



C·V·R·D

ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
November 6, 2012
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 p.m.

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- 8. NEW BUSINESS**
- 9. PUBLIC/PRESS QUESTIONS**
- 10. 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 16, 2012 | 153-154 |
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- 11. 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

MI

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, October 16, 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 I. Morrison
Director M. Marcotte
Director M. Dorey
Director P. Weaver
Director B. Fraser
Director L. Duncan
Director R. Hutchins, Board Chair

ALSO PRESENT

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

APPROVAL OF AGENDA

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

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 October 2, 2012, EASC meeting be adopted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

R1 - Wikkerink

Maddy Koch, Planning Technician, reviewed staff report dated October 9, 2012, regarding Application No. 1-B-12ALR (Wikkerink) to construct a second dwelling on the subject property located at 2890/2800 Cameron-Taggart Road.

William Wikkerink, applicant, was present.

The Committee directed questions to staff.

It was Moved and Seconded

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.

MOTION CARRIED

R2 - Pink

Maddy Koch, Planning Technician, reviewed staff report dated October 10, 2012, regarding Application No. 2-C-12ALR (Pink) to permit a mobile home to remain on the subject property located at 816 Altamont Road.

Alfred Pink, applicant, was present.

It was Moved and Seconded

That Application No. 2-C-12ALR (Pink), for retention of a double wide 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.

MOTION CARRIED

R3 - Matthews

Rachelle Rondeau, Planner I, reviewed staff report dated October 10, 2012, regarding Application No. 3-E-12ALR (Matthews) to permit construction of a small suite on the subject property located on Wilson Road.

Jane and Lawrence Matthews, applicants, were present and provided further information to the application.

The Committee directed questions to staff and the applicants.

That Application No. 3-E-12ALR (Lawrence and Jane Matthews), made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a small suite on Part of Section 6, Range 1, Cowichan District (PID: 002-214-296), be forwarded to the Agricultural Land Commission with a recommendation to deny the application.

It was Moved and Seconded

MOTION CARRIED

R4 - Partridge

Rob Conway, Manager, reviewed staff report dated October 10, 2012, from Alison Garnett, Planner I, regarding Application No. 9-B-12DP (Partridge/Taylor) to permit subdivision of the subject property located at 2631 Shawnigan Lake Road, into three new lots.

Craig Partridge, applicant, was present.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

That Application No. 9-B-12DP 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.

MOTION CARRIED

R5 - Christie

Rob Conway, Manager, reviewed staff report dated October 10, 2012, from Alison Garnett, Planner I, regarding direction on Application No. 1-G-10RS (Christie).

The Committee directed questions to staff.

It That Application No. 1-G-10RS (Laird/Christie) proceed to public hearing subject to conditions as noted in March 14, 2012 Board resolution #12-097. was Moved and Seconded

MOTION CARRIED

R6 – Landscape Security Policy

Rob Conway, Manager, reviewed staff report dated October 10, 2012, from Alison Garnett, Planner I, regarding Landscape Security Policy.

The Committee directed questions to staff.

It was Moved and Seconded

That the proposed Planning & Development Landscape Security Policy (intended to establish standards for the submission of landscape plans) be forwarded to the Board for consideration of adoption.

MOTION CARRIED

It was Moved and Seconded

That an appropriate resolution for submission to AVICC be drafted respecting "landscape security" issues.

MOTION CARRIED

R7 – Procedures Bylaw Amendment

It was Moved and Seconded

That an amendment bylaw be prepared that would amend 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, and that the amendment bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

R8 – Area H Parks Project

It was Moved and Seconded

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.

MOTION CARRIED

CORRESPONDENCE

C1 & C2 – Grant in Aid

It was Moved and Seconded

1. That a grant in aid, Area C – Cobble Hill, in the amount of \$500 be given to South Island Mountain Bike Society to assist with the Take-A-Kid Mountain Biking Day event on Cobble Hill Mountain.
2. That a grant in aid, Area C – Cobble Hill, in the amount of \$1,500 be given to CMS Food Bank to assist with on-going community needs.

MOTION CARRIED

INFORMATION

IN1 & IN2 - Minutes

It was Moved and Seconded

That the minutes of the Area A&B Joint APC meeting of October 4, 2012, be received and filed, and that the minutes of the Area I APC meeting of October 2, 2012, be received and filed.

MOTION CARRIED

NEW BUSINESS

NB1 – 3-E-12ALR

Email from Lawrence Matthews regarding Application No. 3-E-12ALR was received as add-on information to agenda item R3.

NB2 – Cowichan Bay Float Home Study

Ann Kjerulf, Senior Planner, reviewed staff report dated October 16, 2012, regarding Cowichan Bay Float Home Study.

The staff report dated October 16, 2012 from Ann Kjerulf was received as information.

NB3 – Community Recognition

Director Giles stated that she would like to see the Electoral Area community recognition budget be increased from \$600 per year for each Area to \$800.

Discussion ensued.

It was Moved and Seconded

That consideration be given to amending Electoral Area Services Budget No. 250 by increasing the community volunteer recognition amount from \$600 per year for each Electoral Area to \$800.

MOTION CARRIED

CLOSED SESSION

It was Moved and Seconded

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

MOTION CARRIED

The Committee moved into closed session at 4:55 p.m.

RISE

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 5:07 p.m.

Chair

Recording Secretary

Faxed Oct 16/12
746-2513



D1

REQUEST TO APPEAR AS A DELEGATION

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

REQUEST TO ADDRESS: ☐ ~~CVRD BOARD~~

☒ Electoral Area Services COMMITTEE

at the meeting of

Nov 6, 2012

at

Please let me know

APPLICANT NAME

Paul Brigel

REPRESENTING:

myself

(name of organization if applicable)

AS:

(capacity/office)

NUMBER ATTENDING:

myself alone

Applicant mailing address:

1657 Hollywood Cr., Victoria, BC.

VES 151

Applicant Telephone:

250-598-1563 home
250-383-9533 office
889-1243 mobile

Fax:

383-0312

Applicant email:

PRESENTATION TOPIC and NATURE OF REQUEST:

Vacation rental - please see enclosure

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

Paul Brigel

Signature

Oct 17/12

Date

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

Please address inquiries to the Legislative Services Division at 250.746.2508.



Paul Brigel, M.D., C.C.F.P.
Clinical Assistant Professor, University of B.C.
120 – 1105 Pandora Avenue
Victoria, B.C. V8V 3P9 Canada
Phone (250) 383-9533 Fax (250) 383-0312

October 16, 2012

Attn: Electoral Area Services Committee
CVRD
Fax No. 250-746-2513

Presentation Topic and Nature of Request:

Vacation Rental: I rent only to families. I can try hard to restrict renters to doctors who tend to be less noisy, but Mr. Spiers politely explained to me, on October 6, 2012 that he does not want anybody next door to him: this is the issue, not noise and other disturbances.

Mr. Spiers is the only person complaining.

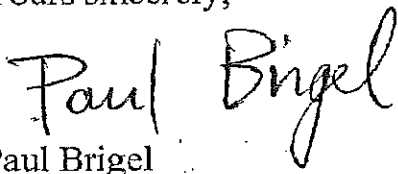
As well, I will rent for 6 or less weeks out of the year, as I and my daughters and their friends love our Cowichan residence,

I have tried hard to fulfill Mr. Morano's suggestions: 1) one or more months rental to the same party: nobody wants this long a rental; 2) rezone to allow 1 week rentals. Mr. Conway suggested my purposes don't require such a change.

Also, Mr. Spiers told me 2 years ago that he objects to dogs barking. I immediately stopped renting to people with dogs.

In brief, am I the situation at whom the CVRD needs to throw their legal and financial clout-as opposed to landlords who are not concerned about noise, or alcohol-fueled parties and the like? (For one thing, local merchants in Youbou and Lake Cowichan have stated to me that their incomes benefit from this type of rental).

Yours sincerely,


Paul Brigel

Paul Brigel, M.D., C.C.F.P.
Clinical Assistant Professor, University of B.C.
120 - 1105 Pandora Avenue
Victoria, B.C. V8V 3P9 Canada
Phone (250) 383-9533 Fax (250) 383-0312

*Fax to
380-3008*

October 19, 2012

Mr. Robert Macquisten
Stewart McDannold Stuart
2nd Floor, 837 Burdett Ave.
Victoria, B.C.
V8W 1B3

Dear Mr. Macquisten,

Re: 9766 Miracle Way - Cowichan Lake

Thank you for your October 16/12 letter. I will be appearing at the November 6/12 CVRD Meeting at 3:00pm. Please find enclosed my request to appear at the CVRD electoral area services committee which wants to minimize impact of rentals on neighbors. This key concept relates to disruption of neighbors as opposed to solitary complaints without such disruption.

The essential difference between myself and the approximately 1/4 of the lake front LR-1 owners who do rent without complaints that I have a single neighbor complaining. I have rented my cabin since 1997 for up to 7 weeks per year.

I appreciate and understand you have been asked to censure my rentals. May I request you await this meeting before proceeding with your legal steps?

Yours sincerely,

Paul Brigel

Paul Brigel
Encls.

*cc to CVRD
Electoral Area Services Committee
Fax to (250) 446-2513*

Paul Brigel, M.D., C.C.F.P.
Clinical Assistant Professor, University of B.C.
120 - 1105 Pandora Avenue
Victoria, B.C. V8V 3P9 Canada
Phone (250) 383-9533 Fax (250) 383-0312

Fx 380-3008

October 24, 2012

Mr. Robert Macquisten
Stewart McDannold Stuart
2nd Floor, 837 Burdett Ave.
Victoria, B.C.
V8W 1B3

Dear Mr. Macquisten,

Re: 9766 Miracle Way - Cowichan Lake

May I confirm that you are not taking any legal steps while I obtain legal advice?

I want to try to resolve this via a mediator or a collaborator and not take up the court's time.
Do you think the South Island Dispute Resolution Centre can help resolve my situation without court?

Yours sincerely,

Paul Brigel

Paul Brigel, M.D.

copy to EVRD - ^{ATTN:} Electoral Area Services Committee (250) 746-2513
- ^{ATTN:} Inspection & Enforcement Division (250) 746-2513

D2

Request to Appear as a Delegation

Meeting Information

Request to Address:

☐ CVRD Board

☒ Committee

If Committee, specify the Committee here:

EASC

Meeting Date: 11/06/2012

Meeting Time: 6:00 pm

Applicant Information

Applicant Name: Colin Hall

Representing: Shawnigan Beach Estates

(Name of organization if applicable)

As:

(Capacity / Office)

Number Attending: 1

Applicant Contact Information

Applicant Mailing Address: 2882 Gregory Rd.

Applicant City: Shawnigan Lk BC

Applicant Telephone: 250-929-3694

Applicant Fax: 250-929-2225

Applicant Email: colin@dansonmech.com

Presentation Topic and Nature of Request:

Amendments to the Land use contract bylaw 356, Shawnigan Beach Estates, implimented in 1978. Amendments to section 27 G to allow a maximum of 8 chickens on the said properties, for sustainable foods and changes to the complaint driven bylaw enforcement which is not only selective harrassment but discrimination.



STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING of November 6, 2012

DATE: October 30, 2012

FILE NO: 4-I-12 DP/RAR/VAR

FROM: Rob Conway, Manager
Development Services Division

BYLAW NO:

SUBJECT: Development Permit Application No. 4-I-12 DP/RAR/VAR (Dix)

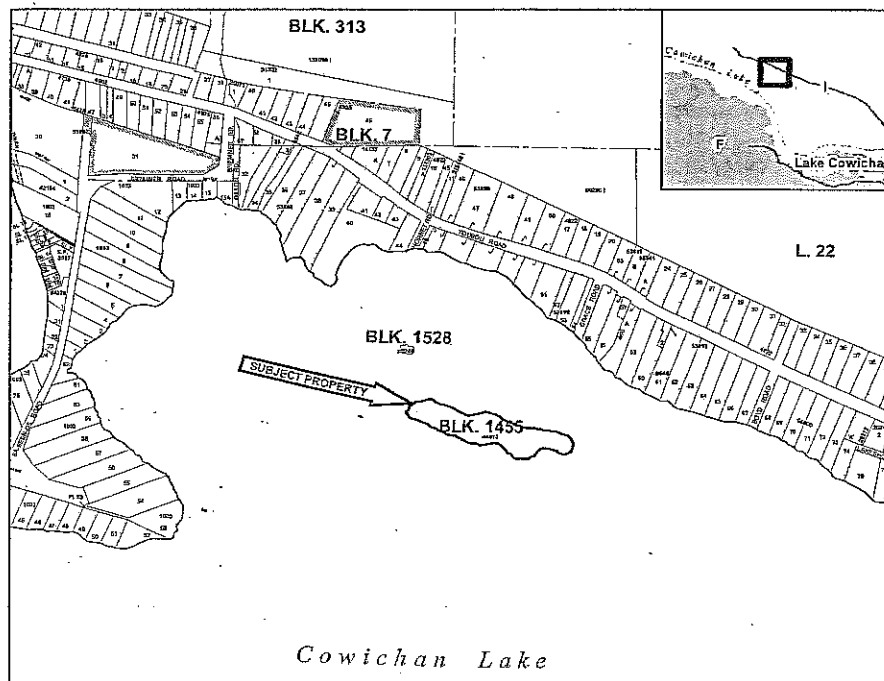
Recommendation/Action:

That the applicant be requested to amend application 4-I-12DP/RAR/VAR to reduce the proposed encroachment into the 15.0 metre watercourse setback by reducing the footprint of the proposed dwelling to no greater than 1500 square feet (or as otherwise specified by the committee) and that consideration of the application be referred to a future meeting.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: N/A

Background:



| | |
|--|--|
| <u>Location of Subject Property:</u> | Island #4 (Billy Goat Island) |
| <u>Legal Description:</u> | Block 1455, Cowichan Lake District, as shown on Plan 40413 (PID: 000-121-924) |
| <u>Date Application Received:</u> | Application received November 25, 2011 Application amended to include variance on July 16, 2012 |
| <u>Owner and Applicant:</u> | Michael Dix |
| <u>Size of Parcel:</u> | ±1.46 hectares (3.6 acres) |
| <u>Zoning:</u> | Lakefront Residential 1 (LR-1) |
| <u>Minimum Lot Size LR-1 zone:</u> | 1 hectare |
| <u>OCP Designation:</u> | No designation |
| <u>Existing Use of Property:</u> | Vacant |
| <u>Road Access:</u> | Water access only |
| <u>Water:</u> | Cowichan Lake |
| <u>Sewage Disposal:</u> | On-site |
| <u>Agricultural Land Reserve Status:</u> | The subject property is not within the ALR. |
| <u>Environmentally Sensitive Areas:</u> | The subject property is located adjacent to Cowichan Lake, and is therefore subject to the Riparian Area Regulation and the Watercourse Protection Development Permit Area |
| <u>Archaeological Sites:</u> | None identified. |

Application Context:

The subject application is for a development permit and variance for a dwelling and associated development on Island #4 or "Billy Goat Island", which is located south of Youbou and east of Sa-Seen-Os Point on Cowichan Lake. The Island is approximately 1.46 hectares in area and is comprised of east and west lobes that are separated by a low area that floods in winter. As the width of the island varies between about 25 and 47 metres, and the Riparian Area Regulation establishes a Streamside Protection and Enhancement Area (SPEA) of 15 metres from the south shore of the island and a 30 metre SPEA from the north shore, almost the entire island is covered by the SPEA.

As the Island is zoned Lakeside Residential (LR-1), the owner is permitted to construct a single family dwelling. However, as the Island is within the Watercourse Protection Development Permit Area, any development is expected to comply with applicable guidelines. In addition, since the applicant is proposing structures within 15 metres of the high water mark of Cowichan Lake, a relaxation of the 15 metre zoning setback from the high water mark of the Lake is requested.

The Proposal:

The proposed single family dwelling is to be located on the east lobe, at the widest and highest part of the Island. The preferred building site is oriented towards the south side of the island, to maximize southern exposure and to move development away from the north side of the island, where fish habitat values are higher. Other reasons for the proposed building site and development are included in the application (Schedule 4).

The proposed dwelling is comprised of approximately 3000 square feet of living space, 540 square feet of deck and a 112 square foot battery storage room. The applicant has indicated that he intends to operate a bed and breakfast from the dwelling and has designed the proposed dwelling with this use in mind. The proposed structure is divided into two wings with the owner's master bedroom located in the west wing and two guest bedrooms in the east wing. Although the submitted floor plans show a covered porch connecting the two wings, the connection between the two wings would have to be enclosed with heated space for the structure to comply as a single family dwelling. The applicant has confirmed that the building plans will be adjusted accordingly.

The proposed dwelling is a single storey structure constructed on posts and piers to elevate it above the 200 year flood elevation (167.33m). Because the building site is sloped and mostly below the 167.33 elevation, the post and pier understructure will raise the main floor approximately 3 metres above nature grade on the south elevation. The height of the dwelling from the underside of the floor joists to the roof peak is 5.92 metres (19.4 feet), or 7.5 metres (24.6 feet) from average natural grade.

Other development proposed with the application includes a dock on the north side of the Island, a 300 square foot storage shed and an on-site septic system and disposal field. A "Type 3" or better sewage disposal system¹ will be used to treat effluent to a high standard before discharge to the disposal field. The field is located north east of the dwelling, in an area of the Island that is above the 164m high water mark elevation.

Watercourse Development Permit Area:

The subject property is within the Watercourse Protection Development Permit Area (DPA). This DPA has multiple justifications and objectives, including:

- Implementation of the Riparian Area Regulation;
- The protection of Cowichan Lake, its tributaries, and associated riparian areas for fish, aquatic animals, plants and land-based wildlife;
- Flood management, erosion and sediment control, and groundwater recharge;
- Protection from hazardous conditions;

¹ Type 3 is the highest level of treatment within the Ministry of Health's Sewerage System Regulation. It is defined as treatment that produces effluent consistently containing less than 10 mg/L of total suspended solids and having a 5 day biochemical oxygen demand of less than 10 mg/L and a medium fecal coliform density of less than 400 Colony Forming Units per 100 ml.

- Protection of Cowichan Lake as a domestic water source;

In order to obtain a development permit, the applicant is expected to demonstrate compliance with the applicable development permit guidelines. The Watercourse DPA includes "General Guidelines" that apply to all development in the DPA, and "Riparian Area Regulation Guidelines", that are targeted to implementation of the Riparian Area Regulation. It is noteworthy the Watercourse DPA includes objectives and guidelines that are broader than just the objectives of the RAR. The development permit area requires applicants to demonstrate compliance with the RAR by obtaining an RAR assessment report from a Qualified Environmental Professional, but also requires compliance with guidelines that are not directly related to the RAR. Compliance with the development permit guidelines should be the primary criteria for evaluating the development permit application.

A list of Watercourse Protection development permit guidelines along with staff comments highlighted in red is provided in Schedule 5.

Zoning Setback from Watercourse:

Area "I" Zoning Bylaw No. 2465 (s. 3.20) establishes a 15 metre setback from the high water mark of Cowichan Lake with the high water mark defined in the bylaw as the 164.0 m elevation. This setback was likely established for multiple purposes, including riparian area protection, flood protection and for maintaining the natural aesthetic of the lakefront.

The *Local Government Act* allows zoning to be varied through a development permit. Section 13.8 of the Watercourse Protection Development Permit Area includes the following provision for variances to zoning and other bylaw requirements:

Where a proposed development plan adheres to the guidelines of the Watercourse Protection Development Permit Area, the Regional Board may give favourable consideration to variances of its bylaws where such variances are deemed by the Regional Board to have no negative impact on adjacent parcels and would enhance the aesthetics of the site in question. Such variances may be incorporated into the development permit.

As there is only a small part of the island that is outside of the required 15 watercourse setback, compliance with the requirement would restrict the size and location of a dwelling that could be constructed on the island. Schedule 3 identifies the approximate area where building could occur in compliance with the setback requirement.

The applicant has provided a number of justifications for the requested variance. These include:

- The QEP report identifies the riparian area on the north side of the island as having the highest fisheries values. Moving the dwelling as close to the south shore as possible allows the most sensitive part of the site to be maintained with minimal disturbance.
- Constructing the dwelling closer to the centre of the east lobe would result in encroachment into the preferred effluent disposal field.
- Orienting the proposed dwelling to the southern shoreline will maximize solar gain and will allow the most efficient use of solar thermal and photo voltaic panels that the owner intends to install as the primary energy source.
- The visual impacts of development will be minimized from the Youbou shoreline.
- Compliance with the setback requirement would "done zone" or sterilize the land.

At its closest point, the proposed dwelling would be 1.0 metres from southern high water mark. The proposed storage building to the west of the house site will also require a setback variance, as it is located 2.5 metres from the high water mark at its closest point. Although the requested variance is substantial and the dwelling is proposed almost to the high water mark boundary, the dwelling would still be located between 7 and 12 metres from the natural boundary of Cowichan Lake.

Adjacent Property Owner Notification:

CVRD Development Application Procedures and Fees Bylaw No. 3275 requires notification of the application to be sent to adjacent property owners within 60 metres of the subject property. As the only property owner within 60 metres is the lake bottom owner (Timberwest), only one notice was sent. A development application notification sign was also posted on the property, as required by Bylaw No. 3275. To date, no public correspondence regarding the application has been received.

Advisory Planning Commission Comments:

The Area I Advisory Planning Commission reviewed the subject application on October 2, 2012, where the following motion was passed:

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 a total square footage capped at 1500 square feet be built on Billy Goat 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.***

The applicant has advised that he does not intend to amend the proposal to reduce the dwelling size. Staff were also informed that the applicant owns property on Sas-Seen-Os Point, and that this property would be used for parking when the owner or guests access the island. The owner has not committed to securing permanent parking for the island, but there is no bylaw requirement for off-site parking and off-site parking has not been a requirement for development on other islands.

With respect to the third recommendation, the applicant is committing to provide a "type three" sewage disposal system that will be approved through VIHA.

Staff Comments:

This application is challenging because it proposes development in a riparian area. The Riparian Area Regulation and the Watercourse Protection DPA guidelines are largely designed to prevent such encroachments and don't provide much guidance for regulating development when some encroachment into the SPEA cannot be avoided. It is therefore not possible for this application to be completely consistent with the applicable guidelines.

The QEP report that the applicant provided does not identify negative impacts from the island's riparian perimeter or fish habitat that would result from the proposed development. The report identifies the riparian area on the north side of island as being of greater environmental value than the riparian area on the south side of the island and for this reason the chosen development site is supported. The QEP has firmly recommended that the proposed

development will not create a HADD² and the Ministry of Environment has notified the CVRD that the report has been accepted. The report does not recommend how development impacts can be minimized though adjustment to the development proposal, but it is not within scope of the RAR process for the QEP to provide such comment.

The approach that the APC has taken with the application, which staff support, is to recognize that the owner has a right to construct a dwelling but to also expect the owner to make some compromises due to the issues and constraints associated with the island. The owner has proposed a number of measures that are intended to limit disturbance to the island and staff believe a reasonable effort has been made to address many of the development permit guidelines and to undertake the proposed development in a sensitive manner. However, the applicant has been unwilling to consider any reduction in the size of the proposed dwelling as a means of reducing potential environmental or visual impacts of development.

Staff investigated the APC's recommendation to limit the size of the proposed dwelling with the CVRD's legal counsel and were informed that a condition in the development permit to limit building size would exceed the Board's authority, as development permit powers in the *Local Government Act* (s. 920.4&5) do not allow or density to be restricted though a development permit unless related to health, safety or protection of property from damage. The LR-1 zone defines density in terms of parcel coverage and allows up to the 30% of a parcel to be covered with building. Although the proposed dwelling may be larger than the typical single family dwelling in the Region, it is considerable smaller than what the zoning permits.

While a restriction on building size (i.e. density) cannot legally be established as a development permit condition, there is no obligation on the part of the Board to grant the associated variance if the encroachment into the setback area is considered excessive. It is possible for the applicant to construct a dwelling on the island without a variance to watercourse setback, so the applicant's ability to construct a single family dwelling is not contingent on obtaining the variance. Without a variance, applicant would be limited to building on an area of approximately 1000-1200 square feet.

Conclusion:

Staff have struggled with this application, largely because it involves finding a fair and reasonable balance between the land owner's right to develop and the community's development objectives for lakefront development articulated in the Watercourse Protection DPA and the Zoning Bylaw.

It is the opinion of staff that Island #4 is a unique situation and that some flexibility in the application of DPA guidelines and zoning setbacks is warranted. This should not mean, however, that the owner is exempt from complying with the spirit and intent of the regulations or that he has unfettered rights to develop because of the island's constraints. Staff acknowledge that the owner has tried to comply with the DPA guidelines in many respects, but do not accept that the extent of development in the riparian area and watercourse setback is not a consideration with this application. In other words, the extent of encroachment into the watercourse setback is relevant to this application, and the Board is not obliged to grant the requested variance if it considers the extent of encroachment into the setback area to be excessive.

² The Harmful Alteration, Disruption or Destruction of fish habitat, as defined by the Fisheries Act.

Staff support a relaxation of the watercourse setback if the building footprint can be limited to approximately what is possible on the island without a variance, or to what the APC has recommended. If the applicant is unwilling to accommodate such a compromise, staff recommend that the application be denied.

Options:

Option 1:

That application 4-I-12DP/RAR/VAR by Michael Dix for a single family dwelling and associated development at Island #4, Cowichan Lake (Block 1455, Cowichan Lake District, as shown on Plan 40413) be approved subject to the following conditions:

1. Strict compliance with the recommendations of RAR Assessment Report #1910;
2. Submission of a post-development report confirming compliance with the recommendations of RAR Assessment Report #1910 prior to issuance of a certificate of completion by the CVRD's Planning and Development Department;
3. Installation of a "Type 3" or better sewage disposal system, authorized by the Vancouver Island Health Authority.
4. The applicant obtaining all necessary approvals from Fisheries and Oceans Canada and the Ministry of Environment prior to construction of the proposed dock.

Option 2:

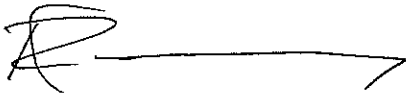
That application 4-I-12DP/RAR/VAR by Michael Dix for a single family dwelling and associated development at Island #4, Cowichan Lake (Block 1455, Cowichan Lake District, as shown on Plan 40413) be denied due to the excessive encroachment into the 15.0 metre watercourse setback.

Option 3:

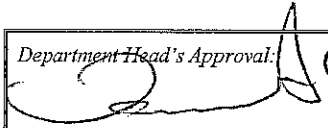
That the applicant be requested to amend application 4-I-12DP/RAR/VAR to reduce the proposed encroachment into the 15.0 metre watercourse setback by reducing the footprint of the proposed dwelling to no greater than 1500 square feet (or as otherwise specified by the committee) and that consideration of the application be referred to a future meeting.

Option 3 is recommended.

Submitted by;



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

| |
|---|
| <p><i>Department Head's Approval:</i></p>  |
| <p><i>Signature</i></p> |

RC/ca

- Schedule 1 – Subject Property and Zoning Map
- Schedule 2 – Lidar Map
- Schedule 3 – Surveyed Site Plan
- Schedule 4 – Development Application Information
- Schedule 5 – Watercourse Protection DPA Guidelines and Staff Comments
- Schedule 6 – LR-1 Zoning and Watercourse Setback
- Schedule 7 – RAR Assessment Report #1910
- Schedule 8 – APC Minutes



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.

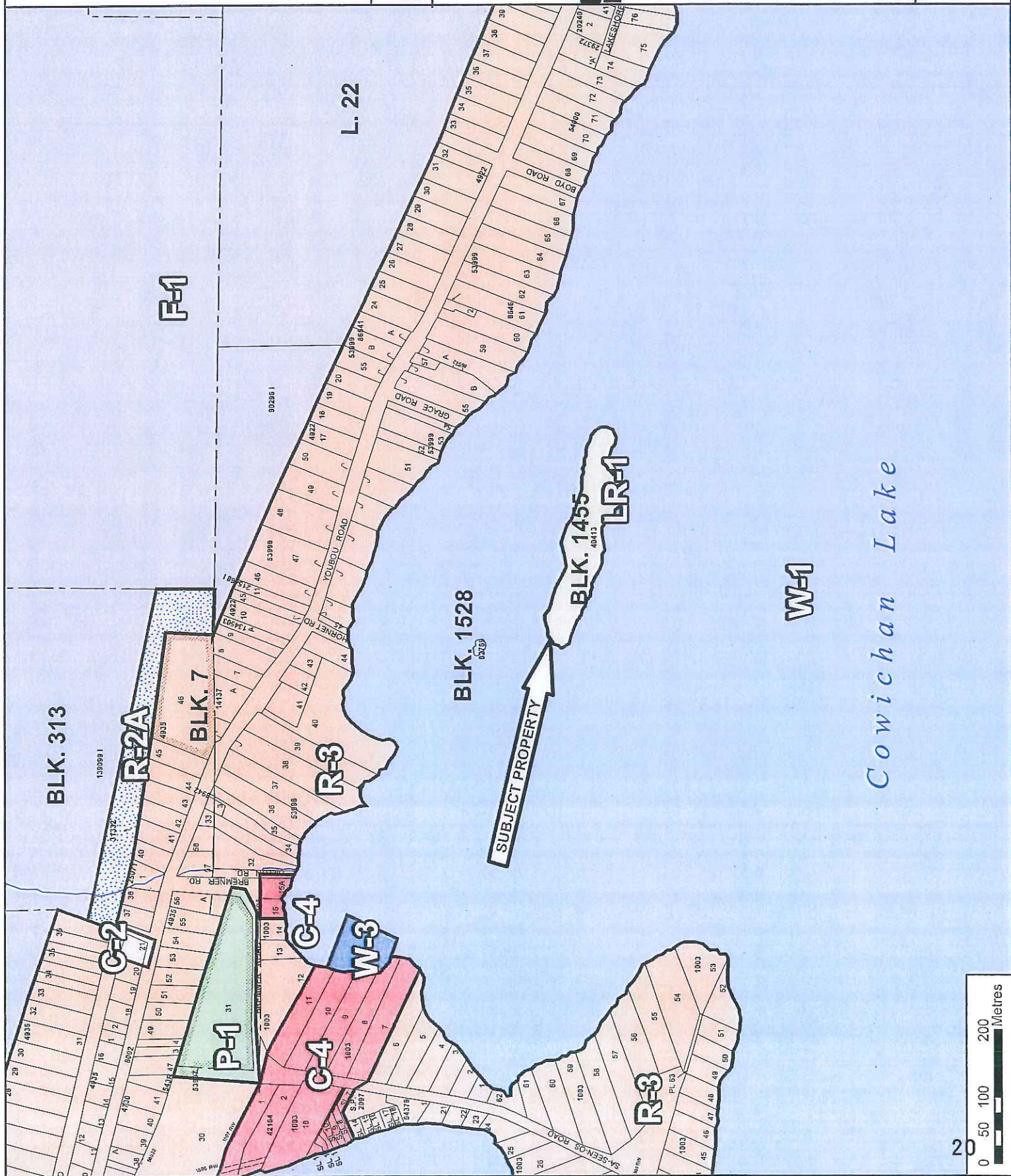
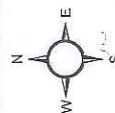
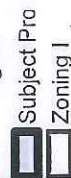
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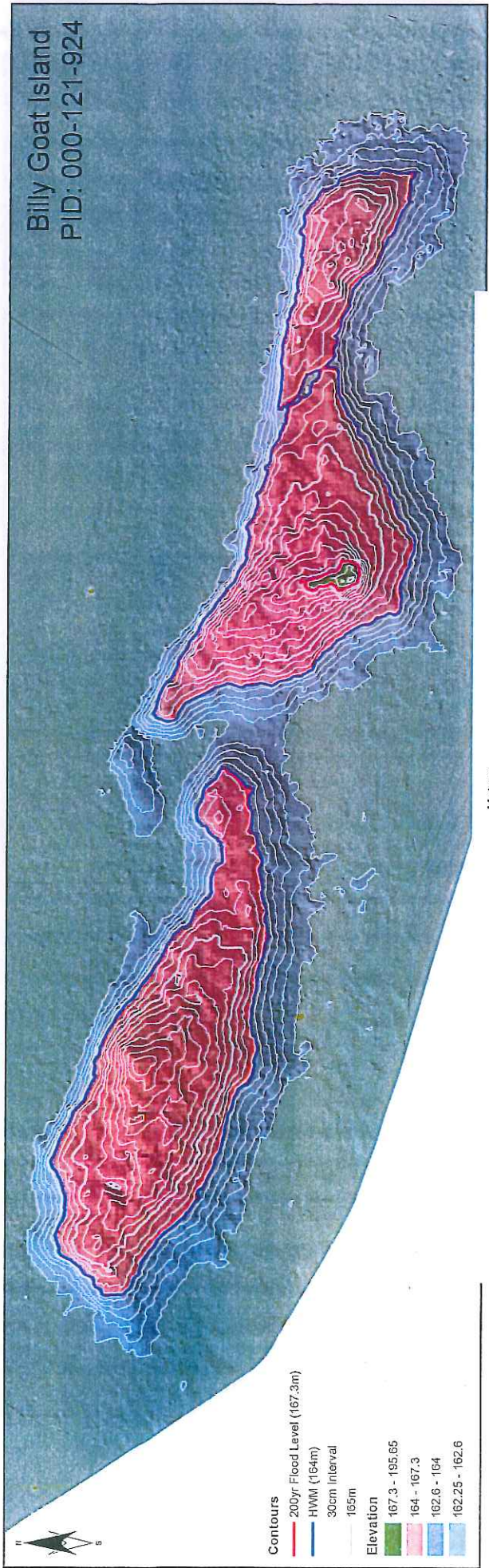
04-1-12-DP-RAR-VAR

ZONING

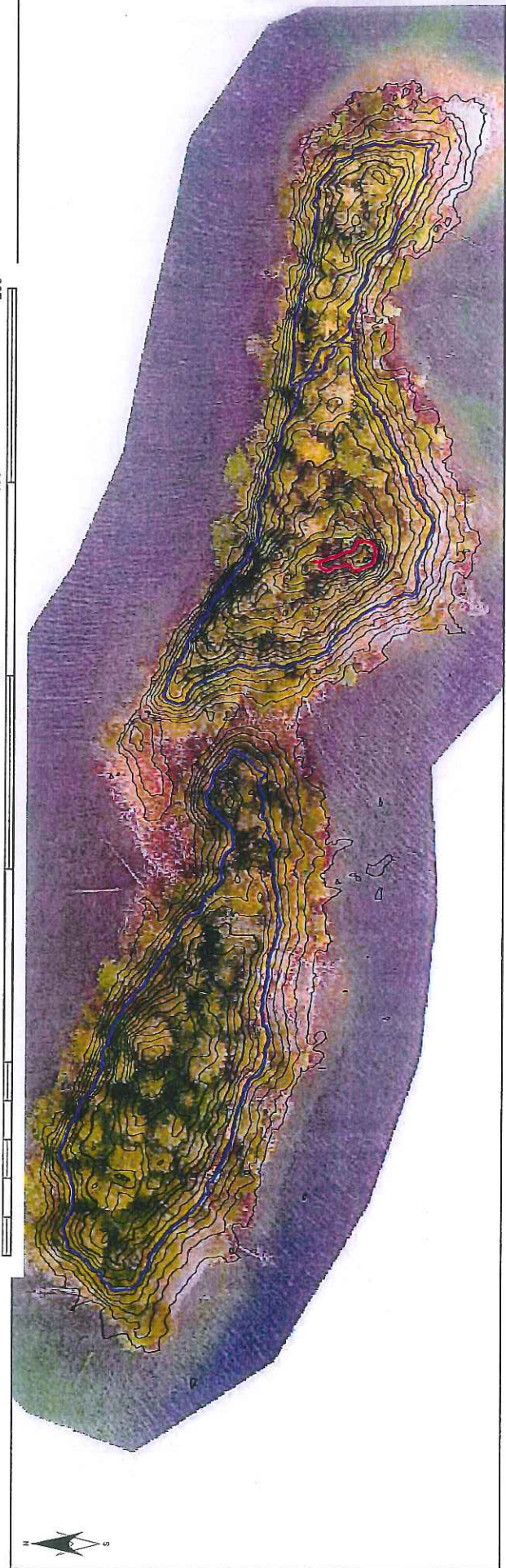
Schedule 1 – Location and Zoning Map

Legend





Schedule 2 – Lidar Map

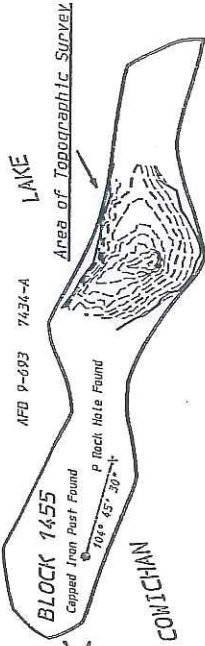


TOPOGRAPHIC PLAN OF PART OF
BLOCK 1455, CONWICHAN LAKE DISTRICT,
AS SHOWN ON PLAN 40413.

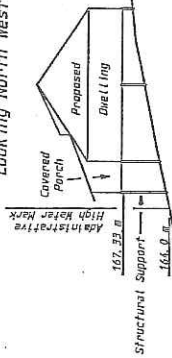
SCALE 1 : 250 5 10 15 metres

All distances & elevations are in metres unless otherwise indicated.
Elevations were derived from DC Water Management Branch Monument N 720 with a
published elevation of 540.01 ft (167.03 m).

- Natural Boundary, June 2012
- 164m. High Water Mark
- Building Footprint
- 15m. HWM Setback

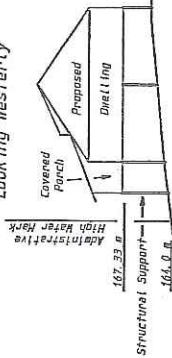


Cross-Section 'A' - 'A'
Looking North Westerly



Billy Goat Island

Cross-Section 'B' - 'B'
Looking Westerly



BLOCK

CONWICHAN LAKE

Schedule 3 - Surveyed Site Plan

Present Natural Boundary
Measured June 19, 2012
by Allen L. Cox BCLS
Natural Boundary per 1906 Survey
as shown on PLAN 40413

1455

CONWICHAN

AFB 9-693 7434-A

Present Natural Boundary
Measured June 19, 2012
by Allen L. Cox BCLS

Natural Boundary per 1906 Survey
as shown on PLAN 40413

LAKE

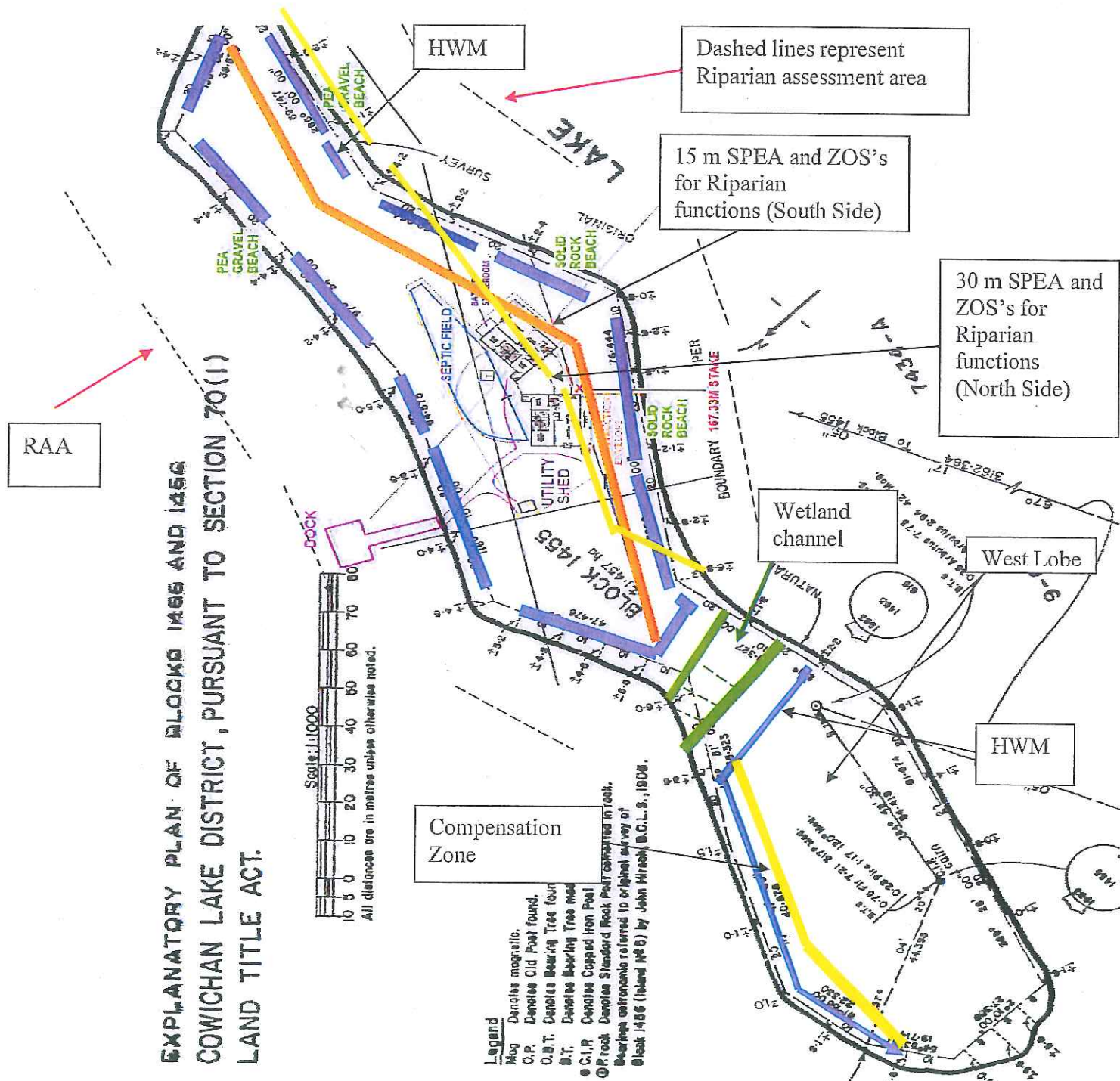
| TREE REFERENCE TABLE | | | |
|----------------------|--------------|-----|--------------|
| # | Size / Type | # | Size / Type |
| 105 | 0.35 m Cedar | 122 | 1.1 m Fir |
| 106 | 0.35 m Cedar | 123 | 0.60 m Cedar |
| 107 | 0.35 m Cedar | 124 | 0.60 m Fir |
| 108 | 0.35 m Cedar | 125 | 0.60 m Fir |
| 109 | 0.35 m Cedar | 126 | 0.60 m Fir |
| 110 | 0.35 m Cedar | 127 | 0.60 m Fir |
| 111 | 0.35 m Cedar | 128 | 0.60 m Fir |
| 112 | 0.35 m Cedar | 129 | 0.60 m Fir |
| 113 | 0.35 m Cedar | 130 | 0.60 m Fir |
| 114 | 0.35 m Cedar | 131 | 0.60 m Fir |
| 115 | 0.35 m Cedar | 132 | 0.60 m Fir |
| 116 | 0.35 m Cedar | 133 | 0.60 m Fir |
| 117 | 0.35 m Cedar | 134 | 0.60 m Fir |
| 118 | 0.35 m Cedar | 135 | 0.60 m Fir |
| 119 | 0.35 m Cedar | 136 | 0.60 m Fir |
| 120 | 0.35 m Cedar | 137 | 0.60 m Fir |
| 121 | 0.35 m Cedar | 138 | 0.60 m Fir |
| 122 | 0.35 m Cedar | 139 | 0.60 m Fir |
| 123 | 0.35 m Cedar | 140 | 0.60 m Fir |
| 124 | 0.35 m Cedar | 141 | 0.60 m Fir |
| 125 | 0.35 m Cedar | 142 | 0.60 m Fir |
| 126 | 0.35 m Cedar | 143 | 0.60 m Fir |
| 127 | 0.35 m Cedar | 144 | 0.60 m Fir |
| 128 | 0.35 m Cedar | 145 | 0.60 m Fir |
| 129 | 0.35 m Cedar | 146 | 0.60 m Fir |
| 130 | 0.35 m Cedar | 147 | 0.60 m Fir |
| 131 | 0.35 m Cedar | 148 | 0.60 m Fir |
| 132 | 0.35 m Cedar | 149 | 0.60 m Fir |
| 133 | 0.35 m Cedar | 150 | 0.60 m Fir |
| 134 | 0.35 m Cedar | 151 | 0.60 m Fir |
| 135 | 0.35 m Cedar | 152 | 0.60 m Fir |
| 136 | 0.35 m Cedar | 153 | 0.60 m Fir |
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| 138 | 0.35 m Cedar | 155 | 0.60 m Fir |
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| 142 | 0.35 m Cedar | 159 | 0.60 m Fir |
| 143 | 0.35 m Cedar | 160 | 0.60 m Fir |
| 144 | 0.35 m Cedar | 161 | 0.60 m Fir |
| 145 | 0.35 m Cedar | 162 | 0.60 m Fir |
| 146 | 0.35 m Cedar | 163 | 0.60 m Fir |
| 147 | 0.35 m Cedar | 164 | 0.60 m Fir |
| 148 | 0.35 m Cedar | 165 | 0.60 m Fir |
| 149 | 0.35 m Cedar | 166 | 0.60 m Fir |
| 150 | 0.35 m Cedar | 167 | 0.60 m Fir |
| 151 | 0.35 m Cedar | 168 | 0.60 m Fir |
| 152 | 0.35 m Cedar | 169 | 0.60 m Fir |
| 153 | 0.35 m Cedar | 170 | 0.60 m Fir |
| 154 | 0.35 m Cedar | 171 | 0.60 m Fir |
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| 157 | 0.35 m Cedar | 174 | 0.60 m Fir |
| 158 | 0.35 m Cedar | 175 | 0.60 m Fir |
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| 176 | 0.35 m Cedar | 193 | 0.60 m Fir |
| 177 | 0.35 m Cedar | 194 | 0.60 m Fir |
| 178 | 0.35 m Cedar | 195 | 0.60 m Fir |
| 179 | 0.35 m Cedar | 196 | 0.60 m Fir |
| 180 | 0.35 m Cedar | 197 | 0.60 m Fir |
| 181 | 0.35 m Cedar | 198 | 0.60 m Fir |
| 182 | 0.35 m Cedar | 199 | 0.60 m Fir |
| 183 | 0.35 m Cedar | 200 | 0.60 m Fir |

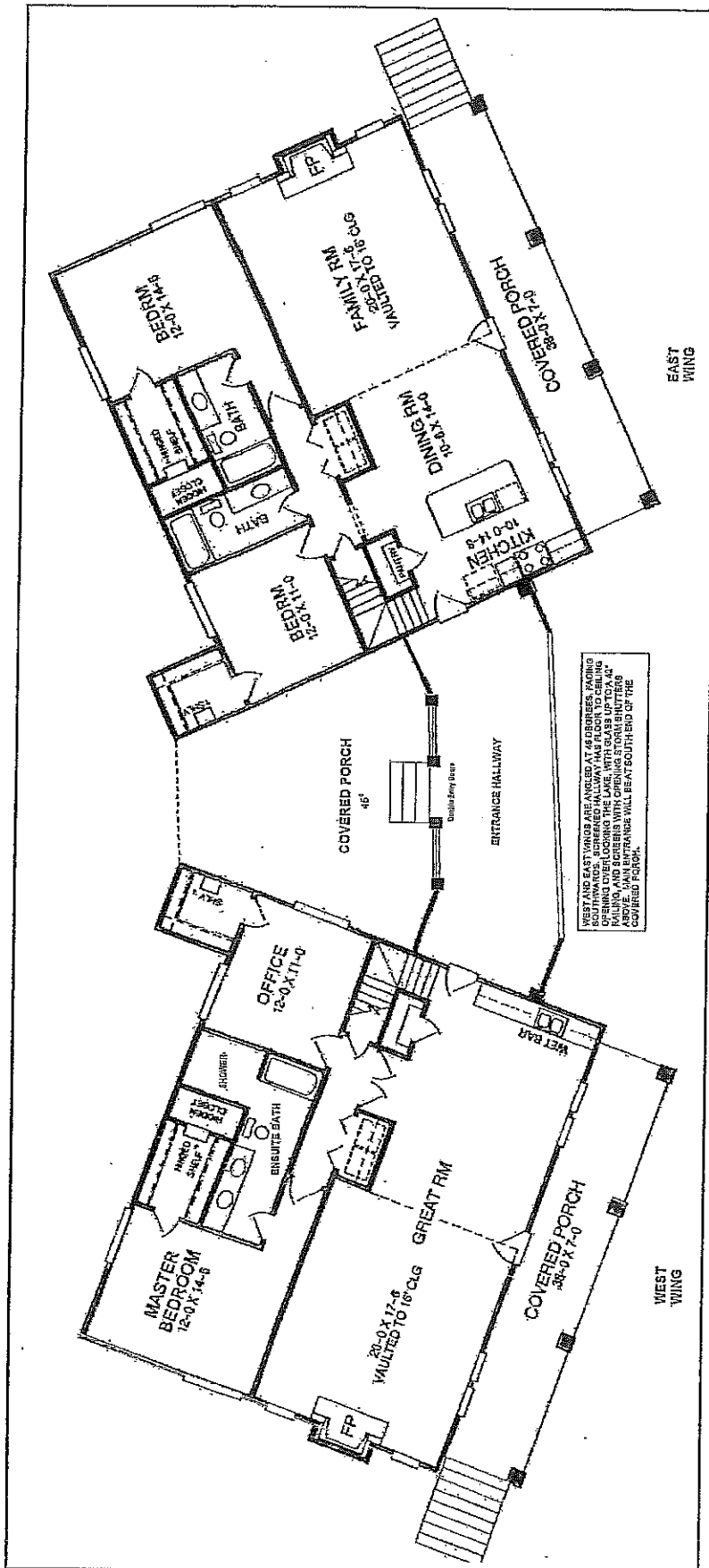
Note: Only Select Trees were measured in course of Field Survey

Schedule 4

Development Application Information

Section 3. Site Plan





Specifications

Country Bungalow

Main Level: 1,404 Sq. Ft. Each Wing

Total Living: 2,808 Sq. Ft. plus

Covered Porch and
Entrance Hallway

Bedrooms: 3

Baths: 3

Width: 42.5' Each Wing

Depth: 34.6' Each Wing

Stories: 1

Foundation: Post and Pier

Justification for Variance:

The shape of the island makes it impossible to build without encroaching on the 15m watercourse setback. Even with the dwelling pushed as far south as possible against the southern 164m line, the northwest corner of the building still encroaches on the northern 164m line. The applicant requests relaxation of the 15m watercourse setback from the 164m line, as follows:

West wing

Northwest corner: 1.5m relaxation from northern 164m line

Southwest corner: 10m relaxation for the living space, and 12m relaxation for the porch

Southern corner: 12m relaxation for the living space, and 14m relaxation for the porch/stairs

East wing

Southwest corner: 11m relaxation for the living space, and 13m relaxation for the porch

Southeast corner: 13m relaxation for the living space, and 14m relaxation for the porch/stairs

The shed (boats, backup propane tanks, generator, and emergency equipment storage) needs to be between the house and the dock, and this too is impossible to build without encroaching on the 15m setback. The applicant requests relaxation of the setback as follows:

Northwest corner: 10m relaxation

Northeast corner: 4m relaxation

Southwest corner: 12.5m relaxation

Southeast corner: 7m relaxation

Key Elements of the Development Footprint Design, as proposed:

1. Consistency with the RAR report.
2. Best fits the natural topography (shoreline/164m line, the natural slope, and taking advantage of the highest land point).
3. Has the least encroachment on the approved septic field, enables the 'dwelling to tank to field' slope to allow gravity feed, and still enables the field and works to be above 164m line for year-round usage.
4. Minimizes the visibility of the dwelling from the Youbou shoreline, protecting the natural views of those property owners.
5. Protects more of the mature trees located in the center and northern area.
6. Maximizes the solar gain, and optimizes the angle of attack/tree canopy shade reduction for the solar heating and PV panels.
7. Enables a grade-level main entry to avoid stairs, thereby making it disability friendly.
8. No encroachment below the 164m, and still has a 5m average setback of the habitable floor area (not including porch/stairs).
9. Single level reduces visibility from Youbou shoreline, and boaters' views of the southern shore of the island.
10. All habitable floor area is above the 167.33m line.
11. The closest point of habitable area is 10m +/- setback from the present natural boundary (the practical boundary for the island, rather than the arbitrary 164m mark), and up to 16m +/- setback.
12. Noise/privacy separation between the B&B guest area and the owners' master bedroom.
13. Maximize the distance between the dwelling and the true riparian area on the north shore.
14. The dwelling footprint is the minimum area required to effectively operate as a B&B.
15. The precedence set by the DP approved for Island #3 (encroachment into the 15m setback from the 164m line was permitted without a variance being required).
16. Denial of a variance will effectively down-zone or sterilize the land.

Billy Goat Island

Proposed Construction Plan

(February 8, 2011)

Billy Goat Island is a 3.65 acre cigar-shaped land mass, approximately 340 metres in length, and comprised of two upland forested lobes separated by a marshy area at the approximate halfway point. The island is located in Cowichan Lake approximately 250 metres from the north shore of the lake off Youbou.

The current owner has maintained the island in its natural pristine state during his 5 ½ years of stewardship. The owner desires to keep the island in as much of a natural state as possible, but now desires to construct a primary dwelling. It is proposed to build on the East Lobe of the island. The primary source of power will be solar PV, with a backup generator. Hot water and in-floor radiant heat will be by solar thermal heating. Potable water is proposed to be sourced from the lake.

The East Lobe of the island has professional survey markers (wooden stakes nailed to trees) in place identifying the 164 metre and the 167.33 metre marks. Ted Burns (QEP) has also conducted a RAR survey and the draft report has been prepared. The survey indicates the East Lobe of the island has a long narrow strip (approximately 2 metres wide) of upland outside of the SPEA, but this is too narrow for a desirable building design and septic disposal field. The entire West Lobe appears to be within the SPEA. A bend in the SPEA is requested for a building site on the East Lobe, for the primary dwelling, utility shed, dock, pathway for dock access, and for the septic system and field.

The following is the plan for low impact and soft touch construction methods proposed for the project. The plan is designed to avoid damage to fish and fish habitat. The construction will be performed in such a manner as to result in no harmful alteration, disruption or destruction of fish habitat, and the QEP will be used to monitor and ensure compliance.

Timing and Duration of Build

The project is planned to commence in May/June 2011 when the lake level permits full access to the natural rock and gravel beaches. A natural solid rock beach adjacent to the proposed construction envelope will enable the landing of heavy materials and a small excavator by barge, with minimal impact on the natural foreshore and fauna. The project completion is planned for the end of September 2011, well in advance of the rainy season and the natural lake level rise that typically occurs in November. In order to mitigate the risk of sediment runoff into the lake, work that creates dust or staining applications will be avoided during wet and rainy periods.

Site Preparation

The building site will be professionally surveyed to lay out the exact position and perimeter of the building site footprint, and the location of the SPEA around the building site footprint will be marked with snow fencing. A registered arborist will be used to consult on any hazardous/problem trees and to advise on proper protection of trees around the

construction envelope. An access path will need to be cleared between the access beach and the building site, to permit the ingress/egress of materials and machinery. The removal of select plants may be necessary to access the construction site. This removal will be kept to a minimum.

The clearing of the land for the building site will be kept to a minimum, but will require some degree of clearing to prepare a safe building envelope. A combination of manual labour and an excavator will complete the preparation of the building site. Standard safety and environmental protection procedures will be used in delivery, refueling and excavation practices to minimize the effect on the lake water, foreshore, and upland.

Effective sediment and erosion control measures will be installed before starting work to prevent the entry of sediment into the lake. These control measures will be inspected regularly during the course of construction and all necessary repairs will be made if any damage occurs.

Use of existing natural and deer trails will be used wherever possible to avoid disturbance to the riparian vegetation (vegetation that occurs adjacent to the lake).

Site Access

Construction material and machinery will be delivered by barge and pontoon boat from the private boat launch at Cowichan Lake RV Resort, located on Sa-Seen-Os Road in Youbou. The primary site for unloading on the island will be the nearest rock beach on the south shore, and material will be stored in front of the proposed building site above the HWM.

The storage of material and equipment will be done in a manner that takes advantage of natural clearings, thereby minimizing the need to clear salal and other vegetation. A secondary construction access point for ingress/egress to the island via pontoon boat is proposed at the nearest natural clearing on the north shore. Existing deer paths will be used where possible and widened to a maximum width of 2 metres, from the shore location to the building site. Eventually it is proposed to construct a permanent dock on the north shore, where it is protected from the prevailing winter winds, has suitable bank formation to accommodate a year-round ramp, and also has sufficient water depth at late summer lowest lake level.

Machinery Operation

Machinery will be operated primarily on land above the HWM or on water (from the barge) in a manner that minimizes disturbance to the banks or bed of the lake. Machinery will arrive on site in a clean condition and will be maintained free of fluid leaks, invasive species and noxious weeds. The washing, refueling and servicing of machinery and storing of fuel and other materials for the machinery will be away from the water to prevent any deleterious substance from entering the lake. An emergency spill kit will be kept on site in case of fluid leaks or spills from machinery. Banks will be restored to original condition if any disturbance occurs.

Foundations

A concrete pad/pier system will be used for the construction of the foundations. This will minimize the amount of concrete required, will reduce the amount of excavation required to a minimum, and will protect against extreme high lake levels. The excavator will be used to dig the pad footings, and excavator movement will be restricted to the construction envelope. All concrete will be mixed on site in a temporary enclosure designed to prevent the wind blowing dry pre-mixed concrete materials onto the lake surface, and prevent any run-off of concrete or sediment into the lake.

Structural Framing, Electrical and Plumbing

A proposed Structural Insulated Panel (SIP) house is planned for the primary dwelling. This includes the floor, walls, and roof system. This construction method will minimize the amount of on-site raw materials and waste, and will minimize the time to build this dwelling, thus again minimizing the effect on the island environment. Standard construction practices as per BCBC 2006 will be used for electrical and plumbing systems.

Servicing the Dwelling

Lake water will be used as the primary water source. A submerged foot valve will need to be located off the shore, with piping installed in a trench up to the dwelling. During dry land trenching for the water pipe, the material that is moved from the bank of the lake (below the HWM) will be stockpiled and returned to its original location once the pipe is installed.

Drinking water will either be from treated lake water or brought in by 5-gallon containers. Eagle Engineering has identified a suitable Type 3 septic field site, and the system will be built as per provincial regulations. Some sand will likely be needed to be brought in for a traditional Type 3 septic system, but the owner is also considering an alternative septic system from Germany which is even more environmentally friendly (this system has recently been approved by DFO and will be installed on the Mainland this Spring on the banks of the Fraser River, and safely discharges directly into the river). Electrical service will be via a combination of solar panels, backup generator, and possibly a wind turbine for winter use. A solar hot water system is also planned for heating water and for in-floor heating. The primary source of fuel for cooking, heating and the backup generator is proposed to be propane. A high efficiency wood stove is proposed for secondary heating.

Exterior Finishing

Construction-grade timber removed from the building envelope will be cut on site and used for the build where feasible, for exterior trim and siding details. Environmentally friendly stain treatments will be utilized.

Interior Finishing

The interior of the SIP skins will be either skim coated and then primed/painted or covered in wood paneling. All finishes will conform to BCBC 2006.

Site Cleanup and Reparation

All construction waste will be removed from the surrounding area to the building site and disposed/recycled at the CVRD's Meades Creek or Duncan facilities. Any temporary

structures for the preparation of concrete, staining, and cutting of wood, will be removed and the area restored to the original state of the site. Any disturbed areas will be re-vegetated by planting and seeding with native trees and shrubs. All planting will follow the DFO guidance on Riparian Re-vegetation.

Use of the QEP

Ted Burns has been procured as the QEP for this project and he will be involved in monitoring and ensuring compliance during site preparation, construction, and at project conclusion. The SPEA and proposed alternative building sites have already been marked with survey tape by the QEP.

Request for CVRD and DFO Approval

The owner respectfully requests the CVRD and DFO to approve of the proposed construction envelope and plans, under the above listed conditions.

Schedule 5

Watercourse Protection DPA

SECTION 13. WATERCOURSE PROTECTION DEVELOPMENT PERMIT AREA

13.1: CATEGORY

The Watercourse Protection Development Permit Area is designated pursuant to Section 919.1(1)(a) and (b) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biodiversity, and the protection of development from hazardous conditions.

13.2: SCOPE

The Watercourse Protection Development Permit Area is coincidental with the Riparian Assessment Area as defined in the *Riparian Areas Regulation*. It is indicated in general terms on Map 6. Notwithstanding the areas indicated on Map 6, the actual Watercourse Protection Development Permit Area will in every case be measured on the ground, and it will be:

- (a) for a stream, the 30 metre strip on both sides of the stream, measured from the high water mark;
- (b) for a 3:1 (vertical/horizontal) ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank, and
- (c) for a 3:1 (vertical/horizontal) ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.

13.3: DEFINITIONS

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

13.4: JUSTIFICATION/OBJECTIVES

- (a) The province of British Columbia's *Riparian Areas Regulation (RAR)*, under the *Fish Protection Act*, aims to protect fish habitat. This regulation requires that residential, commercial or industrial development as defined in the *RAR*, in a Riparian Assessment Area near freshwater features, be subject to an environmental review by a Qualified Environmental Professional (QEP).
- (b) The environmental quality of Cowichan Lake, its tributaries, and associated riparian areas should be protected, as they provide critical habitat for an abundance of fish and aquatic animals, birds, plants, and land-based wildlife such as deer, bear, cougar, and Roosevelt Elk;
- (c) Increasing environmental awareness and declining fish stocks in the Strait of Georgia have led to the need for the protection of the OCP area's lake, streams, wetlands and adjacent riparian lands.
- (d) The riparian areas along Cowichan Lake and its tributaries act as natural water storage, drainage and purifying systems. These areas need to remain in a largely undisturbed state in order to prevent flooding, control erosion, reduce sedimentation, and recharge groundwater.
- (e) This area requires careful management, as it includes hazardous lands that have physical characteristics that may lead to property damage or loss of life if improperly built on.
- (f) The water quality of Cowichan Lake and its tributaries requires protection as it provides an important existing and potential domestic water source.
- (g) Research into watershed hydrology and environmental resilience has demonstrated that once certain thresholds of impervious surfaces (total area of roofs, paving, concrete slabs, accessory buildings and other hard surfaces) are exceeded, irretrievable harm may be done to aquatic life. Many of the developed areas of the OCP area already exceed this threshold of

imperviousness. The OCP aims to ensure that, henceforth, impervious surfaces are minimized to the extent possible, particularly in areas within close proximity to a watercourse.

- (h) The vegetation within the riparian areas requires special consideration as it is essential to the water quality, protecting the water resource from pollution and sedimentation, and permitting more regular water flows during the summer months than would occur otherwise.

13.5: APPICABILITY

A development permit must be applied for, and issued by the Cowichan Valley Regional District, prior to any of the following activities occurring in the Watercourse Protection Development Permit Area, where such activities are directly or indirectly related to existing or proposed residential, commercial or industrial land uses in any Zone or Land Use Designation:

- (a) removal, alteration, disruption or destruction of vegetation;
- (b) disturbance of soils;
- (c) construction or erection of buildings and structures;
- (d) creation of nonstructural impervious or semi-impervious surfaces;
- (e) flood protection works;
- (f) construction of roads, trails, docks, retaining walls, wharves and bridges;
- (g) provision and maintenance of sewer and water services;
- (h) development of drainage systems;
- (i) development of utility corridors;
- (j) subdivision as defined in section 872 of the Local Government Act.

13.6: GENERAL GUIDELINES

Prior to undertaking any activities outlined in Section 13.5 above, an owner of land that is in the Watercourse Protection Development Permit Area shall apply to the CVRD for a development permit, and the application shall meet the following guidelines:

- (a) Sites shall be retained in their natural state where possible, preserving indigenous vegetation and trees. If adequate, suitable areas of land for the use intended exist on a portion of the parcel located outside of the Watercourse Protection Development Permit Area, the proposed development should be directed to those areas in order to minimize development in the DPA. The precautionary principle will be applied, whereby the onus will be placed with the applicant to demonstrate that encroaching into the Watercourse Protection Development Permit Area is necessary due to circumstances such as topography, hazards or lack of alternative developable land, and that every effort is made to minimize adverse impacts.

As all but a small area in the centre of the island is in the development permit area and SPEA, there is no alternative but to develop in the DPA. The owner is taking precautions to leave much of the island undisturbed and to limit tree and vegetation removal to the house site.

- (b) Where a parcel of land is entirely within the Watercourse Protection Development Permit Area, the development should be sited so as to maximize the separation between the proposed building/land use and the most sensitive area. In cases where the appropriate course of action is unclear, the applicant may be required to prepare, at his/her own expense, a report by a qualified professional biologist, which will identify the area of lowest environmental impact that is suitable for the use intended.

The applicant has situated the proposed dwelling and associated development as close to the southern shoreline as possible so as to minimize disturbance to the north side riparian, where QEP has determined fish habitat values to be higher. It is difficult for planning staff to know if the location of the proposed development is optimal for minimizing disturbance to the riparian area.

- (c) Any work done in the Watercourse Protection Development Permit Area must be carried out in a manner that minimizes the need for vegetation clearing. An arborist should be consulted, to ensure that trees and shrubs in the riparian buffer area are carefully pruned, where necessary to enhance views, rather than removed. In order to control erosion and to protect the environment, the development permit may specify the amount and location of tree and vegetative cover to be planted or retained. Where a development proposal calls for the removal of vegetation within this Development Permit Area, the Regional Board may require the preparation of a report by a qualified biologist, payable by the developer, indicating measures required to achieve no net loss of habitat and appropriate implementation measures. The Board may require the re-vegetation of land in a Development Permit.

The applicant is not proposing to remove trees to enhance views. Trees will only be removed where necessary for the home site and associated development. A report indicating measures to achieve no net loss of habitat was not provided with the application.

- (d) Recommendations in the Ministry of Water Land and Air Protection's Best Management Practices (*Storm Water Planning – A Guidebook For British Columbia*) should be applied, to reduce areas of impervious surfaces and increase natural groundwater infiltration. On-site stormwater management techniques that do not impact surrounding lands, should be used, rather than the culverting or ditching of stormwater runoff.

As the subject property is a small island, the volume of storm water runoff and the impact of runoff on adjacent property is not an issue. However, the quality of water draining into the lake from the proposed development is a potential issue. The applicant is proposing a number of storm and rainwater precautions during the construction, including sediment and erosion control measures, control of concrete dust and runoff, and scheduling heavy construction to occur in the dry season.

- (e) The creation and implementation of a silt and sediment control plan and/or an integrated stormwater management plan, by qualified professionals may be required to permit the controlled release of runoff from the development and to buffer streams from the loading of sediment and nutrient materials. The Regional Board will require that a drainage study be completed by a licensed, professional engineer to determine the extent of the works required and to establish criteria for eliminating or minimizing storm flows from the developed site.

The applicant has proposed silt and sediment control measures and stormwater management techniques, but has not provided a specific plan. Such plans are not usually requested for construction of single family dwellings. Should the EASC feel a silt and sediment control plan and stormwater management plan are necessary, these could be made conditions of the permit.

- (f) Figures for total imperviousness on sites within this development permit area should be calculated by the proponent and submitted at the time of development permit application. The Board may specify maximum site imperviousness or effective imperviousness in a development permit.

The only impervious surfaces proposed are the buildings, which cover approximately 2.2% of the site. This is significantly less than the percentage of impervious surface most residential properties.

- (g) Where a subject property is located within a floodplain as shown on the “Cowichan Lake Floodplain Maps”, buildings and structures will be subject to the flood construction levels specified on the floodplain maps, administered under Section 56 of the *Community Charter*.

The proposed dwelling will be elevated above the 200 year flood elevation.

- (h) Roads and driveways should be located as far as possible from the edge of a bank or from a shoreline, so as to keep sand, gravel, leach oils and fuels, and road salt out of runoff. Driveways should be angled across the hill’s gradient, where possible, and be composed of porous materials such as road mulch, small modular pavers or pre-cast concrete lattice, to keep runoff to a minimum. For driveways that are already paved, a portion of the runoff can be diverted by the use of speed bumps in regular intervals. Settling pools can be installed in runoff ditches that slope to water.

No roads or driveways are proposed.

- (i) Footpaths to a shoreline should be planned to avoid erosion, using slope contours rather than a straight downhill line, and be narrow to minimize impacts on drainage patterns. Impacts to a slope can be minimized by elevating stairs above the natural vegetation.

The footpath between the dock and dwelling location will be constructed at a grade that does not result in erosion.

- (j) Retaining walls will be limited to areas above the high water mark, and to areas of active erosion. Backfilling behind a wall, to extend the existing edge of a slope, is not permitted unless it can be clearly demonstrated that the fill is necessary to prevent further erosion or sloughing of the bank.

Retaining walls are not proposed.

- (k) Where a retaining wall is proposed, bioengineering – using native plants, will be encouraged. The use of concrete, rip rap, unsightly construction debris like broken concrete, bricks and shot rock are discouraged as materials to improve bank stability. The use of vegetation such as willows and/or deadfalls or logs are encouraged as alternatives to minimize erosion and reduce the velocity of stream flows. Natural materials such as wood and stone, particularly darker colours that blend in with the natural shoreline and are less obtrusive when seen from

the water. In cases where hard armouring, such as using solid concrete or heavy rocks or rock in wire cages, is necessary, the planting of native vegetation should be done to soften its impact, and the base of the wall should be constructed to be habitat friendly; Large, fortress like, uniform walls should not be permitted unless composed of pervious materials and stepped or softened to provide for water absorption.

Not applicable.

- (l) Where a fence is constructed on, or in conjunction with, a uniform retaining wall or the highest uniform section of a retaining wall, the retaining wall or portion thereof should be considered to be an integral part of the fence for the purpose of determining height.

No fences or retaining walls proposed.

- (m) Cultural/heritage features of a site must be undisturbed.

There are no known cultural or heritage features on the subject property.

- (n) Pilings, floats, or wharves should be consistent with the current Operational Statement of Fisheries and Oceans Canada.

As the proposed dock is over 24 square metres, DFO approval is required for the dock design and construction. Ministry of Environment approval is also required.

- (o) For subdivision proposals, where a sensitive area is proposed to be covenanted for conservation purposes or dedicated to a public body or conservation group, the parcel lines may abut or follow the boundaries of the sensitive area. In other cases, the appropriateness of proposed parcel line locations should be reviewed with respect to site-specific considerations and the overall goal of minimizing environmental impacts.

Not applicable.

- (p) All development proposals subject to a development permit should be consistent with "Develop With Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia", published by the Ministry of Environment.

The proposed development does not appear to conflict with Develop with Care guidelines.

- (q) The draining of wetlands or watercourses, and the land filling or dredging of a watercourse, including a lake, to increase a property size, create a sandy beach area, or restrict the public use of an area beyond property lines, is prohibited.

No such works are proposed.

- (r) Development proponents must ensure that the proposed development does not cause a harmful alteration, disruption or destruction to habitat.

The RAR assessment states that the proposed development will not result in a HADD.

13.7: RIPARIAN AREA REGULATION GUIDELINES

Prior to undertaking any activities outlined in Section 13.5 above, an owner of land that is in the Watercourse Protection Development Permit Area shall apply to the CVRD for a development permit, and the application shall meet the following guidelines:

- (a) A qualified environmental professional (QEP) will be retained at the expense of the applicant, for the purpose of preparing a report pursuant to Section 4 of the *Riparian Areas Regulation*. The QEP must certify that the assessment report follows the assessment methodology described in the regulations, that the QEP is qualified to carry out the assessment and provides the professional opinion of the QEP that:
- (i) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area; and
 - (ii) the streamside protection and enhancement area (SPEA) that is identified in the report is protected from the development and there are measures identified to protect the integrity of those areas from the effects of development; and
 - (iii) the QEP has notified the Ministry of Environment and Fisheries and Oceans Canada, both of whom have confirmed that a report has been received for the CVRD; or
 - (iv) confirmation is received from Fisheries and Oceans Canada that a harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area has been authorised in relation to the development proposal.

The required report has been prepared and the CVRD has received notification from the Ministry of Environment that report has been filed.

- (b) Where the QEP report describes an area designated as Streamside Protection and Enhancement Area (SPEA), the development permit will not allow any development activities to take place therein, and the owner will be required to implement a plan for protecting the SPEA over the long term through measures to be implemented as a condition of the development permit, such as:
- a dedication back to the Crown Provincial,
 - gifting to a nature protection organisation (tax receipts may be issued),
 - the registration of a restrictive covenant or conservation covenant over the SPEA confirming its long-term availability as a riparian buffer to remain free of development;
 - management/windthrow of hazard trees;
 - drip zone analysis;
 - erosion and stormwater runoff control measures;
 - slope stability enhancement.

As all but a narrow strip of land 2-3 metres wide in the centre of the island is identified as SPEA, it is not possible to undertake development on the island without some encroachment into the SPEA.

Protection measures identified in the assessment report include the demarcation of construction with snow fencing and the permanent marking of SPEAs upon completion of construction.

The QEP does not expect windthrow to be an issue, and because the island is relatively flat, slope stability is also not a concern.

- (c) Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit will only allow the development to occur in strict compliance with the measures described in the report. Monitoring and regular reporting by professionals paid for by the applicant may be required, as specified in a development permit;

The QEP report identifies the development area and mitigation measures. Monitoring and a post-development report is recommended by the QEP.

- (d) If the nature of a proposed project in a riparian assessment area evolves due to new information or some other change, a QEP will be required to submit an amendment report, to be filed on the notification system;

The QEP report identifies addresses most of the development that is proposed. There are, however, some discrepancies between what is proposed in the development permit application and the development described in the report. For example, the report states, "The building site is well above the flood level of 167 plus". In fact, much of the building site is below the 200 year flood level. The size of the proposed dwelling and associated development described in the QEP report is also less than what is proposed in the development permit application.

- (e) Wherever possible, QEPs are encouraged to exceed the minimum standards set out in the *RAR* in their reports;

The QEP report is purportedly in compliance with the *RAR* but does not appear to "exceed" the minimum standards of *RAR*.

- (f) Cowichan Lake is subject to natural water level fluctuations on an annual basis. Winter water (high) levels often flood shoreline areas of the lake. These shoreline areas provide important fish habitat, especially during winter periods. The QEP assessment must pay special attention to how the site may be within an active floodplain; the QEP should also assess the existence of floodplain plant species that are important fish refuge areas during high water, and clearly delineate exactly where the high water mark is on the site.

The QEP report indicates that the eastern most 35 metres of the west lobe of the island is subject to flooding. As development is not proposed on this part of the island, the report does not contain specific recommendations regarding flood issues. A deficiency with the report is that it does not provide comment or recommendations regarding the close proximity of the proposed development to the high water mark of the lake.

- (g) The mean annual high water mark on Cowichan Lake has been calculated by the Ministry of Environment as being 164 metres above mean sea level, so Qualified Environmental Professionals are very strongly encouraged to incorporate this into their reports, as being the point from which the SPEA will be measured.

The QEP report did not use the 164 metre elevation as the high water mark. Instead, the observed high water mark was used.

13.8: EXEMPTIONS

In the following circumstances, a development permit will not be required:

- (a) Renovations, repairs and maintenance to existing buildings that are protected by Section 911 of the *Local Government Act*;
- (b) Minor interior and exterior renovations to existing buildings, excluding any additions or increases in building volume;
- (c) Removal of invasive non-native vegetation such as Gorse, Scotch Broom, and its immediate replacement with native vegetation;
- (d) Creation of a passage or trail not more than 1.5 metres in width cleared of vegetation, which does not involve the removal of any tree greater than 5 metres in height or with a diameter at breast height (DBH) of 10 centimetres, to allow for passage to the water on foot.

13.9: VARIANCES

Where a proposed development plan adheres to the guidelines of the Watercourse Protection Development Permit Area, the Regional Board may give favourable consideration to variances of its bylaws where such variances are deemed by the Regional Board to have no negative impact on adjacent parcels and would enhance the aesthetics of the site in question. Such variances may be incorporated into the development permit.

13.10: FLOOD CONSTRUCTION LEVELS

The Board will not give relaxations to the flood construction levels in any circumstance.

13.11: CONCURRENT DEVELOPMENT PERMIT AREAS

Where more than one development permit area applies to land in the Watercourse Protection Development Permit Area (DPA), a single development permit may be issued. Where any other DPA guidelines would conflict with the Riparian Areas Regulation guidelines, the latter shall prevail.

13.12: VIOLATION

- (a) Every person who:
- 1. violates any provision of this Development Permit Area;
 - 2. causes or permits any act or thing to be done in contravention or violation of any provision of this Development Permit Area;
 - 3. neglects to do or refrains from doing any act or thing required under this Development Permit Area;
 - 4. carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to this Development Permit Area;
 - 5. fails to comply with an order, direction or notice given under this Development Permit Area; or

6. prevents or obstructs or attempts to prevent or obstruct the authorised entry of the Administrator, or person designated to act in the place of the Administrator;
commits an offence under this Bylaw.
- (b) Each day's continuance of an offence constitutes a new and distinct offence.

13.13 PENALTY

A person who commits an offence against this Bylaw is liable, upon conviction in a prosecution under the *Offence Act*, to the maximum penalties prescribed under the *Community Charter* for each offence committed by that person.

13.14: SEVERABILITY

If any section, sentence, clause, phrase, word or schedule of this Development Permit Area is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Development Permit Area.

13.15 APPLICATION REQUIREMENTS

- (a) Before the CVRD authorizes the issuance of a development permit for a parcel of land in the **Watercourse Protection Development Permit Area**, the applicant must submit a development permit application, which at a minimum includes:
 1. A written description of the proposed project;
 2. Reports or information as listed in the relevant Development Permit Guidelines;
 3. Information in the form of one or more maps, as follows:
 - Location/extent of proposed work;
 - Location of watercourses, including top of bank;
 - Topographical contours;
 - Location of slopes exceeding 25 percent grade;
 - Location of lands subject to periodic flooding;
 - Percentage of existing and proposed impervious surfaces;
 - Existing tree cover and proposed areas to be cleared;
 - Areas of known sensitive or rare native plant communities;
 - Areas of known wildlife habitat;
 - Existing and proposed buildings;
 - Existing and proposed property parcel lines;
 - Existing and proposed roads, vehicular access points, driveways, and parking areas;
 - Existing and proposed trails;
 - Existing and proposed stormwater management works, including retention areas and drainage pipes or ditches;
 - Existing and proposed erosion mitigation/watercourse bank alterations;
 - Existing and proposed septic tanks, treatment systems and fields;
 - Existing and proposed water lines and well sites.
 4. A Qualified Environment Professional's report, prepared pursuant to Section 13.7.

- (b) In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense, a report certified by a professional engineer with experience in geotechnical engineering which includes:
1. A hydrogeological report, which includes an assessment of the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition;
 2. A report on the safety of the proposed use and structures on-site and off-site, indicating that the land may be used safely for the use intended; and/or
 3. A stormwater management plan, which includes an assessment of the potential impact of the development on the groundwater resource;
 4. To ensure that all of the applicable DPA guidelines are met, the CVRD may require, by Resolution of the Board, the deposit of a Security to be held until the requirements of a Permit have been met to the Board's satisfaction. Should a Development Permit holder fail to fulfill the requirements of a Development Permit, the CVRD may undertake and complete the works required at the cost of the Permit holder and may apply the Security in payment of the cost of the work, with any excess to be refunded to the Permit holder. Should there be no default as described above, the CVRD will refund the Security to the Permit holder.

Schedule 6

LR-1 Zoning and Watercourse Setback

5.3 **LR-1 LAKEFRONT RESIDENTIAL 1 ZONE**

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the LR-1 Zone:

1. **Permitted Uses**

The following principal uses and no others are permitted in the LR-1 Zone:

- a. Environmental protection and conservation;
- b. Single-family dwelling;

The following accessory uses are permitted in the LR-1 Zone:

- c. Bed and breakfast accommodation;
- d. Buildings and structures accessory to a principal permitted use;
- e. Home occupation;
- f. Secondary dwelling unit or secondary suite, provided the unit would not be located closer than 60 metres to the natural boundary of the lake.

2. **Minimum Parcel Size**

The minimum parcel size in the LR-1 Zone is 2500 m² if the parcel is connected to a community water system, and 1 hectare where the parcel is not connected to a community water system.

3. **Number of Dwellings**

Not more than one dwelling is permitted on a parcel, under 0.4 ha in area, that is zoned LR-1. For parcels zoned LR-1 that 0.4 in area or more, one additional secondary dwelling or secondary suite is permitted on a parcel.

4. **Setbacks**

The following minimum setbacks apply in the LR-1 Zone:

| Type of Parcel Line | Residential and Accessory Buildings and Structures |
|---------------------------|--|
| Front parcel line | 7.5 metres |
| Interior side parcel line | 3.0 metres |
| Exterior side parcel line | 4.5 metres |
| Rear parcel line | 7.5 metres |

5. **Height**

In the LR-1 Zone, the height of all buildings and structures must not exceed 7.5 metres, except in accordance with Section 3.8 of this Bylaw.

6. **Parcel Coverage**

The parcel coverage in the LR-1 Zone must not exceed 20 percent for all buildings and structures.

7. **Parking**

Off-street parking spaces in the LR-1 Zone must be provided in accordance with Section 3.13 of this Bylaw.

3.18 Secondary Dwelling Unit

For zones in which it is permitted use, the secondary dwelling unit shall:

1. be either free-standing or attached to a residential accessory building;
2. not be a manufactured home, modular home, park model mobile home or recreational vehicle;
3. be legally constructed and inspected in accordance with the *British Columbia Building Code* and the CVRD Building Bylaw, and have the approval of the authorities responsible for domestic waste disposal and domestic water supply;
4. not have a gross floor area in excess of 74 m²
5. not be located on a parcel that is less than 0.4 hectares in area;
6. not be located on a parcel of land that has another secondary suite or secondary dwelling on it;
7. not be located on a parcel of land unless an owner of the parcel resides on the same parcel;
8. have two additional on-site parking spaces;
9. the secondary dwelling unit shall not be subdivided from the parcel upon which it is situated, nor shall a strata plan of any kind be registered upon a building or parcel containing a secondary suite, and the owner must enter into and register a restrictive covenant to this effect on the property's title in the Land Title Office.

3.19 Setback Exceptions

1. Except as otherwise provided in particular zones, the setback requirements of this Bylaw do not apply with respect to:
 - a. A pump house
 - b. Bay windows, belt courses, chimneys, exterior finish, heating equipment, sills, sunlight control projections, sunshades, unenclosed stairwells, and ventilating equipment, if the projections do not exceed 1 m measured horizontally;
 - c. Eaves, canopies, cornices, gutters, sunshades, and unenclosed stairwells if the projections, measured horizontally, do not exceed:
 - i. 2 m in the case of a rear yard;
 - ii. 1 m in the case of a front yard or side yard;
 - d. Signs;
 - e. Open fences; and
 - f. Closed fences and landscape screens that are less than 2 metres in height.
2. Notwithstanding any other provision of this Bylaw, the consent of the Ministry of Transportation is required to place any building or structure closer than 4.5 m to a property line adjacent to a highway;
3. No other features may project into a required setback area.

3.20 Setbacks from a Watercourse

Notwithstanding any other provision of this Bylaw, no building or structure shall be located within 15 metres of the high water mark of any watercourse or a lake, unless specified in a Development Permit. →

Schedule 7

RAR Assessment Report #1910

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

Riparian Areas Regulation: Assessment Report

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

Date **March 1, 2010**

I. Primary QEP Information

| | | | | |
|----------------|----------------|------------|-------------|----------------------|
| First Name | Ted | | Middle Name | |
| Last Name | Burns | | | |
| Designation | Biologist | | Company | |
| Registration # | 895 | | Email | tedburns@shaw.ca |
| Address | 9715 Epp Drive | | | |
| City | Chilliwack | Postal/Zip | V2P 6N7 | Phone # 604-795-9716 |
| Prov/state | BC | Country | Canada | |

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

| | | | |
|----------------|--|-------------|---------|
| First Name | | Middle Name | |
| Last Name | | | |
| Designation | | Company | |
| Registration # | | Email | |
| Address | | | |
| City | | Postal/Zip | Phone # |
| Prov/state | | Country | |

III. Developer Information

| | | | |
|------------|-----------------------|-------------|---------------|
| First Name | Mike | Middle Name | |
| Last Name | Dix | | |
| Company | | | |
| Phone # | 250-477-0101 | Email | mjdix@shaw.ca |
| Address | 4596 Bonnieview Place | | |
| City | Victoria | Postal/Zip | V8N 3V6 |
| Prov/state | BC | Country | Canada |

IV. Development Information

| | | | |
|--------------------------|---|-----------------------|------------|
| Development Type | Construction: Single Family Residential | | |
| Area of Development (ha) | .03 | Riparian Length (m) | 692 |
| Lot Area (ha) | 1.46 | Nature of Development | New |
| Proposed Start Date | May 2010 | Proposed End Date | Sept. 2011 |

V. Location of Proposed Development

| | | | |
|----------------------------------|-----------------------------------|----------|------------------|
| Street Address (or nearest town) | Youbou | | |
| Local Government | Cowichan Valley Regional District | City | Duncan |
| Stream Name | Cowichan Lake | | |
| Legal Description (PID) | 000-121-924 | Region | Vancouver Island |
| Stream/River Type | Lake | DFO Area | South Coast |
| Watershed Code | 9202577 | | |
| Latitude | 48 | 51 | 60 |
| Longitude | 124 | 11 | 07 |

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

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

Development Proposal

Mike Dix proposes to construct a home on the east lobe of Billy Goat Island (Cowichan Lake) which is also known as Island 4. The approximately 290 m long 1.46 ha island (which is two islands at higher water levels because the two lobes of the island are separated by a high water channel) is located adjacent to the eastern portion of Youbou which is Reach 56 of Cowichan Lake. The dwelling would cover some 253 m² and there will be some additional intrusion for a septic system and a small shed for a total of approximately 300 m². The island is about 47 m wide at the building site and a SPEA of 45 m is required. Therefore nearly all of the development footprint will overlap the SPEA and a bend in it will be necessary to accommodate the works. Because the West Lobe of the Island is a separate riparian unit of about .6 ha and will remain undeveloped, the footprint can be compensated for there. It will also be necessary to procure a Section 9 Water Act Notification for a dock and a water licence for the domestic water supply which will be pumped from Cowichan Lake. A Type 3 septic system (Eagle Engineering) will be employed which delivers high quality effluent to a land dispersal system on site.

Riparian Conditions

The island has a riparian length of 692 m and approximately half of this is Class 1 or 2 fish habitat (most of the north shore and the channel which separates the two lobes of the island). The south shore of the island and its ends are exposed to both southeasters and west winds and the habitat value is much reduced by wave attack. The north shore riparian band is quite narrow (approximately 1 – 4 m wide but usually 1 - 2 m) and consists of Red Osier, Pacific Ninebark and occasional alders. The shore abruptly grades into dry Douglas fir-Salal upland on this side of the island. The south shore riparian community consists of sparse vegetation common to dry exposed shores on the South Island: Nootka Rose, Pacific Ninebark, a bit of alder and Sweet Gale. Much of the shore is not vegetated consisting of pocket beaches and bedrock. The south shore zone is broader than that of the north because of its low angle (3-5%) but very little of it is riparian in the biological sense of the word. Most of it is Class 3 or 4 in terms of fish habitat value. The interior of the island is entirely terrestrial dry upland with Salal-Douglas Fir and occasional Red Huckleberry, Western Red Cedar, Arbutus and Shore Pine. Maximum elevation of both lobes of the Island is above the designated 200 year flood level of 167.33 m. The highest recorded lake level to date was 165.388 m. The building site is in the interior and well removed from riparian values. No fish habitat disturbance will result from building at the chosen location

Cowichan Lake as Fish Habitat

Cowichan Lake and, in particular, its shore zone, is very important fish habitat. Cowichan Lake is a large, deep, oligotrophic coastal lake. It covers a surface area of 62,043,000 m², has a volume of 3,109,138,000 m³ and a perimeter of 102,740 m. The shore zone has been divided into 85 reaches and sub-reaches (Burns, 2002). It has a strong and diverse fish community.

Table 1: Cowichan Lake Physical Description

| Elevation | Area (m ²) | Volume (m ³) | Mean Depth (m) | Max. Depth (m) | Perimeter (m) | Reaches |
|-----------|------------------------|--------------------------|----------------|----------------|---------------|---------|
| 158-165 | 62,043,000 | 3,109,138,000 | 50.1 | 152 | 102,740 | 85 |

Cowichan Lake is utilized by rainbow and cutthroat trout, brown trout, Dolly Varden char, kokanee, chinook and coho salmon. Chum salmon also use the lake on a short term basis. Threespine sticklebacks and sculpins are also present (*Cottus asper* and *Cottus aleuticus*). The Cowichan Lamprey is also present (Table 2).

Table 2: The fishes of Cowichan Lake and their relative abundance

| Species | Relative Abundance |
|---------------------------|--|
| Coho salmon | Very abundant in the shore zone between May and July. Can persist all summer in cool years. |
| Three – spine stickleback | Very abundant in the shore zone for most of the year |
| Kokanee | Very abundant but mainly in open water |
| Cutthroat trout | Very abundant. At least two races or forms in the lake. |
| Rainbow trout | Very abundant but slightly less so than cutthroats |
| Dolly Varden | Formerly abundant especially in the west portion of the lake but have declined markedly of late. Now uncommon. |
| Chinook salmon | Scarce. Very abundant prior to 1950's in the form of early run (June) that held in the lake until fall rains then spawned in a number of tributaries. Fall Chinooks are still relatively abundant in the Cowichan system but they make little use of the lake. |
| Chum salmon | Not abundant, spawns in several tributaries in small numbers, total escapement to the lake tributaries usually less than 1000. Very occasional beach spawning near Youbou and possibly at other sites. Young are in shore zone from late April to June. |

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

| | |
|------------------|---|
| Brown trout | Uncommon in the lake but some large individuals are present. Browns are common in the Upper Cowichan River |
| Cowichan Lamprey | Abundant. This species is red listed likely because Cowichan Lake is its only known location. The lamprey is most abundant in Mesachie and Bear Lakes and is known to spawn in Mesachie and Halfway Creeks. |
| Prickly Sculpin | Abundant in the shore zone |
| Aluetian Sculpin | Common in the lake and portions of its tributaries |

Of the Cowichan Lake fish community, Threespine sticklebacks and coho salmon are the most at risk from development adjacent to the lake because they are most dependent on shore zone habitat. All juvenile salmonids winter in the shore zone (inland extent of riparian vegetation and, in most cases, seasonal wetting, to the 6 m contour offshore). But coho and sticklebacks are present in all but the warmest weather periods when water temperature exceeds 22°. However they are not usually present in all habitats being largely limited to protected, well vegetated Class 1 and 2 Shores. Along Billy Goat Island, the north shore is utilized by both Three Spine Sticklebacks and coho juveniles as is the wetland channel between the island lobes. Juvenile trout likely are present in the channel in the winter months. The south shore of the island is less capable fish habitat due to its high exposure to both southeasters and west-south west winds and its harder shores

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

Section 2. Results of Riparian Assessment (SPEA width)

2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: February 18, 2010

Description of Water bodies involved (number, type)

1 lake

| | |
|-------------------|---|
| Stream | |
| Wetland | |
| Lake | X |
| Ditch | |
| Number of reaches | 1 |
| Reach # | 1 |

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

| | Channel Width(m) | Gradient (%) | |
|-----------------------------|------------------|--------------|--|
| starting point | | | I, <u>(name of qualified environmental professional)</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(name of developer)</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation. |
| upstream | | | |
| | | | |
| | | | |
| | | | |
| downstream | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| Total: minus high /low mean | | | |
| | R/P | C/P | S/P |
| Channel Type | | | |

Site Potential Vegetation Type (SPVT)

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

Schedule 8 – APC Minutes

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



R2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 6, 2012

DATE: October 31, 2012 FILE NO: 1-A-12DVP
FROM: Dana Leitch, MCIP, Planner II BYLAW NO:
SUBJECT: Application No. 1-A-12DVP (Mill Bay Marina Inc)

Recommendation/Action:

1. That Application No. 1-A-12DVP by Mill Bay Marina to vary the parking requirements outlined in Table 1 of CVRD Bylaw No. 1001 be approved with the number of required parking stalls on Block "C", Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, except part in Plans 29781 and 30142 (PID: 001-027-433) and Foreshore Lease Lot 459 (Lease No. 112643) reduced from 65 to 53 parking stalls.

Relation to the Corporate Strategic Plan: N/A

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

Background:

The CVRD is in receipt of an application to vary the maximum number parking stalls required at the Mill Bay Marina development site.

Location of Subject Property: 740 Handy Road, Mill Bay

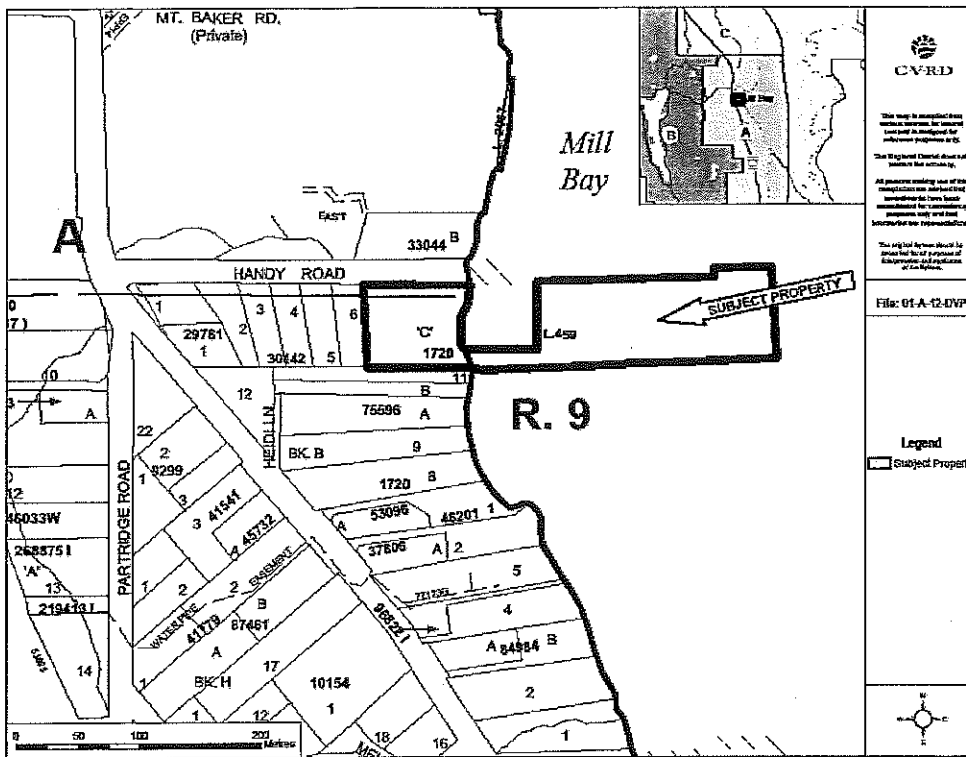
Legal Description: Block "C", Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, except part in Plans 29781 and 30142 (PID: 001-027-433) and Foreshore Lease Lot 459 (Lease No. 112643).

Date Application and Complete Documentation Received: February, 2012

Owner: Mill Bay Marina Inc

Applicant: Cadillac Homes Inc

Size of Parcel: Upland portion: ± 0.632 ha (± 1.56 acres)
Water Lease Lot: 1.079 ha (± 2.6 acres)



Zoning: Upland Portion: RM-3 (Townhouse Residential)
Water Lease Lot: W-3 (Water Marina)

Existing Plan Designation: Upland Portion: (TC) Tourist Commercial
Water Lease Lot: (MC) Marine Conservation

Existing Use of Property: Townhouse Residential & Marina Use

Existing Use of Surrounding Properties:
North: Handy Road and Residential
South: Residential
East: Saanich Inlet
West: Residential

Services:
Road Access: Handy Road
Water: Mill Bay Waterworks
Sewage Disposal: Community Sewer (Sentinel Ridge)

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: The Environmental Planning Atlas identifies the waterfront portion of the subject property to be within a Shoreline Sensitive Area. A stream is located on the north side of Handy Road.

Archeological Site: An archaeological site has been identified on the subject property. The owners have had an archaeological assessment undertaken and have obtained a site alteration permit from the Archaeological Branch.

Background

The subject property is located at 740 Handy Road. The site is located east of the Trans Canada Highway (Highway 1) east off of Mill Bay Road.

The upland portion of the subject site was recently rezoned to permit 14 townhouse dwellings and the remainder of the site is zoned for Marina use. The portion of the site zoned designated for marina use is zoned W-3 and will ultimately include 91 marina slips/moorage facilities, a marina fueling station and temporary marina office. This portion of the site will also include a bistro restaurant with approximately 50 seats.

In the fall of 2011 a development permit was approved by the CVRD for the development of the townhouse dwellings and marine commercial buildings.

Parking Supply

The Marina site's existing parking supply is 46 stalls. This parking will be shared between the marina and the bistro restaurant. The townhome site will have a surplus of 7 parking spaces which can also be counted towards the marina/bistro under the CVRD's off-street Parking Bylaw. A total of 53 parking stalls are provided for the marina and bistro.

Adjacent to the site is on-street parking for vehicles (with or without boat trailers). This on-street parking is mainly utilized by the general public accessing the beach and adjacent boat launch. Parking for the boat launch is not part of this application or this report.

Required Parking

The CVRD off-street parking requirements from CVRD Bylaw No. 1001 apply to the site. In accordance with this bylaw, the marina is required to have 1 stall per 2 berths (slips) plus 1 stall per 2 employees. Based on a total of 91 berths (slips) and the 2 employees currently working at the marina, the marina is required to have 46.5 parking stalls.

CVRD Bylaw No. 1001 requires the bistro restaurant to have 1 parking stall per 3 seats plus 2 spaces. The bistro restaurant will have approximately 50 seats, so the required parking for the restaurant is 18.6 parking stalls. The total number of off-street parking stalls required by CVRD Bylaw No. 1001 for the total Marina site is 65 parking stalls.

Parking Variance Requested by Applicants

This application has been made to reduce the off-street parking requirements for the marina from 1 parking stall per 2 berths (slips) to 1 parking stall per 4 berths (slips). This represents a reduction in required parking for the marina and bistro from 65 to 49 parking stalls.

The number of parking stalls the applicant is proposing is 23.75 parking stalls for the marina and 18.66 parking spaces for the bistro restaurant. The applicant also is requesting to carry over the surplus 7 parking spaces from the townhome dwellings to provide 49 parking spaces. The applicant is able to carry over this surplus of parking because of section 4.4 of the bylaw allows parking on a contiguous parcel.

The requested variance reduces the number of required parking spaces from 65 to 49, or a relaxation of 16 stalls.

Rationale for Reduced Parking

The applicant has rationalized the request for reduced parking onsite by supplying data on observed parking demand during regular and peak periods, through the implementation of parking enforcement and through encouraging alternative modes of transportation.

Parking Demand

The applicants contend that parking demand for the various uses onsite is not as high as the CVRD Off-street Parking Bylaw suggests. In September, 2012 only 24% of the allocated designated marina parking stalls were occupied. During the summer in 2012, there were only 2 weekends in July and August 2012 when the parking onsite was "tight". There was approximately 1 parking stall per every 3 berths (slips) available during these "tight" weekends. On a typical day the demand for parking averages 1 stall per every 5 berths (slips) (including the non-marina users) (Boulevard Transportation Group, 2012).

Other Factors Influencing Parking Demand

Use of Parking at Residential Units

Once the 14 townhomes are built out on the west side of the parking lot, the development will have a double parking garage for each unit and for guest on the surface parking. It is expected that residents will also be users of the marina and will reduce the demand for marina parking as residents will utilize their own parking stalls located at their townhomes. If we assume that each owner also rents a slip there would be a 5 to 7 parking stall reduction in demand (based on a 1 stall per 3 berths or a 1 parking stall per 2 berth rate) at the marina site. However, this has already been addressed in the parking requirements with 7 of the townhouse parking stalls contributing to the marina parking (Boulevard Transportation Group, 2012).

Enforcement of Marina Parking Passes

Currently two parking passes are given out for each boat slip to provide a parking pass for each vehicle for a family with two vehicles. The reason for this is so either vehicle can be parked at the marina, but only one vehicle is permitted to be there at any given time. During peak months of the year, there will be increased monitoring of parking passes to ensure that only one vehicle per slip (at maximum) is parked onsite. An employee of the Mill Bay Marina will be enforcing parking requirements at the entrance to the parking lot during peak periods. Increases in monitoring and enforcement will assist in ensuring that excess parking is not being utilized by boat slip renter's (Boulevard Transportation Group, 2012).

Provision of Bicycle Parking

The Mill Bay Marina will be providing short term bicycle parking to help encourage people to cycle to the site. Currently the CVRD does not have any bicycle parking requirements in the parking bylaw. The applicants are proposing 7 short term bicycle stalls. The bicycle stalls will be provided in a well-illuminated location on site, within 15 metres of a principal building entrance and will be sheltered for poor weather conditions. The Mill Bay Marina will also be monitoring the need for long-term parking in the form of bicycle lockers for marina users who desire to be parked all day or on an overnight basis (Boulevard Transportation Group, 2012).

Provision of a Shuttle Service

The Mill Bay Marina will be implementing a free shuttle service for their patrons. Stops for the shuttle would include private homes (of marina slip renters) and park and ride locations including the Frayne Road and Valley View Centre (Highway 1 and Cowichan Bay Rd) park and rides. This service will allow marina users to arrange for a pick up at their home for day trips and longer boat usage so they can leave their vehicles at home rather than utilizing a parking stall. This shuttle service will further reduce the parking demand. In addition, all marina renters will

be placed on an email list and emailed prior to busy periods to remind them that they and their visitors can use the shuttle to arrive at the site (Boulevard Transportation Group, 2012).

Proposed Marina Shop and Parking Demand

The applicants have indicated that the marina shop that will eventually be constructed will be a support facility to the marina and utilized by slip renters and is not intended to be a general retail store for marina equipment sales. The applicant argues that this shop will not generate any additional parking demand (Boulevard Transportation Group, 2012).

Summary of Parking Demand

On a typical day the occupancy rate for parking is 24% or 1 parking stall per 5 berths (slips). Without any enforcement or transportation demand management strategies being employed the peak period parking demand has been approximately 1 stall per 2 slips; however these peak periods are less than 10 days per year (less than 3% of the time) (Boulevard Transportation Group, 2012).

As mentioned above, the applicant is proposing a number of alternative transportation modes to further reduce the demand for parking (i.e. short term and long term bicycle parking and a free shuttle service). It should be noted that some patrons of the site will also walk to and from the site as the site is in close proximity to the adjacent townhouses and businesses at Mill Bay Centre.

Bylaw Requirements of Other Municipalities

In determining the requirements for the site, parking requirements for marinas were evaluated for other municipalities on Vancouver Island. Overall, the parking requirements for marinas vary from 1 to 2 berths to 1 to 3 berths and no other bylaws require additional parking for employees.

Table 1: Marina Parking Requirements for Other Municipalities

| Community | Bylaw No. | Requirement |
|-----------------------------|-----------|--|
| District of Sooke | 500 | 1 stall per 3 berths |
| City of Nanaimo | 7013 | 1 space per 3 berths or 1 space per 10 sqm GFA |
| District of North Cowichan | 2950 | 1 stall per 2 berths |
| District of Central Saanich | 1309 | 1 stall per 2 berths |
| Town of Sydney | 1661 | 1 stall per 2 berths |
| Town of Ladysmith | 1160 | 1 stall per 3 slips or berths |
| CVRD | 1001 | 1 stall per 2 slips or berths plus 1 stall per 2 employees |

Boulevard Transportation Group (2012)

The off-street parking requirements for restaurants were also evaluated. These locations are shown in the table below. The applicant argues, based on comparing the CVRD's Parking Bylaw requirements to other municipalities on Vancouver Island, the CVRD's parking requirements are slightly more conservative. The towns of Sydney and Ladysmith allow for 1 parking stall per 5 seats and the requirements in the District of North Cowichan, and the District of Sooke would require up to 5 less parking stalls (with 1 parking stall per 4 seats) than what is required for the Mill Bay site.

Table 2: Restaurant Parking Requirements of Other Municipalities

| Community | Requirement | Required Parking for Mill Bay Site |
|-----------------------------|---|------------------------------------|
| District of Sooke | 1 stall per 4 seats | 13 stalls |
| City of Nanaimo | 1 space per 3 seats dining + 1 space per 2 seats lounge | 17 stalls |
| District of North Cowichan | 1 stall per 4 seats | 13 stalls |
| District of Central Saanich | 1 space per 3 seats or 1 space per 10 sqm GFA | 17 stalls |
| Town of Sydney | 1 stall per 5 seats | 10 stalls |
| Town of Ladysmith | 1 stall per 5 seats | 10 stalls |
| CVRD | 1 stall per 3 seats plus 2 stalls | 18 stalls |

Boulevard Transportation Group (2012)

Parking Variance Required

CVRD staff has examined the required parking for the site (65 parking stalls) against the current supply of parking (53 parking stalls) and determined a reduction of 12 parking stalls is required. However, as previously noted the applicant is requesting a reduction in 16 parking stalls. Presumably the surplus parking variance is to allow some expansion of uses in the future.

Surrounding Property Owner Notification and Response:

A total of 14 letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 3275. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. To date, 3 letters opposed to the application have been received and they have been attached to this report for your reference.

Staff Comments:

As noted above, required parking for the site according to the CVRD Bylaw is 65 parking stalls. There is a current supply of 53 parking stalls onsite. If we deduct the supply of parking from the required parking, the applicant requires a reduction of 12 parking stalls. The applicant has requested a reduction of 16 parking stalls, which is 4 more parking stalls than what staff has determined is required.

Staff believe there is justification for some type of relaxation for the parking requirement for the marina and bistro restaurant. Parking Bylaws only estimate parking requirement and not necessarily identify the actual number of parking spaces that will be required. Compared to bylaw requirements for other jurisdictions, the CVRD's parking requirements for both marinas and restaurants tend to be higher.

It is noteworthy that marinas in the Cowichan Valley and elsewhere on Southern Vancouver Island have less parking than what is needed during peak times. This is likely related to land values of waterfront property and the desire for more efficient uses than parking lots that are vacant for much of the year.

The applicant is proposing to manage parking so that the parking needs of the marina and bistro restaurant are met on-site. From a land use planning perspective, this is preferable to using one of the few publicly accessible waterfront areas in Mill Bay for parking.

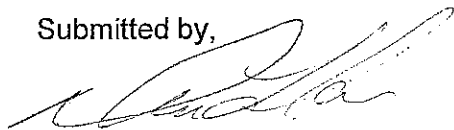
Staff recognize that there are parking issues on Handy Road associated with the public boat launch that could be aggravated in there is insufficient parking provided on the marina site. For this reason staff recommend that the parking reduction of only 12 stalls be approved at this time. If an additional parking variance is needed in the future, this would be considered through a subsequent application once more is known about the actual parking demand and requirements of the marina and bistro.

Options:

1. That Application No. 1-A-12DVP by Mill Bay Marina to vary the parking requirements outlined in Table 1 of CVRD Bylaw No. 1001 be approved with the number of required parking stalls on Block "C", Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, except part in Plans 29781 and 30142 (PID: 001-027-433) and Foreshore Lease Lot 459 (Lease No. 112643) reduced from 65 to 53 parking stalls.
2. That Application No. 1-A-12DVP by Mill Bay Marina to vary the parking requirements outlined in Table 1 of CVRD Bylaw No. 1001 be approved with the number of required parking stalls on Block "C", Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, except part in Plans 29781 and 30142 (PID: 001-027-433) and Foreshore Lease Lot 459 (Lease No. 112643) reduced from 65 to 49 parking stalls.
3. That Application No. 1-A-12DVP by Mill Bay Marina to vary the parking requirements outlined in Table 1 of CVRD Bylaw No. 1001 from 65 to 49 stalls on Block "C", Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, except part in Plans 29781 and 30142 (PID: 001-027-433) and Foreshore Lease Lot 459 (Lease No. 112643), be denied.

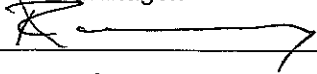
Option 1 is recommended.

Submitted by,



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

DL/ca

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

References Cited

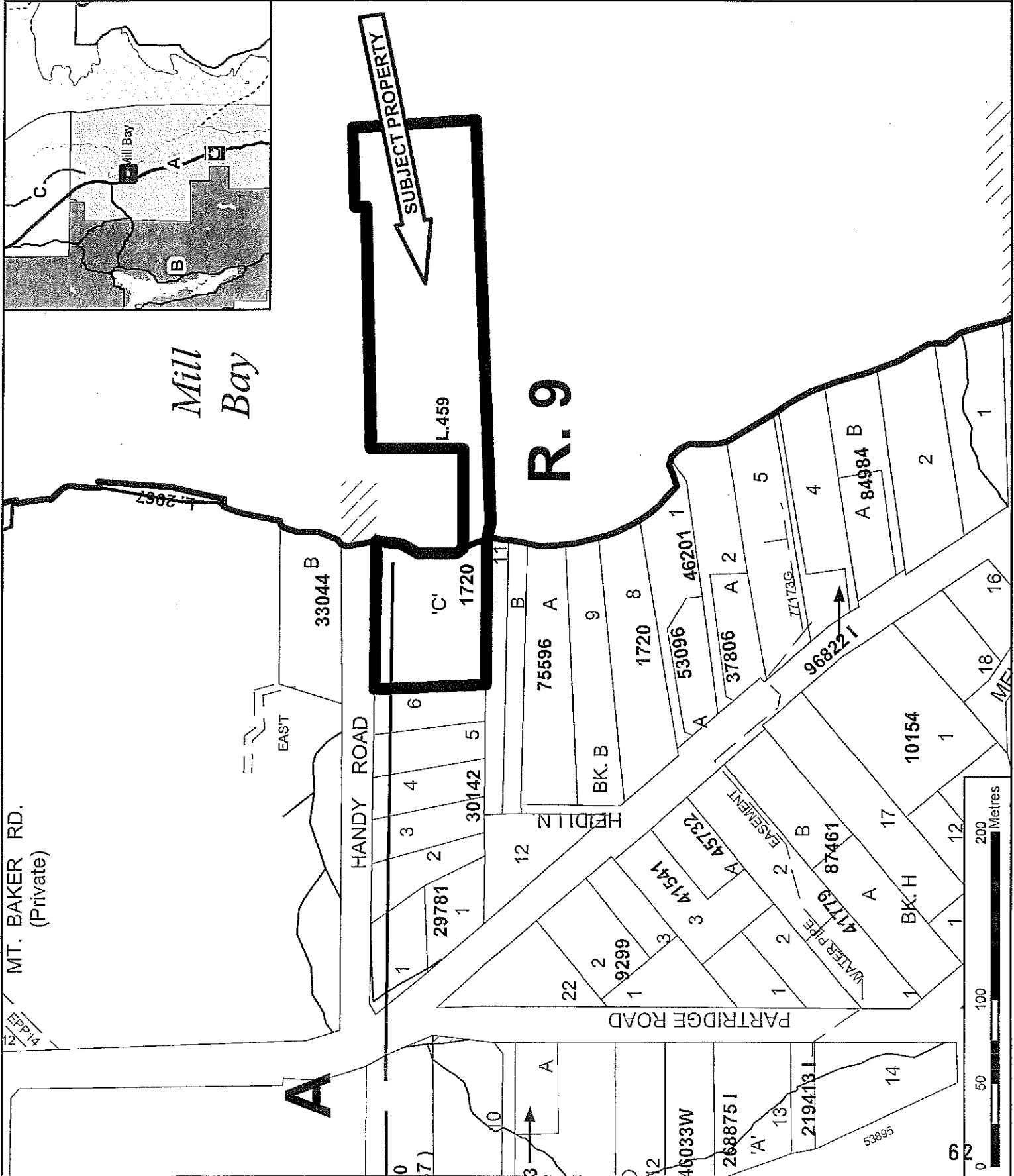
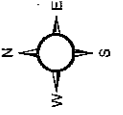
Boulevard Transportation Group, (2012). Mill Bay Marina Parking Review, 1-5.

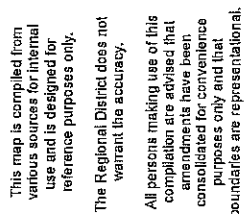
Boulevard Transportation Group, (2012). Mill Bay Marina Bistro Parking Review, 1-3.



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

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





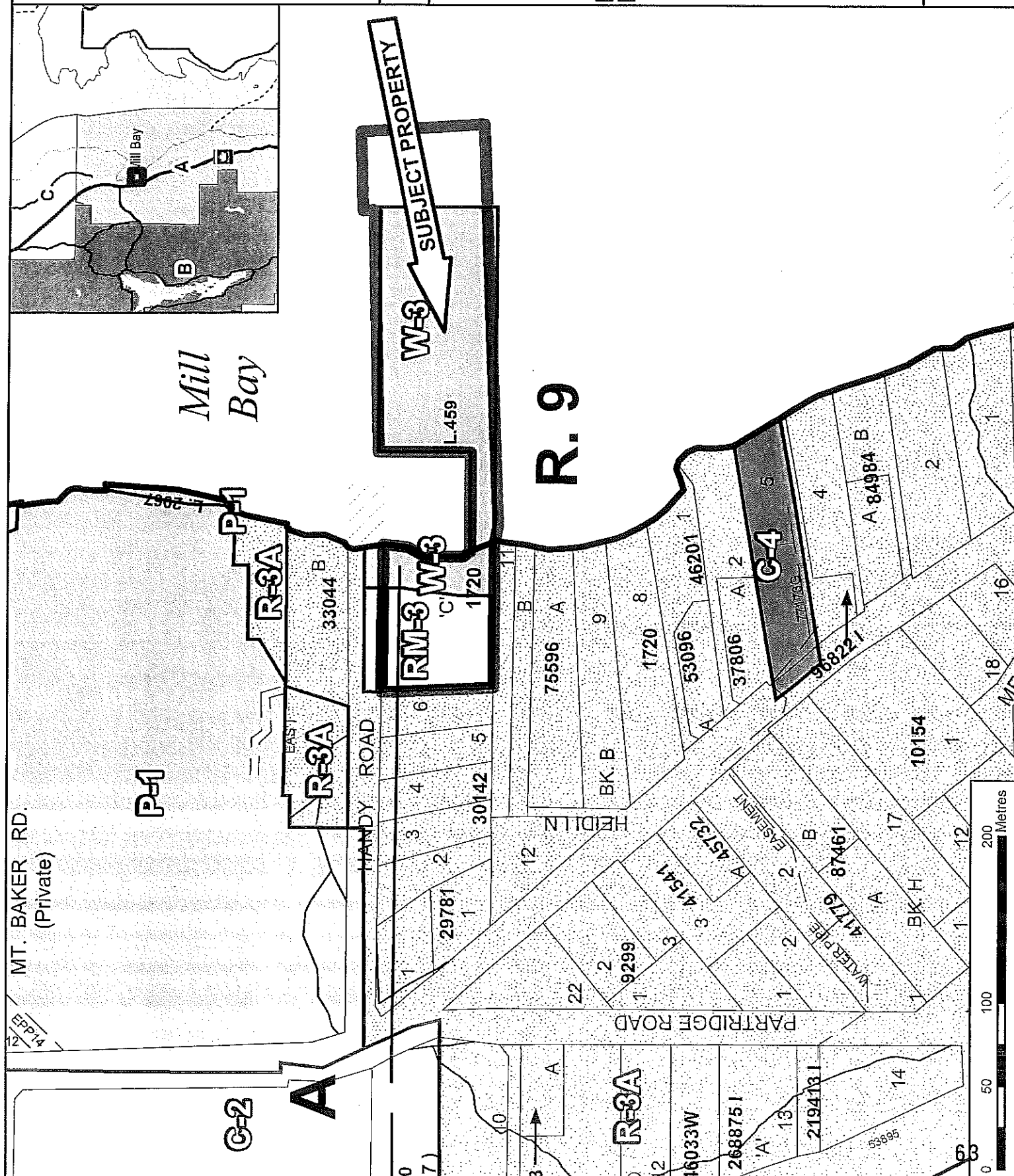
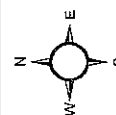
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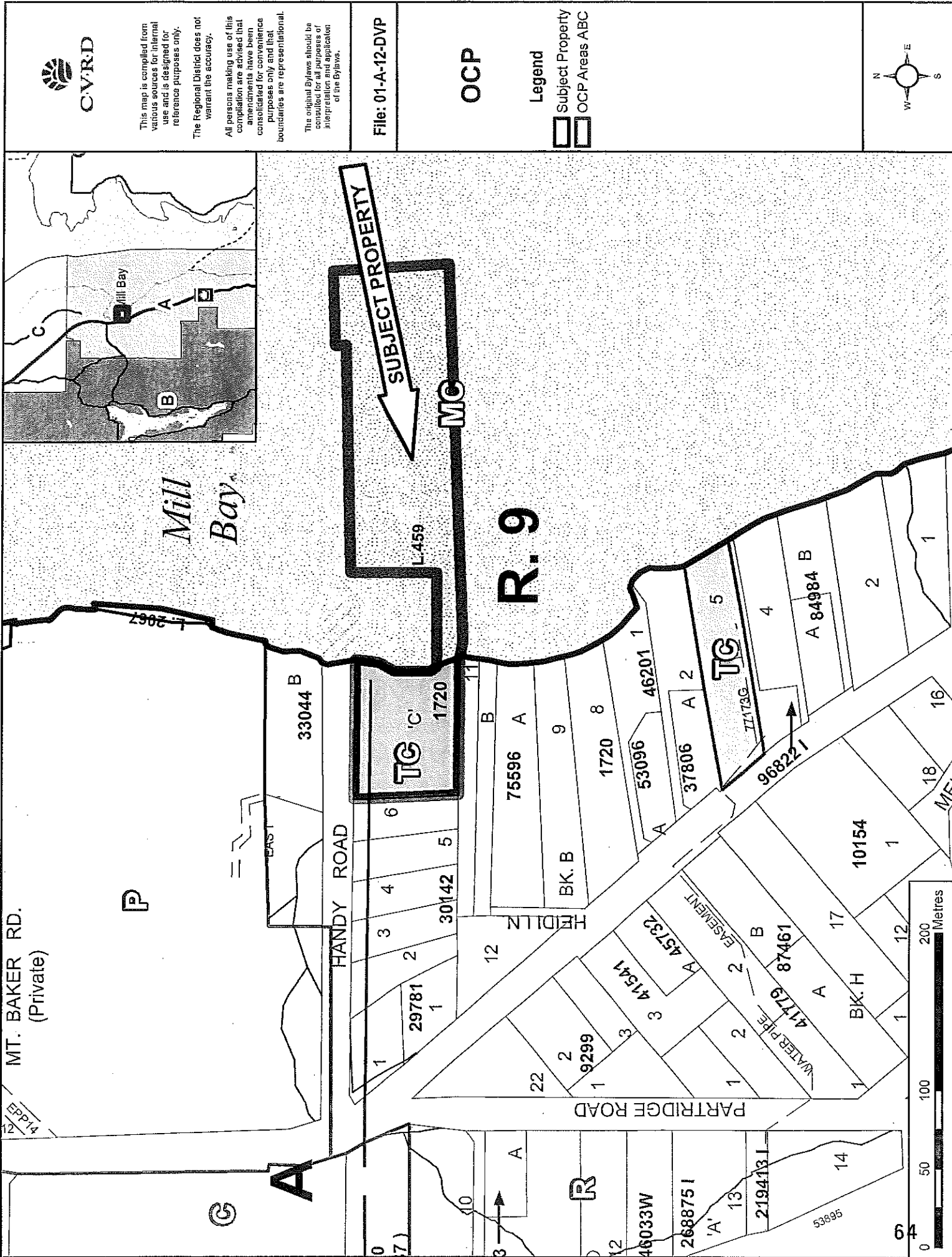
File: 01-A-12-DVP

GINN

Legend

- | | |
|------------------|--|
| Subject Property | |
| Zoning C | |





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

The Regional District does not warrant the accuracy.

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

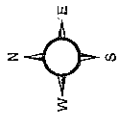
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-A-12-DVP

OCP

Legend

- Subject Property
- OCP Areas ABC





CVRD

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

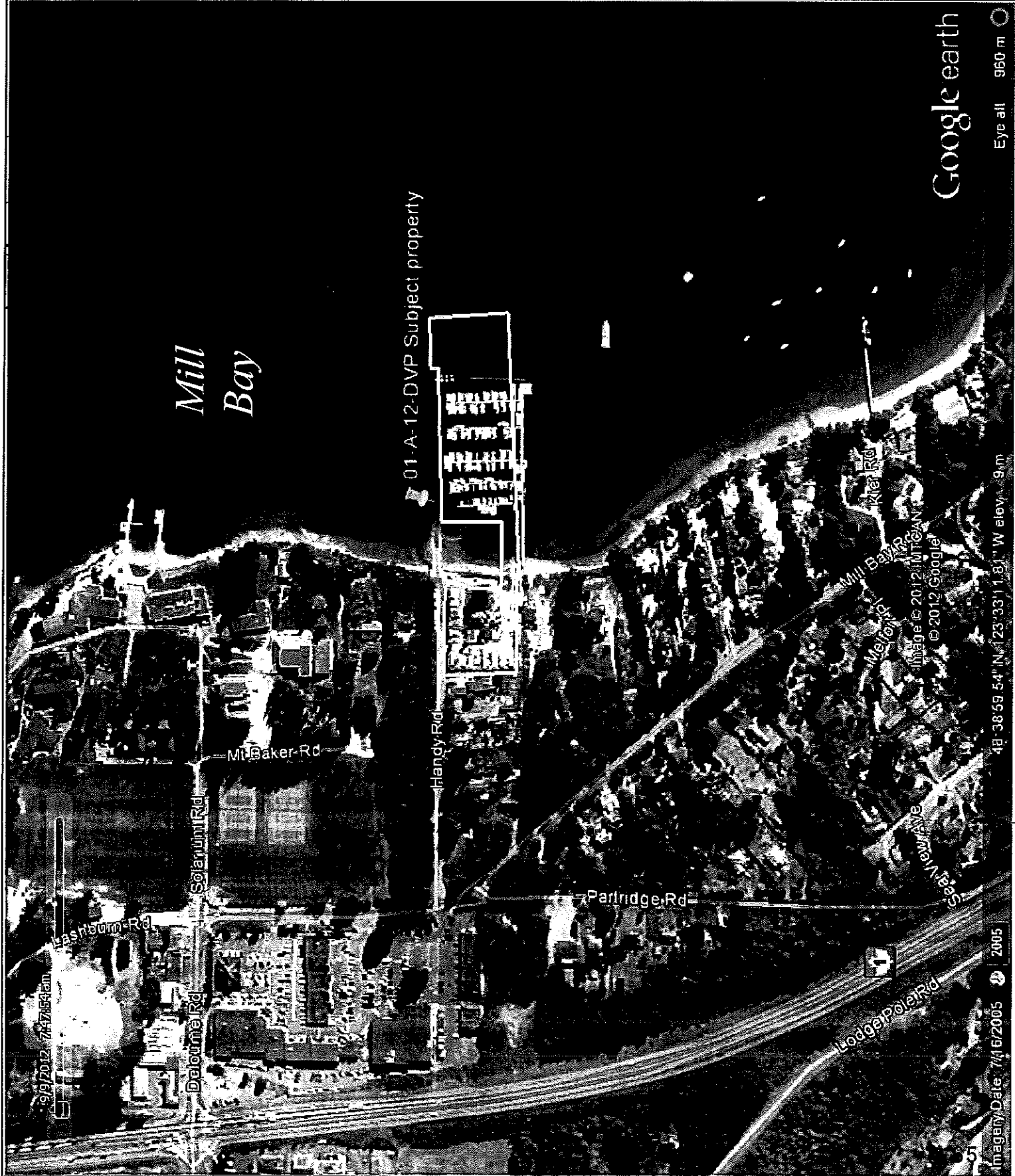
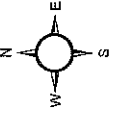
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File: 01-A-12-DVP

Google Earth
Photo (2012)



Google earth

Eye alt 960 m

48° 38' 59.54" N 123° 33' 11.81" W elev. 9 m

Imagery Date: 7/16/2005 2005

October 24, 2012

Dear Dana Leitch,

Re: file # 1-A-12DVP (Mill Bay Marina)

I am not in favour of allowing this variance to reduce the marina and bistro's parking requirement.

Please take into consideration there is already currently no parking for the public walkway. The boat ramp area to the beach is CVRD Parks. When this project is done there will be inadequate parking for vehicles with boat trailers using the boat ramp and no parking intended for vehicles just coming to enjoy the CVRD Park and beach.

There were other activities that were proposed to take place at the waterfront that were mentioned in the public hearings like kayak rentals at the marina and encouraging artisans to the public walkway or pier to display and sell their goods. These "extras" will require parking spots close by.

We have heard the excuse that the townhouses could in theory reduce the need for parking spots for up to seven spots because there is a possibility that the some of the owners will have boats at the marina.

Please take into consideration the townhouses proposed were to support "aging in place". In fact these townhouses were described as having elevator ready space. More than likely most of the townhouse users are still going to need to go to the marina parking lot at least to unload their car to take supplies to their boats.

Because they're already there, what guarantee will there be that they won't just conveniently park their car close by in the marina parking lot rather than taking their car back to the townhouse and have to walk back.

If there is a need for an elevator in the townhouses there would more than likely be a need for closer access to their boats. On a lighter note I'd like to ask, perhaps more handicapped parking spots would be in order instead to accommodate these marina users that have need for elevators?

Mill Bay Marina is asking for a variance because they don't have the amount of parking spots required to support the marina and bistro. Is there parking requirements for the marina store too? If so, how many?

The parking lot area right now appears to me to have as many parking spots as can fit in that piece of land and it only has 44 parking spots. I don't understand how they got approval on this project while they were 21 spots short of the required parking spots.

And the variance they are asking for is to reduce the amount of parking spots from 65 spots to 49. If these 44 parking spots are taking up all the land space now where are the other 5 spots going to be even if the variance is denied?

We have lived on this road for nearly ten years. We've seen the traffic flow working well when the marina land had a "U" shaped driveway and the marina boat ramp to offset the demand for the public boat ramp that is currently at the end of Handy Road. Now we are seeing increasing safety issues due to the changes that have taken place.

Please understand, on this short no through road out of seven homes, living here there are 4 children 10 years and younger, 3 seniors, a disabled person, 6 grandchildren that come to visit and at least 5 dogs that get walked every day. Besides that there are countless numbers of people that come and go by vehicle, bicycling or walking at all times of the year. This is Mill Bay's most popular access to the ocean. It's got to be made safe and pushing the marina, bistro and marine store parking out onto the road is not something that should be approved.

Sincerely,

Tricia Parker
746 Handy Road
Mill Bay, BC V0R 2P1

250-743-6720

Terry Parker
746 Handy Road
Mill Bay, BC V0R 2P1

Oct. 24, 2012

Dana Leitch, MCIP
Development Services Division
Planning and Development Department
Cowichan Valley Regional District
175 Ingram Street
Duncan, BC V9L 1N8

Dear Ms. Leitch:

Re: file # **1-A-12DVP (Mill Bay Marina)**

I do not support this application to reduce the marina's parking requirement. It would negatively impact traffic safety, pedestrian safety, on-street parking and my enjoyment of my home. Inadequate parking has long been a problem on Handy Road. Comparing today, with the current parking lot, to when the former marina business operated I have seen Handy Road's on-street parking situation worsening.

As the marina project continues, existing on-street parking on Handy Road is diminishing. Installation of a fire hydrant has removed the equivalent of two spaces. A portion of what is now parking at the top of the boat ramp will be dedicated as a turn-around space for trucks and trailers to replace a function that had been offered by the previous marina's circular driveway.

If the plan presented at two public hearings is correct, a gravel walkway that will sit over top of the newly installed sewer forcemain will be on what used to be part of the eastbound lane. Either the new roadway will have to be narrower than it was, causing traffic concerns, or the new pavement will have to be shifted northwards into the wide shoulder that is currently used as on-street parking. This would further reduce on-street parking. Any attempt to compensate for that loss would require filling over a riparian area.

As is, the new parking lot doesn't provide adequate off-street parking during peak use. Several times this summer the lot was completely full with spillover to on-street parking leading to illegal parking and traffic safety concerns on Handy Road. Once the bistro opens it can only get worse. Additionally, if plans to expand the marina are approved, an expanded marina clientele as well as bistro patrons will be vying for spots in a lot that is already insufficient for the existing marina. If this variance is approved, on-street legal parking on Handy Road is simply not able to handle the demand.

Residents of Handy Road would suffer. Reduced access to on-street parking would affect our visiting families & guests. We would have to deal with illegally parked vehicles impeding our view as we try to leave our driveways (this happens already and would only get worse). We would be exposed to the anger and bad decisions of people who can't find parking spaces or can't get their trailers turned around (again, this happens already and would only get worse). It seems logical that patrons of the marina and bistro themselves would also be negatively impacted by reduced parking requirements.

The central problem all along with this development has been a drive to put too much on too small a parcel. Even without considering plans to expand the water lot, reducing the parking requirement will only exacerbate that situation.

Other possibilities that exist are also not solutions. The *Off-Street Parking Bylaw* allows for developers to pay a fee to the CVRD to have fewer parking stalls than required. This would also create all the problems mentioned above. Allowing marina parking to be located up to 200m away as proposed in section 14.9.4 of the *Draft Zoning Bylaw no. 3520* flies in the face of arguments the developers themselves have made. They have insisted that distances less than 50m would be unacceptable to marina patrons. The only possible solution is for the marina owners to provide more parking on the marina upland property itself.

Regards,



Terry Parker

DAVID & JANE BURKMAR
743 HANDY ROAD
MILL BAY, BC V0R 2P1

FACSIMILE TRANSMITTAL SHEET

| | | | |
|---------------|-----------------------------|-------------------------------------|---------------------|
| TO: | Dana Leitch | FROM: | Dave & Jane Burkmar |
| COMPANY: | Development Services - CVRD | DATE: | OCTOBER 24, 2012 |
| FAX NUMBER: | 746-2621 | TOTAL NO. OF PAGES INCLUDING COVER: | 2 |
| PHONE NUMBER: | | SENDER'S REFERENCE NUMBER: | |
| RE: | I-A-12DVP (Mill Bay) | YOUR REFERENCE NUMBER: | |

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

Ms Leitch

Please find attached a letter in regard to the Development Variance Permit for the Mill Bay Marina
Thank you,

D Burkmar

743 HANDY ROAD, MILL BAY, BC V0R 2P1
PHONE - 250-743-9491 - FAX 250-743-9471

743 Handy Road
Mill Bay, BC
V0R 2P1

October 23, 2012

Dana Leitch
Planner
Development Services Division
Planning & Development Dept.
CVRD
175 Ingram Street
Duncan, BC
V9L 1N8

Re: Parking Variance – 1-A-12DVP (Mill Bay)

In regard to this Development Parking Variance my wife and I do not support this application.

We have lived on Handy Road for 32 years and the issue of parking is an ongoing safety concern. During the months of June to September roadside parking is extremely difficult with competing needs from the Mill Bay Marina, the public boat launch and the general public. The reduction of required onsite marine parking stalls will only create more problems as some of the marina cars will be parked on the road for more than a day while their owners are out boating. On most days the existing parking is haphazard and unsafe. Many cars are parked in the no parking zones, which would impede emergency vehicles trying to access the marina or the new condo when it is built.

In the public hearing for the marina development I indicated that while we supported the concept of redevelopment of the marina site we would not support any variances on property setbacks, building heights or parking.

I find it difficult to understand why a variance would be considered after the development permit has been granted. I would formally request that as the adjacent neighbour to the marina that the developer be required to follow the parking requirements as outlined in the CVRD Off-street Parking Bylaw.

Sincerely,

David Burkmar

DBurkmar

Jane Burkmar

Jane Burkmar

cc: Director Walker, Area A, CVRD

EXPLANATORY PLAN OF STATUTORY RIGHT-OF-WAY OF PART OF
LOT A, SECTION 6, RANGE 4, COWICHAN DISTRICT, PLAN 33079,
Pursuant to Section 99(1)(e) L.T.A.

EXPLANATORY PLAN 36699

Deposited in the Land Title Office of Victoria B. C.
this 21st day of September, 1981.

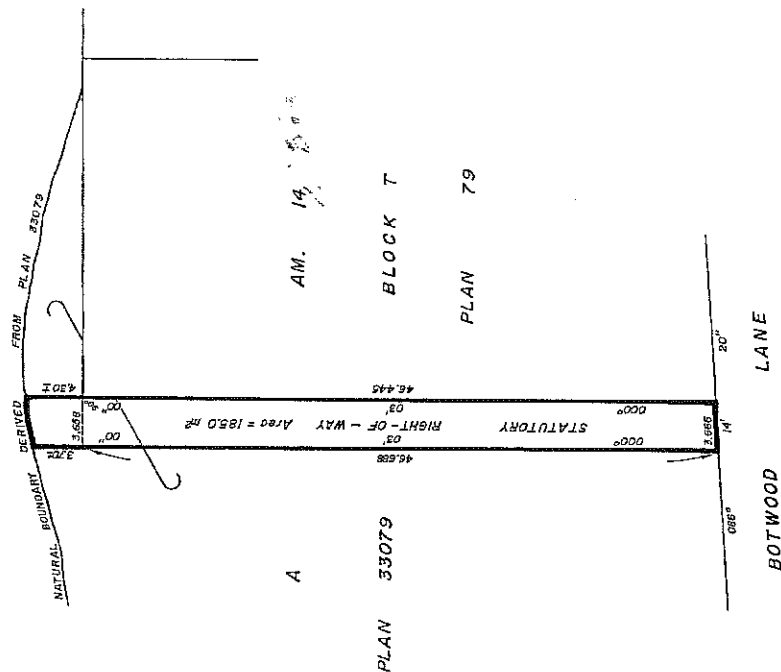
Deputy Registrar

This plan lies within the Cowichan Valley Regional District



LEGEND

Bearings are astronomic derived from Plan 33079.
All distances are in metres unless otherwise noted.



Registered Owners:
Cowichan Bay Development (1978) Corp.
(Inc. No. 183,626)

Authorized Signatory

Authorized Signatory

Certified correct according to existing records this
20th day of August, 1981.

Richard D. Wright
Richard D. Wright
B.C.L.S.

715 Canada Ave.

COWICHAN VALLEY REGIONAL DISTRICT

BY-LAW NO. 1001

A by-law to regulate and require the provision of off-street motor vehicle parking and loading spaces pursuant to Section 964 of the Municipal Act, applicable to all Electoral Areas of the Regional District, except Electoral Area I - Youbou/Heade Creek

WHEREAS Section 964 of the Municipal Act, R.S.B.C. 1979, empowers the Regional Board to adopt a bylaw which requires the provisions of off-street parking and loading spaces;

AND WHEREAS the Regional Board has voted on and received the required majority vote of those present and eligible to vote at the meeting at which the vote is taken;

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

PART ONE

TITLE

1.1 This bylaw may be cited for all purposes as "Cowichan Valley Regional District Off-street Parking Bylaw No. 1001 , 1986".

PART TWO

ADMINISTRATION

2.1 The Administrator, being an Officer; the Manager (Land Use Services Department); Planner; By-law Enforcement Officer; Chief Building Inspector; Senior Building Inspector and Building Inspector, all being employees of the Regional District, are designated to act in the place of the Administrator for the purpose of this by-law and are authorized

- (a) between 0800 hours and 1700 hours of any day, or
- (b) at such other time of the day as may be agreed to with the owner or occupier of the land to be inspected

to enter upon any property subject to the regulations of this by-law to ascertain whether such regulations are being obeyed, provided that:

- (a) consent to inspect the property has been obtained from the owner or occupier of the land, or
- (b) where such consent has been refused, notice of the intent to inspect has been given to the owner not less than 24 hours prior to the time of inspection.

2.2 Every person who:

- (a) violates any of the provisions of this bylaw;
- (b) causes or permits any act or thing to be done in contravention or violation of any of the provisions of this bylaw;
- (c) neglects or omits to do anything required under this bylaw;
- (d) carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this bylaw;
- (e) fails to comply with an order, direction or notice given under this bylaw; or

- (f) prevents or obstructs or attempts to prevent or obstruct the authorized entry of the Administrator, Manager (Land Use Services), Planner, Chief Building Inspector, Senior Building Inspector or Building Inspector on property under Section 2.1

shall be deemed to be guilty upon summary conviction of an offence under this bylaw.

- 2.3 Each day's continuance of an offence under Section 2.2 constitutes a new and distinct offence.
- 2.4 Every person who commits an offence under this bylaw is liable on summary conviction to a fine not exceeding \$2,000 and the costs of prosecution.

PART THREE

DEFINITIONS

- 3.1 In this bylaw, unless the context otherwise requires:

"assembly" means the gathering of persons for charitable, civic, cultural, educational, entertainment, philanthropic, political, recreational or religious purposes;

"accessible" means that a disabled person is, without assistance, able to approach, enter, pass to and from and make use of an area and its facilities, or either of them;

"accessory" means ancillary or subordinate to a principal use;

"bed and breakfast accommodation" means the accessory use of a self-contained dwelling unit for the overnight accommodation of transient paying guests in which only breakfast is served;

"building" means any structure with a gross floor area exceeding 8 square metres used or intended for supporting or sheltering any use or occupancy;

"church" means an assembly building used for public worship;

"community shopping centre" means a group of retail stores, offices and service establishments having a gross floor area equal to or greater than 1400 square metres but less than 9,000 square metres;

"convenience store" means a retail sales outlet contained under one roof, having a floor area not exceeding 200 square metres and providing for the sale of items regularly used by households, including books, magazines or household accessories, and food and beverage take out service;

"disabled person" means a person who has a loss, or a reduction of functional ability and activity and includes a person in a wheelchair and a person with a sensory disability;

"dwelling" means a self-contained set of habitable rooms with a separate entrance intended for year round occupancy with complete living facilities for one or more persons including permanent provisions for living, sleeping, cooking and sanitation;

"facility" means something that is built, installed, or provided to serve a particular purpose;

"family" means:

- (a) two or more persons related by blood, marriage, adoption or foster parenthood sharing one dwelling; or
- (b) not more than five unrelated persons sharing one dwelling;

"gross floor area" means the total floor area of all buildings on a parcel measured to the outer limits of the building including all areas giving access thereto such as corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas and excluding auxiliary parking, unenclosed swimming pools, balconies or sundecks, elevators or ventilating machinery;

"home occupation" means an occupation or craft and the sale of the goods made on the same parcel where such activities are carried on as an accessory use in a dwelling or accessory building to the dwelling;

"kennel" means the use of a parcel, building, or structure for the boarding or breeding of dogs and cats;

"motel/hotel" means a building which contains sleeping units and may contain auxiliary assembly, commerce, entertainment, indoor recreation or restaurant uses and premises licensed to serve alcoholic beverages;

"neighbourhood shopping centre" means a group of retail stores, offices and service establishments having a gross floor area of less than 1400 square metres;

"parcel" means any lot, block or other area in which land is held or into which it is subdivided including water lease lots, but does not include a highway;

"regional shopping centre" means a group of retail stores, offices and service establishments having a gross floor area equal to or greater than 9,000 square metres;

"retail" means the sale of goods to the general public;

"recreation use" means a public or commercial facility intended to provide recreational or entertainment opportunities for the public and shall include, but not be limited to such uses as ice arenas, indoor sporting facilities and commercial bingo halls;

PARK FOUR

BASIC PROVISIONS

4.1 Required Parking and Loading Spaces

- (a) Except as otherwise specified in this bylaw, space for the off-street parking and loading of motor vehicles shall be provided and maintained in accordance with the regulations of this section:
- (b) The number of required off-street parking and loading spaces for motor vehicles is calculated according to Table I of this bylaw in which Column I classifies the types of buildings and Columns II and III set out the number of required off-street parking and loading spaces that are to be provided for each class of building in Column I.

4.2 Classification of Use

- (a) With respect to a class of building permitted under this bylaw which is not specifically referred to in Column I of Table I, the number of off-street parking and loading spaces is calculated on the basis of the requirements for the most similar class of building that is listed in Table I.

4.3 Calculation of Number of Spaces

- (a) Where the calculation of the required off-street parking or loading space results in a fraction, one parking space shall be provided with respect to the fraction.

- (b) Where seating accommodation is the basis for a unit of measurement under this section and consists of benches, pews, booths or similar seating accommodation, each 0.64 square metres of seating area shall be deemed to be one seat.

4.4 Location of Parking and Loading Areas

- (a) Off-street parking and loading spaces shall be located on the same parcel as the building they serve or on a contiguous parcel.

4.5 Dimensions of Parking and Loading Spaces

- (a) The minimum required dimensions for parking spaces and aisle space under this bylaw is set out in Table II.
- (b) Each off-street loading space shall be not less than 3.0 metres wide, 9.0 metres long and have a clear height of not less than 4.0 metres.

4.6 Small Vehicle Spaces

- (a) Notwithstanding the provisions of Section 4.5 with respect to a parking area containing more than 100 parking spaces on one parcel, up to 20 percent of the total required number of parking spaces may be reduced to 4.6 metres in length provided that each parking space is identified by the words "small auto only" on the pavement or wall facing it.

4.7 Access to Parking and Loading Spaces

- (a) Street access or egress shall be not less than 15 metres from the nearest point of intersection of two highways.
- (b) Except in the case of a single family or duplex residential building, no parking space shall gain direct access to a highway.

4.8 Surfacing of Parking Areas

- (a) Where more than three parking spaces are required by this bylaw, the parking area shall be surfaced with asphalt, concrete or other suitable dust free material, and each space shall be clearly marked.

4.9 Parking for Disabled Persons

- (a) For any use required to be accessible to disabled persons by the B.C. Building Code, a minimum of one disabled person parking space shall be provided.
- (b) Where 50 or more parking spaces are required by this bylaw, the greater of one parking space or a minimum of 1% of all spaces shall be accessible to disabled persons.
- (c) All disabled person parking spaces shall be:
- i) a minimum of 3.7 metres in width and a minimum depth of 5.8 metres;
 - ii) surfaced with concrete or asphalt to provide ease of access for wheelchairs;
 - iii) located in the most accessible and convenient location available within the parking area;
 - iv) marked or otherwise designated for sole use by disabled persons.

TABLE I

| COLUMN I | COLUMN II | COLUMN III |
|---|--|---|
| <u>Class of Building</u> | <u>Required Parking Spaces</u> | <u>Required Loading Spaces</u> |
| Assembly use | 1 space per 3 seats | 1 space for passenger loading for every 100 square metres of gross floor area or a fraction thereof |
| Automotive and Equipment wrecking and storage/Recycling | 1 space per 100 square metres of covered storage plus 1 space per employee | 1 space |
| Bank/Credit Union (or similar financial institution) | 1 parking space per 20 square metres gross floor area | 1 space |
| Barbershop/Beauty Parlour/Health Exercise Centre | 1 space per 12.0 square metres or a minimum of 4 spaces | 0 spaces |
| Bed & Breakfast Accommodation | 1 space per room of guest accommodation | 0 spaces |
| Bowling Alley | 3 spaces for each alley | 1 space |
| Car Wash (automatic) | Nil parking spaces, but requires approach storage space equal to four spaces per bay | 0 spaces |
| Church/Chapel (excluding any auditorium or hall) | 1 space per 4 seats | 0 spaces |
| College/University | 1 space per employee plus 1 space per 5 students | 1 space for each 3,000 square metres of gross floor area or a fraction thereof |
| Dwelling Units (where a building contains two or less dwelling units) | 2 spaces per dwelling unit | 0 spaces |
| Dwelling Units (where a building contains three or more dwelling units) | 1.5 spaces per dwelling unit | 0 spaces |
| Funeral Home | 1 space per 4 seats | 1 space |
| Golf Course | 150 spaces | 0 spaces |
| Golf Driving Range | 1 space per tee plus 1 space per 2 employees | 0 spaces |
| Home Occupation | 1 space per non-resident employee | |
| Hospital (private or for other health care uses) | 1 space per 3 beds | 1 space for passenger unloading for every 40 beds or a fraction thereof |
| Hospital (public) | 1 space per 2 employees and one space for every 5 beds | 1 space for passenger unloading for every 40 beds or a fraction thereof |

| <u>Class of Building</u> | <u>Required Parking Spaces</u> | <u>Required Loading Spaces</u> |
|--|--|--|
| Kennels/Animal Hospitals | 4 parking spaces | |
| Laundromat | 1 parking space per 3 washing machines | 0 spaces |
| Laundry Plant, Drycleaning, etc. | 2 parking spaces plus 1 parking space per 46 sq.m. | same as for "warehouse use" |
| Livestock/Poultry, Crop/Produce Auction | 50 spaces | 2 spaces |
| Manufacturing | 1 space for every 100 sq.m. of gross floor area | same as for "warehouse use" |
| Marina | 1 parking space per 2 boat stalls plus 1 space per 2 employees | 1 space per 40 boat stalls to a maximum of 4 spaces |
| Motel/hotel | 1.1 spaces per sleeping unit | 1 bus passenger unloading space plus 1 loading space for each 900 sq.m. of gross floor area greater than 700 sq.m. area to a maximum of 4 spaces |
| Motor Vehicle Fuel Sales | 1 space per 2 employees on duty plus two spaces approach storage per pump station | 0 spaces |
| Motor Vehicle, marine machinery and equipment sales and rental | 1 space per 2 employees plus 1 space per 70 sq.m. of gross floor area | 2 spaces |
| Motor Vehicle Repair Facility | 1 space per 2 employees plus 2 spaces per service bay | 2 spaces |
| Neighbourhood Pub | 1 space per 3 seats | 1 space for every 200 sq.m. of gross floor area or fraction thereof |
| Nursery (commercial plant) | 1 parking space per 15 sq.m. gross floor area of retail sales building plus one per 465 sq.m. of outside display | same as for "warehouse use" |
| Office (multi-tenant) | 1 space per 30 sq.m. of gross floor area | 1 space for every 2700 sq.m. of gross floor area |
| Office (single tenant) | 1 space per 35 sq.m. of gross floor area | 1 space |
| Post Office | 4 spaces or 1 space per 2 employees (whichever is greater) | 1 space |
| Recreation use (commercial and public) | 1 space per 10.0 sq.m. of gross floor area or 1 space for each 3 seats whichever is greater | 1 space for each 3000 sq.m. of gross floor area or a fraction thereof |

| <u>Class of Building</u> | <u>Required Parking Spaces</u> | <u>Required Loading Spaces</u> |
|---|--|---|
| Restaurant (drive-in or drive-through only) | 10 spaces | 1 space |
| Restaurant (with accessory drive-in or drive-through service) | 1 space per 3 seats plus 3 spaces | 1 space |
| School (Junior and Senior Secondary) | 1 space per employee plus 1 space per 10 students | One passenger loading space for every four classrooms or a fraction thereof plus one loading space for every 3,000 square metres of gross floor area or a fraction thereof. |
| School (Kindergarten and Elementary) | 1 space per employee plus 1 space per classroom | 1 passenger loading space for every 4 classrooms or a fraction thereof plus one loading space for every 3,000 square metres of gross floor area or a fraction thereof. |
| Shopping Centre (community) | 5.5 spaces per 100 square metres gross leasable area | The same as for "Neighbourhood Shopping Centre" |
| Shopping Centre (neighbourhood) | 6.5 spaces per 100 square metres gross leasable area | 1 loading space for every 150 square metres of gross floor area |
| Shopping Centre (regional) | 5.1 spaces per 100 square metres gross leasable area | The same as for "Neighbourhood Shopping Centre" |
| Store (Convenience) | 6.2 spaces per 100 square metres of gross floor area | 1 space |
| Store (Retail) | 7.5 spaces per 100 square metres of gross floor area | 1 space for buildings less than 700 square metres of gross floor area and 1 additional space for each additional 500 square metres gross floor area |
| Theatre | 1 space per 4 seats | 0 spaces |
| Tire Repair | 1 space per 2 employees plus 1 space per service bay | 2 spaces |
| Tourist Lodge/Resort | The same as for "Motel" | The same as for "Motel" |
| Warehouse/Wholesale Use | 1 space minimum per business use plus 1 space per 185 square metres of gross floor area whichever is greater | 1 space for buildings of less than 700 square metres of gross floor area. 1 space for each additional 700 square metres of gross floor area for buildings greater than 700 square metres in area to a maximum of 4 spaces |

TABLE II

REQUIRED PARKING SPACE AND AISLE DIMENSIONS

(a) Minimum Dimensions for Angle Parking Spaces:

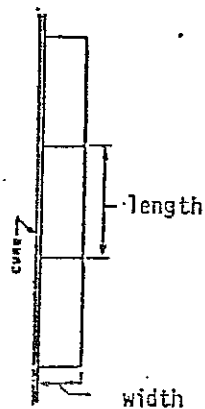
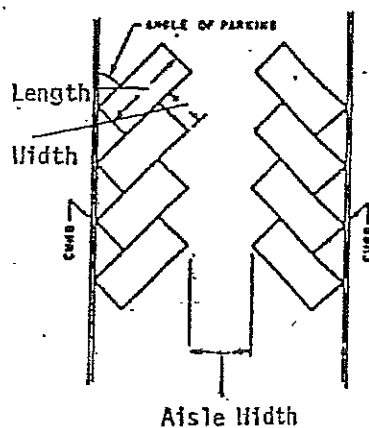
Width - 2.8 metres
Length - 5.8 metres

(b) Minimum Dimensions for Parallel Parking Spaces

Width - 2.6 metres
Length - 7.0 metres

(c) Minimum Width of Parking Aisles:

| Where the Angle of Parking is: | The Minimum Width shall be: |
|--------------------------------|-----------------------------|
| 0° | 3.7 metres |
| 30° | 3.4 metres |
| 45° | 3.9 metres |
| 60° | 5.5 metres |
| 90° | 7.3 metres |

Parallel ParkingAngle Parking

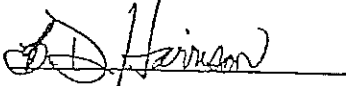
This bylaw shall take effect upon its adoption by the Regional Board.

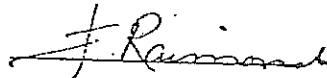
Read a first time this 23rd day of July, 1986

Read a second time this 23rd day of July, 1986

Read a third time this 27th day of August, 1986

Reconsidered, adopted, and finally passed this 8th day
of October, 1986


Chairman


Secretary



*Mill Bay Marina
Parking Review*

*October 1, 2012
File: 1458*



MILL BAY MARINA INC.
MARINA PARKING REVIEW

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*MILL BAY MARINA INC.
MARINA PARKING REVIEW*

1.0 INTRODUCTION

Boulevard Transportation Group Ltd. was retained by the Mill Bay Marina to conduct a parking study for the Marina portion of the Mill Bay Marina site in Mill Bay (Area A) of the Cowichan Valley Regional District (CVRD).

1.1 Location

The Mill Bay Marina is located at 740 Handy Rd. The site is located east of the Trans Canada Highway (Highway 1) off of Mill Bay Road.

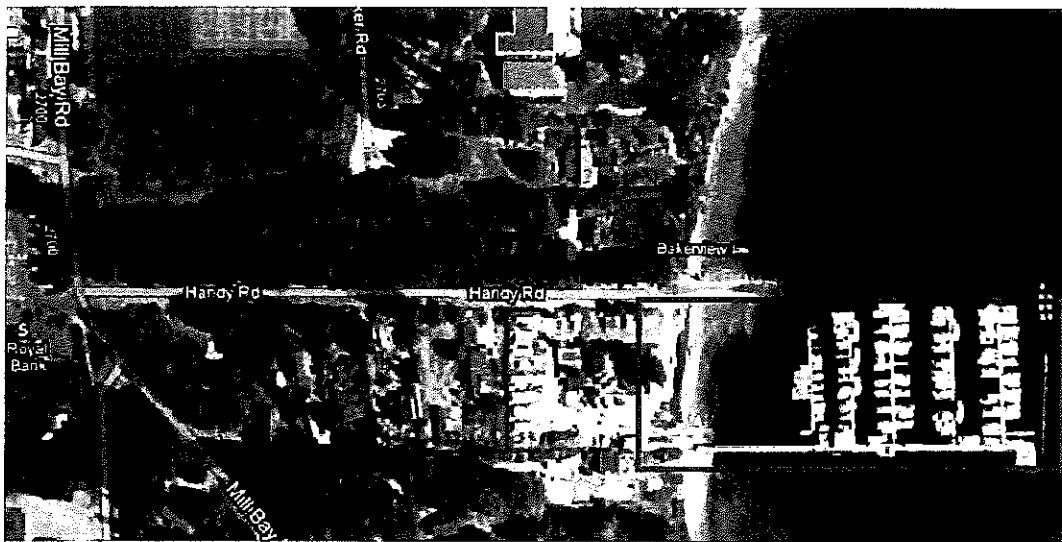


Figure 1: Study Area

1.2 Land Use

Ultimately the site will include 91 marina slips/moorage facilities, marina fuelling stations, a marina shop/office, and a bistro restaurant. To-date only the 91 slips and fuelling station are complete with a temporary marina office.

2.0 BACKGROUND

2.1 Parking Supply

The site's existing parking supply is 46 stalls, which were recently completed. Adjacent to the site is on-street parking for vehicles (with and without boat trailers). This off-site parking is mainly utilized by the public using the adjacent boat launch and is not part of this review.

*MILL BAY MARINA INC.
MARINA PARKING REVIEW*

2.2 Required Parking

The CVRD off-street parking requirements (from CVRD Bylaw No. 1001) for the marina land use is 1 vehicle parking space per 2 boat stalls (slips) plus 1 space per 2 employees.

Table 1: Required Parking Spaces

| Land Use | Units | CVRD Parking Requirement | Required Spaces |
|----------|----------|---|-----------------|
| Marina | 91 slips | 1 space / 2 boat stalls plus 1 space / 2 employees | 46 |

3.0 BYLAW REQUIREMENTS OF OTHER MUNICIPALITIES

In determining the requirements for the site, parking requirements for marinas were evaluated for other municipalities on Vancouver Island. These locations are shown in Table 2. The parking requirements for marinas vary from 1 per 2 berths to 1 per 3 berths and none include additional parking for employees.

Table 2: Marina Parking Requirements of Other Municipalities

| Community | Bylaw No. | Requirement |
|-----------------------------|-----------|--|
| District of Sooke | 500 | 1 stall per 3 berths |
| City of Nanaimo | 7013 | 1 space per 3 berths or 1 space per 10 sqm GFA |
| District of North Cowichan | 2950 | 1 stall per 2 berths |
| District of Central Saanich | 1309 | 1 stall per 2 berths |
| Town of Sydney | 1661 | 1 stall per 2 berths |
| Town of Ladysmith | 1160 | 1 stall per 3 slips or berths |

Based on the other municipalities the following would be the required parking at this site.

Table 3: Parking Stall Requirements for Proposed Parking Variance

| Criteria | Slips | Stalls Available | Stalls Required |
|-------------------|-------|------------------|-----------------|
| 1 stall / 2 slips | 91 | 46 | 46 |
| 1 stall / 3 slips | | | 31 |

*MILL BAY MARINA INC.
MARINA PARKING REVIEW*

4.0 OBSERVED PARKING DEMAND

In order to determine the parking demand generated by the marina on a typical day, a site visit was conducted on Monday, September 24, 2012 at 1:00 pm. During this time it was observed that 14 cars were parked that included one employee, two non-marina users (boat launch), and the parking surveyor's vehicle. If the surveyor's vehicle and non-marina users are discounted, the result is 24% of the spaces were occupied in the marina. It should be noted that during the count 70 of the 91 slips were rented. Therefore on a typical day the parking demand for the marina is 1 stall per 5 slips (including the non-marina users)

During the summer of 2012 only 36 stalls were installed and 78 slips of 91 were rented. The manager of the marina indicated that there were only three weekends (late July and early August including August long weekend) when parking on site was 'tight' and there were still approximately 1-3 stalls available at any time. As a worst case scenario if all 36 stalls were occupied with 78 of the slips rented in the summer the rate of parking for the peak summer period is 1 stall per 2.1 slips which occurred for approximately 10 days per year.

5.0 FACTORS INFLUENCING PARKING DEMAND

The parking demand of the marina is affected by a number of factors. During the summer of 2012 only the marina was in use and minimal controls and /or enforcement of parking was undertaken. As the marina site is built out changes will be undertaken that impact parking demand.

5.1 Residential Units

Fourteen townhouses will be built on the west side of the parking lot. The development will have a double parking garage for each unit and four guest surface parking. It is expected that residents will also be users of the marina and therefore reduce the demand for marina parking as residents will be using their own parking. Assuming that each owner rents also rents a slip there would be a 5 to 7 stall reductions in demand (based on a 1 stall to 3 slips or a 1 stall to 2 slips rate) at the marina site.

5.2 Marina Parking Passes

Currently, two (2) parking passes are given out per boat slip to provide a parking pass for each vehicle for a family with two vehicles. This is done so either vehicle can be parked at the marina, but only one vehicle is permitted to be there at a time. During peak season, monitoring of parking pass use will be required to ensure only one vehicle per slip (maximum) is parked. An employee would enforce this requirement at the entrance to the parking lot during busy periods.

PAGE 3

*MILL BAY MARINA INC.
MARINA PARKING REVIEW*

5.3 Bicycle Parking

The facilitation of bicycle parking with short and long term lock-up provisions will encourage people to cycle to the site. The CVRD does not have any bicycle parking requirements in the off-street parking bylaw. The District of Central Saanich requires bicycle parking at a rate of 1 space per 10 required vehicular spaces. Therefore a minimum of 5 short term bicycle stalls should be provided. The bicycle racks must be provided in a well-illuminated location on site, within 15m of a principal building entrance and must be sheltered from poor weather conditions. In addition to short term bicycle parking facilities, secure long term parking in the form of bicycle lockers will provide security and protection for marina users who desire to be parked all day or overnight. Boulevard recommends the addition of two (2) of bicycle lockers to the Mill Bay Marina.

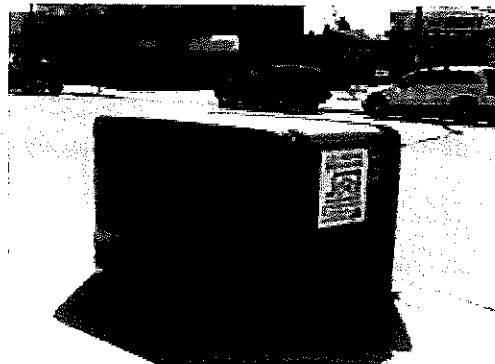
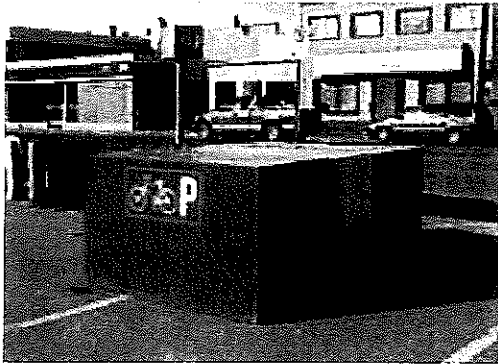


Figure 2: Bike Lockers

5.4 Shuttle Service

The Mill Bay Marina will be implementing a shuttle service for their patrons. Stops for the shuttle could include private homes (of marina slip renters) and park and ride locations including the Frayne Rd and Valley View Centre (Highway 1 and Cowichan Bay Rd) park and rides. The on-demand service will allow marina users to arrange for a pick up at their home for day trips and longer boat usage so they can leave their vehicles at home. This will reduce the demand for on site parking. In addition, all marina renters can be placed on an email list and emailed prior to busy periods to remind them that they and their visitors can use the shuttle to arrive at the site.

*MILL BAY MARINA INC.
MARINA PARKING REVIEW*

6.0 CONCLUSIONS

The parking demand from the marina is associated with the users that have slips rented and the employees. The future marina shop space is considered as a support facility to the marina and used by slip renters and not as a general retail store for marine equipment. Therefore this space will generate no additional parking demand.

Occupancy of the parking stalls is currently low on a typical day at 24% occupied or at 1 stall per 5 slips. Without any enforcement or transportation demand management strategies implemented the peak period parking demand has been approximately 1 stall per 2 slips; however these peak periods are less than 10 days per year (less than 3% of the time).

With the addition of TDM and enforcement the peak period parking is expected to be 1 stall per 3 slips and the non-peak periods 1 stall per 5 slips. The on-site parking demand will be further reduced with the introduction of the adjacent townhouses which could reduce demand by up to an additional 5 to 7 stalls.

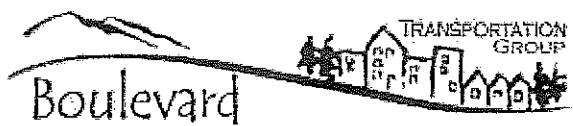
Table 4: Recommended Parking Requirements for the Marina

| Period | Rate | Parking Stalls | Parking Stalls with Townhouse Reduction |
|------------------|----------------|----------------|--|
| Summer Peak Days | 1 per 3 stalls | 31 stalls | 24-26 stalls |
| Non-Peak Days | 1 per 5 stalls | 19 stalls | 12-14 stalls |

Based on the recommended parking requirements for the marina there will be at least 20 parking stalls available on site for other land uses.



Mill Bay Marina
Bistro Parking Review



October 1, 2012
File: 1458

MILL BAY MARINA INC.
BISTRO PARKING REVIEW

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| 3.0 Requirements of Other Municipalities | 2 |
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| 5.0 Conclusions | 3 |

*MILL BAY MARINA INC.
BISTRO PARKING REVIEW*

1.0 INTRODUCTION

Boulevard Transportation Group Ltd. was retained by the Mill Bay Marina to conduct a parking study for the proposed Bistro at the Mill Bay Marina site in Mill Bay (Area A) of the Cowichan Valley Regional District (CVRD).

1.1 Location

The Mill Bay Marina is located at 740 Handy Rd. The site is located east of the Trans Canada Highway (Highway 1) off of Mill Bay Road.

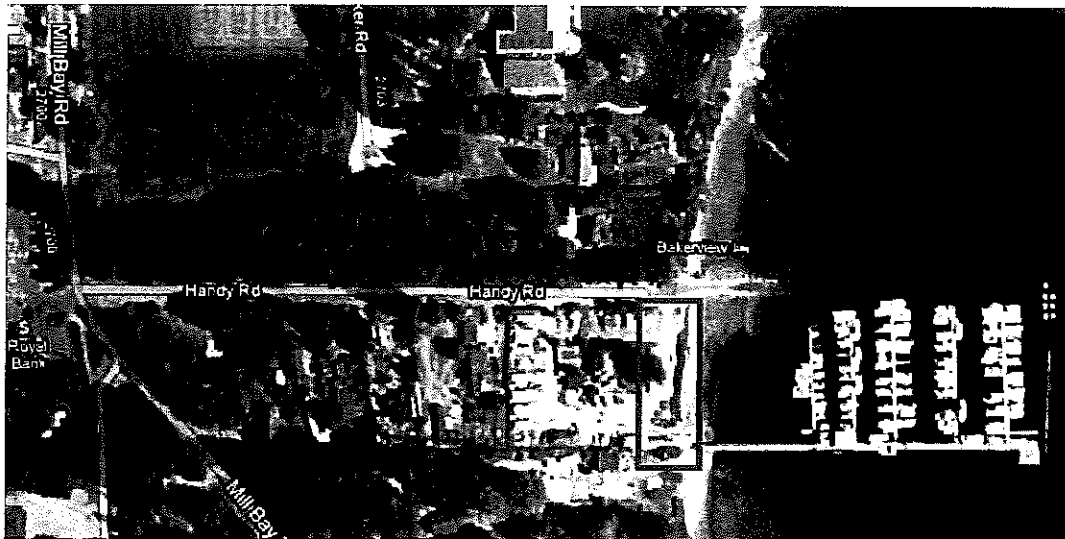


Figure 1: Study Area

1.2 Land Use

The site is currently zoned as a W-3 Water Marina in the CVRD Electoral Area "A" (Mill Bay) Zoning Bylaw No. 2000 which permits the accommodation of a restaurant. The bistro has a capacity for 50 seats.

2.0 BACKGROUND

2.1 Parking Supply

The site's existing parking supply is 46 stalls, which were recently constructed for the marina. This parking will be shared between the marina and bistro. Based on Boulevard Transportation Group's Mill Bay Marina Parking Review dated: September 28, 2012 the marina will require up to 26 of those stalls during their peak period. This would leave 20 stalls for use by the bistro.

PAGE 1

*MILL BAY MARINA INC.
BISTRO PARKING REVIEW*

2.2 Required Parking

The CVRD off-street parking requirements apply to the development from CVRD Bylaw No. 1001. The restaurant land use requires 1 parking space per 3 seats plus 2 spaces. Table 1 indicates the CVRD's required amount of off-street parking spaces for the 50-seat restaurant.

Table 1: Required Parking Spaces

| Land Use | Units | CVRD Parking Requirement | Required Spaces |
|------------|----------|-----------------------------------|-----------------|
| Restaurant | 50 seats | 1 space per 3 seats plus 2 spaces | 19 |

3.0 REQUIREMENTS OF OTHER MUNICIPALITIES

In reviewing the parking needs for the site, off-street parking requirements for restaurants were evaluated for other municipalities on Vancouver Island. These locations are shown in Table 2. The CVRD's parking policy is more conservative than other jurisdictions, the towns of Sydney and Ladysmith allow for 1 stall per 5 seats.

Table 2: Marina Parking Requirements of Other Municipalities

| Community | Requirement | Required Parking for Mill Bay Site |
|-----------------------------|---|------------------------------------|
| District of Sooke | 1 stall per 4 seats | 13 stalls |
| City of Nanaimo | 1 space per 3 seats dining + 1 space per 2 seats lounge | 17 stalls |
| District of North Cowichan | 1 stall per 4 seats | 13 stalls |
| District of Central Saanich | 1 space per 3 seats or 1 space per 10 sqm GFA | 17 stalls |
| Town of Sydney | 1 stall per 5 seats | 10 stalls |
| Town of Ladysmith | 1 stall per 5 seats | 10 stalls |

The parking rates in other municipalities, including the adjacent District of North Cowichan, would require up to 9 less parking stalls than is required for this site.

*MILL BAY MARINA INC.
BISTRO PARKING REVIEW*

4.0 PARKING DEMAND

4.1 Factors Influencing Parking Demand

The parking demand of the bistro is influenced by nearby residents, marina users, and people walking from nearby shops and businesses.

4.2 Alternative Transportation Modes

Alternative means to travel to the bistro include by boat (moorage if available for short term use for at least 20 boats), shuttle service, and bicycle. The Marina will be operating a free shuttle service and bicycle racks. It has been recommended that the Marina provide a minimum of five short term bicycle racks and two long term bicycle racks. In addition the shared use between the marina and bistro will further reduce demand for parking on site. The site is also walkable for the adjacent townhouses and businesses at the Mill Bay Centre.

5.0 CONCLUSIONS

The bylaw requirements for the bistro with 50 seats will require 19 parking stalls. Based on the expected demand for the marina there will be 20 stalls available for the bistro to utilize. However, parking demand for the restaurant is expected to be lower than 19 stalls based on other municipal parking bylaw rates, the implementation of transportation demand management (shuttle, bicycles, walkable), and the ability to arrive by boat rather than vehicle.



R3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 6, 2012

DATE: October 30, 2012

FILE NO: 3-E-12 DVP

FROM: Alison Garnett, Planner 1

BYLAW NO: 1840

SUBJECT: Development Variance Permit Application No. 3-E-12 DVP
(Travis Whitaker)

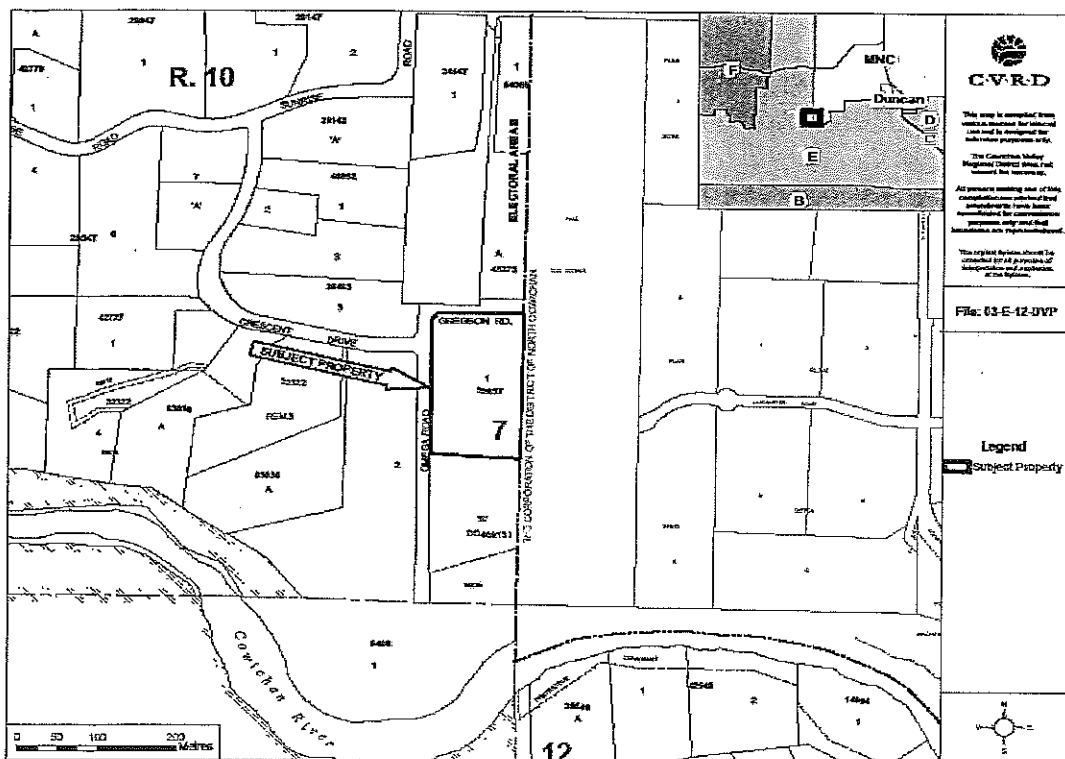
Recommendation/Action:

To approve the application by Travis Whitaker to vary Section 5.23 of Zoning Bylaw No. 1840, by increasing the maximum permitted length of a small suite mobile home, from 13 metres to 20 metres on Lot 1, Section 7, Range 10, Sahtlam District, Plan VIP52637 (PID 017-420-423).

Relation to the Corporate Strategic Plan: N/A

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

Background:



| | |
|--|---|
| <u>Location of Subject Property:</u> | 5355 Omega Road |
| <u>Legal Description:</u> | Lot 1, Section 7, Range 10, Sahtlam District, Plan VIP52637 (PID 017-420-423) |
| <u>Date Application Received:</u> | September 25 th 2012 |
| <u>Owner and Applicant:</u> | Travis Whitaker |
| <u>Size of Lot:</u> | 2.1 hectares (5.1 acres) |
| <u>Existing Zoning:</u> | R-2 (Suburban Residential) |
| <u>Minimum Lot Size R-2 Zone:</u> | 2 ha |
| <u>Existing Plan Designation:</u> | Residential |
| <u>Existing Use of Property:</u> | Residential |
| <u>Use of Surrounding Properties:</u> | Residential |
| <u>Road Access:</u> | Omega Road |
| <u>Water:</u> | On site |
| <u>Sewage Disposal:</u> | On site |
| <u>Agricultural Land Reserve Status:</u> | Out |
| <u>Environmentally Sensitive Areas:</u> | None have been identified |
| <u>Archaeological Site:</u> | None have been identified |

The Proposal:

The subject property is a 2 hectare, R-2 zoned lot in a rural area of Electoral Area E. There is one mobile home on the property, which is considered the primary residence. The mobile home is 74 m² (797 ft²) in size, and is located on the western side of the property, adjacent to Omega Road.

The applicant is proposing to build another residence on the subject property. The proposed residence is a wood framed building, which will become the primary residence on the subject parcel. The applicant intends to retain the mobile home as a "small suite".

A small suite is permitted in the R-2 zone; however certain criteria (size limits, parking requirements, servicing requirements, etc.) have to be met in order for a residence to be considered a small suite. The existing mobile home meets all the criteria outlined in the bylaw, except one. Section 5.23 of Bylaw 1840 establishes a maximum permitted length of 13 metres (42'6") for a mobile, manufactured or modular home. The applicant is requesting that this maximum length be increased to 20 metres (66'6").

Small suites must not exceed a maximum floor limit of 90 square metres (969 ft²). This criterion is perhaps more useful in ensuring that a small suite is an accessory residence, and not a second single family home of unlimited size. The mobile home on the subject property complies with this floor limit, as it is 74 m² (797ft²) in size.

If this application is not approved, the mobile home will either have to be reduced in length or removed from the site.

Surrounding Property Owner Notification and Response:

A total of 6 letters were mailed out or hand delivered to adjacent property owners, pursuant to CVRD Development Application Procedures and Fee Bylaw No. 3275, which described the purpose of this application and requested comments on this variance within a specified time frame. Two responses have since been received, and both are in favour of this application.

In staff's opinion there appears to be justifiable reason to support the request, particularly as the subject mobile home complies with the floor size limit of the small suite regulations. We recommend approval of the application (Option 1 presented below).

Options:

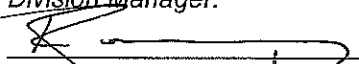
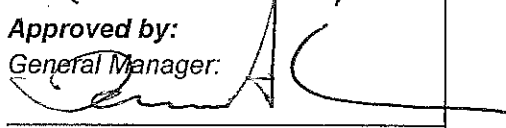
1. To approve the application by Travis Whitaker to vary Section 5.23 of Zoning Bylaw No. 1840, by increasing the maximum permitted length of a small suite mobile home, from 13 metres to 20 metres on Lot 1, Section 7, Range 10, Sahtlam District, Plan VIP52637 (PID 017-420-423).
2. To deny the application by Travis Whitaker to vary Section 5.23 of Zoning Bylaw No. 1840, by increasing the maximum permitted length of a small suite mobile home, from 13 metres to 20 metres on Lot 1, Section 7, Range 10, Sahtlam District, Plan VIP52637 (PID 017-420-423).

Submitted by,



Alison Garnett,
Planner 1
Development Services Division
Planning & Development Department

AG/ca

| |
|---|
| Reviewed by: Division Manager:  |
| Approved by: General Manager:  |



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

FILE NO: 3-E-12DVP

DATE: October 30, 2012

REGISTERED PROPERTY OWNER(S):

Travis Michael Whitaker

5355 Omega Road

Duncan BC V9L 9V9

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below:
Lot 1, Section 7, Range 10, Sahtlam District, Plan VIP52637 (PID 017-420-423)
3. Zoning Bylaw No. 1840, applicable to Section 5.23, is varied by increasing the maximum permitted length of a small suite mobile home, from 13 metres to 20 metres.
4. The following plans and specifications are attached to and form a part of this permit.
 - Schedule A – Site Plan
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Development Services Department.

AUTHORIZING RESOLUTION NO. XXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE XX DAY OF XXXX 2012.

Tom Anderson, MCIP, General Manager
Planning and Development Department

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

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

Owner/Agent (signature)

Witness (signature)

Print Name

Print Name

Date

Date

DRAFT



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.

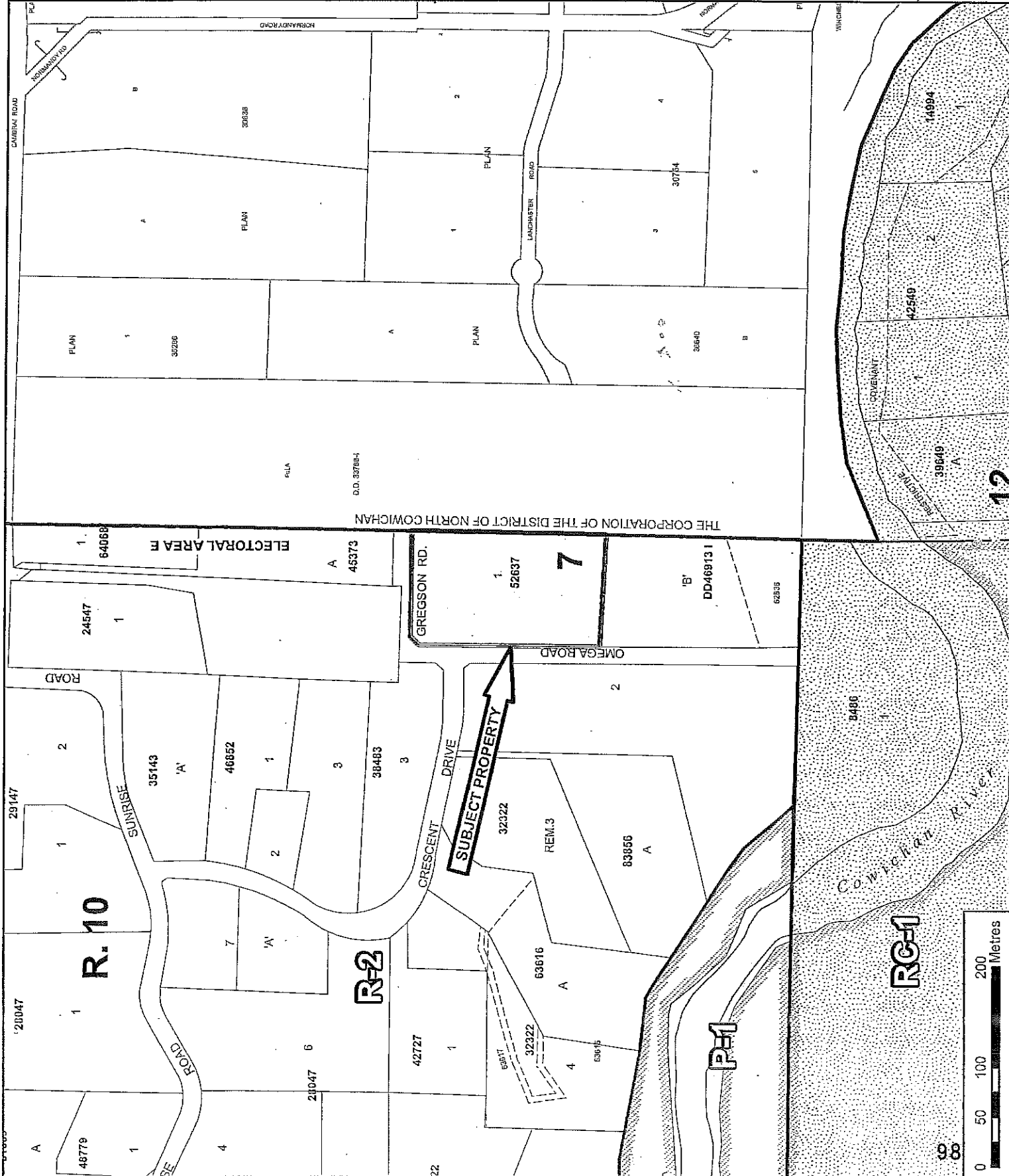
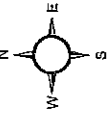
File: 03-E-12-DVP

ZONING

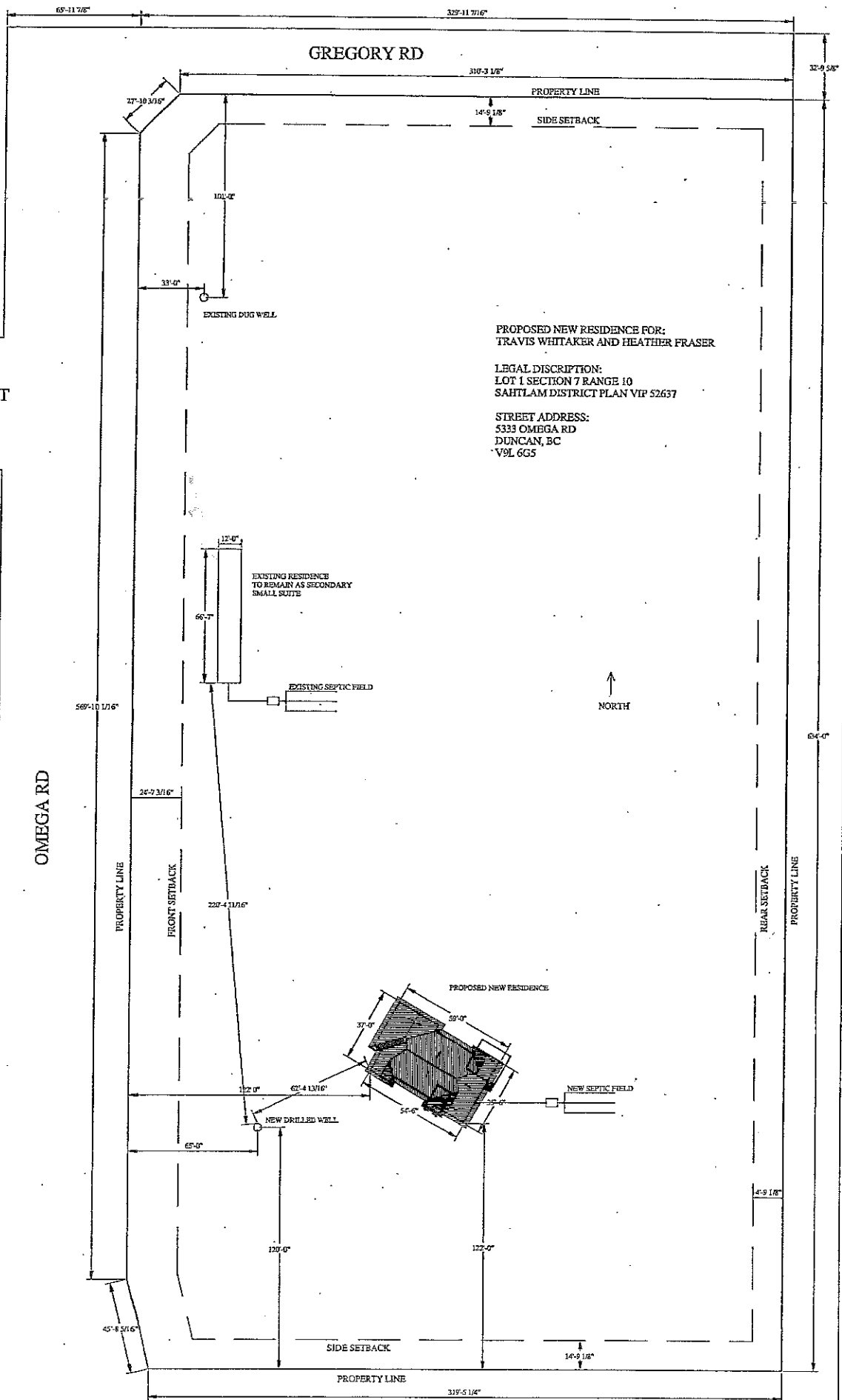
Legend



Subject Property
Zoning E



CRESCENT
DRIVE



SITE PLAN
SCALE: 1:550

Planning and Development

From: Louise Bergman <louiseab@shaw.ca>
Sent: Sunday, October 14, 2012 12:42 PM
To: Planning and Development
Subject: 3-E-12DVP Whitaker

I Louise Bergman have no problem with this plan at all.

Planning and Development

From: Tina Vander Veen <tlv@telus.net>
Sent: Wednesday, October 17, 2012 3:37 PM
To: Planning and Development
Subject: Whitaker 3-E-12VP

To whom it may concern

I am FOR the proposal Mr. T. Whitaker has asked for.

Regards,
Tina Vander Veen



R4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 6, 2012

DATE: October 30, 2012 **FILE NO:** Area E Bill 27 amendment
FROM: Alison Garnett, Planner 1 **BYLAW NO:**
SUBJECT: Area E OCP Compliance with Bill 27

Recommendation/Action:

For information only.

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

At the October 10, 2012 Board meeting, the following resolution was referred back to the EASC for further review.

1. That the Province consider implementing province wide regulation that permits local governments to opt into a modified building code that will require an increased level of energy efficiency and/or specific heating types in order for the CVRD to comply with provincial energy and greenhouse gas regulations, OR,
2. That the Cowichan Valley Regional Board request the Province to immediately consider under concurrent authority allowing the CVRD to develop a modified building code that will require an increased level of energy efficiency and/or specific heating typologies in order for the CVRD to comply with provincial energy and greenhouse gas regulations.

To provide the necessary background information for this issue to be re-considered by the EASC, a staff report previously presented by Kate Miller, Manager Regional Environmental Policy, is attached. The report discusses the desire in Electoral Area E for implementation of zoning regulation that would mandate increased energy efficiency in new housing.

Submitted by,

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

Alison Garnett
Planner I
Development Services Division
Planning and Development Department

Reviewed by:

Division Manager:

A handwritten signature in black ink is written over a horizontal line.

Approved by:

General Manager:

A handwritten signature in black ink is written over a horizontal line.

AG/ca
attachment



STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 18, 2012

DATE: September 13, 2012

FILE No:

FROM: Kate Miller, Regional Environmental Policy
Manager

BYLAW No:

SUBJECT: Area E OCP compliance with Bill 27

Recommendation/Action:

1. That the Province consider implementing province wide regulation that permits local governments to opt into a modified building code that will require an increased level of energy efficiency and/or specific heating types in order for the CVRD to comply with provincial energy and greenhouse regulations, *OR*,
2. That the Cowichan Valley Regional Board request the Province to immediately consider under concurrent authority allowing the CVRD to develop a modified building code that will require an increased level of energy efficiency and/or specific heating typologies in order for the CVRD to comply with provincial energy and greenhouse gas regulations.

Relation to the Corporate Strategic Plan: Core component of Sustainable Land Use and Healthy Environment imperatives

Financial Impact: not at this time

Background:

As a requirement of Bill 27 the CVRD and other local governments have been required to develop Greenhouse Gas reduction targets, policies and actions in all Official Community Plan documents. All electoral areas other than Area E have established targets based on provincial guidelines; however Area E is currently seeking to establish specific mechanisms or action indicating how they will achieve those targets. The Director for Area E has been working extensively with CVRD staff and legal counsel over the past two years exploring ways in which to take specific on the ground actions required to achieve those targets. This has resulted in an extensive review of the associated policies with a climate mitigation (GHG reduction) and climate adaption (preparation for future climate instability) lens.

The draft plan which has been presented to the area APC on a number of occasions includes: bylaw amendments for species at risk, and increased wetland protection; social sustainability and energy efficiency; and a proposed zoning amendment designed to increase the energy efficiency of new housing. It is the proposed zoning amendment and its implications that is the focus of this report.

The OCP update seeks to ensure that all new residential buildings in the electoral area use the highest efficiency heating systems possible as well as limiting their use of fossil fuel based sources of energy in order to achieve GHG emissions targets. An evolving approach during rezoning in the electoral area over the past few years has resulted much discussion at the Board and an unwritten policy of requiring the incorporation of heat pumps into new proposed zoning in electoral area E. As the Committee is aware local governments have no control of building parameters within the building envelop as that falls to the province under the building code. There are two options at this time:

1. Re define the definition of a residential dwelling unit in zoning bylaws to include specific language that defines a residence as including a heat pump.
2. Request that the province allow the CVRD to modify the building code for selected electoral areas.

The Director has meet with his APC on numerous occasions on this matter as well as referring the issue to the Environment Commission for their input. Early discussions with these groups have been positive on the objectives but strong concerns have been expressed with the impacts of the redefinition of a "residence" which would result in all the existing building stock without heat pumps summarily becoming non-conforming.

This issue has resulted in an interdisciplinary team being struck at the CVRD to address the issue and to seek alternative mechanism for resolution. A number of alternatives came forward as a result of the groups discussions including the above noted recommendations.

If either of these where achievable it would be possible for the CVRD sign onto the modified options for select electoral areas thereby not impacting the existing residents of the electoral Area E community.

Based on subsequent discussions with provincial staff it was their recommendation that the Regional District send a request to the ministry to work with them on the proposed requested changes as soon as possible.

Submitted by,



Kate Miller
Regional Environmental Policy Manager
Engineering & Environmental Services Department

KM/ca

Approved by:
General Manager



R5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE NOVEMBER 6, 2012

DATE: October 31, 2012 **FILE NO:** 0550-05
FROM: Sybille Sanderson, A/General Manager Public Safety **BYLAW NO:**
SUBJECT: CVRD Volunteer Fire Departments Appointments 2013-2014

Recommendation/Action:

That it be recommended to the Board to approve the following appointments to the CVRD Volunteer Fire Departments:

Mesachie Lake VFD – Fire Chief, Gary Eve – Deputy Fire Chief, David Middlemost
Youbou VFD – Fire Chief, Orest Smycniuk – Deputy Fire Chief, Stu McKee
North Oyster VFD – Fire Chief, Jason de Jong – Deputy Fire Chief, Jason Layman
Honeymoon Bay VFD – Fire Chief, Keith Bird – Deputy Fire Chief, Brian Peters
Malahat VFD – Fire Chief, Rob Patterson, Captain, Tanya Patterson, Lieutenant, Nick Patterson
Sahtlam VFD – Fire Chief, Allan Reid, Deputy Fire Chief, Mike Lees

Rosters for each fire department attached.

These appointments are for a 2-year term to expire December 31, 2014.

Relation to the Corporate Strategic Plan:

To promote volunteer incentive programs to better recognize, support and enhance volunteer efforts.

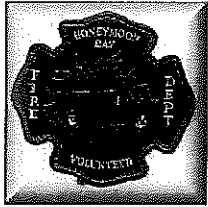
Financial Impact: (Reviewed by Finance Division: N/A)

Background:

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

Submitted by,

Sybille Sanderson
A/General Manager
Public Safety



HONEYMOON BAY FIRE RESCUE

P.O. BOX 133 HONEYMOON BAY BC, V0R 1Y0

250-749-6355

EMAIL: hbvfd@cvrld.bc.ca

| NAME | TITLE |
|--------------------|-------------------------|
| Bird, Keith | Chief |
| Drake, Jann | Firefighter |
| Fjeldstad, Leah | Firefighter |
| Gaiger, Shane | Firefighter |
| Goldsmith, Anthony | Firefighter |
| Law, Bradley | Firefighter |
| MacMillan, Michael | Firefighter |
| Patten, Guy | Firefighter |
| Peters, Brian | Deputy Chief |
| Pongracz, Don | Firefighter |
| Restall, Bob | 1 st Captain |
| Sprague, Blake | Firefighter |
| Swanson, Richard | Firefighter |
| Wear, Raymond | 2 nd Captain |
| | |

Updated October 30, 2012

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MALAHAT FIRE RESCUE

P.O. BOX 70 MALHAT BC, V0R 2L0

250-743-2103

EMAIL: mhvfd@cverd.bc.ca

| NAME | TITLE |
|--------------------|------------------------------|
| Bell, Bob | Firefighter |
| Fisher, Tristan | Junior Firefighter |
| Halliwell, John | Firefighter |
| Littlefair, Tracy | Prob. Firefighter |
| McLaughlin, Amy | Recrt. Firefighter |
| Morrissey, Tom | Recrt. Firefighter |
| Neil, Robert | Prob. Firefighter |
| Nightingale, Ann | Radio Operator |
| Patterson, Cameron | Junior Firefighter |
| Patterson, Nick | Lieutenant |
| Patterson, Rob | Chief |
| Patterson, Tanya | Captain/ Training Officer |
| Philpott, Michelle | Supp. member |
| Robertson, Justin | Recrt. Firefighter |
| Smith, Bradley | Firefighter |
| Wincott, Cassie | Junior Firefighter |

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MESACHIE LAKE FIRE RESCUE

P.O. BOX 341 MESACHIE LAKE BC, VOR 2N0

250-749-6277

EMAIL: mesachielake@gmail.com

| NAME | TITLE |
|---------------------|-----------------|
| Beaudry, Leslie-Ann | Captain |
| Bergen, William | Admin/Dispatch |
| Berry, David | Firefighter |
| Darling, Dave | Admin/Treasurer |
| Eve, Gary | Fire Chief |
| Eve, Ryan | Firefighter |
| Kleinke, Kirk | Captain |
| LeBlanc, Trevor | Firefighter |
| Middlemost, Dave | Deputy Chief |
| Robertson, Owen | Firefighter |
| Smith, Elizabeth | Firefighter |
| Smith, Kevin | Captain |
| Sohye, Nick | Retired Chief |
| Van Dalen, Casey | Lieutenant |
| Zalinko, Paul | Firefighter |

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NORTH OYSTER FIRE RESCUE

4821 YELLOW POINT ROAD, LADYSMITH BC, V9G 1H2

250-245-5111

EMAIL: novfd@shaw.ca

| NAME | TITLE |
|---------------------|------------------------------|
| Jason de Jong | Chief |
| Jason Layman | Deputy Chief |
| Tony Marcotte | Training Officer/Asst. Chief |
| Brian Eagle | Captain |
| Florian Schulz | Captain |
| Aaron Bergeron | Firefighter |
| Dan DeClark | Captain |
| Keith Bates | Firefighter |
| Sandy David | Firefighter |
| Kristopher Hill | Firefighter |
| Ralph James | Firefighter |
| Kris Knight | Firefighter |
| Mike Paetz | Firefighter |
| Ryne Paetz | Firefighter |
| Colby Sedola | Firefighter |
| Ron Strazza | Firefighter |
| Scott Treasure | Firefighter |
| Paul Verhey | Firefighter |
| Christopher Gardner | Prob. Firefighter |

Updated October 26, 2012

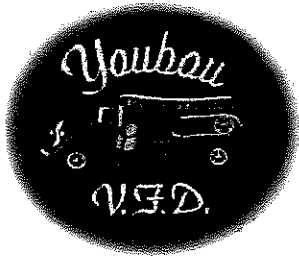


SAHTLAM FIRE RESCUE

4384 COWICHAN LAKE ROAD DUNCAN BC, V9L 6J7

250-748-1242 EMAIL: sahtlam1@shaw.ca

| NAME | TITLE |
|--------------------|---------------|
| Androsoff, Murray | Firefighter |
| Blandin, Michael | Lieutenant |
| Bomford, Fred | Firefighter |
| Busch, Randy | Captain |
| Clifton, Erik | Firefighter |
| Espinoza, A | Lieutenant |
| Garnett, Walter | Firefighter |
| Groicher, Matt | Firefighter |
| Hart, Jim | Firefighter |
| Hillier, Jim | Firefighter |
| Howell, J | Firefighter |
| Kononowicz, K | Juniors |
| Lees, Linda (Lynn) | Assoc. Member |
| Lees, Mike | Deputy Chief |
| Lied, K | Probationary |
| Maas, Lona | Firefighter |
| Peach, Jim | Sec/Treasurer |
| Radons, Harvey | Assoc. Member |
| Reid, Brenda | Assoc. Member |
| Reid, Allan | Fire Chief |
| Rogan, Rose | Firefighter |
| Roys, Tony | LOA |



YUBOU FIRE RESCUE

10704 ROAD, YUBOU BC, V0R 3E1

250-745-3414

EMAIL: yvfd@shaw.ca

| NAME | TITLE |
|------------------|------------------|
| Abbott, Jeff | Firefighter |
| Baker, Clark | Firefighter |
| Carey, Regan | Firefighter |
| Carlson, Derrick | Firefighter |
| Cheal, Bill | Captain |
| Daly, Grant | Training Officer |
| Elliot, Bob | Firefighter |
| Gotuaco, Iggy | Firefighter |
| Hamilton, Cam | Captain |
| Haney, Jeff | Firefighter |
| Harvey, Faron | Lieutenant |
| Howes, Matt | Firefighter |
| McKee, Stu | Deputy Chief |
| Pearce, Ron | Firefighter |
| Powell, Derek | Lieutenant |
| Schedel, Preston | Firefighter |
| Smycniuk, Kim | FR Trainer |
| Smycniuk, Orest | Fire Chief |
| Turner, Rob | Firefighter |
| VanHerwaarden | Lieutenant |
| Vaughan, Todd | Captain |
| Velpel, Bob | Firefighter |
| West, Rick | Firefighter |
| Wilde, Ken | Lieutenant |



R6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 6, 2012

DATE: October 30, 2012 FILE NO:
FROM: Tanya Soroka, Parks and Trails Planner BYLAW NO:
SUBJECT: Community Parks and Trails Master Plan for Electoral Area C – Cobble Hill

Recommendation/Action:

That the Community Parks and Trails Master Plan for Electoral Area C – Cobble Hill be received for adoption by Bylaw as the basis to define the future direction, policies, priorities, and actions of the Community Parks and Trails program in Electoral Area C over the next ten to twenty years (2012 – 2032).

Relation to the Corporate Strategic Plan:

Promote individual & community wellness by promoting pedestrian and cyclist friendly roadways & trails between communities and neighbourhoods.

Keep well maintained public facilities by developing a plan to safeguard parks, trails and natural assets.

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

Background:

The objective of the Community Parks and Trails Master Plan for Cobble Hill is to provide a comprehensive strategy that will guide parkland acquisition and development over the next 10-20 years in Electoral Area C – Cobble Hill. The Plan identifies current park needs, analyses of local characteristics and issues that will direct park acquisitions and development, identifies opportunities for expansion and creation of new parks, and provides a strategic-level Parks Plan for the development of the Electoral Area's community park and trail resources and facilities.

The Plan facilitates long-range budget planning for parks operations, capital development and land acquisition opportunities to accomplish parks and trails objectives supported by the Plan. In particular, the Community Parks and Trails Master Plan prepared for the Electoral Area addresses the following issues:

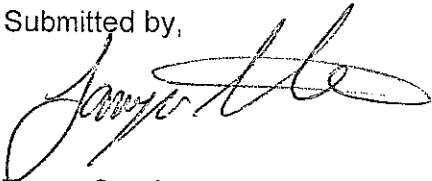
1. Increased demand on existing parks and facilities;
2. Increased demand for additional parks and facilities for new residents and the community;
3. Increased demand for walking trails and connections throughout the community;
4. Opportunities to secure/enhance environmentally sensitive areas of value to the community.

The Cobble Hill Parks Commission, Parks and Trails Division Staff and HBLanarc Consulting Ltd. began work on the Master Planning process in 2008 which included extensive public consultation as part of the plan preparation process. The process invited public participation in sharing their ideas on what the community desired for parks, trails and places of special interest within their Electoral Area for outdoor recreation and/or environmental attributes.

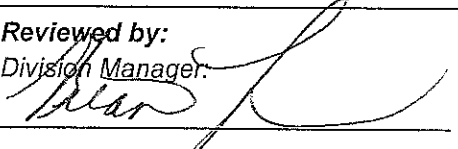
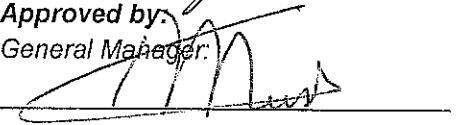
Preparation of the Community Parks and Trails Master Plan for Area C – Cobble Hill is the culmination of the extensive public and stakeholder consultation process through 2008 and 2009 undertaken by HBLanarc Consulting Ltd. The Plan provides direction on community parkland acquisition and operations as well as resource support requirements. Key components to the overall success of the Plan include engagement of community participation through volunteerism and other opportunities to support the management and enhancement of local community parks in Electoral Area C – Cobble Hill.

Attached is the Executive Summary of the Master Plan and the full draft will be distributed separately to committee members. Whilst a copy will be available at the CVRD office for public viewing during this time, once adopted, the Plan will be uploaded to the CVRD website permanently.

Submitted by,



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

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

TS/ca
Attachment

EXECUTIVE SUMMARY

This Community Parks and Trails Master Plan was initiated for the community of Cobble Hill (Electoral Area C) by the Cowichan Valley Regional District and the Cobble Hill Parks and Recreation Commission in spring 2008. The purpose of this plan is to set direction and priorities for community parks and trails in Cobble Hill over the next 10 to 20 years. This plan outlines parkland acquisition opportunities and trail linkages within the community that should be considered alongside future development and to ensure an ecologically and socially cohesive network of parks and trails are accessible to residents and visitors, now and into the future.

In developing the Community Parks and Trails Master Plan, public input was sought through open houses and public response forms. The ideas and priorities for Cobble Hill's parks and trails presented in this plan are based on input from the public, the Parks and Recreation Commission and CVRD Parks and Trails staff.

Each of the recommendations presented in Section 5 of this document were measured against the vision to determine the overall value it provides for the community parks and trails system. Each recommendation was weighed against the four key principles set out in the vision:

Provide a variety of outdoor recreational opportunities,

Protect natural ecosystems and feature representative landscapes,

Link communities, and

Enhance livability.

Priority Recommendations (Year 1-10)

1. Develop Quarry Nature Park to increase the park's ability to accommodate an expected increase in visitors each and create more of a Neighbourhood Park as defined in the plan.

Preserve, restore and enhance the natural flora within the park and use Quarry Nature Park as a primary location for displaying historic restorations.

"The residents of Cobble Hill value the rural nature of their community and wish to enrich its historic charm by securing in perpetuity a network of community parks and trails to provide a variety of outdoor recreational opportunities, protect natural ecosystems, feature representative landscapes, link our communities and enhance livability within Cobble Hill and South Cowichan."

2. Design and develop the former BC MoT Public Works Yard site, now Cobble Hill Common, into a functional space as a central public feature to the village.
3. Enhance connectivity within the community while protecting the sensitive ecosystem in Watson Park.
4. Develop village roadside pathway for connectivity of Cobble Hill Common and Memorial Park through the village to nearby Cobble Hill community parks (Watson Park, Fairfield Road Park, and Quarry Nature Park/Train Station).
5. Develop a nature park at Lefran Road/Garnet Creek to protect the natural ecosystem around Garnet Creek and allow community access.
6. Develop a partnership with the *Northwest Wildlife Preservation Society* for creating low impact community access for educational and environmental opportunities within Manley Farm
7. Develop Fairfield Road Park to provide formal access and user opportunities for the community.
8. Improve trail access within and through Manley Creek Park and aim to limit erosion on the steep slopes and protect local flora and fauna.

Secondary Recommendations (Beyond Year 10)

Additional recommendations are provided for a number of projects that are outside the 10-year timeframe. These recommendations are described within in the following categories:

- Improvements to existing Community Parks;
- Trail Development;
- Community Park Acquisitions and Land Use Partnerships; and
- System-Wide Recommendations.

These projects were identified during the master planning process, but were a lower priority. These recommendations have not been included within the 10-year implementation timeline (Table 19).



R7

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 6, 2012

DATE: October 31, 2012 **FILE NO:**

FROM: Tanya Soroka, Parks and Trails Planner **BYLAW NO:**

SUBJECT: Release of Covenant FB227735 for Perrett Subdivision located at 1994 West Shawnigan Lake Road in Electoral Area B, Shawnigan lake

Recommendation/Action:

That the appropriate documents be executed to release Covenant FB227735 in favour of the Cowichan Valley Regional District registered November 6, 2008, as the subject conditions within the covenant referring to the dedication of 611.2 sq m of land for park purposes to the CVRD, will be appropriately executed at the time of subdivision approval and will no longer be relevant within the covenant terms and conditions.

Relation to the Corporate Strategic Plan: N/A

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

Background:

The subject property is situated in Electoral Area B – Shawnigan Lake at 1994 West Shawnigan Lake Road which is located next to both the Cowichan Valley Trail to the west and a linear dedicated community park to the North. In 2008 a Section 219 restrictive covenant was registered in favour of the Cowichan Valley Regional District (CVRD) on District Lot 151, Malahat District; PID: 002-019-817 for a 611.2 sq m park to be dedicated to the CVRD as a condition of rezoning the property. The park dedication runs along the northern boundary of the property adjacent to the existing park to the North (see attached plan).

The applicants have applied for subdivision and as part of the covenant requirements park dedication must come across to the CVRD as a fee simple titled lot registered with land titles at the time of approval and registration of the subdivision plan.

Submitted by,

A handwritten signature in black ink, appearing to read "Tanya Soroka", is written over the "Submitted by," text.

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

TS/ca
Attachment

Reviewed by:

Division Manager:

Approved by:

General Manager:

A handwritten signature in black ink, appearing to be a stylized "M", is written over the "Approved by:" text.

SUBDIVISION PLAN OF PART OF DISTRICT LOT 151, MALAHAT DISTRICT

BCGS 928.062

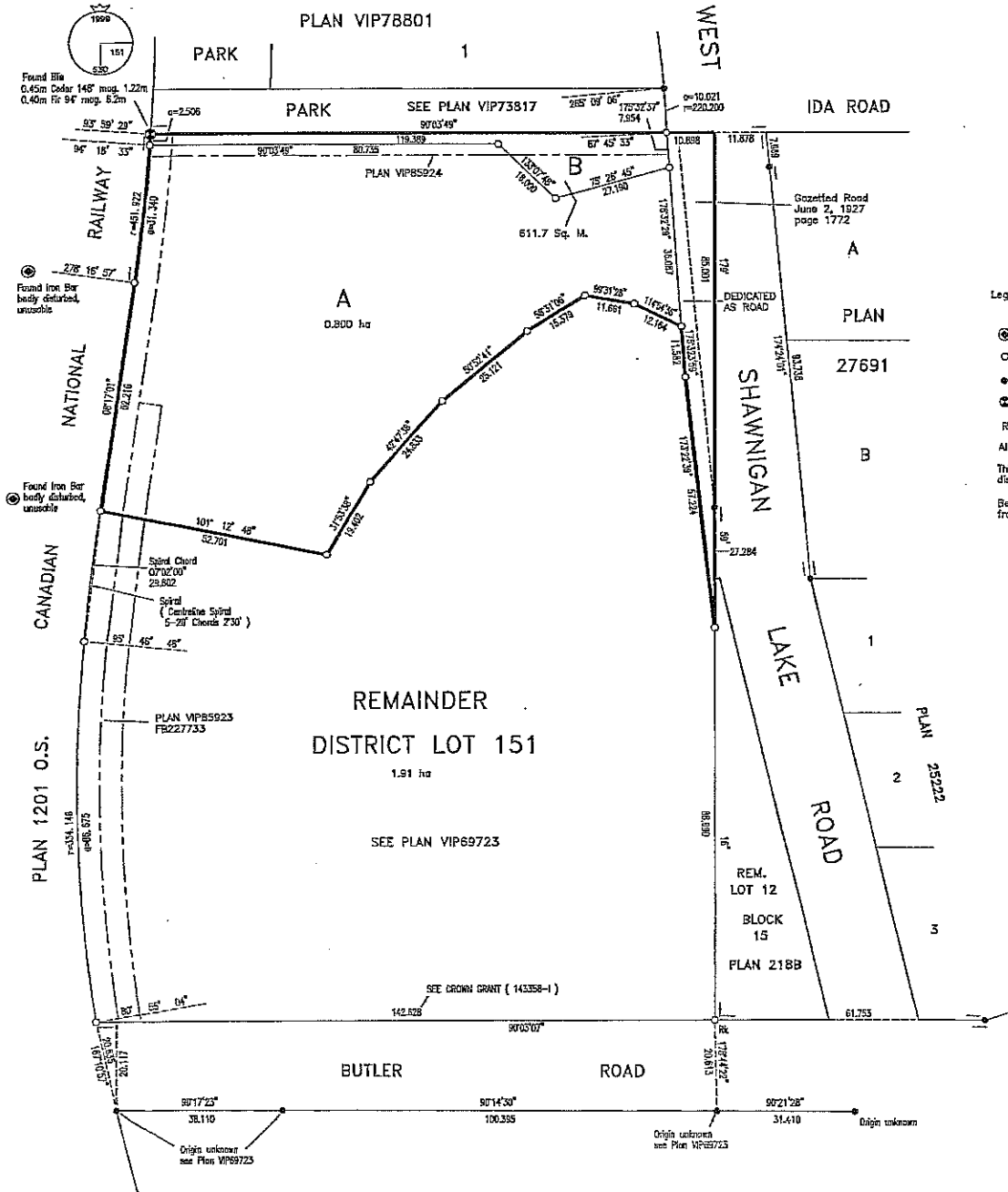
Scale 1:750

0 7.5 15 30 45 60 75

The intended plot size of this plan 432mm in width and 560mm in height (C size) when plotted at a scale of 1:750



PLAN EPP25304



A covenant in the name of the Ministry of Transportation and Infrastructure and the Cowichan Valley Regional District pursuant to Section 219 is a condition of approval for subdivision

This plan is prepared under Section 846 of the Local Government Act

This plan lies within the Cowichan Valley Regional District

This plan lies within the jurisdiction of the Approving Officer for the Ministry of Transportation and Infrastructure

J.E. ANDERSON & ASSOCIATES
B.C. Land Surveyors - Consulting Engineers
Victoria and Nanaimo, B.C. phone 727-2214
File #: 25898

3\2\2011\ACAD2000_SERVER\25898SUB_AMO.DWG DBL

The field survey represented by this plan was completed on the 29th day of September, 2012.
D.R. Carrier, BCLS



R8

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 6, 2012

DATE: October 31, 2012 **FILE NO:**

FROM: Tanya Soroka, Parks and Trails Planner **BYLAW NO:**

SUBJECT: Partial Release of Covenant CA1851109 for completion of Phase 1 of the Baranti Subdivision located at the end of Rozen Road in Electoral Area A – Mill Bay/Malahat

Recommendation/Action:

That the appropriate documents be executed for a partial release of Covenant CA1851109 over the new Lot A, Lot B, Lot C, and Lot E, District Lots 77 and 80, Malahat District, Plan EPP21145, as the subject conditions within the covenant referring to the dedication of land for park purposes to the CVRD, over this portion of the property will be appropriately executed at the time of subdivision approval and will no longer be relevant within the covenant terms and conditions.

Relation to the Corporate Strategic Plan: N/A

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

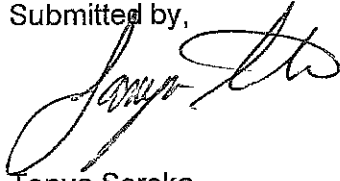
Background:

The subject property is situated in Electoral Area A – Mill Bay/Malahat at the end of Rozen Road south of Sentinel Ridge in the Phase 1 of the Baranti Development. In December 2010 a Section 219 restrictive covenant was registered in favour of the Cowichan Valley Regional District (CVRD) over Parcel A (DD 36099I) for District Lots 77 and 80, Malahat District PID 009-358-137 for a variety of park commitments, including land to be dedicated to the CVRD as Park. The covenant states that a partial discharge can be requested at the time of registration of each phase of the development, with the approval of the CVRD, as long as all the commitments of the covenant have been met for that phase of development.

The applicants have completed Phase 1 of their strata subdivision, including all requirements for Park commitments as outlined in the registered covenant and are formally requesting for a partial discharge of the covenant over this Phase 1 which includes Lot A, Lot B, Lot C, and Lot E, District Lots 77 and 80, Malahat District, Plan EPP21145 (see attached plan). As part of this partial covenant release the requirements that have been met are: Lot B and Lot E are being transferred to the CVRD for Park purposes as a fee simple titled lot registered with land titles, Lot C is being transferred to the CVRD in fee simple for engineering purposes, and a cheque in the amount of \$7753 was provided to the CVRD Parks and Trails Division for the applicants contribution to the construction of a future trail system through portions of Lot D. The transfer of

the two fee simple lots will occur at the time of approval and registration of the Phase 1 subdivision plan.

Submitted by,

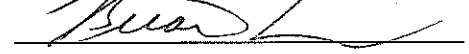


Tanya Soroka
Parks & Trails Division
Parks, Recreation & Culture Department

TS/ca
Attachment

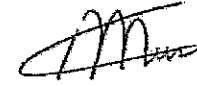
Reviewed by:

Division Manager:



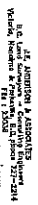
Approved by:

General Manager:



PLAN EPP2145

The intended visit site of the glen is unknown, but within my domain in 1959 (D. 220) when pecked at a scale of 1:1250.



**They plan to within the
Coeleman Valley National District**

This field survey represented by this plan was completed on the 10th day of May, 2012.
Colin M. Brown, D25



R9

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 6, 2012

DATE: October 31, 2012 **FILE NO:**

FROM: Tanya Soroka, Parks and Trails Planner **BYLAW NO:**

SUBJECT: Community Infrastructure Improvement Grant Application for revitalization of Arbutus Park in Electoral Area I – Youbou/Meade Creek

Recommendation/Action:

That the Board support the submission to the Western Economic Diversification Canada Community Infrastructure Improvement Fund (CIIF) for \$117,500 in grant funding towards the revitalization of Arbutus Park in Electoral Area I – Youbou/Meade Creek.

And that a Reserve Fund expenditure bylaw be prepared authorizing expenditure of no more than \$117,500 from the Electoral Area I Community Parks Capital Reserve Fund for the purpose of capital improvements to Arbutus Park, and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

Relation to the Corporate Strategic Plan:

Provide Service Excellence:

- By providing financial stability. Supports *Strategic Action # 1: Actively pursue alternative funding sources including grants and partnerships.*

A “*Safe and Healthy Community*”: to promote individual and community wellness by:

- Promoting a healthy lifestyle strategy to help residents live healthier lives through taking part in parks, recreation and culture services.
- Developing an accessibility strategy to ensure that all people have access to quality recreation and cultural services and facilities.
- Increasing participation in parks, recreation, and culture program events and activities.

In addition to this, under the “Sustainable Infrastructure” one of the key objectives is for “Well maintained public facilities”.

Financial Impact:

(Reviewed by Finance Division: [Signature])

The draft 2013 Electoral Area I Community Parks budget includes Capital Funds for Land improvements of \$235,000 from Revenues inclusive of Transfer from Reserves. As of September 30th, 2012 the uncommitted balances of the Electoral Area I (Youbou/Meade Creek) Community Parks Capital Reserve Fund was \$173,488.

With the withdrawals as recommended for capital improvements at Arbutus Park of \$117,500 from the Electoral Area I (Youbou/Meade Creek) Community Parks Capital Reserve Fund, the balance of the Electoral Area I (Youbou/Meade Creek) Community Parks Capital Reserve Fund will be \$55,988.

Background:

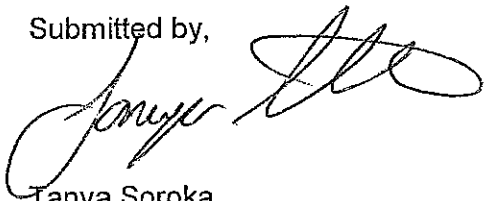
The Community Infrastructure Improvement Fund (CIIF) is a two-year, \$150 million national program to rehabilitate and improve existing community recreation and parks infrastructure.

The EASC and Board have previously endorsed grant funding applications for revitalization of Arbutus Park in Electoral Area I (Youbou/Meade Creek), along with two other priority sites (Bright Angel Park and Dougan Park/Elsie Miles). Bright Angel Park has been approved for a \$400,000 Provincial Recreation Infrastructure Grant and Dougan Park/Elsie Miles has a pending application for the earlier first round submission to CIIF. A Board Resolution supporting the Arbutus Park grant application of \$117,500 to the CIIF is required, which is applying to complete the following:

- Replacement of the 30+ year old washroom building also containing a change-room, storage room and a lifeguard room,
- Replacement of the 15 year old playground, and
- Replacement of the 25 year old picnic shelter.

The Electoral Area I Parks and Recreation Commission fully support the funding application for Arbutus Park and a formal letter of support has been received from the Chair of the Parks Commission. (See attachment). The application will be requesting \$117,500 in grant funding with the remaining 50% being funded through the Electoral Area I Parks and Recreation budget. The deadline for applications for the second round CIIF submission is November 19, 2012.

Submitted by,



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

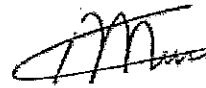
TS/ca
Attachment

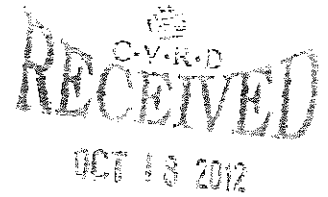
Reviewed by:

Division Manager:

Approved by:

General Manager:





October 18, 2012

To Whom It May Concern,

On behalf of the Youbou/Meade Creek Park Commission, I would like to put forward our letter of support for the proposed upgrades of Arbutus Park by Staff of our local CVRD.

Arbutus Park is one of the few parks left on Vancouver Island offering life guard service. Our park is one of the most visited parks, not only for the life guards service, but also for the beautiful mountain and treed surroundings. Cowichan Lake is one of the most pristine lakes in this area.

We, as a commission, take pride in our park and would like to see Arbutus Park continue to maintain a standard of excellence, not only for the residence of Youbou/Meade Creek but for the whole of Vancouver Island.

Thank you for considering us for the proposed "Community Infrastructure Improvement Grant.

Yours truly,

A handwritten signature in cursive script that reads "Marcia Stewart".

Marcia Stewart

Chairperson Youbou/Meade Creek Park Commission



R 10

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 6, 2012

DATE: October 31, 2012 **FILE NO:**

FROM: Dan Brown, Trails Technician, Parks and Trails Division **BYLAW NO:**

SUBJECT: Request to Use Glenora Trailhead Community Park for Fundraising Event

Recommendation/Action:

That the application from Miles and James Cutt, backed by the Cowichan Valley Stingrays Club, to host the Fast, Food Run in support of the Cowichan Valley Food Bank at Glenora Trailhead Park on Sunday, November 25, 2012, be approved subject to the following conditions:

1. Proof of the \$5,000,000 liability insurance that the event organizer has to cover the event which also identifies the CVRD named as additional insured;
2. Confirmations that there will be notices of the even posted along the trail in advance of, and during the day of, the event that will advise other trail users of the race; and,
3. Confirmation that the proposed running route on the Cowichan Valley Trail has been approved by the Province of British Columbia, as owners of the former railway corridor.

Relation to the Corporate Strategic Plan: N/A

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

Background:

For the past five years, the Cutt family has hosted the Fast, Food Run at McAdam Park through approval from the City of Duncan. For this, their sixth annual event, they are seeking permission to host the event out of Glenora Trailhead Community Park in Electoral Area E (Sahtlam/Glenora/Cowichan Station). Entry fees for the 5km fun run are by donation of non-perishable food items or cash, all of which is provided to the Cowichan Valley Food Bank.

The proposed location for the run is on the Cowichan Valley Trail heading north across the Holt Creek Trestle approximately 2.5km and back to the park. Since this portion of the trail is outside the current agreement in place for CVRD management of the trail corridor, permission for use of the proposed route is the responsibility of the BC Ministry of Transportation. Due to the application only just being received for use of the Glenora Trailhead Community Park on November 25th, the application has not been referred to the Electoral Area E Parks Commission.

The schedule for the proposed event on will be approximately 2 hours as follows:

- 9:30 a.m. – Volunteers will begin setting up
- 10:00 a.m. – Run begins
- 11:00 a.m. – Run ends
- 11:00 a.m. – 11:30 a.m. – Site cleanup

Staff have reviewed the proposal and no concerns are noted with the event as proposed.

Submitted by

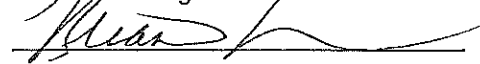


Dan Brown
Trails Technician
Parks and Trails Division
Parks, Recreation and Culture Department

DB/ca

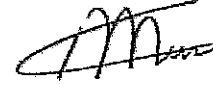
Approved by:

Division Manager:



Approved by:

General Manager:





R 11

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF NOVEMBER 6, 2012

DATE: October 31, 2012 **FILE No:**

FROM: Rob Conway, MCIP
Manager, Development Services Division **BYLAW No:**

SUBJECT: Short Term Rental Enforcement Policy

Recommendation:

That the draft Short Term Rental of Single Family Dwellings Policy be maintained with enforcement action commencing after a single complaint, and that the Policy be adopted by the Board as proposed.

Purpose: To review options for a short term rental bylaw enforcement policy.

Financial Implications: N/A

Interdepartmental / Agency Implications: N/A

Background:

At the September 4, 2012 EASC meeting, the Committee reviewed a staff report regarding the use of residentially zoned property for short-term rentals and vacation rentals. The report advised that vacation rentals can be disruptive to neighbours, but that there are other types of short term rentals such as home exchanges and seasonal rentals that are commonly accepted in residential neighbourhoods and typically have little or no impact on adjacent property owners. As short term rentals not permitted in most residential zones, a draft policy was proposed to clarify when and how enforcement would occur when complaints are received.

The draft policy (see attached) specifies that enforcement will not be pursued against low impact forms of short term rental unless the activity is occurring to a scale and extent that exceed what is customarily incidental to residential use. The draft policy further states that enforcement will be taken against vacation rentals when the rental term is less than one month.

The EASC supported the draft policy and passed the following resolution:

That a policy be established to allow short term rentals that are customarily incidental to residential use and that enforcement be taken against vacation rentals for terms of less than one month.

This recommended resolution was reviewed by the Board at the September 12th meeting but was referred back to the EASC for further review.

At the October 2nd EASC meeting the Committee revisited the matter and resolved:

That staff be directed to draft a revised policy respecting short term vacation rentals 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 meeting.

Discussion:

Vacation rentals are not a permitted use in most residential zones. Although no enforcement policy currently exists for bylaw enforcement against vacation rentals and short term rentals, enforcement occurs in much the same manner as for any zoning violation. The following enforcement steps are typically followed:

1. Complaint received;
2. Complaint investigated by bylaw enforcement staff;
3. If violation is confirmed, property owner is asked to cease offending use;
4. If use does not cease within specified time frame, a staff report is brought to EASC with enforcement options and request for direction;
5. If enforcement is pursued, the matter is referred to CVRD's legal counsel for prosecution or court order.

The draft short term rental enforcement policy essentially identifies the same enforcement steps, but it also draws a distinction between vacation rentals and other forms of short term residential rentals and identifies a tenure term of less than one month as the threshold where enforcement action will be taken.

Staff's understanding is that the policy was referred back to EASC and staff because there was a desire from some Directors to restructure the policy so that enforcement would not necessarily automatically ensue when a single complaint is received. The intention appears to be a "softer" enforcement approach for vacation rentals whereby enforcement would be targeted at the more disruptive vacation rental property owners.

Enforcement Policy Options:

The direction given at the October 2nd EASC meeting was to establish a complaint threshold for triggering enforcement action. The current practice is for staff to investigate alleged bylaw enforcement action based on a single complaint.

An amended policy to require two or more complaints to trigger investigation may help to direct enforcement resources to the more disruptive vacation rentals and could potentially avoid situations where the CVRD is drawn into neighbour conflicts where the nuisance caused by the vacation rental may not be the motivation for the complaint.

Staff respectfully suggest that the legitimacy or motivation of a particular bylaw enforcement complaint should not be used to determine if bylaw enforcement action will be pursued. Such determinations are by their nature arbitrary and can be very difficult to substantiate. To be fair, bylaw enforcement should be directed primarily at whether or not a bylaw has been violated. A further down-side of deferring bylaw enforcement investigation until two or more complaints have been received is that it could discriminate against a complainant when he or she is the only one impacted by vacation rental use.

Staff note that complaints are the first step in the bylaw enforcement process and before any bylaw action is taken, Board direction will be requested. This step provides the Board an opportunity to decide if the violation is sufficiently serious to warrant enforcement action, and is probably a better means of determining if bylaw enforcement will be pursued than triggering enforcement based on the number of complaints.

If the Committee is interested in exercising more tolerance with respect to vacation rentals in residential zones, this would be best accomplished through a zoning change and possibly the establishment of a complementary permitting process that could allow the use to be regulated in a manner that manages potential nuisance impacts on adjacent residents. Until appropriate bylaw changes are made, the use of residential property for vacation rental will continue to be in conflict with zoning and residents will continue to expect action when complaints are lodged.

Options:

Option 1

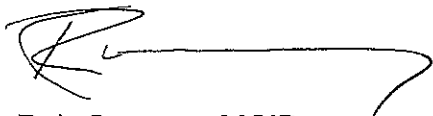
That the draft Short Term Rental of Single Family Dwellings Policy be maintained with enforcement action commencing after a single complaint, and that the policy be adopted by the Board as proposed.

Option 2

That the draft Short Term Rental of Single Family Dwelling Policy be amended so that bylaw enforcement action commence only after two or more complaints are received.

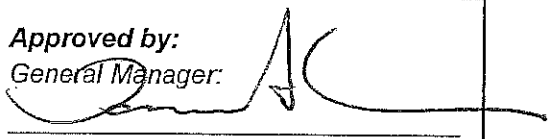
For reasons given above, Option 1 is recommended. Draft versions of the Policy with the two options highlighted are attached.

Submitted by,



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

RC/ca

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

Short Term Rental Enforcement Policy

Applicability: Planning & Development

Effective Date: Choose a date

PURPOSE:

To outline bylaw enforcement procedures for the short term rental of single family dwellings.

POLICY:

1. CVRD staff will investigate complaints regarding the short term rental of residential dwellings and will determine if a bylaw violation has occurred.
2. Enforcement will not be pursued against the following types of short-term rentals unless the activity is occurring to a scale and extent that exceeds what is customarily incidental to residential use:
 - Home Stay/Boarding
 - Home Exchange
 - House Sitting
 - Seasonal Rentals
 - Guest Accommodation
 - Work-Stay Accommodation
3. Enforcement for short term rental activities for uses other than those listed above will be pursued when a residential dwelling unit is rented for a term of less than one month.
4. Upon confirmation that a dwelling has been rented for a term of less than one month, the property owner will be notified by registered mail that all short term rental activity must cease with 14 days of the notice.
5. If short term rentals continue after issuance of the 14 day notice, staff will seek direction from the Board to commence prosecution proceedings or to seek a court ordered injunction.

Nothing in this enforcement policy should be interpreted as giving permission to violate the applicable bylaws and the CVRD Board may change this policy at any time and may give direction to expand enforcement activities at any time.

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Policies & Procedures

Option 2

Short Term Rental Enforcement Policy

Applicability: Planning & Development

Effective Date: Choose a date

PURPOSE:

To outline bylaw enforcement procedures for the short term rental of single family dwellings.

POLICY:

1. CVRD staff will investigate complaints regarding the short term rental of residential dwellings when two or more complaints are received to determine if a bylaw violation has occurred.
2. Enforcement will not be pursued against the following types of short-term rentals unless the activity is occurring to a scale and extent that exceeds what is customarily incidental to residential use:
 - Home Stay/Boarding
 - Home Exchange
 - House Sitting
 - Seasonal Rentals
 - Guest Accommodation
 - Work-Stay Accommodation
3. Enforcement for short term rental activities for uses other than those listed above will be pursued when a residential dwelling unit is rented for a term of less than one month.
4. Upon confirmation that a dwelling has been rented for a term of less than one month, the property owner will be notified by registered mail that all short term rental activity must cease with 14 days of the notice.
5. If short term rentals continue after issuance of the 14 day notice, staff will seek direction from the Board to commence prosecution proceedings or to seek a court ordered injunction.

Nothing in this enforcement policy should be interpreted as giving permission to violate the applicable bylaws and the CVRD Board may change this policy at any time and may give direction to expand enforcement activities at any time.

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



R 12

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 6, 2012

DATE: November 1, 2012

FILE NO:

FROM: Tom R. Anderson, General Manager

BYLAW NO:

SUBJECT: Delegations to EASC

Recommendation/Action:

That the Committee provide direction on this matter.

Relation to the Corporate Strategic Plan: N/A

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

Background:

In June, the EASC passed the following motion:

That staff be directed to investigate existing CVRD policies and bylaws respecting public Board/Committee/Commission delegation requests and process, and provide a staff report with suggested changes/recommendations at a future EASC meeting.

It is our understanding that this matter was referred to staff for a report as a result of delegations that were appearing at the Committee meeting that spoke on issues that had either already been dealt with by the Committee or that were not on the current agenda.

With regard to the first portion on this motion, a review of existing CVRD Bylaws and Policies produced the following:

BYLAW No. 2922, REGULATING THE BOARD COMMITTEE AND COMMISSIONS PROCEDURE

The following section from that Bylaw provides the only specific reference and guidance to the regulation of Delegations that appear at the Committee level.

"Delegations

An individual or a delegation may address the Committee at a meeting provided written application on a prescribed form has been received by the office of primary responsibility by 1:30 p.m., one week prior to the meeting."

BYLAW No. 2889, REGULATING THE PROCEEDINGS OF THE REGIONAL BOARD

This Bylaw contains a section pertaining to the regulation of delegations, however, it only affects those delegations that appear at the Regional Board meeting.

“Delegations

- a) An individual or a delegation may address the Board at a regular meeting provided written application on a prescribed form has been received by the Corporate Secretary by 1:30 p.m., on the Wednesday prior to the meeting. Each address must be limited to ten (10) minutes unless a longer period is agreed to by unanimous vote of those members present.
- b) The number of delegations permitted at a regular Board meeting is two (2).
- c) Where written application has not been received by the Corporate Secretary prior to the close of the application period, or two delegations have already been received for a regular Board meeting, an individual or delegation may address the meeting if approved by the unanimous vote of the members present.
- d) The Board must not permit a delegation to address a meeting of the Board regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw.
- e) The Corporate Secretary may schedule delegations to another Board meeting or advisory body as deemed appropriate according to the subject matter of the delegation.
- f) The Corporate Secretary may refuse to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of the Board. If the delegation wishes to appeal the Corporate Secretary's decision, the information must be distributed under separate cover to the Board for their consideration.”

As can be seen, there is some guidance with respect to delegations regarding a bylaw that is subject to a public hearing or in cases when the delegation may be more appropriately heard by another Committee.

There are no CVRD Policies which pertain to the regulation of delegations to Committees.

It should also be noted that the previous Procedural Bylaw limited delegations to 10 minutes but for some reason that clause was removed from the current bylaw.

In the past, staff have forwarded reports to the EASC outlining concerns that the Committee has heard delegations from groups or individuals that are opposed to a Rezoning Application. Very often these delegations are heard prior to any decision being made by the Committee to proceed or not proceed with the rezoning application. Staff questioned whether it was fair to hear delegations in opposition to an application without giving those in support of the application an opportunity to be heard as well. This was akin to having a public hearing before the Committee decides whether the application warrants a formal public hearing or not.

Past Committees have considered this matter and have provided no further direction. While it is understood that the Directors are concerned about the perception that may be caused by limiting delegations, staff are equally concerned about ensuring that processes remain fair to all and that the Regional District cannot be attacked on procedural grounds. Of equal concern is that our committee meetings do not become mini public hearings with both opponents and supporters stacking committee meeting agendas.

It should be noted that when we speak of "delegations" to committee, we speak only of that section of the agenda that falls under the Delegation heading. Reports from staff on applications allow for the applicant to make a presentation and staff are not aware that Directors are looking to amend that procedure.

Options for Consideration

- Limit presentations by delegations to a total of 10 minutes, unless agreed to by a unanimous vote of the committee (same as Regional Board).
- Establish a maximum number of delegations per committee meeting (Same as Regional Board).
- Do not allow delegations regarding development applications that require public hearings/meetings as part of the regular process. Individuals are invited to attend the public hearing/meeting and submit their comments personally or in writing at that time.
- Delegations requesting to appear on an issue that has already been decided by the Committee or Board may only appear if they have "new information" to present. An individual or group is limited to one appearance with new information. This is to reduce the possibility of an individual or group returning numerous times to say the same things regarding decisions that have already been made.

Depending on the directions provided by the Committee, staff will determine whether the direction can be implemented by way of a new Policy or Procedural Bylaw amendment.

Submitted by,



Tom R. Anderson,
General Manager
Planning and Development Department

TRA/ca



REC

C1

COWICHAN VALLEY REGIONAL DISTRICT 0

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

Financial Services Department

Submitted by Director LORI IANNIDINARDO Area D.

| | |
|-------------------|---|
| Grantee: | Grant Amount \$ <u>750.⁰⁰</u> |
| NAME: | <u>COWICHAN ESTURARY NATURE CENTRE.</u> |
| ADDRESS: | <u>BOX #5 COWICHAN BAY VORINO</u> |
| Contact Phone No: | <u>250-597-2288.</u> |
| PURPOSE OF GRANT: | <u>TO PURCHASE A RECYCLE BINS</u> <u>AND CRAFT SUPPLIES FOR STORYTIME.</u> |
| REQUESTED BY: | <u>Lori L IannidinarDO</u> Director Requesting Grant |

| ACCOUNT NO. | AMOUNT | HST CODE |
|--------------------|--------------------|----------|
| 01-2-1950-0207-114 | 750. ⁰⁰ | 10.0 |

| |
|-----------------------------|
| FOR FINANCE USE ONLY |
| BUDGET APPROVAL <u>✓</u> |
| VENDOR NO. _____ |

| |
|-------------------------------|
| Disposition of Cheque: |
| Mail to above address: _____ |
| Return to _____ |
| Attach to letter from _____ |
| Other _____ |

Approval at Regional Board Meeting of _____

Finance Authorization _____

October 16, 2012

To: Director, Area D (Cowichan Bay) Lori Iannidinaro

From: Kerrie Talbot, Committee member, Cowichan Estuary Nature Centre

Re: Grant-in-aid for \$750.

Dear Lori

The Cowichan Estuary Nature Centre would like to request a grant-in-aid of \$750. to cover the cost of recycle bins, similar to the wooden bins @ Cowichan Bay Maritime Centre & Hilarys Cheese. We hope to have the bins built by the Maritime Centre at a cost of approx. \$500.

The remaining portion of the grant-in-aid would be greatly appreciated in helping the Nature Centre to cover costs of craft & storytime supplies for our weekly drop in Storytime. Attendance climbs each week, and Storytime has been very well received by the community.

With thanks,
Kerrie Talbot
kerrietalbot@shaw.ca

Cowichan Estuary Nature Centre
250-597-2288
Box #5, Cowichan Bay
(1845 Cowichan Bay Rd)
V0R 1N0



From anywhere... De partout...
to anyone jusqu'à vous

CANADA POST
2701 RIVERSIDE DR SUITE N1200
OTTAWA ON K1A 0B1

C2

October 18, 2012

OFFICE OF THE MAYOR
175 INGRAM ST
DUNCAN BC V9L 1N8



01391

Dear Sir / Madam:

As an important partner to Canadian municipalities, Canada Post remains committed to providing a full range of postal services in every community we serve, including new developments. This letter is to inform you of some changes we are implementing to the process of installing Community Mail Boxes (CMB) in new developments.

With new residential and commercial developments adding between 150,000 and 200,000 mailing addresses every year, Canada Post's costs continue to increase while the amount of mail in the system is in rapid decline. Over the last five years, mail volumes have dropped almost 20 per cent per address, contributing to the corporation's unprecedented financial losses in 2011 and the first half of 2012.

To date, Canada Post has incurred the full cost of installing Community Mail Boxes and activating all addresses in new developments—on top of absorbing costs associated with maintaining the equipment and providing reliable delivery.

Effective January 1, 2013, Canada Post will implement a one-time fee to developers to install and activate all Community Mail Boxes and addresses in new developments. This partial cost-recovery initiative will apply a fee of \$200 per address, and is in addition to the existing process for installing Community Mail Boxes. As always, Canada Post will continue to cover all costs to repair and maintain Community Mail Boxes as well as the costs associated with mail delivery. There is no financial impact to your municipality as a result of this process change; this letter is simply to inform you of the change in Canada Post's process should you be asked questions from developers.

Community Mail Boxes are a high-value service that offers secure and convenient mail and parcel delivery to Canadians. This change is necessary to ensure that Canada Post is able to maintain the high level of service that Canadians have come to expect, while contributing to the corporation's fiscal stability.

For more information, please contact your Canada Post Delivery Planning Manager:
Jackie Bailey, (604) 662-1606 x 25839, jackie.bailey@canadapost.postescanada.ca

Regards,

Jacques Côté
Group President, Physical Delivery
Canada Post

Open letter to the CVRD and Cowichan Leader Pictorial and the Cowichan Valley Citizen:

Dear members of the CVRD board:

Thank you for your diligence and vision for our community.

I am saying "No thank you," to the Telus cell tower proposal between Dinters and John Deere on the Trans Canada Highway. I would need much more specific data and dialogue before I could say "Yes," to their proposal. Please ask for an extension of their timeline, so that more specifics could be shared with the larger community.

I want to acknowledge First Nations people who have lived in the Cowichan Valley for 1000's of years. In search of some original history of the first peoples in this area, I read about the first 12 Cowichan elders. The first one to arrive here was Syalutsa. When Syalutsa met the next elder who came, he embraced him and said, "We have been put here to take care of this great natural abundance." He then shared 7 pieces of wisdom, one of which was this: "only through a continual and strict regime...will understanding increase."

The first time my children and I drove into the Cowichan Valley five years ago, my son said, "There are no cars here (we came from Vancouver), we have to move here." My daughter who has a compromised immune system sometimes suffered high blood sugars in places with high levels of EMF (electromagnetic frequencies) that no amount of insulin would bring down until we had left the area where LF (light frequencies) and RF (radio frequencies) were intense. My success for health with my children is that I have continually sought out environments with as little toxins as possible. I hired a Building Biology practitioner, who measured the amount of LF and RF both inside and outside my home. With a strict resolve to limit toxins my daughter is as healthy as a diabetic could be, and I believe we can all be as perfectly healthy as my daughter who is in excellent health.

I went to the Telus info session at the Hub on October 2. On one of their charts it said that Canada's Safety Code 6 is comparable to Safety Codes in Europe. Let's examine this "fact". The allowable limit for safety in Canada is 1,000 microwatts per square cm. In the Ukraine the limit is 2.4 microwatts per square cm, and in Switzerland 4.2 microwatts per square cm. Canada's safety limit is one of the least stringent in the world. More importantly, it is designed to protect people from thermal (burning tissue) effects only, not to protect from adverse biological effects.

Studies have found: sleep disturbances at 0.002 microwatts per square centimeter; a progressive decrease in the number of newborns and irreversible infertility in mice after 5 generations of exposure at 0.168; and, at 0.32-16 microwatts per square centimeter, significant disturbances to attention, memory and motor function in schools. This is why some of the safety limits in Europe are so much lower than ours, and could be lower still.

Another chart at the meeting showed that the amount of radiation from the tower at the level of the ground would be 0.5-1 microwatts per square centimeter. I would need more specific data to be able to determine the amount of radiation at this level; at present, this would constitute a ball park figure. The radiation is most intense 200-500 meters from the tower; it falls off gradually the further you are from it. The amount of users also increases the amount of radiation. Certainly, at the level described sleep disturbances and other adverse biological effects can occur.

Dr. Magda Havas PhD scientist from Trent University also mentions insomnia among numerous

biological effects from RF on the human body. Dr. Magda Havas formerly studied acid rain and her research plus that of some others led to Clean Air legislation in Canada. She cites the following adverse biological effects: anxiety, depression, nausea, tinnitus, heart palpitations, headache, and what she calls Rapid Aging Syndrome.

The Interphone study noted a 40-80% increase in the risk for glioma (a rare brain cancer) for those who use their cell phones for 30 min or more a day for 10 years.

Zorey Glaser hired by the US Naval Medical Institute in 1972 to write a paper on the effects on man from non-ionized RF noted these effects (and numerous others to the body): altered physiologic function, changes to the central nervous system, blood disorders, histological changes, genetic and chromosomal changes.

Other important cautions from around the world are many, here are just a few examples from various corners of the globe. The Austrian Medical Association recommends wired connections wherever possible to protect against RF microwave radiation (microwave means little wave, RF is sometimes named as such). The World Health Organization in May of 2011 classified RF as a possible carcinogen. Dr Norbert Hankin, PhD Environmental Scientist, Office of Radiation and Indoor Air, Environmental Protection Agency, USA states: "The growing use of wireless communications by children and by schools will result in prolonged (possibly several hours per day), long term exposure (12 or more years of exposure in classrooms connected to computer networks by wireless communications) of developing children to low-intensity pulse modulated RF radiation. Recent studies involving short-term exposures have demonstrated that subtle effects on brain functions can be produced by low-intensity pulse modulated radiofrequency radiation. Some research involving rodents has shown adverse effects on short-term and long-term memory. The concern is that is such effects may occur in young children, then even slight impairment of learning ability over years of education may negatively affect the quality of life that could be achieved by these individuals, when adults.

Dear members of the CVRD: I say "No" to any more cell towers, and would say "No" to Shaw Cable who is in process of installing more radiation emitting devices in all urban centers so that phones and pads and such, can access the internet at any street corner. And at what cost to the health of future generations? As parents we would not allow our child to interrupt in a conversation we are having with someone else. Is it really to our benefit, to take ourselves out of the present moment to access the internet at any corner of our town?

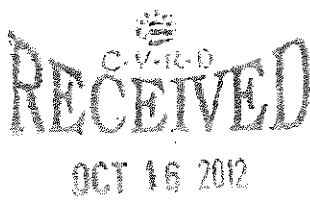
We need you to act on our behalf. We need you to write letters to the Federal government and plea to upgrade Safety Code 6, and we need you to employ the precautionary principle before considering any additional RF in our town and surrounding areas. We can work and plan together, to come up with a level of radiation that is acceptable and healthy for everyone. My dream is that Duncan and the Cowichan Valley continue to be a green, healthy place to live, and that this will be achieved through a healthy democratic process.

Thanking you in advance for your time and consideration,
Sincerely,



Dorothea Banman (formerly Dorothea Siegler)





INI

Minutes
Regular Meeting
Shawnigan (Area B) Parks and Recreation Commission
Sept. 13 2012 630 pm SLCC

Attendees: Bill Savage, Lori Treloar, Catherine Whittome, Al Brunet, Scott Overhill, Margaret Symon Ryan Dias (CVRD), Bruce Fraser, Kelly Musselwhite

Regrets: Gaileen Flaman

Public: Brian Jackson

Guest: Pete Nash

Scribe: Margaret Symon

1. Minutes of June 21 meeting approved. Thank-you to Scott Overhill (June scribe).
2. No formal meetings held July, August 2012. Thank-you to Brian Jackson and Bill Savage for the informative July boat tour of road ends.
3. Guest Presentation (Pete Nash). Mr. Nash's presentation was focussed on the issue of illegal docks on public road ends. Related topics included foreshore leases, riparian rights, and TW's ownership of the lake bottom. Commission thanked Mr. Nash for the presentation.
4. Area Director's Report.
Bruce Fraser recently met with MoTI to review the "colossal mess" at a road end at the southeast end of Shawnigan Lake. Many contentious issues are involved, including violation of commercial licence (rental of docks), vegetation clearing, legal ownership, etc. MoTI has a new spokesperson, who is scheduled to speak at the October 1 Meet the Director meeting.

Kelly Musselwaite described progress made on the Shawnigan Village Masterplan. Thanks to input from the community and pro bono expertise from a Victoria architect, the Masterplan incorporates a vision for community hubs and connectivity. All are welcome to attend the Village Masterplan meetings (next meeting Sept. 15).
5. Shawnigan Hills.
 - Ryan Dias (CVRD) said construction of the tot lot playground would commence next week.
 - Entrance way to be improved (double gate).
 - It was decided to hold the grand re-opening next spring.
 - Positive feedback received re: summer playground program (at Dougan Park/Shawnigan Hills). Shawnigan Hills favoured venue for playground program.
 - Several acts of vandalism over the summer at Shawnigan Hills. Lori Treloar will do short article in Shawnigan Focus, noting dates of damage, and repair costs.
6. Invasive Species Strategy.
MOTION: that the CVRD proceed with approval of the Invasive Species Strategy as outlined by Graham Gidden, inclusive of the current, managed road ends, and the currently pending 3 road

ends (Worthington, Bell-Irving, May), but not to include the 2 blocks of Community Forest at the south end (these blocks were previously surveyed). MOTION PASSED.

-Commission would like to meet with CISC contractor at beginning of project.

7. Memory Island Outhouses.

Bill Savage said as of August 22, 2012, work to remove the old outhouses and to fill in the holes had been completed. Next time, this work would be better done in late spring/early summer.

Broom removal – 2011 – good feedback

8. Worthington Road Road End.

-Update from Tanya Soroka, CVRD (email, August 7, 2012): Subdivision plan revised; road access into the strata subdivision no longer off Worthington Road, but instead farther down along Cuillin Road. Proposed parkland still in the same location at the end of Worthington Road end. The entire road end from Cullin Road is going to be applied for to the BC MoT as a “park.” The “park” will share a driveway with the church property. CVRD seeking approval in writing for a permit from MoT.

-Ryan Dias presented a conceptual plan of the Worthington Road road end park. Commission felt that a car parking area and trail construction not warranted. Costs should be reduced as a result.

-Question raised about size and location of parkland dedication. Ryan Dias to check with Tanya Soroka about 5%.

-Bruce Fraser to be consulted regarding location of parkland (commission made several previous motions for a linear waterfront park).

9. Road Ends.

Brian Jackson has created an excellent, detailed map of the Shawnigan Lake road ends. Hard copies of the map to be distributed to FD, SRA, Shawnigan Watershed Round Table. Input welcomed prior to finalization of the map. Commission thanked Brian for his efforts.

-Photos of road ends should be submitted to Al Brunet, who will organize a picture index.

10. 2013 Budget.

Ryan Dias reviewed the Area B community park budget planning draft.

MOTION: That the 2013 Community Park Budget be approved, to include \$100,000 for major capital (projects to be determined), \$17,000 for minor capital (projects to be determined), and \$10,000 for Invasive Species. MOTION PASSED.

-Among the possible projects recommended for 2013 were:

-trail connectivity – Shawnigan Hills Athletic Park (trails should link park with Meadowview, Discovery School, etc.

-washroom/changeroom improvements at Old Mill Park

-walking trail – Renfrew (village core)

-Baldy Mountain trail acquisition/improvements

-implementation of invasive species strategy (possibly in combination with government grants)

Next meeting: Oct. 18, 2012.



IN 2

AREA A PARKS MEETING
JUNE 21, 2012
DIRECTOR WALKER'S HOME

OCT 16 2012

REGRETS: CLYDE OGILVIE, CATHY LESLIE, APRIL TILSON

GUESTS:

DONNA AND ALEX JACOB – FERNRIDGE ROAD
JASON AND HUGH FROM MILL SPRINGS
MIKE MILLER – CVRD

ATTENDING:

DAVID GALL, RON PARSONS, GREG FARLEY, DIRECTOR WALKER, JOAN POPE

MEETING CALLED TO ORDER AT 7PM

DISCUSSION REGARDING THE PROPERTY AT FERNRIDE DRIVE. THERE WERE SEVERAL ALTERNATIVES DISCUSSED
MOTION PRESENTED AND PASSED:

PARKS RECOMMENDS A LAND SWAP WITH ALEX JACOB.

MICHAEL MILLER PRESENTED FOUR PROPSALS FOR THE PLAYGROUND AT DELOUME PARK (MILL SPRINGS)

DISCUSSION FOLLOWED WITH INPUT FROM JASON AND HUGH OF MILL SPRINGS.

MOTION PRESENTED AND PASSED:

ACCEPT THE HENDERSON PROPOSAL "OPTION#1" WITH THE ADDITION OF TWO EXTRA SWINGS.

MOTION PRESENTED AND PASSED:

INSTALL THE BASKETBALL HOOP AND KEY AT FAR END OF COURT.

MEETING ADJOURNED AT 8:40PM

NEXT MEETING WILL BE SEPTEMBER 20TH, 2012. PLACE TO BE DECIDED LATER.

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Area A Parks & Recreation Commission

Meeting Sept 20, 2012 at Brentwood College boardroom

RECEIVED
OCT 12 2012

Regrets: David Crowe

Present: Joan Pope, Greg Farley, Dave Gall, Cathy Leslie, Director Walker ,
April Tilson, Ron Parsons

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

1. Informal Discussion: Kingzet Lake, Brentwood College board room use,
remembrance of PRC member Clyde Olgivie

A. Discussion and Approval of Budget

2012 budget \$174,675, operating budget \$106,413.

Ryan suggested that the government wharf would need work in 2013, so
there will be an extra \$10,000 for "existing park structures" that could be
used for pilings.

2013 operating budget \$125,425.

Discussion as to how to best use \$24,000 for minor capital projects.

Motion presented and passed: To use the \$24,000 to finish McLaren Park and
use remaining money for trails.

B. Ongoing Business:

Mill Springs (Deloume) Park:

1. Mill Springs will connect to Hollings Creek this year. (end of Lilmac to Mill Springs area)
2. CVRD parks signage discussion
3. Name for McLaren park discussion

Next Meeting: Oct 18, 2012, 7 pm at Brentwood College

Area D Parks Commission Monthly Meeting,
Cowichan Estuary Nature Centre, Cowichan Bay, BC
Sept. 17/12

IN 4

Meeting called to order: 18:42

Present: Lori Iannidinardo - Director, Kerrie Talbot - Chairperson, Bruce Clarke -
acting secretary, Megan Stone, Steve Garnett, Roger Southern and
David Nisbet. Guest – Brian Farquhar.

RECEIVED
C.V.R.D.
OCT 15 2012

Motion: Moved by David Nisbet seconded by Roger Southern.
Accept Minutes from last meeting (June 18/12). Carried.

Cowichan Gateway Project: Brian Farquhar

Brian presented concept drawings and pictures of the project as developed by CVRD staff as of July 2012. He noted Pacific Industrial had won the contract to design and build the small craft float and ramp with work commencing in October. Discussion of parking and consideration for small craft drop off area.

Motion: Moved by Bruce Clarke seconded by Roger Southern.
Direct the \$30,000 in 2012 Capital Budget for Wilmot Trail to the Cowichan Gateway Project. Carried.

Coverdale Watson playground

Discussion on the age and use of equipment in the park – B. Farquhar provided staff reporting on state of items in the park.

Action: The Commission committed to hosting a public meeting to receive input for the future development of the park.

Summer Playground Program

The Kerry Park Staff Report of Sept 11, 2012 was received with thanks and gratitude. Discussion on continued support and expansion with minor changes in 2013.

2013 Community Park Budget

A draft for discussion was presented by Brian Farquhar. Brian did a line by line explanation and comparison to 2012 expenditures and anticipated programs for 2013.

Motion: Moved by Bruce Clarke seconded by Megan Stone.
Area D Parks Commission supports the first draft of the 2013 Community Park Budget. Carried.

Lanes Road Ravine

Discussion on possible naming of the area – determined naming not a priority.

Oceanfront Suites Project

Members of the Commission have attended a viewing and with interest expressed at a community meeting in September; it was deemed worthwhile to investigate further. CVRD staff have been instructed to investigate the possibility of community use of a portion of the Oceanfront Suites building.

....2

Bench Road/Cowichan Bay Intersection

Discussion and agreement by the Commission on the need to welcome visitors to the area. The Bench Road/Cowichan Bay Road intersection location is an appropriate point for welcoming to the area and other signage is the only use of this space at this time.

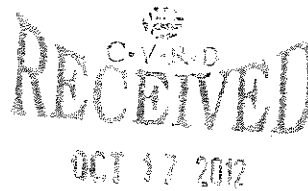
Motion: Moved by Lori Iannidinardo seconded by Kerrie Talbot

CVRD staff be requested to investigate the creation of and placement of a “Welcome to Cowichan Bay” sign on the Bench Road and Cowichan Bay intersection property.

Carried.

Next Meeting: October 15, location to be determined.

Meeting adjourned: 20:35



IN 5

MINUTES

South Cowichan Parks Commission

Monday, October 1, 2012, 6:30 PM

Clubhouse Meeting Room, Arbutus Ridge

In attendance: Director Mike Walker, Director Lori Iannidardo, Margaret Symon –Chair, John Krug, Lynn Wilson, Kerrie Talbot, David Gall, Frank McCorkell.

CVRD Staff: Brian Farquhar, Graham Gidden, Ron Austen

Regrets: Director Gerry Giles, Director Bruce Fraser, Director Loren Duncan

Public in attendance: Sherry Ayers (arrived 6:35 pm)

Meeting called to order at 6:35pm following provision for moving meeting location to window seating in the main lounge due to power black-out in area.

Minutes of previous meeting February 13, approved by consensus.

Business Items:

1. Verbal Update on Mill Bay Historic Church Rehabilitation Project and Site Tour Scheduling

Graham Gidden reported that Phase 1 of the Rehabilitation Project has generated a Budget cost savings of over \$20,000 thus far due to lower than projected bid tenders. As an example Graham cited that the demolition project, budgeted for \$15,000 came in at \$8000. Additional project cost savings have been generated by using CVRD staff (Norm Olive, CVRD Project Engineer) to complete project engineering as opposed to having to contract this work out.

The septic and water infrastructure installation is now complete and the electrical installations, component 1 of 3 of the ramp work and the roof work (weather permitting), are now underway.

A Commission tour of the site is recommended for the end of October.

2. Bright Angel Park Group Facility Booking Procedures and Use Update

Brian Farquhar gave a brief history of Bright Angel Park from its original Society governance system to the CVRD Parks management takeover in 2001.

Since the Parks and Trails Division have been managing the park, a marked and steady increase in parks group user attendance has taken place (51 group bookings in 2012). During the spring of this year, the CVRD introduced revised group facility use policies and procedures in support of protecting both the group site use capacity and also the park's fragile eco system. One area of concern was the growing use

of RV vehicles in the group camp site area which was originally designed and laid out to accommodate tent camping.

Since the updated group camping policies and procedures have been in place this spring and summer, only one of the regular past user groups have raised concerns about the updated policies which would prohibit their group from using RV's in the group campsite from 2013 onwards.

Motion: to approve the updated Bright Angel Park User Policies and Procedures as presented in the September 19, 2012 staff report. Approved/Carried.

3. Bright Angel Park Rejuvenation Project and Park Management Plan Proposal

Graham Gidden presented an overview of his staff report of October 1 which detailed the Bright Angel Park Recreation and Rejuvenation Project & Park Management Plan. Because of its heavy use and limited infusion of maintenance upkeep funds (and lack of volunteer upkeep labour) during the past decade, the need for rejuvenation funds and a Park Management Plan at the Park is crucial. The timely Ministry of Community, Sport, and Cultural Development \$400,000 grant plus an additional \$60,000 in Federal Gas Tax funding committed by the CVRD Board requires \$100,000 total in matching Bright Angel Park capital funds between 2013-2015 (total value \$560,000) to complete the necessary site preparation/demolition, trail repairs, installation of 10 fitness stations, construction of an off leash trail area, barrier-free washroom building, new playground, reconditioning of the sports field, replace site furniture and install a seasonal volleyball court by March 31, 2015, as detailed in the Province of BC/CVRD grant contract. As also detailed in the staff report, a series of public consultation sessions, both at the park site and in meeting venues will be held, again, as detailed in the staff report.

The Commission agreed that the public consultation process commence in mid-November with both in-park consultation and through a scheduled open house at a yet to be determined venue (staff to look into the availability of the HUB).

Running parallel with the Park Rejuvenation Project, complete with public consultation, will be the development of a broader, long term Bright Angel Park Management Plan.

Motion: to endorse the Bright Angel Park Rejuvenation Project and the planning process and timeline for preparation of the Bright Angel Park Management Plan as presented in the Oct.1, 2012 Staff Report. Approved/Carried.

3. Cowichan Bay Interpretive Centre

Update provided on interpretive signage installed at the Cowichan Bay Boat launch site (signs and installation paid for by Cowichan Land Trust). User statistics kept since the Nature Centre opened on April 21/12 indicates over 4000 visits, well above initial predictions.

It was reported by Commission members and staff that the new signs have been installed and look great. Also, that some of the older interpretive signs are in need of repair.

4. Cowichan Bay Boat Launch Parking Lot Reconfiguration

The parking lot stall reconfiguration is working exceptionally well from when the lines were repainted in spring. No concerns or issues have been raised from boaters or park visitors on the reconfiguration which increased the number of designated truck/boat trailer parking stalls.

5. 2013 South Cowichan Parks and Bright Angel Park Budget Preparation

Staff presented a summary overview of the 2013 South Cowichan Parks and Bright Angel Park Budgets. An \$11,746 surplus is projected for the South Cowichan Parks Community Park Budget and a \$68,176 surplus is projected for the Bright Angel Park Budget. The Bright Angel Park budget surplus is targeted in 2013 towards the recreation infrastructure grant project noted in item 3 of the minutes. Due to the evening power failure and dwindling light in the room, it was suggested by the Chair that Commission members read the budgets over the next week and direct any questions they have to staff and/or the Chair.

Meeting adjourned 8:35 PM

Area D Parks Commission Monthly Meeting,
Cowichan Estuary Nature Centre, Cowichan Bay, BC
October 15/12

ING

Meeting called to order: 18:45

Present: Lori Iannidinardo, Director, Kerrie Talbot, Chairperson, Bruce Clarke,
acting secretary, Roger Southern and David Nisbet.

Absent: Megan Stone, Stephen Garnett

Motion: Moved/ seconded.

Accept Minutes from last meeting (Sept 17/12). Carried.

RECEIVED
OCT 29 2012

NEW BUSINESS

Area D Parks Commission AGM

Discussion on date, location, elections chair and notice to Area D residents.

Action: Chair to contact School Board for Bench Elementary for December 3rd or 5th and will invite Val Townsend to chair nominations/election of Commission members.

Town Hall Meeting

Director announced Area D residents meeting, October 25th at Bench Elementary.
Presentations by CVRD staff, OCP update and Area D Parks Commission Chair.

Volunteer Appreciation Reception

Director inviting Commission and others to the Maritime Centre, Dec 1st for recognition, thanks and refreshments.

ONGOING BUSINESS

Coverdale Watson Playground and the Wilmot Road Trail

Spring 2013 public meeting on developments in the park and the Wilmot Road Trail.

Lanes Road Ravine

Motion: Moved/seconded.

Area D Parks Commission requests the Lanes Road Ravine be named "Long Stocking Creek Park" referencing T. W. Patterson's writings. Carried.

Bench Road/Cowichan Bay Intersection

Information: Permit to construct by CVRD staff for a "Welcome to Cowichan Bay" sign at the Bench Road/Cowichan Bay Road intersection.

Bright Angel Park

Information: Plans for significant refurbishing of the facilities in this regional park are planned base on a \$400,000 provincial grant.

Next Meeting: November 19, 6:30pm @ Cowichan Estuary Nature Centre.

Meeting adjourned: 20:05



C.V.R.D

MEMORANDUM

DATE: October 15, 2012

TO: Tom R. Anderson, General Manager, Planning and Development Department

FROM: Brian Duncan, Manager, Inspections and Enforcement Division

SUBJECT: BUILDING REPORT FOR THE MONTH OF SEPTEMBER 2012

There were 30 Building Permits and 0 Demolition Permit(s) issued during the month of September, 2012 with a total value of \$3,590,880.

| Electoral Area | Commercial | Institutional | Industrial | New SFD | Residential | Agricultural | Permits this Month | Permits this Year | Value this Month | Value this Year |
|----------------|------------|---------------|------------|--------------|-------------|--------------|--------------------|-------------------|------------------|-----------------|
| "A" | | | | 580,640 | 26,040 | | 5 | 51 | 606,680 | 8,207,870 |
| "B" | | | | 414,840 | 17,820 | | 3 | 63 | 432,660 | 6,664,637 |
| "C" | | | | 0 | 45,000 | | 1 | 28 | 45,000 | 1,728,335 |
| "D" | | | | 340,995 | 60,000 | | 3 | 25 | 400,995 | 2,984,615 |
| "E" | | 5,500 | | 0 | 58,150 | | 4 | 37 | 63,650 | 3,019,896 |
| "F" | | | | 0 | 6,400 | | 1 | 18 | 6,400 | 1,747,850 |
| "G" | | | | 709,140 | 14,400 | | 5 | 25 | 723,540 | 3,528,725 |
| "H" | | | | 648,655 | 214,100 | | 5 | 24 | 862,755 | 2,560,085 |
| "I" | 30,000 | | | 419,200 | 0 | | 3 | 14 | 449,200 | 2,383,990 |
| Total | \$ 30,000 | \$ 5,500 | \$ - | \$ 3,113,470 | \$ 441,910 | \$ - | 30 | 285 | \$ 3,590,880 | \$ 32,826,003 |

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

BD/lag

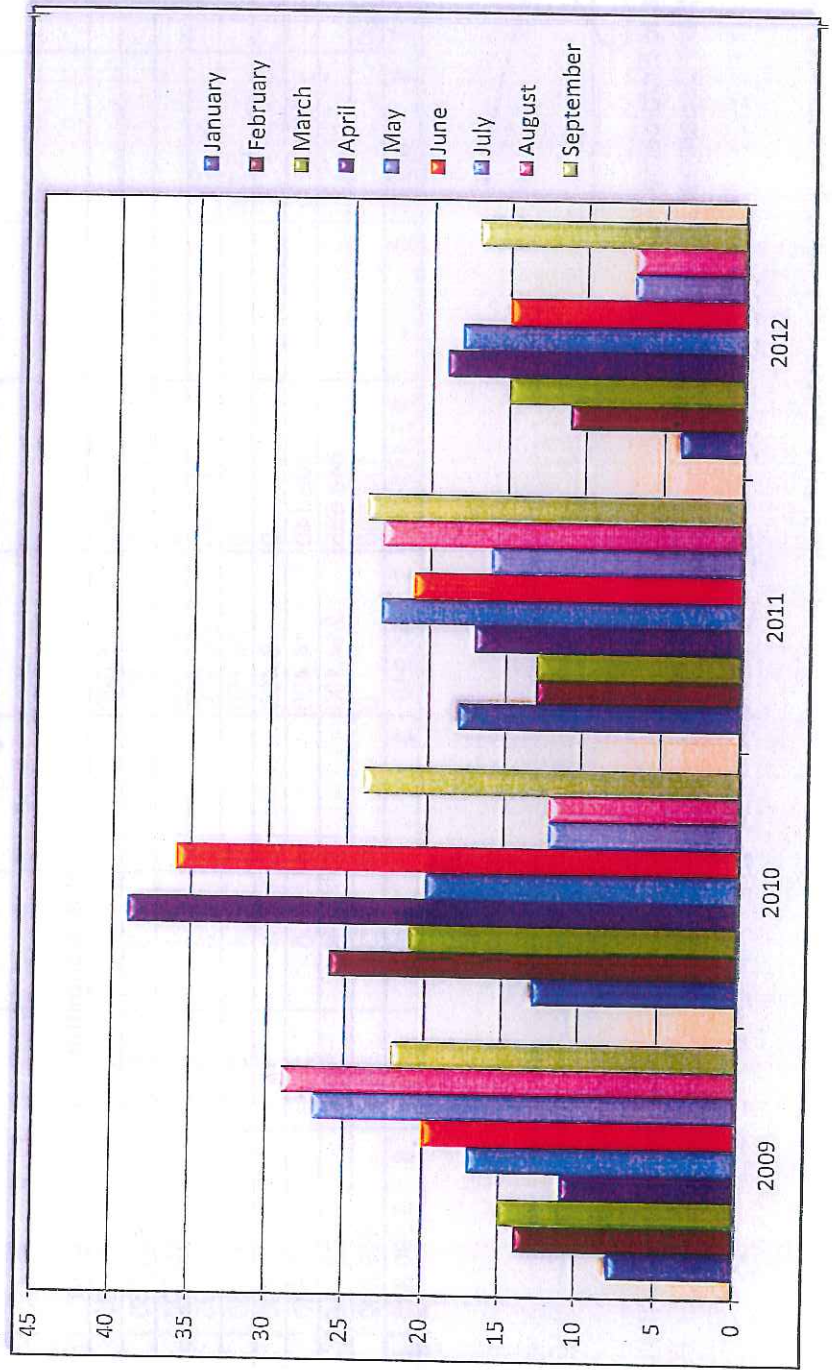
IN 7



CVRD

Total of New Housing Starts

| | 2009 | 2010 | 2011 | 2012 |
|------------|------|------|------|------|
| January | 8 | 13 | 18 | 4 |
| February | 14 | 26 | 13 | 11 |
| March | 15 | 21 | 13 | 15 |
| April | 11 | 39 | 17 | 19 |
| May | 17 | 20 | 23 | 18 |
| June | 20 | 36 | 21 | 15 |
| July | 27 | 12 | 16 | 7 |
| August | 29 | 12 | 23 | 7 |
| September | 22 | 24 | 24 | 17 |
| YTD Totals | 163 | 203 | 168 | 113 |





Total Building Permits Issued

| | 2009 | 2010 | 2011 | 2012 |
|-------------------|------------|------------|------------|------------|
| January | 23 | 35 | 31 | 16 |
| February | 32 | 44 | 36 | 24 |
| March | 36 | 54 | 33 | 38 |
| April | 34 | 67 | 30 | 41 |
| May | 48 | 41 | 45 | 38 |
| June | 55 | 66 | 46 | 38 |
| July | 61 | 45 | 48 | 37 |
| August | 45 | 38 | 42 | 23 |
| September | 65 | 44 | 53 | 30 |
| YTD Totals | 399 | 434 | 364 | 285 |

