



C·V·R·D

ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
March 20, 2012
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 pm

AGENDA

Table with 3 columns: Item Number, Item Description, and Pages. Includes sections like APPROVAL OF AGENDA, ADOPTION OF MINUTES, BUSINESS ARISING FROM MINUTES, DELEGATIONS, STAFF REPORTS, INFORMATION, and NEW BUSINESS.

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8, **PUBLIC/PRESS QUESTIONS**

9. **CLOSED SESSION**

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

10. **ADJOURNMENT**

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

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

Director M. Marcotte  
Director G. Giles  
Director L. Iannidinardo

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

M1

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, March 6, 2012 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

**PRESENT**

Director M. Walker, Chair  
Director L. Iannidinardo  
Director P. Weaver  
Director I. Morrison  
Director B. Fraser  
Director L. Duncan  
Director G. Giles  
Director M. Marcotte  
Absent: Director M. Dorey

**CVRD STAFF**

Tom Anderson, General Manager  
Mike Tippett, Manager  
Rob Conway, Manager  
Brian Duncan, Manager  
Warren Jones, Administrator  
Maddy Koch, Planning Technician  
Nino Morano, Bylaw Enforcement Officer  
Cathy Allen, Recording Secretary

**APPROVAL OF AGENDA**

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

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 February 21, 2012, EASC meeting be amended on page 1 by removing Director Marcotte from being present, and on page 10 by changing IN3 to receive and file "Minutes of Area D Parks Commission meeting of January 17, 2011", and that the minutes, as amended, be adopted.

**MOTION CARRIED**

**BUSINESS ARISING**

There was no business arising.

**DELEGATIONS**

**D1 - Dix**

Mr. Dix was present to request that his development permit application be expedited. Provided an update and recent history. Has consulted lawyer and was advised not to get into trading footprint issues. Wants sorted out without further delay. Requests that staff report be presented at the next EASC meeting.

Committee members directed questions to staff and delegate.

It was Moved and Seconded  
That development permit application No. 3-I-11DP/VAR by Michael Dix, be referred to the APC for comment.

**MOTION CARRIED**

It was Moved and Seconded  
That staff be directed to prepare a report to an upcoming EASC meeting that outlines zoning bylaw setbacks from watercourses for buildings, and their relationship to RAR setbacks.

**MOTION CARRIED**

**D2 - Rafidi**

Anita Rafidi was present on behalf of Sun Lotus Arthouse regarding request that the Board reverse its decision that Sun Lotus cease operations during the rezoning process. Ms. Rafidi stated that it would be a financial hardship to cease operations. The delegate provided background information in support of their request to rescind the Board's decision.

The Committee directed questions to the delegate.

The chair thanked the delegate for appearing.

**STAFF REPORTS**

**R1 – Van Basten**

Maddy Koch, Planning Technician, reviewed staff report dated February 28, 2012, regarding Application No. 2-F-11DVP (Stan Van Basten) to construct a deck and dormer, and replace a retaining wall at 10143 South Shore Road.

The Committee directed questions to staff and applicant.

Stan Van Basten, applicant, was present and provided further information to the application.

It was Moved and Seconded  
That application No. 2-F-11DVP (Stan Van Basten) be referred back to staff to explore DFO implications, and that a further report be brought back to EASC within the next 30 days.

**MOTION CARRIED**

**R2 - Vanderkley**

Maddy Koch, Planning Technician, reviewed staff report dated February 28, 2012, regarding Application No. 1-B-12DVP (Arie Vanderkley) to construct an accessory building at 1855 Munsie Road.

The Committee directed questions to staff and applicant.

Arie Vanderkley, applicant, was present and provided further information to the application.

It was Moved and Seconded  
That application No. 1-B-12DVP (Arie Vanderkley) be referred back to staff to consider concerns of the neighbour most affected by the variance.

MOTION CARRIED

**R3, R4 – Livestock compensation**

Nino Morano, Bylaw Enforcement Officer, presented staff reports R3 and R4 dated February 29, 2012, regarding loss of livestock as a result of attacks from dogs.

It was Moved and Seconded

That Matt Robley and Gaye Oldfield be compensated \$750, total, for loss of livestock (sheep) as a result of an attack from unknown dog(s) at 4765 Wilson Road that occurred on December 14, 2011.

That Bill Eben be compensated \$450, total, for loss of livestock (sheep) as a result of an attack from unknown dog(s) at 4860 Bench Road on December 11, 2011.

MOTION CARRIED

It was Moved and Seconded  
That staff be directed to contact the Cowichan SPCA regarding the CVRD Animal Control Bylaw to review options respecting compensation, and consider including a reward section; and further that the matter also be referred to the Agricultural Committee for comment, and that staff report back to a future EASC meeting.

MOTION CARRIED

**R5 – Green Buildings Study**

Brian Duncan, Manager, presented staff report dated February 28, 2012, regarding Risks and Liabilities of Green Buildings Study by the Construction Association of BC.

It was Moved and Seconded

That staff report dated February 28, 2012, from Brian Duncan, Manager, regarding Risks and Liabilities of Green Buildings Study by the Construction Association of BC, be received and filed.

MOTION CARRIED

**R6 – Strata Plans**

Mike Tippett, Manager, reviewed staff report dated February 27, 2012, regarding a future presentation on strata plans.

The Committee requested that staff prepare a future report and presentation on strata plans.

**INFORMATION**

**IN1 to IN5 - Minutes**

It was Moved and Seconded

That the following minutes be received and filed:

- Minutes of Area A Parks Commission meeting of February 9, 2012
- Minutes of Area A APC meeting of February 13, 2012
- Minutes of Area B Parks Commission meeting of February 16, 2012
- Minutes of Area D Parks Commission meeting of February 20, 2012
- Minutes of Area I Parks Commission meeting of February 14, 2012

MOTION CARRIED

**NEW BUSINESS**

**NB1 – R2 add-on**

Add-on material to agenda item R2 (Vanderkley) was received for information.

**NB2 – Meat Inspection**

Tom Anderson, General Manager, reviewed Ministry of Health/Ministry of Agriculture News Release regarding meat inspection regulations information. He noted that a series of information meetings are scheduled and that there is one coming up on March 12<sup>th</sup> in Nanaimo.

It was Moved and Seconded

That the General Manager of Planning and Development Department delegate one staff member to attend the March 12, 2012, Meat Inspection consultation session in Nanaimo, and, if space is available, that the Chair of the Agricultural Committee (Director Marcotte) also attend.

MOTION CARRIED

**NB3 – Grant Funding**

It was Moved and Seconded

That application to the West Coast Community Adjustment Program for \$60,000 in grant funding for the Cowichan Bay Marine Gateway Project be endorsed, with \$40,000 in additional funding to support the project to be committed from the 2012 Electoral Area D (Cowichan Bay) Community parks capital budget.

MOTION CARRIED

**CLOSED SESSION**

It was Moved and Seconded

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

MOTION CARRIED

**RISE**

The Committee rose and reported as follows:

1. That Board resolution #10-464-1 dated August 11, 2010, be rescinded.
2. That bylaws be prepared for the subdivision and disposal of surplus parkland in Don's Park (legally described as PARK, Section 8, Range 7, Sahtlam Land District, Plan 41219), retaining only a 10 metre wide portion of the property along the western boundary for park purposes to establish a community trail between Don's Road and property immediately south of the park.
3. That an Alternative Approval Process be held as required under the *Local Government Act* with respect to obtaining elector consent for the disposal of the surplus portion of Don's Park no longer required for community park purposes.

**ADJOURNMENT**

It was Moved and Seconded  
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 5:20 p.m.

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Chair

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Recording Secretary

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COWICHAN VALLEY REGIONAL DISTRICT  
ADMINISTRATIVE SERVICES DEPARTMENT

REQUEST FOR DELEGATION

APPLICATION DATE: March 13, 2012

NAME OF APPLICANT: Zane Parker

ADDRESS OF APPLICANT: 3040 Humes Rd, Duncan

PHONE NO.: 250 709 5775

REPRESENTING: Cowichan Station Area Ass.  
*Name of Organization*

MEETING DATE: March 20, 2012

COMMITTEE/BOARD NAME: Electoral Area Services

NO. ATTENDING: 1 or 2

NO. WISHING TO MAKE A PRESENTATION: 1

TOPIC TO BE PRESENTED:

Proposed energy efficiency and  
heating upgrades for the Hub  
at Cowichan Station.

NATURE OF REQUEST/CONCERN:

Proposed partnership with CVRD  
on Community Works Funds  
application

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



March 2012

## Energy Efficiency and Greenhouse Gas Reduction Proposal—Key Points

### *Request*

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The Cowichan Station Area Association (CSAA) is requesting to partner with the CVRD in an application to the Community Works Fund for \$133,000 of a \$318,000 plan to install an efficient and innovative ground source heat exchange system at the Hub (the old Cowichan Station school) along with much needed upgrades to the integrity and energy efficiency of the existing buildings.

The proposal fits well within the eligibility criteria for the provincial Community Works Fund, with a focus on innovative energy efficient technology resulting in a significant reduction of greenhouse gas emissions totalling nearly 40 tonnes of CO<sub>2</sub> annually and an estimated rate of return on heating system and thermal upgrades of 13% over a 30 year life cycle.

The building envelop and heating system are immediate priorities. Upgrades are needed both to preserve the space and to promote the environmental and financial sustainability of this important community asset.

### *Significance*

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The Hub is a much needed and already well-loved community space in Cowichan Station. Supporting the Hub preserves part of our local history while building regional capacity and vibrancy. The Hub can become a significant historical, cultural, and recreational venue augmenting investment in other local assets like the Kinsol Trestle. With the proposed upgrades, the Hub can serve as a model of greenhouse gas reductions, energy efficiency, and community engagement for the region.

### *Multiplying Funding and Community Benefits*

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The Hub has secured a major federal grant through Canadian Heritage. This funding allows the CVRD to leverage the impact of provincial Community Works contributions. Federal funds need to be allocated and matched by the spring of 2013. The full energy and heating proposal also anticipates funding available through Vancity and the Real Estate Foundation for their Green Building Grant.

Perhaps most importantly, Community Works funding will build on over a thousand hours of direct community contributions as well as thousands of dollars of local donations.

*Thank you for your consideration and ongoing support.*

D2



**REQUEST TO APPEAR AS A DELEGATION**

(Submit completed form to Legislative Services Division – Fax 250.746.2513)

REQUEST TO ADDRESS:  CVRD BOARD  
 Electoral Area Services COMMITTEE

at the meeting of MARCH 20, 2012 at 3:00 pm

APPLICANT NAME PREM SINGH VINNING

REPRESENTING: WORLD SIKH ORGANIZATION  
(name of organization if applicable)

AS: \_\_\_\_\_  
(capacity/office)

NUMBER ATTENDING: 3

Applicant mailing address: 1183 Cecil Avenue Ottawa ON K1H7Z6

Applicant Telephone: 604 312 6377 Fax: \_\_\_\_\_

Applicant email: premvinning@gmail.com

PRESENTATION TOPIC and NATURE OF REQUEST:  
Paldi historical sikh temple

(If more space is required, please attach an additional page to this form)

Prem S. Vinning  
Signature

March 14 2012  
Date

Cowichan Valley Regional District, 175 Ingram Street, Duncan BC V9L 1N8  
Please address inquiries to the Legislative Services Division at 250.746.2508.



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### STAFF REPORT

## ELECTORAL AREA SERVICES COMMITTEE OF MARCH 20, 2012

DATE: March 13, 2012

FILE NO: 1-E-12ALR

FROM: Maddy Koch, Planning Technician

BYLAW NO: 1840

SUBJECT: ALR application 1-E-12ALR (Colten Ellison)

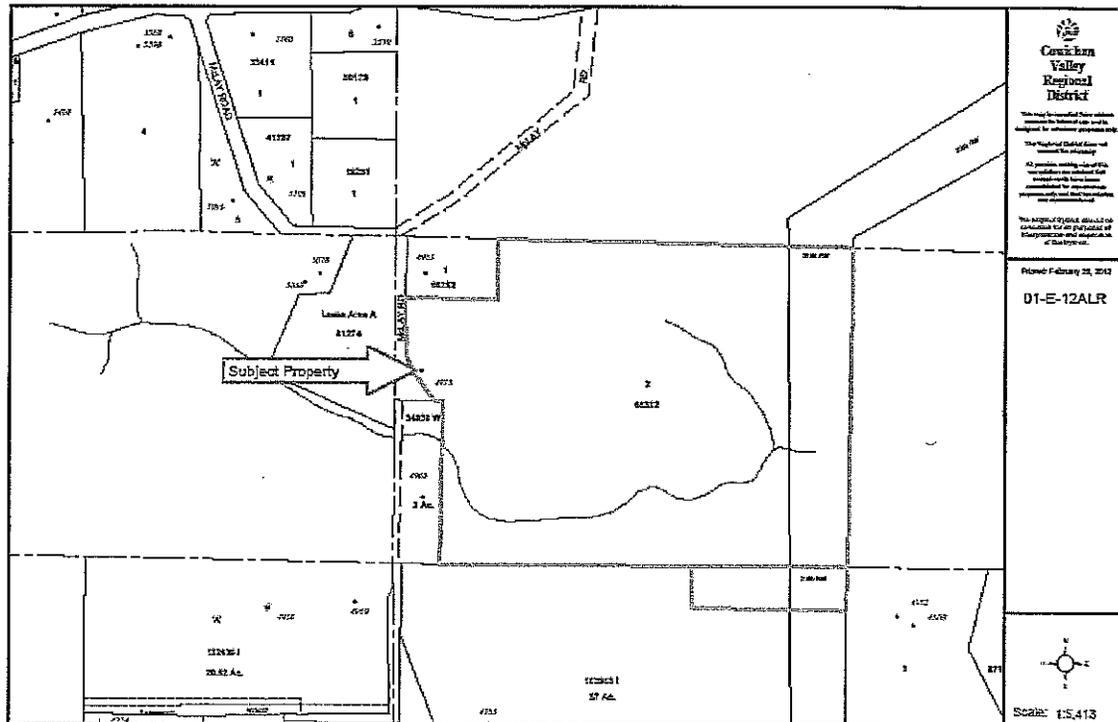
#### Recommendation/Action:

That Application No. 1-E-12ALR, submitted by Colten Ellison, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a third dwelling on the subject property for the purpose of providing a residence for a family member/ farm helper, be forwarded to the Agricultural Land Commission with a **recommendation to approve** the application.

Relation to the Corporate Strategic Plan: N/A

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

#### Background:



Location of Subject Property: 4975 McLay Road

Legal Description: Lot 2, Sections 9 & 10, Range 5, Quamichan District, Plan VIP66392

Application Received: February 16, 2012

Owners: Donald & Margarita Ellison

Applicant: Colten Ellison

Size of Parcel: 23 ha

Existing Zoning: A-1

Existing Plan Designation: Agricultural

Use of Property: Grass-fed beef farm/ residential

Use of Surrounding Properties:

North	R-1
South	A-1
East	R-1 (Used as Gravel pit)
West	A-1 and A-1L

Services:

Road Access:	McLay Road
Water:	Onsite
Sewage Disposal:	Onsite

Fire Protection: Eagle Heights Fire Service Area

Archaeological Sites: None Identified

Environmentally Sensitive Areas (Environmental Planning Atlas 2000):

The Environmental Planning Atlas shows a TRIM stream and a non-TRIM stream on the subject property. The proposed dwelling would be more than 30 metres from these creeks.

**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 a third single family dwelling to provide residence for the property owners' grandson, who would assist with operating the cattle farm.

**Soil Classification:**

Canada Land Inventory Maps:

12% 5W(3W) 9% O5W(O3W) 12% 3A(2D) 6% 5A(5T) 61% 4T-5T (4T-5T)

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
1	-	-
2	-	12
3	12	21
4	37	37
5	51	30
6	-	-
7	-	-
<b>TOTAL</b>	<b>100</b>	<b>100</b>

**Explanation of Land Capability Classifications:**

- Class 1 lands have no limitations for Agricultural Production
- Class 2 lands have minor limitations, 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.

**Agricultural Capabilities:**

The subject property is presently composed of 51% Class 5 soil, 37% Class 4 soil and 12% Class 3 soil. The agricultural capability of the soil is mostly limited by topography, excess water and aridity. By taking improvement measures such as irrigation and drainage, the soil quality could be improved to 37% Class 4 soil, 30% Class 5 soil, 21% Class 3 soil and 12% Class 2 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 policies have 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.*

*Policy 4.1.17 An additional residence for farm help shall be permitted on parcels zoned Primary Agricultural and in the Agricultural Land Reserve without BC Land Commission approval subject to compliance with the following criteria:*

- a) *Property must have farm classification on BC Assessment Authority records;*
- b) *Property must be used as a bona-fide farm;*

- c) *The additional residence must not be located so as to unduly interfere with or alienate useable farm land;*
- d) *The applicant must demonstrate that the additional dwelling is necessary to accommodate a bona-fide assistant in the farm operation whose residence on the farm property is considered critical to the overall operation of the farm. The primary consideration being whether the scale of the farm operation is large enough that permanent help is deemed necessary for:*
  - reasons of security;
  - regular feeding, watering and caring of livestock, or tending of equipment in the absence of the farm owner/ operator.

*Policy 4.1.18 Home occupation, small suite, group home and public park uses may be permitted in any agricultural land use category, however, if the land is in the Agricultural Land Reserve, all uses must comply with the Land Commission Act.*

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 subject property is 23 hectares in size, zoned A-1 and located within the Agricultural Land Reserve. Two single-family dwellings and a number of agricultural buildings are located on the subject property. One of the dwellings is occupied by the applicant's grandfather and the other by the applicant's parents. The agricultural buildings support operation of the property as a grass-fed beef farm with approximately 65 head of cattle. In the past the property was used as a dairy farm.

All of the existing buildings on the subject property are clustered near McLay Road. The rest of the property is used as pasture. A fenced in cattle laneway leads from the barn to the eastern pastures on the subject property. A creek runs across the subject property.

The applicant proposes to construct a third dwelling on a gravelly knoll located at the end of the existing laneway. The laneway would become the driveway to the proposed home, and a new laneway would be constructed adjacent to the existing one. Selection of this location was partially based on the fact that the area has low agricultural capability due to topography limitations, lack of water and gravelly soil. Residing on the subject property would allow the applicant to continue to assist with the farm and to carry it on when his family is no longer able to.

Section 7.3(a)(4) of Zoning Bylaw No. 1840 permits an additional single family dwelling for farm helpers on A-1 zoned properties. Despite the dwelling being supported by the zoning bylaw, the Agricultural Land Commission must authorize construction of the dwelling as well. Furthermore, if approval is granted by the ALC, an Agricultural Protection Development Permit will be required prior to construction.

The applicant has indicated that he has been working on the farm for years. He wishes to continue farming the land, but it would be significantly more challenging to do so if he had to find accommodation elsewhere. Based on the applicant's history as a farm worker and his desire to continue operating the farm, staff feel that this proposal meets the intent of Section 7.3(a)(4).

**Advisory Planning Commission Comments:**

This application was not referred to the Area D 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. 1-E-12ALR, submitted by Colten Ellison, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a third dwelling on the subject property for the purpose of providing a residence for a family member/ farm helper, be forwarded to the Agricultural Land Commission with a **recommendation to approve** the application
2. That Application No. 1-E-12ALR, submitted by Colten Ellison, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a third dwelling on the subject property for the purpose of providing a residence for a family member/ farm helper, be forwarded to the Agricultural Land Commission with **no recommendation**.

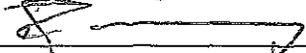
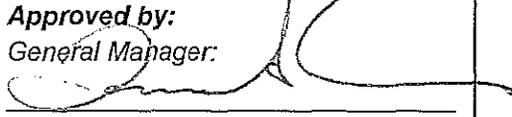
Staff recommends Option 1.

Submitted by,



Maddy Koch  
Planning Technician  
Planning and Development Department

MK/ca  
Attachments

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



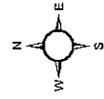
**Cowichan Valley Regional District**

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

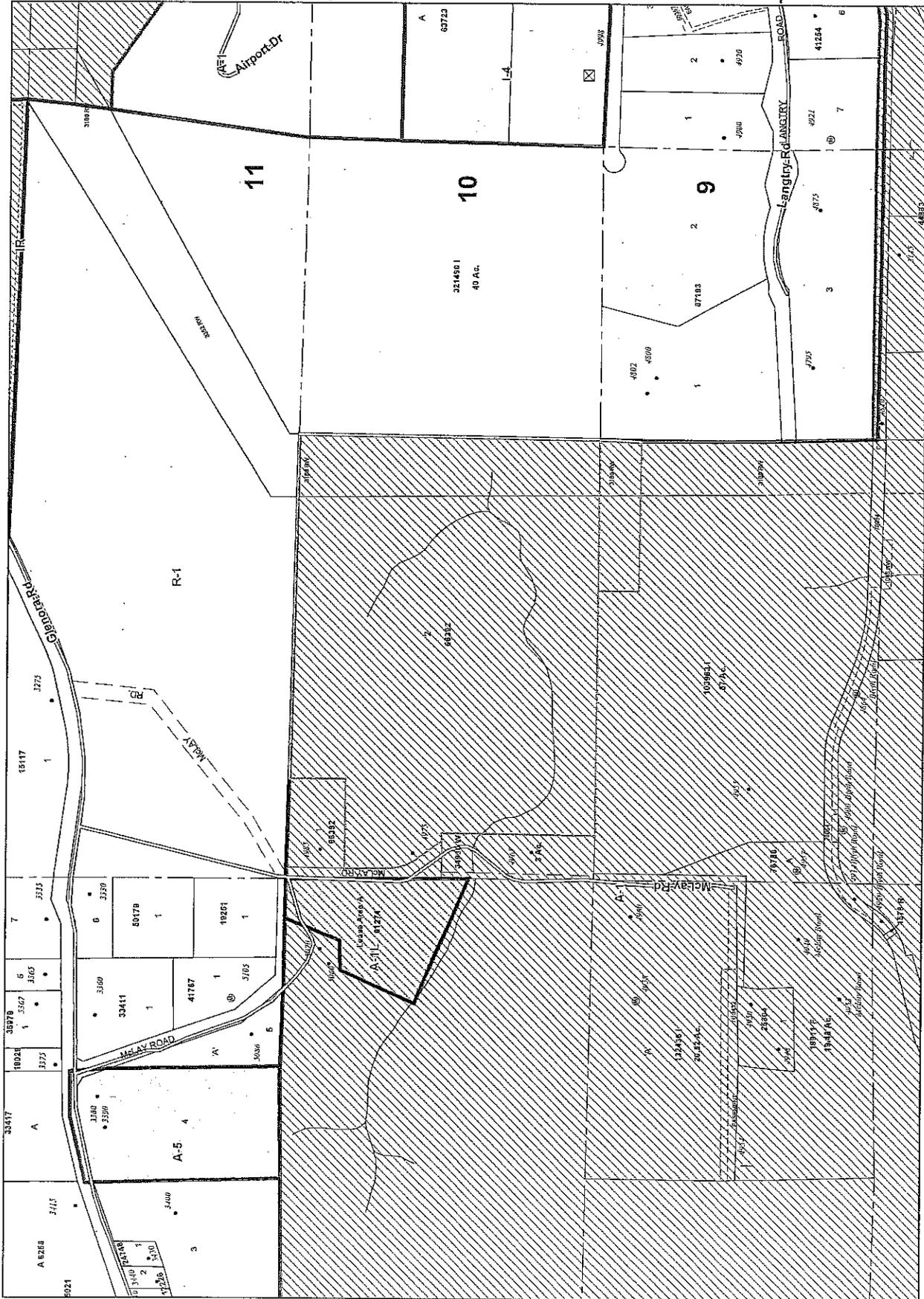
All persons making use of this compilation are advised that amendments have been incorporated and that boundaries are representational.

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

Printed: March 13, 2012



Scale: 1:4,724



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:

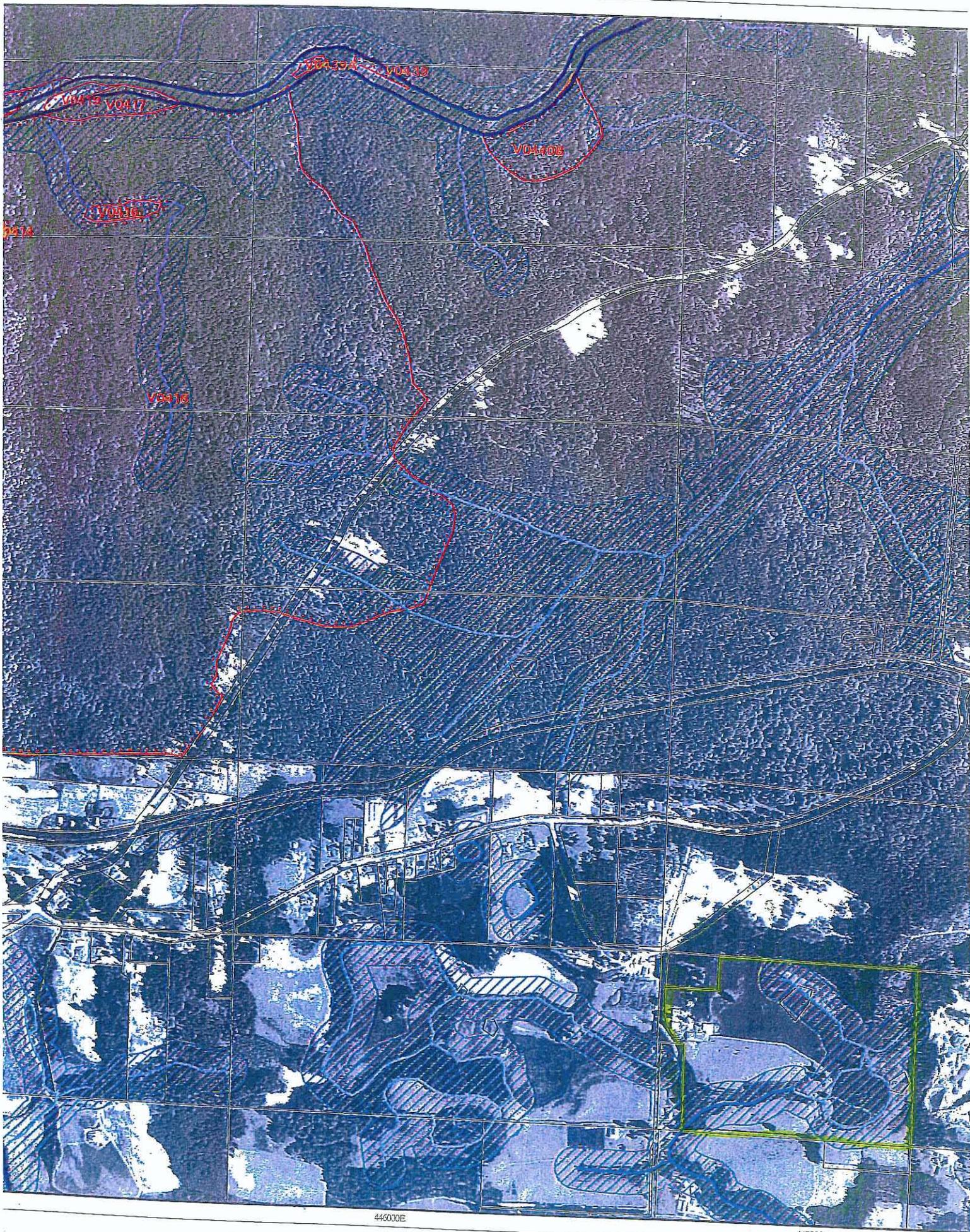
- (1) the *parcel coverage* shall not exceed 30 percent for all *buildings and structures*;
- (2) notwithstanding Section 7.3(b)(1) *parcel coverage* may be increased by an additional 20% of the site area for the purpose of constructing greenhouses;
- (3) the *height* of all *buildings and structures* 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.

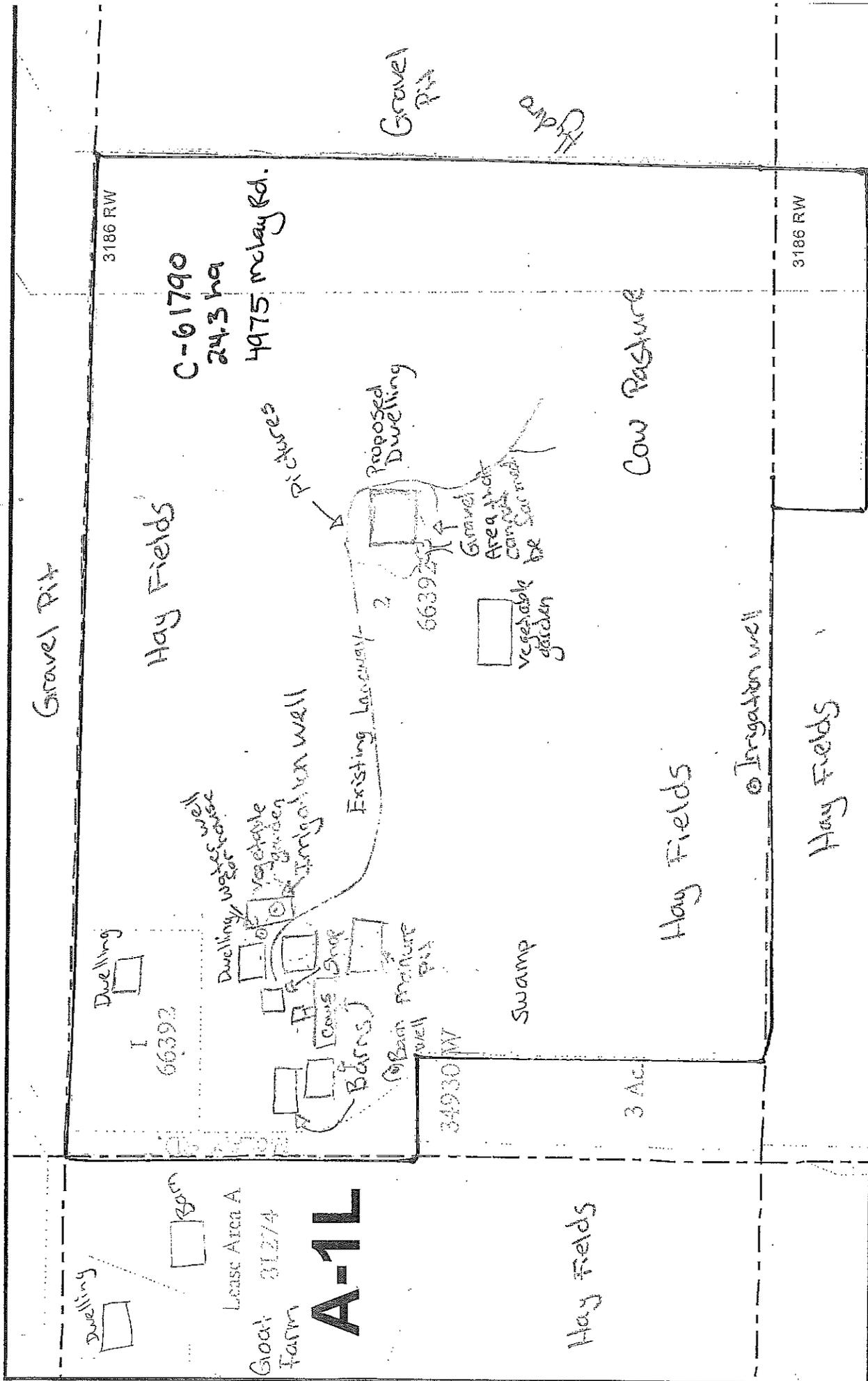
(c) Minimum Parcel Size

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



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447000E



NOT TO SCALE



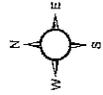
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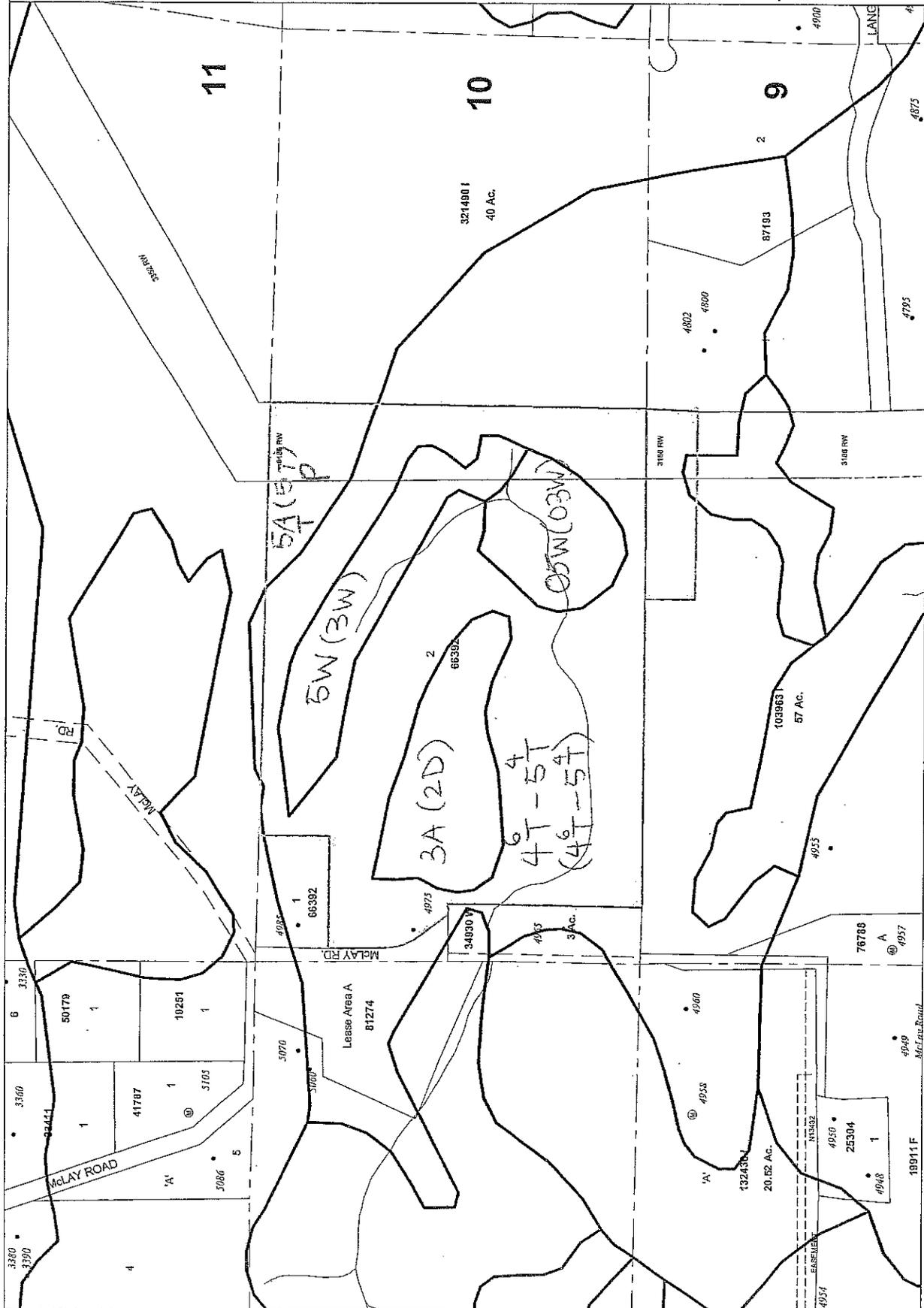
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The original Bylaw is to be consulted for all purposes of interpretation and application of the Bylaw.

Printed: March 12, 2012



Scale: 1:3,787





R2

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF MARCH 20, 2012

**DATE:** March 13, 2012 **FILE No:** 2-B-11DVP  
**FROM:** Rob Conway, Manager **BYLAW No:** 985  
**SUBJECT:** Development Variance Permit Application No. 2-B-11DVP (Arbutus Mountain Estates)

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**Recommendation/Action:**

That Application No. 2-B-11DVP (Arbutus Mountain Estates) for a variance to Section 9.21 of the CVRD's Mobile Home Park Bylaw No. 275 to remove the requirement for an outdoor storage area be approved, subject to the following conditions:

- provision of an electrically-serviced storage building, no less than 15 square metres in area, at a location chosen by the strata council;
- expansion of the designated common property recreation area at the south west corner of Phase 3 from 472 square metres to a minimum of 1100 square metres;
- provision of a fully-fenced playground to CSA standards - including playground equipment, benches, tables and other amenities of no less than \$30,000 plus installation cost;
- landscaping of the park at the developer's cost.

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

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

**Location of Subject Property:** South Shawnigan Lake - Shawnigan Lake Road

**Legal Description:** Lot A, Section 7, Township 1, Malahat District, Plan 4777 except that part in Sfrata Plan VIS6696 (Ph 1 and 2)

**Date Application Received:** September 13, 2011

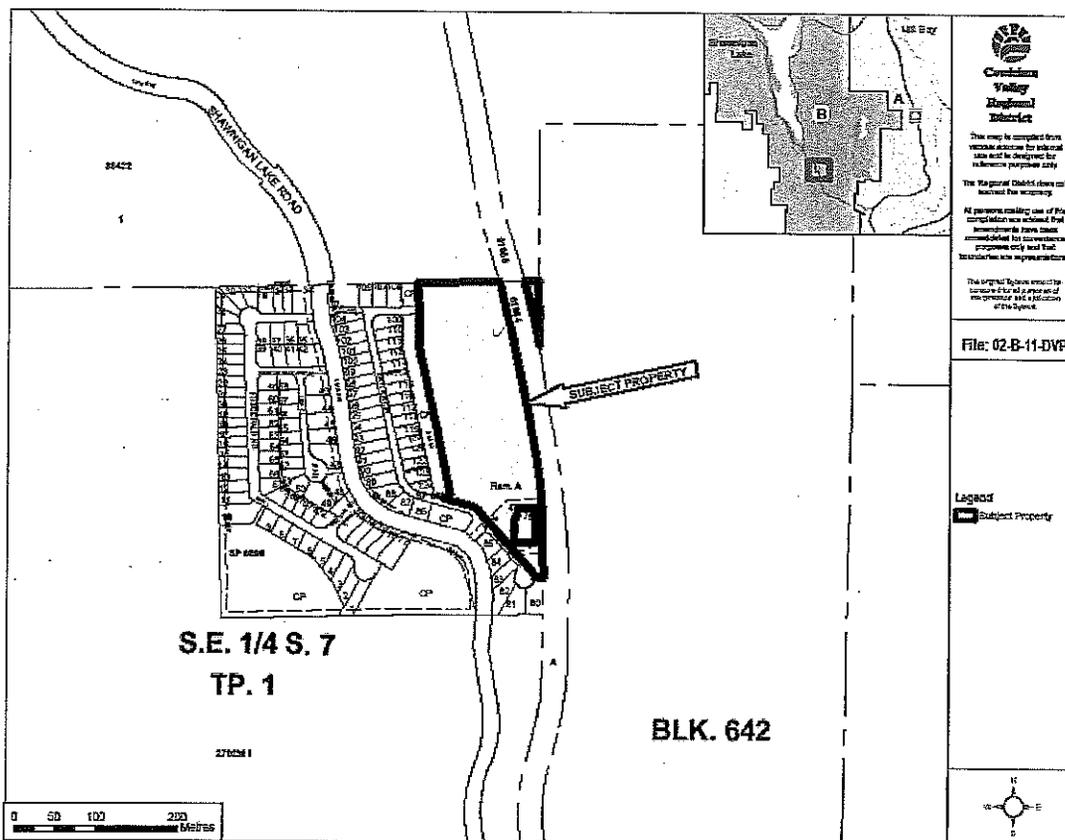
**Owner:** Arbutus Mountain Estates Ltd. (Inc. No. BC0703934)

**Applicant:** Mark Johnston of MH Johnston & Associates Inc.

**Size of Lot:** ±3.5 ha (±8.6 acres)

**Zoning:** Mobile Home Park Zone (MP-1)

Plan Designation: Mobile Home Park (MP)  
Existing Use of Property: Vacant Residential Development Site



Use of Surrounding Properties:

North	Forestry
South	Residential
East	E&N Right of Way and Forestry
West	Residential

Water: Arbutus Mountain Estates Water System

Sewage Disposal: Arbutus Mountain Estates Sewer System

\*Please note that the CVRD Engineering & Environmental Services department has indicated that, at this time, it is uncertain whether or not these service systems are capable of supporting all of the proposed lots\*

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: The CVRD's Environmental Planning Atlas identifies a wetland on the subject property.

Archaeological Site: None identified

Background:

At the February 7, 2012 Electoral Area Services Committee meeting, the following resolution was passed regarding the subject application:

***That Application No. 2-B-11DVP (Mark Johnson/Arbutus Mountain Estates) be referred back to staff for a supplemental report in response to issues of amenities and affordable housing.***

This report is intended to respond to the Committee's direction and identify changes to the application that address issues discussed at the previous EASC meeting.

**Amenities and Affordable Housing:**

The *Local Government Act* grants regional districts and municipalities statutory authority to negotiate for amenities, affordable housing and special needs housing ("amenities") when granting development approvals. Typically this is done in the context of rezoning applications, whereby the developer agrees to provide amenities in exchange for land use entitlements or increased density. Amenity zoning, phased development agreements and housing agreements are tools that *Act* makes available to local government for negotiating amenities.

In addition to amenities that are secured under statutory authority, it is also common in British Columbia for developers to volunteer community amenities that are intended to persuade a Board or Council to favourably consider a development application. While the offering of voluntary amenities is common, such contributions are more susceptible to challenge than amenities obtained under statutory authority. While there is a lot of case law on voluntarily amenity contributions, and each case is different, a few principles have emerged that local governments should try to follow when considering amenity contributions.

- 1) the amenity should be voluntarily offered by the applicant;
- 2) there should be a direct relationship or "nexus" between the amenity offered and the proposed development;
- 3) the amenity should be reasonably related in size and scale to the proposed development.

It is unusual to have amenities offered with development variance permit applications, as legislation does not permit development variance permits to change use or increase density. In addition, the advantage obtained by the applicant through a development variance permit is rarely large enough to justify significant amenity contributions. While there appears to be nothing preventing a DVP applicant from voluntarily offering amenities in association with a permit application, planning law does not authorize local government to require amenities as a condition of development approval.

In the opinion of staff, voluntary amenities could be legally accepted with the subject application if they are linked in some manner to the variance that is requested.

**The Proposal:**

Arbutus Mountain Estates is being developed in three phases. The first phase, on the west side of Shawnigan Lake Road, is comprised of 77 manufactured home lots that are now built-out. The remaining two phases of the development are on the east side of Shawnigan Lake Road. Phase Two was recently subdivided for 45 lots and Phase 3 is undeveloped with 66 lots planned if the development variance permit is issued.

This development is zoned Mobile Home Park (MP-1) and is subject to CVRD Mobile Home Park Bylaw No. 275. This bylaw, among other things, requires at least one communal storage site of 27 square metres per mobile home site within the development, or a total outdoor storage area of 4,671 square metres for the development. This development variance permit application proposes to eliminate the outdoor storage requirement.

The rationale for the variance request is that dwellings within this project have attached garages and lot areas that sufficiently accommodate the individual storage needs of residents. The requirement for outdoor storage seems intended for traditional mobile parks where dwellings do not typically have internal storage space and a central, screened storage area can be effective in managing the outdoor storage of multiple units.

Representatives from the strata corporation have confirmed that they not wish to see the outdoor storage area developed, as this would place an additional burden on the strata to maintain the area. They have also advised that they support development of the storage area for additional housing as this would help to lower per unit strata fees. While the strata corporation is supportive of the application, it has identified a need for a small storage building for maintenance equipment and for playground equipment and other improvements to a designated recreation area. As was noted in February 7, 2012 EASC staff report, the developer had agreed to provide these amenities if the variance application is approved.

Following the February 7<sup>th</sup> EASC meeting, staff contacted representatives of the strata to discuss the amenities that were proposed and identified a desire to see the small park area in Phase 3 expanded. After discussing this issue with staff, the applicant has agreed to re-designate two lots adjacent as common property, which would effectively increase the size of the park from 470 square metres to 1100 square metres. In addition, the applicant is proposing to grade and landscape the park area and to provide up to \$30,000 for playground equipment and outdoor furniture, plus installation costs. A plan showing the original and expanded park area is attached to this report.

**Surrounding Property Owner Notification and Response:**

Adjacent property owners were notified of the development proposal. Two responses were received, with one being supportive of the variance and one being conditionally supportive.

**Planning Department Comments:**

Although approval of application would allow the developer to create 15 lots on land that would otherwise be required as outdoor storage area, the density of the development is still within the 15 units per hectares permitted by the MP-1 zoning. In this sense, the variance does not authorize an increase in density, although it does facilitate larger lots.

Arbutus Mountain Estates is poorly serviced at present with on-site recreational facilities and the land and improvements offered with this application would benefit existing and future residents of this development. Although the variance would reduce the amount of "common" land within the development, the strata has made it very clear that it does not wish to assume responsibility for a common storage area and would prefer to see the area developed for housing.

Staff agree that a storage site is not needed or appropriate for this bare land strata manufactured home park but are of the opinion that part of the site should be maintained as common property so it can be used for park, storage, or any other purpose (within the bounds of zoning) the current or future residents may wish to use it for. The amended application achieves this by designing additional common property at a central location adjacent to a planned park. Staff believe the amenities offered are reasonably linked to the variance request.

and can be justified in the context of a variance application. For these reasons, staff recommend approval of the application.

**Options:**

1. That Application No. 2-B-11DVP (Arbutus Mountain Estates) for a variance to Section 9.21 of the CVRD's Mobile Home Park Bylaw No. 275 to remove the requirement for an outdoor storage area be approved, subject to the following conditions:
  - provision of an electrically-serviced storage building, no less than 15 square metres in area, at a location chosen by the strata council;
  - expansion of the designated common property recreation area at the south west corner of Phase 3 from 472 square metres to a minimum of 1100 square metres;
  - provision of a fully-fenced playground to CSA standards - including playground equipment, benches, tables and other amenities of no less than \$30,000 plus installation cost;
  - landscaping of the park at the developer's cost.
  
2. That application No. 2-B-11DVP for a variance to Section 9.21 of the CVRD's Mobile Home Park Bylaw No. 275 be denied.

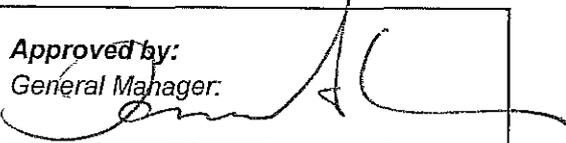
Option 1 is recommended.

Submitted by,

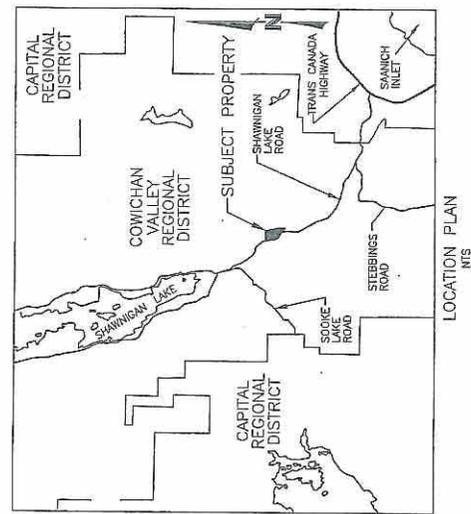


Rob Conway, MCIP  
Manager, Development Services Division  
Planning and Development Department

RC/ca

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

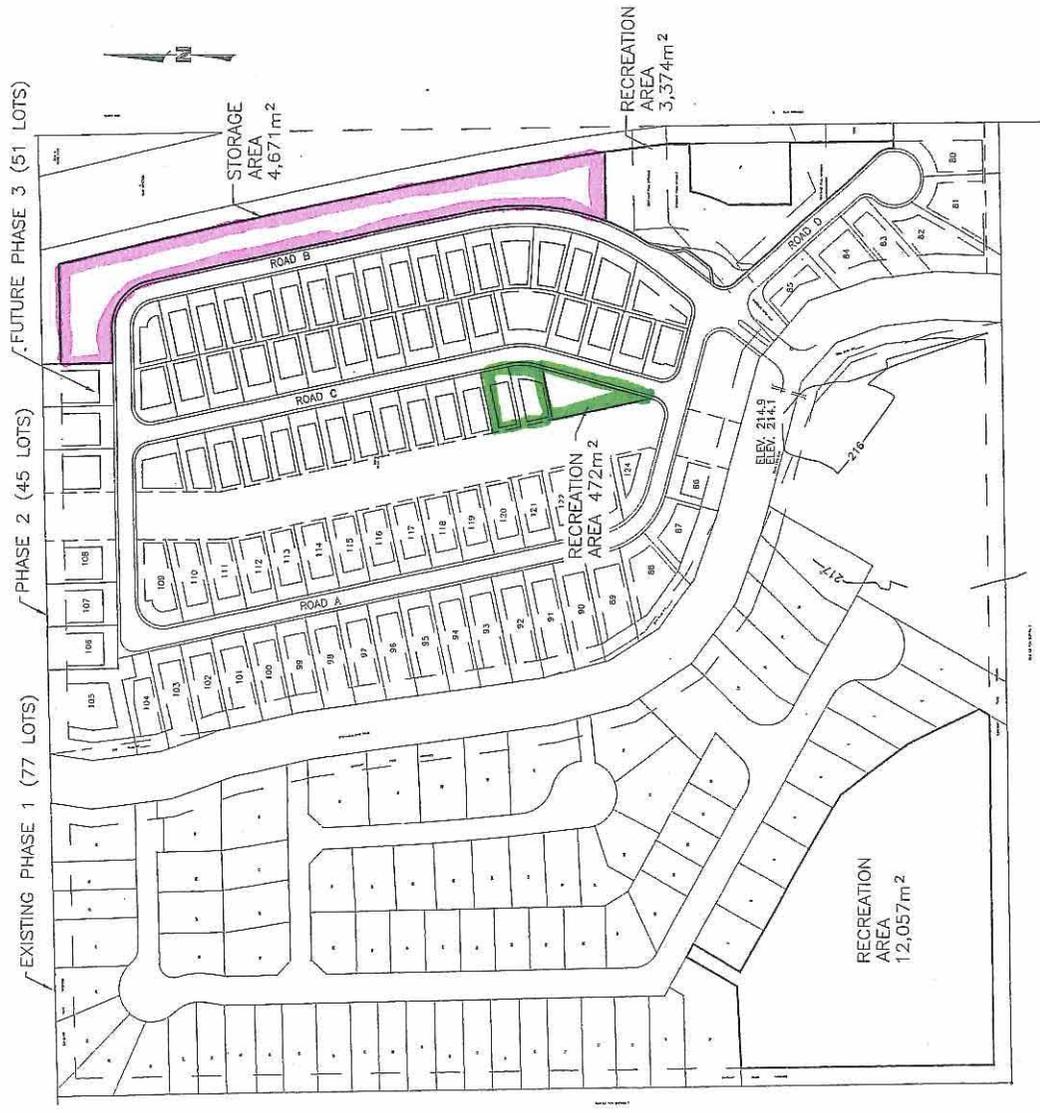
SITE DATA	
TOTAL LOTS =	173
TOTAL PARK AREA =	158,477 m <sup>2</sup>
BYLAW STORAGE AREA =	4,671 m <sup>2</sup>
STORAGE AREA =	4,671 m <sup>2</sup>
BYLAW RECREATION AREA =	15,848 m <sup>2</sup> (10%)
RECREATION AREA =	15,903 m <sup>2</sup>



PROJECT NO. \_\_\_\_\_  
 DATE: April 28, 2011  
 DRAWN BY: ERIC CHEN, M.A.  
 SCALE: 1:2000  
 SHEET: 01

**Active Earth**  
 ENGINEERING LTD.

THE ESTATES AT  
 SHAWNICAN STATION  
 STORAGE PLAN AND  
 RECREATION AREA PLAN



- Outdoor storage area Proposed for residential lots
- Proposed park / common property area



**Cowichan  
Valley  
Regional  
District**

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

The Regional District does not warrant the accuracy.

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

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

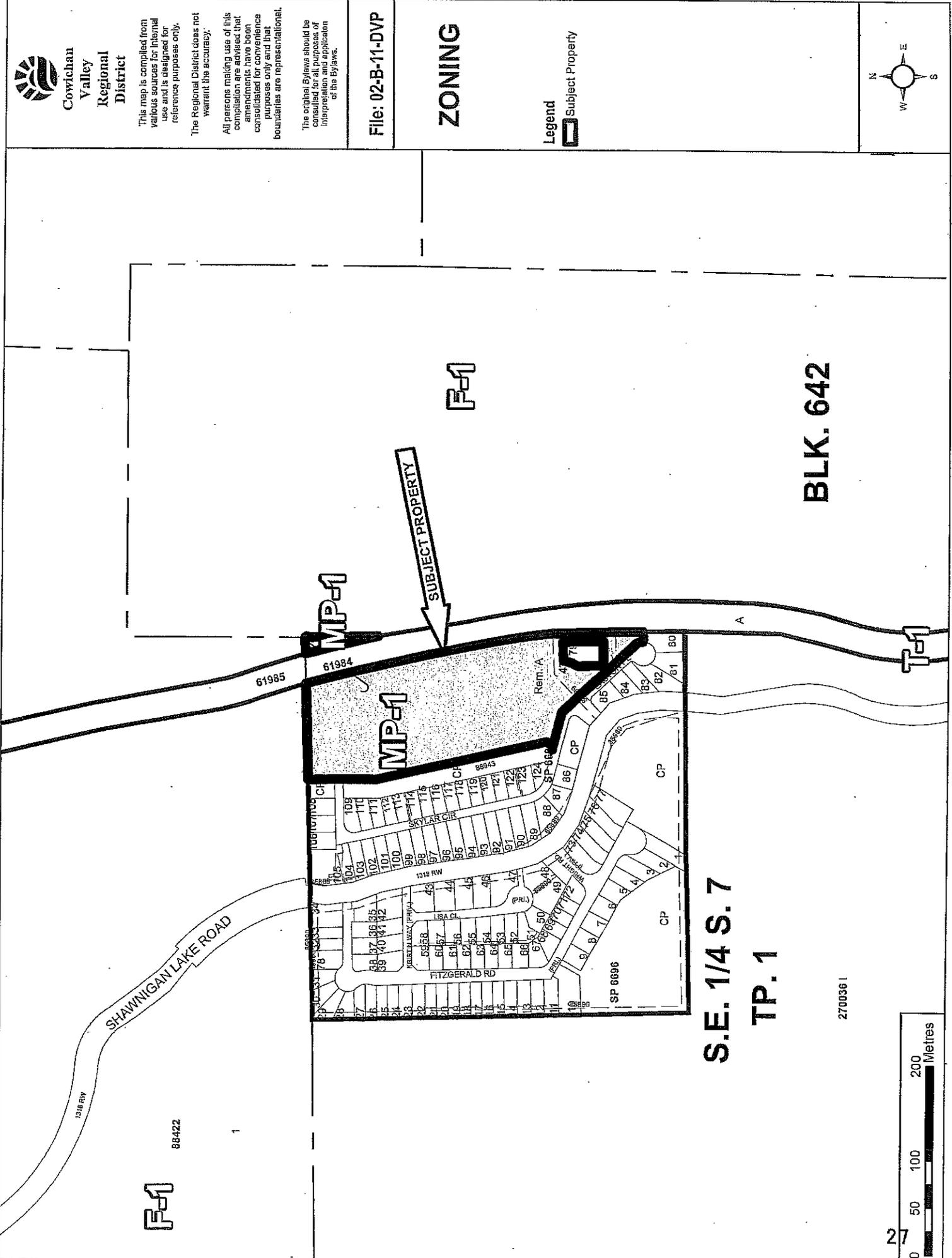
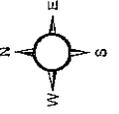
**File: 02-B-11-DVP**

**ZONING**

**Legend**



Subject Property



8.7 MP-1 ZONE - MOBILE HOME PARK

(a) Permitted Uses

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

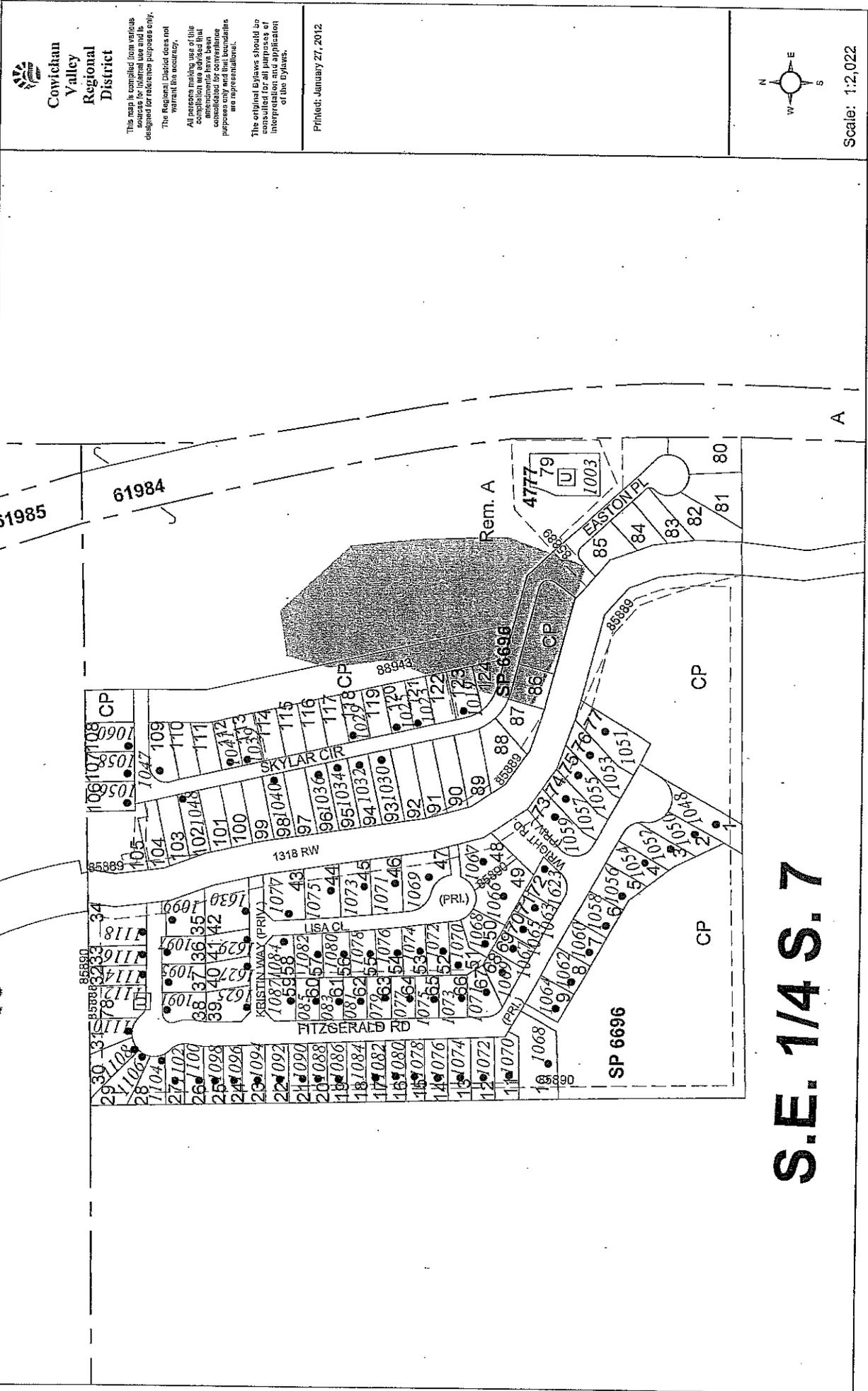
- (1) mobile home park;
- (2) home occupation - service industry; and
- (3) daycare or nursery school.

(b) Density

For any parcel in the MP-1 zone:

The maximum density of dwelling units shall not exceed 15 units per hectare of parcel area.

Wetland polygon shown on CURD cadastral



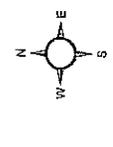
**Cowichan Valley Regional District**

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

All persons trading use of this map should be aware that amendments have been consolidated for convenience purposes only and that boundaries are representative.

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

Printed: January 27, 2012



Scale: 1:2,022

**S.E. 1/4 S. 7**





# Couverdon

October 25, 2011

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

Your File No. 2-B-11DVP

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

**Re: Development Variance Permit Application 2-B-11DVP (Johnston)  
Estates at Shawnigan Station – Lot A, Section 7, Township 1, Malahat district, Plan 4777  
Except that part in Strata Plan VIS66966 (Ph 1 and 2)**

Thank you for the notification and the opportunity to comment on the above noted Development Variance Permit Application (2-B-11DVP) for the Estates at Shawnigan Station.

**TimberWest Forest Corp. has no objection to allowing the proposed variance to Section 9.21 of CVRD Mobile Home Park Bylaw No. 275 as outlined in your letter dated October 18, 2011.**

Should you require any further input please feel free to contact our Couverdon Real Estate team.

Sincerely,

*Murray Brandon*

Murray Brandon  
Project Manager  
Couverdon Real Estate

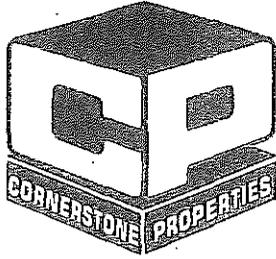
#3 - 4890 Rutherford Road  
Nanaimo, British Columbia  
Canada V9T 4Z4  
Tel: 250 729 3733  
Fax: 250 729 3782  
Cell: 250 246 0425  
Email: [murray.brandon@couverdon.com](mailto:murray.brandon@couverdon.com)

**Couverdon Real Estate**  
A business unit of TimberWest Forest Corp.  
[www.couverdon.com](http://www.couverdon.com)

Vancouver  
2300-1055 West Georgia Street  
PO Box 11101  
Vancouver, British Columbia  
Canada V6E 3P3  
T 604 654-4600  
F 604 654-4662

Nanaimo  
3-4890 Rutherford Road  
Nanaimo, British Columbia  
Canada V9T 4Z4  
T 250 729-3700  
F 250 729-3763

*"Couverdon is the real estate business of TimberWest Forest Corp., the largest private landowner on Vancouver Island."*



## CORNERSTONE PROPERTIES LTD.

#301 - 1001 Cloverdale Ave., Victoria, B.C. V8X 4C9  
email: info@cornerstoneproperties.bc.ca  
webpage: www.cornerstoneproperties.bc.ca  
Tel: (250) 475-2005 Fax: (250) 475-2008

RECEIVED

JAN 12 2012

TO Maddy Koch, Planning Technician  
Development Services Division  
Planning & Development Department  
Cowichan Valley Regional District  
175 Ingram Street  
Duncan, BC V9L 1N8

January 10, 2012

EMAIL mkoch@cvrld.bc.ca

REGARDING 2-B-11DVP (Johnson)

Dear Ms. Koch,

This letter is in response to the letter received October 25<sup>th</sup> 2011 advising the Owners of Strata Plan VIS6696 of the Development Permit Variance application regarding phase 3 of The Estates at Shawnigan Station. The details regarding replacement of the communal storage area, required by section 9.21 of the CVRD Mobile Home Bylaw No. 275 (the 5,076 m<sup>2</sup> of common property), with 15 additional lots were discussed at a strata council meeting on December 20<sup>th</sup>. The outcome of the discussion was a motion in favour of the variance pending the developers (Arbutus Mountain Estates) acceptance of the following conditions:

1. A playground and amenities such as benches and table to be installed within the "recreation area" adjacent to lot 82. The playground area to be no less than 150 m<sup>2</sup> and fully fenced. Inclusion of the strata in the planning and design of the park be mandatory.
2. A fully secured storage building with electrical service, no less than 15 m<sup>2</sup>, to be built at a location on the common property, as chosen by the strata. The appearance of the building to fit with the general building scheme of the subdivision.
3. All costs associated with the noted conditions be covered by the developer (Arbutus Mountain Estates).

Select members of the council met with the Mike Kelly (Arbutus Mountain Estate) and Mark Johnston (M.H. Johnston & Associates) on December 5<sup>th</sup> to discuss the variance and the strata's requests. Arbutus Mountain Estates has agreed with the above conditions, stating a

budget of no less than \$20,000 will be provided for playground infrastructure, not including installation costs.

In summary, the strata would like to express our support for the development of 15 homes additional on the common property previously designated for storage, in lieu of the amenities being provided by the developer. If you have any questions please do not hesitate to contact the council.

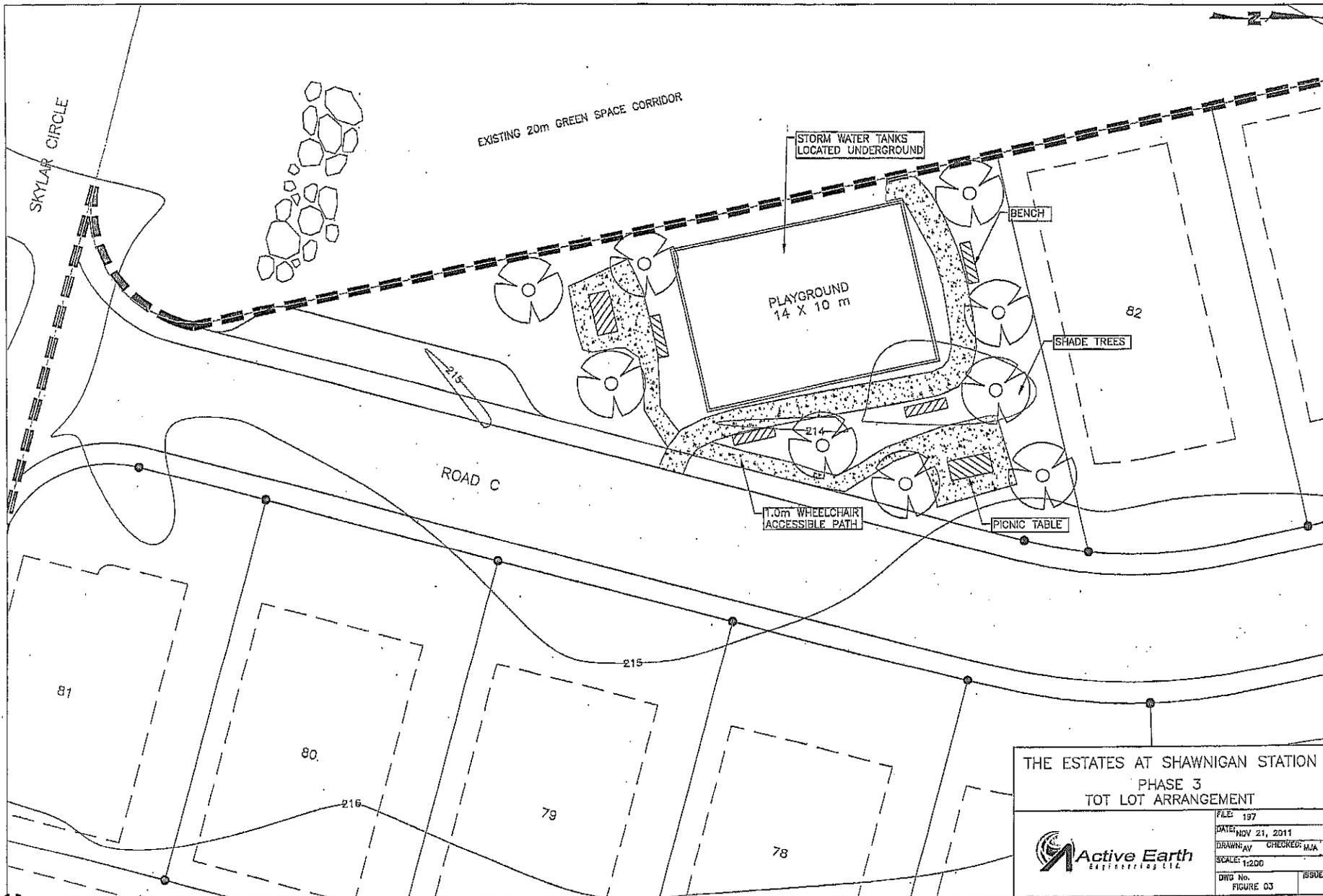
Yours truly,

Bill Cole (President)  
Strata Plan VIS6696  
bill.duramax.cole@gmail.com



Tim Smith (Vice President)  
Strata Plan VIS 6696  
gotimsmith@gmail.com





THE ESTATES AT SHAWNIGAN STATION  
 PHASE 3  
 TOT LOT ARRANGEMENT

FILE: 197	DATE: NOV 21, 2011
DRAWN BY: MJA	CHECKED: MJA
SCALE: 1:200	
DWG No. FIGURE 03	ISSUE:

**Active Earth**  
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COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

FILE NO: 1-B-11 DVP (Arbutus Mountain Estates)

DATE: April XX, 2012

TO: ARBUTUS MOUNTAIN ESTATES LTD.

ADDRESS: Unit A – 693 Stebbings Road  
SHAWNIGAN LAKE, BC  
V0R 2W3

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below:  
*Lot A, Section 7, Township 1, Malahat District, Plan 4777, except that part in Strata Plan VIS6696 (Ph 1 and 2)*
3. Section 9.21 of Mobile Home Park Bylaw No. 275, is varied by eliminating the requirement for designated outdoor storage area, subject to the following conditions:
  - provision of an electrically-serviced storage building, no less than 15 square metres in area, at a location chosen by the strata council;
  - expansion of the designated common property recreation area at the south west corner of Phase 3 from 472 square metres to a minimum of 1270 square metres;
  - provision of a fully-fenced playground to CSA standards - including playground equipment, benches, tables and other amenities of no less than \$30,000 plus installation cost;
  - landscaping of the park at the developer's cost.
4. The following plans and specifications are attached to and form part of this permit.
  - Schedule 1 – Site Plan
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.

6. This Permit is not a Building Permit, Subdivision Approval, or Mobile Home Park Permit. Subsequent development approvals shall not be granted until conditions of this Development Variance Permit have been complied with to the satisfaction of the Planning and Development Department.

AUTHORIZING RESOLUTION NO. 11-288.15 PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE XTH DAY OF APRIL, 2012.

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

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

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

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

\_\_\_\_\_  
Witness

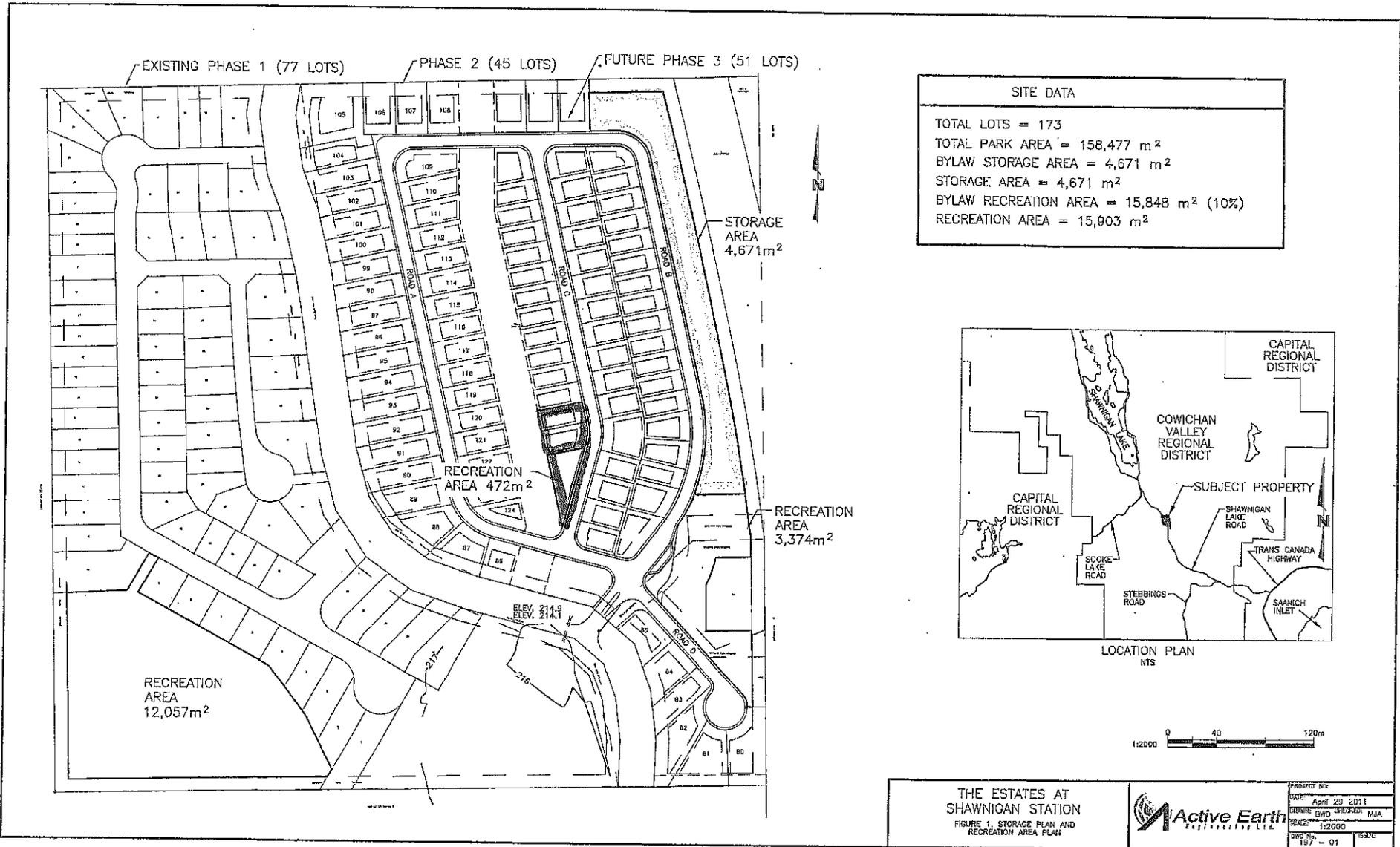
\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Schedule 1



Outdoor storage area proposed for residential lots

Proposed park / common property area



R3

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF MARCH 20, 2012

DATE: March 13, 2012

FILE NO:

FROM: Rob Conway, Manager

BYLAW NO:

SUBJECT: Streamside Protection and Enhancement Areas and Zoning Setbacks for Watercourses

---

**Recommendation/Action:**

For Information.

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

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

**Background:**

At the Electoral Area Service Committee meeting of March 6, 2012, the following motion was passed:

***That staff be directed to prepare a report to an upcoming EASC meeting that outlines zoning bylaw setbacks from watercourses for buildings and their relationship to RAR setbacks.***

This report is provided in response to the Committee's direction.

**Analysis:**

*Riparian Area Regulation:*

In March, 2005, the *Fish Protection Act* was amended by repealing the Streamside Protection Regulation and replacing it with the Riparian Area Regulation. The change essentially replaced prescriptive riparian setbacks with a performance based approach that involved a qualified professional undertaking site specific assessment to determine the riparian protection area width.

The Riparian Area Regulation requires that local government not approve or allow development unless it is in accordance with the Regulation. It also obligates local governments to provide a level of riparian protection that, "in the opinion of local government is comparable to or exceeds that established by the directive". In response to this, the CVRD amended Official Community Plans in all nine electoral areas in 2006 to establish or amend development permit areas and to implement the RAR.

The RAR process involves the identification of the "streamside protection and enhancement area", or the area adjacent to a stream that links aquatic to terrestrial ecosystems and includes both the riparian area vegetation and the adjacent a stream, the width of which is determined according to section 6 of the Regulation. Section 6 sets out the widths of SPEAs based on stream characteristics, including fish presence, nature of stream flows (ie: permanent or seasonal) and the status of streamside vegetation. Within these areas, buildings and other structures are generally not permitted and streamside vegetation is to be protected or enhanced.

*Zoning Watercourse Setbacks:*

The zoning bylaws for all nine CVRD electoral areas establish setbacks for buildings from watercourses, including streams, rivers, lakes and the ocean. Zoning setbacks from watercourses have been within the CVRD's zoning bylaws since they were originally adopted in the early and mid 1970's. It is not possible to know with certainty why the watercourse setbacks were established, but it seems they were largely intended as a flood protection measure, though they may have also addressed environmental objectives.

Watercourses setbacks in the electoral areas do differ. Most establish a minimum 15 metre setback from the high water mark of the watercourse for dwellings or "habitable" buildings. In some cases, the setbacks apply to all buildings and structures, not just dwellings. Most also include a larger setbacks for buildings that accommodate livestock and for significant watercourses that may be more susceptible to flooding such as the Cowichan, Koksilah and Chemainus Rivers. Area E is unique in that it has a larger setback from watercourses (20 metre minimum) and also has a building setback from the SPEA (7.5 metres from the SPEA or 12.5% of the average parcel width from the SPEA, whichever is greater). Table 1 summarizes the zoning setbacks from watercourses in the nine electoral areas.

Table 1:

Electoral Area	Setback for:	Setback from:	Setback Distance
A	building or structure	high water mark	15.0 m.
B	dwelling	high water mark	15.0 m
C	(i) dwelling	high water mark	15.0 m.
	(ii) livestock building	high water mark	30.0 m
D	(i) habitable building	high water mark	15.0 m. (30.0 m. from Cowichan River)
	(ii) livestock building	high water mark	30.0 m.
E	(i) building, structure, lane, highway or driveway	natural boundary	20.0 m (30.0 m. from Cowichan, Koksilah & Chemainus Rivers)  where SPEA setback is defined, the setback is 7.5 m or 12.5% of the average parcel width, whichever is greater.

	(ii) livestock building	natural boundary	30.0 m.
F	building or structure	high water mark	15.0 m (30.0 m. from Cowichan River)
G	(i) building or structure	high water mark	15.0 m.
	(ii) livestock building	high water mark	30 m.
H	(i) habitable building	high water mark	15.0 m.
	(ii) livestock building	high water mark	30.0 m.
I	(i) building or structure	high water mark	15.0 m.

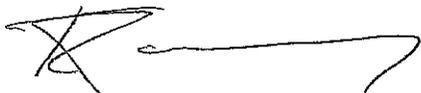
**RAR and Zoning Setback Relationship:**

The SPEA boundary established by the RAR process is entirely about protecting fresh water fish habitat and preventing disturbance to riparian areas. The RAR process not only regulates the location of dwellings and other structures relative to a stream, but it also regulates other development activities such as vegetation removal and soil disturbance. The SPEA boundary is therefore more than just a building setback.

Zoning setbacks from watercourses are about more than just the protection of fish habitat. The authority for establish zoning setbacks is found in section 903 of the Local Government Act, which authorizes local government to regulate the siting of buildings and structures and the location of uses on the land. Section 910 of the Act also permits local government to establish setbacks from watercourses for flood protection purposes. Zoning powers clearly permit local government to establish building setbacks that differ from SPEA boundaries, although the powers do not extend to the protection of riparian vegetation.

In the opinion of staff, SPEAs and zoning setbacks from watercourses are complementary, but are derived from different statutory authority and may have different objectives and application. To the best of our knowledge, the ability of local government to establish zoning setbacks from watercourses is not impacted by the Riparian Area Regulation, so long as building setbacks are not less than what they would be under the RAR.

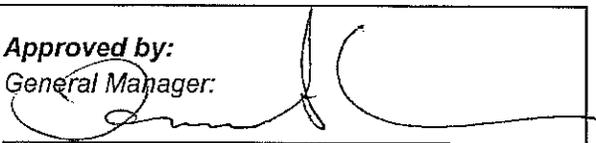
Submitted by,



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

RC/ca

Approved by:  
 General Manager:





R4

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF MARCH 20, 2012

DATE: March 14, 2012

FILE NO:

FROM: Tom R. Anderson, General Manager

BYLAW NO:

SUBJECT: Flight Path Safety – Nanaimo Airport (YCD)

---

**Recommendation/Action:**

That the Cowichan Valley Regional District refer plans or applications for structures exceeding 15 metres in height within a 4 km radius of the Nanaimo Airport to the Nanaimo Airport Commission.

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

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

**Background:**

We are in receipt of that attached correspondence from the Nanaimo Airport Commission who are seeking our assistance as they implement a flight path protection plan for the airport. While the Airport Commission would like to have us implement zoning regulations to limit heights of structures within a certain radius of the airport, they are requesting that we agree to an interim measure which would commit the Regional District to referring plans of all proposed structures exceeding 15 metres in height within a 4 km radius to the Commission. Such a request would appear to be reasonable request.

Submitted by,

A handwritten signature in black ink, appearing to read "Tom R. Anderson", with a long horizontal flourish extending to the right.

Tom R. Anderson,  
General Manager  
Planning and Development Department

TRA/ca  
attachment



Nanaimo Airport  
P.O. Box 149 3350 Spitfire Rd  
Cassidy, BC Canada V0R 1H0  
Ph (250) 245-2157 Fax (250) 245-4308

---

February 17, 2012

Cowichan Valley Regional District  
175 Ingram Street  
Duncan, BC, V9L 1N8  
Phone: (250) 746-2601

**Attention: Tom Anderson, GM Planning & Development**

Subject: Flight Path Safety, Nanaimo Airport (YCD)

Dear Tom,

The Nanaimo Airport, operating under "Canadian Aviation Regulations, Part III-Aerodromes and Airports" and in compliance with "Aerodrome Standards and Recommended Practices, Transport Policy 312" includes a requirement for the protection of Obstacle Limitation Surfaces. Clause 4.1.1 of TP312 specifies an outer surface distance of "at least 4000 meters" at a constant elevation of 45m above the elevation of the assigned aerodrome reference point. This space at many airports is protected with Airport Zoning Regulations (AZR's), under the Federal Aeronautics Act.

Prior to the Transfer of Nanaimo Airport from Transport Canada, AZR's had not been enacted. Some local governments have elected to adopt specific bylaws to compliment or mirror AZR's. This additional tool informs the land owners and users, within the defined boundary, about constraints to heights, uses and can extend to building standards for noise, etc. (attached map depicting the 4 kilometer boundary).

We are working with members of the RDN staff and Transport Canada to establish a municipal form of AZR's over the lands within the RDN. We would be pleased to meet with you and your staff to discuss the outcome of this process.

In the interim, to ensure that we continue to meet safety standards identified by Transport Canada, we have implemented a flight path protection plan that maintains safe approaches to YCD (attached map of approaches). This plan includes vegetation management and height restrictions on specific properties that are identified on the approach path. The Nanaimo Airport Commission contacted several property owners and secured height restrictions on title. However there are a number of additional properties that can be addressed through a zoning regulation.

As a part of the interim plan we are requesting; notification from the CVRD regarding proposed structures exceeding 15 meters in height, that are being planned for construction within the 4 km radius.

While many of the structures will not impact the flight path, there may be a negative impact, pertaining to missed approaches from future projects.

Please call me with any questions or concerns. Thank-you.

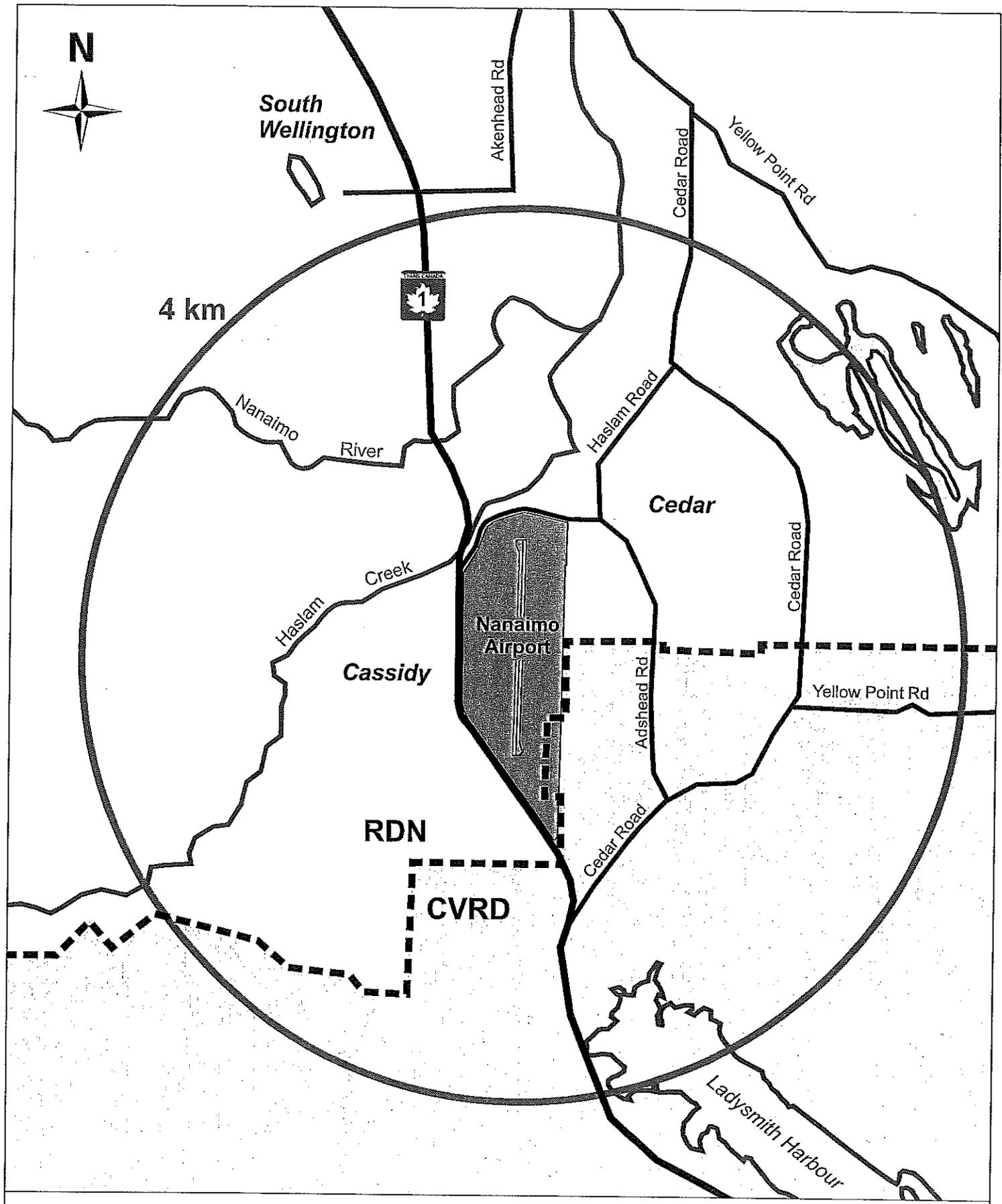
Sincerely,



Michael K. Hooper BGS, MBA  
President, CEO  
Nanaimo Airport Commission

Telephone: (250) 245-4191

Cc: Reg Brady, Operations Manager (NAC)  
Doug Fern, Safety & Security Manager (NAC)



Runway Approach Surface  
January 2010



Verified Correct

Reg Brady



Brian Clark



Doug Fern



Mike Hooper



February 5, 2010

**RUNWAY 16**  
**3C Non - Precision**

**Obstacle Limitation Surfaces**

Approach Surface	150 m (492ft)
Inner Edge	75 m (246 ft) either side of centerline
Inner Edge Location	60 m (197 ft) At Point of Displacement
Divergence	15%
Length	3000 m (9843 ft)
Slope	3.0 % (1:34) <i>(exemption)</i>
Outer Surface	45 m (147.6 ft) AGL
Transitional	7:1

**RUNWAY 34**  
**3C Non - Instrument**

**Obstacle Limitation Surfaces**

Approach Surface	150 m (492ft)
Inner Edge	75 m (246 ft) either side of centerline
Inner Edge Location	305 m (1002 ft) At Point of Displacement
Divergence	15%
Length	2500 m (8200 ft)
Slope	3.0 % (1:34) <i>(exemption)</i>
Outer Surface	45 m (147.6 ft) AGL
Transitional	7:1

Approach offset 8 degrees to the east for published offset approach procedures.

- Airport Boundary
- Approach
- Transitional Slope



R5

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF MARCH 20, 2012

DATE: March 14, 2012 FILE NO:  
FROM: Tom R. Anderson, General Manager BYLAW NO:  
SUBJECT: 2011 UBCM Resolutions and Provincial Agency Responses

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

That the Regional Board seek clarification from the Provincial government on their response to the CVRD 2011 UBCM resolution regarding Protection of Lakes and Rivers.

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

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

#### **Background:**

The Cowichan Valley Regional District forwarded two resolutions to the 2011 UBCM convention for consideration. The attached correspondence from UBCM identifies those resolutions and the responses they have received from the provincial government.

Of note, is the response that has been provided to our resolution titled Protection of Lakes and Rivers. Specifically, Directors are asked to take a close look at the first sentence in paragraph 4 which states:

**“The Riparian Areas Regulation provides that named local governments must use the tools available to them in Part 26 of the Local Government Act to not approve or allow stream or lakeside development unless riparian fish habitat is maintained, protected, and/ or provided with an opportunity of recovery.”**  
(underlining by TA)

This is a very interesting statement! It could be interpreted as meaning that the alteration or destruction of the riparian area is not a problem provided the area is restored in some manner. In other words, go ahead and nuke the riparian area to improve your views, etc. provided you obtain a QEP report which outlines a course of action to replace the vegetation that has been lost!! We see that quite often when the land owner removes the vegetation, gets caught and then comes in for a Development Permit with a QEP report attached which outlines methods of restoring the riparian area in some manner. If this is really the intent of the provincial government then we can all sit back and relax and feel comfortable dealing with these situations after the fact. Everybody is happy! The lakeshore property owner gets a better view and we are satisfied that restoration initiatives after the fact are good enough! While we have not had time to seek clarification, it may be an idea to request formal clarification from the province on this one.

As you know, we have discussed the inadequacies of the Riparian Areas Regulation for some time. Beyond the above 2011 resolution, the Regional District passed a similar resolution last month which will be considered at this year's AVICC convention, and, if approved, at the fall UBCM convention. The resolution states:

**WHEREAS the Provincial government implemented the Riparian Areas Regulation to protect fish habitat for future generations, and the implementation of this regulation requires a partnership between the Provincial Ministry of Environment, Fisheries and Oceans Canada, and local governments in order to be successful;**

**AND WHEREAS the Provincial Ministry of Environment appear to be lacking the dedicated resources to review the reports forwarded by Qualified Environmental Professionals (QEP's) which is necessary in order to ensure that the standards set under these regulations are adhered to;**

**NOW THEREFORE BE IT RESOLVED that the Provincial Ministry of Environment take immediate steps to provide the necessary staff resources to review the reports forwarded by QEP's so that the provincial Riparian Areas Regulation fully achieves its goal of protecting our fish habitat.**

As noted above, it would be advisable to seek clarification from the Province on their statement contained in their response to our UBCM resolution.

Submitted by,



Tom R. Anderson,  
General Manager  
Planning and Development Department

TRA/ca



Union of BC Municipalities  
Suite 60 10551 Shellbridge Way  
Richmond, BC, Canada V6X 2W9

Phone: 604.270.8226  
Email: ubcm@ubcm.ca

February 23, 2012



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

Dear Chair Hutchins:

**Re: 2011 Resolutions**

Please find attached the provincial response to the 2011 resolution(s) put forward by your Board and endorsed by the UBCM membership at Convention.

I trust this information will be of assistance to you. Please feel free to contact Reiko Tagami, UBCM Information & Resolutions Coordinator with any questions.

Tel: 604.270.8226 ext. 115 Email: rtagami@ubcm.ca

Sincerely,

Director Heath Slee  
President

*Enclosure*

Original: <i>file</i>	Copies to: <i>NA</i>
Board: <i>replied</i>	<i>W</i>
Committee(s):	<i>Sane</i>
Directed by: <i>AS</i>	Date: <i>Mar 3/12</i>
File #	

WHEREAS numerous large parcels of private managed forest land exist on Vancouver Island as a result of the E&N land grants dating back to 1884;

AND WHEREAS private managed forest land regulations are inferior to Crown land forest regulations with respect to protecting key environmental, watershed and community interests:

THEREFORE BE IT RESOLVED that UBCM petition the Province of BC to revise the Private Managed Forest Land Act and appurtenant regulations to improve forestry practices on private managed forest lands to a standard equivalent or better than Crown forest land regulations, thereby better protecting community interests.

CONVENTION DECISION: ENDORSED

### PROVINCIAL RESPONSE

#### *Ministry of Forests, Lands & Natural Resource Operations*

*In British Columbia, governance for environmental stewardship on private land is a multi-agency responsibility. The Ministry of Forests, Lands and Natural Resource Operations is responsible for the Private Managed Forest Land Act that regulates forests practices on private land to ensure protection of key public values such as fish and wildlife habitat, soil conservation, drinking water protection and reforestation. Several other agencies also play a role, including the Ministry of Health, responsible for maintaining safe drinking water under the Drinking Water Protection Act; the Ministry of Environment, responsible for the protection of fish and wildlife under the Wildlife Act, the Fisheries Act and the Environmental Management Act; and Fisheries and Oceans Canada, responsible for fish habitat under the Fisheries Act.*

*The Private Managed Forest Land Council is responsible for establishing, administering, monitoring and amending regulations, with assistance from ministry staff and Legislative Counsel, relating to forest practices on private managed forest land. The Council is also responsible for monitoring forest practices and outcomes, the results of which help inform them about the effectiveness of regulations.*

*Based on the monitoring results received to date, government is satisfied that current standards are ensuring that the objectives for key environmental values as set out in the Private Managed Forest Land Act are being met. Government and the Council will continue to monitor results and look for ways to improve practices when necessary.*

WHEREAS the health of British Columbia lakes and rivers is deteriorating due to increasing pollution, recreational use, development, and insufficient regulatory enforcement by senior levels of government;

AND WHEREAS local governments do not have adequate regulatory powers or the funding capacity to sufficiently protect local lakes and rivers:

THEREFORE BE IT RESOLVED that the Province of British Columbia restore funding and resources to provincial ministries to ensure the adequate protection of BC lakes and rivers, or provide the enabling regulatory authority and financial means to local governments to properly protect and manage lakes and rivers at the local level, should they so wish.

CONVENTION DECISION: ENDORSED AS AMENDED

### PROVINCIAL RESPONSE

#### *Ministry of Environment Ministry of Forests, Lands & Natural Resource Operations*

*Government's 2010 Lakeshore Development Compliance project identified low compliance with the requirement to obtain an authorization under the Water Act for modifications to the lakeshore or meet bylaw requirements under the Riparian Areas Regulation. The report also suggested that there are significant impacts to aquatic habitat as a result of non-authorized shoreline work. The provincial government is currently reviewing the results of this study to determine what can be done to enhance the effectiveness of current programs and regulations which protect the Province's lakes and rivers.*

*Protection of lakes and streams is also being addressed through the following initiatives:*

*The provincial government continues to support local collaborative processes and mechanisms such as the Shuswap Lake Integrated Planning Process (SLIPP) and the Cowichan Watershed Board to improve agency coordination, public outreach and compliance.*

*The Riparian Areas Regulation provides that named local governments must use the tools available to them in Part 26 of the Local Government Act to not approve or allow stream or lakeside development unless riparian fish habitat is maintained, protected, and/or provided with an opportunity of recovery. The Province, through its Intergovernmental Cooperation Agreement with UBCM and DFO, continues to work with local governments to meet their regulatory requirements in bringing in and implementing effective bylaws, in particular ensuring their ability to deal with non-compliant development activities that impact stream and lakefront fish habitat.*

*The Province is developing a new Water Sustainability Act that builds on and will replace the current Water Act. Under the proposed new act, provincial water objectives will be established and the opportunity to employ different governance approaches and new tools such as water sustainability plans will be enabled to support increased collaboration and participation.*

*The Province is also reviewing Part 7 of the Water Regulation (Changes in and about a Stream). A primary objective of the review is to identify opportunities to improve the effectiveness of the regulation to ensure that water quality, fish and wildlife habitat are not compromised.*

*Funding for additional staff and resources must be evaluated in the context of the provincial government's overall priorities.*

INI

## **Area A Parks & Recreation Commission**

Meeting February 14, 2012 at Brentwood College

**Regrets:** Joan Pope

**Present:** David Crowe, Ron Parsons, Clyde Ogilvie, Greg Farley, Director Walker, Dave Gall, Cathy Leslie, April Tilson

**Guests:** Ryan Dias - CVRD Parks Operation Superintendent Parks & Trails

Meeting called to order

1. **Minutes:** read from AGM February 9<sup>th</sup> by David Gall – Chairperson
2. **Revenue & Expenditures and Annual Requisition Statements:**
  - A. Ryan spoke about our 2012 proposed budget of \$105,600 and our annual requisition.
  - B. Discussion followed. Currently the Area A Community Parks requisition is \$10.67/\$100,00.00 for each taxpaying household. Questions were considered. Is an increase of 100% too much? Would 50% be too little since we are behind other electoral areas? How do we fund the capital improvements? What are the priority improvements?
  - C. Re: Deloume Rd Park - Ryan was asked if \$65,000 was spent on Deloume park hypothetically, what would that pay for? Discussion followed re: playground at Mill Springs
  - D. A proposed Annual Requisition of \$170,600 was decided upon. Director Walker will take this to the CVRD.
  - E. David Crowe said that donations from the Rotary might be possible for the Mill Springs/Deloume park.
  - F. Ryan said that \$25,000 to \$30,000 has already been spent.
  - G. Ryan urged the parks commission to decide by the next meeting what items are priority for CVRD parks to work on with the \$65,000.
  - H. Discussion followed with recommendations:
    1. that \$25-30,000 for Mill Springs/Deloume Pk
    2. \$15-20K for MillSprings trail improvements
    3. \$10K or whatever is leftover for Hollings Creek

**General Discussion** – future developments in Mill Bay

Meeting Adjourned 8:10 pm

**Next Meeting:** March 15, 2012 Brentwood College

Announcement by Dave Gall that there will be an Open House March 10, 2012 for public input in to the Mill Bay United Church site.

IN 2

**MINUTES OF ELECTORAL AREA "G" (SALTAIR/GULF ISLANDS)**  
**PARKS COMMISSION MEETING**

C.V.R.D.  
**RECEIVED**

**DATE:** February 6<sup>th</sup>, 2012  
**TIME:** 7:00 PM

**MAR - 7 2012**

**MINUTES** of the Electoral Area "G" Parks Commission regular meeting held on the above noted date and time at the CVRD Building 10705 Chemainus Rd, Saltair BC.

**PRESENT:**

Vice-Chair: Tim Godau  
Secretary: Jackie Rieck  
Members: Kelly Schellenberg, Glen Hammond, Norm Flinton, Paul Bottomley, and (New Member); Hans Nelles.

**ABSENT:**

Members: Dave Key, (Chair-person) Harry Brunt and (New Member): Christine Nelles.

**ALSO PRESENT:**

Director: Mel Dorey

**ACCEPTANCE OF MINUTES:**

It was moved and seconded that the Minutes of Area "G" Parks Commission Meeting of January 9<sup>th</sup>, 2012 be accepted.

**MOTION CARRIED**

**APPROVAL OF AGENDA:**

Motion to approve agenda as submitted.

**MOTION CARRIED**

**NEW BUSINESS:**

Tim Godau (Vice-chair) welcomed new parks commission members: Hans Nelles and Christine Nelles. Christine was unable to attend this meeting.  
**After 14 years of dedicated service, Norm Flinton is retiring as a Park's Commission Member. A great big thank you goes to Norm for his generous years of service! You will be dearly missed!**

**STANDING REPORTS:**

CVRD UPDATE:

-Closed Session.

DIRECTOR'S REPORT:

-Closed Session

CENTENNIAL PARK:

-Apparently, debris still an issue in west corner of park. Tim will speak to Harry regarding junk piled in fire-pit receptacle and plastic sheeting and old rotten wooden box.

-Hans suggested tires from the old fitness course should be removed.

PRINCESS DIANA PARK:

-No report.

STOCKING CREEK PARK:

-Lease renewals are coming due. Culvert at Chemainus Rd Entrance needs cleaning out.

-Lagoon Bridge pedestrian walkway is extremely slippery. Mel to call Highways Department to discuss a remedy to rectify this unsafe situation.

BEACH ACCESSES:

-Hillside Coastal Missions lease agreement still in the works.

-Still awaiting Rip Rap for Bezan and Boulder Point Accesses.

-Discussed potential of re-opening Shannon Drive Beach Access.

LADYSMITH PARKS AND REC:

-Norm will forward meeting information to Tim Godau

BASEBALL:

-No report.

SPECIAL EVENTS:

-next event: Easter Egg Hunt

**NEXT MEETING:**

**Next Parks meeting is scheduled for Monday, March 5<sup>th</sup>, 2012, 7:00 pm at the CVRD Building, 10705 Chemainus Rd.**

**ADJOURNMENT:**

Meeting was adjourned at 8:40 pm.

IN 3

## MINUTES OF AREA I (YOUBOU/MEADE CREEK) PARKS COMMISSION ANNUAL GENERAL MEETING

DATE: February 27, 2011

TIME: 1 pm

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**MINUTES** of Area I (Youbou/Meade Creek) Parks Commission AGM held on the above noted date and time at the Youbou Community Hall, Youbou, BC. Called to order by Director Klaus Kuhn. Introductions of the Youbou Fire Protection Service Commission and Area I (Youbou/Meade Creek) Parks Commission were made. The Parks Commission meeting was called to order after the completion of the Youbou Fire Protection Service AGM.

**PRESENT:**

Chairperson: Marcia Stewart

Members:

**ALSO PRESENT:**

Director: Klaus Kuhn

Recording Secretary: Tara Daly

**REGRETS:** Sheny Gregory, Dan Nickel, Gerald Thom

**ACCEPTANCE OF AGENDA**

*The Agenda was accepted as circulated.*

**ACCEPTANCE OF MINUTES**

*It was Moved and Seconded that Area I (Youbou/Meade Creek) Parks Commission AGM 2010 minutes be adopted as circulated.*

**MOTION CARRIED**

**1. Commission Chairperson's Report:**

- o The Commission activities over the past year to 'Get To Know Your Parks' included a nature walk in Price Park in May and naming of our new park at Woodland Shores and trail system on Bald Mountain. George deLure was successful in his name of Stoker Park and Roger Wiles was successful with naming Denninger Trail. The Stoker family donated their property in Marble Bay to the University of Victoria, complete with many varieties of rhododendrons. The Denninger family was very involved with the Scouts Canada and instrumental in building the trail system on Bald Mountain. The Commission also participated in Canada Day celebrations and, once again, cooked up a storm for the Regatta concession.
- o **Vandalism** ~ it is hoped that any continued vandalism at Woodland Shores will be limited with houses started to be built in the area. The police have no suspects in the vehicle and person(s) that ran over the lawns.
- o **Maintenance Issues** ~ the bridge will was replaced in Price Park. New irrigation has been completed at Arbutus Park. The Summer student crew cleaned some of our trails in their time in our parks.
- o **Thanks** to the volunteers of last year who opened and closed gates at Little League Park and Mile 77 Park; a special thanks to S. Gregory for her diligence in keeping a close eye on Little League Park maintenance. In 2011 volunteers will be needed to

open and close gates & washroom facilities at Stoker Park, Little League Park, and Mile 77 Park.

- o The Commission lost a great asset in Wayne Palliser. He passed away a few weeks ago and will be missed.

## **ELECTION**

Dan Nickel & Marcia Stewart have been re-appointed by Director Kuhn for a one-year term. Ken Wilde has also been appointed for a one-year term by Director Kuhn to complete Wayne Palliser's term. Gillian Scott was elected by acclamation for a two-year term.

## **QUESTIONS**

Is Mile 77 Park beach going to be developed?

*As Creekside continues to develop with more full-time people, further development will be considered. A playground in the park can't be justified at this time nor can development of a swimming beach.*

Is it prudent to install a playground before the development (eg: Woodland Shores)?

*With the recent vandalism at Woodland Shores, there is investigation in a different way of development; working in inflation to the costs that developers would be responsible for; developers want to develop and then be rid of the responsibility; ongoing discussion with CVRD staff on procedures to be put in place.*

*There is an expense to maintenance that can be born in part by the housing developments but when the park is there before the housing, it becomes more of a burden to the rest of the area. Possibly the developer would be responsible for maintenance for a couple of years rather than immediate turnover to CVRD. Setting up a trust fund shouldn't be too difficult. The market dictates building rates. Parks are a good amenity for sales.*

## **ADJOURNMENT**

*It was Moved and Seconded that the Area I (Youbou/Meade Creek) Parks AGM be adjourned (followed by an Open House).*

### **MOTION CARRIED**

/s/ Tara Daly  
Recording Secretary

## **OPEN HOUSE**

- 1) Director Kuhn noted that he continues to make phone calls to his constituents asking their opinion on his work for our area. He also asks for feedback, good or bad. It seems to be mostly positive out of the eighty-five (85) calls that he has made.
- 2) Thomas Kreilen of Youbou Lands gave a short update. The clean-up should be finished by August or mid-September. There are twenty-eight (28) piles of contaminants. The Ministry of Environment has to give a Certificate of Compliance before any development proceeds. Construction of the bridge over Cottonwood Creek should begin by the end of summer with some water, sewer, & road infrastructure. Some drainage has been installed. To date \$5½ million has been spent on environmental clean-up using several local contractors. There will be a meeting for the public in the near future laying out the available jobs moving forward. There is no debt with the developers. The process has

- taken longer than expected but the partners are still willing to get on with it. By the end of the year there should be some lots with housing. There will be strict design guidelines. The completed development should see a community of between 5000 and 6000 people comprising of 800 single family homes and 1150 townhouses or condos. The townhouse/condo aspect may change somewhat allowing for some senior housing.
- 3) 2011 Budget remains close to status quo. Grants-in-aid will be \$15 000 for the year. Director Kuhn is putting less towards the Info Centre in Lake Cowichan to reflect the smaller population of Area I as opposed to Area F and the Town.
  - 4) An audience member asked if it was possible to have an arrangement with Woodland Shores sewer system to accept sewage from in the Cowichan Lake area rather than having it trucked to Langford. The sewer system has almost 100% capacity at this time because there are no houses built as of it. It's best to have product to work the sewer system.
  - 5) An audience member voiced objection to the reconstruction of the Kinsol Trestle asking Director Kuhn to watch out for Area I as residents/politicians 'down the road' won't.
  - 6) Me 'n You-Nites Social Organization is having difficulty. Last year saw many social events but there is no help to continue at that pace. Director Kuhn is disappointed. There are people that want to participate but not many that want to organize.
  - 7) Lake issues being worked on include private property misuse (too many campers/ destruction of habitat) on North Shore Road; boat noise (not enough money, not enough enforcement, concern for water quality, riparian area, cigarette boats, effluent from houseboats). Director Kuhn in conferring with seventeen (17) other areas of the province with similar concerns hoping the a bigger voice will be heard at the provincial level
  - 8) CVRD attempted to amalgamate the Economic Development Commission and the Environment Committee but decided that the perception of the public would deter development with developers having the perception that many hoops would have to be jumped through. There will be joint meetings of the committees.
  - 9) Transit is building bus shelters in some areas of the region. There is one in Youbou and one to be built in the Meade Creek area. There is a problem with the site identified as it is on private land. There will be a change to the schedule in the near future, hoping that will improve connections
  - 10) Youbou Hall has received their new kitchen in the Upper Hall. The bottom half of the Lower Hall has been painted and because it looks much better, the upper part will probably be painted. There will be painting done outside this year.
  - 11) The elk are a problem but there is no solution at this time.
  - 12) The logging trucks coming off North Shore Road are bringing more and more dust and dirt. There should be some compensation by TimberWest. Mainroad Contractors will be cleaning the road as soon as it dries up some. It's \$150/hour for the street sweeper.
  - 13) Director Kuhn will have an Open House in April.

*The Open House portion of the AGM for Youbou Fire Protection and Area I (Youbou/Meade Creek) Parks was adjourned at 2:00pm.*

/s/ Tara Daly  
Recording Secretary

Area "H" Advisory Planning Commission Minutes (subject to APC ap

IN 4

Date: October 13, 2011

Time: 7:05 PM

Location: North Oyster Community Hall

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

Members Absent: Jody Shupe, Alt. Director Rob Waters

Also Present: Director Marcotte

Members of Public Present: 1

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

*Motion:* Carried

Adoption of the Minutes: At the request of the chair, the minutes of September 1, 2011 of the Advisory Planning Commission meeting and the site visit minutes of October 1 2011, be reviewed. It was moved and seconded that the minutes of the September 1 2011 and the site visit, October 1, 2011, Advisory Planning Commission meetings be approved, as circulated. Seconded.

*Motion:* Carried

Old Business

**Re: Application No. 2-H-11RS – Parcel A, District Lot 93, Oyster District, Plan VIP88491 (PID:028-389-182) – Parcel B, District Lot 93, Oyster District, Plan VIP88491 (PID:028-389-191)**

Purpose: To rezone the subject properties to allow a subdivision of six parcels.

Location of Subject Property: Shell Beach Road/Evening Cove, North Oyster

Applicant(s)/Owner present: Dr. Bryan Wiggins

Motion: The APC, as a group, requests clarification for the following:

- a) There is a lack of uncertainty regarding the fire hall lot, with respect to the septic and water.
- b) On the current plan, lot 3 and lot 5 are joined; at the site visit Dr. Wiggins stated that these lots are separate.
- c) Need of a more detailed plan to include location of septic fields, piping, drain fields, and tanks.
- d) Need of more detailed plan that shows the water system complete with layout that would include the location of the wells.
- e) The APC would like to see a draft strata agreement that documents the operation of the governance of the sewer and water system.
- f) The APC feels that before any recommendations are made that they need to converse with both the parks group and the fire commission for Area H.

For additional concerns please refer to the site visit minutes dated October 1, 2011. The APC would like to have a planner come to a meeting to discuss this entire application, due to the number of discrepancies within this proposal.

New Business

None

Discussion Items

None

Director's Report: Director Marcotte updated the APC current and past applications within the CVRD. She mentioned that the ALC had turned down the Muir property on Doole Road. She stated that the APC Bylaw has now gone through.

Next Meeting: The next regular meeting will be held; Nov. 10, 2011 @ 7:00 pm  
Diamond Hall

Adjournment: Moved and seconded @ 8:15 pm *Motion:* Carried.

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Jan Tukham- Secretary

IN 5

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

Date: February 9, 2012

Location: North Oyster Community Hall

Time: 6:00 PM – An orientation and refresher session was provided by CVRD staff.

This was a very interesting session, provided answers from some of the APC members. A new APC handbook was distributed to all members.

Time: 6:55 PM

Members Present: Chairperson - Mike Fall, Vice Chair – Chris Gerrand, Secretary - Jan Tukham, John Hawthorn, Alison Heikes, Jody Shupe, Ted Kaesse, Gord Wyndlow

Election of 2012 Chairman, vice chairman and secretary

Prior to the APC meeting beginning; Director Marcotte conducted the election of a new Chairperson, Vice Chairperson and Secretary. After receiving nominations for each of these positions on the Advisory Planning Commission; Mike Fall will serve as Chairperson, Chris Gerrand will serve as Vice Chairperson and Jan Tukham will serve as Secretary.

Time: 7:05 PM

Members Present: Chairperson - Mike Fall, Vice Chair – Chris Gerrand, Secretary - Jan Tukham, John Hawthorn, Alison Heikes, Jody Shupe, new member - Ted Kaesse, & Gord Wyndlow

Members Absent: Alt Director Rob Waters, new member – Mawfanwy Plecas

Also Present: Director Marcotte

Members of Public Present: 1

CVRD staff: 2

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

*Motion:* Carried

Adoption of the Minutes: At the request of the chair, the minutes of October 13, 2011 of the Advisory Planning Commission meeting. It was moved and seconded that the minutes of the October 13, 2011, Advisory Planning Commission meeting be approved, as circulated. Seconded.

*Motion:* Carried

Old Business

A: **Application No. 1-H-11RS** - owner James Stroble, - Dunsmuir Island. This application was referred to another agency.

B: **Application No. 2-H-11RS** – owner Bryan Wiggins – Shell Beach. This application was withdrawn.

New Business:

**A: Application No. 1-H-11ALR – District Lot 5, Bright District, Except Part in Plans 32170 and VIP82582 (PID: 008-720-398)**

Purpose: This application is for a non-farm use to construct a second residence on the property.

Location of Subject Property: 13150 Cameron Road

Owner: Raymond and Robin Smith,

Present: Raymond Smith

Mr. Smith made a presentation to the APC explaining his application. After a brief question and answer session the following motion was made:

Motion: That the APC conduct a site visit. Seconded. *Motion: Carried*

The site visit will be conducted on Feb. 11, 2012. @ 9:00 AM

Director's Report: Director Marcotte updated the APC current and past applications within the CVRD. She mentioned and distributed a pamphlet about the Oyster Bay development from the Coast Salish development corporation.

Bryan Wiggins has applied for a dock for the front of his property. This application is with the Front Counter BC Nanaimo, Suite 142, and 2080 Labieux Road Nanaimo, B. C. V9T 6J9. Phone: 250.751.7220.

There are policy changes coming to the ALR.

A hand out was given to each member. Motion: To accept the Area H Advisory Planning Commission Draft Meeting Schedule for 2012 as presented. Seconded.

*Motion: Carried*

Next Meeting: The next regular meeting will be held; March 8, 2012 @ 7:00 pm, North Oyster Community Hall

Adjournment: Moved and seconded @ 7:50 pm *Motion: Carried.*

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Jan Tukham- Secretary

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

Date: February 11, 2012

Time: 9:05 am

Members present: Mike Fall, Jan Tukham, Jody Shupe, Allison Heikes, Ted Kaesse, Chris Gerrand, John Hawthorn

Also present: Director Mary Marcotte

Owner: Ray Smith, present

The applicant/owner gave the members present a brief description of his intentions. After a walk around the site the following motion was made.

Motion: To table this application until the next regularly scheduled meeting of the APC, March 8, 2012. Seconded. *Motion: Carried*

Adjournment: 9:45 am

Jan Tukham- Secretary



**MEMORANDUM**

**DATE:** March 12, 2012  
**TO:** Tom R. Anderson, General Manager, Planning and Development Department  
**FROM:** Brian Duncan, Manager, Inspections and Enforcement Division  
**SUBJECT:** BUILDING REPORT FOR THE MONTH FEBRUARY 2012

There were 24 Building Permits and 0 Demolition Permit(s) issued during the month of February, 2012 with a total value of \$ 3,480,289.

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"	800,000			220,800	3,000		3	7	1,023,800	3,468,860
"B"				584,370	39,459		5	7	623,829	912,509
"C"			29,700	103,520	37,800		4	4	171,020	171,020
"D"				394,670	1,000		3	6	395,670	528,710
"E"					96,120		2	6	96,120	151,680
"F"							0	1	0	75,000
"G"				396,560			1	3	396,560	756,640
"H"				177,680	15,120		2	2	192,800	192,800
"I"				462,990	45,500		4	4	508,490	508,490
<b>Total</b>	<b>\$ 800,000</b>	<b>\$ -</b>	<b>\$ 29,700</b>	<b>\$ 2,340,590</b>	<b>\$ 237,999</b>	<b>\$ -</b>	<b>24</b>	<b>40</b>	<b>\$ 3,408,289</b>	<b>\$ 6,765,709</b>

  
 B. Duncan, RBO  
 Manager, Inspections and Enforcement Division  
 Planning and Development Department

BD/db

**NOTE:** For a comparison of New Housing Starts from 2009 to 2012, see page 2  
 For a comparison of Total Number of Building Permits from 2009 to 2012, see page 3

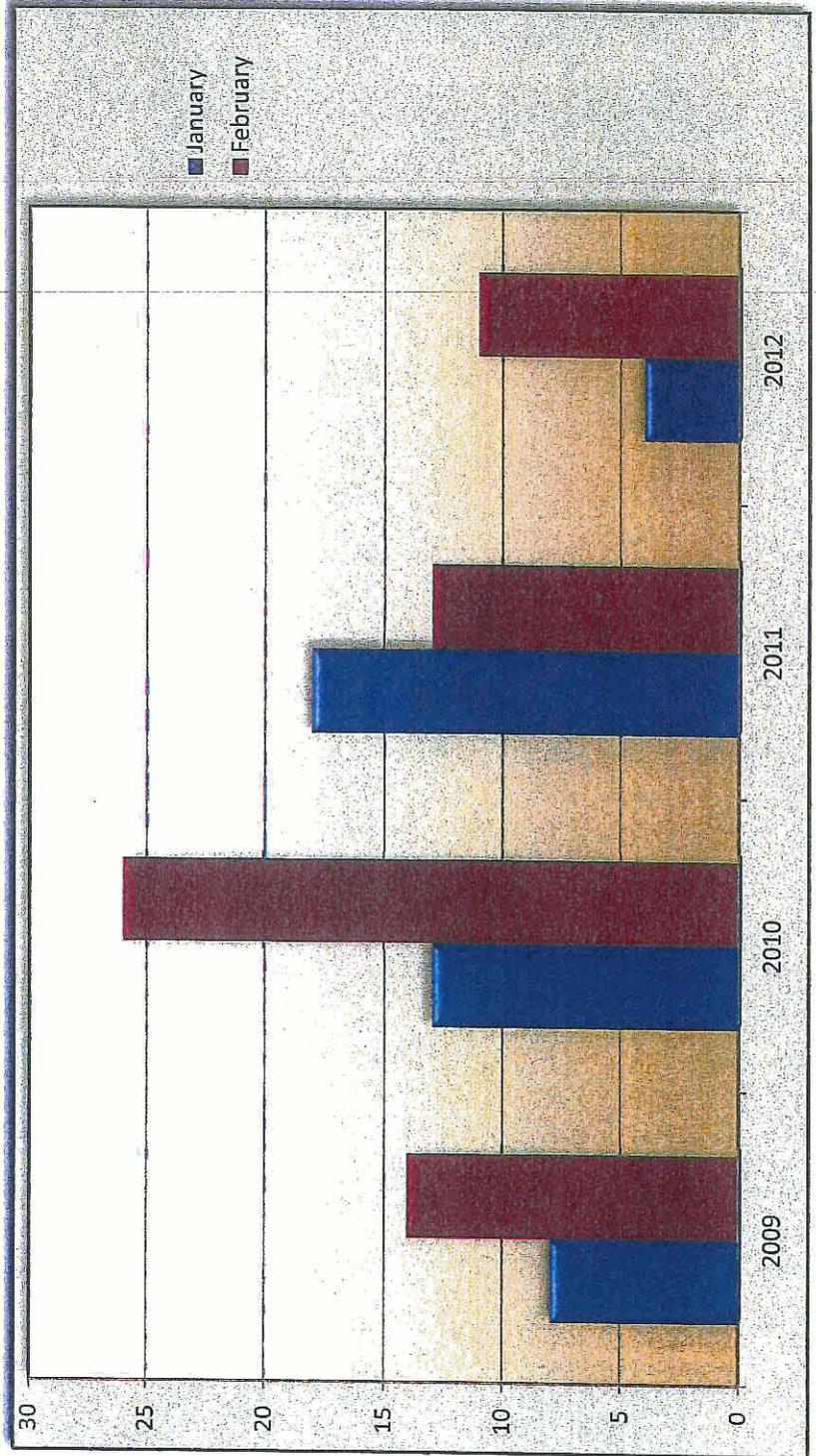
*INC*



C·V·R·D

Total of New Housing Starts

	2009	2010	2011	2012
January	8	13	18	4
February	14	26	13	11
<b>YTD Totals</b>	<b>22</b>	<b>39</b>	<b>31</b>	<b>15</b>





**Total Building Permits Issued**

	2009	2010	2011	2012
January	23	35	31	16
February	32	44	36	24
<b>YTD Totals</b>	<b>55</b>	<b>79</b>	<b>67</b>	<b>40</b>

