



ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
January 17, 2012
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 pm

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8.	<u>NEW BUSINESS</u>	
9.	<u>PUBLIC/PRESS QUESTIONS</u>	
10.	<u>CLOSED SESSION</u>	
	Motion that the meeting be closed to the public in accordance with the Community Charter Part 4, Division 3, Section 90(1), subsections as noted in accordance with each agenda item.	
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NOTE: A copy of the full agenda package is available at the CVRD website www.cvrld.bc.ca

Director M. Walker
 Director B. Fraser
 Director I. Morrison

Director M. Marcotte
 Director G. Giles
 Director L. Iannidinaro

Director P. Weaver
 Director L. Duncan
 Director M. Dorey

Minutes of the Special Electoral Area Services Committee Meeting held on Wednesday, November 23, 2011 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

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

CVRD STAFF

Tom Anderson, General Manager
 Mike Tippett, Manager
 Rob Conway, Manager
 Ron Austen, General Manager
 Brian Farquhar, Manager
 Dana Leitch, Planner II
 Alison Garnett, Planner I
 Rachelle Rondeau, Planner I
 Cathy Allen, Recording Secretary

Welcome Directors-Elect

The Chair welcomed Directors-Elect Pat Weaver, Area I; Mike Walker, Area A; and Bruce Fraser, Area B, who were in attendance as observers.

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included adding eight items of listed New Business plus one item of additional new business.

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

MOTION CARRIED

M1 - Minutes

It was Moved and Seconded that the Minutes of the November 15, 2011, EASC meeting be adopted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

STAFF REPORTS

R1 – Creelman/Beckett

Dana Leitch, Planner II, re-presented staff report dated November 9, 2011, regarding Application No. 1-B-11RS (Beckett/Creelman) to rezone property located at 2657 Nora Place from R-1 to R-2 to subdivide into two lots.

The application was presented previously at the November 15th EASC meeting and a recommendation was passed to table the application to give the applicant opportunity to consider an appropriate community amenity contribution in accordance with Policy 8.1 of the SCOC.

Ms. Leitch advised that the applicant is proposing a covenant to protect trees along the north and east boundary of the proposed new lot. The Committee needs to determine if the proposed amenity is in accordance with the South Cowichan OCP Policy 8.1.

John Beckett, applicant, was present and provided further information.

The Committee directed questions to the applicant and staff.

It was Moved and Seconded

That Application No. 1-B-11RS (Creelman/Beckett) be referred to the next EASC meeting.

MOTION CARRIED

R2 - Hignell

Alison Garnett, Planner I, presented staff report dated November 15, 2011, regarding Development Permit Application No. 1-F-11DP (Hignell) to permit subdivision of properties located at 5698, 5720 and 5724 Riverbottom Road (West).

Dave Hignell, applicant, was present.

There were no questions from Committee members.

It was Moved and Seconded

That Application No. 1-F-11DP (Hignell) be approved, and that a development permit be issued to permit the subdivision of Lot C, Section 7, Range 1, Sahtlam District, Plan 13363 except part in Plan VIP68383 (PID 004-471-661) subject to compliance with the measures and recommendations outlined in RAR assessment report No. 2145 by William Lucey, dated September 2011.

MOTION CARRIED

**R3 – Recreation
Grant Program**

Ron Austen, General Manager, presented staff report dated November 14, 2011, regarding Province of BC Community Recreation \$30m grant program. Mr. Austen advised that Cowichan Station School has also been added to the project application list.

It was Moved and Seconded

That the Bright Angel Park upgrade project be submitted as the first priority for the Community Recreation Program funding application.

MOTION CARRIED

It was Moved and Seconded

That the Elsie Miles School Community Centre annex modifications and additions project be submitted as the second priority for the Community Recreation Program funding application.

MOTION CARRIED

It was Moved and Seconded

That the Aquannis Centre Upgrade project be submitted as the third priority for the Community Recreation Program funding application.

MOTION DEFEATED

It was Moved and Seconded

That the Board Chair and Corporate Secretary be authorized to execute the necessary documents for submission to the Province of BC Ministry of Community, Sport and Cultural Development Local Government Infrastructure and Finance Branch for Community Recreation Program funding of the CVRD Bright Angel Park (1st priority), Elsie Miles School (2nd priority), and Arbutus Park (3rd priority), Project upgrades.

MOTION CARRIED

**R4 – 11255
Chemainus Road**

Rob Conway, Manager, reviewed staff report dated November 16, 2011, regarding re-development of mobile home/manufactured home park at 11255 Chemainus Road.

Discussion ensued. Directors felt that 13 mobiles max should be permitted, and that an affordable housing component should be built into the proposal. Amenity options were also discussed.

It was Moved and Seconded

That 13 mobile homes be the maximum permitted at the proposed re-developed mobile home park at 11255 Chemainus Road.

MOTION NOT VOTED ON

It was Moved and Seconded

That the request from the owners of the closed mobile home park located at 11255 Chemainus Road to allow re-development of manufactured homes to proceed as a legal non-conforming use, be referred back to staff to sort out amenity issues related to the request.

MOTION CARRIED

NEW BUSINESS

NB1 - Minutes

NB1, minutes of November 15, 2011 EASC meeting, adopted under agenda item M1.

**NB2 – Grant Program
material**

Add-on material respecting agenda item R3, \$30m grant program, was received as information.

NB3 – Bylaw 3445

Mike Tippet, Manager, presented staff report dated November 22, 2011, from Alison Garnett, Planner I, regarding Amendment Bylaw No. 3445 (Bill 27).

It was Moved and Seconded

That December 8, 2010, Board Resolution 10-621.9.2 be rescinded; and that a Public Hearing be scheduled for Amendment Bylaw No. 3445 (Bill 27) with Directors for Electoral Areas F, D and I appointed as delegates of the Board.

MOTION CARRIED

NB4 – Maple Grove Park

Brian Farquhar, Manager, presented staff report dated November 22, 2011, regarding Cowichan Bay interpretive centre proposal, Maple Grove Park.

It was Moved and Seconded

Pending formal approval being granted by the Province of BC under the terms and conditions of the 30 year Maple Grove Management Agreement, that the Board Chair and Corporate Secretary be authorized to enter into a nominal rent tenure renewable lease for up to 20 years with the Cowichan Land Trust to construct and operate a public nature centre within the Maple Grove Park land area in Electoral Area D leased from the Province, legally described as That portion of Block 2 (DD46279I) of Section 10, Range 2, Cowichan District, Plan 1725 encompassing approximately 2.0 hectares.

MOTION CARRIED

NB5 – File #5-D-11DP

Rachelle Rondeau, Planner I, presented staff report dated November 23, 2011, regarding Application No. 5-D-11DP (Cowichan Community Land Trust) to permit construction of a building and related infrastructure for the Cowichan Estuary Interpretive Nature Centre on property located on Wessex Road.

Jane, Kilthei, applicant, and Chair of the Cowichan Community Land Trust Estuary Nature Centre Committee, was present and provided further information to the application.

There were no questions from the Committee members.

It was Moved and Seconded

That Application No. 5-D-11DP submitted by Cowichan Community Land Trust for construction of the Cowichan Estuary Interpretive Nature Centre on property owned by the CVRD legally described as Lot 1, Sections 6 and 7, Range 4, Cowichan District, Plan 17353 (PID: 003-905-730) be approved, subject to compliance with the recommendations of the registered professional biologist's report prepared by Andrew MacInnis dated November 22, 2011.

MOTION CARRIED

**NB6 – Building
Sustainable
Communities
Conference**

It was Moved and Seconded

That any interested Electoral Area Director be permitted to attend the 5th Edition Building Sustainable Communities Conference in Kelowna February 27 to March 1, 2012, at a cost of \$599 each (full registration) plus expenses, and that interested Directors contact Tom Anderson, General Manager, to get registered.

MOTION CARRIED

NB7 - Minutes

It was Moved and Seconded

That the minutes of the South Cowichan APC meeting of November 8, 2011, be received and filed.

MOTION CARRIED

NB8 - Minutes

It was Moved and Seconded

That the minutes of the Area F APC meeting of November 7, 2011, be received and filed.

MOTION CARRIED

**NB9 – Public
Meeting,
Crematorium**

Loren Duncan reported on the public meeting that was held in Sahtlam on November 22nd regarding a proposed crematorium on Cowichan Lake Road. He advised that the meeting was well attended by 70 members of the public. The proper zoning and building permit process was not followed and subsequently a commercial crematorium has been put on the property without proper zoning in place. A rezoning application has since been applied for. Minutes of the public meeting will be available in January along with a staff report to decide how to continue.

CHAIR COMMENTS

Director Lori Iannidinardo, EASC Chair, noted that this is the last meeting of the year and thanked the Committee for their indulgence and for their participation over the past year.

ADJOURNMENT

It was Moved and Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 5:12 pm.

MOTION CARRIED

Chair

Recording Secretary

REQUEST FOR DELEGATION

D1

APPLICATION DATE:

Jan 10, 2012.

NAME OF APPLICANT:

Morris E. Wedd's

ADDRESS OF APPLICANT:

3740 Telegraph Road.

PHONE NO.:

250 743 5847.

REPRESENTING:

myself

Name of Organization

MEETING DATE:

Jan. 17, 2012

COMMITTEE/BOARD NAME:

Electoral Area Services

NO. ATTENDING:

one.

NO. WISHING TO MAKE A PRESENTATION:

one.

TOPIC TO BE PRESENTED:

Proposed Subdivision Plan of 1065Braithwaite Drive. Lot 25 Plan 29753

NATURE OF REQUEST/CONCERN:

Increased rainwater runoff onto our
barn yard at 3740 Telegraph Road
will seriously negatively impact the
use of our stock pens; barns.

D2



JAN 10 2012

COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

REQUEST FOR DELEGATION

APPLICATION DATE: JANUARY 9, 2012
NAME OF APPLICANT: HOWARD GREEN
ADDRESS OF APPLICANT: 4696 COWICHAN LAKE RD
PHONE NO.: 250 746 6954
REPRESENTING: /
Name of Organization
MEETING DATE: JAN 17
COMMITTEE/BOARD NAME: /
NO. ATTENDING: 1
NO. WISHING TO MAKE A PRESENTATION: 1

TOPIC TO BE PRESENTED:

POST CONSTRUCTION REZONING APPLICATION FOR
CREMATORIUM AT 4695 OLD COWICHAN LAKE ROAD
IN SAHTLAM

NATURE OF REQUEST/CONCERN: OUR DRIVEWAY INTERSECTS
COWICHAN LAKE ROAD ON A BLIND CURVE, DIRECTLY ACROSS
FROM THE SUBJECT PROPERTY. THIS COMMERCIAL VENTURE HAS
INCREASED TRAFFIC VOLUME IN AN AREA WITH RESTRICTED SIGHT LINES; POOR HIGHWAY
MARKINGS; AND, NO ILLUMINATION OR WARNING SIGNS WHICH GREATLY
INCREASES THE PROBABILITY OF AN ACCIDENT. WE REQUEST IT BE MOVED.

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



JAN 10 2012

COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

D3

REQUEST FOR DELEGATION

APPLICATION DATE:

JAN 7 '12

NAME OF APPLICANT:

MAUREEN HAYES

ADDRESS OF APPLICANT:

4734 SAHTLAM ESTATES RD.

PHONE NO.:

250-597-3776

REPRESENTING:

Name of Organization

MEETING DATE:

JAN 17 '12

COMMITTEE/BOARD NAME:

NO. ATTENDING:

1

NO. WISHING TO MAKE A PRESENTATION:

1

TOPIC TO BE PRESENTED:

CREMATORIUM TURNED INTO PARKLAND
PUBLIC USE

NATURE OF REQUEST/CONCERN:

GREEN SPACE & ELK RIGHT OF WAY

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



COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

D4

REQUEST FOR DELEGATION

APPLICATION DATE:

January 10/2012

NAME OF APPLICANT:

Jane McAllister

ADDRESS OF APPLICANT:

4751 SAILLON ESTATES RD.

PHONE NO.:

250-597-7795

REPRESENTING:

Jane McAllister

Name of Organization

MEETING DATE:

1/17/12

COMMITTEE/BOARD NAME:

GURD Board

NO. ATTENDING:

1

NO. WISHING TO MAKE A PRESENTATION:

1

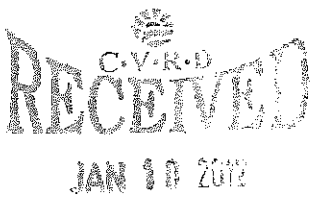
TOPIC TO BE PRESENTED:

Crematorium

NATURE OF REQUEST/CONCERN:

Offering several solutions to the current predicament.

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



D5

COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

REQUEST FOR DELEGATION

APPLICATION DATE: January
NAME OF APPLICANT: Hilary Stead
ADDRESS OF APPLICANT: 4750 Sahltam Estate Rd.
PHONE NO.: 250-597-7881 Duncan, V9L 6J3
REPRESENTING: myself
Name of Organization
MEETING DATE: January 17, 2012, 3 p.m.
COMMITTEE/BOARD NAME: CVRD Board
NO. ATTENDING: 1
NO. WISHING TO MAKE A PRESENTATION: 1
TOPIC TO BE PRESENTED: concerns re Sahltam Crematorium

NATURE OF REQUEST/CONCERN:

that CVRD abide by the official community plan.
Wish to speak to the importance of planning
and to the history of Sahltam and
the rural character of the community

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



JAN 10 2012

COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

D6

REQUEST FOR DELEGATION

APPLICATION DATE: JANUARY 9TH 2012

NAME OF APPLICANT: PHILIP JAMES AUSTON

ADDRESS OF APPLICANT: 4685 COWICHAN LAKE RD.

PHONE NO.: 250-748-3703

REPRESENTING: _____
Name of Organization

MEETING DATE: 1/17/12

COMMITTEE/BOARD NAME: CVRD BOARD

NO. ATTENDING: 1

NO. WISHING TO MAKE A PRESENTATION: 1

TOPIC TO BE PRESENTED:

COMMERCIAL OPERATION OF CREMATION
FACILITY

NATURE OF REQUEST/CONCERN:

SAFETY CONCERNS WITH REGARDS TO
PROPANE TANK (SIZE UNKNOWN) NOW UNSURE
AS TO INSURANCE / LIABILITY / FIRE (SURROUNDED
BY TREES IN THIS RURAL AREA

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



JAN 10 2012

COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

07

REQUEST FOR DELEGATION

APPLICATION DATE: JAN. 9 2012 1500

NAME OF APPLICANT: RIKRI DINHAM

ADDRESS OF APPLICANT: 4680 COWICHAN LK RD.

PHONE NO.: 748 4789

REPRESENTING: SAATHAM RATEPAYERS
Name of Organization

MEETING DATE: _____

COMMITTEE/BOARD NAME: CVRD BOARD

NO. ATTENDING: _____

NO. WISHING TO MAKE A PRESENTATION: ME

TOPIC TO BE PRESENTED:

INSURANCE & PROPERTY VALUES AFFECTED
By COMMERCIAL CREDITORS

NATURE OF REQUEST/CONCERN:

CVRD ASSURANCE Re PROPERTY
@ 4680 COWICHAN LK RD.

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



JAN 10 2012

COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

D8

REQUEST FOR DELEGATION

APPLICATION DATE:

JAN 9 / 2012

NAME OF APPLICANT:

Roy Chalifour

ADDRESS OF APPLICANT:

4720 Cowichan Lake Road

PHONE NO.:

250 746 7479

REPRESENTING:

Name of Organization

MEETING DATE:

JAN 17 / 2012

COMMITTEE/BOARD NAME:

NO. ATTENDING:

1

NO. WISHING TO MAKE A PRESENTATION:

1

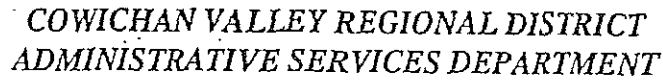
TOPIC TO BE PRESENTED:

Covenant.

NATURE OF REQUEST/CONCERN:

Violation of Covenant on Property — Parties Stated
Lawyers Couldn't or didn't find Covenant.

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



09

REQUEST FOR DELEGATION.

APPLICATION DATE:

JAN 9/2012

NAME OF APPLICANT:

JEFF HUNTER

ADDRESS OF APPLICANT:

4720 Cowichan Lake Road

PHONE NO.:

252 746 7479

REPRESENTING:

Name of Organization

MEETING DATE:

JAN 17 / 2012

COMMITTEE/BOARD NAME:

NO. ATTENDING:

1

NO. WISHING TO MAKE A PRESENTATION:

TOPIC TO BE PRESENTED:

Crematorium — Procedures, Process, Zoning
Violations and Lack of Community involvement.

NATURE OF REQUEST/CONCERN:

I live directly Across from Property that has applied for re-zoning. Does not meet the needs of our Community. The way this Applicant has behaved to date. The disregard for process, lies, Violations, Zoning Considerations

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

RECEIVED

JAN 10 2012

COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

D 10

REQUEST FOR DELEGATION

APPLICATION DATE:

JANUARY 9, 2012

NAME OF APPLICANT:

SALLY PROWSE

ADDRESS OF APPLICANT:

4690 COWICHAN LAKE RD

PHONE NO.:

250 - 746 - 6954

REPRESENTING:

Name of Organization

MEETING DATE:

JAN 17

COMMITTEE/BOARD NAME:

NO. ATTENDING:

1

NO. WISHING TO MAKE A PRESENTATION:

1

TOPIC TO BE PRESENTED:

POST REZONING APPLICATION FOR ADDITIONAL CREMATORIUM
LOCATED AT 4695 COWICHAN LAKE ROAD
IN SAHTLAM

NATURE OF REQUEST/CONCERN:

REQUEST IT BE RELOCATED DUE TO ENVIRONMENTAL CONCERNS
AROUND EMISSIONS OF TOXINS CONTAMINATING OUR GROUND WATER
AND SOIL AND COMPROMISING OUR CERTIFIED ORGANIC
STATUS OF OUR FARM.

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



R1

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 17 2012

DATE: January 10, 2012 FILE NO: 1-C-11DP
FROM: Maddy Koch, Planning Technician BYLAW NO: 1405
SUBJECT: Development Permit Application No.1-C-11DP (J. Francis & Sanja Hugo)

Recommendation/Action:

That Application No. 1-C-11DP made by J.Francis & Sanja Hugo for the purpose of subdividing the property into a 0.3802 hectare lot and a 0.4 hectare lot be approved subject to:

- A covenant being registered to protect a 15 metre agricultural buffer between the subject property and the property directly north of the subject property, within which:
 - no building or structure may be located;
 - no vegetation except invasive species, dry underbrush which poses a fire hazard and danger trees identified by an International Society of Arboriculture Certified Arborist may be removed and;
- Compliance with a drainage plan, to be prepared by a Qualified Professional Engineer at the time of any future building permit application, which outlines measures that must be taken to ensure post-development runoff does not exceed pre-development runoff for a five year storm event.

Relation to the Corporate Strategic Plan: N/A

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

Background:

Location of Subject Property: 1065 Braithwaite Dr
Legal Description: Lot 25, Section 14, Range 8, Shawnigan District, Plan 24753 (PID: 002-822-016)
Date Application Received: December 16, 2011
Owner: J. Francis Hugo & Sanja Hugo
Applicant: As above

Environmentally Sensitive Areas: None identified
Archaeological Site: None identified

The Proposal:

The applicants are proposing to subdivide their property into a 0.4 ha lot and a 0.3802 ha lot. Under the new South Cowichan Official Community Plan's development permit area guidelines, the applicants are required to obtain a South Cowichan Rural Development Permit for the purposes of addressing rainwater management, agricultural protection and invasive species removal prior to the CVRD providing comment to BC MOT regarding the subdivision application.

Planning Department Comments:

It has been brought to staff's attention that previous subdivision and development of nearby properties has resulted in agricultural land to the subject property's north being significantly impacted by increased rainwater runoff. In part to mitigate the potential for a further increase in runoff, the applicants have proposed registration of a covenant protecting a 15 metre vegetated buffer between the two properties. Buffering between agricultural and residential land is also supported by the agricultural protection guidelines of the South Cowichan Rural Development Permit Area as a way to mitigate other land-use conflicts such as noise and odour.

The rainwater management guidelines in the South Cowichan Rural Development Permit Area are triggered by subdivision applications of every scale, including single lot subdivisions like this one. Single family residential construction, however, does not trigger the development permit. Upon completion of the subdivision, the applicants plan to sell the new lot as vacant land. Without preliminary building plans, it is difficult to plan for rainwater management. For this reason, staff recommend that a drainage study prepared by a Qualified Professional Engineer be required as a part of any future building permit application for the subject property, to ensure that no additional runoff from the subject property ends up on adjacent land as a result of property development.

In any case where a development permit is required, the South Cowichan OCP requires that invasive species removal be addressed. The applicants have indicated that they continuously manage invasive species on their property and have had successful results.

The subdivision proposal meets CVRD Bylaw requirements. With preservation of a vegetated buffer, a drainage study being conducted at the building stage and continuation of invasive species management, the proposal will also meet the intentions of the South Cowichan Rural Development Permit Area Guidelines. Therefore, staff recommend approval of the development permit application.

Options:

1. That application No. 1-C-11DP made by J.Francis & Sanja Hugo for the purpose of subdividing the property into a 0.3802 hectare lot and a 0.4 hectare lot **be approved** subject to:
 - A covenant being registered to protect a 15 metre agricultural buffer between the subject property and the property directly north of the subject property, within which:
 - no building or structure may be located;
 - no vegetation except invasive species, dry underbrush which poses a fire hazard and danger trees identified by an International Society of Arboriculture Certified Arborist may be removed and;

- Compliance with a drainage plan, to be prepared by a Qualified Professional Engineer at the time of any future building permit application, which outlines measures that must be taken to ensure post-development runoff does not exceed pre-development runoff for a five year storm event.
2. That development permit application No. 1-C-11DP made by J.Francis & Sanja Hugo for the purpose of subdividing the property into a 0.3802 hectare lot and a 0.4 hectare lot **be denied.**

Option 1 is recommended.

Submitted by,

Maddy Koch

Maddy Koch
Planning Technician
Planning and Development Department

MK/ca

Reviewed by:

~~Division Manager:~~

[Signature]

Approved by:

General Manager:

8.2 R-2 ZONE - SUBURBAN RESIDENTIAL

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

(a) Permitted Uses

The following uses and no others are permitted in an R-2 Zone:

- (1) a single family residential dwelling or mobile home;
- (2) a second residential dwelling or mobile home on parcels two hectares or larger;
- (3) agriculture, horticulture;
- (4) home craft;
- (5) home occupation;
- (6) bed and breakfast accommodation; and
- (7) daycare, nursery school accessory to a residential use.
- (8) small suite and secondary suite on parcels 0.4 ha. or larger

(b) Conditions of Use

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

COLUMN I Type of Parcel Line	COLUMN II Residential Use	COLUMN III Agricultural Use	COLUMN IV Accessory to Residential Use
Front	7.5 metres	30 metres	7.5 metres
Side (Interior)	3.0 metres	15 metres	1.0 metres
Side (Exterior)	4.5 metres	15 metres	4.5 metres
Rear	4.5 metres	15 metres	1.0 metres

Mr. & Mrs. J. F. Hugo

3629 – Panorama Ridge,
Cobble Hill, BC
V0R 1L1
Ph./Fax 250 743 5302
e-mail: hugoentara@aol.com

References:
Your File: 2-C-11SA
MOT File: 2011-05050

December 16, 2011

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

SUBJECT: Development Permit Application
Subdivision of Lot 25, Sect. 14, Range 8, Shawnigan Dist., Plan 24753.
PID: 002-822-016 - Locally known as 1065 – Braithwaite Drive, Cobble Hill

Enclosed herewith is our development permit application for subdivision only of Lot 25, Sect. 14, Range 8 Shawnigan Dist. Plan 24753. PID: 002-822-016, locally known as 1065 – Braithwaite Drive, Cobble Hill, BC. Our cheque No. 115 in the amount of \$600.00 for the prescribed fee as per the official Development Permit Fee Schedule for residential subdivision is also attached.

This subdivision application has already been referred to you by the Ministry of Transportation, and all supporting documents have already been provided. Therefore, they have not been duplicated for attachment to this application.

By your letter to the Ministry of Transportation dated November 18, 2011, which was copied to us, three issues were raised which you require to be addressed as required under the new South Cowichan OCP:

- Rainwater management;
- Agricultural protection, and;
- Invasive species removal.

We are addressing these issues as follows:

Rainwater Management:

The southern portion of the property identified as "Parcel A" is already fully developed and landscaped as an active residence. No changes to this parcel are contemplated. Surface water runoff in this area is controlled by having it run off from impervious areas to the more pervious garden and treed areas, where it rapidly infiltrates into the soil. This infiltration occurs very quickly due to the nature of the underlying soil, consisting of a thin layer of organic topsoil underlain by sand and gravel. Over the past 17 years that we have owned this property, we have never observed or have had any indication of surface water flow for a distance of more than a few metres before it infiltrates into the soil. Therefore, we do not see any rainwater management implications arising from this subdivision.

The northern portion of the property identified as "Parcel B" is predominantly in its natural state as a heavily forested area with mature Douglas Fir and Cedar trees with some native underbrush. There is a thin layer of organic topsoil underlain by sand and gravel that extends downward to a substantial but unconfirmed depth. Water well logs in the surrounding area would indicate that the depth of the underlying sand and gravel would be in the order of at least a few hundred feet. The surface terrain is irregular with humps and hollows that have resulted over time from older trees falling and the root balls either being torn up or decaying in place. With the combination of these two factors, over the past 17 years that we have owned this property, we have never observed any indication of surface water flow within or runoff from the property, as all precipitation is immediately absorbed in to the soil. We see no good reason why this will not continue.

This was further evidenced during the percolation tests done on the property to satisfy the septic field requirements for the Vancouver Island Health Authority. All test holes exhibited rapid percolation through the underlying sands and gravels at a rate in the order of 0.3 to 0.8 inches per minute.

Subdivision in itself, without any immediate development contemplated on the property, will not change the current runoff status. Therefore, we see no need to address this issue any further at this time. However, we do recognize and accept that, at some time in the future, and depending on the nature and extent of future development on the property at that time, there may be a need to address the need for compensating measures to be taken to offset any increase in imperviousness that may result at that time.

Therefore, we consider it premature to try to pre-determine what rainfall runoff control measures, if any, might eventually be required. Since rainwater management is a stated requirement to be addressed for any Development Permit in the South Cowichan OCP, and, since any future development on a property will therefore require a further Development Permit, we submit that this issue should be deferred until then, and that no further action or consideration is warranted at this time.

Agricultural Protection:

Whereas the South Cowichan OCP does require a buffer adjacent to any ALR designated property as a stated condition for any new subdivision or development, we are prepared to accept the designation of a 15 m buffer along the North property line of the newly created "Parcel B", on the understanding that this would preclude the construction of any buildings within that buffer, and that it would be as nearly as possible preserved in its natural state. However, we do require the ongoing ability to remove any large trees that may pose a danger to property, both on and off site from time to time, and to be able to remove any accumulations of vegetation that would pose a fire hazard. Without this ability, we can foresee a potential liability issue arising in the future. On this basis, we are prepared to accept a restrictive covenant on the property title to secure this provision.

Invasive Species:

The entire property, both parcels "A" and "B" are essentially free and clear of any invasive plant species at this time.

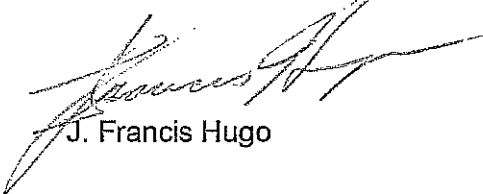
Scotch Broom is the most prevalent invasive species in the immediate area, and there are numerous infestations of this plant on adjacent properties. Over the past 17 years that we have owned this property, we have continually used our best efforts to control and/or remove any outcroppings as soon as they become evident, and have been successful in eradicating it from this property. There is little more that can be done in this regard, since no matter how well it is controlled, there will always be a tendency for this to spread from other adjacent properties. We can do no more than maintain our diligence in this regard.

Therefore, considering the foregoing, we suggest that no further action or consideration pertaining to this issue is warranted at this time.

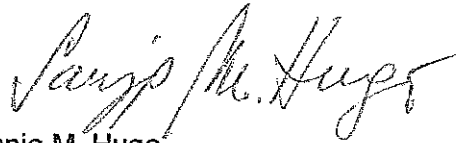
On the basis of the foregoing, we respectfully request your favourable review of this application, and that a favourable response to the Ministry of Highways be expedited without undue delay in order that they can proceed with their review of this subdivision accordingly.

We trust you will find the foregoing in order.

Respectfully Submitted:



J. Francis Hugo



Sanja M. Hugo

Cc Mr. R. Deveau
Ministry of Transportation

ENCLOSURE:

Cheque for Application Fee



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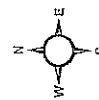
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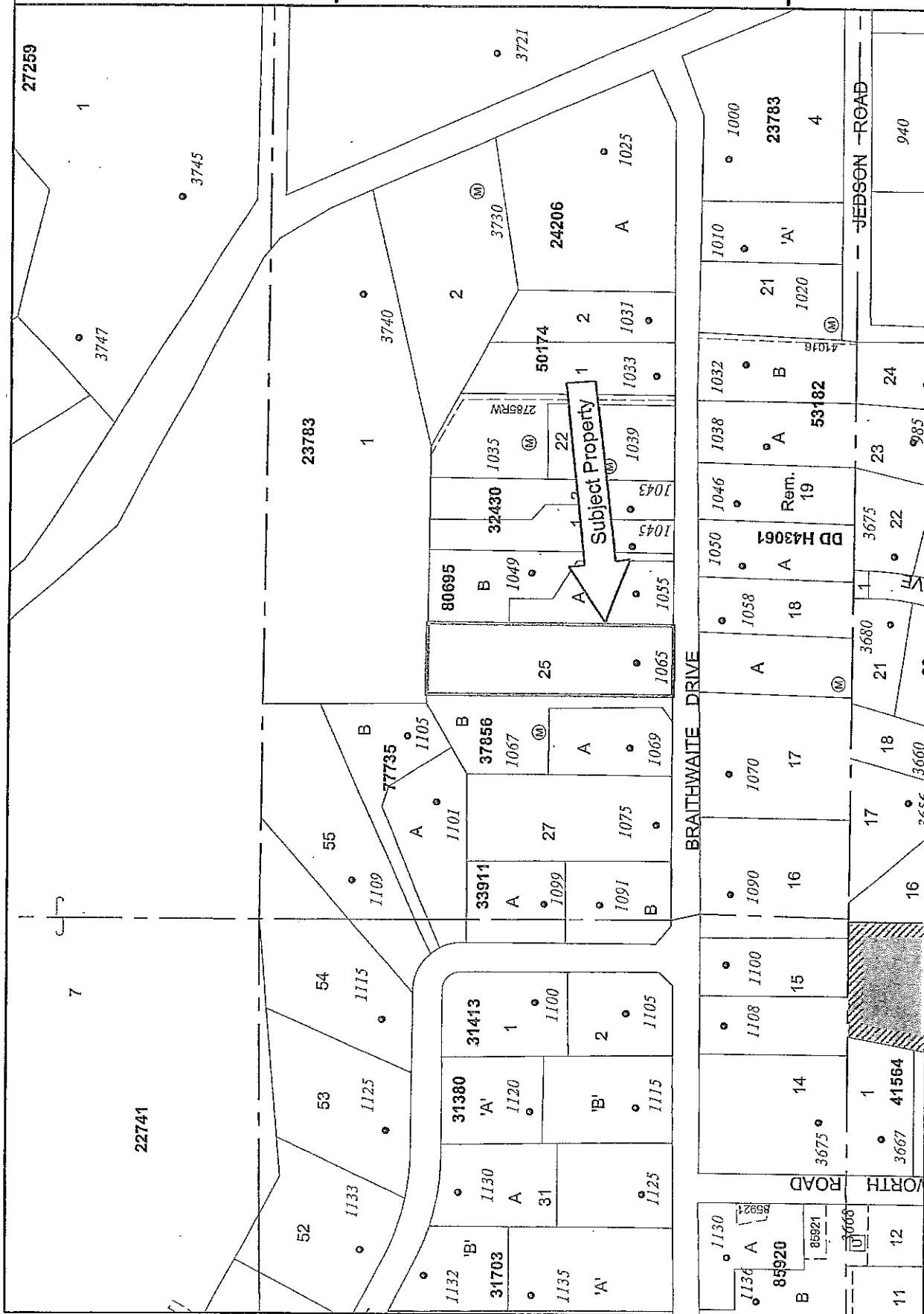
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

Printed: December 21, 2011

01-C-11DP

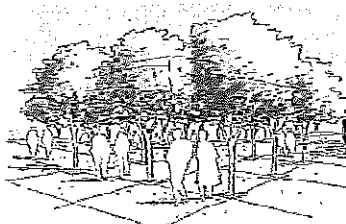
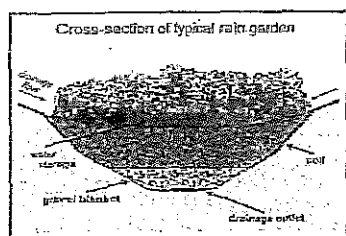


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24.4.6 A: Landscaping, Rainwater Management and Environmental Protection Guidelines

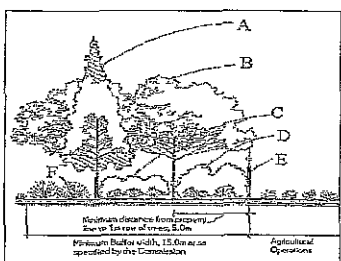
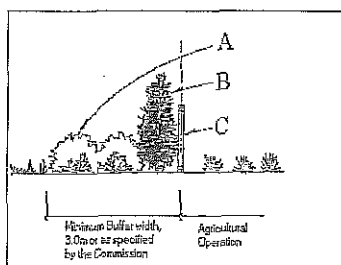
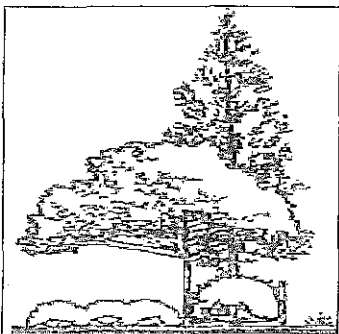
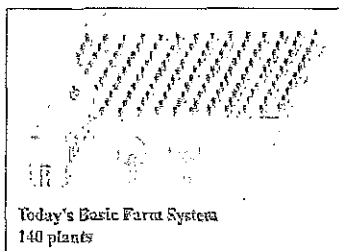
The Landscaping/Rainwater Management/Environmental Protection Guidelines apply to the subdivision of land, and to commercial, industrial, multiple family and intensive residential development and their accessory uses.



1. Preparation of a landscaping plan by a British Columbia Society of Landscape Architects (BCSLA) or BC Landscape and Nursery Association (BCNTA)-certified landscape architect is preferred. Any landscaping plan submitted with an application for a development permit, whether professionally prepared or not, will be assessed by the CVRD according to BCSLA/BCNTA guidelines.
2. All required landscaping plans should be integrated with a rainwater management plan, which should favour natural solutions to drainage such as rain gardens and bio-swales, and should contain measures to limit impervious surfaces. The rainwater management plan must be prepared by a professional engineer with experience in drainage and submitted with the application for any commercial, mixed use or multiple family residential development proposal.
3. Runoff from the development must be strictly limited to prevent rainwater flows from damaging roads, surrounding properties and sensitive watershed features. Pervious surfaces should predominate, to encourage infiltration of water. The removal of trees should only be allowed where necessary and where alternate vegetation and water retention measures can be achieved.
4. For subdivision, where appropriate, lands should remain in a natural state, with landscaping measures used to provide rainwater infiltration.
5. All public areas should be landscaped, including entrances, building peripheries, parking and pedestrian areas, and open space areas, in a way that is complementary to both the site and surrounding lands.
6. Streetscape design should incorporate treatments that enhance the pedestrian experience and create a sense of local identity. Public streetscape amenities including walkways, benches, planters, and bike racks should have a high quality of design.
7. The appearance of large buildings should be enhanced using plants, shrubs and trees, and where necessary, hard landscaping treatments such as terraced retaining walls,

24.4.2 A Agricultural Protection Guidelines

The Agricultural Protection Guidelines apply to development of non-agricultural uses, buildings and structures that are located on lands designated as Agricultural, or within 30 metres of a parcel of land designated as Agricultural.



1. Residential buildings will be located in such a way as to not impinge on the ability to farm the land. This means that the residence will not be centrally located in the middle of a highly productive soil polygon as shown on the agricultural capability mapping or as evidenced in a field observation, but rather will be located on soils that have lower agricultural potential. This will result in homes being located close to the fronting public road, with minimal driveway intrusion into and across the parcel. It may also mean that a residence is located on higher ground which has lower agricultural potential, wherever on a parcel this may be located.
2. Accessory buildings will be located similarly to residential buildings, except for agricultural accessory buildings, which are exempt from this development permit process.
3. Driveways will be placed on the land in such a way as to minimize the impact upon present and potential future farming.
4. The footprint of the proposed non-farm buildings may be limited if they are to be located on lands with high agricultural capability.
5. Non-native, invasive plants are unsightly and are a threat to agriculture. The management or elimination of the invasive plants, as listed by the Coastal Invasive Plant Committee and the BC Landscape and Nursery Association, will be required.
6. Principal buildings and structures adjacent to lands designated as Agricultural (A) should be located as far away from the edge of the Agricultural Designation as possible, without unduly impacting on the usefulness of the lot.
7. Any subdivision next to agricultural land should be designed to gradually reduce densities and the intensity of uses toward the boundary of the Agricultural land.



Cowichan
Valley
Regional
District

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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: 01-C-11-DP

Google Earth
Photo (2010)

SUBJECT PROPERTY

Image © 2011 DigitalGlobe

Google earth

Eye alt 3466' ft

48° 41' 44.54" N 123° 34' 20.21" W elev 305 ft

Imagery Date 7/26/2010 2004



**Cowichan
Valley
Regional
District**

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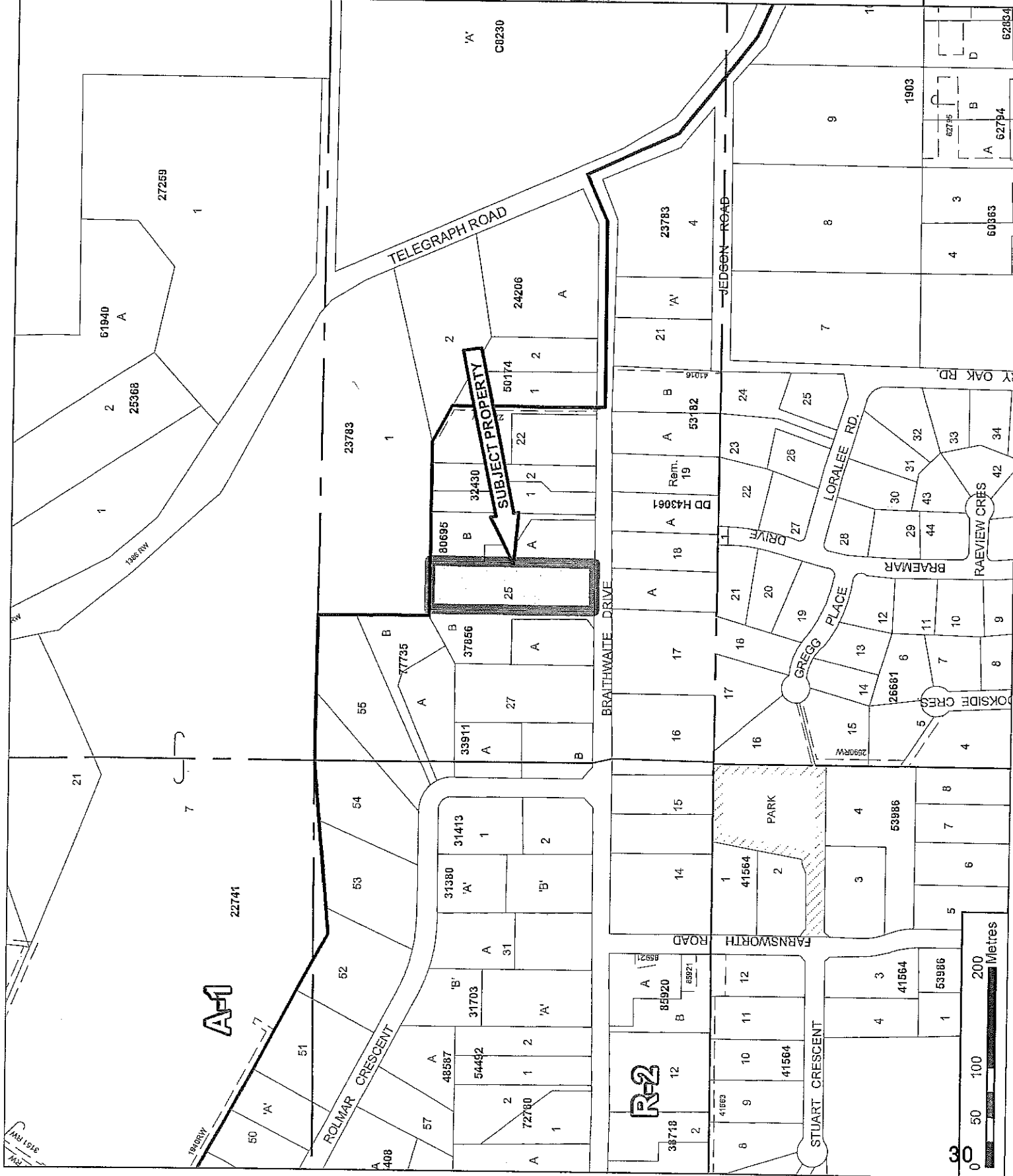
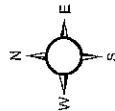
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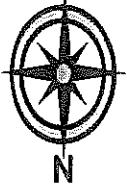
ZONING

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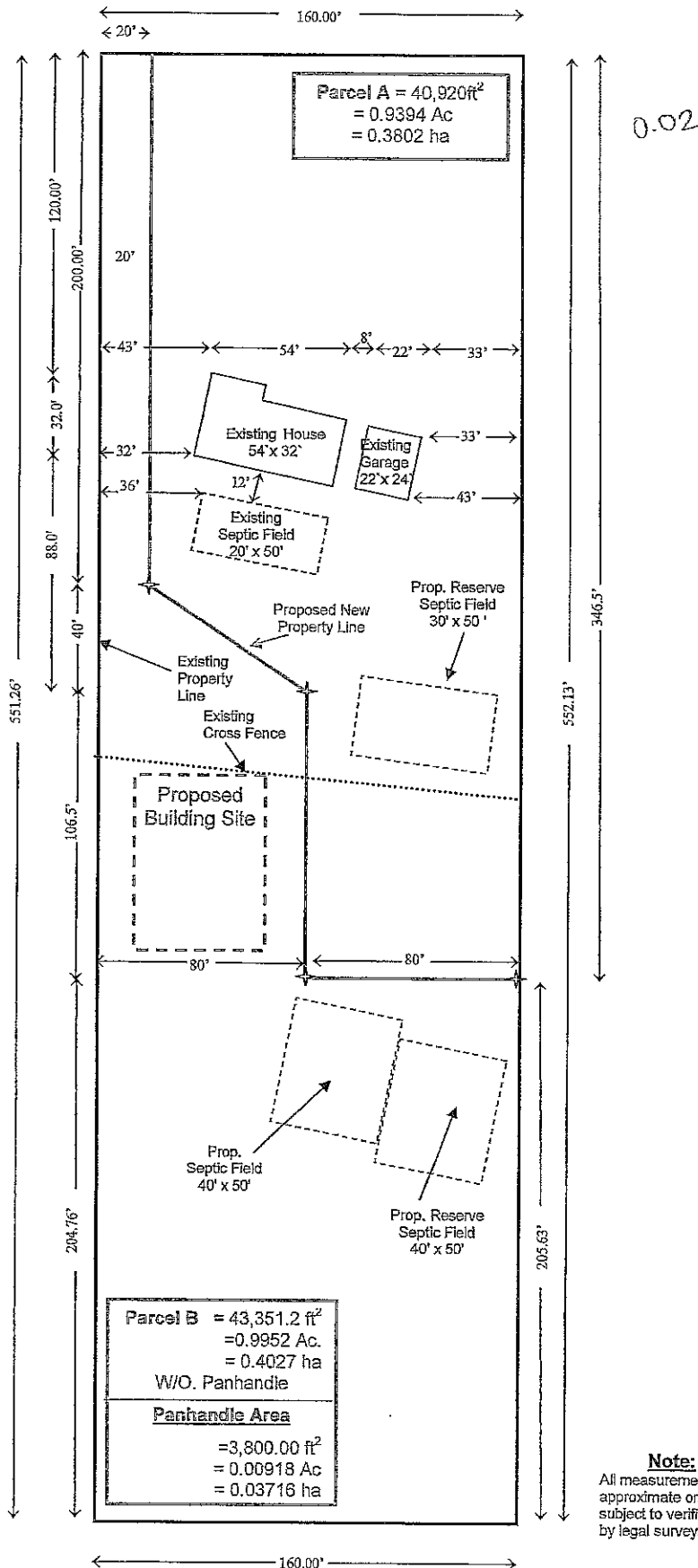


Subject Property
Zoning C

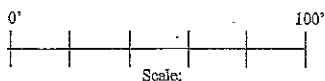




Braithwaite Drive



Note:
All measurements are approximate only, subject to verification by legal survey.



Lot 25 - Section 14 - Range 8
Shawngigan District
Plan VIP 24753

PROPOSED SUBDIVISION PLAN
1065 - Braithwaite Drive
Lot 25 - Plan 24753
Prepared By: J. F. Hugo October 2, 2011

Location of Subject Property: 4344 Peters Road
Legal Description: Lot A, Sections 1 and 2, Range 2, Cowichan District, Plan 2160 except those parts in Plans 33335 and VIP51586

Application Received: November 18, 2011

Owner: Sunrise Educational Society (Inc. No. S19512)
Applicant: Michael Ker

Size of Parcel: ± 3.13 hectares (7.73 acres)

Existing Zoning: Split-zoned A-1 (Primary Agricultural) and P-1 (Parks and Institutional)

Existing Plan Designation: A (Agriculture)

Use of Property: Independent School

Use of Surrounding Properties:

North	Hay field & residence
South	Residence & farm sales
East	Wood lot
West	Vineyard/ winery

Services:

Road Access:	Peters Road
Water:	Well
Sewage Disposal:	On-site septic

Fire Protection: Cowichan Bay Improvement District

Archaeological Sites: No record of any sites in CVRD mapping

Environmentally Sensitive Areas (Environmental Planning Atlas 2000):

The Environmental Planning Atlas shows a stream planning area slightly overlapping the southwestern corner of the subject property. This is located well away from the proposed development.

The Proposal: An application has been made to the Agricultural Land Commission, pursuant to Section 20(3) of the *Agricultural Land Commission Act* for the purpose of constructing an addition to an existing assembly hall which would provide additional administration, faculty and classroom space.

Soil Classification:

Canada Land Inventory Maps:

7 3 7 3 5 5 5 5
 75% 5A-4A (3W-5A) 25% 5A-3A (5P-2D)
 W A T T T T

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
1	-	-
2	-	40
3	39	15
4	7	-
5	54	45
6	-	-
7	-	-
TOTAL	100	100

Explanation of Land Capability Classifications:

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

The property is mostly composed of class 5 soils, with a significant amount of class 3 soils and some class 4 soils. With improvements, the soils would still be mostly class 5, but a significant portion could be upgraded to class 2.

Agricultural Capabilities:

The subject property is presently composed of 54% Class 5 soil, 39% Class 3 soil and 7% Class 4 soil. The agricultural capability of the soil is mostly limited by soil moisture deficiency. By taking improvement measures such as irrigation, the soil quality could be improved to 45% Class 5 soil, 40% Class 2 soil and 15% Class 3 soil.

Policy Context

The Official Community Plan (OCP) designation for this property is Agricultural. Section 4.1 of the OCP lists policies surrounding agriculture. The following policy has relevance to the application:

Policy 4.1.2 Subject to the policies contained within this Plan, Agricultural pursuits shall be given priority within the agricultural designation and the only uses permitted are those which shall not preclude further agricultural uses.

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

Planning Department Comments:

The ± 3.1 hectare subject property located at 4344 Peters Road is split-zoned A-1 (Primary Agricultural) and P-1 (Parks and Institutional). An area of approximately 1.3 hectares on the western portion of the property is sparsely vegetated and fenced off from the rest of the property. Sunrise Waldorf School's classrooms, an assembly hall, two playgrounds and a parking lot are located on the eastern P-1 zoned portion of the subject property. A playing field, garden plots, a small orchard and several structures are located on the eastern A-1 portion.

The applicant is proposing to construct a 213.7 square metre (2300 square foot) addition to the existing assembly hall for the purpose of providing additional administration, faculty and classroom space. At present, a basketball court is located adjacent to the north side of the assembly hall. The "administration wing", as the addition is being called, would surround the existing building, covering most of the basketball court and flaring out a few square metres on either side of the existing assembly hall.

At present, a 23 square metre (250 square foot) room makes up the school's entire office space. This room is shared by four staff members, and is also used for meetings with parents and new families. Faculty space is also inadequate at present; eighteen faculty members share a small room that doubles as the faculty's library. The lower floor of the proposed addition would include ample office, meeting, faculty and storage space, while the upstairs would eventually contain additional classrooms.

There are plans to construct a new basketball court on another part of the property within the P-1 zone. A covenant prohibiting construction of a playing field and group game activities is registered to an approximately 0.4 ha (1 acre) portion in the north-western corner of the subject property. The covenant was registered in order to address a neighbour's concerns over increased noise when the school was first established. The basketball court is planned to be located just outside of the covenant area. Sunrise Educational Society intends to apply for removal of this covenant at some point in the future, as the neighbour has moved away.

Agriculture is a part of Sunrise's curriculum. A garden area and orchard are located on the A-1 portion of the subject property, and tended to by students in every grade. The applicant indicated that since Sunrise Educational Society purchased the property in 1990, the soil quality has improved significantly as a result of soil amendments made during gardening classes.

Because the application complies with CVRD zoning regulations and would not create an obvious negative impact on the agricultural capability of the property, staff recommend that the application be forwarded to the Agricultural Land Commission with a recommendation to approve.

Advisory Planning Commission Comments:

This application was not referred to the Area E APC. Development Applications and Procedures Bylaw No. 3275 states that ALR applications will not be sent to an APC unless the Director of the area specifically requests it.

Options:

1. That Application No. 2-E-11ALR, submitted by Michael Ker for Sunrise Educational Society, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a 213.7 square metre addition to an existing assembly hall for the purpose of providing additional administration, faculty and classroom space, be forwarded to the Agricultural Land Commission with a ***recommendation to approve*** the application.

2. That Application No. 2-E-11ALR, submitted by Michael Ker for Sunrise Educational Society, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct an addition to an existing assembly hall for the purpose of providing additional administration, faculty and classroom space, be forwarded to the Agricultural Land Commission with **no recommendation**.

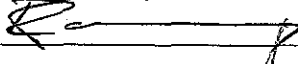
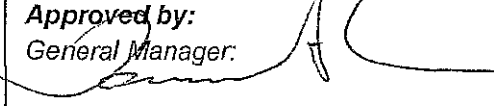
Staff recommends Option 1.

Submitted by,

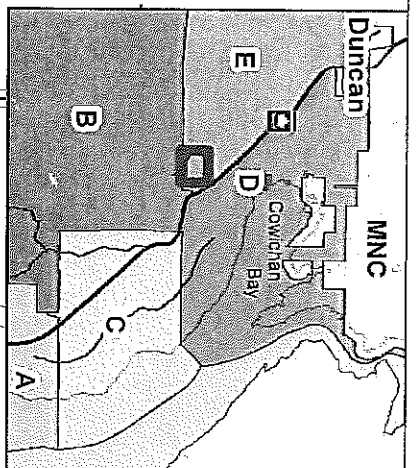
Maddy Koch

Maddy Koch
Planning Technician
Planning and Development Department

MK/ca
Attachments

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

E



Cowichan
Valley
Regional
District



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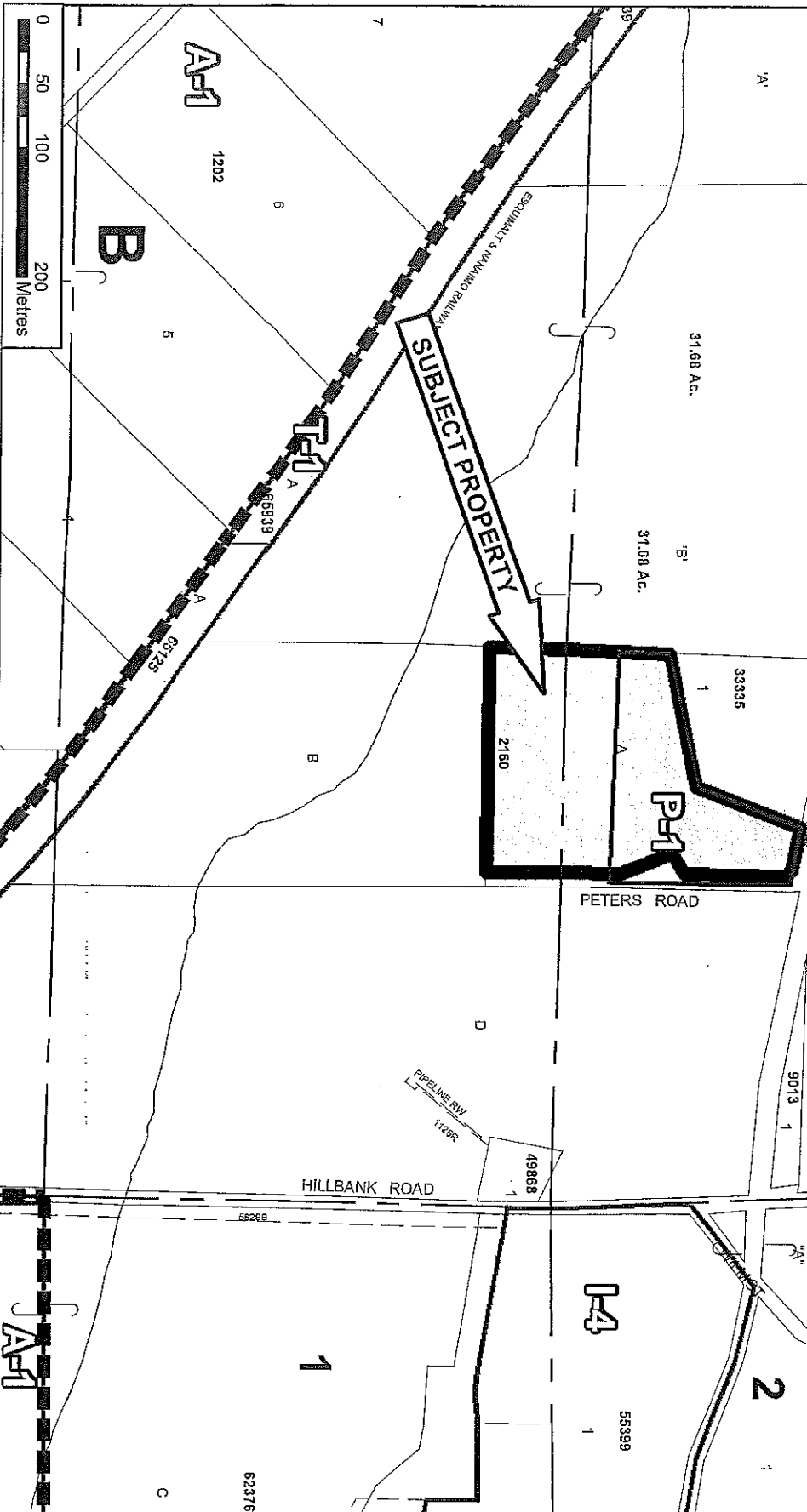
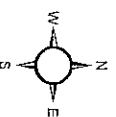
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ZONING

Legend

-  Subject Property
-  Zoning E

0 50 100 200 Metres





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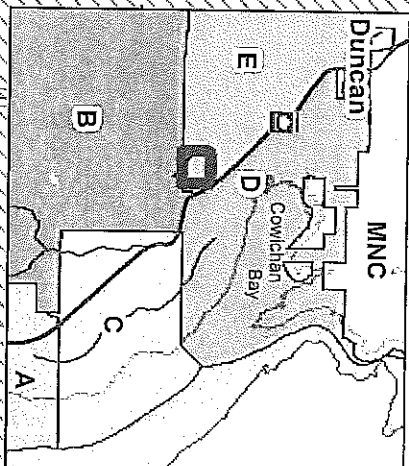
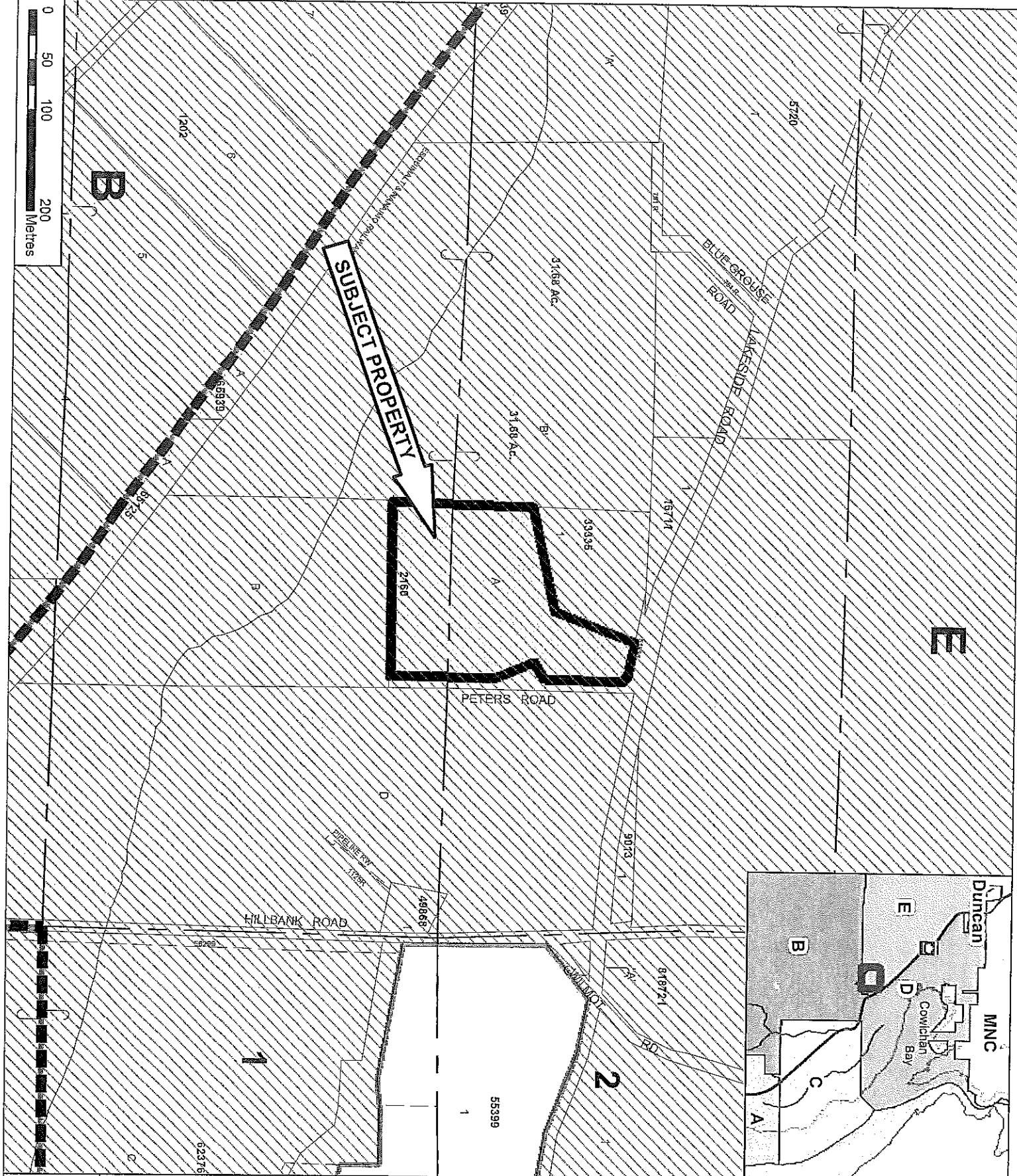
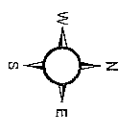
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 02-E-11-ALR

ALR

Legend

-  Subject Property
-  ALR E



The Case for Support in the Application of Sunrise Waldorf School

In 2009, the Board of Directors and Faculty of SWS commissioned a Master Plan for the current and future development of the school campus. H.S.Chase Architect of North Vancouver B.C. was hired to prepare this plan, working closely with a school committee to anticipate both present and future needs of a growing school. Through this process, the area of highest priority was determined to be space to house the administrative function of the school, and to provide a faculty room for the teachers.



In June, 2003, the Agricultural Land Commission approved our application (J-34892) to increase the area of our

school by 9200 sq.ft. The Early Childhood Center, (built in 2004) comprised 2142 sq.ft. of this figure. The balance of 7058 sq.ft. was to be split between an upper floor addition, and a main floor expansion of the main building. The ALC rational behind approving this expansion was that the new construction would be confined to those parts of the property that had already been developed, thus mitigating the “building

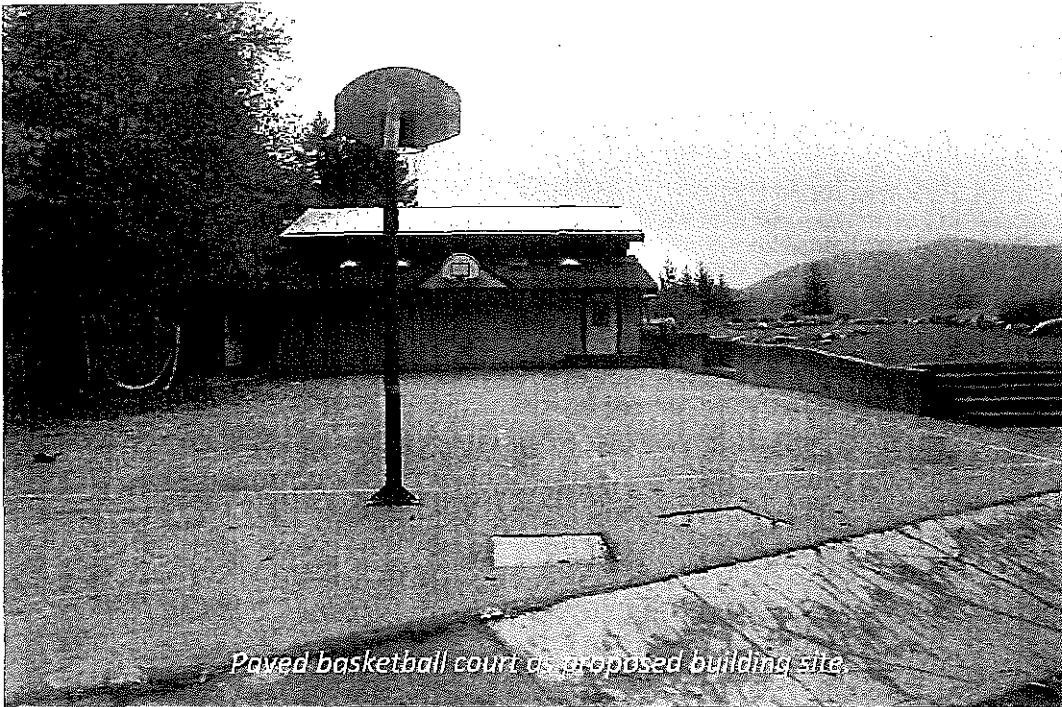
sprawl” previous applications had indicated.

With the creation of the new Master Plan completed in 2010, we have amended our space needs and the progression with which to obtain them.



To better facilitate the fundraising efforts and construction requirements of the needed expansion, and to keep the school open during construction, it was determined that part of the expanded area of the school would be better suited as an addition to the existing Assembly Hall.

With this part of the Master Plan realized, Mr. Chase proceeded to design an addition to what is currently the



Assembly Hall. This addition is what we are currently seeking approval to build. The 2300 sq.ft. Admin. Wing Addition (as it will be called) is proposed to be constructed in front of the Assembly Hall, on the current concrete basketball court. The basketball court will be relocated to another area of the property.

The Assembly Hall will remain, with a new entrance to be constructed as part of the new addition. The Admin Wing Addition will be constructed as a two storey building, allowing for offices and faculty space on the main floor, and the future relocation of two classes to the upper floor. At this point in time, we anticipate the upper floor will remain unfinished until we can afford to complete it. After these two classes are relocated, the space created within the main building will be renovated for additional classroom needs in a future phase. We understand that renovations within the existing main building will not require further ALC approval, as they fall into the J-34892 resolution.

The selection of this site for the new Admin Wing Addition follows the same thought process as the J-34892 approval from the ALC. It is connected to an existing building, in an area that has been previously developed as a basketball court, and overflow parking lot. It is contained within the specific area currently developed for the school, and is located to present a favourable first impression of the school.

10.0 PARKS AND INSTITUTIONAL ZONES

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

10.1 P-1 ZONE - PARKS AND INSTITUTIONAL

(a) Permitted Uses

The following *uses*, *uses* permitted under Section 4.4, and no others are permitted in a P-1 zone:

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

(b) Conditions of Use

For any *parcel* in a P-1 zone:

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

COLUMN I Type of Parcel Line	COLUMN II Buildings & Structures
Front	6.0 metres
Interior & Exterior Side	6.0 metres
Rear	6.0 metres

(c) Minimum Parcel Size

Subject to Part 12, the minimum *parcel* size shall be:

- (1) 0.2 ha for parcels served by a community water system and a community sewer system;
- (2) 0.4 ha for parcels served by a community water system only;
- (3) 1.0 ha for *parcels* served neither by a *community water* or *sewer system*.

7.3 A-1 ZONE - PRIMARY AGRICULTURAL

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

(a) Permitted Uses

The following *uses*, *uses* permitted under Section 4.4, and no others are permitted in an A-1 zone:

- (1) *agriculture, horticulture, silviculture, turf farm*, fish farm;*
- (2) *one single family dwelling;*
- (3) *a second single family dwelling on parcels six hectares or larger*;*
- (4) *one additional single family dwelling as required for agricultural use*;*
- (5) *bed and breakfast accommodation*;*
- (6) *daycare, nursery school accessory to a residential use*;*
- (7) *home occupation*;*
- (8) *horse riding arena, boarding stable*;*
- (9) *kennel*;*
- (10) *sale of products grown or reared on the property;*
- (11) *secondary suite;*
- (12) *small suite on parcels two hectares or larger*.*

* subject to Land Reserve Commission approval: It is the mandate of the ALC to preserve agricultural land and encourage agriculture. Therefore, the ALC will base its decision on the benefit to or impact on agriculture.

(b) Conditions of Use

For any *parcel* in an A-1 zone:

- (1) *the parcel coverage shall not exceed 30 percent for all buildings and structures;*
- (2) *notwithstanding Section 7.3(b)(1) parcel coverage may be increased by an additional 20% of the site area for the purpose of constructing greenhouses;*
- (3) *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;*
- (4) *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, for agricultural and accessory uses in Column III and for auction use in Column IV:*

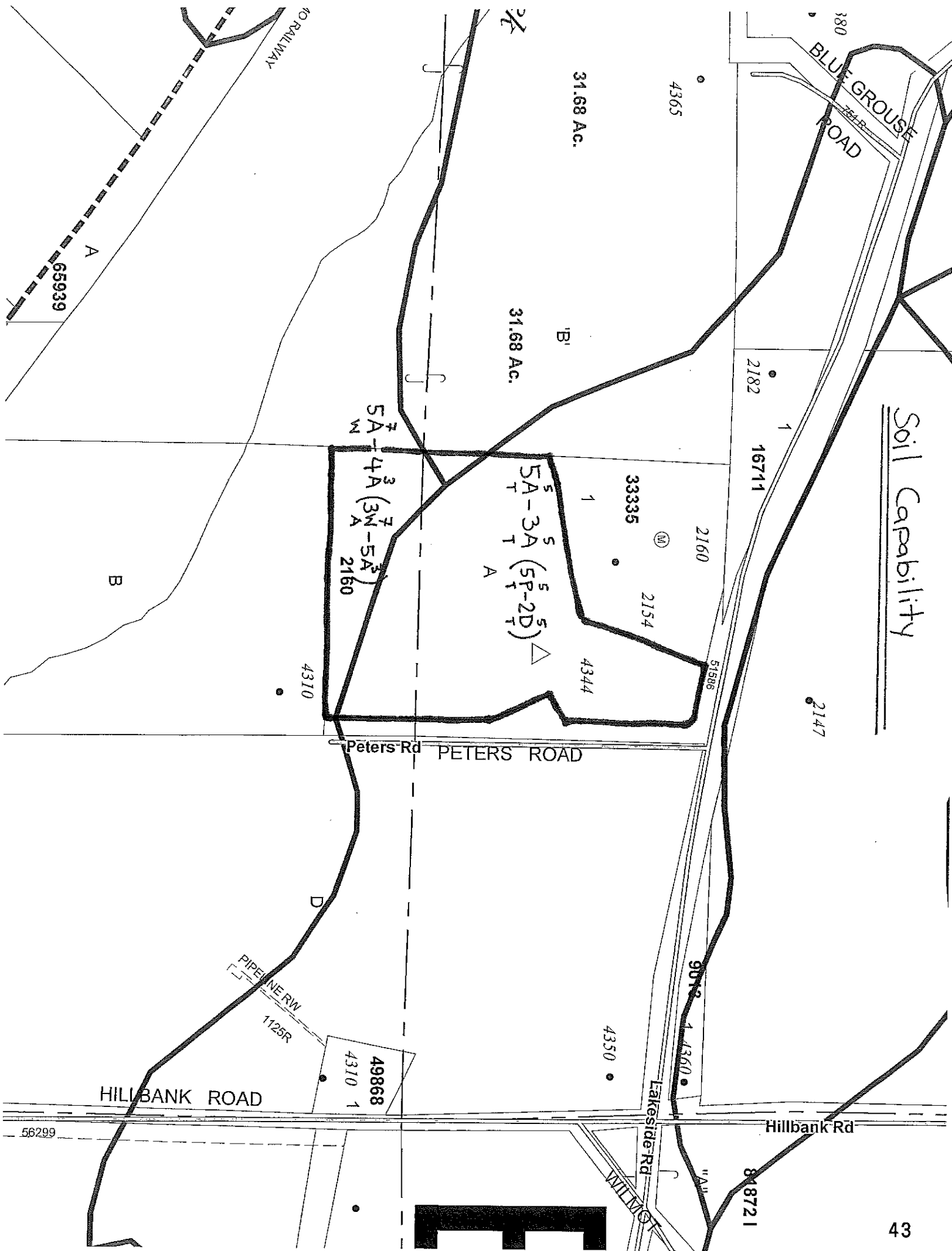
COLUMN I Type of Parcel Line	COLUMN II Residential & Accessory Uses	COLUMN III Agricultural and Accessory Uses	COLUMN IV Auction Use
Front	7.5 metres	30 metres	45 metres
Interior Side	3.0 metres	15 metres	45 metres
Exterior Side	4.5 metres	15 metres	45 metres
Rear	7.5 metres	15 metres	45 metres

- (5) *Notwithstanding Section 7.3(b)(4), a building or structure used for the keeping of livestock shall be located not less than 30 metres from all watercourses, sandpoints or wells.*
- (6) *Processing of any farm material not grown or raised on the parcel shall be specifically prohibited;*
- (7) *A slaughterhouse, abattoir or stockyard shall be specifically prohibited;*
- (8) *Maintenance and repair of any materials offered for sale shall be specifically prohibited.*

(c) Minimum Parcel Size

Subject to Part 12, the minimum *parcel* size shall be 12 Ha.

Soil Capability



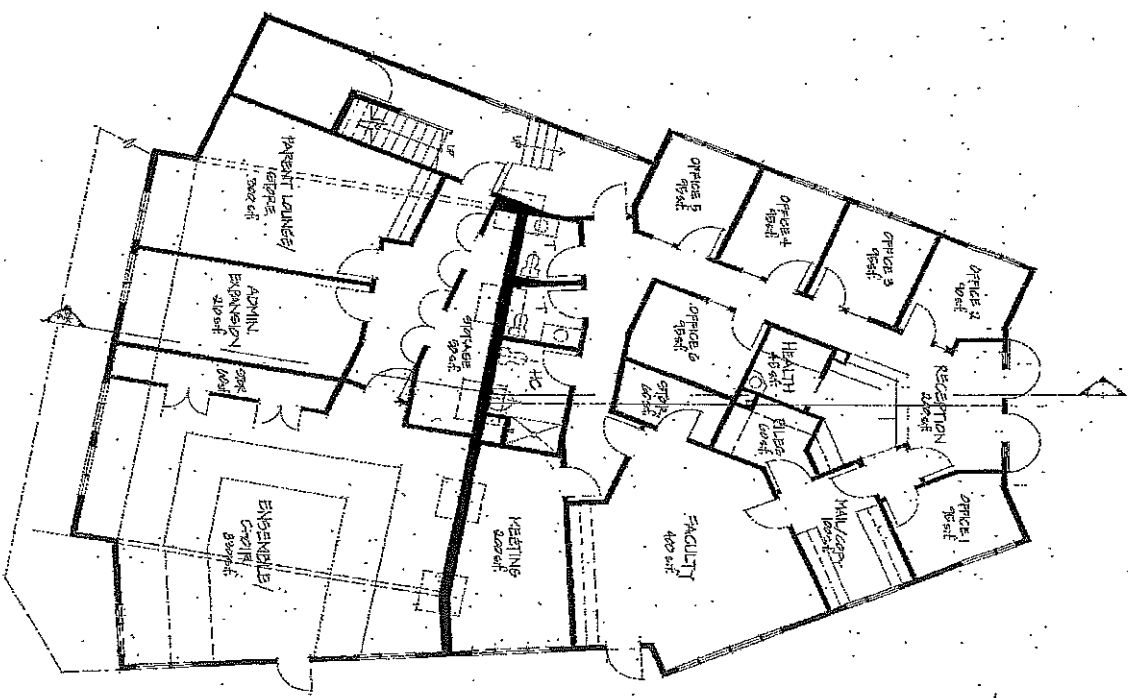
HSCA
 H.S. CLARKE ARCHITECTS
 4700 MOUNTAIN HIGHWAY
 NORTH VANCOUVER, B.C.
 CANADA V7R 1A3
 Telephone 784-1111
 Telex 111111

Consultants

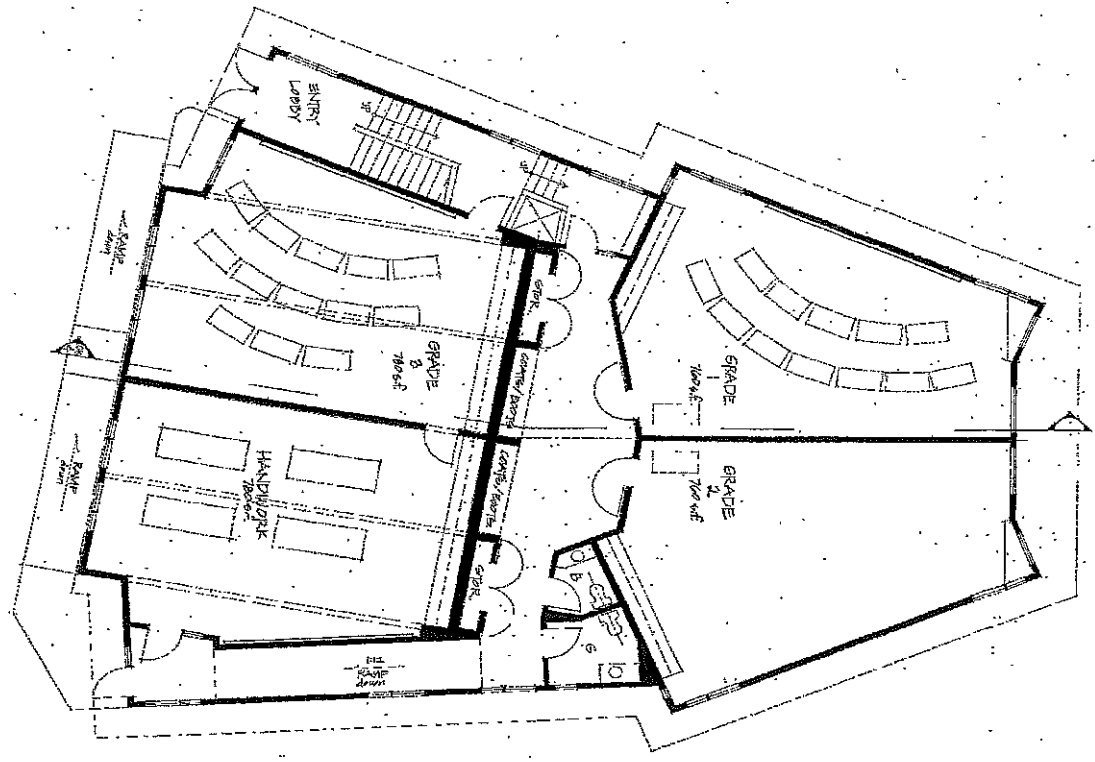
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SUNRISE WALDORF SCHOOL
 4344 Peters Road Duncan, BC V9L 6M3

REVISIONS	
DATE	2007
BY	AK
DATE	MAY 14, 2011
BY	AK
SCALE	3/8" = 1'-0"
SHEET	SK-2



GROUND FLOOR PLAN
 3/8" = 1'-0"

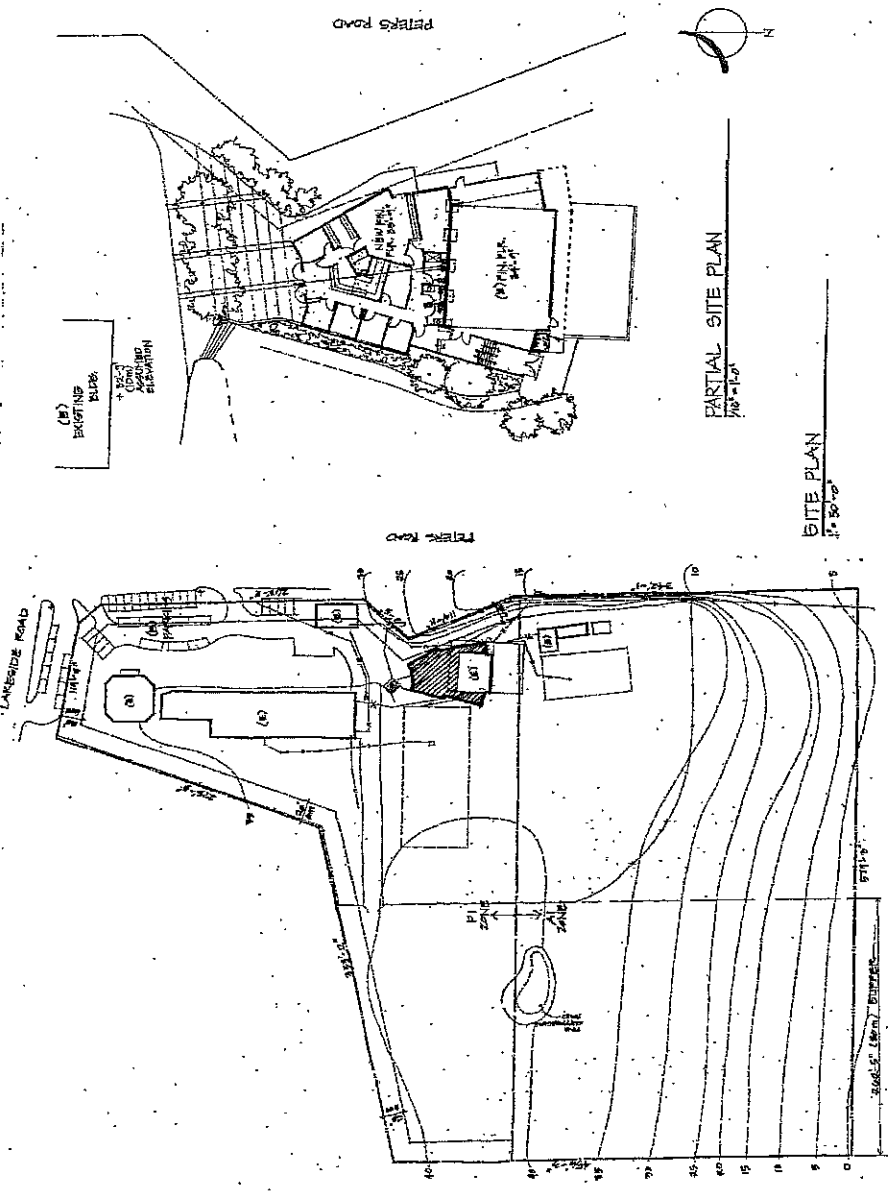


UPPER FLOOR PLAN
 3/8" = 1'-0"

HSCA
 RESIDENTIAL ACQUISITION
 100 MOUNTAIN HIGHWAY
 NORTH VANCOUVER, B.C.
 CANADA V7A 1Z3
 Tel: 604-273-1111
 Fax: 604-273-1112

SUNRISE WALDORF SCHOOL

Administration Addition



Consultant
 HSCA
 100 Mountain Highway
 North Vancouver, B.C.
 Canada V7A 1Z3
 Tel: 604-273-1111
 Fax: 604-273-1112

SUNRISE WALDORF SCHOOL
 4544 Peters Road
 Duncan, BC V9L 6M3

OWNER	HSCA
DESIGNER	HSCA
DATE	1998
SCALE	AS SHOWN
THIS	
DATE	

P 1



R3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 17, 2012

DATE: January 10, 2012

FILE NO: 9-A 11 DP/RAR

FROM: Rachelle Rondeau, Planner I

BYLAW NO: 3510

SUBJECT: Application No. 9-A-11DP/RAR
(Mark Wyatt/Malahat Holdings)

Recommendation/Action:

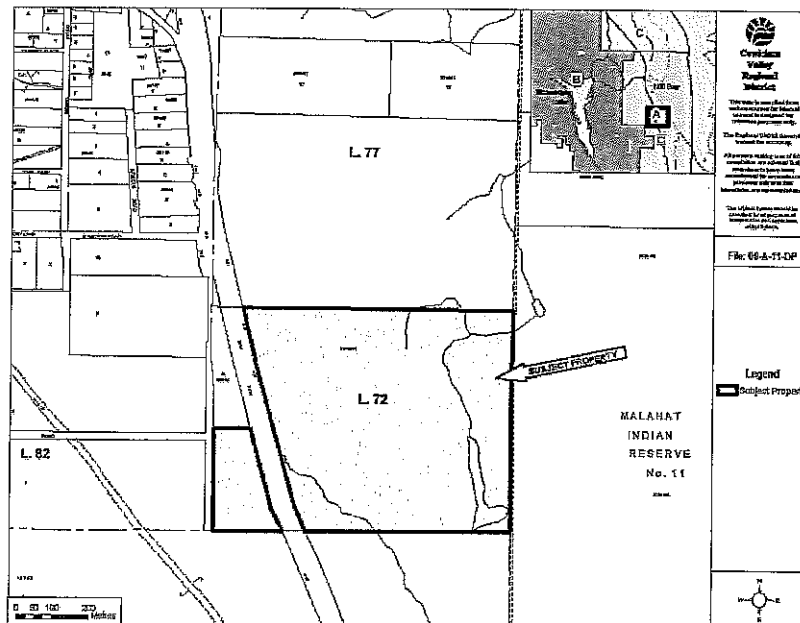
That application No. 9-A-11 DP/RAR submitted by Mark Wyatt on behalf of Malahat Holdings Ltd. Inc. for subdivision of District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86314 (PID: 009-359-320) that would permit subdivision of the property along the Trans Canada Highway boundary be approved subject to:

- Development on the lots to implement rainwater management techniques that would maximize onsite infiltration such as infiltration galleries for dwellings and principal buildings and to maintain as much native vegetation as possible;
- Removal of any invasive species on the properties.

Relation to the Corporate Strategic Plan: N/A

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

Location Map:



Background:

To consider the issuance of a development permit for subdivision of one lot. The subject property is split by the Trans Canada Highway with approximately 3.90 ha on the west side of the highway and approximately 45 ha on the east side. For the Committee's reference, the applicant has applied for a Temporary Use Permit to permit a rock quarry on the 45 ha remainder lot on the east side of the highway, however details of that proposal will be addressed through a separate, comprehensive Temporary Use Permit application process.

Details of this Development Permit application report will focus on the proposed subdivision and proposed lot.

Location of Subject Property: Trans Canada Highway south of Butterfield and Kwelle Roads

Legal Description: District Lot 72, Malahat District Except Those Parts in Plans 518 RW and 49974 and VIP86314 (PID: 009-359-320)

Date Application and Complete Documentation Received: November 28, 2011

Owner: Malahat Holdings Ltd., Inc

Applicant: Mark Wyatt

Size of Parcel: Approximately 48 ha

Existing Zoning: Primary Forestry (F-1)

Existing Plan Designation: Rural Resource

Existing Use of Property: Vacant – both sides of the subject property have been logged in the past. A Temporary Use Permit application for a rock quarry and processing has been received for the portion of property on the east side of the Trans Canada Highway.

Existing Use of Surrounding Properties
(proposed lot only):

North:	Vacant forestry land
South:	Vacant forestry land
East:	Trans Canada Highway
West:	Vacant forestry land

Services:

<u>Road Access:</u>	New road dedication, extending Butterfield Road south
<u>Water:</u>	N/a (proof of potable water is required prior to final approval of the subdivision)
<u>Sewage Disposal:</u>	N/a
<u>Drainage:</u>	N/a
<u>Lighting:</u>	N/a

Environmentally Sensitive Areas: The *Environmental Planning Atlas 2000* has identified a non-TRIM¹ stream with possible fish presence. A Qualified Environmental Professional (QEP) was engaged by the applicant, who determined that the Riparian Areas Regulation (RAR) does not apply as there is no stream on the proposed lot. There are streams on the 45 ha remainder parcel; however, no new

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

buildings or lots are proposed that would affect any of the riparian areas on the remainder parcel.

Archaeological Site: None identified

Contaminated Sites Regulation: Declaration signed

Property Context:

The proposed lot is 3.9 ha on the west side of the Trans Canada Highway with approximately 45 ha of the subject property located on the east side. The proposed lot was logged approximately 15 years ago, and is now covered by a young second growth stand.

As a result of the subdivision of property to the north (which was also split by the Trans Canada Highway), new road area fronting the proposed lot has already been dedicated. There is a covenant registered to the property prohibiting building construction until the dedicated road is constructed and paved at the owner's expense. The applicant currently has no plans for building on the subject property.

Proposal:

An application has been made to obtain a development permit for subdivision of the property to reconcile the property boundaries along the road allowance of the Trans Canada Highway.

Policy Context:

The subject property is designated Rural Resource within the South Cowichan Official Community Plan, as well as within the South Cowichan Rural Development Permit Area (DPA).

Zoning

The Zoning for the property is F-1 (Primary Forestry), which specifies a minimum lot size of 80 ha. However, Section 13.5 (a) permits subdivision of a parcel that is physically separated from the remainder by a road or another parcel. Therefore, the proposal complies with the zoning bylaw requirement.

The Zoning permits "management and harvesting of primary forest products, excluding: sawmilling, manufacturing, and works yards", as well as one single family dwelling and a secondary suite or small suite (detached). Please see attached excerpt from Zoning Bylaw No. 2000 for a complete list of permitted uses.

Development Permit Area Guidelines

The South Cowichan Rural DPA was established for the purpose of protecting the natural environment, its ecosystems and biodiversity; and the establishment of guidelines for energy and water conservation.

The South Cowichan Rural Development Permit Area (Section 24.2 of the Official Community Plan) specifies guidelines within the following sections that may apply to subdivision:

- General Guidelines
- Habitat Protection Area Guidelines
- Landscaping, Rainwater Management and Environmental Protection
- Riparian Protection Guidelines (Freshwater)
- Sensitive Ecosystems Guidelines
- Subdivision Guidelines

General Guidelines

The report by the QEP has not indicated that there is significant issue with invasive species on the subject property. However, as a general guideline, where invasive species are present they are required to be removed. Adherence to the Ministry of Environment best management practices. "Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia", is also encouraged. One component of this is reducing impervious surface and maximizing onsite infiltration of rainwater, which are addressed in Section 24.4.6 (see next sections).

Habitat Protection Area

No eagle, hawk, osprey, owl, peregrine falcon or Great Blue Heron nests have been identified on the subject property, therefore these guidelines are not applicable.

Landscaping, Rainwater Management and Environmental Protection

The guidelines encourage onsite infiltration of rainwater by leaving the property mostly in its natural state and using low impact development techniques such as infiltration galleries for homes, limiting impervious surfaces through the use of pervious pavement, rain gardens and bioswales.

As noted above, this proposed subdivision creates two large lots (3.9 ha and ± 45 ha), and there are no immediate plans to develop the property. The Temporary Use Permit application will address necessary requirements for the proposed rock quarry on the remainder lot.

The QEP advises that there are no natural drainage courses on the subject property, and that the property serves as a natural groundwater recharge area providing an important function in the hydrology of streams and watercourses lower in the watersheds. He indicates that maintenance of these functions through the development of a zero discharge stormwater system benefits downstream watercourses.

Encouraging on site infiltration through the use of rain gardens and infiltration galleries at individual house sites and vegetated swales instead of curbs and gutters along roadways is recommended by the QEP to protect environmental conditions within the watersheds that drain this property.

Riparian Protection Guidelines (Freshwater)

No streams were identified on the proposed lot. There are a few streams on the remainder lot; however, no development is proposed.

If development consisting of tree removal, or soil deposit or construction is proposed within 30 metres of a stream, a Riparian Areas Regulation Assessment report will be required.

Sensitive Ecosystem Guidelines

There are no sensitive ecosystems as identified by the Sensitive Ecosystems Inventory on the subject property.

Subdivision Guidelines

No park or trail dedication is required for a subdivision proposing only one lot. As noted above, tree removal has occurred years ago, and no additional tree clearing is proposed.

Advisory Planning Commission Comments:

This development permit application for one lot was not referred to the APC as it was felt that many of the guidelines are not applicable, and that due to the small scale of the application it did not merit a review by the APC.

Development Services Division Comments:

Due to the small scale of the subdivision application, several of the development permit guidelines are not applicable. The most relevant guidelines are those that direct future development of the property: maximizing onsite infiltration of rainwater and a riparian areas regulation assessment on the proposed lot if development is proposed within 30 metres of a stream.

Staff are recommending approval of the development permit subject to future development on the lot(s) maximizing onsite infiltration of rainwater. Specific techniques may include rain gardens, permeable landscaping, increased topsoil, permeable pavements, swales, and infiltration galleries for buildings (dwellings and principal buildings).

Options:

1. That application No. 9-A-11 DP/RAR submitted by Mark Wyatt on behalf of Malahat Holdings Ltd. Inc. for subdivision of District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86314 (PID: 009-359-320) that would permit subdivision of the property along the Trans Canada Highway boundary be approved subject to:
 - a) Development on the lots to implement rainwater management techniques that would maximize onsite infiltration such as infiltration galleries for dwellings and principal buildings and to maintain as much native vegetation as possible;
 - b) Removal of any invasive species on the properties.
2. That application No. 9-A-11 DP/RAR submitted by Mark Wyatt on behalf of Malahat Holdings Ltd. Inc. for subdivision of District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86314 (PID: 009-359-320) not be approved, and that the applicant be directed to revise the proposal.

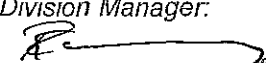
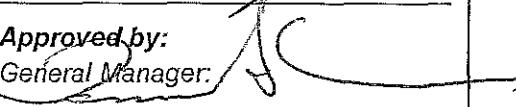
Option 1 is recommended.

Submitted by,



Rachelle Rondeau
Planner I
Planning and Development Department

RM/ca

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



Cowichan
Valley
Regional
District

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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.

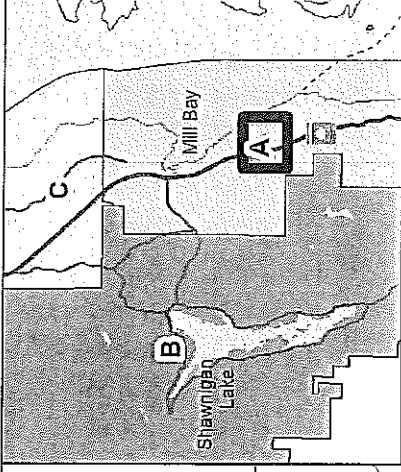
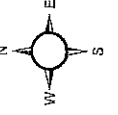
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 09-A-11-DP

Legend



Subject Property



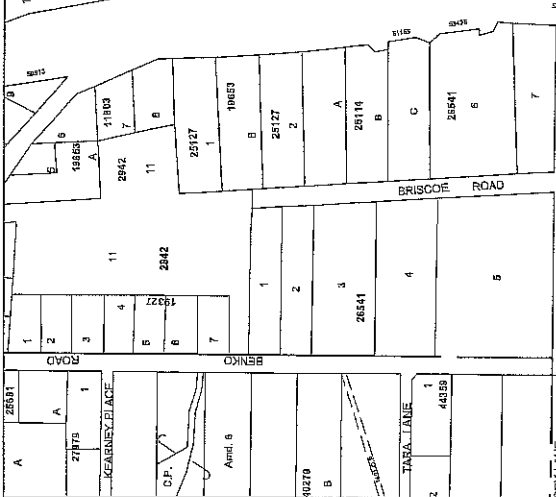
L. 77

L. 72

MALAHAT
INDIAN
RESERVE
No. 11

2723 OS

SUBJECT PROPERTY



L. 82

13743

51

0 50 100 200 Metres



Cowichan
Valley
Regional
District

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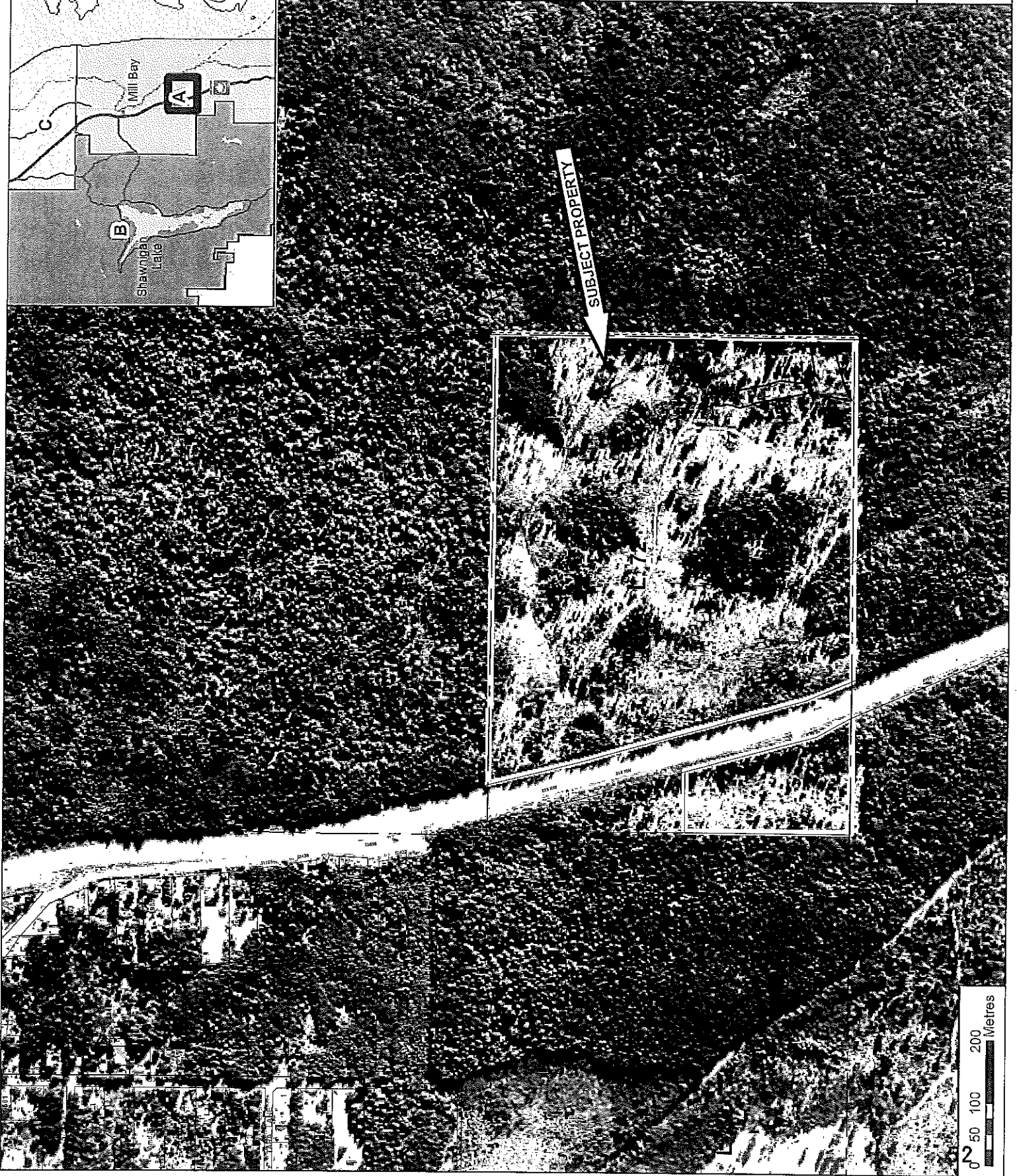
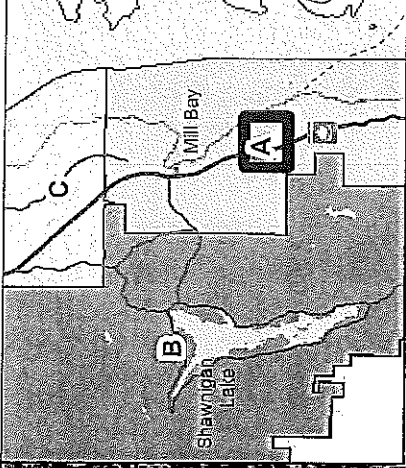
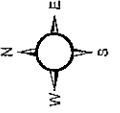
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File: 09-A-11-DP

Orthophoto (2002)



0 50 100 200
Metres

[illegible]

MARK WYATT

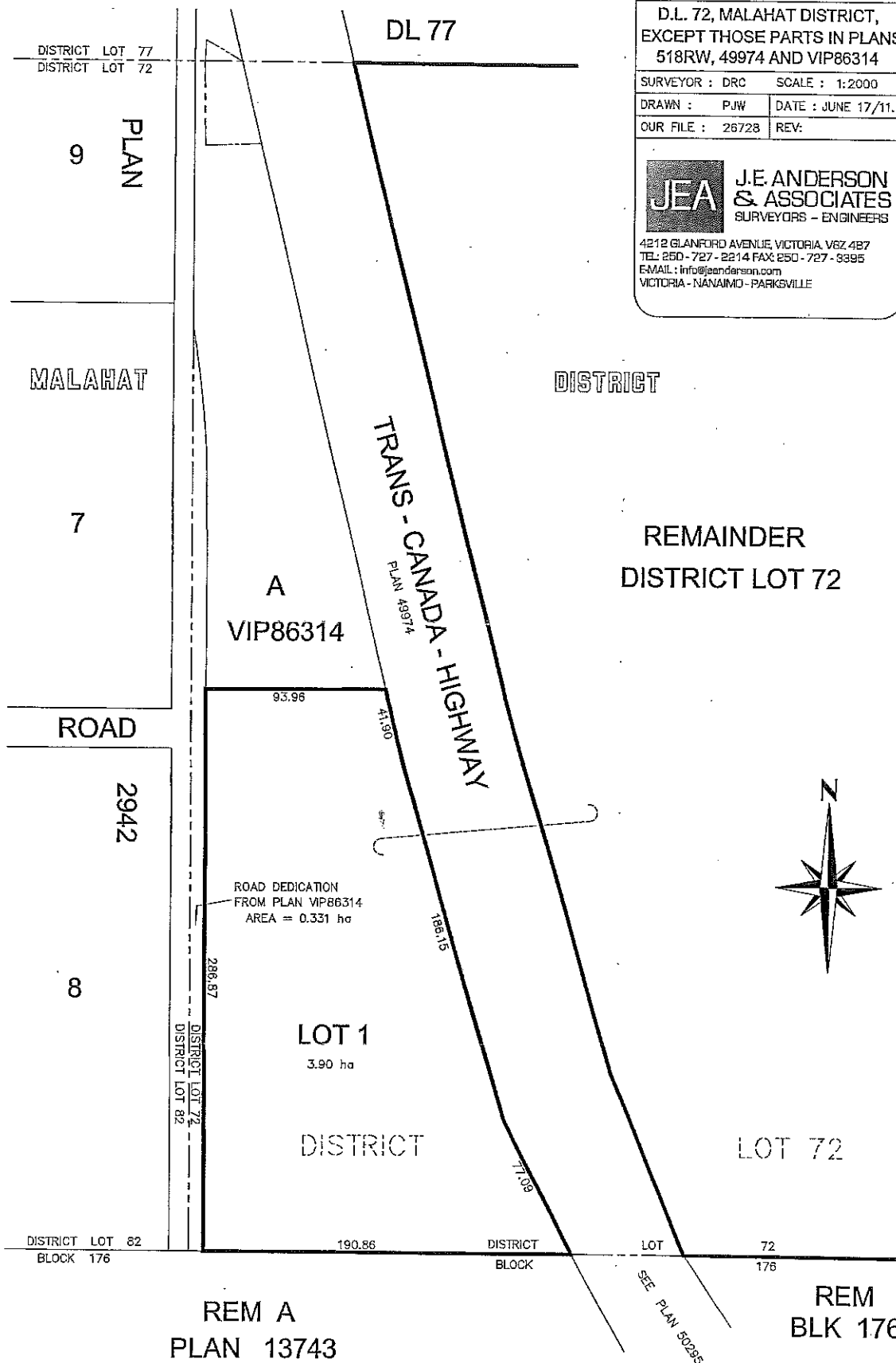
SURVEYOR : DRC SCALE : 1:2000

DRAWN : PJW	DATE : JUNE 17/11.
OUR FILE : 26728	REV:



**J.E. ANDERSON
& ASSOCIATES**
SURVEYORS - ENGINEERS

4212 GLANFORD AVENUE, VICTORIA, V8Z 4B7
TEL: 250-727-2214 FAX: 250-727-9395
E-MAIL: info@jeanderson.com
VICTORIA - NANAIMO - PARKSVILLE





Cowichan
Valley
Regional
District

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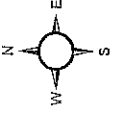
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OCP

Legend



Subject Property



2723.06

MALAHAT
INDIAN
RESERVE
No. 11

2723.08

SUBJECT PROPERTY

L. 77

CD

L. 72

RUR

L. 82

13743

54
0 50 100 200 Metres



Cowichan
Valley
Regional
District

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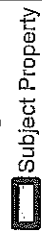
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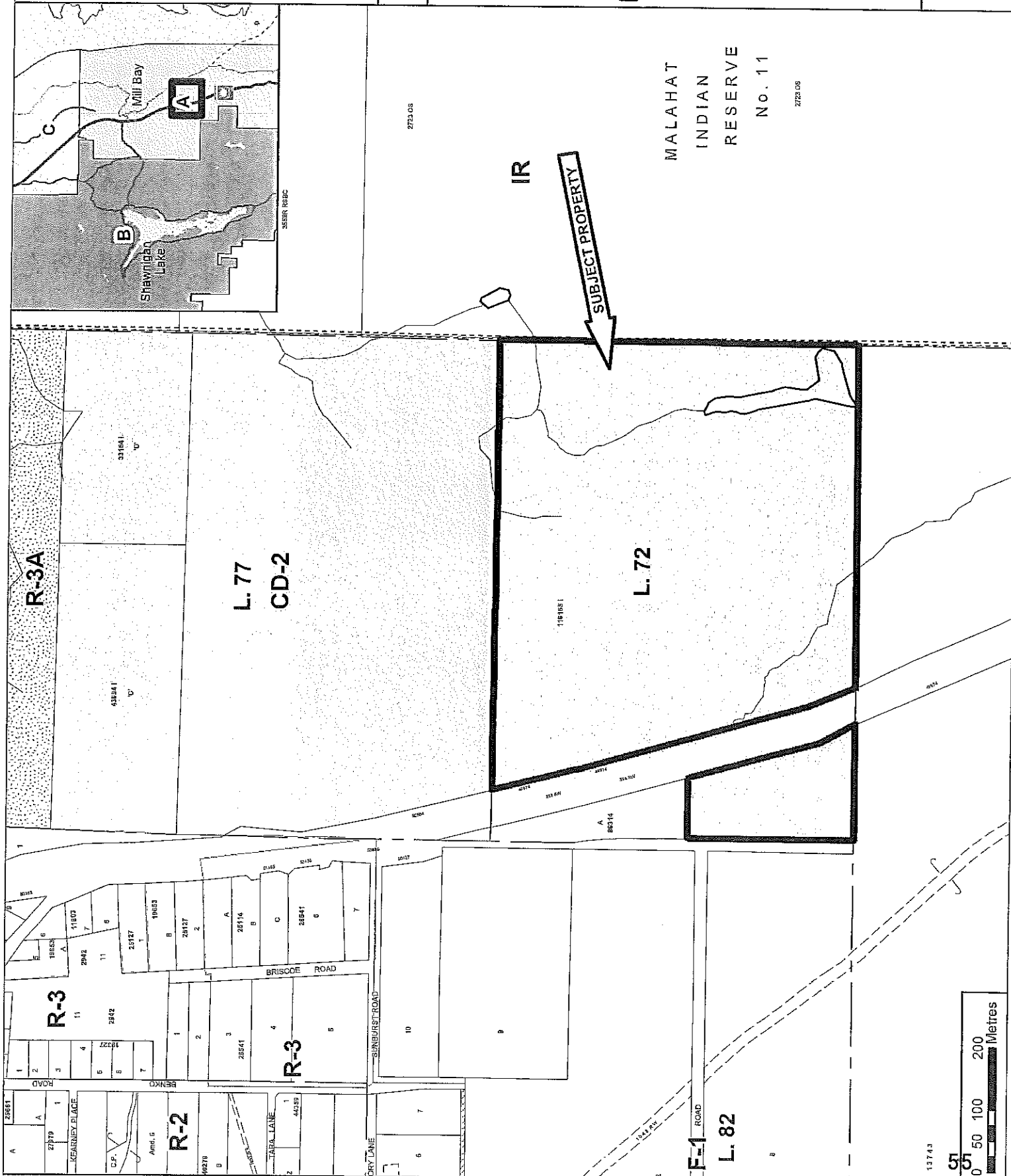
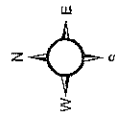
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ZONING

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Subject Property



7.0 FORESTRY AND AGRICULTURAL ZONES

Subject to compliance with the general requirements detailed in Parts 4 and 5 of the Bylaw, the following regulations shall apply in the F-1 Zone:

7.1 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, manufacturing, and works yards*;
- (2) *Agriculture, silviculture, horticulture*;
- (3) *Bed and breakfast accommodation**;
- (4) Daycare, nursery school accessory to a residential use*;
- (5) *Home occupation**;
- (6) *One secondary suite, or one small suite per parcel**;
- (7) *One single family dwelling*;

* use may require approval of Forest Land Commission

(b) Conditions of Use

For any *parcel* in an F-1 zone:

- (1) The *parcel coverage* shall not exceed 20 percent for all *buildings and structures*;
- (2) The *height* of all *buildings and structures* shall not exceed 10 m;
- (3) The following minimum *setbacks* shall apply:

COLUMN I Type of Parcel Line	COLUMN II Residential & Accessory Buildings & Structures	COLUMN III Forestry, Agricultural and Other Permitted Buildings & Structures
Front	7.5 metres	30 metres
Interior Side	3.0 metres	15 metres
Exterior Side	4.5 metres	15 metres
Rear	7.5 metres	15 metres

(c) Minimum Parcel Size

Subject to Part 13, the minimum *parcel* size in the F-1 Zone is 80 hectares.



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 9-A-11DP/RAR

DATE: MONTH, 2012

TO: MALAHAT HOLDINGS LTD. INC

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 as described below:

District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86314 (PID: 009-359-320)

3. Authorization is hereby given for subdivision along the Trans Canada Highway boundary, in accordance with the conditions listed in Section 4, below.

4. The development shall be carried out subject to the following conditions:

- *Development on the lots must implement rainwater management techniques by using infiltration galleries or equivalent for dwellings and principal buildings and maintaining native vegetation; and*
- *Removal of any invasive species.*

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:

- *Site Plan*

and it forms part of this Permit.

7. ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. XXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE rd DAY OF MONTH 2012.



R4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 17, 2012

DATE: January 6, 2012 FILE NO: 1-G-10 RS
FROM: Alison Garnett, Planner I
Development Services Division BYLAW NO: 2500 & 2524
SUBJECT: Rezoning Application 1-G-10 RS (Hal Laird for Keith Christie)

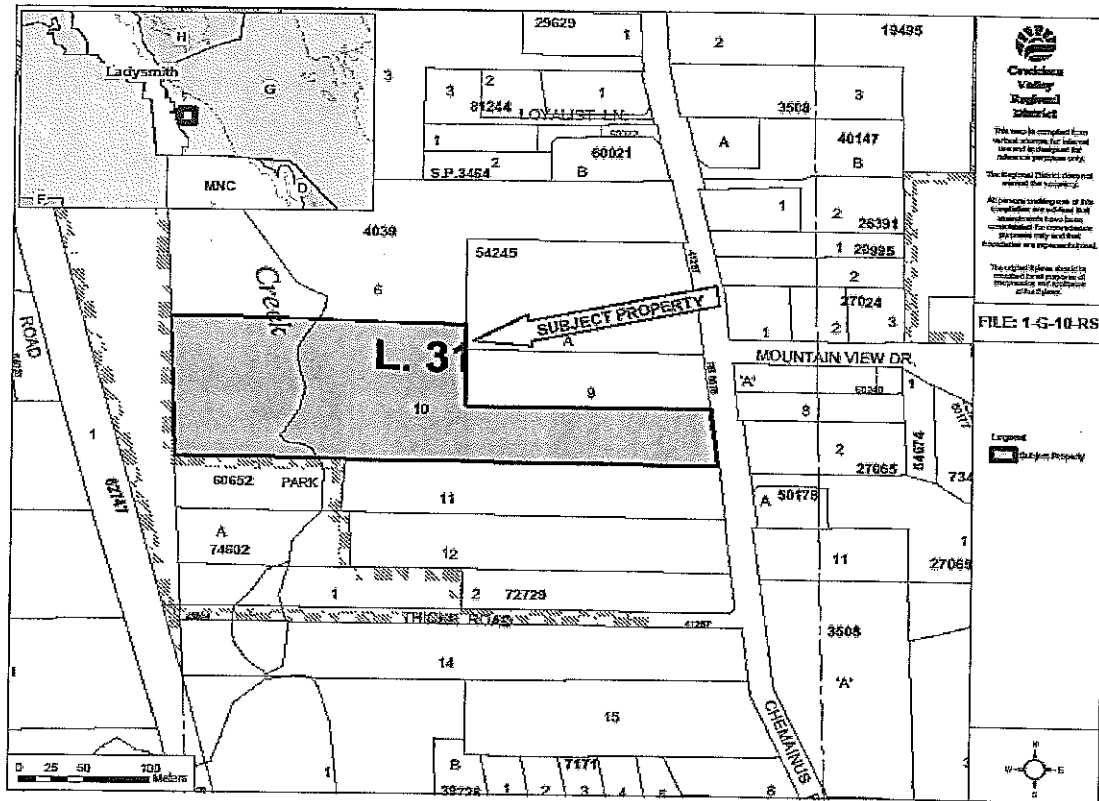
Recommendation/Action:

That draft bylaws for application 1-G-10 RS be prepared and presented at a future EASC meeting, and to proceed to a public hearing thereafter, subject to the following:

1. That a professional engineer prepares an operational plan for ongoing maintenance of the sewage treatment system, and a draft covenant is submitted to ensure maintenance recommendations are implemented, prior to public hearing.
2. That the drainage study be revised such that all proposed rain water management infrastructure is removed from proposed park area and relocated to strata property.
3. That a draft covenant be submitted respecting parkland dedication and public access, prior to a public hearing.
4. That a draft covenant be submitted to ensure dedication of private road to MOT at time of subdivision, to prevent duplication of access points along Chemainus Road.
5. That the applicants agree in writing to the costs associated with installation of a fire hydrant, in a location suitable to the CVRD.
6. That if this application proceeds to subdivision approval process, that the request for an Archaeological Overview Assessment be forwarded to MOT, and the results of any assessment be communicated to the Stz'uminus First Nation.
7. That application referrals from Vancouver Island Health Authority, Ministry of Transportation and Infrastructure, Chemainus Volunteer Fire Department, School District No. 79 and Chemainus First Nation be accepted.
8. That a Certificate of Compliance or authorized release is issued by the Ministry of Environment, prior to adoption of bylaws.

Relation to the Corporate Strategic Plan: N/A

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

Background:

Location:	10830 Chemainus Road
Size of Land Parcel:	3.15 ha (7.7 acres)
Legal Description:	Lot 10, District Lot 31, Oyster District, Plan 4039, except part in plan 41287 (PID: 004-391-250)
Application Date:	November 5, 2010
Owner(s):	Keith Christie and Patricia Ritchie
Applicant:	Hal Laird
Existing Use of Property:	Vacant
Adjacent Properties:	North: Commercial South and East: Residential West: Stocking Creek and CVRD park
Road Access:	Chemainus Road
Water:	Saltair Water System
Sewage Disposal:	On site
Public Transit:	No scheduled service to the area
Fire Protection:	Chemainus Fire Service Area
Agricultural Land Reserve Status:	The property is not located in the ALR
Environmentally Sensitive Areas:	Stocking Creek is located on the subject property, defined as large riparian ecosystem (Environmental Planning Atlas 2000)
Contaminated Sites Regulation:	Detailed site investigation will be required; application can proceed through rezoning process

Archaeological Sites:	None identified in CVRD mapping
Existing Plan Designation:	Commercial and Suburban Residential
Proposed Plan Designation:	General Residential
Existing Zoning:	C-2 Local Commercial and R-2 Suburban Residential
Proposed Zoning:	new urban residential zone
Minimum lot size (R-2 zone):	0.4 ha with full community service; 1 ha without
Minimum lot size (C-2 zone):	0.4 ha with community water service
Minimum lot size proposed:	0.4 ha with community water service only. Proposed density averaging would allow lots 1290 m ² (0.3 acres) in size.

Application Chronology

- Application Received July 30th 2010.
- Referred to Area G Advisory Planning Commission and Referral Agencies December 15th, 2010.
- Application was presented to EASC June 10th, 2011. Staff recommendation was to organize a meeting with CVRD Engineering and Environmental Services staff, the Area Director, the applicant and surrounding property owners, to explore the feasibility of constructing a community sewer system to service the proposed development and Saltair's core.
- The meeting with neighbouring property owners was held August 24th, 2011. No tangible results were produced.
- Application was presented to the EASC September 20th, 2011, with a staff recommendation to deny the application, due to concerns with the proposed strata septic system, inconsistency with OCP and the fact that the application does not facilitate the long term development of Saltair's core. Direction from EASC was to hold a public meeting.
- Public Meeting held October 27th, 2011. 53 community members attended. Live polling was used to determine the level of support for the application. The Public Meeting minutes, survey results and 8 written public comments are attached to this report.

Site Context

The subject property is located along Chemainus Road, in Saltair's commercial core. A large portion of the site is occupied by Stocking Creek, which runs north-south towards the western property line. The subject property has a split Official Community Plan designation and zoning: the portion of the site closest to Chemainus Road is zoned C-2 (Local Commercial), while the remainder, encompassing Stocking Creek, is zoned R-2 (Suburban Residential). The OCP designations of Commercial and Suburban Residential follow the same boundary.

In describing the land, there are effectively two distinct components of the lot. Beginning from the Chemainus Road frontage, the eastern side of the subject property has been highly altered by historical commercial land uses; early succession alders, invasive plants and piled materials are visible. There are no existing buildings. The eastern end of the lot is fairly level, but begins to slope towards Stocking Creek. A fairly level bench splits the slope in two parts. The large portion of the lot encompassing Stocking Creek consists of an intact and healthy riparian area. Informal walking trails travel through the subject property's riparian area, connecting to the public trails in Stocking Creek Park.

The subject property is one of several commercially zoned lots that make up Saltair's commercial core along Chemainus Road. Many of these lots are split zoned, with commercial zoning along the road frontage, and suburban residential zoning at the rear of the lots and along Stocking Creek. Few of these lots have been developed to their potential under current residential or commercial zoning. Existing businesses in the area include a general store and mini warehousing operation. North of this commercial block is a pocket of eight lots zoned R-3 (General Residential). The area is otherwise characterized by Stocking Creek parkland.

Proposal Overview

The applicants are requesting that a portion of the commercial zone, as well as the entire suburban residential zone, be amended to create a new residential zone that would permit a 7 lot residential bareland strata subdivision. The density averaging provisions of the *Strata Property Act* would permit lots approximately 1290 m² (0.3 acre) in size. A 0.4 ha (1 acre) sized strata lot immediately along Chemainus Road would retain the commercial zoning and OCP designation.

Site Access

The conceptual plan of subdivision shows site access to the residential lots via a private strata road connecting to Chemainus Road. The proposed strata road is 10 metres in width, as it is not subject to the same public road design standards set by the Ministry of Transportation and Infrastructure. The commercial lot fronts directly on Chemainus Road, and therefore access permits could be applied for through Ministry of Transportation and Infrastructure, as required for customer traffic and loading trucks. Duplication of access points along Chemainus Road is identified as a concern by Planning staff and Ministry of Transportation and Infrastructure. This issue is further discussed later in this report.

Water and Sewer Servicing

The subject property is located within the CVRD operated Saltair Water System Service Area, and the applicants have indicated that the seven proposed lots would connect to this system.

In terms of sewage treatment, the applicants are proposing a privately operated, shared septic system. The system would be located on strata common property, on the level bench area between the residential lots and Stocking Creek. An "Onsite Sanitary Waste Rationale" report by Blue Mountain Engineering, has been submitted, which describes soil type, amount and type of effluent, and type of treatment system. Essentially, a septic tank, "biobarrier" membrane, and pump would be located on each strata lot, and effluent from the seven strata lots and commercial development would be dispersed to the common property located to the west of strata lots 5, 6 and 7.

Parks and Trails

The applicants are offering to dedicate 1.74 hectares of land to the CVRD, representing 55% of the subject property. The proposed land dedication encompasses Stocking Creek and a 30 metre riparian buffer on both sides of the creek, and would expand the existing Stocking Creek Park. The density averaging calculations of the proposed bare land strata subdivision include this land intended for parkland dedication. Public access to the park would be available by a statutory right of way across the common property road, which would connect to a 4 metre trail between strata lots 4 and 5.

Rainwater Management

A drainage study has been completed by Blue Mountain Engineering, providing plans to manage rainwater generated from development of the commercial lot, the seven proposed residences, road, and driveways. Combined, the proposed development is estimated to have a 25.7% increase in impervious surfaces. The plan proposes to collect the rainwater from these areas, and direct it to an infiltration chamber, with storm event overflow directed to an existing ditch on the southern property line. The drainage study proposes to locate the infiltration chamber and overflow swale on the 4 metre trail dedication. The applicants have been advised that this infrastructure would have to be located on private property as opposed to CVRD parkland.

Policy Context

Official Community Plan

The Saltair/Gulf Islands Official Community Plan Bylaw No. 2500 identifies the following policies in the Suburban Residential Section:

- 7.2 The minimum parcel size in the Suburban Residential Designation will be not less than 1 hectare for parcels not connected to a community water system, and 0.4 hectare for parcels connected to a community sewer system.*
- 7.7 The OCP does not support the concept of “density averaging” (the concentration of development opportunity permitted on an entire parcel onto a portion thereof) for lands in the Suburban Residential Designation.*

If this application were successful, a General Residential OCP designation would be required to accommodate the proposed density. General Residential policy 8.2 states:

- 8.2 The minimum parcel size in the General Residential Designation will be:*
1 hectare for lands not connected to a community water system or a community sewer system;
0.4 hectare for lands connected to a community water system;
0.2 hectare for lands connected to a community water system and a community sewer system.

The OCP's Liquid and Solid Waste Services policies include:

- 18.4 The OCP does not support the creation of joint or shared septic tanks and fields for more than one dwelling in the OCP area, with the exception of shared septic fields for secondary suites within a dwelling unit or unless there has been a failure of an existing septic tank/field system and no other alternative exists.*

The Natural Environment section states:

- 3.10 The OCP considers stormwater management to be a top priority for new development proposals. Where possible, landowners are encouraged to develop on-site stormwater retention systems to reduce off-site stormwater runoff. Any new development in Saltair should undertake to prevent stormwater runoff onto adjacent parcels.*

In Section 14, Parks and Trails, objective c) is to continue to place a high priority on the expansion of Stocking Creek Park.

Policy 14.3 b) *The Board will only consider parkland explicitly accepted as such by the CVRD as counting towards the 5% park dedication required by the Local Government Act. Lands such as returns to Crown and environmental setback areas will not be counted in the 5% calculation.*

Zoning

Under the existing R-2 and C-2 zoning, the theoretical development potential is 2 residential lots and 2 commercial lots.

A new residential zone within the General Residential Plan designation could be introduced to the Area G Zoning Bylaw, which is specifically tailored to this proposal. Staff will likely propose a zone similar to the R-3 zone, which permits the following uses:

- 1) Single family dwelling
- 2) Bed and Breakfast accommodation
- 3) Buildings and structures accessory to a principal permitted use
- 4) Residential day care centre
- 5) Home-based business
- 6) Horticulture

It is possible to establish maximum floor area limits and height limits within the new zone, in order to create specific housing forms within this development. For example, residences could be required by zoning to be single storey, in order to provide a housing option for seniors or people with mobility difficulties. Further, floor area limits can be used to minimize the development impact of the homes. Direction from the Committee would be appreciated if there is interest in creating a zone with specific housing form regulations.

Finally, an amendment to the zoning bylaw would be required to allow for fee simple parkland dedication to be used in calculating the bareland strata lot yield.

Development Permit Areas

Development of the subject property, including subdivision, would be subject to the Stream Protection Development Permit Area, in accordance with OCP Bylaw No. 2500. The applicants have already submitted a draft Riparian Areas Assessment, which assigns Stocking Creek a 21 metre Streamside Protection and Enhancement Area (SPEA). No construction is being proposed in the 30 metre riparian assessment area, as the entire area would be dedicated as parkland.

The Stormwater Management Development Permit Area, as outlined in Section 20.6 of the OCP, may apply to the subject property if this application is successful. This DPA pertains to recently subdivided lots less than 0.2 ha in size within the General Residential Plan designation. The Stormwater Management DPA provides guidelines for minimizing the generation and runoff of rainwater flows by limiting site imperviousness (roofs, paving, etc.), encouraging natural soils and vegetation to be maintained on site, and implementing engineered stormwater management measures.

The *Local Government Act* also grants development permit powers for intensive residential development, which could be implemented to create form and character guidelines for this proposal. Issues that could be addressed through an introduced development permit area include requirements for underground utilities, landscape buffering against adjacent commercial uses, street trees, pedestrian safety, crime prevention through environmental design, etc.

Advisory Planning Commission

The Area G APC minutes from their meeting held February 10th, 2011 are attached to this report. The APC raises various issues, including sewage treatment, stormwater management, and land use policy, but are overall supportive of the application.

Referral Agency Comments

This application was referred to government agencies on December 14, 2010. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation – No objection. Applicant to apply to the Ministry of Transportation and Infrastructure for one commercial access to Chemainus Road. Any additional accesses to the commercial development will require reciprocal easement agreements over the common strata road.
- Chemainus Volunteer Fire Department – We would like to have a fire hydrant put on the corner of Chemainus Road and the proposed common property access road, on the south side of the access road.
- School District No. 79- *No comments received.*
- Chemainus Nation – *The Stuz'uminus First Nation has no real concerns in respect to the subdivision application other than our normal title and rights concerns. Given this is fee simple property we would request that prior to approvals, the CVRD would request an archaeological overview assessment be completed. If concerns are produced from the report we would expect an archaeological impact assessment be done. Once digging commences we would also expect to be notified if any artifacts, bones or middens are discovered. Thank you for your referral in this matter.*
- Vancouver Island Health Authority – *Approval not recommended: The current plan does not meet the intent of our Standards. If application is made to the MOTI, I normally would see this proposal through the referral process to evaluate the proposed common septic area.*
- CVRD Engineering and Environmental Services Department – *Approval recommended subject to conditions: This property is within Saltair Water System which is capable of providing service for seven additional properties. Currently, the CVRD does not own or operate a sewer service area in this area. Water Management agrees with Planning and Development that "By nature of being shared, strata septic systems often suffer from lack of maintenance and investment". Water management would consider operating a small sewer system; however sewage treatment must be to a Class A effluent standard and meet minimum 50 homes (or equivalent size). I understand that this development does not meet this size, however if adjacent development met a 50 lot minimum, we would entertain a small community sewer system.*
- CVRD Transit Division- *The current transit system does not extend north past Chemainus at Douglas Road, and therefore does not currently service the proposed development area. This development would be supported by transit as it is in close proximity to a main thoroughfare (Chemainus Road) connecting Chemainus and Ladysmith. Chemainus Road has been identified as an inter-city route between north and south communities in the draft 25 year transit plan. A transit stop/shelter in this location would be an asset if transit service is expanded.*
- CVRD Parks, Recreation and Culture Department – *See attached staff memo*
- CVRD Public Safety Department – *See attached memo*

Development Services Division Comments

Site Access

This application is proposing to develop a residential subdivision in Saltair's core largely in isolation of future commercial or residential uses, which raises the concern of duplicating vehicle access points along Chemainus Road. We recommend that measures be taken to ensure that a single access point be shared by the proposed commercial lot, the 7 residences, and the commercial lot to the north. This could be accomplished through dedication of a portion of the private road to MOTI, or registration of reciprocal easements to grant legal access.

Public Safety

The Chemainus Volunteer Fire Department recommends a fire hydrant be installed at the corner of Chemainus Road and the proposed strata road. CVRD Engineering and Environment department has stated that installation of a fire hydrant could be made a condition of connecting the residential units to the Saltair Water system. The Chemainus Fire Department also confirmed that the strata road's width is sufficient for emergency vehicles.

Amenity Commitments

The parkland dedication commitment should be secured through registration of a covenant on the subject land prior to bylaw adoption. The covenant would require transfer of lands in fee simple ownership to the CVRD at time of subdivision. The covenant should be drafted prior to public hearing to ensure the amenity contribution is clearly defined. Further, the rainwater management plan proposed by Blue Mountain Engineering would have to be revised, such that all rainwater management infrastructure is located on strata property, and not on land to be dedicated to CVRD.

In 2007, the Saltair District Ratepayer's Association and Area G APC produced a document entitled "A Proposed Vision for Central Saltair: Analysis of a Community Survey". In that survey, 73% of respondents agreed that an outdoor area that promotes a sense of community (landscaping, benches, bus shelter, etc.) should be included in development in the Saltair Core. At this point, no outdoor features have been proposed in this application.

Sewer Servicing

The Area G Official Community Plan identifies the subject property's location as part of the commercial focal point of Saltair. Generally speaking, this proposal fits community planning principles that encourage a mix of residential and commercial uses in a community core. However, achieving a mix of higher housing densities and commercial development in a village core is problematic without appropriate sewer servicing in place. The strata sewer system proposed in this application is inconsistent with Liquid Waste Policy 18.4, which states "*the OCP does not support the creation of joint or shared septic tanks and fields for more than one dwelling in the OCP area, with the exception of shared septic fields for secondary suites within a dwelling unit or unless there has been a failure of an existing septic tank/field system and no other alternative exists*". The risks presented by private septic systems have been identified by the community through OCP policy, and are reinforced by the comments received from CVRD Engineering and Environment Department and Vancouver Island Health Authority.

A primary concern is the long term environmental impact of a private system adjacent to Stocking Creek. These systems are not regulated by the CVRD, and lack of investment and maintenance has potentially detrimental effects on the area's groundwater. Bareland strata subdivisions that meet minimum lot size of a zoning bylaw are commonly approved if technical requirements of VIHA and MOT are satisfied. However, with the request for additional density, the CVRD is effectively being asked whether density averaging and strata systems are an appropriate form of development in this community. Approval of this application with the proposed private sewage system would also have implications for future development of adjacent parcels in the Saltair core, as it is less likely a community sewer system will be viable unless a critical mass of connections can be achieved.

Conclusion

Staff continue to have reservations with this application, due to inconsistency with the Area G OCP policies, concerns with the proposed septic system, and lastly because the application does not facilitate long term development of Saltair's core. However, these issues were discussed at the Public Meeting, and it appears that the majority of community members present at the meeting accept the development proposal, and are supportive of the parkland acquisition. The Public Meeting minutes and additional eight written comments are attached to this report. There seems to be sufficient community support for this application to justify proceeding with drafting zoning and OCP amendment bylaws and to subsequently hold a public hearing.

Recommendations:

Option A:

That draft bylaws for application 1-G-10 RS be prepared and presented at a future EASC meeting, and to proceed to a public hearing thereafter, subject to the following:

1. That a professional engineer prepares an operational plan for ongoing maintenance of the sewage treatment system, and a draft covenant is submitted to ensure maintenance recommendations are implemented.
2. That the drainage study be revised such that all proposed rain water management infrastructure is removed from proposed park area and relocated to strata property.
3. That a draft covenant be submitted respecting parkland dedication and public access, prior to a public hearing.
4. That a draft covenant be submitted to ensure dedication of private road to MOT at time of subdivision, to prevent duplication of access points along Chemainus Road.
5. That the applicants agree in writing to the costs associated with installation of a fire hydrant, in a location suitable to the CVRD.
6. That if this application proceeds to subdivision approval process, that the request for an Archaeological Overview Assessment be forwarded to MOT, and the results of any assessment be communicated to the Stz'uminus First Nation.
7. That application referrals from Vancouver Island Health Authority, Ministry of Transportation and Infrastructure, Chemainus Volunteer Fire Department, School District No. 79 and Chemainus First Nation be accepted.
8. That a Certificate of Compliance or authorized release is issued by the Ministry of Environment, prior to adoption of bylaws.

Option B:

That Rezoning and OCP Amendment Application 1-G-10RS (Laird for Christie) be denied, and that a partial refund be given to the applicant in accordance with CVRD Development Applications Procedures and Fees Bylaw No. 3275.

Submitted by,




Alison Garnett
Planner I
Development Services Division
Planning and Development Department

AG/ca

Reviewed by:

Division Manager:



Approved by:

General Manager:



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.

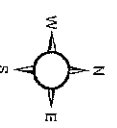
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 1-G-10-RS

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Legend

Subject Properly
OCP Electoral Area C



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

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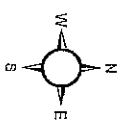
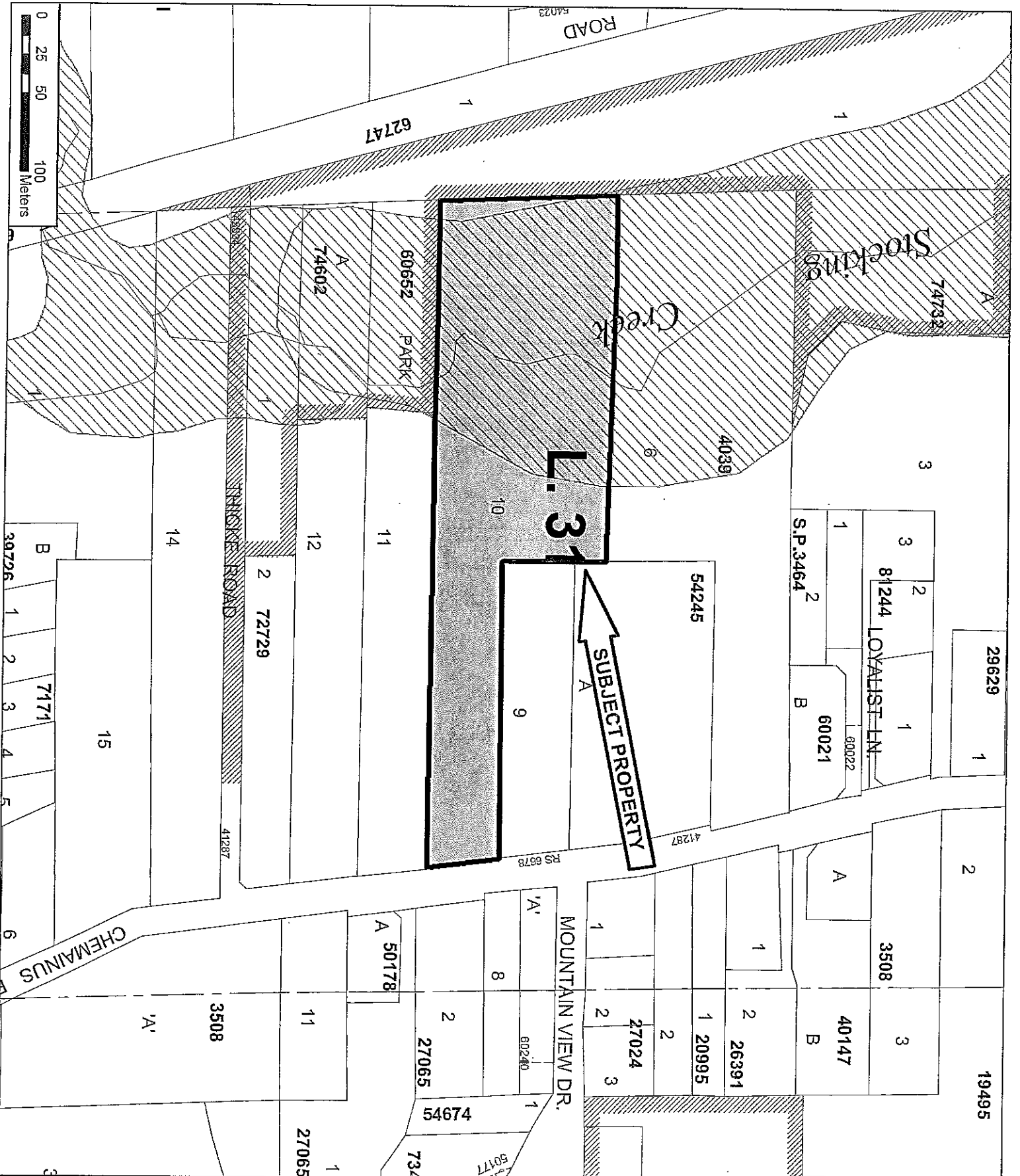
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Sensitive Ecosystem Inventory

Legend

Subject Property

SEI 2004





Cowichan Valley Regional District

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The Regional District does not warrant the accuracy.

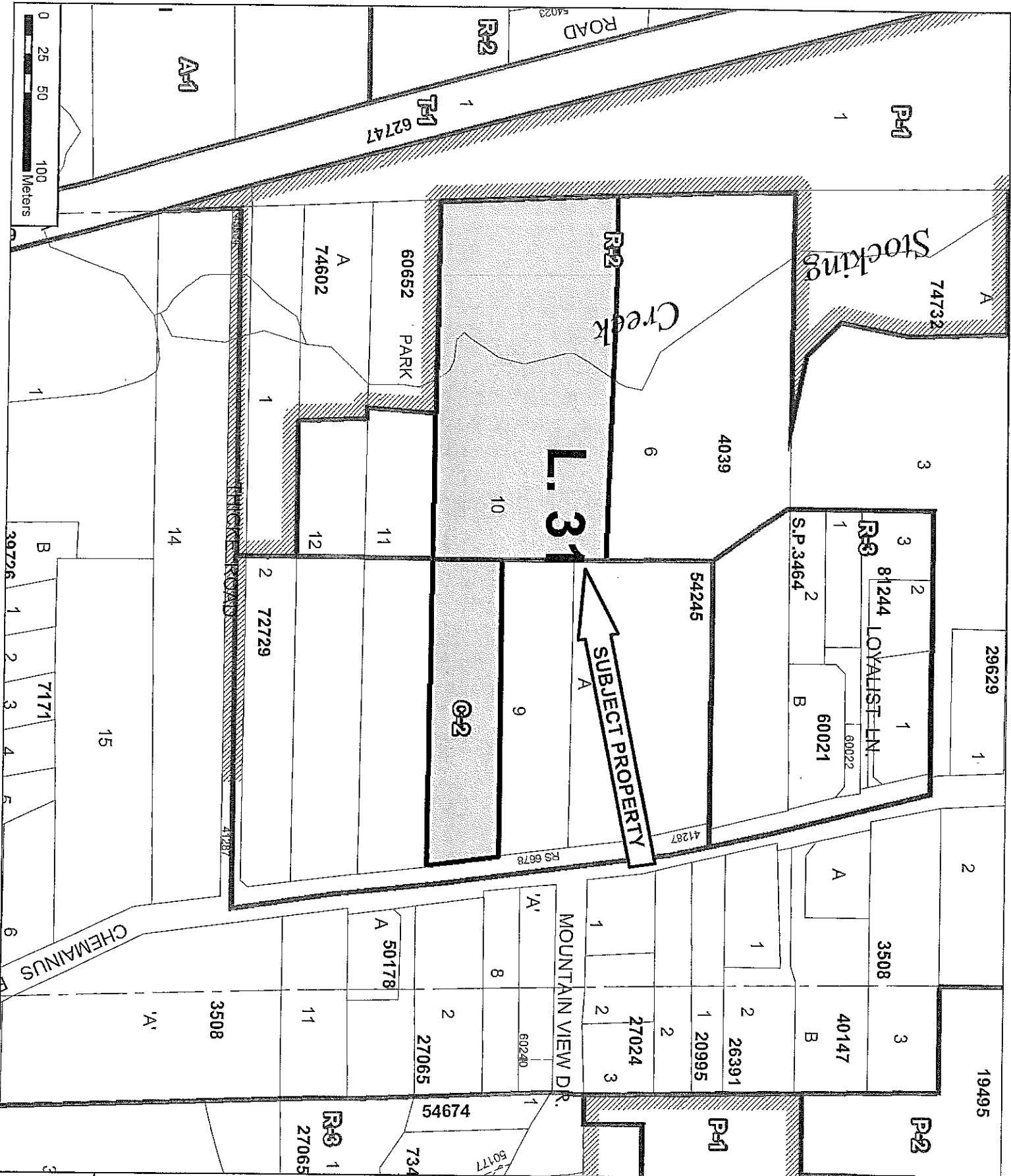
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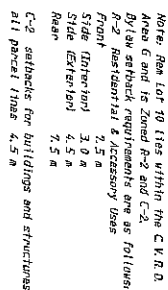
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ZONING

- Legend**
- Subject Property
 - Zoning Electoral Area G



SCALE 1 - ~~100-00~~



Total Area	3.55 ha
Proposed Park Area	1.77 ha
Proposed Common Property (adjacent to Park)	0.22 ha
Proposed Common Property (Access)	0.24 ha

PLAN 41287)



C·V·R·D

PUBLIC MEETING MINUTES **Rezoning Application No 1-G-10RS (Laird/Christie)** **Electoral Area G – Saltair/Gulf Islands**

Following is a summary of the proceedings of the Public Meeting for Rezoning Application No. 1-G-10RS (Laird/Christie), applicable to Electoral Area G – Saltair/Gulf Islands, held on Thursday, October 27, 2011, in the Mount Brenton Centre, 3850 South Oyster School Road, Saltair, BC at 7:05 p.m.:

- CHAIRPERSON** Director M. Dorey, Electoral Area G – Saltair/Gulf Islands, Chairperson
- CVRD STAFF PRESENT** Ms. A. Garnett, Planner I, Planning & Development Department
Mr. R. Conway, Manager, Planning & Development Department
Ms. J. Hughes, Recording Secretary, Planning & Development Department
- Members of the Public:
There were 56 members of the public present.
- CALL TO ORDER** Director M. Dorey chaired the Public Meeting and called the meeting to order.
- Director Dorey acknowledged that Len Platt a long term resident passed away recently and commended his accomplishments as a past CVRD Director. Director Dorey acknowledged his involvement with the Area G Parks Commission and Stocking Creek Park, which is recognized as an asset for the community. Director Dorey requested a moment of silence in honor of Mr. Platt.
- Director Dorey introduced Ted Brown, APC Chair, who was present at the meeting and stated that in January he will be asking community members if they would be interested in sitting on the APC for a term. He further introduced members of the Area G Parks Commission who were in attendance at the meeting (Harry Brunt, Glen Hammond, Paul Bottomley and Tim Godau) and noted that he would also be looking in January for volunteers to sit on the Parks Commission.
- Director Dorey introduced the CVRD Staff present.
- CORRESPONDENCE** The following information was received:
1) Public Meeting Comment Sheets (EXHIBIT 1).
- Alison Garnett**
- Rezoning Application has been made by Hal Laird on behalf of Keith Christie.
 - Public Meeting was being held as a step in the rezoning process to have the applicants explain their plans of development for the subject property and to gauge community support for or against the rezoning application;
 - Ms. Garnett gave a power point presentation and stated the subject property is located at 10830 Chemainus Road along Stocking Creek Park, Stocking Creek and south of the Byron's Store property;

- Property has a beautiful forested area on it and closer to the road there have been different commercial uses;
- Presently zoned C-2 (Local Commercial) and R-2 (Suburban Residential) and designated Commercial and Suburban Residential;
- Present zoning would permit two commercial lots and two 1 ha minimum lot size residential lots;
- Development proposes seven (7) residential lots and one (1) commercial lot;
- Proposed commercially zoned area will be reduced in half from its present size thus making it a 0.4 ha. lot;
- Seven (7) residential lots proposed with minimum lot sizes of 0.3 acres or 1300 sq m.² or 14,000 sq. ft.;
- 1.7 ha parkland dedication that would encompass the creek, plus a trail that connects through the residential subdivision;
- 10 m wide private road is proposed for strata development;
- Statutory right-of-way will also be registered across the strata road to provide public access to the trail;
- Disposal area will consist of a septic tank located on each of the proposed 7 residential lots and commercial lot and effluent would be disposed into one common area located approximately 30 m above and away from the creek;
- Development will be connected to CVRD's Saltair Water System but will have its own septic system;
- Density averaging has been proposed for the subject property. Density averaging looks at the development potential of a lot, in this case would permit 7 residential lots and the remainder of the property dedicated as parkland;
- Policy in the existing OCP does not support density averaging in the Suburban Residential designation. If the application moves forward the public will be asked if they support it or not;
- Private septic disposal system being planned. Each strata lot would have a septic tank and bio membrane system, and effluent would be pumped to a common disposal area. The CVRD's Engineering and Environmental and Planning Departments both have concerns regarding the construction of strata septic disposal systems as there have been issues in the past with the lack of investment and maintenance as they are operated and owned by a strata council. Other developments have been required by the CVRD to install a Class A effluent system which is a very high level effluent system. This system would not be built to a Class A standard. Policy 18.4 in the Saltair OCP also objects to these proposed systems and the public will also be asked if they support it or not;
- The subject property and surrounding area have a lot of development potential as it is located in the commercial core of Saltair and the CVRD Planning Department would like to receive public comments on the proposed development to see if it is viewed as a good long-term strata development for the subject property.

APPLICANT,
Hal Laird

Hal Laird, applicant, Keith Christie, owner, and Greg Smith, development partner, were present.

Director Dorey

Asked for public questions or comments to be directed toward CVRD staff or the applicant.

- Speaker** ➤ Does the proposed septic system have to be approved by VIHA?
- Greg Smith** ➤ No it does not, but the proposed system must follow the Standard Practices of British Columbia and the proposed system will also be engineered.
- Speaker** ➤ Why is VIHA not involved?
- Greg Smith** ➤ In 2005 VIHA brought forward new regulations and they do not approve septic systems anymore as Engineers are now responsible for filing new systems with VIHA and the Engineers take all the responsibility.
- Speaker** ➤ The property located at the top of their street was not able to perc for many years and then suddenly it became percable it was built on and has been sold many times since due to water problems with the soil after construction. What can prevent this situation from occurring on the subject property?
- Greg Smith** ➤ He will carry out a soils investigation to determine the level of treatment that must be used for the type of soil and depth of groundwater in the area.
➤ The proposed system has been designed so that the people living in the homes must look after and maintain their own systems. The system proposed has a disposal line from each house that runs to the field for disbursement and it cannot ruin a neighbour's line.
- Speaker** ➤ What is the longevity of the system?
- Greg Smith** ➤ Drip line would likely have to be changed in 30 years in a manufactured system but noted that when he personally installs a system he always installs a second line located right beside it.
- Paul Bottomley** ➤ If the CVRD has to take over the proposed sewer system because the people cannot look after it, who pays for that takeover?
- Greg Smith** ➤ These types of systems have been put in all over the Province.
- Paul Bottomley** ➤ If the CVRD has to take over the system, who will pay for it?
- Director Dorey** ➤ The proposed system has a septic tank, bio-filter and a separate individual line that flows to the field area. Each individual lot also has a spare bio-filter and approximately every 3 months it has to be changed.
- Paul Bottomley** ➤ Who pays for it if the system does not work?
- Director Dorey** ➤ Seven people living on the site pay for the system.
➤ CVRD is very leery about taking over the smaller sewage systems. What may be required by the CVRD is that the system is installed by a contractor who is responsible for the whole system; a beeper alarm is put in place that notifies and alerts the homeowner, CVRD and contractor to check the bio-filter.
➤ Strata is being proposed for the development and strata fees would be required for maintenance of the sewer system.

- Greg Smith**
- Under the new Health regulations brought forward in 2005 when a new sewer system is installed the homeowner must legally maintain their septic system.
 - They know the CVRD has had issues in the past with failing systems and they could have put in a cheaper system to operate the lots but they decided to put in the best technology to safeguard the creek and also members of the community, so they will not have to take it over.
 - If an owner does not maintain the system it will back up into their house.
- Sherry Durnford**
- Presently under the CVRD Bylaws at least 50 units must be proposed for a CVRD sewer system. If the CVRD's bylaws are amended to allow for the proposed 7 unit development, then can anyone apply to subdivide?
 - Has the density also been addressed and how does this set a precedent?
- Alison Garnett**
- Under the present Bylaw 50 units are required for a CVRD operated Class A sewer system and the CVRD cannot operate a 7 or 8 lot sewer system.
 - The CVRD has held a meeting with the applicant and some adjacent property owners to see if there was interest in developing their properties in the near future and it was determined that at this point in time people are not looking at developing.
 - Proposed septic system is a private system operated by their strata council.
- Sherry Durnford**
- Does the Bylaw state that in order to operate a private system there must be at least 50 units?
- Director Dorey**
- Not a bylaw, it is a policy that states the CVRD will not operate a system under 50 units.
 - A private system is being proposed. The policy in place also states that it discourages private systems but it does not say they are forbidden.
- Lena Hammond**
- Does not like the location of the proposed septic field as Stocking Creek is located right below. Why was it not located closer to Chemainus Road as that would make more sense if in the future a sewer system was coming into that area?
- Greg Smith**
- Soils in the proposed area are very good and it will be located over 100 feet away from the Creek.
- Lena Hammond**
- Many heavy rains have occurred in the past and she has seen soil erosion within Stocking Creek, how will she know that the septic field will not go tumbling down the hill?
- Greg Smith**
- Each lot will have a drip system which puts out only 2.5 US gallons and it is installed 6 inches under the ground.
- Jane Walton**
- How far will the system be located from Stocking Creek?
- Greg Smith**
- Approximately 120 feet.
- Jane Walton**
- Will there be any building down into the side of the valley of the creek?
- Greg Smith**
- The system would likely be put in by hand as it is only a ½ inch line.

- Jane Walton** ➤ Will there be any cutting down of trees?
- Greg Smith** ➤ No, there will not be tree cutting as the line will likely be put in by hand. They do not want to ruin the aesthetics and root structure of the existing trees, as they are counting on that root structure to help remove the water from the site.
- Jane Walton** ➤ Will the septic field lines be installed amongst the trees?
- Greg Smith** ➤ Yes, it is only a ½ inch line buried 6 inches underground amongst the trees.
- Ted Brown** ➤ At the present time could the landowner create two residential lots on either side of Stocking Creek that could cut off creekside access for that part of the Park?
- Alison Garnett** ➤ Yes, under the existing zoning two residential lots could be created and there would be no requirement for parkland dedication.
- Ted Brown** ➤ The trade off is the proposed higher density and a transfer to Stocking Creek Park.
- Lynne Smith** ➤ Strata developments sometimes have bankruptcy issues. If the system did fail and the owners of the lots could not come up with the money to repair or fix the system who would then be called upon to pay for it?
- Greg Smith** ➤ Each homeowner is responsible for their own system and if a septic system fails that homeowner is responsible for fixing.
➤ With the technology used in the proposed development if a septic system was to fail at a home it will not harm any other home in that strata development.
- Speaker** ➤ How long has this system been around?
- Greg Smith** ➤ It has only been within the last couple of years that homeowners are able to afford the proposed system as the cost is approximately \$50,000 to install.
- Speaker** ➤ Where are these systems being used?
- Greg Smith** ➤ All over North America, in the Lower Mainland and Langley and he has installed a system in Yubou.
- Director Dorey** ➤ CVRD will also be checking into all references to ensure the proposed system works.
➤ There will also be a parcel tax set up for each property to ensure that it never runs out of money.
- Speaker** ➤ Will that parcel tax be set up for other parcels in the area?
- Director Dorey** ➤ No, the parcel tax will only apply to the proposed system.

- Speaker** ➤ If the proposed development does not proceed how many lots could be developed on the subject property?
- Alison Garnett** ➤ Under the existing zoning the subject property could be developed into two residential lots.
- Gary Hendricks** ➤ Will the developers be installing the proposed septic system?
- Greg Smith** ➤ System will be designed by an engineering firm and he will be installing the system.
- Gary Hendricks** ➤ How long has he operated under his current business name and licence?
- Greg Smith** ➤ He has been installing septic systems for approximately 12 years.
➤ The new system's technology has been around and used for a long time but it was very expensive when it first came out and has recently become cheaper.
➤ He has operated his personal business for approximately 20 years.
➤ Under the new regulations of the Province of B.C. when a septic system is installed it must be installed by an authorized person and that person is personally liable for any work carried out and they must follow all the guidelines in place.
➤ Subject system will be designed by an engineer and overseen by an engineering firm.
- Gary Hendricks** ➤ Leaky condos were built by qualified builders and to the *Building Code* and he is concerned about that happening with this system.
- Greg Smith** ➤ System must be designed and installed to all guidelines set out and when he installs a system he must do all due diligence as it is installed under his personal name and liability.
- Dennis Plant** ➤ Had a similar system installed on his lot 4½ years ago, it works well and it has given him no troubles.
- Director Dorey** ➤ Stated that the homeowner will not be servicing the system. That is carried out by an engineer or contractor.
- Reg Mann** ➤ Will a performance bond be taken out as the system is located near to Stocking Creek?
- Greg Smith** ➤ Performance bond is not required. System must meet all the guidelines and conform to the Province of B.C. standards. If a system is not designed and installed to all the regulations he is personally liable.
➤ Quality of the proposed system is very high and the only way it could fail is from negligence of any future homeowner.
- Reg Mann** ➤ Leaky condos were also all approved by governments in the past and is concerned about the new system failing.
- Greg Smith** ➤ At some time down the road the homeowner will have to replace the drip tube as they only last approximately 30 years.

- Speaker** ➤ If the development is approved what impact will there be on setting a precedent in Saltair and what will the overall impact on density be in Saltair?
- Alison Garnett** ➤ The proposed sewer system only applies to the subject property and not to any other parcels in Saltair.
➤ Any other proposed new development would also have to be reviewed by the CVRD Board.
➤ The subject property is a good location for higher density and for more residences as it is located close to the commercial core.
- Speaker** ➤ Understands that the CVRD does not have concerns about the density only the proposed sewage treatment plant?
- Alison Garnett** ➤ Sewage treatment facility is being reviewed carefully. Another long term issue for the Planning Department is how development will occur in the future on the adjacent properties.
- Director Dorey** ➤ If rezoned the subject property will have a specific named zoned and that zoning could not be used in another area of Saltair unless it goes through the rezoning process.
- Jim Whittaker** ➤ The subject property used to be Sunny's Service at one time with gas tanks in the ground and asked if they were ever removed?
- Greg Smith** ➤ The tanks were previously removed from the site.
- Jim Whittaker** ➤ With the proposed seven lots what does that mean in terms of density in that area?
- Alison Garnett** ➤ Statistics state that the average household has 2-3 people.
- Speaker** ➤ Asked if the adjacent Lot 2 is part of the subject rezoning application?
- Alison Garnett** ➤ Lot 2 is a separate, independently owned parcel and is not part of the subject rezoning application.
- Director Dorey** ➤ The property owner of Lot 2 is at the meeting and no rezoning application has been brought forward for development of that property.
- Speaker** ➤ Is there a specific house design?
- Keith Christie** ➤ A spec-house will likely be built on site for people to view. It will be nice looking and attractive.
➤ He is not in it to get rich and bought the property to make the proposed development work.
➤ Will also be giving up land at the back of the property as dedicated parkland.
- Speaker** ➤ What is the plan for the commercial area?
- Keith Christie** ➤ Reviewing the possibilities of a beer and wine store, pet food supply store, dentist office and there could be a lot of other businesses that do not

create a lot of septic.

- Alison Garnett** ➤ The commercial lot will also fall under a Commercial Development Permit Area and there are guidelines and regulations that will have to be followed before anything could be built on that lot.
- David Thomas** ➤ Wants to see cooperation in making the access to Chemainus Road available to the two adjacent properties as that will limit the number of accesses onto Chemainus Road.
➤ Always thought Byron's was the centre of Salfair and does not want to lose sight that this is the community core centre with the possible higher density and commercial development.
- Speaker** ➤ Are there certain businesses that would be restricted from going onto the commercial lot due to the water drainage into the septic system?
- Greg Smith** ➤ If someone was going to sign a lease for a coffee shop on the commercial lot they can build a septic system to handle that business.
- Speaker** ➤ A coffee shop would be good for the community.
➤ Would a hairdresser's businesses be permitted on the commercial lot?
- Greg Smith** ➤ If someone wanted to build a coffee shop or hairdressing salon on that site it could be done.
- Speaker** ➤ How many condos are being proposed on top of that commercial building?
- Alison Garnett** ➤ C-2 Commercial Zone allows a suite to be accessory to that commercial use.
- Speaker** ➤ Would parking also have to be provided on site?
- Alison Garnett** ➤ Yes, parking would be reviewed and would have to be provided.
- Speaker** ➤ Have adjacent property owners to the commercial area been contacted?
- Director Dorey** ➤ He has spoken with the adjacent property owners with regard to the proposed development.
- Alison Garnett** ➤ Electoral Area Services Committee (EASC) directed that a Public Meeting be held to explore with the public the feasibility of having more people contribute towards building a CVRD operated system.
- Harry Brunt** ➤ What sewer system does the new subdivision at the end of Cliffcoe Road have and is it a strata development?
- Director Dorey** ➤ It is a strata development and there is one big field for each strata lot and each lot has individual septic tanks.
- Speaker** ➤ How many proposals for the subject property have come before the CVRD?
- Director Dorey** ➤ Not many proposals and the area has been zoned Commercial since

2004.

- Speaker** ➤ Will there be an Official Community Plan (OCP) review in the future?
- Director Dorey** ➤ OCP was adopted in November, 2005.
- Ted Brown** ➤ The subject property has been zoned Commercial as long as Saltair has had an OCP and the existing Plan rolled over the zoning and policies from the early 1990's.
➤ The question is whether it is way too much commercial for Saltair.
- Speaker** ➤ How much will the proposed septic system cost a homeowner a year to run?
- Greg Smith** ➤ Approximately \$300.00 a year and guaranteed the public that it is a high level of treatment.
➤ There will be a cost to owning one of these homes but noted that those fees are not uncommon.
- Director Dorey** ➤ Information that was received by the EASC is that the system is quite expensive to install and there was a yearly maintenance fee of approximately \$360.
- Speaker** ➤ His system cost \$32,000 to install and he pays \$360 a year and that also covers the samples that have to be sent to the Health Authority every year for approval.
- Speaker** ➤ He is installing a septic system for his property in Nanaimo and noted that the system in question at the meeting is a cheaper system compared to some others that are much more expensive.
- Speaker** ➤ Will there be any amenities the developer will have to donate and changes in infrastructure?
- Rob Conway** ➤ During rezoning there is not a set requirement for contributions by a developer but it is common that developers do provide amenities as part of a rezoning and in this proposed subdivision the parkland dedication is being offered as the amenity.
➤ No rulebook or specific policy as to what has to be provided.
➤ There is a statutory requirement with regard to subdivision that if there are more than 3 lots being proposed for subdivision 5 percent of the land has to be dedicated as parkland.
- Sherry Durnford** ➤ If the proposed development goes ahead how will it impact the school property and could the school property be developed in the same way?
- Director Dorey** ➤ The school property is zoned Public Institutional and at the present time they want to see it remain as that as it serves the public but noted that anything could happen in the future.
- Victoria DuBois** ➤ Wished the developers all the best of luck with their development.
- Speaker** ➤ The Saltair water system is in dire straits and there is no money to fix it.

There are also a lot of failing septic systems in the area and there is not a large enough tax base so it would make more sense to increase the density in the commercial area so they could increase the tax base to help with fixing the water system and septic systems.

Speaker

- Increasing the density is a double edged sword because there would be more taxing on the infrastructure.

Alison Garnett

- Clickers are being used as a tool to record the public's anonymous vote on the proposed development. This is not a referendum and it is used as one piece of information that will be reported back to the EASC.
- Comment Sheets can be submitted at the CVRD office until November 4, 2011.

**Clicker Questions/
Responses**

Question #1: *Do you reside, own property or own a business in Saltair?*

A. Yes	49 votes	100 %
B. No	0 votes	

Question #2: *How did you hear about this meeting?*

A. Word of mouth	14 votes	26%
B. Saw a poster	9 votes	17%
C. By email	20 votes	38%
D. Ad in the newspaper	8 votes	15%
E. Other means	2 votes	4%

Question #3: *How often do you use Stocking Creek Park?*

A. Daily	2 votes	4%
B. Once a week	7 votes	13%
C. At least once a month	16 votes	30%
D. Once in the last 6 months	18 votes	34%
E. Have never been to the park	10 votes	19%

Question #4: *Do you understand what is being proposed in this application?*

A. Yes	53 votes	100%
B. No	0 votes	

Question 5: *Are you in favour of reducing the area zoned for commercial use, to allow for additional residences?*

A. Yes, strongly in favour	14 votes	26%
B. Yes, somewhat in favour	13 votes	25%
C. On the fence	11 votes	21%
D. No, somewhat opposed	4 votes	7%
E. No, strongly opposed	11 votes	21%

Question 6: Do you support the concept of increasing residential density (number of homes) on this property?

A. Yes, strongly support	23 votes	43%
B. Yes, somewhat support	9 votes	17%
C. On the fence	3 votes	6%
D. No, somewhat oppose	6 votes	11%
E. No, strongly oppose	12 votes	23%

Question 7: Do you support a new residential zone, with 1300 m² (0.3 acre) lot size, to be introduced to Saltair/Gulf Islands, to allow this development to proceed?

A. Yes, strongly support	21 votes	40%
B. Yes, somewhat support	14 votes	26%
C. On the fence	3 votes	6%
D. No, somewhat oppose	2 votes	4%
E. No, strongly oppose	13 votes	24%

Question 8: Do you agree that this proposal should be revised, to better facilitate long term development of the commercial area (road and trail network, land use conflict)? (Results from second vote after clarification of question)

A. Yes, strongly support	14 votes	26%
B. Yes, somewhat support	6 votes	11%
C. On the fence	4 votes	8%
D. No, somewhat oppose	12 votes	23%
E. No, strongly oppose	16 votes	30%

Question 9: Do you agree that the OCP policy objecting to shared septic systems should be waived, to allow this development to be approved?

A. Yes, strongly agree	22 votes	42%
B. Yes, somewhat agree	11 votes	21%
C. On the fence	4 votes	8%
D. No, somewhat disagree	2 votes	4%
E. No, strongly disagree	12 votes	23%

Question 10: Do you agree that allowing seven 0.3 acre lots is a reasonable compromise for gaining 4 acres (1.7 ha) of parkland?

A. Yes, strongly agree	34 votes	64%
B. Yes, somewhat agree	3 votes	6%
C. On the fence	3 votes	6%
D. No, somewhat disagree	4 votes	8%
E. No, strongly disagree	8 votes	15%

Question 11: Do you support this development, as currently proposed?

A. Yes, strongly support	24 votes	45%
B. Yes, somewhat support	13 votes	25%
C. On the fence	2 votes	4%
D. No, somewhat don't support	5 votes	9 %
E. No, strongly don't support	8 votes	15%

Question 12: *If approved, do you agree that sustainable building features should be required for energy and water conservation and greenhouse gas reduction?*

A. Yes, strongly support	21 votes	40%
B. Yes, somewhat support	13 votes	25%
C. On the fence	1 vote	2%
D. No, somewhat don't support	8 votes	15%
E. No, strongly don't support	9 votes	17 %

Dennis Ahola

➤ Water that goes into Stocking Creek originates from a dairy farm. Has that water been tested?

Director Dorey

➤ Not many problems with it. There was only one issue that he recalled.

Speaker

➤ Asked if a clicker vote could be taken with the following question:
Was this a very well run meeting? 42 votes – 71% A) Strongly Agreed

ADJOURNMENT

Director Dorey asked for public comments or questions from the public present regarding the Rezoning Application No. 1-G-10RS (Laird/Christie).

Director Dorey thanked the public for attending the public meeting on the proposed development and stated that another public meeting was going to be held on November 17th with regard to the water system and encouraged everyone to attend that very important meeting.

The Public Meeting closed at 9:05 p.m.

EXHIBIT 1

Saltair/Gulf Islands Public Meeting
Stocking Creek Residential Strata Development Proposal
Thursday October 27, 2011

Comment Sheet

The group at the meeting did not reflect the Saltair community. There were many more people connected to development interests (planners, real estate agents, developers, construction company owners & individuals wanting to subdivide their property) than one would find as a % of the general community population.

Many people didn't come to this meeting because the posted signs by our mailboxes only said " ~~the~~ meeting... to discuss a proposed development on the commercial property next to Byrons Store" No mention was made on these signs about housing developments or proposed bylaw changes or increased density. The signs unintentionally misled people.

I am against the proposed bylaw changes. They amount to an ad hoc changing of our OCP and will lead to a higher density of housing than most people want.

Lastly, the clickers were fun, but there wasn't time to think about all aspects of the questions and so my opinion / response would be different now. I voted in favour of things that I now would not.

Saltair/Gulf Islands Public Meeting
Stocking Creek Residential Strata Development Proposal
Thursday October 27, 2011
Comment Sheet

I voted middle of the road & it seemed almost everyone there were friends or supporters of the developers.

The clicker was neat, it was sort of a toy which was fun, making an atmosphere of frivolity & made the questions seem less serious.

I also felt the way Mel was explaining it that this piece of property wouldn't affect any other properties & I wanted the park addition, but it wasn't till after the meeting that ramifications sunk in & I realized that of course allowing all these changes would create a snow ball into more development.

Hugh Walton

Saltair/Gulf Islands Public Meeting
Stocking Creek Residential Strata Development Proposal
Thursday October 27, 2011

Comment Sheet

A joint SDA / APC community committee developed a vision statement for a community presence in the commercial area.

I think this is a golden opportunity to create ~~some~~ a community presence as a shared venture, a public-private entity.

An opportunity to create a village kiosk; a community room that could showcase our history, art, community life open to entry meetings etc.

R. Roman

245-3309

Saltair/Gulf Islands Public Meeting
Stocking Creek Residential Strata Development Proposal
Thursday October 27, 2011
Comment Sheet

We strongly believe in the values of the OCP and its guidelines/bylaws.

Developers, by nature of their business, want to maximize value/density of housing. Saltair is a rural (semi) area which we love. Our concern is that developers will look at every 5-25 acre property in Saltair with a view to development. Density should be around existing centres such as Chemainus, Ladysmith etc.

In this particular case, the increased density is a dangerous precedent. The 4 acres involved is not buildable and simply allows the developers to get their money out of their purchase. The park land is not being 'donated', the housing to be built will be priced to cover that park land value.

Saltair/Gulf Islands Public Meeting

Stocking Creek Residential Strata Development Proposal

Thursday October 27, 2011

Comments

1. Saltair has an Official Community Plan, the primary focus of which is “to preserve the natural rural setting of the community... (and) to provide a scenic green belt between the urban centres of Chemainus and Ladysmith.” It “describes the long-term vision for Saltair and the policies by which it can be implemented...Any changes to the OCP will be subject to a thorough public review process.”

The OCP has existing zoning for the subject property. The developer was aware of the zoning before purchasing the property.

The developer wants to

- change the residential zoning to increase the number of dwellings
- reduce the commercial area
- create a residential strata
- create a shared septic field
- use density averaging to allow for park dedication

All require changes to the OCP.

If the changes are approved, it will be very difficult, if not impossible, to turn down the potential many other applications for the same rezoning and other changes. This would significantly impact the community of Saltair as described in the OCP.

One developer should not be determining the zoning, increased density and other changes for the community of Saltair. Such significant changes should be assessed by the COMMUNITY in a future thorough review of the OCP .

The Planning and Development Department of the CVRD recommended that the application be denied.

Why is the community of Saltair once again being asked to defend the OCP?

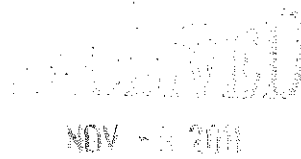
2. The developer is proposing the dedication of an area for Stocking Creek Park by 'density averaging' (as well as significantly increased density). This means the proposed

CVRD – Planning and Development – Attention Alison Garnett and Rob Conway

Saltair/Gulf Islands Public Meeting

Stocking Creek Residential Strata Development Proposal

Thursday October 27, 2011



Comments Sheet

I am not in favor of the above mentioned development as it does not meet the OCP Bylaws for Area G – Saltair

- 1) Signage posted at the mailboxes in the Saltair area misrepresented the meeting “To discuss a proposed development on the commercial property next to Byrons Store”
 - The meeting was about the R2 zoned land along with the C2 zoned land and should have been clearly stated
- 2) There are two zonings involved in this proposal and they both need to be looked at separately
- 3) The OCP states very clearly the types of businesses that a C 2 zoning supports. Any commercial development must include a septic/sewer system that would cover all the business types under the C2 zoning.
Restricting the types of commercial businesses due to the type of septic/sewer system does not make this commercial development an OCP – C2 – Commercial area for CVRD Area G.
- 4) R2 zoning at the back of the property at this time supports 2 houses. By allowing another private sewer system that the CVRD bylaws do not support and opens the door for more developments that do not meet the OCP Bylaws and the Area G CVRD Bylaws.
- 5) Beside this property there are at least 4 more C2/R2 mixed properties. They could also apply to the CVRD for the same type of Strata Development for the same changes to their R2 zoning. Just because they would be unable to donate 4 acres to Stocking Creek Park the CVRD would also have to support and approve their applications if this proposal becomes approved.
- 6) All R2 zoning lot size change applications with private sewer systems like this proposal would have to be approved by the CVRD once this proposal is approved as all R2 zoned property is equal in the CVRD – Saltair and would require equal treatment for all R2 property owners.
- 7) The CVRD needs to look at all the empty businesses in Chemainus and Ladysmith at this time. Which points out this proposal is about the R2 zoning and not the commercial zoning.
- 8) For the commercial area the developer is proposing a Pet Food Store and a Liquor Store. Pet food is already sold at Byrons and takes up about 1/3 of the store. We all know corner

Alison Garnett

From: Randy Osterlin [rkosterlin@gmail.com]
Sent: Thursday, November 03, 2011 8:41 AM
To: Alison Garnett
Cc: External Mel Dorey
Subject: Rezoning Application on Chemainus Road in Saltair

To: Alison Garnett

cc: Mel Dorey

Re: Rezoning Application on Chemainus Road in Saltair

I attended the public meeting on October 27 and came to the conclusion that the application should not proceed as proposed.

The applicant proposes to use density averaging to calculate the size of the residential lots, and then immediately give over half of the property to the CVRD. Giving away part of the property completely negates the density averaging calculation. If the strata does not retain title to the whole property, the density averaging is not valid. No property owner can use density averaging calculations, and then sell or give away part of the land.

A further complication is that the applicant proposes to give the land to the CVRD. In exchange for going against the Saltair OCP and changing the Saltair zoning bylaw, the CVRD will receive park land. When something of value is given to a government body in exchange for changing policies and regulations, we usually use the term "bribe". This exchange is immoral and probably illegal. It also sets a precedent for future "deals". Have you received legal advice on this proposal?

On first looking at the application, it seems to make sense – density averaging makes sense when some of the land is not suitable for housing, and using the land in the creek valley for park also makes sense – but the method proposed cannot be done.

One solution is for the residential area be rezoned as R3, but for the strata to retain ownership of all the property. The strata could then enter into an agreement with the CVRD to use the creek valley as park land.

Another solution would be for the residential portion of the property to be subdivided. The upper portion of about 0.9 ha could be rezoned R3 and divided into 2 lots. The remaining 1.7 ha could be sold to the CVRD for park land. If the applicant got enough money from the CVRD for the park land, then he may be satisfied with only 2 residential lots.

Related to other points in the application, I think it is reasonable to allow the commercial portion of the property to be reduced to 0.4 ha.

I now believe the applicant is proposing separate septic systems for each property of the kind that is being installed elsewhere in Saltair, with only the individual dispersal lines being in a common area. That seems a lot better than strata septic systems elsewhere.

Alison Garnett

From: Mel Dorey [meldorey@shaw.ca]
Sent: Tuesday, November 01, 2011 9:17 AM
To: Alison Garnett
Subject: Fw: development proposal

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

From: [jaridscorner](#)
To: mdorey@cvrd.bc.ca
Sent: Friday, October 28, 2011 12:00 PM
Subject: development proposal

Hi Mel, sorry we couldn't attend last night's meeting. We got the info. from our neighbour and it sounds like a very reasonable and responsible proposal. We heard that there was an unofficial vote and if possible you can include us with the "yes" vote. Thank you, hope all is well.

jamie and ingrid from jarid's corner b&b



MEMORANDUM

DATE: April 18, 2011 **FILE NO:** 1-G-10 R

TO: Alison Garnett, Planner 2, Planning and Development

FROM: Tanya Soroka, Parks and Trails Planner

SUBJECT: Proposed rezoning of Lot 10, DL 31, Oyster District, Plan 4039, except part in plan 41287 – Park dedication comments

Parks and Trails staff along with the Electoral Area G – Saltair/Gulf Islands Parks Commission have reviewed this Rezoning Application and the commission passed the following motion at their meeting of March 8, 2011:

“It was proposed by Tim Godau and seconded by Paul Bottomley to accept the rezoning proposal on the Laird property with 55 % of total property be deemed parkland” be donated to the CVRD.”

Parks staff also requested a 4 metre wide trail corridor, dedicated to the CVRD as a separately titled lot, running from the end of the cul de sac between SL4 and SL3, along the southern portion of SL4 and the Common Property septic area in order to link to the proposed 1.74 hectare park. (See attachment #3) This would allow residents in this new subdivision to access Stocking Creek Park. A statutory right of way (SRW) will need to be registered in favour of the CVRD on the common property strata road from the start of the trail to Chemainus Road to allow for public access to the trailhead.

A section 219 covenant will be registered on the property to ensure that the dedicated park land area will be dedicated to the CVRD at the subdivision approval stage. Once the park has been dedicated as a separately titled lot, the covenant will be removed.

Once Parks staff receives an updated plan from the applicant showing the trail corridor and planning staff advises Parks staff that the application is moving forward, a section 219 covenant will be drafted up through our lawyer prior to public hearing.

Sincerely,

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

TS/tag

pc: M. Dorey, Director, Electoral Area G- Saltair/Gulf Islands
Hal Laird, Applicant

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MEMORANDUM

DATE: December 17, 2010 **FILE NO:** 1-G-10RS

TO: Alison Garnett, Planner, Planning and Development Services

FROM: Sybille Sanderson, Acting General Manager Public Safety

SUBJECT: Rezoning Application No. 1-G-10RS – 10830 Chemainus Road

In review of Application No. 1-G-10RS (Laird, for Christie and Ritchie) to amend Electoral Area G Saltair/Gulf Islands zoning bylaw No. 2524 and Official Community Plan bylaw no. 2500, for the purposes of re-designating and rezoning the property following comments affect the delivery of emergency services within the proposed area:

- ✓ Proposal is within the boundaries of the CVRD Regional Emergency Program.
- ✓ Proposal is within Duncan RCMP Detachment area.
- ✓ Proposal is within British Columbia Ambulance (Station 149 Chemainus) response area.
- ✓ Proposal is within the Saltair Fire Protection response area serviced by the North Cowichan Fire Department – Chemainus Hall.

Public Safety has the following concerns and recommendations:

- The Community Wildfire Protection Plan has identified this area as a **moderate risk** – which is defined as: “will not support a crown fire but will support surface fire spread that could directly impact adjacent structures. Suppression success likely.”
- The water system for the properties must be compliant with “NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting” to ensure necessary firefighting water flows.
- Proposed access/egress, as well as road width to the property presents a serious concern. Sufficient access/egress must be provided to allow simultaneous access and turning radius for emergency services equipment including fire trucks, as well as egress of citizenry if evacuation is necessary.

It is noted that the North Cowichan Fire Department – Chemainus Hall has been asked to comment on this proposal and their concerns should be taken into consideration.

Together Building Community Emergency Resilience

Sybille Sanderson

access ramp on the north side of the dwelling. Given the minor nature of the project and in order to expedite the application the APC decided to deal with this project as well.

After reviewing the plans for the project the following motion was made:

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

Carried Unanimously

3. Application to legitimize and finish construction of a single family dwelling (Development Permit Application No. [REDACTED])

[REDACTED] were present for this item. The purpose of this application is to allow the completion of the construction of a dwelling within the Ocean Shoreline Development Permit Area. [REDACTED] provided background information with respect to the application. The project originally started as a renovation to an existing dwelling which was necessary as a result of extensive damage caused by carpenter ants. However, it became apparent that the changes needed to the structure were so extensive as to virtually require the replacement of the building. As a result, work was halted and a development permit applied for. The new structure is being built on the same foot plate as the original building. A geotechnical report was commissioned by the applicant and contained a number of recommendations as to how the project should proceed.

Following discussion of the application, the following motion was made:

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

Carried Unanimously

4. Application to rezone lands from C-2 and R-2 to a zone that would permit a seven lot subdivision (Rezoning Application No. 1-G-10RS Laird)

Hal Laird, Gregory Smith and Keith Christie were present to speak to this item.

Mr. Laird provided a brief overview of the application and all three attendees responded to a variety of questions from the APC members relating to such

things as land dedication, public access through the development, storm and sanitary sewer plans for the development and the relationship of the development to adjacent lands.

Following discussion of the application, the following motion was made:

That the Advisory Planning Commission provide the following comments with respect to this rezoning application:

- *Given the parkland dedication to the CVRD which forms part of the development proposal the APC believes there is significant public benefit associated with this application and the Commission would support a rezoning to R-3 and density averaging to permit the creation of the seven residential lots proposed.*
- *The development should provide for a public access easement from Chemainus Road to Stocking Creek Park utilizing the internal road and a walkway adjacent to one of the lots fronting on the ravine.*
- *The potential of designing the development's sewage treatment system and storm water drainage plan to allow for the tie-in of the existing parcel to the north should be investigated.*
- *A sanitary sewer management operational plan should be prepared that ensures the septic treatment system will be operated in a responsible manner following completion of the development.*
- *A storm water management system for the development (as well as the lot to the north) should be prepared which ensures that there is no damage from run off to the adjacent natural area and no negative environmental impact on Stocking Creek.*
- *There is a need to examine land use policy for that portion of the lot to the north which abuts proposed residential lots SL1, 2, 3 and 7 to ensure compatible development.*
- *The proposed rezoning should be examined in the context of the visioning study for Saltair's commercial core undertaken by the APC and the Saltair Ratepayer Association and, to the extent appropriate, recommendations of that study incorporated into the proposed development.*



R5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 17, 2011

DATE: January 10, 2011 FILE NO: 1-B-11 RS
FROM: Dana Leitch, MCIP BYLAW NO: 985 and 3510
Planner II, Development Services Division
SUBJECT: Rezoning Application No. 1-B-11RS (Beckett for Creelman)

Recommendation/Action:

Committee direction requested.

Relation to the Corporate Strategic Plan: N/A

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

Background:

At the November 15, 2011 EASC meeting the following resolution was passed regarding rezoning application 1-B-11RS:

That application No. 1-B-11RS (Creelman/Beckett) be tabled for up to 60 days to give the applicant an opportunity to consider an appropriate community amenity contribution in accordance with Policy 8.1 of the South Cowichan Official Community Plan.

At the November 23, 2011 EASC meeting the applicant proposed an amenity in accordance with Policy 8.1 and it was presented by staff. At this meeting staff sought Direction from the Committee on this application and the following resolution was passed:

That application No. 1-B-11RS (Creelman/Beckett) be referred to the next EASC meeting.

Proposed Amenity

The applicant is proposing to protect trees along the north and east boundary of the proposed new lot. The buffer is proposed to be 4.57 metres wide (15 feet) and would cover an area of about 836 square metres (9,000 sq. ft.). The buffer is proposed to be protected by a covenant in favour of the CVRD. A letter and sketch outlining the proposed amenity is attached to this report.

Staff Comments

Policy 8.1 of the South Cowichan OCP has established an expectation that community amenities will be provided when lands in the Plan area are rezoned for new residential development. As the policy does not differentiate between large and small rezoning applications, the policy appears to apply to the subject application even though only one lot is proposed.

The covenant protection area offered by the applicant is not a public amenity identified in Policy 8.1. Although the list in Policy 8.1 is not exhaustive, amenities listed in the section benefit the larger community whereas the covenant area proposed would primarily benefit only the adjacent property owners. Staff does not consider the covenant area to be a "community amenity" in the sense intended by Section 8.1, although it does provide some neighbourhood and environmental benefit by protecting existing trees on the property.

The applicant contends that Policy 8.1 should not fully apply to his application as it was made prior to adoption of the South Cowichan OCP and because only one new lot is proposed. In the absence of policy in the OCP that reduces the standard of community amenity expected under these circumstances, staff defer to the EASC and Board to determine if the amenity offered by the applicant adequately complies with Policy 8.1.

Draft Zoning Amendment Bylaws

Planning staff has attached two draft zoning amendment bylaws. The first draft zoning amendment bylaw amends the existing Electoral Area B Zoning Bylaw No. 985 by rezoning the property from R-1 to R-2. The second draft zoning amendment bylaw amends the new South Cowichan Zoning Bylaw No. 3520 by rezoning the property from R-1 to RR-3A. The applicant and the EASC should be made aware that the zoning amendment bylaw is subject to change and that the zoning on the property may not remain R-2 when the new zoning bylaw is adopted.

Options:

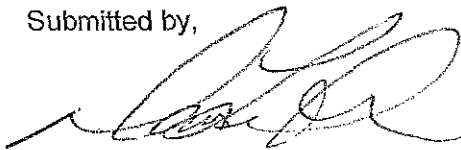
Option A:

1. That the draft bylaws for application 1-B-11RS (Creelman) be forwarded to the Board for consideration of first and second reading;
2. That the application referrals from the Shawnigan Lake Volunteer Fire Department; Central Vancouver Island Health Authority, Ministry of Transportation and Infrastructure and School District No. 79 be accepted; and
3. That a public hearing be scheduled with Directors Fraser, Walker, and Iannidinardo appointed as delegates of the Board following submission of a draft tree protection covenant by the applicant in a form acceptable to the General Manager of the Planning and Development Department.

Option B:

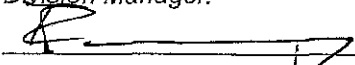
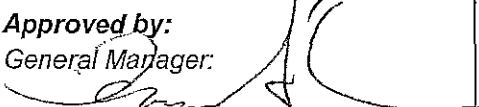
That Application No. 1-B-11RS (Creelman) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

Submitted by,



Dana Leitch, MCIP
Planner II, Development Services Division
Planning and Development Department

DL/ca
attachments

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

Community Amenity

John Beckett, and Shelley Creelman

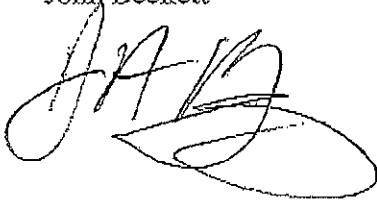
File # 1-B-11-RS

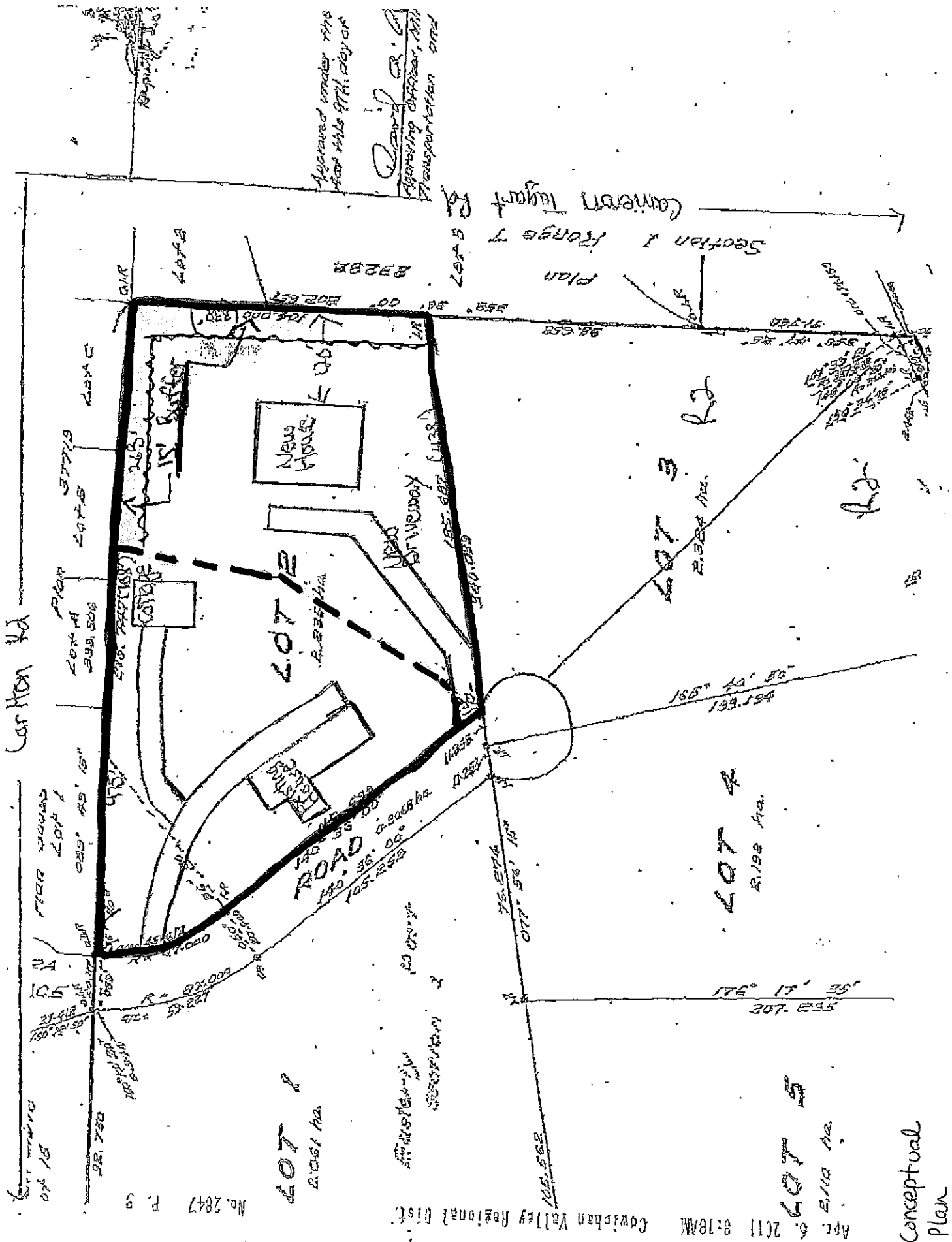
Protective Covenant

This covenant is offered for the benefit of the three property owners on the north side of the proposed lot (Carlton Side) and the two property owners on the east side of the proposed lot (Cameron Taggart). A 15' area that is currently heavily treed will be set aside permanently so as to provide a green belt buffer. The total lineal feet of this buffer is approximately 600' and the square footage is 9000'. The percentage of this buffer to the total area of the proposed new lot is approximately 6.7%.

Any trees that are deemed to be hazardous by an arborist will be topped or cut down as recommended and the cost will be paid for by the property owner affected by the problem trees, or as agreed with the property owner of this new proposed lot.

John Beckett

A handwritten signature in black ink, appearing to be 'JAB', with a large, sweeping loop at the end.



Cowichan Valley Regional Dist.

Apr. 6, 2011 8:18AM

LOT 5
2.110 Ha.

LOT 4
2.196 Ha.

LOT 3
2.324 Ha.

LOT 2
2.261 Ha.

No. 2047 P. 3

Conceptual Plan

SOCIAL SUSTAINABILITY - POLICIES

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 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.

By applying amenity zoning:

- a. The CVRD may accept the provision of an amenity or a contribution toward an amenity on the subject property or within the VCB; or
- b. The CVRD may accept cash-in-lieu of amenities, and subsequently provide amenities within the VCB through a capital program.

The CVRD may require the amenity or amenities by the developer prior to granting a subdivision or occupancy permit, require the registration of a covenant on title to ensure the amenity is provided, include the amenity as a requirement in a housing agreement or require an irrevocable letter of credit equal to the value of the amenity contribution, to be held as a security, to cover the costs of providing the amenity in the event of default. Community amenities to be considered during a rezoning process should include but not be limited to:

- a. Subsidized, cooperative, or non-market affordable housing units;
- b. Parkland dedication in excess of the 5% required under the *Local Government Act*;
- c. Provision of open spaces and improvements for the benefit of the public;
- d. Dedication of environmentally sensitive areas;
- e. New recreational facilities or improvements to existing recreational facilities;
- 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);
- g. Sidewalk and trail improvements;
- h. Other amenity contributions approved by the Regional Board; and
- i. Cash in lieu.



DRAFT

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. XXXX

A Bylaw For The Purpose Of Amending Zoning Bylaw No. 985 Applicable To Electoral Area B – Shawnigan Lake

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 B – Shawnigan Lake, that being Zoning Bylaw No. 985;

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. 985;

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. XXXX - Area B – Shawnigan Lake Zoning Amendment Bylaw (Creelman), 2011**".

2. **AMENDMENTS**

Cowichan Valley Regional District Zoning Bylaw No. 985, as amended from time to time, is hereby amended in the following manner:

.../2

- a) That Schedule A (Zoning Map) to Electoral Area B –Shawnigan Lake No. 985 be amended by rezoning Lot 2, Section 1, Range 6, Shawnigan District, Plan 43946 as shown outlined in black and shaded in gray on Schedule Z xxxx- attached hereto and forming part of this Bylaw, from R-1 Zone (Rural Residential) to R-2 Zone- (Suburban Residential).

3. **FORCE AND EFFECT**

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

READ A FIRST TIME this _____ day of _____, 2012.

READ A SECOND TIME this _____ day of _____, 2012.

READ A THIRD TIME this _____ day of _____, 2012.

ADOPTED this _____ day of _____, 2012.

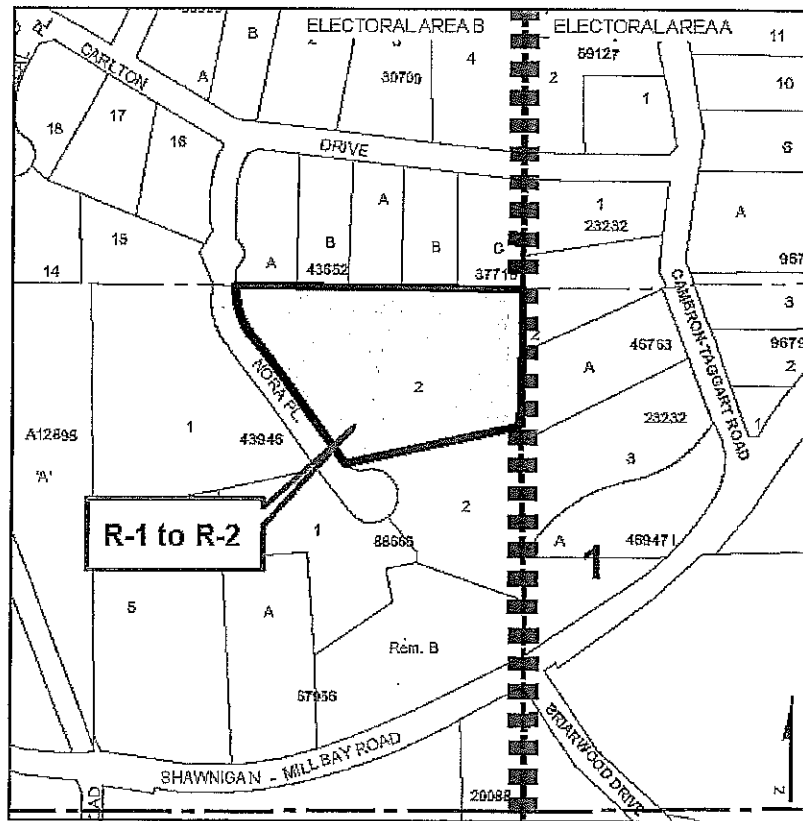
Chairperson

Secretary

PLAN NO. Z-XXXX

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

XXXX



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

R-1 (Rural Residential) TO

R-2 (Suburban Residential) APPLICABLE

TO ELECTORAL AREA B



DRAFT

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. XXXX

A Bylaw For The Purpose Of Amending South Cowichan Zoning Bylaw No. 3520, Applicable To Electoral Areas A (Mill Bay/Malahat), B (Shawnigan Lake) and C (Cobble Hill)

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 Areas A, B and C, that being South Cowichan Zoning Bylaw No. 3520;

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 South Cowichan Zoning Bylaw No. 3520;

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

1. CITATION

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. XXXX – South Cowichan Zoning Amendment Bylaw (Creelman/Beckett), 2012**".

2. AMENDMENTS

Cowichan Valley Regional District Zoning Bylaw No. 3520, as amended from time to time, is hereby amended in the following manner:

- a) That Schedule B (Zoning Map) to South Cowichan Zoning Bylaw No. 3520 be amended by rezoning Lot 2, Section 1, Range 6, Shawnigan District, Plan 43946 as shown outlined in black and shaded in gray on Schedule Z XXXX- attached hereto and forming part of this Bylaw, from R-1 Zone (Rural Residential) to RR-3A Zone- (Rural Residential 3A Zone).

3. FORCE AND EFFECT

.../2

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

READ A FIRST TIME this _____ day of _____, 2012.

READ A SECOND TIME this _____ day of _____, 2012.

READ A THIRD TIME this _____ day of _____, 2012.

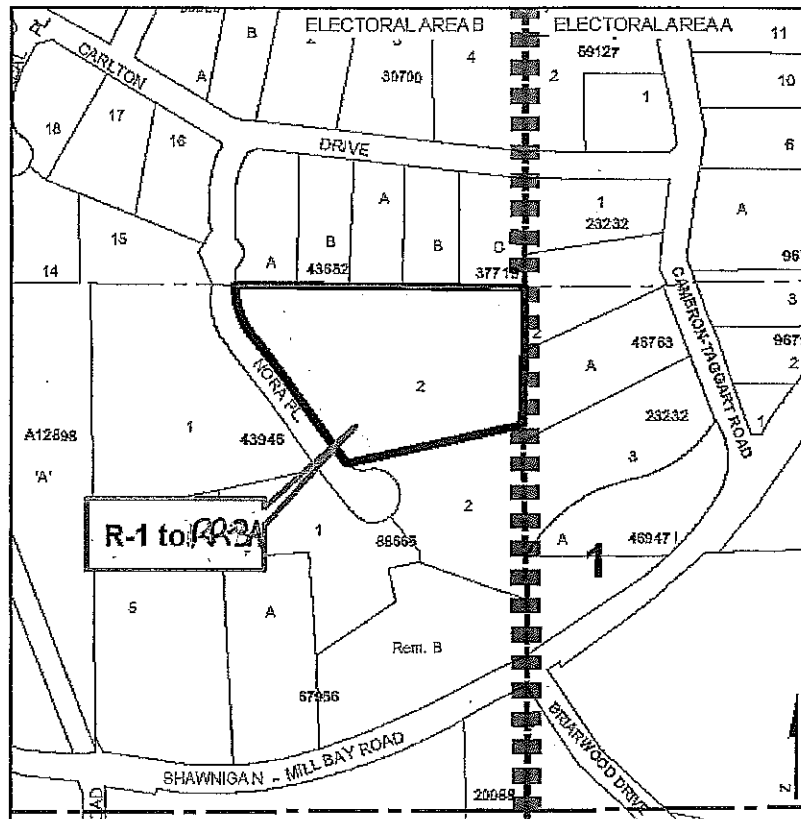
ADOPTED this _____ day of _____, 2012.

Chairperson

Secretary

PLAN NO. Z-XXXX

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



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

R-1 (Rural Residential) **TO**

RR-3A (Rural Residential 3A Zone) **APPLICABLE**

TO SOUTH COWICHAN



STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 15, 2011

DATE: November 9, 2011

FILE No: 1-B-11 RS

FROM: Dana Leitch, Planner II

BYLAW No: 985 and
3510

SUBJECT: Rezoning Application No. 1-B-11RS (Beckett for Creelman)

Recommendation/Action:

That application No. 1-B-11RS (Creelman) be tabled for up to 60 days to give the applicant an opportunity to consider an appropriate community amenity contribution in accordance with Policy 8.1 of the South Cowichan Official Community Plan.

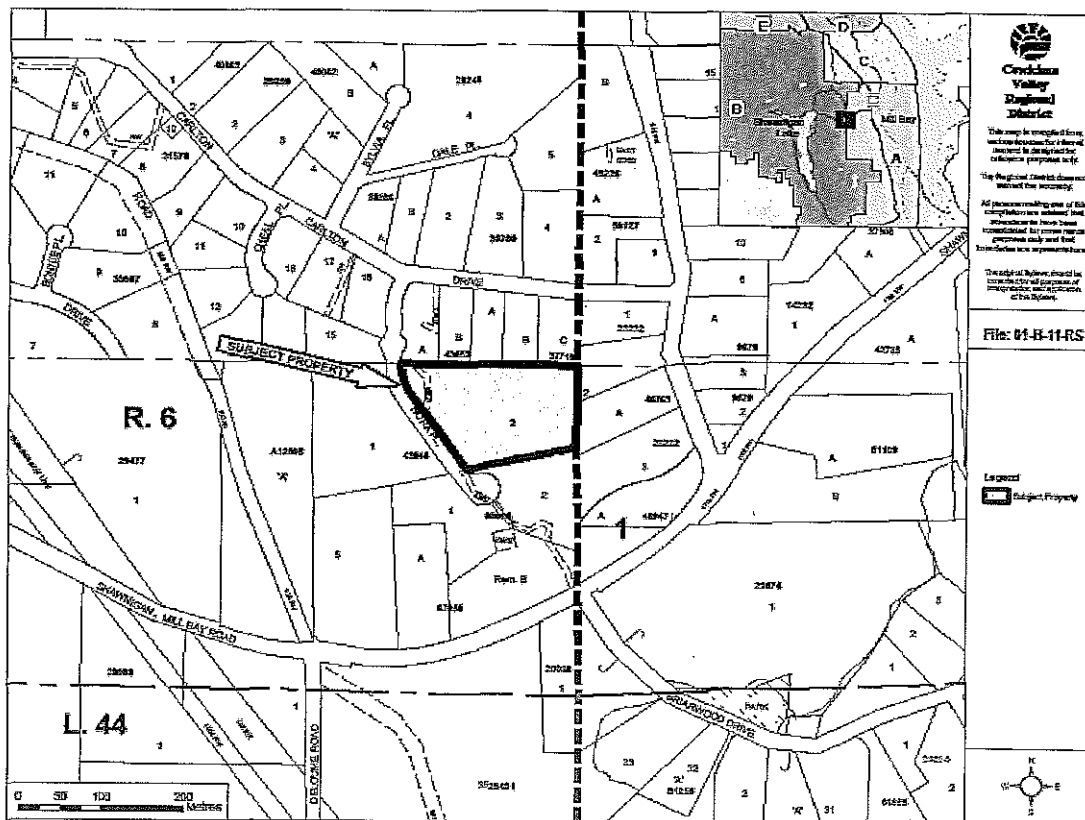
Relation to the Corporate Strategic Plan: N/A

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

Background:

Location: 2657 Nora Place

Legal Description: Lot 2, Section 1, Range 6, Shawnigan District, Plan 43946
(PID: 004-623-126)



Date Application and Complete Documentation Received: May 5, 2011

Owner: Shelley Creelman

Applicant (Agent): John Beckett

Size of Parcel: 2.23 ha (5.51 acres)

Contaminated Site Profile Received: Declaration signed. No schedule 2 uses noted.

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Single Family Residential (Suburban Residential – R-2)

South: Single Family Residential (Suburban Residential – R-2)

East: Single Family Residential (Suburban Residential – R-2 & in Electoral Area A)

West: Single Family Residential (Rural Residential – R-1)

Agricultural Land Reserve Status: Outside

Environmentally Sensitive Areas: None identified in the CVRD Environmental Planning Atlas.

Archaeological Site: None identified in CVRD mapping

Existing Plan Designation: Rural Residential

Proposed Plan Designation: same as above

Existing Zoning: Residential (R-1)

Proposed Zoning: Residential (R-2)

Minimum Lot Size - Existing Zoning: 2.0 ha

Minimum Lot Size - Proposed Zoning: 1.0 ha (for parcels not served by community water or sewer systems); 0.4 ha for parcels served by a community water system only; and 0.4 ha for parcels served by a community water and a community sewer system.

Services:

Road Access: Nora Place

Water: Well

Sewage Disposal: On-site

Property Context:

The subject property is a 2.23 ha (5.5 acre) residential lot located southeast of the intersection of Nora Place and Carlton Drive within Electoral Area B – Shawnigan Lake. Currently on the property is one single family home and a rental cottage serviced by an on-site well and septic field. The subject property is located outside of the Shawnigan Lake Village Containment Boundary.

The land uses surrounding the subject property primarily consists of single family residential, which are located immediately to the north, south and east. Also, there are several agricultural parcels (zoned A-1 – Primary Agricultural) beyond the residential lands to the west of the property and to the south across Shawnigan-Mill Bay Road.

Over the past 35 years many small lot residential subdivisions have developed along Carlton Drive and Nora Place. For example, a majority of the lots north along Carlton Road were created by subdivision in 1976 and 1977. The lots south of Carlton Road were created by subdivision in the late 1970s and early 1980s.

Proposal:

The applicant is proposing to rezone the property from R-1 (Rural Residential) to R-2 (Suburban Residential) for the purpose of subdividing the property into two lots of approximately 1.0 ha and 1.2 ha. The parcel is currently 2.2 hectares and has no subdivision potential under the current zoning. The attached conceptual subdivision plan shows that the applicant intends to create a new 1.2 ha (3.0 acre) parcel to the east accessed by a panhandle from Nora Place. On this new lot, the applicant wishes to construct a single family dwelling. With respect to water and sewage disposal, the applicant is proposing to service the new lot with its own well and its own septic system.

Policy Context

Zoning

The current application proposes to rezone the property from Rural Residential to Suburban Residential in order to subdivide the land to acquire one additional residential lot. The uses in each of the zones are identical with the exception of the minimum parcels sizes and one principal permitted use. The current R-1 zone permits agriculture, horticulture, and silviculture and the R-2 zone does not. The R-1 zone has a minimum parcel size of 2.0 hectares whereas the minimum parcel size in the R-2 zone is 1.0 ha (for parcels not served by community water or sewer systems) and 0.4 ha for parcels served by a community water system. Please see the attached R-1 and R-2 Zoning descriptions for a complete list of permitted uses in the R-1 and R-2 zones.

Zone	Minimum lot size
R-1 Rural Residential	2 hectares
R-2 Suburban Residential	0.4 ha with community water & sewer 0.4 ha with community water only 1 ha without community water or sewer

We also note that if the applicant is successful in this rezoning process and the property is rezoned to R-2 the new residential lot would allow a small suite or secondary suite in addition to a single family dwelling.

The lots sizes being proposed with this application comply with the minimum lot size requirements for the R-2 zone because the subject property is not presently serviced by a community water or sewer system.

Official Community Plan

The Official Community Plan outlines a number of relevant policies for consideration when evaluating proposals for new residential development outside of the Village Containment Boundary.

Policy 13.1.2

The Rural Residential designation 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 housing option.

Policy 13.1.4

Lands designated as Rural Residential (RR) are located outside the village containment boundaries and are intended to remain rural.

Policy 13.1.7

To provide an additional affordable housing option, one single family dwelling and one secondary suite or secondary dwelling unit will be permitted in the Rural Residential designation, provided that:

- a) the subject parcel is at least 1.0 ha in size, or
- b) the parcel is at least 0.4 ha in size and is connected to a community water system.

Policy 13.1.8

The Zoning Bylaw, when implemented, will allow for a home occupation on a parcel within the Rural 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 residential areas. Uses that may be unsightly or create a nuisance by noise, dust, and odour will be prohibited.

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 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.

By applying amenity zoning:

- a. The CVRD may accept the provision of an amenity or a contribution toward an amenity on the subject property or within the VCB; or
- b. The CVRD may accept cash-in-lieu of amenities, and subsequently provide amenities within the VCB through a capital program.

The CVRD may require the amenity or amenities by the developer prior to granting a subdivision or occupancy permit, require the registration of a covenant on title to ensure the amenity is provided, include the amenity as a requirement in a housing agreement or require an irrevocable letter of credit equal to the value of the amenity contribution, to be held as a security, to cover the costs of providing the amenity in the event of default. Community amenities to be considered during a rezoning process should include but not be limited to:

- a. Subsidized, cooperative, or non-market affordable housing units;
- b. Parkland dedication in excess of the 5% required under the *Local Government Act*;
- c. Provision of open spaces and improvements for the benefit of the public;
- d. Dedication of environmentally sensitive areas;
- e. New recreational facilities or improvements to existing recreational facilities;
- 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);

- g. Sidewalk and trail improvements;
- h. Other amenity contributions approved by the Regional Board; and
- i. Cash in lieu.

Policy 8.2

Site specific conditions, as well as the scope and scale of the project, will determine the specific community amenity contributions that will be required for a rezoning application. Criteria for determining priority among possible amenities will include:

- a. Affordable housing potential and need;
- b. Site characteristics, including natural features that are environmentally sensitive, or have heritage or recreational value;
- c. Needs of the surrounding community for schools or other amenities; and
- d. The size, location and character of the proposed development, projected population increases, and the potential impacts of the development on existing community infrastructure.

Referral Agency Comments

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

- Shawnigan Lake Volunteer Fire Department – *Approval recommended subject to the following conditions: addresses have to be clearly displayed and driveway access to both properties have to be sufficient for fire apparatus clearance and weight.*
- Vancouver Island Health Authority (VIHA) - *Interests Unaffected.*
- Ministry of Transportation and Infrastructure - *Interests Unaffected.*
- School District No. 79 - *Interests Unaffected.*
- CVRD Public Safety Department – *This property is located within the Shawnigan Lake RCMP Detachment area, is within the British Columbia Ambulance (Station 137) Mill Bay response area, and is within the boundaries of the CVRD Regional Emergency Program.*

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

- *The property is within the Shawnigan Lake Fire Protection Improvement District response area and their input may further affect Public Safety concerns/comments;*
- *The Community Wildfire Protection Plan has identified this area as a moderate risk for wildfire. Appropriate FireSmart principles must be applied; and*
- *All driveways must be designed to allow access to the largest emergency vehicle likely to be operated on the driveway. This includes fire trucks and other emergency vehicles.*
- CVRD Parks and Recreation Department – No comment received.
- CVRD Engineering and Environmental Services – *This property is outside the CVRD water and sewer service areas, but the Carlton Water Improvement District is currently negotiating a CVRD water system take over. Should this take over occur, the Engineering Department recommends that this property join the service area.*
- Malahat First Nation – no comments received.
- Cowichan Tribes – No comments received.

Advisory Planning Commission Comments

The Joint South Cowichan Advisory Planning Commission reviewed this application at its meeting held on September 22, 2011 and made the following recommendation:

That application 1-B-11 RS be approved.

MOTION CARRIED

Planning Division Comments

A review of the applicant's conceptual subdivision plan indicates that it complies with the zoning bylaw regulations regarding minimum parcel size. It also appears that road frontage can be achieved. A more thorough review of the applicant's proposed subdivision plan will take place by CVRD staff when the application is formally referred to the CVRD from the Ministry of Transportation and Infrastructure.

During the application referral process the Engineering and Environment Department indicated that the Carlton Water Improvement District is currently negotiating a CVRD water system take over. The Committee should be made aware that if this system becomes a community water system (as defined in Zoning Bylaw No. 985) and the property is included in the service area, the subdivision potential of the property could increase further. This is because the R-2 zone offers a density benefit to land owners when properties are connected to a community water system. With servicing from a community water system the R-2 zone would permit the subdivision of the property into 0.4 ha (1 acre) lots and the applicant could realistically yield 4 lots after road and park dedication. A small suite or secondary suite would also be permitted on each of the new residential parcels. The Carlton Water System currently does not have enough connections to qualify as a community water system even if the CVRD takes it over. However, this could change if more users connect to the system in the future.

There is no statutory requirement for public land dedication with the subdivision plan the applicant has submitted. It should be noted that in the event the property is subdivided into 3 or more parcels of 2 ha or less in size, park land dedication or cash in lieu of land will be required in accordance with Section 941 of *The Local Government Act*.

The applicant is not proposing a public amenity with this application. A fundamental theme of the new South Cowichan Official Community Plan (SCOCP) is that rezoning for new residential development should contribute toward necessary community amenities to ensure that amenity deficits are not perpetuated and that new residential development does not negatively impact existing amenities. Within the SCOCP amenities are broadly defined and, for example, include the provision of open spaces, parkland in excess of 5% required by the *Local Government Act*, the dedication of environmentally sensitive areas, cash in lieu, sidewalk or trail improvements, new recreational facilities or improvements to existing facilities, and the provision of land for public use. SCOCP Policy 8.1 and Policy 8.2 deal specifically with amenity zoning. Even though the new residential development being proposed with this application is relatively small in scale (one additional lot) Policy 8.1 of the SCOCP suggests that some form of community amenity should be provided.

The proposed application is generally consistent with the SCOC Policies on Rural Residential lands outlined within Section 13 of the Plan. Section 13 reviews the rural residential designation in detail and specifies criteria to be considered when rezoning residential lands outside the Shawnigan Village area. Specifically, the property:

- fronts a public road;
- is not located within the Shawnigan Watershed Boundaries;
- is adjacent to existing R-2 zoned lands;
- has been designated as Rural Residential within the SCOC;
- is within a fire protection area;
- is within close proximity to Shawnigan Village
- is located within an established residential neighborhood;
- accomodates a rural residential lifestyle option outside the Village Containment Boundary; and
- the 1.0 and 1.2 ha parcels being proposed are consistent with the lot sizes in the surrounding area; and
- subdivision of this property would not result in additional parcels adjoining the Rural Resource Designation or Agricultural Designation.

While the Joint Advisory Planning Commission recommended approval of the application and the proposal is generally consistent with the Policies contained within the SCOC, Planning staff are struggling to see how this new residential development contributes towards the provision of community amenities in accordance with Policy 8.1.

It should be noted that if the rezoning application is approved and the land is subdivided and developed, the applicant will need to obtain a Development Permit from the Cowichan Valley Regional District prior to the subdivision of the land.

Options:

Option A:

1. That the draft bylaws for application 1-B-11RS (Creelman) be forwarded to the Board for consideration of first and second reading;
2. That the application referrals from the Shawnigan Lake Volunteer Fire Department; Central Vancouver Island Health Authority, Ministry of Transportation and Infrastructure and School District No. 79 be accepted; and
3. That a public hearing be scheduled with the Electoral Area Directors for Areas B, A, and D appointed as delegates of the Board.

Option B:

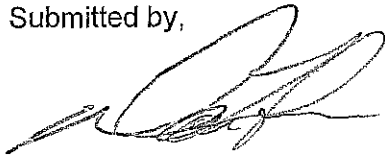
That application No. 1-B-11RS (Creelman) be tabled for up to 60 days to give the applicant an opportunity to consider an appropriate community amenity contribution in accordance with Policy 8.1 of the South Cowichan Official Community Plan.

Option C:

That Application No. 1-B-11RS (Creelman) 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 is recommended.

Submitted by,

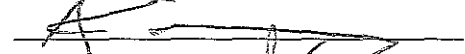


Dana Leitch
Planner II
Development Services Division
Planning and Development Department

DL/ca
attachments

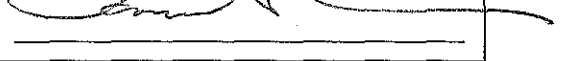
Reviewed by:

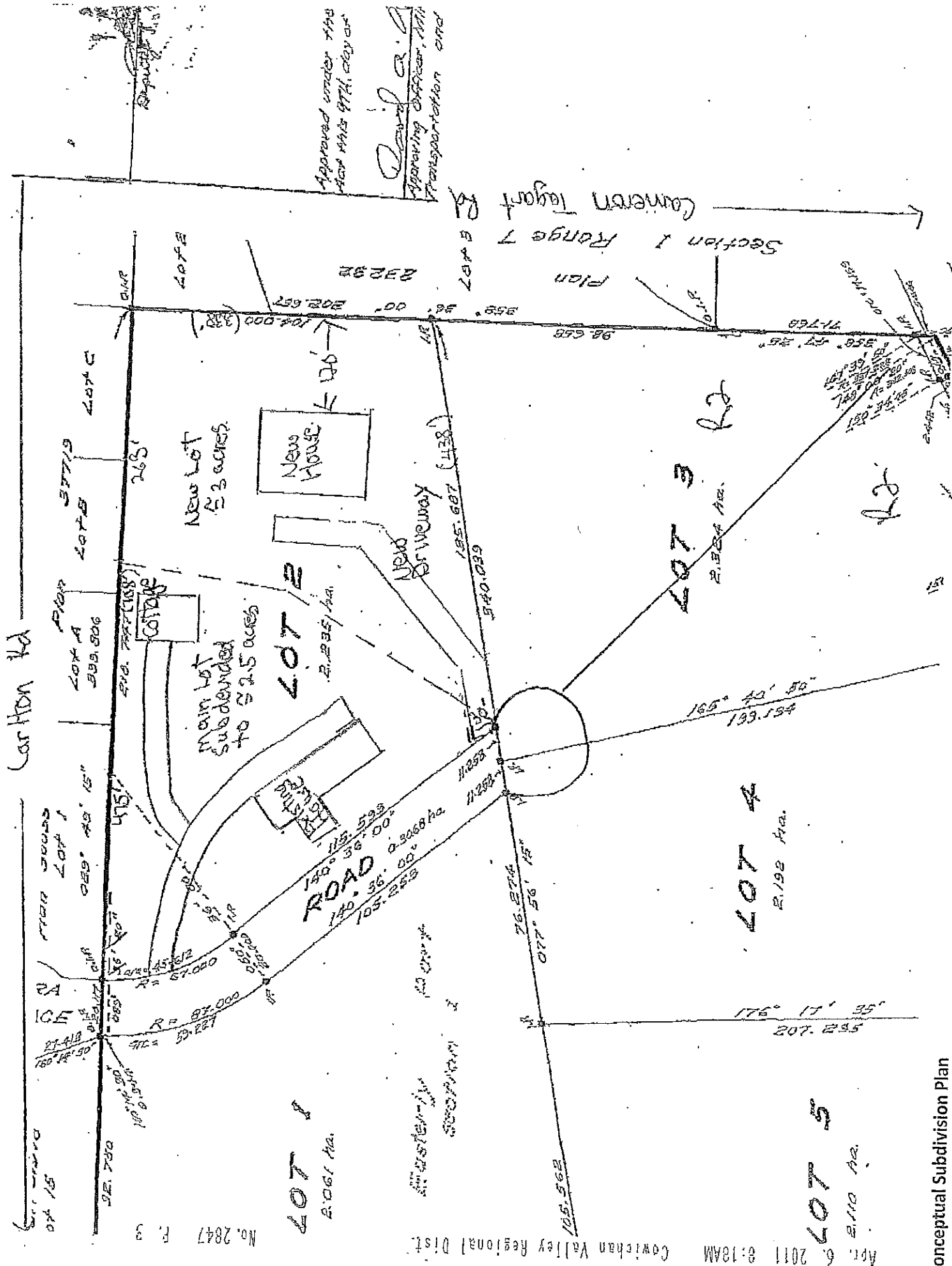
Division Manager:



Approved by:

General Manager:





8.0 RESIDENTIAL ZONES

8.1 R-1 ZONE - RURAL RESIDENTIAL(a) Permitted Uses

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

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

(b) Conditions of Use

For any parcel in an R-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 10 metres except for auxiliary buildings which shall not exceed a height of 7.5 metres;
- (3) the minimum setbacks for the types of parcel lines set out in Column I of this section are set out for residential use in Column II; for agricultural and accessory uses in Column III and for accessory residential uses in Column IV:

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

8.3 R-2 ZONE - SUBURBAN RESIDENTIAL

(a) Permitted Uses

The following uses and no others are permitted in an R-2 Zone:

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

(b) Conditions of Use

For any parcel in an R-2 Zone:

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

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

PART FOURTEEN**AREA SHAPE AND DIMENSIONS OF PARCELS**

- 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 ¹	2 ha ¹	2 ha ¹
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



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 representative.

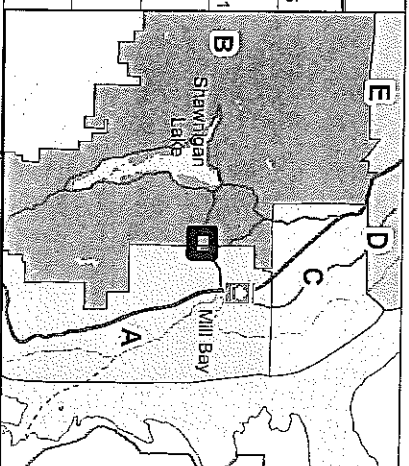
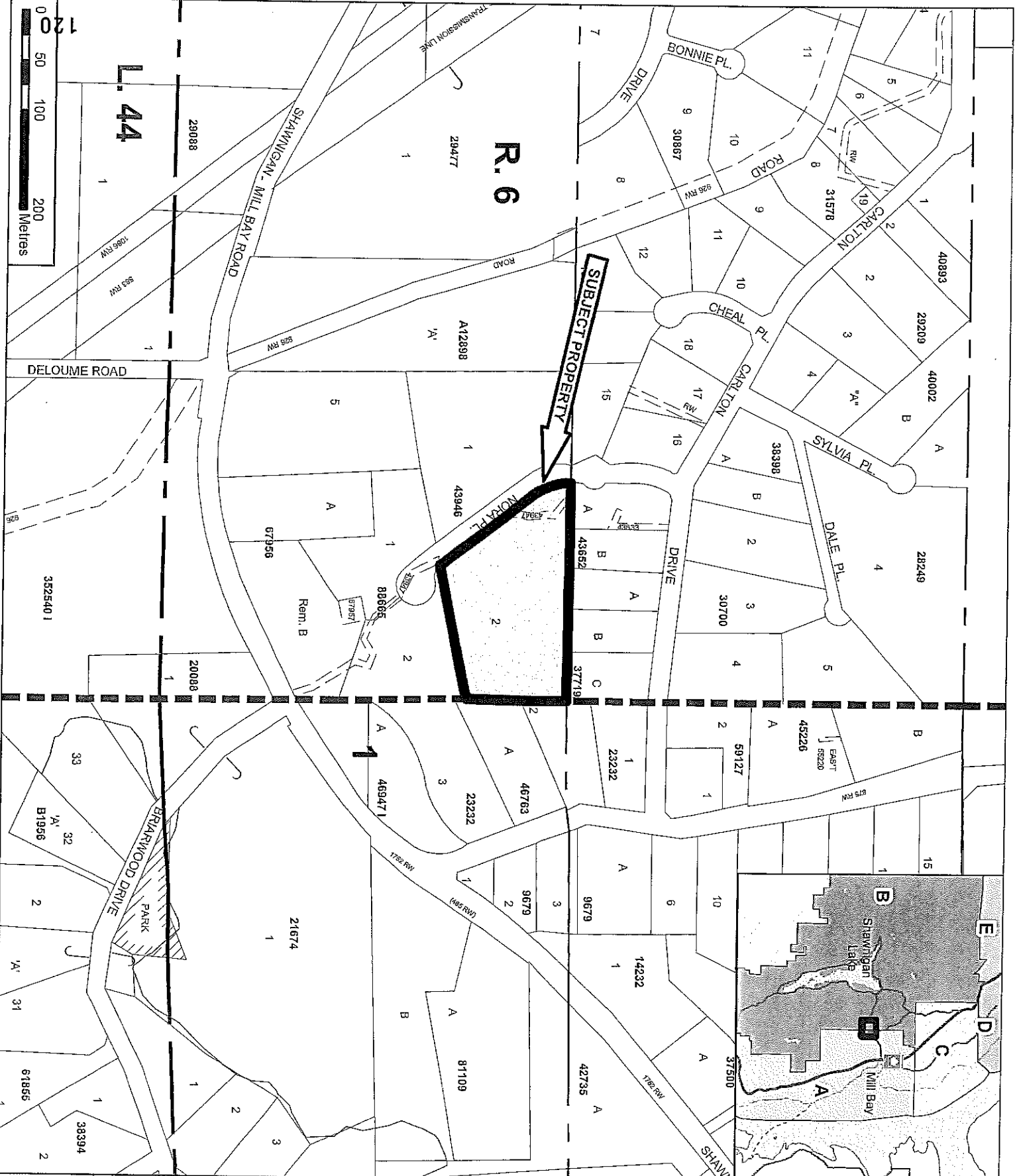
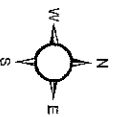
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-B-11-RS

Legend



Subject Property





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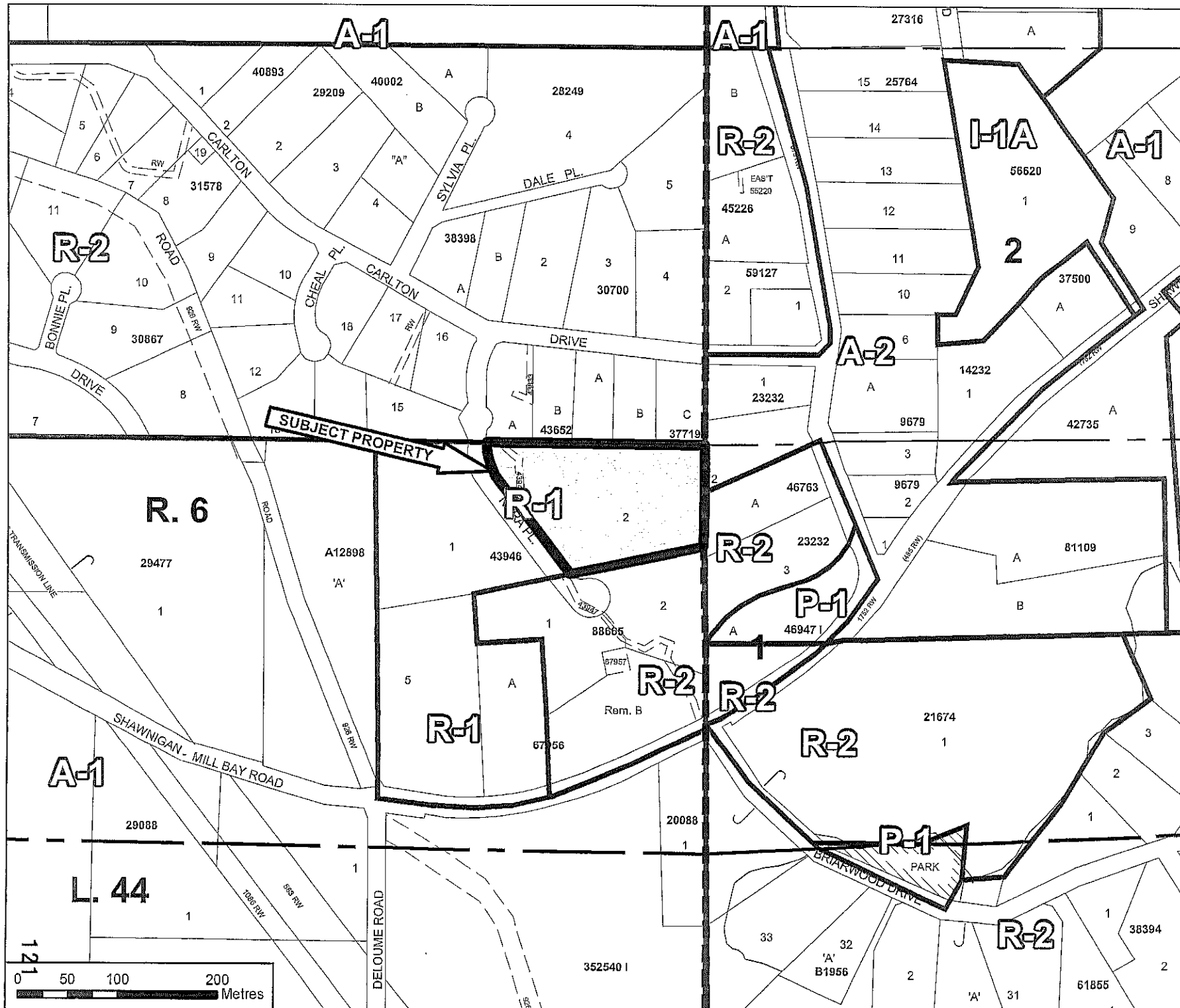
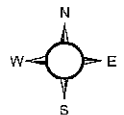
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-B-11-RS

ZONING

Legend

- Subject Property
- Zoning Electoral Area B





Cowichan
Valley
Regional
District

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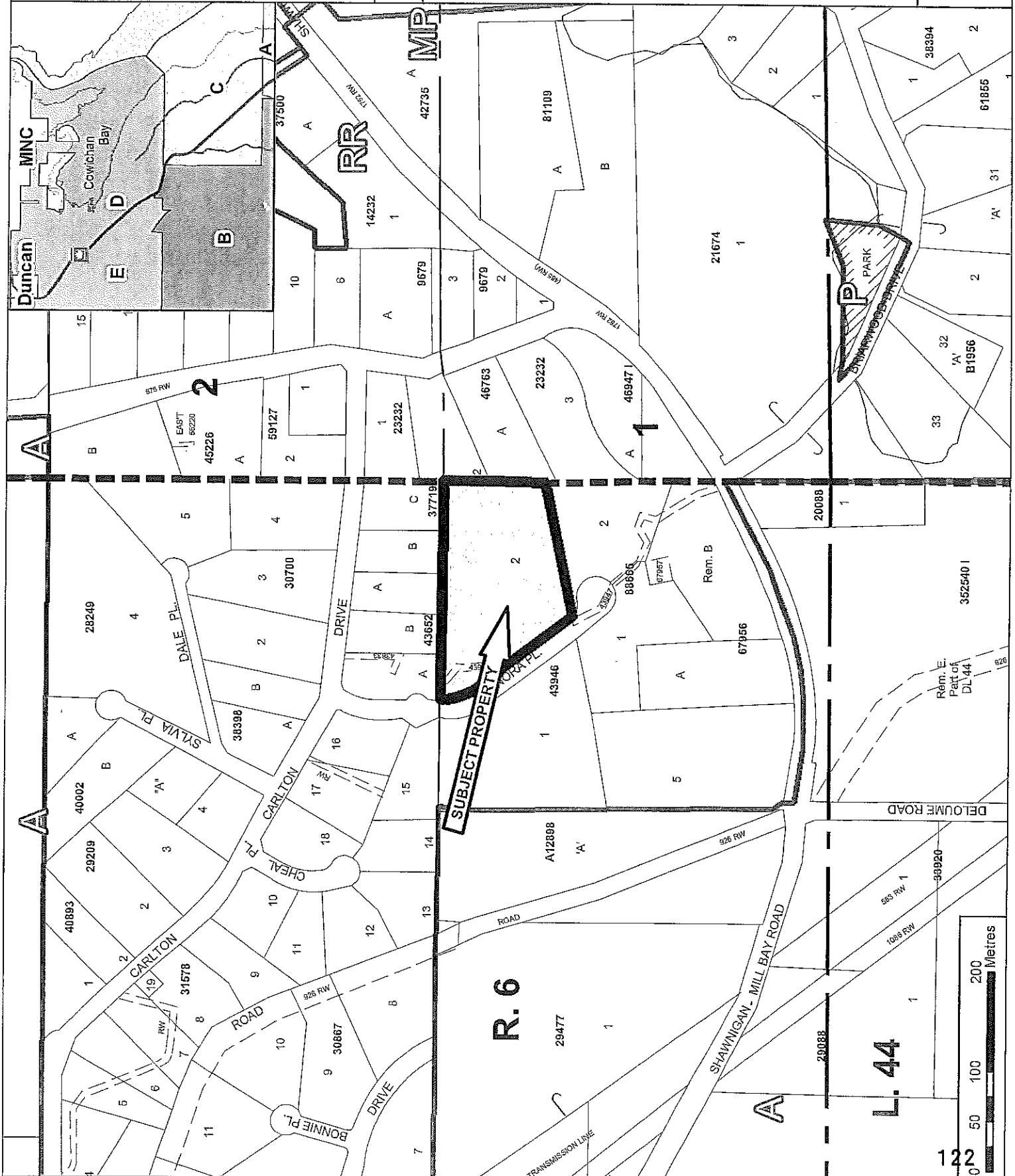
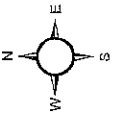
All persons making use of this
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interpretation and application
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File: 01-B-11-RS

OCP

Legend





Cowichan
Valley
Regional
District

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

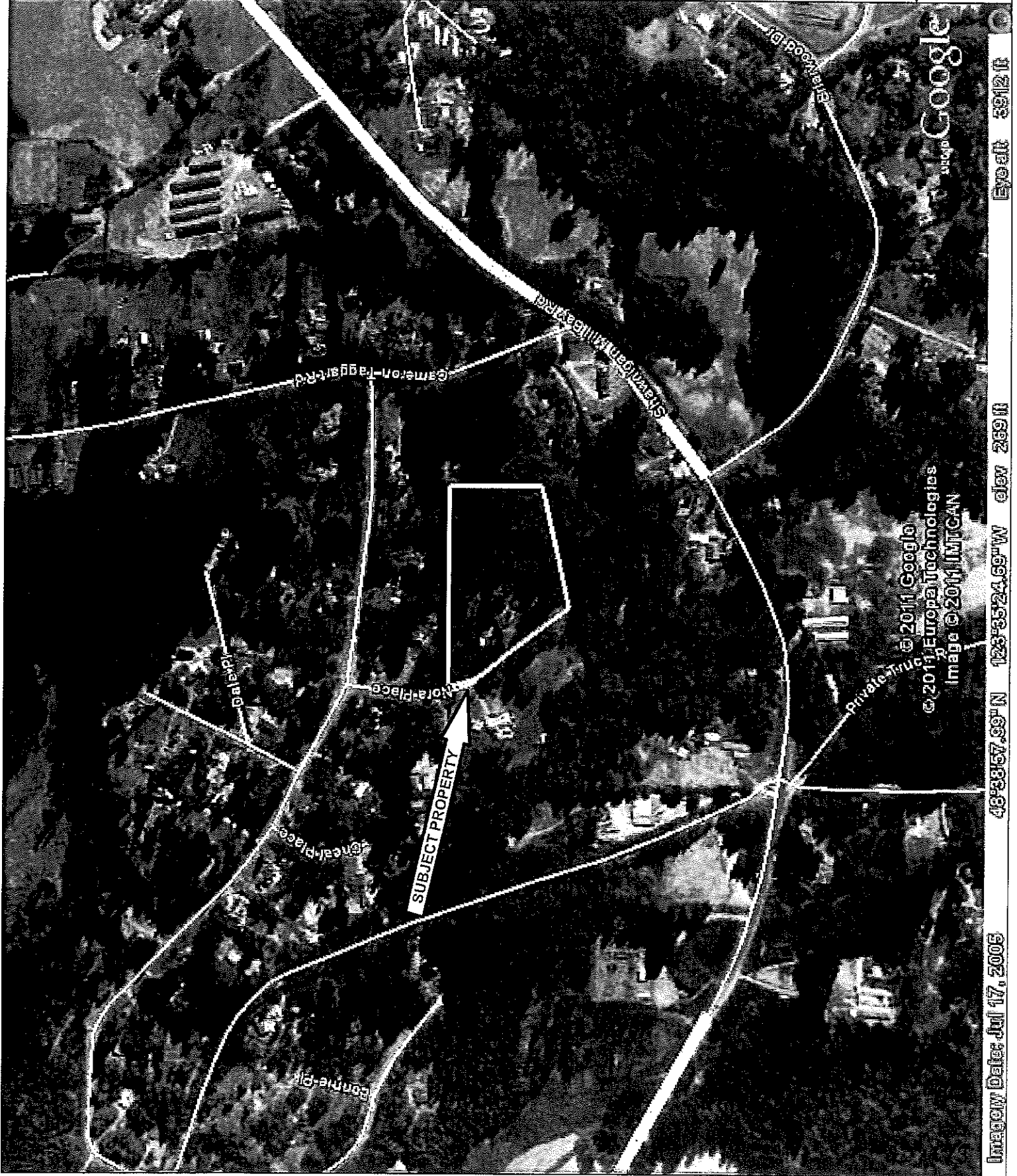
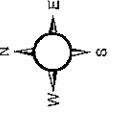
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File: 01-B-11-RS

Google Earth
Photo (2005)



Intercom Date: Jul 17, 2005

48°38'57.69" N 123°35'24.69" W elev 269 m

Eye alt 5912 ft



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.

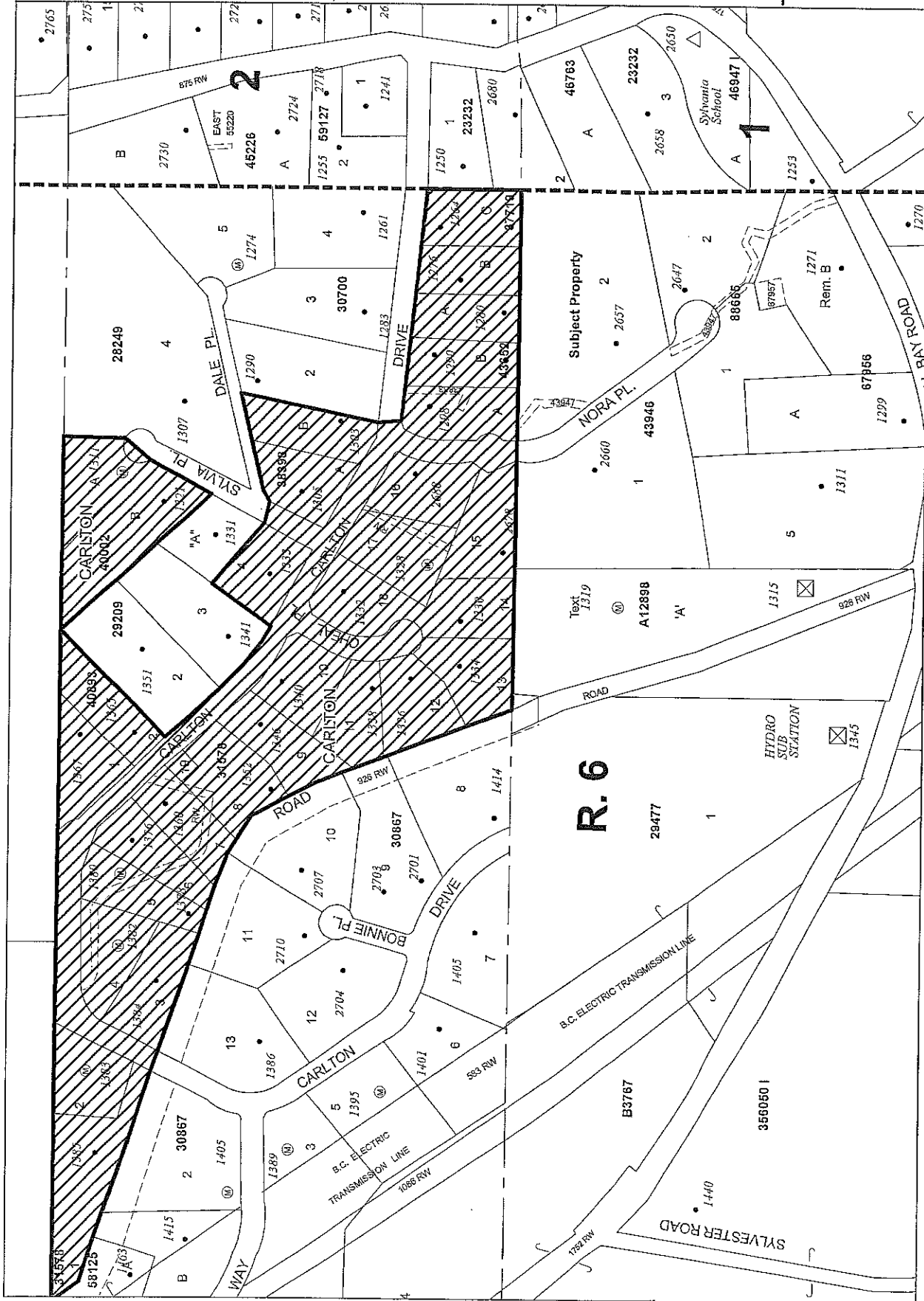
All persons making use of this map should be aware that the information is not intended for legal purposes and that boundaries are not guaranteed.

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

Carlton Water Service Area



Scale: 1:3,026





R6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 17, 2012

DATE: January 11, 2012

FILE NO: 2-E-11 RS

FROM: Dana Leitch, Planner II

BYLAW NO: 1490 & 1840

SUBJECT: Application No. 2-E11RS
(Dave Johel & Dave Mayo for Khalsa Diwan Society)

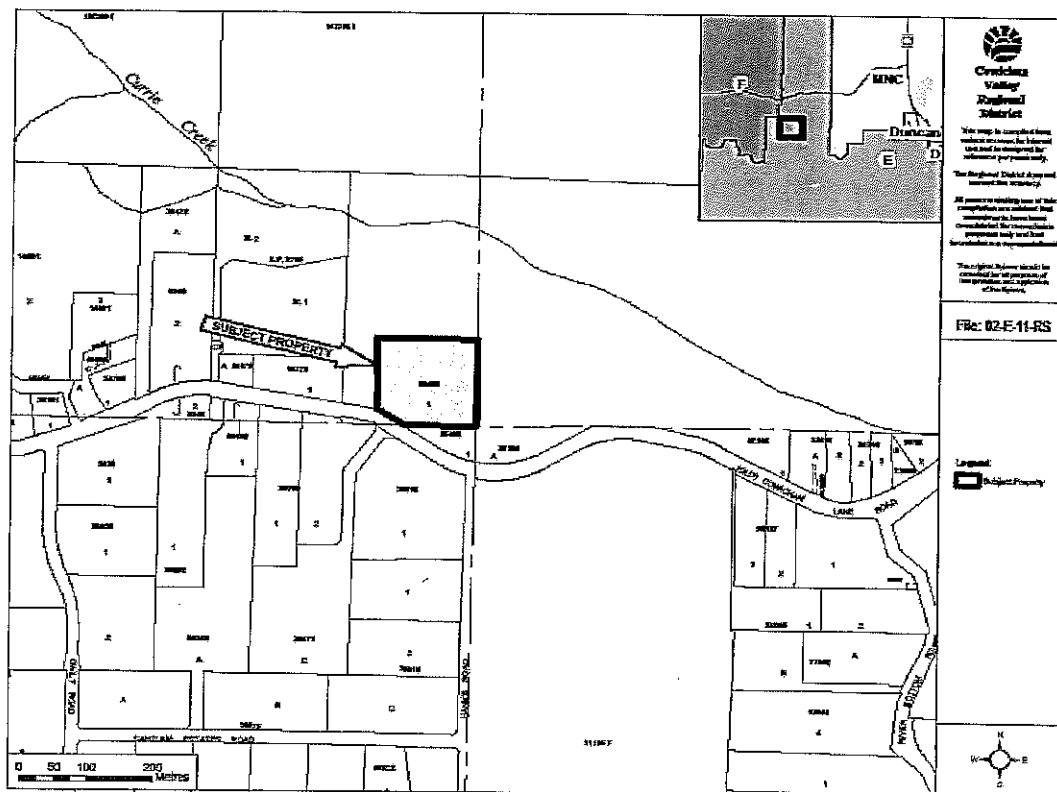
Recommendation/Action:

That Rezoning Application No. 2-E-11RS (Khalsa Diwan Societies) be tabled for 30 working days, until February 28, 2012 so that the applicants have an opportunity to respond to CVRD staff on whether they agree to all of the conditions outlined in option #2 and that after this period the application be referred to the Electoral Area Services Committee for review and further that the applicants be informed that all commercial cremations must cease immediately until the rezoning application is concluded.

Relation to the Corporate Strategic Plan: *n/a*

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

Location Map:



Purpose:

To amend the zoning of a property at 4695 Cowichan Lake Road to permit a second crematorium on the eastern portion of the site.

Background:

Location: 4695 Cowichan Lake Road

Legal Description: Lot 1, Section 9, Range 7, Sahtlam District, Plan 32483 (PID: 000-152-609)

Date Application and Complete Documentation Received: May 18, 2011

Owner(s): Paldi Khalsa Diwan Society, Lake Cowichan Khalsa Diwan Society, Vancouver Island Khalsa Diwan Society, Vancouver Island Sikh Cultural Society

Applicants: David Mayo & David Johel

Size of Land Parcel: 2.03 ha (5.0 ac.)

Contaminated Site Profile Received: Declaration pursuant to the *Environmental Management Act* signed by owners. No schedule 2 uses noted.

Existing Use of Property: There are currently two crematoriums on site.

Existing Use of Surrounding Properties:

North: Suburban Residential (zoned R-2)
 South: Suburban Residential (zoned R-2)
 East: Suburban Residential (zoned R-2)
 West: Suburban Residential (zoned R-2)

Road Access: Cowichan Lake Road

Water: Well

Sewage Disposal: Septic system

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

Environmentally Sensitive Areas: The *Environmental Planning Atlas 2000* does not identify any environmentally sensitive areas on the property.

Archaeological Sites: None identified in CVRD mapping

Fire Protection: Sathlam Fire Service Area

Existing Plan Designation: Suburban Residential

Proposed Plan Designation: Commercial

Existing Zoning: P-1 (Parks and Institutional)

Minimum lot size under existing zoning:

- 0.2 ha for parcels served by a community water system and a community sewer system
- 0.4 ha for parcels served by a community water system only
- 1.0 ha for parcels served neither by a community water or sewer system

Proposed Zoning: A new site specific zone is being proposed for the property

Minimum lot size under proposed zoning: 2.0 hectares

Historical Context:

There are currently two crematoriums and one mobile home located on the property. On the western portion of the site there is a wood burning crematorium and an accessory residence. The wood burning crematorium has been operating since the 1960s and the accessory residence was placed on the property in the 1970's. When the first crematorium was placed onsite Electoral Area E did not have a zoning bylaw in place at that time so the use pre-dates CVRD zoning. In 1977 the subject property was rezoned from R-2 (Suburban Residential) to P-1 (Parks and Institutional) to accommodate the wood burning crematorium and residence. Historically this property has been used for East Indian cremations and associated family gatherings. In 1979 a covenant was registered on the land title to protect the land from further development and to prohibit erection of any additional buildings or structures.

In August 2010 the owners of the property applied to the CVRD for a building permit to construct a second crematorium building on the eastern portion of the site. This permit was issued in September 2010 with the understanding that the original crematorium would be discontinued.

Please see the attached site plan which illustrates Area A where the wood burning crematorium and accessory mobile home is located and Area B where the new crematorium is located.

Property Context

The subject property is located at 4695 Cowichan Lake Road and is slightly over 2.0 hectares in size (5.0 acres). The property is situated within a residential neighborhood and the parcel is surrounded by R-2 (Suburban Residential) zoned land which extends along Cowichan Lake Road. Adjacent land uses are large lot single family residential.

Proposal

This application involves amending the zoning to permit a second commercial crematorium on the eastern portion of the property.

The applicants have indicated that they would like to keep the older wood burning crematorium and the accessory residence on the western portion of the site. The wood burning crematorium would be kept operational so it could be used for traditional Sikh cremations.

The new commercial crematorium located on the eastern portion of the site is presently leased to a licensed funeral home operator from the Cowichan Valley. CVRD staff have had discussions with this operator and have been informed that:

- the crematorium is expected to operate six days per week (Monday -- Saturday) from approximately 8:00 a.m. to 5:00 p.m,
- the occasional cremation will occur on a Sunday,
- emergency cremations at the request of the Medical Health Officer may be done at any time day or night,
- the new crematorium is fully secured and is monitored by Price's Alarm Systems,
- since January 2011 there have been approximately 214 cremations in the new crematorium building,
- the new crematorium is intended to serve residents of the Cowichan Valley, and
- the new crematorium is approximately 1400 ft² in size, is one level, has a two-piece bathroom, contains an office and holds one cremator.

Policy Context

Official Community Plan:

The subject property is zoned Parks and Institutional (P-1) and is designated Suburban Residential in Official Community Plan (OCP) Bylaw No. 1840. The land use surrounding the subject property consists of large lot rural residential properties that are zoned R-2 (Suburban Residential).

The Official Community Plan does not appear to have contemplated the establishment of crematoriums, and provides limited policy direction in regards their use, function or location. However, some related institutional and commercial policies have been identified below.

Policy 11.2.1

Institutional uses may be located in any land use designation in the Plan area and that each proposal should be evaluated based on individual merit and compatibility with surrounding land uses.

Section 11 of the Official Community Plan does speak to institutional uses generally and suggests that the final determination of where an institutional use will be located is a function of land being available, the type of use proposed, and the area of population it will serve.

The institutional establishment excerpt located within Section 11.2 on Page 51 of the OCP encourages us to think about various institutional uses and the type of use and location within the community – including rural communities. It is necessary to remain cognizant of the impact of such uses on adjoining property owners.

Policy 8.2.2

All Local Commercial uses are required to abide by the following site criteria regulations:

- the site may front onto a major local road, but access should be via an adjacent local street;*
- the commercial use will not cause excessive traffic to be generated along a minor local road; and*
- pedestrian walkways should be provided where appropriate.*

Policy 8.11

In order to maintain a generalized approach to land use planning, there shall be one uniform “commercial” designation in the plan map. However, the Regional Board may, in a zoning bylaw, create different commercial zones for different uses or combination of uses.

Commercial Objective 2.2.7 (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.

Zoning

The use of the property for a commercial crematorium does not comply with the covenant registered on the land title and the P-1 Zone permits a crematorium as an institutional use but not for a commercial use. With this proposal, staff feels it is appropriate to apply a new site specific zone to the property that recognizes the commercial nature of the new crematorium.

This proposed new zone would permit one principal use: crematorium. One residence would also be permitted accessory to the principal use. This zone also contains conditions of use (i.e. limits on the number of cremations per annum occurring on the parcel, parcel coverage, building height and structures, and parcel line setbacks).

The minimum parcel proposed in the new zone is 2.0 hectares therefore subdivision of this property is not possible.

Staff has prepared a draft zoning amendment bylaw, the C-6 Zone (Crematorium) which has been attached for your reference.

Electoral Area Services Committee & Public Meeting

On November 1, 2011 the Electoral Area Services Committee reviewed this application and recommended that the draft amendment bylaws be presented at a public meeting to receive input from the community, and further that the application and public meeting minutes be reviewed at a future EASC meeting.

A public meeting was held on this application on November 22, 2011 at the Sahtlam Fire Hall. At this meeting approximately 80 members of the public were present. The public noted a number of concerns and issues related to the commercial crematorium and staff have summarized the key concerns as follows:

- limits should be placed on the commercial business to prevent any future expansion of the commercial crematorium business onsite,
- the commercial crematorium would be better suited on land located within a commercial or industrial area,
- the commercial crematorium should cease operations until the rezoning application is completed,
- a commercial crematorium is not supported within this residential neighborhood,
- the Sikh congregations should be allowed to expand the crematorium for their own traditional use,
- allowing the commercial crematorium to continue operations may set a precedent for anyone wishing to circumvent land-use bylaws in Area E,
- permitting a commercial crematorium on this property may result in increased air pollution, traffic on local roads, and could be detrimental to existing land owners' property values,
- the commercial venture on the property should have been stopped when the CVRD was made aware of the bylaw enforcement issue,
- the commercial crematorium should be moved to another location where there are no children present,
- the CVRD cannot guarantee that there will be no harmful emissions generated from the commercial crematorium over the long term,
- Some residents did not receive a public meeting notice at their home,
- residents are concerned over harmful emissions generated from the commercial crematorium and its effects on human health,
- approving the zoning on this property for commercial use may set a precedent for other commercial for-profit businesses in this residential area,
- residents do not want to have a commercial crematorium in their backyard,
- Mr. Wallace should find a new location for his commercial crematorium,
- the property is used by elk in the area and no fencing should be placed on the property,
- the Director should be dealing with the bylaw enforcement issue in the proper legal manner,
- the residents would like the bylaws to be complied with and if the bylaws are going to be changed there should be better communication with the public, and
- Why was the covenant registered on title was overlooked at the building permit stage?

A number of supportive comments regarding the commercial crematorium were also noted by the public at the meeting:

- the commercial crematorium should be supported. It is preferable to have a crematorium on the site as opposed to a sawmill or other heavy industrial use,
- the commercial crematorium is a good project both spiritually and economically and it should move forward,
- a majority of the residents do not have an issue with the Sikh community having their crematorium onsite and support the property being used in the future as a historical site,

- one resident indicated that he would prefer to see a commercial crematorium onsite as opposed to an alternative industrial use and commented that the building was aesthetically pleasing,
- one resident indicated he was glad that the property is being used for more than it has been in the past,
- The Sikh community is not able to run the new commercial crematorium as the facility needs to be run by a trained technician such as Mr. Wallace. The Cowichan Valley is in need of the facility because currently he has to take his loved ones to Nanaimo to be cremated,
- one resident indicated that he has not noticed any smell, smoke or noise or excessive traffic that would be of a concern to him,
- the community could gain a much needed service that is only available in Nanaimo and Victoria and the facility would add to the local economy,
- the facility is more modern, cleaner and more environmentally friendly than the older wood-burning crematorium onsite, and
- The new gas burning crematorium is a more modern facility and it gives the Sikh community the option of having their loved ones cremated in a wood burning facility or a gas burning crematorium it also enables them to have their loved ones cremated locally rather than in Victoria or Nanaimo.

A copy of the meeting minutes and related correspondence received by CVRD staff has been attached for your reference.

Six letters of support for this rezoning application were received by CVRD staff from neighboring property owners and were submitted prior to the public meeting on November 22, 2011. These letters have been attached to this report for your reference.

Planning Division Comments

Policies within the Official Community Plan that speak to institutional uses and do not specifically address crematoriums as a use within the plan area. However, Section 11.2 of the OCP encourages us to think about various types of institutional uses and their location within rural communities suggesting that we need to remain cognizant of the impact of such uses. The OCP further reiterates that in cases where a public nuisance is created by way of sight, sound, or environmental impacts, the problems should be resolved to ensure impacts are minimized, or by relocating the use elsewhere to a location where a problem would not arise.

With respect to the commercial component of the application, OCP Policy 8.11 supports the development of different commercial zones for different uses or a combination of uses. Policy 8.2.2 establishes specific site criteria for local commercial development emphasizing that commercial sites should be accessed via a local street rather than a major local road, that excessive traffic should not be generated along minor local roads and that pedestrian walkways should be provided where appropriate. OCP objective 2.27(b) discourages small scale commercial uses in locations that are isolated from existing commercial areas or have an impact on the rural character of the community or its natural environment.

The rezoning application, including the wood burning crematorium and the new commercial crematorium located on the site, was discussed at great length at a public meeting held on November 22, 2011. In response to neighborhood concerns noted at this meeting, the Electoral Area E Director has proposed a number of restrictions in the C-6 Zone (Crematorium) and has proposed these as conditions of approval for the rezoning application. With regards to the C-6 Zone (Crematorium), it was requested that staff define crematorium within Section 3.1 of the Electoral Area E Zoning Bylaw No. 1840 making reference specifically to a gas burning crematorium. Conditions of use within the C-6 zone have been developed, including, establishing a maximum number of cremations that can occur per annum on the parcel (i.e. 400) and a condition that specifically excludes morgue facilities from being permitted on the parcel. A full list of conditions are provided in option #2 at the end of this report.

It should be noted that the wood fired crematorium would be permitted to continue to operate on the property as a lawful non-conforming use but would be phased out over 10 years.

Rationale for the Maximum number of Cremations (400) in the C-6 Zone

According to statistics released by the British Columbia Vital Statistics Agency, there were 461 deaths in the Cowichan Local Health Area in 2010. The Cowichan Local Health Area covers approximately 744 square kilometers and includes the following communities: Shawnigan Lake, Cobble Hill, Mill Bay, Duncan and North Cowichan. The Lake Cowichan Local Health Authority reported 61 deaths in 2010. The Lake Cowichan Local Health Authority covers approximately 2,390 square kilometers and includes the following communities: Lake Cowichan, Youbou, Mesachie Lake and Honeymoon Bay. The Ladysmith Local Health Area reported 224 deaths in 2010. The Ladysmith Health Area covers approximately 442.2 square kilometers and includes the following communities: Ladysmith, North Cowichan, and Chemainus (British Columbia Vital Statistics Agency [BCVSA], 2010). This represents a total of 746 deaths in these three Local Health Areas.

If we assume that 80% of the total number of deaths in these three Local Health Areas involved cremation, there would be a total of 597 deaths involving cremation. A maximum of 400 cremations per annum represents approximately 67% of the cremations in the Cowichan Valley that would be permitted to be conducted on the subject property with the proposed zone.

Covenants

Regarding covenants, the Electoral Area E Director has requested that the existing covenant remain on the land title. Further a new covenant is being requested for registration on title. This covenant would:

- 1) state the conditions of use on the property (i.e. the maximum number of cremations on the parcel cannot exceed 400 per annum and no morgue facilities are permitted on any parcel in the C-6 zone);
- 2) state the wood burning crematorium can remain operational for a 10 year period and can be utilized a maximum number of 5 times per annum and that after the 10 year period it would remain on the property as a historic building for use by the Sikh congregations;
- 3) require the Khalsa Diwan Society provide an annual report to the Cowichan Valley Regional District that would include the total number of cremations that occur on the property per annum;
- 4) state no commercial signage be permitted on the property; and
- 5) state the gas burning crematorium only be permitted to contain one cremator.

Additionally, the Electoral Area E Director would also like an excerpt added in the new covenant that states that if the bylaw is challenged then the entire bylaw would be null and void.

The Electoral Area E Director also has suggested the applicants be required to provide a bond of \$20,000 in the form of an Irrevocable Letter of Credit for the purpose of ensuring the conditions contained within the zoning bylaw and covenants are upheld. If violation of any of the conditions occurs the Cowichan Valley will be able to draw part of the letter of credit or its entirety to fund the legal costs associated with enforcement. Examples of a breach of these conditions include the lack of reporting on the maximum number of cremations by the Khalsa Diwan Society to the CVRD on the maximum number of cremations occurring in each of the crematoriums on the property per annum and if the maximum number of cremations occurring on the subject property is exceeded.

As a condition, the Director and CVRD staff are recommending up to \$10,000 be paid to the CVRD for legal fees and costs associated with drafting the bylaws and the covenants associated with this rezoning application.

CVRD Planning staff are supportive of applying some of the aforementioned restrictions on the new commercial crematorium such as limiting the crematorium building to one cremator, prohibiting commercial signage from being placed onsite, and prohibiting morgue facilities on the parcel. Staff also feel it is reasonable that the applicants pay a portion or all of the legal fees and costs associated with drafting the bylaws and covenants related to this rezoning application as the application fee does not cover these costs.

If the restrictions noted above were placed on the property through the use of a new covenant, the applicants would have to agree to these restrictions and the registration of this covenant.

In a recent discussion with staff, the applicants have indicated that they have concerns with some of the restrictions being proposed. Firstly, the maximum number of cremations that are permitted in the proposed C-6 Zone (i.e. 400), the applicants would like this number to be increased. Secondly, the applicants have concerns over the \$20,000 bond being required, they have indicated that it will create hardship for the parties/societies involved. Thirdly, the park/trail dedication needs to be discussed with the other parties/societies involved.

The CVRD Parks and Trails Division has reviewed the rezoning application and have indicated that the subject property is immediately in line with a piece of property that the CVRD Parks and Trails Division and the Local Area E Parks Commission are interested in securing for a trail corridor. A 10 metre wide park/trail corridor along the eastern boundary of this subject property would provide for the start of a connection of a trail from the Old Cowichan Lake Road heading north towards the Inwood Creek Estates Development where park dedication is requested to be coming across to the CVRD and will provide the final connection to the Cowichan Valley Trail that runs parallel to Highway 18. The trail corridor has been briefly discussed with the applicants and they are open to the idea of a statutory right of way to provide public access on the land but further details around this access have not been discussed in any great detail nor have been confirmed by the applicants.

The applicants have requested additional time so that they may have discussions on the conditions being proposed with this rezoning application with the other parties/societies involved.

To provide the applicants with some time to discuss the application and proposed conditions with the other parties/societies involved, staff are recommending that the application be tabled for a period of 30 working days, until February 28, 2012. Also, given the ongoing neighborhood concerns related to this application staff are recommending that the applicants be requested to cease all commercial crematorium operations until the rezoning application is concluded.

Options:

Option 1:

That Application No. 2-E-11RS (Khalsa Diwan Societies) be denied and further that the applicants be requested to cease all commercial crematorium operations immediately.

Option 2:

1. That application 2-E-11RS (Khalsa Diwan Societies) be approved subject to the following conditions:
 - a) That the total number of cremations occurring on the subject property shall not exceed 400 cremations per annum;
 - b) That no morgue facilities be permitted on the parcel;
 - c) That the applicant agrees to register a new covenant on the land title that:
 - 1) states the conditions of use on the property (i.e. that the total number of cremations occurring on the subject property shall not exceed 400 per annum and that no morgue facilities be permitted on the parcel);
 - 2) states that the wood burning crematorium can remain operational for a 10 year period and can be utilized a maximum number of 5 times per annum and that after the 10 year period it can remain on the property as a historic building for use by the Sikh congregations;
 - 3) requires the Khalsa Diwan Society provide an annual report to the Cowichan Valley Regional District that would include the total number of cremations that occur on the subject property per annum;
 - 4) states no commercial signage shall be permitted on the property;
 - 5) states that the gas burning crematorium only be permitted to contain one cremator; and
 - 6) states that if the bylaw is challenged then the entire bylaw is null and void.
 - d) The applicants provide a bond of \$20,000 in the form of an Irrevocable Letter of Credit for the purpose of ensuring the conditions contained within the zoning bylaw and covenants are upheld;
 - e) That the applicants pay up to \$10,000 be towards the legal fees and costs associated with drafting the bylaws and the covenants associated with application 2-E-11RS; and
 - f) That the existing covenant that registered in 1979 remain on the land title.
2. That the draft bylaws for application 2-E-11RS (Khalsa Diwan Societies) be forwarded to the Board for consideration of first and second reading;
3. That the application referrals from the Vancouver Island Health Authority; Ministry of Transportation and Infrastructure; and School District No. 79 be accepted; and
4. That a public hearing be scheduled with Directors Duncan, Morrison, and Fraser appointed as delegates of the Board.

Option 3:

That Rezoning Application No. 2-E-11RS (Khalsa Diwan Societies) be tabled for 30 working days, until February 28, 2012 so that the applicants have an opportunity to respond to CVRD staff on whether they agree to all of the conditions outlined in option #2 and that after this period the application be referred to the Electoral Area Services Committee for review and further that the applicants be informed that all commercial cremations must cease immediately until the rezoning application is concluded.

Option #4

1. That application 2-E-11RS Khalsa Diwan Societies) be approved and the draft bylaws be forwarded to the Board for consideration of first and second reading;
2. That the application referrals from the Vancouver Island Health Authority; Ministry of Transportation and Infrastructure; and School District No. 79 be accepted; and
3. That a public hearing be scheduled with Directors Duncan, Morrison, and Fraser appointed as delegates of the Board.

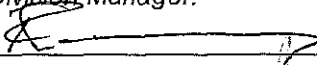
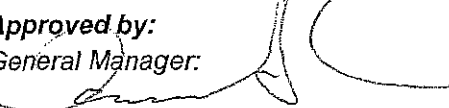
Option 3 is recommended.

Submitted by,



Dana Leitch,
Planner II
Development Services Division
Planning and Development Department

DL/ca

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

References

British Columbia Vital Statistics Agency (2010). Vital Event Statistics by Local Health Area, Quarterly Digest 1: 2010, page 2.

British Columbia Vital Statistics Agency (2010). Vital Event Statistics by Local Health Area, Quarterly Digest 2: 2010, page 2.

British Columbia Vital Statistics Agency (2010). Vital Event Statistics by Local Health Area, Quarterly Digest 3: 2010, page 2.

British Columbia Vital Statistics Agency (2010). Vital Event Statistics by Local Health Area, Quarterly Digest 4: 2010, page 2.

SKETCH PLAN OF
LOT 1, SECTION 9, RANGE 7,
SAHTLAM DISTRICT,
PLAN 32483.

SCALE 1 : 1000



All distances are in metres.

Note: Lot 1 lies within the C.V.R.D.
Area E and is Zoned P-1.
Bylaw setback requirements are as follows:
All Buildings & Structures:
Front 6.0 m
Side (Interior) 6.0 m
Side (Exterior) 6.0 m
Rear 6.0 m

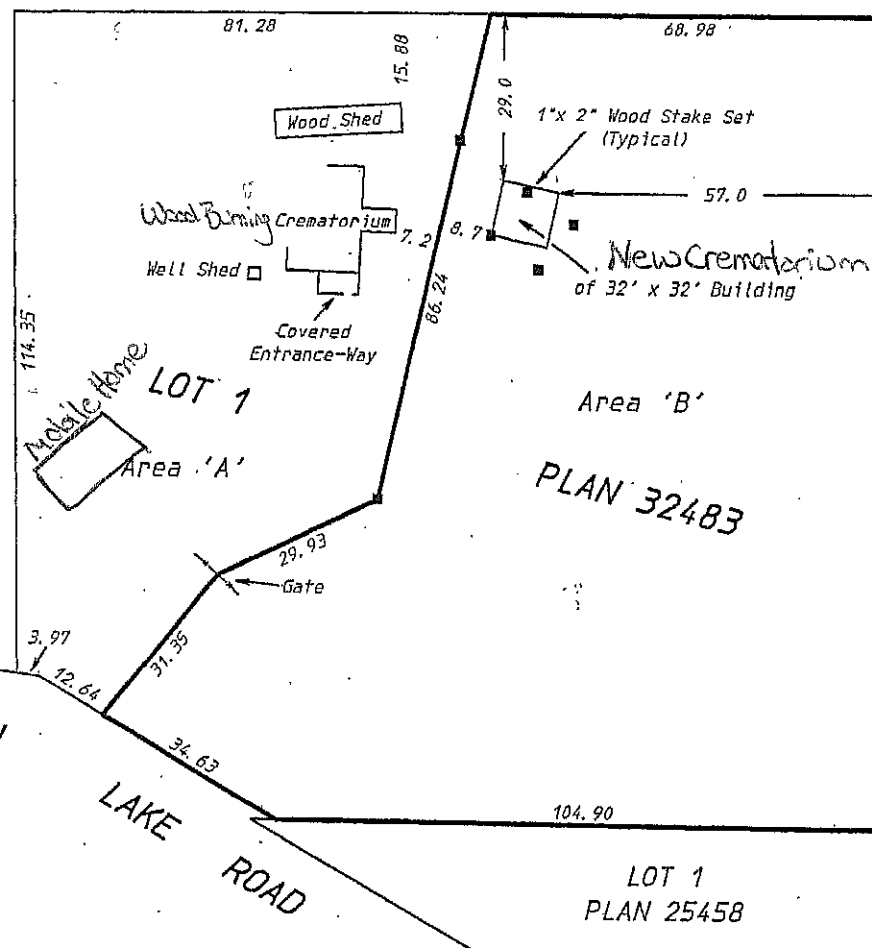
REFERENCE TABLE	
DESCRIPTION	AREA
AREA 'A'	± 0.72 ha
AREA 'B'	± 1.31 ha

COWICHAN

LAKE ROAD

Rem South East 1/4
of Section 9 Range 7

RANGE 7
RANGE 8



South 1/2 of Section 9 Range 8

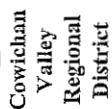
SECTION 9
SECTION 8

LOT A
PLAN 38195



Site Plan
Not to scale

000-152-609



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

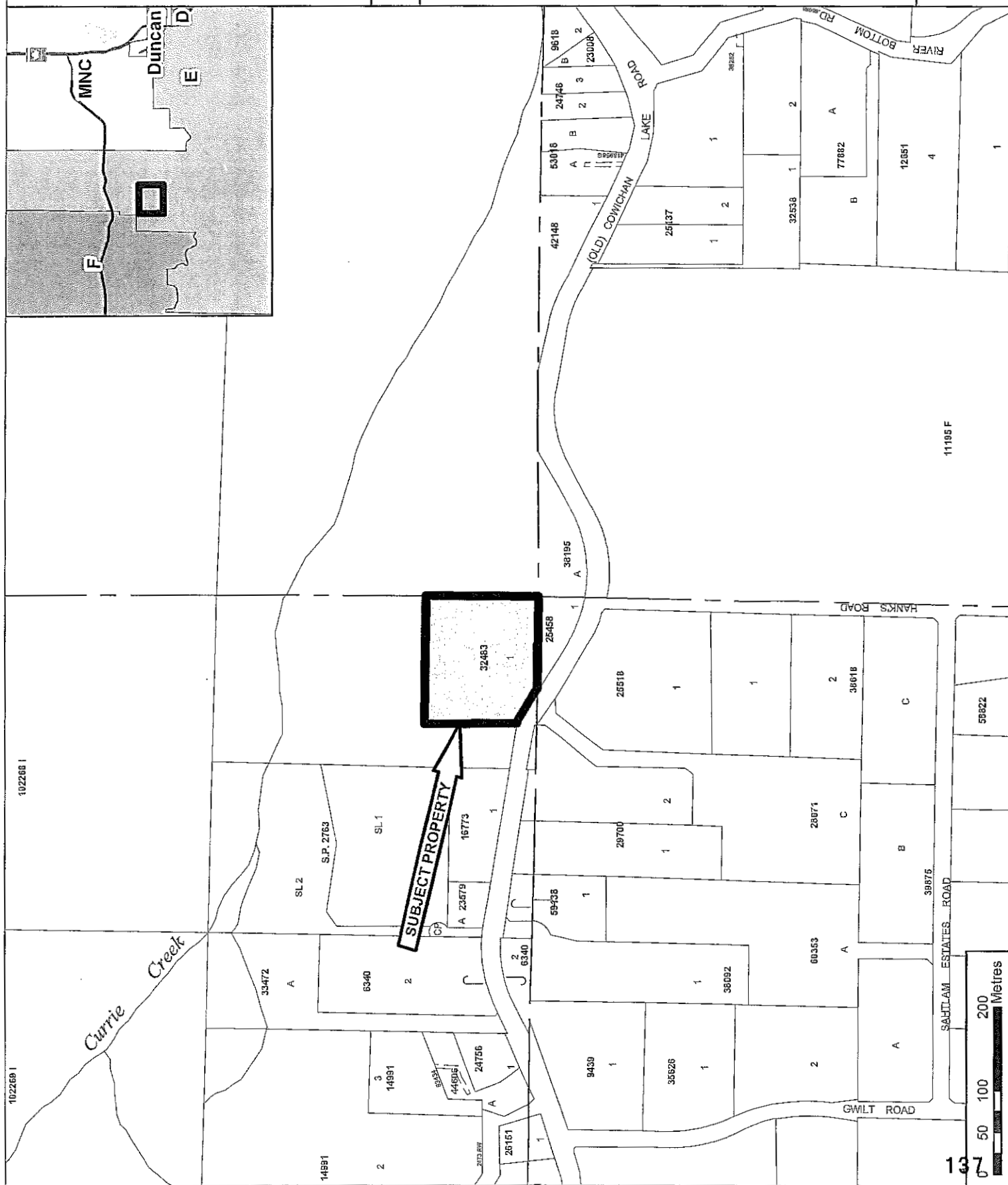
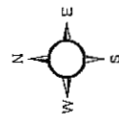
The Regional District does not warrant the accuracy.

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-RS

Legend





Covichan
Valley
Regional
District

138

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

The Regional District does not warrant the accuracy.



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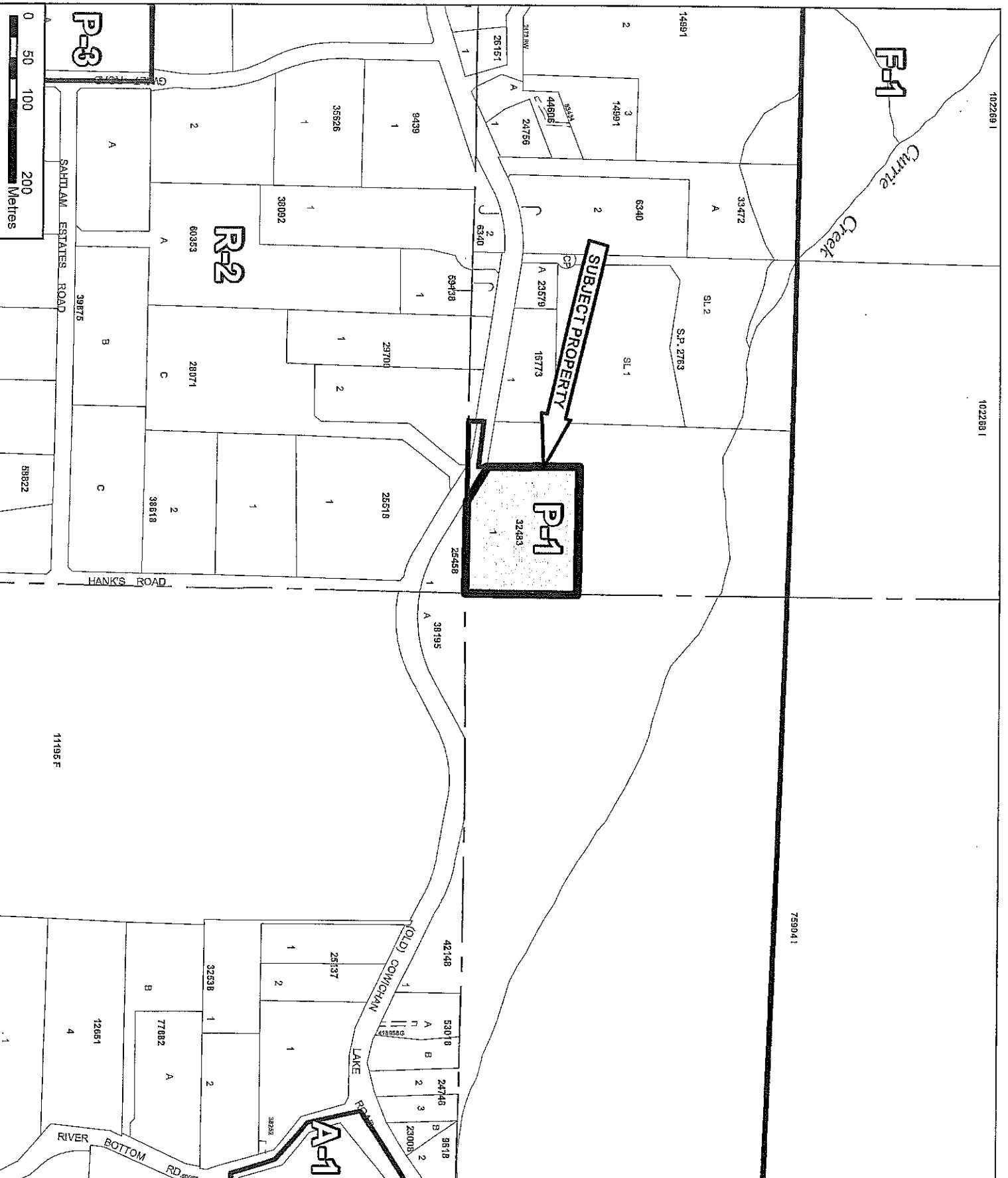
The original Bylaws should be consulted for all purposes or interpretation and explanation of the Bylaws.

File: 02-E-11-RS

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area E





Covvelhan
Valley
Regional
District

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various sources for internal
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reference purposes only.

The Regional District does not
warrant the accuracy.


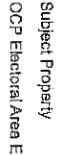
All persons making use of this
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consolidated for convenience
purposes only and that
boundaries are representational.

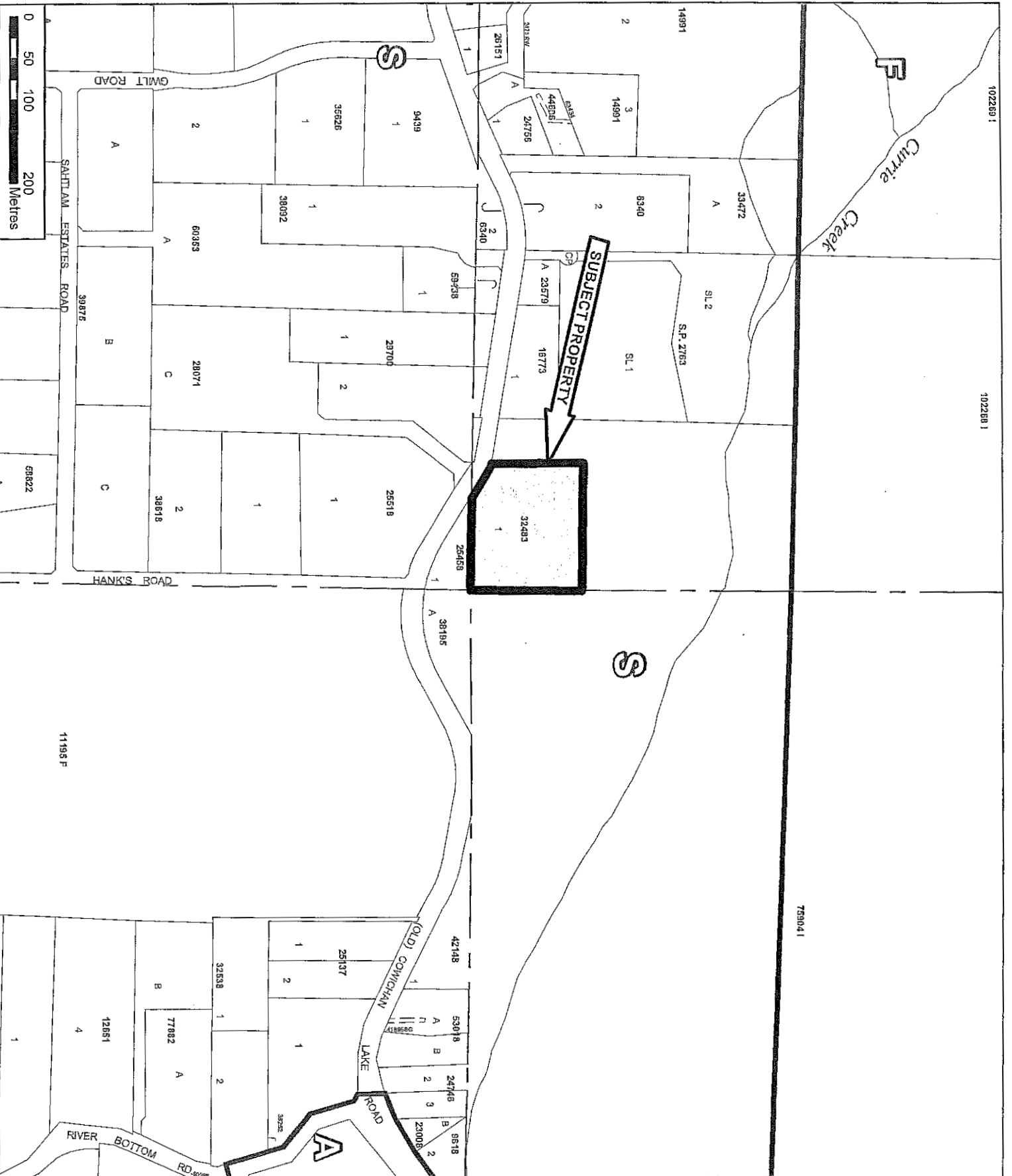
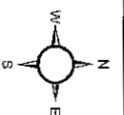
The original Bylaws should be
consulted for all purposes of
interpretation and application
of the Bylaws.

File: 02-E-11-RS

OCP

Legend

-  Subject Property
-  OCP Electoral Area E





Cowichan
Valley
Regional
District

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The Regional District does not warrant the accuracy.

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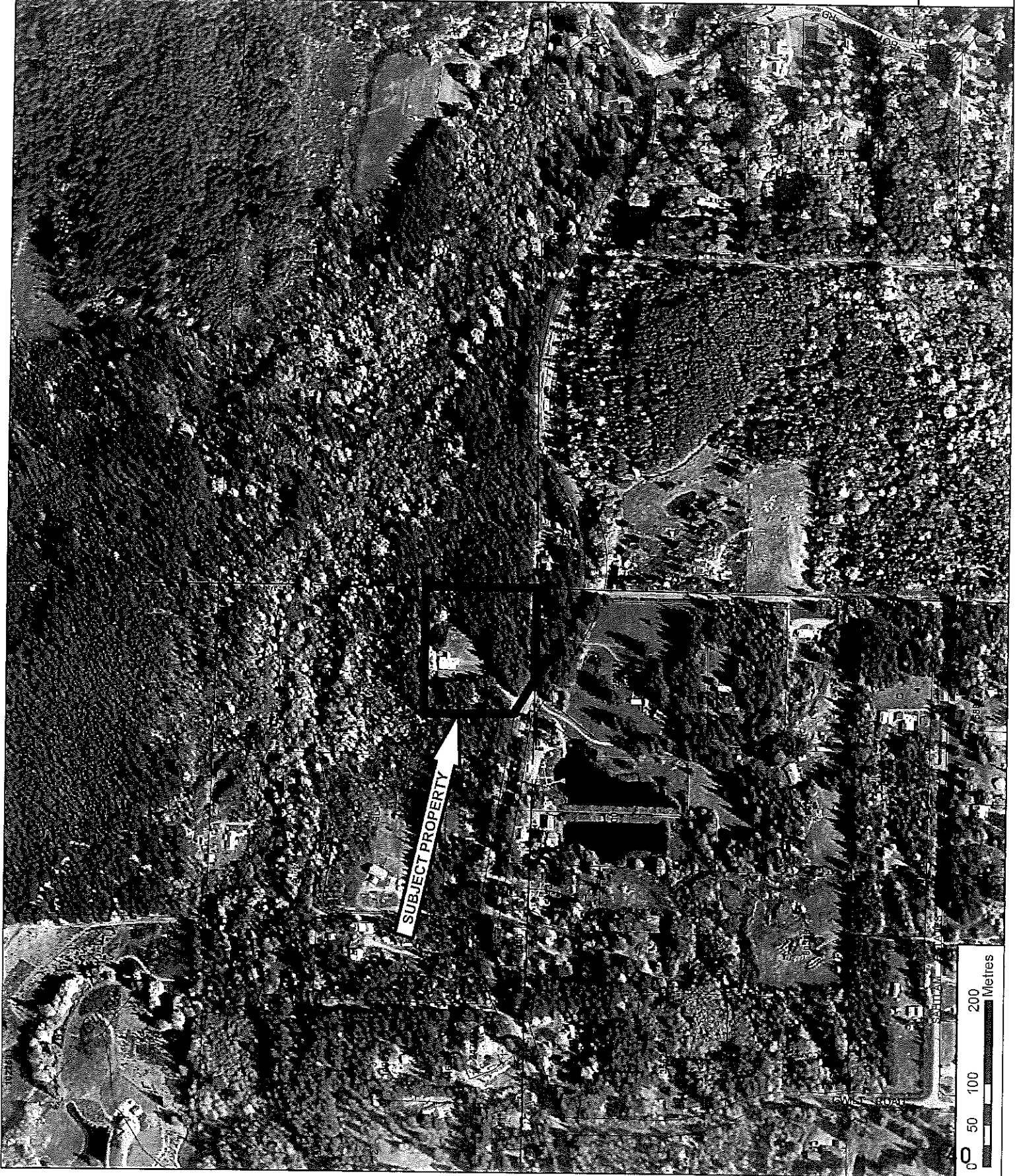
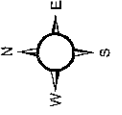
File: 02-E-11-RS

Orthophoto (2004)

Legend



Subject Property





DRAFT

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. XXXX

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 assembled, enacts as follows:

1. CITATION

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3338 - Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Khalsa Diwan Societies), 2011**".

2. AMENDMENTS

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

a) That the following definitions be added to Section 3.1

"crematorium" a building or structure containing a furnace fuelled by gas used for the cremation of bodies to ashes but excludes morgue facilities

"morgue facilities" a building, structure or room where dead bodies are kept before cremation

b) That Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is amended by adding "C-6 Zone- Crematorium" to Section 6.1 – Creation of Zones.

- c) That Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is further amended by adding the following after Section 9.4:

9.5 C-6 ZONE – CREMATORIUM

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

(a) Permitted Uses

The following *uses*, *uses* permitted under Sections 4.4 and 4.5, and no others are permitted in the C-6 zone:

- (1) *Crematorium*;
- (2) One single family dwelling *accessory* to a use permitted in Section 9.5 (1).

(b) Conditions of Use

For any *parcel* in the C-6 zone:

- (1) The maximum number of cremations cannot exceed 400 cremations per annum;
- (2) *Morgue facilities* are not permitted on any parcel in the C-6 Zone;
- (3) the *parcel coverage* shall not exceed 40% for all *buildings* and *structures*.
- (4) the *height* of all *buildings* and *structures* shall not exceed 12.0 metres
- (5) the minimum *setbacks* for the types of *parcel* lines set out in Column I of this Section are set out for all buildings and structures in Column II.

COLUMN I Type of Parcel Line	COLUMN II Buildings & Structures
Front	6.0 m
Interior Side & Exterior Side	6.0 m
Rear	6.0 m

(c) Minimum Parcel Size

Subject to Part 12, the minimum *parcel* size shall be 2 ha.

- d) That Schedule B (Zoning Map) to Electoral Area E – Cowichan

Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is amended by adding Crematorium (C-6 Zone) to the legend.

- e) That Schedule B (Zoning Map) to Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is further amended by rezoning Lot 1, Section 9, Range 7, Sahtlam District, Plan 32483 as shown outlined in black on Schedule A attached hereto and forming part of this bylaw, numbered Z-xxxx from Parks and Institutional (P-1) to Crematorium (C-6 Zone).

3. FORCE AND EFFECT

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

READ A FIRST TIME this _____ day of _____, 2012

READ A SECOND TIME this _____ day of _____, 2012

READ A THIRD TIME this _____ day of _____, 2012

ADOPTED this _____ day of _____, 2012

Chairperson

Corporate Secretary

PLAN NO. Z

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



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

 P-1 (Parks and Institutional)

TO

 C-6 (Crematorium)

APPLICABLE

TO ELECTORAL AREA E



DRAFT

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. XXXX

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 "**Cowichan Valley Regional District Bylaw No. XXXX - Area E – Cowichan Station/Sahtlam/Glenora Official Community Plan Amendment Bylaw (Khalsa Diwan Societies), 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 _____, 2012.

READ A SECOND TIME this _____ day of _____, 2012.

READ A THIRD TIME this _____ day of _____, 2012.

ADOPTED this _____ day of _____, 2012.

Chairperson

Secretary



C·V·R·D

SCHEDULE "A"

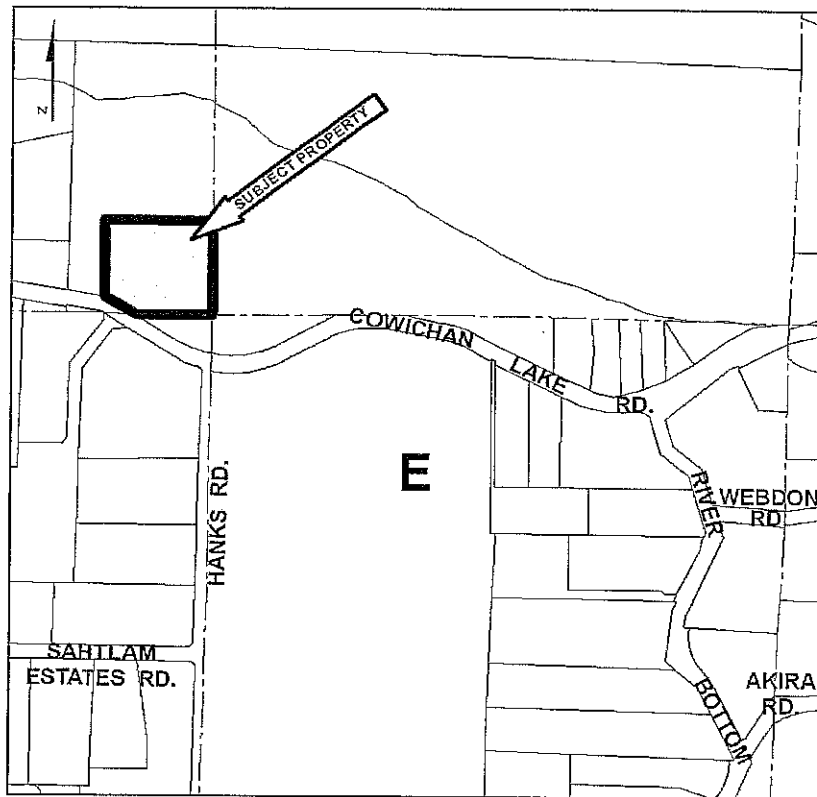
To CVRD Bylaw No. XXXX

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

- a) That Lot 1, Section 9, Range 7, Sahtlam District, Plan 32483, as shown outlined in a solid black line on Plan number Z-xxxx attached hereto and forming Schedule B of this bylaw, be re-designated from Suburban Residential to Commercial and that Schedule B of Bylaw 1490 be amended accordingly.

PLAN NO. Z

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



THE AREA OUTLINED IN A SOLID BLACK LINE IS REDESIGNATED FROM

Suburban Residential

TO

Commercial

APPLICABLE

TO ELECTORAL AREA E



C·V·R·D

PUBLIC MEETING MINUTES

Rezoning Application No 2-E-11RS (Proposed Crematorium) Electoral Area E – Cowichan Station/Sahtlam/Glenora

Following is a summary of the proceedings of the Public Meeting for Rezoning Application No. 2-E-11RS (Dave Johel/Dave Mayo for Khalsa Diwan Society), applicable to Electoral Area E – Cowichan Station/Sahtlam/Glenora, held on Tuesday, November 22, 2011, in the Sahtlam Fire Hall, 4384 Cowichan Lake Road at 7:05 p.m.:

- CHAIRPERSON** Director L. Duncan, Electoral Area E – Cowichan Station/Sahtlam/Glenora, Chairperson
Director I. Morrison, Electoral Area F – Cowichan Lake South/Skutz Falls
- CVRD STAFF PRESENT** Ms. D. Leitch, Planner II, Planning & Development Department
Mr. R. Conway, Manager, Planning & Development Department
Mr. B. Duncan, Manager, Planning & Development Department
Ms. J. Hughes, Recording Secretary, Planning & Development Department
- Members of the Public:
There were approximately 80 members of the public present.
- CALL TO ORDER** Director L. Duncan, Chaired the Public Meeting and called the meeting to order.
- Director Duncan asked for respect at the meeting where everyone can speak their mind, ask for information and feel safe in doing so.
- Director Duncan introduced Director Ian Morrison, Electoral Area F – Cowichan Lake South/Skutz Falls and the CVRD Staff present.
- Director Duncan further introduced the rezoning application applicants, Dave Johel and Dave Mayo, representing the applicant, Khalsa Diwan Society and Harold Wallace, who represents his funeral business service.
- Director Duncan advised:
- A building was built on the subject property with a building permit but the permit did not authorize the commercial business venture on that property.
 - Subject property lacks the proper zoning to operate the commercial business on the site and an application has been made to rezone.
 - Covenant is registered against the property that did not necessarily permit the building to be built.
 - Applicants have applied to change the zoning and are also asking for some forgiveness as a building permit was issued without full disclosure.
 - Discussions have taken place between staff and the applicants.
 - Rezoning Application was forwarded to the Area E Advisory Planning Commission (APC) for review and comment and they recommended that a public meeting be held.
 - Planning staff prepared a report that appeared before the CVRD's Electoral Area Services Committee (EASC) and their recommendation was also to hold a public meeting.

- Results of the public meeting will be reported back to the EASC sometime in January and the Committee will then decide to either deny the application or prepare Bylaws for 1st and 2nd Readings. If Bylaws are granted 1st and 2nd Readings by the Regional Board there would be an official Public Hearing that could possibly be held in February. The Hearing minutes would then be sent onto the Regional Board for either approval of 3rd Reading of the Bylaws or denial of the application. If the Bylaws are granted 3rd Reading there could be some additional covenants required prior to adoption of the Bylaws.

Dana Leitch

Ms. Leitch further advised:

- Subject property is located at 4695 Cowichan Lake Road.
- The property is currently zoned P-1 (Parks and Institutional 1 Zone) and is designated as Suburban Residential within the Official Community Plan.
- The wood burning crematorium on the western portion of the property has been operating since the 1960's and pre-dates CVRD zoning.
- A second crematorium was constructed on the eastern portion of the site in 2010.
- Presently there are 2 crematoriums and an accessory residence on this parcel.
- Proposal involves amending the zoning to a site specific zone that would permit the new crematorium on the eastern portion of the site.
- The applicants are also requesting to maintain the older wood burning crematorium on the western portion of the site so it can continue to be used for traditional Sikh cremations, and over the long term that it remain onsite as a historical building.
- Covenants would be registered on the land that would establish the length of time the wood burning crematorium would remain operational and establish the number of cremations that could take place in the crematorium each year.
- CVRD staff have drafted a zoning amendment bylaw and an official community plan amendment bylaw and they are located at the back table, and I should note that the new site specific zone being proposed for the site only permits 2 uses, crematorium and an accessory residence.
- Comment sheets for members of the public who wish to provide comments on this proposal are also located on the back table.
- The application was reviewed by the Advisory Planning Commission in October 2011.
- The EASC reviewed the proposal on November 1st and recommended that a public meeting occur to receive input from the community on this application, and further that the meeting minutes from tonight along with the application be reviewed at a future EASC meeting which will likely be in the New Year.
- If this application proceeds, a formal public hearing on the application will take place in the future so the public will have future opportunities to provide input on the proposal.

APPLICANT

Dave Johel and Dave Mayo, representing the applicant, Khalsa Diwan Society and Harold Wallace, who represents his funeral business service, were present.

Mr. Johel stated the following with regard to the proposed Rezoning Application:

- The crematorium was established to cremate their loved ones and the old traditional Sikh wood burning cremations have taken place on site since the early 1960's
- Over time there has been a shift away from the traditional method of cremation.
- Presently most Cowichan Valley residents have to take their loved ones to Nanaimo or Victoria for cremation and they would like to see the Cowichan Valley make use of their crematorium.
- A gas fired unit must have a licensed person operating it, so that is when they entered into discussions with Mr. Harold Wallace.
- Unfortunately there were a couple of items missed during the permit stage and they are at the meeting to correct it. They want to make something that will be beneficial to the Cowichan Valley as the Sikh Congregation is not the only ones who use cremation.

Mr. Wallace stated:

- He has been in the Valley for 19 years, his 5-year plan was to have a crematorium and he was approached by the Diwan Society to see if he would be interested to have a crematorium put on their property.
- He opened the doors of the crematorium on January 15th and they use state of the art equipment.
- Propane used is not harmful to public at large, two burners are used and when cremating there is no smoke is emitted. Cremation takes only 2½ hours and it is very clean.
- Cremation is now the trend and is becoming increasingly popular.
- As a funeral home owner he employs staff at the funeral home and one at the crematorium.
- No families go to crematorium as all business is taken care of at his office on Jubilee Street in Duncan.
- Traffic issues have also been reviewed and there will be no traffic impacts generated but noted if there was to be a large turnout on site at the crematorium they would have flag people helping to direct traffic.
- Wants to work with the people not against them.

CORRESPONDENCE

The following information was received:

- 1) Letter from Michael & Linda Lees (EXHIBIT 1);
- 2) Public Meeting Comment Sheets (EXHIBIT 2).

Director Duncan

Asked that questions and comments first be received from the public living close to the crematorium and then the remaining general public can ask their questions or make comments.

Fred Bomford

- Lives about one block away from the crematorium and feels it is a very good project both spiritually and economically and it should go forward.

Ben Sharp, 4805 Cowichan Lake Road

- Would any of the P-1 zoned land be replaced or transferred?

Director Duncan

- No, if approved the zoning would be changed from P-1 to a new commercial crematorium zone.
- If approved the only permitted use on the site would be the crematorium and also noted that a covenant would also be registered on the property

- with regard to the old crematorium on the site.
- Plan for the old crematorium is that it could be used for up to 10 years with up to 5 cremations per year, as it is understood that there are still some Sikh members in the community that want to use the old traditional wood burning crematorium facility.
 - Proposed lot size would not permit subdivision.
 - Caretaker's residence would be accessory to the permitted use.
 - Very narrow and specific zone is being brought forward for the site.
- Ben Sharp**
- Would anyone else be giving up P-1 zoned land in the area as replacement for what is being lost?
- Director Duncan**
- The subject property has been used as a crematorium since the early 1960's which predates zoning and when zoning was brought in it was zoned P-1 (Parks and Institutional).
- Jeff Hunter,
4720 Cowichan Lake
Road**
- Lives directly across from the crematorium site.
 - There were errors and omissions when the building permit was taken out and asked how that happened and what recourse is the CVRD going to apply to the applicants for not being truthful with the building that was built.
- Brian Duncan**
- During the Summer of 2010 he was approached at the CVRD counter by three elder East Indian gentlemen about the crematorium on Cowichan Lake Road and his assumption at the time was that it was going to be "out with the old and in with the new" and that was what they understood until the beginning of the New Year when it was realized that it was now a commercial venture.
- Jeff Hunter**
- Once it was realized it was a commercial venture why was it not stopped?
- Director Duncan**
- No easy answer to his question.
 - Yes the CVRD could have stopped it as they could have applied to the Courts for an Injunction to cease and desist the commercial portion only but noted that the Sikh Congregations could still operate their part.
 - Courts would have asked what is the problem and the answer would be the zoning. If taken before a Judge the question would have been raised why shut down while a rezoning application is active and asked if there was damage being done to the environment, groundwater, and smell, smoke and would want to know what the issue is. The answer would be it is not in compliance with zoning but the applicants were in the process to have it rezoned. It was realized there were some errors and omissions and the owners are humbly begging the community for both the zoning and forgiveness. He personally feels the Judge may have stated that since there was no issue of harm to the public and there is a process in place to resolve it, it may have been permitted to continue until such time as the zoning issue was resolved. If the rezoning process was denied an application to the Court could be made for an injunction to shut it down. Legal action would have taken a lot of the taxpayer's money and does not feel that would have accomplished much more. His decision was that the operation be permitted to continue to operate but they must enter into the rezoning process in a meaningful way which they have done so.
- Jeff Hunter**
- Is Director Duncan an elected official?

- Director Duncan** ➤ Yes.
- Jeff Hunter** ➤ As an elected official the answer he just gave to his question was fear from following the process.
➤ Gentlemen went into the CVRD and mislead them with the wrong information and Director Duncan as an elected official has an obligation to follow the process and he did not and now they were all playing catch-up.
- Director Duncan** ➤ Hoped that it was measured as common sense.
- Jeff Hunter** ➤ Only his common sense, as he did not knock on his door or his neighbour's doors as an elected official.
➤ He does not have an issue with the Sikh community having their ceremonial temple and cremations on site.
➤ Moved onto his property 6 years ago and knew what was across the street from his property and he welcomes it but has a huge issue with a commercial operation moving into a residential neighbourhood.
➤ There is more than enough land in industrial areas to put in such a building.
➤ Wants to see that building moved to another area where there are no children as it cannot be guaranteed to him what the emissions in 10-15 years from now will be.
➤ Does not feel the decision was made in the best interest of the community.
➤ Mr. Wallace only came around to his and his neighbour's doors this past Sunday as he had heard there was opposition to the rezoning.
- Harold Wallace** ➤ He went around on Sunday because he knew everyone living close to the crematorium in the area was issued hand delivered notices.
➤ Entered into a Lease Agreement with the East Indian community as he does not own the land.
➤ Has been in his profession for 26 years, in the Valley for 20 years and they want an option for families to be cremated in the Cowichan Valley.
➤ He was invited to the site as there was already a crematorium on the premise.
- Jeff Hunter** ➤ Why does the public have to forgive him?
➤ Never received a notice.
- Lindsay Sharp,
Cowichan Lake
Road** ➤ She is a nurse and stated that the comment that the omissions do not cause any long term effects concerns her as she has learnt from her four years of schooling that it does and she could bring forward studies that showed all the facts.
➤ Concerned about the children living in the area.
➤ Move it into an industrial area or apply to change zoning somewhere else.
➤ Agrees Sikhs should have their crematorium on the site.
➤ People will sue if cancer occurs from the omissions.
➤ Asked if Mr. Wallace lives in their community and would he want a crematorium in his backyard.
➤ Once zoning exists who is to say they will not ask for another type of zoning on site and this will only open the doors to allow other things in their community.

- Harold Wallace** ➤ If he could put it in his backyard he would.
- Director Duncan** ➤ To change zoning a person would have to apply for rezoning.
- Lindsay Sharp** ➤ Has taken criminology courses and there is evidence with greenhouse emissions and feels the Judge would agree with the community's side.
- Director Duncan** ➤ He is not a lawyer or judge but noted from previous observations what is required when applying for an injunction there must be a process in place that has to be followed.
- Lindsay Sharp** ➤ Process has not been followed.
➤ Why would the CVRD allow it to continue? Asked if it was money that was talking to them and are they getting paid behind their backs?
- Director Duncan** ➤ Understands why people are upset.
➤ The application is in process to decide on a land use issue and the CVRD's EASC will review the comments made at the Public Meeting. If the application does move forward an official Public Hearing will have to be held.
➤ If a Public Hearing is held there is a legal notification process and letters would be mailed out along with advertisements within the local papers.
➤ A good question was raised about health, safety and the regulations around the facility. When the CVRD became aware that the use on site was increasing the Chief Building Inspector looked into the licensing regulations for crematoriums on the health and safety issues and asked Mr. Duncan to comment on what he found.
- Brian Duncan** ➤ He did speak to the Provincial Government about crematoriums and was informed that this specific unit is very efficient and that they do not even set emission standards for it.
➤ The burn is between 1400-1800 degrees, takes about 2½ hrs for cremation to take place and he personally has been on site about six different times during cremation and looking at the chimney there is very slight heat movements and there were no real emissions.
➤ Spent several hours speaking with the Provincial Government and the licensing and went through the *Cemeteries Act* to gather as much research as possible to see how safe they are.
- Lindsay Sharp** ➤ What might be seen as good now might not be in 10 years time.
➤ There will be more studies on-line that say more against them than for them.
- Roy Chaulifour** ➤ Lives almost directly across from site and wants to talk about the community living in the area and what the visioning is.
➤ Supports the Sikh community and understands the deep roots in place, loves the idea of it being a historical site and he sees the vision down the road as a future park where people can go and see the facility.
➤ When he heard about the commercial business going in next door he questioned how it got there without the proper zoning in place.
➤ It is a residential community and the CVRD as their representatives has an obligation to the community to ensure the integrity of the community and feels this clearly contravenes that.

- If a larger facility is needed for the Sikh community with the newer technology it should be moved somewhere else.
 - Does not support a crematorium being built on that site and it should be located in an industrial zone and not in residential area impacting families.
 - Feels more business will be coming to the crematorium from outside of the area for a profit and it should not be done in their community.
 - If the community does not agree with the CVRD's decision what recourse do they have?
 - What he envisions in the future for the community is to see playgrounds, parks and a possible community centre.
 - Wants the CVRD to do their job and stop it and does not see how it came about as it is clearly not within the process.
- Director Duncan**
- Believes the people who have been cremated at the site were from the Valley.
 - Asked how many deaths occur in a year in the Cowichan Valley?
- Harold Wallace**
- Approximately 700-750.
- Roy Chalifour**
- He does support him operating his business but does not want to see it in his backyard.
- Harold Wallace**
- When he was approached to have a crematorium on site the building permit process and all the applications made were done by the Diwan Society and he only signed the Lease Agreement.
 - He was asked by the Diwan Society if he was interested in a new state of the art building. He owns his business and operates the crematorium on site but noted that he did not bring the crematorium in.
- Hilary Stead,
Sahtlam Estates
Road**
- Does not know how the application got to this point but she only heard about the meeting a few days ago.
 - Understands that he is only the lease holder but noted that he is an experienced businessman and she does not buy into that.
 - The community should have been informed about the commercial operation.
 - Asked if the property owners were not aware that it was not zoned commercial.
 - Offended by the process and feels the elected representatives should have brought the information to them for their input as public consultation is extremely important.
 - Does not agree that they are in the middle of the process it is only in the beginning as the community just found out about the application.
 - Does not want a commercial operation in their neighbourhood.
- Harold Wallace**
- He has signed a registered lease and was just as surprised as everyone else as it had even gone through the lawyers and the covenant was not discovered that stated it was not allowed.
- Speaker**
- Who was surprised?
- Harold Wallace**
- He was surprised.
- Speaker**
- They did not know about the covenant?

- Dave Johel**
- Four Societies actually own the property and they have inherited it from the elders and he and Mr. Mayo came into the process at the tail-end and are now trying to sort the mess out.
 - Have held meetings with Director Duncan and the CVRD about how they could handle it as it was handled inappropriately. There is a covenant registered that they were not aware of and the CVRD and the lawyers also missed it and they were just as shocked as everyone else when it was discovered.
- Hilary Stead**
- They are experienced businessmen in the community and she is not a businessperson but she knows that commercial use is not allowed in a non commercial area and asked how did it get built?
- Dave Johel**
- Everyone missed the covenant on title.
- Hilary Stead**
- Forget about the covenant that was missed, the question is what commercial means?
- Dave Johel**
- They wanted to upgrade the crematorium to the newer standards and everything was missed but they were trying to do the right thing now.
- Speaker**
- Asked how the CVRD approved it?
- Director Duncan**
- The rezoning process is not at the start or the end it is approximately 1/3 of the way in.
- Hilary Stead**
- Has any other application ever reached 3rd Reading and then not go forward?
- Director Duncan**
- Yes, has seen it many times as it usually follows the Public Hearing process where applications do not go forward.
 - Many applications are successful but there are times when they have to say no to an application.
 - Status of the building on the site is illegal non-conforming and the CVRD has not given permission to operate a commercial venture by the bylaws or process and it does not have any sort of status as a commercial operation.
 - Yes, the building has already been used.
- Speaker**
- Asked if a commercial operation continues or stops until the rezoning process is complete?
- Director Duncan**
- Talking about that at the Public Meeting and he will also have to take that question back to the EASC for discussion.
- Speaker**
- There have already been 200 cremations on site and asked if the CVRD knew this was what was going to happen when it approved the process?
- Director Duncan**
- No, they were bamboozled.
- Speaker**
- Asked that the CVRD do their job and stop it.

- Director Duncan** ➤ Several hundreds of building permits are issued in a year and sometimes some things can go array. There was not full disclosure when the permit was applied for and it was only discovered when Mr. Wallace put in his full page ad in the local newspaper announcing his crematorium on Old Lake Cowichan Road which set off many light bulbs as nobody was aware of the commercial venture that had been built and was not in operation. It was at that point the CVRD requested the applicants to come into the office for a discussion.
- Speaker** ➤ Is this the typical process?
- Director Duncan** ➤ Do not have the authority to chain the gates shut as the CVRD operates through the Courts.
- Speaker** ➤ It is improper what has transpired and that the CVRD was bamboozled.
➤ There were omissions and errors and it is clear there was intention beyond what he considers the treasured traditional Sikh heritage site that has now being converted into money being made on the site right next door to his residential property.
- Brian Duncan** ➤ Summer of 2010 he was called to the CVRD front counter where he met with three elder East Indian men and from that moment on it was assumed that it was out with the old and in with new and that was why the building permit was issued to build a new crematorium to replace the old one. All communication was through one member who was appointed as the spokesman from the Diwan Society and Substantial Completion for the building was given in December and it was ready to operate. One morning in January several of the Inspectors were on their coffee break and the full page newspaper ad was noticed for the new crematorium on Cowichan Lake Road and it was at that moment it hit the fan and the research began. He did further investigation on the title and it was discovered there was a covenant registered on site that stated commercial operations were not permitted on the property. Shortly after that discovery he arranged a meeting with Director Duncan, the Planning Department and the four Diwan Societies to get it on the table and recognize the problem that is before them now.
- Jeff Hunter** ➤ Amazed that Mr. Duncan found the covenant and the lawyers did not pick up that covenant.
- Harold Wallace** ➤ On three separate occasions he spoke with Mr. Duncan and Building Inspector Ian about when he receives his occupancy permit how does he get his business license and he called three times into the CVRD and was told three times he did not require a business license for the crematorium.
➤ Apologized to the community at the meeting as he tried to do everything correct.
- Brian Duncan** ➤ Disagreed with what Mr. Wallace stated as he did not come in and speak to him before the final inspection was carried out on the crematorium, he actually spoke to him after the fact into the New Year and after he had asked him to come into the CVRD office.
- Director Duncan** ➤ If that crematorium had been built specifically for use by the Sikh Congregations they would not be at the meeting tonight and the reason

- they were at the meeting was the commercial nature of the facility.
- CVRD issued a building permit for that crematorium for use by the Sikh community and then all of a sudden there was the full page advertisement.
 - CVRD deals with land use and there is no CVRD Electoral Area that has a business license requirement.
- Bob Menzies**
- Has lived in Sahtlam since 1974 and since then there have been quite a few new subdivisions created. The CVRD, Sikh Congregation and Mr. Wallace should all get together to find a better location and move the new crematorium.
 - Asked if the Sikh community would want the site turned into a heritage site?
- Harold Wallace**
- Wants to be able to cremate in the Valley.
- Dave Johel**
- He is only their representative for rezoning and at this time he could not comment as a heritage site as he would have to speak to the Society first.
- Mike Lees**
- Has lived in the community for 40 years and he backs onto industrial land where he heard over the years many people say they wanted to see industrial uses on that site as it was not in their backyard.
 - Feels the crematorium needs to go ahead as it will be good for the community and he supports it.
- Speaker**
- If the zoning is not approved which crematorium would have to be removed from the site?
- Director Duncan**
- Old crematorium is a wood burning facility and there is a segment of the old Sikh community that wants to be cremated in the old traditional ways.
 - If the zoning is approved there will be a covenant registered against the property that permits the use of the whole facility for 10 years with a maximum of 5 usages per year. If and when the crematorium is decommissioned it will be left as a historical part on the site and would be used for ceremonies and gatherings as it would be considered sacred to the Sikh community.
- Speaker**
- If the zoning is not approved for the two buildings now on site which building would have to go?
 - Would subdivision also be permitted on that property?
- Director Duncan**
- Subdivision is not permitted on that site.
- Speaker**
- The rules have been changed already as there are two buildings on that site now and who says they will not subdivide in the future.
- Director Duncan**
- If Mr. Wallace is not permitted to operate the commercial business on site the property would retain the existing zoning and only the traditional crematory for the Sikh community would be permitted.
- Speaker**
- The CVRD does not care about the neighbourhood.
- Director Duncan**
- He and the CVRD do care.

- Speaker** ➤ Would the people living adjacent to industrial lands support the crematorium being moved onto industrial or commercial lands.
- Mike Lees** ➤ He lives adjoining to an existing industrial piece of property that is presently vacant and he would prefer to see a crematorium over a sawmill on that site as it would be a nice building and would not make a lot of noise.
- Speaker** ➤ Would he be happy if the crematorium was moved to an industrial area downtown?
- Mike Lees** ➤ He has no problems with it moving downtown but what he is trying to say is if he had the opportunity to have that crematorium on that industrial site adjacent to his property he would prefer to see that over a sawmill.
➤ Does the community not support cremation?
- Director Duncan** ➤ Asked for further questions from the public present.
- Maureen,
Sahtlam Estates
Road** ➤ Only heard about the meeting in the last 4 days and they are talking about the future on that site and asked who will be keeping the stats on what is going on that site and will that business obey the rules and regulations put forward as they have not done that already.
- Director Duncan** ➤ If the land use change is denied the Bylaws will be enforced.
- Maureen** ➤ Bylaws have not yet been enforced.
- Gurdev Sing
Sandhu** ➤ He is from Nanaimo and has been involved with this venture for the last two years but they have been trying to do something with that property for the past 10-15 years.
➤ 4 Sikh Temples own the property and the idea behind the new crematorium was to improve the wood burning chimney in a better manner and the new unit in place is now more efficient.
➤ The new building is now open for the whole Cowichan Valley not just the Sikh community.
➤ If the new building has to be moved the wood burning chimney will remain in place and there will still be smoke and smell from the site and asked if the community would like to see a better efficient burning on site.
➤ They need community support as it is open for everybody, it is there on site and the money has been spent and if it does not go ahead there will still be a wood burning unit on the site.
- Speaker** ➤ Has lived in the Valley for 60 years and the Sikh community is a precious part of it as he lives across the street from the property.
➤ No objection to the Sikh community using that facility but he has a problem with the process being abused, as it needs to be followed properly and now repaired.
➤ Need to the start the process from square one as he now feels it is over as the building is already on the site and there have already been over 230 commercial uses on site.
➤ Process needs to be repaired.
- Director Duncan** ➤ This application is a tough situation and he and the CVRD are trying to

work their way through it but noted that when it became an issue the building was already on site.

- Dealing with how to move forward with the building already on site and the questions and process must be followed in an orderly way and very happy tonight's Public Meeting is taking place.
- Happy to see the communication between the public, staff and the applicant.
- Rezoning Application is still in the beginning of the process as it has gone before the EASC and the direction was given to hold the Public Meeting to gather comments.
- Agrees that when the new building was constructed he wished he would have known what was really going to happen on that site.

Speaker

- Lives directly across the street from the crematorium and asked if the P-1 zoning of the land has been taken into consideration in its use as a wildlife corridor for the elk that migrate there?

Director Duncan

- No not at all as the Parks and Institutional zoning was somewhat inappropriate for that site within the Zoning Bylaw.
- Recent subdivision created by Kabel Atwall saw 118 acres of public dedication and it will be used as elk habitat.

Speaker

- Corridor is important for the elk habitat and does not want to see fencing put up.

Speaker

- Not against the wood burning commitments of the Sikh community, the issue is a commercial venture occurring within the community and the community wants it stopped.

Speaker

- Not fair the citizens in the community are being pitted against the Sikh community as he bought his property knowing about the Sikh property, their crematorium and Temple across the road from his property and he recognizes and supports that, but what he does not support is what is occurring on that site now.
- As an elected official he should stop it and if the applicants do not agree they could turn around and sue the CVRD.
- The Directors and CVRD represent the community, it has been a nightmare for them and the CVRD's policies should be following the rules.
- Three prominent businessmen in the area are trying to tell the homeowners that they never new but noted that he felt that was nonsense.

Director Duncan

- He does not buy that either.
- Discussion is not an issue with the Sikh community; the issue is with Mr. Wallace's commercial business on site.

Speaker

- That is not the issue, the issue he is an elected official with the CVRD and the policies should be followed.
- When the CVRD found out they were violating the policies nothing was done to stop it.
- Decision was made without consulting with the public, the best interest has not been made for the community and he does not like it.

Director Duncan

- He carries the decision to move to the Public Meeting stage and he will

bigger than the Sikh aspect of their cremations.

Dave Johel

- Does not think it is that big of a commercial venture.

Norman Knodel

- Very lucrative commercial venture.
- All cremations have been taking place in Victoria and Nanaimo and now this is in a central location.
- He attended the APC meeting where he heard comments about scaling it to one burn but his question was with regard to the due process not having been followed as there was deception.
- If it went from zero on the Parks and Institutional land to this size commercial operation already carrying on 200+ cremations on site with no licenses or zoning approvals given and the community grants the forgiveness and it is rezoned to a commercial property who will be there policing it during the day and night to see that line will not be overstepped.
- Does not sense neutrality on Director Duncan's part and senses an apologetic tone towards the venture.

Director Duncan

- He is trying to sort it out within his limited wisdom and advised that the correct process was not followed as there was lack of disclosure from the very start.
- When Mr. Wallace put his advertisement in the newspaper the correct process has been followed and they may not agree with all the decisions that have been made but noted that they met with the applicants, meetings were held and the rezoning process as started.
- APC and EASC have both reviewed the application and supported it moving onto the Public Meeting stage.
- He has recognized that there were errors and omissions but from that time they have been following the correct process.
- He did not say let's turn this issue over to the lawyers and they may agree or disagree with his decision but he felt it was the correct one as he does not think it would have ended in any better spot that from where they are here today.

Director Morrison

- Question has been brought up with regard to stopping the group from operation and stated it is a real challenge to immediately call in the lawyers.
- Cited another case where a business was in operation, it had Health approval but it was realized that it did not have the proper zoning and Director Duncan made the decision to let it continue operation during the rezoning process as the community fully supported that operation. Those decisions are made by the Directors and they are not easy decisions as the people come in begging forgiveness after the fact and they are not always easy decisions and Director Duncan's judgement has been very good.
- The CVRD is at the beginning of the rezoning process as the application has appeared before the local APC and EASC and it was decided to hold a Public Meeting to seek public input and concerns before any other decisions are made. The Public Meeting is a very important part of the rezoning process and all comments made are reviewed very carefully prior to any decisions being made.

**Jane McCallister,
Sahtlam Estates
Road**

- Since the application is only 1/3 in the process she wants to see the operation closed down until all the meetings have been carried out and a final decision made as to which direction it will go.

- Speaker**
- Asked the members of the Sikh community and the people who will be using the religious side of the old crematorium if it is possible to keep the old crematorium on site and move the new building to a new location to operate the business?
- Director Duncan**
- That is a possibility but he senses that is not the direction the applicants want to go as he understands they want to continue their relationship with Mr. Wallace and his commercial business.
- Kelly Mann**
- Born in Duncan, grew up in Paldi and now lives back in Duncan.
 - There have been three passing's in his family that had to go to Nanaimo as he is from the new generation and he does not appreciate the wood burning nor does the rest of his family. They had a recent passing and the new facility was used.
 - They are not able to run the new facility as trained technical people must run it.
 - The property was zoned for a crematorium and has been used as that and somebody has to run the facility.
 - Mr. Johel and Mr. Mayo have come on board to salvage it and they came into the process at the tail-end of the application.
- Maureen,
4783 Cowichan Lake
Road**
- Has lived on her property for 20 years.
 - Mr. Wallace is a very good friend of hers and she feels what everyone is going through but when Mr. Wallace told her what he was doing on site and there would be no smoke, no traffic issues and he would be making some money she felt it was great and that there would be no issues.
 - She went to the grand opening, viewed the building and cannot understand why it is a big issue as it would only be a little bit of money that will be made.
 - Glad somebody has done something on that property and it being used for more than what it has been.
- Speaker**
- Reconfirmed that the idea started by improving the old facility.
 - Unfortunate for the Sikh community that they did not get the license to permit a gas fired chimney to run themselves. Mr. Wallace came in as he has licensed experienced technicians to run the facility and if they had got the license it would be operating.
 - There is a demand to have a crematorium in the Valley and it only takes 2½ hrs for cremation to take place.
 - If Mr. Wallace gets out of it, it will still be running and they will have to go through the same process again and they need the community support.
- Speaker**
- He is all in favour of Mr. Wallace making money and is sensitive to his needs but feels they are not being sensitive to his needs as he does not want a commercially zoned property in a highly residential area.
 - Sees that property as being a heritage site for the Sikh community in the future as a way to honour their ancestors in this community and not a venue to make money.
 - There are other commercial and industrial areas where this facility could go and does not want to see it in a residential area.
- Mr. Swan**
- Came to Canada in 1968, lived in Paldi and still lives in the area with his

- family.
- His family bonds are old traditional but his children's families are all new tradition which is gas cremation.
 - Have had to go to Nanaimo and Victoria for new cremation tradition and one time they were held up for 2½ hours due to an accident when they were travelling to Victoria.
 - He and his family need the facility.
- Lorne Stubbs**
- Does not understand the comment about businesses along the road as he can count a number of businesses along the road between Duncan and Lake Cowichan.
 - He has known Mr. Wallace for 20 years and knows he supports the community and is not the type of guy to go into any community and not do what he says he will do and wants people to support him.
- Carl Mellings,
4787 Conifer Way**
- The issue of the meeting is not supporting Mr. Wallace or not and they are not against the Sikh community either, the problem is that something went through illegally and went through in a wrong manner and the CVRD Directors should be dealing with this for the community in the proper legal manner.
- Director Duncan**
- Asked if he was hearing him correctly that he wants the CVRD to start legal action.
- Carl Mellings**
- Suggesting they do what they have to do and it has to be done right.
- Mr. Sangha**
- Has lived in the community for the last 35 years and senses that there are two sides at the meeting and from he understands technical things have been missed and should have been done in some other way.
 - Asked if anyone has not ever made a mistake and stated the CVRD are also human beings that can make errors.
- Speaker**
- Wishes that she could believe that it was a mistake but noted that it does not feel like that.
 - If it was started in a forthright way it could be different now but she feels she was deceived and the message has to go out.
- Director Duncan**
- Did he hear suggest punishment before forgiveness and it is a choice of the community.
- Kelly Mann**
- In the last 5 years how many situations have been discovered where a crematorium was built or somebody built a shed too close to a property line or a house built without a permit?
- Director Duncan**
- Tough question and it could be possibly 4-5 times where people were caught.
 - The CVRD operates on a complaint system and if someone calls into the office to report an issue the Bylaw Enforcement Officer will then go out to check it out but noted that they do not drive around looking for issues.
 - Within Area E there may be possibly two people in a year who are asking for forgiveness but noted each area may vary.
- Kelly Mann**
- He knows people that have had problems but at the end of the day it all

- goes through a process like the applicants are going through.
- What is happening now is no different than somebody who has built a second house on property.
- Director Duncan** ➤ Has been through the Court process where someone had to tear something down.
- Kelly Mann** ➤ Thanked the CVRD for the flack they have taken at the meeting.
- Director Duncan** ➤ Thanked the public for the respect shown for each other at the meeting.
- Carl Mellings** ➤ How does Mr Wallace protect himself with liability insurance when he is running a business out of a non-conforming building?
- Mr. Wallace** ➤ The business and building is insured and he has not had an insurance issue.
- Carl Mellings** ➤ Building is non-conforming and does not see how he could get insurance.
- Mr. Wallace** ➤ When he moved his business in he thought it was conforming.
- Surinder Pagely** ➤ He is involved with the Sikh community in Duncan.
 ➤ Does not understand why Mr. Wallace was being picked on as he is not doing anything wrong and the Sikhs are not doing anything wrong.
 ➤ There are many commercial businesses running from Tansor to Lake Cowichan and are they all going to be stopped?
- Director Duncan** ➤ There is a deficiency on zoning on the subject property and the rezoning process is underway and it is not against Mr. Wallace.
 ➤ Once it was found out there was a commercial use on the site the applicants came forward for rezoning and it has not been fun for them.
 ➤ This is not a public hearing it is a public meeting to gather information and to advise the public where the application is within the rezoning process.
- Speaker** ➤ He does not know if the businesses from Tansor to Lake Cowichan are complying or not but it would be his assumption if they were not complying the bodies who are responsible for ensuring they were doing their job.
 ➤ Wants people to comply with the bylaws in place and if the bylaws are going to be changed there should be better communication with the public.
- Speaker** ➤ When they purchased their property they were involved in the process, zoning was laid out in black and white as to what can and cannot occur and does not understand how this could have happened as they were even told about the mineral rights on their property. If something was on title it would show up and would not have just been overlooked.
- ADJOURNMENT** Director Duncan asked for public comments or questions from the public present regarding the Rezoning Application No. 2-E-11RS (Johel/Mayo for Khalsa Diwan Society).
- Director Duncan thanked the public for attending the Public Meeting and declared the Public Meeting closed at 9:25 p.m.

EXHIBIT 1

Michael & Linda Lees
4948 Arla Court
Duncan, BC
V9L 6H3
250-748-1655



CVRD

Re Crematorium application

The Sikh community has historically had a crematorium on this site. With changes to technology there has been a need to upgrade the facilities at the Crematorium site.

There is also a need for a commercial crematorium in the Cowichan Valley. Please be advised that we support the application of the Sikh Community at the present location to operate a crematorium for the good of the community.

Michael and Linda Lees.

A handwritten signature in black ink, appearing to be a stylized combination of the names Michael and Linda.

EXHIBIT 2



CVRD

PUBLIC MEETING COMMENT SHEET

Tuesday, November 22, 2011

Crematorium Proposal

Rezoning Application No. 2-E-11RS (Johel/Mayo for Khalsa Diwan Society)

Please hand in Comment Sheet prior to the end of the Public Meeting or by hand or mail to:

CVRD, 175 Ingram Street, Duncan, BC, V9L 1N8

Fax: 250-746-2621 or Email: ds@cprd.bc.ca

NAME (optional): CHARLOTTE PAKULAK

COMMENTS/RECOMMENDATIONS:

- We have lived several properties east of the crematorium for almost 40 years.
- I do not find it believable that business men would "forget" zoning when leasing a property.
 - I also feel there's not an honest excuse for the CVRD not even attempting to close a business that is non conforming. If this business is not closed until they have the correct zoning, it appears there is preferential treatment for these people. Why?
 - There is nothing in place to limit the number of cremations per year or enforce a limit. It's likely in the future for this business to expand significantly by handling virtually all cremation business in the Cowichan Valley therefore it should be located in a commercial or industrial area.
 - Of course, the East Indian community should be allowed to expand the crematorium for their own use.

Cowichan Regional District Board
Dana Leitch, Planner II
Development Services Division
Planning and Development Department
Cowichan Valley Regional District

Re:- Rezoning Application No. 2-E-11RS

Dear Dana,

We are very concerned about the rezoning application for the East Indian Crematorium.

At the public meeting in late November, Area E Director, Loren Duncan, stated that the District had been "bamboozled" by the Diwan Society when they applied for a building permit to upgrade the existing crematorium to a more modern facility. Unfortunately, he compounded the problem by not acting in the interests of District residents and allowed the continued use of the commercial operation instead of enforcing the land-use bylaw and ordering a cessation of the operation until the rezoning application could be heard.

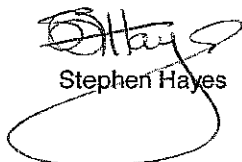
Representative of the Diwan Society told the public meeting that they discovered that in order to operate the new gas burner a licensed technician would be required and that they did not have the expertise. Hence they contacted Mr. Wallace. Our understanding is that Mr. Wallace does not have the license required either, that in fact its one of his employees who does. The Diwan Society and Harold Wallace entered into a lease agreement early in the building construction process and Mr. Wallace supplied and installed the gas burners at his expense. Both The Diwan Society and Mr. Wallace had every intention, from the outset, to conduct a commercial operation on this site. We find it very difficult to believe that all the lawyers for both parties failed to notice or check that the property is not zoned for commercial use.

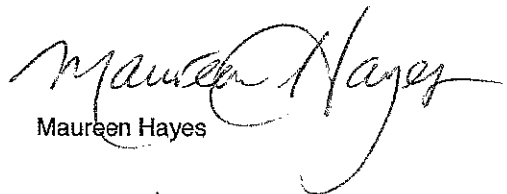
The building was built with future expansion in mind, There are facilities for two burners although only one has been installed. Mr. Wallace has every intention to expand as soon as business allows. The CVRD has limited the number of burners to one. Who would monitor Wallace's operation? Already he is expanding his business to up Island.

Allowing this rezoning to go forward and allowing the commercial operation of the crematorium to continue sets a precedent for anyone wishing to circumvent the land-use bylaws or correct procedure in the District. Would this situation be allowed to exist if this was elsewhere, for example in Maple Bay?

A resolution to this issue would be for the CVRD to purchase the property for much needed park land in our area. This would preserve the elk corridor and residential nature of this neighbourhood. The Diwan Society could then re-locate the Crematorium on an already commercially zoned property. A win/win for all.

Yours truly,


Stephen Hayes


Maureen Hayes

Dana Leitch

From: CVRD Development Services
Sent: Friday, November 25, 2011 8:17 AM
To: Dana Leitch
Subject: FW: Crematorium proposal

From: Roy Chalifour [<mailto:Roy.Chalifour@canpages.ca>]
Sent: Thursday, November 24, 2011 9:41 AM
To: CVRD Development Services
Subject: Crematorium proposal

Hi Dana,

I have just learned that during the meeting there was not full disclosure again by the parties seeking to change the current zoning in our residential neighbourhood. Which is consistent with their actions so far.

Wallis (sp?) the funeral director present at the meeting has agreed with 3 other companies to give them full access to the current illegal operation (a kind of clearing house) for cremations.

It now appears they have much bigger plans than they presented to us. Given they currently have done about 200 what is the target? About 1,000/month?

This type of mass commercial venture must be located in a more appropriate location (i.e., industrial zoned).

Kindly acknowledge receipt of this email.

Thanks,
Roy Chalifour
4720 Cowichan Lake Road
250.588.9511 - Victoria cell phone

AVIS :

Ce message est confidentiel et à l'usage exclusif du destinataire. Toute autre personne est avisée qu'il lui est strictement interdit de le diffuser, distribuer ou reproduire. Si vous avez reçu ce message par erreur, veuillez nous en informer immédiatement par téléphone ou par courriel et effacer toute copie.

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Dana Leitch

From: Randy Busch [BUSCH@northcowichan.ca]
Sent: Wednesday, November 23, 2011 9:50 AM
To: Dana Leitch
Subject: Sahtlam Crematorium Community meeting Nov. 22/11

Hi Dana,

I attended the meeting last night regarding the Crematorium on Cowichan Lake road and wanted to add my comments and position to the others that you will be taking forward to committee.

I live at 5614 Hanks Road, just south of the Crematorium.

I would like to start by saying that I have not noticed any smell, smoke, noise or excessive traffic or anything else that would concern me regarding the health of my family or the community since the new facility has come on line. I feel that I have come away with a greater understanding of the new facility and feel that this new facility will improve air quality conditions even with the increase in cremations. So essentially I don't have a problem with the facility operating close to where I live.

Given the fact that the existing crematorium is nearing the end of its useful life and another facility was needed to replace it, I believe the new facility is a more efficient and cleaner facility that would ultimately benefit the community and I agree with replacing the facility on this basis.

I also understand that to install and operate the facility such as this, a licensed and experienced operator would be needed. I can also understand that the number of cremations from the Sikh community may not be sufficient to make this viable economically and can even buy into extending the service to the greater community to make it work. The community gains a service that is available currently in Nanaimo and Victoria only and a local business is expanded, hopefully adding to the local economy.

If this proposal had come forward with the commercial aspect at the front end of the process I would have no difficulty in supporting it. The difficulty that I have at this point is simply one of trying to determine if the error of omission was intentional or not. If it was intentional I would be against it purely for the dishonesty of it and I think that this is what a lot of my neighbours are feeling also.

I believe the prudent course of action is to continue with the process that is now in motion and to bring any new information/conclusions from your further investigations promptly to the community for further discussion and direction.

Respectfully,

Randy Busch

Dana Leitch

From: David Leitch
Sent: Monday, November 21, 2011 9:21 AM
To: Dana Leitch
Subject: FW: East Indian Crematorium

From: Loren Duncan [mailto:loren_duncan@telus.net]
Sent: Monday, November 21, 2011 8:34 AM
To: David Leitch
Subject: FW: East Indian Crematorium

Hello Dana, interesting comment below.

Loren

From: John Steven [mailto:jm.steven@shaw.ca]
Sent: Sunday, November 20, 2011 8:23 PM
To: Loren Duncan
Subject: Re: East Indian Crematorium

Hello, Loren

Thank you for your note.

Here are some thoughts from an email that I sent previously to Dana Leitch:

I have looked at the information on the CVRD website; that was helpful. I noticed there that there have been more than 200 cremations at the facility so far this year. I hadn't noticed. I understand also that there are improved parking facilities within the crematorium grounds, so that congestion on the public road likely will not be a problem again.

The owner of the funeral service in Duncan came around today to speak with neighbours. I understand from his information that Victoria and Nanaimo are served by crematoria in those communities, so there is little reason to be concerned about a greatly increased volume of activity at the crematorium in this neighbourhood serving other communities. I understand that there could be a likely gradual increase of activity at the facility as our local population increases.

Since it appears to me that the new crematorium for almost one year now has been operating in a manner in which it is likely to continue operating, and I haven't noticed any effect of that operation, I don't know of any reason why I would be opposed to the service continuing on the present site.

I expect to attend the meeting on Tuesday evening at the Sahtlam Fire Hall. I will be interested to hear then any further information related to the application.

With thanks again for your attention to this.

John Steven
Cowichan Valley BC

CVRD
175 Ingram Street
Duncan, BC
Nov.15, 2011

Dear Sir/Madam,


My name is Chanchal Singh Thiara. I am a former President of V.I.Sikh. Cultural Society Sikh Temple, Duncan, BC. I have come to know that CVRD is going to have a hearing to rezone the property where Indo-Canadian Crematorium is located on old Lake Cowichan road. I would like to explain the importance it has for the Indo-Community in Cowichan Valley.

This place was built to cater to the needs of the South Asians and particularly for the Sikhs living in the Cowichan Valley, ranging from Lake Cowichan to Nanaimo and Victoria. It has been a special place for our community since it is equipped with a system that you can cremate you dear one's corpses with wooden fire. Cremating our dear ones with wooden fire has been a part and parcel of our cultural rites and rituals. There had been the dire need of the community to have their own Crematorium in early days when we built this place. But now, the times and circumstances have changed.

Keeping in view the changing times and the environmental issues, the community had decided to have a modern more cleaner and environmentally friendly Crematorium run by natural gas. Another aspect of this new crematorium is that it is open to all and sundry. All communities irrespective, of colour, creed and religion, are welcome to have the last rites of their dear ones at this place. I think, we are still having the old system along with the new one, which is more becoming environmentally. This method helps to soothe the sentimental feelings of all concerned.

I hope the advisory commission shall keep in mind the needs of the strong Indo-Canadian Community which has been contributing to the betterment of this area, British Columbia and Canada at large for over 100 years. I hope and expect the CVRD directors shall vote positively in favour of this present project. Being a community worker, I advance my full support for this good cause.

I take this opportunity to thank you all in advance for this good cause and hope to hear positively soon.

Truly yours,


Chanchal Singh Thiara
3231 Gilana Place, Duncan, BC
V9L 5H5
hkus251@hotmail.com
250-709-5569

Vancouver Island Sikh Cultural Society
3210 Sherman Road
Duncan, BC V9L 4B4
October 24, 2011

received
Nov 1, 2011

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

Dear Sirs;

Thank you for your letter of October 5, 2011 regarding the re-zoning of the property on Lake Cowichan Road. We would appreciate your deepest consideration in this matter.

We would like to shed some light on the history of this crematorium. In the East Indian culture we have very deep traditions regarding the final rites of a deceased person. We are very hands-on on all aspects of the cremation. It is the duty of the eldest son to light the funeral pyre, or in the modern facilities, to press the start button to start the cremation. This is a very important part of the last rites for the deceased. The local crematorium ensures that we can fulfill all the obligations of the service in a very convenient and timely manner without added stress to the family.

In the past we had averaged approximately ten cremations a year in the wood burning crematorium, but now the younger generation prefers the modern facilities. The local community has been going to Cedar or Victoria for the cremations now. This has added about three hours to the completion of the service. Our East Indian community as a whole felt a great need to have a local modern facility so the services can be performed in a timely manner. We are now hearing from friends and neighbors that is not only the East Indian community but others as well who prefer cremation rather than burial. This fulfills their needs, too. People find it nice to have something local as that is where the deceased had lived and that is where their families are.

There are still some people who prefer the old tradition wood burning crematorium rather than the modern gas one. Having both enables people to make a choice as to which way they would like to perform these very important cultural duties.

On behalf of the member of the Vancouver Island Sikh Cultural Society executive members we ask that the Advisory Planning Commission approve the rezoning. This will be very beneficial for all of the Cowichan Valley.

Yours very truly,



Jagdev Sekhon,
President,
Vancouver Island Sikh Cultural Society

From: John Steven [<mailto:jm.steven@shaw.ca>]
Sent: Saturday, March 12, 2011 8:51 AM
To: Tom Anderson
Subject: Crematorium development - Cowichan Lake Road

Mr. Tom Anderson
General Manager, Planning and Development, CVRD

Dear Mr. Anderson,

I am writing to express concern about the Crematorium in the 4700 block, Cowichan Lake Road, apparently becoming a commercial operation. I understand that a mortician's service in Duncan has been advertising this location, which could result in greatly increased use of the facility, air pollution, increased traffic on our local road, and detriments to land owners' property values.

I understand that there are some small businesses operating in this area on residents' home properties, which doesn't seem to have caused any serious disruption to other residents' safe and peaceful enjoyment or the cleanliness of our neighbourhood, but what appears in the proposed use of the crematorium to become a larger commercial operation by a non-resident seems to bring the possibility of a substantial negative change to the quality of our local environment.

I understand that the CVRD is looking into this issue; I would appreciate receiving information about any public process related to this particular proposed development, or any information about the project that may be available to the neighbourhood public.

With thanks for your attention to this, Sincerely

1

John Steven
4754 Cowichan Lake Road
Duncan BC V9L 6J2
(250) 746-8476

May 20, 2011

Dana Leitch, MCIP

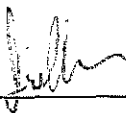
Planner 11, Development Services Division

Planning and Development Department

CVRD

I/we JEFF VAN BUREN of 4760 COWICHAN LAKE RD, are
supporting the rezoning application for the East Indian Crematorium at 4695 Lake Cowichan Road.

Signed by



May 20, 2011

Dana Leitch, MCIP

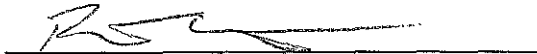
Planner 11, Development Services Division

Planning and Development Department

CVRD

I/we Brent Wente of 4725 Cowichan Lake Rd, are
supporting the rezoning application for the East Indian Crematorium at 4695 Lake Cowichan Road.

Signed by



May 20, 2011

Dana Leitch, MCIP

Planner 11, Development Services Division

Planning and Development Department

CVRD

I/we Bene E. Deerheart of 4735 Cowichan Lk Rd, are
supporting the rezoning application for the East Indian Crematorium at 4695 Lake Cowichan Road.

Signed by

Bene E. Deerheart

May 20, 2011

Dana Leitch, MCIP

Planner 11, Development Services Division

Planning and Development Department

CVRD

I/we Terren Fairbrother 4735 Cowichan Lk. Rd., are
supporting the rezoning application for the East Indian Crematorium at 4695 Lake Cowichan Road.

Signed by

Terren Fairbrother

May 20, 2011

Dana Leitch, MCIP

Planner 11, Development Services Division

Planning and Development Department

CVRD

I/we Dana Leitch of CVRD, are
supporting the rezoning application for the East Indian Crematorium at 4695 Lake Cowichan Road.

Signed by

Dana Leitch

May 20, 2011

Dana Leitch, MCIP

Planner 11, Development Services Division

Planning and Development Department

CVRD

I/we Al + Heather Benning of 4785 Cowichan Lake Rd., are
supporting the rezoning application for the East Indian Crematorium at 4695 Lake Cowichan Road.

Signed by

Heather Benning
Al Benning



R 7

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 17, 2012

DATE: January 9, 2012 **FILE NO:** 6-A-09 RS
FROM: Alison Garnett, Planner I **BYLAW No:**
Development Services Division
SUBJECT: Rezoning application 6-A-09 RS (Topping/Quek)

Recommendation/Action:

That application 6-A-09 RS (Topping/Quek) be re-referred to the Area A Advisory Planning Commission once the applicants have completed traffic, transit and engineering studies, furthered discussions with CVRD departments and service providers, and consulted the community.

Relation to the Corporate Strategic Plan: N/A

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

Background:

Location: Boulding & Benko Road, Mill Bay.

Total Size of Parcels: 9.6 hectares total (23.7 acres).

Application Received: June 1, 2009. Amended application received October 7, 2010.

Owner(s): Jan Van Der Have (Lot 2)
John Walker & Lise Walker (Lot 3)
Jan Van Der Have, John & Lisa Walker (Lot D)
Norisa Holdings Ltd., Jan, Frank & Lynne Van Der Have & John Walker (Lot E)
Frank, Lynne & Jan Van Der Have (Lot F)

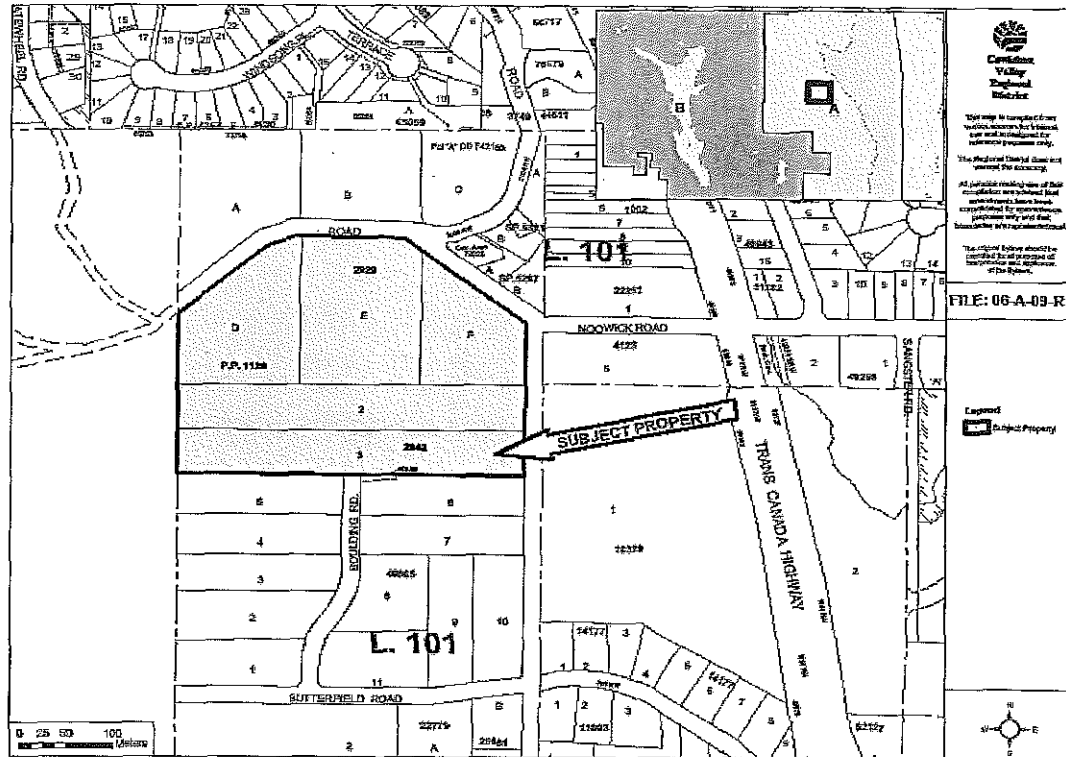
Applicants: Mel Topping and Angela Quek.

Existing Use of Property: One residence on Lot F, otherwise land is vacant and forested.

Adjacent Properties: North, South and East: Residential (R-2 and R-3 zone).
West: Forestry (F-1 zone).

Legal Description:

Lot 2, District Lot 101, Malahat District, Plan 2942 PID 005-836-697
 Lot 3, District Lot 101, Malahat District, Plan 2942 PID 006-202-454
 Lot D, District Lot 101, Malahat District, Plan 2929 PID 006--291-651
 Lot E, District Lot 101, Malahat District, Plan 2929 PID 009-291-686
 Lot F, District Lot 101, Malahat District, Plan 2929 PID 009-291-694



Road Access:	Benko Road (northern lots) and Boulding Road (southern lot)
Water:	Connection to Mill Bay Waterworks District is proposed.
Sewage Disposal:	Community sewage system is proposed.
Public Transit:	Scheduled service available at Frayne Centre.
Fire Protection:	Mill Bay Fire Service Area.
Agricultural Land Reserve Status:	The property is not located in the ALR.
Environmentally Sensitive Areas:	The CVRD Environmental Planning Atlas (2000) does not identify any environmentally sensitive areas on the subject properties, however a drainage/watercourse is found on the site, and steep slopes may exceed 30% grade.
Sensitive Ecosystem mapping:	Conservation Data Centre contains no records of a sensitive ecosystem, plant or animal on the subject property.
Contaminated Sites	Declaration pursuant to the <i>Waste Management Act</i> signed by the

Regulation: property owner. No Schedule 2 uses noted.

Archaeological Sites: None identified in CVRD mapping

OCP Designation: Village Residential.

Proposed Designation: Multi-Family Residential or new Comprehensive Residential.

Zoning Bylaw No. 1890: R-2 Suburban Residential.

Min lot size (R-2 zone): 0.4 ha with full community service; 1 ha without.

Proposed Zoning: R-5 Comprehensive Urban Residential

Density and unit type proposed: Maximum density of 11 units per hectare, total of 98 units.
3 Triplexes, 4 Eightplexes and a single 57 unit condominium.

Site coverage proposed: 7%

Development Services Comments

At the November 1st, 2011 EASC meeting, the Committee accepted the applicants request to hold this application in abeyance for approximately 6 months, in order to provide the applicants with time to complete traffic, transit and engineering studies, further discussions with CVRD departments and service providers (water, sewer and fire protection), and consult the community.

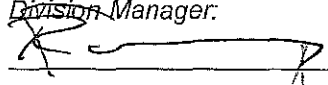
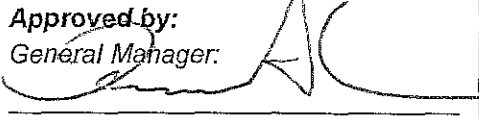
Considering that this work will likely produce more detailed development plans, the applicants and staff agrees that the Area A Advisory Planning Commission should have a second opportunity to review the application.

Submitted by,



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

AG/ca

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



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

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

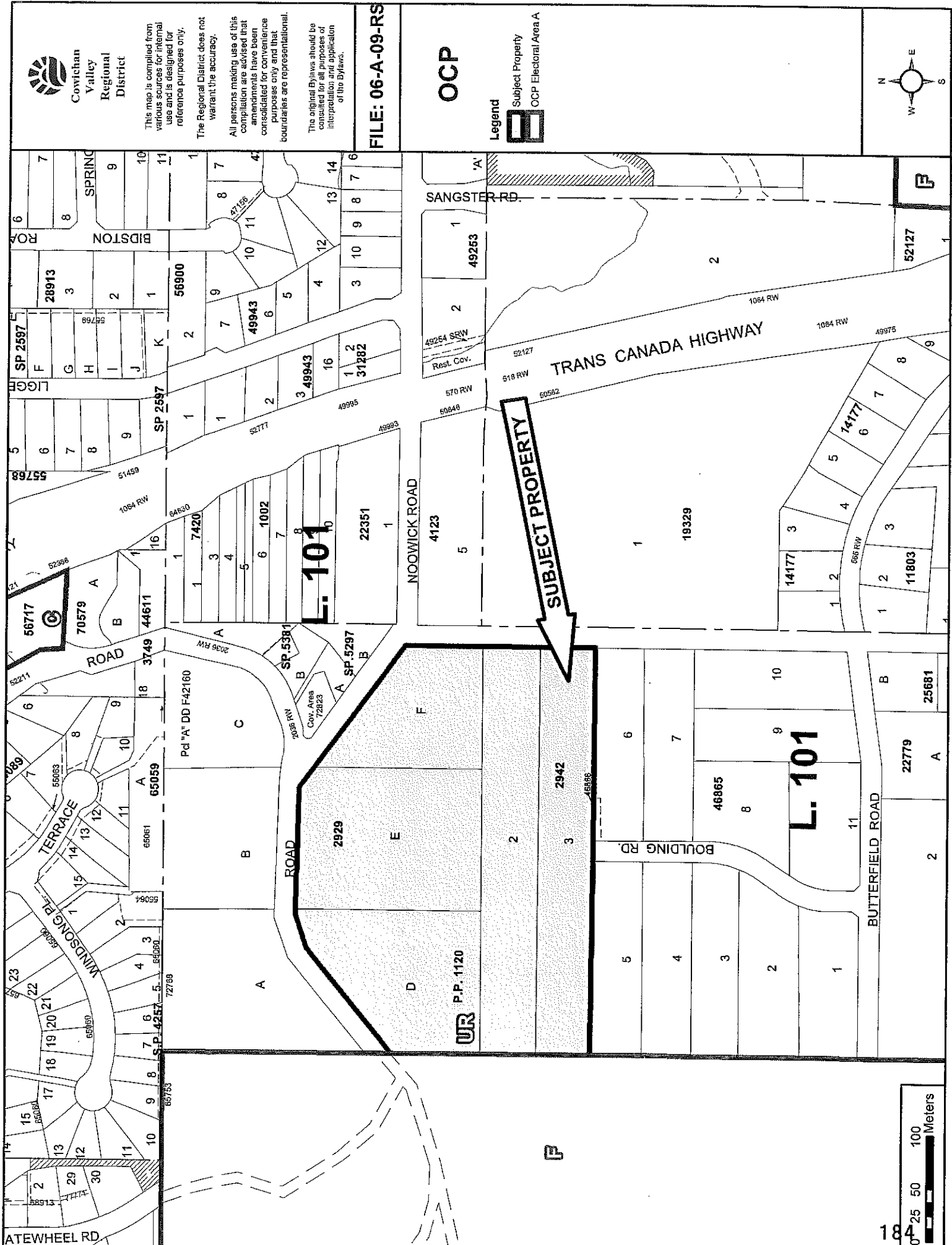
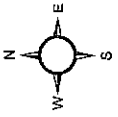
FILE: 06-A-09-RS

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Legend



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R8

STAFF REPORT


ELECTORAL AREA SERVICES COMMITTEE MEETING JANUARY 17, 2012

DATE: January 11, 2012 **FILE No:** 0540-20-
EASC-11
FROM: Sybille Sanderson, A/General Manager, Public Safety
SUBJECT: Fire Protection and Emergency Response Service Agreement – CVRD and CRD

Recommendation/Action:

That it be recommended to the Board that the Chair and Corporate Secretary be authorized to sign the five-year Fire Protection and Emergency Response Services Agreement between the CVRD and the Capital Regional District.

Relation to the Corporate Strategic Plan:

Financial Impact: (Reviewed by Finance Division: )

This agreement formalizes the process used in 2011 where the CRD's contribution is based on assessed values in order to derive the same tax rate for households within the service area of the CRD and CVRD.

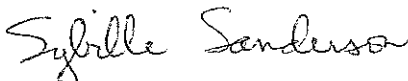
Background:

The Fire Protection and Emergency Response Services Agreement outlines the terms and conditions for the Malahat Volunteer Fire Department to provide fire prevention, suppression, investigation and emergency response services to the Capital Regional District Service Area.

The current agreement expired on December 31, 2011.

This new 5-year term with the Capital Regional District ensures that residents serviced by the Malahat Volunteer Fire Department continue to be assessed at proportionately equivalent rates.

Submitted by,



Sybille Sanderson
A/General Manager, Public Safety



R.9

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING 17 JANUARY 2012

DATE: 10 January 2012 **FILE No:** 0540-20-EASC/07
FROM: Sybille Sanderson, Acting General Manager **BYLAW No:**
Public Safety Department
SUBJECT: Transfer of Ownership and Statutory Rights of Way – Stebbings Road Water Towers

Recommendations/Action:

1. That the Regional Board accept transfer of ownership to the Cowichan Valley Regional District and Statutory Rights of Way of access to two water storage tanks located at Lot 2, District Lot 132, Malahat District, Plan VIP 75146, PID 025-642-324;
2. That the Chair and Corporate Secretary be authorized to execute the statutory rights of way to access two water storage tanks located at Lot 2, District Lot 132, Malahat District, Plan VIP 75146, PID 025-642-324; and
3. That the Chair and Corporate Secretary be authorized to execute the Bill of Sale (Absolute) transferring ownership of the water storage tanks from Pat Lintaman Design Ltd (Inc. No. BC0338205), and Anchorage Projects Ltd (Inc. No. BC0787945) to the Cowichan Valley Regional District.

Relation to the Corporate Strategic Plan:

The water tanks will enhance provision of fire protection services and therefore 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: [Signature])*

\$1,286.60 was incurred in 2011 for legal costs associated with preparing the Bill of Sale and Transfer of Ownership documents. This cost and the minor cost to maintain the water storage tanks will be covered within the Malahat Fire Protection (function 355) budget.

Background:

As part of a subdivision application, in 2009-2010, it was negotiated that two 10,000 gallon water tanks be installed on this site for the purpose of firefighting as there is no other good water source nearby. Although there is some concern that the water tanks may not be sufficient for firefighting, the owner installed them in good faith and ownership should be assumed by the CVRD

17 January 2012

I therefore recommend approval of the bill of sale transferring ownership of the tanks and the statutory rights of way to provide access to the tanks.

Submitted by,

Sybilie Sanderson

Sybilie Sanderson
Acting General Manager, Public Safety

/bw

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 7 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

STAPLES McDANNOLD STEWART
BARRISTERS & SOLICITORS
2nd FLOOR - 837 BURDETT AVENUE
VICTORIA

BC V8W 1B3

Tel.: 250 380-7744 Fax.: 250 380-3008

File: 130 301 PJ-ca

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

025-642-324 LOT 2, DISTRICT LOT 132, MALAHAT DISTRICT, PLAN VIP75146

STC? YES ☐

3. NATURE OF INTEREST

Statutory Right of Way

CHARGE NO.

ADDITIONAL INFORMATION

Entire document

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

ANCHORAGE PROJECTS LTD. (INC. NO. 787945)
PAT LINTAMAN DESIGN LTD. (INC. NO. 338205)

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

COWICHAN VALLEY REGIONAL DISTRICT

175 INGRAM STREET

DUNCAN

V9L 1N8

BRITISH COLUMBIA

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

8. EXECUTION(S): This instrument creates, assigns, 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

Y	M	D

Transferor(s) Signature(s)

ANCHORAGE PROJECTS LTD. by
its authorized signatory(ies):

Name: _____

Name: _____

(as to all signatures)

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.

LAND TITLE ACT
FORM D
EXECUTIONS CONTINUED

Officer Signature(s)

Execution Date

Y M D

Transferor / Borrower / Party Signature(s)

PAT LINTAMAN DESIGN LTD. by its
authorized signatory(ies):

Name:

Name:

(as to all signatures)

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.

**LAND TITLE ACT
FORM D**

EXECUTIONS CONTINUED

PAGE 3 of 7 pages

Officer Signature(s)

Execution Date

Y M D

Transferor / Borrower / Party Signature(s)

COWICHAN VALLEY REGIONAL
DISTRICT by its authorized signatories:

R. Hutchins, Chair

Joe Barry, Corporate Secretary

(as to both signatures)

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.

TERMS OF INSTRUMENT - PART 2

WHEREAS:

- A. The Transferor is the registered owner in fee simple of the following land in the Province of British Columbia:

PID: 025-642-324

Lot 2, District Lot 132, Malahat District, Plan VIP75146

(the "**Lands**")
- B. The Transferee is the Cowichan Valley Regional District;
- C. This Right of Way is necessary for the operation and maintenance of the Transferee's undertaking as described in Recital D;
- D. To facilitate the Transferee's access to and use for fire protection purposes of two 10,000 gallon water storage tanks that are situated on the Lands, including all pipes, valves, fittings and appurtenances (the "**Works**"), the Transferors have agreed to grant for that purpose the Right of Way in Section 1.1 of this agreement (the "**Right of Way**").

NOW THEREFORE, in consideration of the sum of One (\$1.00) Dollar of lawful money of Canada, now paid by the Transferee to the Transferors (the receipt and sufficiency of which is now acknowledged by the Transferors), and in consideration of the covenants and conditions agreed to be observed and performed by the parties and for other valuable consideration:

1.0 THE TRANSFERORS:

- 1.1 grant, convey, confirm and transfer, in perpetuity, to the Transferee the full, free and uninterrupted right, license, liberty, privilege, easement, permission and right of way to operate, maintain, repair, inspect, alter, remove and replace the Works upon, over, under and across the that part of the Lands outlined in bold on the Explanatory Plan of Statutory Right of Way filed in the Land Title Office under Plan No. EPP14017, a reduced copy of which is attached as Schedule "A" to this Agreement (the "**Right of Way Area**");
- 1.2 covenants and agrees to and with the Transferee that the Transferee shall:
 - (a) for itself and its agents, workers, contractors and all other licensees of the Transferee;
 - (b) together with machinery, vehicles, equipment, and materials;

- (c) upon, over, under and across the Right of Way Area;
- (d) as may be necessary, useful, or convenient for the purposes in section 1.1; and
- (e) in connection with the operations of the Transferee in relation to the Works;

be entitled at all times to enter, use, pass and repass, labour, construct, erect, install, dig, carry away soil or other surface or subsurface materials, and clear of all trees, growth, buildings or obstructions now or hereafter in existence upon, over, under and across the Right of Way Area that interfere with the Transferee's use and operation of the Works;

2.0 THE TRANSFEROR COVENANTS:

- 2.1 not, and not to permit any other person, to erect, place, install or maintain any building, structure, addition to a building or structure, mobile home, paved driveway or patio, pipe, wire or other conduit on, over or under any portion of the Lands within 3 metres of the Works;
- 2.2 not to do anything that in any way interferes with or damages or prevents access to or is likely to cause harm to the Works;
- 2.3 not to do or knowingly permit to be done any act or thing which will interfere with or injure the Works and in particular, without limitation, will not carry out any blasting on the Lands without the consent in writing of the Transferee, and consent shall not be unreasonably withheld;
- 2.4 from time to time and at all times at the reasonable request and at the cost of the Transferee to do and execute or cause to be made, done or executed any further and other lawful acts, deeds, things, devices, conveyances and assurances in law required to ensure the Transferee of its rights under this Agreement;

3.0 THE TRANSFEEE COVENANTS:

- 3.1 as far as reasonably possible, to carry out all work in a proper and workmanlike manner so as to do as little injury to the Lands as possible;
- 3.2 to make good at its own expense damage or disturbance which may be caused to the Lands in the exercise by the Transferee of its rights under this Agreement except as permitted under this Agreement;

4.0 THE PARTIES COVENANT TO AND AGREE WITH EACH OTHER, as follows:

- 4.1 In spite of any rule of law or equity to the contrary, the Works brought on to, set, constructed, laid, erected in, upon or under the Lands by the Transferee shall at all times remain the property of the Transferee, even if the Works are annexed or affixed to the freehold, and the Works shall at any time and from time to time be removable in whole or in part by the Transferee;

- 4.2 In the event that the Transferee abandons the Works or any part of them, the Transferee may, if it so elects, leave the whole or any part of the Works in place and if so abandoned the Works, or part thereof, shall become the property of the Transferor;
- 4.3 No part of the title in fee simple to the Lands of the Transferor shall pass to or be vested in the Transferee under or by virtue of this Agreement, and the Transferor may fully use and enjoy all of the Lands of the Transferor subject only to the rights and restrictions in this Agreement;
- 4.4 The Transferor acknowledges that:
- (a) these Covenants are enforceable against the Transferor and his successors in title; but
 - (b) the Transferor is not personally liable for breach of these Covenants after the Transferor has ceased to be the owner of the Lands;
- 4.5 If at the date hereof the Transferor is not the sole registered owner of the Lands of the Transferor, this Agreement shall nevertheless bind the Transferor to the full extent of his interest therein, and if he acquires a greater or the entire interest in fee simple, this Agreement shall likewise extend to such after-acquired interests;
- 4.6 Where the expression "Transferor" includes more than one person, all covenants made by the Transferor shall be construed as being several as well as joint with respect to all persons constituting the Transferor;
- 4.7 This Agreement shall continue to benefit and be binding upon the Transferor and Transferee, and their respective heirs, administrators, executors, successors and permitted assigns, as the case may be;
- 4.8 Gender specific terms include both genders and corporations, and the singular and plural forms are interchangeable, according to the context;

The Transferor and Transferee acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D (pages 1, 2 and 3) attached hereto.

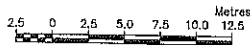
SCHEDULE "A"

PLAN EPP14017

Explanatory Plan of Statutory Right of Way of Part of Lot 2, District Lot 132, Malahat District, Plan VIP75146.

Plan EPP14017

Pursuant to Section 99(1)(e) of the Land Title Act.
BCGS 92B.053



The intended plot size of this plan is
432 mm in width by 280 mm in height (B size)
when plotted at a scale of 1:250

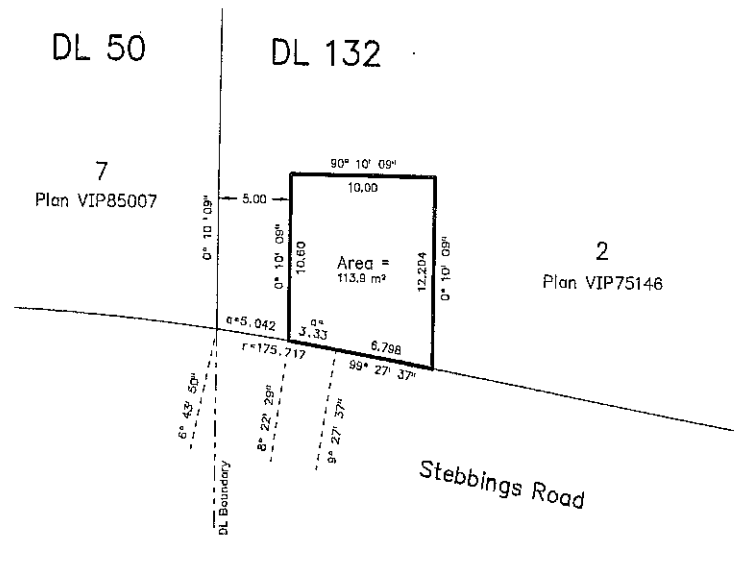
Legend:

Bearings are astronomic and derived from Plan VIP75146

This plan shows horizontal ground-level distances
except where otherwise noted.

All distances are in metres and decimals
thereof unless otherwise indicated.

Area Required = 113.9m²



McIlvaney Riley Land Surveying Inc.

#113 - 2244 Sooke Road
Victoria, B.C. V9B 1X1
(250) 474-5538
www.mrls.ca

File: 3416SRW-EPP14017

This plan lies within the
Cowichan Valley Regional District

This plan is based on the following Land Title and
Survey Authority of BC records:
Plan VIP75146

Michael J. McIlvaney, BCLS

BILL OF SALE (ABSOLUTE)

THIS BILL OF SALE is made the ____ day of _____, 201__

BETWEEN:

PAT LINTAMAN DESIGN LTD.
(Inc. No. BC0338205)

and

ANCHORAGE PROJECTS LTD.
(Inc. No. BC0787945)

(collectively the "Grantor")

AND:

COWICHAN VALLEY REGIONAL DISTRICT

(the "Grantee")

RECITALS:

- A. The Grantor is the owner of, and has agreed to sell to the Grantee the assets listed in Schedule A hereto (the "Assets").
- B. Concurrent with the execution and delivery of this Bill of Sale, the Grantor has agreed to grant a Statutory Right of Way over the lands referred to in Schedule A to the Grantee, to permit the Grantee access to the Assets for all purposes.

NOW THEREFORE, in consideration of the sum of **ONE (\$1.00) DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATION**, the receipt and sufficiency of which is hereby acknowledged, the grantor agrees as follows:

- 1. The Grantor hereby transfers to the Grantee all of the Grantor's right, title and interest in the Assets.
- 2. The Grantor covenants that:
 - (a) The Grantor has all necessary power, capacity and authority to own the Assets, to enter into this Bill of Sale on the terms and conditions set forth, and to transfer and sell the Assets to the Grantee as contemplated herein;
 - (b) The Grantor is now rightfully and absolutely possessed of and entitled to legal and beneficial interest in the Assets;
 - (c) The Grantor now has good right to transfer the Assets to the Grantee;

- (d) The Assets are free and clear of all charges and encumbrances;
 - (e) The Assets are in good operating condition and are in a good state of repair and maintenance, reasonable wear and tear excepted;
 - (f) The Grantor will from time to time upon reasonable request of the Grantee make, do and execute all such further acts, deed and assurances for the more effectively assigning and assuring the Assets unto the Grantor; and
 - (g) The entering into, execution and delivery of this Bill of Sale and the consummation of the transaction contemplated hereby will not result in the violation of any law or regulation or any applicable order of any court, arbitrator or government authority having jurisdiction over the Grantor or the Assets or of any indenture, contract or agreement, written or oral, to which the Grantor may be a party.
3. This Bill of Sale shall enure to the benefit of each of the parties' successors and assigns.
4. Wherever the singular or the masculine pronoun is used, the same shall be construed as meaning the plural or feminine or the body politic or corporate where the context or the parties hereto require.

IN WITNESS WHEREOF the parties have caused this Bill of Sale to be executed as of the day and year first above written.

PAT LINTAMAN DESIGN LTD. by its)
authorized signatory:)
)
)
_____)
PAT LINTAMAN)

ANCHORAGE PROJECTS LTD. by its)
authorized signatory:)
)
)
_____)
JOHN McMILLAN)

COWICHAN VALLEY REGIONAL DISTRICT)
by its authorized signatories:)
)
)
_____)
Name:)
)
_____)
Name:)

SCHEDULE A

ASSETS

2 TANKS – Described as: 10,000 gallon water storage tanks complete with all pipes, valves, fittings and appurtenances presently located on the lands legally described as:

PID: 025-642-324

Lot 2, District Lot 132, Malahat District, Plan VIP75146



R10

STAFF REPORT

ELECTORAL AREA COMMITTEE MEETING
JANUARY 17, 2012

DATE: December 20, 2011 File No.:0540-20
FROM: Sybille Sanderson, A/ General Manager Public Safety
SUBJECT: CVRD Honeymoon Bay Fire Rescue Chief Appointment

Recommendation:

That the Board of Directors approves the appointment of **Mr. Keith Bird** as Acting Fire Chief to the CVRD Honeymoon Bay Fire Rescue for a term to expire December 31, 2012. Retiring Fire Chief, Mr. John Rowley has consented to remain in the department in an advisory position until the summer of 2012.

Purpose: To obtain Board of Director's approval for the appointment of an Acting Fire Chief for the Honeymoon Bay Fire Rescue.

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

As it is practice to appoint all the Fire Chiefs at the same time; it is recommended that Mr. Bird's remaining term as the Acting Honeymoon Bay Fire Chief position be included in the appointment process with the other CVRD Fire Department Chiefs in the fall of 2012.

Submitted by,

Sybille Sanderson
A/General Manager, Public Safety

/ge

pc: Keith Bird, A/Fire Chief Honeymoon Bay



R11

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 17, 2012

DATE: January 11, 2012 **FILE NO:** 7-E-07 RS
FROM: Rob Conway, Manager
Development Services Division **BYLAW NO:** 3284 and
3285
SUBJECT: Rezoning Application 7-E-07RS (Cherry Blossom Estates)

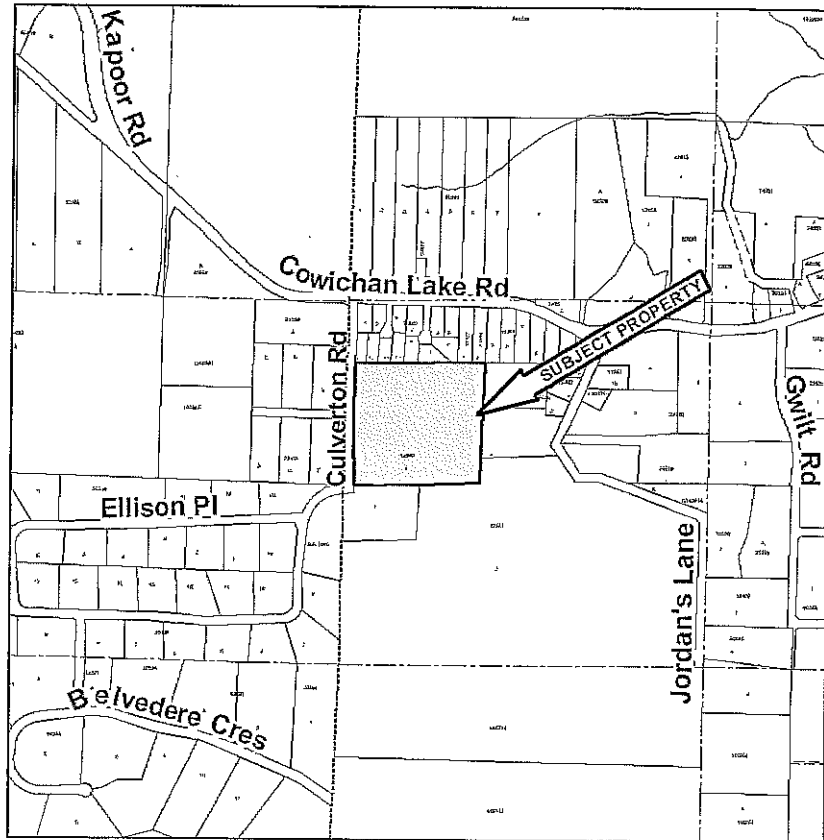
Recommendation/Action:

Direction of the Committee is requested.

Relation to the Corporate Strategic Plan: N/A

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

Location Map:



Background:

An application to change the zoning and Official Community Plan designation for a 7.53 ha. (18.6 ac.) property at 5611 Culverton Road in Area E was received in June, 2007. The application proposed to amend the zoning of the property from Heavy Industrial (I-2) to a zone that would allow a 50 unit manufactured home complex and a 2 acre park dedication.

The application was presented at a public meeting on February 24, 2009 and at a public hearing on November 10, 2009. On December 9, 2009, the CVRD Board granted third reading to the amendment bylaws.

Immediately following the granting of third reading, the Board passed the following motion:

That prior to adoption of Official Community Plan Amendment Bylaw No. 3284 and Zoning Amendment Bylaw No. 3285, the following issues be addressed:

a) That a proposed Land Title Act Section 219 covenant be registered against the title of the subject property with the following amendments:

- ***Require construction of a recycled water system ("purple pipes") that would supply treated water from the project's waste water treatment system for irrigation and toilets;***
- ***Require water metering for individual homes and a rate structure that encourages conservation;***
- ***Require installation of "low flow" water fixtures and appliances in the construction of new homes;***
- ***Require landscaped areas to use native and drought tolerant plant species;***
- ***Establish a maximum decibel standard for air-to air heat pumps to minimize noise;***
- ***permit ground source heat pumps to be used as an alternative to air-to-air heat pumps;***
- ***Require ground source heat pumps for all dwellings where the CVRD chooses to establish and finance a district energy system.***

b) That the applicant obtain a Certificate of Compliance or an Approval in Principle from the Ministry of Environment for remediation of the subject property by January 1, 2011.

The Issue:

The applicant was successful in obtaining approval from the Ministry of Environment to allow the zoning amendment to be adopted, provide the site remediation is completed prior to issuance of a development permit.

The reason the bylaws have not yet been brought back to the Board for adoption is because it has not been possible for the applicant to register the required covenant. When the rezoning application was submitted, the property was owned by a consortium, with the applicant acting as an appointed agent on the owners' behalf. The owners were apparently delinquent in paying property taxes, which resulted in the Province assuming ownership of the property in January, 2010. Staff do not know why the investment group (the Purdy group of companies) has not resolved the outstanding tax debt to regained ownership of the property but we believe they have sought creditor protection for this development and other investments they are involved with and may not have the resources available to regain ownership at this time.

The Province has owned the property for two years now and staff has no basis for believing it will be transferred back to the original owners anytime soon. Meanwhile, the amendment bylaws remain at third reading and, because of the December 9, 2009 Board resolution, cannot be considered for adoption until the covenant has been registered. In the interest of finding a solution to this conundrum, the EASC, at the November 15, 2011 meeting passed the following resolution.

That staff be directed to provide a report to the January 2012 EASC meeting that will provide recommendations on how to proceed with Amendment Bylaws No. 3284 and 3285 (File No. 7-E-07RS - Cherry Blossom Estates).

Development Services Division Comments and Recommendation:

Although the change in ownership has made it difficult to conclude the rezoning of the subject property as originally anticipated, the Board may still wish to proceed with adoption of the amendment bylaws. Although the land use change wasn't unanimously supported at the public hearing, the majority seemed to support the proposed residential use over the existing industrial zoning. Abandoning the amendment bylaws or maintaining them at third reading would allow the property to be used industrially and potentially could impose significant negative impacts on adjacent residential land owners. Adoption of the bylaws would reduce the potential for land use conflict and would create land use certainty for the area.

The covenant that was to be adopted as condition of rezoning was to contain the following provisions:

- Requirement that water and sewer systems would be built to CVRD standards and would be transferred to the CVRD to own and operate;
- Requirement for a recycled water system to supply treated waste water for irrigation and toilets;
- Requirement for water metering for individual homes and a rate structure to encourage conservation;
- Requirement for "low flow" fixtures and appliances in all dwellings;
- Requirement for all landscape areas to use native and drought tolerant species;
- Requirement for dwellings to be heated primarily by air-to-air heat pumps unless otherwise authorized by the CVRD;
- Requirement for dwellings to be heated primarily by ground source heat pumps if the CVRD chooses to establish and finance a district energy system;
- Requirement for decibel limitations on heat pumps;
- Requirement for dwellings to be insulated to an R2000 standard or better;
- Requirement for dwellings to have roughed in facilities for auxiliary wood or gas heating;

An alternative to implementing the above-conditions through a covenant would be to consider changes to the bylaws that achieve the same or similar results. The main down-side to this approach, however, is that the substantial re-working of the bylaws at this stage would arguably impact the use and density of the development and would require a public hearing or public notice to comply with procedural requirements for bylaw adoption.

If the CVRD Board wishes to proceed with the proposed bylaw changes, the following actions are recommended:

1. Adopt OCP Amendment Bylaw No. 3284
2. Rescind second and third reading of Zoning Amendment Bylaw No. 3285
3. Grant second reading to Zoning Amendment Bylaw No. 3285, as amended

4. Issue notice that the public hearing for Zoning Amendment Bylaw No. 3285, as amended, will be waived
5. Consider adoption of Zoning Amendment Bylaw No. 3285.

A copy of the amended version of Zoning Amendment Bylaw No 3285 is attached, along with the Bylaw Nos. 3284 and 3285 that have received third reading.

Options:

Option 1:

- a) That "CVRD Bylaw No. 3284 – Area E – Cowichan Station/Sahtlam/Glenora Official Community Plan Amendment Bylaw" be adopted.
- b) That second and third reading of "CVRD Bylaw No. 3285 – Area E - Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw" be rescinded.
- c) That second reading of "CVRD Bylaw No. 3285 – Area E - Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw", as amended, be granted.
- d) That notice be issued that the public hearing for "CVRD Bylaw No. 3285 – Area E - Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw" will be waived, in accordance with Section 893 of the Local Government Act.
- e) That "CVRD Bylaw No. 3285 – Area E - Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw" be considered for third reading and adoption

Option 2:

That consideration of "CVRD Bylaw No. 3284 – Area E – Cowichan Station/Sahtlam/Glenora Official Community Plan Amendment Bylaw" and "CVRD Bylaw No. 3285 – Area E - Cowichan Station/Sahtlam/Glenora Zoning Amendment" be deferred for up to one year.

Option 3:

That "CVRD Bylaw No. 3284 – Area E – Cowichan Station/Sahtlam/Glenora Official Community Plan Amendment Bylaw" be defeated.

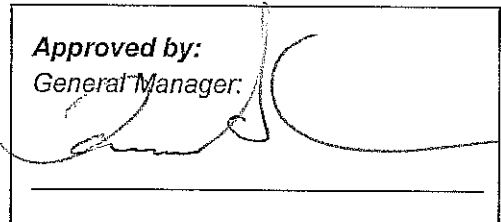
That "CVRD Bylaw No. 3285 – Area E - Cowichan Station/Sahtlam/Glenora Zoning Amendment" be defeated.

Submitted by,



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

Approved by:
General Manager.



RC/ca



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3285

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 enacts as follows:

1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3285 - Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Cherry Blossom Estates), 2009**".

2. AMENDMENTS

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

- a) That Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is amended by adding "R-6 Bare Land Strata Residential" to Section 6.1 – Creation of Zones.
- b) That Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is further amended by adding the following after Section 8.9:

.../2

8.10 R-6 ZONE – BARE LAND STRATA RESIDENTIAL ZONE

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

(a) Permitted Uses

The following *uses*, *uses* permitted under Section 4.4, and no others are permitted in an R-6 zone:

- (1) *modular home*
- (2) *single family dwelling*
- (3) *daycare* or nursery school *accessory* to a residential use;
- (4) *home occupation*
- (5) *horticulture*

(b) Conditions of Use

For any *parcel* in the R-6 zone:

- (1) the *parcel coverage* shall not exceed 35%
- (2) the *height* of all *buildings* and *structures* shall not exceed 6.0 metres, except for accessory buildings, which shall not exceed a *height* of 4.5 metres.
- (3) *Buildings* shall not exceed a single *storey*.
- (4) *Dwellings* shall not exceed a *gross floor area* of 120 square metres.
- (5) *Accessory Buildings* shall not exceed a combined *gross floor area* of 30 square metres.
- (6) The minimum *setbacks* for the types of *parcel lines* set out in Column I of this section are set out for the *principal* and *accessory uses* listed in Column II and III;

COLUMN I Type of Parcel Line	COLUMN II Principal Use	COLUMN III Accessory Use
Front	5.5 m	5.5 m
Interior Side	2.0 m	1.0 m
Exterior Side	3.0 m	2.0 m
Rear	4.5 m	1.0 m.

- (7) In no case shall the number of *dwelling units* per *parcel* exceed one.

.../4

- (8) All residential *parcels* shall be connected to a sewer and water system owned and operated by the CVRD and designed to CVRD specifications, including but not limited to:
 - A recycled water treatment and distribution system to supply treated waste water for irrigation and toilets;
 - Water metering for individual homes and a rate structure to encourage conservation;
 - Registration of a covenant on all residential parcels to require “low flow” fixtures and appliances and the use of native and drought tolerant plant species for landscaping;
- (9) Prior to subdivision, a covenant shall be registered on all residential *parcels* to:
 - Require all dwellings to be heated primarily by air-to-air heat pumps unless otherwise authorized by the CVRD;
 - Require dwellings to be heated primarily by ground source heat pumps if the CVRD chooses to establish and finance a district energy system;
 - Establish decibel limitations on heat pumps;
 - Require dwellings to be insulated to an R2000 standard or better;
 - Require dwellings to have roughed in facilities for auxiliary wood or gas heating.

(c) Density and Density Bonus

Subject to Part 12, the following regulations apply in the R-6 Zone

- (1) The number of residential parcels that may be created by subdivision in the R-6 zone must not exceed 3, including any remainder parcel.
- (2) Despite Section 8.10(c)(1), the number of residential parcels that may be created by subdivision in the R-5 zone may be increase to 18 if park land in the form of a title lot, with a minimum area of 0.81 hectares, in a location acceptable to the Regional District, is provided at no cost.
- (3) Despite Section 8.10(c) (1) and (2), the number of residential parcels that may be created by subdivision in the R-5 zone may be increased to 50 if the conditions in Sections 8.10(7) are met.
- (4) The minimum parcel area for the purposes of s. 946(4) of the *Local Government Act* is 25 hectares.
- (5) The minimum residential parcel size is 400 square metres.
- (6) The maximum residential parcel size is 460 square metres.
- (7) In order to develop any residential lot in excess of 18, a strata-owned amenity building and grounds must be constructed that will include:
 - i) A minimum gross floor area of 650 square metres;
 - ii) Interior improvements and furnishings, including a common kitchen and dining room, workshops, dance studio and meeting rooms;

.../4

- iii) A minimum of 20 paved parking spaces;
 - iv) Site landscaping.
- c) That Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is further amended BY adding the following definition to Part Three, between “manufactured home park” and “motel”:

“modular home” means a factory built dwelling that:

 - (a) conforms to CSA A277 series standard;
 - (b) has a pitched roof with a minimum slope of 4:12; and
 - (c) is assembled on a permanent foundation.
- d) That Schedule B (Zoning Map) to Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is amended by adding Bare Land Strata Residential Zone (R-6) to the legend.
- e) That Schedule B (Zoning Map) to Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is further amended by rezoning Part of Lot 1, Section 8, Range 6, Sahtlam District, Plan 12309, Except Those Parts in Plans 22890, 23708, 25003 and 29157 as shown outlined in a grey tone on Schedule A attached hereto and forming part of this bylaw, numbered Z-3285 from Heavy Industrial (I-2) to Bare Land Strata Residential (R-6).
- f) That Schedule B (Zoning Map) to Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is further amended by rezoning Part of Lot 1, Section 8, Range 6, Sahtlam District, Plan 12309, Except Those Parts in Plans 22890, 23708, 25003 and 29157 as shown outlined in a grey tone on Schedule B attached hereto and forming part of this bylaw, numbered Z-3285 from Heavy Industrial (I-2) to Parks and Institutional (P-1).

3. **FORCE AND EFFECT**

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

READ A FIRST TIME this _____ day of _____, 2009

READ A SECOND TIME this _____ day of _____, 2012.

READ A THIRD TIME this _____ day of _____, 2012.

ADOPTED this _____ day of _____, 2012.

Chairperson

Corporate Secretary

.../4



OCP Amendment Bylaw
Cherry Blossom Estates
(Third Reading)

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3284

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. 3284 - Area E – Cowichan Station/Sahtlam/Glenora Official Community Plan Amendment Bylaw (Cherry Blossom Estates), 2009**".

2. AMENDMENTS

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

3. CAPITAL EXPENDITURE PROGRAM

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

.../2

READ A FIRST TIME this _____ day of _____, 2009.

READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

I hereby certify this to be a true and correct copy of Bylaw No. 3284 as given Third Reading on the _____ day of _____, 2009.

Secretary

Date

APPROVED BY THE MINISTER OF COMMUNITY AND RURAL DEVELOPMENT
UNDER SECTION 913(1) OF THE *LOCAL GOVERNMENT ACT*
this _____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



SCHEDULE "A"

To CVRD Bylaw No. 3284

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

1. That the following is added to the "Table of Contents" at the end of Part Fourteen:

14.9 Bare Land Strata Subdivision Development Permit Area

2. That the following is added after Section 14.8:

14.9 BARE LAND STRATA SUBDIVISION DEVELOPMENT PERMIT AREA

14.9.1 *Category*

The Bare Land Strata Subdivision Development Permit Area is designated pursuant to Section 919.1(1)(a) and (e) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity and establishment of objectives for the form and character of intensive residential development.

14.9.2 *Justification*

The CVRD Board recognizes that the development of lands within the Bare Land Strata Subdivision Development Permit Area represents an urban land use in a rural setting. To ensure that these lands are developed in manner that minimizes impacts on adjacent agricultural uses and rural residential lands and protects the natural environment, the Board wishes to establish objectives and guidelines for bare land strata subdivision based on the following objectives:

- To establish buffers between residential and agricultural uses.
- To establish buffers between intensive residential housing and adjacent rural and suburban residential development.
- To ensure amenities and open space are provided.
- To protect ground water quality and maintain natural drainage patterns and hydrology.

14.9.3 *Applicability*

The Bare Land Strata Subdivision Development Permit Area applies to those lands highlighted on Figure 15, Bare Land Strata Subdivision Development Permit Area. A development permit shall be required prior to subdivision of the subject land, as defined by section 872 of the *Local Government Act*.

.../2

14.9.4 *Guidelines*

Development permits shall be issued where proposed development complies with the following guidelines:

Lot Layout Guidelines:

1. No residential lot shall be within 30 metres of any adjacent residential or agricultural property on the perimeter of the site comprising the bare land strata subdivision.
2. Pedestrian trail corridors with a minimum width of 4.0 metres shall be provided.
3. All lots are to be designed in a manner that ensures a building site and on-site parking for two vehicles.
4. Recreational vehicle storage areas should be fenced and screened with landscaping, and shall not exceed 500 square metres in area.

Road Layout Guidelines:

5. Internal roadways shall have a minimum width of 10 metres and be designed to accommodate the turning radius of emergency vehicles.
6. A secondary emergency access constructed to standard acceptable to the local fire department shall be provided.
7. Roadways will include meridian or boulevard landscaping, including street trees, shrubs, grass or groundcover.
8. Street lighting will be provided to safety light the driveway entrance and Culverton Road intersection.
9. Internal street lighting shall be provided that is designated in a manner that minimizes spill light, glare, and sky glow, and utilizes low energy fixtures.

Landscaped Buffers Guidelines:

10. A landscaped buffer with a minimum width of 15 metres shall be provided and maintained along the entire length of all parcel lines contiguous to the Agricultural Land Reserve. The buffer shall be constructed in accordance with standards specified in *Guide to Edge Planning, Ministry of Agriculture and Lands, June, 2009* or to an alternate standard approved by the Agricultural Land Commission.
11. A landscaped buffer with a minimum width of 7.5 metres shall be provided and maintained along the entire length of any parcel line contiguous to a public roadway and the perimeter of the lands comprising the bare land strata subdivision. The landscaped buffer shall be bermed and planted with trees, shrubs and groundcover so as to maintain the privacy of adjacent properties. Fencing shall be provided between any lot and common property other than strata roadways.
12. Required landscaped buffers are to be designated common property and shall be exclusive of residential lot area.

.../3

13. No structure, parking or storage is permitted in a required buffer area.
14. Landscaped buffers shall be planted with native plants and plant material that requires minimal watering.
15. Outdoor recreation areas shall include a minimum area of four (4) square metres per residential dwelling for use as fenced community garden.
16. Landscaped open space shall incorporate fruit trees, nut trees and other edible plantings.

Open Space and Recreation Area Guidelines:

17. A minimum of 5% of the bare land strata site area shall be designated and developed as outdoor recreation area. Such areas shall be developed for active and passive recreation, including lawn bowling, horse shoe pitch, dog run, picnic area, or similar type uses.
18. All common open space and recreation area shall be landscaped.

Ground Water Protection Guidelines:

19. Storm water systems shall be designed by a professional engineer in a manner that maintains the natural hydrology of the subject property and pre-development drainage patterns and flow rates.
20. Storm water management techniques such as bio swales, pervious pavements, detention and retention, and infiltration shall be incorporated into the storm water management design.

14.9.5 *Exemptions*

Development permits are not required for:

- a) Building or landscaping on approved and registered bare land strata lots.
- b) Construction of sewer or water utilities approved by the CVRD.
- c) Emergency works to repair or replace utilities or infrastructure.

14.9.6 *Application Requirements*

Before the CVRD Board considers the issuance of a development permit for a parcel in the Bare Land Strata Subdivision Development Permit Area, the application shall submit an application that includes:

- a) Written description of the proposed development
- b) Subdivision plan showing the proposed lot layout, size and dimension of proposed lots, road network, trail way, landscaped buffers, watercourses and other natural features, recreation area and open spaces.
- c) Conceptual servicing plan, showing the location of all utilities and sewage disposal areas
- d) Storm water management plan
- e) Landscape plan prepared in accordance with BCLSA standards showing a proposed hard and soft landscaped areas, grading, and a plant list indicating the size, quantity and species of all proposed plant material.

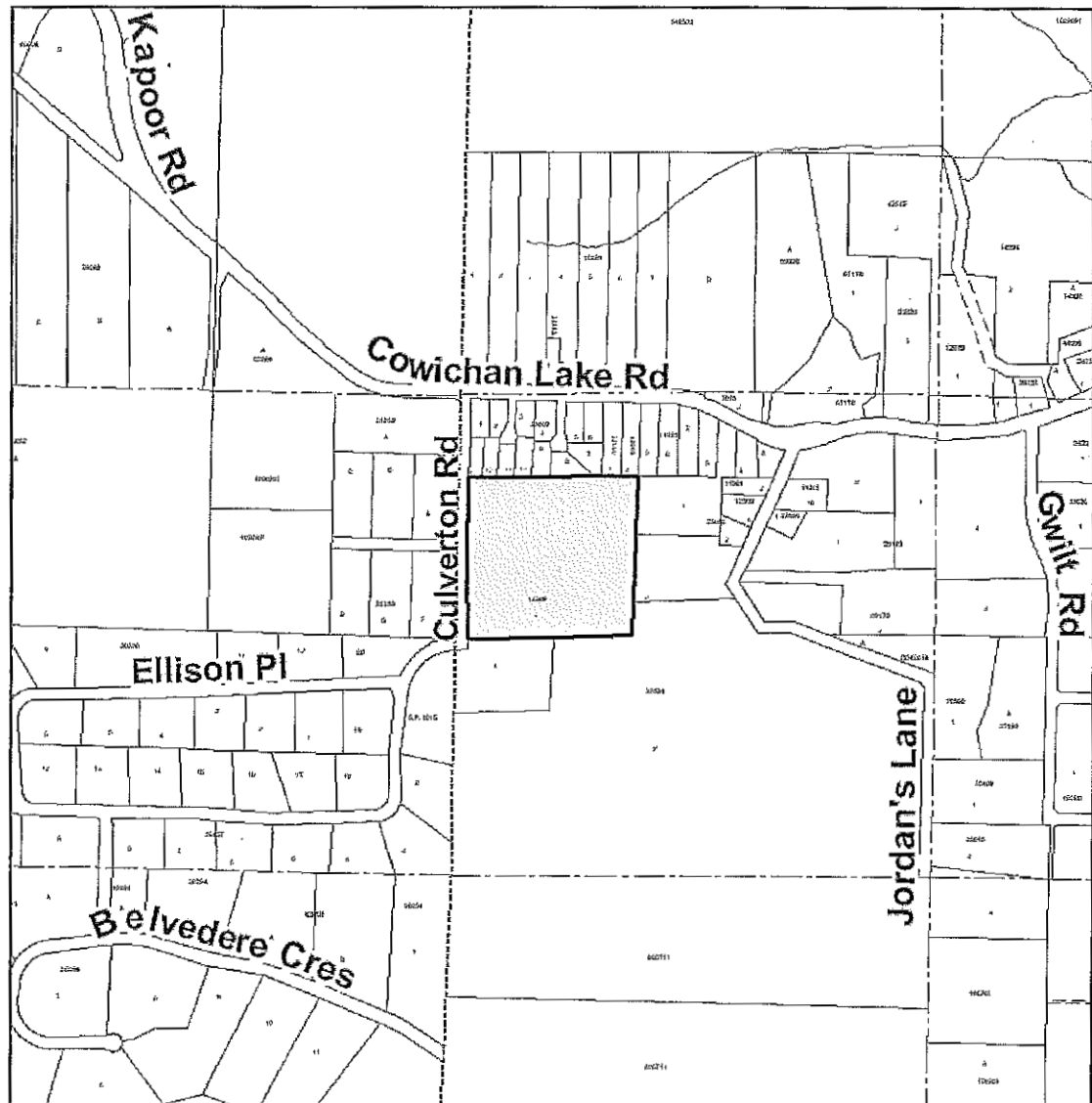
- f) Prior to issuance of a development permit, a cost estimate for all required landscaping and security in a form acceptable to the CVRD is required. 75% of the security shall be returned to the applicant upon confirmation that landscaping has been installed in accordance with the permit drawings. The remainder shall be returned upon successful completion of a one year maintenance period.

14.9.7 *Concurrent Development Permit Areas*

Where more than one development permit area applies to land in the Bare Land Strata Development Permit Area, a single development permit may be issued.

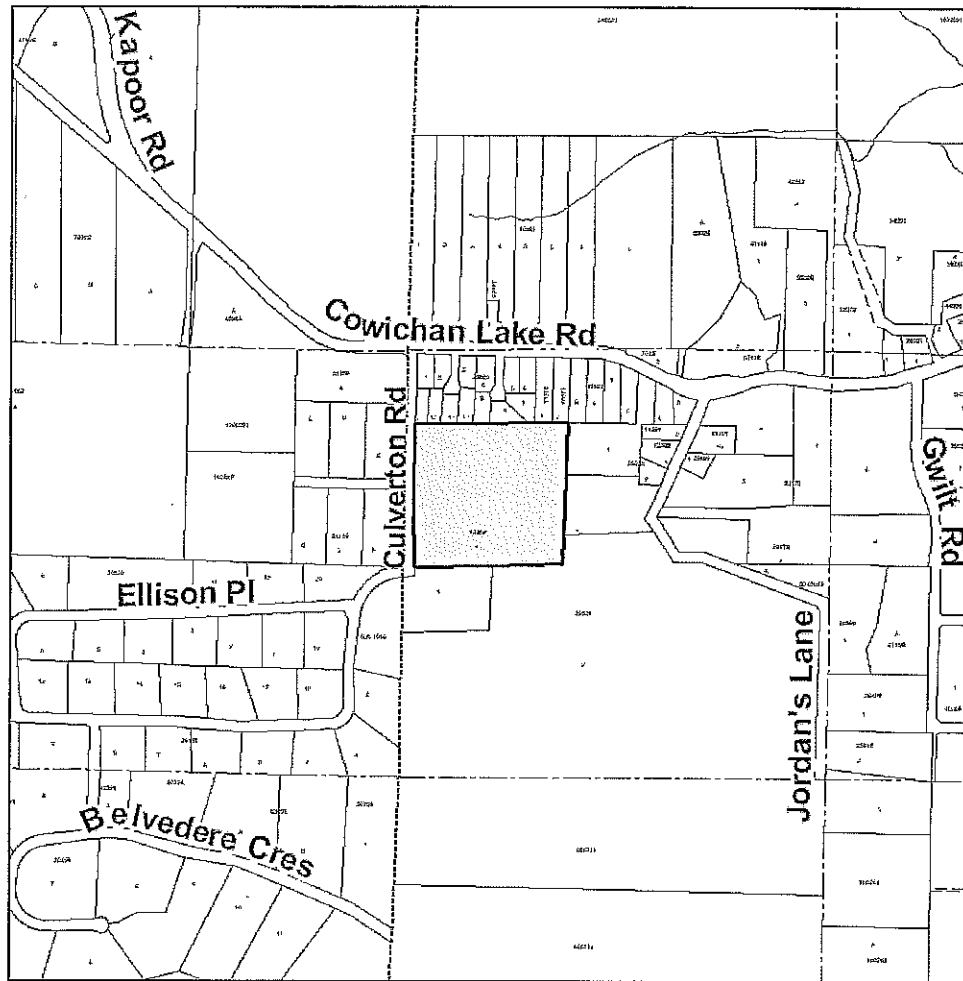
3. Schedule B (Plan Map) to Official Community Plan Bylaw No.1490 is hereby amended as follows:

That Lot 1, Section 8, Range 6, Sahtlam District, Plan 12309, Except Those Parts in Plans 22890, 23708, 25003 and 29157, as shown outlined in a solid black line on Plan number Z-3284 attached hereto and forming Schedule B of this bylaw, be re-designated from Industrial to Manufactured Home Park Residential

FIGURE 15

PLAN NO. Z-3284

SCHEDULE "B" TO PLAN AMENDMENT BYLAW NO. 3284
OF THE COWICHAN VALLEY REGIONAL DISTRICT



THE AREA IN A GREY TONE IS REDESIGNATED FROM

Industrial TO

Manufactured Home Park Residential APPLICABLE

TO ELECTORAL AREA E



Zoning Amendment Bylaw
Cherry Blossom Estates
(Third Reading)

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3285

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 enacts as follows:

1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3285 - Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Cherry Blossom Estates), 2009**".

2. AMENDMENTS

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

- a) That Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is amended by adding "R-6 Bare Land Strata Residential" to Section 6.1 – Creation of Zones.
- b) That Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is further amended by adding the following after Section 8.9:

.../2

8.10 R-6 ZONE – BARE LAND STRATA RESIDENTIAL ZONE

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

(a) Permitted Uses

The following *uses*, *uses* permitted under Section 4.4, and no others are permitted in an R-6 zone:

- (1) *modular home*
- (2) *single family dwelling*
- (3) *daycare* or nursery school *accessory* to a residential use;
- (4) *home occupation*
- (5) *horticulture*

(b) Conditions of Use

For any *parcel* in the R-6 zone:

- (1) the *parcel coverage* shall not exceed 35%
- (2) the *height* of all *buildings* and *structures* shall not exceed 6.0 metres, except for accessory buildings, which shall not exceed a *height* of 4.5 metres.
- (3) *Buildings* shall not exceed a single *storey*.
- (4) *Dwellings* shall not exceed a *gross floor area* of 120 square metres.
- (5) *Accessory Buildings* shall not exceed a combined *gross floor area* of 30 square metres.
- (6) The minimum *setbacks* for the types of *parcel lines* set out in Column I of this section are set out for the *principal* and *accessory uses* listed in Column II and III;
- (7) In no case shall the number of *dwelling units* per *parcel* exceed one.

COLUMN I Type of Parcel Line	COLUMN II Principal Use	COLUMN III Accessory Use
Front	5.5 m	5.5 m
Interior Side	2.0 m	1.0 m
Exterior Side	3.0 m	2.0 m
Rear	4.5 m	1.0 m.

(c) Density and Density Bonus

Subject to Part 12, the following regulations apply in the R-6 Zone

- (1) The number of residential parcels that may be created by subdivision in the R-6 zone must not exceed 3, including any remainder parcel.
 - (2) Despite Section 8.10(c)(1), the number of residential parcels that may be created by subdivision in the R-5 zone may be increase to 18 if park land in the form of a title lot, with a minimum area of 0.81 hectares, in a location acceptable to the Regional District, is provided at no cost.
 - (3) Despite Section 8.10(c) (1) and (2), the number of residential parcels that may be created by subdivision in the R-5 zone may be increased to 50 if the conditions in Sections 8.10(7) are met.
 - (4) The minimum parcel area for the purposes of s. 946(4) of the *Local Government Act* is 25 hectares.
 - (5) The minimum residential parcel size is 400 square metres.
 - (6) The maximum residential parcel size is 460 square metres.
 - (7) In order to develop any residential lot in excess of 18, a strata-owned amenity building and grounds must be constructed that will include:
 - i) A minimum gross floor area of 650 square metres;
 - ii) Interior improvements and furnishings, including a common kitchen and dining room, workshops, dance studio and meeting rooms;
 - iii) A minimum of 20 paved parking spaces;
 - iv) Site landscaping.
- c) That Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is further amended BY adding the following definition to Part Three, between “manufactured home park” and “motel”:
- “modular home”** means a factory built dwelling that:
- (a) conforms to CSA A277 series standard;
 - (b) has a pitched roof with a minimum slope of 4:12; and
 - (c) is assembled on a permanent foundation.
- d) That Schedule B (Zoning Map) to Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is amended by adding Bare Land Strata Residential Zone (R-6) to the legend.
- e) That Schedule B (Zoning Map) to Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is further amended by rezoning Part of Lot 1, Section 8, Range 6, Sahtlam District, Plan 12309, Except Those Parts in Plans 22890, 23708, 25003 and 29157 as shown outlined in a grey tone on Schedule A attached hereto and forming part of this bylaw, numbered Z-3285 from Heavy Industrial (I-2) to Bare Land Strata Residential (R-6).

- f) That Schedule B (Zoning Map) to Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is further amended by rezoning Part of Lot 1, Section 8, Range 6, Sahtlam District, Plan 12309, Except Those Parts in Plans 22890, 23708, 25003 and 29157 as shown outlined in a grey tone on Schedule B attached hereto and forming part of this bylaw, numbered Z-3285 from Heavy Industrial (I-2) to Parks and Institutional (P-1).

3. **FORCE AND EFFECT**

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

READ A FIRST TIME this _____ day of _____, 2009

READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.

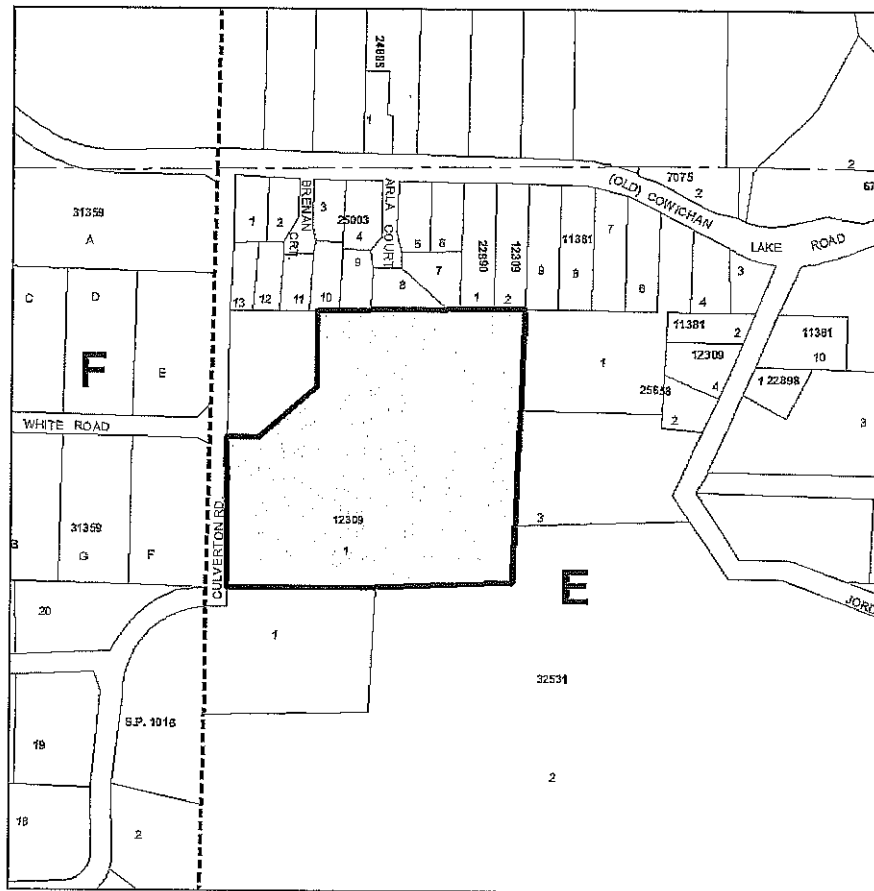
Chairperson

Corporate Secretary

PLAN NO. Z-3285

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

3285



THE AREA IN A GREY TONE IS REZONED FROM

Heavy Industrial (I-2) **TO**

Bare Land Strata Residential (R-6) **APPLICABLE**

TO ELECTORAL AREA E

3285



R12

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 17, 2012

DATE: January 6, 2012 **FILE NO:**

FROM: Tanya Soroka, Parks and Trails Planner **BYLAW No:**

SUBJECT: Easement for Cobble Hill Improvement District to have foot access across CVRD parkland on Fisher Road

Recommendation/Action:

That an easement/SRW be granted in favour of Cobble Hill Improvement District for access across lands owned by the Cowichan Valley Regional District known as Fisher Road pedestrian crossing Park, legally described as Block 1475, Plan 56724 and Lot A, Section 13, Range 6, Plan VIP48879, Shawnigan Land District, Plan VIP81077.

Relation to the Corporate Strategic Plan: N/A

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

Background:

In 2006 this 0.02 ha piece of land on Fisher Road (Block 1475, Plan 56724 and Lot A, Section 13, Range 6, Plan VIP48879, Shawnigan Land District, Plan VIP81077) was dedicated to the CVRD through subdivision for a potential pedestrian crosswalk location that, at a later date, was deemed to be unsuitable for a crossing. This piece of park land has been left undeveloped and is used as an informal access to Cobble Hill Elementary School.

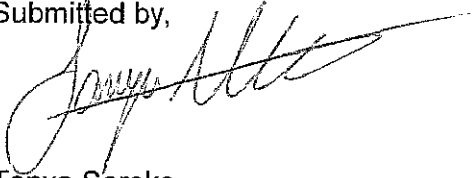
There is currently a Statutory Right of Way Plan VIP70155 registered on the Park property in favour of BC Hydro and TELUS which is necessary for the operation and maintenance of the undertakings of each of BC Hydro and TELUS. The Cobble Hill Improvement District currently has an easement through the adjacent storage facility property, however the Vancouver Island Health Authority has requested that an additional access gate be installed at the north end of this fenced in area, and an easement be obtained through the park. This easement is to allow the Cobble Hill Improvement District (CHID) staff access to the gate located on School District Property to access their water service. There will be no vehicles using this easement/SRW.

A motion was passed by the Electoral Area C Parks Commission in their October 24, 2011 meeting:

Moved/seconded

"That it be recommended to the CVRD Board that access be granted via an easement agreement between the CVRD and the Cobble Hill Improvement District across the small walkway portion of the Fisher Road property near the Motherwell/School District 79 location."

Submitted by,

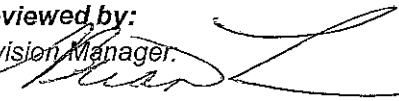


Tanya Soroka
Parks and Trails Planner
Parks and Trails Division
Parks Recreation and Culture Department

TS/ca
Attachment

Reviewed by:

Division Manager.



Approved by:

General Manager:

COBBLE HILL IMPROVEMENT DISTRICT

P.O. Box 27

Cobble Hill, B.C. V0R 1L0

Phone (250)743-2861 Fax (250)743-9906 Email: chid@mccormack.bc.ca

October 12, 2011

Gerry Giles
Regional Director – Area C
Cowichan Valley Regional District
175 Ingram Street
Duncan, BC
V9L 1N8

Dear Director Giles:

Re: Fisher Road Pedestrian Crossing Section 13, Range 6 Shawnigan District, Plan VIP81077

We are writing to request an easement through the small parkland known as the Fisher Road Pedestrian Crossing in order to provide access to our well located in the fenced in area on the School District property.

We currently have an easement through the storage facility, however the Vancouver Island Health Authority has requested that an additional access gate be installed at the north end of this fenced in area, and an easement be obtained through the park.

If this request is acceptable, the District's lawyer will draw up the documents and we will pay all legal costs involved.

Your consideration of this request is greatly appreciated.

Sincerely,

COBBLE HILL IMPROVEMENT DISTRICT



Robin Brett
Corporate Administrator



R 13

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 17, 2012

DATE: January 6, 2012

FILE NO:

FROM: Tanya Soroka, Parks and Trails Planner

BYLAW NO:

SUBJECT: Shawnigan Wharf Park Water Lot Lease with the Province – Amendment of lease to include RCMP Boathouse

Recommendation/Action:

That the Province be requested to amend the current 30 year water lot lease (DL 1, Lease #102999; Aug 31/89 – Aug 30/19) in Shawnigan Wharf Park, to include an RCMP boat house adjacent to the existing Fire Departments boat house, and that the Board Chair and Corporate Secretary be authorized to sign the required lease document amendments.

Relation to the Corporate Strategic Plan:

"Safe and Healthy Communities"

Objective: To achieve excellence through community partnerships.

Strategic action: Increase collaboration among public safety agencies through enhanced and expanded quarterly public safety meetings and instituting quarterly first responder meetings.

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

Background:

Shawnigan Wharf Park is located at the foot of Thrush Road on Shawnigan Lake near the heart of Shawnigan village. In 1929 the Department of Public Works authorized a crossing of the E&N railway for lake access at Thrush Road and in 1975 a wharf was constructed by the Public Works Canada, to ocean standards, to provide a public boat access to Shawnigan Lake.

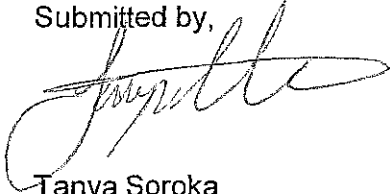
In 1989 the Cowichan Valley Regional District obtained a Crown Lease for DL 1 from the Ministry of Crown Lands for the purpose of a public wharf, community park, and moorage for a fire boat. The following year the Shawnigan Lake Volunteer Fire Department constructed a boathouse and wharf to house and launch their firefighting boat.

In 1991, the CVRD leased the foreshore and beach north of the wharf from the CPR/E&N (Bylaw 1396 – "CVRD - Lease Agreement (CPR/E&N) Bylaw No.1, 1991). Since this time the CPR has granted these foreshore lands as well as the beach north of the wharf to the Island Corridor Foundation.

In 2011 the Shawnigan Residents Association, along with the Shawnigan Lake RCMP detachment, contacted the CVRD Parks and Trails Division to discuss the option of having another boathouse constructed in Shawnigan Wharf Park alongside the existing Fire boathouse for the purpose of housing the RCMP boat. The Shawnigan Lake RCMP Detachment annually polices the waters of Shawnigan Lake, and the current RCMP vessel is located at a boat house

on the far west side of the lake while the detachment office is located in Shawnigan Village, within metres of Shawnigan Wharf Park. The Shawnigan Lake RCMP could provide an even better service if they were able to have an RCMP designated boat house located nearer to the Detachment. The RCMP have provided a letter to the CVRD requesting the board to consider amending the current lease to have included another boat house for the RCMP vessel.

Submitted by,



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

TS/ca
Attachment

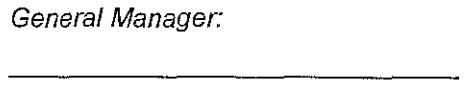
Reviewed by:

Division Manager:



Approved by:

General Manager:





Royal Canadian
Mounted Police

Gendarmerie royale
du Canada

Security Classification/Designation
Classification/désignation sécuritaire

COPY

Shawnigan Lake RCMP Detachment
P.O. Box 95
Shawnigan Lake, B.C.
V0R 2W0

Your File - Votre référence

Our File - Notre référence

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

Date

November 23, 2011

Attention: Tanya Soroka

RE: RCMP Boathouse

Shawnigan Lake Detachment has and will continue to annually plan for seasonal policing here in Shawnigan as it is one of our top priorities. I have been fortunate to work along side Area Director Ken COSSEY and the folks of the Shawnigan Residents Association (SRA) regarding lake and boating safety. This has included both the enforcement and educating of boaters and residents alike. I think overall we continue to see improvement on the water. The additional funding from Island District RCMP and the Cowichan Valley Regional District has allowed us to increase and now maintain our presence on the water. These past two years we have been able to succeed with no fatalities on the water, increased foot patrols, improved signs and our positive ticket campaign with youth this summer have met with great success. I recognize we still have work to do, however with folks like your self, we are making progress.

This summer we were able to get on the water numerous times with scheduled shifts of overtime. We presently dock our RCMP vessel at a boat house on the far west side of the lake. We are extremely appreciative of the generosity provided by this person. The Shawnigan Lake RCMP however do feel we could provide an even better service if we were able to have an RCMP designated boat house located nearer to the Detachment for a variety of reasons. Shawnigan Lake RCMP have discussed a boat house near the Government Wharf, possibly attached or nearby the Shawnigan Lake Volunteer Fire Department (SLVFD) boat house with Director COSSEY in the past and with SRA President Garry HORWOOD.

Our thoughts regarding a new boat house for public safety include the following:

1. Location: Personal safety of citizens. Presently our emergency response time to get on the water safely is approximately 15-20 minutes from our Detachment at best.
2. Location: A closer proximity would allow for us to respond in a more safe and efficient manner.

Canada

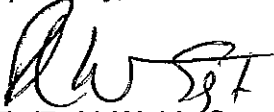
3. Location: A closer proximity would allow for more "impromptu" patrols on the water. Presently unrealistic for a RCMP member to place himself at least 15-20 minutes away on the water while his partner is on the road by him/herself. This would allow for more flexibility of patrols for various lengths in time.

4. Location: The Government wharf is traditionally known as the hangout area for youth, an extremely busy and dangerous boat launch, and traditional parking problems we try to improve on every year. I feel a boat house for the RCMP will bring an even more increased presence and visibility to one of our if not most popular spot's on the water.

I strongly feel this location can only help improve our emergency and routine patrols response time, increase unscheduled patrols on the water, and bring a significant increase in presence to the Government Wharf and Shawnigan Lake area. The increased presence can only help curb youth drinking, improve parking and the safe launching and loading of boats in the area.

I understand that this structure would be of significant expense. E Division Island District RCMP are supportive of this initiative. I believe community support for a boathouse would be extremely positive.

Respectfully,

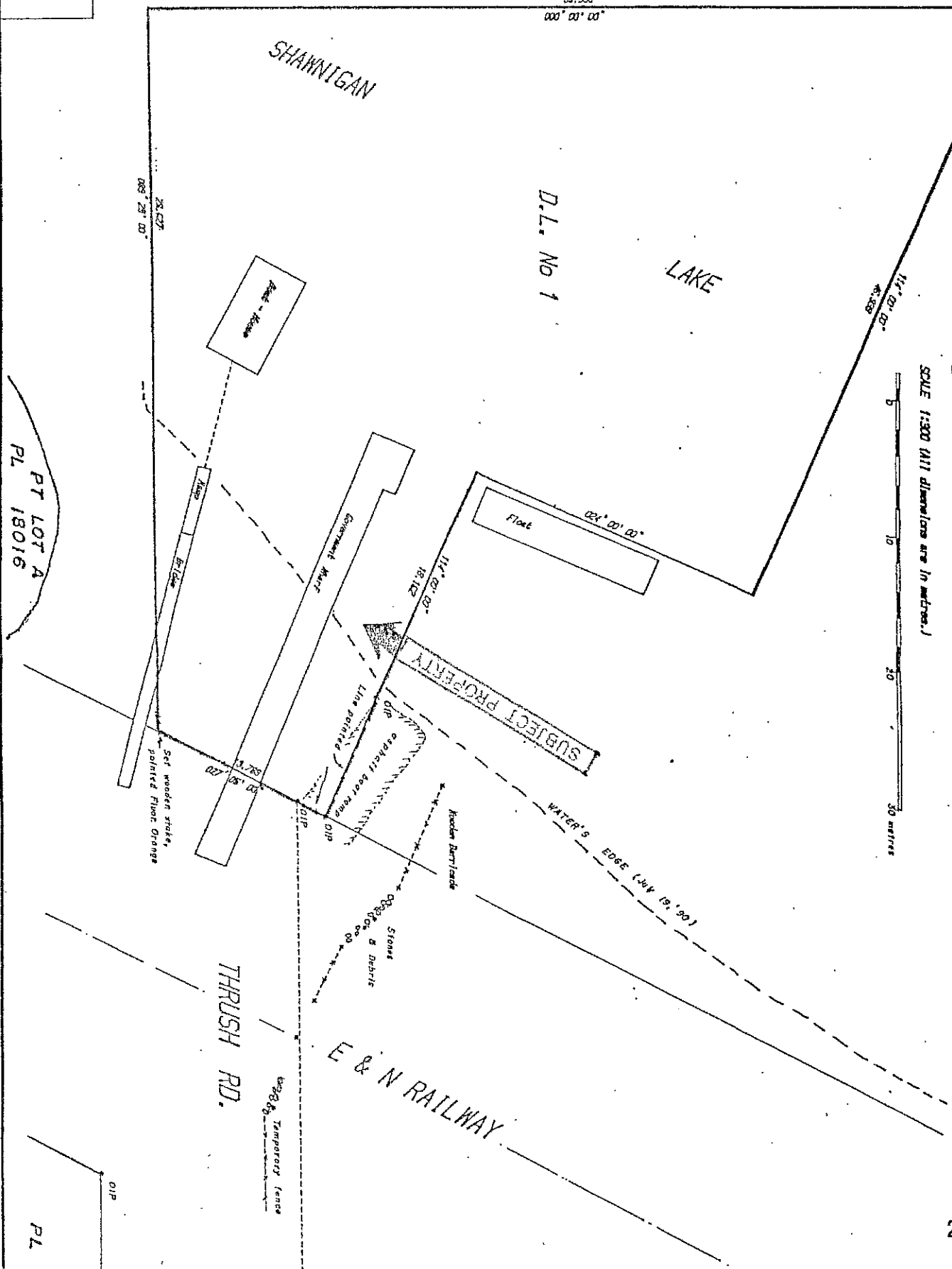
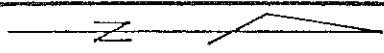


R. E. (Rob) Webb, Sergeant
Non Commissioned Officer in Charge
Shawnigan Lake RCMP Detachment

Lease #102999

SITE-PLAN SHOWING CONSTRUCTED WHARF, E & N R/W AND SHAWNIGAN VOLUNTEER FIRE BOAT-HOUSE

SCALE 1:300 (All dimensions are in metres.)



Robin Leffer
B.C. Land Surveyor
2829 Hertl Road,
Shawnigan Lake, B.C.
V0R 2K0 743-4912



R 14

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 17, 2012

DATE: January 10, 2012

FILE NO:

FROM: Ryan Dias, Parks Operations Superintendent

BYLAW NO:

SUBJECT: Community Parks Maintenance Services Contracts

Recommendation/Action:

Direction from the Committee is requested.

Relation to the Corporate Strategic Plan:

Safe and Healthy Community - Provide exceptional recreation, cultural and park services

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

Background:

The Parks and Trails Division has recently been advised by Easy Living Holdings Limited that the business is considering a conditional sales agreement with Shapescap Golf Services Ltd. to sell their parks maintenance services assets, which would be inclusive of the parks maintenance contract services with the Cowichan Valley Regional District. Easy Living Holdings Limited currently provides the community parks maintenance contract services within Electoral Areas A – E, Areas F and I, Bright Angel Park and South Cowichan Parks. The current parks maintenance services contracts with Easy Living Holdings Limited expire to December 31, 2013.

The terms and conditions of the parks maintenance services contracts includes the provision that the Contractor shall not, without the express written consent of the CVRD, assign the parks maintenance contract, or any portion of the contract, to another party. In this case, the proposed sale of the parks maintenance services assets by Easy Living Holdings Limited to Shapescap Golf Services Ltd would be on the premise that Shapescap Golf Services Ltd assume the parks maintenance service contracts currently in place with the CVRD. This would constitute an assignment under the terms of the existing parks maintenance contracts and therefore such an assignment of the contracts would require prior written consent of the Regional District.

It is the understanding of the Parks and Trails Division that the proposed sale of assets by Easy Living Holdings Limited to Shapescap Golf Services Limited would be inclusive of all equipment, vehicles and existing personnel that are involved with currently maintaining CVRD's community parks per the terms and conditions of the contracts. The only change would be the ownership of these assets used in performing the parks maintenance services. The owner of Shapescap Golf Services Ltd recently moved back to the Cowichan Valley from Mexico and has over 20 years experience in golf course shaping, finishing and maintenance inclusive of

landscaping work in horticulture, arboriculture, turf management, and design and installation of irrigation systems (see attachment).

As the sale of the parks maintenance services assets by Easy Living Holdings Limited to Shapescap Golf Services Ltd is conditional upon approval of the Regional District to permit assignment of the existing parks maintenance contracts for Electoral Areas A – E, Areas F and I, Bright Angel Park and South Cowichan Parks, the Electoral Area Services Committee and Board may wish to consider the following:

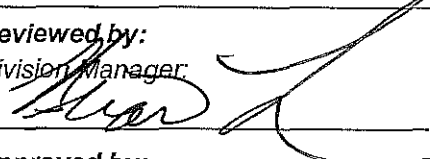
- A. Approve the request for assignment of the existing parks maintenance contracts which expire December 31, 2013 for Electoral Areas A – E, Areas F and I, Bright Angel Park and South Cowichan Parks from Easy Living Holdings Limited to Shapescap Golf Services Ltd.
- B. Not approve the request for assignment of the existing parks maintenance contracts to Shapescap Golf Services Ltd.

If the Committee and Board are not agreeable to the request to assign the existing parks maintenance contracts to Shapescap Golf Services Ltd, the contractual obligations for parks maintenance service delivery within Electoral Areas A – E, Areas F and I, Bright Angel Park and South Cowichan Parks would remain with Easy Living Holdings Ltd. to uphold for the duration of the contract term.

Submitted by,



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

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

RD/ca
Attachment

Shapescape Golf Services Ltd – Company Background

Although principally involved in the golf course construction industry, the last few years we were in charge of the maintenance of La Loma Club de Golf (you can see some images on its website www.lalomagolf.com.mx). Please remember, this is a desert style Nicklaus Signature golf course which is ultra high maintenance. Most of my work has either been on high profile Jack Nicklaus or Tom Weiskopf design courses, some of which hold PGA events to this day. This course has held two Canadian tour events.... unfortunately the second event closed early due to swine flu. La Loma was voted Best New Private Course in Mexico and later Best Inland Course in Mexico.

I was selected to assist in the construction and development of similar courses worldwide due to my attention to detail and my ability to provide imaginative, playable golf holes on some of the most demanding terrain ever considered for golf and residential. Once people began to reside in La Loma, there was a demand for professional advice on landscaping and turf in the park and residential areas. Shapescape was the obvious choice, as the golf club was always maintained to the highest standards. It became one of my daily duties to assist in the parks and residential landscape. This included irrigation prep and design, seed prep, seeding, and grow in. As our business grew, supervision became very important and obviously I had to adhere to budget restrictions and excel in customer relations to ensure the success of our business. Many residents required a variety of plants and these types depended on sun exposure, drainage, shade etc, and therefore creativity was of high importance.

We were also maintaining the La Loma Centro Deportivo, or La Loma Sports Center. This facility is one of the most regarded and highly used sports clubs in central Mexico (www.lomacd.com.mx). This club hosts many Olympic and top athletes from around the world due to the high altitude training, therefore the turf is subject to high traffic throughout the year. Shapescape provided a comprehensive and achievable maintenance program which reduced greatly the unsightly bald spots typically seen on such high traffic fields.

Detailed maintenance requires preventative maintenance, not reactive maintenance. A high level of vigilance, supervision, and preventative action is necessary in order to succeed. I feel that Shapescape encompasses all of these attributes, and expect nothing but success in the future.

Clive Henshaw

Alemeda del Rio 334
Lomas del Tecnológico
San Luis Potosi
S.L.P. 78216
Mexico

T 52-1-444-188-1059
clivecharles@hotmail.com

Citizenship

British, Canadian permanent resident. Married, 2 children.

Born

25/02/1970 Edinburgh, Scotland

Experience

1993-2010. Assisted in the construction of 16 different golf courses in a number of countries, most of which are Nicklaus Design or Nicklaus Signature course developments. I began as a finisher and lead shaper and as my experience grew became design coordinator as well as shaper on certain sites. On my last project as lead shaper I remained as the golf course superintendent.

2005 - Present La Loma Club de Golf San Luis Potosi, Mexico

Superintendent

Responsible for recruiting and training a capable maintenance crew and maintaining the golf course to Nicklaus Design standards. The course was rated in the top three Best New Private Courses in Mexico 2006. Host to the Canadian Tour (San Luis Open) 2008, 2009.

<http://www.lalomagolf.com.mx/>

2003 - 2005 La Loma Club de Golf (Signature) San Luis Potosi, Mexico

Design Coordinator/Shaper (lead)

Responsible for the shaping and finishing of the golf course in accordance with Nicklaus Design standards.

2001 - 2002 Punta Espada (Signature) Punta Cana, Dominican Republic

Shaper (lead)

Responsible for the shaping and finishing of the golf course in accordance with Nicklaus Design standards.

<http://www.puntaespada.com/>

1999 - 2000 Northern Bear (Signature) Edmonton, Alberta

Design Coordinator/Shaper (lead)

Responsible for the shaping and finishing of the golf course in accordance with Nicklaus Design standards.

<http://www.northernbeargolf.com/>

1998 Bears Paw (Signature) Minikuchi, Japan

Shaper(lead)

Responsible for the shaping and finishing of the golf course in accordance with Nicklaus Design standards.

1997 Atsuma Royale Atsuma, Japan

Design Coordinator/Shaper (lead)

Responsible for the shaping and finishing of the golf course in accordance with Nicklaus Design standards.

1996/97 Rokko Kokusai Kobe, Japan

Design Coordinator/Shaper (lead)

Responsible for the shaping and finishing of the golf course in accordance with Nicklaus Design standards.

1996 James Island G.C. Sidney, Canada

Shaper/Finisher

Responsible for the shaping and finishing of the golf course in accordance with Nicklaus Design standards.

1995 Northlands G.C. North Vancouver, Canada

Shaper/Finisher

1993/94 Nicklaus North G.C. Whistler, Canada

Finisher

Education

Shawnigan Lake School, British Columbia, Canada —

Skills

I have the ability to be creative in regards to both shaping and problem solving on site. Will rise to meet a challenge and will not give up easily, always keen to learn new techniques. Can operate the equipment required to create a golf course with great ease. Having worked for a few years in Mexico I am now proficient in spanish.



November 23, 2011

To whom it may concern:

I have had the privilege of working with Clive Henshaw for the past 8 years. I believe it is an honor to write a letter of recommendation for him. Since the beginning, Clive as the Golf Course Superintendent of La Loma Club de Golf has helped us to literally design and build our golf course, which is now one of the best three golf courses in Mexico. He has created an excellent work environment and manages the golf course with professionalism, ethics and perfect attendance. We have golfers that come from several countries and from all cities of Mexico to play our world class golf course.

His job position as the Golf course Superintendent carries the following responsibilities; he manages a group of over 60 people, handles all expenses, orders, inventory and works very closely with professionals and staff to assure Customer Satisfaction. He works with first class equipment to maintain in perfect condition every detail of the golf course, the gardens, the native areas and the sidewalks of our resident area. He makes sure that his staff attends any training that is needed to enhance their work.

For Clive and his family it is the end of an era as it is for this company. It is going to be a great loss for us, but we know it is all for his well-being. I would happily re-employ Clive as I consider him to be a valuable member of La Loma Golf, who concisely achieved good results and delivered on all of my expectations.

Sincerely,

Carlos López Medina
President of La Loma Club De Golf
San Luis Potosi, S.L.P.
Phone: 52 444 8356000



R15

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 17, 2012

DATE: January 9, 2012 FILE NO:
FROM: Ryan Dias, Parks Operations Superintendent BYLAW NO:
SUBJECT: Expenditure Preauthorization of Community Parks 2012 Capital Funds

Recommendation/Action:

That the Capital Purchasing Policy be waived to allow expenditures to proceed on the following Community Parks capital projects prior to the adoption of the CVRD 2012 Five Year Financial Plan.

1. Electoral Area B – Phase 2 and 3 works at Shawnigan Hills Athletic Park in the amount of \$74,179.
2. Electoral Area C – Construction of a washroom building at Quarry Nature Park in the amount of \$141,820.
3. South Cowichan Parks - Mill Bay Historic Church – Phase 1 Rehabilitation in the amount of \$112,264.

Relation to the Corporate Strategic Plan:

Safe and Healthy Community - Provide exceptional recreation, cultural and park services

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

The Capital Projects are anticipated to be financed as follows:

1. Electoral Area B – Funded by approximately \$20,150 from 2011 Community Parks surplus and \$54,029 from 2012 Community Parks tax requisition.
2. Electoral Area C – Funded by \$141,820 from Capital Reserve Funds, bylaw 3517 adopted July 13, 2011.
3. South Cowichan Parks – Funded by \$112,264 from 2012 South End Parks tax requisition.

Background:

Electoral Area B – Shawnigan Lake Athletic Park Improvements

The 2011 Electoral Area B Community Parks Capital Budget of \$326,050 was put towards completing Phase One of the project, and elements of Phase Two works including partial construction of a public washroom/changeroom facility. Remaining capital funds from 2011 are being rolled over into 2012 to allow completion of the washroom in Phase Two and start of Phase Three landscaping works on site. An overlapping washroom construction schedule from 2011 to 2012, and the requirement to complete site landscaping have necessitated the requirement to request preauthorization expenditure of 2012 Capital Project funds in order to complete works prior to the start of busy user group season in April.

Electoral Area C – Quarry Nature Park Washroom Facility:

The Electoral Area C Parks Commission has identified the Quarry Nature Park Washroom construction as a priority in 2012 and has committed reserve funds to fund construction of the facility. Construction of the washroom is an integral component of the \$400,000 Towns for Tomorrow grant funded sewer and water upgrade project in Cobble Hill including the provision of a recycled non potable water service to the new washroom facility. Critical planning and partial site preparation will need to begin prior to adoption of the annual budget so that the site is ready to accept the new water service, and for construction to proceed in a timely manner prior to the busy summer season at this park.

South Cowichan Parks – Mill Bay Church Rehabilitation Project:

The South Cowichan Parks Commission met in July 2011 to discuss two options for rehabilitation of the Mill Bay Historic Church. The Commission recognized the constraints of the available budget as well as the limited future use of the site and decided on the Option Two approach: Rehabilitation of only the historic church building with an upgrade to the septic system. This option requires demolition of the secondary hall on site to accommodate the septic field. Preliminary site work and demolition of the secondary hall will need to occur prior to the adoption of the budget so that the site is ready to perform rehabilitation works during the drier summer months. This project is supported by \$112,264 from the South Cowichan Parks Capital Budget proposed for 2012

Submitted by,



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

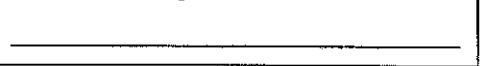
Reviewed by:

Division Manager:



Approved by:

General Manager:



RD/ca



R 16

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE JANUARY 17, 2012

DATE: January 11, 2012

FILE No: 02-A-11DP

FROM: Rob Conway, Manager
Development Services Division

BYLAW No:

SUBJECT: Amendment to Development Permit – Mill Bay Marina

Recommendation/Action:

That Development Permit No. 2-A-11DP(Mill Bay Marina) be amended to remove the requirement for permeable pavers in the parking lot areas, provided oil/water/grit separators are provided to protect water quality and the decorative treatment of the driveway and parking areas is maintained.

Relation to the Corporate Strategic Plan: N/A

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

Background:

The CVRD Board authorized issuance of a development permit for the Mill Bay Marina on November 9, 2011 and a development permit for a 14 unit townhouse development and marina was subsequently issued. The development permit specified permeable pavers in the driveways that access the town houses and marina and for the town house surface parking. The developer is now doing the detailed engineering for the project and has been advised by his consulting engineer that the soil sub-surface is primarily clay and that the imperviousness of the site would not allow storm drainage to effectively percolate into the ground. As an alternative, they have recommended installing separators to remove oil and grit from the parking areas before discharging to the ocean. They are also proposing to maintain the decorative paving, in the form of coloured and stamped asphalt rather than concrete pavers. A letter outlining the request is attached to this report.

Development Services Comments:

As the soil structure of the subject property does not facilitate storm water infiltration and the use of permeable pavers, staff is supportive of the alternative approach proposed. Since protection measures will be provided to maintain water quality and decorative paving will still be used, staff recommend that the change be approved. .

Options:

1. That Development Permit 02-A-11DP(Mill Bay Marina) be amended to remove the requirement for permeable pavers in the parking lot areas, provided oil/water/grit separators are provided to protect water quality and the decorative treatment of the driveway and parking areas is maintained.
2. That the requested amendment to Development Permit 02-A-11DP(Mill Bay Marina) be denied.

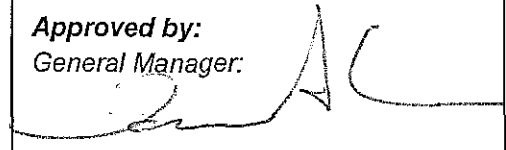
Submitted by,



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

RC/CA

Approved by:
General Manager:





February 14, 2011
Our File: 101-15273-01

Mill Bay Marina Inc
c/o 29-1400 Cowichan Bay Road
Cobble Hill, BC V0R 1L3

Attention: Cam Pringle (via email cadillachomes@shaw.ca)

Dear Cam:

**Re: Mill Bay Marina
Stormwater Treatment**

Conceptual design for the referenced development, which include the marina parking lot and the townhouse site, was to construct permeable paver systems on the drive aisle for the parking lot, and the access road through the townhouse site. It has since been observed on a portion of the site, particularly in the parking lot, that brown clay exists beneath the top layer of organics. The general observation throughout the area is that the ground is poorly drained, with evidence of standing water which is not freely draining away.

The purpose of installing a permeable paver system is primarily twofold: to quickly recharge the water table, and to mitigate introduction of pollutants such as suspended particles to the downstream drainage system. The imperviousness of this site will not permit stormwater to effectively percolate through the ground. As a result stormwater will be forced, through underground overflows, into the piped storm drain system. If water which drains through the pavers does not in turn percolate through the ground, saturated conditions could result within the base gravels, potentially compromising the integrity of the base structure. Due to the imperviousness of the surrounding soils, use of a permeable pavement system would be largely ineffective, and therefore our recommendation is that it be replaced with a hard surface treatment such as asphaltic concrete, concrete, or conventional pavers. Regarding control and removal of suspended particles, an oil / water / grit separator will be installed to capture and treat stormwater from the marina parking lot, prior to discharge to the downstream drain system.

Sincerely,
GENIVAR

Original Signed

Per H.J. Verstraaten, Eng.L., A.Sc.T.

HJV/slb

Suite 400, 401 Garbally Road, Victoria, British Columbia, Canada V8T 5M3
Telephone 250-384-5510 ~ Fax 250-386-2844 ~ Email: info.victoria@genivar.com ~ Web: www.genivar.com



R 17

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 17, 2012

DATE: January 10, 2012 FILE No: 1-REG-12BE
FROM: Nino Morano, Bylaw Enforcement Officer BYLAW No:
SUBJECT: 2011 Bylaw Enforcement Report

Recommendation/Action:

That the report be received for information.

Relation to the Corporate Strategic Plan: N/A

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

Background:

At the beginning of each new year, the Committee is provided with a update on the previous year's bylaw enforcement activities. The 2011 Report follows.

Bylaw Enforcement Report 2011

Bylaw Enforcement in 2011 had not changed significantly compared to previous years. The number of files has been average with no significant changes in any particular category of violation.

The Ticket Information Authorization Bylaw (No. 3209) has proven to be a useful tool in enforcement since it became operational in June 2009. Compliance is often gained with the knowledge that a ticket is a real possibility and some issues are resolved more quickly. Seven (7) tickets were issued in areas such as dog control and waste management with all being paid. Of these, two (2) tickets were disputed but did not make it to court as the offender chose to pay the fines rather than go through the court process.

Dog control is contracted out to the SPCA who handles all first contact complaints. If issues become irresolvable at this level they are then turned over to the Bylaw Enforcement Official and subsequently to the CVRD solicitor, if need be. Dog related issues increased somewhat in 2011. An excellent working relationship with the SPCA continues and has resulted in more than adequate customer service. This contract was renewed by the Regional Board for a three year term ending December 31, 2014.

The CVRD relies on the sale of dog licences at its head office as well as from vendors such as pet and convenience stores, SPCA and community centers. Approximately 2700 dog tags in total were sold in 2011, down by about 100 from 2010, with the bulk of these licences purchased at the discounted rate. The current fee schedule has been unchanged since 2010.

Issues that continue to come up regularly that can be regulated by bylaw but are not include backyard burning, soil fill/removal, animal control (excluding dogs), altering of land outside of development permit areas (tree cutting and pollution) and general nuisance issues.

The following is a breakdown of files from year to year and bylaw to area.

File Total Comparison by Year:

Area	Year 2000	Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006	Year 2007	Year 2008	Year 2009	Year 2010	Year 2011
A	29	30	22	13	18	21	26	27	21	18	33	23
B	59	62	47	58	46	42	42	38	52	51	43	47
C	33	40	26	35	21	30	20	23	27	10	25	16
D	17	17	20	19	14	16	15	15	12	15	21	20
E	36	31	34	25	30	34	22	21	19	34	22	24
F	20	21	19	20	17	13	16	13	20	9	15	18
G	16	13	9	12	9	9	9	10	14	16	11	14
H	13	10	21	11	14	9	18	17	12	15	16	11
I	12	15	14	13	19	15	25	19	18	16	17	17
CVRD						3	6	4	5	8	9	12
Total	235	239	212	206	188	193	199	187	200	192	212	202

2011 Breakdown of Files by Area:

Area	Zoning	Waste	Unsanitary	Building	Assist Other Agencies	Development Permit Area	Dog/Animal	Noise	Liquor	Parks	Signs	Fire-works	CVRD	Year Total
A	1	7	1	1	1		3	1	6	2				23
B	7	8	6	4	4	6	4	3	1	4				47
C	1	1	3	3	1	1	3	2	1					16
D	7	3		2	2	1	2	2			1			20
E	8	4	2	1		1	2	2	2	1	1			24
F	2	2	2	1	4	3	1		2	1				18
G	5	2	1		2	2			2					14
H	4	2	1	1		1		2						11
I	5	1	2	5	2	2								17
CVRD		3			1		2			3		1	2	12
Total	40	33	18	18	17	17	17	12	14	11	2	1	2	202

The statistics above do not show the numerous issues that are often resolved over the phone (averages five calls/day) or at the front counter or files carried over from previous years or the regular communication with Provincial & Federal agencies. Complainants usually want to know what rules and regulations apply to their particular issues and then weigh their options. Bylaw Enforcement continues to work closely with CVRD solicitors for advice and opinion on legal issues that come up regularly with the goal of voluntary compliance. Authorization for legal action from the Board was not requested in 2011 and two (2) Notices against Land Title were registered. There has been a significant amount of success in concluding files to everyone's satisfaction,

although several issues are still under investigation. There are approximately 35 files that are currently under investigation and four ongoing active files with our solicitor.

Submitted by,

Nino Morano,
Bylaw Enforcement Officer
Inspections and Enforcement Division
Planning and Development Department

NM/ca

Reviewed by: <i>AC</i>
Division Manager: <i>[Signature]</i>
Approved by: <i>[Signature]</i>
General Manager: <i>[Signature]</i>



R18

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 17, 2012

DATE: January 5, 2012 FILE NO: 1-E-12BE
FROM: Nino Morano, Bylaw Enforcement Officer BYLAW NO:
SUBJECT: Cowichan Valley Trap and Skeet Club
Special Event Shoot 2012

Recommendation/Action:

That the Electoral Area Services Committee considers whether, or not, it is in the public interest to allow these Special Event Shoots and provide direction on this request.

Relation to the Corporate Strategic Plan: N/A

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

Background:

We are in receipt of the attached letter from the Cowichan Valley Trap and Skeet Club (CVTSC) located on Cowichan Lake Road in Area "E" requesting to hold three (3) "Special Event" Competitive Shoots in 2012 (March 31 - April 1, April 21 - 22 and June 1 - 2).

Directors may recall that in the fall of 1993 the Cowichan Valley Regional District went to court in an attempt to limit the extent of the use of the Gun Club property to what had taken place prior to the inception of zoning in 1974.

In January 1994, Justice H.D. Boyle ruled that:

1. The Plaintiff's (CVRD) claim of violation of its Building Bylaw be dismissed.
2. The Defendant (Gun Club) forthwith remove or cause to be removed the western most three of five concrete trap shooting bunkers, the two skeet shooting towers and the concrete walkways constructed after 1974.
3. The Defendant be restrained and enjoined from using or allowing the use of the property as a place to discharge firearms other than on one fixed, regular evening per week, to be determined by the Defendant, and on one full day, two weekends per month.
4. The Defendant be restrained and enjoined from using or allowing the use of that property as a place to discharge firearms on more than one consecutive day, unless authorized as a special event under the Plaintiff's relevant Noise Bylaw, or in competitions of a wider than local nature unless authorized as a special event under the Plaintiff's relevant Noise Bylaw.
5. The Defendant be restrained and enjoined from the cutting down or allowing the cutting down of timber on that property without prior authorization of the Plaintiff.

The Gun Club did not file a Notice of Appeal and the Court Order remains in force.

In accordance with the Court Order, the CVTSC have requested permission under the "Special Events" section of the CVRD Noise Bylaw No. 1060 to hold competitive shoots of a wider than local nature and of more than one consecutive day.

Section 5 states:

"Notwithstanding the provisions of this Bylaw, where it is impossible or impractical to comply with S. 3(g) of this Bylaw or in the case of a special event, a person may apply for and receive from the Regional District a permit waiving the requirements of this Bylaw for a specific time over a specific location, if in the opinion of the Regional District, such a waiver is in the public interest."

For your information, the CVTSC requested and was subsequently permitted to hold two (2) special event shoots in 2011. Upon review of this file, it was noticed that no more than four special event shoots has ever been permitted in one year. During 2011, this office did not receive any concerns from nearby residents.

Submitted by,

Nino Morano
Bylaw Enforcement Officer
Inspections and Enforcement Division
Planning and Development Department

Reviewed by: <i>ACRM</i>
Division Manager
<i>[Signature]</i>
Approved by:
General Manager
<i>[Signature]</i>

NM/ca
Attachment- CVTSC Shoot Schedule for 2012



COWICHAN VALLEY TRAP & SKEET CLUB

SINCE 1953

Cowichan Valley Trap & Skeet Club

Shoot & Practice Schedule for 2012

January 8

January 15

February 5

February 26

March 11

March 18

March 31, April 1

Special Event

April 3- September 25

Practice every evening – 6:00- 9:00PM

April 21, 22

Special Event

May 6

May 27

June 1,2

Special Event - BC Wildlife Federation "Becoming an Outdoor Woman Program" Shotgun Safety Seminar

June 3

June 17

July 8

July 29

August 12

August 26

September 16

September 30

October 7

October 21

November 4

November 11

December 2

December 9



R19

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 17, 2012

DATE: January 5, 2012

FILE NO:

FROM: Tom Anderson, General Manager

BYLAW NO:

SUBJECT: 2012 Electoral Area Services Committee Meeting Schedule

Recommendation/Action:

That the Committee approve the 2012 EASC meeting schedule and forward it to the Regional Board for information.

Relation to the Corporate Strategic Plan: N/A

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

Background:

Once again, it is proposed that meetings be held on the first and third Tuesdays of the month and that meetings start at 3:00 pm. As per usual, only one meeting will be held in both July and August and meetings will be cancelled if there is insufficient material to be considered.

Tuesday, January 17 th	Tuesday, June 19 th
Tuesday, February 7 th	Tuesday, July 3 rd
Tuesday, February 21 st	Tuesday, July 31 st
Tuesday, March 6 th	Tuesday, September 4 th
Tuesday, March 20 th	Tuesday, September 18 th
Tuesday, April 3 rd	Tuesday, October 2 nd
Tuesday, April 17 th	Tuesday, October 16 th
Tuesday, May 1 st	Tuesday, November 6 th
Tuesday, May 15 ^h	Tuesday, November 20 th
Tuesday, June 5 th	Tuesday, December 4 th

Submitted by,

Tom R. Anderson,
General Manager
Planning and Development Department

TA/ca

C1

MEMORANDUM

26 Nov 2011

SUBJ: ILLEGAL SIGNAGE REPORT (C.V.R.D)

Distribution List

Ref A: Work Safe BC Article 19.4

B: Motor Vehicle Act (RSBC 1996) Chapter 318 Part 3 Article 214 (Signs)

C: Compiled Signage Report (4 pgs)

1. It has become apparent that numerous signs have been posted in the area of Millbay, Cobble Hill and Shawnigan Lake area. Both BC Hydro poles and the natural landscape of trees have been violated by individuals who post their signs.
2. We as a community are being subjected to an increasing volume of signs affixed to just about anything imaginable. This has become a major eyesore of the surrounding area and it is only getting worse.
3. The issues concerning the posting of signs are:
 - a. makes the local area look "trashy", neglected and badly maintained.
 - b. considered a safety issue (ref A) and a visual distraction to drivers.
 - c. affecting the tourism of British Columbia's Natural Landscape.
 - d. may adversely affect property values in the area.
3. Both Ref's A & B are clear and concise directives which need to be enforced to stop this escalating eyesore in the local community.
4. For your consideration, approval and prompt action.

David Schertzer
Shawnigan Lake, BC
(dschertzer@shaw.ca)

Action:

Mike Walker (md.walker@shaw.ca)	Mill Bay/Malahat	Area A
Bruce Fraser (bruce@fraserforshawnigan.ca)	Shawnigan Lake	Area B
Gerry Giles (ggiles12@shaw.ca)	Cobble Hill	Area C
Lori Iannidinardo (liannidinardo@cprd.bc.ca)	Cowichan Bay	Area D

Ted Olynyk (ted.olynyk@bchydro.com)
Amber Bonner (amber.bonner@tourismvictoria.com)

Info:

Honourable Steve Thomson (steve.thomson.mla@leg.bc.ca)
Bill Routley (bill.routley.mla@leg.bc.ca)
Brian Barber (Brian.Barber@gov.bc.ca)
Steward Eaton (seaton@mainroad.ca)

ILLEGAL SIGNS ON POLES DATA SHEET (Ref C - 4 pgs)

Report #	Pole #	Location (near or Corner of)	# of signs	Lat/Long (within 25ft)
1	0414 5390 15643 1988	1829 Silver Mine Rd	2	48.40.233N 123.37.541 W
2	0453 5390 960738 1991	Colman Rd	2	48.40.198N 123.37.604 W
3	2323242 3145 PEG	Colman / Ingot Rd	6	48.39.965N 123.37.946 W
4	0451 5389 313 065 1991	2374 Renfrew Rd	1	48.39.266 N 123.39.746 W
5	2412852	Renfrew / Ceylon Rd	2	48.39.393 N 123.40.123 W
6	0450 5389 884 305 1991	2451 Renfrew Rd	1	48.39.388 N 123.40.089 W
7	0450 5389 228 203 1991	1357 Renfrew Rd	1	40.39.336N 123.40.629 W
8	nil	2956 Renfrew Rd	8	48.39.284 N 123.42.092 W
9	2342 4839 3170	Isabella/ Renfrew Rd	2	48.39.240 N 123.42.203 W
10	nil	2990 Renfrew Rd	3	48. 39.207N 123.42.303 W
11	nil	3117 Renfrew Rd	2	48.39.101 N 123.42.722 W
12	0451 5388 804 898 1991	Gregory/ Mc Kean Rd	8	48.39.191 N 123.39.342 W
13	nil	Gregory / Terrance Rd	2	48.39.293 N 123.39.462 W
14	235526	Shawnigan/ Millbay Rd (4way)	2	48.39.220N 123.37.396 W
15	nil	Shawnigan Lake /Thrush Rd	1	48.39.117 N 123.37.393 W
16	0453 5385 15641 805 069 1988	Shawnigan Lake/ Cliffside Rd	1	48.37.129N 123.37.691 W
17	15T	W.Shawnigan Lake/ Shawnigan Lake Rd	2	48.35.464 N 123.37.350 W
18	2013366	Shawnigan Lake Rd /Sooke Rd	1	48.35.439 N 123.37.337 W
19	nil	Shawnigan Lake Rd /Sooke Rd	5	48.35.314 N 123.37.294 W
20	2238562	Shawnigan Lake Rd /Sooke Rd	1	48.35.314 N 123.37.293 W
21	2423380	Shawnigan Lake Rd /Sooke Rd	1	48.34.698 N 123.36.610 W
22	2336 4834 03160 214 155 81	Shawnigan Lake Rd /Sooke Rd	1	48.34.500 N 123.36.595 W
23	233 4834 03160 244 061 81	Shawnigan Lake Rd /Sooke Rd	1	48.34.362 N 123.36.425 W
24	nil	Shawnigan Lake Rd	1	48.34.329 N 123.36.458 W
25	2336 4834 03160 205 017 81	Shawnigan Lake Rd	1	48.34.293 N 123.36.425 W
26	nil	Shawnigan Lake Rd	1	48.33.833 N 123.35.365 W
27	2383601	Shawnigan Lake Rd / Stebbings Rd	10	48.33.848 N 123.35.365 W
28	nil	Shawnigan Lake Rd at Railway X 'ing	1	48.33.757 N 123.35.417 W
Sign Total			70	

Report #	Pole #	Location (near or Corner of)	# of signs	Lat/Long (within 25ft)
29	nil	Shawnigan Lake Rd at Railway X 'ing	3	48.33.743 N 123.35.136 W
30	nil	W. Shawnigan Lake Rd	1	48.35.508 N 123.37.509 W
31	2425434	W. Shawnigan Lake Rd	2	48.36.178 N 123.38.602 W
32	2394527	1874 W. Shawnigan Lake Rd	1	48.36.894 N 123.38.618 W
33	2263674	W. Shawnigan Lake / Brandon Rd	1	48.37.866 N 123.38.9854 W
34	2385864	W. Shawnigan Lake / Tranent Rd	1	48.38.955 N 123.39.664 W
35	nil	2670 W. Shawnigan Lake Rd	1	48.39.421 N 123.37.590 W
36	nil	W. Shawnigan Lake / Hipwood Rd	10	48.39.421 N 123.37.590 W
37	2355577	Shawnigan Lake / Millbay Rd	6	48.39.215 N 123.37.308 W
38	2265620	Shawnigan Lake / Millbay Rd	2	48.39.213 N 123.37.274 W
39	2336 4839 0317 285 035 82	1549 Shawnigan Lake / Millbay Rd	2	48.39.103 N 123.36.491 W
40	2335 4838 3171 288 273	1390 Shawnigan Lake / Millbay Rd	5	48.38.836 N 123.35.746 W
41	nil	Shawnigan Lake / Millbay / Briarwood Rd	1	48.36.810 N 123.35.620 W
42	nil	Shawnigan Lake / Millbay / Briarwood Rd	1	48.38.802 N 123.35.523 W
43	2335 4838 03171 129 450 80	Shawnigan Lake / Millbay / Briarwood Rd	5	48.38.845 N 123.35.308 W
44	2335 4838 03171 133 453 80	Shawnigan Lake / Millbay / Briarwood Rd	3	48.38.845 N 123.35.308 W
45	2335 4838 03171 082 488 76	Shawnigan Lake / Millbay / Cameron Taggart Rd	1	48.38.893 N 123.35.221 W
46	2334 4839 03171 197 208 83	Shawnigan Lake / Millbay / Wilkinson Rd	1	48.39.426 N 123.34.069 W
47	nil	Shawnigan Lake / Millbay / Barry Rd	1	48.39.453 N 123.34.069 W
48	0458 538 072 317 1991	Shawnigan Lake / Millbay / by Salvation Army	9	48.39.448 N 123.33.731 W
49	2354826	Shawnigan Lake / Millbay / by Salvation Army	2	48.39.450 N 123.33.766 W
50	23633953	Shawnigan Lake / Millbay / by Salvation Army	6	48.39.451 N 123.33.779 W
51	21950004	Shawnigan Lake / Millbay / Barry Rd	1	48.39.456 N 123.33.966 W
52	SJ14G 84	985 Shawnigan Lake / Millbay Rd	1	48.39.448 n 123.34.205 W
53	nil	Shawnigan Lake / Millbay Rd Kerry Park Arena	5	48.39.445 N 123.34 .330W
54	2383491	Shawnigan Lake / Millbay Rd Kerry Park Arena	3	48.39.416 N 123.34.460 W
55	2239892	Shawnigan Lake / Millbay Rd Kerry Park Arena	2	48.39.447 N 123.34.459 W
56	nil	Shawnigan Lake / Millbay Rd - Skate Park Area	1	48.39.396 N 123.34.516 W
57	nil	1070 Shawnigan Lake / Millbay Rd	1	48.39.365 N 123.34.576 W
58	2362751	1081 Shawnigan Lake / Millbay Rd	3	48.39.317 N 123.34.666 W
59	2362754	1081 Shawnigan Lake / Millbay Rd	1	48.39.299 N 123.34.692 W
Sign Total			83	

Report #	Pole #	Location (near or Corner of)	# of signs	Lat/Long (within 25ft)
60	nil	1204 Shawnigan Lake / Millbay Rd	2	48.39.002 N 123.35.085 W
62	nil	1204 Shawnigan Lake / Millbay Rd	3	48.38.980 N 123.35.115 W
63	2351603	Shawnigan Lake / Millbay / Cameron Taggart Rd	1	48.38.938 N 123.35.185 W
64	2335 4838 3171 071 523 02	Shawnigan Lake / Millbay / Cameron Taggart Rd	9	48.38.938 N 123.35.185 W
65	2335 4838 1171 075 520	Shawnigan Lake / Millbay / Cameron Taggart Rd	2	48.38.938 N 123.35.185 W
66	2335 4838 03171 235 434 80	1391 Shawnigan Lake / Millbay Rd	2	48.36.806 N 123.35.592 W
67	2335 4838 3171 251 436	Shawnigan Lake / Millbay Rd	1	48.36.811 N 123.35.626 W
68	nil	Shawnigan Lake / Millbay Rd	1	48.36.811 N 123.35.626 W
69	2229549	1545 Shawnigan Lake / Millbay Rd	1	48.39.090 N 123.36.441 W
70	24019918	1547 Shawnigan Lake / Millbay Rd	1	48.39.094 N 123.36.466 W
71	2373767	Shawnigan Lake / Millbay Rd @ Legion BR 134	2	48.39.208 N 123.36.600 W
72	2375412	1695 Shawnigan Lake / Millbay Rd	1	48.39.250 N 123.37.056 W
73	2276413	Shawnigan Lake / Millbay and Dundas Rd	6	48.39.214 N 123.37.302 W
74	239539	Shawnigan Lake / Millbay and Dundas Rd	2	48.39.219 N 123.37.351 W
75	0450 5389 15609 933 250 1988	W. Shawnigan Lake/ Sommer Rd	1	48.39.374 N 123.40.051 W
76	2339 4839 03170 250 035 82	W. Shawnigan Lake / Lockspur	1	48.39.292 N 123.39.637 W
77	2240455	W. Shawnigan Lake / Gregory Rd	1	48.39.159 N 123.39.327 W
78	220040405	W. Shawnigan Lake / Gregory Rd	1	48.39.142 N 123.39.309 W
79	0451 05338 15609 863 769 85	W. Shawnigan Lake / Gregory Rd	1	48.39.117 N 123.39.282 W
80	0451 05388 15609 899 707 85	W. Shawnigan Lake / Gregory Rd	2	48.39.087 N 123.39.250 W
81	nil	W. Shawnigan Lake / Decca Rd	2	48.39.084 N 123.38.402 W
82	nil	Shawnigan Lake Rd / Black Swan Pub	1	48.39.552 N 123.37.640 W
83	nil	Shawnigan Lake Rd / Black Swan Pub	1	48.39.601 N 123.37.658 W
84	nil	Shawnigan Lake Rd / Owl Rd	1	48.39.896 N 123.37.579 W
85	2336 4840 02743 173 310 81	Shawnigan Lake / Cameron Taggart Rd	1	48.40.614 N 123.36.369 W
85	2236 4840 2744 150 363 74	Shawnigan Lake Rd	1	48.40.690 N 123.36.325 W
87	2236 4840 2744 338 397 74	Shawnigan Lake Rd	1	48.40.450 N 123.36.294 W
88	2313737	Shawnigan Lake Rd	1	48.40.839 N 123.36.283 W
89	2236 4841 02744 098 026 82	Shawnigan Lake Rd / Cobble Hill Rd	1	48.41.112 N 123.36.210 W
90	nil	Shawnigan Lake Rd / Cobble Hill Rd	1	48.41.158 N 123.36.196 W
91	On trees on park	Shawnigan Lake Rd / Cobble Hill Rd	3	48.41.210 N 123.36.239 W
92		Sign Total	55	

Report #	Pole #	Location (near or Corner of)	# of signs	Lat/Long (within 25ft)
93	2515087	Shawnigan Lake / Thain Rd	2	48.41.526 N 123.36.445 W
94	nil	Hutchinson Rd /Sitka Way	1	48.41.194 N 123.34.546 W
95	nil	Hutchinson /Coward Rd	12	48.41.187 N 123.34.436 W
96	2519301	1000 Hutchinson Rd	2	48.41.188 N 123.34.311 W
97	2334 4841 3162 032109	Hutchinson / Allan Rd	2	48.41.269 N 123.34.090 W
98	2333 4841 3162 398 098	Hutchinson / Allan Rd	1	48.41.249 N 123.33.994 W
99	2333 4841 3162 380 090	Hutchinson / Keeling Rd	1	48.41.239 N 123.33.949 W
100	nil	Hutchinson / Chapman Rd	7	48.41.193 N 123.33.670 W
101	2301983	Fisher Rd (near Good Used Cars)	1	48.41.664 N 123.35.482 W
102	2282158	1340 Fisher Rd	1	48.41.613 N 123.35.547 W
103	2344356	1344 Fisher Rd	2	48.41.607 N 123.35.620 W
104	2336 4841 02744 068 165	Fisher / Holland Rd	1	48.41.338 N 123.36.136 W
105	2254552	Heigh / Watson Rd	2	48.41.297 N 123.36.086 W
106	nil	Heigh / Watson Rd (across street)	1	48.41.297 N 123.36.086 W
107	nil	Cobble Hill Hall	1	48.41.323 N 123.36.078 W
108	nil	Cobble Hill / Empress Rd	1	48.41.179 N 123.36.208 W
109	Nil (on trees)	Cobble Hill Rd (Old School House)	3	48.41.209 N 123.36.239 W
110	25T	Hutchinson / Todd Rd	1	48.41.162 N 123.35.930 W
111	940	Hutchinson / Twin Ceders Rd	1	48.41.182 N 123.35.836 W
112	nil	1382 Hutchinson Rd	3	48.41.181 N 123.35.826 W
113	nil	1373 Hutchinson Rd	1	48.41.181 N 123.35.793 W
Sign Total			46	

Total signs = 254 over 113 reported poles/trees.



COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director G. Giles Area C

Grantee:	Grant Amount \$ <u>1000.00</u>
NAME: <u>Cowichan Secondary School</u>	
ADDRESS: <u>2652 James St. Duncan BC V9L 2X2</u>	
Contact Phone No: <u>(250) 746-4435</u> <u>Venessa MacDowell</u>	
PURPOSE OF GRANT: <u>2 x \$500 Bursaries for a graduating student from Area C</u>	
REQUESTED BY: _____	Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
01-2-1950-0205-113	1000.00	10.0

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

Disposition of Cheque:
Mail to above address: _____
Return to _____
Attach to letter from _____
Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____

Mrs. Gerry Giles



COWICHAN SECONDARY SCHOOL

2652 James St., Duncan, BC V9L 2X2 Tel: (250) 746-4435 Fax: (250) 746-1561

Nov. 15, 2011

Dear Sir/Madam:

Re: Cowichan Valley Regional District - Area C Bursary

We are beginning to prepare our Scholarships and Bursaries Booklet for the 2012 graduation year. Your generosity to our students has always been greatly appreciated. By recognizing their achievements and investing in their future, you are giving them not only the financial assistance they need to pursue their goals, but also the encouragement that our community believes in their potential.

Please confirm your continued support by completing the attached questionnaire and return it at your earliest convenience, if possible before January 3rd, 2012

Thank you for your support.

Yours truly,

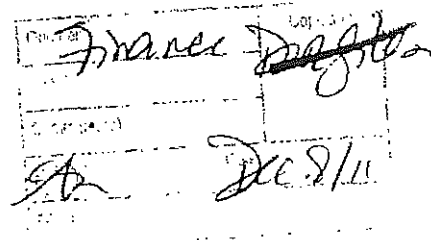
COWICHAN SECONDARY SCHOOL

Venessa MacDowell

Scholarship/Bursary Chairperson

/vl

Encl.



Important Date:

Scholarship and Bursary Award Night: Wed. June 6th, 2012 at 7:00 pm

Tammy Knowles

From: Gerry Giles [ggiles12@shaw.ca]
Sent: Thursday, December 29, 2011 11:28 AM
To: Tammy Knowles
Subject: Bursaries
Attachments: 2012 Bursaries.pdf

Hello Tammy,

Attached please find 2 letters of applications for bursaries from the Cobble Hill grant in aid program. One is for Cowichan Senior Secondary is for \$1,000 (2 - \$500 bursaries) while the application for Francis Kelsey Secondary School is for \$1,500 (3 - \$500 bursaries). Could you please process these for an EASC meeting early in 2012. Thank you.

I hope you had a wonderful holiday season.

Cheers
Gerry



R IN2

COWICHAN VALLEY REGIONAL DISTRICT

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

Financial Services Department

Submitted by Director G. Giles Area C

Grantee:

Grant Amount \$ 1500.00

NAME: Frances Kelsey School

ADDRESS: P.O. Box 279 Mill Bay BC V0R 2P0

Contact Phone No: (250) 743-6916 Norma Wheeler

PURPOSE OF GRANT: 3 x \$500 Bursaries for a graduating
Student from Area C

REQUESTED BY:

Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
01-2-1950-0103-113	1500.00	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 _____



FRANCES
K E L S E Y
S E C O N D A R Y S C H O O L

P.O. BOX 279 MILL BAY, BRITISH COLUMBIA, V0R 2P0 TEL (250) 743-6916 • FAX (250) 743-6915
SCHOOL DISTRICT 77 (COWICHAN VALLEY)

October 20, 2011

Cowichan Valley Regional District Electoral Area C Cobble Hill
Ms. Gerry Giles
1115 Braithwaite Drive
Cobble Hill, BC, V0R 1L4

Dear Ms. Gerry Giles:

At this time, our attention is once again focused on scholarships and bursaries, which are awarded annually to our graduating students.

We take this opportunity to thank you for the steadfast support shown our students in the past. The importance of these awards increases as the cost of further education escalates. There is no doubt that this help often makes a significant difference to many individual students.

Please let us know if your organization will be able to donate to the program again this year. If so, please initial that all information is correct or revise the attached information sheet and return it by mail or fax (250-743-6980) or email it to nwheeler@sd79.bc.ca to Ms. Norma Wheeler by Friday, January 20, 2012.

Thank you for your support.

Sincerely,

Mr. Ian Grbavec
Scholarship and Bursary Chairperson

IG/njw
Encl.

Tammy Knowles

From: Gerry Giles [ggiles12@shaw.ca]
Sent: Thursday, December 29, 2011 11:28 AM
To: Tammy Knowles
Subject: Bursaries
Attachments: 2012 Bursaries.pdf

Hello Tammy,

Attached please find 2 letters of applications for bursaries from the Cobble Hill grant in aid program. One is for Cowichan Senior Secondary is for \$1,000 (2 - \$500 bursaries) while the application for Francis Kelsey Secondary School is for \$1,500 (3 - \$500 bursaries). Could you please process these for an EASC meeting early in 2012. Thank you.

I hope you had a wonderful holiday season.

Cheers
Gerry



COWICHAN VALLEY REGIONAL DISTRICT

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

REV 04/2011

Financial Services Department

Submitted by Director IANNIDINARD Area D

Grantee:

Grant Amount \$ 1,000.00

NAME: COWICHAN SECONDARY SCHOOL

ADDRESS: 2652 JAMES STREET

DUNCAN VAL 2X2

Contact Phone No: MS. VENESSA MACDOWELL

PURPOSE OF GRANT: 2X 500.00 BURSARIES FOR A
GRADUATING STUDENT FROM
AREA D.

REQUESTED BY: Levi L. Innidinardo
Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
01-2-1950-0205-114	1000.00	10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL g

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____



COWICHAN VALLEY REGIONAL DISTRICT

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

NOV 30 2011

Submitted by Director IANNIDINARDO Area D Financial Services Department

Grantee:

Grant Amount \$ 1,000.00

NAME: FRANCES KELSEY SCHOOL

ADDRESS: P.O. BOX 279 MILL BAY VOR 2PO

Contact Phone No: MS. NORMA WHEELER

PURPOSE OF GRANT: 2X 500.00 BURSARIES FOR A
GRADUATING STUDENT FROM AREA D.

REQUESTED BY: Lei L. Iannidinaro
Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
<u>01-2-1950-0103-114</u>	<u>1000.00</u>	<u>10.0</u>

FOR FINANCE USE ONLY

BUDGET APPROVAL X

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____



COWICHAN VALLEY REGIONAL DISTRICT

REC'D IN 5

NOV 10 2010

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

Submitted by Director IANNI DINARDO Area D

Financial Services Department

Grantee:

Grant Amount \$ 500.00

NAME: COWICHAN THERAPEUTIC RIDING ASSOC.

ADDRESS: PROVIDENCE FARM

1843 Tzuhalem Rd.

DUNCAN BC. V9L 5L6

Contact Phone No: Jennifer Barnes van Elk 746-1028

PURPOSE OF GRANT: To help with support for the
service in the community.

REQUESTED BY:

Lou L. Iannardino
Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
<u>01-2-1950-0276-114</u>	<u>500.00</u>	<u>10.0</u>

FOR FINANCE USE ONLY

BUDGET APPROVAL OK

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____



Cowichan Therapeutic Riding Association

at Providence Farm 1843 Tzouhalem Rd, Duncan, B.C. V9L 5L6

CVRD - Area C - Cobble Hill
175 Ingram St.
Duncan, BC V9L 1N8

September 28, 2011

Dear Gerry Giles

Original	<i>file</i>	Copies to:	<i>Chair</i>
Board	<i>DR's</i>		<i>Looseley</i>
Committee(s)			<i>Harrison</i>
			<i>Landira</i>
Dispersed	<i>file</i>	Date	<i>Oct 18/11</i>
File #			

2011 is the Cowichan Therapeutic Riding Association's (CTRA) 25th year of service in our community. Since 1986 we have been providing therapeutic riding and equine-based therapeutic services for persons with disabilities in our community. It has been the unflagging support of our community members that has enabled our program to help so many persons with disabilities to utilize this dynamic, interactive, and highly enjoyable therapeutic alternative. We would like to take this special opportunity to say thank you to everyone who has made our program possible throughout the years, your support has made an incredible difference.

CTRA's program welcomes approximately 100 participants per session, the majority of whom are children. Our clients come from a variety of backgrounds with a variety of different abilities, needs, and personal goals. Our program strives to take a highly individualized approach with every participant and works with the individual and their personal network to develop a comprehensive plan that consistently results in positive personal outcomes. Our differentiated program steams help participants achieve goals on the spectrum from basic therapeutic objectives to opportunities in elite para-equestrian competition.

Our Therapy Programs essentially use the horse as a therapeutic tool. We use the exciting, enjoyable, and highly interactive world of horses to accomplish physical, behavioural, emotional, and cognitive therapy goals. The benefits of this unique form of therapy are dynamic and highly individualized. Therapeutic riding and equine-based therapies can aid in the development of mobility, balance, and co-ordination; can improve muscle tone and strength; and can help increase concentration and improve learning skills. Furthermore, therapeutic riding and equine-based therapies offer participants a challenging recreational activity that helps to promote independence, integration, and a sense of achievement in addition to providing opportunities for development of self confidence and motivation.

This year, our association is pleased to be moving forward with a number of new programs and community initiatives. Our upcoming expanded "Therapeutic Horsemanship" program offers unmounted equine-based therapies as an alternative to mounted therapies. Among other positive outcomes, this expanded program stream provides a much-needed therapeutic opportunity for those who may no longer be able to ride. On the community front, our "Free Horse Stuff Store" is a great example of a recent community-based initiative out of CTRA. We have provided a space for the community to donate their unwanted equine items (for example riding pants and boots), and obtain items when needed. The intention behind this project is to further deconstruct the economic barriers that hinder access to horses and equestrian sport for all members of our community. Both of these examples illustrate how we are moving into the future with the intention of creating a dynamic community that welcomes all individuals to benefit from the power of the human equine bond.

Now more than ever we need the support of our community. CTRA is not supported by the BC Medical Plan and relies on our community to continue daily operations. CTRA strongly believes that economic



Cowichan Therapeutic Riding Association

at Providence Farm 1843 Tzouhalem Rd., Duncan, B.C. V9L 5L6

factors should not barrier access for persons with disabilities. As such, our user fees are kept to a bare minimum. These fees amount to approximately a quarter of our overall operating costs and CTRA relies on an unpredictable assortment of grants, private donations, and event fundraisers to make up the difference.

We are writing today to request support for our charity and our program – in any form. Your support ensures that our program is able to sustain operations and continue to provide our valuable therapeutic services to those in our community living with disabilities. Moreover your support enables us to continue diversifying our program and expanding our services to an even more diverse network of people with special needs.

There are many ways you can support CTRA. Individual and group donations are greatly appreciated. As a registered Canadian Charity, CTRA is able to issue tax receipts for eligible donations of funds and goods. Funds can be allocated to help our program generally, support a rider, or help in the maintenance and care of our therapy horses. Sponsorship opportunities are also available and are a great way for individuals, groups, businesses, and organizations to establish a strong and highly visible connection to our community. Sponsors can support our program generally or may choose to sponsor a specific event. Our recognition matrix ensures that these valuable contributions are recognized consistently and in collaboration with our donors and sponsors.

Our “wish list” on our newsletter and website provide examples of “in kind” donations that are very much needed at CTRA. In addition, our annual Dinner Auction Gala is another vital event that sustains our program year after year. Donations of goods and services for our auction are always gratefully received and the purchase of a ticket or a table for this event goes a long way towards helping our program.

Volunteerism is another integral component of our program. Our volunteers are the lifeblood of our association – without the dedication of these amazing and selfless individuals we simply could not operate. Volunteering at CTRA is a great way to give back to your community and directly contribute to making a difference. Volunteers are needed to directly assist our participants and their horses; to help out around the stable and office; as personnel for our community initiatives (used tack store, free store); and as contributors to our events and committees. If there is a desire to get involved, we are very happy to find any volunteer a place in our family.

CTRA very much needs your help, in whatever capacity you are able to do so. We survive and thrive on the support of our community. Your generosity makes a direct and substantial difference in the lives of persons living with disabilities. We hope you will take the time to consider making a contribution at this important time.

Sincerely,

Jennifer Barnes van Elk
Executive Director, Cowichan Therapeutic Riding Association

* If you would like to help CTRA “go green” and conserve funds and would prefer to receive all correspondence by email please email us at info@ctra.ca and ask to be removed from our hard copy mailing list.

ING



**Bull, Housser
& Tupper LLP**

The Giant with Feet of Clay: Strengthening the Agricultural Land Commission - Local Government & Real Estate Newsletter - December 2011

The provincial government has recently made a number of changes to the *Agricultural Land Commission Act*, SBC 2002, ch. 36 (the "**Act**") aiming to address the erosion of the agricultural land base and to strengthen public support for the Commission.

Land owners and local governments should be aware of the amendments to the Act as these are likely to further complicate the process of developing and regulating ALR lands, potentially affecting resulting values of such lands.

The ALR Regime

The ALR regime is a provincial land use regulation. The Act came into force in 1973, establishing the Agricultural Land Commission (the "**Commission**") and empowering it to designate ALR lands and to oversee the Act. By 1975, approximately 4.7 million hectares of land in British Columbia were included in the ALR. Once the lands are included in the ALR by the Commission, the lands remain in the ALR until excluded by the Commission. The use, subdivision and development of ALR lands is subject to the Act and regulations under the Act, often in addition to regional and municipal land use regulations.

The November 2010 Report

Likely out of a concern that the ALR regime introduced in the 1970's was outdated and losing public confidence, in early November 2011, the Commission issued a report entitled *Moving Forward: A Strategic Vision of the Agricultural Land Commission for Future Generations* (the "**Report**") setting out various concerns with the ALR regime and the operation of the Commission, including the following:

- decisions on exclusion, use and subdivision of ALR lands have been made by six regional panels instead of by the full Commission, resulting in inconsistencies and losing sight of provincial objectives;
- the process of applications for exclusion and non-farm use of ALR lands has become the main focus of the Commission, taking away from its other (more proactive) objectives (such as encouraging farming); and
- enforcement of the Act has been difficult.

The Amendments to the Act

On the basis of the recommendations in the Report, a number of legislative amendments were introduced and came into force on November 24, 2011. The amendments of substantial importance to local governments and land owners are as follows:

Regional panels

The Province chose to retain the regional panels for making exclusion, subdivision and non-farm use decisions, rather than have the decisions made by the full Commission. However, the Act was amended to give the chair of the Commission stronger oversight of decision-making by the panels. To that effect, section 33.1 was added providing that the chair of the Commission may direct reconsideration of decisions made by the panels. While the decision by the chair to direct reconsideration is discretionary, section 33.1 establishes an internal appeal process which may be accessed not only by the affected property owner but also by other aggrieved persons.

Five-year moratorium on re-application

Section 30.1 of the Act was added providing that the Commission may refuse permission to use ALR lands for non-farm uses if, within five years immediately preceding the application, a substantially similar use was refused by the Commission. Notably, this section does not have retroactive effect and only applies if the subject refusal occurred after November 24, 2011.

As a result of section 30.1, going forward, owners of ALR lands who unsuccessfully apply for a non-farm use may be in jeopardy of reducing the value of their land because any future purchaser of such land may not be able to reapply for a similar non-farm use during the next five years. Purchasers of ALR lands would be prudent to investigate to see if any unsuccessful non-farm use applications have been made since November 24, 2011 in the five years preceding the purchase.

Hopefully the authority to impose a five-year moratorium will be accompanied in the near future by upgrades to the Commission's website allowing for easy due diligence (i.e. availability of information about past application for non-farm use) without having to contact the Commission.

Approval of restrictive covenants

Section 22(2) of the Act was amended to provide that any covenant that restricts or prohibits the use of ALR lands for farm purposes has no effect until approved by the Commission.

Covenants are a widely used tool for regulating land use. As such, this amendment may have significant consequences for local governments and land owners. Prior to this amendment, section 22(2) required only that covenants that "prohibit" the use of ALR lands for farm purposes must be approved by the Commission. Amending section 22(2) to apply also to covenants that "restrict" use of ALR lands for farm purposes will increase the involvement of the Commission into regulating the use of ALR lands. In particular, the Commission could, potentially, become involved in covenants related to flooding, planning, conservation and other matters which, until now have been dealt with among land owners and local governments. It is not clear from the language of section 22 whether the Commission must sign the covenant before it is registered in the Land Title Office. However, to minimize the risk of a successful challenge to the "effectiveness" of a covenant on ALR lands, local governments and land owners would be prudent to ensure that the Commission has approved it.

Summary

In summary, the November 24, 2011 amendments to the Act are significant. While it is difficult to predict whether, as a result of the amendments, the Commission will be more consistent and predictable in its decisions, the challenges of selling, developing and regulating ALR lands will likely increase as a result of these amendments.

Practice Areas

- Local Government
- Real Estate

IN 7



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

DATE: December 6, 2011

TIME: 7:00pm

MINUTES of the Electoral Area I Planning Commission meeting held on the above noted date and time at the Youbou Upper Community Hall, Youbou, BC. Called to order by Chairperson Mike Marrs at 7:10pm.

PRESENT:

Chairperson: Mike Marrs

Co-vice-Chairpersons: George deLure

Members: Jeff Abbott, Shawn Carlow, Bill Gibson, Pat Weaver

ALSO PRESENT:

Director:

Recording Secretary: Tara Daly

REGRETS: Director Kuhn, Gerald Thom

GUESTS:

AGENDA:

It was Moved and Seconded to accept the agenda.

MOTION CARRIED

MINUTES:

It was Moved and Seconded to accept the minutes of November 1, 2011 as circulated.

MOTION CARRIED

ANNOUNCEMENTS:

- **Next Meeting** at the call of the Director
Upper Community Hall, Youbou, starting at 7pm

The meeting was adjourned at 7:25pm

/s/ Tara Daly
Secretary

**MINUTES OF ELECTORAL AREA I (Youbou/Meade Creek) PARKS
COMMISSION MEETING**

JAN 12 2012

DATE: January 10, 2012

TIME: 7:00pm

MINUTES of the Electoral Area I Parks Commission Meeting held on the above noted date and time in Youbou Upper Hall, Youbou, BC. Called to order by chair at 7:05pm.

PRESENT:

Chairperson: Marcia Stewart

Vice-chairperson: Gerald Thom

Members: Dave Charney, Ken Wilde

ALSO PRESENT:

Director:

Alternate Director:

Secretary: Tara Daly

REGRETS: Dan Nickel, Gillian Scott, Director Pat Weaver

GUESTS:

ACCEPTANCE OF AGENDA

*It was Moved and Seconded to accept the agenda with additions under Old Business
Right of Ways around Cowichan Lake*

MOTION CARRIED

ACCEPTANCE OF MINUTES

It was Moved and Seconded that the minutes of October 11, 2011 be accepted.

MOTION CARRIED

BUSINESS ARISING

- None

CORRESPONDENCE

- **Email from Linda Blatchford re:** asking for letters of support for Grant application for improvements at Arbutus Park

DIRECTOR'S REPORT

- None

COWICHAN LAKE RECREATION

- **Hockey Tournament and Curling Bonspiels** are happening at Cowichan Lake Sports Arena
- **Bowling** at Youbou Lanes is doing well
- **Roller Derby and Pickle Ball** programs are going to be held at Youbou Hall if there is enough interest
- **Eco-friendly Parking Lot** at CLSA is almost complete needing only lights and landscaping; a media opening will be held sometime in the Spring explaining how the parking lot works

CHAIRPERSON'S REPORT

- **Holiday Gathering** ~ M. Stewart thanked T. Daly for hosting at her home
- **Financial Statement** ~ year-end isn't ready yet

COWICHAN VALLEY REGIONAL DISTRICT

- **Little League Park** ~ trees were pruned along the third base line on December 21, 2011
- **Arbutus Park** ~ diving board has been ordered
- **Boundary Adjustment** ~ hasn't been completed at Price Park
- **Grant for Arbutus Park** ~ Elsie Miles School and Bright Angel Park grants were also applied for
- **Right of Ways** ~ M. Stewart emailed Brian Farquhar but, as he has been away, there is no reply as of yet

OLD BUSINESS

- **Right of Ways** ~ G. Thom shared maps gathered by Cowichan Watershed that show locations of ROWs around Cowichan Lake, anyone wishing to have copies of the map can contact him or Jean Atkinson; suggested an 'Adopt a ROW' might be an idea with the neighbourhood responsible for the one in their area; confirmation that the Parks Commission still wants to pursue opening of the ROWs with assistance from Highways and CVRD

NEW BUSINESS

- **Annual General Meeting** ~ Sunday, February 26, 2012 at 1pm; T. Daly will book hall, contact the Fire Chief & Fire Commission and Director Weaver
- **What does the Commission see for 2012?** ~ Arbutus Park is the main focus for work with the Commission hoping for the Grant; Little League Playground should have some upgrades; Nantree Park dock may need some work – all in all, the Commission thought Area I Parks were in pretty good shape
- **Flag at Arbutus Park** ~ G. Thom and M. Stewart will look after taking the flag down

ADJOURNMENT

It was Moved and Seconded that the meeting be adjourned 7:55pm.

MOTION CARRIED

NEXT MEETING

February 14, 2012

7pm at Youbou Upper Hall

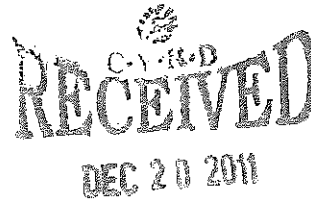
/s/ Tara Daly
Secretary

**Shawnigan Parks and Recreation Commission
Meeting Minutes Dec 8, 2011**

IN9

In Attendance:

- ✓ Lori Treloar
- ✓ Al Brunet
- ✓ Margaret Symon
- ✓ Bill Savage
- ✓ Catherine Whittome
- ✓ Gaileen Flaman (scribe)
- ✓ Bruce Fraser (Area B Director)



Guests: Brian Jackson, Kelly Musselwhite, Brendon Joyce

1. Meeting called or order 6:30pm.
2. Approved minutes of previous meeting.

3. Business Items:

- Road Ends. Commission is still looking forward to update on CVRD's negotiations with MoTI.

- RCMP Boathouse. Shawnigan Residents Association (SRA) spoke with Sgt Webb of RCMP and Tanya Soroka of CVRD. SRA and P&R Commission to take the next step which is to address issue at upcoming meeting of Shawnigan Improvement District in the new year.

- Shawnigan Hills Athletic Fields washroom facility. Washroom facility is progressing and suggestion is to host a celebration in the spring along with the Silvermine Trail as finishing touches are completed.

- Shawnigan Beach Estates greenbelt - Unclear as to whether there indeed was a drive-through to view any encroachment and/or destruction of greenbelt since last meeting. Parks Commission would appreciate confirmation and requests follow-up (i.e., types and numbers of infractions) to the Beach Estates community and commission. Also, for Parks Dept. to install a current map of the greenbelt on the bulletin board at the subdivision entranceway.

- S. Cowichan Parks and Rec - Bright Angel Park has been added as a function,

- Focus - continues to receive positive feedback regarding road ends, shoreline erosion, etc and regular articles from the P & R Commission seems to be a useful liaison between parks and the community.

- Letter from Cougar Ridge resident: request to pave and grade park dedication area to create a school bus stop. **Motion: In view of cost estimates greatly exceeding existing budget planning, to turn down request to grade and pave school bus stop on parkland dedication on Sooke Lake Road. Motion passed.**

- Elford Road subdivision: No park dedication due to realignment/sizing of lots.

4. Director's Report: Bruce Fraser suggested adding more members to the Commission if so desired.

- Roads ends are a priority and he will champion it at the CVRD table

- Wondered about Stebbing Road as an Eco Industrial Complex. Margaret Symon to check with CVRD Parks Dept. re: letter of parkland dedication.
- Shared knowledge of Cowichan Watershed organization which brings many representatives together (appointed by CVRD and Mayoralty) to solve major problems pertaining to watershed issues. Suggested we consider this idea for Shownigan.

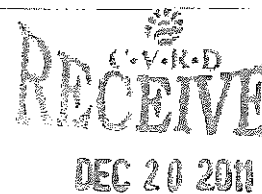
5. Other Business Item:

- Map: Margaret Symon to follow-up with a current map to have access to at meetings
- Triathlon: Paul Regensberg from LifeSport is looking for a local rep to assume position of Local Race Director. Request will be printed in Focus. A discussion ensued regarding location, revenue and commitment.
- Parking: a request came from Marion Davies to remind centre staff to utilize the back area parking during large events. This issue to be sent to Brian Farquhar to notify Kerry Park Commission.

Motion to approve minutes of Oct 27, 2011. Motion approved.

Meeting adjourned 740 pm.
Next meeting: Jan 19, 2012

Area D Parks Commission Monthly Meeting,
Bench School, Cowichan Bay, BC
Nov. 21/11



Meeting called to order: 18:37

Present: Lori Iannidinardo, Director, Kerrie Talbot, Chairperson, Bruce Clarke, acting secretary, Stephen Garnett, Roger Southern and Dave Nisbet.
Guest – Ron Cook.

Absent: Megan Stone

Minutes from last meeting (October 17/11) Approved.

Wilmot/Cowichan Bay Road intersection: Ron Cook

Ron Cook, presented pictures and goals (attached) for a Wilmot/Cowichan Bay Road Corner Park. Discussion followed on possible location of a path for the corner, MOT setbacks and intersection regulations, implications for residents of “The Landing” and possible involvement of Cowichan Bay Business Association. No decision was made on this matter as it became part of the second item on the agenda.

Wilmot Road Walking Trail

Much had been done on site by commission members and Cam Fulton of Valhalla Trails since last meeting to determine a proposed route for an extension of the trail down into the village. Discussion continued for the integration of the Wilmot - Cowichan Bay corner within criterion required for the implementation of the Wilmot Road Trail. A second version of the route drafted by Cam was presented to the meeting. Ryan Dias of CVRD Trails and Parks has received this proposal and has discussed it with him. The commission discussion turned to the more general need to seek community input for the concept. A reference to the OCP Steering Committee was proposed as part of a “Walk for Fitness” community goal.

Action: Lori to approach Ministry of Transportation and recommend a site visit to review the Wilmot Trail proposal. The commission recommended specifics be found on signage, parking control, sight lines, drainage, pedestrian management and safety.

Summer Playground Program – a letter has been received from the coordinator of the program at Kerry Park. The letter reviewed the 2011 program and requested program expansion for 2012. Discussion followed for support of expansion of this successful program at Coverdale-Watson Park.

Motion: The summer playground program provide a pilot program for 3 to 5 year olds in 2012 at an estimated cost of \$3890. Also, the main program for 6 to 12 year olds be extended one more week for at a cost of \$4500. **Carried.**

After Hours Parks Services:

Area Director, Lori Iannidinardo, informed the commission of an incident on Sunday, November 20th when a group using Coverdale Watson Park requested and had been assured the tennis net would be removed for use of the court. As the net was not removed, and no staff were available, Ron Austen (Parks, Recreation & Culture Dept), with the assistance of a local resident, came to the rescue and removed the net themselves.

Action: Staff provides a contact list for after hours parks services.

Coverdale Watson Playground Resurfacing:

CVRD staff are investigating, and applying for a potential grant to install recycled rubber surfacing in the playground area. A letter of support has been sent to staff.

Next Meeting: December 19, location to be determined.

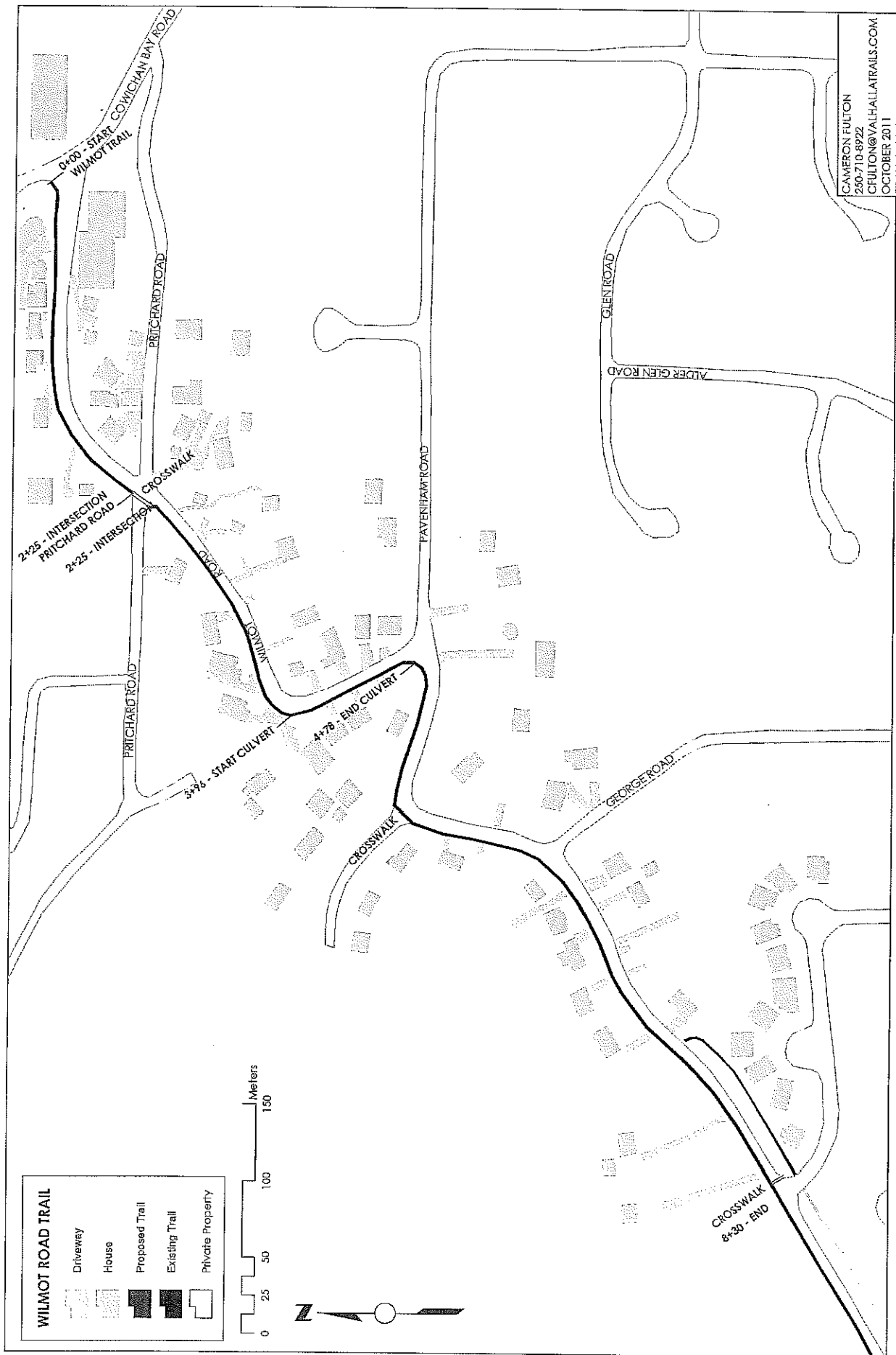
Meeting adjourned: 20:05

Wilmot/ Cowichan Bay Road Corner Park



Wilmot /Cowichan Bay Road Corner Park Proposal Goals:

- Develop a safe pedestrian sidewalk , separating pedestrians from vehicular traffic. Making the path manageable for all pedestrian to reduce use of road as sidewalk (grade and surface improvements).
- Eliminate parking on corner to allow for safety and suitable line of site.
- Develop a visually pleasing and low maintenance park setting at prominent corner.
- improve road and sidewalk drainage from corner to base of hill.



RECEIVED

JAN 11 2

IN 11

Minutes of the Cowichan Station/Glenora/Sahtlam Parks and Recreation Commission Meeting held on November 29, 2011 at the Glenora Community Hall at 7:00p.m.

Present: Frank McCorkell, Chair, Patty John, Larry Wheatstone, Ron Smith, Director Loren Duncan, Mike Lees, Paul Slade, Howard Heyd

Call to Order: The meeting was called to order at 7: 05 p.m.

Minutes: The minutes of the October 20, 2011 meeting were reviewed. These were previously distributed prior to the meeting.

Business Arising:

A few of the items discussed at the October 20th meeting were again reviewed by the Commission. The first dealt with the kiosk sign for the small rest stop area at the Trans Canada Highway and Boys Road. The Commission wants to see a 4'x8' "non standard" size sign board be constructed for the appropriate kiosk showing all information as previously proposed. This will include pictures of the Glenora Trails Head Park, Bright Angel Park and the Kinsol Trestle. The second point was with regard to the Sahtlam parks and recreation survey that went out in the mail recently and are starting to be returned. The results of the survey will be discussed at the next Commission meeting. The third item dealt with the information meeting held with respect to the possible rezoning of 4695 Lake Cowichan Road.

New Business:

1. Fairbridge Park Improvements: The Commission discussed the contents of the memo and it was suggested that likely this work could be undertaken with the assistance by a contractor for a single day and three other days by the summer student parks crew.

2. B.C. Parks Annual Report: This was for information only.

3. Wake Lake Research Study: There was a general discussion to consider a research study at the ecological reserve. It was suggested that the Commission hold an on site tour of the property in early 2012 (possibly January or February) and then review the contents of the memorandum after this takes place. Director Duncan said he will provide some additional research information already prepared on Wake Lake at that time.

4. Holt Creek Trestle and Trans Canada Trail: The possible problems with the Holt Creek Trestle and the fact that BC Parks was not maintaining the trail west of the trestle to approximately the Mile 66 trestle was brought to the attention of the Commission. It was also mentioned that with the amount of publicity we are now receiving in relation to the Kinsol Trestle and the Cowichan Valley Trail through the Valley (as for example the November 15th, 2011 special report in the *Globe and Mail*) it would be extremely embarrassing for all concerned if the trestle becomes unsafe or this section of the trail is not maintained.

The Commission would appreciate a status report from Brian Farquhar, CVRD Parks and Trail Manager, with respect to the responsibility of maintenance of the Holt Creek Trestle and the portion of the trail west of the trestle.

5. Glenora Trails Head Cookhouse: Frank McCorkell mentioned that there is a small design problem with respect to the metal plates that covered the gang plates at the new cookhouse. Evidently the black paint was bleeding and staining the wood. They have now been removed.

Minutes of the Area E Parks and Recreation Commission Meeting of November 29th, 2011
continued

The Commission decided that it would be appropriate to do an on site at the cookhouse and look at a couple of different materials that could be used to cover the gang plates at the truss joints. This will take place on December 8th at 12 noon.

6. Horses on the Cowichan Station Ball Field: Patty John mentioned that someone has been putting horses on the field to graze and was wondering who was responsible for overseeing the use of the ball field. The Commission indicated that while they have agreed to cut the grass on the south side of Koksilah Road (the ball field) this is still land that was leased from the School District by the Cowichan Station Community Association and thus it would be up to the Association to oversee the use of the field. It was mentioned, however, that at this time of year it would likely not be appropriate for the horses to be on the field as they would easily compact the turf and in the spring it may be quite difficult for the field to be cut and maintained properly.

7. Annual General Meeting: It was decided that the Commission will hold the Annual General Meeting at the Sahtlam Fire Hall on January 26th at 7p.m.

Adjournment:

The meeting adjourned at 9:00 p.m.

IN 12

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

DATE: November 7th, 2011

TIME: 7:01 PM

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

PRESENT:

CHAIRPERSON: Harry Brunt

SECRETARY: Jackie Rieck

MEMBERS: Tim Godau, Paul Bottomley, Glen Hammond, Norm Flinton

ABSENT:

MEMBERS: Kelly Schellenberg, and Dave Key

ALSO PRESENT:

DIRECTOR: Mel Dorey

ACCEPTANCE OF MINUTES:

It was Moved and Seconded that the Minutes of Area "G" Parks Commission Meeting of October 3rd, 2011 be accepted with and amendment on page 3 of 3 under heading of DIRECTOR'S REPORT - wording changed to read as follows: Saltair water system upgrade costs were discussed.

MOTION CARRIED

APPROVAL OF AGENDA:

Motion to approve agenda as submitted.

MOTION CARRIED

STANDING REPORTS:

CVRD UPDATE:

Ryan Dias informed Harry that Stocking Creek Stairs Project should be nearing completion in two weeks.

CENTENNIAL PARK:

-Members agreed that CVRD relocate the Walnut tree to the vicinity of the now defunct No. 2 baseball diamond area.

-a report of vandalism to one of the two tennis court nets was received. It was noted that both nets would need replacing in the spring.

-Tennis Club asked if it was possible to install lighting for evening play. Members unnamously agreed that they were not in favour of this suggestion.

-There is still an ongoing issue of vandals removing entire roll of Doggie waste bags from dispensers near picnic shelter and playground. Suggestion was made to relocate the dispenser which is currently attached to fence near playground to the Mountain View Dr entrance of park and monitor for improvements.

-Debris and chain link fencing have been removed from the park. CVRD will be removing willow tree from behind earthquake container and limbing fir tree to prevent children from climbing the trees and playing atop of container buildings.

PRINCESS DIANA PARK:

leaves have been mulched along main trails.

STOCKING CREEK PARK:

a suggestion was made to install a laminated plaque in memory of "Len Platt" on the new viewing platform staircase leading to Waterfall. Harry to address CVRD regarding potential thoughts on this suggestion.

The "Helen Coward" memorial bench has been installed at Finch Place location.

Discussed ideas re: Stocking Creek bridge safety issue of slippery deck surface. CVRD to follow up.

A windfallen tree requires removal on the west side lower trail to falls (near drainfield) from Finch Place entrance.

BEACH ACCESSES:

Permission has been granted to proceed regarding legal lease agreement with Coastal Mission Society at Hillside Rd beach access.

LADYSMITH PARKS & REC:

Norm Flinton attended Ladysmith Parks & Recreation's meeting of October 19th, 2011.

- Town is still searching for a suitable "Off-Leash Dog Park" location.
- Planning to build a Pickle Ball Court at new Turf Field
- Frank Jamieson Community Centre is increasing their rates by 2%.

BASEBALL:

No report.

DIRECTOR'S REPORT:

-CVRD Regional Recreation Fund conducted a survey to determine from which communities recreation facility users are from.

- Frank Jamieson Ctr- only 7% of user's from Saltair
- Fullerake Arena – only 3.8% of users from Saltair
- Recommend changes to funding formula will be presented in January 2012.

Discussed option of setting aside 20,000 per year savings for a future community hall for Saltair.

Land acquisition appraisals in progress.

SPECIAL EVENTS:

Halloween Event was another huge success! Approxiametely 250 persons were in attendance! A great big THANK YOU to Dave and Cindy Key and their faithful crew for providing another funfilled Halloween Party! Fireworks were spectacular! Another thank you goes to Dave Irving for providing wooden pallets for the large bonfire.

Minutes of the Cobble Hill Parks and Recreation Meeting held on November 29, 2011 at 7:00 p.m. in the Arbutus Ridge Board Room.

Those present: John Krug – Chair, Gord Dickenson, Annie Ingraham, Alan Seal, Ruth Koehn, Bill Turner, Dennis Cage and Director Gerry Giles.

The meeting was called to order at 7 p.m. by Chair Krug and the agenda was adopted as amended by adding Farmers Institute and Easement Agreement to Old Business.

Moved/seconded

that the minutes of the October 24, 2011 Cobble Hill Parks and Recreation Commission meeting be adopted as circulated.

MOTION CARRIED

Old Business:

1. The question from the last meeting about the obstructed of sight lines on Empress/Cobble Hill Road due to cars parked in the train station parking lot was reviewed. Several park members had visited the site and it was agreed no problem exists with cars parked in the lot; however, the large fir on Cobble Hill Road does restrict vision somewhat.
2. An update on Watson Avenue Trail was provided. It was agreed the chain link fence at the sewage collection station on Twin Cedar Drive will need to be moved to allow the trail to be constructed from Watson to Twin Cedar Drive. The crossing over the drainage ditch was also discussed and it was agreed we would try to get 2 – 15 or 20 foot timbers from the Kinsol to place over the ditch and that we would need 30 to 40 yards of gravel for the south side of the pathway along with 3 inch minus for building up the muddy areas. It was further agreed that those available would meet at the pathway at 1 p.m. on Thursday to discuss a work plan.
3. No update on Purple Pipe system was available other than to say the call for designs had gone out and that Dennis had discovered that three pipes had been installed.
4. Ruth reviewed the work done on Evergreen Sports Court. She provided an updated concept design and explained these would be used to develop a funding solicitation package. Snow fencing was provided by Island Irrigation to form a barrier around the concrete pad. Ruth also reported the DRAFT agreement has been received by Evergreen from the CVRD. It will be reviewed by both parties.
5. Further consideration regarding the Cobble Hill Common and Easy Living Landscape took place. A committee consisting of Ruth, Annie and Dennis was struck to review the possibility of maintaining the Cobble Hill Common with the Farmers Institute.
6. Chair Krug briefly reported on the Easement Agreement between the commission and the Cobble Hill Improvement District on Fisher Road and the site visits with Tanya Soroka.

New Business:

- The Annual General Meeting for the Cobble Hill Parks Commission will be scheduled for January 26, 2012 at the Cobble Hill Hall. Two Commission members will need to be elected to replace both Ian Sparshu and Dan Masson.
- The protocols surrounding communications between the Parks Contractor and Parks Staff was questioned given maintenance staff turning off the Cobble Hill Improvement District's main water line. Alan Seal and the Improvement District to follow up with CVRD parks staff.
- Next steps with the Cobble Hill Common were discussed. Firmness of the soil/grass needs to be tested before the fence is removed. This will be done on Thursday after the Watson Avenue pathway is examined. When the fence is removed the sections, crossbars and connectors need to be counted. It was agreed that prices would be obtained for bare root fruit trees and small fruits for planting on the berms. This could also include a variety of nut trees. The shelter housing the "Cobble Hill Welcomes You" sign is too small and a new housing unit will be designed.

Other Business:

Director's Report included an update on a \$20,000 planning grant application for the Cobble Hill Common. Information was also provided regarding the court case involving Cobble Hill's industrial zone. It was explained the zoning bylaw was upheld in the November 15, 2011 ruling by Justice Butler. Gerry reported she was not seeking the Chair's position again... that three years was enough and it was now time for her to focus on family, friends, fun and Cobble Hill.

The next meeting will be at the call of the Chair.

Meeting adjourned at 8:54 p.m.

John Krug - Chair

Jennifer Hughes

IN14

From: Gerry Giles [ggiles12@shaw.ca]
Sent: Monday, November 28, 2011 10:27 AM
To: Jennifer Hughes
Subject: Dan Massen

Good morning Jennifer,

Dan Massen has indicated he is no longer interested in serving on the parks commission so it looks like I have 1 more position available under the elected category. Could you please do up a thank you letter for him and leave it in the Chair's office for my signature. Thank you.

Gerry



MEMORANDUM

DATE: December 16, 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 NOVEMBER, 2011

There were 35 Building Permits and 1 Demolition Permit(s) issued during the month of November, 2011 with a total value of \$2,865,970.

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"				217,420	141,700		6	77	359,120	10,900,780
"B"		108,000		463,420	85,300		7	95	656,720	11,991,678
"C"				485,850	7,000		4	39	492,850	5,858,150
"D"				115,880	93,160	27,000	4	54	236,040	5,190,470
"E"			18,720	520,620	81,080		5	45	620,420	7,127,720
"F"				144,000			1	26	144,000	2,033,775
"G"		20,000			36,900		4	32	56,900	2,720,080
"H"				214,400	84,520	1,000	5	36	299,920	4,126,980
"I"							0	25	0	3,132,750
Total	\$ -	\$ 128,000	\$ 18,720	\$ 2,161,590	\$ 529,660	\$ 28,000	36	429	\$ 2,865,970	\$ 53,082,383


B. Duncan, RBO
Manager, Inspections and Enforcement Division
Planning and Development Department

BD/db

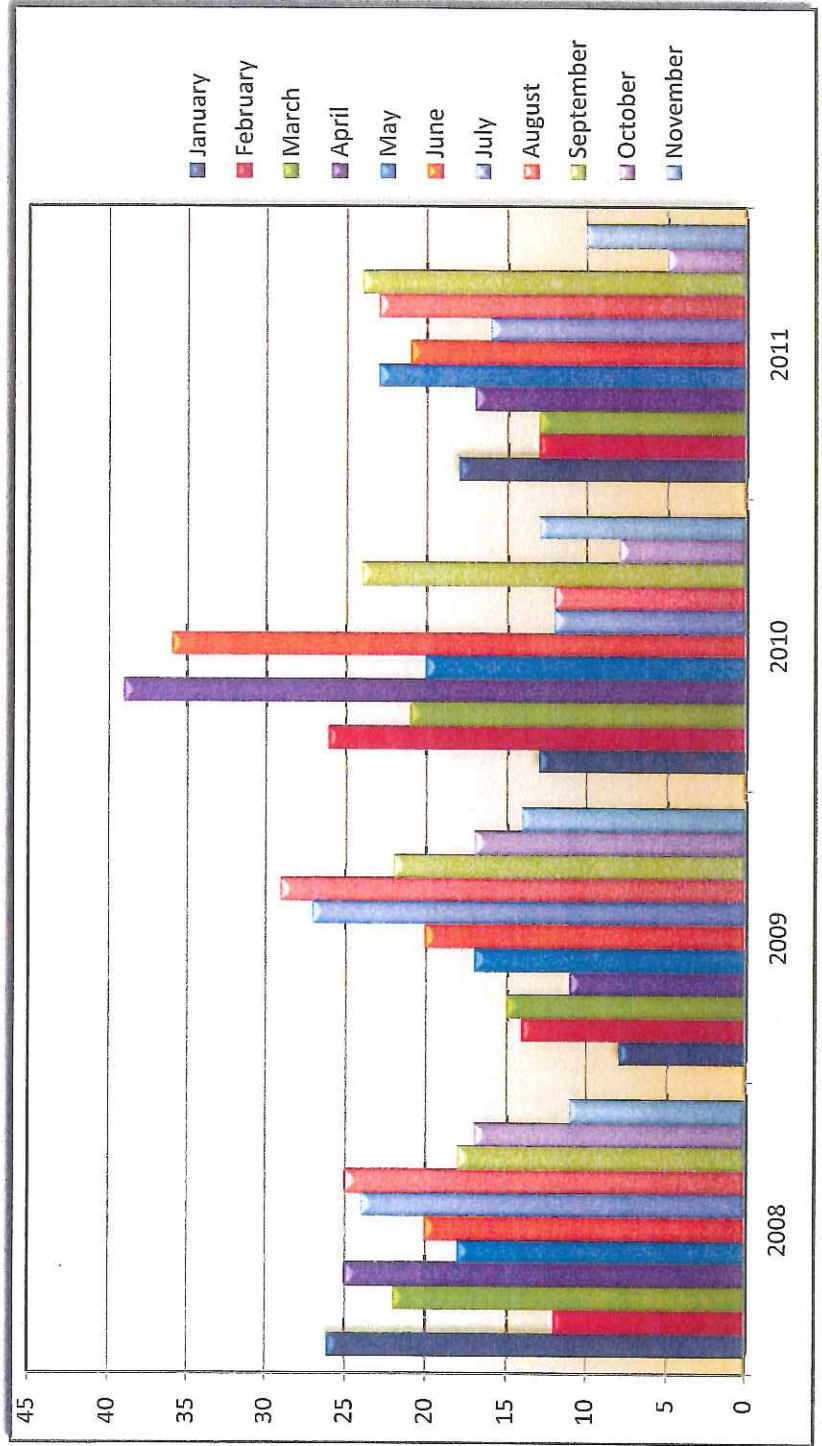
NOTE: For a comparison of New Housing Starts from 2008 to 2011, see page 2
For a comparison of Total Number of Building Permits from 2008 to 2011, see page 3

1015



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
August	25	29	12	23
September	18	22	24	24
October	17	17	8	5
November	11	14	13	10
YTD Totals	207	180	211	173





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
August	53	45	38	42
September	50	65	44	53
October	43	46	28	29
November	37	34	31	36
YTD Totals	506	445	462	393

