



C.V.R.D.

ELECTORAL AREA SERVICES COMMITTEE MEETING

~~Tuesday~~

October 16, 2012

Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 p.m.

A G E N D A

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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.

CSM1 Minutes of Closed Session EASC Meeting of October 2, 2012

94-95

10. ADJOURNMENT

NOTE: A copy of the full agenda package is available at the CVRD website www.cvrld.bc.ca

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

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

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

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, October 2, 2012 at 3:00 p.m. in the Regional District Board Room, 175 Ingram Street, Duncan, B.C.

PRESENT

Director M. Walker, Chair
~~Director G. Giles~~
 Director L. Iannidinardo
 Director J. Morrison
 Director M. Marcotte
 Director M. Dorey
 Director P. Weaver
 Director B. Fraser
 Director R. Hutchins, Board Chair
 Alt. Director M. Lees
 Absent: Director L. Duncan

ALSO PRESENT

Tom Anderson, General Manager
 Rob Conway, Manager
 Mike Tippet, Manager
 Brian Duncan, Manager
 Brian Farquhar, Manager
 Warren Jones, Administrator
 Alison Garnett, Planner I
 Rachelle Rondeau, Planner I
 Maddy Koch, Planning Technician
 Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included deleting Delegation D1, adding four items of New Business, refer item R6 back to staff, and adding one item of listed Closed Session New Business.

It was Moved and Seconded
 That the Agenda as amended be approved.

MOTION CARRIED

M1 - Minutes

It was Moved and Seconded that the Minutes of the September 18, 2012, EASC meeting be adopted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

DELEGATIONS

D1 - Hoppe

Delegation request from Christian Hoppe was cancelled and removed from the agenda.

STAFF REPORTS

R1 - Partridge

Maddy Koch, Planning Technician, reviewed staff report dated September 26, 2012, regarding Application No. 13-B-12DP (Partridge) to subdivide property located on Cullin and Worthington Road into two lots.

Craig Partridge, applicant, was present.

The Committee directed questions to staff.

It was Moved and Seconded

That Application No. 13-B-12DP submitted by Craig and Preston Partridge on That part of Lot 4, Block 31, Shawnigan Lake Suburban lots, Shawnigan District, Plan 218A, lying to the south of a straight boundary joining points on the easterly and westerly boundaries of said lot distant 2.5 chains respectively from the north east and south west corners of said lot, for subdivision of one new lot be approved subject to:

- a) Substantial compliance with the rainwater management plan prepared by Dennis Lowen, dated June 27, 2012;
- b) Substantial compliance with the eagle nest protection report prepared by Susan Blundell, dated September 3, 2012;
- c) Substantial compliance with the invasive species report prepared by Bernie Dinter, dated July 12, 2012 and;
- d) Submission of a letter of credit amounting to 125% of invasive species removal costs, as identified by a qualified professional, to be held by the CVRD and either refunded upon a qualified professional deeming the invasive species removal to have been successful, or used to complete the required works.

MOTION CARRIED

R2 – Kenyon Wilson

Maddy Koch, Planning Technician, reviewed staff report dated September 26, 2012, regarding Application No. 5-B-12DP (Kenyon Wilson/Ashton/Pask) to subdivide property located on Cameron-Taggart Road and Lovers Lane into two lots.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

That Application No. 5-B-12DP submitted by Kenyon Wilson Professional Land Surveyors on the west 6 chains of Section 8, Range 6, Shawnigan District (PID: 009-461-922), for subdivision of one new lot be approved subject to:

- a) Retention of all existing trees, other than danger trees or those which must be cleared for agricultural purposes;
- b) Driveways remaining unpaved;
- c) On going invasive species removal and;
- d) Compliance with the recommendations within Riparian Area Report No. 2344, prepared by Ted Burns, dated April 20, 2012 and revised May 19 2012.

MOTION CARRIED

R3 - Calveley

Rachelle Rondeau, Planner I, was present regarding Application No. 15-B-12DP/RAR to rebuild a house on its existing foundation and construct an accessory building on property located at 1591 West Shawnigan Lake Road.

~~Donald Calveley, applicant, was present, and provided further information to the application.~~

The Committee directed questions to the applicant.

It was Moved and Seconded

That Application No. 15-B-12DP/RAR submitted by Don Calveley and Robyn Smale for construction of a dwelling and accessory building on Lot A, Shawnigan Lake Suburban Lots, Malahat District, Plan VIP68532 (PID: 024-395-269) be approved subject to:

- a) Submission of a letter of credit or other security in a form acceptable to the CVRD in the amount of 125% of the costs of the riparian restoration;
- b) Compliance with the recommendations in Riparian Areas Regulation Assessment No. 2478 prepared by Patrick Lucey, R.P. Bio amended September 14, 2012;
- c) Modification of covenant EN9570 to reflect the new SPEA boundary; and that no further development occur within the SPEA.

MOTION CARRIED

R4 - Knight

Rachelle Rondeau, Planner I, reviewed staff report dated September 26, 2012, regarding Application No. 2-I-12DVP (Knight) to construct a cabin and accessory building on property located at 9245 Kestrel Drive.

The Committee directed questions to staff.

Derrice Knight, applicant, was present.

It was Moved and Seconded

That Application No. 2-I-12DVP by Derrice Knight for a variance to Section 3.2(4) of Bylaw No. 2465, to permit an additional bathroom fixture consisting of a wash-up sink on Strata Lot 23, Block 180, Cowichan Lake District, Strata Plan VIS 5772 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V (027-082-032) be approved, and that a covenant be registered prohibiting use of the accessory building as a dwelling or sleeping unit.

MOTION CARRIED

R5 – Housing Project

It was Moved and Seconded

That Allan Garside and Pat Caporale be appointed to the Cobble Hill Commons Project Advisory Committee.

MOTION CARRIED

**R6 – Landscape
Security Policy**

Staff Report dated September 26, 2012, from Alison Garnett, Planner I, regarding Landscape Security Policy was referred back to staff.

**R7 – Procedures
~~Bylaw amendment~~**

Alison Garnett, Planner I, reviewed staff report dated October 2, 2012, ~~regarding proposed Procedures and Fees amendment bylaw to formalize the~~ process when requests to extend development permits or variance permits are received.

The Committee directed questions to staff.

It was Moved and Seconded

That the draft amendment bylaw to CVRD Development Application Procedures and Fees Bylaw No. 3275 (Permit Term Limit Extension) be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

R8 – Mill Springs R/W

Brian Farquhar, Parks and Trails Manager, reviewed staff report dated September 27, 2012, from Dan Brown, Parks Trails Planning Technician, regarding Mill Springs Trail Statutory Right-of-Way.

It was Moved and Seconded

That the Board Chair and Corporate Secretary be authorized to execute a Statutory Right of Way agreement in favour of the Regional District for the purpose of constructing and maintaining a trail within the Mill Springs subdivision in Area A – Mill Bay on lands legally described as District Lot 46, Malahat District, PID 009-355-723.

MOTION CARRIED

**R9 – Non-Conforming
Campground**

Rob Conway, Manager, reviewed staff report dated September 26, 2012, regarding non-conforming campground at 2289 Lochmanetz Road and request to allow the property to be re-developed as a legal campground.

The property owner Mike Kelly, and agent Mark Johnston, were present and provided further information.

The Committee directed questions to staff.

It was Moved and Seconded

That staff be directed to prepare a report and draft amendment bylaws to rezone Lot 2, Section 10, Range 2 and District Lot 690 (2289 Lochmanetz Road), Cowichan District, Plan VIP70020 to permit a 39 unit RV Park.

MOTION CARRIED

R10 – Short Term Rentals

Note: EASC recommendation of September 4th regarding short term rentals of residential dwelling units was referred back to EASC at the September 12, 2012 Board meeting.

~~Director Morrison stated that he has concerns regarding the proposed~~ amendment and suggested that guidelines be included such as enforcement through ticketing. Mr. Anderson stated that certain thresholds could be included in the policy and suggested that staff bring back a revised report with options.

Discussion ensued.

It was Moved and Seconded

That staff be directed to draft a revised policy respecting short term rental of single family dwellings to include a threshold respecting the number of complaints to be received prior to enforcement action, for review at an upcoming EASC meeting.

MOTION CARRIED

CORRESPONDENCE

C1 – Grant in Aid

It was Moved and Seconded

That a grant in aid, Area E – Cowichan Station/Sahtlam/Glenora, in the amount of \$500 be given to BC Farm Women's Network to assist with their 25th annual seminar.

MOTION CARRIED

INFORMATION

IN1 – Telus Facility

Letter dated September 12, 2012 from TELUS advising of an open house on October 2nd at The Hub in Cowichan Station was received for information only.

IN2 – Building Report

It was Moved and Seconded

That the September 2012 building report be received and filed.

MOTION CARRIED

IN3 to IN5 - Minutes

It was Moved and Seconded

That the following minutes be received and filed:

- Minutes of Area C APC meeting of September 13, 2012
- Minutes of Area E Parks Commission meeting of September 13, 2012
- Minutes of Area C Parks Commission meeting of September 19, 2012

MOTION CARRIED

NEW BUSINESS

**1 – Saltair
Development Plan**

Director Dorey stated that he would like a development plan prepared for the existing commercial area in Saltair that would encourage development with a ~~west coast marine climate theme~~. He requested that staff or contract time be dedicated or to do the plan and that the work be included in next year's Planning and Development Work Plan.

Director Morrison stated that work is scheduled to begin on the Area E OCP and that he would like to see work begin on the Area F OCP before dedicating time to a development plan in Area G.

Directors Giles and Fraser stated they support adding the work to the 2013 Work Plan. Director Marcotte stated she also supports the work but would like to see a timeframe and cost estimate.

It was Moved and Seconded

That a development plan/study for the existing six commercially zoned properties in Saltair be incorporated into the 2013 Planning and Development Department Work Plan.

MOTION CARRIED

2 – Grants in Aid

It was Moved and Seconded

1. That a grant in aid, Area A – Mill Bay/Malahat, in the amount of \$500 be given to Shawnigan Cobble Hill Farmers Institute to assist with establishing a senior's drop in centre.
2. That a grant in aid, Area C – Cobble Hill, in the amount of \$1,000 be given to Shawnigan Cobble Hill Farmers Institute to assist with establishing a senior's drop in centre.

MOTION CARRIED

**3 – S.I. Mountain Bike
Society**

Director Giles advised of a request from South Island Mountain Bike Society to hold an event at Quarry Nature Park.

It was Moved and Seconded

That the request from South Island Mountain Bike Society to host the 2nd annual Take-A-Kid-Mountain Biking Day event on Sunday, October 14, 2012, at Quarry Nature Park, be approved.

MOTION CARRIED

**4 – Development
Signs**

Director Morrison advised that he had a discussion with Mr. Hoppe who was scheduled to be a delegate but has withdrawn his request at this time, and staff regarding posting of development signs in Area F. The delegate has concerns that the posting of development signs is not a requirement in Area F and that ~~the OCP should be amended to include that requirement.~~

Director Morrison requested that staff include a quick study/discussions during the upcoming Area F OCP review process regarding the possibility of including the requirement that signs be posted notifying the public of development applications.

RECESS

The Committee adjourned for a five minute recess.

CLOSED SESSION

It was Moved and Seconded

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

MOTION CARRIED

The Committee moved into Closed Session at 5:00 p.m.

RISE

It was Moved and Seconded

That the Committee rise without report.

MOTION CARRIED

ADJOURNMENT

It was Moved and Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 5:20 pm.

Chair

Recording Secretary



R1

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF OCTOBER 10, 2012

DATE: October 9, 2012 FILE NO: 1-B-12ALR
FROM: Maddy Koch, Planning Technician BYLAW NO: 985
SUBJECT: ALR Application (1-B-12 ALR) - J. William Wikkerink

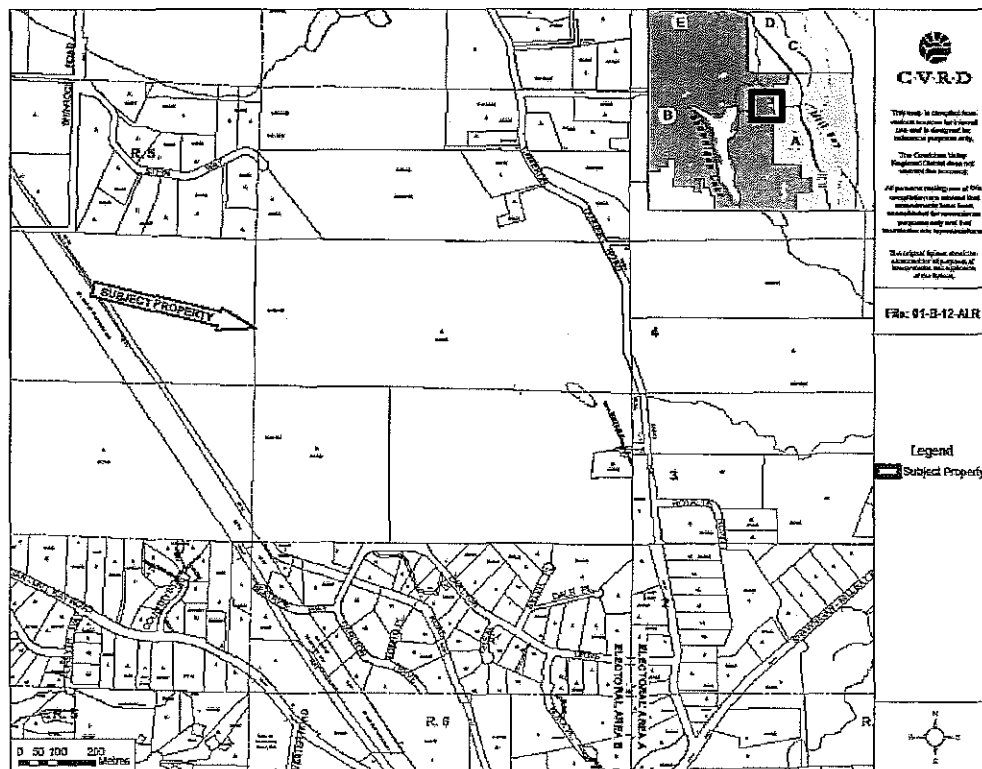
Recommendation/Action:

That Application No. 1-B-12ALR (Wikkerink), for construction of a second dwelling on Lot A, Sections 3 and 4, Range 6, Shawnigan District, Plan VIP86278 (PID: 027-817-806), 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: 2890/ 2800 Cameron-Taggart Road

Legal Description: Lot A, Sections 3 and 4, Range 6, Shawnigan District, Plan VIP86278
(PID: 027-817-806)

Application Received: August 2, 2012

Owner: J. William Wikkerink Farms Ltd., Inc. No. 80539

Applicant: John William Wikkerink

Size of Parcel: 64.1 hectares

Existing Zoning: A-1 (Agricultural)

Minimum Lot Size: 12 hectares

Existing Plan Designation: Agricultural

Existing Use of Property: Dairy farm

Use of Surrounding Properties:

West:	A-1 (ALR)
North:	A-1 (ALR) and R-2
South:	R-2
East:	A-1 (ALR)

Road Access: Cameron-Taggart Road

Water: Well

Sewage Disposal: On-site septic

Agricultural Land Reserve Status: Property is located within the ALR

Archaeological Site: We have no record of any archaeological sites on the subject property.

Environmentally Sensitive Areas: The Sensitive Ecosystems Inventory identifies a portion of the property as "seasonally flooded agricultural", and shows a creek running through the property. In association with a 2006 subdivision application for the subject property, the applicant hired a biologist to assess riparian areas on the property. These records indicate that the creek shown on the Sensitive Ecosystems Inventory has been significantly altered with historical agricultural development, and that the existing seasonally flooded ponds would be subject to the Riparian Areas Regulation, as they drain into fish habitat.

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 second dwelling where one recently stood. The owner would live in the second dwelling, allowing his son to live in the existing dwelling and carry on the dairy farm that operates on the property.

Property Context:

The subject property is a dairy farm approximately 65 hectares (± 160 acres) in size, zoned A-1, in the ALR and within the rural area of Electoral Area B- Shawnigan Lake. A single family dwelling, cattle barns, accessory buildings, 35 acres of corn field, pasture land, and the site of a former dwelling are located on the property. The dairy farm houses 350 head of Holstein cattle and provides milk to Island Farms.

Soil Classification:

Canada Land Inventory Maps

$\pm 35\%$ 5PA (5PA) $\pm 25\%$ 4AT (6:3TD 4:4T) $\pm 15\%$ 4A(2D) $\pm 5\%$ O7W $\pm 5\%$ 4AT (3TD)
 $\pm 5\%$ 6:7T 4:5TA (6:7T 4:5TP) $\pm 5\%$ 8:5PA 2:7R (8:5PA 2:7R) $\pm 5\%$ 6:4A 4:3TA (6:2DT 4:3T)

Soil Classification	% of Subject Property (Unimproved)	% of Subject Property (Improved)
1	-	-
2	-	15
3	1	25
4	46	10
5	42	40
6	-	-
7	11	10
TOTALS	100%	100%

Explanation of Land Capability Classifications:

- 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 7 lands have no capability for arable culture
- Subclass "A" indicates soil moisture deficiency – improvable by irrigation
- Subclass "W" indicates excess water, may be improvable by drainage
- Subclass "D" indicates low perviousness, management required
- Subclass "T" indicates topography limitations – not improvable
- Subclass "P" indicates stoniness – improvable by stone picking

Agricultural Capabilities:

The subject property is presently composed of 1% Class 3 soil, 46% Class 4 soil, 42% Class 5 soil and 11% Class 7 soil. The agricultural capability of the soil is mostly limited by aridity and stoniness. By taking improvement measures such as irrigation and stone picking, the soil quality could be improved to 15% Class 2 soil, 25% Class 3 soil, 10% Class 4 soil, 40% Class 5 soil and 10% Class 7 soil.

Policy Context:

The South Cowichan Official Community Plan Bylaw No. 3510 states the following objectives and policies with respect to the Agricultural Designation, which are relevant to this application:

Objectives

- A. To assist in the continuing development of a thriving agricultural industry with a wide range of agricultural and related uses;
- B. To strive for food self sufficiency on Vancouver Island;

- C. To provide local opportunities for providing a healthy, high quality diet for the community and visitors;
- D. To provide opportunities for large farms such as dairies, as well as small lot agriculture and organic farms;
- E. To encourage agricultural diversity, including connections between agriculture and tourism, local agricultural processing and value added agriculture;
- F. To improve and extend access to market for local foods, ensuring that residents and visitors ~~are able to buy food locally~~;
- G. To encourage environmentally friendly agricultural practices, including improved water management, conservation and protection practices for agriculture;
- H. To encourage agricultural operations that practice sustainable agriculture; and
- I. To minimize the potential for land use conflicts between agriculture and other land uses.

Policy 11.3

Agricultural pursuits will be given priority within the Agricultural Resource Designation (A). Lands within this designation will generally be zoned A-1 Primary Agricultural, in the implementing Zoning Bylaw, and will have a minimum parcel size of 30 ha. In cases where the Agricultural Resource (A) designated lands are deemed suitable for small-lot agriculture, are outside of the ALR, and have historically been zoned A-2 Secondary Agriculture, the implementing Zoning Bylaw will continue to zone them as A-2 Secondary Agriculture, wherein the minimum parcel size will not be less than 2 ha.

Policy 11.7

ALR non-farm use applications will only be forwarded to the ALC if:

- a. The proposed non-farm use complies with CVRD Bylaws; or
- b. If the proposed non-farm use does not comply with CVRD Bylaws, if the ALR applicant has also applied for the necessary bylaw amendments and these have received at least first reading.

Policy 11.8

Poor capability climate and soil constraints should not be considered acceptable reasons to contemplate subdivision or removal of land from the Agricultural Designation. Lower capability lands should be used for pasture, farm buildings, feedlots, greenhouses, land-based aquaculture, farm reservoirs, wood lots or other uses accessory to the farm operation but not requiring arable land.

Policy 11.9

In addition to the principal dwelling, one additional dwelling for farm help may be permitted on a parcel, subject to compliance with the following criteria:

- a. The parcel must have farm classification on BC Assessment Authority records;
- b. The parcel must be used as a bona-fide farm;
- c. The additional dwelling must not exceed 74 m², and be located away from and otherwise not interfere with useable farm land;
- d. A farm plan, prepared by an Agrologist, that clearly justifies the additional dwelling in terms of the needs of the farm, must be provided to the CVRD Board. The additional dwelling must be necessary for the overall operation of the farm. The scale of the farm operation must warrant the additional dwelling.

Policy 11.10

A secondary suite or secondary dwelling unit may be permitted in any Agricultural Resource Designation (A), however if the land is in the ALR, approval of the BC Agricultural Land Commission may be required if not permitted in terms of BC Regulation 171/ 2002.

Policy 11.14

The OCP supports the Cowichan Valley Food Charter, the Regional Agricultural Plan, and other programs aimed at ensuring that residents have access to safe, nutritious food and that the agricultural industry continues to thrive, diversify and grow.

Planning Division Comments:

Having operated a dairy farm on the subject property since the 1950s, the Wikkerink family is ~~currently planning for a transition to the next generation. The applicant is proposing to construct~~ and occupy a 2500 square foot rancher on the property, which would allow his son to move into the existing home, start a family and take over the farm. According to the applicant's plans, he would still be heavily involved in farm operations following the move. The existing home is in close proximity to the dairy farm buildings, while the proposed second dwelling would be approximately 400 metres away.

A house was previously located on the proposed second dwelling site, but was recently removed due to its poor condition. A driveway still leads to the cleared house site, and an accessory building still stands adjacent to the site. The existing septic system is not up to standard and will need to be replaced, but the same well is still operational and available to serve the proposed dwelling.

CVRD Zoning Bylaw No. 985 permits second dwellings accessory to agricultural use on lots within the A-1 zone, subject to Agricultural Land Commission approval. As the old house has been entirely removed, any potential to develop the site under Section 911 of the Local Government (non-conforming uses and siting) has been eliminated. Therefore, an application to the Agricultural Land Commission is required, as well as a South Cowichan Rural Development Permit for the purpose of agricultural protection. The development permit process would logically follow approval from the ALC, if granted.

As CVRD records indicate presence of seasonally flooded agricultural land on the subject property, a Qualified Environmental Professional will need to assess the development site to determine whether or not the proposal would trigger the Riparian Areas Regulation, if the application is approved by the ALC. Should the watercourse be determined to be subject to the RAR, and the proposed development within the RAR assessment area, the works would need to be authorized by development permit.

APC Comments:

The application was not reviewed by the Area B Advisory Planning Commission, as per the Area Director's request.

Staff Recommendation:

Staff support the proposal for a second dwelling, as the purpose is to allow continuation of the dairy farm and CVRD Bylaw No. 985 supports a second dwelling accessory to agricultural use in the A-1 Zone.

Options:

1. That Application No. 1-B-12ALR (Wikkerink), for construction of a second dwelling on Lot A, Sections 3 and 4, Range 6, Shawnigan District, Plan VIP86278 (PID: 027-817-806), be forwarded to the Agricultural Land Commission with a recommendation to approve the application.

2. That Application No. 1-B-12ALR (Wikkerink) be denied.

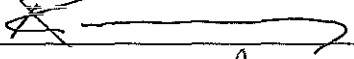
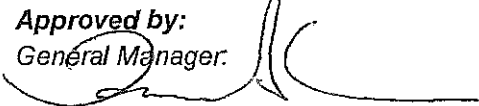
Option 1 is recommended.

Submitted by,

maddy koch

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

MK/jah
Attachments

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



C.V.R.D.

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

The Cowichan Valley Regional District does not warrant the accuracy.



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

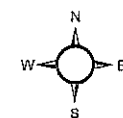
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

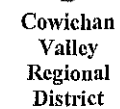
File: 01-B-12-ALR

ALR

Legend

-  Subject Property
-  ALR B





The Regional District does not warrant the accuracy.

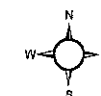
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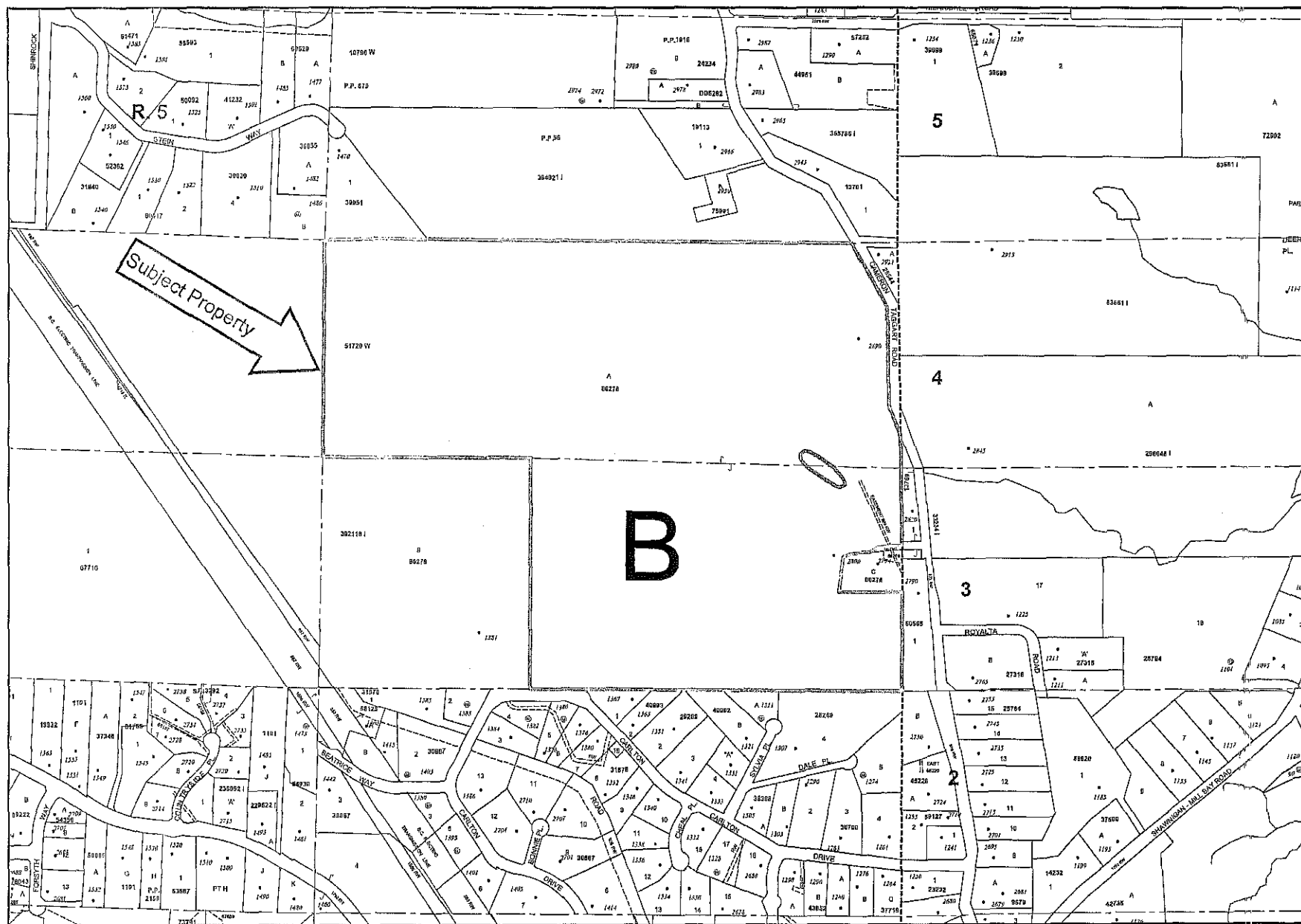
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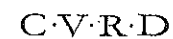
Printed: August 3, 2012

01-B-12ALR





Scale: 1:9,562

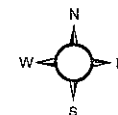




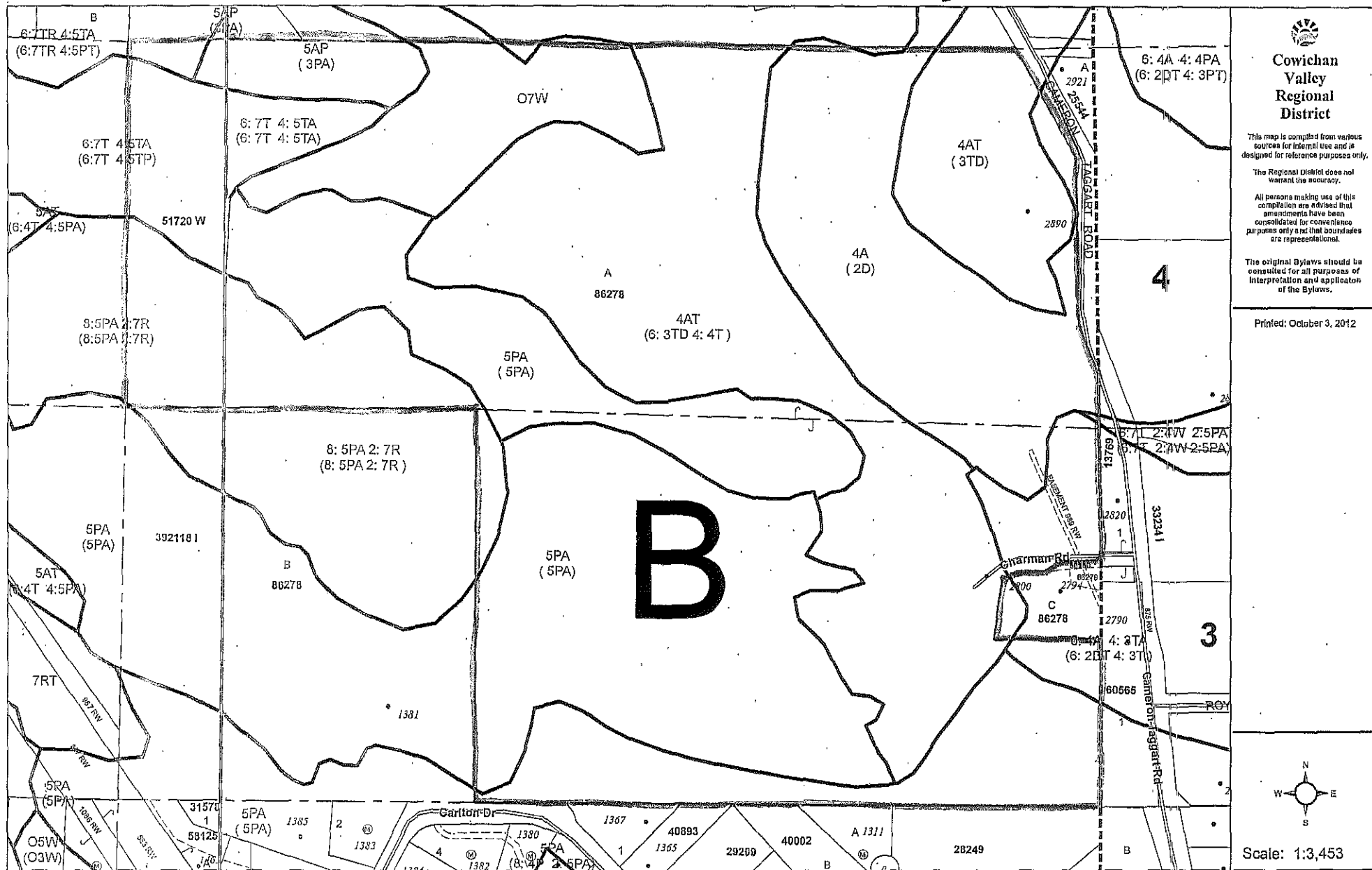
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

Sensitive Ecosystem Inventory

 Subject Property
 SEI 2004



Agricultural Capability



C. V. R. D

Reason For a Building Permit

The side of the proposed New House
is where the old House was Before
The old House was 90 years old and not
worth Fixing

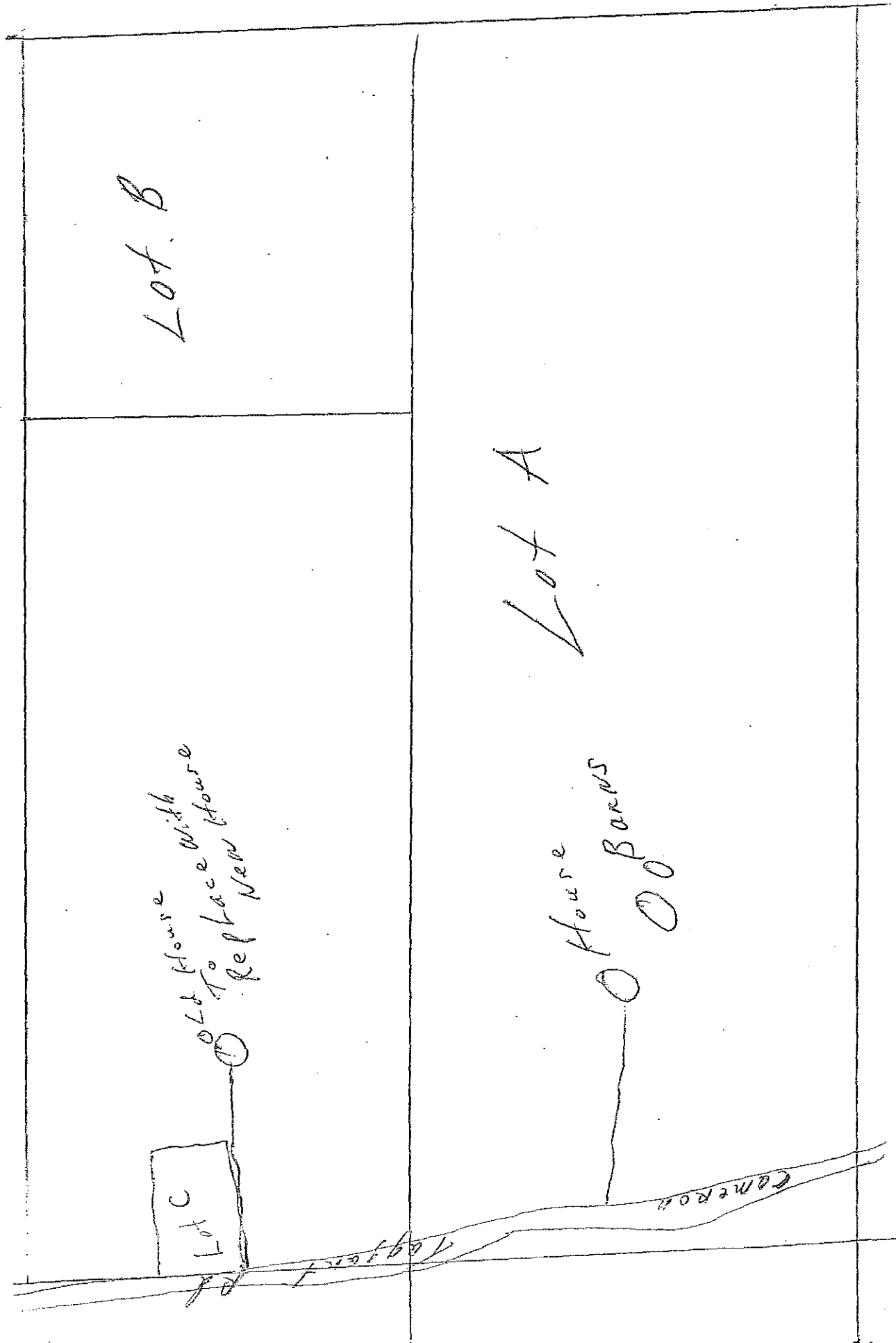
The side or area will not Have any
Physical alterations of the Land
that the non-Farm use will require
There will not be any potential impact
on surrounding agricultural Lands
such as Landscape screening, fencing, etc

The reason for the House is
as the Dairy Farm is expanding
and the next generation is involved
in the operation of the Farm we need
more Housing

Thankyou

JW with L.

11



Lot B

Lot A

Old House with
To Replace House
New House

House
Barns

Cameroon

Log Jam

Lot C

7.0 AGRICULTURAL AND FORESTRY ZONES**7.1 A-1 ZONE - PRIMARY AGRICULTURAL****(a) Permitted Uses**

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

- (1) agriculture horticulture silviculture turf farm fish farm;
- (2) single family residential dwelling or mobile home;
- (3) one additional single family dwelling accessory to agricultural use;
- (4) sale of products grown or reared on the property;
- (5) horse riding arena boarding stable;
- (6) kennel;
- (7) home occupation – domestic industry;
- (8) bed and breakfast accommodation;
- (9) daycare nursery school accessory to a residential use;
- (10) secondary suite.

(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 with the exception of greenhouses which shall not exceed a parcel coverage of 50 percent;
- (2) the height of all buildings and structures shall not exceed 10 metres except for accessory buildings which shall not exceed a height of 7.5 metres;
- (3) the setbacks for the types of parcel lines set out in Column I of this section are set out for residential and accessory uses in Column II and for agricultural stable and accessory uses in Column III:

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



R2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF OCTOBER 16, 2012

DATE: October 10, 2012

FILE NO: 2-C-12ALR

FROM: Maddy Koch, Planning Technician

BYLAW NO: 1405

SUBJECT: ALR Application (2-C-12 ALR) - Alfred Pink

Recommendation/Action:

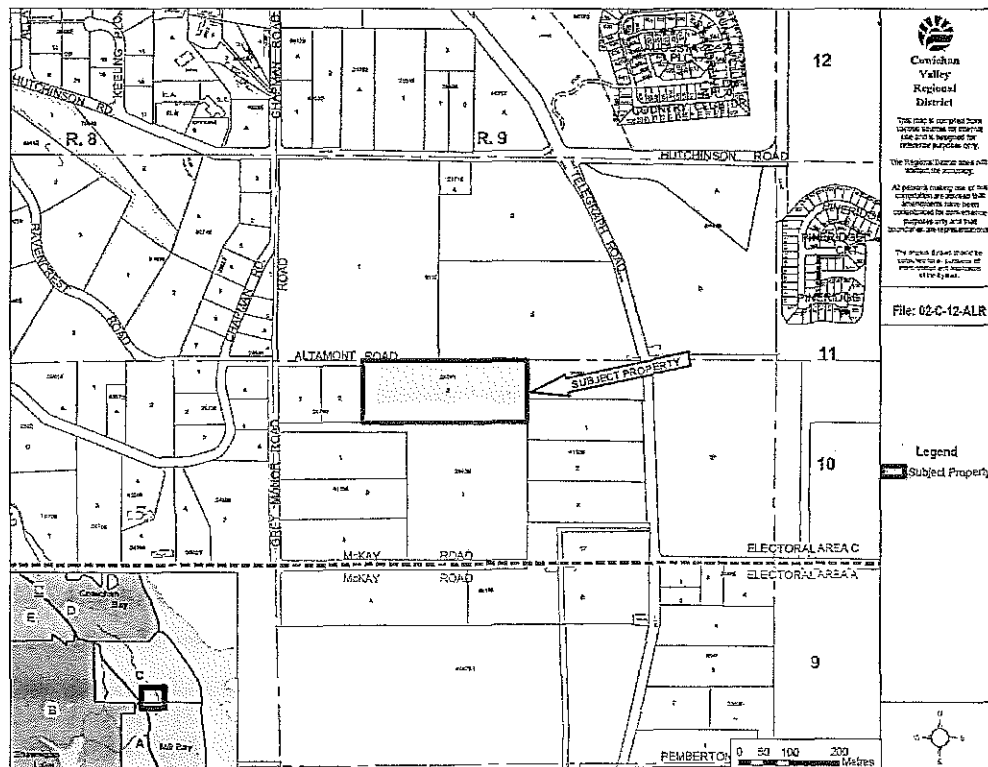
That the Application 2-C-12ALR (Pink), for retention of a mobile home on Lot 2, Section 10, Range 9, Shawnigan District, Plan 25791 (PID: 002-678-551), be forwarded to the Agricultural Land Commission with a recommendation to approve the application, subject to:

- Decommissioning the single-wide mobile home.

Relation to the Corporate Strategic Plan: N/A

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

Background:



Location of Subject Property: 816 Altamont Road

Legal Description: Lot 2, Section 10, Range 9, Shawnigan District, Plan 25791 (PID: 002-678-551)

Application Received: April 18, 2012

Owner: Alfred and Yvonne Pink

Applicant: Alfred Pink

Size of Parcel: ± 4.1 hectares (±10 acres)

Existing Zoning: A-1 (Agricultural)

Minimum Lot Size: 12 hectares

Existing Plan Designation: Agricultural

Existing Use of Property: Residential and horseback riding school

Use of Surrounding Properties:

West: A-1 (ALR)

North: A-1 (ALR)

South: A-1 (ALR)

East: A-1 (ALR)

Road Access: Altamont Road

Water: Well

Sewage Disposal: On-site septic

Agricultural Land Reserve Status: Property is located within the ALR

Archaeological Site: We have no record of any archaeological sites on the subject property.

Environmentally Sensitive Areas: No environmentally sensitive areas are identified.

The Proposal:

An application has been made to the Agricultural Land Commission, pursuant to Section 20(3) of the *Agricultural Land Commission Act* for the purpose of retaining an existing mobile home on the subject property. The mobile home was permitted by the Agricultural Land Commission in 1976, but only for the period of time that it was required to house the owners' parents/ in-laws. The mobile has been illegally occupied by other family members of the owners for quite some time now, and the applicant would like to legalize this use.

Property Context:

The subject property is a ±4.1 hectare (± 10 acre) lot located at the end of Altamont Road. Zoning Bylaw No. 1405 zones the subject property A-1 (Primary Agriculture) and the land is located in the Agricultural Land Reserve (ALR). South Cowichan Official Community Plan No. 3510 designates the land as Agricultural Resource.

Much of the property is taken up with paddocks, pastures and agricultural buildings for the horseback riding school that operates on the subject property. A single family dwelling and two mobile homes – one of which is the subject of this application – are also located on the property.

Soil Classification:

~~Canada Land Inventory Maps~~

±60% 5AP (7: 4P 3:3A); ±35% 4WA (5:3WD 5: 2WD); ±5% 4WA (5:3WD 5:2WD)

Soil Classification	% of Subject Property (Unimproved)	% of Subject Property (Improved)
2	-	20%
3	-	40%
4	40%	40%
5	60%	-
TOTALS	100%	100%

Explanation of Land Capability Classifications:

- 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 7 lands have no capability for arable culture
- Subclass "A" indicates soil moisture deficiency – improvable by irrigation
- Subclass "W" indicates excess water, may be improvable by drainage
- Subclass "D" indicates low perviousness, management required
- Subclass "T" indicates topography limitations – not improvable
- Subclass "P" indicates stoniness – improvable by stone picking

Agricultural Capabilities:

The subject property is presently composed of 40% Class 4 soil and 60% Class 5 soil. The agricultural capability of the soil is mostly limited by aridity, stoniness and excess water. By taking improvement measures such as irrigation, stone picking and drainage, the soil quality could be improved to 20% Class 2 soil, 40% Class 3 soil and 40% Class 4 soil.

Policy Context:

The South Cowichan Official Community Plan Bylaw No. 3510 states the following objectives and policies with respect to the Agricultural Designation, which are relevant to this application:

Objectives

- A. *To assist in the continuing development of a thriving agricultural industry with a wide range of agricultural and related uses;*
- B. *To strive for food self sufficiency on Vancouver Island;*
- C. *To provide local opportunities for providing a healthy, high quality diet for the community and visitors;*
- D. *To provide opportunities for large farms such as dairies, as well as small lot agriculture and organic farms;*
- E. *To encourage agricultural diversity, including connections between agriculture and tourism, local agricultural processing and value added agriculture;*

- F. To improve and extend access to market for local foods, ensuring that residents and visitors are able to buy food locally;
- G. To encourage environmentally friendly agricultural practices, including improved water management, conservation and protection practices for agriculture;
- H. To encourage agricultural operations that practice sustainable agriculture; and
- I. To minimize the potential for land use conflicts between agriculture and other land uses.

Policy 11.3

Agricultural pursuits will be given priority within the Agricultural Resource Designation (A). Lands within this designation will generally be zoned A-1 Primary Agricultural, in the implementing Zoning Bylaw, and will have a minimum parcel size of 30 ha. In cases where the Agricultural Resource (A) designated lands are deemed suitable for small-lot agriculture, are outside of the ALR, and have historically been zoned A-2 Secondary Agriculture, the implementing Zoning Bylaw will continue to zone them as A-2 Secondary Agriculture, wherein the minimum parcel size will not be less than 2 ha.

Policy 11.7

ALR non-farm use applications will only be forwarded to the ALC if:

- a. The proposed non-farm use complies with CVRD Bylaws; or
- b. If the proposed non-farm use does not comply with CVRD Bylaws, if the ALR applicant has also applied for the necessary bylaw amendments and these have received at least first reading.

Policy 11.8

Poor capability climate and soil constraints should not be considered acceptable reasons to contemplate subdivision or removal of land from the Agricultural Designation. Lower capability lands should be used for pasture, farm buildings, feedlots, greenhouses, land-based aquaculture, farm reservoirs, wood lots or other uses accessory to the farm operation but not requiring arable land.

Policy 11.9

In addition to the principal dwelling, one additional dwelling for farm help may be permitted on a parcel, subject to compliance with the following criteria:

- a. The parcel must have farm classification on BC Assessment Authority records;
- b. The parcel must be used as a bona-fide farm;
- c. The additional dwelling must not exceed 74 m², and be located away from and otherwise not interfere with useable farm land;
- d. A farm plan, prepared by an Agrologist, that clearly justifies the additional dwelling in terms of the needs of the farm, must be provided to the CVRD Board. The additional dwelling must be necessary for the overall operation of the farm. The scale of the farm operation must warrant the additional dwelling.

Policy 11.10

A secondary suite or secondary dwelling unit may be permitted in any Agricultural Resource Designation (A), however if the land is in the ALR, approval of the BC Agricultural Land Commission may be required if not permitted in terms of BC Regulation 171/2002.

Policy 11.14

The OCP supports the Cowichan Valley Food Charter, the Regional Agricultural Plan, and other programs aimed at ensuring that residents have access to safe, nutritious food and that the agricultural industry continues to thrive, diversify and grow.

Planning Division Comments:

In 1976, the Agricultural Land Commission (ALC) granted the owners permission to place a mobile home on the subject property for the purpose of housing their aging parents/in-laws, on a number of conditions, including that the mobile be removed once the parents no longer needed

the accommodation (please see attached letter dated April 29, 1976, for full details on the conditions). The mobile home still remains onsite, but has been occupied by the applicant's son and daughter-in-law for some time. Application to the Agricultural Land Commission has been made in hopes that the existing mobile home will be permitted to remain on the property indefinitely.

CVRD records indicate that the mobile home was issued a building permit subject to compliance with the conditions of the ALC's April 29, 1976, letter. The first zoning bylaw for the area was not adopted until August 1976, so the mobile home pre-dates zoning for the area. Please note that the current zoning bylaw does permit lots in the A-1 Zone that are larger than two hectares in size to have one additional single-family dwelling, subject to ALC approval.

Under Section 3(b)(ii) of the ALC's Use, Subdivision and Procedures regulation, a 9 metre wide mobile home for the purpose of housing a member of the owner(s) immediate family is permitted as long as it is supported by the local government's zoning bylaw. While a second dwelling on lots of this size is permitted by the zoning, two additions have been made to the mobile, making it wider than 9 metres in some spots and therefore unable to be legitimized under this provision. If the current application were to be turned down, the mobile could still be occupied by a family member, so long as its width was reduced to 9 metres. This is not a desirable option for the applicant.

We understand that the applicant is in the process of selling the property to one of his daughters. The applicant hopes to move into the double-wide mobile and have his daughter move into the single family dwelling.

The second mobile home on the property was originally intended for use as an accessory building for the riding school, however no permits were issued for it. Since the time it was placed on the property, it has been used as a dwelling for another of the owners' daughter and sons-in-law. She contributes approximately 30 hours of work per week towards operation of the riding school. The current zoning bylaw does permit an "additional residence as required for agricultural use", subject to ALC approval, but there has been no application to legalize the dwelling under this provision. The applicant indicated that the mobile would either be converted back to an accessory building (which would require a CVRD permit), or be removed from the property. He is willing to commit to a timeline for this.

Section 2(2)(h) of the Agricultural Land Commission Act considers operation of a horse riding facility to be an agricultural use. The South Cowichan Official Community Plan Bylaw No. 3510, however, is silent on whether horse riding facilities are considered an agricultural use. As far as other agricultural uses, the occupants of the double-wide mobile were developing a market garden at the time of staff's site visit. However, we understand that these occupants are going to be moving off the property shortly, so it is uncertain whether the market garden will continue.

In summary, two illegal mobile homes occupied by the owners' family members are located on the subject property, and this application seeks to legitimize one of them by gaining approval from the Agricultural Land Commission.

APC Comments:

The Area C Advisory Planning Commission reviewed the application at their September 13th meeting and passed the following motion:

"The APC recommends that application 2-C-12ALR (Pink) be approved subject to the kitchen being decommissioned and further that a covenant be registered on the property to ensure the third residence will not be reconstructed on the site."

The applicant has indicated that he is agreeable to registering a covenant, in accordance with the APC recommendation. However, please note that the zoning bylaw already prohibits a third dwelling (unless a series of approvals are in place). A covenant to this effect would not be necessary, as the zoning bylaw already accomplishes prohibition of the single-wide mobile.

Staff Recommendation:

CVRD Bylaw No. 1405 permits second dwellings on lots 2 hectares or larger, subject to Agricultural Land Commission approval. As the subject property is 4.1 hectares in size, the proposal complies with the CVRD's lot size requirement. There are a series of compliance issues with this property that must be addressed by; removing or decommissioning the single-wide mobile, obtaining the necessary CVRD permits for the two mobiles, and obtaining ALC approval for the existing double-wide mobile home. Staff do not feel these issues would be unreasonably difficult to resolve, if the ALC is in favour of the application. Seeing as the proposal for a second dwelling is in compliance with CVRD regulations, staff recommend that the application be forwarded to the Agricultural Land Commission with a recommendation to approve the application, subject to conditions.

Options:

- 1) That the Application 2-C-12ALR (Pink), for retention of a mobile home on Lot 2, Section 10, Range 9, Shawnigan District, Plan 25791 (PID: 002-678-551), be forwarded to the Agricultural Land Commission with a recommendation to approve the application, subject to:
 - Decommissioning the single-wide mobile home.
- 2) That Application No. 2-C-12ALR (Pink) be denied.

Option 1 is recommended.

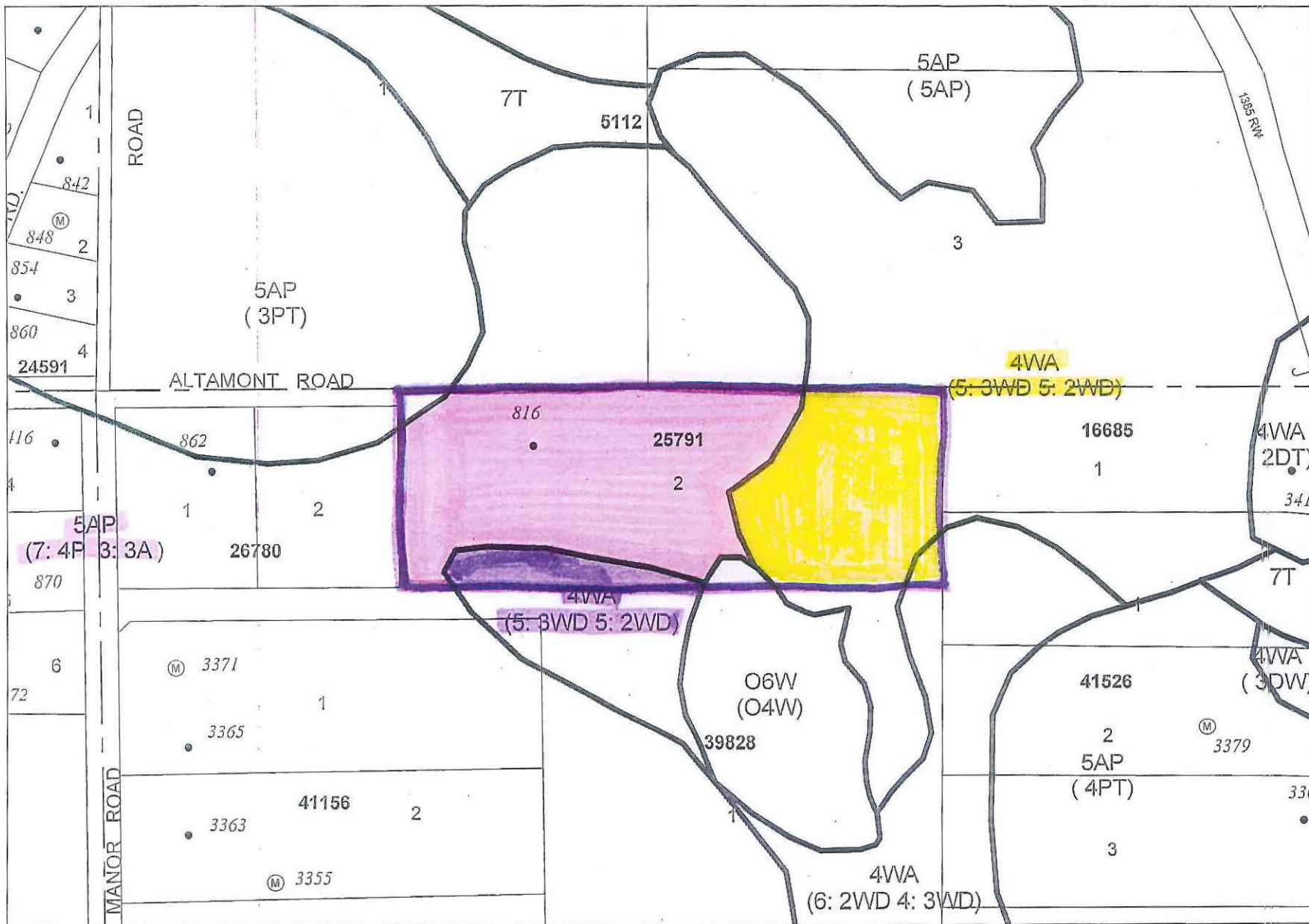
Submitted by,

Maddy Koch

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

MK/jah
Attachments

<p>Reviewed by: Division Manager:</p> <p><i>[Signature]</i></p> <p>Approved by: General Manager:</p> <p><i>[Signature]</i></p>
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Cowichan Valley Regional District

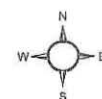
This map is compiled from various sources for internal use and is designed for reference purposes only.

The Regional District does not warrant the accuracy.

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

Printed: June 15, 2012



Scale: 1:2,146

PART SEVEN

AGRICULTURAL AND FORESTRY ZONES

7.0 AGRICULTURAL AND FORESTRY ZONES

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

7.1 A-1 ZONE – PRIMARY AGRICULTURAL

(a) Permitted Uses

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

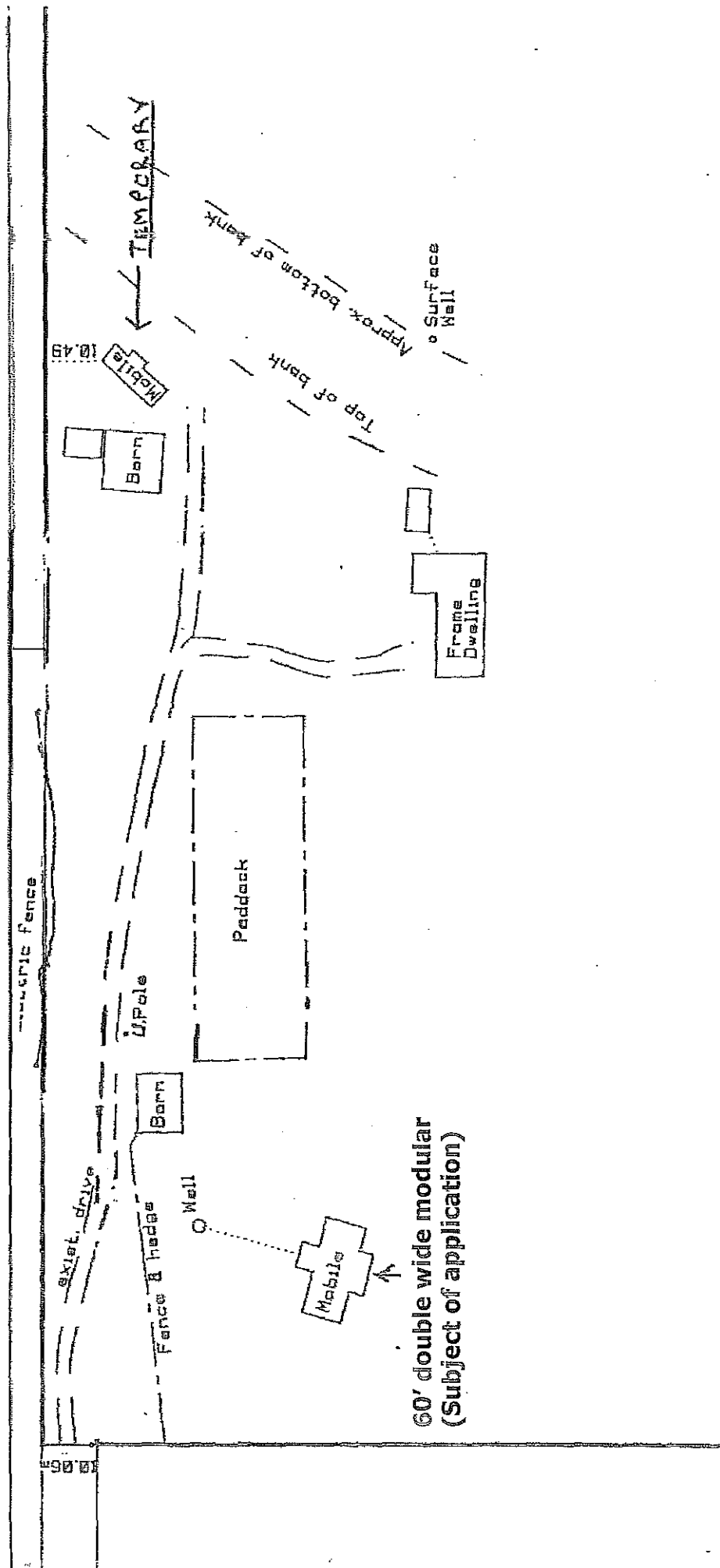
- (1) agricultural, horticulture, silviculture, turf farm, fish farm;
- (2) single family residential dwelling or mobile home;
- (3) a second single family residential dwelling or mobile home on parcels two hectares or larger;
- (4) additional residence as required for agricultural use;
- (5) sale of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

(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 7.1 (b)(1) parcel coverage may be increased by an additional 20% of 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 parcels lines set out in Column I of this section are set out for residential and accessory uses in Column II, agricultural, stable and accessory uses in Column III and auction uses in Column IV:

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



Permitted uses for land in an agricultural land reserve.

- 3 (1) The following land uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw or, for lands located in an agricultural land reserve that are treaty settlement lands, by a law of the applicable first nation government:
- (a) accommodation for agri-tourism on a farm if
 - (i) all or part of the parcel on which the accommodation is located is classified as a farm under the Assessment Act,
 - (ii) the accommodation is limited to 10 sleeping units in total of seasonal campsites, seasonal cabins or short term use of bedrooms including bed and breakfast bedrooms under paragraph (d), and
 - (iii) the total developed area for buildings, landscaping and access for the accommodation is less than 5% of the parcel;
 - (b) for each parcel,
 - (i) one secondary suite within a single family dwelling, and
 - (ii) one manufactured home, up to 9 m in width, for use by a member of the owner's immediate family;
 - (c) a home occupation use, that is accessory to a dwelling, of not more than 100 m² or such other area as specified in a local government bylaw, or treaty first nation government law, applicable to the area in which the parcel is located;
 - (d) bed and breakfast use of not more than 4 bedrooms for short term tourist accommodation or such other number of bedrooms as specified in a local government bylaw, or treaty first nation government law, applicable to the area in which the parcel is located;
 - (e) operation of a temporary sawmill if at least 50% of the volume of timber is harvested from the farm or parcel on which the sawmill is located;
 - (f) biodiversity conservation, passive recreation, heritage, wildlife and scenery viewing purposes, as long as the area occupied by any associated buildings and structures does not exceed 100 m² for each parcel;
 - (g) use of an open land park established by a local government or treaty first nation government for any of the purposes specified in paragraph (f);
- Amended [2004-Jul-22 Order in Council 822/2004] **History**
- (h) breeding pets or operating a kennel or boarding facility;
 - (i) education and research except schools under the School Act, respecting any use permitted under the Act and this regulation as long as the area occupied by any

**British
Columbia
Land Commission**

April 29, 1976

Telephone (604) 294-5211

4333 Ledger Avenue, Burnaby, B.C., V5G 3T3

Reply to the attention of:
Shirley Brightman

Mr. & Mrs. A. Pink
Altamont Road
R.R. #2
Cobble Hill, B.C.
VOR 1L0

Dear Mr. & Mrs. Pink:

Re: Application #76-238

This is to advise you that the Provincial Land Commission has considered your application regarding land described as Lot 2, Plan 25791, Section 10, Range 9, Shawnigan District.

Pursuant to Section 11(4) of the Land Commission Act, the Commission, by Resolution #3738/76, refused your application as proposed. However, the Commission appreciates the need to accommodate your parents and would agree to the temporary placement of a mobile home on footings only for Mr. & Mrs. E. Hopps.

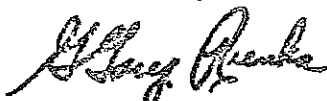
The mobile home is to be removed from the above described property when it is no longer required by Mr. & Mrs. E. Hopps.

Our approval for the location of a mobile home on your property in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, bylaws, and decisions of responsible authorities, which may apply to the land.

The land referred to in the application is to remain in the Agricultural Land Reserve of the Regional District of Cowichan Valley and is subject to the provisions of the Act and regulations.

Please quote Application #76-238 in any future correspondence.

Yours truly,



G.G. Runka
Chairman

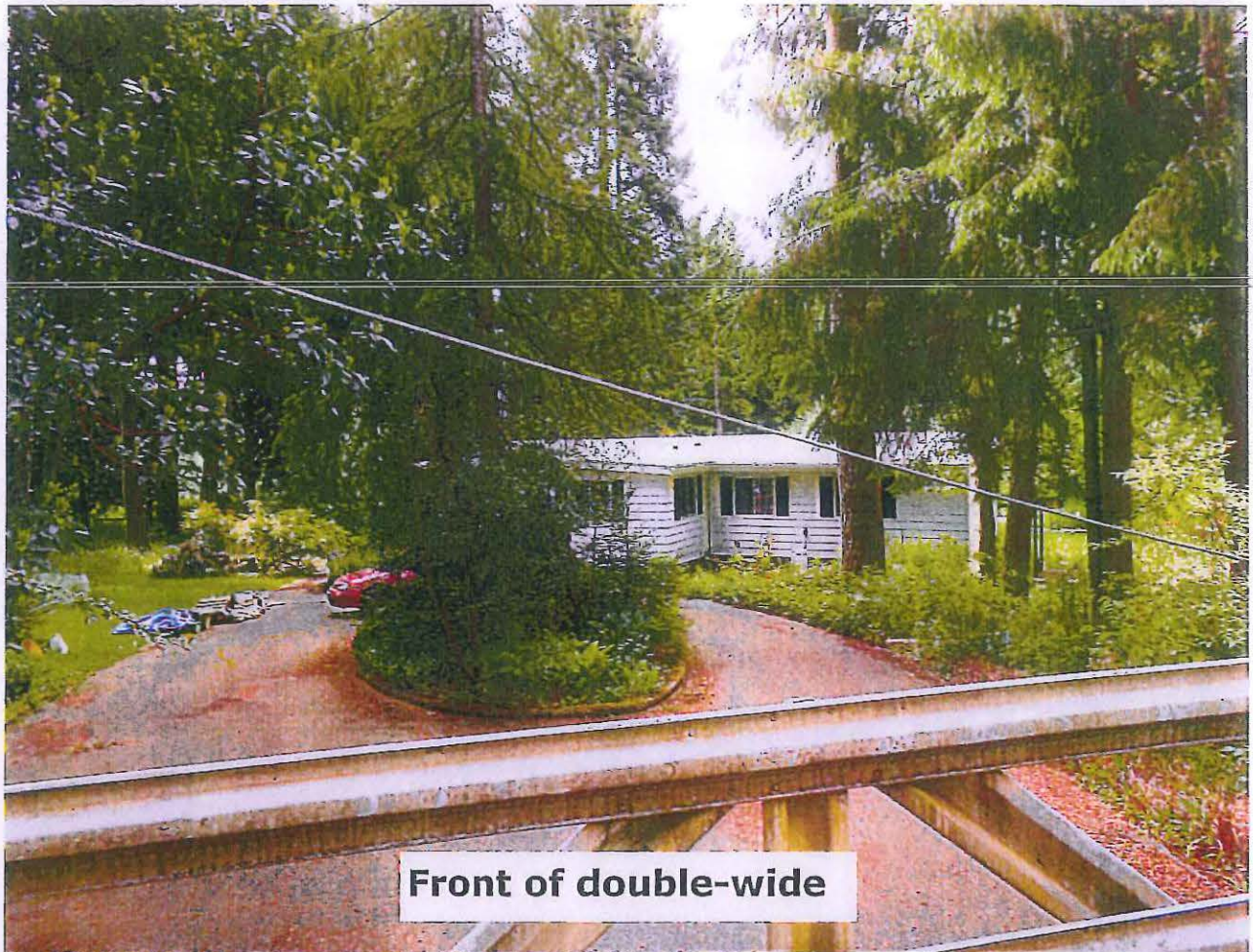
cc: Regional District of Cowichan Valley (No. 6/76)
Approving Officer, Hwys., Burnaby
R. Sampson, B.C. Assessment Authority

SB/dj
encl

ROE

675 Canada Ave.

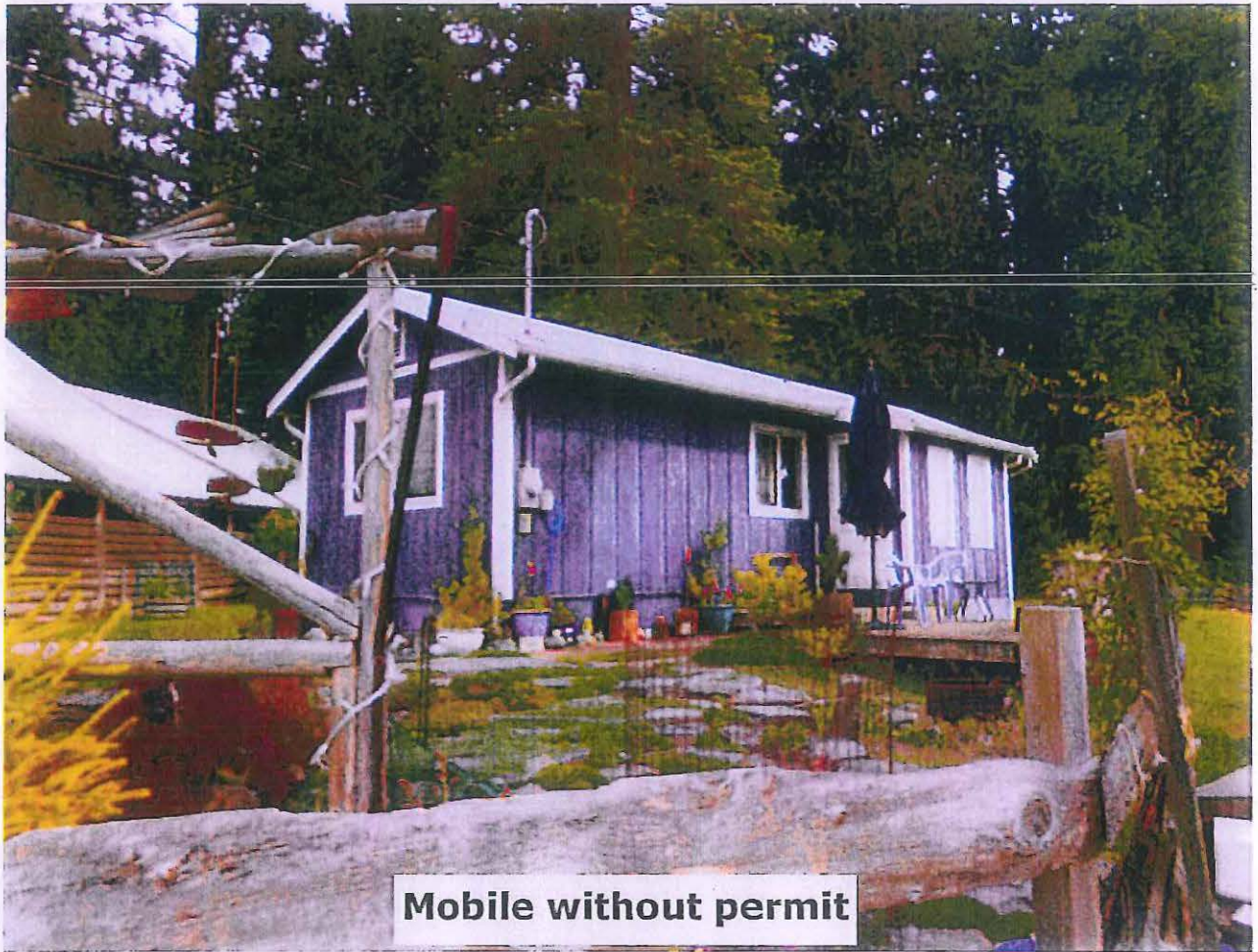
6-6101



Front of double-wide

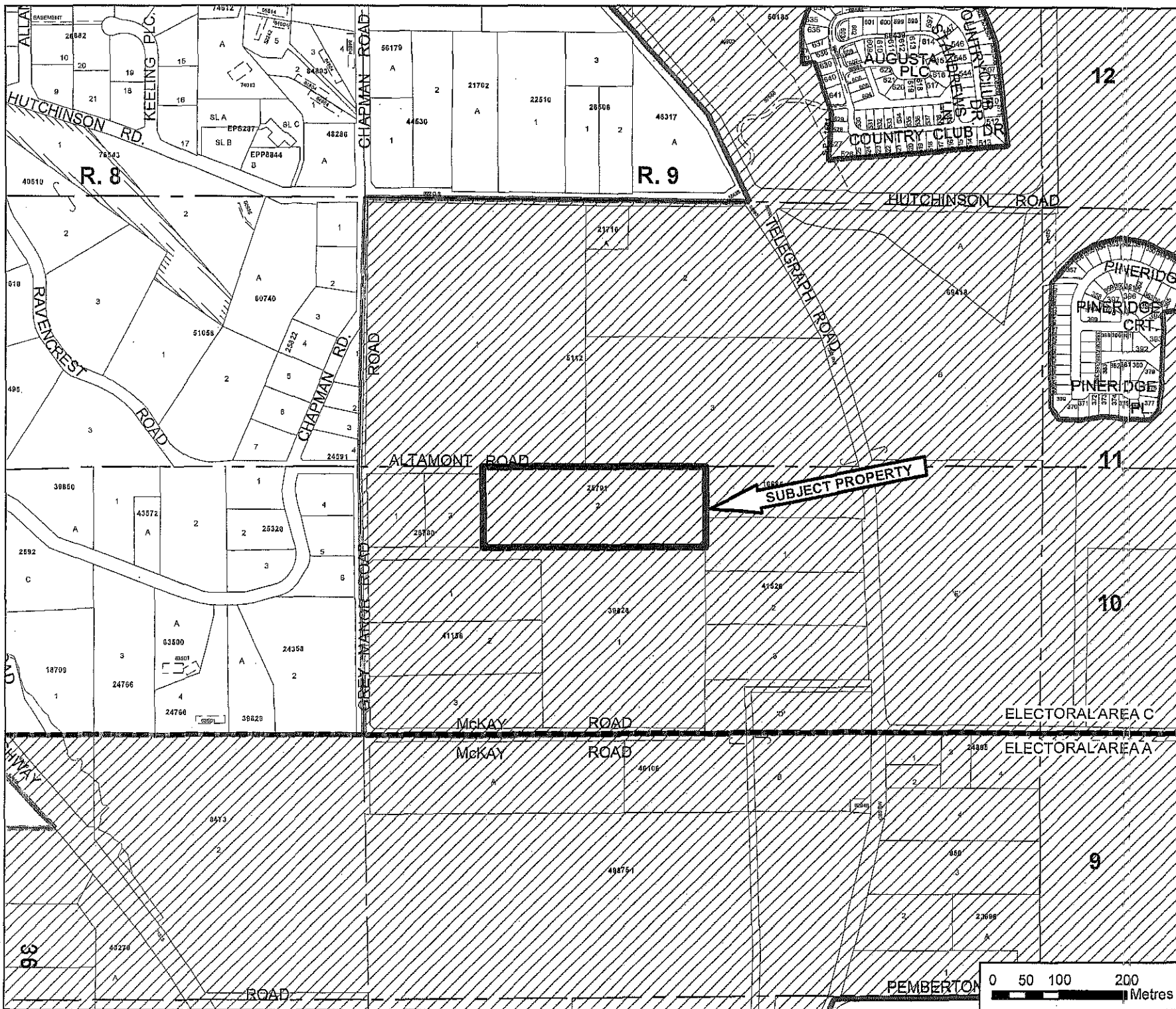


Back of double-wide



Mobile without permit





**Cowichan
Valley
Regional
District**

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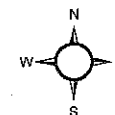
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 02-C-12-ALR

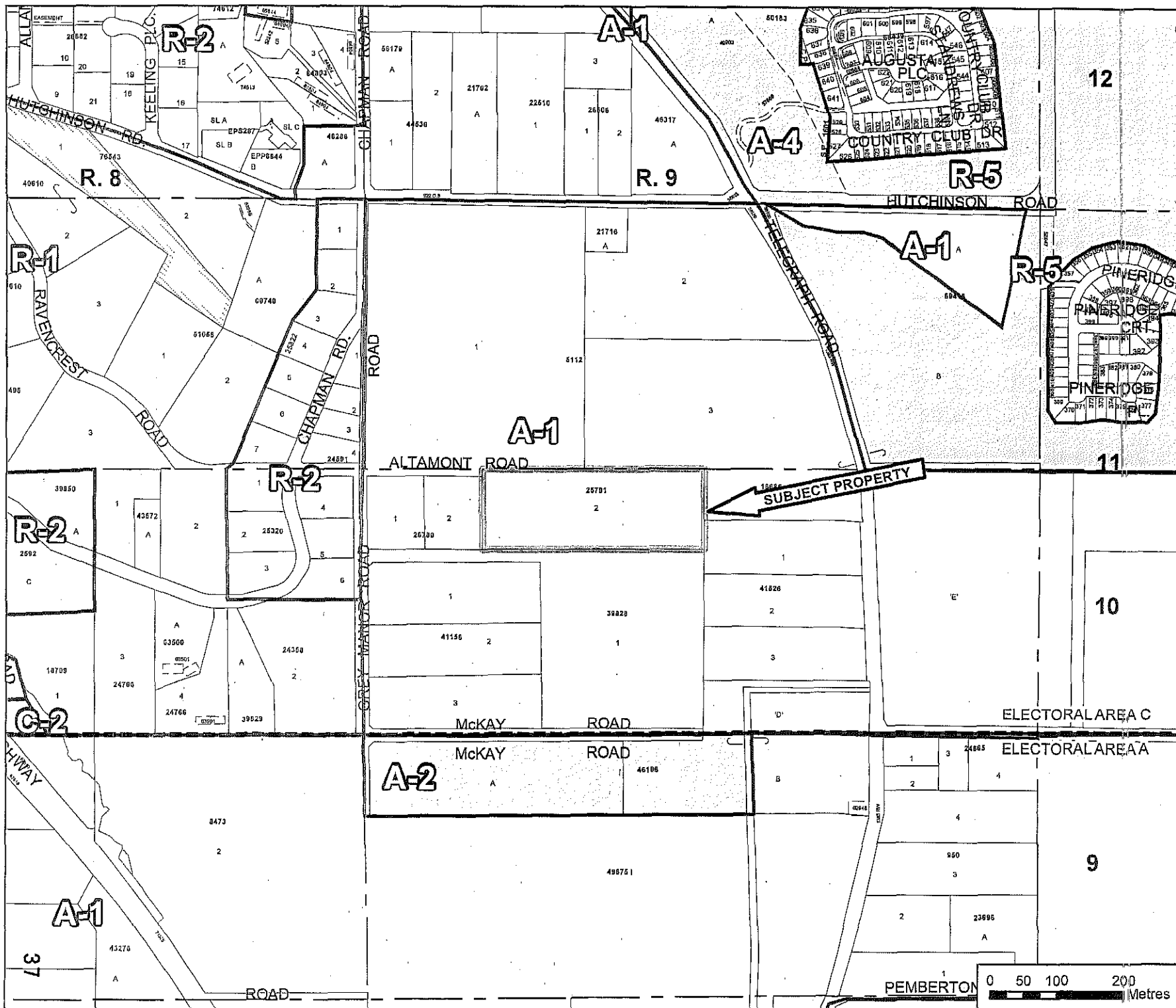
ALR

Legend

-  Subject Property
-  ALR C



0 50 100 200
Metres



Cowichan Valley Regional District

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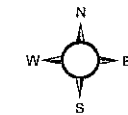
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File: 02-C-12-ALR

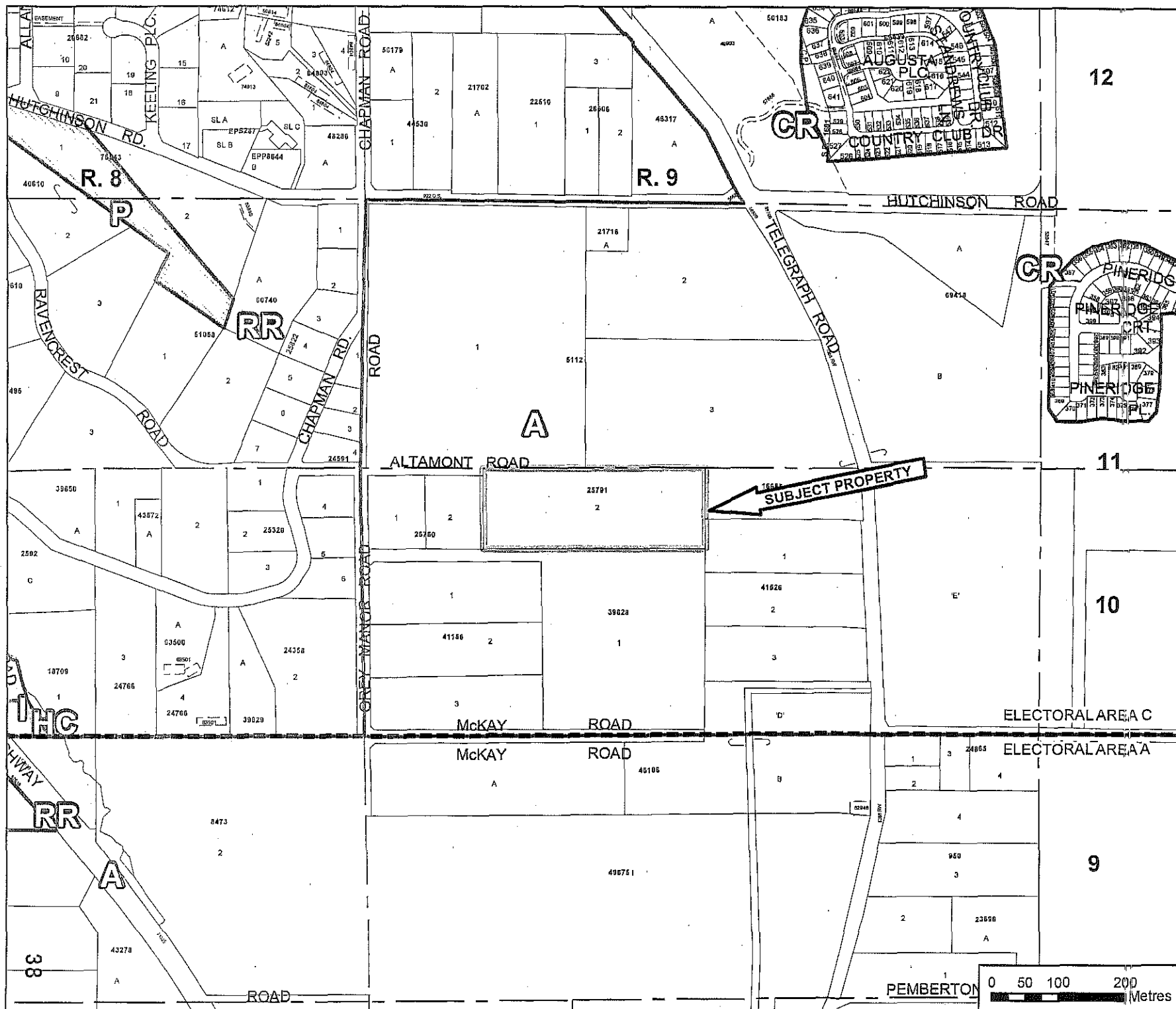
ZONING

Legend

- Subject Property
- Zoning C



0 50 100 200 Metres



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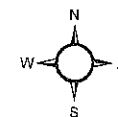
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 02-C-12-ALR

OCP

Legend

-  Subject Property
-  OCP Areas ABC



0 50 100 200 Metres



R3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF OCTOBER 16, 2012

DATE: October 10, 2012

FILE NO: 3-E-12 ALR

FROM: Rachelle Rondeau, MCIP, Planner I

BYLAW No: 1840

SUBJECT: A.L.R. Application No. 3-E-12ALR (Matthews)

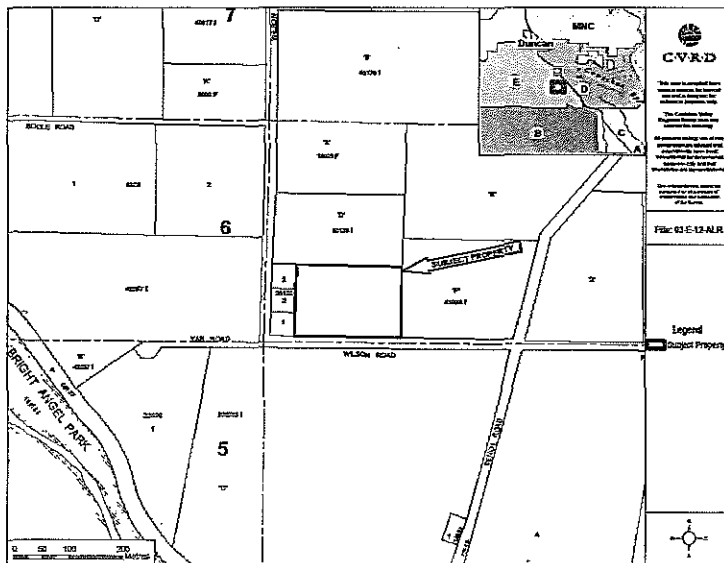
Recommendation/Action:

That Application No. 3-E-12ALR, submitted by Lawrence and Jane Matthews, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a small suite, be forwarded to the Agricultural Land Commission with a **recommendation to deny** the application.

Relation to the Corporate Strategic Plan: N/A

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

Background:



Location of Subject Property: Wilson Road

Legal Description:

That Part of Section 6, Range 1, Cowichan District, Lying to the South of Parcel D (DD 66128I) and to the West of Parcel F (DD 41908I) Except The West 0.25 Chains and Except the South .50 Chains and Except that Part in Plan 25122 (PID: 002-214-296).

Application Received: August 13, 2012

Owner: Lawrence and Jane Matthews

Applicant: As above

Size of Parcel: 2.59 hectares (12.1 acres)

Existing Zoning: A-1 (Primary Agricultural)

Existing Plan Designation: Agriculture

Use of Property: Agricultural and Residential

Use of Surrounding Properties:

North	Horse Farm (A-1)
South	Dairy Farm (A-1)
East	Hobby Farm (A-1)
West	Residential (A-1)

Services:

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

Fire Protection: Cowichan Bay Improvement District

Archaeological Sites: There is no record of any archaeological sites

Environmentally Sensitive Areas (Environmental Planning Atlas 2000):
No environmentally sensitive areas have been identified on the subject property.

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 small suite (non-farm use).

The Agricultural Land Reserve Use, Subdivision and Procedure Regulation permits a number of farm uses which are always permitted in the Agricultural Land Reserve (notwithstanding local government regulation), and a number of uses that are permitted only if they are permitted by the local government. The Agricultural Land Commission (ALC) permits only one single-family residence on lands within the ALR, and any subsequent residences require an application to the ALC for a non-farm use.

The applicants would like to construct the accessory building with a suite above (shown on the plan as the proposed shed), which they will live in during construction of the residence, and following that would be used as a guest suite for family or friends.

Property Context:

Currently the property is vacant land, zoned A-1 (Primary Agricultural), which has been used as a hay field for the neighbouring dairy farm. The applicants intend to construct a residence and an accessory building, with the remaining portion of the land to continue being used for growing hay for the dairy farm, a vegetable garden, and an area for a personal vineyard and orchard near the front of the property. For reference, please see the attached site plan.

Soil Classification:Canada Land Inventory Maps: 3A⁸-4W² (2D⁸- 2D²)

W

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
1	-	-
2	-	100
3	80	-
4	20	-
5	-	-
6	-	-
7	-	-
TOTAL	100	100

Explanation of Land Capability Classifications:

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

Agricultural Capabilities:

The subject property is classified as being approximately 80% Class 3 and 20% Class 4. The soil is improvable to 100% Class 2. In terms of agricultural capability, this area is highly rated farmland, which is supported by the good soil classification.

Policy Context**Official Community Plan**

The Official Community Plan (OCP) designation for this property is Agricultural, and the following policies from Section 4.1 of the OCP are relevant:

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 4.1.18 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 Agricultural Land Commission Act.

Agricultural Protection Development Permit Area

This Development Permit Area was created to ensure that construction of residential buildings and structures does not compromise the agricultural capability of land designated Agricultural. A Development Permit was issued which would permit construction of a dwelling and accessory building (proposed shed).

Following issuance of the Development Permit, the applicants have requested that the accessory building be permitted a suite on the second floor.

Zoning

As noted above, the zoning for the subject property is A-1 (Primary Agricultural), which permits a small suite on parcels 2 ha or larger subject to ALC approval.

CVRD Board Policy

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

Advisory Planning Commission Comments:

This application was not referred to the Area E Advisory Planning Commission. 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.

Planning Department Comments:

The Agricultural Land Commission issued a statement in August of this year reaffirming the Commission's mandate to place agriculture first within ALR land, and that the use of lands for agriculture should take priority over other uses. CVRD Official Community Plans also emphasize the protection of ALR land for agricultural uses.

Local governments have been encouraged by the ALC to consider the agricultural merits of applications as well as other planning and zoning considerations, and have advised that in considering applications, they will be prioritizing those that support agricultural uses.

Requests for small suites in the ALR are often to support extended family living and working on the farm, or to support agricultural use of the property by providing accommodation for farm labourers.

Although the Zoning permits the small suite, CVRD must consider the request in the context of agricultural protection, and as shown by the Agricultural Capability Soil Classification maps, the land is within an area of high quality agricultural land.

As there does not appear to be a benefit to agriculture associated with this application, staff are recommending that the application be forwarded to the Agricultural Land Commission with a recommendation to deny the application.

Options:

1. That Application No. 3-E-12ALR, submitted by Lawrence and Jane Matthews, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a small suite, be forwarded to the Agricultural Land Commission with a ***recommendation to approve*** the application.
2. That Application No. 3-E-12ALR, submitted by Lawrence and Jane Matthews, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a small suite, be forwarded to the Agricultural Land Commission with ***no recommendation***.
3. That Application No. 3-E-12ALR, submitted by Lawrence and Jane Matthews, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a small suite, be forwarded to the Agricultural Land Commission with ***a recommendation to deny the application***.

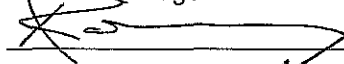
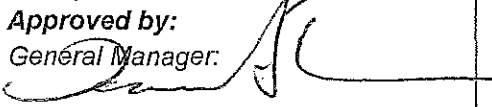
Option 3 is recommended.

Submitted by,

Rachelle Rondeau, MCIP
Planner I
Development Services Division
Planning & Development Department

RR/jah

Attachments

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

HORSE FARM

REY PARCEL D
(DD 66/28-1)

PID: 002-214-296

HOUSE 3

HOUSE

HOUSE 1

EASEMENT

UNREGISTERED
EASEMENT

12

PART
SECTION 6
RANGE 1
COWICHAN DIST

CONTINUED
DAIRY USE

PROPOSED RESIDENCE
TOTAL FOOTPRINT = 348 SQ. M.
TOTAL FLOOR AREA = 235.5 SQ. M.

PROPOSED SHED

32.57

14

10.973

5

VEGETABLE
GARDEN

12.192

50

DRIVEWAY

AGRICULTURAL AREA

FRUIT TREES
GRAPE VINES

63

38

194.271

WILSON

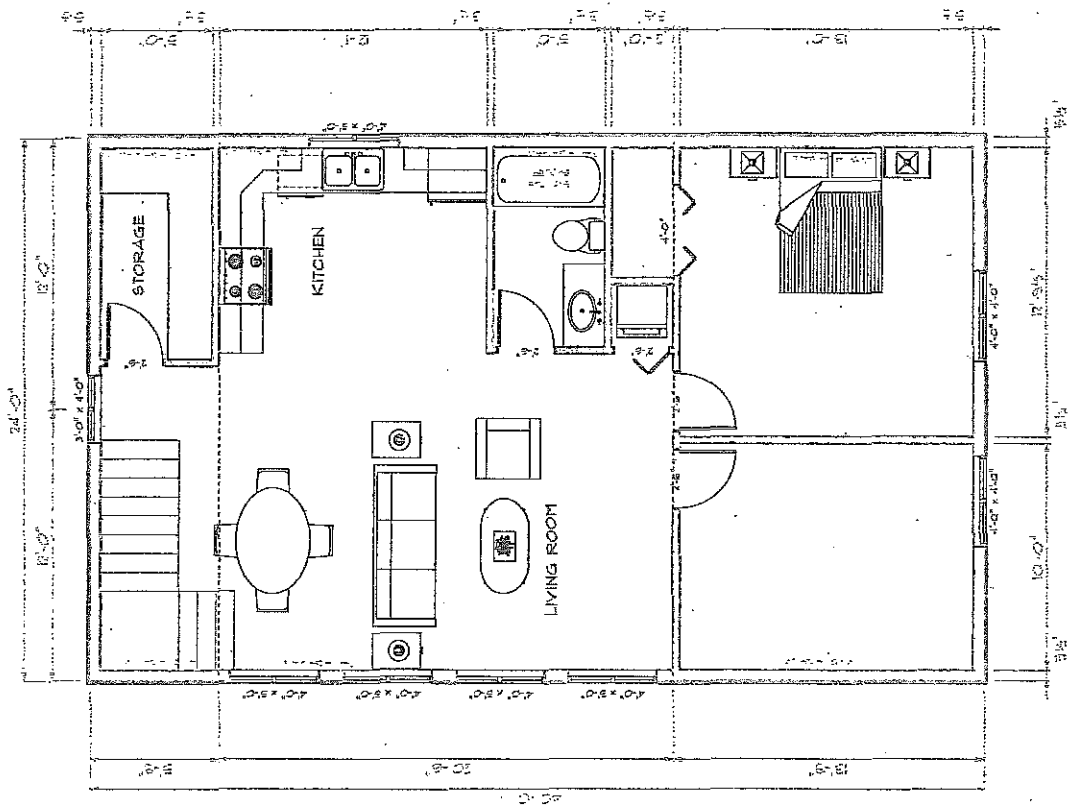
ROAD

PARCEL F
(DD 4/808-1)

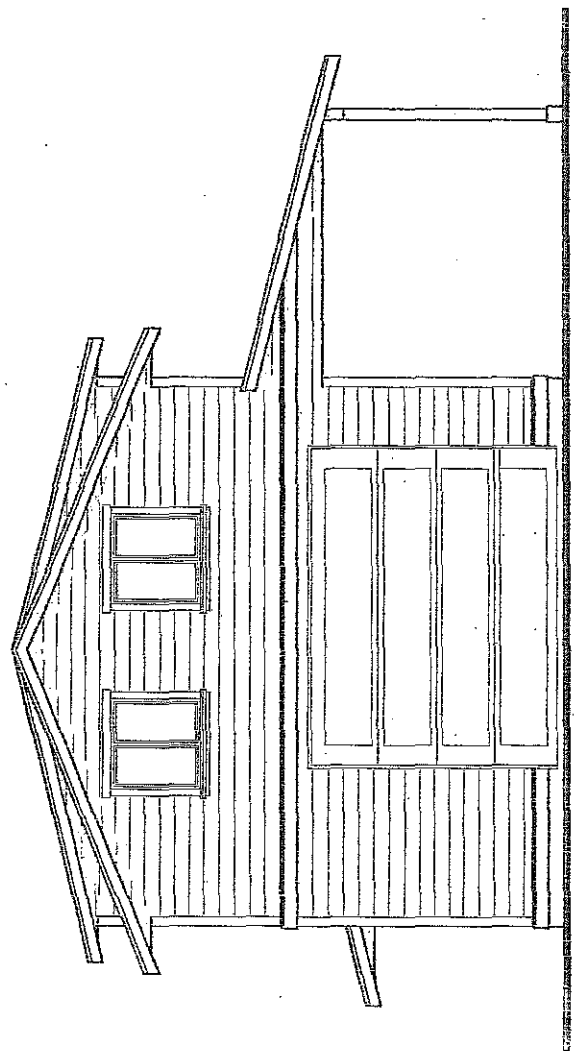
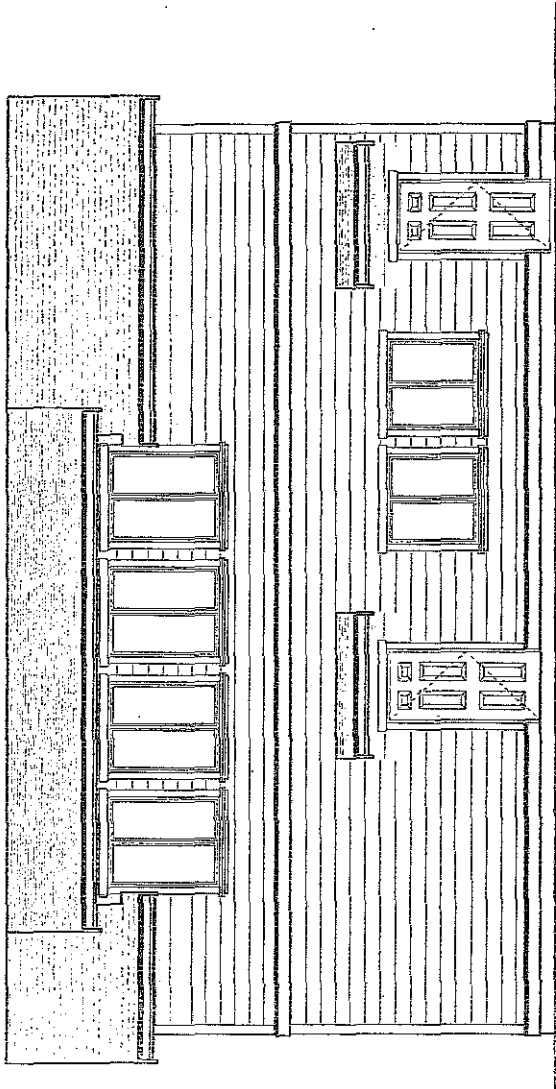
130.714

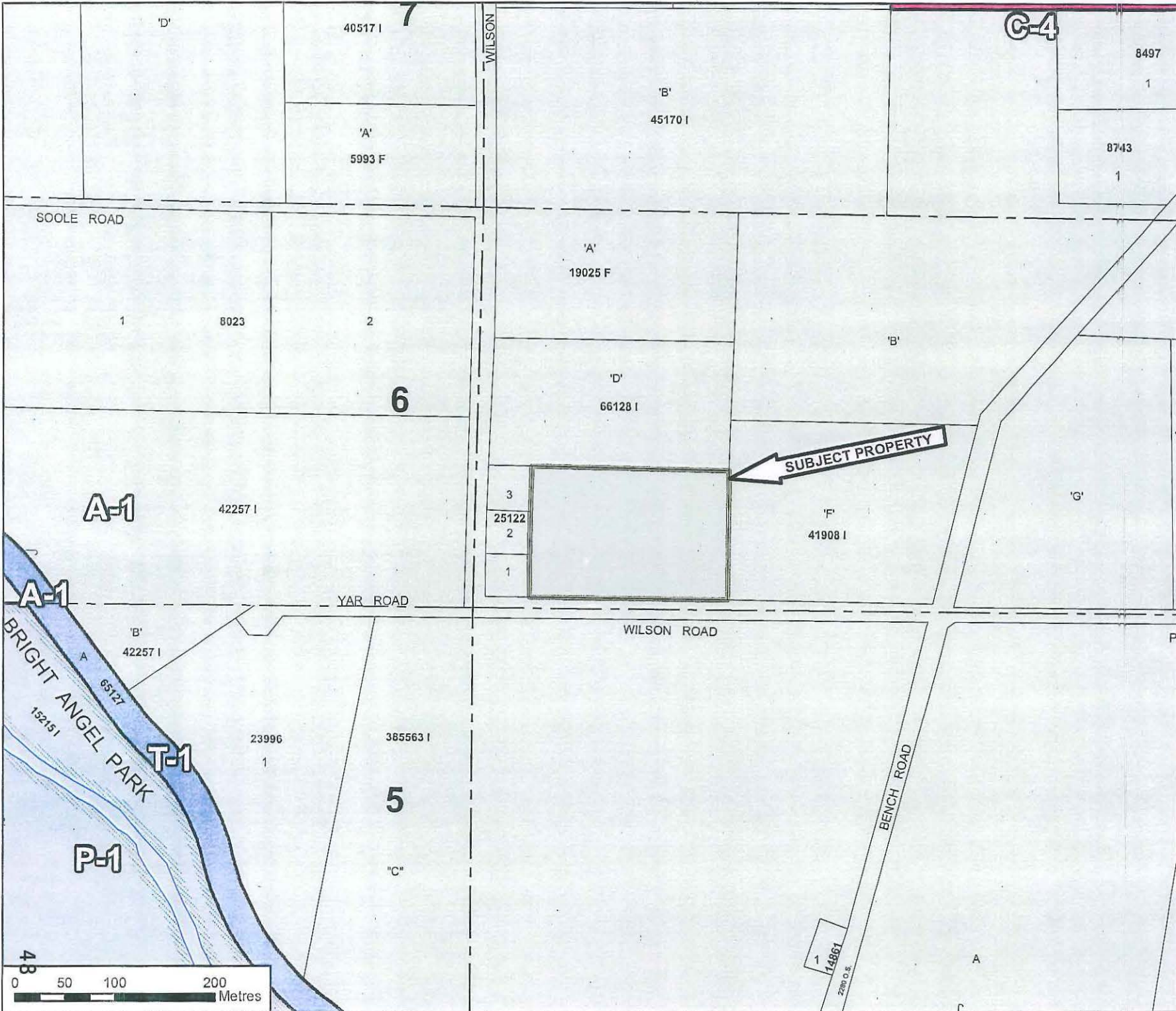


SMALL HOLDING



UPPER FLOOR PLAN
980 SQ. FT.





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The Cowichan Valley Regional District does not warrant the accuracy.

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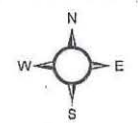
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

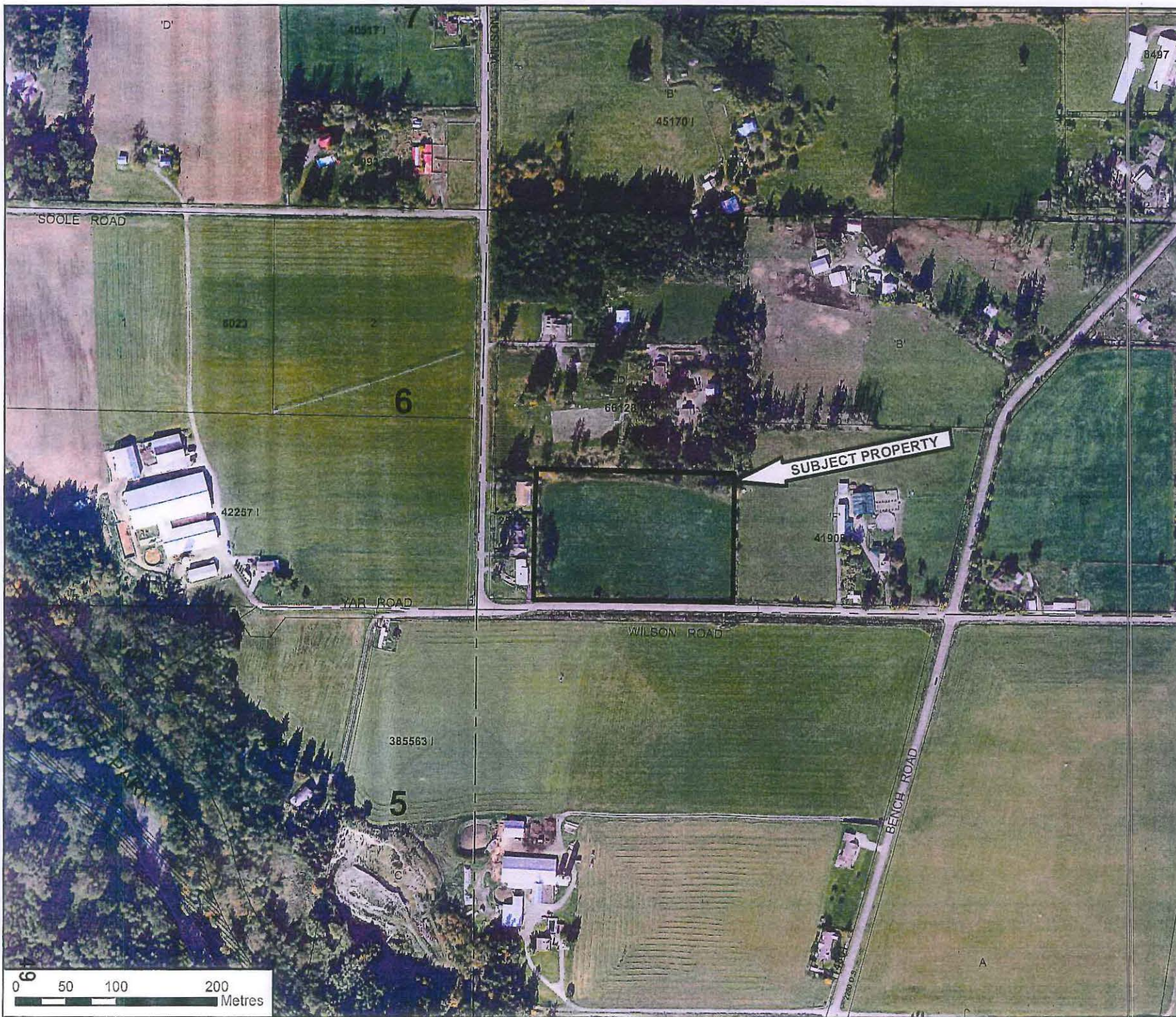
File: 03-E-12-ALR

ZONING

Legend

- Subject Property
- Zoning E





C.V.R.D.

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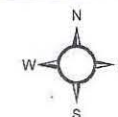
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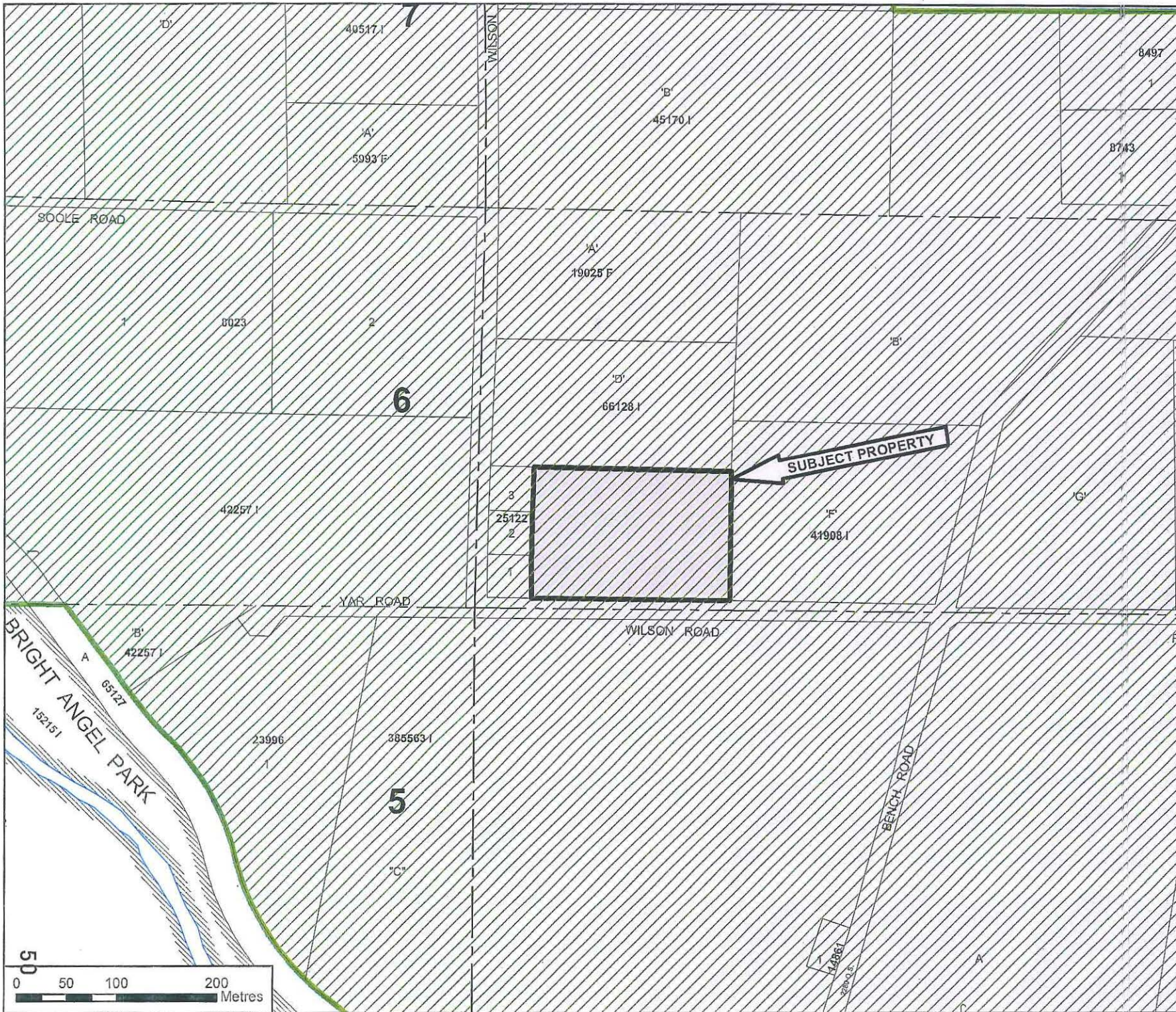
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 03-E-12-ALR

Orthophoto
(2010)



0 50 100 200
Metres



CVRD

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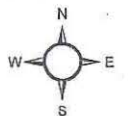
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 03-E-12-ALR

ALR

Legend

- Subject Property
- ALR E





R4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF OCTOBER 16, 2012

DATE: October 10, 2012

FILE NO: 9-B-12DP

FROM: Alison Garnett, Planner I

BYLAW NO: 3510

SUBJECT: Application No. 9-B-12DP (Partridge for Taylor)

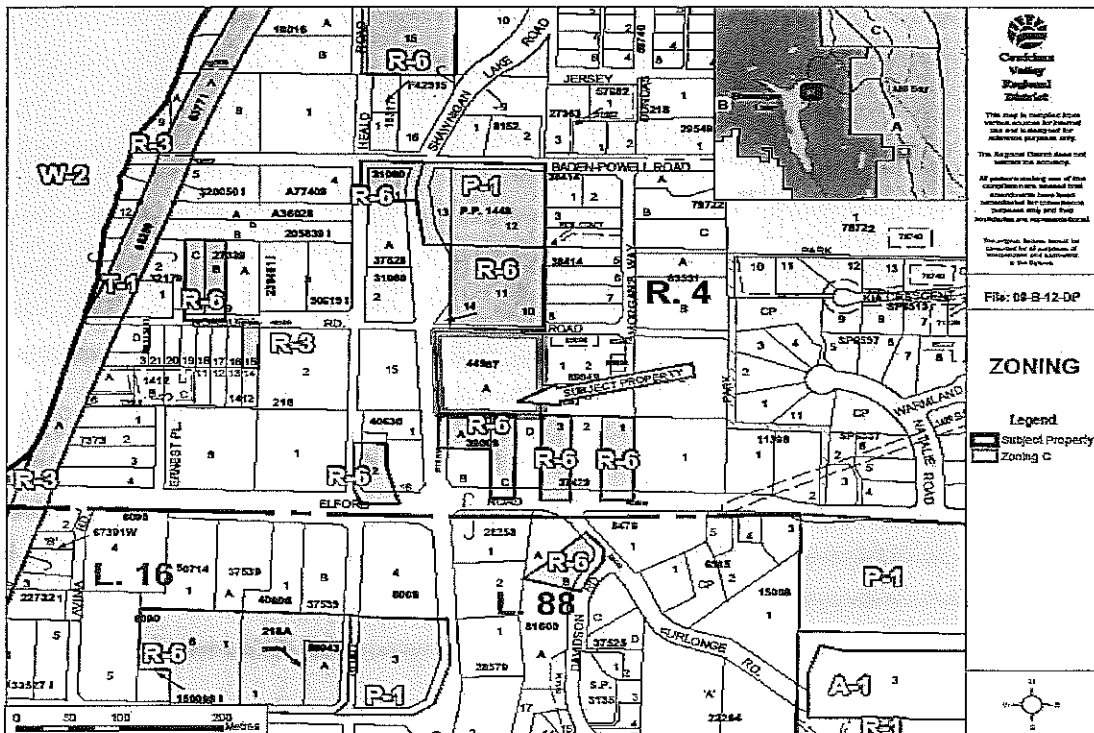
Recommendation/Action:

That Application No. 9-B-12 DP submitted by Craig Partridge on behalf of Robert Taylor, respecting Lot A, Shawnigan Suburban Lots, Shawnigan District, Plan 44987, for subdivision of three new lots be approved subject to:

- Substantial compliance with the rainwater management feasibility report prepared by Lowen Hydrogeology Consulting Ltd, dated July 5th, 2012, and implementation of recommendations at building permit stage on each new lot;
- Removal and appropriate disposal of invasive plant species on site.

Relation to the Corporate Strategic Plan: N/A

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



Background:

Location of Subject Property: 2631 Shawnigan Lake Road

Legal Description: Lot A, Shawnigan Suburban Lots, Shawnigan District, Plan 44987 (PID: 007-142-960)

Date Application Received: April 12, 2012

Owner: Robert Taylor

Applicant: Craig Partridge

Size of Parcel: 0.92 ha (approximately 2 acres)

Existing Zoning: R-3 (Urban Residential)

Minimum Lot Size: 0.2 ha for parcels serviced by a community water system

Existing Plan Designation: Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Residential

South: Residential

East: Residential

West: Residential & Institutional (Acacia Lodge)

Road Access: Shawnigan Lake Road

Water: Lidstech Holdings is proposed to service all lots

Sewage Disposal: On site

Environmentally Sensitive Areas: No environmentally sensitive areas have been identified

Fire Protection: Shawnigan Lake Volunteer Fire Department

Archaeological Site: There are no recorded archaeological sites

Urban Containment Boundary: Property is located within the Shawnigan Village Containment Boundary

Contaminated Sites Regulation: A site profile has been submitted to the Ministry of Environment in response to the storage of vehicles onsite. The Ministry's response was that the CVRD can proceed with development permit and subdivision application.

The Proposal:

The applicant has applied for a development permit for a proposed 4 lot residential subdivision. A subdivision plan showing the proposed subdivision layout and potential house sites is attached to this report.

Background:

The subject property is a 0.9 hectare lot, located within the Shawnigan Village Containment Boundary. The property is zoned R-3 Urban Residential, and is designated Residential in the South Cowichan Official Community Plan. There is an existing single family home and accessory building located on the property.

The application proposes to subdivide the property into four fee simple lots, each a minimum of 0.2 ha (0.5 acres) in accordance with the minimum lot size of the R-3 zone. Proposed Lots 1, 3 and 4 are rectangular shaped lots, with sufficient road frontage to satisfy Section 14.7 of Zoning Bylaw No. 985. Section 14.7 establishes a minimum frontage requirement, which is calculated as 10% of the perimeter of the parcel.

~~Proposed Lot 2 is accessed by a 6 metre wide panhandle driveway to Shawnigan Lake Road.~~ Panhandle access is not generally preferred in village areas, as it inhibits further development of a parcel and is often done as an alternative to building road networks. There is road frontage along Norbury Road for Lot 2, however this portion of Norbury Road is not currently built or proposed for construction. The Ministry of Transportation and Infrastructure has indicated that complete construction of Norbury Road is not desired, because of the steep topography and because the potential Norbury Road/Shawnigan Lake Road intersection would not have adequate sight lines.

With respect to water and sewer servicing, the subject parcel is located within the Lidstech Holdings service area, and the applicant has applied to the Improvement District for water service to the new lots. The Vancouver Island Health Authority is responsible for approving the proposed onsite septic disposal.

Development Permit Guidelines:

The subject property is within the Shawnigan Village Development Permit Area (DPA), as defined in Official Community Plan Bylaw No. 3510. The Shawnigan Village DPA was established to protect the natural environment and to establish objectives and guidelines for new development, including subdivision, in the Shawnigan Village area. Proposed subdivision of land within the Shawnigan Village DPA requires a development permit prior to receiving subdivision approval from the Ministry of Transportation and Infrastructure.

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

7.4.1 (A) General Guidelines

1. *In all cases where a development permit is required, the eradication of invasive weeds, such as English Ivy, Scotch Broom, Gorse, Himalayan Blackberry, Morning Glory and Purple Loosestrife, and other non-native invasive weeds listed by the Coastal Invasive Plant Committee and the BC Landscape and Nursery Association, will be a requirement of the development permit.*

Scotch broom was identified during a site visit. The removal of this invasive plant is proposed as a condition of the development permit; however the low number of plants does not justify the process and cost of posting a security therefore compliance is on a voluntary basis.

7.4.5(A) Landscaping, Rainwater Management and Environmental Protection

1. *Runoff from the development must be strictly limited to prevent rainwater flows from damaging roads, surrounding properties and sensitive watershed features. Pervious surfaces should predominate, to encourage infiltration of water. The removal of trees should only be allowed where necessary and where alternate vegetation and water retention measures can be achieved.*

This subdivision application would result in increased rainwater flows, through the addition of three homes, accessory buildings and driveways. The applicant has submitted a report by Lowen Hydrogeology on the feasibility of rainwater management for the development, and the report recommends bioswales as a means of infiltrating the water generated onsite. With implementation of these recommendations, all or most of the water runoff from the development can be collected and managed on site, causing no interference with surrounding areas.

Staff recommend this permit be issued subject to implementation of the recommendations contained in this report, at building permit stage of the new lots. More detailed engineer designs of the rainwater management systems may be required at this future stage.

7.4.11(A) Subdivision Guidelines

1. *A trail system should link neighbourhoods to amenities and, where possible, provide corridors of native vegetation that can provide for groundwater infiltration.*
2. *The removal of trees should only be allowed where necessary and where alternate vegetation and water retention measures can be achieved.*
3. *If a subdivision proposal is received in an area identified for major road network connection or improvement in the Transportation section of this OCP, any development permit issued should accommodate major road network and intersection improvements that have been identified.*

Section 941 of the *Local Government Act* requires subdivision applications involving three or more new lots to dedicate 5% of the land area for parkland purposes, or equivalent cash-in-lieu. This application has been referred to the Parks, Recreation and Culture Department for comments with respect to park dedication and their response should address the question of whether a trail is desirable as part of this development.

Finally, the subject property is not located in an area identified for major road network improvements or connections.

Advisory Planning Commission Comments:

The Area B Advisory Planning Commission reviewed this application at their August meeting. Although minutes from this meeting are not available yet, the Chair of the Commission has advised that the application was recommended for approval with no conditions.

Recommendation:

This application appears to meet the relevant Shawnigan Village Development Permit Area guidelines, and therefore the staff recommendation is to approve the application, subject to conditions.

Options:

Option 1 is recommended.

1. That Application No. 9-B-12 DP submitted by Craig Partridge on behalf of Robert Taylor, respecting Lot A, Shawnigan Suburban Lots, Shawnigan District, Plan 44987, for subdivision of three new lots be approved subject to:
 - a) Substantial compliance with the rainwater management feasibility report prepared by Lowen Hydrogeology Consulting Ltd, dated July 5th, 2012, and implementation of recommendations at building permit stage on each new lot;
 - b) Removal and appropriate disposal of invasive plant species on site.

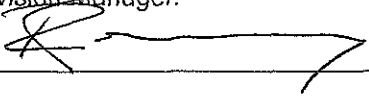

2. That Application No. 9-B-12DP (Taylor/Partridge) be revised.

Submitted by,

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

AG/ca

Attachments

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



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

FILE NO: 9-B-12 DP

DATE: October 9, 2012

REGISTERED PROPERTY OWNER(S):

William John Taylor

Box 154 Shawnigan Lake BC

V0R 2W0

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below (legal description):
Lot A, Shawnigan Suburban Lots, Shawnigan District, Plan 44987 (PID: 007-142-960)
3. Authorization is hereby given for the 4 lot subdivision of the subject property in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following condition(s):
 - a) Substantial compliance with the rainwater management feasibility report prepared by Lowen Hydrogeology Consulting Ltd., and implementation of recommendations at building permit stage on each new lot;
 - b) Removal and appropriate disposal of invasive plant species on site.
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedules are attached:
Schedule A – Rainwater Management Feasibility report by Lowen Hydrogeology Ltd., dated July 5th, 2012
Schedule B – Subdivision plan
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Development Services Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. *[fill in Board Resolution No.]* PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE *[day]* DAY OF *[month]* MAY *[year]*.

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 HABANERO HOMES LTD. INC. NO. BC0827300, other than those contained in this Permit.

Owner/Agent (signature)

Witness (signature)

Print Name

Print Name

Date

Date



**Cowichan
Valley
Regional
District**

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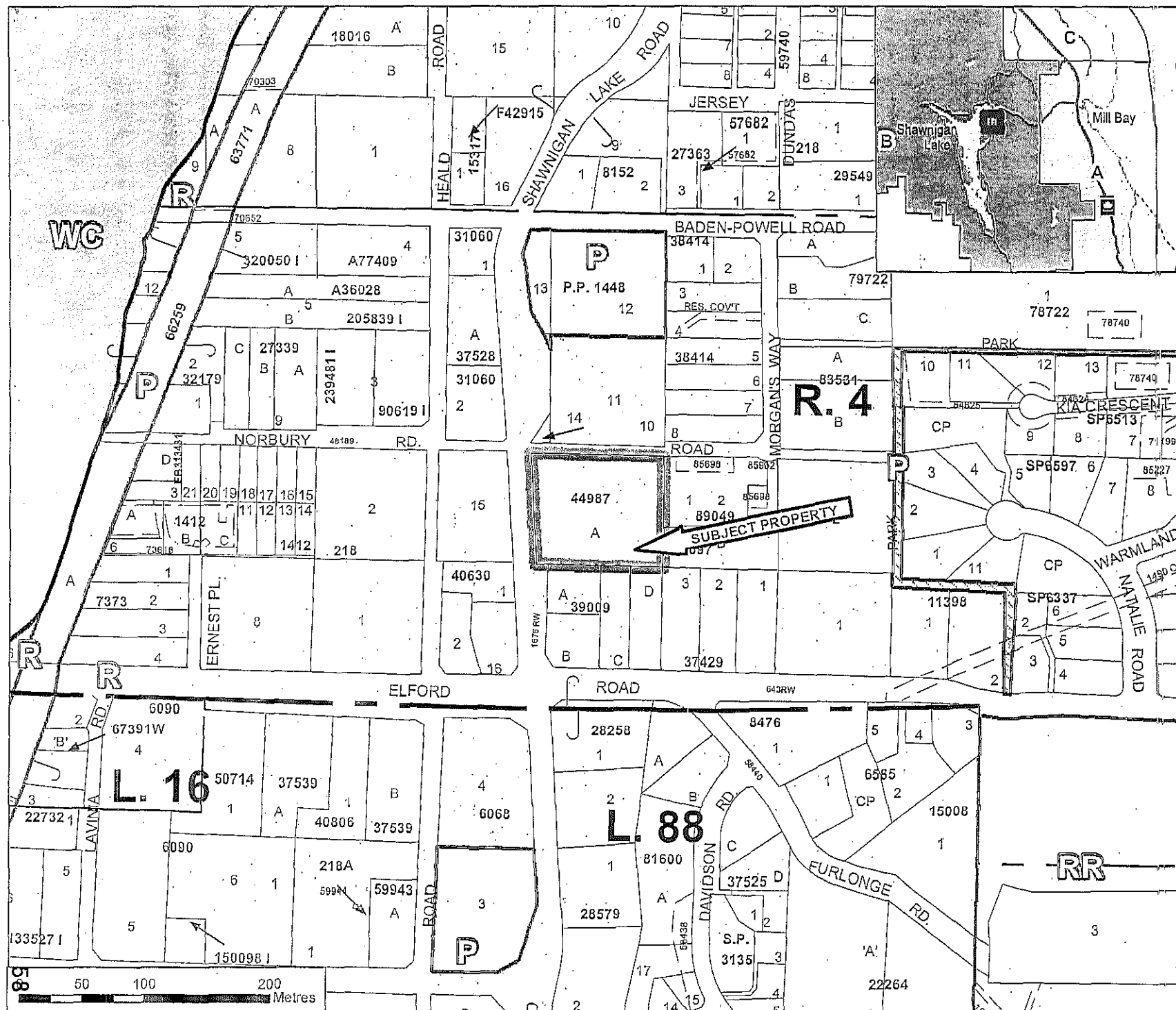
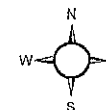
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 09-B-12-DP

OCP

Legend

- Subject Property
- OCP Areas ABC



Shawnigan Lake

W-2



Cowichan Valley Regional District

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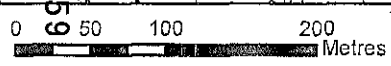
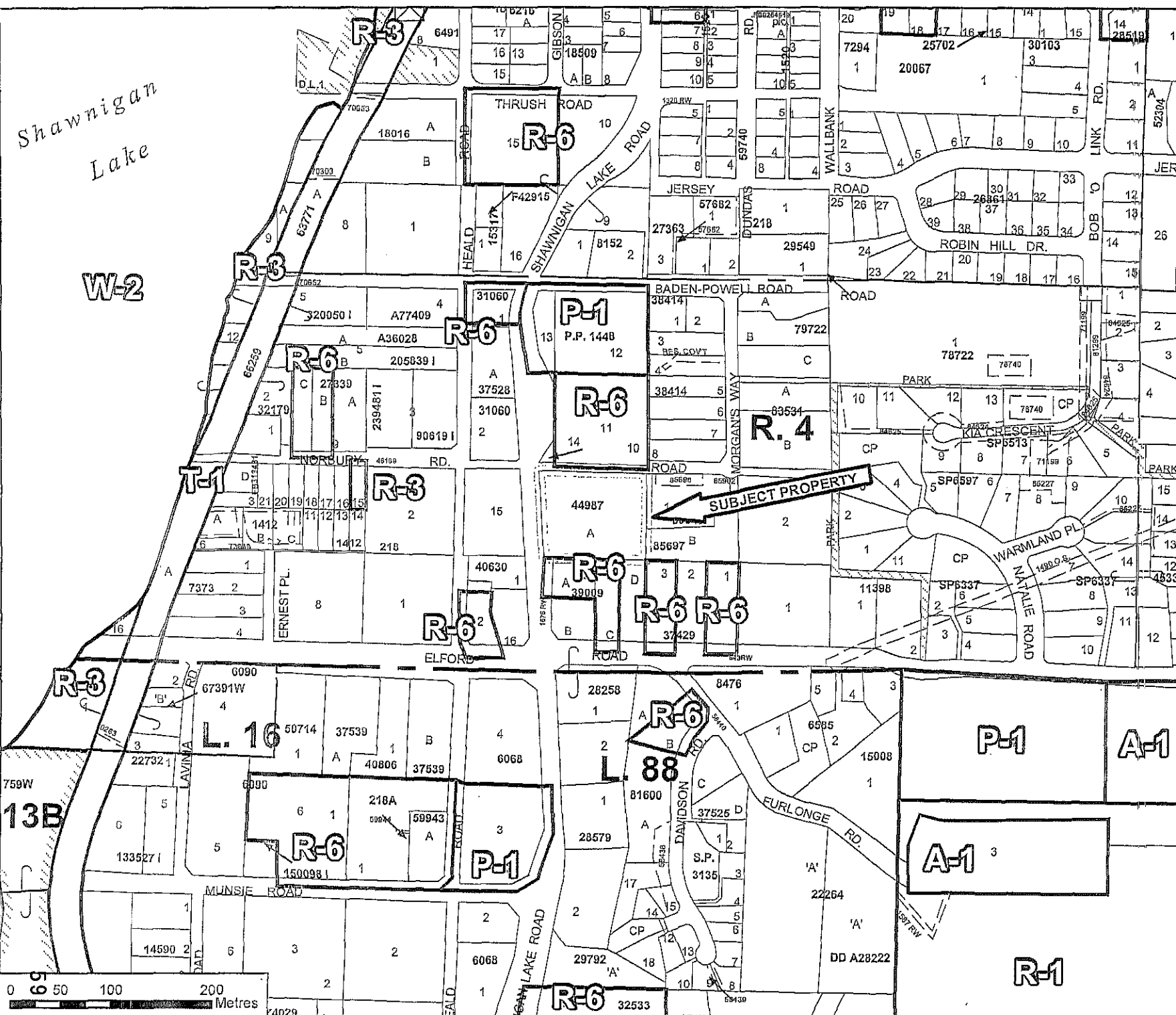
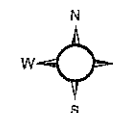
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 04-B-12-SA

ZONING

Legend

-  Subject Property
-  Zoning B



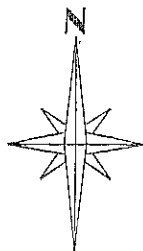
$-10 \quad 0 \quad 10 \quad 20 \quad 30$

SCALE=1:500. All distances are in metres.

LEGEND

- Denotes standard iron post found
- Denotes utility pole
- +WM Denotes water meter
- Denotes geodetic ground elevation

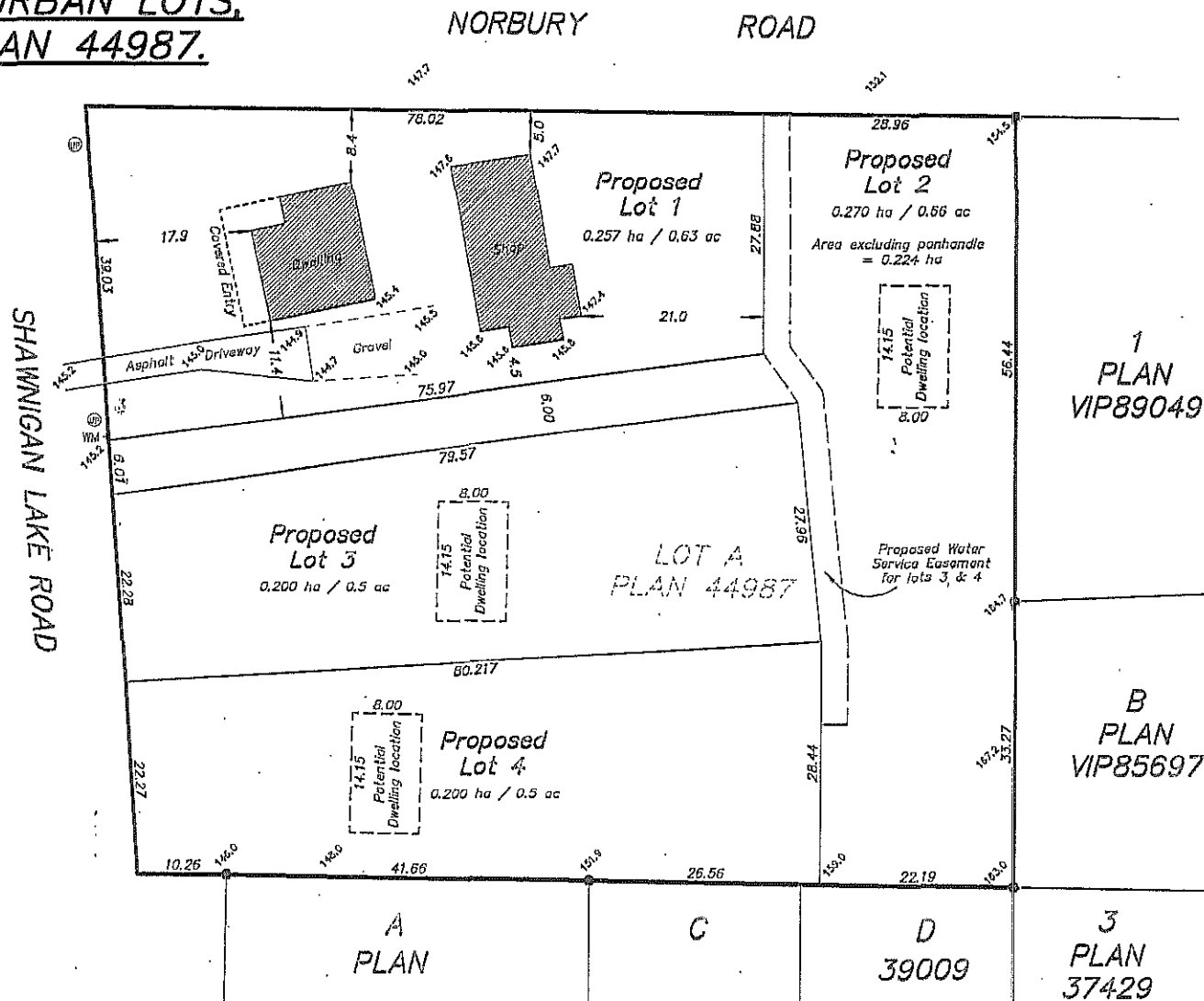
*Potential dwelling shapes & locations
are for discussion purposes only.
Final dwelling shape & position subject
to purchaser, builder & CVRD requirements.*



File: SD-CP-SD3

Date: June 21, 2012

Island Land Surveying Ltd.
1-15 Cadillac Avenue
Victoria, B.C. V8Z 1T3
Tel 250.475.1515 Fax 250.475.1516
www.islandsurveying.ca





July 5, 2012
LHC Project File: 1212

Shawnigan Lake Investments Ltd.
24-2720 Mill Bay Road
PO Box 83
Mill Bay BC
V0R 2P0

Attention: Craig Partridge

Re: Rainwater Management System Feasibility - Lot A, Plan 44987, Shawnigan Suburban Lots, Shawnigan District, B.C.

As per your request we have assessed the potential for a rainwater treatment system on the above noted property. Our findings are presented in the following sections. A property plan is presented in Figure 1.

1.0 PHYSICAL SETTING

1.1 Climate

The Shawnigan Lake region is within the West Coast Temperature Zone, with an average annual precipitation of 1,247.6 mm, of which 75.5 cm falls as snow. The rainy season is generally between October to March, where precipitation averages greater than 100 mm per month. The coldest months are typically from December to February where daytime highs are lower than 5 degrees C. From June to September daytime temperatures are typically in the 15 degrees C range.

1.2 Topography and Surface Water Drainage

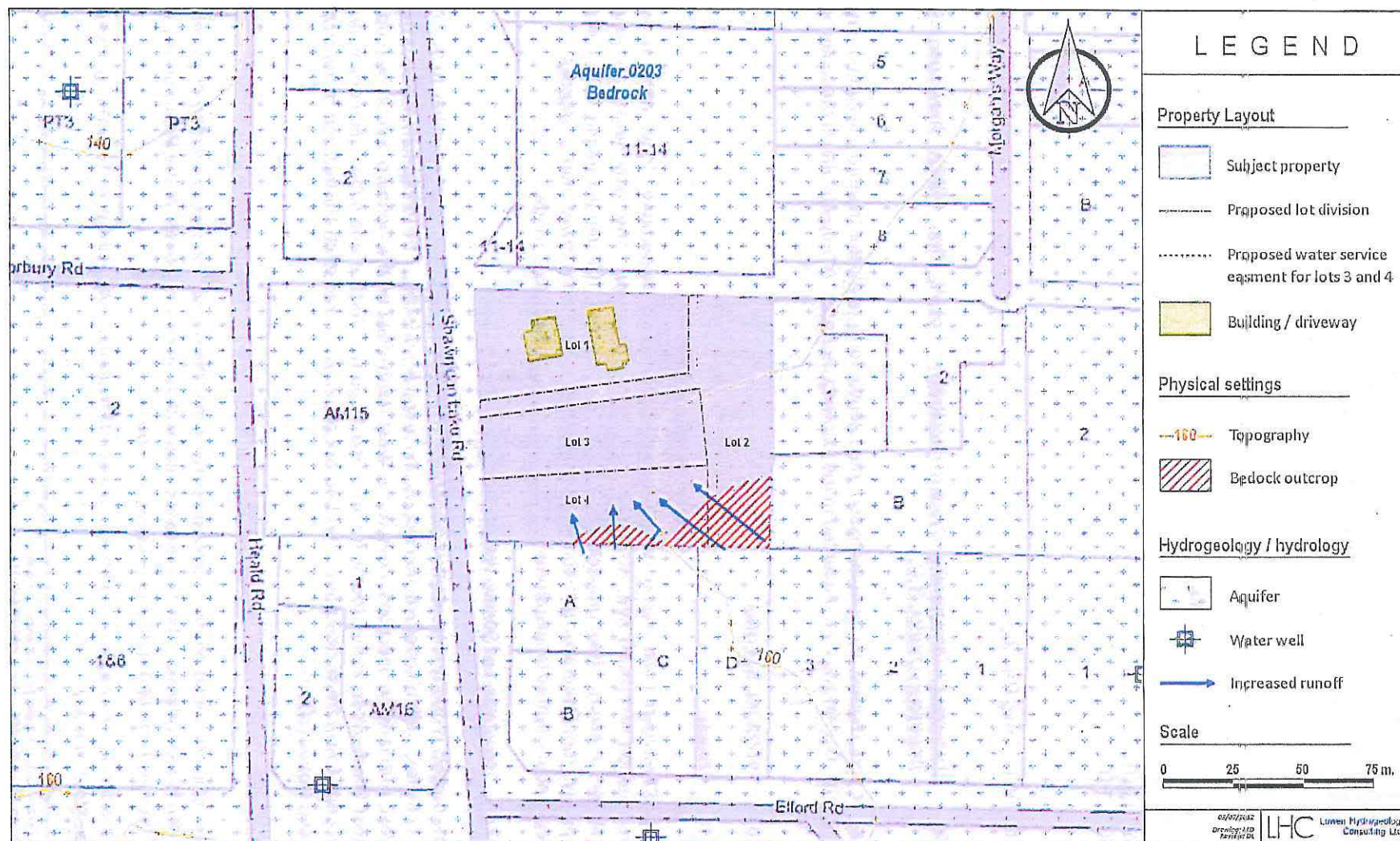
The subject property is located on moderately rolling terrains, with slopes averaging 10 %. The topography is complex, with multiple direction slopes and irregular surfaces. The topography slopes down mostly to the West, with fan-like directions; likely to the West North-West on the Northern part of the property and to the West South-West on the Southern part of the property. Surface and sub-surface drainage on the subject property follow these directions. The bedrock outcrops on the South-Eastern part of the property, with very steep slopes (30+°).

1.3 Soils

The main soil found on the subject property is the Shawnigan soil unit, consisting of gravelly sandy loam, which is well drained. This soil is associated with a minor component of the Rosewall soil unit, composed of gravelly loam and sand and is rapidly drained.

Considering the nature of the soils, a horizontal hydraulic conductivity of 10 m/day (gravelly sand) can be used for this study.

Figure 1 - Properly Layout



2.0 RAINWATER MANAGEMENT SYSTEM DESIGN

2.1 Property Features

The total area of the subject property is approximately 9,203 m². The development will encompass the creation of 4 Lots (Lots 1 to 4), each containing at least one family dwelling and driveway. The proposed Lot 1 is already developed and contains one dwelling, one shop and one driveway, for a total built-up area of approximately 525 m². This study considers the Lots 2, 3 and 4 to be developed on the same model. The projected built-up area will therefore be 525 m² x 4 = 2,100 m².

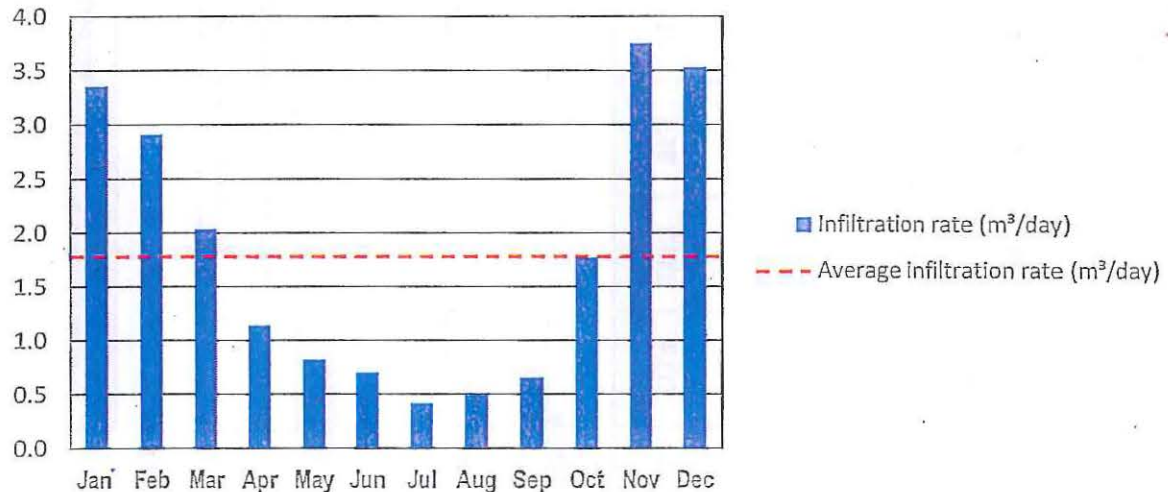
2.2 Water Infiltration Volumes

Due to the development, the area of infiltration will be reduced, and therefore more water will runoff to reach infiltration zones. This runoff must be managed to mitigate negative impacts. The amount of water required to be injected can be approximated considering the following parameters:

- Total area of subject property = 9,203 m²
- Projected built-up area = 2,100 m²

Precipitation data are used in the model to assess the amount of water infiltrating every month within the property boundary. By reducing the infiltration area but keeping the same water inflow, the amount of water that has to be artificially infiltrated can be assessed. Table 1 provides all data and calculations. Results are presented in Figure 2 as follows:

Figure 2 - Amount of Water to Infiltrate Artificially



The rainwater infiltration works will have to be designed for infiltration rates ranging from 0.4 m³/day (July) to 3.8 m³/day (November), with an average flow of 1.8 m³/day on an annual basis. This amount is considering no other inflow than the runoff due to the development. However, if bio-swales are constructed across the property some runoff from the non-built area will be intercepted by the swales. The best rainwater infiltration design would therefore consider that the bio-swales would infiltrate almost all the runoff within the property boundary. This would lead to a higher replenishment of the aquifer and therefore a positive impact on the local water features; that is increased interflow and deep groundwater recharge.

Table 1 - Monthly Volumes to Inject Artificially

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Year
Precipitation (mm)	198.3	155.3	120.2	65.2	48.7	40.2	24.7	29.3	37.6	104.8	214.6	208.7	1,247.6
Precipitation (m)	0.198	0.155	0.120	0.065	0.049	0.040	0.025	0.029	0.038	0.105	0.215	0.209	1.248

*Shawnigan Lake Climate Station

Infiltration : 25% of precipitation

Volume of natural infiltration before development (m³)	456.2	357.3	276.6	150.0	112.0	92.5	56.8	67.4	86.5	241.1	493.7	480.2	2,870.4
Volume of natural infiltration after development (m³)	352.1	275.8	213.4	115.8	86.5	71.4	43.9	52.0	66.8	186.1	381.1	370.6	2,215.4

After Development : Volume to inject artificially

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average
Flow (m³/month)	104.1	81.5	63.1	34.2	25.6	21.1	13.0	15.4	19.7	55.0	112.7	109.6	54.6
Flow (m³/day)	3.4	2.9	2.0	1.1	0.8	0.7	0.4	0.5	0.7	1.8	3.8	3.5	1.8
Flow (L/s)	0.039	0.034	0.024	0.013	0.010	0.008	0.005	0.006	0.008	0.021	0.043	0.041	0.021

Where:

(1) Volume of natural infiltration before development:

$$(\text{Precipitation [m]} \times \text{Area of property [m}^2\text{]}) \times \text{Infiltration}$$

$$\text{Ex: January: } (0.198 \text{ m} \times 9,203 \text{ m}^2) \times 0.25 = 456.2 \text{ m}^3$$

(2) Volume of natural infiltration after development:

$$(\text{Precipitation [m]} \times (\text{Area of property} - \text{Built Area [m}^2\text{]}) \times \text{Infiltration}$$

$$\text{Ex: January: } (0.198 \text{ m} \times (9,203 - 2,100) \text{ m}^2) \times 0.25 = 352.1 \text{ m}^3$$

$$\Rightarrow \text{Volume to inject artificially} = (1) - (2)$$

2.3 Water Budget

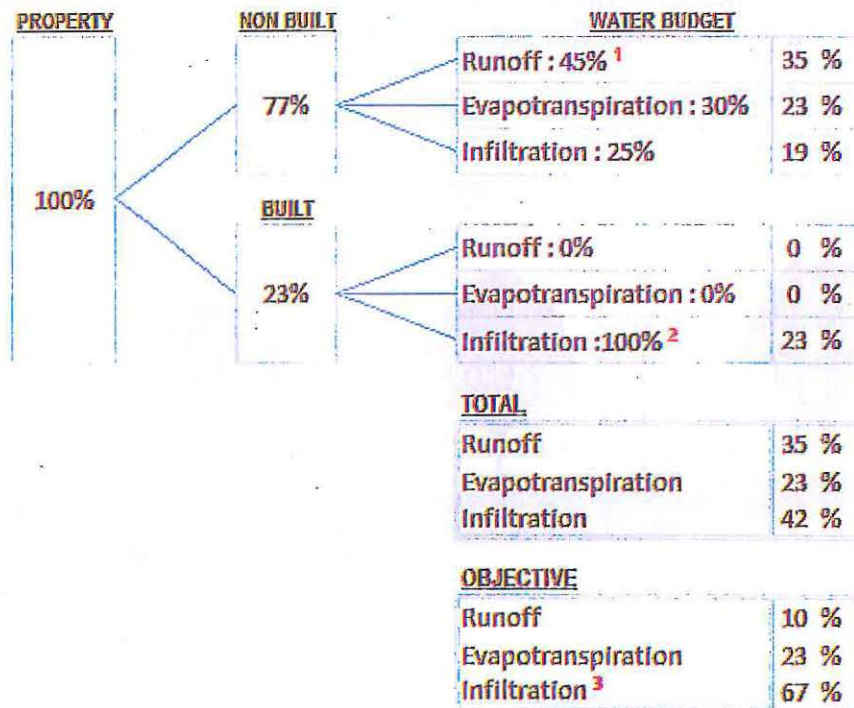
Before development, the water budget within the property is as follows:

$$\text{Precipitation} \approx \text{Runoff} + \text{Evapotranspiration} + \text{Infiltration}$$

Where

- Precipitation = $1.25 \text{ m/yr} \times 9,203 \text{ m}^2 = 11,504 \text{ m}^3/\text{yr}$
- Runoff (45%) = $0.50 \times 9,203 \text{ m}^3/\text{yr} = 4,601 \text{ m}^3/\text{yr}$
- Evapotranspiration (30%) = $0.30 \times 9,203 \text{ m}^3/\text{yr} = 2,761 \text{ m}^3/\text{yr}$
- Infiltration (25%) = $0.20 \times 9,203 \text{ m}^3/\text{yr} = 1,841 \text{ m}^3/\text{yr}$

After the development, the built and non-built area will be divided as follows:



¹ The runoff increases with the land clearance.

² Roofs and driveways drain to bio-swales for infiltration.

³ The bio-swales facilitate the infiltration of runoff from built-up and non-built-up areas.

The objective for the design of the rainwater infiltration system will be to infiltrate almost all runoff from the developed area, but also from non built-up areas. The natural overland drainage would therefore be intercepted by the bio-swales and infiltrated on site. This will result in a better replenishment of the aquifer under the property, increasing interflow and leading to a positive water budget impact.

2.4 Bio-swales preliminary design

A rough estimation of the total swale length needed can be assessed as follows:

$$A = Q / (K_v \times CF)$$

Where:

- A = Area of swales in m² (standard average width = 1.5 m)
- Q = Flow discharging to the swales = 21.1 m³/day*
- K_v = Vertical hydraulic conductivity = 1.0 m/day**
- CF = Clogging Factor = 0.8

* Objective = 67 % of the total precipitation: $0.67 \times 11,504 = 7,708 \text{ m}^3/\text{yr} = 21.1 \text{ m}^3/\text{day}$

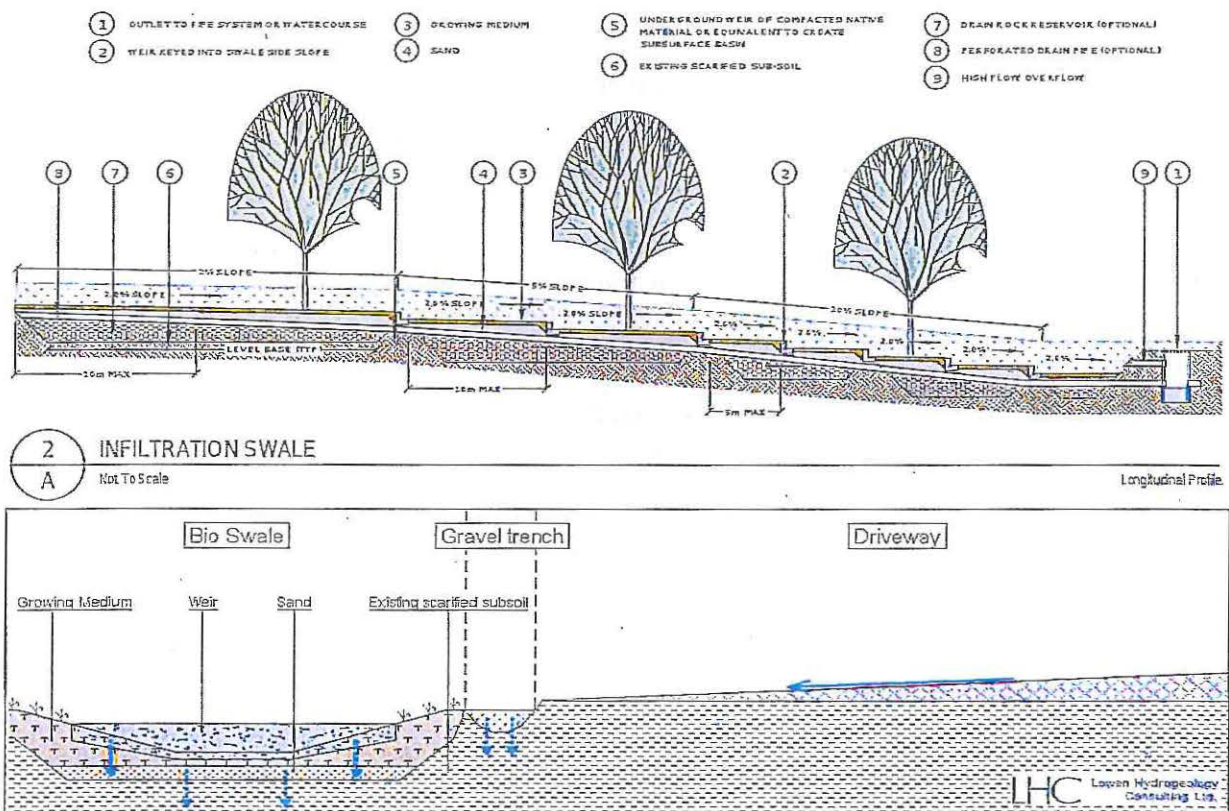
** $K_v = 0.1 \times K_h$

Therefore:

$$A = 21.1 / (1 \times 0.8) = 26.4 \text{ m}^2 \Rightarrow L = 26.4 / 1.5 \approx 18 \text{ m}$$

The length required would be in total approximately 18 m according to the hydraulic conductivity of the soil at depth. See Figure 3 for the standard design of an infiltration swale.

Figure 3 - Infiltration swale standard design



NOT TO SCALE

Bio swale design: Lenarc Consultants Ltd.; Kerr Wood Leidal Associates Ltd.; Goya Ngan - (2005) - Stormwater Source Control Design Guidelines 2005

3.0 CONCLUSIONS AND RECOMMENDATIONS

- 3.1 The estimation of the bio-swales length is considering a standard hydraulic conductivity from the tables. It would be recommended to perform percolation tests in order to confirm this value and refine the calculations. It would also be recommended to consult a specialist to design the infiltration network.
- 3.2 With the design of a rainwater management system, and due to the particularly good hydraulic conductivities of the native soils and bedrock, all the water runoff from the development will be collected and treated on site. By re-injecting rainwater to the aquifer beneath the property, this will create a closed system sustainable on its own, that will not interfere with the natural surrounding features such as Shawnigan Lake.
- 3.3 The proposed rainwater infiltration on-site will benefit shallow groundwater flow (interflow) as well as treating the rainwater by infiltration and adsorption process in the soil.
- 3.4 Due to the topography, it would be recommended to orientate the bio-swales North-South so they can catch runoff flowing towards the West. The bio-swale length could be divided so each Lot contains the same amount, of swales. Trenches from the built areas should be designed in order to conduct the runoff water towards these bio-swales.
- 3.5 Particularly high runoff is expected around the bedrock outcrop zones (S-E of the property - See Figure 1), as well as a lower infiltration rates due to reduced thickness of the soils. Also, runoff for the properties located to the South (higher topography) is possible. Therefore, increased runoff may occur at the Southern boundary of the subject property, with runoff local directions to the North-West. This should be taken into account when defining a location for the swales.
- 3.5 Bio-swales are just one of many strategies to manage drainage from developed areas. Other options include: absorbent landscapes, rain gardens, pervious paving, green roofs, infiltration trenches, rock pits and soakaway manholes. For more information on this subject, please see the following reference:

Lanarc Consultants Ltd.; Kerr Wood Leidal Associates Ltd.; Goya Ngan (April 2005)

Stormwater Source Control Design Guidelines 2005 - Greater Vancouver Regional District

If an alternative method or combination of methods is selected then the infiltration capacity of these methods should be equal to the infiltration capacity above (21.1 m³/d) used for bio-swale design.

4.0 CLOSURE / DISCLAIMER

In formulating our analysis, we have relied on information provided by others. The information provided by others is believed to be accurate but cannot be guaranteed by Lowen Hydrogeology Consulting Ltd.

Furthermore, if the recommendations in this report are not implemented, the undersigned assumes no responsibility for any adverse consequences that may occur.

Respectfully submitted,

LOWEN HYDROGEOLOGY CONSULTING LTD.

Dennis Lowen



[Signature]



Dennis A. Lowen, P. Eng. P. Geo.
DL / MD / hr



THE SUSTAINABILITY CHECKLIST For Rezoning and Development Permit Applications

REZONING ☐

DEVELOPMENT PERMIT ☒

Uses Proposed:

☒ Single Family Residential

☐ Industrial

☐ Multi Family

☐ Institutional

☐ Commercial

☐ Agricultural

☐ Other _____

Environmental Protection and Enhancement

Please explain how the development protects and/or enhances the natural environment. For example does your development:

		YES	NO	N/A	EXPLANATION
1.	Conserve, restore, or improve natural habitat?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.	Remove invasive species?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.	Impact an ecologically sensitive site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4.	Provide conservation measures for sensitive lands beyond those mandated by legislation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5.	Cluster the housing to save remaining land from development and disturbance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6.	Protect groundwater from contamination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

		YES	NO	N/A	EXPLANATION
3.	Provide a variety of housing in close proximity to a public amenity, transit, or commercial area?	✓			PRODUCING THREE NEW RESIDENTIAL LOTS IN THE VILLAGE CONTAINMENT BOUNDARY.
Please explain how the development increases the mix of housing types and options in the community. For example does your development:					
		YES	NO	N/A	EXPLANATION
4.	Provide a housing type other than single family dwellings?		✓		
5.	Include rental housing?		✓		
6.	Include seniors housing?		✓		
7.	Include cooperative housing?		✓		
Please explain how the development addresses the need for affordable housing in the community. For example does your development:					
		YES	NO	N/A	EXPLANATION
8.	Include the provision of Affordable Housing units or contribution to?		✓		
Please explain how the development makes for a safe place to live. For example does your development:					
		YES	NO	N/A	EXPLANATION
9.	Have fire protection, sprinkling and fire smart principles?			✓	
10.	Help prevent crime through appropriate site design?	✓			
11.	Slow traffic through the design of the road?			✓	ROADS EXISTING
Please explain how the development facilitates and promotes pedestrian movement. For example does your development:					
		YES	NO	N/A	EXPLANATION
12.	Create green spaces or strong connections to adjacent natural features, parks and open spaces?		✓		
13.	Promote, or improve trails and pedestrian amenities?		✓		

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

		YES	NO	N/A	EXPLANATION
7.	Fill in pre-existing vacant parcels of land?	✓			
8.	Utilize pre-existing roads and services?	✓			
9.	Revitalize a previously contaminated area?			✓	
10.	Use climate sensitive design features (passive solar, minimize the impact of wind and rain, etc.)?	✓			
11.	Provide onsite renewable energy generation such as solar energy or geothermal heating?		✓		

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

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

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

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

		YES	NO	N/A	EXPLANATION
14.	Link to amenities such as school, beach & trails, grocery store, public transit, etc.? (provide distance & type)		✓		

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

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

Economic Development

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

		YES	NO	N/A	EXPLANATION
1.	Create permanent employment opportunities?	✓			HOME BASED BUSINESS
2.	Promote diversification of the local economy via business type and size appropriate for the area?			✓	
3.	Increase community opportunities for training, education, entertainment, or recreation?			✓	
4.	Positively impact the local economy? How?			✓	
5..	Improve opportunities for new and existing businesses?	✓			
6.	Please outline any other economic development features.				

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

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

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

Please explain how the project will be constructed sustainably.

		YES	NO	N/A	EXPLANATION
23.	Built to a recognized green building standard i.e., Built Green BC, LEED Standard, etc.?	✓	✓		
24.	Reduce construction waste?	✓			
25.	Utilize recycled materials?	✓			
26.	Utilize on-site materials/ reduce trucking?	✓			
27.	Avoid contamination?	✓			
28.	Please outline any other environmental protection and enhancement features.				


Community Character and Design

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

		YES	NO	N/A	EXPLANATION
1.	Improve the mix of compatible uses within an area?	✓			
2.	Provide services, or an amenity in close proximity to a residential area?			✓	

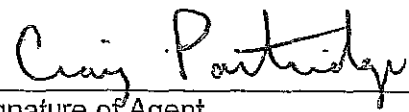
Other sustainable features?

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



Signature of Owner

Date MARCH 27 2012



Signature of Agent

Date APRIL 12, 2012



25

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF OCTOBER 16, 2012

DATE: October 10, 2012 **FILE NO:** 1-G-10RS
FROM: Alison Garnett, Planner I **BYLAW NO:** 3582 and 3583
Planning and Development Department
SUBJECT: Saltair Area Plan and Rezoning Application 1-G-10RS (Christie)

Recommendation/Action:

To seek Committee direction on the status of Application No. 1-G-10RS.

Relation to the Corporate Strategic Plan: N/A

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

Background:

At the October 2, 2012, meeting of the Electoral Areas Services Committee, a motion was passed to include a local area plan for Saltair on the Planning and Development Department work plan for 2013. This motion calls into question the status of Rezoning Application No. 1-G-10RS, which pertains to a subject property that forms a key part of Saltair's commercial core.

The CVRD Board gave First and Second Reading to Amendment Bylaws for this application earlier this year (February 2012). The applicant is currently working with staff to address a number of conditions before a public hearing is scheduled. Considering the application's status, and its critical location within Saltair's core, there is some urgency in providing direction to the applicant as to how the application will be affected by the proposed local area plan.

Attached is a map of the Saltair commercial core that identifies the subject property, as well as the conceptual development plan for the application.

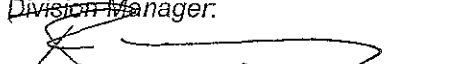

Options that the EASC could consider are to:

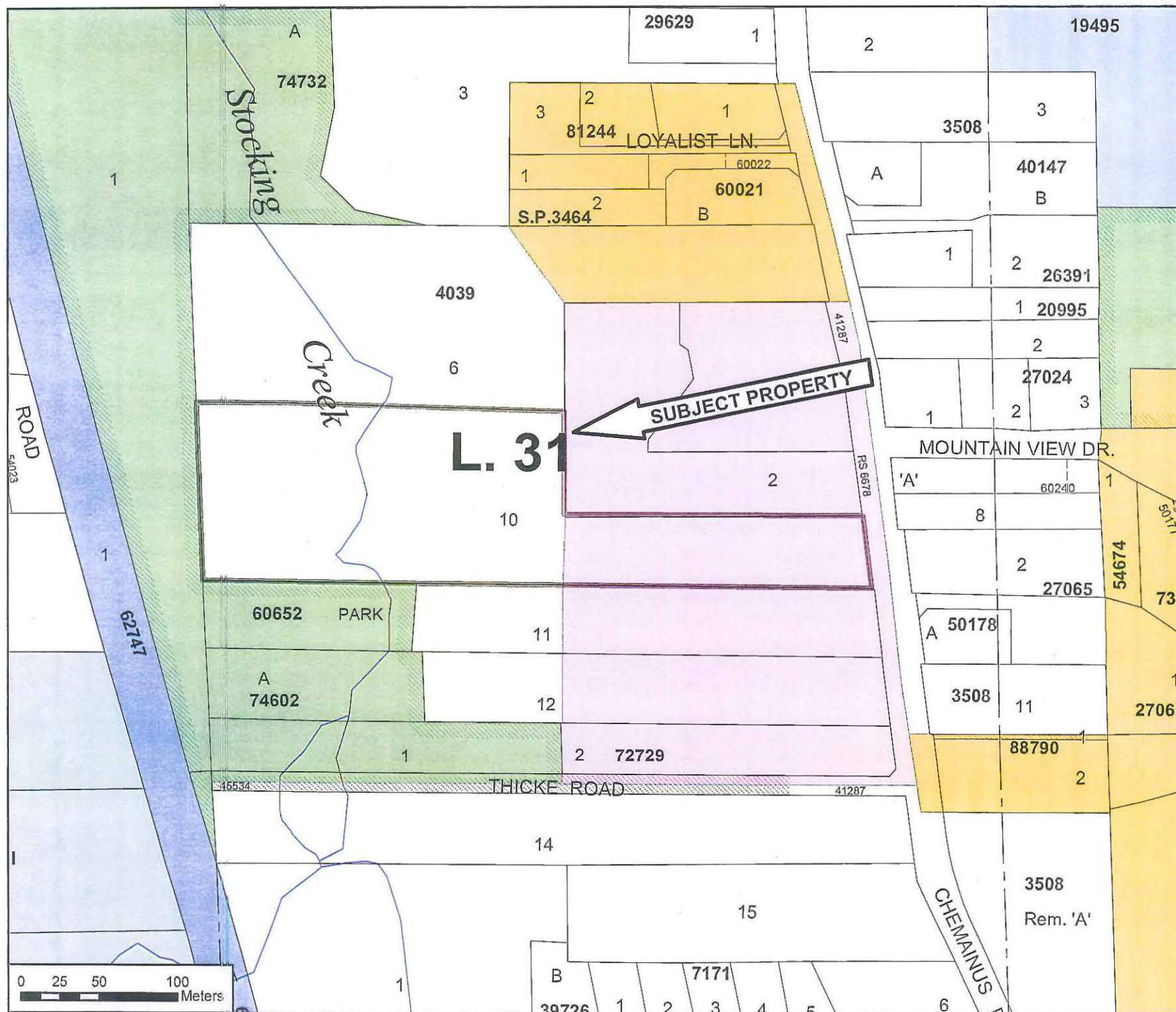
- A. Table the application until a local area plan is completed.
- B. Deny the application, and advise the applicants to re-apply when the local area plan is completed.
- C. To proceed to public hearing per the Board's February, 2012, Resolution.

Submitted by,

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

Attachments
AG/jah

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



PLAN OF PROPOSED STRATA DEVELOPMENT OF
LOT 10, DISTRICT LOT 31, OYSTER DISTRICT,
PLAN 4039, EXCEPT PART IN PLAN 41287.

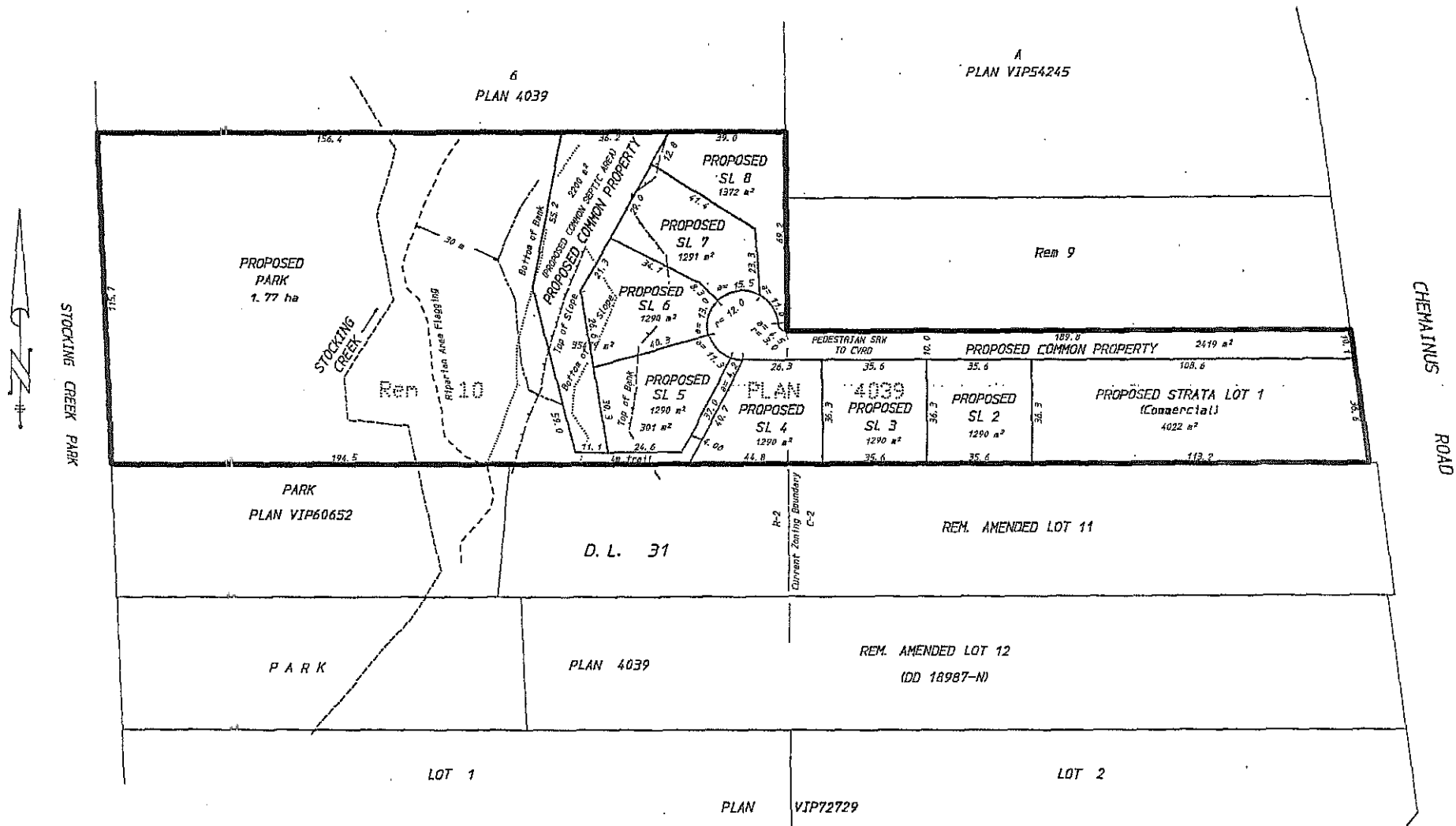
SCALE 1 : 1000



All distances are in metres.

Note: Rem Lot 10 lies within the C.V.R.D.
Area G and is Zoned R-2 and C-2.
Bylaw setback requirements are as follows:
R-2 Residential & Accessory Uses
Front 7.5 m
Side (Interior) 3.0 m
Side (Exterior) 4.5 m
Rear 7.5 m

C-2 setbacks for buildings and structures
all parcel lines 4.5 m



KENYON WILSON
PROFESSIONAL LAND SURVEYORS
221 CORDONATION AVE.
DUNCAN, B.C. V9L 2T1 (250) 746-4745
FILE 10-7029B.PRD May 10, 2011

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

THICKE ROAD (PLAN 41287)



R6

STAFF REPORT

ELECTORAL AREAS SERVICES COMMITTEE ~~OF OCTOBER 16, 2012~~

DATE: October 10, 2012

FILE NO:

FROM: Alison Garnett, Planner I

BYLAW NO:

SUBJECT: Landscape Security Policy

Recommendation/Action:

That it be recommended to the Board that the Landscape Security Policy be adopted.

Relation to the Corporate Strategic Plan:

Responds to Strategic Action 3: Review organizational processes and streamline where appropriate to improve efficiency and reduce costs.

Financial Impact:

The Landscape Security Policy was reviewed by the Finance Division August 2012.

Background:

Planning staff have developed the attached policy to establish standards for the submission of landscape plans and to provide clarity with respect to the submission and release of securities.

Securities, often in the form of an irrevocable letter of credit, are often posted to cover the cost of landscaping or amenity contributions in accordance with conditions of a development permit or rezoning approval. Section 925 of the *Local Government Act* provides the legislative authority for local governments to require security in three situations: to ensure landscaping conditions are met; to resolve unsafe conditions; and to rehabilitate the natural environment.

Our current practice at the CVRD is to require an irrevocable letter of credit or certified cheque security to be posted to cover 125% of the cost of landscaping works, as a condition of a development permit. The posted funds provide incentive for development applicants to complete the works, or can be used by the CVRD to have the works completed in the case of non-compliance. This policy is intended to formalize and clarify our procedures, and also to more broadly address process and standards for landscape plan submissions.

The impetus for this research was a development permit file in Electoral Area E. In this particular situation, the applicants did not complete the required landscaping within the agreed upon timeline, and the CVRD was prepared to draw on the funds. The Area Director questioned whether the funds could be used on projects unrelated to landscaping of the site. The EASC passed the following motion at the April 5, 2011 meeting: *That staff be directed to prepare a policy for consideration by the Committee and Board with respect to administering and dispensing security for completion of amenities and/or site improvements per conditions of Development Permits or through other requirements as imposed by the Regional District (i.e. conditions of rezoning approvals).*

Legal advice on this question has confirmed that a) posted funds must be used by the CVRD to satisfy a condition of a permit respecting landscaping and could not be used for off-site works, and b) there are a series of steps that should be followed in terms of notifying development applicants of non-compliance. These steps are outlined in the policy under the section *Release of Security*.

With respect to rezoning applications, legal advice suggests that the written agreement outlining commitments between the CVRD and development applicant should address the purpose of the security, and identify alternative projects to be used by the funds if the primary project cannot be achieved. In the event of default, the CVRD is restricted to using the funds to complete only those projects identified in the agreement. The legal basis for the agreement relies on there being a clear connection between the proposed development and the public improvements being undertaken.

Research into the specific question of using funds for offsite works gave staff the opportunity to expand the scope of the policy, and develop a more thorough policy that addresses our landscape plan submission process and establishment of quality standards. Some key points of the policy include:

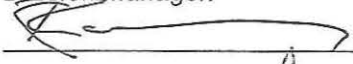
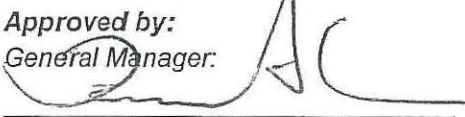
- The policy relies on qualified professionals and industry standards, particularly on the preparation of landscape plans, preparation of the cost estimate, and the review/approval of completed works.
- The minimum amount of security that we will accept is \$2000. (A lesser amount does not justify the expense of administering the deposit and release of the security, nor provide necessary incentive to complete the work.)
- To increase the incentive for complete landscaping, 70% of the security can be returned as soon as the work is installed. The remaining security can be released after a two year maintenance period.
- Landscaping must be completed within two years from the date the security was posted, or based on a timeline established in the development permit.
- Acceptable forms of security are identified as irrevocable letters of credit or certified cheques, not performance bonds. The preference for letters of credit is due to the certainty they provide in allowing the CVRD to draw upon the funds. A letter of credit can be drawn upon without justification; the issuing institution is obliged to pay on demand. A bond does not provide the same level of guarantee, as the issuing institution of a bond can inquire about the commitments and nature of default. Secondly, letters of credit are not affected by other creditors, bankruptcy or insolvency of the applicant, while a bond can be affected by these external factors.

If this policy is adopted, possible next steps involve reformatting the content into an accessible brochure format, for distribution to the public and development applicants.

Submitted by,

Alison Garnett
Planner I
Development Services Division
Planning and Development Department

AG/ca

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



Policies & Procedures

Landscape Security Policy

Applicability: Planning & Development

Effective Date: October 15, 2012

PURPOSE:

This policy is intended to establish standards for the submission of landscape plans, and provide clarity with respect to the submission and release of securities, pursuant to Section 925 of the *Local Government Act* and relevant Official Community Plans and Zoning Bylaws.

BACKGROUND:

As a condition of issuing a development permit, the Cowichan Valley Regional District (CVRD) may require that certain works be completed respecting landscaping, resolution of unsafe conditions, or rehabilitation of the natural environment. Plans of proposed works must be submitted to and approved by the CVRD, and the applicant will be required to post a security to cover the costs of completing the works in the event of default. All works are to be completed in accordance with applicable development permits issued by the CVRD. Additionally, commitments made in other development applications may require the submission and approval of landscaping or other plans, and the posting of a security to ensure agreed upon works are completed.

POLICY:

Landscape Plan Submission/Approval Procedure

1. Landscape plans must be submitted in compliance with relevant development permit area guidelines, zoning bylaw requirements, or commitments made in association with development applications.
2. Plans must be prepared by a member of the British Columbia Society of Landscape Architects (BCSLA) or British Columbia Landscape and Nursery Association (BCLNA), collectively referred to as "qualified professionals" within this policy.
3. The landscape plan(s) will indicate the following information, as applicable to the proposed development:
 - a. the location and extent of existing and proposed property lines, setback lines, structures, and vehicle and pedestrian circulation routes;
 - b. the extent of existing and proposed landscape areas;
 - c. details of proposed plantings showing the location, species, proposed planting size, quantities, and spacing of all introduced vegetation, and a separate planting list;
 - d. the extent of existing vegetation and soils to be retained, relocated, or removed including the location, size, and species of all trees, and the outline of natural shrub and ground cover;



Policies & Procedures

- e. where the retention of native trees and ground cover is proposed and accepted, a letter from a professional landscape architect or registered professional forester shall be submitted, indicating the mitigation measures required during and after construction to ensure the health of the vegetation is maintained;
 - f. details of watering provisions;
 - g. the location of site furniture, lighting, pedestrian areas and linkages, and signage;
 - h. the extent, location, elevations, materials, and finish of terracing and required retaining walls;
 - i. where onsite rainwater management measures are proposed, the location and extent of rainwater infrastructure (rain gardens, bioswales, etc.) and permeable surfaces must also be indicated; and
 - j. where rehabilitation of the natural environment or removal of invasive plant species is required as a condition of a permit, restoration plans are to be prepared by a qualified environmental professional, and must include the relevant information outlined above.
4. A comprehensive cost estimate of the proposed landscaping must be prepared by a qualified professional, and must include all materials and labour necessary to complete hard and soft landscape works.

Posting of Security

1. A security shall be provided upon receiving CVRD Board approval, and will be required prior to the issuance of the development permit.
2. The security may be in the form of an irrevocable letter of credit (LOC) or a certified cheque with documentation. The LOC or cheque will equal 125% of the comprehensive cost estimate. In no case will the amount of the security be less than \$2000.
3. The letter of credit or certified cheque with documentation must clearly indicate the following:
 - a. the amount of the security;
 - b. the name and mailing address of the property owner posting the security;
 - c. the name and mailing address of the issuing institution of the letter of credit;
 - d. the purpose for which the security is being established, including, if applicable, the legal description to which the security pertains;
 - e. the date and time of the security, and confirmation that the term of the security is automatically renewable; and
 - f. the Cowichan Valley Regional District as the holder of the security and confirmation that the security may be unilaterally drawn upon by the CVRD upon written notice.
4. Upon receipt of written confirmation by a qualified professional that the installed landscaping is in substantial compliance with recognized landscape industry standards and the approved landscape plans, the CVRD will release 70% of the security. Upon completion of the two year maintenance period and confirmation by a qualified professional or CVRD staff that the landscaping is established and maintained in accordance with industry standards, the remaining security will be released.



Policies & Procedures

Release of Security

1. A written request from the applicant can be submitted for partial (70%) release of the security upon installation of the landscaping. Following a two year maintenance period from the date of installation, a full release request may be submitted. The request for release must be accompanied by a qualified professional's confirmation that the landscape works have been successfully completed in substantial conformity with the original plans. No security deposited shall be returned unless and until all requirements for which the security has been posted have been completed to the satisfaction of the CVRD.
2. In the event that substantial changes to the landscape plan are required, the applicant should submit revised landscape plans prior to undertaking any work, including the rationale for the revision, and obtain approval from the General Manager of the CVRD Planning & Development Department.
3. If the landscaping is not completed after two years of the posting of the security, or is not completed in accordance with the terms, conditions, timelines, and plans of the permit or zoning bylaw, the following steps may be taken:
 - a. The CVRD will provide the applicant with written notice that the works must be completed by a specified deadline and in accordance with the approved plans.
 - b. The applicant will be notified that if the works are not completed, the CVRD will draw on the funds posted in the security for the purpose of entering the property and completing the works.
 - c. In the event that the deadline passes without full compliance, the CVRD will provide a minimum 7 days' notice of the dates when the CVRD or contracted employees will undertake the landscaping works.
 - d. The CVRD will call for and receive the funds posted in the security, and will apply the funds to completing the landscape works. Any excess funds will be returned to the permit holder.

BYLAW AND LEGISLATION REFERENCES:

1. *Local Government Act*, Section 925.
2. CVRD Development Applications and Procedures Bylaw No. 3725, as amended.
3. Official Community Plan Bylaw Nos. 3510, 925, 1490, 1945, 2500, 1497, and 2650, as amended.
4. Zoning Bylaw Nos. 2000, 985, 1405, 1015, 1840, 2600, 2524, 1020, and 2465, as amended.

Approved by: Choose an item.
Approval date: Click here to enter a date.
Amended date: Click here to enter a date.



Policies & Procedures

FOR OFFICE USE ONLY: POLICY APPROVAL TRACKING SHEET

Initiated by: Click here to enter name & position

Applicability: Planning & Development

Effective Date: Choose a date

Approval History:

Development Permit Policy (1983; repealed December 2010)

To Be Approved by:

All policies pertaining to money must be pre-approved by the Finance Division.

Approval Required?	Date Approved:	Signature or Resolution/Page Number: (attach staff reports and minutes)
Choose Finance Division		
Choose Enter name Committee		
Choose CVRD Board		
Choose Corporate Leadership Team		
Choose Administrator		



R7

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF OCTOBER 16, 2012

DATE: October 9, 2012

FILE No:

FROM: Rob Conway, Manager

BYLAW No: 3275

SUBJECT: Referral of Development Permit Applications to Advisory Planning Commissions

Recommendation/Action:

That staff be directed to prepare an amendment to Development Application Procedures and Fees Bylaw No. 3275 to not require development permit applications for the subdivision of less than three new lots to be referred to the Advisory Planning Commission.

Relation to the Corporate Strategic Plan:

Service Excellence: *Review organizational processes and streamline where appropriate to improve efficiency and reduce cost.*

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

Background:

Section 6(c) of CVRD Development Application Procedures and Fees Bylaw No. 3275 states,

Written reports prepared by Planning and Development Department staff shall be submitted to the appropriate Advisory Planning Commission (APC) or more than one APC as specified in an Official Community Plan, for applications for OCP amendments, zoning amendments and for development permit applications (subject to 7 below).

Since adoption of the South Cowichan Official Community Plan (SCOCP) in July, 2011, the volume of development permit applications received by the Planning & Development Department has increased significantly. Much of this increase is a result of the comprehensive development permit areas established in the SCOCP. The new development permit areas essentially require development permits for all forms of subdivision whereas the previous OCPs only resulted in development permit requirements for subdivision where the subject property had watercourses subject to the Riparian Area Regulation or, in the case of Electoral Area A, for subdivision of property within the Mill Bay Urban Containment Boundary.

Bylaw No. 3275 requires all development permit applications, other than those delegated to the General Manager of Planning and Development, to be referred to the respective APCs. This has been a concern for some applicants because the APC review typically adds about one to two months to the application processing time.

Staff Comments:

A more lengthy development permit application process that includes review and comment from the APC can be justified for larger, more complex applications. It is harder to justify the additional process for development applications for one or two lots, where the objective is usually to ensure that some basic development permit guidelines are followed. An APC review is unlikely to have much influence over such applications in any case, as the development permit guidelines for subdivision are relatively narrow in scope and are technical in nature.

In the interest of a more efficient development permit review process, staff suggest that Bylaw No. 3275 be amended to only automatically refer development permit applications for subdivision of three or more new lots to the APC. Should the Local Area Director feel that a particular application could benefit from APC review, Bylaw No. 3544 (APC Establishment Bylaw) still affords the Director discretion to refer it to the APC for comment.

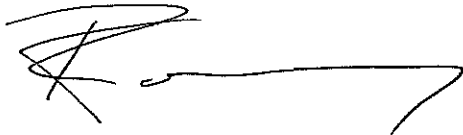
Staff believe the amendment would result in a faster and more predictable development permit process.

Options:

1. That staff be directed to prepare an amendment to Development Application Procedures and Fees Bylaw No. 3275 to not require development permit applications for the subdivision of less than three new lots to be referred to the Advisory Planning Commission.
2. That an amendment to Development Application Procedures and Fees Bylaw No. 3275 to not require development permit applications for the subdivision of less than three new lots to be referred to the Advisory Planning Commission not be pursued at this time.

Option 1 is recommended.

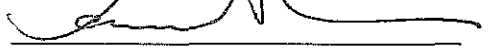
Submitted by,



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

RC/jah

Approved by:
General Manager:





R8

STAFF REPORT


ELECTORAL AREA SERVICES MEETING OF OCTOBER 16, 2012

DATE: October 10, 2012 FILE NO:
FROM: Brian Farquhar, Manager Parks & Trails Division BYLAW NO:
SUBJECT: Reserve Fund Expenditure Bylaw Area H Community Parks Project

Recommendation/Action:

That a Reserve Fund expenditure bylaw be prepared authorizing expenditure of no more than \$12,000 from the Electoral Area H (North Oyster/Diamond) Community Parks Capital Reserve Fund (CVRD Establishment Bylaw No. 2744) for the purpose of completing minor capital projects at Elliots Beach Park and Raise Road Public Beach Access; and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

Relation to the Corporate Strategic Plan: N/A

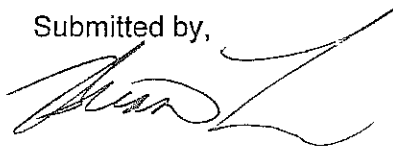
Financial Impact: (Reviewed by Finance Division: )

As of August 31st, 2012 the uncommitted balance of the Electoral Area H (North Oyster/Diamond) Community Parks Capital Reserve Fund was \$149,720. With the withdrawals as recommended of \$12,000 for the minor capital projects, the balance of the Electoral Area H (North Oyster/Diamond) Community Parks Capital Reserve Fund will be \$137,720.

Background:

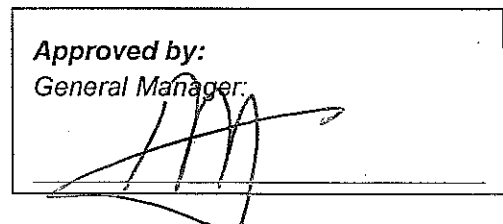
The 2012 Community Parks Budget for Electoral Area H includes \$12,000 for minor capital projects for landscaping and pathway improvements at Elliots Beach Park and development of a new public beach access. The Regional Board recently approved application to the Ministry of Transportation for a Permit to Construct at Raise Road to establish a public beach access. The Area H Parks Commission has also supported landscaping and pathway improvements to take place this year at Elliots Beach Park. A Transfer from Reserve Fund Expenditure Bylaw is required to expend up to \$12,000 to complete these two projects in 2012.

Submitted by,



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

Approved by:
General Manager:



BF/jah



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director Giles Area C

Grantee:

Grant Amount \$ 500.00

NAME: Beth Island Mountain Bike Society

ADDRESS: PO Box 8145, Victoria BC

V8W 3R8

Contact Phone No: Matthew.Donaldjones@gmail.com

PURPOSE OF GRANT: Assist with the tobacco

Mountain Bike Race on Colby Hill
Mountain

REQUESTED BY:

Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0388-113	500.00	10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization



REC

C2

OCT

COWICHAN VALLEY REGIONAL DISTRICT

Financial Services Department

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

Submitted by Director

[Signature]

Area

C

Grantee:

Grant Amount \$ 1500

NAME:

CMS Food Bank

ADDRESS:

2740 Lashburn Road
Mill Bay, BC
VOR 2 P1

Contact Phone No:

250 743 5242

PURPOSE OF GRANT:

Assist with ongoing
community need.

REQUESTED BY:

[Signature]
Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0333-113	1500.00	10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL

VENDOR NO.

Disposition of Cheque:

Mail to above address:

Return to

Attach to letter from

Other

Approval at Regional Board Meeting of

Finance Authorization

INI

South Cowichan (Area A & B) Joint Advisory Planning Commission
Chairs and Members
~~October 4, 2012~~
Minutes

Meeting called to order at: 6:00 PM

Present:

Committee Members:

Area A: Cliff Braaten, Ted Stevens, Glenn Terrell, Ron Parsons, Kerry Davis

Area B: Sarah Middleton, Graham Ross-Smith, Cynara deGoutiere, Roger Painter, Grant Treloar

CVRD Personnel:

Audience:

Kevin Parker -- Applicant

Kent Sheldrake - Applicant

Chair -- Ted Stevens

Secretary -- Glenn Terrell

The meeting was called to order at 6:00 PM

New Business:

**Re-Zoning application No. 2-A-12RS
(Kevin Parker for Parshel Holdings)**

The chair reviewed the application. The applicant is requesting a rezoning from F1 to industrial. All the preliminaries have been done and are in compliance with planning board requirements.

Property is adjacent to other industrial property and they would like to continue to develop for sustainability and to be in conformity with zoning.

Roger and Ted have walked the site with the owners. Could not see anything to get concerned about.

The chair then asked the applicant to provide any comments.

The applicant provided history on how the site developed from a home based business. Company has outgrown what zoning provides. They believe that they are in the right area; most of employees live in the area. Their discussions with CVRD planning staff ~~confirm that everything is ok. They did discover that the property straddles two areas in~~ the CVRD, which caused some conflict with the two OCPs. Did due diligence, had biologist check the property. Had engineering firm take elevation to ensure not part of watershed.

The chair asked the panel if there were any questions:

Questions:

Q: How many employees and what do you do? A: 35 -40. Some residential construction mostly civil, underground.

Q: Will the rezoning help to allow business to expand over years? A: Yes spoke to staff. Don't want to come back in future for additional zoning. Covers everything that we think will be required in future.

Q: Concerned about the part of the property that is in the Shawnigan watershed. Referred to watershed map, understand the majority of the property is not in the watershed area. A: Less than 4% of land drains towards the watershed could easily be modified to drain the other way towards the Malahat.

Q: Some concerns about the landscaping of other business in area. A: No frontage on Shawnigan Lake Road. Negotiated with Malahat Center to have access through the Centre rather than by the railroad. Could provide screening at new entrance.

Q: Sustainability checklist – a number of N/A checked? A: Property flat if more information is needed they can supply. The zoning answers questions about future sustainability.

Q: Trim stream? A: Watercourse skirts along the property. Not on property.

Q: Residential area on other side of tracks? A: Neighbour on one side is Glass blowing – commercial. HBB on other side. No issues of concern. Have spoken to neighbor, no problem.

Q: Was used by railway? A: There were two pieces that could be used as a turnaround. Opportunity there to include railway uses in future. Had environmental assessment done, no results or concerns. Everything was clear.

Q: What are you doing on the land? A: Construction managers, we have office and shop. Four work in office, full time heavy mechanic that works on tools and equipment. Most work is done in field. Some material storage.

Q: What will change? A: No plans to change anything at the moment. We don't conform to current zoning. We may have more employees in future, there may be changes to business but we don't know at the moment.

A: We screen soil as well, remove clean material reuse as top soil. This is not in compliance with existing zoning which is why we want to rezone.

Q: What trades do you hire? A: heavy equipment operator, pipe layers, journeyman carpenter, and we have an apprentice program

Q: Hazardous materials? A: None. Engine oils, stored inside in contained room. Used oils are picked up twice a week in a special container built for this purpose. No opportunity

for vandals or rainwater to wash away. Deal a lot with WCB, they come often to check. No other chemicals.

Q: Modified I2 zoning on application? A: Mike Tippet suggested that the CVRD is in ~~process of rewriting bylaws so all zoning is the same across areas. CVRD will then deal~~ with appropriate zone.

Discussion ensued about various zoning and a review of the wording of I2.

There were no further questions.

The Chair asked for a motion:

MOTION

Moved and seconded that the Joint APC recommend approval of **Re-Zoning application No. 2-A-12RS** subject to a requirement to alter the topography of the subject property so that all water drains away from the Shawnigan watershed. The committee also recommends that there be a requirement to screen / landscape the property facing the Shawnigan Lake Road portion.

CARRIED

MOTION

At 6:45 PM, it was moved, seconded and CARRIED that the meeting be adjourned.

Minutes of the Regular meeting of the Area I (Youbou/Meade Creek) Area Planning Commission held in the Upper Community Hall, 8550 Hemlock Street, Youbou BC, on Tuesday, October 2, 2012 at 7:01 pm.

PRESENT: Co-Chair George deLure
Co-Chair Gerald Thom
Jeff Abbott, Shawn Carlow, Bill Gibson

ALSO

PRESENT: Recording Secretary Tara Daly

ABSENT: Mike Marrs

GUESTS: Rob Conway, Planner, CVRD
David and Beth Kidd, Jack Fife, Alfonso Vega, Michael Dix

**APPROVAL OF
AGENDA**

It was moved and seconded that the agenda be amended with the addition of two New Business items:

NB2 Definition of "Rustic Campground"

NB3 Bylaw Enforcement and Policing; and
that the agenda, as amended, be approved.

MOTION CARRIED

**ADOPTION OF
MINUTES**

It was moved and seconded that the minutes of August 3, 2012 Regular Area I (Youbou/Meade Creek) Area Planning Commission meeting be adopted.

MOTION CARRIED

**BUSINESS ARISING
FROM MINUTES**

Dillon Road – the son of the former owner of the SaSeeNos Bay Motel further investigated the Dillon Road access and has determined that the family only purchased the motel; the road access was already in place; DFO and Cowichan Lake and River Stewardship Society have investigated riparian destruction with the current occupants.

DELEGATIONS

D1

Application 3-I-11DP/RAR (Dix) was considered.

It was moved and seconded that the Area I (Youbou/Meade Creek) Area Planning Commission recommend to the Electoral Area Services Committee to support Application 3-I-11DP/RAR (Dix) only if the following conditions are met:

- Only a single-story building with total square footage capped at 1500 square feet be built on Billy Goad Island;
- Although the current owner also owns property which would allow for parking, they are not connected; parking in perpetuity needs to be addressed; and

- Written proof that the septic system has been approved by the Department of Health.

MOTION CARRIED

NEW BUSINESS

NB1 ~~Short-term Vacation Rentals in Residential Zoning was considered.~~

It was moved and seconded that the Area I (Youbou/Meade Creek) Area Planning Commission support the Creekside Community Association with their quest to enforce current zoning in Creekside Estates that doesn't allow for short-term vacation rentals in residential zoning.

MOTION CARRIED

NB2 Rustic Campground definition in the Area F (Cowichan Lake South/Skutz Falls) OCP was received for information.

G. deLure will contact Director Weaver to ask that she contact Director Morrison to clarify the definition of Rustic Campgrounds.

NB3 Bylaw Enforcement and Policing was received for information.

There are several vehicles close to or on road allowance causing a Safety Issue. The APC asks that Director Weaver investigate into any avenues that can be taken by Bylaw Enforcement and/or Policing to alleviate the problem.

ADJOURNMENT

8:45 pm It was moved and seconded that the Regular Area I (Youbou/Meade Creek) Area Planning Commission meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 8:45 pm