



## ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,  
September 6, 2011  
Regional District Board Room  
175 Ingram Street, Duncan, BC

3:00 p.m.

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6. **INFORMATION**

<b>IN1</b>	July 2011 Building Report	301-303
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7. **NEW BUSINESS**

8. **QUESTION PERIOD**

9. **CLOSED SESSION**

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

<b>CSM1</b>	Minutes of Closed Session EASC meeting of August 2, 2011	304-305
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10. **ADJOURNMENT**

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

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

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

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

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, August 2, 2011 at 3:00 p.m. in the Regional District Board Room, 175 Ingram Street, Duncan, B.C.

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

**CVRD STAFF**  
Tom R. Anderson, General Manager  
Warren Jones, Chief Administrative Officer  
Sybille Sanderson, Acting General Manager  
Mike Tippett, Manager  
Rob Conway, Manager  
Brian Duncan, Manager  
Nino Morano, Bylaw Enforcement Officer  
Dana Leitch, Planner II  
Alison Garnett, Planner I  
Maddy Koch, Planning Technician  
Jennifer Hughes, Recording Secretary

**APPROVAL OF AGENDA**  
The Chair noted changes to the agenda which included adding one item of listed New Business (Revised Staff Report R4) and two additional items of Closed Session New Business [CSNB1-Potential Litigation (Section90(1)(g) and CSNB2-Verbal Update (Section 90(1)(c))] and three additional items of New Business (Director Marcotte, C6 - Process for Grant in Aid Requests; Director Kuhn, IN3 - Derelict Vessels and Director Duncan, IN4 - Adjustment of Permitted Uses in Light Industrial Zones).

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

MOTION CARRIED

**M1 - Minutes**  
Director Harrison requested clarification on Page 5 (R5 – Phase 12 to 19 of Mill Springs) “b) Deloume Road West to be opened prior to subdivision of Phase 12;” changed to read “b) Deloume Road North to be opened prior to subdivision of Phase 12;”

It was Moved and Seconded that the Minutes, as amended, of the July 5, 2011, EASC meeting be adopted.

MOTION CARRIED

**M2 – Minutes**  
It was Moved and Seconded that the Minutes of the July 13, 2011, Special EASC meeting be adopted.

MOTION CARRIED

**BUSINESS ARISING**      There was no business arising.

**DELEGATIONS**

**D1 – Lennie Neal**      Lennie Neal was present and provided an overview of the safety measures found at the Lake Cowichan Weir after the tragic drowning of her son, Tyler Neal.

The Committee gave their condolences to Ms. Neal and directed questions to her.

It was Moved and Seconded

That a letter be sent to Catalyst Paper requesting that they review the seven recommendations listed by Lennie Neal on Page 3 of her letter dated July 12, 2011 regarding Safety Measures at the Lake Cowichan Weir and further that a copy of the letter be forwarded for information to the Cowichan Watershed Board and Community Safety Advisory Committee.

**MOTION CARRIED**

The Chair thanked Ms. Neal for appearing before the Committee.

**D2 – Chad Marlatt**      Chad Marlatt, Roger's Communications Inc., was present and gave a power point presentation on the proposed Cell Tower in Saltair.

The Committee directed questions to the delegate.

The Chair thanked Mr. Marlatt for appearing before the Committee.

**D3 – Lynne Smith**      Lynne Smith was present and provided an overview of the proposed Saltair Cell Tower, Olsen Road.

The Committee directed questions to staff.

It was Moved and Seconded

That staff prepare a draft protocol for citing cell phone towers and once prepared report back to the EASC.

**MOTION CARRIED**

The Chair thanked Ms. Smith for appearing before the Committee.

**STAFF REPORTS**

Chari Iannidinardo noted that at the applicant's request Staff Reports No. R9 and R10 have been pulled from the Agenda and are referred to the September 6<sup>th</sup> EASC meeting.

**R1 – Notice Against Land Title - Rytter**      Nino Morano, Bylaw Enforcement Officer, presented staff report dated July 21, 2011, regarding Island #2 Shawnigan Lake – Notice Against Land Title (John Rytter).

John Rytter was present at the EASC meeting.

The Committee directed questions to the staff.

It was Moved and Seconded

That authorization be given to file a Notice against Land Title for the property owned by John Rytter legally described as: PID 009-363-904, District Lot 179, Known as Island Number 2, Shawnigan Lake, Malahat District.

MOTION CARRIED

Director Giles declared a Conflict of Interest with R2 as she is a personal friend of George Robbins and left the meeting at 3:52 p.m.

**R2 – LeBlanc for Robbins**

Alison Garnett, Planner I, presented staff report dated July 25, 2011, regarding ALR Application No. 1-C-11ALR (LeBlanc for Robbins) to subdivide a 0.8 ha lot from 3770 Cobble Hill Road.

Gerard LeBlanc, agent, and George Robbins, applicant, were present and Mr. LeBlanc provided further information to the Committee.

The Committee directed questions to the applicant.

The Committee directed questions to the staff.

It was Moved and Seconded

That Application No. 1-C-10ALR, submitted by Gerard LeBlanc on behalf of George Robbins, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* and Section 946 of the *Local Government Act*, to subdivide a 0.8 ha lot from Parcel B (DD 366161) of Sections 14 and 15, Range 5, Shawnigan District (PID: 009 462 333), be forwarded to the Agricultural Land Commission with a recommendation to approve, due to the Farm Production Plan and Mr. Robbins long-standing contribution to the agricultural community.

MOTION CARRIED

Director Giles returned to the meeting at 4:20 p.m.

**R3 – Jim Logan**

Dana Leitch, Planner II, presented staff report dated July 26, 2011, regarding Application No. 4-A-07RS (Jim Logan) to reconsider an application to amend the Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000 and South Cowichan OCP Bylaw No. 3510 to rezone a 2.0 acre portion of the subject property to permit the outdoor storage of recreational vehicles (RVs) located at 841 Ebadora Lane.

Jim Logan was present at the EASC.

The Committee directed questions to the applicant.

It was Moved and Seconded

That the draft bylaws for Rezoning Application No. 4-A-07RS (Logan) be forwarded to the Regional Board for consideration of first and second reading

and that a public hearing be scheduled with Directors Harrison, Cossey, and Morrison delegated to the hearing.

MOTION CARRIED

**R4 – Bazinet for Karlsson**

Maddy Koch, Planning Technician, presented staff report dated July 26, 2011, regarding Application No. 1-I-11DVP (Karlsson) to vary the minimum interior side yard setback from 3.5 m down to 2.97 m located at 9646 Creekside Drive.

Mike Bazinet, agent, was present and provided further information to the Committee.

The Committee directed questions to the applicant.

The Committee directed questions to the staff.

It was Moved and Seconded

That Application No. 1-I-11DVP by John Karlsson for a variance to Section 5.1(4) of Bylaw No. 2465 in order to reduce the required interior side parcel line setback from 3.5 metres down to 2.97 metres on Lot 11, Block 118, Cowichan Lake District, Plan VIP78640 (PID: 026-253-585) be approved.

MOTION CARRIED

**R5 – Larry and Sherry Saunderson**

Maddy Koch, Planning Technician, presented staff report dated July 21, 2011, regarding Application No. 1-B-11ALR (Saunderson) to subdivide a 0.4 ha from a 1.7 ha lot within the Agricultural Land Reserve located at Lot 1, Section 5, Range 6, Shawnigan District, Plan 19113 located on Cameron-Taggart Road.

Sherry Saunderson was present and provided further information to the Committee.

It was Moved and Seconded

That Application No. 1-B-11ALR by Larry and Sherry Saunderson, for a subdivision of Lot 1, Section 5, Range 6, Shawnigan District, Plan 19113 (PID 003-685-292) be denied and not forwarded to the Agricultural Land Commission, pursuant to CVRD Board Resolution No. 09-353(10).

MOTION CARRIED

**R6 – Webb for Bastedo**

Maddy Koch, Planning Technician, presented staff report dated July 26, 2011, regarding Application No. 4-A-11DP (Ruth Bastedo) to consider issuance of a Mill Bay Development Permit to allow for subdivision of the subject property into a 0.2 ha lot and a 0.26 ha lot located at 690 Bay Street.

Alf Webb, agent, was present.

The Committee directed questions to the staff.

It was Moved and Seconded

That Application No. 4-A-11DP be approved, and that a development permit, pursuant to the Mill Bay Development Permit Area, be issued to Ruth Bastedo for Lot 7, Block G, District Lot 18, Malahat District, Plan 1720 (PID:

**R10 – Subdivision  
Application for 2080  
Cullin Road (10-B-  
10SA)**

Staff report dated July 25, 2011, prepared by Rob Conway, Manager, regarding Subdivision Application No. 10-B-10SA for 2080 Cullin Road (Lots 1 and 2, Block 33, Plan 218A and District Lot 16, Section 1, Range 3, Plan 800, all in Shawnigan District).

It was Moved and Seconded

That Subdivision Application No. 10-B-10SA for 2080 Cullin Road (Lots 1 and 2, Block 33, Plan 218A and District Lot 16, Section 1, Range 3, Plan 800, all in Shawnigan District be referred to the September 6, 2011, EASC meeting.

**MOTION CARRIED**

**R11 – Covenant  
Release Request by  
David and Val Hignell**

Staff report dated July 25, 2011, prepared by Alison Garnett, Planner I, regarding Covenant Release Request by David and Val Hignell.

It was Moved and Seconded

That the Regional District release Restrictive Covenant EB31090 (David and Val Hignell).

**MOTION CARRIED**

**R12 – Bylaws 3542  
and 3543**

Staff report dated July 25, 2011, prepared by Joe Barry, Corporate Secretary, regarding North Oyster Fire Halls Debt Repayment Service Establishment Bylaw No. 3542 and North Oyster Fire Halls Construction Loan Authorization Bylaw No. 3543.

It was Moved and Seconded

1. That "CVRD Bylaw No. 3542 – North Oyster Fire Halls Debt Repayment Service Establishment Bylaw, 2011" and "CVRD Bylaw No. 3543 – North Oyster Fire Halls Construction Loan Authorization Bylaw, 2011", be forwarded to the Board for consideration of three readings and, following provincial and voter approval, be considered for adoption.
2. That following adoption of "CVRD Bylaw No. 3542 – North Oyster Fire Halls Debt Repayment Service Establishment Bylaw, 2011" and "CVRD Bylaw No. 3543 – North Oyster Fire Halls Construction Loan Authorization Bylaw, 2011", and a 30 day legislated quashing period, staff prepare a Parcel Tax Roll Bylaw for the Debt Repayment Service.
3. That the North Oyster Fire Halls Referendum be held on Saturday November 19, 2011, in conjunction with the General Local Elections.
4. That the following question be submitted to the electors of the North Oyster Fire Halls Debt Repayment Service within Electoral Area H – North Oyster/Diamond:

"Are you in favour of the Board of the CVRD adopting "CVRD Bylaw No. 3542 – North Oyster Fire Halls Debt Repayment Service Establishment Bylaw, 2011" and "CVRD Bylaw No. 3543 – North Oyster Fire Halls Construction Loan Authorization Bylaw, 2011", which would authorize the CVRD to create a debt repayment service and borrow up to \$3,030,000. for a 20 year period to finance the design and construction of two Fire Halls to serve the North Oyster Fire Halls Debt Repayment Service Area within a portion of Electoral Area H – North Oyster/Diamond with a maximum requisition amount of \$240,000 per year, which corresponds to an

annual parcel tax of no more than \$248.96."? YES or NO?

5. That the following synopsis of Bylaws No. 3542 and No. 3543 be used for the Notice of Voting/Notice of Other Voting:

CVRD Bylaw No. 3542 – North Oyster Fire Halls Debt Repayment Service Establishment Bylaw and CVRD Bylaw No. 3543 – North Oyster Fire Halls Construction Loan Authorization Bylaw.

These bylaws provide for the following:

- establishing a service to create a debt repayment area within a portion of Electoral Area H – North Oyster/Diamond
- borrowing up to \$3,030,000. for a 20 year period to finance the design and construction of two Fire Halls;
- annually requisitioning up to \$240,000. per year, which corresponds to an annual parcel tax of no more than \$248.96.

MOTION CARRIED

**R13 – Bylaw No.  
3541, South  
Cowichan  
Community Parks  
Service Amendment**

Staff report dated July 21, 2011, prepared by Kathleen Harrison, Legislative Services Coordinator, regarding South Cowichan Community Parks Service Amendment – Housekeeping Bylaw.

It was Moved and Seconded

That "CVRD Bylaw No. 3541 – South Cowichan Community Parks Service Amendment Bylaw, 2011", be forwarded to the Board for consideration of three readings and, following provincial approval, consideration of adoption.

MOTION CARRIED

**R14 – Bylaw No.  
3539, A Bylaw to  
Create an Annual  
Financial  
Contribution Service  
for the Mill  
Bay/Malahat  
Historical Society**

Staff report dated July 15, 2011, prepared by Kathleen Harrison, Legislative Services Coordinator, regarding Bylaw No. 3539 – A Bylaw to Create an Annual Financial Contribution Service for the Mill Bay/Malahat Historical Society.

It was Moved and Seconded

1. That "CVRD Bylaw No. 3539 – Mill Bay/Malahat Historical Society Annual Financial Contribution Service Establishment Bylaw, 2011", be forwarded to the Board for consideration of first three readings, and following provincial and voter approval, be considered for adoption.
2. That it be recommended to the Board that the Mill Bay/Malahat Historical Society Annual Financial Contribution Referendum be held on Saturday November 19, 2011, in conjunction with the General Local Elections.
3. That it be recommended to the Board that the following question be submitted to the electors of Electoral Area A – Mill Bay/Malahat:

"Are you in favour of the Board of the CVRD adopting "CVRD Bylaw No. 3539 – Mill Bay/Malahat Historical Society Annual Financial Contribution Service Establishment Bylaw, 2011", which would authorize the CVRD to provide the Mill Bay/Malahat Historical Society with an annual financial contribution of up to \$15,000 per year to assist the Society with costs associated with the collection, preservation, restoration and presentation of historical artifacts and archives of Mill Bay/Malahat and the surrounding South Cowichan area with an estimated maximum cost to residential property owners (with a residential property assessed at \$100,000) of \$1.54 per annum"? YES or NO?

4. That it be recommended to the Board that the following synopsis of Bylaw No. 3539 be used for the Notice of Voting/Notice of Other Voting:

CVRD Bylaw No. 3539 – Mill Bay/Malahat Historical Society Annual Financial Contribution Service Establishment Bylaw. This bylaw provides for the following:

- establishing a service to provide an annual financial contribution to the Mill Bay/Malahat Historical Society of up to \$15,000 to assist with costs associated with the collection, preservation, restoration and presentation of historical artifacts and archives of Mill Bay/Malahat and the surrounding South Cowichan area;
- establishing the boundaries of the service area as the whole of Electoral Area A – Mill Bay/Malahat; and
- annually requisitioning up to the greater of \$.01686 per \$1,000 of net taxable value of land and improvements within the service area or Fifteen Thousand Dollars (\$15,000).

MOTION CARRIED

**R15 – Proposed  
CVRD Development  
Approval Information  
(DAI) Bylaw No. 3540**

Staff report dated July 19, 2011, prepared by Catherine Tompkins, Senior Planner, regarding Proposed CVRD Development Approval Information (DAI) Bylaw No. 3540.

It was Moved and Seconded

That CVRD Bylaw No. 3540 – Development Approval Information Bylaw, 2011, be forwarded to the Regional Board for consideration of three readings and adoption.

MOTION NOT VOTED ON

It was Moved and Seconded

That the staff report dated July 19, 2011, prepared by Catherine Tompkins, Senior Planner, regarding Proposed CVRD Development Approval Information (DAI) Bylaw No. 3540 be referred to September 6, 2011, meeting.

MOTION CARRIED

**R16 – CVRD APC  
Establishment Bylaw  
No. 3544**

Staff report dated July 21, 2011, prepared by Catherine Tompkins, Senior Planner, regarding CVRD Advisory Planning Commission Establishment Bylaw No. 3544.

It was Moved and Seconded

That CVRD Bylaw No. 3544 – Advisory Planning Commission Establishment Bylaw, 2011, be referred back to Planning staff for further clarification.

MOTION CARRIED

**R17 – Amending the  
Procedures and Fees  
Bylaw to Implement  
the South Cowichan  
OCP**

Staff report dated July 25, 2011, prepared by Mike Tippett, Manager, Community & Regional Planning, regarding Amending the Procedures and Fees Bylaw to Implement the South Cowichan OCP.

It was Moved and Seconded

That CVRD Bylaw No. 3547 – Procedures and Fees Amendment Bylaw, 2011 be forwarded to the Regional Board for consideration of three readings and

adoption.

MOTION CARRIED

**R18 – Rezoning  
Application No. 1-E-  
11RS (Alderlea Farm)**

Staff report dated July 27, 2011, prepared by Rob Conway, Manager, Development Services Division, regarding Rezoning Application No. 1-E-11RS (Alderlea Farm).

It was Moved and Seconded

That Second Reading of Zoning Amendment Bylaw No. 3536 (Alderlea Farm) be rescinded and the bylaw be amended by changing the zoning designation of "Suburban Residential (R-2)" to read "*Rural Residential (R-1)*" and that the amended bylaw be forwarded to the Board for consideration of 2nd reading as amended.

MOTION CARRIED

**R19 – Development  
Permit Application  
No. 6-A-10DP/RAR  
(Ocean Terrace)**

Staff report dated July 25, 2011, prepared by Rachelle Moreau, Planner I, regarding Development Permit Application No. 6-A-10DP/RAR (Ocean Terrace).

It was Moved and Seconded

1. That Board Resolution No. 11-352.9 be rescinded.
2. That Application No. 6-A-10DP/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 43694<sup>1</sup>) and Parcel D (DD 33154<sup>1</sup>) of Said Lot and Except Those Parts in Plans 518RW, 50504 and VIP86314 (PID: 009-346-554), Parcel C (DD 43694<sup>1</sup>) of District Lot 77, Malahat District (PID:009-346-511), Parcel D (DD33154<sup>1</sup>) of District Lot 77, Malahat District (PID:009-346-520) be approved subject to:
  - a) Widening the highway buffer to a minimum 20 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 be developed in accordance with the Rainwater Master Plan dated June 7, 2011 and the Storm Water Technical Memorandum – Ocean Terrace Subdivision – Phase 1 dated June 8, 2011; and that future phases of single family residential, multi-family residential and commercial development be required to use a variety of source control techniques that would provide for onsite infiltration. Specific techniques include rain gardens, permeable landscaping, increased topsoil, permeable pavements, alternate road standards, swales, infiltrators and others, and a rainwater plan demonstrating where and how these will be used will be required at each subdivision phase;
  - 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;
  - j) To also limit the building height for single family lots on the west side of Sangster Road to 7.5 metres;
  - k) Provide a pre-emption light at the Butterfield Road and Trans Canada Highway intersection;
  - l) A sprinkler system be installed, for safety purposes, in all the multi-family units;
- And further that prior to issuance of the Development Permit:
- m) The site plan is revised in the manner noted above;
  - n) A covenant be registered on title to secure the park dedication and park amenity commitments; and
  - o) A covenant is registered on title that would assign density to the multi-family sites and secure other development permit requirements as necessary.

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 CMS Food Bank, in the amount of \$1,000.00 to assist with the provision of services in South Cowichan.

MOTION CARRIED

**C2 – Grant in Aid Request – Area B**

It was Moved and Seconded  
That a grant in aid, Area B – Shawnigan Lake, be given to Cowichan Wooden Boat Society, in the amount of \$500.00 to support the 3<sup>rd</sup> Annual Prawn Festival.

MOTION CARRIED

It was Moved  
That a grant in aid, Area E – Cowichan Station/Sahtlam/Glenora, be given to Cowichan Community Land Trust, in the amount of \$1,000.00 to help in the construction of a nature centre in Cowichan Bay.

MOTION CARRIED

**C6 – Process of Grant in Aid**

Director Marcotte requested that at a future EASC meeting a discussion be brought forward regarding the process and procedures of Grant in Aids.

**Requests**

It was Moved and Seconded  
That the process and procedures of Grants in Aid be discussed at a future EASC meeting.

MOTION CARRIED

**C3 – Letter from Terry Lake, Minister of Environment, Regarding Soil Relocation**

It was Moved and Seconded  
That the letter dated July 4, 2011, from Terry Lake, Minister of Environment, regarding Soil Relocation from Various Source Properties to the Evans Redi-Mix Limited Site Located at 4975 Koksilah Road be received and filed.

MOTION CARRIED

**C4 – Letter from Dorothea Siegler regarding “Smart Meters”**

It was Moved and Seconded  
That the letter dated July 8, 2011, from Dorothea Siegler regarding “Smart Meters” be received and filed.

MOTION CARRIED

**C5 – Building SustainAble Communities Conference**

It was Moved and Seconded  
That the Building SustainAble Communities (BSC) Conference in Kelowna on February 27-March 1, 2012 be received and filed.

MOTION CARRIED

**INFORMATION**

**IN1 – June, 2011 Building Report**

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

MOTION CARRIED

**IN2 – Area C APC Minutes**

It was Moved and Seconded  
That the Minutes of the Area C APC meeting of July 14, 2011 be received and filed.

MOTION CARRIED

**IN3- Derelict Vessels**

Director Kuhn brought forward information with regard to a Derelict Vessels and Wreck Bill C-231 that Jean Crowder, MP, Nanaimo-Cowichan, is going to be introducing into Parliament.

It was Moved and Seconded  
That the CVRD send a letter of support to Jean Crowder, MP, Nanaimo-Cowichan, with regard to Bill C-231 (Derelict Vessels and Wreck).

MOTION CARRIED

**IN4 – Light Industrial Zone Adjustments**

Director Duncan brought forward the issue of adjustment of permitted uses in the Light Industrial Zone in Electoral Area E and possibly within other Electoral Areas.

It was Moved and Seconded  
That staff prepare a report regarding a bylaw being drafted that would remove recycling type uses and composting from the Electoral Area's Light Industrial Zones.

MOTION CARRIED

**NEW BUSINESS**

**NB1** Revised Staff Report dealt with under R4.

**RECESS** The Committee took a 5 minute break at 6:10 p.m. and reconvened at 6:15 p.m.

**RESOLVING INTO 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 6:17 p.m.

**RISE FROM CLOSED SESSION** It was Moved and Seconded that the EASC rise with report on item CSNB1 Potential Litigation [Sub (1)(g)] and return to the Regular portion of the meeting.

MOTION CARRIED

It was Moved and Seconded

1. That OCP Amendment Bylaw No. 3453 be abandoned and South Cowichan Official Community Plan Amendment Bylaw No. 3549 (Mill Bay Marina) be given 1<sup>st</sup> and 2<sup>nd</sup> Reading;
2. That South Cowichan Official Community Plan Amendment Bylaw No. 3549 (Mill Bay Marina) be referred to School District 79;
3. That 3<sup>rd</sup> Reading to Zoning Amendment Bylaw 3454 be rescinded;
4. That a public hearing be scheduled for the South Cowichan Official Community Plan Amendment Bylaw No. 3549 and Zoning Amendment Bylaw No. 3454 with Directors Harrison, Cossey and Dorey appointed as Board delegates.

MOTION CARRIED

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

MOTION CARRIED

The meeting adjourned at 6:35 p.m.

D1

### Request to Appear as a Delegation

#### Meeting Information

Request to Address:

CVRD Board

Committee

If Committee, specify the Committee here:

EAS

Meeting Date: 09/06/11

Meeting Time: 3 pm

#### Applicant Information

Applicant Name: Rodger Hunter and Alison Nicholson

Representing: (Name of organization if applicable)

As: (Capacity / Office)

Number Attending: 2

#### Applicant Contact Information

Applicant Mailing Address: 3961 Riverside Road

Applicant City: Duncan

Applicant Telephone: 250-701-0141

Applicant Fax:

Applicant Email: anicholson@pacificcoast.net

#### Presentation Topic and Nature of Request:

Walter application for property on Riverside Road

R1



**C·V·R·D**

**STAFF REPORT**

**ELECTORAL AREA SERVICES COMMITTEE MEETING  
OF SEPTEMBER 6, 2011**

<b>DATE:</b>	August 24, 2011	<b>FILE No:</b>	1-B-10RS
<b>FROM:</b>	Ann Kjerulf, Planner III Community & Regional Planning Division	<b>BYLAW No:</b>	985
<b>SUBJECT:</b>	Rezoning Application No. 1-B-10RS (Walter)		

**Recommendation/Action:**

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

**Relation to the Corporate Strategic Plan:**

The plan identifies the need to develop a long-term land use strategy/policy for forestry lands in the Cowichan Region as a strategic action to achieve sustainable land use.

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

**Background:**

At the meeting of May 31<sup>st</sup> this matter was referred back to staff for further work. Further discussion and a site meeting has been completed so this revised report brings the matter back before the Committee.

An application has been received to amend Electoral Area B – Shawnigan Lake – Zoning Bylaw No. 985 to permit a ten lot subdivision on a site currently zoned F-1 (*Primary Forestry*) and designated RUR (Rural Resource) by South Cowichan Official Community Plan Bylaw No. 3510. Approval of the application would require a corresponding amendment to the South Cowichan Official Community Plan Bylaw 3510.

***Site Context***

The ± 27.42 ha (± 67.76 acre) site is located in Electoral Area B and accessed by Riverside Road, approximately 0.5 km east of the Kinsol Trestle. The site is bisected by the Koksilah River, with no bridge crossings between the northern and southern portions. Remnant logging roads provide evidence of past logging although today, the site is generally well-treed. On the south side of the Koksilah River, there is an extensive, informal trail system crossing the property. On the north side, there is trail from the Kinsol Trestle (Kinsol Forest Trail) that crosses crown land and abuts the western edge of the property. The property has no dwellings although it appears as though a previous owner cleared a couple of building sites. All adjacent land parcels are designated Forestry, zoned F-1, and are 12 ha (30 acres) and larger. Forestry is an active use in the area. Parcels immediately to the east and west are Provincial Crown-

owned lands. Additional maps and documentation concerning the application are attached to this report.

**BACKGROUND/SITE SUMMARY:**

Application Date: March 2010

Owner: M. Walter Contracting Ltd.

Applicant: Michael Walter

Location: Riverside Road – Electoral Area B – Shawnigan Lake

Legal Description: Parcel A (DD 375861), District Lot 36, Helmcken District (009-710-809)

Size of Parcel: + 27.42 hectares (+ 67.76 acres)

Existing Use: Forestry –According to the applicant, roughly 2 acres of the site north of the Koksilah River was logged about 4 years ago and the remaining area was logged about 40 years ago. The area south of the river was logged approximately 70 or 80 years ago and is now a well established mixed forest with both coniferous and deciduous trees.

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

Existing OCP Designation: Rural Resource (RR)

Proposed OCP Designation: River Corridor Residential (RC)

Existing Zoning Designation: Primary Forestry (F1)

Proposed Zoning Designation: A new rural residential zone with a minimum parcel size of 1 ha

Minimum Lot Size (F-1): 80 ha

Proposed Minimum Lot Size: 1 ha

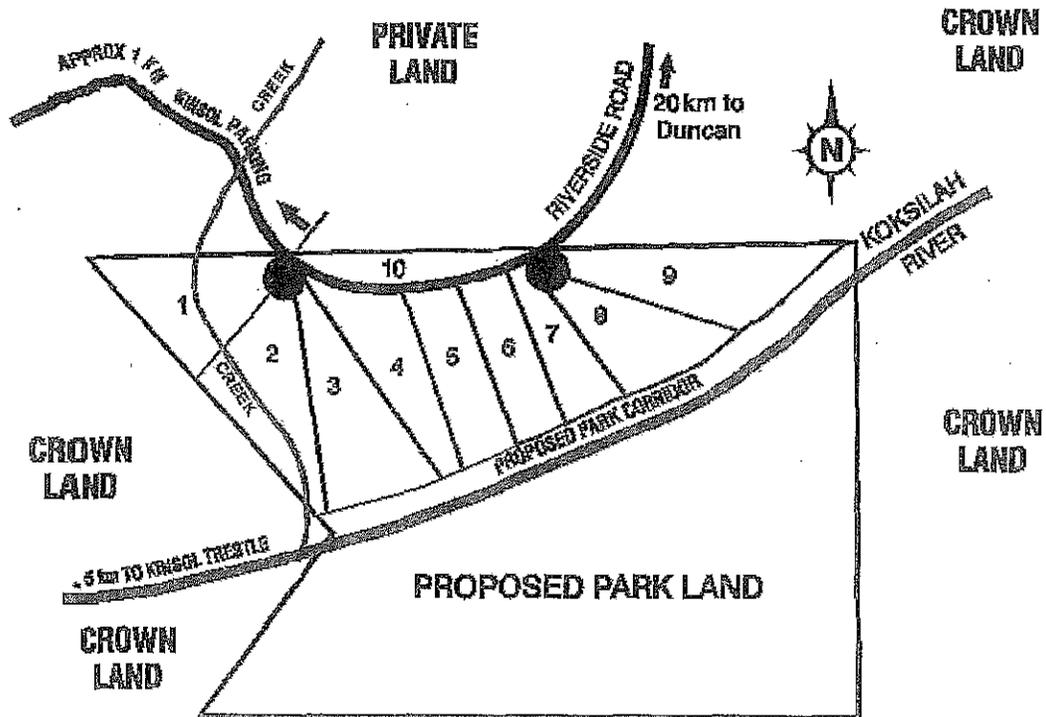
Road Access: Riverside Road (north of Koksilah River); no access south of the Koksilah River

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

Park Dedication	5% parkland dedication required; area south of river is proposed to be dedicated ( $\pm 50\%$ of site) in addition to the 30 m riparian corridor north of the river ( $\pm 10\%$ of site).
Affordable Housing Contribution	10% required; not specified by applicant
Intrinsic Aquifer Vulnerability:	Low to Medium
Water:	Drilled wells for residential lots (proposed)
Sewage Disposal:	On-site disposal (proposed)
Urban Wildfire Interface Hazard:	High
Solid Waste/Recycling	The site is not within a CVRD Solid Waste/Recycling collection area.
Fire Protection:	The site is not within a CVRD Fire Protection Area. CVRD Parks and Public Safety staff confirm there are no plans to expand the Cowichan Bay Fire Protection Area to the Kinsol Trestle.
Public Transit:	No scheduled service to area
ALR Status:	N/A
Environmentally Sensitive Areas:	Sensitive Ecosystem polygons V1423 and V1417A (CVRD Environmental Planning Atlas)
Contaminated Sites Regulation:	Declaration signed; no Schedule 2 uses noted
Archaeological Sites:	None confirmed on the subject property
Applicable Development Permit Area Guidelines	Riparian Protection Guidelines, Sensitive Ecosystem Guidelines, Landscaping/Rainwater Management/Environmental Protection Guidelines, Habitat Protection (possible)
Sustainability Checklist	Attached

**Proposal**

The applicant is requesting to rezone the site from F1 (Primary Forestry) to a rural residential zone, to accommodate a ten lot residential subdivision. The applicant wishes to create one  $\pm$  0.8 ha (2.0 acre) parcel to the north of Riverside Road with the remaining property north of the Koksilah River divided into nine lots of approximately 1 ha (2.5 acres) in size. The property has not yet been officially surveyed. The applicant is proposing to dedicate the southern  $\pm$  12 ha (+ 30 acres) portion of the site south of the Koksilah River and the 30 m riparian corridor along the north side of the Koksilah River as park. The proposal requires an OCP amendment to change the designation of the site from RUR (Rural Resource) to RC (River Corridor Residential) and a rezoning to create a new rural residential zone with a minimum lot size of 1 ha (the  $\pm$  0.8 ha parcel would be allowed as the existing road bisects the parcels). A conceptual subdivision plan illustrating the proposed layout of the parcels is shown



LOTS 1-9 APPROX 1.15 ha each (2.85 acres)  
 LOT 10 APPROX 0.80 ha (2 acres)

PARK PROPOSAL NORTH SIDE RIVER - 30m FOR LENGTH OF RIVER  
 PARK PROPOSAL SOUTH SIDE RIVER - ALL

PARCEL A  
 LOT 36  
 PID 009-710-8009

**PRIVATE LAND**

below:

**South Cowichan Official Community Plan Policy Context**

The South Cowichan Official Community Plan Bylaw No. 3510 provides the policy context for making land-use decisions including those for rezoning applications. It is important to consider the vision, goals, objectives and policies of the Plan in relation to the rezoning application at hand. The Plan Vision Statement along with relevant Plan Goals, Objectives and Policies are included in the attachments to this report.

### ***Zoning Regulations***

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

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

In order for the property to be subdivided, a Zoning Bylaw amendment is required. As mentioned previously, the applicant is proposing that the property be rezoned to a new zone which would permit the following:

- (1) Single-family residential dwelling or mobile home;
- (2) Agriculture, silviculture, horticulture;
- (3) Home occupation – domestic industry;
- (4) Bed and breakfast accommodation; and
- (5) Secondary suite or small suite.

### ***Development Potential***

There are currently no existing dwellings on the subject parcel. Under the existing F-1 zone a maximum of two single family residential dwellings are permitted on this parcel because the parcel is larger than 10.0 hectares. As each dwelling is permitted to have either a secondary suite or small suite, there is a potential for four dwellings in total. Contingent upon MoTI approval, subdivision of the parcel (severing the ±.8 ha/2 acre parcel north of the road), could theoretically result in three single family dwellings (and six dwellings in total with suites).

The rezoning proposal has a potential density of ten single family residential dwellings. If secondary suites would be permitted under the new zoning designation, as directed by the OCP, there would be potential for fourteen dwellings in total). The F-1 regulations are attached to this report for reference.

### ***Conceptual Subdivision Plan***

The proposed subdivision, shown on page 3, is conceptual at the rezoning stage as key considerations such as site access, road dedication, park dedication, covenant areas, and lot layout have not yet been fully determined. These details would be finalized pending approval from the Ministry of Transportation and Infrastructure. At this stage of the process, it is most important that the EASC consider whether or not the proposed use is suitable given the site context and direction of the Official Community Plan with regard to the use of Rural Resource lands.

## **REFERRAL AGENCY COMMENTS**

The application was previously referred to Advisory Planning Commission and to the following external agencies for comment<sup>1</sup>: the Central Vancouver Island Health Authority; the Ministry of Transportation and Infrastructure; the Ministry of Environment; the Ministry of Forests, the Cowichan Bay Fire Department; Cowichan Tribes; Malahat First Nation; and School District 79. The application was also referred to the following internal CVRD departments for comment: the Parks and Trails Division of the Parks, Recreation & Culture Department, and the Public Safety Department.

### ***Advisory Planning Commission***

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

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

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

### ***Ministry of Transportation and Infrastructure***

No written comments have been received. MoTi staff have verbally indicated that Riverside Road may not be a gazetted road. This would be confirmed at the time of subdivision.

### ***Central Vancouver Island Health Authority***

The health authority has indicated that their interests are unaffected and that the applicant would be required to meet the Vancouver Island Subdivision Standards at the subdivision stage.

### ***Ministry of Environment (Natural Resources Operations)***

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

### ***Cowichan Tribes***

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

### ***CVRD Public Safety Department***

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<sup>1</sup> The original rezoning application proposed a seven lot subdivision of the northern portion of the property and dedication of the southern portion of the property as parkland. Comments from the APC and referral agencies are based on the original seven-lot proposal.

Public Safety recommended that the application not be approved. The subject property is outside the fire response area and is within an area identified as having a high to extreme risk for wildfire. Notations include "completion of a Wildland Urban Interface Assessment, two points of access/egress, and compliance with *NFPA 1142, Standard on Water supplies for Suburban and Rural Fire Fighting*" (see attachment).

***CVRD Parks and Trails Division, Parks Recreation & Culture***

The Shawnigan Lake Parks and Recreation Commission reviewed the proposal on March 30, 2011 and passed the following motion:

- *"The Shawnigan Lake Parks Commission is in favour of the Concept Plan presented by Mr. Walter at the Commission meeting 30Mar11 offering 30 acres of parkland along the south side of Koksilah River as part of the Walter re-zoning application, File 1-B-10RS".*

Subject to approval of the application by the CVRD Board, a Section 219 Covenant should be registered on the property stating that the proposed park area would be dedicated to the CVRD as a fee simple titled lot concurrent with the approval and registration of the subdivision (see attachments).

***School District No. 79***

No comments were received.

***Malahat First Nation***

No comments were received

***Ministry of Forests***

No comments were received

**PUBLIC RESPONSE**

To date, staff have received two phone calls from local residents who were neither in support nor opposed to the proposal. Two phone calls were received from local residents opposed to the proposal. Staff have also received calls from an individual owner and from a large commercial realtor/developer interested in developing a large parcel of F-1 zoned land in close proximity to the subject property. A formal notification process would be undertaken if staff is directed to prepare bylaws and schedule a public hearing.

**PLANNING COMMENTS**

***South Cowichan OCP Policy Framework***

A comprehensive analysis of the new South Cowichan Official Community Plan is critical to a proper assessment of the application at hand. While a significant public benefit could arise through the acquisition of approximately 60% of this site as parkland, this should not be the sole consideration as there are a myriad of factors to consider.

First, the proposal involves the potential development of ten residential lots in a rural area with active forestry. The site is located in a high-hazard wildfire urban interface area on an underdeveloped road, several kilometers from the nearest shopping or services. There are currently no services for community water, community sewer, fire protection, or solid waste collection. Furthermore, the OCP actively discourages residential intensification outside village containment areas and seeks to protect rural areas for resource-based uses such as forestry, an important component of the regional economy. Conversion of the site to parkland and

residential uses would effectively sterilize the site for future forestry use and the introduction of residential uses presents the potential for land use conflict between residents and active forestry occurring on adjacent land.

With respect to provincial (Bill 27) climate change legislation, there should also be consideration of the potential impact of the proposed rezoning and subdivision in regard to greenhouse gas emissions. Transportation represents the greatest source of GHG emissions in the CVRD.

Based on the analysis, an approval of the proposal would be contrary to the following Official Community Plan objectives and policies:

- *The OCP does not encourage the development of additional wildfire interface areas;*
- *The OCP will establish village containment boundaries to place limits on urban and rural sprawl, and thereby reduce the creation of automobile dependent neighbourhoods and the resulting increased potential for fragmented ecosystems and watersheds;*
- *The OCP designates the village containment boundaries ... to preserve rural lands, including forestry and agricultural lands, and allow no net loss of these resource lands;*
- *The CVRD will ensure that forested lands remain designated for resource management purposes;*
- *The OCP supports the protection of the renewable forest resource for natural resource management over the long term. Forest lands will be designated "Rural Resource" and they should not be considered a 'land bank-in-waiting' for future residential development.*
- *To recognize forests as a renewable resource and to protect forest lands for long term forest management and wilderness values;*
- *To prevent the conversion of forest lands to permanent non-forestry uses;*
- *To ensure that development does not occur outside of a fire service area;*
- *The CVRD will, in the Subdivision Servicing Bylaw, require that land being subdivided be in a fire protection area.*

Notwithstanding the objectives and policies noted above, the South Cowichan Official Community Plan does contain a policy statement that applies specifically to the proposal; Policy 12.9 speaks to considering applications for residential or mixed use developments in the Rural Resource Designation that meet specific conditions, namely:

- a) *The development has a mix of land uses (e.g. residential, employment, recreational, institutional, commercial and parkland);*
- b) *There is a demonstrated need for housing, based on a statistical assessment, outside village areas;*
- c) *There is a demonstrated need for the use in the South Cowichan that justifies development outside the village areas;*
- d) *The development provides a range of housing types aimed at different income levels;*
- e) *The development is phased, to ensure a continual balance of residential, commercial, employment, institutional and recreational land uses;*
- f) *The development demonstrates significant environmental, economic, and social benefits to the immediate area and the South Cowichan region and amenity contributions are significant higher than those in a village area, including:*
  - *Dedication of sensitive ecosystems, riparian corridors and waterfront areas;*

- *An affordable non-market or subsidized housing component of 10% residential units is provided;*
- *A parkland dedication of 40 to 70 percent is required;*
- *Dedication of land and provision of infrastructure to ensure that the institutional needs of the community are met;*
- *Ground and surface water is protected and suitable water quality and quantity is available to service the development;*
- *Regional transportation improvements including major road network improvements and linkages are provided;*
- *Public transit and transit-supportive uses are integrated with the development together with pedestrian and cycling networks to reduce vehicle miles travelled; and*
- *A rainwater management plan is provided to ensure runoff is not increased as a result of the development.*

In its current form, the proposal would meet some but not all of the above criteria. The parkland dedication would only be one of the requirements considered in accordance with policy 12.9. Further to this, if the acquisition of parkland is to be the key consideration for approving the proposal, the Electoral Area Directors may wish to consider the potential alternatives, including:

- a) Outright purchase of the property for dedicated park (recreational or ecological reserve) use;
- b) Requiring a mixture of uses, not just residential and park in addition to the other requirements of Policy 12.9;
- c) Considering an alternative to residential use that would maintain the site in a Rural Resource Designation such as: value-added wood industries (processing) (Policy 7.6);
- d) Consideration for a heritage or eco-tourism commercial use in conjunction with housing, to support tourism activity at the Kinsol Trestle.

### ***Forest Land Speculation***

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

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

### ***Conclusion***

The South Cowichan Official Community Plan is intended to represent the vision and values of residents and stakeholders within the Plan Area. The vision and values are enshrined, as the policy framework to guide land use decisions, in the Official Community Plan bylaw, adopted by

the CVRD Board. If the Electoral Area Directors choose to amend this policy framework to allow the proposed use, it is within their purview to do so – however, this requires an Official Community Plan amendment and associated public consultation process. It is important to note that such a decision may establish a precedent and increase pressure to convert resource land to residential uses in other rural areas in the future. In effect, the Directors are essentially being asked to consider to what extent forestry activity is valued in the rural area and to what extent forestry activity should be protected in the face of speculative residential development pressure.

At this time, staff have conducted a comprehensive analysis of the proposal based on the publicly-endorsed policy framework currently in effect. Based on this analysis, staff are obliged to recommend that the application be denied in accordance with Option 1 as follows, given the numerous inconsistencies with the new South Cowichan Official Community Plan.

### **OPTIONS**

#### ***Option A (recommended)***

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

#### ***Option B***

That Rezoning Application No. 1-B-10RS (Walter) be referred back to staff for the purpose of working toward a revised proposal, consistent with South Cowichan OCP Bylaw 3510, Policy 12.9 in addition to the following:

- a) Submission of a wildland urban interface assessment;
- b) Submission of a riparian assessment and site topographic survey for the purpose of determining suitable building sites, the location of recreational trails, and ecological areas to be protected by conservation covenant or dedication;
- c) Submission of an archaeological assessment report, prepared in consultation with First Nations staff, elders and cultural advisors, identifying any significant archaeological resources on the subject property along with measures to protect such resources, prepared by a qualified professional working in this field of expertise; and
- d) That the revised proposal be re-circulated to referral agencies and the Joint South Cowichan Advisory Planning Commission for comments; and
- e) That a revised proposal be brought back to the EASC at a future meeting once referral agency and APC comments have been received.

**Option C**

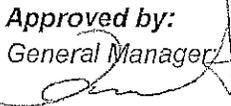
That Rezoning Application No. 1-B-10RS (Walter) be supported in principle and forwarded to the CVRD Board with the recommendation that draft bylaws be prepared for consideration at a future EASC meeting, in conjunction with the following to support the preparation of draft bylaws:

- a) Submission of a wildland urban interface assessment;
- b) Submission of a site environmental, riparian and hydrologic assessment and site topographic survey, prepared by the appropriate qualified professionals working in their respective fields of expertise, for the purpose of determining predevelopment site hydrology, sensitive habitat areas to be protected by conservation covenant or dedication, suitable building sites, and appropriate location for recreational trails;
- c) Submission of an archaeological assessment report, prepared in consultation with First Nations staff, elders and cultural advisors, identifying any significant archaeological resources on the subject property along with measures to protect such resources, and prepared by a qualified professional working in this field of expertise;
- d) Submission of a fire protection/suppression plan in compliance with NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting;
- e) That the applicant undertake to guide development, in accordance with a development permit to be issued prior to subdivision, consistent with the Ministry of Environment publication, Develop with Care: Environmental Guidelines for Urban and Rural Development in British Columbia, March 2006;
- f) A performance bond will be required, as a condition of the development permit, to ensure that the site is developed in accordance with the permit and consistent with Develop with Care (as noted above);
- g) That the southern portion of the subject property identified for park dedication remain in a rural resource designation with accommodation for a recreation trail corridor as identified in the Electoral Area B Parks Master Plan (Silvermine Trail Connection) and the balance of the property have the continued potential to be used for community forestry; and
- h) That application referrals to the Ministry of Transportation and Infrastructure, the Central Vancouver Island Health Authority, the Ministry of Environment, Ministry of Forests; Malahat First Nations, Cowichan Tribes and School District 79 be accepted.

**Option A is recommended.**

Submitted by,

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

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

AK/ca  
Attachments

**ATTACHMENTS**

- Location of Subject Property (Cadastral)
- Location of Subject Property (Orthophoto 2002)
- Private and Crown Lands
- Sensitive Ecosystem Inventory
- South Cowichan Official Community Plan Policy Context
- F1 Zone Regulations
- Area B Advisory Planning Commission Minutes (October 7, 2010)
- Email from Area B Advisory Planning Commission Chair (January 5, 2011)
- Letter from Ministry of Natural Resource Operations (January 6, 2011)
- Letter from Cowichan Tribes (November 29, 2010)
- Memorandum from CVRD Public Safety (October 1, 2010)
- Sustainability Checklist (March 2010)
- Area B Parks and Recreation Commission Minutes Excerpt (March 30, 2011)
- Memorandum from CVRD Parks and Trails Division (April 18, 2011)
- Shawnigan Lake Community Parks and Trails Master Plan Map
- Letter to EASC from Applicant (May 16, 2011)



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

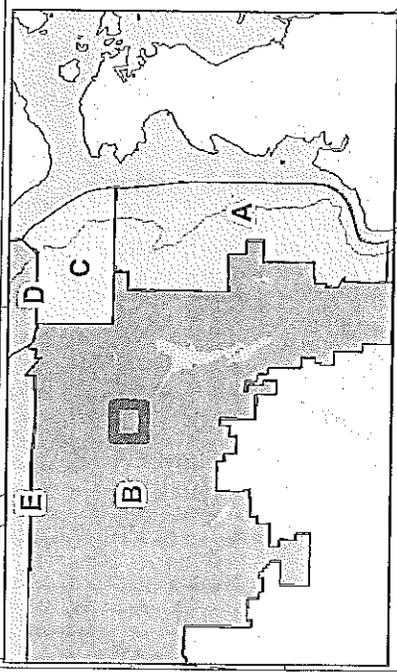
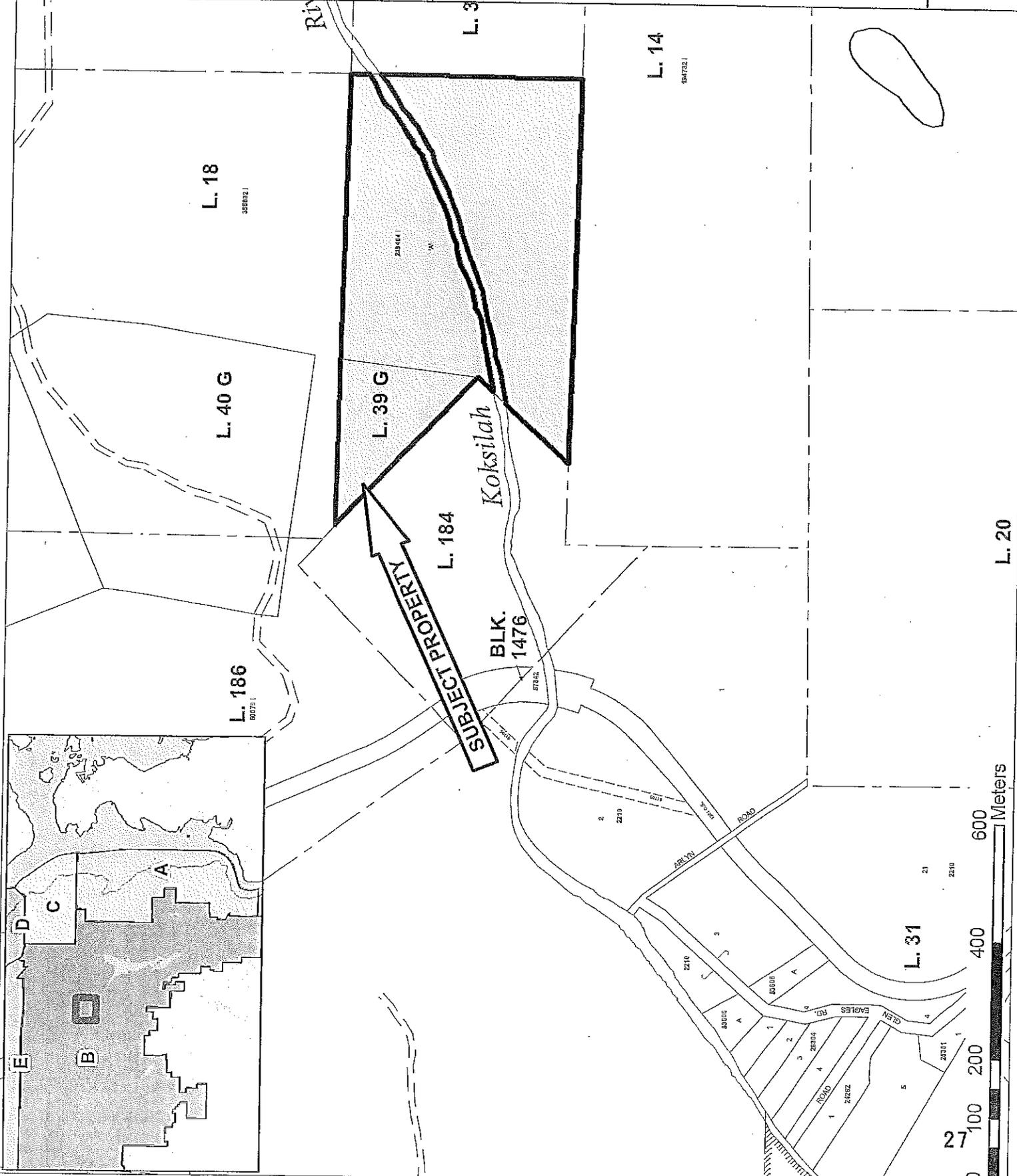
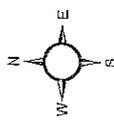
The Regional District does not warrant the accuracy.

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

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

**FILE: 1-B-10-RS**

Legend  Subject Property





Covichan  
Valley  
Regional  
District

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

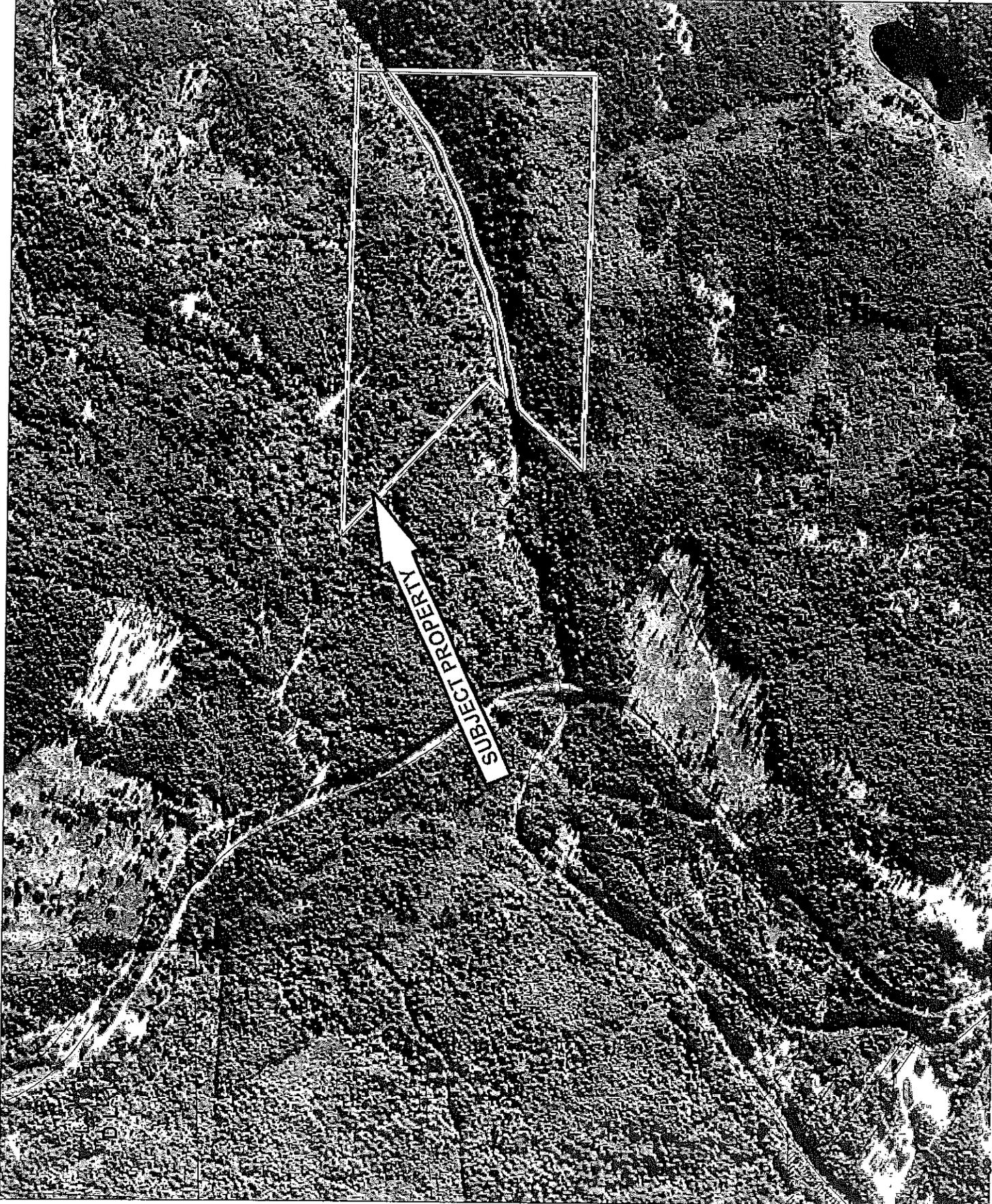
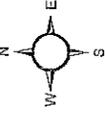
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FILE: 1-B-10-RS

# Orthophoto (2002)





**Cowichan Valley Regional District**

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

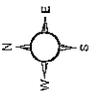
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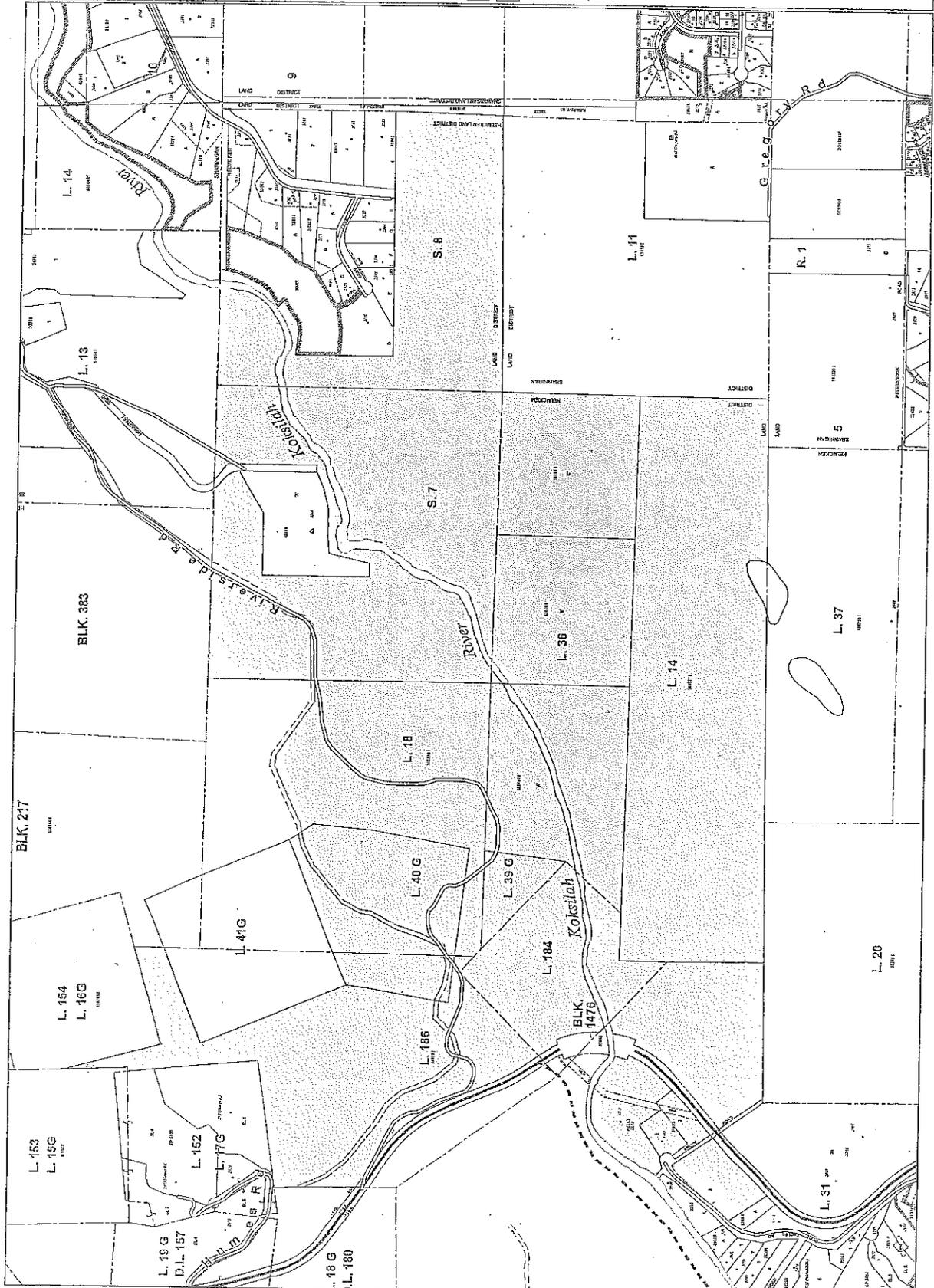
Printed: May 11, 2011

**Legend**

-  Crown\_Land
-  Private\_Land



Scale: 1:10,000





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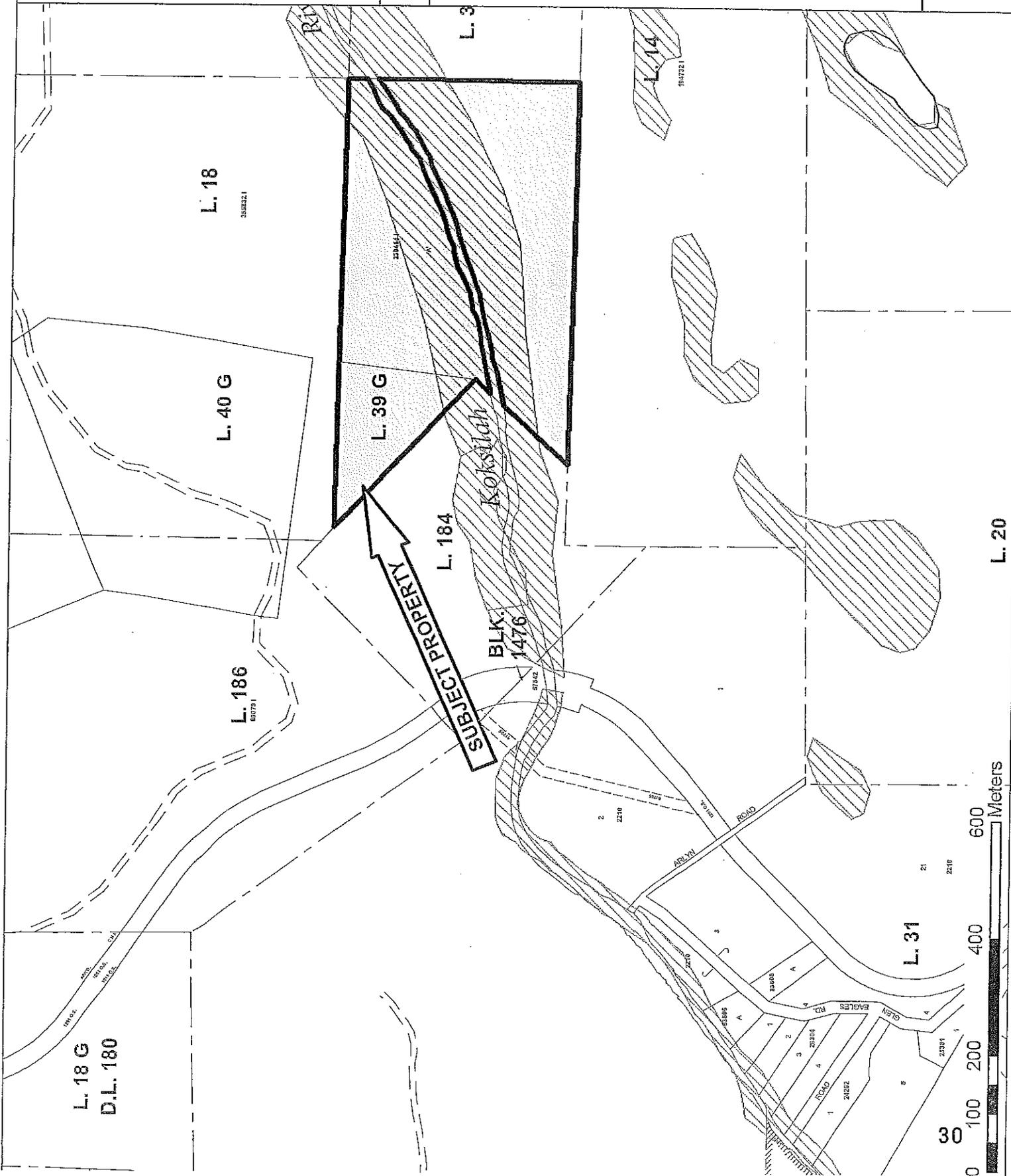
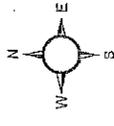
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FILE: 1-B-10-RS

# Sensitive Ecosystem Inventory

Legend

Subject Property  
SEI 2004



## SOUTH COWICHAN OFFICIAL COMMUNITY PLAN POLICY CONTEXT

### **Plan Vision**

*“The South Cowichan is a place of extraordinary beauty and unique socio economic, cultural and environmental significant, where residents wish to retain the rural character, plan for sustainable village communities and protect their quality of life and natural environment.”*

### **Plan Goals**

1. To conserve, manage and protect water to ensure reliable, clean water supplies for human use and healthy ecosystems;
2. To ensure that future generations have a natural environment that is at least as healthy and secure as that which we enjoy today;
3. To maintain and improve the quality of life for all residents in the South Cowichan Plan area;
4. To keep village areas compact, complete and vibrant, with amenities and services required to meet the needs of a diverse population, and to maintain the rural land base;
5. To protect agricultural and forest resource lands from urban and rural residential sprawl;
6. To encourage a strong and diverse local economy;
7. To improve housing affordability, and provide a diverse range of housing types, to accommodate a diverse population;
8. To provide for a range of transportation choices, including transit, rail, ferry, and multi-use cycling/pedestrian trails;
9. To conserve and celebrate the unique heritage values of Mill Bay/Malahat, Shawnigan Lake and Cobble Hill;
10. To protect environmentally sensitive areas, including lakes, streams, inlets and riparian areas;
11. To protect life and property from hazardous land conditions by limiting, controlling and mitigating development on hazardous lands subject to land slide, flooding, wildfire and erosion; and
12. To reduce greenhouse gas emissions and plan for climate change.

### **Plan Objectives and Policies<sup>1</sup>**

<b>Natural Environment</b>	
Objective 3A:	To conserve, manage and protect water supplies for human use and natural ecosystems;
Objective 3B:	To provide for development that meets the needs of the present and the future without compromising the natural environment;
Objective 3C:	To protect environmentally significant and sensitive areas, including terrestrial, freshwater and marine ecosystems, wildlife habitat, and species and ecosystems at risk;
Objective 3D:	To ensure long term protection of clean air, water and land;
Objective 3E:	To protect residents from personal injury or loss of property and to safeguard the natural environment within hazardous land areas such as flood plains, wildfire interface areas and lands subject to landslides and erosion, through discouraging development in such areas.

<sup>1</sup> Some policy statements have been truncated for the sake of brevity.

Policy 3.1:	The OCP will establish village containment boundaries to place limits on urban and rural sprawl, and thereby reduce the creation of automobile dependent neighbourhoods and the resulting increased potential for fragmented ecosystems and watersheds.
Policy 3.4:	The riparian areas associated with all fresh watercourses in the Plan Area are essential because they provide storm water management and filtration, as well as shelter, water, shade and food sources for a variety of fish and wildlife species.
Policy 3.5:	Sufficient groundwater must be able to infiltrate into the ground for the protection of fish and wildlife... development permit areas will encourage engineered infiltration systems such as infiltration ponds and vegetated swales; the use of permeable paving, alternative design standards; and site design that reduces the potential for increases in post development flows. The development permit areas may also include a requirement for an applicant to provide information about the extent of imperviousness in a subject watershed, as Best Management Practices indicate that impervious surfaces should generally not exceed 12% in a watershed.
Policy 3.6:	Provincially designated sensitive ecosystems, generally shown on Figure 3A, are ecosystems identified by the BC Ministry of Environment and Fisheries and Oceans Canada as being extremely rare and valuable. These ecosystems have been rapidly fragmenting and disappearing, and are under threat of disappearance. The OCP will aim to protect the ecological values of these ecosystems through the <i>South Cowichan Rural Development Permit Area</i> .
Policy 3.9:	The CVRD will consider the acquisition of shorelines and riparian areas as a priority for community park acquisition, and where these are acquired will manage them as a public resource as part of an overall conservation and outdoor recreation strategy.
Policy 3.13:	Healthy forests are an important component of a healthy rural environment; forests are home to a wide variety of species, contain many ecosystems, and are necessary for water absorption, carbon sequestration and fish and wildlife habitat...the CVRD will continue to acquire and manage community parks and community forests as opportunities arise. ( <i>Request to Province</i> )
Policy 3.16:	Wildfire interface areas are areas where forested lands and developed areas are intertwined. Interface fires consume buildings and forested areas simultaneously, and the impacts can be devastating to wildlife habitat and water management, as well as life and property. This OCP does not encourage the development of additional wildfire interface areas.
Policy 3.17:	Great Blue Herons, eagle, osprey, peregrine falcon, Goshawk and Coopers Hawk, and owl species are extremely sensitive to disturbance around their nest sites. The OCP protects these habitat areas from development impacts, through guidelines within the <i>South Cowichan Rural Development Permit Area</i> .
Policy 3.25:	Development will be carried out in accordance with the Ministry of Environment's <i>Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia</i> .

<b>Climate Change, Land, Resources and Energy Efficiency</b>	
Objective 6C:	To do our part as a local government in supporting the Province of British Columbia in achieving its stated goal of reducing greenhouse gas contributions from this Province by 33% from 2007 levels at 2020 and achieving a reduction of 80% from 2007 levels by 2050;
Objective 6D:	To encourage the Province of British Columbia to manage forest lands in a fashion consistent with maximizing their ability to sequester carbon, both in the living biomass and in the wood products derived from harvesting;
Policy 6.2:	The CVRD will encourage greater energy efficiency in the planning, design and construction of neighbourhoods and buildings through the development permit areas within this OCP.
Policy 6.6	The OCP designates the Mill Bay, Shawnigan Lake and Cobble Hill Village Containment Boundaries (VCBs), which have the following intent: <ul style="list-style-type: none"> <li>a) To delineate areas where mixed residential, commercial, and institutional land uses will be focused, to create complete, healthy and more energy efficient communities;</li> <li>b) To preserve rural lands, including forestry and agricultural lands, and allow no net loss of these resource lands;</li> <li>c) To encourage a mix of community amenities, services and land uses within the VCBs, ensuring that commercial areas are within walking distance of most urban residential areas.</li> </ul>
Policy 6.9:	The CVRD will ensure that forested lands remain designated for resource management purposes, and will encourage the Province and landowners to carefully manage the ecosystems within the area forests in a manner consistent with maximum carbon sequestration.
Policy 6.12(b):	The implementing Zoning Bylaw will establish lot coverage, impervious surface limits, and floor area limits within certain zones to reduce the impact of development;
<b>Economic Development</b>	
Objective 7D:	To recognize educational facilities, recreation centres, resource lands (agriculture, forestry and mining), heritage tourism, community service providers, and home based businesses, as well as commercial and industrial businesses, as essential components of a diverse economy.
Policy 7.5:	The OCP supports the protection of the renewable forest resource for natural resource management (forestry, mining) over the long term. Forest lands will be designated as "Rural Resource" and they should not be considered a 'land-bank-in-waiting' for future residential development.
Policy 7.6:	The OCP encourages value-added wood industries, in which raw wood is locally converted into a final product, as this industry is an important component of a diverse economy.
<b>Social Sustainability</b>	
Objective 8A:	To encourage the equitable and accessible provision of services in the community, including social services, public facilities, and easy access to education;
Objective 8B:	To encourage diversity and provide for a mix of lifestyles and a range of socio-economic levels integrated throughout the community;
Objective 8H:	To encourage the provision of a diverse range of housing types and tenures, including affordable, rental and special needs housing, to allow for residents to remain in the community throughout their life stages.
Policy 8.1:	A fundamental theme of this plan is that new residential development, should help to contribute toward necessary community amenities, to ensure that

	<p>chronic amenity deficits are not perpetuated, and that new residential development does not negatively impact amenities which existing residents use. When an application is received to rezone land for residential uses within the Plan area, the Regional Board will apply amenity zoning, whereby the land density may be increased through rezoning on the condition that community amenity contributions are provided to enhance the character of the Plan area. Community amenities to be considered during a rezoning process should include but not be limited to:</p> <ul style="list-style-type: none"> <li>(a) Subsidized, cooperative, or non-market affordable housing units;</li> <li>(b) Parkland dedication in excess of the 5% required under the Local Government Act;</li> <li>(c) Provision of open spaces and improvements for the benefit of the public;</li> <li>(d) Dedication of environmentally sensitive areas;</li> <li>(e) New recreational facilities or improvements to existing recreational facilities;</li> <li>(f) Dedication of land or improvements for a community benefit (daycare, arts, culture, heritage, seniors centres, youth centres, transition homes, schools, fire halls, community police stations, transit shelters, train stations, community services, education, library);</li> <li>(g) Sidewalk and trail improvements;</li> <li>(h) Other amenity contributions approved by the Regional Board; and</li> <li>(i) Cash in lieu.</li> </ul>
Policy 8.9:	<p>Long commutes to work can reduce the quality of life for the commuter and others in the community by reducing opportunities to engage in family and community activities. To the degree possible, the CVRD will ensure that there are opportunities for residents to live and work in the South Cowichan Plan area.</p>
<b>Community Heritage Conservation</b>	
Objective 9B:	To identify potential heritage resources and protect them from impacts that would destroy their heritage attributes;
Objective 9F:	To recognize that the traditional and sacred places of the First Nations, including Cowichan, Malahat, Pauquachin, Tsartlip and Tsawout First Nations, are an important component of the heritage of the South Cowichan area;
Objective 9G:	To protect archaeological sites from potential disturbances by development;
Policy 9.1:	<p>The CVRD will implement the Community Heritage Register (CHR) of buildings, structures, cemeteries, landscape features, sites and objects. At the time of adoption of this OCP, there are two South Cowichan historic places listed, and they will continue to be listed, on the CHR:</p> <p>The Kinsol Trestle is a part of the original CNR right-of-way, spanning the Koksilah River just west of Shawnigan Lake. It is said to be the highest existing wooden railway trestle in the British Commonwealth, standing 48.5 metres high, and has been sensitively rehabilitated by the CVRD under the Regional Parks and Trails Program for re-use as a key link in the Cowichan Valley Trail, which is part of the Trans Canada Trail.</p>
Policy 9.7:	<p>Development proponents will be required to consider archaeological resources during all phases of project planning, design and implementation. The CVRD will require applicants, in areas with potential archaeological resources, to conduct an archaeological assessment during a rezoning process. Archaeological sites predating 1846 may not be altered or changed</p>

	in any manner without a permit pursuant to Section 12 or 14 of the <i>Heritage Conservation Act</i> .
Policy 9.8:	The CVRD will consult with First Nations Bands, whose traditional territories include lands within the South Cowichan Plan area, and with the Province, toward an archaeological overview assessment, to identify areas of archaeological potential.
<b>Village Containment Areas</b>	
Objective 10A:	To establish well defined boundaries between those areas intended for urban growth and those protected for rural values;
Objective 10C:	To maximise the efficiency of land use and preserve the agricultural, forestry and wilderness land base outside of the village containment boundaries;
<b>Rural Resource Lands</b>	
Objective 12A:	To recognize forests as a renewable resource and to protect forest lands for long term forest management and wilderness values;
Objective 12B:	To support and encourage the commercial harvesting of timber, and aggregate resource extraction, consistent with the latest provincial Best Management Practices for natural environment protection;
Objective 12C:	To prevent the conversion of forest lands to permanent non-forestry uses;
Objective 12D:	To minimize the occurrences of wildfire interface events (where residential and wildfires meet) by minimizing the creation of new wildfire interface areas (forest lands fragmented by residential development);
Policy 12.3:	The Rural Resource Designation (RUR) is intended to accommodate forest management and other resource land uses, therefore the implementing Zoning Bylaw will provide a minimum parcel size of 80 ha for all zones within the Rural Resource Designation (RUR).
Policy 12.9:	<p>Applications for residential or mixed use developments in the Rural Resource Designation, including developments that would require an expansion of a VCB or the creation of a new VCB, may be considered provided that, in the Board's opinion, they meet the following conditions:</p> <ul style="list-style-type: none"> <li>(a) The proposed development must have a diverse mix of land uses (e.g. residential, employment, recreational, institutional, commercial and parkland);</li> <li>(b) For residential development, there must be a demonstrated need for housing, based upon public statistical information related to total population increases and housing in the South Cowichan Plan area, and it must be determined that the housing need cannot be met within the village containment boundaries;</li> <li>(c) There must be a demonstrated need for the proposed use in the South Cowichan, to justify development of the proposed use outside of a VCB;</li> <li>(d) The proposed development must contribute to rebuilding and maintaining balanced community demographics through providing a full range of housing types aimed at different income levels.</li> <li>(e) The proposed development must be phased, to ensure a continual balance of residential, commercial, employment, institutional and recreational land uses;</li> <li>(f) The proposed development must demonstrate significant environmental, economic and social benefits to the immediate area and to the South Cowichan region. Community amenity contributions, in accordance with Section 8 – Social Sustainability -</li> </ul>

must be substantially higher than those for development within a VCB. The amenity contribution should include a combination of amenities, including:

- The dedication to the CVRD of sensitive ecosystems, designated by the Province, riparian corridors, areas identified in the Species and Ecosystems at Risk Act (SARA), and waterfront areas;
- An affordable non-market or subsidized housing component of 10% of residential units will be provided;
- A significant parkland dedication of at least 40 to 70 percent of the area of the subject property will be required;
- A dedication of land and provision of infrastructure to ensure that the institutional needs of the community can be met;
- The proposed development must protect ground and surface water and potable water must be proved to be available in suitable quantities to support the development.
- The proposed development must provide regional transportation improvements including major road network improvements and linkages that relieve pressure on existing residential neighbourhoods;
- The proposed development must integrate public transit and transit-supportive land uses together with provision of pedestrian and cycling networks to reduce vehicle miles travelled and corresponding greenhouse gas emissions.
- The subject property must be located outside of the Shawnigan Lake Watershed, delineated in Section 5 – *Shawnigan Lake Watershed Management*;
- Watershed planning must be an integral part of the development – rainwater management plans will be required to ensure that runoff is not increased as a result of land development;
- The CVRD Development Approvals Information Bylaw will apply;
- A Phased Development Agreement and design guidelines may be required to ensure phasing, that the development proceeds in a timely manner, that amenities are forthcoming and that there is a high standard of architectural and landscape design. Development permit guidelines would also apply.

Policy 12.21:	Forest lands within the South Cowichan are rated high to extreme for wildfire interface potential. Lands within the Rural Resource Designation (RUR) are subject to the <i>South Cowichan Rural Development Permit Area</i> , in Section 24, to reduce the potential for loss of life or property during a wildfire interface event.
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<b>Rural Residential Lands</b>	
Objective 13A:	To provide a wide range of housing and lifestyle options for various stages of life and different community lifestyles, as the community demographics continue to change;
Objective 13B:	To provide opportunities for safe, affordable rental and special needs housing;
Objective 13C:	To provide a rural residential lifestyle option that provides a buffer between resource lands and residential areas;
Objective 13D:	To preserve the rural character of the community.
Policy 13.1.2:	The Rural Residential Designation (RR) is intended to accommodate a range of rural lifestyle options outside of village containment boundaries, and to provide a buffer between resource lands (agriculture and forestry) and residential parcels, to reduce the potential for land use conflicts and provide a rural residential housing option.
Policy 13.1.4:	Lands designated as Rural Residential (RR) are located outside of the village containment boundaries and are intended to remain rural. New community water or sewer systems will not be permitted outside of the village containment boundaries.
Policy 13.1.12:	In considering the future rezoning of land from R-1 Rural Residential to CR-1 Country Residential, the Board will consider the following criteria: <ul style="list-style-type: none"> <li>(a) That sufficient potable water is available for future residential uses;</li> <li>(b) It is demonstrated that the proposed residential development will not negatively impact of quantity or quality of water within the watershed;</li> <li>(c) Parkland dedication is provided in accordance with Section 17 <i>Parks and Institutional</i> of this Plan;</li> <li>(d) Community amenity contributions are provided in accordance with Section 8 <i>Social Sustainability</i>;</li> <li>(e) The subject property is located within a fire protection area; and</li> <li>(f) The subdivision would not result in additional parcels adjoining the Rural Resource Designation or the Agricultural Designation.</li> </ul>
Policy 13.1.13:	Construction in the Rural Residential Designation (RR) should make best use of, and be oriented around the topography of a slope on the site, rather than rely on the creation of artificial benches. Orientation of new structures that take advantage of passive solar orientation is encouraged.
Policy 13.2.2:	The River Corridor Residential Designation (RC) is intended to accommodate a rural lifestyle option within the Koksilah River Corridor, without negatively impacting the pristine environment along the Koksilah River.
Policy 13.2.6:	To provide an additional affordable housing option, one single family dwelling and one secondary suite or one secondary dwelling unit will be permitted in the River Corridor Residential Designation (RC), provided that the subject parcel is at least 1.0 ha in size.
Policy 13.2.7:	The implementing Zoning Bylaw will allow for a home occupation on a parcel within the River Corridor (RC) Residential Designation where a principal single family dwelling is located, provided that the home occupation use is in keeping with the residential character of adjacent areas. Uses that may be unsightly or create a nuisance by noise, dust, and odour will be prohibited.
Policy 13.2.9:	Construction in the River Corridor Residential Designation (RC) should be located away from the riparian area. A minimum 30 metre setback will be provided in the implementing Zoning Bylaw, and Section 24 South Cowichan Rural Development Permit Area will apply.

<b>Parks and Institutional</b>	
Objective 17A	To maximize opportunities for recreation and active living, and to recognize them as being essential to personal health, strong families and healthy communities;
Objective 17C	To encourage recreational activities that advance tourism and bolster the economy;
Objective 17D	To encourage eco-tourism, nature parks and other opportunities to preserve natural ecosystems;
Objective 17F	To provide safe pedestrian and cycling linkages throughout the South Cowichan, with linkages between various land uses and neighbourhoods, to promote alternatives to automobiles and support active lifestyles;
Objective 17J	To encourage more waterfront beach access and waterfront parks.
Policy 17.2:	<p>The Plan area is considered as a potential park acquisition area. At the time of subdivision, the CVRD will continue to acquire parkland in accordance with Section 941 of the <i>Local Government Act</i>, whereby the owner of land subject to a subdivision application shall, at the discretion of the CVRD:</p> <ul style="list-style-type: none"> <li>(a) Provide, without compensation, community park land equivalent to 5% of the parent parcel size and in a location acceptable to the Regional District; or</li> <li>(b) Pay to the CVRD an amount equalling 5% of the land value based on the most recent assessed value as per the provisions of the <i>Local Government Act</i>.</li> <li>(c) The Board will only consider parkland explicitly accepted as such, counting towards the 5% park dedication required by the <i>Local Government Act</i>. Lands such as return to Crowns, environmental buffer areas and streamside protection and enhancement areas will not be counted in the 5% calculation.</li> </ul>
Policy 17.4:	To facilitate the acquisition of future parkland, parks are permitted in any land use designation and any zone throughout the Plan area. To formally acknowledge the change in land use for acquired parkland, it is recommended that the OCP and the Zoning Bylaw be updated annually to designate and zone new parks that have been acquired.
Policy 17.5:	The CVRD will maximize opportunities for waterfront park access on marine and freshwater shorelines. Where banks are too steep to allow access to the shore, viewpoints with rest areas should be provided to welcome users to enjoy the view in a quiet setting.
Policy 17.6:	The CVRD will continue to acquire streamside and riparian dedications to provide trails and protect natural ecosystems.
Policy 17.9:	The CVRD will work toward maximizing multi-use trails throughout the Plan area, and pedestrian, equestrian and cycling corridors along the E&N corridor and along or adjacent to highway rights-of-way.
Policy 17.17:	<p>The Mill Bay/Malahat Community Parks and Trails Master Plan, Shawnigan Lake Community Parks and Trails Master Plan, and Cobble Hill Community Parks and Trails Master Plan will provide policy recommendations for the Plan area with respect to:</p> <ul style="list-style-type: none"> <li>(a) priorities for community park land acquisitions in Mill Bay/Malahat, Shawnigan Lake and Cobble Hill;</li> <li>(b) priorities for various types of parks, trails, and recreational amenities, including outdoor recreation areas (i.e., sports fields, natural areas, community pathways, and playgrounds);</li> </ul>

- (c) upgrading priorities for existing parks;
- (d) protecting special environmental features and heritage resources in parks;
- (e) protection of parkland from invasive plant species;
- (f) acquiring further lands for park and trail corridor purposes;
- (g) determining trail usage, including pedestrian, bicycling, and equestrian use;
- (h) methods for linking trails with parks and with village areas;
- (i) improvements to outdoor recreation infrastructure, including swimming areas, and support facilities (e.g. washrooms, shelters, parking, picnic facilities, and benches);
- (j) partnerships with local clubs, resident groups or senior governments;
- (k) linkage between the efforts to improve parks and the efforts to redevelop the village areas are consistent; and
- (l) encouraging and supporting community participation in the planning, development and stewardship of community parks and trails.

**Community Water Services**

Objective 20A	To balance the use of aquifers with their ability to sustain development over the long term, in part through the maintenance of appropriate settlement densities and in part through water protection and conservation measures.
Objective 20C	To protect groundwater aquifers from contamination.
Policy 20.8	The CVRD will not encourage or support the establishment of new private water utilities in the South Cowichan Plan area.
Policy 20.9	This Plan supports water protection and conservation in South Cowichan, including recommendations of the CVRD South Cowichan Water Study (2010).
Policy 20.16	The CVRD Subdivision Servicing Bylaw specifies the proof of water requirements at the time of subdivision, for lands that are not within a community water service area.

**Liquid Waste Management**

Objective 21C	To discourage the creation of new community sewer service areas outside of the three Village areas.
Policy 21.1	The CVRD will not support the creation of new community sewer systems outside of those (village containment sewer service) areas. (except in the case of a health risk or in the vicinity of the Bamberton interchange).
Policy 21.5	For areas that will continue to be served by individual septic tanks, the CVRD will investigate through a revision of the South Sector Liquid Waste Management Plan, options for ensuring the safety of such systems, including a program to ensure that septic systems in defined portions of the OCP area are periodically maintained and monitored for satisfactory operation.
Policy 21.8:	The CVRD does not support the creation of any sewer utilities that do not meet the definition of community sewer system, or which would be located outside of a Village Containment Boundary, and even in the event of these being created, in no case will areas so serviced become eligible for additional density through rezoning under this Plan.

<b>Solid Waste Management</b>	
Objective 22B	To encourage the reduction, reuse and recycling of solid waste, reducing the solid waste stream to the greatest extent possible.
Policy 22.1	All solid wastes will be recycled or transferred at the approved facilities provided for that purpose, in conformity with the CVRD Solid Waste Management Plan.
<b>Fire Protection</b>	
Objective 23A	To ensure that water supplies are available for fire protection purposes;
Objective 23B	To minimize the potential for a wildfire interface event;
Objective 23C	To ensure that residential development does not occur outside of a fire service area.
Policy 23.2:	To reduce the risk of wildfire interface events in the South Cowichan, the CVRD will ensure that new developments are compact, are not established outside of a fire protection area, and do not add to the significant volume of rural parcels in the wildfire interface area.
Policy 23.3:	The CVRD will, in the Subdivision Servicing Bylaw, require that land being subdivided be in a fire protection area, and that adequate fire protection standards – including hydrants located at regular intervals – are present for subdivisions on community water systems.
Policy 23.8:	New development in the OCP area will pay its own way for the provision of fire services, including fire hall construction and provision of necessary equipment.

7.4 F-1 ZONE – PRIMARY FORESTRY

(a) Permitted Uses

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

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

(b) Conditions of Use

For any parcel in an F-1 Zone:

- (1) the parcel coverage shall not exceed 30 percent for all buildings and structures;
- (2) the height of all buildings and structures shall not exceed 15 metres;
- (3) the setbacks for the types of parcel lines set out in Column I of this section are set out for residential and accessory uses in Column II and for agricultural stable and accessory uses in Column III:

<b>COLUMN I Type of Parcel Line</b>	<b>COLUMN II Residential &amp; Accessory Uses</b>	<b>COLUMN III Agricultural &amp; Accessory Uses</b>
Front	7.5 metres	30 metres
Side (Interior)	3.0 metres	15 metres
Side (Exterior)	4.5 metres	30 metres
Rear	7.5 metres	15 metres

Oct. 7th, 2010

7:30 p.m.

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

**Present:**

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

**Absent:** John Clark

**Delegation:** Mike Walters

**Also Present:** Director Ken Cossey

**ORDER OF BUSINESS**

**1) Introductions.**

2) Revision of Agenda. add correspondence.

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

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

**4) Minutes.**

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

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

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

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

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

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

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

**Motion seconded and carried.**

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

**Motion seconded. Motion turned down.**

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

**Motion seconded. Motion carried.**

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

**7) Eco-Depot discussion**

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

**9) meeting adjourned.**

## Ann Kjerulf

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

Hi Ann,

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

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

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

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

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

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

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



The Best Place on Earth

January 6, 2011

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

VIA FAX

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

Dear Ann Kjerulf:

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

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

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

.../2

Ann Kjerulf  
Cowichan Valley Regional District

- 2 -

January 6, 2011

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

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

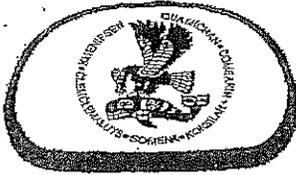
The *Develop with Care* document reflects the ministry's typical recommendations regarding various aspects of land development and land use designation and has undergone extensive peer and stakeholder review. Although *Develop with Care* does include some regulatory information, much of this document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

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

Yours truly,



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



## Cowichan Tribes

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

November 29, 2010

Your File No: 1-B-10RS

Our File No: 857761

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

Attention Ann Kjerulf, Planner III

Dear Ann Kjerulf:

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

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

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

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

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

Yours truly,

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

Larry George  
Smaalthun  
Manager, Lands and Governance Department

LG/hr





## THE SUSTAINABILITY CHECKLIST For Rezoning and Development Permit Applications

**REZONING**

**DEVELOPMENT PERMIT**

Uses Proposed:

Single Family Residential

Industrial

Multi Family

Institutional

Commercial

Agricultural

Other FZ

WALTER, RIVERSIDE RD.

Environmental Protection and Enhancement					
Please explain how the development protects and/or enhances the natural environment. For example does your development:					
		YES	NO	N/A	EXPLANATION
1.	Conserve, restore, or improve natural habitat?	✓			conserves 35AC - for park, riparian area and fish pools, from logging damage.
2.	Remove invasive species?			✓	
3.	Impact an ecologically sensitive site?		✓		
4.	Provide conservation measures for sensitive lands beyond those mandated by legislation?	✓			park will preserve steep ravine protecting fish pools. ravine is mature maple & conifer
5.	Cluster the housing to save remaining land from development and disturbance?		✓		large lots to preserve forested look of area
6.	Protect groundwater from contamination?	✓			logging may cause run-off into a pristine nursery pool for fish, park and homes would prevent this & few

RECEIVED

SEP 26 2010

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

	YES	NO	N/A	EXPLANATION
7. Fill in pre-existing vacant parcels of land?		✓		
8. Utilize pre-existing roads and services?	✓			Riverside Rd. runs through the northern section, separating the 2 ac. parcel & accessing the others
9. Revitalize a previously contaminated area?			✓	it is not contaminated
10. Use climate sensitive design features (passive solar, minimize the impact of wind and rain, etc.)?			✓	would be decision of the home-builders
11. Provide onsite renewable energy generation such as solar energy or geothermal heating?			✓	would be decision of the home-builders

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

	YES	NO	N/A	EXPLANATION
12. Provide onsite composting facilities?			✓	
13. Provide an area for a community garden?			✓	
14. Involve innovative ways to reduce waste, and protect air quality?			✓	
15. Include a car free zone?			✓	
16. Include a car share program?			✓	

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

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

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

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

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

Please explain how the project will be constructed sustainably.

		YES	NO	N/A	EXPLANATION
23.	Built to a recognized green building standard i.e., Built Green BC, LEED Standard, etc.?			✓	
24.	Reduce construction waste?			✓	
25.	Utilize recycled materials?			✓	
26.	Utilize on-site materials/ reduce trucking?			✓	
27.	Avoid contamination?			✓	
28.	Please outline any other environmental protection and enhancement features.	the acreage south of the river would be park for public use, but low level use - walking trail. homes well set back and above riparian area			

## Community Character and Design

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

		YES	NO	N/A	EXPLANATION
1.	Improve the mix of compatible uses within an area?	✓			lots and parkland adjacent to Crown land beside TCC and Kinsol Trestle on both sides of river. residences nearby would provide security for Trestle. zoning allows B+B = potential service to TCC tourism
2.	Provide services, or an amenity in close proximity to a residential area?	✓			

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

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

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

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

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

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

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

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

		YES	NO	N/A	EXPLANATION
12.	Create green spaces or strong connections to adjacent natural features, parks and open spaces?	✓			primary reason for rezoning
13.	Promote, or improve trails and pedestrian amenities?	✓			proposed park area contains walking trail to Kinsol. trail through Crown land between proposed lots and Kinsol also, <del>enter</del>

		YES	NO	N/A	EXPLANATION
14.	Link to amenities such as school, beach & trails, grocery store, public transit, etc.? (provide distance & type)	✓			see previous #13. trail in proposed park leads to Kinsol. trail through Crown land beside lots leads to Kinsol. From lots by road to Kinsol only 10-15 minute walk.

Please explain how the development facilitates community social interaction and promotes community values. For example does your development:

		YES	NO	N/A	EXPLANATION
15.	Incorporate community social gathering places? (village square, halls, youth and senior facilities, bulletin board, wharf, or pier)		✓		
16.	Use colour and public art to add vibrancy and promote community values?		✓		
17.	Preserve heritage features?		✓		
18.	Please outline any other community character and design features.				

## Economic Development

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

		YES	NO	N/A	EXPLANATION
1.	Create permanent employment opportunities?		✓		
2.	Promote diversification of the local economy via business type and size appropriate for the area?			✓	
3.	Increase community opportunities for training, education, entertainment, or recreation?	✓			recreation, tourism service possibility
4.	Positively impact the local economy? How?	✓			Increase in property tax base. Will cause services to be extended. Home construction provides jobs.
5.	Improve opportunities for new and existing businesses?	✓			possibility of B+B to serve tourism to TCC
6.	Please outline any other economic development features.				

Other sustainable features?

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



Signature of Owner

Date

Sept 27 / 2010

Signature of Agent

Date

## Shawnigan Lake Parks and Recreation Commission

March 30, 2011 SLCC

**Attendees:** Margaret Symon, Betty Lord, Bill Savage, Ryan Dias, Lori Treloar, Ken Cossey

**Scribe:** Lori Treloar

**Guests:** Mike and Stephanie Walter, Brian Jackson

**Meeting called to order:** 7:05

**Minutes:** from Feb 2011. Approved

### **Guest presentation:** Mike Walter (Koksilah Property)

Mike and Stephanie Walter own approx. 67 acres of property split almost evenly between the north and south sides the Koksilah River not far from the Kinsol Trestle. The current zoning is F1 and they seek to rezone so that they can establish 7 lots along the north side of the river that will be accessed from Riverside Road. They propose 6 lots of at least 5 acres with a residual lot that is smaller on the north side of Riverside Road. Care will be taken to protect the Riparian area along the 600 length of riverfront. Their proposal includes a parkland donation of 30 acres of beautiful forest on the south side of the river. The property already has established trails and would become part of a trail system from Kingburne Road to the Kinsol Trestle. While the OCP does not encourage this type of development along the Koksilah River, there would be great benefit for the community to have the trail network in place. Margaret Symon advised that the proposed parkland dedication parcel has mature mixed forest cover, and the trail is well kept, with no evidence of motorized use. Mr Walter pointed out that with seven neighbours along the riverfront, there would be added protection for the Trestle. **Motion: "The Shawnigan Lake Parks Commission is in favour of the Concept Plan presented by Mr. Walter at the Commission meeting 30Mar11 offering 30 acres of parkland along the south side of Koksilah River as part of the Walter re-zoning application, File 1-B-10RS"**. The commission is aware that CVRD Parks will do further impact investigation before a decision is reached.

### **Old business:**

**Shawnigan Hills:** Ryan advised that work for the current phase is close to being finished, but a final walk through will occur to identify what still needs to be done. The field will be ready for ball season in April. So far, there are bookings from Mon-Sat for kids' ball. Ryan brought the revised washroom plan, which was discussed thoroughly. The commission has agreed, in principle, to go ahead with the change rooms and roughed-in showers, as it is understood that future use of the park will evolve over time and it will be harder to add on these amenities later. The commission has asked that a roof extension be added to the plan for shelter. Ryan will bring the "final" plans to the April meeting and the project should go to tender soon after that. It is estimated that the washroom building will be ready in two to three months from the time of tender, but will likely not be ready for the summer.

**Baldy Mountain Trail:** Margaret Symon and Ken Cossey recently visited the property owned by Mr. Pronk, located close to the Baldy Mountain Trail. Mr. Pronk has a sheep farm and is concerned about a wetland that is encroaching onto his pasture land. He believes that it is due to trees that were felled when the trail was built. Some trees were left in the wetland area and



## MEMORANDUM

**DATE:** April 18, 2011 **FILE NO.** 1-B-10RS  
**TO:** Ann Kjerulf, Planner III, Community and Regional Planning Division  
**FROM:** Tanya Soroka, Parks and Trails Planner, Parks and Trails Division  
**SUBJECT:** Proposed Rezoning Application – Parcel A (DD375861), District Lot 36, Helmcken District; Riverside Road (Walter) - Park Dedication

---

The Parks and Trails Division along with the Electoral Area B – Shawnigan Lake Parks Commission have reviewed this rezoning application and are agreeable to the proposed park dedication on the south side of the Koksilah River. The applicant attended the Parks Commission meeting and provided an overview of their application. The Commission had the following comments from their March 30, 2011, meeting:

**“The Shawnigan Lake Parks Commission is in favour of the Concept Plan presented by Mr. Walter at the Commission meeting 30 Mar 11 offering 30 acres of parkland along the south side of Koksilah River as part of the Walter rezoning application, File 1-B-10RS.”**

A Section 219 Parks Covenant will be registered on the property prior to rezoning approval stating that the proposed park area will be dedicated to the CVRD as a fee simple titled lot concurrent with the approval and registration of the subdivision. Could you please let the applicant know of the parks comments and if Mr. Walter has any further questions regarding the process of the covenant preparation they can contact me. Once the park has been dedicated, the Section 219 Covenant will be discharged.

Please advise Parks and Trails Division staff when the application is moving forward, and a Section 219 Covenant will be drafted up through our lawyer. I will wait to hear from you further on this application.

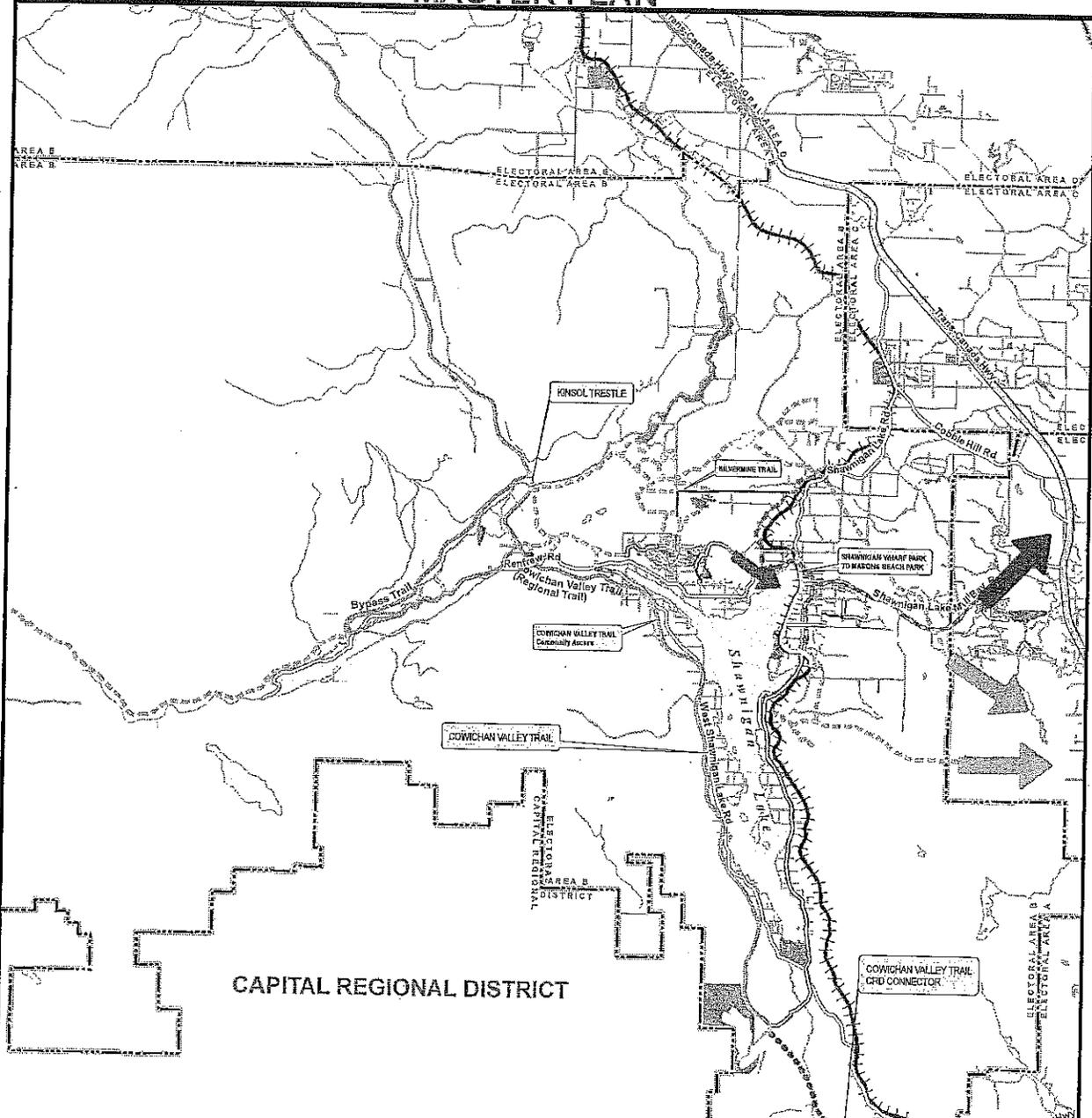
Submitted by,

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

TS/jnl

pc: Director K. Cossey, Electoral Area B - Shawnigan Lake

# SHAWNIGAN LAKE COMMUNITY PARKS AND TRAILS MASTER PLAN



**MAP 3: POTENTIAL FUTURE TRAIL CONNECTIONS  
IN SHAWNIGAN LAKE**

Future Community Trail Connections	Existing CVRD Parks
Multi-Use Trail	Existing Trails
Shoulder Walkway	CVRD Community Park
Shared Roadway	Provincial/Regional Park/Regional Recreation Area
New Trail Potential	
Trail Partnership Opportunity	

W    N    E    S

NOTE: Priority (year 0-10) trail projects are called-out on the map.

Meters  
 0    750    1,500    3,000    4,500    6,000

May 16, 2011

Re: Rezoning Application for 67 acre lot Riverside Rd. owned by M. Walter Contracting Ltd.

CVRD Electoral Area Services Committee Members

Our proposal is to donate 50% of our property to CVRD Parks and protect another 10 to 15% of river frontage through a registered riparian corridor in return for the ability to create seven lots on the remainder. This will protect 60 to 65% of this river front property from private owner development forever.

The benefits of our proposal are:

- The park dedication will protect about 34 acres (13.5 ha) and 600 meters of river front in perpetuity.
- The registered riparian corridor will protect 8 to 12 acres (3.2 to 4.8 ha) from development in perpetuity.
- The riverfront could be accessed with trails and is a slow section of river with deep clear pools.
- The proposed park and existing trails on our land would connect the Kinsol Trestle to Kingburn Rd. and the park on the river at Grey Rd., all through public river front land.
- Electrical service will be 1.5 kilometers closer to the Kinsol Trestle parking lot.
- Vandalism and dumping in the area will be reduced due to the presence of residents in the area.

We have attached maps showing the existing roads, parks, crown and private lands and proposed CVRD trails around and through our property. These maps demonstrate the importance of our proposed donation in creating a continuous riverfront corridor for the long term benefit of all Cowichan Valley residents.

We believe that this proposal provides a unique opportunity to acquire valuable riverfront property in exchange for a net potential increase of three residences. Your careful consideration of this offer is very much appreciated.

Thank you for your attention,

Mike Walter  
for M. Walter Contracting Ltd.



R2

## STAFF REPORT

### ELECTORAL AREAS SERVICES COMMITTEE OF SEPTEMBER 6, 2011

DATE: August 30, 2011 FILE No: 2-C-10-DVP  
FROM: Maddy Koch, Planning Technician BYLAW No: 1405  
SUBJECT: Application No. 2-C-10-DVP  
(Kevin Lamont/South Cowichan Storage)

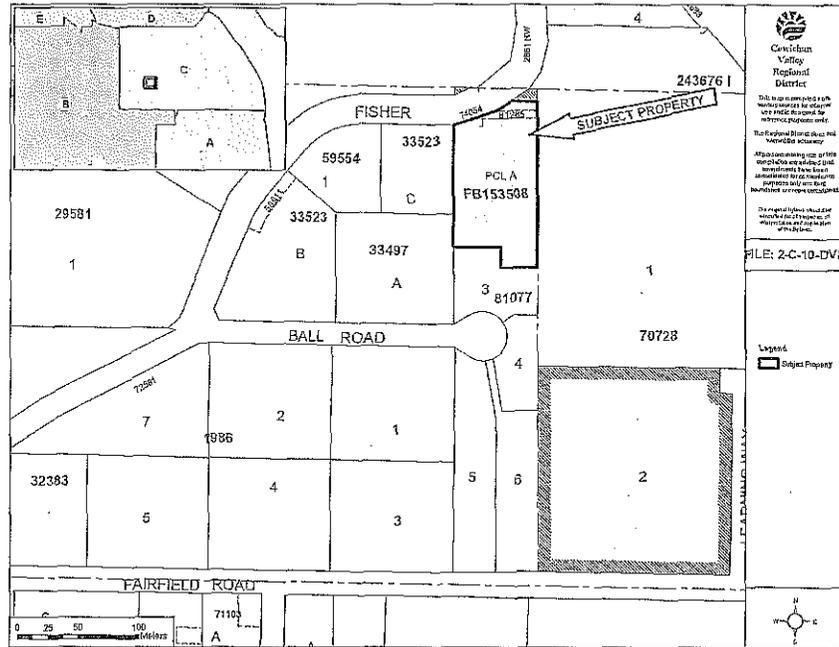
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#### Recommendations/ Actions:

1. That September 8, 2010, Board Resolution No. 10-487(22) be rescinded.
2. That Application No. 2-C-10DVP by Kevin Lamont for a variance to Section 11.3(b)(3) Zoning Bylaw No. 1405, decreasing the setback to the rear parcel line from 7.5 metres (24.61 ft) to 1.09 metres (3.58 ft) on Parcel A (Being a consolidation of Lots 1 and 2, See FB153508) Block 1475 and Section 13, Range 6, Shawnigan District, Plan VIP81077, be approved subject to:
  - the applicant providing a survey confirming compliance with approved setbacks
  - \$1200 being paid to the CVRD for the purpose of providing a landscaping grant to Cobble Hill School.
3. That a Section 219 covenant be registered to the title of Parcel A (Being a consolidation of Lots 1 and 2, See FB153508) Block 1475 and Section 13, Range 6, Shawnigan District, Plan VIP81077, which requires:
  - all outdoor storage to discontinue by July 1<sup>st</sup> 2015;
  - the outdoor storage use to provide space for not more than 6 recreational vehicles, trailers, boats or motor vehicles outside the area that is within 15 metres of the water well located adjacent to the Land;
  - the outdoor storage to use diapers and drip pans beneath all such recreational vehicles, trailers, boats or motor vehicles that are stored outside.

Relation to the Corporate Strategic Plan: N/A

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

**Location Map:****Background:**

The subject property is  $\pm$  0.8 ha (2 acres) in size and located in Electoral Area C- Cobble Hill. The property, which is located right next door to Cobble Hill Elementary School, is currently used as a mini storage.

The current application has some history, starting in 2009 when the applicants were granted a rezoning to allow for outdoor storage of RVs and boats on the site. As a condition of rezoning, the Board required registration of a restrictive covenant for the sole purpose of ensuring discontinuation of the outdoor storage use by the year 2015. The CVRD has been in negotiations with the applicants regarding the covenant and as a result, a draft covenant has been prepared which includes additional requirements on top of the use discontinuation. The following excerpt from the draft covenant explains these additional requirements:

*"[South Cowichan Storage Ltd.], shall discontinue all outdoor storage on the Land by or before July 1st, 2015, provided that the said Transferor may provide outdoor storage space for not more than 6 recreational vehicles, trailers, boats or motor vehicles outside the area that is within 15 metres of the water well located adjacent to the Land and further provided that such outdoor storage shall utilize diapers and drip pans beneath all such recreational vehicles, trailers, boats or motor vehicles that are stored outside."*

When a request for registration of a covenant is sent to the Land Title Office, a copy of the Board resolution authorizing the covenant must be included. Since the original Board resolution from 2009 only speaks to discontinuation of the use by 2015, this is the only item the Land Title Office will currently include in the covenant. In order to add the new items, a Board resolution is needed.

The subject property also has outstanding landscaping requirements associated with a variance application from last year. In June 2010, the applicants applied for a variance to allow more storage containers to be installed. While Board resolution No. 10-487 (22) approved this

variance on September 8, 2010 subject to landscaping requirements and a legal survey, the permit was not issued, and as such the landscaping requirements were not completed. The intent of the landscaping condition was to provide a buffer between the storage facility and the neighbouring elementary school. In an effort to fulfill the landscaping requirement, the applicants had some planting done, but this took place on the school's property. Therefore, it is recommended that Board resolution No. 10-487 (22) be rescinded and that the applicants be required to submit \$1200 to the CVRD to be transferred as a grant to Cobble Hill Elementary School for the purpose of augmenting and maintaining the landscape buffer.

Not only are new conditions for variance approval recommended by staff, the extent of the variance being requested has changed as well. This time, the applicants are requesting to vary the 7.5 metre rear parcel line setback by 6.41 metres, allowing a storage container to be built 1.09 metres from the rear parcel line at its closest point. Please note that the configuration of the proposed new storage building has changed since the first proposal as well. As a result of the new variance request, adjacent property owner notifications explaining the current proposal have been sent out.

**Surrounding Property Owner Notification and Response:**

A total of fifteen (15) letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 3275. The notification letter described the purpose of this application, and requested comments regarding this variance within a recommended time frame. To date, no responses for or against granting this variance have been received.

**Options:**

1. That Resolution No. 10-487(22) be rescinded and;

That the application by Kevin Lamont for a variance to Section 11.3(b)(3) Zoning Bylaw No. 1405, decreasing the setback to the rear parcel line from 7.5 metres (24.61 ft) to 1.09 metres (3.58 ft) on Parcel A (Being a consolidation of Lots 1 and 2, See FB153508) Block 1475 and Section 13, Range 6, Shawnigan District, Plan VIP81077, **be approved** subject to:

- the applicant providing a survey confirming compliance with approved setbacks
- \$1200 being paid to the CVRD for the purpose of providing a landscaping grant to Cobble Hill School.

And;

That a Section 219 covenant be registered to the title of Parcel A (Being a consolidation of Lots 1 and 2, See FB153508) Block 1475 and Section 13, Range 6, Shawnigan District, Plan VIP81077, which requires:

- all outdoor storage to discontinue by July 1<sup>st</sup> 2015
- the outdoor storage use to provide space for not more than 6 recreational vehicles, trailers, boats or motor vehicles outside the area that is within 15 metres of the water well located adjacent to the Land
- the outdoor storage uses diapers and drip pans beneath all such recreational vehicles, trailers, boats or motor vehicles that are stored outside.

2. That the application by Kevin Lamont for a variance to Section 11.3(b)(3) Zoning Bylaw No. 1405, decreasing the setback to the rear parcel line from 7.5 metres (24.61 ft) to 6.66 metres (21.84 ft) on Parcel A (Being a consolidation of Lots 1 and 2, See FB153508) Block 1475 and Section 13, Range 6, Shawnigan District, Plan VIP81077 **be denied**

And;

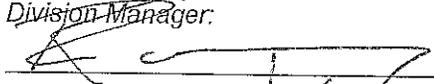
That a Section 219 covenant not be registered to title.

Option 1 is recommended.

Submitted by,

*Maddy Koch*

Maddy Koch  
Planning Technician  
Development Services Division  
Planning and Development Department

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

MK/ca  
Attachments



**Covichan Valley Regional District**

This map is compiled from various  
designated for reference purposes only.

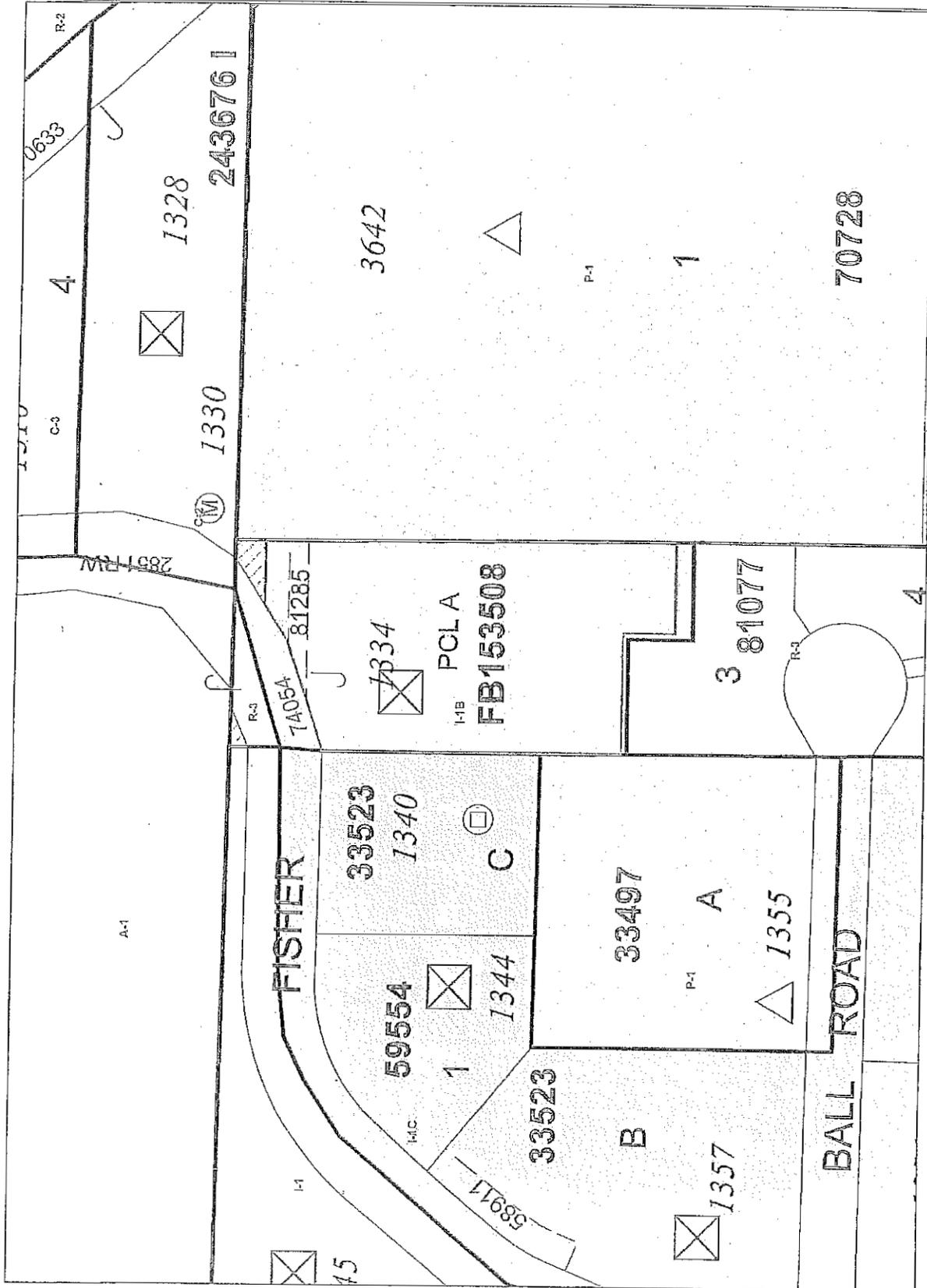
The Regional District does not  
warrant the accuracy.  
All persons making use of this  
map should be aware that  
alterations have been  
made for some parcels  
and boundaries  
are approximate.

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

Printed: July 30, 2010



Scale: 1:1,118



11.3 I-1B – LIGHT INDUSTRIAL (MINI-WAREHOUSING)

(a) Permitted Uses

The following uses and no others are permitted in an I-1B Zone:

- (1) Mini warehousing, indoor storage, outdoor storage of boats and RV's only;
- (2) One single-family residential dwelling unit, accessory to a use permitted in Section 11.3(a)(1) above.

(b) Conditions of Use

For any parcel in an I-1B Zone:

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

COLUMN I Type of Parcel Line	COLUMN II Buildings and Structures
Front	7.5 metres
Interior Side	3.0 metres where the abutting parcel is not zoned Industrial; 0 metres where the abutting parcel is zoned Industrial.
Exterior Side	4.5 metres
Rear	7.5 metres

(c) Screening

For any parcel in an I-1B Zone:

- (1) A vegetative screen shall be located and maintained along the entire length of rear parcel lines where the abutting parcel is not zoned Industrial. This vegetative screen shall consist of mature coniferous trees not less than 2 metres high when planted and shall be located in at least two offsetting rows and spaced not more than 5 metres apart.
- (2) A vegetative screen in the I-1B Zone shall be located and maintained along the entire length of interior side parcel lines where the abutting parcel is not zoned Industrial. This vegetative screen shall consist of a coniferous tree or shrub species, in at least two offsetting rows and spaced not more than 5 metres apart, and shall not be a continuous hedge.

10-487

It was moved and seconded:

17. That Application No. 1-E-10DP be approved, and that a development permit be issued to Cowichan Terrazzo and Ceramic Tile Ltd. for Lot 1, Section 13, Range 7, Quamichan District, Plan VIP87500 for an addition and exterior alterations, subject to:
  - a. Installation of underground wiring;
  - b. Landscaping installed in accordance with BCSLA standards, including an underground irrigation system;
  - 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 August 18, 2010 site plan; and an assessment of the value of the landscaping be done by a qualified landscape architect for bonding purposes.
18. That Application No. 6-G-10DP be approved, and that a development permit be issued to Sue Perrey for Lot 1, District Lot 34, Oyster District, Plan 22516 to legalize and finish construction of a retaining wall and landscape the area atop the retaining wall, subject to:
  - Compliance with the recommendations noted in the June 26, 2010 report by Ground Control Geotechnical Engineering Ltd.
  - Receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 125% of the landscape costs, to be refunded upon completion of the landscaping plan; and landscape plans not to include ivy or periwinkle.
19. That application No. 1-D-10DP be approved, and that a development permit be issued to the Cowichan Wooden Boat Society for District Lots 173 and 2063, Cowichan District (1761 Cowichan Bay Road) to allow for construction of an addition to the Cowichan Bay Maritime Centre.
20. That Application No. 1-C-10ALR submitted by H.J. Kmit, on behalf of Olive Luscombe, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a second dwelling be forwarded to the Agricultural Land Commission with a recommendation to approve, subject to decommission of the existing cottage.
21. That Application No. 4-E-10ALR, submitted by John and Athena Archer, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to place a fourth dwelling on the subject property be forwarded to the Agricultural Land Commission with a recommendation to approve.
22. That Application No. 2-C-10DVP by Kevin Lamont for a variance to Section 11.3(b)(3) Zoning Bylaw No. 1405, to decrease the setback to the rear parcel line from 7.5 metres (24.61 ft.) to 6.66 metres (21.85 ft.) be approved, subject to:

- applicant to provide a survey confirming compliance with approved setbacks; and
  - receipt of an irrevocable letter of credit in a form suitable to the CVRD equivalent to 125% of value of the landscaping plan, that includes irrigation, to be submitted by the applicant prior to issuance of the permit.
23. That Application No. 2-B-10 DVP by Dale Sheppard for a variance to Section 4.1 (a) of Bylaw No. 1001, to reduce the number of required parking spaces from 35 to 19 and the number of off-street loading spaces from 5 to 1 on Lot 1, Shawnigan Suburban Lots, Shawnigan District, Plan VIP55254 (PID 017-973-961) be approved, subject to:
- Secure bicycle parking being created, as shown on the site plan;
  - Improvements being made to the existing disability parking space by repainting lines, repainting the wheelchair symbol, installing protective barriers and installing signs, to the satisfaction of the Building Inspector;
  - The above conditions being met prior to issuance of a building permit.
25. That the request by Greg Bianchini and Heidi Derhousoff to allow a shower and kitchen sink, as well as the permitted bathroom sink and toilet, within a converted accessory building at 13100 Magdalena Drive (Lot 24, Block 567, Oyster District, Plan VIP71713, be approved, subject to registration of a covenant prohibiting occupancy of the accessory structure as a dwelling and removal of all additional facilities prior to change in ownership of the property.
26. That the request by David Lestock-Kay to allow one bathing facility (shower) in the planned agricultural accessory building located at 3086 Wilkinson Road (Section 6, Range 7, Shawnigan District (PID 024-091-596), be approved, subject to registration of a covenant prohibiting occupancy of the accessory structure as a dwelling and removal of all additional facilities prior to change in ownership of the property.
27. That Development Permit No. 1-D-08DP (1838 Cowichan Bay Road) issued to Silver Catch Processing Inc. Lapsing on December 10, 2010, be extended until December 10, 2011.
28. That Development Permit No. 5-A-07DP (2650 Partridge Road) issued to Dwain Walerius, which lapsed on November 28, 2009, be renewed until November 28, 2011.
29. 1. That proposed CVRD Bylaw No. 3421 (Bill 27/Greenhouse Gas Emissions) for Electoral Areas H proceed to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> readings;



C.V.R.D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

NO: 2-C-10DVP DRAFT

DATE: SEPTEMBER XX, 2011

TO: SOUTH COWICHAN STORAGE LTD.

ADDRESS: 1011 COWERD ROAD

COBBLE HILL, BC V0R 1L4

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

*Parcel A (Being a consolidation of Lots 1 and 2, See FB153508) Block 1475 and Section 13, Range 6, Shawnigan District, Plan VIP81077 PID: 027-434-176*
3. Section 11.3 (b)(3) of Zoning Bylaw No. 1405 is varied as follows: The setback to the rear property line is decreased from 7.5 metres (24.61 ft.) to 6.66 metres (21.85 ft) subject to the following:
  - o The applicant providing a survey confirming compliance with approved setbacks
  - o \$1200 being paid to the CVRD for the purpose of providing a landscaping grant to Cobble Hill School
4. The following plans and specifications are attached to and form a part of this permit.
  - o Schedule A – Site Plan
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. This Permit is NOT a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Development Services Department.

**AUTHORIZING RESOLUTION XXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 6<sup>TH</sup> DAY OF SEPTEMBER 2011.**

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

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

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

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

\_\_\_\_\_  
**Witness**

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

\_\_\_\_\_  
**Occupation**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Date**



R3

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 6, 2011

DATE: August 26, 2011 FILE NO: 3-C-11 DVP  
FROM: Maddy Koch, Planning Technician BYLAW NO: 1405  
SUBJECT: Development Variance Permit Application No. 3-C-11 DVP  
(Gerald and Andrea Pennells)

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**Recommendation/Action:**

That the application by Gerald and Andrea Pennells (3-C-11 DVP), respecting Strata Lot 492, Section 14, Range 10, Shawnigan District, Strata Plan 1601, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1 (PID: 018-513-247) to reduce the setback to the interior side parcel line that abuts common property from 1.4 metres to 0.2 metres, be approved subject to a legal survey confirming compliance with approved setbacks.

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

**Financial Impact:** N/A

**Background:**

**Location of Subject Property:** 483 Saltspring View Road

**Legal Description:** Strata Lot 492, Section 14, Range 10, Shawnigan District, Strata Plan 1601, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1 (PID: 018-513-247).

**Date Application Received:** June 22, 2011

**Owner and applicant:** Gerald and Andrea Pennells

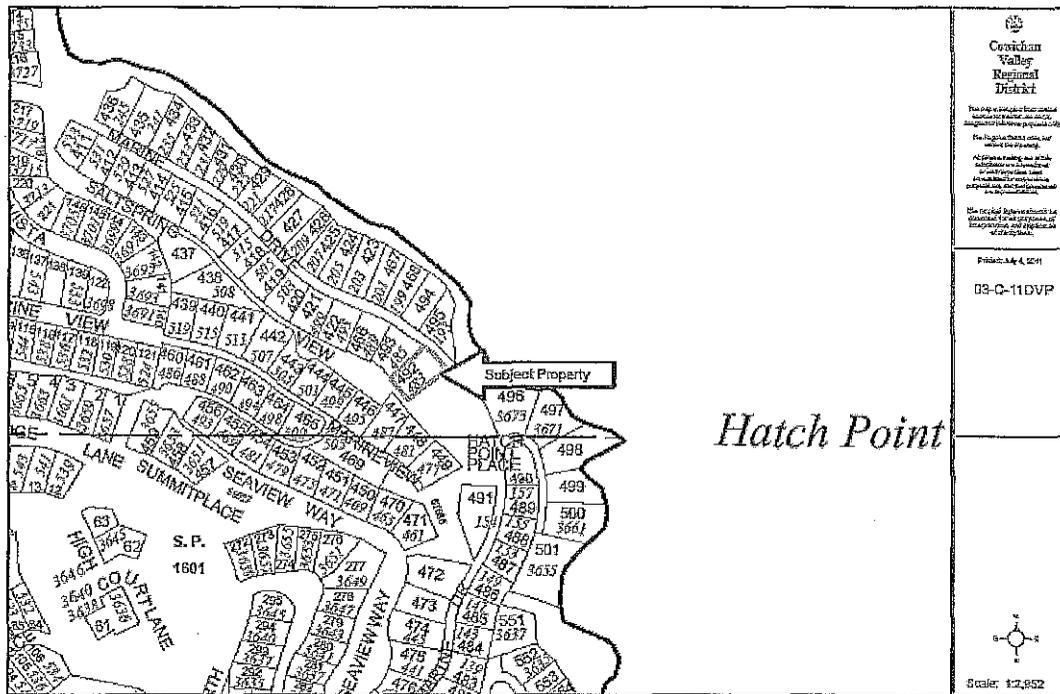
**Size of Lot:** ±821 m<sup>2</sup> (0.2 acres)

**Zoning:** R-5 (Comprehensive Urban Residential)

**Minimum Lot Size:** 0.09 ha with connection to community water and community sewer

**Plan Designation:** Urban Residential

**Existing Use of Property:** Residential



Use of Surrounding Properties:

North	Marine Drive and Residential
South	Common Property and Residential
East	Common Property
West	Saltspring View and Residential

Road Access:

Saltspring View Road

Water:

Arbutus Ridge Water System Service Establishment

Sewage Disposal:

Arbutus Ridge Sewer System Service Establishment

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: The CVRD GIS shows a nest polygon which covers part of the subject property.

Archaeological Site: None have been identified.

The Proposal:

Cobble Hill Zoning Bylaw No. 1405 zones the subject property R-5 (Comprehensive Urban Residential). The subject property is steeply sloped and adjacent to Common Property to the South East. A single family dwelling is located on the subject property. The applicants are proposing to construct a deck on the south-eastern side of the home which would encroach into the 1.4 metre setback by 1.2 metres at its closest point, putting the proposed deck 0.2 metres from the interior side parcel line.

Having the deck at the proposed location would enhance the owners' ability to enjoy their view, simplify maintenance of the south-eastern side of the house and create a fire escape. The deck would provide a stable, flat surface for a ladder to stand on during painting and repairs of the south-eastern side of the house. At present, a ladder would have to stand directly on the unstable bank below, making maintenance both difficult and unsafe. The new deck would address another safety concern, in that it would lead to the edge of the bank, creating a fire escape. The existing deck is not a viable fire escape as it is approximately 30 feet off the ground.

Common property is adjacent to the side of the house where the proposed deck would be located, therefore effects of this variance on neighbours would be minimal.

**Surrounding Property Owner Notification and Response:**

A total of 21 letters were mailed out to adjacent property owners and the Arbutus Ridge Strata Council, as required pursuant to CVRD Development Application Procedures and Fee Bylaw No. 3275, which described the purpose of this application and requested comments on this variance within a specified time frame. To date, one response in support of the application has been received, and is attached to this report.

**Options:**

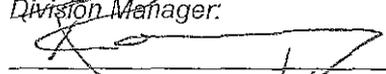
1. That the application by Gerald and Andrea Pennells (3-C-11 DVP), respecting Strata Lot 492, Section 14, Range 10, Shawnigan District, Strata Plan 1601, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1 (PID: 018-513-247) to reduce the setback to the interior side parcel line that abuts common property from 1.4 metres to 0.2 metres, be approved subject to a legal survey confirming compliance with approved setbacks.
  
2. That the application by Gerald and Andrea Pennells (3-C-11 DVP), respecting Strata Lot 492, Section 14, Range 10, Shawnigan District, Strata Plan 1601, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1 (PID: 018-513-247) to reduce the setback to the interior side parcel line that abuts common property from 1.4 metres to 0.2 metres, be denied.

Option 1 is recommended.

Submitted by,

*Maddy Koch*

Maddy Koch,  
Planning Technician  
Development Services Division  
Planning and Development Department

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



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

FILE NO: 3-C-11DVP  
(PENNELLS) DRAFT

DATE: August 26, 2011

TO: GERALD AND ANDREA PENNELLS

ADDRESS: 483 SALTSRING VIEW,  
COBBLE HILL BC V0R 1L1

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

*Strata Lot 492, Section 14, Range 10, Shawnigan District, Strata Plan 1601, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1 (PID: 018-513-247).*

3. Zoning Bylaw No. 1405, applicable to Section 3.4(c)(3), is varied as follows:  
The interior side parcel line setback is reduced from 1.4 metres to 0.2 metres for the construction of a deck addition, as shown on the attached plans, subject to a legal survey confirming the approved setback distance.
4. The following plans and specifications are attached to and form a part of this permit.
  - o Schedule A – Site plan
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Planning and Development Department.

AUTHORIZING RESOLUTION NO. XXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE XX DAY OF XXXXX.

Tom Anderson, MCIP  
General Manager, Planning and Development Department

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

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

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

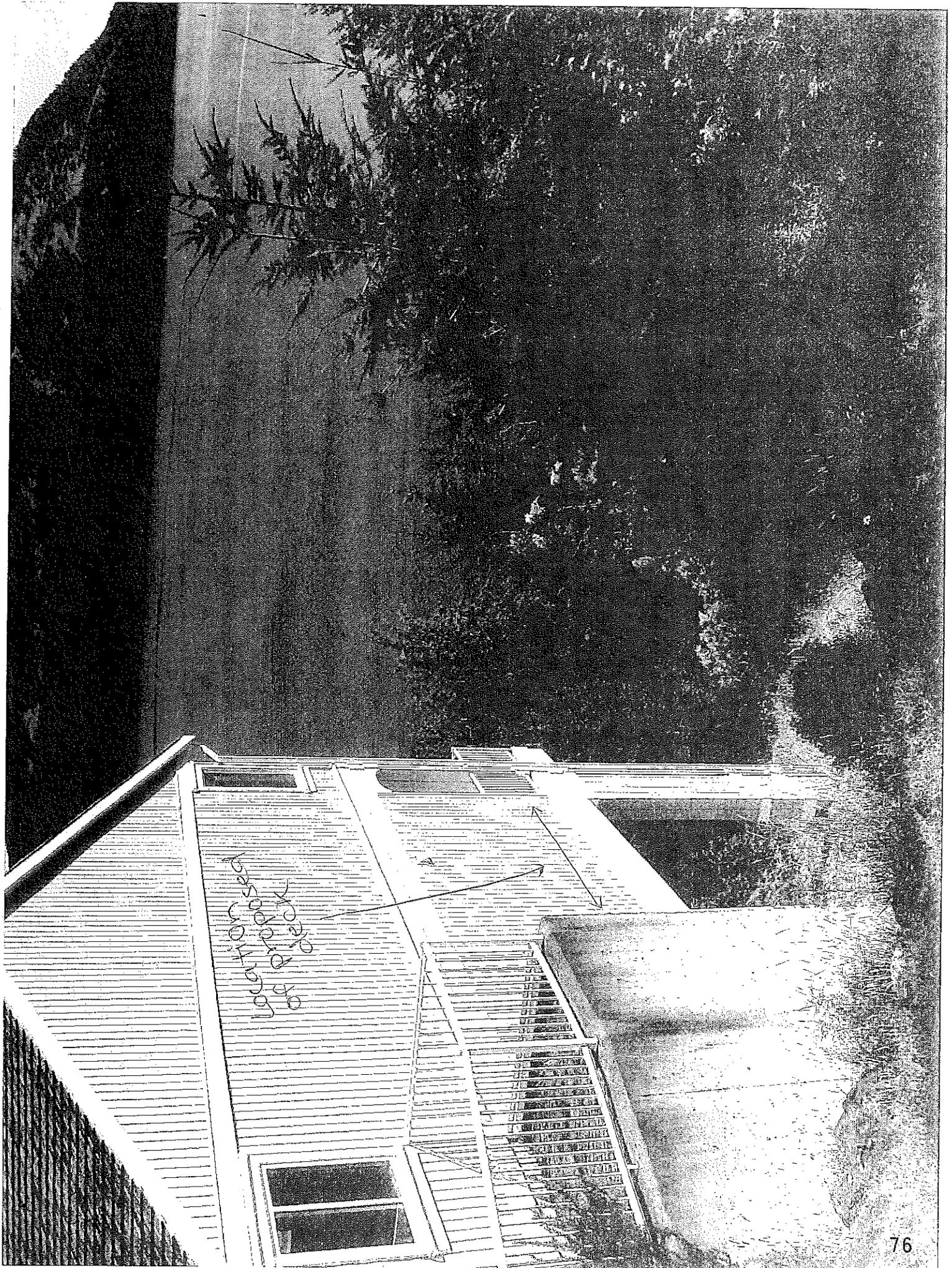
\_\_\_\_\_  
Witness

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

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



CLIFF

Saltspring View

Requested  
0.2 m  
Setback

Common Property

Proposed deck

House

DRIVEWAY

House  
Next  
Door

Existing Deck

1.4 m  
setback  
permitted  
by Zoning  
Bylaw





# FAX

Date: 24 Aug

Number of Pages: 1

TO: CVRD  
 Planning & Development Dept  
 Attn: Maddy Koch  
 Info: Andrea & Gerald Pennells

FROM: Roy Sturgess  
 495 Marine View  
 Cobble Hill BC  
 V0R 1L1

Phone  
 Fax Phone 250 746 2513

email Roy\_sturgess@shaw.ca  
 Phone 250 743 1976  
 Fax Phone 250 743 1976

REMARKS:  Urgent  For your review  Reply ASAP  Please Comment

Re: File # 3-C-11DVP (Pennells)

I have no objection to the Variance requested by the Pennells as outlined in your letter of Aug 23, 2011



R4

### STAFF REPORT

## ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 6, 2011

DATE: August 31, 2011 FILE NO: 1-E-10 RS  
 FROM: Rachelle Moreau, Planner I BYLAW NO: 1490 and 1840  
 SUBJECT: Application No. 1-E10RS  
 (David Coulson/Urban Edge Properties)

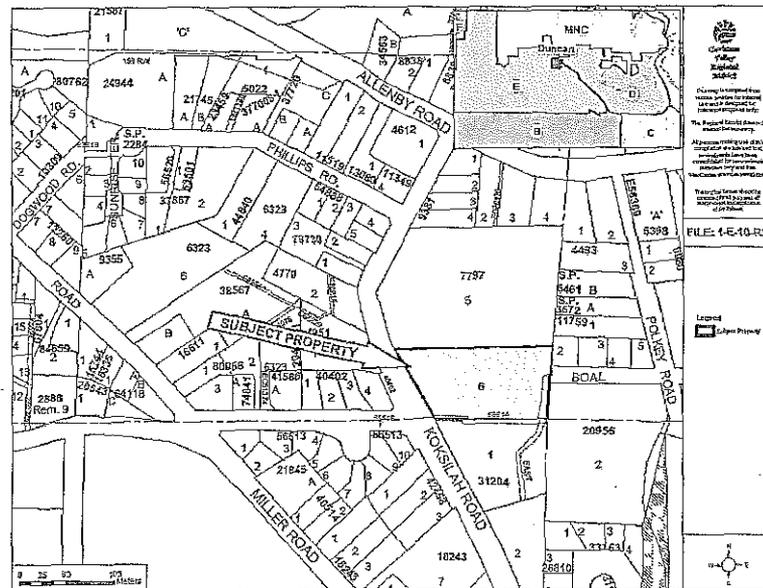
#### Recommendation/Action:

- a) That CVRD Bylaws No. 3551 and 3552 – Area E - Cowichan Station/Sahtlam/Glenora Official Community Plan and Zoning Amendment Bylaws (Urban Edge Properties Ltd.), 2011 be granted First and Second reading;
- b) That agency referrals to the Ministry of Transportation and Infrastructure, City of Duncan, Vancouver Island Health Authority, Cowichan Tribes First Nation, Duncan Fire Department, and School District #79 be accepted;
- c) That a Public Hearing be held with Directors Duncan, Iannidinardo, and Dorey named as delegates of the Board.

Relation to the Corporate Strategic Plan: N/a

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

#### Location Map:



**Background:**

An application has been received to rezone the subject property from Parks and Institutional (P-1) to a new zone permitting a range of small-scale commercial and light industrial uses as well as residential (multi-family and single-family residential).

Location: 5241 Koksilah Road

Legal Description: Lot 6, Section 13, Range 6, Quamichan District, Plan 7797  
(PID: 005-673-941)

Date Application and Complete Documentation Received: May 27, 2010

Owner(s): Cedar Crest Management Ltd.  
Applicant: David Coulson

Size of Land Parcel: 1.15 ha (2.85 acres)

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

Existing Use of Property: Currently P-1 Zoned, however it is used for residential (multi-family and single-family), as well as the applicant's business (design and construction).

**Existing Use of Surrounding Properties:**

North: Undeveloped (R-3 Urban Residential)  
South: Multi-family residential (RM-2 Medium Density Multi-family Residential)  
East: Industrial (I-1 Light Industrial)  
West: Residential (R-3 Urban Residential)

Road Access: Koksilah Road  
Water: Eagle Heights Water System  
Sewage Disposal: Eagle Heights Sewer System

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

Environmentally Sensitive Areas: There are no streams identified within the Environmentally Sensitive Areas Atlas on the subject property, however a non-TRIM stream is located on the adjacent property to the east. As a result, there is an established riparian area on the eastern edge of the property. Additionally, there is a drainage ditch along the south side of the property that drains to this stream.

Archaeological Sites: None identified in CVRD mapping

Fire Protection: Eagle Heights Fire Service Area

Existing Plan Designation: Urban Residential

Proposed Plan Designation: Integrated Community (new plan designation)

Existing Zoning: P-1 (Parks and Institutional)

Minimum lot size under existing zoning: 0.2 ha (approximately 0.5 acres) for parcels served by both community water and sewer

Proposed Zoning: CD-1 Integrated Community Comprehensive Development (new zone category)

Minimum lot size under proposed zoning:

Subdivision is not being proposed, however staff recommend a 1 ha minimum lot size

### **Property Context**

The subject property is an approximately 1.15 ha lot located on Koksilah Road with the east end of the lot extending to Boal Road within Electoral Area E – Cowichan Station/Saftlam/Glenora. Currently, the main land use on the property is residential with approximately 11 dwelling units. There is also a workshop on the property used for the applicant's design and construction business.

As a result of the residential care facility that operated on the property in past years, the property is zoned P-1 (Parks and Institutional), which permits a number of institutional uses as well as a single-family dwelling accessory to a permitted use. Two of the buildings had been previously divided into a number of residential units/bedrooms when they were used for the care facility, and currently these buildings have been undergoing renovations to make them self-contained suites and improve their condition (e.g. upgrades to structure, electrical etc.).

### **Proposal**

The applicant is requesting that the subject property be rezoned in order to develop it for a mixed-use, mixed housing community consisting of a range of small scale commercial/industrial uses and home-based businesses, as well as approximately 23 dwelling units (12 new dwellings). The intention is that the property would provide affordable housing and opportunities for local employment.

Towards the east side of the property, adjacent to the currently I-1 zoned land, the applicant is proposing to locate 3 commercial/workshop buildings. These would accommodate a range of small scale commercial and light industrial type uses.

For reference, a total of 4 commercial/industrial units are proposed, consisting of the following:

- Current 161 m<sup>2</sup> (1740 ft<sup>2</sup>) workshop used for the applicant's own workshop;
- Three new commercial spaces ranging from 93-140 m<sup>2</sup> (1,000-1,500 ft<sup>2</sup>);
- Commercial or institutional uses proposed for the heritage building (McClay house); and
- Approximately eight 10 m<sup>2</sup> (100 ft<sup>2</sup>) storage units within the multi-family building for use by the tenants.

The existing heritage house on the property is proposed to be used for accommodation or institutional type uses. For example, this would potentially include B&B or guest lodge, art gallery, training centre, offices, or daycare centre.

An addendum to the Sustainability Checklist has been provided (attached) which gives an indication of the green initiatives proposed for the site. These include keeping the majority of the existing tree canopy, preservation of a vegetated buffer in the riparian area, inclusion of community gardens, employment and residences within walking distance of each other, and green buildings.

Staff have been working with the applicant and the Advisory Planning Commission (APC) to identify a range of potential business uses that could occur on the site, and appropriate limitations to keep them small scale and compatible with residential uses on the site. The difficulty with commercial and light industrial uses is that many of them are not, by nature, small scale, and could lead to an undesirable amount of commercial or industrial activity on the site.

There is also some risk in being too specific with the terms used within the new zone, and also introducing new terminology or definitions that may affect uses already permitted on other properties. As noted above, the zoning for the property is currently P-1 (Parks and Institutional), which was applied when there was a care facility/group home operating on the property. However, currently none of the permitted uses are taking place on the property.

The below list of current or proposed uses has been reviewed by the APC, who were generally supportive of the application. Where there is no definition identified, it is because there is none specified in the zoning bylaw and/or it is felt to be sufficiently clear so as to not require further definition.

### Proposed Uses

### Current or Proposed Definitions

#### Accommodation:

A) Bed & Breakfast *"means the accessory use of a residential dwelling for the overnight tourist accommodation of transient paying guests in which breakfast is the only meal served."* (Existing definition – Area E Zoning Bylaw)

B) Guest Lodge *"means a building with not more than one kitchen, used for the overnight accommodation of transient, temporary paying guests."*

C) Hostel

#### Institutional

D) Historical Centre *"means a building or structure used to preserve, protect and display historical artifacts and which is maintained and operated by a non-profit society or the Cowichan Valley Regional District."*

E) Art Gallery

F) Training Centre *"means a building or structure used to host seminars, workshops and conduct training but does not include public or private schools."*

G) Day Care *"means a community day care facility licensed by Ministry of Health pursuant to the Community Care Facilities Act." (Existing definition – Area E Zoning Bylaw)*

#### Light Industrial

H) Custom Workshop *"means a workshop where the production, sales and servicing of specialized goods or services, including home cabinets, signs, window coverings, and furniture occurs."*

I) Contractor's workshop,  
yard and storage

M) Food processing

Commercial/Professional

N) Catering

O) Office *“means the occupancy or use of a building for the purpose of carrying out business or professional activities, but specifically excludes retail activities and personal service use.”*

P) Repair, servicing, sales and rentals of personal and household goods and power tools, electric and electronic equipment, but excluding external storage of goods

Q) Retail sales accessory to a principal use.

Residential

R) Single family dwelling

S) Two family dwelling

T) Multiple family Residence *“means “a building containing three or more dwelling units and includes townhouses and apartments”. (Existing definition – Area E Zoning Bylaw)*

U) Live/work Studio *“means a dwelling unit which includes space for office, artist studio, repair shops, custom workshops, and the like.”*

V) Home Occupation *“means a profession, occupation, business or craft and the sale of the services and goods made on the same parcel where such activities are carried on as an accessory use in a dwelling or accessory building to the dwelling.” (Existing definition – Area E Zoning Bylaw)*

Horticulture

W) Horticulture *“means the practice of growing fruits, vegetables, flowers or ornamental plants and excludes mushroom farming.”*

X) Accessory retail sales of horticultural products grown on the same parcel of land.

Access

Access to the property will be provided by Boal Road, and the existing driveways off Koksilah Road will be decommissioned. As noted below, the Ministry of Transportation and Infrastructure (MoTI) is requiring that the applicant construct a turn-around at the end of Boal Road.

Parking

Currently, on-site parking must be provided in accordance with CVRD Parking Standards Bylaw No. 1001, which specifies the number of parking spaces required according to the use(s) of the parcel. Parking requirements can be varied through the development permit/development variance permit process on a site specific basis. Based on only the residential use, 38 parking spaces would be required. Currently on the site, there are 31 parking spaces indicated on the plan.

Comprehensive Development Zones are prime candidates for specifying site-specific parking requirements as the uses are somewhat flexible, the distribution of parking spaces on the lot can be flexible and the uses may change over time.

Under the proposal, there will be 23 dwellings, approximately 505 m<sup>2</sup> of small-scale commercial or business park buildings (not including the 8 mini-storage units that are currently used by the tenants on site), and the existing heritage building, approximately 250 m<sup>2</sup>, which is proposed for a variety of accommodation/institutional uses.

The applicant indicates that due to the location of the property (close to employment), and because the development focuses on affordability and live/work opportunities, that parking needs on site will be low. However, the combination of residential, commercial, and small-scale industrial and institutional uses makes determining appropriate parking requirements a challenge.

It is recognized that parking needs will range over the site, and range over time i.e there may be peak parking requirements depending on how the property is ultimately developed. A training centre or hostel will have different parking needs than a single-tenant office. As such a requirement based on the floor area of the buildings would be one option for the site. For example, a parking requirement of 1 space per dwelling, including home occupations and live/work studios, plus 1 space per 40 m<sup>2</sup> of commercial/industrial or institutional use would result in 23 spaces for the residential portion, and approximately 15 for the commercial/institutional/industrial areas plus 6 for the heritage building for a total of 42.

Alternatively, by not establishing new parking requirements in the proposed zone, the property would be subject to the CVRD Parking Standards Bylaw No. 1001, which specifies parking requirements according the use. This would enable the CVRD through the development permit process to examine the use and parking for the proposed buildings in more detail and identify what, if any, variance should be permitted. As such, at this time no new parking requirements have been specified in the proposed Zone.

#### *Floodplain*

Based on Ministry of Environment floodplain mapping, the subject property is just outside the Cowichan River floodplain.

#### *Riparian Areas Regulation*

Prior to any new development within 30 metres of a stream, a Riparian Areas Regulation assessment will be required. In terms of new construction, this will affect primarily the southeast portion of the lot where there is an established riparian area.

#### **Policy Context**

The subject property is zoned Parks and Institutional (P-1), and designated Urban Residential in Official Community Plan (OCP) Bylaw No. 1840. The land use surrounding the subject property consists primarily of single and multi-family residentially zoned properties (the lot to the south is zoned multi-family but currently has a single-family dwelling on it), and to the east is the Koksilah Industrial Park.

The Official Community Plan does not appear to have contemplated this style of development, and provides limited direction in regards to the combination of small scale commercial/industrial uses with multi-family development. However, a number of relevant policies have been identified below.

#### *Policy 7.1.8*

*Existing areas zoned multi-family residential on the date of adoption of this Plan may continue to be zoned in their existing categories, however, no further areas shall be zoned "multi-family residential" in the Plan Area.*

**Policy 7.4.3**

The Regional Board may consider the rezoning of suitable parcels of land for "Medium Density Residential"<sup>1</sup> in those areas designated Urban Residential within the Plan area, subject to the following criteria:

- a) That the lands be included within a development permit area for the purposes of protection of development from hazardous conditions, and the establishment of guidelines and objectives for the form and character of intensive residential development;
- b) Parcels proposed to be rezoned must be equal to or greater than 0.8 ha in size;
- c) Parcels proposed to be rezoned must be eligible for connection to a community water system and community sewer system, as defined in the Zoning Bylaw;
- d) That rezoning of parcels for "Medium Density Residential" use have minimal traffic impacts to the surrounding neighbourhood.

**Policy 10.2.5**

(Light Industrial) That the Regional District should encourage industrial property owners, in conjunction with Ministry of Transportation and Infrastructure and School District 79, to establish safe routes to Koksilah School through the Koksilah Industrial Area.

Also for consideration are the Residential and Commercial Objectives (Section 2.2) specified within the Official Community Plan:

**Residential Development Objectives 2.2.6**

- a) Control the pattern and phasing of land development in order to ensure the orderly development of the area;
- b) Effect a form of residential development which does not detract from the area's overall character and is cognizant of the capabilities and ability of the land to support development;
- c) Accommodate a diversity of lifestyles by permitting a variety of lot sizes and residential densities, while discouraging the indiscriminate mixing of parcel size where it would result in inefficient land use and servicing or where it would destroy the quality of life enjoyed by existing residents;
- d) Encourage the retention and provision of housing that is affordable to all income levels in the planning area;
- e) Evaluate all development proposals as to their long-term implications regarding the provision of services and utilities;
- f) Ensure that residential development does not conflict with or preclude the utilization of resource lands and is in character with the rural setting.

**Commercial Area Objectives 2.2.7**

- a) Require that commercial uses are located in areas where they can be appropriately serviced and best serve the needs of the local community;
- b) Discourage small scale commercial uses in locations which are isolated from existing commercial areas or which reduce highway safety or impact on the rural character of the community or its natural environment;
- c) Sanction a clearly defined range of activities in residential areas which may be permitted as a home craft or a home occupation.

**Zoning**

The current use of the property for multi-family residential development does not comply with the P-1 Zoning, nor does it permit commercial operations or home-occupations. With this proposal, the applicant is requesting that a new Zone be applied to the subject property that would recognize the current and proposed uses.

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<sup>1</sup> "Medium density residential" in the Zoning Bylaw refers to single and two-family dwellings at a density of 17 units per hectare of parcel area.

A new zone would specify the permitted uses, conditions of use, the maximum density and the distribution of the uses on the lot. With regards to the proposed residential density, currently 23 units are proposed, and if this lot were developed under the same zoning that exists on the surrounding lots (R-3 Urban Residential or RM-2 Medium Density Multi-family residential). It could potentially achieve the following density, not accounting for road or park dedication:

- R-3 (Urban Residential) – 12.7 units
- RM-2 (Medium Density Multi-family residential) – 34.5 units

With regards to the siting of existing buildings, the existing building proposed for multi-family use does not conform to the current minimum side yard setbacks of the zoning as it is built too close to the parcel line. Within the new Zone, a reduced setback recognizing the siting of this building could be established; however it is felt that over time if a new building is proposed it should be constructed with larger setbacks. In the meantime, the existing building is protected under Section 911 of the *Local Government Act*, which governs non-conforming uses and siting.

#### Correspondence:

We have received one letter (attached) from the adjacent property owner to the south, indicating concerns over the potential noise and need for buffers between residential and industrial land.

#### Referral Agency Comments:

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

- City of Duncan (Water) – *Approval recommended but City of Duncan cannot provide any assurance that adequate water will be available at time of development, due to the limited information available with the application regarding the specifics of the development. At the time of actual development, the developers may be required to have the water system upgraded at their cost.*
- Duncan Fire Department – *Approval recommended subject to conditions: a) that the address be changed if the entrance to the complex is off Boal Road; b) that a fire hydrant be placed on the property at an agreed location; c) the roads on the property be 6 meters wide.*
- Cowichan Tribes – *Interests unaffected*
- Vancouver Island Health Authority – *No objection provided all dwellings are serviced by community water and sewer systems. All domestic sewage originating from a structure must be discharged into a public sewer, holding tank approved by this office, or a sewerage system that complies with the Sewerage System Regulation. In this regard, the 'grey water' is to be discharged into the public sewer and not stored in a below ground cistern for reuse. Reusing 'grey water' for flushing toilets etc. within a structure would fall under the building code.*
- Ministry of Transportation and Infrastructure – *There is no public turn-around currently at the end of Boal Road. The applicant must provide a proposal for a public turn-around (e.g. cul-de-sac or hammerhead) acceptable to the Ministry. Dedication may be required. No commercial access will be permitted on Koksilah Road unless it can be proven that an access clearly meets Ministry standards, particularly for approach grades and decision sight distances.*
- School District 79 – *No comments received*
- CVRD Parks and Recreation Department – *That the following portions of the above-described property be deeded to the Cowichan Valley Regional District: a) a 3 metre wide portion of the property running the full length of the parcel along the north boundary; b) a 4 metre wide parcel of the property fronting the length of the west boundary, namely adjacent to the Koksilah Road right-of-way; and c) a 3 metre wide parcel of the north-east corner of the property from Boal Road to the northern boundary of the property. The applicant has also agreed to construct the trail running along the western boundary (along Koksilah Road) to CVRD trail standards.*

- CVRD Water Management Division – *No objection. This property is within the CVRD Eagle Heights Sewer Service Area, which has capacity for additional sewage units (flows).*
- CVRD Public Safety Department – *Wildland Interface Mapping indicates the area hazard interface as “low”; water provisions to the property must be compliant with “NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting” to ensure necessary firefighting water flows; and sufficient access/egress space is required for emergency services equipment to provide citizenry and emergency services personnel secondary evacuation route.*

**Advisory Planning Commission Comments:**

At its January 13, 2011 meeting, the Advisory Planning Commission (APC) made the following recommendation with regards to this application:

*“APC agrees with the density and overall concept of the proposal, however the proposed uses require more refining to better reflect the small scale nature of the proposed commercial and industrial uses. The APC would like to review the revised list of proposed uses.”*

A follow-up meeting was conducted on April 14, 2011 to discuss in more detail the permitted uses proposed for the property. The APC reviewed the list of proposed uses and current or proposed definitions (see above). They assigned three categories to the proposal and identified which permitted uses would be suitable for each category: residential zone, accommodation-institutional, and business park.

They also recommended that the new single family cabins be limited to no larger than 55 m<sup>2</sup> (592 sq. ft), that multi-family suites be no larger than 90 m<sup>2</sup> (969 sq. ft), and that residential occupancy of the property be limited to 23 units for the site. Additionally, they recommended that a maximum of four business units be permitted in the business park.

**Planning Division Comments**

Policies within the Official Community Plan that speak to multi-family residential development are noted above, and do not strongly encourage further multi-family development within the plan area. However, the residential objectives include accommodating a range of lifestyles, affordable housing and efficient use of land.

With respect to the commercial and industrial component of the application, the objectives support commercial uses within serviced areas that are not isolated and which best serve the needs of the local community. OCP policies recommend that any new multi-family residential development be included within a development permit area which would address form and character (appearance, landscaping, etc) of the development.

The applicant has also agreed to dedicate land for trails, which totals approximately 895 m<sup>2</sup> on the subject property and will provide connections from Koksilah Road and the residential community in Eagle Heights, through the property to the industrial park along Boal Road and the Koksilah School.

In 1993, an application to rezone this property to multi-family residential (RM-3) in order to permit approximately 73 residential units was denied due to lack of infrastructure (water, sewer, schools, roads) and lack of public support. However, the proposed density under the current application is significantly reduced, and the servicing does not appear to be a limiting factor for the development.

With good design and attention to site planning, the proposed uses could blend well with the surrounding neighbourhood, and the trails will provide desired connectivity between the residential neighbourhood to the west and the industrial park to the east.

There are limited opportunities for development of this property under the existing zoning, and the application proposes uses that are currently occurring on the neighbouring properties. The application is a blend of the surrounding land uses, incorporating single-family and multi-family units, as well as small scale commercial/industrial uses, and presents a unique approach to mixing land uses and providing a range of housing options. The proposed uses encourage local employment opportunities, as well as preservation and promotion of the heritage building on the subject property, which the applicant is currently in the process of restoring.

Should the application be received favourably by the EASC, the attached draft bylaws have been prepared for review. It is recommended that the amendment bylaw be structured as a Comprehensive Development Zone, which allows for a variety of uses on the property as indicated on the Comprehensive Development Zone map.

**Options:**

**Option 1:**

- a) That CVRD Bylaws No. 3551 and 3552 – Area E - Cowichan Station/Sahtlam/Glenora Official Community Plan and Zoning Amendment Bylaws (Urban Edge Properties Ltd.), 2011 be granted First and Second reading;
- b) That agency referrals to the Ministry of Transportation and Infrastructure, City of Duncan, Vancouver Island Health Authority, Cowichan Tribes First Nation, Duncan Fire Department, and School District #79 be accepted.
- c) That a Public Hearing be held with Directors Duncan, Iannidinardo, and Dorey named as delegates of the Board.

**Option 2:**

- a) That Application No. 1-E-10 RS (Urban Edge Properties Ltd.) be revised.

**Option 3:**

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

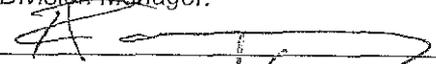
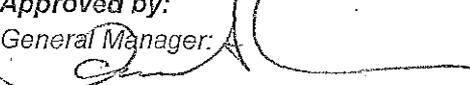
Option 1 is recommended.

Submitted by,

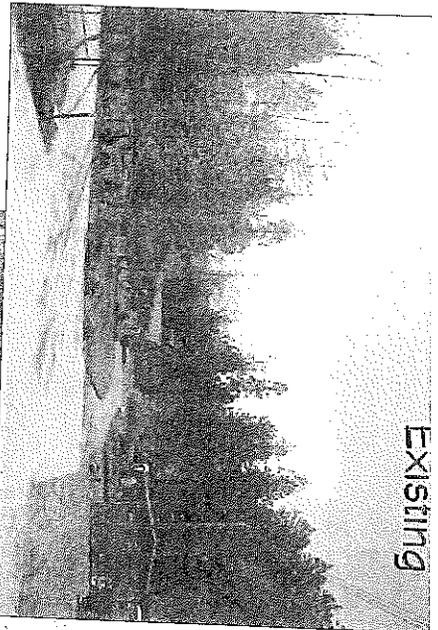


for: Rachelle Moreau  
Planner I  
Development Services Division  
Planning and Development Department

RM/ca

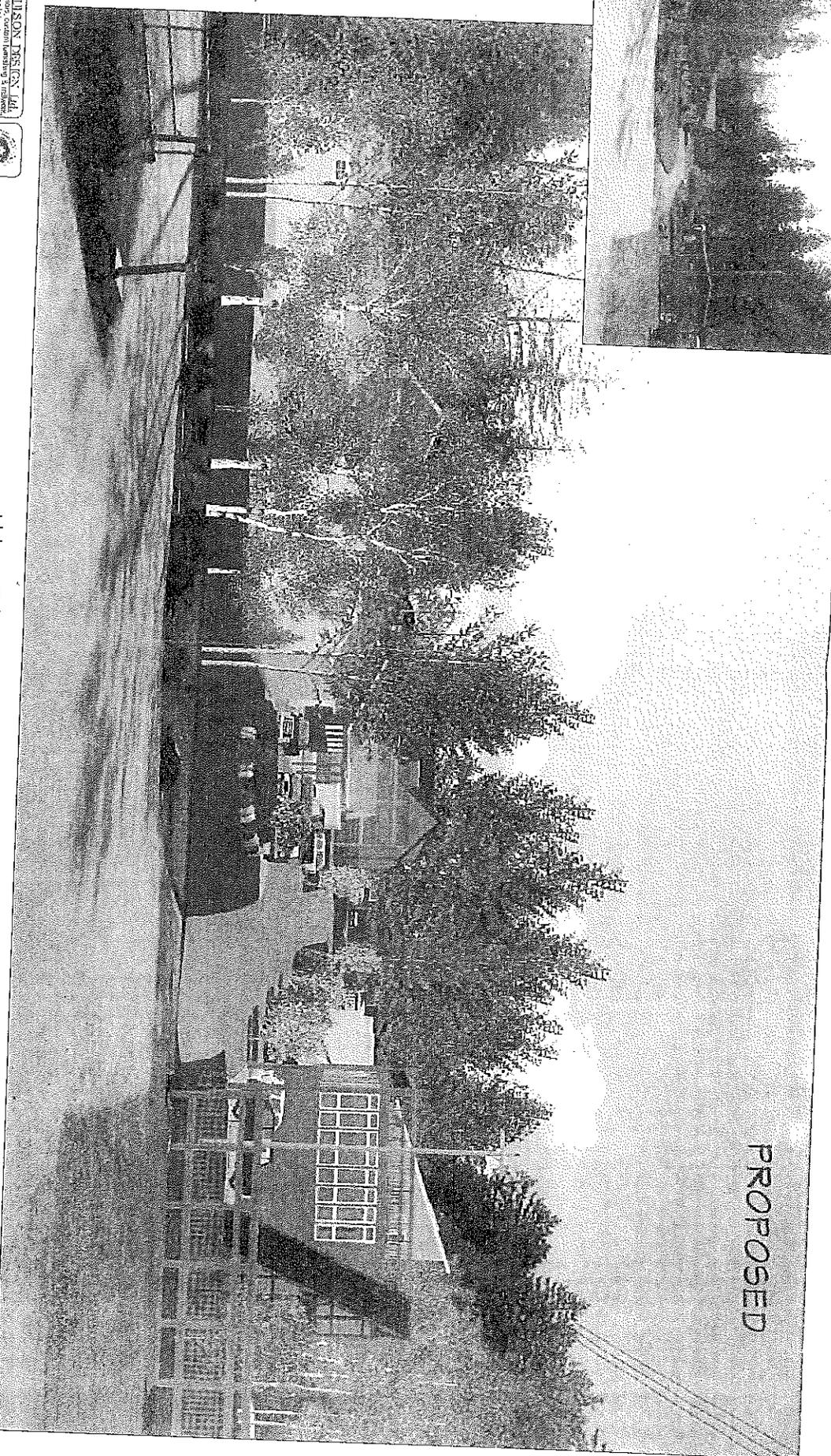
<p><b>Reviewed by:</b> Division Manager:</p> 
<p><b>Approved by:</b> General Manager:</p> 

EXISTING



**GENERAL VIEW**  
View from Boal Rd

PROPOSED



Urban Edge Properties Ltd.  
5241 Koksilah Road,  
Duncan, B.C.

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 architectural, interior, custom lighting & fixtures,  
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 249-667-1111  
 Website: davidcoulson.com

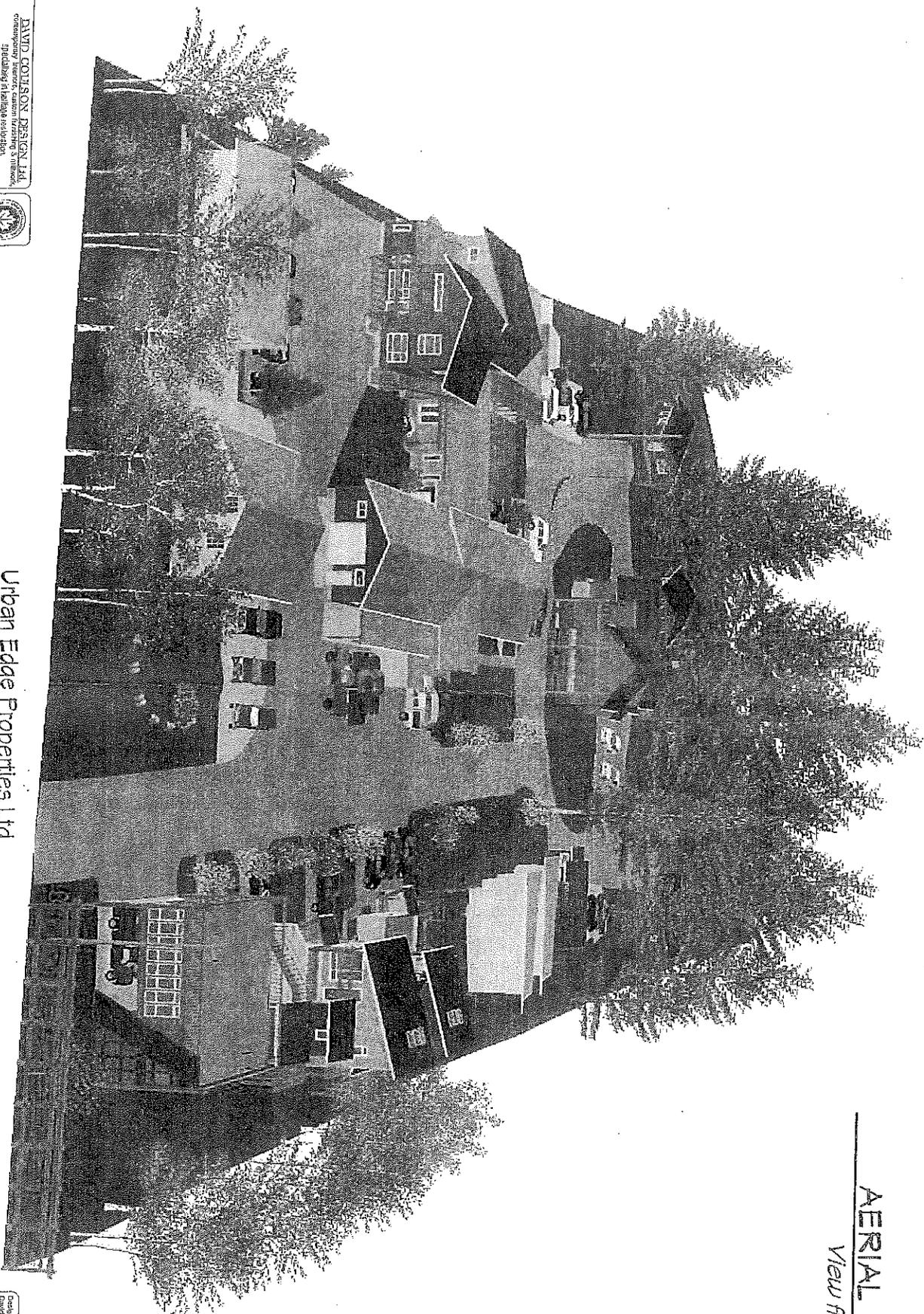



DESIGN: David Coulson / Chris E. Dorian  
 DRAWING: Chris E. Dorian  
 CHECKED & APPROVED: [Signature]  
 DATE: [Date]

Scale: 1/8" = 1'-0"

**SHEET 3**

**AERIAL VIEW**  
View from EAST



Urban Edge Properties Ltd.  
5244 Koksilah Road,  
Duncan, B. C.

**DAVID COHNSON DESIGN LTD.**  
ARCHITECTURE, INTERIOR DESIGN, EXTERIOR DESIGN & LANDSCAPE ARCHITECTURE  
DESIGN, REVISIONS, CONSULTATION, CONSTRUCTION

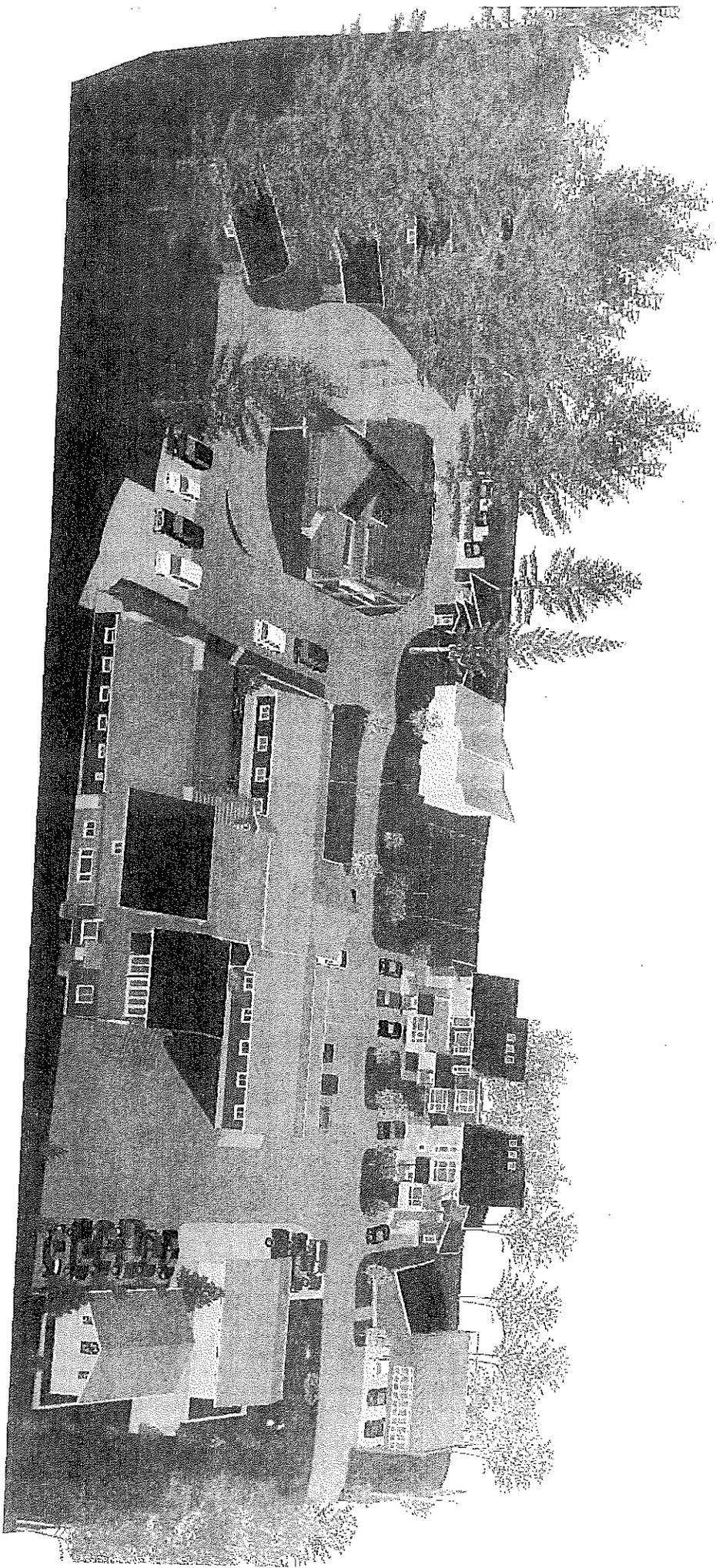
1572 Lake Road, Duncan, B.C. V9L 6K3  
Tel: (250) 762-8977 Email: david@cohsondesign.com  
Website: www.cohsondesign.com

Member of the  
Canadian Council  
of Architectural  
Firms (CCAF)

Designer: David Coulter / Ozzie E. Chisholm  
Drawn: Ozzie E. Chisholm  
Technical & Structural: Technical & Structural  
Verifier: David Coulter

Scale: as shown  
2506/5010  
SHEET  
4

**AERIAL VIEW 5**  
View from SOUTH



Urban Edge Properties Ltd.  
5241 Koksilah Road,  
Duncan, B.C.

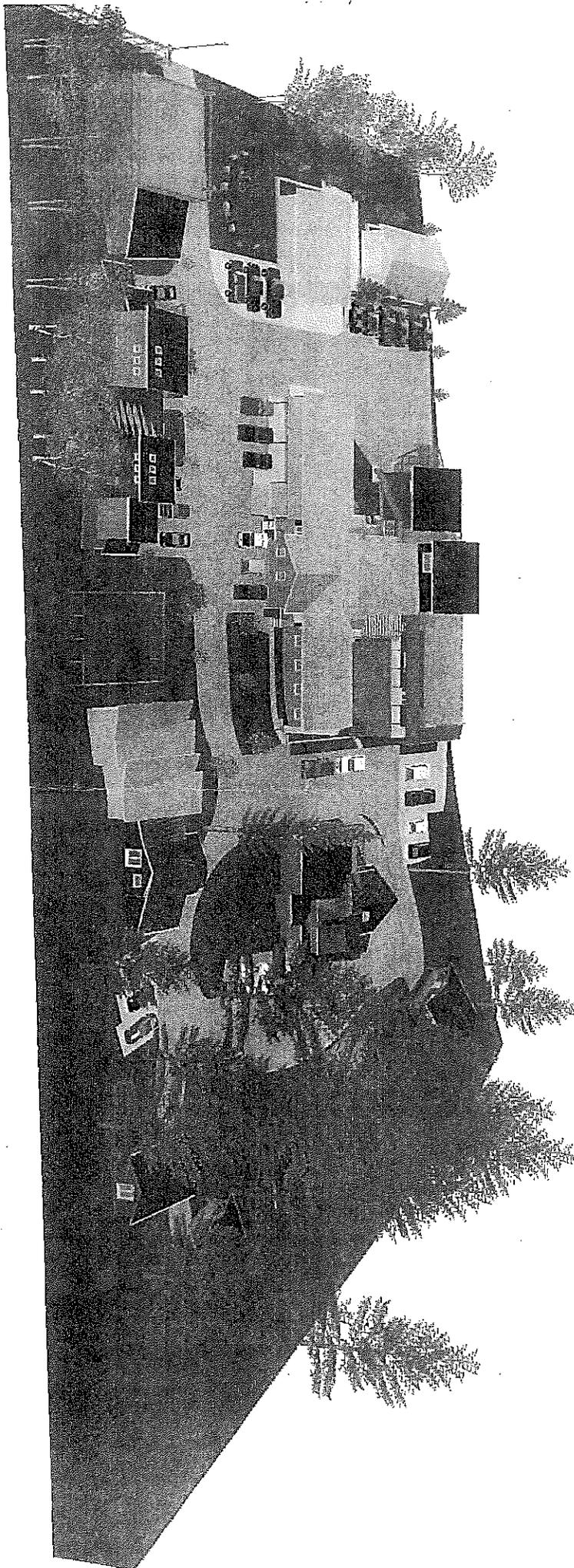
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Tel: 250-850-1111 Fax: 250-850-1112  
www.davidcollisondesign.com

Client:	Urban Edge Properties Ltd.	Date of Issue:
Project:	5241 Koksilah Road, Duncan, B.C.	2/16/2020
Drawn:	David Collison	SHEET
Checked:	David Collison	5
Verified:	David Collison	

# AERIAL VIEW

View from NORTH

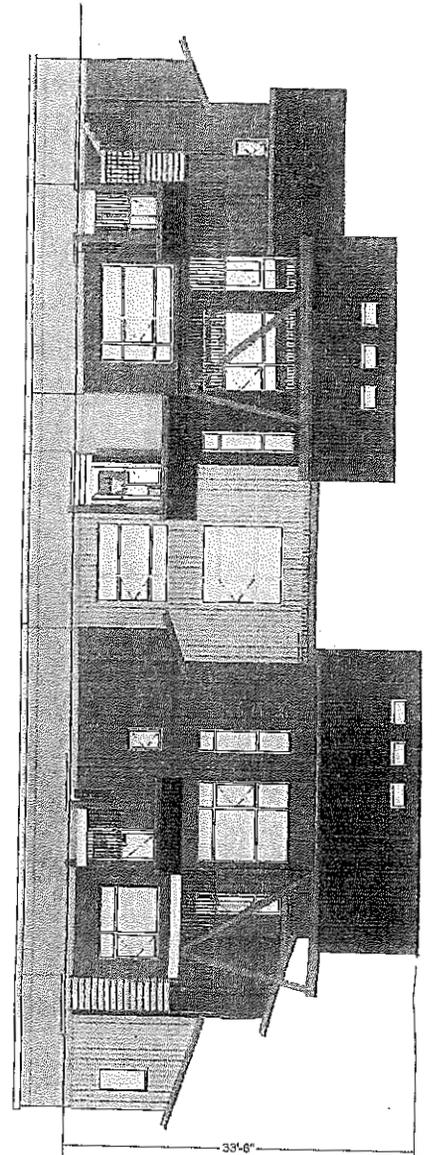


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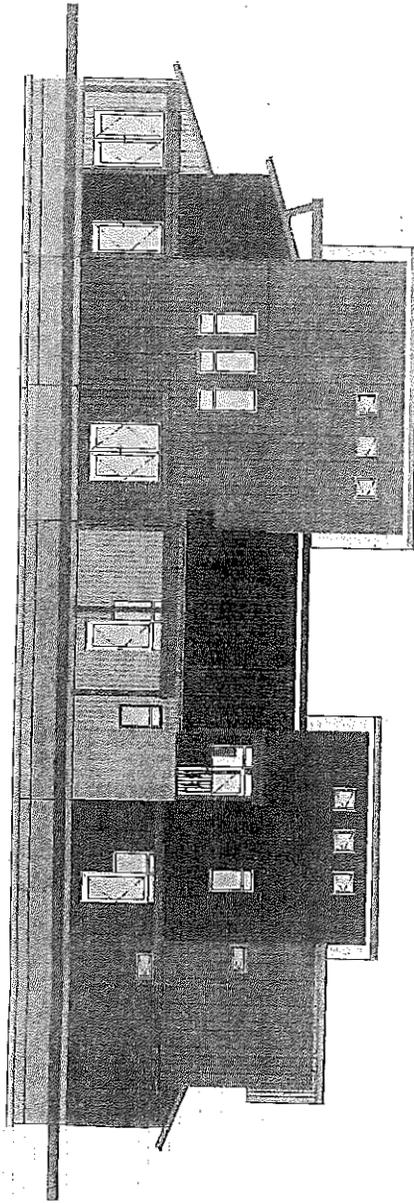
**DAVID COLLISSON DESIGN LTD.**  
ARCHITECTS

Urban Edge Properties Ltd.  
5241 Koksilah Road,  
Duncan, B.C.

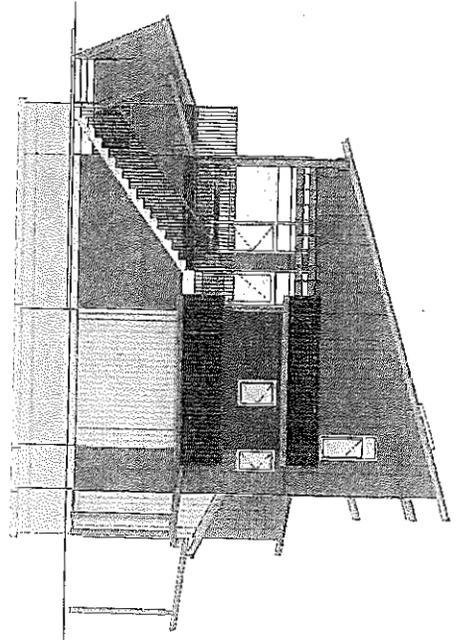
Client:	David Colliison / Casan B. Chikri	Scale: As Shown
Drawn:	David E. Clibber	3/26/2020
Technical & reviewed:		
Verified:	David Colliison	<b>SHEET</b>
		<b>7</b>



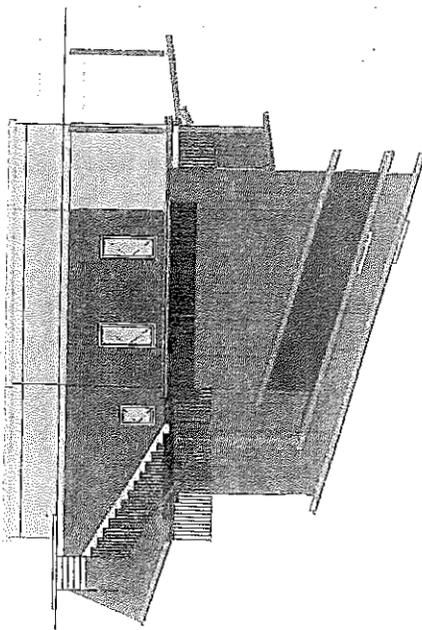
South Elevations



North Elevations



East Elevations



West Elevations

Scale - not to scale

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 specializing in heritage restoration,  
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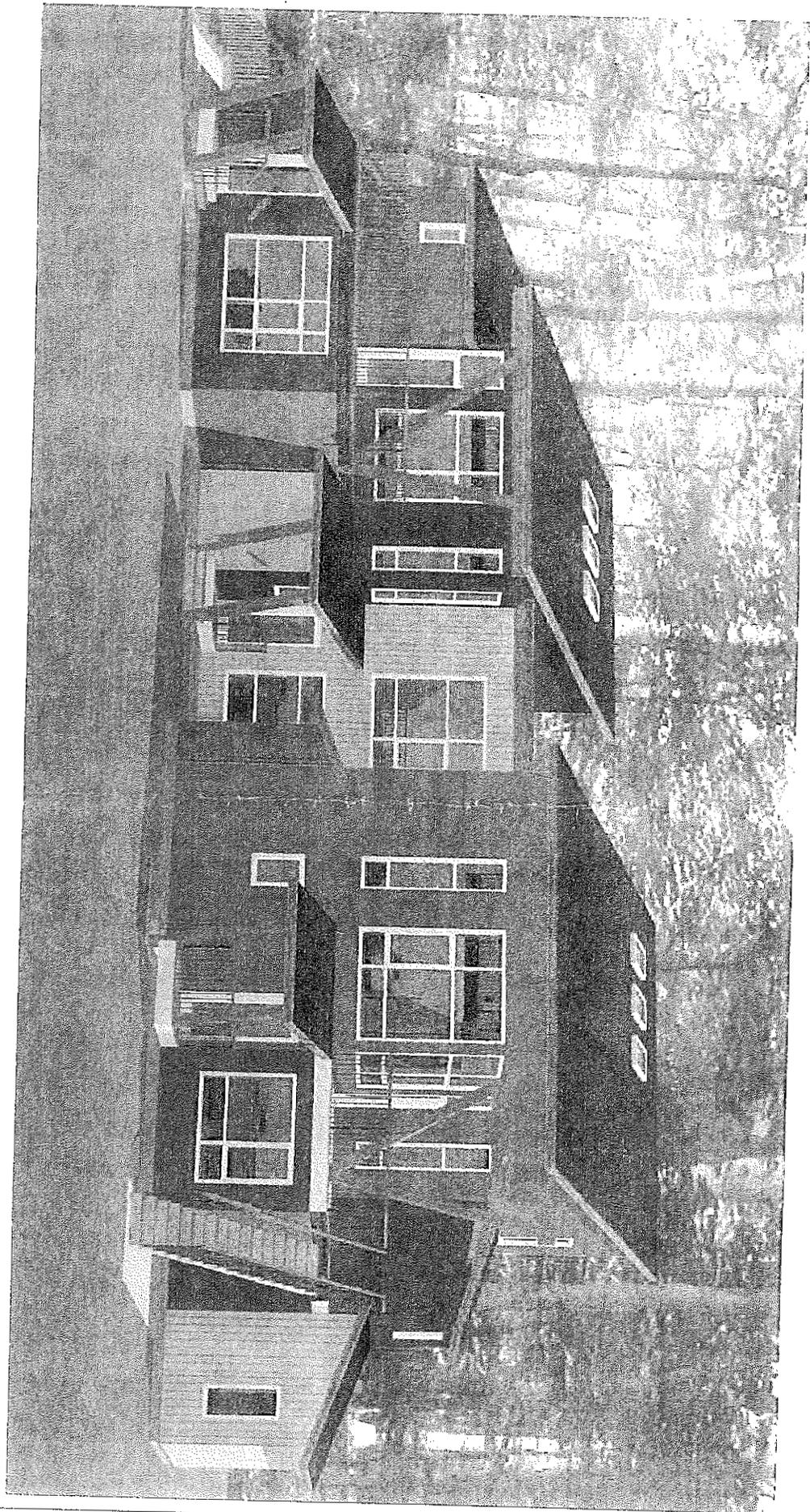
5372 Millet Road, Duncan, B.C. V9L 6R2  
 Tel/Fax (250) 745-5372 Email: coulsondesign@shaw.ca  
 Website: davidcoulsondesign.com



**Urban Edge Properties Ltd.**  
 5241 Koksilah Road,  
 Duncan, B.C.

**Elevations**

Design: David Coulson / Cezar E. Cristea	Scale: 1/8" = 1'-0"
Drawn: Cezar E. Cristea	15/05/2020
Technical & structural:	93 ET
Verified: David Coulson	6



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 Website: david@soulsondesign.com



**Urban Edge Properties Ltd.**  
 5241 Koksilah Road,  
 Duncan, B.C.

**Exterior View**

Design: David Coulson / Cesar E. Cristea  
 Owner: Cesar E. Cristea  
 Technical & Structural: 94  
 Vendor: David Coulson

Scale: 1/8" = 1'-0"  
 29/05/2010  
**SHEET**  
**7**





Covichan  
Valley  
Regional  
District

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

The Regional District does not warrant the accuracy.

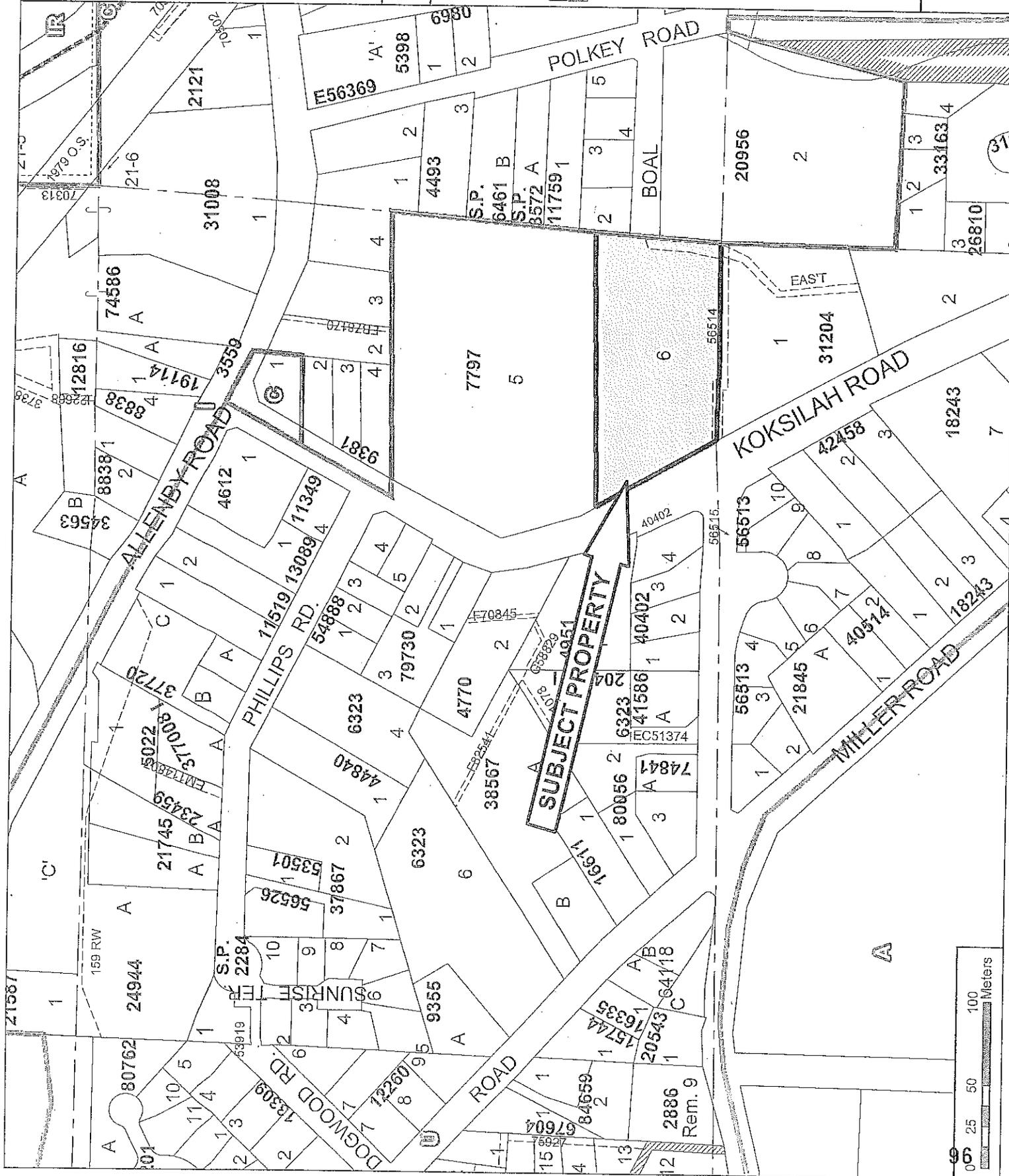
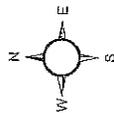
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

FILE: 1-E-10-RS

OCP

Legend





Covichan Valley Regional District

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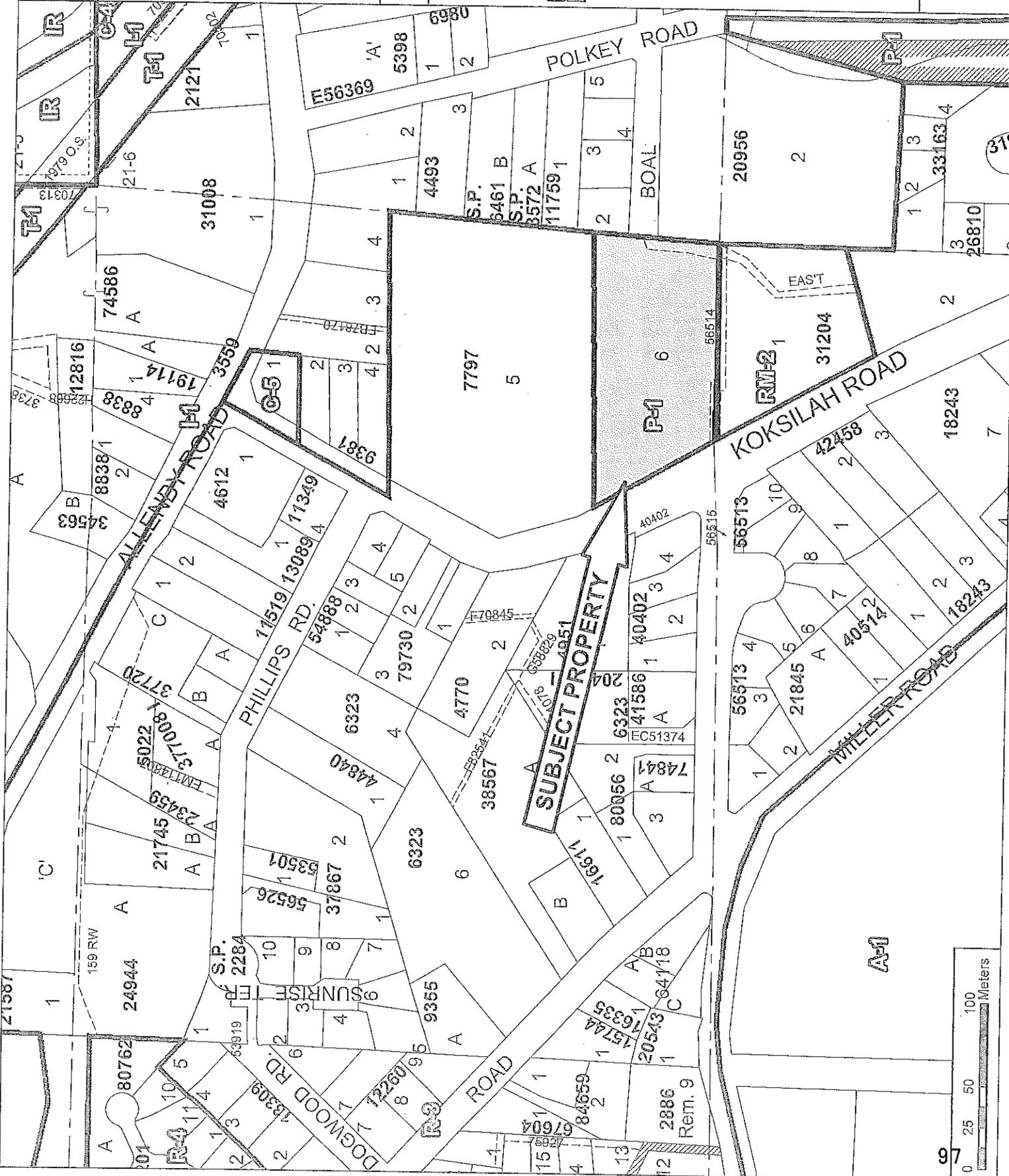
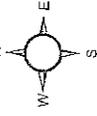
FILE: 1-E-10-RS

# ZONING

Legend



Subject Property  
Zoning Electoral Area E





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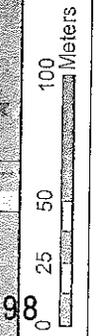
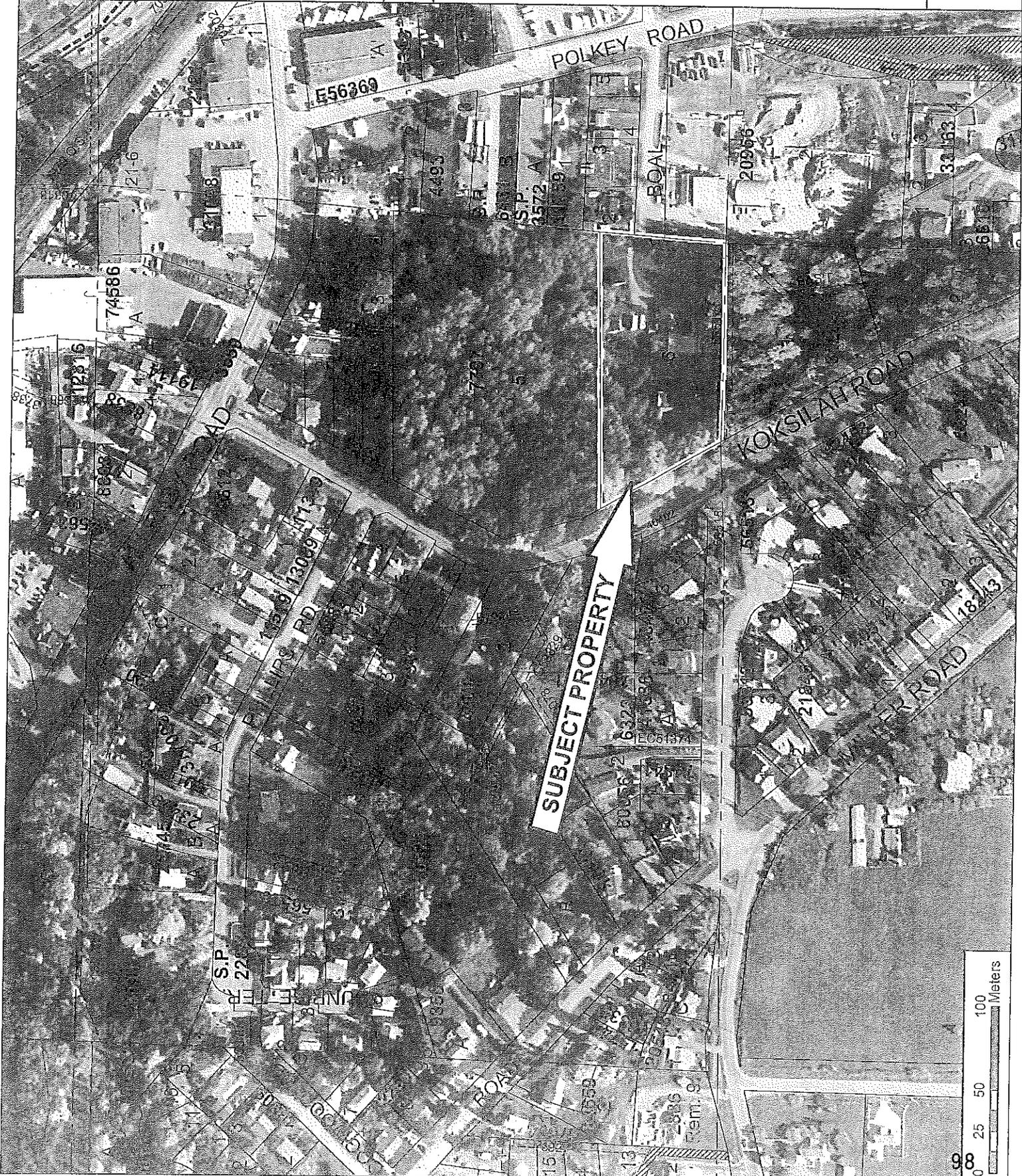
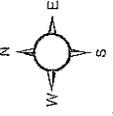
The Regional District does not warrant the accuracy.

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

FILE: 1-E-10-RS

# Orthophoto (2004)





## MEMO

To: Rachelle Moreau - Planning Department  
From: Carson & Jennifer Shanks – Land owners  
Date: February 3<sup>rd</sup>, 2011  
Subject: Re- Zoning Application 5241 Koksilah

Dear Ms. Rachelle Morrowe

Currently we own 5237 Koksilah - the property immediately to the South of the subject property for rezoning. For the most part we support the rezoning application but have one major concern - we strongly object to any industrial zoned land adjoining residentially zoned land due to noise, smells, lighting issues etc.

Our property backs onto the Allenby / Polkey Road Industrial Park with no buffer zones and we have learned that the two zonings do not mix. The previous owners of our property and neighbouring property owners have had issues with the Allenby / Polkey Road industrial park for many years as can be verified by your bylaws department. Living next to a recycling plant with no buffer zone is not enjoyably for many reasons but namely the noise pollution.

From a planning point of view, industrial zones need to have adequate buffer zones between them and residential land. It is for this reason we do not support the industrial component of our neighbouring properties rezoning application. Ultimately, the proposed application will double the current problem making 2 out of 3 of our neighbours industrial residents and will affect how our property is used and the value.

Thank you for your time and consideration pertaining to this issue.

Kind regards,

Carson & Jennifer Shanks

## CVRD SUSTAINABILITY CHECKLIST ADDENDUM

### Environmental Protection and Enhancement

How does the development protect and/or enhance the natural environment?

1. Conserve, restore or improve natural habitat:
  - We are conserving 90% of the existing tree canopy and supplementing to over and above the original 100% with the addition of new trees, shrubbery, perennial borders and community gardens; all trees were retained in setback areas
  - Landscaping will rely heavily on native species attractive to local wildlife to provide food and shelter, within newly planted beds and vegetative buffer zones
  - A 10 meter treed vegetative buffer zone is planned to protect the designated riparian zone in the right of way (a narrow water diversion runs from west to east along the southern property line—it feeds into a marshy slough just before entering what has been described as fish-bearing streambeds converted into a ditch)
  
2. Remove invasive species:
  - Removal of invasive species has been ongoing since purchase of the property
  - At this time, we are concentrating on the eradication of Himalayan blackberry, bindweed, ivy and horsetail which are the most damaging invasive species on the site
  - We have used sheet composting to control the above, reclaiming overrun areas and converting to community garden sites; ivy is being hand pulled in the treed areas, this project will be ongoing for some time. A large section of the northern boundary has been reclaimed from invasives through use of recycled cardboard and site-generated wood chips in the sheet composting technique. This chemical-free method will prevent and/or slow down further weed growth and will contribute to soil revitalization
  
- 3.-5.
  - Development does not impact an ecologically sensitive site but enhances the existing property
  - Housing is purposefully dense to minimize footprint
  
6. Protect groundwater from contamination:
  - A new drainage system is planned for currently marshy lawn area
  - A system of berms and swales will be implemented to control ground water/storm water runoff
  - A ban on the use of chemical pesticides, herbicides and fertilizers to eliminate any toxic runoff is already in place; as the landscape is planted and regular landscape maintenance is in place, reliance will be on an Integrated Pest Management program using natural alternatives, companion planting and

rotational cropping for the community vegetable gardens to deter disease and pests. We also plan to use some of our own invasive species (ie. Horsetail tea) as a natural fungicide

How the development contributes to the more efficient use of land?

7– 11. See application

How the development facilitates good environmentally friendly practices?

12. Provide onsite composting facilities:
  - We have onsite composting facilities in place, currently a three-bin system, with plans for a second bin system; plant material not desirable in the compost system itself, will be stockpiled in outlying areas for slower decomposition
13. Provide an area for a community garden:
  - A community garden available to all tenants has been in place for over a year. Two more community garden spaces will be planted by June of this year. Green roof, roof top and vertical wall gardens are planned for buildings throughout the site and landscape buffer zones bordering driveway, entrances and between buildings with a focus on edible landscaping
  - A garden maintenance manual for the benefits of the tenants on site, and any gardening personnel will outline best environmental practices for use on site
14. Involve innovative ways to reduce waste, and protect air quality:
  - Recycling of construction materials and household waste has been ongoing for two years; a well established recycling program is in effect for all tenants. So that tenants can see site management practicing what they preach, large quantities of recycled building and finishing materials have already been successfully integrated into the existing fabric (restored suites), as well as the landscaping techniques mentioned above.
15. Include a car free zone:
  - Parking and movement of vehicle traffic will be designed based on Woonerf five primary criteria (Livable Streets by Donald Appleyard, 1981): gateways that announce that one has entered the woonerf; curves to slow vehicle traffic; amenities such as trees, bed plantings and play equipment that serve the dual purpose of forcing vehicles to slow down; no curbs—(but possibly espaliered fruit trees to border laneway); and intermittent parking so that cars do not form a wall of steel between lane and housing. There are also completely car free spaces in community areas such as Cedar Grove and picnic table area.
16. Include a car share program:
  - A car share program is not anticipated since the site is within walking distance for transit and urban services, bicycle racks will be provided and walking

paths on site; the proximity of this site to the downtown core – as well as to job-providing businesses throughout the Koksilah industrial park – is a strong enabling factor to achievement of these transportation environmental objectives. Koksilah Elementary School is a short walk away. If tenants don't work on site, they work near it – or the businesses and facilities that they support are located near enough to access by bicycle and on foot.

How does the development contribute to the more efficient use of water?

17. Use plants or materials in the landscaping design that are not water dependant?
  - Reliance on mulching techniques to conserve irrigating water on site. Although new introductions of plant species will require some watering until established, a routine system of mulching is planned to greatly reduce need for irrigation in subsequent seasons
  - Landscaping will rely heavily on the use of native plants that are acclimatized to this region with its wet winters and often dry summers or species that survive well in our Pacific Northwest zone
  - The implementation of a system of berms and swales with planting of appropriate species
18. Recycle water and wastewater:
  - We plan to implement rain barrels on the heritage building and existing structures and below ground grey water storage cisterns on new planned structures
19. Provide for no net increase to rainwater runoff:
  - Excepting the building structures (existing and planned) approximately 90% of the ground area is water-permeable. Property is a gentle, continuous slope. Planned driveway and parking areas will be gravel. All paths and other on the ground hardscaping will specify permeable materials
  - Rain gardens are part of the vegetated bioswale, berm planting landscape design

How will the project be constructed sustainably?

23. Built to a recognized green building standard:
  - LEED, BOMA Go Green, The Green Bylaws Toolkit, Smart Growth B.C. Toolkit and the Cowichan – Koksilah Area E Official Community Plan (Bylaw No. 1490) have been our primary sources for best building practices since the inception of this project, but prior to that for all building/design that we have been involved in for at least the last decade
  - Built Green BC and LEED will be our construction checkpoints during all development

24-28 Reduce, re-use construction waste, avoid contamination:

- All existing topsoil on site needing removal has been stockpiled and/or re-used for community gardens. This practice will continue through the construction process
- Recycling of construction materials has been a consistent part of our building practice for twenty years. We not only seek to recycle and re-use our own waste, but also use so-called scrap material from the surrounding community, a good neighbourly policy. DCD has it's own recycling of the waste stream ie. Doors, windows, plumbing fixtures, cabinets, etc.
- A key practice in the construction will be the protection of existing trees, soil, avoiding compaction and avoiding damage to any greenery during the construction process. Our crew is already familiar with these practices
- Stone, mulch, cardboard, drainage material are all available within 50 meters of our site (Stone Pacific and Active Recycle)

### Community Character and Design

How does the development proposal provide for a more “complete community” within a designated Village Centre?

1. How does the development improve the mix of compatible uses within an area?
  - Urban Edge Properties Ltd. embraces the mixed use concept. Our proposal for a mixed use zoning would see live/work space proximity, detached single family and one-two bedroom suites and include commercial office and gallery space, phasing into service commercial and light industrial. In addition to fulfilling the basic requirement for affordable and comfortable housing within the valley, this site is designed to provide much-needed access to green space for all tenants and encouragement towards an eco-friendly lifestyle that encompasses the buildings themselves and the use of the surrounding land.
  
- 2- 3.
  - Tenants can access a variety of services within close proximity. The same business/tenant diversity that reduces the need for transportation also tends to support a socially diverse community and places for all residents to gather and share community space. People, jobs and transportation will be closer together.



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3551

**A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. 1490, Applicable To Electoral Area E – Cowichan Station/Sahtlam/Glenora**

---

**WHEREAS** the *Local Government Act*, hereafter referred to as the "*Act*", as amended, empowers the Regional Board to adopt and amend official community plan bylaws;

**AND WHEREAS** the Regional District has adopted an official community plan bylaw for Electoral Area E – Cowichan Station/Sahtlam/Glenora, that being Official Community Plan Bylaw No. 1490;

**AND WHEREAS** the Regional Board voted on and received the required majority vote of those present and eligible to vote at the meeting at which the vote is taken, as required by the *Act*;

**AND WHEREAS** after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 1490;

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

1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3551 - Area E – Cowichan Station/Sahtlam/Glenora Official Community Plan Amendment Bylaw (Urban Edge Properties Ltd., 2011.**".

2. AMENDMENTS

Cowichan Valley Regional District Official Community Plan Bylaw No. 1490, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. CAPITAL EXPENDITURE PROGRAM

This bylaw has been examined in light of the most recent Capital Expenditure Program and Solid Waste Management Plan of the Cowichan Valley Regional District and is consistent therewith.

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

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

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

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

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary



## C·V·R·D

### SCHEDULE "A"

#### To CVRD Bylaw No. 3551

---

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

1. That Lot 6, Section 13, Range 6, Quamichan District, Plan 7797, as shown outlined in a solid black line on Plan number Z-3551 attached hereto and forming Schedule B of this bylaw, be
  - a) re-designated from Urban Residential to Integrated Community;
  - b) be designated within the Koksilah Development Permit Area; andthat Schedule B to Official Community Plan Bylaw No. 1490 be amended accordingly.
2. That heading Part 9.0 – Paldi Comprehensive Development Designation be amended to read “Comprehensive Development Designation”, and that the paragraph under this heading be relocated under Section 9.1 Policies – Paldi Comprehensive Development Designation.
3. That Section 9.2 - Integrated Community Comprehensive Development be inserted following Section 9.1.

#### Section 9.2 – Integrated Community Comprehensive Development

9.2.1 The Integrated Community designation is intended to accommodate comprehensive development consisting of residential, small-scale commercial, business and institutional uses. The Integrated Community designation promotes economic development opportunities for residents by providing employment in close proximity to residences, and by permitting residential uses near the Koksilah Industrial Park.

9.2.2 A central theme for properties designated as Integrated Community will be environmental and social sustainability. The development provides high-quality affordable housing increasing the rental housing pool, and mixed uses and a range of housing types support a socially diverse community.

9.2.3 Residential development within the Integrated Community Development designation will support affordable housing by providing a variety of housing choices including single family, two family and multi-family units. Limitations on the size of the units will ensure that they maintain a modest footprint and blend in with the natural environment of the site and adjacent residential uses.

9.2.4 On-site rainwater management techniques, protection of riparian areas and retention of mature trees will preserve the natural hydrology of the site and reduce the environmental impact associated with new development.

9.2.5 New development will employ green building techniques and will strive to meet LEED and/or BuiltGreen rating systems.

9.2.6 All lands within the Integrated Community Development designation shall be included within a development permit area.

9.2.7 Residential density shall not exceed 23 units per hectare.

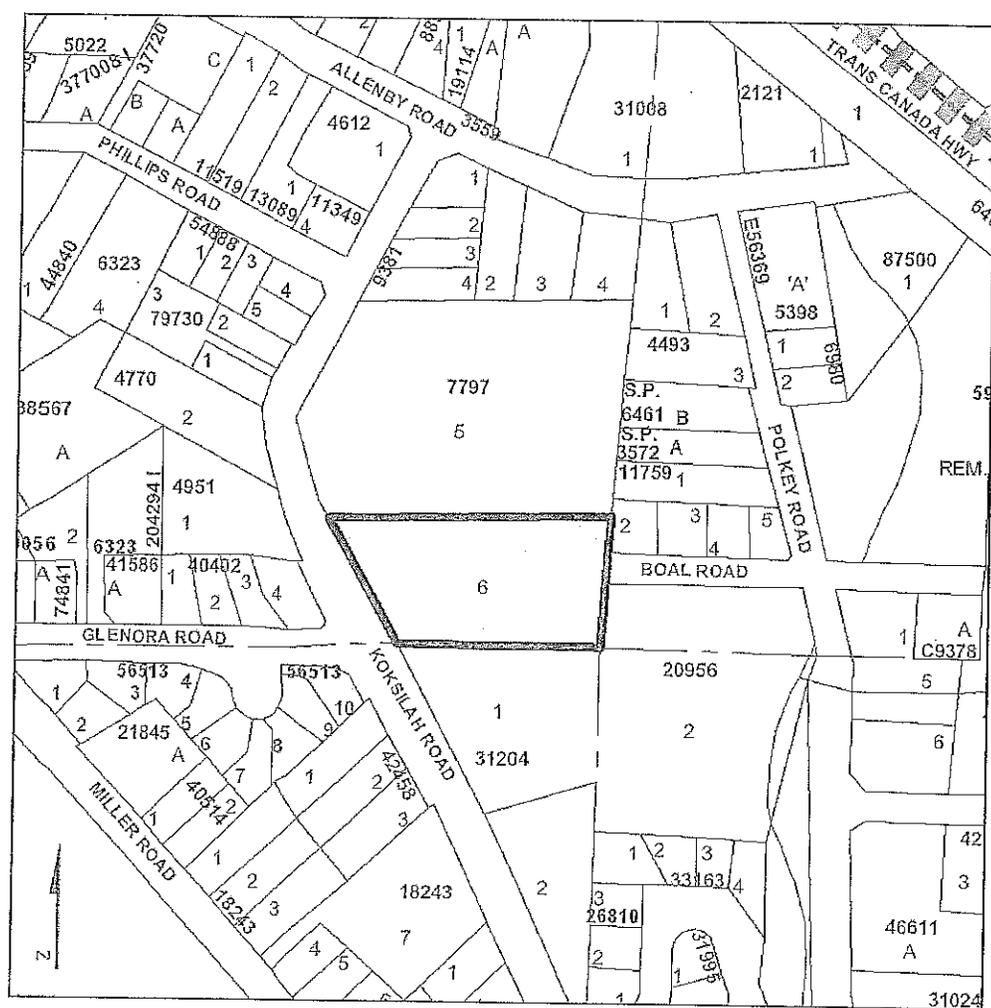
9.2.8 The location and distribution of permitted uses within the Integrated Community Development designation will be identified within the implementing zoning bylaw. Uses considered suitable within the Integrated Community Development designation include home-based businesses, live/work studios, small-scale commercial and institutional uses, custom workshops as well as limited food processing.

9.2.9 Sites within the Integrated Community designation shall be designed and developed to comply with the following objectives:

- a) minimize impacts on adjacent residential uses;
- b) provide a safe, comfortable and attractive environment for employees, customers and others;
- c) achieve a consistent and unified theme for site, building, landscape and signage design;
- d) utilize sustainable development practices such as on-site rainwater management, energy efficient building design, and water consumption reduction measures.

9.2.10 In order to provide safe pedestrian and cycling linkages and improve opportunities for active transportation such as walking and cycling, dedication of land for trails will be required connecting this development with the Koksilah Industrial Park and the surrounding residential area.

SCHEDULE "B" TO PLAN AMENDMENT BYLAW NO.  
OF THE COWICHAN VALLEY REGIONAL DISTRICT



THE AREA OUTLINED IN A SOLID BLACK LINE IS REDESIGNATED FROM  
Urban Residential TO  
Integrated Community and Designated in the Koksilah Development Permit Area APPLICABLE  
TO ELECTORAL AREA E



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

The Regional District does not warrant the accuracy.

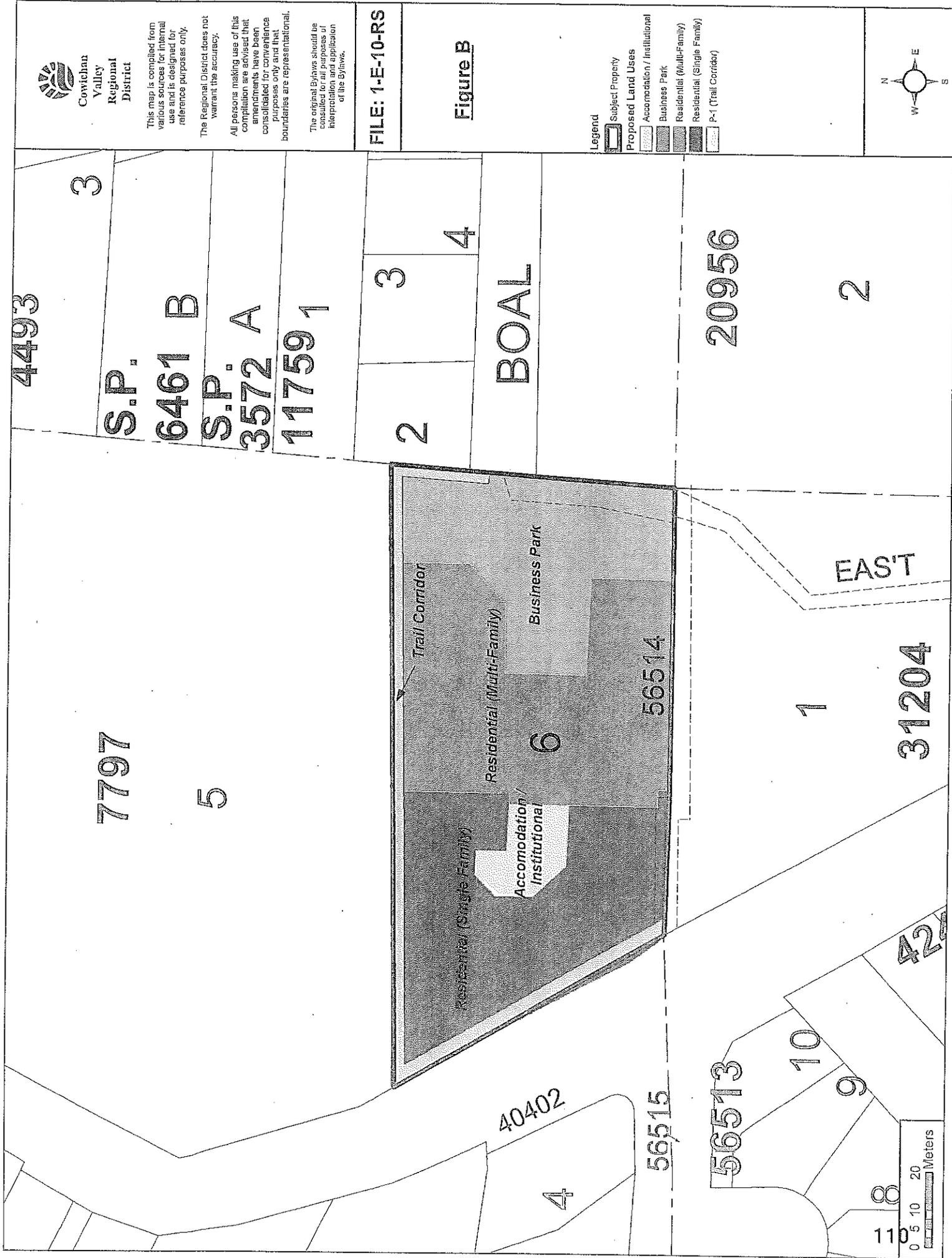
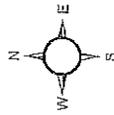
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

FILE: 1-E-10-RS

Figure B

- Legend
- Subject Property
  - Proposed Land Uses
  - Accommodation / Institutional
  - Business Park
  - Residential (Multi-Family)
  - Residential (Single Family)
  - P-1 (Trail Corridor)



0 5 10 20  
Meters



C.V.R.D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3552

A Bylaw For The Purpose Of Amending Zoning Bylaw No. 1840  
Applicable To Electoral Area E – Cowichan Station/Sahtlam/Glenora

---

**WHEREAS** the *Local Government Act*, hereafter referred to as the "*Act*", as amended, empowers the Regional Board to adopt and amend zoning bylaws;

**AND WHEREAS** the Regional District has adopted a zoning bylaw for Electoral Area E – Cowichan Station/Sahtlam/Glenora that being Zoning Bylaw No. 1840;

**AND WHEREAS** the Regional Board voted on and received the required majority vote of those present and eligible to vote at the meeting at which the vote is taken, as required by the *Act*;

**AND WHEREAS** after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 1840;

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

1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3552 - Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Urban Edge Properties Ltd.), 2011**".

2. AMENDMENTS

Cowichan Valley Regional District Zoning Bylaw No. 1840, as amended from time to time, is hereby amended in the following manner:

Section 3.1 – Definitions is amended by inserting the following definitions:

**Custom workshop** means a workshop where the production, sales and servicing of specialized goods or services, including home cabinets, signs, window coverings, and furniture occurs;

**Guest Lodge** means a building with not more than one kitchen, used for the overnight accommodation of transient, temporary paying guests;

**Historical centre** means a building or structure used to preserve, protect and display historical artefacts and which is maintained and operated by a non-profit society or the Cowichan Valley Regional District;

**Live/work studio** means a dwelling unit which includes space for office, artist studio, repair shops, custom workshops, and the like;

**Office** means the occupancy or use of a building for the purpose of carrying out business or professional activities, but specifically excludes retail activities and personal service use;

**Training centre** means a building or structure used to host seminars, workshops and conduct training but does not include public or private schools;

Part Nine is amended to include the following new Section 9.5 Integrated Community Comprehensive Development Zone (CD-1)

(a) Permitted Uses

The following uses, uses permitted under Section 4.4 and no others are permitted in a CD-1 Zone, and shall be located as set out in Figure B :

Accommodation/Institutional

- (1) *Bed and Breakfast;*
- (2) *Guest Lodge;*
- (3) *Hostel;*
- (4) *Historical Centre;*
- (5) *Art Gallery;*
- (6) *Training Centre;*
- (7) *Day care;*

Business Park

- (8) *Custom Workshop;*
- (9) *Contractor's workshop, yard and storage;*
- (10) *Food processing (limited);*
- (11) *Catering;*
- (12) *Office;*
- (13) *Repair, servicing, sales and rentals of personal and household goods and power tools, electric and electronic equipment, but excluding external storage of goods;*
- (14) *Retail sales accessory to a principle use;*

Residential

- (15) *Single family dwelling;*
- (16) *Two family dwelling;*
- (17) *Multiple family residence;*
- (18) *Live/work studio;*
- (19) *Home occupation.*

(b) Conditions of Use

For any parcel in the CD-1 Zone:

- (1) The parcel coverage shall not exceed 40% for all buildings and structures;
- (2) The height of any principal building shall not exceed 10 metres;
- (3) The height of accessory buildings shall not exceed 6 metres;

- (4) The minimum setbacks for the types of parcel lines set out in Column I of this section are set out for residential and residential accessory uses in Column II and for non-residential uses in Column III

Column I Type of Parcel Line	Column II Residential & Accessory Uses	Column III Non-residential Use
Front	7.5 metres	7.5 metres
Interior Side	3.0 metres; or 1 metre where the abutting parcel is zoned P-1	3.0 metres where the abutting parcel is zoned Industrial, Institutional or Commercial 6.0 metres where the abutting parcel is zoned Residential, Multi-family Residential, or Agricultural
Exterior Side	4.5 metres	4.5 metres
Rear	4.5 metres	3.0 metres where the abutting parcel is zoned Industrial, Institutional or Commercial 6.0 metres where the abutting parcel is zoned Residential, Multi-family Residential, or Agricultural

- (5) A maximum of 8 bedroom accommodation units shall be used for guest sleeping accommodation in a *guest lodge*;
- (6) A *guest lodge* shall be limited to a maximum occupancy of 20 adult persons at any one time;
- (7) Within a *guest lodge*, the sale or provision of food to non-overnight patrons is prohibited;
- (8) Within a *guest lodge, bed and breakfast* or hostel, no person shall occupy a bedroom accommodation unit for more than ten (10) weeks in a calendar year;
- (9) A maximum of four buildings or a total building footprint of 505 m<sup>2</sup> for non-residential use within the business park is permitted;
- (10) Outdoor storage area shall not exceed 10% of the total gross non-residential floor area;
- c) Density
- (1) The maximum density of dwelling units shall not exceed 23 units per Ha of parcel area;
- (2) Maximum gross floor area of single family dwelling units is 55 m<sup>2</sup>;
- (3) Maximum gross floor area of multi-family units is 90 m<sup>2</sup>;
- (4) The maximum number of single family dwellings per parcel is 6.
- d) Minimum Parcel Size
- (1) Subject to Part 12, the minimum parcel size shall be 1 ha.

Schedule B (Zoning Map) to Zoning Bylaw No. 1840 is amended by rezoning that portion of Lot 6, Section 13, Range 6, Quamichan District, Plan 7797 – which is identified by shading on Schedule Z-XXXX attached hereto and forming part of this Bylaw, from P-1 (Parks and Institutional) to CD-1 (Integrated Community Comprehensive Development 1).

### 3. FORCE AND EFFECT

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

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

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

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

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

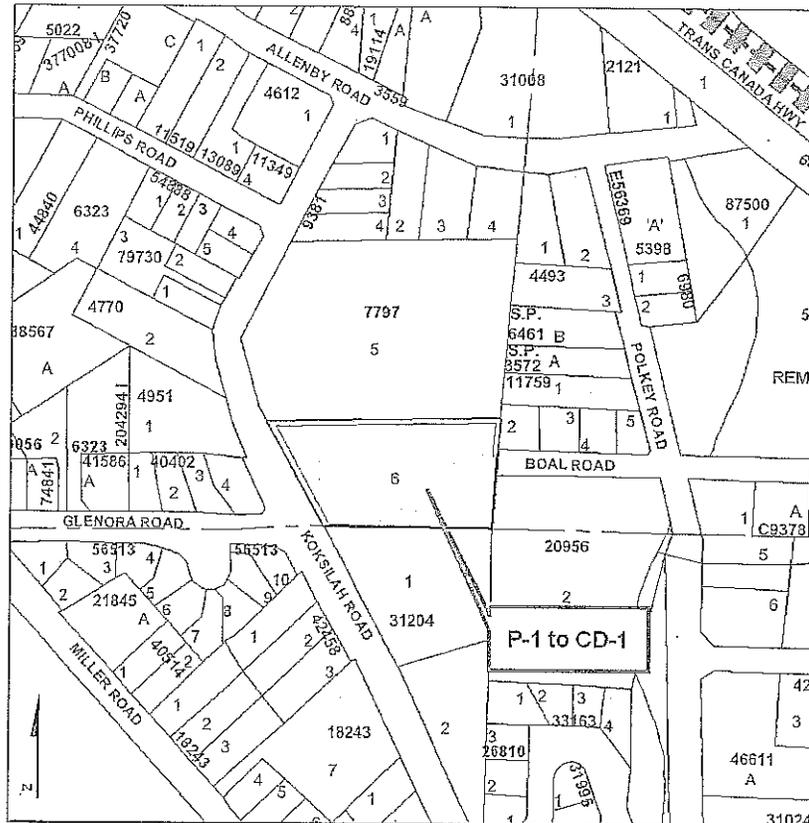
\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary

PLAN NO. Z-3552

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

3552



THE AREA OUTLINED IN A SOLID BLACK LINE AND SHADED IS REZONED FROM

P-1

TO

CD-1

APPLICABLE

TO ELECTORAL AREA E



R5

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 6, 2011

DATE: August 31, 2011 FILE NO: 2-E-11 DP  
FROM: Rachelle Moreau, Planner I BYLAW No: 1490  
SUBJECT: Application No. 2-E-11DP  
(James and Katharine Fisher)

---

**Recommendation/Action:**

That application No. 2-E-11DP submitted by Katharine Fisher to authorize trees removed from Parcel B (DD111046-I) of Lot 3, Section 14, Range 6, Quamichan District, Plan 1275 (PID: 007-674-457) and Lot 3, Section 14, Range 6, Quamichan District, Plan 1275, Except Parcel A (DD 90646I) and Parcel B (DD 111046I) Thereof (PID: 004-453-735) be approved, subject to compliance with the recommendations of the Ryzuk Geotechnical engineering report dated January 20, 2011.

**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 for removal of seven trees on the subject property within the Allenby Road Development Permit Area.

**Location of Subject Property:** 3070 Allenby Road

**Legal Description:**

Parcel B (DD111046-I) of Lot 3, Section 14, Range 6, Quamichan District, Plan 1275 (PID: 007-674-457); and

Lot 3, Section 14, Range 6, Quamichan District, Plan 1275, Except Parcel A (DD 90646I) and Parcel B (DD 111046I) Thereof (PID: 004-453-735)

**Date Application and Complete Documentation Received:** February 1, 2011

**Owner:** James and Catherine Fisher

**Applicant:** Katharine Fisher

**Size of Parcels:** 2700 m<sup>2</sup> (0.75 acre)

**Existing Zoning:** R-3 Urban Residential

**Existing Plan Designation:** Urban Residential

**Existing Use of Property:** Residential

Existing Use of Surrounding Properties:

North: R-3 Urban residential  
 South: R-3 Urban residential  
 East: C-4 Recreational Vehicle Park  
 West: R-3 Urban residential

Services:

Road Access: Allenby Road  
Water: Community water  
Sewage Disposal: Community sewer

Environmentally Sensitive Areas: The *Environmental Planning Atlas 2000* has not identified any streams or environmentally sensitive areas on the subject property. However, due to the steep slope (bank) of properties on Allenby Road, this property has been designated within the Allenby Road Development Permit Area for protection of development from hazardous conditions.

Archaeological Site: None identified

Contaminated Sites Regulation: Declaration signed

Proposal:

An application has been made to obtain a development permit in accordance with the Allenby Road Development Permit Area to authorize the removal of approximately seven trees that were removed or topped on the property.

The applicant states that they had the trees removed or topped in consultation with an arborist after a tree limb came down and took out some power lines. They were unaware of the requirement to obtain a development permit (see attached letter).

Policy Context:***Development Permit Area Guidelines***

The property is within the Allenby Road Development Permit Area (DPA), which was established for the purpose of protection of development from hazardous conditions and the establishment of objectives for the form and character of intensive residential development.

The following section outlines how the development proposal complies with the guidelines (*noted in italics*).

14.2.3 Guidelines

a) *No permanent structures shall be permitted on the slope of bank or in the area subject to sloughing, soil creep or damage from sloughing or soil creep.*

There is an existing dwelling on the property, and no new buildings are proposed.

b) *The requirements in Policy 14.2.4 are complied with.*

The application requirements specify that a geotechnical report certified by a professional engineer on the suitability and stability of the soil for the proposed use must be submitted with the application for a Development Permit.

Ryzuk Geotechnical conducted a site investigation and prepared the required report (attached), which indicated that vegetation on the slope generally consists of small shrubs and bushes with some deciduous trees and few evergreens. During their visit (conducted in the winter), there were concentrated channels of surface runoff on the slope.

The engineer's report confirmed that the tree removal conducted would not unduly influence existing slope conditions in the short to medium term, but that over time there will be episodic occurrences of instability. They recommended the replacement of trees that have been removed/topped, and that a similar number of trees be placed in the lower slope area.

Evergreen trees were recommended as they offer canopy protection for the underlying soils and assist in controlling runoff from the upland areas, which would improve existing stability conditions. They also stated that the root systems of the stumps which have been left will provide stability while the new trees become established.

A site visit conducted August 17, 2011 indicated that new growth has been coming from the stumps of the maple trees that had been topped, and the applicant has purchased approximately 23 evergreen (cedar) trees, some of which have already been planted on the property behind the house in the lower slope area.

**Advisory Planning Commission Comments:**

This application was not referred to the APC, as it was a technical review of compliance with guidelines related to geotechnical matters.

**Planning Division Comments:**

As the geotechnical assessment report has not identified any immediate hazard caused by removal of the seven trees, staff recommend that a development permit be issued that incorporates the engineer's recommendations for replanting trees and retention of stumps.

**Options:**

1. That application No. 2-E-11DP submitted by Katharine Fisher to authorize trees removed from Parcel B (DD111046-I) of Lot 3, Section 14, Range 6, Quamichan District, Plan 1275 (PID: 007-674-457) and Lot 3, Section 14, Range 6, Quamichan District, Plan 1275, Except Parcel A (DD 90646I) and Parcel B (DD 111046I) Thereof (PID: 004-453-735) be approved, subject to compliance with the recommendations of the Ryzuk Geotechnical engineering report dated January 20, 2011.
2. That application No. 2-E-11DP submitted by Katharine Fisher to authorize trees removed from Parcel B (DD111046-I) of Lot 3, Section 14, Range 6, Quamichan District, Plan 1275 (PID: 007-674-457) and Lot 3, Section 14, Range 6, Quamichan District, Plan 1275, Except Parcel A (DD 90646I) and Parcel B (DD 111046I) Thereof (PID: 004-453-735) be denied as it does not sufficiently comply with the development permit guidelines.

Option 1 is recommended.

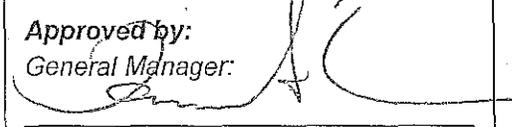
Submitted by,



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

RM/ca

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

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




**Cowichan  
Valley  
Regional  
District**

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

The Regional District does not warrant the accuracy.

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

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

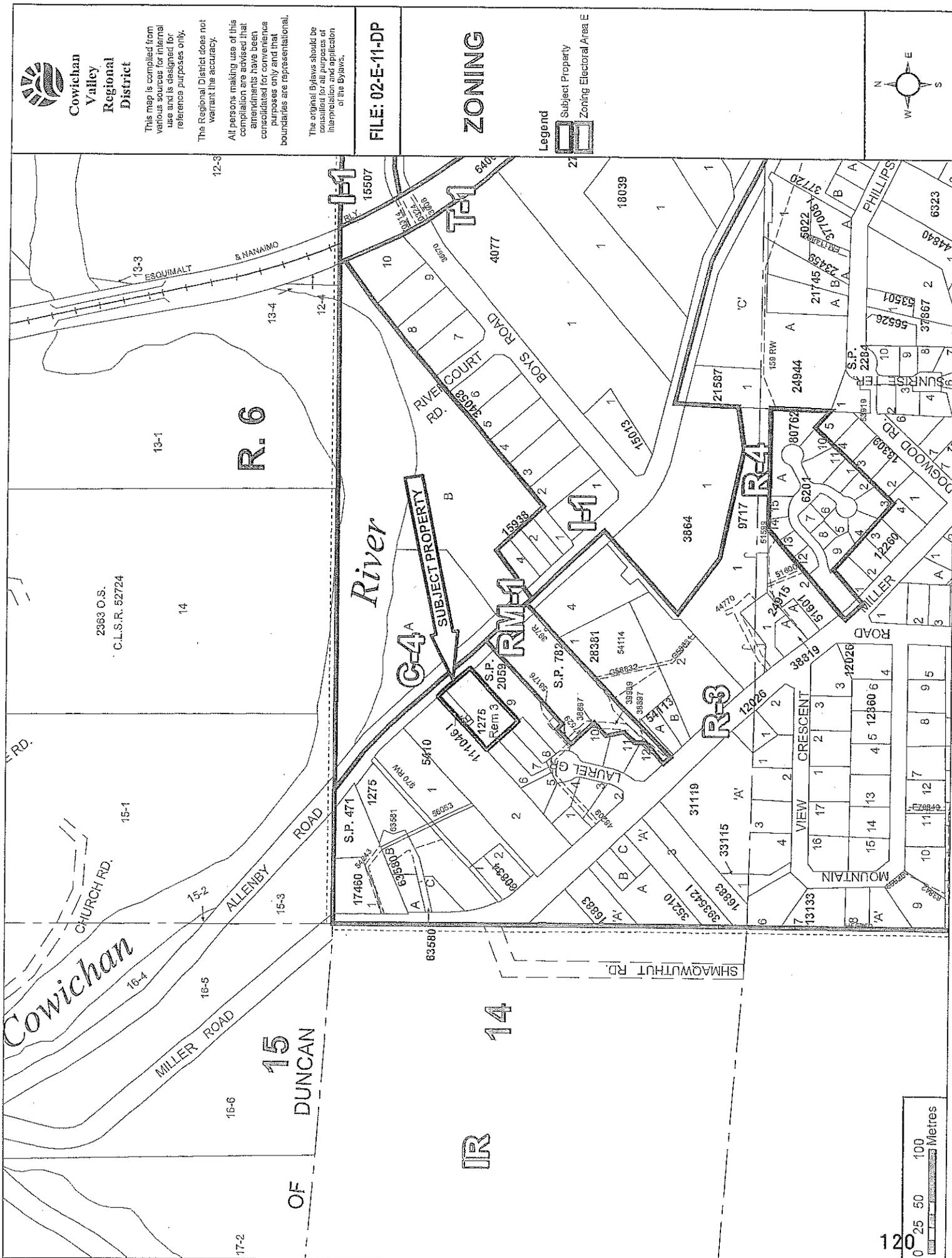
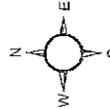
**FILE: 02-E-11-DP**

**ZONING**

Legend



Subject Property  
Zoning Electoral Area E





**Cowichan  
Valley  
Regional  
District**

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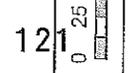
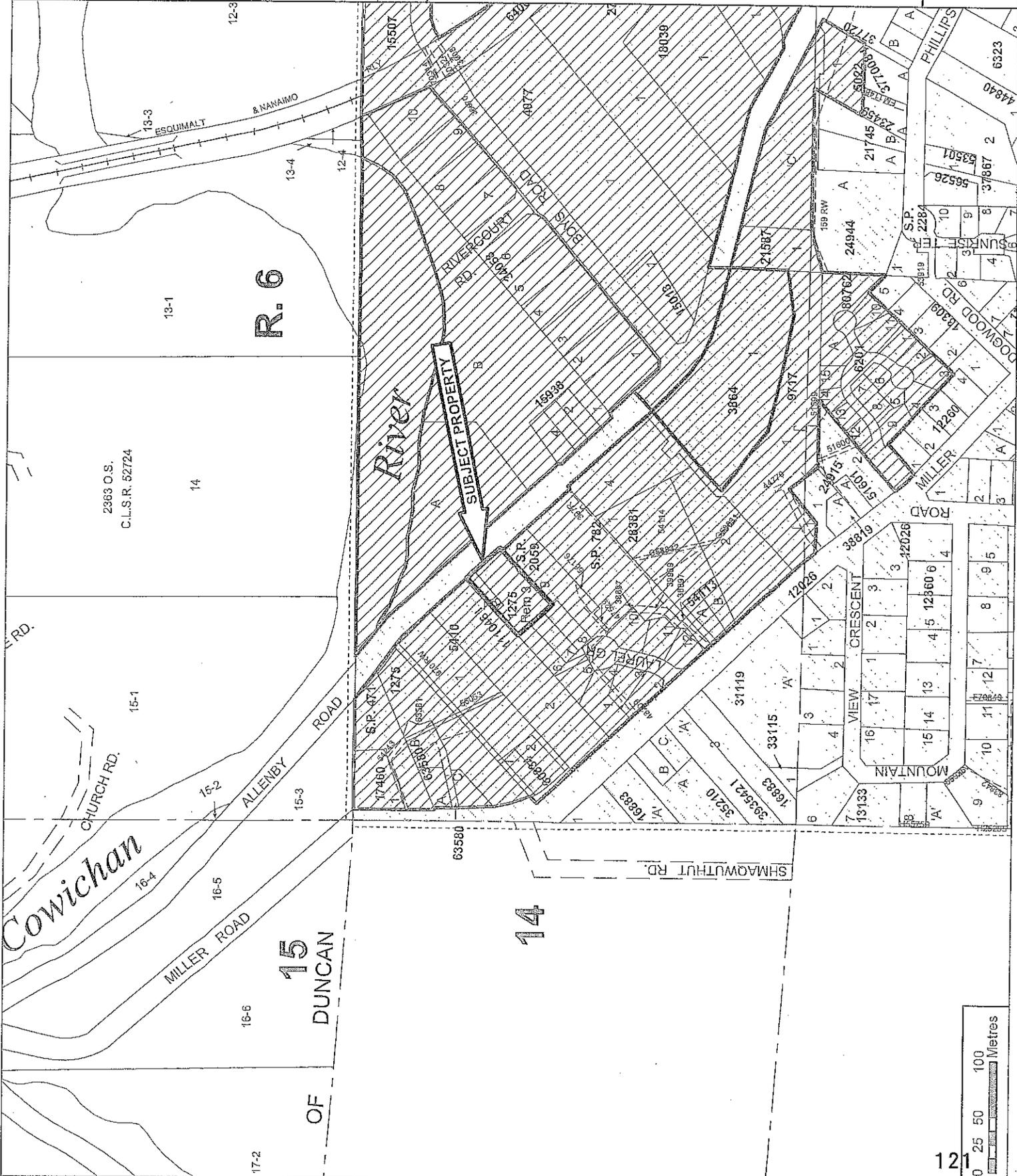
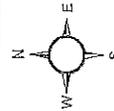
The original Bylaws should be consulted for all cases of interpretation and application of the Bylaws.

**FILE: 02-E-11-DP**

**DPA**

**Legend**

-  Subject Property
-  OTHER DPA
- RIPIARIAN AREAS  
REGULATION DPA



**RYZUK GEOTECHNICAL**  
Engineering & Materials Testing

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

January 20, 2011  
File No: 8-5941-1

Ms. K. Fisher  
7221 Ella Road  
Sooke, BC V9R 0R8

Dear Ms. Fisher,

Re: Tree Removal  
3070 Allenby Road – Duncan, B.C.

As requested, we attended the above referenced site January 14, 2011, to meet with you to discuss some recent tree removal within an area of sloping terrain present to the rear of the existing dwelling. We understand that seven trees had recently been removed with diameters that varied from 0.3 m to 1.2 m, although the larger diameter trees had just been topped and all other stumps were left in place. We understand that this removal was done on the advice of an arborist as there was concern that the subject trees could topple upon the adjacent dwelling. Subsequent to the tree removal, you have received correspondence from the Cowichan Valley Regional District indicating that tree removal is only granted subject to development permit approval, and they are now requesting geotechnical comment relating to the effect that the tree removal could have on the existing stability conditions within the slope. We now provide the following comments for review. Our work has been carried out in accordance with, and is subject to, the attached Statement of Terms of Engagement.

The existing single family lot is located on the southwest side of Allenby Road. The flatter eastern portion of the lot, adjacent to Allenby Road, is occupied by the dwelling whereas the mid and southwestern portions of the lot rise steeply to the southwest with overall relief estimated at 30 m or so. We understand that the southwest property line is at/near the crest of this slope. The upper half portion of the slope is inclined at near 45° (from horizontal) whereas the lower half portion of the slope is nearer 30°. Vegetation on the slope generally consists of small shrubs and bushes with sporadic presence of mainly deciduous trees and occasional evergreens. The majority of trees exhibited pistol butts (curved trunks). We noted the presence of concentrated channels of surface runoff on the slope with recent heavy rains and snow melt likely contributing to this observation. During our attendance we observed past occurrences of shallow planar slips on the steeper portion of the slope as well as on the adjacent property to the south where similar relief was noted. At these locations, organic materials had detached exposing the native mineral soils below. Field identification indicated that the mineral soils exposed appeared to consist of a

Ms. K. Fisher  
Tree Removal, 3070 Allenby Road – Duncan, BC

January 20, 2011

compact to dense brown sandy silt/silty sand. Some coarse sands and gravels with occasional cobbles were observed within the base of the runoff channels. We noted the location of all the tree removal within the lower (flatter) portion of the slope and confirmed the diameters and that the stumps had been left in place with two of the larger trees having only been topped.

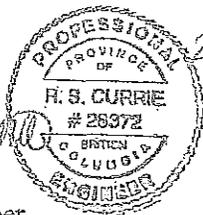
Based on our observations, we do not consider that the tree removal as observed during our attendance will unduly influence existing stability conditions within the slope in the short to medium term. We expect that the slope will continue to undergo episodic occurrences of shallow instability, particularly in the upper steeper area, from time to time. Our experience indicates that vegetation can assist in improving stability conditions within steeply sloping overburdened soils and growth of such should be encouraged. Accordingly, we would recommend replacement of those trees that have been removed and topped with a similar number of trees, again placed in the lower slope area. We expect that the root system within remaining stumps will continue to assist with stability until such time as the new trees have established. We would recommend evergreen type trees as such will offer canopy protection the soils during the wetter winter months. Any further effort to further vegetate the slope and control surface run off from upland areas would also assist in improving existing stability conditions.

We have not carried out any review of large scale stability on the slope. We understand that this has been completed in the past by others and has been utilized to establish the Development Permit requirements in this area.

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

  
R. S. Currie, P.Eng  
Geotechnical Engineer  
/rsc



Attachment – Statement of Terms of Engagement

January 15, 2011

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

To Whom it May Concern

RE: 3070 Allenby Rd, Duncan BC

On approximately Dec 9/10 we had a limb come down and take out the power lines to the house. We had just purchased the house 1 year ago and had been concerned about the trees behind the house. After the limb came down, we decided to have a tree servicer assess the trees. We asked him to top the trees that were on the slope right behind the house and take down to stump some trees at the side of the property. We were concerned about the house, and my father who lives here. We did not realize we were in a developmental area and were required to get a permit.

We have an appointment to get a Geotechnical Survey being done this week and will send it in once complete.

Enclosing the Developmental Permit.

Sincerely,

  
Katharine Fisher



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 2-E-11DP

DATE: \_\_\_\_\_

TO: KATHARINE FISHER

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

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):  
*Parcel B (DD111046-1) of Lot 3, Section 14, Range 6, Quamichan District Plan 1275 (PID:007-674-457); and*  
*Lot 3, Section 14, Range 6, Quamichan District, Plan 1275, Except Parcel A (DD 906461) and Parcel B (DD1110461) Thereof (PID: 004-453-735)*
3. Authorization is hereby given for the development of the subject property in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to compliance with the recommendations of the Ryzuk Geotechnical engineering report dated January 20, 2011.
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedule is attached:
  - Schedule A – Ryzuk Geotechnical report dated January 20, 2011
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Planning and Development Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE <sup>TH</sup> DAY OF , 2011.

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

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



RG

### STAFF REPORT

## ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 6, 2011

DATE: August 30, 2011

FILE NO:

1-E-05 SA  
Arrowsmith

FROM: Maddy Koch, Planning Technician  
Planning and Development Department

BYLAW NO:

SUBJECT: Covenant release request by McDaniel & Tillie

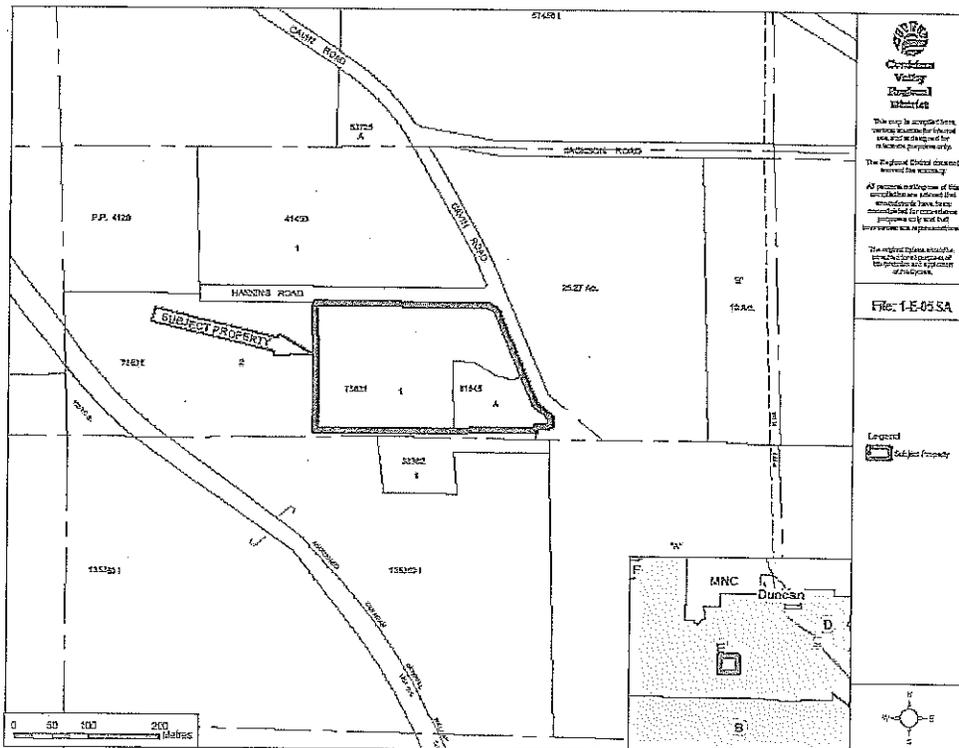
#### Recommendation/Action:

That the Regional District release restrictive covenant FA100733 from the titles of both Lot A Section 6 Range 3 Quamichan District Plan VIP81545 (PID: 026-778-998) and Lot 1, Section 6, Range 3, Quamichan District, Plan VIP75831 Except that part in Plan VIP81545 (PID: 025-743-694).

Relation to the Corporate Strategic Plan: N/A

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

#### Location Map:



**Background:**

McDaniel & Tillie Barristers & Solicitors have submitted a request to release a Section 219 covenant (No. FA100733) from the titles of two lots on Cavin Road in Electoral Area Area E.

In 2006, the subject properties were subdivided under Section 946 of *The Local Government Act* (subdivision to provide residence for a family member). As required by Section 946 (8) of *The Local Government Act*, a covenant was registered on title which, for a period of five years, restricted the use of the remainder, prevented the lot from being subdivided under Section 946 again, and required that the new Lot was used to provide residence for a family member. A copy of the covenant is attached.

On August 18, 2011, the five year period expired, making the covenant unnecessary. In order to remove the obsolete charge from the titles of the properties, the owners of the properties have requested it be released.

**Options**

1. That the Regional District release restrictive covenant FA100733 from the titles of both Lot A Section 6 Range 3 Quamichan District Plan VIP81545 (PID: 026-778-998) and Lot 1, Section 6, Range 3, Quamichan District, Plan VIP75831 Except that part in Plan VIP81545 (PID: 025-743-694).
2. That the Regional District deny the request to release Covenant FA 100733.

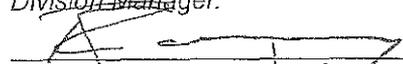
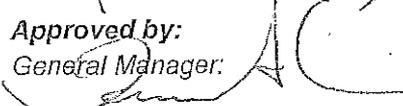
Option 1 is recommended.

Submitted by,



Maddy Koch  
Planning Technician  
Development Services Division  
Planning and Development Department

MK/ca

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



Cowichan Valley Regional District

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

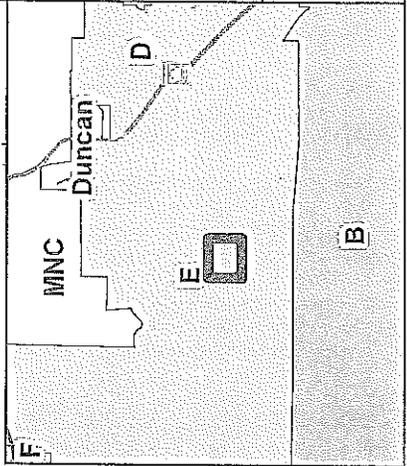
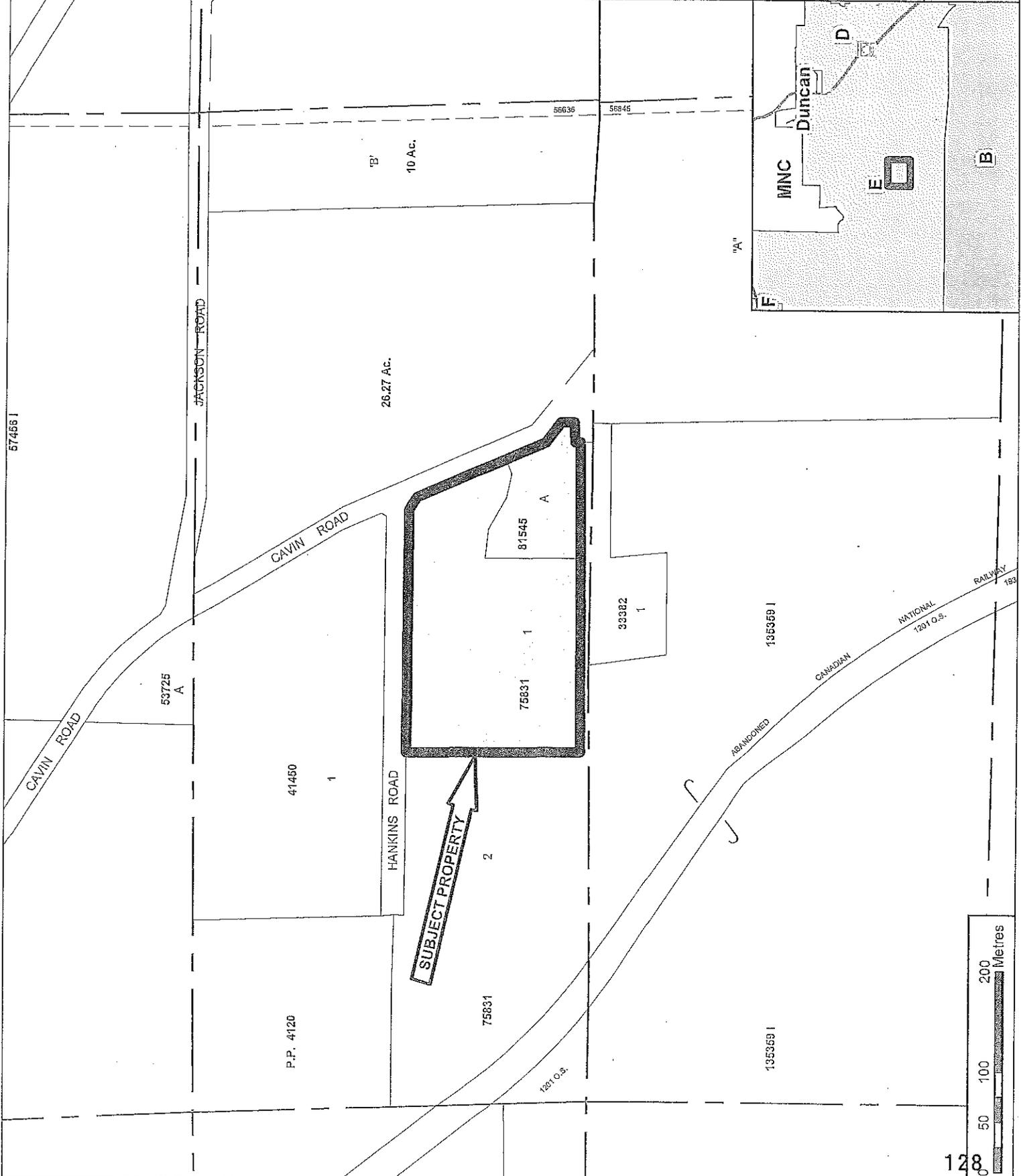
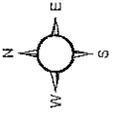
The Regional District does not warrant the accuracy.

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

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

File: 1-E-05 SA

Legend  Subject Property



FA100734

18 AUG 2006 10 32

FA100733

LAND TITLE ACT

FORM C

(Section 233)

Province of British Columbia

GENERAL INSTRUMENT - PART 1

(This area for Land Title Office use)

Page 1 of 5 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)
Robert and Laurie Arrowsmith,
3640 Cavin Road,
Duncan, B.C. V9L 6T2
250-748-8088

[Handwritten signature]

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:
(PID) (LEGAL DESCRIPTION)
PID 02672988 LOT A, SECTION 6, RANGE 3, QUAMICHAN DISTRICT, PLAN VIP 81545.
PID 025793694 REMAINDER of Lot 1, Section 6, Range 3, Quamichan District, Plan VIP75831, except part subdivided by Plan VIP 81545.

3/8
2C

Table with 3 columns: DESCRIPTION, DOCUMENT REFERENCE (page and paragraph), PERSON ENTITLED TO INTEREST. Row 1: Section 219 Covenant, Entire Document, Transferee. Row 2: Over part shown on Plan VIP and Priority Agreement over Mortgage EWS5702, Page 5, CHARGE Transferee, 01 06/08/18 10:31:53 01 VI 715451 \$130.40.

- 4. TERMS: Part 2 of this instrument consists of (select one only)
(a) Filed Standard Charge Terms ( ) D.F. No.
(b) Express Charge Terms ( X ) Annexed as Part 2
(c) Release ( ) There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):\*
ROBERT GERALD ARROWSMITH and LAURIE JEAN ARROWSMITH and CIBC MORTGAGES INC.

6. TRANSFEREE(S): (including postal address(es) and postal code(s))\*
COWICHAN VALLEY REGIONAL DISTRICT, of 175 Ingram Street, Duncan, B.C. V9L 1N8

7. ADDITIONAL OR MODIFIED TERMS:\*
N/A

8. EXECUTION(S): This instrument creates, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

OFFICER SIGNATURE(S) EXECUTION DATE PARTY(IES) SIGNATURE(S)

Y M D

Witnessed as to execution only. No advice sought or given.

  
(AS TO BOTH SIGNATURES)

JOANNE P. ZIPSER  
Notary Public  
47 Station Street  
Duncan BC V9L 1M2  
(250) 748-7468

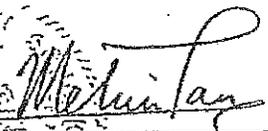
06 05 09

ROBERT GERALD ARROWSMITH  
by his Attorney, LLOYD ROBERT  
ARROWSMITH

DF:

LAURIE JEAN ARROWSMITH  
by Her Attorney, LLOYD ROBERT  
ARROWSMITH

DF:

  
Melvin Seng Kian Tan, B.A., LL.B  
Notary Public  
100 University Avenue  
Suite 400, Toronto  
Ontario M5J 2X4

CIBC MORTGAGES INC. by  
its authorized signatories:

  
KURT O'NEIL  
MANAGER - CLIENT SERVICES

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c. 124, to take Affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument

\* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.



## TERMS OF INSTRUMENT—PART 2

THIS AGREEMENT dated for reference April, 2006 is

BETWEEN:

ROBERT GERALD ARROWSMITH and  
LAURIE JEAN ARROWSMITH both of 3640 Cavin Road,  
Duncan, B.C. V9L 6T2 as JOINT TENANTS

(the "Grantor")

AND:

COWICHAN VALLEY REGIONAL DISTRICT  
of 175 Ingram Street,  
Duncan, B.C. V9L 1N8

(the "Grantee")

RESTRICTIVE COVENANT

DEFINITIONS:

- a. The "Grantor" is Robert Gerald Arrowsmith and Laurie Jean Arrowsmith.
- b. The "Grantee" means the Transferee as set out in Item 6 on Page 1 (Form C) of the attached General Instrument - Part 1.
- c. The "Land" mean the lands as set out in Item 2 on Page 1 (Form C) of the attached General Instrument - Part 1.

WHEREAS:

- A. The Grantor is the registered owner of the Land.
  - B. Section 219 of the *Land Title Act* provides, inter alia, that a covenant, in respect of the use of land, may be registered as a charge against the title to that land.
  - C. The Grantor has agreed to restrictions on the use of portions of the Land.
- 

**WITNESS THAT**, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration now paid by the Grantee to the Grantor (the receipt and sufficiency whereof is hereby acknowledged), the Grantor hereby agrees to grant a covenant over part of the Lands, pursuant to Section 219 of the *Land Title Act*, to the Grantee on the following terms:

1. The Grantor covenants and agrees that for a period of five (5) years from the date of the registration of the subdivision creating the Land, which will be comprised of the Lot to be used for family residential purposes ("new Lot") and the Remainder Lot ("remainder Lot"):
    - (a) the new Lot will be used for residential purposes only and for the purpose of providing a separate residence for the owner or the owner's mother, father, mother-in-law, father-in-law, daughter, son, daughter-in-law, son-in-law or grandchild;
    - (b) that the use of the remainder Lot of the original parcel must not be changed from its use prior to subdivision;
    - (c) that neither of the lots comprising the Land and created by the subdivision will be subdivided under Section 946 of the *Local Government Act*;
  2. The Grantor and the Grantee agree that the enforcement of this Agreement shall be entirely within the discretion of the Grantee and that the execution and registration of this covenant against the title to the Land shall not be interpreted as creating any duty on the part of the Grantee to the Grantor or to any other person to enforce any provision, or the breach of any provision, of this Agreement.
  3. This Agreement shall be registered as a charge against the Land and the Grantor agrees to execute and deliver all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
  4. The Grantor covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions hereinbefore set out and they shall be binding upon the Grantor as personal covenants only during the period of its respective ownership of any interest in the Land.
  5. The restrictions and covenants herein contained shall be covenants running with the Land and shall be perpetual, and shall continue to bind all of the Land when subdivided, and shall be registered in the Victoria Land Title Office pursuant to Section 219 of the *Land Title Act* as covenants in favour of the Grantee as a charge against the Land.
  6. This Agreement shall ensure to the benefit of the Grantee and shall be binding upon the parties hereto and their respective heirs, executors, successors and assigns.
- 

7. Wherever the expressions "Grantor" and "Grantee" are used herein, they shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require and shall include the parties hereto and their respective heirs, executors, administrators, successors and assigns.
8. The Grantor agrees to do or cause to be done all things and execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
9. This Agreement will be interpreted according to the laws of the Province of British Columbia.

**WHEREAS** by an instrument registered in the Land Title Office at Victoria, British Columbia, on the 7th day of May, 2004, under number EW55702, CIBC MORTGAGES INC. (the "Prior Chargee") was granted a Mortgage (the "Prior Charge"), in respect of the Lands described in the attached Easement (the "Subsequent Charge").

**AND WHEREAS** the Prior Chargee consents to and agrees that the Subsequent Charge shall have priority over the Prior Charge.

**THEREFORE** in the consideration of the sum of \$1.00 (the receipt of which is hereby acknowledged) the Prior Chargee hereby approves of, joins in, consents to and grants to the Transferees (the "Subsequent Chargee") priority over the interest of the Prior Chargee in the Lands and postpones the right, title and interest of the Prior Chargee in the Lands to the Subsequent Chargee as if the Prior Charge had been registered immediately after the registration of the Subsequent Charge and notwithstanding the respective date and time of execution and registration of the charges or the respective dates of advancement of moneys under them.

**IN WITNESS WHEREOF** the parties hereto hereby acknowledge that this Agreement has been duly executed and delivered by the parties executing Form C (Pages 1 and 2 attached hereto).

  
\_\_\_\_\_  
Approving Officer  
Ministry of Transportation





R7

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING 6 SEPTEMBER 2011

**DATE:** 10 August 2011 **FILE NO:** 0540-20-EASC/07  
**FROM:** Sybille Sanderson, Acting General Manager **BYLAW NO:** 1965  
Public Safety Department  
**SUBJECT:** Eagle Heights Fire Protection Service Area Boundary Expansion

---

#### Recommendation/Action:

1. That the *Certificate of Sufficiency* confirming that the petition for inclusion in the Eagle Heights Fire Protection Service Area is sufficient be received.
2. That CVRD Bylaw No. 1965 be amended to extend the boundaries of the Eagle Heights Fire Protection Service Area to include the following property:  

Lot 1, Plan # 88052, Section 13, Range 7, Quamichan Land District  
PID: 028-237-765, Folio. 03346.035
3. That the amendment bylaw be forwarded to the Board for consideration of three readings and adoption.
4. That Schedule A to the Fire Services agreement with the City of Duncan to provide fire protection to the Eagle Heights Fire Protection Service Area, be amended to include the additional property.
5. That the Chair and Corporate Secretary be authorized to sign the amended Eagle Heights Fire Protection Services Agreement.

#### Relation to the Corporate Strategic Plan:

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

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

Cost of providing the service will be off-set by payment via property taxes to the Eagle Heights Fire Protection (function 356) budget.

#### Background:

In October 2010, the only other unprotected property in the area was added to the Fire Protection Service. The Parhar development was not included at that time but is now moving forward with the development and has petitioned to be included.

I therefore recommend approval of the boundary expansion of the Eagle Heights Fire Protection Service Area.

Submitted by,



Sybille Sanderson  
Acting General Manager, Public Safety

/bw

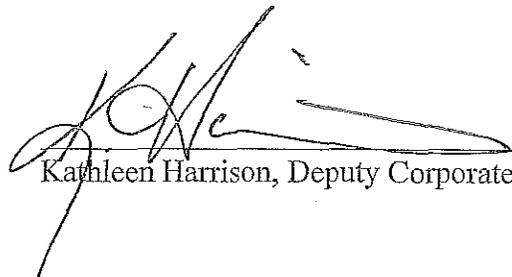
Attachment: Certificate of Sufficiency  
Map detailing Eagle Heights Fire Protection Service Area



### CERTIFICATE OF SUFFICIENCY

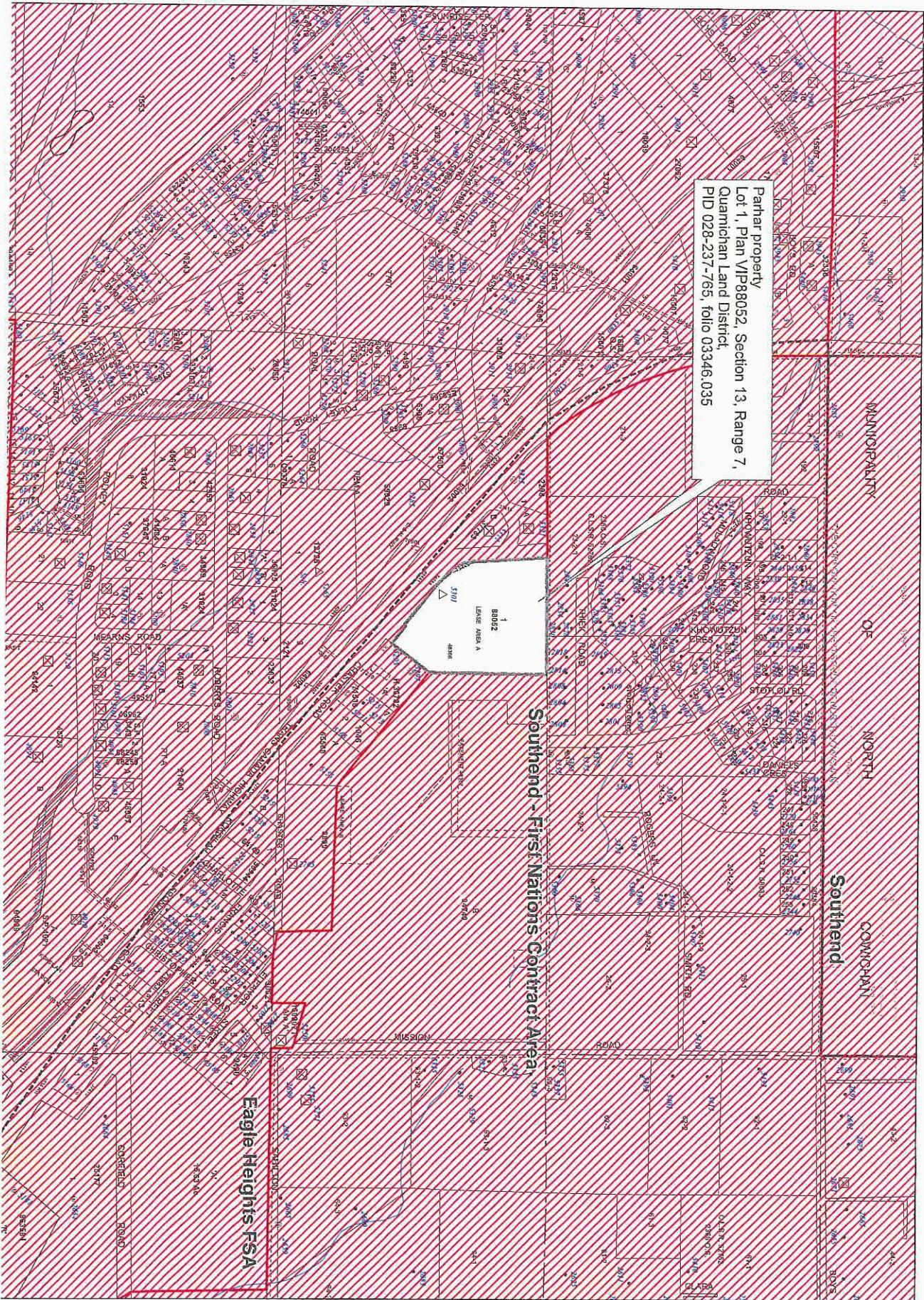
I hereby certify that the petition for inclusion in the *Eagle Heights Fire Protection Service Area* is sufficient, pursuant to section 797.4 of the *Local Government Act*.

DATED at Duncan, British Columbia )  
this 10<sup>th</sup> day of August, 2011 )

  
\_\_\_\_\_  
Kathleen Harrison, Deputy Corporate Secretary

Eagle Heights Fire Protection Service Area

Total Number of Parcels requesting inclusion in the Service Area:	1
Net Taxable Value of All Land and Improvements of new Parcels:	\$2,510,000
Number of Valid Petitions Received:	1
Net Taxable Value of Petitions Received (Land and Improvements):	\$2,510,000

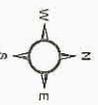


Parhar property /  
 Lot 1, Plan VP88052, Section 13, Range 7,  
 Quamichan Land District,  
 PID 028-237-765, folio 03346, 035

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 consultation 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: August 11, 2011

- Legend**
- Lot Proposed for Inclusion
  - Fire Service Areas



Scale: 1:5,000



R8

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 6, 2011

DATE: August 25, 2011

FILE NO:

FROM: Mark Kueber, General Manager  
Corporate Services Department

BYLAW NO:

SUBJECT: Grant in Aids

---

#### Recommendation:

For information only.

#### Relation to the Corporate Strategic Plan:

N/A

#### Financial Impact:

None.

#### Background:

At a previous Electoral Area Services committee meeting there was a request to provide clarity in regards to the Regional District's Grant in Aids.

There are three types of Grant in Aids at the Regional District. The first is a Grant in Aid function which is created and the sole purpose of the function is the giving of a financial contribution to a non-profit entity. There are numerous functions that follow under this category, some examples are the Mill Bay Community League, the Cobble Hill/Shawnigan Lake Farmer's Institute, the Glenora Community Hall and the Lake Cowichan Activity Centre to name a few.

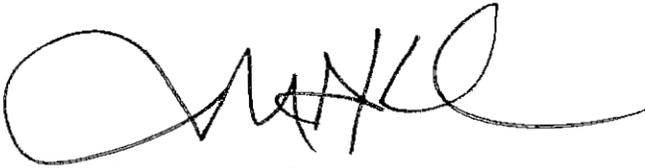
The second type is a Regional Grant in Aid, these grants are Regional in nature, funded regionally and individual grants are approved annually during the budget process. The Regional Board adopted a policy back in 1998 and has amended it three times since then. The current policy and application is attached.

The third type of Grant in Aid is Electoral Area Funds Only and these are funded by each individual Electoral Area. As a result individual functions were created for each Electoral Area with the annual amount funded being determined during the budget process. Actual granting of funds occur throughout the year when individual directors bring forward requests to the Electoral Area Services Committee and are ultimately approved at the next Regional Board meeting. The guidelines that the Board approved in 1994 and amended again in 1999 are also attached.

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Submitted by:

A handwritten signature in black ink, appearing to read 'MKUEBER', with a large loop on the left side.

Mark Kueber, C.G.A.  
General Manager, Corporate Services Department

MK:tk

Encl.

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CVRD

**POLICIES & PROCEDURES**

**Title: REGIONAL GRANT-IN-AID GUIDELINES**

**Applicability:** CVRD Board

**Effective Date:** January 1, 2009

**PURPOSE:**

To establish a policy for CVRD Grants-in-aid.

**POLICY:**

In granting financial assistance to an organization for a discretionary Regional Grant in Aid, the Board of the Cowichan Valley Regional District will take into account the following objectives:

- 1) The primary purpose of a grant in aid is to provide one time financial assistance to an organization for a specific project or event that benefits the residents of the Cowichan Valley Regional District. The organization should be registered as, or belong to a parent Society under the laws of British Columbia and/or Canada.
- 2) Preference will be given to organizations that are locally based and whose efforts are regional in nature.
- 3) An organization applying for a grant in aid must provide the following information in order to have its application considered:
  - a. name of the organization;
  - b. name of the individual;
  - c. description of the project or event for which funding is requested;
  - d. indicate whether or not the project or event is already provided in the community;
  - e. identify the beneficiaries of the project or event;
  - f. indicate the total cost of the project or event;
  - g. indicate other sources of funding for the project or event;
  - h. indicate whether the application to other local governments has been made;
  - i. indicate the volunteer labour and in-kind donations to be contributed towards the project or event by the members of the organization;
  - j. specify the amount of financial assistance required; and
  - k. provide the organization's current annual budget and previous year's financial statement.
- 4) The Regional District will not grant monies for a "for profit" organization.



**CVRD**

**POLICIES & PROCEDURES**

**Title: REGIONAL GRANT-IN-AID GUIDELINES**

- 5) All grant in aid applications must be submitted to the Regional District on or before January 1st in order to be considered by the Regional District for funding in the current year.
- 6) Grant-in-aid applications received after January 1st will not be considered for funding in the new year. If the applicant wishes, such applications for a grant in aid will be considered for the following year.
- 7) The Regional Services Committee will consider all applications for funding received on or before January 1st and make recommendations to the Regional Board of Directors on or before February 28th prior to adoption of the Annual Budget.

**APPROVAL HISTORY:**

November 12, 2008 (Board Resolution 08-722.1)  
October 13, 1999 (Board Resolution 99-611.1)  
March 11, 1998 (Board Resolution 98-109)



**REGIONAL GRANT IN AID APPLICATION**

Name of Organization: \_\_\_\_\_

Name of Contact Person: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No: \_\_\_\_\_

Description of Event/Project: \_\_\_\_\_

Is the Event/Project already provided in the community by another organization?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, provide details: \_\_\_\_\_

Who will benefit from the Event/Project \_\_\_\_\_

Total cost of the Event/Project: \$ \_\_\_\_\_

Will you receive other sources of funding? Yes \_\_\_\_\_ No \_\_\_\_\_

Please describe other sources of funding and amounts as requested or expected:

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

Indicate the volunteer labour and/or in-kind donations to be contributed to the Event/Project:

\_\_\_\_\_

Grant in Aid applied for: \$ \_\_\_\_\_

Note: All applications must be received by the Regional District on or before January 1<sup>st</sup> of each year to be considered in the current year. Please attach documentation as required by CVRD policy, and any additional documentation supporting your Event/Project.

## COWICHAN VALLEY REGIONAL DISTRICT

### GRANT-IN-AID

### GUIDELINES

The applicants for Grant-in-aid (Electoral Area Funds Only) shall generally comply with the following guidelines:

1. Be an organization of local or regional significance not receiving local direct tax or requisition funds on a consistent basis.
2. Demonstrate that their project and/or organization provides a benefit to the local community and/or region.
3. Indicate community support for their project/request for funding.
4. Be able to continue their operation from year to year without depending on an annual grant from the CVRD.
5. That only nominal membership fees be charged to their patrons for the services provided.
6. Operated on non-profit basis.
7. Be registered as or belong to a parent Society under the laws of British Columbia and/or Canada if required by the Regional Board/Executive Committee.
8. Provide the CVRD with a recent copy of the annual financial statements together with a budget of their project for which they are requesting funding assistance when requested by the Regional Board/Executive Committee.
9. Indicate by report within reasonable time after the grant has been received as to how the funds were expended.



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director \_\_\_\_\_ Area \_\_\_\_\_

Grantee: \_\_\_\_\_ Grant Amount \$ \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Contact Phone No: \_\_\_\_\_

PURPOSE OF GRANT: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

REQUESTED BY: \_\_\_\_\_

Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
		10.0

**FOR FINANCE USE ONLY**

BUDGET APPROVAL \_\_\_\_\_

VENDOR NO. \_\_\_\_\_

**Disposition of Cheque:**

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

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

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

Other \_\_\_\_\_

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

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



R9

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 6, 2011

DATE: August 25, 2011 FILE NO:  
FROM: Mark Kueber, General Manager BYLAW NO:  
Corporate Services Department  
SUBJECT: 2012 Planning & Development Department Budget Discussion

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#### Recommendation:

That direction be provided from the Committee on the 2012 Planning & Development Budgets.

#### Relation to the Corporate Strategic Plan:

Our goal is to achieve financial stability by:

- Actively pursuing alternative funding sources including grants and partnerships.
- Continuing to improve the annual budget process.
- Developing a long term financial management plan that addresses the lifecycle costs of CVRD assets and maintain adequate capital and operating reserves.

#### Financial Impact:

None.

#### Background:

The purpose of this report is to initiate the planning process for the Planning & Development Department's 2012 budget & five year financial plan 2012-2016. This is also the committee's opportunity to give staff direction at the beginning of the Budget process on the budgets which they oversee:

- |                           |     |
|---------------------------|-----|
| • Electoral Area Services | 250 |
| • Animal Control          | 310 |
| • Building Inspection     | 320 |
| • Community Planning      | 325 |
| • Bylaw Enforcement       | 328 |

The budget objectives for 2012-2016 financial plan that were approved by the Board are outlined below. They emphasize efficiency, cost control and accountability which are in line with the current economic condition and the funding challenges facing the Regional District in 2012. These objectives will be followed by staff in the preparation of the 2012 budgets.

.../2

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Objective 1: Budget prep direction

All departments will go to their committee or commission prior to preparing their budgets to obtain direction on:

- Any tax requisition change
- Levels of service

Objective 2: Core Expenditures

All budgets are to include core expenditures only as the foundation in creating the 2012 budget. Core expenditures include those costs that are required to maintain the same level of service in the prior year, as example they include annual wage increases for existing staff but don't include new staff. Replacement equipment is included but not additional equipment to existing assets.

Objective 3: Supplemental New Items

All supplemental new items are to be listed on the appropriate form, detailing item, reason item required, outcome, how item supports corporate strategic plan, results of not being included in budget. All supplemental items are to be reviewed by Corporate Leadership Team and a recommendation is made to the Board/committees/commissions.

Objective 4: New Staff positions

Any new staff positions being proposed will be presented in a separate report to the committee or commission that would be funding the position. The report will specifically address the need for the new position, how the position fits into the strategic plan, expected results if position is not approved in the 2012 budget.

Objective 5: Capital and other One Time Projects

Each request for a Capital or One Time Project that is over \$100,000 will be accompanied by a report with a detailed justification of the requirement for the project, including scope and urgency to complete. The report will be presented to the committee or commission that would be funding the project.

Objective 6: Alternative funding sources for projects

Consideration must be given to the use of alternative sources of funding including the possibility, where appropriate, of senior government or private contributions, or other partnership agreements, allowing the Regional District to use its resources in the most cost effective manner.

Objective 7: Reserves and Existing Infrastructure

Where feasible, the Regional District's financial plan will reflect a commitment to funding reserve funds as a means to support long-term planning and required infrastructure maintenance and replacement.

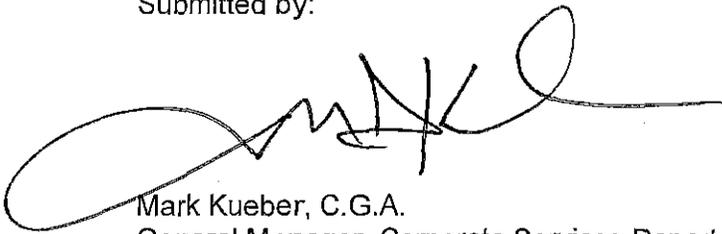
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Objective 8: Public Input

With the legislated requirement of public consultation all committee & commission meetings that are dealing with the 2012 budget and 2012-2016 five year plan, will be open to the public and publicly advertised and will allow sufficient time for public comments and questions.

The attached timeline has also been approved by the Regional Board and all committee meetings that discuss the 2012 budget will be advertised and held in an open meeting which will allow the Regional District to adhere to the *Local Government Act* mandates of public consultation.

Submitted by:

A handwritten signature in black ink, appearing to read 'MK', with a large, sweeping flourish extending to the left.

Mark Kueber, C.G.A.  
General Manager, Corporate Services Department

MK:tk

Encl.

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C.V.R.D.

Schedule 1

**2012 Budget Work Plan and  
2012 – 2016 Financial Plan Timeline**

DATE	PARTICIPANTS	ACTIVITY
<b>2011</b>		
Jul 27	Regional Services Committee	<ul style="list-style-type: none"> <li>• Regional Budget Direction</li> <li>• Timelines approved</li> </ul>
Aug 25	Kerry Park Recreation Commission	<ul style="list-style-type: none"> <li>• Individual Budget Direction</li> <li>• Timelines approved</li> </ul>
Sep 6	Electoral Area Services	<ul style="list-style-type: none"> <li>• Individual Budget Direction</li> <li>• Timelines approved</li> </ul>
Sep 8	Island Savings Commission	<ul style="list-style-type: none"> <li>• Individual Budget Direction</li> <li>• Timelines approved</li> </ul>
Sep 13	Shawnigan Lake Commission	<ul style="list-style-type: none"> <li>• Individual Budget Direction</li> <li>• Timelines approved</li> </ul>
Sep TBD	Transit Committee	<ul style="list-style-type: none"> <li>• Individual Budget Direction</li> <li>• Timelines approved</li> </ul>
Sep 21	Engineering Services Committee	<ul style="list-style-type: none"> <li>• Individual Budget Direction</li> <li>• Timelines approved</li> </ul>
Sep 22	Cowichan Lake Recreation Commission	<ul style="list-style-type: none"> <li>• Individual Budget Direction</li> <li>• Timelines approved</li> </ul>
<b>2012</b>		
Jan 9-13	Electoral Area Directors	Electoral Area grant-in-aid requisition amounts submitted to Finance
Feb 3	All Directors	Budget Booklet distributed
Feb 8	Transit Committee	Review Transit budgets
Feb 9	Island Savings Commission	Review Island Savings Centre budgets
Feb 13-17 By appointment	Electoral Area Directors	Review Services entirely within a single Electoral Area, i.e. fire, grants, recreation
Feb 21	Electoral Area Services	Review services that are shared by more than 1 Electoral Area and no municipality, i.e. Planning, Building Inspection, Parks



C·V·R·D

Schedule 1

**2012 Budget Work Plan and  
2012 – 2016 Financial Plan Timeline**

DATE	PARTICIPANTS	ACTIVITY
Feb 22	Engineering Services Committee	Review <ul style="list-style-type: none"><li>• Sewer</li><li>• Water</li><li>• Curbside</li><li>• Street lighting and Drainage</li></ul>
Feb 22	Regional Services Committee	Review all services that are Regionally funded or cost shared between an Electoral Area and a Municipality, i.e. General Government, Emergency Planning, Regional Parks
Feb 23	Cowichan Lake Recreation Commission	Review Cowichan Lake Recreation Centre budget
Feb 28	Shawnigan Lake Commission	Review Shawnigan Lake Community Centre budget
Feb 28	Kerry Park Recreation Commission	Review Kerry Park Recreation Centre budgets
Feb 29 (if required)	Regional Services Committee	Overview
Mar 1	All Directors	Distribute Financial information after amendments to proposed budgets made by all committees/commissions
Mar 14	Regional District Board	<ul style="list-style-type: none"><li>• Review 5 Year Financial Plan</li><li>• Debate</li><li>• 1<sup>st</sup> three readings and adoption</li></ul>
Mar 14	Regional Hospital District Board	<ul style="list-style-type: none"><li>• Review Budget</li><li>• Debate</li><li>• 1<sup>st</sup> three readings and adoption</li></ul>
Mar 28 (if required)	Regional District Board	Adopt 5 Year Financial Plan



R10

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 6, 2011

DATE: August 24, 2011 FILE NO:  
FROM: Tom R. Anderson, General Manager BYLAW NO:  
SUBJECT: 2012 Planning and Development Department Budget Preparation Report

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**Recommendation/Action:**

Direction of the Committee on the 2012 budgets is requested.

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

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

**Background:**

Direction is requested from the Committee on any new projects the Committee may wish to see undertaken by Planning and Development staff that falls under the direction of the Electoral Area Services Committee. In addition, financial direction for the Department to follow in preparation of the 2012 budget is also requested.

The following is an update on the key projects, workloads and priorities tasked to Planning and Development staff at the present time. The commentary you see below has been provided by our Division Heads and as such, the style of each of the sections may vary.

#### ADMINISTRATIVE SUPPORT

The Administrative Support Division is responsible for providing clerical support for all Divisions within the Planning and Development Department as well as the Parks and Trails Division of the Parks, Recreation and Culture Department. This section is comprised of six full time employees, one part time employee and several on-call casual employees. Cathy Allen, Administrative Coordinator, provides senior administrative support services, and coordinates and supervises work activities of support staff. Jennifer Hughes, Secretary III, organizes public hearing and transcribes minutes of hearings, maintains department employee time records, and tracks APC and Parks Commissions. Mary Anne McAdam, Secretary II, assists with processing department's applications, and administers the animal control program. Deb Bumphrey, Records Management Clerk, maintains the department's filing system and covenant information, and inputs annual budget data. Laura Gale, Secretary I, provides general clerical support services and back-up reception duties. Linda Weirisma, Clerk/Receptionist, provides receptionist duties for the CVRD Ingram Street office. The part-time Secretary I position is held by Jessica Lendrum.

The Administrative Support Division continues to appreciate the support provided in the budget for upgrading staff education and clerical skills (computer courses, administrative professional seminars, etc.) and requests continued support and provision in the 2012 budget. Worth mentioning, although it may not affect the Department's 2012 budget, is upgrading of the CVRD's records management software. A new and much needed system would be very beneficial to this Department.

## DEVELOPMENT SERVICES DIVISION

The Development Services Division is primarily responsible for managing development and processing land use and development applications. Staff from this division handle the majority of the department's planning inquiries and periodically undertake planning projects.

The Division currently has a Planner II and two Planner I positions assigned to it. As a result of the senior planner being on medical leave, a temporary one year planning technician position has also recently been filled. Staff from the Development Services Division will be providing support and assistance to that Division as needed and as long as the senior planner position remains vacant.

Planners in the Development Services Division allocate approximately 40% of their time to public inquiries and general planning issues and administration. The remainder of their time is largely focused on processing planning applications and planning projects. As the Division is responsible for processing applications within a reasonable time frame, priority is generally given to applications with project work undertaken as resources allow.

Table 1 identifies development application activity over the last six and a half years. Applications for 2011 are shown in the shaded rows as applications received to August 18<sup>th</sup> and applications projected to the end of the year.

Table 1

Year	DVP Applications	DP Applications	ALR Applications	Subdivision Applications	Zoning/OCP Amendments
2005	21	41	9	100	25
2006	27	45	21	71	31
2007	42	96	12	80	40
2008	23	46	9	60	25
2009	20	35	11	37	17
2010	22	59	16	37	17
2011 (to Aug. 18)	9	24	3	25	10
2011 (Projected)	14	36	5	37	15

Application activity has slowed down since the peak in 2007, but development applications continue to be received at a steady pace. Development variance and ALR applications have slowed considerably in 2011, but development permit, subdivision and rezoning activity has remained relatively consistent.

One noteworthy trend is that development permit applications have been getting larger and more complex. Development permit applications processed in 2011, such as Elkington Forest, Ocean Terrace, Mill Springs and the Parhar Business Park, have required considerable staff time and departmental resources. It is expected that the Division will be allocating an increasing proportion of staff time to development permit files as most rezoning approvals now establish development permit requirements and the number and extent of development permit areas in the regions has been escalating.

Another trend in 2011 has been an increasing number of legal challenges to CVRD planning decisions. This is requiring staff to draw more on legal counsel and to examine more closely the CVRDs development approvals processes and procedures for processing applications.

### **Current EASC Directives**

Additionally, the EASC has directed that reports also be prepared on the following which are still outstanding and will be attended to by Planning staff as time permits:

- That staff be directed to review the CVRD Sign Bylaw regarding existing regulations for LED signs and provide suggestions for amendments regarding flashing/scrolling signs, and that a report be brought back to the EASC.
- That staff be directed to prepare a policy for consideration by the Committee and Board with respect to administering and dispensing of security for completion of amenities and/or site improvements per conditions of Development Permits or through other requirements as imposed by the Regional District (i.e. conditions of rezoning approvals).
- That staff be directed to develop a policy with respect to redevelopment of lots below the high water mark in the Walton Road area of Honeymoon Bay.
- That staff be delegated the power to release covenants and agreements.
  1. That Planning staff review, as quickly as possible, the existing Bylaws with regard to the possible increase of the setback area from 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.
- That staff report back on the concept of the CVRD contracting out the RAR work to QEP's that is required as part of any application.
- That staff prepare a report regarding a bylaw being drafted that would remove recycling type uses and composting from the Electoral Areas' Light and heavy Industrial Zones.

### **COMMUNITY AND REGIONAL PLANNING DIVISION**

The Community and Regional Planning Division is responsible for all long range planning projects within the Region. This division is staffed by Mike Tippett (Manager), Katy Tompkins (Senior Planner – on leave for several months) and Ann Kjerulf (Planner III). Projects currently in process are:

**South Cowichan Official Community Plan** – The Plan was adopted as per the prediction in the 2010 report, on July 13, 2011 and staff is now working on several implementation bylaws. Principal among the implementing bylaws is the zoning bylaw, which Mike Tippett is working on with assistance from Ann Kjerulf and Development Services staff.

**South Cowichan Zoning Bylaw and Other Implementing Bylaws** – Public consultation sessions regarding the new South Cowichan Zoning Bylaw will begin once the draft has been adequately developed internally, likely very late in 2011 or in the first month of 2012. Because the zoning bylaw implements policy direction in the new OCP a target time for adoption will be early to mid 2012. Complementary implementing bylaws (amendments to the CVRD Parking Bylaw, CVRD Section 946 bylaw, Development Approval Information Area Bylaw and APC Establishment Bylaw will be forthcoming as well.

**Cowichan Bay Official Community Plan** – Ann Kjerulf is the principal planner responsible for this major project. The OCP is in a draft stage as of August 2011, with additional public workshops and consultation slated for the coming months. The public consultation effort in this project has been particularly robust and comprehensive. Adoption is proposed to occur by the summer of 2012.

**Cowichan Bay Zoning Bylaw and Other Implementing Bylaws** – Shortly after the Cowichan Bay OCP project is completed, the rewrite of the Cowichan Bay zoning bylaw will be done. Similarly to the South Cowichan Zoning Bylaw, some public consultation will be required, although mostly this will be of a technical nature because the policy direction will already have been given in the OCP.

**Electoral Area E (Cowichan Koksilah) Official Community Plan Review** – the 1994 OCP for Cowichan Station/Sahtlam/Glenora is one of the older ones and a review of this plan was added to the work program for 2012 this year. We expect that this work can commence during 2012, probably in the latter half of the year, after more progress is made on current major projects. Ann Kjerulf and Mike Tippett will likely collaborate on this project.

**Electoral Area F Official Community Plan Review** – Cowichan Lake South/Skutz Falls was added to the list of pending planning projects during 2011. Whether sufficient staff resources will be available to commence this project during the latter part of 2012 remains to be seen. Meanwhile, interim amendments to the current OCP (in progress) should keep it reasonably fresh until the review can begin.

**Greenhouse (Bill 27) Gas OCP Amendments** – Mike Tippett, Alison Garnett and Katy Tompkins all had a role in this project. Seven of the nine CVRD electoral areas now have Bill 27 bylaws adopted. The two areas where the amendment bylaws have yet to be adopted are Electoral Areas E and F. Of the two, the amendment bylaw for Electoral Area F is ready to go to hearing as of summer 2011 and will be combined with other hearings in the early fall. The Electoral Area E bylaw is more complex in its present form and not ready for hearing, but work will continue, possibly into 2011 depending upon staff commitments. Eight of the nine CVRD electoral areas will certainly be Bill 27- compliant by the end of 2011.

**Major CVRD-initiated OCP and Zoning Bylaw Amendments** – Staff is presently working on a series of “maintenance bylaws” for four electoral areas and work in this regard is most advanced in Electoral Area F, so that amendment could be adopted before the end of 2011. The other three amendments will carry into early 2012.

Surveys related to docks installed at Woodland Shores were not received during 2011, so water surface zoning amendments will likely be begun there during 2012, once surveys have been received.

Besides this work, staff intends to report to the Committee in the coming months on additional CVRD-initiated amendments to OCPs and Zoning Bylaws that would improve bylaw interpretation and administration. We also expect that other new initiatives may arise from Committee direction during the year, which we will strive to implement as resources allow.

**Subdivision Servicing Bylaw** – Work on this bylaw has been slower than expected but adoption during 2012 is very likely. Consultations with the Ministry of Transportation and Infrastructure have slowed progress in the past several months.

**Trans Canada Highway Development Permit Areas** – (For all applicable Electoral Areas). Although this remains on the list of priorities, the recent adoption of the South Cowichan OCP has ensured that sufficient development permit powers have been deployed to protect the visual integrity of this corridor in Area A and C; the Area D component will be addressed shortly with the Cowichan Bay OCP, and we will be tackling the Area E component of this highway corridor beginning in 2012. That leaves Electoral Areas G and H; both of which have limited commercial and industrial development along the Highway 1 corridor, and which do have development permit powers in the plans (though these could no doubt be strengthened). We will focus our energies in the more rapidly developing parts of the region first, but proposed updates to the DP powers in the Area G and H OCPs will be prepared when possible.

## **BUILDING INSPECTION**

In March of 2011, the Building and Bylaw Enforcement Divisions became the Inspections and Enforcement Division of Planning and Development Department. Building Inspectors continue their duties of building inspections with the added additional duties of conducting initial investigations of bylaw enforcement complaints. This year has seen a drop in building permit applications, but revenues are in line with past trends. With an upswing forecasted in the construction industry, it is hoped 2012 will be significantly better than 2011.

The digitization of building files continues and it is expected the work will be completed in 2012. Once the information is in the system, the Inspectors will have access to all property files from within their vehicle. Properties with bylaw infraction history will be added to these files in an effort to provide our dual role inspectors with the information necessary to maintain a safe work environment in some of the more remote areas.

At this point, there are no major commercial projects forecast for 2012, however, with the opening of the Kinsol Trestle and the Cowichan Valley receiving international exposure as a result, we can look forward to more people wanting to call this area home.

## **BYLAW ENFORCEMENT**

This year has seen a significant change to past years and will continue to improve in 2012. With the amalgamation of the Building and Bylaw Enforcement Divisions, initial bylaw complaints and investigations are handled with more efficiency and our Bylaw Enforcement Officer has more time to deal with the more problematic issues. Building Inspectors continue to conduct investigations as part of their daily permit inspections in all areas of the CVRD.

The use of parks and trails by motorized vehicles is becoming less of an issue. With increased enforcement presence by our staff and the assistance of the RCMP and the media, this activity has shown a marked decrease over the last few months. All complaints about such activity have been handled quickly with what we believe are positive results. We still have a few problem areas with partiers at places like the Forestry Pools along the Chemainus River, for example, so we will continue to fine tune our strategy for 2012.

Weekend and evening patrols of our parks and trails will continue in 2012 and we will be looking to implement a hotline for concerned citizens reporting offenders during these periods. We will also be looking at purchasing a noise meter for noise sensitive areas and a sniffer for areas such as composting sites in order to maintain and enforce levels of tolerance.

*Note: As mentioned in the Mid-Year Budget Report, the increasing costs for legal services that we are experiencing this year, may be reflected in the budget this year and next year!*

## **CORPORATE STRATEGIC PLAN**

Attached is the Sustainable Land Use Section of the Draft Corporate Strategic Plan. While other sections within the Plan have an impact on this Department, the Land Use section is most pertinent with regard to directive on specific work.

As noted in the Sections above, a number of projects such as the South Cowichan OCP spanning three (3) Electoral Areas, Cowichan Bay OCP, Subdivision Servicing Bylaw are complete or well underway. Further, initiatives such as the new Building Bylaw and Green Building Policy will be forwarded to the Committee in the next few weeks. While the directive to recommend regulation and policy improvements and policy amendments to the Agricultural Land Commission is actually under the authority of the Economic Development Commission, the establishment of the Agricultural Advisory Commission sets that action well on its way.

The Integrated Regional Sustainability Plan funding has now been approved by UBCM and as such, work on this project should begin sometime this fall. All in all, headway is being made on many of the Actions identified in the Corporate Strategic Plan.

## **CONCLUDING COMMENTS**

The above commentary is an outline from staff on the status of the current Departmental projects and priorities as previously set by the Electoral Area Services Committee. In addition, the comments provided under the heading of the Corporate Strategic Plan indicate where our Corporate priorities presently stand what we see taking place in the near future.

As this is the lead-off document to where you as Directors would like to go with the 2012 departmental budget, your direction on any projects you would like to see undertaken next year would be appreciated. Once that information has been received, staff can pull together the work plans and identify any budgetary considerations for the 2012 budget. In addition, financial direction to the Department for this coming budget year is also appreciated.

Submitted by,



Tom R. Anderson,  
General Manager  
Planning and Development Department

TA/ca

# SUSTAINABLE LAND USE

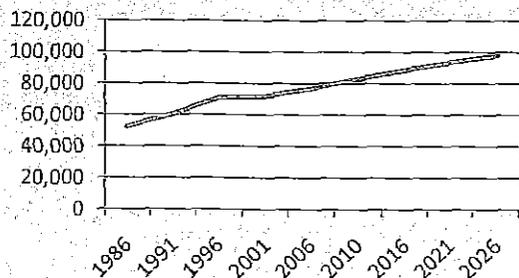
Sustainable land use is about development that meets the needs of the present without compromising the ability of future generations to meet their own needs. To this end, the CVRD is working to ensure that land use planning is well coordinated across the Region, promotes sustainable development, and enhances agricultural opportunities.

With its mild climate and beautiful surrounding landscapes, the Cowichan Region is expected to continue to see steady population growth in the years ahead. In light of this reality, the CVRD seeks to manage this growth to encourage sustainable development and manage resources so that the quality of life enjoyed today will be preserved and enhanced for future generations.



## OBJECTIVES

- Establish well coordinated land use plans and policies throughout the Region.
- Continue to develop long term plans for sustainability
- Promote sustainable land use



## 2009 SURVEY SAYS...

97% of residents rate quality of life in the valley as good or very good.

86% of residents list protecting agricultural or farm land as a priority.

59% of Cowichan residents feel that the amount of growth in the valley has been about right over the past 5 years, while 29% feel there has been too much growth.

36% of residents would place a priority on accommodating growth through higher density.

**Establish well  
coordinated land use  
plans and policies**

1. Develop a plan to ensure well integrated land use plans and policies internally, regionally, and inter-regionally.
2. Develop a public safety lens that incorporates emergency, fire safety, and other hazard considerations internally and externally into planning processes.

**Develop long-range  
plans for sustainability**

1. Initiate a regional sustainability planning process in 2010.
2. Review the feasibility of implementing a regional growth management strategy following completion of the regional sustainability planning process.
3. Develop a strategy to ensure up-to-date Official Community Plans (OCP's) are in place within a reasonable time frame, consistent with local government legislation.
4. Complete the subdivision servicing bylaw in 2010.
5. Incorporate aesthetic preservation principles into OCP's and explore other ways of preserving the aesthetic nature of the Cowichan Region.
6. Update background technical studies to inform the planning process i.e. demographic projections, assessment of development capacity and demand, economic forecast, environmental issues, and regional service demand assumptions.
7. Recommend to the Agricultural Land Commission: (1) regulation and policy improvements to recognize an expanded agricultural base, & culture, and (2) policy amendments to promote the expansion of agricultural lands and agricultural uses.
8. Develop a long-term land use strategy/policy for forestry lands in the Cowichan Region.

**Promote sustainable  
land use**

1. Develop a green building strategy/policy that supports environmentally friendly building practices.
2. Promote ecosystem enhancement-oriented design guidelines for new developments.
3. Develop and implement a program to recognize examples of excellence in sustainable community development.



R11

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 6, 2011

DATE: August 24, 2011

FILE NO:

FROM: Tom R. Anderson, General Manager

BYLAW NO:

SUBJECT: Mid-Year Budget Report

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

This report is submitted for information purposes only.

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

Our goal is to be an organization where the public, Directors, and staff are proactively informed and focused on established practice and outcomes, with increased accountability through regular performance reporting to the Board.

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

#### **Background:**

The following provides the Committee with an update on the status of the various Planning and Development Department budgets that fall under the operational authority of the Electoral Area Services Committee. This report reflects the status of budgets up to July 31, 2011.

#### **Community Planning Budget (325)**

##### **Expenditures:**

General expenditures including salaries, benefits, office operations, etc. are right in line with where they should be at this time of year. With regard to specific accounts for various projects, the expenditures expected for the South Cowichan OCP (\$7,000) are slightly higher than expected at approximately \$8,000. That project is now complete and expenditures for implementing the South Cowichan Zoning Bylaw will depend on the progress that is made through to the end of this year. However, it is not expected that significant expenditures will be incurred. Those funds earmarked for the Cowichan Bay OCP (\$6,500) remain well within budget at this time as only \$2,200 have been expended at this time.

Expenditures for legal fees within the Bylaw Enforcement budget, which the Community Planning budget pays the lions share, are a concern again this year, as this Department is involved in a number of proactive and reactive legal issues. Further discussion with regard to specific numbers is found under the Bylaw Enforcement section of this report.

Revenues:

Revenues from Fees and Permit applications are well in line with budget expectations for this time of year. And, overall revenues for this budget have almost reached year end expectations.

**Building Inspection Budget (320)**Expenditures:

General expenditures including salaries, benefits, office operations, etc are in line with where they should be at this time of year.

Revenues:

The monthly reports that have been forwarded to Committee showing the number of building permits issued so far this year highlight the fact that considering the economic conditions being experienced in some parts of this country, this area remains extremely active. Even though the number of permits is considerably lower than last year, revenues are only marginally lower than the same period last year.

**Bylaw Enforcement Budget (328)**

Expenditures for salaries, benefits and other general operating costs are in line with where they should be at this time of year. Revenues have already exceeded the budget amount for this year and this trend will continue for the remainder of the year.

**Animal Control Budget (310)**

Expenditures for this function vary little due to the fact that the primary expenditure is the Animal Control Contract with the SPCA. As such, it is expected that expenditures will meet 2011 budget expectations.

Revenues are approximately \$2,500 short of what was projected to the end of the year. While revenues are primarily obtained in the first six months of the year through our licensing program, there are still a few agencies that have some outstanding remittances so it is expected that we will meet or come very close to our revenue projections.

**Electoral Area Services Budget (250)**

This budget is the one that Electoral Area Directors expenses are taken. To this point in time, expenditures are in line with those that were projected at the start of the year. This function also covers election expenses and the majority of these expenditures will occur this Fall.

Submitted by,



Tom R. Anderson,  
General Manager  
Planning and Development Department

TRA/ca



R12

## STAFF REPORT

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

**DATE:** July 19, 2011  
**FROM:** Catherine Tompkins, Senior Planner  
**SUBJECT:** Proposed CVRD Development Approval  
Information (DAI) Bylaw No 3540

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

That the attached Development Approval Information Bylaw 3540 be considered for first, second, third and final readings.

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

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

#### **Background:**

*Development approval information* means information on the anticipated impacts of a proposed activity or development on a community. When new developments are approved, they often impact existing services and infrastructure, as well as the natural environment. DAI Bylaws help to ensure that all aspects of a development application are examined carefully, and that measures can then be taken to mitigate impacts on the community, including impacts related to transportation, local infrastructure, public facilities, community services and the natural environment. Development approval information bylaws are a common and effective planning tool in many local government jurisdictions within BC, including in most areas of Vancouver Island, the lower mainland and the Okanagan.

Should DAI Bylaw 3540 proceed to adoption, it would affect all lands within the CVRD electoral areas that are specifically designated as a Development Approval Information Area within an official community plan, in accordance with Section 920.01 of the *Local Government Act*. The South Cowichan Official Community Plan Bylaw 3510 is currently the only OCP in the CVRD that designates lands as a Development Approval Information Area. Policy 25.6 specifically requires development approval information for:

- all zoning bylaw amendments that affect lands outside of a village containment boundary, and
- all zoning amendment applications that would result in five or more parcels of land, or five dwellings, within a village containment boundary.

South Cowichan OCP Policy 25.7 sets out conditions warranting the Development Approval Information designation, and specifically states that, during a zoning amendment process, information will be obtained related to the impacts of a proposed activity or development on the community in matters related to transportation, local infrastructure, public facilities, community services and the natural environment.

The *Local Government Act* does not appear to require the holding of a public hearing, or a public notification procedure for the adoption of a Development Approval Information Bylaw. However, if the Board, at its discretion, determines to hold a public hearing, it is recommended that the hearing be held in the South Cowichan area, where there may be a more immediate impact as lands have already been designated within the South Cowichan OCP as a DIA area.

**Options**

- 1) That proposed CVRD Development Approval Information Bylaw No.3540 be forwarded to the Board for consideration of first, second, third and final readings.
- 2) That proposed CVRD Development Approval Information (DAI) Bylaw No.3540 be forwarded to the Board for consideration of first and second readings, that a public hearing be held to consider the proposed DAI bylaw, and that a hearing delegation be established through Board resolution.

**Recommendation**

As proposed Bylaw 3540 would have a procedural impact in Electoral Areas A (Mill Bay/Malahat), B (Shawnigan Lake) and C (Cobble Hill) only, and as proposed bylaw 3540 is consistent with the South Cowichan OCP, Option 1 is recommended

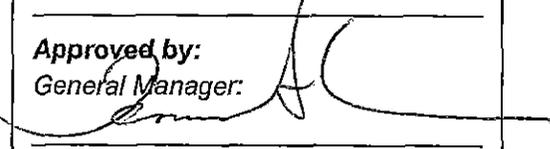
Submitted by,



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

CT/jah

Attachments

<p><b>Reviewed by:</b> Division Manager:</p> <hr/> <p><b>Approved by:</b> General Manager:</p> 
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**COWICHAN VALLEY REGIONAL DISTRICT**  
**BYLAW No. 3540**

**A Bylaw to Establish Development Approval Information Requirements and Procedures**

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**WHEREAS** Section 920.01 of the *Local Government Act*, hereafter referred to as the "Act", as amended, empowers the Regional Board to designate in an Official Community Plan areas and prescribe circumstances in which development approval information may be required from an applicant for an amendment to a zoning bylaw, a development permit or a temporary commercial or industrial use permit;

**AND WHEREAS** Section 920.1 of the *Local Government Act* establishes that the CVRD may, by bylaw, establish the procedures and policies on the process for requiring development approval information and the substance of the information that may be required;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3540 - Development Approval Information Bylaw, 2011**".

2. **DEFINITIONS**

**"Applicant"** means a person who applies for:

- i) An amendment to a zoning bylaw under Sections 903 or 904 of the *Local Government Act*;
- ii) A development permit under Section 920 of the *Local Government Act*; or
- iii) A temporary commercial or industrial use permit under Section 921 of the *Local Government Act*.

**"Appropriate Professional"** means any professional listed in the table in paragraph 10 that has expertise in the subject matter about which an Applicant may be required to provide a report under this Bylaw.

**"Fish Habitat"** means aquatic environments, whether marine or freshwater, that either are riparian areas pursuant to the *Riparian Areas Regulation* or are fronting on the seashore or an estuary.

**"Officer"** means an employee of the Cowichan Valley Regional District who has been delegated the duty of determining whether Development Approval Information is required.

**"Wildlife Habitat"** means an area where any red or blue listed species, as specified by the British Columbia Conservation Data Centre, are known to frequent.

### 3. DESIGNATION OF DEVELOPMENT APPROVAL INFORMATION AREAS

Where an Official Community Plan identifies land in an electoral area within the Cowichan Valley Regional District as being an area for which development approval information may be required, the procedures and policies for requiring such information and the substance of such information are set out in this bylaw.

### 4. APPLICATION THAT MAY NECESSITATE DEVELOPMENT APPROVAL INFORMATION

The requirements of this bylaw apply to lands that are the subject of one of the following types of land use application:

- (a) An amendment to a zoning bylaw under Section 903 of the *Local Government Act*;
- (b) A Development Permit under Section 920 of the *Local Government Act*;
- (c) A Temporary Use Permit under Section 921 of the *Local Government Act*;

Within these areas, an Officer of the Cowichan Valley Regional District, upon receipt of an application, shall determine whether and to what extent development approval information will be required in accordance with this bylaw.

### 5. PROVISION OF INFORMATION

Where development approval information is to be provided, the information shall be provided by the Applicant, at the Applicant's expense, in the form of a report prepared by the appropriate professional as set out in the table included within section 11 to the Cowichan Valley Regional District within 120 days of the Applicant receiving a written request from the Cowichan Valley Regional District to provide a report.

### 6. TRANSPORTATION PATTERNS

If an Officer of the Cowichan Valley Regional District requires information in the form of a report related to transportation patterns, including traffic flow, the report must:

- (a) Estimate the number of additional motor vehicle trips per day to be generated by the proposed development and, in the case of phased development, by each phase of the development;
- (b) Provide an analysis of the proposed development's impact on existing public highways identified in the Official Community Plan receiving the increased traffic circulation, including vehicular capacity of the road, size and configuration of intersections, turning lanes, merging lanes, traffic lights and pullout areas;
- (c) Provide an analysis of the impact of the traffic to be generated by the proposed development on nearby and adjacent uses of the land;
- (d) Provide an analysis of the impact of the traffic to be generated by the proposed development on areas where there may be conflict with vehicles, including, without limitation, paths or walking trails and train crossings and other intersection points;
- (e) Provide onsite parking and loading requirements and identify internal circulation routes of the proposed development;

- (f) Provide a breakdown of traffic flows associated with the proposed development as follows:
  - i) Weekday and weekend traffic rates;
  - ii) Peak morning and evening traffic rates;
  - iii) Different rates associated with different land use activities;
  - iv) Percentage of in and out flows;
- (g) Identify any highway upgrading, reconstruction, reconfiguration or expansion to the highways referred to in Section 6(b) that may be necessary in order to accommodate the additional vehicle trips per day to be generated by the proposed development, including the construction of or alterations to intersections, turning lanes, merge lanes, traffic lights and pullout area and their cost and potential funding sources;
- (h) Provide solutions to possible traffic problems in addition to those described in Section 6(g), including, without limitation, opportunities for facilitating mass transit, rail passenger services and access by alternative highways; and
- (i) Have content and form suitable to the Ministry of Transportation and Infrastructure.

#### **7. SEWER, WATER AND DRAINAGE INFRASTRUCTURE**

If an Officer of the Cowichan Valley Regional District requires information in the form of a report relating to the impact of development on local infrastructure, the report must:

- (a) Have regard for servicing strategies and policies that may be contained within the Official Community Plan;
- (b) Estimate the demand to be generated by the proposed development for water, and in the case of phased development, by each phase of the development;
- (c) Provide an analysis of existing community water systems and the options available for the supply and delivery of water to the proposed development, in consultation with the water purveyor;
- (d) Provide an analysis of existing community sewer systems if any, and the options available for the treatment and disposal of sewage from the proposed development;
- (e) Estimate the amount of additional surface drainage that would be generated by the proposed development and the options available for on-site retention/absorption, collection, storage and dispersal of such drainage;
- (f) Identify any possible deficiencies of the current water, sewer and drainage systems in dealing with the proposed development; and
- (g) Identify the new capital works required for the proposed development for water, sewer and drainage systems and their cost and the potential funding sources for these expenditures.

#### **8. ENVIRONMENTAL IMPACT ASSESSMENT**

If an Officer of the Cowichan Valley Regional District requires information in the form of a report relating to the impact of development on the natural environment, the report shall:

- (h) Have regard to the environmental goals, objectives and policies within the Official Community Plan;
- (i) Identify on the site of the proposed development any of the following physical features, both surface and subsurface:
  - i) Wet lands and bogs;
  - ii) Streams, creeks or rivers, either permanent or intermittent;
  - iii) Lakeshore regions;
  - iv) Foreshore regions;
  - v) Steeps slopes;
  - vi) Flora and fauna;
  - vii) Groundwater - quality and quantity;
  - viii) Fish and Wildlife Habitat;
  - ix) Wildfire hazard interface areas;
  - x) Soil conditions;
  - xi) Surface water drainage patterns; and
  - xii) Bedrock.
- (j) Estimate the volumes of surface drainage waters that would be directed to watercourses and the methods to be used to ensure that contaminants are not released into these waters as a result of the proposed development, and in the case of phased development, each phase of the development;
- (k) Examine the proposed development's impact on the discharge of surface drainage waters in relation to Fish Habitats;
- (l) Examine the potential for the slipping of soil, sand or silt into water courses as a result of the construction of buildings and structures and the installation of paved areas and the removal of trees and other vegetation in connection with the proposed development;
- (m) Examine the impact of the proposed development on the forest, if any, including the trees and under storey, by determining the number and type of trees and type and extent of vegetation, which would be removed to accommodate the proposed development;
- (n) Examine the impact of the proposed development on the Fish and Wildlife Habitat, if any, and alteration of the native fauna associated with such habitat;
- (o) Examine the impact of any proposed road and bridge construction on the watercourses and the banks of such watercourses;
- (p) Provide a plan of revegetation to be undertaken by the Applicant during and following the construction of the proposed development to preserve disturbed soils, prevent erosion and sloughing and restore native flora;
- (q) Examine the site's natural environmental features;
- (r) Examine how the proposed development may impact the environment on the site of the proposed development and adjacent properties;
- (s) Examine how the Applicant proposes to mitigate any potential impacts on the environment; and
- (t) Identify how the Applicant intends to ensure that no foreign materials enter into any water courses, including, without limitation, greases, oils, gasoline, sediments and other contaminants during and after the construction phase of the proposed development.

**9. COMMUNITY SERVICES, PUBLIC FACILITIES AND PARKS**

If an Officer of the Cowichan Valley Regional District requires a report containing information relating to community services and public facilities, including schools and parks, the report must:

- (u) Consider any goals, objectives and policies contained within an Official Community Plan respecting community services, public facilities and parks;
- (v) Identify the local community services that would be affected by the proposed development including, without limitation, any of the following: the provision of public safety services, including but not limited to: fire, ambulance and police, health care, community meeting space, indoor recreation facilities, outdoor recreational facilities and services;
- (w) Examine the potential financial impacts of the proposed development on the existing community services and public facilities;
- (x) Examine the impact of the proposed development on the number of users of existing community services and public facilities;
- (y) Outline any potential costs and identify possible strategies to mitigate against the potential impacts, including, an outline of the potential funding sources for the provision of additional community services and public facilities that may be required as a consequence of the proposed development, and make recommendations in that regard.

**10. OTHER INFORMATION**

If an Officer of the Cowichan Valley Regional District requires a report containing information relating to heritage resources, archaeological resources, agricultural resource lands, forestry resource lands, local employment opportunities, energy conservation and reduction of greenhouse gases, the report must:

- (a) Have regard for any goals, objectives and policies within an Official Community Plan related to heritage resources, archaeological resources, agricultural resource lands, forestry resource lands, local employment opportunities, energy conservation and reduction of greenhouse gases;
- (b) Identify any potential impacts of the proposed development upon heritage resources, archaeological resources, agricultural resource lands, forestry resource lands, local employment opportunities, energy conservation and reduction of greenhouse gases;
- (c) Examine ways in which any negative impacts on these matters may be mitigated and make recommendations in that regard.

**11. APPROPRIATE PROFESSIONALS**

The required development approval information must be prepared by an appropriate professional as outlined in the table below:

TYPE OF INFORMATION	CONSULTANT
Transportation	Traffic Engineer (P. Eng.)
Local Infrastructure (Water, Sewer, Drainage)	Civil Engineer (P. Eng.)
Natural Environment	Registered Professional Biologist (R.P. Bio) Hydrological Engineer (P. Eng.) Geotechnical Engineer (P. Eng.) Professional Geologist or Geoscientist (P. Geo.) Member of Canadian Institute of Planners (MCIP) Registered Professional Forester (RPF) Architect (MAIBC) Landscape Architect (BCSLA) Professional Agrologist (P. Ag.)
Public Facilities and Community Services	Member of Canadian Institute of Planners (MCIP) Architect (MAIBC) Civil Engineer (P. Eng.)
Archaeological Assessment	Professional Archaeologist acceptable to the local first nation(s)
Forestry Resource Lands	Registered Professional Forester (RPF) Member of Canadian Institute of Planners (MCIP)
Agricultural Resource Lands	Professional Agrologist (P. Ag.) Member of Canadian Institute of Planners (MCIP)
Energy Conservation, GHG Reduction	Bachelor's degree in a related scientific field
Employment	Bachelor's degree in Economics, Demography or Economic Development Member of Canadian Institute of Planners (MCIP)

## 12. MAPPING

If a report includes text and maps, the maps are to be drawn at a scale of 1:2000 or, with the prior approval of the Cowichan Valley Regional District, at a scale of 1:5000.

**13. ACCEPTANCE OF REPORT**

- (1) Within 60 days of receiving a report from an Applicant, the Cowichan Valley Regional District will decide whether the report is complete.
- (2) If the Cowichan Valley Regional District decides a report is incomplete or deficient it will notify the Applicant in writing of the nature of the deficiencies within 20 days of the determination under (1) above and the Applicant must resubmit the corrected report within 40 days of the Cowichan Valley Regional District's notification that the report is incomplete or deficient.

**14. DISTRIBUTION OF REPORT**

The Cowichan Valley Regional District may distribute a report to any person and publicize the results of a report.

**15. SEVERANCE**

If any section, subsection, sentence, clause, definition, phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the bylaw.

**16. FORCE AND EFFECT**

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

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

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

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

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

\_\_\_\_\_  
Chairperson

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



R13

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 6, 2011

DATE: August 30, 2011

FILE NO:

FROM: Brian Duncan, Manager  
Inspections & Enforcement Division

SUBJECT: New Building Bylaw

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

That the CVRD Board adopt a new Building Bylaw to reflect current and ongoing changes to the construction industry in the Cowichan Valley.

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

The new Building Bylaw will be the core document of compliance with the BC Building Code as well as providing direction for current and future green initiatives.

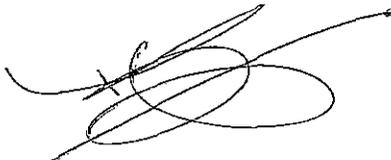
**Financial Impact:** *(Reviewed by Finance Division: N/A )*

#### **Background:**

Our current Building Bylaw was adopted 38 years ago in 1973. Since that time there have been four new BC Building Codes and countless changes to building products and construction practices, including manufactured structural wood products such as truss joists and osb, exterior finishes such as hardi-plank, rainscreen applications as a result of building envelope failure, plastic plumbing piping such as Pex and non-combustible PVC, insulation ratings to reflect the varied climates in BC, the use of recycled materials in insulation, the introduction of solar ready regulations, low consumption plumbing fixtures and initiatives to construct energy efficient homes with Platinum and Gold status. The current BC Building Code provides for "Alternative Solutions" which allows us to permit cob houses, straw bale infill and rammed earth homes, yurts and so much more, including re-use of grey water in homes for flushing toilets and irrigation. The new proposed bylaw (attached) will provide us with a base document which can be modified as the population of the Cowichan Valley continues on its quest to "go green".

The new Building Bylaw includes the requirement for permits on retaining structures such as seawalls, rip-rap and lock block walls over 1.5m in height (including approvals from Provincial and Federal Agencies), a reduction in fees of 10% on larger projects where several professionals are involved, a modest increase in the calculation of square footage charges for new homes, the elimination of double permit fees for building without a permit (upon our Solicitor's advice we can only issue a Municipal Ticket), a refundable surety deposit on sites where damage to CVRD infrastructure (storm, water & sewer) could occur and restrictions on farm buildings intended for assembly use such as covered riding arenas.

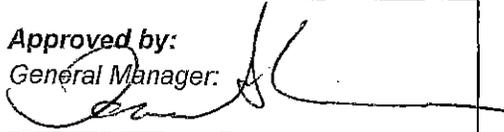
Submitted by,



Brian Duncan, RBO  
Manager, Inspections & Enforcement Division  
Planning and Development Department

BD/ca  
attachment

Approved by:  
General Manager:



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**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW No. 3422**

**A Bylaw to adopt new Building Regulations  
in Electoral Areas of the Cowichan Valley Regional District**

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**WHEREAS** Section 694 (1) of the *Local Government Act* authorizes the Cowichan Valley Regional District for the health, safety and protection of persons and property to regulate the construction, alteration, repair, and demolition of buildings and structures by bylaw;

**AND WHEREAS** The Province of British Columbia has adopted a Building Code to govern standards with respect to the construction, alteration, repair and demolition of buildings in municipalities and regional districts in the Province;

**AND WHEREAS** it is deemed necessary to provide for the administration of the Building Code:

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

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**PART 1** **INTERPRETATION**

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**1.1** **CITATION**

This Bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3422 – Building Regulation Bylaw, 2010**".

**1.2** **APPLICATION OF BYLAW**

**1.2.1** **Electoral Areas**

The provisions of this Bylaw shall apply in all Electoral Areas of the Cowichan Valley Regional District.

**1.2.2** **Applicable Work and Activities**

The provisions of this Bylaw apply to the

- (1) design and construction of new buildings or structures,
- (2) alteration, reconstruction, demolition, deconstruction, removal and relocation of existing buildings and structures, and
- (3) change in class of occupancy of existing buildings and structures.

### 1.2.3 Exemptions

This Bylaw does not apply to buildings or structures exempted by Part 1 of Division A of the Building Code except as expressly provided herein.

### 1.2.4 Application of Other Legislation

Nothing contained in this Bylaw relieves any person from complying with all other applicable legislation or enactments respecting health, safety and the protection of persons and property.

## 1.3 DEFINITIONS

### 1.3.1 Non-defined Terms

- (1) The definitions in the Building Code apply to words and phrases in this Bylaw, unless they are defined otherwise in this Bylaw.
- (2) If words or phrases used in this Bylaw are not specifically defined in Section 1.3.2 herein or in the *Building Code*, *Community Charter*, *Interpretation Act* or *Local Government Act*, they have the meaning in the context of this Bylaw
  - (a) that is consistent with the use to which a trade or profession affected by this Bylaw applies the word or phrase, or
  - (b) if not used by a trade or profession, their ordinary meaning.

### 1.3.2 Definitions

In this Bylaw:

“**Accessory Building**” means a building or structure, the use or intended use of which is customarily incidental and exclusively devoted to the principal use.

“**Board**” means the Cowichan Valley Regional District's Board of Directors.

“**Building**” means any structure used or intended for supporting or sheltering any use or occupancy.

“**Building Code**” means the regulation establishing the *British Columbia Building Code* made by the Minister pursuant to Section 692 (1) of the *Local Government Act*.

“**Building Official**” means a person authorized under this Bylaw to administer this Bylaw.

“**Community Sewer System**” means system of sewage collection and disposal operated by a regional district, municipality or improvement district.

“**CVRD**” means the Cowichan Valley Regional District.

“**Farm Building**” means a detached building which

- (a) does not contain a residential occupancy and is
  - (i) associated with and located on land dedicated to farming, and
  - (ii) used essentially for housing equipment or livestock, or production, storage or processing of agricultural and horticultural produce or feed,
- (b) is a stand alone barn, agricultural storage facility, greenhouse or silo located on land dedicated to farming;
- (c) does not include covered riding arenas or structures which may be used for assembly occupancies.

**“Health and Safety Aspects of the Work”** means design and construction regulated by Parts 3, 4, and 9 of Division B of the *Building Code*.

**“Infrastructure”** means storm, water and sewer systems.

**“Occupancy”** means the Classification of Buildings or Parts of Buildings by Major Occupancy established by section 3.1.2 of Part 3 of Division B of the *Building Code*.

**“Occupancy Certificate”** means a form referred to in section 2.6 of this Bylaw.

**“Owner”** includes a person who has been authorized by the owner to act as the owner’s agent.

**“Permit”** means a Permit required by Sections 2.1.1 and 2.1.2 of this Bylaw.

**“Registered Professional”** means a person who is

- (a) registered or licensed to practice as an architect under the *Architects Act*, or
- (b) registered and licensed to practice as a professional engineer under the *Engineers and Geoscientists Act*.

**“Siting Permit”** means the permit required in Section 2.3.7 for the siting of a farm building.

**“Structure”** means a constructed thing or portion of a constructed thing of any kind that is fixed to, supported by or sunk into land or water, but specifically excludes landscaping, fences and paving.

**“Work”** means work or activity that is

- (a) related to the matters described in section 1.2.2, and
- (b) regulated by this Bylaw, the *Building Code*, or any other enactment applicable to the work or activity.

### 1.3.3 References

A reference in this Bylaw to a section by its number is a reference to a section of this Bylaw, unless otherwise indicated.

## 1.4 PURPOSE OF BYLAW

### 1.4.1 Interpretation

This Bylaw, despite any other provision herein, shall be interpreted in accordance with this section.

### 1.4.2 Limited Extent of Bylaw's Purpose

This Bylaw is enacted for the purpose of regulating construction within the Cowichan Valley Regional District in the general public interest. The activities undertaken by or on behalf of the Cowichan Valley Regional District pursuant to this bylaw are for the sole purpose of providing a limited spot check for health, safety, and protection of persons and property. It is not contemplated nor intended, nor does the purpose of this Bylaw extend

- (1) to the protection of owners, owner/builders or constructors from economic loss;
- (2) to the assumption by the Cowichan Valley Regional District or any Building Official of any responsibility for ensuring the compliance by an owner, the owner's representatives or any employees, constructors or designers retained by the owner, with the *Building Code*, the requirements of this Bylaw or any other applicable codes, enactments or standards;
- (3) to providing to any person a warranty of design or Workmanship with respect to any building or structure for which a Permit or an Occupancy Certificate is issued under this Bylaw;
- (4) to providing to any person a warranty that construction is in compliance with the *Building Code*, this Bylaw or any other applicable enactment with respect to any building or structures for which a Permit or Occupancy Certificate is issued under this Bylaw;
- (5) to providing to any person a warranty or assurance that construction undertaken pursuant to a Permit issued by the Cowichan Valley Regional District is free from latent or any other defects.

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**PART 2 PERMITS, COMPLIANCE AND PERMIT FEES**

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**2.1 GENERAL**

**2.1.1** A Permit is required whenever Work is to be undertaken.

**2.1.2 Permits Required**

Without limiting the scope of section 2.1.1, a person must apply for and obtain

- (1) a building permit before
  - (a) constructing, reconstructing, repairing or altering a building or structure,
  - (b) removing or relocating a building or structure, and
  - (c) changing an occupancy;
- (2) a plumbing permit prior to commencing the installation of any plumbing;
- (3) a fireplace and chimney permit prior to the construction of a masonry fireplace or the installation of a wood burning appliance or chimney unless the Work is encompassed by a valid and subsisting building permit;
- (4) a demolition permit before demolishing a building or structure;
- (5) a siting permit for a farm building;
- (6) a building permit to construct a retaining structure.

**2.1.3 Permits Not Required**

A Permit is not required in the following circumstances:

- (1) for minor repairs or alterations to non-structural components of a building;
- (2) in relation to plumbing, when a valve, faucet, fixture or service water heater is repaired or replaced, a stoppage cleared, or a leak repaired if no change to the piping is required;
- (3) for structures less than 10m<sup>2</sup> as long as they are sited in accordance with the applicable zoning bylaw;
- (4) for decks or patios where the travelled area is less than 24" from the ground;
- (5) for docks and wharves, unless the dock or wharf supports a building or structure.

**2.1.4 Essential Services**

A Permit must not be issued for the construction of any residential, commercial, institutional or industrial building until all of the following essential services are provided for:

- (1) *Water*: A community water service or other source of potable water, approved by the Medical Health Officer, Public Health Inspector or other authority having jurisdiction;
- (2) *Sanitary Sewer*: A community sewer or other method of sewage disposal is provided, as long as, for a sewerage system, the owner has submitted to the Building Official all documents to be filed with the Vancouver Island Health Authority as prescribed in Section 8(2) of BC Reg. 326/2004, the Sewerage System Regulation under the *Public Health Act*;
- (3) *Storm Drainage*: An approved method of storm drainage disposal is available to service the building or structure, as prescribed by section 9.14 of Part 9 of Division B of the *Building Code*; and
- (4) *Access to Property*: A driveway of sufficient strength, grade and width for access and egress to all principal buildings by fire and emergency vehicles is provided.

## 2.2 COMPLIANCE

### 2.2.1 Owner's Responsibility for Compliance

- (1) An owner must ensure that all Work performed on the owner's land complies with the *Building Code*, this Bylaw and all other enactments, codes and standards applicable to the Work.
- (2) The owner and the owner's representatives are not relieved from their full and sole responsibility referred to in section 2.1.4 by anything done or made by or on behalf of the CVRD under this Bylaw, including, without limitation,
  - (a) the issuance of a Permit or Occupancy Certificate,
  - (b) the acceptance or review of plans, specifications or supporting documents, or
  - (c) inspections.

### 2.2.2 No Reliance on CVRD

- (1) A person must not rely upon any Permit or Occupancy Certificate as establishing compliance with this Bylaw or assume or conclude that this Bylaw has been administered or enforced according to its terms.
- (2) A person must not rely on the review or acceptance of the design, drawings or specifications, nor any inspection made by a Building Official as establishing compliance with the *Building Code*, this bylaw or any other applicable codes, enactments or standards of construction.

### 2.2.3 No Warranty

The issuance of a Permit or an Occupancy Certificate under this Bylaw or the acceptance or review of plans, drawings or specifications or supporting documents, or any inspections made by or on behalf of the CVRD do not constitute in any way a representation, warranty, assurance or statement by the CVRD that the *Building Code*, this Bylaw or any other applicable enactments, codes and standards have been complied with.

## 2.3 PERMIT APPLICATIONS

2.3.1 An application for a Permit must be made on the applicable form provided by the CVRD.

2.3.2 All building and structural plans submitted with Permit applications must bear the name and address of the designer of the building or structure.

2.3.3 Each building or structure to be constructed on a parcel requires a separate building permit and must be assessed a separate building permit fee based on the value of the building or structure, as determined and calculated in accordance with Schedule "A" attached to this Bylaw.

### 2.3.4 Applications

An application for a building permit must

- (a) be signed by the owner or by a signing officer with sufficient authority to bind the corporation if the owner is a corporation;
- (b) include a copy of a title search made within 30 days of the date of the application, complete with copies of all easements, statutory rights-of-way and covenants registered on the title;
- (c) include a site plan showing:
  - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan or explanatory or reference plan, or metes and bounds description;
  - (ii) the legal description or civic address of the parcel;
  - (iii) the location and dimensions of all statutory rights-of-way, easements and setback requirements in registered instruments;
  - (iv) the location and dimensions of all existing and proposed buildings or structures on the parcel;
  - (v) setbacks required to the natural boundary of any sea, lake, swamp, pond or watercourse;
  - (vi) the existing natural grade (may require BC Land Surveyor document) and the geodetic elevation of the main floor; and
  - (vii) the location, dimension and gradient of parking and driveway access.

- (d) include floor plans showing
  - (i) the dimensions and uses of all areas;
  - (ii) the dimensions and height of crawl and roof spaces;
  - (iii) the location, size and swing of doors;
  - (iv) the location, size and opening of windows;
  - (v) floor, wall, and ceiling finishes;
  - (vi) plumbing fixtures; structural elements; and
  - (vii) stair dimensions;
- (e) include a cross-section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
- (f) include elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, grade and building height;
- (g) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the *Building Code*;
- (h) include copies of approvals required under any enactment relating to health or safety, including, without limitation, Sewage Disposal Permits, Highway Access Permits and Ministry of Health approval;
- (i) include any other information required by the Building Official or the Building Code to establish substantial compliance with this Bylaw, the Building Code and other Bylaws and enactments relating to the building or structure.

### **2.3.5 Applications for Moved Buildings or Structures**

- (1) If a building or structure has been moved, a Permit is required for its rehabilitation on the property to which it is moved.
- (2) Before issuing a Permit for a moved building or structure, the Building Official may require certification under Section 2.3.8 from a registered professional that the building meets the requirements of this Bylaw, the Building Code and any other applicable enactment.
- (3) Factory built housing must comply with Canadian Standards Association Standard A-277 "Procedure for Certification of Factory Built Houses" or CAN/CSA Z-240 MH Series, "Mobile Homes", prior to relocation within the CVRD.

### **2.3.6 Retaining Structures**

A registered professional shall supervise the design and construction of a retaining structure greater than 1.5 metres in height. Sealed copies of the design plan and field review reports prepared by the registered professional for all retaining structures greater than 1.5 metres in height shall be submitted to a Building Official prior to acceptance of the Work.

**2.3.7 Siting Permit**

A person who intends to erect or construct a farm building must

- (a) apply for a siting permit,
- (b) provide sufficient information to the Building Official that the farm building will be sited on the parcel in compliance with the setback provisions prescribed in the applicable zoning bylaw, and
- (c) note the intended use of the building or structure on the application.

**2.3.8 Professional Plan Certification**

- (1) If a Building Official considers that the site conditions, size or complexity of a development or an aspect of the development warrants, the Building Official may require an applicant for a building permit to provide design and plan certification and field reviews by a registered professional, supported by letters of assurance in the form of Schedules B-1, B-2 and C-B in Part 2 of Division C of the Building Code that the plans submitted with the permit application, or specified aspects of those plans, comply with the then current Building Code and other applicable enactments respecting safety.
- (2) Prior to the issuance of an Occupancy Permit under section 2.6 of this Bylaw for a building where letters of assurance have been required under section 2.3.6 of this Bylaw, the owner must provide the Building Official with letters of assurance in the form of Schedules C-A or C-B in Part 2 of Division C of the *Building Code*, as is appropriate.
- (3) The CVRD and its Building Officials rely solely upon the field reviews undertaken by the registered professional and the letters of assurance required and provided by this Bylaw, as certification that the construction substantially conforms to and the design, plans and specifications to which the letters of assurance relate comply with the Building Code and other applicable enactments.

**2.4 PERMIT FEES**

**2.4.1** The applicable Permit fee prescribed and calculated in accordance with Schedule "A" attached to this Bylaw, must be paid in full prior to the issuance of a Permit under this Bylaw.

**2.4.2 Damage – Surety Deposit**

- (1) The applicant, at the time of issuance of a Permit for a Building or structure, or demolition of an existing structure, must provide the CVRD with a surety deposit of five hundred dollars (\$500) as security for the restoration of CVRD infrastructure damaged by the performance of the Work.
- (2) The surety deposit must be refunded if:
  - (a) there is no damage to CVRD infrastructure;
  - (b) no invoice is issued to cover the cost of repair to CVRD infrastructure; and

(c) an Occupancy Certificate is issued within two years of the issuance of the building permit.

(3) The surety deposit must be forfeited to the CVRD if a final inspection is not called for and approved and an occupancy permit is not issued within two years of the issuance of the building permit.

#### 2.4.3 Refund

When a Permit is surrendered and cancelled within 6 months of the Permit being issued and before any construction begins, the owner may obtain a 60% refund of the Permit fees required under Section 2.4.1 of this Bylaw, by making a written request.

#### 2.4.4 Fee Reduction

The building permit fee shall be reduced by 10% where

- (a) a registered professional reviews and certifies an application for a building permit as being in compliance with the *Building Code*, this Bylaw and other applicable bylaws, and
- (b) the CVRD relies upon that certification in issuing a building permit.

#### 2.4.5 Expired Permit

The permit fee for Work under a previous Permit that expired before the Work was completed will be based upon the value of the Work that remains to be completed.

### 2.5 CONDITIONS OF A PERMIT

2.5.1 A Building Official must issue the Permit for which the application is made when

- (a) a completed application in compliance with this Bylaw, including all required supporting documentation, has been submitted and the review of the application has been completed;
- (b) the owner has paid all applicable fees prescribed by this Bylaw;
- (c) the owner has paid all charges and met all regulations and requirements imposed by any other bylaw or enactment;
- (d) the proposed construction does not contravene any covenant under Section 219 of the *Land Title Act*; and
- (e) no enactment authorizes the Permit to be withheld.

2.5.2 Every Permit is issued upon the condition that the Permit must expire and the rights of the owner under the Permit must terminate if

- (a) the Work authorized by the Permit is not commenced within 6 months from the date of issuance of the Permit; or
- (b) the Work is discontinued for a period of 12 months or none of the inspections required by Section 3.3.3 have been requested during that period.

**2.5.3** A Building Official may extend the period of time set out under Section 2.5.2 where construction has not been commenced or has been discontinued due to adverse weather, strikes, or material or labour shortages.

**2.5.4 Revocation of a Permit**

- (1) A Building Official may revoke a Permit where there is a violation of
  - (a) a condition under which the Permit was issued; or
  - (b) a provision of the *Building Code*, this Bylaw or other bylaws or enactments applicable to the Work.
- (2) The revocation of the Permit must be in writing and transmitted to the Permit holder by registered mail, and is deemed served at the expiration of three days after the date of mailing.

**2.5.5 Denial of Permits**

If a person has been notified in writing that Work done by that person or on the person's behalf is a violation referred to in Section 2.5.4, a Permit must not be issued to that person in respect of the same property until the person has corrected the violation or satisfied the Building Official of his or her ability to do so.

**2.5.6 Partial Permit**

- (1) A Building Official may issue a building permit for a portion of a building or structure before the design, plans and specifications for the entire building or structure have been accepted, if sufficient information has been provided to the Building Official to demonstrate that
  - (a) the portion authorized to be constructed substantially complies with this Bylaw and other applicable enactments, and
  - (b) the Permit fee applicable to that portion of the building or structure has been paid.
- (2) Despite the issuance of the Permit, the requirements of this Bylaw apply to the remainder of the building or structure as if the Permit for the portion of the building or structure had not been issued.
- (3) This section does not apply to single family dwellings and accessory buildings.

**2.5.7** An owner shall arrange for transportation of a Building Official to the property on which a building or structure is being constructed where the location of the property is remote or not accessible by motor vehicle. Vessels used for the marine transportation of a Building Official shall comply with Transport Canada's Small Commercial Vessel Safety Guide.

**2.6 OCCUPANCY CERTIFICATE**

**2.6.1** An owner must obtain an Occupancy Certificate issued by a Building Official prior to occupying a building.

**2.6.2** A Building Official must not issue an Occupancy Certificate unless

- (a) all letters of assurance have been submitted (when required) in accordance with Section 2.3.8 of this Bylaw; and
- (b) all aspects of the Work requiring inspection and acceptance pursuant to Section 3.3.3 of the Bylaw have been inspected and accepted.

**2.6.3** A Building Official may issue an Occupancy Certificate for part of a building or structure when that part of the building or structure is self-contained, provided with the essential services listed in section 2.1.4 of this Bylaw and meets the requirements set out in Section 2.6.2 of this Bylaw.

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**PART 3****PROHIBITIONS AND OBLIGATIONS**

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**3.1 GENERAL****3.1.1 Work without Permits**

No person shall commence or continue construction, alteration, reconstruction, demolition, removal or relocation or change the Occupancy of any building or structure, excavation or other Work related to construction, unless excepted from the requirements of this Bylaw, unless a Building Official has issued a valid and subsisting Permit for the Work.

**3.1.2 Demolish**

No person shall demolish a building or structure unless a Building Official has issued a valid and subsisting demolition permit for the Work.

**3.1.3 Occupy or Use Building**

- (1) No person shall occupy or use a building or structure unless a valid and subsisting Occupancy Certificate has been issued by a Building Official for the building or structure.
- (2) No person shall occupy or use a building or structure contrary to the terms of a Permit or Occupancy Certificate issued, or contrary to any notice given by a Building Official.

**3.1.4 Tampering with Notices**

No person shall, unless authorized in writing by a Building Official, reverse, alter, deface, cover, remove or in any way tamper with any notice, Permit or Occupancy Certificate posted upon or affixed to a building or structure pursuant to this Bylaw.

**3.1.5 Approved Plans**

No person shall do any Work that is substantially at variance with the approved design, plans or specifications of a building, structure or other Works for which a Permit has been issued, unless that variance has been accepted in writing by a Building Official.

**3.1.6 Obstruction to Entry**

No person shall obstruct the entry of a Building Official or other authorized official of the CVRD to a building or structure on a property when the official is engaged in the administration of this Bylaw.

**3.1.7 Cessation of Work**

No person shall continue to do any Work upon a building or structure or any portion of it after the Building Official has ordered cessation or suspension of Work on it.

**3.1.8 Contrary**

No person shall do any Work or carry out any construction contrary to a provision or requirement of this Bylaw, the Building Code or any other applicable enactment.

**3.2 BUILDING OFFICIALS****3.2.1 Bylaw Administration**

A Building Official is authorized to

- (a) administer this Bylaw and the Building Code in the CVRD, and
- (b) keep records of Permit applications, Permits, notices and orders issued, inspections and tests made, and copies of all documents related to the administration of this Bylaw.

**3.2.2 Building Official's Authority**

A Building Official

- (a) is authorized to enter, at all reasonable times, upon any property subject to this Bylaw and the *Building Code*, in order to inspect and determine whether the regulations, prohibitions, requirements and orders issued under them are being met;
- (b) is directed, where any dwelling, apartment or guest room is occupied, to obtain the consent of the occupant or provide written notice twenty-four hours in advance of entry and provide the reason for the inspection;
- (c) may order the correction of Work performed under the authority of a Permit which is being or has been done contrary to this Bylaw, the Building Code or any other applicable enactment;
- (d) may order the cessation of Work that is proceeding in contravention of this Bylaw, the Building Code or any other applicable enactment by advising the Permit holder by letter or by a written notice on a card posted on the premises where the Work is being performed and, if possible, posted adjacent to the Work;

- (e) may direct that tests of materials, devices, construction materials, structural assemblies, or foundation conditions be undertaken, or sufficient evidence be submitted, at the expense of the owner, where such evidence is necessary to determine whether the materials, devices, construction or foundation meet the requirements of this Bylaw, the *Building Code*, or any other applicable enactment. The records of such tests shall be kept available for inspection during the construction of the building as required by the Building Official.

3.2.3 An owner to whom a permit is issued must, during construction,

- (a) post and maintain the Permit in a dry and conspicuous place on the property in respect of which the Permit was issued;
- (b) keep a copy of the accepted design, plans and specifications on the property; and
- (c) post the civic address on the property in a location visible from any adjoining streets.

3.2.4 An owner must, when notified of deficiencies by the Building Official, perform such alterations, corrections or replacements as may be necessary to ensure the Work complies with this Bylaw, the *Building Code*, or any other applicable enactment, and advise the Building Official when the Work is ready for re-inspection.

### 3.3 INSPECTIONS

3.3.1 Despite Section 2.3.8 of this Bylaw, a Building Official may attend the site from time to time during the course of construction to ascertain that the field reviews referred to in section 2.3.8 are taking place and to monitor the field reviews undertaken by the registered professionals.

3.3.2 A Building Official may attend periodically at the site of the construction of buildings or structures to ascertain whether the health and safety aspects of the Work are being carried out in substantial conformance with the *Building Code*, this Bylaw and any other applicable enactment.

3.3.3 The owner or the owner's representative, by giving at least 24 hours notice to the Building Official, must request an inspection and obtain approval of the following aspects of the following Work, prior to concealing those aspects:

- (1) the foundation and footing forms before concrete is poured. For determining the legal location of all buildings as determined by the Zoning Bylaw or order of the Board of Variance, or the issuance of a Development Variance Permit or Development Permit, or in the case of new house construction, a certificate will be required from a licensed British Columbia Land Surveyor (BCLS);
- (2) installation of perimeter drains, drain rock, and damp-proofing, prior to backfilling;
- (3) the preparation of ground under-slab plumbing, including ground cover and reinforcing, when required, prior to the placing of a concrete slab;
- (4) rough-in of all chimneys and fireplaces (masonry and factory built);
- (5) inspection of framing after the roof, fire blocking and sheathing are in place, electrical wiring has been completed, and rough in plumbing is under test;
- (6) insulation and vapour barrier, after the exterior is weatherproofed;
- (7) inspection of fireplaces after the installation of the smoke damper and prior to the installation of the first flue liner and any material that would conceal the details of the construction of the fire-box and smoke chamber;
- (8) inspection of masonry construction and/or concrete construction as detailed in the Permit;
- (9) installation and application of building paper, flashing and stucco lath prior to installation of exterior finishes including cultured stone;
- (10) inspection of the installation of solid fuel burning appliances;
- (11) inspection of all plumbing fixtures prior to occupancy;
- (12) the health and safety aspects of the Work when the building or structure is substantially complete and ready for occupancy; pre-final if requested.
- (13) final inspection after the building has been completed and is ready for occupancy.

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**PART 4****ADMINISTRATIVE PROVISIONS**

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**4.1 PENALTIES AND ENFORCEMENT****4.1.1 Stop Work Notice**

- (1) A Building Official may order the cessation of any Work that is proceeding in contravention of the *Building Code*, this Bylaw or any other applicable enactment, by posting a Stop Work Notice on the property where the Work is located.
- (2) The owner of property on which a Stop Work Notice has been posted, and every person performing the Work, must cease all construction Work immediately and must not do any Work until all applicable provisions of this Bylaw have been substantially complied with and the Stop Work Notice has been rescinded by a Building Official.
- (3) A person who commences Work requiring a Permit without first obtaining such a Permit shall, if a Stop Work Notice is issued, pay the required Permit fee prior to obtaining the required Building Permit.

**4.1.2 Offences**

- (1) A person who contravenes or fails to comply with a provision of this Bylaw commits an offence and is liable on summary conviction to the penalties prescribed in the *Offence Act*.
- (2) Each day a new contravention of or failure to comply with a provision of this Bylaw continues to exist shall constitute a separate offence.

**PART 5**

**GENERAL**

**5.1 SEVERABILITY**

If any provision of this Bylaw is for any reason held to be invalid by the decision of any court, the decision shall not affect the validity of the remaining provisions of this Bylaw.

**6. REPEAL**

Cowichan Valley Regional District Bylaw No. 143, 1974 is repealed.

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

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

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

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

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary



CVRD

SCHEDULE "A" TO
CVRD BUILDING REGULATION BYLAW NO. 3422, 2011

Permit and Service Fees

Table with 2 columns: Description and VALUE (\$). Rows include Main floor with full basement (120.00), Main floor with crawlspace (100.00), Main floor slab on grade (100.00), Second floor (60.00), Garage (finished) (30.00), Garage (unfinished) (25.00), Carport (20.00), Deck (20.00), and Basement (40.00).

BUILDING PERMIT FEES

Minimum fee .....\$55
All new construction\* ..... 1% of value
\*minimum fee \$55
Renovations/Commercial ..... Contract Price
Manufactured/mobile homes and relocated buildings\* ..... 1% of value
Value calculated at \$75/sq ft
(\*Note: does not include garages, sundecks or service connections)

PLUMBING PERMIT FEE

Each Plumbing Fixture.....\$18

SEWER AND WATER INSPECTION FEE

Storm Sewer .....\$30
Sanitary Sewer Inspection.....\$30
Water Service Connection.....\$30

PERMIT FEE TO WRECK OR DEMOLISH A BUILDING

If structure has a floor area of 37.2m² (400 sq ft) or less .....\$25
If structure is larger than 37.2m² (400 sq ft).....\$50
If structure is 186.0m² (2,000 sq ft) in floor area or larger .....\$100

DOUBLE FEE

If any work for which a permit is required is commenced before a permit has been obtained, the fee payable shall be doubled.

RE-INSPECTION FEE

For building or plumbing inspections required as a result of a call back where work was incomplete or improperly done.....\$50

OTHER FEES

Sprinkler Systems..... Contract Price
Siting Permit (Agricultural Buildings) .....\$55
Campsite Developments ..... \$50/site
Occupant Load Document.....\$100
Manufactured Home Parks.....\$50/site



R14

**STAFF REPORT**

**ELECTORAL AREA SERVICES COMMITTEE MEETING  
OF SEPTEMBER 6, 2011**

**DATE:** August 31, 2011

**FILE No:**

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

**BYLAW No:**

**SUBJECT:** Animal Control Contract

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**Recommendation/Action:**

That the CVRD proceed with a Request for Proposals for a 2012 - 2014 Animal Control contract.

**Relation to the Corporate Strategic Plan:**

N/A

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

Unknown.

**Background:**

The Regional District has contracted its dog control function to the SPCA since 1999. Most recently, the CVRD awarded the SPCA a three year contract for this service in 2009. As such, the contract will expire at the end of 2011. As such, staff are recommending that we put out a Request for Proposals for a new three year contract.

Submitted by,

A handwritten signature in black ink, appearing to read "Tom R. Anderson".

Tom R. Anderson,  
General Manager  
Planning and Development Department

TRA/ca



R15

**STAFF REPORT**

**ELECTORAL AREA SERVICES COMMITTEE  
OF SEPTEMBER 6, 2011**

**DATE:** August 30, 2011 **FILE No:** 3-B-11DP/RAR  
**FROM:** Rob Conway, Manager **BYLAWS No:**  
Development Services Division  
**SUBJECT:** Development Permit Application 3-B-11DP/RAR (2080 Cullin Road)

**Recommendation/Action:**

For Information.

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

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

**Background:**

A staff report regarding development permit application 3-B-11DP/RAR was included on the August 2, 2011 EASC meeting agenda. At the request of the applicant, the report was pulled from the agenda and was expected to be reviewed by the EASC at the September 6, 2011 meeting.

Staff has recently received legal advice regarding the delegation of authority to issue RAR development permits. As the CVRD Development Application Procedures and Fees Bylaw No. 3275 does not give the General Manager discretion to refer RAR development permit application decisions to the Board, we have been advised that the General Manager must decide if the permit will be issued and establish any conditions that will be attached to the permit.

The recommendation of the August 2, 2011 staff report (attached) will therefore be directed to the General Manager of Planning and Development rather than the EASC and Board.

Submitted by,

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

<p>Approved by: General Manager</p> 
<p>Signature</p>

RC/ca



C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING  
OF AUGUST 2, 2011

DATE: July 26, 2011 FILE NO: 3-B-11DP/RAR  
FROM: Rob Conway, MCIP BYLAW NO:  
SUBJECT: Development Permit Application 3-B-11DP/RAR (2080 Cullin Road)

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**Recommendation/Action:**

That Application No. 3-B-11DP/RAR, submitted by J. E. Anderson and Associates on behalf of 2080 Cullin Holdings Inc. for a sixteen lot subdivision of Lots 1 and 2, , Block 33, Plan 218A and District Lot 16, Section 1, Range 3, Plan 800, all in Shawnigan District (PIDs 009-255-702, 009-225-753 and 009-481-079), be approved subject to:

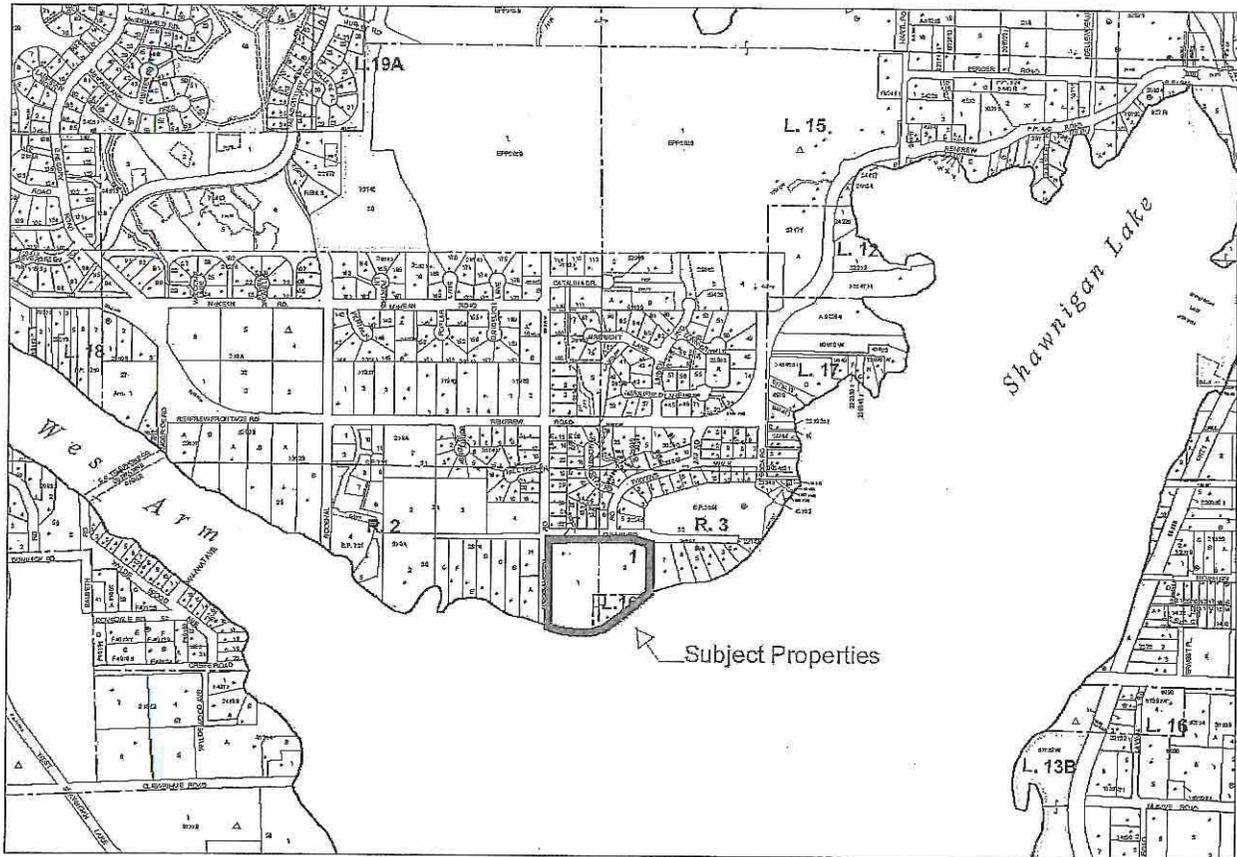
- a) Registration of a restrictive covenant approved by the General Manager of the Planning and Development Department to protect the Streamside Protection and Enhancement Area;
- b) Strict compliance with the RAR Assessment Report and submission of a post development report from a Qualified Environmental Professional prior to final subdivision approval confirming that all RAR assessment requirements have been met or that measures to reasonably assure compliance are in place;
- c) Submission of a detailed cost estimate prepared by a Qualified Environmental Professional for estimated and potential post-subdivision maintenance, plant replacement, monitoring and reporting expenses described in the March 23, 2011 riparian restoration report prepared by Enkon Environmental for a five year period and submission of an irrevocable letter of credit or funds held in trust equivalent to 125% of the accepted cost estimate;

And further, that prior to issuance of the development permit:

- d) The applicant provide written confirmation that the Surveyor General's Office will approve the requested adjustment to the legal boundary of the subject lands to coincide with the natural boundary of Shawnigan Lake; and
- e) The RAR assessment report be revised and re-filed with the Ministry of Environment based on the subdivision plan approved in the subdivision preliminary layout approval and the amended protection measures contained in the March 23, 2011 riparian restoration report.

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

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

**Location Map:****Background:**

To consider a request for a Development Permit to permit subdivision of the subject properties into 16 residential lots

Location of Subject Properties: Cullin and Worthington Roads, Shawnigan Lake

Legal Description: District Lot 16, Shawnigan District (PID: 009-481-079);  
 Lot 2, Block 33, Shawnigan Suburban Lots, Shawnigan District, Plan 218A (PID: 009-255-753);  
 Lot 1, Block 33, Shawnigan Suburban Lots, Shawnigan District, Plan 218A (PID: 009-255-702)

Date Application and Complete Documentation Received: March 30, 2011

Owner: Cullin Holdings Inc.

Applicant: Danny Carrier, J.E Anderson and Associates

Size of Parcels: 3.1 ha (7.7 ac.)

Existing Zoning: R-3 (Urban Residential)

Minimum Lot Size Under Existing Zoning: 0.2 ha for parcels connected to a community water

Existing Plan Designation: Urban Residential

Existing Use of Property: Residential (one dwelling)

Existing Use of Surrounding Properties:

North: Residential (R-3 Urban Residential Zone)  
 South: Shawnigan Lake (W-2 Water Recreation)  
 East: Residential (R-3 Urban Residential Zone)  
 West: Residential (R-3 Urban Residential Zone)

Services:

Road Access: Worthington and Cullin Road, and new strata road  
Water: CVRD community water system  
Sewage Disposal: On-site septic for the three fee simple lots, and common sewage disposal for the strata lots

Agricultural Land Reserve Status: Property is not within the ALR

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas identifies this property as having a TRIM stream with confirmed fish presence (Shawnigan Lake) along its southern boundary. Additionally, the Riparian Areas Regulation assessment report provided with the Development Permit application indicates that there is a creek and wetland partially located on the eastern portion of the property.

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

**The Proposal:**

An application has been made to the CVRD for a development permit that would permit subdivision of the property into 16 residential lots. Thirteen lots are proposed to be lakefront with the three fee simple lots fronting Worthington Road.

As the proposed development is within 30 metres and Shawnigan Lake and a creek, it is within the Riparian Area Regulation Development Permit Area as defined in Shawnigan Lake Official Community Plan No. 1010 and is subject to the Riparian Area Regulation. Although OCP Bylaw No. 1010 was recently repealed and replaced with CVRD South Cowichan Official Community Plan Bylaw No. 3510, the development permit area requirements under OCP Bylaw No. 101 apply as Section 943 of the *Local Government Act* gives protection to subdivisions that have been made prior to the bylaw change for a one year period.

For the Committee's reference, a separate report has been prepared with regards to the subdivision application (10-B-10SA). This report will deal specifically with the development permit application and the applicable guidelines and requirements.

**Property Context:**

The subject property is comprised of three lots, totaling 3.1 ha. (7.7 ac.) in size. The property fronts on Shawnigan Lake and currently has a single family dwelling on it. Much of the property is forested, but in August, 2007 the majority of the property's lakefront was cleared without a permit and in contravention of the CVRD's Riparian Area Regulation Development Permit Area. Following investigation by the Ministry of Environment, the owners undertook restoration of the damaged area.

It is noteworthy that the agent for the application has advised that the legal boundary for the subject property is approximately 15 metres back (upland) from the natural boundary of Shawnigan Lake. The agent advises that an adjustment is being pursued through the Surveyor General's Office to move the legal boundary of the properties to coincide with the natural boundary of the lake. If granted, this adjustment would increase the area of the subject properties by about 0.55 ha. (1.36 ac.). The subdivision plan and development permit application have been prepared assuming the adjustment will be granted and therefore include development and restoration planting on land that is presently owned by TimberWest.

### **Policy Context:**

#### ***Zoning***

The subject property is zoned R-3 (Urban Residential), which has a minimum parcel size of 2,000 m<sup>2</sup> (.49 ac.) for lots serviced with community water.

The three proposed fee simple lots fronting Worthington Road comply with the R-3 minimum lot size but 12 of the 13 proposed bare land strata lots are less than the minimum, with lot sizes of between 1,074 and 1,781 square metres. These lots are less than the minimum because the applicant has used the lot averaging provision permitted by Section 2 of the *Strata Property Act* Bare Land Strata Regulations.

Strata lots 1-12 do not comply with Section 14.7 of the Area B Zoning Bylaw, which requires a minimum parcel frontage of 10 percent of the perimeter of the parcel.

#### ***Official Community Plan***

The Shawnigan Lake Official Community Plan, Bylaw No. 1010, supports the protection of the natural environment. The following policies are derived from the Specific Plan Objectives section of the OCP.

4. *To promote the wise use and conservation of agricultural, recreational, and resource lands, historical sites and ecologically sensitive areas."*
5. *To ensure that Shawnigan Lake is maintained as a dependable bulk source of potable water by strictly regulating all development within its watershed through regulatory bylaws.*
10. *To ensure that the overriding consideration in any development is the preservation of the natural qualities and recreational amenities of land and water areas, especially Shawnigan Lake.*

The following Policy is from the Environmental Policies section of the OCP.

*Policy 4.4 Shawnigan Creek and other watercourses should be protected against activities which may reduce their fish bearing potential or suitability as domestic water supplies.*

*Policy 4.9 When reviewing development proposals for lands within the Shawnigan Lake watershed, consideration shall be given to the following*

- a) *Preservation of the quality of lake water for drinking and bathing*
- c) *Protection of environmentally sensitive areas in or adjacent to the lake;*

Further to these general policies, CVRD Bylaw No. 1010 establishes guidelines for the protection of the natural environment through the Riparian Area Regulation Development Permit Area (DPA). Development permit applications are to be reviewed for compliance with the guidelines and the guidelines are the criteria upon which the permit application should be evaluated.

***Riparian Area Assessment Report:***

The applicants have prepared and submitted a Riparian Area Regulation assessment report that identifies a 15 metre Streamside Protection and Enhancement Area (SPEA) from the high water mark of Shawnigan Lake and the creek/wetland on the east side of the property. Protection measures recommended in the report include the following:

- SPEA boundary to be protected during construction with snow fencing or other barrier;
- Tree protection zone should be extended to protect the root zone of trees within the SPEA;
- Separate RAR assessments recommended for docks;
- Split rail fence recommended along Shawnigan Lake SPEA boundary;
- Sediment fencing to be installed along the SPEA edge or the edge of trees to be retained, whichever is wider;
- Clearing and construction recommended outside of heavy rainfall months;
- No direct discharge of storm water to Shawnigan lake or the stream/wetland;
- Implementation of an environmental monitoring program during construction;
- QEP to confirm completion works in accordance with RAR assessment in a post development report.

A copy of the RAR assessment is attached to this report as Schedule 4.

***Riparian Restoration Report:***

A riparian restoration report was also submitted with the development permit application that addresses the restoration of the lakefront area that was cleared in August of 2007. Such reports are not typically provided with RAR development permit applications, but given the extent of clearing that occurred, staff felt that further information regarding the restoration was considered necessary in order for the application to be reviewed.

The report confirms that a total area of 1.038 ha. (2.56 ac.) was cleared, of which 3,553 sq. m (0.88 ac.) was within the SPEA and 2,903 sq. m. (0.72 ac.) was below the high water mark. In consultation with the Ministry of Environment a restoration plan was prepared and replanting was installed in November, 2008 and the early spring of 2009.

The riparian restoration report confirms that Enkon Environmental completed monthly monitoring during the summer months of 2008 and the summer of 2010. It is noted in the report that the area is regenerating rapidly, but that due to the extremely large area, it will be necessary to assess the riparian planting on a quarterly basis for at least two more years. Further replacement planting is expected and periodic maintenance is considered necessary.

Although a permanent split rail cedar fence was recommended in the RAR assessment report, the restoration report indicates the property owners would prefer a hedgerow as a SPEA boundary. A hedgerow of evergreen huckleberry planted every 0.5 metres is recommended. Other recommendations in the report are:

- Snow fencing to define the SPEA boundary during construction;
- Signage along the hedgerow identifying the SPEA;

- Split rail cedar fencing along the Wilkinson Road right of way;
- Irrigation to remain in place until no longer required;
- Weed control, including weeding on at least a quarterly basis and the application of mulch to reduce weeds and retain moisture;
- Registration of a restrictive covenant;
- Annual inspections of the SPEA restoration works by a QEP or a CVRD representative with submission of an inspection report and replanting or follow-up work done as required;

The report acknowledges there will be a strong desire for lakefront property owners to access the lake and to construct pathways through the SPEA. The report recommends that the design and number of pathways through the SPEA be determined by a registered professional biologist in consultation with the CVRD. It is also recommended that the pathways be constructed by a professional under the supervision of a qualified environmental professional.

A copy of the riparian restoration report is provided in Schedule 5.

**Development Permit Guidelines:**

The RAR development permit guidelines rely heavily on the QEP's assessment report to recommend appropriate measures to protect streams and watercourses from development activity. Guidelines 13.8.6(a) and (b) describe the required content of the assessment report and some of the protection measures that may be implemented through the development permit (see Schedule 6). Possible requirements for monitoring and future reporting are also envisioned, as described in Guideline 13.8.6(c):

*Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit will only allow the development to occur in strict compliance with the measures described in the report. Monitoring and regular reporting by professionals paid for by the applicant may be required, as specified in a development permit.*

Typically RAR assessment reports assess established riparian areas and recommend measures to keep the riparian area intact during and after development. In this case, the assessment is focused largely on restoration because the riparian area has been heavily altered and includes recommendations that would not be required if the riparian area had not been damaged.

Another development permit guideline worthy of mention is 13.8.6(d):

*If the nature of a proposed project in a riparian assessment area evolves due to new information or some other change, a QEP will be required to submit an amendment report, to be filed on the notification system.*

Staff note that the RAR assessment and restoration report are based on a subdivision plan that has changed, and there are still uncertainties regarding the subdivision layout and property boundaries that should be resolved before a development permit is issued.

**Development Services Division Comments:**

Situations where unauthorized riparian clearing has occurred have been very challenging for the CVRD and other agencies to address. The tools and remedies available are weak, and even if the land owner is cooperative it may not be possible to fully restore damaged riparian areas.

In this case, the owner has worked cooperatively with the Ministry of Environment to undertake the necessary restoration. Although there have been some issues with inadequate maintenance since the damaged riparian area was replanted, the restoration work that has occurred is considerably better than what has occurred on other lakefront properties in the Regional District. The cost of undertaking the restoration has been considerable, which has resulted in some degree of consequence for the property owners.

While the owners have taken steps to restore the damage that was done, it will be many years before the riparian vegetation is reasonably restored. As the owners intend to subdivide and sell the land, there potentially is a benefit in the form of open lake views and the increased value of the lots. To ensure the riparian area is ultimately restored to a natural condition and that incentives are not created for other owners to undertake unauthorized clearing, staff recommend rigorous development permit conditions be established that will provided the greatest potential for successful re-establishment of the riparian buffer.

Staff believe the QEP has done a good job in preparing the RAR assessment and restoration reports and has proposed a number of recommendations that, if followed, should achieve re-establishment of the riparian area. While staff are supportive of the QEP recommendations, we are concerned that the on-going maintenance and protection identified in the reports is expected to be passed on to future owners following subdivision and sale of the lots. While some of the use restrictions will need to be passed onto future owners, staff believe the primary responsibility for the restoration should rest with the current owners.

Rather than transfer all the obligation for maintenance of the restoration works onto the strata corporation and future lot owners, staff recommend that the current owners be responsible for funding the maintenance and reporting and that these obligations be secured with an irrevocable letter of credit or funds held in trust until such time as the QEP can confirm that the damaged area is restored to the extent that further plant replacement, maintenance and irrigation is no longer required. Staff recommends that the security be held for a minimum of five years with ability to hold the security for longer if the establishment period extends beyond five years. Section 925 of the *Local Government Act* permits security to be taken as a condition of development permit issuance for landscaping and where damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit.

Staff note there remain some uncertainties with the proposed subdivision plan that should be resolved before a development permit is issued. For example, restoration works and development are proposed outside of the existing legal boundaries of the subject properties. In addition, the subdivision plan included in the assessment report differs from the current plan and from what might ultimately be approved and the applicant is proposing protection measures not presently contained in the assessment report (i.e. hedgerows rather than fencing). Staff recommend that a development permit not be issued until confirmation is received from the Surveyor General's Office that the natural boundary will be adjusted as proposed and the RAR assessment report has been amended and re-filed with the Ministry of Environment based on the subdivision plan that receives preliminary layout approval from the Ministry of Transportation and the QEPs recommended protection measures.

Option 1 is recommended.

**Options:**

**Option 1:**

That Application No. 3-B-11DP/RAR, submitted by J. E. Anderson and Associates on behalf of 2080 Cullin Holdings Inc. for a sixteen lot subdivision of Lots 1 and 2, , Block 33, Plan 218A and District Lot 16, Section 1, Range 3, Plan 800, all in Shawnigan District (PIDs 009-255-702, 009-225-753 and 009-481-079), be approved subject to:

- a) Registration of a restrictive covenant approved by the General Manager of the Planning and Development Department to protect the Streamside Protection and Enhancement Area;
- b) Strict compliance with the RAR Assessment Report and submission of a post development report from a Qualified Environmental Professional prior to final subdivision approval confirming that all RAR assessment requirements have been met or that measures to reasonably assure compliance are in place;
- c) Submission of a detailed cost estimate prepared by a Qualified Environmental Professional for estimated and potential post-subdivision maintenance, plant replacement, monitoring and reporting expenses described in the March 23, 2011 riparian restoration report prepared by Enkon Environmental for a five year period and submission of an irrevocable letter of credit or funds held in trust equivalent to 125% of the accepted cost estimate;

And further, that prior to issuance of the development permit:

- d) The applicant provides written confirmation that the Surveyor General's Office will approve the requested adjustment to the legal boundary of the subject lands to coincide with the natural boundary of Shawnigan Lake;
- e) The RAR assessment report be revised and re-filed with the Ministry of Environment based on the subdivision plan approved in the subdivision preliminary layout approval and the amended protection measures contained in the March 23, 2011 riparian restoration report.

**Option 2:**

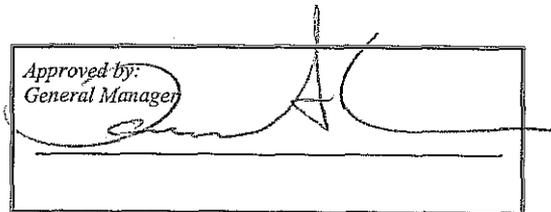
That Development Permit Application No. 3-B-1DP/RAR submitted by J. E. Anderson and Associates on behalf of 2080 Cullin Holdings Inc. be denied and the applicant be requested to resubmit an application that better assures successful restoration of the damaged riparian area and uncertainties with the proposed subdivision plan.

Submitted by,



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

Approved by:  
General Manager



RC/ca

- Schedules:
- Schedule 1 – Location Plan
  - Schedule 2 – RAR Assessment Plan
  - Schedule 3 – Subdivision Sketch Plan
  - Schedule 4 – RAR Assessment Report #1815
  - Schedule 5 – Riparian Restoration Report
  - Schedule 6 – RAR Development Permit Area and Guidelines
  - Schedule 7 – Draft Development Permit



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

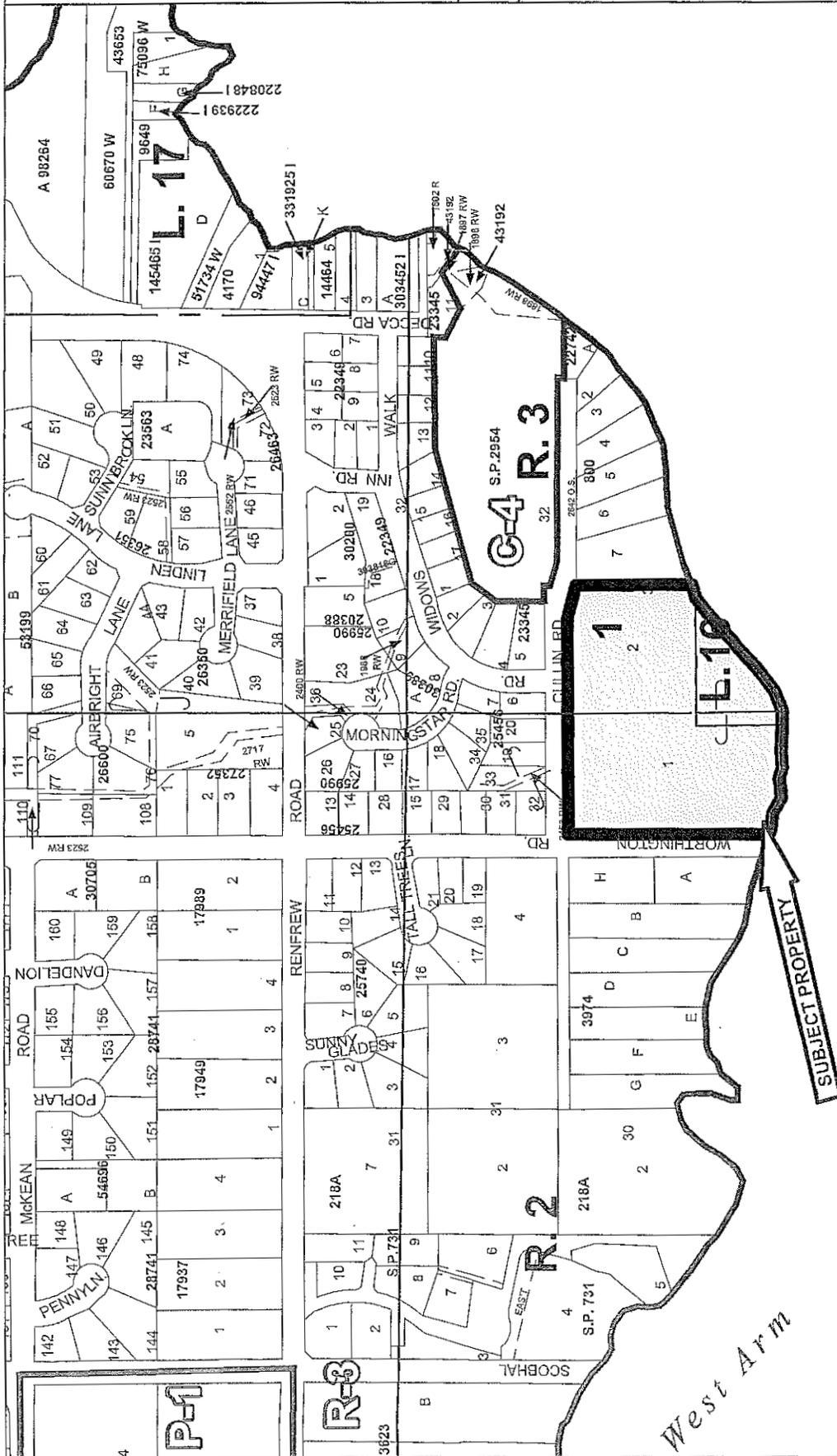
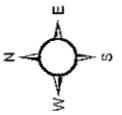
**File:**  
03-B-11-DP-RAR

# ZONING

Legend



## Schedule 1 - Location Plan



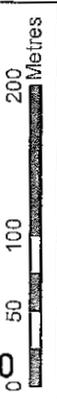
*Shawnigan Lake*

**W-2**

*West Arm*

**R-2**

200





**Cullin Holdings Inc.  
Riparian Areas Assessment**

**Figure 1**

Oct. 31/2010

0 20 40 60  
Meters

Map Projection: UTM NAD83 10N



**ENKON**  
Environmental Ltd.

File Name: 1333-002\_Cullin.mxd

**Legend**

	Proposed Boundary		High Water Mark
	Existing Boundary		Shade Zone Of Sensitivity
	Proposed Lots		Leaf Litter / Insect Drop
	Existing Building		Large Woody Debris
	Proposed Septic		Streamside Protection and Enhancement Area (SPEA)
			Area of Assessment



# Schedule 4 – RAR Assessment Report #1815

## 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 October 14, 2010

#### I. Primary QEP Information

First Name	Susan	Middle Name	
Last Name	Blundell		
Designation	R.P.Bio.	Company	ENKON Environmental Ltd.
Registration #	1862	Email	sblundell@enkon.com
Address	Suite 310 – 730 View Street		
City	Victoria	Postal/Zip	V8W 3Y7
Prov/state	BC	Country	Canada
		Phone #	250-480-7103

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

First Name	Phil	Middle Name	
Last Name	Buchanan		
Designation	P.Eng.	Company	J.E. Anderson and Associates
Registration #	16657	Email	pcb@jeanderson.com
Address	4212 Glanford Avenue		
City	Victoria	Postal/Zip	V8Z 4B7
Prov/state	BC	Country	Canada
		Phone #	250-727-2214

#### III. Developer Information

First Name	Katy	Middle Name	
Last Name	Dillon		
Company	Cullin Holding Inc.		
Phone #	250-727-7218	Email	katythemoneylady@hotmail.com
Address	1105 – 242 Mary Street		
City	Victoria	Postal/Zip	V9Z 3V9
Prov/state	BC	Country	Canada

#### IV. Development Information

Development Type	Subdivision: > 6 lot single family		
Area of Development (ha)	2.841	Riparian Length (m)	395
Lot Area (ha)	3.658	Nature of Development	New
Proposed Start Date	March 2011	Proposed End Date	December 2012

#### V. Location of Proposed Development

Street Address (or nearest town)	2080 Cullin Road		
Local Government	Cowichan Valley Regional District	City	Shawnigan Lake
Stream Name	Shawnigan Lake		
Legal Description (PID)	a) 009-255-702 b) 009-255-753 c) 009-481-079	Region	Cowichan Valley
Stream/River Type	Lake / Stream / Wetland	DFO Area	South Coast
Watershed Code	WSC-920-235800		
Latitude	48° 38' 53.96"	Longitude	123° 38' 36.46"

**Table of Contents for Assessment Report**

	Page Number
1. Description of Fisheries Resources Values .....	3
2. Results of Riparian Assessment (SPEA width) .....	5
3. Site Plan .....	9
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1. Danger Trees.....	13
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**Section 1. Description of Fisheries Resources Values and a Description of the Development proposal**

**Aquatic Resources**

Approximately 275 m of Shawnigan Lake shoreline is located on the property. Currently there is a small dock located on the lake edge on the east side of the property. The lake edge has a very gentle gradient (5%). Vegetation along the Shawnigan Lake waterfront from the high water mark (HWM) to approximately 30 m back was cleared in early 2008. The Ministry of Environment and the Cowichan Valley Regional District required that the SPEA (15 m from HWM) be replanted. ENKON completed a preliminary assessment of the cleared area and created a planting plan (see attached). Planting took place in November 2008. ENKON has continued to monitor the regrowth for the last two years. Residual vegetation along the shoreline consisted of shore pine, black cottonwood, red-osier dogwood, western redcedar, common hawthorn, Nootka rose, hardhack, sweet gale, juvenile red alder, salmonberry, slough sedge, spreading rush, common rush, iris and paintbrush.

A small creek and wetland are located along the eastern side of the property. The drainage originates to the north of Cullin Road and flows in a south southeast direction across the road. To the south of Cullin Road the drainage becomes a small wetland with an approximate area of 600 m<sup>2</sup>. Wetland vegetation consists of salmonberry, red elderberry, lady fern, Pacific water parsley and skunk cabbage. Riparian vegetation consists of Douglas-fir, western redcedar and bigleaf maple, salal, red huckleberry, dull Oregon-grape, sword fern and bracken.

Downstream of the wetland a small creek flows southeast for a distance of 60 m and discharges into Shawnigan Lake on the property located to the east of the subject property. The creek has an average width of 2.5 m and an average gradient of 4%. Channel substrate consists mostly of fines (45%) and gravels (25%) with lesser amounts of small (15%) and large cobbles (10%) and boulders (5%). Riparian vegetation consists of western redcedar, Douglas-fir, salmonberry, red-osier dogwood, salal and lady fern. Available cover consists of over-vegetation, undercut banks and large woody debris. At the time of the survey (June 2008) water levels were very low.

Shawnigan Lake has a total surface area of 537 ha. The maximum and average depths for this waterbody are 50 m and 12 m, respectively. Shawnigan Lake has one permanent inlet and one permanent outlet. Shawnigan Creek has a total length of 17.8 km and discharges into Saanich Inlet at Mill Bay.

**Fisheries Resources**

According to the BC Ministry of Fisheries' Fish Wizard Database Shawnigan Lake watershed sustains eight species of fish including brown bullhead (*Ictalurus nebulosus*), coho salmon (*Oncorhynchus kisutch*), cutthroat trout (*Oncorhynchus clarki*), prickly sculpin (*Cottus asper*), rainbow trout (*Oncorhynchus mykiss*), smallmouth bass (*Micropterus dolomieu*), brook trout (*Salvelinus fontinalis*), brown catfish (*Ameiurus nebulosus*), kokanee (*Oncorhynchus nerka*), lake whitefish (*Coregonus clupeaformis*), yellow perch (*Perca flavescens*) and threespine stickleback (*Gasterosteus aculeatus*). Ministry of Environment stocking records indicate rainbow trout and cutthroat trout stocking in Shawnigan Lake as far back as 1903. There is no information available regarding fisheries habitat value of the stream and wetland located along the eastern boundary of the property. At the time of the survey the water was too shallow to support fish but it is anticipated that during winter high flow conditions both the stream and the wetland could provide rearing habitat particularly for juvenile fish.

**Proposed Development**

The proposed subdivision consists of 16 single-family residences. Twelve of the lots will back onto Shawnigan Lake. Access will be via the currently undeveloped Worthington Road right-of-way. There will be a common disposal field for Lots 1 to 13 located to the south of Cullin Road; Lots 14, 15 and 16 will have individual disposal fields. Construction is anticipated to commence in the spring of 2011.

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

Description of Water bodies involved (number, type)		Date: October 14, 2010	
Stream		1 Lake, 1 Wetland, 1 Stream	
Wetland			
Lake	1		
Ditch			
Number of reaches	1		
Reach #	1		
<b>Site Potential Vegetation Type (SPVT)</b>			
	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>Susan Blundell</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>Cullin Holding Inc.</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:			Method employed if other than TR
	LC	SH	TR
SPVT Type			x
<b>Zone of Sensitivity (ZOS) and resultant SPEA</b>			
Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons	
LWD, Bank and Channel Stability ZOS (m)	15		
Litter fall and insect drop ZOS (m)	15		
Shade ZOS (m) max	-	South bank	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> X
SPEA maximum	15		
<b>Comments</b>			
Majority of Shawnigan Lake shoreline on property cleared of vegetation in early 2008, replanted in November 2008.			

**Form 3 Detailed Assessment Form**  
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

**2. Results of Detailed Riparian Assessment**

Refer to Chapter 3 of Assessment Methodology

Date: **October 14, 2010**

Description of Water bodies involved (number, type)

**1 lake, 1 wetland, 1 stream**

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

**Site Potential Vegetation Type (SPVT)**

SPVT Polygons	Yes	No	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
		x	
<p>I, <u>Susan Blundell</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>Cullin Holding Inc.</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:			Method employed if other than TR
	LC	SH	
SPVT Type			x

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

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	15					
Litter fall and insect drop ZOS (m)	15					
Shade ZOS (m) max	15	South bank	Yes		No	X
SPEA maximum	15					
Segment No:	2	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	15					
Litter fall and insect drop ZOS (m)	15					
Shade ZOS (m) max	30	South bank	Yes	x	No	
SPEA maximum	30					

I, Susan Blundell, 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 Cullin Holding Inc.;

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.

**Form 3 Detailed Assessment Form**  
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

**2. Results of Detailed Riparian Assessment**

Refer to Chapter 3 of Assessment Methodology

Date: **October 14, 2010**

Description of Water bodies involved (number, type)

**1 lake, 1 wetland, 1 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 (%)	I, <u>Susan Blundell</u> ( <i>name of qualified environmental professional</i> ), 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>Cullin Holding Inc.</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.
starting point	2.85		
upstream	3.75	4.0	
	2.20		
	2.35		
	3.25		
downstream	2.25		
	2.00	4.0	
	3.00		
	2.50		
	2.25		
	2.00		
Total: minus high /low mean	22.65 2.517	4.0	
Channel Type	R/P <input checked="" type="checkbox"/> C/P <input type="checkbox"/> S/P <input type="checkbox"/>		

**Site Potential Vegetation Type (SPVT)**

	Yes	No	
SPVT Polygons		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
			I, <u>Susan Blundell</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>Cullin Holding Inc.</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:			Method employed if other than TR
SPVT Type	LC <input type="checkbox"/> SH <input type="checkbox"/> TR <input checked="" type="checkbox"/>		

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

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons
LWD, Bank and Channel Stability ZOS (m)	10	
Litter fall and insect drop ZOS (m)	10	

Form 3 Detailed Assessment Form  
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Shade ZOS (m) max  South bank Yes  No  X  
SPEA maximum

I, Susan Blundell, hereby certify that:

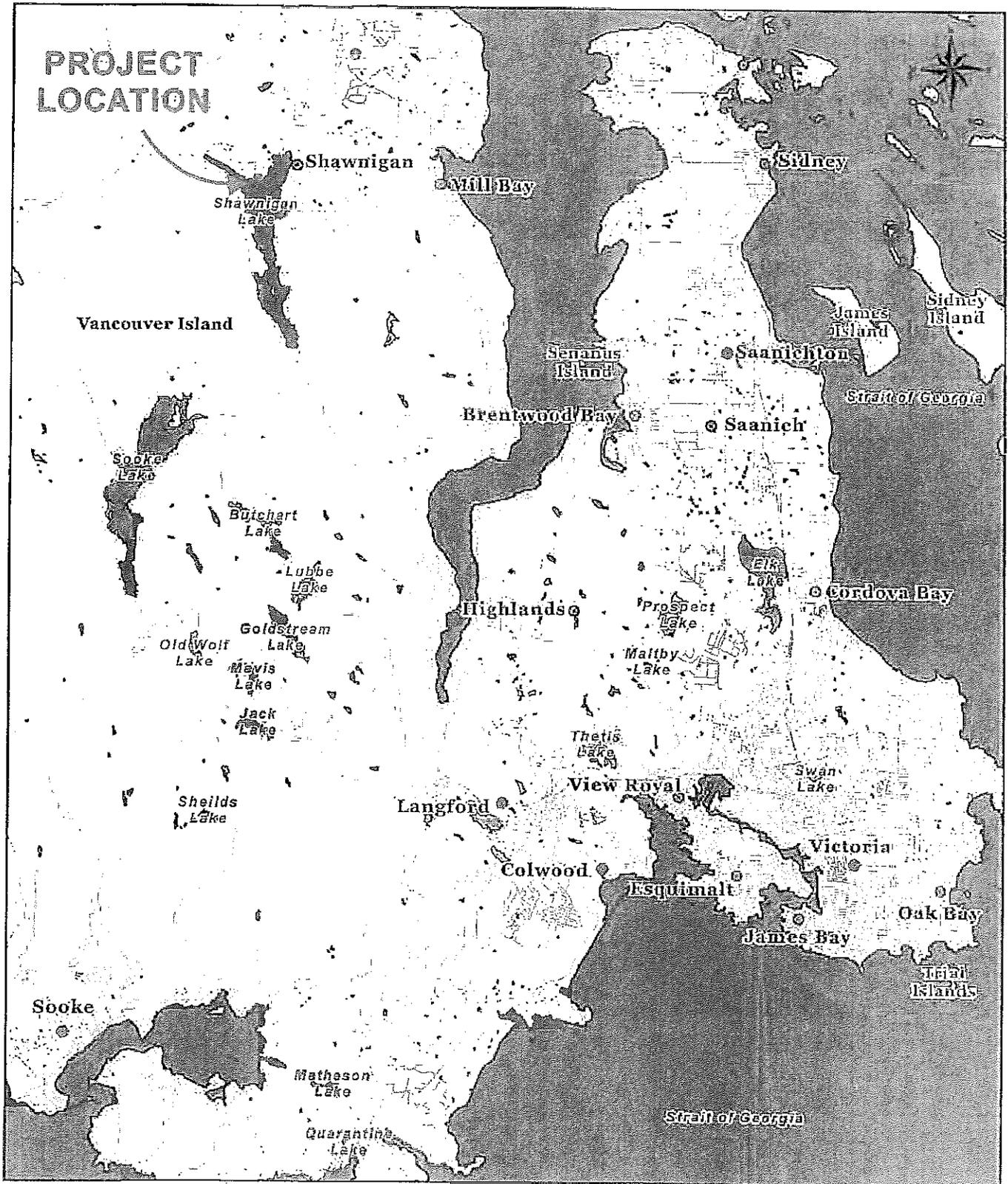
- a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Cullin Holding Inc.;
- c) I have carried out an assessment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

**Comments**

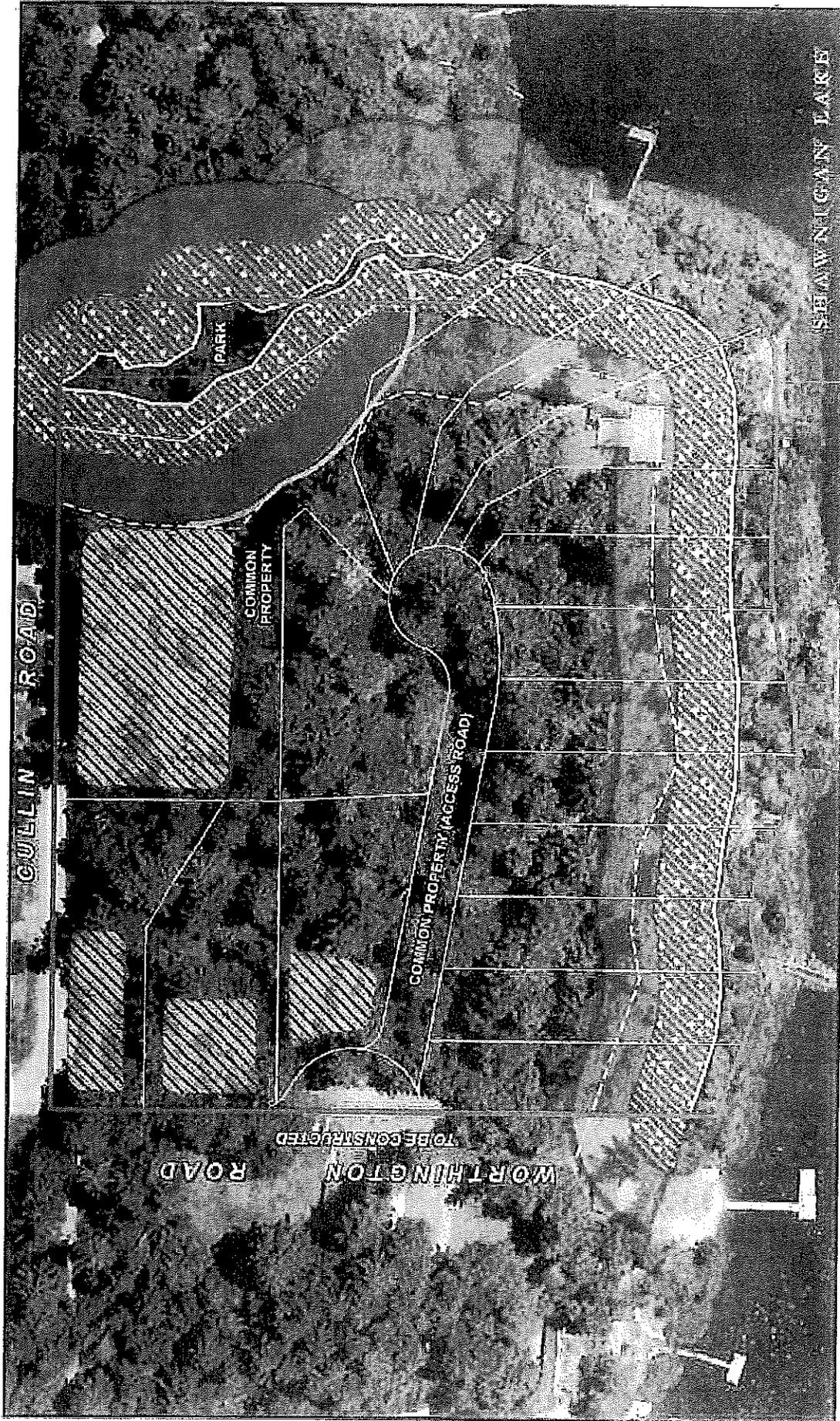
The majority of the stream is located off the property, but the SPEA encroaches into the subject property.

**Section 3. Site Plan**





<b>Legend</b> Cities Roads/Ferry Routes Coastline Lakes Project Boundary Vancouver Island	<b>2080 Cullin Road Projection Location</b>	
	<b>Figure 1</b>	<b>August 2009</b>
	Scale: 1:175,000 Km Map Projection: UTM NAD83 Zone 10	
		ENKON Environmental Ltd. <small>File Name: 20090826_1333-002_Fig1_ProjLoc.mxd</small>



<b>Cullin Holdings Inc. Riparian Areas Assessment</b>	
<b>Figure 1</b>	Oct. 31/2010
<p>Meters</p>	
Map Projection: UTM NAD83 10N File Name: 1333-002_Cullin.mxd	

<b>Legend</b>	High Water Mark
Proposed Boundary	Shade Zone Of Sensitivity
Existing Boundary	Leaf Litter / Insect Drop
CVRD Setback	Large Woody Debris
Proposed Lots	Streamside Protection and Enhancement Area (SPEA)
Existing Building	Area of Assessment
Proposed Septic	



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

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

1. Danger Trees	There will be no removal of trees within 30 m of the high water mark for the lake, wetland and stream
<p>I, <u>Susan Blundell</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 <u>Cullin Holding Inc</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	There will be no removal of trees within 30 m of the high water mark for the lake, wetland and stream
<p>I, <u>Susan Blundell</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>Cullin Holding Inc</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>	
d. Slope Stability	Due to the gentle gradients present on the site there are no slope stability issues.
<p>I, <u>Susan Blundell</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>Cullin Holding Inc</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>	
e. Protection of Trees	Tree protection considerations during construction of the SPEA and any additional areas highlighted in the measures, be protected with a physical barrier, such as snow fencing, which would prevent mechanical damage to trees within the SPEA. For trees falling along the outside boundary of the tree protection zone, allowances should be made to extend the tree protection zone to encompass the tree's rooting zone through to completion of construction
<p>I, <u>Susan Blundell</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>Cullin Holding Inc</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>	
d. Encroachment	As mentioned in the tree protection section, temporary fencing will be used to delineate the SPEA during construction. There is an existing dock along the shoreline of Lot #12 that the landowner may be interested in using. As well, individual land owners may apply at a later date to construct docks. If this is the case, a separate Riparian Areas Assessment will be completed. ENKON suggests a split rail fence at the edge of the SPEA of the lake,

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

	wetland and stream to delineate the area so that no trees are removed or structures built within this zone therefore removing the risk of encroachment. The fence will still allow for the movement of wildlife. A gate along the fence should be used to access the dock.
<p>I, <u>Susan Blundell</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>Cullin Holding Inc.</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>	
e. Sediment and Erosion Control	During the entire construction period sediment fencing will be installed along the edge of the SPEA or the edge of the trees that are to be left, whichever is wider. Clearing and construction should optimally take place outside of the heavy rainfall months. This will prevent any sediment laden water from entering this protected area. Also, planting of the area post construction will also aid in long term sediment and erosion control within the SPEA.
<p>I, <u>Susan Blundell</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>Cullin Holding Inc.</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>	
d. Stormwater Management	The project is in the preliminary design stage however the initial storm drainage management concept is to direct flows to in ground infiltrators with no direct discharge to Shawnigan Lake or the stream or wetland.
<p>I, <u>Phil Buchanan</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>Cullin Holding Inc.</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>	
e. Floodplain Concerns (highly mobile channel)	Specific measures are not required as the development is proposed for areas above the lake floodplain.
<p>I, <u>Susan Blundell</u>, hereby certify that:</p> <p>f. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>g. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Cullin Holding Inc.</u>;</p> <p>h. 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**

ENKON recommends implementing an environmental monitoring program for the duration of construction. Even though no impacts are anticipated within the SPEA or Shawnigan Lake, this monitoring program should be in place in case of heavy rain events. A site visit should occur before any construction takes place to discuss sediment and erosion control measures. If any heavy rain events occur during the construction period a site visit will be necessary.

The environmental monitor will work with the construction foreman to maintain a sediment control system (SCS). During site clearing and construction, the responsibility of the monitor will be to:

- Examine the adequacy of the sedimentation and control works in reaching acceptable sediment levels as recommended by DFO/MoE guidelines (i.e. total suspended solids and turbidity) discharged from the site;
- Make recommendations to the construction foreman on improving the SCS, if required;
- Instruct the construction foreman as to the site requirements and design specifications on sediment control structures and complete an inspection of such structures on a routine basis, particularly during periods of inclement weather;
- Require that works be stopped in the event of malfunctions of the sediment control system or contravention of discharge limits;
- Ensure that runoff is diverted from cleared areas by use of swales or low berms and that runoff is routed to the appropriate sedimentation control structures. In environmentally sensitive or problem areas, the monitor will need to oversee the installation and maintenance of sediment control structures;
- Review stockpiling methods for excavated materials to ensure that they are placed in an appropriate locations and stored properly (eg. covered with tarps); and,
- Recommend mitigation measures and ensure expeditious implementation of these if activities are found to have the potential for environmental impact or poor water quality runoff.

Maintaining the recommended SPEA zones and undertaking sediment and control measures and having a monitoring program in place should ensure that construction will not cause HADD. Once construction has been completed and any replanting has occurred a site visit will be necessary in order to check on the status of the SPEA and to sign off on a post development report.

**Section 6. Photos**

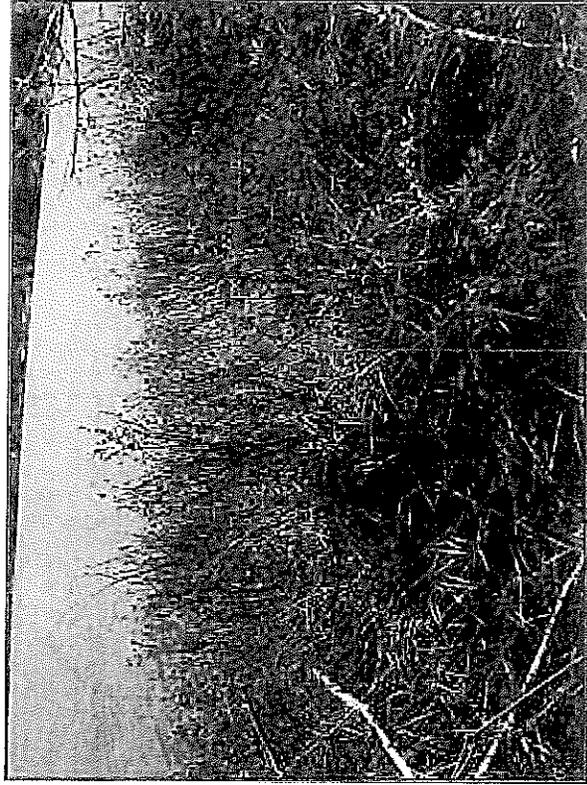


Plate 2: Shoreline shrub vegetation along Shawnigan Lake

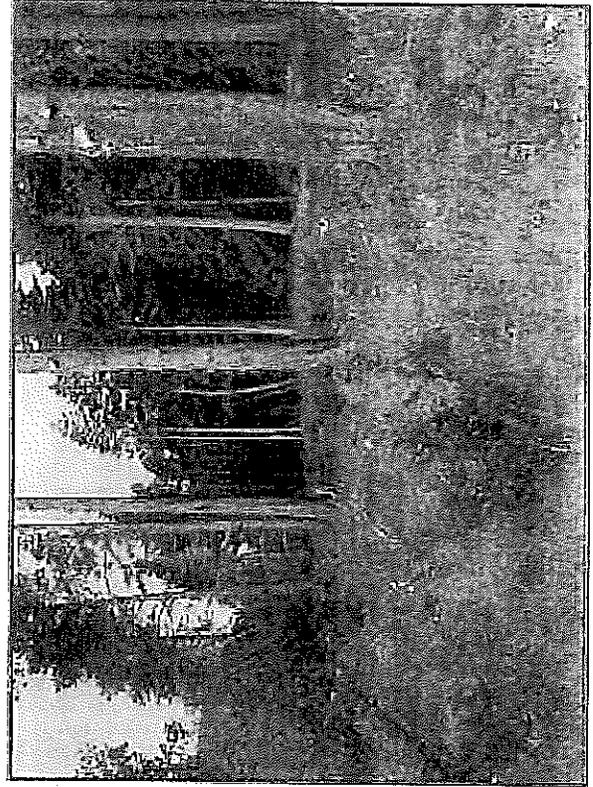


Plate 4: Replanted slope (June 09)



Plate 1: Wetland located on east side of property

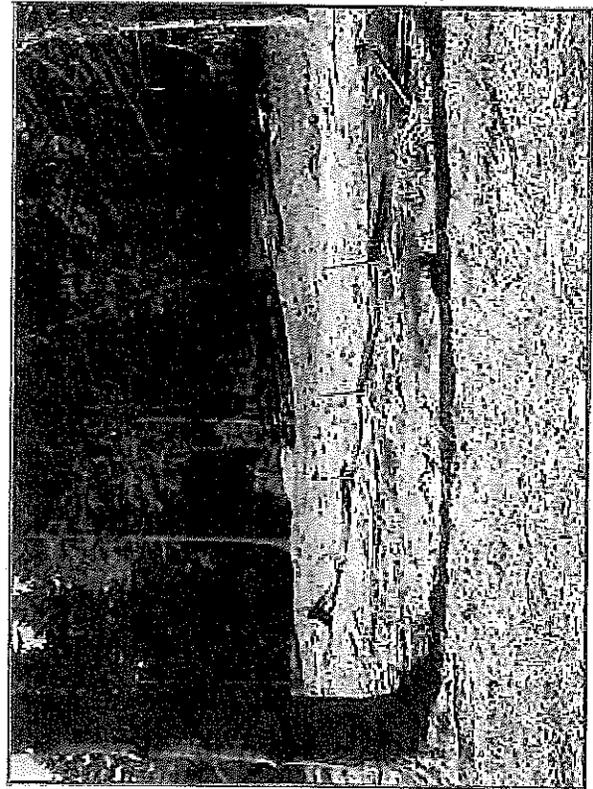


Plate 3: Cleared area upslope of Shawnigan Lake shoreline (May 08)

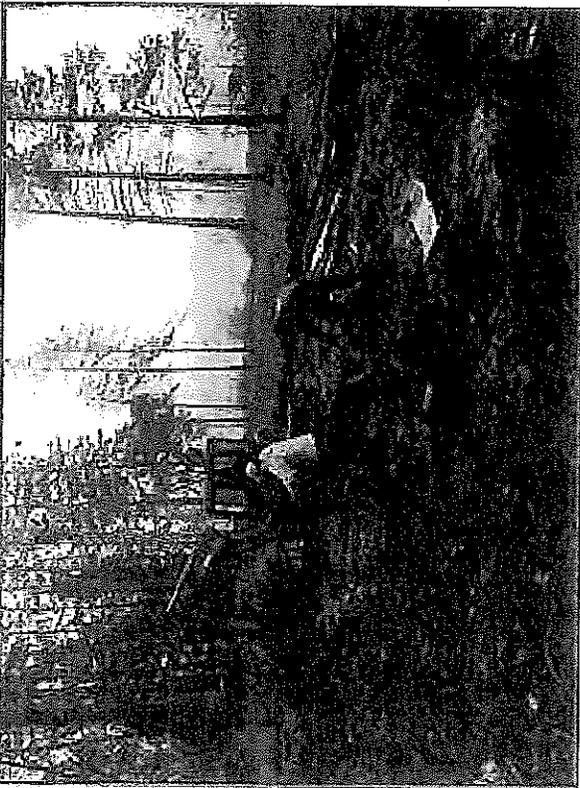


Plate 5: Replanting of cleared area (November 08)

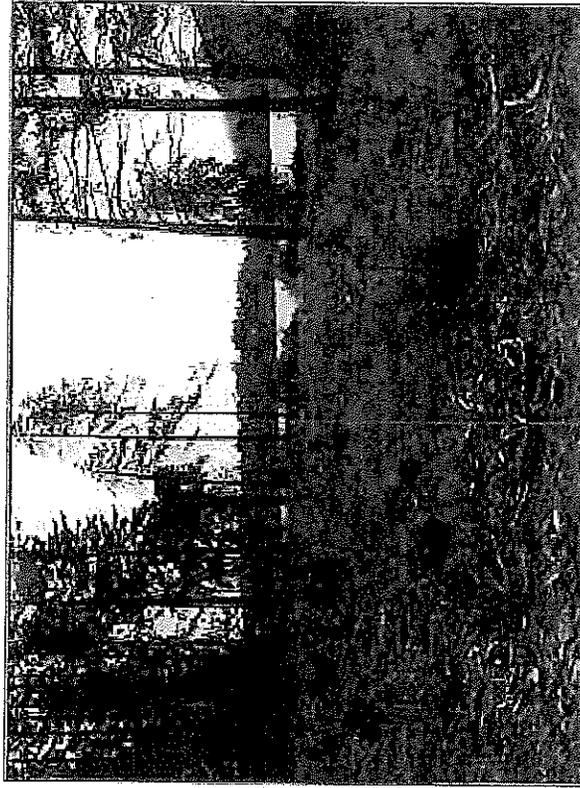


Plate 6: Replanted area (June 09)



Plate 7: Creek located downstream of wetland

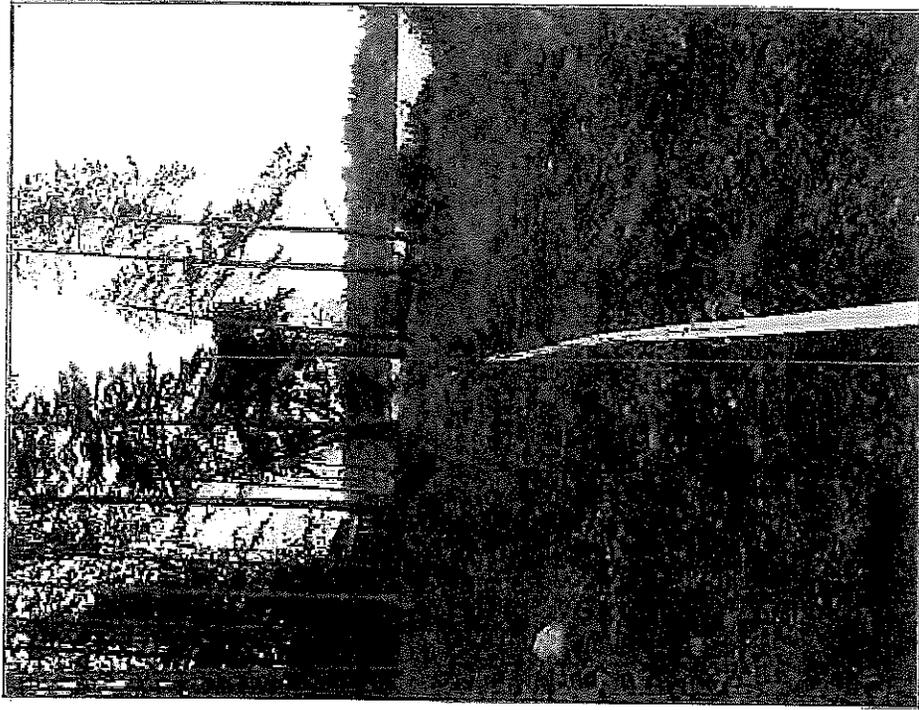


Plate 8: Irrigated replanted area (June 09)

### Section 7. Professional Opinion

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

Date

1. I/We Susan Blundell, R.P.Bio. and Phil Buchanan, P.Eng.

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

hereby certify that:

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

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

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

**[NOTE:** "qualified environmental professional" means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if  
(a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,  
(b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and  
(c) the individual is acting within that individual's area of expertise.]



**ENKON**  
ENVIRONMENTAL

Fifth Floor - 711 Broughton Street  
Victoria, B.C. Canada  
V8W 1E2  
Phone: (250) 480-7103  
Fax: (250) 480-7141  
E-mail: [enkon@enkon.com](mailto:enkon@enkon.com)

March 23, 2011

Our file No.: 1333-002

**Cowichan Valley Regional District**  
**Development Services Division**  
2nd Floor, 175 Ingram Street,  
Duncan, B.C.  
V9L 1N8

**Attention: Mr. Rob Conway, Manager**

Dear Mr. Conway,

**RE: 2080 CULLIN ROAD, SHAWNIGAN LAKE, B.C. – RIPARIAN  
RESTORATION PLAN**

## **BACKGROUND**

The owners of the 3.66 ha property located at 2080 Cullin Road are proposing to subdivide the lot into sixteen parcels for the purpose of residential development. The property is bounded on the south by the north shore of Shawnigan Lake. In August 2007 a portion of the shoreline was cleared of vegetation. As a requirement from the Cowichan Valley Regional District ENKON Environmental Ltd. (ENKON) was asked by the owners to assess the damage within the Streamside Protection and Enhancement Area (SPEA) and provide a restoration plan.

## **ENVIRONMENTAL SETTING**

The property is located in the Eastern Vancouver Island Ecoregion within the Nanaimo Lowland Ecosection within the Coastal Western Hemlock Very Dry Maritime (CWHxm) Biogeoclimatic Subzone. Douglas-fir as well as western hemlock dominate forests on zonal sites within the CWHxm, with minor amounts of western redcedar. Major understorey species include salal, dull Oregon-grape, red huckleberry, step moss and Oregon-beaked moss dominate the understorey. Less prominent species include vanilla leaf, sword fern, twinflower and bracken. The presence of arbutus and shore pine characterizes drier sites.

The majority of the shoreline has been cleared to a depth of 30 m from high water mark. Due to the timing of the clearing a portion of the area located below the

high water mark was also partially cleared. In total an area of approximately 10380 m<sup>2</sup> was cleared; 3553 m<sup>2</sup> within the SPEA and 2903 m<sup>2</sup> below the high water mark.

## **METHODS**

ENKON completed the initial site assessment in March 2008 at which time the extent of the clearing was determined. The natural undisturbed vegetation on the adjacent shoreline was also examined to determine the appropriate species suitable for planting.

The lower portion of the cleared area occurs within the medium bench floodplain area and could be classified as black cottonwood – red-osier dogwood. This plant community can be comprised of red alder, black cottonwood, salmonberry, stink currant, red elderberry, black twinberry and red-osier dogwood.

The middle portion of the cleared area lies within the high floodplain bench in the Sitka spruce – salmonberry plant community. This plant community can be comprised of black cottonwood, western hemlock, western redcedar, red alder, salmonberry, common snowberry, red elderberry, deer fern, lady fern and sword fern.

The upper portion of the cleared area within the SPEA consists of the western redcedar – salmonberry community. This plant community can be comprised of red alder, Douglas-fir, bigleaf maple, red elderberry, salmonberry, common snowberry, thimbleberry, salal, dull Oregon-grape and sword fern.

## **Planting**

The following plant species were chosen for the riparian planting plan:

- Western redcedar
- Douglas-fir
- Black cottonwood
- Pacific willow
- Pacific crabapple
- Shore pine
- Trembling aspen
- Black twinberry
- Common snowberry

- Hardhack
- Pacific ninebark
- Red-osier dogwood
- Salmonberry
- Salal
- Thimbleberry
- Sword fern
- Lady fern
- Slough sedge

For the area below the high water mark ENKON recommended the planting of willow bar stakes at a density of 1 per 9 m<sup>2</sup>. Bar staking is a useful for protecting lake shorelines and stabilizing stream channels. Donor stock is collected from the same area by cutting down small deciduous trees close to the ground. This allows the donor tress to coppice and regenerate in the following years. Species may include Scouler's willow, red-osier dogwood and black cottonwood. Authorization for the cutting must be received from the municipality and often from the Ministry of Environment. Stakes range from 2 to 4 m in height and have an average stem diameter of 2 cm. Bundles of stakes are soaked for 7 to 10 days prior to installation. Stakes are cut into 1 m lengths and planted in bundles at a 45o angle in bundles of 3 to 5. This technique was recommended by Peter Law, Ministry of Environment Habitat Biologist.

Planting took place in November 2008 before heavy rains commenced. The planting plan (see attached) was followed in great detail as follows:

- The plan was enlarged and separated into four sections.
- A one metre grid was spray painted on the ground
- Each quadrat was marked with a plant identification code (eg. Sa = salal)
- The ground was prepared for planting using using a rubber tracked bobcat equipped with a small bucket
- Trees were planted at a density of one per 4 m<sup>2</sup>
- Shrubs, ferns and forbs were planted at a density of one per 1 m<sup>2</sup>
- The planting was supervised by ENKON.

At the time of the riparian planting it was not possible to access willow stakes for the live stake planting. This component of the planting was planned for the early spring of 2009.

### Monitoring

ENKON completed monthly monitoring of the planted area on a monthly basis during the summer months of 2008. Due to extreme temperatures and very dry conditions it was necessary to install an irrigation system in August which was equipped with a timer. Growth observed during this time was excellent. Some plants showed signs of stress due to browsing by deer. The area was weeded several times.

Monitoring in 2010 was limited to a visit in May, July and September. ENKON recommended further weeding of the site. The site was last weeded in October 2010.

During site visits the area located below the high water mark was re-evaluated. This area appeared to be rapidly regenerating and the need for live stake installation was considered unnecessary. There are several small areas that might benefit from this technique; this will be determined during the 2011 inspection after the water levels have diminished.

Due to the extremely large area of planting it will be necessary to assess the riparian area on a quarterly basis for at least two more years. ENKON will be assessing the success of the plantings in the early spring of 2011 at which time some replacement planting will likely be recommended. A summary report will be presented to the Cowichan Valley Regional District after the completion of the site assessment.

### **MAINTENANCE**

The Riparian Areas Regulation typically recommends the installation of a split rail fence along the SPEA boundary (15 from HWM) (as presented in ENKON's October 2010 Riparian Areas Assessment). Consultation with the property owners has determined that they do not support the concept of split railing fencing, but are proposing instead to plant a hedgerow. ENKON endorses this proposal as the hedgerow will meet the requirements of fencing. Fencing provides a visual delineation of the SPEA boundary. The hedgerow will also do this and will provide cover as well as a source of food for small mammals and birds. A hedgerow will not inhibit wildlife movement. ENKON recommends evergreen huckleberry for this planting at a density of two shrubs per 1 m<sup>2</sup>.

Snow fencing as well as sediment fencing should be installed along the SPEA before the commencement of lot clearing and/or house construction and should remain in place until the completion of the subdivision. As well, ENKON recommends signage along the hedgerow identifying the SPEA as a sensitive ecosystem and protective area.

In order to discourage the public from entering the SPEA via the road right-of-way along the western property boundary ENKON recommends split rail fencing along the property line down to the high water mark.

The irrigation system should remain in place until ENKON determines that it is no longer necessary.

Weed control will be particularly important to assure the success of the plantings. ENKON recommends that weeding take place on a regular basis (at least quarterly). ENKON recommends the application of mulch to reduce weeds and to retain moisture during dry summer months.

To further protect this area ENKON recommends that the entire riparian area located on the site be registered under a two party restrictive covenant between the strata and the CVRD.

In order to pay for landscaping costs ENKON recommends that the maintenance of the riparian area be the responsibility of the strata for a period of time (to be determined). ENKON will continue to monitor the riparian area for the next two years on a quarterly basis. Reports will be submitted to the CVRD twice a year.

Following the riparian restoration sign-off an inspection of the SPEA will be conducted annually by a Qualified Environmental Professional (QEP) or a CVRD representative as chosen by the strata. Inspections will be completed in late August; the inspection will be scheduled by the strata. Upon completion of the inspection the QEP will submit a status report to the strata and Cowichan Valley Regional District. If there is to be any work to take place in the SPEA as required by the inspection report it will be done under the supervision of the QEP and a follow-up report will be completed.

It is anticipated that there be a strong interest from waterfront lot owners to access the lake. It will be necessary to create several pathways through the SPEA. The design and number of pathways through the SPEA will be determined by the professional biologist through consultation with the Cowichan Valley Regional District in order to allow access and still ensure the preservation of the integrity of the riparian area. There will be a need to maintain (e.g. pruning) these pathways which should not be undertaken by individual property owners but instead should

Mr. Rob Conway  
March 23, 2011  
Page 6

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be done by a landscaping professional under the supervision of a qualified environmental professional.

If you have any questions or require further information please do not hesitate to give me a call at (250) 480-7103.

Yours truly,



**Susan Blundell, M.Sc., R.P.Bio.**  
Manager of Environmental Services

Attachments: Figures 1 and 2  
Photoplates

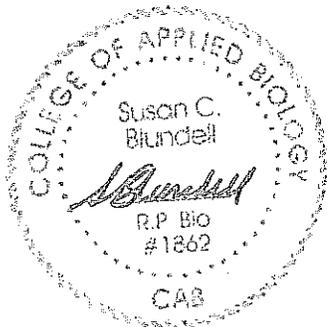




Plate 1: Cleared area looking towards southwest corner of property

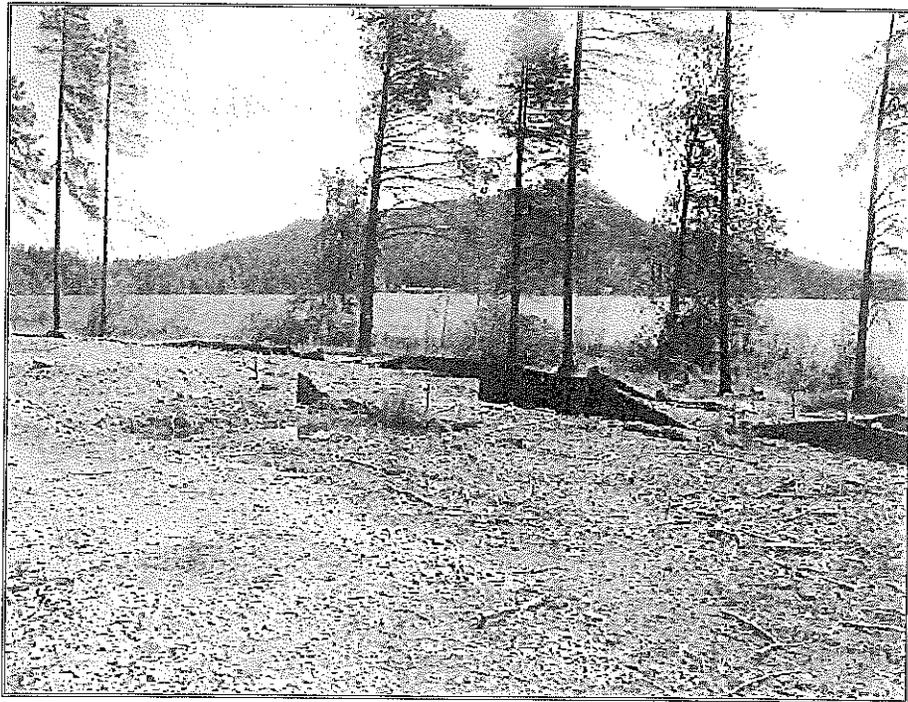


Plate 2: Cleared area looking to the southeast



Plate 3: Planting of the site using excavator



Plate 4: Nursery stock

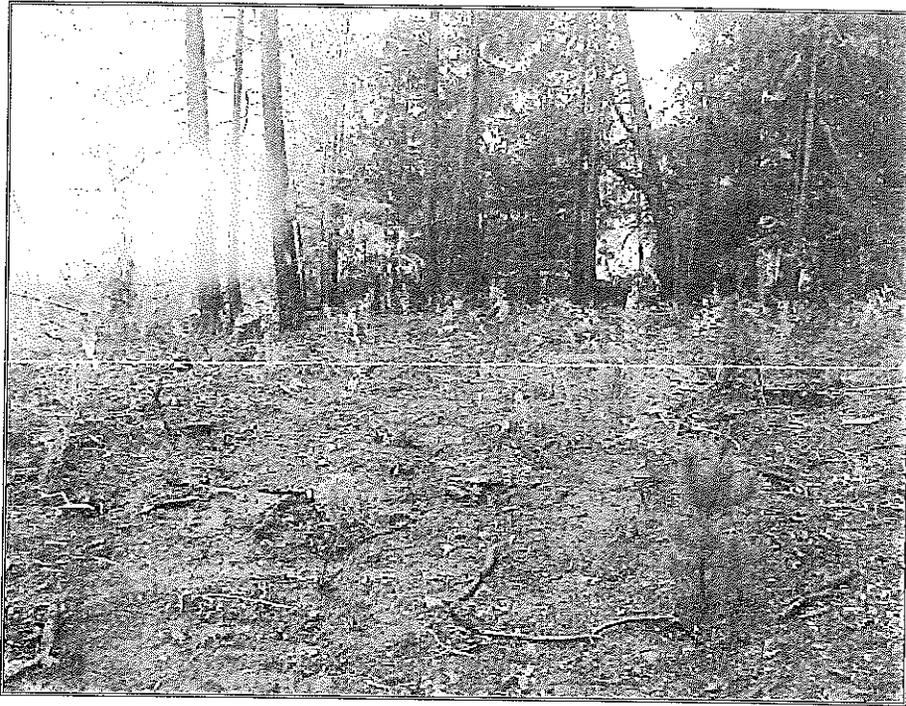


Plate 5: Western portion of site after completion of planting



Plate 6: Planted area in May 2009



Plate 7: Planted area in June 2009



Plate 8: Planted area in July 2009

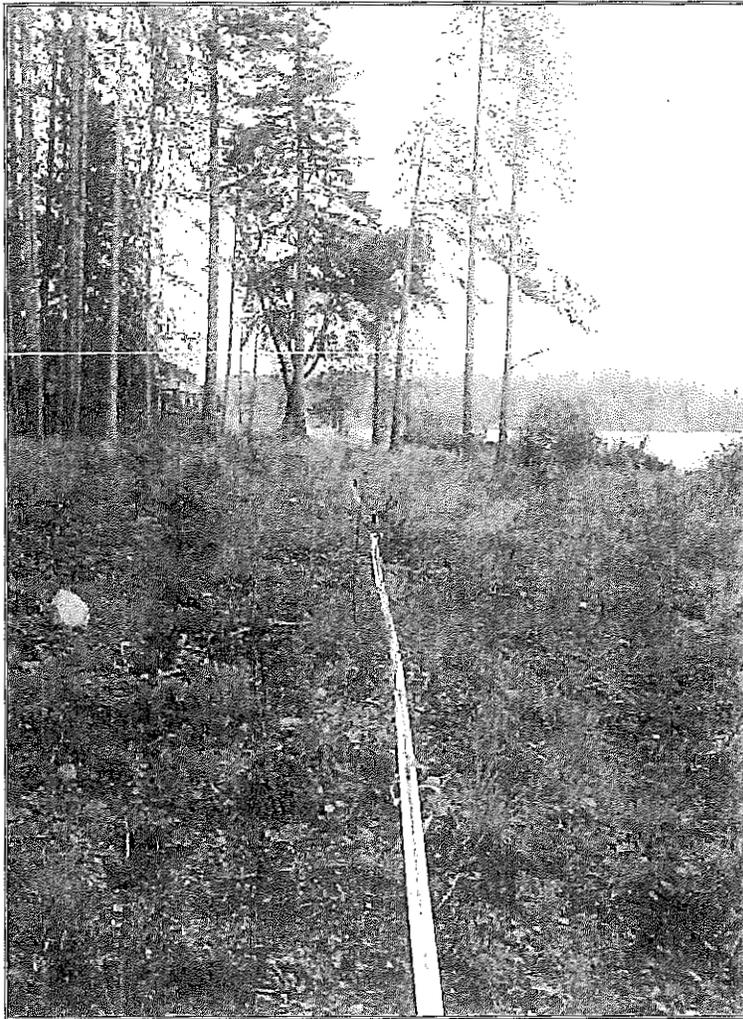


Plate 9: Planted area in August 2009 with irrigation installed



### 13.8 RIPARIAN AREAS REGULATION DEVELOPMENT PERMIT AREA

#### 13.8.1 CATEGORY

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

#### 13.8.2 DEFINITIONS

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

#### 13.8.3 JUSTIFICATION

The province of British Columbia's *Riparian Areas Regulation (RAR)*, under the *Fish Protection Act*, aims to protect fish habitat. This regulation requires that residential, commercial or industrial development as defined in the *RAR*, in a Riparian Assessment Area near freshwater features, be subject to an environmental review by a Qualified Environmental Professional (QEP).

#### 13.8.4 RIPARIAN ASSESSMENT AREA

The Riparian Area Regulation Development Permit Area is coincidental with the Riparian Assessment Area as defined in the *Riparian Areas Regulation*. It is indicated in general terms on Figure 5f – RAR Development Permit Area Map. Notwithstanding the areas indicated on Figure 5f, the actual Development Permit Area will in every case be measured on the ground, and it will be:

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

#### 13.8.5 APPLICABILITY

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

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

### 13.8.6 GUIDELINES

Prior to undertaking any of the development activities listed in Section 12.8.5 above, an owner of property within the Riparian Areas Regulation Development Permit Area shall apply to the CVRD for a development permit, and the application shall meet the following guidelines:

- a) A qualified environmental professional (QEP) will be retained at the expense of the applicant, for the purpose of preparing a report pursuant to Section 4 of the *Riparian Areas Regulation*. The QEP must certify that the assessment report follows the assessment methodology described in the regulations, that the QEP is qualified to carry out the assessment and provides the professional opinion of the QEP that:
  - i) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area; and
  - ii) the streamside protection and enhancement area (SPEA) that is identified in the report is protected from the development and there are measures identified to protect the integrity of those areas from the effects of development; and
  - iii) the QEP has notified the Ministry of Environment and Fisheries and Oceans Canada, both of whom have confirmed that a report has been received for the CVRD; or
  - iv) confirmation is received from Fisheries and Oceans Canada that a harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area has been authorised in relation to the development proposal.
- b) Where the QEP report describes an area designated as Streamside Protection and Enhancement Area (SPEA), the development permit will not allow any development activities to take place therein, and the owner will be required to implement a plan for protecting the SPEA over the long term through measures to be implemented as a condition of the development permit, such as:
  - a dedication back to the Crown Provincial,
  - gifting to a nature protection organisation (tax receipts may be issued),
  - the registration of a restrictive covenant or conservation covenant over the SPEA confirming its long-term availability as a riparian buffer to remain free of development;
  - management/windthrow of hazard trees;
  - drip zone analysis;
  - erosion and stormwater runoff control measures;
  - slope stability enhancement.
- c) Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit will only allow the development to occur in strict compliance with the measures described in the report. Monitoring and regular reporting by professionals paid for by the applicant may be required, as specified in a development permit;
- d) If the nature of a proposed project in a riparian assessment area evolves due to new information or some other change, a QEP will be required to submit an amendment report, to be filed on the notification system;

- e) Wherever possible, QEPs are encouraged to exceed the minimum standards set out in the RAR in their reports;
- f) Shawnigan Lake is subject to natural water level fluctuations on an annual basis. Winter water (high) levels often flood shoreline areas of the lake. These shoreline areas provide important fish habitat, especially during winter periods. The QEP assessment must pay special attention to how the site may be within an active floodplain; the QEP should also assess the existence of floodplain plant species that are important fish refuge areas during high water, and clearly delineate exactly where the high water mark is on the site.

#### 13.8.7 EXEMPTIONS

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

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

#### 13.8.8 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.

#### 13.8.9 CONCURRENT DEVELOPMENT PERMIT AREAS

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



C·V·R·D

**COWICHAN VALLEY REGIONAL DISTRICT**

**DEVELOPMENT PERMIT**

NO: 3-B-11DP/RAR

DATE: AUGUST 3, 2011

TO: 2080 Cullin Holdings Inc.

ADDRESS: 1105 – 242 Mary Street

VICTORIA, BC V9A 3V9

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 any and all buildings, structures and other development located on those lands within the Regional District as described below:

*Lot 1, Block 33, Shawnigan Suburban Lots, Shawnigan District, Plan 218A (PID: 009-255-702)*

*Lot 2, Blok 33, Shawnigan Suburban Lots, Shawnigan District, Plan 218A (PID: 009-255-753)*

*Lot B, Section 1, Range 3, Cowichan District, and Sections 19 and 20, Range 3, Shawnigan District, Plan VIP63159, except part in Plan VIP81571 (PID:023-435-062)*

*District Lot 16, Shawnigan District, (PID: 0009-481-079)*

3. Authorization is hereby given for the subdivision of the subject properties, in accordance with the conditions listed in Section 4, below:

4. **The development shall be carried out subject to the following conditions:**
- Registration of a restrictive covenant approved by the General Manager of the Planning and Development Department to protect the Streamside Protection and Enhancement Area;
  - Strict compliance with the RAR Assessment Report and submission of a post development report from a Qualified Environmental Professional prior to final subdivision approval confirming that all RAR assessment requirements have been met or that measures to reasonably assure compliance are in place;
  - Submission of a detailed cost estimate prepared by a Qualified Environmental Professional for estimated and potential post-subdivision maintenance, plant replacement, monitoring and reporting expenses described in the March 23, 2011 riparian restoration report prepared by Enkon Environmental for a five year period and submission of an irrevocable letter of credit or funds held in trust equivalent to 125% of the accepted cost estimate;

5. **The following Schedules are attached:**

- **Schedule A – RAR Assessment Report (Pending)**
- **Schedule B – Riparian Assessment Report**
- **Schedule C - Subdivision Sketch Plan (Pending)**

and form part of this Permit

6. **This Permit is not a Subdivision Approval. No subdivision approval shall be recommended until all conditions of this Development Permit and other requirements of subdivision have been completed to the satisfaction of the Planning and Development Department.**

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

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

**I HEREBY CERTIFY that I have read the terms and conditions of the Development Permit contained herein. I understand and agree that the Cowichan Valley Regional District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with 2080 CULLIN HOLDINGS INC. other than those contained in this Permit.**

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

\_\_\_\_\_  
Witness

Print Name

Occupation

Date

Date

DRAFT



R16

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 6, 2011

**DATE:** August 23, 2011 **FILE NO:** 1-D-08DP  
**FROM:** Rob Conway, Manager **BYLAW NO:**  
Development Services Division  
**Subject:** Development Permit Application No. 1-D-08DP  
(Silver Catch Processing Inc.)

---

**Recommendation/Action:**

That Development Permit 1-D-08DP, issued to Silver Catch Processing Inc, be renewed until December 10, 2013 and that no further extensions of the development permit be granted.

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

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

**Background:**

Silver Catch Processing Inc. was issued a Development Permit on December 10, 2008 to permit the construction of a 25 unit condominium apartment building and associated works at 1838 Cowichan Bay Road. The Development Permit states that "if the holder of this Permit does not substantially start any construction within two years of its issuance, this permit will lapse".

The development permit would have expired on December 10, 2010. However, in response to a request by the owner to extend the permit, the CVRD Board authorized an extension of the permit last year to December 10, 2011. Due to market conditions, the owner is requesting a further extension of the permit to December 10, 2013. A letter explaining the reasons for the extension request along with a copy of the development permit are attached to this report.

**Staff Comments:**

The terms and conditions of the original development permit would continue to apply if the permit is renewed. Landscape requirements of the development permit are secured with \$31,089.96 held in trust and would remain as specified in the permit. Staff is not aware of any recent regulatory change that would affect the permit. Since the approved development was previously deemed to be compliant with the applicable development permit guidelines, requiring the owner to re-apply for a development permit after the current permit has expired is not expected to result in any significant change to what was previously approved.

An OCP review is underway for Area D, which could result in new development permit guidelines for the Cowichan Bay Village area. Although changes are expected, it is not known exactly when the new OCP will be adopted and what development permit guidelines will apply. A two year extension would allow the owner a reasonable window to undertake marketing and commence construction within the timeframes identified in the letter under the current permit and guidelines. It is recommended that further extensions to the development permit not be approved in order that any new development guidelines can be considered at that time.

Option 1 is recommended.

**Options:**

1. That Development Permit 1-D-08DP, issued to Silver Catch Processing Inc., be renewed until December 10, 2013 and that no further extensions of the development permit be granted.
2. That Development Permit 1-D-08DP, issued to Silver Catch Processing Inc., be renewed until December 10, 2013.
3. That the Development Permit issued to Silver Catch Processing Inc. not be renewed.

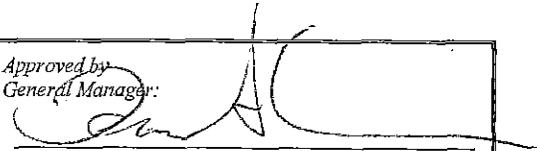
Option 1 is recommended.

Submitted by,



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

RC/ca

<p>Approved by General Manager:</p>  <p>Signature</p>
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**Cowichan  
Valley  
Regional  
District**

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

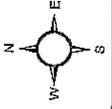
The Regional District does not warrant the accuracy.

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

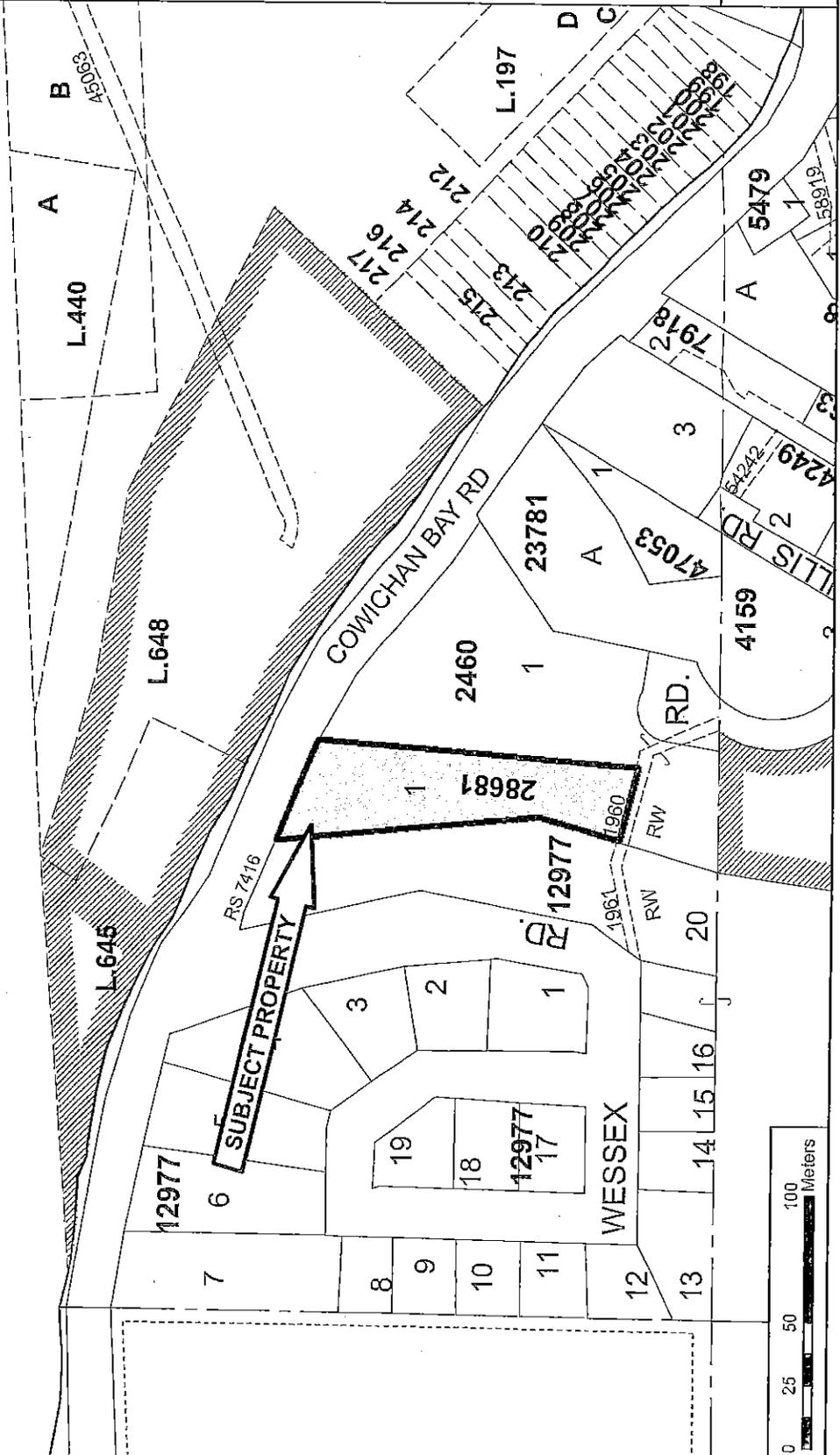
The original Bylaws should be consulted for full interpretation and application of the Bylaws.

**FILE: 1-D-08-DP**

Legend  
 Subject Property



*Cowichan Bay*



**SCOTT-MONCRIEFF & COMPANY**

BARRISTERS, SOLICITORS, NOTARIES PUBLIC

BRYAN W. SCOTT-MONCRIEFF\*  
PAULA L. BOSENBERG  
LINDSAY SCOTT-MONCRIEFF104 - 9710 Second Street  
SIDNEY, B.C.Canada, V8L 3C4  
PHONE: (250) 656-0981  
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www.smclawyers.ca  
E-mail: paula@smclawyers.ca

OUR FILE: 16271

August 17, 2011

**Cowichan Valley Regional District**  
175 Ingram Street  
Duncan, B.C., V9L 1N8*per facsimile: (250) 746-2513*Attention: **Rob Conway**

Dear Sir:

Re: **Silver Catch Processing Inc. - Renewal of Development Permit # 1-D-08DP (the "Development Permit")**

We act on behalf of Silver Catch Processing Inc. (the "Company").

On December 10, 2008, the Development Permit was issued to the Company in respect of a 25 unit condominium development located at the property legally described as:

Lot 1, Section 7, Range 4, Cowichan District, Plan 28681 (PID: 001-740-822)

(the "Development")

We have attached copy of the Development Permit for ease of reference.

The Development Permit was due to lapse on December 10, 2010, but was extended to December 10, 2011.

Construction as required by the Development Permit has not yet begun and is unlikely to start before December 10, 2011. The reason for this is the lack of presales needed to initiate building work.

The Development is now being aggressively marketed by the Company. In addition to the regular forms of advertising, such as flyers and newsprint, the Company has also set up an interactive website and has constructed a sales booth at the site of the Development. The realtor involved reports considerable interest in the Development.

- 2 -

The Company is confident that it will be in a position to begin construction within the next 12 to 18 months and seeks an extension of the Development Permit.

The Company requests a further extension for a period of 24 months, ending December 10, 2013. A shorter period of time would be detrimental to the Development, as potential sales could be jeopardized by the fact that the Development Permit may expire before construction can begin. The longer the time granted under the Development Permit, the more this risk is negated.

Extending the Development Permit for 24 months would also save having to make the extension request an annual occurrence, thereby saving costs and time for all parties concerned.

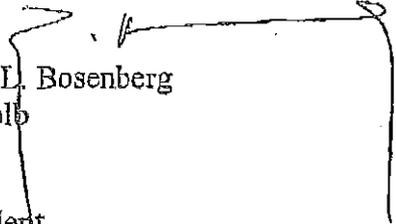
We confirm that, to the best of our knowledge, no material changes have occurred which would jeopardize the approval previously granted by Ministry of Transport Approval in respect of the Development. We also confirm that, to the best of our knowledge, the Company has remained compliant with the Habitat Protection Development Permit Area guidelines.

We believe that, on the basis of the Ministry of Transport Approval and compliance with the Habitat Protection Development Permit Area guidelines, the purposes of the Multi-Family Development Permit Area, as established by the Area D – Cowichan Bay Official Community Plan Official Community Plan, are unlikely to be compromised by the Development, which, as you know, is zoned as RM4, Medium Density Apartment Residential.

We trust that you find our request in order. Please feel free to contact our office if you require any additional information.

Yours truly

**SCOTT-MONCRIEFF & COMPANY**

Per:   
Paula L. Bosenberg  
PLB/plb  
Enc:

cc. Client



**C·V·R·D**

**COWICHAN VALLEY REGIONAL DISTRICT**

**DEVELOPMENT PERMIT**

**NO: 1-D-08DP**

**DATE: DECEMBER 10, 2008**

**TO: SILVER CATCH PROCESSING INC.**

**ADDRESS: PO BOX 521**

**SHAWNIGAN LAKE, BC V0R 2W0**

1. This Development Permit is issued subject to compliance with all of the Regional District bylaws applicable thereto, except as specifically varied or supplemented by this Permit.

3. This Development Permit applies to and only to those lands within the Regional District described below (legal description):

Lot 1, Section 7, Range 4, Cowichan District, Plan 28681 (PID: 001-740-822)

4. Authorization is hereby given for the construction of a 25-unit condominium apartment and associated works, in accordance with the Multi-Family Development Permit Area Guidelines of Electoral Area D – Cowichan Bay - Official Settlement Plan Bylaw No. 925.

The development shall be carried out subject to the following conditions:

1. Compliance with the Habitat Protection Development Permit Area guidelines
2. Ministry of Transportation Approval

5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.

6. The following Schedules are attached:

- Schedule A – Site Plan
- Schedule B – South and East Elevations
- Schedule C – North and West Elevations
- Schedule D – Main Floor Plan
- Schedule E – Landscape Plan

and form part of this Permit.

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

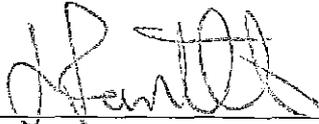
ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. 08-603 PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 13<sup>th</sup> DAY OF AUGUST 2008.



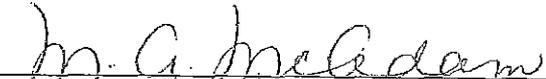
Tom Anderson, MCIP  
Manager, Development Services

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

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



Signature



Witness

Owner/Agent

Sec / Dev. Serv.

Occupation

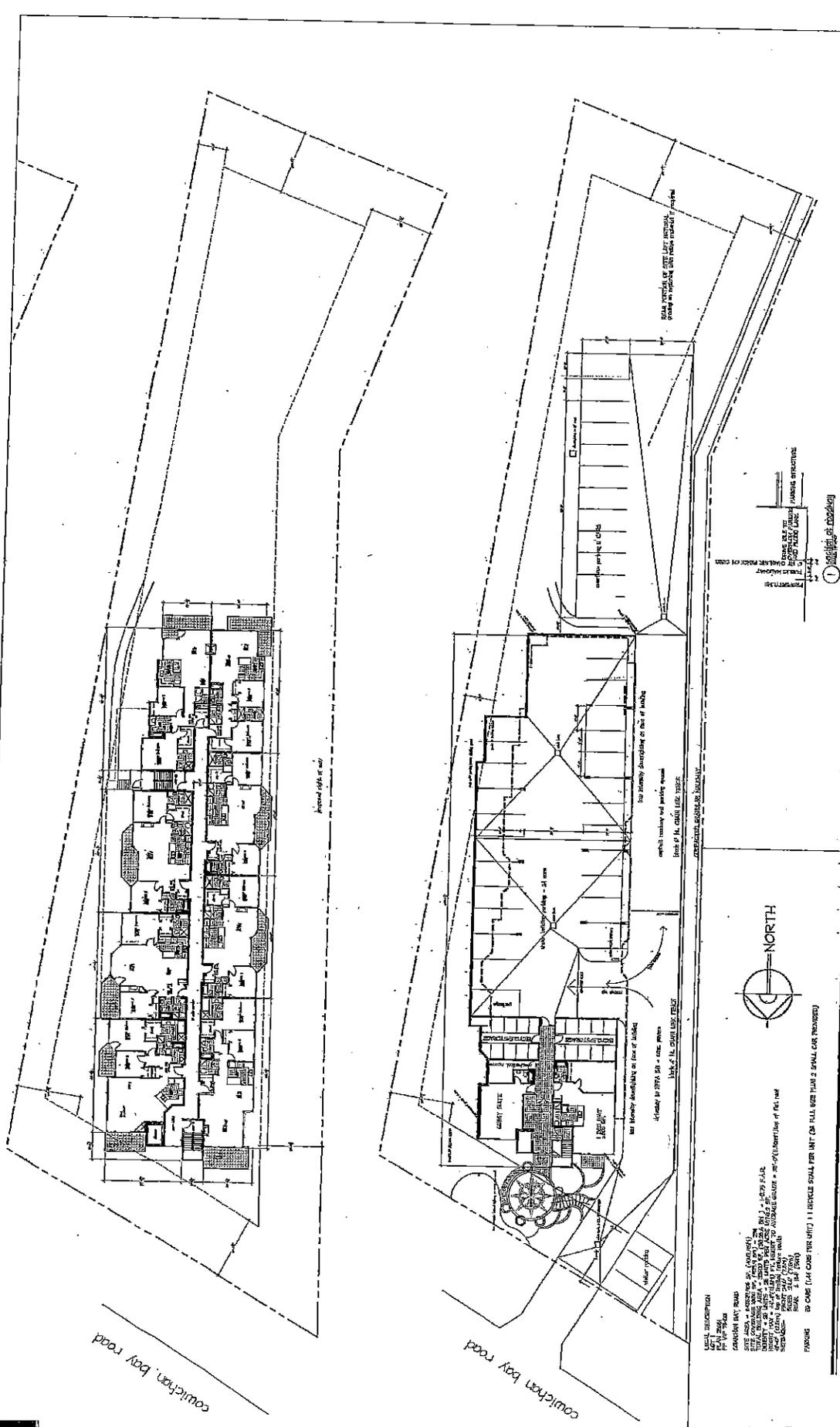
Date

Dec 12, 2008

Date

Dec 12/08





LEGAL DESCRIPTION  
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Project: The Corners - Colocation Bay Road	
Drawn By: A-02	Scale: As Shown
Checked By: [Blank]	Date: [Blank]
Project No: 2007-11	Sheet No: [Blank]
1. Proposed site of roadways 2. Proposed site of way 3. Proposed site of parking 4. Proposed site of structure 5. Proposed site of utility 6. Proposed site of landscape 7. Proposed site of other	
File	Date

**SCHEDULE B**









R17

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE OF SEPTEMBER 6, 2011

**DATE:** August 30, 2011 **FILE NO:** 10-B-10SA  
**FROM:** Rob Conway, MCIP **BYLAW NO:**  
Manager, Development Services Division  
Planning and Development Department  
**SUBJECT:** Subdivision Application for 2080 Cullin Road (Lots 1 and 2, , Block 33, Plan 218A and District Lot 16, Section 1, Range 3, Plan 800, All in Shawnigan District)

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**Recommendation/Action:**

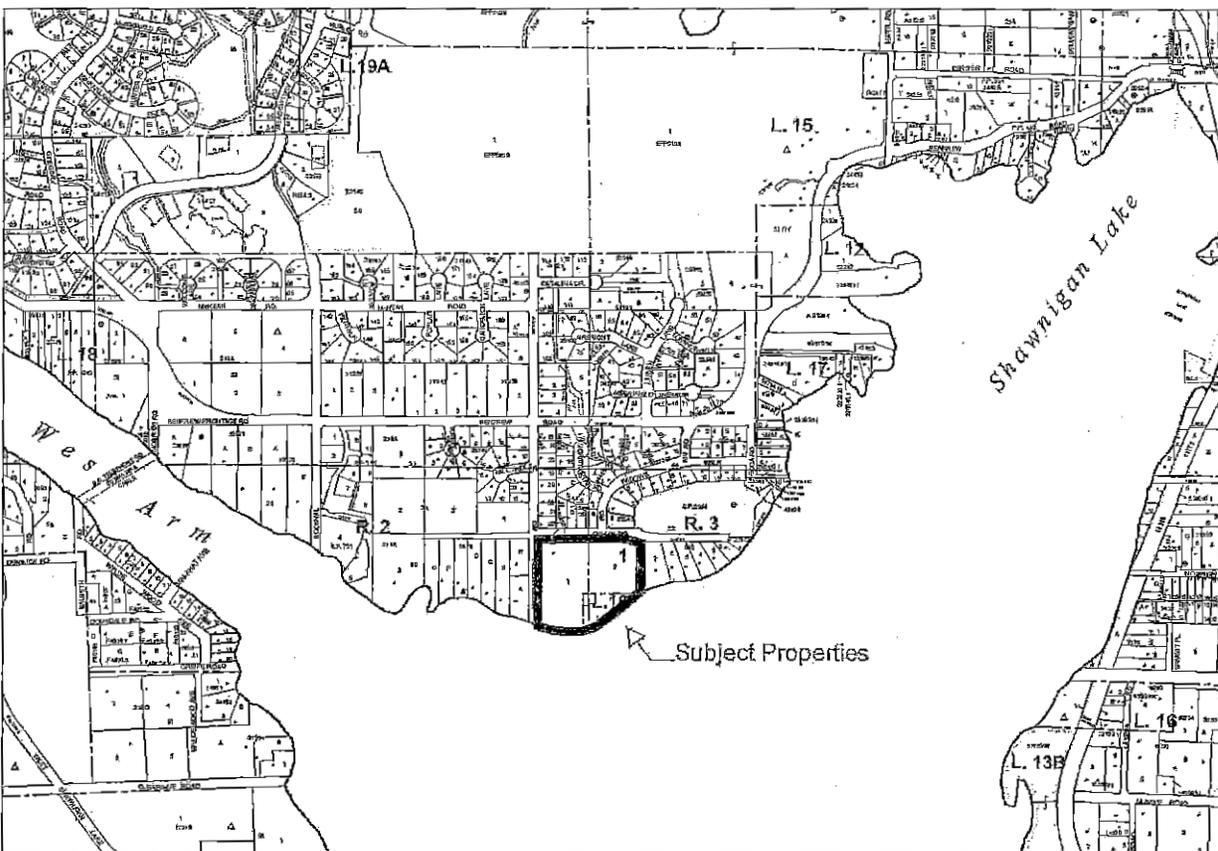
That the Provincial Approving Officer be requested to deny the proposed subdivision of Lots 1 and 2, , Block 33, Plan 218A and District Lot 16, Section 1, Range 3, Plan 800, all in Shawnigan District (2080 Cullin Road – File 10-B-10SA) due to it being against the public interest for the following reasons:

- a. The application proposes a lot configuration and concentration of density along the lakeshore that will discourage successful restoration and protection of the previously damaged Shawnigan Lake riparian buffer and potentially negatively impact Shawnigan Lake;
- b. The application avoids the higher standard of sewage treatment and disposal intended by provincial regulation for the proposed density and potentially threatens Shawnigan Lake water quality;
- c. The application relies on frontage exemptions to the majority of the proposed lots to achieve a lot configuration and intensity of use at the lakefront that is not supported by CVRD policy or regulation;
- d. The application does not provide park land in a location and configuration that achieves community objectives for public lake access;
- e. The application proposes the subdivision of land beyond the legal boundaries of the three subject parcels and presumes Surveyor General's Office will consent to the adjustment of the natural boundary of Shawnigan Lake to favour the property owners.

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

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

Location Map:



**Background:**

To consider recommendations to the Provincial Approving Officer regarding a proposed 16 lot subdivision at the north end of Shawnigan Lake.

The CVRD has received a referral from the Ministry of Transportation and Infrastructure (MoT) for the subdivision of the former Worthington Estate in Electoral Area B. The application proposed to subdivide three parcels at the north end of Shawnigan Lake into 3 fee simple lots and 13 bare land strata lots.

The subject lands have an area of approximately 3.1 ha. (7.7 ac.) and 260 metres of lake frontage. A small creek is located along the eastern boundary. Cullin Road comprises the northern boundary of the lands and an unconstructed road right of way (Worthington Road) flanks the property on the west boundary.

Much of the property is forested, but a significant portion of the property's lakefront was cleared without permit and in contravention of the CVRD's Riparian Area Regulation Development Permit Area in 2008. The owners have cooperated with the Ministry of Environment to undertake restoration of the cleared area and much of the area has been replanted. However, it will be many years before the vegetation matures and functions again as an effective riparian buffer.

The Ministry of Transportation is the approving authority for subdivision in the CVRD's Electoral Areas. Subdivision applications are referred to the CVRD, but comments are typically limited to confirming compliance with applicable bylaws. Although the CVRD's role in approving subdivision is limited, the Provincial Approving Officer can exercise discretion when considering subdivision applications and may deny applications considered to be "against the public interest". Section 85(3) of the *Land Title Act* states,

*In considering an application for subdivision approval in respect of land, the approving officer may refuse to approve the subdivision plan if the approving officer considers that the deposit of the plan is against the public interest.*

The Planning and Development Department and the local Area Director are aware of a number of community concerns regarding the proposed subdivision. As a result of these concerns, the Director for Area B requested that subdivision application 10-B-10SA be referred to the Advisory Planning Commission for its review and comment. Although the CVRD Development Application Procedures and Fees Bylaw No. 3275 does not specify that subdivision applications are to be referred to the APC as a matter of course, Section 4 of CVRD Bylaw No. 2147 – Advisory Planning Commissions Establishment Bylaw does permit such referrals:

*The Board or an Electoral Area Director of the Board may refer matters respecting land use, community planning or proposed bylaws and permits under Division 2, 3, 7, 9 and 11 of Part 26 of the local Government Act, to the Advisory Planning Commission in order that it may advise the Board or Electoral Area Director on those matters.*

The Area B APC reviewed and discussed the subdivision application at the May 5 and June 2, 2011 meetings and identified a number of concerns with the subdivision application, some of which may be considered to be against the public interest.

The purpose of this report is to seek direction from the EASC regarding an appropriate subdivision referral response.

### **Proposed Subdivision:**

#### *Lot Configuration and Density:*

The owners are proposing to subdivide the subject property into 3 fee simple lots and 13 lakefront bare land strata lots. The three fee simple lots are planned for the north east corner of the property with direct access to Worthington Road. Twelve of the 13 bare land strata lots are aligned along the lake shore, presumably to maximize the number of lots that have direct access to the lake. Strata Lot 13 is considerably larger than other lots in the subdivision and will include part of the watercourse in the north east corner of the site and a narrow panhandle access to the lake. A common sewage disposal field for the strata lots is proposed at the north side of the property and a park dedication of 1,831 square metres (0.45 ac.) at the south east corner with 25 metres of lake frontage is proposed to meet the 5% statutory requirement for park land dedication.

The three proposed fee simple lots and strata lot 13 comply with the R-3 minimum parcel size of 2,000 square metres, but the remaining 12 bare land strata lots are less than the minimum with lot sizes of between 1,074 and 1,781 square metres (0.27 to 0.44 ac.). These lots are less than the minimum because the lot averaging provisions permitted by Section 2 of the *Strata Property Act* Bare Land Strata Regulation have been applied. The Regulation permits lot sizes less than the minimum provided the average lot size complies with zoning. In this case, the common property where the sewage disposal area is proposed and a very large Lot 13 (5,880 sq. m.) have been used in the lot averaging to achieve smaller lot sizes for the remaining strata lots. The average lot size for the 13 bare land strata lots is 2,147 sq. m.

Because layout has tried to maximize the number of lakefront lots, the strata lots are narrow and deep, with frontages for strata lots 1 to 12 than range between 6.1 metres (20 feet) and 15.5 metres (50.85 ft.).

*Services*

The lands were included in the Shawnigan Lake North Water System by the CVRD Board in March, 2010 and the proposed lots are expected to be serviced from this system.

The three proposed fee simple lots are expected to have individual on-site sewage disposal systems. The 13 strata lots are expected to have a shared disposal system that would be owned and operated by the strata corporation. The system is expected to be designed in accordance with the Vancouver Island Health Authority's Sewage System Regulation. Staff suspect the three fee simple lots are not proposed for connection to the system as the additional sewage flow would require a Ministry of Environment approved system designed that complies with the Municipal Sewage Regulation, which is a significantly higher standard.

The lands are within Shawnigan Lake Improvement District and receive fire protection from the Shawnigan Lake Fire Department.

*Access:*

Access to the lots is proposed from the presently unconstructed Worthington Road right of way south of Cullin Road. The applicants intend to extend Worthington Road to achieve direct access to the public road for the three fee simple lots. The new section of Worthington Road is planned to terminate with a cul-de-sac bulb and a private strata road that would access the 13 strata lots.

*Park Dedication:*

Section 941 of the *Local Government Act* requires that 5% of the land or cash-in-lieu be provided as a requirement of subdivision. No park land was proposed with the initial subdivision application, but after the Area B Parks Commission expressed a preference for land rather than cash-in-lieu, the application was amended to provide a 1,831 square metre park adjacent to the unconstructed Worthington Road allowance. The proposed park land has 25 metres of lake frontage and could be utilized in conjunction with part of the road end to provide public access to the lakefront if authorized by MoT.

**Policy Context:**

*Zoning:*

The subject lands are zoned R-3 (Urban Residential). The R-3 Zone has a minimum parcel size of 2000 square metres (0.49 ac.) for lots serviced with community water and 1 hectare (2.47 ac.) for lots without community water service. There is no density incentive within the zone for community sewer. The lots were brought into the Shawnigan Lake Water System service area in March, 2010 and are therefore now eligible for the 2000 square metre lot size.

Section 13.7 of Zoning Bylaw No. 985 states that the minimum frontage of a parcel shall be 10 percent of the perimeter of the parcel. The 10% frontage requirement is also specified in Section 944 of the *Local Government Act*. The power to exempt a subdivision applicant from the frontage requirement appears to have delegated by the CVRD Board to the Provincial Approving Officer, so frontage exemptions can be granted by the Approving Officer without a formal variance process.

*Official Community Plan:*

As the subdivision application was submitted to the Ministry of Transportation prior to adoption of CVRD South Cowichan Official Community Plan Bylaw No. 3510, Section 943 of the *Local Government Act* affords the applicant protection from the bylaw change for a one year period. The subdivision application is therefore subject to OCP Bylaw No. 1010 and Riparian Area Regulation Development Permit Area contained with it. A separate report will be provided on the August 2, 2011 EASC agenda regarding a development permit application for the proposed subdivision.

**Issues:**

A number of issues and concerns with the proposed subdivision have been identified by the Area B APC and residents of the Shawnigan Lake community. The APC's concerns with the application are documented in the meeting minutes attached to this report. Staff has attempted to summarize and comment on the concerns below.

1. **Density:**

The APC has correctly noted that until the property was brought into the Shawnigan Lake North Water System Service Area, the minimum permitted lot size under the R-3 zoning was one hectare. A total of three lots were possible based on the one hectare minimum. Inclusion in the service area effectively reduced the minimum parcel size to 2,000 square metres, allowing approximately 16 lots to be created (assuming the natural boundary is adjusted as described below).

The APC's contention that 16 secondary suites would be possible if the lands are subdivided is incorrect. The Area B Zoning Bylaw only allows secondary suites on parcels 0.4 ha. (1 acre) or larger, and secondary suites are not permitted within 60 metres of the high water mark of the lake. A small suite or secondary suite would be possible on Strata Lot 13, but not on the other lots.

The density achievable on the property is determined by zoning and the proposed subdivision is compliant with the applicable R-3 zoning. However, the proposed layout has concentrated density along the lakefront with 75% of the lots significantly less than the zoning minimum. Although the Bare Land Regulation makes the layout technically possible, the concentration of smaller lots along the lake is not supported by either the OCP or Zoning Bylaw.

2. **Lot frontage:**

In order to achieve the maximum number of lakefront lots, strata lots 1 to 12 are deep and narrow, with none of the lots complying with the 10% lot frontage requirement. While relaxations are commonly granted for panhandle lots, lots on cul-de-sacs, and for properties with unusual shapes or site features, it is rare to see a frontage exemption request for so many lots. In this case it appears the requested exemption is facilitating an undesirable lot configuration and should not be supported.

3. **Location and configuration of park:**

The Area B Parks Commission has requested park land adjacent to Worthington Road, oriented in an east west direction to maximize publicly accessible lakefront and lake shore protection. The applicant has offered a park lot with 25 metres of lake front, whereas the parks and trails staff have requested a parcel with approximately 40 metres of lakefront. Schedule C shows the park area offered by the applicant and the park the Parks and Trails Division have requested. The requested park configuration has not been agreed-to by the applicant.

It should also be mentioned that the Parks Commission has requested that the unconstructed portion of Worthington Road not be used as access to the proposed subdivision and that the road end be combined with the subdivision park dedication. While use of part of the road allowance as park seems feasible, it is unlikely the Ministry of Transportation would deny access to the subdivision over an existing road allowance.

4. Sewage Disposal:

The APC has recommended that the proposed lots be required to connect to CVRD owned and operated sewage system. Sewage disposal is a significant concern with the subdivision, given the proximity of the proposed disposal system to Shawnigan Lake. As CVRD systems are constructed and operated to Ministry of Environment and "Class A" effluent standards, the quality of effluent and safeguards built into the systems are typically superior to small strata owned system constructed to VIHA standards. The CVRD also has the staff and organizational resources to successfully operate and maintain sewage treatment systems in the long term. This isn't necessary the case for small strata corporations.

Unfortunately the CVRD presently has no ability to require that sewage from the proposed subdivision be directed to a CVRD owned and operated system. The only sewage system the CVRD operates in the area is the Shawnigan Beach Estates system, which does not have capacity for additional connections. The size of the proposed system is also too small to be eligible for the CVRD to take it over. Even if the CVRD Board were to undertake significant change to its sewer service policy to allow the take-over of smaller systems, there is no obligation on the part of the applicant to transfer the system.

While a CVRD owned and operated sewage disposal system does not appear possible, there is a legitimate concern about potential impacts on Shawnigan lake water quality from the proposed system. These concerns should be communicated to the Provincial Approving Officer and the Vancouver Island Health Authority.

5. Restoration of lake shore clearing:

Past clearing of the subject property is an issue that is largely addressed in a separate report to the Electoral Area Services Committee regarding the development permit application. That said, the clearing of the lakefront and damage to the riparian area has created a situation where it will be difficult to achieve restoration of the area. The proposed lot layout does not encourage this, as it concentrates density at the lakefront and will result in 13 lot owners all expecting maintain unobstructed views and use of and access to the lakefront. It is also likely that most of the lakefront lot owners will wish to install docks and boat shelters. Any protection measures established in the development permit are likely to be unsuccessful with the proposed layout. Reconfiguration of the subdivision layout with the objective of protecting the lakeshore should be requested.

The APC has also requested that a development permit area be established beyond the SPEA boundary and that additional restoration and protection measures be established to achieve protection beyond the SPEA. The CVRD Board could conceivably initiate bylaw changes to expand the protection area beyond the SPEA boundary. Such changes however, would not affect the proposed subdivision as the *Local Government Act* protects in-stream subdivision application from such changes for a one year period. Additional protection measures should be considered when the Zoning Bylaw is amended.

6. Determination of Natural Boundary:

The agent for the owners has advised that he has applied to the Surveyor General's Office to adjust the legal boundary of the subject lands. The present natural boundary of Shawnigan Lake now extends about 15 metres beyond the legal boundary of the property. The agent contends that the original survey from 1893 is in error. If successful, the application would allow land that is now owned by Timberwest to be incorporated into the existing legal parcels. While the exact area of land in question is not known, it appears the application would increase the size of the subject properties by about 5,500 square metres.

Although the APC have requested that an independent surveyor confirm the determination of natural boundary, staff understanding is that this determination will be made by the Surveyor General's Office. As the determination could significantly affect the number of lots and configuration of the proposed, staff do not believe the Provincial Approving Officer should consider issuing a preliminary layout approval for subdivision until the Surveyor's General Office has confirmed the application to adjust the natural boundary has been approved.

7. Community Consultation:

The APC has advised that consultation with the community should be undertaken before a decision on the subdivision application is made and has requested that the owners, the CVRD and the Provincial Approving Officer all hold public meetings with the community.

The subdivision process does not typically require public consultation. Land owners may decide to voluntarily host public meeting prior to subdividing land, but there is no statutory or bylaw requirement to do so. The CVRD could also host a meeting regarding subdivision applications, but generally does not do so as it is not the authority for approving subdivision and has limited influence on the subdivision process.

The Provincial Approving Officer is authorized under the *Land Title Act* and the *Bare Land Strata Regulation* to assess the public interest in subdivision applications by conducting a hearing. Given the many community concerns associated with the subdivision application, a request for the Provincial Approving Officer to conduct a hearing would be appropriate in this case.

**Staff Comments:**

The proposed subdivision is impressive in that it has taken full advantage of available bylaw and regulation provisions to maximize the lot yield and market value of the subdivision. While it is understandable from the owners' perspective why this approach was taken, the application does appear to be contrary to the intent and objectives of the CVRD's land use policies and regulations and appears to conflict with community expectations for development adjacent to Shawnigan Lake. While it is unusual for the CVRD to appeal to the Provincial Approving Officer to not approve a subdivision application due to it being against the public interest, this may be a case where such an appeal is justified.

Staff is recommending that the Provincial Approving Officer be requested to deny the subdivision application due to it being against the public interest for the reasons described in this report and in the recommended option. Should the Provincial Approving Officer be reluctant to deny the application outright, it is recommended that the Approving Officer be requested to conduct a public meeting to hear directly from the Shawnigan Lake community how the application affects the public interest.

A letter from Kathleen Birney of Cox Taylor, a lawyer representing the property owner, was received objecting to the subdivision application being referred to the Area B Advisory Planning Committee. A copy of the letter is attached to this report for the Committee's information.

**Options:**

1. That the Provincial Approving Officer be requested to deny the proposed subdivision of Lots 1 and 2, Block 33, Plan 218A and District Lot 16, Section 1, Range 3, Plan 800, all in Shawnigan District (2080 Cullin Road – File 10-B-10SA) due to it being against the public interest for the following reasons:
  - a. The application proposes a lot configuration and concentration of density along the lakeshore that will discourage successful restoration and protection of the previously damaged Shawnigan Lake riparian buffer and potentially negatively impact Shawnigan Lake;
  - b. The application avoids the higher standard of sewage treatment and disposal intended by provincial regulation for the proposed density and potentially threatens Shawnigan Lake water quality;
  - c. The application relies on frontage exemptions to the majority of the proposed lots to achieve a lot configuration and intensity of use at the lakefront that is not supported by CVRD policy or regulation;
  - d. The application does not provide park land in a location and configuration that achieves community objectives for public lake access;
  - e. The application proposes the subdivision of land beyond the legal boundaries of the three subject parcels and presumes Surveyor General's Office will consent to the adjustment of the natural boundary of Shawnigan Lake to favour the property owners.

AND FURTHER, that the Provincial Approving Officer conduct a hearing in the Shawnigan Lake community to assess the public interest prior to a decision to approve the application.

2. That staff respond to referral for the proposed subdivision of Lots 1 and 2, Block 33, Plan 218A and District Lot 16, Section 1, Range 3, Plan 800, all in Shawnigan District (2080 Cullin Road – File 10-B-10SA) requesting the following changes be made prior to issuance of Preliminary Layout Approval:
  - a. Frontages be amended to comply with zoning;
  - b. Park land be provided in location and configuration requested by the CVRD Parks and Trails Division;
  - c. Written confirmation be provided that the Surveyor's General Office has consented to the adjustment of the natural boundary of Shawnigan Lake as shown on the subdivision sketch plan.

Option 1 is recommended.

Submitted by,

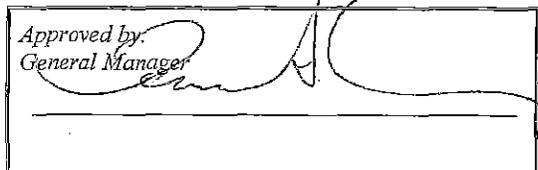


Rob Conway, MCIP  
Manager, Development Services Division  
Planning and Development Department

RC/ca

- Attachments:
- Schedule 1 – Location Plan
  - Schedule 2 – Subdivision Sketch Plan
  - Schedule 3 – Park Plan
  - Schedule 4 – APC Minutes
  - Schedule 5 – Zoning Bylaw Excerpts

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.

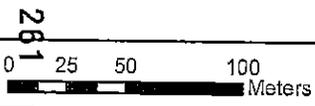
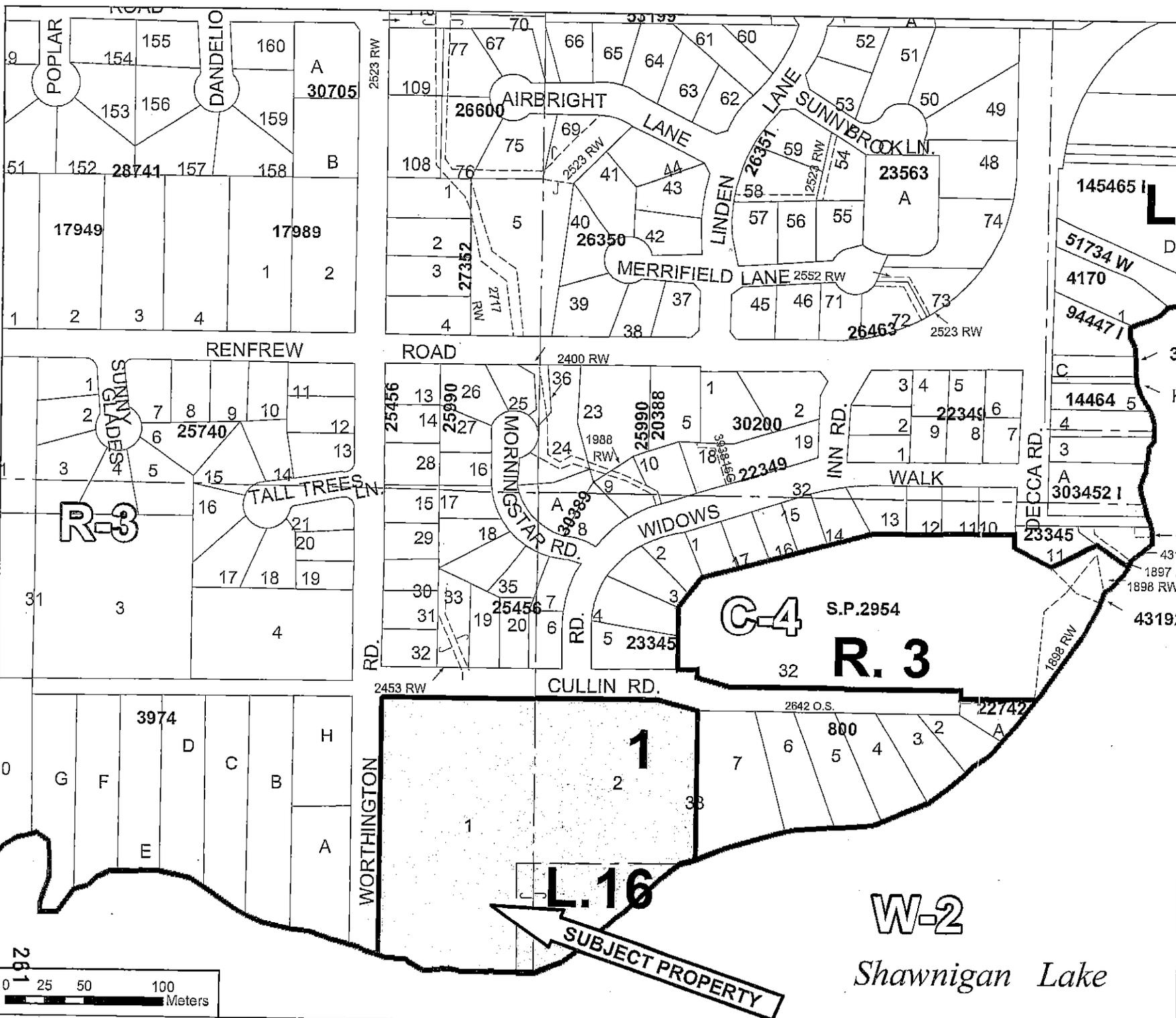
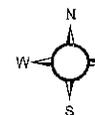
**FILE: 10-B-10-SA**

# ZONING

**Legend**

-  Subject Property
-  Zoning Electoral Area B

**Schedule 1**





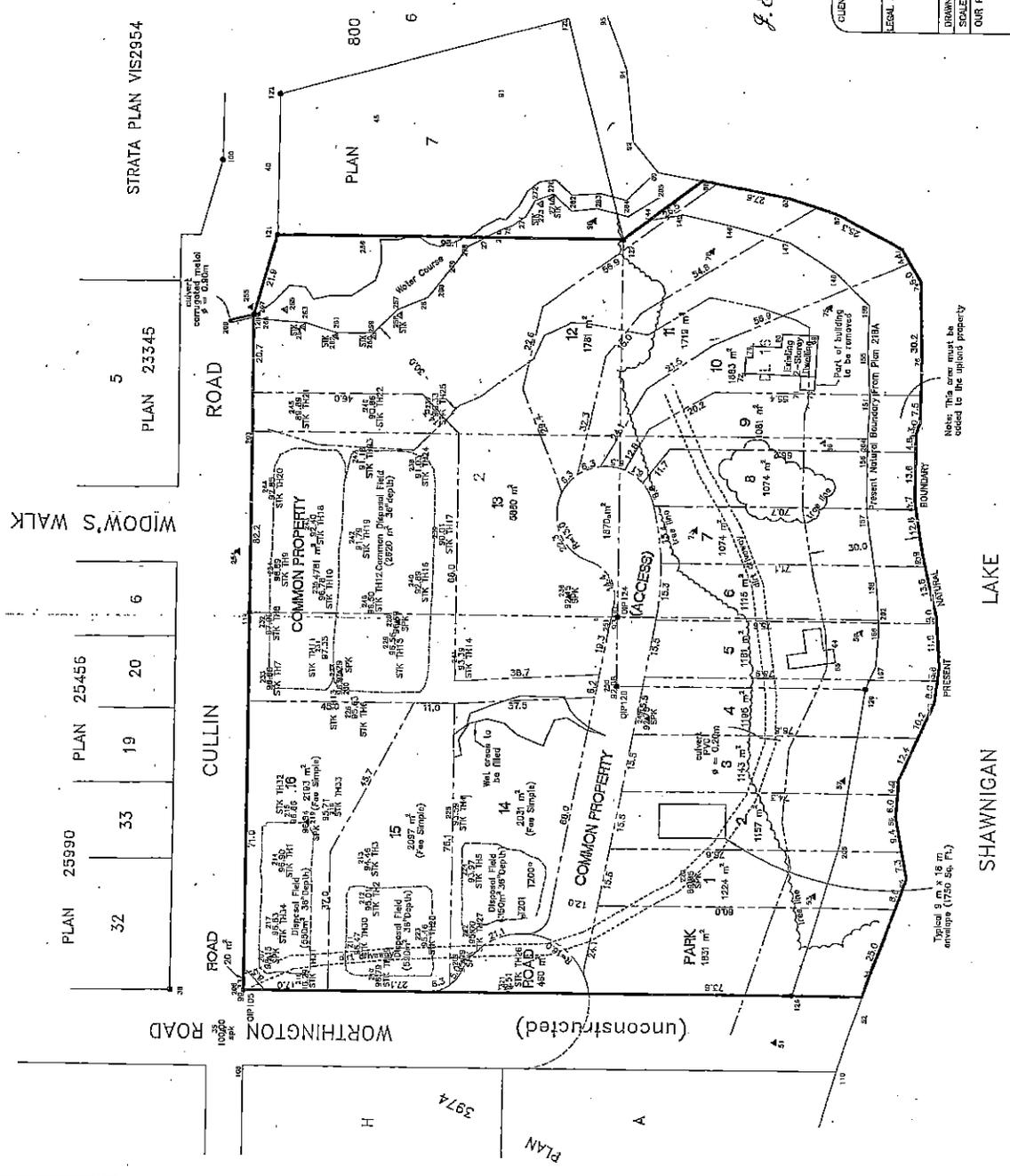
TOTAL SITE AREA 366580 m<sup>2</sup>  
 ROAD AREA 480 m<sup>2</sup>  
 STRATA ACCESS 1870 m<sup>2</sup>  
 PARK (5%) 1830 m<sup>2</sup>  
 DEVELOPMENT AREA 52420 m<sup>2</sup>

32420 m<sup>2</sup> ~ 162 Lots  
 Yield shown - 16 Lots  
 Lots 1-13 Bare Land Strata  
 Lots 14-16 Fee Simple

*J. C. Anderson and Associates*  
 SURVEYORS, ENGINEERS  
 VICTORIA NANAIMO

CLIENT :	2080 CULLIN HOLDINGS INC.
LEGAL : LOTS 1 AND 2, BLOCK 35, PLAN 216A, PLAN REVISION 10, RANGE 3 PLAN REVISION 11, SHAWNIGAN DISTRICT AT 2080 CULLIN RD.	
DRAWN BY : J. RPH	PROJECT SURVEYOR : DRG
SCALE : 1:750	DATE : JUNE 26, 2010
OUR FILE :	25240
OUR FILE :	REVISION : Oct. 21, 2010

Z:\Surveying\20240 Cullin\25240 TESTATIVE JUNE 28 10.DWG

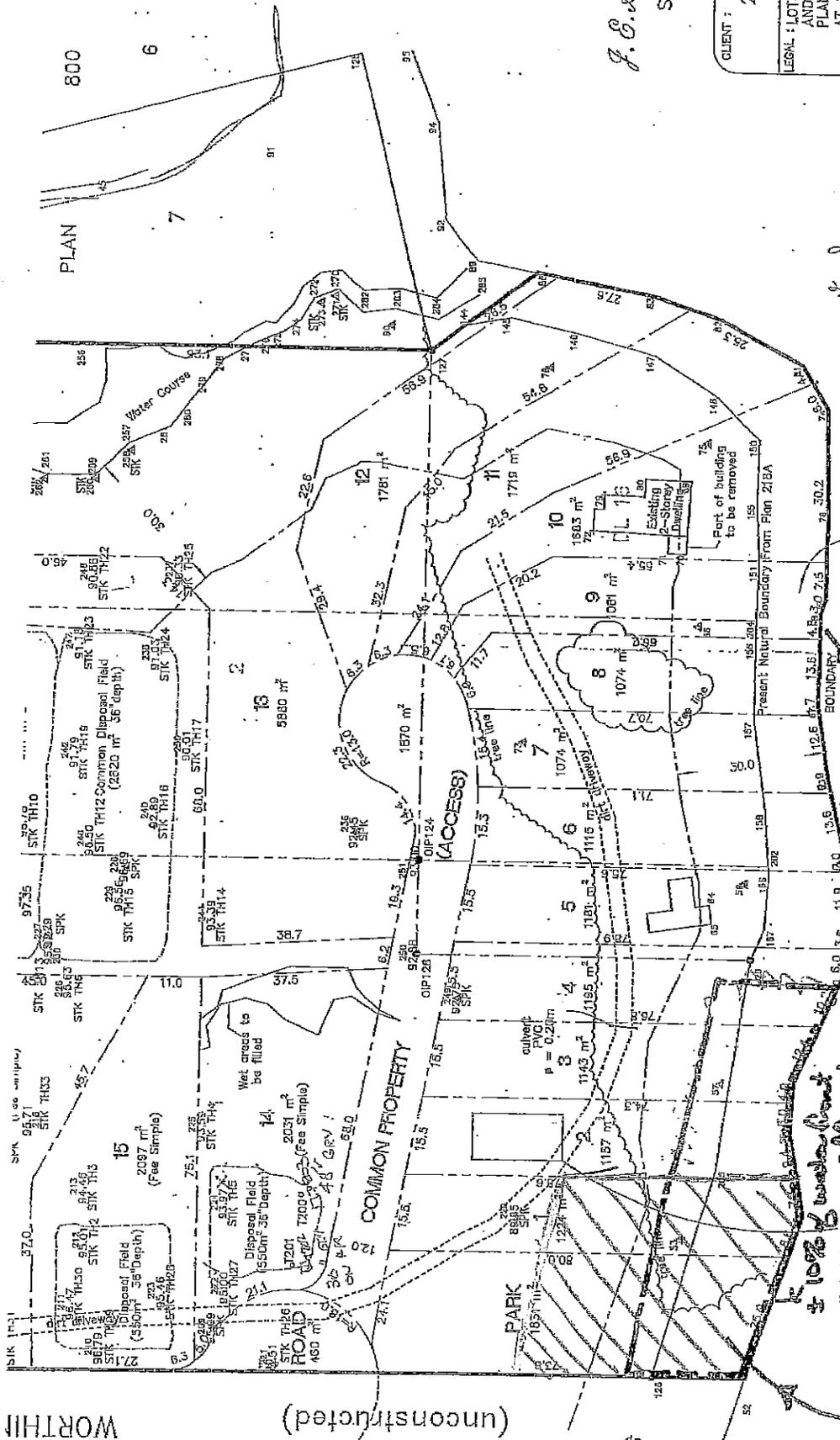


DEVE  
82421  
2000  
Yield:  
Lots 1  
Lots 1

FILL

J. C. Andes  
SURVEY  
VICTOR

CLIENT:	2080 (
LEGAL:	LOTS 1 AND DISTRICT PLAN 800, 1 AT 2080 (
DRAWN BY:	RPH
SCALE:	1:750
OUR FILE:	
OUR FILE:	



*Handwritten notes:*  
Please  
Call Me  
826 212

Note: This area must be added to the property

total water front 260m

LAKE

Requested park dedication 1831m2

80m water front (31%)

Scale 1:750

(unconstructed)

3974

May 5th, 2011

7:00 p.m.

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

**Present:**

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

**Guest:** Rob Conway

**Delegations:** Craig Partridge and Ron Sharpe, Danny Carrier

Several members of the public were also present.

**ORDER OF BUSINESS**

**1) Introductions.**

**2) Craig Partridge** and Ron Sharpe made a brief presentation of the reworking of the application 1B09RS they had made in April of 2010.

**3) Danny Carrier** spoke to the Subdivision Application 10-B-10SA (JE Anderson and Associates for Cullin Holdings Ltd.) Normally APC would not be asked to comment on such an application, however, in the public interest the issues of intense settlement in the fragile and already damaged SPEA have been put in our purview. Our comments would be forwarded to the Provincial Approving Officer.

The R3 zoned 3.1 ha property is proposed to have 3 fee simple lots and 13 bare land strata lots on community water.

Development Permit application has been applied for.

Septic systems have been approved.

The proposal under bare lot strata regulation, is largely within allowable use under the current OCP. However, the minimum parcel frontage is non compliant to the 10% perimeter rule. The high density that is proposed on this R3 parcel has also been enabled by the CVRD's expansion of Shawnigan Lake North Water Service Area to these lots (Bylaw #3353 Feb10/2010)

Park dedication is still being negotiated. The natural boundary has been resurveyed and subject to approval, enlarged, thus enabling yet more density.

Mr. Carrier reported that the owners are sorry for the damage done 3 years ago, and have been attempting, under the guidance of a biologist, to replant and restore the SPEA.

They feel that the Development Permit, which has been applied for and a Covenant should take care of the issue of restoration of the SPEA.

Members of the public and Area B Parks Commission aired viewpoints and leveled questions that reflected concern about the past and potential degradation of the property with this intense development proposal. There is also concern about Park dedication and public lakeside access. The developer's lack of communication and involvement with the community has increased frustration.

It was asked of Mr. Carrier if the developers would consider holding public meetings so that the issues could be respectfully addressed.

**4) Minutes of February meeting.** Motion to accept minutes of February/2011. Motion seconded and carried.

**5) Discussion of Subdivision Application 10-B-10SA (JE Anderson and Associates for Cullin Holdings Ltd.)**

**Summary of APC comments to be forwarded to the CVRD and Approving Officer.**

**Given:**

- the lack of information and issues created by the developer in their original clearing of the land
- the community's large dependence on the lake for quality drinking water
- the intense interest by the community in the quality of our lakeshore stewardship
- and the community opinion that road ends, lakeshore park and public access to our lake be secured
- the changes that will soon be instituted in our new Shawnigan Official Community Plan regarding subdivisions and sewer systems surrounding the lake and the need to protect the quality of our water in Shawnigan Lake in the future,
- the extreme density of lots proposed

**It is in the public interest:**

- that the developers consider responding to the community's needs and hold a public meeting to answer questions and convey what remediation measures and solutions they propose.
- that the Ministry of Transportation and Infrastructure Approving Officer also hold a public meeting.

- That the CVRD hold a public meeting about the Park dedication
- that Parkland negotiation favours community access to lake.
- that a CVRD community sewer system be established for any subdivision of this site.
- that parcel frontage variance be denied and that lot frontage will be based on the minimum 10% of parcel perimeter.
- that if the subdivision is approved that the number of lots be reduced so as to improve vegetation remediation
- that there be DPA on the land adjacent to the SPEA *and* especially on restoration areas which may end up being outside the SPEA if the resurveyed highwater line is established; such that development is not deleterious to the success of the restoration.
- that there be a performance bond posted, and that a post construction report be required proving adherence to Section 4 of the Assessment Report.
- that a covenant be secured to protect and maintain restoration of the SPEA and adjacent restoration areas and that the covenant be sufficiently detailed:
  - Requiring the developer to permanently demarcate the natural boundary, preferably with a fence, and to make the retention and maintenance of the fence or boundary markers by the strata council and its members a condition of a covenant applicable to the strata title area of the Cullin Rd. property.
  - Requiring the developer and the strata properties owners to enter into a covenant prohibiting the removal of, damage to or destruction of any of the indigenous flora and fauna living within the SPEA and restoration areas.
  - Requiring the developer and the strata properties owners to enter into a covenant prohibiting the placement or construction of any structure on the SPEA, with the exception of one common-property wharf (dock) to serve all the strata title lots.

7) Meeting adjourned.

June 2nd, 2011

---

7:00 p.m.

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

**Present:**

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

**Absent:** John Clark, Rod MacIntosh, Roger Painter.

**Also Present:** Director's Alternate, Buddy Bhandar

**Members of the Parks Commission were also present:**

Bill Savage and Cath Whittome.

**ORDER OF BUSINESS**

**1) Introductions.**

**2) Subdivision Application 10-B-10SA (JE Anderson and Associates for Cullin Holdings Ltd. Further discussion.**

Chair Graham Ross Smith wished to expand on APC recommendations on Cullin Holdings Application and submitted his proposed elaborated revision to our May 5th minutes.

Recording secretary asserted that minute taking is by definition succinct and in accordance, she strives to achieve brevity. APC members proposed that the minutes of our May 5th meeting were very fine as written.

**Motion** that APC minutes of May 5th 2011 be approved. **Motion seconded and carried.**

**3) Further Discussion Application 10-B-10SA and review of Petition and Bylaw 3353 which extends water services to the Cullin properties, allowing further densification in this sensitive area.**

Given that the Water Quality of Shawnigan Lake is of supreme concern:

**Motion** was made that Graham Ross-Smith's expanded documentation of APC's recommendations regarding Cullin Road Application 10-B-10SA be also forwarded to CVRD: as follows:

Because it is of paramount importance for the sake of good public health that the waters of Shawnigan Lake be of the highest possible quality now and forever, further densification of lands within the watershed, especially those properties on or close to the lake itself, is unwise and may, in the long term, prove to be tragic and expensive folly. Therefore, **the Shawnigan Lake Advisory Planning Commission urges the CVRD to take any and all measures available to it to keep the densification of the Cullin Rd. property as low as possible.**

The APC recognizes that this development permit application does not entail a change in the zoning of this parcel of land. The APC also understands that this 3.1 hectare\* property has been in a position for many years to be sub-divided onto as many as three one hectare lots, and that that was the situation when the current owners purchased the land. The density increase at that time could have gone from the one existing house to three single family dwellings and three small or secondary suites (6 dwelling units in total). The APC commissioners believe that that an increase in density of that magnitude was and is tolerable to the community. However, because the CVRD granted to owners' petition to have to property brought into the Shawnigan Lake North Water System Service Area, the owners can now put 16 single family dwellings plus 16 small or secondary suites (32 dwelling units in total) on this property. This is more than a five-fold increase in density. Such an increase might well be acceptable to the community if it was on land outside the watershed boundaries, but because it is within the watershed and right on the lake's edge, and because the lake is the source of household water for several thousand people, this increase in density is not acceptable to this community and sets a dangerous precedent for waterfront property densification elsewhere on the lake.

It is the strong opinion of the APC that the elected CVRD officials and staff must understand that **there is no reasonable and affordable source of community water other than Shawnigan Lake.** If the quality of the water in the lake declines further, this community will be faced with a major crisis.

**Because further densification of waterfront lands is not in the public interest, the APC advises the CVRD to reduce the density of the proposal to as low a level as possible by pursuing one or more of the following courses of action:**

1. Exclude the property from the Shawnigan Lake North Water System Service Area by rescinding Bylaw No. 3353 thereby returning it to the situation extant at the time the current owners purchased it;
2. Decline the Development Permit Application;

3. Advise the Ministry of Transportation and Infrastructure's approving officer not to approve subdivision of this property into 16 lots and to suggest a much lower number of lots as appropriate for the sake of good public health related to water quality.
4. Encourage the MoTI approving officer to hold a public meeting in order to gauge community support or lack thereof for this proposal, or have the CVRD sponsor such a meeting to which the approving officer would be urged to attend.
5. Deny any request for a variance to the policy requiring each lot to have at least 10% of its perimeter fronting on a public road.
6. To achieve maximum possible protection for the ecosystems of the Streamside Protection and Enhancement Area (SPEA),
  - a) require of the developers a post-construction report from a qualified environmental professional examining adherence to Section 4 of the Assessment Report (Section 4 – Measures to Protect and Maintain the SPEA),
  - b) require the developers to post a performance bond,
  - c) secure a covenant with regard to the maintenance and protection of the flora and fauna of the SPEA that is sufficiently detailed to cover such matters as limiting access across the SPEA to the lake, prohibition of placing structures and the placement of only one dock to be shared by all members of the strata corporation.
  - d. require the placement of a fence or other permanent and easily seen markers along the natural boundary line.
7. Require the property to be on a CVRD owned and operated sewage system.
8. Make the land adjacent to the SPEA a DPA such that development is not deleterious to the success of the restoration of the SPEA.
9. Have a surveyor who is not in the employ of the land owners double-check the accuracy of the newly established "natural boundary,"\*\*
10. Negotiate with the land owners for as much parkland dedication as possible.

\*There is a discrepancy between the CVRD report by Maddy Koch and the developers' documents on the size to the property. The CVRD report indicates that it is 3.1 hectares approximately, while the developer's documents indicate that it is 3.658 hectares. This is

a significant difference. It is 5,580 sq. metres: the equivalent of almost three minimum sized lots for R-3 property on community water.

\*\* The newly established natural boundary favours the property owners by a significant amount. In some places it extends the land lake-ward by almost 3 metres (over 15 feet). Although the APC is not questioning the integrity of J.E. Anderson and Associates Ltd. or the firm's agent Mr. Danny Carrier, there appears to be some community members who do have doubts about this matter. An independent look at the position of the natural boundary by someone qualified to determine such things such as a professional biologist or a surveyor would go a long way to putting such suspicions to rest.

Approved and submitted by the Area B Advisory Planning Commission on Thursday, June 2, 2011.

**Motion seconded and carried.**

4) **Discussion re: Petition and extension of CVRD operated water systems to Cullin Road development thus allowing much greater densification on lakefront.**

**Motion that APC recommends that CVRD review process of extending CVRD operated Water Systems to any environmentally sensitive property so that the process would include and require public consultation.**

**Motion seconded and carried.**

5) **Mobile Home Park Zoning definition discussion.**

**Motion that Graham Ross Smith's letter dated May 26th 2011 to Rob Conway Re MP Zoning be submitted to the CVRD.**

**Motion seconded and carried.**

6) **Meeting Adjourned. Next meeting in September unless pressing business comes up.**

8.5 R-3 ZONE - URBAN RESIDENTIAL

(a) Permitted Uses

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

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

(b) Conditions of Use

For any parcel in an R-3 Zone:

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

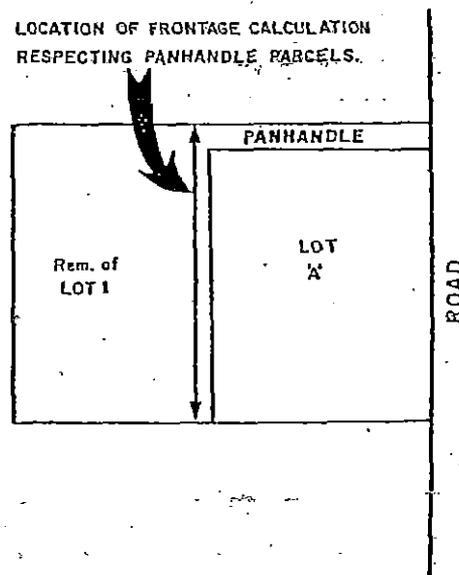
<b>COLUMN I Type of Parcel Line</b>	<b>COLUMN II Residential Use</b>	<b>COLUMN III Accessory Residential Use</b>
Front	7.5 metres	7.5 metres
Side (Interior)	10% of the parcel width or 3 metres whichever is less	10% of the parcel width or 3.0 metres whichever is less or 1.0 metres if the building is located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

- 14.1 With respect to the zones identified in Column I of Section 6.1 and briefly described in Column II the minimum parcel size shall except to the extent as varied by the provisions of Sections 14.2, 14.11, and 14.12 be in accordance with the following table based on the method of sewage disposal and water supply:

Zoning Classification Under Zoning Bylaw	Parcels Served by Community Water and Sewer Systems	Parcels Served by Community Water System Only	Parcels Neither Served By Community Water or Sewer
A-1 Primary Agricultural	12 ha	12 ha	12 ha
A-1A Modified Primary Agricultural	12 ha	12ha	12 ha
A-2 Secondary Agricultural	2 ha	2 ha	2 ha
F-1 Primary Forestry	80 ha	80 ha	80 ha
F-1A Primary Forestry – Kennel	20 ha	20 ha	20 ha
F-2 Secondary Forestry	4.0 ha	4.0 ha	4.0 ha
R-1 Rural Residential	2 ha	2 ha	2 ha
R-1A Limited Rural Residential	2 ha.	2 ha.	2 ha.
R-2 Suburban Residential	0.4 ha	0.4 ha	1.0 ha
R-2A Limited Suburban Residential	1.0 ha	1.0 ha	1.0 ha
R-3 Urban Residential	0.2 ha	0.2 ha	1.0 ha
R-4 Rural Community Residential	8 ha.	8 ha.	8 ha.
R-6 Urban Residential (Mobile Home)	0.8 ha	0.8 ha	1.0 ha
MP-1 Mobile Home Park	2 ha <sup>1</sup>	2 ha <sup>1</sup>	2 ha <sup>1</sup>
C-1 Village Commercial	1100 sq.m.	1675 sq.m.	1.0 ha.
C-2A Local Commercial	1100 sq.m	1675 sq. m	0.8 ha
C-2B Local Commercial	1100 sq. m.	1675 sq. m.	0.8 ha.
C-2 Local Commercial	1100 sq.m	1675 sq. m	0.8 ha
C-3 Service Commercial	1100 sq.m	1675 sq. m	0.8 ha
C-4 Tourist Recreation Commercial	0.8 ha	0.8 ha	0.8 ha
C-5 Neighbourhood Pub	1100 sq. m.	1675 sq. m	0.8 ha
P-1 Parks and Institutional	0.2 ha	0.4 ha	1.0 ha
P-2 Parks and Recreation	20 ha	20 ha	20 ha
I-1 Light Industrial	0.2 ha	0.4 ha	0.8 ha
I-1A Light Industrial	0.2 ha	0.4 ha	0.8 ha
I-1B (Sawmilling)	1.0 ha	1.0 ha	1.0 ha
I-1C (Light Industrial)	0.2 ha	0.4 ha	0.8 ha
I-3 Medium Industrial	0.2 ha	0.4 ha	1.0 ha
I-5 Eco-Industrial	1 ha	1 ha	1 ha

- 14.7 The minimum frontage of a parcel shall be ten (10) percent of the perimeter of that parcel.
- 14.8 Notwithstanding the provisions of Section 14.7 the minimum frontage may be reduced for lots on a road curve with a radius of 80 metres or less subject to the required frontage being attained at the required front yard setback as stated for the zone in which the parcel is situated.
- 14.9 Panhandle Lots: When panhandles are created as an integral part of a parcel the frontage requirement as specified in Section 14.7 shall not be calculated for the panhandle portion fronting on the highway but for the width of the lot area fronting on the extension of the panhandle as shown in Figure B.

**Figure B**



- 14.10 Where a parcel is a panhandle lot the access strip (or panhandle) shall not be calculated as part of the parcel area for purposes of determining minimum parcel size.
- 14.11 (a) where a parcel is a panhandle lot capable of further subdivision the panhandle shall be of adequate width to provide a future road in the event the parcel undergoes further subdivision.
- (b) the further subdivision of a panhandle lot shall be conditional upon the dedication of the panhandle as a public road (highway).



# COX, TAYLOR

*barristers & solicitors*

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OUR REFERENCE: C-1355-1\*KMB  
YOUR REFERENCE: 03-B-11DP/RAR

MURRAY J. HOLMES  
C. EDWARD HANMAN\*  
S. FRANK B. CARSON, Q.C.  
L. JOHN ALEXANDER\*  
WILLIAM MURPHY-DYSON  
KATHLEEN M. BIRNEY\*  
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LINDSAY R. LEBLANC\*  
MAUREEN E. MCDOWELL\*\*  
STEPHEN C. CHAPMAN  
AURORA L. FAULKNER-KILLAM

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

August 16, 2011

VIA FAX: 250.746.2513

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

**Attention: Mr. Tom Anderson**  
**Manager, Development Services Division**

Dear Sirs/Madams:

**Re: 2080 Cullin Road, Shawnigan Lake, B.C. (the "property") Subdivision  
Application 10-B-10SA**

We are the solicitors for 2080 Cullin Holdings Inc., the registered owner of the property, in relation to the above-referenced matter. Our client has referred us to minutes of the meetings of the Electoral Area B Advisory Planning Commission (the "APC") on May 5, 2011, and June 2, 2011. According to the minutes, the application was referred to the APC. We understand that the APC's comments will go to the Board for the meeting in September, 2011. In our view, the application ought not to have been referred to the APC, the APC ought not to have commented on it, and neither you nor the Board ought to consider the APC's comments on any aspect of the proposed development.

The APC is established pursuant to section 898 of the *Local Government Act* to advise the Board on all matters 'respecting land use ... or a permit that may be issued... under this Part'. The reference to 'this Part' is to Part 26 of the Act. The subdivision application is not an application respecting land use, nor is it an application under Part 26. Rather, it is an application respecting the density of land, and the approving authority is the district highways manager of the Ministry of Transportation. The subdivision application should not have been referred to the APC.

Original	<i>[Signature]</i>	Date	<i>[Signature]</i>
Copy			
Communication(s)			
Directed by	<i>[Signature]</i>	Date	<i>[Signature]</i>
File #			

Our client's application for a Development Permit (Riparian) should not have gone to the APC and should not go to the Board, since the Board has delegated the decision-making ability to the General Manager of Planning and Development pursuant to *Cowichan Valley Regional District Bylaw No. 3275*, ss.6 and 7.

We have advised our client that, once it has a decision on their Development Permit application, it will have grounds to challenge the validity of the decision and seek damages based on administrative acts which are unlawful and taken in bad faith.

Apart from the issue of the CVRD not following its own procedures and the Act, we also take issue with some of the comments in the minutes. If the CVRD persists in its plan to have the Board consider our client's application for a development permit, we ask that you bring this letter to its attention before the meeting in September.

#### Minutes of the APC Meeting May 5, 2011

The APC comments (at the second page) that, given "....issues created by the developer in their original clearing of the land...it is in the public interest that the developers...hold a public meeting to answer questions and convey what remediation measures and solutions they propose". The previous activities on the property are the subject of a March 23, 2011 riparian restoration report. The owner of the property has complied with the *Riparian Area Regulation* and has replanted the shoreline area under the direction and supervision of a qualified environmental professional ("QEP"). The QEP report has been provided to the CVRD and is therefore available to members of the public. It is not relevant to the development permit or the RAR assessment report upon which the development permit application is based. That assessment report is dated October 2010. None of the new subdivision work proposes any alteration of any kind within the SPEA. The previous activities are irrelevant to applications for a development permit and subdivision and a public meeting is neither mandatory nor necessary.

The APC comments (at the third page) that:

*'if the subdivision is approved that the number of lots be reduced so as to improve vegetation remediation',*

The number of proposed lots has no bearing on the vegetation remediation, all of which has occurred on a portion of the lands on which there will be no construction.

The APC also calls for a post-construction report to prove adherence to the QEP report. If such a report is to be provided, it should be provided not prior to final subdivision approval, but following completion of all servicing work, which may or may not be prior to final subdivision approval.

The APC also comments:

*'that a covenant be secured to protect and maintain restoration of the SPEA...'*

The owner has previously offered a covenant and has provided a form of covenant for the CVRD's review. There is no issue about a covenant.

There is a further comment that the covenant

*'require the developer to demarcate the natural boundary with a fence...'*

In keeping with the RAR, Section 4 of the QEP Assessment recommends that a split-rail fence be constructed along the boundary of the SPEA of the lake, 15 meters from the natural boundary. However, in a subsequent report to the CVRD, dated March 23, 2011, the QEP endorses the owner's proposal for a hedgerow instead of a fence. The report includes the following statement:

*ENKON endorses this proposal as the hedgerow will meet the requirements of fencing. Fencing provides a visual delineation of the SPEA boundary. The hedgerow will also do this and will provide cover as well as a source of food for small mammals and birds. A hedgerow will not inhibit wildlife movement. ENKON recommends evergreen huckleberry for this planting at a density of two shrubs per 1 m<sup>2</sup>.*

#### **Minutes of the APC Meeting on June 2, 2011**

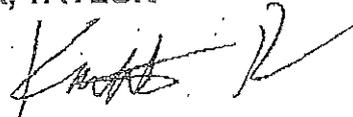
The APC's comments are largely concerned with water quality in Shawnigan Lake. Implicit is the assumption that higher density will inevitably result in diminished water quality. There is no evidence for that assumption. Despite that, the APC asserts that the proposed subdivision is 'not in the public interest'. It suggests that the property be excluded from the Shawnigan Lake North Water System Service Area. By 'rescinding' (we presume they meant to say 'amending') Bylaw No. 3353. We note that the bylaw does not establish terms or conditions for withdrawal from the water service area. The developer has expended considerable funds in reliance of the bylaw and its damages would be considerable were the CVRD to amend the bylaw so as to unilaterally cut off service to the property.

The APC comments that "an independent look at the position of the natural boundary by someone qualified to determine such things such as a professional biologist or a surveyor would go a long way to putting such suspicions at rest". A biologist is not qualified to determine the location of a natural boundary. The process to reestablish the boundaries of the property takes place as part of the surveying, and the Surveyor General's office does not sign off until subdivision plans have been approved, at least

on a preliminary basis, by the Provincial Approving Officer. Confirmation and reestablishment of the boundary will be a technical requirement of final subdivision approval.

Yours very truly,

COX, TAYLOR

Per: 

KATHLEEN M. BIRNEY  
[kbirney@coxtaylor.bc.ca](mailto:kbirney@coxtaylor.bc.ca)



R18

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE OF SEPTEMBER 6, 2011

**DATE:** August 26, 2011 **FILE No:** 3020-01-L48909  
**FROM:** Rob Conway, Manager **BYLAWS NO:**  
Development Services Division  
**SUBJECT:** Application Referral for removal of timber from a Ministry of Transportation Right of Way

---

**Recommendation/Action:**

Committee Direction is requested.

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

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

**Background:**

In 2010, Butler Brothers Supplies Ltd. made an application to the Ministry of Energy, Mines and Petroleum Resources to amend an existing *Mines Act* permit to permit expansion of a sand and gravel quarry in the Langtry Road area of Area E. The application applied to four R-1 zoned properties that front onto Langtry Road and an un-named, unconstructed road right of way located between the residential lots and the existing gravel pit operation. The application requested approval to remove approximately 200,000 tonnes of aggregate annually beginning on January 1, 2011 and ending on December 31, 2025.

The Electoral Area Services Committee reviewed the application on December 7, 2010, where the following recommendation was passed:

***That the Ministry of Energy, Mines and Petroleum Resources be requested to hold a public meeting for the proposed Butler Bros. Langtry Road gravel permit at Lots 1, 2,3 and 4, Section 9, Range 6, Plan 41254, and a portion of Lot 2, Section 9, Range 5, Plan 87193, and MoT Right of Way marked Road on Plan 41254, in order to address community concerns over the proposed gravel extraction, aquifer, and local waterworks.***

The recommendation was subsequently endorsed by the CVRD Board and was communicated to the Ministry.

A public meeting was conducted by the Ministry, and staff understands that the amendment to the *Mines Act* permit has now been granted.

**Application Summary:**

The subject referral is for an application to remove timber from the western portion of the road allowance immediately to the north of Lot 1, Plan 41254. The application proposes to remove an estimated 60 cubic metres of second growth fir and cedar.

The timber removal is planned at this stage for just the western 77 metres of the road allowance where mine expansion activities are expected to commence. In the future, as the mine extends eastward, it is expected that further timber removal on the road allowance will occur. Eventually it is expected that the entire road allowance will be cleared and mined and that it will be constructed as a road access to the gravel operation. A copy of the application is attached.

Two pieces of correspondence from near-by property owners regarding the application have been received and are attached for the Committee's information.

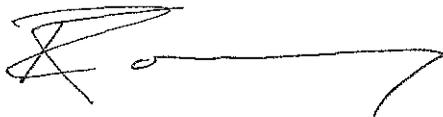
**Staff Comments:**

As Butler Brothers own both sides of the subject road allowance and have a *Mines Act* permit to remove aggregate from the adjacent lands and the road allowance, it is unclear as to why the application to remove timber has been referred to the CVRD. As the timber removal is permitted without Regional District approval and the *Mines Act* permit would seem to override local government jurisdiction in any case, staff are inclined to respond to the referral without comment. However, given community concerns about the scale and impact of mining operations in the area, political direction on the application referral is requested.

**Options:**

1. That Ministry of Forests, Lands and Natural Resource Operations be advised that the CVRD has no comment regarding the application by Butler Brothers Supplies Ltd. to remove timber from and unconstructed road allowance.
2. That Staff respond to the Ministry of Forests, Lands and Natural Resource Operations in accordance with Board direction.

Submitted by,



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

<p>Approved by General Manager</p>  <p>Signature</p>
--

RC/ca

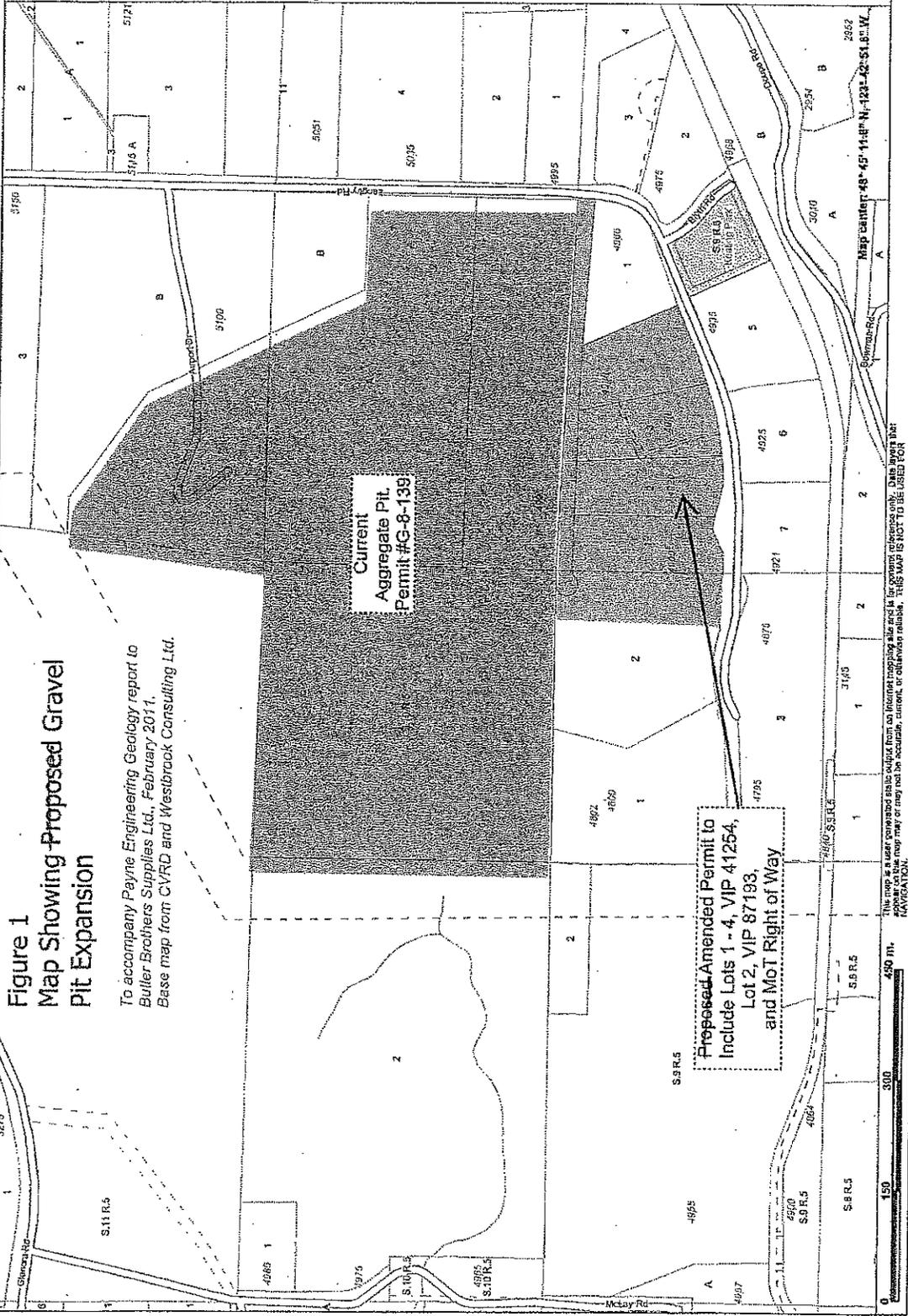




The original Dylava should be consulted for all purposes of interpretation and application of this Plan.

**Legend**

- 1. Addresses
- 2. Roads
- 3. Highway
- 4. Road
- 5. Fenceline
- 6. PARCEL ARC
- 7. BORDERS
- 8. BORDERS
- 9. BORDERS
- 10. BORDERS
- 11. First Nations
- 12. Parks in Community
- 13. P4685
- 14. First Boundaries



**Figure 1**  
**Map Showing Proposed Gravel**  
**Pit Expansion**

To accompany Rayne Engineering Geology report to  
 Butler Brothers Supplies Ltd., February 2011.  
 Base map from CVRD and Westbrook Consulting Ltd.

Date Printed: 4/09/2010 16:44:31

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

### Referral Request

<b>TO:</b> Cowichan Valley Regional District Ministry of Transportation & Highways, Central Island	You are invited to comment on the following: Application for Occupant License to Cut Copy of the application is attached.  Referral responses must be received by this office 30 calendar days from date sent. <b>PLEASE NOTE:</b> If this is addressed to First Nations or First Nation Agency responses must be received by this office 45 calendar days from date sent. If we do not hear from you by that date, we will move forward with the adjudication process. If you require additional information on the proposal(s), please contact the applicant.
--	---

<b>APPLICANT'S NAME</b> Butler Brothers Supply Ltd c/o Noel Phillips		<b>DATE SENT</b> August 2, 2011	
<b>FRONTCOUNTER BC CONTACT</b> Valerie MacMillan	<b>CONTACT PHONE NO</b> (250) 751-7226	<b>FCBC FILE NO</b> 53348	<b>FOREST FILE NO</b> L48909

<b>LAND</b> <b>LOCATION</b> Duncan		<b>PARCEL SIZE</b> .159 Ha +/-
<b>LEGAL DESCRIPTION</b> MOT Right of Way adjacent to and south of Plan VIP 63723 and similarly described as MOT Right of Way marked "road" on Plan VIP41254 from Langtry Road west to the end of the right of way		
<b>INTENDED USE/PURPOSE</b> Removal of standing timber (60 m3 +/-)	<b>TENURE TYPE</b> Occupant License to Cut	
<b>NOTES</b> x-ref: mines permit G-8-139		

<b>RESPONSE COMMENTS:</b> Please forward a copy of any concerns/requirements directly to the applicant	
1. Does either proposal relate to your agency's legislated responsibilities? <b>Land Application:</b> Yes No <b>Water Application:</b> Yes No If yes, please identify the relevant legislation (including section).	
2. If the proposal proceeds, will the proponent require approval or a permit from your agency? <b>Land Application:</b> Yes No <b>Water Application:</b> Yes No	
3. Will compliance monitoring be required by your agency if these proposals go ahead? <b>Land Application:</b> Yes No <b>Water Application:</b> Yes No	
4. If the Land application proposal is implemented, in your opinion, would public use of the area be impacted? Explain.	

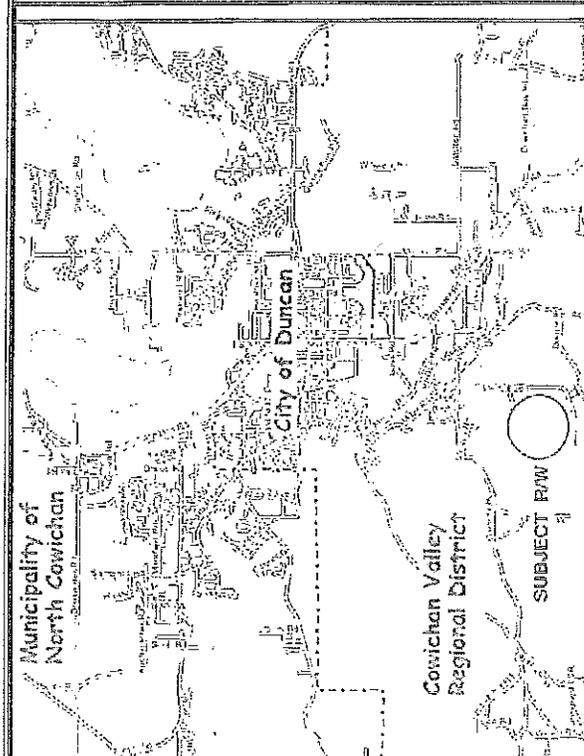
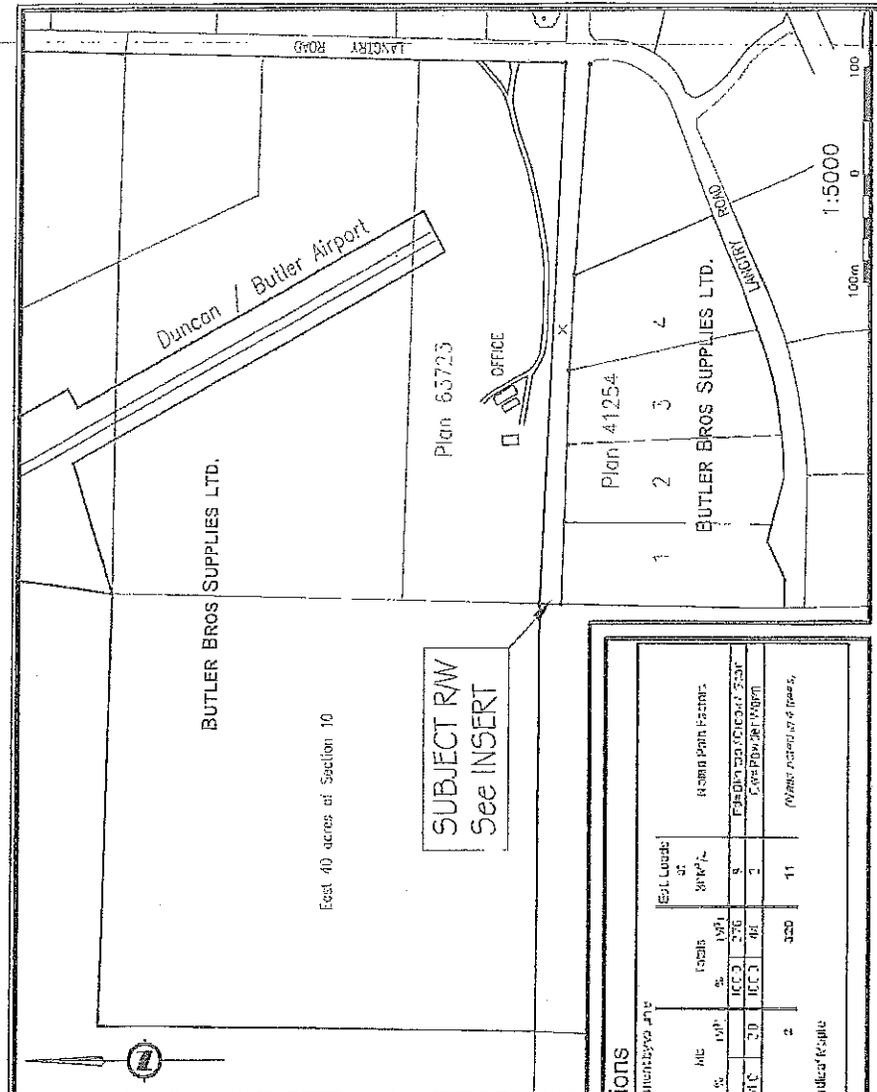
**For Municipal/Regional Government Use Only:** Is the area for the Land application zoned for the proposed purpose? If no, what is the current zoning?

What is the estimated time required for a decision on an application to re-zone the area should the applicant wish to pursue this option?

Approval Supported  
 Approval Supported Subject To Conditions Outlined On Reverse  
 Approval Not Supported For Reasons Outlined On Reverse  
 (Indicate what mitigation measures, if any, would address your concerns)  
 Interests Unaffected

<b>Signed By:</b>  Please Print:	<b>Date:</b>	<b>Phone No.:</b>
--	--------------	-------------------

Please indicate which agency you are responding on behalf of:



### R/W Area and Volume Estimations

Species composition: 4 / Specific composition: 20% / 1%

Tree Type	Cm (cm)	No. of Trees	Est. Vol (m³)	Cm (cm)		Hw		Cx		Hw		Cx		Total
				10-20	20-30	%	Vol	%	Vol	%	Vol	%	Vol	
10-20	15-20	25	520	353	14.2	203	3.8	17.3	2.0	10.0	2.0	10.0	46	320
20-30	15-20	34	290	115	4.0	24.0	3.0	17.3	2.0	10.0	2.0	10.0	46	320
Open	10-20	1	10	10	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	1	11
<b>Total</b>			<b>820</b>	<b>478</b>	<b>18.6</b>	<b>227.4</b>	<b>5.8</b>	<b>34.6</b>	<b>4.0</b>	<b>20.0</b>	<b>4.0</b>	<b>20.0</b>	<b>92</b>	<b>640</b>

Fu = Douglas F.      Cx = Western Red Cedar      Hw = Western Hemlock      % = Biplotch % site  
 \*\* See additional documentation attached.

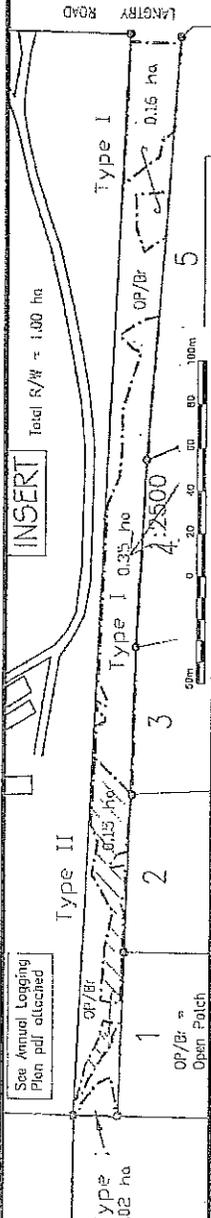
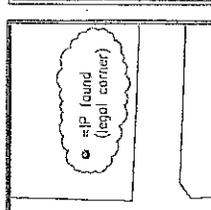
## LICENCE TO CUT APPLICATION PLAN

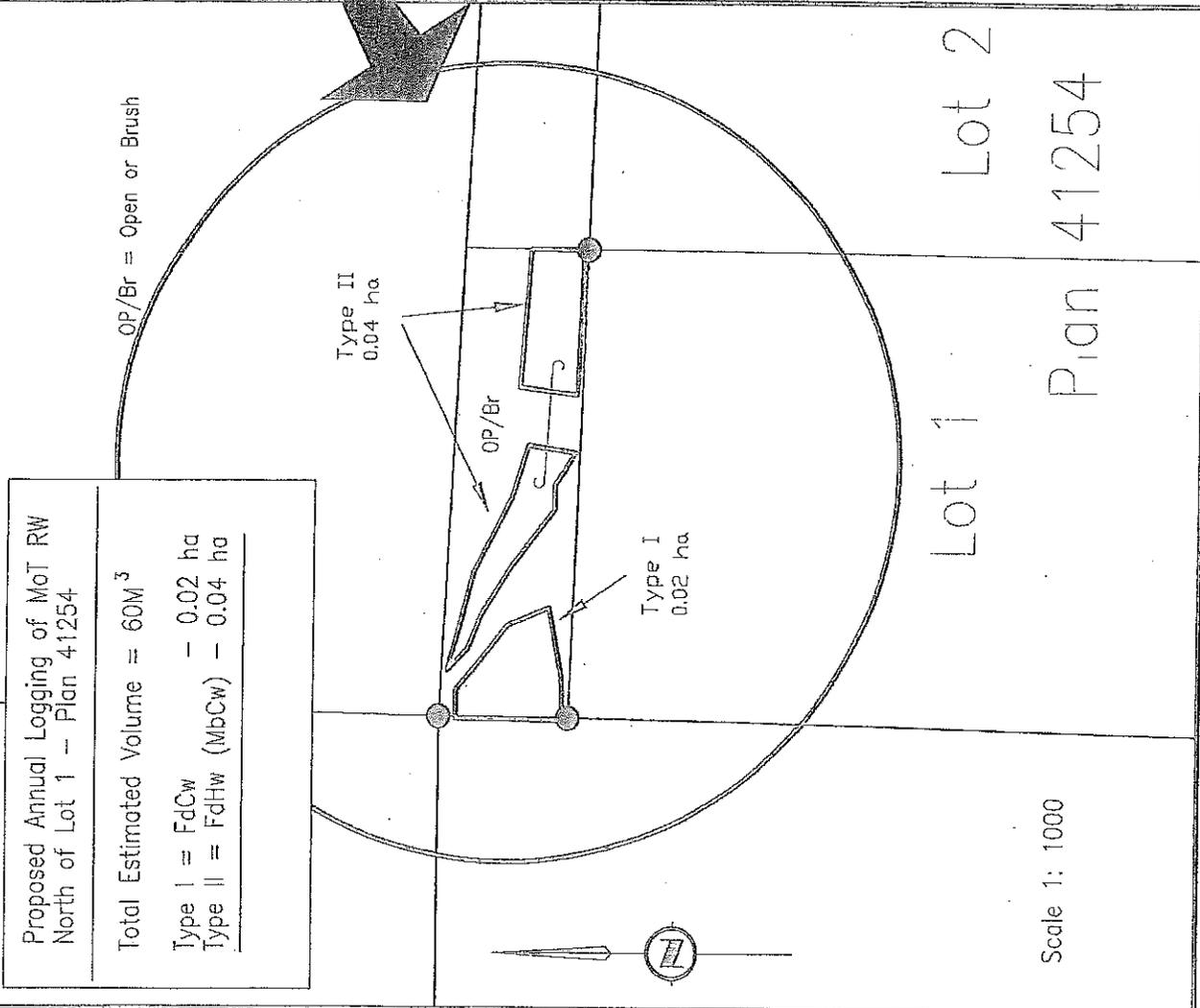
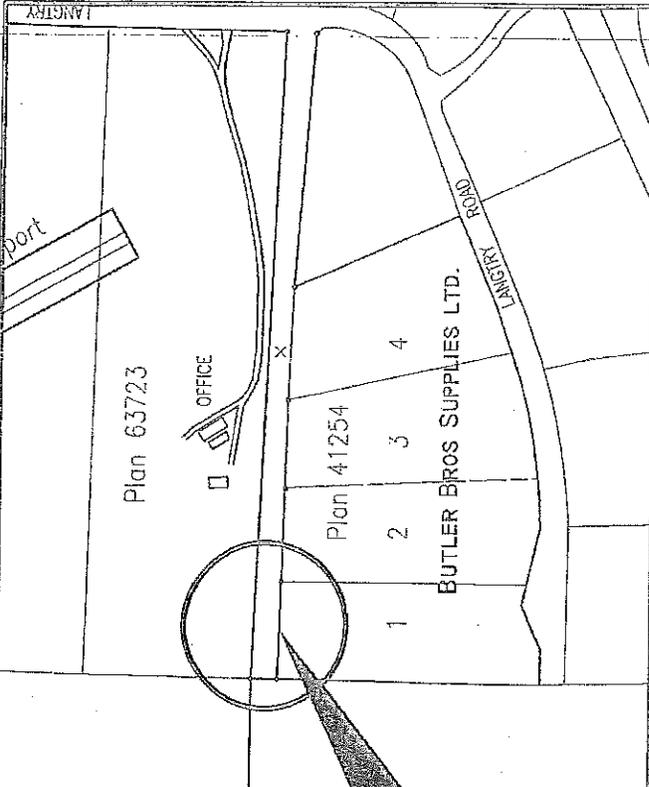
Butler Bros. Ltd.      Duncan, BC

June 15, 2011      DWG 1

Drawn By: NE Phillips      REV C      SHEET 1

SCALE: various      1 of 1

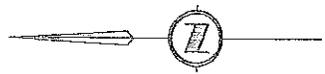




Proposed Annual Logging of MoT RW  
North of Lot 1 - Plan 41254

Total Estimated Volume = 60M<sup>3</sup>

Type I = FdCw - 0.02 ha  
Type II = FdHw (MbCw) - 0.04 ha



Scale 1: 1000

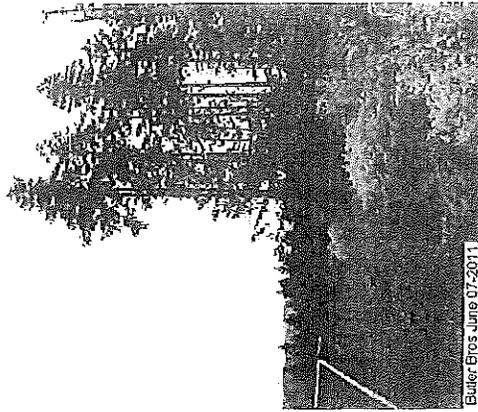
<b>LOGGING PLAN</b>	
<b>2011 TO 2012</b>	
Butler Bros	Duncan
July 07, 2011	DWG 4
DRAWN BY: NE Phillips	REV A
SCALE: various	SHEET 1

Photos of Airport Road R/W for Licence to Cut Application



Butler Bros June 07-2011

Photo 34 - wet area in Type 2



Butler Bros June 07-2011

Photo 35 - west end of R/W (Type 1)



Butler Bros June 07-2011

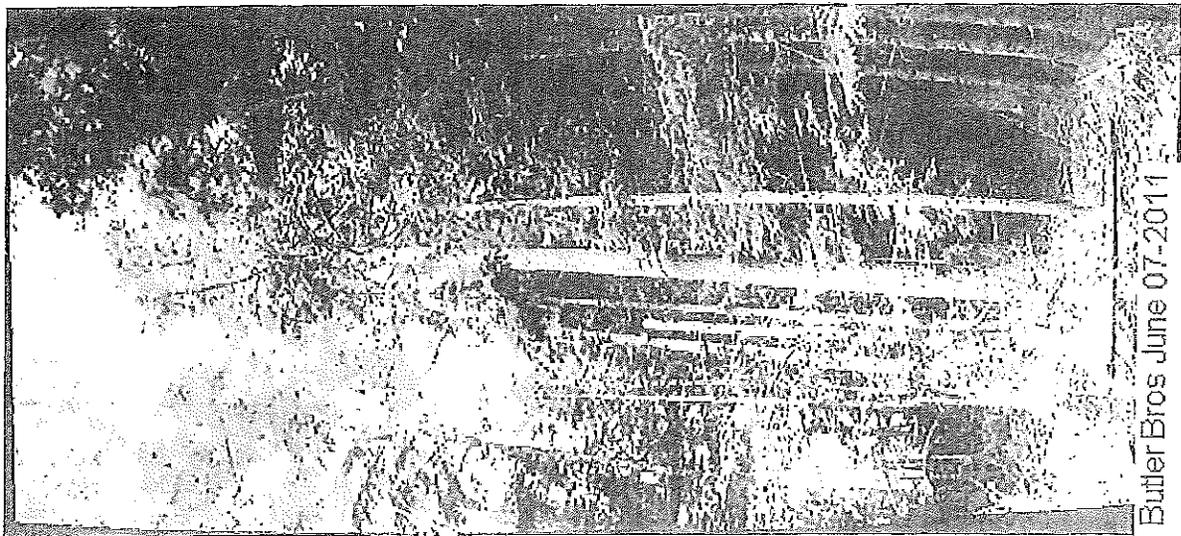
Photo 36 - 32cm Fir



Butler Bros June 07-2011

Photo 37 view from far west. Same trees as photos 35 & 36

Photos of Airport Road R/W for Licence to Cut Application



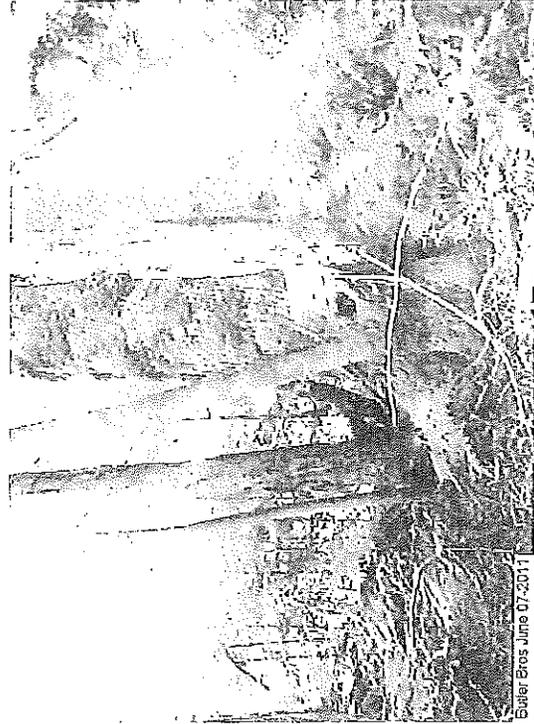
Butler Bros June 07-2011

Photo 31 - 50cm Fir, meas ht = 38.4m



Butler Bros June 07-2011

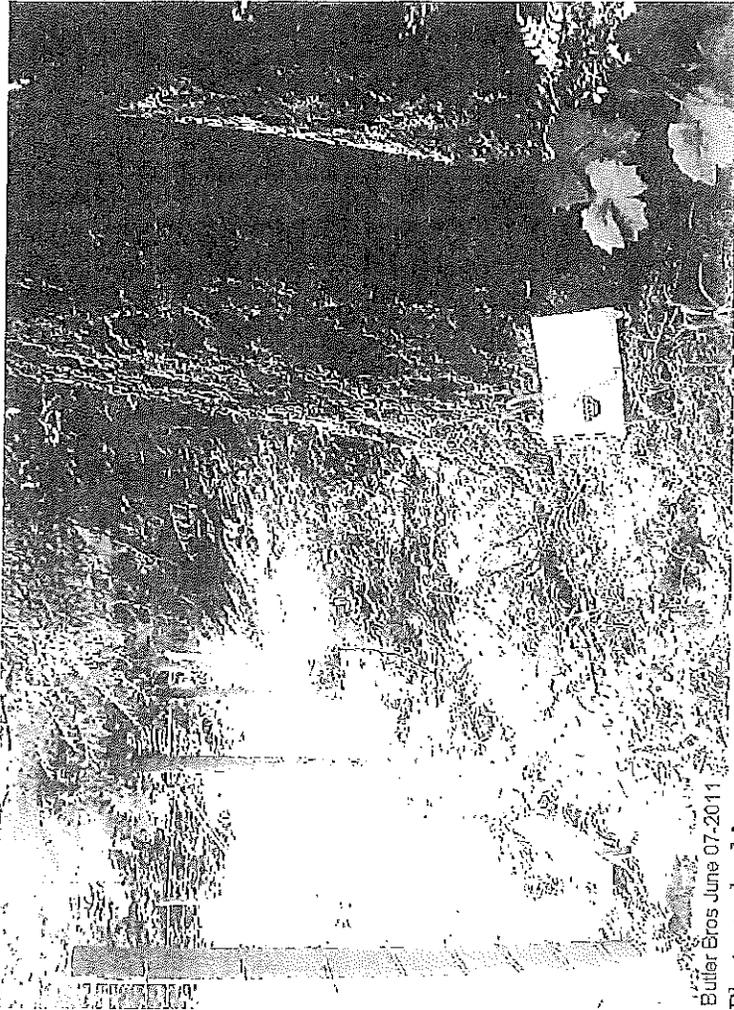
Photo 32 - 34cm Hemlock - entering Type 2



Butler Bros June 07-2011

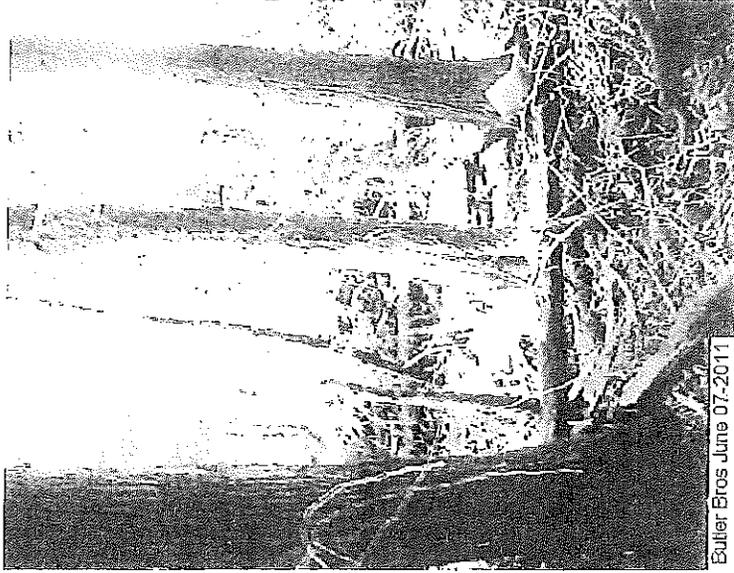
Photo 33 - 78cm Maple in Type 2

Photos of Airport Road R/W for Licence to Cut Application



Butler Bros June 07-2011

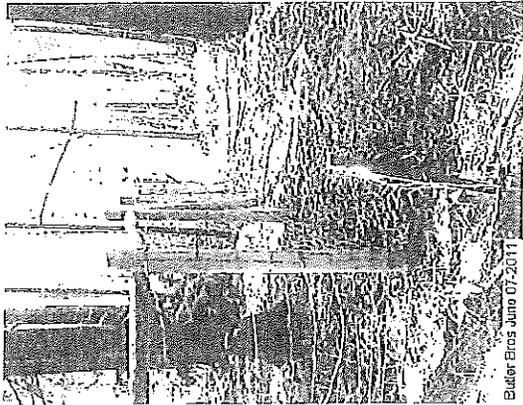
Photo 29 looking west near Lot 4 / Lot 5 corner



Butler Bros June 07-2011

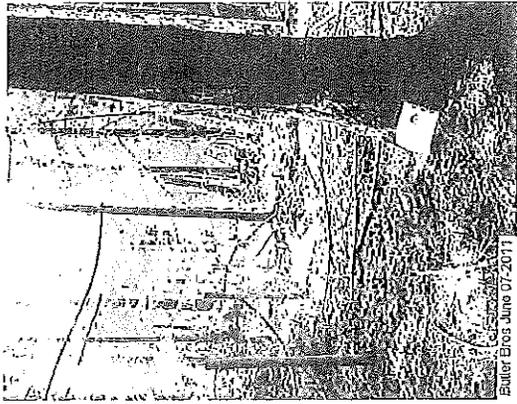
Photo 30 - small Cedars

Photos of Airport Road R/W for Licence to Cut Application



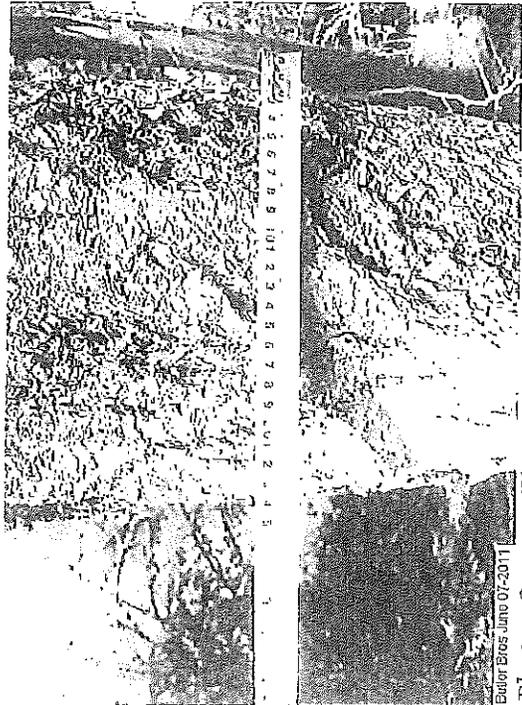
Butler Bros June 07-2011

Photo 26 at Lot 3 / Lot 4 corner



Butler Bros June 07-2011

Photo 27 looking west along S Bdy



Butler Bros June 07-2011

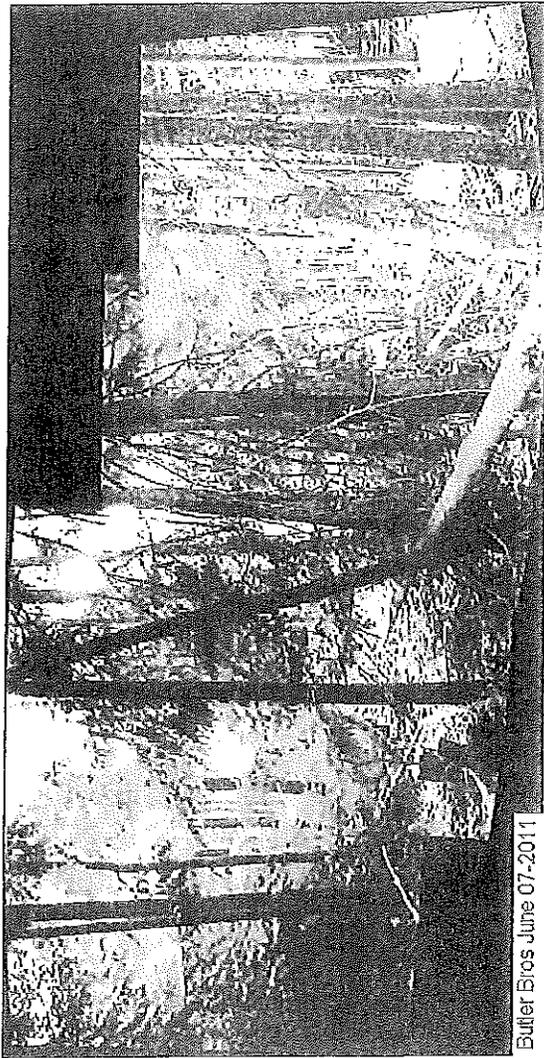
Photo 28 23cm Fir

Photos of Airport Road R/W for Licence to Cut Application



Butler Bros June 07-2011

Photo 16 showing dead tops in Fir



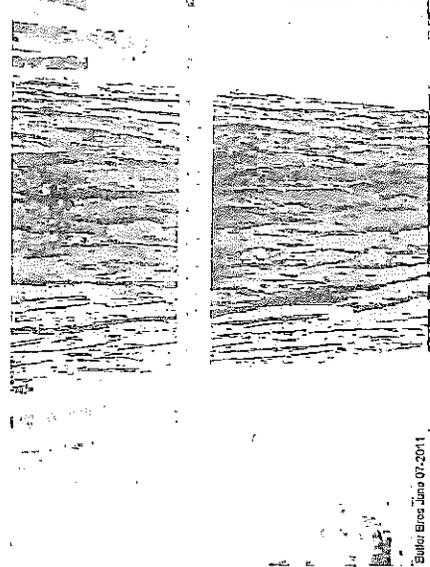
Butler Bros June 07-2011

Photo 17



Butler Bros June 07-2011

Photo 18



Butler Bros June 07-2011

Photo 19 - 24cm Cw

Photos of Airport Road R/W for Licence to Cut Application

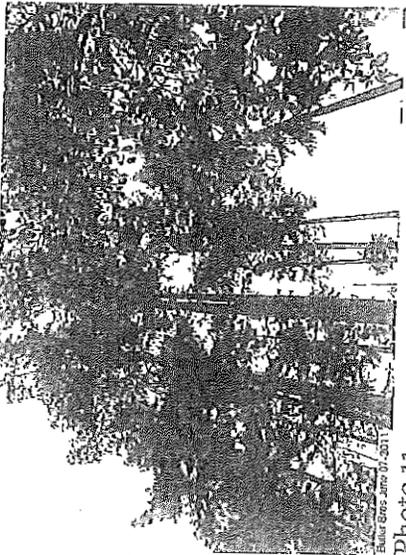


Photo 11

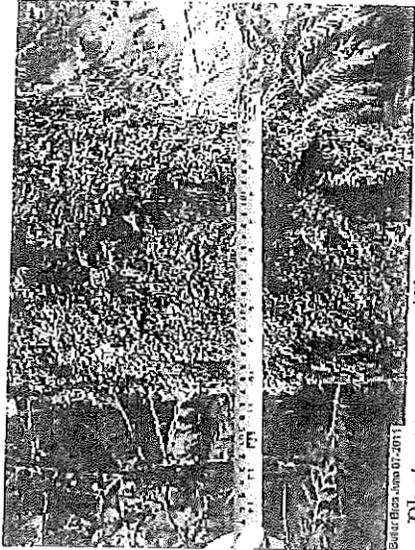


Photo 12 - 24cm Fir

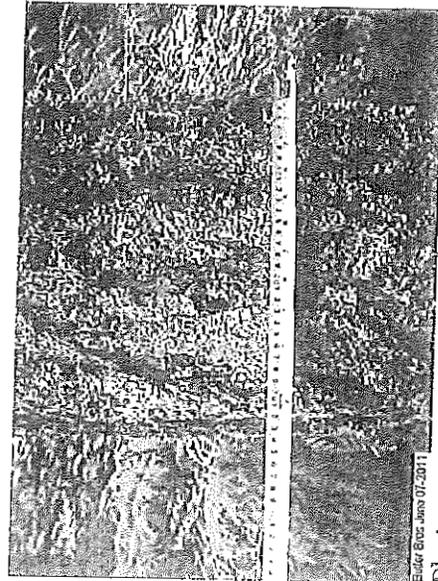


Photo 13 - 32cm Fir

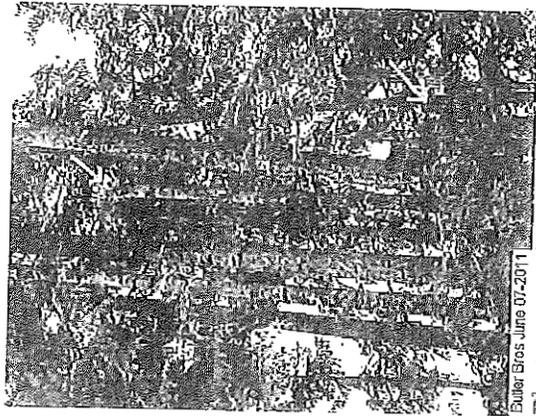


Photo 14 - 2 broken tops in Fir



Photo 15 showing lean in Fir at edge of open patch

Photos of Airport Road R/W for Licence to Cut Application

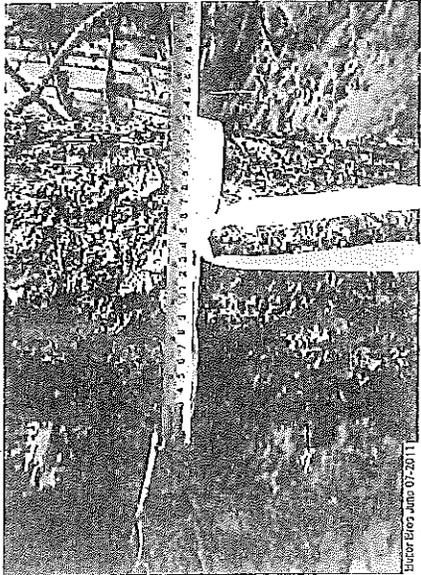


Photo 5 - 22cm Fir (Photo 4=same tree)



Photo 6 (same tree in panorama)

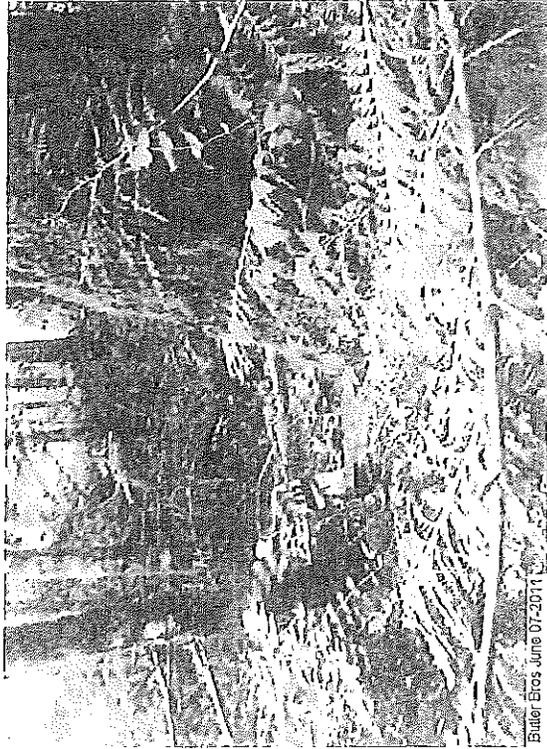


Photo 7 showing Legal Corner Post on south bdy along Langtry Road

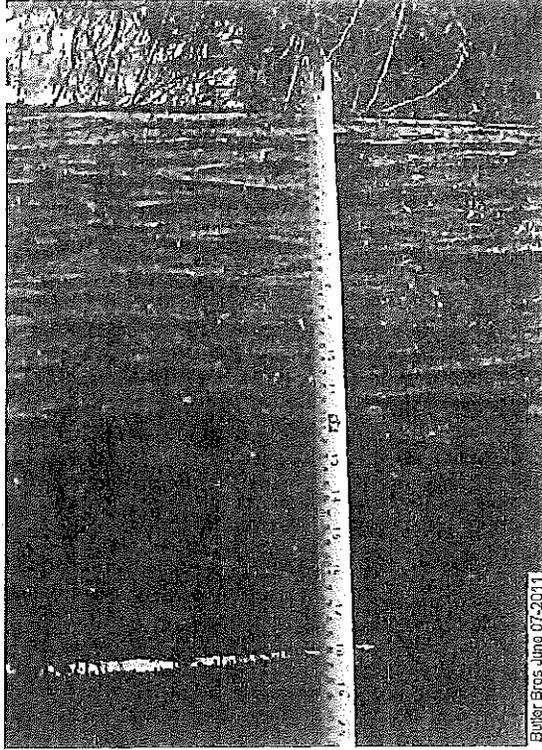


Photo 8 - 42cm Cedar

Photos of Airport Road R/W for Licence to Cut Application

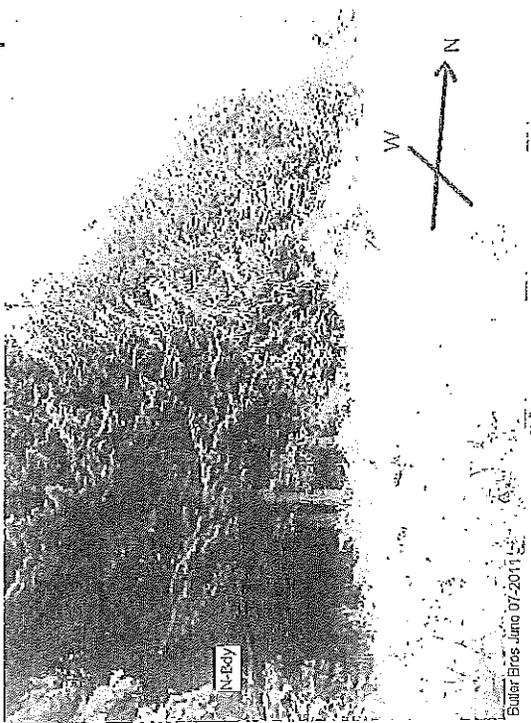


Photo 1

Butler Bros June 07-2011



Photo 2

Butler Bros June 07-2011

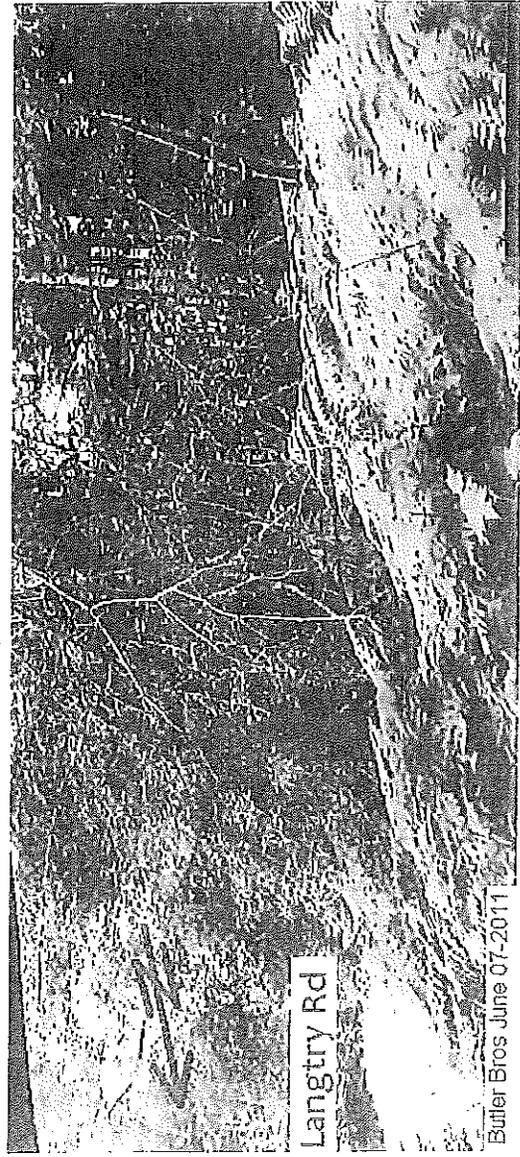


Photo 3

Butler Bros June 07-2011

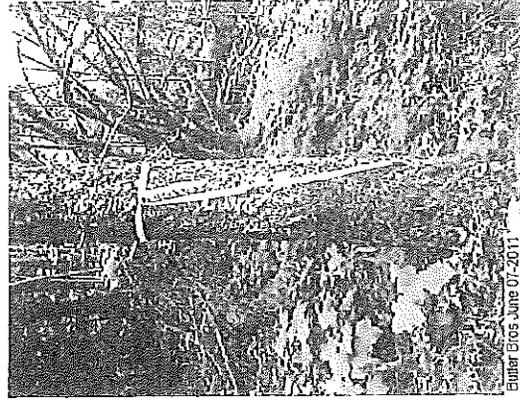
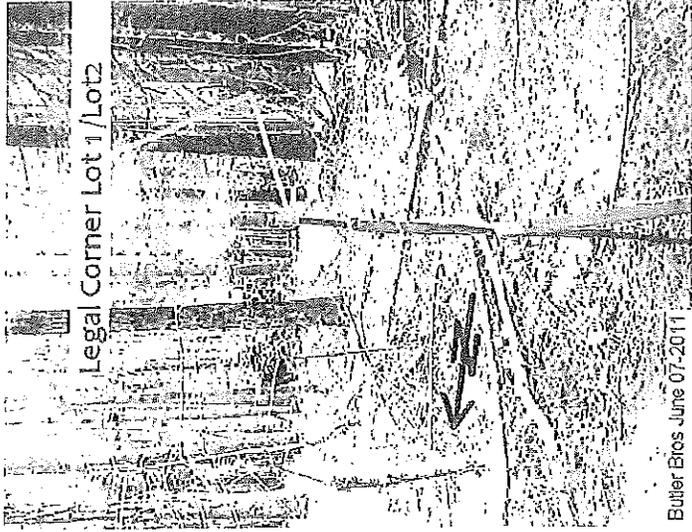


Photo 4

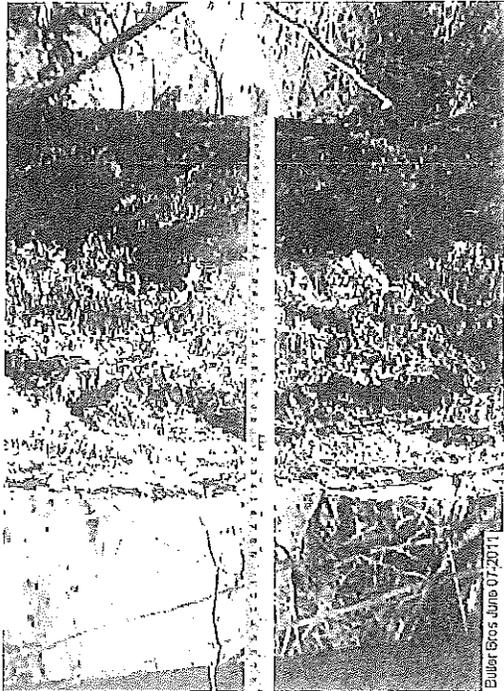
Butler Bros June 07-2011

Photos of Airport Road R/W for Licence to Cut Application



Butler Bros June 07-2011

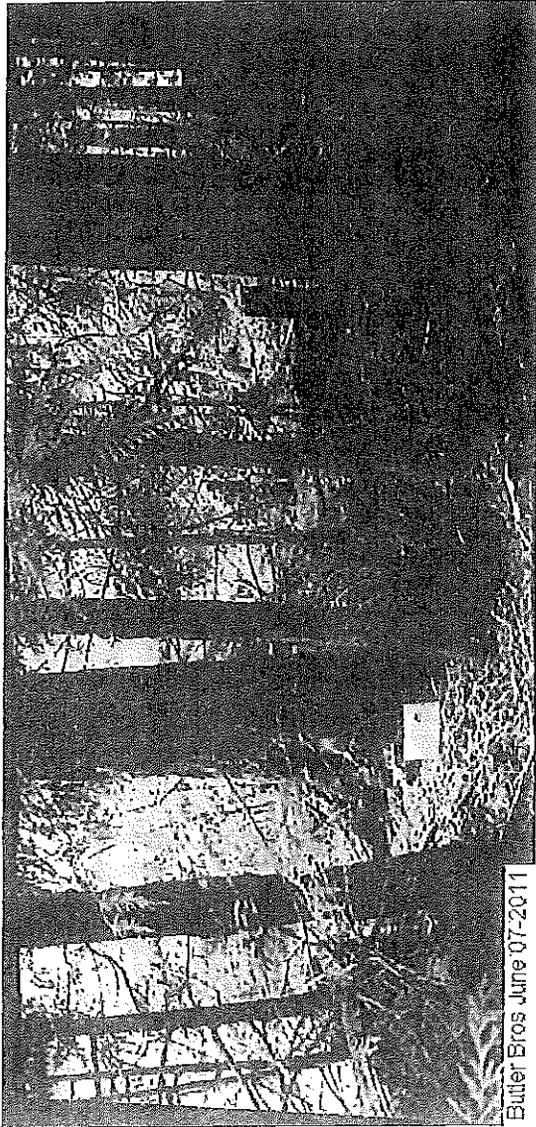
Photo 21 — looking east along bdy



Butler Bros June 07-2011

Photo 20 — 34cm Fir

Photos of Airport Road R/W for Licence to Cut Application



Butler Bros June 07-2011

Photo 9 – Fir and Cedar (standard field note book)



Butler Bros June 07-2011

Photo-10 from neighbour to south – looking north. Some trespass noted

Photos of Airport Road R/W for Licence to Cut Application



Photo 22 - Kids fort with lots of nails

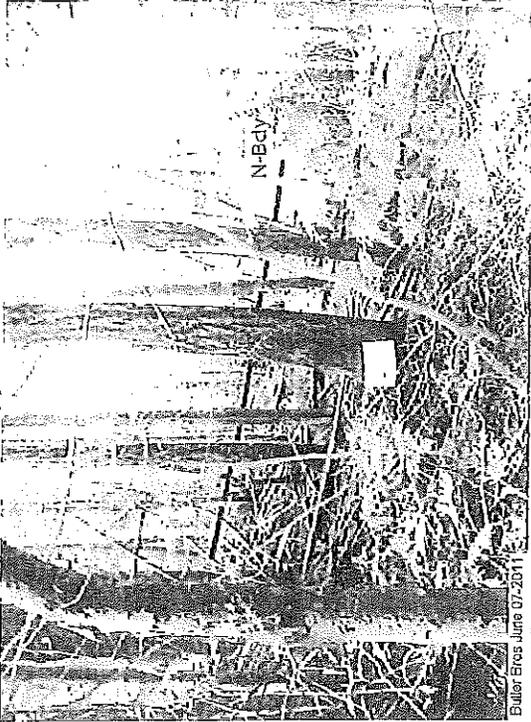


Photo 23 - 30cm Fir

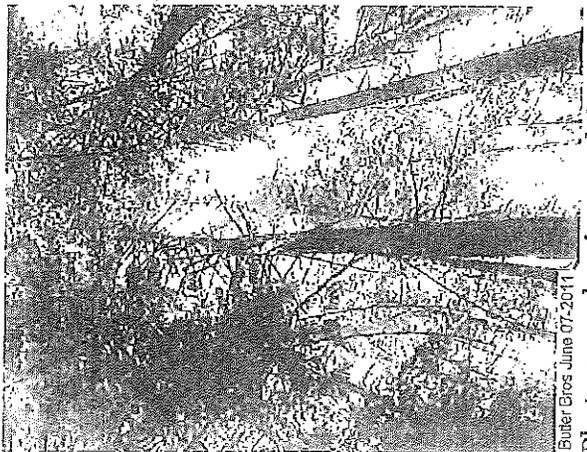


Photo 24 - showing crook in 40cm Fir

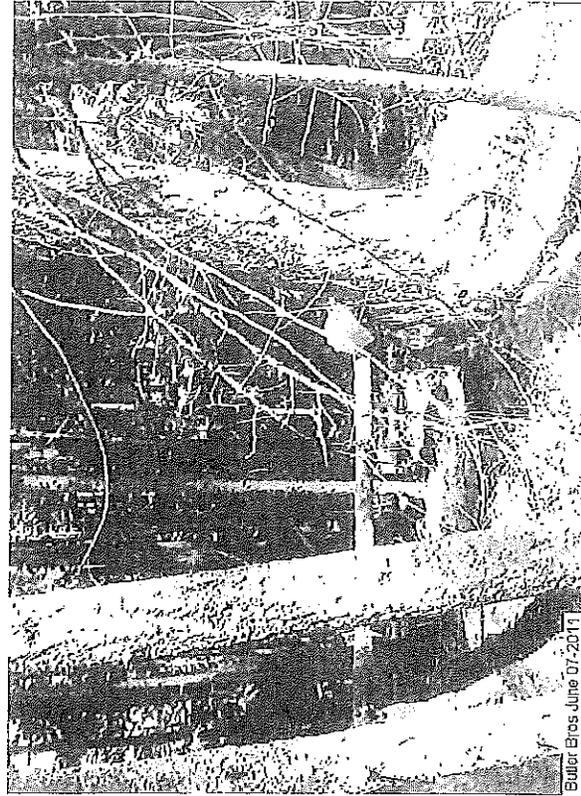
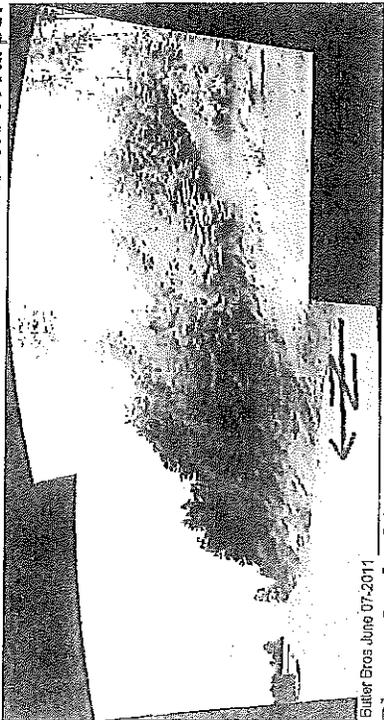


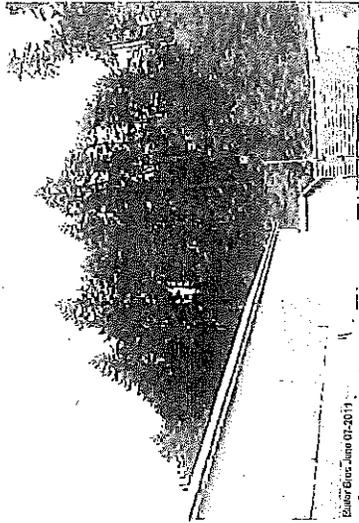
Photo 25 - showing 30 & 40 cm Firs

Photos of Airport Road R/W for Licence to Cut Application



Butler Bros June 07-2011

Photo 38 - looking SW from westerly end of R/W

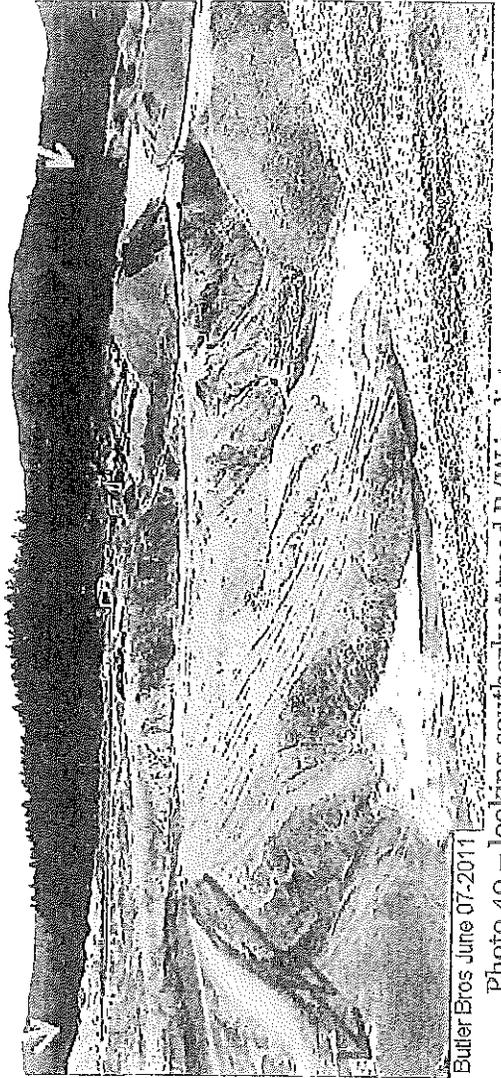


Butler Bros June 07-2011

Photo 39 - looking SW to trees on top cutbank

E-End

W-End



Butler Bros June 07-2011

Photo 40 - looking southerly at treed R/W in distance



Province of  
British Columbia

Ministry  
of Forests



# APPLICATION FOR A LICENCE TO CUT

Pursuant to Section 47 of the Forest Act  
Press here for more details

**RECEIVED**  
JUN 17 2011

FOR MINISTRY USE ONLY											
U.T.M. Grid	ZONE	EAST	NORTH	REG.	COMPT.	L	Reference Map				
	10	447862	5400096								
MANAGEMENT UNIT			TIMBER SUPPLY AREA								
TYPE			NUMBER								
NUMBER			BLOCK					EAST			
BLOCK			SUB-BLOCK					WEST			
FOREST REGION					FOREST DISTRICT						
APPLICATION FOR A LICENCE TO CUT											
TO THE REGIONAL/DISTRICT MANAGER, South Island District - Port Alberni BRITISH COLUMBIA							DATE OF APPLICATION YYYY MM DD				
							2011-06-16				
<p>I/ WE HEREBY APPLY FOR A LICENCE TO CUT FROM THE FOLLOWING AREA: <b>MOT Road Right of Way</b>            Adjacent to and south of Plan VIP 63723 and similarly described as MOT Road Right of Way            marked "Road" on Plan VIP 41254 from Langtry Road, west to the end of the Right of Way.            (herein after referred to Airport Road Right of Way)</p>											
								Quamichan	LAND DISTRICT		
OCCUPIED UNDER THE FOLLOWING TENURE: (CHECK ONE)											
<input type="checkbox"/>	Agricultural lease		<input type="checkbox"/>	Grazing lease		<input type="checkbox"/>	Agreement to purchase		<input type="checkbox"/>	Lake salvage	
<input type="checkbox"/>	Industrial lease		<input type="checkbox"/>	Access road R.of.W.		<input checked="" type="checkbox"/>	Mineral claim		<input type="checkbox"/>	Other (specify)	
<input type="checkbox"/>	Residential lease		<input type="checkbox"/>	Easement		<input type="checkbox"/>	Placer lease				
FILE NO.	G-8-139			and/or	LEASE NO.	See documentation attached					
ESTIMATED VOLUME OF TIMBER	320		cubic metres	HAS AREA BEEN SURVEYED?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		IF AREA UNSURVEYED, ATTACH SKETCH.				
APPLICANT'S NAME	Butler Bros. Supplies Ltd.				APPLICANT'S NAME						
ADDRESS	4998 Langtry Road, DUNCAN, BC				ADDRESS						
PHONE NO.	250-746-1080		FAX NO.	250-746-8177		POSTAL CODE	V9L 6R8		PHONE NO.	FAX NO.	POSTAL CODE
APPLICANT'S SIGNATURE	Lloyd Gerbrandt		DATE SIGNED	2011-06-08		APPLICANT'S SIGNATURE	DATE SIGNED				
PERSONAL IDENTIFICATION											
S.I.N.	DATE OF BIRTH		B.C. DRIVER'S LICENCE	S.I.N.		DATE OF BIRTH		B.C. DRIVER'S LICENCE			
	1957/08/28										
IF APPLICANT IS A REGISTERED CORPORATION, INDICATE CORPORATION REGISTRATION NO. <b>BC0212179</b>											
FOR MINISTRY USE ONLY											
LICENCE TO CUT NO.	IS CRUISE REQUIRED?			<input type="checkbox"/> Yes <input type="checkbox"/> No		VOLUME CRUISED					
LOCATION						LAND MANAGER AT					
COMMENTS						CLIENT NO.		DATE SIGNED			
						SIGNATURE		YYYY MM DD			

---

**From:** Loren Duncan [loren\_duncan@telus.net]  
**Sent:** Thursday, August 25, 2011 11:49 AM  
**To:** Tom Anderson  
**Cc:** Rob Conway  
**Subject:** FW: Butlers - MOT Road - tree removal application

---

**From:** Lissa [mailto:lissajean12@hotmail.com]  
**Sent:** Monday, August 22, 2011 10:40 AM  
**To:** Loren Duncan  
**Subject:** Butlers - MOT Road - tree removal application

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Loren:

I am still waiting to hear from my MOT contact. I expect to have an answer next week. I appreciate that you need a response from us regarding this application by Butlers, so I am providing the following:

The materials that we have seen don't state what the need or rationale for the cutting is. From looking at the big map it seems obvious that Butlers intends to remove gravel on the MOT area as well. The map says that the "road allowance to be eventually left at 63m elevation." I make that substantially below where it is now. That would imply gravel removal of course. In any event, the short-term point is that the government should require Butlers to state the intended purpose and disclose that to the public. I am trying to find out from MOT what their opinion is on this. Why would they allow Butlers to take all that material and profit from it? Why would they allow an owner of property to significantly alter a road right of way that is supposedly put in place to be used at a later date for land use purposes?

I would think that at face value removing gravel from the road allowance behind Lot 1 doesn't necessarily imply activation of the road allowance at the other end, but that is an assumption. The more obvious explanation is that Butlers simply wants the gravel at the road allowance behind Lot 1 because that's where they're now working. But that's for Butlers to state publicly if that's the case - can we ask for these intentions to be put in writing? Does Lot 1 now mean lot 2, then lot 3, and then lot 4 as they move along? And, of course, what does the application to remove the trees mean for activation of the road allowance at Vanessa and Phil Lysne's end of it - they are the only residents in our group who border the MOT road. We want to know **WHAT THEIR INTENTIONS ARE** so that we can determine how this is going to affect all of us, and when, and we want their intentions **IN WRITING** with the MOT and MOF apprised of these intentions so that we can have some accountability should they not proceed accordingly. Also, in response to your suggestion to ask for a buffer on the front of the properties, that may be a consideration if we determine that Butlers intends on doing this all the way down the line behind Lots 1,2, 3 and 4, but not for the Lysne property. We would want written assurance that the trees don't get touched on that part of the MOT (behind the Lysne property) and that it remains intact and not used for a road, and further, an increase to the buffer zone on the fronts of lots 1, 2,3, and 4, which is equivalent to the MOT tree removal footprint.

I think that the sentiment of our group is that Butlers, once again, just gets to do whatever suits them and that the residents, once again, get left with the aftermath and devastation. So, in short, we are not in agreement with them touching one tree on the MOT, but, we probably have no say anyway, so, if we can in any way get something out of this (increased buffers to protect our properties and non useage of the MOT road behind Lysnes) then that would be better than nothing.

Lissa

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No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 10.0.1392 / Virus Database: 1520/3850 - Release Date: 08/22/11

---

**From:** Loren Duncan [mailto:[loren\\_duncan@telus.net](mailto:loren_duncan@telus.net)]  
**Sent:** Saturday, August 20, 2011 7:55 PM  
**To:** Tom Anderson  
**Subject:** Comment on Hwy's/Butler

**From:** [favarger@shaw.ca](mailto:favarger@shaw.ca)  
**Date:** Wed, 10 Aug 2011 13:46:29 +0000  
**To:** Lissa + Chris Punnett<[lissajean12@hotmail.com](mailto:lissajean12@hotmail.com)>; <[c-punnett@hotmail.com](mailto:c-punnett@hotmail.com)>; Michele Favarger<[favarger@shaw.ca](mailto:favarger@shaw.ca)>; <[vlvsne@shaw.ca](mailto:vlvsne@shaw.ca)>; <[plysne@shaw.ca](mailto:plysne@shaw.ca)>; <[bstevenson@sd79.bc.ca](mailto:bstevenson@sd79.bc.ca)>; <[wjandrews@shaw.ca](mailto:wjandrews@shaw.ca)>  
**ReplyTo:** [favarger@shaw.ca](mailto:favarger@shaw.ca)  
**Subject:** Re: Forest Act Referral Request for OLTC - L48909 (near Duncan)

I am sorry for not getting back to you before today. Here are our comments.

We are absolutely opposed to logging of our public land. Our understanding of the purpose of the MOT right of way is to permit access to future development of the adjoining properties, not the present destruction thereof.

Furthermore, the MOT right of way is, at its present elevation, what will remain as a berm between the existing gravel pit and the new extension; no logging permit, no excavation of said right of way and protection of the berm.

At this point, we are not interested in a compromise as we have seen all the 'give' on our part and all the 'take' on the part of Butler Bros, creating havoc in our personal lives and refuges, our homes.

Should the CVRD choose to support this application, the very least we would expect would be an increase to the Langtry Road buffer area equal to the width of the MOT road allowance Butlers is requesting to log which would provide us with the berm that they are in the process of removing (at their profit and our loss).

Sincerely,  
Michele Favarger and Erik Lindblad

Sent on the TELUS Mobility network with BlackBerry



**MEMORANDUM**

**DATE:** August 18, 2011  
**TO:** Tom R. Anderson, General Manager, Planning and Development Department  
**FROM:** Brian Duncan, Manager, Inspections and Enforcement Division  
**SUBJECT:** BUILDING REPORT FOR THE MONTH OF JULY, 2011

There were 47 Building Permits and 1 Demolition Permit(s) issued during the month of July, 2011 with a total value of \$ 6,742,973.

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"	150,000			966,850			5	45	1,116,850	6,933,770
"B"	18,600	140,320		1,009,423	36,000		9	56	1,204,343	4,789,583
"C"			16,000	327,780	296,400	1,800,000	7	28	2,440,180	4,569,675
"D"	24,500			994,190	8,500		11	38	1,027,190	3,993,970
"E"				260,550	33,100		3	24	293,650	3,190,450
"F"					170,000		4	17	170,000	1,367,755
"G"					141,100		5	21	141,100	1,778,680
"H"	100,000			181,280	53,880		3	21	335,160	2,917,240
"I"					14,500		1	19	14,500	2,461,980
<b>Total</b>	<b>\$ 293,100</b>	<b>\$ 140,320</b>	<b>\$ 16,000</b>	<b>\$ 3,740,073</b>	<b>\$ 753,480</b>	<b>\$ 1,800,000</b>	<b>48</b>	<b>269</b>	<b>\$ 6,742,973</b>	<b>\$ 32,003,103</b>

  
 B. Duncan, RBO  
 Manager, Inspections and Enforcement Division  
 Planning and Development Department

BD/db

**NOTE:** For a comparison of New Housing Starts from 2008 to 2011, see page 2  
 For a comparison of Total Number of Building Permits from 2008 to 2011, see page 3

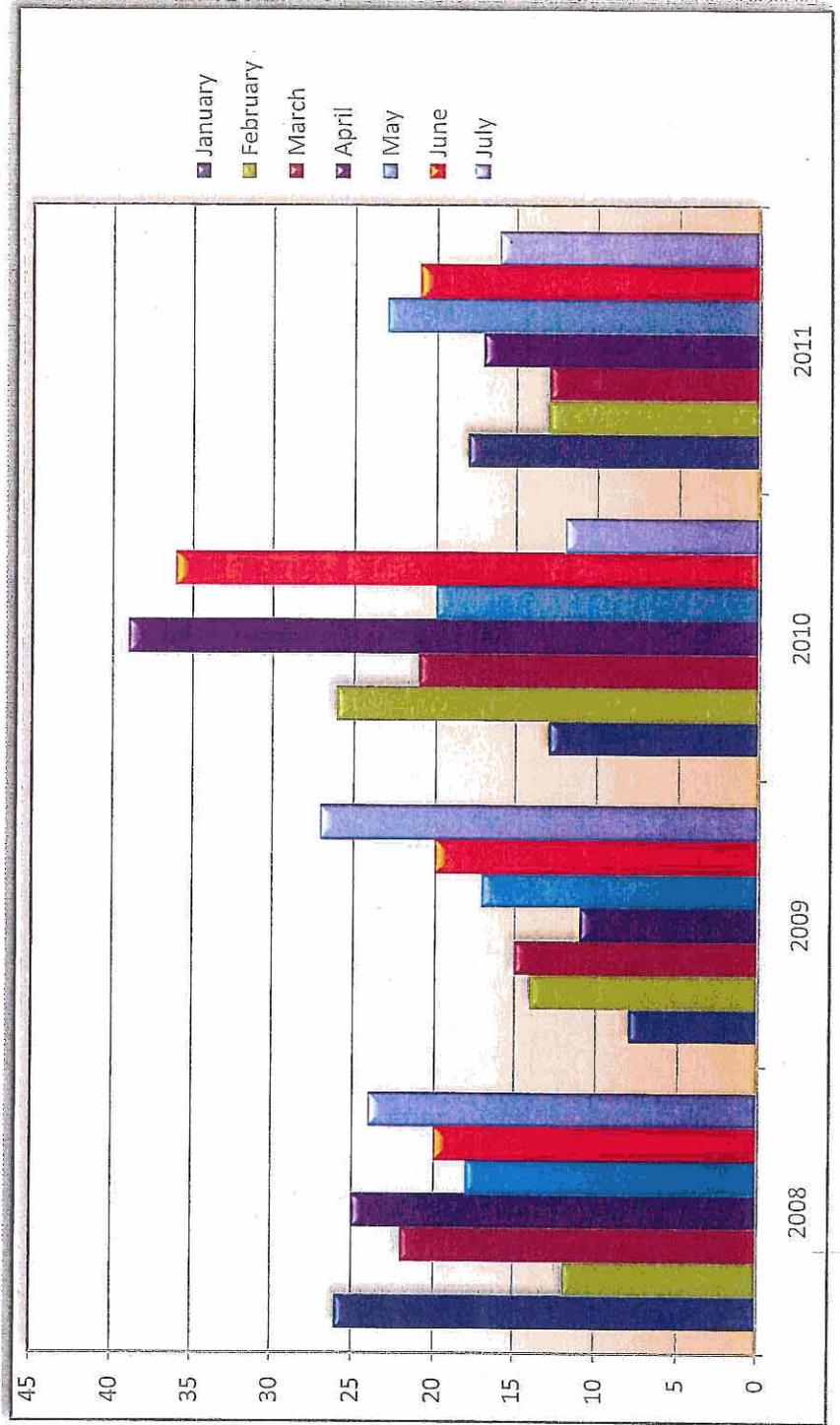
INT



# CVRD

## Total of New Housing Starts

	2008	2009	2010	2011
January	26	8	13	18
February	12	14	26	13
March	22	15	21	13
April	25	11	39	17
May	18	17	20	23
June	20	20	36	21
July	24	27	12	16
<b>YTD Totals</b>	<b>147</b>	<b>112</b>	<b>167</b>	<b>121</b>





# C·V·R·D

## Total Building Permits Issued

	2008	2009	2010	2011
January	50	23	35	31
February	30	32	44	36
March	48	36	54	33
April	63	34	67	30
May	50	48	41	45
June	55	55	66	46
July	64	61	45	48
<b>YTD Totals</b>	<b>360</b>	<b>289</b>	<b>352</b>	<b>269</b>

