



## ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,  
May 3, 2011  
Regional District Board Room  
175 Ingram Street, Duncan, BC

3:00 pm

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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.

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**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)**

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

M1

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, April 19, 2011 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

**PRESENT**

Director L. Iannidinardo, Chair  
Director M. Dorey  
Director G. Giles  
Director I. Morrison  
Director K. Kuhn  
Director M. Marcotte  
Director K. Cossey  
Director L. Duncan  
Alt. Director R. Burgess  
Absent: Director B. Harrison

**CVRD STAFF**

Tom R. Anderson, General Manager  
Brian Farquhar, Manager  
Mike Tippet, Manager  
Rob Conway, Manager  
Brian Duncan, Manager  
Alison Garnett, Planner II  
Ann Kjerulf, Planner III  
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 five items of listed new business

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

MOTION CARRIED

**M1 - Minutes**

It was Moved and Seconded  
That the minutes of the April 5, 2011 EASC meeting be adopted.

MOTION CARRIED

**BUSINESS ARISING**

There was no business arising.

## DELEGATIONS

**D1 – North Cowichan** Scott Mack, Planner from the District of North Cowichan requested a time extension to present their draft OCP to Committee.

It was Moved and Seconded

That the request by the District of North Cowichan to extend the delegation time limit to 20 minutes be approved.

### MOTION CARRIED

Scott Mack and Bridget Reynolds, Planners for the District of North Cowichan were present to provide an overview of North Cowichan's draft Official Community Plan. A powerpoint presentation provided history, OCP process, Plan overview, Plan goals, objectives and policies, and review process. The OCP has had 1<sup>st</sup> 2<sup>nd</sup> readings with the public hearing process to be in May/June and adoption in June/July.

The Committee directed questions to North Cowichan staff.

It was Moved and Seconded

That the CVRD Board supports the District of North Cowichan's 2011 Official Community Plan Bylaw No. 3450, and recommends the following amendments:

- Policy statements 2.5.7.4(b) and (c) with reference to the South End Waste Water Treatment Plan 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.

### MOTION CARRIED

## STAFF REPORTS

**R1 - Dix** Rob Conway, Manager, presented staff report dated April 13, 2011, regarding Application No. 3-I-10DP/RAR (Michael Dix) to allow a single family dwelling at Island #4, Cowichan Lake.

Michael Dix, applicant, advised of proposed revisions to the footprint of the proposed dwelling. The EASC requested revisions at their meeting of March 15, 2011.

The Committee directed questions to the applicant.

It was Moved and Seconded

That Application No. 3-I-10DP/RAR (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 denied.

### MOTION CARRIED

**R2 - McCullough**

Rob Conway, Manager, presented staff report dated April 13, 2011, regarding Application No. 1-H-10DVP (McCullough) to construct a single family dwelling at 4991 Reiber Road. Application was referred from the April 5<sup>th</sup> EASC meeting.

The Committee directed questions to staff and the applicant.

Brian McCullough, applicant, was present, and provided further information to the application.

It was Moved and Seconded

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. Removal of only trees 1 to 4 identified in 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 trees 1 to 4 identified in the Tree Risk Assessment Report and works recommended in the Environmental Assessment Report;
5. Confirmation by legal survey that the dwelling is no closer than 9.1 metres to the natural boundary of the ocean;
6. Supervision and monitoring of construction and submission of a report from a Registered Professional Biologist confirming that all conditions of the development variance permit have been complied with prior to issuance of an occupancy certificate.

**MOTION CARRIED**

**R3 - Decksheimer**

Alison Garnett, Planner II, presented staff report dated April 12, 2011, regarding Application No. 2-F-10DVP (Decksheimer) to remove four aging buildings, upgrade current septic system, and replace with a new two story residence at 7313 Walton Road.

The Committee directed questions to staff.

Randy Decksheimer, applicant, was present and provided further information to the application.

It was Moved and Seconded

That the application by Brenda and Randy Decksheimer (2-F-10DVP) 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, in its entirety, 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.

**MOTION CARRIED**

It was Moved and Seconded

That staff be directed to develop a policy with respect to redevelopment of lots below the high water mark in the Walton Road area of Honeymoon Bay.

**MOTION CARRIED**

**R4 - Maartman**

Rob Conway, Manager, presented staff report dated April 13, 2011, regarding request for accessory building fixtures at 13480 Michael Road (Ben Maartman).

Ben Maartman, applicant, was present.

The Committee directed questions to staff.

It was Moved and Seconded

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.

**MOTION CARRIED**

**R5 – CRD  
greenhouse gas  
amendments**

Mike Tippet, Manager, presented staff report dated April 12, 2011, regarding Capital Regional District draft OCP Green House Gas amendments.

It was Moved and Seconded

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.

**MOTION CARRIED**

**R6 – Agriculture  
Zone, Area E**

Mike Tippet, Manager, presented staff report dated April 13, 2011, regarding new Agricultural zone for Area E.

It was Moved and Seconded

That staff report dated April 13, 2011, from Tom R. Anderson, General Manager, regarding new Agricultural Zone for Electoral Area E, be received and filed.

**MOTION CARRIED**

**CORRESPONDENCE**

**C1 – Grant in Aid**

It was Moved and Seconded

That a grant in aid, Electoral Area E – Cowichan Station/Sahtlam/Glenora, be given to Cowichan Green Community in the amount of \$1,500, to assist with costs to produce the second edition of the Cowichan Food Map.

**MOTION CARRIED**

**INFORMATION**

**IN1 – Building Report**

It was Moved and Seconded

That the March 2011 Building Report be received and filed.

**MOTION CARRIED**

**IN2 - Minutes**

It was Moved and Seconded

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

**MOTION CARRIED**

**IN3 - Minutes**

It was Moved and Seconded

That the minutes of the Area I Parks Commission meeting of February 8, 2011, be received and filed.

MOTION CARRIED

**NEW BUSINESS**

**NB1 – R2 add-on**

Add-on material regarding agenda Item R2, Application No. 1-H-10DVP, McCullough) was received as information.

**NB2 – Release of Covenant**

It was Moved and Seconded

That the Board Chair and Corporate Secretary be authorized to execute the appropriate documents to release Covenant CA1652858 concurrent with the subdivision and registration in favour of the CVRD a 3.0 metre wide trail corridor (0.033 hectare) per the conditions of the covenant.

MOTION CARRIED

It was Moved and Seconded

That staff be directed to prepare a report for consideration by the Committee on the administrative process to release covenants and other commitment requirements as permitted under provincial regulations that would not require subsequent approval by the Committee and Board.

MOTION CARRIED

**NB3 to NB 5 – Grants In Aid**

It was Moved and Seconded

That a grant in aid, Electoral Area B – Shawnigan Lake, be given to Ecole Mill Bay PAC in the amount of \$500 to assist with costs for their Ecostravaganza Event.

MOTION CARRIED

It was Moved and Seconded

That a grant in aid, Electoral Area E – Cowichan Station/Sahtlam/Glenora, be given to Cowichan Green Community in the amount of \$500 to support their Salmon are Sacred dinner auction fundraiser.

MOTION CARRIED

It was Moved and Seconded

That a grant in aid, Electoral Area F – Cowichan Lake South/Skutz Falls, be given to Honeymoon Bay Community Society in the amount of \$500 to assist in defraying costs of hosting their Heritage Days

MOTION CARRIED



**Recess** The Committee recessed for 5 minutes.

**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 5:10 pm.

**RISE** The Committee rose without report.

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

**MOTION CARRIED**

The meeting adjourned at 5:55 pm

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary



## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 2, 2011

DATE: April 27, 2011 FILE NO: 1-B-10RS  
FROM: Ann Kjerulf, Planner III BYLAW NO: 985  
Community & Regional Planning Division  
SUBJECT: Rezoning Application No. 1-B-10RS (Walter)

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**RECOMMENDATION/ACTION:**

That Rezoning Application No. 1-B-10RS (Walter) be tabled until the South Cowichan Official Community Plan (OCP) Review has been completed and a new OCP has been adopted.

**RELATION TO THE CORPORATE STRATEGIC PLAN:** N/A

**FINANCIAL IMPACT:** N/A

**PURPOSE:**

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

**BACKGROUND:**

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

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

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

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

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

Minimum Lot Size (F-1):	80 ha
Minimum Lot Size (F-2):	4 ha
Road Access:	Riverside Road
Water:	Drilled wells for residential lots (proposed)
Sewage Disposal:	On-site disposal (proposed)
Fire Protection:	The site is not within a CVRD Fire Protection Area. The closest fire station is the Cowichan Bay Fire Station, several kilometers away.
Public Transit:	No scheduled service to area
Agricultural Land Reserve Status:	N/A
Environmentally Sensitive Areas:	Sensitive Ecosystem polygons V1423 and V1417A (CVRD Environmental Planning Atlas)
Contaminated Sites Regulation:	Declaration signed; no Schedule 2 uses noted
Archaeological Sites:	None confirmed on the subject property

#### **SITE CONTEXT**

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

#### **PROPOSAL**

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

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

#### **Site Access**

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

**Parcel Frontage**

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

**Water and Sewer Servicing**

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

**Fire Protection**

The site is outside the Cowichan Bay Fire Protection Area.

**Parks and Trails**

The Local Government Act (Section 941) requires a 5% parkland dedication in a location acceptable to the local government (or cash-in-lieu) from subdivisions where the smallest parcel is 2.0 ha or less in size and 3 or more new parcels are created. The subdivision would yield more than three new parcels and the smallest parcel would be less than 2.0 ha in size. As such, 5% parkland dedication or cash-in-lieu would be a requirement of subdivision. As part of the rezoning application, the applicant proposes to dedicate the southern portion of the property as park and place a covenant on the riparian area north of the river.

**Environmentally Sensitive Areas**

The CVRD Environmental Planning Atlas (2000) identifies the Koksilah River corridor as a sensitive area. As such, the applicant is required to undertake a riparian area assessment and obtain a development permit approval from the CVRD prior to the subdivision of land.

**Agency Referrals**

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

**POLICY CONTEXT****Official Community Plan**

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

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

- *"To provide for a variety of residential accommodation and different lifestyles while preserving the essential rural character of Shawnigan."*
- *"To ensure the harmonious and economical integration of existing and future land use and services by means of orderly and phased growth primarily in and around existing developed areas."*

- *“To discourage intensive commercial and residential development that would erode the present rural and resort character of the area.”*
- *“To promote the wise use and conservation of agricultural, recreational, and resource lands, historical sites and ecologically sensitive areas.”*
- *“To ensure that the overriding consideration in any development is the preservation of the natural qualities and recreational amenities of land and water areas, especially Shawnigan Lake.”*

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

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

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

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

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

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

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

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

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

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

### **Zoning Regulations**

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

- (1) Management and harvesting of primary forest products excluding sawmilling and all manufacturing and dry-land log sorting operations;
- (2) Extraction crushing milling concentration for shipment of mineral resources or aggregate minerals, excluding all manufacturing;
- (3) Single-family residential dwelling or mobile home;
- (4) Agriculture, silviculture, horticulture;
- (5) Home occupation – domestic industry;
- (6) Bed and breakfast accommodation;
- (7) Secondary suite or small suite on parcels that are less than 10.0 hectares in area; and
- (8) Secondary suite or a second single-family dwelling on parcels that are 10.0 hectares or more in area.

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

- (1) Management and harvesting of primary forest products excluding sawmilling and all manufacturing and dry land log sorting operations;
  - (2) Single-family residential dwelling or mobile home;
  - (3) Two single-family residential dwellings on parcels 8.0 ha or larger
  - (4) Agriculture, silviculture, horticulture;
  - (5) Home occupation – domestic industry; and
  - (6) Bed and breakfast accommodation
- Under the existing F-1 zone a maximum of two single family residential dwellings are permitted on this parcel because the parcel is larger than 10.0 hectares. There are currently no existing dwellings on the subject parcel. The rezoning proposal has a potential density of seven single family residential dwellings. Additionally, each dwelling could potentially have a secondary suite. The F-1 and F-2 zoning regulations are attached to this report for reference.

### **Conceptual Subdivision Plan**

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

### **REFERRAL COMMENTS**

This application was referred to the Area B Advisory Planning Commission and government agencies on September 27, 2010. The following comments were received:

#### **Advisory Planning Commission**

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

- *"APC recommends that the CVRD not approve this application."*
- *"APC recommends that (the) Koksilah River corridor be reviewed for special River Corridor Zoning."*

The Area B APC Chair subsequently provided clarification of the foregoing motions in an email to staff (see attached).

**Ministry of Transportation and Infrastructure** – *No written comments received. MoTi staff have verbally indicated that Riverside Road may not be a gazetted road.*

**Central Vancouver Island Health Authority** – *Interests unaffected. The applicant will be required to meet the Vancouver Island Subdivision Standards at the subdivision stage.*

**Ministry of Environment** – *Comments were received January 6, 2011. Concerns were expressed regarding potential negative impacts on environmentally sensitive riparian habitat and the addition of another "pocket of development to the landscape." If this application proceeds, development should be guided by the Ministry of Environment publication "Develop with Care: Environmental Guidelines for Urban and Rural Development" (see attached memo).*

**Cowichan Tribes** – *Comments were received November 29, 2010. Cowichan Tribes does not support rezoning of any forest lands due to "lack of planning" and the "possible effects of unlimited development and growth." Specific concerns include water extraction, linear development along the Koksilah River, damage to salmon and wildlife, splitting of forestry parcels resulting in "further alienation of Cowichan Tribes from the traditional use and cultural practices on the land and the river" (see attached memo).*

**CVRD Public Safety Department** – *Recommended that the application not be approved. The proposal is outside the fire response area and the area is identified as a high to extreme risk for wildfire. Notations include "completion of a Wildland Urban Interface Assessment, two point of access/egress, and compliance with NFPA 1142, Standard on Water supplies for Suburban and Rural Fire Fighting" (see attached memo).*

**CVRD Parks and Trails Division, Parks Recreation & Culture** – *The Shawnigan Lake Parks and Recreation Commission reviewed the proposal is in favour of the proposed parkland dedication; subject to approval of the application by the CVRD Board, a Section 219 Covenant should be registered on the property stating that the proposed park area would be dedicated to the CVRD as a fee simple titled lot concurrent with the approval and registration of the subdivision.*

**School District No. 79** – *No comments received.*

**Malahat First Nation** – *No comments received*

**Ministry of Forests** – *No comments received*

#### **PUBLIC RESPONSE**

To date, staff have received two phone calls from local residents requesting information about the proposal, but who were not in support or opposition. Two phone calls were received from local residents opposed to the proposal. Staff have also received calls from an individual owner and from a large commercial realtor/developer interested in developing a large parcel of F-1 zoned land in close proximity to the subject property.

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

## **PLANNING COMMENTS**

### ***Proposed Use***

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

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

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

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

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

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

Given that 25% of all applications for OCP/zoning amendment received over the past five years have involved forest lands, it is clear that forest lands are continuing to undergo speculative pressure and that a regional forest lands policy may be useful in guiding decisions on future



applications of this nature. Notably, the CVRD Corporate Strategic Plan, dated September 2010, identifies the development of a long-term land use strategy/policy for forestry lands in the Cowichan Region as a strategic action to achieve sustainable land use.

Based on current Official Community Plan policies and planning principles which are inconsistent with this application; the Electoral Area B Advisory Planning Commission motion that the application not be approved; and concerns expressed by the Ministry of Environment, Cowichan Tribes, and CVRD Public Safety Department, staff should be obliged to recommend that this application be refused. However, the draft South Cowichan Official Community Plan review does contemplate the creation of a River Corridor Designation along the Koksilah River Corridor. The intent is to ensure that, if development is to occur, the pristine riparian habitat along the Koksilah River will be protected in perpetuity. Proposed zoning within the River Corridor Designation would allow either a 1 or 2 hectare minimum parcel size. Given proposed policy shift in the draft South Cowichan OCP, it is the opinion of staff that the application should be tabled until the adoption of the new plan.

## **OPTIONS**

### ***Option A***

That Rezoning Application No. 1-B-10RS (Walter) be tabled until the South Cowichan Official Community Plan (OCP) Review has been completed and a new OCP has been adopted.

### ***Option B***

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

### ***Option C***

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

8. That draft bylaws be prepared and presented at a future EASC meeting for review.

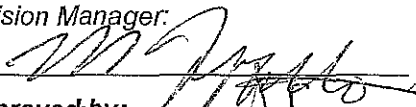
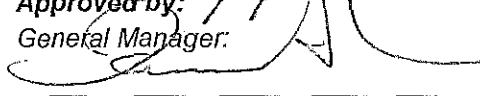
If Option C is moved, staff require additional direction as to whether (a) a new forestry/residential or river corridor zone should be developed or (b) the rezoning should comply with the minimum lot size requirements of the existing F-2 zoning designation.

**Option A is recommended.**

Submitted by,

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

AK/ca  
Attachments

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



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.

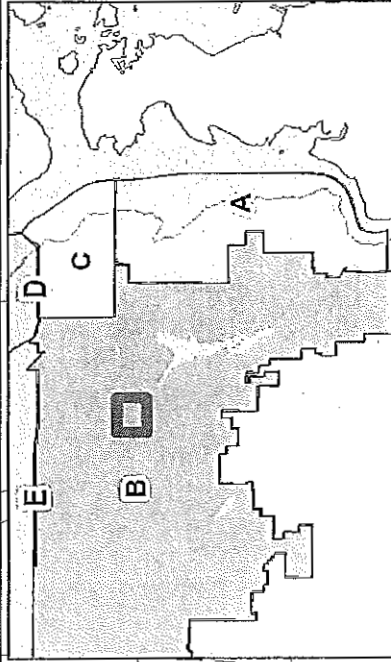
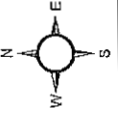
The original Bylaws should be  
consulted for purposes of  
interpretation and application  
of the Bylaws.

FILE: 1-B-10-RS

Legend



Subject Property



L. 18

355321

L. 40 G

L. 186

30731

L. 39 G

2354641

W

L. 184

Koksilah

BLK.  
1476

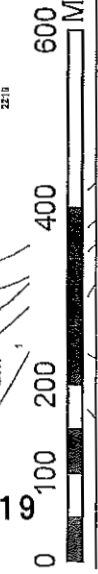
SUBJECT PROPERTY

L. 14

1947221

L. 31

L. 20





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

The Regional District does not warrant the accuracy.

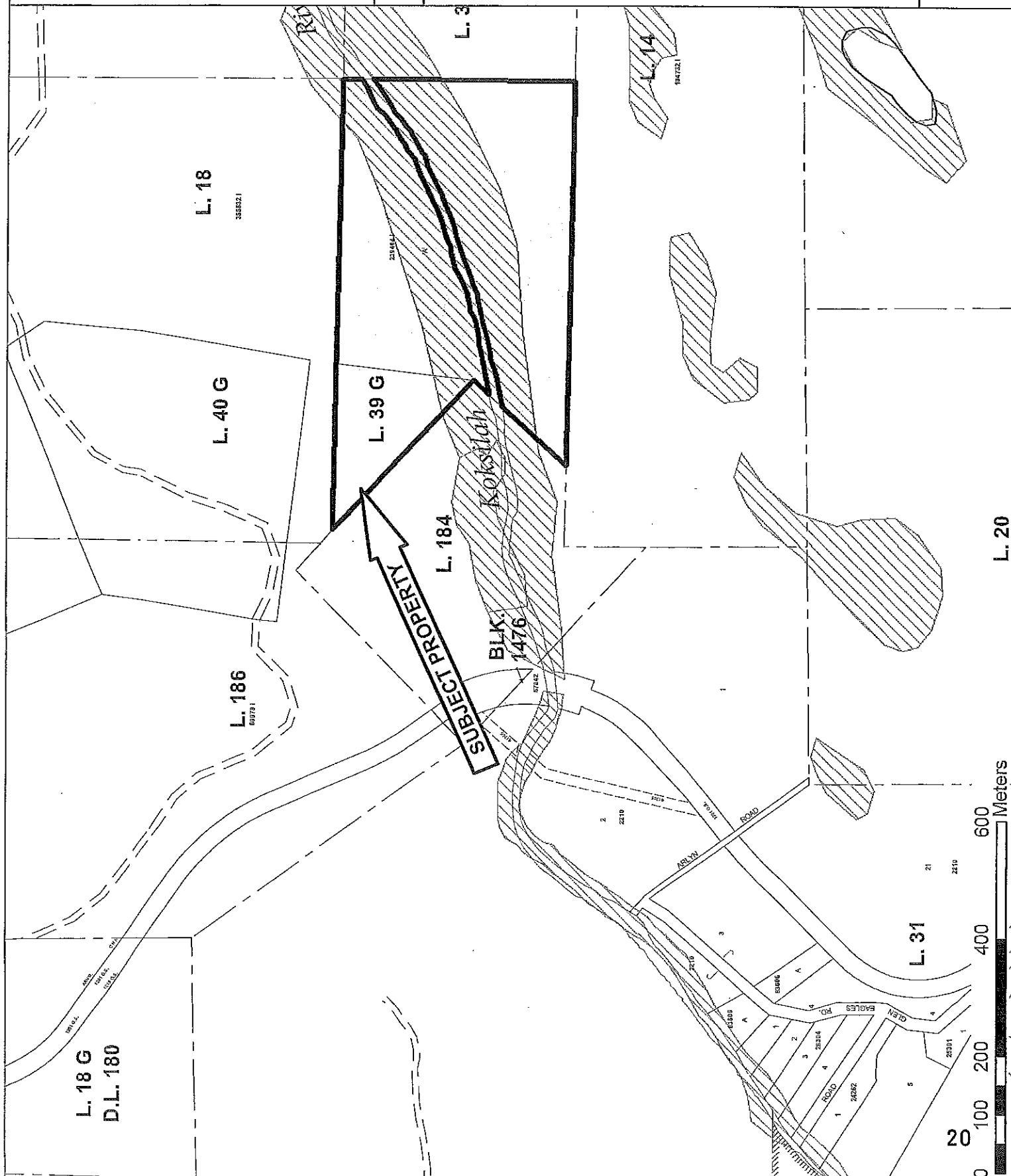
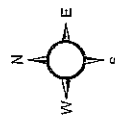
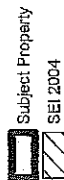
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

FILE: 1-B-10-RS

# Sensitive Ecosystem Inventory

Legend





Cowichan  
Valley  
Regional  
District

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

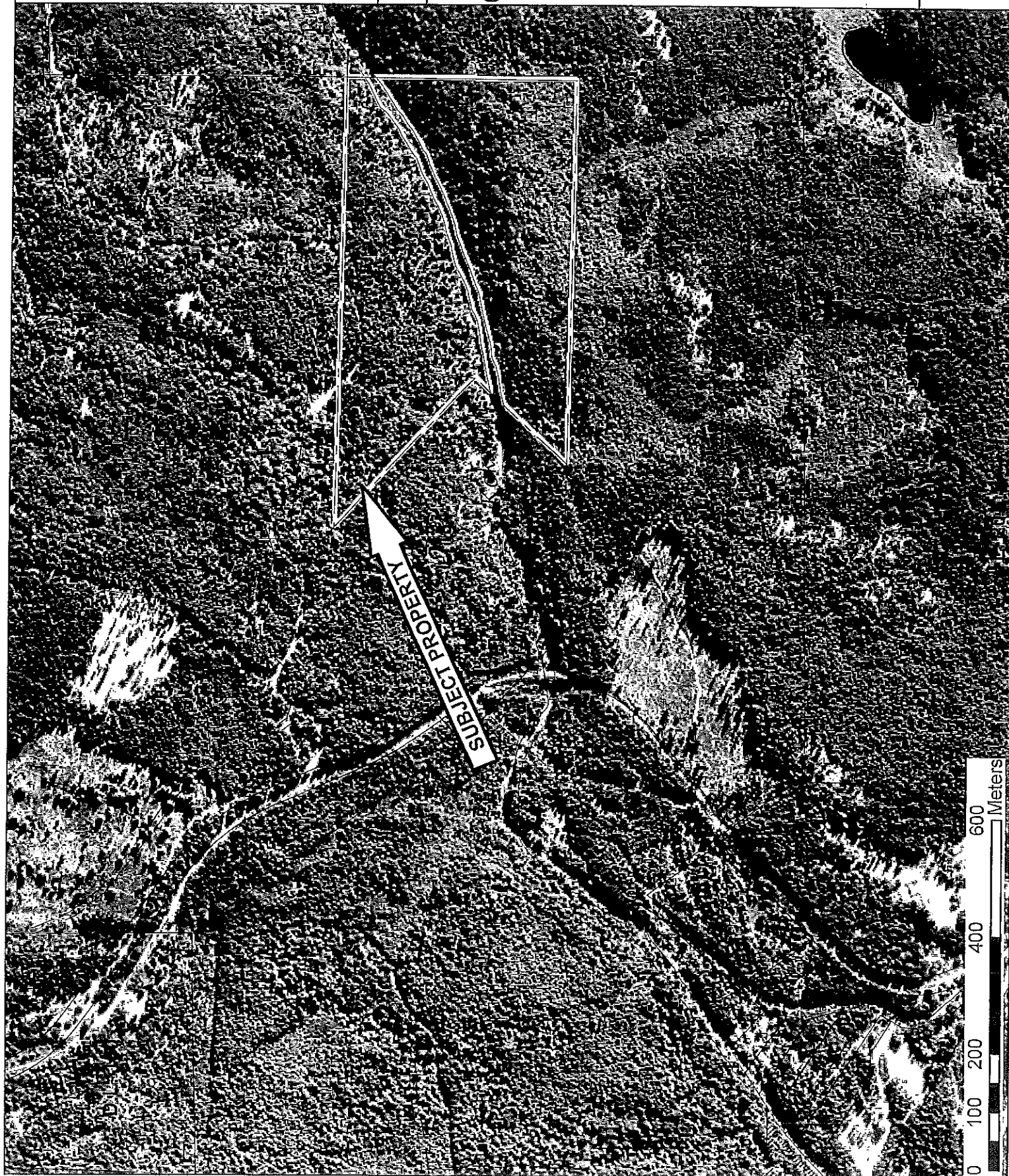
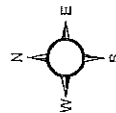
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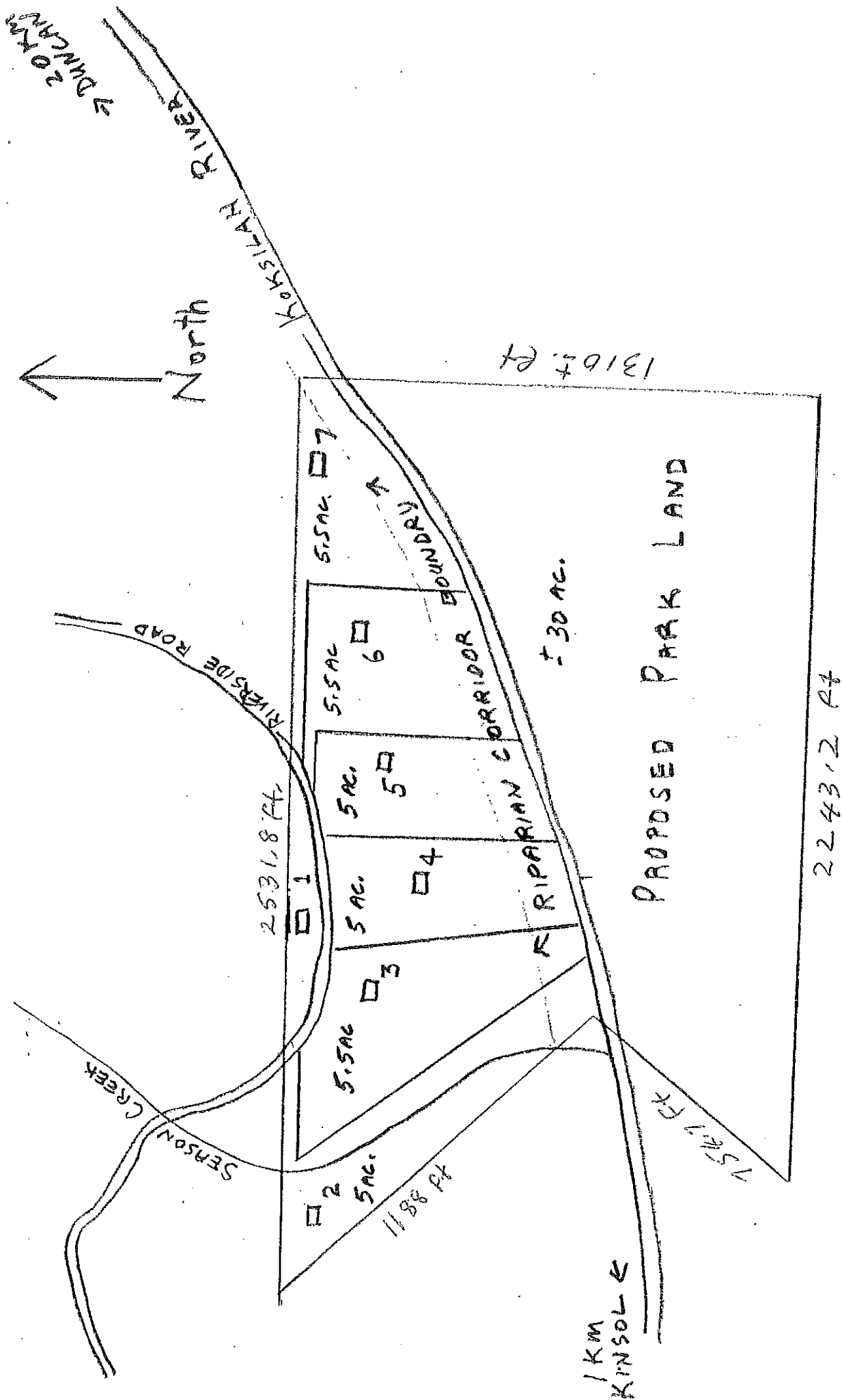
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

FILE: 1-B-10-RS

## Orthophoto (2002)





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

□ - Possible House Site

**Oct. 7th, 2010**

**7:30 p.m.**

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

**Present:**

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

**Absent:** John Clark

**Delegation:** Mike Walters

**Also Present:** Director Ken Cossey

## **ORDER OF BUSINESS**

### **1) Introductions.**

2) Revision of Agenda. add correspondence.

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

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

### **4) Minutes.**

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

### **6) New Business from Director Ken Cossey**

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

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

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

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

**Motion** APC recommends that the CVRD not approve this application.

**Motion seconded and carried.**

**Motion** APC proposes another zone for River Properties "River Corridor Zone" as applications arise, applied case by case. This application would form the template.

**Motion seconded. Motion turned down.**

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

**Motion seconded. Motion carried.**

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

**7) Eco-Depot discussion**

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

**9) meeting adjourned.**



## Ann Kjerulf

---

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

Hi Ann,

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

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

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

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

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

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

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



January 6, 2011

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

VIA FAX

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

Dear Ann Kjerulf:

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

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

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

.../2

Ann Kjerulf  
Cowichan Valley Regional District

- 2 -

January 6, 2011

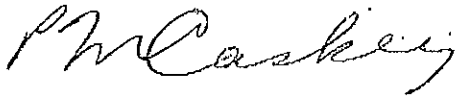
If this application is authorized, we strongly encourage development to be guided by the ministry's *Develop with Care: Environmental Guidelines for Urban and Rural Development in British Columbia, March 2006* document is expected to address most development related questions. In particular, we recommend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

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

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

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

Yours truly,



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



## Cowichan Tribes

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

November 29, 2010

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

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

Attention Ann Kjerulf, Planner III

Dear Ann Kjerulf:

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

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

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

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

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

Yours truly,

A handwritten signature in black ink, appearing to read 'L. George' or similar, with a stylized flourish at the end.

Larry George  
Smaalhun  
Manager, Lands and Governance Department

LG/hr



## MEMORANDUM

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

**TO:** Ann Kjerulf, Planner III, Development Services Division

**FROM:** Sybille Sanderson, Acting General Manager, Public Safety

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

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

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



R2

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 3, 2011

**DATE:** April 26, 2011 **FILE NO:** 1-C-11 DVP  
**FROM:** Alison Garnett, Planner II **BYLAW NO:** 1405  
**SUBJECT:** Development Variance Permit Application No. 1-C-11 DVP  
(Gordon Smith)

---

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

That the application by Gordon Smith (1-C-11 DVP), respecting Block 38, Section 13, Range 5, Shawnigan District, Plan 1809 (PID 004-182-626) to reduce the setback to the interior property line that abuts the railway from 9 metres to zero, be approved as proposed on the attached plans, subject to a legal survey confirming the approved setback distance, as required by CVRD Building Inspector.

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

**Financial Impact:** N/A

#### **Background:**

**Location of Subject Property:** 1550 Thain Road

**Legal Description:** Block 38, Section 13, Range 5, Shawnigan District, Plan 1809 (PID 004 182 626)

**Date Application Received:** March 23, 2011  
**Owner and applicant:** Gordon Smith c/o 0820304 BC Ltd.

**Size of Lot:** 1902 m<sup>2</sup> (0.46 acres)

**Zoning:** I-1C Light Industrial Zone  
**Minimum Lot Size:** 0.4 ha with connection to community water

**Plan Designation:** Industrial

**Existing Use of Property:** Wood manufacturing

**Use of Surrounding Properties:**  
North Thain Road and Residential  
South E&N rail way and Park

East	Institutional zone and Industrial (Victoria Truss)
West	E&N railway
<u>Road Access:</u>	Thain Road and Cobble Hill Road
<u>Water:</u>	On site, however the property is located within the Cobble Hill Water Service Area.
<u>Sewage Disposal:</u>	On site.
<u>Agricultural Land Reserve Status:</u>	Out
<u>Environmentally Sensitive Areas:</u>	A roadside ditch is located along the property, but is not considered an environmentally sensitive area.
<u>Archaeological Site:</u>	None have been identified.

### **The Proposal:**

Cobble Hill Zoning Bylaw No. 1405 zones the subject property I-1C (Light Industrial) and the lot is used as a workshop for wood manufacturing. This industrial use takes place within an existing 530 m<sup>2</sup> building, which is shown on the attached site plan. The applicants intend to expand workshop and office space, and are proposing to construct a 204 m<sup>2</sup> addition adjacent to the existing building.

Development of the subject property is constrained due to the lot's size and shape, and proximity to two roadways (Cobble Hill Road and Thain Road). The existing building is legally non-conforming in its siting on the lot, as it is constructed immediately adjacent to the interior property line along the E&N railway. The applicant is requesting that the setback to the same interior property line be reduced to zero in order to accommodate the addition. The setback established in the I-1C Zone is 9 metres where the abutting parcel is *not* zoned Industrial, and 0 meters where the abutting parcel is zoned Industrial. The E&N's T-1 (Railway Transportation) zoning would require a 9 metre setback.

A reduced interior side setback will accommodate the proposed addition, while respecting the required 4.5 metre setback to Cobble Hill Road. The applicants have been working with Ministry of Transportation and Infrastructure staff to install a new vehicle access point along Cobble Hill Road. MOTI staff have indicated that the appropriate Ministry approvals are in place for this proposed development.

Finally, the application appears to comply with other aspects of the Zoning Bylaw No. 1405, including parcel coverage, as well as Off Street Parking Bylaw No. 1001.

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

A total of six 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. Two responses in support of the application were received, and they are attached to this report.

The adjacent property owner notification process included a letter sent to the Island Corridor Foundation (ICF). Via email, ICF representatives have indicated that the ICF Board of Directors passed a resolution stating that it had no objection to a zero lot line setback to their common property line.

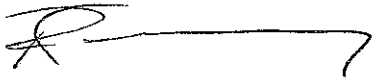


**Options:**

1. That the application by Gordon Smith (1-C-11 DVP), respecting Block 38, Section 13, Range 5, Shawnigan District, Plan 1809 (PID 004-182-626) to reduce the setback to the interior property line that abuts the railway from 9 metres to zero, be approved as proposed on the attached plans, subject to a legal survey confirming the approved setback distance, as required by CVRD Building Inspector.
2. That the application by Gordon Smith (1-C-11 DVP), respecting Block 38, Section 13, Range 5, Shawnigan District, Plan 1809 (PID 004 182 626) to reduce the setback to the interior property line that abuts the railway from 9 metres to zero, be denied.

Option 1 is recommended.

Submitted by,



*for:* Alison Garnett,  
Planner II  
Planning and Development Department

AG/ca

***Reviewed by:***

*Division Manager:*



***Approved by:***

*General Manager:*





COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

NO: 1-C-11 DVP (Smith)

DATE: April 2011

TO: Gordon Smith C/O 0820304 BC Ltd

ADDRESS: 1550 Thain Road, Cobble Hill BC  
V0R 1L5

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:  
*Block 38, Section 13, Range 5, Shawnigan District, Plan 1809 (PID 004 182 626)*
3. Zoning Bylaw No. 1405, applicable to Section 11.4(b)(3), is varied as follows:  
The interior side setback is reduced from 9 metres to zero for the construction of a 204 m<sup>2</sup> addition, as shown on the attached plans, subject to a legal survey confirming the approved setback distance, as required by CVRD Building Inspector.
4. The following plans and specifications are attached to and form a part of this permit.
  - Schedule A – The Joinery Expansion Site and Elevation plans, dated March 2011
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Planning and Development Department.

AUTHORIZING RESOLUTION NO. [XXXX] PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE [day] DAY OF [month] 2011.

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Tom Anderson, MCIP  
General Manager, Planning and Development Department

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

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

\_\_\_\_\_  
Owner/Agent (signature)

\_\_\_\_\_  
Witness

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

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



**Cowichan  
Valley  
Regional  
District**

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

The Regional District does not warrant the accuracy.



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

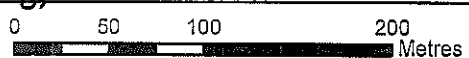
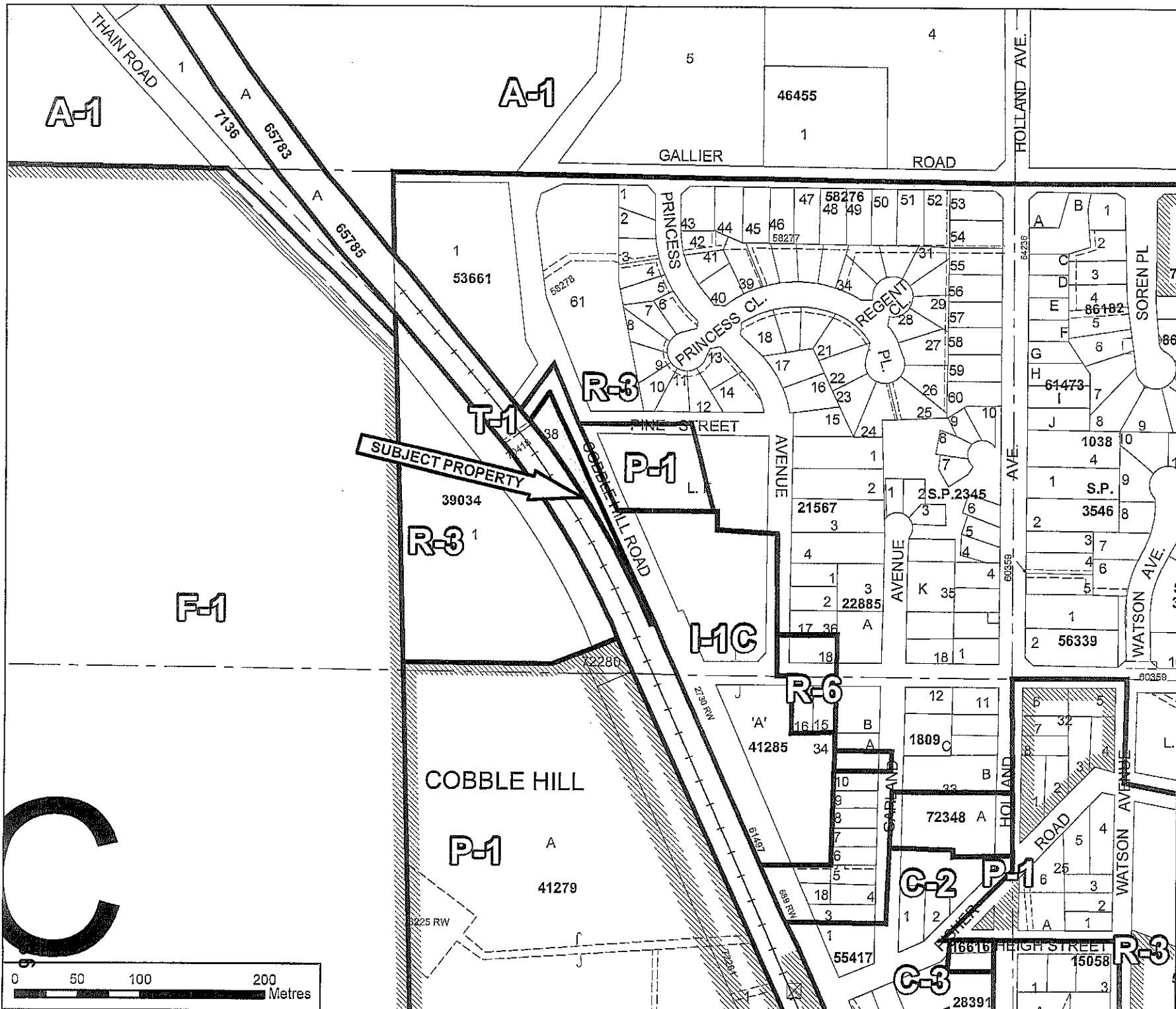
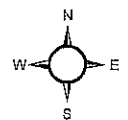
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-C-11-DVP

## ZONING

### Legend

-  Subject Property
-  Zoning Electoral Area-C



#### 11.4 I-1C – LIGHT INDUSTRIAL - LIMITED

##### (a) Permitted Uses

The following uses and no others are permitted in the I-1C Zone:

- (1) automotive body repair and painting;
- (2) automotive repair shop;
- (3) boat building;
- (4) book binding, publishing;
- (5) building supply sales including wholesale, lumber yard;
- (6) broom and brush manufacturing;
- (7) cabinet and furniture manufacturing, including a joinery;
- (8) café, restaurant, take-out service;
- (9) canning of fruits and vegetables;
- (10) clothing and garment manufacturing;
- (11) cold storage plant;
- (12) contractor's workshop, yard and storage;
- (13) dairy products manufacturing;
- (14) door and window manufacturing;
- (15) electric and electronic equipment manufacturing;
- (16) feed and seed storage;
- (17) food and candy products manufacturing, processing and packaging, excluding fish cannery and slaughter house;
- (18) frozen food locker;
- (19) gardening and landscaping supply/material sales;
- (20) kennels for the keeping, boarding, raising, training or breeding of dogs and cats;
- (21) laboratory;
- (22) laundry, dry cleaning and dyeing establishment;
- (23) manufacturing of jewellery, mattresses, musical instruments, toys, paper boxes and cardboard, signs, glass, textiles, tools, tents and awnings, wax products, and window shades;
- (24) modular or pre-fabricated home and truss manufacturing;
- (25) parking garage;
- (26) warehouse, including mini-warehouse;
- (27) welding shop;
- (28) one single family residential dwelling unit or mobile home per parcel, accessory to a use permitted in Section 11.4(a)(1) through (27).

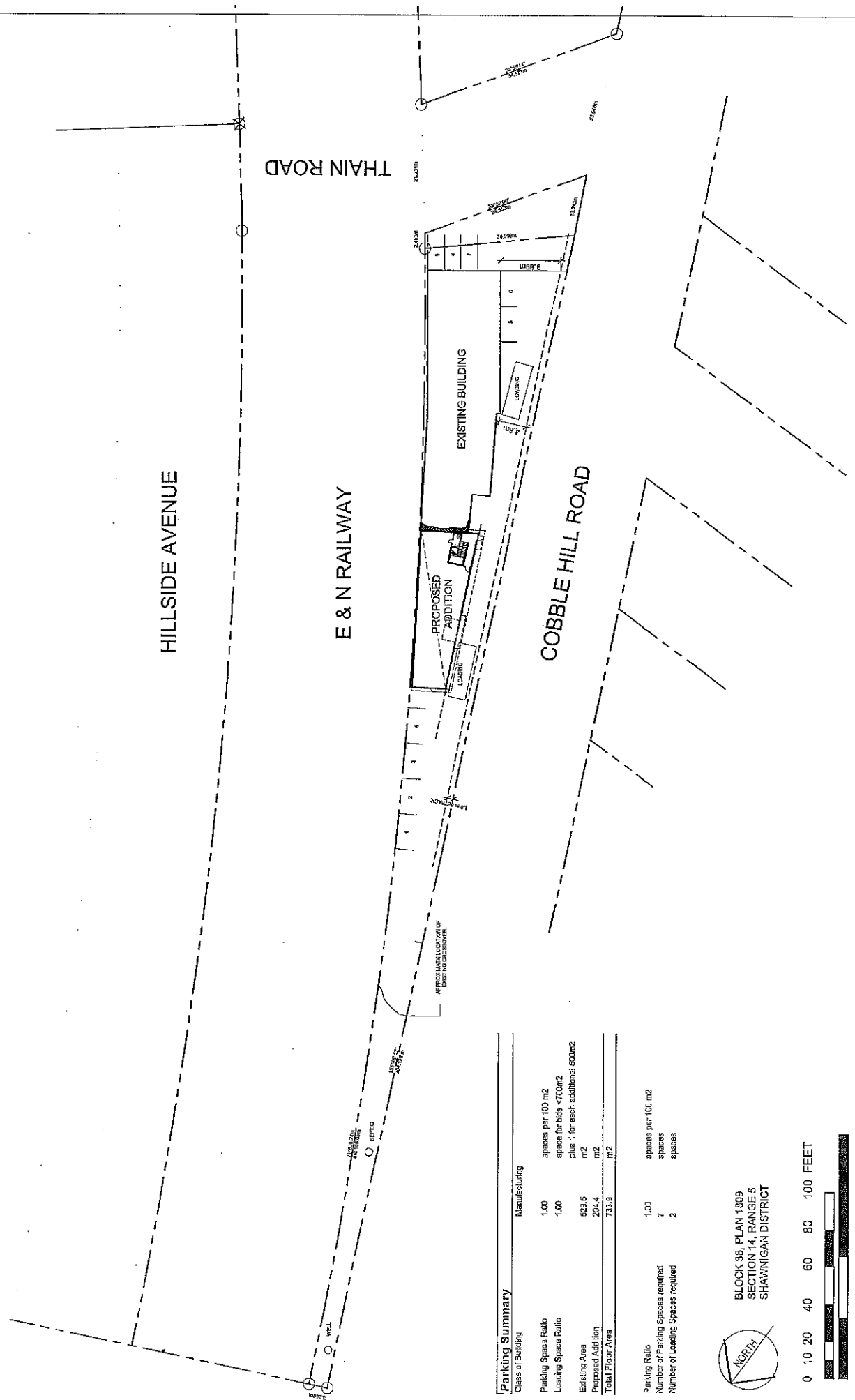
##### (b) Conditions of Use

For any parcel in the I-1C Zone:

- (1) the parcel coverage shall not exceed 50 percent for all buildings and structures;
- (2) the height for all buildings and structures shall not exceed 10 metres;
- (3) the setbacks for the types of parcel lines set out in Column I of this Section are set out for all buildings and structures in Column II:

<b>COLUMN I</b> <b>Type of Parcel Line</b>	<b>COLUMN II</b> <b>Setbacks for Buildings and Structures</b>
Front	4.5 metres
Interior Side	0 metres where the abutting parcel is zoned Industrial 9 metres where the abutting parcel is not zoned Industrial
Exterior Side	4.5 metres
Rear	0 metres where the abutting parcel is zoned Industrial 9 metres where the abutting parcel is not zoned Industrial

- (4) All uses shall be carried out inside an enclosed building, except for storage of material, gardening supplies and motor vehicles.

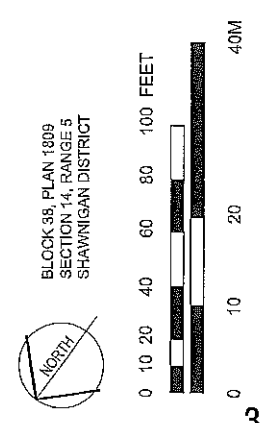


**Parking Summary**

Class of Building	Manufacturing
Parking Space Ratio	1.00 spaces per 100 m <sup>2</sup>
Loading Space Ratio	1.00 space for bldg <700m <sup>2</sup> plus 1 for each additional 500m <sup>2</sup>
Existing Area	529.5 m <sup>2</sup>
Proposed Addition	204.4 m <sup>2</sup>
Total Floor Area	733.9 m <sup>2</sup>

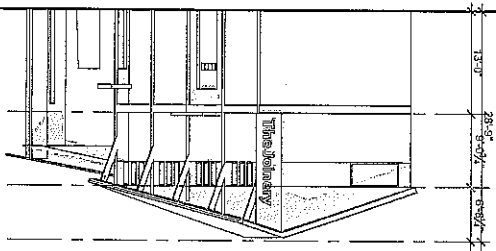
  

Parking Ratio	1.00 spaces per 100 m <sup>2</sup>
Number of Parking Spaces required	7 spaces
Number of Loading Spaces required	2 spaces

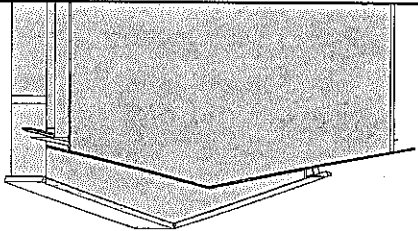


BLOCK 38, PLAN 1809  
SECTION 14, RANGE 5  
SHAWINIGAN DISTRICT

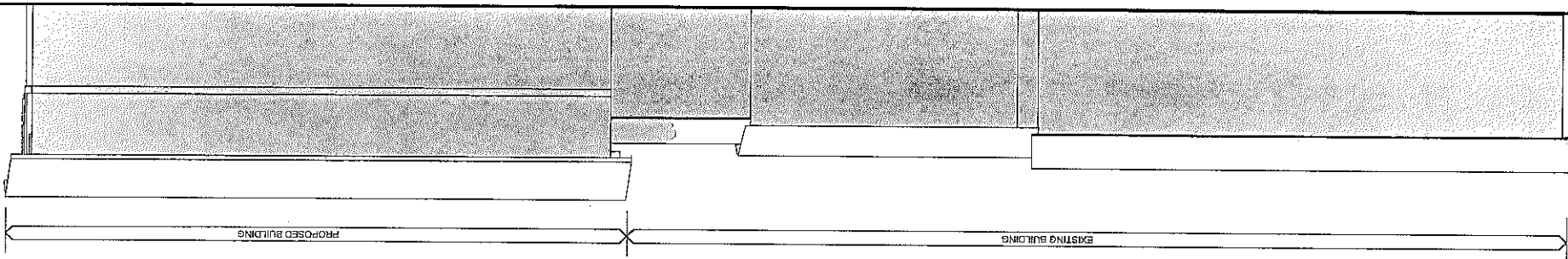
3/32" = 1'-0" NORTH ELEVATION



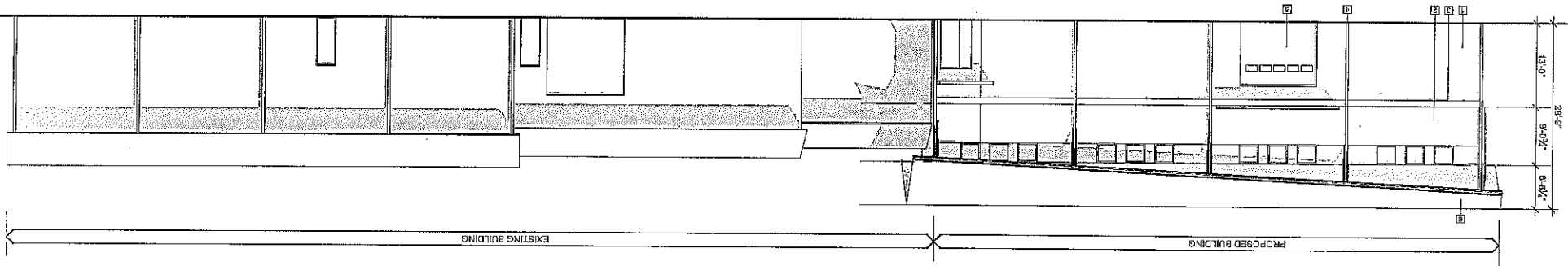
2 SOUTH ELEVATION 3/32"=1'-0"

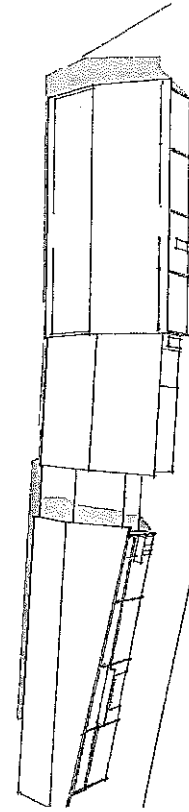
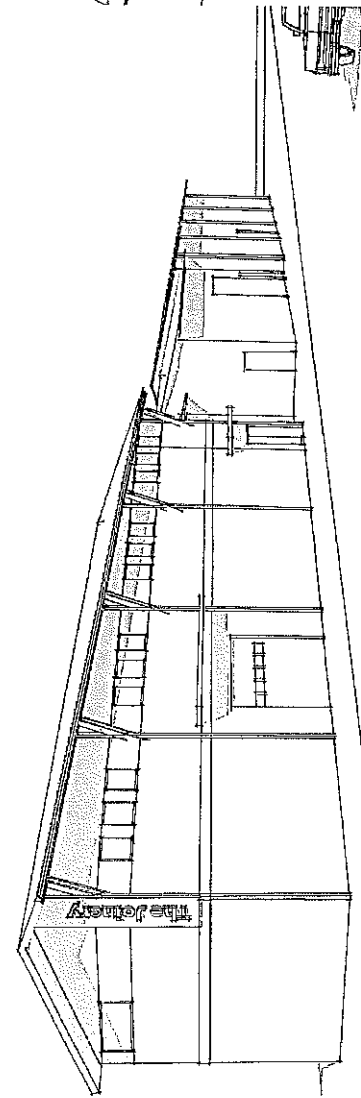
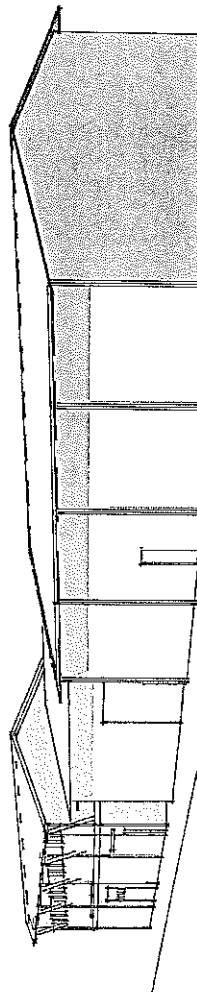
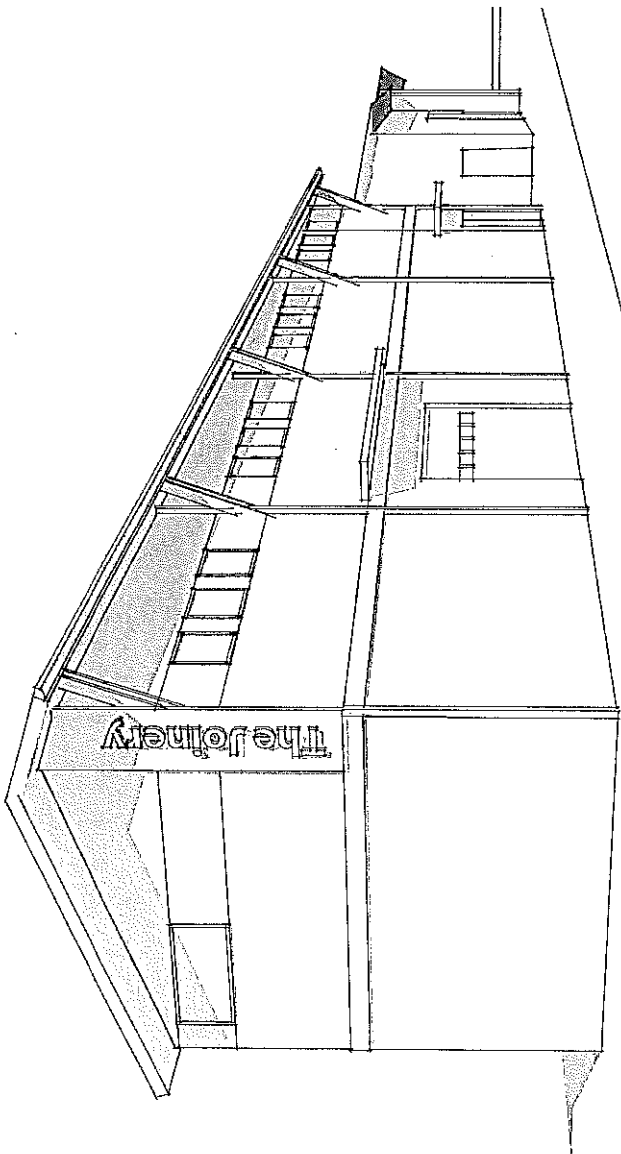


3 EAST ELEVATION 3/32"=1'-0"



(WEST) COBBLE HILL ROAD ELEVATION  $3/32 = 1.0"$

[illegible]



PROJECT NUMBER	COWCHAN WOODWORK	THE JOINERY	COWCHAN WOODWORK
SCALE	1:50	PERSPECTIVE	PERSPECTIVE
DATE	JAN 11	AN ISSUE	A
DRAWN	AN ISSUE	A	A
COWCHAN WOODWORK	COWCHAN WOODWORK	COWCHAN WOODWORK	COWCHAN WOODWORK



## Alison Garnett

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**From:** CVRD Development Services  
**Sent:** Tuesday, April 26, 2011 4:02 PM  
**To:** Alison Garnett  
**Subject:** FW: File No. 1-C-11DVP

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

From: B Cavin [<mailto:bacavin@smarttt.com>]  
Sent: Tuesday, April 26, 2011 11:23 AM  
To: CVRD Development Services  
Cc: External Geri Giles  
Subject: File No. 1-C-11DVP

Dear Ms Garnett - thank you for your letter of 19 April advising me of the above Development Variance Permit application made by Gordon Smith.

I have no objection to the application.

--

B.A. Cavin  
Cobble Hill, BC V0R 1L5

\*\*\*\*\*

## Alison Garnett

---

**From:** Luigi Mansueti [lui@victoriatrussltd.ca]  
**Sent:** Thursday, April 21, 2011 12:11 PM  
**To:** Alison Garnett  
**Cc:** CVRD Development Services  
**Subject:** File # 1-C-11DVP ( Gordon Smith )

Hi Alison, I am just responding to the letter I had received today with regards to the Development Variance Permit and File # 1-C-11DVP, Gordon Smith , for the Joinery Addition at 1550 Thain Road in Cobble Hill . I just wanted to express my support for this for Gordon , and would also like to say that any and all improvements done in or near the Cobble Hill Village , I believe will be of great benefit to the immediate and surrounding areas for years to come. Thanks Luigi.



LUIGI MANSUETI

VICTORIA TRUSS 2007 LTD.  
PO BOX 280 3605 Cobble Hill Rd.  
Cobble Hill B.C. V0R 1L0  
Tel: 250 743 9922 Ext.# 29  
Fax : 250 743 9024  
Toll Free : 1 800 561 1556  
E mail : [lui@victoriatrussltd.ca](mailto:lui@victoriatrussltd.ca)  
Website: [www.victoriatrussltd.ca](http://www.victoriatrussltd.ca)

AREA I - 2011 PROJECTS	Time	Equip Costs	C	O	DATE	STUDENT CREW	CARPENTER
<b>Arbutus Park</b> <ul style="list-style-type: none"> <li>Weed beds and mulch if necessary</li> <li>Paint Park amenities</li> <li>Dock repairs</li> </ul>				O			
<b>Hard Hat Shack</b> <ul style="list-style-type: none"> <li>Paint Park amenities</li> <li>Renovate gravel trail</li> </ul>				O			
<b>Youbou Little League</b> <ul style="list-style-type: none"> <li>Paint Park Amenities</li> <li>Paint Washroom Building/ Dugout</li> </ul>				O			
<b>Stoker Park</b> Stain Picnic Shelter Broom Removal				O			
<b>Mile 77 Park / Trail</b> Broom Removal							
<b>Updated April 11, 2011</b> Crew Operating: 4 days Crew Capital: 0							



R3

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE OF MAY 3, 2011

DATE: April 27, 2011 FILE NO: 3-H-10ALR  
FROM: Rachelle Moreau, Planner I  
SUBJECT: ALR Application No. 3-H-10ALR (Muir)

---

**Recommendation:**

As Application No. 3-H-10ALR, submitted by Avis Muir, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a second dwelling on the subject property is consistent with zoning, that it be forwarded to the Agricultural Land Commission with a recommendation to approve the application.

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

**Financial Impact:** N/A

**Purpose:**

To consider approval of a non-farm use within the Agricultural Land Reserve for the purpose of constructing a second dwelling on the 2.02 ha (4.99 acres) subject property.

**Background:**

**Location of Subject Property:** 13490 Doole Road

**Legal Descriptions:** Lot 1, District Lot 17, Oyster District, Plan VIP58756 (PID: 018-730-655)

**Date Application and Complete Documentation Received:** November 3, 2010

**Owner:** Avis Muir

**Applicant:** As above

**Size of Parcel:** 2.02 ha (4.99 acres)

**Existing Zoning:** A-1 (Primary Agricultural)

**Minimum Lot Size Under Existing Zoning:** 12 ha

**Existing Plan Designation:** Agriculture

**Existing Use of Property:** Residential and Agriculture

Existing Use of Surrounding Properties:

North: A-1 (Primary Agricultural)  
 South: A-1 (Primary Agricultural)  
 East: A-2 (Secondary Agricultural)  
 West: A-1 (Primary Agricultural)

Services:

Road Access: Doole Road  
Water: Well  
Sewage Disposal: Septic system

Agricultural Land Reserve Status: In

$4A^4 - 5R^4 - 7R^2$   $(4R^4 - 5P^4 - 7R^2)$   
 T T T T T T

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
1		
2		
3		
4	40	40
5	40	40
6		
7	20	20
<b>TOTAL</b>	<b>100</b>	<b>100</b>

Explanation of Land Capability Classifications:

- Class 1 lands have no limitations for Agricultural Production;
- Class 2 lands have minor limitations for Agricultural Production;
- Class 3 lands have moderate limitations for Agricultural Production;
- Class 4 lands have limitations that require special management practices;
- Class 5 lands have limitations that restrict capability to produce perennial forage crops;
- Class 6 lands is non-arable but is capable of producing native and/or uncultivated perennial forage crops;
- Class 7 lands have no capability for arable culture.
- Subclass "A" indicates soil moisture deficiency;
- Subclass "D" indicates undesirable soil structure and/or low perviousness;
- Subclass "P" indicates stoniness;
- Subclass "R" indicates rockiness or minimal depth to bedrock restricting rooting
- Subclass "T" indicates topography limitations;
- Subclass "W" indicates excess water.

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

Archaeological Site: None identified.

### **The Proposal:**

An application has been made to the Agricultural Land Commission, pursuant to Section 20(3) of the *Agricultural Land Commission Act* for the purpose of building a second dwelling on the subject property.

### **Policy Context:**

The Official Community Plan Bylaw No. 1497, supports the designation and retention of agricultural lands. The following policies are derived from the Agricultural section of the OCP, and are meant to guide development within lands designated as Agricultural.

The Agricultural Objectives for Electoral Area H, as specified in Section 2.2.3 of Official Community Plan Bylaw No. 1497, are as follows:

- (a) *Maintain and foster agricultural land resources of the plan area for their value for present and future food production.*
- (b) *Prevent the development of agricultural land for non-agricultural uses or those uses which would prevent use of the land for future agricultural production.*
- (c) *Recognize the needs and activities of agricultural operations when considering the development of residential uses on adjacent lands.*
- (d) *Encourage the management of wildlife in agricultural areas*

### **Agricultural Capabilities**

As was noted above, the Canada Land Inventory soil classification identifies the agricultural capacity of the subject property to be 40% Class 4 and 40% Class 5 and 20% Class 7, with topographical, restricted rooting capacity and soil moisture deficiency limitations. These soil conditions are not considered to be improvable.

### **Planning Division Comments:**

The subject property, located on Doole Road in Electoral Area H, is 2.02 ha in size and zoned A-1 Primary Agricultural. The property has a slightly rolling topography and is approximately 30% forested. The property currently has one single family dwelling, a riding ring and several accessory buildings on it. The owners of the property are applying to the Agricultural Land Commission (ALC) for permission to construct a second dwelling on the subject property for their daughter and family to reside in, as a non-farm use. The riding ring is being proposed to be converted into a landscaped yard area for the second dwelling.

The proposed second single family dwelling will be located in the southern portion of the subject property. The proposed development will include an extension of the driveway and a parking area beside the second house, which will be located within the existing horse paddock.

The *ALR Use, Subdivision & Procedure Regulation* will permit additional accommodation on a single parcel of land without making application to the ALC provided that it is either 1) a single-family dwelling for the accommodation of farm help; 2) a manufactured home for the owner's immediate family; and 3) a secondary suite. If, for example, the application was for either a secondary suite or a manufactured home for the owner's immediate family, an application to the ALC would not be required.

Under A-1 zoning, two single family dwellings are permitted on parcels 2 ha or larger. Because the subject property is 2.02 ha in size, construction of a second dwelling is permitted. However, the subject property is located within the ALR and therefore approval from the Agricultural Land Commission is required for the proposed non-farm use.

The soil capability of the subject property is assessed to be 40% Class 4, 40% Class 5, and 20% Class 7, with topographical, restricted rooting capacity and soil moisture deficiency limitations. The applicant does not currently farm the property, nor do they intend to in the future. However, there is a horse stable and paddock in the southeastern portion of the property. The proposed location of the second single family dwelling is in an open area of the property adjacent to the riding ring in the south-western portion of the property.

The subject property is surrounded by other A-1 zoned properties to the north, west and south, and the applicant states that the uses on these properties include horse breeding and riding. Properties to the east are zoned A-2 (Secondary Agriculture) and are also used for horse riding and breeding. The subject property lies along the boundary of the ALR, which is located along Doole Road.

For non-farm use applications it is CVRD Board Policy to forward the application to the Agricultural Land Commission (ALC) if the proposed development complies with CVRD bylaws. This application does comply with zoning requirements for A-1 zoning.

**Advisory Planning Commission (APC) Comments:**

The Advisory Planning Commission for Electoral Area H reviewed application no. 3-H-10ALR at their meeting on February 10, 2011 and conducted a site visit on February 26, 2011. Their minutes were subsequently approved at the April 14, 2011 meeting.

Comments from the APC were that there would be minimal impact on the area agricultural potential, and the following recommendation was made:

*"To recommend that this application be forwarded to the Agricultural Land Commission."*


**Options:**

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

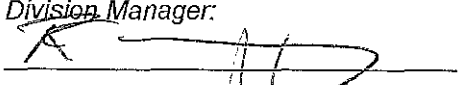
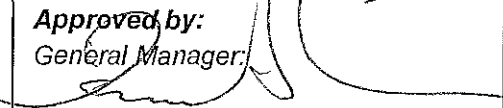
1. As Application No. 3-H-10ALR, submitted by Avis Muir, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a second dwelling on the subject property is consistent with zoning, that it be forwarded to the Agricultural Land Commission with a **recommendation to approve** the application.
2. That Application No. 3-H-10ALR, submitted by Avis Muir, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a second dwelling on the subject property be forwarded to the Agricultural Land Commission with **no recommendation**.
3. That Application No. 3-H-10ALR, submitted by Avis Muir, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a second dwelling on the subject property be forwarded to the Agricultural Land Commission with a **recommendation to deny** the application.

Option 1 is recommended.

Submitted by,

  
 For: Rachelle Moreau,  
 Planner I  
 Development Services Division  
 Planning and Development Department

CS/ca  
 Attachments

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



Cowichan  
Valley  
Regional  
District

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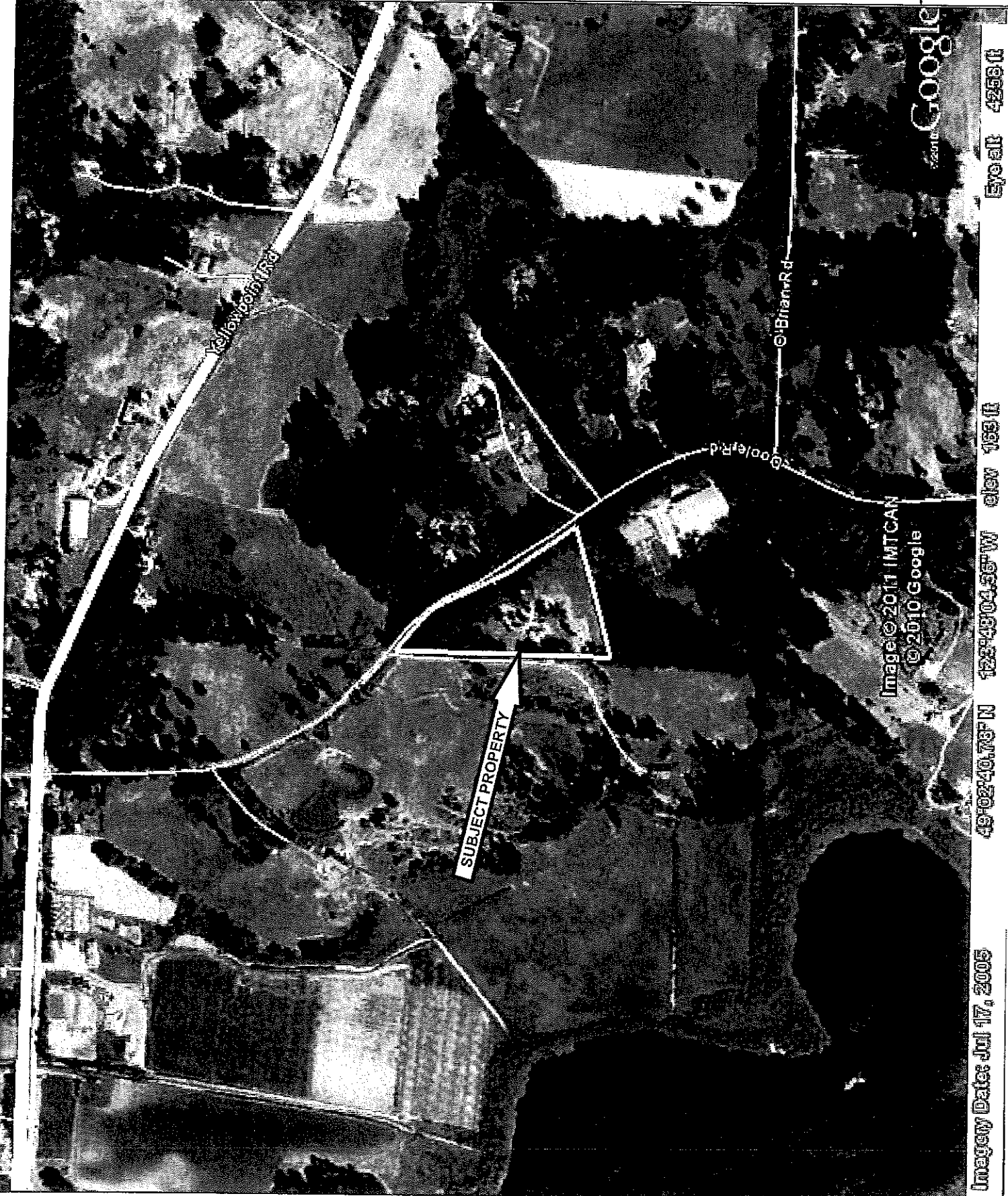
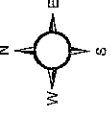
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The original Bylaws should be consulted for all purposes of interpretation of the Bylaws.

FILE: 03-H-10-ALR

Google Earth  
Photo (2005)







Cowichan  
Valley  
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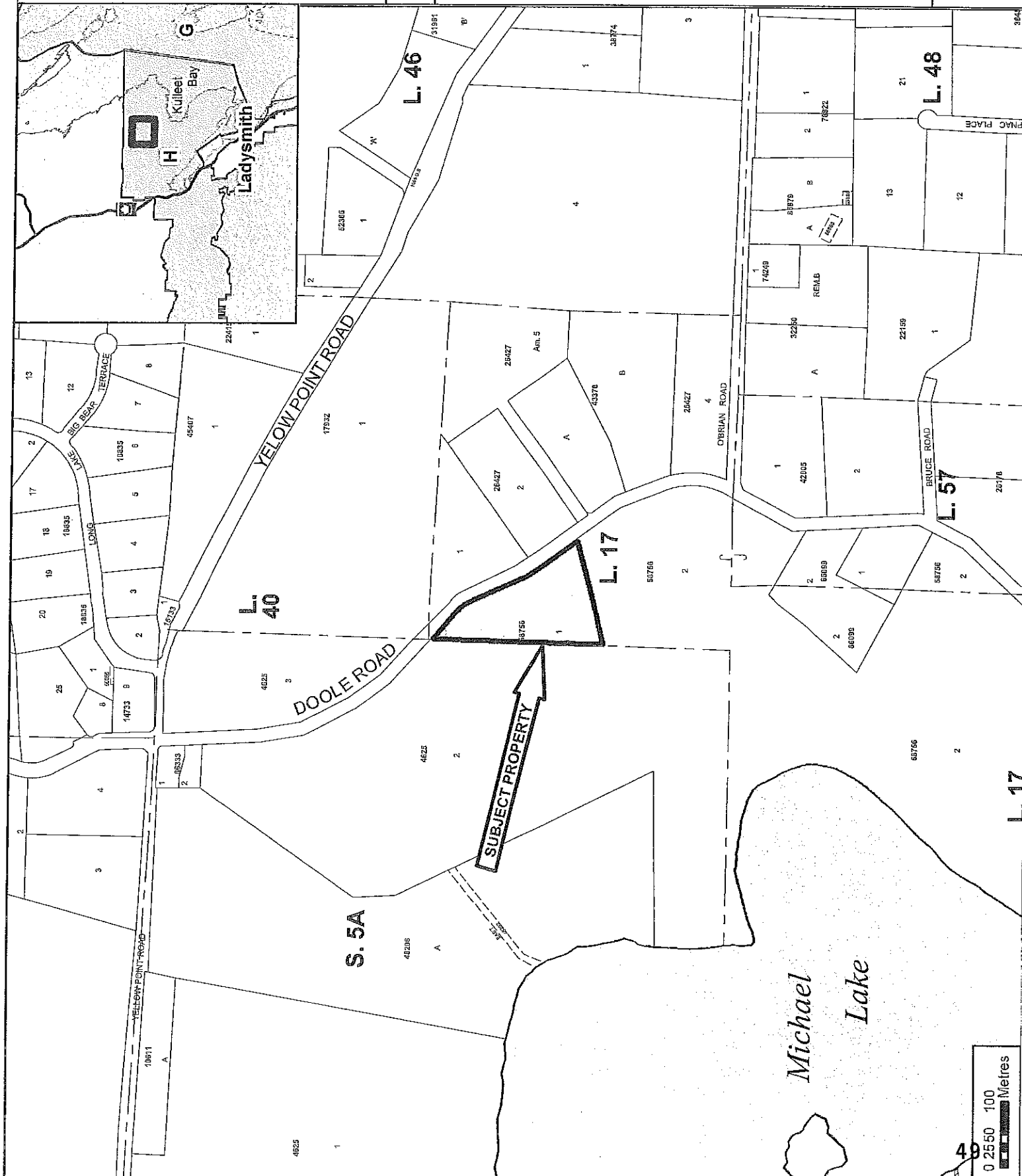
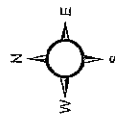
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FILE: 03-H-10-ALR

Legend



Subject Property





Covichan  
Valley  
Regional  
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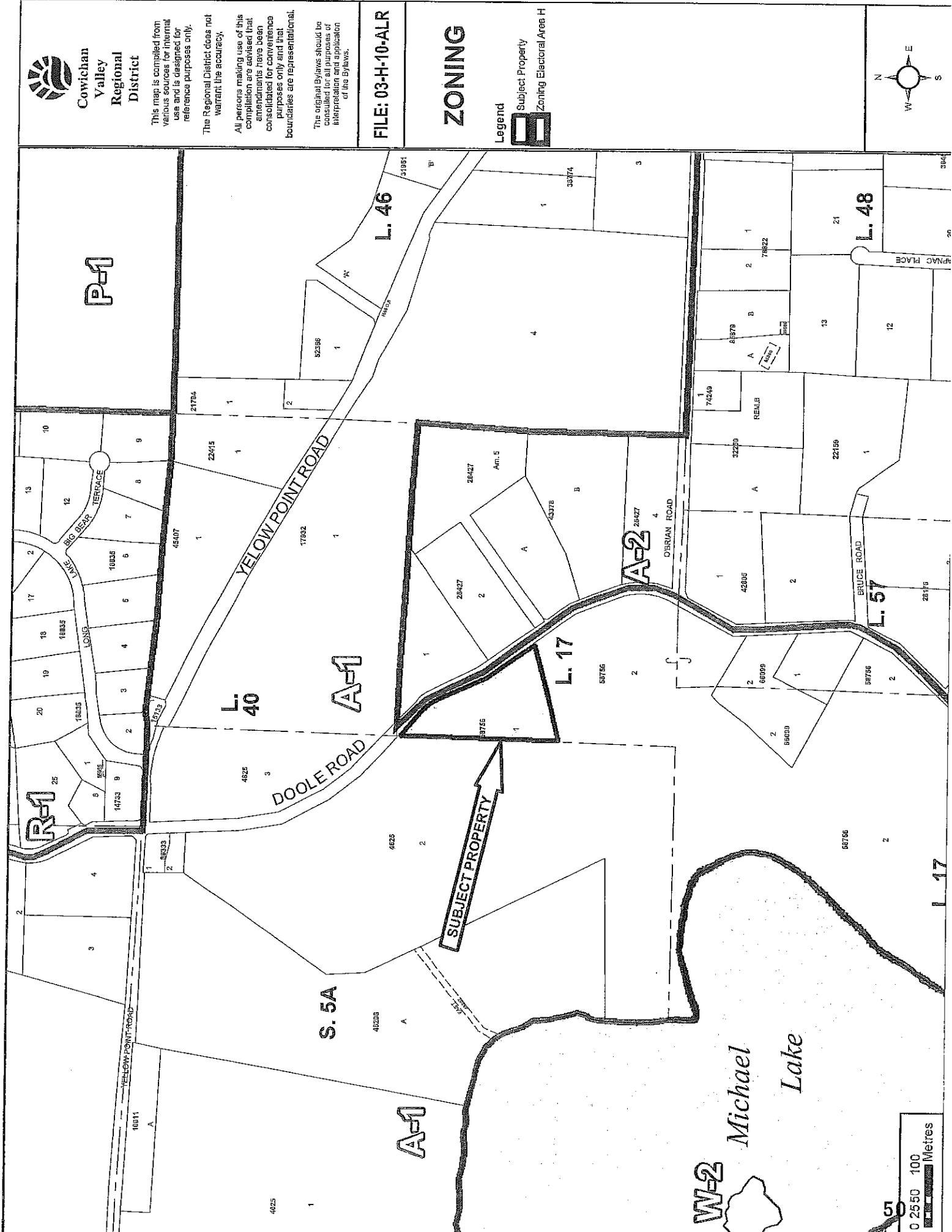
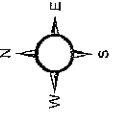
FILE: 03-H-10-ALR

## ZONING

Legend



Subject Property  
Zoning Electoral Area H





Cowichan  
Valley  
Regional  
District

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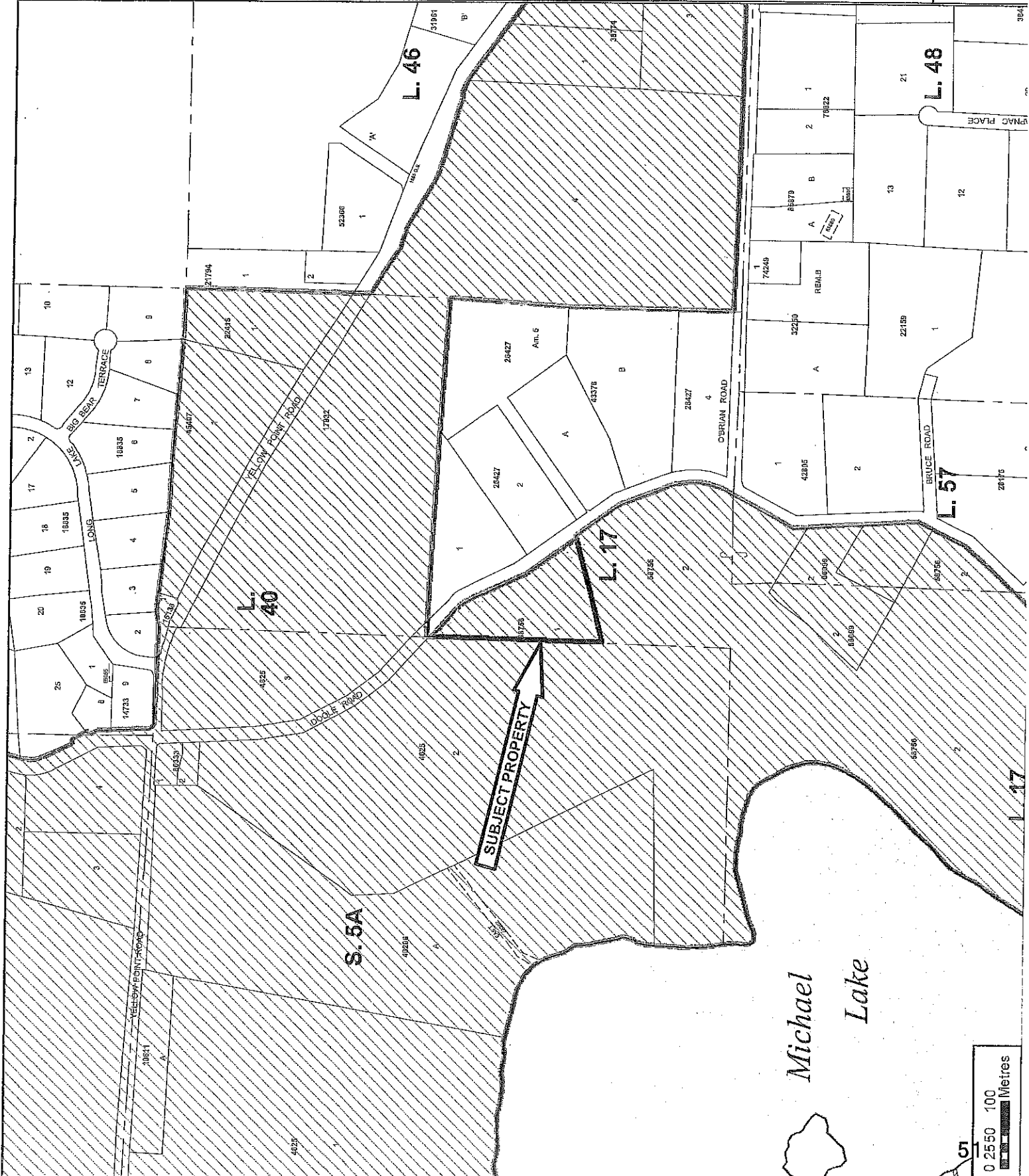
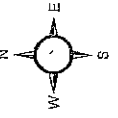
FILE: 03-H-10-ALR

ALR

Legend



Subject Property  
H.A.L.R.



Michael  
Lake

0 2550 100 Metres



12 ha

PART SEVEN

AGRICULTURAL AND FORESTRY ZONES

7.1 A-1 ZONE - PRIMARY AGRICULTURAL

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

The following uses and no others are permitted in an A-1 zone:

1. agriculture, horticulture, silviculture, turf farm, fish farm;
2. one single family residential dwelling or mobile home;
3. two single family residential dwellings or mobile homes on parcels of 2.0 hectares or larger;
4. horse riding arena, boarding stable;
5. home occupation;
6. bed & breakfast accommodation;
7. sale of products grown or reared on a farm;
8. day care, nursery school accessory to a dwelling;
9. separate or secondary suite on parcels 2 ha. or larger (may be subject to Provincial Agricultural Land Commission approval).

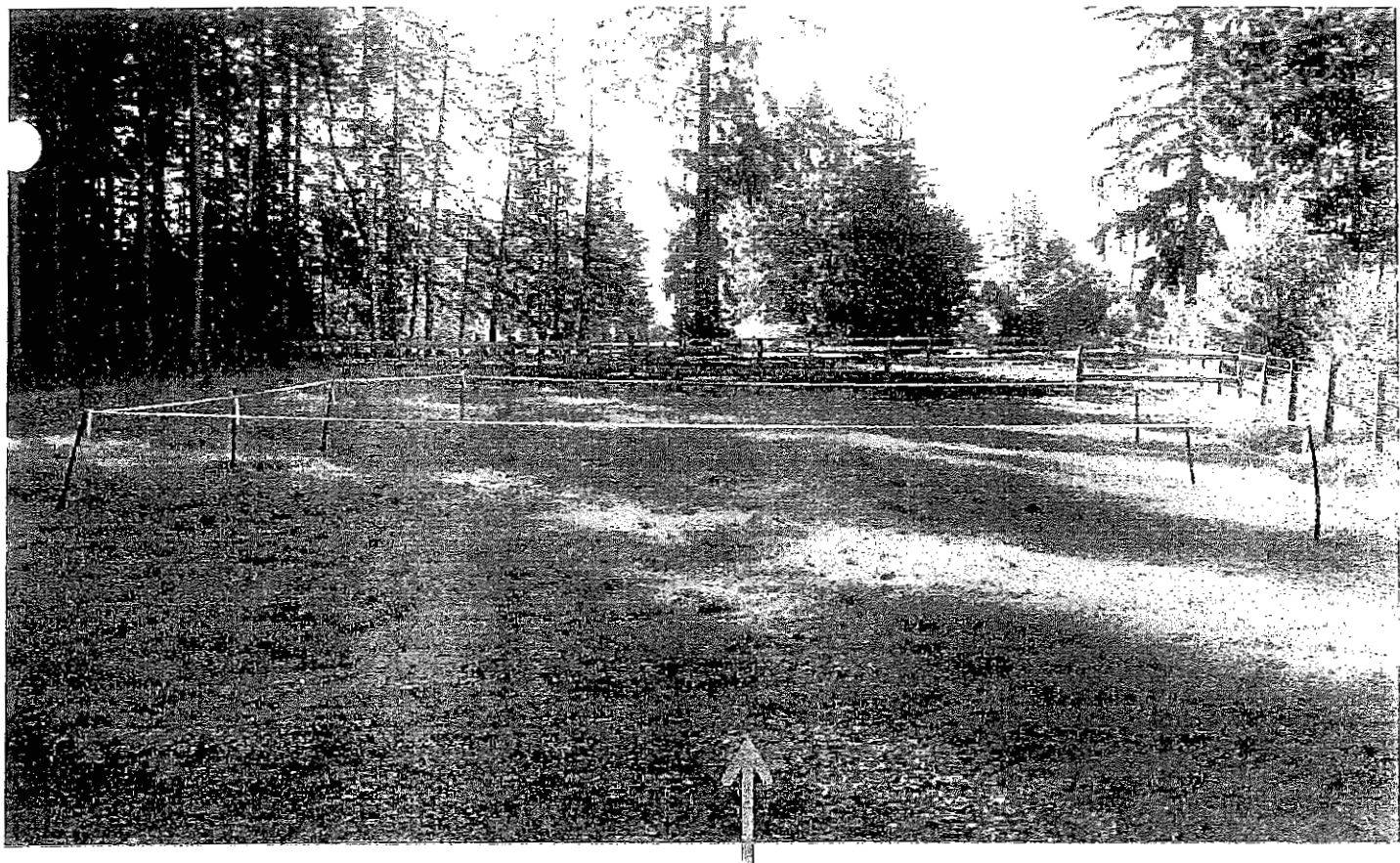
(b) Conditions of Use

For any parcel in an A-1 zone:

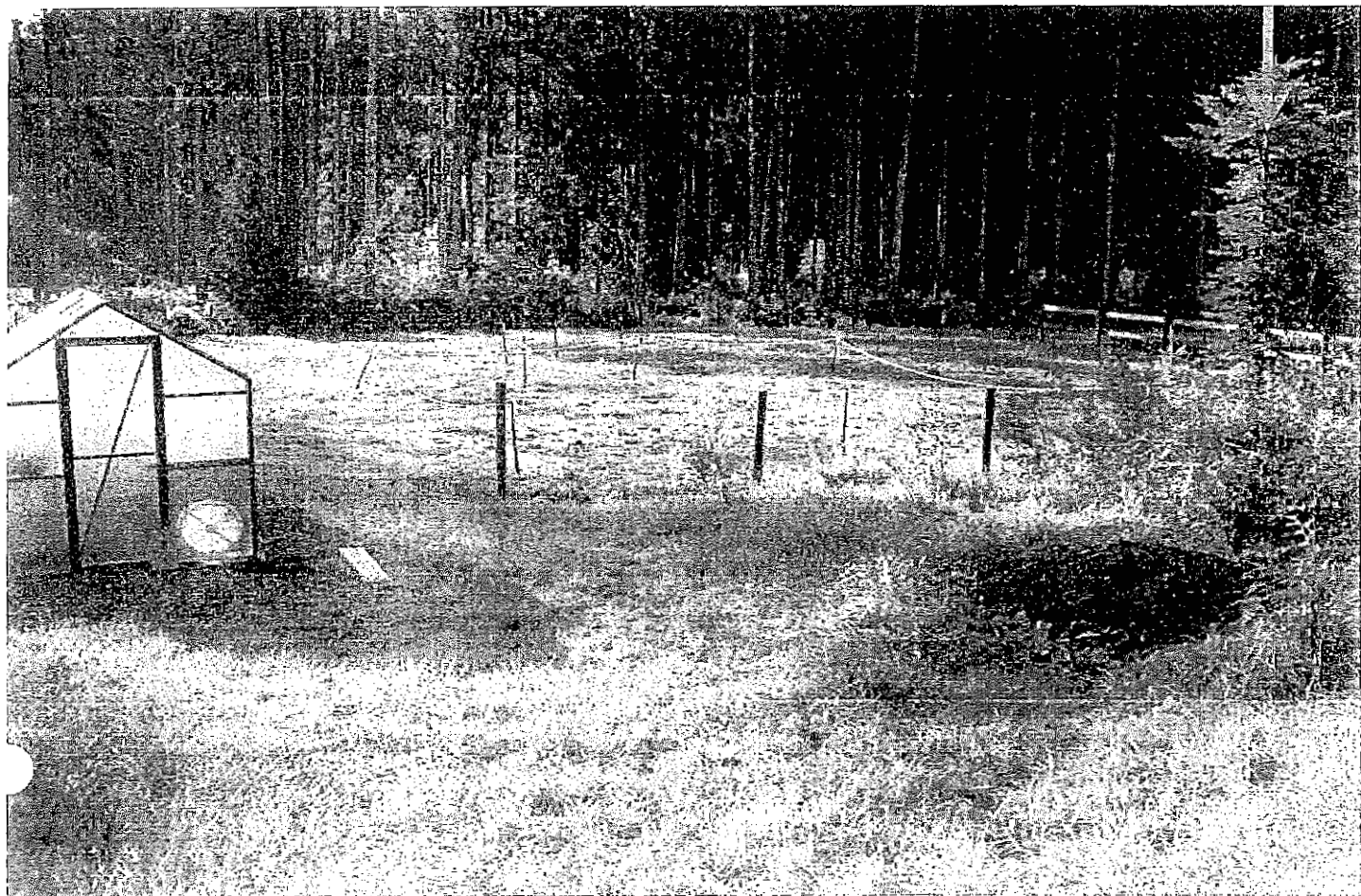
1. The parcel coverage shall not exceed 15 percent for all buildings and structures, except for greenhouses which shall not exceed a parcel coverage of 50 percent;
2. The setbacks for the types of parcel lines set out in Column I of this section are set out for residential and accessory structure uses in Column II and for agricultural, stable and accessory structure uses in Column III:

COLUMN I Type of Parcel Line	COLUMN II Residential & Accessory Uses	COLUMN III Agricultural & Accessory Use
Front	7.5 metres	15 metres
Side (Interior or Exterior)	3.0 metres	15 metres
Rear	4.5 metres	15 metres





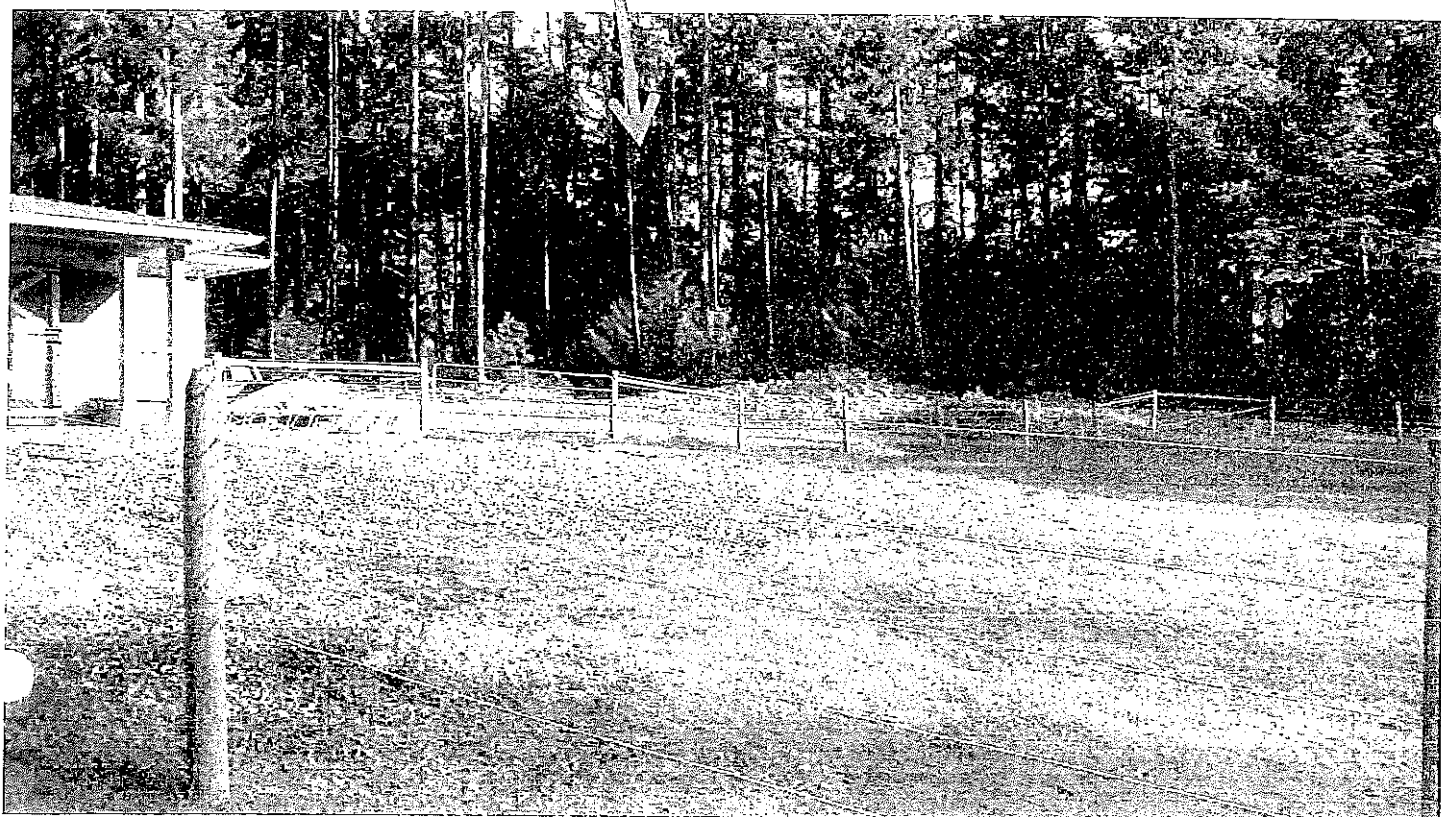
Proposed 2<sup>nd</sup> Residence (see #2) (See #3 on Lot Plan Drawing)



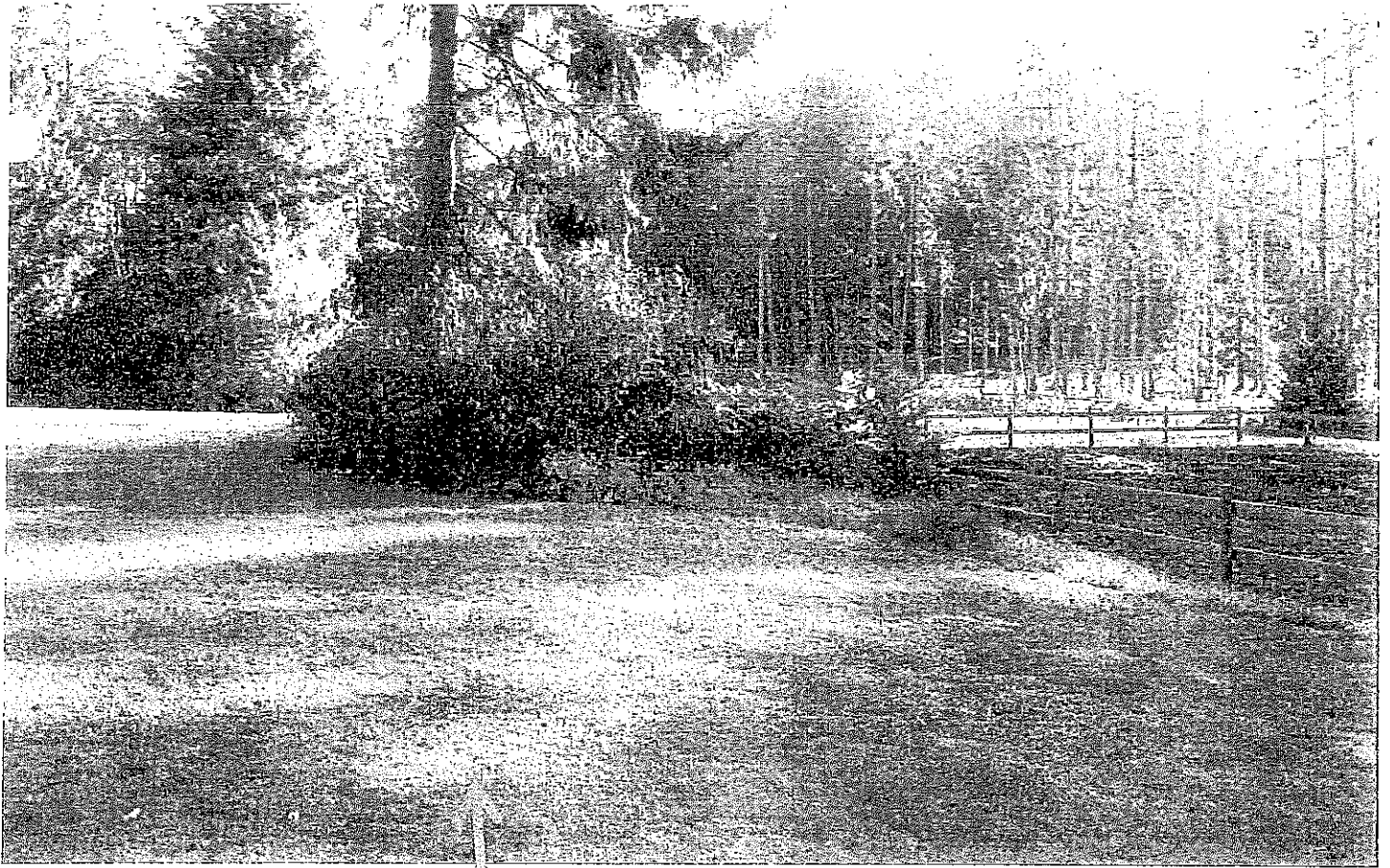




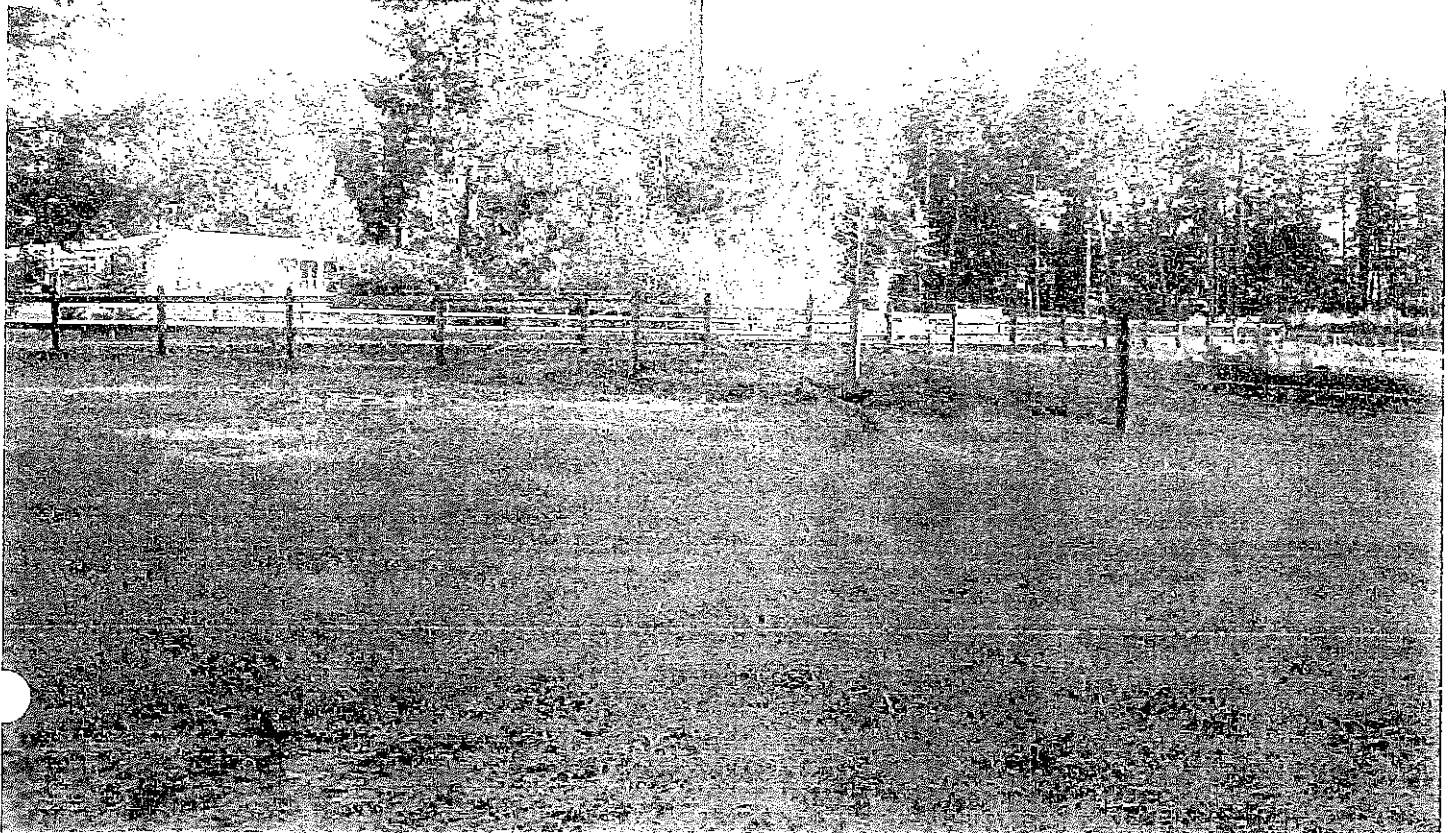
Riding Ring (no longer in use #4. Picture #5 shows slope and a corner of the 2 stall horse barn. Riding Ring is to be partially deconstructed and made into garden and landscape #5

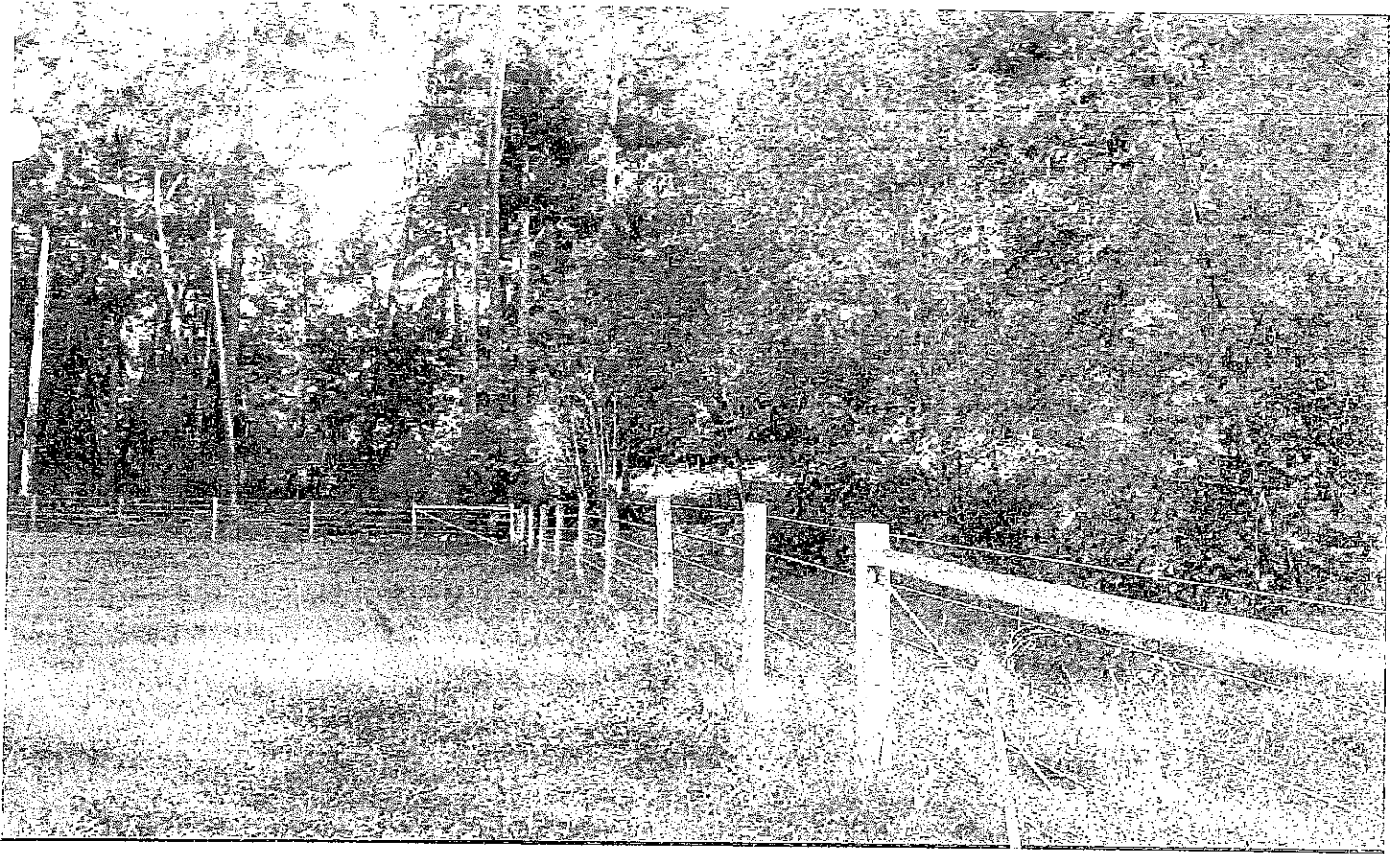




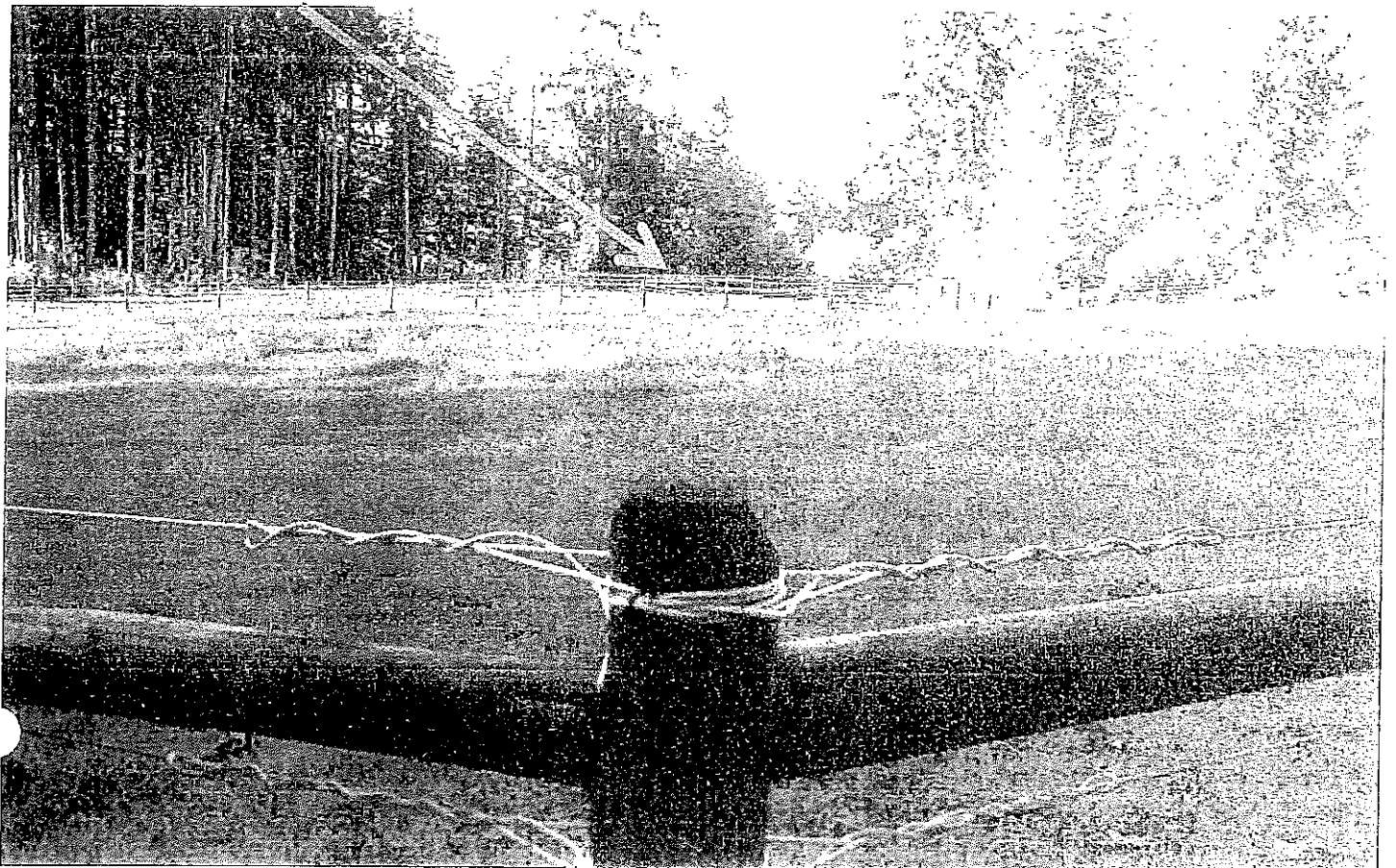


Brush Privacy Screen #6 Shows slope for drainage SW  
corner of property #7

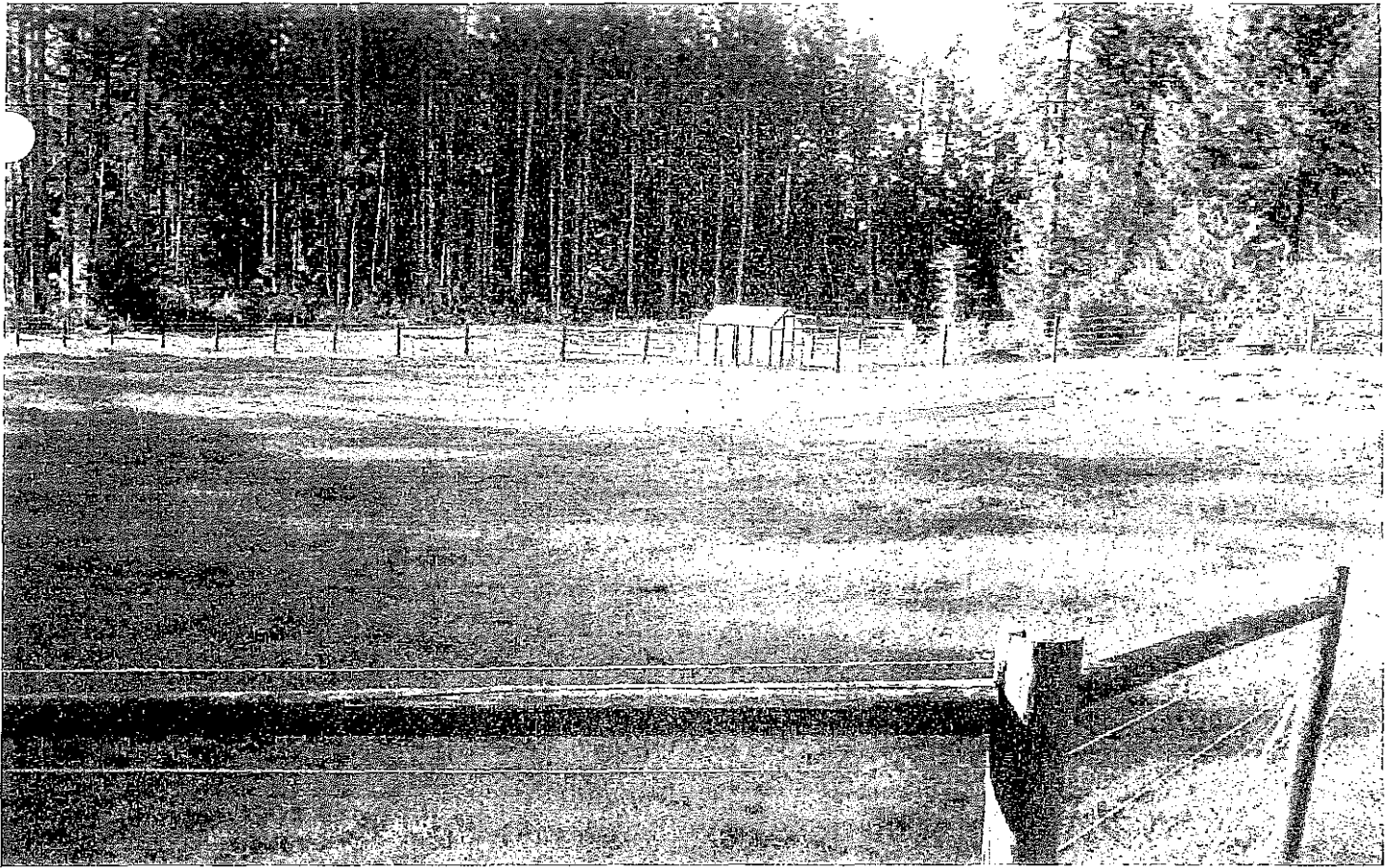




#8 South Property line (fenced) with Doole Road beyond the trees. #9 view back towards proposed 2<sup>nd</sup> residence



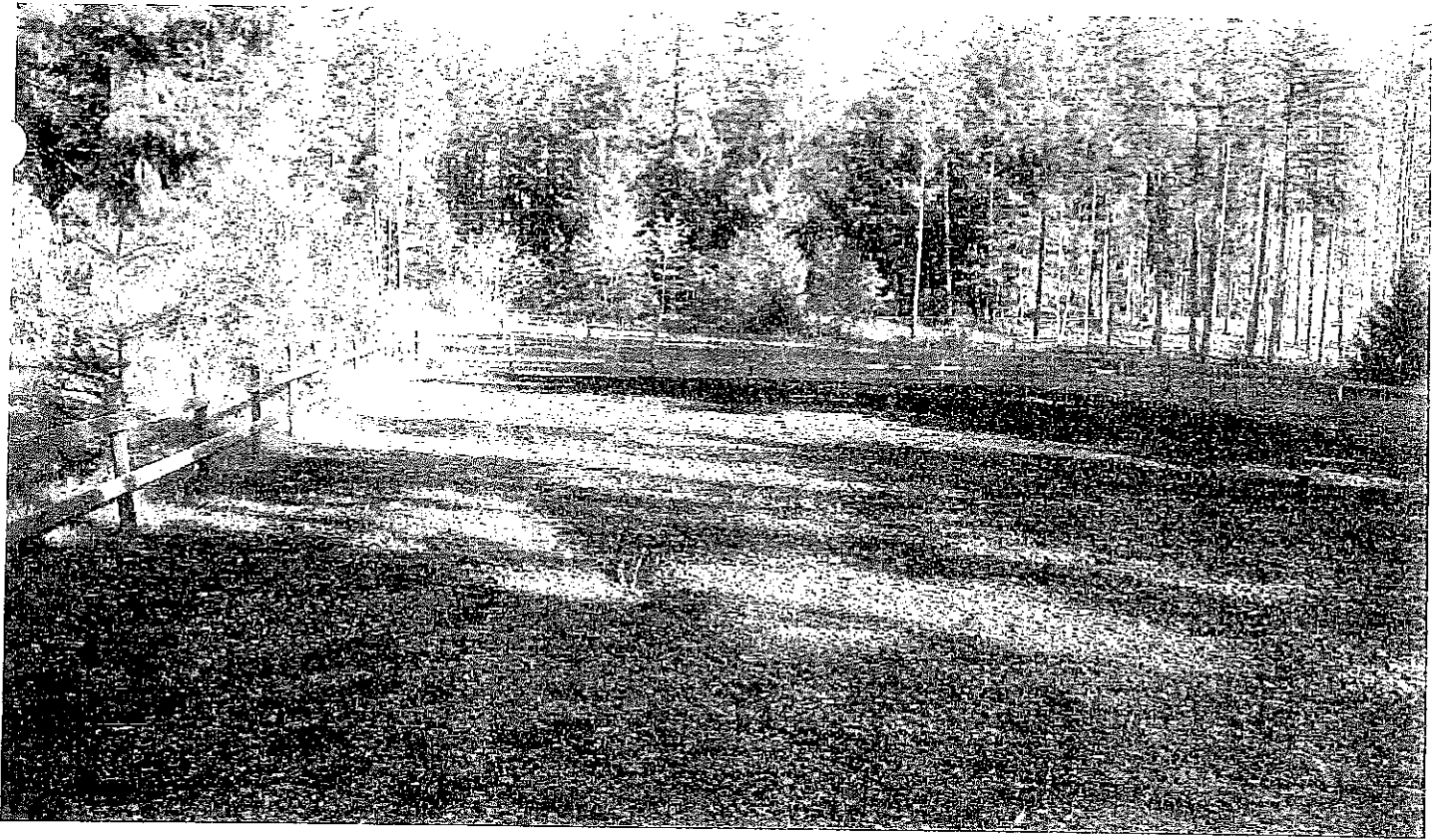




Picture #10 showing slope and view to the SW towards the proposed family 2<sup>nd</sup> residence

**Please note:**

- Sight plan drawing is not exactly to scale
  - Septic and other services subject to a inspection and permits
  - Water will be provided via connection to the barn. Our well t tested at 30 gpm and we have a 5hp constant velocity pump that can easily provide another small residence drawing on it
  - Electrical will be handled via the 200 amp service in the main residence or if required, another service panel will be installed.
- Water and Electrical are under ground to the main house from the Hydro pole
- This residence is for our daughter and her partner and a new baby





R4

**STAFF REPORT**  
**ELECTORAL AREA SERVICES COMMITTEE**  
**OF MAY 3, 2011**

**DATE:** April 26, 2011 **FILE NO:** 3-B-10DP/RAR  
**FROM:** Rob Conway, MCIP  
Manager, Development Services Division  
Planning and Development Department **BYLAW NO:**  
**SUBJECT:** Development Permit Application 3-B-10DP/RAR

---

**Recommendation/Action:**

That application 3-B-10DP/RAR be denied as it is not compliant with the Riparian Area Regulation and the subject property appears to have building sites outside the StreamSide Protection and Enhancement Area and 15 metre watercourse setback.

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

**Financial Impact:** N/A

**Background:**

To consider a development permit application to permit a cottage within the Streamside Protection and Enhance Area at "Moose Island" on Shawnigan Lake.

**Location of Subject Property:** Shawnigan Lake

**Legal Description:** District Lot 179, Malahat District, Known as Island Number 2, Shawnigan Lake.

**Date Application and Complete Documentation Received:** January 28, 2010

**Owner:** John Rytter

**Applicant:** John Rytter

**Size of Parcel:** ± 0.52 ha (1.29 acres)

**Existing Zoning:** R-2 (Suburban Residential)

**Minimum Lot Size Under Existing Zoning:** 0.4 ha if connected to community water  
1.0 ha if not serviced by a community system

Existing Plan Designation: Suburban Residential

Existing Use of Property: Residential/Recreation

Existing Use of Surrounding Properties: Nearby lands are primarily used for permanent residential and recreational residential use.

Services:

<u>Road Access:</u>	Water access only
<u>Water:</u>	Shawnigan Lake
<u>Sewage Disposal:</u>	Composting toilet proposed

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

Environmentally Sensitive Areas: The proposed dwelling is located within the Streamside Protection and Enhancement Area for Shawnigan Lake, as defined by the Riparian Area Regulation.

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

**Property Context:**

Moose Island is located about 30 metres from the west shore of Shawnigan Lake, approximately opposite of Capstick Road. The owner recently constructed a small cabin on the island without first obtaining a building permit or development permit. After becoming aware of the structure, bylaw enforcement advised the owner that permits would be required to legalize it, resulting in the owner submitting the subject application.

The cabin has been built on an exposed rock outcrop on the north end of the island. The owner contends that a cabin previously existed at this location but has not provided evidence to substantiate that the current cabin has legal non-conforming status. The cabin is approximately 31 square metres in size (330 sq. ft.) and is constructed on concrete footings and 6"x6" timber posts. The remainder of the island is largely forested with a small dock at the north end.

The exact location of the cabin relative to the high water mark is not known, but it is estimated that at its closest point the cottage is about 6 metres from the lake. The cottage is therefore well within the Streamside Protection and Enhancement Area (SPEA) and the 15 metre watercourse setback area specified in the Area B Zoning Bylaw

**Policy Context:**

Like most other islands on Shawnigan Lake, Moose Island is designated Suburban Residential in the Area B Official Community Plan and is zoned R-2 (Suburban Residential). The OCP designation and zoning allow a single family residential dwelling to be constructed on the island. Although a detached secondary dwelling or "small suite" is permitted in the R-2 zone on parcels 0.4 ha. or larger, this use is not permitted for properties with frontage on Shawnigan Lake. The island is therefore limited to a maximum of one dwelling. For the purposes of zoning, the cabin is considered a principal dwelling.

*Riparian Area Regulation Development Permit Area*

Official Community Plan Bylaw No. 1010 designates all land within 30 metres of the high water mark of Shawnigan Lake as part of the Riparian Area Regulation Development Permit Area

(DPA). The DPA requires that owners obtain a development permit before commencing development within the 30 metre zone. In order to make an application, applicants are required to provide a RAR assessment report prepared by a Qualified Environmental Professional (QEP). Among other things, the report is expected to identify a Streamside Protection and Enhancement Area, which is the sensitive area adjacent to the watercourse in which no development or disturbance is recommended. Because the subject cabin is within 30 metres of the lake shore, a development permit is required.

*Zoning Bylaw:*

Although a residential dwelling is permitted in the R-2 zone, Section 5.14 of the Area B Zoning Bylaw requires that any dwelling be a minimum of 15 metres from the high water mark of the lake. As the dwelling is approximately 6.0 metres from the lake, a variance would be required to legalize the existing location of the dwelling.

**Application Content:**

Applications for Riparian Area Regulation Development Permit typically include a Riparian Area Assessment Report prepared in accordance with the regulation and procedures established by the Ministry of Environment. The report submitted with this application did not follow the RAR assessment methodology, as the QEP who prepared the report contends it is not possible to apply the RAR methodology retroactively, or after development has already occurred. The report does acknowledge that a 15 metre SPEA would apply if the RAR methodology was followed, and that development would have been expected to be setback a minimum of 15 metres from the lake if the RAR criteria were applied before the dwelling was constructed.

The report also notes that the location where the cabin has been built appears to have been cleared since at least 2006 before the current owner purchased the island in 2007. The report states,

*Given the cabin is built on exposed bedrock with the removal of one tree only, it is my opinion that this cabin as constructed has resulted in negligible impact on the lake or the riparian zone. As such, triggering the RAR process would not have contributed meaningful protection of the lake foreshore at this location beyond what has already occurred. (Environmental Assessment – Moose Island, January 18, 2010, Applied Ecological Solutions Corp.).*

The conclusion of the QEP who undertook the assessment is that there are no significant environmental or ecological issues associated with the cabin and that applying the RAR process would not improve lakeshore protection as the cabin is located on exposed bedrock where trees and understory vegetation do not exist. It is suggested that re-locating the cabin to comply with the SPEA setback would have greater environmental impact than having the cabin remain where it is, as this would require tree removal and additional disturbance to the island.

**Staff Comments:**

In order to legalize the cabin, the owner needs to obtain a development permit and variance to relax to 15 metre lakefront setback. The owner has applied for a development permit, but not a variance. In order to pursue the variance, the application would have to be adjusted, a sign would have to be posted, and the Planning and Development Department need to notify adjacent property owners in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275. A survey confirming the exact location of the cottage relative to the lakeshore would also be necessary in order to determine the extent of the variance.

Staff has not requested the owner to amend the application to include the variance, as the development permit application is a significant departure from current policy and it may not be

possible for a variance to be issued if the CVRD Board does not support development permit and relaxation of the SPEA. Although there is no established procedure for this combination of applications, staff felt it would be prudent to obtain direction on the DP and SPEA relaxation before a variance is considered.

Staff accept the argument provided in the assessment report that the location of the cabin does not create any significant environmental impacts and that enforcing compliance may result in greater environmental impact than allowing it to remain where it is. The concern that staff has with this approach is that it essentially makes the RAR process ineffective and could encourage owners to build within the SPEA and without first obtaining a development permit. The rationale that requiring compliance with the RAR would achieve little or no environmental benefit may be true for this particular situation, but it is likely not true if it encourages non-compliance on other properties.

The Regional District does occasionally authorize development permits for development within SPEAs. However, such approvals tend to be limited to situations where there are significant site constraints that do not allow compliance, or where compliance may impose excessive hardship on the owner. In this case, the property is large enough to achieve a building site outside of the SPEA and setback requirement. While compliance may impose hardship on the property owner, the hardship is largely self imposed and is a result of the owner having not obtained the necessary approvals prior to commencing construction. Staff is obliged to recommend that the development permit not be issued in order to maintain the integrity of the CVRD's RAR development permit area and waterfront setback regulation.

#### Options:

1. That application 3-B-10DP/RAR be denied as it is not compliant with the Riparian Area Regulation and the subject property appears to have building sites outside the StreamSide Protection and Enhancement Area and 15 metre watercourse setback.
2. That application 3-B-10DP/RAR be approved subject to:
  - a) The owner obtaining a development variance permit to relax Section 5.14 of Zoning Bylaw No. 985;
  - b) Approval of existing building location by the Department of Fisheries and Oceans and Ministry of Environment
  - c) The owner obtaining a valid building permit for the cabin from the CVRD's Building Inspections Division.

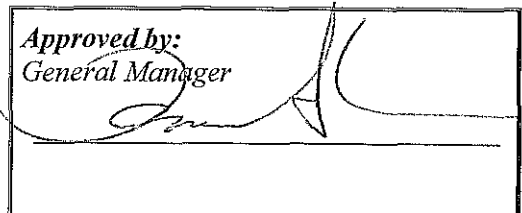
Option 1 is recommended.

Submitted by,



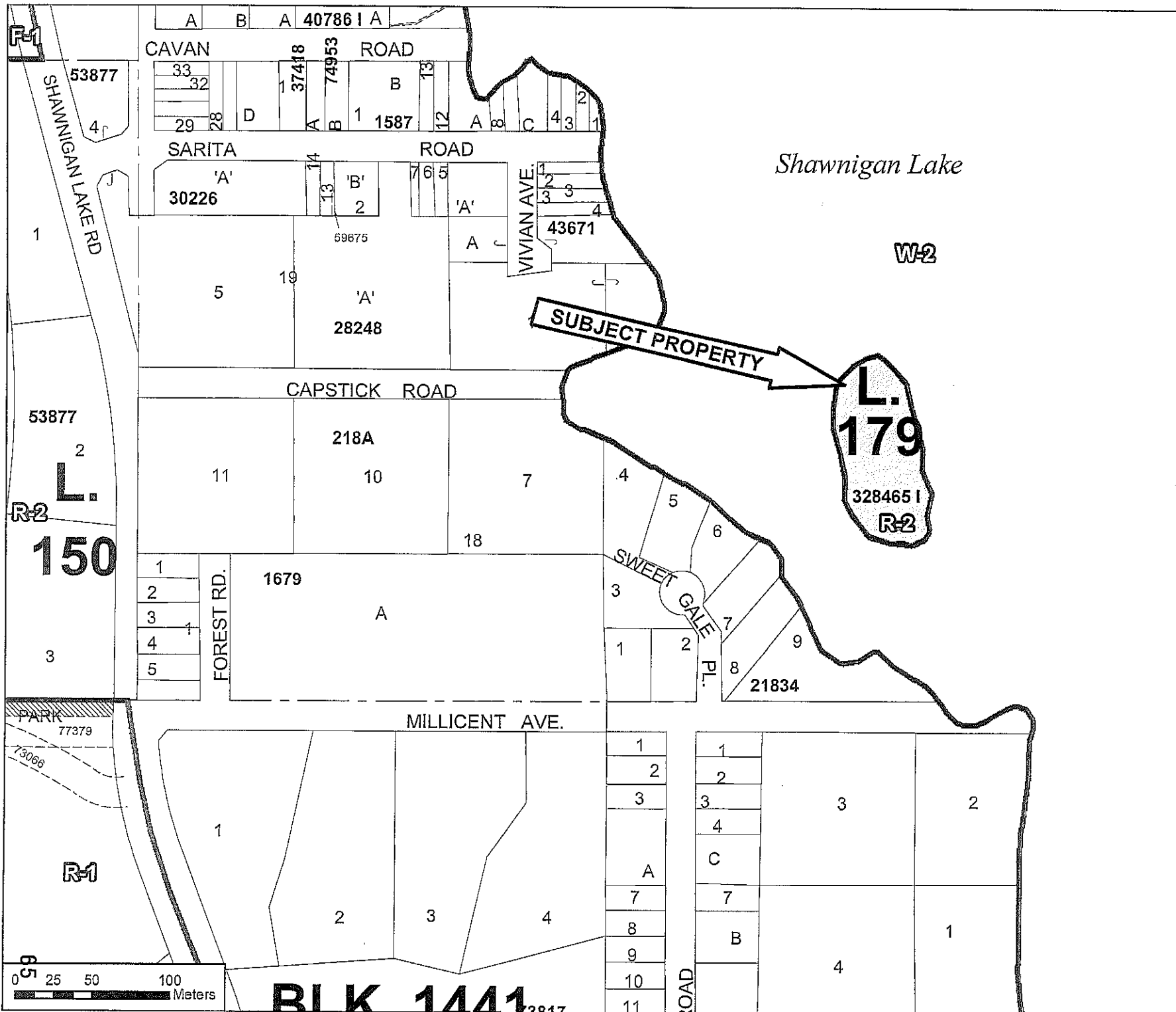
Rob Conway, MCIP  
Manager, Development Services Division  
Planning and Development Department

Approved by:  
General Manager



RC/ca





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.

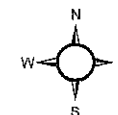
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

**FILE: 3-B-DP-  
RAR**

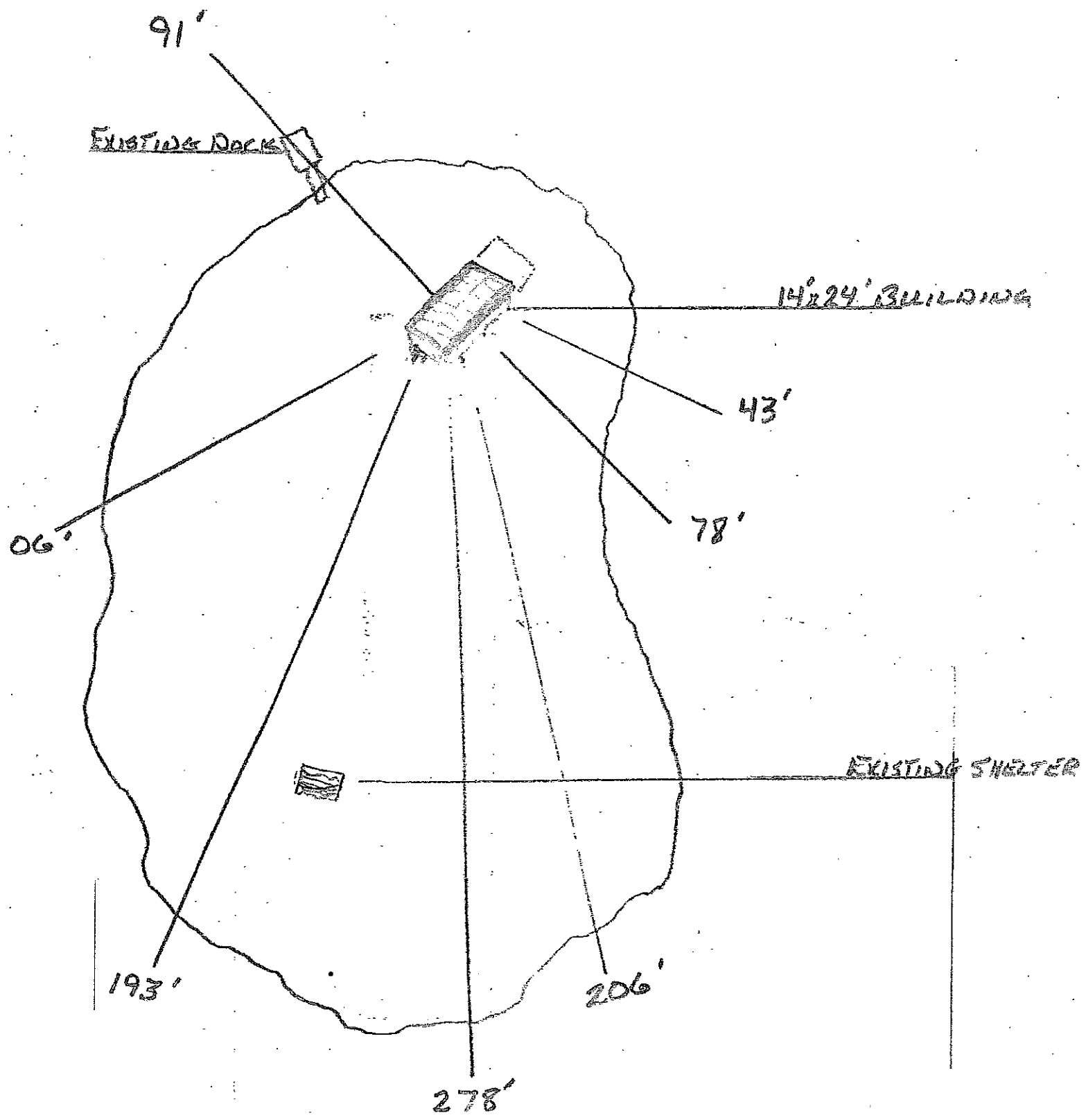
## ZONING

### Legend

-  Subject Property
-  Zoning Electoral Area B



ISLAND SITE PLAN  
MOOSE ISLAND





January 18, 2010  
AESC Project No.: 209-016-1

John Rytter  
1774 Shawnigan Lake Road  
Shawnigan Lake, BC, V0R 2W5

**Re: Environmental Assessment  
Moose Island Cabin Construction – Shawnigan Lake  
Cowichan Valley Regional District**

Mr. Rytter:

As requested, I have conducted an environmental overview assessment with you of your recreational island in Shawnigan Lake locally known as 'Moose Island' on December 11, 2009.

The intent of this assessment is to:

- i) Evaluate the status of those works completed with respect to potential impacts on the environment,
- ii) Address and fulfill the requirement by the Cowichan Valley Regional District (CVRD) that appropriate environmental input has been solicited on the completed works on the island.

## SITE LOCATION

The subject property is a small island near the south shore of Shawnigan Lake (Figure 1).

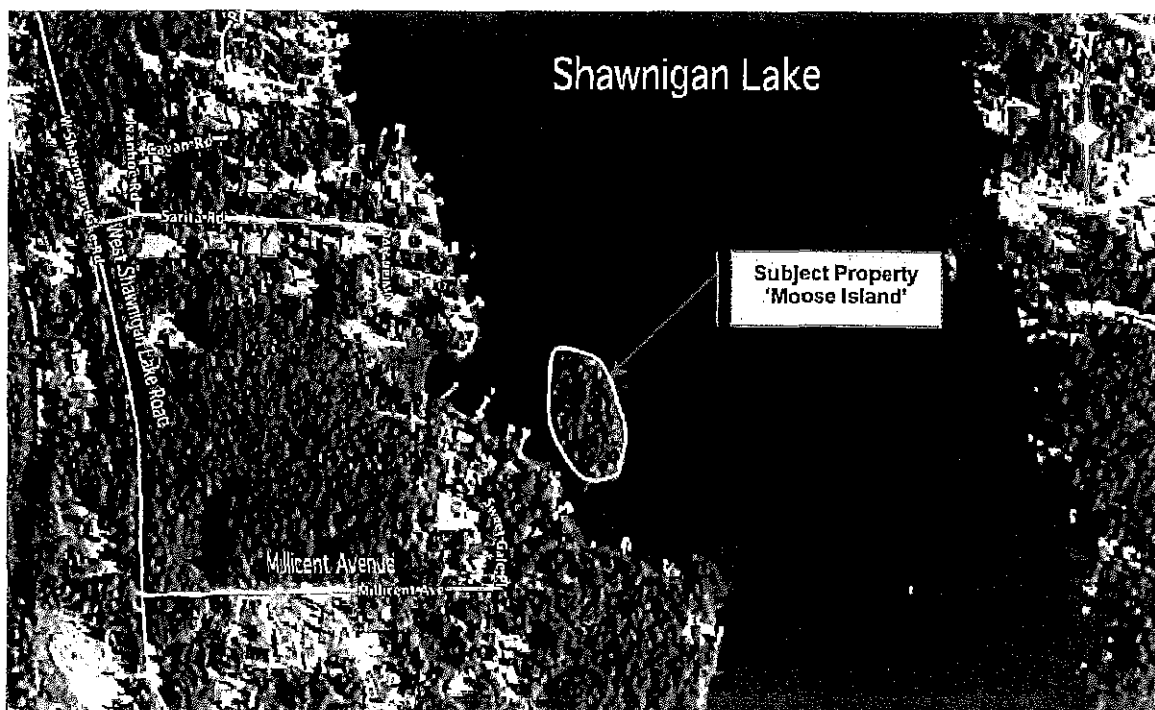


Figure 1 Moose Island (orthophoto image from Google Earth).

## LEGAL DESCRIPTION AND SITE DETAILS

Figure 2 provides the specifics of the property including legal description<sup>1</sup>, existing setback measurements and cabin footprint.

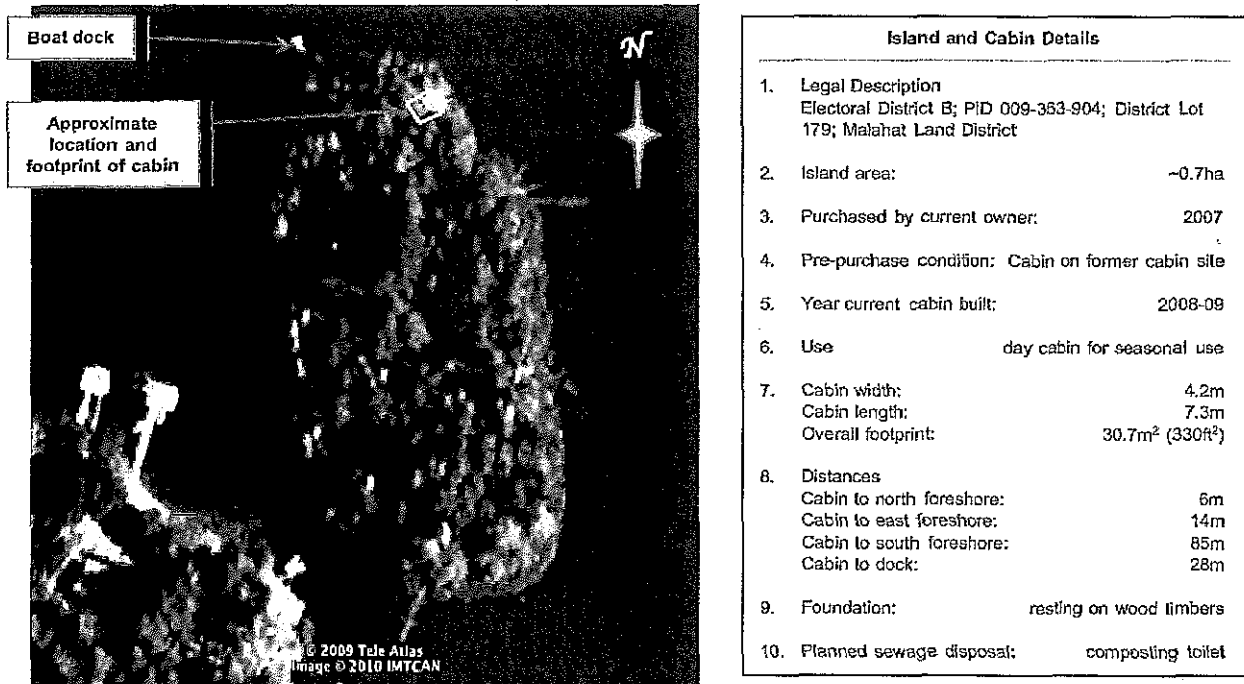


Figure 2 Island and site detail and measurements.

### Physical Characteristics and Features

'Moose Island' is approximately 7 hectares in size. It is 132m long (north-south) and 66m wide (east-west) with a maximum elevation above lake level of approximately 4m. It is situated approximately 30m offshore along the west side of Shawnigan Lake. Numerous permanent residential homes front Shawnigan Lake along the channel separating Moose Island from the 'mainland'. These residences have in all cases cleared vegetation to the lake foreshore.

The existing 31m<sup>2</sup> (330ft<sup>2</sup>) cabin situated at the north end of the island (Photo 1). A deck extends off the north end of the structure. The cabin and deck are founded primarily on bedrock at the north limit of the island. The cabin rests on 6"X6" timber posts such that the undercarriage of the cabin is open (Photo 2).

Prior to the current ownership, a derelict cabin pre-existing on the island at the same location as the current cabin. The image shown in Figure 3 is from aerial photography undertaken by the CVRD in 2002. It appears to show the clear area that is occupied by the previous cabin indicating the site was clear of vegetation at that time. There are no remnants of this cabin remaining.

<sup>1</sup> Legal description obtained from the information query on the Cowichan Valley Regional District online mapping site at [http://maps.geocortex.net/imf-5.2.0/sites/cvrdbasic/jsp/launch.jsp?popup\\_blocked=true](http://maps.geocortex.net/imf-5.2.0/sites/cvrdbasic/jsp/launch.jsp?popup_blocked=true)

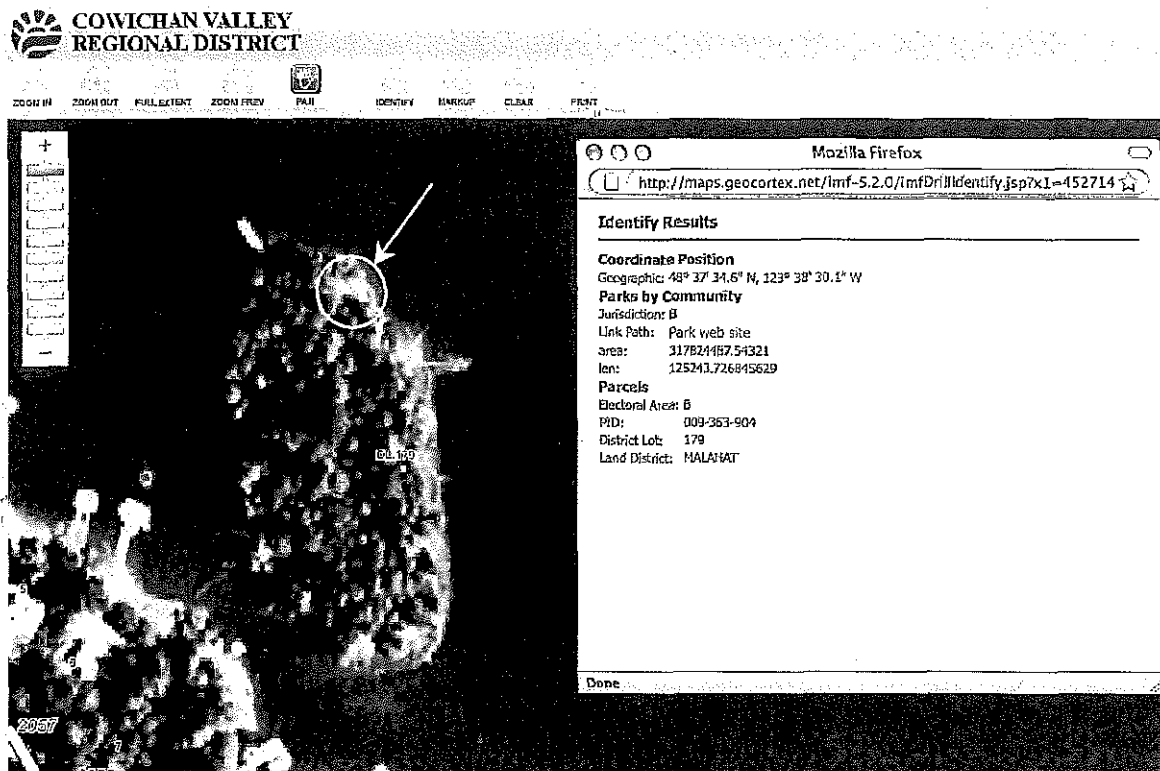


Figure 3 2002 CVRD aerial photograph appearing to show cleared site of previous cabin site on Moose Island. The boat dock is clearly visible.

## COMPLETED WORKS

Construction of the existing cabin on the island was initiated during the summer 2008 and completed in 2009 (Photo 1). As described to me, the cabin is situated at the same location as the previous derelict cabin. Only one small tree was removed to facilitate construction of the new cabin.

## ENVIRONMENTAL CONTEXT

The entire island is predominated by bedrock with shallow topsoil horizons. The island is accessible by boat only. A small private dock is located near the cabin (Figure 2).

### Existing Vegetation

Canopy vegetation consists predominantly of smaller second growth conifer tree species (Douglas fir, Western red cedar: stem diameter up to approximately 0.5m) and young arbutus (up to approximately 5m in height). No old growth trees were observed. There were no deciduous tree species observed. Understory vegetation consists of Oregon grape, salal, moss, fawn lillies and kinnickinick (both observed by the owner during the summer).

At the cabin, the vegetation is intact immediately east of the lake foreshore (i.e. 14m from the wall of the cabin).

There are no wetland areas, wet depressions or other drainages passing through, or generated from, the island.

## IMPLICATIONS OF THE RIPARIAN AREAS REGULATIONS

The Riparian Areas Regulations (RAR) is intended to address impacts on the riparian plant community associated with development within a stream or waterbody (lake, wetland etc.) corridor. Consequently, RAR has developed a set of assessment criteria on which to quantify the extent of impacts of a development on the riparian area.

To effectively address site development under RAR and the potential impacts on riparian habitat as a result of the development, development cannot have already occurred. In this case, the cabin has been constructed. Consequently, it is not possible to trigger the RAR process retroactively.

Based on information provided, the existing cabin has been constructed at the same site as the former structure, requiring the removal of one tree.

To determine the Streamside Protection and Enhancement Area (SPEA) setback at this site, an evaluation of 'Zones of Sensitivities' (ZOS's) for lakes must be established for the following elements:

1. large woody debris (LWD; organic contribution and cover for fish),
2. stability (vulnerability to bank failure and slumping – does not apply at this site),
3. channel movement (specific to stream channels – does not apply at this site),
4. litter fall/insect drop (food contribution), and
5. shade (temperature moderation).

Each of these parameters contributes a critical element to the form, function and overall health of a stream or waterbody. Diminishing or eliminating one of these elements from the equation of overall stream health may have profound affect on another. The ZOS represents the minimum setback for each respective element.

Based on measured distances from the existing cabin to the lake island foreshore, the ZOS's for the above referenced elements is as follows:

- |  |     |
|--|-----|
| 1. LWD (mimumum defaulted value under RAR)                         | 15m |
| 2. Litter fall and insect drop (mimumum defaulted value under RAR) | 15m |
| 3. Shade <sup>3</sup>  | 0m  |

From this information, the SPEA is determined from the largest ZOS value (i.e. 15m) measured laterally from the highwater mark of the lake<sup>4</sup>. However, it must be clearly understood that to accomplish this 15m setback objective would require moving the cabin further to the centre of the island resulting in removal of a significant number of trees further south of the existing cabin to accommodate the new cabin location.

Given the cabin is built on exposed bedrock with the removal of one tree only, it is my opinion that the cabin as constructed has resulted in negligible impact on the lake or the riparian zone. As

<sup>3</sup> The Zone of Sensitivity for shade is calculated by dragging a line 30m due south from the lake edge to ascertain the maximum limit of shade influence on a watercourse or waterbody. At this site, the cabin is situated at the north end of the island. As such, there is no shade influence on the lake foreshore as any shade influence will extend to the center of the island.

<sup>4</sup> This information is to be not considered Detailed Riparian Areas Assessment in compliance with RAR. These values (while based on ZOS formulas provided in the RAR *Assessment Methods* guideline report) have been provided to illustrate a point. The RAR assessment methods can be reviewed at:  
[http://www.env.gov.bc.ca/habitat/fish\\_protection\\_act/riparian/documents/assessment\\_methods.pdf](http://www.env.gov.bc.ca/habitat/fish_protection_act/riparian/documents/assessment_methods.pdf)

### Sensitive Ecosystem Inventory Review

Figure 4 provides Sensitive Ecosystem Inventory mapping relevant to this area<sup>2</sup>.

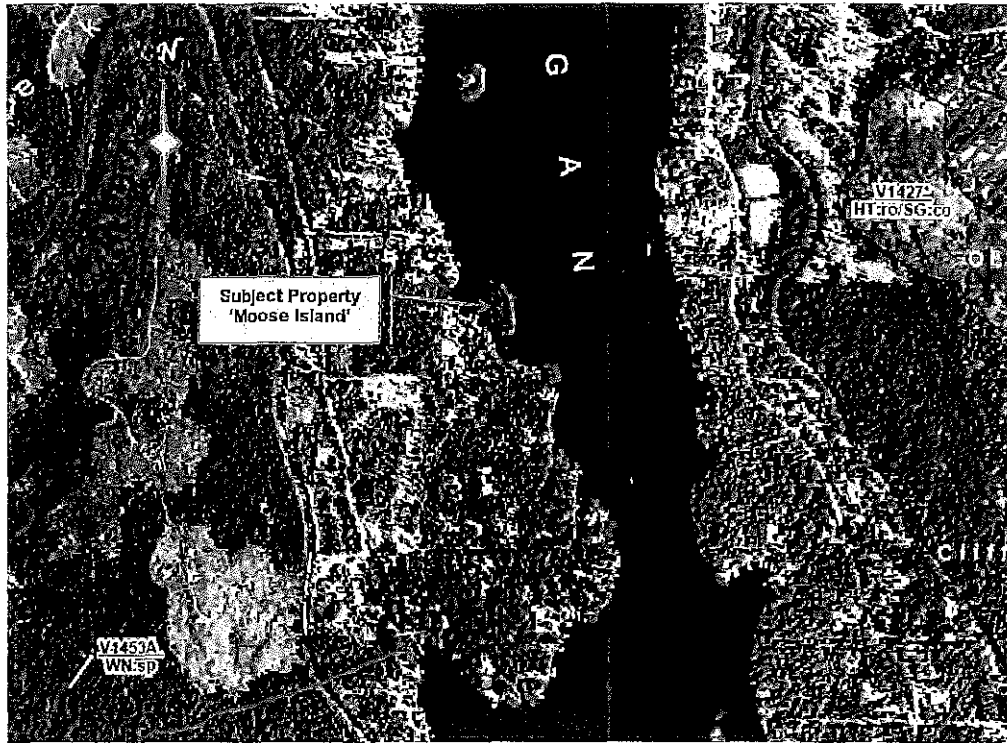


Figure 4 SEI ecosystem mapping at and surrounding Moose Island.

Areas shown in black and white are not identified as sensitive ecosystems. That is, they are predominated by common vegetation. Those areas shown as colour shaded represent sensitive ecosystems. Each colour shade represents a different ecosystem type. For example, the small green polygon in the lower left corner (V1453A) is characterized in the mapping as a known wetland ecosystem. The light brown polygon on the east side of Shawnigan Lake (V1427) represents a known terrestrial herbaceous ecosystem. Blue lines represent known watercourses.

### Bird Nesting

The island vegetation is habitat that would typically be utilized for nesting by smaller bird species (songbirds, owls, etc.) during the nesting period of approximately March 15 to July 31 or any given year. While no nests were observed, there is a likelihood that nesting could be actively occurring in the area during this time.

As the cabin construction is complete, there is no plan to remove any additional trees. However, if tree removal is contemplated in the future, cutting of trees should be avoided during the nesting period.

<sup>2</sup> <http://www.env.gov.bc.ca/sei/> - Sensitive Ecosystems Inventory of East Vancouver Island and Gulf Islands – Disturbance Mapping and Re-evaluation of Major Riparian Corridors; Map sheet 092B.062 (March 2004).

such, triggering the RAR process would not have contributed meaningful protection of the lake foreshore at this location beyond what has already occurred.

## **OTHER PROVINCIAL ENVIRONMENTAL PERMITTING**

### **BC Ministry of Environment**

#### **Water Act**

Construction of the cabin has not included any works within, adjacent to or in the vicinity of running water that would constitute a creek. As such, application for Approval under Section 9 or Notification under Part 7 of the *Water Act* would not have been required.

#### **Water Licence**

There are no creeks that would be subject to the constraint or consideration for a Water Licence. As such, this section does not apply.

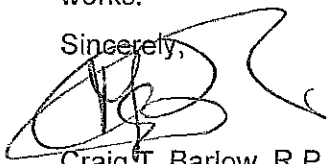
## **CLOSING COMMENTS AND RECOMMENDATIONS**

For your consideration, I provide the following comments and recommendations for the proposed house construction:

- i) It is recognized and understood that the construction of the existing cabin (to replace a derelict cabin) was undertaken without initial environmental input and may therefore not have been in compliance with both CVRD requirements and the Provincial RAR process.
- ii) There are no significant environmental or ecological issues associated with the completed construction of the cabin on Moose Island in Shawnigan Lake.
- iii) Trigger of the RAR process would not have increased lake foreshore protection beyond what has already occurred. Given that the north limit of the cabin is predominantly exposed bedrock with no vegetation (either trees or shrubs), there would have been no environmental benefit to further protection.
- iv) To ensure the riparian areas remain intact, no tree or understory vegetation removal between the east cabin wall and the lake foreshore should be undertaken.
- v) It is advised that the proposed intent to install a composting toilet be advanced to ameliorate sewage impacts on the lake provided those plans are compliant with applicable CVRD regulations and bylaws.

I trust this letter report addresses the CVRD's concerns at this site. Please call me at (250) 478-9918 if you have any questions about this report or any other aspect of your planned works.

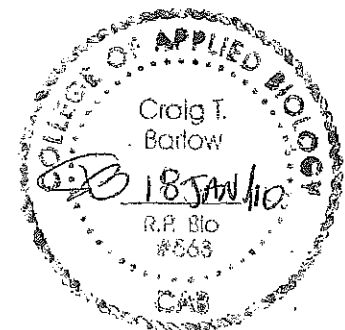
Sincerely,



Craig T. Barlow, R.P.Bio., QEP  
Biologist

cb/

c.c. Cowichan Valley Regional District

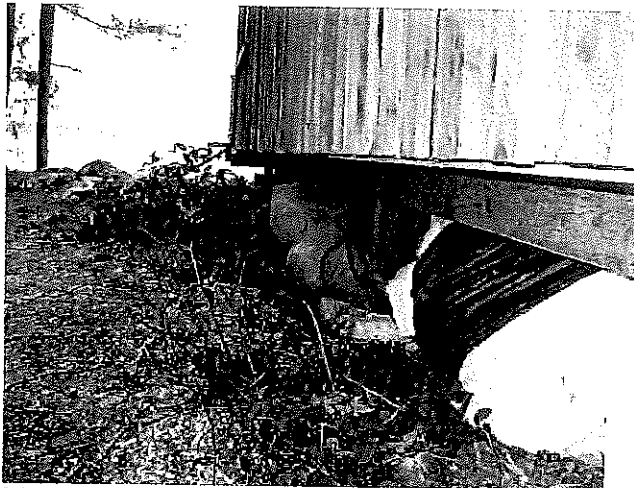




## PHOTOS



**Photo 1** Front of cabin. Note exposed bedrock.



**Photo 2** Open undercarriage of cabin showing founding timber posts.



**Photo 3** Panorama showing distance from cabin to lake foreshore.

Photos by C Barlow, December 11, 2009.



APR 13 2010



April 13, 2010  
AESC Project No.: 209-016-1

John Rytter  
1774 Shawnigan Lake Road  
Shawnigan Lake, BC, V0R 2W5

**Re: Environmental Assessment – Supplemental Information  
Moose Island Cabin Construction – Shawnigan Lake  
Cowichan Valley Regional District**

Mr. Rytter:

The Cowichan Valley Regional District (CVRD) has requested additional information related to protected setbacks on the island in a letter from Rob Conway (Manager, Development Services Division) dated March 24, 2010. This information is required to provide the CVRD with certainty that the no further development of the island will be undertaken near the lake foreshore without prior approval from the CVRD. Specifically, this report provides setback constraints (i.e. Streamside Protection and Enhancement Area – SPEA) as defined under the Detailed Assessment criteria for the Riparian Areas Regulations. An additional site visit was not conducted in the preparation of this supplemental letter report.

The intent of this supplemental information is to:

- i) Provide the requested information to the CVRD so they are able to complete the Development Permit process for your property,
- ii) Provide information as recommended by BC Ministry of Environment,
- iii) Define the SPEA setbacks that will constrain further development of the island in the foreshore and near foreshore areas.

### **SUPPORTING DOCUMENTATION**

This letter report is intended to be supplemental to the following letter report prepared by Applied Ecological Solutions Corp.

*Environmental Assessment: Moose Island Cabin Construction – Shawnigan Lake, Cowichan Valley Regional District (January 18, 2010).*

Review of this supplemental information letter report should only be undertaken with a full understanding of the information and context provided in the January 18, 2010 letter report.

### **STREAMSIDE PROTECTION AND ENHANCEMENT AREA**

Note that a formal RAR Detailed Assessment was not conducted in the preparation of this or previous reports as it was concluded by the author that RAR could not be triggered retroactively. However, field measurements of the proximity to the new cabin to the lake foreshore were taken during the January, 18, 2010 site review.

The SPEA is estimated to be 15m based on a determination of the three Zones of Sensitivities as they relate to [i] large woody debris & bank stability, [ii] litter fall & insect fall, and [iii] shade. The SPEA shown in Figure 1 is the best representation possible given the resolution of available online mapping. As such, the SPEA demarcation may vary modestly from what is shown depending on the exact location of the highwater mark. The SPEA has not been flagged on the island.

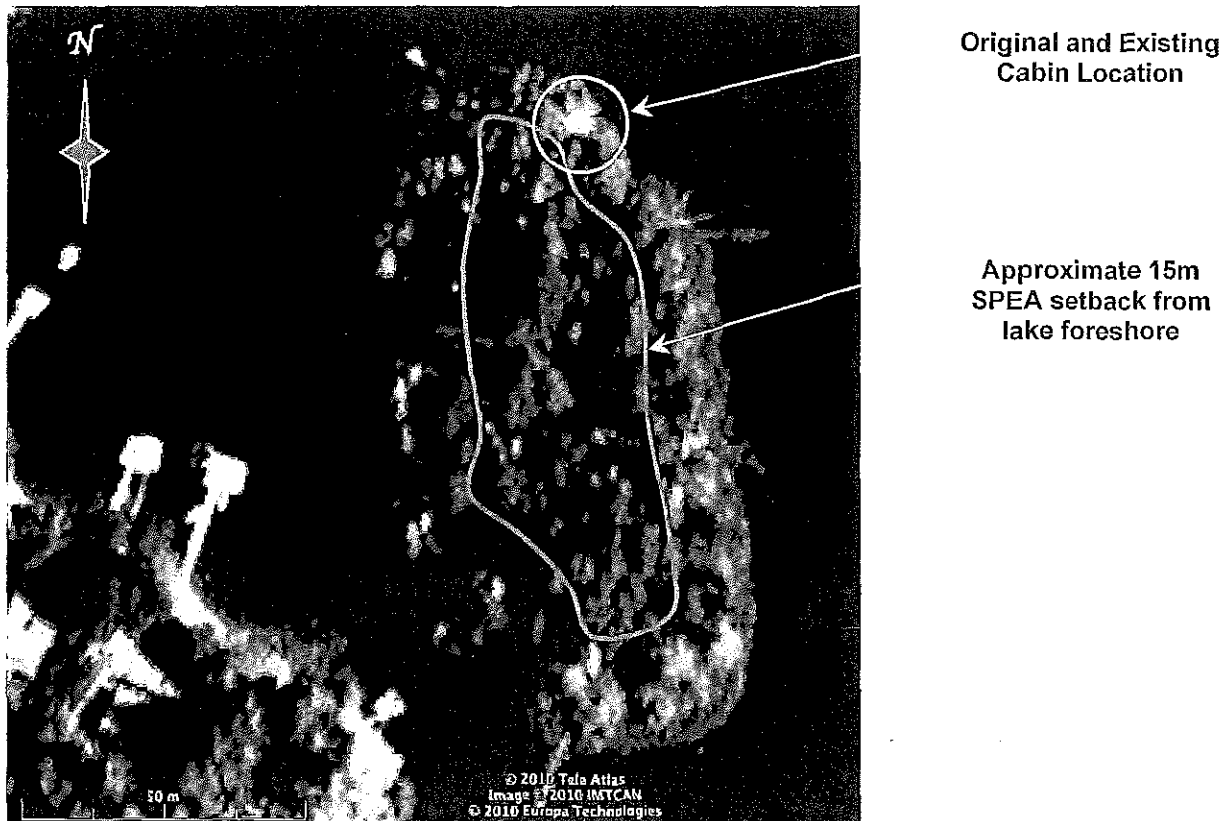


Figure 1 Moose Island showing approximate SPEA (orthophoto image from Google Earth).

### CLOSING COMMENTS AND RECOMMENDATIONS

For your consideration, I provide the following comments and recommendations for the future use of your island property:

- i) The SPEA for the island is determined to be 15m setback from the lake highwater mark as shown above. A portion of the new cabin is within the SPEA. The nearest proximity of the cabin to the lake foreshore is 6m from the northeast corner of the front deck. However, as has previously been reported, in my opinion the existing cabin contributes no or negligible additional impact on the lake foreshore.

No further development beyond what has already occurred (including tree and vegetation removal, construction, storage or other intrusive use) is permitted within this corridor unless pre-approved by the CVRD or other relevant approving agency.

- ii) The SPEA shown is representative as higher resolution mapping is not available. The SPEA can be determined onsite by measuring a distance of 15m from the highwater mark (measured

horizontally from, and perpendicular to, the lake foreshore). Be advised that the highwater mark location can only be established by a QEP or other trained professional.

- iii) As reported in the January 18, 2010 letter report, you intend to install a composting toilet to ameliorate sewage impacts on the lake. The proposed siting of this facility has not yet been finalized. However, there is sufficient area towards the interior of the island within reasonably proximity to the cabin where construction would not adversely impact the lake. It is advised that those plans are advanced ensuring compliance with applicable CVRD regulations and bylaws.

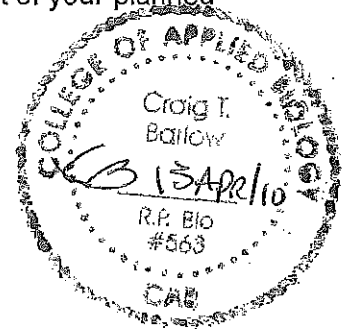
I trust this letter report addresses the CVRD's concerns at this site. Please call me at (250) 478-9918 if you have any questions about this report or any other aspect of your planned works.

Sincerely,



Craig T. Barlow, R.P.Bio., QEP  
Biologist

cb/



✓ c.c. Rob Conway, Manager – Development Services Division (Cowichan Valley Regional District)

## 12.8 RIPARIAN AREAS REGULATION DEVELOPMENT PERMIT AREA

### 12.8.1 CATEGORY

This development permit area is designated pursuant to Section 919.1(1)(a) of the *Local Government Act* – protection of the natural environment, its ecosystems and biological diversity.

### 12.8.2 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).

### 12.8.3 JUSTIFICATION

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).

### 12.8.4 RIPARIAN ASSESSMENT AREA

The Riparian Area Regulation Development Permit Area is coincidental with the Riparian Assessment Area as defined in the *Riparian Areas Regulation*. It is indicated in general terms on Figure 5f – RAR Development Permit Area Map. Notwithstanding the areas indicated on Figure 5f, the actual 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.

### 12.8.5 APPLICABILITY

A development permit must be applied for, and issued by the Cowichan Valley Regional District, prior to any of the following activities occurring, 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, 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*.

#### 12.8.6 GUIDELINES

Prior to undertaking any of the development activities listed in Section 12.8.5 above, an owner of property within the Riparian Areas Regulation 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

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  - 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.
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  - 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

(m) Any home occupation-service industry must comply with all Regional Provincial and Federal Environmental Protection Regulations.

#### 5.13 Bed and Breakfast Regulations

In the zones permitted a bed and breakfast use shall:

- (a) Be completely contained within a single family dwelling which is the principal use on the parcel.
- (b) Be conducted by the Principal resident who may employ not more than one person on the premises.
- (c) Not involve the use of more than three rooms at any one time for guest accommodation.
- (d) In the case of commercially zoned premises not involve the use of more than 8 rooms at any one time for guest accommodation.

#### 5.14 Setback from a Watercourse

- (a) Notwithstanding any other provisions of this bylaw no dwelling shall be located within 15 metres of the high water mark of a watercourse or a lake.
- (b) Notwithstanding any other provision of this bylaw no building used for the accommodation of livestock shall be located within 30 metres of the high water mark of a watercourse or a lake sandpoint or well.

#### 5.15 Siting of Kennel Buildings

Within a zone in which kennels are a permitted use buildings and structures for the accommodation of dogs including dog runs shall not be located within 45 metres of a parcel line.

#### 5.16 Residential Use in Non-Residential Zones

Notwithstanding the setback requirements of this bylaw where a single family dwelling is permitted in a commercial industrial or institutional zone the following setbacks shall apply:

Front	7.5 metres
Interior Side	10% of the lot width or 3 metres whichever is less
Exterior Side	4.5 metres
Rear	4.5 metres





R5

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 3, 2011

**DATE:** April 27, 2011 **FILE No:** 5-A-10 DP  
**FROM:** Mike Tippet, Manager Community & Regional Planning **BYLAW No:** N/A  
**SUBJECT:** Application for a development permit to permit residential subdivision of lands in Mill Bay

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

That, in accordance with the phasing guidelines in section 14.6.3(d) of the Stonebridge Development Permit Area, a development permit for the subject properties only be approved on the condition that the applicant provide the non-residential facilities required by the phasing guidelines, concurrently with the residential subdivision.

Should these non-residential facilities be proposed in a revision to this application, additional work needs to be done by the applicant respecting the scope of the DP application and the inclusion of additional lands, as well as the following:

- The density/unit yield calculation, so a correct "cap" number for the fully built out development can be obtained, in order to incorporate it into the development permit;
- Preparation of a conceptual landscaping plan for the entire area, including single family areas;
- A comprehensive walkway plan, including pedestrian creek bridge (as has been proposed), and the specifications to which the different walkways would be built;
- Preparation of a comprehensive stormwater plan including conceptual drainage facilities and features on a map of the site, with information regarding the extent to which rainwater would be retained on site, where soils may be suitable for that;
- Detailed information respecting the means by which sewage will be treated and disposed of, and the exact location of these areas on a map in a fashion that does not overlap proposed lot boundaries, and confirmation of the applicants' intent with respect to the ownership and operation of the sewage treatment and disposal facilities;
- A sign plan, if permanent neighbourhood identification signs are proposed.

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

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

#### **Background:**

**Location of Subject Property:** Southernmost two parcels of the Stonebridge lands, accessible through Bourbon Road.

Legal Description: Section 2, Range 8, Shawnigan District, Except the North 6.666 Chains of the West 25 Chains, Parcel B (DD74982<sup>1</sup>) and Except that part lying south easterly of Deloume Road, and shown coloured red on Plan Deposited under DD 79301G (PID: 009-528-601).

Also:

The North 6.666 Chains of the West 25 Chains of Section 2, Range 8, Shawnigan District, Shown outlined in Orange in Plan Deposited under DD 14020F (PID: 009-487-221)

Date Application's Revised Documentation was Received: September 2010 and the most recent revision in February 2011

Owner: D. and L. Garnett

Applicant: Mark Johnston for Limona Construction Ltd.

Size of Parcels: 26.6 hectares (Section 2, Range 8)  
6.9 hectares (N. 6.666 Chains of Section 2, Range 8)

Existing Zoning: Comprehensive Urban Residential R-5 (approximately 19 hectares)  
Agricultural Recreation A-4 (approximately 13 hectares)

Minimum Lot Size Under Existing Zoning: 15 units per hectare (~667 m<sup>2</sup> gross) on community water and community sewer (R-5 Zone)

12 hectares (A-4)

Existing Plan Designation: Urban Residential and Agricultural

Existing Use of Property: Vacant, open and forested land

Existing Use of Surrounding Properties:

North: low density residential, remainder of Stonebridge lands  
South: Parkland and residential  
East: Lions Cove, Commercial enterprises  
West: Kerry Village Mobile Home Park and rural residential

Services:

Road Access: Bourbon Road  
Water: Mill Bay Waterworks District  
Sewage Disposal: Community Sewer System is required  
Fire Protection: Mill Bay Improvement District

Agricultural Land Reserve Status: Out

Contaminated Sites Regulation: declaration of no industrial uses signed

Environmentally Sensitive Areas: SEI Riparian zone shown along Shawnigan Creek, but this is an area that is north of the lands under application (not on the subject property).

Archaeological Site: none shown on "areas of concern" GIS layer.

### **Overview of the Application:**

The subject property comprises two large parcels of land in the heart of Mill Bay, which were originally a pioneer farm and for a couple of decades have been designated for development in the Official Community Plan. These lands are identified as “Stonebridge” in the OCP and will be referred to as such in this report.

The zoning that is on these lands is split: about 59% is zoned as Comprehensive Urban Residential (R-5) and the remaining 41% is zoned Agricultural Recreation (A-4).

The Stonebridge development proposal from the 1990s was a concept somewhat similar to Arbutus Ridge, in that a residential community would be sited around and within a golf course development. At the time of the original rezoning, an 18-hole golf course was proposed along with a residential development of 320 units, as described in the OCP. In order to accommodate the land-extensive nature of a large golf course and the associated residential development, the project involved more than just the lands presently under application. The two parcels of land that are the subject of this application are only a portion of the original Stonebridge area and are not of sufficient size to build an 18-hole golf course in addition to the proposed residential development.

### **The Proposal:**

The present application is for a subdivision of 261 single family residential lots as well as two other proposed parcels that would together house 33 residences in a multiple family format. The proposed development area is restricted to a portion of the site that is zoned as R-5.

The proponents have altered the proposal somewhat from when the original application was submitted in 2010:

1. The green space within 30 metre riparian assessment areas – mostly zoned as A-4 – that would not be developed (see the maps of proposed lot layouts) would be transferred to the CVRD as parkland;
2. The revised plan shows only a “future road connection” to Barry Road. The applicants have indicated that this connection would not be built until some development occurs on the balance of the adjacent lands, which would require a rezoning, and that the location of the road within the applicant’s lands is preliminary and subject to change depending on final subdivision layout.

### **Official Community Plan Context:**

The designation of the lands under the OCP is nothing out of the ordinary, as the lands for residential purposes are in the Urban Residential category, as is most of Mill Bay. The golf course lands are designated as Agricultural. The policy framework for the Urban Residential designation permits lands within a 10 minute walk of the central area of Mill Bay to be zoned for multiple family residences as well as single family. This is implemented for the Stonebridge lands with the R-5 Zone, which permits one single family dwelling per parcel, as well as multiple family dwellings.

### **Advisory Planning Commission:**

This application was referred to the Mill Bay/Malahat Advisory Planning Commission for their meeting of February 8, 2011. The APC heard a presentation from the applicant, which concluded with the submission that only the environmental development permit guidelines should apply to this application. As a result of the applicant’s presentation, the APC referred the matter to staff.

### **Referral Agency Comments:**

This development permit application was referred to the Ministry of Transportation and Infrastructure Approving Officer in order to obtain his input on the provision of a second road access to the site. The MoTI Approving Officer submitted the following comments:

*We reviewed the information and felt it would be prudent to send you our preliminary thoughts.*

1. *The Ministry believes a development of this size and geographic location, requires a secondary public access road.*
2. *Using Barry Rd as the only alternate access falls short for the following reasons:*
  - *When will it be built and who will build it? What happens in the interim?*
  - *May require TCH, Shawnigan-Mill Bay & Barry Road improvements.*
  - *Does not alleviate the impact of increased traffic at the TCH / Shawnigan-Mill Bay Intersection.*
  - *Emergency services may not be well accommodated.*
  - *Promotes increased short trips on the TCH to commercial areas south (i.e. Deloume Rd).*
3. *The Ministry supports a Bourbon – Lodgepole Rd connection, for the following reasons:*
  - *Traffic would be distributed between three Highway intersections (Shawnigan-Mill Bay, Deloume & Frayne Roads).*
  - *Direct emergency fire access (Lodgepole Rd).*
  - *Reduced TCH trips with back road access to popular commercial nodes (Deloume-Barry, Frayne, park & ride, etc).*
4. *Development of the proposed Commercial Centre and Senior's Development (Shawnigan-Mill Bay Rd) will require further consideration by the Ministry.*
5. *The Ministry supports trail and bikeway connections between residential and commercial nodes.*
6. *Details regarding drainage, sidewalks, lighting and road standards can be fully addressed at the time of subdivision.*
7. *If DP approval is considered, we recommend sufficient flexibility to accommodate revisions to the proposed plan layout.*

### **Other Relevant Information:**

Following the APC meeting, a letter from the applicants' solicitor was sent to the CVRD (copy attached) requesting that the matter of this development permit application be decided at the March 9<sup>th</sup> Board meeting. Staff was unable to meet that timeline. However, the matter is likely to be decided at the May Board meeting, following the outcome of this Committee's recommendation. Staff have received a legal opinion concerning the matters raised in this letter, and we considered both in preparing this report.

### **Development Permit Area Guidelines:**

The OCP contains a development permit area that is specific to the Stonebridge lands. The Stonebridge DPA guidelines are unusual because detailed architectural form and character guidelines are not provided for multiple family residential buildings, and the DPA includes a "development schedule" requiring residential and non-residential land uses to be developed concurrently. We will review the guidelines not sequentially, but rather by general category.

**Guideline Group (a):** Within this DPA, it is acknowledged in Section 14.6.3(a)(1) that the zoning bylaw will control permitted uses and density on the site and that changes in the permitted uses and density cannot be made through a DP. Figure 9 is a map that shows the entire Stonebridge site and is described in Guideline 14.6.3(a)(3) as representing a clustered arrangement of land uses with higher density generally located on higher ground. Part 2 of this guideline indicates that areas have been "designated" for low, medium and high density housing (which must be a reference to Figure 9 because these "designations" are not reflected on the Plan Map used to display other land use designations in the OCP, while areas are shown on Figure 9 for low density, medium density and high density housing). This guideline states that a zoning amendment application must be undertaken if deviation from the three types of density – low, medium and high – is contemplated.

Staff finds this part of guideline (a) to be somewhat in conflict with the other parts. Part 1 of this guideline, in which it is acknowledged that land uses and densities prescribed by zoning regulations cannot be altered through a DP, suggests that Figure 9 serves only as a possible development scenario for the Stonebridge lands, but its density indications are not binding and could potentially be altered by DP without a zoning amendment so long as the overall density limit specified in the zoning regulations (15 units per ha) is not exceeded. In any case, development permit guidelines are by their nature as guidelines, always interpreted to be flexible to some degree. The question before the EASC is whether the submitted plan is sufficiently consistent with Guideline (a) to merit approval, without requiring a zoning amendment.

**Guideline Group (b):** These three guidelines are concerned with the protection of environmental features found on the site. The guideline calls for a minimum 30 metre band of protected area surrounding key creeks on the subject property, which in this case would be Hollings Creek. The actual setback proposed is in excess of this figure, to the point that a fair bit of the area zoned as R-5 would not be utilized for development (this area can be seen on the applicants' site plan as a broken black line at the eastern end of their proposed development area). Other guidelines in this section are related to golf course development and creek crossings, neither of which is proposed in this application. The proposed ownership of this riparian area was not indicated when this application was first received, but the applicants have now proposed that the portion of these A-4 lands that is within the 30-metre riparian assessment area be dedicated as CVRD park, to ensure that this area is carefully managed in the future. We can therefore consider this guideline to have been met in this proposal.

**Guideline Group (c):** Part 1 of this guideline deals with sewer and water services. The CVRD has procedures in place to ensure not only that this guideline is met, but that the services come into public ownership. Part 2 of this guideline deals with road standards, and speaks to the finishing of roads and the provision of sidewalks. As is well known in Mill Bay, sidewalks are a matter that is vexing to deal with at a regional district level, because suitable administrative arrangements have not been developed with MoTI to allow this to occur in most areas. However, the CVRD has applied to the Province for powers to create sidewalk service areas (March 2011). The applicants indicate that sidewalks would be built on all roads other than cul-de-sacs if the CVRD has authority over sidewalk management by the time this land is subdividable. Some green strips are shown on the plan, presumably as a means of encouraging pedestrian traffic through the site. The revised site plan does show a pedestrian trail that would entail the construction of a pedestrian bridge over one of the creeks, which the proponents have stated they would complete, provided that the adjacent property owner approves. Part 3 of this guideline is specific to the application of herbicides on a golf course, so it is not relevant to this situation. Some more information on proposed road standards is required in order to determine whether this guideline has been met.

Regarding roads, although it does not feature as a guideline *per se*, the proposed access road through Bourbon Road would be very unusual, in the sense that 300 residences at buildout would, only have only a single access point into the local road network. The application does show a "future" connection to Barry Road but this would not be constructed during the development of the 300 units. This matter will be within the jurisdiction of the Approving Officer when considering the owner's subdivision application.

The CVRD has indicated to the applicants that we believe a second access point to and from this proposed development will be required. In consideration of this, staff referred this application to the MoTI Approving Officer, Bob Wylie, and his response is reprinted above. It indicates that the Ministry will require a second access at the subdivision stage, and that this second access should connect to Lodgepole Road. The reasoning is that the Shawnigan/-Mill Bay Road/Trans Canada Highway intersection is already overloaded, and sharing the additional traffic load between that connection and Deloume/Frayne would better balance traffic flows.

The applicants held a meeting with Mr. Wylie at which this information was shared, but to date, the applicants have not revised the proposed road and lot layout to reflect the Ministry's requirement.

**Guideline Group (d):** This guideline refers to a “development schedule” which proposes a schedule for both phased and unphased development. Despite the fact that all of the development proposed is shown on this development permit application, we understand that the project would not all be constructed at once, so the project is phased. Therefore Guidelines (d)(2) and (3) apply, and sewer and water, roads and walkways, an RV storage facility and golf course and clubhouse would have to be constructed before occupancy permits for any permitted structures would be issued, “up to” 75 units. Before occupancy permits are issued for housing units in excess of 75 units, the “community service facility” must also be constructed.

The applicants have not proposed that a golf course or RV storage area or community service facility be built at this stage of development or ever, nor do they propose to build, or have sufficient land to build, a golf course. The question then arises: in a development permit, where a comprehensive development is contemplated by the zoning regulations and DP guidelines, can or must a development permit be refused on the grounds that these elements are missing from the development?

Section 920(4) of the *Local Government Act* states that a Development Permit cannot vary the use or density established in a zoning bylaw. This could mean that authorizing in a DP only the residential portion of the development and never developing the golf course would constitute a deviation from use, in contravention of this section. Further, Section 920(9) of the *Local Government Act* specifies that a development permit “may include requirements respecting the **character of the development**”. Staff believes that this means that where a site like this is zoned with provision for both commercial activity (golf course) and residential activity (the remainder of the development), there can be nothing so fundamental to the character of the development as whether the commercial element will exist. We therefore believe that it is well within the ambit of the Board’s DP powers to require – if the Board so chooses – that all of the proposed land uses described in the R-5 zoning and the DP guidelines be provided for in this development permit application. The likelihood that the type of golf course originally proposed could be built is low, given the reduced site area of these two parcels of land that are under application, though the other non-residential facilities including the community service facility and the RV storage facility could be provided. Further the applicant could make arrangements with the owners of the other land originally involved in the Stonebridge proposal to make a joint DP application.

In the event that the sequencing guideline (d)(2) is not followed, it would be worth considering the degree to which departing from the guideline would break with public expectations for the site, in addition to being at odds with the applicable DP guidelines. Any citizen or group of citizens could have the DP set aside if it has been issued in contravention of the OCP or the *Local Government Act*. At the time that the original Stonebridge rezoning application was made, the proposed golf course was considered to be a desirable land use, so much so that it was inserted into DP guidelines respecting sequencing of development in preference to ensuring its development in other ways such as the posting of security or the restriction of residential sales pending completion of the golf course. Were that rezoning application to have been considered today, would a golf course be given such priority? Probably not, but no doubt some other desirable land use would have been proposed on this, the most important undeveloped land in Mill Bay. This suggests that, if the applicant is no longer in a position to provide a golf course or other non-residential land uses originally proposed as part of a comprehensive development, there should be a new application to amend the zoning bylaw and Official Community Plan in relation to this key site.

**Guideline Group (e):** This guideline deals with the siting of buildings and structures in relation to various factors. The current DP application does not engage any of the stated factors though subsequent applications for multi-family residential buildings may do so,

There are no other development permit guidelines to review.

### **Further Discussion:**

In the applicant's letter, it is indicated that the particulars of the multiple family residential sites will not be presented at this time, but rather a separate DP application would occur for these two parcels. The challenge is that there are precious few guidelines that would apply strictly to a multiple family residential use. It is even possible that the future owners of the two multiple family sites might argue that a DP application is not required for these sites because there are no relevant guidelines that would apply to them. Meanwhile, if the South Cowichan OCP is adopted as expected, it is likely that the Stonebridge Development Permit Area guidelines would be supplemented with additional form and character guidelines for the proposed multiple family residential sites.

The Stonebridge DPA does contain a DP application "Requirements" Section (14.6.4), and the following are mostly missing from this particular application:

1. Location of sewage treatment plant which does not interfere with proposed lots;
2. Location of all (sidewalks and) walkways;
3. Landscaping plan;
4. Plan for signs other than traffic and street name signs (if applicable);
5. Proposed stormwater drainage system(s);

The applicants indicated in their original application letter (attached) that sidewalks will be present on major roadways "in compliance with Ministry of Transportation standards". We are not aware of any MoTI standards for sidewalks at this time. A later letter from the applicant dated April 4<sup>th</sup> indicates that if sidewalks are permitted by MoTI in the subdivision process, they will be provided on all dedicated roads except for cul-de-sacs. The latest site development plan (dated March 31, 2011) shows a sewage disposal area that overlaps 30 single family lots and both proposed townhouse sites. No green space – other than the aforementioned riparian areas – is proposed to become park. The application letter indicates that the outdoor lighting plan will be prepared for the townhouse area at the time that site is developed (which is a good plan) and the latest revision of the conceptual land use plan (all these latest plans are attached) does show approximate street lighting standard locations. About a landscaping plan, the application letter notes that this will be done at the multiple family residential DP application stage for the townhouse site, and that the single family residential area will "be cleared". Some retention of the existing forested areas would be worth considering and the DP Area contains some information on the desirability of doing so. The two page letter from First Team Engineering (attached) does not constitute an acceptable stormwater drainage plan, since it is not specific as to how the various engineering measures will be designed for each part of the site or the extent to which managing rainwater at the individual lot level will be possible.

Staff would recommend, should the applicant address the other shortcomings of this proposal and the EASC consequently be inclined towards supporting a revised DP application, the above information would also be required to proceed to permit issuance.

### **Density:**

About 19 hectares of the subject lands are zoned as R-5, for which the zoning bylaw establishes a maximum density of 15 dwelling units per ha of parcel area. The submitted site plan shows that a portion of the area zoned as R-5 is not developable due to its being in an identified riparian zone. This area represents about 1 hectare and so the effective area zoned R-5 is only about 18 ha. We may calculate the residential density yield as follows:

$$18 \text{ ha} \times 15 \frac{\text{units}}{\text{ha}} = 270 \text{ units}$$

The proposed development calls for 294 units to be created, which is 24 more than that calculated above. However, the advice of a surveyor in respect of the actual area on the lands that is zoned as R-5 and proposed for development would be required to obtain a perfectly accurate estimate of yield for the purpose of determining whether the final subdivision application complies with the R-5

zoning. In the absence of such survey information, we will rely on our approximate figures and assume that only 270 units may be built.

The absence of a minimum parcel size in the R-5 Zone complicates matters somewhat, and we may therefore only rely on the gross density calculation to determine what total lot yield is. We may, however, comment in the course of the subdivision application on the matter of lot sizes, particularly if some proposed lots are so small or irregularly shaped as to require variances for construction.

The proposed single family lot sizes range from 450 m<sup>2</sup> to 925 m<sup>2</sup>, with the average size being slightly over 500 m<sup>2</sup>. Generally (aside from the "overage" of 24 units according to our calculations) this seems to conform to the provisions of the R-5 Zone respecting density.

There would also be two townhouse sites, one of 6700 m<sup>2</sup> and one of 4700 m<sup>2</sup>. The former is proposed to have 20 units on it and the latter would have 13 units. These sites are not of sufficient area to present a risk that additional density would be possible once these parcels are created, because both parcels are well under 1 hectare in area and the R-5 Zone density limit is 15 units per hectare.

#### **Site Planning:**

The application essentially constitutes a site plan that shows the only connecting road, the internal roads, single family areas, green space and townhouse areas. No building elevations have been provided, and there is little information about specific walkway locations, other than the one that would allow residents of this subdivision to walk to the commercial services located nearby. Bourbon Road is proposed as the only access to Shawnigan-Mill Bay Road and the Approving Officer has confirmed that he will require that the applicant commit to provide a secondary means of access during the build-out of the subdivision, probably to Lodgepole Road, a location from that shown on the applicant's current proposal.

Other site planning considerations such as a landscaping plan, sewer areas that do not collide with proposed development areas, sign plan (assuming one is needed for a residential site) are not clear at this time.

#### **South Cowichan Official Community Plan:**

The South Cowichan Official Community Plan review is nearing completion and staff are working towards a suitable designation for these lands, with the intention of allowing more flexibility with respect to the development and the sequencing of uses. Because this OCP project is not completed, it is premature to predict the exact form it will take.

#### **Summary:**

This application is not a typical development permit application and deserves special attention due to the nature and scale of the proposal and the unique aspects of the development permit area. Staff recommend, in accordance with the phasing guidelines in section 14.6.3(d), that the permit be approved only on condition that the applicant provide the non-residential facilities required by the phasing guidelines, concurrently with the residential subdivision.

In the event that the EASC wishes to issue the DP on that basis, additional work needs to be done by the applicant respecting the scope of the DP application and the inclusion of additional lands, as well as the following:

- The density/unit yield calculation, so a correct "cap" number for the fully built out development can be obtained, in order to incorporate it into the development permit;
- Preparation of a conceptual landscaping plan for the entire area, including single family areas;
- A comprehensive walkway plan, including pedestrian creek bridge (as has been proposed), and the specifications to which the different walkways would be built;



- Preparation of a comprehensive stormwater plan including conceptual drainage facilities and features on a map of the site, with information regarding the extent to which rainwater would be retained on site, where soils may be suitable for that;
- Detailed information respecting the means by which sewage will be treated and disposed of, and the exact location of these areas on a map in a fashion that does not overlap proposed lot boundaries, and confirmation of the applicants' intent with respect to the ownership and operation of the sewage treatment and disposal facilities;
- A sign plan, if permanent neighbourhood identification signs are proposed.

As it stands now, staff believe that the present application is not approvable.

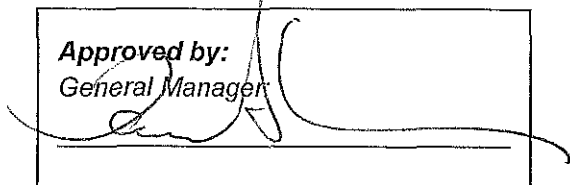
Submitted by,



Mike Tippett, MCIP  
Manager  
Community and Regional Planning Division  
Planning and Development Department

MT/ca

Approved by:  
General Manager



# THE LIMONA GROUP

April 4<sup>th</sup> 2011

Cowichan Valley Regional District

Planning and Development Department

175 Ingram St.

Duncan BC. V9L 1L8

Attn. Mike Tippet Manager – Community and Regional Planning

Re: Development Permit Application No. 5-A-10DP (Limona for Garnett)

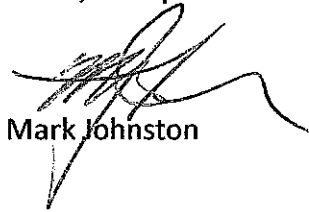
I have been asked to address the list of comments set out in your January 6<sup>th</sup> 2011 staff report regarding the development permit application for the Stonebridge Lands.

Although we have had discussions since approximately June 2010 with respect to the requirements for a development permit application and you have never asked for more information. I have recently noted that page 6 of your staff report sets out seven items where you indicate that you may be missing some materials. These items are addressed below.

1. SITE PLAN SHOWING ALL PROPOSED STRUCTURES - as set out in my July 19<sup>th</sup> 2010 letter, no buildings are proposed in this development permit. Single family residences will be applied for by building permit later and a further development permit for the townhouses will follow at a future date. Attachment #2 also illustrates the building envelopes for the single family homes in accordance with the setback requirements of the R5 Comprehensive Urban Residential Zone. Nothing is missing here.
2. LOCATION OF SEWAGE TREATMENT PLANT – a plan was attached with my July 19<sup>th</sup> 2010 letter indicating the areas available for sewage disposal fields. To provide further clarity enclosed as attachment #1 is a plan showing the preferred field and plant location all of which must meet the requirements of the Provincial Municipal Sewage Registry.
3. LOCATION OF SIDEWALKS – a plan was attached with my July 19<sup>th</sup> 2010 letter. As you know MOTI standards do not contemplate sidewalks. If sidewalks are permitted by MOTI in the subdivision process, they will be provided on all of the roads shown (except in cul-de-sacs)

4. LOCATION OF OUTDOOR ILLUMINATION – if MOTI requires or permits street lighting to be provided, the plan enclosed as attachment #2 shows the approximate location of proposed lamp standards.
5. LANDSCAPING PLAN – as indicated in my letter of July 19<sup>th</sup> 2010, no landscaping is proposed. Landscaping plans in association with building construction will be submitted when there is a further development permit application for townhouse construction. Nothing is missing.
6. SIGNAGE – as indicated in my letter of July 19<sup>th</sup> 2010 no signage, apart from street signs, are proposed. It seems somewhat obvious that the street signs will be located at intersections in accordance with prevailing subdivision standards. Nothing is missing
7. PROPOSED STORMWATER MANAGEMENT – as indicated in my letter of July 10<sup>th</sup> 2010 a plan from 1<sup>st</sup> Team Engineering was attached. Attachment #1 further illustrates the information provided by 1<sup>st</sup> Team Engineering. Nothing is missing.

In the future it would be more helpful if you would simply indicate to me that there are further information requirements. Unless I hear from you within 7 days of the date of this letter, I will presume that all of the information requirements have now been satisfied.



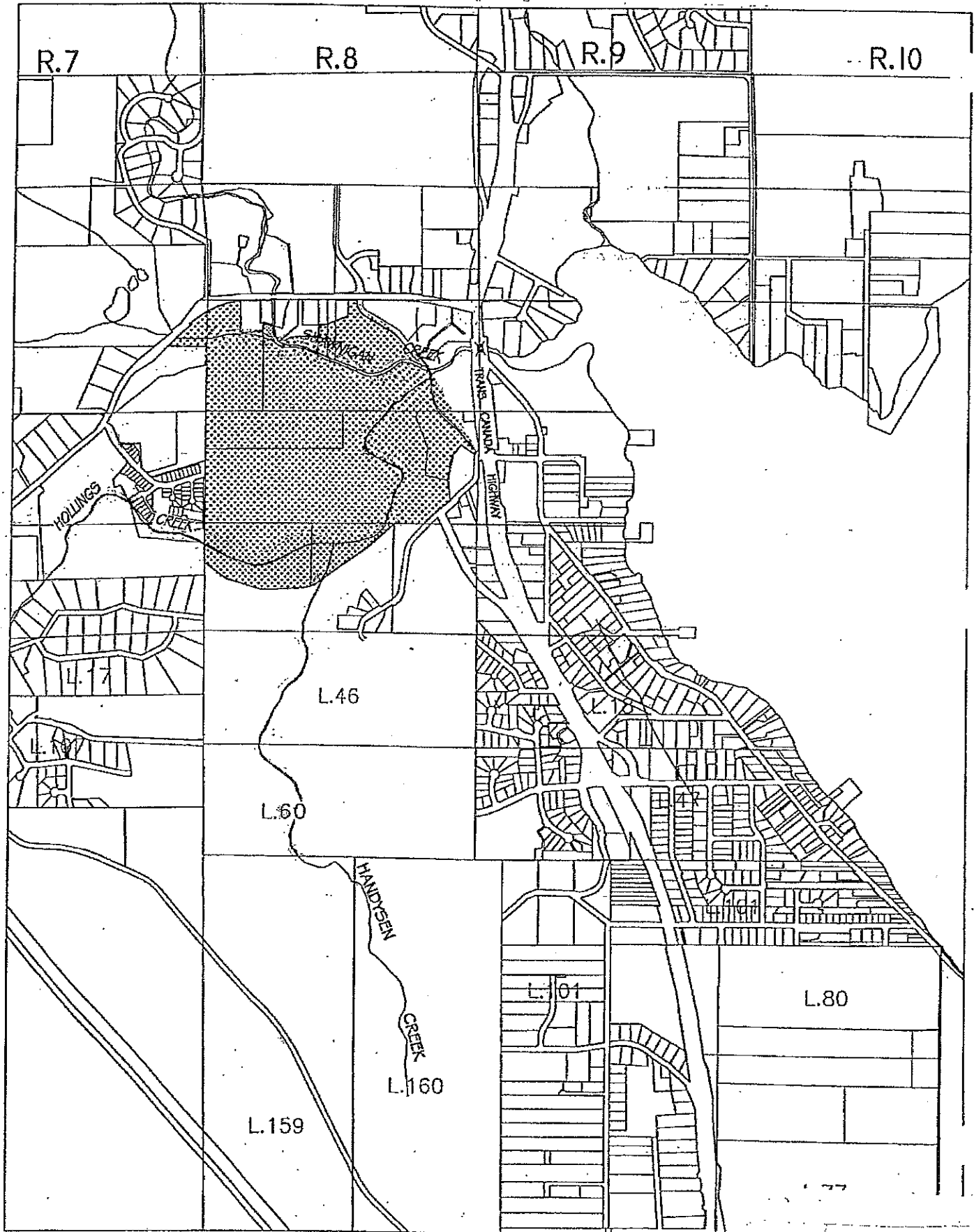
Mark Johnston

## **14.6 STONEBRIDGE DEVELOPMENT PERMIT AREA**

### **14.6.1 CATEGORY AND AREA**

All lands located within the area highlighted on Figure 8 are designated as the Stonebridge Development Permit Area under Section 879(1)(a) and (e), for the purpose of protecting the environment and establishing objectives and guidelines for the form and character of commercial, industrial, and multi-family development in the Development Permit Area.

Figure 8 : Stonebridge Development Permit Area



#### 14.6.2 JUSTIFICATION

- a) The Stonebridge Development Permit Area is bisected by both Shawnigan and Hollings Creeks. These creeks provide aquatic vegetation and fish habitat, and require protection. The proposed Stonebridge development is for a commercial golf course and a 320 unit housing complex containing multi family housing and accessory recreation and small scale commercial facilities.
- b) The Land Development Guidelines for the Protection of Aquatic Habitat (Ministry of Environment Lands and Parks and the Department of Fisheries and Oceans, 1992) recommends that the protection of natural and aquatic environments and shorelines be achieved through a 15 metre (50 feet) leavestrip, and thirty metres (100 feet) for commercial, industrial and multifamily development, from the "first significant and regular break in slope" to any clearing or construction.
- c) Development in this area should not have any significant negative impact on the local environment.
- d) The development should be designed to be in harmony with the physical characteristics of the site and the community.
- e) The development should promote a strong sense of community through the use of planning and design principles which aim to:
  - 1. promote community interaction;
  - 2. encourage affordable housing; and
  - 3. ensure an attractive community in harmony with the natural surroundings.

#### 14.6.3 GUIDELINES

Prior to commencing any development, including construction or subdivision, on lands within the Stonebridge Development Permit Area, the owner shall obtain a development permit which conforms to the following guidelines:

- a) Location and Arrangement of Land Uses
  - 1. The regulations of the zoning bylaw shall control the density and permitted uses allowed within the development permit area. Changes in either the permitted uses or in the density cannot be made via development permit.

2. Housing types and densities within the areas designated for the three types of housing (low density (detached dwellings), medium density (townhouses and attached dwellings) and high density (apartment buildings) shall not be altered in a development permit. Should the owner wish to alter this distribution of use and density, an application for rezoning must be undertaken, with all property owners within and adjacent to the development permit area being duly notified.
3. It is anticipated that housing within the development permit area will be developed in clusters generally located on the higher ground, well above any creek areas or wetlands. The general arrangement of these areas and the proposed uses within them is shown in Figure 9.

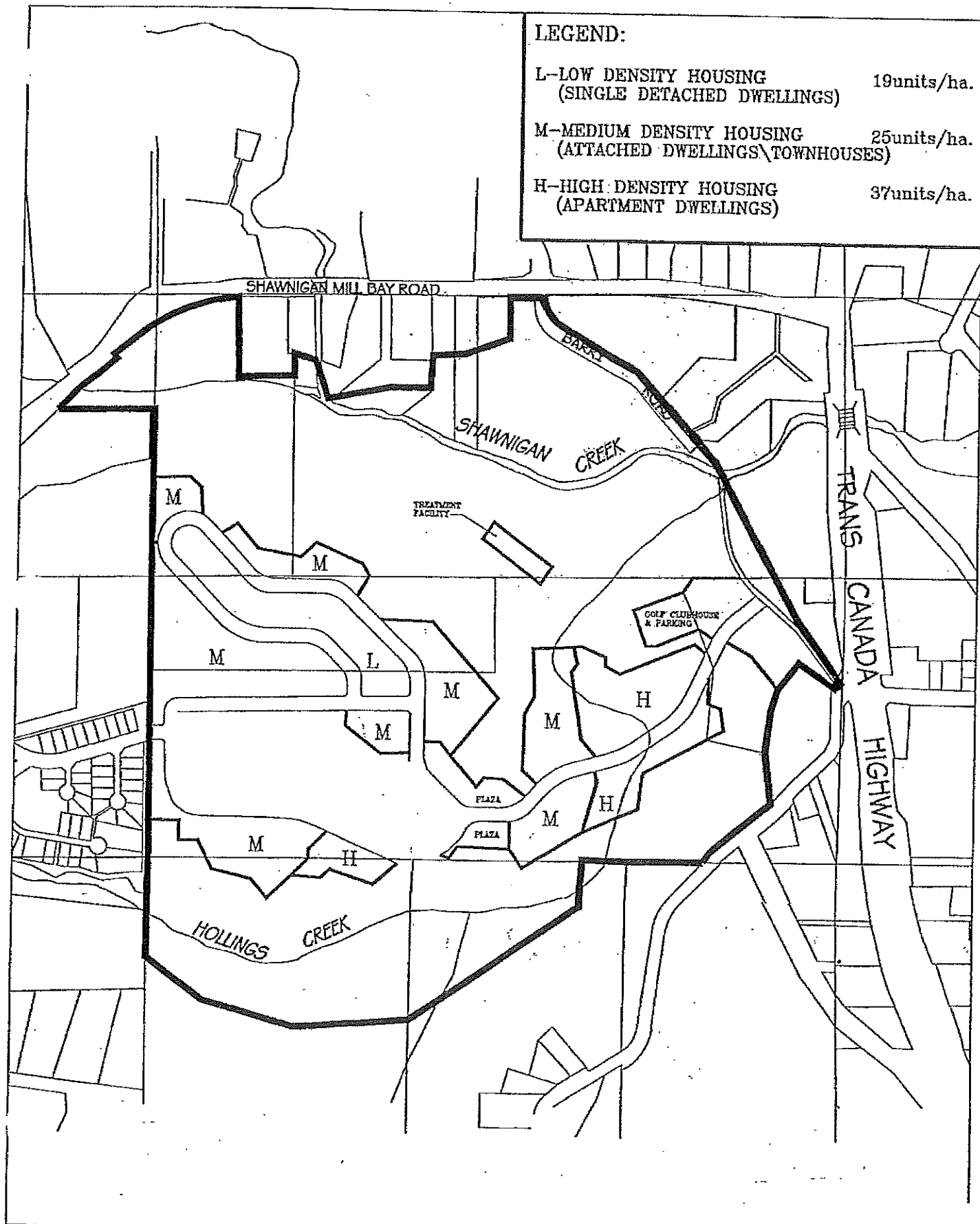
b) Development Adjacent to Environmentally Sensitive Areas

1. Environmentally Sensitive Areas shall be identified, and shall be preserved in a natural state, with adjacent development having no impact on these areas. A buffer area adjoining environmentally sensitive areas may be required in some cases.
2. Development should be discouraged within 30 metres (100 feet) of Hollings, Handysen or Shawnigan Creeks with the exception of the main entrance road crossing, adjacent to the easterly golf clubhouse area, and a limited number of golf fairway crossings, or as approved by the Ministry of Environment. Any such crossings or development near creeks or wetlands should first be reviewed by the Ministry of Environment Lands and Parks and, where appropriate, the Federal Department of Fisheries and Oceans.
3. Any proposed program for pesticide or herbicide or fertilizer use for golf courses should be implemented carefully. Prior to issuing a development permit for any golf course, the proposed chemical application program must be clearly identified.

c) Roads and Utilities

1. All housing and community service facilities shall be serviced by provincially approved community sewer and water services.
2. Roads should be paved with curbs, gutters, and where appropriate and warranted, sidewalks or similarly dedicated walkways/bikeways. Paths and bikeways shall be encouraged to link the on-site uses together and to connect with off-site amenities and services. A sidewalk/path is especially recommended between the community service plaza and the golf club and main entrance on Barry Road.
3. Underground wiring is strongly encouraged.

Figure 9: Stonebridge Site





4. Storm sewers should be designed to retain and delay storm water runoff in order to reduce peak storm flows and the possible negative impact of flash flooding on the creeks. A storm water retention plan is encouraged to be developed as part of any engineering work in the development permit area.
5. The sewage treatment facility shall be located no further than 150 metres from the site identified in Figure 9 nor closer than 100 metres from any housing.
6. Water sources for the golf course or housing shall not include Shawnigan or Hollings Creek.

d) Development Schedule

1. Non-phased Approach

Should the owner wish to develop the site all at once, in a non-phased approach, the following must be in place before occupancy certificates are issued:

- i) approved sewer and water facilities,
- ii) completed community service facility,
- iii) all roads and walkways,
- iv) the golf course and clubhouse, and
- v) an RV storage facility.

2. Phased Approach

Should a phased approach be pursued by the owner, each phase shall involve an application for a development permit. The first phase may include up to 75 housing units with the following facilities in place prior to issuance of the occupancy certificates:

- i) approved sewer and water facilities adequate for the first phase,
- ii) all roads and walkways within each phase,
- iii) the RV storage facility; and
- iv) the golf course and clubhouse.

3. As a condition of a second phase development permit, the proposed community service facility must be completed and ready for occupancy prior to the issuance of occupancy certificates for any second phase housing.

e) Siting of Buildings and Structures

The regulations of the zoning bylaw will normally prevail, however since site conditions will vary, there may be a need to alter the siting rules in certain locations to create a more aesthetic setting, protect environmentally sensitive areas, protect amenities, enhance views or increase the functionality of the housing design.

#### 14.6.4 REQUIREMENTS

Prior to issuing a development permit on a parcel in the Stonebridge Development Permit Area, the Regional District, in determining what conditions or requirements it will impose in the development permit, shall require the applicant to submit, at the applicant's expense, a development permit application which shall include:

- a) A brief text description of the proposed development or phase of development;
- b) A site plan which includes:
  - 1. all parcel boundaries,
  - 2. locations of all natural watercourses and environmentally sensitive areas, including areas subject to periodic flooding,
  - 3. location of all existing and proposed buildings and structures,
  - 4. location of sewage treatment plant and disposal field (if applicable),
  - 5. location of all walkways and sidewalks,
  - 6. location of all parking and loading areas,
  - 7. location and type of all outdoor illumination design,
  - 8. a landscaping plan, identifying the existing and proposed plant species, and areas to be cleared or planted for all landscaped areas,
  - 9. a Signage plan showing all proposed signs or sign areas,
  - 10. setback distances from a watercourse for construction or the alteration of land,
  - 11. location of break of land at the top of bank, or the significant or regular break in slope,
  - 12. topographical contours, and
  - 13. existing and proposed stormwater drainage systems.
- c) In addition to the requirements in subsections 1 and 2, the Regional District may require the applicant to furnish, at the applicant's expense, a report certified by a professional engineer with experience in geotechnical engineering which shall include:
  - 1. a hydrogeological report/environmental impact assessment showing potential impacts of the project on watercourses and sensitive areas,
  - 2. a report on the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition,
  - 3. a report on the potential impact of the development on the Mill Bay aquifer.
- d) An application for a development permit which includes a golf course shall include:
  - 1. a report prepared by an engineer with groundwater hydrology experience which reviews the possible impact of golf course groundwater use upon adjacent domestic wells and Hollings and Shawnigan Creeks, and
  - 2. a herbicide/pesticide program, which shall identify the type of chemicals to be used, proposed application regime, location and design of chemical storage

facility, and evidence that it has been reviewed by federal and/or provincial environmental agencies.

#### **14.6.5 EXEMPTIONS**

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

- a) Interior renovations and minor exterior renovations to existing buildings;
- b) Minor adjustment of parcel boundaries involving the creation of no new parcels, or
- c) Changes to the text or message on an existing commercial sign that was permitted under an existing development permit.

#### **14.6.6 VARIANCES**

Where a proposed development plan adheres to the guidelines of this Development Permit Area, the Regional Board may give favorable consideration to variances of the terms of its zoning, sign and parking 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.

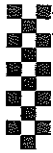
### **14.7 AGRICULTURAL PROTECTION DEVELOPMENT PERMIT AREA**

#### **14.7.1 CATEGORY AND AREA**

All parcels of land outside of the Agricultural Land Reserve that adjoin the Agricultural Land Reserve boundary and that are designated as Urban Residential (excluding P-1 zoned lands) as highlighted on Figure 10, are designated as the Agricultural Protection Development Permit Area under Section 879(1)(c) of the Municipal Act for the purpose of the protection of farming.

#### **14.7.2 JUSTIFICATION**

Agriculture is a prominent land use in Mill Bay and a vital component of the local economy. Continuing growth of the area creates the potential for land use conflicts along the boundaries of the ALR. By creating a development permit area along boundary of the ALR, the plan intends to minimize urban encroachment on agricultural land and farming activities.



# COX, TAYLOR

*barristers & solicitors*

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VICTORIA, BRITISH COLUMBIA V8W 1H9

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OUR REFERENCE: L-782-2\*LJA

MURRAY J. HOLMES  
C. EDWARD HANMAN\*  
S. FRANK B. CARSON, Q.C.  
L. JOHN ALEXANDER\*  
WILLIAM MURPHY-DYSON  
JOHN VANDRESUM\*  
KATHLEEN M. BIRNEY\*  
RAJIV K. GANDHI\*  
LINDSAY R. LEBLANC\*  
MAUREEN E. McDOWELL\*\*  
STEPHEN C. CHAPMAN  
EMILY A. BOYLE  
AURORA L. FAULKNER-KILLAM

\*LAW CORPORATION  
\*\* ALSO OF THE MANITOBA BAR

February 25, 2011

Cowichan Valley Regional District  
175 Ingram Street  
Duncan, B.C. V9L 1L8

BY FAX 250-746-2512

Attention: Board of Directors

Dear Sirs:

**Re: Application for Development Permit - 5-A-10DP**

I act for Limona Construction Ltd. and the Limona Group.

This letter is a request to the Board to ensure that it considers the application for the issue of a permit under section 920 of the *Local Government Act*, and that a resolution authorizing the issuance of the development permit or providing reasons for the refusal of that permit be passed at the March 9, 2011 Board meeting.

I enclose herewith the following:

1. Copy of my letter dated February 11, 2011 addressed to the Manager Community and Regional Planning Division;
2. Copy of section 895 of the *Local Government Act*;
3. A copy of the Supreme Court of British Columbia decision in *Yearsley v. White Rock (City of)*.

Original: <b>1A</b>	Copies to: <b>SA/SS</b>
Sent:	
Correspondence:	
By: <b>SA/SS</b>	Date: <b>Feb 28/11</b>
File #	

I received no response to my letter sent to staff on February 11, 2011.

As a brief summary, my client takes the position that it is entitled to have the Board consider the application for a development permit that was made with respect to parcels of land described as the Stonebridge lands in Mill Bay.

The application for the development permit was made on July 19, 2010.

A January 6, 2011 staff report confirms that the application for the development permit meets all of the applicable guidelines in the Official Community Plan with respect to this development permit area.

Section 895(2) of the *Local Government Act* requires the Board to consider every application for a development permit.

The *Yearsley* decision is a 2009 Supreme Court of British Columbia decision that reconfirms the law. An applicant for a development permit is entitled to the issuance of the permit if the development permit area guidelines are met. A local government is not entitled to take into account extraneous matters or factors that are not covered by the applicable guidelines. If a permit is refused, the applicant is entitled to sufficient reasons in writing for the refusal so that the matter can be addressed on judicial review. If the local government refuses to act, the court will make an order requiring the permit to be issued, together with costs.

In addition to the above, I take the position that a wrongful refusal to issue a permit gives rise to a claim for damages for any costs occasioned by the delay.

Consequently I am instructed to request that the Board consider this matter in accordance with law. Given the amount of time since the application, and the completion of a staff review more than two months before the March 8 date, inaction after that date will be considered by my client to be a refusal.

Yours very truly,

**COX, TAYLOR**

Per:

L. JOHN ALEXANDER

(email: [ljalexander@coxtaylor.bc.ca](mailto:ljalexander@coxtaylor.bc.ca))

LJA/tal

Enc.

c.c. client

# COX, TAYLOR

*barristers & solicitors*

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\*LAW CORPORATION  
\*\* ALSO OF THE MANITOBA BAR

February 11, 2011

Cowichan Valley Regional District  
Planning and Development Department  
175 Ingram Street  
Duncan, B.C. V9L 1L8

BY FAX 250-746-2621

COPY

Attention: Mike Tippett, Manager of Community and Regional Planning Division

Dear Sir:

**Re: Limona Construction Ltd. – Application for Development Permit for  
Stonebridge Lands – Your file 5-A-10DP**

I act for Limona Construction Ltd. and the Limona Group.

An application for a development permit for two parcels of land described as the "Stonebridge Lands" was made to the Cowichan Valley Regional District on July 19, 2010.

Thereafter the record appears to indicate that there have been a number of meetings with staff and a number of issues addressed arising out of meetings with the Regional Director and staff resulting in a detailed staff memorandum and a referral of the application to the Mill Bay Malahat Advisory Planning Commission on February 8, 2011.

My client has indicated to me that the Commission has chosen to make no recommendation and instead has purported to "refer the application back to staff".

As you have observed in your January 6, 2011 staff report, the current application is for a development permit that is required as a condition of subdivision approval. The application does not seek a permit for the construction of any dwellings and more importantly clearly does not seek a permit for the construction of any commercial, industrial or multi-family development. Therefore the guidelines for form and character that apply to this development permit area are not engaged with the current application.

You have correctly observed that the current application requires a development permit prior to approval of subdivision only for the purposes of protecting the natural environment.

You have summarized the "guideline groups" and communicated quite clearly that the applicable guidelines for the protection of the natural environment have been entirely satisfied in the proposed subdivision layout.

As a result, and with the greatest of respect to the Advisory Planning Commission, they do not control the applicant's right to have its development permit considered by the Board of Directors of the Cowichan Valley Regional District, in accordance with the law.

Consequently, and given the inordinate amount of time that has elapsed, I am instructed to require that the Cowichan Valley Regional District place this application on the agenda of the February 24, 2011 Electoral Area Services Committee meeting for recommendations, if any, as to whether or not the development permit should be approved or refused, and that the matter be considered by the Board of the Cowichan Valley Regional District at its March 9, 2011 meeting.

If and to the extent the Board determines that it will refuse the development permit application, my client is entitled to written reasons setting out specifically which guidelines in the Stonebridge development permit area guidelines have not been satisfied. Otherwise, my client is entitled to the issuance of the permit, in accordance with section 920 of the *Local Government Act*, and the very well established caselaw indicating that a landowner who meets development permit area guidelines, is entitled to its permit.

If you require any further information, please contact me immediately.

Yours very truly,

COX, TAYLOR

Per:

L. JOHN ALEXANDER  
(email: [ljalexander@coxtaylor.bc.ca](mailto:ljalexander@coxtaylor.bc.ca))

LJA/tal  
c.c. client

**Development approval procedures**

895 (1) A local government that has adopted an official community plan bylaw or a zoning bylaw must, by bylaw, define procedures under which an owner of land may apply for an amendment to the plan or bylaw or for the issue of a permit under this Part.

(2) A local government must consider every application for

(a) an amendment to a plan or bylaw referred to in subsection (1), or

(b) the issue of a permit under this Part that requires a resolution of a council or board.

(3) If a bylaw under subsection (1) establishes a time limit for reapplication, the time limit may be varied in relation to a specific reapplication by an affirmative vote of at least 2/3 of the local government members eligible to vote on the reapplication.





## Yearsley v. White Rock (City of), 2009 BCSC 719 (CanLII)

Print: PDF Format  
Date: 2009-05-29  
Docket: S084149  
URL: <http://www.canlii.org/en/bc/bcsc/doc/2009/2009bcsc719/2009bcsc719.html>  
Noteup: Search for decisions citing this decision

Reflex Record (related decisions, legislation cited and decisions cited)

### IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Yearsley v. White Rock (City of)*,  
2009 BCSC 719

Date: 20090529

Docket: S084149  
Registry: Vancouver

Between:

**Jacqueline Yearsley and Robert Yearsley**

Petitioners

And

**Corporation of the City of White Rock**

Respondent

Before: The Honourable Madam Justice Dillon

### Reasons for Judgment

Counsel for the Petitioners:

J.L. Carpick  
Z.J. Ansley

Counsel for the Respondent:

M. Woodward

Dates and Place of Trial/Hearing:

January 26 and 27, 2009  
Vancouver, B.C.

## Introduction

[1] The petitioners seek a declaration that the decision on October 9, 2007 by the respondent, Corporation of the City of White Rock ("White Rock"), to refuse to issue a development permit for property owned by the petitioners is unlawful and of no force and effect because White Rock exceeded its jurisdiction by acting on improper and extraneous considerations. The petitioners also seek an order in the nature of *mandamus* that a development permit issue or, in the alternative, that White Rock be compelled to specify precisely what changes the petitioners must make so that a development permit will be granted. White Rock opposes the petition and says that the decision to refuse to issue the permit was lawful and reasonable in accordance with city bylaws.

## Facts

[2] The petitioners own property in White Rock at 14955 Victoria Avenue ("the Property") which is currently occupied by a 2-storey commercial building. The Property is situated one block back from Marine Drive in a location that is zoned Marine Commercial/Residential Zone, CR-2. The proposed development is to replace the existing building with a 6-storey commercial/residential building consisting of 804 square feet of commercial space and 19 residential units on a site of 0.21 acres, meeting the density requirements of the CR-2 zone. The proposed building is 29.9 feet above the average natural grade, meeting the 30-foot height limit, and all other requirements of the CR-2 zone, according to municipal documents.

[3] The streetfront façade of the proposed building has six storeys. The topography of the Property slopes upwards from the front street side towards the back. The effect is to allow a building higher at street level than would be permitted if the lot were level because of the manner of calculation of allowable height according to White Rock's bylaw CR-2. While the proposed 6-storey building is within the allowable height of the CR-2 zone, most nearby buildings typically are 3 to 4 storeys in height. In particular, nearby residential developments known as "Mainsail" and "Victoria Terrace" contain buildings that are 2 or 3 storeys in height. These buildings are zoned differently than the Property, are on a different scale of land, and were constructed in 1980 and 1986 respectively.

[4] The Official Community Plan ("OCP") for White Rock provides development permit guidelines applicable to all areas of the city. The first guideline for "form and character" states:

- i) Building design should take into consideration the surrounding physical environment and the character, scale and form of other nearby buildings.
- ...
- v) Avoid use of extensive solid walls, reflective glass or other similar material on the ground floor façade of any building facing a street. Use variation in building mass, materials, architectural detailing, or colour to provide articulation to solid walls.

The director of development services for the city reported that this provision allows the city the opportunity to review the form, character, and site of the proposal.

[5] The area of the Property is within Development Permit Area 5 – Waterfront Business Area (DPA 5). The OCP also provides development permit guidelines for this specific area as follows:

### Development Permit Area 5 – Waterfront Business Area (East and West Beach)

...

These distinct commercial areas comprise the waterfront's two commercial districts. The character of the area is largely defined by the historic development pattern on narrow (9m) lots. New development should reflect the area's unique setting and respect historical development patterns.

In addition to the guidelines contained Section 1.0 of this Appendix, the following guidelines apply:

### Form and Character

...  
ii) Building facades should be consistent with the historic pattern of Marine Drive. Building modules of approximately 9.1m (30 feet) width are suggested. These modules can be defined through architectural articulation, materials and colour, to create an image of individuality and small scale. Building details such as canopies, trim, doors and signage, should be used to create colourful accents.

(the DPA 5 guideline)

The buildings on Marine Drive are two to three storeys, having maximized available height as defined in the same zoning bylaw, according to the petitioner's architect. For the purpose of development permit issuance, White Rock assumes that the Marine Drive properties' sites are level so the benefit of steep grade on the property allowing for greater height within the zoning bylaw is not available to the Marine Drive properties. The "Mainsail" and "Victoria Terrace" properties, while not within CR-2 zone, are within DPA 5.

[6] The OCP is enacted pursuant to section 876 of the *Local Government Act*, R.S.B.C. 1996, c. 323 (the *Act*). By operation of section 920(1) of the *Act* a development permit is required for construction of buildings within designated areas. By operation of section 919.1(1)(f), the OCP could establish objectives for the "form and character" of developments. By section 920(4), a development permit cannot vary the density of the land from that permitted in the zoning bylaw. A development permit may include requirements respecting "the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures" (section 920(8) of the *Act*). There is no suggestion that White Rock's OCP guidelines are invalid.

[7] The process established for issuance of a development permit is provided by *White Rock Zoning & Development Procedures By-Law, 2002, No. 1678*. Upon receipt of an application, the City Planner refers the application to appropriate city departments and an Advisory Design Panel for review. The application is then referred to city council with a recommendation. If an application is not in conformity with the OCP, it must first be submitted to city council for direction. If an application for a development permit has received resolution for further consideration, a public information meeting must be held. Final approval may then be given, or not.

[8] The petitioners first applied for a development permit in November 2006 (the application). The first city planner's report concerning the application recommended on November 20, 2006 that council receive the report for information and that council deny the proposed development permit. Certain options were suggested including referral of the application to a public meeting. At the city council meeting of November 20, 2006, concerns were raised that, among others, the project did not meet the DPA 5 guideline as it should be similar to other buildings in the area which were ground floor retail with maximum height of 35 feet. The matter was referred back to the Advisory Design Panel for further consultation with the developer in an effort to create a proposal that would meet the DPA 5 guidelines. As a result, staff prepared information on various properties in the area, including the "Mainsail" and "Victoria Terrace" properties which are also in DPA 5. In a letter from White Rock dated January 5, 2006, the petitioners were informed of specific concerns that should be addressed and of the necessity for a public meeting. The petitioners made form, siting and character amendments to the application and also reduced the number of units.

[9] Revised development permit drawings were submitted by the petitioners to White Rock in July 2007. These were considered part of the original application so as not to attract additional fees. White Rock's Advisory Design Panel suggested that the application proceed to council on August 28, 2007 with certain comments, none of which specifically pertain to the guidelines of the OCP. The planning department of White Rock provided preliminary comments to the petitioners through their architect via email of September 10, 2007. None of these comments indicated violation of bylaws or the OCP.

[10] Mr. Richardson, White Rock's director of development services at the time, sent a report to the White Rock mayor and council on September 17, 2007. The report identified that the proposed development met all of the CR-2 zoning requirements except for two variances. Specifically, the building proposal met the height and density requirements. The allowable height was based upon the height

above the average natural grade of the site which, in this case with a steep grade to the back, meant that the building would be higher at street front than if the property were level. The application was within the zoning density requirements. The two minor variances, the sign variance and a reduced driveway width as requested by White Rock, do not form the basis for any argument here as the petitioner is willing to comply with White Rock's requests. Neither formed a basis for the decision made on October 9, 2007. The White Rock staff did not oppose a variance of the signage bylaws to allow for an 8-inch projection of signage from the building. Additional information about access ramps and waiting bays was requested and subsequently given.

[11] Mr. Richardson's report offered two options: to refer or to not refer the matter to a public hearing. Mr. Richardson recommended on September 17, 2007: "That Council authorize staff to schedule the required public meeting". This was not a recommendation that the application be denied, but a recommendation that the application move forward to the next stage of approval. By this, it can be inferred that the application met both the zoning and OCP design criteria according to Mr. Richardson and his staff. There was no suggestion for changes to the application to meet the requirements of either the zoning bylaw or the OCP.

[12] The Committee of the Whole of White Rock city council met to consider this report and recommendation on September 17, 2007. Following discussion and presentation by Mr. Richardson and the petitioner's architect, it was recommended that the required public meeting be scheduled. Councillor Todd voted against this recommendation.

[13] Public meetings were held on October 1 and 9, 2007. The purpose of the public meetings as stated on the notice was to review the form and character of the proposed 6-storey mixed-use development. Prior to the first meeting, Councillor Todd expressed his view against the application in writing. He said:

The top levels of the building might be attractive to most people when viewed from a distance, but what will a pedestrian see and feel as they walk past this building? It is dominated by two parking garage entrances. They will be uncomfortable, unwelcome places for people. The effect will be similar to a blank wall or window with the blinds always closed, only worse since these will also have cars coming in and out of them. For residents and visitors passing by, no matter how you dress them up, the dominant features of this building will create a feeling of discomfort and unbelonging. Is that the kind of atmosphere we're wanting to create in White Rock, especially on the waterfront?

The competing argument is that the proponent has no choice: it is necessary to have two parking ramps to achieve the target density due to the nature of the lot. This is something I find frustrating. Too many projects come to Council treating the maximum permitted density as their entitlement. The proponent's density expectations are clearly ill-suited to the nature of the lot. This is made obvious by the fact that they have not been able to design a building that can accommodate their density target without creating an unpleasant street level experience. What's more important, how the community will experience the property or how many units a developer gets to squeeze out of it?

While I don't wish to argue whether or not a property owner is entitled to the maximum potential of their property, I do wonder how to best define or measure the developable potential. We seem to accept that this potential can be limited by the maximum allowable building height of the area. We should accept that other requirements might also limit a property's potential density. I don't believe that allowing two parking ramp entrances is a reasonable nor acceptable compromise for allowing maximum density.

[14] On October 1, the mayor outlined that the purpose of the meeting was for review of the form and character of the proposed 6-storey mixed-use development. Mr. Richardson provided a review of the proposed development permit. Many members of the public spoke and the petitioner's architect responded. It was apparent that there were concerns for view and character of the neighbourhood. Many speakers were of the impression that the proposed building did not meet the CR-2 zoning requirements with respect to height and density. The latter is a misplaced consideration as the application had met the height and density requirements of the CR-2 zoning bylaw. The meeting was adjourned to October 9 to allow all those on the speakers list the opportunity to speak.

[15] The agenda for the October 9 meeting stated the recommendation: "That staff be authorized to issue Development Permit No. 292." At the October 9 meeting, several public speakers expressed concern about the 6-storey height of the proposed building, about it not fitting with the form and character of the surrounding area, and about approval of the development setting a precedent for the area. From the evidence, it appears that some councillors also spoke out against the height of the building at this meeting, notwithstanding that no notes or minutes were taken.

[16] It was resolved (Resolution 2007-432 DP292) by vote of 5-2 that staff not be authorized to issue the permit and (Resolution 2007-436 DP292) that the issue of measuring height "on this property" be referred to staff to review the issues raised by the public and report back to council. An amendment to Resolution 2007-436 DP292 (Resolution 2007-437 DP292) changed "on this property" to "in the C2 zone". The denial of the development permit was reported to the petitioners on October 11, 2007. No reasons were given for the refusal.

[17] On December 7, 2007 counsel for the petitioners wrote to city council to complain that council voted to refuse to issue the permit "for what appear to be extraneous considerations that might be relevant to a rezoning application but not to a development permit application." The petitioners requested reconsideration of the matter. Legal authority was cited to the effect that councillors must apply objective standards set out in bylaws and the OCP when passing or refusing to pass a resolution to grant a permit.

[18] When no reply was received by March 11, 2008, petitioners' counsel sent another letter suggesting that there was no lawful basis for refusal of the permit and that the failure to articulate reasons for the rejection indicated bad faith. It was pointed out that the fact that citizens might not like the building was irrelevant to the application since it complied with all existing guidelines. It was also stated that the record showed that council rejected the application because the building was too high; however, height was an irrelevant consideration because the building met the zoning requirements for height by virtue of the steeply sloping site. Reconsideration was again requested with the warning that failure to issue the permit would result in legal action to compel issuance of the permit.

[19] Legal counsel for White Rock responded on March 26, 2008 that there was confusion after the December 7 letter because it was believed that Mr. Richardson had been dealing with the petitioner's architect in the interim to resolve issues. A report was to go to council on April 7, 2008. Council met on April 7 to receive legal advice. On April 9, 2008, counsel for White Rock wrote to the petitioner's lawyer to advise that the matter would be brought before city council at the meeting of April 14, 2008 so that those councillors who voted against issuance of the permit on October 9, 2007 could provide reasons for their votes.

[20] At the meeting of White Rock city council on April 14, 2008, councillors that voted in favour of Resolution 2007-432 DP 292 provided reasons for the refusal of the development permit in order for reasons to be documented in the official minutes. The reasons as enunciated were:

Councillor Coleridge	Because of the character of the neighbourhood and the shape of the building.
Councillor Todd	Because the pedestrian experience was not in keeping with the vision for the neighbourhood, the entrance to the parking garage was too dominant, the vertical element at the front of building was too strong, and generally the character of the design was not in keeping with the neighbourhood, the plans, or the vision for the neighbourhood.
Councillor Peddemors	Because the design is out of character for the neighbourhood; the Main Sall and Victoria Terrace properties show the character of the neighbourhood.

Councillor McLean

Because the people who spoke at the meeting were concerned the design did not fit the form or character of the neighbourhood.

Mayor Forster

Because an overwhelming amount of people came to Council expressing their concern and outrage about the potential character and form of the building eroding the neighbourhood. The Main Sail and Victoria Terrace properties are in keeping with the character of the neighbourhood.

### Issues

[21] The issues to be decided are:

1. Did White Rock exceed its jurisdiction by taking into account irrelevant or extraneous criteria outside of the bylaws and the OCP guidelines in refusing to issue the development permit?
2. If White Rock acted within its jurisdiction, did it act reasonably?
3. If White Rock acted outside of its jurisdiction, what is the appropriate remedy?

### Discussion

#### 1. Standard of Review

[22] This petition for judicial review is brought pursuant to the *Judicial Review Procedure Act*, R.S.B.C. 1996, c. 241. The petitioners say that White Rock exceeded its jurisdiction because councillors based their decision upon impermissible and irrelevant criteria outside of the OCP guidelines. Particularly, council rejected the application because of an impermissible concern for height, because White Rock is requiring the petitioners to build a smaller building than zoning permits contrary to section 920(4) of the *Act*, because of the application of irrelevant and impermissible criteria related to public and personal opinion, because of the failure to apply the OCP guidelines, and because of the failure to provide directions as to how to comply with the guidelines. On this basis, the petitioners say that the correctness standard applies.

[23] The respondent asserts that the reasonableness standard applies to development permit issuance. In any event, the councillors who voted against the application applied the OCP guidelines reasonably.

[24] In *Dunsmuir v. New Brunswick*, 2008 SCC 9 (CanLII), 2008 SCC 9, [2008] 1 S.C.R. 190 at para. 62 (*Dunsmuir*), the Supreme Court of Canada summarized the process of judicial review as a two step process to identify the proper standard of review. The first is to review the jurisprudence to ascertain whether it has already been determined in a satisfactory manner the degree of deference to be accorded with respect to the particular category of question. If this inquiry is not fruitful, then courts must proceed to an analysis of the factors making it possible to identify the appropriate standard of review. The Court said at para. 57 that an exhaustive review is not required in every case and that existing jurisprudence will be helpful in identifying some of the questions that generally fall to be determined according to the correctness standard.

[25] Upon review of the jurisprudence related to issuance of a development permit, it is apparent that the standard to be applied to the question of whether council failed to apply the criteria set out in the OCP guidelines and instead acted on other considerations is correctness. Finch J.A. (as he then was) said in *Westfair Foods Ltd. v. Saanich (District)* 1997 CanLII 3686 (BC C.A.), (1997), 49 B.C.L.R. (3d) 299, 46 M.P.L.R. (2d) 104 (B.C.C.A.) (*Westfair Foods*) that, in exercising a discretionary power to grant or refuse a permit, council is acting in a quasi-judicial capacity in the exercise of a limited discretion

bound by the guidelines in the OCP. Whether council applied objective standards as set out in previously adopted bylaws or the OCP is a question of jurisdiction in which the judicial standard of review is correctness.

[26] In *511784 BC Ltd. v. Salmon Arm (District)* 2001 BCSC 245 (CanLII), (2001), 19 M.P.L.R. (3d) 232 at para. 49, 2001 BCSC 245 (*511784 BC Ltd.*), the Court said that the standard of review in determining whether a municipal council acted within its jurisdiction in refusing a development permit is one of correctness. This standard was also applied to questions of jurisdiction related to issuance of permits in *Washi Beam Holdings Corp. v. West Vancouver (District)*, [1999] B.C.J. No. 617 at paras. 33-34 (*Washi Beam*), with respect to issuance of a development permit and in *L. P. Management Corp. v. Abbotsford (City)*, 2006 BCSC 1426 (CanLII), 2006 BCSC 1426 at para. 37, 63 B.C.L.R. (4th) 172 (*Abbotsford*), with respect to refusal to issue a permit for the removal of gravel.

[27] In my view, these cases identify the standard of review for questions of jurisdiction arising from the refusal to issue a development permit as one of correctness. The analysis having been adequately performed, it is not necessary for me to repeat this here (*Dunsmuir* at para. 57). A "jurisdiction" question includes whether the municipal council correctly applied objective guidelines under its OCP or whether it acted upon impermissible, extraneous, or irrelevant criteria. When applying the correctness standard, a reviewing court must not show deference to the reasoning process of the original decision maker. The court undertakes its own analysis to decide whether the determination was correct. If it disagrees with the decision, the court will substitute its own view and provide the correct answer (*Dunsmuir* at para. 50).

2. Did White Rock properly apply the OCP guidelines or did it act outside of its jurisdiction?

[28] The OCP provides guidelines that must apply when considering a development permit application. While the municipal council has discretion to refuse to issue a development permit, that discretion must be exercised according to the guidelines in the OCP (*Westfair Foods* at para. 21; *Washi Beam* at para. 33). Because a landowner is entitled to know what the requirements to obtain a development permit are, these requirements cannot be based upon the likes or dislikes of individual council members who are elected from time to time (*Westfair Foods Ltd. v. Saanich (District)* 1997 CanLII 971 (BC S.C.), (1997), 30 B.C.L.R. (3d) 305 at paras. 34 and 39, 38 M.P.L.R. (2d) 202 (B.C.S.C.), citing *Re Doman Industries and District of North Cowichan* 1980 CanLII 297 (BC S.C.), (1980), 116 D.L.R. (3d) 358 (B.C.S.C.); *Westfair Foods* at paras. 24 and 26). Nor is council bound by the views of neighbours or members of the public, especially if those views are not consistent with applicable zoning bylaws and the OCP guidelines (*511784 BC Ltd.* at paras. 68-69).

[29] The guidelines must be applied in an objective manner consistent with zoning bylaws (*511784 BC Ltd.* at para. 28). This is stated in section 920(4) of the *Act* so that council cannot apply OCP criteria to a development permit application in a manner that is contrary to the zoning requirements.

[30] In *511784 BC Ltd.*, the petitioners' development permit application to build two 3-storey apartment buildings was refused based upon the guidelines in the OCP. Council recommended specific amendments to the proposal, including the redesign with 2-storey townhouses in the northeastern section and 3- or 4-storey townhouses in the southwestern section. The petitioners argued that height and number of storeys was irrelevant to council's considerations because the zoning bylaw permitted 3-storey buildings as contained in the proposal. In that case, the OCP guidelines specifically provided for consideration of the "massing" of buildings which was found by definition to include consideration of height and width. Because the OCP guideline by definition permitted council to consider height, it was necessary to consider height and the number of storeys apart from the zoning requirements. On this basis, the court found that council was acting within its jurisdiction when it decided based on height in accordance with the guidelines in the OCP. However, the recommendation to change the plan to include a 4-storey structure did exceed council's jurisdiction because the proposed change did not comply with zoning bylaw requirements.

[31] The question in this case, as in *48 Fraser Hwy Land Ltd. v. Langley (Township)*, 4 M.P.L.R. (3d) 53 at para. 28 (*Langley*), is whether council addressed the form and character issues in the context

of the guidelines in the OCP. The report of staff along with councillors' comments and stated reasons provide direct evidence of council's considerations of this issue. However, if the staff report is not followed, it cannot be inferred that council considered the guidelines in accordance with the report. In such case, the evidence must disclose that council has considered relevant and proper matters in reaching its decision (*Langley* at para. 34). When considering the reasons given by councillors for rejecting the application, this Court is mindful that its attention must be directed to whether councillors directed their minds to the legal requirements applicable to the case rather than minutely dissecting their reasons in a search for error (*Abbotsford* at para. 66). Reasons of council must be sufficient and referenced to the guidelines so that the applicant knows what must be done to make his plans acceptable (*ibid*; *511784 BC Ltd.* at para. 40; *Langley* at para. 37).

[32] Preliminary to consideration of the reasons given by council for refusing the application, it should be noted that the OCP guidelines applicable to DPA 5 do not include height or number of storeys within the guidelines, unlike in *511784 BC Ltd.* where use of the word "massing" by definition included height.

[33] The respondent argued that "façade" includes height considerations. However, if the word is taken according to its usual definition and within the context of the OCP, it does not include height as a separate factor. "Façade" is defined as "the face or front of a building" (*The Concise Oxford dictionary of Current English*, 8th ed.) or "the front of a building" or "a face ... of a building that is given emphasis by special architectural treatment" (*Webster's Third New International Dictionary of the English Language, unabridged*). For DPA 5, the guidelines say that "building façades should be consistent with the historic pattern of Marine Drive". There is then specific reference to width. There is no reference to height. In the guidelines applicable to all areas, there is mention of the use of certain materials "...on the ground floor façade of any building facing a street". Other references to "façade" within the guidelines clearly relate to the appearance of the building from a particular perspective (Development Permit Area 2, guideline (i)).

[34] The respondent also argues that "scale" in reference to "other nearby buildings" in the guidelines applicable to all areas includes width and height. While "scale" refers to relative dimensions or degree, or to ratios of size, this word is not specific enough to preclude otherwise allowable height within the zoning bylaw, without more.

[35] Reference is specifically made to height in other guidelines of the OCP by use of "massing" (Development Permit Area 4, guideline (i); Development Permit Area 3, guideline (i); Development Permit Area 7, guideline (i)) or by specific reference to "two storey elevations" (Development Permit Area 4).

[36] From this, it is apparent that height is not an allowable consideration within the OCP guidelines for DPA 5 apart from the zoning requirements. This is so despite the fact that there is no specific density provision in the bylaw. "Density" includes consideration of height, which is specifically provided for in the bylaw, and there are no words in the OCP applicable to the DPA 5 that import a density consideration.

[37] The report of Mr. Richardson is clear that the application met all of the zoning requirements, particularly for height. There were no other factors cited within the report to indicate that the application ran afoul of any other provision either within the bylaws or the OCP, except for minor variances that are not in play here. Although the report did not expressly state an affirmative recommendation for approval, the staff of White Rock certainly recommended that the application move forward to a public information meeting, an inference that all requirements had been met.

[38] In this context, there must be evidence that council considered relevant and proper matters and had valid reasons for refusing to issue the development permit (*Langley* at para. 34). Reasons must be sufficient so that the developer knows what he must do to change his plans to make them acceptable (*ibid.*).

[39] So, what were the reasons? Councillor McLean and Mayor Forster used the opinions of speakers at the public meeting as reason to oppose the application. Most public speakers opposed the height of the proposed building. Reliance on public opinion is not a relevant consideration if it is not linked to legitimate factors within the zoning bylaw or the OCP. Counsel for the respondent agreed that the decision was not to be by "referendum". All councillors and mayor said that the proposal was out of



keeping with the "character of the neighbourhood" or the "vision for the neighbourhood". This language is not found in the OCP where reference is made only to the character of nearby buildings or to the "historical pattern of Marine Drive", and not to a general neighbourhood. Without reference to objective specifics, this appears as a subjective consideration. However, two councillors defined the character of the neighbourhood to be epitomized by the "Mainsail" and "Victoria Terrace" properties, the main attributes of which are that these are

2- or 3-storey residential complexes. It can be reasonably inferred that this comparison is to height, given the circumstances as a whole. These two properties, while also within DPA 5, are not directly comparable as they are not within the same zoning bylaw. Councillor Coleridge also referred to the "shape" of the building which counsel for the respondent indicated was a reference to the façade of the building. While this reason may vaguely refer to the OCP guidelines, it so lacks specificity as to be unreasonable. Another reason given, that the "pedestrian experience" is not in keeping with the "vision of the neighbourhood", is not a criterion within the OCP. Concern for the "dominance" of the entrance to the garage is a subjective consideration when the entrance met all of the zoning requirements and the concern was not otherwise linked to a specific guideline in the OCP.

[40] Council acted to refuse the application because of unspecified, vague stated concerns that are not referenced in the OCP, including implied concern about height, regardless that the proposed building was within the height requirements of zoning and OCP guidelines, according to the staff report. In this circumstance, the reasons must be specific enough to indicate that council has considered relevant and proper matters. The failure to give adequate reasons to inform the petitioner how to comply so that the application could be acceptable suggests that councillors could not give reasons because it was known that height was not a proper consideration within the context of this application.

[41] White Rock took into consideration matters that were not within the OCP guidelines and essentially came to a conclusion that supported public opposition to the height of the proposed development even though the development permit application met all of the zoning and other requirements, except for minor variances that are not in issue here. I conclude that council acted in excess of its jurisdiction in so doing. The decision must be quashed.

### 3. What is the appropriate remedy?

[42] Should this matter be referred back to White Rock to consider in accordance with the OCP guidelines and bylaws or should this court order White Rock to issue a development permit? This question, as posed by Joyce J. in *Abbotsford* at para. 72, asks whether White Rock would have no choice but to issue the permit if it considered the matter in accordance with the OCP and bylaws. In *Westfair Foods*, the permit had been denied because of the likes and dislikes of various councillors and the court concluded that there had been substantial compliance with the bylaws such that council would have no choice but to issue the permit (*Westfair Foods* at para. 43; *Abbotsford* at para. 71; *Langley* at para. 36).

[43] In this case, the report from staff indicates that the proposed development complies with all of the bylaws and OCP guidelines. There is no specific problem raised except for the two variances. The petitioner has agreed to comply with the request for change based upon the variance issues. On that basis, counsel for the respondent agreed that an order in the nature of *mandamus* could issue if this court was so inclined. White Rock had many months to consider reasons for rejecting the application and devoted one meeting to consideration of this matter with the assistance of legal advice prior to issuance of reasons. White Rock did not suggest in argument that there was a further or continuing legitimate problem that could require further consideration from council. In this circumstance, this Court orders that White Rock issue the development permit.

### Conclusions


[44] This Court declares that White Rock Resolution 2007-432 DP292 is unlawful and of no force and effect. This Court orders White Rock to issue development permit application no. 292 to the petitioners. At the request of counsel, the matter of costs is reserved pending further hearing.

"Dillon J."

The Honourable Madam Justice Dillon

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February 11, 2011

Cowichan Valley Regional District  
Planning and Development Department  
175 Ingram Street  
Duncan, B.C. V9L 1L8

BY FAX 250-746-2621

Attention: Mike Tippet, Manager of Community and Regional Planning Division

Dear Sir:

**Re: Limona Construction Ltd. – Application for Development Permit for  
Stonebridge Lands – Your file 5-A-10DP**

I act for Limona Construction Ltd. and the Limona Group.

An application for a development permit for two parcels of land described as the "Stonebridge Lands" was made to the Cowichan Valley Regional District on July 19, 2010.

Thereafter the record appears to indicate that there have been a number of meetings with staff and a number of issues addressed arising out of meetings with the Regional Director and staff resulting in a detailed staff memorandum and a referral of the application to the Mill Bay Malahat Advisory Planning Commission on February 8, 2011.

My client has indicated to me that the Commission has chosen to make no recommendation and instead has purported to "refer the application back to staff".

As you have observed in your January 6, 2011 staff report, the current application is for a development permit that is required as a condition of subdivision approval. The application does not seek a permit for the construction of any dwellings and more importantly clearly does not seek a permit for the construction of any commercial, industrial or multi-family development. Therefore the guidelines for form and character that apply to this development permit area are not engaged with the current application.

You have correctly observed that the current application requires a development permit prior to approval of subdivision only for the purposes of protecting the natural environment.

You have summarized the "guideline groups" and communicated quite clearly that the applicable guidelines for the protection of the natural environment have been entirely satisfied in the proposed subdivision layout.

As a result, and with the greatest of respect to the Advisory Planning Commission, they do not control the applicant's right to have its development permit considered by the Board of Directors of the Cowichan Valley Regional District, in accordance with the law.

Consequently, and given the inordinate amount of time that has elapsed, I am instructed to require that the Cowichan Valley Regional District place this application on the agenda of the February 24, 2011 Electoral Area Services Committee meeting for recommendations, if any, as to whether or not the development permit should be approved or refused, and that the matter be considered by the Board of the Cowichan Valley Regional District at its March 9, 2011 meeting.

If and to the extent the Board determines that it will refuse the development permit application, my client is entitled to written reasons setting out specifically which guidelines in the Stonebridge development permit area guidelines have not been satisfied. Otherwise, my client is entitled to the issuance of the permit, in accordance with section 920 of the *Local Government Act*, and the very well established caselaw indicating that a landowner who meets development permit area guidelines, is entitled to its permit.

If you require any further information, please contact me immediately.

Yours very truly,

COX, TAYLOR

Per:

L. JOHN ALEXANDER  
(email: [ljalexander@coxtaylor.bc.ca](mailto:ljalexander@coxtaylor.bc.ca))

LJA/tal  
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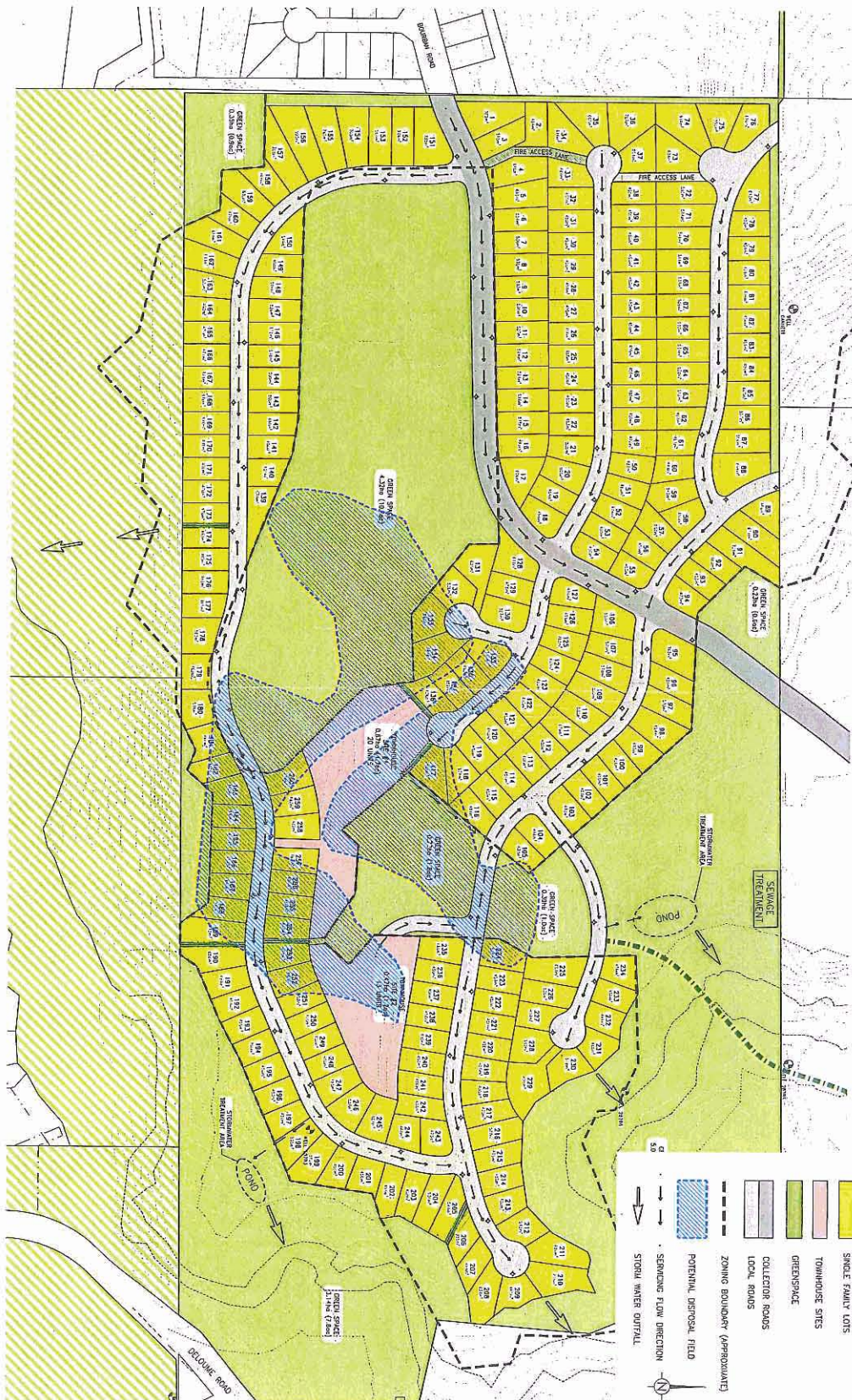
# STONEBRIDGE by the LIMONA GROUP since 1981

## CONCEPTUAL SERVICING PLAN

DATE: MAR 31 2011  
 SCALE: 1:1250  
 SHEET: 1-15-22-11-08

### LEGEND

- SINGLE FAMILY LOTS
- TOWNHOUSE SITES
- GREENSPACE
- COLLECTOR ROADS
- LOCAL ROADS
- ZONING BOUNDARY (APPROXIMATE)
- POTENTIAL DISPOSAL FIELD
- SEWING FLOW DIRECTION
- STORM WATER OUTFALL



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Civil Engineering • Land Planning  
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# STONEBRIDGE

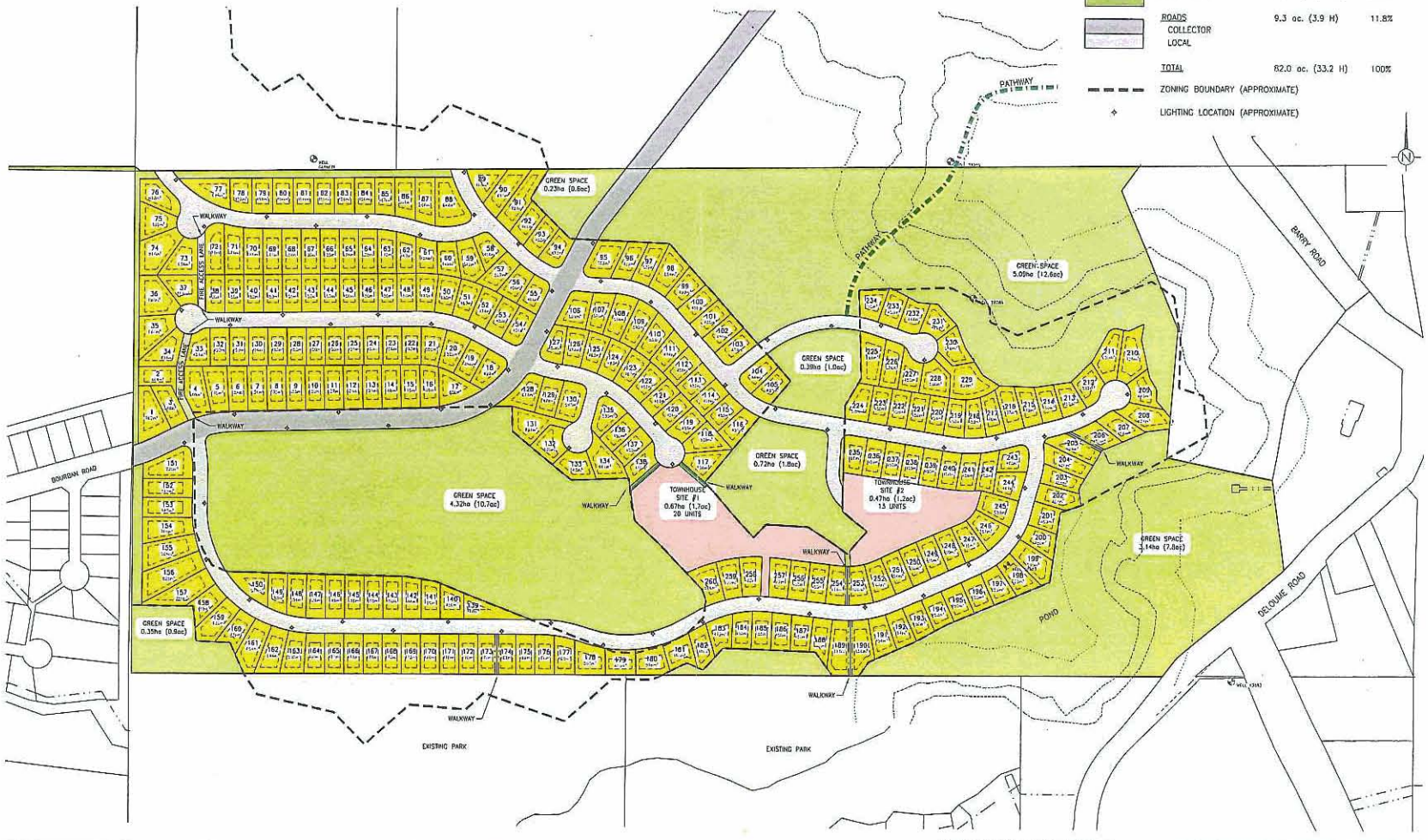
by  
**the LIMONA GROUP**  
 since 1981

## CONCEPTUAL LAND USE PLAN

DWG #: 182-22-LU.09 REV: C  
 SCALE 1:1500 DATE: MAR 31, 2011

### LEGEND AND STATISTICS:

	<b>SINGLE FAMILY</b>	33.0 ac (13.3 H)	40.0%
	260 TOTAL LOTS		
	208 STANDARD LOTS		
	(450-550 sq.m.)		
	52 LARGE LOTS		
	(550 + sq.m.)		
	<b>TOWNHOUSE SITES</b>	2.8 ac (1.1 H)	3.4%
	33 UNITS		
	12 UNITS/ac		
	<b>GREENSPACE</b>	37.0 ac (14.9 H)	44.8%
	<b>ROADS</b>	9.3 ac (3.9 H)	11.8%
	COLLECTOR		
	LOCAL		
	<b>TOTAL</b>	82.0 ac (33.2 H)	100%
	<b>ZONING BOUNDARY (APPROXIMATE)</b>		
	<b>LIGHTING LOCATION (APPROXIMATE)</b>		



NOTES: DRAWING TO SCALE UNLESS OTHERWISE NOTED. ALL LOTS ARE TO BE DEVELOPED. SEE PLAN SET FOR ALL NOTES.

CONCEPTUAL LAND USE PLAN. THIS PLAN IS FOR INFORMATION ONLY AND DOES NOT REPRESENT A COMMITMENT BY THE LIMONA GROUP.

PLAN SET: 182-22-LU.09, 182-22-LU.10, 182-22-LU.11, 182-22-LU.12, 182-22-LU.13, 182-22-LU.14, 182-22-LU.15, 182-22-LU.16, 182-22-LU.17, 182-22-LU.18, 182-22-LU.19, 182-22-LU.20, 182-22-LU.21, 182-22-LU.22, 182-22-LU.23, 182-22-LU.24, 182-22-LU.25, 182-22-LU.26, 182-22-LU.27, 182-22-LU.28, 182-22-LU.29, 182-22-LU.30, 182-22-LU.31, 182-22-LU.32, 182-22-LU.33, 182-22-LU.34, 182-22-LU.35, 182-22-LU.36, 182-22-LU.37, 182-22-LU.38, 182-22-LU.39, 182-22-LU.40, 182-22-LU.41, 182-22-LU.42, 182-22-LU.43, 182-22-LU.44, 182-22-LU.45, 182-22-LU.46, 182-22-LU.47, 182-22-LU.48, 182-22-LU.49, 182-22-LU.50, 182-22-LU.51, 182-22-LU.52, 182-22-LU.53, 182-22-LU.54, 182-22-LU.55, 182-22-LU.56, 182-22-LU.57, 182-22-LU.58, 182-22-LU.59, 182-22-LU.60, 182-22-LU.61, 182-22-LU.62, 182-22-LU.63, 182-22-LU.64, 182-22-LU.65, 182-22-LU.66, 182-22-LU.67, 182-22-LU.68, 182-22-LU.69, 182-22-LU.70, 182-22-LU.71, 182-22-LU.72, 182-22-LU.73, 182-22-LU.74, 182-22-LU.75, 182-22-LU.76, 182-22-LU.77, 182-22-LU.78, 182-22-LU.79, 182-22-LU.80, 182-22-LU.81, 182-22-LU.82, 182-22-LU.83, 182-22-LU.84, 182-22-LU.85, 182-22-LU.86, 182-22-LU.87, 182-22-LU.88, 182-22-LU.89, 182-22-LU.90, 182-22-LU.91, 182-22-LU.92, 182-22-LU.93, 182-22-LU.94, 182-22-LU.95, 182-22-LU.96, 182-22-LU.97, 182-22-LU.98, 182-22-LU.99, 182-22-LU.100.



**LEGEND AND STATISTICS:**

	SINGLE FAMILY	33.0 ac (13.3 H)	40.0%
	260 TOTAL LOTS		
	208 STORABLE LOTS		
	52 LARGE LOTS (350 + sq.m.)		
	TRANSFORMER SITES	2.8 ac (1.1 H)	3.4%
	12 UNITS/AC		
	GREENSPACE	37.0 ac (14.9 H)	44.8%
	ROADS COLLECTOR LOCAL	9.3 ac (3.9 H)	11.8%
	TOTAL	82.0 ac (33.2 H)	100%

--- ZONING BOUNDARY (APPROXIMATE)

# CONTEXT PLAN

DWG # 182-22-1104 REV. 1  
SCALE 1:2000 DATE OCT 20 2010

**1<sup>st</sup> Team Consulting Ltd.**  
Suite 205 2728 Spencer Road,  
Victoria B.C. V8S 4C6  
Tel: (250) 778-8383  
Fax: (250) 778-8101

Our Engineering • Land Planning  
Landscape Architecture • Project Management

**STONEBRIDGE**  
by  
**the LIMONA GROUP**  
since 1981

This drawing is dated and shall remain in effect until a new drawing is issued. It is the responsibility of the user to ensure that the drawing is current and accurate. The user shall be responsible for any errors or omissions. The user shall be responsible for any costs incurred in connection with the use of this drawing.





R6

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 3, 2011

DATE: April 27, 2011

FILE NO:

FROM: Tanya Soroka, Parks and Trails Planner

BYLAW NO:

SUBJECT: Renewal of Licence of Occupation with the Ministry of Transportation and Infrastructure for a 5 year term over a portion of Holland Avenue – Memorial Park(Cenotaph): Electoral Area C – Cobble Hill;

---

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

That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to renew a five year Licence of Occupation Agreement (69644-1) with the Ministry of Transportation and Infrastructure commencing January 1, 2011, for the undeveloped road portion on Holland Avenue which is managed by the Regional District as Memorial Park.

#### **Relation to the Corporate Strategic Plan:**

Promote a *Safe and Healthy Community* - by providing exceptional recreation, cultural and park services. *Supports Strategic Action #1:* Continue with the parkland acquisition program to acquire high priority areas and identify opportunities for funding support & partnerships.

**Financial Impact:** (Reviewed by Finance Division: n/a)

#### **Background:**

Memorial Park (formerly Liberation Park) is managed under the South Cowichan Parks Function and is located in Cobble Hill Village between Fisher Road and Heigh Street on the closed portion of Holland Avenue. In December 2008 a 2-year Licence of Occupation was signed between the CVRD and The Ministry of Transportation and Infrastructure to use and manage the area as a Community Park. This Licence expired on December 31, 2010. A new Licence of Occupation has been provided to the CVRD for signature to renew this Licence for a 5 year term. In 2009 the Regional District and local community undertakes significant improvements to the site, including landscaping and refurbishment of the cenotaph.

Submitted by,

A handwritten signature in black ink, appearing to read "Tanya Soroka", is written over a horizontal line.

Tanya Soroka  
Parks and Trails Planner  
Parks and Trails Division  
Parks Recreation and Culture Department

Reviewed by:

Division Manager:

A handwritten signature in black ink, likely belonging to the Division Manager, is written over a horizontal line.

Approved by:

General Manager:

A handwritten signature in black ink, likely belonging to the General Manager, is written over a horizontal line.

TS/ca





R7

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 17, 2011

**DATE:** April 18, 2011 **BYLAW NO:** 3493

**FROM:** Kathleen Harrison, Legislative Services Coordinator

**SUBJECT:** Shawnigan Lake Community Hall Amendment Bylaw - Maximum Requisition Limit Increase.

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#### Recommendation:

That "CVRD Bylaw No. 3493 – Shawnigan Lake (Electoral Area B) Local Service (Community Hall) Amendment Bylaw, 2011", be forwarded to the Board for consideration of three readings and adoption.

#### Relation to the Corporate Strategic Plan:

This bylaw is consistent with the Corporate Strategic Plan's objectives of promoting individual and community wellness, and well maintained public facilities.

#### Financial Impact: (Reviewed by Finance Division: sent)

If adopted, the maximum amount of money that may be requisitioned annually in support of this service is the greater yield of \$0.46213 per \$1,000 of net taxable land and improvements or \$719,000.

#### Background:

At its meeting held March 9, 2011, the Board endorsed Resolution 11-115 that directs that the annual maximum requisition limit for the Shawnigan Lake Community Centre be increased by 24.9%. Therefore, the attached amendment bylaw increases the requisition limit from the greater yield of \$0.37000/\$1,000 of net taxable land and improvements or \$210,000 to the greater yield of \$0.46213/\$1,000 of net taxable land and improvements or \$719,000.

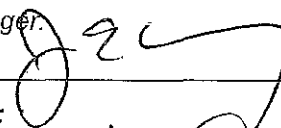
This bylaw requires the approval of the service area voters before it can be adopted. Voter approval may be obtained by the Area Director consenting, in writing, to the adoption of the bylaw. This bylaw meets the criteria for exemption from obtaining the Inspector of Municipalities approval pursuant to the *Regional Districts Establishing Bylaw Approval Exemption Regulation*, B.C. Reg. 113/2007.

Submitted by

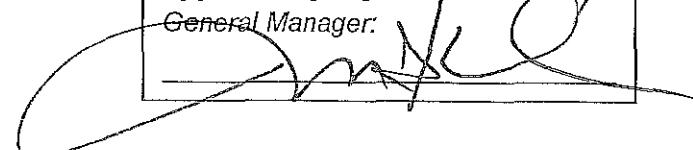
  
Kathleen Harrison  
Legislative Services Coordinator  
Corporate Services Department

Attachments: Bylaw No: 3493

Reviewed by:

Division Manager: 

Approved by:

General Manager: 



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 3493

#### A Bylaw to Amend Shawnigan Lake (Electoral Area B) Local Service (Community Hall) Establishment Bylaw No. 4, 1991.

**WHEREAS** the Board of the Cowichan Valley Regional District established the *Shawnigan Lake (Electoral Area B) Community Hall Local Service Area* under the provisions of Bylaw No. 1355, cited as "CVRD – Shawnigan Lake (Electoral Area B) Local Service (Community Hall) Establishment Bylaw No. 4, 1991", as amended, for the purpose of providing a community hall within the boundaries of Electoral Area B – Shawnigan Lake and offering services and programs, both on and off site, through the Shawnigan Lake Community Hall;

**AND WHEREAS** the Regional District wishes to amend Bylaw No. 1355 by increasing the maximum annual requisition limit from \$210,000 to \$719,000;

**AND WHEREAS** the Director for Electoral Area B – Shawnigan Lake has consented, in writing, to the adoption of this bylaw;

**NOW THEREFORE** the Board of Directors of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

#### 1. CITATION

This bylaw may be cited as "CVRD Bylaw No. 3493 – Shawnigan Lake (Electoral Area B) Local Service (Community Hall) Amendment Bylaw, 2011".

#### 2. AMENDMENT:

That Bylaw No. 1355, cited as "CVRD – Shawnigan Lake (Electoral Area B) Local Service (Community Hall) Establishment Bylaw No. 4, 1991", be amended by deleting "\$.3700/\$1,000.00" between the words "of" and "of" in the third line of the Section 3 - Maximum Requisition text and replacing it with "\$0.46213/\$1,000" and deleting the figure "\$210,000.00" and replacing it with "\$719,000".

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Corporate Secretary

R8



## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE 3 MAY 2011

**DATE:** 19 April 2011 **FILE NO:** 0540-20-EASC/07  
**FROM:** S. Sanderson, Acting General Manager **BYLAW NO:** 1657  
Public Safety  
**SUBJECT:** Lake Cowichan Fire Protection Service Area Boundary Expansion

---

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

1. That the Certificate of Sufficiency confirming that the petition for inclusion in the Lake Cowichan Fire Protection Service Area is sufficient, be received.
2. That CVRD Bylaw No. 1657 be amended to extend the boundaries of the Lake Cowichan Fire Protection Service Area to include the following property:  
  
PID 028-062-744 Lot 68 Block 117 VIP 87272 and Block 1405
3. That the amendment bylaw be forwarded to the Board for consideration of three readings and adoption.
4. That Schedule A to the Fire Services agreement with the Town of Lake Cowichan to provide fire protection to the Lake Cowichan Fire Protection Service Area, be amended to include the additional property.
5. That the Chair and Corporate Secretary be authorized to sign the amended Lake Cowichan Fire Protection Services Agreement.

#### **Relation to the Corporate Strategic Plan:**

The provision of fire protection services supports the goals of the plan including sustainable land use; healthy environment; service excellence; and a safe and healthy community .

**Financial Impact:** (Reviewed by Finance Division: Senf)  
Cost of providing the service will be off-set by payment via property taxes.

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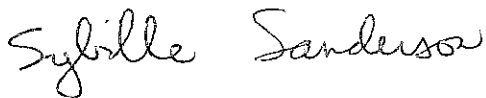
**Background:**

In August 2009, the Lake Cowichan Fire Protection Service Area was amended to include properties owned by Cowichan Lake Holdings Limited. Staff has since become aware that a small property in the cluster was inadvertently missed in the amendment. The attached map indicates the property concerned.

The owner was advised of the omission and has petitioned for the additional property to be included in the fire service area and the Town of Lake Cowichan is in agreement with the change.

I recommend approval of the boundary expansion of the Lake Cowichan Fire Protection Service Area.

Submitted by,



Sybille Sanderson  
Acting General Manager  
Public Safety

/bw

Attachments: Certificate of Sufficiency  
Map detailing property for consideration



### CERTIFICATE OF SUFFICIENCY

I hereby certify that the petition for inclusion in the *Lake Cowichan Fire Protection Service Area* is sufficient, pursuant to section 797.4 of the *Local Government Act*.

DATED at Duncan, British Columbia )  
this 19<sup>th</sup> day of April, 2011 )

)  
)  
)

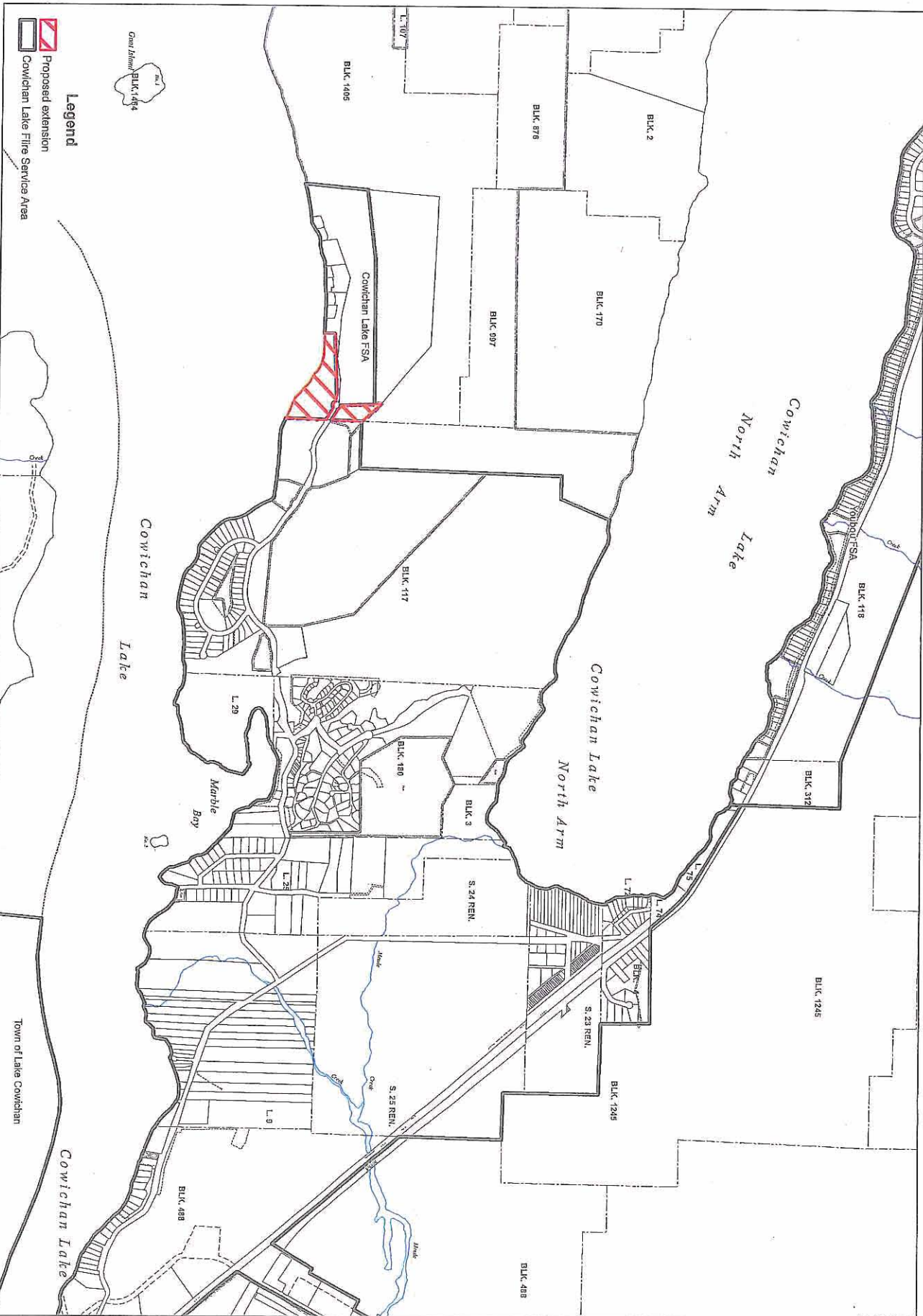
  
Kathleen Harrison, Deputy Corporate Secretary

#### Lake Cowichan Fire Protection Service Area

Total Number of Parcels requesting inclusion in the Service Area:	1
Net Taxable Value of All Land and Improvements of new Parcels:	\$1,903,000
Number of Valid Petitions Received:	1
Net Taxable Value of Petitions Received (Land and Improvements):	\$1,903,000

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 the Regional District does not accept any liability for errors or omissions. The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

Printed: April 28, 2011





R9

## STAFF REPORT

### ELECTORAL AREAS SERVICES COMMITTEE MEETING OF MAY 3, 2011

DATE: April 27, 2011

FILE NO:

FROM: Rachelle Moreau, Planner I

BYLAW NO:

SUBJECT: Petition from Rozon Road residents

---

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

That the CVRD strongly encourage the Ministry of Transportation and Infrastructure to require dedication and construction of Sangster Road from Noowick Road to Butterfield Road, and that all construction traffic be directed to use the Butterfield Road intersection as soon as practically possible.

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

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

#### **Background:**

CVRD received a petition from residents of Rozon Road, which was presented to the Electoral Area Services Committee at its January 18, 2011 meeting. As a result, the Electoral Area Services Committee made the following resolution:

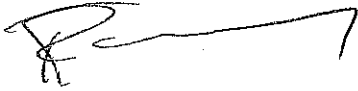
*"That staff be directed to arrange a meeting with the Ministry of Transportation and Infrastructure, CVRD staff, and area developers to discuss traffic and safety concerns from developments in the Mill Bay area as well as proposed solutions."*

A meeting was held on February 23, 2011, at which time updates on the status of each development in the area were provided, as well as a discussion regarding potential mitigation of the impact from construction traffic resulting from these developments.

There was general agreement that dedication and construction of Sangster Road to standards acceptable for construction traffic is desirable in order to alleviate construction traffic impacts resulting from these developments, as well as understanding that diverting construction traffic through the Butterfield Road intersection would be the best solution. However, it must be emphasized that this will require significant cooperation and coordination primarily between developers and the Ministry of Transportation and Infrastructure (MOTI). The MOTI is the approving authority for subdivisions in the Electoral Areas and are the only ones that can control what takes place on road rights-of way.

Future dedication and construction of Sangster Road and the Butterfield Road intersection is strongly dependent on the timing and phasing of proposed development in the area. Bob Wylie, Provincial Approving Officer has advised that the MOTI will continue to promote the Sangster Road connection and Butterfield intersection, and with developer cooperation strive for an early construction of Sangster Road for construction traffic

Submitted by,



for Rachelle Moreau  
Planner I  
Development Services Division  
Planning and Development Department

RMca

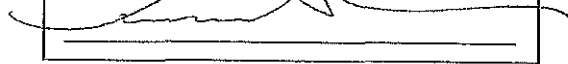
**Reviewed by:**

Division Manager:



**Approved by:**

General Manager:







R10

**STAFF REPORT**

**ELECTORAL AREA SERVICES COMMITTEE MEETING  
OF MAY 3, 2011**

**DATE:** April 27, 2011

**FILE No:**

**FROM:** Tom R. Anderson, General Manager

**BYLAW No:**

**SUBJECT:** ALC Application Review

---

**Recommendation/Action:**

For information only.

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

**Financial Impact:** N/A

**Background:**

The attached report appeared on the agenda of the April 26, 2011 Agricultural Advisory Committee. It was subsequently requested that this report be shared with the EASC for information purposes.

Submitted by,

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

Tom R. Anderson,  
General Manager  
Planning and Development Department

TRA/ca  
attachment



## STAFF REPORT

### AGRICULTURAL ADVISORY COMMITTEE MEETING OF APRIL 26, 2011

DATE: April 19, 2011

FILE NO:

FROM: Tom R. Anderson, General Manager

BYLAW NO:

SUBJECT: ALC Application Review

---

#### Recommendation/Action:

This report is presented for information purposes.

Relation to the Corporate Strategic Plan: N/A

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

#### Background:

The following recommendation was passed at the March 22, 2011 Agricultural Advisory Committee meeting and was subsequently approved by the Regional Board at their April 13, 2011 regular meeting.

**That the CVRD Board refers to staff for additional information on the number and scope of subdivision applications and exclusion applications.**

In order to provide the Committee with an indication of the number and type of applications recently processed through the Regional District, a review of ALC applications over the last three years was conducted. The attached table provides the information necessary to respond to this request as well as provide some insight into the recommendations/decisions that have been made.

As many of the Committee members may not be familiar with some of the terms used in the table, a verbal description will be provided at the Committee meeting to fill in any of the informational gaps.

Submitted by,

A handwritten signature in black ink, appearing to be "Tom R. Anderson", is written over a horizontal line.

Tom R. Anderson,  
General Manager  
Planning and Development Department

TRA/ca  
Attachment

*Summary of CVRD's ALR Applications in 2008, 2009 and 2010*

Application Number	Proposal	CVRD Recommendation/Decision	ALC Decision
1-B-08ALR	A two lot boundary adjustment within the Agricultural Land Reserve	That [the application] be forwarded to the Agricultural Land Commission with a recommendation to approve. And further, that should this application proceed to subdivision approval, that staff recommend registration of a covenant prohibiting further subdivision of the new Lot A.	ALC Resolution # 225/2009 was received August 27, 2009 Approving the subdivision/consolidation plan.
1-C-08ALR	Construction of a second dwelling to be constructed on the subject property, in conformity with zoning	Approval	ALC Resolution # 787/2008 Approval subject to the second dwelling being limited to a maximum of 600 square feet and in a location proposed in the application, the second dwelling be placed on a non-permanent foundation, that a covenant be registered for the purpose of limiting residential use to the applicant's mother and the dwelling be removed from the property when it is no longer occupied by the applicants' mother. <u>ALC Resolution #1/2009 (Reconsideration Request)</u> Approval subject to revised conditions. That the second dwelling be limited to 800 square feet, that it be placed on a foundation, that a covenant be registered on title limiting the second dwelling to applicants mother and is to be removed when no longer occupied . Approval is granted for the sole benefit of the applicant and is non-transferable
2-C-08ALR	To consider a request for a subdivision in accordance with Section 21(2) of the Agricultural Land Commission Act and Section 946 of the Local Government Act.	No Recommendation	June 29, 2009, the Provincial ALC approved the application for subdivision – Resolution # 318/2009

1-D-08ALR	To subdivide the approximately 15-hectare subject property into two lots of 7.5 hectares in order to re-establish a previously existing boundary line. In addition, to waive CVRD standing policy on ALC subdivision applications, and refer this application directly to the Agricultural Land Commission notwithstanding the required bylaw amendments	That the CVRD Board waive the standing policy on Agricultural Land Reserve applications to allow application No. 1-E-08 ALR, made pursuant to Section 21(2) of the Agricultural Land Commission Act to subdivide the subject property, be forwarded to the Agricultural Land Commission with a recommendation for approval	November 20, 2008, the Provincial ALC refused the application – Resolution #767/2008
1-E-08ALR	To expand the existing Girl Guide of Canada Camp to provide camping opportunities for disabled and elderly campers. Proposal includes 155-m <sup>2</sup> expansion of Maple Lodge to build a 32-bed bunkhouse, with 3 toilets, expanded kitchen space and one wheelchair accessible shower and a septic system.	Recommend approval	July 16, 2008, the Provincial ALC approved the application as proposed – Resolution #411/2008
2-E-08ALR	To place a mobile home on the property in order to provide a residence for the owners' son or hired hand.	Approval	May 26, 2009, the Provincial ALC approved the application subject to the mobile home only to be used as accommodation for farm help or family member and must be removed when no longer needed by a farm worker(s) or family member, the mobile to be located on property at site proposed and that approval is granted for the sole benefit of the applicants and is not transferable – Resolution #227/2009
3-E-08ALR	For non-farm use within the ALR. To construct a 74 m2 second residence	Approval	ALC Approved March 25, 2009 – Resolution #o. 101/2009 (subject to having all of their conditions met.)
4-E-08ALR	For a subdivision in accordance with Section 21(2) of the Agricultural Land Commission Act and Section 946 of the Local Government Act.	No recommendation	Application refused resolution #231/2009

1-F-08ALR	To consider an application to build a secondary dwelling unit on the subject property, which is located in the Agricultural Land Reserve (ALR).	Approval	Application for non-farm use not required - applicant received full refund of \$600.
1-C-09ALR	Pursuant to Section 20(3) of the Agricultural Land Commission Act, for approval to construct a second residence on the subject property.	Approval	ALC resolution 1866/2009 states "That the application be approved subject to the second dwelling being in lieu of a manufactured home as permitted in terms of 3(1)(b)(ii) of Regulation 171/2002"
3-C-09ALR	To subdivide the subject property pursuant to Section 21(2) of the Agricultural Land Commission Act.	That [the application] be forwarded to the Agricultural Land Commission with a recommendation to approve the application, on the condition of a no further 946 subdivision covenant being registered on both parcels and that ALC resolution #459/2005 be rescinded	June 4, 2010 - ALC Approved Application Res. No. 2568/2010
1-D-09ALR	To subdivide the subject property under Section 946 of the Local Government Act (Subdivision to provide a residence for a relative).	No recommendation	ALC resolution 1265/2009 states "That the application be refused as presented.."
2-D-09ALR	To request permission to construct a small suite on the subject property.	Approval	May 14, 2010 the ALC wrote a letter to Mr. Van De Mortel explaining that an earlier application (#37537) for subdivision of the subject property into two lots, had been approved. As the intent of the present application was to place a dwelling on each proposed lot, which would automatically be allowed under application # J - 37537, the present application becomes redundant. Therefore the Commission is cancelling the present application # 38935
1-E-09ALR	To request permission to construct a second single-family dwelling on the approximately 11.4 ha (28.25 acres).	Approval	ALC Resolution #232/209 - Refused

2-E-09ALR	To consider an application to subdivide land and conduct a non-farm use in the Agricultural Land Reserve.	That Application 2-E-09ALR, submitted by the CVRD Engineering and Environmental Services Department, made pursuant to Section 21(2) of the Agricultural Land Commission Act to subdivide a 0.2025 hectare parcel for use as a water reservoir and water treatment facility be forwarded to the Agricultural Land Commission with a recommendation to approve the application; AND FURTHER, that the Agricultural Land Commission be requested to expedite consideration of this application.	ALC Approved Application December 18, 2009 Resolution - # 1925/2009
1-H-09ALR	To subdivide the subject property pursuant to Section 946 of the Local Government Act (Subdivision to provide a residence for a relative) and under Section 21(2) of the Agricultural Land Commission Act.	August 12/09 The CVRD Board Denied the Application, letter sent to applicant Aug 12/09 to advise same.	
2-H-09ALR	Pursuant to Section 20(3) of the Agricultural Land Commission Act, for approval to retain a second residence on the subject property.	That [the application] be forwarded to the Agricultural Land Commission with a recommendation to approve, on the condition that the existing 83 m2 residence is decommissioned when it is no longer required for use by family.	The Provincial ALC approved the application on the condition that registration of covenant restricting the residential use to the parent of the applicant and restricting the sale of the property with the second dwelling in place and that approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable. Resolution # 2434/2010
1-A-10ALR	Pursuant to Section 20(3) of the Agricultural Land Commission Act, for the purpose of constructing a welcoming centre on the subject property (St. Francis Xavier Church)	That [the application] to construct a welcoming centre be forwarded to the Agricultural Land Commission with a recommendation to approve, subject to: <ul style="list-style-type: none"> <li>• the new building complimenting the exterior (façade) of the old church</li> <li>• a legal survey confirming compliance with parcel line setbacks</li> </ul>	

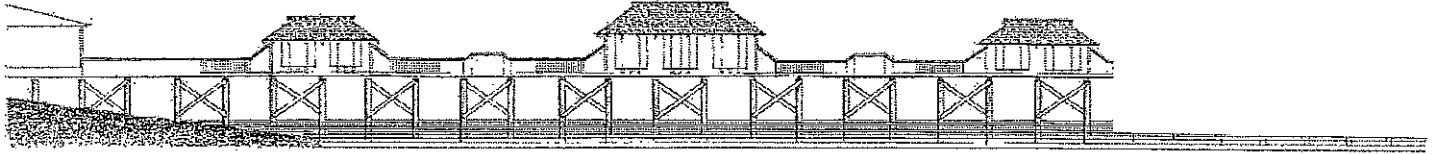
1-C-10ALR	To construct a second residence on the subject property.	That [the application] to construct a 2nd dwelling be forwarded to the Agricultural Land Commission with a recommendation to approve, subject to decommission of the existing cottage	ALC Approved Application November 26, 2010 Resolution No. 21/2011
1-D-10ALR	(Application from Fire Hall) To constructing an addition on the side of an existing building for the storage of an antique fire truck and equipment maintenance space.	Approval	No decision at this time
01-E-10ALR	To remove soil and place fill on approximately 39 hectare property located at Koksilah Road and Neel Road.	CVRD Planning Department sent a letter to the applicant requesting additional information and advising that the ALC has applications specific to placement of fill or removal of soil.	
02-E-10ALR	Subdivision in the ALR – adjust lot boundaries of two adjacent properties	Recommendation to deny	No decision at this time
03-E-10ALR	Pursuant to Section 20(3) of the <i>Agricultural Land Commission Act</i> to construct a single family dwelling and a small suite on subject property	Recommendation to approve	No decision at this time
04-E-10ALR	Pursuant to Section 20(3) of the <i>Agricultural Land Commission Act</i> to place a fourth dwelling on the subject property	Recommendation to approve	ALC Approved Application November 26, 2010 with resolution #2849/2010 which concluded that the application be approved subject to the dwelling being sited in the location shown on plan and the removal of a mobile home currently on the property -
05-E-10ALR	Pursuant to Section 21(2) of the <i>Agricultural Land Commission Act</i> to subdivide lot to create separate lot for a family member	February 21, 2011 - CVRD wrote the applicants advising that at the Board Meeting held on February 9, 2011 the application was denied. A refund of \$300 was issued to the applicants.	
06-E-10ALR	To separate portions of parent property severed by Creighton Road and Cowichan Lake Road, creating a 2-ha parcel, and donate a small portion for public use.		

01-F-10ALR	Pursuant to Section 21(2) of the <i>Agricultural Land Commission Act</i> to subdivide	December 8, 2010 Board passed a resolution to forward application to the ALC with no recommendation	No decision at this time
01-H-10ALR	Inclusion of approximately 17.3 hectares into the ALR	November 22, 2010 CVRD forwards file to the ALC with recommendation to approve (Board Resolution 10-563.7)	No decision at this time
02-H-10ALR	Subdivide property into two lots.	December 8, 2010 Board passed a resolution to forward application to the ALC with a recommendation to approve.	No decision at this time



# COWICHAN BAY

C1



## MARITIME CENTRE

March 30, 2011

To: Lori Iannidinardo  
Regional Director Area 'D'  
Cowichan Bay  
Cowichan Valley Regional District  
1366 Garret Place  
Cobble Hill, BC  
V0R 1L0

Attention: Lori Iannidinardo

Dear Ms. Iannidinardo,

As you are aware the Cowichan Wooden Boat Society has contracted MacDonald and Lawrence Timber Framing Ltd (M&L), to construct a new building at 1761 Cowichan Bay Road.

As part of the process M&L obtained a CVRD Building Permit on behalf of the Society in the amount of \$2,399.00. As a non-profit organization and a contributor to the economic and social welfare of Cowichan Bay we would appreciate your support in having the \$2399.00 reimbursed or any assistance available.

I have enclosed a copy of our receipt for the payment.

Thank you for your attention to this matter.

Sincerely,

*Dave Knott*

President  
Cowichan Wooden Boat Society

Cc:M&L

# Macdonald & Lawrence Timber Framing Ltd.

1345 Hill Road  
PO Box 10  
Caledonia, ON N4C 1G5  
Canada  
Tel: (519) 743-5522  
Fax: (519) 743-5523  
Email: info@macdonald-lawrence.ca  
Web: www.macdonald-lawrence.ca

## APPLICATION FOR PAYMENT

Coveiran Bay Maritime Centre Expansion

Coveiran Bay Maritime Centre  
1751 Coveiran Bay Rd.  
Coveiran Bay, British Columbia

Owner  
Covishadon Marine

Application no.: 1  
Job reference: Jan 31, 2011  
Application period ending: Feb 28, 2011  
Issue date: Mar 2, 2011

Cost code Breakdown of Billing	% Complete	Contract Sum	Application 1	Application 2	Application 3	Application 4	Heldback	Total to date
1 Pre-Construction								
Building permit	100.0%	\$ 2,500.00	\$ -	\$ -	\$ 2,500.00	\$ -	\$ 250.00	\$ 2,500.00
Permit processing fee	100.0%	\$ 300.00	\$ -	\$ -	\$ 300.00	\$ -	\$ 30.00	\$ 300.00
Trade drawings M&L	100.0%	\$ 3,000.00	\$ 2,550.00	\$ 640.00	\$ -	\$ -	\$ 300.00	\$ 3,000.00
Architectural Consulting	100.0%	\$ 3,000.00	\$ 2,550.00	\$ 450.00	\$ -	\$ -	\$ 300.00	\$ 3,000.00
Architectural Drawings	100.0%	\$ 2,500.00	\$ 2,500.00	\$ 125.00	\$ -	\$ -	\$ 250.00	\$ 2,500.00
Structural Engineer	100.0%	\$ 4,500.00	\$ 4,500.00	\$ 450.00	\$ -	\$ -	\$ 450.00	\$ 4,500.00
Geotechnical Engineer	100.0%	\$ 3,000.00	\$ 3,000.00	\$ -	\$ 1,000.00	\$ -	\$ 300.00	\$ 3,000.00
Mechanical Engineer	0.0%	\$ 1,500.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Surveying	85.0%	\$ 1,500.00	\$ 1,275.00	\$ 3,201.00	\$ 875.00	\$ -	\$ 102.00	\$ 1,275.00
Admin	100.0%	\$ 5,520.00	\$ 1,745.00	\$ -	\$ -	\$ -	\$ 552.00	\$ 5,520.00
Section total		\$ 27,620.00	\$ 16,275.00	\$ 4,866.00	\$ 4,788.00	\$ -	\$ 2,954.00	\$ 25,940.00
2 Project Overhead								
M&L Profit (5%)	12.0%	\$ 11,923.00	\$ 715.00	\$ 715.00	\$ 2,600.00	\$ -	\$ 403.00	\$ 4,030.00
M&L Management Fee (10%)	12.0%	\$ 25,036.00	\$ 1,502.28	\$ 1,502.28	\$ 5,000.00	\$ -	\$ 800.46	\$ 8,004.58
Section total		\$ 36,961.00	\$ 2,217.28	\$ 2,217.28	\$ 7,600.00	\$ -	\$ 1,203.46	\$ 12,034.56
3 Construction								
General Conditions	13.0%	\$ 19,277.55	\$ -	\$ -	\$ 2,500.00	\$ -	\$ 250.00	\$ 2,500.00
Site Works	75.0%	\$ 10,000.00	\$ -	\$ -	\$ 7,500.00	\$ -	\$ 750.00	\$ 7,500.00
Foundations	0.0%	\$ 15,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Timber Frame	45.0%	\$ 80,000.00	\$ -	\$ -	\$ 41,250.00	\$ -	\$ 4,125.00	\$ 41,250.00
Roofing & Exterior Finishes	0.0%	\$ 32,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Windows & Doors	0.0%	\$ 19,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Finishes	0.0%	\$ 17,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Mechanical	0.0%	\$ 5,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Electrical	0.0%	\$ 8,300.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Section total		\$ 227,377.55	\$ -	\$ -	\$ 51,250.00	\$ -	\$ 5,125.00	\$ 51,250.00
4 Change Orders								
M&L CON #11 - Additional Geotechnical Investigation	100.0%	\$ 10,152.45	\$ 9,137.21	\$ 1,015.24	\$ -	\$ -	\$ 1,015.25	\$ 10,152.45
Section total		\$ 10,152.45	\$ 9,137.21	\$ 1,015.24	\$ -	\$ -	\$ 1,015.25	\$ 10,152.45
5 Donations in Kind								
Lawson Engineering (Ground Penetrating Radar Service)	0.0%	\$ (1,900.00)	\$ (1,900.00)	\$ -	\$ -	\$ -	\$ -	\$ (1,900.00)
Drift Well Enterprises Ltd. (Bore hole drilling)		\$ (1,250.00)	\$ (1,250.00)	\$ -	\$ (25,000.00)	\$ -	\$ -	\$ (1,250.00)
Macdonald & Lawrence (Timber Donations)		\$ (25,000.00)	\$ -	\$ -	\$ (4,000.00)	\$ -	\$ -	\$ (25,000.00)
Maximum Excavating (Excavator time donation)		\$ (4,000.00)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (4,000.00)
Section total		\$ (32,050.00)	\$ (3,050.00)	\$ -	\$ (25,000.00)	\$ -	\$ -	\$ (32,050.00)
Project Total		\$ 270,087.00	\$ 24,500.48	\$ 8,008.52	\$ 34,648.00	\$ -	\$ 9,957.70	\$ 98,377.01
Previous Estimated Sum		\$ 265,461.00						
Variance		\$ 4,626.00						
Sub total		\$ 24,500.48	\$ 2,038.52	\$ 3,648.00	\$ -	\$ -	\$ 9,957.70	\$ 67,327.01
<Less held back>		\$ 2,458.05	\$ 288.85	\$ 3,468.00	\$ -	\$ -	\$ 9,957.70	\$ 70,532.01
Sub total		\$ 22,042.43	\$ 1,749.67	\$ 1,180.00	\$ -	\$ -	\$ -	\$ 22,042.43
GST @ 5%		\$ 2,954.99	\$ 874.64	\$ 3,741.08	\$ -	\$ -	\$ 1,192.52	\$ 8,463.84
HST @ 12%		\$ 2,777.73	\$ 816.31	\$ 3,492.16	\$ -	\$ -	\$ 1,130.23	\$ 78,955.85
Sub total		\$ 24,777.13	\$ 816.31	\$ 3,492.16	\$ -	\$ -	\$ 1,130.23	\$ 78,955.85
Total for payment		\$ 24,777.13	\$ 816.31	\$ 3,492.16	\$ -	\$ -	\$ 1,130.23	\$ 78,955.85

Veri please note these were  
estimates from M&L.  
They have confirmed the  
cost was \$2399.00  
Suzen Lagave



C2

COWICHAN VALLEY REGIONAL DISTRICT

SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS)

Submitted by Director K. Cossey Area B.

Grantee:

Grant Amount \$ 200

NAME: Kerry Park Women's Curling League

ADDRESS: 472 Thetis Drive

Ladysmith, V9G 1V9

Contact Phone No: Myrna Proulx (250) 514-8860

PURPOSE OF GRANT: Aid with expenses for the Pacific International Cup

REQUESTED BY:

Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
<u>012-1950-0355-112</u>	<u>200.00</u>	<u>10.0</u>

**FOR FINANCE USE ONLY**

BUDGET APPROVAL [Signature]

VENDOR NO. 2450388A

**Disposition of Cheque:**

Mail to above address: \_\_\_\_\_

Return to \_\_\_\_\_

Attach to letter from \_\_\_\_\_

Other \_\_\_\_\_

Approval at Regional Board Meeting of \_\_\_\_\_

Finance Authorization \_\_\_\_\_



## THE DOMINION CURLING CLUB CHAMPIONSHIP



### TEAM

As the 2010-2011 Kerry Park Ladies' Club Champion, Team Wark participated in the Dominion Club Challenge and has won a spot to compete in the Pacific International Cup Curling Event. This event will be held at the Richmond Curling Club from April 20 to April 24th, 2011. Should we win this event we will be moving on to the Dominion Canadian Championships from November 21-26, 2011 at the Richmond Curling Club.

### EVENT

The Pacific International Cup is the premier curling event in the world for the development of the sport. This event helps promote and develop curling throughout BC and Globally. There will be 16 Women's Teams and 16 Men's Teams representing: Alaska, Arizona, California, Colorado, Oregon, NWT, Washington, Yukon, Mainland Coast, Island North & South, Kootenays Beaver Valley, and Okanagan Kamloops.

### YOUR SUPPORT

Our costs for travel and accommodations are not covered for this event. We would be grateful if you could help with a donation to cover some of our expenses.

For more information please visit the website [www.picup.ca](http://www.picup.ca) or to make a donation please contact Myrna Proulx at [orkagraphiks@shaw.ca](mailto:orkagraphiks@shaw.ca) or 250-514-8860.

Thank You!

Sarah Wark  
LeeAnne Ouellette  
Myrna Proulx  
Lisa Perry  
Heather Broughton



For more information please visit [www.picup.ca](http://www.picup.ca) and [www.thedominioncurls.ca](http://www.thedominioncurls.ca)

## Sharon Moss

---

**From:** Ken Cossey [kcossey@seaside.net]  
**Sent:** Thursday, April 21, 2011 2:28 PM  
**To:** Sharon Moss  
**Cc:** orkagraphiks@shaw.ca  
**Subject:** Fw: Applying for a Grant in Aid  
**Attachments:** orkagraphiks.jpg; ATT91506.txt; Sponsorship Letter2.pdf

Sharon,

Please set up this grant-in-aid request for \$200.00.

Cheers

Ken

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

**From:** "Ken Cossey" <kcossey@cvrld.bc.ca>  
**To:** <kcossey@seaside.net>  
**Sent:** Saturday, April 16, 2011 6:15 AM  
**Subject:** Fw: Applying for a Grant in Aid

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

**From:** myrna [mailto:orkagraphiks@shaw.ca]  
**Sent:** Wednesday, April 13, 2011 02:07 PM  
**To:** Ken Cossey  
**Subject:** Applying for a Grant in Aid

My name is Myrna Proulx and I am a Shawnigan Lake Resident as well as the rest of my ladies curling team. I am writing to you to ask for some financial assistance.

We are requesting \$200 toward our travel expenses to go to the Pacific International Cup to represent Kerry Park Curling Club in Richmond April 20-24, 2011.  
(See attachment for more information.)

Our expenses for hotel rooms, ferries & food will be approximately:

\$976 hotel  
\$142.50 ferry  
\$30/day per person = \$600

TOTAL \$1718.50

This total is approximate but anything you can do to help would be greatly appreciated!

Thanks  
Myrna

Myrna Proulx  
250-743-5655  
250-514-8860

Cowichan Valley Regional District  
Statement of Revenue and Expenditures



C.V.R.D

GL5350  
Date : Apr 26, 2011

Page : 1  
Time : 8:23 am

Budget Type : REVISED BUDGET

Fiscal Year : 2011

Period : 4

Account Code : 01-1-????-????

To 01-2-????-????

Account Code	Account Description	Current Period	Year to Date	Budget Amt	Variance	% Used
<b>1</b>	<b>GENERAL REVENUE FUND</b>					
<b>112</b>	<b>GRANTS IN AID - AREA B</b>					
	<b>REVENUES</b>					
<b>12000</b>	<b>GRANTS</b>					
2100	FEDERAL GRANTS IN LIEU	0.00	-11.01	0.00	11.01	0
<b>17571</b>	<b>TOTAL GRANTS REQUISITION</b>	<b>0.00</b>	<b>-11.01</b>	<b>0.00</b>	<b>11.01</b>	<b>0</b>
0000	REQUISITION	0.00	-9,640.00	-9,640.00	0.00	100
<b>19110</b>	<b>TOTAL REQUISITION SURPLUS/DEFICIT - CURRENT YEAR</b>	<b>0.00</b>	<b>-9,640.00</b>	<b>-9,640.00</b>	<b>0.00</b>	<b>100</b>
0000	SURPLUS/DEFICIT	0.00	-3,360.00	-3,360.00	0.00	100
<b>TOTAL</b>	<b>SURPLUS/DEFICIT - CURRENT YEAR</b>	<b>0.00</b>	<b>-3,360.00</b>	<b>-3,360.00</b>	<b>0.00</b>	<b>100</b>
<b>TOTAL</b>	<b>REVENUES</b>	<b>0.00</b>	<b>-13,011.01</b>	<b>-13,000.00</b>	<b>11.01</b>	<b>100</b>
	<b>EXPENSES</b>					
<b>21950</b>	<b>GRANTS TO ORGANIZATIONS</b>					
0000	GRANTS TO ORGANIZATIONS	0.00	0.00	12,634.00	12,634.00	0
0105	SPIRIT OF WOMEN	0.00	200.00	0.00	-200.00	0
0224	COW VALLEY FAMILY CAREGIVERS	0.00	2,000.00	0.00	-2,000.00	0
0247	COWICHAN FOOD CONNECTION	0.00	500.00	0.00	-500.00	0
0276	COWICHAN THERAPEUTIC RIDING ASSOC	0.00	1,000.00	0.00	-1,000.00	0
0350	COWICHAN STATION AREA ASSOCIATION	0.00	5,000.00	0.00	-5,000.00	0
<b>28050</b>	<b>TOTAL GRANTS TO ORGANIZATIONS</b>	<b>0.00</b>	<b>8,700.00</b>	<b>12,634.00</b>	<b>3,934.00</b>	<b>69</b>
4100	GENERAL GOVERNMENT CHARGE					
	ALLOC - GENERAL GOVERNMENT	0.00	366.00	366.00	0.00	100
<b>TOTAL</b>	<b>GENERAL GOVERNMENT CHARGE</b>	<b>0.00</b>	<b>366.00</b>	<b>366.00</b>	<b>0.00</b>	<b>100</b>
<b>TOTAL</b>	<b>EXPENSES</b>	<b>0.00</b>	<b>9,066.00</b>	<b>13,000.00</b>	<b>3,934.00</b>	<b>70</b>
<b>TOTAL</b>	<b>SURPLUS / DEFICIT</b>	<b>0.00</b>	<b>-3,945.01</b>	<b>0.00</b>	<b>3,945.01</b>	<b>0</b>
<b>TOTAL</b>	<b>GENERAL REVENUE FUND</b>	<b>0.00</b>	<b>-3,945.01</b>	<b>0.00</b>	<b>3,945.01</b>	<b>0</b>



COWICHAN VALLEY REGIONAL DISTRICT

SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS)

Financial Services Department

Submitted by Director IANNIDINARDO Area D

Grantee:	Grant Amount \$ <u>500.00</u>
NAME:	<u>COWICHAN VALLEY JOLLY DRAGONS SENIOR</u>
ADDRESS:	<u>C/O 1696 EAGLE VIEW PLACE</u> <u>DUNCAN BC. V9L 6R1</u>
Contact Phone No:	<u>MARY AMES</u>
PURPOSE OF GRANT:	<u>TO HELP COVER THE COST OF</u> <u>DAMAGE TO THEIR BOAT APRIL 11/2011 THEY</u> <u>WERE GROUNDED ON A ROCK NOW NEED</u> <u>REPAIRS</u>
REQUESTED BY:	<u>Lou L. Iannidinaro</u> Director Requesting Grant

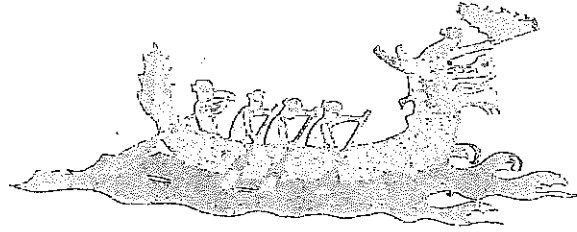
ACCOUNT NO.	AMOUNT	HST CODE
01-2-1950-0331-114	500.00	10.0

<b>FOR FINANCE USE ONLY</b>
BUDGET APPROVAL <u>[Signature]</u>
VENDOR NO. _____

<b>Disposition of Cheque:</b>
Mail to above address: _____
Return to _____
Attach to letter from _____
Other _____

Approval at Regional Board Meeting of \_\_\_\_\_

Finance Authorization \_\_\_\_\_



Cowichan Valley Jolly Dragons Senior Dragon Boat Team  
c/o 1696 Eagle View Place,  
Duncan, BC, V9L 6R1

April 15, 2011

Lori Iannidinardo  
Director, Electoral Area D – Cowichan Bay  
District of North Cowichan  
175 Ingram Street  
Duncan, BC, V9L 1N8

Dear Madam:

We are writing on behalf of the Cowichan Valley Jolly Dragons Senior dragon boating team.

The purpose of this letter is to reuest a grant-in-aid of \$500, specifically to cover the cost of damage to our dragon boat on April 11, 2011, when we were grounded on a rock in Cowichan Bay, putting a hole in our boat and cracking the hull. The repairs are being done at the Maritime Museum by a member of the "Wooden Boat Society". Over the past winter, the Cowichan Valley Dragon Boat Society spent close to \$2,000 to refurbish the dragon boat, having the repairs and painting done at Maple Bay.

We are very appreciative of your past generosity to our team of 35 – 40 local area seniors. We are once again hoping that you will consider a grant, as per our request.

Yours sincerely,

Mary & David Ames  
Co-Captains  
Jolly Dragons Seniors Dragon Boat Team





COWICHAN VALLEY REGIONAL DISTRICT

SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS)

Submitted by Director JANNIDIN ARDO Area \_\_\_\_\_

Financial Services Department

Grantee:	Grant Amount \$ <u>500.00</u>
NAME:	<u>COWICHAN BAY IMPROVEMENT ASSOCIATION</u>
ADDRESS:	<u>P.O. BOX 23 COWICHAN BAY</u> <u>B.C. VOR INI</u>
Contact Phone No:	<u>Jeff Quinton</u>
PURPOSE OF GRANT:	<u>SUPPORT FOR 12<sup>th</sup> ANNUAL</u> <u>LOW TIDE DAY MAY 7, 2011.</u>
REQUESTED BY:	<u>Levi L. Jannidinardo</u> Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
01-2-1950-0108-114	500.00	10.0

<b>FOR FINANCE USE ONLY</b>
BUDGET APPROVAL <u>[Signature]</u>
VENDOR NO. _____

<b>Disposition of Cheque:</b>
Mail to above address: _____
Return to _____
Attach to letter from _____
Other _____

Approval at Regional Board Meeting of \_\_\_\_\_

Finance Authorization \_\_\_\_\_

Cowichan Bay Improvement Association  
P.o. Box 23 Cowichan Bay, B.C.  
V0R1N1

April 11, 2011

Lori Iannidinardo  
Director Electoral Area D  
C.V.R.D  
175 Ingram St.  
Duncan B.C.

Dear Lori,

Please accept this letter as a formal request for funding support for Low Tide Day May 7, 2011. This year marks the 12<sup>th</sup> year of cleaning the estuary and surrounds and providing science programming for the children.

As you know most of our costs for the day are gifts in kind but we do have some outlays for washrooms, hand wash stations and some food and refreshment items.

It is in this regard that we ask for consideration of Grant in Aid Funding. Five Hundred Dollars would make the difference and add greatly to this worthy event. I sincerely thank you for your assistance in carrying this request forward on our behalf.

Yours truly,

Jeff Quinton  
Low Tide Chairperson

INI

**AREA "H" ADVISORY PLANNING COMMISSION**  
**SITE VISIT MINUTES (subject to APC approval)**

Date: February 26, 2011

Time: 9:00 am

Place: 13490 Doole Road –  
Lot 1, DL 17, Oyster District, Plan VIP58756 (PID:018-730-655)

Applicants: Avis & David Muir

Members Present: Chairman – Mike Fall, Vice Chairman – Chris Gerrand,  
Secretary – Jan Tukham, John Hawthorn, Gord Wyndlow

Also Present: Director Marcotte

The advisory planning commission members toured the subject property.  
The APC later met at the North Oyster Community Hall. The applicant Mr. Muir  
also attended.

The following motion was made: To recommend that this application be  
forwarded to the Agricultural Land Commission. Seconded.

*Motion: Carried*

Comments from the APC - that there would be minimal impact on the area  
agricultural potential.

Adjournment: The site visit and subsequent meeting was held at the North  
Oyster Community Hall, site visit and meeting were completed at 9:35 am.

Jan Tukham - secretary

IN2

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

Date: February 10, 2011

Time: 7:00 PM

Location: North Oyster Community Hall

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

Members Absent: Jody Shupe, Alt. Director Rob Waters

Also Present: Director Marcotte

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

*Motion: Carried*

Adoption of the Minutes: At the request of the chair, the minutes of October 14, 2010 of the Advisory Planning Commission, be reviewed. It was moved and seconded that the minutes of the October 14, 2010 Advisory Planning Commission meeting be approved, as circulated, with the following amendment.

Amendment: That more details be included regarding the Reiber Road variance application. These details are to include the application description as well as the motion that was made should be written in full.

*Motion: Carried*

Old Business

A: Application 2H-10-SA – Subdivision- Chandler Road – this application was tabled until the next Advisory Planning Commission Meeting (March-2011)

New Business

**A: ALR Application 3-H-19 ALR (Muir) – To consider an application to construct a second dwelling on the subject property pursuant to Section 20(3) of the Agricultural Land Commission Act.** Location of subject property – 13490 Doole Road – Legal Description: Lot 1, District Lot 17, Oyster District, Plan VIP58756 (PID: 018-730-655)

Applicant(s) present: Avis and David Muir

After a brief presentation by the applicants the following motion was made:

Motion: To conduct a site visit to the property on a date that is agreeable to all.

Seconded. *Motion: Carried*

This site visit will be conducted on Saturday, Feb. 26, 2011 @ 9:00 am.

B. Elect new Chairman, Vice Chairman, & Secretary. This election was conducted by Director Marcotte. Director Marcotte asked for nominations from the Advisory Planning Commission for the position of Chairman, Vice Chairman and Secretary.

Mike Fall was nominated and elected to the position of Chairman, Chris Gerrand was nominated and elected as Vice Chairman and Jan Tukham was nominated and elected as Secretary.

Discussion Items:

- A. Evening Cove proposal (Wiggins) – Director Marcotte noted that Dr. Wiggins was informed that he would have to submit a formal application before any comments etc. could be considered.
- B. Ocean Shoreline Protection has gone to public hearing in Area D. This bylaw was defeated at the last meeting of the Directors. Most felt it had a detrimental effect for example some trees were being removed on shorelines in Area D, in anticipation of the bylaw going through.
- C. CKS logging: A verbal referral from Director Marcotte that CKS logging was going to be applying for a boundary adjustment. The APC felt that this should be further proceeded with as a housekeeping issue.

Directors Report:

Director Marcotte advised the APC that a couple of CVRD staff members had come to visit the Reiber Road, variance location. The result of this was that the setback may not be granted as requested in the original application. There was some concern regarding the steepness of the slope in the front & back of the home.

Director Marcotte also updated the APC on the status of the Heart Lake Development proposal, stating that this was still with the ALC.

She also mentioned that the fire hall citizens committee had, had a couple of public hearings, one of which was fairly 'heated'. This fire hall committee has now been disbanded. The issue regarding construction of a new fire hall will now go to a referendum poll which is non-binding. Director Marcotte is hoping that there will be more community 'table talk' meetings regarding this issue prior to the referendum poll being conducted.

Adjournment: Moved and Seconded @ 8:00 PM

*Motion: Carried*

---

Jan Tukham – secretary

INS

RECEIVED

Minutes of the Cobble Hill Advisory Planning Commission meeting held at 7 p.m. on APR 14 2011  
Thursday, April 14<sup>th</sup> 2011 in the Cobble Hill Hall Dining Room.

Those present: Chair Rod de Paiva, Rosemary Allen, Jens Liebgott, David Hart, Don Herriott and Director Gerry Giles.

Apologies: Robin Brett, Brenda Krug and Joanne Bond.

Guests: Katy Tompkins – CVRD Long Range Planner, John Bertagnolli and Gar Clapham.

Chair de Paiva called the meeting to order at 7 p.m.

Moved/second

That the agenda be approved as amended by adding the APC minutes of January 27, 2011.  
MOTION CARRIED

Moved/second

That the minutes of August 12, 2010 be adopted as circulated. MOTION CARRIED

Moved/second

That the minutes of January 27, 2011 be adopted as circulated. MOTION CARRIED

New Business:

A final review of the South Cowichan OCP and the Cobble Hill Village Containment Area was undertaken. Particular attention was given to two different locales in the Village Containment Area: the first being that block between Fairfield and Ball Roads on the east side of Fisher Road and the second being that block of the three commercial lots on the east side of Fisher Road across from Rona. After considerable discussion, it was

Moved/second

That it be recommended to the OCP Review Committee that lots 1, 5, 4 and 3 on Fairfield Road east of Fisher Road be designated Village Residential in the South Cowichan OCP and that lots 7, 2 and 1 be placed in a commercial designation that allows for business park use.  
MOTION CARRIED UNANIMOUSLY

*Note: See attached map with respect to the above resolution.*

With respect to the Highway Commercial designation being given to the three properties across from Rona it was

Moved/second

It be recommended to the OCP Review Committee and the CVRD that Lot A, Plan 42508 on the west side of the Trans Canada Highway and lots 3 & 4 of Plan 1975 as well as 243674I located at the south west junction of Fisher Road and the Trans Canada Highway not be pre zoned in the future South Cowichan zoning bylaw.

MOTION CARRIED UNANIMOUSLY

Discussion then turned to the Concept Plan for the Cobble Hill Common. The short, medium and long range plans for this property were explained after which it was

Moved/second

That the APC encourage the Area Director to proceed with the plan as they are supportive of the vision contained in the concept plan. MOTION CARRIED

A question was raised about the "Cobble Hill Tomorrow" section of the OCP as it pertains to Transportation and the comments about the railway seemed to be out of place. It was agreed the wording in this section should be modified. There were no other comments offered on the main document.

The director updated the APC on the I-1 zoning and a few other issues of importance to the area.

Next meeting May 12<sup>th</sup> 2011.

There being no further business the meeting adjourned at 9:10 p.m.

---

Rod de Paiva, Chair



# Cowichan Valley Regional District

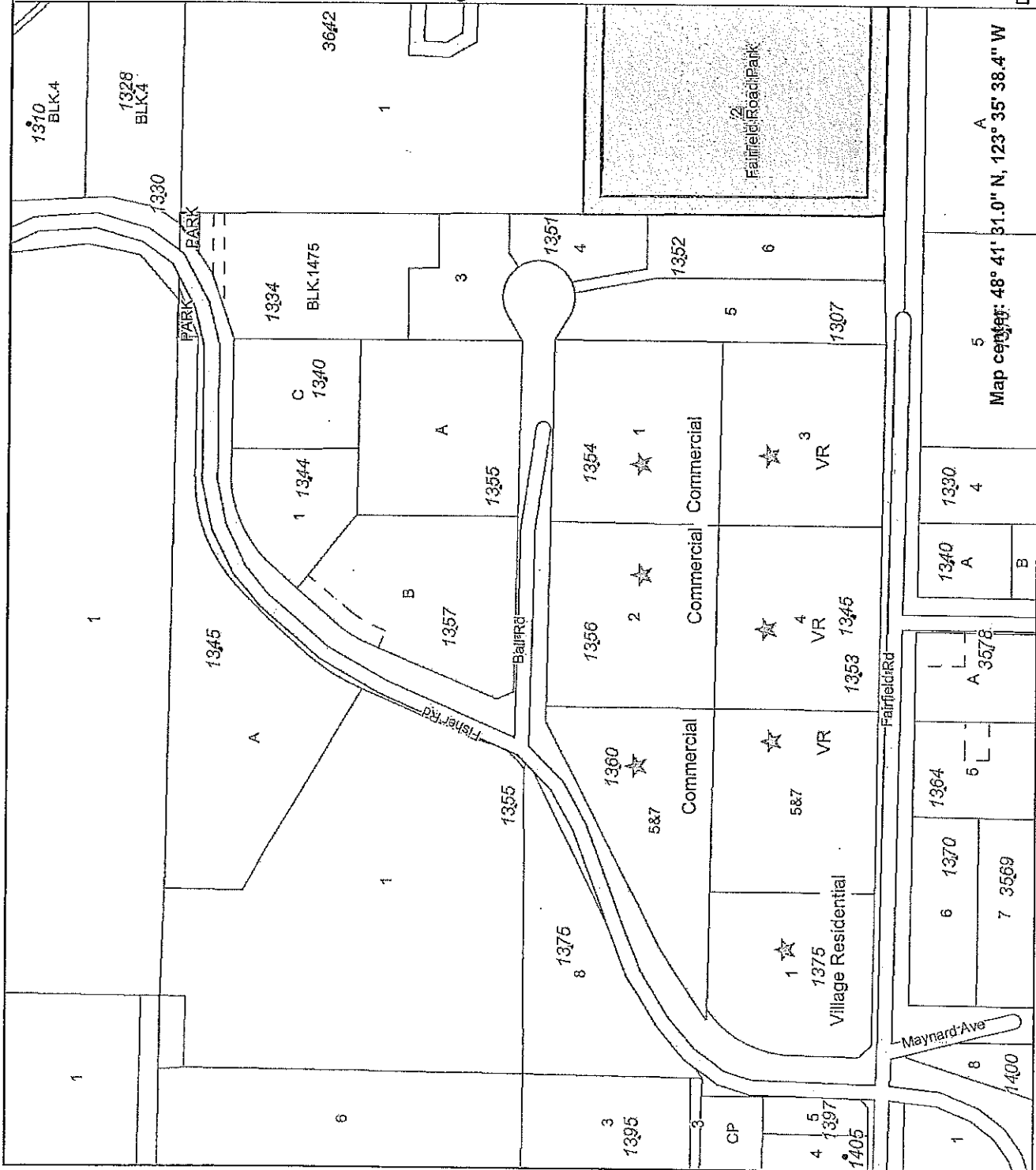
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

## Legend

- Addresses
- Roads
- Highway
- Road
- Foreshore
- PARCEL\_ARC
- BDEALNS
- BDROLNS
- RDOOTHNGZ
- Parcel Arcs
- First Nations
- Parks by Community
- PARKS
- Park Boundaries



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0 90 180 270 m.

This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Map center: 48° 41' 31.0" N, 123° 35' 38.4" W



IN 4

### APC MINUTES FOR April 4, 2011

Present: Brian Peters, Ian Morrison, Mary Lowther, Joe Allan, Phil Archbald, Sharon Devana, Peter Devana.

Convened at 7PM.

Ian: The APC should discuss whether or not water can be taken from Honeymoon Bay to Gordon Bay Park for hydrants and drinking. This will encompass 100 properties. Engineering will see if it's doable.

MSC: We support that the CVRD look into the concept of providing potable water to the residents up to Gordon Bay Park.

(Ian left meeting)

Committee considered By-Law no. 1945 in section 3, The Community Plan.

MSC: We will postpone recommendations re By-Law no. 1945 and zoning by-laws and will invite Mike Tippet to attend the next Area F OCP meeting.

Committee will make recommendations at this meeting, bearing in mind the suggestion made by Joe Allan to consider the 200-year high water area, particularly where it occurs in the ALR between Honeymoon Bay and Mesachie Lake.

Adjourned at 9PM. Brian will contact committee regarding next meeting.

Respectfully submitted by Mary Lowther