



ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
July 5, 2011
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 p.m.

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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

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

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

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

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, June 21, 2011 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC

PRESENT

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

Absent:
 Director M. Marcotte

CVRD STAFF

Tom R. Anderson, General Manager
 Warren Jones, Administrator
 Sybille Sanderson, Acting General Manager
 Mike Tippet, Manager
 Rob Conway, Manager
 Brian Duncan, Manager
 Brian Farquhar, Manager
 Alison Garnett, Planner II
 Rachelle Moreau, Planner I
 Maddy Koch, Planning Technician
 Jennifer Hughes, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included adding three items of listed New Business (NB1 to proceed after R6), and three additional items of New Business [(D4) Malahat First Nation; (NB4) Bird Studies Request for Letter of Support and (NB5) Director Kuhn zoning issue].

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

MOTION CARRIED

Director Giles sadly informed the Committee and public present that Ralph Keir, passed away on June 7, 2011. Mr. Keir was a former CVRD Administrator until 1984 and he made a huge and valuable contribution to the growth of the CVRD, as well as being the Area A Director during the 1970's and former CVRD Board Chair. Director Giles stated that Mr. Keir's memorial service will be held Friday, June 24th at 2:00 pm and requested that a moment of recognition be given to Mr. Keir for his contributions he made to the CVRD and for being the good citizen he was.

Chair Iannidinardo sends our condolences to Mr. Keir's family.

M1 - Minutes

It was Moved and Seconded that the Minutes of the May 31, 2011, EASC meeting be adopted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

DELEGATIONS

Director Cossey declared a Conflict of Interest due to his employer's perspective with regard to D1, D2 and R4. Director Giles requested that D3 be moved to first delegation.

D3 – Lisbeth Plant

Lisbeth Plant was present regarding Responsible Dog Ownership and provided an overview of her speaking notes requesting the Committee's consideration of a rebate with regard to dog licenses.

The Committee directed questions to the delegate.

Director Cossey declared a Conflict of Interest with regard to D1 and D2 and left the meeting at 3:15 pm.

D1 – Janet Yee

Janet Yee, Chairperson, Oceanview Improvement District, was present regarding the rezoning of F-1 lands (west side of TCH) of Bamberton lands and provided an overview of her speaking notes requesting the Committee's consideration for the protection of their groundwater and well situated in the John's Creek watershed.

The Committee directed questions to the delegate.

D2 – Balu Tatachari

Balu Tatachari, Chairperson, Friends of Saanich Inlet, was present and provided a power point presentation in response to the Bamberton rezoning staff report.

Mr. Tatachari requested an extension to the 10 minute presentation time limit. Chair Iannidinardo stated that when his 10 minute presentation was up the Committee would review his request.

It was Moved and Seconded

That Mr. Tatachari, Chair, Friends of Saanich Inlet, be given another five minutes to complete his presentation.

MOTION DEFEATED

Mr. Tatachari was given his remaining one minute to conclude his presentation.

The Committee directed questions to the delegate.

D4 – Malahat First Nation

Russell Harry, Councillor, introduced himself and Chief Michael Harry and Councillor Dean Harry who were present at the meeting and stated that when the original Bamberton rezoning came forward they did have concerns and after meeting with the applicant their concerns have now been addressed and they support the Bamberton application.

The Committee directed questions to the delegate.

Director Cossey returned to the meeting at 3:55 pm.

STAFF REPORTS

R1 - Laird

Alison Garnett, Planner II, presented staff report dated June 10, 2011, regarding Rezoning Application No. 1-G-10RS (Hal Laird for Christie) to amend a portion of the commercial zone, as well as the entire suburban residential zone to create a new residential zone that would permit a 7 lot residential bareland strata subdivision located at 10830 Chemainus Road.

Greg Smith who worked on the design of the sewage treatment system was present and provided further information to the Committee.

It was Moved and Seconded

That staff be directed to organize a meeting with the Engineering and Environmental Services Department, the Area Director, the applicant and surrounding property owners, to explore the feasibility of constructing a community sewer system to service the proposed development and Saltair's core, as well as a shared public road into the subdivision.

MOTION CARRIED

R2 – Parhar Holdings

Rachelle Moreau, Planner I, presented staff report dated June 15, 2011, regarding Application No. 6-D-08DP/RAR to consider the issuance of a Development Permit for Phase 1 of the Parhar Business Park consisting of 3 commercial buildings with 6 accessory dwelling units totalling approximately 4,200m² of building area at 5301 Chaster Road.

Balbir Parhar and Russ McArthur, applicants, were present and Mr. McArthur provided further information to the Committee.

The Committee directed questions to the staff.

It was Moved and Seconded

That Application No. 6-D-08DP/RAR (Parhar Holdings) be referred back to Planning Staff.

MOTION CARRIED

R3 – Van Boven

Maddy Koch, Planning Technician, presented staff report dated June 13, 2011, regarding Application No. 1-E-11DVP (Ben and Margie Van Boven) to consider an application to vary the interior-side yard setback from 15 metres to 2 metres, to allow for the construction of a cattle barn at 4560 Koksilah Road.

Ben and Margie Van Boven, applicants, were present.

The Committee directed questions to staff.

It was Moved and Seconded

That Application No. 1-E-11DVP submitted by Ben & Margie Van Boven for a variance to Section 7.3 (b)(4) of Zoning Bylaw No. 1840 by reducing the minimum interior-side parcel line setback from 15 metres to 2 metres for Lot 4, Sections 3, 4 and 5, Range 7, Quamichan District, Plan 1233 (PID: 000-151-432), be approved subject to the applicant providing a legal survey

confirming compliance with approved setbacks.

MOTION CARRIED

Director Cossey declared a Conflict of Interest with regard to R4 and left the meeting at 4:45 pm.

**R4 – Bamberton
Properties LLP**

Mike Tippet, Manager, presented staff report dated June 14, 2011, regarding Application No. 1-A-11RS – Bamberton Business Park (Bamberton Properties LLP) to consider light industrial and related land uses on some of the Bamberton lands located at Trowsse Road; Bamberton TCH interchange/old haul road.

The Committee directed questions to staff.

Ross Tennant, applicant, was present and advised that members of the Bamberton Historical Society and former residents of the Bamberton site were present at the meeting and expressed his appreciation to the leadership of the Malahat First Nation for appearing on their behalf before the Committee. Mr. Tennant provided further information to the application.

Chair Iannidinardo stated that there was one minute left in the Mr. Tennant's presentation.

It was Moved and Seconded

That an additional 10 minutes be granted to the Mr. Tennant's presentation.

MOTION CARRIED

The Committee directed questions to the applicant.

It was Moved and Seconded

That Rezoning Application No. 1-A-11RS (Bamberton Business Park) submitted by Bamberton Properties LLP be approved and the Mill Bay/Malahat Official Community Plan be amended by redesignating the proposed Business Park and adjacent light industrial park as Industrial on the Plan Map, that the OCP also be amended by allowing Forestry-designated lands to the east of the Highway to be developed for lease-only light industrial use without redesignation, that the appropriate areas of the subject lands be rezoned to allow for a mix of light industrial use, business park and outdoor recreation uses, and that the appropriate bylaws be presented to the Board for consideration of two readings, with eventual consideration of adoption being subject to a covenant on all lands to be rezoned as I-3, I-3A, I-4 and F-1A, that would require that no building, subdivision or land clearing occur without the CVRD's express written consent until:

1. a Riparian Assessment is done on all rezoned lands,
2. the subject land presently not in a fire protection area is added to Mill Bay Improvement District's Service Area;
3. a Sensitive Ecosystem Inventory assessment of lands to be rezoned to Industrial and delineation of the affected areas is completed by a registered professional biologist, and a BC Land Surveyor provides mapping indicating the extent of riparian areas and other SEI areas that should be protected from development, either by the covenant or by the

dedication of these areas to the CVRD as parkland;

4. that a system be put in place that would monitor both the quantity and quality of water within the aquifer in the vicinity of Inlet Drive/Malahat First Nation and other users near Inlet Drive subdivision but not on Oceanview Improvement District water service; that an appropriate amount of security also be put in place to ensure there is a way of dealing with any deficiencies that may arise with respect to water quality and quantity and further that a hydrological report be prepared for the John's Creek watershed system;
5. a lease agreement be investigated with respect to the Southlands to ensure the preservation and protection of these sensitive lands.

and that the proposed bylaws be referred to a public hearing, with Directors Harrison, Giles, Dorey, Kuhn and Duncan delegated to the hearing in accordance with Section 891 of the *Local Government Act*, and further that the referral of this application to Malahat First Nation, Cowichan Tribes, Tsarlip First Nation, Tsawout First Nation, Pauquachin First Nation, Ministry of Transportation and Infrastructure, BC Transit, Ministry of Environment, Ministry of Community, Sport and Cultural Development, CVRD Engineering and Environmental Services, Capital Regional District, Vancouver Island Health Authority, School District No. 79, Mill Bay Improvement District (Fire Department) be approved.

MOTION CARRIED

Director Cossey returned to the meeting at 5:50 pm.

RECESS

The Committee took a 5 minute break at 5:50 pm and reconvened at 5:55 pm.

R5 – Alderlea Farm

Rob Conway, Manager, presented staff report dated June 10, 2011, regarding Application No. 1-E-11RS (Alderlea Farm) to amend rezone the subject property located at 3390 Glenora Road.

John and Katy Ehrlich, applicants, were present and provided further information to the application.

The Committee directed questions to staff.

The Committee directed questions to the applicant.

It was Moved and Seconded

1. That draft amendment bylaws for OCP and Rezoning Amendment Application 1-E-11RS (Alderlea Farm) be forward to the CVRD Board for first and second reading.
2. That application referrals to the Ministry of Transportation and Infrastructure, Vancouver Island Health Authority, Agricultural Land Commission, Cowichan Tribes and Duncan Volunteer Fire Department be accepted.
3. That a public hearing be scheduled with Directors Duncan, Marcotte and Kuhn appointed as Board delegates.
4. That a covenant be required as a condition of the proposed zoning amendment to exclude (a) kennel and (b) no sale of farm products not produced within 100 miles on the subject property.

MOTION DEFEATED

It was Moved and Seconded

1. That draft amendment bylaws for OCP and Rezoning Amendment Application 1-E-11RS (Alderlea Farm) be forward to the CVRD Board for first and second reading.
2. That application referrals to the Ministry of Transportation and Infrastructure, Vancouver Island Health Authority, Agricultural Land Commission, Cowichan Tribes and Duncan Volunteer Fire Department be accepted.
3. That a public hearing be scheduled with Directors Duncan, Marcotte and Kuhn appointed as Board delegates.
4. That a covenant be required as a condition of the proposed zoning amendment to exclude kennel as a permitted use on the subject property.

MOTION CARRIED

R6 – Waldron

Rob Conway, Manager, presented staff report dated June 11, 2011, regarding Development Permit Application No. 5-E-11DP/RAR/VAR (Waldron) to construct a single family dwelling 20 metres from the natural boundary of Glenora Creek located at Lot 1, Marshall Road, Glenora.

Jason Waldron, applicant, was present.

It was Moved and Seconded

That Application No. 5-E-11DP/RAR/VAR be approved, and that a development permit with variance be issued to Jason and Andrea Waldron for the construction of a single family dwelling 20 metres from the natural boundary of Glenora Creek at Lot 1, Section 9, Range 3, Quamichan District, Plan 9569 (*PID 026-302-322*), subject to:

1. Compliance with the measures and recommendations outlined in RAR assessment report No. 1981, prepared by Kelly Schellenberg, RPF;
2. Construction of a permanent cedar fence along the SPEA boundary within 15 metres of the dwelling.

MOTION CARRIED

NB1 –Dowell

Rachelle Moreau, Planner I, presented staff report dated May 24, 2011, regarding Application No. 18-B-10DP/RAR/VAR (Greg Dowell) to consider a request for variance to the Riparian Areas Regulation to locate a single family dwelling and boat shed wholly within the Streamside Protection and Enhancement Area (SPEA) located at Lot A, Cliffside Road.

The Committee directed questions to staff.

Greg Dowell, applicant, and Craig Barlow, Qualified Environmental Professional, were present and provided further information to the application. Mr. Barlow submitted a color map (Form 3 Detailed Assessment Form).

The Committee directed questions to the applicant.

It was Moved and Seconded

That Development Permit Application No. 18-B-10DP/RAR/VAR (Dowell) be revised to locate development within the RAR compliant area of the property

as shown in draft Riparian Areas Assessment Report No. 1819 REV3 by Qualified Environmental Professional Craig Barlow and that the previously disturbed areas within the SPEA be restored.

MOTION CARRIED

**R7 – Reserve Fund
Bylaw for Electoral
Area A Community
Park Project**

Staff report dated June 16, 2011, prepared by Ryan Dias, Parks Operations Superintendent, regarding Reserve Fund Bylaw for Electoral Area A Community Park Project.

It was Moved and Seconded

That a Reserve Fund Expenditure bylaw be prepared authorizing the expenditure of no more than \$7,000 from the Community Parks General Reserve Fund (Area A – Mill Bay/Malahat) for the purpose of developing a new park located in Mills Springs inclusive of landscaping pathways and a sport court; and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

**R8 – Proposed Cell
Tower, North of Mill
Bay, BC**

Tom R. Anderson, General Manager, presented staff report dated June 14, 2011, regarding Proposed Cell Tower, North of Mill Bay, BC.

Committee members directed questions to staff.

It was Moved and Seconded

- 1) That the proponent be informed that the Regional District does not approve of the application to construct a Telecommunications Tower at the location identified at 820 Sheppard Road, Mill Bay as the proposed cell tower is at direct odds with the Trans Canada Highway Development Permit Area Guidelines of the Mill Bay/Malahat Official Community Plan which were established to protect the visual aesthetics of the Trans Canada Highway corridor. And, that the proponent be requested to find a less visible location to locate such a tower.
- 2) That the Staff Report and background information be forwarded to School District No. 79 and Jean Crowder, MP, for information.
- 3) That the proponent of the proposed telecommunications tower hold a public meeting to receive public input.

MOTION CARRIED

**R9 – Administrative
Process to Release
Covenants and
Agreements**

Tom Anderson, General Manager, presented staff report dated June 15, 2011, regarding Administrative Process to Release Covenants and Agreements.

It was Moved and Seconded

That staff be delegated the power to release covenants and agreements.

MOTION CARRIED

CORRESPONDENCE

**C1 – Grant in Aid
Request – Area C**

It was Moved and Seconded

That a grant in aid, Area C – Cobble Hill, be given to Garden House Foundation (Victoria Foundation), in the amount of \$500.00 to support those in

need in the south-end.

MOTION CARRIED

INFORMATION

**IN1 – May, 2011
Building Report**

It was Moved and Seconded
That the May, 2011 Building Report, be received and filed.

MOTION CARRIED

IN4, IN6, IN7 & IN8

It was Moved and Seconded
That the following minutes be received and filed:

- Minutes of Area I Parks meeting of May 10, 2011
- Minutes of Area G Parks meeting of April 4, 2011
- Minutes of Area G Parks meeting of March 8, 2011
- Minutes of Area H Parks meeting of May 26, 2011

MOTION CARRIED

IN2

It was Moved and Seconded
That the Minutes of the Area B APC meeting of May 5, 2011 be received and filed.

MOTION CARRIED

IN3

It was Moved and Seconded
That the Minutes of the Area E APC meeting of May 26, 2011, be received and filed.

MOTION CARRIED

IN5

It was Moved and Seconded

- 1) That the Minutes of the Area E Parks and Recreation Commission meeting of June 7, 2011, be received and filed and further.
- 2) That the Minutes of the Area E Parks and Recreation Commission meeting of June 7, 2011, with regard to Other Business Item #4 (Trans Canada Trail/washroom facilities) be referred to the Regional Parks Committee.

MOTION CARRIED

NEW BUSINESS

**NB2 – Grant in Aid –
Area C**

It was Moved and Seconded
That a grant in aid, Area C – Cobble Hill, be given to Shawnigan Cobble Hill Farmers Institute, in the amount of \$400.00 to assist in community celebration.

MOTION CARRIED

NB3 – R4 Add-on

R4 Add-on – agency comments were dealt with during Application No. 1-A-11RS.

NB4 – Bird Studies

It was Moved and Seconded

Request for Letter of Support

That a letter be sent to the Real Estate Foundation of BC on behalf of Bird Studies Canada stating the CVRD's support for their application for project funding.

MOTION CARRIED

NB5

Director Kuhn requested that the issue of the possible increase of the setback area to 7.5 m from the boundary of the SPEA in Area I be brought back to the Committee as soon as possible as he had just noticed two new boat houses under construction.

It was Moved and Seconded

- 1) That Planning staff review, as quickly as possible, the existing Bylaws with regard to the possible increase of the setback area to 7.5 m from the boundary of the SPEA in Area I and;
2. That Planning staff further investigate the zoning status of boat houses in Area I and in the event there is no bylaw in place that a Bylaw be drafted that would not permit them in Area I;
3. That staff investigate if building permits have been issued for the two recently constructed boat houses in Area I as identified by Director Kuhn.

MOTION CARRIED

Director Cossey left the meeting at 7:20 pm.

Director Morrison left the meeting at 7:30 pm.

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 7:30 pm.

RISE

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 7:35 p.m.

Chair

Recording Secretary

D1

COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT



REQUEST FOR DELEGATION

JUN 23 2011

APPLICATION DATE:

June 22 / 11

NAME OF APPLICANT:

Mary Lowther

ADDRESS OF APPLICANT:

6631 / Bear Lake Rd.

Mesachie Lake, BC V0R 2N0

PHONE NO.:

749-6234

REPRESENTING:

rep. for Area F, Lake Cowichan, Duncan for Citizens for Safe
Name of Organization Technology.

MEETING DATE:

COMMITTEE/BOARD NAME:

NO. ATTENDING:

at least one; probably more.

NO. WISHING TO MAKE A PRESENTATION:

one

TOPIC TO BE PRESENTED:

Request the CVRD to present the enclosed letter to
the Province of BC regarding putting a regional
moratorium on the installation of "smart meters."

NATURE OF REQUEST/CONCERN:

Because "smart meters" have not been proven to be
safe, they should not be installed until this proof
becomes evident. Please see enclosed document.

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

Mary Lowther June 22/11

PRESENTATION REGARDING SMART METERS

Prepared by Mary Lowther

A group of us are presenting this delegation to ask Council to place a moratorium on the mandatory installation of “smart meters” that BC Hydro plans to implement. Mary Lowther will make the presentation on behalf of this group who are concerned about “smart meters”.

Preamble: BC Hydro plans to replace our present electrical meters with wireless meters on every building in BC by 2012. Hydro says these “smart meters” emit low frequency radiation a few minutes a day. Cindy Sage measured similar “smart meters” and found that spikes from signals being sent occur several times a minute. The power density of these spikes was measured at 4,000 microwatts per centimetre squared (sagereports.com). Health Canada’s Safety Code 6 allows 600 microwatts per centimetre squared.

Please watch the following discussion of “smart meters” by engineer Rob States. Some of you have already seen this video:

<http://eon3emfblog.net/?p=1800>

(End of Preamble)

Request: Given that:

- the World Health Organization has deemed radio frequency electromagnetic radiation as class 2b carcinogenic, the same category as lead and DDT,
- “smart meters” emit radio frequency electromagnetic radiation, and
- Provincial Bill 23 – 2008 of the Public Health Act, section 83 (1) requires a local government to take action should it become “aware of a health hazard or health impediment within its jurisdiction”,
- When it comes to our health we should follow the Hippocratic Oath: “First we do no harm” by implementing the Precautionary Principle.

We ask the Cowichan Regional District to present the following letter to Premier Clark and Honourable Mr. Coleman before the meters are installed.

“Dear Premier Clark and Honourable Mr. Coleman,

Bill 23-2008 of the Public Health Act, section 83 (1) requires a local government to take action should it become “aware of a health hazard or health impediment within its jurisdiction.”

The World Health Organization announced on May 31, 2011 that radio frequency electromagnetic radiation (EMR) is a possible carcinogen to humans (Class 2B).

Given that:

- all wireless devices, including smart meters, emit EMR,
- smart meters emit EMR spikes many times a minute everyday, all day into the homes and apartments upon which they are attached,
- EMR spikes have been measured to drastically exceed the federal guidelines several meters from the smart meters (standard 600 uW/cm² vs. measured 4000uW/cm²),
- each smart meter will send wireless signals through adjacent homes or apartments to a gathering point (often a home which collects signals from hundreds of homes) thus exposing residents to EMR from multiple smart meters all day everyday,
- people who are electromagnetically hypersensitive have reported significant health effects from EMR from smart meters,
- those with medical and/or metal implants, children, pregnant women and those with impaired immune systems are particularly vulnerable to the effects of EMR,
- explosions and fires associated with smart meters have been reported in many cases,
- harmful interference with electronic appliances, including home security devices and medical devices, has been reported in many cases where smart meters have been installed,
- when there is doubt as to a product's safety we should invoke the “Precautionary Principle”: at first do no harm,

Therefore, as required by the Public Health Act, the City of Duncan hereby requests that the Ministry of Energy act to protect the health of the people within the City of Duncan's jurisdiction by placing an immediate moratorium on the smart meter program for our City and its residents until all health and safety issues have been addressed and the meters operate safely in all respects..

Yours truly,
Cowichan Regional District of BC



RI

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 5, 2011

DATE: June 27, 2011 FILE No: 7-G-10DP
FROM: Alison Garnett, Planner II BYLAW No: 2524
SUBJECT: Application No. 7-G-10DP (Brian and Sandra Crompt)

Recommendation/Action:

That application No. 7-G-10-DP respecting Lot 3 & 4, District Lot 34, Oyster District, Plan 22516 be denied for the following reasons:

- The previously constructed retaining wall does not meet the Ocean Shoreline Development Permit Area guidelines relating to location of walls, use of materials, public access along waterfront, soft erosion control methods and footpath design.
- The retaining wall encroaches beyond the boundaries of the subject property, below the high water mark.
- Department of Fisheries and Oceans assessment of the retaining wall for compliance with *Fisheries Act* is unresolved.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: N/A

Background:

To consider an application to legitimize previous construction of a retaining wall within the Ocean Shoreline Development Permit Area.

Location of Subject Property: 3900 & 3901 Linton Circle

Date Application and Complete Documentation Received: July 20, 2010

Owner and Applicant: Brian and Sandra Crompt

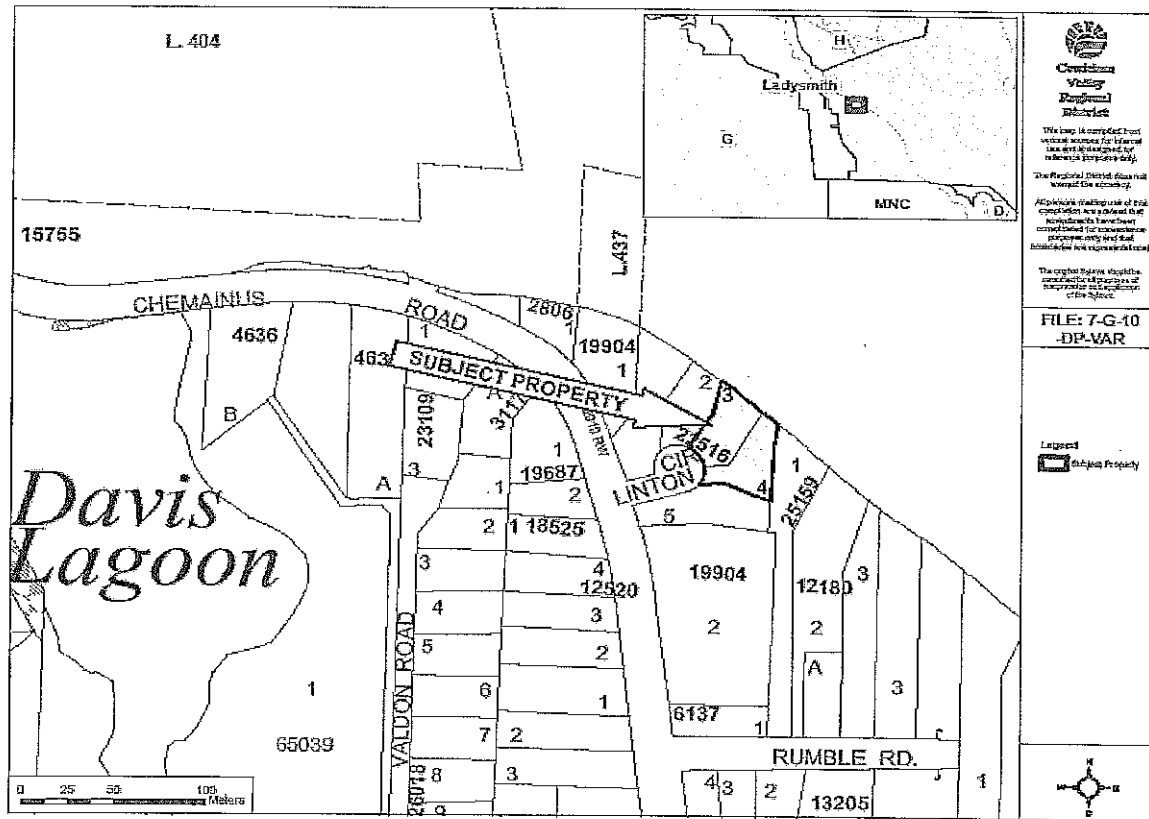
Size of Parcels: + 0.1 ha and + 0.1 ha

Existing Zoning: R-3 General Residential 3 Zone

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

Legal Description:

Lots 3 & 4, District Lot 34, Oyster District, Plan 22516 (PID: 003-251-284 and PID: 003-251-144)

OCP Designation:

Residential

Use of Property:

Residential

Existing Use of Surrounding Properties:

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

Road Access:

Linton Circle

Water:

Saltair Community Water System

Sewage Disposal:

On-site septic

Agricultural Land Reserve Status:

Property is not located within the ALR

Environmentally Sensitive Areas:

The CVRD Environmental Planning Atlas identifies this property as being in a Shoreline Sensitive Area

Archaeological Site:

CVRD has no record of any archaeological sites

The Proposal:

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

Planning Division Comments:

This application applies to two adjacent properties, both owned by the applicants, at 3900 and 3901 Linton Circle, in Electoral Area G – Saltair. These oceanfront properties are situated within the Ocean Shoreline Development Permit Area, which is intended to protect the sensitive environment of the ocean shoreline and foreshore bluffs, and to protect development from hazardous conditions.

The property slopes downwards towards the ocean, from south to north, with an elevation change of approximately ± 6 metres between Linton Circle and the waterfront. There are currently a single family dwelling located on Lot 3 and a single family dwelling located on Lot 4.

In 2009, the applicants noticed that the ocean bluff along the northern boundary of the subject properties was eroding and sloughing towards the shoreline. As there was concern about instability of the property, the applicants constructed a 5.5 metre (18ft) high lock-block retaining wall that spans the entire width of the waterfront parcel lines of Lot 3 and Lot 4 (see attached photos). This retaining wall was constructed without engineer consultation.

In 2010, a CVRD Building Inspector noticed the retaining wall had been constructed. The applicant has since submitted a development permit application, to request approval for the structure. This application addresses the construction of the approximately 5.5 metre high retaining wall in conjunction with the Ocean Shoreline Development Permit Area Guidelines. A post-construction geotechnical letter of assessment by C.N. Ryzuk & Associates Ltd, was submitted by the applicants relating to the retaining wall (see attached). The geotechnical engineering letter of assessment discusses site conditions and details of the constructed wall. The Geotechnical Engineer states that the retaining wall is considered stable in static conditions and has “an acceptable factor for safety considering the noted design seismic event.” The applicants have also submitted a retaining wall design summary, and a site plan of the subject property.

The applicants carried out some landscaping along the top of the retaining walls in an effort to visually soften the look of the structure. The owner has been instructed by staff to refrain from further landscaping until such time this development permit application is resolved. The applicants submitted a landscaping plan that outlines existing landscaping, and additional proposed works. This plan was put together by the owner in consultation with the Nursery Manager at B. Dinter Nursery Ltd in Duncan.

As can be seen on the attached plan, non-invasive trees and shrubs have been planted between the lower and upper walls. Trailing plants such as trailing roses have been planted along the top of the retaining wall that are expected to eventually grow to cover sections of the wall. On the lower portions of the retaining wall, trailing strawberries have been planted in between the concrete blocks. To date, the majority of the plantings have occurred along the higher sections of the retaining walls closer to the residences. The proposed additional plantings will be located predominantly on the sections of the retaining walls closest to the waterfront. Again, a number of trailing plants are being proposed to climb down the face of the retaining walls, as well as several trees along the lower walls in front of the property at 3901 Linton Circle. These trees are intended to screen the lower portions of the higher walls behind them.

A staff memo with geotechnical report was forwarded to Fisheries and Oceans Canada (DFO), as there is concern that a small portion of the retaining wall encroaches beyond the high watermark of the ocean. DFO remains concerned about the extent of the encroachment, which DFO determines using the High High Water Mark, as opposed to the natural boundary as

defined in CVRD Bylaw No. 2500 – Official Community Plan – Saltair. DFO will not provide comment on legitimizing a retaining structure that was built without their consultation and that encroaches below the high water mark. DFO requires further clarity from the surveyor to determine the extent of the encroachment and what future actions, if any will be taken. Their response to the development has been that they are in the process of revising their Best Management Practices and Enforcement Actions with respect to sea walls and these revisions will guide how they approach this development in the future. They are considering conducting an investigation of this development at some future date to determine compliance with the Fisheries Act. DFO has stated in an email to staff that this action, if it takes place, will not occur in the near future. The email from DFO to staff is appended to this report.

Further to this, the Ministry of Natural Resource Operations (MNRO) was notified by staff about the development at the request of DFO. MNRO's response outlined that since the encroachment of the wall onto Crown Land is less than 1 metre, they consider the retaining wall to be in compliance with their regulations. Please see attached email.

Finally, the applicants have supplied a second letter by CN Ryzuk, dated May 12, 2011, to comment on options to resolve the 0.2 m² concrete block encroachment below the high water mark. To preserve the wall's integrity, CN Ryzuk does not recommend removing the blocks in their entirety. Alternatives include leaving the blocks (and causing no further disturbance to the shoreline) or cutting the block that extends into the high water mark and removing only that portion.

The Official Community Plan Bylaw No. 2500 has established guidelines (attached) meant to assist applicants in meeting the objectives of the Ocean Shoreline Development Permit Area. Guidelines (c),(d), (f), (g), (h), (i), (j), (k), and (m) within Section 20.3.4 are applicable to this application as they relate specifically to establishment of retaining walls and associated impacts within this Development Permit Area. The following will describe how the applicant has or has not addressed each of these guidelines outlined in Section 20.3.4.

- c) The retaining wall design includes a gravel footpath down to the shoreline from the top of the retaining wall. The slope of the footpath runs straight down the length of the retaining wall in front of Lot 4. This is discouraged within the development permit guidelines. The path is gravel which may allow some rainwater to infiltrate, and otherwise rainwater is directed into a perimeter drain that empties at the bottom of the slope.
- d) Because this application was made after the retaining wall was constructed, it is difficult for staff to know how much vegetation, if any, was removed to facilitate construction of the retaining wall. The applicants have stated in a letter to the CVRD that soil was removed from the area where sloughing was occurring and an existing concrete wall was also removed.
- f) Public access along the waterfront is affected slightly by the concrete blocks encroaching below the high water mark. An existing boathouse presents an additional obstruction to waterfront access.
- g) The existing retaining wall does not meet this guideline with respect to the location below the high water mark, extent of wall along the entire lot frontage (rather than areas of active erosion only), and backfilling of materials behind the wall.
The constructed retaining wall encroaches 25 cm below the high water mark at the end of the footpath from Lot 4 as shown on the attached site plan. The wall also extends along the entire shoreline of lot 3 and 4. Staff notified Fisheries and Oceans Canada (DFO) about the development permit application and sent them a copy of the APC memorandum on August 27, 2010. In February 2011, a response was received from DFO stating that they have concerns over the wall encroachment and that they would not provide comment towards legitimizing a development that encroaches below the high water mark. DFO is deciding

whether an investigation is necessary, which may result in enforcement actions. However, any actions taken will not occur in the near future due to ongoing revisions of their Best Management Practices with respect to sea walls. The Ministry of Natural Resource Operations also reviewed the survey of the wall and responded to the CVRD that they are not concerned with the encroachment onto Crown Lands because the encroachment is less than 1 metre.

The current wall was backfilled with blasted rock to provide adequate drainage. Backfilling is discouraged in the development permit guidelines for the purpose of extending the edge of the slope. From the plans submitted, it appears that backfilling occurred for a width of approximately 5 feet behind the upper wall. Because the top portion of the walls roughly aligns with the adjacent properties, it does not appear as though backfilling was used to extend yard space along the slope.

- h) The guidelines encourage the use of soft erosion control methods. The current construction used concrete lock blocks, which are a form of hard erosion control. Therefore the retaining walls do not meet this guideline. In instances where hard armouring is required by an engineer, visual softening through the use of landscaping is encouraged. Though the need for a lock block wall was not required through an engineer's report, the applicants have illustrated their willingness to visually soften the retaining walls through the use of landscaping.
- i) The retaining wall was constructed with cement blocks with minimal terracing, which is discouraged in the development permit guidelines. Again, the applicants are attempting to soften the look of the wall through the use of landscaping at the top and middle tiers of the retaining structure. The wall is pervious and blast rock backfill was used to promote good drainage at the walls. The landscaping along the lower and higher walls will promote water absorption.
- j) Numerous plantings are being proposed in the landscaping plan along the edges of the retaining walls. These plantings should encourage rain water capture and help with filtration of this water before it enters the beach area.
- k) The retaining walls did not utilize unsightly broken materials. Natural boulders were placed along the bottom of the walls closest to the shoreline to serve as possible wave dissipation and erosion control measures.
- m) While the look and configuration of the retaining walls do not meet the guidelines of the Ocean Shoreline Development Permit Area, there is evidence of some best management practices. The footpath is gravel to allow infiltration, some native vegetation is being used along the wall to help capture rainwater before it enters the beach, and large rocks are located at the base of the retaining wall to help dissipate wave action along the bottom of the walls.

Advisory Planning Commission Comments:

Members of the Area G Advisory Planning Commission reviewed this application at a meeting held February 10, 2011, and made the following recommendation:

"That the Advisory Planning Commission recommend approval of the development permit application. – Carried Unanimously"

Options:

1. That application No. 7-G-10-DP respecting Lot 3 & 4, District Lot 34, Oyster District, Plan 22516 be denied, for the following reasons:
 - The previously constructed retaining wall does not meet the Ocean Shoreline Development Permit Area guidelines relating to location and extent of walls, use of natural materials, public access along waterfront, soft erosion control methods and footpath design.

- The retaining wall encroaches beyond the boundaries of the subject property, below the high water mark.
 - Fisheries and Oceans Canada's assessment of the retaining wall for compliance with *Fisheries Act* is unresolved.
2. That application No. 7-G-10 DP respecting Lot 3 & 4, District Lot 34, Oyster District, Plan 22516 be denied, and the applicants be requested to submit a revised development permit application which proposes to modify the retaining wall to substantially comply with the Ocean Shoreline Development Permit guidelines.
 3. That application No. 7-G-10DP be approved, and that a development permit be issued to Brian and Sandra Cromp for Lot 3 & 4, District Lot 34, Oyster District, Plan 22516 to legitimize previous construction of a retaining wall, subject to:
 - Implementing landscaping as proposed on attached plan
 - Payment of security bonding in the amount of 125% of the costs of implementing the landscaping plan
 - Removal of the portion of the block extending beyond the high water mark, in accordance with CN Ryzuk Geotechnical letter, dated May 12, 2011.

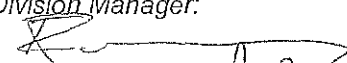
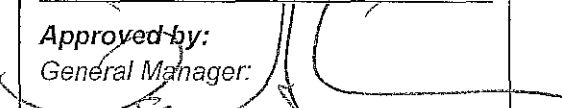
Staff recommends Option 1.

Submitted by,



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

AG/ca
Attachments

Reviewed by: Division Manager: 
Approved by: 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 all purposes of interpretation and application of the Bylaws.

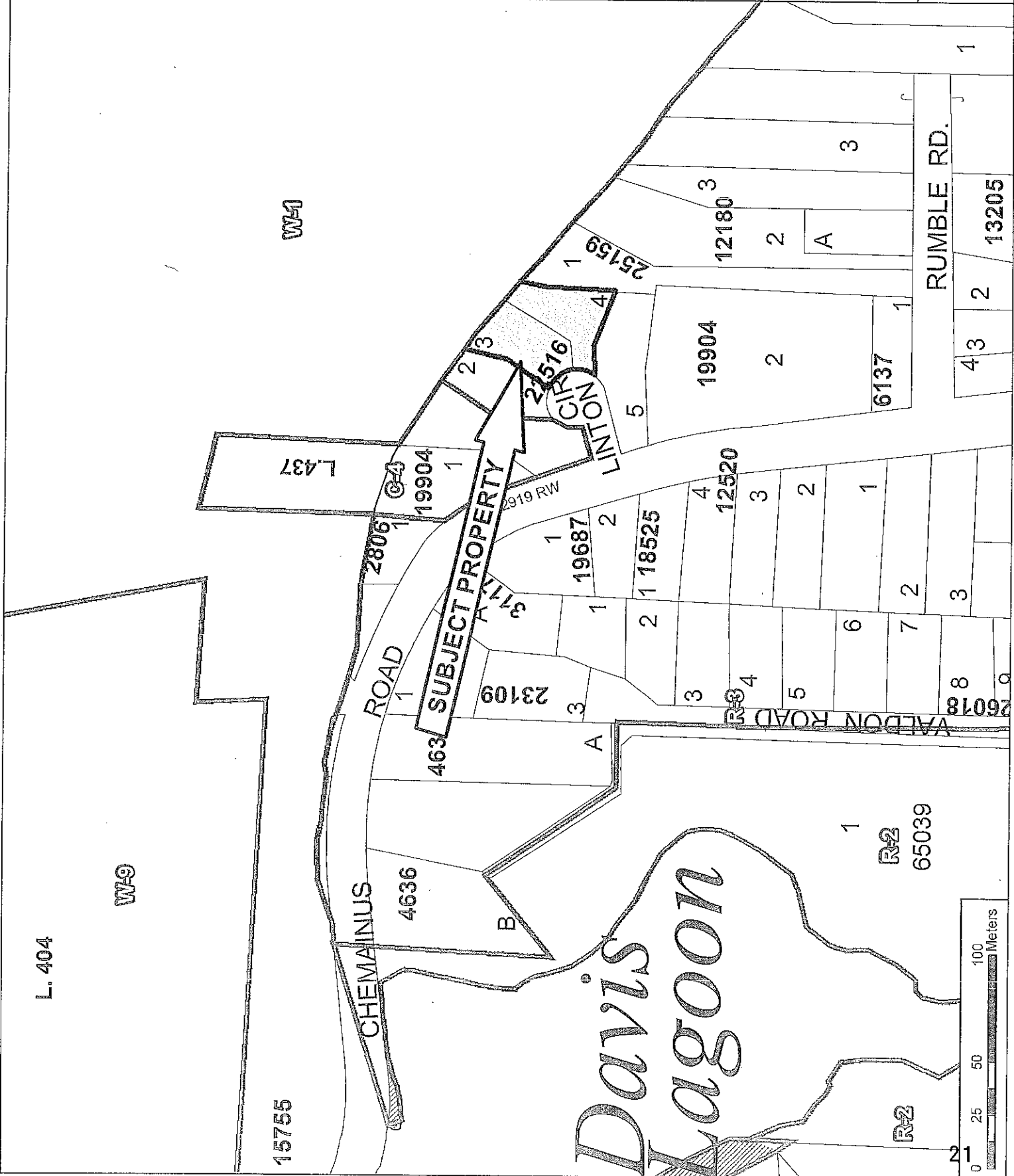
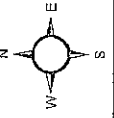
FILE: 7-G-10
-DP-VAR

ZONING

Legend



Subject Property
Zoning Electoral Area G



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

SCALE: 1:250



(ALL DIMENSIONS ARE IN METRES)

NOTES:

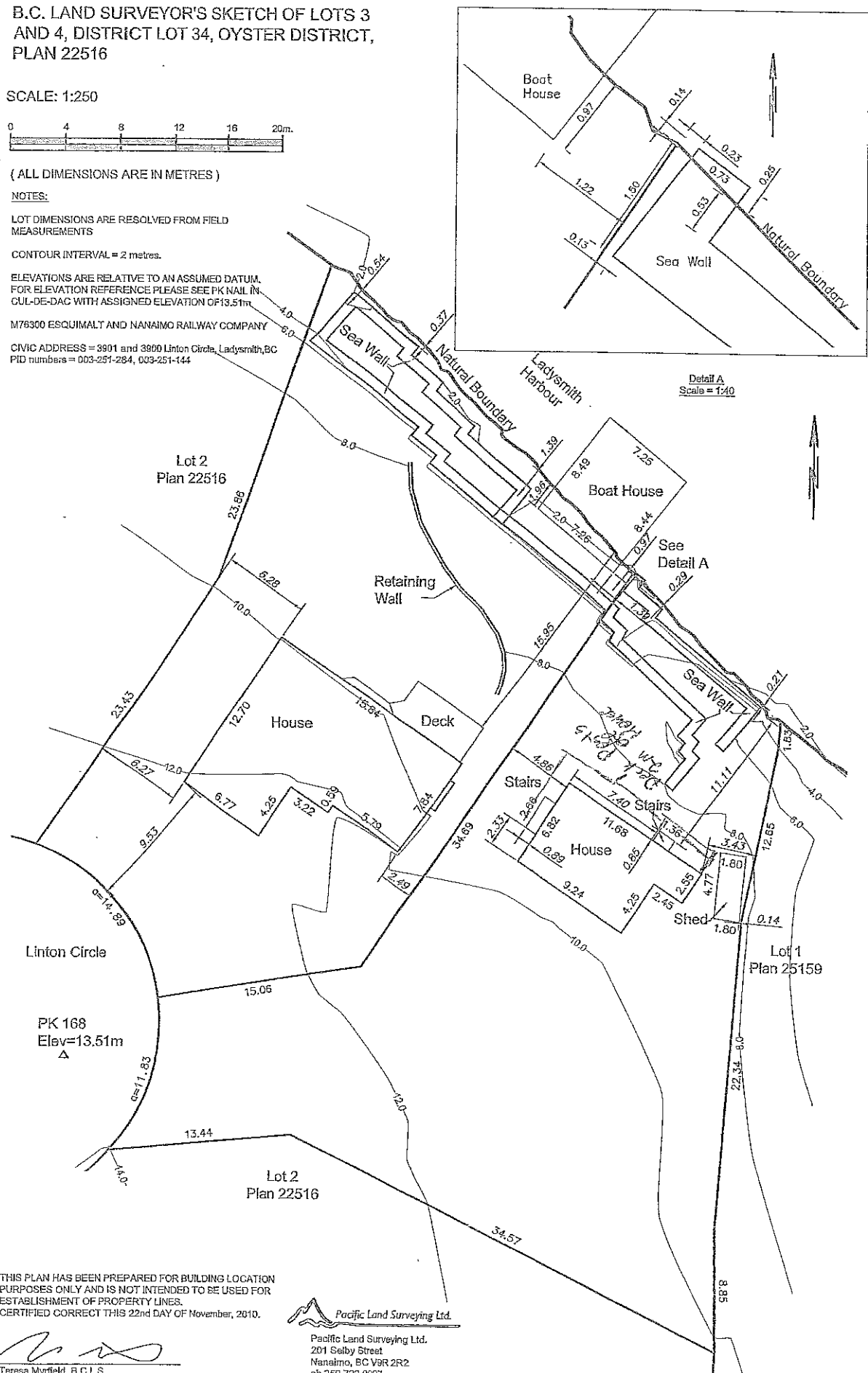
LOT DIMENSIONS ARE RESOLVED FROM FIELD MEASUREMENTS

CONTOUR INTERVAL = 2 metres.

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

M76300 ESQUIMALT AND NANAIMO RAILWAY COMPANY

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



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

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

This document is not valid unless originally signed and sealed.

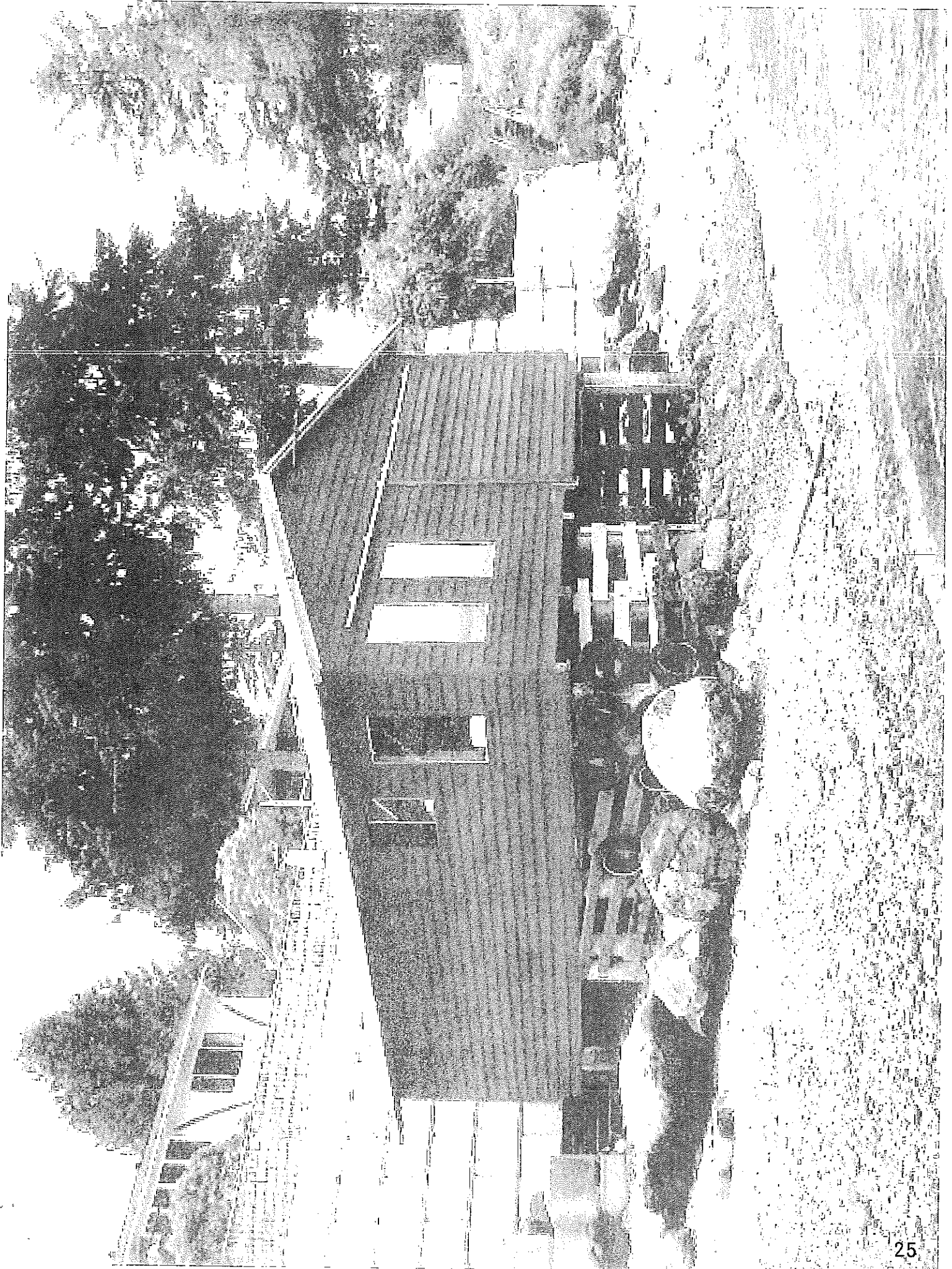
Pacific Land Surveying Ltd.

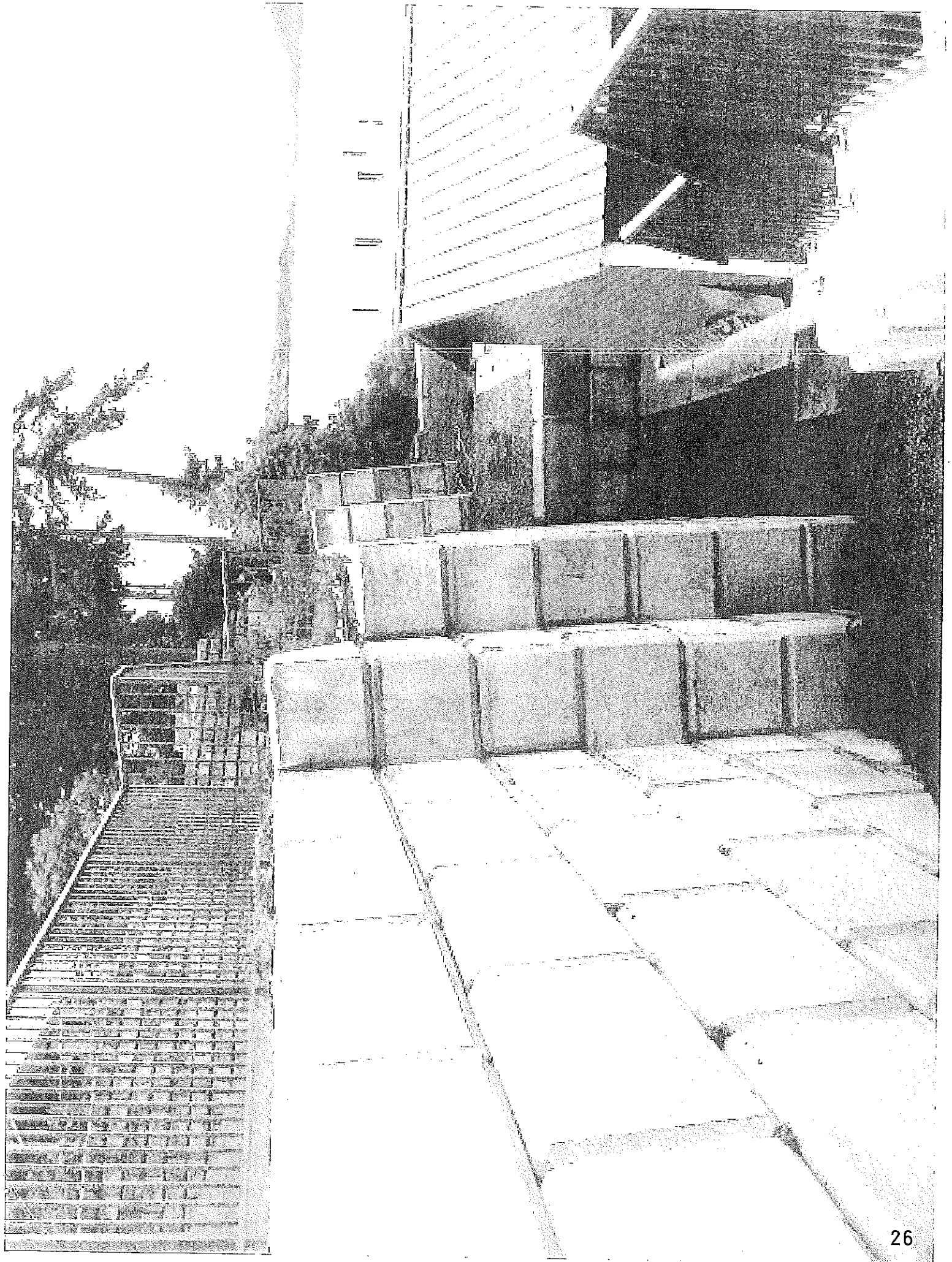
Pacific Land Surveying Ltd.
201 Selby Street
Nanaimo, BC V9R 2R2
ph 250 722 9007
fax 604 648 9268
project: 100820 Linton Circle

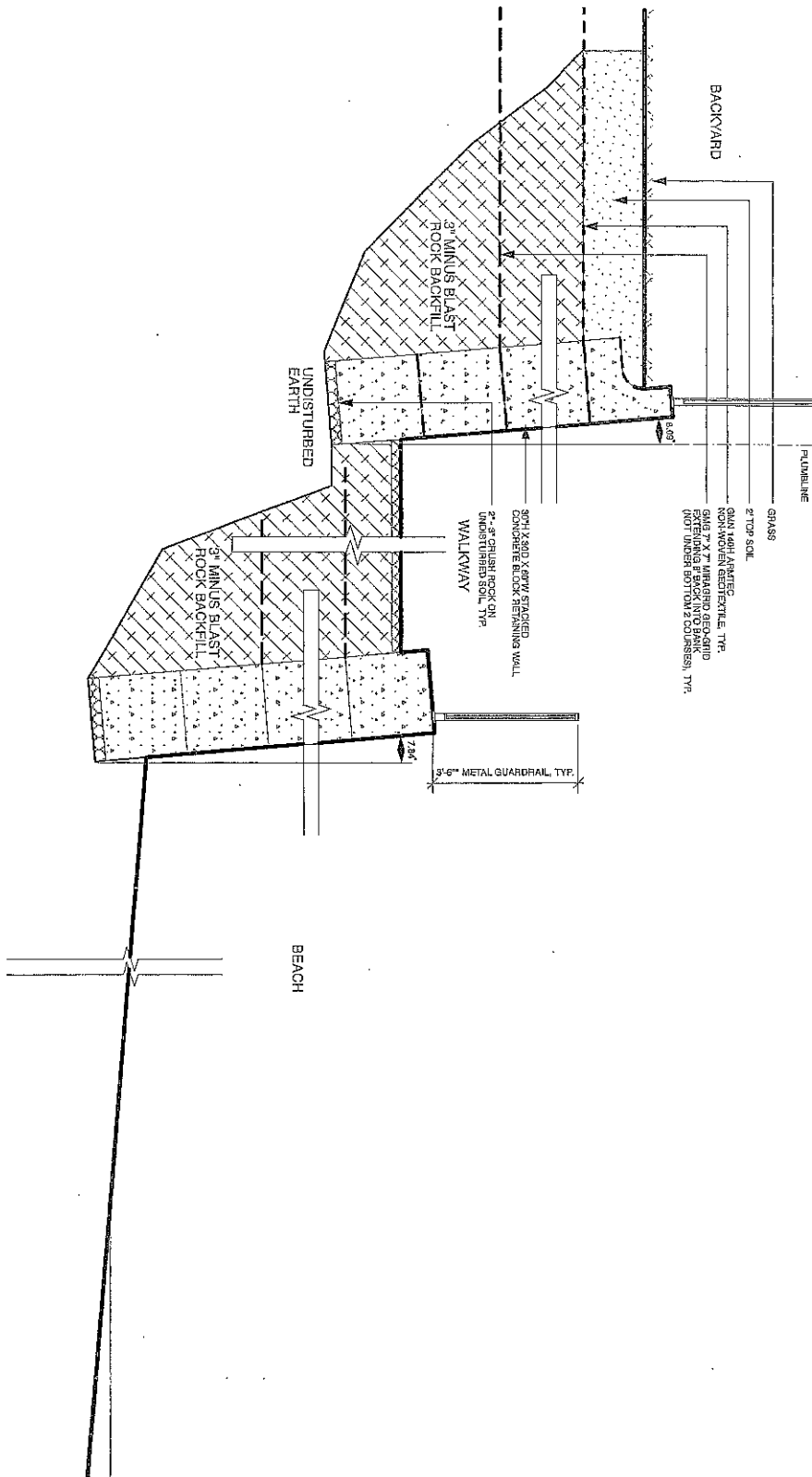


Block that encroaches 0.25m below the High Water Mark of the ocean according to site plan.

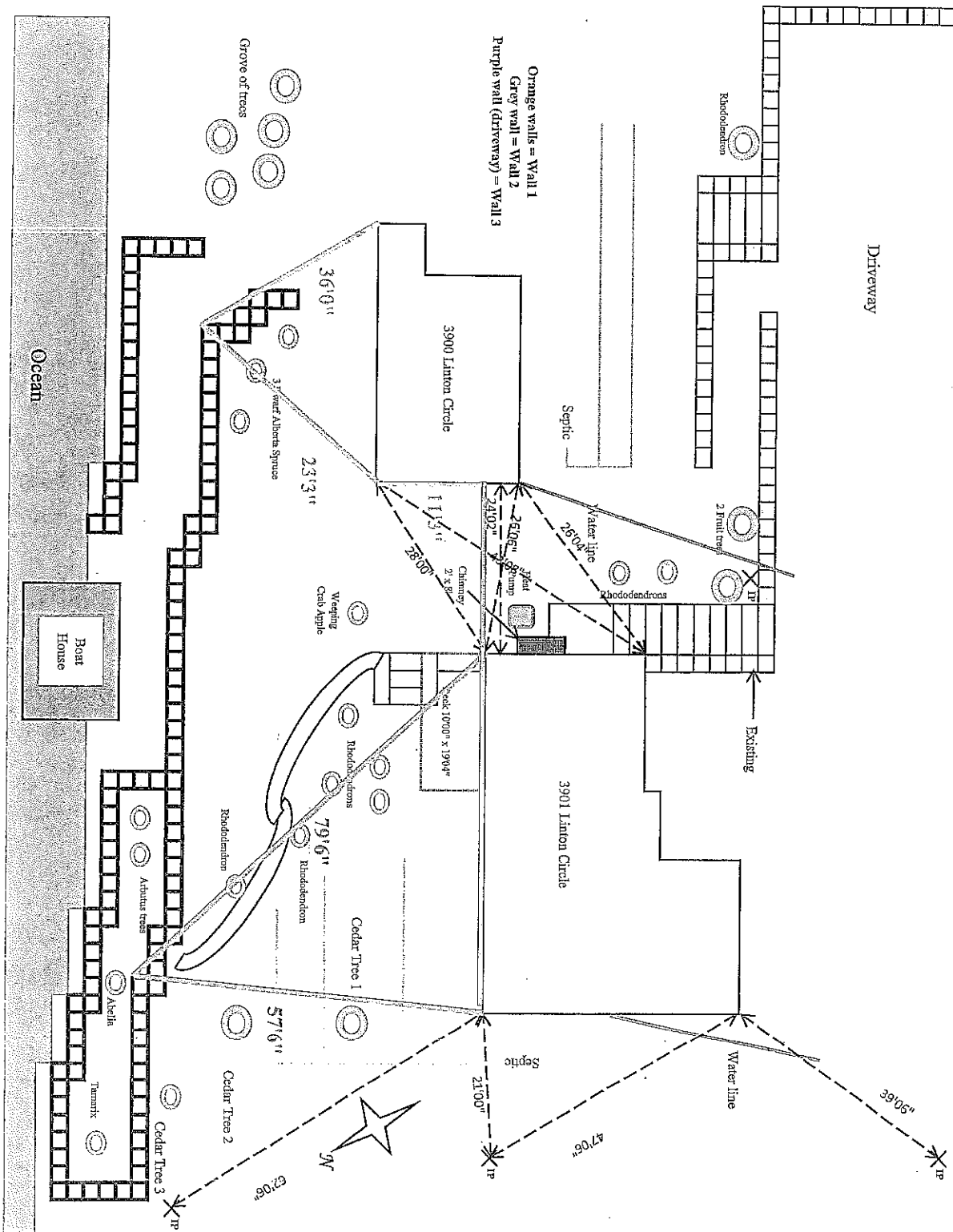


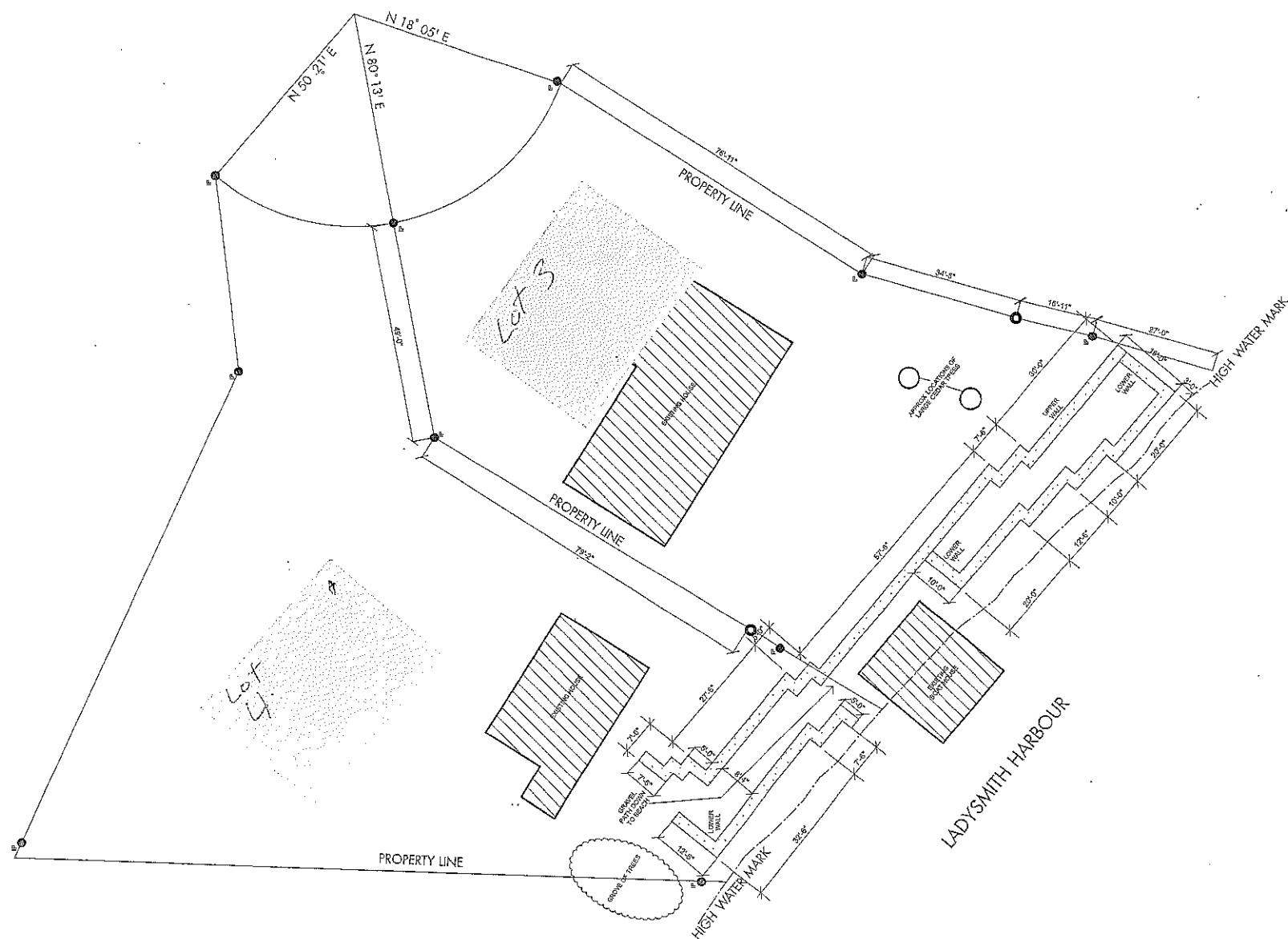






CROMPT RESIDENCE
3901 LINTON CIRCLE
LADYSMITH, BC
RETAINING WALL
TYPICAL SECTION
SCALE 3/8" = 1'





CROMP RESIDENCE
3901 LINTON CIRCLE
LADYSMITH, BC

RETAINING WALL + SITE PLAN

C.N. RYZUK & ASSOCIATES LTD.
Geotechnical/Materials Engineering

28 Crease Avenue Victoria, B.C. V8Z 1S3 Tel: (250) 475-3131 Fax: (250) 475-3611

July 23, 2010
File No: 8-5773-1

Mr. Brian & Ms. Sandra Crompt
3901 Linton Circle
Ladysmith, BC
V9G 1Z1

Dear Mr. & Ms. Crompt,

Re: Assessment of Existing Retaining Structure
3901 Linton Circle -- Ladysmith, BC

As requested, we attended the referenced site to visually assess an existing retaining wall that had been constructed along the foreshore slope. We understand that the works were undertaken without associated permitting, and the Town of Ladysmith has advised subsequent to completion of construction that the site is within an area defined as an Ocean Shoreline Development Permit Area as described in the Official Community Plan and related Bylaws. In this respect, we have been requested to address the geotechnical aspects of the existing structure, and provide our associated comments and recommendations. Our work has been undertaken in accordance with, and is subject to, the attached Statement of Terms of Engagement.

The site is generally located within the Saltair Properties along the eastern side of Vancouver Island, and the topography is characterized by relatively gentle slopes in the upland portion, with several existing retaining walls up to approximately 2.5 m in height between the residence and the top of the foreshore retaining wall. The shoreline retaining wall is a maximum of approximately 5.5 m in height and consists of several jogs in the alignment, and has a secondary plateau structure with a retaining wall towards the western limit. Stairs have been incorporated into the retaining wall structure over the eastern portion, and beyond the shoreline retaining wall there was an existing boathouse structure which appears to have been in place for a period of many years.

We understand from your description of the site, prior to any works being undertaken, that the pre-existing slope was steeply inclined, and that episodic ongoing soil erosion and/or slope instabilities were occurring. Visual observation of the adjacent properties indicated that the natural slope was inclined at approximately 1 H : 1 V (horizontal : vertical), although there were localized sections which were both steeper and flatter. The natural slopes appeared to support reasonable vegetative cover, including coniferous and deciduous trees of varying size as well as understory scrub brush. On the basis of our cursory look from the beach at the adjacent properties where such were visible, we did not identify any recent evidence of slope instabilities.

The existing beach profile was comprised of sand and gravel with a lag armour of cobbles. The beach profile itself was relatively inclined and appeared to be well developed in terms of sediment recruitment

C.N. Ryzuk & Associates Ltd.

C.N. RYZUK & ASSOCIATES LTD.

Mr. Brian & Ms. Sandra Cromp
3901 Linton Circle - Ladysmith, BC

July 23, 2010

and transport. We did not observe any indication of excessive scour or erosion along the base of the retaining wall.

Inspection of the retaining wall itself indicated that it was constructed of interlocking concrete blocks, and that a uniaxial geogrid had been placed in between many of the rows where it was visible from the face. It was apparent from probing with a hand held steel probe in between the interstitial spaces of the blocks that select angular granular material had been placed behind the wall. Probing in front of the wall indicated that the sand and gravel beach sediment was not overly compact, however, we were not able to extend our probe beneath the lowest row of blocks in any area.

We noted that the face of the wall was battered back at approximately 1 H : 10 V, and for the most part, the overall construction of the wall was relatively uniform. We did note that there was a very subtle bulge of approximately 25 mm horizontally in the mid-portion of the wall, however, you have indicated that this slight deflection was experienced at the time of construction and is not a result of lateral movement of the structure itself.

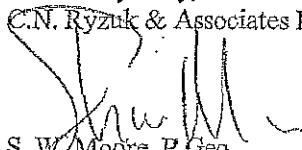
Subsequent to our visual assessment, we have undertaken a finite element analysis of the retaining wall structure to assess the potential for failure, both in static but particularly in a seismic scenario. We have considered a design seismic event to be that which has a 10% probability of exceedance in 50 years (1 in 475 year return), which we consider appropriate for a non-habitable structure that does not directly pose a threat to any other structures. In the course of our analysis, the computer model that we developed was constructed in part on the basis of the information that you provided to us, and was confirmed as much as was reasonably possible by review of available photographs along with our site observations.

The results of our work as described above confirms that the retaining wall as it has been constructed is considered stable during static conditions, and has an acceptable factor of safety considering the noted design seismic event. Therefore, from a geotechnical engineering perspective, we consider that the shoreline retaining wall is safe for the use intended, and does not itself pose a hazard.

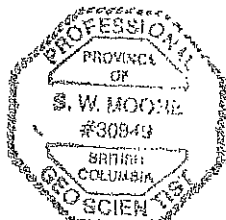
It is relatively common to see changes occur in the upper tidal limit associated with modification of the energy regime due to construction of foreshore hardening. At this site, we expect that there will be or has been a marginal change in the shoreline energy regime proximal to the base of the retaining wall, however, based on our observations of the shoreline sediment, we doubt that these changes have been or will be excessive.

We hope the preceding is suitable for your purposes at present, and that it is consistent with your account of our discussions in the regard. If you have any questions with respect to the above, please contact us.

Yours very truly,
C.N. Ryzuk & Associates Ltd.


S. W. Moore, P. Geo.
Geoscientist
SWM/cam

Attachment - Statement of Terms of Engagement



Carla Schuk

From: Bigg, Michelle [Michelle.Bigg@dfo-mpo.gc.ca]
Sent: Wednesday, March 30, 2011 11:01 AM
To: Carla Schuk
Cc: Leone, Nick; XPAC Referrals Nanaimo
Subject: 11-HPAC-PA3-00838 3900 & 3901 Linton Circle

Good morning Carla,

As per our conversation this afternoon, I indicated, I would speak with Nick Leone, DFO Section Head for the South Coast Area to prepare a response.

It is the Department's understanding that the CVRD would like input from DFO on the Development Permit that pertains to this property at 3900 and 3901 Linton Circle.

As previously mentioned DFO does not provide comment on structures or projects where works are completed, and this is the case for this property.

However, DFO has 2 actions that can be taken after projects are completed:

- 1) Monitoring of works to determine compliance with previously submitted plans and
- 2) Compliance and enforcement actions where impacts to fish and fish habitat are identified and potential corrective action is considered.

For several reasons we have not engaged in either monitoring or compliance and enforcement actions with regard to this property. In this case we cannot monitor, as we have not got record of any previously submitted plans or notification of works. Therefore, our only option would be to consider conducting an investigation to determine compliance with the Fisheries Act and we are deferring a decision in this regard to a later date.

Any actions at a later date would require further information on whether the lock blocks encroach below the natural boundary as defined by DFO. DFO uses the Province of B.C. definition of natural boundary taken from the Provincial Land Act, which is defined as " the visible high water mark where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself ".

To determine this, it would have to be established whether the surveyor's definition of natural boundary was consistent with DFO's definition of natural boundary, and if not whether the property should be re-surveyed.

DFO is not requesting that the concern with the natural boundary be resolved at this time. If we investigate further, we will contact the proponent in this regard.

We will communicate with the CVRD regarding and potential future investigation or actions taken.

If you require further information or clarification, please contact me.

Michelle Bigg B.Sc.
Habitat Referral Coordinator
South Coast Area - OHEB
Fisheries and Oceans
3225 Stephenson Point Road
Nanaimo, B.C. V9T 1K3

Carla Schuk

From: Engels, Simone ILMB:EX [Simone.Engels@gov.bc.ca]
Sent: Friday, February 25, 2011 12:17 PM
To: Carla Schuk
Cc: Leone, Nick; Bigg, Michelle; Stussi, Steven ILMB:EX; Berry, Doug ILMB:EX; Mayser, Rudi E ILMB:EX
Subject: RE: Photos and plans from Linton Circle retaining wall encroachment

Hi Carla,

Thank you for forwarding this information to us for review.

We have looked at the reports, photos and plans. In order to determine whether an encroachment onto Crown foreshore exists, we refer to the land surveyor's plan and the depicted natural boundary. According to the land surveyor's sketch dated 22nd of November, 2010 there appears to be a fairly minor, less than 1m encroachment of the seawall onto the Crown foreshore in an area less than one meter in length. The attached photos support the notion that there is no significant encroachment onto the Crown foreshore since the vegetation of the neighbouring properties appears to reach further seaward than the actual wall does, suggesting that the current natural boundary lies seaward of the seawall.

It is our general business practise to consider structures such as a seawall that encroach onto the foreshore by less than one meter to be in compliance. Since our authority is limited to the Crown foreshore, we do not have an issue with this particular structure.

However, our review revealed that a significant portion of the boat house presents an encroachment and is currently considered to be in trespass. Our agency will follow up with the applicants in this regard.

If you have any questions or concerns, please feel free to contact me.

Thank you,
Simone

Simone Engels, M.Sc., P.Ag.
Section Head
Natural Resource Operations
Suite 142-2080 Labeaux Rd.
Nanaimo, BC, V9T 6J9
Phone: 250-751-7271
Fax: 250-751-7224

RYZUK GEOTECHNICAL

Engineering & Materials Testing

28 Crease Avenue, Victoria, BC, V8Z 1S3 Tel: 250-475-3131 Fax: 250-475-3611 www.ryzuk.com

May 12, 2011

File No: 8-5773-1

Mr. Brian Crompt
3901 Linton Circle
Ladysmith, BC
V9G 1Z1

Dear Sir,

Re: Assessment of Existing Retaining Structure
3901 Linton Circle – Ladysmith, BC

As requested, we attended the referenced site on March 28, 2011 to assess the existing geotechnical conditions as such relate to encroachment of the existing retaining wall below the high water mark of the ocean. We were previously involved at the site in 2010 and provided a letter regarding the global stability of the existing structure located within a Development Permit Area: Ocean Shoreline as part of the Saltair Official Community Plan, Bylaw No. 2500. Subsequent, to the submission of the development permit application, Cowichan Valley Regional District (CVRD) asked for a professional opinion as whether the blocks encroaching beyond the high water mark can be removed or cut back without causing wall instability. The following presents our observations and recommendations. Our work has been undertaken in accordance with, and is subject to, the attached Statement of Terms of Engagement.

The two blocks which encroach beyond the high water mark are located to the southeast of the existing boat house, adjacent to a set of concrete stairs. As per the attached survey plan, the blocks encroach 0.25 m into the surveyed natural boundary. The two blocks are part of a low retaining wall located approximately 2 m from a high interlocking block retaining wall of about 5 m in height. The material retained by the lower retaining wall forms a pathway, which leads from the eastern top portion of the property to the beach. Although not critical, the lower retaining wall and the two blocks encroaching beyond the natural boundary do slightly improve the overall stability of the high retaining wall behind, by protecting the toe

against potential erosion/scouring. At the time of our attendance, the surficial layer of material behind the wall has been disturbed by wave action.

Based on our observations and previous stability assessment provided in our report of July 23, 2010, we summarize below the advantages and disadvantages of three options.

Removal of the encroaching blocks

The two blocks are interlocked in the adjacent retaining wall, and as such it would, in order to take out the blocks encroaching, it would necessitate the removal and relocation of adjacent blocks as well. Due to limited space at the crest of the slope and heavy weight of the blocks, the removal of these blocks would have to be undertaken from a crane mounted on a barge.

In addition, as mentioned above, we consider that the removal of the encroaching blocks will not cause major instability immediately. However, with time the wave action has the potential to disturb/erode the material at the toe of the high retaining wall, which may lead to global instability of the structure in the future.

Cutting of the encroaching block

An alternative to complete removal of the blocks, it would be to cut/remove the portion of the block extending outside the natural boundary. This option is feasible, although it will entail excavating approximately 0.5 m below existing beach elevation, which would create disturbance to the shoreline environment.

The first buried block should be excavated by hand using a shovel to completely expose the block. The section of the blocks encroaching should then be cut using a concrete saw. We do not consider that removing a portion of these blocks will decrease the overall stability of the lower wall.

Leave the two blocks in place

This option would entail to keep the existing blocks in place. The wall has been in place for a period of approximately 1 year. Based on our previous report and observations made during our latest visit, we did not observe major changes in the hydraulic regime within the intertidal area. We expect that any changes in the hydraulic regime, such as sediment reduction has probably already occurred in the months following the construction of the wall along the shoreline.

RYZUK GEOTECHNICAL

Mr. Brian Crompt
3901 Linton Circle – Ladysmith, BC

May 12, 2011

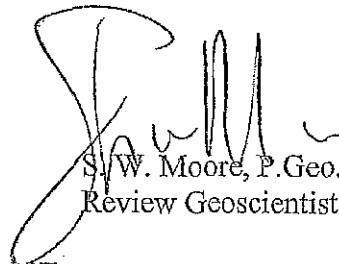
From a geotechnical perspective, we would recommend to not further disturb the intertidal area and either leave in place or cut the blocks encroaching into the natural boundary. We consider that these two options would be less disruptive and would continue to provide erosion protection to the base of the high retaining structure behind, without possibly compromising the existing wall stability in the future.

We hope the preceding is suitable for your purposes at present, however if you have any questions with respect to the above, please contact us.

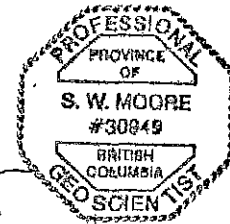
Yours very truly,
Ryzuk Geotechnical



Isabelle Maltais, EIT
Project Engineer



S.W. Moore, P. Geo.
Review Geoscientist



Attachment – Statement of Terms of Engagement
 – Survey Plan

STATEMENT OF TERMS OF ENGAGEMENT

GENERAL

C.N. Ryzuk & Associates Ltd. (The Consultant) shall render the Services, as specified in the attached Scope of Services, to the Client for this Project in accordance with the following terms of engagement. The Services, and any other associated documents, records or data, shall be carried out and/or prepared in accordance with generally accepted engineering practices in the location where the Services were performed. No other warranty, expressed or implied is made. The Consultant may, at its discretion and at any stage, engage subconsultants to perform all or any part of the Services.

COMPENSATION

All charges will be payable in Canadian Dollars. Invoices will be due and payable by the Client on receipt of the invoice without hold back. Interest on overdue accounts is 24% per annum.

TERMINATION

Either party may terminate this engagement without cause upon thirty (30) days' notice in writing. On termination by either party under this paragraph, the Client shall forthwith pay to the Consultant its Charges for the Services performed, including all expenses and other charges incurred by the Consultant for this Project.

If either party breaches this engagement, the non-defaulting party may terminate this engagement after giving seven (7) days' notice to remedy the breach. On termination by the Consultant under this paragraph, the Client shall forthwith pay to the Consultant its Charges for the Services performed to the date of termination, including all fees and charges for this Project.

ENVIRONMENTAL

The Consultant's field investigation, laboratory testing and engineering recommendations will not address or evaluate pollution of soil or pollution of groundwater. The Consultant will cooperate with the Client's environmental consultant during the field work phase of the investigation.

PROFESSIONAL RESPONSIBILITY

In performing the Services, the Consultant will provide and exercise the standard of care, skill and diligence required by customarily accepted professional practices and procedures normally provided in the performance of the Services contemplated in this engagement at the time when and the location in which the Services were performed.

LIMITATION OF LIABILITY

The Consultant shall not be responsible for:

- (a) the failure of a contractor, retained by the Client, to perform the work required for the Project in accordance with the applicable contract documents;
- (b) the design of or defects in equipment supplied or provided by the Client for incorporation into the Project;
- (c) any cross-contamination resulting from subsurface investigations;
- (d) any damage to subsurface structures and utilities which were identified and located by the Client;
- (e) any Project decisions made by the Client if the decisions were made without the advice of the Consultant or contrary to or inconsistent with the Consultant's advice;
- (f) any consequential loss, injury or damages suffered by the Client, including but not limited to loss of use, earnings and business interruption;
- (g) the unauthorized distribution of any confidential document or report prepared by or on behalf of the consultant for the exclusive use of the Client

The total amount of all claims the Client may have against the Consultant or any present or former partner, executive officer, director, stockholder or employee thereof under this engagement, including but not limited to claims for

negligence, negligent misrepresentation and breach of contract, shall be strictly limited to the amount of any professional liability insurance the Consultant may have available for such claims.

No claim may be brought against the Consultant in contract or tort more than two (2) years after the Services were completed or terminated under this engagement.

DOCUMENTS AND REPORTING

All of the documents prepared by the Consultant or on behalf of the Consultant in connection with the Project are instruments of service for the execution of the Project. The Consultant retains the property and copyright in these documents, whether the Project is executed or not. These documents may not be used on any other project without the prior written agreement of the Consultant.

The documents have been prepared specifically for the Project, and are applicable only in the case where there has been no physical alteration to, or deviation from any of the information provided to the Consultant by the Client or agents of the Client. The Client may, in light of such alterations or deviations, request that the Consultant revise and review these documents.

The identification and classification as to the extent, properties or type of soils or other materials at the Project site has been based upon investigation and interpretation consistent with the accepted standard of care in the engineering consulting practice in the location where the Services were performed. Due to the nature of geotechnical engineering, there is an inherent risk that some conditions will not be detected at the Project site, and that actual subsurface conditions may vary considerably from investigation points. The Client must be aware of, and accept this risk, as must any other party making use of any documents prepared by the Consultant regarding the Project.

Any conclusions and recommendations provided within any document prepared by the Consultant for the Client has been based on the investigative information undertaken by the Consultant, and any additional information provided to the Consultant by the Client or agents of the Client. The Consultant accepts no responsibility for any associated deficiency or inaccuracy as the result of a misstatement or receipt of fraudulent information.

JOBSITE SAFETY AND CONTROL

The Client acknowledges that control of the jobsite lies solely with the Client, his agents or contractors. The presence of the Consultant's personnel on the site does not relieve the Client, his agents or contractors from their responsibilities for site safety. Accordingly, the Client must endeavor to inform the Consultant of all hazardous or otherwise dangerous conditions at the Project site of which the Client is aware.

The client must acknowledge that during the course of a geotechnical investigation, it is possible that a previously unknown hazard may be discovered. In this event, the Client recognizes that such a hazard may result in the necessity to undertake procedures which ensure the safety and protection of personnel and/or the environment. The Client shall be responsible for payment of any additional expenses incurred as a result of such discoveries, and recognizes that under certain circumstances, discovery of hazardous conditions or elements requires that regulatory agencies must be informed. The Client shall not bring about any action or dispute against the Consultant as a result of such notification.

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

SCALE: 1:250



(ALL DIMENSIONS ARE IN METRES)

NOTES:

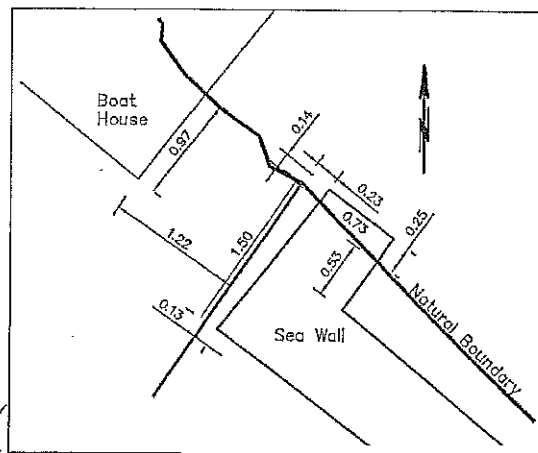
LOT DIMENSIONS ARE RESOLVED FROM FIELD MEASUREMENTS

CONTOUR INTERVAL = 2 metres.

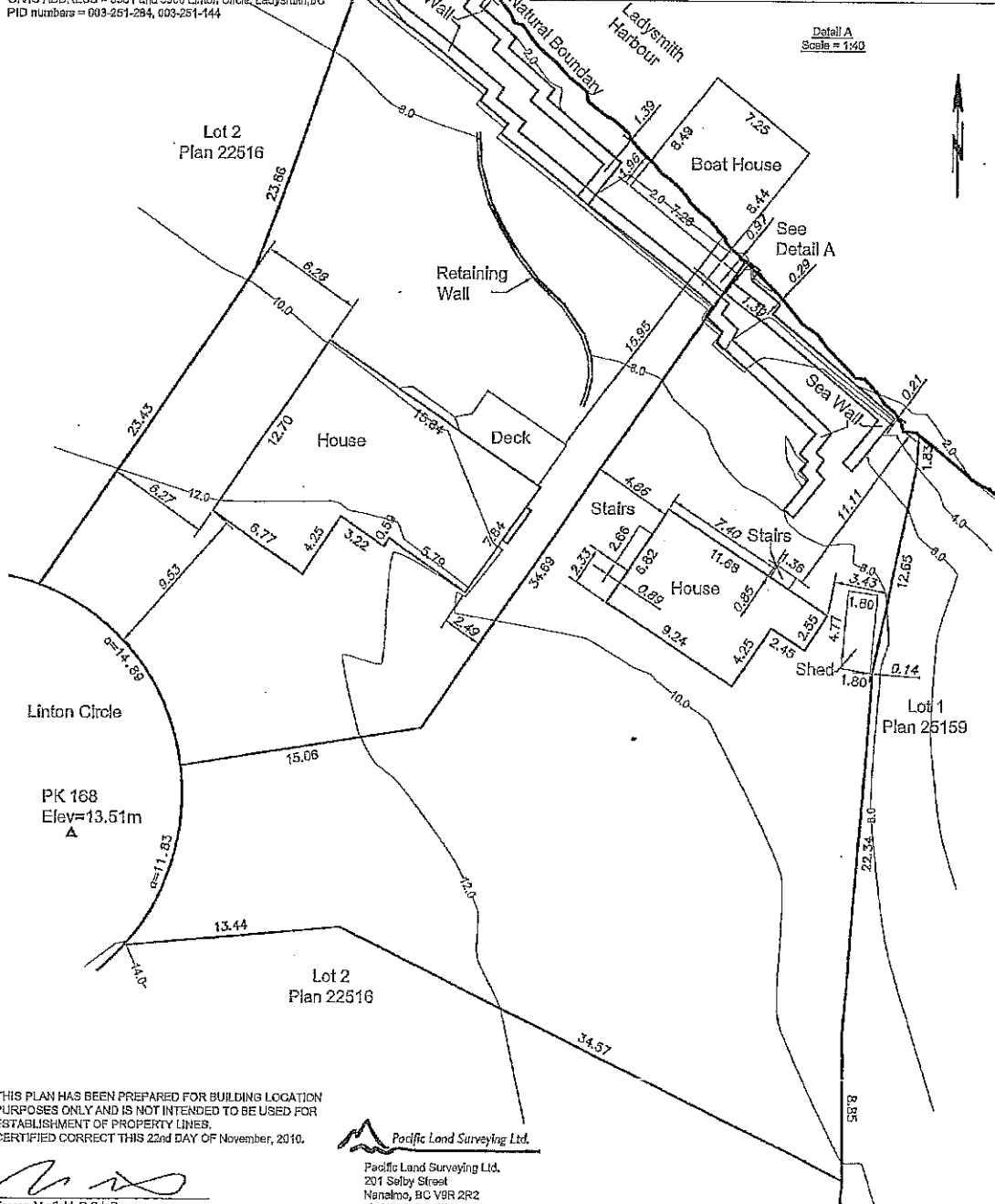
ELEVATIONS ARE RELATIVE TO AN ASSUMED DATUM.
FOR ELEVATION REFERENCE PLEASE SEE PK NAIL IN
CUL-DE-SAC WITH ASSIGNED ELEVATION OF 13.51m

M76300 ESQUIMALT AND NANAIMO RAILWAY COMPANY

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



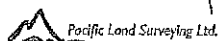
Detail A
Scale = 1:50



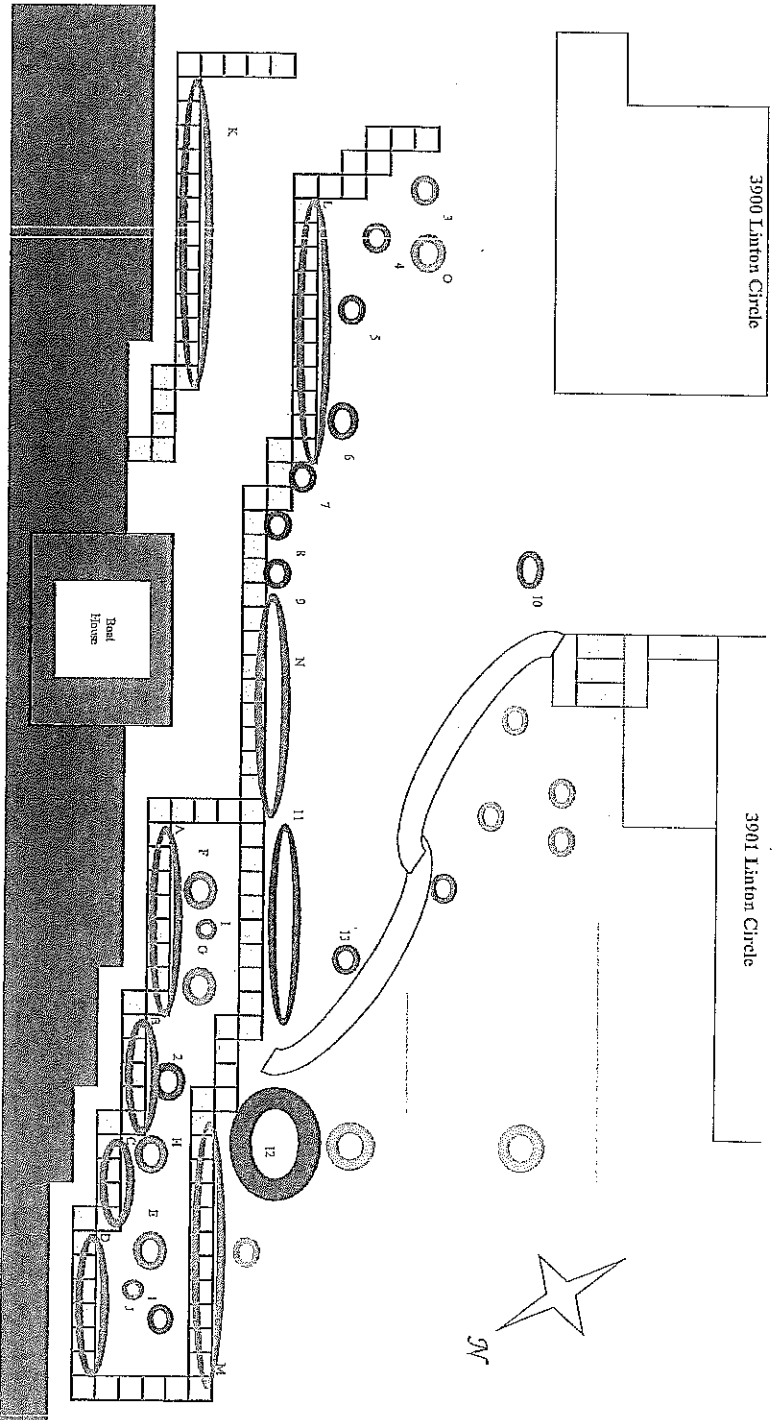
THIS PLAN HAS BEEN PREPARED FOR BUILDING LOCATION
PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR
ESTABLISHMENT OF PROPERTY LINES.
CERTIFIED CORRECT THIS 22nd DAY OF November, 2010.

[Signature]
Teresa Myrfield, B.C.L.S.

This document is not valid unless originally signed and sealed.



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



Planted last year after retaining wall completion

- 1 Summer Glow Tamarisk
- 2 Glossy Abelia
- 3 Dwarf Alberta Spruce
- 4 Dwarf Alberta Spruce
- 5 Dwarf Alberta Spruce
- 6 American Pillar Rambler Rose
- 7 Treasure Trove Rambler Rose
- 8 Veilchenblau Rambler Rose
- 9 Paul's Himalayan Musk Rambler Rose
- 10 Royal Beauty Weeping Crabapple
- 11 Honey Suckle - 8 plants
- 12 Heather - 18 plants
- 13 Rhododendron

Proposed planting this year

- A Kinkinnick
- B Kinkinnick
- C Kinkinnick
- D Kinkinnick
- E Ornamental Pear Chanticleer
- F Arnold Sentinal Pine
- G Arnold Sentinal Pine
- H Arnold Sentinal Pine
- I Berberis
- J Berberis
- K Cotoneaster Dameri
- L Cotoneaster Dameri
- M Wisteria
- N Wisteria
- O Ceanothus Victoria

	Qty	Cost per Unit	Total Cost
Kinkinnick	8	2.79	22.32
Ornamental Pear Chanticleer	1	89.50	89.50
Arnold Sentinal Pine	3	30.00	90.00
Berberis	2	12.95	25.90
Cotoneaster Dameri	18	2.79	50.22
Wisteria	3	49.95	149.85
Ceanothus Victoria	1	29.95	29.95
			457.74

B. Dinter Nursery Ltd.
 2205 Phips Road
 Duncan, BC V9L 6L2

Grant Felske
 Nursery Manager
 email: gree@binternursery.ca
 www.binternursery.ca

Phone (250) 748-2023
 Fax (250) 748-1822



Kinnikinnick



Ornamental Pear
Chanticleer

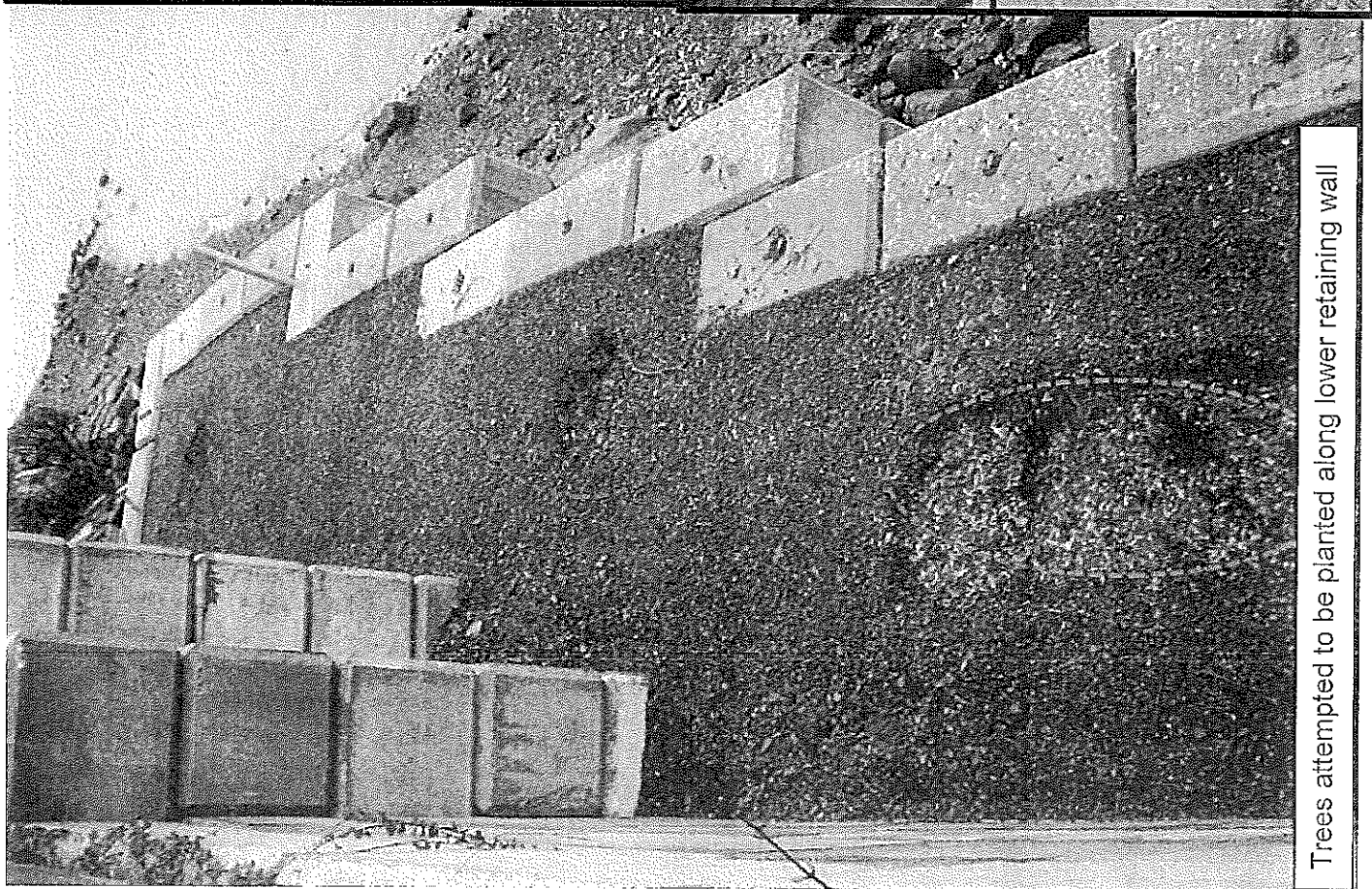


Arnold Centennial Pine

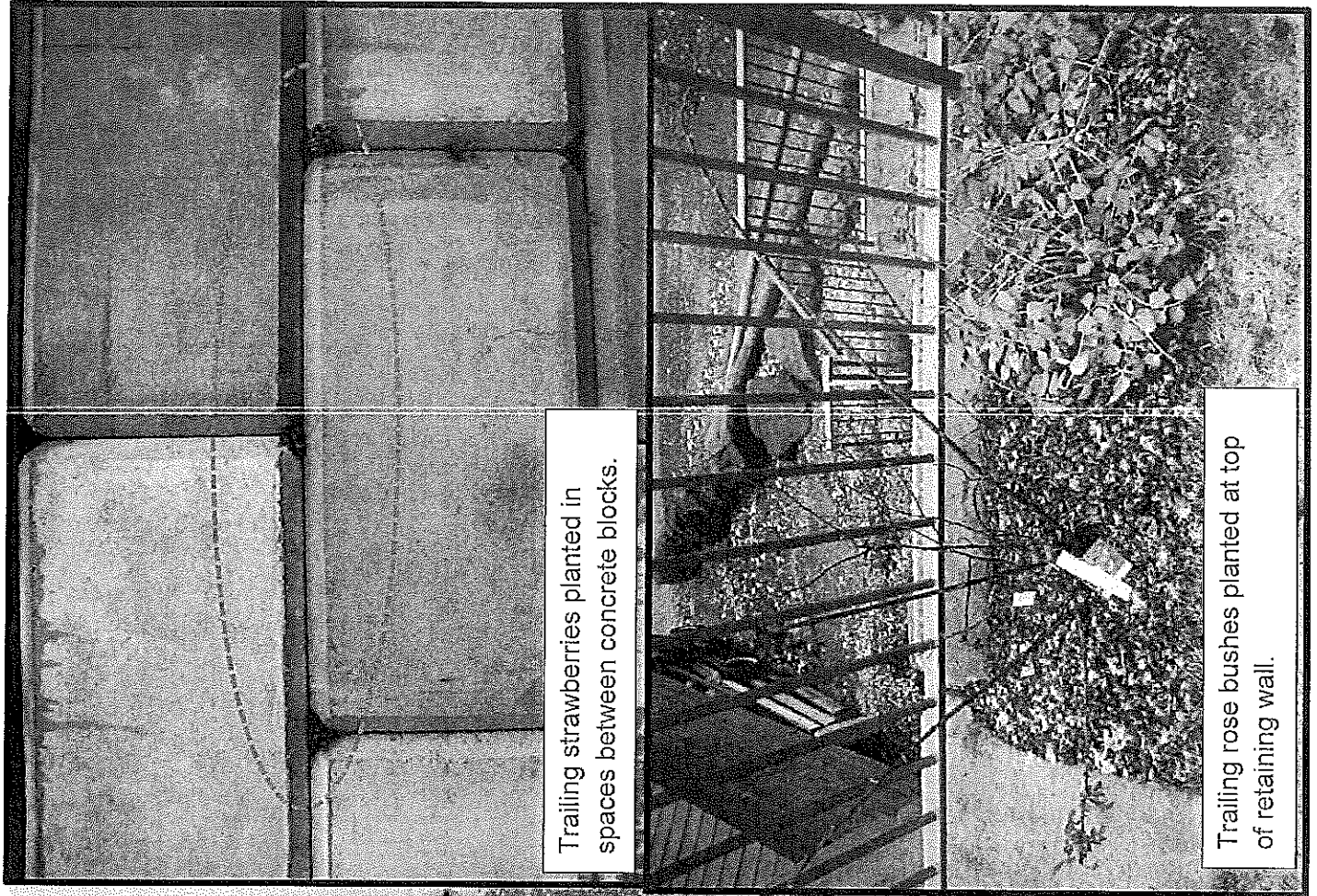


Berberis





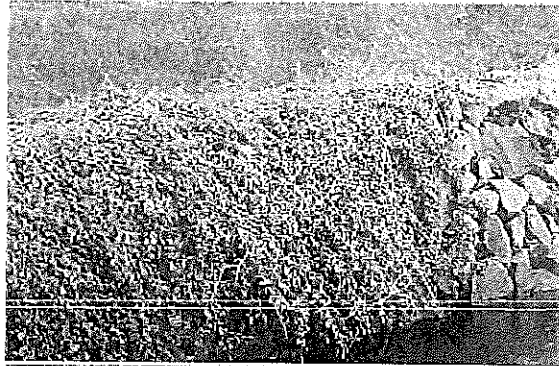
Trees attempted to be planted along lower retaining wall



Trailing strawberries planted in spaces between concrete blocks.

Trailing rose bushes planted at top of retaining wall.

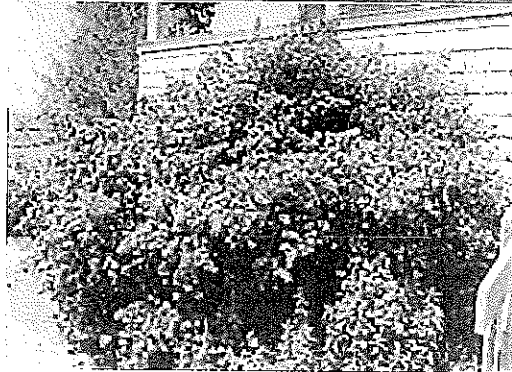
Cotoneaster Damerri



Wisteria



Ceanothus Victoria



SECTION 20.3 – OCEAN SHORELINE DEVELOPMENT PERMIT AREA

20.3.1 CATEGORY

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

20.3.2 AREA OF APPLICATION

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

20.3.3 JUSTIFICATION

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

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

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

20.3.4 GUIDELINES

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

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

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

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

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

20.3.5 EXEMPTIONS

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

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

20.3.6 APPLICATION REQUIREMENTS

(a) Before the CVRD authorizes the issuance of a development permit for a parcel of land in the **Ocean Shoreline Development Permit Area**, the applicant must submit a development permit application, which at a minimum includes:


1. a written description of the proposed project;
2. reports or information as listed in the relevant Development Permit Guidelines;
3. information in the form of one or more maps, as follows:
 - location/extent of proposed work;
 - location of ocean high tide mark;
 - location of other watercourses;
 - topographical contours;
 - location of slopes exceeding 25 percent grade;
 - location of lands subject to periodic flooding;
 - percentage of existing and proposed impervious surfaces;
 - existing tree cover and proposed areas to be cleared;
 - areas of known sensitive or rare native plant communities;
 - existing and proposed buildings;
 - existing and proposed property parcel lines;
 - existing and proposed roads, vehicular access points, driveways, and parking areas;
 - existing and proposed trails;
 - existing and proposed stormwater management works, including retention areas and drainage pipes or ditches;
 - existing and proposed erosion mitigation and bank alterations;
 - existing and proposed septic tanks, treatment systems and fields;
 - existing and proposed water lines and well sites;

(b) In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense, a report certified by a professional engineer with experience in geotechnical engineering which includes:

1. a hydrogeological report, which includes an assessment of the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition;
2. a report on the safety of the proposed use and structures on-site and off-site, indicating that the land may be used safely for the use intended; and/or
3. a stormwater management plan, which includes an assessment of the potential impact of the development on the groundwater resource.

(c) In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense, an environmental impact assessment, certified by a registered professional biologist, assessing any impacts of the project on watercourses and lands in the area.

Map 9 Ocean Shoreline DPA

 Ocean Shoreline DPA

Stuart Channel

Saltair

Electoral Area G

Trans-Canada Highway

Town of Ladysmith

Electoral Area G

0 100 200 300 400 500
Meters



Municipality of North Cowichan



R2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 5, 2011

DATE: June 29, 2011

FILE NO: 6-A 10 DP RAR

FROM: Rachelle Moreau, Planner I

BYLAW NO:

SUBJECT: Application No. 6-A-10DP/RAR
(Ocean Terrace Properties/Mark Wyatt)

Recommendation/Action:

1. That application No. 6-A-10 DP/RAR submitted by Mark Wyatt on behalf of Ocean Terrace Properties for subdivision for 203 residential lots, 3 multi-family designated areas, one mixed multi-family and commercial area, a lot dedicated for a school site, and designation of an area for subsequent strata subdivision (future 71 lots) on That Part of District Lot 77, Malahat District, Lying to the South of the South Boundaries of Parcel C (DD 43694¹) and Parcel D (DD 33154¹) of Said Lot and Except Those Parts in Plans 518RW, 50504 and VIP86314 (PID: 009-346-554), Parcel C (DD 43694¹) of District Lot 77, Malahat District (PID:009-346-511), Parcel D (DD33154¹) of District Lot 77, Malahat District (PID:009-346-520) be approved subject to :
 - a) Widening the highway buffer to a minimum 30 metres;
 - b) Connecting Roads E and F by a road connection to provide for a secondary access from Road F, in consultation with the Ministry of Transportation and Infrastructure;
 - c) Rainwater management system to provide for on-site infiltration galleries on each single family lot;
 - d) Sediment erosion and control plan be developed and implemented during construction to ensure runoff waters do not contribute sediment to any fish-or amphibian-bearing streams and that the plan be provided to CVRD prior to each phase;
 - e) Receipt of a tree assessment and retention plan prior to tree clearing in future phases in order to identify patches of trees/wildlife corridors that can be kept, and provide recommendations mitigation from wind throw within park areas.
 - f) Areas of natural forest be allowed to remain on residential lots, and building footprints located in a sensitive manner;
 - g) Phasing to be generally in compliance with the June 9, 2011 Phasing Plan;
 - h) Trails and emergency access connections to be constructed to CVRD standards
 - i) The single family lot on the northwest corner of central park be relocated and that this area be dedicated parkland;
- and further that prior to issuance of the Development Permit:
- j) The site plan is revised in the manner noted above;
 - k) A covenant is registered on title to secure the park dedication and park amenity commitments; and
 - l) A covenant is registered on title would assign density to the multi-family sites.

Relation to the Corporate Strategic Plan: N/A**Financial Impact:** (Reviewed by Finance Division: N/A)**Background:**

To consider the issuance of a development permit that would allow subdivision for 203 residential lots, 3 multi-family designated areas, one mixed multi-family and commercial area, a lot dedicated for a school site, and designation of an area for subsequent strata subdivision (future 71 lots).

Location of Subject Property: Butterfield Road and Trans Canada Highway

Legal Description:

- That Part of District Lot 77, Malahat District, Lying to the South of the South Boundaries of Parcel C (DD 43694¹) and Parcel D (DD 33154¹) of Said Lot and Except Those Parts in Plans 518RW, 50504 and VIP86314 (PID: 009-346-554)
- Parcel C (DD 43694¹) of District Lot 77, Malahat District (PID:009-346-511)
- Parcel D (DD33154¹) of District Lot 77, Malahat District (PID:009-346-520)

Date Application and Complete Documentation Received: November 19, 2011

Owner: Ocean Terrace Properties Ltd.

Applicant: Mark Wyatt

Size of Parcel: Approximately 55 ha (136.1 acres)

Existing Zoning: Comprehensive Development (CD-2)

Existing Plan Designation: Comprehensive Development

Existing Use of Property: Vacant

Existing Use of Surrounding Properties:

North:	Proposed 80 lot residential subdivision
South:	Undeveloped F-1 (Primary Forestry)
East:	Malahat Indian Reserve
West:	Trans-Canada Highway and single family residential

Services:

<u>Road Access:</u>	Primary access will be provided by Butterfield Road at Trans Canada Highway
<u>Water:</u>	Community water (Mill Bay Waterworks)
<u>Sewage Disposal:</u>	CVRD
<u>Drainage:</u>	CVRD
<u>Lighting:</u>	CVRD

Environmentally Sensitive Areas: The *Environmental Planning Atlas 2000* has identified a non-TRIM stream with possible fish presence at the south end of the property and two TRIM streams with possible fish presence¹ at the north and east portions of the property.

¹ TRIM refers to a map series produced by the Province using aerial photographs. Due to the scale of the mapping, there are some streams that are not identified through TRIM maps, and these are identified as non-TRIM streams.

As part of the rezoning application, a Preliminary Environmental Overview conducted in 2005 was submitted which reviewed environmental considerations on the site. A further discussion of the findings is outlined below. Additionally, a Riparian Areas Regulation Assessment report was conducted for the property, which identified four riparian areas. A 30-metre Streamside Protection and Enhancement Area (SPEA) is being proposed for all streams on the property, which also coincides with proposed park area.

Archaeological Site: None identified

Contaminated Sites Regulation: Declaration signed

Property Context:

The subject properties were rezoned in February 2007 to Comprehensive Development (CD-2) Zone, in order to permit a maximum of 438 dwelling units, including single family, single family with secondary suites, duplex, and multi-family residential.

In addition to the residential and associated accessory uses, the comprehensive development zone requires 20% of the land to be dedicated parkland, as well as dedication of a lot for a future school site.

Commercial use is also permitted, which can consist of the following:

- Day care;
- Convenience store;
- Professional, financial offices;
- Personal service use;
- Retail;
- Software Development;
- Printing, publishing, libraries;
- Plant nursery, horticulture, retail sales of gardening supplies and produce, accessory outdoor storage;
- Restaurant, catering;
- Community use;
- Sale, rental or servicing of power tools and household equipment;
- Veterinary clinic;
- Office, wholesale sales, warehousing.

A complementary Official Community Plan amendment also resulted in a re-designation of the properties to the Mill Bay Comprehensive Development designation, extended the urban containment boundary, and was included within the Mill Bay Comprehensive Development Permit Area (DPA).

Proposal:

An application has been made to obtain a development permit in accordance with the Mill Bay and Mill Bay Comprehensive Development Permit Areas for the purpose of subdivision, which would create 203 residential lots, 3 multi-family designated areas, one commercial/residential mixed use area, a lot dedicated for a school site, and designation of an area for subsequent strata subdivision (future 71 lots).

The purpose of this development permit application is to confirm the layout and design of the subdivision with respect to roads, servicing requirements, park dedication, school site dedication, and the guidelines of the Mill Bay and Mill Bay Comprehensive Development Permit Areas. Detailed elements of the proposal are noted in the following sections.

Policy Context:

The Mill Bay Comprehensive DPA was established for the purpose of protecting the natural environment, its ecosystems and biodiversity; and the establishment of objectives for the form and character of intensive residential, multi-family, and commercial development. Policy 7.10.7 of the Electoral Area 'A' Official Community Plan also designates the property within the Mill Bay Development Permit Area. Prior to development occurring on the site, a development permit is required that is consistent with the development permit guidelines of both Development Permit Areas.

Portions of the property within 200 metres of the Trans Canada Highway are also within the Trans Canada Highway Development Permit Area and, in later phases when the multi-family and commercial components are proposed for development, subsequent development permits will be required to address building design, landscaping, and lighting.

OCP

This property has been designated as the Mill Bay Comprehensive Development Designation, which requires a mix of commercial, single-family, multi-family residential uses, as well as parkland and the dedication of a school site. The DPA includes a map that shows where these uses are to be generally located.

As a result of the more detailed site level planning and analysis, the developer has proposed some changes in the layout from the plan within the Mill Bay Comprehensive Development Permit Area. The application before the EASC is to evaluate it for compliance with the applicable development permit guidelines.

Zoning and Residential Density

A maximum of 438 dwelling units (not including secondary suites) are permitted with a minimum requirement of 136 (or 31%) single-family residential units and 165 (or 38%) multi-family units. Anything over and above these minimum requirements can consist of a mix of single-family dwellings, duplexes, and multi-family units.

The Electoral Area 'A' Zoning Bylaw defines multiple family residence as "*a building containing three or more dwelling units and includes townhouse and apartment.*" Therefore, duplexes are not considered a multi-family unit, but are still included within the calculation of total residential units.

The CD-2 zone does not require that secondary suites be counted as a residential dwelling unit, but all other types are included within the total dwelling count of 438 units. Secondary suites are permitted on lots greater than 740 m², and in the first phase there are 8 potential lots that meet this minimum requirement.

<i>Ocean Terrace - Proposed Residential Density</i>		
Unit Type	Minimum lot size	Number of proposed units
Large lot single family (with potential secondary suite)	740 m ²	136
Small lot single family residential	400 m ²	67 (plus 71 strata lots)
Duplex	500 m ²	See comments below
Multi-family residential	1000 m ²	Minimum 165 units required

Based on the number of single family and single family strata lots proposed (274), and the required proportion of multi-family units (165), the density under the current plan is maximized. As a result, no duplexes would be permitted based on the number of single family lots proposed on the site and the minimum requirement for multi-family dwellings.

Development Permit Area Guidelines

The Mill Bay Comprehensive Development Permit Area outlines how the property should be developed in terms of the general location of uses, and the Mill Bay Development Permit Area specifies guidelines related to environmental protection, servicing, and form and character. The following section outlines how the development proposal complies with the guidelines of these DPAs.

Mill Bay Comprehensive Development Permit Area Guidelines

The Mill Bay Comprehensive Development Permit Area (Section 14.9 of the Official Community Plan) specifies three guidelines for the development:

- (a) *The location of all intensive residential, multi-family, institutional utility and commercial development will be generally as shown on Figure 12 – Mill Bay Comprehensive Development Permit Area².*
- (b) *A minimum of 20% parkland will be dedicated to the CVRD in locations acceptable to the CVRD Parks Department and will occur in the first phase of development, unless otherwise agreed upon by the CVRD Parks Department.*
- (c) *A future elementary school site will be dedicated to the CVRD during the first phase of development, unless it is otherwise agreed upon by the CVRD that the site will be dedicated to the CVRD at a subsequent phase of development. The school site will not be calculated as a component of the parkland requirement.*

The following section provides a summary of the original and current proposals and some considerations relative to the Mill Bay Comprehensive Development Permit Area:

14.9 Guideline (a)

Figure 12 in the Official Community Plan (OCP) coincides with the original proposal approved through the rezoning process in 2007. However, since that time, more detailed site work has been conducted which the applicant advises has contributed to the change in the layout of the proposed development. Guideline (a), noted above, does recognize that some changes in the layout and fine-tuning may be required. Figure 12 specifically notes that "Parkland is to be determined", but has identified the general location of trails.

Determining compliance with the configuration of land uses is subject to some interpretation, and there are certainly some changes that are proposed in the current application. A close examination of Figure 12, the development permit map, relative to the current proposal is recommended to ensure that the EASC is aware of the changes being proposed.

Staff have worked with the developer in an attempt to re-align the current proposal with the development permit map recognizing that there are high expectations in the community for this development, and that any proposed changes are subject to approval of the Regional Board through this development permit process. The following sections note staff comments on the layout and proposed changes to the plan.

² Please see attached excerpt from the Mill Bay Official Community Plan, "Figure 12 – Mill Bay Comprehensive Development Permit Area"

The EASC will note that an alternative road layout has been proposed, and the single family lots are now being proposed within the central portion of the site, as opposed to on the periphery which was indicated on the initial proposal. Additional changes include the location of the disposal field/greenspace, and that the multi-family development is now proposed within the commercial core area and in pockets on the periphery. The area adjacent to the highway was previously identified as "disposal field/greenspace" and is now being proposed as multi-family.

The developer was encouraged to increase the amount of multi-family development within the "community core", which is the mixed-use and multi-family area near the central park. As a result, the developer has relocated two single family dwelling (SFD) lots to enlarge the central park, and has switched the location of one multi-family site consisting of approximately 18-20 units to be within this community core.

Staff recommended that the park/greenspace along the Trans Canada highway be widened from the currently proposed 15 metres to provide more of a buffer and re-align with the original plan which was for that area to be disposal field/greenspace (although the disposal field has now been relocated to the south east portion of the lot noted as CVRD Utility Lot). However, the applicant has suggested that he would provide screening measures in the manner of landscaping along the length of this boundary to reduce any impact to views of the development from the highway.

Staff also recommended that Road E and Road F be connected with a road in order to improve connectivity and provide a secondary access route from Road E, which will also serve the future 71 lot strata subdivision. The developer has proposed constructing a fire access lane between these two roads (shown as park dedication on the plan), and an emergency access lane from Road E to the Baranti development to the north.

14.9 Guideline (b)

This guideline specifies that park dedication for the entire development is supposed to occur in the first phase of development, unless agreed to by the CVRD. However, the applicant has requested that park dedication occur in phases consistent with the phasing of development. The CD-2 Zone requires that a minimum of 20% of the land be dedicated for parkland, and the application proposes a total of 28% park dedication.

CVRD Parks and Recreation staff recognize the challenges in dedicating all the parkland in the first phase, and are willing to support phasing the park dedication provided some assurances are provided as noted in their comments below.

14.9 Guideline (c)

No changes are proposed for dedication of the school site. The school site will be provided as a fee-titled property in the name of the CVRD as a community amenity site. The site will be administered through the Electoral Area 'A' Community Parks function until such time as the Board directs that it be assigned to a different department or arrangements are made with School District 79 or another entity.

Mill Bay Development Permit Area Guidelines

Services and Utilities

The property will be serviced by CVRD owned and operated community sewer system. The applicant is required to construct a new sewer treatment and disposal system for the subdivision. Drainage and street-lighting are also proposed to be managed by the CVRD, with community water being provided by Mill Bay Waterworks.

Vehicular Access

Primary access to the site will be via Butterfield Road, with secondary access provided by Sangster Road in subsequent Phases (under the present Phasing plan, Sangster Road will not be extended to the North property boundary until Phase 8). Discussion with representatives from the Ministry of Transportation and Infrastructure has indicated that Sangster Road will ultimately be developed as a collector road along this property and the proposed developments to the North. Roads within the subdivision will be constructed with curbs and gutters and paved with asphalt.

Timing of the construction of Sangster Road is somewhat dependent on the schedule of development occurring to the north of this proposed subdivision. There are three major land owners/developments to the north of Ocean Terrace that all need to contribute land and resources in order to construct Sangster Road as a frontage road to the Trans Canada Highway, connecting the Sentinel Ridge, Baranti, Sangha and Ocean Terrace developments.

Additionally, there have been discussions regarding the extension of Rozon Road through the proposed development located to the north (Baranti) in order to connect to the road system in Ocean Terrace. However, the location of this proposed road connection would be within a steep ravine, which is also proposed parkland. Therefore, instead of extending Rozon Road, there will be an emergency access lane constructed from Road E and the northern most cul-de-sac through the parkland to the Baranti development.

The provision of sidewalks in this subdivision is desired by both the applicant and CVRD staff. However, due to Provincial authority of road rights-of-way in Regional Districts, Provincial approval is required. CVRD has requested permission from the Province to establish a sidewalk service for Electoral Area A. Should the Province approve a sidewalk service area for Electoral Area A, sidewalks are expected in Phase 1 and subsequent phases. If the request is not approved by the Province, sidewalks will not be possible.

In terms of an alternative, road side paths are not generally an option within subdivisions of this density as there are too many driveway crossings. Unfortunately, therefore, without sidewalks there will not be a system of pathways along road ways.

However, a network of paths are proposed within the park areas, and connections to and within future commercial and multi-family areas will be reviewed through subsequent development permit applications.

Vehicular Parking

Bylaw No. 1001, the CVRD Parking Standards Bylaw, requires two parking spaces per dwelling unit in duplexes and single-family dwellings, and 1.5 spaces per dwelling unit where a building contains three or more dwelling units.

The other guidelines within this section are more relevant to multi-family and commercial development where larger parking areas will be required, and which will be reviewed when those development permit applications are considered.

Pedestrian Access

At this stage, pedestrian routes will consist of park trails and, if/when approved, sidewalks. Due to the uncertainties currently around approval of sidewalks it is unknown whether sidewalks will be accommodated in this proposal, and exactly where they would be located.

As noted above, there is no alternative to having sidewalks, as this subdivision is not conducive to the establishment of a road side trail, which is better-suited to rural areas.

Landscaping

These guidelines are applicable to multi-family and commercial development. However, one recommendation of the environmental overview report is to incorporate native plants wherever possible. Detailed review of proposed landscaping in multi-family and commercial areas will be conducted at the time these development permits are considered. Street trees and landscaping within the subdivision would be desirable from an aesthetic point of view, however as roads are the responsibility of the MoTI and CVRD does not have the designated function to provide (and maintain) street trees, any potential vegetation left in the road allowance will be naturally occurring, low maintenance vegetation.

The subdivision is also not a strata subdivision, so landscaping cannot be assigned to any strata corporation.

Signage

Currently there is one entrance sign proposed at the entrance off the Trans Canada Highway. No detail has currently been provided, however the sign must be approved by a Development Permit.

Lighting

The location of the proposed lighting is illustrated on the attached plan (Figure 4 – Road, Street Lighting, and Site Constraints), and will be managed by the CVRD Engineering and Environmental Services Department.

Overhead Wiring

Underground wiring is proposed.

Building Design

This guideline is only applicable to intensive or multiple family residential, commercial and industrial buildings, and is therefore not relevant to the current proposed single family subdivision. However, a building scheme is proposed for the subdivision which establishes requirements for the appearance, siting and orientation of dwellings on large and small lots.

Development Adjacent to Environmentally Sensitive Areas and Hazardous Lands

This guideline applies to intensive residential, multi-family residential, commercial and industrial uses. However, the applicant has supplied the following information with regards to the environmental considerations of the site.

In 2005, an environmental overview was conducted which completed the following:

- Noted the main tree and under-storey species in the forest;
- Observed topographical features and watercourses;
- Visually scanned the canopy for nests;
- Watched for signs of wildlife presence; and
- Listened for birdcalls.

Main recommendations and conclusions of the report:

The environmental overview did not identify any raptor nests or any at-risk species. However, due to the extent of the development and significant land clearing, loss of forest will occur and wildlife habitat will be displaced. The report notes that retention of significant numbers of trees and areas of forest as parks will mitigate loss of wildlife habitat by establishing wildlife habitat corridors and protecting sensitive riparian areas.

Hydrology and erosion control

Removal of forest cover will substantially affect site hydrology and decrease retention of rainwater. In order to address rainwater management on the site and reduce the likelihood of increased surface flows to the streams and erosion, the applicant has suggested use of a series of stormwater ponds as illustrated on Figure 3 – Environmental, Sewage, Water and Drainage Map.

Staff have recommended that the rainwater management system incorporate on site infiltration as much as possible, which would require that each lot has an infiltration gallery. The plan submitted by the applicant indicates that infiltration galleries on individual lots will be considered subject to on-site hydraulic testing by a certified hydrogeologist. However, rainwater modelling will assume that all site drainage will flow into the proposed piping and pond network.

A development of this size, including associated tree clearing and land conversion from forest to urban area, will result in a significant increase in runoff from impervious surfaces. The intention with infiltration galleries on each lot is that the runoff from homes can at least be returned to the ground directly. Any overflow and the road runoff would be directed to the piped system.

The rainwater master plan for Phase 1 does not include any lots that have infiltration galleries, however staff are recommending that this be a condition of the development permit.

The CVRD Engineering and Environmental Services Department has reviewed the rainwater management plan and are comfortable with the proposed design, as well as the potential for onsite infiltration galleries.

Mitigation:

Some of the recommendations within the environmental overview report are being implemented through protection of sensitive riparian habitat and park areas. Additionally, the environmental overview report recommends the following to be implemented during construction of the subdivision:

- Sediment erosion and control plan be developed and implemented during construction to ensure runoff waters do not contribute sediment to any fish-or amphibian-bearing streams;
- Trees retained be assessed for their safety and vulnerability to wind-throw following removal of adjacent forest cover;
- A five-metre root protection zone be maintained between retained trees and any planned excavations;
- Areas of natural forest be allowed to remain on residential lots, and building footprints located in a sensitive manner;
- Plans be developed to manage large mammals (e.g. black bears and black-tailed deer) to help reduce potential human-wildlife conflict, such as use of bear-proof refuse containers;
- Landscaping consisting of native species in the common areas;
- To the extent possible, encourage purchasers of individual lots to retain trees and use native plant species as garden ornamentals.

These are additional recommendations from the environmental overview report that could form conditions of the Development Permit. However, due to the small size of the lots it is unlikely that any trees will be left outside of the park/green space areas and potentially patches within the commercial or multi-family sites.

Timing of Development

The development permit may impose conditions for the sequence of timing of development on land described in the permit. The attached Figure 5 - Phasing Plan, illustrates the proposed phasing of the development.

Siting of Buildings and Structures

There does not appear to be any unusual lot configurations that would indicate a need for variances to setbacks. Setbacks for single-family dwellings in the CD-2 zone are noted below:

- Front: 4.0 metres
- Interior Side: 1.8 metres
- Exterior Side: 3.0 metres
- Rear: 4.0 metres

The MoTI specifies a setback from road of 4.5 metres, and any development within that setback area requires permission from MoTI.

Riparian Areas Regulation Guidelines

The Riparian Areas Regulation (RAR) Assessment report submitted by the applicant indicates that there are four ephemeral streams on the property. These streams do not provide fish habitat on the subject property, although there may be habitat in the lower reaches. At present, the riparian areas of the ephemeral streams on the subject property are fully vegetated with second growth Douglas-fir, alder, western red cedar and other species about 50 years old.

A 30 metre setback from all watercourses has been proposed, which satisfies the requirements of the RAR. As all of the riparian areas proposed are within public park, additional protection measures are not required.

Agency Referrals:

This proposal has been referred to the following agencies for review and comment:

- Mill Bay Waterworks
 - The developer will be required to meet the District Bylaws and any agreements between the developer and the district;
 - The District will require transfer of ownership of the lot the water source(s) are located on, and any necessary SRW's required to access those lots.
- Ministry of Transportation and Infrastructure (MoTI)
 - Formal comments received indicate their interests are unaffected. However, preliminary layout approval (PLA) was previously granted on the subdivision. At that time, the developer agreed that any changes resulting from the development permit process would be at his risk.
 - Upgrades to the Butterfield Road intersection will be required as part of this development.
- Mill Bay Volunteer Fire Department
 - Because of the potential for increased traffic at the Butterfield Rd/TCH intersection, they would like to see the developer fund an emergency/traffic pre-emption light consistent with the ones currently installed in the Mill Bay/Cobble Hill area – staff will continue to work with the developer and MoTI on this;
 - They also recommend that an emergency access lane to connect to the Baranti subdivision north of Ocean Terrace be constructed.
- Electoral 'A' Parks Commission (March 17, 2011 meeting) minutes noted in italics.

"The Commission feels that the Ocean Terrace plan presented on February 17, 2011 represents a substantial change from what was originally presented to the Commission and Community in 2005(?) in terms of parkland dedication regarding size and location of parks and the perceived inclusion of riparian area and highway buffer in the parkland dedication proposed in the plan of February 17, 2011;

The Commission strongly recommends the Applicant adhere closely to the original parks and trails layout presented to the Commission and the Community in a series of open houses and public hearings in 2005 (?), which was a community with minimal vehicle traffic and comprehensive pedestrian corridors and multi-use trails with connectivity to parks, neighbourhoods, and potential retail area. The concept of Smart Growth³ was the cornerstone of the original plan and the Commission would recommend that continue with the current application for Ocean Terrace;

The Commission recommends that a bridge be constructed across the ravine to join the trail network in the neighbouring development as discussed with the applicant at previous presentations to the Commission in 2005 (?) and subsequent site visit to the subject property. This would be in keeping with the proposed Area 'A' Parks and Trails Master Plan;

The Commission strongly recommends that parkland, greenspace, and trail dedications be in place prior to commencement of site clearing and lot layout in order to protect those areas from being stripped of flora and fauna.

The Commission recommends that the CVRD consider developing a tree protection bylaw for Area A and research other tree protection bylaws in other communities. This could ensure that potential parkland can be protected from development and complete tree removal.

February 17, 2011 Area 'A' Parks Commission recommendations:

Commission recommends to the CVRD that all parkland/trail network be dedicated up front prior to any development or lot clearing in order to protect same and protect trees.

Commission recommends to the CVRD that applicant/developer provide the land and all amenities for the central park, noting that requiring the current residents of Area A to pay for a park that may or may not be developed is an inappropriate expectation of the applicant/developer."

- CVRD Engineering and Environmental Services Department
 - CVRD Engineering Department is extending the sewer, drainage and street lighting service areas to include the Ocean Terrace lands and is working with the developer toward design with CVRD standards. No objections to this development.
- CVRD Parks and Recreation Department
 - See comments below under Parkland Dedication
- CVRD Public Safety Department
 - The Community Wildfire Protection Plan has identified this area as "high to extreme risk for wildfire". Compliance with FireSmart principles is required.
 - Minimum two points of access/egress to properties within the proposed development must be provided to accommodate simultaneous access/evacuation for citizenry and emergency services personnel. Specifically development phases 4, 6 and 9 need to be connected via a roadway instead of loops to ensure sufficient access/egress and this roadway should be connected to Baranti developments for an additional egress route.

³ See attached website summary of Smart Growth principles.

- 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. A proper fire hydrant system should be implemented.
- A comprehensive sprinkler system is recommended to reduce the fire hazard, particularly in the commercial/industrial portions of the development.
- Provision of Fire Protection for a development of this size and location requires significant infrastructure investment on the part of the Local Government and Fire Department (Building, Apparatus, Equipment, members and training). The developer should work with the Planning & Development Department, Public Safety Department and the Fire Department to develop appropriate solutions prior to application approval.

In regards to the above, the Public Safety Department has specifically requested that the two cul-de-sacs (Roads E and F) be connected by a road to provide for a secondary access, noting that connection between these two would make a significant difference to provision of fire protection and emergency services as fire trucks could go in one way and residential traffic could leave via the other route. They also strongly agreed that a pre-emption light should be required.

Their last recommendation is that all multi-family development be sprinklered. Under the BC Building Code, sprinkling is only required where certain uses are proposed. The applicant has advised that they will assess whether sprinklers are appropriate for the higher density multi-family sites.

Parkland Dedication

The CD-2 zone requires that a minimum of 20% of the lands be dedicated as park. The applicant is proposing to dedicate 15.8 ha, which is equivalent to 28.5% park dedication. Dedication of the school site is not included within the required park allocation, and is proposed to be 1.39 ha.

As proposed, all streams on the property have a 30 metre buffer applied to them and will be within areas dedicated as park. There are three main elements to the park dedication:

- Greenspace/Conservation areas around the riparian areas;
- Trail networks;
- Two play parks (one to be dedicated and constructed in the first phase, with the second larger, central park to be dedicated in phase 7).

In addition to the dedication of the land for parks, the developer has agreed to make the following parkland improvements:

Land commitments/Improvements:

- The applicant has increased the size of the Central park from what was originally proposed, and recommends that the last lot on the north-west corner also be dedicated as park to coincide with the edge of the commercial/multi-family boundary;
- The applicant had committed to dedicating Central Park in Phase 7, which is agreeable to the Parks department provided that it is secured through a covenant and outlined in a reference plan in the first phase;
- Tot lot playground structure will be built in first phases at Developer's cost;
- Developer will provide a playground structure within Central Park of similar size to that built in the Phase 1 tot lot;
- Developer may wish to build a bioswale through central park along the side;
- Developer will clear and grub the Central Park, which will need to be complete prior to dedication and in accordance with CVRD Parks guidelines and design standards;

- In some cases utility services will be required through parks, and the CVRD is agreeable provided the services are underground, do not impede the CVRD's ability to build active parks areas, the infrastructure is aligned with/under trails/pathways and that the trails built over such services are built by the developer to CVRD standards;
- Consultation with the parks dept will be required to ensure that the stormwater management pond located in the Phase 1 tot lot park is designed for public safety due to its location near a playground.

Trail/emergency access commitments:

- Emergency access lane/park dedication trail will be constructed between Road E and Road F, and from Road E to the Baranti subdivision at the developer's cost to CVRD Trail standards Type 2, which are designed for emergency vehicles with a gravel surface accessible as a public pathway and wide enough for emergency vehicles as per CVRD Public Safety Department requirements for such an emergency access. The trail would need to be constructed in consultation with the CVRD Parks and Trails Division Staff.
- Existing trails along the northern (running east to west) boundary will be upgraded and topped with crush material (currently consist of existing skidder roads) to provide for an emergency lane from between the cul-de-sac off Road A and the cul-de-sac off Road E to the Baranti subdivision;
- Trail construction from Road E due east approximately 50 metres to an existing path/trail to Type 3 standards;
- The park/trail corridor leading from Road E to the CVRD utility lot and park must be designed to ensure that a trail can be constructed within this corridor, and that the location of the CVRD rainwater outfall will not conflict with the location of the path.

School Site:

CVRD requires that the driveway from Road A to access the Mill Bay waterworks lot be registered as a Statutory right of way for use by Mill Bay Waterworks and others who may require access to the school site instead of land dedication. This would ensure that there is no impediment to any future expansion of the school site.

The CVRD Parks and Recreation Department envision the central park to eventually become a feature park for the Mill Bay community consisting of playground structure, trail(s), picnic shelter, and hard surface court.

Overall, the Parks and Recreation Department is satisfied with the general location of the parks and the improvements being provided by the developer. They note that it would be preferable to have the northwestern lot adjacent to central park be dedicated as parkland. Additionally, the path between lot 25 and 26 should be switched for additional park area between Lot 21 and Butterfield Road.

Advisory Planning Commission Comments:

The minutes of the March 8, 2011 APC meeting have been attached for your reference.

The APC made the following recommendation (in italics):

The Area 'A' APC have concerns about the Ocean Terrace Development Permit Application No. 6-A-10 DP/RAR (Wyatt) in its current form and recommends to the CVRD the following changes be implemented:

1. *Multi-family and commercial locations should be switched with adequate buffering and height restriction or sighting from the highway.*
2. *To more aggressively work with MoTI to ensure a secondary road location happens sooner than later. Very important for emergency vehicle access.*
3. *Consider an accessory storage area for residents;*

4. *Height restriction of 7.5 metres for single family homes. This development is on the east side of highway and the restriction exists for other structures within Mill Bay.*
5. *Recommend sidewalks be encouraged.*
6. *Recommend adequate parking for secondary suites.*
7. *Trails in place starting with first Phase.*

The APC was very keen to see the commercial area developed in earlier phases than that proposed (Phase 8b), which is why they suggested the commercial development could be placed closer to the highway. However, the original development permit map has this location by the highway identified as greenspace/disposal field, therefore staff do not recommend encouraging the change. It is also felt that increased commercial development along the highway is not desired.

With regards to revising the height restriction, the maximum specified height for single family dwellings within the CD-2 zone is 10 metres, and a more restrictive height limit cannot be imposed through the development permit. The R-3A (Urban Residential – Limited Height zone) applies to the residential area of Mill Bay on the east side of the highway, and which specifies a 7.5 metre height.

Planning Division Comments:

The above-referenced sections describe the proposal and how it complies with the requirements of the Mill Bay Comprehensive and Mill Bay Development Permit Areas.

Applications for Development Permits are a technical review based on the guidelines of the Development Permit Areas (Mill Bay, Mill Bay Comprehensive, and Trans Canada Highway) and the requirements of the CD-2 Zone. The rezoning application approved the overall density, distribution of land uses, and specified the main commitments from the developer.

It should be noted that the proposal presented with the rezoning application was a concept and that some flexibility is desirable when reviewing subsequent more detailed, site level proposals. The approved development permit plan does not necessarily need to match completely the rezoning concept drawings provided it does comply with the development permit guidelines.

The main commitments, including park dedication requirements, school site dedication, permitted uses and density are outlined in the CD-2 Zone (attached). As proposed, the application complies with the requirements of the zone, and any subsequent development will be required to comply with the criteria specified in the zone.

There are high expectations for the development, and in reviewing the current application a number of changes have been noted from the original proposal.

For reference, the attached illustrations outline the application as it was originally proposed at the rezoning stage. Some of the changes from the original plan to the currently proposed application include the following:

- Reduced number of biofilter ponds. Previously a series of biofilter ponds were proposed for rainwater management, and were proposed in the park area. Based on the current proposal there are fewer ponds, and it is unclear whether onsite rainwater management techniques such as bioswales and raingardens will be incorporated into the drainage system;
- There is no distinction on the current proposal between entry-level, retirement, and conventional single-family housing;
- Single-family lots are now concentrated in the central portion of the property, not the multi-family or retirement housing;
- Fully landscaped streets and traffic calming measures were included in the initial proposal, however as roads and subdivision approval is the jurisdiction of the Ministry of Transportation and Infrastructure, these will not be permitted within the development;

- Two bus stops are shown on the original concept drawing, and none are proposed on the current application. At this stage of development, transit will not be servicing the development;
- General appearance that there are fewer trails/pathways, however these may be replaced by sidewalks if possible. If sidewalks are not possible, there will not be separated pedestrian pathways along roads.

There are some things that the developer cannot do because of the lack of jurisdiction for regional districts (i.e. sidewalks, street tree landscaping along boulevards, bioswales in roads).

However, there are also elements of the proposal that could be improved. For example, staff feel that this subdivision emphasizes single family residential development, and that more emphasis on multi-family lots or duplexes would still provide the diversity of housing, while potentially being able to cluster the development to retain more trees onsite or having larger lots generally. For reference, the minimum number of multi-family units are being proposed with the remainder to be made up by single family units.

The proposed park areas will likely not function as wildlife corridors due to their size, and due to the edge effect, where residential development abuts nearly all boundaries of park area, which can erode the health of the park edge over time.

Without knowing whether CVRD will be granted expanded powers to establish a service area for sidewalks, alternative transportation within the site (outside of parks) may be limited. It is possible there may be a painted bike shoulder. Currently, transit is not provided to the site, and will not be in the short term.

This application is being proposed under the principles of Smart Growth⁴, and the applicant has provided a summary of how this application is consistent with Smart Growth. Additionally, green building is one principle of Smart Growth, and the developer has indicated that builders will be encouraged to build green for residential construction, however no firm commitments have been made and no green building rating system has been referenced.

For the Committee's reference, the principles of Smart Growth are as follows:

1. Mix land uses. Each neighbourhood has a mixture of homes, retail, business, and recreational opportunities;
2. Build well-designed compact neighbourhoods. Residents can choose to live, work, shop and play in close proximity. People can easily access daily activities, transit is viable, and local businesses are supported.
3. Provide a variety of transportation choices. Neighbourhoods are attractive and have safe infrastructure for walking, cycling and transit, in addition to driving.
4. Create diverse housing opportunities. People in different family types, life stages and income levels can afford a home in the neighbourhood of their choice.
5. Encourage growth in existing communities. Investments in infrastructure (such as roads and schools) are used efficiently, and developments do not take up new land.
6. Preserve open spaces, natural beauty, and environmentally sensitive areas. Development respects natural landscape features and has higher aesthetic, environmental, and financial value.
7. Protect and enhance agricultural lands. A secure and productive land base, such as BC's Agricultural Land Reserve, provides food security, employment, and habitat, and is maintained as an urban containment boundary.
8. Utilize smarter, and cheaper infrastructure and green buildings. Green buildings and other systems can save both money and the environment in the long run.

⁴ www.smartgrowth.bc.ca

9. Foster a unique neighbourhood identity. Each community is unique, vibrant, diverse, and inclusive.
10. Nurture engaged citizens. Places belong to those who live, work, and play there. Engaged citizens participate in community life and decision-making.

Conclusion

As noted, there are high expectations for the development, and the main commitments of park dedication and school site dedication are required under the CD-2 Zone. The original proposal was presented as a green development satisfying all the principles of Smart Growth. Staff feel that the development as proposed does not fully achieve Smart Growth, and that many of green features originally proposed with the development are not being realized for various reasons some of which are outside of the control of the developer.

Staff made some recommendations to the developer that have resulted in more area for the central park, with additional park and trail improvements being provided by the developer. Additionally, more multi-family development has been moved to the central portion of the site.

Additional changes suggested by staff are as follows:

- Connect Road F and Road E with a road connection instead of or in addition to an emergency access lane;
- Move more of the mixed housing types to the centre of the site to create more a community core with a mixture of commercial, multi-family housing and the central park;
- Reduce the number of single family lots in the centre and provide more multi-family units;
- Increase the greenspace buffer along the highway (east side of the parcel from 15 metres up to 30 metres);
- Before any more tree clearing occurs, require a tree assessment and retention plan in order to identify patches of trees/wildlife corridors that can be kept, and which would provide recommendations for mitigation from wind throw within park areas.
- Design the rainwater management system to emphasize on-site infiltration – due to MOTI being in charge of the roads, bioswales are not possible within public roads. However, bioswales and raingardens would be ideally suited for the multi-family and commercial areas.

To address these issues the developer proposes:

- To switch the small 9 lot cul-de-sac with approximately 18-20 multi-family units (noted on the plan as Lot 51) and move these single family lots to the south east corner. This multi-family will be developed in the first phase.
- Pathways in the park at the north end to be developed as emergency access lanes (from Road E and the cul-de-sac to the west to the Baranti subdivision to the north)
- 6 m wide pathway will be developed between Road E and Road F to provide for an emergency access between these two road
- Commitment to landscape the highway buffer area with dense hedging along the highway and establishing a 7.5 metre height limit for the multi-family along the highway
- Rainwater management system to include on site infiltration galleries for single family homes where possible.

Based on feedback from various commissions and a review of the original and current proposals, staff feel that the proposal as presented is not what was anticipated through the rezoning process and that there are improvements that could be made to the development to better achieve Smart Growth principles. However, the development permit process is limited in

terms of new requirements that can be requested and attention should be paid to the guidelines specified in the Mill Bay Comprehensive and Mill Bay DPAs. In particular, whether the distribution of land uses and the parkland sufficiently coincide with Figure 12 the development permit area map within the Mill Bay Comprehensive DPA. If the Committee is satisfied that the development permit application meets the guidelines, and is inclined to approve the development, staff are recommending Option 1 with suggested changes as noted.

Options:

1. That application No. 6-A-10 DP/RAR submitted by Mark Wyatt on behalf of Ocean Terrace Properties for subdivision for 203 residential lots, 3 multi-family designated areas, one mixed multi-family and commercial area, a lot dedicated for a school site, and designation of an area for subsequent strata subdivision (future 71 lots) on That Part of District Lot 77, Malahat District, Lying to the South of the South Boundaries of Parcel C (DD 43694¹) and Parcel D (DD 33154¹) of Said Lot and Except Those Parts in Plans 518RW, 50504 and VIP86314 (PID: 009-346-554), Parcel C (DD 43694¹) of District Lot 77, Malahat District (PID:009-346-511), Parcel D (DD33154¹) of District Lot 77, Malahat District (PID:009-346-520) be approved subject to :
 - a) Widening the highway buffer to a minimum 30 metres;
 - b) Connecting Roads E and F by a road connection to provide for a secondary access from Road F, in consultation with the Ministry of Transportation and Infrastructure;
 - c) Rainwater management system to provide for on-site infiltration galleries on each single family lot;
 - d) Sediment erosion and control plan be developed and implemented during construction to ensure runoff waters do not contribute sediment to any fish-or amphibian-bearing streams and that the plan be provided to CVRD prior to each phase;
 - e) Receipt of a tree assessment and retention plan prior to tree clearing in future phases in order to identify patches of trees/wildlife corridors that can be kept, and provide recommendations for mitigation from wind throw within park areas;
 - f) Areas of natural forest be allowed to remain on residential lots, and building footprints located in a sensitive manner;
 - g) Phasing to be generally in compliance with the June 9, 2011 Phasing Plan;
 - h) Trails and emergency access connections to be constructed to CVRD standards;
 - i) The single family lot on the northwest corner of central park be relocated and that this area be dedicated parkland;

and further that prior to issuance of the Development Permit:

 - j) The site plan is revised in the manner noted above;
 - k) A covenant is registered on title to secure the park dedication and park amenity commitments; and
 - l) A covenant is registered on title that would assign density to the multi-family sites.

2. That application No. 6-A-10 DP/RAR submitted by Mark Wyatt on behalf of Ocean Terrace Properties for subdivision for 203 residential lots, 3 multi-family designated areas, one mixed multi-family and commercial area, a lot dedicated for a school site, and designation of an area for subsequent strata subdivision (future 71 lots) on That Part of District Lot 77, Malahat District, Lying to the South of the South Boundaries of Parcel C (DD 43694¹) and Parcel D (DD 33154¹) of Said Lot and Except Those Parts in Plans 518RW, 50504 and VIP86314 (PID: 009-346-554), Parcel C (DD 43694¹) of District Lot 77, Malahat District (PID:009-346-511), Parcel D (DD33154¹) of District Lot 77, Malahat District (PID:009-346-520) not be approved, and that the applicant be directed to revise the proposal.

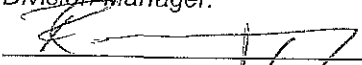

Option 1 is recommended.

Submitted by,



Rachelle Moreau
Planner I
Planning and Development Department

RM/ca

Reviewed by: Division Manager:	
Approved by: 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 all purposes of interpretation and application of the Bylaws.

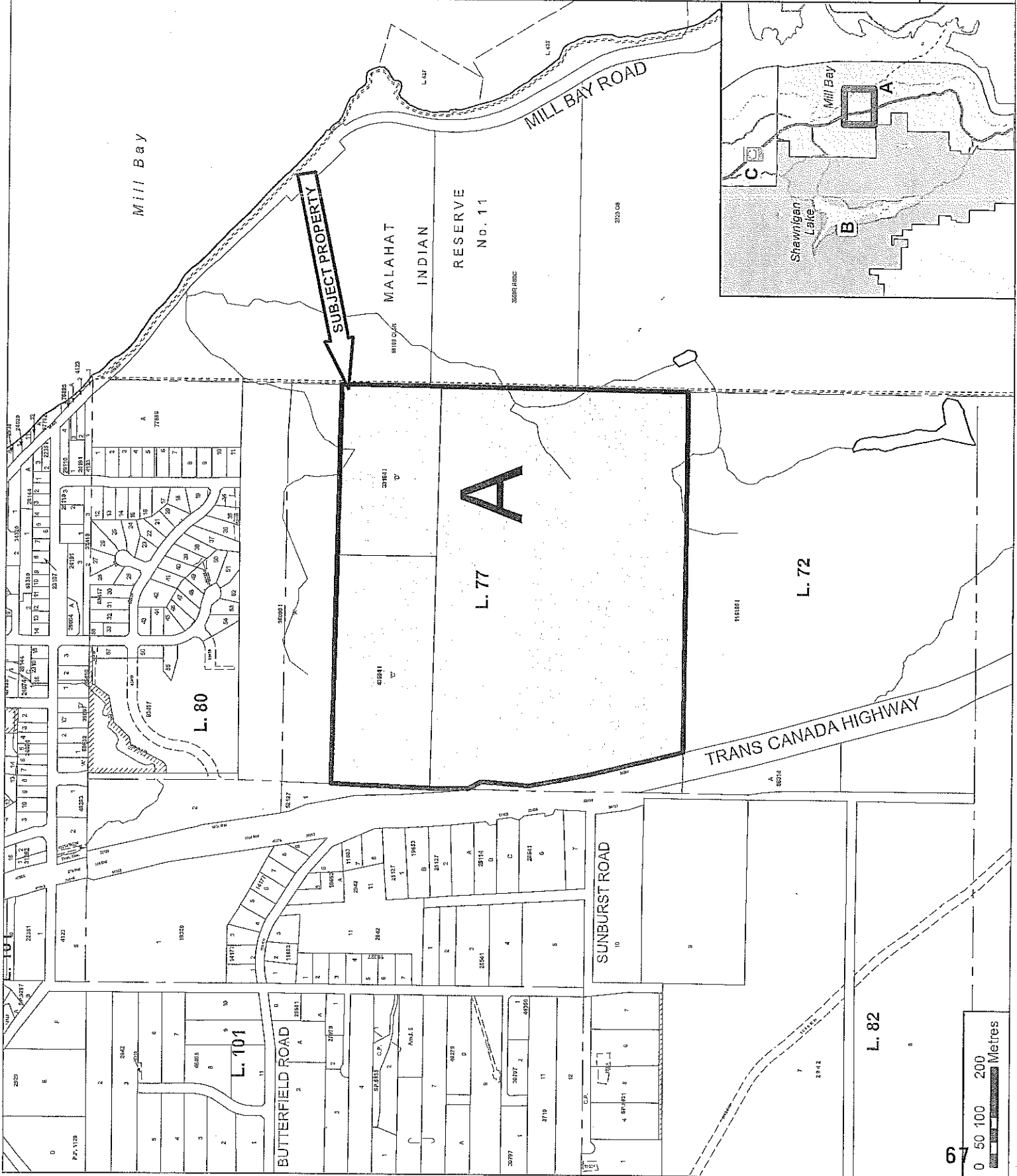
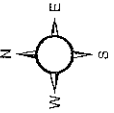
FILE:

06-A-10-DP-RAR

Legend



Subject Property





**Cowichan
Valley
Regional
District**

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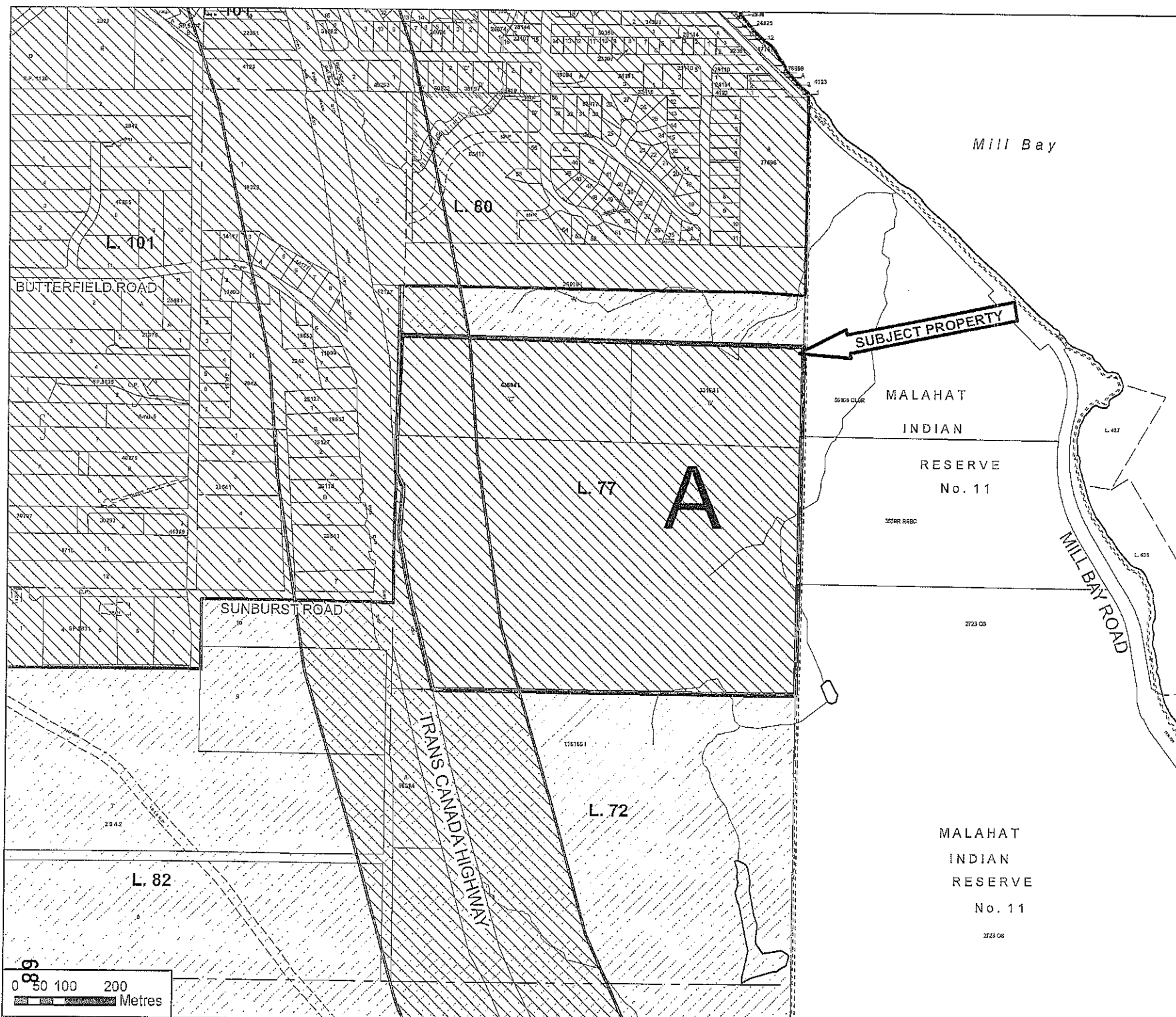
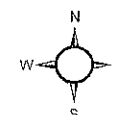
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**FILE:
06-A-10-DP-RAR**

DPA

Legend

-  Subject Property
-  OTHER DPA
-  RIPARIAN AREAS
REGULATION DPA





Cowichan
Valley
Regional
District

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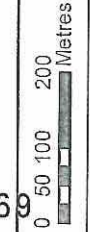
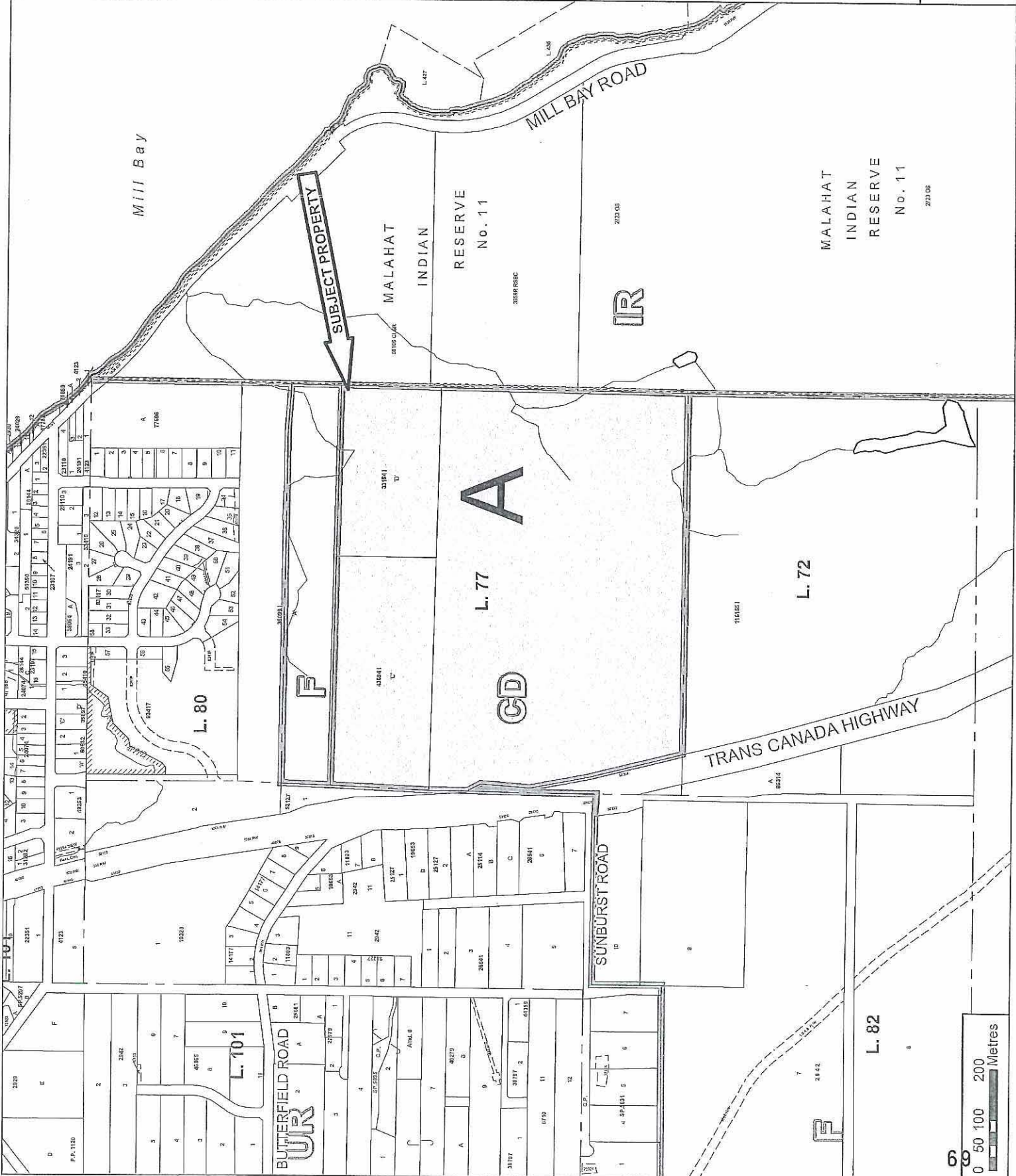
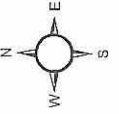
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of the Bylaws.

FILE:
06-A-10-DP-RAR

OCP

Legend





Covichan
Valley
Regional
District

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various sources for internal
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of the Bylaws.

FILE:

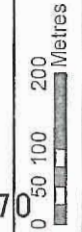
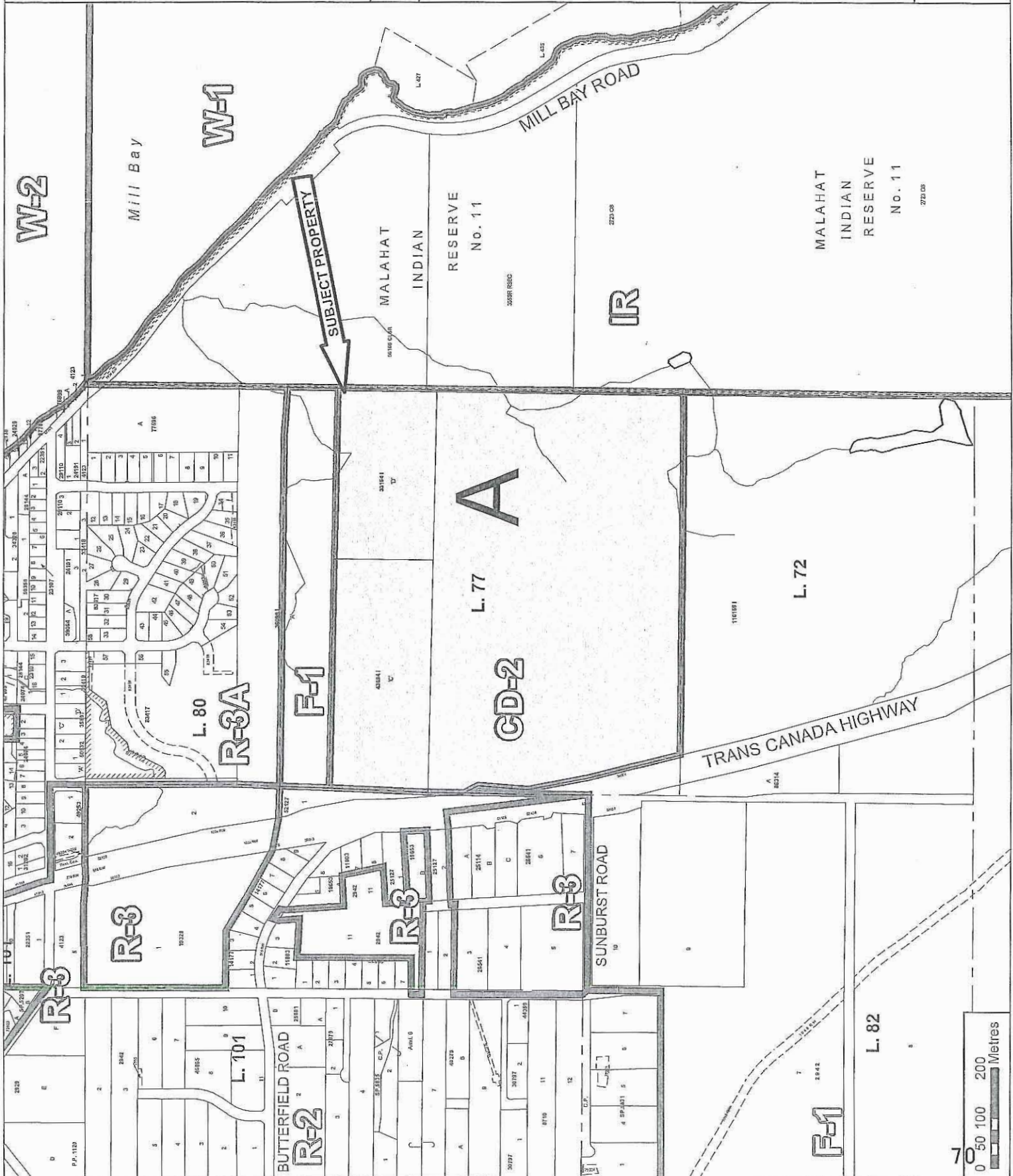
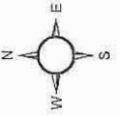
06-A-10-DP-RAR

ZONING

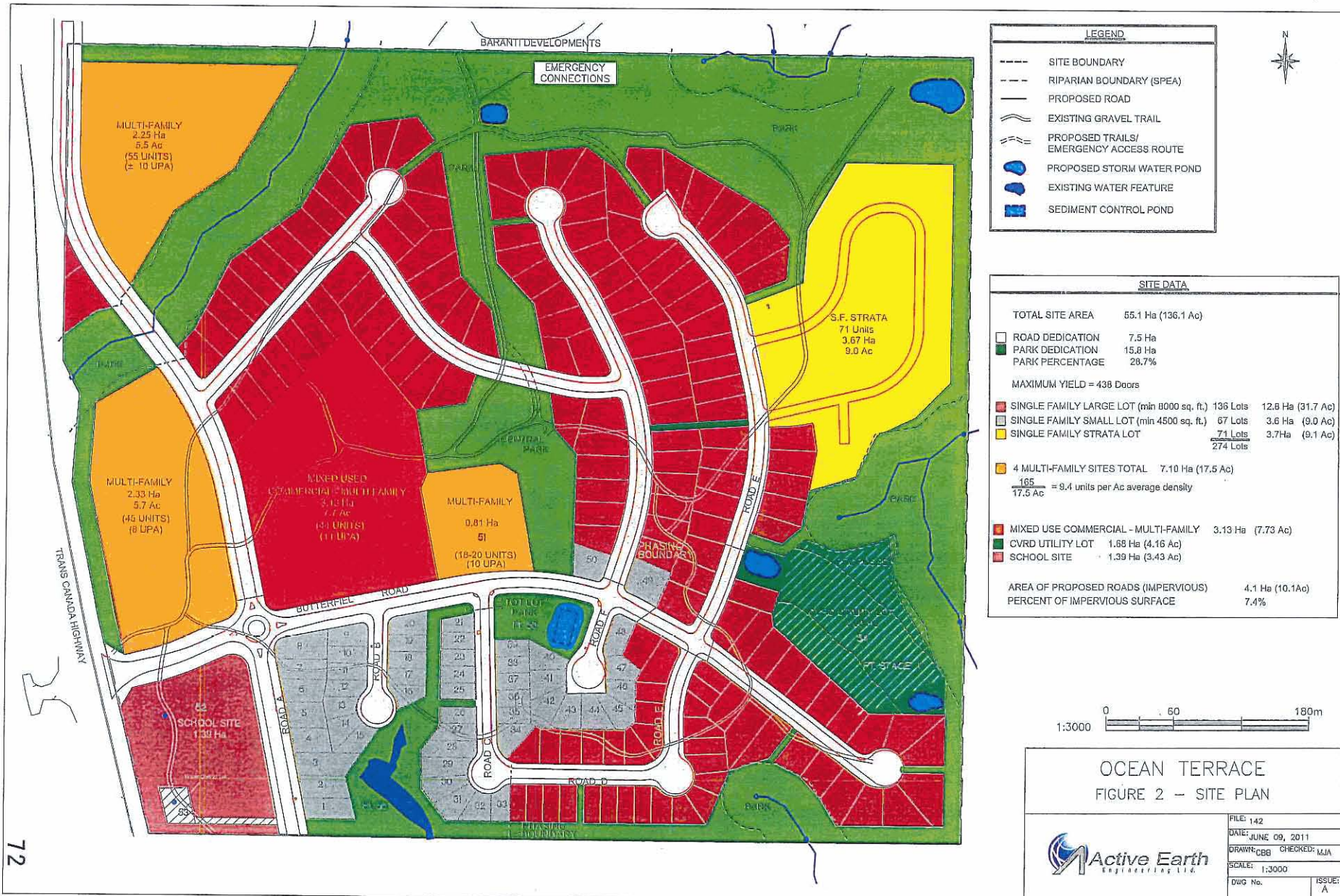
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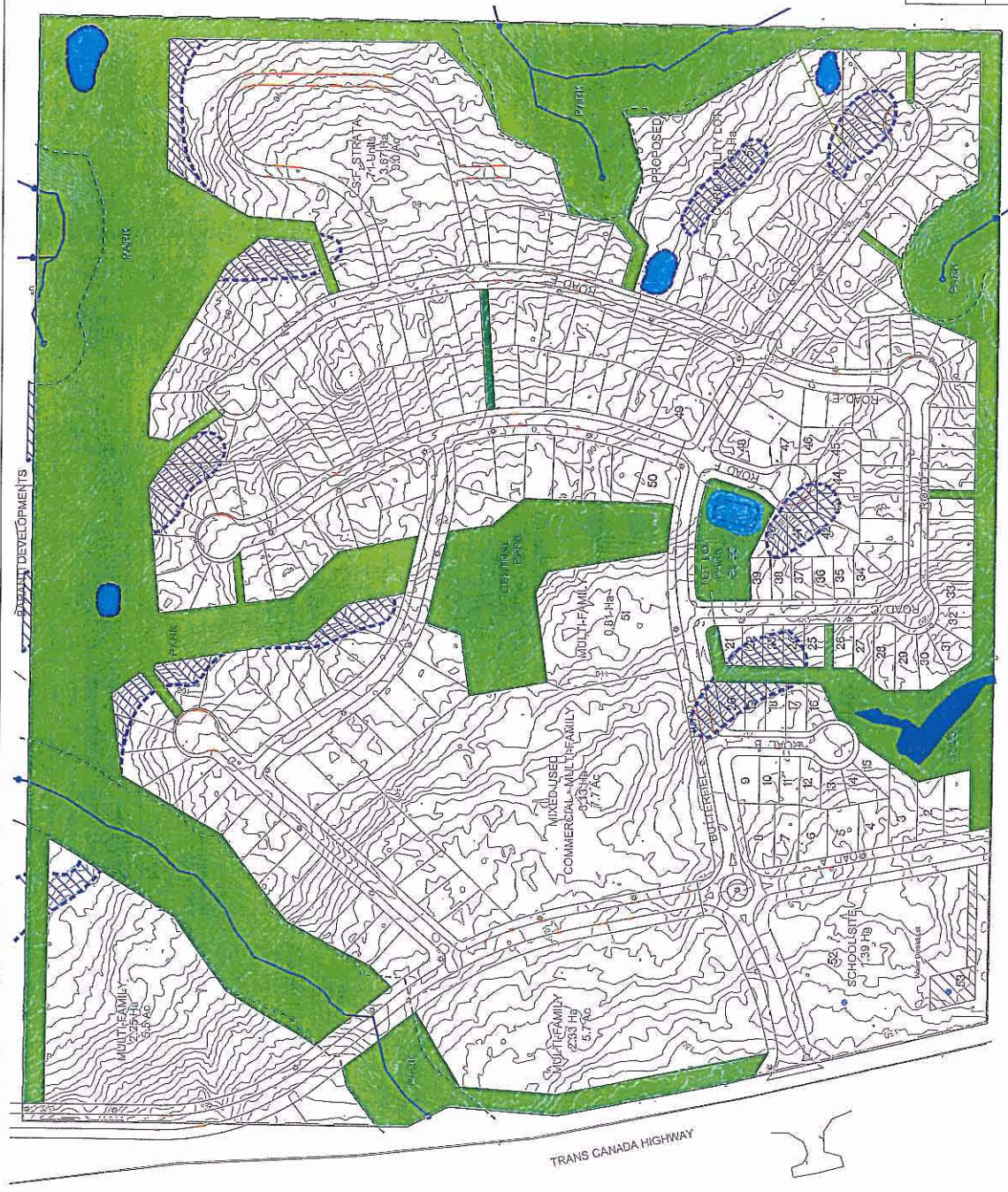


Subject Property
Zoning Electoral Area A

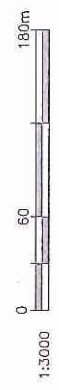


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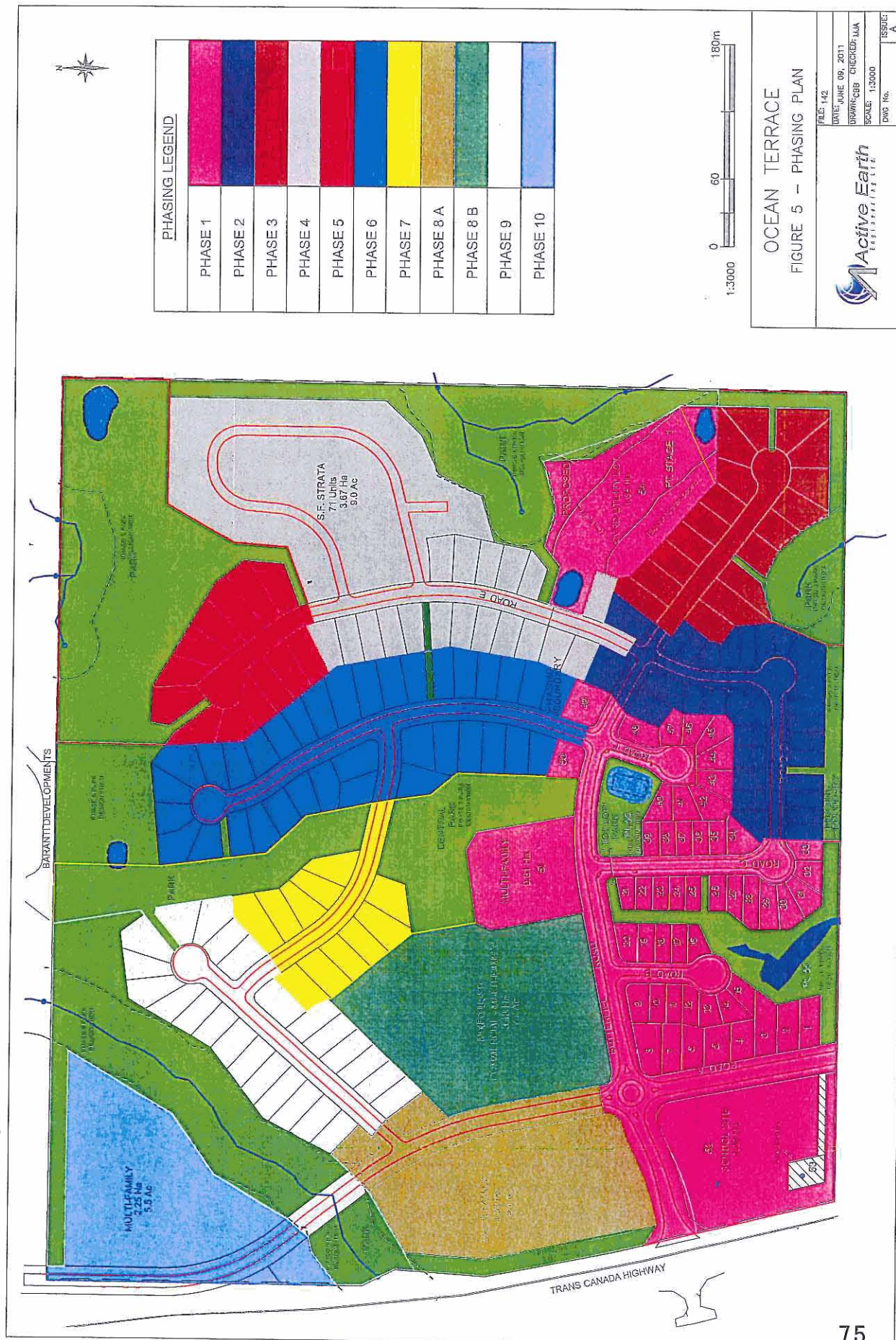
LEGEND	
---	SITE BOUNDARY
---	RIPIARIAN BOUNDARY (SFEA)
---	PROPOSED ROAD
*	STREET LIGHT
⊗	ENTRY SIGN
///	SLOPES GREATER THAN 20%
■	EXISTING WATER FEATURE
■	PROPOSED STORMWATER POND

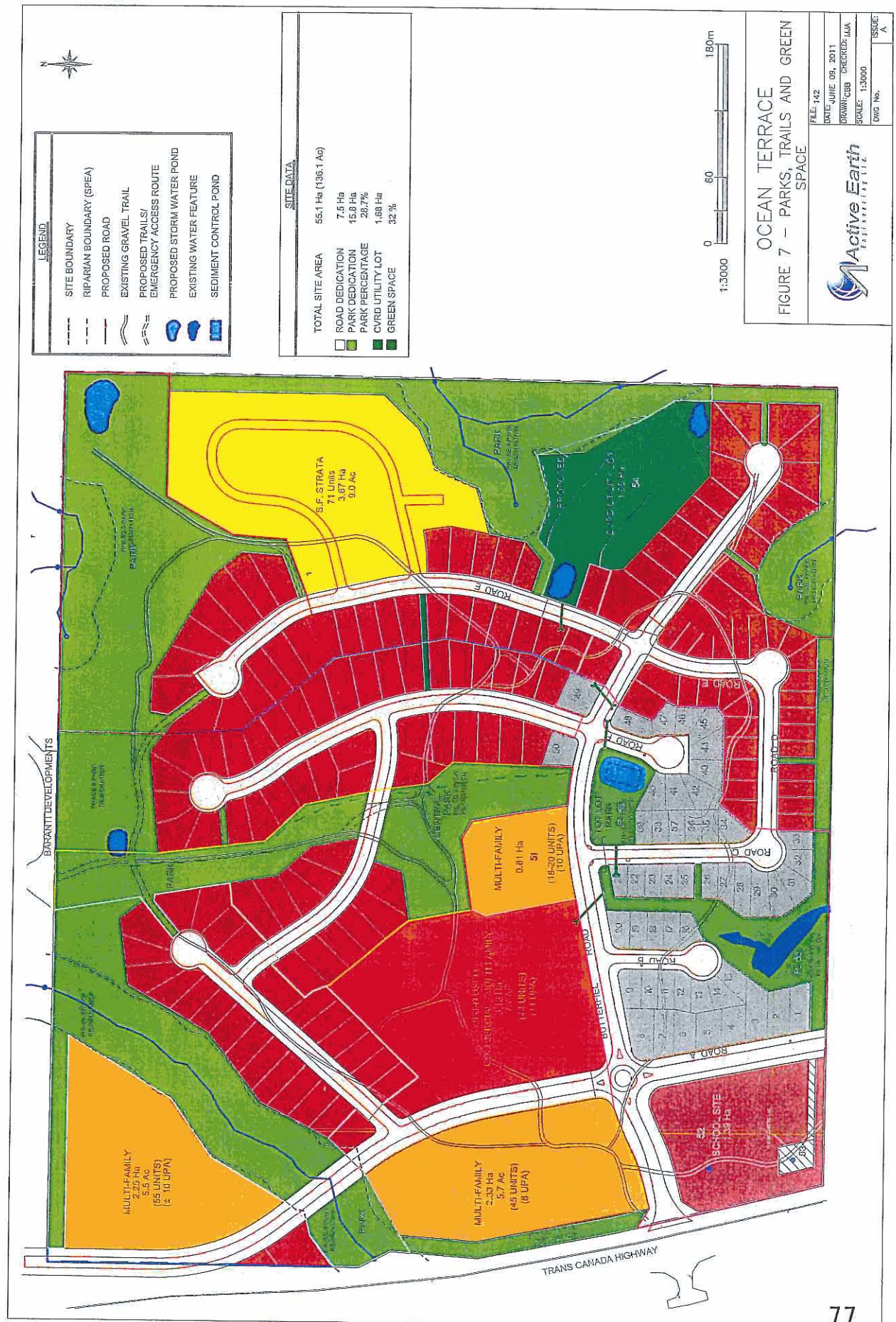


OCEAN TERRACE
FIGURE 4 – ROAD, STREET LIGHTING,
AND SITE CONSTRAINTS

FILE: 142
DATE: JUNE 09, 2011
DRAWN: CBB
CHECKED: JAA
SCALE: 1:3000
DWG No.
ISSUE: A



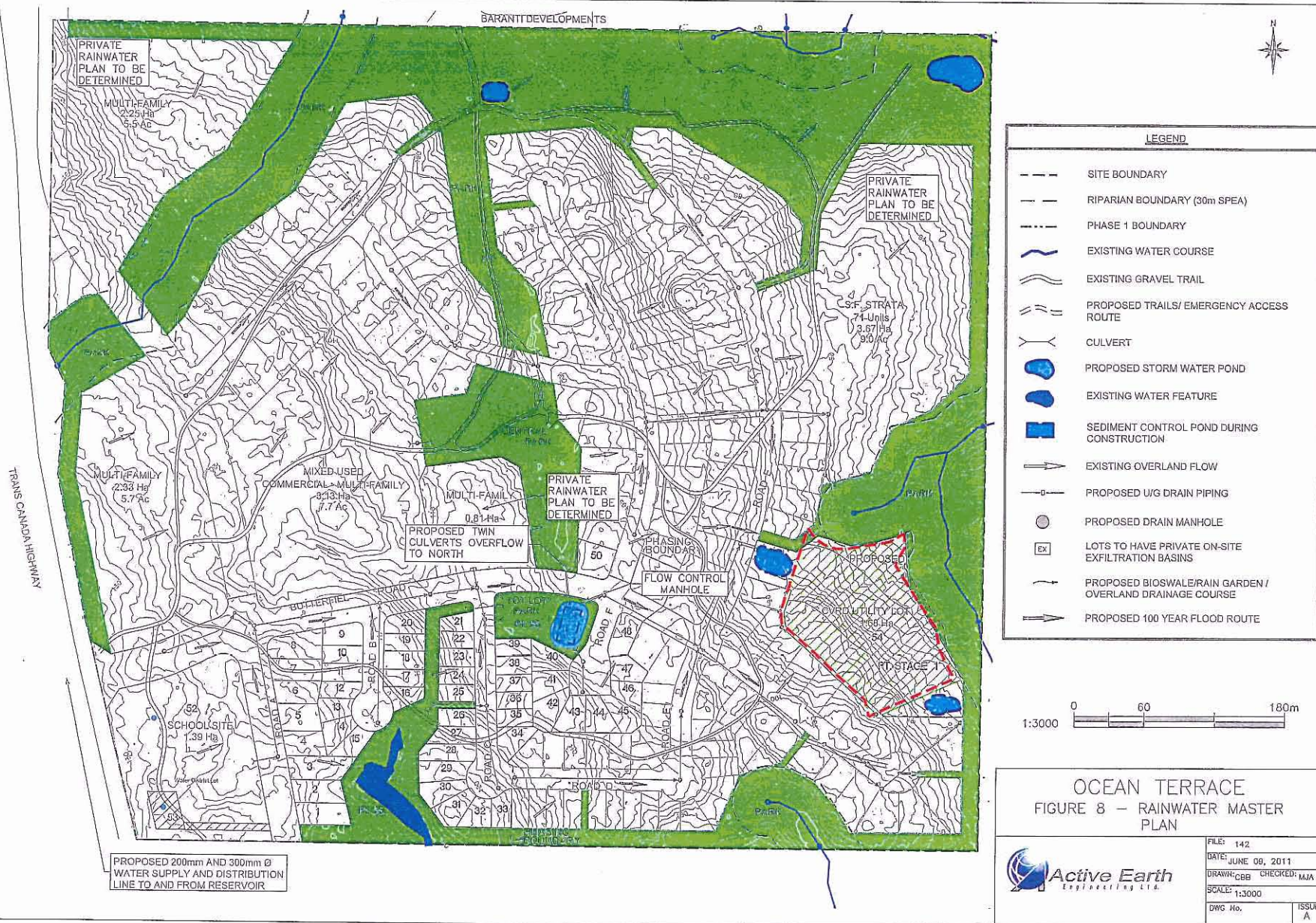




OCEAN TERRACE
FIGURE 7 – PARKS, TRAILS AND GREEN SPACE

FILE 142
DATE: JUNE 08, 2011
DRAWN/CBB CHECKED: LJA
SCALE: 1:3000
DWC No. ISSUE A

Active Earth
CONSULTANTS



Development Permit Application
Green Features

1. Attention to Smart Growth Principles

a. Mixed Land Uses

Ocean Terrace has a mixture of homes, retail, business, and recreational opportunities.

b. Well-designed Compact Neighborhood

Residents can choose to live, work, shop and play in close proximity. People can easily access daily activities, transit is viable, and local businesses are supported through the village market. Additionally, substantial amenities are on site.

c. Variety of transportation choices

Neighborhoods are attractive and have safe infrastructure for walking, cycling and transit, in addition to driving.

d. Creating Diverse Housing Opportunities

People in different family types, life stages, and income levels can afford a home in the neighbourhood.

e. Preserve open spaces, natural beauty, and environmentally sensitive areas

Development respects natural landscape features and has higher aesthetic, environmental, and financial value.

f. Utilize Smarter, and Cheaper Infrastructure and Green Buildings

Centralizing density reduces infrastructure costs. Green build and other systems can save both money and the environment in the long run.

g. Foster a Unique Neighbourhood Identity

Each community is unique, vibrant, diverse, and inclusive.

h. Nurture Engaged Citizens

Places belong to those who live, work, and play there. Engaged citizens participate in community life and decision-making.

2. Planning

a. Live, Work, Play

Creating opportunities for residents to live, work, and play in the same neighbourhood, thereby reducing vehicle dependence.

b. Aging in Place

Neighbourhood offers a wide range of housing choices permitting residents to age in place.

c. Centralized Density Near Core

Focusing density around the core reduces infrastructure costs, and focuses foot and cycling traffic in the core. It also reduces vehicle dependence by locating services within walking distance

d. Connectivity

Through an extensive network of paths, parks, trails, and sidewalks, residents can easily move between different areas within the neighbourhood.

3. Green Space

a. Wildlife Corridors

With an abundance of park space that includes wildlife corridor strips, animals can move easily throughout the neighbourhood and to other parts of the community.

b. Preservation of Large Buffer

Substantial stands of park space with existing second growth timber remain along many park boundaries.

c. Use of Existing Path

Many haul roads from previous logging are retained as trail corridors, thereby mitigating the disturbance of soils and environment impact.

d. Bio- Swales and Rain Gardens

The use of bio-swales and rain gardens to treat and attenuate storm water flow will be an integral component of the development, permitting the natural adsorption of surface flows to provide aquifer recharge.

e. Ex-filtration Basins

Where possible on individual lots, exfiltration basins will control the flow of storm water by treating and attenuating runoff prior to discharging to the greenspaces.

Green Initiatives

a. Construction

Developer to encourage build green on residential construction. Low flow fixtures will be part of the building covenant, and energy efficient heating and hot water tanks will be a priority. Retaining native soil and the recycling of removed soil will be a developer condition. Additionally, landscaping will see the introduction of only native species.

b. Recycle or Timber

Developer using wood chips for silt control and for future paths. Additionally, the reuse of fallen timber will be incorporated in fence product and some trim.

c. Soil Recycling

Considerable amounts of overburden will be stripped, stored, screened and eventually reused onsite. In doing so we intend to minimize the number of truck movements, thereby reducing the loading of existing road networks, and reduce the carbon footprint. Additionally, reusing the native material from the site will ensure soil compatibility.

d. Rock

Developments of this size require a diverse range of rock. Not only will existing rock from this site be reused, we also anticipate harvesting the rock from the property immediately adjacent to the development. As is the case with soil recycling it is anticipated we will significantly reduce the dependence on trucking from other areas and the impact that trucking would have on existing roads, therein minimizing our carbon footprint.

e. Onsite Construction Waste Recycling

The Developer intends to set up a centralized centre for recycling of construction materials. This will eliminate multiple trips by contractors to neighbouring communities for waste disposal and recycling. As previously mentioned, this will reduce the sites carbon footprint, and again reducing the impact of traffic on local and existing roads.

Area A Advisory Planning Commission Minutes

8 March 2011 at 6:30 PM

Mill Bay Fire Hall

Present: June Laraman, Deryk Norton, David Gall, Ted Stevens, Margo Johnston, Cliff Braaten, Brian Harrison (Director, Area A), and Rachelle Moreau (CVRD Planner)

Regrets: Dola Boas, Archie Staats, Geoff Johnson, and Roger Burgess (Alternate Director, Area A)

Audience: 1 public representative

Meeting called to order at 6:30 pm.

Previous minutes:

It was moved and seconded the minutes of 8 February 2010 meeting be adopted.

MOTION CARRIED

New Business:

Ocean Terrace Development Permit Application No. 6-A-10DP/RAR (Wyatt)

Purpose: To consider the issuance of a development permit that would allow subdivision for 201 residential lots, 3 multi-family designated areas, one mixed multi-family and commercial area, a lot dedicated for a school site, and designation of an area for subsequent strata subdivision.

Mark Wyatt, the applicant presented an overview of the development. Presentation started with original plan to explain why the plan has changed.

New plan:

Site:

- Site fixed at 438 residences.
- Has cleared the area for first phase.
- Smart Growth" principles - close proximity to amenities.
- Building scheme for phase 1 – 64 lots. CVRD has a copy.
- Commercial will be 2 stories – low profile. Furthest residence from retail 250m.
- Phase 2 – small lots/multi-family residences – near hwy.
- Commercial tucked away within development, as this is what community wanted.
- Topography changed road layout, which changed development layout.

Roads:

- Old road system will be used for natural trails – needs some upgrading for trails.
- Traffic circle in centre on Butterfield Rd.
- Sidewalks will be provided if approved by MoT
- Roads in place for phase 1 in Nov. – construct homes Dec/Jan.
- Rozen Rd not punched through due to ravine.

Parks:

- Park dedication increased to 28%.
- Expanded central park similar to Huckleberry with tot lot.
- Small tot lot in first phase.
- Phase in parks.

Rachelle Moreau, CVRD Planner, explained the project which was rezoned in 2007.

APC Discussion and Questions to Mark Wyatt or Rachelle Moreau:

1. Why is the school site where it is on the hwy?
 - Smart growth supports location.
 - School Board noncommittal.
 - Commercial not on hwy.
2. Population and parking?
 - 900-1,000 residents.
 - Vehicle parking - single homes - 2 cars, 1.5 multi-family.
 - 8,000-sq. ft. lot size can have a secondary suite – allowed. Approx. 136 secondary suites -- on street parking for secondary suites.
 - Small lots have a separate garage?
 - No, only attached garages.
3. Affordability?
 - Phase 1 - Market driven – \$375,000 range - \$120/sq. ft. includes small lot about 45 ft. x 100-ft. (4,500-sq. ft.). Value of lot approximately \$140,000.
4. Why is the Commercial not until Phase 8?
 - Need people to use facility – 1,000 homes
 - Concept like "Mattick Farm" in Cordova Bay, Victoria.
 - Could start some Commercial with Phase 1.
5. Why is Commercial not near hwy with a buffer?
 - In 2007 public wanted it tucked away.
 - Public feedback based on open houses done by developer.
6. Butterfield intersection developed on both sides of hwy?
 - Only changed on east side of hwy – other side not required to be upgraded until Phase 1 of development on west side of hwy.
 - Will be a left turn lane on east side.
 - Developer needs to fill so grade is no greater than 4%.
7. Secondary access?
 - Who responsible to build Sangster Road?
Various builders, Sentinel Ridge, Baranti, Sangha, and Ocean Terrace – nothing needs to happen until each of the developer phases are near Sangster Road. The portion of Sangster Road for Ocean Terrace doesn't need to be completed until the final phase of development.
 - Rozon Road – steep ravine – needs a bridge – \$2 million + to build

Appears there is no secondary access or collector road until Ocean Terrace build out and maybe later as there are other developers also involved.

There could be 5,400 vehicles daily in and out of Ocean Terrace at Butterfield Road.
8. Will walking / bicycle paths connect this project to other areas of Mill Bay e.g. Mill Bay Centre?
 - No, only paths throughout the Ocean Terrace development.
9. "Smart Growth" incentives? "Smart Growth BC" project is no longer in exists.
 - Heat pumps other developer is looking into geothermal.
 - Can LEED construction standards be applied instead of "Smart Growth" – developer looking at builders who meet this standard.

10. Are sidewalks allowed?
 - CVRD can have sidewalks – Area A will be included in the sidewalk zone – allows sidewalks – bylaws need to be drawn up.
 - Developer plans to do sidewalks assuming approval from MoT.
11. How many tot lots?
 - Two, developer will build one tot lot; the other is a land donation only.
12. Will the building scheme be enforced by the developer? An approving sheriff for enforce?
 - Building scheme will be tight but not too restrictive.
 - Retain form and character of the development.
 - Landscape scheme needs to be controlled by developer.
 - A few selected builders for phase 1 with controls in place.
13. Why strata?
 - 71 units single family strata.
 - To shrink road width to 6-8 metres.
14. Where is well for water supply?
 - By highway located near school site.
15. Who will pay for the Central Park, which is a feature of this community, not all residents of Mill Bay?
 - Paid by the tax payers of Mill Bay not developer.
16. Will there be a road way near by for the Strata – multi-family – last phase residence to get go in and out? Multi-family doubles the residential size and has no road way out except Butterfield Road.
 - Roads controlled by MoT.
17. Why not chip waste instead of curtain burning?
 - Less expensive to burn and allowed in Area A.
18. How will the drainage be managed?
 - Porous ground lets water drain through
19. Where are the wildlife corridors? Mitigation – Page 6 “Retention of significant numbers of trees and area of forest as park will mitigate loss of wildlife by establishing wildlife habitat corridors and protecting sensitive riparian areas.”
 - Only wildlife corridor is an area in the centre of the project – stretching to call this a wildlife area.
 - Most of the trees if similar to phase 1 will be removed by the developer. APC did a walk through the site a few days before the meeting.
 - Area of natural forest to remain on residential lot? Best effort by developer to retain trees – he’ll try.
 - No really natural areas left except the riparian area with park land on the outer edges of the development.
 - How much park and how much riparian? – Developer doesn’t know.
 - Lots of park with riparian areas – Developer stated he could have cut back on riparian setbacks.
 - There are many unanswered questions around the proposed mitigation plan. Consideration should be given to referring the development permit back to the APC PRC for review.

20. Timing of Development? Page 6 "Development permit may impose conditions for the sequence of timing of development on land described in the permit." Why not consider doing the commercial area sooner as it would lessen the need for traffic within the complex and other nearby developments to drive to Mill Bay Centre for such things as groceries?

- May impose different phasing.

APC Recommendations:

The Area A APC have concerns about the **Ocean Terrace Development Permit Application No. 6-A-10DP/RAR (Wyatt)** in its current form and recommends to the CVRD the following changes be implemented:

1. Multi-family and commercial locations should be switched with adequate buffering and height restriction or sighting from the Hwy.
2. To more aggressively work with MoT to ensure a secondary road location happens sooner than later. Very important for emergency vehicle access.
3. Consider an accessory storage area for residents.
4. Height restriction of 7.5 metres for single family homes. This development is on the east side of Hwy and the restriction exists for other structures within Mill Bay.
5. Recommend sidewalks be encouraged.
6. Recommend adequate parking for secondary suites.
7. Trails in place starting with first phase.

Other:

SCOCP open house events start next week. Information should be on the area signs 9 March 2011.

The dates are as follows:

Tuesday 4 to 7 PM

22 March Shawnigan Lake Community Centre Gym

Thursday 4 to 7 PM

17 March Mill Bay Community League Hall

24 March Mill Bay Community League Hall

31 March Cobble Hill Hall

Saturday 10 to 2 PM

19 March Mill Bay Community League Hall

26 March Mill Bay Community League Hall

2 April Shawnigan Lake Community Centre Gym

Director Update:

- Mill Bay Marina Public Hearing Report and Minutes presented at the CVRD Board Meeting, Wednesday 9 March 2011 p.108-126
<http://www.cvrld.bc.ca/archives/30/Board%20Agenda%20March%209%202011.pdf>
- CVRD recently signed up for the province's "regional district land use bylaw exemption" pilot program. This means the CVRD will no longer need provincial permissions for changes to official community plan bylaws as well as four other types of land use management bylaws.

Meeting Adjournment:

It was moved and seconded the meeting be adjourned.

MOTION CARRIED

Meeting adjourned at 9:10 pm.

The next regular meeting will be at 6:30 pm, **12 April 2011** at Mill Bay Fire Hall.



OCEAN TERRACE

SMART GROWTH | principles . approach

OCEAN TERRACE

- > a sustainable, active living neighbourhood
- > 135 acre parcel of land
- > Smart Growth Principles
- > mixed land use
- > focus on walking/cycling
- > interconnected trail system
- > building design promoting neighbourhood interaction

"Smart Growth" is a collection of mixed land use principles. The principles ensure that growth is environmentally and socially responsible and also recognizes the important connections between land use, the natural environment, and quality of life.

Mixed land use: Neighbourhoods should have a diversity of housing types, retail, business and recreation opportunities in order to make them self-sufficient and to foster a sense of community.

Compact walking/cycling neighbourhood: Residents can live, work, shop and play in close proximity. Access to daily activities is within a five minute walk/cycle through a series of interconnected trails and paths.

Variety of transportation choices: Neighbourhoods are attractively designed to provide safe infrastructure for walking, cycling and transit, with less dependence on the automobile.

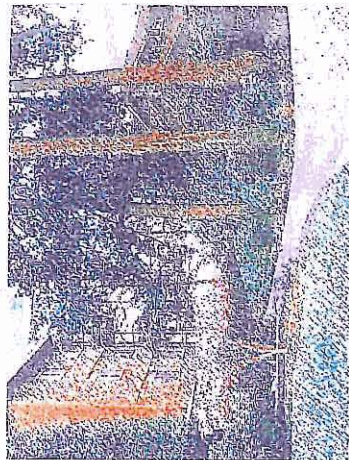
Diverse housing opportunities: "Aging in place" provides people at different life stages with the opportunity to grow with the neighbourhood.

Preservation of open spaces and natural beauty: Where possible, the neighbourhood development will respect the natural landscape. Linear trails border the neighbourhood and follow natural water courses thereby protecting the aesthetic and environmental values of the land.

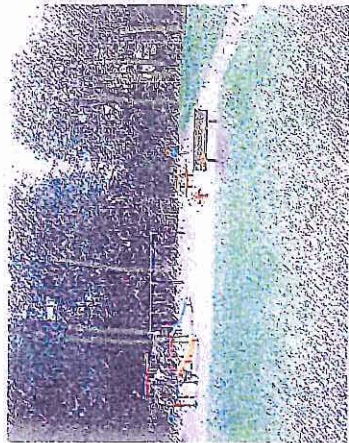
Nurture engaged citizens: Neighbourhoods belong to its residents as this is where they live, work and play. Engaged citizens participate in community life and decision making.



A typical walking/cycling trail.



Mixed residential provides a diversity of housing opportunities.



Abundant park space for all ages.

A PLACE TO CALL HOME

setting a new standard for the future of Mill Bay

OCEAN TERRACE

Owner
Ocean Terrace Properties
2868 Mill Bay Rd
Mill Bay
Victoria

Architect
de Hoog & Kicouf architects
205-5325 Cordova Bay Rd
Victoria

Surveyor and Engineer
J.E. Anderson and Associates
4212 Stanford Avenue
Victoria

Hydrogeologist
Loren Hydrogeology Consulting
4030 Zimnia Road
Victoria

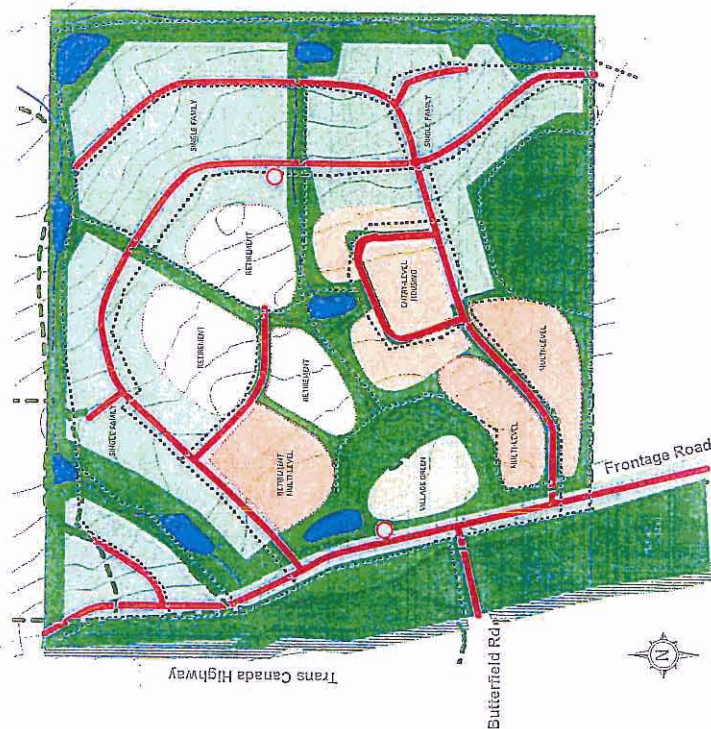
Water Consultant
1st Team Consulting
205-2728 Squarce Road
Victoria

Waste Water Management
Kier Wood Ltd
201-3049 Douglas Street
Victoria

Land Use Consultant
WFO Inc
3312 University Woods
Victoria

Environmental Consultant
Sutton Environmental Inc
40-40 Cadillac Avenue
Victoria

Traffic Engineer
Slavent Engineering Ltd
100-945 Bear Mountain Parkway
Victoria



LEGEND:

- bus stop
- proposed bike trails and street shoulder dedication
- proposed streets
- walking/off-road cycling trail

A well planned, integrated neighbourhood based on Smart Growth Principles will set new standards for the future of Mill Bay.

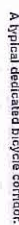
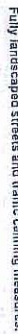
The concept will create a sustainable, active living environment with a pedestrian/cycling focus, designed to complement the natural environment.

Registered land covenants will ensure quality and consistency; this, protecting the value and integrity of the neighbourhood.

Mixed residential options will create neighbourhood diversity and a range of housing choices. Interconnected paths and trails will facilitate a neighbourhood feeling.

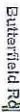
Registered building schemes will include architectural design standards for home exteriors, signage (including street numbers), street lighting, landscaping, driveway patterns, retaining walls, and fencing, and will focus on the use of natural materials to complement and unify the neighbourhood with its natural setting.

transit . connectivity . network



- # OCEAN TERRACE

de Hoog & Klennf architects



326

proposed bike trails and street shoulder dedication

100

Parking areas will be designed to allow water to filter naturally into the ground, reducing direct impact on local streams.

Canada Highway to reduce visibility and noise.





Village Green provides small scale, local interaction.



Small lot housing surrounds Village Green.



Mixed residential provides a diversity of housing opportunities.

- > creates diversity
- > range of resident options
- > central commercial core
- > live-work options
- > pedestrian/vehicle/cycling integration
- > promotes a neighbourly atmosphere
- > proposed school site

MIXED USE | village green . housing . school . recreation

OCEAN TERRACE
de Haag • Kierulff architects



Providing quality housing for all ages, household formations, and income levels is an integral component of Smart Growth. No single type of housing can serve diverse residential needs.

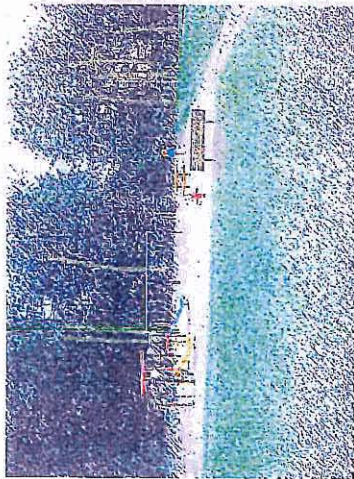
A variety of residential housing types will create diversity and provide a range of housing alternatives to individuals at different life stages, thereby enhancing the prospect of "aging in place".

Entry level housing with its blend of smaller lots and multi-level options create opportunities for singles, young families, empty nesters and single parents. Larger homes will cater to established families needing more space. The retirement component will offer secure, small lot and multi-level options for the active retiree.

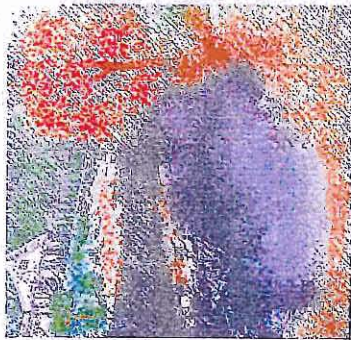
At or near the centre of the neighbourhood will be a low impact commercial centre. The Village Green will provide a cross section of services and is centrally located to encourage efficient access on foot or bicycle with the overall focus on the pedestrian rather than the automobile. The Village Green will be buffered by green space for public use and interaction.

LEGEND:

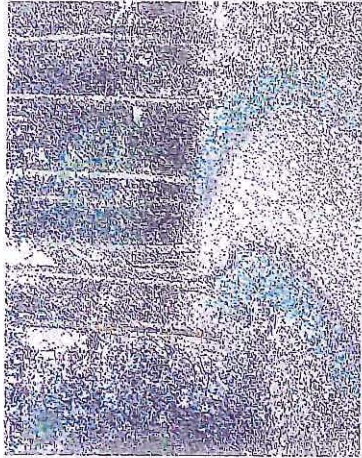
	single family		multi-level residential
	retirement		Village Green
	entry level housing		



Abundant park space for all ages.



Biofilter ponds for water collection.



A typical nature trail.

GREEN SPACE

park and trail system, biofilter ponds

OCEAN TERRACE

de la Haye & Kierulff architects
d+g

- > extensive linear trail system
- > preservation of natural landscape
- > environmental sensitivity
- > integration with CVRD's 20 Year Park Plan
- > follows natural elements
- > biofilter water retention ponds
- > existing tree retention
- > walking and cycling paths



Butterfield Rd

Trans Canada Highway



Greenspaces are designed for healthy and active living thereby promoting neighbourly interaction and connectivity.

Open spaces, natural beauty, and environmentally sensitive areas will all be protected and preserved. The neighbourhood will also tie into the 20 Year CVRD Park and Trail Master Plan.

Paths that run parallel to water courses will allow residents to enjoy natural features without damaging the sensitive areas.

Green space will border the development through a series of linear parts that follow the natural features of the land. Where possible, interconnected trails will link residential nodes.

Biofilter ponds linked by natural water courses will serve to enhance the natural beauty of surrounding parks and trails.

LEGEND:



green space



biofilter ponds



proposed walking/off-road cycling trail

LEGEND:

trail corridor (proposed)

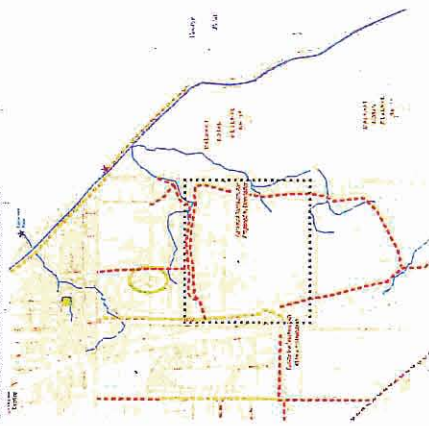
off-road walking path (proposed)

roadside walking path (proposed)

multi-use trail (proposed)

multi-use trail (proposed)

20 Year CVRD Park and Trail Master Plan.



8.10 CD-2 ZONE - COMPREHENSIVE DEVELOPMENT

Subject to compliance with the general requirements detailed in Parts 4 and 5 of this Bylaw, the following regulations shall apply in the CD-2 Zone.

1. A minimum of 20% of the lands within the CD-2 Zone will be used for parkland.
2. A future school site will be provided in the CD-2 Zone.
3. The CD-2 Comprehensive Development Zone shall allow for a commercial development area whereby the following regulations apply:
 - a) Commercial development shall be permitted on a maximum site area of 1.4 ha.
 - a) Commercial development shall be located on contiguous parcels of land, rather than being fragmented throughout the site.
 - b) The following commercial uses, and no other commercial uses, are permitted:
 - i. Daycare
 - ii. Convenience Store
 - iii. Professional, Financial Offices
 - iv. Personal Service Use
 - v. Retail
 - vi. Software Development
 - vii. Printing, publishing, libraries
 - viii. Plant nursery, horticulture, retail sales of gardening supplies and produce, accessory outdoor storage
 - ix. Restaurant, catering
 - x. Community use
 - xi. Sale, rental or servicing of power tools and household equipment
 - xii. Veterinary clinic
 - xiii. Office, wholesale sales, warehousing
 - d) Within the commercial development area:
 - i. The parcel coverage shall not exceed 50 percent for all buildings and structures;
 - ii. The height of all buildings and structures shall not exceed 10 m;
 - iii. The following setbacks shall apply:

Column 1 Type of Parcel Line	Column 2 Building and Structures
Front	6.0 metres
Interior Side	6.0 metres
Exterior Side	6.0 metres
Rear	6.0 metres

4. The CD-2 Comprehensive Development Zone shall allow for a range of residential development, whereby the following regulations apply:
- a. The total number of residential units will depend upon lot yield, in accordance with the following regulations, and will not exceed 438 dwelling units (not including secondary suites, which are permitted on single family residential parcels over 0.074 ha). Of the total residential units, a minimum of 136 dwelling units, or 31% of units shall be single family residential units, and a minimum of 165 units or 38% shall be multi-family units, with the remainder being a mix of single family, duplexes and multi-family dwelling units.
 - b. The minimum parcel sizes for residential development shall be:
 - i. Single Family Residential (with potential suite): 0.074 ha.
 - ii. Small Lot Single Family Residential: 0.04 ha
 - iii. Duplex/2 Family Residential: 0.05 ha
 - iv. Multi Family Residential: 0.1 ha
 - c. The following residential uses and no other residential uses shall be permitted:
 - i. Single Family Dwelling
 - ii. Multi Family Dwelling
 - iii. Duplex
 - iv. Bed and Breakfast Accommodation
 - v. Daycare, Nursery School accessory to a Residential Use
 - vi. Home Occupation
 - vii. Secondary Suite, on parcels of 0.074 ha (8000 ft²) or larger.
 - d. The parcel coverage in Residential areas shall not exceed:
 - i 35 percent for single family dwellings and accessory buildings and structures;
 - ii 40 percent for duplexes and accessory buildings and structures;
 - iii 40 percent for multi family dwellings and accessory buildings and structures.
 - e. The height of all buildings and structures shall not exceed:
 - i 10 m for single family dwellings;
 - ii 10 m for duplexes;
 - iii 12 m for multi family dwellings
 - iv 6 m for accessory buildings and structures.
 - f. For residential development, the following minimum setbacks shall apply:

Column 1 Type of Parcel Line	Column 2 Single Family Dwellings	Column 3 Duplex/2 Family Dwellings	Column 4 Multi Family Dwellings	Column 5 Accessory Buildings and Structures
Front	4.0 metres	4.0 metres	3.0 metres	7.5 metres
Interior Side	1.8 metres	3.0 metres	3.0 metres	1.8 metres
Exterior Side	3.0 metres	3.0 metres	3.0 metres	3.0 metres
Rear	4.0 metres	4.0 metres	4.0 metres	1.5 metres



R3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 5, 2011

DATE: June 28, 2011

FILE NO: 6-D-08 DP

FROM: Rachelle Moreau, Planner I

BYLAW NO:

SUBJECT: Application No. 6-D-08DP/RAR
(Parhar Holdings – first phase)

Recommendation/Action:

That application No. 6-D-08 DP/RAR submitted by Parhar Holdings for construction of the first phase of the Parhar Business Centre consisting of three buildings totaling approximately 4,200 m² on Lot 1, Section 13, Range 7, Quamichan District, Plan VIP88052 (PID: 028-237-765) be approved, subject to :

- a) Buildings constructed in accordance with the building elevations dated August 23, 2010;
- b) Installation of underground wiring;
- c) Oil/water separators be installed in the parking areas;
- d) Fencing along the Chaster Road frontage will be black or green chain link;
- e) Submission of landscape construction drawings in accordance with the Phase 1 landscape plan dated February 2, 2011 prior to installation;
- f) Landscaping installed in accordance with the plans dated February 2, 2011 to BCSLA standards, including an underground irrigation system;
- g) Submission of a service area petition to enter into a service area for maintenance of the trees within the trail area;
- h) Receipt of an irrevocable letter of credit in a form suitable to the CVRD equal to 125% of the value of the landscaping as depicted on the February 2, 2011 Landscape Plan;
- i) Confirmation from a landscape architect that landscaping has been installed in accordance with the approved plan. 50% of the landscaping security will be returned following successful installation of the landscaping and full construction of the pathway with the remaining 50% to be returned after successful completion of a 3 year maintenance period;
- j) Refuse and recycling areas to be screened and contained within a solid fenced and gated compound(s);
- k) Rainwater management system to be in accordance with Rainwater Management Plan dated December 01, 2010;
- l) Any rooftop equipment will be screened;
- m) Minimum 94 parking spaces required in Phase 1;
- n) Sustainable building elements to include low water consumption plumbing fixtures and energy efficient windows and lighting;

- o) Trail must be completed in consultation with the CVRD Parks and Recreation Department within 12 months of issuance of the development permit for Phase 1. If construction of the pathway is not complete to CVRD standards within this time frame, CVRD may draw on the landscape security funds to construct the pathway.

Relation to the Corporate Strategic Plan: N/A

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

Background:

At the June 21, 2011 meeting of the Electoral Area Services Committee, the Committee referred this development permit application back to Planning staff to identify ways in which the street trees shown on the original landscaping plan dated February 2, 2011 could be accommodated either in the road allowance near the path or on the developer's property. At that time, there was discussion about possibly setting up a service area or a business improvement area.

For reference, a business improvement area is a function only available to municipalities, and a "street tree" service is not one that can be provided by Regional Districts without specific authorization from the Province (similar to sidewalks). Parks, however, are an established service, for which a service area could be established.

The Committee and the Parks and Recreation Department were concerned principally about the long-term maintenance costs associated with assuming responsibility for the proposed street trees. As the trees are within the road allowance, they will need to be approved by the Ministry of Transportation and Infrastructure (MoTI) with the permit to construct the trail. The MoTI will only enter into agreements for maintenance with a local government, not private developers or landowners.

In consideration of the above, staff are recommending that a service area be established for the trail and trees (park), and that the developer enter into a service agreement for maintenance of the trees. The developer would be responsible for annual maintenance of the trees and the rough grass. Through the service area, a maximum requisition amount will be specified which can be drawn on should the required maintenance not be provided.

The applicant has indicated he would be willing to enter into the service agreement, and a petition would need to be provided as a condition of the development permit. It was also requested that the timeline for construction of the pathway be extended to two years, in recognition of the likely timing of construction of the second building.

The developer has requested that a tree inventory not be required as part of the future phases, and as retention of these trees was not proposed through the rezoning or earlier phases of the development permit, staff have removed it as a condition of the permit. If the Committee feels that some of the existing trees should be retained on the site, a motion to include a tree inventory prior to any tree clearing is required.

For reference, please find enclosed the landscape plans. The site plan, building elevations, and rainwater management plan are enclosed within EASC staff report dated June 21, 2011.

Options:

1. That application No. 6-D-08 DP/RAR submitted by Parhar Holdings for construction of the first phase of the Parhar Business Centre consisting of three buildings totaling approximately 4,200 m² on Lot 1, Section 13, Range 7, Quamichan District, Plan VIP88052 (PID: 028-237-765) be approved, subject to :
 - a) Buildings constructed in accordance with the building elevations dated August 23, 2010;
 - b) Installation of underground wiring;
 - c) Oil/water separators be installed in the parking areas;
 - d) Fencing along the Chaster Road frontage will be black or green chain link;
 - e) Submission of landscape construction drawings in accordance with the Phase 1 landscape plan dated February 2, 2011 prior to installation;
 - f) Landscaping installed in accordance with the plans dated February 2, 2011 to BCSLA standards, including an underground irrigation system;
 - g) Submission of a service area petition to enter into a service area for maintenance of the trees within the trail area;
 - h) Receipt of an irrevocable letter of credit in a form suitable to the CVRD equal to 125% of the value of the landscaping as depicted on the February 2, 2011 Landscape Plan;
 - i) Confirmation from a landscape architect that landscaping has been installed in accordance with the approved plan. 50% of the landscaping security will be returned following successful installation of the landscaping and full construction of the pathway with the remaining 50% to be returned after successful completion of a 3 year maintenance period;
 - j) Refuse and recycling areas to be screened and contained within a solid fenced and gated compound(s);
 - k) Rainwater management system to be in accordance with Rainwater Management Plan dated December 01, 2010;
 - l) Any rooftop equipment will be screened;
 - m) Minimum 94 parking spaces required in Phase 1;
 - n) Sustainable building elements to include low water consumption plumbing fixtures and energy efficient windows and lighting;
 - o) Trail must be completed in consultation with the CVRD Parks and Recreation Department within 12 months of issuance of the development permit for Phase 1. If construction of the pathway is not complete to CVRD standards within this time frame, CVRD may draw on the landscape security funds to construct the pathway.

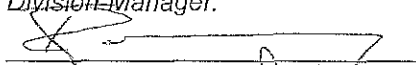

2. That application No. 6-D-08DP submitted by Parhar Holdings Ltd. for construction of the first phase of the Parhar Business Centre consisting of three buildings totaling approximately 4,200 m² on Lot 1, Section 13, Range 7, Quamichan District, Plan VIP88052 (PID: 028-237-765) not be approved, and that the applicant be directed to revise the proposal.

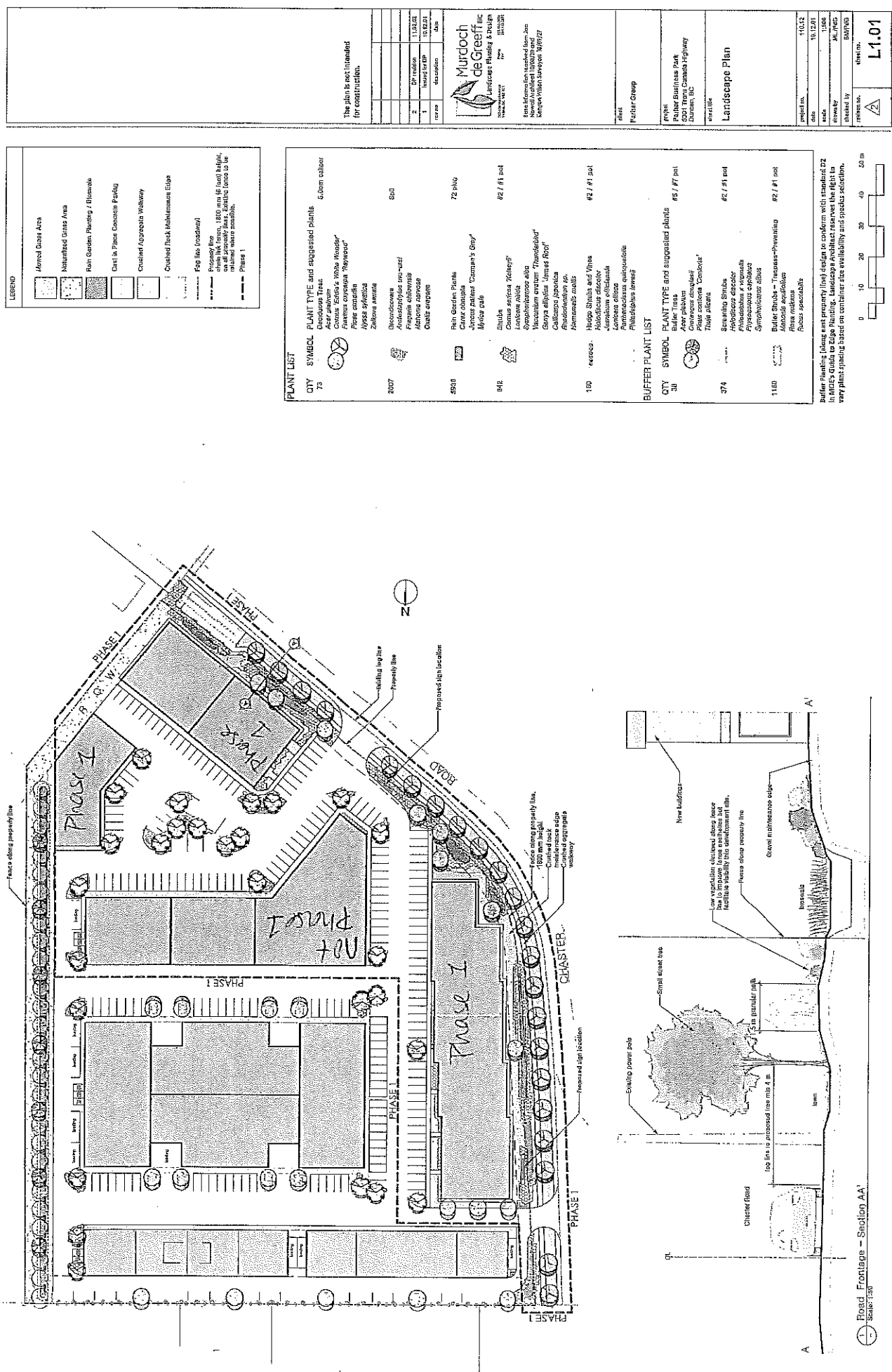
Option 1 is recommended.

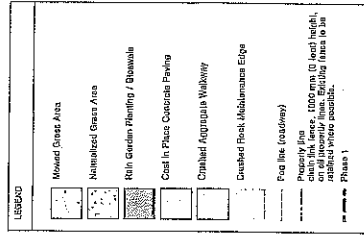
Submitted by,



Rachelle Moreau
Planner I
Planning and Development Department


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



[illegible]

PLANT LIST	QTY	SYMBOL	PLANT TYPE and suggested plants	5.6cm caliper
	67		Deciduous Trees <i>Acer rubrum</i> <i>Cornus 'Eden's White Wonder'</i> <i>Fraxinus excelsior 'Royalton'</i> <i>Malus sylvestris</i> <i>Zaluzna spiraea</i>	
	2007		Conifers <i>Thuja occidentalis 'Smaragd'</i> <i>Thuja occidentalis 'Smaragd'</i> <i>Thuja occidentalis 'Smaragd'</i> <i>Thuja occidentalis 'Smaragd'</i> <i>Thuja occidentalis 'Smaragd'</i>	50d
	5035		Dark Green Plants <i>Carex plantaginifolia</i> <i>Juncus patens 'Common's Gray'</i> <i>Myrica gale</i>	72 plug
	64L		Shrubs <i>Amelanchier canadensis 'Villosa'</i> <i>Loiseleuria glabra</i> <i>Symphoricarpos albus</i> <i>Veronica canadensis 'Thunbergii'</i> <i>Geum album 'Japanese Rose'</i> <i>Geum album 'Japanese Rose'</i> <i>Geum album 'Japanese Rose'</i> <i>Hamamelis mollis</i>	#2 / #1 pot
	160		White Shrubs and Vines <i>Amelanchier canadensis 'Villosa'</i> <i>Loiseleuria glabra</i> <i>Symphoricarpos albus</i> <i>Veronica canadensis 'Thunbergii'</i> <i>Geum album 'Japanese Rose'</i> <i>Geum album 'Japanese Rose'</i> <i>Geum album 'Japanese Rose'</i> <i>Hamamelis mollis</i>	#2 / #1 pot
BUFFER PLANT LIST				
	38		Deciduous Trees <i>Acer rubrum</i> <i>Cornus 'Eden's White Wonder'</i> <i>Fraxinus excelsior 'Royalton'</i> <i>Malus sylvestris</i> <i>Zaluzna spiraea</i>	#6 / #7 pot
	574		Conifers <i>Thuja occidentalis 'Smaragd'</i> <i>Thuja occidentalis 'Smaragd'</i> <i>Thuja occidentalis 'Smaragd'</i> <i>Thuja occidentalis 'Smaragd'</i> <i>Thuja occidentalis 'Smaragd'</i>	#2 / #1 pot
	1160		Shrubs <i>Amelanchier canadensis 'Villosa'</i> <i>Loiseleuria glabra</i> <i>Symphoricarpos albus</i> <i>Veronica canadensis 'Thunbergii'</i> <i>Geum album 'Japanese Rose'</i> <i>Geum album 'Japanese Rose'</i> <i>Geum album 'Japanese Rose'</i> <i>Hamamelis mollis</i>	#2 / #1 pot

Buffer Planting (along east property line) design to conform with standard D2 In MOE's Guide to Edge Planting. Landscape Architect reserves the right to vary plant spacing based on container size availability and species selection.

project no.	110.12		L1.01 slatino.
date	11.06.13		
scale	1:500		
drawn by	MLP/DG		
checked by	SLP/UD		
engineer no.			



R4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 5, 2011

DATE: June 28, 2011 **FILE No:** 2-H-10 DP
FROM: Rachelle Moreau, Planner I **BYLAW No:** RAR
SUBJECT: Application No. 2-H-10DP/RAR 1497
(Schon Timber Ltd.)

Recommendation/Action:

That application No. 2-H-10 DP/RAR submitted by Schon Timber Ltd. for subdivision of Lot A, District Lots 20 and 39G, Oyster District, Plan 49261 (PID: 014-945-291) be approved, subject to :

- a) Compliance with the recommendations of Riparian Areas Regulation Assessment No. 1844 which identifies a SPEA of 18.6 metres;
- b) Landscaping installed in accordance with the proposed screening plan which includes installation of a new cypress hedge along a portion of the property and a new cedar fence;
- c) Receipt of an irrevocable letter of credit in a form suitable to the CVRD equal to 125% of the value of the landscaping as depicted on the Proposed Screening Plan to be refunded a successful one-year maintenance period;
- d) Continued removal of hog fuel in the manner described in the applicant's proposal dated March 31, 2011.

Relation to the Corporate Strategic Plan: N/a

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

Background:

An application has been made to the Regional Board to issue a Development Permit, pursuant to Electoral Area H – North Oyster/Diamond Official Community Plan Bylaw No. 1497, for the purpose of subdividing the subject property along the road right of way of Brenton-Page Road.

Location of Subject Property: 5258 Brenton-Page Road

Legal Description: Lot A, District Lots 20 and 39G, Oyster District, Plan 49261
(PID: 014-945-291)

Date Application and Complete Documentation Received: May 31, 2010

Owner: Schon Timber Ltd.

Applicant: As above

Size of Parcel: + 10.13 hectares (+ 25 acres)

Existing Zoning: I-2 (Heavy Industrial) and A-1 (Primary Agricultural)

Minimum Lot Size Under Existing Zoning: 2 ha (I-2) and 12 ha (A-1)

Existing Plan Designation: Industrial and Agricultural

Existing Use of Property: Industrial

Existing Use of Surrounding Properties:

North:	Agricultural
South:	Ocean
East:	Ocean and Agricultural
West:	First Nations Reserve land and Agricultural

Services:

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

Agricultural Land Reserve Status: Property is partially located within the ALR

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas identifies this property as being in a Shoreline Sensitive Area and as having a Trim Stream with confirmed fish presence on the property on the southwest side of the property. A Riparian Areas Regulation Assessment was completed.

Archaeological Site: The Ministry of Natural Resource Operations' RAAD mapping identifies an archaeological site at the southern tip of the subject property along the Ladysmith Harbour shoreline. Ministry of Natural Resource Operations (MNRO) informed the CVRD that the proposed development did not require an archaeological assessment, but future development may. The applicant was informed of this information.

The Proposal:

The applicant is proposing to subdivide the subject property along the Brenton-Page Road boundary. The subject property currently has an operating sawmill and log sort along Ladysmith Harbour in the south and a cement manufacturing operation on the north side of Brenton-Page Road. The subject property is situated within the Ladysmith Harbour Development Permit Area, and because there is a stream intersecting the southwestern boundary of the subject property, the proposed subdivision is also subject to the Riparian Areas Regulation Development Permit Area.

The subject property has been used for industrial purposes since the 1950s. During that time a wood chipping plant was in operation. In 1972, the current owner's family also established a sawmill on the property, which subsequently burned down in 1984. In the mid-80s, the current log sorting operation was established. Subsequently, a new sawmill and a cement manufacturing operation were established on the subject property. These latter industrial activities are being operated by tenants on the property and the property owner operates the log sort. The applicant is seeking to subdivide the property in order to create two separate parcels, which will facilitate the ability to register long term leases for the subdivided property.

Planning Division Comments:

The subject property is split zoned I-2 (Heavy Industrial) and A-1 (Primary Agricultural). The minimum lot size for the I-2 zone is 2 ha and for A-1 zone it is 12ha. The proposed subdivision would result in one 4.5 ha lot along the harbour and one lot of 5.9 ha north of Brenton-Page Road. The proposed subdivision meets the minimum parcel size for the I-2 zone. It does not meet the minimum parcel size for the A-1 zone, however, the size of the existing A-1 portion of the subject property is not being altered by the subdivision. Also, Section 13.4(a) of Zoning Bylaw No. 1020 states:

"Where a portion of a parcel is physically separated from the remainder of the parcel by a public road or another parcel, the physically separated portion may be subdivided from the remainder of the parcel, to an absolute minimum area of 2000m² where the parcel is serviced with community water, and 1 hectare where the parcel is not serviced with community water."

Because the resulting new parcel and the remainder parcel will be 5.9 ha and 4.5 ha respectively, the proposed subdivision complies with the minimum lot size of the zoning bylaw.

The Provincial Approving Officer with the Ministry of Transportation and Infrastructure confirmed that an Agricultural Land Commission (ALC) application for subdivision is not required for the proposed subdivision because the applicant is not proposing to subdivide the section of the parcel that is within the Agricultural Land Reserve (ALR). If the applicant was proposing to put a new parcel boundary through the portion of the property that is located within the ALR, then an application to subdivide would need to be submitted to the ALC. This is not the case and therefore an application to the ALC is not required.

In accordance with the Riparian Areas Regulation Development Permit Area Guidelines, the applicant hired a Qualified Environmental Professional (QEP), Kelly Schellenberg, RPF, to conduct a Riparian Areas Assessment of the subject property. The stream is located in an undeveloped and forested area of the property, which accounts for only 0.1 ha of the subject property. Riparian Areas Assessment Report No. 1844 identified a SPEA of 18.6 metres for the watercourse in the extreme western portion of the property, where no development is proposed. The QEP reports that the proposed subdivision will have no environmental impacts on the SPEA.

The following section will outline how the proposed development addresses the Ladysmith Harbour DPA guidelines. The attached excerpt from OCP Bylaw No. 1497 provides the complete guidelines.

- a) **Visual screening of industrial activity:** The applicant has provided a landscaping plan for screening purposes along the road right-of-way. Portions of the subject property fronting the road have been partially screened in previous years. Cedar trees were planted in front of the cement manufacturing operation approximately 10 years ago. The applicant is proposing to fill in the areas where trees from this planting have not survived. The applicant is also proposing to plant a cedar hedge of 1 metre in height along the southwestern side of Brenton-Page Road in order to screen the lock-block wall that is currently used to contain the logs that are stored in that area. The rest of the road frontage will be screened by existing natural vegetation consisting of coniferous and deciduous trees.

A new cedar fence is proposed in front of the cedar sawmill. This fence will showcase the type of product that the sawmill produces. A representation of the type of fencing being proposed is included in the legend within the landscaping plan.

- b) **Removal or relocation of hogfuel and woodchips:** The applicant is actively removing the hog fuel located on the northern portion of the subject property. This wood waste is being composted by MacNutt Enterprises. To date, approximately 25,689 m³ of wood waste has been removed, with an additional 15,000 m³ to be removed over the next 3-5 years. Please refer to the attached letter from the applicant outlining the process of removal.

Because of the historic use of the property for industrial purposes, and as some Schedule 2¹ uses were noted on the application (sawmills, above-ground diesel storage tanks, and industrial woodwaste storage), this triggered the Site Profile process. The Senior Contaminated Site Officer determined that the development permit application is exempt from the need to submit a site profile pursuant to Sec. 4(7) of the *Environmental Management Act Contaminated Sites Regulation*, which states:

"An applicant for a development permit or a development variance permit is exempt from the duty to provide a site profile under section 40 (1) (b) (ii) of the Act if the activity which the permit allows does not involve any disturbance or excavation of soil."

Because the activity that the development permit will allow is subdivision, it was determined that the development permit application is exempt from submission of a site profile. However, it was further determined that a site profile for the property will need to be submitted by the Ministry of Transportation and Infrastructure and assessed by the Ministry of Environment prior to approval of the subdivision.

Advisory Planning Commission Comments:

The APC met and conducted a site visit of the subject property. Their recommendation is as follows:

- a) *Strongly recommended – the maximum bond be held with an irrevocable letter of credit until the visual screening is well established and surviving;*
- b) *The owner follow the OCP that he will remove or relocate any existing disposal areas for hog fuel and woodchips which may cause leeching into streams, estuaries and foreshore.*
- c) *The committee was also concerned regarding the composting and storage of hog fuel on ALR lands. The committee also strongly recommends that the following requirement be in place. The owner/applicant be required to post an irrevocable bond with regards to the removal of the hog fuel within the 5 years as indicated in the letter provided by Tyler Schon dated March 31, 2011 and that no further placement of offsite hog fuel or woodchips be permitted. This is per the intent of the Ladysmith Harbour Development Permit Area page 27 of the OCP.*

Typically, in instances where landscaping is proposed or required, CVRD requires a letter of credit or funds to be held in trust for 125% of the cost of the landscaping. This security is held for one year following establishment of the planting to ensure that the landscaping is successful.

¹ Schedule 2 of the Contaminated Sites Regulation sets out the types of industrial or commercial purposes or activities to which site profile requirements apply.

With respect to the APC's recommendation that the owner be required to post an irrevocable bond to ensure the removal of the remaining hog fuel on the site within the 5 year timeframe, staff feel that, with this particular application for subdivision, this may be beyond what can be required by the guidelines.

For reference, the guideline states that that *"the owner should be encouraged to safely remove or relocate any existing disposal areas for hogfuel and woodchips which may cause leeching into streams, estuaries and foreshore and to visually screen storage areas through landscaping in order to enhance the aesthetic and visually appealing character of the area."*

The entire area zoned I-2 coincides with the Ladysmith Harbour Development Permit Area, and a development permit is required prior to any new construction so there may be an opportunity in the future to monitor how well the removal is progressing. Additionally, through the subdivision, completion of a Site Profile followed by potentially a preliminary site investigation or detailed site investigation will be required by MOE in accordance with the *Environmental Management Act*.

Options:

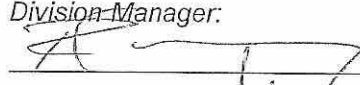

1. That application No. 2-H-10 DP/RAR submitted by Schon Timber Ltd. for subdivision of Lot A, District Lots 20 and 39G, Oyster District, Plan 49261 (PID: 014-945-291) be approved, subject to :
 - a) Compliance with the recommendations of Riparian Areas Regulation Assessment No. 1844 which identifies a SPEA of 18.6 metres;
 - b) Landscaping installed in accordance with the proposed screening plan which includes installation of a new cypress hedge along a portion of the property and a new cedar fence;
 - c) Receipt of an irrevocable letter of credit in a form suitable to the CVRD equal to 125% of the value of the landscaping as depicted on the Proposed Screening Plan to be refunded a successful one-year maintenance period;
 - d) Continued removal of hog fuel in the manner described in the applicant's letter dated March 31, 2011.
2. That application No. 2-H-10 DP/RAR submitted by Schon Timber Ltd. for subdivision of Lot A, District Lots 20 and 39G, Oyster District, Plan 49261 (PID: 014-945-291) not be approved, and that the applicant be directed to revise the proposal.

Option 1 is recommended.

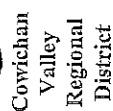
Submitted by,



Rachelle Moreau
Planner I
Development Services Division
Planning and Development Department

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

RM/ca



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.

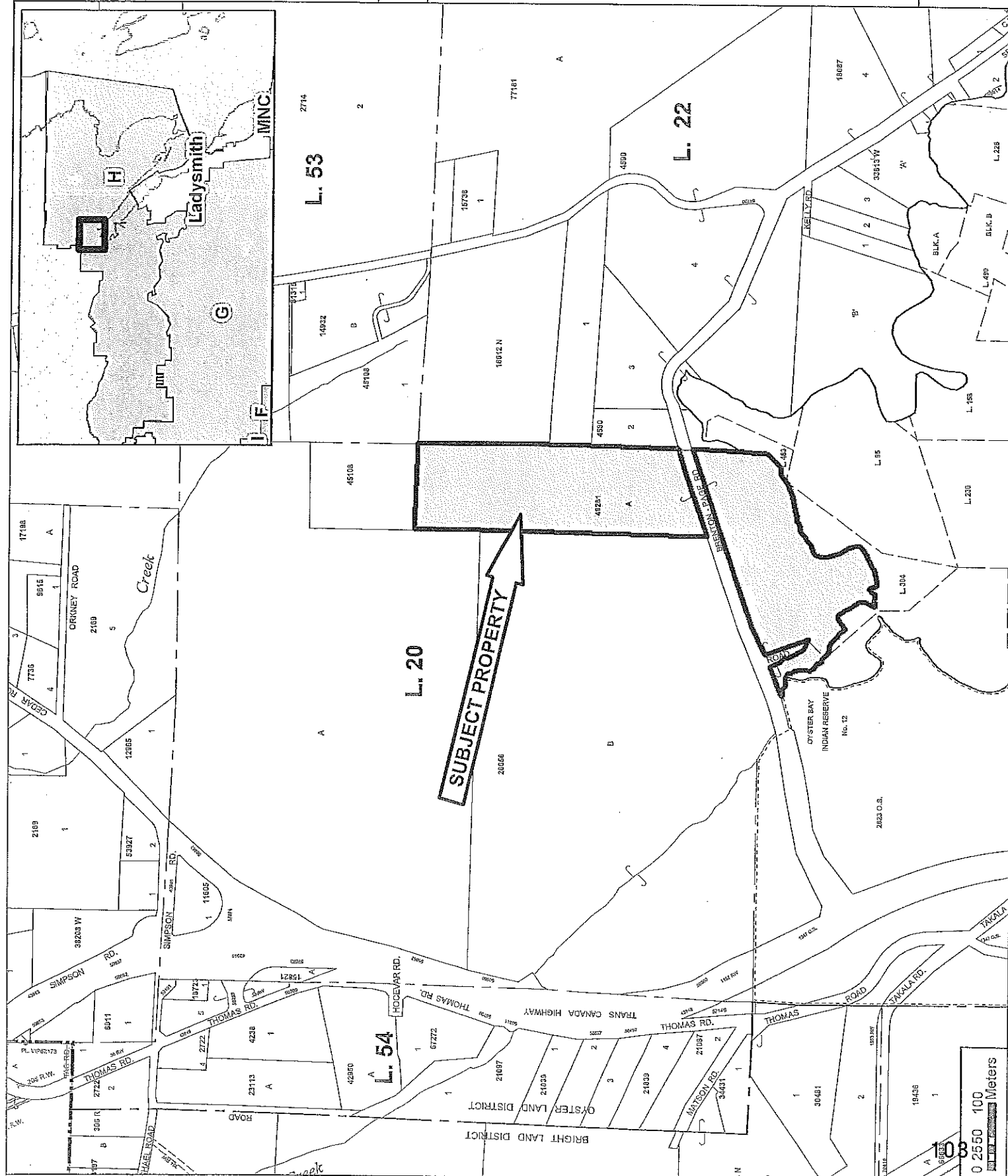
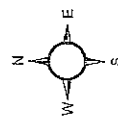
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

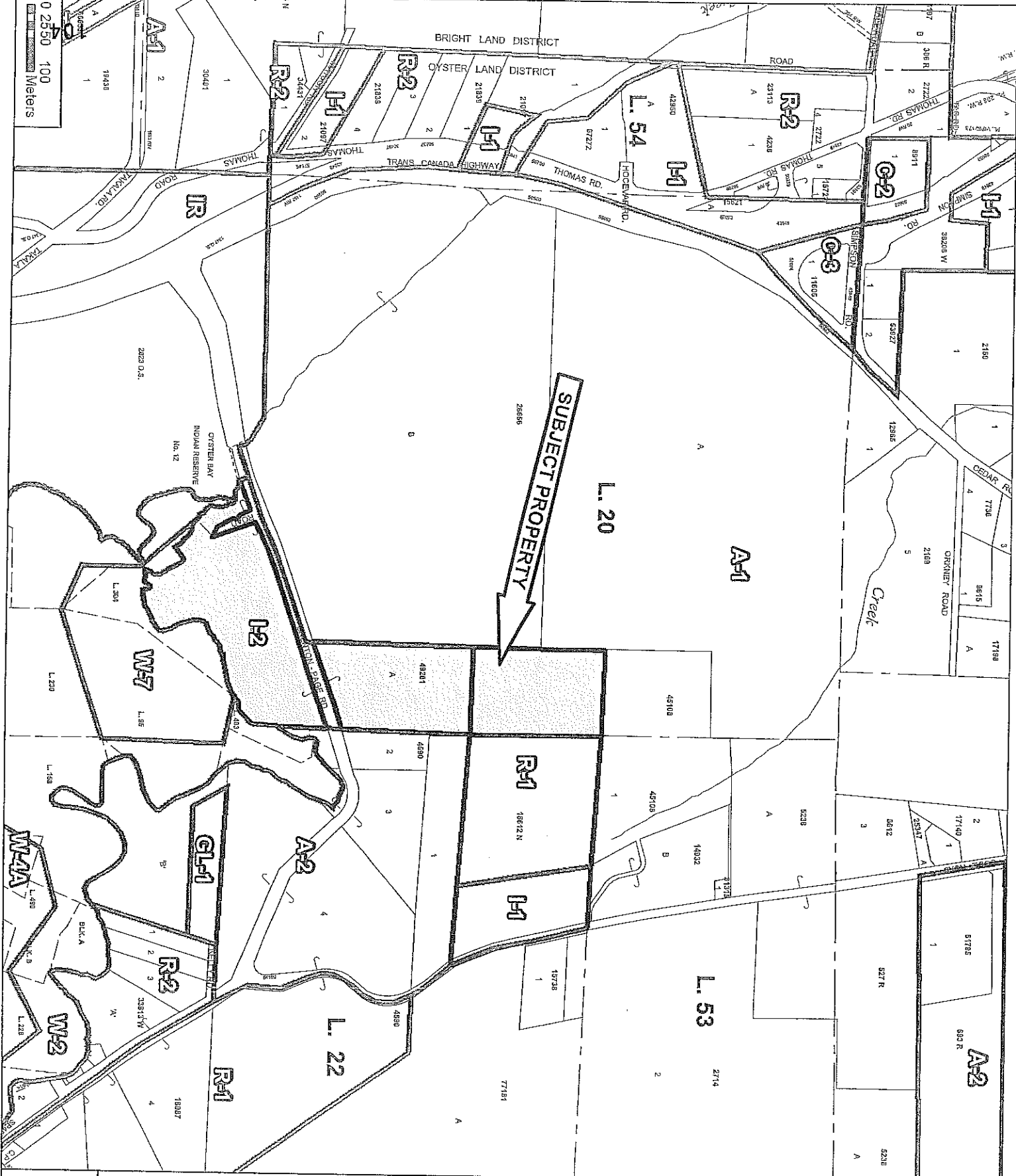
FILE: 2-H-10-DP

Legend

Subject Property



0 2550 100 Meters



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 information are advised that, notwithstanding any representation made, the Regional District does not warrant the accuracy of the information for any purpose other than for reference purposes only and that the boundaries are representational.

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

FILE: 2-H-10-DP

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area H





Covichan Valley Regional District

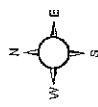
This map is compiled from various sources and is not guaranteed to be accurate. It is designed for reference purposes only. The Regional District does not warrant the accuracy. All persons making use of this compilation are advised that the boundaries shown are for convenience purposes only and that boundaries are representative.

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

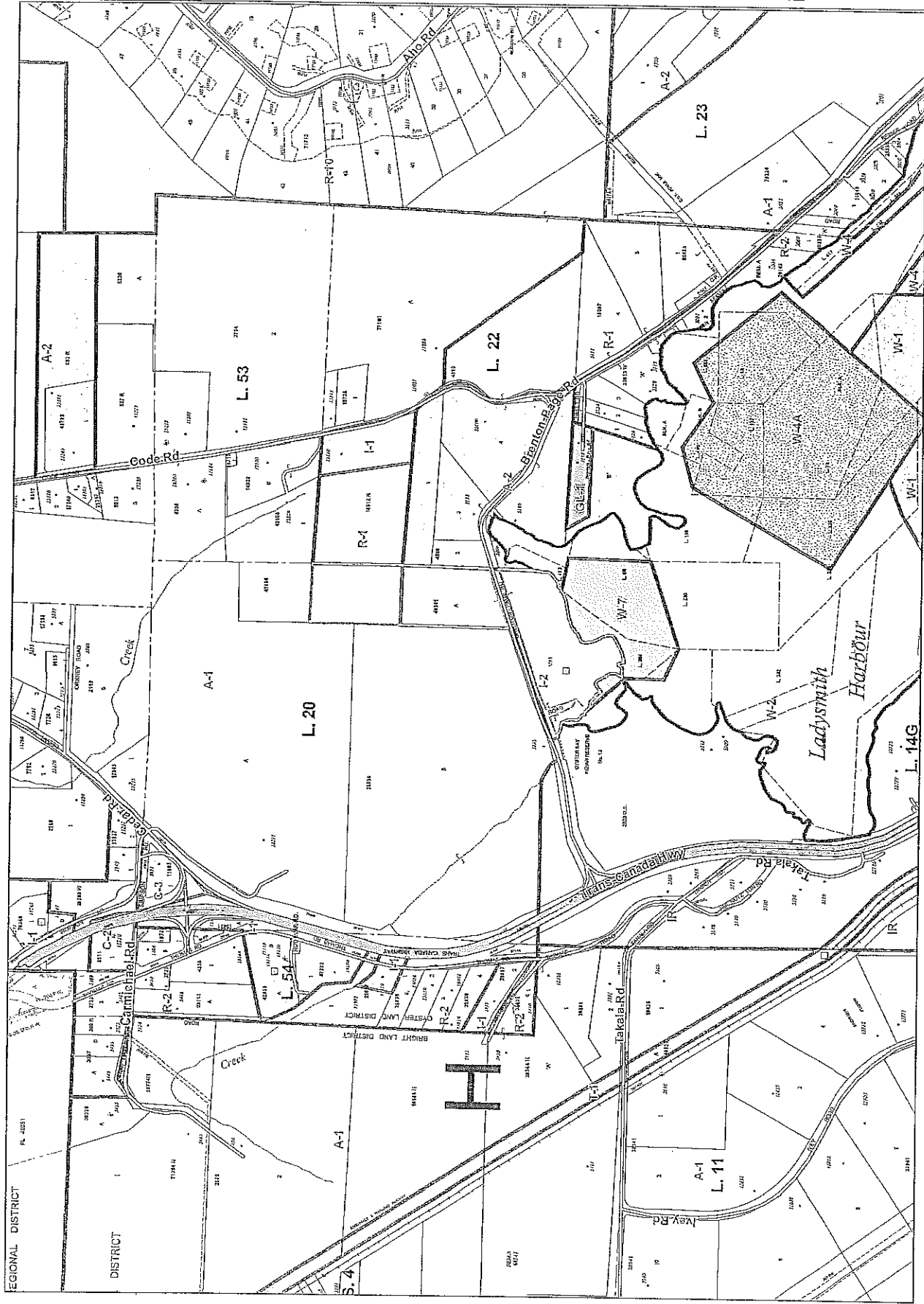
Printed: March 30, 2011

Legend

- Primary Agricultural
- Secondary Agricultural
- Residential Secondary Agricultural
- Primary Forest
- Secondary Forest
- Rural Residential
- Suburban Residential
- Rural Water Conservancy
- Mobile Home Park
- Manufactured Home Residential
- Local Commercial
- Service Commercial
- Tourist Recreational Commercial
- Guest Lodge
- Parks and Recreation
- Industrial
- Light Industrial
- Heavy Industrial
- Utility
- Water Conservancy
- Water Recreation
- Water Marina
- Shellfish
- Shellfish Culture 4A
- Shellfish Processing
- Water Industrial
- Motor Vehicle Storage
- Railway Transportation



Scale: 1:7,638





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

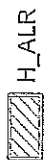
The Regional District does not warrant the accuracy.

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

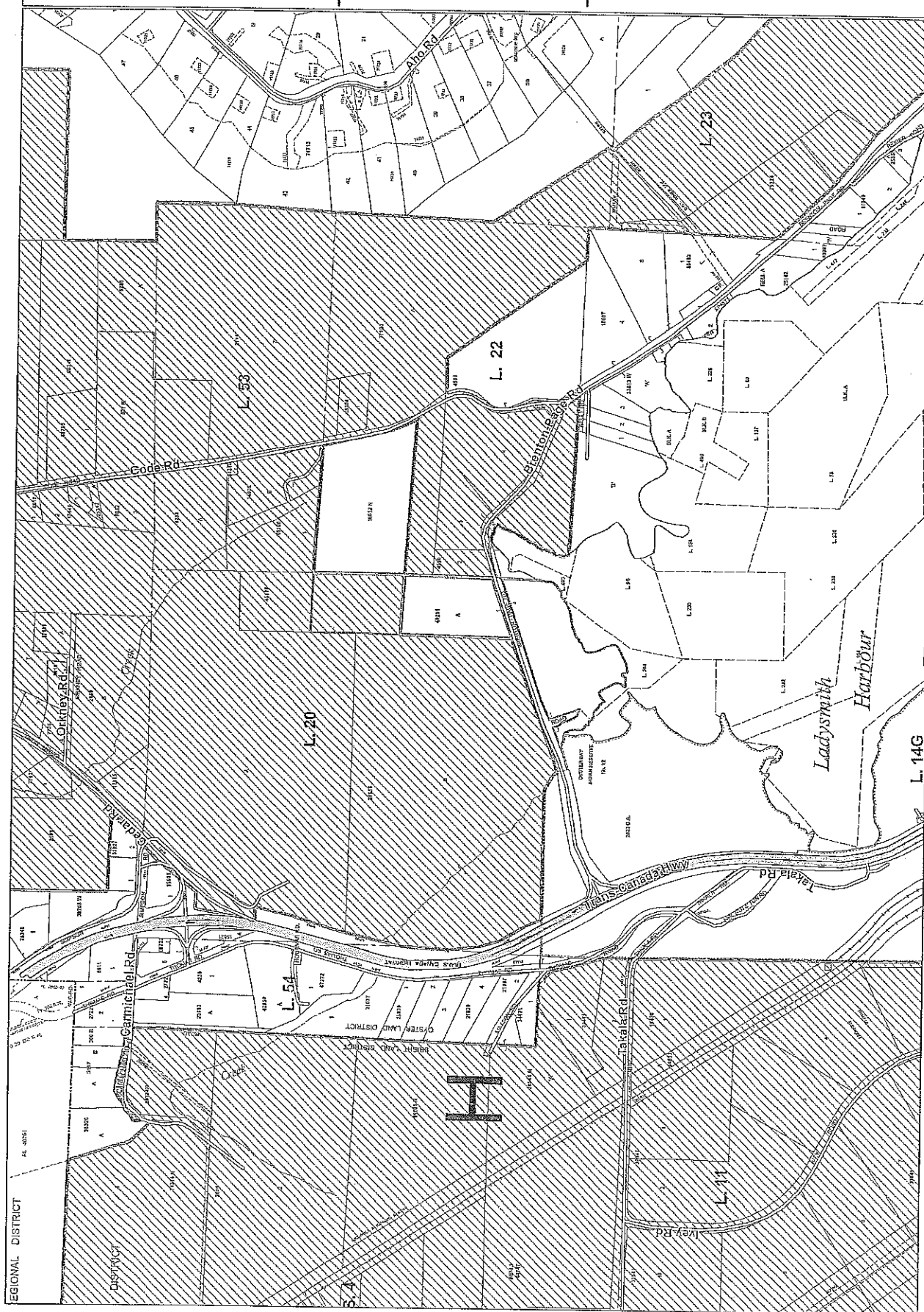
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

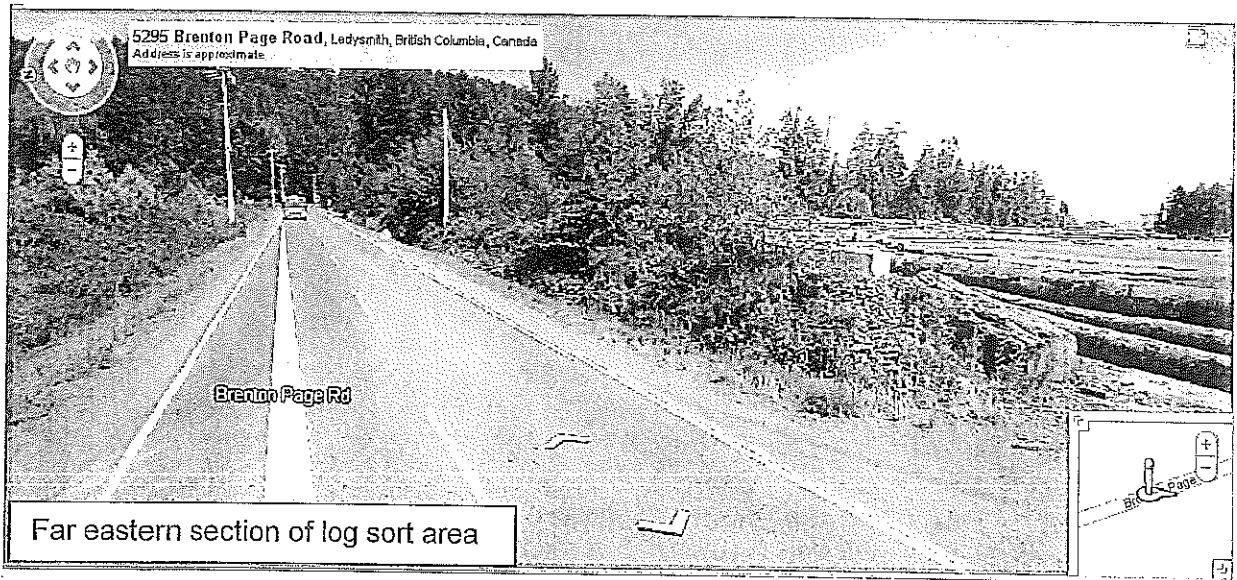
Printed: March 30, 2011

Legend

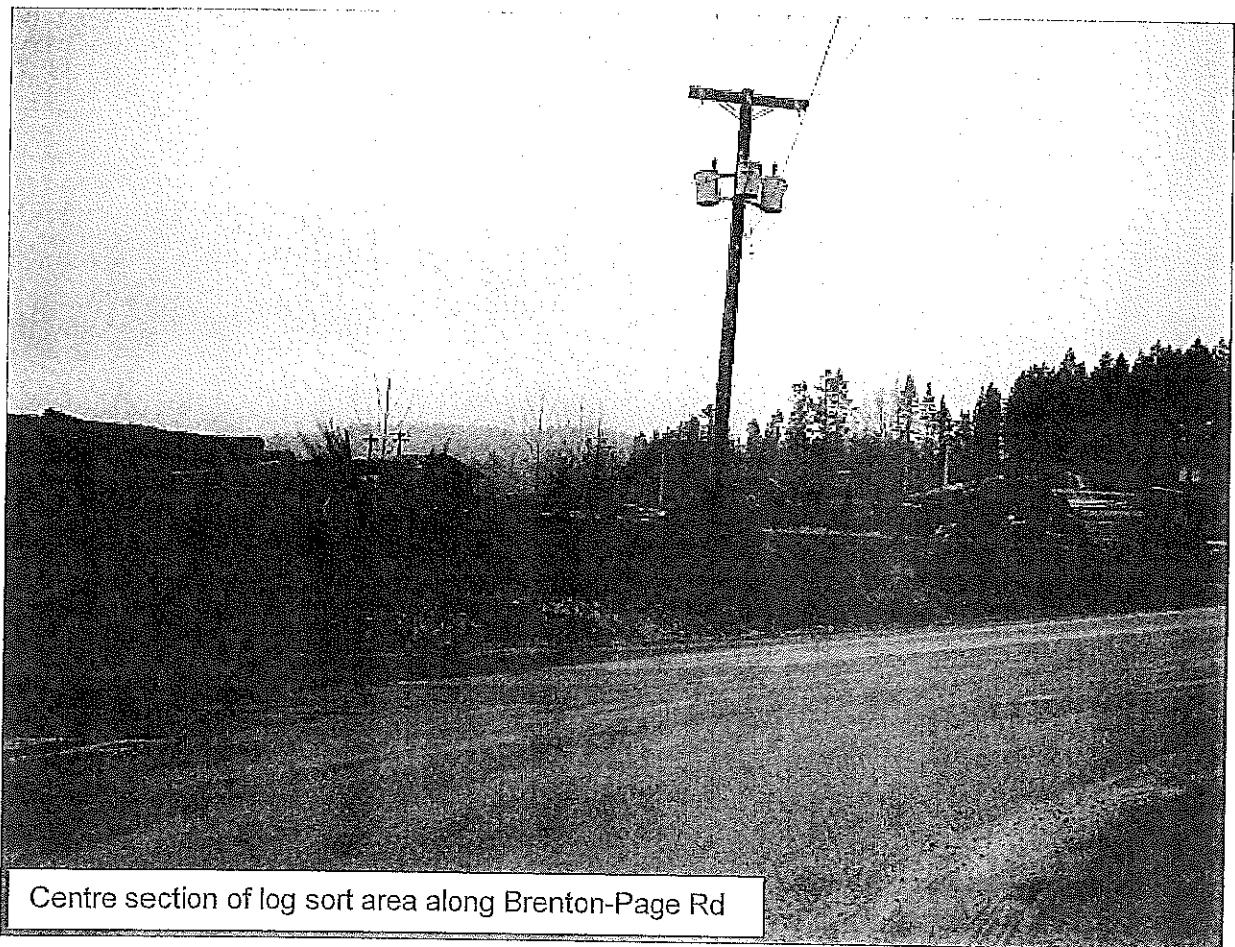


Scale: 1:7,638

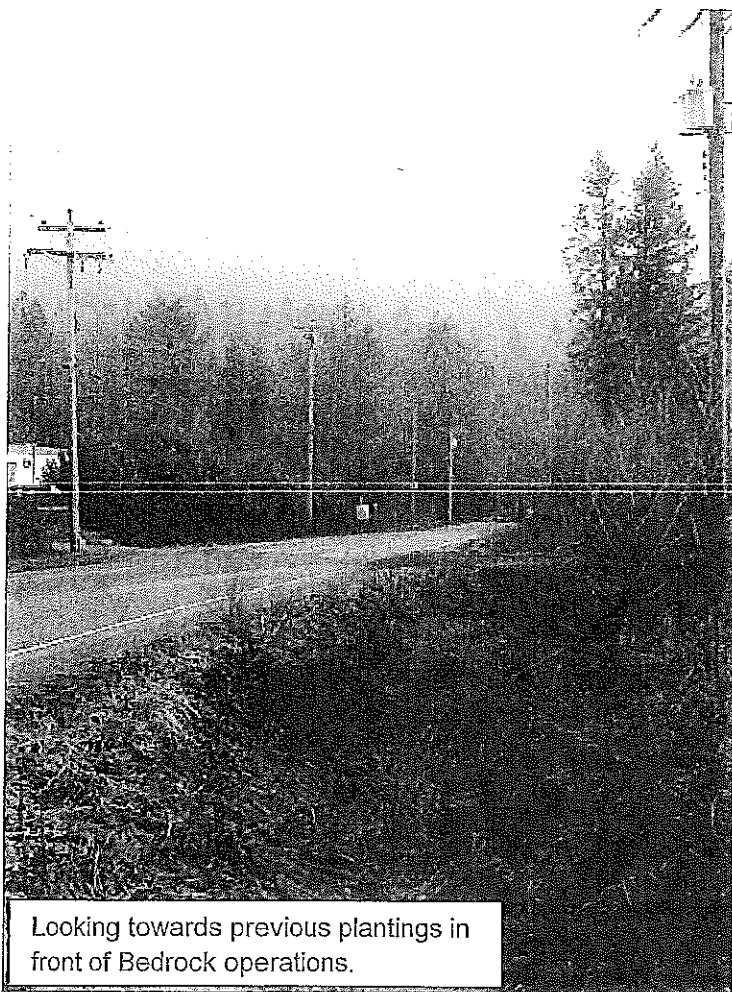




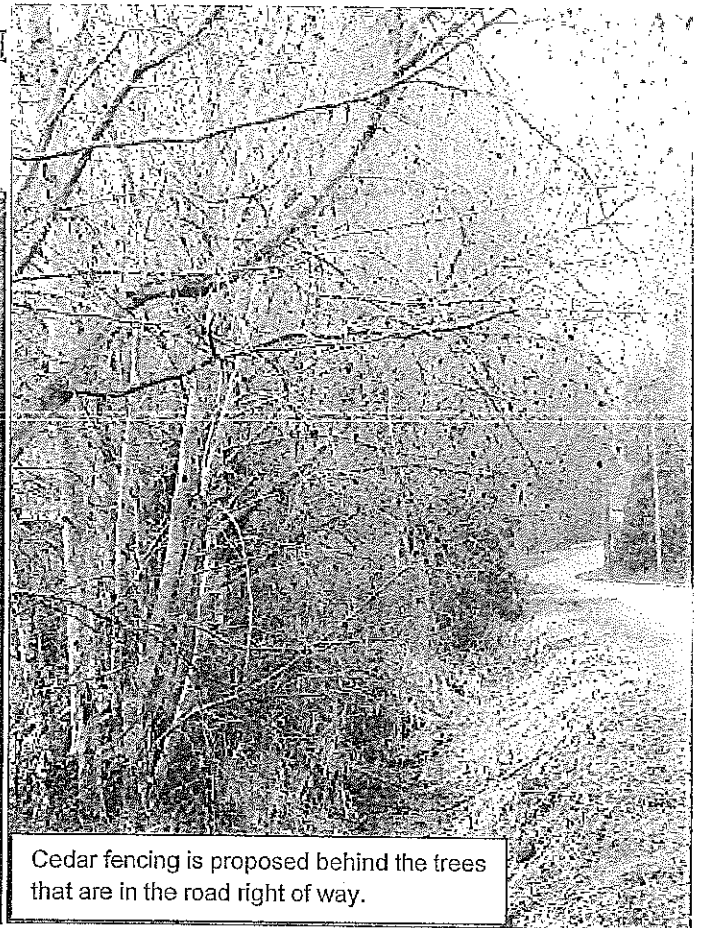
Far eastern section of log sort area



Centre section of log sort area along Brenton-Page Rd



Looking towards previous plantings in front of Bedrock operations.



Cedar fencing is proposed behind the trees that are in the road right of way.

SCHON TIMBER LTD.

5258 Brenton Page Road
Ladysmith, BC, V9G 1L6
Ph: 250.245.4442 Fx: 250.245.2922

March 31, 2011

To Whom it May Concern

This letter has been written to demonstrate that Schon Timber Ltd. has been following the requirements laid out in "POLICY GUIDELINE 3.6.3 (B)" of the "LADYSMITH HARBOUR DEVELOPMENT PERMIT AREA" which requires the owner (Schon Timber Ltd.) to be encouraged to safely remove and relocate any disposal areas for hog fuel and wood chips.

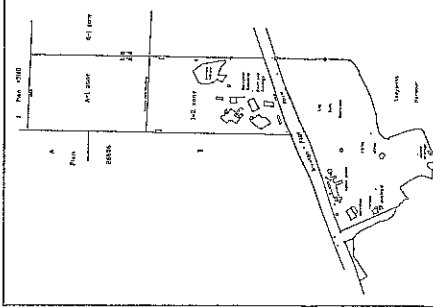
Since 2006, Schon Timber Ltd. has had approximately 25,689 cubic meters of hog fuel removed from the historic hog fuel disposal area on the subject property (5258 Brenton Page Road, Ladysmith, BC) by MacNutt Enterprises Ltd. Approximately 5137 cubic meters of hog fuel per year has been removed and Schon Timber Ltd. plans to continue hog fuel removal activities at this rate until the disposal area has been eliminated. An estimated 15,000 cubic meters remains and removal activities should continue for another 3 to 5 years approximately.

Sincerely,

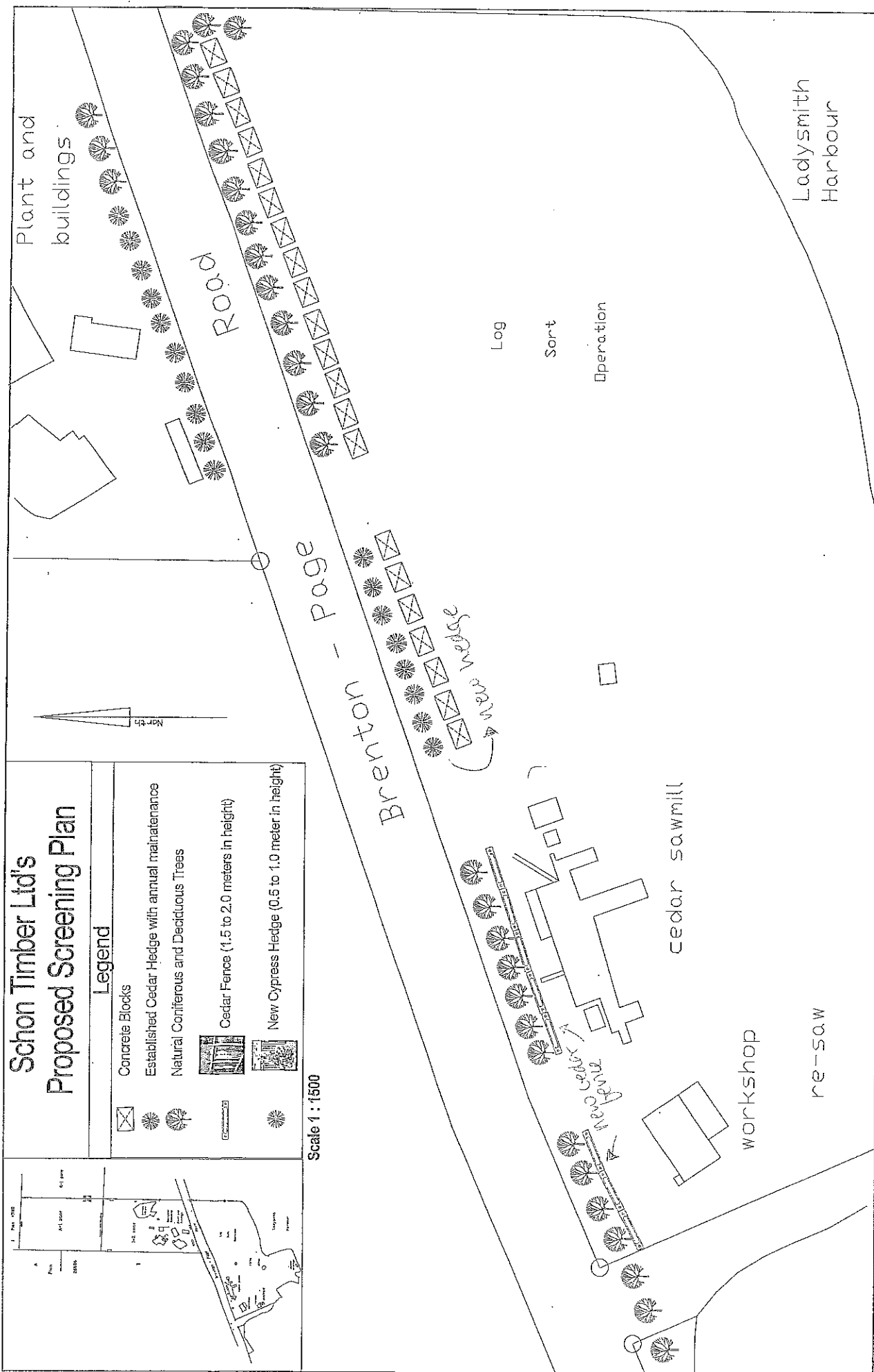
Tyler Schon, ASCT, TFT
Cell: 250 616-4770

Schon Timber Ltd's Proposed Screening Plan

Legend	
	Concrete Blocks
	Established Cedar Hedge with annual maintenance
	Natural Coriferous and Deciduous Trees
	Cedar Fence (1.5 to 2.0 meters in height)
	New Cypress Hedge (0.5 to 1.0 meter in height)



Scale 1 : 1500



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

Riparian Areas Regulation: Assessment Report

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

Date December 3, 2010

I. Primary QEP Information

First Name	Kelly	Middle Name	
Last Name	Schellenberg		
Designation	Registered Professional Forester	Company:	Terrawest Environmental Inc.
Registration #	1922	Email:	kschellenberg@terrawest.ca
Address	PO Box 46003, 2642 Quadra Street		
City	Victoria	Postal/Zip	V8T 5G7
Prov/state	B.C.	Country	Canada
		Phone #	250.710.0657

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

First Name		
Last Name		
Designation		
Registration #		
Address		
City		
Prov/state		

III. Developer Information

First Name	Al	Middle Name	
Last Name	Schon		
Company	Schon Timber Ltd		
Phone #	250.245.4442	Cell:	250.755.5163
		Email:	HarbourSort@primus.ca
Address	7071 Schines Place		
City	Lantzville	Postal/Zip	V0R 2H0
Prov/state	B.C.	Country	Canada

IV. Development Information

Development Type	Subdivision: Industrial. No development planned under the DPA.		
Area of Development (ha)	Not known	Riparian Length (m)	24.0
Lot Area (ha)	Lot A: 5.9 (portion to be subdivided) Rem. Lot A: 4.5	Nature of Development	n/a
Proposed Start Date	n/a	Proposed End Date	n/a

V. Location of Proposed Development

Street Address (or nearest town)	5258 Brenton-Page Rd, Ladysmith, BC, V9G1L6		
Local Government	Cowichan Valley Regional District	City	Duncan
Stream Name	Stream 1: Thomas Creek; Stream 2: Walker Creek		
Legal Description (PID)	014-945-291	Region	I
Stream/River Type	Stream	DFO Area	South Island Region
Watershed Code	930-037300-38400 (Walker Ck)		
Latitude	N 49	01	48
Longitude	W 123	51	22

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

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

(Provide as a minimum: Species present, type of fish habitat present, description of current riparian vegetation condition, connectivity to downstream habitats, nature of development, specific activities proposed, timelines)

Fish species present: The subject property is directly connected to tidal water. FISS information was used as the basis for fish species information. Stream 2 (Walker Creek) has cutthroat trout, There was no information regarding fish species available for Stream 1. Fish presence was not tested but is accepted. Connectivity to fish habitat was established.

Habitat: Stream 2 flows into Stream 1 just south of the subject property boundary. Fish habitat value is considered moderate in my opinion with the stream representing good opportunities for spawning and rearing. Water quality will be affected by farming practices on adjacent private land north of Brenton-Page Road.

Current riparian vegetation condition: Farmers north of Brenton-Page Road have impacted the streams north of Brenton-Page Road; specifically riparian plant species diversity and abundance; as well as water quality. However on the subject property, which is south of Brenton-Page Road, the streams appear to be impacted by road and power line maintenance activities. The riparian vegetation indicates fresh to moist soil conditions near the road with a definite change in composition within 3-4 meters as the elevation drops down to the water. In the stream channels, the vegetation is dominated by aggressive shrub species such as salmonberry (*Rubus spectabilis*) as well as swordfern (*Polystichum munitum*) and skunk cabbage (*Lysichiton americanum*). Seasonal flooding of the riparian area may occur due to tidal influences.

Vegetation: Species includes the following:

- a. Trees: Douglas fir (*Pseudotsuga menziesii*), red alder, (*Alnus rubra*), red cedar (*Thuja plicata*) and big leaf maple (*Acer macrophyllum*) formed the canopy. Understory grand fir (*Abies grandis*) and western hemlock (*Tsuga heterophylla*) were also noted.
- b. Shrubs and Forbs: Horsetail fern (*Equisetum* sp), butter cup (*Ranunculus* sp), stinging nettle (*Urtica dioica* ssp. *gracilis*), swordfern, coltsfoot (*Petasites frigidus*) and salmonberry are the indicator plants for the site. A vigorous shrub layer also includes, willow (*Salix* spp), huckleberry (*Vaccinium* spp) and snowberry (*Symphoricarpos alba*).

Connectivity to downstream fish habitat: The subject property is directly connected to tidal waters and therefore to fish habitat. I considered the possibility that Streams 1 and 2 were estuarine. In my opinion, the gradient of the streams (> 5%), significant flow in dry summer months, and riparian habitat indicate that they be considered fresh water streams within the subject property.

Nature of Development:

- a. The developer proposes to subdivide the subject property into 2 parcels; divided by Brenton-Page Road.
 - i. Lot A: this 5.9 ha parcel is zoned "A-1" in the northern half (approximately) and "I-2" in the southern half. The northern half is disturbed but undeveloped. The southern half is the site of an operational Ready-Mix concrete plant.
 - ii. Rem. A: this 4.5 ha parcel is the site of Harbour Sort; a log sorting operation. It is comprised of several buildings, sawmill, marine storage and a concrete platform for log sorting and storage. An unopened road right-of-way bisects a small portion of the parcel that is on the far west side. It is roughly 0.1 hectares and comprises the culvert and outflow for Stream 1. It is named "Pt. Rem. A".
- b. There is no development proposed for either parcel at this time.

- c. The entire parent property has been field reviewed for the applicability of the Riparian Areas Regulation (RAR). This includes all potential watercourses within the property boundaries and those outside the boundaries within influence of the parent property (ie the Riparian Assessment Area of 30 meters).
- i. Lot A: this industrial site is comprised of a Ready-Mix concrete plant in the southern half and an undeveloped site in the north:
- According to the Cowichan Valley Environmental Planning Atlas (CVEPA), there is a potential watercourse in the northeast corner. This area was field reviewed and the result is that there is no evidence of one here. According to the developer, a short spur road was constructed in this area a few years ago. It has since been over-grown with Himalayan blackberry (*Rubus discolor*) and is indiscernible on the ground.
 - According to the CVEPA there is a potential watercourse 50 meters west of Lot A. It is outside the Riparian Assessment Area of 30 meters.
 - Several ditches and small ponds were field reviewed and deemed to be isolated and therefore not "streams" under the RAR.
- ii. Rem. A: The major portion of this parcel, was field reviewed with special emphasis on the eastern boundary. I found no watercourses within influence of the subject property.
- Pt. Rem. A: This small parcel is separated from "Rem. A" by an unopened road right-of-way. It is ~0.1 hectares in size and is adjacent to 2 watercourses; Streams 1 and 2. Due to its small size and difficulty for access, the RAR procedure has been adapted for this assessment.
- The high water mark on stream 1 has been flagged on both sides.
 - The high water mark on stream 2 was not flagged due to inaccessibility.
 - Stream widths and gradients for both streams were taken from within the property and also across Brenton-Page Road on adjacent private land. The full complement of 11 widths was not taken.
 - The streams were mapped according to "Google earth topography" and ground truthed by myself and Tyler Schon. A BC Land Survey was not commissioned due to the difficult access, small parcel size and relevance to do so. Essentially, this small parcel will not likely be developed once the Streamside Protection and Enhancement Areas (SPEAs) are determined.
 - I communicated with Carla Schuk (CVRD Planner) on this procedure; and she concurred that it was a reasonable course of action.
- d. Covenant S49465: This restrictive covenant between property owner Al Schon (owner of Lot 1, District Lot 20, Oyster District, Plan 20455); property owners Howard and Margaret Davis (owners of Lot A, District Lot 53, Oyster District, Plan 14932); the Ministry of Environment and Cowichan Valley Regional District, speaks to development restrictions in relation to Thomas Creek; which is Stream 1 in this report. Specifically, there is a 15 meter setback on Thomas Creek for building or mobile home placement.

The result of this Detailed Assessment is that the greatest Zone of Sensitivity is 18.6 meters for Stream 1. This is the resulting SPEA or setback is now 18.6 for future development on this property. At the discretion of the CVRD, this may require an amendment to the covenant. x

Section 2. Results of Riparian Assessment (SPEA width)

Results of Detailed Riparian Assessment

STREAM 1: note 2 sides: segments 1 and 2

Refer to Chapter 3 of Assessment Methodology

Description of Water bodies involved (number, type)

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

Date: December 3, 2010

1 x Stream

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

Channel Width(m)		Gradient (%)	
starting point	8.4	5	<p>I, <u>Kelly Schellenberg, RPE</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Al Schon</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and</p> <p>d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.</p> <p>Note: The portion of the subject property with water courses is too small and physically prohibitive to carry out the RAR assessment procedure for stream width and gradient. To provide some reasonable data, I took 6 stream measurements north of the subject property (across Brenton-Page Road) on adjacent private land for each of Streams 1 and 2.</p>
	8.5		
	5.3		
	5.1		
	5.3		
	4.5	5	
Total: minus high /low not calculated	37.1		
mean	6.2	5	
	R/P	C/P	S/P
Channel Type		X	

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
	<p>I, <u>Kelly Schellenberg, RPE</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Al Schon</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and</p> <p>d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.</p>		
Polygon No:	1		Method employed if other than TR
	LC	SH	TR
SPVT Type			X

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

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1 & 2	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)	12.4						
Litter fall and insect drop ZOS (m)	15.0						
Shade ZOS (m) max	18.6	South bank	Yes		No	X	
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					N/A	
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report	N/A	
SPEA maximum	18.6	(For ditch use table3-7)					

I, Kelly Schellenberg, RPF, hereby certify that:

- a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Al Schon;
- c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

STREAM 2 : note: East side only

Refer to Chapter 3 of Assessment Methodology

Date: December 3, 2010

Description of Water bodies involved (number, type)

1 x Stream

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

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

Channel Width(m)		Gradient (%)	
starting point	6.0	4	<p>I, <u>Kelly Schellenberg, RPF</u>, hereby certify that:</p> <ul style="list-style-type: none"> a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Al Schon</u>; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation. <p>Note: Stream measurements and gradient as per Stream #1.</p>
	8.6		
	10.1		
	7.0		
	7.1		
	6.4		
	7.1	4	
Total: minus high /low not calculated	52.3		
mean	7.5		
Channel Type	R/P	C/P	S/P
		X	

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

Site Potential Vegetation Type (SPVT)

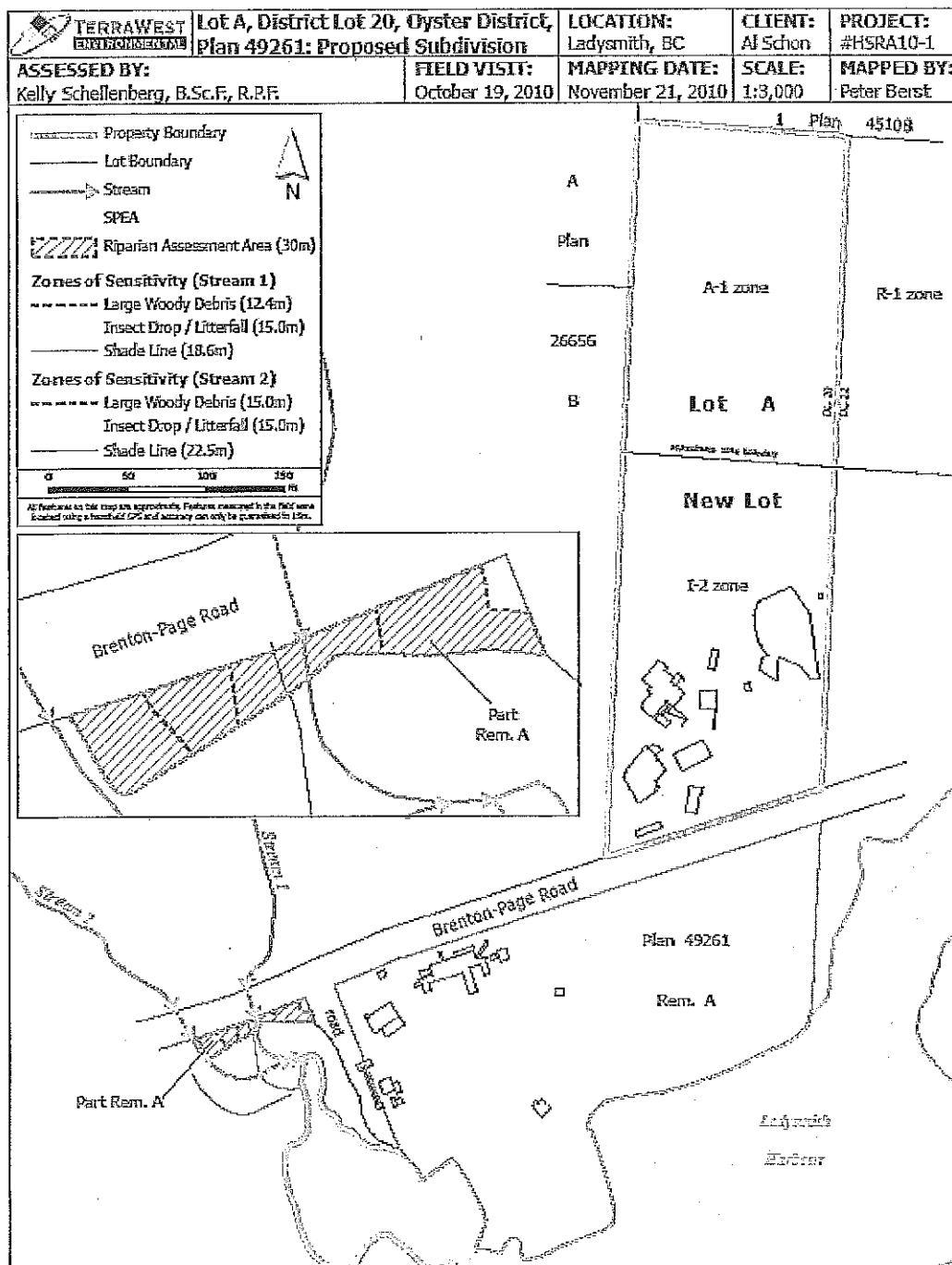
	Yes	No	
SPVT Polygons	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes I, <u>Kelly Schellenberg, RPF</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Al Schon</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
Polygon No:	<u>1</u>		Method employed if other than TR
	LC	SH	
SPVT Type	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	<u>1</u>	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	<u>15.0</u>					
Litter fall and insect drop ZOS (m)	<u>15.0</u>					
Shade ZOS (m) max	<u>22.5</u>	South bank	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)				<u>N/A</u>	
Ditch Fish Bearing	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	If non-fish bearing insert no fish bearing status report	<u>N/A</u>
SPEA maximum	<u>22.5 m</u>	(For ditch use table3-7)				

I, Kelly Schellenberg, RPF, hereby certify that:
 a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
 b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Al Schon;
 c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
 d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Section 3. Site Plan (not to scale)



Section 4. Measures to Protect and Maintain the SPEA (Pt. Rem A)

1. Danger Trees	<p>This small parcel is impacted by the Ministry of Transportation and Highways (MOTH) and BC Hydro maintenance activities. Danger trees will be assessed and removed at their discretion.</p> <p>a. Future development of this property is not likely due to the overall size and impacts of the setback (SPEA).</p> <p>b. BC Hydro has flagged potential danger trees on Brenton-Page Road and I concur with their disposal.</p>
<p>I, <u>Kelly Schellenberg, RPE</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Al Schon.</u></p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
2. Windthrow	<p>Generally, the trees in the SPEA appear windfirm and are not expected to pose a hazard. MOTH and BC Hydro maintenance activities will ensure that danger trees are removed if required.</p> <p>Any windthrow that falls within the SPEA would contribute woody debris to the riparian environment.</p>
<p>I, <u>Kelly Schellenberg, RPE</u> hereby certify that:</p> <p>d. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act;</p> <p>e. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Al Schon.</u></p> <p>f. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
3. Slope Stability	<p>Development is not proposed as part of this RAR assessment.</p> <p>For the purposes of CVRD Policy 3.6 Ladysmith Harbour Development Permit Area, and specifically Policy 3.6.4 (a) and (b), topography and soils will be mapped and described by the developer and/or a professional engineer.</p> <p>There are no clear indicators of slope instability, but effects of the tidal waters are largely unknown and difficult to predict.</p>
<p>I, <u>Kelly Schellenberg, RPE</u> hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Al Schon.</u></p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	

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<p>4. Protection of Trees</p>	<p>According to the RAR, no development will occur within the SPEA. Due to its small size, isolation from the parent property and proximity to tidal waters, this property is not ideally suited for development.</p> <p>However, should an appropriate development project be considered and variance procedures adopted, the following will be required:</p> <ul style="list-style-type: none"> a. During construction, flagging or fencing should be placed approximately 5 m beyond the SPEA boundary to protect the root systems of trees located within the SPEA from accidental damage from heavy equipment and soil compaction. b. At the time of field assessment, the High Water Mark (HWM) on Stream 1 was flagged in pink fluorescent tape. It was physically impossible to enter Stream 2 to determine the HWM. The HWM and SPEA for Streams 1 & 2 must be surveyed by a BCLS prior to any development activities.
<p>I, <u>Kelly Schellenberg, RPF</u>, hereby certify that:</p> <ul style="list-style-type: none"> a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Al Schon</u>. c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation 	
<p>5. Encroachment</p>	<p>Development of this property is unlikely.</p> <p>This parcel is impacted by the Ministry of Transportation and Highways and BC Hydro maintenance activities.</p> <p>It should be noted that no development activities are permitted inside the SPEA, which includes: construction of permanent/non permanent structures; clearing/disturbing vegetation; limbing or pruning trees (unless deemed to be "danger" trees by a qualified professional).</p> <p>Ongoing maintenance activities are expected and are at the discretion of MOTH and BC Hydro.</p>
<p>I, <u>Kelly Schellenberg, RPF</u>, hereby certify that:</p> <ul style="list-style-type: none"> a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Al Schon</u>. c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation 	
<p>6. Sediment and Erosion Control</p>	<p>Development is not proposed as part of this RAR assessment. Further, the development of Pt. Rem A and impacts to the SPEA are not likely.</p> <p>For the purposes of CVRD Policy 3.6 Ladysmith Harbour Development Permit Area, and specifically Policy 3.6.4 (a) and (b), drainage systems will be mapped and described by the developer and/or a professional engineer.</p> <p>However, the following comments should be considered for future development activities and corresponding sediment and erosion</p>

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Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

	<p>control.</p> <p>The creation and mobilization of sediment must be avoided during development activities.</p> <p>Implementing the points listed below will help ensure that sediment will not enter the SPEA:</p> <ul style="list-style-type: none"> • Regular sweeping (as opposed to washing, which mobilises sediment) of any impermeable surfaces. • Covering all soil/fill stockpiles with tarps or surrounding them with silt fencing. • Constructing perimeter swales that intercept run-off from disturbed sites and direct it into sediment traps (settling ponds). • Carrying out major grading/site preparation during the dry summer months. • Applying temporary covers, such as seeding or geotextiles to bare areas. • Minimising the area to be cleared/graded. • Retaining vegetation cover where possible, for as long as possible, to reduce erosion and mobilisation of sediment. • Installing gravel access pads at the main site access to reduce the amount of sediment leaving the site.
<p>I, <u>Kelly Schellenberg, RPF</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Al Schon</u>; I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<p>7. Stormwater Management</p>	<p>Development is not proposed as part of this RAR assessment. Further, the development of Pt. Rem A and impacts to the SPEA are not likely.</p> <p>For the purposes of CVRD Policy 3.6 Ladysmith Harbour Development Permit Area, and specifically Policy 3.6.4 (a) and (b), drainage systems will be mapped and described by the developer and/or a professional engineer.</p>
<p>I, <u>Kelly Schellenberg, RPF</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Al Schon</u>; I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report


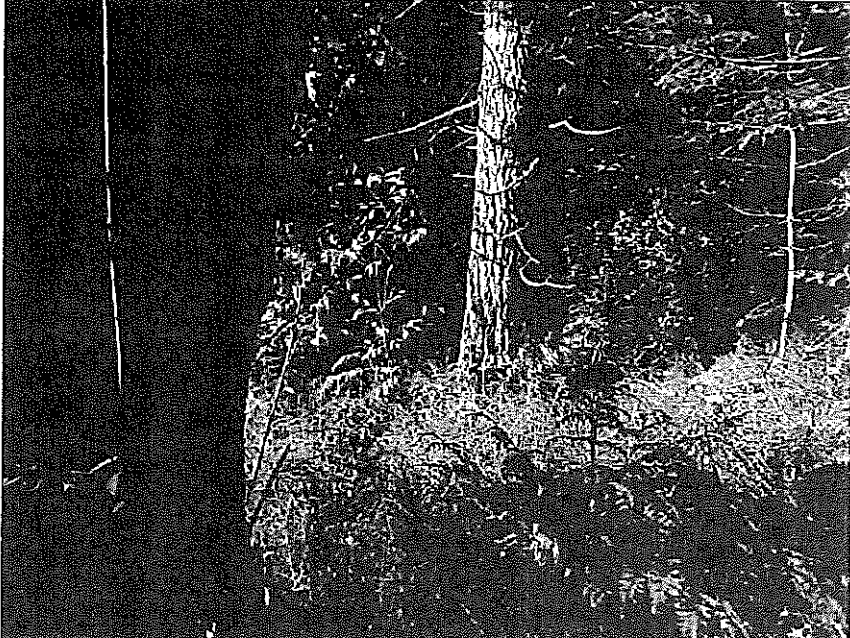
<p>8. Floodplain Concerns (highly mobile channel)</p>	<p>Development is not proposed as part of this RAR assessment. Further, the development of Pt. Rem A and impacts to the SPEA are not likely.</p> <p>For the purposes of CVRD Policy 3.6 Ladysmith Harbour Development Permit Area, and specifically Policy 3.6.4 (a) and (b), all natural watercourses and waterbodies will be mapped and described by the developer and/or a professional engineer.</p>
<p>I, <u>Kelly Schellenberg, RPF</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Al Schon</u>. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	

Section 5. Environmental Monitoring


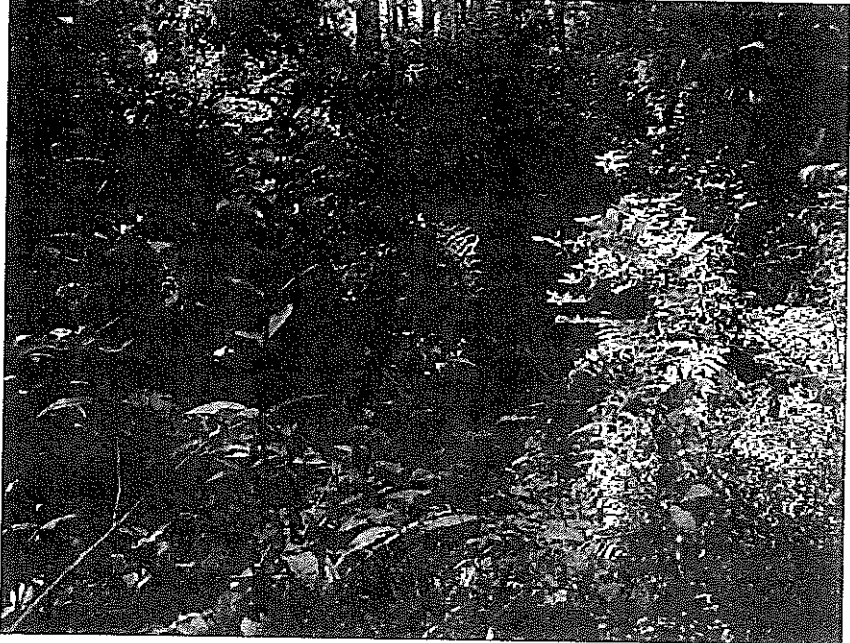
Project monitoring is not required unless there is development on either of the parcels included in this assessment.

Future development will require site visits. Commencing construction, a site visit will be conducted by a QEP to ensure that all measures have been implemented. The most important measures to check would be the clear delineation of the SPEA, checking that a sediment and erosion control plan is in place and ensuring that the tree protection measures have been implemented. A follow up visit by a QEP is required during construction for monitoring to ensure all measures relevant to the construction phase are being followed. A final post-construction site visit and monitoring report is also required as part of this assessment and will be uploaded as a part of this RAR assessment to ensure the erosion and sediment control plan was adhered to and that a storm water management plan was implemented.

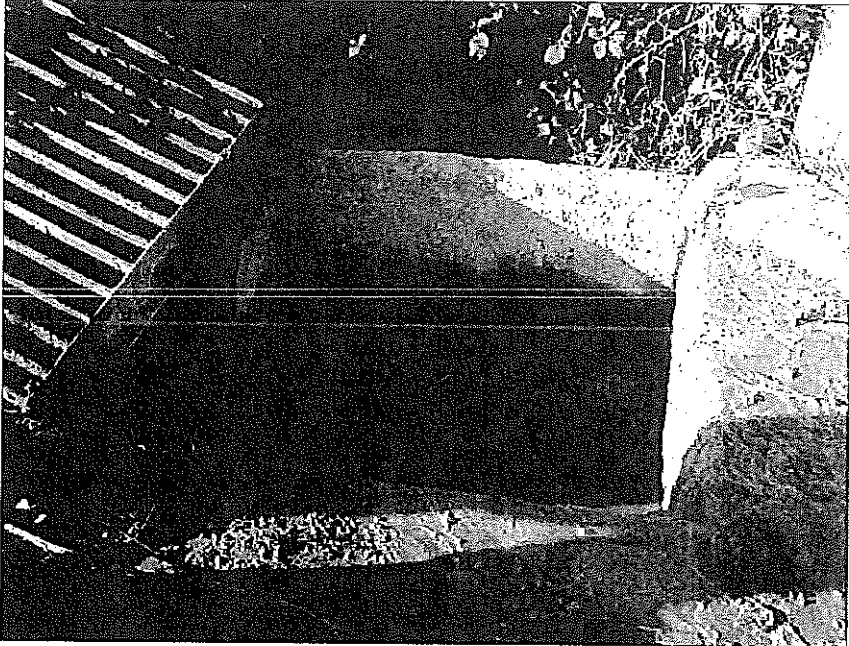

Section 6. Photos

Photo1	View of Harbour Sort operation looking southeast.
	
Photo 2	Pt. Rem. A: View to the west of upland area near Brenton-Page Road.
	

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

Photo 3	Pt. Rem. A: View to west over Stream 1.
	
Photo 4	Typical vegetation of overlapping SPEAs of Streams 1 and 2.
	

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

Photo 5	View of sump on Lot A: Ready-mix concrete plant.
	
Photo 6	Ditchline on north side on Brenton-Page Road looking west. Typical vegetation type.
	

Section 7. Professional Opinion

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

Date

December 3, 2010

1. I Kelly Schellenberg, RPF

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

hereby certify that:

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

2. As a qualified environmental professional, I hereby provide my professional opinion that:

- a) ☒ if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed,
OR
(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)
- b) if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

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

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



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 2-H-10DP

DATE: _____

TO: Al Schon

ADDRESS: 5258 Brenton-Page Road

Ladysmith, BC V9G 1L6

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below (legal description):

Lot A, District Lots 20 and 39G, Oyster District, Plan 49261
3. Authorization is hereby given for subdivision of the subject property along the road right of way in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following condition:
 - a. Landscaping installed in accordance with the proposed screening plan which includes installation of a new cypress hedge along a portion of the property and a new cedar fence;
 - b. Receipt of an irrevocable letter of credit in a form suitable to the CVRD equal to 125% of the value of the landscaping as depicted on the Proposed Screening Plan to be refunded a successful one-year maintenance period;
 - c. Compliance with the recommendations in Riparian Assessment Report No. 1844, submitted by Qualified Environmental Professional Kelly Schellenberg, of Terrawest Environmental Inc., on December 3, 2010; and
 - d. Continued removal of hog fuel in the manner described in the applicant's proposal dated March 31, 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.



R5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 5, 2011

DATE: June 28, 2011 FILE No: 3-A-11DP
FROM: Rob Conway, Manager, Development Services Division
Planning and Development Department BYLAW No: 2000
SUBJECT: Development Permit Application No. 3-A-11DP
(Phase 12 to 19 of Mill Springs)

Recommendation/Action:

That Development Permit Application No. 3-A-11DP be approved and the Planning and Development Department be authorized to issue a development permit to 687033 BC Ltd. for Phases 12 to 19 of Mill Springs, subsequent to the lands being serviced with Community Sewer as defined in Area A Zoning Bylaw No. 2000, and subject to the following conditions:

- a) All wiring to be installed underground;
- b) Deloume Road West to be opened prior to subdivision of Phase 12;
- c) Landscaping to be installed in the Phase 16 roadway median.

Relation to Corporate Strategic Plan: N/A

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

Background:

To consider issuance of a development permit for Phases 12 to 19 of the Mill Springs development, in accordance with the Mill Bay Development Permit Area guidelines.

Legal Description:

District Lot 46, Malahat District, except parts in Plan VIP68911, VIP78297, VIP82480 and Strata Plan VIS4795 (Phase 3, and 5 to 10) and except plan VIP83878, and VIP85356 and VIP85745 (PID: 009-355-723); and

District Lot 60, Malahat District, except parts in plans VIP68911, VIP77770, VIP80853, VIP82480 and Strata Plan VIS4795 (Phases 2, 3, 4, 5 and 6) (PID: 009-355-740).



Date Application and Complete Documentation Received: February 3, 2011

Owner: 687033 BC Ltd

Applicant: Aecom Canada Ltd.

Size of Parcel: Approximately 31.5 ha.

Existing Zoning: R-3 (Urban Residential)

Minimum Lot Size Under Zoning: 2,000 square metres for parcels serviced by a community water system only;
1,675 square metres for parcels serviced by both community water and sewer.

OCP Designation: Urban Residential

Current Use of Property: Vacant

Current Use of Surrounding Properties:

North:	Urban Residential
South:	Forestry
East:	Urban Residential
West:	Suburban Residential and Forestry

Services:

<u>Road Access:</u>	Frayne Road and Deloume Road
<u>Water:</u>	Mill Bay Waterworks
<u>Sewage Disposal:</u>	Presently serviced by the Mill Springs private sewer system. Conversion to a community system (CVRD owned) is proposed.

Agricultural Land Reserve Status: Property is not in ALR.

Environmentally Sensitive Areas: Handysen Creek is identified in the CVRD Environmental Planning Atlas as a confirmed fish bearing creek. Good Hope Creek and wetlands are also recognized as environmentally sensitive features on the property.

Archeological Site: We do not have record of any archaeological sites on the subject property.

Background:

Mill Springs is a multi-phased single family residential development in south west Mill Bay. The first phase of this development commenced in the late 1990s and since then an additional ten phases have been developed. A total of 200 residential lots have been subdivided or approved for subdivision to date. The current application proposes an additional 194 lots to be constructed over the eight remaining phases of the project. Development applications for previous phases of Mill Springs have been approved on a phase-by-phase basis. A different approach has been taken with this application, in that a single development permit is requested for all the remaining undeveloped lands.

The Proposal:

Phasing:

The undeveloped lands in Mill Springs are expected to be subdivided in 8 phases. The first two phases – Phases 12 and 13 – are in the north east corner of the site where 39 lots are proposed. Phases 14, 15 and 16 are proposed south of Deloume Road, where 66 lots are proposed. The last three phases are planned on the west side of Handysen Creek, with Phases 17 and 18 on the north side of Deloume Road and Phase 19 south of Deloume.

Density:

The subject lands are zoned R-3 (Urban Residential), which has a minimum parcel size of 2,000 square metres for lots serviced with community water and 1,675 square metres for lots serviced with both community water and sewer. As the Mill Springs development is presently serviced with a private sewer system and community water, the 2,000 square metre minimum lot size applies. Many of the lots within Mill Springs are in fact less than the 2,000 square metre

minimum because lot averaging has been used, as permitted by the Bare Land Strata Regulation. Lot averaging permits lot sizes less than the zoning minimum provided the average lot size complies with the minimum lot size of the zone.

The subdivision plan that was submitted with the current application is based on a minimum lot size of 1,675 square metres and assumes existing and proposed lots will be serviced with community sewer. The owner is pursuing the transfer of the sewer system at Mill Springs to the Regional District, which would result in it becoming a community sewer system. As the subject development permit application is premised on this occurring, it will be necessary for the transfer to happen before a development permit can be issued for the 194 lots proposed in the application. Should the transfer not occur, a revised layout with fewer lots would be required.

Sewage Disposal:

Mill Springs is currently serviced with a private sewer treatment system comprised of a treatment plant near the north boundary of the site, between Handysen Creek and Deloume Road and a disposal field near the south boundary of Mill Springs. An additional reserve field area is located immediately west of the primary effluent disposal field. As the second field area is primarily required as a reserve field, it could be available for community use such as a sports field or public green space.

The CVRD Board, in a resolution of February 11, 2009, directed that public consultation occur regarding the expansion and take-over of the Mill Springs sewer system by the CVRD. Cost estimates for the CVRD to take over the system are being prepared and a public meeting to discuss the possible sewer take-over is expected in the early fall. If the majority of Mill Springs residents are supportive of the take-over and the property owner and CVRD can agree on the terms and conditions of the transfer, it would likely occur sometime in 2012.

Parks and Green Space:

The Area A Parks Commission previously reviewed and supported park dedication generally as shown on the attached subdivision plan. Based on input from the Parks and Trails Division, some adjustment has been made to the phasing boundaries to better define when park dedication will occur and to distinguish park dedication from green space that will not be dedicated as park. Parks staff are supportive of proposed subdivision layout.

Policy Context:

Development Permit Guidelines:

The Mill Springs lands are within the Mill Bay Development Permit Area and the Riparian Area Regulation Development Permit Area, as defined in Official Community Plan Bylaw No. 1890. As a riparian area assessment for the entire site was prepared with a prior phase of Mill Springs and a RAR development permit was previously issued, riparian issues are not specifically addressed in this application. However, park dedication proposed with the current application encompasses the Streamside Protection and Enhancement Areas identified in RAR assessment, so no further protection measures are recommended.

The Mill Bay DPA was established to protect the natural environment and to establish objectives and guidelines for new development, including subdivision, in the Mill Bay area. Proposed subdivision of land within the Mill Bay DPA requires a development permit prior to receiving subdivision approval from the Ministry of Transportation and Infrastructure. The development permit review process is not intended to deal with use or density, or other matters addressed by the zoning bylaw. Rather, it is intended to ensure compliance with the applicable development permit guidelines.

The following section identifies applicable guidelines from the Mill Bay DPA (in italics) and how they are addressed in the subject application.

14.5.5 (a) Services and Utilities

1. *All sewage disposal facilities shall be approved by the Vancouver Island Health Region or the Ministry of Environment.*
2. *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.*
3. *Primary water sources for housing should not include Shawnigan or Hollings Creeks.*
4. *In any area that has unstable soil or water laden land which is subject to degradation, no septic tank, drainage, irrigation or water system shall be constructed.*
5. *Drainage facilities shall divert drainage away from hazardous lands.*

The applicant will be connecting Phase 12 to 19 to the existing sewage treatment plant, which has been approved by the Ministry of Environment. Water for future phases will be provided from Mill Bay Waterworks water system, and as such will not draw water from Shawnigan or Hollings Creeks.

A combination of infiltration and collection systems will be used to manage storm water. Residential lots with suitable soil conditions will direct perimeter drains and rain water leaders to infiltration systems. Roadway drainage and lots with poorly drained soil will be diverted through underground piping and will discharge to Handysen Creek.

14.5.5 (b) Vehicular Access

1. *Vehicular access shall not be provided directly to the traveling surface of the Trans Canada Highway. All such points of access shall be located on secondary roads or frontage roads, and shall be approved by the Ministry of Transportation and Highways.*
2. *Unnecessary duplication of access points is discouraged. Where two or more multi-family, commercial or industrial facilities abut one another, it is strongly encouraged that road access points be shared and internal parking areas and walkways be physically linked and protected by legal agreements.*
3. *Roads shall be paved with curbs, gutters and 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.*

Phases 12 to 19 will connect to the existing road network. It is expected that Deloume and Frayne Road will continue to be used as the main road in and out of the development. A new road connection to Deloume Road to the north is expected to be opened with Phase 11. Staff recommend that this be made a condition of the development permit. A road connection to Deloume Road to the west is expected to occur with Phase 17 of the development.

Due to steep grades, a one-way road system is planned in Phase 16 that would have a single looped travel lane separated by a median. This configuration will reduce the extent of cut and fill required to construct the road.

Mill Springs is somewhat unique in that it is one of the few residential subdivision in the Mill Bay and elsewhere in the Regional District that has sidewalks. Sidewalks will also be provided for Phases 12 to 19, as shown on the attached sidewalk plan.

All roads will be constructed with an asphalt surface and concrete curb and gutter.

14.5.5 (g) Lighting

Parking areas and pedestrian routes on a site should be well lit, however lighting should be designed to illuminate the surface of the site only without glare spill-over to adjacent parcels or to adjacent roads.

Streetlights will be provided with future phases. A detailed lighting plan is not available at this stage, but it is expected that street lights will be located behind the sidewalks. The lamp standards will match the decorative standards provided with previous phases and will include covers that direct the lighting downwards.

14.5.5 (h) Overhead wiring

Underground wiring shall be encouraged rather than overhead wiring.

Phases 12 to 19 will be serviced with underground wiring, as was the case with previous phases.

14.5.5 (j) Development Adjacent to Environmentally Sensitive Area and Hazardous Lands

1. *Such development shall be discouraged within 30m of any watercourse, including the Saanich Inlet, except as approved in writing by the Ministry of Environment and Fisheries and Oceans Canada, and a Development Permit under this Section.*
2. *Any alteration, construction or development must not impact water quality and quantity and be done in an environmentally sensitive manner resulting in no net loss of fisheries habitat. For example, this means that post-development stormwater flows should equal pre-development stormwater flows, and earth piles must be covered during construction, and construction machinery must be maintained to prevent oil spills.*
3. *The ocean shorelines and creek banks shall be left as much as possible in a natural state using existing vegetation and slope as guidelines.*
4. *Adequate buffering and protection of any sensitive native plant communities shall be provided.*

A Riparian Area Regulation assessment report was prepared and approved for the entire Mill Springs project in 2007. This report identified riparian setback areas for the entire property and established setback areas for Handysen Creek, Good Hope Creek and wetland areas on the property. Development proposed in Phases 12 to 19 is consistent with the riparian boundaries identified in the assessment report.

A comprehensive storm water management plan and drainage plan for the Mill Springs site was prepared during the initial phases of the development, and site specific updates for future phases must be reviewed and approved by the Ministry of Transportation and Infrastructure prior to the final approval of subdivision.

Advisory Planning Commission Comments:

The Area A Advisory Planning Commission reviewed this application on May 10, 2011 where it unanimously recommended,

That Development permit Application – Mill Springs Phase 12 to 19 No. 3-A-DP be approved with the recommendation Parks issues are referred back to the Parks and Recreation Commission.

Minutes from the meeting are attached to this report.

Agency Referrals

This application was referred to government agencies on May 3, 2011. The following is a list of agencies that were contacted and the comments received.

- Department of Fisheries and Oceans – *No comments received to date.*
- Mill Bay Volunteer Fire Department – *No comments received to date.*
- Ministry of Transportation and Infrastructure – *Interests unaffected.*
- Mill Bay Waterworks – *The Board of Trustees gives their approval subject to the infrastructure being installed in compliance with the current specifications and recommendations of the Board at the time each phase is constructed.*
- CVRD Public Safety – *See attached memo.*
- CVRD Engineering and Environment Department – *Water Management Division Supports this application provided the sewer take-over terms are met as described in this document. More than 50% of the property owners representing more than 50% of the net taxable value and the utility owner must agree to the takeover for this to happen.*
- CVRD Parks, Recreation and Culture Dept. – *No comments received to date.*

Any additional agency comments received will be provided at the EASC or Board meeting.

Development Services Division Comments:

Staff supports a single development permit application for the remainder of the Mill Springs development rather than the application being approved on a phase-by-phase basis as it will provide certainty about the future development of the lands and will allow the remaining phases to be planned in a more comprehensive manner.

This application is premised on the CVRD taking-over the Mill Springs sewer system and the existing and proposed lots being serviced with “community sewer”, as defined in the Area A Zoning Bylaw. As the density proposed in the application is dependent on the transfer, the development permit cannot be issued until this has occurred. If the EASC and CVRD Board support the application, it is expected the issuance of the permit would withheld until the transfer has been finalized.

The subdivision layout and development plan for phases 12 to 19 are very similar to what was proposed in the overall development concept presented in development permit applications for prior phases. Some changes, however, were made to address issues and comments from CVRD staff, the APC and agencies. These include:

- Reduction in the number of proposed lots from 395 to 394.
- Re-location of a pathway to provide a more direction between Phase 13 and Alget Way
- Extension of the road in Phase 15 to the south property boundary.
- Adjustment of the phasing schedule so public access to the reserve effluent disposal field can be achieved sooner.
- Agreement to landscape the median in the middle of the divided roadway in Phase 16.

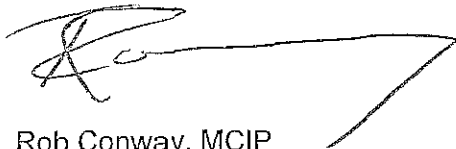
Staff believes the application is compliant with applicable development permit guidelines and that the applicant has made a good effort to address issues raised during the course of the application review.

Options:

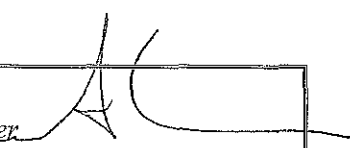
1. That Development Permit Application No. 3-A-11DP be approved and the Planning and Development Department be authorized to issue a development permit to 687033 BC Ltd. for Phases 12 to 19 of Mill Springs, subsequent to the lands being serviced with Community Sewer as defined in Area A Zoning Bylaw No. 2000, and subject to the following conditions:
 - a) All wiring to be installed underground;
 - b) Deloume Road West to be opened prior to subdivision of Phase 12;
 - c) Landscaping to be installed in the Phase 16 roadway median.
2. That Application No. 2-A-10DP not be approved and a development permit not be issued until the application is amended to comply with applicable development permit guidelines.

Option 1 is recommended

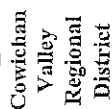
Submitted by,



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

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

RC/ca



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.

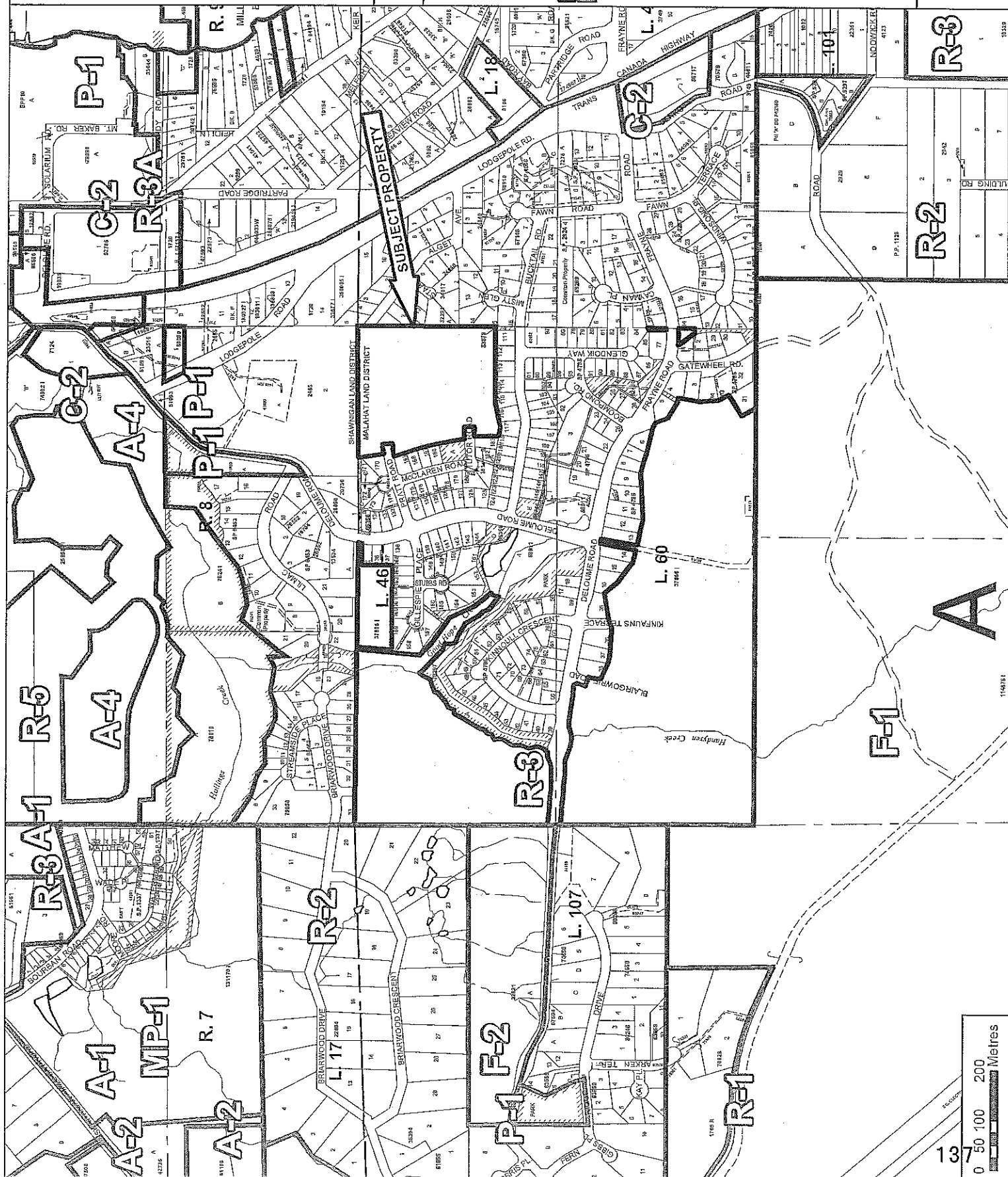
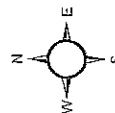
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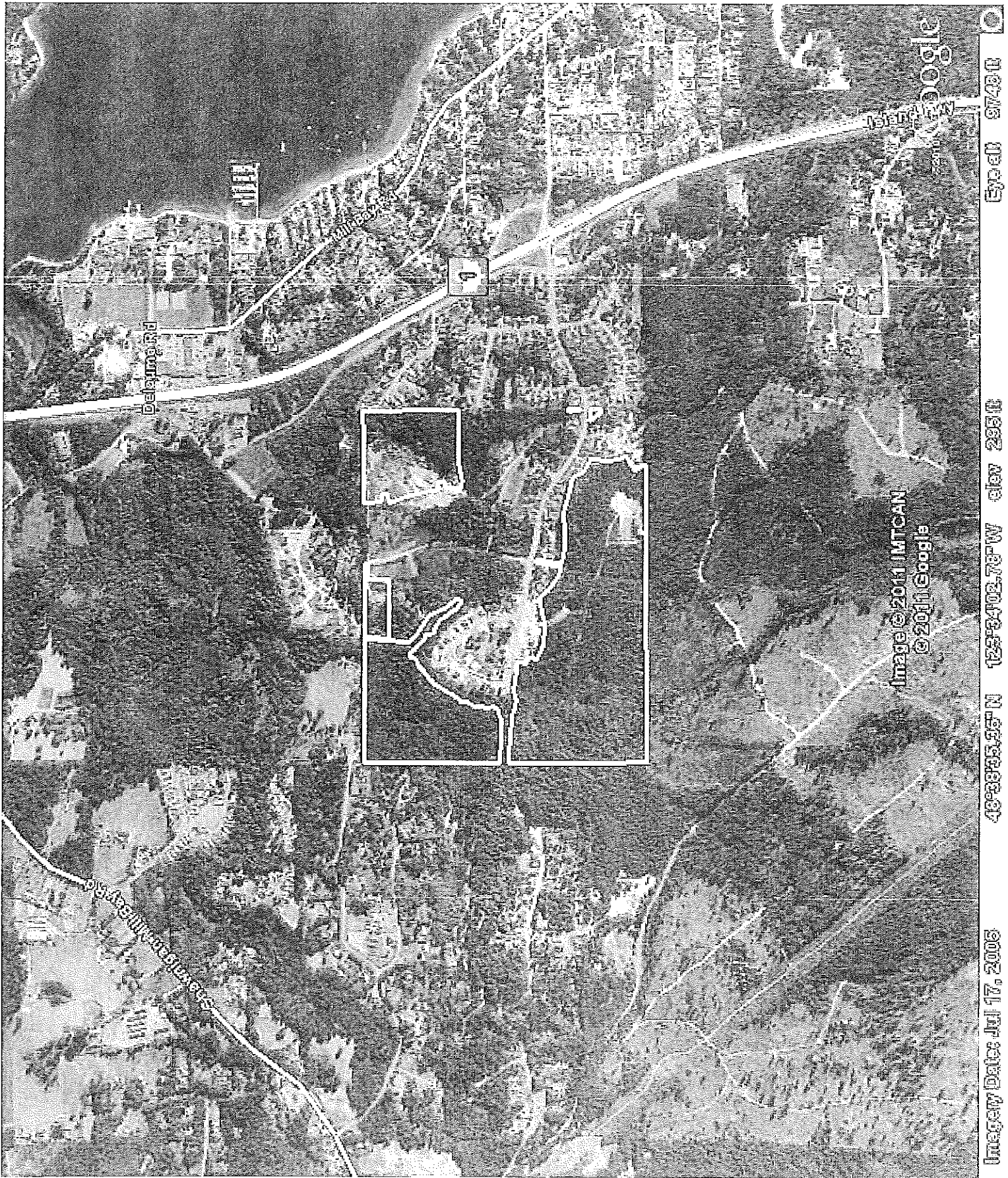
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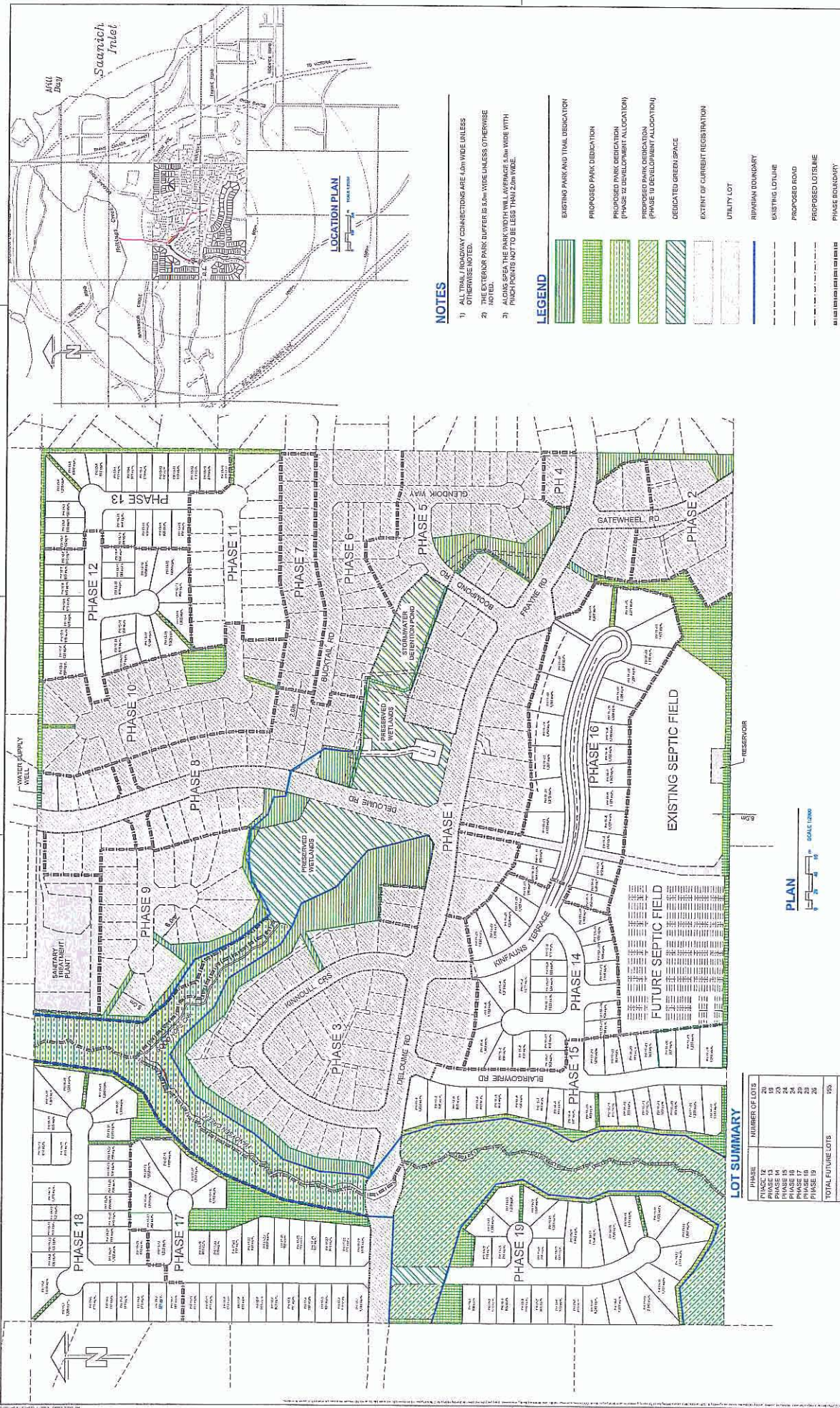
Legend



Subject Property
Zoning Electoral Area A







NOTES

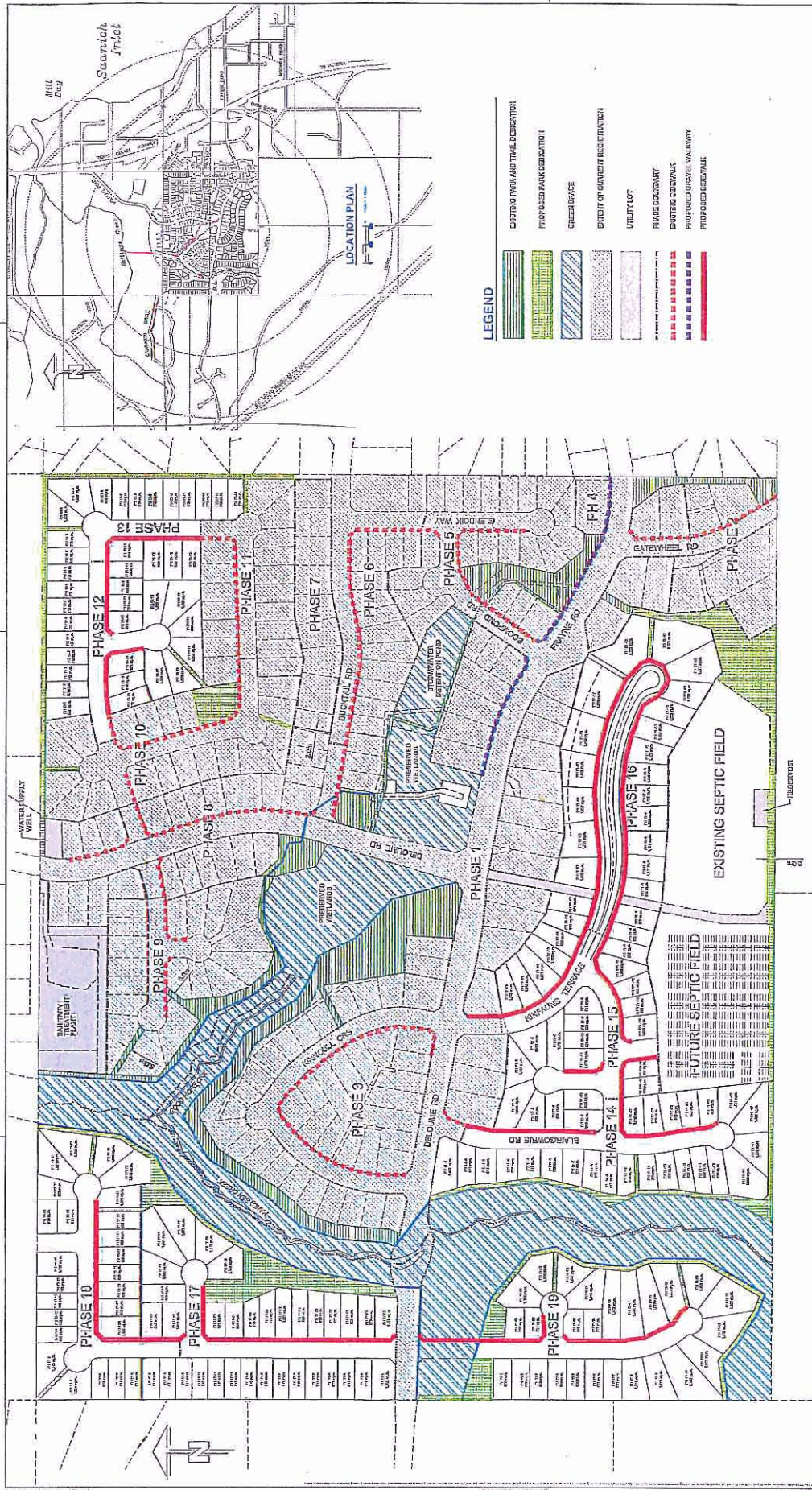
- 1) ALL TRAIL / ROADWAY CONNECTIONS ARE 4.0m WIDE UNLESS OTHERWISE NOTED.
- 2) THE EXTERIOR PARK BUFFER IS 5.0m WIDE UNLESS OTHERWISE NOTED.
- 3) ALONG SP2A THE PARK WIDTH WILL AVERAGE 5.0m WIDE WITH PUNCH POINTS NOT TO BE LESS THAN 2.0m WIDE.

LEGEND

- EXISTING PARK AND TRAIL DEDICATION
- PROPOSED PARK DEDICATION
- PROPOSED PARK DEDICATION (PHASE 12 DEVELOPMENT ALLOCATION)
- PROPOSED PARK DEDICATION (PHASE 10 DEVELOPMENT ALLOCATION)
- DEDICATED GREEN SPACE
- EXTENT OF CURRENT REGISTRATION
- UTILITY LOT
- RIPARIAN BOUNDARY
- EXISTING LOTLINE
- PROPOSED ROAD
- PROPOSED LOTLINE
- PHASE BOUNDARY

LOT SUMMARY

PHASE	NUMBER OF LOTS
PHASE 12	20
PHASE 14	20
PHASE 15	24
PHASE 17	20
PHASE 19	20
TOTAL FUTURE LOTS	104
EXISTING LOTS PHASES 1-11	190
TOTAL BUILDOUT	294



PLAN

667033 BC Ltd.
 Mill Springs Village - Project Planning & Management
**Proposed Sidewalk Layout for
 Remaining Phases (Phases 12-19)**
 Figure 105 - March 22nd 2011

Area A Advisory Planning Commission Minutes

10 May 2011 at 6:30 PM

Mill Bay Fire Hall

Present: June Laraman, Deryk Norton, David Gall, Ted Stevens, Archie Staats, Margo Johnston, Cliff Braaten, Brian Harrison (Director, Area A), Roger Burgess (Alternate Director, Area A), Mike Tippet (Manager, Community & Regional Planning, CVRD) and Rob Conway (MCIP, Manager, Development Services Division, CVRD)

Regrets: Geoff Johnson

Audience: 20+ public representatives, Jack Julseth (Bamberton Properties LLP) and Fraser McCall (Aecom Partner)

Meeting called to order at 6:35 pm.

Previous minutes:

It was moved and seconded the minutes of 8 March 2011 meeting be adopted.
MOTION CARRIED

New Business:

Development Permit Application – Mill Springs Phase 12 to 19 No. 3-A-DP

Purpose: to obtain a development permit for the remaining phases of the Mill Springs development.

Rob Conway, MCIP, Manager, Development Services Division, CVRD provided an overview of the Mill Springs development as follows:

- 8 phases proposed previously approved phase by phase. The CVRD requested a plan for the remaining phases as it is difficult for the CVRD to determine density.
- There is an agreement in principle that the Mill Springs sewer system to be transferred to CVRD once the development reached 200 lots. There is additional 195 lots planned in the remaining phases. The density averaging provision will allow a smaller lot size. If private system maintained the minimum lot size will be larger.
- A Mill Springs community meeting is planned for in June to review community sewer once the engineering study currently underway is completed. The current assumption is that the sewer system ownership will be transferred to the CVRD.
- Municipal sewer regulation require a back up field
- Deloume Road connection will open with phase 11. A bridge across Handysen Creek will be at phase 17 and Deloume Road West opened.
- Character and form in the new phases will remain the same, e.g. sidewalks and streetlights, etc.
- Parkland dedication was given at the beginning of the project and approved by the Parks and Recreation Commission. The amount of parkland dedication given is over the 5% cash in lieu required and the amount of parkland varies for each phase. Some phases have none.
- Questions from residents of Mill Springs submitted by Deryk Norton: to the APC and the CVRD were responded to by Rob Conway:
 1. Why is this application for all the remaining phases rather than for just the next phase or two as in the past?
 - The CVRD requested that the remaining phases be addressed at one time since Mill Springs is a bare land strata developments and can use density averaging. It is difficult for the CVRD to determine the total number of lots

available in the project if the development continues to be done phase by phase.

2. Why are the lots so small? It is noted that many lots in phases 12, 17, 18 & 19 are well below even the 1675 sq. metres. Many owners are expecting lot sizes consistent with phases 1-7 based on *sales pitches* made to them in the past.
 - Bare land strata development allows density averaging and meets legislative requirement. It is possible for lots to be less than 1675 sq. m. with the parkland dedication included.
3. Why is there no green space between phases 1 and 16?
 - The Parks and Recreation Commission approved the present plan in 2007. Probably no real natural feature here, it is necessary to have green space between phases.
4. Where is the road access for phases 17-19? Will there be a bridge across Handysen Creek or will there somehow be a connection to the existing portion of Deloume Road on the west side of Handysen Creek?
 - A bridge will be built over Handysen Creek by phase 17. This is a MoT decision not the developer.
 - A road could connect from the other side without the bridge. This is a MoT decision.
5. Why is there a need for second septic field labeled as "future septic field" (on the AECOM proposed layout for remaining phases)?
 - Reserve septic field a Ministry of the Environment requirement.
6. Why are there so many larger areas (e.g. phases 14-16) without any green space?
 - This decision was approved by the Parks and Recreation staff can be made Commission and CVRD Parks staff as to where green space is located.
 - The future septic field could be used as a playing field.
7. What will be the impact on existing drainage as it impacts the Phase 1 homes on the south side of Frayne and Deloume?
 - A drainage design would be done.
8. What is the schedule for the advancement of these phases? Will they occur in numerical order or some other order?
 - Yes, developed in numerical order.
9. What will be the access route for servicing the water tower and septic field(s)? It appears that existing service roads would be eliminated.
 - Laneway access. The CVRD engineering department can address this further if needed.
10. What playground or playing fields will be provided in the future phases?
 - Parkland contribution has been met.
11. Why is park dedication being taken along the edge of green space (i.e. along phases 14, 17, 18 and 19) and along the forestry lands south of Mill Springs instead of distributing spreading the green space within the phases where there is none?
 - This should be referred to The Parks and Recreation Commission for review. Green space areas can be changed.

Gerald Hartwig, (Aecom partner) as the applicant presented an overview of phases 12-19 and answered questions from APC members.

- Green strip along the edge of the development will eventually be a trail connecting to other areas e.g. Rat Lake.
- Water tower plus extra water donated to CVRD.
- Donated life safety interceptor.
- Donated to the construction of the tot lots.
- Helped rewrite water quality with Mill Bay Water Commission.
- Didn't lower lot prices during economic downturn, which protected value of owners' land.

- The intent was always to turn the sewer system to the CVRD, as the developers are not sewer experts. Residents of Mill Springs decide if septic system will be given to CVRD. It is not run as a utility.
- Community knows what is happening for the rest of the development.
- Septic fields could be used as playing fields and will be donated to the CVRD.
- Roads are designed to pick up drainage run-off.
- Landscape of median in middle low maintenance and green.

Comments and concerns presented by the APC

- Road connections are important. The more connections in place = less dense traffic.
- Can the connection to Alget be wider than a walking path for service vehicle access? Yes, no problem with an easement for Alget
- North Deloume access will open? Yes, in phase 11 paid for by the developer not MoT.
- Why are the lot sizes very small until phase 19? Concept of density averaging and parkland dedication allows this to happen. Small size lots use less water and are more affordable.
- How is the 5% dedication for parks decided? This development exceeds 5% with the septic field alone being 5.2 ha.
- How soon before the bridge is built? Depends on sales – probably 5-6 years if building at the current rate of 1 phase per year.
- Is there a commitment to Kerry Park Recreation? None as this was required at the time the property was rezoned.
- Can you consider meeting with Mill Bay/Malahat Historic Society for street names? Yes, this is already happening
- Phase 15, could services be roughed in to the septic field? They are already there except power necessary – will do.
- Will Phase 18 connect to Briarwood? Yes.
- Issue of certainty – this plan pulls this together.
- Future septic field (park area) is crucial.
- This project was approved before the amenity requirements we have now were in place.
- Bridge over Creek maybe a concern. MoT decision to identify this as a through road.
- Does the sales centre in phase 4 qualify as a residential building? Yes
- Public information meeting with current residents of Mill Springs? This application is a form and character request and that will continue as similar to previous phases. It is not a rezoning request requiring a public meeting. There will be a public meeting in June/July regarding the sewer system transfer to the CVRD and the results of the engineering study.
- Clarification re: reverse change of phases 14 and 15 on map dated March and April. April map is correct.
- Traffic concern, open Deloume North it will create a bottleneck near Tim Horton's for hwy access – MoT decision. There is no clear implication what MoT will do regarding the roads.

The Area A APC unanimously recommends to the CVRD **Development Permit Application – Mill Springs Phase 12 to 19 No. 3-A-DP** be approved with the recommendation Parks issues are referred back to the Parks and Recreation Commission.

Bamberton Business Park/Light Industrial Rezoning Application No. 01-A-11RS

Purpose: To consider light industrial and related land uses on some of the Bamberton lands and Draft Development Permit Guidelines, March 2011.

Mike Tippett, Manager, Community & Regional Planning, CVRD explained the map illustrating the Bamberton lands to be considered for rezoning and indicated what zone each represented.

- Merit in looking at light industrial in the area which will provide increase employment opportunities.
- The proposed South Cowichan OCP identified this area as an area for development.
- Business Park (orange area) will be visible from the highway.
- Some of the proposed light industrial areas would be leased. To make this area permanently light industrial the area would need to be rezoned.
- Light green area is designated for outdoor recreation. Wild Play would operate in this area.

Ross Tennant and Stefan Moores, (Three Point Properties) as the applicants presented an overview of application and answered questions from APC members.

Overview:

- Parkland from previous proposal under discussion with CVRD.
- Waterfront now nearly fully subscribed. Substantial employers.
- No direct highway access, the Haul Road would be used.
- Explained the signage to be used.
- Presented reasons for the request of additional lands to be zoned for light industrial.
 - In Northlands – use for Eco depot/ light industrial – highway and port access.
 - In Benchlands (a ground fill site)
- East side of the highway all lands would be leased thus still open for future residential.
- West side of the highway Business Park lands would be sold.
- Employment precedes future residential.
- Parklands protected.
- Local demand for industrial space can be met on-site.
- Will create employment opportunities with a living wage.
- Expanded/diversified tax base.
- Clean, safe, remediated site is
- Future mixed use land use deferred.

APC comments and concerns relating to the **Rezoning application** and the **Development Permit Guidelines** documents:

- Waterfront access – tenants there because of deep-water port access.
 - Leasing space so can transfer to waterfront village in future.
- Water transportation instead of highway?
 - Day dock – boat/kayak, etc.
 - Mill Bay Ferry – now have two roads and the new road less than 12% grade. Nothing substantial has transpired with BC Ferries as yet.
- Areas have changed?
 - Some lot lines moved.
 - Mike Tippet mentioned lot boundaries can be zone boundaries – this can be permitted.
- Wild Play where?
 - Mostly 18.6 and 6.7 ha areas (colored green on map)
 - Manufacturer of equipment used by Wild Play is already leasing Bamberton waterfront.
- Protect parkland (South lands) – Could a covenant on rezoning this land protect it?
 - Need wording to protect Southlands from deforestation.
 - Maybe CVRD could lease to keep the area parklands.
 - Community amenity? No, not unless residential development begins.
- More tourism friendly at water front.
 - F1A zone – maybe a hospitality area.
- Where do the ships dock?

- On map, the rectangular strip in front.
 - Drops off quickly – deep- great for large ships.
- Area at top west side - without a color code?
 - Space set aside – previously was residential.
- Industrial/Tourist safety?
 - Plan now - all commercial/industrial at waterfront.
- Zoning for East blue area (extra rezoning developer requesting)?
 - I-3 zone.
 - 2 tenant requests now.
- Where is residential?
 - May never happen.
- On West side would the 16 ha site when built out use the 31.5 ha site for expansion?
 - Yes, logical growth area.
- Descriptions between I-3 and I-4 zones very similar.
 - Mike Tippet stated that some uses needed to be modified.
- Time frame for lease- 30 years?
 - Most leases 2 to 5 years now.
- Little space for Business Park – lots of space for light industrial activities.
 - To retain flexibility.
- Wild Play – 3 zip lines located in an area with industrial activity.
 - Actually a distinct area with separate road access – independent not a part of industrial area.
- Fire protection in area?
 - Letter submitted to extend Mill Bay/Malahat fire protection.
- Business Park first area seen of Mill Bay when travelling north to Mill Bay.
 - Only business applications accepted – best up front.
 - Mike Tippet - Business park is an amenity – creates employment.
- Two new waterfront leases (yellow areas)
 - Mike Tippet mentioned new waterfront area not decided by CVRD – needs Crown approval.
- Future residential and Industrial?
 - Amenity for this request is the clean up of the Bamberton site.
 - Maybe amenity for residential would be South lands.
 - Design of development will still be green
 - Bamberton could be viewed as future Village Containment Boundary (VCB)
- What would you see from the water?
 - Soften visual view – most of the total waterfront will not be developed – natural color scheme.
- Process continues – how long will it take to be through the CVRD process?
 - Mike Tippet- reasonably quick would be fall.
- How long to take this to the market?
 - 18 months.
- Artifacts?
 - Not in the rezoning area.

The Area A APC unanimously recommends to the CVRD **Bamberton Business Park/Light Industrial Rezoning Application No. 01-A-11RS** be **approved** with consideration to the **five recommendations** below:

1. Zoning permitted uses for light industrial and Business Park need to be more clearly defined so that the Business Park is a true Business Park and does not contain light industrial uses.
2. Form and character west of the TCH must be consistent.
3. Form and character guidelines must be in place to protect viewscape from water.

4. Fire protection must be in place and agreed.
5. Consideration must be given to the protection of the Southlands.

Other:

A SCOCF committee meeting will be held 12 May 2011 in Mill Bay Community Hall at 5:00 pm.

Meeting Adjournment:

It was moved and seconded the meeting be adjourned.

MOTION CARRIED

Meeting adjourned at 10:08 pm.

Note: The next regular meeting will be at 6:30 pm, **14 June 2011** at Mill Bay Fire Hall.

8.4 R-3 ZONE - URBAN RESIDENTIAL

Subject to compliance with the general requirements detailed in Parts 4 and 5 of the Bylaw, the following regulations shall apply in the R-3 Zone:

(a) Permitted Uses

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

- (1) One single *family dwelling*;
- (2) *Bed and breakfast accommodation*;
- (3) *Daycare, nursery school accessory to a residential use*;
- (4) *Home occupation*;
- (5) *Horticulture*;
- (6) *Secondary suite or small suite*.

(b) Conditions of Use

For any *parcel* in an R-3 zone:

- (1) The *parcel coverage* shall not exceed 25 percent for all *buildings and structures*;
- (2) The *height* of all *buildings and structures* shall not exceed 10 m except for *accessory buildings* which shall not exceed a *height* of 6 m;
- (3) The following minimum *setbacks* shall apply:

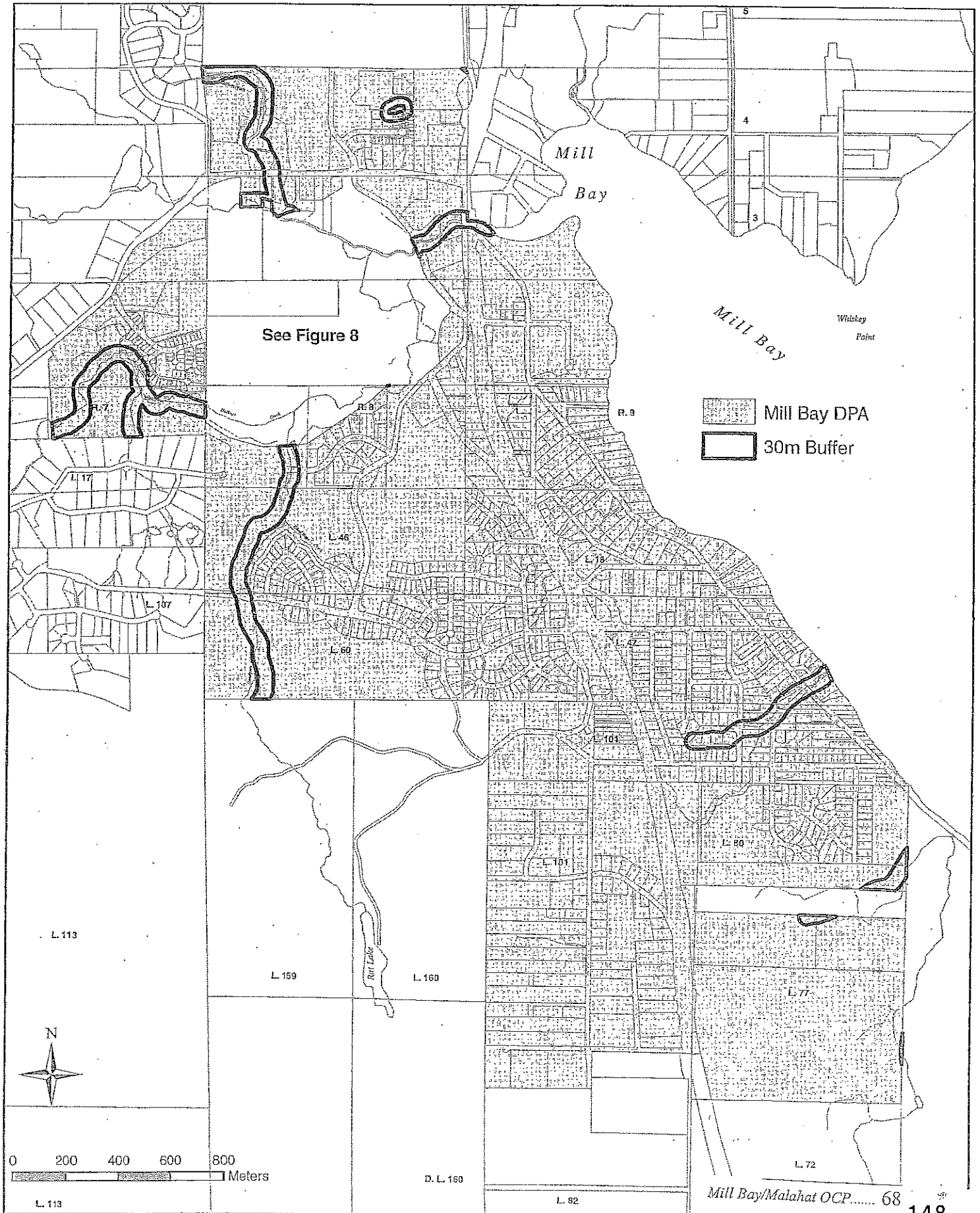
COLUMN I Type of Parcel Line	COLUMN II Residential Buildings & Structures	COLUMN III Buildings & Structures Accessory to Residential Use
Front	7.5 metres	7.5 metres
Interior Side	3.0 metres	3.0 metres
Exterior Side	4.5 metres	4.5 metres
Rear	4.5 metres	3.0 metres

(c) Minimum Parcel Size

Subject to Part 13, the minimum *parcel* size in the R-3 zone shall be:

- (1) 0.1675 ha for *parcels* served by *community water and sewer system*;
- (2) 0.2 ha for *parcels* served by a *community water system* only;
- (3) 1.0 ha for *parcels* served neither by a *community water* or *sewer system*.

Figure 7 - Mill Bay Development Permit Area



14.5 MILL BAY DEVELOPMENT PERMIT AREA

14.5.1 CATEGORY AND AREA

All lands located within the area highlighted in grey on Figure 7 are designated as the Mill Bay Development Permit Area. The Mill Bay Development Permit Area is proposed pursuant to the following sections of the Local Government Act:

- (a) Section 919.1(a) for protection of the natural environment, its ecosystems and biodiversity; 919(e) for the establishment of objectives for the form and character of intensive residential development, and 919.1(f) for the establishment of objectives for the form and character of commercial, industrial and multi-family residential development; and
- (b) Section 919(a) for protection of the natural environment, its ecosystems and biodiversity, for riparian assessment areas outlined in Section 14.5.2.

A development permit must be applied for, and issued by the Cowichan Valley Regional District, prior to:

- (c) commencement of the subdivision of land or any commercial, industrial, or multi-family or related development within the Mill Bay Development Permit Area, shown in Figure 7; and
- (d) For riparian assessment areas outlined in Section 14.5.2, any of the following activities occurring in the Mill Bay Development Permit Area, where such activities are directly or indirectly related to existing or proposed residential, commercial or industrial land uses in any Zone or Land Use Designation, subject to Section 14.5.1 (a) (b) and (c):
 - removal, alteration, disruption or destruction of vegetation;
 - disturbance of soils;
 - construction or erection of buildings and structures;
 - creation of nonstructural impervious or semi-impervious surfaces;
 - flood protection works;
 - construction of roads, trails, docks, wharves and bridges;
 - provision and maintenance of sewer and water services;
 - development of drainage systems;
 - development of utility corridors;
 - subdivision as defined in section 872 of the *Local Government Act*.

14.5.2 RIPARIAN ASSESSMENT AREAS

Additionally, Riparian Assessment Areas, as defined in the *Riparian Areas Regulation* that are within the area shown as Mill Bay Development Permit Area on Figure 7, are (as measured on the ground):

- 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,

And within these areas, the Riparian Areas Regulation Guidelines below will also apply.

14.5.3 DEFINITIONS

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

14.5.4 JUSTIFICATION

- a) An objective of the Regional District is to ensure that the design of any intensive residential, multi-family residential, commercial or industrial development is more stringently regulated than provided for in the zoning bylaw, in order to ensure that it is compatible with surrounding land uses.
- b) An objective of the Regional District is to ensure that intensive residential, multi-family residential, commercial and industrial activities are attractive, with rigorous requirements for the storage of materials, landscaping, traffic mitigation and environmental protection.
- c) An objective of the Regional District is to ensure that intensive residential, multi-family residential, commercial and industrial development does not impact negatively on the attractive character of any portion of the community, the livability of any residential neighbourhood, or the natural environment, in particular the groundwater resource.
- d) An objective of the Regional District is to ensure that intensive residential and multi-family residential development is designed to encourage affordability, safety, and accessibility, and is aesthetically landscaped and screened.
- e) Land uses within the development permit area may directly impact the Mill Bay Aquifer, the Saanich Inlet and/or freshwater streams, such as Shawnigan Creek, Hollings Creek or Handysen Creek, which flow into the Inlet. An objective of the Regional District is to ensure that the integrity of surface water and groundwater is protected from indiscriminate development. It is recognized that:
 - a majority of residents in the Mill Bay Village area rely upon the Mill Bay aquifer for domestic water use, both in the form of drilled wells and the Mill Bay Waterworks Community Water System,
 - the Mill Bay Aquifer has a high vulnerability rating and a moderate productivity level, due to the depth to static water being shallow and, in many cases, the aquifer being unconfined (the aquifer flows north to northeast and has a mean depth of 7.2 metres (23 ft), a median depth of 6.7 metres (22 ft), with a total range of 0-38.1 metres (0-125 ft)),
 - the vulnerability of the Mill Bay Aquifer may be greatest in the upslope recharge areas and the northern area near Hollings Creek (the Mill Bay Aquifer is recharged through infiltration of precipitation along the upslope southern portion of the aquifer, groundwater flow is towards the

north and northeast, and the discharge zone is in the northern portion in the vicinity of Wheelbarrow Springs),

- significant areas along Shawnigan Creek and its tributaries may be subject to flooding, erosion and channel shifting,
 - provincial Fishery officials and the Federal Department of Fisheries and Oceans are concerned about the loss and degradation of trout and salmon spawning and rearing streams in the area,
 - the construction of buildings and structures and the clearing of land can create sedimentation problems which can adversely affect aquatic habitat, and
 - "Develop With Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia", published by the Ministry of Environment requires that sensitive areas be left undisturbed wherever possible, with most development being preferably at least 30 metres away from the natural boundary of a watercourse.
- f) 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).

14.5.5 GUIDELINES

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

- a) Services and Utilities
1. All sewage disposal facilities shall be approved by the Vancouver Island Health Authority or the Ministry of Environment.
 2. 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.
 3. Primary water sources for housing should not include Shawnigan or Hollings Creeks.
 4. In any area that has unstable soil or water laden land which is subject to degradation, no septic tank, drainage, irrigation or water system shall be constructed.
 5. Drainage facilities shall divert drainage away from hazardous lands.
- b) Vehicular Access
1. Vehicular access shall not be provided directly to the traveling surface of the Trans Canada Highway. All such points of access shall be located on

secondary roads or frontage roads, and shall be approved by the Ministry of Transportation and Highways.

2. Unnecessary duplication of access points is discouraged. Where two or more multi family, commercial or industrial facilities abut one another, it is strongly encouraged that road access points be shared and internal parking areas and walkways be physically linked and protected by legal agreements.
3. Roads shall be paved with curbs, gutters, and 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.
4. The Regional Board may give favourable consideration to variances of the terms of its parking bylaw (as stated in Policy 14.5.6 VARIANCES), for intensive residential development that features extended care facilities for seniors, if the development is located within the Urban Containment Boundary and in the vicinity of a public transit route which connects with Mill Bay Centre.

c) Vehicular Parking

1. Parking surfaces shall be constructed of asphalt or concrete and should be located a minimum of three metres from any parcel line.
2. Parking areas shall be designed to physically separate pedestrian and vehicular traffic.
3. Parking areas shall have interior landscaping, to break up large parking areas.
4. Parking areas shall be well lit and designed to provide for the safety of users.

d) Pedestrian Access

Within a development site, pedestrian routes should be clearly defined by means of separate walkways, sidewalks or paths in order to encourage and accommodate safe pedestrian access on and off the site. Where public sidewalks, pedestrian routes and crosswalks exist, the on-site walkways should tie in with these.

e) Landscaping

1. Landscaping shall be provided as a minimum 6 metre visual buffer between a multi family, commercial or industrial use and neighbouring parcels and public roads. Combinations of low shrubbery, ornamental trees, and flowering perennials are recommended.
2. Safety from crime should be considered in landscaping plans.
3. The intermittent use of landscaped berms and raised planter berms as a visual and noise barrier between a multi family use and public roads is encouraged.
4. Landscaping may include lawn areas, however for commercial and industrial uses such areas should not exceed 50% of the total landscaping on the site, and for multi family uses such areas should not exceed 80% of the total landscaping on the site.

5. The Development Permit may specify the amount and location of tree and vegetation cover to be planted or retained.
- f) Signage
1. Signage should be designed to reflect the architecture of the site and to be in harmony with the landscaping plans for the site.
 2. Where multiple free standing signs are required on a site, the signs shall be consolidated into a single, comprehensive sign.
 3. Free standing Signage should be low and should not exceed 5 metres in height, except where a site is lower than the adjacent road surface. In these cases variations may be appropriate and should be considered on their own merit.
 4. Facia or canopy signs may be considered provided that they are front-lit and designed in harmony with the architecture of the building or structure proposed.
 5. Projecting signs shall be discouraged since they tend to compete with one another and are difficult to harmonize with the architectural elements of the commercial or industrial building.
 6. Where signs are illuminated, favorable consideration shall be given to external lighting sources or low intensity internal sources. High intensity panel signs shall be avoided.
 7. Signs shall be designed so that they are not in contravention with provincial legislation and the Ministry of Transportation and Highway's policies.
- g) Lighting
- Parking areas and pedestrian routes on a site should be well lit, however lighting should be designed to illuminate the surface of the site only without glare spill-over to adjacent parcels or to adjacent roads.
- h) Overhead Wiring
- Underground wiring shall be encouraged rather than overhead wiring.
- i) Building Design (applies only to intensive or multiple family residential, commercial and industrial buildings)
- Buildings and structures shall be designed in harmony with the aesthetics of the surrounding lands, on-site signage and landscaping plans. All plans and building designs should promote personal and public safety and should be referred to the Advisory Planning Commission for comment before being approved by the Regional Board.
- j) Development Adjacent to Environmentally Sensitive Areas and Hazardous Lands
- This section applies to intensive residential, multi-family residential, commercial and industrial uses:

1. such development shall be discouraged within 30 metres of any watercourse, including the Saanich Inlet, except as approved in writing by the Ministry of Environment and Fisheries and Oceans Canada, and a Development Permit under this Section.
 2. Any alteration, construction or development must not impact water quality and quantity, and be done in an environmentally sensitive manner resulting in no net loss of fisheries habitat. For example, this means that post-development stormwater flows should equal pre-development stormwater flows, and earth piles must be covered during construction, and construction machinery must be maintained to prevent oil spills.
 3. The ocean shorelines and creek banks shall be left as much as possible in a natural state using existing vegetation and slope as guidelines.
 4. Adequate buffering and protection of any sensitive native plant communities shall be provided.
- k) Timing of Development on Land
The development permit may impose conditions for the sequence and timing of development on land described in the permit.
- l) 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 in certain locations to create a more aesthetic setting, protect environmentally sensitive areas, protect amenities, enhance views or increase the functionality of the site design.
- m) Riparian Areas Regulation Guidelines
Prior to undertaking any of the development activities listed in Section 14.5.1(d) above, an owner of property within the Mill Bay Development Permit Area shall apply to the CVRD for a development permit, and the application shall meet the following guidelines:
1. 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.
2. 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.
 3. 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;
 4. If the nature of a proposed project in a riparian assessment area evolves due to new information or some other change, a QEP will be required to submit an amendment report, to be filed on the notification system;
 5. Wherever possible, QEPs are encouraged to exceed the minimum standards set out in the RAR in their reports;
 6. The CVRD Board strongly encourages the QEP report to have regard for "Develop with Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia" published by the Ministry of Environment.

14.5.6 REQUIREMENTS

Prior to issuing a development permit on a parcel in the Mill Bay 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,
- b) maps/elevation drawings which include:
 - 1. the location of the project,
 - 2. a scale drawn site plan showing the general arrangement of land uses including parcel lines, existing and proposed buildings and structures, parking and loading areas, vehicular access points, pedestrian walkways and bike paths, and outdoor illumination design,
 - 3. a scale drawn landscaping plan, identifying the existing and proposed plant species, and areas to be cleared or planted for all landscaped areas,
 - 4. a Signage plan showing all existing and proposed signs or sign areas,
 - 5. a preliminary building design including proposed roof and exterior finish details,
 - 6. the location of all natural watercourses and water bodies,
 - 7. the location of all greenways or open space,
 - 8. setback distances from a watercourse for construction or the alteration of land,
 - 9. location of break of land at the top of bank, or the significant or regular break in slope which is a minimum of 15 metres wide away from the watercourse, pursuant to the document "Develop with Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia" published by the Ministry of Environment,
 - 10. topographical contours,
 - 11. the location of all soil test sites and soil depths,
 - 12. the location of hazardous slopes exceeding 25 percent grade,
 - 13. the location of lands subject to periodic flooding,
 - 14. existing and proposed roads, drainage systems, septic tanks and other sewage systems, irrigation systems, and water supply systems,
 - 15. the location of the sewage treatment plant and disposal field, if applicable,
 - 16. proposed erosion control works or alteration proposed, and
 - 17. areas of sensitive native plant communities.
- c) For development in areas that are subject to Section 14.5(a), a report of a Qualified Environmental Professional pursuant to Section 14.5.4(m).
- d) In addition to the requirements in subsections (a), (b) and (c), the Regional District may require the applicant to furnish, at his/her own expense, a report certified by a professional engineer with experience in geotechnical engineering which shall include:
 - 1. a hydrogeological report/environmental impact assessment assessing any impact of the project on watercourses in the area,
 - 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 regarding the safety of the proposed use and structures on-site and off-site or indicating that the land may be used safely for the use intended,
4. a drainage and stormwater management plan, and
5. a report on the potential impact of the development on the groundwater resource.

14.5.7 EXEMPTIONS

The terms of the Mill Bay Development Permit Area do not apply to:

- a) construction or renovations of single family dwellings and accessory structures that lie outside of the area that is subject to Section 14.5(a);
- b) interior renovations to existing buildings;
- c) agriculture (except veterinary clinics) forestry, and parks;
- d) changes to the text or message on an existing sign that was permitted under an existing development permit.

14.5.8 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.

14.5.9 VIOLATION

Every person who:

- a) violates any provision of this Development Permit Area;
- b) causes or permits any act or thing to be done in contravention or violation of any provision of this Development Permit Area;
- c) neglects to do or refrains from doing any act or thing required under this Development Permit Area;
- d) carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to this Development Permit Area;
- e) fails to comply with an order, direction or notice given under this Development Permit Area; or
- f) prevents or obstructs or attempts to prevent or obstruct the authorised entry of the Administrator, or person designated to act in the place of the Administrator;

commits an offence under this Bylaw.

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



MEMORANDUM

DATE: May 9, 2011 **FILE NO:** 3-A-11DP(Hartwig)

TO: Rob Conway, Manager, Development Services Division

FROM: Sybille Sanderson, Acting General Manager, Public Safety

SUBJECT: Development Permit No. 3-A-11DP(Hartwig) – Public Safety Application Review

In review of the application, the following comments apply to the proposal.

- ✓ Proposal is within the Shawnigan Lake RCMP Detachment area.
- ✓ Proposal is within the British Columbia Ambulance Station 137 (Mill Bay) response area.
- ✓ Proposal is within the boundaries of the CVRD Regional Emergency Program.

Public Safety has the following concerns that may affect the delivery of emergency services to the proposed facility:

- Proposal is within the Mill Bay Fire Improvement District response area and their input may further affect Public Safety concerns/comments.
- The Community Wildfire Protection Plan has identified this area as **moderate to extreme risk for wildfire**. Compliance with the attached FireSmart principles is required.
- Minimum two points of access/egress to properties within the proposed development must be provided to accommodate simultaneous access/evacuation for citizenry and emergency services personnel. Specifically phase 16 needs to ensure wide enough turning radius and access/egress in the event of a fire or other disaster.
- 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. A proper fire hydrant system should be implemented.
- Provision of Fire Protection for a development of this size and location requires significant infrastructure investment on the part of the Local Government and Fire Department (Building, Apparatus, Equipment, members and training). The developer should work with the Planning & Development Department, Public Safety Department and the Fire Department to develop appropriate solutions prior to application approval.

Together Building Community Resilience and Sustainability

Sybille Sanderson



C.V.R.D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 3-A-11DP

DATE: TBD

TO: 687033 BC LTD.
c/o AECOM CANADA LTD.

ADDRESS: 200 - 415 GORGE ROAD EAST
VICTORIA, BC V9T 2W1

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below for purposes of subdivision:
District Lot 46, Malahat District, except parts in Plans VIP68911, VIP78297, VIP82480 and Strata Plan VIS4795 (Phases 3, and 5 to 10) and except Plan VIP83878, and VIP85356 and VIP85745(PID: 009-355-723) and
District Lot 60, Malahat District, except parts in plans VIP68911, VIP77770, VIP80853, VIP82480 and Strata Plan VIS4795 (Phases 2,3,4,5 and 6) (PID: 009-355-740)
3. Authorization is hereby given for the land to be subdivided into 194 residential parcels, plus land for park and associated purposes, in accordance with the Mill Bay Development Permit Area guidelines.
4. 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.
5. The following Schedules are attached:
 - o Master Lotting Plan, June 24, 2011
 - o Proposed Sidewalk Layout, March 22, 2011
6. This Permit is not a Subdivision Approval. No subdivision approval shall be recommended until all items of this Development Permit and other bylaw requirements and requirements of subdivision have been completed.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. 10-623.14 PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE Xth DAY OF MONTH, 2011.

Tom Anderson, MCIP
General Manager,
Planning and Development Department

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

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 687033 BC LTD., other than those contained in this Permit.

Signature of Owner/Agent

Witness

Print Name

Occupation

Date

Date

DRAFT



R 6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 5, 2011

DATE: June 20, 2011
FROM: Catherine Tompkins, Senior Planner
SUBJECT: South Cowichan Zoning Bylaw

Recommendation/Action:

That the Electoral Area Services Committee consider the following proposed work plan for the preparation and completion of the South Cowichan Zoning Bylaw.

Relation to the Corporate Strategic Plan: N/A

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

Background:

To consider the methodology for the preparation of the South Cowichan Zoning Bylaw.

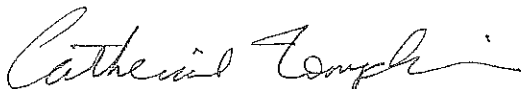
With the South Cowichan OCP project nearing completion, it is now necessary to consider the process for preparing the implementing South Cowichan Zoning Bylaw. The Zoning Bylaw will consist of a regulatory framework that governs how development may occur in the various zones in Electoral Area A (Mill Bay/Malahat), B (Shawnigan Lake) and C (Cobble Hill), in accordance with the new OCP. The Zoning Bylaw will provide the regulations necessary to bring about orderly growth and change.

The preparation of a Zoning Bylaw is, for the most part, a technical exercise, and does not require the extensive early consultation process that is necessary in an official community plan revision. The recommended process for preparing the South Cowichan Zoning Bylaw is set out as follows:



- a. Community and Regional Planning Division prepare the draft South Cowichan Zoning Bylaw (work is underway now);
- b. The draft South Cowichan Zoning Bylaw, once completed and edited by staff, is referred to a joint APC meeting, consisting of the APCs for Electoral Area A (Mill Bay/Malahat), B (Shawnigan Lake) and C (Cobble Hill);

- c. The draft South Cowichan Zoning Bylaw is referred to the Agricultural Land Commission; Ministry of Forests, Lands and Natural Resource Operations; Ministry of Agriculture; Ministry of Energy and Mines; Ministry of Transportation and Infrastructure; Vancouver Island Health Authority; Ministry of Environment; Ministry of Community, Sport and Cultural Development; Capital Regional District; Islands Trust; School District 79; Mill Bay Waterworks District; Meredith Road Improvement District; Sylvania Improvement District; Carleton Improvement District; Wace Creek Improvement District; Cobble Hill Improvement District; Cowichan Bay Waterworks District; Kilmalu Water Utility; Burnham Utility Company; Garnet Creek Utility; Knute Johnson Water Utility; Miller Road Water Utility; Braithwaite Estates Improvement District; Shawnigan Lake Improvement District; Cobble Hill Improvement District; Lidstech Holdings; Oceanview Improvement District; Cowichan Bay Fire Department; Malahat Fire Department; Shawnigan Lake Fire Department; Mill Bay Fire Department; Cowichan Tribes; Malahat First Nation; Mill Springs private sewer utility; Deer Park private sewer utility; Windsong private sewer utility; CVRD Engineering and Environmental Services Department;
- d. The draft South Cowichan Zoning Bylaw is posted on the CVRD Website, and notices are sent out in bulk mail-out and newspapers, to encourage comments.
- e. Public meetings are held in Mill Bay, Shawnigan Lake and Cobble Hill, to encourage public comments on the Zoning Bylaw, including the Zoning Map;
- f. The South Cowichan Zoning Bylaw is submitted to the Electoral Area Services Committee;
- g. The South Cowichan Zoning Bylaw is considered for first and second readings;
- h. A public Hearing is held to consider the proposed Zoning Bylaw;
- i. The South Cowichan Zoning Bylaw is considered for third reading;
- j. The Zoning Bylaw is forwarded to the Ministry of Transportation and Infrastructure for approval;
- k. Following provincial approval, the South Cowichan Zoning Bylaw is considered for final adoption.

Submitted by,



Catherine Tompkins MCIP
Senior Planner
Regional and Community Planning
Planning and Development Department

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

CT/ca



R7

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 5, 2011

DATE: June 28, 2011 FILE NO: 01-A-11RS
FROM: Mike Tippet, Manager
Community & Regional Planning BYLAW NO: 3497, 3498,
3511
SUBJECT: Application No. 1-A-11RS
(Bamberton Industrial lands)

Recommendation/Action:

The direction of the Electoral Area Services Committee is requested with respect to the proposed adjustments to the I-3 Zone boundary and scope of the proposed development permit area in the I-2 Zone.

Relation to the Corporate Strategic Plan: N/A

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

Background:

To consider the possibility of changing two details of the proposed amendment bylaws for Bamberton business/industrial park.

Following a review of the mapping proposed for the Bamberton Industrial zoning on the east side of the Trans-Canada Highway, we wanted to bring to the Committee's attention two requests from the applicants regarding the amendment bylaws:

1. There is a request for the CVRD to adjust the boundaries of the proposed I-3 Zone, based upon a more accurate map provided by Brent Taylor, BCLS. The only significant deviation in the boundary of the area to be rezoned as I-3 is in the northeast part of the property, where a ravine would be left in F-1 zoning and a larger area, sloping towards Saanich Inlet would be added to the I-3 Zone from F-1. The proposed zone boundaries are shown in red on the map attached to this report, with the zone boundaries as presently in the amendment bylaw being shown outlined in a thick black line and shaded.
2. The applicants have also asked for more clarity in the OCP amendment bylaws as to which guidelines would apply to the land area that is presently zoned as I-2 (the old cement plant). Given that it is a remote area (other than from boats on the water or the east side of the Inlet), the applicants are requesting that only a reduced set of development permit guidelines apply to this area. The guidelines that now are proposed to apply are only those related to environmental protection at both the subdivision and site development stages (lands presently zoned as I-2 may be subdivided, unlike the area to be rezoned I-3), those guidelines related to natural hazards and view protection from the waters of Saanich Inlet.

Staff believe that the requested clarification of guidelines with respect to the I-2 lands is reasonable and supportable, considering the context of these lands location right on the Inlet. The excluded guidelines are really intended for areas that will be accessed by public roads, and would be visible from the Trans-Canada Highway.

The proposed change to DPA wording would be accomplished by substituting the following wording for the existing wording in the amendment bylaws:

Proposed wording, Bylaw 3497:

14.10.2 SCOPE

The Business Park/Light Industrial Development Permit Area applies to all lands that are zoned industrial within the area shown on Figure 13 as follows:

- (a) the guidelines regarding environmental protection (sections 14.10.4(a) 1 to 4 and (b) 1 to 3), natural hazards (section 14.10.4(a) 5) and views (section 14.10.4(b) 5) shall apply to lands that are zoned I-2; and*
- (b) all guidelines shall apply to all other industrial zoned lands.*

Proposed wording, Bylaw No. 3511:

24.1.16A INDUSTRIAL/BUSINESS PARK GUIDELINES

The Industrial/Business Park Guidelines apply to the subdivision of land and construction of buildings or structures or landscaping for all industrial zoned lands in the Plan Area as follows:

- (a) the guidelines regarding environmental protection (guidelines a) 1 to 4 and b) 1 to 3), natural hazards (guideline a) 5) and views (guideline b) 5) shall apply to all lands that are zoned I-2.*
- (b) all guidelines shall apply to all other industrial zoned lands.*

Where these guidelines collide with those in other Sections, these guidelines shall prevail.

Options:

1. That the Electoral Area Services Committee recommends to the CVRD Board of Directors that the map accompanying Zoning Amendment Bylaw 3498 be amended by adjusting the boundary of the I-3 Zone in accordance with the sketch prepared by Polaris Land Surveying, and that similar amendments be made to Figure 2A of OCP Amendment Bylaw 3497, that a Figure 10A be added to OCP Amendment Bylaw 3511 with the same boundaries as Figure 2A for Bylaw 3497, AND FURTHER that the development permit sections of both OCP Amendment Bylaws 3497 and 3511 be amended by clarifying that only DP guidelines related to environmental protection, safety and the view protection from Saanich Inlet waters be applicable to areas that are zoned as I-2.

2. That the proposed amendment bylaws remain generally as presently drafted, but with a Figure 10A added to Bylaw 3511, indicating the area that is designated Rural Resource that may be zoned for industrial use, and that the Bylaws all proceed to a hearing on that basis, once the matters described in the Board's Resolution 11-326 have been addressed satisfactorily.

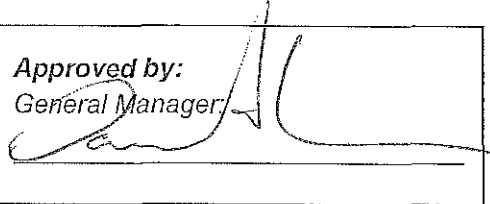
Submitted by,



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

MT/ca
attachment

Approved by:
General Manager



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.

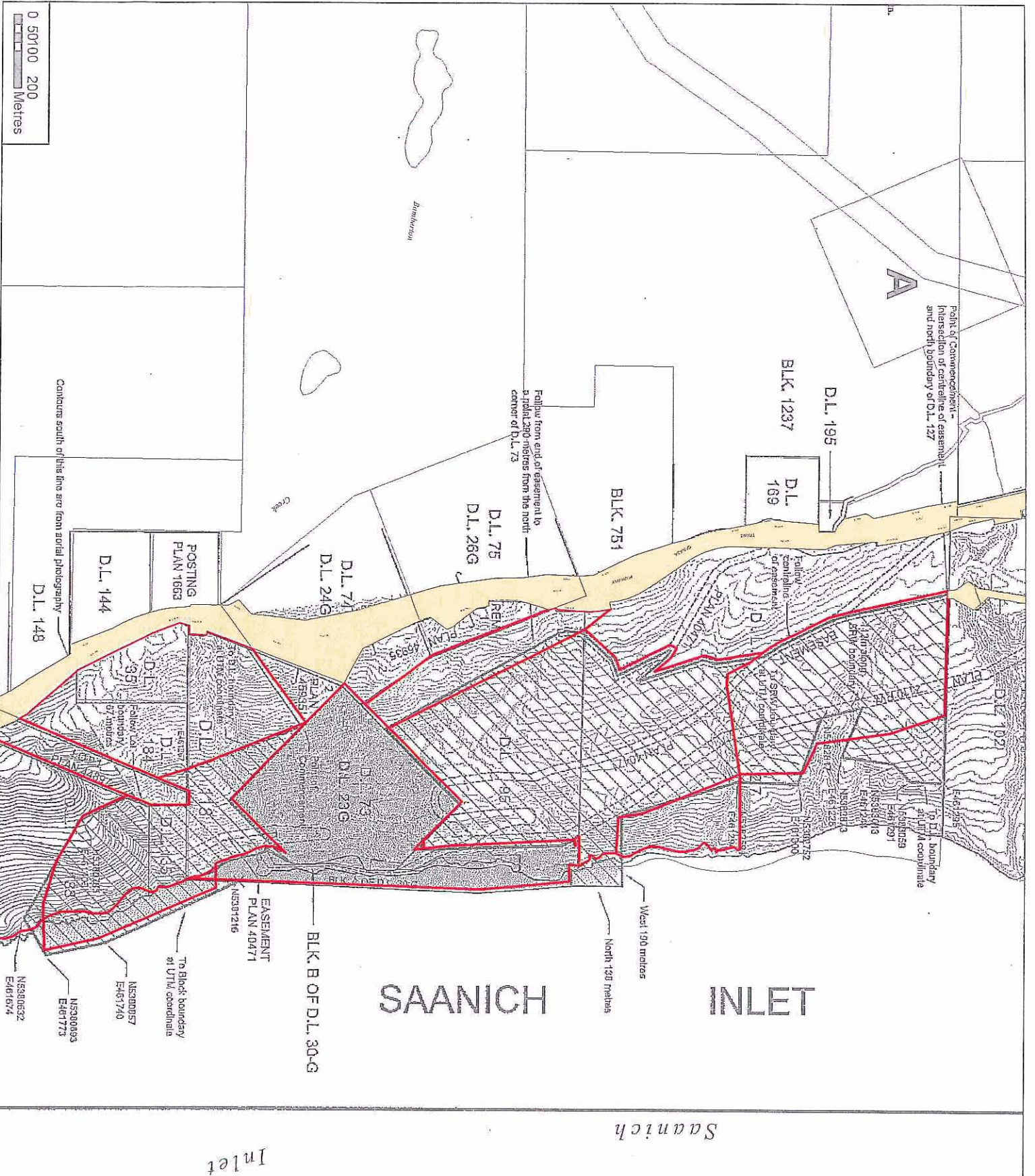
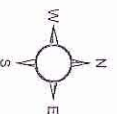
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

File: 01-A-11-RS

Legend

☐ Subject Property





R8

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 5, 2011

DATE: June 27, 2011

FILE No:

FROM: Brian Farquhar, Manager, Parks & Trails Division BYLAW No:

SUBJECT: City of Duncan Public Health Smoking Protection Bylaw No. 2084

Recommendation/Action:

That this report be received for information.

Relation to the Corporate Strategic Plan:

Promote individual and community wellness – Promote a healthy lifestyle strategy to help residents live healthier lives through taking part in parks, recreation and cultural services.

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

Background:

The CVRD Board previously directed that the City of Duncan's Public Health Smoking Protection Bylaw No. 2084, 2010 be forwarded to CVRD Electoral Area Parks Commissions and Recreation Centres for review, to request comment respecting implementing similar no-smoking regulations in area parks and recreation centres. The City bylaw was subsequently forwarded to the nine Electoral Area Parks Commissions and four Recreation Centre Commissions (Shawnigan Lake, Kerry Park, Cowichan Lake and Island Savings Centre).

Feedback from the Island Savings Centre and Cowichan Lake Recreation Commissions were in favour of maintaining the current Provincial standard of restricting smoking within 3.0 metres of recreation facility doors, windows and air intakes. The Kerry Park Recreation Commission has adopted a no smoking policy applicable to the buildings, parking areas, grounds and ballfields at the recreation centre facility, with the policy coming into effect in early July. The Shawnigan Lake Community Centre Commission has not yet had the opportunity to review and consider the City of Duncan Public Health Smoking Bylaw. Responses received from the Electoral Area Parks Commissions did not support of adopting a smoking bylaw similar to the City of Duncan's. Comments from the Commissions included support for a ban on smoking in recreation centres, restricting smoking within bus shelters and discouraging smoking with appropriate signage in some places as well as developing an ongoing public education program.

Submitted by,

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

Brian Farquhar
Manager, Parks and Trails Division
Parks, Recreation and Culture Department

Approved by:
General Manager:



R9

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 5, 2011

DATE: June 26, 2011

FILE NO:

FROM: Ryan Dias, Parks & Trails Operations
Superintendent

BYLAW NO:

SUBJECT: Special Event Request – Bright Angel Park

Recommendation/Action:

That the Cowichan Valley Starfinders Astronomy Club be permitted to pre-book for the next four (4) years in advance one (1) weekend per year at Bright Angel Park for their annual Star Party fundraising event and that the booking fee for the ball field and upper picnic shelter for this annual event be waived for each of these years, and furthermore that the booking permit overnight stays by registered Club member astronomers during the event.

Relation to the Corporate Strategic Plan:

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

Background:

Staff have received a request from the Cowichan Valley Starfinders Astronomy Club to host their annual Star Party event at Bright Angel Park. The Star Party has been held at Bright Angel Park for the past two years, as Bright Angel Park serves as one of the most desirable locations in the Cowichan Valley due to lack of light pollution and good public accessibility.

The Starfinders Astronomy Club has outlined their requests in a letter to CVRD Parks staff on May 25th, 2011 (see attachment), which in summary requests the following:

1. That the Cowichan Valley Starfinders be able to book multiple years at Bright Angel Park so that all our marketing and promotions can be done well in advance and with a consistency that ensures a good turnout of spectators. Nationally, the lists of Canadian Star Parties is typically collected and released by March in astronomy magazines and by the Royal Astronomical Society. This pre-booking also allows the club to ensure that the event is hosted on the darkest nights of the month in which the party is held.
2. The date ranges we would prefer for this booking are new moon weekends in July or August, but sometimes due to the cycle of the moon, an early weekend in September may be requested.
3. That the CVRD Board waive the rental fee for Bright Angel Park in light of the mandate of the event to educate and be open to the public at large.

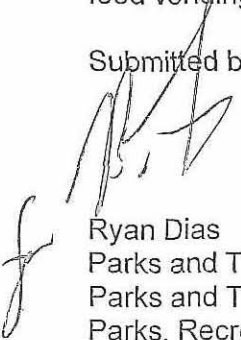
4. That the CVRD allow CV Starfinders to contract with a local food vendor to provide on-site refreshments and meals for attendees. The CV Starfinders will ensure that all garbage and food related items are cleaned from the park before the end of the event, to the satisfaction of the CVRD Parks Department.
5. That the CVRD allow CV Starfinders to permit multi night stays by astronomers at the site in Bright Angel Park deemed permissible for this use.

The current booking procedures in place for Bright Angel Park is administered through the Kerry Park Recreation Centre, which only books for the calendar year on a first come first serve basis. A multiple-year booking by the Cowichan Valley Starfinders Club for the Star Party at Bright Angel Park would therefore require the approval of the Committee and Board so that these dates could be pre-reserved in the schedule prior to bookings for the park being taken at the beginning of each year by other groups. This would not be difficult to manage, although it would be suggested that a maximum number of years be permitted for pre-booking in advance to allow for periodic review of the event with respect to other parks activities and events.

The 2011 booking fee for their event to use the large open field and upper picnic shelter from the afternoon of Friday August 26th through Sunday August 28th is \$325, which the Club is requesting be waived. As noted in the attached letter, the Star Finder event is the annual fundraising event for the Cowichan Valley Starfinders Astronomy Club. Attendance to the Star Finder event at Bright Angel Park is open to the public; however there is a membership fee to join in order to take in the use of the telescopes set up in the park. This is a main focus of the annual event to sign up club memberships.

The request to include commercial food vendors in the park would be on the basis that such food vending would be accessible to all park visitors throughout the weekend in the park. CVRD's Bylaw No. 738 prohibits the sale of refreshments within a CVRD park without the permission of the Regional District. To date, commercial food vendors have not been permitted to set up and sell food refreshments within Bright Angel Park either as a stand-alone business or as part of an event booking. No information has been provided from the Star Finders with respect to who the commercial food vendor would be, set up requirements and when it would be open or what food services would be provided. As such, the Parks and Trails Division suggests that inclusion of commercial food vending services not be considered at this time as part of the Star Finders event., though perhaps in future it could be considered following the management planning process with the community for this park which could look at the issue of commercial food vending services within the park as part of such events.

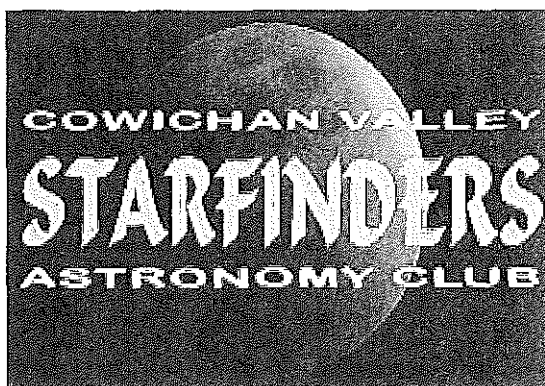
Submitted by,

 Ryan Dias
Parks and Trails Operations Superintendent
Parks and Trails Division
Parks, Recreation and Culture Department

Reviewed by:
Division Manager:

Approved by:
General Manager:

RD/ca



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

Attn.: Mr. Ryan Dias, Parks Operations Superintendent

Dear Mr. Dias

The Cowichan Valley Starfinders is a registered non-profit society with a mandate to promote and enjoy amateur astronomy in the Cowichan Valley on Vancouver Island, British Columbia, Canada. We currently have 57 paid members, of which 24 are family memberships. We have held a Star Party in the Valley for over 15 years and have hosted hundreds of community members interested in astronomy, with our biggest year in 2003 surpassing 300 visits to our star party at the Duncan Airport.

Members range in age from fifteen to seventy-something and have a wide variety of interests including binocular observing, big telescope observing (the 'faint and fuzzies'), mirror making, telescope building, CCD and film imaging, and space exploration. The club holds information seminars in local malls, give lectures on things astronomical, organize star parties and evening observing sessions for elementary school students, teachers and parents. A telescope loaner program is in place to allow elementary school teachers free access to a telescope on a monthly basis with club members providing assistance as required. We have a monthly observing night for members and guests at a local dark sky site. We meet to share ideas and information, go on field trips to interesting places and to enjoy the social side of our hobby. Available are 4 telescopes which members may borrow. We have close ties with other astronomy groups on Vancouver Island including the Royal Astronomical Society of Canada - Victoria Centre, the Mid Island Astro Observers of Nanaimo, and Pearson College of the Pacific located at Sooke.

As a non-profit, small member-driven organization, we receive no provincial, municipal or other governmental funding. As such, we rely on the Star Party as our single fundraiser and membership drive. It serves as a vital educational link between scientists and the community and provides a vital opportunity for the community to increase its scientific literacy. The past International Year of Astronomy (2010) demonstrated that the public has a great interest in space and astronomy and we are pleased to be able to continue encouraging this through our events.

The Star Party reaches out to youth, adults and seniors in our community and over the years has presented a variety of world-class speakers on the subjects of physics, astronomy, archeology, mathematics, and cosmology.

Bright Angel Park provides our club with a desirably dark location that is close to Cowichan Valley and South Island communities. It is held on the darkest night of the month, the nights of the new

moon, to ensure exceptional viewing. The Star Party typically hosts a site for the amateur astronomer attendees to camp, as they are up all night, an information tent for the CV Starfinders club, astronomy-related vendor tables and sales reps, other Island Astronomy club tables, educational events such as the telescope walk, a naturalist, bird watching, night sky navigation, and guest speakers. In the past, at other locations, the club has also engaged food vendors to provide services at the event.

We would like to request from the CVRD Board:

1. That the Cowichan Valley Starfinders be able to book multiple years at Bright Angel Park so that all our marketing and promotions can be done well in advance and with a consistency that ensures a good turnout of spectators. Nationally, the lists of Canadian Star Parties is typically collected and released by March in astronomy magazines and by the Royal Astronomical Society. This pre-booking also allows the club to ensure that the event is hosted on the darkest nights of the month in which the party is held.
2. The date ranges we would prefer for this booking are new moon weekends in July or August, but sometimes due to the cycle of the moon, an early weekend in September may be requested.
3. That the CVRD Board waive the rental fee for Bright Angel Park in light of the mandate of the event to educate and be open to the public at large.
4. That the CVRD allow CV Starfinders to contract with a local food vendor to provide on-site refreshments and meals for attendees. The CV Starfinders will ensure that all garbage and food related items are cleaned from the park before the end of the event, to the satisfaction of the CVRD Parks Department.
5. That the CVRD allow CV Starfinders to permit multi night stays by astronomers at the site in Bright Angel Park deemed permissible for this use.

The members of the Cowichan Valley Starfinders Club would like to thank you in advance for considering our requests and formally invite you all to our Star Party, being held this year from August 26-28th at Bright Angel Park. For more information on our club and to see our fantastic monthly newsletter, please visit our website at;

<http://www.starfinders.ca/index.htm>

Sincerely,

Christina Martens
Member
Cowichan Valley Starfinders



R10

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 5, 2011

DATE: June 28, 2011 FILE NO:
FROM: Brian Farquhar, Manager Parks & Trails Division BYLAW NO:
SUBJECT: Interim License Extension – Scout Camp in Bald Mountain Community Park

Recommendation/Action:

That the Board Chair and Corporate Secretary be authorized to execute the necessary documents related to granting an Interim License of Use and Occupation renewal for up to two years to Scout Properties (BC/Yukon) Ltd. for the scout camp located in CVRD's Bald Mountain Community Park in Electoral Area I.

Relation to the Corporate Strategic Plan: N/A

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

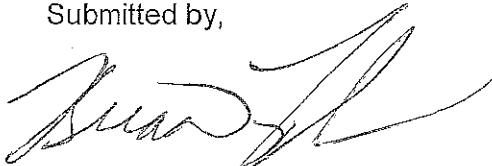
Background:

In 2009 with the transfer of lands for community park in Electoral Area I as part of the Woodland Shores Phase I development under terms of the approved rezoning, the transfer included the relocated Marble Bay Scout camp within the new community park. Understanding that the new scout camp would take a while to establish itself and realization that terms and conditions for a long term license agreement with the Regional District would take some time to establish, it was mutually agreed that the CVRD would issue an Interim License of Use and Occupation to the scouts (Scout Properties BC/Yukon Ltd.) for the camp. This Interim License was issued July 29, 2009 as a one year license with an automatic one-year renewal clause, so as to allow the scouts to formally occupy the new camp.

Since signing of the Interim Agreement, Parks and Trails Division staff had early follow-up with representatives from Scout Properties BC/Yukon Ltd. on completing a longer term license agreement; however it was recognized at the time that developing terms and conditions would benefit from the Scouts having a period of time occupying the new site so as to gain a better understanding of the site's limits and capacities as may need to be incorporated into the long term license. Much to the surprise, however, of both Parks and Trails Division staff and the Scout representatives, the one year term and one year extension of the Interim License Agreement have come to pass prior to re-grouping to work out the long term license agreement details. In discussions with the Scouts representatives it was agreed that Fall 2011 would be the earliest that they would have time to work with CVRD on the long term agreement, in part due to recent changes of personnel involved with operating the scout camp in Bald Mountain Community Park.

In order therefore to ensure that Scout Properties BC/Yukon Ltd has the authority to operate the camp beyond the end date of the Interim License Agreement (expires July 29th 2011) and CVRD is appropriately indemnified of the Scout's activities at the camp, a new Interim License Agreement is required to be in place by this date. No changes to the terms and conditions of the current Interim License Agreement are proposed, which is agreeable to Scout Properties BC/Yukon Ltd. The general conditions of the Interim License of Use and Occupation Agreement permits the scouts to occupy an approximately 3.21 ha area within the park for the purpose of operating a wilderness scout camp on a non-profit basis (see attachment).

Submitted by,



Brian Farquhar
Manager, Parks and Trails Division
Parks, Recreation and Culture Department

BF/ca
Attachment

Approved by:
General Manager:

INTERIM LICENCE OF USE AND OCCUPATION

THIS AGREEMENT dated for reference the 29th day of July, 2009.

BETWEEN:

COWICHAN VALLEY REGIONAL DISTRICT

175 Ingram Street
Duncan, B.C. V9L 1N8

(the "**Regional District**")

OF THE FIRST PART

AND:

SCOUT PROPERTIES (B.C./YUKON) LTD.
(Inc. No. BC0162141)

664 Broadway West
Vancouver, B.C. V5Z 1G1

(the "**Licensee**")

OF THE SECOND PART

WHEREAS:

- A. The Regional District is the owner of land described as:

PID: 027-339-203

Lot A, Block 117, Cowichan Lake District, Plan VIP84239

(the "**Land**")
- B. The Land is located within and forms part of Bald Mountain Peninsula Community Park (the "**Park**"), which is part of the Regional District's network of community parks within Electoral Area I (Youbou/Meade Creek). The use of the Land as a wilderness campsite on a non-profit basis is deemed by the Regional District to be complimentary to the overall management and public use of the Park as a semi-wilderness uplands natural park.
- C. The Regional District and the Licensee are negotiating the terms of a long term agreement (by way of a licence or lease, as the parties may agree) for the Licensee's use and occupation of that portion of the Land identified

as the "Licence Area" on the plan attached as Schedule "A" to this Agreement and containing approximately 3.0 hectares (the "Licence Area");

- D. Pending the agreement of the Regional District and the Licensee on the terms of the agreement referred to in Recital C, the Regional District has agreed to grant to the Licensee an interim, temporary licence for the use and occupation of the Licence Area.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the licence fee to be paid by the Licensee to the Regional District and in consideration of the premises and covenants and agreements contained in this agreement (the "**Agreement**"), the Regional District and the Licensee covenant and agree with each other as follows:

1.0 RIGHT TO OCCUPY

- 1.1 The Regional District, subject to the performance and observance by the Licensee of the terms, conditions, covenants and agreements contained in this Agreement and to earlier termination as provided in this Agreement, grants to the Licensee a right by way of licence for the Licensee, its agents, employees, and invitees to use the Licence Area for the purpose of a wilderness campsite on a non-profit basis for Scouts Canada or such other non-profit institutions, clubs and organizations permitted by and under the direction of Scouts Canada (the "**Permitees**"), and for no other purpose unless specifically permitted in writing by the Regional District.
- 1.2 The Licensee covenants and agrees to use Licence Area in accordance with the terms of use attached to this Agreement as Schedule "B".
- 1.3 The Licensee acknowledges the lack of direct highway access to and from the Land and the Licence Area, and that the Licensee shall at all times be responsible to negotiate and maintain suitable access to and from the Licence Area across the lands presently owned by Cowichan Lake Holdings Ltd. and legally described as PID 026-953-374, Lot 1, Blocks 117 and 180, Cowichan Lake District, Plan VIP82490, except part in Plan VIP84239.

2.0 RESERVATION OF RIGHTS

- 2.1 The Regional District hereby reserves to itself from the grant and the covenants made by it to the Licensee under section 1 above the right for the Regional District, its agents, employees, contractors and subcontractors to have full and complete access to the Licence Area to carry out any operations associated with the Regional District's use of the Land and the Licence Area.

- 2.2 The Regional District may at any time and from time to time prohibit or restrict the exercise of any of the rights hereby granted to the Licensee for such period or periods of time as the Regional District or the British Columbia Forest Service Protection Branch considers such prohibition or restriction justified on account of hazardous weather conditions or fires or for any other reason and the Licensee will at all times observe and conform with such prohibitions or restrictions.

3.0 LICENCE FEE

- 3.1 In consideration of the right to use and occupy granted under this Agreement the Licensee agrees to pay to the Regional District the sum of One Dollar (\$1.00) inclusive of GST.

4.0 TERM

- 4.1 The licence granted under this Agreement shall terminate upon the earlier of:

- (a) execution by the Regional District and the Licensee of the long term agreement referred to in Recital C herein; and
- (b) the date that is three hundred and sixty-five (365) days from the date of this Agreement.

- 4.2 If the License granted under this Agreement is to terminate under section 4.1 (b) above, the Regional District agrees that not less than thirty (30) days prior to the termination date under section 4.1 (b) it shall grant a renewal of this Agreement for an additional three hundred and sixty-five (365) days, provided that both parties continue to negotiate in good faith for the purpose of reaching a mutually agreeable long term agreement for the Licensee's use and occupation of the Licence Area. Both parties agree to continue to negotiate the terms of the long term agreement in good faith as referred to herein, and in a reasonable manner.

5.0 CONSTRUCTION AND SIGNAGE

- 5.1 The Licensee must not construct or place any buildings, structure or signage or make any improvements on the Licence Area, other than those existing as of the date of this Agreement, without the advance written approval of the Regional District.
- 5.2 The Licensee agrees not to occupy the picnic shelter or gazebo building on the Licence Area without first obtaining a Structural Engineer's report which certifies that those structures comply with the requirements of the British Columbia Building Code and are safe for their intended use, and providing the Regional District with a copy of that report.

6.0 INSURANCE

- 6.1 (a) The Licensee must take out and maintain during the term of the Licence a policy of comprehensive general liability insurance against claims for bodily injury, death or property damage arising out of the use of the Land by the Licensee and its Permittees in the amount of not less than five million dollars (\$5,000,000.00) per single occurrence or such greater amount as the Regional District may from time to time designate, naming the Regional District as an additional insured party thereto and must provide the Regional District with a certified copy of such policy or policies.
- (b) All policies of insurance must contain a clause requiring the insurer not to cancel or change the insurance without first giving the Regional District prior written notice.
- (c) If the Licensee does not provide or maintain in force the insurance required by this Agreement, the Regional District may take out the necessary insurance and pay the premium for periods of one year at a time and the Licensee must pay to the Regional District as additional Licence fees the amount of the premium immediately on demand.
- (d) If both the Regional District and the Licensee have claims to be indemnified under any insurance required by this Agreement, the indemnity must be applied first to the settlement of the claim of the Regional District and the balance, if any, to the settlement of the claim of the Licensee.
- (e) The deductible on the policy of insurance must be not more than ten thousand dollars (\$10,000.00).

7.0 INDEMNIFICATION

- 7.1 The Licensee releases, discharges and must indemnify and save harmless the Regional District, its elected officials, appointed officers, employees and agents from and against all lawsuits, damages, costs, expenses, liability or fees (including fees of solicitors on a solicitor and own client basis) which the Licensee or any of them or anyone else may incur, suffer or allege by reason of the use of the Licence Area by the Licensee or the Permittees, or by any person or the carrying on upon the Land of any activity in relation to the Licensee's use of the Licence Area.

8.0 NOTICES

- 8.1 It is hereby mutually agreed:

Any notice required to be given under this Agreement must be deemed to be sufficiently given:

- (a) if delivered at the time of delivery;
- (b) if mailed from any government post office in the Province of British Columbia by prepaid registered mail addressed as follows:
- (c) if delivered by fax or email during ordinary business hours of the Regional District 12 hours after the time of sending:

if to the Regional District:

175 Ingram Street
Duncan, B.C. V9L 1N8

Facsimile: (250) 746-2513
Email: bfarquhar@cprd.bc.ca

if to the Licensee:

664 Broadway West
Vancouver, B.C. V5Z 1G1

Facsimile: (604) 879-5724
Email: Chris.Jennings@gov.bc.ca

or at the address a party may from time to time designate, then the notice must be deemed to have been received forty-eight hours after the time and date of mailing. If, at the time of mailing the notice, the delivery of mail in the Province of British Columbia has been interrupted in whole or in part by reason of a strike, slow-down, lock-out or other labour dispute, then the notice may only be given by actual delivery, fax, or email.

9.0 FORFEITURE

- 9.1 If the Regional District, by waiving or neglecting to enforce the right to forfeiture of this Agreement or the right of reentry upon breach of this Agreement, does not waive the Regional District's rights upon any subsequent breach of the same or any other provision of this Agreement.

10.0 FIRES

- 10.1 The Licensee covenants and agrees with the Regional District that the Licensee:

- (a) will not start or permit or suffer any open fires (including camp fires) or any fire menace on the Licence Area at any time, except as may be permitted, in writing, by the Regional District and then only in strict compliance with all the requirements of the British Columbia Forest Service Protection Branch and in compliance with all bylaws of the Regional District;
- (b) will take every reasonable precaution to prevent the escape of fire on or to any of the Lands outside the Licence Area or other neighbouring lands; and
- (c) will conform to and observe all applicable provisions of and regulations under the *Wildfire Act*, S.B.C., 2004, c.31 and any other statute that has been or may hereafter be made in respect of the prevention and suppression of fires.

11.0 MAINTENANCE OF LICENCE AREA

- 11.1 The Licensee must repair and maintain the Licence Area and any building, structure or other improvement thereon, in substantially the same condition as at the date of this Agreement, and must not cut, clear or remove any trees, bushes or vegetation from the Licence Area, except with the written consent of the Regional District.

12.0 REGULATIONS

- 12.1 The Licensee must:

- (a) comply promptly at its own expense with the legal requirements of all authorities, including an association of fire insurance underwriters or agents, and all notices issued under them that are served upon the Regional District or the Licensee and obtain all permits, licences and approvals required thereunder;
- (b) comply promptly at its own expense with all laws and regulations governing the Licensee's use of the Licence Area including but not limited to all of the Regional District's park bylaws as amended or replaced from time to time; and
- (c) indemnify the Regional District from all lawsuits, damages, loss, costs or expenses that the Regional District may incur by reason of non-compliance by the Licensee with legal requirements or by reason of any defect in the Licence Area or any injury to any person or to any personal property contained on the Licence Area. The Licensee must be responsible for any damage to the Licence Area occurring while the Licensee is exercising its rights under this Agreement.

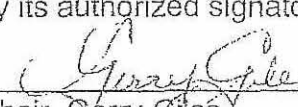
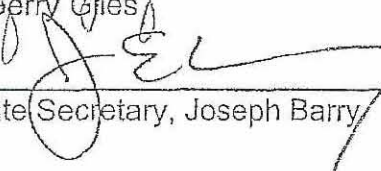
13.0 INTERPRETATION

- 13.1 (a) That when the singular or neuter are used in this Agreement they include the plural or the feminine or the masculine or the body politic where the context or the parties require.
- (b) The headings to the clauses in this Agreement have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.
- (c) That this Agreement must enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, successors, administrators and permitted assignees.
- (d) This Agreement must be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- (e) All provisions of this Agreement are to be construed as covenants and agreements as though the word importing covenants and agreements were used in each separate paragraph.
- (f) A provision in this Agreement granting the Regional District a right of approval must be interpreted as granting a free and unrestricted right to be exercised by the Regional District in its discretion.

14.0 COUNTERPART

- 14.1 This Agreement may be executed in counterpart with the same effect as if both parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first above written.

COWICHAN	VALLEY	REGIONAL)
DISTRICT)
by its authorized signatories)
)
Chair, Gerry Giles)
)
Corporate Secretary, Joseph Barry)

SCOUT PROPERTIES (B.C./YUKON) LTD.)

by its authorized signatories)

Richard Druce.)

Name:)

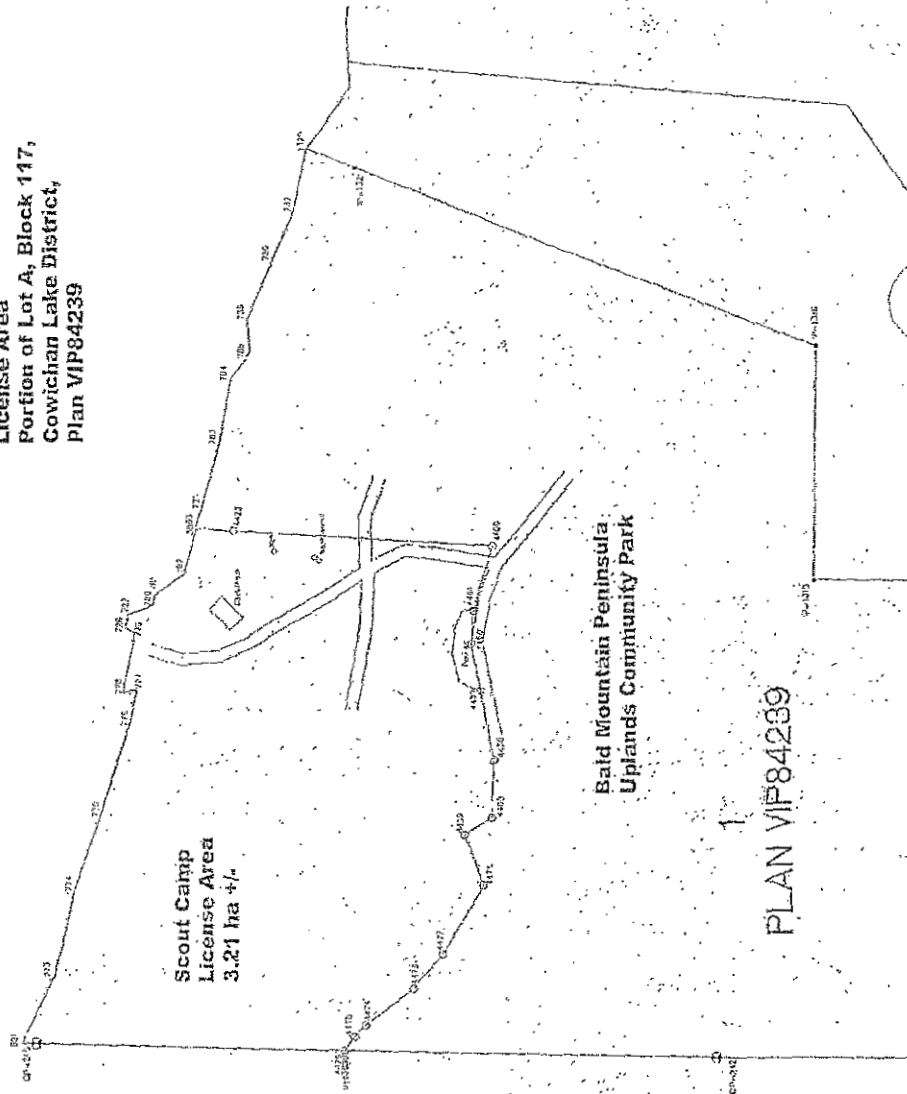
Richard Druce, Director.)

Name:)

SCHEDULE "A"

LICENCE AREA

Schedule "A"
License Area
Portion of Lot A, Block 117,
Cowichan Lake District,
Plan VIP84239



SCHEDULE "B"

Terms of Use

Other Users

1. The Licensee must cooperate with the Regional District to permit other persons and organizations to have access to the Land at reasonable times.

Repair and Maintenance

1. The Licensee must ensure that the Licence Area and any building, structure or other improvement thereon is clean and litter free during and after every use of the Licence Area, to the reasonable satisfaction of the Regional District.
2. The Licensee must maintain the Licence Area including any building, structure or other improvement thereon in a good state of repair and condition, reasonable wear and tear excepted, to the reasonable satisfaction of the Regional District.

Safety and Risk Management

1. The Licensee must ensure that its use and occupation of the Licence Area, and all programs carried out within and in the vicinity of the Licence Area, are consistent with the generally accepted standards for the operators of similar non-profit recreational and camping activities located within public parks in British Columbia. Without limiting the foregoing, to the extent the Licensee uses the foreshore and waters of Cowichan Lake for and in connection with its programs operated on the Licence Area, the Licensee shall implement, maintain and use only watercraft, safety equipment, signage (including warning and instructive signage), markers, floats, wharves or other devices and equipment that conform to or exceed the standards utilized by the Regional District at the Regional District's recreational facilities.



INI

MINUTES OF ELECTORAL AREA "G" (SALT AIR/GULF ISLANDS)
PARKS COMMISSION MEETING

DATE: May 9th, 2011

TIME: 7:00 PM

MINUTES of the Electoral Area G Parks Commission regular meeting held on the above noted date and time at the CVRD Building on Chemainus Rd, Saltair BC.

PRESENT:

Chairperson: Harry Brunt

Secretary: Jackie Rieck

Members: Tim Godau, Paul Bottomley, Glen Hammond, Kelly Schellenberg

ABSENT:

Members: Dave Key, and Norm Flinton

ALSO PRESENT:

Director: Mel Dorey

ACCEPTANCE OF MINUTES:

It was Moved and Seconded that the Minutes of the Area G Parks Commission Meeting of May 9th, 2011 be accepted.

MOTION CARRIED

APPROVAL OF AGENDA:

Motion to approve Agenda as submitted.

MOTION CARRIED

STANDING REPORTS:

CVRD UPDATE:

Plans to remove pavement of the outer tennis practice court have been altered to; repairing surface cracks and filling in surface depressions. Harry to follow up.

CENTENNIAL PARK:

Kelly and Mel will be shopping for six ornamental trees to plant near Picnic Shelter and Practice Tennis Court area. Mel will organize a work party to plant trees.

Harry will purchase galvanized cans as inserts for the Bear Proof Trash Bins.

Mel to contact Sybille Sanderson (Acting General Manager, Public Safety Department) regarding the updating of our Emergency Preparedness Container. Paul Bottomley has agreed to maintain the Honda generator.

PRINCESS DIANA PARK:

Harry needs to talk to Ryan D. regarding East Entrance culvert project.

STOCKING CREEK PARK:

New Trail to Falls is in the planning stages. Mel purchased 3 cherry trees. They were planted along side entrance of Canada Trail at Finch Place. A bench will be placed facing the ocean view (Finch Place side of Canada Trail) this little knoll offers a great view overlooking the ocean and surrounding islands. Two additional Cherry trees will be planted near the bench.

Brush Cutting is still required. Stocking Creek main trail is quite overgrown.

An appreciation of the Park benches was expressed via a photo posted on Geocaching.com site. Great to receive positive feedback from our community!

CLOSED SESSION DISCUSSION.

BEACH ACCESS:

Lagoon Bridge Beach Access is in early planning stages. Bezan Access has had stair repaired and gravel added to steps.

Cliffcoe stairs need gravel added to last level of steps. There is also a piece of re-bar sticking up on last or second to last step. This could be a tripping hazard and should be removed.

LADYSMITH PARKS AND REC:

Looking for a location to have an Off-Leash fenced Doggie Park.
Paddlefest is scheduled for May 14th and May 15th.
Highland Games scheduled for June 18th, 2011

BASEBALL:

First tournament of the season went well. No complaints were received.

DIRECTOR'S REPORT:

Roger's Communication is planning to erect a cell phone tower on property located at 10638 Olsen Rd 20 metres in from Olsen Road. They are looking for public input and will be placing an advertisement in local newspaper regarding; when and where meeting will be held.
Grand Opening celebrations of Canada Trail are planned in Lake Cowichan, Chemainus and Kinsel Trestle.

SPECIAL EVENTS:

Centennial Park's Easter Party was another great success. Approximately 40 to 50 children attended. Many thanks to Dave and Cindy Key and their gang of volunteers for organizing this event. A job well done!!

NEXT MEETING:

Next meeting is scheduled for Monday, June 13th 2011 at 7:00 pm CVRD Building Chemainus Rd.

ADJOURNMENT:

Meeting was adjourned at 8:45 pm

Minutes of the Cobble Hill Parks and Recreation Commission meeting held on June 14th 2011 at 7 p.m. in the Board Room at the Arbutus Ridge Golf and Country Club.

Those present: John Krug – Chair, Bill Turner, Gord Dickenson, Annie Ingraham, Ruth Koehn, Dennis Cage, Dan Massen and Gerry Giles – Director.

Guests: Ryan Dias and Mike Miller.

Moved/Second

That the agenda be adopted as amended with the addition of the Towns for Tomorrow grant and a Closed Session item.

MOTION CARRIED

Moved/ Second

That the Minutes of the April 28th 2011 parks meeting be accepted as distributed.

MOTION CARRIED

OLD BUSINESS:

1. **Quarry Nature Park:** Ryan Dias and Mike Miller reviewed the layout of the park site along with the design of the proposed washroom. Many questions were asked and answered and it was agreed that staff would look at changing the peak of the roof to have it point at Cobble Hill Road and that they would also look at light tubes, hand drying machines along with door design. Parks staff agreed to stake the washroom location on the property either Monday or Tuesday (June 20/21) for the Commission's review. It was agreed that we would try to move this project forward quickly so that the Cobble Hill washroom structure could be done at the same time as Shawnigan Lake thereby possibly saving money.

Moved/second

That the parks commission agree with the preliminary washroom location/drawings as presented with additional suggestions made by parks members and that the area be staked by parks staff so that the commission can review before a final determination is made.

MOTION CARRIED

2. **Evergreen Independent School Sport Court:** Ruth and Dennis provided an update and displayed the poster of this project used at Children and Apple Pie. The hope is to break ground as soon as school lets out. Evergreen would like to receive 120' of the chain link fence from the Cobble Hill Common once it is removed and as Ryan confirmed that parks staff had no need for this fence material, the rest will be provided to others. Ryan is to seek clarity from Brian as to where the legal agreement with Evergreen stands and also how the grant payout will be made.
3. **Cobble Hill Common:** Gerry, John and Dennis provided an update on the work done to date and while there were a few more wells to bury; most were now secured below ground. It

was agreed that the sign boards done by Evergreen would be located by the main gate and that the intention of the berms and split rail fencing is to keep vehicles off the site. Ryan agreed to look at the site from a safety perspective.

4. **Dogs on Cobble Hill Mountain and in the Recreation Area:** Dan made the Commission aware of a dog attack that had happen in the park and other related problems of people allowing their dogs off leash in the park along with the lack of cleanup after their dog. It was agreed another sign would be posted on or near the gate encouraging responsible dog ownership, leashing and scooping the poop.

NEW BUSINESS:

Town Hall Meeting – June 23, 2011 at 7 p.m. – Agenda

- Groundwater – Cobble Hill area
- State of the Environment Report
- Cobble Hill Common Concept Plan/Quarry Nature Park
- Kinsol Trestle Redevelopment
- Towns for Tomorrow Project
- South Cowichan Official Community Plan
- Other items of Community interest

Towns for Tomorrow Grant: The Cobble Hill sewer/water reuse application was approved by the province and \$400,000 was granted by them toward this project. Although the design has yet to be done, it is hoped the sewer pipes connecting the two systems will be routed through the older parts of the village as those septic systems are the most likely to fail in the near future. Capacity will be built in to take these systems on. Water reuse will be hugely beneficial as it will free up capacity for residential purposes and recharge the aquifer.

Moved/second

That the Commission resolve into Closed Session at 8:35 p.m.

MOTION CARRIED

The Commission rose from Closed Session at 8:53 p.m. without report.

Volunteer hours for May were 38.5 and for June to date 33.

The meeting adjourned at 8:55 p.m.

John Krug, Chair

IN3

Area A Advisory Planning Commission Amended Minutes

14 June 2011 at 6:30 pm

Mill Bay Fire Hall

Present: June Laraman, Deryk Norton, David Gall, Ted Stevens, Archie Staats, Geoff Johnson, Cliff Braaten, Margo Johnston, Roger Burgess (Alternate Director, Area A) and Rachelle Moreau (CVRD Planner)

Applicants: Cam Pringle, Cadillac Homes and Joe Newell (Architect)

Regrets: Brian Harrison (Director, Area A)

Audience: 3 public representatives

Meeting called to order at 6:30 pm.

Previous minutes:

It was moved and seconded the minutes of 10 May 2011 meeting be adopted with the correction on page 2 under **Gerald Hartwig**,

- Water tower plus extra water donated to **CVRD**.

Change to:

- Water tower plus extra water donated to **Mill Bay Water District**.

MOTION CARRIED

New Business:

Development Permit Application – Mill Bay Marina No. 2-A-11DP

Purpose: To obtain a development permit for a 14-unit townhouse project and marine commercial buildings at the Mill Bay Marina.

The chair acknowledged the submission of a letter by a local resident to the CVRD expressing several concerns – a major issue will be the loss of ocean views. The chair requested that these concerns be considered by the APC when providing their comments and recommendations to the CVRD.

Cam Pringle (Cadillac Homes Inc.), the applicant and Joe Newell, architect presented an overview of the development and during the presentation answered questions from APC members.

- Project consists of marina with 94 slips with transient, short term and long term moorage, marine store, washroom/showers with laundry facility, administrative office and a licensed cafe with seating for 25 inside and some outside seating. Pier is 36' wide, buildings 26' wide – covered walkway.
- Applicant has had a wave study done to ensure that once the marina is rebuilt the maximum wave inside the breakwater will be 1.6 feet.
- Café will be an all year round facility.
- Waterfront to be extended 33' east due to eelgrass. In discussions with Brentwood College School the east extension of the marina will not interfere with their water activities.
- Can build the marina and marina buildings now without this development permit but prefer to have the townhouse development permit also.
- Public boardwalk way is 2 m wide. Working with Parks to ensure meets CVRD requirements.

- **Parking:**
54 marina parking stalls are required and the project has 44 – a variance will be required.
1 parking space for every 2 slips and every 3 seats in the cafe.
The applicant has had interest expressed in boat slips by potential residents so feels that the parking requirements will therefore be reduced. The applicant pointed out that there would be at least one-third more parking than there was available previously.
- Public Boat Launch will be built by the applicant – approval needed from Department of Fisheries and Oceans to dredge. 5 parking stalls at public boat-launch. There is no overflow parking available. (Map A3)
- Concrete retaining wall – height 4 ft varies - will separate the duplex residences from the marina parking. (Map A9)
- Handy Road – will not be widened or intersection changed – MoT hasn't asked for anything except the removal of some trees near intersection with Mill Bay Road. Boulevard Transportation Group did a traffic study, which indicated that traffic, would not increase.
- Setbacks – 6 m to north, south and west except patio and parking are included in some areas reducing the provision to 5 m.
- Traffic is to be slowed through design of road. The road design applies to within the townhouse site.
- Use of heat pumps- not specified- probably heat with hot water.
- Duplexes will have space for an elevator.
- Each strata residence will be individually metered for water.
- Fire or an emergency Mill Bay Fire department responds for townhouses, Marina developer responsible for Marina.
- Townhouse development will be bare land strata and separate from the marina.

APC Questions & Concerns:

- APC members have serious concerns for pedestrian safety along Handy Road and traffic patterns at the intersection with Mill Bay Road. The issue of the level of traffic flow on Handy Road was questioned, as there will now be a café, a boardwalk and increased parking. Traffic management tools such as road bumps, flashing lights, pedestrian cross walk to the Mill Bay Centre and a round-about between Mill Bay Road, Handy Road and Partridge Road were suggested by the APC. The applicant indicated that the concerns were appreciated but this was the decision of the MoT.
- Viewscape issue as there is 8-townhouse units' 7.5 m high creating a total blockage of ocean view for all homes to the West Side of the project. The applicant was asked if there was any way that the buildings could be repositioned to alleviate this issue. The developer indicated that the proposed layout was required for the development to make financial sense and unfortunately unless you own waterfront you do not own the view.
- Query re CVRD Bylaw 3454 which states that there would be "not more than 6 attached dwelling units" and why there are 8 proposed townhouse dwelling units. According to the applicant the bylaw has been amended by the CVRD Board at third reading to reflect the proposed 8 dwellings.
- Where is the archaeological site? In an area near the house. A site alteration permit will be obtained from the Archaeological Branch prior to construction.
- Is the project following green building? Using National Building Codes – will have water conservation on site – low lightning. Duplexes will have rough in for solar hot water – no solar panels - supplementary to the owner.
- The CVRD Board minutes that approved the sewer connection to Sentinel Ridge before this project indicates additional connections are available. Why is this sewer system not required to connect others? Rachelle Moreau stated, "It is not that the Sentinel Ridge sewer system does not have the capacity to connect additional properties, clearly it does as the Mill Bay Marina re-development is connecting to the system. However, to be included in a sewer serviced area residents need to petition the CVRD to be included and there is a specific process for doing so."

- The applicant indicated there was expressed interest by Brentwood College and Rose Bank Cottages to hook up to the sewer line and this was financially appealing as there would be shared costs for the sewer line. Route for sewer line not finalized yet. Gravel will provide a narrow walkway on top of the sewer line.
- Is there still contamination from previous fuel tanks? No, the area has already been re-mediated. An engineering firm has been hire to do an environmental study of the area.
- Query as to why the APC was being asked to consider the DP prior to full approval by the CVRD Board for the rezoning request? The applicant stated that they wanted a level of comfort that the proposed development would go forward in it's present form and would like to address the DP at the same time as the 4th reading

The Area A APC recommends to the CVRD **Development Permit Application – Mill Bay Marina No. 2-A-11DP** be approved with two recommendations:

1. Further discussions occur with Ministry of Highways regarding Handy Road traffic concerns.
2. The development permit specifies the sequence and timing of the various phases of the overall project as outlined in the staff DPA report.

Note: Although there was APC consensus on the recommendation to the CVRD was to move forward with the DP, individual members expressed specific concerns:

- All were concerned about the potential for increased traffic and the impact on pedestrian safety at the Handy Road intersection.
- Several members (4) were concerned about the impact the development would have on the ocean views of the existing residents. One member stated that the townhouse complex should not be approved for this reason.
- One member was concerned that the rezoning approval process had not been completed before the APC was asked to consider the DP.

Other:

Public question time is to be scheduled at official CVRD meetings only if 50% or more of the members are elected.

SCOCP Public Hearing 27 June 2011 in Kerry Park Recreation Centre – Ice Arena at 7:00 pm.

Alternate Director Update:

- Stonebridge development application was denied by CVRD Board.
- An application to subdivide property on Partridge and Lodgepole Road into 4 bare land strata lots.
- Horton Road (Mark Wyatt) new application pending.
- Telus – 200 ft. cell tower proposed between Kilmalu and Sheppard Road near Hwy – CVRD would prefer a different location but does not have jurisdiction over the site or height - the matter is to be reviewed at next EASC
- Ocean Terrace development – nothing to report.

Meeting Adjournment:

It was moved and seconded the meeting be adjourned.
MOTION CARRIED

Meeting adjourned at 8:55 pm.

The next regular meeting will be at 6:30 pm, **13 September 2011** at Mill Bay Fire Hall.