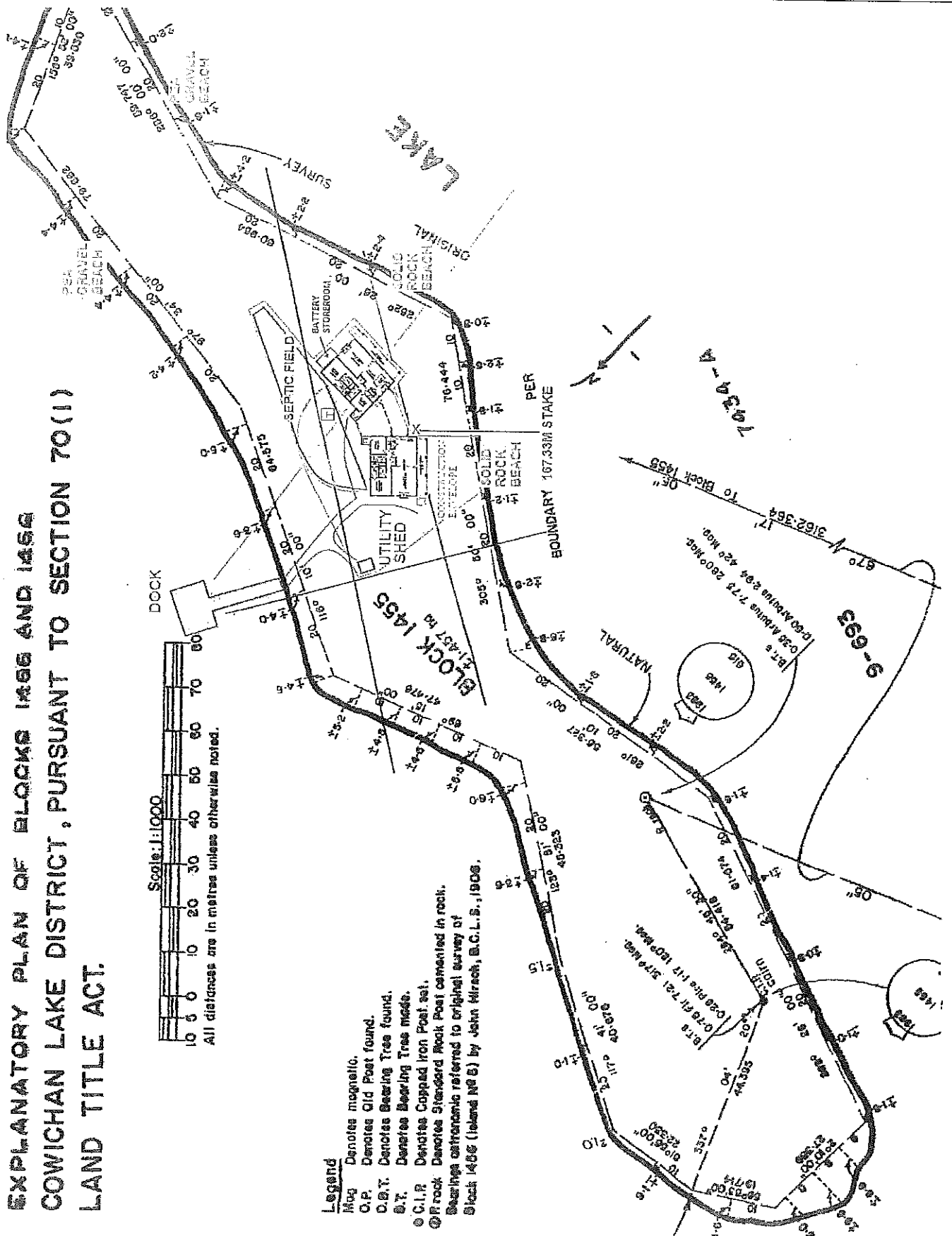


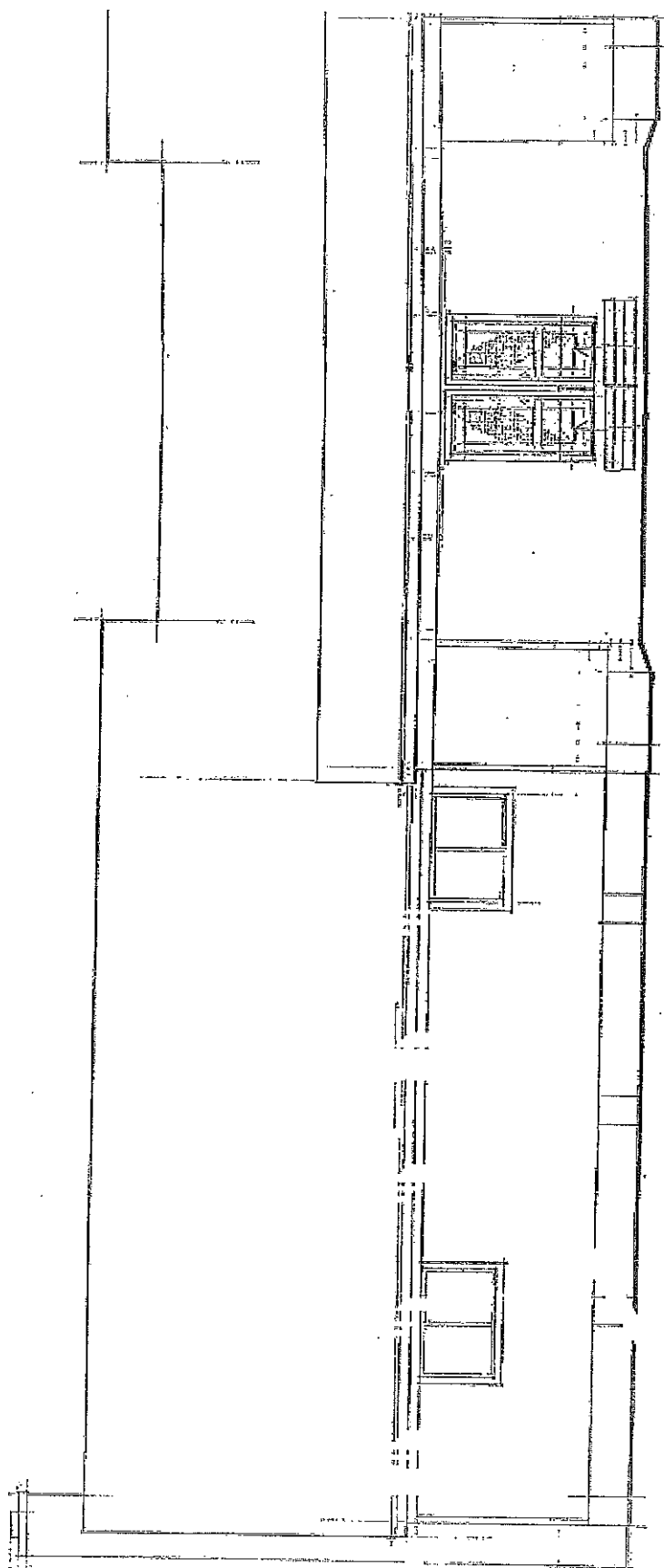
# EXPLANATORY PLAN OF BLOCKS 1455 AND 1456 COWICHAN LAKE DISTRICT, PURSUANT TO SECTION 70(1) LAND TITLE ACT.

Scale: 1:1000  
 All distances are in metres unless otherwise noted.

## Legend

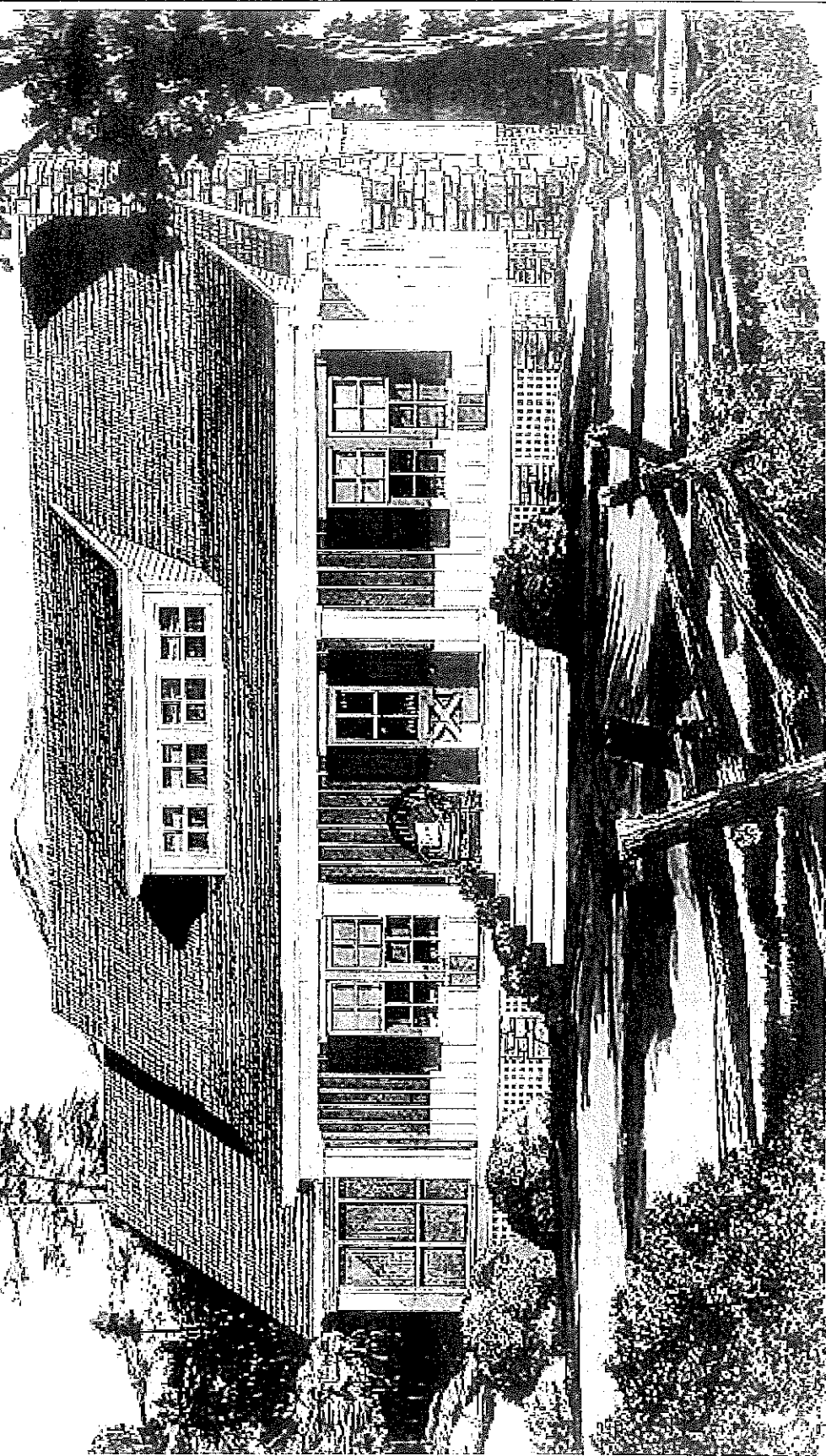
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- Denotes Standard Rock Post cemented in rock.
- Denotes astronomic referred to original survey of Block 1456 (Island No 5) by John Hirsch, B.C.L.S., 1906.





REAR ELEVATION, North Face of East Wing and Main Entrance

MODIFICATIONS: STEPS MOVED FROM FRONT TO  
THE SIDE; SCREENED HALLWAY EXPANDED TO  
THE LEFT, AND WEST WING ADDED AT A 45  
DEGREE ANGLE.



BASIC DESIGN FACING SOUTHWARD, WITH POST AND PIER FOUNDATION

**OSI**

**ONSITE SYSTEMS INC.**

APPROPRIATE TECHNOLOGY  
FOR ON-SITE WASTEWATER SYSTEMS

September 29, 2005

Att. Mr. Norm deWit  
Re/Max Camosun  
4440 Chatterton Way  
Victoria, BC V8X 5J2

e-mail: [ndewit@waterfrontvancouverisland.com](mailto:ndewit@waterfrontvancouverisland.com)

*To Norm  
5 pages.  
P 250-744-3704  
From  
Steve Budge*

Dear Sir:

**Re: Soil Analysis and Feasibility Study for Sewage Disposal on Island #4,  
Cowichan Lake, BC**

OSI Onsite Systems Inc. has completed the Phase 1 Feasibility Study of the above property. The results of our findings are as follows and are based on the Ministry of Health's "Sewerage System Standard Practice Manual".

Soil Assessment

A representative of OSI was onsite August 23, 2005 to assess soil depths and permeability. Two sites were chosen for their proximity from high water and height above the lake level. Three holes were augered at various locations to determine soil depth and texture.

Site #1

At site #1 (east end of island) the auger holes were between 14 inches and 23 inches deep where a layer of rock was encountered. The upper layer of sandy gravelly material was very porous with limited structure. Our permeameter test confirmed the porosity was severe and too fast to adequately treat the effluent passing through this layer. Since the depth of soil averaged 18", with some areas of considerably less depth, and the limited space available, it was determined this area is only capable of supporting a 'type 3' system with a maximum flow of 300 IG per day (3-bedroom home). The area also had abundant understory vegetation and large fir trees. The trees within this area would aid in transeporation of the effluent and encourage a healthy eco-

**OSI**

**DUNCAN: 5798 Garden St., Duncan, B.C. V9L 3V9 TEL: 748-8500 FAX: 746-1898  
RON K. PARKER, P.ENG.**

system is established within the drainfield area. The site would also require the addition of 18" of sand fill be placed above the native horizon to meet the required 24 inches of vertical separation from the trench bottom to the limiting layer (rock layer). There was a low-lying area (swampy) approximately 60 feet to the north of the site. The required setback distance from this area is 50 feet and so this limits the drainfield area. The close proximity to shorelines on two sides is slightly greater than 50 feet, thus meeting the setback requirements for 'type 3'. There is a rock knoll to the west of site #1 which further limits this area for ground disposal.

### Site # 2

At site #2 (west end of island) several test holes with the auger were conducted to determine soil depth. The permeable soil depth varies from 18" to 24" where a rock layer was encountered. The upper layer of sandy gravelly soil was very porous with limited structure, much like site #1. Our permeameter test confirmed the porosity was severe and too fast to adequately treat the effluent passing through this layer. Since both sites have similar soil types and severe limitations with respect to proximity to high water marks and wet areas and rock outcrops, it would be our recommendation that a 'type 3' treatment plant be designed for this site. Since both sites are sufficient in size to accommodate a 3-bedroom home with 'type 3' treatment, it is possible to have two houses on this island. The understory vegetation was similar to site #1. There would need to be 18" of sand fill added to this area, similar to site #1.

### Site Constraints

The island has very porous soils that are considered too porous to provide adequate treatment. The Sewerage System Standard Practices Manual (SSSPM) considers the soils to be severe to very severe in nature. The close proximity to a rock layer below the drainfield would cause untreated effluent to surface downslope and potentially cause a health risk. If a 'type 3' treatment system is designed for this site then advanced treatment levels prior to discharge to ground will eliminate the health risk. We found enough soil and area at both sites to support 3-bedroom homes. The close proximity to the lake makes the 'type 3' system the only option available.

### Design Considerations

The remoteness of the site and the requirements for a 'type 3' system with sand-lined trenches is very challenging to build and operate since power is required at the site. Some options for solar and wind energy or generator power are possible.

Use of lightweight products, such as fibreglass septic tanks and chambers for the drainfield will allow for easy transportation and installation at the site. Siting of the house and septic tank will be critical since rock is so shallow in many areas on the island. Rock blasting is a costly option, so if the tank location can be worked into existing features and fill placed around it, that would be preferable.

**OSI**

**DUNCAN: 5798 Garden St., Duncan, B.C. V9L 3V9 TEL: 748-8500 FAX: 746-1898  
RON K. PARKER, P.ENG.**



The 'Type 3' Treatment System:

The AdvanTex treatment system is capable of processing wastewater from the home to advance secondary treatment levels (less than 10/10 BOD, TSS) or 99% cleaner. The system consists of a 1200 IG fibreglass septic tank with a pump at the outlet end. This pump doses sequentially at timed intervals to the treatment device (AdvanTex pod). The wastewater is distributed throughout the top of the filter media and flows downward through the geotextile sheets where it comes in contact with microorganisms which clean the wastewater. This cleaned treated effluent then discharges to the disposal field to the chamber system, which disperses it through the sand fill and into the surrounding soil. When it reaches the bedrock layer it has been fully renovated back to water. The whole process is odourless and the homeowner can landscape his yard and the system becomes inconspicuous. Only several lids will be brought to the ground surface for maintenance of the system. The power requirements for the system will depend on the homeowner's choice, but generator power or solar are both possible.

Conclusion:

This island has two sites which have the potential to support a three-bedroom home, but require a 'type 3' treatment system in order to do so. Since the costs for such a system are much higher than a conventional septic system the following cost analysis has been included for your review.

Preliminary Cost Estimate per Household

This does not include transportation of material costs to the island or building site access.

1. Treatment Equipment and Septic Tank	\$13,000.
2. Installation, electrical hook-up and drainfield installation	<u>12,000.</u>
	<u>\$25,000.</u>

If you have any questions regarding this report please call me at 250-748-8500.

Yours truly,



Steve Brydges  
Construction Services Technician

SB/nb

Anita\staff\document\Wancy\June 2000\Bowen, Jim (Is. Cow Lk)\Soil Analysis - Feas. Study Is 4 Sep28.05.doc

OSI

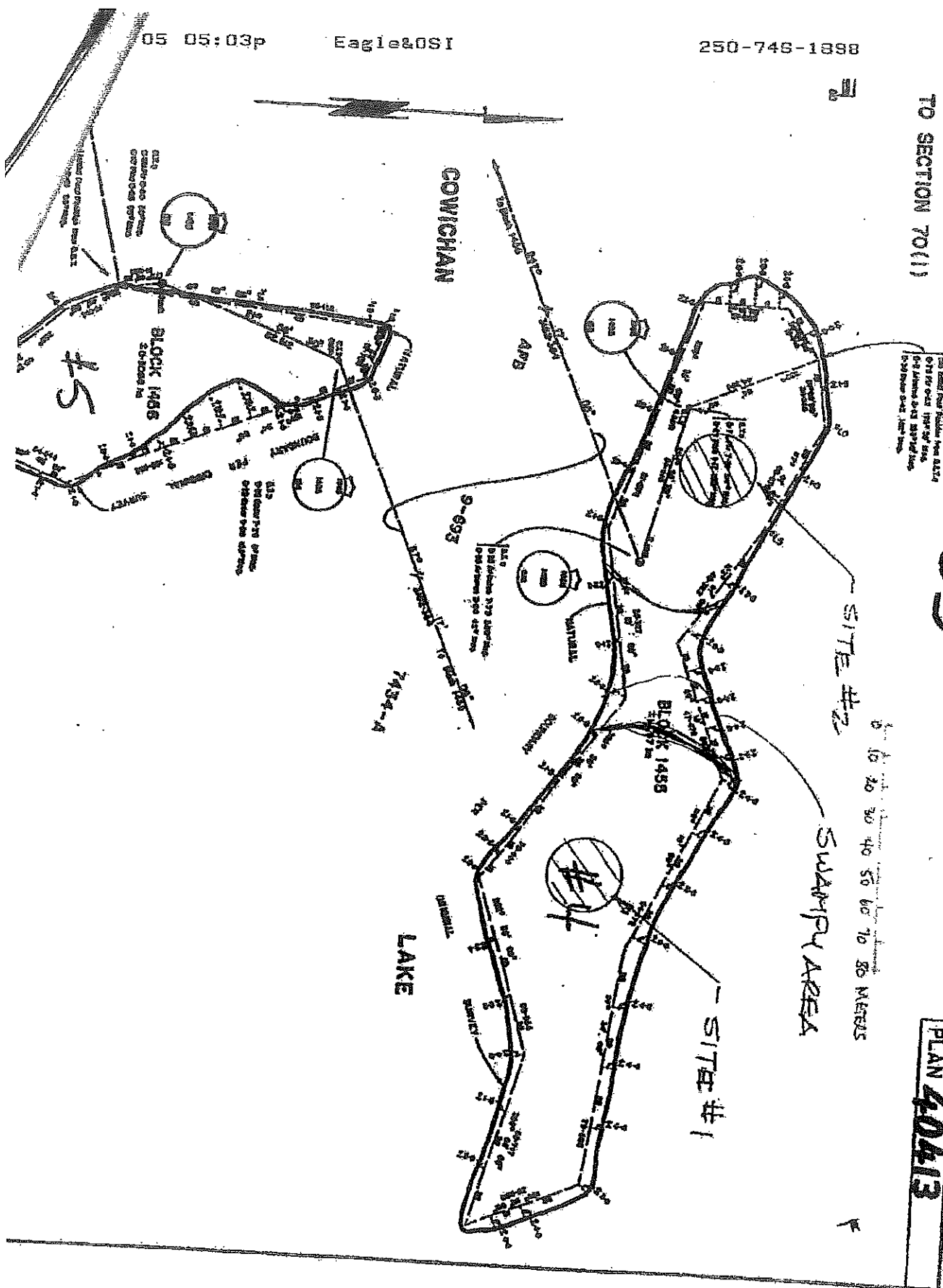
DUNCAN: 5798 Garden St., Duncan, B.C. V9L 3V9 TEL: 748-8500 FAX: 746-1898  
RON K. PARKER, P.ENG.

CITIZENS UNITED

TO SECTION 70(1)  
AND 1456



PLAN 40413



## PERMEAMETER TEST

Note: The predetermined coefficients are only valid if a 4" diameter permeameter and a 3" Edelman auger are used

Client:	MR. JIM BOWEN		Job #:
Location:	ISLAND # 4		Date: AUG. 23/05
Weather:	SUNNY	AH#: 2	AH location:
AH Depth:	21" (53cm)	AH diameter: 7.0 cm	AH radius: 3.5 cm
Permeameter ID#:		Height of air hole (H): 20 cm	Perm: ID =      cm      Tested by:

### Test Results:

[illegible]

$$\text{Stable rate of fall (mm/mln)} = \frac{900}{(\text{soil factor})} \times \frac{72}{1} = K(\text{fs})\text{mm/day} = 64,800$$

Soil factor: Sand: 0	Structured loams & clays 0	Unstructured clay 0
Sand factor = 72	Structured loams & clay factor = 55.3	Unstructured clay factor = 32.4
Calculate HLR for trenches /field :		
$HLR = \frac{\text{K(fa)}}{\text{K(ea)}} \times \text{Effluent quality factor} = \text{Design hydraulic loading rate ( L / m}^2\text{)}$		
Comments: K(fa) mm/day = saturated HLR in L / m <sup>2</sup> K(ea) is larger than K(fa)		
Reference: Moore, J.D., and D.H. Waller, 1993 ON-Site Wastewater Disposal in Nova Scotia, Final Report, On-Site Wastewater Research Program Phase 2 1990-1993, Technical University of Nova Scotia		

## Billy Goat Island Proposed Construction Plan (February 8, 2011)

Billy Goat Island is a 3.65 acre cigar-shaped land mass, approximately 340 metres in length, and comprised of two upland forested lobes separated by a marshy area at the approximate halfway point. The island is located in Cowichan Lake approximately 250 metres from the north shore of the lake off Youbou.

The current owner has maintained the island in its natural pristine state during his 5 ½ years of stewardship. The owner desires to keep the island in as much of a natural state as possible, but now desires to construct a primary dwelling. It is proposed to build on the East Lobe of the island. The primary source of power will be solar PV, with a backup generator. Hot water and in-floor radiant heat will be by solar thermal heating. Potable water is proposed to be sourced from the lake.

The East Lobe of the island has professional survey markers (wooden stakes nailed to trees) in place identifying the 164 metre and the 167.33 metre marks. Ted Burns (QEP) has also conducted a RAR survey and the draft report has been prepared. The survey indicates the East Lobe of the island has a long narrow strip (approximately 2 metres wide) of upland outside of the SPEA, but this is too narrow for a desirable building design and septic disposal field. The entire West Lobe appears to be within the SPEA. A bend in the SPEA is requested for a building site on the East Lobe, for the primary dwelling, utility shed, dock, pathway for dock access, and for the septic system and field.

The following is the plan for low impact and soft touch construction methods proposed for the project. The plan is designed to avoid damage to fish and fish habitat. The construction will be performed in such a manner as to result in no harmful alteration, disruption or destruction of fish habitat, and the QEP will be used to monitor and ensure compliance.

### **Timing and Duration of Build**

The project is planned to commence in May/June 2011 when the lake level permits full access to the natural rock and gravel beaches. A natural solid rock beach adjacent to the proposed construction envelope will enable the landing of heavy materials and a small excavator by barge, with minimal impact on the natural foreshore and fauna. The project completion is planned for the end of September 2011, well in advance of the rainy season and the natural lake level rise that typically occurs in November. In order to mitigate the risk of sediment runoff into the lake, work that creates dust or staining applications will be avoided during wet and rainy periods.

### **Site Preparation**

The building site will be professionally surveyed to lay out the exact position and perimeter of the building site footprint, and the location of the SPEA around the building site footprint will be marked with snow fencing. A registered arborist will be used to consult on any hazardous/problem trees and to advise on proper protection of trees around the

construction envelope. An access path will need to be cleared between the access beach and the building site, to permit the ingress/egress of materials and machinery. The removal of select plants may be necessary to access the construction site. This removal will be kept to a minimum.

The clearing of the land for the building site will be kept to a minimum, but will require some degree of clearing to prepare a safe building envelope. A combination of manual labour and an excavator will complete the preparation of the building site. Standard safety and environmental protection procedures will be used in delivery, refueling and excavation practices to minimize the effect on the lake water, foreshore, and upland.

Effective sediment and erosion control measures will be installed before starting work to prevent the entry of sediment into the lake. These control measures will be inspected regularly during the course of construction and all necessary repairs will be made if any damage occurs.

Use of existing natural and deer trails will be used wherever possible to avoid disturbance to the riparian vegetation (vegetation that occurs adjacent to the lake).

#### **Site Access**

Construction material and machinery will be delivered by barge and pontoon boat from the private boat launch at Cowichan Lake RV Resort, located on Sa-Seen-Os Road in Youbou. The primary site for unloading on the island will be the nearest rock beach on the south shore, and material will be stored in front of the proposed building site above the HWM.

The storage of material and equipment will be done in a manner that takes advantage of natural clearings, thereby minimizing the need to clear salal and other vegetation. A secondary construction access point for ingress/egress to the island via pontoon boat is proposed at the nearest natural clearing on the north shore. Existing deer paths will be used where possible and widened to a maximum width of 2 metres, from the shore location to the building site. Eventually it is proposed to construct a permanent dock on the north shore, where it is protected from the prevailing winter winds, has suitable bank formation to accommodate a year-round ramp, and also has sufficient water depth at late summer lowest lake level.

#### **Machinery Operation**

Machinery will be operated primarily on land above the HWM or on water (from the barge) in a manner that minimizes disturbance to the banks or bed of the lake. Machinery will arrive on site in a clean condition and will be maintained free of fluid leaks, invasive species and noxious weeds. The washing, refueling and servicing of machinery and storing of fuel and other materials for the machinery will be away from the water to prevent any deleterious substance from entering the lake. An emergency spill kit will be kept on site in case of fluid leaks or spills from machinery. Banks will be restored to original condition if any disturbance occurs.

### **Foundations**

A concrete pad/pier system will be used for the construction of the foundations. This will minimize the amount of concrete required, will reduce the amount of excavation required to a minimum, and will protect against extreme high lake levels. The excavator will be used to dig the pad footings, and excavator movement will be restricted to the construction envelope. All concrete will be mixed on site in a temporary enclosure designed to prevent the wind blowing dry pre-mixed concrete materials onto the lake surface, and prevent any run-off of concrete or sediment into the lake.

### **Structural Framing, Electrical and Plumbing**

A proposed Structural Insulated Panel (SIP) house is planned for the primary dwelling. This includes the floor, walls, and roof system. This construction method will minimize the amount of on-site raw materials and waste, and will minimize the time to build this dwelling, thus again minimizing the effect on the island environment. Standard construction practices as per BCBC 2006 will be used for electrical and plumbing systems.

### **Servicing the Dwelling**

Lake water will be used as the primary water source. A submerged foot valve will need to be located off the shore, with piping installed in a trench up to the dwelling. During dry land trenching for the water pipe, the material that is moved from the bank of the lake (below the HWM) will be stockpiled and returned to its original location once the pipe is installed.

Drinking water will either be from treated lake water or brought in by 5-gallon containers. Eagle Engineering has identified a suitable Type 3 septic field site, and the system will be built as per provincial regulations. Some sand will likely be needed to be brought in for a traditional Type 3 septic system, but the owner is also considering an alternative septic system from Germany which is even more environmentally friendly (this system has recently been approved by DFO and will be installed on the Mainland this Spring on the banks of the Fraser River, and safely discharges directly into the river). Electrical service will be via a combination of solar panels, backup generator, and possibly a wind turbine for winter use. A solar hot water system is also planned for heating water and for in-floor heating. The primary source of fuel for cooking, heating and the backup generator is proposed to be propane. A high efficiency wood stove is proposed for secondary heating.

### **Exterior Finishing**

Construction-grade timber removed from the building envelope will be cut on site and used for the build where feasible, for exterior trim and siding details. Environmentally friendly stain treatments will be utilized.

### **Interior Finishing**

The interior of the SIP skins will be either skim coated and then primed/painted or covered in wood paneling. All finishes will conform to BCBC 2006.

### **Site Cleanup and Reparation**

All construction waste will be removed from the surrounding area to the building site and disposed/recycled at the CVRD's Meades Creek or Duncan facilities. Any temporary

structures for the preparation of concrete, staining, and cutting of wood, will be removed and the area restored to the original state of the site. Any disturbed areas will be re-vegetated by planting and seeding with native trees and shrubs. All planting will follow the DFO guidance on Riparian Re-vegetation.

**Use of the QEP**

Ted Burns has been procured as the QEP for this project and he will be involved in monitoring and ensuring compliance during site preparation, construction, and at project conclusion. The SPEA and proposed alternative building sites have already been marked with survey tape by the QEP.

**Request for CVRD and DFO Approval**

The owner respectfully requests the CVRD and DFO to approve of the proposed construction envelope and plans, under the above listed conditions.

## FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

**Riparian Areas Regulation - Assessment Report**

Please refer to submission instructions and assessment report guidelines when completing this report.

Date March 1, 2010

**I. Primary QEP Information**

First Name	Ted	Middle Name	
Last Name	Burns		
Designation	Biologist	Company	
Registration #	895	Email	tedburns@shaw.ca
Address	9715 Epp Drive		
City	Chilliwack	Postal/Zip	V2P 6N7
Prov/state	BC	Country	Canada
		Phone #	604-795-9716

**II. Secondary QEP Information (use Form 2 for other QEPs)**

First Name		Middle Name	
Last Name			
Designation		Company	
Registration #		Email	
Address			
City		Postal/Zip	
Prov/state		Country	
		Phone #	

**III. Developer Information**

First Name	Mike	Middle Name	
Last Name	Dix		
Company			
Phone #	250-477-0101	Email	mjdix@shaw.ca
Address	4596 Bonnieview Place		
City	Victoria	Postal/Zip	V8N 3V6
Prov/state	BC	Country	Canada

**IV. Development Information**

Development Type	Construction: Single Family Residential		
Area of Development (ha)	.03	Riparian Length (m)	692
Lot Area (ha)	1.46	Nature of Development	New
Proposed Start Date	May 2010	Proposed End Date	Sept. 2011

**V. Location of Proposed Development**

Street Address (or nearest town)	Youbou		
Local Government	Cowichan Valley Regional District	City	Duncan
Stream Name	Cowichan Lake		
Legal Description (PID)	000-121-924	Region	Vancouver Island
Stream/River Type	Lake	DFO Area	South Coast
Watershed Code	9202577		
Latitude	48	51	60
Longitude	124	11	07

Completion of Database Information includes the Form 2 for the Additional QEPs, if needed.  
Insert that form immediately after this page.



***Table of Contents for Assessment Report***

	Page Number
1. Description of Fisheries Resources Values .....	3-5
2. Results of Riparian Assessment (SPEA width) .....	6-7
3. Site Plan .....	8
4. Measures to Protect and Maintain the SPEA (detailed methodology only).	
1. Danger Trees.....	9
2. Windthrow.....	9
3. Slope Stability.....	9
4. Protection of Trees.....	9
5. Encroachment .....	10
6. Sediment and Erosion Control.....	10
7. Floodplain.....	10
8. Stormwater Management.....	10
5. Environmental Monitoring .....	11
6. Photos .....	12- 15
7. Assessment Report Professional Opinion .....	16

## Section 1. Description of Fisheries Resources Values and a Description of the Development proposal

### ***Development Proposal***

Mike Dix proposes to construct a home on the east lobe of Billy Goat Island (Cowichan Lake) which is also known as Island 4. The approximately 290 m long 1.46 ha island (which is two islands at higher water levels because the two lobes of the island are separated by a high water channel) is located adjacent to the eastern portion of Youbou which is Reach 56 of Cowichan Lake. The dwelling would cover some 253 m<sup>2</sup> and there will be some additional intrusion for a septic system and a small shed for a total of approximately 300 m<sup>2</sup>. The island is about 47 m wide at the building site and a SPEA of 45 m is required. Therefore nearly all of the development footprint will overlap the SPEA and a bend in it will be necessary to accommodate the works. Because the West Lobe of the Island is a separate riparian unit of about .6 ha and will remain undeveloped, the footprint can be compensated for there. It will also be necessary to procure a Section 9 Water Act Notification for a dock and a water licence for the domestic water supply which will be pumped from Cowichan Lake. A Type 3 septic system (Eagle Engineering) will be employed which delivers high quality effluent to a land dispersal system on site.

### ***Riparian Conditions***

The island has a riparian length of 692 m and approximately half of this is Class 1 or 2 fish habitat (most of the north shore and the channel which separates the two lobes of the island). The south shore of the island and its ends are exposed to both southeasters and west winds and the habitat value is much reduced by wave attack. The north shore riparian band is quite narrow (approximately 1 – 4 m wide but usually 1 - 2 m) and consists of Red Osier, Pacific Ninebark and occasional alders. The shore abruptly grades into dry Douglas fir-Salal upland on this side of the island. The south shore riparian community consists of sparse vegetation common to dry exposed shores on the South Island: Nootka Rose, Pacific Ninebark, a bit of alder and Sweet Gale. Much of the shore is not vegetated consisting of pocket beaches and bedrock. The south shore zone is broader than that of the north because of its low angle (3-5%) but very little of it is riparian in the biological sense of the word. Most of it is Class 3 or 4 in terms of fish habitat value. The interior of the island is entirely terrestrial dry upland with Salal-Douglas Fir and occasional Red Huckleberry, Western Red Cedar, Arbutus and Shore Pine. Maximum elevation of both lobes of the Island is above the designated 200 year flood level of 167.33 m. The highest recorded lake level to date was 165.388 m. The building site is in the interior and well removed from riparian values. No fish habitat disturbance will result from building at the chosen location

**Cowichan Lake as Fish Habitat**

Cowichan Lake and, in particular, its shore zone, is very important fish habitat. **Cowichan Lake** is a large, deep, oligotrophic coastal lake. It covers a surface area of 62,043,000 m<sup>2</sup>, has a volume of 3,109,138,000 m<sup>3</sup> and a perimeter of 102,740 m. The shore zone has been divided into 85 reaches and sub-reaches (Burns, 2002). It has a strong and diverse fish community.

**Table 1: Cowichan Lake Physical Description**

Elevation	Area (m <sup>2</sup> )	Volume (m <sup>3</sup> )	Mean Depth (m)	Max. Depth (m)	Perimeter (m)	Reaches
158-165	62,043,000	3,109,138,000	50.1	152	102,740	85

Cowichan Lake is utilized by rainbow and cutthroat trout, brown trout, Dolly Varden char, kokanee, chinook and coho salmon. Chum salmon also use the lake on a short term basis. Threespine sticklebacks and sculpins are also present (*Cottus asper* and *Cottus aleuticus*). The Cowichan Lamprey is also present (Table 2).

**Table 2: The fishes of Cowichan Lake and their relative abundance**

Species	Relative Abundance
Coho salmon	Very abundant in the shore zone between May and July. Can persist all summer in cool years.
Three – spine stickleback	Very abundant in the shore zone for most of the year
Kokanee	Very abundant but mainly in open water
Cutthroat trout	Very abundant. At least two races or forms in the lake.
Rainbow trout	Very abundant but slightly less so than cutthroats
Dolly Varden	Formerly abundant especially in the west portion of the lake but have declined markedly of late. Now uncommon.
Chinook salmon	Scarce. Very abundant prior to 1950's in the form of early run (June) that held in the lake until fall rains then spawned in a number of tributaries. Fall Chinooks are still relatively abundant in the Cowichan system but they make little use of the lake.
Chum salmon	Not abundant, spawns in several tributaries in small numbers, total escapement to the lake tributaries usually less than 1000. Very occasional beach spawning near Youbou and possibly at other sites. Young are in shore zone from late April to June.

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Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Brown trout	Uncommon in the lake but some large individuals are present. Browns are common in the Upper Cowichan River
Cowichan Lamprey	Abundant. This species is red listed likely because Cowichan Lake is its only known location. The lamprey is most abundant in Mesachie and Bear Lakes and is known to spawn in Mesachie and Halfway Creeks.
Prickly Sculpin	Abundant in the shore zone
Aluetian Sculpin	Common in the lake and portions of its tributaries

Of the Cowichan Lake fish community, Threespine sticklebacks and coho salmon are the most at risk from development adjacent to the lake because they are most dependent on shore zone habitat. All juvenile salmonids winter in the shore zone (inland extent of riparian vegetation and, in most cases, seasonal wetting, to the 6 m contour offshore). But coho and sticklebacks are present in all but the warmest weather periods when water temperature exceeds 22°. However they are not usually present in all habitats being largely limited to protected, well vegetated Class 1 and 2 Shores. Along Billy Goat Island, the north shore is utilized by both Three Spine Sticklebacks and coho juveniles as is the wetland channel between the island lobes. Juvenile trout likely are present in the channel in the winter months. The south shore of the island is less capable fish habitat due to its high exposure to both southeasters and west-south west winds and its harder shores

## Section 2. Results of Riparian Assessment (SPEA width)

### 2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: February 18, 2010

Description of Water bodies involved (number, type)

1 lake

Stream	
Wetland	
Lake	X
Ditch	
Number of reaches	1
Reach #	1

**Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)**

	Channel Width(m)	Gradient (%)
starting point		
upstream		
downstream		
Total: minus high /low mean		
	R/P	C/P
Channel Type		S/P

I, (name of qualified environmental professional), hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer (name of developer) ;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

### Site Potential Vegetation Type (SPVT)

	Yes	No
SPVT Polygons		X

Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, (Ted Burns), hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer (Mike Dix) ;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Polygon No:			
	LC	SH	TR
SPVT Type			X

Method employed if other than TR

Polygon No:			
	LC	SH	TR
SPVT Type			

Method employed if other than TR

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Polygon No:  
SPVT Type

Method employed if other than TR

**Zone of Sensitivity (ZOS) and resultant SPEA**

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)	15						
Litter fall and insect drop ZOS (m)	15						
Shade ZOS (m) max	15	South bank	Yes		No	X	
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)						
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report		
<b>SPEA maximum</b>	<b>15</b>	(For ditch use table3-7)					

Segment No:	2	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)	30						
Litter fall and insect drop ZOS (m)	15						
Shade ZOS (m) max	15	South bank	Yes	x	No		
<b>SPEA maximum</b>	<b>30</b>	(For ditch use table3-7)					

Segment No:		If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)							
Litter fall and insect drop ZOS (m)							
Shade ZOS (m) max		South bank	Yes		No		
<b>SPEA maximum</b>		(For ditch use table3-7)					

I, (Ted Burns), hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer (Mike Dix);

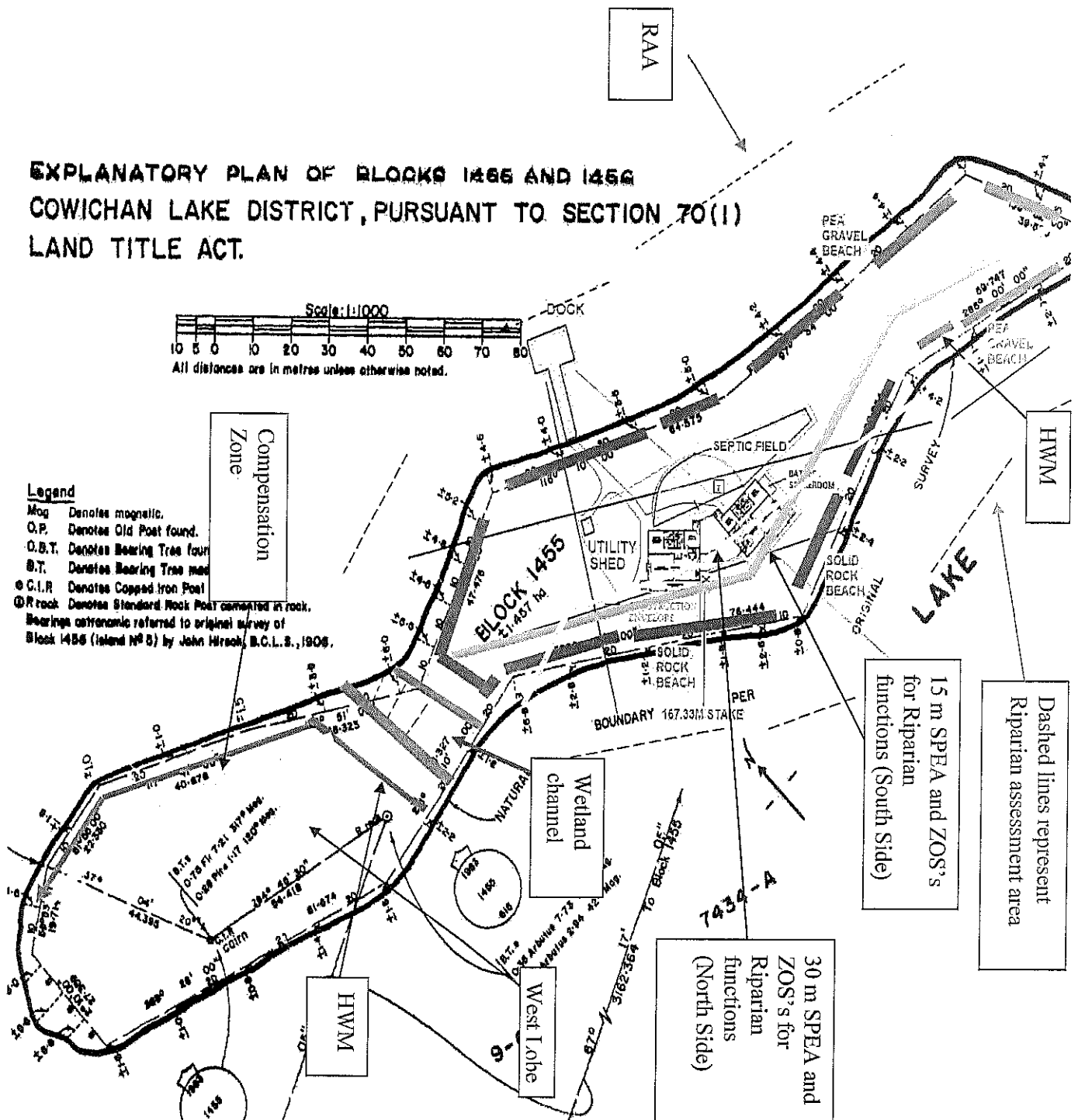
c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

**Comments**

A dock will be required on the island. There are good locations for a dock on eastern lobe of the island on its north (inside) shore. It should be noted that there is a large shoal on the north side of the island and, prior to the Cowichan Lake Weir, it was possible to wade out to the island in the latter parts of very dry summers.

Section 3. Site Plan



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**Section 4. Measures to Protect and Maintain the SPEA**

This section is required for detailed assessments. Attach text or document files, as need, for each element discussed in chapter 1.1.3 of Assessment Methodology. It is suggested that documents be converted to PDF before inserting into the assessment report. Use your "return" button on your keyboard after each line. You must address and sign off each measure. If a specific measure is not being recommended a justification must be provided.

1. Danger Trees	There are some large Douglas fir vets on the island that are around 1 m diameter breast height. The trees appear wind firm and show little evidence of die back or their advanced age. However, it is always possible that one or more of these huge trees could come down or lose branches in a heavy storm. The trees will be assessed for risk and appropriate measures will be employed to reduce the risk as much as possible. Gord Closson of South Coast Standing Stem will make the assessment.
I, <u>(Ted Burns)</u> , hereby certify that: e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; f) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Mike Dix)</u> ; g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
2. Windthrow	Although there are some old growth Douglas firs on The island of great size, there is little evidence of blow down or branch loss. Trees all appear to be quite wind firm. Could clearing for the structures open the area to higher Wind speeds? This is doubtful because of the small area Involved. The island forest is fairly thin as it is and an Increase in wind intensity is not anticipated. The above noted assessment will examine the possibility of windthrow.
I, <u>(Ted Burns)</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Mike Dix)</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
3. Slope Stability	There are no significant slopes on the island which is somewhat flat or very gently rolling. There is one knoll on the east lobe which is some 5-10 m higher than the rest of the land. It is very stable.
I, <u>(Ted Burns)</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Mike Dix)</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
4. Protection of Trees	Trees not in the way of the home sites or access to them will be protected by snow fencing which will confine equipment to the work site (s)
I, <u>(Ted Burns)</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>	



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<i>Protection Act;</i> b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Mike Dix)</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
5. Encroachment	There is some potential for encroachment during construction and snow fencing will isolate the work site (s) from the surrounding forest once equipment and materials are on site. The SPEAS will be clearly marked with low fencing around the home site once construction is over. SPEA symbols will also be attached to trees.
I, <u>(Ted Burns)</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Mike Dix)</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
6. Sediment and Erosion Control	Heavy construction will be limited to the dry months. There are no moist areas near the potential building sites and the small footprint and low relief insure that no sediment generation will occur.
I, <u>(Ted Burns)</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Mike Dix)</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
7. Stormwater Management	Storm water runoff generated by the small surface areas involved will be miniscule. Nonetheless, rock pits will be installed at the downspout outfalls to buffer the flow and direct it into the porous island soil.
I, <u>(Ted Burns)</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(name of developer)</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
8. Floodplain Concerns (highly mobile channel)	Of course there is no mobile channel here but there is some floodplain. The eastern most 35 m of the west lobe of the island is subject to flooding. This area is flooded by wave surges at high water and is covered with drift wood. The building site is well above flood level of 167 plus.
I, <u>(Ted Burns)</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Mike Dix)</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	

## FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

### Section 5. Environmental Monitoring

Attach text or document files explaining the monitoring regimen. Use your "return" button on your keyboard after each line. It is suggested that all document be converted to PDF *before* inserting into the PDF version of the assessment report. Include actions required, monitoring schedule, communications plan, and requirement for a post development report.

#### **Construction Methods**

A more detailed description of construction methods is part of the CVRD development permit application but a brief sketch is included here. Work would start in the spring of 2011 when lake levels are low enough to permit landings on the island. Equipment and materials would be barged to pre-selected landings on rocky shores on the south side of the island. An access path would be rouged out between the landing and the building site. Clearing would be a combination of hand and small excavator. Materials would then be transported to the building sites which will be minimally cleared. The pre-fabbed building will be erected in sections on a concrete pad/pier base. Power will be supplied by a combination of solar panels/generator. Work should be completed by September, 2011.

#### **Prior to Construction**

Before construction begins, a meeting will be held to review the construction plan especially in terms of access onto the island and to the building site. This is a critical aspect of the project. SPEA protection measures will also be discussed. This project is quite different than most because the entire East Lobe will be SPEA except for the building site.

#### **During Construction**

Periodic visits to the site will be made during construction to insure protection measures are being adhered to. Frequent phone discussions will also take place with Mr. Dix and the contractor.

#### **Post Development**

When the project is fully built, a Post Development Report that describes the degree of compliance with the SPEA protection measures will be prepared. The report will document any restoration needs that may be required and outline a plan to accomplish them.

### ***Section 6. Photos***

Provide a description of what the photo is depicting, and where it is in relation to the site plan.



Photo 1: View of island from the north. All photos are from February 18, 2010

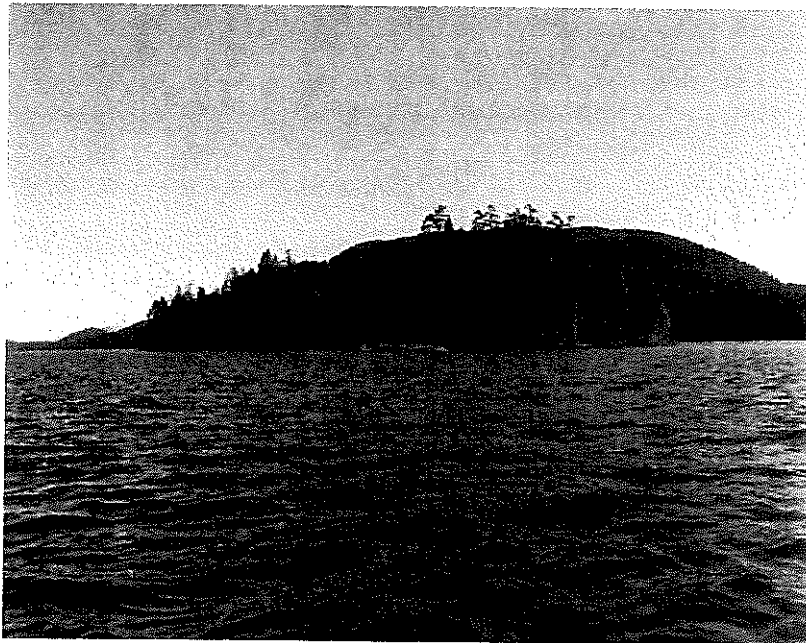


Photo 2: A closer view: Bald Mtn. in the background and tiny Sweet Gale Island in the centre foreground.

FORM 1  
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

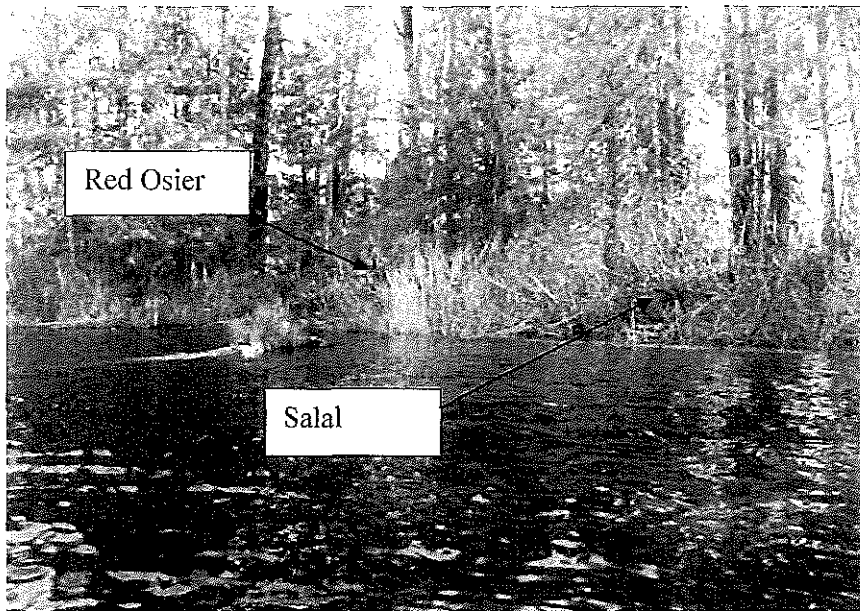


Photo 3: Riparian band on the north side of the island in its widest place. Red Osier is the dominant riparian species here. Note how quickly the shore zone changes to upland as evidenced by the proximity of salal.

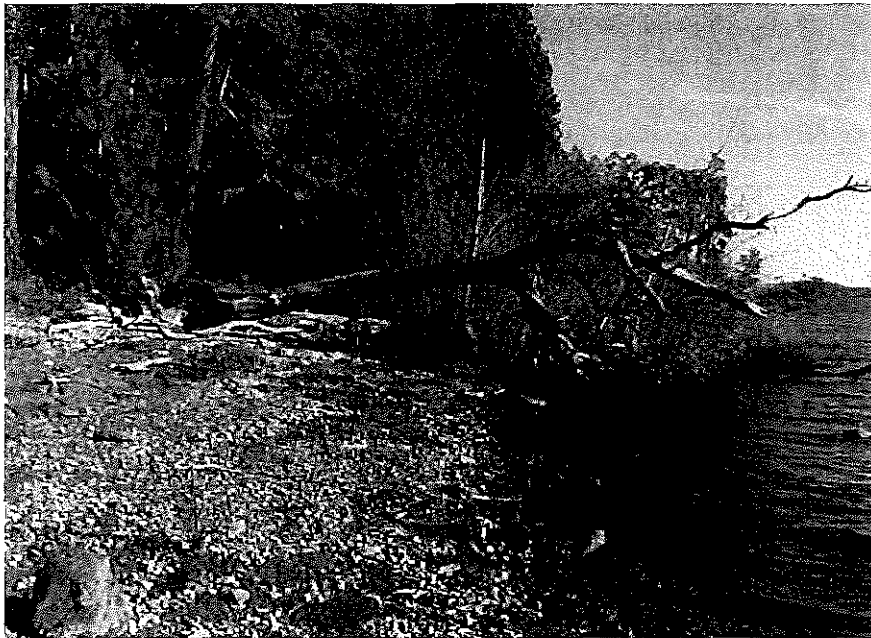


Photo 4: More or less typical riparian conditions on the south, more exposed shore of the island where there is a low gradient beach shelf composed largely of gravel and bedrock. Good barge landing sites are present.

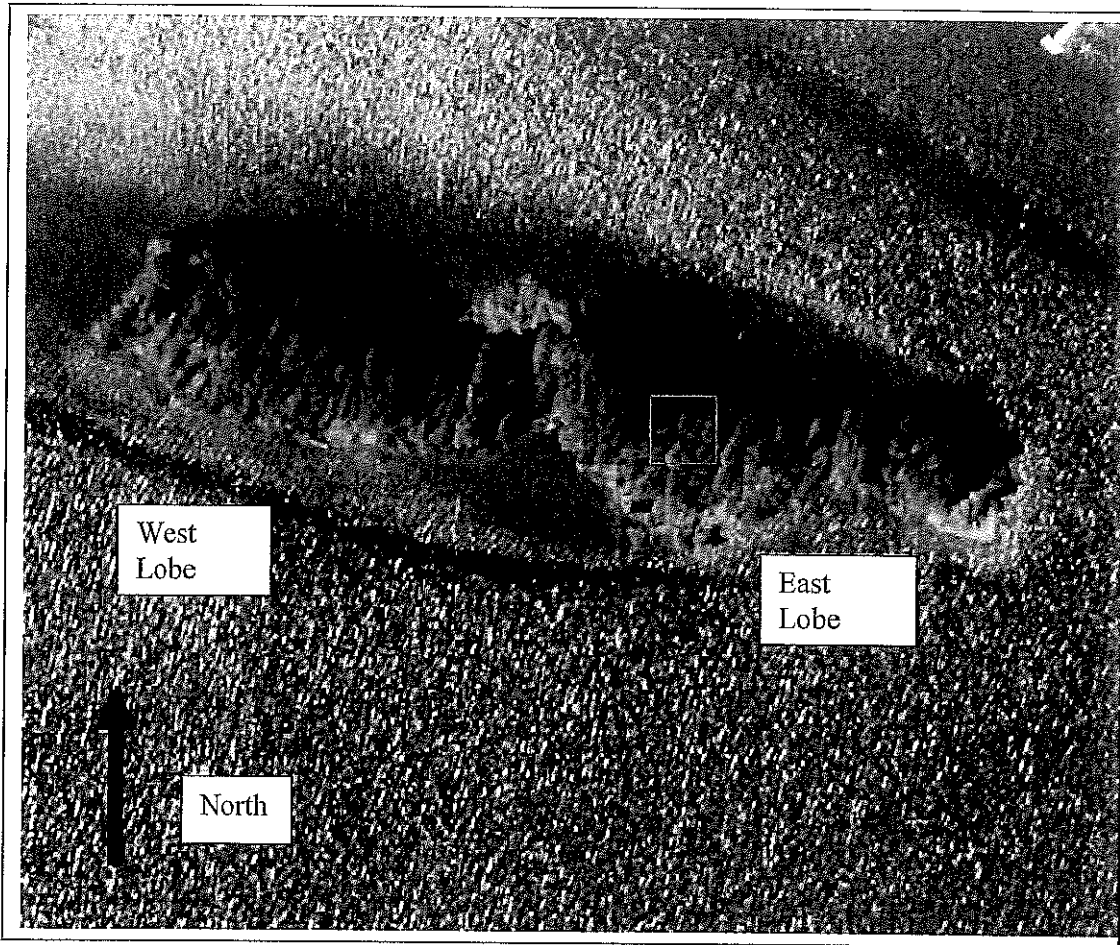
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Photo 5: Typical landscape on the inside (interior) of the island. This an elevated site near the building envelope on the East Lobe.



Photo 6: Another view of the interior. Note the large Douglas fir.



2007 Ortho Photo indicating possible development site (orange square).

## Section 7. Professional Opinion

Assessment Report Professional Opinion on the Development Proposal's riparian area.

Date February 28, 10

1. I/We Ted Burns

Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

hereby certify that:

- a) I am/We are qualified environmental professional(s), as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- b) I am/We are qualified to carry out the assessment of the proposal made by the developer (Mike Dix), which proposal is described in section 3 of this Assessment Report (the "development proposal");
- c) I have/We have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
- d) In carrying out my/our assessment of the development proposal, I have/We have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation; AND

2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:

- a) ☒ if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR**

(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)

- b) if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

[NOTE: "qualified environmental professional" means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,
- (b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
- (c) the individual is acting within that individual's area of expertise

**FORM 1**  
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



**Protocol for Management of Riparian Area Regulation Variances**  
**Between the Department of Fisheries & Oceans**  
**and the Ministry of Environment**

**Purpose:**

The Department of Fisheries and Oceans (DFO) and the Ministry of Environment share responsibility for the delivery of conservation and protection measures for fish and fish habitat under the *Fisheries Act (FA)*. In the case of riparian vegetation, this is primarily through S. 35(1) of the *FA* which makes it illegal to harmfully alter, disrupt or destroy (HADD) fish habitat unless Authorised by S. 35(2) of the *Act*. Additional responsibilities for riparian protection derive from the *Riparian Areas Regulation (RAR)* of the *BC Fish Protection Act*. Section 4(3) of the RAR allows for development to proceed within the Streamside Protection and Enhancement Area (SPEA) if DFO provides approval. The conditions upon which such approvals will be granted is explained in Section 3.4.2 of the *Riparian Area Regulation Guidebook* (January, 2006); specifically, approvals, known as variances, will be granted when there is a hardship, or special circumstance. This protocol provides additional specific information detailing the conditions and circumstances when such variances will be considered.

The following variance protocol is for local governments (LG), developers and RAR-compliant Qualified Environmental Professionals (QEP's) and is intended to inform all parties as to how Streamside Protection and Enhancement Area (SPEA) variance RAR referrals will be managed, including guidance relevant to final decision-making by DFO and the Ministry of Environment (MoE). The variance protocol provides specific standards and methods to determine the amount of allowable encroachment into the SPEA in cases of undue hardship and is based on site specific considerations such as the property size, configuration and present environmental condition (Appendix 1).

**An important change to the previous process is that LG letters of support pertaining to undue hardship will no longer be required, as the methodology within the protocol will determine if there is a justification of hardship.**

**Variance requests for which there is no undue hardship will not be supported by either agency.**

**Undue Hardship:**

DFO and MoE will only consider variance requests in circumstances where there is undue hardship. A determination of undue hardship will be made where no private development of the land remains available to the landowner<sup>1</sup>.

For example, a determination of undue hardship can be made where the project is a single, legal lot which:

- a) was created in accordance with fish habitat legislation and guidelines of the day;

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<sup>1</sup> Riparian Protection and Compensation – Fish Protection Act – prepared by Linda Nowlan, West Coast Environmental Law Research Foundation for the BC Ministry of Environment, Lands and Parks, January 1999.

- b) cannot be reasonably developed for the purpose for which the lot was created with the current zoning and the required SPEA; and,
- c) the Local government has relaxed other development restrictions as much as reasonably possible.

Situations where application of the SPEA still allows some uses of the land, even if those uses are unsatisfactory or less economical to the landowner will not be considered to have undue hardship. At the subdivision stage or rezoning stage a loss of development potential will not be considered undue hardship.

Through the provincial RAR, the SPEA is recognized as an ecologically important area that is to remain protected from development. Therefore, development sites that meet the undue hardship criteria must be designed to minimize the development footprint within the SPEA and to provide offsetting measures (i.e. mitigation or compensation) for any unavoidable encroachment (Appendix 2).

#### **Period of Effectiveness:**

The variance protocol will remain in effect until December 31, 2010 at which time it may be retained for a specified period of time, updated or discontinued. The protocol may also be modified at any time should changes to RAR and/or policy warrant this action. Any changes to this protocol will be registered on the MoE RAR website.

#### **Geographic Area of Effectiveness:**

The variance protocol applies to all portions of the Province of BC in which the RAR applies (i.e. portions of Vancouver Island, the Lower Mainland and Sunshine Coast, the Thompson-Nicola Regional District, the Columbia-Shuswap Regional District, and the Okanagan, Kettle and Similkameen areas, covering in whole or in part all of Ministry of Environment Regions 1, 2, 3, 5 and 8 (see attached map, Appendix 3).

#### **Variance Protocol:**

The RAR places certain responsibilities on DFO and MoE as they relate to variances of the Streamside Protection and Enhancement Area (SPEA).

Variances are of two forms:

1. The SPEA can not be accommodated by the development plan, or local government permitting agency, and there is likely a HADD of fish habitat requiring a *Fisheries Act* S. 35(2) Authorisation.
2. The SPEA can not be maintained by the development plan, or local government permitting agency, but there is not necessarily a HADD of fish habitat.

The intent of the RAR is to protect areas of both existing and potential vegetation. Therefore, prior to applying this protocol to Non-HADD SPEA Variances or considering and applying to DFO for a SPEA variance with a HADD, the QEP/proponent *must* undertake the following:

- a) The project proposal must be assessed for all reasonable redesign and relocation options to avoid need for a SPEA Variance.

- b) The QEP/Proponent must work with the LG to consider changes to other municipal restrictions such as adjusting other property line setback requirements or frontage distances prior to their request for variance of the SPEA boundary.
- c) Local Governments have some limited discretionary power to “flex” the SPEA boundary. Therefore, work with the Local Government to apply “flexing” where appropriate.
- d) Determine that there is no option to undertake a reasonably sized development appropriate for the zoning, and therefore there would be an Undue Hardship if a variance was not granted (direction in determining “reasonable” is provided in Appendix 1).

If there is still a requirement to encroach into the SPEA that can not be accommodated by any of the above options, then the QEP must provide written verification that there has been every effort made to relax other LG restrictions on the development such as front and side yard setbacks. Appendix 4 provides a template letter the QEP and LG’s can use to document the verification.

Additional considerations in the determination of Variance allowances, as per Appendix 1, include the present condition of the property and the relative health and environmental function of the riparian zone.

- Properties that have been previously developed and have a relatively low riparian function are defined as “Brownfield” and the QEP will be expected to assure agencies that the project will not cause a HADD of fish habitat. To determine if a riparian area is modified to such a degree as to be defined as “Brownfield”, if less than 30% of the site potential vegetation is remaining, the site is to be considered a Brownfield site. The alteration must be from historic activities and not relate to recent property modifications.
- Properties that are in a relatively unmodified state and have good riparian function, are considered “Greenfield”. Greenfield Variances will likely result in a HADD determination. Therefore, if 30% or more of the riparian site potential vegetation is remaining, it is a “Greenfield” site.

Only after all the above considerations have been made can:

- the variance protocol be applied to Non-HADD SPEA variances with submission of notification to DFO; or,
- the proponent apply to DFO for a SPEA Variance with a HADD.

**The Methodology to Determine the Degree of Allowable Encroachment into the RAR SPEA under an Undue Hardship Justification in Appendix 1 is to be followed to determine the size, location and configuration of a development within the SPEA.**

**Encroachment will require offsetting measures. Brownfield sites requiring mitigation shall follow the *Mitigation Measures Process and Standards* in Appendix 2. For Greenfield sites, compensation will be negotiated by a DFO Habitat Management assessor.**

#### **Process Completion:**

*Non-HADD SPEA Variance*

If upon the completion of an RAR assessment, a QEP determines that the SPEA can not be accommodated, an undue hardship exists and confirms that in their opinion that there **will not be a HADD** of fish habitat after the application of redesign, relocation and mitigation measures, then the project may proceed provided that all the following have occurred:

- the *Methodology to Determine the Degree of Allowable Encroachment into the RAR SPEA under an Undue Hardship Justification* in Appendix 1 is followed;
- the mitigation measures defined in Appendix 2 are applied; and
- all the QEP's guidance and direction and any additional measures that may be required to avoid a HADD of fish habitat are incorporated into the design.

The project can then be submitted to DFO. DFO will review the project if it is in salmon bearing habitat. For resident only habitat, the project will be referred to MoE to undertake the review and decision. If DFO or MoE's decision supports the variance request, a letter will be issued by DFO that must then be appended to the RAR assessment and submitted to the RAR Registry. A RAR SPEA Variance can not be registered without such a letter of approval.

When registering their RAR Assessment in the notification system, the QEP will be required to include, attached to their assessment report, a letter stating:

1. that the project is deemed to be a non-HADD and explain how the brownfield determination was made;
2. that their results were reached following this protocol document;
3. how the SPEA variance requirement was determined;
4. the notification is being made in accordance with direction provided by the DFO-MoE Variance Protocol document; and,
5. their professional opinion that if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.

The agencies will monitor notifications to verify the accuracy and appropriateness of QEP HADD determinations, the compliance of developments with QEP-prescribed mitigation measures and the effectiveness of these measures in avoiding a HADD of fish habitat.

#### *SPEA Variance with HADD*

If, upon the completion of a RAR assessment, a QEP determines that the SPEA can not be accommodated, a situation of undue hardship exists, and that there **will be a HADD** of fish habitat after application of redesign, relocation, mitigation and other local government measures, and as such the development will require a *FA S. 35(2)* Authorisation with compensation to legally proceed, the development proposal is to be submitted for review by DFO. The project will still be required to follow the *Methodology to determine the degree of allowable encroachment into the RAR SPEA under an Undue Hardship Justification* in Appendix 1. If DFO agrees that

no other options exist, proposed compensation options for the HADD may be discussed with the appropriate DFO Habitat Management assessor. In order for the Department to properly assess the development proposal and come to a decision as to whether to Authorise the proposed HADD or not, it will likely be necessary for the proponent and QEP to provide the Department with more information than is provided in an RAR assessment.

For all proposed HADD's in both salmon (anadromous) and resident (non-anadromous) habitat, the development proposal should be submitted to DFO with all information detailed in the *Proponent's Guide to Information Requirements for Review Under the Fish Habitat Protection Provisions of the Fisheries Act*. DFO will forward non-anadromous HADD project proposals to MoE to assess risk to resident habitat and fish stocks.

Once a completed proposal for compensation is received by DFO, DFO will review the information provided and when applicable also consider MoE's assessment of foreshore and habitat values in resident fish habitat. DFO will then determine if the proposed HADD of fish habitat should be authorised and will subsequently notify the appropriate parties (i.e. the QEP, MoE and the local government) of the decision. DFO will also consider MoE advice and recommendations for appropriate compensation requirements in resident fish habitat areas. In most instances, a decision by the Department to issue a *FA* s. 35(2) Authorisation will trigger an environmental assessment under the *Canadian Environmental Assessment Act* (CEAA).

Authorisations will be monitored for compliance with their terms and conditions.

It is the proponents' responsibility to ensure that all other legislation and regulations are met including, but not limited to, the *Wildlife Act*, the *Species at Risk Act*, the *Water Act*, and Local Government Bylaws. Although it is not a requirement of RAR, it is recommended that this information be included in the assessment report.

## Appendix 1.

**Methodology to Determine the Degree of Allowable Encroachment into the RAR  
SPEA under an Undue Hardship Justification.**

1. Work with Local Government (LG) to maximise LG setbacks and flexing options to accommodate the development footprint. The submission to DFO should provide written documentation of the efforts made to avoid encroachment into the SPEA, and that other options to accommodate the development footprint are not feasible.
2. Assess the total potential developable area of the site above the Mean Annual High Water Mark (MAHWM), or designated lake elevation / floodplain elevation. The developable area is the portion of the property that is not constrained by non-SPEA development restrictions. However, the SPEA may be included in the overall property area for the purpose of calculating the total developable area. Easements, right-of-ways (ROW), LG property setbacks and topographical constraints significant enough to preclude development should be subtracted from the overall property area to determine the developable area, unless the restriction, or a portion of it, can reasonably be incorporated into the SPEA. See the attached diagram (Figure 1) for assistance.
3. A QEP is required to assess if the site is a Brownfield or Greenfield.
4. Undue hardship will only be considered in those situations where:
  - The development footprint is less than 40% of the developable area on **Brownfield** lots, or
  - The development footprint is less than 30% of the developable area on **Greenfield** lots (see pg. 3 of the Protocol for definitions of "Brownfield" & "Greenfield").

*If the development footprint can not be achieved without encroachment into the SPEA, and an Undue Hardship exists, a SPEA variance may be requested.*

The development footprint is to include all buildings and other hard surface features, including proposed and existing buildings, outbuildings including garages, sheds, upland boathouse, gazebos, driveways, walkways, paths, patios, and decks.

5. The proposed development footprint within the SPEA is to be configured in such a way as to minimise the encroachment toward fish habitat (e.g. water's edge); therefore, the proposed development is to be located as far upland as possible. The footprint is to be tight to front yard and side yard setbacks, and there will be no feature projections into the SPEA, such as a building wing, pool, deck or overhanging structures.

A project that clearly demonstrates that all standards have been achieved is likely to be approved without significant delay in the review process. Projects that do not meet the variance protocol measures or are likely to cause a HADD, will require a more detailed review. DFO will consider if the review can be accommodated through local government Environmental Review Committee's, a semi-annual project review meeting held between DFO, MoE and the LG, or via other legislative mechanisms such as review under CEAA.

**Any proposals that exceed the allowable percentage will be rejected.**

**Figure 1.** *Example Site Plan to Determine the Developable Area of a Brownfield Site using the RAR Variance Protocol.*

## Appendix 2

**Mitigation Measures Process and Standards**

The term “mitigation” will apply to non-HADD or Brownfield SPEA Variances.

The goal is to ensure that the objectives of RAR to protect and enhance the stream side riparian area are achieved, even in situations where a SPEA encroachment is required under an Undue Hardship justification. Therefore, it is required that any encroachment will be offset by mitigative measures.

Mitigative requirements will escalate with the increasing amount of encroachment and habitat condition.

<b>Site Environmental Condition</b>	<b>Area of Encroachment (m2)</b>	<b>Mitigation Ratio</b>
Brownfield / Non-HADD	1 – 50	1:1
	51 – 100	1.5:1
	101 – 200	2:1
	201+	3:1

A consultant is developing a guidance document regarding appropriate standards for:

- Zonally appropriate Tree/shrub species and mix
- Planting density
- Plant size and age, etc



[illegible]

## Appendix 4

## Local Government Letterhead

Date

File #:

Contact Name

Company Name

Address

City, BC, Postal Code

Dear Sir or Madam:

QEP Assessment # - Site Address (Legal)

**Local Government Template Letter to Confirm Local Government Setback Relief**

The (City/District/Village/Regional District) has reviewed the Riparian Areas Regulation (RAR) assessment report for the above Property and the proposed modified side yard and front yard setbacks.

The report proposes a modified Streamside Protection and Enhancement Area (SPEA), such that in the opinion of the Qualified Environmental Professional (QEP), the overall riparian area will function to protect and enhance fish habitat values. In order to achieve the desired outcomes, the development is required to be placed as far from the high water mark/natural boundary as reasonable. We acknowledge the level of effort given in the development plan to avoid the SPEA boundary.

The (LG) has agreed and approved the reduction of front and side yard setbacks from X metres to Y metres in order to maximise the development's setback from the high water mark/natural boundary.

This report will form the basis for support of a Development Variance Permit to (LG) Council with regards to the protection of the natural features, functions and conditions that support fish life processes.

Respectfully,

(Name)

(Title)



## MINUTES OF ELECTORAL AREA I (Youbou/Meade Creek) AREA PLANNING COMMISSION MEETING

**DATE:** September 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 7:05pm.

**PRESENT:**

Chairperson: Mike Marrs

Vice-Chairperson:

Members: Jeff Abbott, Shawn Carlow, Gerald Thom,

**ALSO PRESENT:**

Director: Klaus Kuhn (7:30pm)

Alternate Director:

Recording Secretary: Tara Daly

**REGRETS:**

George deLure, Erica Griffith, Pat Weaver

**GUESTS:**

Michael Dix, applicant for 3-I-10DP/VAR (Dix); Pat Tosczak, delegation for 3-I-10DP/VAR (Dix), Tyler Clarke (Lake Cowichan Gazette), Michelle Weisgerber, Trevor Gillott, Norma O'Connell, Dale O'Connell, Floyd Augustine, Barry McLachlan, Rose Steven

**AGENDA:**

*It was Moved and Seconded to accept the agenda.*

**CARRIED**

**MINUTES:**

*It was Moved and Seconded to accept the minutes of June 1, 2010 as circulated.*

**CARRIED**

**DELEGATION:**

- **APPLICATION 3-I-10DP/VAR (DIX)** ~ M. Marrs explained the APC is an advisory body with final decisions being made by the CVRD Board of Directors; the applicant will make a presentation, the Commission members will ask questions if needed, and then a recommendation will be made if the Commission so desires; the public is only able to listen unless they've asked to make a presentation
- Michael Dix, the applicant, told the Commission he has been a resident property owner (shareholder in Cowichan Lake Recreational Community formerly Ben's Marina) in Youbou for the last four (4) years, has owned Billy Goat Island for the last five (5) years, and has been in the Cowichan Lake area for the last ten (10) years; he has taken time to determine how he wishes to develop Billy Goat

Island, wants to keep it as pristine as possible, has picked up garbage left by people using the island, hasn't put up 'private' signs.

- Mr. Dix noted, in his opinion, the island's current LR1 zoning shouldn't be applicable to islands and that Cowichan Lake islands recognized as #3 and #4 are not mentioned in the Area I (Youbou/Meade Creek) OCP; he has had dealings with CVRD Planning staff through developments in the Mill Bay/ Cobble Hill areas which focus on affordable housing.
- the current zoning allows one (1) dwelling with a 60m set-back; Mr. Dix is asking for a bend of the SPEA to allow for a second dwelling
- both dwellings would be above the 200 floodplain (165m) with top of the line septic systems
- Ted Burns, registered biologist, has little problem with development of the island
- **questions/comments** ~ the variance/ relaxation of the SPEA would be for the entire footprint as both dwellings would be within the Riparian Areas Regulations
- Has there been a detailed survey done? *The island was staked out in the course of the background work done in relation to the possible raising of the weir.*
- What kind of septic system? *Type 3, full treatment, similar to what is currently on Island #5.*
- Has there been an arborist report done? *Only the assessment done by Ted Burns.*
- Would there be a connection or pathway between the two (2) dwellings? *Yes, but seven (7) months of the year that area is under water.*
- Are you aware of the vandalism that has occurred on some of the islands? *Yes, Island #3 and Island #5.*
- What kind of lighting? *Solar.*
- What kind of heat source? *Have no problem with covenants in place the same as Island #3.*
- How high would the dwelling be? *It would be below the maximum allowed but built up on piles to keep clear of the winter weather; with the current stakes (markings) two-thirds of the house height would be above the pilings.*
- Would you live there year round? *No, it wouldn't be the primary residence but it would be used year round.*
- How would the island be accessed? *From the lot currently owned at Cowichan Lake Recreational Community.*
- What is the size of the island? *3.56 acres.*
- Are you willing to sell the island? *No, I want to enjoy the lifestyle the island will offer.*
- **discussion/ comments by Commission members** ~ don't understand why DFO puts in regulations/ rules and then allows them to be broken (referring to Ted Burns assessment); setbacks are 15m on the south facing side and 20m on the north facing side with the Riparian Areas Regulations (SPEA) set at 30m which effectively leaves no buildable land on the island; the relaxation of the SPEA would be needed for any dwellings on the island
- Pat Toszak, 10220 Youbou Road, started by saying that her family bought their house, which looks out to the middle of Billy Goat Island, in 1972. The family dates back several decades in their attachment to Youbou. They are strongly opposed to the development of Billy Goat Island. The natural environment needs to be protected; DPA and Riparian Areas regulations need to be maintained. The island is home to a beaver dam and nesting area for Canada geese. It is

submerged each winter. Ms. Tosczak questions the staking that has been done on the island, feeling it isn't correct. 'This development needs to be nipped in the butt.'

- **discussion/ comments by Commission members** ~ There would be a negative impact on the adjacent parcels. A short discussion was held about whether or not Cowichan Lake is considered to be the adjacent properties; most of the Youbou residents are against the application moving forward in any form; most of the island is inside SPEA regulations; CVRD should purchase for greenspace; one (1) large building is preferable to two (2) small buildings but there is a concern over more and more land being gobbled up; the current zoning allows for a single dwelling but the land is ecologically sensitive and regulations for RAR and SPEA would have to be relaxed; allowing a second dwelling would mean a second septic system and more abuse of the sensitive areas with the walkway between the two (2) dwellings
- the APC needs to make a statement, statistics are showing a deterioration of Cowichan Lake water quality, much land has already been cleared and ruined around the lake, overall impact on the lake is a concern, regulations need to be maintained
- the APC felt the application was dealing with the building of a second dwelling on Billy Goat Island as the current zoning allows for a single dwelling but during discussions noted that even the single dwelling would need to have a relaxation in the SPEA in order to be built
- the Commission reiterated comments made at the June 1<sup>st</sup> meeting which are as follows: 'after much discussion, the Commission wanted to note that any infringements on Riparian Zones are not acceptable. The public, as well as, the APC wish to maintain the existing Riparian areas around the lake and increase, if possible.'
- attached to these minutes are comments made by David Hill, P. Eng. (resident of Youbou at 10210 Youbou Road), George deLure (member of the APC and unable to attend the meeting), Gerald Thom (member of the APC), and Mike Marrs (member of the APC); also attached is the assessment done by Ted Burns

*It was Moved and Seconded that the Area I (Youbou/Meade Creek) Area Planning Commission reject Application File No. 3-I-10DP/VAR (Dix).*

**CARRIED**

- The Commission thanked Mr. Dix for going through the process rather than making rash decisions and then asking for forgiveness.

**BUSINESS ARISING FROM MINUTES:**

**OLD BUSINESS:**

**NEW BUSINESS:**

- an informal discussion was held with respect to Lot 62 on Cypress Road; although an application hasn't come forward to the APC or the CVRD Planning Department that is known, nearby residents are concerned with comments made by the landowner of how he wants to develop the land including building a house, harnessing Coon Skin Creek for excess power to be sold to BC Hydro, desired placement of septic, excessive removal of trees for a better site-line for

lake views possibly affecting the stability of the creek bank, bank parallel to Youbou Road could be drastically effected, illegal use of MoTI property with installation of gate to his property

- Coon Skin Creek is a fish-bearing creek, the bank slope is very steep, the end of Cypress Road is designated as a turnaround but hasn't been done, access by Fire Department and Ambulance is limited now but with a gate would be further hindered
- existing water license holders have received correspondence informing them that because there is now a water system throughout Youbou, the land owner no longer has to allow their water rights on Coon Skin Creek; it is believed there is six-month notice needed when water licenses are asked to vacate
- the homeowners were given some suggestions on who and what to do leaving it in their hands to proceed
- **Boat Launch** ~ is very much needed in the Youbou area, the pseudo boat launch at the end of Coon Skin Creek Road is a problem with large boats, parking, and noise; possibly have bollards installed to deter large boats from launching, hope that Youbou Lands puts in a boat launch very near the beginning of their development

**ANNOUNCEMENTS:**

- **Next Meeting** October 5, 2010 at 7pm in Upper Youbou Hall (at the call of the chair)

The meeting was adjourned at 8:50pm

/s/ Tara Daly  
Secretary



## 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-IDP/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



May 7, 2010

CVRD,  
Attention Jill Collinson, Planning Technician,

We are writing this letter in response to the Application made by Michael Dix for a variance to bylaw No. 2465. File No. **3-I-10DP/VAR (Dix)**. We definitely have some concerns regarding this application, the consequences of these buildings and the finer details of the application.

In your letter you state that there has been an application to vary the distance between the lake and the proposed secondary building. Looking at the attached sketch of the island, its natural boundaries and High Water Mark. It appears to me, if the drawing is even close to scale, that the proposed Single Family Dwelling is also substantially closer to the Natural Boundary of the island than the required 60m. Are there differing rules governing the requirements of Primary Residence and a Secondary Residence? If so what are they. What are the actual measurements of the Set Backs of the proposed Primary Dwelling. Are the measurements given on the application taken from the natural boundary of the island or from the high water mark. As a full time resident of Youbou, who lives on the lake, directly across from the island in question I can tell you that those two measurements are VERY different, and can vary by many feet in a day.

The letter shows that the applicant is requesting that the boundaries be relaxed by 66%-75%. That leaves the proposed buildings sitting 25%-33% of the distance required by everyone else who has built homes on the lake. I think it would be setting a very strong precedent to allow this variance to go through. Opening a flood gate of applications of this type.

I believe that the ENTIRE island is lower than the 200 year flood plain. Our home has a basement that is lower than the 200 year flood plain and as such is uninsurable. By granting this variance are you opening up the possibilities for

- A) Other buildings to be constructed that close to the lake.
- B) Existing buildings to apply for variances to the required setbacks to allow for the insuring of basements and their contents.

We have some questions that are of high importance to us. How are they proposing to deal with the septic systems and if separate, their grey water required by the residences. My home collects its drinking water directly from the lake and as I have stated I am located directly across from the island on the Youbou side. Do these people own other property on the Lake or in the area. What do they plan to do with their vehicles, how will construction materials be transported to the island. How will concrete and other potentially toxic construction supplies be transported to the island. What are the plans for these buildings. Are they to be used as a residence and detached in-law suite by the owners and their family, or are they to be used as seasonal rentals?

Besides the concerns and questions I have posed in this letter I would like to very clearly state that I am opposed to the variance that has been applied for in File No. **3-I-10DP/VAR (Dix)**.

Yours Truly,

Barrie and Renee Irving,  
10168 Youbou Road,  
Youbou, BC, V0R3E1  
250-745-6258

David Hill, P.Eng.  
10210 Youbou Road  
Youbou, BC  
V0R 3E1  
May 6, 2010

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

Attention: Ms. Jill Collinson  
Planning Technician

**RE: ISLAND #4 BILLY GOAT ISLAND, BLOCK 1455, COWICHAN LAKE DISTRICT  
APPLICATION FOR DEVELOPMENT PERMIT VARIANCE  
FILE NO. 3-I-10DP/VAR (DIX)**

Dear Ms. Collinson:

Further to the posting of signage and our recent telephone conversation, this letter is written to express my objections to the approval of the Development Permit with Variance for the above noted property. My objections are based on non-conformance with existing set-back rules, environmental, health, water supply and flood issues. Each of these issues is discussed below.

**1. LR-1 ZONING SET-BACK RULES.**

Review of the LR-1 regulations required that a secondary dwelling unit be set back at least 60 m from the natural boundary of the lake. The application requests a 40 m relaxation from the northern boundary and a 45 m setback from the southern boundary to provide only a 20 and 15 m setback from the northern and southern boundaries, respectively. This is an extreme relaxation, reducing the setbacks by between 66% and 75%. We are not talking about a couple of metres here, this is a wholesale abandonment of the existing rules. These setbacks are established for good reason for protection of the environment and sensitive areas and to totally disregard them in such an extreme manner would essentially invalid the concept of a setback for all future developments. If this variance is issued, there will be many others requesting a similar variance and the CVRD will have a very hard time refusing them due to the precedence set at this property and it will be very difficult to put the genie back in the bottle.

**RECOMMENDATION:** Do not permit such a flagrant disregard of the setback requirements.

## **2. APPLICATION FOR DP AND VARIANCES**

From our discussions, I understand that Billy Goat Island is in a Watercourse Protections Development Permit Area. Section 13.0 of the OCP states that the Regional Board may give favourable consideration to a variance for development in these areas where the variance will have “..no negative impact on adjacent parcels and would enhance the aesthetics of the site.” Construction of two residences, each with their own septic system could have negative impact on the adjacent water body and would certainly not enhance the aesthetics of the site as trees would have to be cut down to make room for the structures.

Section 13.15 of the OCP has very rigorous Application Requirements including very detailed description of the proposed development including the buildings, wells, sewage systems, covered surface, tree removal etc. as well as an inventory of sensitive plant life and animal habitat. A report prepared by a qualified environmental professional including a hydrogeological report addressing the suitability and stability of the soil for the proposed project. The issues related to the above noted report are discussed in some more detail below.

**Recommendation:** The CVRD should require the proponent to satisfy all the requirement of Section 13.15 of the OCP.

## **3. SEWAGE DISPOSAL AND LAKE WATER QUALITY**

The sketch drawings you provided indicate that the proponent proposes to treat sewage using two septic field systems, one for each residence. The design, construction and operation of septic field systems must conform to the requirement of the BC Ministry of Health document “Sewage System, Standard Practice Manual” Ver. 2, September 2007.

With respect to location, the Manual states that the minimum set-back of a septic field from a water body is 30 m (100 ft). Review of the proposed septic field locations do not conform to that minimum standard. In fact, since the island is typically less than 60 m wide, there is virtually no location on the island that can conform to this standard.

**RECOMMENDATION:** The application be rejected on the basis of non-conformance with the MoH setback requirements.

### **Septic System Design and Performance**

To treat effluent effectively, septic systems require the following:

- a layer of soil between the invert (bottom) of the distribution pipes and the high water table level. The BC Manual requires a minimum of 1.1 m (3.5 ft) of unsaturated soil between the pipe invert and the seasonal high water table level.

- the soil below the septic field should have a medium permeability (ability of water to flow through the soil). If the soil is too coarse grained (sand and gravel) the effluent flows downwards very quickly and the exposure time for the natural bacteria in the soil to “treat” the effluent is insufficient and untreated effluent enters the water table. If the soil is too fine grained (clay and silt), the effluent cannot flow downwards quickly enough and the field backs up and effluent breaks out at ground surface and flows into the lake.
- bedrock should be well below ground surface. If bedrock is too close to the ground surface below the field, the effluent flow downward through the soil cover hits the bedrock surface and then flows laterally towards the lake.

Following are concerns regarding the above requirements.

The drawings provided do not provide any hard survey data regarding the ground surface elevation. There are two contour lines shown (marked as El. 164 and 168 – presumably metres) but there are no spot heights on the drawing that would support drawing those contour lines as shown. The contours indicate significant relief across the island – possibly up to 6 m since the normal lake level is between El. 163 m and El. 165 m. I have not walked on the island but having boated around it hundreds of times, I am not convinced that there is as much relief as the drawing indicates (about 6 m or 20 ft – a two storey building).

**RECOMMENDATIONS:** As a minimum, a topographic survey of the island by a BC Land Surveyor should be required to confirm the ground surface elevations claimed.

### **Operation During Floods**

The drawings indicate that both structures will be above the El. 168 m contour. I understand that the 1:200 year flood level for Lake Cowichan is El. 167 m. Assuming that the septic field discharge pipes are about 0.5 m below ground surface, the pipe invert will be at about El. 167.5 m. As the lake level rises during the winter, the water table below the island will also rise due to the proximity of the lake. At maximum flood level, there may be only 0.5 m between the pipe invert and the water table which does not conform to the MoH requirements. No effective treatment of the sewage can be expected in that condition and it is likely that untreated or partially treated sewage could enter the water table and ultimately, into the lake. This is an unacceptable condition. The water quality in Cowichan Lake is excellent and permitting sewage to enter the aquatic system is untenable.

### **Presence of Bedrock Close to Ground Surface**

Billy Goat Island is probably a bedrock high that resisted erosion during the last glaciation. The available geological mapping of the area (Geology of the Cowichan Lake Area, Vancouver Island, B.C., BC Department of Mines, Bulletin No. 37) indicates that the island is underlain by shale and sandstone bedrock of the Haslam Formation (photocopy of mapping is attached). There may be shallow soil cover, but it is likely to be a veneer of soil cover over the bedrock surface.

Unfortunately, I have not had the opportunity to take my boat over and conduct a reconnaissance to examine the island for bedrock outcrops but I intend to do so on the May long weekend. As described above, a septic field will not be effective if the bedrock is too close to the ground surface. As described above, permitting development where rock is close to surface would create an unacceptable condition whereby untreated or partially treated sewage could enter the aquatic system.

This area of the lake is heavily used by families for water skiing, wake boarding and tubing due to the shelter provided by the island. Kids are regularly in the water after falling off skis, boards or tubes. If contaminated water is ingested by those participating in water sports, it could cause severe health problems and huge liability to both the proponent and the District for approving the development.

**RECOMMENDATION:** The proponent should be required to conduct a geotechnical investigation and percolation testing to assess the feasibility of this method of sewage disposal. The investigation and testing should be carried out by a competent, qualified professional, experienced in the investigation and design of septic fields in accordance with the MoH Manual. The groundwater level should be monitored over the winter using a data logger to determine the high water level, as this would be the critical condition.

#### **4. WATER SUPPLY**

The application does not make reference to the source of potable water.

If the owner intends to drill a well, a drill rig will have to be barged in and an access road cut through the trees to access the well site(s). This will cause a significant scar across the island and it will be visually unpleasant to those immediately across the lake. Loss of tree cover on the island will have a very negative visual impact on the environment with increased surface erosion and silt entering the lake.

I assume that the well will also be located on higher ground to avoid surface water (and associated contaminants from goose droppings) from entering the well casing. The MoH Manual requires a setback of 30 m between wells and septic fields. This may be difficult to satisfy at this site.

**RECOMMENDATION:** Vancouver Island Health Authority be requested to review and comment on the feasibility of obtaining a reliable potable water supply for this site within the constraints imposed by the MoT Standard Practice Manual.

#### **4. FLOOD LEVEL**

I understand that development adjacent to the lake requires that any residence be constructed above the 1:200 year flood level, i.e. above El. 167 m. While the drawing indicates the building site will be above El. 168 m, there is hard no topographic survey data to support this. As recommended above, a topographic survey of the island should be carried out prior to demonstrate that this requirement can be satisfied.

#### **5. ACCESS**

Access will obviously have to be by boat. The proponent does not state where from the shoreline he will launch and moor his boat.

RECOMMENDATION:        The proponent should be required to provide information on how he intends to access the island.

#### **6. CLOSURE**

I understand that this application is for a development permit with a variance and that the issue at this time is the set-back from the lake. However, if a variance is granted, it will be the thin edge of the wedge and that, with this approval in hand, the proponent will push ahead to the next step and will continue to push the CVRD into a corner that will ultimately lead to full approval of the development and issue of a Building Permit for this risky and poorly conceived project.

RECOMMENDATION:        I recommend that the CVRD reject this application at this early stage to put a nail in the coffin of the proposal to prevent an expectation of approval of subsequent stages of the application for a Building Permit based on issue of a D.P.

I would be pleased to discuss any item of this letter further with you. Should you wish to do so, please do not hesitate to contact me at work during business hours (604-684-4384) or at home (604-925-0419) in the evening.

Thank you for your understanding and consideration in advance.

Yours truly,

  
David Hill, P.Eng.

Youbou, B.C.

VOR 3E1

Cowichan Valley Regional District  
175 Ingram Street  
Duncan B.C.  
V9L 1N8

May 10, 2010

Attention Ms. Jill Collinson, Planning Technician  
Development Services Division  
Planning and Development Department

Dear Ms Collinson:

Re: Island #4, Billy Goat Island  
Block 1455, Cowichan Lake District, As shown on Plan 40413  
(PID: 000-121-924)

We are responding to your letter dated April 23, 2010 regarding the above mentioned proposed development.

The island proposed to be developed is an extremely important part of the Cowichan Lake area. The location of the island and its separation from the mainland shore make it ideal for animals, such as otter, mink and beaver. Also birds use the island for nesting and feeding. We regularly see eagles, blue heron, king fisher and many other small birds on and around the island. The fish stocks in Cowichan Lake are very important and struggling to survive. The shoreline areas of the subject island provide extremely valuable protection and feeding areas for young fish.

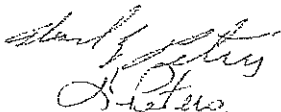
The shoreline areas of Cowichan Lake have been protected by legislation because government has recognized their importance to the well being of the lake. Granting wholesale relaxations of the type being considered here will destroy this protection and render it useless.

In addition to the above, consideration should be given to the topography of this island. The island is very low lying and we suspect it is all, or nearly all, below the 200 year flood-plain. This will create some difficult challenges for developing this site. The solutions used to overcome these problems will likely result in undesirable buildings built up on stilts or high concrete foundations.

Septic facilities will be particularly difficult because most, if not all the island surface can go under water. No matter how hard you try to overcome this you risk contaminating the lake with sewage.

We urge you to defend this lovely island. Do not allow the relaxation of the shoreline protection areas or the 200 year flood-plain.

Yours Truly





**Jill Collinson**

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**From:** CVRD Development Services  
**Sent:** Tuesday, May 11, 2010 8:40 AM  
**To:** Alison Garnett; Ann Kjerulf; Catherine Tompkins; Dana Leitch; Jill Collinson; Mike Tippet; Rob Conway  
**Subject:** FW: variance,FileNo. 3-1-10DP/VAR[Dix].

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**From:** Norma O'Connell [mailto:nordoc@shaw.ca]  
**Sent:** Monday, May 10, 2010 9:12 AM  
**To:** CVRD Development Services  
**Subject:** variance,FileNo. 3-1-10DP/VAR[Dix].

May 10,2010  
CVRD

Re: Island #4, Billy Goat Island

We are adamantly opposed to any development on Billy Goat Island. To even consider development on that small island is inconceivable. The environmental impact to that shallow corner of Cowichan Lake would be devastating.

We need to protect Cowichan Lake for future generations.

Dale and Norma O'Connell  
10146 Youbou Rd.  
Youbou, B.C.  
V0R3E1

Lot 66

## Jill Collinson

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**From:** Jose Lommen [pastime@shaw.ca]  
**Sent:** Thursday, May 06, 2010 7:44 PM  
**To:** Jill Collinson  
**Subject:** Billy Goat Island  
**Attachments:** 20100423114452566.pdf

Hello Jill,

I have received a copy of this application for a Development Permit with Variance from a friend as I live fairly close to the island. I'm wondering if you could answer me a question? How is the developer going to deal with hydro, water and especially septic? I'm inquiring about hydro because of the possibility of a generator impacting our quality of life and about the septic because of the obvious pollution issue with 100% of that island being so close to the lake. Thanks for your time.

Regards,  
Jose Lommen

>  
>  
> Attached to this email is a copy of the adjacent property owner letter  
> and supporting documents that \* requested earlier this week  
> (pertaining to the development variance permit application).  
>  
> Please feel free to contact me if you have any further questions or  
> concerns.  
>  
> Regards,  
>  
> Jill Collinson  
> Planning Technician  
> Development Services Division  
> Planning and Development Department  
> Cowichan Valley Regional District  
> Phone: (250) 746-2620  
> Fax: (250) 746-2621  
> [jcollinson@cvrld.bc.ca](mailto:jcollinson@cvrld.bc.ca)  
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September 23, 2010

Alison Garnett, Planning technician  
Cowichan Valley Regional District  
175 Ingram Street, Duncan V9L 1N8

Dear Ms. Garnett:

Re: **Island #4, Billy Goat Island**  
**Block 1455, Cowichan Lake District, As Shown on Plan 40413 (PID: 000-121-924)**

I am writing on behalf of concerned citizens of Youbou, BC. **We are OPPOSED to any development what-so-ever on Island #4 (Billy Goat Island).**

This island is currently protected from development via the **"Watercourse Protection Development Permit Area" (DPA)**. We are simply requesting the CVRD honour the setbacks imposed on this property. These setbacks would prohibit any development anywhere on the island based on the high water mark (a large portion of the island goes under water every winter).


We were in attendance at the Youbou Advisory Planning Committee meeting of September 7, 2010 and I was on the agenda to speak on behalf of the concerned citizens, which I did. I was present to hear, following the presentation, that the **Youbou Advisory Planning Committee voted to recommend refusal** of the application. I attach the minutes of the meeting and subsequent newspaper article for your reference.

In addition to the island being protected via the setbacks under the DPA, it has also been a long-term home to a family of beavers for many years. This beaver dam is protected under provincial law; Section 9 of the "Wildlife Act" makes it an offence to disturb, molest or destroy a beaver or muskrat house, den or dam..." This island is also a Canada Goose nesting site.

Additionally, any sewerage disposal system would be toxic to the lake water, based on the high water mark and would result in contamination. Section 35 of the federal Fisheries Act, administered by the Department of Fisheries and Oceans, prohibits any "harmful alteration, disruption or destruction of fish habitat". The definition of fish habitat under the Act includes all areas that provide habitat upon which "fish depend directly or indirectly in order to carry out their life processes".

I am prepared to attend any and all meetings regarding this and any future applications for development on this island. Please keep me apprised of the process.

Sincerely,

  
c/o 10220 Youbou Rd

Pat Tasczak  
pat.t@shaw.ca  
250 478 0587

# The fate of Cowichan Lake's Billy Goat Island discussed in Youbou

By Tyler Clarke - Lake Cowichan Gazette

Published: September 13, 2010 9:00 PM

Updated: September 13, 2010 11:43 PM

Residents of Youbou don't want to look out to Billy Goat Island to see anything but nature.

The fate of Billy Goat Island was discussed by Youbou's Advisory Planning Commission (APC), Tuesday, September 7, with the commission rejecting the island owner's request to build a second building on the island. Although the APC made it clear that they are against any development on Billy Goat Island, they were only asked to deliberate on the second building.

"The APC is an advisory body to the CVRD board of directors. As such, any decisions we make now will be forwarded to the board," APC chair Mike Marrs said, introducing the item.

Having owned property in Youbou for four years, and in the Cowichan Lake area for 10 — including a number of low income properties — Michael Dix said that he bought Billy Goat Island about five years ago, on a whim.

"Billy Goat Island was a bit of a rush of blood to the head to buy it," he said. "I've taken my time to find out what would be best for the island."

Billy Goat Island, which is approximately 3.65 acres large in total size, is a narrow island, located between Bald Mountain and Youbou, and is 25 to 35 meters wide at different locations.

"The island is actually two land masses with one marshy bit in between them," Dix said.

Having set up a hammock and spent some time relaxing while at Billy Goat Island, Dix has come to the conclusion that he would like two residences on the island, including one primary and one secondary residence.

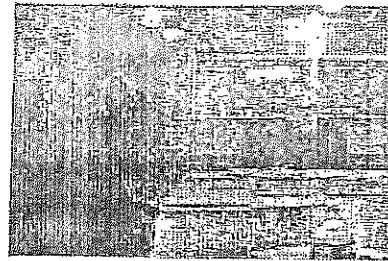
"This island is for my sole purpose," he said.

The only problem with this plan is that the secondary residence must be at least 60 meters from the shore — something Dix said is impossible in his situation.

"It's impossible to be 60 meters from the shore when you're on a cigar-shaped piece of land," he said. "Instead of one big large dwelling, I'd like two small ones."

These dwellings would include a path between them, through the marshy area at the middle of the island. Following Dix's presentation, the APC had a chance to voice their concerns.

"I can't get around fisheries setting up these rules and regulations... and for it to come to us, and to break these rules," APC member Jeff Abbott said, of the 60 meter setback for a secondary dwelling.



Billy Goat Island owner Michael Dix, left listens as Youbou's Advisory Planning Commission discusses the future of the island. At right is APC chair Mike Marrs. The commission decided that they wouldn't send their support of a secondary residence on the island to the CVRD, though the final decision will be in the hands of the CVRD board of directors.

"I can't get around fisheries setting up these rules and regulations... and for it to come to us, and to break these rules," APC member Jeff Abbott said, of the 60 meter setback for a secondary dwelling.

"The relaxation of these setbacks is a serious concern to me," APC member Shawn Carlow said. "You're asking for a very large setback."

"From my dealings with the people of Youbou, most of Youbou is not in favour of this application," APC member Gerald Thom said. "Riparian zones on the Cowichan Lake are already threatened... The more land left untarnished the better."

"I don't like to see the island being garbled up with a secondary property," Carlow agreed.

*K. Kozak*  
In addition to members of the APC being allowed to speak, a delegation with Youbou resident Pat Kozak as the speaker had its turn.

Kozak's property, on Youbou Road, is on the mainland across from Billy Goat Island.

"This designation was made by a body far greater than us," she said, of the 60 meter setback, in addition to riparian zone regulations being broken.

"I'm here to ask that we nip this in the bud," Kozak said.

Another concern is with regards to the safety of the property, Kozak said.

"We've seen most of the island go under water winter after winter," she said.

The APC then unanimously shot down Dix's request of a secondary residence on the island, though they were appreciative that Dix is going through the proper channels, unlike some other Youbou residents, who have been known to clear cut riparian zones and then deal with the consequences after the fact.

"It's nice to see someone go through the process. Looking around the lake, there's a lot going on around the lake that shouldn't," Thom said.

Following the meeting, Dix said that although he pretty well expected his request to be denied, he's frustrated, regardless.

That said, Dix said that he could empathize with the concerns of Youbou residents about the island, as they've been using the island for years as a free park.

"They want it as a park, without having to fund it as a park," he said, of the island, questioning why the CVRD didn't purchase the island when it went up for sale. "Does it make any sense to have a big monster of a home, or to spend it between two smaller opposite-sided buildings?" he asked.

The fact that it took Dix nine months to get his inevitable no is also a point of confusion.

"The process is clearly broken when it takes nine months to hear a no," he said. "I could have predicted this before I sat down."

Although Dix didn't get the APC support he'd hoped for, the issue will now go forward to the CVRD board of directors, who will decide whether or not primary and secondary dwellings will be allowed on the island.

**5.3 LR-1 LAKEFRONT RESIDENTIAL 1 ZONE**

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the LR-1 Zone:

**1. Permitted Uses**

The following principal uses and no others are permitted in the LR-1 Zone:

- a. Environmental protection and conservation;
- b. Single-family dwelling;

The following accessory uses are permitted in the LR-1 Zone:

- c. Bed and breakfast accommodation;
- d. Buildings and structures accessory to a principal permitted use;
- e. Home occupation;
- f. Secondary dwelling unit or secondary suite, provided the unit would not be located closer than 60 metres to the natural boundary of the lake.

**2. Minimum Parcel Size**

The minimum parcel size in the LR-1 Zone is 2500 m<sup>2</sup> if the parcel is connected to a community water system, and 1 hectare where the parcel is not connected to a community water system.

**3. Number of Dwellings**

Not more than one dwelling is permitted on a parcel, under 0.4 ha in area, that is zoned LR-1. For parcels zoned LR-1 that 0.4 in area or more, one additional secondary dwelling or secondary suite is permitted on a parcel.

**4. Setbacks**

The following minimum setbacks apply in the LR-1 Zone:

Type of Parcel Line	Residential and Accessory 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

**5. Height**

In the LR-1 Zone, the height of all buildings and structures must not exceed 7.5 metres, except in accordance with Section 3.8 of this Bylaw.

**6. Parcel Coverage**

The parcel coverage in the LR-1 Zone must not exceed 20 percent for all buildings and structures.

**7. Parking**

Off-street parking spaces in the LR-1 Zone must be provided in accordance with Section 3.13 of this Bylaw.

## **SECTION 13. WATERCOURSE PROTECTION DEVELOPMENT PERMIT AREA**

### **13.1: CATEGORY**

The Watercourse Protection Development Permit Area is designated pursuant to Section 919.1(1)(a) and (b) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biodiversity, and the protection of development from hazardous conditions.

### **13.2: SCOPE**

The Watercourse Protection Development Permit Area is coincidental with the Riparian Assessment Area as defined in the *Riparian Areas Regulation*. It is indicated in general terms on Map 6. Notwithstanding the areas indicated on Map 6, the actual Watercourse Protection Development Permit Area will in every case be measured on the ground, and it will be:

- (a) for a stream, the 30 metre strip on both sides of the stream, measured from the high water mark;
- (b) for a 3:1 (vertical/horizontal) ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank, and
- (c) for a 3:1 (vertical/horizontal) ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.

### **13.3: DEFINITIONS**

For the purposes of this Development Permit Area, the terms used herein have the same meaning that they do under the *Riparian Areas Regulation* (BC Reg. 376/2004).

### **13.4: JUSTIFICATION/OBJECTIVES**

- (a) The province of British Columbia's *Riparian Areas Regulation* (RAR), under the *Fish Protection Act*, aims to protect fish habitat. This regulation requires that residential, commercial or industrial development as defined in the RAR, in a Riparian Assessment Area near freshwater features, be subject to an environmental review by a Qualified Environmental Professional (QEP).
- (b) The environmental quality of Cowichan Lake, its tributaries, and associated riparian areas should be protected, as they provide critical habitat for an abundance of fish and aquatic animals, birds, plants, and land-based wildlife such as deer, bear, cougar, and Roosevelt Elk;
- (c) Increasing environmental awareness and declining fish stocks in the Strait of Georgia have led to the need for the protection of the OCP area's lake, streams, wetlands and adjacent riparian lands.
- (d) The riparian areas along Cowichan Lake and its tributaries act as natural water storage, drainage and purifying systems. These areas need to remain in a largely undisturbed state in order to prevent flooding, control erosion, reduce sedimentation, and recharge groundwater.
- (e) This area requires careful management, as it includes hazardous lands that have physical characteristics that may lead to property damage or loss of life if improperly built on.
- (f) The water quality of Cowichan Lake and its tributaries requires protection as it provides an important existing and potential domestic water source.
- (g) 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. The OCP aims to ensure that, henceforth, impervious surfaces are minimized to the extent possible, particularly in areas within close proximity to a watercourse.

- (h) The vegetation within the riparian areas requires special consideration as it is essential to the water quality, protecting the water resource from pollution and sedimentation, and permitting more regular water flows during the summer months than would occur otherwise.

### **13.5: APPICABILITY**

A development permit must be applied for, and issued by the Cowichan Valley Regional District, prior to any of the following activities occurring in the Watercourse Protection Development Permit Area, where such activities are directly or indirectly related to existing or proposed residential, commercial or industrial land uses in any Zone or Land Use Designation:

- (a) removal, alteration, disruption or destruction of vegetation;
- (b) disturbance of soils;
- (c) construction or erection of buildings and structures;
- (d) creation of nonstructural impervious or semi-impervious surfaces;
- (e) flood protection works;
- (f) construction of roads, trails, docks, retaining walls, wharves and bridges;
- (g) provision and maintenance of sewer and water services;
- (h) development of drainage systems;
- (i) development of utility corridors;
- (j) subdivision as defined in section 872 of the Local Government Act.

### **13.6: GENERAL GUIDELINES**

Prior to undertaking any activities outlined in Section 13.5 above, an owner of land that is in the Watercourse Protection Development Permit Area shall apply to the CVRD for a development permit, and the application shall meet the following guidelines:

- (a) Sites shall be retained in their natural state where possible, preserving indigenous vegetation and trees. If adequate, suitable areas of land for the use intended exist on a portion of the parcel located outside of the Watercourse Protection Development Permit Area, the proposed development should be directed to those areas in order to minimize development in the DPA. The precautionary principle will be applied, whereby the onus will be placed with the applicant to demonstrate that encroaching into the Watercourse Protection Development Permit Area is necessary due to circumstances such as topography, hazards or lack of alternative developable land, and that every effort is made to minimize adverse impacts.
- (b) Where a parcel of land is entirely within the Watercourse Protection Development Permit Area, the development should be sited so as to maximize the separation between the proposed building/land use and the most sensitive area. In cases where the appropriate course of action is unclear, the applicant may be required to prepare, at his/her own expense, a report by a qualified professional biologist, which will identify the area of lowest environmental impact that is suitable for the use intended.
- (c) Any work done in the Watercourse Protection Development Permit Area must be carried out in a manner that minimizes the need for vegetation clearing. An arborist should be consulted, to ensure that trees and shrubs in the riparian buffer area are carefully pruned, where necessary to enhance views, rather than removed. 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. Where a development proposal calls for the removal of vegetation within this Development Permit Area, the Regional Board may require



the preparation of a report by a qualified biologist, payable by the developer, indicating measures required to achieve no net loss of habitat and appropriate implementation measures. The Board may require the re-vegetation of land in a Development Permit.

- (d) Recommendations in the Ministry of Water Land and Air Protection's Best Management Practices (*Storm Water Planning – A Guidebook For British Columbia*) should be applied, to reduce areas of impervious surfaces and increase natural groundwater infiltration. On-site stormwater management techniques that do not impact surrounding lands, should be used, rather than the culverting or ditching of stormwater runoff.
- (e) The creation and implementation of a silt and sediment control plan and/or an integrated stormwater management plan, by qualified professionals may be required to permit the controlled release of runoff from the development and to buffer streams from the loading of sediment and nutrient materials. The Regional Board will require that a drainage study be completed by a licensed, professional engineer to determine the extent of the works required and to establish criteria for eliminating or minimizing storm flows from the developed site.
- (f) 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.
- (g) Where a subject property is located within a floodplain as shown on the "Cowichan Lake Floodplain Maps", buildings and structures will be subject to the flood construction levels specified on the floodplain maps, administered under Section 56 of the *Community Charter*.
- (h) Roads and driveways should be located as far as possible from the edge of a bank or from a 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.
- (i) Footpaths to a 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.
- (j) Retaining walls will be limited to areas above the high water mark, and to areas of active erosion. Backfilling behind a wall, to extend the existing edge of a slope, is not permitted unless it can be clearly demonstrated that the fill is necessary to prevent further erosion or sloughing of the bank.
- (k) Where a retaining wall is proposed, bioengineering – using native plants, will be encouraged. The use of concrete, rip rap, unsightly construction debris like broken concrete, bricks and shot rock are discouraged as materials to improve bank stability. The use of vegetation such as willows and/or deadfalls or logs are encouraged as alternatives to minimize erosion and reduce the velocity of stream flows. 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. 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; Large, fortress like, uniform walls should not be permitted unless composed of pervious materials and stepped or softened to provide for water absorption.

- (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) Cultural/heritage features of a site must be undisturbed.
- (n) Pilings, floats, or wharves should be consistent with the current Operational Statement of Fisheries and Oceans Canada.
- (o) For subdivision proposals, where a sensitive area is proposed to be covenanted for conservation purposes or dedicated to a public body or conservation group, the parcel lines may abut or follow the boundaries of the sensitive area. In other cases, the appropriateness of proposed parcel line locations should be reviewed with respect to site-specific considerations and the overall goal of minimizing environmental impacts.
- (p) All development proposals subject to a development permit should be consistent with "Develop With Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia", published by the Ministry of Environment.
- (q) The draining of wetlands or watercourses, and the land filling or dredging of a watercourse, including a lake, to increase a property size, create a sandy beach area, or restrict the public use of an area beyond property lines, is prohibited.
- (r) Development proponents must ensure that the proposed development does not cause a harmful alteration, disruption or destruction to habitat.

### **13.7: RIPARIAN AREA REGULATION GUIDELINES**

Prior to undertaking any activities outlined in Section 13.5 above, an owner of land that is in the Watercourse Protection Development Permit Area shall apply to the CVRD for a development permit, and the application shall meet the following guidelines:

- (a) A qualified environmental professional (QEP) will be retained at the expense of the applicant, for the purpose of preparing a report pursuant to Section 4 of the *Riparian Areas Regulation*. The QEP must certify that the assessment report follows the assessment methodology described in the regulations, that the QEP is qualified to carry out the assessment and provides the professional opinion of the QEP that:
  - (i) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area; and
  - (ii) the streamside protection and enhancement area (SPEA) that is identified in the report is protected from the development and there are measures identified to protect the integrity of those areas from the effects of development; and
  - (iii) the QEP has notified the Ministry of Environment and Fisheries and Oceans Canada, both of whom have confirmed that a report has been received for the CVRD; or
  - (iv) confirmation is received from Fisheries and Oceans Canada that a harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area has been authorised in relation to the development proposal.
- (b) Where the QEP report describes an area designated as Streamside Protection and Enhancement Area (SPEA), the development permit will not allow any development activities to take place therein, and the owner will be required to implement a plan for protecting the SPEA over the long term through measures to be implemented as a condition of the development permit, such as:
  - a dedication back to the Crown Provincial,
  - gifting to a nature protection organisation (tax receipts may be issued),

- the registration of a restrictive covenant or conservation covenant over the SPEA confirming its long-term availability as a riparian buffer to remain free of development;
  - management/windthrow of hazard trees;
  - drip zone analysis;
  - erosion and stormwater runoff control measures;
  - slope stability enhancement.
- (c) Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit will only allow the development to occur in strict compliance with the measures described in the report. Monitoring and regular reporting by professionals paid for by the applicant may be required, as specified in a development permit;
- (d) If the nature of a proposed project in a riparian assessment area evolves due to new information or some other change, a QEP will be required to submit an amendment report, to be filed on the notification system;
- (e) Wherever possible, QEPs are encouraged to exceed the minimum standards set out in the *RAR* in their reports;
- (f) Cowichan Lake is subject to natural water level fluctuations on an annual basis. Winter water (high) levels often flood shoreline areas of the lake. These shoreline areas provide important fish habitat, especially during winter periods. The QEP assessment must pay special attention to how the site may be within an active floodplain; the QEP should also assess the existence of floodplain plant species that are important fish refuge areas during high water, and clearly delineate exactly where the high water mark is on the site.
- (g) The mean annual high water mark on Cowichan Lake has been calculated by the Ministry of Environment as being 164 metres above mean sea level, so Qualified Environmental Professionals are very strongly encouraged to incorporate this into their reports, as being the point from which the SPEA will be measured.

### **13.8: EXEMPTIONS**

In the following circumstances, a development permit will not be required:

- (a) Renovations, repairs and maintenance to existing buildings that are protected by Section 911 of the *Local Government Act*;
- (b) Minor interior and exterior renovations to existing buildings, excluding any additions or increases in building volume;
- (c) Removal of invasive non-native vegetation such as Gorse, Scotch Broom, and its immediate replacement with native vegetation;
- (d) Creation of a passage or trail not more than 1.5 metres in width cleared of vegetation, which does not involve the removal of any tree greater than 5 metres in height or with a diameter at breast height (DBH) of 10 centimetres, to allow for passage to the water on foot.

### **13.9: VARIANCES**

Where a proposed development plan adheres to the guidelines of the Watercourse Protection Development Permit Area, the Regional Board may give favourable consideration to variances of its bylaws where such variances are deemed by the Regional Board to have no negative impact on adjacent parcels and would enhance the aesthetics of the site in question. Such variances may be incorporated into the development permit.

### **13.10: FLOOD CONSTRUCTION LEVELS**

The Board will not give relaxations to the flood construction levels in any circumstance.

### **13.11: CONCURRENT DEVELOPMENT PERMIT AREAS**

Where more than one development permit area applies to land in the Watercourse Protection Development Permit Area (DPA), a single development permit may be issued. Where any other DPA guidelines would conflict with the Riparian Areas Regulation guidelines, the latter shall prevail.

### **13.12: VIOLATION**

(a) Every person who:

1. violates any provision of this Development Permit Area;
  2. causes or permits any act or thing to be done in contravention or violation of any provision of this Development Permit Area;
  3. neglects to do or refrains from doing any act or thing required under this Development Permit Area;
  4. carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to this Development Permit Area;
  5. fails to comply with an order, direction or notice given under this Development Permit Area; or
  6. prevents or obstructs or attempts to prevent or obstruct the authorised entry of the Administrator, or person designated to act in the place of the Administrator;
- commits an offence under this Bylaw.

(b) Each day's continuance of an offence constitutes a new and distinct offence.

### **13.13 PENALTY**

A person who commits an offence against this Bylaw is liable, upon conviction in a prosecution under the *Offence Act*, to the maximum penalties prescribed under the *Community Charter* for each offence committed by that person.

### **13.14: SEVERABILITY**

If any section, sentence, clause, phrase, word or schedule of this Development Permit Area is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Development Permit Area.

### **13.15 APPLICATION REQUIREMENTS**

(a) Before the CVRD authorizes the issuance of a development permit for a parcel of land in the **Watercourse Protection 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 watercourses, including top of bank;
  - 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;
- Areas of known wildlife habitat;
- 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/watercourse bank alterations;
- Existing and proposed septic tanks, treatment systems and fields;
- Existing and proposed water lines and well sites.

4. A Qualified Environment Professional's report, prepared pursuant to Section 13.7.

(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;
4. To ensure that all of the applicable DPA guidelines are met, the CVRD may require, by Resolution of the Board, the deposit of a Security to be held until the requirements of a Permit have been met to the Board's satisfaction. Should a Development Permit holder fail to fulfill the requirements of a Development Permit, the CVRD may undertake and complete the works required at the cost of the Permit holder and may apply the Security in payment of the cost of the work, with any excess to be refunded to the Permit holder. Should there be no default as described above, the CVRD will refund the Security to the Permit holder.

## **SECTION 14 WATERFRONT SUBDIVISION DEVELOPMENT PERMIT AREA**

### **POLICY 14.1 CATEGORY**

The Waterfront Subdivision Development Permit Area is designated pursuant to Section 919.1(a) and (b) of the Local Government Act, for the purpose of protecting the environment, its ecosystems and biological diversity; and protection of development from hazardous conditions.

### **POLICY 14.2 SCOPE**

The Waterfront Subdivision Development Permit Area applies only to lands designated as 'Waterfront Residential' and 'Waterfront Commercial', within Electoral Area I, and includes:

- (a) That portion of Block 118 south of Youbou Road, Cowichan Lake District.

### **POLICY 14.3 JUSTIFICATION**

- (a) To protect the environmental quality of Cowichan Lake and the Cowichan River;
- (b) To encourage development that respects the environment, its ecosystems and biodiversity by minimizing impacts on lands during subdivision;
- (c) To ensure a high level of sewage treatment to protect ground water and Cowichan Lake.

### **POLICY 14.4 GUIDELINES**

No person shall subdivide land that is within the Waterfront Subdivision Development Permit Area, prior to the owner first receiving a development permit, which conforms to the following guidelines:

- (a) Sites shall be retained in their natural state where possible, preserving indigenous vegetation and trees. Disturbance to vegetation should be minimized.
- (b) Buildings and structures requiring domestic water shall be connected to a community water system.
- (c) Access roads, driveways and parking areas should use pervious materials that can absorb runoff.
- (d) Vehicle access points, pedestrian pathways, parking, and circulation patterns shall be designed to encourage as safe a flow of pedestrians, service/emergency vehicles, and local vehicle traffic as possible.
- (e) 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.
- (f) Runoff from the development should be strictly limited to prevent storm flows from damaging riparian areas. Impervious surfaces should be minimized.

### **POLICY 14.5 EXEMPTIONS**

The terms of the Waterfront Subdivision Development Permit Area shall not apply to:

- (a) Lot consolidations/elimination of interior parcel lines;
- (b) Applications for a building permit.



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 3-I-10DP/VAR

DATE: APRIL 15, 2011

TO: MICHAEL DIX

ADDRESS: 4596 BONNIEVIEW PLACE

VICTORIA, BC V8N 3V6

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:

*BLOCK 1455 COWICHAN LAKE DISTRICT, AS SHOWN ON PLAN 40413  
(PID 000-121-924)*

3. Authorization is hereby given for the land to be subdivided and developed in accordance with the plans and conditions listed in Section 4 below.
4. The development shall be carried out subject to the following conditions:
  - a) Authorization of the proposed SPEA encroachment by Department of Fisheries and Oceans and Ministry of Environment;
  - b) Compliance with RAR Assessment Report #1910;
  - c) On-site monitoring of construction by a Qualified Environmental Professional and submission of a post development report confirming compliance with the recommendations of RAR Assessment Report #1910 and any conditions of approval specified by the Ministry of Environment and Department of Fisheries and Oceans;
  - d) Determination of the high water mark by legal survey and confirmation that the proposed building location is a minimum of 15 metres from the high water mark of Cowichan Lake;
  - e) Installation of a 'Type 3' or better sewage disposal system authorized by the Vancouver Island Health Authority.

5. The following schedules are attached:

- Schedule A – Site Plan
- Schedule B – Proposed Construction Plan
- Schedule C – RAR Assessment Report #1910
- Schedule D – Trail Head Rain Water and Storm Water Run-Off Plan
- Schedule E – Trail Head Home Plans
- Schedule F - Building Permit Checklist

6. This Permit is not a Building Permit Approval. No building permit will be issued until all conditions and requirements of this Development Permit have been completed to the satisfaction of the Planning and Development Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. 11-062.10 PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 15<sup>th</sup> DAY OF APRIL 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 MICHAEL DIX, other than those contained in this Permit.

\_\_\_\_\_  
Signature of Owner/Agent

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date





R2

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE OF APRIL 19, 2011

DATE: April 13, 2011

FILE NO: 1-H-10 DVP

FROM: Rob Conway, MCIP  
Manager, Development Services Division

BYLAW NO:

SUBJECT: DVP Application No. 01-H-10DVP (McCullough)

---

#### **Recommendation/Action:**

Committee direction is requested.

#### **Background:**

At the April 5, 2011 EASC meeting the Committee passed the following motion with respect to a development variance permit application for a property at 4991 Reiber Road in Area H:

***That Application No. 1-H-10DVP (Brian McCullough) be referred to the next EASC meeting.***

As directed, the application is being brought back for the Committee's review and consideration. Since the April 5<sup>th</sup> meeting, the applicant has noted that one letter in support of the application was not attached to the original staff report. This additional correspondence is attached to this report, along with the staff report that was on the April 5, 2011 agenda.

Submitted by,

A handwritten signature in black ink, appearing to be "Rob Conway", is written over a horizontal line.

Rob Conway, MCIP  
Manager, Development Services Division  
Planning and Development Department

Approved by:  
General Manager:

A handwritten signature in black ink, appearing to be "Brian McCullough", is written over a horizontal line within a rectangular box.

RC/ca

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**From:** McCullough Marketing [brian@mmshomes.com]  
**Sent:** Monday, April 11, 2011 6:07 PM  
**To:** Rob Conway  
**Subject:** FW: File Number 1-H-10DVP (McCullough)

----- Original Message -----

**From:** kbouma@shaw.ca  
**To:** ds@cvrd.bc.ca  
**Sent:** Thursday, July 08, 2010 9:01 PM  
**Subject:** Fw: File Number 1-H-10DVP (McCullough)

It seems our earlier email regarding file number 1-H-10DVP (McCullough) was not received. We have forwarded it again and would like to underscore the fact that we support their variance request. If one was to walk the property it would be obvious that what Mr. McCullough is planning to build would not interfere with any of our views. In fact it could only enhance our area.

Sincerely,

Ken and Sue Bouma

----- Original Message -----

**From:** kbouma@shaw.ca  
**To:** ds@cvrd.bc.ca  
**Sent:** Sunday, April 04, 2010 10:48 AM  
**Subject:** File Number 1-H-10DVP (McCullough)

Please be advised that we, Ken and Sue Bouma, at 4980 Brenton Page Road, Ladysmith are in total support of the McCullough variance request. We feel that 9.1 metres isn't unreasonable and we look forward to having a nice new home on our street.

Sincerely,

Ken and Sue Bouma



## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE OF APRIL 5, 2011

**DATE:** March 29, 2011 **FILE NO:** 1-H-10 DVP  
**FROM:** Rob Conway, MCIP **BYLAW NO:**  
Manager, Development Services Division  
**SUBJECT:** Development Variance Permit Application No. 01-H-10DVP (McCullough)

---

#### **Recommendation/Action:**

That Application 1-H-10 DVP, made by Brian McCullough, for a variance to Section 5.13(a) of Zoning Bylaw No. 1020, to decrease the setback from the ocean from 15 metres to 9.1 metres on Lot 1, District Lot 23, Oyster District, Plan 18300 be approved, subject to:

1. Compliance with the recommendations of the Environmental Assessment report prepared by Toth and Associates Environmental Services, dated February 21, 2011;
2. Compliance with the Geotechnical Evaluation report prepared by Lewkowich Engineering Associates Ltd, dated February 4, 2011;
3. Compliance with the recommendation of the Tree Risk Assessment report prepared by B. Furneaux, dated March 22, 2011;
4. Registration of a restrictive covenant on the slope between the marine natural boundary and the top of bank to preclude tree removal and slope disturbance, other than as recommended in the Environmental Assessment and Tree Risk Assessment reports;
5. Confirmation by legal survey that the dwelling is no closer than 9.1 metres to the natural boundary of the ocean.

**Relation to the Corporate Strategic Plan:** N/A

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

#### **Background:**

**Location of Subject Property:** 4991 Reiber Road

**Legal Description:** Lot 1, District Lot 23, Oyster District, Plan 18300 (PID: 003-902-641)

**Date Application and Complete Documentation Received:**

- Initial application received February, 2010
- Updated application information received March, 2010

**Owner:** Nanaimo Ladysmith Schools Foundation

**Applicant:** Brian McCullough

Size of Parcel: ± 0.31 hectares (0.76 acres)

OCP Designation: Suburban Residential

Zoning: R-2 (Suburban Residential)

Existing Use of Property: Vacant

Existing Use of Surrounding Properties:

North:	Agricultural and Residential (A-1 and R-2)
South:	Ladysmith Harbour and Residential (R-2)
East:	Agricultural (A-1)
West:	Ladysmith Harbour

Services:

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

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas identifies the subject property as being within the Shoreline Sensitive Area.

Archaeological Site: None Identified.

### **Proposal**

The subject property is located at 4991 Reiber Road in Electoral Area H - North Oyster/Diamond. It borders Ladysmith Harbour to the southwest and Brenton Page Road to the northeast. Public road access ends at the subject property's northern parcel line and an easement (143369G) allows access to the waterfront parcels of land immediately south of the subject property. This easement divides the 0.76 acre lot roughly in half. The portion of the subject property northeast of the easement, extending to Brenton Page Road, is a steep, heavily vegetated bank that is too steep to be practically used for a home site. The portion of the subject property southwest of the easement has narrow benched area with a steep rocky cliff dropping off towards Ladysmith Harbour. The only part of the lot where a dwelling can be practically located is on the bench, between the easement and top of bank.

A well-house, deck/platform and beach access stairs with a small lookout area are currently located on the property. There are also two existing retaining walls with the smaller of the two underneath a hedge along the boundary with the easement, and the other atop of the waterfront bank providing support for the existing deck/platform area. The subject property was subdivided in 1965. Since that time it has been used for camping, but has never had a permanent dwelling located on it.

The applicant is proposing to construct a single family dwelling, with attached garage, in the southern corner of the lot. The dwelling is proposed to be situated 9.1 metres from the high watermark of Ladysmith Harbour. A Development Variance Permit is required in order to do this, as Section 5.13(a) of Zoning Bylaw 1020 requires a 15 metre setback from the high water mark of the ocean.

The proposed dwelling is a two storey structure with approximately 2100 square feet of floor area on the main floor and 770 square feet on the upper level. Floor plans of the proposed structure are attached to this report. As the subject property is not near community water or sewer systems, the dwelling would be serviced with on-site sewage disposal and a well. The location of the sewage disposal area has not been finalized, but it is expected to be on the bank between the easement road and Brenton Page Road. The design of the system would be determined by a waste water practitioner in accordance with VIHA regulations.

**Surrounding Property Owner Notification and Response:**

A total of six 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. During the period provided for a written reply, we have received three letters – a supporting letter from an immediate neighbour, and two letters in opposition to the variance request. A letter from the Nanaimo-Ladysmith Schools Foundation, which owns the subject property, was also submitted.

**Advisory Planning Commission Comments:**

At the request of the Area H Director, the development variance permit application was referred to the Area H Advisory Planning Commission. The APC conducted site visits to the subject property on July 18 and August 14, 2010. The application was also reviewed and discussed at APC meetings on August 12 and October 14, 2010. Minutes from the site visits and APC meetings are attached. At the October 14, 2010 meeting, the Committee passed the following resolution:

***That approval be recommended, of the variance per option 1 of the application from staff, 15 metres to 9.1 metres from the high tide with a covenant that a geotechnical report be prepared.***

Note: Option 1 referred to in the APC recommendation stated,

*That the application 1-H-10 DVP, made by **Brian McCullough**, for a variance to Section 5.13(a) of Zoning Bylaw No. 1020, decreasing the setback from a watercourse from 15 metres to 9.1 metres on Lot 1, District Lot 23, Oyster District, Plan 18300 **be approved**, subject to a survey confirming approved setback of 9.1 metres, registration of a restrictive covenant 9 metres from the natural boundary of Ladysmith Harbour, erection of silt fencing along top of bank during building construction, and a geotechnical engineers report to be completed prior to obtaining building permit.*

**Planning Division Comments:**

The Area H Advisory Planning Commission spent considerable time with this application. Although the APC ultimately recommended approval, there were concerns expressed about the potential environmental impact on the marine riparian slope and the stability of the foreshore bank and building site.

Since the APC reviewed the application the proponent has had an environmental assessment, a geotechnical assessment and a hazard tree assessment completed. Copies of the three reports are attached to this report and recommendations of the reports are summarized as follows.

*Environmental Assessment Recommendations:*

1. That a Hazard tree and Geotechnical Assessment be completed for the proposed development.
2. That a covenant (be registered) on the property to allow a single beach access trail. We would also recommend that the beach access trail be constructed from long-lasting materials such as natural rock, paving stones or concrete (or a combination of materials).
3. That the thirteen garry oak trees identified on the property be preserved, where possible and where no hazard has been deemed by a certified hazard tree assessor.
4. That the accumulation of yard waste extending over the top of the bank in the north west corner of the property be removed.
5. That care be taken when excavating/constructing in the top of bank area to minimize disturbance and vegetation removal and to ensure that no excavated material or fresh concrete runs down slope.

*Geotechnical Assessment – Conclusions and Recommendations:*

1. That the envisioned development is geotechnically safe and suitable for the intended purpose, provided recommendations in this report are followed.
2. [The proposed] method of house design is considered suitable from a geotechnical aspect, and would alleviate potential geotechnical impact on the house from the rock slope between the driveway and lower terrace.
3. Based on observations of the overall site, it appears that the north-eastern side of the lower terrace, within the proposed building site, is in an area of bedrock excavation. Therefore, following stripping of any loose material and fill, we expect that bearing conditions would be favourable.
4. The building site shall be provided with a minimum setback from the outer edge of the lower terrace level of at least five metres. This setback is required to provide a buffer against possible slope degradation from both natural weathering processes, as well as from the loss of the slope face due to seismic activity. This setback distance takes into account a 2 percent in 50 year level of risk in accordance with the 2006 B.C. Building Code.
5. The risk of damage to the house from rock fall is considered to be adequate.
6. We do not expect impact by the potential for liquefaction, groundwater flows, erosion beyond typical levels or underground mining. The potential for wave erosion at the foreshore is expected to be very low because of the presence of bedrock.
7. Standard excavation equipment should be suitable; Fill to be used for structural support purposes should be freely draining granular soil; Fill should be placed and compacted in lifts suitable for the size and type of compaction equipment used; Fill compaction in general where supporting development elements should include the zone defined by a plane extending down and outward from the outer edge of the foundation at an angle of 45 degrees from horizontal.
8. Fill supporting the house should be inorganic material with a fines content limited to 5% passing the 75um sieve; we do not generally expect on-site soils to be re-used as structural fill.
9. Structural fill should be compacted to a minimum of 95% of Modified Proctor maximum dry density or equivalent in floor and slab areas.
10. Foundation loads may be suitably supported on competent natural soil and bedrock deposits or structural fill adequately compacted – subject to engineer's approval.
11. Conventional recommendations from the B.C. Building Code pertaining to building drainage are considered suitable at this site.

*Tree Risk Assessment Recommendation:*

Remove trees 5 through 9. This should reduce the risk sufficiently to allow road reconstruction in relative safety. The risk to the house is lowered as well by removing trees 1 through 4.

The topography and shape of the subject property are such that the only practical location for a dwelling on the property is where the applicant has proposed it. Although the zoning requires a 15 metre setback from the ocean, it does not appear to be possible for the applicant to comply with the setback requirement and still achieve a practical building site. The variance request therefore appears to be a hardship situation, as compliance with the setback requirements of the bylaw would essentially preclude residential use on the property.

The applicant has submitted reports to confirm that the building site is stable and safe for the intended use, and that bank between the proposed building site would not be negatively impacted by the proposed construction. Although nine trees on the property are proposed to be removed for safety reasons, the majority of the existing vegetation on the ocean side bank would be left undisturbed and would be protected with a restrictive covenant.

As compliance with the setback requirements does not appear to be possible and the applicant has taken steps to confirm the proposed dwelling will have minimal environmental impact, staff recommend a development variance permit be issued, subject to the conditions in Option 1.

**Options:**

***Option 1:***

That application 1-H-10 DVP, made by Brian McCullough, for a variance to Section 5.13(a) of Zoning Bylaw No. 1020, to decrease the setback from the ocean from 15 metres to 9.1 metres on Lot 1, District Lot 23, Oyster District, Plan 18300 be approved, subject to:

1. Compliance with the recommendations of the Environmental Assessment report prepared by Toth and Associates Environmental Services, dated February 21, 2011;
2. Compliance with the Geotechnical Evaluation report prepared by Lewkowich Engineering Associates Ltd, dated February 4, 2011;
3. Compliance with the recommendation of the Tree Risk Assessment report prepared by B. Furneaux, dated March 22, 2011;
4. Registration of a restrictive covenant on the slope between the marine natural boundary and the top of bank to preclude tree removal and slope disturbance, other than as recommended in the Environmental Assessment and Tree Risk Assessment reports;
5. Confirmation by legal survey that the dwelling is no closer than 9.1 metres to the natural boundary of the ocean.

***Option 2:***

That application 1-H-10 DVP, made by Brian McCullough, for a variance to Section 5.13(a) of Zoning Bylaw No. 1020, to decrease the setback from the ocean from 15 metres to 9.1 metres on Lot 1, District Lot 23, Oyster District, Plan 18300 not be approved in its current form and the applicant be requested to revise the proposal.

***Option 3:***

That application 1-H-10 DVP, made by Brian McCullough, for a variance to Section 5.13(a) of Zoning Bylaw No. 1020, to decrease the setback from the ocean from 15 metres to 9.1 metres on Lot 1, District Lot 23, Oyster District, Plan 18300 be denied.

Option 1 is recommended.


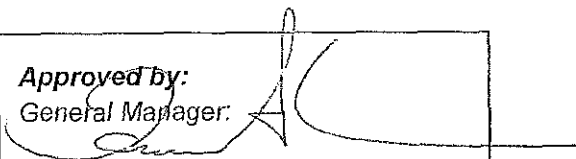
Submitted by,



Rob Conway, MCIP  
Manager, Development Services Division  
Planning and Development Department

RC/ca

Approved by:  
General Manager:





Area "H" Advisory Planning Commission Minutes

Date: August 12, 2010

Time: 7:02PM

Location: North Oyster Community Center

Members Present: Chairperson – Mike Fall, Secretary – Jan Tukham, Chris Gerrand, Ben Cuthbert, Alison Heikes, John Hawthorn

Also Present: Director Marcotte

Absent: APC member – Jody Shupe

Members of the Public Present: 6

Potential Advisory Planning Commission member ; attending as a guest.

Mike Fall introduced Gord Wyndlow

Approval of Agenda: It was moved and seconded that the agenda, be approved.

*Motion: Carried*

Adoption of the Minutes:

It was moved and seconded, that the minutes of the May 13, 2010 workshop and the July 18, 2010 site visits minutes of the Advisory Planning Commission, be accepted as presented. Seconded.

*Motion: Carried*

Old Business arising from the regular meeting, May 13, 2010 and the site visits of July 18, 2010.

**A. Request for a set back variance: Lot 1, District Lot 223, Oyster District, Plan 18300 (PID 003-902-641).**

The applicant and proposed new owner, Bryan McCulloch was present . Mr. McCulloch made a presentation. Included in his presentation was the size of the proposed home, and the setbacks that he needs to have to fit this home. He stated that he has decreased the size of this home as much as possible it is now 2809 square feet. He stated that there was some resistance from the neighbourhood and that 2 neighbours support this. There is limited water supply 1 gallon / minute. The septic system would be above the road easement.

A discussion ensued, from this discussion the following comments were made by the APC; a) That if the APC were to agree with this, they could be setting themselves up for setting a precedence. b) This could remain as a recreational property c) a much smaller home could be built. c) The older home on the property next door is within this new setback area, the APC was advised that this home was legally non-conforming. Question directed to Director Marcotte, can this go to a public hearing?

Motion: That we approve the variance as per option 1 of the application from staff, 15 meters to 9.1 meters from the high tide with a covenant that a geotechnical report be prepared. Seconded. *Motion: Tied* A tie vote is a vote of defeat.

The Chairman of the APC asked that the Director please ask the CVRD planner, Jill why the CVRD recommended this? Please have the answer put in writing to the APC.

Motion: To table this until the September meeting providing that the applicant be in attendance at another site visit. Seconded. *Motion: Carried*

Another site visit was scheduled for August 14, 2010 @ 9:00am at 4991 Reiber Road, Ladysmith, and B. C.

**B. Proposed subdivision of: Lot 1, District Lots 64 & 65, Oyster District, Plan 23935, except part in Plan 39835 and VIP85702. 12290 Chandler Road, Ladysmith.**

The proponent was not present at the meeting. Kate Millar, CVRD environmentalist is willing to attend a site visit during CVRD hours. Mike will contact her with regards to this.

#### New Business:

A discussion was had regarding the CVRD Agricultural Plan. The APC has been encouraged to read this report.

A discussion was had regarding the Subdivision Servicing Bylaw. The APC has been encouraged to read this report.

#### Director's Report:

Director Marcotte updated the APC on the various applications before the board.

Next Meeting: The next regular meeting of the Advisory Planning Commission will be held:

**Thursday, September 9, 2010 @ Diamond Hall**

Adjournment: Moved and seconded. @ 8:29 PM

*Motion: Carried*

---

Jan Tukham, Secretary

AREA "H" ADVISORY PLANNING COMMISSION SITE VISIT MINUTES

Date: August 14, 2010

Time: 9:00 AM

Location: 4991 Reiber Road

Applicant Present: Bryan McCulloch

Members Present: Mike Fall, Chris Gerrand, Jan Tukham, Alison Heikes, Jody Shupe, John Hawthorn and Gord Wyndlow

Also Present: Director: Marcotte

Public Member Present: Dave Hammond, President of the Nanaimo/Ladysmith School Society

The Advisory Planning Commission toured the subject property; Lot 1, District Lot 23, Oyster District, Plan 18300 (PID 003-902-641)

After this tour the Advisory Planning Commission made the following motion:

Motion: To refer this to the next appropriate meeting. Seconded.      *Motion: Carried*

Adjourned: 9:38 AM

---

Jan Tukham - Secretary

AREA "H" ADVISORY PLANNING COMMISSION SITE VISIT MINUTES

Date: July 18, 2010

Time: 9:00 AM

Location: 4991 Reiber Road

Applicant Present: Not available

Owner Present: Not available

Members Present: Mike Fall, Chris Gerrand, Jan Tukham, Jody Shupe, and John Hawthorn

Also Present: Director: Mary Marcotte

The Advisory Planning Commission toured the subject property; Lot 1, District Lot 23, Oyster District, Plan 18300 (PID 003-902-641)

After this tour the Advisory Planning Commission decided to hold off on any recommendation(s) until the next APC meeting.

Adjournment: This site visit was completed @ 9:30 AM.

Jan Tukham - Secretary

**Area "H" Advisory Planning Commission Minutes (subject to APC approval)**

Date: October 14, 2010.

Time: 7:00 PM

Location: North Oyster Community Hall

Members Present: Chairperson – Mike Fall, Chris Gerrand, John Hawthorn,  
Ben Cuthbert, Alison Heikes, Gord Wyndlow

Members Absent: Secretary Jan Tukham, Jody Shupe,

Also Present: Director Marcotte, alt dir Rob Waters

Approval of Agenda: It was moved and seconded that the agenda, be approved.

*Motion:* Carried

Adoption of the Minutes:

It was moved and seconded, that the minutes of ;  
July 18, 2010 site visits to Reiber Rd. and Chandler Rd, and  
August 12 2010 Regular Meeting (with change to Page 2 item C ), and  
August 14 2010 Reiber Road second site visit.  
Of the Advisory Planning Commission, be accepted as presented.

*Motion:* Carried

Old Business

**A: Request for a setback variance: Lot 1, District Lot 223, Oyster District, Plan 18300 (PID 003-902-641). (1-H10– DVP) - Reiber Road ( 2-H10-SA )**

It was moved that approval be recommended, of the variance as per option 1 of the application from staff, 15 meters to 9.1 meters from the high tide with a covenant that a geotechnical report be prepared.                      Seconded.

*Motion:* Carried

**B: Proposed Subdivision - Chandler Road,**

It was moved and seconded that the Application be held in abeyance until Mr. Rob Conway contacts the applicant regarding a Riparian Area Study. Also that the CVRD is to be made aware of the fact that this stream is designated to be fish bearing.

New Business

Discussion Items

Directors Report

Adjournment: Moved and Seconded @ 8:15 PM

*Motion:* Carried

Jan Tukham – Secretary  
(Minutes prepared by C Gerrand)



## LIMBERIS SEAFOOD PROCESSING LTD.

Where you'll find the best Pacific Oysters and Purified Manila Clams!

Jill Collinson, Planning Technician  
CVRD Planning and Development Dept.  
175 Ingram St  
Duncan BC  
V9L 1N8



April 6, 2010

**RE: File Number 1-H-10DVP (McCullough)**

Dear Jill

After reading the application put forth by Brian McCullough, I am curious as to why this variance needs to be granted in the first place. Is the lot, as it currently stands, too small to fit a house? If it is simply to get closer to the water, then please note that I do NOT agree. As a shellfish farmer in the immediate area any potential impact on any of my farms would be a concern.

I am not against sound development, but I do not want this variance to set a precedent. I would not like to see houses being built that close to the high water mark – the existing setback was put in place for a reason.

In addition, my concern is soil erosion during and after construction. I am also concerned with runoff from the house – I can only assume that the authorities have granted permission for a septic system.

I would also be curious as to what the comments from DFO would be concerning the requested changes to the setbacks.

Regards

Leo P. Limberis, President / General Manager  
Limberis Seafood Processing Ltd

## Deb Bumphrey

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**From:** CVRD Development Services  
**Sent:** Tuesday, March 30, 2010 2:43 PM  
**To:** Deb Bumphrey  
**Subject:** FW: file No 1-H-10DVP (McCullough)

---

**From:** jack mckinley [mailto:piperjack@shaw.ca]  
**Sent:** Tuesday, March 30, 2010 1:53 AM  
**To:** CVRD Development Services  
**Subject:** file No 1-H-10DVP (McCullough)

Re: 4991 Brenton Page Rd, Lot 1, District Lot 23, Oyster District, Plan 18300, (PID 003-902-641)

Please be advised as the owner of lot 2, the property adjacent to the subject variance application, we support Mr McCullough's application to decrease the setback to 9.1 meters from the R-2 zoning require of 15 meters.

Please be advised, also, that the address that you show for our property, Lot 2, District Lot 23, Plan 18300, is incorrect. The correct address is 4990 **Brenton Page Road**. Rieber road terminates at the entrance to Lot 1. The access road through lots 1 to 4 is a legal easement through these properties and is not a continuation of Reiber Road as indicated on the drawing you have provided to us. Street address and postal addresses are taken from Brenton Page Road as all properties border on this road and not Reiber Road. We are not sure of why or when the change occurred, however, it would be most helpful to myself and the other residents on this easement if you could initiate steps to correct this deficiency.  
Thankyou.

Yours Truly

Jack McKinley  
250-245-2877

# Nanaimo - Ladysmith Schools Foundation

*"Helping our Students Reach for Tomorrow"*



May 17, 2010

Cowichan Valley Region District  
Planning and Development  
175 Ingram Street  
Duncan, BC  
V9L 1N8  
ATTN: Jill Collinson

Dear Ms. Collinson

Re: File # 1-H-10DVP (McCullough)

I am writing this letter on behalf of the Board of Directors of the Nanaimo-Ladysmith Schools Foundation to support the above variance application for Mr. Brian McCullough.

Our Foundation inherited the property located at 4991 Brenton Page Road just prior to the death of Dr. Tom Wickham. The intent was for us to put the property up for sale with the hopes of it being sold quickly in order to create a long term family endowment on behalf of Dr. and Mrs. Wickham. The endowment is to provide the graduating students of Ladysmith Secondary with scholarships and bursaries and to also assist the Foundation with other programs that support vulnerable students in School District #68 (Nanaimo-Ladysmith).

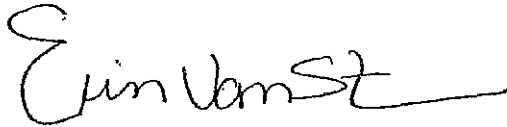
One of our programs in particular is the Student Support Fund. Through this fund, we are able to assist schools in implementing breakfast and lunch programs for students who come to school without adequate nutrition; the purchase of shoes or jackets for students whose families cannot afford them; bus tickets for students that have no way to get to school; rental of band equipment or assistance with sports fees for students who cannot afford them and otherwise would not be able to participate; diapers and baby food for the young mothers who are struggling to live on their own; and many other items that keep our vulnerable students coming to school and working towards their graduation certificates. With the high poverty rate in the Nanaimo-Ladysmith area, this program and similar programs the Foundation implements has become a key to the success of many students throughout the School District by meeting some of the basic needs for needy students.



We have a pending contract of purchase and sale from Mr. McCullough to purchase the property. Since all of the proceeds of the sale of the property will assist the vulnerable students within our community, we fully support his variance application and hope that it can be resolved quickly. The sooner the Foundation sells the property, the sooner we can invest the funds and assist students in working towards a better future for themselves.

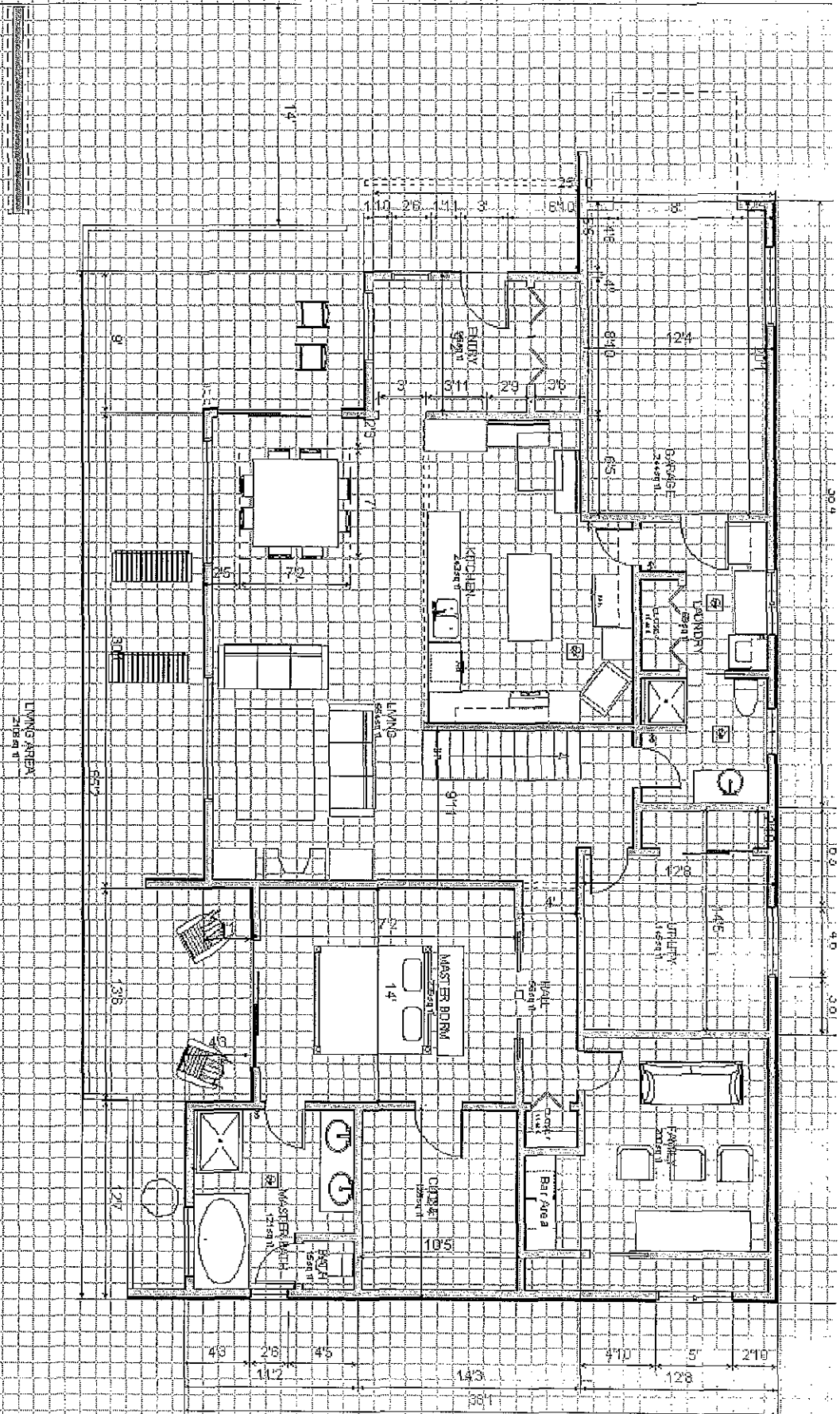
Thank you in advance for any support you can give us and please do not hesitate to call me if you have any questions.

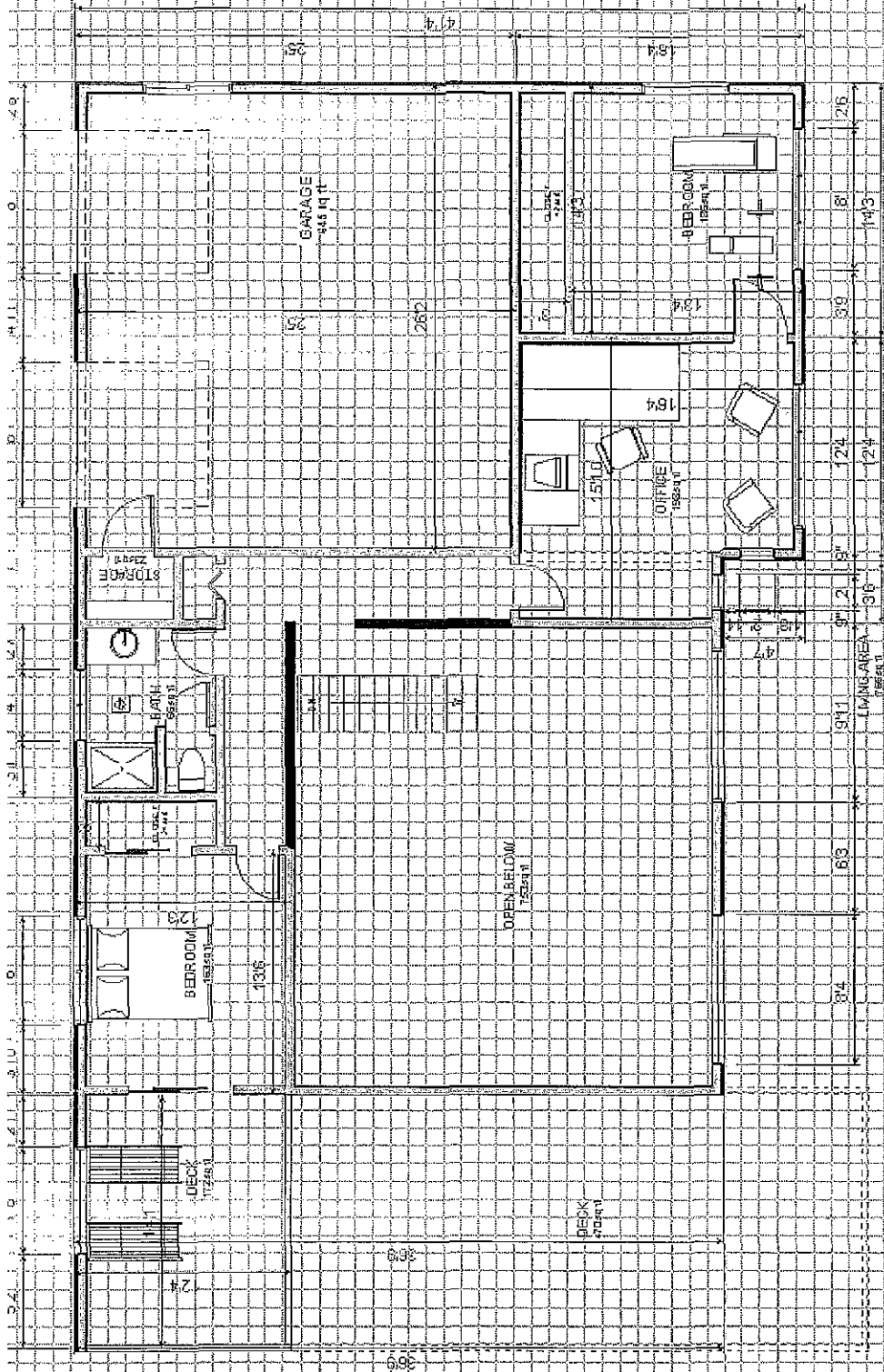
Yours truly,

A handwritten signature in black ink, appearing to read "Erin van Steen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Erin van Steen, Executive Director  
Nanaimo-Ladysmith Schools Foundation

/evs







**Lewkowich Engineering Associates Ltd.**  
geotechnical • health, safety & environmental • materials testing

File: G8841.01  
February 4, 2011

Mr. Brian McCullough  
4200 Island Highway North  
Nanaimo, B.C.  
V9T 1W6

**PROJECT: PROPOSED RESIDENCE**  
**LOT 1, PLAN 18300, DISTRICT LOT 23, OYSTER DISTRICT**  
**LADYSMITH, B.C.**

**SUBJECT: GEOTECHNICAL EVALUATION**

Dear Mr. McCullough:

**1. Introduction**

- a. As you requested, Lewkowich Engineering Associates Ltd. evaluated geotechnical conditions at the referenced site. The purpose of this work was to determine whether the site was geotechnically safe and suitable for the intended purpose of support for your proposed single family residence.
- b. Our work was based on commonly accepted guidelines for geotechnical evaluations within the Vancouver Island area of B.C. Briefly, these guidelines typically require that the report is to identify natural hazards that may affect the safe development of the land, and to provide recommendations to reduce the risk of damage to proposed buildings. Specifically, this report is intended to meet the following stated objectives:
  - i. Acknowledge that the Approving Officer and Building Inspectors may rely on this report when making a decision on applications for the development of the land;



- ii. Determine whether the land is geotechnically safe and suitable for the intended purpose (defined for the purposes of this report as support for a proposed single family residence, where "safe" is defined as a probability of a geotechnical failure or another substantial geotechnical hazard resulting in property damage of less than 10 percent in 50 years, except for seismic risk where we have taken into account a level of risk of 2 percent in 50 years;
- iii. Prescribe the geotechnical works and any changes in the standards of the design of the development that are required to ensure that the building is developed safely for the use intended.
- d. Our evaluation was based on a site reconnaissance, review of available published geological literature, and experience within the vicinity of the subject property..
- e. We understand that you propose to build a two storey single family residential structure within the south-eastern end of the property. A layout plan showing the proposed house site was provided to our office, and is appended for ease of reference.
- g. The legal description of the property is Lot 1, Plan 18300, District Lot 23, Oyster District. The property is located on Brenton Page Road, but is accessed off a private driveway.

## 2. Site Conditions

- a. The property is an irregularly shaped parcel that lies between Oyster Harbour and Brenton Page Road. A driveway is present west of Brenton Page Road within the property.



- b. Topography includes a moderately steep slope down from Breton Page Road down to the driveway cited in the previous paragraph. A nearly vertical slope is present below this driveway, abutting an essentially smooth and level terrace. A moderately inclined slope is below and south-west of this terrace, down to the foreshore area. Therefore, the property essentially consists of moderately inclined slopes alternating with relatively smooth and level benches. The upper and lower slopes are vegetated with a light to moderately dense forest cover with light underbrush. The lower terrace level - which will include the proposed house site - is vegetated with grasses and low shrubs.
- c. The site is essentially undeveloped, except for local landscaping concrete works (slab work and low retaining walls) and steps from the lower terrace level to the foreshore. It is apparent, by soil exposures, that both the driveway and lower terrace were levelled by cut/fill excavation techniques. The nearly vertical slope above the lower terrace level includes an area of exposed bedrock, while the driveway exposes naturally deposited sand and gravel soils. The amount of fill comprising the south-western edges of both the driveway and lower terrace level has been visually estimated to have a typical depth ranging from 1.0 to 1.5 metres, but typically within one metre.
- d. Exposed bedrock in the area is a medium hard sandstone formation of Upper Cretaceous geologic age. Natural fissures or "joints" observed in the rock include a series having a nearly vertical orientation. These joints are readily observed in an essentially vertical rock face between the driveway and Breton Page Road, north of the proposed building site.
- e. Bedrock is exposed along the foreshore area. The slope lying between the foreshore and the lower terrace level did not show any observed evidence of slope failures. However, a large boulder lying at the edge of the driveway, north-west of the proposed building site, is evidence of old rock fall hazard of the near-vertical rock face below Breton Page Road.



### 3. Conclusions & Recommendations

- a. It is our opinion that the envisioned development is geotechnically safe and suitable for the intended purpose, provided recommendations in this report are followed. We have assumed that house design and construction will follow current (2006) B.C. Building Code requirements.
- b. We understand that you intend to build a two storey house, founded at the level of the lower terrace described in the preceding report section. The house is to be set up against a near-vertical rock face, such that access will also be provided from the existing driveway. This method of house design is considered suitable from the geotechnical aspect, and would alleviate potential geotechnical impact on the house from the rock slope between the driveway and lower terrace.
- c. The lower terrace level is expected to include a thin veneer of loose soil or rock, and localized fill material. The fill is expected to increase towards the south-western edge of the lower terrace level, but is generally expected to be less than one metre overall. Based on observations of the overall site, it appears that the north-eastern side of the lower terrace, within the proposed building site, is in an area of bedrock excavation. Therefore, following stripping of any loose material and fill, we expect that bearing conditions would be favorable.
- d. The building site shall be provided with a minimum setback from the outer (south-western) edge of the lower terrace level of at least five metres. This setback is required to provide a buffer against possible slope degradation both from natural weathering processes, as well as from loss of the slope face due to seismic (earthquake) activity. This setback distance takes into account a 2 percent in 50 year level of risk in accordance with the 2006 B.C. Building Code.



- e. Portions of the slope lying between the existing driveway and Brenton Page Road includes a rock escarpment that has undergone failure resulting in rock fall, most likely due to previous very severe earthquake activity. A large boulder at the edge of the driveway is a testimony to this potential. However, the proposed house site is somewhat south-east of the area most likely to generate rock fall. In addition, it is our opinion that the presence of the driveway - representing a level area that would mitigate further downward rock fall movement - will provide protection of the house. Therefore, the risk of damage to the house from rock fall is considered to be adequate.
- f. Based on the results of our site evaluation, we do not expect impact by the potential for liquefaction (such as from seismic action), ground water flows that would be considered unusual for the Ladysmith/Cedar area, erosion beyond typical levels, or underground mining. In addition, the potential for wave erosion at the foreshore level is considered to be very low because of the presence of bedrock.
- g. Standard excavation equipment should be suitable for use within the development area to achieve excavation for installing building foundations. Fill to be used for structural support purposes should be freely draining granular soil. Such fill should be placed and compacted in lifts suitable for the size and type of compaction equipment used. Fill compaction in general where supporting development elements should include the zone defined by a plane extending down and outward from the outer edge of the foundation at an angle of 45 degrees from horizontal.
- h. Fill supporting the house should be inorganic material with a fines content limited to 5% passing the 75  $\mu$ m sieve, to mitigate sensitivity to moisture, allowing compaction during rainy weather. We do not generally expect on-site soils to be re-used as structural fill.





- i. Structural fill should be compacted to a minimum of 95% of Modified Proctor maximum dry density (ASTM D1557) - or equivalent - in foundation and floor slab areas. A general guideline for maximum lift thickness is no more than 100mm for light hand equipment such as a 'jumping-jack', 150mm for a small roller, 300mm for a large roller or heavy (>500 kg) vibratory plate compactor or a backhoe mounted hoe-pac, and 450mm for a large excavator mounted hoe-pac, as measured loose.
- j. Foundations loads may be suitably supported on competent natural soil and bedrock deposits - subject to approval by our office - or on structural fill adequately compacted with confirmation by compaction testing.
- k. Conventional recommendations from the B.C. Building Code pertaining to building drainage are considered suitable at this site.

#### 4. Limitations

- a. The conclusions and recommendations submitted in this report are based upon surface observations augmented by other available data obtained through our project experience in this area of Brenton Page Road, Ladysmith. The nature and extent of undiscovered conditions, or variations between the explorations, may not become evident until construction or further investigation.
- b. At the time of our assessment, details of site layout, grading, and development were not finalized, and may be subject to change as detailed design progresses. Lewkowich Geotechnical Engineering Ltd. can provide more specific recommendations for the geotechnical aspects of the project, once these project specifics are developed.

Mr. Brian McCullough  
File: G8841.01  
February 4, 2011  
Page 7 of 7

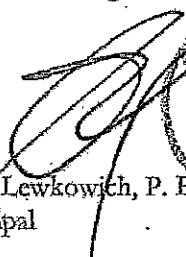
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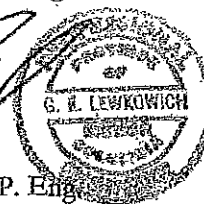


5. Closure

- a. Lewkowich Engineering Associates Ltd. acknowledges that this report may be requested by the Building Inspector as a precondition to the issuance of a building permit and that this report, or any conditions contained in this report, may be included in a restrictive covenant and filed against the title to the subject property.
- b. Lewkowich 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,  
Lewkowich Engineering Associates Ltd.

  
G. F. Lewkowich, P. Eng.  
Principal



Attachment: site plan

B.C. LAND SURVEYOR'S CERTIFICATE OF PROPOSED HOUSE LOCATION ON  
**LOT 1, PLAN 18300, DISTRICT LOT 23, OYSTER DISTRICT.**

SCALE 1:300  
 0 5 10 15 metres  
 DISTANCES ARE IN METRES.

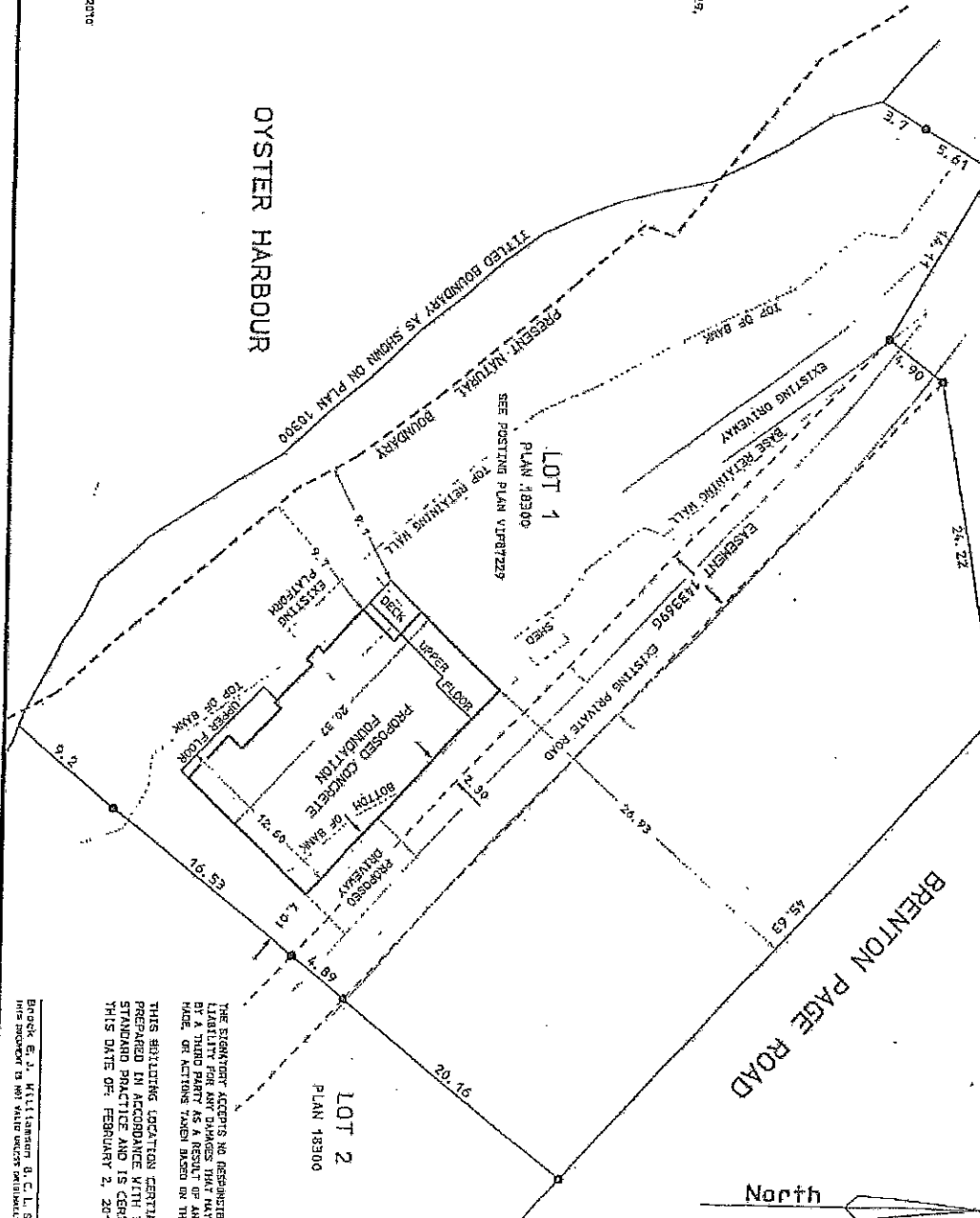
**NOTES:**

- CIVIC ADDRESS: 4991 BRENTON PAGE ROAD
- LOT DIMENSIONS ARE DERIVED FROM PLAN V1P07228,
- HOUSE DESIGN FROM BRIAN MCCULLOUGH
- DRAWINGS RECEIVED NOV. 3/09.
- THE UNDERSIGNED CONFIRMS THAT HE HAS BEEN
- RETAINED BY BRIAN MCCULLOUGH TO PROVIDE
- FOUNDATION LAYOUT IN ACCORDANCE WITH THE
- FOUNDATION LOCATION SHOWN ON THIS PLAN.
- STANDARD IRON POST FOUND.

THIS PLAN MAY BE SUBJECT TO REGISTRATION CHARGES  
 & FEES.  
 - EASEMENT 14330/6  
 THIS PLAN DOES NOT PURPORT TO VERIFY  
 COMPLIANCE WITH THE RESTRICTIONS THEREIN.

THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL  
 AND NOT THE THEORETICAL POSITION OF THE ACTUAL  
 TO ONLY THE THEORETICAL POSITION OF THE ACTUAL  
 TO THE ABOVE DESCRIBED PARCELS OR APPLICABLE  
 THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION  
 OR ACTUAL OR PROPOSED IMPROVEMENTS RELATIVE  
 TO ANY ACTUAL OR PROPOSED IMPROVEMENTS TO THE ABOVE  
 DESCRIBED PARCELS OR APPLICABLE TO THE ABOVE  
 THIS PLAN IS NOT TO BE USED TO RE-ESTABLISH  
 BOUNDARY LINES.

**OYSTER HARBOUR**



THE EXISTING ACCEPTS NO RESPONSIBILITY ON  
 LIABILITY FOR ANY DAMAGE THAT MAY BE SUFFERED  
 BY A THIRD PARTY AS A RESULT OF ANY  
 MISTAKE OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

THIS BUILDING LOCATION CERTIFICATE HAS BEEN  
 PREPARED IN ACCORDANCE WITH THE NATIONAL  
 STANDARD PRACTICE AND IS CERTIFIED CORRECT  
 THIS DATE OF: FEBRUARY 2, 2010.

**WILLIAMSON & ASSOCIATES**  
 PROFESSIONAL SURVEYORS © 2010  
 3000 BAYVIEW ROAD MARKHAM, ONT. L3R 9V7  
 TEL: 905-709-7723 FAX: 905-709-7724  
 WWW.WILLIAMSON-SURVEYORS.NET  
 FILE# 07062-4

March 22, 2011

B. Furneaux  
290 East Fern Rd  
Qualicum Beach, BC  
V9K 1R1

Brian McCullough  
211 Ferntree Place  
Nanaimo, BC  
V9T 5M1

Re: Tree risk assessment of proposed residential development at  
4991 Brenton Page Road in the CVRD

INTRODUCTION:

Toth and Associates Environmental Services, during their survey, identified several trees in poor condition. They recommended a hazard tree (tree risk) assessment. I met with the owner on site March 21, 2011. His areas of concern were the proposed house site and the existing driveway. I do not know where the services are going or what other site disturbances may take place. This tree risk survey concerns the building site and the driveway which is partially held up by wood cribbing which is rotten. The road will need to be upgraded to accommodate construction traffic. This will directly impact trees numbered 5-9. Trees 1-4 affect the building site. There may be other trees which during the course of construction, may be impacted and become "at risk".

PROCEDURES:

My exposure to the trees which would impact the building site and the road confirmed Toth's observations. Trees 1 through 9 were found to be infested by bracket fungi (conk). I core tested several trees which confirmed the presence of white rot (cellulose decay). All nine trees showed evidence of infestation; some more than others. In addition trees 5, 6, 7 and 9 have been topped and have multiple sucker tops (7 to 10 meters long approximately) which are an additional risk. Some are dripping pitch and show signs of earlier injury. Trees 8 & 9 have crooks and leans varying from 10 degrees to 30 degrees. All trees were measured (diameters and heights), located on the site plan and visually examined using binoculars. Photographs of the trees are included. A tree risk assessment form has been completed and forms part of this report along with my disclaimer.

CONCLUSIONS:

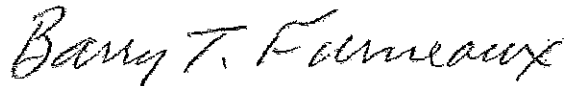
1. Trees 1 – 4 could fail and put the proposed house at risk
2. Trees 5 – 9 along the existing driveway have multiple defects. The reconstruction of the driveway may impact the roots as all 5 trees have roots under the road. The increase in activity which comes with the proposed development also increases the risk. If any of the leaning trees fall they would tear out a part of the driveway.

TREATMENT RECOMMENDED:

Remove trees 5 through 9. This should reduce the risk sufficiently to allow road reconstruction in relative safety. The risk to the house is lowered as well by removing trees 1 through 4.

Please contact the writer if you require any additional information.

Yours truly,

A handwritten signature in cursive script that reads "Barry T. Furneaux".

Barry T. Furneaux  
Certified Arborist PN Q384  
Tree Risk Assessor 0036

### LIMITATIONS OF THIS ASSESSMENT

It is our Company's policy to attach the following clause regarding limitations. We do this to ensure that developers or owners are clearly aware of what is technically and professionally realistic in retaining trees.

The assessment of the trees presented in this report has been made using accepted arboricultural techniques. These include a visual examination of the above-ground parts of each tree for structural defects, scars, external indications of decay such as fungal fruiting bodies, evidence of insect attack, discoloured foliage, the condition of any visible root structures, the degree and direction of lean (if any), the general condition of the tree(s) and the surrounding site, and the proximity of property and people. Except where specifically noted in the report, none of the trees examined were dissected, cored, probed, or climbed, and detailed root crown examinations involving excavation were not undertaken.

Notwithstanding the recommendations and conclusions made in this report, it must be realised that trees are living organisms, and their health and vigour constantly change over time. They are not immune to changes in site conditions, or seasonal variations in the weather conditions.

While reasonable efforts have been made to ensure that the trees recommended for retention are healthy, no guarantees are offered, or implied, that these trees, or any parts of them, will remain standing. It is both professionally and practically impossible to predict with absolute certainty the behaviour of any single tree or group of trees or their component parts in all circumstances. Inevitably, a standing tree will always pose some risk. Most trees have the potential for failure in the event of adverse weather conditions, and this risk can only be eliminated if the tree is removed.

Although every effort has been made to ensure that this assessment is reasonably accurate, the trees should be re-assessed periodically. The assessment presented in this report is valid at the time of the inspection.

*March 22/11 4991 BRENTON PAGE ROAD.  
B. Fumaux Certified Arborist PN038411  
Tree Risk Assessor 0036*



# Tree Risk Assessment Form

Location: 4991 BRENTON-PALE ROAD		Date: MAR 22/11		Assessor Name: B. F. VERNERUX		Page 1						
Tree #	Species	DBH (Cm)	Location Details	Describe defects	Probability of failure				Describe other risk factors	Risk rating (Sum of columns 1-4)	Treatment recommended	Action completed
					1-4 points	1-3 points	1-3 points	0-2 points				
1	FIR	49	ON BANK NEAR PROPOSED BLDG. SITE	CONKY	2	2	3	1		7	REMOVE BEFORE CONSTRUCTION OF HOUSE AS ABOVE	
2	FIR	52	AS ABOVE	CONKY	2	3	3	1		8	AS ABOVE	
3	FIR	57	AS ABOVE	CONKY	2	3	3	1		8	AS ABOVE	
4	FIR	44	AS ABOVE	CONKY	2	2	3	1		7	AS ABOVE	
5	FIR	77	EDGE OF ROAD	CONKY	2	3	2	1	TOPPED LONG SUCKERS	8	REMOVE BEFORE ROAD RETAIN	
6	FIR	79	AS ABOVE	CONKY	2	3	2	1	AS ABOVE	8	AS ABOVE	
7	FIR	98	AS ABOVE	CONKY	2	3	2	1	AS ABOVE	8	AS ABOVE	
8	FIR	90	AS ABOVE	CONKY	2	3	3	1	CROOK 10° LEAN	9	AS ABOVE	
9	FIR	89	AS ABOVE	CONKY	3	3	3	1	TOPPED LONG SUCKERS, 30° LEAN, CROOK	10	AS ABOVE	

132

NOTES:

CIVIC ADDRESS: 4991 BRENTON PAGE ROAD

LOT DIMENSIONS ARE DERIVED FROM PLAN YIP67229.

HOUSE DESIGN FROM BRIAN McCULLOUGH  
DRAWINGS RECEIVED NOV. 3/09.

THE UNDERSIGNED CONFIRMS THAT HE HAS BEEN  
RETAINED BY BRIAN MCCULLOUGH TO PROVIDE  
FOUNDATION LAYOUT IN ACCORDANCE WITH THE  
FOUNDATION LOCATION SHOWN ON THIS PLAN.

• STANDARD IRON POST FOUND.

THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES:  
1. PERMITS.

THIS PLAN DOES NOT PURPORT TO VERIFY  
COMPLIANCE WITH THE RESTRICTIONS THEREIN.

THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL AND/OR PROPOSED IMPROVEMENT(S) SHOWN RELATIVE TO ONLY THE BOUNDARIES SHOWN OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S).

THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE LOCATION OF ANY OTHER ACTUAL OR PROPOSED IMPROVEMENT(S) RELATIVE TO ANY BOUNDARY OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S).

THIS PLAN IS NOT TO BE USED TO RE-ESTABLISH BOUNDARY LINES.

**WILLIAMSON & ASSOCIATES**  
**PROFESSIONAL SURVEYORS ©2010**  
 3098 BARONS ROAD NANTUO B.C. V9T 4G5  
 PHONE: 250-754-7723 FAX: 250-754-7724  
 EMAIL: WAPSOTELUS.NET  
 FILE: 09086-4

### HAZARD TREE LOCATIONS

9-1

B. FURNEAUX PNO384A

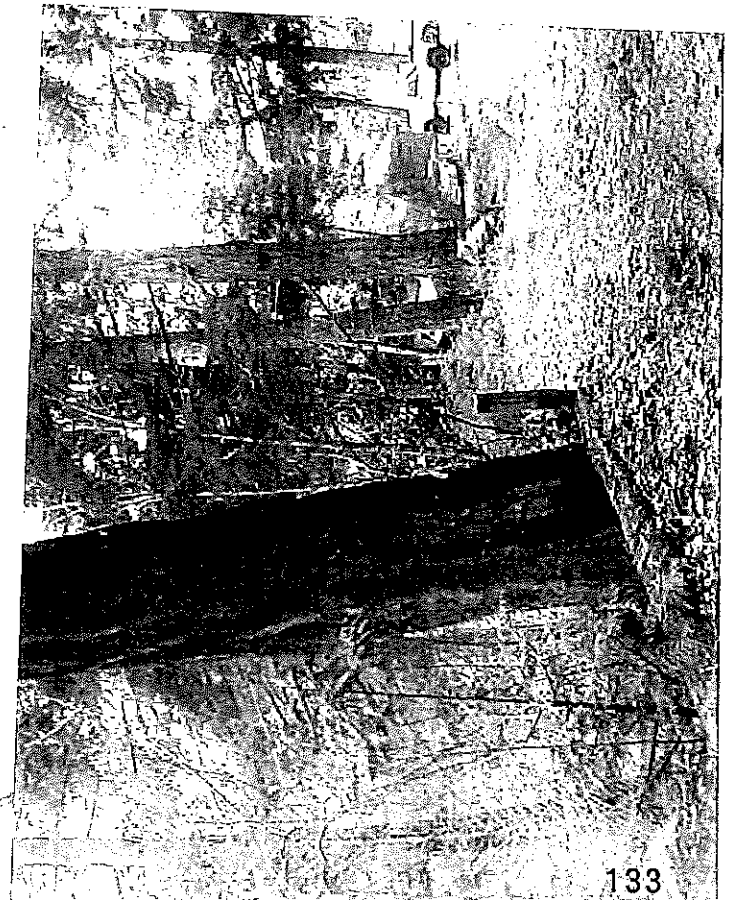
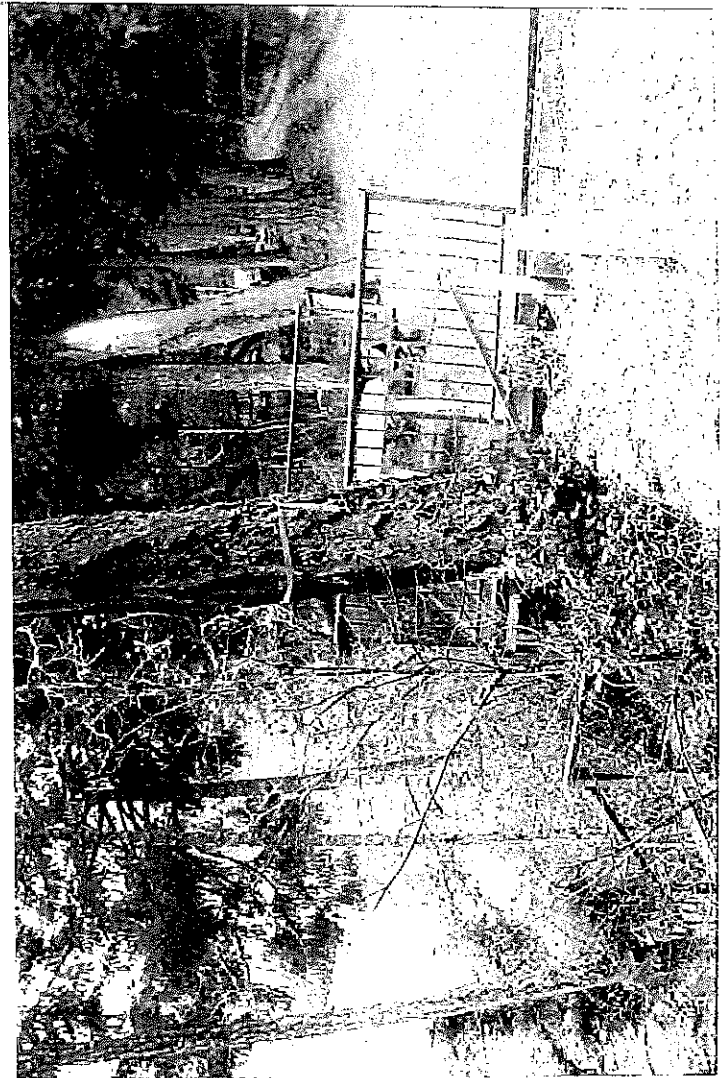
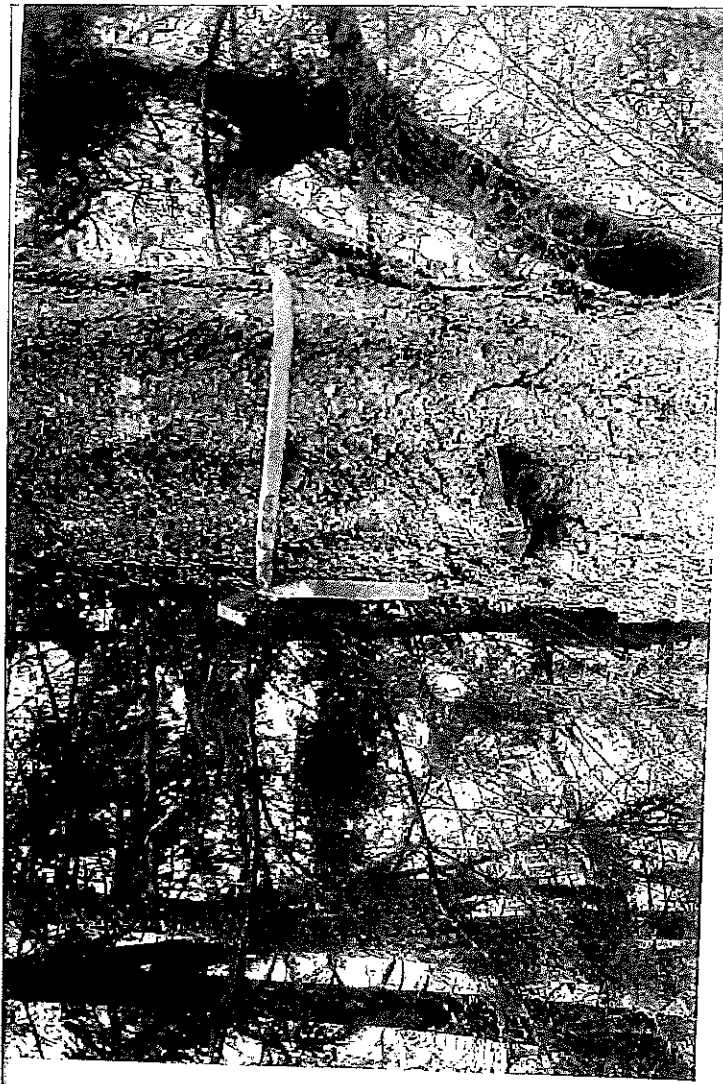
MAR 22 / 11

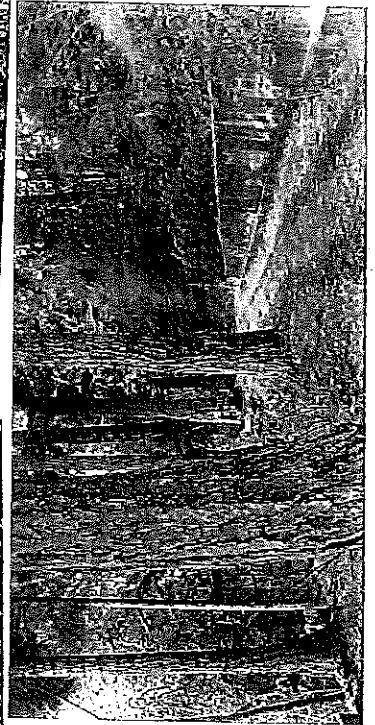
THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT,

THIS BUILDING LOCATION CERTIFICATE HAS BEEN  
PREPARED IN ACCORDANCE WITH THE MANUAL OF  
STANDARD PRACTICE AND IS CERTIFIED CORRECT  
THIS DATE OF: FEBRUARY 2, 2010.

Brock E. J. Williamson B. C. L. S.  
THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED.









COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

NO: 1-H-10DVP

DATE: APRIL 13, 2011

TO: NANAIMO LADYSMITH SCHOOLS  
FOUNDATION

ADDRESS: 550-7<sup>th</sup> STREET

NANAIMO, BC V9R 3Z2

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):

*Lot 1, District Lot 23, Oyster District, Plan 18300 (PID 003-902-641)*

3. Section 5.13(a) of Zoning Bylaw No. 1020 is varied as follows:

*The setback from the ocean is decreased from 15 metres to 9.1 metres, subject to:*

- a. Compliance with the recommendations of the Environmental Assessment report prepared by Toth and Associates Environmental Services, dated February 21, 2011;*
- b. Compliance with the Geotechnical Evaluation report prepared by Lewkowich Engineering Associates Ltd, dated February 4, 2011;*
- c. Compliance with the recommendation of the Tree Risk Assessment report prepared by B. Furneaux, dated March 22, 2011;*
- d. Registration of a restrictive covenant on the slope between the marine natural boundary and the top of bank to preclude tree removal and slope disturbance, other than as recommended in the Environmental Assessment and Tree Risk Assessment reports;*
- e. Confirmation by legal survey that the dwelling is no closer than 9.1 metres to the natural boundary of the ocean.*

4. The following plans and specifications are attached to and form a part of this permit.
- Schedule A – Site Plan
  - Schedule B – Environmental Assessment Report, Toth and Associates, February 21, 2011
  - Schedule C – Geotechnical Assessment Report, Lewkowich Engineering Associates Ltd., February 4, 2011
  - Schedule D – Tree Risk Assessment Report, B. Furneaux, March 22, 2011
5. The land described herein shall be developed in substantial compliance with the terms, conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
- 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 Planning and Development Department.
6. AUTHORIZING RESOLUTION NO. 11-XXX (XX) PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 13<sup>RD</sup> DAY OF APRIL 2011.

\_\_\_\_\_  
Tom Anderson, MCIP  
General Manager, Planning and Development Department

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.

**NOTE:**

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 the NANAIMO LADYSMITH SCHOOLS FOUNDATION other than those contained in this Permit.

\_\_\_\_\_  
Signature (owner/agent)

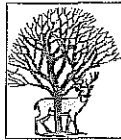
\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



## ***Toth and Associates Environmental Services***

6821 Harwood Drive, Lantzville, B.C. V0R 2H0

Tel: (250) 390-7602 Fax: (250) 390-7603

E-mail: stoth@shaw.ca

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February 21, 2011

**Brian McCullough**

211 Ferntree Place

Nanaimo, B.C. V9T 5M1

**Re: Environmental Assessment of proposed residential development on 4991 Brenton Page Road (PID 003-902-641) Ladysmith, B.C.**

### **Introduction**

Toth and Associates Environmental Services conducted a survey of the environmental features and potential environmental impacts posed by the proposed development of a single family residence and variance of the 15m setback from the sea to 9.1m on 4991 Brenton Page Road located on the north side of Ladysmith Harbour. The survey was conducted on January 26, 2011. The survey was conducted to address the requirements of the Cowichan Valley Regional District's (CVRD) Electoral Area H (North-Oyster / Diamond) *Draft Marine Riparian Development Permit Area (DPA)*.

The *Draft Marine Riparian DPA* as proposed will apply to all lands within 30m of the high tide mark of the ocean in Electoral Area H. No development is to occur within the DPA without a Development Permit (DP) from the CVRD.

To summarize, the proposed *Draft Marine Riparian DP* application requirements include providing a written description of the proposed development, detailed mapping, a geotechnical report, and environmental impact assessment including a vegetation management plan. Activities listed under *Exemptions* within the *Draft Marine Riparian DPA* requirements include invasive introduced plant species and hazard tree removal.

### **Physical Characteristics**

The subject property is an approximately 0.76 acre, steep, irregular shaped oceanfront parcel. The property is bounded by Brenton Page Road on the northeast side and by Ladysmith Harbour on the southwest side. Reiber Road runs roughly northeast to southwest through the center of the property and provides the existing driveway access to the proposed building site (Figure 1, Photograph 1).

Topography on the subject property varies from approximate sea level to 30m at Brenton Page Road. Average slope gradient on the property is approximately 52% with an overall southwest aspect.

The slope from the outer edge of the yard / building site to the marine natural boundary is approximately 70% grade, while the slope above the road bench of Reiber Road is approximately 80% grade. The yard, building site and road bench of Reiber Road are relatively level. The developable portion of the property consists of the historically benched and graded area of the building envelope, yard and driveway (Photograph 2). A partial concrete retaining wall on the north side of the developable area holds the steep side slope of Reiber Road. Log cribbing contains portions of the outer edge of the leveled area of the driveway and building envelope (Photograph 3). A concrete retaining wall contains the outer edge of the slope below the existing deck on the property (Photograph 4). Two wooden stairways run from the yard to the ocean (Photograph 5).

### **Vegetation Characteristics**

Forest cover on the property is typical of the Coastal Douglas-fir moist maritime (CDFmm) biogeoclimatic zone. The relatively undisturbed portion of the property located on the steep slope between the road grade of Reiber Road and Brenton Page Road consists of Young Forest stage Douglas-fir (*Pseudotsuga menziesii*), big leaf maple (*Acer macrophyllum*), with occasional grand fir (*Abies grandis*), western redcedar (*Thuja plicata*) and pacific dogwood (*Cornus nutallii*). The understory is comprised of ocean spray (*Holodiscus discolor*), dull Oregon-grape (*Mahonia nervosa*), salal (*Gaultheria shallon*), hairy honeysuckle (*Lonicera hispidula*), trailing blackberry (*Rubus ursinus*), and sword fern (*Polystichum munitum*).

The graded and benched area of the yard, driveway and building site consist of lawn and mature Douglas-fir, western redcedar and arbutus (*Arbutus menziesii*) trees. Diameter-at-breast-height (DBH) measurements indicated that Douglas-fir measured up to 84 cm and arbutus up to 65 cm. Most of the larger Douglas-fir specimens in this area exhibited signs of disease and decay including bracket fungi (Photograph 6), insects, or extensive areas of pitch on the trunk indicative of injury (Photograph 7). Several trees lean significantly (Photograph 8).

Forest cover in the area of the property located between the graded / benched area of the yard / building site and the marine natural boundary consisted of low densities of Young Forest stage Douglas-fir, arbutus and garry oak (*Quercus garryana*). Understory species included ocean spray, hairy honeysuckle, trailing blackberry, tall Oregon-grape (*Mahonia aquifolium*), dull Oregon-grape, salal, licorice fern (*Polypodium glycyrrhiza*) and yerba buena (*Satureja douglasii*). Introduced invasive plant species were common on the property and included English ivy, daphne, Himalayan blackberry and scotch broom.

Thirteen garry oak trees were flagged for preservation and geo-referenced with a Garmin Map60CSx GPS (Figure 2). Several of the garry oaks were in relatively poor condition, possibly due to lack of sunlight from increasing Douglas-fir and arbutus canopy closure. The locations of significant sized Douglas-fir and arbutus trees and all garry oak trees are indicated on Table 1.

Table 1. Tree locations

Waypoint	Coordinates (Datum WGS 84)			Elev. (m)	Comment
474	10U	438725	5429997	17.4	65cm DBH arbutus

475	10U	438720	5430010	15.8	Mature Douglas-fir
476	10U	438715	5430023	16.5	Mature Douglas-fir
477	10U	438706	5430033	18	Mature Douglas-fir
478	10U	438715	5430003	11.3	Garry oak
479	10U	438722	5429994	10.1	Garry oak
480	10U	438723	5429998	12.5	Clump of 5 garry oak
481	10U	438719	5429988	8.2	Two garry oak
482	10U	438705	5430014	6.1	Garry oak
483	10U	438697	5430022	7	Garry oak
484	10U	438701	5430022	6.1	Two garry oak

### **Sensitive Features**

A search of the Conservation Data Centre's (CDC) endangered species and ecosystems data on iMapBC identified two rare species occurrence records east of the subject property from the Woodley Range Ecological Reserve. The records include the endangered (red-listed) green-sheathed sedge (*Carex feta*) and threatened (blue-listed) slimleaf onion (*Allium amplexans*). Neither of the occurrence record polygon boundaries extends to the subject property. Green-sheathed sedge is a wetland plant species. There are no wetland habitats on the subject property. The habitat type listed for slimleaf onion includes vernal moist rocky bluffs and meadows in the lowland zone. Based on this description the subject property is unlikely to support slimleaf onion.

A search of the Wildlife Tree Stewardship Atlas did not indicate any heron or raptor nest sites in the vicinity of the subject property and none were found during the field survey.

No rare species or sensitive wildlife features were identified on the property.

### **Regulation**

The Provincial Ministry of Environment and Department of Fisheries and Oceans Canada do not have any regulations requiring marine foreshore setbacks.

Most of the ecological communities representing the CDFmm biogeoclimatic zone are provincially listed as threatened or endangered, however there is currently no legislation requiring the protection of rare ecological communities on private lands.

The Electoral Area H Zoning Bylaw (No. 1020, 1986) Section 5.13 indicates that "no habitable building shall be located within 15m of the high water mark of a watercourse, lake, or the sea". The zoning bylaw does not appear to identify whether the 15m setback distance is a horizontal or slope distance measurement.

### **Discussion**

The subject property has a relatively small developable area presumably created from historic grading / benching. We would consider the portion of the developable area located within the 15m setback a grand-parented footprint. Based on the proposed Development Plan prepared by Williamson and Associates Professional Surveyors, the proposed house location

will be located entirely within the existing area of the historically graded / benched yard above the top of bank and will not result in a new development footprint within the naturally vegetated portion of the marine setback located below the top of bank.

Based on our survey, it appears that two important aspects of the proposed development will result in potential for disturbance within the marine setback; these include the hazard tree and geotechnical assessments. As indicated previously, many of the mature Douglas-fir trees within the developable area of the property had signs of disease, injury or were leaning significantly. It is likely that a hazard tree assessment will indicate that several trees will require removal. Areas on the property have slopes held in place by decaying log cribbing. It is likely that a geotechnical assessment will require replacement of this log cribbing with appropriate engineered retaining structures at or near the top of existing bank.

Any concrete retaining walls constructed along the top of bank as part of the proposed development will have minimal impact on the natural vegetation in the top of bank area. Visual quality from the water will be unaffected due to the tall growth of vegetation on the slope between the top of bank and the natural boundary of the ocean.

Existing structures within the 15m setback include a wooden deck, concrete retaining wall and two sets of wooden stairs running down to the shore. The footprint created from two stairways providing beach access in our opinion is unnecessary. Wooden stair cases in our coastal climate tend to degrade quickly and present slipping hazards during the wetter months due to algae growth.

Prior land use has resulted in the deposition of several cubic metres of yard waste (primarily branches, sticks, etc.) over the top of bank area near the northwest end of the property. This accumulation of material inhibits plant growth and presents a potential fire hazard.

### **Recommendations**

We recommend that a Hazard Tree and Geotechnical Assessment be completed for the proposed development.

We recommend a covenant on the property to allow for a single beach access trail. We would also recommend that the beach access trail be constructed from long-lasting materials such as natural rock, paving stones or concrete (or a combination of materials).

We recommend that the thirteen garry oak trees identified on the property be preserved, where possible and where no hazard has been deemed by a certified hazard tree assessor.

We recommend that the accumulation of yard waste extending over the top of bank in the northwest corner of the property be removed.

Care should be taken when excavating / constructing in the top of bank area to minimize disturbance and vegetation removal and to ensure that no excavated material or fresh concrete runs down slope.

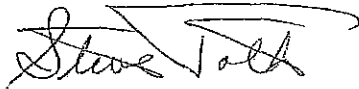


**Conclusion**

Toth and Associates have conducted environmental assessments of hundreds of properties on Vancouver Island in our 18 years of consulting. Based on our assessment results and the proposed development plan it is our opinion that the proposed development of 4991 Brenton Page Road and variance of the marine setback from 15m to 9.1m is unlikely to compromise the ecological function of the marine foreshore setback area or the existing vegetation community. Any removal of hazard conifer trees at or near the top of bank area that may be required as a result of a hazard tree assessment will likely result in the long term improvement and renewed vigor of the existing sea side garry oak ecological community.

Please contact us if you require any additional information.

Sincerely,  
Steve Toth, ASCT, R.P.Bio.



**Toth and Associates Environmental Services**

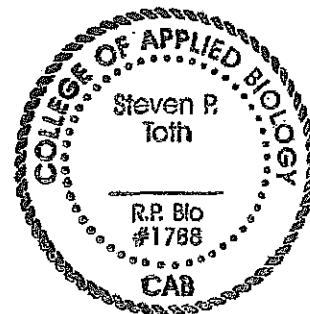


Figure 1. Proposed Development Plan

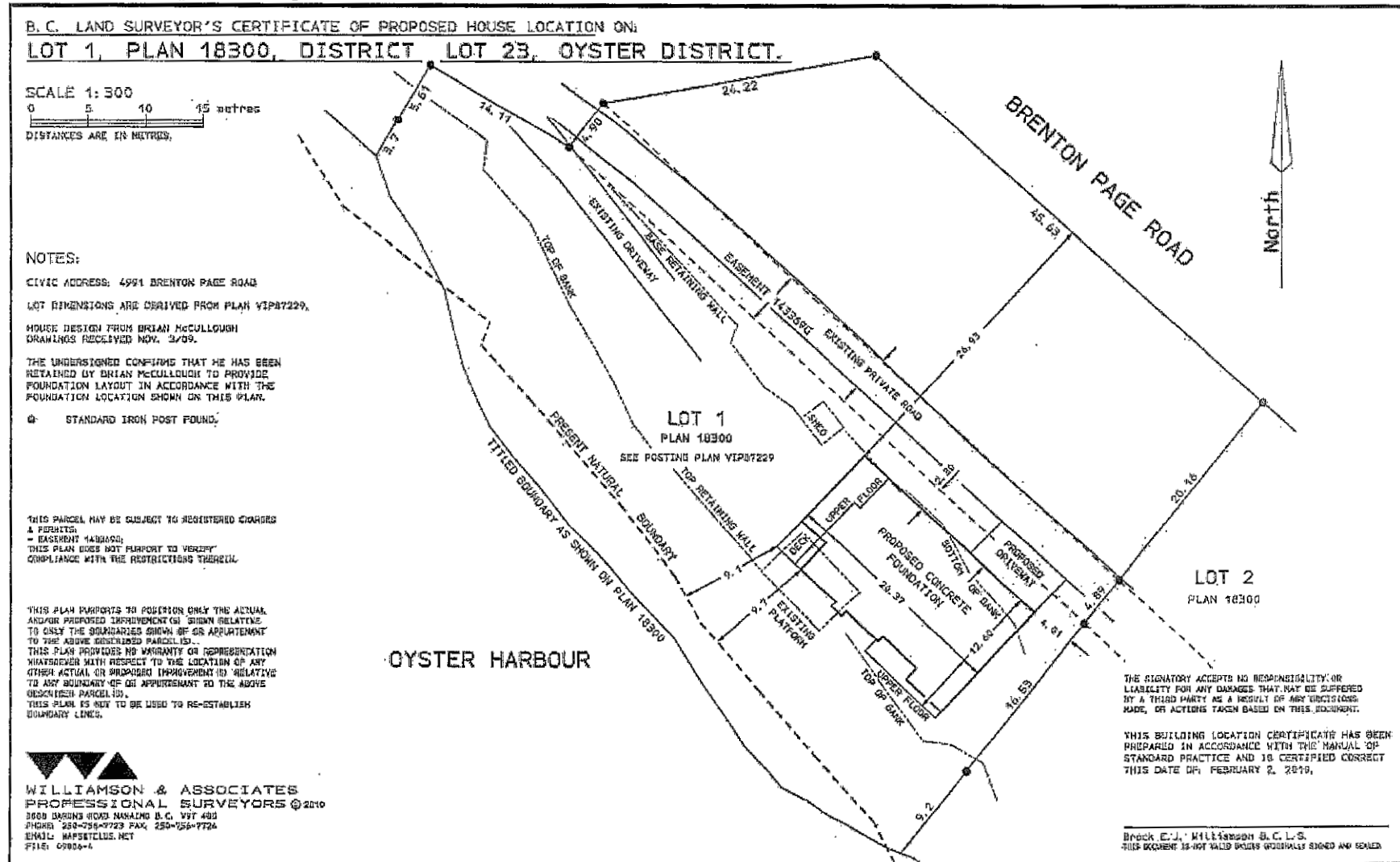
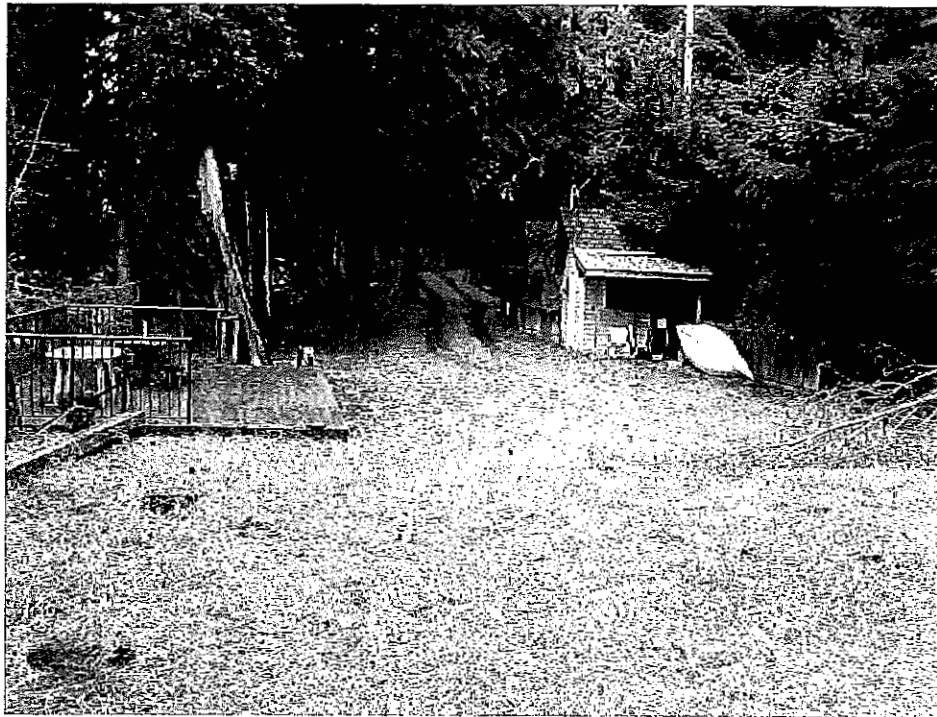


Figure 2. Survey waypoints





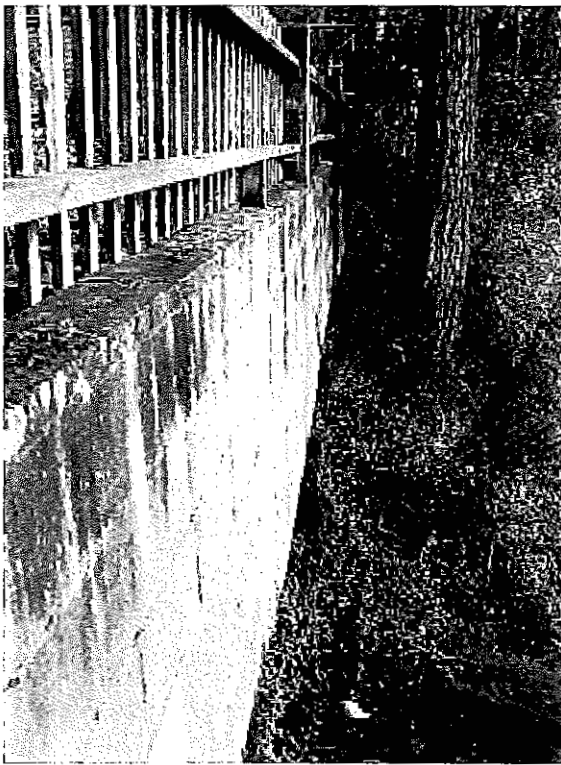
Photograph 1. View southeast to existing driveway access from Reiber Road.



Photograph 2. View northwest from the building site with the concrete retaining wall along the base of Reiber Road on the right.



Photograph 3. View of old log cribbing containing the fill slope of the driveway.



Photograph 4. View of concrete retaining wall below deck.



Photograph 5. View of one of two wooden stairways to the beach.





Photograph 6. View of bracket fungi (conk) on Douglas-fir adjacent to the proposed building envelope.



Photograph 7. View of mature Douglas-fir with extensive pitch and woodpecker forage holes indicative of insect infestation.



Photograph 8. View of leaning Douglas-fir and arbutus below driveway entrance at Reiber Road.

## Rob Conway

---

**From:** McCullough Marketing [brian@mmshomes.com]  
**Sent:** Monday, April 11, 2011 6:06 PM  
**To:** Rob Conway  
**Subject:** RE: Follow up from EASC Meeting

Hi Rob,

Just wanted to confirm that you got my message that director Marcot can look at the trees and that we put orange ribbons on them as well to distinguish them from the ones that stay. As I mentioned they are either dangerous or diseased so they must go as identified by a professional arborist. I won't be forced to build a house beneath or near them.

Also, there is no need for you to say you are sorry about the outcome as it is apparently out of your control. It is a sad state when we find our hard working staff at the CVRD, City of Nanaimo and many other districts when they have to bow down to people like this that have personal agendas.

I did want to clarify one more thing. Of the letters that were against the variance, Muriel and Jim Rieber, they sent in 2 letters and I would like that to be noted as I think they are one voice. Also, there were 2 letters in favor of the variance, Jack McKinley and Ken & Sue Bouma who both live next door. I did send you this letter a long time ago but it has not been acknowledged. I will send it again and please include it in the agenda package.

Best Regards,  
Brian McCullough

---

**From:** Rob Conway [<mailto:rconway@cvrd.bc.ca>]  
**Sent:** Wednesday, April 06, 2011 11:52 AM  
**To:** McCullough Marketing  
**Subject:** Follow up from EASC Meeting

Hello Brian,

Sorry about the outcome of yesterday's EASC meeting.

I expect that part of the reason Director Marcotte requested that your DVP application be tabled was to allow her an opportunity to get a better understanding of the trees that will be removed. I will provide her with the photos you sent me, but I am wondering if the trees are clearly marked so she can see for herself which ones would be removed. Could you please confirm if the trees are marked and how (or flag them if necessary) so I can provide this information to the Director.

Thanks very much.

Regards

Rob

Rob Conway, MCIP  
Manager, Development Services Division



R3

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF FEBRUARY 1, 2011

DATE: April 12, 2011 FILE No: 2-F-10 DVP  
FROM: Alison Garnett, Planner II BYLAW No: 2600  
SUBJECT: Development Variance Permit Application 2-F-10 DVP  
(Decksheimer)

---

**Recommendation/Action:**

That the application by Brenda and Randy Decksheimer (2-F-10 DVP), respecting Lot 2, Block D, Section 15, Renfrew District, Plan 1501, to increase the permitted height of a residence from 10 metres to 10.6 metres, and decrease the setback to Cowichan Lake from 15 metres to zero, be approved as proposed on the attached plans, subject to:

- a) Prior to receiving a building permit, a professional engineer is retained by the applicant to design and certify a sewerage system that is to be located above 164 metre elevation, and to provide written confirmation that the sewerage system will not create a health hazard;
- b) Development to proceed in accordance with the recommendations of the qualified environmental professional and all relevant best management practices, as noted in the Section 9 application of the *Water Act*, dated October 4, 2010;
- c) The use of fill at the base of the proposed residence is not permitted, unless required by a geotechnical engineer;
- d) The storage of fuel on the property is not permitted;
- e) Measures are taken to improve fish habitat along the natural shoreline, including planting of native shrubs and soft bioengineering, in consultation with a qualified environmental professional;
- f) Confirmation that the floor system is constructed above the 167.3 metre 200 year floodplain elevation;
- g) A legal survey is provided to confirm the approved setback distance and building height, as required by CVRD Building Inspector.

**Relation to the Corporate Strategic Plan:** N/A

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

**Background:**

**Location of Subject Property:** 7313 Walton Road

**Legal Description:** Lot 2, Block D, Section 15, Renfrew District, Plan 1501 (PID 007 252 307)



Date Application Received: November 12, 2010  
Owner and applicant: Brenda and Randy Decksheimer  
Size of Lot: 1700 m<sup>2</sup>

Existing Zoning: R-2 (Suburban Residential)  
Minimum Lot Size Under Existing Zoning: 2 ha

Existing Plan Designation: Suburban Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North Residential  
 South Residential  
 East Cowichan Lake  
 West Residential

Services :

Road Access Walton Road  
 Water On site, however the property is located within the Honeymoon Bay Water Service Area.  
 Sewage Disposal On site.

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: The subject property is located below the high water mark of Cowichan Lake.

Archaeological Site: None have been identified.

**The Proposal:**

The subject property is zoned R-2 (Suburban Residential 2) and is located adjacent to Cowichan Lake in Honeymoon Bay. Currently located on the 0.17 ha lot are two aging cabins and 3 small accessory buildings. The lot is currently serviced by an uncertified septic tank, and drinking water is drawn directly from the lake. The applicants intend to remove both cabins and two accessory buildings, and replace these with a two story residence. No substantial increase in building footprint is proposed, as the new 160 m<sup>2</sup> (1720 ft<sup>2</sup>) residence is roughly equivalent in size to the 4 buildings slated for removal.

The subject property is located in the Walton Road area of Honeymoon Bay, which is extremely low lying and subject to flooding. The attached survey plan shows that the majority of the subject property is located below the high water mark of Cowichan Lake (164 m), and is well below the 200 year floodplain elevation (167.3 m).

The Riparian Areas Regulation Development Permit Area (RAR DP), as outlined in OCP Bylaw No. 1945, applies specifically to development 30 metres *above* the high water mark. This application is considered exempt from the RAR, as the proposed development is *below* the high water mark.

Although a RAR development permit is not required, two variances to Zoning Bylaw No. 2600 are necessary in order for this development to proceed. Firstly, the applicants will require a complete relaxation of the 15 metre setback to Cowichan Lake. A qualified environmental professional has provided recommendations the timing of construction, retention and

improvement of native vegetation, erosion control and stormwater management. The QEP's description of the project notes the potential benefits of this application, which include the removal of 4 aging buildings on the lot, and upgrading of the currently uncertified septic system.

The second variance request is to increase the 10 metre height limit by 0.6 metres. The height of a building is calculated from the existing natural grade, although the underside of the floor system must be constructed above the 200 year flood plain elevation. The residence will therefore be constructed on 3.4 metre tall pilings, and the actual height of the residence will be 6.9 metres. Between 7 and 16 wood or steel pilings will be needed, and the applicant is proposing that one metre of clean, off site fill may be used. The applicant has provided letters of opinion by CN Ryzuk engineering firm and AAE Structural Engineering, which comment on the sub grade conditions of the lot and the structural concept for the foundation.

#### **Agency Implications and Comments:**

- Vancouver Island Health Authority provided comments with respect to the proposed septic system. The applicants have proposed a type 2 system consisting of a septic tank followed by a packaged treatment plant, to be discharged into "at grade gravel trenches". Installation was to be completed by a Registered Onsite Wastewater Professional.

VIHA provided the following response April 2<sup>nd</sup> 2011:

*If a professional engineer designs and certifies a sewerage system on this property to be located above the 164 metre flood elevation level and certifies that the sewerage system will not create a health hazard, then we have to accept such a filing. This is because there are no setback requirements in the Sewerage System Regulation pertaining to flood elevation levels, high water marks or surface bodies of water.*

- Cowichan Basin Water Management Plan - The Water Management Plan Objective 4 is to "Reduce the impacts of high water levels, respecting the importance of winter floods to natural systems", and Action 4a-3 states to "Continue to enforce bylaws that prohibit new development or deposit of fill below the 200-year flood level".
- Department of Fisheries and Oceans – comments provided following a Section 9 of the Water Act application, and site inspection by Brad Ruston with the applicant, December 10, 2010:

*As the high water mark of the 164.0 m above sea level has been established by a surveyor to be at the upslope end of the property, the RAR would not appear to apply to the property. I have concluded that the construction of a new building on top of the footprint of the existing building would not result in a HADD (harmful alteration, disruption or destruction of fish habitat). I do suggest that the natural shoreline boundary be examined to determine what measures could be taken to improve fish habitat along the natural shoreline, such as the planting of native shrubs that would prevent further erosion- the tree roots have been exposed by wave action which will result in further erosion over time. Soft bioengineering may also be appropriate to help protect the property.*

The comments received from VIHA and DFO, as well as the objective of the Water Management Plan, have been incorporated into Option 1 presented below, as conditions of approval of this development permit application.

#### **Surrounding Property Owner Notification and Response:**

A total of eleven letters were mailed out and/or otherwise hand delivered to adjacent property owners, as required pursuant to CVRD Development Application Procedures and Fee Bylaw No. 3275, which described the purpose of this application and requested comments on this

variance within a specified time frame. One response was received which does not object to the bylaw variances requested. It is attached to this report.

**Planning and Development Comments:**

Staff note that this application appears to be the first of its kind in the Walton Road area, and will likely set a precedent for redevelopment of other lots situated below the 164 metre high water mark. The Committee may wish to consider whether the Riparian Areas Regulation DPA in Electoral Area F, and Watercourse Protection DPA in Electoral Area I, should be amended in order to be relevant to lots located below the high water mark, and furthermore, to provide guidelines to address sewerage system requirements, prevent the use of fill, mitigate negative impacts on the lake, etc.

Alternatively, the Board could consider adopting a standalone policy, to provide some expectations for redevelopment of lots below the high water mark. Staff provide the following recommendation:

*Applicants for development in the Walton Road area of Honeymoon Bay which require a reduced setback to the high water mark of Cowichan Lake are advised of the following:*

- A report from a qualified environmental professional must accompany the development variance application, and support for the application must be received from the Department of Fisheries and Oceans and/or Ministry of Environment.*
- The Board may consider relaxing the height limits for residences; however the height should not exceed 7.5 metres above the 200 year floodplain elevation.*
- In designing site layout, residences should be located as far from the shoreline as possible. Variances to parcel line setbacks may be considered in order to increase the watercourse setback.*
- Applicants will be encouraged to demonstrate some environmental benefits associated with the proposal.*
- Use of offsite fill is strongly discouraged below the 200 year floodplain elevation.*
- The floor system must be constructed above the 200 year floodplain elevation (167.33 metres).*
- Review of the proposal by professional engineers may be required to ensure the development is safe for the intended use.*
- If connection to a community sewer system is not possible, a professional engineer must be retained to design and certify a sewerage system that is to be located above 164 metre elevation, and to provide written confirmation that the sewerage system will not create a health hazard.*

**Summary:**

It is difficult to reconcile the CVRD's high environmental protection standards with property owners' rights to develop existing lots that are zoned for residential use. A complete relaxation of the watercourse setback appears the only means to allow improvements to take place on the lot. A primary concern in this application has been the location of the proposed septic system; however this issue is outside of the authority of the Regional District. The Vancouver Island Health Authority has provided comments, which have been incorporated as a condition of approval. Furthermore, DFO and a qualified environmental professional support the application as proposed, and adjacent property owners have not voiced objections. Staff recommend that the variance requests be approved, subject to the development proceeding in accordance with the conditions noted below.

**Options:**

1. That the application by Brenda and Randy Decksheimer (2-F-10 DVP), respecting Lot 2, Block D, Section 15, Renfrew District, Plan 1501, to increase the permitted height of a residence from 10 metres to 10.6 metres, and decrease the setback to Cowichan Lake from 15 metres to zero, be approved as proposed on the attached plans, subject to:
  - a) Prior to receiving a building permit, a professional engineer is retained by the applicant to design and certify a sewerage system that is to be located above 164 metre elevation, and to provide written confirmation that the sewerage system will not create a health hazard;
  - b) Development to proceed in accordance with the recommendations of the qualified environmental professional and all relevant best management practices, as noted in the Section 9 application of the *Water Act*, dated October 4, 2010;
  - c) The use of fill at the base of the proposed residence is not permitted, unless required by geotechnical engineer;
  - d) The storage of fuel on the property is not permitted;
  - e) Measures are taken to improve fish habitat along the natural shoreline, including planting of native shrubs and soft bioengineering, in consultation with a qualified environmental professional;
  - f) Confirmation that the floor system is constructed above the 167.3 metre 200 year floodplain elevation;
  - g) A legal survey is provided to confirm the approved setback distance and building height, as required by CVRD Building Inspector.
2. That the application by Brenda and Randy Decksheimer (2-F-10 DVP) respecting Lot 2, Block D, Section 15, Renfrew District, Plan 1501, be revised and presented at a future EASC meeting.

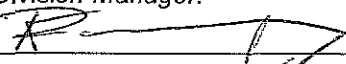

Option 1 is recommended.

Submitted by,



Alison Garnett,  
Planner II  
Planning and Development Department

AG/ca

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



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

NO: 2-F-10DVP

DATE: January 26, 2011

TO: Randy and Brenda Decksheimer DRAFT

ADDRESS: 3375 Uplands Road

Victoria, BC V8R 6B8

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):

Lot 2, Block D, Section 15, Renfrew District, Plan 1501 (PID 007 252 307)
3. Zoning Bylaw No. 2600, applicable to Section 3.22, is varied by reducing the setback of a building to Cowichan Lake from 15 metres to zero; and Section 5.11(5) is varied by increasing the height of the residence from 10 metres to 10.6 metres, subject to the conditions noted below:
4.
  - a) Prior to receiving a building permit, a professional engineer is retained by the applicant to design and certify a sewerage system that is to be located above 164 metre elevation, and to provide written confirmation that the sewerage system will not create a health hazard;
  - b) Development to proceed in accordance with the recommendations of the qualified environmental professional and all relevant best management practices, as noted in the Section 9 application of the *Water Act*, dated October 4, 2010;
  - c) The use of fill at the base of the proposed residence is not permitted, unless required by geotechnical engineer;
  - d) The storage of fuel on the property is not permitted;
  - e) Measures are taken to improve fish habitat along the natural shoreline, including planting of native shrubs and soft bioengineering, in consultation with a qualified environmental professional;
  - f) Confirmation that the floor system is constructed above the 167.3 metre 200 year floodplain elevation;
  - g) A legal survey is provided to confirm the approved setback distance and building height, as required by CVRD Building Inspector.
5. The following plans and specifications are attached to and form a part of this permit:
  - Schedule A -Site Plan of proposed work, by Pacific Homes
  - Schedule B- Survey Plan by Kenyon Wilson Land Surveyor, dated September 18, 2008
  - Schedule C- Building Plans, Sheets 1 to 3.
  - Schedule D- Section 9 Application of the *Water Act*, dated October 4, 2010.

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. XXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE XX<sup>TH</sup> DAY OF 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 ERIC KUWERT other than those contained in this Permit.

---

Signature of Owner/Agent

---

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.

The Regional District does not  
warrant the accuracy.

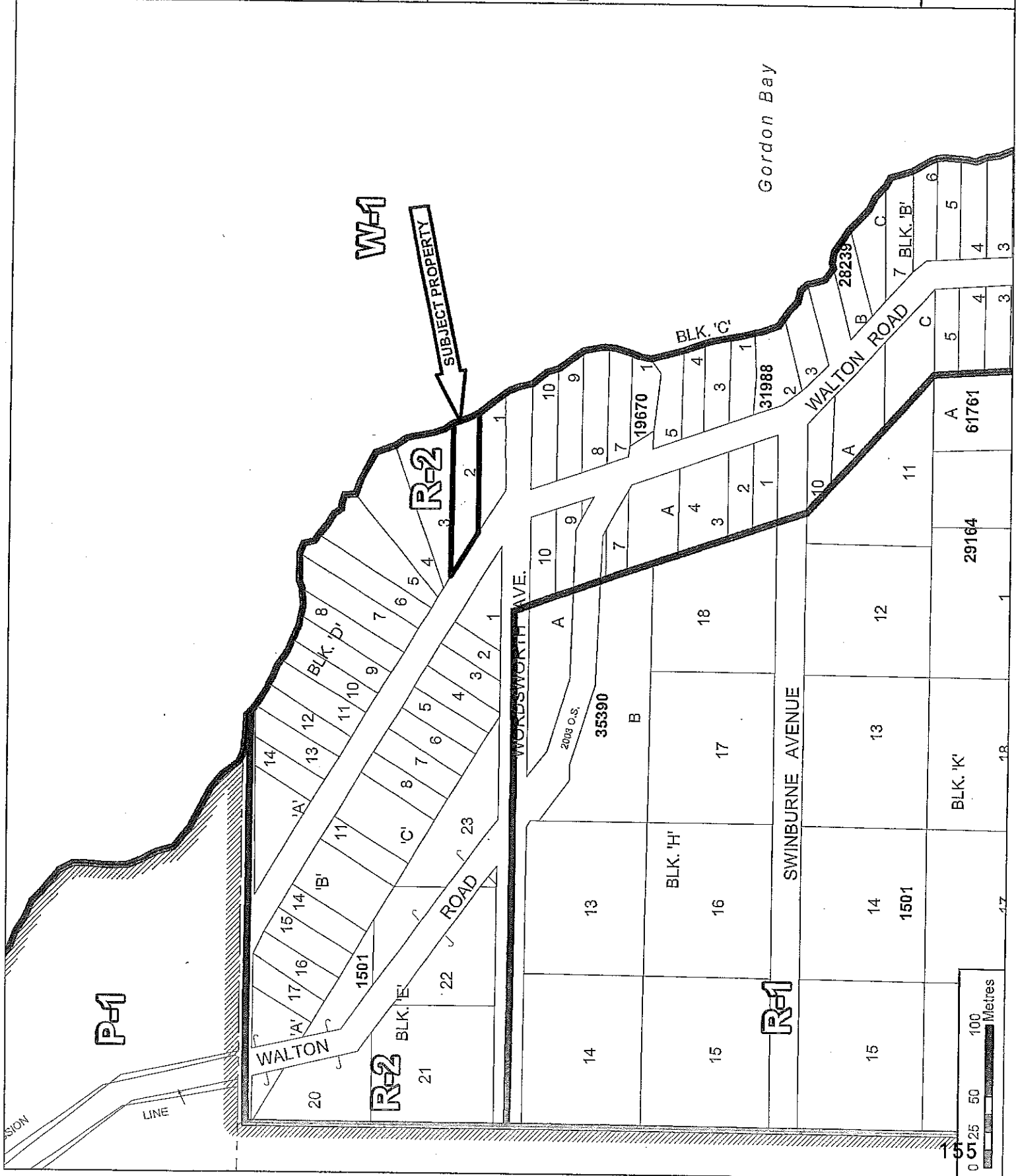
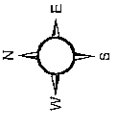
All persons making use of this  
compilation are advised that  
amendments have been  
consolidated for convenience  
purposes only and that  
boundaries are representational.

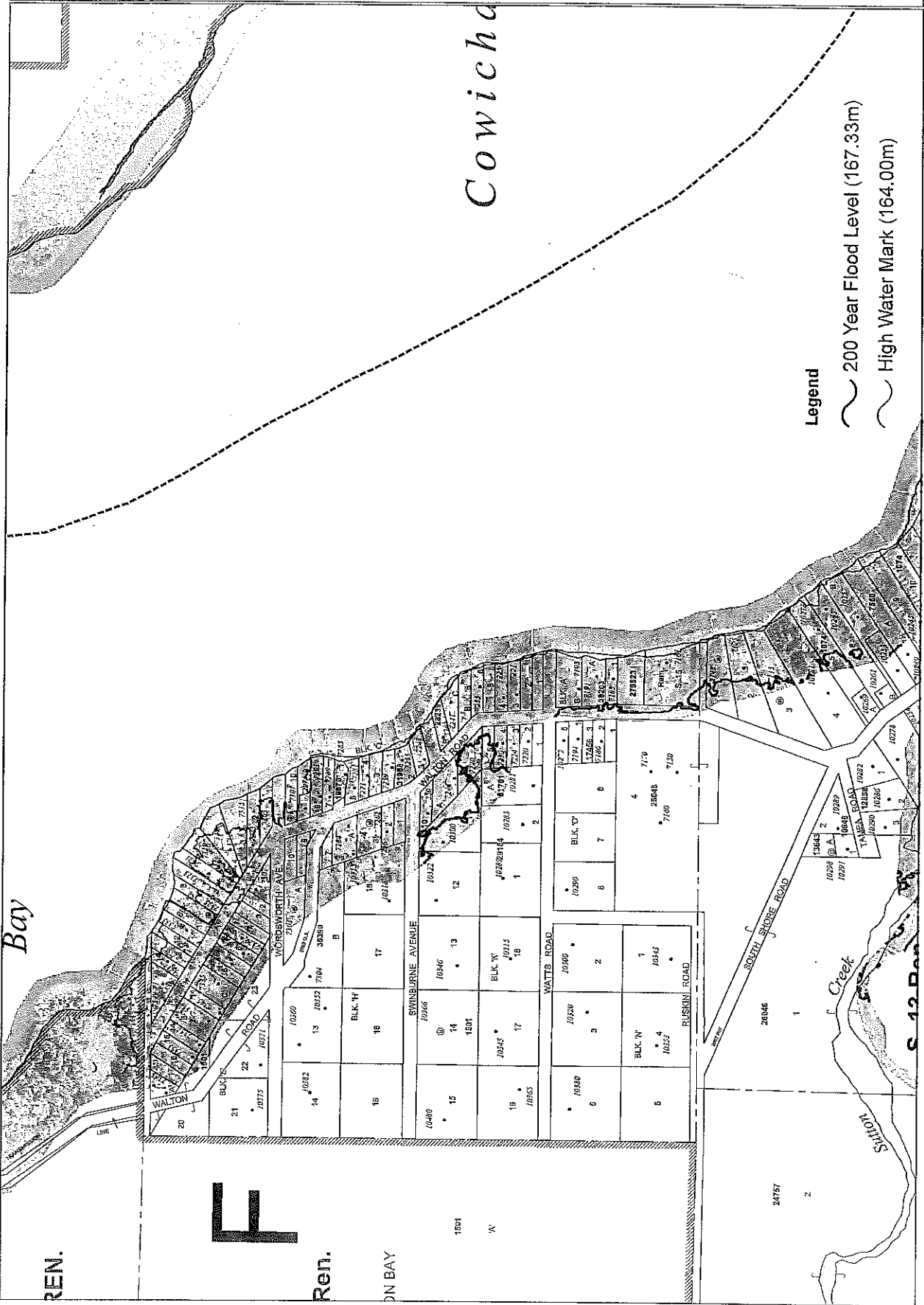
The original Bylaws should be  
consulted for all purposes of  
interpretation and application  
of the Bylaws.

FILE: 02-F-10-DVP

## ZONING

Legend

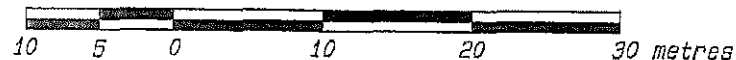






**SITE PLAN OF  
LOT 2, BLOCK D, SECTION 15, RENFREW DISTRICT,  
(SITUATE IN COWICHAN LAKE DISTRICT), PLAN 1501**

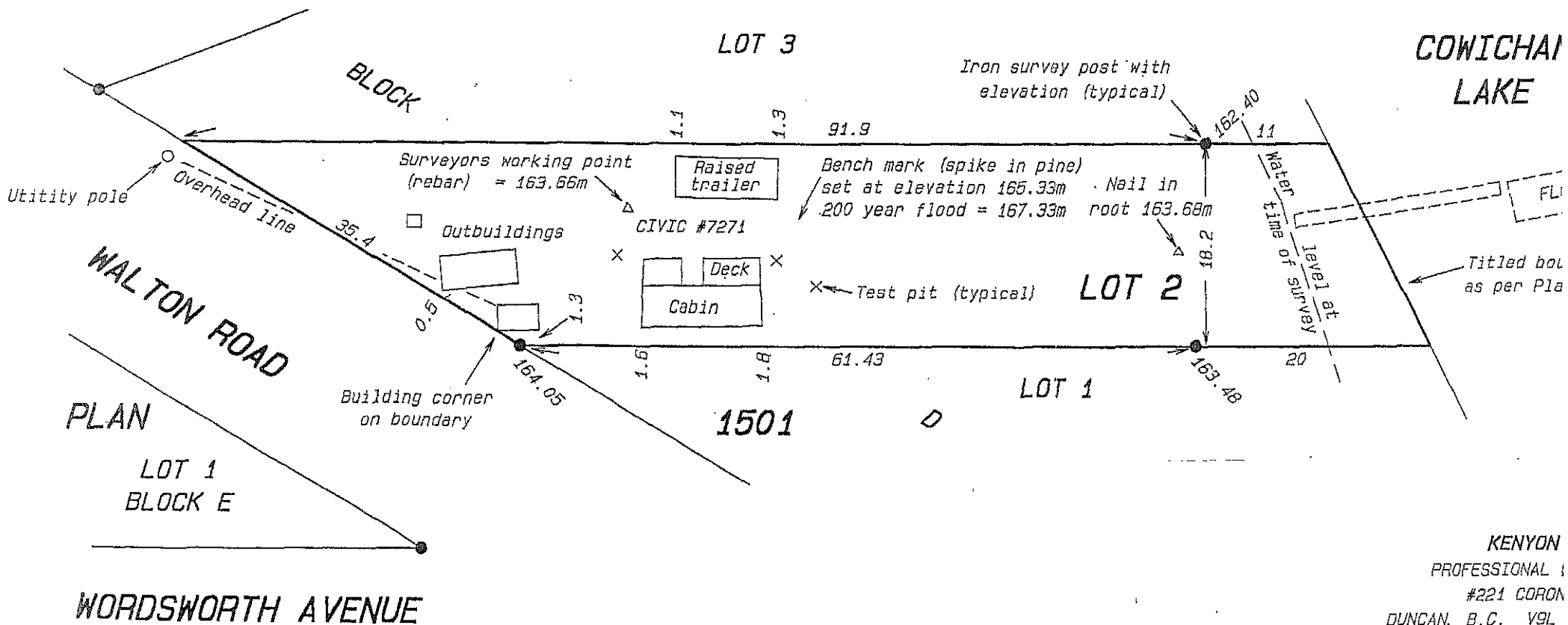
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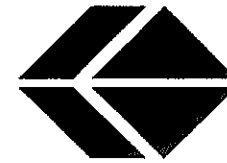
All distances and elevations are in metres  
Elevations are derived from Ministry of Environment  
Flood plain mapping and bench mark #672 (elevation = 165.61m)

Note: Lot 2 lies within the C.V.R.D.  
Area F and is Zoned R-2.  
Bylaw setback requirements are as follows:

Residential and Accessory Use  
Front 7.5 m  
Side (Interior) 3.0 m  
Side (Exterior) 4.5 m  
Rear 3.0 m

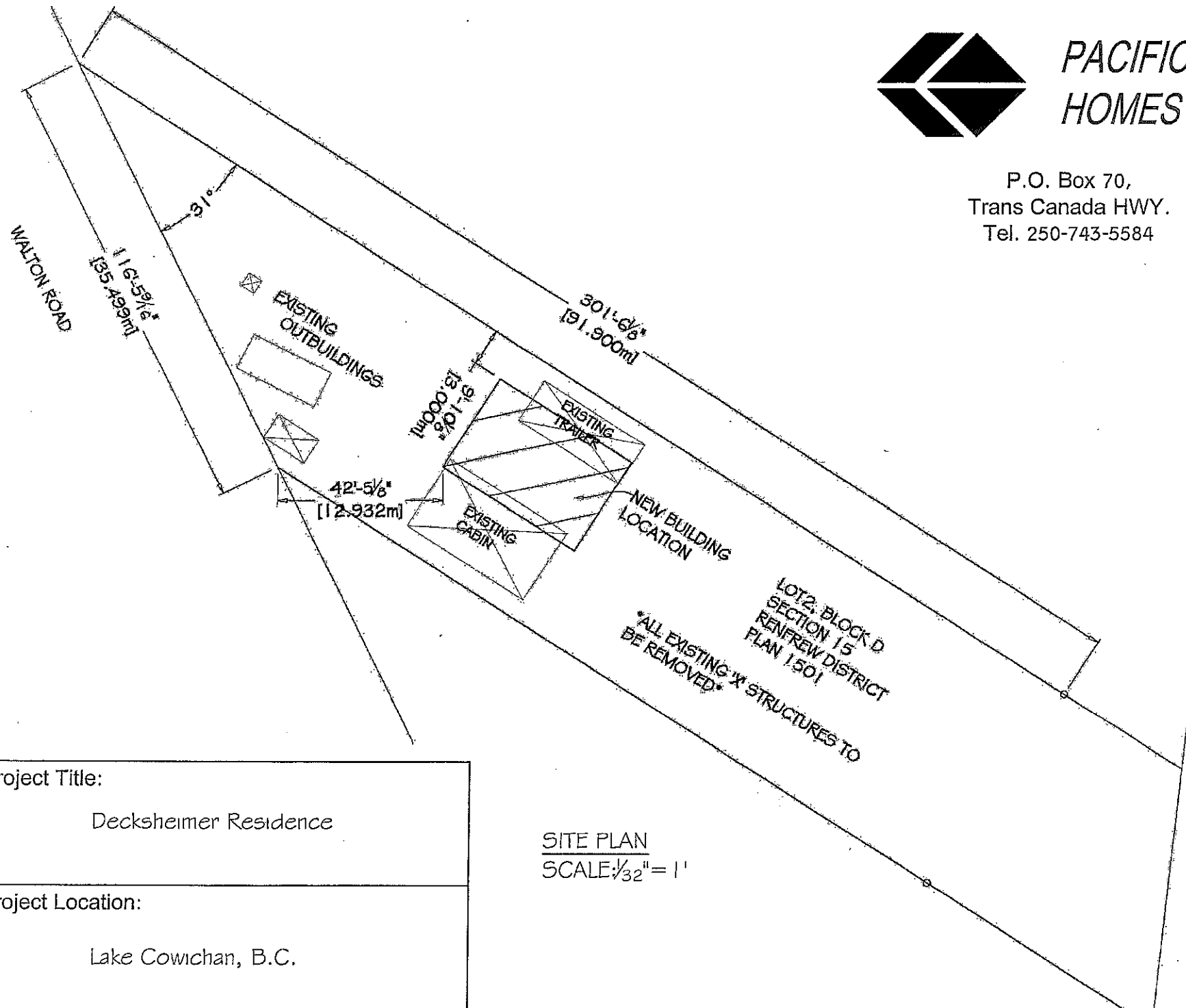


**KENYON**  
PROFESSIONAL I  
#221 CORON  
DUNCAN, B.C. V9L  
FILE 08-  
Survey complet



PACIFIC  
HOMES

P.O. Box 70,  
Trans Canada HWY.  
Tel. 250-743-5584



Project Title:

Decksheimer Residence

Project Location:

Lake Cowichan, B.C.

SITE PLAN  
SCALE:  $\frac{1}{32}'' = 1'$

**General Notes**  
All work shall conform to current building codes and local authority requirements shall take precedence over standard design notes.  
Builder must verify all dimensions, information and specifications prior to commencement of work and notify designer of any errors.  
These drawings were created for residential use. All other uses, such as commercial, industrial or agricultural, require a separate set of drawings.  
All work shall conform to current building codes and local authority requirements shall take precedence over standard design notes.  
Builder must verify all dimensions, information and specifications prior to commencement of work and notify designer of any errors.  
These drawings were created for residential use. All other uses, such as commercial, industrial or agricultural, require a separate set of drawings.

Stars and line-drawings  
 -Stars: flight's shall have a minimum width of  $3.5^\circ$  and a maximum height of  $12.1^\circ$   
 -All stars shall have a maximum limited size of  $7.5^\circ$  and a minimum fixed bread length of  $1.0^\circ$  with a 1° rising or horizontal projection  
 -The  $\alpha$ -rays shall be tallied between  $2.1^\circ$  and  $3.9^\circ$  above the horizon  
 -The  $\beta$ -rays shall be a minimum of  $42^\circ$  or  $3.5^\circ$  when a diurnal angle or at a star flight  
 -The  $\gamma$ -rays shall be continuous along a star flight  
 -Between rising elements shall not be a star flight  
 -Between rising elements shall not be a star flight

**Structural**

- All wood framing shall be #2 or better SPF or Hemfir.
- All lumber shall be only 2x10 unless otherwise noted.
- Lateral bracing shall be provided under all load bearing points.
- Non-loadbearing partition walls, parallel to joists, shall be supported by post or 2x4 blocking at 4' o/c.
- All structural engineering installations shall conform to specifications provided by structural designer.

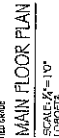
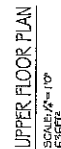
**Concrete**  
Girggs, carport and exterior stairs shall have a minimum compressive strength of 3200psi at 28 days. All other concrete shall have a minimum compressive strength of 3000psi.  
Reinforcing steel shall be as specified and, unless local footings are shown, shall be placed on a 4" gravel bed.  
Foundation or an alternative method shall be used to ensure stability of foundation as per local building code.  
All concrete and masonry foundation walls requiring building code info shall be designed by a registered structural engineer.  
All footings shall have 2 rows of #4 rebar, 3" clear form on all sides.  
All wood contacting concrete shall be treated with or galvanized with an approved preservative.

Mechanical and Ventilation

Where mechanical ventilation is used a design shall be provided by the ventilation designer.

**Emergency windows.**—Where no exterior door is provided to a bedroom, at least one window shall have an minimum opening of 3.761<sup>2</sup> with no dimension less than 19". Windows over stairs, ramps or landings shall be a minimum of 31" above surface if provided with a guard rail at such height.

**Fireplace note:**  
Specifications for fireplace installation, including clearances for support and venting shall be provided to builder prior to construction. Adjustments to framing shall be made to comply with specifications and local codes.



DOOR SCHEDULE					
DOOR		MARK	SIZE		Style
WD	HGT				
1	2 1/2"	2	3 1/2"	5 1/2"	Pringed - Single - Extra
2	3 1/2"	3	4 1/2"	5 1/2"	Pringed - Single - Extra
3	4 1/2"	4	5 1/2"	5 1/2"	Pringed - Single - Extra
4	5 1/2"	5	6 1/2"	5 1/2"	Pringed - Single - Extra
5	6 1/2"	6	7 1/2"	5 1/2"	Pringed - Single - Extra
6	7 1/2"	7	8 1/2"	5 1/2"	Pringed - Single - Extra
7	8 1/2"	8	9 1/2"	5 1/2"	Pringed - Single - Extra
8	9 1/2"	9	10 1/2"	5 1/2"	Pringed - Single - Extra
9	10 1/2"	10	11 1/2"	5 1/2"	Pringed - Single - Extra

No.	Date	Revision
1	10-08-10	Preliminary
2	10-08-10	1st Review
3	11-08-10	2nd Revision
4	18-08-10	3rd Revision



PACIFIC  
HOMES

P.O. Box 70,  
Trans Canada HWY,  
Tel. 250-743-5504

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Project Title:

Technische Beiräte

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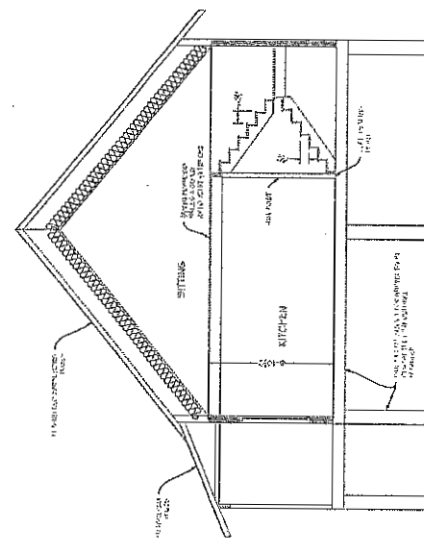
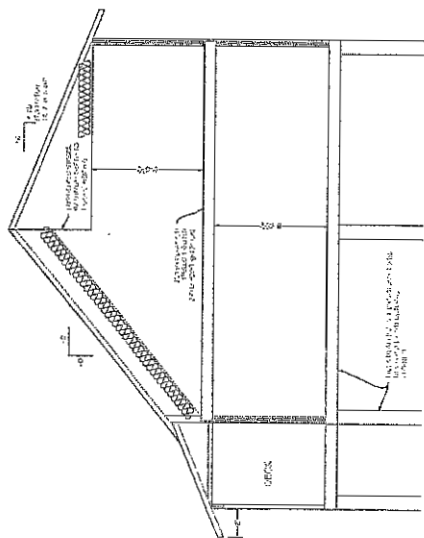
**Project Location:**

### Equal Tiller

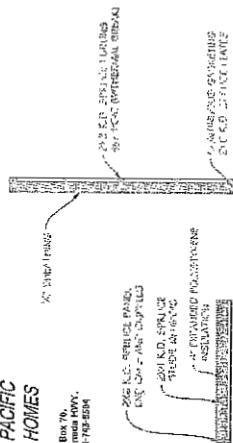
**Keywords:** *depression, anxiety, self-esteem, self-efficacy, coping strategies*

2

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P.O. Box 78  
Tampa, Florida 33614  
Tel. 813-743-8384



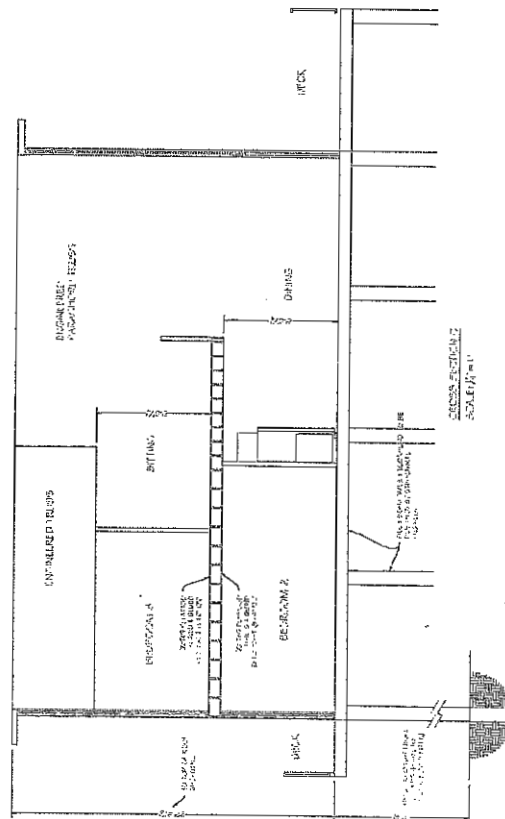
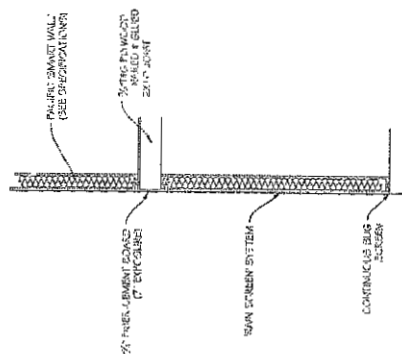
PACIFIC SMARTWALL SPECIFICATIONS  
SCALE 1/8" = 1'

# WALL LEGEND

WALL	2x4 exterior	2x4 bearing	non-bearing
1	2x4 exterior	2x4 bearing	non-bearing
2	2x4 exterior	2x4 bearing	non-bearing
3	2x4 exterior	2x4 bearing	non-bearing
4	2x4 exterior	2x4 bearing	non-bearing

## General specifications

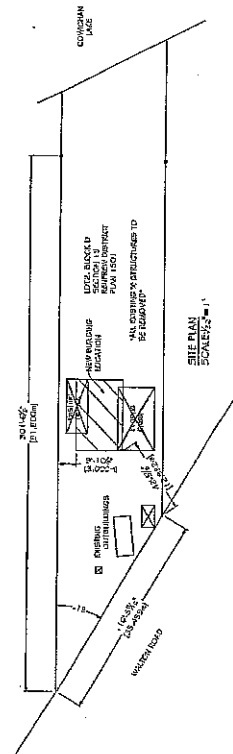
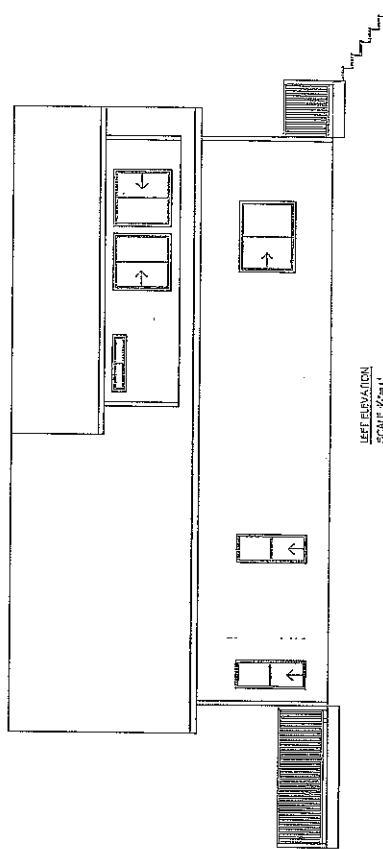
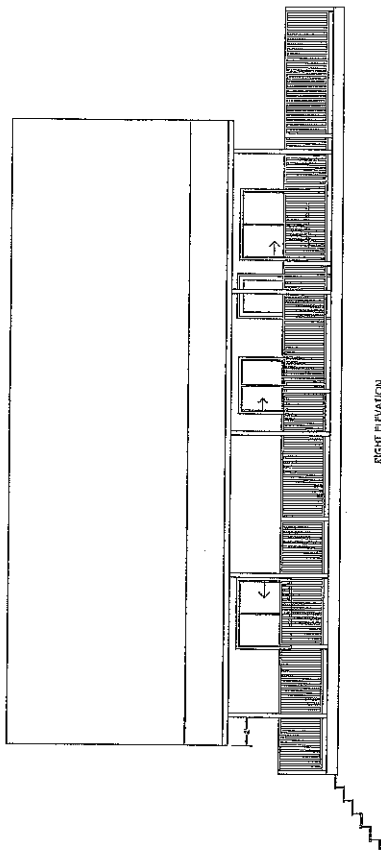
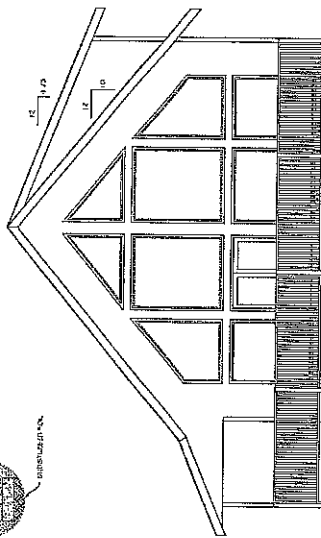
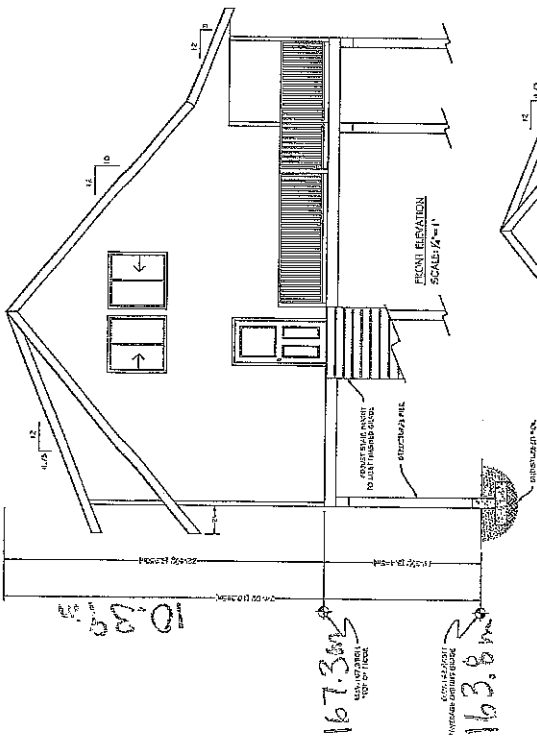
- Roof:
  - 2x4 exterior framing
  - 2x4 exterior sheathing
  - 2x4 exterior insulation
  - 2x4 exterior finish
- Walls:
  - 2x4 exterior framing
  - 2x4 exterior sheathing
  - 2x4 exterior insulation
  - 2x4 exterior finish
- Floors:
  - 2x4 exterior framing
  - 2x4 exterior sheathing
  - 2x4 exterior insulation
  - 2x4 exterior finish
- Basement:
  - 2x4 exterior framing
  - 2x4 exterior sheathing
  - 2x4 exterior insulation
  - 2x4 exterior finish
- Attic:
  - 2x4 exterior framing
  - 2x4 exterior sheathing
  - 2x4 exterior insulation
  - 2x4 exterior finish



P.O. Box 78  
Tampa, Florida 33614  
Tel. 813-743-8384

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Project Title:	Decade near Residence
Project Location:	Lake Country, D.C.
Sheet No.:	2 of 3
Rev.:	4



Rev.	1	2	3	4
Date	08-10-10	10-08-10	11-08-10	16-08-10
By	Pacific Homes	Pacific Homes	Pacific Homes	Pacific Homes
Project Title	Declare near Residence			
Project Location	Lake Cowichan, B.C.			
Sheet Title	Elevations			
Drawn by	Gen	Sheet No.	5 of 3	Rev.
				4



P.O. Box 76,  
Trenton, Ontario,  
Tel: 519-836-8881

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## Approval Application or Notification for Changes In and About a Stream

### Under Section 9 of the Water Act and Part 7 of the Water Act Regulations

*Incomplete or inaccurate forms do not constitute Notification & will not be accepted.*

*Proceeding with works after submission of an incomplete or inaccurate form would be a violation of the Water Regulation*

☒ **APPROVAL APPLICATION**

☐ **NOTIFICATION<sup>1</sup> (see USERS' GUIDE)**

<b>1. Applicant Information</b>		
Name: <b>Randy and Brenda Decksheimer</b>		
Address: <b>3375 Uplands Road</b>		
City: <b>Victoria</b>	Province: <b>BC</b>	Postal code: <b>V8R 6B8</b>
Phone: <b>250.721.2224</b>	e-mail: <b>bdecks@shaw.ca or decksheimer@kpmg.ca</b>	
<b>2. Location of Works</b>		
Street Address of Works (or nearest town): <b>7313 Walton Road, Honeymoon Bay, BC</b>		
Stream Name: <b>Cowichan Lake</b>		Flows Into: <b>Cowichan Lake</b>
Location on Stream: <b>Property borders on Cowichan Lake at 7313 Walton Road, Honeymoon Bay</b>		
Reference Landmark: <b>Gordon Bay Provincial Park</b>	a. Amount of existing buildings' footprint in m <sup>2</sup> : <b>136</b> b. Amount of new building footprint in m <sup>2</sup> : <b>137</b> c. Amount of new disturbance as a result of the septic system in m <sup>2</sup> : <b>51</b> d. Net disturbance (considering 115 m <sup>2</sup> is removed) in m <sup>2</sup> : $136 + 137 + 51 - 115 = \mathbf{209\ m^2}$	
Multiple Sites: YES / NO: <b>NO</b>		Number of sites: <b>1</b>
Latitude: <b>48° 49'58.35" N</b>	Longitude: <b>124° 11'25.25" W</b>	Elevation: <b>163.66 meters</b> (newest elevation closest to proposed building site)
Legal description of property where work is proposed: <b>Lot 2, Block D, Section 15, Renfrew District, (Situated in Cowichan Lake District), Plan 1501</b>		
<b>3. Drawing, Plan and Site Map</b>		
1. Attach drawing showing lot boundaries, location of buildings and of proposed works, stream direction and flow. 2. Attach a key map at an appropriate scale showing the location of the site. 3. Attach engineering drawings (may be required for works identified with <sup>e</sup> under <b>Requires Approval</b> section below).		
<b>4. Proposed Timing for Work</b>		
Start (day/month/year): <b>01/04/2011</b>		Finish (day/month/year): <b>15/09/2011</b>

**FOR OFFICE USE ONLY**

Date Received:

Water File Number:

Client Number:

Application Number:

Amount Received:

Receipt Number:

**5. Type of Works****Requires Approval:**

- ☐ Bank Erosion Protection <sup>E</sup>
- ☐ Bridge Installation/maintenance/removal (other than clear span) <sup>E</sup>
- ☐ Stream Diversion <sup>QP</sup> Diversion berm structure plan required
- ☐ Large Debris Removal – by machine <sup>QP</sup> plan required
- ☐ Gravel Removal <sup>QP</sup>

X Other: Provide details in space below

\*Provide culvert dimensions:

Length:

Width:

Diameter:

<sup>E</sup> Professional Engineer may be required<sup>QP</sup> Qualified Professional may be required**Requires Notification:**

- ☐ Installation\*/maintenance/removal of road crossing **culvert** (\*follow Forest Practices Code Stream Crossing Guidebook)
- ☐ Construction/maintenance/removal of a **clear span bridge**
- ☐ Construction/maintenance of a **pipeline crossing**
- ☐ Construction/maintenance/removal of a **pier or wharf**
- ☐ Cutting of **annual vegetation** in a stream channel
- ☐ Repair/maintenance of existing **dike or erosion protection works**
- ☐ Construction/maintenance of **storm water outfalls**
- ☐ Control of **Eurasian Watermilfoil** or other **aquatic vegetation**
- ☐ Construction/maintenance of **ice bridge, winter ford or snow**
- ☐ Maintenance of minor and routine nature by a public utility
- ☐ Removal of a **beaver dam** (As authorized under the Wildlife Act)
- ☐ Small debris removal – by hand
- ☐ Construction of a **temporary ford**
- ☐ Construction of a **temporary diversion** around a worksite

**The following require Notification and may only be undertaken by the Crown in right of either Canada or British Columbia, or their Agents: Federal/Provincial**

- ☐ Construction/maintenance/removal of a flow or water level measuring device
- ☐ Construction/removal of a **fish fence or screen, fish or game guard**
- ☐ Restoration/maintenance of **fish habitat**

**The following require Notification and may only be undertaken by the Crown in right of either British Columbia, or a Municipality, or their Agents: Provincial/Municipal**

- ☐ Restoration/maintenance of a **stream channel**
- ☐ Clearing of an obstruction from a bridge or culvert during a flood emergency<sup>1</sup>
- ☐ Construction or placement of **erosion protection works or flood protection works** during a flood emergency<sup>2</sup>

<sup>1</sup> Some activities fitting the description for Notification may be reviewed by Ministry/Agency staff, who may decide that an Approval is required.

<sup>2</sup> Must be completed under direction of the Crown. No notification is required prior to undertaking works, but a description of changes must be submitted to a habitat officer within 72 hours of the change.

<sup>QP</sup> QP means a professional who through suitable education, experience, accreditation and knowledge may be reasonably relied on to provide advice within their area of expertise.

**Detailed Description of Work to be Performed (attach a separate document if more space is required):**

Total area disturbed by proposed works (all sites): 209 m<sup>2</sup>

Cowichan Lake represents very high fishery resource values. Cowichan Lake, the Cowichan River, and connected tributaries support a range of anadromous and resident fish species, including: chinook salmon (*Oncorhynchus tshawytscha*); coho salmon (*O. kisutch*); chum salmon (*O. keta*); steelhead (*O. mykiss*); coastal cutthroat trout (*O. clarkii clarkii*) – including anadromous form; rainbow trout (*O. mykiss*); brown trout (*Salmo trutta*) – including anadromous form; bull trout (*Salvelinus confluentus*) – including anadromous form; Dolly Varden (*Salvelinus malma*) – including anadromous form; brook trout (*Salvelinus fontinalis*); and kokanee (*O. nerka*). Prickly Sculpin (*Cottus asper*) and Threespine Stickleback (*Gasterosteus aculeatus*) have also been noted. It is also the only documented habitat, besides Mesachie Lake, of the threatened Cowichan Lake lamprey (*Lampetra macrostoma*). The water level is controlled by weir via Catalyst, Crofton Division. The mean annual high water mark for Cowichan Lake has been set by the Ministry of Environment as 164 meters above sea level.

**Reduced Risk Work Windows for Fish and Wildlife for Vancouver Island**

Location	Species	Start Date	Finish Date
Throughout	All Species*	June 15-	September 15
Throughout	Steelhead	June 15-	September 15
Throughout	Rainbow Trout	August 15-	September 15
Throughout	Cutthroat Trout	August 15-	September 15
Throughout	Dolly Varden	June 15-	September 1
Throughout	Chinook	July 15-	September 15
Throughout	Chum	May 15-	September 15
Throughout	Coho	June 15-	September 15
Throughout	Pink	May 1-	August 15
Throughout	Sockeye	June 1-	September 15
Throughout	Kokanee	June 1-	September 15

The subject waterfront property (7313 Walton Road) is located toward the west side of Cowichan Lake directly south of the Gordon Bay Provincial Park. There are currently 5 outbuildings located on the property and one ramp/float that were in existence prior to purchase of the lot by the current owners, Brenda and Randy Decksheimer. The property is low lying and is the subject of winter flooding in years of high rainfall. The owners have indicated that the main cabin located approximately 15 meters from the street side of the property was once flooded to 0.8 meters above ground level (see Appendix A Photo 1). BC Land Surveyors (BCLS) have indicated an elevation of 163.66 meters at the northwest corner of the proposed dwelling.

The owners/developers wish to construct a dwelling that is raised above the high water mark (refer to Site Plan – Appendix C), improve the septic system and remove and dispose of the old buildings that are dilapidated, unsafe and in imminent danger of collapsing into the lake. The resulting configuration of building footprints and level of septic treatment will improve upon the existing ecological footprint of the property.

The work to be performed consists of the following:

**1. Construct a new engineered home as per Appendix C:**

- a. Several small non-merchantable trees will be removed to accommodate the development of the dwelling and septic system.
- b. Outbuildings that exist inside the new development footprint will be removed first. Others can be removed at a later date.
- c. The pilings will be placed first. The objectives are as follows:
  - i. The steel or wood pilings will have sufficient length to allow for a 2-3 meter height from the natural ground level to the bottom of the cross beams.
  - ii. The resulting floor line will be at the 200 year flood elevation of 166 meters. For these purposes, the floor line is defined as the top of the cross beams.



- iii. Up to 1 meter of clean, trucked-in fill will be added to the area underneath the floor.
- iv. Between 7 and 16 steel or wood pilings will be required. The crossbeams will be placed next, with the remainder of the building following as per the plans in Appendix C.
- d. Cross beams and general framing will follow.
- e. Finishing will be as per the engineered drawings attached.

2. Install a new septic system to the north of the proposed dwelling as per the Septic System Report (Appendix E):

"The system will be a type 2 system consisting of a septic tank followed by a p.t.p. (package treatment plant) and then discharged into "at grade gravel trenches" all as per S.P.M. 2007. No fill is required or allowed; it will be installed by myself in the normal manner, and there will be no timing restraints, and being as it will be a "type 2" system this allows the discharge field to be 50% smaller in size, compared to a "type 1" which will facilitate the site constraints, (size of area for A.I.S. {area of infiltrative surface}). I see no other problems with this site and it will be a top notch system." David Jeeves R.O.W.P.

Note: According to conversations with D. Jeeves regarding the size of the septic field, there will be up to 4 lines of 50 feet (17 meters) in length spaced 1 meter apart. We agreed that the overall "footprint" would be  $17\text{ m} \times 3\text{ m} = 51\text{ m}^2$ . This field would be located over the test hole areas described in his report. The precise location will be determined at the time of construction, according to Mr. Jeeves.

3. Remove all remaining outbuildings except for the "boathouse" which is approximately  $21\text{ m}^2$  in size. Structural beams, planks and boards from these structures will be recycled if possible.

4. "Standards and Best Practices for Instream Works" will be used, where applicable, when working around the lake, which has significant fisheries values.

The Provincial Water Act and Regulation will also be adhered to.

Further development and construction recommendations:

1. Retain to the extent possible, native trees, shrubs and forbs that are presently on the site. This includes:
  - a. Trees: Douglas fir (*Pseudotsuga menziesii*), red cedar (*Thuja plicata*) and red alder (*Alnus rubra*)
  - b. Shrubs: Dogwood (*Cornus spp*), salal (*Gaultheria shallon*), snowberry (*Symphoricarpos albus*), and Oregon grape (*Mahonia spp*)
  - c. Forbs: Bleeding heart (*Dicentra formosa*)
2. Timing of development activities:  
To ensure that construction is completed in one phase, it is recommended that April 1, 2011 be used as the initial start-up date. However, if waters are above the "water level at time of survey" shown on the BC Land Survey drawing (Appendix F), the start-up will be delayed until the water level is at this point. It should be noted that no works will be carried out when the area is wetted.

Development of the new septic system, removal of the previous septic system and the development of the new home substructure will be completed by September 15, 2011. The finishing work inside the new home can continue past September 15, 2011.

3. Rainfall Shutdown:  
It is recommended that development activities cease during heavy rainfall events. Excavated soils and exposed areas must be covered with tarps or over similar material to prevent the mobilization of sediment from rain-splash.
4. Construction materials:  
It is recommended that the following be considered:
  - a. Pilings: that non-treated materials be used where possible.
  - b. Walkways: that permeable surfaces such as grass and gravel be used to the greatest extent

- possible.
- c. Stormwater management: that consideration is given to constructing a rain barrel system to capture runoff from the new property footprint.
  - d. Building materials: that exterior finishes include products such as untreated cedar or "low VOC" painted materials.

Relevant information has also been included in the following Appendices:

Appendix A: Site Photos.  
 Appendix B: Overview Site Plan.  
 Appendix C: Detailed Site Plan.  
 Appendix D: Geotechnical Recommendations.  
 Appendix E: Septic System Report.  
 Appendix F: BC Land Survey Drawing.  
 Appendix G: Engineering Recommendations.

## 6. Land Ownership

Please check one of the following:

☒ **The applicant is the owner of the property.**

☐ The property is Crown land.  
 Tenure/licence number:

☐ The property is owned by the following Landowner (i.e. Landowner is different from applicant):

Landowner's Name:

Address:

City:

Province:

Postal code:

Phone:

e-mail:

Do you have the Landowner's written approval to enter the land(s) to complete the works? ☐ Yes ☐ No

Note: a) Ownership of all parcels of land on which the proposed works will occur must be identified, b) do not attach the written approval with the application, but keep it for your files as you may be asked to produce it during an inspection or audit.

## 7. Who is doing the Work?

**Contact information for company designing and supervising construction of the home (if different from applicant):**

Company Name: Pacific Homes (Home Design)

Contact Name: Paul Latter

Professional Affiliation: n/a

Address: PO Box 70, 3730 Trans Canada Highway

City: Cobble Hill

Province: BC

Postal Code:  
V0R 1L0

Phone: 250.743.5584

e-mail:  
paul.latter@pacificbuildingsystems.com

Company Name: S&B General Contractors (Construction and Supervision)

Address: 2784 Ortona Rd

City: Duncan

Postal Code: V9L 6B8

Province: BC

Phone: 250.246.7669 or 250.746.8782

Email: N/A

**Contact information for company undertaking the design and construction of the septic system:**

Company Name: Jeeves Septic Services		
Contact Name: David Jeeves, ROWP		
Address: 7097 Osborne Bay Road		
City: Duncan	Province: BC	Postal Code: V9L 5W6
Phone: 250.710.5338	e-mail: d.a.jeeves@gmail.com	

**8. Statement of Intent**

By submitting this application form, I declare that the information contained on this form is complete and accurate information. I have read, understood and will meet the requirements to construct works and changes in and about a stream in accordance with Section 9 of the *Water Act* and Part 7 Water Act Regulations including, for Notifications, **Terms and Conditions** as specified by a Habitat Officer of the Ministry of Environment.

Signed: Brenda Decker

Application Date:

04/10/2010  
day/month/year

**9. Submission Instructions**

Send the completed form along with the following attachments to the local office in which the proposed works are located. Addresses for local offices are listed on the instruction sheet. **Please note that the Approval application fee of \$130 is non-refundable.** If the proposed works require an Approval, prior to proceeding further with this application please ensure that this project will be able to proceed under the *Federal Fisheries Act*.

☒ Sketch plan (mandatory)

☒ Engineering drawing (mandatory for works requiring approval noted with E)

☒ Key location map (mandatory)

☒ For works requiring an Approval, a cheque or money order for \$130 payable to: Minister of Finance. The fee is non-refundable.

**10. Responsibilities**

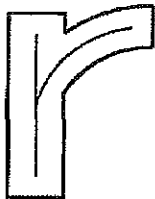
You are required to comply with all applicable federal, provincial and municipal laws and regulations. If you anticipate that the planned work may result in harmful alteration, disruption or destruction of fish habitat you should send a copy of your completed Notification/Approval Application directly to the nearest office of Fisheries and Oceans Canada. Review and comment by DFO may necessitate changes to the proposed works.

Has a copy of this notification/approval application been sent to Fisheries and Oceans Canada (check one)?

\*\*YES ☒ NO ☐

If YES, indicate the DFO office that the notification/approval application has been sent (for DFO offices, see Users' Guide):

\*\*Fisheries and Oceans Canada have been notified via the new online referral process.



**C.N. RYZUK & ASSOCIATES LTD.**  
GEOTECHNICAL / MATERIALS ENGINEERING

28 Crease Avenue  
Victoria, B.C.  
V2Z 1S3  
Tel: 250-475-3131  
Fax: 250-475-3611  
mail@ryzuk.com

***Geotechnical Field Review / Site Instruction***

Project No: 8-5252-1

Project: 7313 Walton Rd. - Cowichan Lake, B.C.

Client: Randy Decksheimer

Contact:

Email / Fax No: 250-480-3515

Date: September 26, 2008

Copy to:

Email / Fax:

Copy to:

Email / Fax:



As request, we have undertaken a geotechnical assessment of the subgrade conditions at the referenced site as they relate to the proposed construction of a new residence. The site is bordered to the east by Cowichan Lake and to the west, north and south by similar single family residential properties. The area of the proposed residence is surrounded by a trailer on a wood deck to the north, an accessory building to the west, a private cottage to the south and by a lawn grass area to the east.

We have done three test pits located around the existing cabin and one in the mid portion of the site between the cabin and the lake to determine the subgrade conditions. We encountered approximately 0.3 to 0.6 m of dense sandy gravel, over 0.3 to 0.5 m of very dense brown sand which was layered showing that it was a natural deposit. Beneath the sand layer, we found 0.8 m of dense fine silty sand with a trace of gravel and the presence of large logs. We noted seepage in the test pit at 1.7 m.

Accordingly, on the basis of our investigation, we recommend to support the house with a deep foundation (piles, caissons, etc.). The presence of considerable organic debris (logs, wood, etc.) intermixed with the native soil may result in major settlement of conventional shallow spread footings in the future. We would be pleased to assist you with the design when the house plan is completed.

Kind regards,

*Isabelle Belair*

C.N. RYZUK & ASSOCIATES LTD.

## AAE Structural Ltd.

3791 Cavin Rd., Duncan, BC, V9L 6T2

tel (250) 748-7544

fax (250) 748-7004

aaestructural@shaw.ca

September 30, 2008

Mr. Randy Decksheimer  
By Email

Dear Sirs,

Re: 7313 Walton Road, Cowichan Lake BC

We have reviewed the Geotechnical Site Review/Site Instruction by CN Ryzuk & Assoc. dated Sept. 26, 2008. As per your request, the following paragraph describes the structural concept for the foundation of the proposed residential structure. It is our understanding that the residence will be a mixture of one and two storey structures with approximate total floor area of 1700 square feet.

A combination of single piles and double-pile groups will be driven to refusal around the perimeter of the building at spacing typically ranging from eight feet (8') to fourteen feet (14'). The double-pile groups are typically used at corners or where concentrated loads from the building structure occur. Interior piles and/or multiple pile groups are used in the interior area of the structure to support uniform and concentrated floor and roof loads as required. Concrete pile-caps are cast over the piles and a continuous concrete grade-beam system is formed and poured over top of the pile-caps. Typically the grade beam system forms a crawlspace area under the structure, so the minimum depth of the grade-beam system is two feet (2'), but it is typically between two feet (2') to four feet (4') deep. The grade-beams and pile-caps are reinforced in accordance with good engineering practice, the 2006 BC Building Code and all applicable CSA design codes. The grade-beam structure forms a stable base for the framing of the building superstructure.

As we have no knowledge of the design of the actual structure we cannot comment in any further detail on this matter. We hope that this report is sufficient for your purposes at this time. If you require any further information or clarification on these matters please contact the undersigned.

Yours truly,

Alex Apostoli, P.Eng.  
AAE Structural Ltd.

AA/aa

**Alison Garnett**

---

**From:** Shirley Griffiths [shirleyais@shaw.ca]  
**Sent:** Tuesday, February 01, 2011 2:49 PM  
**To:** Alison Garnett  
**Subject:** File No. 2-F-10DVP

After speaking to a few people involved with this development and yourself our concerns are answered.

We do not object to the height variance being raised to 34.7 feet.

We also agree to the change in the set back from the lake change provided the new building is located as shown on the new site plan.

Old buildings to be removed as shown. New building to be no further forward toward the lake than present structures. To be 40' x 27'

With the weir helping to control water height the flood problem is improved, and with the older buildings being removed we think it will be an improvement to the area. We wish the Decksheimer's well.

Have other property owners in the area been notified of this proposal?

I will be out of the country until mid March and no one will be available by E-mail until then.

If required our info is as follows:

Pete & Shirley Griffiths

Kim Griffiths

Ross Griffiths

Scott Griffiths

Jodie McGill

Mailing address for all, in care of 390 Chapel Hts Dr. Victoria, B.C.

Phone # 1 250 474 6050

**CVRD**

COWICHAN VALLEY REGIONAL DISTRICT

175 Ingram Street, Duncan, B.C. V9L 1N8

Tel: (250) 746-2620 Fax: (250) 746-2621

**Development Application Referral Form**

Date: March 21, 2011

CVRD File: 2-F-10 DVP Decksheimer

Application information attached.

General Property Location: Walton Road in Honeymoon Bay  
Electoral Area F- Cowichan Lake South/Skutz Falls.

Legal Description: Lot 2, Block D, Section 15, Renfrew District, Plan 1501.

You are requested to comment on this proposal for potential effect on your agency's interests. **We would appreciate your response as soon as possible.** If you require more information, please contact Alison Garnett, Planner II, Planning and Development Department, at 250 746 2607.

## Comments:

☐

Approval recommended for  
reasons outlined below

☐

Interests unaffected

☐

Approval recommended subject  
to conditions below

☐

Approval not recommended due  
to reasons outlined below

Vancouver Island Health Authority (VIHA) observations and comments on this proposal are:

If a professional engineer designs and certifies a sewerage system on this property to be located above the 164 meter high water mark/elevation and certifies that the sewerage system will not create a health hazard, then we **have to accept** such a filing. This is because there are no setback requirements in the *Sewerage System Regulation* pertaining to flood elevation levels, high water marks or surface bodies of water.

**FAXED**

Signature

Title

EHO

Your File #

Date:

April 6, 2011

This referral has been sent to the following agencies:

☐ Vancouver Island Health Authority  
c/o Lynne Magee

### MANAGE STORMWATER AND FLOODING

**Goal 4. Reduce the impacts of high water levels, respecting the importance of winter floods to natural systems.**

**Objective 4a. Establish adequate setbacks from Cowichan Lake and River to reduce potential flooding risks.**

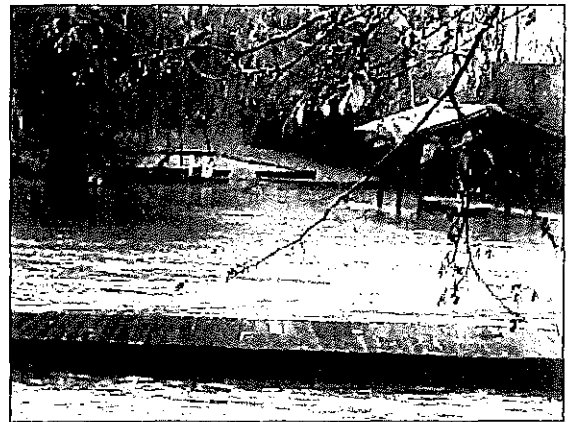
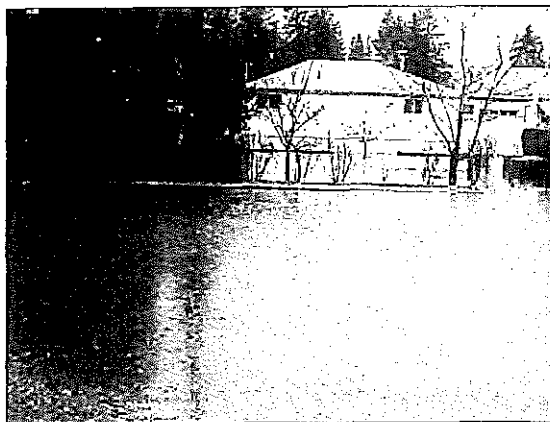
#### ACTIONS

- 4a-1. Extend coverage of 200-year floodplain mapping to include all areas of the Basin.
- 4a-2. Review current 200-year floodplain levels and update as required using state-of-the-art hydro-technical data and hydraulic analysis techniques.
- 4a-3. Continue to enforce bylaws that prohibit new development or deposit of fill below the 200-year flood level.
- 4a-4. Flood proof at-risk structures where practical.

**Objective 4b. Increase the flood buffering capacity of floodplain and constricted channel areas.**

#### ACTIONS

- 4b-1. Involve all municipalities and electoral areas in the preparation and implementation of a Flood and Drainage Management Plan (FDMP) for the Cowichan Basin to provide a coordinated approach to stormwater and flood management.
- 4b-2. Maintain the capacity of the Cowichan River channel to accommodate flood flows where it is obstructed by gravel, debris, or structures.



**Flooding at the Town of Lake Cowichan**



## Alison Garnett

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**From:** Decksheimer, Randy G [rdecksheimer@kpmg.ca]  
**Sent:** Thursday, January 20, 2011 3:09 PM  
**To:** Alison Garnett  
**Subject:** FW: 7317 Walton Road, Honeymoon Bay BC - DFO File: 10-HPAC-PA3-00597

Hi Alison. Good to meet with you today. We met with Pacific Homes and they will prepare and send a building plan view that reflects the scale and height for the pilings from grade. Probably early next week. Below is a copy of the email communication from DFO on their review of the submission and after having attended the site. Trust this is what you are looking for. Regards, Randy. (not sure why the email title uses 7317 as the address – the email body has the correct address)

## Randy Decksheimer

KPMG LLP  
Direct Line: 250.480.3515

----- Original Message -----

**From:** Rushton, Brad  
**To:** Kelly Schellenberg  
**Sent:** Friday, December 10, 2010 3:07 PM  
**Subject:** 7317 Walton Road, Honeymoon Bay BC - DFO File: 10-HPAC-PA3-00597

Re the redevelopment proposal for **7313 Walton Road, Honeymoon Bay BC** [DFO File: 10-HPAC-PA3-00597]. I inspected this site with you today. As the high water mark of 164.0 m above sea level has been established by a surveyor to be at the upslope end of the property, the RAR would not appear to apply to the property. I have concluded that the construction of a new building on top of the footprint of the existing building would not result a HADD [harmful alteration, disruption or destruction of fish habitat]. I do suggest that the natural shoreline boundary be examined to determine what measures could be taken to improve fish habitat along the natural shoreline, such as the planting of native shrubs that would prevent further erosion - the tree roots have been exposed by wave action which will result in further erosion over time. Soft bioengineering may also be appropriate to help protect the property.

**Brad Rushton, R.B.Tech. <{\*}}))><**

Sr. Habitat Management Technologist/Technologist, gestion de l'habitat  
Fisheries and Oceans Canada/Pêches et Océans Canada  
**Habitat Management Unit**  
Tel/Bureau 250.746.9717 Fax/Télécopieur 250.746.8397  
Email/Courriel: [Brad.Rushton@dfo-mpo.gc.ca](mailto:Brad.Rushton@dfo-mpo.gc.ca)  
5245 Trans Canada Highway  
Duncan, BC V0R 2C0

Don't aim for success if you want it; just do what you love and believe in, and it will come naturally.  
David Frost

## 5.11 R-2 SUBURBAN RESIDENTIAL 2 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the R-2 Zone:

### 1. Permitted Uses

The following principal uses and no others are permitted in the R-2 Zone:

- a. Single family dwelling;

The following accessory uses are permitted in the R-2 Zone:

- b. Agriculture, excluding intensive agriculture;
- c. Bed and breakfast accommodation;
- d. Buildings and structures accessory to a principal permitted use;
- e. Home-based business;
- f. Secondary dwelling unit or secondary suite.

### 2. Minimum Parcel Size

The minimum parcel size in the R-2 Zone is:

- a. 0.4 hectares if connected to a community water system;
- b. 2 hectares if not connected to a community water system.

### 3. Number of Dwellings

Not more than one dwelling is permitted on a parcel, under 0.4 ha in area, that is zoned R-2. For parcels zoned R-2 that 0.4 in area or more, one additional secondary dwelling or secondary suite is permitted on a parcel.

### 4. Setbacks

The following minimum setbacks apply in the R-2 Zone:

Type of Parcel Line	Agricultural (including Accessory Buildings and Structures)	Residential (including Accessory Buildings and Structures)
Front parcel line	30 metres	7.5 metres
Interior side parcel line	15 metres	3.0 metres
Exterior side parcel line	15 metres	4.5 metres
Rear parcel line	15 metres	3.0 metres

### 5. Height

In the R-2 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.

### 6. Parcel Coverage

The parcel coverage in the R-2 Zone shall not exceed 30 percent for all buildings and structures.

### 7. Parking

Off-street parking spaces in the R-2 Zone shall be provided in accordance with Section 3.15 of this Bylaw.

### 3.21 Setback Exceptions

1. Except as otherwise provided in particular zones, the setback requirements of this Bylaw do not apply with respect to:
  - a. a pump house
  - b. bay windows, belt courses, chimneys, exterior finish, heating equipment, sills, sunlight control projections, sunshades, unenclosed stairwells, and ventilating equipment, if the projections do not exceed 1 m measured horizontally;
  - c. eaves, canopies, cornices, gutters, sunshades, and unenclosed stairwells if the projections, measured horizontally, do not exceed:
    - i. 2 m in the case of a rear yard;
    - ii. 1 m in the case of a front yard or side yard;
  - d. signs;
  - e. open fences; and
  - f. closed fences and landscape screens that are less than 2 metres in height.
2. Notwithstanding any other provision of this Bylaw, the consent of the Ministry of Transportation is required to place any building or structure closer than 4.5 m to a property line adjacent to a highway;
3. No other features may project into a required setback area.

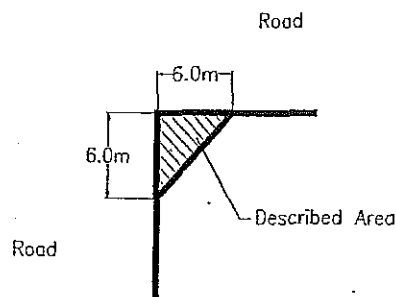
### 3.22 Setbacks from a Watercourse

Notwithstanding any other provision of this Bylaw, no building or structure shall be located within 15 metres of the high water mark of any watercourse, or a lake, or the sea, or 30 m of the Cowichan River, unless specified in a Development Permit.

### 3.23 Sight Triangle

No person being the owner, occupier or lessee of any land located at the intersection of any two streets, shall place or permit to be placed, construct or grow any tree, plant, shrub, fence or other structure greater than 1 metre in height within a sight triangle bounded by the intersecting lot lines at a street corner and a line joining points along said lot lines 6 metres from their point of intersection. For greater certainty, a diagram shown as part of this section and labeled "Figure A" depicts the area described in this section.

Figure A



### 3.24 Storage of Junk or Wrecks

Unless specifically permitted by this Bylaw, no parcel shall be used for a junkyard or for the external storage, collection or accumulation of all, or part, of any automobile wreck, derelict motor vehicle, or all or part of any motor vehicle that is not:

- a. a validly registered, licensed and insured in accordance with the *Motor Vehicle Act*; and
- b. capable of motivation under its own power.



R4

## STAFF REPORT

### ELECTORAL AREAS SERVICES COMMITTEE MEETING OF APRIL 19, 2011

**DATE:** April 13, 2011 **FILE NO:** 13480 Michael Road  
**FROM:** Rachelle Moreau, Planner I **BYLAW NO:**  
**SUBJECT:** 13480 Michael Road - Accessory Building  
Fixtures

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**Recommendation/Action:**

Committee direction is requested.

**Relation to the Corporate Strategic Plan:** N/A

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

**Background:**

A request has been received to keep a full bathroom (toilet, sink and shower/tub), the kitchen sink and stove, as well as laundry facilities, in a converted accessory building at 13480 Michael Road in Electoral Area H – North Oyster/Diamond.

Ben Maartman and Jan Jones of Michael Lake Kennel are proposing to construct a new dwelling on 13480 Michael Road. This 14.0 ha (34.84 acres) property is within the Agricultural Land Reserve (ALR), and is zoned A-1 (Primary Agricultural) which permits two single family dwellings on parcels 2.0 ha (5 acres or more) as well as a separate or secondary suite.

However, as this property is within the ALR, an application for a non-farm use would be required to maintain both the new and the existing buildings as dwellings. The applicant does not wish to keep the existing building as a dwelling, and intends to use the building for the kennel and the farm (please see attached letter).

An application to the Agricultural Land Commission is not required for the owner to live in the dwelling during new house construction provided the existing one is decommissioned.

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."*

Therefore, in order for the building to be converted to an accessory building, all bathroom and kitchen fixtures should be removed aside from one toilet and sink. However, to support the use

of this building for the kennel and farm, the owner is requesting to keep the following fixtures (as noted in the attached letter):

- Main floor bathroom (toilet, sink and shower/tub);
- Main floor kitchen sink and cooking stove; and
- Basement fixtures (washing machine, dryer and bath tub).

Although a kennel is not a permitted use in the A-1 Zone within Electoral Area H, the applicant suggests that this kennel has been in existence since 1973, which may make it legal non-conforming. As there is no file on the subject property, staff cannot confirm whether the kennel use is non-conforming.

#### **Staff Comments:**

The A-1 Zone does permit more than one dwelling, however this would require approval from the Agricultural Land Commission. As the applicant does not intend to maintain the existing building as a dwelling, a non-farm use application is not required. 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.

The options presented below indicate approval or denial of the request for *all* requested fixtures, and an additional option would be to partially approve the request by choosing which fixtures are permitted to remain. This would require additional direction from the Committee.

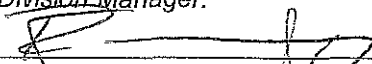
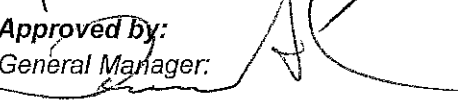
#### **Options:**

1. That the request by Ben Maartman and Jan Jones to allow additional bathroom and kitchen fixtures consisting of shower/tub, kitchen sink and stove, and washing machine, dryer and bath tub, in addition to two permitted plumbing fixtures, within an accessory building at 13480 Michael Road (Lot 1, District Lots 26 and 105, Oyster District, Plan 30755 PID: 001-227-238), be approved subject to registration of a covenant prohibiting occupancy of the accessory building as a dwelling.
2. That the request by Ben Maartman and Jan Jones to allow additional bathroom and kitchen fixtures consisting of shower/tub, kitchen sink and stove, and washing machine, dryer and bath tub, in addition to two permitted plumbing fixtures, within an accessory building at 13480 Michael Road (Lot 1, District Lots 26 and 105, Oyster District, Plan 30755 PID: 001-227-238), be denied.

Submitted by,



Rachelle Moreau  
Planner I  
Development Services Division  
Planning and Development Department

<p><b>Reviewed by:</b>  <i>Division Manager:</i>  </p> <p><b>Approved by:</b>  <i>General Manager:</i>  </p>
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Cowichan  
Valley  
Regional  
District

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

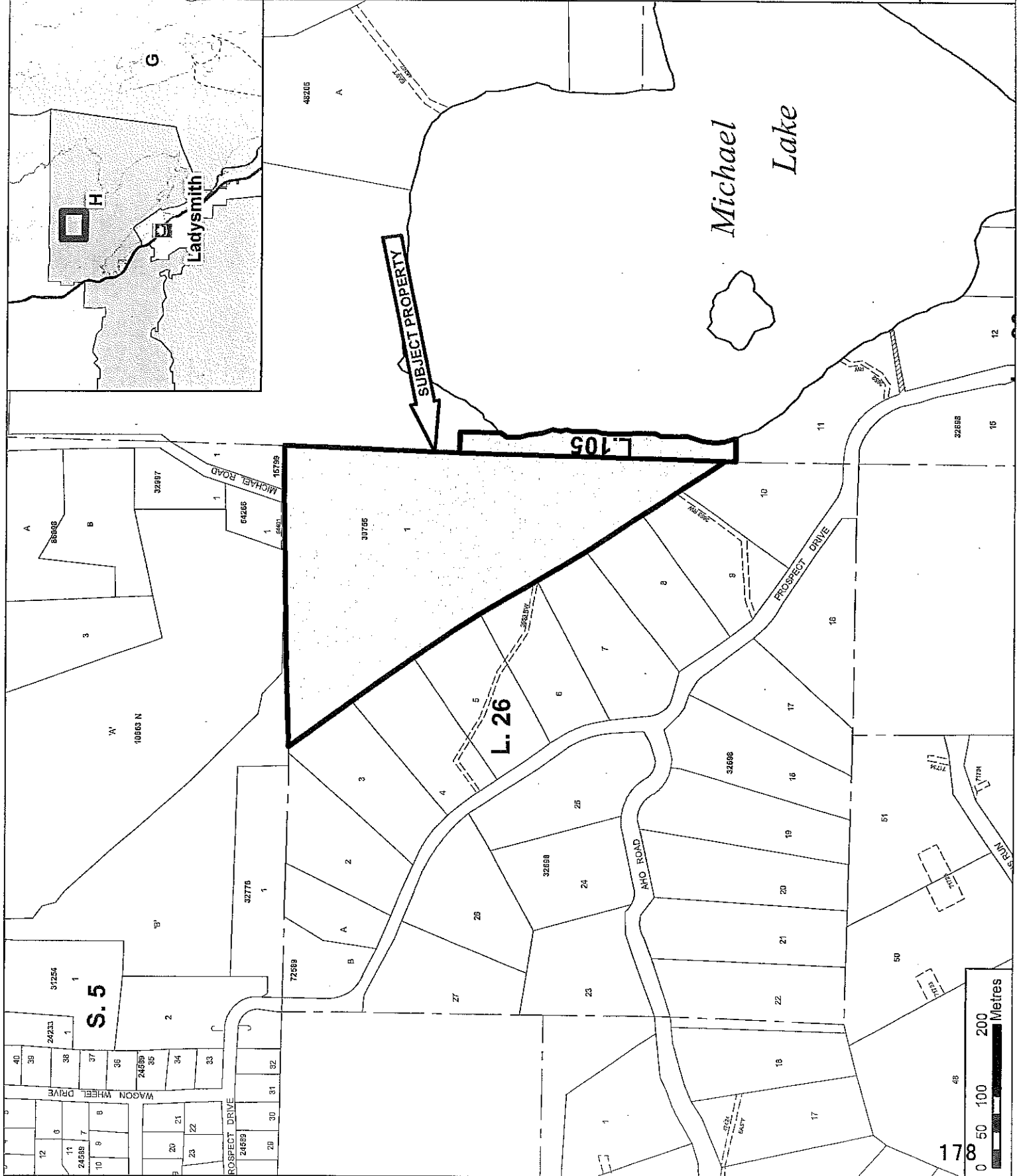
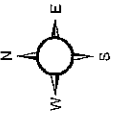
The Regional District does not  
warrant the accuracy.

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.

13480 Michael Road

Legend  
 Subject Property





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.

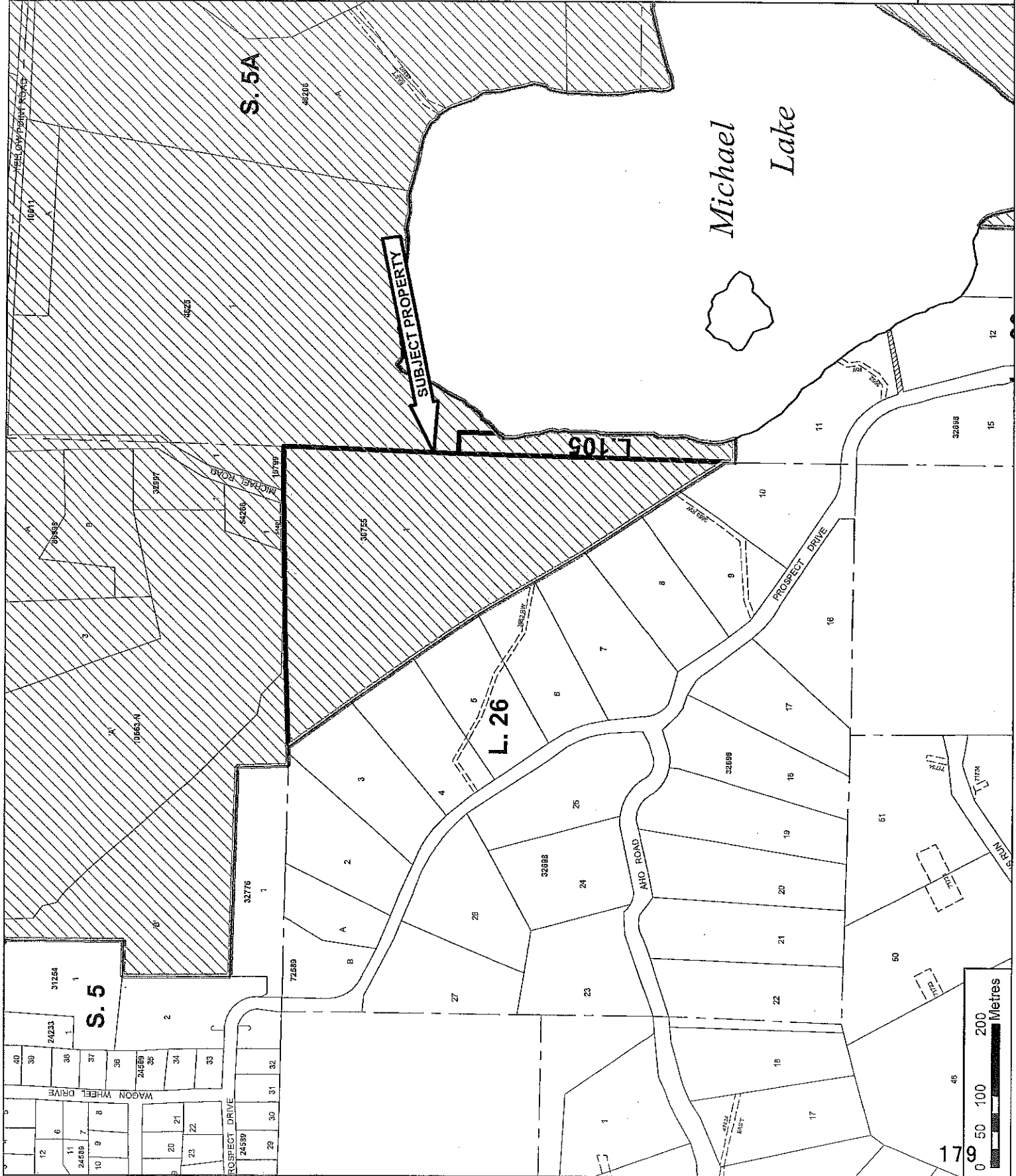
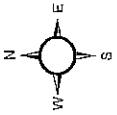
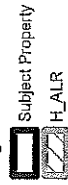
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The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

13480 Michael Road

ALR

Legend





**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 for all purposes of interpretation and application of the Bylaws.

**13480 Michael Road**

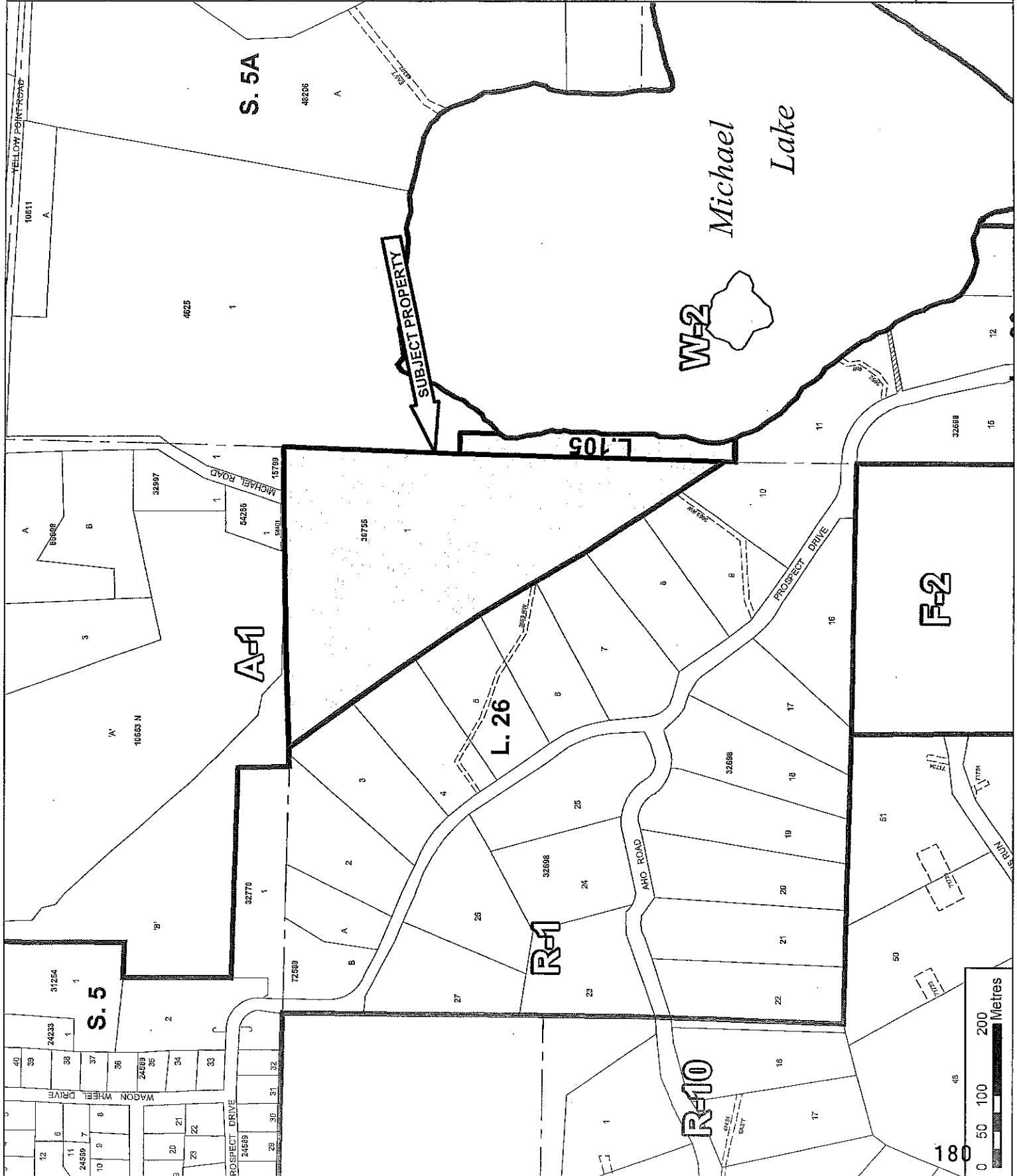
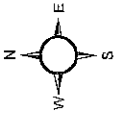
**ZONING**

**Legend**



Subject Property

Zoning Electoral Area H





Ben Maartman

Jan Jones

13480 Michael Rd

Ladysmith, BC

V9G 1G7

March 24, 2011

To CVRD Board

**Re: Converting Old House to Accessory Structure at 13480 Michael Rd, Ladysmith, BC.**

**Parcel Identifier 001-227-238; Lot 1, District Lots 25 and 105, Oyster District, Plan 30755**

We plan to build a new dwelling on our property at 13480 Michael Rd some distance (200 meters) from the dog kennel and current dwelling. (See attached Site Plan). The property zoned A1 and is in the Agricultural Land Reserve. The current residence (referred to as the old house) is adjacent to the kennel (20 meters from the kennel). After the new dwelling is built we would like to convert the old house to an accessory structure and be permitted to continue its use for farm and kennel purposes. On speaking with the CVRD planner I was informed that this means making the old house "uninhabitable" to the CVRD satisfaction. Specifically this means removing the stove and all but 2 plumbing fixtures. I am writing for approval of extra plumbing fixtures, namely the main floor bathroom (toilet, sink and shower/tub), main floor kitchen sink and basement fixtures (washing machine, dryer and bath tub). We would also like to make an additional request to keep the cooking stove.

**Background:**

For the past 38 years (since 1973) the old house has been used as a dwelling and for the dog kennel business and even longer for farm business. Aside from being a dwelling the old house has provided office space, whelping pens, small dog runs, dog bathing and grooming, washer and dryer use, washing and showers facilities for workers, change rooms, eating area, food storage and prep facilities, and general storage space.

The old house is 2 stories with an unfinished basement of 950 square feet (Basement height is 6 feet 8 inches). The dwelling was built in the 1940's and is not insulated. The main floor is 1,147 square feet and the upstairs is 794 square feet. The basement has an odor from longstanding use of grooming, whelping and penning of small dogs. There is one bathroom situated on the main floor. A recent energy evaluation shows that the old house rates 21 points on the EnerGuide scale. The average energy efficiency rating for a house of this age in British Columbia is 47, whereas the highest rating achieved by the most energy-efficient houses in this category is 80.

The kennel is a 2000 square foot building with 19 runs. It is not heated and for most of the year is mainly suitable for large dogs that can tolerate colder temperatures.

**Current situation:**

Currently we employ 2 part-time staff for the kennel and the farm. The kennel business is successful with hundreds of clients and we are fully booked during the peak seasons. The farm business is primarily raising grass fed organic beef and boarding horses. We are able to maintain farm status through our farm gate beef sales. When we build a new residence we want to continue to use the old house for the kennel and farm business for three reasons:

1. Continued use of the basement fixtures would allow us to provide bathing and grooming services in a warm environment with access to hot water. The washer and dryer for laundering soiled and dirty dog blankets and workers clothes. The warm basement allows us to accept small dogs that would not be suitable for outside temperatures.
2. Continued use of the main floor fixtures would allow us to meet WorkSafe BC standards (see Appendix A) for our staff – providing washing and shower facilities, eating space (with the ability to refrigerate food, cook a meal or make a hot drink), and change rooms near a bathroom.
3. Continued office space for farm gate beef sales and managing the day-to-day operations of the farm and kennel.

**Proposal:**

We are asking that the CVRD approve our request for extra plumbing and electrical fixtures when we convert the old house to an accessory structure and permit us to keep the existing electrical and plumbing fixtures; namely the main floor cooking stove, bathroom (toilet, sink and shower/tub), main floor kitchen sink and basement fixtures (washing machine, dryer and bath tub). We would be willing to have a covenant to ensure we meet the “no living in an accessory building” requirement.

## APPENDIX A:

<http://www2.worksafebc.com/Publications/OHSRegulation/GuidelinePart4.asp#SectionNumber:G4.85>  
1-1

### **a. Eating facilities**

Section 4.84(1) of the OHS Regulation states:

Workers must not keep or consume food in an area of a workplace where it could become unwholesome because of workplace contaminants.

Work clothes, tools, equipment, or other articles should not be stored in an eating area if they may contain, or have on them, workplace contaminants.

*The existing kitchen would provide the staff an appropriate place to store, prepare and consume food.*

### **b. Changing, washing and shower requirements**

Section 4.85(1) of the OHS Regulation states:

Except as provided by subsection (2), the employer must ensure that a sufficient number of plumbed washroom facilities are readily available for workers

- In each male or female washroom, one wash basin connected to a source of hot and cold water in each washroom containing one or two toilets and/or urinals, and at least one additional wash basin for each additional two such fixtures. If a large circular pedestal wash basin is provided, 60 centimetres (2 feet) of the circumference is generally considered equivalent to one wash basin.
- Washrooms should be designed so as to provide privacy for workers using the facilities.

*The existing main floor bathroom would provide the staff appropriate washroom facilities within the required 60 meters from the workplace.*

Section 4.86 of the OHS Regulation states:

If the employer requires the worker to change into protective work clothing at the workplace, the employer must ensure that adequate change areas are provided.

For the purposes of section 4.86 the following definitions apply:

- "Protective work clothing" means any clothing provided by the employer to protect the worker from hazards in the workplace or to prevent contamination of the workplace by materials the worker may bring into it on their personal clothing.
- "Change area" means a room or similar area within the workplace that will allow individual workers privacy while changing into or out of street clothes as necessary to properly use protective clothing.

### Section 5.82 Employer's responsibility

(1) If a work process may result in harm to a worker from contamination of the worker's skin or clothing by a hazardous substance, the employer must

- (a) supply appropriate protective clothing,
  - (b) launder or dispose of the protective clothing on a regular basis, according to the hazard,
  - (c) provide adequate wash facilities, and
  - (d) allow time for washing before each work break.
- (2) If work processes involving substances such as lead, mercury, asbestos, silica or pesticides are high hazard, the employer must also ensure that workers are provided with
- (a) clothing lockers in separate rooms for street clothing and work clothing,
  - (b) heated shower facilities between the rooms, and
  - (c) time for showering and clothing change before the end of the work shift.
- (3) In a remote location where provision of change rooms and shower facilities is not practicable, separate clothing storage and adequate washing facilities must be provided.

*Staff is required to handle dogs, manage any ill dogs, clean urine and fecal contaminated surfaces, launder contaminated blankets, and pickup and dispose of fecal material. The existing main floor facilities would provide the staff and appropriate change rooms and shower.*

# Site Plan for 13480 Michael Rd



Proposed Dwelling	Old Dwelling	Kennel	Barn
Yellow line: Distance between kennel and proposed house			
Blue line: Approximate property line. Acreage: 34.84			



R5

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 5, 2011

**DATE:** April 12, 2011 **FILE NO:** Capital Regional District OCP  
**FROM:** Mike Tippet, Manager **BYLAW No:** N/A  
Community & Regional Planning  
**SUBJECT:** Capital Regional District draft Malahat Official Community Plan GHG amendments

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#### **Recommendation/Action:**

That the CVRD express its support for the proposed amendments to the Capital Regional District's Malahat Official Community Plan, and recommends that a reference to recent efforts to link the CRD's segment of the Trans-Canada Trail through to the CVRD's segment of the TCT (Cowichan Valley Trail) be mentioned in the appropriate section of the Plan, and further that the CVRD has no affected interests respecting the Shirley/Jordan River, East Sooke or Otter Point OCPs.

**Relation to the Corporate Strategic Plan:** N/A (subject area is not in the CVRD).

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

#### **Background:**

The Capital Regional District is in the process of updating four of its electoral area official plans, only one of which borders directly on the CVRD. The attached letter from the CRD explains that the purpose of these minor updates is to introduce greenhouse gas reduction targets into the Plans, as well as undertaking some other minor amendments that are housekeeping in nature.

CVRD staff have had a review of the proposed amendments and noted the following points:

#### **Brief Review of OCPs**

Four OCPs are the subject of this referral:

- Malahat OCP
- East Sooke OCP
- Shirley/Jordan River OCP
- Otter Point OCP

Only one of these – **Malahat** – bounds on the Cowichan Valley Regional District. The other three front on the Strait of Juan de Fuca and the closest that any of these plan areas get to the CVRD boundary is 11 kilometres.

It would therefore be appropriate to confine our review of the proposed CRD OCP amendments to the Malahat example, since it is proximate to our own communities. This Plan Area borders the CVRD's Electoral Areas A and B. As an adjacent jurisdiction, the CRD is presenting our Board with an opportunity to provide any input regarding the proposed amendments

### ***Proposed Malahat OCP Changes***

The proposed amendments are introducing a section into the Plan regarding the reduction targets for greenhouse gases, as well as several other minor changes to existing policies and other sections in the Plan. These changes are similar to those proposed by the CVRD in many of its own GHG amendment bylaws over the past year.

The proposed greenhouse gas section is simply inserted into the Plan and this insertion is reproduced below:

#### ***“2.4 Greenhouse Gas Reduction Targets***

*Under Bill 27, the Capital Regional District and local governments across the province are required to take aggressive action on climate change by establishing greenhouse gas (GHG) reduction targets, policies and actions within their Official Community Plans (OCP). Regardless of the size of the community, GHGs are still generated by the businesses, residents and industries that operate here. Emissions stem from electricity and fossil fuels in buildings, transportation, agricultural activities, the quantity, composition, and disposal of waste, habitat loss, and construction activities.*

*For the purpose of Section 877 of the Local Government Act, the Capital Regional District target and complementary target for Juan de Fuca Electoral Area OCP's for the reduction of GHG emissions is to contribute to the regional goal of reducing community emissions by 33% below 2007 levels by 2020.*

*Further, all of the communities within the Juan de Fuca Electoral Area commit to:*

- 1. Educating residents, businesses and tourists about climate change as it relates to community priorities.*
- 2. Reviewing existing policies and objectives within the OCP and/or establishing new policies and objectives with the intent of reducing energy use and protection of valuable carbon sinks.*

*Topics may include:*

- Buildings (issues such as energy performance, local materials, orientation, density, etc)*
- Transportation (issues such as parking requirements, infrastructure for cycling, walking, transit, carpooling)*
- Waste Reduction (issues such as enhanced diversion programs)*
- Protection of Ecosystems (issues such as conservation and enhancement of forests)*
- Energy Sources (issues such as renewable energy generation)*
- Food security (issues such as agricultural use)."*

This new section is fulfilling the requirement under Bill 27 that a target be set for GHG reductions in all plans, although it is modest in scope. The other proposed changes in the plan truly are of a housekeeping nature and are of little interest to us as an adjacent jurisdiction.

The draft changes along with the main document were presented to the Directors and members of the Mill Bay/Malahat and Shawnigan Lake Advisory Planning Commissions. These are attached to this Report.

### **CVRD APC Comment**

The Electoral Area A APC did not consider the proposed CRD Malahat OCP amendment at a meeting; rather, individual members were asked to comment directly to staff. By the agenda deadline (April 13), no comments had been received.

The Electoral Area B APC members considered the proposed CRD Malahat OCP in early April, and had the following comments, summarized by Graham Ross-Smith, in an email that was directed to staff:

*The Area B APC did not have any business to attend to this month except for responding to your request for a response to the Capital Regional District's referral of the draft OCP for the Malahat community, so the commission did not have a face-to-face meeting. Instead the commission dealt with your request by each commissioner reading the documents that you provided and responding to me with their thoughts and comments.*

*We have limited our comments to the section of the draft OCP that deals with the reduction of greenhouse gas emissions.*

*Given the following characteristics:*

- a) that the Malahat area has a very small population (estimated to be around 147 to 157) and that it is not expected to grow very much over the next decade or so*
- b) that the plan area is 76.1% parks and regional water supply area lands*
- c) that the settlement area with the bulk of the small population lies between the ocean and the Trans-Canada Highway*
- d) that the inhabited part of the area borders on Electoral Area A, with only sparsely populated lands bordering on Electoral Area B, and*
- e) that none of the plan area lies within the borders of the Shawnigan Lake watershed, the Area B APC feels that land-use and other policies of the area are not likely to have any significant impact on the Shawnigan Lake area and has no concerns with regard to the greenhouse gas emission provisions of the draft OCP.*

*It is comforting to know that the "natural" environment is fairly well protected by the fact that over 75% of the plan area is designated as park and water supply lands. We would consider ourselves fortunate to have a similar 7.5 to 2.5 ratio to protect the forests, wetlands, streams and lakes of Electoral Area B.*

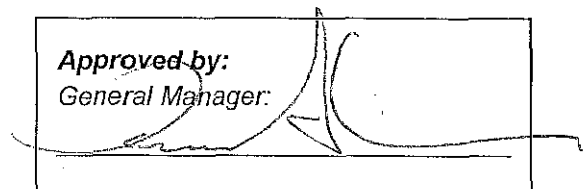
*I note that the section of the draft OCP on greenhouse gas reduction mentions the topic of energy sources (i.e. renewable energy generation) as something that the area should consider in the future. Perhaps it is not the role of OCPs to be more specific than that, but it occurred to me that the higher elevations of the Malahat area might be ideal places for the generation of electricity by harnessing the energy of the wind. The OCP would be strengthened by at the very least making reference to studying the potential in the area for wind generated electricity.*

*Comments not specific to the reduction of greenhouse gases were given by one commissioner. He thought that the plan was weak on the Trans-Canada Highway and how it impacts the plan area and that the omission of any reference to the Trans-Canada Trail was of concern. Staff therefore recommends that we express our support for the proposed updates to the Malahat OCP.*

Submitted by,

  
Mike Tippett, MCIP  
Manager  
Community and Regional Planning Division  
MT/ca

Approved by:  
General Manager:





Capital Regional District

Bylaw No. 3721

\*\*\*\*\*

**A BYLAW TO ESTABLISH AN OFFICIAL COMMUNITY PLAN FOR MALAHAT**

\*\*\*\*\*

- A. **WHEREAS** the Capital Regional Board wishes to update the Ceommunity Plan for the Malahat area of the regional district;
- B. **AND WHEREAS** the residents of Malahat, the adjacent municipality and various external provincial and federal government agencies have reviewed this community plan;
- C. **AND WHEREAS** this community plan has been considered in conjunction with the Capital Regional District's Financial and Capital Expenditures program and the Capital Regional District's Regional Growth Strategy;
- D. **AND WHEREAS** Sections 876, 877, 919.1 and 920.01 of the *Local Government Act* allows the Capital Regional District to develop a bylaw to address all of the following issues:
- The development of an Official Community Plan
  - The establishment of Greenhouse Gas reduction targets
  - Designation of Development Permit Areas
  - Designation of Development Approval Information Areas
- E. **NOW THEREFORE** the Board of the Capital Regional District in open meeting assembled, enacts as follows:

**SECTION 1 GEOGRAPHIC AREA OF THE BYLAW**

This bylaw covers the area referred to as Malahat, which is a part of the Capital Regional District, as shown on Map No. 1, which is attached to and forming a part of this bylaw.

**SECTION 2 SEVERABILITY**

If any section, subsection, sentence, paragraph, schedule or map forming part of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the section, subsection, paragraph, schedule or map may be severed from the bylaw without affecting the validity of the bylaw or any portion of the bylaw or remaining schedules or maps.

**SECTION 3 INCORPORATION OF SCHEDULES AND MAPS**

Schedule "A" and Maps Numbered 1 to 6 attached hereto are hereby made a part of this bylaw.

**SECTION 4 REPEAL OF BYLAWS**

The following bylaw is hereby repealed:

The Capital Regional District Bylaw No. 3228, cited as the "Official Community Plan for Malahat Bylaw No. 1, 2004".

**SECTION 5 TITLE**

This bylaw may be cited for all purposes as the "Official Community Plan for Malahat, Bylaw No. 1, 2010".

**SECTION 6 IMPLEMENTATION**

READ A FIRST TIME THIS	day of	2011.
READ A SECOND TIME THIS	day of	2011.
READ A THIRD TIME THIS	day of	2011.

Schedule "A" of this Bylaw as approved by the Minister of Transportation and Infrastructure this

day of 2011.

Schedule "A" of this Bylaw as approved by the Minister of Community, Sport and Cultural Development this

day of 2011.

ADOPTED THIS	day of	2011.
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Chair

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Corporate Officer

**Schedule "A" of Capital Regional District Bylaw No. 3721**  
**Malahat Official Community Plan**

**Table of Contents**

<b>PART 1.0</b>	<b>COMMUNITY BACKGROUND INFORMATION .....</b>	<b>7</b>
1.1	2001 POPULATION PROFILE AND ESTIMATES FOR 2006 AND 2011 .....	7
1.2	BUILDING PERMIT TRENDS.....	9
1.3	PHYSIOGRAPHY OF THE AREA .....	10
1.3.1	<i>General Topographical Information and Main Topographical Features.....</i>	<i>10</i>
1.3.2	<i>Geological Setting and Soil Characteristics .....</i>	<i>11</i>
1.4	DOMINANT AND SENSITIVE ECOSYSTEMS .....	12
1.4.1	<i>Rare Species .....</i>	<i>13</i>
1.4.2	<i>Streams and Waterbodies.....</i>	<i>13</i>
1.5	POTENTIAL HERITAGE SITES .....	14
<b>PART 2.0</b>	<b>ADMINISTRATIVE STRUCTURE AND APPLICATION OF THE</b>	
<b>PLAN</b>	<b>15</b>	
2.1	ADMINISTRATIVE STRUCTURE OF THIS PLAN .....	15
2.2	APPLICATION OF THE PLAN .....	15
2.3	REGIONAL GROWTH STRATEGY CONSISTENCY .....	15
2.4	GREENHOUSE GAS REDUCTION TARGETS .....	16
<b>PART 3.0</b>	<b>GOALS AND OBJECTIVES OF THE PLAN .....</b>	<b>17</b>
3.1	GOAL OF THE PLAN .....	17
3.1.1	<i>Objectives of the Plan.....</i>	<i>17</i>
3.1.2	<i>Land Use Inventory Statistics.....</i>	<i>17</i>
<b>PART 4.0</b>	<b>LAND-USE POLICIES AND DESIGNATIONS .....</b>	<b>19</b>
4.1	GENERAL DEVELOPMENT POLICIES - APPLICABLE TO ALL LAND USE	
DESIGNATIONS.....		19
4.2	LAND USE DESIGNATIONS.....	20
4.2.1	<i>Settlement Area Designation.....</i>	<i>20</i>
4.2.2	<i>Marine Designation.....</i>	<i>21</i>
4.2.3	<i>Park Designation.....</i>	<i>22</i>
4.2.4	<i>Regional Water Supply Lands Designation.....</i>	<i>23</i>
4.3	DEVELOPMENT POLICIES .....	23
4.3.1	<i>Environmentally Sensitive Areas Inventory .....</i>	<i>23</i>
4.3.2	<i>Parkland and School Site Dedication Policies.....</i>	<i>24</i>
4.3.2.2	<i>School Site Dedications.....</i>	<i>25</i>
4.3.3	<i>Roads and Servicing Policies.....</i>	<i>25</i>
4.3.3.2	<i>Road Development Policies.....</i>	<i>25</i>
4.3.4	<i>Public Facilities .....</i>	<i>25</i>
4.3.5	<i>Sand and Gravel Deposits.....</i>	<i>25</i>
4.4	DEVELOPMENT PERMIT POLICIES .....	25
4.4.1	<i>Preamble .....</i>	<i>25</i>
4.4.2	<i>General Development Permit Policies.....</i>	<i>26</i>
4.4.3	<i>General Exemptions for a Development Permit.....</i>	<i>26</i>
4.4.4	<i>Development Permit Area No. 1: Steep Slopes .....</i>	<i>27</i>

4.4.5	<i>Development Permit Area No. 2: Foreshore and Marine Shoreline .....</i>	<i>2829</i>
4.4.6	<i>Development Permit Area No. 3: Watercourses, Wetlands and Riparian Areas... ..</i>	<i>2930</i>
4.4.7	<i>Development Permit Area No. 4: Sensitive Ecosystems.....</i>	<i>3132</i>
4.4.8	<i>Development Permit Area No. 5: Commercial Development Area.....</i>	<i>3233</i>
4.5	DEVELOPMENT APPROVAL INFORMATION AREA.....	3334
4.5.1	Designation .....	3334
4.5.2	Justification .....	3334
4.5.3	Objective.....	34
4.5.4	Guidelines.....	3435
4.5.5	Exemptions .....	3435

#### **List of Tables**

Table 1: 2001 Population Breakdown .....	7
Table 2: 2006 Population Estimate .....	8
Table 3: 2011 Population Estimate .....	9
Table 4: Soil Units of the Malahat Area .....	11

#### **List of Figures**

Figure 1: Period of Construction of Private Dwellings .....	10
---	----

#### **List of Maps**

Map No. 1 – Plan Area
Map No. 2 – Land Use Designations
Map No. 3 – Significant Features
Map No. 4 – Environmental Inventory
Map No. 5a – Steep Slopes Development Permit Area
Map No. 5b – Foreshore, Wetland and Riparian Areas Development Permit Area
Map No. 5c – Sensitive Ecosystems Development Permit Area
Map No.5d – Commercial Development Permit Area
Map No. 6 – Development Approval Information Area

## **PART 1.0 COMMUNITY BACKGROUND INFORMATION**

### **1.1 2001 Population Profile and Estimates for 2006 and 2011**

The population of the Malahat planning area in 2001 was estimated to be approximately 145 people. Based upon 2001 census information, the age sex breakdown of the population was as follows:

**Table 1: 2001 Population Breakdown**

<b>MALES</b>	<b>AGE COHORT</b>	<b>FEMALES</b>
0	<b>95+</b>	0
0	<b>90-94</b>	0
0	<b>85-89</b>	0
0	<b>80-84</b>	0
10	<b>75-79</b>	0
5	<b>70-74</b>	5
0	<b>65-69</b>	0
10	<b>60-64</b>	5
0	<b>55-59</b>	5
5	<b>50-54</b>	5
10	<b>45-49</b>	0
5	<b>40-44</b>	5
10	<b>35-39</b>	5
5	<b>30-34</b>	10
5	<b>25-29</b>	5
5	<b>20-24</b>	0
15	<b>15-19</b>	0
0	<b>10-14</b>	0
5	<b>5-9</b>	10
0	<b>0-4</b>	0
<b>90</b>	<b>TOTALS</b>	<b>55</b>

Notes: 1/. There were concerns that this data might underestimate the population of the Malahat area. However, a preliminary assessment of this data and that collected by community volunteers indicates that the following is a reasonable estimation of the population.

Utilizing this breakdown (2001) as the base age sex profile of the Malahat area, population estimates and breakdowns have been developed for 2006 and 2011 respectively.

**Table 2: 2006 Population Estimate**

<b>MALES</b>	<b>AGE COHORT</b>	<b>FEMALES</b>
0	<b>95+</b>	0
0	<b>90-94</b>	0
0	<b>85-89</b>	0
8	<b>80-84</b>	0
4	<b>75-79</b>	4
0	<b>70-74</b>	0
9	<b>65-69</b>	5
0	<b>60-64</b>	5
5	<b>55-59</b>	5
10	<b>50-54</b>	0
5	<b>45-49</b>	5
10	<b>40-44</b>	5
5	<b>35-39</b>	10
5	<b>30-34</b>	5
5	<b>25-29</b>	0
15	<b>20-24</b>	0
0	<b>15-19</b>	0
5	<b>10-14</b>	10
0	<b>5-9</b>	0
4	<b>0-4</b>	3
<b>90</b>	<b>TOTALS</b>	<b>57</b>

Notes:

- 1/. This estimate has been developed using the age-specific fertility rate for the Local Health Unit Area and the provincial age-specific death rate.

- 2/. Based on current assumptions and with the migration factor portioned in, the population is estimated to be in the range of 147 to 157.

**Table 3: 2011 Population Estimate**

MALES	AGE COHORT	FEMALES
0	95+	0
0	90-94	0
6	85-89	0
3	80-84	3
0	75-79	0
8	70-74	5
0	65-69	5
5	60-64	5
10	55-59	0
5	50-54	5
10	45-49	5
5	40-44	10
5	35-39	5
5	30-34	0
15	25-29	0
0	20-24	0
5	15-19	10
0	10-14	0
4	5-9	3
3	0-4	2
89	TOTALS	58

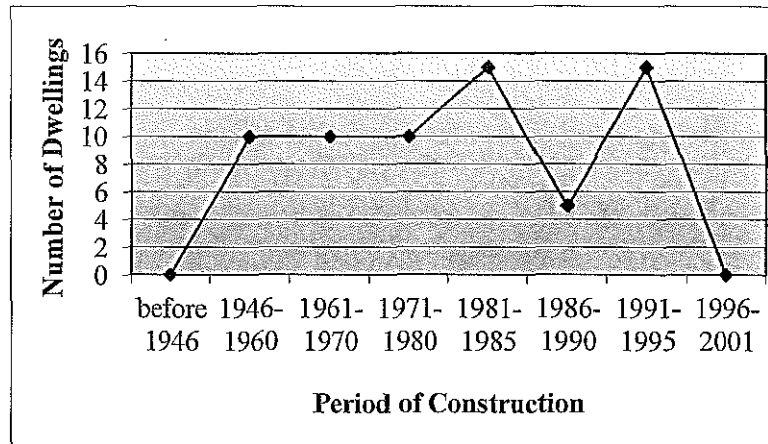
Notes:

- 1/. This estimate has been developed using the age-specific fertility rate of the Local Health Unit Area and the provincial age-specific death rate.
- 2/. Based on current assumptions and with the migration factor portioned in, the population is estimated to be in the range of 146 to 156.

## 1.2 Building Permit Trends

The predominant type of dwelling in the Malahat area is a single-family dwelling unit. The number of building permits issued in the area is as follows:

**Figure 1: Period of Construction of Private Dwellings**



Source: Capital Regional District 2001

The above information suggests that demand for new dwellings in this area has not been strong between 1996 and 2001. Coupled with the stable population estimates (see Section 1.1), new residential lands are not required to account for the next ten years of projected growth.

### **1.3 Physiography of the Area**

Based upon a review of a report entitled, An Introduction to the Ecoregions of British Columbia, the study area is a part of the Georgia Depression Ecoprovince, the Eastern Vancouver Island Ecoregion and the Nanaimo Lowland Ecoregion. This suggests the following:

- The ocean and the Strait of Georgia modify temperatures throughout the area. The southern parts of this ecoprovince, which includes the Malahat area, have the highest annual amounts of sunshine in the province; and
- This ecoprovince is predominantly a semi-enclosed estuarine environment, which is strongly affected by freshwater discharges. A near shore environment or zone surrounds all the islets, islands and the mainland portions adjacent to saltwater. The dominant interface between land and saltwater is an intertidal zone.

#### **1.3.1 General Topographical Information and Main Topographical Features**

The area can generally be characterized as strongly rolling or hilly with very steep areas particularly from the shoreline region heading towards the Trans-Canada Highway, where elevation gain can be up to 200 metres over a very short distance. The area also has significant areas of exposed bedrock and rock outcrops. The main topographical features of the area consist of the Warwick Range.



### 1.3.2 Geological Setting and Soil Characteristics

The following soil associations have been identified in the Malahat area:

**Table 4: Soil Units of the Malahat Area**

Soil Unit	Drainage Rating	Usual Texture	Slope Range in Percent (Degrees)	Developed in	General Topographical Features
Hiller (HL)	Rapidly drained;	Gravelly loamy sand or very gravelly loamy sand	15-60 (8-33)	Areas that consist of colluvial or morainal deposits	Strongly rolling to hilly; Often 10-50cm over bedrock
Rock Outcrop (RO)	-	-	-	Bedrock	-
Rosewall (RL)	Rapidly drained;	Cobbly, gravelly sandy loam or cobbly, gravelly loam	15-30 (8-17)	Areas that consist of colluvial or morainal deposits	Strongly rolling
Shawnigan (S)	Well-drained;	Gravelly sandy loam or very gravelly sandy loam	15-30 (8-17)	Areas that consist of morainal (till) deposits	Strongly rolling
Somenos (SE)	Well-drained;	Gravelly sandy loam or very gravelly sandy loam	30-60 (17-30)	Areas that consist of morainal deposits (till)	Hilly; Often between 50-100cm thick over bedrock
Squally (SL)	Rapidly drained;	Gravelly loamy sand or gravelly sandy loam	15-30 (8-17)	Areas that consist of colluvial or morainal deposits	Strongly rolling; Often 50-100cm over intrusive bedrock
Tzuhalem (TM)	Rapidly drained;	Gravelly loamy sand or very gravelly loamy sand	30-60 (17-30)	Areas that consist of colluvial or morainal deposits	Hilly; Often between 10-50cm thick over bedrock

Source: Soils of Southern Vancouver Island, MOE Technical Report, 1985

The above information indicates that the soils in the Malahat area are well-to rapidly drained and often form a shallow layer of sediment above bedrock. This suggests that the Malahat area has a lot of surface-water runoff issues after periods of extensive rain.

#### 1.4 Dominant and Sensitive Ecosystems

Historically, Douglas-fir forests blanketed the south and east sides of Vancouver Island. Today, this Coastal Douglas-fir Biogeoclimatic zone, which constituted only 0.3-percent of the province in 1992 (CRD Parks), is considered unique and rare. In combination with *Arbutus* trees, which are also somewhat threatened, this forest is characteristic of only two communities in British Columbia and is found nowhere else in Canada. The only other forest of this type is found along the southern California coastline. The area is generally characterized as second-growth forest, which provides important wildlife corridors and buffers around more sensitive areas, including the Greater Victoria Water Supply Area.

As mentioned previously, the Malahat is bordered by Finlayson Arm, which forms part of the Saanich Inlet, a coastal fjord that preserves unique marine communities of giant cloud sponges, anemones, sea plumes, lampshells and other invertebrates. The marine ecosystem includes at least 16 rare species, some of which have rarely been recorded elsewhere in the province. Offshore waters also provide a natural habitat for large marine animals including a variety of whales, seals, porpoises, sea lions and white-sided dolphins as well as octopus, six-gill sharks and wolf eels.

Both the water and the land are highly susceptible to environmental degradation. Weak tidal currents and sluggish circulation limit the inlet's capacity to filter and remove contaminants.

The shoreline provides a home for otters and many species of migrating waterfowl. The open forest, combined with rock outcrop habitats and the Finlayson Arm seashore, provides habitat for over 150 species of resident and migrant birds. Some species designated as sensitive or vulnerable found in the area include

- Anna's Humming bird;
- Bald Eagle;
- Wintering Western Grebe;
- Great Blue Heron;
- Green-backed Heron; and
- Peale's Peregrine Falcon.

The Sensitive Ecosystems Inventory project, carried out by the Canadian Wildlife Service, has identified several sensitive ecosystems in this area including some wetlands, forests and terrestrial herbaceous ecosystems. As mentioned earlier, much of the forest is older second-growth forest, which is not generally a 'sensitive' ecosystem; however, it is still important in terms of providing habitat and wildlife corridors.

Due to the rocky terrain in much of the Malahat area, there are several terrestrial herbaceous ecosystems found in the open, grassy hilltops. Grasses, moss, wildflowers and lichens may dominate these hilltops. Rare plants of these ecosystems include:

- |                         |                                   |
|-------------------------|-----------------------------------|
| • Deltoid balsamroot    | ( <i>Balsamorhiza deltoidea</i> ) |
| • Yellow montane violet | ( <i>Viola praemorsa</i> )        |
| • Scalepod              | ( <i>Idahoia scapigera</i> )      |
| • Dune bentgrass        | ( <i>Agrostis pallens</i> )       |

### 1.4.1 Rare Species

The CRD Natural Areas Atlas has mapped occurrence of rare species and the following species have been identified as blue-listed species within the Malahat area:

- Ermine, anguinae subspecies, (*Mustela erminea anguinae*) is a blue-listed mammal that occurs in the western portions of the Malahat planning area and its range extends into the Greater Victoria Water Supply area;
- Macoun's groundsel (*Senecio macounii*) is a blue-listed plant species that occurs in the western portions of the Malahat planning area and its range extends into the Greater Victoria Water Supply Area.

Source: CRD Natural Areas Atlas

\*Please note the following definition: Blue-listed species are vulnerable, sensitive or at risk.

Source: Ministries of Sustainable Resource Management and Water, Land and Air Protection

### 1.4.2 Streams and Waterbodies

Driving along the Malahat Drive (Trans-Canada Highway) one can often see waterfalls or streams rushing through the area. The streams in the winter and spring can be quite powerful as the snow in higher elevations begins to melt or after days of rain. In fact, one section of Aspen Road, which crosses Camsusa Creek, had to be replaced since water from the creek overtook its banks causing significant road damage. The names of the major streams and fish species found in the Malahat area are as follows\*:

- Camsusa Creek (and tributaries)
- Arbutus creek
- Niagara Creek
  - Steelhead
- Several (3) unnamed creeks, possibly ephemeral
- Wigglesworth Lake
  - Cutthroat Trout
- Lubbe Lake
  - Cutthroat Trout
  - Rainbow Trout
  - Smallmouth Bass
- Goldstream Lake
  - Brown Bullhead
  - Cutthroat Trout

Source: Ministry of Sustainable Resource Management, FISS

\* The above information regarding fish species represents existing information from Ministry of Sustainable Resource Management databases and more information is periodically being added. The absence of fish in the above list does not imply that there are no fish present.

In the western portion of the Malahat, which includes the Sooke Hills Regional Park Reserve and the CRD Water Lands, there are several lakes, wetlands and streams not listed above.

In addition to these, there are several wetland areas, some of which are swamp and the others are peatlands (bog and fen). These are situated approximately in the following locations:

- Two wetland areas situated at the north and south ends of Wrigglesworth Lake;
- One wetland area located along Niagara Creek;
- Two wetland areas near the northwest boundary of the Malahat planning area, near or situated at Block 453; and
- One wetland area consisting of a private lake located off Aspen Road.

### **1.5 Potential Heritage Sites**

Part of Malahat heritage includes archaeological sites – physical evidence of how and where people lived in the past. For 98% of the time people have lived in this area, no written records were made. Archaeological sites and oral tradition are the only vestiges of this rich history extending back many thousands of years.

While the Malahat plan area does not contain any recorded archaeological sites, this is largely because the area has not been systematically examined. There is significant potential for archaeological sites to present in some localities. The Province protects these sites, whether known or unrecorded, through the *Heritage Conservation Act*. This protection applies to both private and Crown land and means that you must have a heritage permit to alter an archaeological site.

## **PART 2.0 ADMINISTRATIVE STRUCTURE AND APPLICATION OF THE PLAN**

### **2.1 Administrative Structure of this Plan**

An Official Community Plan (OCP) or "Plan" is authorized by the *Local Government Act*, which defines an OCP as:

" . . . a general statement of the broad objectives and policies of the local government respecting the form and character of existing and proposed land use and servicing requirements."

The key to developing a community plan is that it is a community-driven exercise that reflects the community's values with respect to growth and development.

### **2.2 Application of the Plan**

This Official Community Plan applies to the Malahat area as shown on Map No. 1, which is attached to and forms part of this Bylaw. It is not the intention of the Capital Regional District in adopting the Malahat Official Community Plan to create a conflict with provincial enactments.

### **2.3 Regional Growth Strategy Consistency**

Section 849 (1) of the *Local Government Act* states that "the purpose of a regional growth strategy is to promote human settlement that is socially, economically and environmentally healthy and that makes efficient use of public facilities and services, land and other resources."

The eight goals of the Capital Regional District's Regional Growth Strategy, which was adopted in August 2003, are as follows:

- 1/. Keep urban settlement compact
- 2/. Protect the integrity of rural communities
- 3/. Protect regional green/blue spaces
- 4/. Manage natural resources and the environment sustainably
- 5/. Build more complete communities
- 6/. Improve housing affordability
- 7/. Increase transportation choices
- 8/. Strengthen the regional economy

As the development policies of this Official Community Plan should work towards the goals of the Regional Growth Strategy, the following paragraphs will outline how this Official Community Plan supports these goals.

Firstly, the goal and the objectives of the plan illustrate that the intent of the plan is to maintain the rural atmosphere, protect natural resources and protect the environment insofar as it lawfully can. In order to keep settlement compact this Official Community Plan has identified a settlement containment area on Map No. 2, which is attached to and forms a part of this bylaw. The goal of which is to have smaller lots contained within this area and larger lots directed outside the settlement containment area. The settlement containment area strives to maintain the integrity of rural communities through preservation of large lot development.

Additionally, this plan strives to protect the environment by identifying environmentally sensitive areas and by designating these as development permit areas.

In order to build more complete communities and strengthen the regional economy, as envisioned by the Regional Growth Strategy, the plan encourages the development of home-based business and neighbourhood or tourism commercial activities within the settlement areas.

While the Malahat area remains relatively isolated from other areas within the Capital Regional District, the goal of the Regional Growth Strategy to improve transportation choice may not be readily achieved; however, as opportunities arise in the future consideration will be given as to how this can be achieved in the Malahat area.

As outlined above, this Official Community Plan has been prepared in a manner consistent with the goals of the Capital Regional District's Regional Growth Strategy.

## **2.4 Greenhouse Gas Reduction Targets**

Under Bill 27, the Capital Regional District and local governments across the province are required to take aggressive action on climate change by establishing greenhouse gas (GHG) reduction targets, policies and actions within their Official Community Plans (OCP).

Regardless of the size of the community, GHGs are still generated by the businesses, residents and industries that operate here. Emissions stem from electricity and fossil fuels in buildings, transportation, agricultural activities, the quantity, composition, and disposal of waste, habitat loss, and construction activities.

For the purpose of Section 877 of the *Local Government Act*, the Capital Regional District target and complementary target for Juan de Fuca Electoral Area OCP's for the reduction of GHG emissions is to contribute to the regional goal of reducing community emissions by 33% below 2007 levels by 2020.

Further, all of the communities within the Juan de Fuca Electoral Area commit to:

- 1) Educating residents, businesses and tourists about climate change as it relates to community priorities.
- 2) Reviewing existing policies and objectives within the OCP and/or establishing new policies and objectives with the intent of reducing energy use and protection of valuable carbon sinks.

Topics may include:

- Buildings (issues such as energy performance, local materials, orientation, density, etc)
- Transportation (issues such as parking requirements, infrastructure for cycling, walking, transit, carpooling)
- Waste Reduction (issues such as enhanced diversion programs)
- Protection of Ecosystems (issues such as conservation and enhancement of forests)
- Energy Sources (issues such as renewable energy generation)
- Food security (issues such as agricultural use)

## **PART 3.0 GOALS AND OBJECTIVES OF THE PLAN**

### **3.1 Goal of the Plan**

The overall goal is to develop a community plan that is respectful of both the natural and the current man-made environments. The desired settlement pattern consists of the following:

- Low density single-family uses;
- Small lot residential development directed into the settlement containment area with larger lot residential development in the other portions of the plan area;
- Limited commercial development - located adjacent to the Trans-Canada Highway.

#### **3.1.1 Objectives of the Plan**

The above-referenced goal will be achieved through the following objectives:

- Understand and research the potential impact of development upon the Malahat natural environment;
- Set up mitigation strategies to limit or minimize any potential impact that the new development may have upon either the man-made or natural environment;
- Enhance local environmental awareness and promote land uses that protect the natural environment;
- Maintain as much land as possible in its current natural state in order to protect and enhance the present diversity of plant and animal life;
- Protect and, if necessary, restore the natural water systems. Ensure that development does not contribute to soil erosion, slope instability or increased surface-water runoff;
- Ensure the long-range viability of our natural sources of potable water by preventing pollutants from entering the water system. This includes surface-water runoff channels, aquifers, groundwater areas or wetland areas;
- Establish a pattern of land use which would retain both the rural and the natural character of the area;
- Protect the marine ecosystem;
- Protect important wildlife habitats and corridors;
- Site sewage disposal systems to minimize pollution of surface and groundwater, and to conform to appropriate setbacks from water wells, marine shores, watercourses and wetlands;
- Encourage home-based businesses that are respectful of the community and its residents; and
- As outlined through Section 2.3 of this bylaw and through the *Local Government Act*, the Official Community Plan should work towards the goals of the Regional Growth Strategy.

#### **3.1.2 Land Use Inventory Statistics**

The current amount of land within the total plan area is 7435.8 hectares (18,374.3 acres). Significant features are shown on Map 3. The land areas are broken down as follows\*:

- A/. Settlement area - The current amount of land with the settlement designation is approximately 1642.8 hectares (4059.4 acres), or approximately 22% of the plan area.
- B/. Marine area - The current amount of land designated as marine zone is approximately 114.4 hectares (282.7 acres), or approximately 1.5% of the plan area.
- C/. Existing parks and open space - The current amount of land designated as park is approximately 3749.0 hectares (9264.0 acres), or approximately 50.5% of the plan area.
- D/. CRD Water Lands - The current amount of land designated as CRD Water Lands is approximately 1905.0 hectares (4707.4 acres), or approximately 25.6-percent of the plan area.
- E/. Roads - The current amount of land used as roads is 24.5 hectares (60.5 acres) or approximately 0.3-percent of the plan area.

\*Land Use Inventory Statistics as per 2006 data and may not be an accurate representation of actual land areas.



## PART 4.0 LAND-USE POLICIES AND DESIGNATIONS

### 4.1 General Development Policies - applicable to all land use designations

- 1] Any development, construction or alteration of land within an area designated as a Development Permit Area (DPA) is subject to the requirements of the relevant Development Permit (DP) policies contained in this bylaw.
- 2] Any development should be consistent with the retention of the visual landscape of natural areas, especially on or near hilltops and ridges.
- 3] The development must respond to the physical constraints of the site and must limit the removal of or damage to any of the natural vegetation cover.
- 4] Any development must be designed to protect lakes, watercourses and their tributaries by not allowing sediments or other effluents into the water system as outlined through the Development Approval Information process in Section 4.5 of this bylaw.
- 5] All development must minimize any negative impact on the natural environment and the existing neighbourhood.
- 6] Stream crossings will be located so as to minimize the disturbance of banks, channels and vegetation cover.
- 7] If any temporary watercourse alteration or diversion takes place, streams should be rerouted through their original channels.
- 8] The appropriate authorities should prohibit the unnecessary removal of gravel and soil from streambeds of the above watercourses and should ensure that there is no modification of these stream channels and banks without careful consideration of potential adverse environmental effects.
- 9] Access to lakes, rivers, streams, the sea and other water sources for emergency purposes must be provided.
- 10] Any development proposal must incorporate designs that reduce forest fire risks for homes within, and at the edge of, forested lands.
- 11] The development must be sited to allow emergency vehicle access.
- 12] Development proposals should address the requirements established in National Fire Protection Association (NFPA) standards 1142 (Water Supplies for Suburban and Rural Fire Fighting) and NFPA 1144 (Protection of Life from Wildfire).
- 13] There are several archaeological sites within the planning area; therefore, any proposed development may be subject to an archaeological search conducted by CRD Planning staff. As a result, the applicant may be required to contact the Archaeological Branch of the provincial government in order to satisfy their requirements.
- 14] Historic and archaeological sites are sensitive to human presence. Development proposals will be reviewed in relation to existing and possible archaeological sites, and where sites are apparent, such proposals will be referred to the Heritage Conservation Branch of the provincial government for comment.
- 15] Where forestry and forestry-related activities are practiced as a permitted use, such activities are supported and encouraged to continue.
- 16] Any privately-owned forestland that is assessed as Managed Forest under the *Private Managed Forest Land Act* should be retained and managed as long-term forestry lands.

- 17] Where lands are assessed as Managed Forest under the *Private Managed Forest Land Act*, uses permitted under the *Act* will be deemed permitted uses under this Plan.
- 18] Conformance with the guidelines in the provincial publication *Develop with Care: Environmental Guidelines for Urban and Rural land Development in British Columbia* and in the joint federal-provincial publication *Land Development Guidelines for the Protection of Aquatic Habitat* is encouraged.
- 19] It is acknowledged that there are environmentally sensitive areas within the Plan area that have not been mapped or identified in this Plan. In order to identify and protect these areas, all development proponents are encouraged to conduct a complete site, terrain and vegetation inventory analysis to locate environmentally sensitive areas, sensitive ecosystems, rare and endangered species and habitat prior to planning development. The actual physical reality shall take precedence over its geographical representation on a map.

~~Bylaw No. 3362~~

## **4.2 Land Use Designations**

### **4.2.1 Settlement Area Designation**

#### **4.2.1.1 Preamble**

The settlement designation, as shown on Map No. 2, signifies that the predominant land use is for residential purposes. The Plan is required by law to ensure that the housing stock available in the plan area meets the needs and requirements of the market place for at least five (5) years. This can easily be accommodated without any zoning changes as outlined by the current population projections. Residential housing may include but is not limited to private ownership, special needs housing, rental and affordable housing. The housing stock may or may not be occupied on a full-time basis. Home-based businesses may be considered as a venue for additional economic development activities for the individuals situated in an area with the settlement designation.

Additional uses within this designation include the following:

- a. Neighbourhood Commercial activities; and
- b. Tourism development activities, such as but not limited to bed and breakfasts.

~~Bylaw No. 3362~~

#### **4.2.1.2 Settlement Area Policies**

- 1]
  - a. Development must be consistent with the goals and objectives of this plan.
  - b. The desired parcel size for residential development within the settlement containment area should be 1 ha (2.5 acres). All other residential development on both sides of the highway should consist of parcels greater than 12 ha (30 acres).
- 2] Development may be supported subject to the following:
  - a. The site will have minimal impact on the existing man-made and the natural physical features of the area;
  - b. The proposed development is designed to prevent pollutants from entering into the water system. This includes surface-water runoff channels, aquifers, ground water areas or wetland areas; and

- c. Greenbelts, natural buffer areas and berms must be used to separate incompatible land uses.
- 3] Community-sponsored facilities, programs and activities that serve to enhance the community's lifestyle may be considered, such as but not limited to:
  - a. a fire hall.
- 4] This area may be subject to the amenity bonusing provision as outlined in the *Local Government Act* and as allowed through the applicable zoning district.

Developers who propose a mixed commercial/residential use must adhere to the following policies as well as to the foregoing:

- 5] Any mixed-use development must be compatible with the form and character of neighbouring land uses and must ensure that:
  - a. There is adequate parking space for the required commercial use and the residential use. The commercial parking spaces are to be physically separated from the required residential parking spaces;
  - b. The residential use must be protected from any adverse impact from the commercial activities;
  - c. The area to be used for residential purposes is to be physically separated from the commercial area. The residential use and commercial use may be either in the same building and separated by either a wall or floor, or on the same lot but in two separate buildings. The development must meet the BC Building Code and the BC Fire Code requirements. Preference will be given to mixed-use developments that are in a single building or structure; and
  - d. Adequate and well-designed off-street parking, loading and service areas should be provided on the site of each mixed-use development with consideration given to:
    - i. Safe movement of vehicular and pedestrian traffic on and off the site;
    - ii. Design of a safe access and egress point; and
    - iii. Type and design of signs in relation to commercial uses with traffic signs.
- 6] The developer is advised to ensure that they have reviewed the other development policies as outlined through this bylaw.

*Bylaw No. 3362*

## **4.2.2 Marine Shoreline Designation**

### **4.2.2.1 Preamble**

Although the Province of British Columbia owns the shoreline adjacent to the study area, the Capital Regional District does have the jurisdiction in regard to the use of this area by persons other than the Crown pursuant to its ability to regulate the use of land, which includes the surface of water. This area consists of two regions: a beach/rocky shore area and confluence areas.

- The beach/rocky area generally consists of rock platforms or shelves overlain with beach veneers of boulders or gravel.
- The confluence areas consist of the regions where the freshwater of the various intermittent and permanent streams and the saltwater of the Saanich Inlet meet.

This Marine ~~Shoreline~~ area extends out from the natural boundary to the Malahat Official Community Plan area as shown on Map No. 2 across the Saanich Inlet for a distance of 300 metres from the foreshore area.

*Bylaw No. 3362*

#### **4.2.2.2 ~~Marine Shoreline Policies~~**

- 1] In order to protect the marine shoreline and to ensure that it is not negatively impacted by development, shoreline areas as shown on Map No. 5b are designated as Development Permits Areas (DPAs). Policies for these areas are contained in Section 4.4.5.
- 2] Except where otherwise permitted in the zoning bylaw or by a Development Permit (DP), all uses, buildings and structures must be set back at least 15.0 metres from the natural boundary of the sea.
- 3] Any construction, development or alteration of land within 15.0 metres of the natural boundary of the sea is subject to the requirement for a DP as set out in Section 4.4.5.
- 4] As the Plan area lies within a relatively high-risk seismic zone, the flood construction level will be regulated by the applicable flood hazard management bylaw.
- 5] The protection, retention and restoration of natural shoreline vegetation, natural features and naturally occurring driftwood and rocks are encouraged.
- 6] Armouring or hardening of the shoreline by retaining walls, cement blocks or other permanent structures is discouraged.
- 7] Where shoreline protection is required, new and reconstructed protection structures should be constructed of rip-rap, large boulders or large wood material, rather than concrete walls.
- 8] Public recreational use of marine shorelands should be consistent with the suitability of each shore type for the proposed use, and users are encouraged to refrain from disturbing or polluting marine and related terrestrial habitats.
- 9] Log booms, commercial marinas, related commercial facilities, sale or rental of docking space, and services for boats or float planes will not be permitted in this area.
- 10] Any type of boathouse, wharf, pier, float or any other type of man-made structure that will be located on Crown land requires approval from the Province of B.C.

*Bylaw No. 3362*

#### **4.2.3 Park Designation**

##### **4.2.3.1 Preamble**

The Park designation, as shown on Map No. 2, signifies the predominant use of these lands is for park. The Capital Regional District manages these lands as Regional Park and Regional Park Reserve.

##### **4.2.3.2 Park Policies**

- 1] The protection of these lands is important for conserving ecosystems and to create opportunities for public recreation.

#### **4.2.4 Regional Water Supply Lands Designation**

##### **4.2.4.1 Preamble**

The Regional Water Supply Lands designation, as shown on Map No. 2, signifies the predominant use of these lands is for the protection of water supply areas. The Capital Regional District manages these lands as part of the Regional Water Supply Area Greater Victoria Water Supply Area.

##### **4.2.4.2 Regional Water Supply Lands Policies**

1] The protection of these lands is important for maintaining a secure water supply area for the Capital Regional District.

#### **4.3 Development Policies**

##### **4.3.1 Environmentally Sensitive Areas Designation Inventory**

###### **4.3.1.1 Preamble**

Any environmentally sensitive area, as identified on Map No. 4, which is attached to and forms a part of this bylaw, should be preserved in its natural state. In order to achieve this goal and to protect watercourses, wetlands, riparian areas, sensitive ecosystems, habitat, and rare and endangered species, these areas are designated as DPAs, as indicated on Maps No. 5b and 5c.

*Bylaw No. 3362*

###### **4.3.1.2 Watercourse, Wetland and Riparian Areas Policies**

1] In order to protect fish habitat, fish-feeding and fish-supportive watercourses and watercourse ecosystems and in keeping with the intent of the *Riparian Areas Regulation*, the retention in their natural state of all streams and watercourses and the land within 30 metres of the high water mark on both sides of the streams is recommended.

2] The watercourses and wetlands that are subject to the *Riparian Areas Regulation* are designated as DPAs and are shown on Map No. 5b. Development Permit policies for these areas are contained in section 4.4.6.

3] For residential, commercial and industrial development adjacent to any creek, stream, river or lake, the developer must follow the criteria for the determination of the riparian protection and streamside protection enhancement areas, as outlined in Section 4 of the *Riparian Areas Regulation*, B.C. Regulation 837/2004.

*Bylaw No. 3362*

###### **4.3.1.3 Sensitive Ecosystems Policies**

1] Sensitive ecosystems are designated as Development Permit Areas, as shown on Map No. 5c. Policies for these areas are contained in Section 4.4.7.

2] All development activities, subdivisions and rezoning applications should be planned and implemented in a manner that will not adversely affect or disturb identified environmentally sensitive areas.

3] Preservation of natural topography and existing vegetation and trees is encouraged.

4] Public ownership or covenants on title of lands that are deemed to be environmentally sensitive is encouraged.

*Bylaw No. 3362*

#### **4.3.1.4 Natural Hazard Areas Policies**

- 1] Areas with a slope exceeding 20-30 percent are designated DPAs as indicated on Map No. 5a. Policies for these areas are contained in Section 4.4.4.
- 2] Areas that are potentially subject to flooding or erosion are generally included within the foreshore DPA and indicated on Map No. 5b. Policies for these areas are contained in Section 4.4.5.
- 3] Areas that are considered to be at high or extreme risk of wildfire are shown on Map No. 3. Within these areas, it is recommended that a 10-metre buffer be provided between buildings and forested areas in new subdivisions where these areas are adjacent to forestland and woodlots of 20 hectares or more, in order to provide a fuel-free zone for fire protection.
- 4] Within wildfire hazard areas, all development activities, subdivision and rezoning applications should be planned and implemented in a manner that will reduce risks associated with wildfires.
- 5] Owner/applicants are responsible for reviewing all subdivision proposals and rezoning applications in accordance with relevant provincial fire protection guidelines and policies.
- 6] Property owners are encouraged to adhere to the guidelines contained in the publication entitled *FireSmart: Protecting Your Community from Wildfire*.

*Bylaw No. 3362*

#### **4.3.2 Parkland and School Site Dedication Policies**

##### **4.3.2.1 Parkland**

1] Provision of parkland must help the community achieve their quality of life objectives. This can be accomplished through the provision of having a developer provide parkland, without compensation, to the community. Depending upon the number of parcels of land being created and the size and location of the parcel being subdivided, the size, location and form of parkland will be determined by the Capital Regional District pursuant to the requirements of the *Local Government Act* and with input from the community. The parkland provided must be in the form of:

- (a) trails,
- (b) tot lots,
- (c) community parks,
- (d) sports fields,
- (e) regional parks,
- (f) interpretive parks,
- (g) waterfront parks,
- (h) greenspace, or
- (i) any combination of the above.

The provision and type of any parkland must be in a location that is acceptable to the Capital Regional District.

2] At its discretion, the Capital Regional District may ask for cash-in-lieu as the requirement for compliance with Section 941 of the *Local Government Act* for the future purchase of land for parks or development of parks in the Malahat.

31. For information relative to the acquisition, development, operation, preservation and maintenance of parks in the Juan de Fuca Electoral Area, applicants shall refer to the *Juan de Fuca Electoral Area Community Parks Strategic Plan*.

#### **4.3.2.2 School Site Dedications**

School site acquisition charges are payable in respect of development in accordance with Division 10.1 of Part 26 of the *Local Government Act*.

*Bylaw No. 3362*

#### **4.3.3 Roads and Servicing Policies**

##### **4.3.3.1 Preamble**

The provision of roads and services of the land could play a role in shaping the land use development patterns in the Malahat plan area. No major roads, sewer systems or water systems are planned for the Malahat area at the time of preparation of this plan.

*Bylaw No. 3362*

##### **4.3.3.2 Road Development Policies**

1] The Ministry of Transportation and Infrastructure road standards and requirements will be adhered to.

*Bylaw No. 3362*

#### **4.3.4 Public Facilities**

The location of public facilities, such as schools, parks, water distribution systems and waste treatment and disposal sites could play a role in shaping the land use development patterns in the Malahat plan area. No new public facilities are planned for the Malahat area at the time of preparation of this plan. *Bylaw No. 3362*

#### **4.3.5 Sand and Gravel Deposits**

No sand or gravel deposits were identified during the preparation of this plan. The location and operation of any sand and gravel extraction activities are subject to the requirements of the *Mines Act*. *Bylaw No. 3362*

#### **4.4 Development Permit Policies**

##### **4.4.1 Preamble**

Development Permits are a planning tool for sites, buildings and structures that warrant special protection or development control. These Permits must be approved by the Capital Regional District Board and may require some sort of security to ensure that the conditions in the permit have been achieved. The guiding principle for the use of Development Permits is found within Section 919.1 of the *Local Government Act*. DPAs can be designated for purposes such as, but not limited to the following:

- Protection of the natural environment, its ecosystems and biological diversity;
- Protection of development from hazardous conditions;
- Establishment of objectives for the form and character of commercial, industrial or multi-family residential development.

With respect to areas designated as Development Permit Areas, the Community Plan must:

- describe the conditions or objectives that justify the designation; and
- specify guidelines respecting the manner by which the special conditions or objectives will be addressed.

*Bylaw No. 3362*

#### **4.4.2 General Development Permit Policies**

1] Where land lies within more than one Development Permit Area, all of the applicable permit requirements must be met.

2] In accordance with the *Local Government Act*, a Development Permit must be obtained prior to subdivision, construction, alteration of land, soil deposit or removal or any other development or activity that would impact any of the elements protected by a Development Permit.

3] Any additional information requested by the Capital Regional District as outlined in the following sections must be provided at the applicant's expense.

*Bylaw No. 3362*

#### **4.4.3 General Exemptions for a Development Permit**

No Development Permit will be required for the following:

1. internal alterations to a building;
2. accessory buildings built after the main residential structure but included in the original building permit plans;
3. structures which are not greater in area than 10.0 square metres (107 square feet) and are accessory to an existing residence. This may include but is not limited to:
  - a. gazebos;
  - b. garden sheds;
  - c. tool sheds; and
  - d. decks.
4. walkways, ramps and/or stairways for providing pedestrian and/or wheelchair access to any structure exempted in paragraph 3 above;
5. removal of hazard trees;
6. emergency actions for flood or erosion protection;
7. emergency works to repair or replace public utilities or infrastructure;
8. removal of invasive non-native vegetation from riparian areas;
9. in-stream habitat development or restoration that complies with provincial and federal legislation and requirements. *Bylaw No. 3362*
10. subdivision and development applications on lands subject to steep slopes, sensitive ecosystems or watercourses, wetlands or riparian development permit, where a qualified professional submits a report or provides certification acceptable to the CRD that the parcel does not include slopes exceeding 30-percent or 16.7 degrees in slope over a minimum 10 metre run, or does not contain sensitive ecosystems or does not contain a watercourse or wetland (that is, no features requiring protection are located on the parcel);
11. development applications on lands subject to steep slopes, sensitive ecosystems or



watercourses, wetlands or riparian development permit, where a qualified professional submits a report or provides certification acceptable to the CRD that the proposed development is located outside the steep slopes, or sensitive ecosystems or riparian assessment area or the setbacks for non-fish bearing watercourses and wetlands (that is, no feature requiring protection will be affected). This exemption does not apply to subdivision applications.

#### **4.4.4 Development Permit Area No. 1: Steep Slopes**

##### **4.4.4.1 Designation**

That part of the Malahat area shown in blue hatching and red outline on Map No. 5a, which is attached to and forms a part of this bylaw, is designated as a Development Permit Area under Section 919.1(1)(b) of the *Local Government Act*.

All areas having slopes exceeding 20–30 percent or 44–16.7 degrees in slope over a minimum 6 metre run are designated as DPAs and are shown on ~~Hazardous Protection~~the Steep Slopes DPA Map No. 5a, which is attached to and forms a part of this bylaw.

##### **4.4.4.2 Justification**

*As pursuant to Section 919.1(1)(b) of the Local Government Act*

(Protection of development from hazardous conditions)

The topography of the area, as well as the slope gradation and thin soil cover, renders the area highly susceptible to erosion and high windthrow hazard. Careful control of development or other alteration of these slopes is needed to reduce the risk to life and property, to prevent erosion and potential risks to down-slope properties, to prevent destabilization of slopes and to protect the visual quality of the slopes. Land clearing, road construction, changes in slope profiles, construction of buildings or roads, or other site disturbance in these areas could increase risk to life and property and harm the environmental values of the slopes.

##### **4.4.4.3 Objective**

To regulate development in the area with a view to protecting the integrity of the slopes and reducing the risk of injury to persons or damage to property.

##### **4.4.4.4 Guidelines**

Development Permits issued in steep slope areas will be in accordance with the following:

- 1] There will be no site disturbances on a steep slope other than those allowed in a Development Permit or subject to a general exemption as outlined in Section 4.4.3 of this bylaw.
- 2] Excluding trees that present a safety hazard or those that a higher-level government has authorized to be removed, no disturbance of vegetation or movement of substrate will be allowed where there is any potential for erosion, other than that allowed in a Development Permit or subject to a general exemption.
- 3] Erosion control measures, during and after construction, will be specified in the permit application.
- 4] Any development must be designed to avoid stormwater runoff that could destabilize the slope or cause damage to neighbouring properties.
- 5] Removal of vegetation should be minimized to allow only for building sites, sewage disposal systems, driveways, landscaping and other permitted land uses.
- 6] A disturbed site should be revegetated using plant material indigenous to the site or other suitable non-invasive plants.

- 7] An applicant will be required to provide a Slope Stability Plan, certified by a qualified professional with relevant expertise, showing how the proposed development is to be designed and constructed so as to prevent any destabilization or erosion on the slope. The Slope Stability Plan must take account of, but is not limited to, whichever of the following factors are relevant to the proposed development:
- a. Slope stability prior to development, identification of any areas subject to landslide, landslip, rockfall and windthrow;
  - b. Soil types, depths and conditions;
  - c. Siting of all buildings and other structures, services, driveways and parking areas;
  - d. Existing and proposed impervious surfaces;
  - e. Stream channeling and drainage systems;
  - f. Measures to safeguard neighbouring properties and structures from hazards arising from the siting, the preparation of the site (including but not limited to blasting), and the construction of the proposed development;
  - g. Design of mitigation measures, such as sediment traps, in areas subject to destabilization during land clearing, construction and rehabilitation;
  - h. Alternative vegetation and erosion control measures;
  - i. Survey of tree cover and other major vegetation cover shown before and after the proposed development;
  - j. Location of well, sewage disposal system and soil test sites; and
  - k. Anticipated removal or additions of soil, sand or gravel.

*Bylaw No. 3362*

#### **4.4.5 Development Permit Area No. 2: Foreshore and Marine Shoreline**

##### **4.4.5.1 Designation**

That part of the Malahat foreshore area, shown in a heavy ~~red-blue~~ line and ~~shaded yellow~~ on Map No. 5b, which is attached to and forms a part of this bylaw, is designated as a Development Permit Area under Section 919.1(1)(a) of the *Local Government Act*.

##### **4.4.5.2 Justification**

As pursuant to Section 919.1(1)(a) of the *Local Government Act* (Protection of the natural environment, its ecosystems and biological diversity). All foreshore areas are considered fragile. A Development Permit will be required for any uses, buildings or structures proposed within 15.0 metres (50 feet) of the natural boundary of the sea.

##### **4.4.5.3 Objective**

To regulate development adjacent to foreshore and marine shoreline areas in order to maintain the ecological value of these areas and to guard against their contamination.

##### **4.4.5.4 Guidelines**

Development Permits issued in these areas will be in accordance with the following:

- 1] No development, building, structure, site disturbances or sewage disposal system will be permitted on a foreshore Development Permit Area, as specified in the Justification above, except those allowed in a Development Permit or subject to the general exemptions as outlined under Section 4.4.3.

- 2] An assessment by a qualified professional and a B.C. land surveyor's certificate will be conditions of the Development Permit for shoreline protection devices or works.
- 3] Vegetation appropriate, preferably indigenous, to the site may be required to be planted on the site to reduce erosion risk, restore the natural character of the site, improve water quality or stabilize slopes and banks.
- 4] Modification of banks or shores, which could result in environmental harm or significantly alter local hydrological conditions, will not be permitted.
- 5] All new developments or modifications to existing developments must be designed to avoid any increase in runoff.
- 6] A Development Permit application will include the following:
  - a scale-drawn site plan, certified by a qualified, licensed professional with relevant expertise, drawn at a scale of 1:2,000, or, with approval of the Capital Regional District, at a scale of 1:5,000. The site plan must show:
    - a) the foreshore areas on the site;
    - b) the proposed location of the principal dwelling or other buildings and any accessory structures, wells, sewage disposal systems, driveways, parking areas, impermeable surfaces and direction and quantity of any surface-water discharge, before and after any development;
    - c) any other feature of the development (including but not limited to alteration of the ground surface by removal, filling or blasting) with the potential to affect the protected areas.

*Bylaw No. 3362*

#### **4.4.6 Development Permit Area No. 3: Watercourses, Wetlands and Riparian Areas**

##### **4.4.6.1 Designation**

- 1] That part of the Malahat area shaded blue, adjacent to the various watercourses, creeks and streams as outlined on Map No. 5b, which is attached to and forms a part of this bylaw, and
- 2] That part of the Malahat area shaded pinkblue, adjacent to the various wetlands and lakes as outlined on Map No. 5b, which is attached to and forms a part of this bylaw, are designated as DPAs under Section 919.1(1)(a) of the *Local Government Act*.
- 3] Notwithstanding the areas identified on Map 5b, the actual Development Permit Area No. 3: Watercourses, Wetlands and Riparian Areas will in every case be verified and measured on the ground.

##### **4.4.6.2 Justification**

As pursuant to Section 919.1(1)(a) of the *Local Government Act*

(Protection of the natural environment, its ecosystems and biological diversity)

Riparian ecosystems occur adjacent to lakes, streams, creeks and rivers, where the increased soil moisture supports and enhances plant communities distinct from the adjacent terrestrial areas. As a general rule, the protection of riparian systems is important for the following reasons: the protection of their biodiversity, the maintenance of water quality, the protection of aquatic habitat and the retention of wildlife corridors.

The DPA established under this section for watercourses, streams, wetlands and riparian areas includes:

- 1] all non-tidal water, such as watercourses, wetlands and all lands lying within 30 metres (100 feet) of these features; and

- 2] watercourse areas as identified on Map No. 5b, the extent of which will be partly determined through the *Riparian Areas Regulation* process for fish-bearing watercourses and by a Qualified Professional for non-fish bearing watercourses.

#### **4.4.6.3 Objective**

To regulate development adjacent to water features, watercourses and riparian areas in order to protect the community's water supply, to maintain the ecological value of these areas and to guard against their contamination.

#### **4.4.6.4 Guidelines**

Development Permits issued in these areas will be in accordance with the following:

- 1] Development or alteration of land or vegetation should be planned to avoid intrusion into Development Permit Areas and to minimize the impact of any activity on these areas.
- 2] No development, building or other structure, subdivision of land, sewage disposal system or site disturbance (alteration of land or vegetation) will be permitted on the Development Permit Areas, as indicated on Map No. 5b, except as allowed by a Development Permit.
- 3] Development activities or proposals that have addressed the requirements of the *Riparian Areas Regulation* will be deemed to have met the requirements of this Development Permit Area as it pertains to fish-bearing watercourses. There may be a need for additional requirements for habitat protection for wildlife/birds/amphibians and land management responsibilities of the Regional District for both fish and non-fish bearing watercourses.
- 4] Development Permit applications that affect a fish-bearing watercourse will include a report prepared by a Qualified Environmental Professional (QEP), as defined in the *Riparian Areas Regulation* (BC Reg. 376/2004). The report should be prepared pursuant to the *Riparian Areas Regulations Assessment Methodology Guidebook*.
- 5] Development Permit applications that affect non-fish bearing watercourses will include a report/assessment prepared by a qualified professional (eg. RPBio, Environmental Engineer) outlining the following information:
  - a. a detailed site plan drawn at a scale of 1:2,000 (or with the approval of the Capital Regional District, 1:5,000) identifying the high water mark of a stream or top of a ravine bank and a line 15 metres from the high water mark or top of ravine bank;
  - b. any intermittent or permanent wetlands on the site;
  - c. an environmental assessment of the watercourse ecosystem;
  - d. an impact statement describing effects of proposed development on the natural conditions;
  - e. measures deemed necessary to protect the integrity of the watercourse ecosystem from the effects of development;
  - f. guidelines and procedures for mitigating habitat degradation including limits of proposed leave areas;
  - g. habitat compensation alternatives, where compensation is approved.
- 6] All DP applications will also include a plan showing the following:
  - a) the proposed location of the principal dwelling or other buildings and any accessory structures, wells, sewage disposal systems, driveways, parking areas, impermeable surfaces and direction and quantity of any surface-water discharge, before and after any development;

- b) any other feature of the development (including but not limited to alteration of the ground surface by removal, filling or blasting) with the potential to affect the protected area.
- 7] Any development must be designed so as to maintain the quality of any stormwater flowing toward or into the identified water features and to prevent any increase in volume and peak flow of runoff.
- 8] Vegetation appropriate, preferably indigenous, to the site may be required to be planted on the site to reduce erosion risk, restore the natural character of the site, improve water quality or stabilize slopes and banks.
- 9] Modification of channels, banks or shores which could result in environmental harm or significantly alter local hydrological conditions, will not be permitted.
- 10] All new developments or modifications to existing developments should be designed and implemented to avoid any increase in runoff and to prevent pollutants from entering water features.
- 11] Gardening and other related residential activities should be sited so as to prevent nutrient-rich water from entering natural water features.
- 12] The Development Permit may designate and specify, where necessary, a buffer zone within which land alteration or structures will be limited to those compatible with safeguarding the characteristics of the water feature in accordance with a professional report.
- 13] Development Permits issued with regard to road and driveway construction in this area will ensure that:
  - a) watercourse crossings are located so as to minimize disturbance of water feature banks, channels, shores and vegetation cover;
  - b) wherever possible, bridges are used instead of culverts for crossings of fish-bearing watercourses; and
  - c) culverts are sited to allow unrestricted movement of fish in both directions. Where desirable, culverts may be designed to encourage in-stream storage of water.

*Bylaw No. 3362*

#### **4.4.7 Development Permit Area No. 4: Sensitive Ecosystems**

##### **4.4.7.1 Designation**

That part of the Malahat area shown in a heavy red outline and shaded in orange, green, pink or brown as outlined on Map No. 5c, which is attached to and forms a part of this bylaw, is designated as a DPA under Section 919.1(1)(a) of the *Local Government Act*.

##### **4.4.7.2 Justification**

As pursuant to Section 919.1(1)(a) of the *Local Government Act*

(Protection of the natural environment, its ecosystems and biological diversity).

This area is considered by the Sensitive Ecosystems Inventory as a unique ecological region with exceptionally high biodiversity values. It supports many unique ecosystems. The size of the area and its location adjacent to the Sooke Hills Wilderness Regional Park Reserve further enhances its ecological value.

Land clearing, construction of buildings or roads or other site disturbance in this area would degrade the ecological value of this area.

#### **4.4.7.3 Objective**

To regulate development in such areas in a manner that protects biodiversity and ecological values.

#### **4.4.7.4 Guidelines**

Development Permits issued in sensitive ecosystem areas will be in accordance with the following:

- 1] No development or site disturbance will be permitted within an older forest ecosystem as outlined on Map No. 5c.
- 2] A Development Permit will be required for any activity, work or alteration of land in all other sensitive ecosystems shown on Map No. 5c.
- 3] Development Permit applications will include a report prepared by a Qualified Environmental Professional outlining the following information:
  - a. a detailed site plan drawn at a scale of 1:2,000 (or with the approval of the Capital Regional District, 1:5,000) identifying the sensitive ecosystems within the site;
  - b. criteria used to define the boundaries of the sensitive ecosystems;
  - c. an inventory of rare or endangered plants and animal species and related habitat;
  - d. an impact statement describing effects of proposed development on the natural conditions;
  - e. procedures for protection of the sensitive ecosystems during construction;
  - f. guidelines for mitigating sensitive ecosystem or habitat degradation including limits of proposed leave areas and buffers;
  - g. habitat compensation alternatives, where compensation is approved.
- 4] Changes in the land surface, which could affect the health of vegetation or the biodiversity of any plant communities, will be minimized.
- 5] Drainage will be designed and constructed so that there is no increase or decrease in the amount of surface-water or groundwater available to the sensitive ecosystem.
- 6] Where necessary, provision will be made and works undertaken to maintain the quality of water reaching the sensitive ecosystem.
- 7] Nest trees are protected and must be buffered under the provincial *Wildlife Act*. This includes known nest trees and nest trees that may be identified during the course of site assessment or development.
- 8] Planting of invasive non-native vegetation adjacent to or in designated sensitive ecosystem areas will be discouraged.
- 9] The Development Permit will include requirements for a comprehensive stormwater management plan designed or intended to limit possible entry of oil, greases and other contaminants to natural watercourses and the marine environment.

*Bylaw No. 3362*

#### **4.4.8 Development Permit Area No. 5: Commercial Development Area**

##### **4.4.8.1 Designation**

The area of land shown shaded yellow on Map No. 5d, which is attached to and forms a part of this bylaw, is designated as a DPA for the form and character of commercial development.

#### **4.4.8.2 Justification**

As pursuant to Section 919.1 (1) (f) of the *Local Government Act*.

(Establishment of objectives for the form and character of commercial, industrial or multi-family residential development).

The various commercial areas in the Malahat area merit designation as DPAs for the form and character of commercial development due to their unique location and their relationship to surrounding land uses.

#### **4.4.8.3 Objective**

To encourage a building design theme that is complementary to and respectful of the natural setting.

#### **4.4.8.4 Guidelines**

Development Permits issued in these areas will be in accordance with the following:

- 1] Design buildings to take advantage of natural contours and features of the landscape so that buildings and structures fit into the natural surroundings.
- 2] Cluster buildings to reduce and minimize disturbance of the natural vegetative cover.
- 3] Design buildings in a form which can make best use of the natural environment, which allows for retention of natural vegetative cover and which reinforces existing aesthetic and natural advantages of area.
- 4] Retain existing second-growth forest and native understorey plants in areas where there are no buildings, structures, parking areas or other constructed features.
- 5] Minimize outdoor storage and screen outdoor storage and loading/unloading facilities from neighbouring properties through the retention of trees and native understorey plants or the planting of native or complementary species.
- 6] Screen parking areas to the greatest extent possible, with existing and new landscaping as described in subparagraph (5).
- 7] Install outdoor lighting which is of low intensity and pedestrian-oriented or which is directed down and away from surrounding residential areas so as to reduce and minimize glare into the environment.
- 8] If applicable, site accessory developments such as parking and storage away from the shoreline to reduce the visual impact of the development from the water.

~~Bylaw No. 3362~~

### **4.5 Development Approval Information Area**

#### **4.5.1 Designation**

Part of the Malahat study area as shown on Map No. 6, which is attached to and forms a part of this bylaw, is designated as a Development Approval Information area.

#### **4.5.2 Justification**

- 1] The natural environment of the Malahat area supports an ecosystem of great diversity, including rare species of flora and fauna, and supports human habitation. All of the living things in the Malahat depend on the quantity and quality of the available groundwater. Any development with the potential to deplete the groundwater or interfere with wetlands in one region also has the potential to diminish the quantity and quality of available groundwater in one or more of the other groundwater regions. In particular, the extent to

which a new well is likely to interfere with an existing well cannot be reliably inferred except from actual interference testing of the affected wells.

- 2] Any new large-scale development will increase the traffic flow along the various roads within the Malahat area. Information is required in reviewing the potential impact that the larger traffic flows may have upon these various roads.\*
- 3] New development may affect the provision of fire and police protection in the Malahat area. Information is required on the possible impact that development may have upon the provision of these two services.
- 4] Given the topography and the rich biodiversity of Malahat, the plan area has numerous environmentally sensitive features that require a thorough analysis to be completed prior to development taking place. This also includes an analysis of the effect of any liquid waste disposal in order to ensure that it has no adverse effect on human health or the natural environment.

#### **4.5.3 Objective**

- 1] Information relating to the following matters is required whenever an application is made for either a zoning change or a Development Permit:
  - a. the natural environment;
  - b. traffic flows;
  - c. the provision of community services;
  - d. the local infrastructure, which means water service, sewage disposal and other utilities.

#### **4.5.4 Guidelines**

- 1] As a part of applications for a zoning change or the issuance of a Development Permit, applicants must provide, at their expense, an assessment by a qualified professional, as outlined in the Development Approval Information Bylaw, of the impact that the proposed development may have on any of the above-referenced matters.

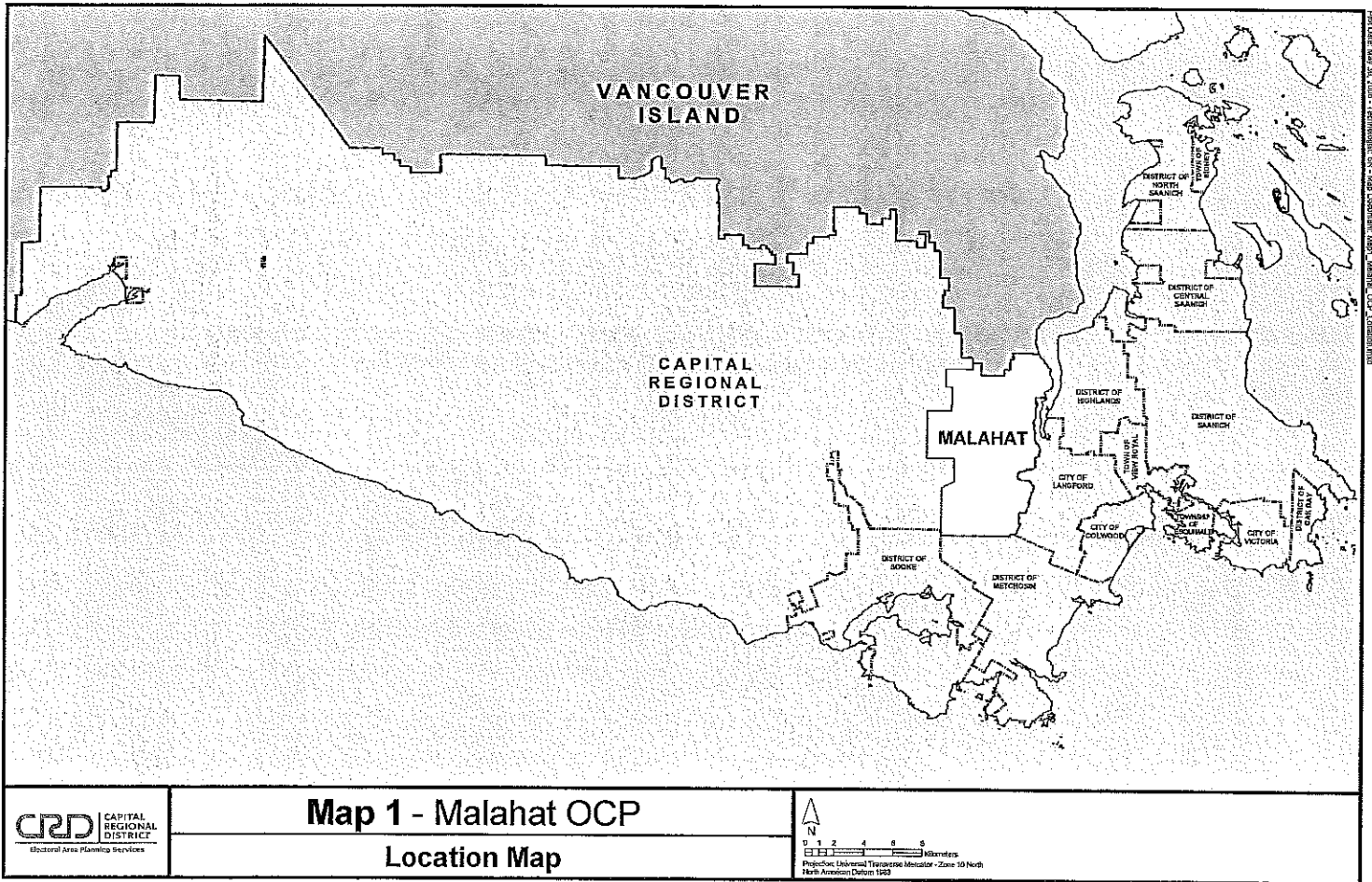
#### **4.5.5 Exemptions**

- 1] A small-scale subdivision, defined as the creation of four lots or less, is exempt from the Development Approval Information requirements. A Development Permit application for one lot is also exempt from the Development Approval Information requirements.
- 2] Parent parcels of land that are less than 2.02 ha. (5 acres) in size are exempt from the Development Approval Information requirements.

\* In terms of traffic flow, large-scale development is defined as the creation of 20 or more lots. This includes phased approaches or one time application for all the new lots.

*Bylaw No. 3362*





**Map 2**  
**Malahat OCP**  
Land Use  
Designations

Rocky Point Wilderness Regional Park Reserve

Rocky Point Wilderness Regional Park Reserve

Rocky Point Wilderness Regional Park Reserve

Rocky Point Wilderness Regional Park Reserve

Commercial Area

Residential Area

See Inset

Inset

CRD CAPITAL REGIONAL DISTRICT  
Planned Area Planning Services

Legend:

- Regional Road
- Local Road
- Setback/Conditional Area
- Open Space
- Existing Parks and Open Space
- Major Office Areas
- Stands
- Setback Area

Scale: 0 100 200 300 400 500  
Feet

North Arrow

Map Date: March 2005, Technology: GIS  
Map Document: Map2\_Malahat\_OCP\_Land\_Use\_Map.doc



R6

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 19, 2011

DATE: April 13, 2011

FILE NO:

FROM: Tom R. Anderson, General Manager

BYLAW NO:

SUBJECT: New Agricultural Zone for Electoral Area E

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#### **Recommendation/Action:**

That a report outlining this proposal be forwarded to the Agricultural Advisory Committee for review and comment.

**Relation to the Corporate Strategic Plan:** N/A

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

#### **Background:**

In an effort to maximize the use of agricultural land, Director Duncan is proposing that we create a new zone within the Electoral Area E Zoning Bylaw that would allow the creation of 2.0 ha (5 ac.) lots that would only allow for agricultural-type permitted uses. In other words, no residential use of the property would be allowed. As such, the owners of such properties would be required to live elsewhere.

Submitted by,

A handwritten signature in black ink, appearing to read "Tom R. Anderson", is written over a horizontal line.

Tom R. Anderson,  
General Manager  
Planning and Development Department

TRA/ca



COWICHAN VALLEY REGIONAL DISTRICT

SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS)

Submitted by Director Loren Duncan Area E - Cowichan Sta - Sothom - Glenora

Grantee:	Grant Amount \$ <u>1500</u>
NAME: <u>Cowichan Green Community</u>	
ADDRESS: <u>181 Station St. Duncan B.C.</u>	
<u>V9L 1M8</u>	
Contact Phone No: <u>250-748-8506 - Heather Kaye</u>	
PURPOSE OF GRANT: <u>Cowichan Food Map</u>	
REQUESTED BY: <u>Loren Duncan</u>	
Director Requesting Grant	

ACCOUNT NO.	AMOUNT	HST CODE
01-2-1950-0291-115	1500.00	10.0

<b>FOR FINANCE USE ONLY</b>
BUDGET APPROVAL <u>✓</u>
VENDOR NO. _____

<b>Disposition of Cheque:</b>
Mail to above address: _____
Return to <u>CVRD</u>
Attach to letter from <u>RECEIVED</u>
Other <u>APR 11 2011</u>

Approval at Regional Board Meeting of \_\_\_\_\_

Financial Services Department

Finance Authorization



March 17, 2011

**Loren Duncan**  
**Director, Electoral Area E - Cowichan Station / Sahtlam / Glenora**  
5740 Riverbottom Rd.  
Duncan, BC V9L 6H9  
250.746.0240

Dear Loren,

The Cowichan Green Community (CGC) is currently working on the second edition of the *Buy Local! Buy Fresh!* Cowichan Food Map. With over 70 food producer listings, this map represents the most comprehensive directory available for local food in the Cowichan Valley to-date. This project has not only strengthened existing relationships within the agricultural community in this region, but has also allowed CGC to broaden its own capacity for research and reporting on resource use in the CVRD.

This regionally focused initiative has become a vital component in ensuring greater food security for our community by strengthening our region's local economy and connecting consumers to healthier, more sustainable food options. Additionally, the *Buy Local! Buy Fresh!* Cowichan Food Map has become a showpiece for our area, illustrating the richness, diversity and abundance of the food being produced in the Cowichan Valley.

It is our goal for the *Buy Local! Buy Fresh!* Cowichan Food Map to be a self-sustaining social enterprise in the future; currently, however, production costs remain one of our biggest expenses. Therefore, we are requesting financial support in the amount of \$1000.00 to assist in covering a portion of our map printing costs, which are roughly \$5000.00 each year.

Your support will ensure the continued success of this important resource for our region and help CGC in its mission to make the Valley a more sustainable place to live, eat and play.

We thank you in advance for your consideration. We will contact you in the next two weeks to follow up and address any more questions you may have.

Sincerely

Heather Kaye

Food Security Coordinator, Cowichan Green Community

INI

## 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:** Shenyn 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

Minutes of the Cobble Hill Parks and Recreation Commission meeting held at 7 p.m. on Thursday, April 7<sup>th</sup> 2011 in the Arbutus Ridge Boardroom.

Those present: John Krug – Chair, Ruth Koehn, Gord Dickenson, Annie Ingraham, Bill Turner, Alan Seal, Dan Massen, Dennis Cage and Gerry Giles – Director. Apologies: Lynn Wilson.

Guests: Dan Brown, Matthuw Ronald-Jones and Dennis Ronald-Jones.

The meeting was called to order at 7:00 p.m. with the adoption of the agenda including the addition of the beach walk under business arising from the minutes.

Chair Krug welcomed newly elected members Annie Ingraham and Dan Massen to the Parks Commission and new parks binders were provided to all members.

Moved/second

that the minutes of the March 16<sup>th</sup> 2011 meeting be adopted as corrected by changing the 'tp' in the note on the first page to read: "Ruth and John to walk...." MOTION CARRIED

Business Arising:

1. The 2011 revisions and budget for the bike park were explained by Dan and Matthuw. Dan provided a drawing showing the modifications for the park which will place an emphasis on making the park safer for beginners and those with moderate skill levels. It is envisioned the older riders will mentor the younger or new riders. Matthew is working on attracting volunteers through Facebook and other social media. SIMBS has approved of partnering with the CVRD to assist with Cleasby Bike Park. The timeline and budget of \$9,360.00 were reviewed and it was agreed the park should not be opened until modifications are complete.

Moved/second

that the Cobble Hill Parks and Recreation Commission approves the new design, budget and park plan as outlined by Dan Brown and Matthuw Ronald-Jones. MOTION CARRIED

2. An update was provided on the Cobble Hill Common. The murals are ready for finishing and most of the monitoring wells on the property have been located. It was agreed that a machine will try to locate or prove whether the remaining five wells exist before the cat levels the property.

Moved/second

That the commission authorize an expenditure of up to \$250.00 to clear coat the murals in preparation for mounting them in the Cobble Hill Common.

MOTION CARRIED

3. Ruth and Dennis reviewed the new sport court design on the Evergreen School property. A decision will be forthcoming on its location on the property. Chris Koehn has outlined the agreement between the School and the CVRD and CVRD staff is currently working on it.
4. Ruth and John reported on the access along the beach front from Manley Creek to Satellite Park Drive. Some clearing would be needed to ensure passage at high tide. John will check with parks staff to see what restrictions apply from fisheries and other agencies.



New Business:

John reported in some detail on the parks chairs meeting held with CVRD parks staff. He indicated that Brian Farquhar and Ryan Dias led the conversation and each parks chair was provided an opportunity to discuss projects or issues in their electoral areas. He reported that accounting for volunteer time is now necessary and it was determined that approximately 45 volunteer hours were logged during March by Gord Dickenson, Ruth Koehn and students at Evergreen, Alan Seal, John Krug, John and Gerry Giles, Jocelyn Rowe, John and Ann (dog park cleaning). Parks staff is looking for direction from South Cowichan Parks on the Mill Bay Church and it was noted the South Cowichan Parks function pays toward the maintenance of the dog park and the Cenotaph. The next Chairs meeting is scheduled for June.

Moved/second  
that the meeting resolve into closed session.

MOTION CARRIED  
8:40 p.m.

Moved/second  
that the meeting rise with no report.

MOTION CARRIED  
9:05 p.m.

Director's Report:

Director Giles reported on the progress of the South Cowichan Official Community Plan review process which is nearing completion and indicated there is a community survey about the OCP on line at [www.cvrld.bc.ca](http://www.cvrld.bc.ca) She encouraged parks members to fill out the survey to make their views on the future of the community known.

She also updated the Commission on the partnership between the Land Conservancy of BC, the Cowichan Lands Trust and the CVRD and their joint purchase of Sansum Point.

Next meeting April 28<sup>th</sup> or at the call of the Chair.

There being no further business it was moved the meeting adjourn at 9:26 p.m. MOTION CARRIED

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John Krug, Chair



MEMORANDUM

DATE: April 11, 2011

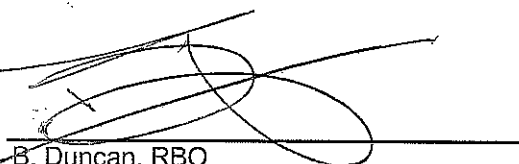
TO: Tom R. Anderson, General Manager, Planning and Development Department

FROM: Brian Duncan, Manager, Inspections and Enforcement Division

SUBJECT: BUILDING REPORT FOR THE MONTH OF MARCH, 2011

There were

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"	109,800	216,450		974,360	111,820		11	25	1,412,430	3,404,280
"B"		250,000		161,310	158,250		6	16	569,560	975,880
"C"	80,000			262,300	33,900		4	7	376,200	885,120
"D"				223,040	6,000		2	14	229,040	1,403,700
"E"				104,720	50,000		2	10	154,720	1,437,670
"F"					20,160		1	5	20,160	355,545
"G"				598,630	100,000		3	9	698,630	1,281,620
"H"				94,200	3,520		2	7	97,720	640,900
"I"				705,190			2	7	705,190	1,629,650
Total	\$ 189,800	\$ 466,450	\$ -	\$ 3,123,750	\$ 483,650	\$ -	33	100	\$ 4,263,650	\$ 12,014,365

  
B. Duncan, RBO  
Manager, Inspections and Enforcement Division  
Planning and Development Department

BD/db

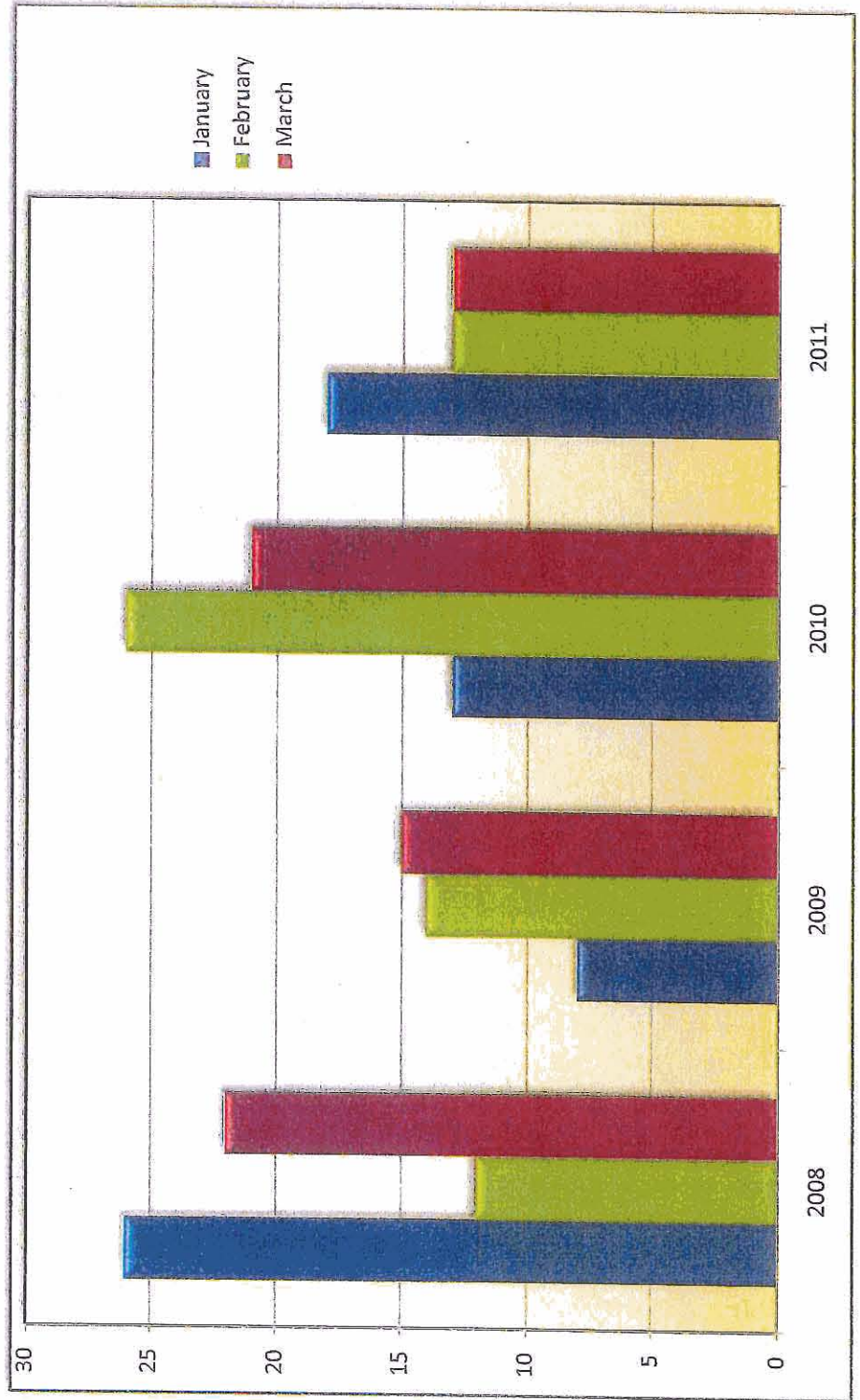
NOTE: For a comparison of New Housing Starts from 2008 to 2011, see page 2  
For a comparison of Total Number of Building Permits from 2008 to 2011, see page 3

IN 3



# Total of New Housing Starts

	2008	2009	2010	2011
January	26	8	13	18
February	12	14	26	13
March	22	15	21	13
<b>YTD Totals</b>	<b>60</b>	<b>37</b>	<b>60</b>	<b>44</b>





# Total Building Permits Issued

	2008	2009	2010	2011
January	50	23	35	32
February	30	32	44	36
March	48	36	54	33
<b>YTD Totals</b>	<b>128</b>	<b>91</b>	<b>133</b>	<b>101</b>

