



C·V·R·D

NOTICE OF
ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
March 17, 2009
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 pm

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Tuesday, April 7, 2009

14. **ADJOURNMENT**

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

Director B. Harrison
 Director K. Cossey
 Director I. Morrison

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

Director L. Iannidinardo
 Director L. Duncan
 Director M. Dorey

M1

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, March 3, 2009 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC

PRESENT

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

CVRD STAFF

- Tom Anderson, General Manager
- Mike Tippett, Manager, Community & Regional Planning
- Rob Conway, Manager, Development Services Division
- Brian Farquhar, Parks and Trails Manager
- Nino Morano, Bylaw Enforcement Officer
- Warren Jones, Administrator
- Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included add-on item to Closed Session item CSSR4, and eight items of New Business.

It was Moved and Seconded
That the agenda, as amended, be accepted.

MOTION CARRIED

M1 - MINUTES

It was Moved and Seconded
That the minutes of the February 17, 2009 EASC meeting be accepted.

MOTION CARRIED

BUSINESS ARISING

There was no Business Arising.

DELEGATIONS

**D1 – Simensen/
Solbakken**

Nino Morano, Bylaw Enforcement Officer, presented File No. 18-I-07BE regarding Filing of Notice On Title for property located at 11420 Youbou Road (Erik Simensen/Arild Solbakken) due to outstanding Building Code and bvlaw deficiencies.

Mr. Morano answered questions from Committee members.

The land owner was present. He stated that they had nothing further to add to the Staff Report and that they do not oppose the recommendation.

There were no questions to the land owner from Committee members.

It was Moved and Seconded

That a Notice Against Land Title be filed for property owned by Erik & Margaret Simensen and Arild and Astrid & Solbakken, located at 11420 Youbou Road and legally described as PID 000-486-248, Plan 1736, Lot 35, Block 8, Cowichan Lake District.

MOTION CARRIED

D2 – Temple

Nino Morano, Bylaw Enforcement Officer, presented File No. 3-H-06BE regarding Filing of Notice On Tile for property located at 3579 Yellow Point Road (Richard & Barbara Temple) due to outstanding building code and bylaw deficiencies.

Planning and Development staff responded to questions from Committee members.

The land owner was not present.

It was Moved and Seconded

That Notice Against Land Title be filed for property owned by Richard & Barbara Temple, located at 3579 Yellow Point Road and legally described as That part of parcel B (DD 12263N) of District Lot 36, Oyster District, Shown outlined in red on Plan 880R; and further, that legal action be held in abeyance at this time.

MOTION CARRIED

D3 - Schwan

Rob Conway, Manager, Development Services Division, presented Application No. 1-E-09DVP (Werner & Maureen Schwan) to vary Zoning Bylaw No. 1840 to allow construction of a garage 1.8 metres from the interior side parcel line, located at 4456 Uphill Road.

The applicant was present and commented on the proposal. The applicant answered questions from Committee members.

It was moved and seconded

That Development Variance Permit Application No. 1-E-09DVP be approved, and that the Planning Division be authorized to issue a Development Variance Permit to Werner and Maureen Schwan with respect to Lot 3, Section 3, Range 1, Cowichan District, Plan 25530 that would vary Section 7.3(b)(4) of Zoning Bylaw No. 1840 by 1.2 metres for the construction of an accessory building 1.8 metres from the interior side parcel line.

MOTION CARRIED

**CORRESPOND-
ENCE**

**C1 to C5 – Grants-in-
Aid**

It was Moved and Seconded

1. That a grant-in-aid (Electoral Area C – Cobble Hill) in the amount of \$500 be given to Cowichan Foundation to assist with on-going community work.
2. That a grant-in-aid (Electoral Area C – Cobble Hill) in the amount of \$1,000 be given to Cowichan Secondary School for two bursaries (\$500 each) to be awarded to students living in Electoral Area C.
3. That a grant-in-aid (Electoral Area C – Cobble Hill) in the amount of \$250 be given to Cowichan Spirit of Women to assist with operation costs of the Womens Resource Centre.
4. That a grant-in-aid (Electoral Area C – Cobble Hill) in the amount of \$1,500 be given to Frances Kelsey Secondary School for bursaries to be awarded to students living in Electoral Area C.
5. That a grant-in-aid (Electoral Area C – Cobble Hill) in the amount of \$500 be given to Cowichan Family Caregivers Society to assist with ongoing community work.

MOTION CARRIED

PARKS

**PK1 – Areas F & I
Parks Maintenance**

It was Moved and Seconded

1. That the 2009-2010 Electoral Area F Community Parks Maintenance Services Contract be awarded to Easy Living Holdings Ltd. of Duncan in the amount of \$69,999.99 including GST, based on the RFP bid received Friday February 13, 2009.

2. That the 2009-2010 Electoral Area I Community Parks Maintenance Services Contract be awarded to Easy Living Holdings Ltd. of Duncan in the amount of \$67,999.99 including GST, based on the RFP bid received Friday February 13, 2009.

MOTION CARRIED

PK2 – Parks Capital Funds

It was Moved and Seconded

That the Purchasing Policy be waived to allow the following list of works to proceed prior to the adoption of the CVRD 2009 Five Year Financial Plan in order to ensure the projects are completed prior to mid-spring when public use becomes very active at these parks and in particular at Saltair Centennial Park where the league play on the ball fields is scheduled to commence:

1. Area C – Construction of Bike Skills Park at Quarry Nature Park;
2. Area F – Emergency Repairs to Bear Lake Park Swim Float and approach ramp; and
3. Area G – Installation of Irrigation system at Saltair Centennial Park ball field.

MOTION CARRIED

PK3 to PK8 - Parks Minutes

It was Moved and Seconded

That the following Parks Commission minutes be received and filed:

- minutes of Area I Parks Commission meeting of February 10, 2009
- minutes of Area F Parks Commission AGM of January 29, 2009
- minutes of Area C Parks Commission AGM of January 22, 2009
- minutes of Area C Parks Commission meeting of January 22, 2009
- minutes of Area E Parks Commission AGM of January 29, 2009
- minutes of Area E Parks Commission meeting of January 29, 2009

MOTION CARRIED

APC

AP1, AP2, AP3, AP5, AP6 - Minutes

It was Moved and Seconded

That the following APC minutes be received and filed:

- minutes of Area B APC meeting of November 6, 2008
- minutes of Area F APC meeting of February 3, 2009
- minutes of Area D APC meeting of February 16, 2009
- minutes of Area B APC meeting of January 26, 2009
- minutes of Area B APC meeting of February 6, 2009

MOTION CARRIED

AP4

It was Moved and Seconded

That the minutes of Area C APC meeting of February 11, 2009 be received and filed.

MOTION CARRIED

Director Giles noted that an April meeting with the Area C APC and other south end APC's is acceptable for all.

NEW BUSINESS

NB1 to NB4 - Grants-in-Aid

It was Moved and Seconded

1. That a grant-in-aid (Electoral Area E – Cowichan Station-Sahtlam-Glenora) in the amount of \$500 be given to BC Coalition for Health Promotion to assist with production costs of an educational documentary.
2. That a grant-in-aid (Electoral Area D – Cowichan Bay) in the amount of \$500 be given to BC Coalition for Health Promotion to assist with production costs of an educational documentary.
3. That a grant-in-aid (Electoral Area B – Shawnigan Lake) in the amount of \$300 be given to BC Coalition for Health Promotion to assist with production costs of an educational documentary.

MOTION CARRIED

It was Moved and Seconded

That a grant-in-aid (Electoral Area E – Cowichan Station-Sahtlam-Glenora) in the amount of \$375 be given to Bike to Work Cowichan to assist with program operation costs.

MOTION CARRIED

#5 – Wood Lot License, Area B

Director Cossey advised that a public meeting is planned with the Ministry of Forests on March 9th in Shawnigan Lake dealing with a wood lot license issue in the West Shawnigan Lake Provincial Park. Comments from that meeting may be brought forward to the March 11th Board meeting that would need to be forwarded to the Ministry of Forests.

#6 – UBCM Tourism Funding

Director Giles referred to a Board resolution passed at the May 14, 2008 meeting regarding UBCM Tourism Funding, where grants were provided for in the amount of \$210,000. Director Giles reviewed projects approved (as listed in Staff Report dated April 9, 2008, from Geoff Millar, Economic Development Manager), as well as Boys Road/Jacob Road/Highway 1 signage - \$4,000, plus \$20,000 funding allocation into reserve for the Regional Visitor Centre Project, and \$3,000 towards Fresh from the Island Trails Project. The funding deadline is now September/October.

It was Moved and Seconded

That the Economic Development Officer provide an update at the next EASC meeting on the expenditure of UBCM Tourism funds (Round 2) approved at the May 14, 2008 Board, and the amount remaining within this program.

MOTION CARRIED

#7 - FCM

Director Giles advised that she sent an email to Directors requesting those interested in attending the next FCM conference to advise her. It was noted that Directors Kuhn and Morrison expressed their desire to attend.

It was Moved and Seconded

That Director K. Kuhn and Director I. Morrison be authorized to attend the next FCM conference to be held in Whistler, subject to budget funding.

MOTION CARRIED

RECESS

It was Moved and Seconded

That the Committee adjourn for a short 10 minute recess.

MOTION CARRIED

**#8 – Community
Forum**

Director Giles announced that the CVRD is hosting a Community Forum with the Malahat First Nation on Monday, March 23rd at the Arbutus Ridge Golf and Country Club with dinner beginning at 6:00 pm. She noted that Tom Anderson, Brian Farquhar, Rob Conway, and Mike Tippett are also invited to attend. Director Giles requested that staff and Directors confirm their attendance as soon as possible by contacting Jacob Ellis.

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 4:00 pm.

RISE

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 4:55 pm.

Chair

Recording Secretary

Minutes of the *Special* Electoral Area Services Committee Meeting held on Tuesday, March 3, 2009 at 5:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC

PRESENT

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

CVRD STAFF

Tom Anderson, General Manager
Mike Tippet, Manager, Community & Regional Planning
Brian Farquhar, Parks and Trails Manager
Mark Kueber, General Manager, Corporate Services
Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

It was Moved and Seconded
That the agenda be accepted.

MOTION CARRIED

2009 Annual Budgets

General discussion regarding the 2009 Annual budgets that pertain to Electoral Areas.

325 – Community Planning

It was Moved and Seconded
That Community Planning Function 325, 2009 Annual Budget, be approved.

MOTION CARRIED

320 – Building Inspection

It was Moved and Seconded
That Building Inspection Function 320, 2009 Annual Budget, be approved.

MOTION CARRIED

Grants-in-Aid

It was Moved and Seconded
That Area F Grants-in-Aid Function 116, 2009 Annual Budget, be amended by increasing the requisition amount by \$3000 from \$7072 to \$10,072, and that budget Function 116, as amended, be approved.

MOTION CARRIED

It was Moved and Seconded

That Area C Grants-in-Aid Function 113, 2009 Annual Budget, be amended by a further increase of \$2000 (total increase \$3000), and that budget Function 113, as amended, be approved.

MOTION CARRIED

It was Moved and Seconded

That Area I Grants-in-Aid Function 118, 2009 Annual Budget, be increased by \$5000 to \$10,000, and that budget Function 118, as amended, be approved.

MOTION CARRIED

**236 – Area F
Community Parks**

It was Moved and Seconded

That Area F Community Parks Function 236, 2009 Annual Budget, be amended by increasing the requisition to \$144,000 with a corresponding increase to Capital, and that budget Function 236, as amended, be approved.

MOTION CARRIED

**281 - Bright Angel
Park**

It was Moved and Seconded

That Bright Angel Park Function 281, 2009 Annual Budget, be approved.

MOTION CARRIED

310 - Animal Control

It was Moved and Seconded

That Animal Control Function 310, 2009 Annual Budget, be approved.

MOTION CARRIED

**350 – North Oyster
Fire Protection**

It was Moved and Seconded

That North Oyster Fire Protection Function 350, 2009 Annual Budget, be amended by increasing the requisition to \$239,000 with increase directed to Transfer to Reserve, and that budget Function 350, as amended, be approved.

MOTION CARRIED

Fire Protections

It was Moved and Seconded

1. That Mesachie Lake Fire Protection Function 351, 2009 Annual Budget, be approved.
2. That Cowichan Lake Fire Protection Function 352, 2009 Annual Budget, be approved.
3. That Saltair Fire Protection Function 353, 2009 Annual Budget, be approved.
4. That Sahtlam Fire Protection Function 354, 2009 Annual Budget, be approved.
5. That Malahat Fire Protection Function 355, 2009 Annual Budget, be approved.

6. That Eagle Heights Fire Protection Function 356, 2009 Annual Budget, be approved.
7. That Honeymoon Bay Fire Protection Function 357, 2009 Annual Budget, be approved.
8. That Youbou Fire Protection Function 358, 2009 Annual Budget, be approved.

MOTION CARRIED

ADJOURNMENT

It was Moved and Seconded
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 6:12 pm.

Chair

Recording Secretary



C·V·R·D

D2

STAFF REPORT

**ELECTORAL AREA SERVICES COMMITTEE
OF MARCH 17, 2009**

DATE: March 10, 2009 **FILE NO:** 7-A-08DVP

FROM: Leslie Clarke, Planning Technician **BYLAW NO:**

SUBJECT: Development Variance Permit Application No. 7-A-08DVP
(Tom Jarvis)

Recommendation:

Direction of the Committee is required.

Purpose:

To consider an application to relax the setbacks of an accessory building to a front parcel line by reducing the required front parcel line setback to 0.02 m. (0.06 ft.), and the exterior side parcel line setback to 0.0 m. (0.0 ft.).

Financial Implications: N/A

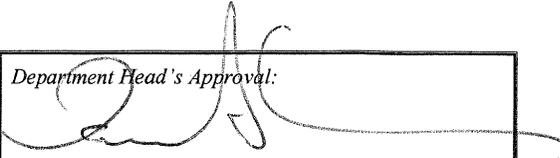
Interdepartmental / Agency Implications: CVRD Building Inspection has placed a Stop Work order on property. Notification of the outcome of this application will be forwarded to Building Inspection.

Background:

This application was referred back to EASC at the CVRD Board Meeting of February 11, 2009. Since that time, we have received the following information regarding the above noted Application No. 7-A-08DVP: A petition submitted by Mr. Jarvis including signatures from neighbouring properties, and a memorandum from Parks regarding their disinterest in the land next to the applicant's property. You will find both these items and a copy of the previous Staff Report dated January 28, 2009 attached.

Submitted by,

Leslie Clarke,
Planning Technician
Development Services Department

<p>Department Head's Approval:</p> 
<p>Signature</p>

LC/
Attachments

000013



MEMORANDUM

DATE: March 2, 2009

TO: Leslie Clarke, Planning Technician

FROM: Dan Brown, Parks Planning Technician (Trails)

SUBJECT: Potential Beach Access Points – Mill Bay

On February 25, 2009, I was accompanied by Area 'A' Parks Commission Chair David Gall and Commission Secretary June Laraman to assess two potential beach access points in Mill Bay.

The first potential beach access is located near the end of Sandy Beach Road. The access is a 50m slope at a grade in excess of 60%. A large staircase would be required to access the beach. Nearly all the vegetation on the slope would have to be cleared to accommodate this staircase. Due to the nature of the terrain and the costs that would be incurred if this site were utilized I recommend that this site not be considered for a CVRD beach access.



000014

The second potential beach access is located at the end of Inlet Drive. East of the intersection with Sandy Beach Road Inlet Drive turns into a single lane road that terminates at two private driveways. The right of way is clear for approximately 35m from the end of the road and follows a grade of less than 15%. The right of way then becomes forested and contains Douglas fir, arbutus, and native shrubs. There is an existing trail down to the ocean that follows the fall line of the slope. However, since the grade is so gentle there are no drainage concerns. The access to the beach is a rocky outcrop with a small open area that would be suitable for a picnic table. Constructing a trail from the outcrop down to the beach would require concrete steps set into the rock. This site is ideal for a small beach access that could be used by local residents. I recommend that this site be considered as a future CVRD beach access.



copy of same 24 Feb 2009

C.V.R.D. RECEIVED

FEB 25 2009

PETITION 17 FEBRUARY

2009

WE AS NEIGHBOURS OF MR. TOM JARVIS OF 1695 SANDY BEACH RD

SUPPORT AND RESPECT THAT OUR AFOREMENTIONED NEIGHBOUR

BE ALLOWED TO RETAIN HIS ACCESSORY STORAGE SHED ON HIS PROPERTY

AS IS AND WHERE IT IS PRESENTLY LOCATED.

WE ALSO SUPPORT AND REQUEST THAT MR. JARVIS FINISH THE EXTERIOR

WALLS AND ROOF AND HAVE THE STRUCTURE INSPECTED BY THE

APROPRIATE C.V.R.D. BUILDING INSPECTOR. WE HAVE NO COMPLAINT

ABOUT IT'S LOCATION, HEIGHT, OR DESIGN.

NEIGHBOUR'S SIGNATURE

ADDRESS

<u>NEIGHBOUR'S SIGNATURE</u>	<u>ADDRESS</u>
<i>[Signature]</i>	1724 Sandy Beach Rd.
<i>[Signature]</i>	" " " "
Jean Yates + Oldfather	1723 ^{#7} SANDY BEACH RD.
Jenica [Signature]	#14 1723 Sandy beach rd.
[Signature]	1695 Sandy Beach rd
[Signature]	1740 ARBUTUS TERR.
[Signature]	1740 Arbutus Terr
R. M. [Signature]	284 Inlet Rd.
[Signature] / D. Mantley	1733 ARBUTUS TERRACE
[Signature]	1723 Sandy Beach

000016

copy of same 24 Feb 2009

PETITION 17 FEBRUARY

2009

WE AS NEIGHBOURS OF MR. TOM JARVIS OF 1695 SANDY BEACH RD

SUPPORT AND RESPECT THAT OUR AFOREMENTIONED NEIGHBOUR

BE ALLOWED TO RETAIN HIS ACCESSORY STORAGE SHED ON HIS PROPERTY

AS IS AND WHERE IT IS PRESENTLY LOCATED.

WE ALSO SUPPORT AND REQUEST THAT MR. JARVIS FINISH THE EXTERIOR

WALLS AND ROOF AND HAVE THE STRUCTURE INSPECTED BY THE

APROPRIATE C.V.R.D. BUILDING INSPECTOR. WE HAVE NO COMPLAINT

ABOUT IT'S LOCATION, HEIGHT, OR DESIGN.

NEIGHBOUR
SIGNATURE

ADDRESS

<u>NEIGHBOUR</u> <u>SIGNATURE</u>	<u>ADDRESS</u>
<i>Ruby Cartwright</i>	9-1723 Sandy Beach Rd.
<i>Wk Cartwright</i>	97223 E. B. Rd.
<i>A Reed</i>	1734 SANDY BEACH RD.
<i>[Signature]</i>	1785 SANDY BEACH RD.
<i>Fannette Halladay</i>	1735 Sandy Beach Rd.
<i>Willy B. [Signature]</i>	1737 Sandy Beach Rd.
<i>[Signature]</i>	1737 Sandy Beach Rd.
<i>G. Flinn</i>	268 INLET DRIVE



January 22, 2009

File No. 7-A-08DVP
REVISED

GARY SAUNDERS
PO BOX 240
SHAWNIGAN LAKE BC V0R2W0

*② CVRD
I have no
problems with this.
G.M. SAUNDERS*

Dear GARY SAUNDERS ^①

Re: 1695 Sandy Beach Road (PID: 004-716-655)
Lot 3, District Lot 79, Malahat District, Plan 13099

This letter is to advise you as a property owner/resident located within the specified distance pursuant to CVRD Application Procedures and Fee Bylaw No. 2255, that a **Development Variance Permit** application has been made by **Tom Jarvis** to vary Section 8.3(b)(3) of Zoning Bylaw No. 2000 on the above-mentioned property.

The subject property is zoned R2-A (Suburban Residential – Restricted). Section 8(b) of Zoning Bylaw No. 2000 specifies a minimum permitted setback from a front parcel line of 7.5 metres, and from an exterior side parcel line of 4.5 metres for residential accessory buildings and structures. The proposed variance is for an existing accessory building that has been constructed on the property. ***The requested variance for a front parcel line setback of 0.02 metres and an exterior side setback of 0.0 metres would legalize the siting, therefore allowing the structure to remain in the existing location.**

For your information, we have attached a copy of the location map, site survey, building elevations, and a copy of Section 8.3 (b) from Zoning Bylaw No. 2000.

Should you have any comments for or against granting this variance request, please provide this office with **written notice** accompanied by the reasons for your comments, by hand, fax, or e-mail (ds@cvrd.bc.ca), preferably within two weeks of receiving this letter, quoting file number **7-A-08DVP (Jarvis)**.

If you require any further information, please feel free to contact this office.

Yours truly,

Leslie Clarke
Planning Technician
Development Services Department

***REVISION**
LC/mca
Attachments

cc: Director B. Harrison, Electoral Area A – Mill Bay/Malahat
Cowichan Valley Regional District
Tom and Corinne Jarvis (applicants)
175 Ingram Street
Duncan, British Columbia V9L 1N8

Toll Free: 1 800 665 3955
Tel: (250) 746 - 2500
Fax: (250) 746 - 2513

Cowichan
www.cvrd.bc.ca

000018



C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF FEBRUARY 3, 2009

DATE: January 28, 2009 **FILE NO:** 7-A-08DVP
FROM: Leslie Clarke, Planning Technician **BYLAW NO:**
SUBJECT: Development Variance Permit Application No. 7-A-08DVP
(Tom Jarvis)

Recommendation:

That Application No. 7-A-08DVP by Tom Jarvis for a variance to Section 8.3(b)(3) of Zoning Bylaw No. 2000, by decreasing the setback to a front lot line to 0.02 m. (0.06 ft.) and decreasing the exterior side lot line to 0.0 m. (0.0 ft) for an accessory building on Lot 3, District Lot 79, Malahat District, Plan 13099, PID 004-716-655) not be approved.

Purpose:

To consider an application to relax the setbacks of an accessory building to a front parcel line by reducing the required front parcel line setback to 0.02 m. (0.06 ft.), and the exterior side parcel line setback to 0.0 m. (0.0 ft.).

Financial Implications: N/A

Interdepartmental / Agency Implications: CVRD Building Inspection has placed a Stop Work order on property. Notification of the outcome of this application will be forwarded to Building Inspection.

Background: The applicant constructed a building within the required setbacks from lot lines of the Cowichan Valley Regional District Bylaw #2000.

Location of Subject Property: 1695 Sandy Beach Road

Legal Description: Lot 3, District Lot 79, Malahat District, Plan 13099 (PID: 004-716-655)

Date Application and Complete Documentation Received: September 29, 2008

Owner: Tom William Jarvis & Corrine Mara Jarvis

Applicant: Tom Jarvis

Size of Parcel: ± 0.12 ha. (0.29 ac.)

000019

Zoning: R2-A (Suburban Residential - Restricted)

Setback Permitted by Zoning: Front parcel line 7.5 metres (24.6)
Exterior side 4.5 metres (14.8 ft)

Proposed Setback: Front parcel line 0.02 metres (0.06 ft)
Exterior side line 0.0 m. (0.0 ft)

Existing Plan Designation: Suburban Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North:	Residential
South:	Residential
East:	Saanich Inlet
West:	Residential

Services:

<u>Road Access:</u>	Sandy Beach Road
<u>Water:</u>	Well
<u>Sewage Disposal:</u>	Septic

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: This property abuts the Saanich Inlet. It is also located within 100 m. of John's Creek and Bamberton Provincial Park. Both the park and the creek are considered to contain sensitive eco systems.

Archaeological Site: An archaeological site has been identified within 50 metres of the property, along the foreshore to the south.

Background:

The subject property fronts on Sandy Beach Road and slopes steeply downward in an easterly direction to meet with the waters of the Saanich Inlet. There is an existing single family residence situated approximately half way between the road and the high water boundary. The applicant has constructed a 22 m² utility shed on the property at the same elevation as the road and parking area. The applicant has stated in his application that the location was chosen due to the topography of the lot and the locations of existing buildings and services.

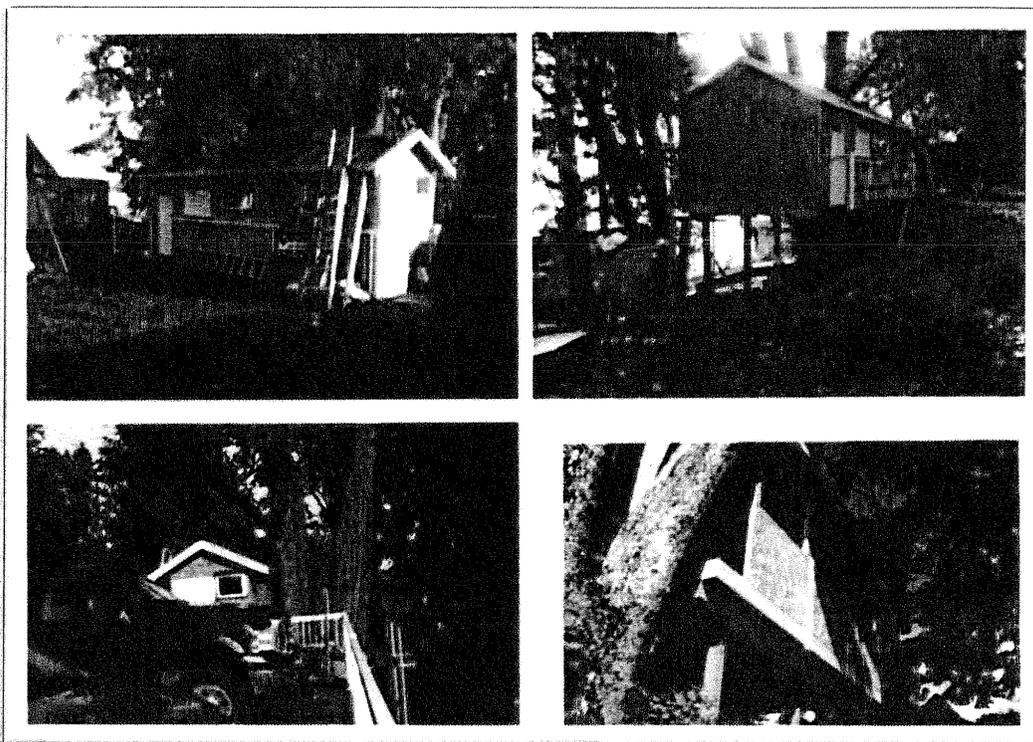
Planning Division Comments:

Staff completed a site visit on November 3, 2008. The subject property slopes steeply toward the Saanich Inlet and has a residence and 2 accessory structures in place. One accessory structure appears to be a small garden shed, while the structure in question is larger, estimated to be approximately 22m². The accessory building has been constructed so that it now requires a minor variance to both the front yard setback and exterior side setbacks. The exterior side yard

in question borders a public water access to Saanich Inlet that although undeveloped appears to have pedestrian use. The applicant is requesting that the Regional District vary the required setbacks so as to legalize the location of the structure.

There is a pre-existing concrete retaining wall running perpendicular with the road and north of the dwelling. Please see attached site plan. This retaining wall protects the access to the residence and retains fill for a parking area. The wall has now been used as a support/foundation for one side of the subject accessory building. The structure is sited so that it encroaches 7.48 metres into the required front set back and 3.0 metres into the exterior side setback. This has made the exterior side lot line setback 0.0 metres, and the front set back 0.02 metres, both of which abut public road accesses. An inspection and subsequent stop work order by the CVRD Building Inspection, outlining the failure to comply with setback requirements as one of the outstanding issues, prompted the applicant to apply for this variance. The applicant was also advised to contact the Ministry of Transportation regarding a relaxation of their setback requirements and has since obtained approval from the Ministry, their file # 00013.

The location of this structure and how it may be impacting neighbouring properties was considered when staff undertook a site visit. The visual impact from the road (front lot line) appears as a modest single storey accessory structure, having little if any visual impact on neighbouring properties. However from the direction of the public beach access the visual and physical impact increases dramatically. The structure appears as a single storey building elevated to a further second storey by exposed post supports having the visual affect of impeding on the public access. The design may also pose a safety issue when the underside is left open to possible public trespass. The impression of a structure towering over the public access path and possibly posing a safety issue is believed to impact upon the enjoyment and use of this public water access.



Surrounding Property Owner Notification and Response:

A total of eight (8) letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 2255. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. At the time of writing, one letter of support was received regarding this application.

If any further written comments are received by the time of the Electoral Area Services Committee meeting, these will be distributed at that time, and if further comments are received prior to the Regional Board meeting, we will do the same at the Board.

Options:

1. That the application by Tom Jarvis for a variance to Section 8.3(b)(3) of Zoning Bylaw No. 2000, by decreasing the setback to a front lot line to 0.02 m. (0.06 ft.) and decreasing the exterior side lot line to 0.0 m. (0.0 ft) on Lot 3, District Lot 79, Malahat District, Plan 13099, PID004-716-655, **be approved.**
2. That the application by Tom Jarvis for a variance to Section 8.3(b)(3) of Zoning Bylaw No. 2000, by decreasing the setback to a front lot line to 0.02 m (0.06 ft.) and decreasing the exterior side lot line to 0.0 m. (0.0 ft) on Lot 3, District Lot 79, Malahat District, Plan 13099, PID004-716-655, **be denied.**

Submitted by,



Leslie Clarke,
Planning Technician
Development Services Department



LC/
Attachments

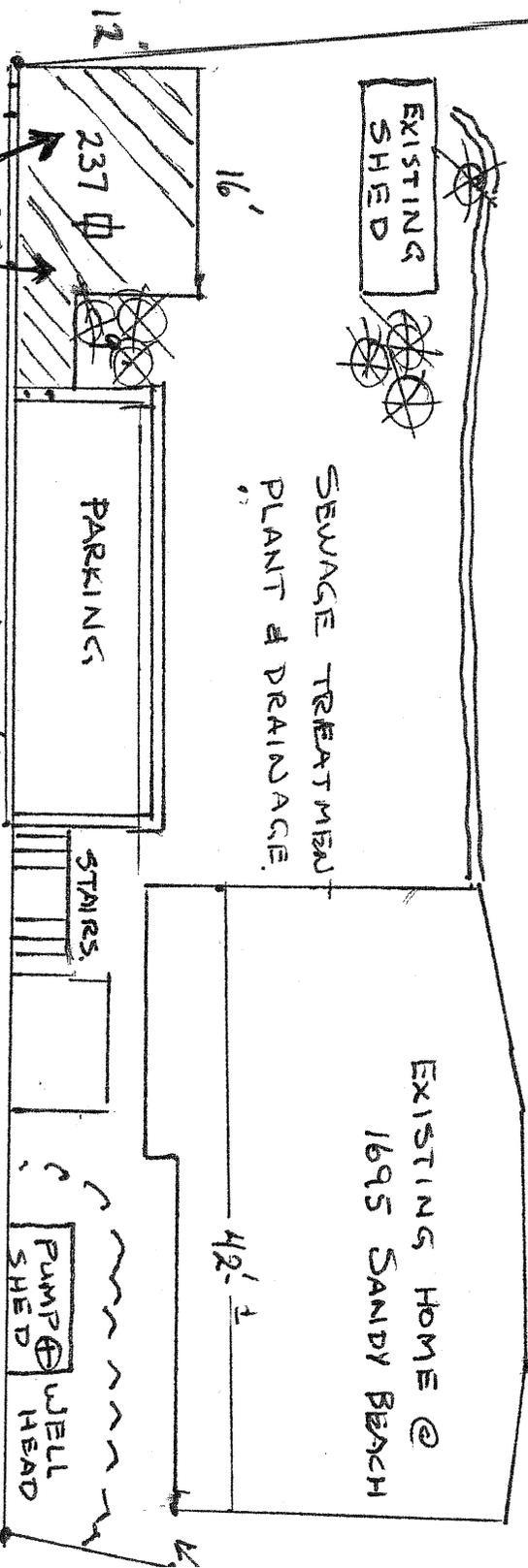
ROAD BASEMENT

HIGH WATER

TIDAL BEACH

O.B.P.

± 0'-68



SANDY BEACH ROAD

SHED LOCATION

EXISTING CONCRETE WALL.

UTILITY / S
FOR MR. J
@ 1695 SF



JAN 26 2009

Development Services Dept.
Development
File No. 7-A-08DVP

REVISED

January 22, 2009

OCCUPANT
1696 SANDY BEACH ROAD
MILL BAY BC

*② Ms. Clarke,
I have no problem with this.
Thank for notifying me.
23 Jan 09.
G.W. SANDOZ
1696 SANDY BEACH*

① Dear OCCUPANT:

Re: **1695 Sandy Beach Road (PID: 004-716-655)**
Lot 3, District Lot 79, Malahat District, Plan 13099

This letter is to advise you as a property owner/resident located within the specified distance pursuant to CVRD Application Procedures and Fee Bylaw No. 2255, that a **Development Variance Permit** application has been made by **Tom Jarvis** to vary Section 8.3(b)(3) of Zoning Bylaw No. 2000 on the above-mentioned property.

The subject property is zoned R2-A (Suburban Residential - Restricted). Section 8(b) of Zoning Bylaw No. 2000 specifies a minimum permitted setback from a front parcel line of 7.5 metres, and from an exterior side parcel line of 4.5 metres for residential accessory buildings and structures. The proposed variance is for an existing accessory building that has been constructed on the property. ***The requested variance for a front parcel line setback of 0.02 metres and an exterior side setback of 0.0 metres would legalize the siting, therefore allowing the structure to remain in the existing location.**

For your information, we have attached a copy of the location map, site survey, building elevations, and a copy of Section 8.3 (b) from Zoning Bylaw No. 2000.

Should you have any comments for or against granting this variance request, please provide this office with written notice accompanied by the reasons for your comments, by hand, fax, or e-mail (ds@cvrd.bc.ca), preferably within two weeks of receiving this letter, quoting file number **7-A-08DVP (Jarvis)**.

If you require any further information, please feel free to contact this office.

Yours truly,

Leslie Clarke
Planning Technician
Development Services Department

*REVISION
LC/mca
Attachments

cc: Director B. Harrison, Electoral Area A - Mill Bay/Malahat
Cowichan Valley Regional District
175 Ingram Street
Duncan, British Columbia V9L 1N8

Toll Free: 1 800 665 3955
Tel: (250) 746-2500
Fax: (250) 746-2513

cowichan
www.cvrd.bc.ca

000024



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

NO: 7-A-08 DVP

DATE: _____

TO: Tom William Jarvis

ADDRESS: 1695 Sandy Beach Road

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below (legal description) for purposes of locating an accessory building:
Lot 3, District Lot 79, Malahat District, Plan 13099 (PID: 004-716-655)
3. Zoning Bylaw No. 2000 applicable to Section 8.3(b)(3), is varied as follows:
decreasing the setback to a front lot line to 0.02 m. (0.06 ft.) and decreasing the exterior side lot line to 0.0 m. (0.0 ft)
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. _____ PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE _____ DAY OF _____ 2009.

Tom Anderson, MCIP
Manager, Development Services

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

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

Signature

Owner/Agent

Date

Witness

Occupation

Date



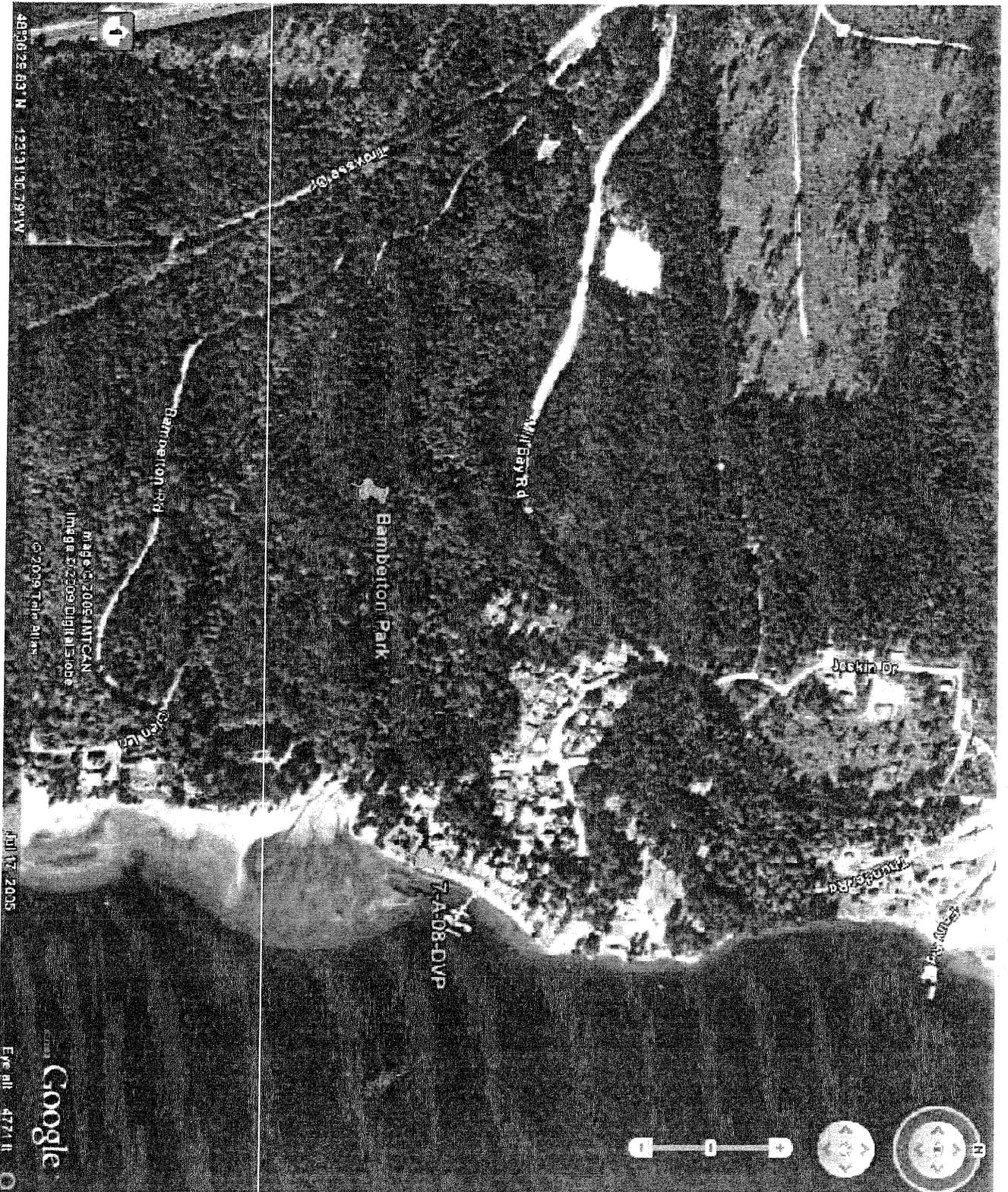
Cowichan Valley Regional District

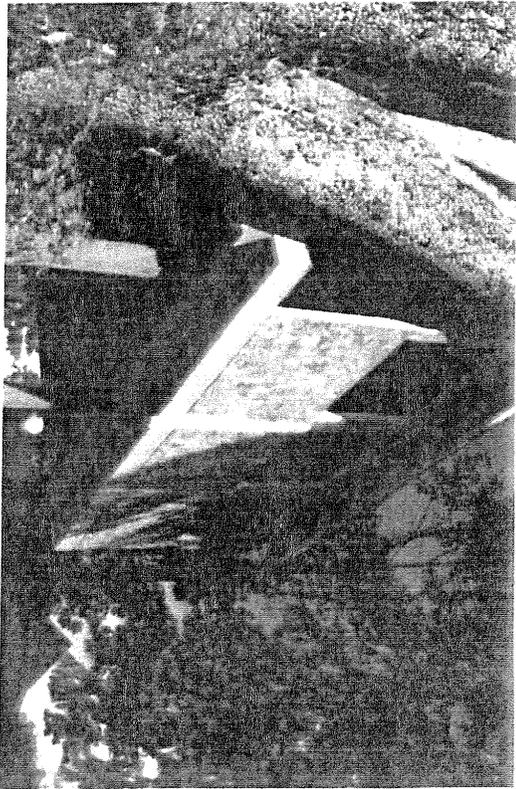
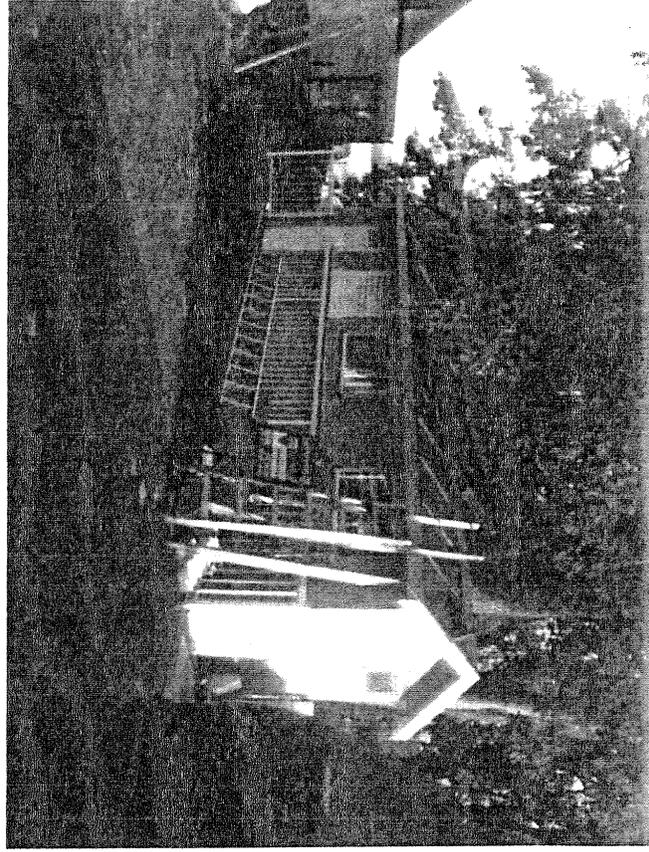
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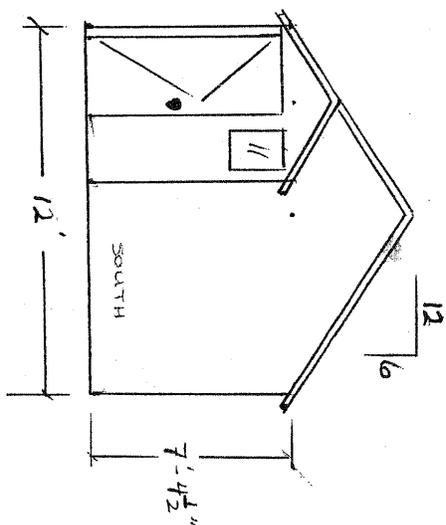
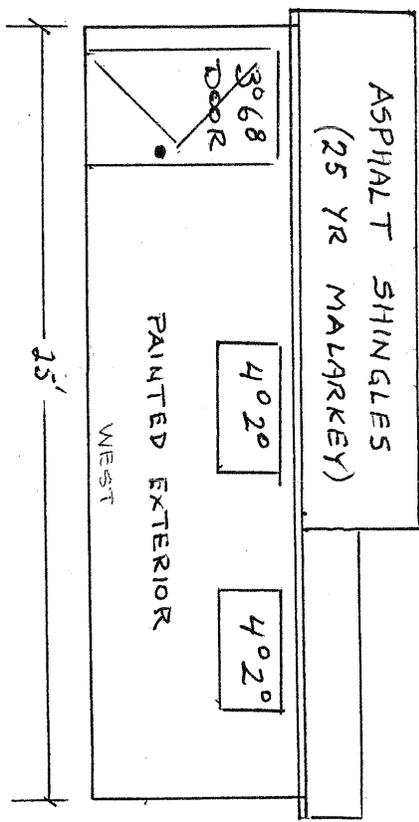




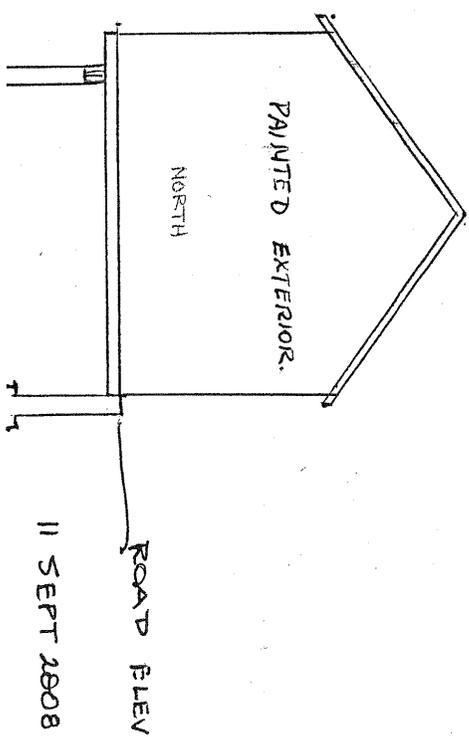
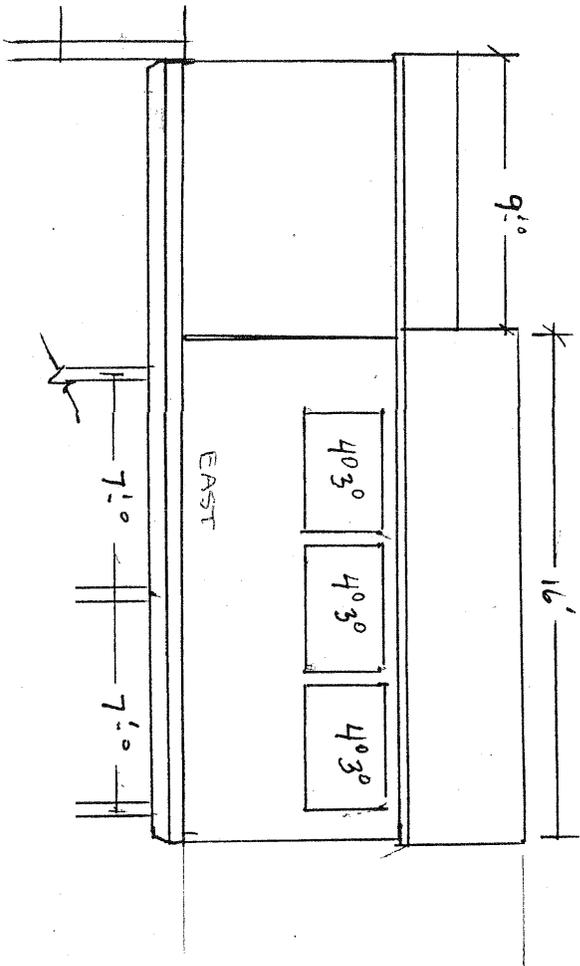
000027

UTILITY/STORAGE SHED
 @ 1695 SANDY BEACH
 MILLBAY B.C. V0R2P4

820000



SCALE :- 1 CM = 2 FEET 237 TOTAL



8.3 R-2A ZONE - SUBURBAN RESIDENTIAL - RESTRICTED

Subject to compliance with the general requirements detailed in Parts 4 and 5 of the Bylaw, the following regulations shall apply in the R-2A Zone:

(a) Permitted Uses

The following *uses* and no others are permitted in an R-2A zone:

- (1) One single *family dwelling*;
- (2) *Horticulture*;
- (3) *Bed and breakfast accommodation*;
- (4) *Daycare, nursery school accessory to a residential use*;
- (5) *Home occupation*;
- (6) *Secondary suite or small suite*.

→ (b) Conditions of Use

For any *parcel* in the R-2A zone:

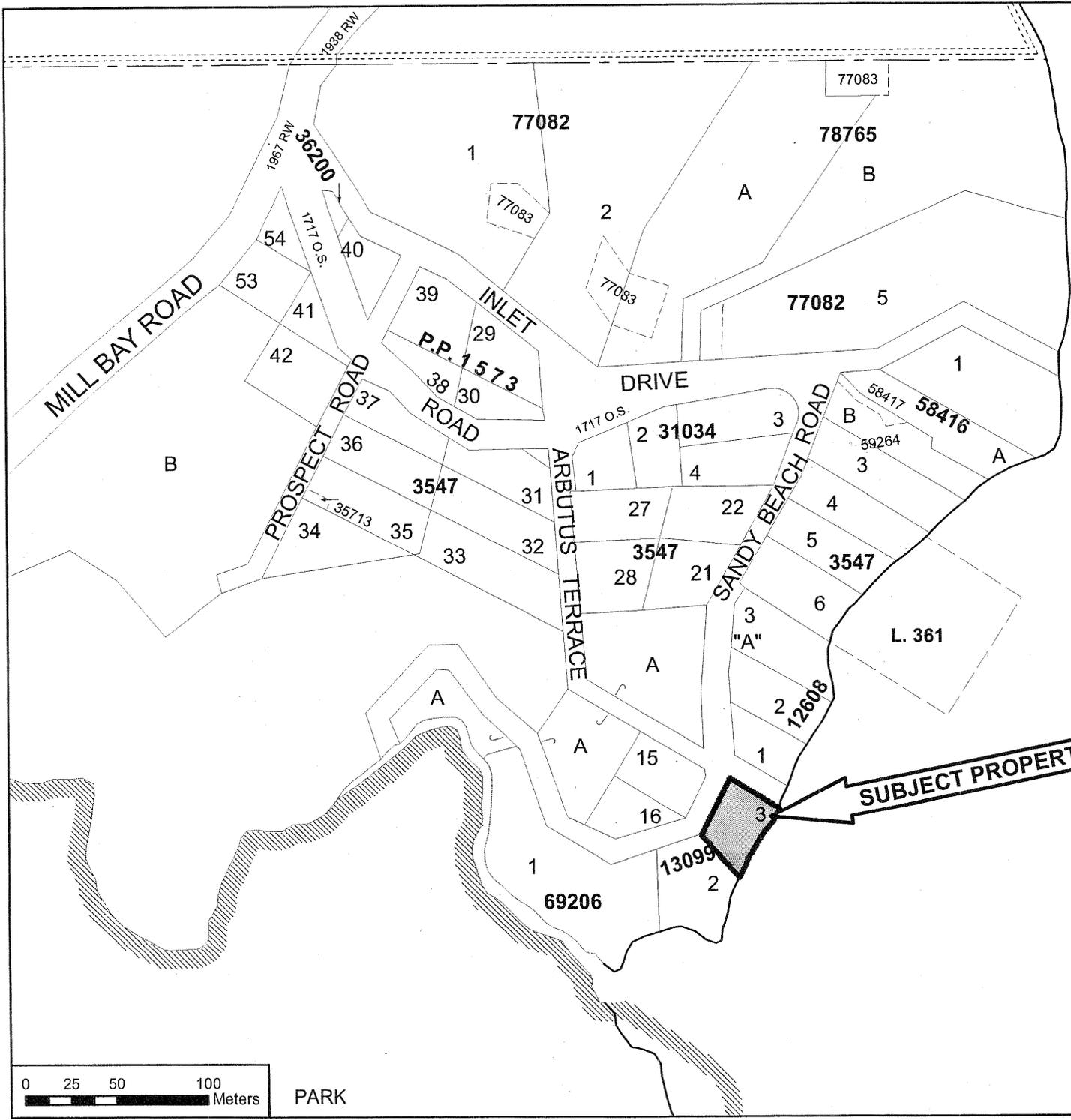
- (1) The *parcel coverage* shall not exceed 30 percent for all *buildings and structures*;
- (2) The *height* of all *buildings and structures* shall not exceed 10 m except for *accessory buildings* which shall not exceed a *height* of 6 m;
- (3) The following minimum *setbacks* shall apply:

COLUMN I Type of Parcel Line	COLUMN II Residential Buildings & Structures	COLUMN III Buildings & Structures Accessory to Residential Use
Front	7.5 metres	7.5 metres
Interior Side	3.0 metres	3.0 metres
Exterior Side	4.5 metres	4.5 metres
Rear	4.5 metres	3.0 metres

(c) Minimum Parcel Size

Subject to Part 13, the minimum *parcel* size in the R-2A zone shall be as follows:

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



PARK



**Cowichan
Valley
Regional
District**

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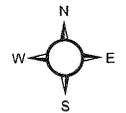
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

McPh
Pot

FILE: 7-A-08-DVP

Legend

 Subject Property



000030



Cowichan Valley Regional District

000031

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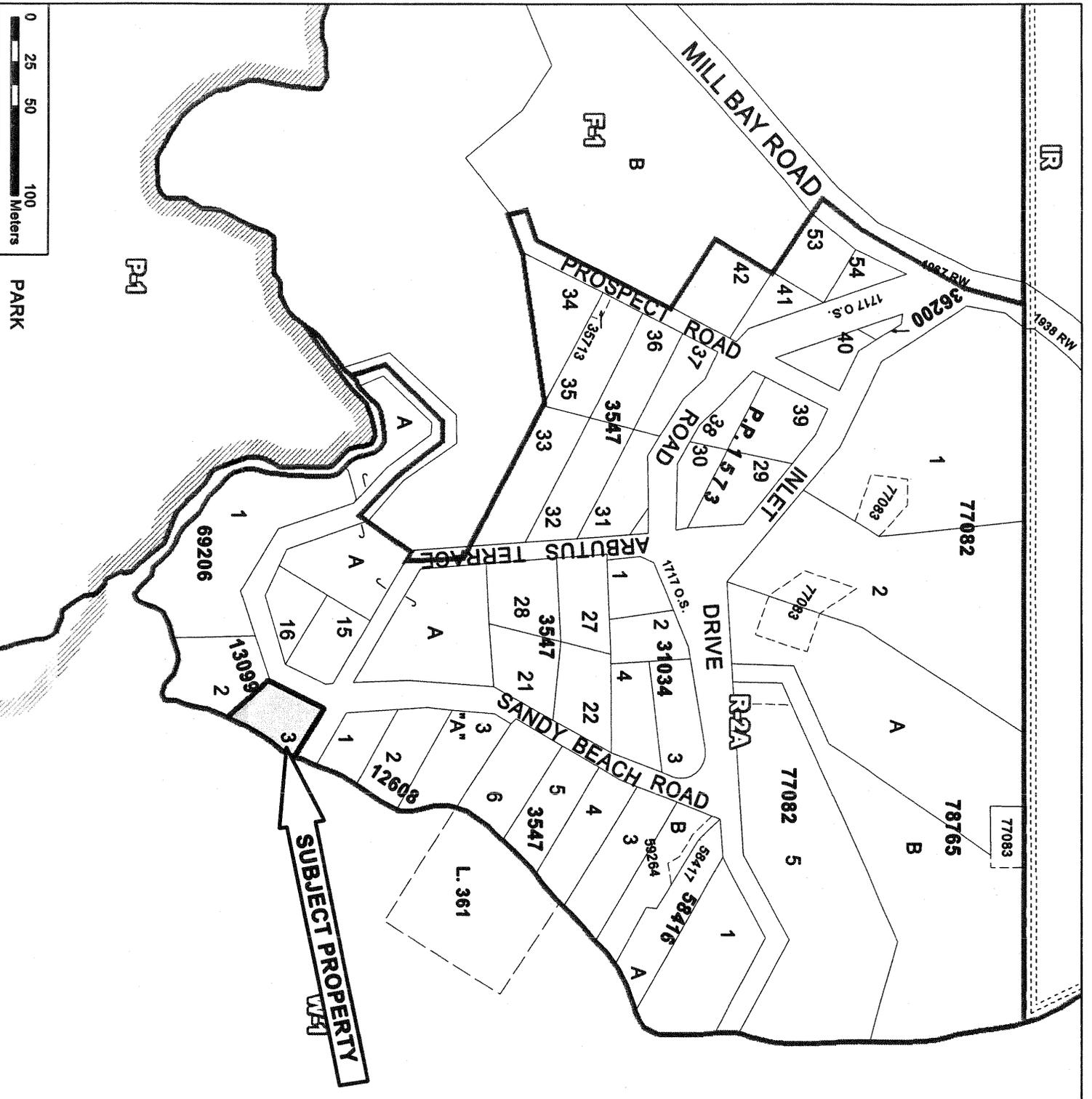
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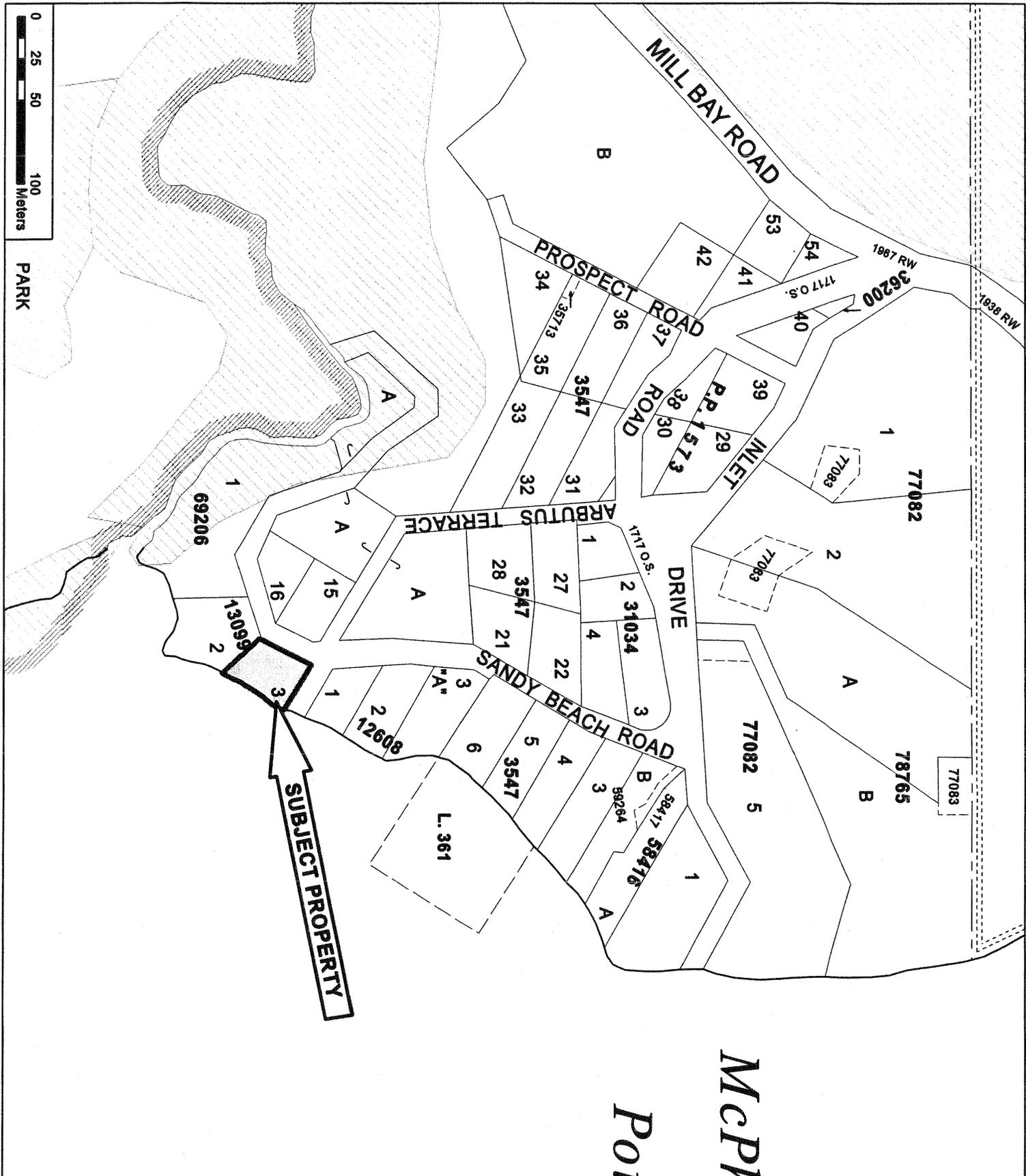
FILE: 7-A-08-DVP

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area A





PARK

SUBJECT PROPERTY

McP
Pot

FILE: 7-A-08-DVP

Sensitive Ecosystem Inventory

Legend
 Subject Property
 SEI 2004




Cowichan Valley Regional District
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000032

Existing Use of Surrounding Properties:

North: Fields
 South: Residential
 East: Residential
 West: Golf Course

Services:

Road Access: Cowichan Bay Road
Water: Well
Sewage Disposal: Septic System

Agricultural Land Reserve Status: In

Soil Classification (if ALR applicable):Revised CLI Maps:

3A⁸-4W² (2D⁸-2D²); 7T
 W

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
2	-	60
3	48	-
4	12	-
7	40	40
<u>TOTAL</u>	100	100

Explanation of Land Capability Classifications:

- Class 1 lands have no limitations for Agricultural Production;
- Class 2 lands have minor limitations for Agricultural Production;
- Class 3 lands have moderate limitations for Agricultural Production;
- Class 4 lands have limitations that require special management practices;
- Class 5 lands have limitations that restrict capability to produce perennial forage crops;
- Class 6 lands is non-arable but is capable of producing native and/or uncultivated perennial forage crops;
- Class 7 lands have no capability for arable culture.

- Subclass "A" indicates soil moisture deficiency;
- Subclass "D" indicates undesirable soil structure and/or low perviousness;
- Subclass "P" indicates stoniness;
- Subclass "T" indicates topography limitations;
- Subclass "W" indicates excess water.

Environmentally Sensitive Areas: The Koksilah River borders the subject property. Additionally, CVRD mapping has identified an eagle nest site (E104-099), and there is a 60 metre buffer around the nest site. The location for the proposed shop and small suite appears to be outside the 60 metre buffer area.

Archaeological Site: None have been identified.

The Proposal:

An application has been made to: the Agricultural Land Commission (ALC) pursuant to Section 20(3) of the *Agricultural Land Commission Act* (Application for a non-farm use).

For the purpose of: constructing an accessory building with a suite above (small suite).

Policy Context:

The Official Settlement Plan, Bylaw No. 925, supports the designation and retention of agricultural lands. The following Policy is derived from the Agricultural section of the OSP, and are meant to guide development within lands designated as Agricultural.

Cowichan Bay Official Settlement Plan Policy 1.1 states, *“The development and expansion of agricultural activities shall be given priority over all other uses within the Agricultural land use designation. Other uses, when permitted, shall not preclude future agricultural development.”*

The OSP also makes allowance for a second dwelling for farm help provided it is a bona-fide farm. However, the applicant has not proposed a full secondary residence and this will not be for farm help. There are no specific policies within the OSP for small suites, however, as noted below, these are a permitted use in the Zoning Bylaw.

Planning Division Comments:

The subject property is a 2.23 ha residential parcel, and no farming activities currently take place. There is one house on the property and the applicant would like to build a shop (accessory building) with a suite above it.

The applicant has applied for and received approval from the ALC to subdivide the subject property into two lots. The proposed lot would be the approximately 1.0 ha southern portion of the subject property, and the applicant desires to place the small suite on the proposed lot. Once the subdivision is complete, he intends to also build a new house on this lot. The existing house would be located on the remainder lot. The parent parcel was itself created through subdivision in 2004 when the applicant subdivided to create a 0.829 ha lot and the subject property, a 2.23 ha lot. At this time, a covenant was registered which requires further geotechnical assessment if building is proposed in the covenant area. The proposed location of the small suite is partially within the geotechnical covenant area, and any restrictive covenants will be reviewed in detail during the building permit process. Additionally, the applicant has engaged the services of C.N Ryzuk & Associates to review the proposed location of the small suite and it was found to be suitable for the intended use.

The zoning for this property is A-1 (Primary Agricultural), which permits a single-family dwelling, a small suite on parcels 0.4 ha or greater, and an additional single family dwelling as required for agricultural use. Therefore, this proposal complies with CVRD Electoral Area D Zoning Bylaw No. 1015. For the Committee's reference, in Area D a small suite means "*an accessory dwelling unit not attached to or within another dwelling unit, but located on a parcel that already has a principal dwelling on it*". It is limited in floor area to 74m² (796 sq. ft), may be freestanding or attached to a residential accessory building, and cannot be a mobile/manufactured home or recreational vehicle.

The ALR Use, Subdivision & Procedure Regulation will permit additional accommodation on a single parcel of land without making application to the ALC provided that it is either 1) a single-family dwelling for the accommodation of farm help; 2) a manufactured home for the owner's immediate family; and 3) a secondary suite. If, for example, the application was for either a secondary suite or a manufactured home for the owner's immediate family, no application to the ALC would be required. However it should be noted that the Zoning Bylaw does not permit a small suite to be a manufactured home. Therefore, since it is neither a secondary suite or manufactured home these, this application was made for non-farm use approval.

As was noted above, the Canada Land Inventory soil classification identifies the agricultural capacity of the subject property to be 48% Class 3, 12% Class 4, and 40% Class 7 with soil moisture deficiency in some areas, excess water in others and topography limitations. With soil improvement methods, such as irrigation and drainage, 60% of the soil is improvable to Class 2. Class 2 soils are generally considered to be high quality for farming, having only minor limitations for agriculture. The remaining 40% of the land is not improvable beyond Class 7 and has topography limitations.

The ALC reviewed the soil capability of the land at the time they approved the subdivision, and noted that "*the majority of the subject property had significant limitations of topography and rocky soils, leaving a very minimal area that agriculture could take place on that parcel.*" CVRD staff conducted a site visit on March 10, 2009 and it was evident at that time that there is very little potential area for agriculture due to the steep topography of the subject property. The location for the small suite is the only cleared, flat area and is at the top of a steep hill.

Government Agency Comments:

ALR applications are customarily referred to the Advisory Planning Commission. However, it has recently been suggested that since this application complies with CVRD Bylaws, there would be little for the APC to comment on. Therefore, this application was not referred to the APC.

Options:

The CVRD Board's Policy with respect to ALR non-farm use applications is to forward applications to the ALC only if the proposed non-farm use complies with CVRD Bylaws, which in this case it does.

1. That Application No. 2-D-09ALR submitted by Anthony Van de Mortel made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to place a small suite on the subject property be forwarded to the Agricultural Land Commission with a recommendation to approve the application.

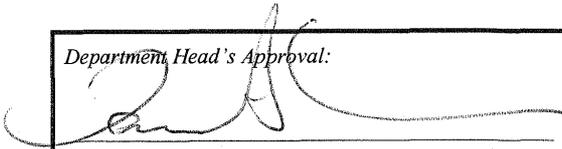
2. That Application No. 2-D-09ALR submitted by Anthony Van de Mortel made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to place a small suite on the subject property be forwarded to the Agricultural Land Commission with a recommendation to deny the application.

Submitted by,



Rachelle Moreau
Planning Technician
Development Services Division
Planning and Development Department

RM/ca

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



Cowichan Valley Regional District

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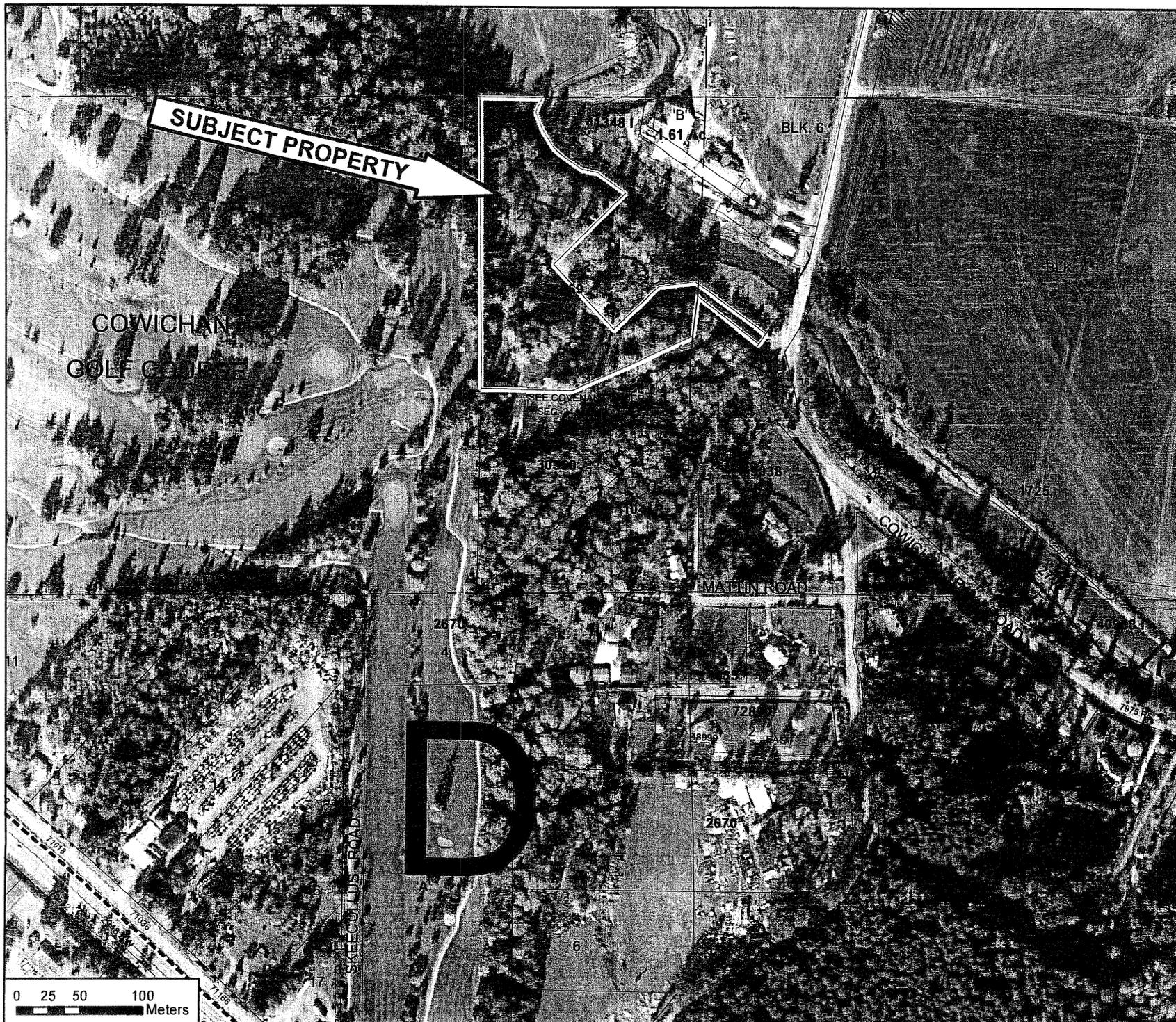
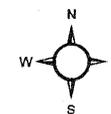
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FILE: 2-D-09-ALR

Orthophoto (2004)



SUBJECT PROPERTY

COWICHAN GOLF COURSE

D

0 25 50 100 Meters

000039



Cowichan Valley Regional District

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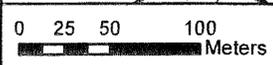
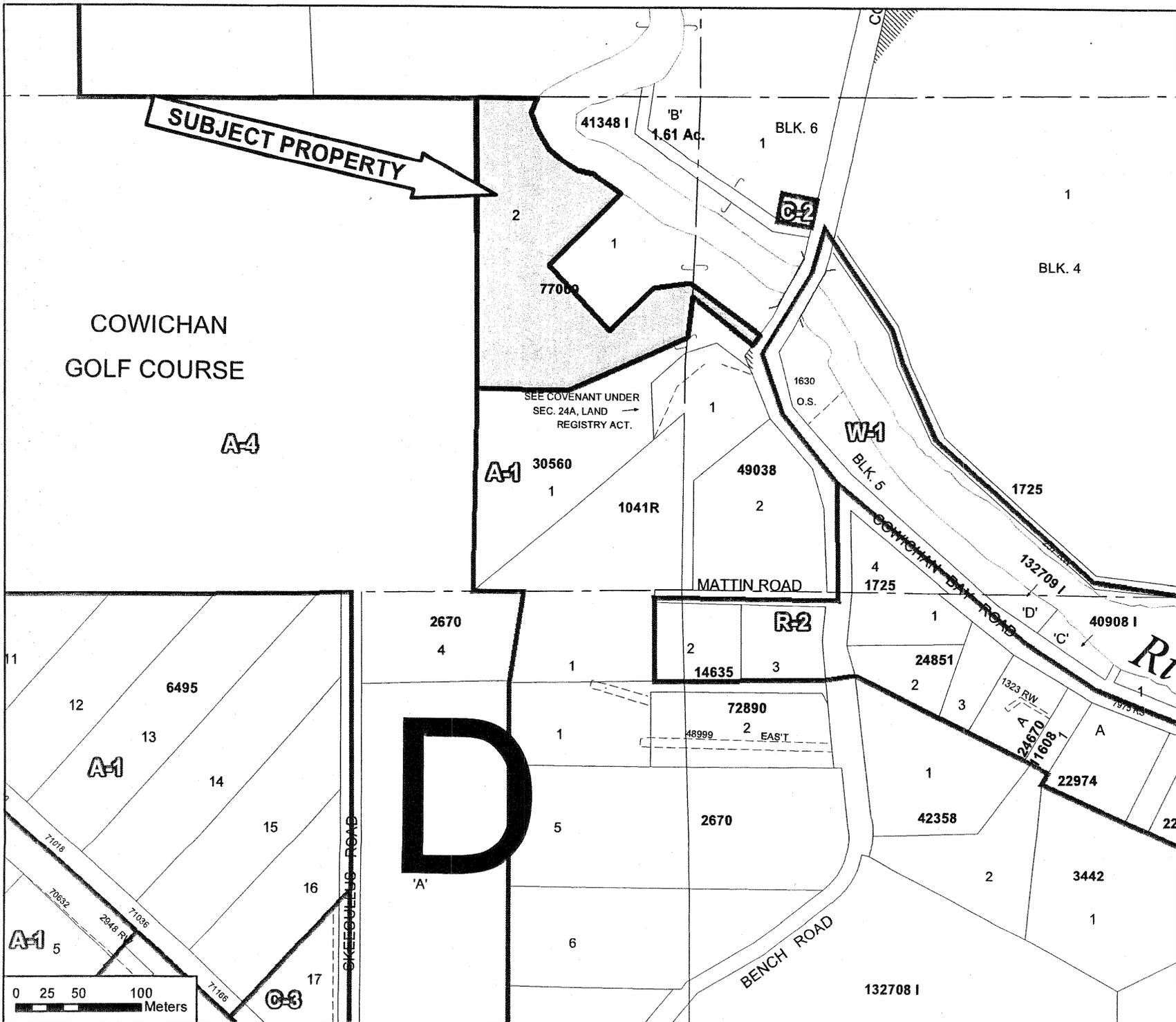
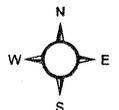
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FILE: 2-D-09-ALR

ZONING

Legend

- Subject Property
- Zoning Electoral Area D



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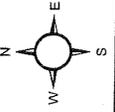
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FILE: 2-D-09-ALR

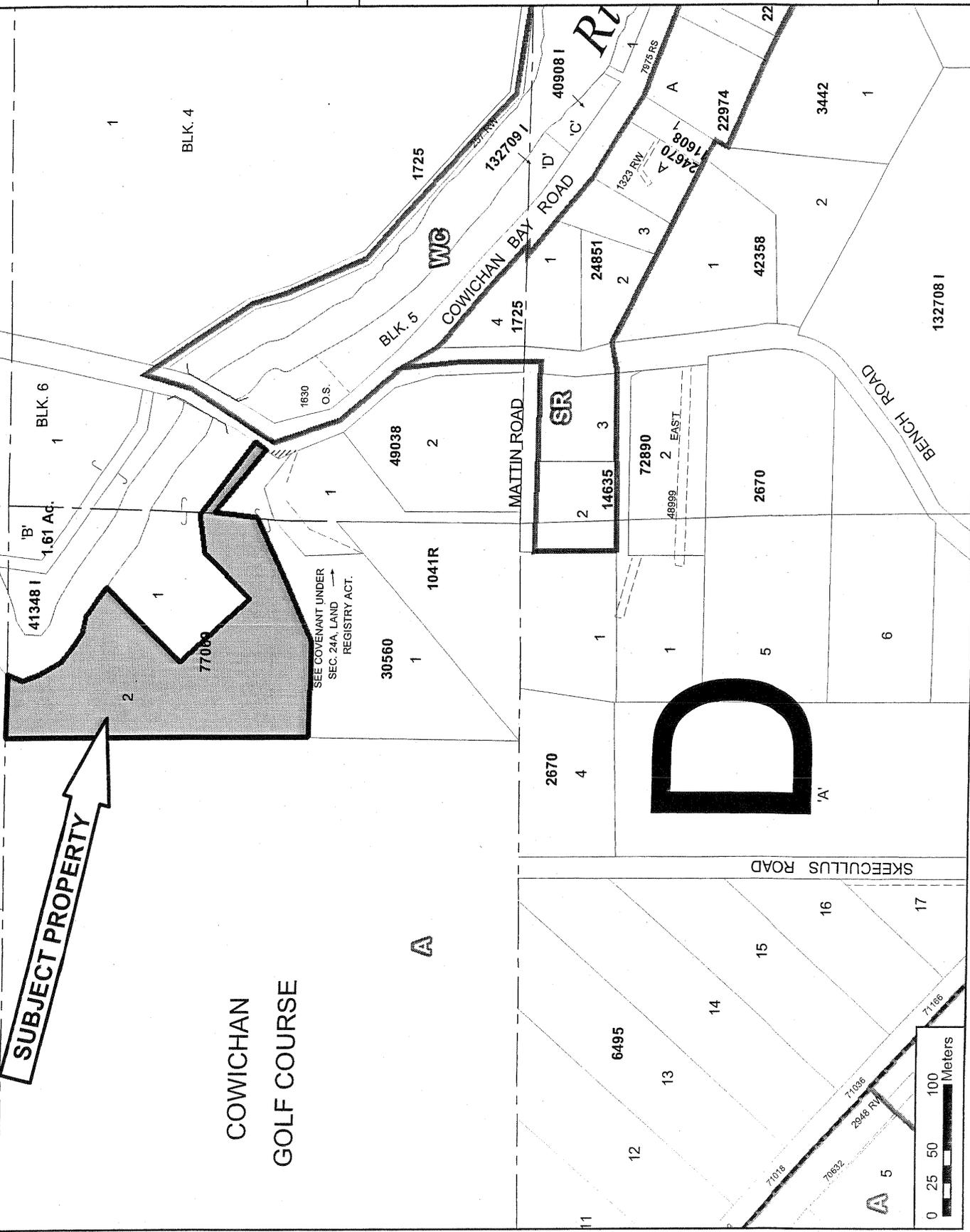
OCP

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SUBJECT PROPERTY

COWICHAN GOLF COURSE



000041

Agricultural Land Commission

I am requesting permission to construct a workshop with a small living quarters above.

I believe that the maximum size for a suite is approx. 900 sq. ft.

There will be minimal impact on the land.

There will be little or no impact on surrounding lands as none of the

bordering lands are used for agriculture and the site is quite remote from

others.

The fencing bordering this area is also covered with shrubs, bush and trees.

I currently have received your approval to subdivide this property and this

request for a shop and suite would have them positioned on the newly

created parcel. I plan on building a home on the newly created parcel as

well.

Information is available at your file # J-37537

C.N. RYZUK & ASSOCIATES LTD.
Geotechnical/Materials Engineering

28 Crease Avenue Victoria, B.C. V8Z 1S3 Tel: (250) 475-3131 Fax: (250) 475-3811

14 January 2009
File No: 8-3892-1

Mortel Development Co. Ltd.
PO Box 202
Cobble Hill, B.C.
V0R 1L0

Attention: Mr. A. Van de Mortel

Dear Sir,

Re: Proposed Two Lot Subdivision
2258 Cowichan Bay Road - Cobble Hill, B.C.

ATT.
RACHEL
MOREAU
PLANNER
FAX # 746-2621

As requested, we have attended the referenced site 02 December 2008 to meet with you, discuss your proposal for sub division of an existing lot and carry out an associated geotechnical assessment of the proposed lot as it relates to future single family residential development. The following summarizes our related observations and comments which are provided, and are subject to, the attached Statement of Terms of Engagement.

A review of our files indicates that we have had prior involvement at this site dating back to April 2004. At that time, it was proposed that the existing 3 ha parcel be subdivided in order to create one additional lot that would surround the existing homestead and ancillary buildings present at the site. The new lots were to be designated as Lot 1 and 2, where Lot 1 would incorporate the existing structures and Lot 2 would be available for new single family dwelling construction. Our associated review and recommendations were provided in our letter report (and accompanying site plan) of 28 April 2004, in which we delineated recommended geotechnical set back lines to be used when considering locations for the new dwelling construction on Lot 2. It is now proposed that Lot 2 be further subdivided to create one additional lot (Lot 3), again for single family dwelling development. Although proposed boundaries for the new lot have yet to be finalized, we understand that proposed Lot 3 will occupy some 2.5 to 3 acres of the southern portion of existing Lot 2. As a result of this latest proposal, we understand that as a condition of approval, areas on Lot 3 are to be identified where, pursuant to Section 219 of the Land Title Act, construction of any habitable dwellings are to be restricted pending submission of an appropriate geotechnical report for review and approval by the BC Ministry of Transportation.

The original parcel of land is bordered on the north/northeast by Koksilah River, the east and southeast by a steep slope down to bordering property and/or Cowichan Bay Road, the south by an existing single family dwelling lot and on the west by an existing golf course. As noted, the current proposal involves creation of an additional lot (Lot 3) by subdividing the southern portion of Lot 2. The ground relief in the general area of the

C.N. RYZUK & ASSOCIATES LTD.

14 January 2009

Mortel Development Co. Ltd.
Page 2

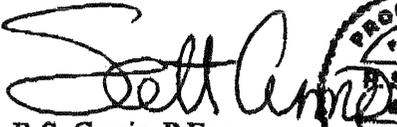
proposed lot varies across the lot. Over the western portion, relief is relatively uniform, falling gently down to the east. To the east, relief becomes steeper, falling at 15 to 20 degrees down towards Lot 1. A noted exception was to the southeast corner where at and beyond property line, the site falls steeply downwards to the south and east at near 45 degrees. No drilling or excavation was carried out at the site to confirm subsurface soil conditions, however, available information indicates the soils to consist of surficial marine deposits overlying glacial till and pre-glacial fluvial deposits. Observations of soil exposures at the site, indicate that hard/dense gravelly sandy silt deposit of glacial till is present at a relatively shallow depth over areas of the gently sloping portion of the property.

From our observations at the site, we noted no evidence of large scale instability, and would not expect such given the anticipated native soils. Some evidence of minor shallow surficial instability was observed on the slopes present over the eastern portion of the proposed lot area.

Considering the conditions at the site, and on the basis of our observations and local experience, we expect that in the long term, there is a possibility of regression of the crest of the steeper slope present at the southeastern boundary of the site. Accordingly, the attached plan 8-3892-1-1(Rev A) indicates the recommended geotechnical setback line to be used when assessing possible locations for future residential construction on the proposed lot with the safe building area (considering a 10% probability in 50 years) being present to the northwest of the setback line. As a general comment, care should be taken with development on any sloping site to avoid uncontrolled placement of fill and ensure appropriate control of surface water.

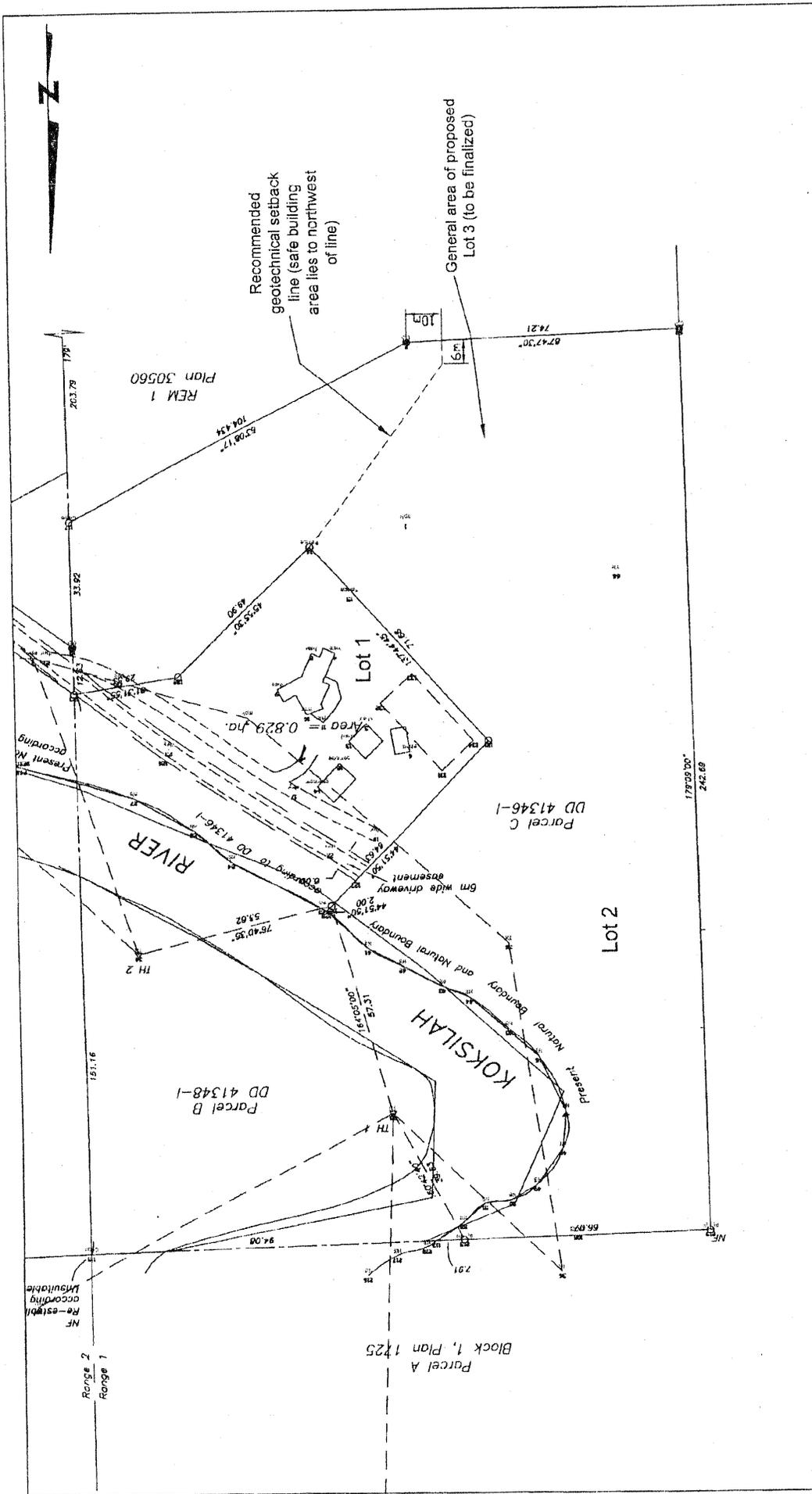
We hope the proceeding and attached information is suitable for your purposes at present. If we can provide further information or clarification in this regard at this time, please call us. Thank you for this opportunity to be of service to you.

Yours very truly,
C.N. Ryzuk & Associates Ltd.


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



Attachments - Site Plan 8-3892-1-1(Rev A)
- Statement of Terms of Engagement



	DRAWN	AM
	DATE	December 2008
	APPROVED	[Signature]
	SCALE	1:1000 (approx.)
Mortel Development Co. Ltd. LOCATION PLAN Proposed Two Lot Subdivision 2258 Cowichan Bay Rd Cobble Hill, BC C.N. RYZUK & ASSOCIATES LTD. Geotechnical Engineering		DRAWING NO. G-0802-11 (Rev. 1)

Notes:

1. Base Plan taken from Kelly Stofer, BCLS, dwg for project: 1001, sheet title: 1001 SUB
2. Dimensions noted for Recommended Geotechnical Set Back line determined by C.N. Ryzuk and Associates in relation to features noted on base plan. Estimated accuracy 2m. Refer to C.N. Ryzuk & Associates letter of December 30, 2008 for comments relating to Set Back Line.



C.V.R.D.

D4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF MARCH 17, 2009

DATE: March 10, 2009 **FILE NO:** 1-E-09 ALR
FROM: Rachelle Moreau, Planning Technician **BYLAW NO:**
SUBJECT: Application No. 1-E-09ALR
(Brian & Josephine Stokes)

Recommendation:

That Application No. 1-E-09ALR submitted by Brian and Josephine Stokes made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to place a second dwelling on the subject property be forwarded to the Agricultural Land Commission with a recommendation to approve the application.

Purpose:

To request permission to construct a second single-family dwelling on the approximately 11.4 ha (28.25 acres).

Background:

Location of Subject Property: 4805 Wilson Road

Legal Descriptions: Lot 8, Sections 7 and 8, Range 1, Cowichan District, Plan 6495, Except Part in Plan VIP70982 and VIP76902

Date Application and Complete Documentation Received: January 8, 2009

Owner: Brian and Josephine Stokes

Applicant: As above

Size of Parcel: Approximately 11.4 ha (28.25 acres)

Existing Zoning: A-1 (Primary Agricultural)

Minimum Lot Size Under Existing Zoning: 12 ha

Existing Plan Designation: Agriculture

000047

Existing Use of Property: Agriculture

Existing Use of Surrounding Properties:

North:	Agriculture
South:	Agriculture
East:	Agriculture
West:	Agriculture

Services:

<u>Road Access:</u>	Wilson Road
<u>Water:</u>	Well
<u>Sewage Disposal:</u>	Septic system

Agricultural Land Reserve Status: In

Soil Classification (if ALR applicable):

Revised CLI Maps:

$$3A^8 - 4W^2 (2D^8 - 2D^2)$$

W

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
2	-	100
3	80	-
4	20	-
<u>TOTAL</u>	100	100

Explanation of Land Capability Classifications:

- Class 1 lands have no limitations for Agricultural Production;
 - Class 2 lands have minor limitations for Agricultural Production;
 - Class 3 lands have moderate limitations for Agricultural Production;
 - Class 4 lands have limitations that require special management practices;
 - Class 5 lands have limitations that restrict capability to produce perennial forage crops;
 - Class 6 lands is non-arable but is capable of producing native and/or uncultivated perennial forage crops;
 - Class 7 lands have no capability for arable culture.
-
- Subclass "A" indicates soil moisture deficiency;
 - Subclass "D" indicates undesirable soil structure and/or low perviousness;
 - Subclass "P" indicates stoniness;
 - Subclass "T" indicates topography limitations;
 - Subclass "W" indicates excess water.

Environmentally Sensitive Areas: The Cowichan Valley Environmental Planning Atlas 2000 does not identify any environmentally sensitive areas.

Archaeological Site: None identified.

The Proposal:

An application has been made to the Agricultural Land Commission (ALC) pursuant to Section 20(3) of the *Agricultural Land Commission Act* (Application for a non-farm use) for the purpose of constructing a second dwelling on the subject property, which is to be occupied by the owner's daughter.

Policy Context:

The Official Community Plan, Bylaw No. 1490, supports the designation and retention of agricultural lands. The following policies are derived from the Agricultural section of the OCP, and are meant to guide development within lands designated as Agricultural.

Cowichan Koksilah Official Community Plan Policy 4.1.7 states, *"One additional dwelling other than the main farm residence may be permitted on an agricultural parcel provided it may be proven to the satisfaction of the Regional District to be necessary to the farm operation. Such uses must also receive the approval of the BC Agricultural Land Commission."*

Additionally, Section 4.1.17 states, *"Two family residential dwellings or mobile homes are permitted on agricultural land greater than 6.0 hectares in size, however, approval of the BC Agricultural Land Commission is required if the land is within the Agricultural Land Reserve."*

Planning Division Comments:

The subject property is currently a small farm: the owner's have approximately five (Hereford beef cows), and the large barn and most of the fields are being leased to a local dairy farmer. There are many existing farm buildings located on the property since it was previously an active dairy farm. The attached letter from the applicants lists all the buildings and their current uses. The owners currently live in the single-family dwelling located on the property and would like to build a second single-family dwelling to be occupied by their daughter.

The zoning for this property is A-1 (Primary Agricultural), which permits a single-family dwelling, a second single-family dwelling or mobile home on parcels 6 ha or larger, a small suite on parcels 2 ha or greater, and an additional single family dwelling as required for agricultural use. Therefore, this proposal would comply with CVRD Electoral Area E Zoning Bylaw No. 1840.

The ALR Use, Subdivision & Procedure Regulation will permit additional accommodation on a single parcel of land without making application to the ALC provided that it is either 1) a single-family dwelling for the accommodation of farm help; 2) a manufactured home for the owner's immediate family; and 3) a secondary suite. If, for example, the application was for either a secondary suite or a manufactured home for the owner's immediate family, no application to the ALC would be required. However, CVRD policy is to direct applications for more than one single-family dwelling on a parcel of land within the ALR to the Agricultural Land Commission, therefore this application was made for non-farm use approval.

As was noted above, the Canada Land Inventory soil classification identifies the agricultural capacity of the subject property to be 80% Class 3, 20% Class 4, with soil moisture deficiency in some areas and undesirable soil structure (low perviousness) and excess water in others. With soil improvement methods, such as irrigation and drainage, 100% of the soil is improvable to Class 2. Class 2 soils are generally considered to be high quality for farming, having only minor limitations for agriculture.

The location of the proposed dwelling is at the front of the property near Wilson Road, in an area previously occupied by farm buildings and currently near the existing greenhouse.

Government Agency Comments:

ALR applications are customarily referred to the Advisory Planning Commission. However, it has recently been suggested that since this application complies with CVRD Bylaws, there would be little for the APC to comment on. Therefore, this application was not referred to the APC.

Options:

The CVRD Board's Policy with respect to ALR non-farm use applications is to forward applications to the ALC only if the proposed non-farm use complies with CVRD Bylaws, which in this case it does.

1. That Application No. 1-E-09 ALR submitted by Brian and Josephine Stokes made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to place a second dwelling on the subject property be forwarded to the Agricultural Land Commission with a recommendation to approve the application.
2. That Application No. 1-E-09 ALR submitted by Brian and Josephine Stokes made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to place a second dwelling on the subject property be forwarded to the Agricultural Land Commission with a recommendation to deny the application.

Submitted by,



Rachelle Moreau
 Planning Technician
 Development Services Division
 Planning and Development Department

Department Head's Approval:

Signature

RM/ca

000050

4805 Wilson Rd.
Duncan. B.C.
V9L 6L6.
Tel: 250-746-6684
E-mail: brianstokes@shaw.ca

8 Jan 2009.

Agricultural Land Commission.

Dear Sirs,

My wife & I wish to make an application to build a house for a Farm worker on the above farm. This farm has up till about 3 years ago, been a very productive dairy farm – see photo showing the position of the many buildings on the property. My wife & I bought the farm in August 08, & are at present running 5 Hereford Beef Cow - due to start calving from 15 Jan 09 onwards, using part of the land & the smaller of the barns in winter. We propose building the house fronting onto Wilson Rd. For position see inked square on photo.

Farm Buildings.

Big barn 100' x 72' (in used with in calf dairy heifers)
Small barn 80' x 50' (part used by our small beef herd)
Farm machinery & stable building 48' x 28'
Milking parlour 100' x 25' (unused)
Young stock feed building 40' x 20' (unused)
Silage silo 80' x 35' (sawdust & machinery storage)
Small insulated Well head control building

We have leased out the Big barn (for a year to start with) & most of the grassland (for 5 years to include reseeding) to a neighboring Dairy farmer, who at present has 25 of his in calf heifers in the Big barn. The hay/silage he produces from our grassland will be fed to his young stock here throughout the year.

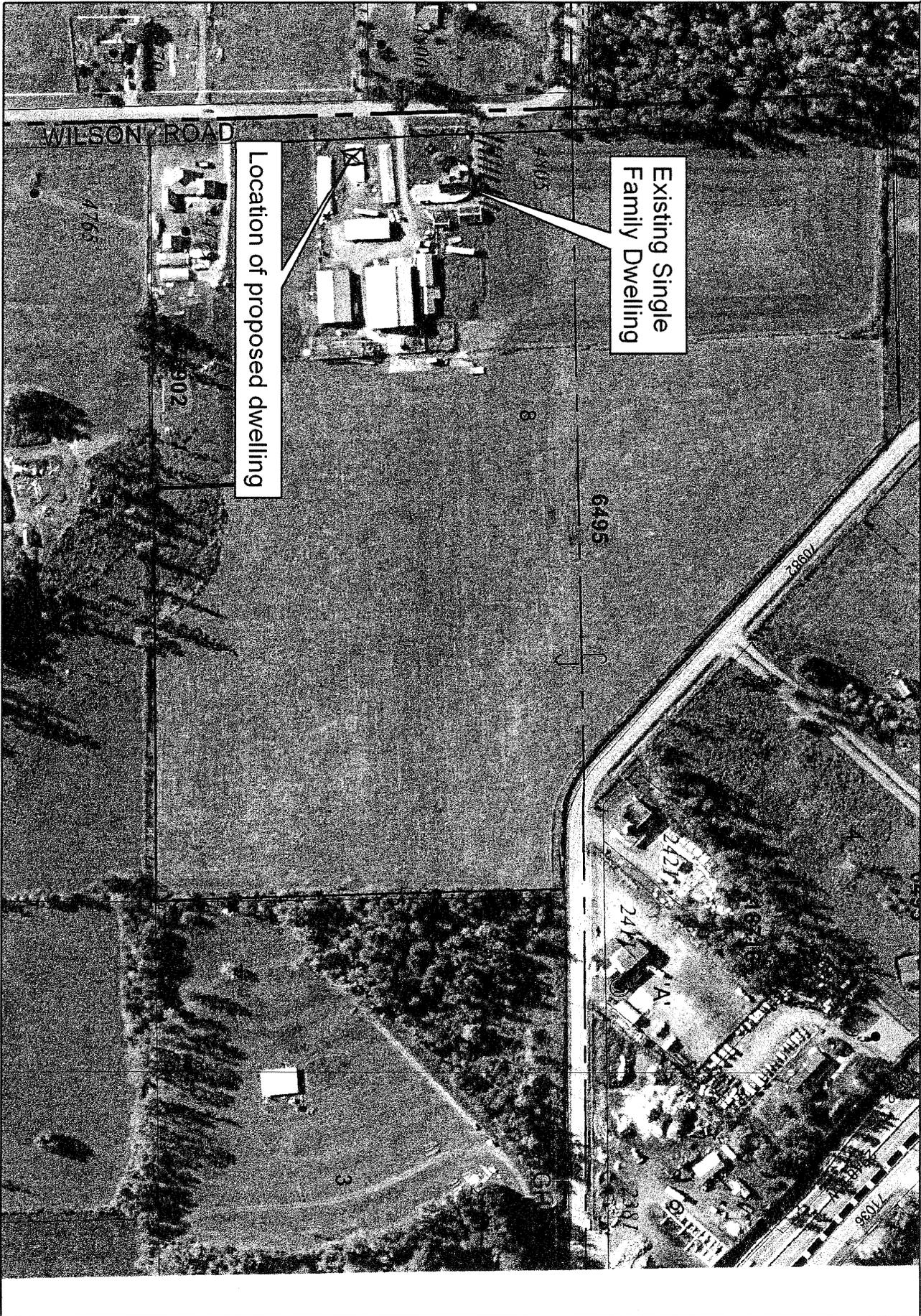
My wife & I started our own Dairy farming business in England in 1958, later moving to 2 other farms & changing over from milking to a 65 Beef Cow herd, before selling up & emigrated to Canada in 1989. We have lived in Crofton BC since then – not engaged in farming, before retiring to 4805 Wilson Rd in Aug '08.

We now need some help to run this arm.

Brian Stokes



000051



Site Plan



Covichan
Valley
Regional
District

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

The Regional District does not warrant the accuracy.

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

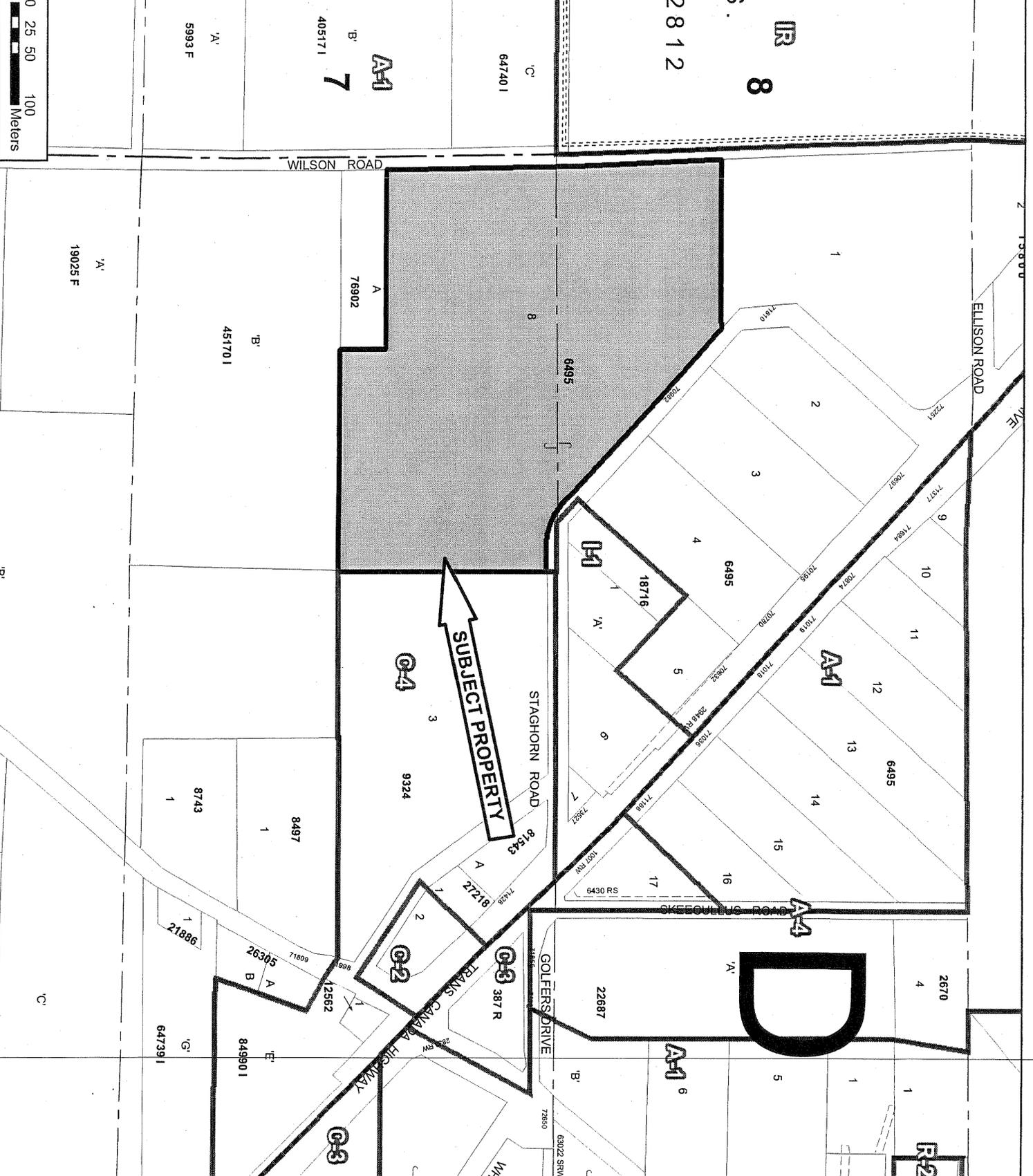
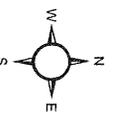
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

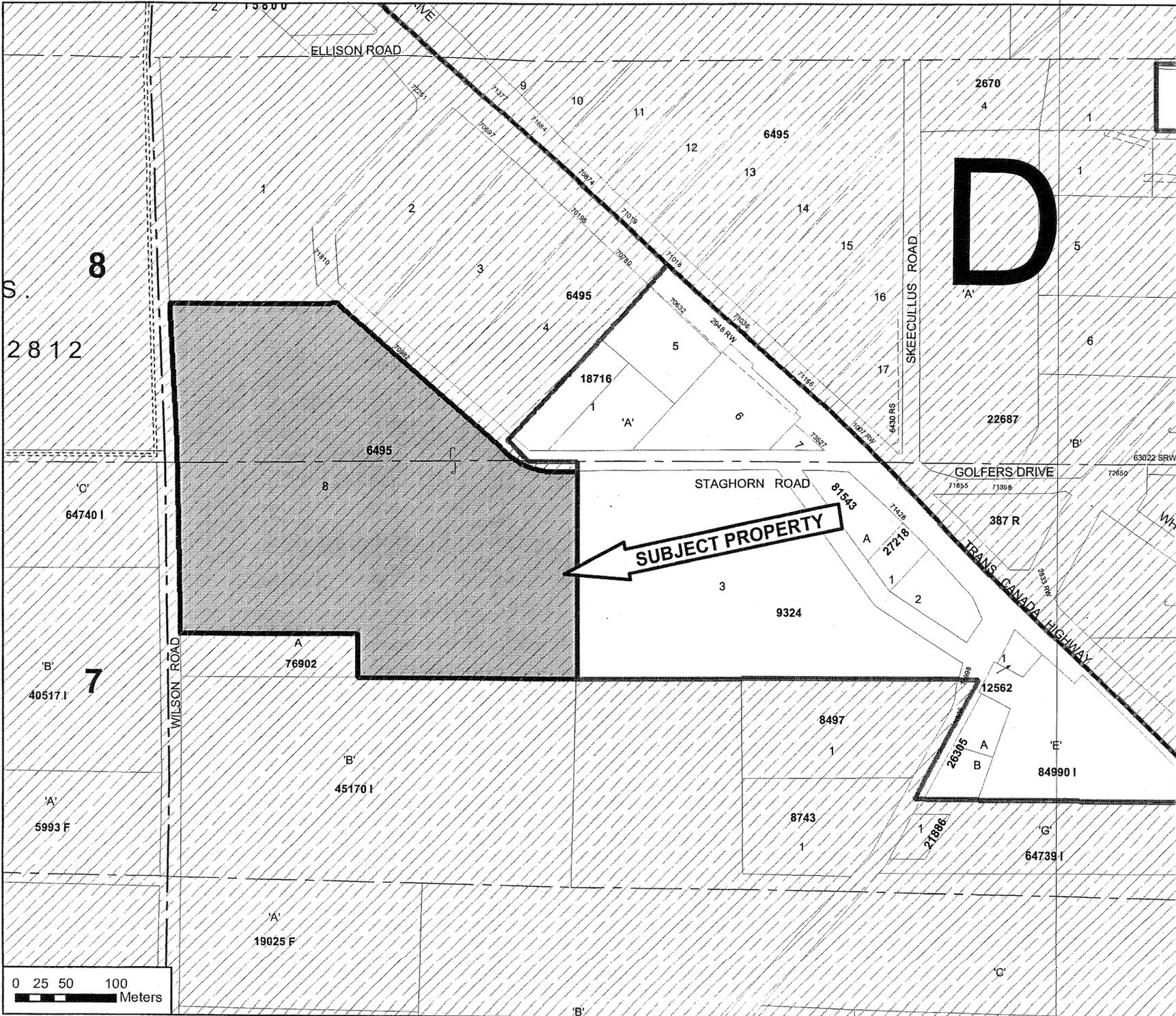
FILE: 1-E-09-ALR

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area E





Cowichan Valley Regional District

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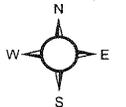
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FILE: 1-E-09-ALR

ALR

Legend

-  Subject Property
-  E_ALR



000054



Covichan Valley Regional District

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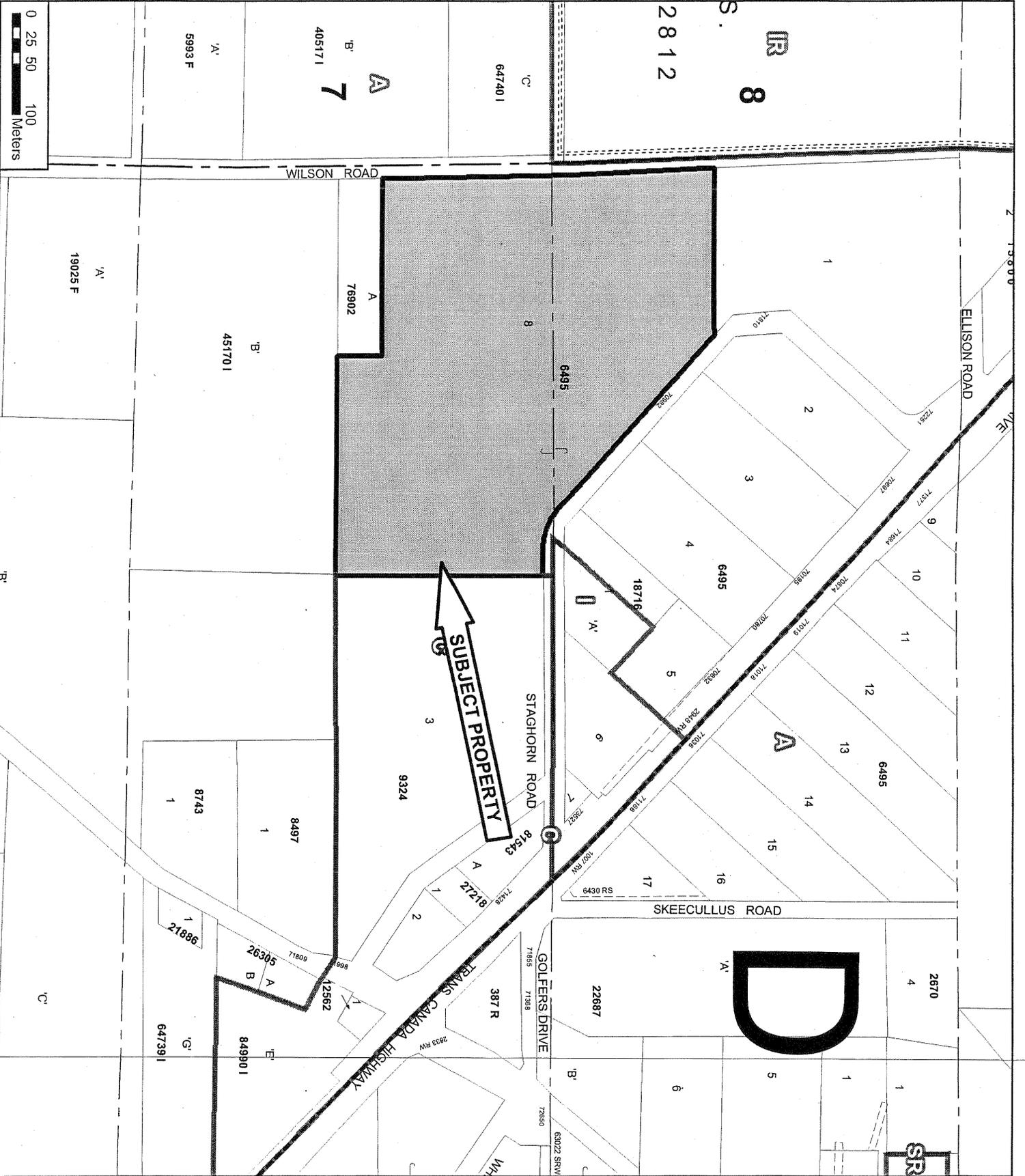
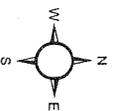
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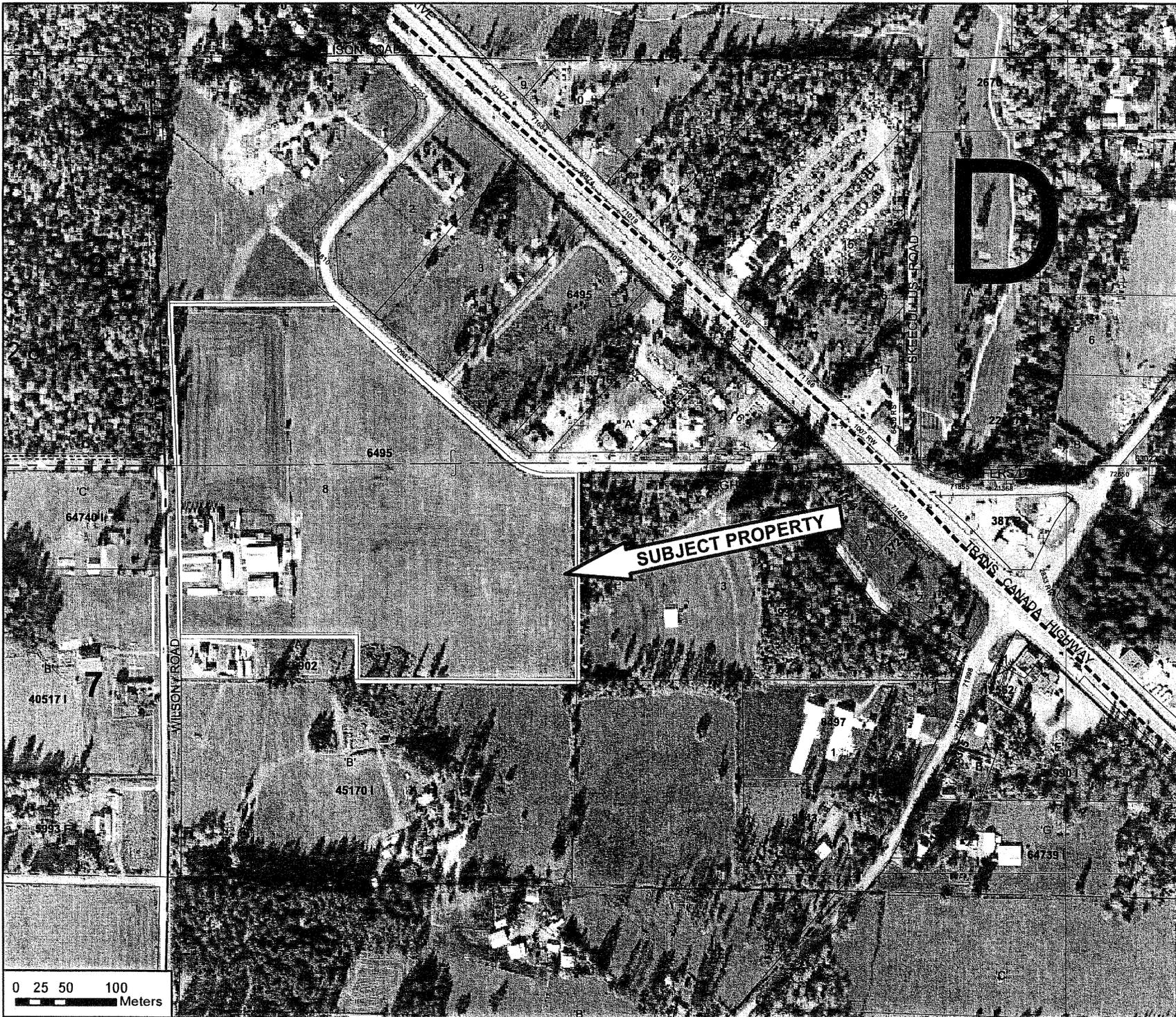
FILE: 1-E-09-ALR

OCP

Legend

-  Subject Property
-  OCP Electoral Area E





**Cowichan
Valley
Regional
District**

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

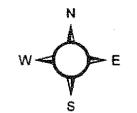
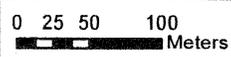
The Regional District does not warrant the accuracy.

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

FILE: 1-E-09-ALR

**Orthophoto
(2004)**



000056

Existing Zoning: C-4 (Tourist Recreational Commercial)

Minimum Lot Size Under Existing Zoning: 1100 sq. m. with community water and sewer
1675 sq. m. with community water only
8000 sq. m. without community water and sewer

Proposed Zoning: New multi-family zone to permit affordable rental housing (to be determined)

Existing Plan Designation: Urban Residential

Proposed Plan Designation: No Change

Existing Use of Property: Motel

Existing Use of Surrounding Properties:

North: Cowichan Bay Road / Hecate Park
South: Ravine (Zoned R-3)
East: Pending condominium apartment development (Zoned RM-4)
West: Ravine bank and Wessex Road subdivision (zoned R-3)

Services:

Road Access: Cowichan Bay Road
Water: Cowichan Bay Water District
Sewage Disposal: Cowichan Bay Sewage System

Agricultural Land Reserve Status: Out

Contaminated Sites Regulation: Declaration signed

Environmentally Sensitive Areas: A culverted watercourse is located along the east property boundary. The Cowichan Bay foreshore located on the opposite side of Cowichan Bay Road is identified in the Environmental Planning Atlas as a sensitive area. The ravine area south of property is a nesting area for Great Blue Heron.

Archaeological Site: None identified.

Property Context:

The subject property is located at the west end of Cowichan Bay Village, opposite Hecate Park. The property is at the bottom end of a ravine feature that extends approximately from Wilmot Road to Cowichan Bay. Immediately to the east is a site that previously accommodated a seafood processing facility that is in the process of being developed for a 25 unit apartment building. A steep bank that slopes upwards to Wessex Road abuts the subject property on the west boundary. A large undeveloped property is located directly to the south.

A 32 unit motel has operated on the subject property since the early 1980's. The motel building is a two storey structure with 16 motel units on each floor. The motel development and associated works are located on the north half of the property. The south half of the property is mostly undeveloped. A restrictive covenant registered against the property precludes

development, disturbance or vegetation removal within approximately 20 feet of the property's west and south boundaries.

The Proposal:

The applicant is proposing to re-develop the existing motel building as a 34-suite residential building. The residential conversion would involve renovating the 32 existing motel units and converting them into suites and converting the existing office and laundry into two additional suites. The proposed dwellings would all be "bachelor suites", comprised of a bathroom, small kitchen and bedroom/living room area with an average floor area of approximately 35 square metres (377 sq. ft.). Floor plans showing typical units are attached.

The proposed conversion is intended to be developed as "affordable rental housing". Monthly rental rates for suites within the building are expected to be approximately \$650.00. Funding for the project is anticipated from the Canada Mortgage and Housing Corporation Residential Rehabilitation Assistance Program (RRAP), although the applicant has advised that the project is not dependent upon CMHC funding.

The applicant has indicated that extensive renovations are planned for the building, including new kitchens and bathrooms, window replacement, electrical and plumbing upgrades and the replacement of flooring and other interior finishes. Exterior improvements include the replacement of the existing stucco exterior with hardi-plank siding, a new roof, and supplemental landscaping.

Policy Context:

Official Settlement Plan:

The Cowichan Bay Official Settlement Plan (OSP) describes the long-term vision for the community and sets out policies, priorities and guidelines for land use and community development in Area D – Cowichan Bay. The OSP directs new residential growth to areas that are designated Urban Residential in the Settlement Plan. The Urban Residential designated area extends approximately from the Wessex Road neighbourhood on the west side of the Village to the Kil-Pal-Las Reserve and the 4-Ways intersection on the east side of the community. Although the subject property is presently zoned for Tourist Commercial use, it is designated Urban Residential in the Settlement Plan.

The OSP (Policy 8.14) permits Tourist-Recreational Commercial facilities in non-commercial designations (including the Urban Residential designation) where the development is small in scale, has good road access, does not create excessive traffic and complies with other criteria specified in the plan.

The OSP supports multi-family residential use in Urban Residential designated areas subject to the criteria in Policy 7.18.

Policy 7.18 Prior to rezoning sites for Multi-Family Residential use, the Regional Board shall consider the following criteria:

- 1) The site shall be connected to an existing water and sewage system of adequate capacity for the proposed development.*

- 2) *The site has suitable access to the major road network without causing excessive traffic on residential roads.*
- 3) *Adequate on-site parking is provided to allow for residents and visitors.*
- 4) *The siting, scale and design of buildings shall not detract from the character of the area.*
- 5) *Landscaping, screening and building setbacks may be utilized to ensure a reasonable degree of compatibility between the development and its natural surroundings.*
- 6) *The protection of the views of adjacent residential parcels.*

The above criteria should be used for evaluating multi-family development application in Urban Residential designated areas. In most respect the proposal appears to comply with these criteria although, as described later in this report, sewage capacity has yet to be confirmed.

The OSP presently has a development permit area established for lands within Electoral Area D that are zoned for multi-family residential use. If the subject property is rezoned as proposed, it should be included in the Multi-Family Development Permit Area and a development permit would be required for any new development on the site and for exterior alterations to the existing building. Alternatively, a new development permit area could be created for the site if the existing development permit guidelines are felt to be inadequate or unsuitable for the proposed development.

Zoning Bylaw:

Zoning Bylaw 1015 currently has three multi-family zones:

Zone	Permitted Uses (Residential)	Permitted Density
RM-2 (Medium Density Multi-Family)	Single Detached Dwellings Attached Dwellings Townhouses Apartments	35 units per ha.
RM-3 (High Density Multi-Family)	Apartments Townhouses	90 units per ha.
RM-4 (Medium Density Apartment Residential)	Apartments	70 units per ha. 25 units maximum

The proposed residential conversion would create 34 residential suites with a density of 37.8 units per hectare. As the RM-2 zone has a maximum density of 35 units per hectare and the RM-4 zone allows only 25 units per property, the proposal could not be accommodated within these zones. Given the small unit size and somewhat unique nature of the application, staff recommend creating a new zone for the proposal, should it proceed. The new zone could be structured so as to limit the density on the property to what has been proposed in the application.

Off-Street Parking Bylaw 1001

The CVRD's off-street parking bylaw requires 1.1 parking spaces per sleeping unit for motel use and 1.5 spaces per dwelling unit for multi-family use. The applicant has indicated there are 34 parking spaces presently on the property. The site is therefore 1 parking space deficient for the existing use and 17 parking spaces deficient for the proposed use. While there is area available

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on the site for additional parking, staff believe the bylaw likely overstates the parking that will be needed for the proposal, since the dwellings are small and are expected to have only one occupant per dwelling. A parking requirement of 1 space per unit plus 5 visitor parking spaces (39 total) is recommended. Parking requirements would be reviewed and possibly varied through the development permit process.

Advisory Planning Commission Comments:

The Area D Advisory Planning Commission reviewed this application on February 16, 2009 where it unanimously recommended,

...that a new site specific zone, based on this application, be created that includes a requirement for a) an on-site manager; b) a laundry facility for residents; c) maximizing parking with a minimum of 34 stalls and without increasing the paved area.

In addition, the following discussion regarding the application was recorded in the meeting minutes:

There was general consensus that the proposal was appropriate for this location but the following concerns were raised:

- *Is important that the heron rookery not be disturbed*
- *The lack of public transportation will likely mean that more residents will have more cars than similar developments in urban areas. This creates concerns about residents taking up scarce parking spots on the street or in Hecate Park.*
- *The lack of storage space could create problems.*
- *Displacing potential commercial space.*

Parks Commission Comments:

The Parks, Recreation and Culture Department has advised that the Area D Parks Commission reviewed the subject rezoning application and has advised that the portion of the property south of RW1961 be dedicated to the CVRD as a titled lot in order to protect the Heron rookery. They have also recommended that a restrictive covenant be registered on the property prior to any zoning change (i.e. bylaw adoption) to secure park dedication commitments.

Referral Agency Comments:

This application was referred to government agencies on October 2, 2008. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation –
 - *Proposal to have adequate parking per MOT standards and adequate layout and access.*
 - *Existing culvert drain from ravine to be cleaned and re-installed if necessary.*
- School District 79 – *No comments received*
- Cowichan Bay Volunteer Fire Rescue – *Interest unaffected*
- Cowichan Tribes – *No comments received*

- Cowichan Bay Waterworks – *Interests unaffected*
- Vancouver Island Health Authority – *Interests unaffected*

Planning Division Comments:

Social Planning Cowichan, in a 2007 report entitled *Inadequate Shelter in the Cowichan Valley*, identified a growing housing affordability issue in the Cowichan region. The report identified housing affordability as a particular problem for renters. In 2006, more than 50% of renters in the Cowichan Valley spent 30% or more of their income on rent. Housing affordability for renters has been compounded by very low vacancy rates in the Region and the fact that there has been little rental housing constructed in the Cowichan Valley in the past 20 years. One of the principal recommendations of the report is,

That local governments move existing Growth and Affordable Housing policies forward into plans and strategies for market and non-market housing.

The subject application offers an opportunity to contribute to the stock of rental housing in the Area D and the Cowichan region. The applicant is proposing that the units will be “affordable” with monthly rents of approximately \$650. Based on the CMHC definition of affordability (housing cost no greater than 30% of gross income), the proposal would be considered affordable for occupants with a monthly income of \$2,166 or greater. While this proposal itself will not solve the housing affordability issue in the region, it does have the potential to provide on-going affordable rental units for a segment of the housing market. Insofar as the application contributes to increasing the stock of affordable housing in the Region and Cowichan Bay, staff supports the proposal.

While staff supports the affordability aspect of the application and the contribution it would make to the rental housing stock, it does raise other land use issues that should be considered. Cowichan Bay Village has a limited amount of commercially zoned property and there is limited area available for the commercial portion of the Village to grow. As Cowichan Bay village has become more tourist oriented in recent years, conversion of a motel and commercially zoned property to residential use would limit the opportunity for the commercial expansion of the Village in the future. Concern about residential conversion in the Village area was expressed at the public hearing for rezoning of the property to the east (the former fish plant), and the community may have similar concerns with subject application.

Another consideration with the proposal is that all of the community services necessary to support lower income residents may not be available in the Cowichan Bay Village area. For example, there is not a full-service grocery service in the Village. Although there is transit available, the service is periodic so most residents would likely need to own a vehicle. While the proposal may provide accommodation to some lower-income, single residents of the Cowichan Bay area, it should also be expected that the project would also attract residents from outside of Cowichan Bay. Such housing would typically be better suited to a more urban location where commercial and community services are more centralized.

The Area 'D' Advisory Planning Commission supported the application but identified some concerns that should be addressed should the application proceed. Staff share the APC's concerns and recommend that they and other technical issues associated with the proposal be addressed. The following is a list of the issues identified by the APC and staff and how they could be addressed.

- a) Protection of the Heron Rookery – There is a development permit area established to protect the Blue Heron rookery, but it does not apply to the subject property. When the development permit area was established, the rookery was located south east of the ravine area to where many of the Herons seem to have re-located. As the subject property appears to be within 200 metres of Heron nesting areas, staff recommends that the property either be included in the Habitat Protection Development Permit Area or covenant be placed on the property to apply the development permit guidelines to the site concurrently with any zoning amendment. The park dedication area recommended by the Parks Commission at the back of the site would also help to protect the Heron habitat.
- b) Parking – The APC recommended that there be adequate parking on the property, but that existing paved areas be used wherever possible. Staff recommends that the proponent provide one parking space per dwelling plus five additional spaces for visitor parking. As this would be a relaxation of the bylaw requirement of 1.5 spaces per dwelling unit, a variance would be required. Staff recommend that the variance be dealt with as part of the development permit review, should the Zoning Amendment be approved.
- c) Storage – As the proposed dwelling units are very small there will be little or no room for storage and there may be a tendency for tenants to use patios and balconies for storage areas. Staff recommend that a minimum of 50 square feet of storage space be provided per dwelling unit.
- d) Laundry Facilities – The applicant is proposing a common laundry facility available for use by residents within the building comprised of two washing machines and two dryers. Since the dwelling units are too small to include individual laundry facilities within the suites, a common facility is essential.
- e) Sewer Units – The existing motel is presently serviced by the Cowichan Bay Sewer System and the site is entitled to the sewer units based on the current use of the property as a motel. Since residential apartment units typically produce more sewage than motel units, it appears the applicants presently do not have sufficient sewage units to undertake the residential conversion. The applicant is communicating with the CVRD's Engineering and Environmental Services Department and will be requesting consideration for the small unit size and occupancy that is less than for conventional apartment units. Planning staff do not recommend granting the zoning amendment request until it has been confirmed there is sufficient sewer capacity for the proposal.

- f) Development Permit Area – If the subject property is rezoned for residential use, staff recommend that it concurrently be included in the Area ‘D’ Multi-Family Development Permit Area. Inclusion of the property in the DPA would ensure that exterior renovations on the site would be reviewed and approved in accordance with the applicable guidelines.

Some of the matters identified above can be address in OSP and Zoning amendment bylaws. Other issues, however, such as rental rates, requirements for on-site management and storage and laundry facilities are not easily dealt with in through zoning or development permit areas, but could be incorporated into a housing agreement. Housing agreements are a tool authorized by the *Local Government Act* that allows local governments to deal with matters of occupancy, which are typically beyond the scope of zoning powers. Should the Committee decide there is enough merit in this application for it to proceed to bylaw preparation stage, staff recommends that a housing agreement be prepared in conjunction with the OCP and Zoning Amendment Bylaws. The housing agreement could include provisions for on-site management, storage facilities, laundry facilities and obligations for building improvements and site maintenance. The agreement could also include provision for rental rates, but staff recommends that this not be included due to the administrative implications.

Should the Committee believe there is enough support for this proposal that it should be presented to the public, staff recommend that this be done at a public meeting prior to a formal public hearing. A public meeting would allow the Committee to gauge the community’s support for the proposal and would allow an opportunity for issues and concerns that may be raised at the meeting to be addressed in the amendment bylaws and housing agreement.

With respect to the possible dedication of park land south of RW1961, staff has informed the applicant of the Park Commission recommendation and that there is interest in securing dedication of area if the subject property is rezoned. The applicant has indicated a willingness to dedicate the land, but a formal commitment has not been confirmed. Should the Committee and Regional Board identify the dedication as a priority, it could be secured through amenity zoning, a development agreement or a restrictive covenant.

Please note that a letter expressing a number of concerns about this application has been submitted on behalf of the owner of the adjacent property and is attached at the back of this report for information.

Options:

Option A is recommended.

Option A:

1. That Zoning Amendment Application No. 2-D-08RS (Wessex Inn) be presented at a public meeting to obtain community input and that the application be reviewed at a future EASC meeting with a report documenting public input, draft bylaws and a draft housing agreement.
2. That the applicant provide confirmation from the Engineering and Environmental Services Department that the subject property has a sufficient number of sewer units to service the proposed residential conversion, prior to scheduling and notification of the public meeting.

3. That dedication of the land south of RW1961 to the CVRD for protection of Blue Heron habitat be a condition of rezoning approval.

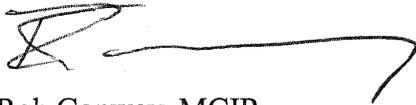
Option B:

1. That Zoning Amendment Application No. 2-D-08RS (Wessex Inn) be approved, that staff be directed to draft OCP and Zoning Bylaw amendments and a housing agreement to be reviewed at a future EASC meeting.
2. That the applicant provide confirmation from the Engineering and Environmental Services Department that the subject property has a sufficient sewer number of units to service the proposed residential conversion, prior to preparation of the OCP and Zoning amendment bylaws and housing agreement.
3. That dedication of the land south of RW1961 to the CVRD for protection of Blue Heron habitat be a condition of rezoning approval.

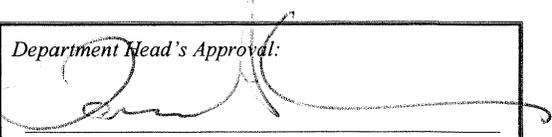
Option C:

That Zoning Amendment Application No. 2-D-08RS (Wessex Inn) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 2255, as amended.

Submitted by,



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

<i>Department Head's Approval:</i>  <i>Signature</i>

RC/ca
Attachments



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.

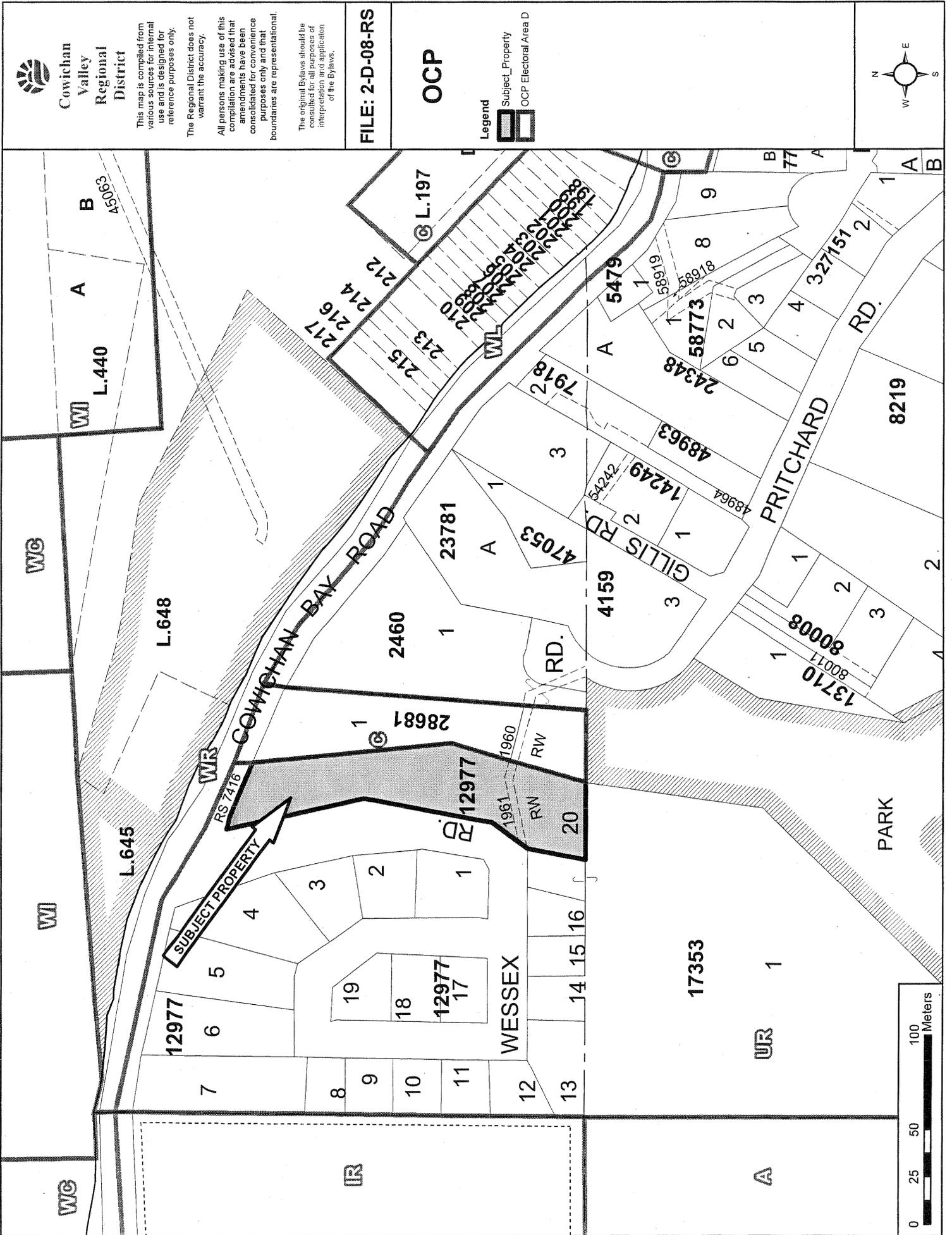
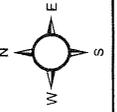
FILE: 2-D-08-RS

OCP

Legend



Subject_Property
OCP Electoral Area D



990000



Cowichan Valley Regional District

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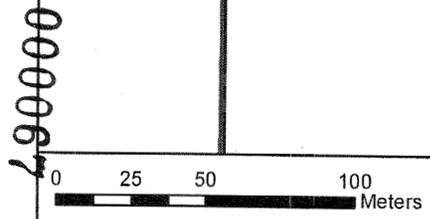
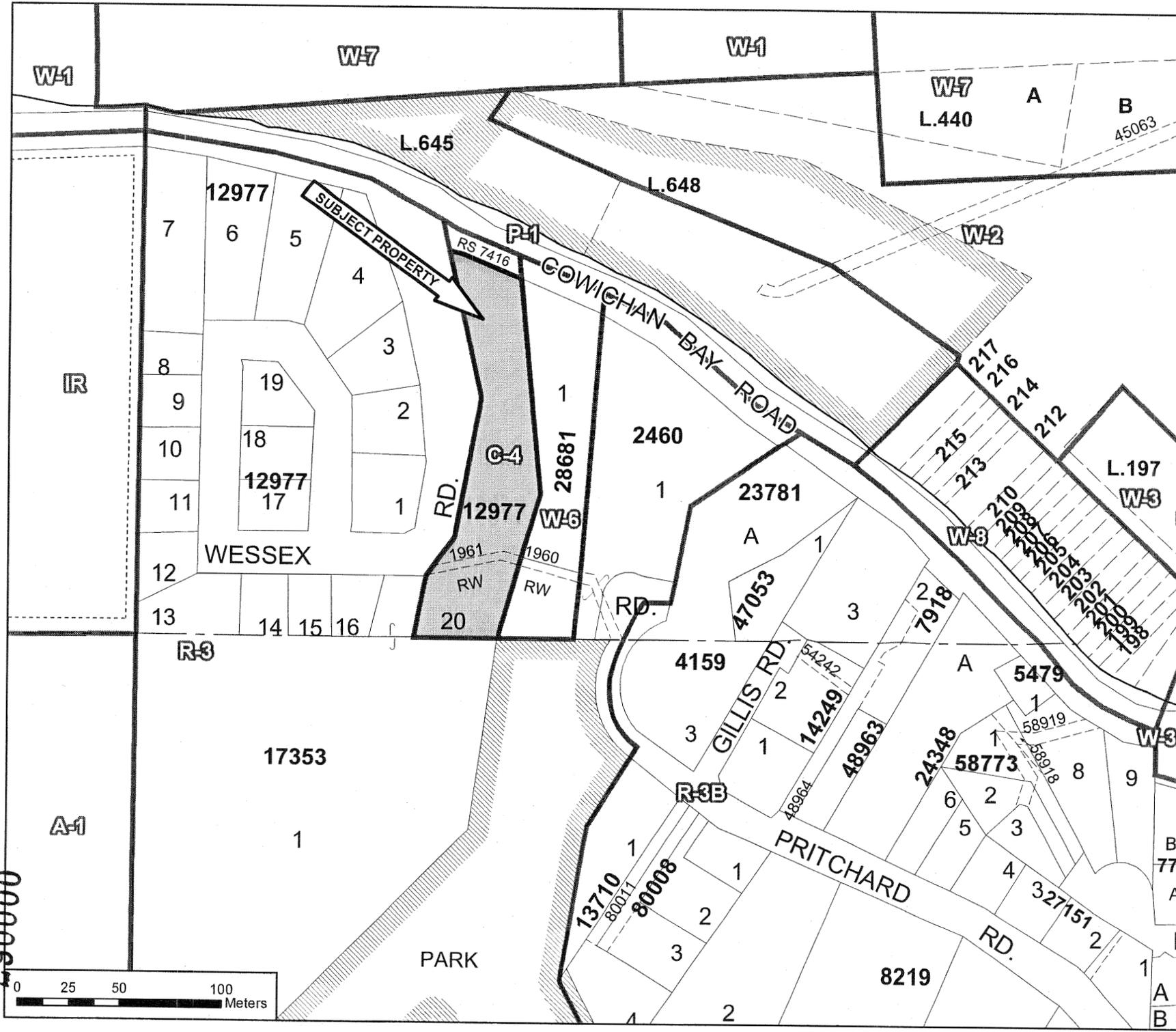
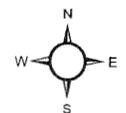
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 2-D-08-RS

ZONING

Legend

-  Subject_Property
-  Zoning Electoral Area D



2900000



Cowichan Valley Regional District

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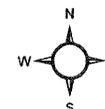
FILE: 2-D-08-RS

Orthophoto (2004)

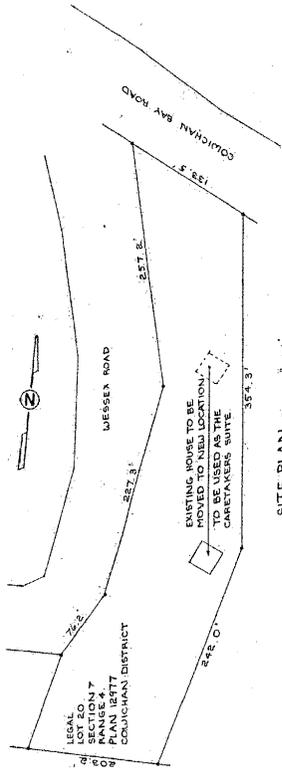


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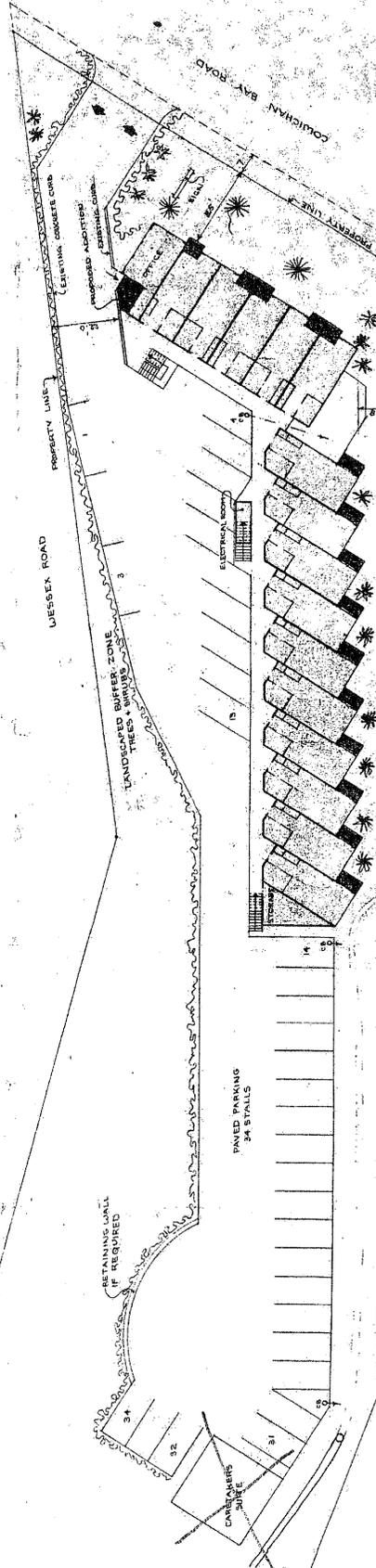
0 25 50 100 Meters



Note: Parking layout is not as shown.



SITE PLAN SCALE: 1" = 60'



30 UNIT HOTEL
30 STALLS UNIT'S 1500 SQ. FT. PER UNIT

PROPOSED SITE PLAN SCALE: 1" = 1'

NOV 10 1989

REVISED NOV. 1989

CIVIL

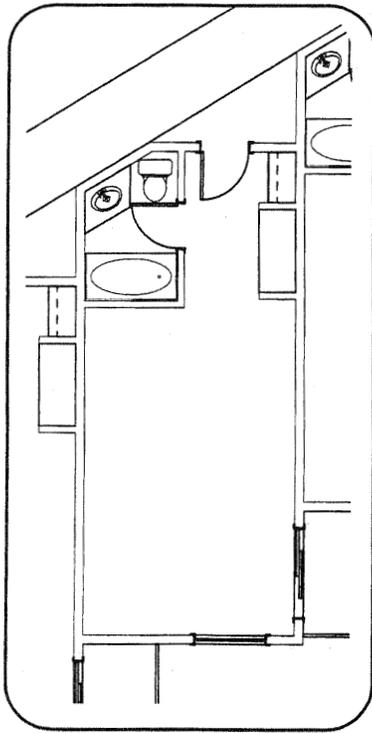


PROPOSED ADDITION TO OFFICE
FOR
WESSEX INN HOTEL
COURMAN BAY RD., COURMAN BAY B.C.

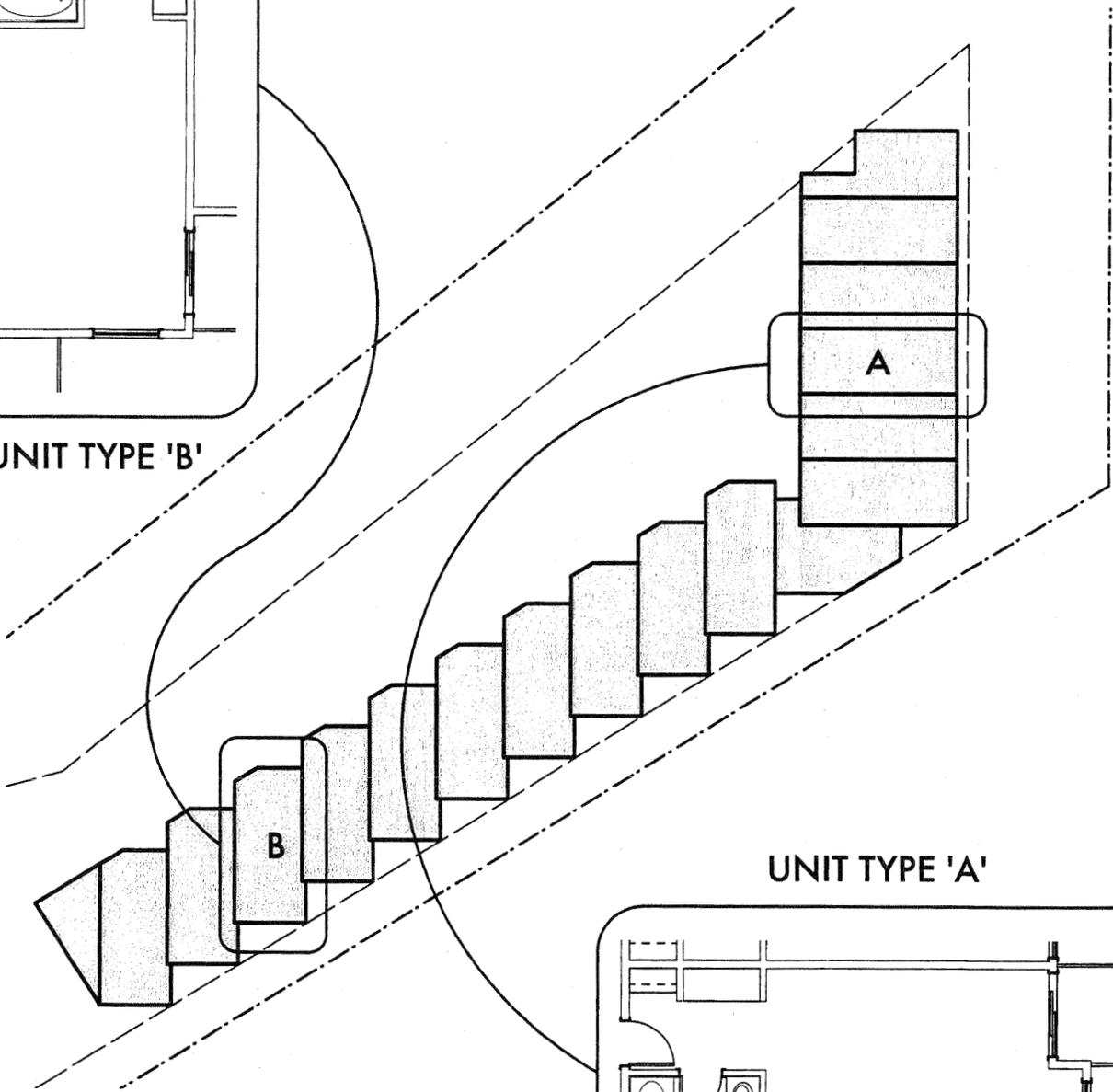
SITE PLAN SCALE: 1" = 10'
PROPOSED SITE PLAN SCALE: 1" = 1'

DATE	NOV 7 1989	SCALE	1" = 10'
PROJECT CHECKED BY	DRAMA W.	SCALE	1" = 10'
DATE	NOV 7 1989	SCALE	1" = 10'
PROJECT CHECKED BY	T.W. BISHOP	SCALE	1" = 10'
DATE	NOV 7 1989	SCALE	1" = 10'
PROJECT CHECKED BY	T.W. BISHOP	SCALE	1" = 10'

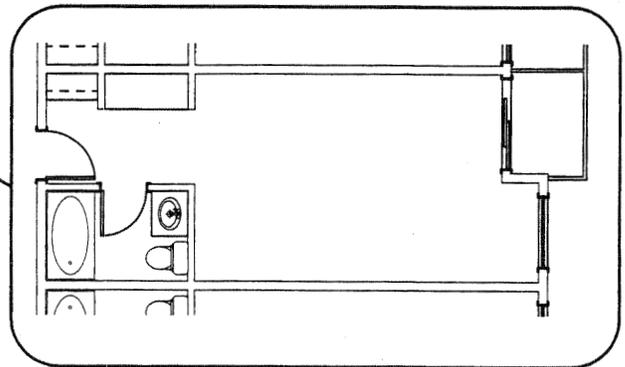
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UNIT TYPE 'B'



COWICHAN BAY RD

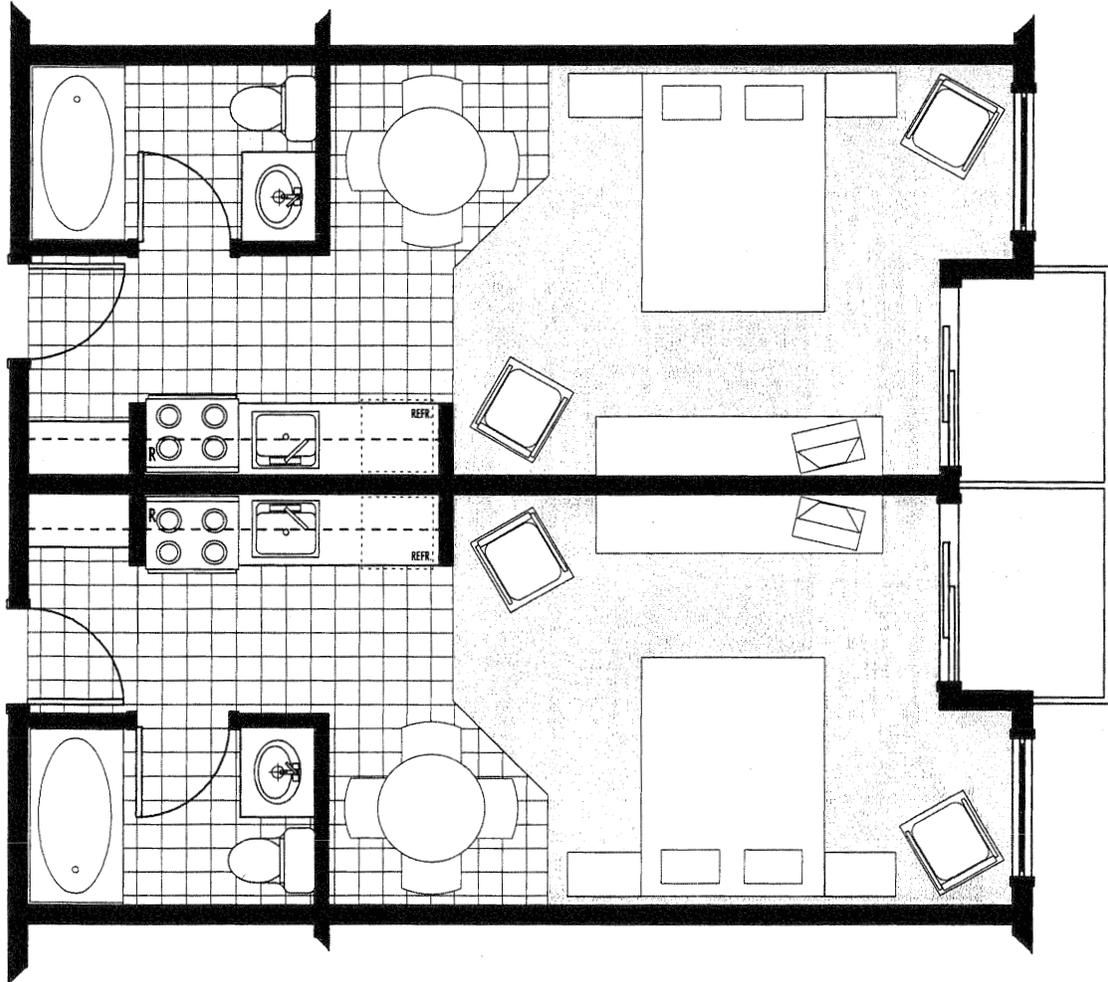


UNIT TYPE 'A'

EXISTING UNIT TYPES 'A' & 'B'

MAY 13, 2008

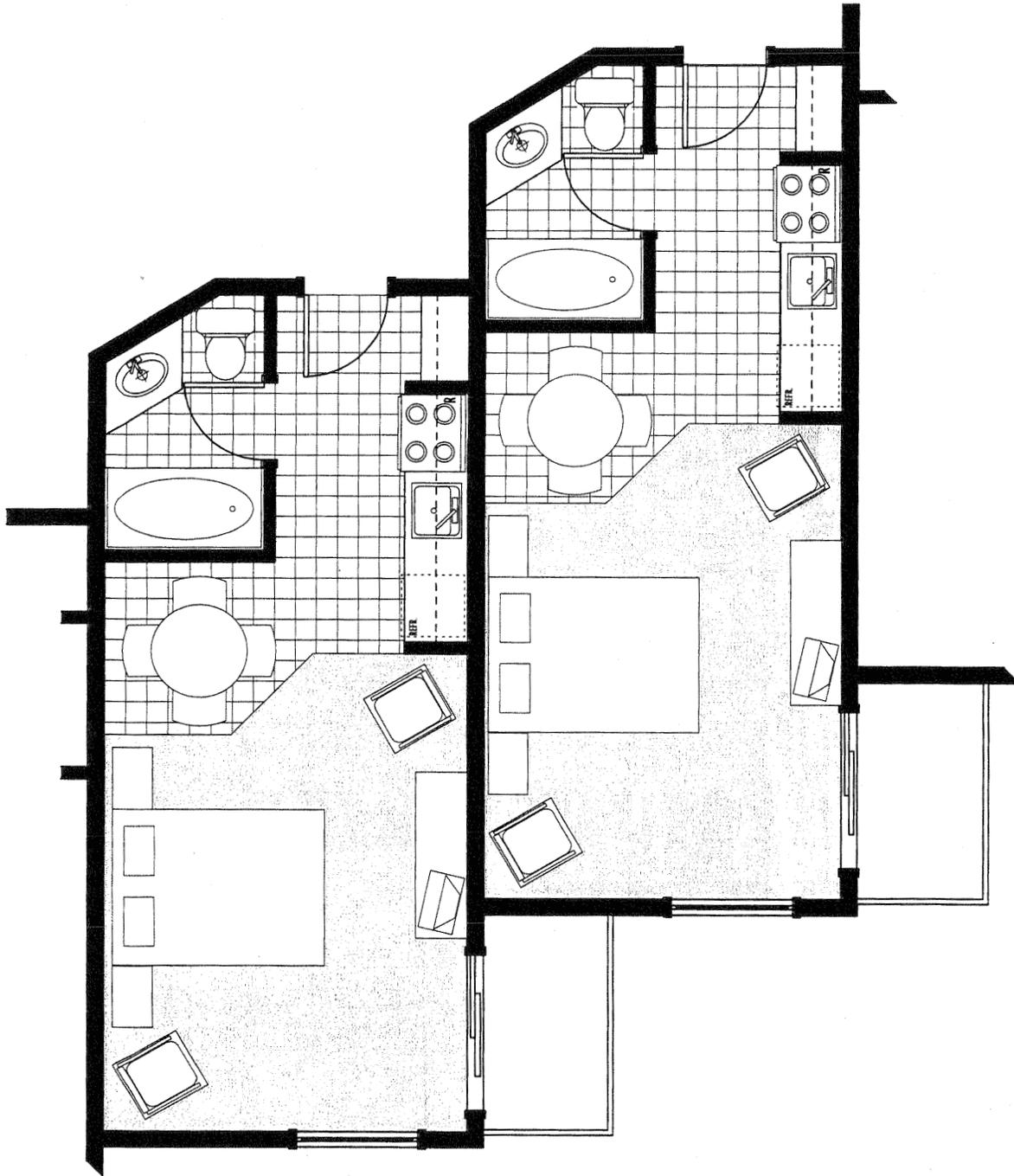
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TYPICAL REDEVELOPED UNIT A

MAY 13, 2008

000072



TYPICAL REDEVELOPED UNIT B

MAY 13, 2008

000073

9.4 C-4 ZONE - TOURIST RECREATIONAL COMMERCIAL

(a) Permitted Uses

The following uses and no others are permitted in a C-4 Zone:

- (1) restaurant, drive-in restaurant;
- (2) golf driving range and mini-golf facility;
- (3) tourist accommodation and campground;
- (4) marina operations, including accessory boat sales, rental and servicing, but excluding boat building;
- (5) recreation facility;
- (6) accessory retail sales, gift shop; and
- (7) one single family residential dwelling per parcel accessory to a use permitted in Section 9.4(a)(1) to (6).

(b) Conditions of Use

For any parcel in a C-4 Zone:

- (1) the parcel coverage shall not exceed 20 percent for any buildings and structures;
- (2) the height of all buildings and structures shall not exceed 10 metres;
- (3) the minimum setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

COLUMN I Type of Parcel Line	COLUMN II Buildings and Structures
Front	7.5 metres
Side (Exterior or Interior)	6.0 metres
Rear	6.0 metres

13.2 MULTI-FAMILY DEVELOPMENT PERMIT AREA

13.2.1 CATEGORY

The Multi-Family Development Permit Area is designated pursuant to Section 919.1(1)(a)(b) and (f) of *The Local Government Act*, for the purpose of protecting the natural environment, its ecosystems and biological diversity; protecting development from hazardous conditions; and providing guidelines for the form and character of multi-family residential development.

13.2.2 JUSTIFICATION

Cowichan Bay is a small, seaside village with a unique character and atmosphere. In order to maintain and continue this village character, all multi-family residential developments in Cowichan Bay will be subject to guidelines to ensure that the impacts of these developments on adjacent properties are minimal, that the architecture and landscaping of multi-family developments are designed to reflect this character, and that impacts on sea views are minimized.

13.2.3 AREA OF APPLICATION

- The scope of the Multi-Family Development Permit Area applies to areas designated or zoned as 'Multi-Family Residential', within Electoral Area D - Cowichan Bay, and are shown outlined on Figure 2.

13.2.4 GUIDELINES

Prior to commencing any construction on lands within the Multi-Family Development Permit Area, the owner shall submit information that demonstrates how the proposed development meets the following guidelines:

(a) Vehicular Access:

There shall be no direct vehicular access to the Trans Canada Highway.

(b) Vehicle Parking:

Parking surfaces should be constructed of asphalt, concrete, or paving stone/brick, should be located a minimum of three metres from any parcel line, and should contain oil/water separators. Parking areas shall be designed to physically separate pedestrian and vehicular traffic except at crossing points.

(c) Pedestrian Access:

Within a development site, pedestrian routes should be clearly defined by means of separate walkways, sidewalks or paths in order to encourage and accommodate safe pedestrian access on and off the site. Where public sidewalks, pedestrian routes and crosswalks exist, the on-site walkways should tie in with these.

(d) Landscaping:

Landscaping should be provided as a buffer between multi-family residential developments and any single-family residential use and public roads. Combinations of low shrubbery, ornamental trees and flowering perennials are recommended, as well as low water-use and native nursery trees where feasible. Safety from crime should be considered in landscaping plans.

(e) Lighting:

Lighting shall be designed to illuminate the surface of the site without undue glare spillover to adjacent parcels or to adjacent roads.

(f) Overhead Wiring:

On-site overhead wiring is discouraged in favor of underground wiring.

(g) Drainage:

Site drainage should be engineered to retain and delay storm water runoff in order to reduce peak storm flows. Impervious surfaces should be minimized.

The CVRD Board may, where it believes that development is proposed near or in an area that may be subject to erosion or ground instability, require the applicant to hire an engineer experienced in natural hazards identification and mitigation. The engineer's recommendations shall be incorporated into a Development Permit.

(h) View Protection:

In order to protect the sea views of adjacent parcels, no structures shall be established within the development permit area that exceed 7.5 metres in elevation, as measured from the average natural grade of a proposed structure to the peak of the roof. Flat roofs shall not be permitted. The Regional Board may consider height variations within the Development Permit Area if the heights do not compromise view protection and have no negative impacts on adjacent parcels.

(i) Waterfront Properties:

Preservation of natural shorelines and vegetation shall be encouraged and alterations to shorelines should be minimized. Shorelines must be protected from erosion. The CVRD Board may, where appropriate, seek to preserve or create public walkways.

13.2.5 REQUIREMENTS

An application for a development permit shall include the following:

(a) A written description of the proposed development;

(b) A scalable site plan showing the general arrangement of land uses including the following:

- a. Parcel lines
- b. Existing buildings
- c. Proposed buildings
- d. Parking areas

- e. Vehicular access points
 - f. Pedestrian access points
 - g. Outdoor illumination design
 - h. Recreation areas
 - i. Drainage details
- (c) A scalable site landscaping plan, identifying the plant species or general species type proposed for all landscaped areas;
- (d) A scalable site plan showing fencing or screening, including a diagram of the fence type.
- (e) In addition to the requirements listed above, the CVRD Board may require the applicant to furnish, at the applicant's expense, a report certified by a professional engineer with experience in geotechnical engineering which shall include:
- a. A report on the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition;
 - b. A report regarding the safety of the proposed use and structures on-site and off-site or indicating that the land may be used safely for the use intended;
 - c. Applicants may also be required to hire a geotechnical engineer to supervise development on site.

13.2.6 EXEMPTIONS

The terms of the Multi-Family Development Permit Area shall not apply to:

- (a) interior renovations to existing buildings;
- (b) any subdivisions or other alteration of parcel lines.

13.2.7 VARIANCES

Where a proposed development plan adheres to the guidelines of this development permit area, the Regional Board may give favorable consideration to variances of the terms of its zoning, sign and parking 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 terms of a development permit.

Manager - Development Services Department

May 10th 2008

Cowichan Valley Regional District

175 Ingram St.

Duncan BC

V9L 1N8

Re: Application to rezone 1846 Cowichan Bay Rd. (Wessex Inn)

Attached is our application to rezone the property at 1846 Cowichan Bay Rd. We are proposing to rezone the property from C-4 Tourist Recreational Commercial to a new zone that would be developed to permit Affordable Rental Housing.

We propose to renovate the existing 32 suites at the Wessex Inn by providing new and upgraded; kitchens, bathrooms flooring etc. including exterior facade improvements and landscaping. The improvements would be done under the Federal Governments Residential Rehabilitation Assistance Program (RRAP) with funding provided through Canada Mortgage and Housing Corporation.

With the rapidly rising cost of land and the lack of new rental units being constructed in the South Island we believe the conversion of the Wessex Inn is an excellent opportunity to address the need for affordable rental units.

We have experience with the RRAP and in particular the conversion of an existing motel to affordable rental accommodation. I have attached for your consideration an information sheet which outlines the success of our conversion of the 49 unit Jolly

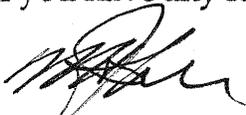
Knight Motel in Victoria. I have also included some before and after pictures for your information.

The existing building is 2 storeys with 16 units on each floor (total 32 units) and we do not propose any change to the number of units or size of the existing building. Work to be done will largely be internal with improvements to the plumbing/wiring, fixtures, flooring etc. The façade of the Inn will be improved with new siding and landscaping etc. and we are proposing that the number of parking spaces remain the same. The building would be managed as a rental apartment building and there is no intention to convert this building to strata condos. We estimate that rentals will be in the range of \$650 monthly.

I have reviewed the Zoning By-Law for Area 'D' and find that there is not a zone to accommodate the proposed conversion. We would need a new zone to be developed that would permit the creation of small studio affordable rental units. Our project in Victoria required that we work with the City Planning Department to develop a new zone to permit the conversion of the Jolly Knight Motel so we do have an example of the type of zone required and would work with the Planners in the CVRD to finalize a new zone.

I understand that the existing fish processing plan adjacent to our property will be demolished and developed as strata units and that there is a drainage ditch between the properties that should be addressed. We are prepared to work co-operatively with the adjacent owners to improve the condition of this drainage ditch which should be an advantage to both properties.

If you have any further questions please call me at 250-818-4350



Mark Johnston

M.H. Johnston & Associates Inc.

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To whom it may concern;

May 12, 2008

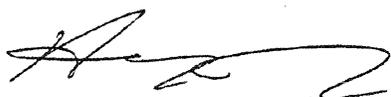
The purpose of this letter is to provide comment on my previous experience working with Michael Kelly under the Federal RRAP Program.

Approximately 5 years ago Mr. Kelly acquired the Jolly Knight Motel on Gorge Road, Victoria, for the purposes of making a number of upgrades and substantially improving the quality of life of the residents. He and his partner went to the neighbourhood association, the municipality and my office to assemble community support and funding to undertake a dramatic renovation and restoration of this facility. Mike encountered a significant amount of neighbourhood NIMBY and municipal bureaucratic resistance to undertake the necessary improvements. Through his determination and openness he not only prevailed but has completed one of the best quality conversions undertaken in the city of Victoria.

The quality of this conversion was recently noticed by BC Housing and they have acquired this property for their long-term community housing endeavors in the Burnside Gorge community area.

As a result of Mike's attention to detail, consultation with the neighbourhood and the quality of his construction work I would heartily endorse his continued efforts to work with the Federal RRAP Program in undertaking additional production of affordable housing.

Yours truly



Henry Kamphof
Senior Manager
Housing Secretariat
Capital Region District
625 Fisgard St Victoria BC

SCOTT-MONCRIEFF & COMPANY

BARRISTERS, SOLICITORS, NOTARIES PUBLIC

BRYAN W. SCOTT-MONCRIEFF*
DAMON O'BRIEN104 - 9710 Second Street
SIDNEY, B.C.
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FAX: (250) 656-6241
www.scott-moncrieff.bc.ca

Direct E-mail: damon@scott-moncrieff.bc.ca

OUR FILE: 13299

March 11, 2009

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

Attention: Regional Directors

Dear Regional Directors:

Re: EBA Application 2-D-08RS (Wessex Inn)

I write on behalf of Mr. Lorenzo Fantillo, who is the principal, director and shareholder of Silver Catch Processing Inc. Our client owns a parcel of land in the Cowichan Bay Village area, which is immediately adjacent to the Wessex Inn property. We write to express his reservations with respect to Zoning Bylaw Amendment Application 2-D-08RS, to redevelop the Wessex Inn property as an affordable housing complex (the "Project"). In Mr. Fantillo's view, locating an affordable housing project in the Cowichan Bay Village area would be equivalent to locating it in Beacon Hill Park or James Bay in Victoria, or Granville Island in Vancouver. In particular, we refer to the following items:

1. Official Settlement Plan

As presently envisioned, the Project is at variance with the Cowichan Bay Official Settlement Plan, dated May 14, 1986, (Bylaw 925). Both the Wessex Inn property and our client's property are located in the Cowichan Bay Village area of Electoral Area D (Policy 8.1). The particular role envisioned for the Cowichan Bay Village area in the official settlement plan is set out in Policy 8.9:

"The Cowichan Bay Village area shall be encouraged to maintain its double role of tourist recreation and local commercial centre. Development proposals which improve the esthetics and viability of the area are to be supported."

- 2 -

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It is doubtful whether the project as presently envisioned serves either as a tourist recreation accommodation, or as a local commercial centre. In fact, it will likely detract from both these aspects of the Cowichan Bay Village area. It is no coincidence that the supportive housing projects in Victoria are generally located in the urban core, or in neighbourhoods that have been traditionally working-class.

Whether the site is ultimately classified as Urban Residential or Multi-family Residential, sufficiency of parking and access to public transit will be a concern for this project. Policy 7.17 states as follows:

“multi-family residential use, for the purpose of this plan, means the development of apartments... or any other type of multiple residential accommodation under any type of ownership but shall not include hotels and motels, duplexes and resort condominiums.”

Policy 7.18 states that the regional board shall consider, among other criteria:

“(that) adequate onsite parking is provided to allow for residents and visitors.”

In our view, sufficiency of parking will be a particular concern for this project, as the Cowichan Bay Village area is so modestly served with public transit. At the present time, the Cowichan Bay Village area is serviced by five buses per week day north and south. Compare this to the Gorge Road location of Mr. Kelly's Jolly Knight project, which is serviced by over 60 buses per day both east and west. Residents who cannot access bus transportation will require parking, and we are concerned that there will be a general insufficiency of parking both for residents and visitors, as contemplated by the Official Settlement Plan.

2. Residential Rehabilitation Assistance Program

There is reference made in correspondence dated May 12, 2008 to Mr. Kelly's involvement with the Federal RRAP program (Residential Rehabilitation Assistance Program). Here are some of the requirements a party must be prepared to meet if they wish to have RRAP funding:

A. Although a maximum grant of \$24,000.00 per unit is theoretically available, an applicant will receive no more funding than they have equity in their property. In other words, if a \$1 million property has \$800,000.00 worth of mortgages and other encumbrances, the maximum amount made available through the RRAP program will be \$200,000.00.

B. The rent chargeable for each unit must be below the prevailing market rate for that community. For the Cowichan Valley area, the maximum monthly rent chargeable is presently \$568.00 per month. We note from the APC Minutes dated February 26, 2009 that \$650.00 per month is the proposed rent amount.

C. The income for each resident must be below a certain threshold. The maximum permissible income for any resident in an RRAP supported facility for 2009 is \$21,000.00 from all sources. By contrast to the general community, the

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2006 census information shows that the average total income for Duncan residents from all sources is \$31,195.00, and for Victoria residents \$37,000.00.

The result of approving this project would be to attract a population to the Cowichan Bay village, with an income considerably lower than the surrounding community.

3. Lack of Access to Support Services

The income level threshold suggests a population that would benefit from ready access to support services. Mr. Kelly's project at the Jolly Knight location, is presently administered by Pacifica Housing Advisory Association ("Pacifica Housing"). This is a not-for-profit organization, which tracks with the BC Government to manage subsidized housing projects. However, in addition to managing the facility on Gorge Road, Pacifica Housing also manages a Housing Outreach Program. These individuals are employed to assist individuals for making transition from homelessness to having secure housing either in the private or not-for-profit market. Pacifica Housing also employs Community Support Workers, who are trained to assist clients with mental illnesses or addictions. On the Pacifica Housing website, the community support worker's role is described as follows:

"Key component of the community support worker position that is pre-emptive, identifying problems before they come to crisis, saving emergency resources and maintaining a stable housing environment for the tenant, landlord and surrounding community. The community support worker provides services that include assessment, life skills training, landlord tenant mediation, case coordination and crisis intervention."

In addition to having the services provided at Pacifica Housing, residents at the Jolly Knight location can access the following support services within their immediate walking distance:

1. Phoenix Human Services Association
2. Meals on Wheels
3. Victoria Cool Aide Society (multiple locations)
4. Philippines Bayanihan Community Centre
5. Single Parent Resource Centre
6. Habitat for Humanity Victoria
7. Blanshard Community Centre

By contrast, within walking distance of the Wessex Inn, there are no support services available.

We are concerned that bringing the subsidized housing into the Cowichan Bay area without the accompanying social services is extremely unwise. Many persons who require the benefit of affordable housing suffer either from addictions or from mental illness, and placing them in the Cowichan Bay Village area, which is largely dependent on tourists for

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its commerce, and thereby isolating them from the support services available on a larger urban setting, such as Victoria, will be a poor fit for either.

We are also concerned that there may be an attending rise in petty crime and property damage, as well as the possibility of increased litter in the immediate park areas (Hecate park and the public lane adjacent to Pritchard Road). As a community largely dependent on tourism, the Cowichan Bay Village area is particularly vulnerable in these regards.

4. Alternatives

Rather than proceeding with the proposed 32-unit bachelor-style affordable housing project, our client suggests that the regional directors consider approving a project with a smaller number of larger units, which will be able to attract a broader range of families, and which will reduce demand on parking space and sewer capacity. With particular regard to the latter consideration, 13 units might be an ideal size, as CVRD engineering has advised us that a residential unit typically requires 42% of the sewer capacity that a motel unit requires, and the Wessex Inn presently has 32 motel units. Also, if provision was made for a certain number of commercial units within the project, this will allow the project to better align with the Official Settlement Plan.

Yours truly,
SCOTT-MONCRIEFF & COMPANY
Per:



Damon O'Brien
DO/amh

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C·V·R·D

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STAFF REPORT

**ELECTORAL AREA SERVICES COMMITTEE MEETING
OF MARCH 17, 2009**

DATE: March 9, 2009 **FILE NO:** 1-C-09RS

FROM: Mike Tippett, Manager **BYLAW NO:** 1405
Regional and Community Planning Division

SUBJECT: Proposed amendment to permit outdoor storage in the Light Industrial 1B Zone in Cobble Hill

Recommendation:

That Application No. 1-C-09RS by Cobble Hill Storage Ltd be approved, and that “outdoor storage” be added as a permitted use in the I-1B Zone in CVRD Zoning Amendment Bylaw No. 3142, that the revised Bylaw 3142 be presented to the Board for consideration of second reading and that Directors Giles, Cossey and Harrison be named as delegates to a public hearing regarding proposed Zoning Amendment Bylaw 3142 and Official Community Plan Amendment Bylaw 3141, and that the referral of these proposed amendments to the Ministry of Transportation and Infrastructure, Ministry of Community Development, and also Cobble Hill Improvement District be accepted.

Purpose:

To consider a request to change the list of permitted uses of the Light Industrial 1 B Zone in Cobble Hill by adding outdoor storage. This zone only applies to one parcel of land on Fisher Road.

Financial Implications:

Usual costs, which have been recovered by the application fee that was paid.

Interdepartmental/Agency Implications:

The site is within 800 m of the Trans-Canada Highway/Fisher Road intersection and so MoTI will have to agree to the proposed amendment in the event that the Board decides to move towards adoption.

Background:

Location of Subject Property: Trans Canada Highway and Fisher Road

Legal Description: Parcel A, (FB153508), Block 1475, Section 13, Range 6, Shownigan District, Plan VIP81077 (PID: 027-434-176)

Date Application and Complete Documentation Received: March 2009

000085

Owner: South Cowichan Storage Ltd.

Applicant: South Cowichan Storage Ltd.

Size of Parcel: 0.8 hectares

Existing Zoning: I-1B

Minimum Lot Size Under Existing Zoning: 0.4 hectares on community water service

Existing Plan Designation: Industrial

Existing Use of Property: Vacant

Existing Use of Surrounding Properties:

North:	Industrial and forested land
South:	Residential
East:	Cobble Hill Elementary School
West:	Industrial

Services:

<u>Road Access:</u>	TCH and Fisher Road
<u>Water:</u>	Cobble Hill Improvement District
<u>Sewage Disposal:</u>	On-site

Agricultural Land Reserve Status: Out

Contaminated Sites Regulation: Declaration signed

Environmentally Sensitive Areas: None shown on GIS

Archaeological Site: None shown on Provincial registry

Advisory Planning Commission Comments:

The Electoral Area C Advisory Planning Commission is meeting on March 12th to discuss this application and their comments will be brought forward to the Committee meeting by Director Giles, or in minute form if that is ready in time.

Referral Agency Comments:

This proposal has been referred to the Ministry of Transportation and Infrastructure, Ministry of Community Development, and also Cobble Hill Improvement District. At the time this report was prepared, no responses had been received owing to the short time between referral and now, but any comments will be brought to the attention of the Board once they arrive.

Of the three referral agencies, we would expect the Ministry of Transportation to have the only significant interest, owing to the proximity of the subject lands to the Trans Canada Highway intersection. That said, the site has I-1B zoning already and the proposed addition of outdoor storage use will likely not elicit concerns that were not expressed at the original time of rezoning.

Planning and Development Department Comments:

The subject property was rezoned to Light Industrial 1B – a new zone for storage/warehousing – a few years ago, but has not been built upon yet. There are also two in-process amendment bylaws that would affect the property: One of these would add this lot to the Trans Canada Highway Development Permit Area and the other amendment would increase the permissible site coverage from 30% upwards to 50%. Both of these amendments are at the pre-notice/hearing stage, so this application could rightly be considered a modification of the in-stream zoning amendment, which would explain why the matter has been brought forward to the Committee so quickly after receiving the application.

The applicants plan to develop a second facility for South Cowichan Storage Ltd. on this site but, in the meantime, they would also like to have the ability to store recreational vehicles and boats out of doors until the construction program for the enclosed storage facility is implemented, projected for 2010. The proposed outdoor storage use is not presently permitted in the I-1B Zone, so if the Board is inclined to approve the use, it should be added to the list of permitted uses. Altering the list of permitted uses would have no collateral effects elsewhere in Cobble Hill, because no other parcel is zoned as I-1B.

In permitting the use of this site for outdoor storage of RVs and boats, two potential concerns come immediately to mind: Appearance and potential effects upon the land when motor vehicles are parked over ground.

So far as the visibility issue is concerned, the addition of the subject property to the Trans Canada Highway Development Permit Area would require that before the land is subdivided or building permits are issued, a development permit would have to be granted by the CVRD. At that time, matters pertaining to the form and character of the proposed development – including appearance – would be addressed. Further, the existing I-1B Zone requires that there be screening alongside any parcel line that is adjacent to another parcel that is not zoned as Industrial. Respecting the short-term plan for outdoor storage, the proponents could be required to enter into an agreement with the CVRD that specifies the form of screening to be employed, specifically from the Fisher Road perspective.

Regarding the potential for the site to be contaminated by fluids dripping from the drivetrain of stored motor vehicles, the applicants have provided us with a copy of their rental contract for customers (attached) which indicates that drip pans will be provided by the owners, to be installed under vehicles, and to be cleaned and removed once vehicles have been removed from the site.

The Official Community Plan Amendment Bylaw (No. 3141) referred to above is holding at second reading and awaiting a hearing. The purpose of this amendment bylaw is to add the subject land to the Trans Canada Highway Development Permit Area.

The amendment to the Cobble Hill Zoning Bylaw (No. 3142) referred to above is underway, and at the public notice stage. This amendment would increase the permitted parcel coverage in the I-1B Zone from 30% to 50%. It would be possible to amend Bylaw 3142 in concert with the amendment proposed in this application by adding the outdoor storage provision to the existing amendment bylaw and refer both in-stream bylaws to hearing at the same time.

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Respecting the particulars of screening, the site presently is fenced off with chain link and the owner has indicated that as a first step, some neutral-coloured plastic stripping could be inserted into the chain link in order to hinder the view onto the property. Additional screening in the form of vegetation is also possible and once a development permit is applied for, this could be made a minimum requirement. It could also be required as a condition of the adoption of the amendment bylaws, which would be enforced by a covenant with a security, to be registered on title and deposited prior to adoption of the amendments.

The applicant is currently engaged in the planting of a vegetative screen along the common boundary with the Cobble Hill Elementary School. The planting is actually on School property but is being done with the consent of the owners. This is a precondition set by the Board previously with respect to the in-stream amendments.

The attached site plan indicates that once the indoor storage facility is constructed on the site, no room at all will remain for outdoor storage.

Staff is of the opinion that – given the intention that the outdoor storage proposed is a transitional use, and that there is the possibility of enacting screening provisions as a pre-condition of approval, that the proposed additional use is not inconsistent with the area, the effects are manageable and it is therefore supportable from a planning perspective.

Options:

1. That Application No. 1-C-09RS by Cobble Hill Storage Ltd be approved, and that “outdoor storage” be added as a permitted use in the I-1B Zone in CVRD Zoning Amendment Bylaw No. 3142, that the revised Bylaw 3142 be presented to the Board for consideration of second reading and that Directors Giles, Cossey and Harrison be named as delegates to a public hearing regarding proposed Zoning Amendment Bylaw 3142 and Official Community Plan Amendment Bylaw 3141, and that the referral of these proposed amendments to the Ministry of Transportation and Infrastructure, Ministry of Community Development, and also Cobble Hill Improvement District be accepted.
2. That Application No. 1-C-09RS by Cobble Hill Storage Ltd be denied and that a partial refund be given to Cobble Hill Storage Ltd. in accordance with CVRD Procedures and Fees Bylaw No. 2255.

Submitted by,

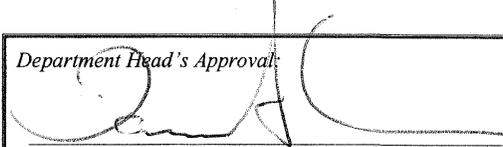


Mike Tippett, MCIP

Manager

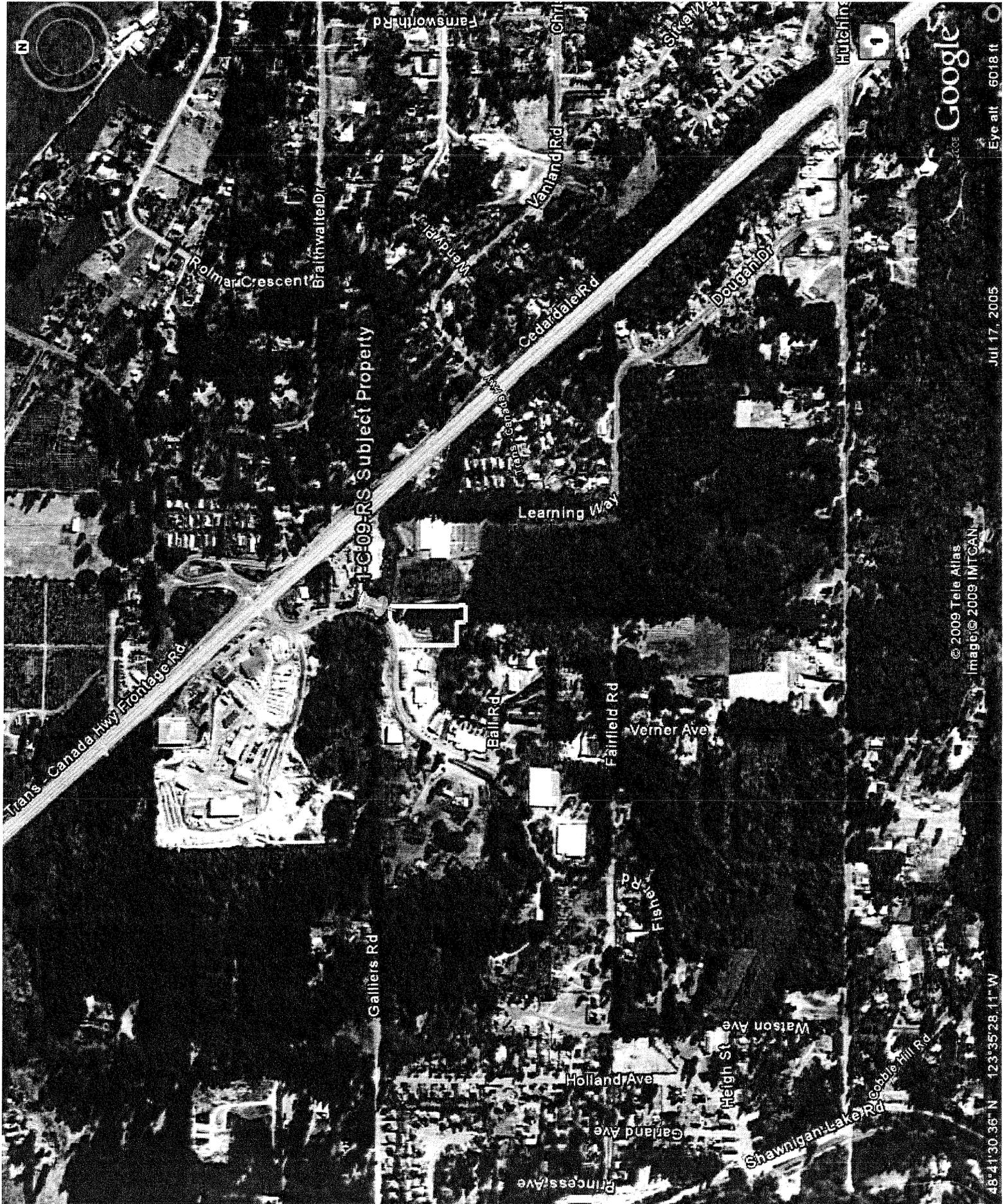
Regional and Community Planning Division

Planning and Development Department

<p>Department Head's Approval:</p> 
<p>Signature</p>

MT/ca

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N

Google

Eye alt 6018 ft

Jul 17, 2005

© 2009 Tele Atlas
Image © 2009 IMTCAN

48°41'30.36" N 123°35'28.11" W

1PG09RS Subject Property

Map labels include:
 Trans-Canada Hwy Frontage Rd
 Rolmar Crescent
 Braithwaite Dr
 Farmsworth Rd
 Kentland Rd
 Cedarvale Rd
 Learning Way
 Verner Ave
 Fairfield Rd
 Baird Rd
 Galliers Rd
 Holland Ave
 Garland Ave
 Heigh St
 Watson Ave
 Fishers Rd
 Shawinigan Lake Rd
 Goble Hill Rd
 Hutchins

000090



Cowichan Valley Regional District

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

The Regional District does not warrant the accuracy.

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

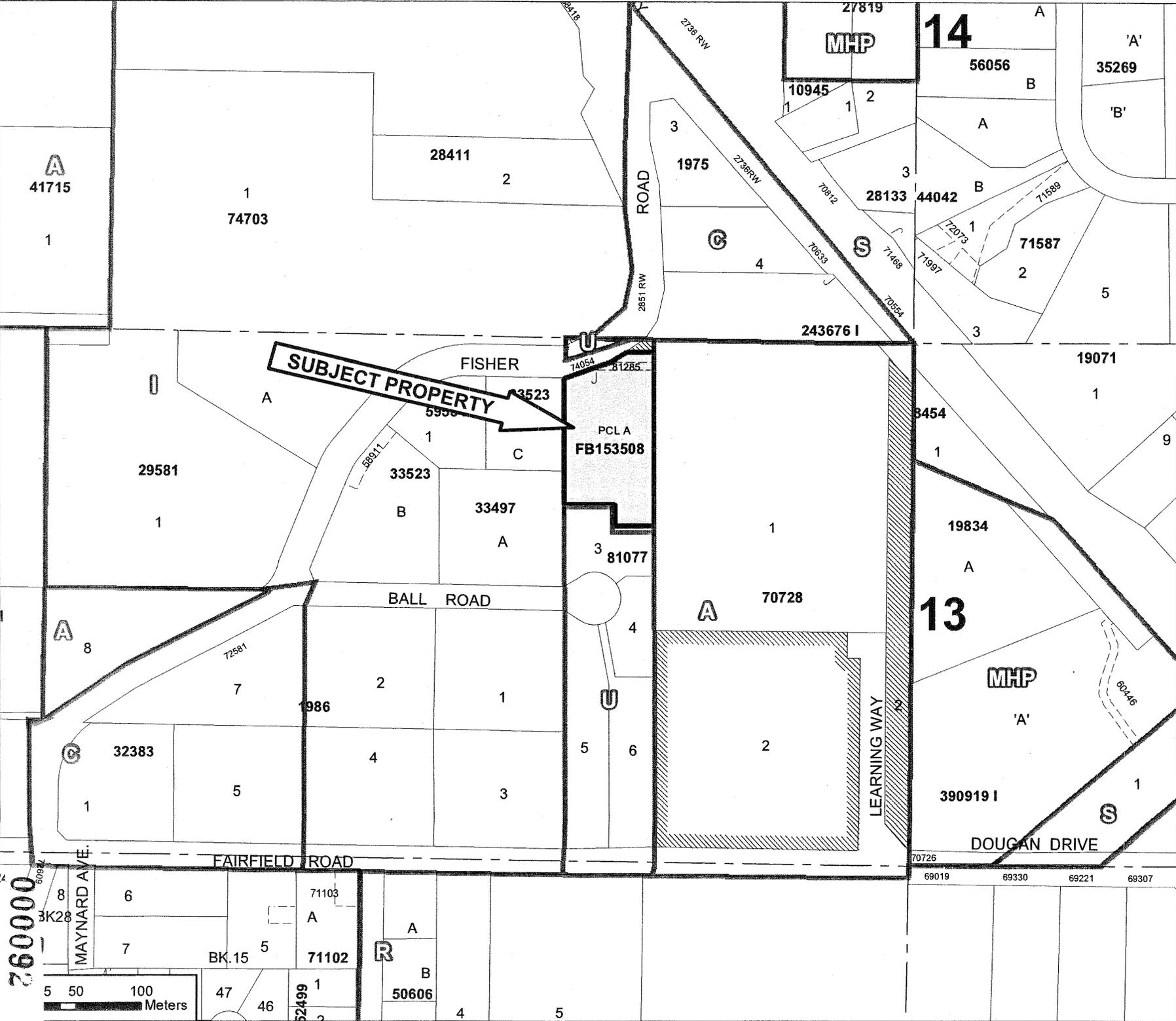
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 1-C-09-RS

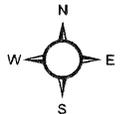
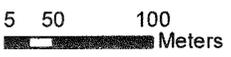
OCP

Legend

-  Subject Property
-  OCP Electoral Area C



26000





Cowichan Valley Regional District

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

The Regional District does not warrant the accuracy.

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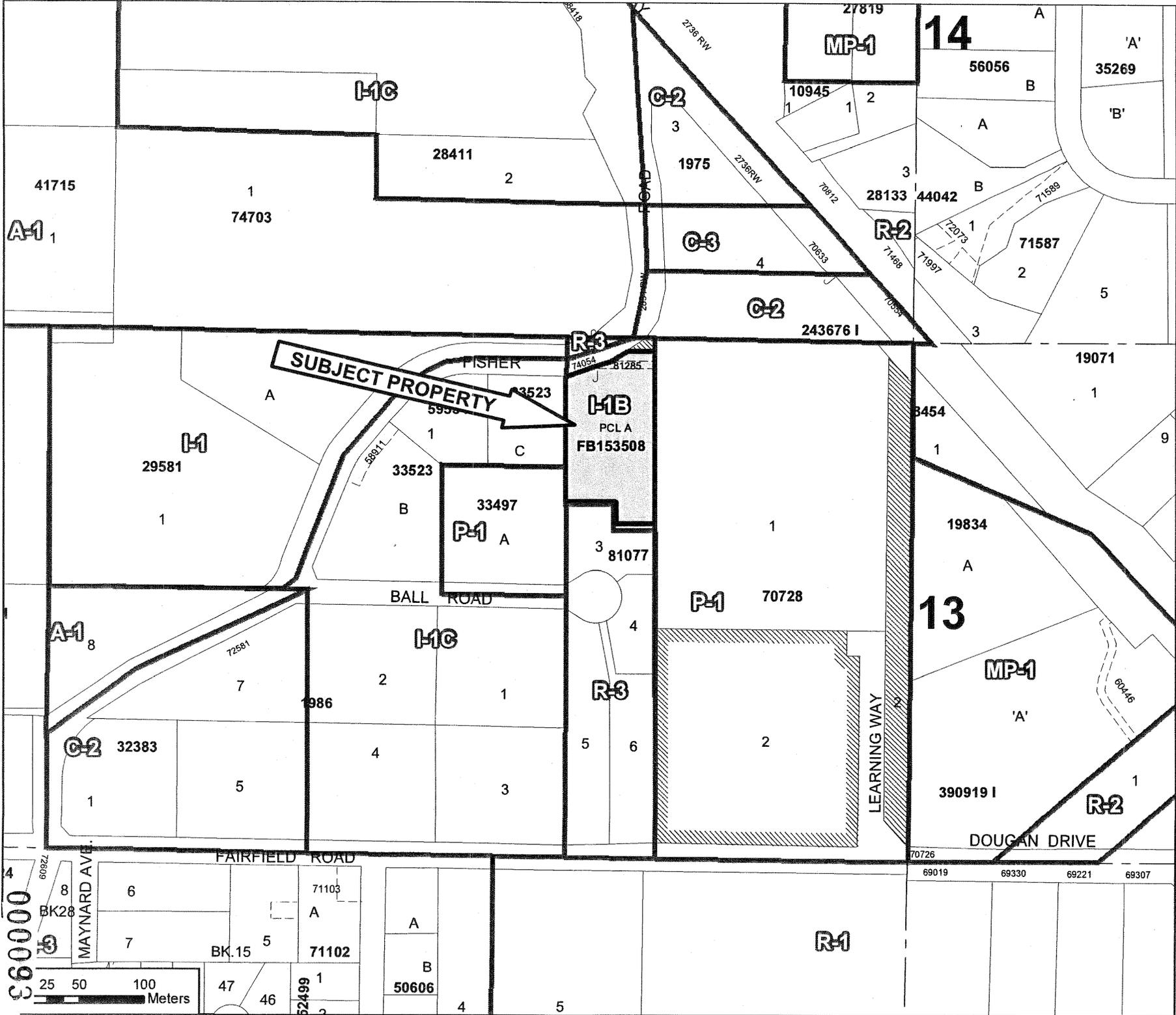
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 1-C-09-RS

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area C



60000
 25 50 100 Meters



SRI

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF FEBRUARY 3, 2009

DATE: January 27, 2009

FILE NO:

FROM: Tom Anderson, General Manager

BYLAW NO:

SUBJECT: Post-Election Discussion

Action:

That this topic be brought forward for discussion purposes.

Purpose:

To allow staff and Directors an opportunity to discuss any matters of concern that may have arisen from the last election.

Financial Implications:

Not Applicable at this time.

Interdepartmental/Agency Implications:

N/A

Background:

Following the election in November, there were a couple of Directors that had questions and concerns about some of the procedures that were followed. Specifically, the fact that the number of polling stations had been reduced in certain areas from those that had existed for previous elections, is one that had been brought forward. Staff would like to have a discussion with Directors on this and any other issues that may have come up so that clarification may be given and changes considered for the next election.

Submitted by,

Tom Anderson,
General Manager
Planning and Development Department

TA/ca

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13.9 **Dedication for Public Use:**

A parcel which is reduced in size by not more than ten (10) percent as a result of a dedication for a public use by:

- a. the Regional District;*
- b. a municipality;*
- c. the Provincial Government;*
- d. the Federal Government;*
- e. an Improvement District;*
- f. the Board of School Trustees; or*
- g. a Public utility.*

by expropriation or purchase, shall be considered to have the same size as it did prior to the dedication for public use. If this deemed size would permit further subdivision, then such subdivision may occur pursuant to the general regulations of this Bylaw and the regulations of this zone in which the parcel is located. No individual parcel created pursuant to this regulation shall, following subdivision, be more than 10% smaller than the minimum parcel size of the zone in which it is located.

This provision was introduced as a means of encouraging the donation of additional lands to the CVRD for parks purposes, in circumstances where doing so would otherwise have denied the applicant the ability to receive the same number of lots, and hence reducing the chance that this extra parkland dedication would have been offered.

There are numerous other dedications listed – some to senior governments – that would also trigger this option, aside from park: notably dedications to the Province of British Columbia and Government of Canada.

Bare Land Strata Subdivision Regulation

Under the *Bare Land Strata Subdivision Regulation*, density averaging is permitted, with the only significant restriction being that density averaging may only be done for lands within the strata:

Approval of plan

- 2 (1) No bare land strata plan shall be approved by an approving officer unless*
- (a) it conforms to the relevant municipal or regional district zoning bylaws and development permits, and*
 - (b) it complies with the Act, this regulation and rules made under section 75 of the Land Surveyors Act.*

(2) Notwithstanding subsection (1) (a), where a zoning bylaw sets out minimum lot or parcel sizes, the approving officer may approve a bare land strata plan containing strata lots of less than the permitted size so long as

- (a) the total area of the land in the bare land strata plan (exclusive of those portions intended to provide access routes) divided by the number of strata lots intended to be created is not less than*
 - (i) where the bylaw specifies a minimum lot size but no average lot size, the minimum lot size so specified, or*

- (ii) where the bylaw specifies a minimum lot size and an average lot size, the average lot size so specified, and
- (b) the approving officer is satisfied that a building or structure appropriate to the intended use can be constructed on each of the strata lots in compliance with the zoning bylaw, or in compliance with a development permit, where a development permit has been issued by the municipality or regional district.
- (3) Nothing in this section authorizes the approving officer to approve a bare land strata plan containing a strata lot that is of a size less than the minimum size prescribed under the Local Services Act, where the land intended to be included in the bare land strata plan is subject to that Act.

[am. B.C. Regs. 307/83; 137/84; 207/2004, s. (c).]

Key in the wording of the above-cited section is the part in bold; anything outside of the strata plan is not available for the purposes of the density averaging regulation. So if a landowner doing a bare-land strata development wished to donate 30% of the site to a local government as park, the local government would either have to take it as a strata lot (unlikely, due to administrative complications) or the developer would have to lose 25% (30% minus the required 5%) of the available density on the site (also unlikely, due to economic realities). The net result is likely to be that the developer would retain the open space/riparian area/SEI land as common property of the strata corporation. And the public would be excluded from this private area.

The portion of the excerpt cited above that is highlighted in grey indicates that this may be overcome if a local government were to adopt in its zoning bylaw a clause that has the effect of reducing the minimum lot size in the zone, which would by-pass clause (2)(a), which is in bold.

On parcels that have significant features that should arguably be in the public domain (e.g.: sensitive ecosystem, riparian area, open space), the amount of land affected can exceed 10% of the total site area. In some cases, it can be 50% or more. So the question is: is there justification for amending the zoning bylaw in order to encourage the donation of such lands to the CVRD?

Policy and Technical Considerations

First consideration in considering a change to the zoning bylaw of this nature would be a decision on the types of proposed public uses under which the Board feels it would be appropriate to allow for smaller lot sizes.

The examples above were using parks and environmentally sensitive features as an example. Staff would suggest that it would be appropriate to limit any such provision to the Regional District parks, whether regional or community. Although CVRD-owned utilities such as sewer systems (being somewhat land-extensive in nature) could arguably benefit from such a provision, we would recommend that these not be included, as these may be better dealt with by measures other than a standing zoning bylaw regulation.

On the technical side, there is a practical limit to how far minimum lot size may be lowered, before servicing and site utilization problems may occur.

In areas that do not have community water services, the Vancouver Island Health Authority would require under their subdivision policy that there be 1 hectare of land for each parcel, and 2000 m² where community water services are present (although the Ministry of Transportation and Infrastructure Approving Officer is not bound by this policy). So measures ought to be introduced into this proposed regulation that would ensure that the intent of these policies, which are reflected in CVRD zoning standards, are respected in the event the regulation is applied.

With respect to areas that are fully serviced with both community sewer and community water, there would be no technical limitations to reducing lot sizes other than the practical matter of meeting setbacks and lot coverage standards. However, there could be aesthetic concerns regarding the creation of very small lots. But these very small lots can be created regardless, under the *Bare Land Strata Subdivision Regulation*, so it boils down to whether the open space, riparian area or SEI polygon should be in public hands, or the hands of a private strata corporation. If an amendment allowing for a density credit for park dedication is made, it may come to the public, but if we do not, it will certainly remain private.

A final key consideration regarding the proposed amendment is that in order to avail themselves of the possibility of smaller lots in consideration of public dedication over and above the required 5% under Section 941 of the *Local Government Act*, the CVRD would have to agree to take over the land being proposed as park. This means that this clause could only be invoked with the CVRD's explicit agreement and cooperation. We would not have to accept rocky cliffs as park or other features that the Parks Division and Parks Commission determine are not in the public interest.

Proposed Amended Bylaw Sections

Staff have prepared the following wording in the event that the Committee feels that it would be appropriate to proceed with an amendment. The present Section 13.9 would be rewritten – as noted below – by eliminating CVRD Parks (fully serviced areas only) from the list of public purposes, and the others would remain. Then an additional section would be written with respect to potential park dedications, as suggested below:

13.9 *Dedication for Public Use:*

A parcel which is reduced in size by not more than ten (10) percent as a result of a dedication for a public use by:

- a. the Regional District, other than for regional or community parkland in fully serviced areas (community water and community sewer);*
- b. a municipality;*
- c. the Provincial Government;*
- d. the Federal Government;*
- e. an Improvement District;*
- f. the Board of School Trustees; or*
- g. a Public utility.*

by expropriation or purchase, shall be considered to have the same size as it did prior to the dedication for public use. If this deemed size would permit further subdivision, then such subdivision may occur pursuant to the general regulations of this Bylaw and the regulations of this zone in which the parcel is located. No individual parcel created pursuant to this

regulation shall, following subdivision, be more than 10% smaller than the minimum parcel size of the zone in which it is located.

13.10 Parcel Area Requirements Where Additional Parkland is Accepted by CVRD:

Where an owner of land being subdivided dedicates as parkland in fee simple title to the CVRD amounting to greater than 5% of the land being subdivided, the area greater than 5%, but not more than 50%, may, for the purposes of calculating minimum parcels sizes set out in this Bylaw, be included in the total area of lots being created, and the parkland in fee simple is deemed not to be lots. This regulation is subject to all of the following conditions:

- a. lot yield shall not be increased over what would be available were no additional parkland being proposed;
- b. the parcels being created shall not be so small as to cause difficulties with the area required for a sewage disposal field or well, or create parcels which would require setback variances in order to be built upon;
- c. the parklands proposed must be in a location and condition that is acceptable to the CVRD Parks Department.

Advisory Planning Commission Comments:

The Mill Bay/Malahat Advisory Planning Commission reviewed this proposed amendment t the meeting of March 4, 2009, and is supportive of moving forward to the Board with the proposal.

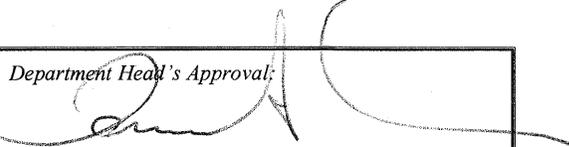
Options:

- 1. Status quo.
- 2. That Mill Bay/Malahat Zoning Bylaw No. 2000 be amended by replacing the present Public Land Dedication regulation for the purposes of parklands in fully serviced areas with a new one that would grant up to 50% reductions in lot area requirements, provided appropriate servicing is in place, where lands over and above the 5% Section 941 park requirement are accepted by the CVRD as either community or regional parkland, and that the proposal be referred to the Ministries of Transportation and Community services, and the Vancouver Island Health Authority.

Submitted by,



Mike Tippett, MCIP
Manager
Regional and Community Planning

<p>Department Head's Approval:</p> 
<p>Signature</p>

MT/ca



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 33XX

**A Bylaw For The Purpose Of Amending Zoning Bylaw No. 2000
Applicable To Electoral Area A – Mill Bay/Malahat**

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

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area A – Mill Bay/Malahat, that being Zoning Bylaw No. 2000;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 2000;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 33xx – Area A – Mill Bay/Malahat Zoning Amendment Bylaw (Additional Parkland Regulation), 2009**".

2. **AMENDMENTS**

Cowichan Valley Regional District Zoning Bylaw No. 2000, as amended from time to time, is hereby amended in the following manner:

a) That Section 13.09 is deleted and replaced with the following:

13.14 Dedication for Public Use:

A parcel which is reduced in size by not more than ten (10) percent as a result of a dedication for a public use by:

- a. the Regional District, other than for regional or community parkland in fully serviced areas (community water and community sewer);
- b. a municipality;
- c. the Provincial Government; .../2
- d. the Federal Government;
- e. an Improvement District;
- f. the Board of School Trustees; or

g. a Public utility.
 by expropriation or purchase, shall be considered to have the same size as it did prior to the dedication for public use. If this deemed size would permit further subdivision, then such subdivision may occur pursuant to the general regulations of this Bylaw and the regulations of this zone in which the parcel is located. No individual parcel created pursuant to this regulation shall, following subdivision, be more than 10% smaller than the minimum parcel size of the zone in which it is located.

13.10 Parcel Area Requirements Where Additional Parkland is Accepted by CVRD:

Where an owner of land being subdivided into Bare-Land Strata lots under the *Strata Property Act* dedicates as parkland in fee simple title to the CVRD an amount greater than 5% of the land being subdivided, the area of fee-simple parkland that is greater than 5%, but not more than 50%, may, for the purposes of calculating minimum parcels sizes set out in this Bylaw, be included in the total area of lots being created in the Bare-Land Strata, and the parkland in fee simple is deemed not to be a parcel or lot. This regulation is subject to all of the following conditions:

- a. lot yield shall not be increased over what would be available were no additional parkland being proposed;
- b. the parcels being created shall not be so small as to cause difficulties with the area required for a sewage disposal field or well, or create parcels which would require setback variances in order to be built upon;
- c. the parklands proposed must be in a location and condition that is acceptable to the CVRD.

3. FORCE AND EFFECT

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

READ A FIRST TIME this ____ day of _____, 2009.

READ A SECOND TIME this ____ day of _____, 2009.

READ A THIRD TIME this ____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.

 Chairperson

 Secretary



SR3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MARCH 17, 2009

DATE: March 11, 2009 **FILE NO:** 2255
FROM: Mike Tippett, Manager **BYLAW NO:** Procedures and
Community & Regional Planning Division Fees Bylaw 2255
SUBJECT: Proposed revision to the fee schedule charged at the time of OCP amendment and
rezoning applications

Recommendation:

That CVRD Development Application Procedures and Fees Bylaw No. 2255 be amended by raising the supplementary fee schedule for residential, commercial and industrial land uses from \$100 per dwelling unit or 1000 square metres of commercial/industrial lot area proposed to \$120, and that the appropriate amendment bylaw be presented to the Board at the next opportunity for consideration of three readings and adoption.

Purpose:

To propose amendments to the OCP and Zoning amendment fee schedules to address servicing-related matters.

Financial Implications:

The intent is to recover costs for the professional services provided at the time of OCP amendment and rezoning applications by the Engineering and Environmental Services Department, through the Development Application Procedures and Fees Bylaw. The additional funds would be transferred to the Engineering and Environmental Services Department where the proposal lies within an existing service area administered by that department, or where a new CVRD service area is proposed or required as a result of the OCP or zoning amendment application. Staff in both Departments would arrange the transfers where appropriate.

Interdepartmental/Agency Implications:

None apparent, other than those listed above.

Background:

The attached memorandum from the General Manager of the Engineering and Environmental Services Department explains that his staff time is used copiously in many cases where new developments are proposed, both where the proposed development is in an existing CVRD service area and where it is not.

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In some cases, one hundred or more hours of staff time could be spent reviewing the particulars of a proposed development that would be CVRD-serviced, with the application ultimately being denied. At least in cases where an application is approved and the service area is eventually created, there is an opportunity for limited recovery for the up-front engineering work costs, but full cost recovery is not possible under the status quo.

Planning and Development Department Comments:

The only solution for the Engineering and Environmental Services Department is to add some supplemental fees to the application costs for OCP amendments and zoning amendments. The General Manager estimates that an additional \$20 per additional residential unit or 1000 square metres of additional commercial or industrial lot area would recover these costs at an appropriate rate, and this rate could be reviewed in the future to ensure that it remains appropriate.

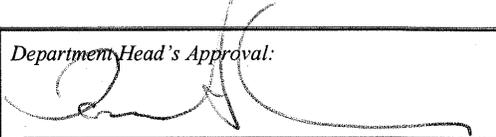
Options:

1. That CVRD Development Application Procedures and Fees Bylaw No. 2255 be amended by raising the supplementary fee schedule for residential, commercial and industrial land uses from \$100 per dwelling unit or 1000 square metres of commercial/industrial lot area proposed to \$120, and that the appropriate amendment bylaw be presented to the Board at the next opportunity for consideration of three readings and adoption.
2. That Development Application Procedures and Fees Bylaw No. 2255 not be amended at this time.

Submitted by,



Mike Tippett, MCIP
 Manager
 Community and Regional Planning Division
 Planning and Development Department

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

MT/ca



MEMORANDUM

DATE: March 11, 2009
TO: Mike Tippett, Community & Regional Planning Division
FROM: Brian Dennison, P. Eng., General Manager, Engineering & Environment
SUBJECT: Engineering and Environment staff cost for assessment of Rezoning applications.

Over the years, Engineering staff have assisted Planning staff in the assessment of certain rezoning applications. This has particularly been the case with larger proposals that involve extensive new servicing for sewer and water systems. In many cases, the viability of the proposed development is dependant on the capacity of the proposed new systems and the impact on the surrounding environment.

Traditionally, the Engineering Department's staff costs for this work has been absorbed into the overall staff cost for Engineering functions, as the level of activity in this area has been modest. However, in recent years the demand on Engineering staff time has significantly increased and is now putting some strain on staff resources. There are three reasons for this increase.

1. The growth pressure on the CVRD has dramatically increased resulting in numerous development proposals of the scale where servicing issues are critical to the rezoning process.
2. With increasing standards and heightened sensitivity regarding environmental issues, there is more expectation on the part of the public that these issues have been addressed comprehensively.
3. The range of issues that require consideration by Engineering and Environmental Services staff has expanded to include drainage, street lighting and environmental issues such as LEEDs standards.

Thus, there is typically more attendance at meetings with the proponent or CVRD staff or sub-committees, public meetings, review of supporting documents and report writing. Due to the nature of this work, it tends to involve more senior staff.

Therefore, it is requested that Bylaw No. 2255 be amended to increase the rezoning fees in order to recover cost for Engineering and Environmental Services staff time. If an assumption is made that our staff time is roughly one-fifth of the time employed by Planning and Development staff for a given application, then an increase of \$20.00 over the existing \$100.00 would be appropriate. It is proposed to track the level of staff involvement over the course of 2009 and, if required, adjust this figure in 2010.

Brian Dennison, P. Eng.,
General Manager, Engineering & Environment



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 33XX

**A Bylaw to amend CVRD Development Application Procedures and Fees
Bylaw No. 2255, 2001.**

WHEREAS the Board of Directors of the Cowichan Valley Regional District has adopted a procedures and fees bylaw pursuant to Sections 895 and 931 of the Local Government Act, that being CVRD Development Application Procedures and Fees Bylaw No. 2255, 2001;

AND WHEREAS the Board of Directors of the Cowichan Valley Regional District believe it to be in the public interest to amend CVRD Development Application Procedures and Fees Bylaw No. 2255 by collecting additional fees from Official Community Plan and Zoning Amendment applicants in order to recover Engineering and Environmental Services costs;

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

CITATION

1. This Bylaw may be cited for all purposes as the CVRD Development Application Procedures and Fees Amendment Bylaw No. 33xx, 2009.

AMENDMENT

2. Section 7 of CVRD Development Application Procedures and Fees Bylaw No. 2255, 2001 The FEE SCHEDULE - REZONING/OFFICIAL PLAN AMENDMENT is deleted and replaced by the following:

FEE SCHEDULE - REZONING/OFFICIAL PLAN AMENDMENT

<u>TYPE OF APPLICATION</u>	<u>FEE</u>
(a) OFFICIAL PLAN AMENDMENT ONLY:	\$2200.
(b) OFFICIAL PLAN AMENDMENT COMBINED WITH ANY ZONING AMENDMENT:	\$2400. plus amounts shown in (d) and (e) below, if applicable
(c) ZONING MAP AND/OR TEXT AMENDMENT:	\$2200. plus amounts shown in (d) and (e) below, if applicable
(d) ZONING ALLOWING 3 OR MORE NEW DWELLINGS OR PARCELS :	an additional \$120. for each dwelling or parcel permitted by the amendment bylaw*
(e) ZONING FOR COMMERCIAL OR INDUSTRIAL: (for parcels 0.3 ha or greater in area)	\$120. plus a further \$120. for each additional 0.1 ha of parcel area

ENVIRONMENTAL/GEOTECHNICAL CONSULTANT FEE:

In the cases where environmental or geotechnical reports have been submitted by the applicant as part of an application, these reports may require an independent review prior to any decision being made on a development permit. The applicant shall be required to pay the Regional District for the estimated costs of the independent review (up to \$5,000. maximum) before the review is undertaken.

1. The application fees prescribed above shall be due upon application regardless of whether or not the rezoning/plan amendment application is approved.
2. **Refund Policy** If an application for Official Plan, Zoning or Land Use Contract is withdrawn, denied by the Board or deemed inactive in accordance with Section 14 of this Bylaw, in all cases prior to the CVRD having caused a Newspaper Notice to be published:
 - a full refund will be given only where the file has not been worked on at all by CVRD Development Services staff;
 - a refund of \$1,500. will be given to the applicant, in cases where the application fees were either \$2,200. or \$2,400.;
 - a refund of \$1,500. plus an additional \$33 per extra \$100 of application fees paid will be given to the applicant.
3. All applications must be acted upon. Any rezoning application that has been inactive for more than one calendar year is considered defunct and closed unless otherwise determined by the Regional Board. Should the applicant wish to reactivate the file, he or she must re-apply and submit the required fees.

- *4. For residential development, the number of dwellings or parcels permitted shall be calculated by dividing the total area of the site to be rezoned by the maximum parcel or dwelling density allowed by the proposed zone regardless of the level of water or sewer servicing.

READ A FIRST TIME this th day of March, 2009.

READ A SECOND TIME this th day of March, 2009.

READ A THIRD TIME this th day of March, 2009.

ADOPTED this th day of March, 2009.

I hereby certify this to be a true and correct copy of Bylaw No. 33xx as given Third Reading on the th day of March, 2009.

Secretary

Date

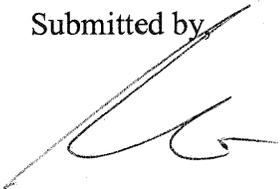
Chairperson

Date

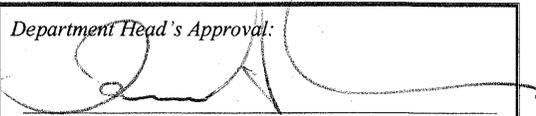
Staff has also recently held discussions with the local detachments of the RCMP. The general feeling after these discussions is very positive! Members have indicated that they appreciate the fact that there is flexibility built into the process which allows them to either issue the ticket on the spot or wait until our Bylaw Enforcement Official can issue the ticket the following business day. Regardless, a book will be provided to each detachment along with verbal and written instruction on how to issue them.

As noted, we are attempting to administer the ticket process as closely to the CRD's system as possible. Efforts will be made to attend their court proceedings in the near future for training purposes. While the first few disputed tickets will likely be prosecuted by our legal counsel, the goal is that the Bylaw Enforcement Official will prosecute these proceedings as a standard procedure.

Submitted by



Nino Morano,
Bylaw Enforcement Officer
Planning and Development Department

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

NM/ca

Community Charter

MUNICIPAL TICKET INFORMATION

ISSUED TO:

SURNAME OR CORPORATE NAME		<input type="checkbox"/> YOUNG PERSON
GIVEN NAMES (OR CORPORATE NAME CONTINUED)	GENDER M / F	BIRTHDATE (YY MM DD)
ADDRESS		
CITY	PROVINCE	POSTAL CODE

The bylaw enforcement officer says that he or she has reasonable and probable grounds to believe, and does believe, that the above named

on or about

DATE OF OFFENCE		
YY	MM	DD

 at the time of

(24 hr Clock)	

at or near _____
Street Address

Province of British Columbia

Did commit the offence indicated, under the following bylaw:

DESCRIPTION OF OFFENCE	SECTION	FINE AMOUNT
		\$

If you wish to dispute the allegation contained in this ticket, you may appear at the following location to give notice of dispute:

*The Capital Regional District
 #212 - 2780 Veterans Memorial Parkway
 Victoria, B.C. V9B 3S6*

or deliver, have delivered, or mail a **Notice of Dispute** to the above address as described on the reverse.

The fine amount may be paid at the above address in accordance with the prescribed instructions (see reverse).

DISPOSITION NOT DISPUTED	For Court Use	DATE YY MM DD
<input type="checkbox"/> CONVICTED AND FINE SET BY BYLAW IMPOSED	AT TRIAL	
<input type="checkbox"/> QUASHED	<input type="checkbox"/> CONVICTED	FINE AMOUNT IMPOSED \$ _____
	<input type="checkbox"/> DISMISSED	

SIGNATURE OF JUSTICE _____

BYLAW ENFORCEMENT OFFICER'S NAME OR NUMBER _____ DATE OF SERVICE (YY MM DD) _____

AREAS OF THIS TICKET OUTLINED IN BOLD BLACK ARE NOT PART OF THE OFFENCE CHARGED

BYLAW ENFORCEMENT OFFICER'S SIGNATURE _____

If the fine is not paid or the allegation contained in this ticket is not disputed (see reverse) within 14 days, this ticket will be treated as not disputed, you may be convicted in your absence and without a hearing and, upon conviction, the fine amount will be imposed for the offence charged.

COURT COPY



CRD No 05502

CAPITAL REGIONAL DISTRICT
Bylaw Enforcement & Animal Control Services
206-2780 Millstream Rd., Victoria, B.C. V9B 3S6 474-3351 Gulf Islands 1-800-665-7899

WARNING NOTICE

Issued to:
SURNAME SMITH (M) F I.D. _____

GIVEN NAMES BOB

ADDRESS 784 VESUVIUS

PHONE 537-5555 DOB: Y _____ M _____ D _____

Vehicle Info:
LICENCE NO. _____ PROV _____ MAKE _____

MODEL _____ COLOURS _____ YEAR _____

THE BYLAW ENFORCEMENT OFFICER BELIEVES THAT THE ABOVE NAMED PERSON DID, ON OR ABOUT:

Y 07 M 10 D 10 AT APPROXIMATELY 17:11 HR

AT OR NEAR 784 VESUVIUS
STREET ADDRESS

IN SALT SPRING COMMIT THE FOLLOWING VIOLATION(S)
JURISDICTION (MUNICIPALITY)

OF THE FIRE REGULATION BYLAW No. 1, 2007
BYLAW NAME

VIOLATION	SECTION NO.	POTENTIAL FINE
<u>BURNING GREEN DEBRIS</u>	<u>76(ii)</u>	<u>\$100</u>
VIOLATION	SECTION NO.	POTENTIAL FINE
		\$
VIOLATION	SECTION NO.	POTENTIAL FINE
		\$

YOU ARE REQUIRED TO RECTIFY THE ABOVE VIOLATIONS

IMMEDIATELY or WITHIN _____ DAYS FROM THE DATE OF THIS NOTICE

FAILURE TO DO SO MAY RESULT IN FURTHER ENFORCEMENT ACTION.

DOBOS #13 BYLAW OFFICER'S NAME & or NUMBER
Y 07 M 10 D 10 DATE OF SERVICE

Please call Bylaw Officer to discuss @ _____ (ext. # _____)

WHITE: OFFICE YELLOW: VIOLATOR GREEN: FILE



SR5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MARCH 17, 2009

DATE: March 10, 2009 **FILE NO:**
FROM: Tom Anderson, General Manager **BYLAW NO:**
SUBJECT: Application for Permanent Change to Liquor Licence - 5325 Trans Canada
Highway (Southside Inn)

Recommendation:

That the Cowichan Valley Regional District not provide comment on the application by the Southside Inn to extend their hours of operation. And that the Liquor Control and Licensing Branch undertake the process of determining resident views of the proposed change.

Purpose:

To obtain a Committee recommendation on the request by the Southside Inn to change their hours of operation.

Financial Implications:

N/A

Interdepartmental/Agency Implications:

N/A

Background:

The Southside Inn has made application to the Liquor Control and Licensing Branch to amend their hours of operation so that they may open at 11:00 a.m. on Friday and Saturday instead of noon. And, further, that they may extend their hours of operation from midnight to 1:00 a.m. on Sunday evenings. See attached letter and regulatory information found in Part 11.

Under Liquor Control and Licensing Branch Regulations, the Regional District may choose to undertake a process for determining residents views on such a proposal. Guidelines provided to Local Governments regarding how resident views of the proposed changes are obtained are relatively open and depend upon the setting and potential issues which may have to be addressed. Methods recommended include: holding referendums, receiving written comments, conducting public meetings, or any other methods deemed reasonable by local government.

000112

The guidelines do, however, state that local government must consider and address the following criteria:

- ❑ The potential for noise if the application is approved.
- ❑ The impact on the community if the application is approved.
- ❑ Whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose.
- ❑ The views of residents if the licence amendment may affect nearby residents.

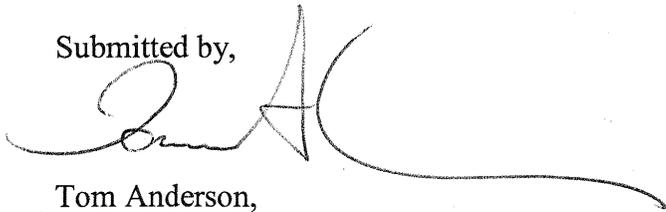
See regulatory information found in Part 16 which is attached.

The Regional District may also choose not to comment on this matter. Upon receipt of a Regional Board resolution to that effect, the Liquor Control and Licensing Branch would undertake a notification process via the local newspapers requesting comments from the public and make a decision based on the responses.

Comment:

Given the location of the subject property and the relatively minor amendment to the hours of operation requested, staff recommend that the Regional District opt not to undertake a process to determine residents views on this application and that the Regional Board pass a resolution to that effect which may be forwarded to the Liquor Control and Licensing Branch

Submitted by,



Tom Anderson,
General Manager
Planning and Development Department

TA/ca
attachments



C.V.R.D.
RECEIVED

MAR 09 2009

GRAND G MOTEL

Located in Duncan, British Columbia, Vancouver Island, Canada

March 6, 2009

CVRD

Dear Sir or Madam:

I am writing this letter to request completion of Part 16 of page 8. This section is required by LCBL for the change in hour of our Liquor Primary (PUB). The LCBL will require a resolution from the committee commenting on the change or a letter stating that they have no comment. The hours to be changed are indicated on page 6. If you have any questions please contact me at 250-732-7388, thanks.

Sincerely,

Win Myint
General Manager

The Grand Motel
5325 Trans Canada Highway, Duncan BC V9L5J2
Phone: 250-748-0661 Fax: 250-244-1577 Email: grandmotel@shaw.ca

000114

APPLICATION FOR PERMANENT CHANGE TO A LIQUOR LICENCE

INSTRUCTIONS: To apply, please complete all applicable fields then submit with payment as outlined in Part 14 of this form. You may complete this form online, then print. If you are completing this form by hand, please print clearly using dark ink.

- If you have any questions about completing this application, call the branch toll-free at: **1-866-209-2111**.
- LCLB forms and supporting materials referred to in this document can be found at: **www.pssg.gov.bc.ca/lclb/publications**

Licensee Information

Licensee name (as shown on licence): Southside Inn

Establishment name (as shown on licence): Southside Inn

Establishment address: 5325 Trans Canada Highway

City: Duncan

Province: British Columbia

Postal code: V9L5J2

Contact person: (LAST NAME, FIRST, MIDDLE) Myint, Win, K.

Title/Position: General Manager

Telephone: (250) 732-8388

Facsimile: (250) 737-1615

Mailing address (if different from above):

City:

Province:

Postal code:

Telephone: ()

Facsimile: ()

Type of Change Requested

Please check (✓) appropriate box(es) below and provide licence numbers affected for each requested change. You may complete more than one change section on this form. **An incomplete application package will be held for a maximum of thirty (30) days.** If still incomplete after the thirty (30) day period, the application may be terminated.

Type of change requested	Licence numbers affected MANDATORY	JOB NUMBER Office Use ONLY
<input type="checkbox"/> 1. Internal Transfer of Shares (p.2)		(C2-LE)
<input type="checkbox"/> 2. External Transfer of Shares (p.2)		(C1-LE)
<input type="checkbox"/> 3. Change of Directors or Officers (p.2)		(C1-LE)
<input type="checkbox"/> 4. Name change, person (p.3)		(C2-LE)
<input type="checkbox"/> 5. Name change, licensee – corporation (p.3)		(C2-LE)
<input type="checkbox"/> 6. Name change, licensee – partnership (p.3)		(C2-LE)
<input type="checkbox"/> 7. Name change, licensee – society (p.3)		(C2-LE)
<input checked="" type="checkbox"/> 8. Establishment or licence name change (p.4)	133620	(C2-LIC) (sub)
<input type="checkbox"/> 9. Addition of receiver or executor (p.4)		(C2-LIC) (sub)
<input type="checkbox"/> 10. Food-primary entertainment endorsement (p.5)		(C2-LIC) (sub)
<input checked="" type="checkbox"/> 11. Change to hours of sale (p.6)	133620	(C3-LIC) (sub)
<input type="checkbox"/> 12. Request for change in terms and conditions (p.6)		(C3-LIC) (sub)

REFER TO PART 17 FOR THE APPROVAL PROCESS FOR THE TYPE OF CHANGE YOU HAVE REQUESTED

Applying for other permanent changes to your licence:

- To apply for alterations or additions to a licensed establishment (structural changes), use an **Application for a Structural Change:** for . . . Liquor Primary, Liquor-Primary Club and Winery Endorsements (LCLB012a) or for . . . Food Primary, Manufacturer and Licensee Retail Store (LCLB012c).
- To apply to have a third party management firm or lessee operate your licensed establishment, or for a resident manager to operate your establishment, use the separate form called **Application for a Third Party Operator or Resident Manager** (LCLB012b).

PART 11. CHANGE TO HOURS OF SALE

C3 - LIC

(Liquor-Primary, Liquor-Primary Club, Food Primary & Winery endorsements)

Pursuant to Section 12(3) of the Liquor Control and Licensing Act, the general manager may limit the days and hours that an establishment is permitted to be open for the sale of liquor.

Hours of liquor sales for Food-Primary establishments must be in keeping with the dining habits of the clientele expected. Liquor must not be served unless the establishment is open for the service of a varied selection of menu items.

Licensees may apply to revise hours of sale, subject to any restrictions within the *Liquor Control and Licensing Act*, Regulations, branch policies and/or original terms and conditions of licensing. In some instances, the general manager of the Liquor Control and Licensing Branch may require the licensee to post public notices before a decision to alter licence hours is considered.

Check (✓) the appropriate change, and provide the requested information and documents:

- (a) Food-Primary – request to change hours of liquor sales before midnight: complete proposed hours of sale table below

Fee: \$110 per licence x licences = \$

- (b) Food-Primary – request to extend hours of liquor sales later than midnight
(Note: patron participation entertainment must end by midnight)

- complete proposed hours of liquor sale table below, and
- request a local government/First Nation resolution commenting on the application (local government must **complete Part 16** of this form; for further information on local government resolutions, read Part 15)

Fee: \$330 per licence x licences = \$

- (c) Liquor-Primary, Liquor-Primary Club or Winery Lounge – any change to hours of sale (earlier opening or later closing)

Fee: \$330 per licence x 1 licences = \$ 330

- complete proposed hours of liquor sale table below, and
- request a local government/First Nation resolution commenting on the application (local government must **complete Part 16** of this form; for further information on local government/First Nation resolutions, read Part 15)

Please complete the table below, indicating proposed hours of liquor sales and days closed:

Current Hours of Liquor Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	11:00 am	11:00 am	11:00 am	11:00 am	Noon	Noon	11:00 am
Close	1:00 am	1:00 am	1:00 am	1:00 am	2:00 am	2:00 am	Midnight

Proposed Hours of Liquor Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	11:00 am	11:00 am	11:00 am	11:00 am	11:00 am	11:00 am	11:00 am
Close	1:00 am	1:00 am	1:00 am	1:00 am	2:00 am	2:00 am	1:00 am

Reason for change in hours:

We are extending our hours on Sunday due to the music entertainment we have planned every Sunday and midnight is too early.

Are you submitting an application to transfer the location of a Food-Primary licence with this application? yes no

Note – Relocating a Food-Primary establishment: An endorsement for hours of liquor service after midnight cannot transfer location without local government/First Nations comment and LCLB approval. Use Part 11b (above) to reapply for the endorsement but do not pay the application fee(s). OR, use Part 10b (on page 5) to reapply for Patron Participation. **Also complete Parts 13 and 14**

PART 12. REQUEST FOR A CHANGE IN TERMS AND CONDITIONS

C3 - LIC

Fee: \$110 per licence x licences = \$

This section may be used for special requests to the general manager of LCLB for exceptions to policy related to the terms and conditions of a liquor licence. Please attach:

- A letter of intent describing, in detail, the proposed change to your licence and the reasons for the request.

Also complete Parts 13 and 14

RT 15: LOCAL GOVERNMENT/FIRST NATION RESOLUTIONS: Information for the Applicant

For the following change types, a resolution from your local government or First Nation, commenting on the application, is required:

- Part 10(b): Food-primary patron participation entertainment endorsement
- Parts 11(b) and 11(c): Change to hours of sales

Licensee responsibilities:

- Fill out appropriate change application sections in this form.
- **Request your local government/First Nation sign and date Part 16** of this form.
- Provide a photocopy of this form to the local government/First Nation and request that a resolution be provided within 90 days and sent directly to the Liquor Control and Licensing Branch, Victoria Head Office.
- Send the original form and application fees to the branch.
- The Liquor Control and Licensing Branch will follow up with the local government/First Nation if a resolution has not been received by the branch within 90 days of the local government's receipt of your request.

Your local government/First Nation may decide that it does not wish to provide comment on your change request. However, they must still provide a resolution stating this decision and this resolution must be submitted to the Liquor Control and Licensing Branch.

For more information on resolutions regarding B.C. liquor licences, please visit the LCLB Web site publication index to consult the guide *Role of Local Government and First Nation* at <http://www.pssg.gov.bc.ca/lclb/publications/index.htm>

PART 16: LOCAL GOVERNMENT/FIRST NATION CONFIRMATION OF RECEIPT OF APPLICATION

To be filled out by your local government or First Nation office in relation to sections 10(b), 11(b) and 11(c) of this form.

Local government/First Nation (name): _____

Local police jurisdiction: _____

Date: _____

Name of official (printed): _____ Position: _____
LAST NAME / FIRST NAME / MIDDLE NAME

Signature: _____

This application serves as notice from the Liquor Control and Licensing Branch that an application for a permanent change to a liquor licence is being made within your community. The Liquor Control and Licensing Branch (LCLB) requests that a resolution commenting on the application be sent to the LCLB Victoria Head Office within 90 days of the above date of receipt. If more than 90 days is required to provide a resolution, please contact the branch to make a request to the general manager for an extension. If the local government/First Nation decides not to provide comment, a resolution indicating this decision must be provided to the branch. Please be advised that if the LCLB does not receive a resolution or a request for an extension within 90 days, the general manager is authorized to review the application without a resolution, considering factors (a) through (d) below, and make a decision about the application.

All of the items outlined below in points (a) through (d) must be addressed in the resolution in order for the resolution to comply with section 53 of the Liquor Control and Licensing Regulation. Any report presented by an advisory body or sub-committee to the council or board may be referenced in and attached to the resolution.

- (a) The potential for noise if the application is approved (provide comments).
- (b) The impact on the community if the application is approved (provide comments).
- (c) Whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose (**provide comments only if the application is from a food-primary licence for an extension of hours of service past midnight or the addition of patron participation entertainment**).
- (d) The views of residents if the licence amendment may affect nearby residents (describe the views of residents, the method used to gather the views and provide comments and recommendations with respect to the views. If the views of residents were not gathered, provide reasons).

For more information on resolutions regarding B.C. liquor licences, please visit the LCLB Web site publication index to consult the guide *Role of Local Government and First Nation* at <http://www.pssg.gov.bc.ca/lclb/publications/index.htm>



REC'D

C1

COWICHAN VALLEY REGIONAL DISTRICT MAR - 3 2000

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

Financial Services Department

Submitted by Director LORI IANNIDINARDO Area D

Grantee: _____ Grant Amount \$ 750⁰⁰

NAME: COWICHAN SECONDARY SCHOOL

ADDRESS: 2652 JAMES STREET
DUNCAN BC. V9L 2X2

Contact Phone No: 250-748-0359 746-4435

PURPOSE OF GRANT: BUSARY AWARD 1-750⁰⁰

REQUESTED BY: Lori L. Iannidinardo
Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
<u>01-2-1950-0205-114</u>	<u>750.⁰⁰</u>	<u>10.0</u>

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____



November 13, 2008

Call - FRANCES KELSEY -

Area D Director
CVRD
Duncan, BC

Dear Sir/Madam:

RE: Cowichan Valley Regional District – Area D Bursary

We are beginning to collect the information for our Scholarships and Bursaries Booklet. Your generosity to our students has always been greatly appreciated. By recognizing their achievements and investing in their future, you are giving them not only the financial assistance they need to pursue their goals, but also the realization that their community believes in their potential.

Please confirm your continued support by completing the attached questionnaire(s) and return to us at your earliest convenience, if possible before December 19, 2008.

Thank you for your support.

Yours truly,

COWICHAN SECONDARY SCHOOL

Joan Chatterton

Joan Chatterton
Scholarship/Bursary Chairperson

JC/gj

Enc.

Finance	Copies to:
	<i>D. A. Tansley</i>
Committee (s)	
<i>JC</i>	Date: <i>Nov. 17/08</i>
File #	

Important Date: Scholarship and Bursary Award Night – 7 p.m., Wednesday, June 10th, 2009



REC
MA

C2

COWICHAN VALLEY REGIONAL DISTRICT

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

Financial Services Department

Submitted by Director LORI IANNIDINARDO Area D

Grantee: _____ Grant Amount \$ 750.00

NAME: FRANCES KELSEY SECONDARY SCHOOL

ADDRESS: P.O. BOX 279 MILL BAY BC VOR 2P0
c/o MS. NORMA WHEELER

Contact Phone No: 250 748 6916 ~~0359~~

PURPOSE OF GRANT: BUSARY AWARD 1-750.00

REQUESTED BY: Lori L. IannidinarDO
 Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0103-114	750.00	10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____



F R A N C E S

K E L S E Y

S E C O N D A R Y S C H O O L

C.V.R.D.
RECEIVED
NOV 03 2008

P.O. BOX 279 MILL BAY, BRITISH COLUMBIA, V0R 2P0 TEL (250) 743-6916 • FAX (250) 743-6915
SCHOOL DISTRICT 79 (COWICHAN VALLEY)

November 2, 2008

Cowichan Valley Regional District Electoral Area B Shawnigan Lake
Mr. Ken Cossey
175 Ingram Street
Duncan, BC, V9L 1N8

Dear Mr. Ken Cossey :

At this time, our attention is once again focused on scholarships and bursaries, which are awarded annually to our graduating students.

We take this opportunity to thank you for the steadfast support shown our students in the past. The importance of these awards increases as the cost of further education escalates. There is no doubt that this help often makes a significant difference to many individual students.

Please let us know if your organization will be able to donate to the program again this year. If so, please initial that all information is correct or revise the attached information sheet and return it by mail or fax (250-743-6980) to Ms. Norma Wheeler by Friday, January 23, 2009.

Thank you for your support.

Sincerely,

Mr. Mike Martin
Scholarship and Bursary Chairperson

MM/njw
Encl.

Original:	<i>Frances</i>	Copies to:	
Board:			<i>Ken Cossey</i>
Committee(s):			
Date:	<i>11/2/08</i>		
File #			

000121

C3



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director KEN COSSEY Area B

Grantee: _____ Grant Amount \$ 250.00

NAME: PACIFIC COAST MASTERS CURLING ASSOCIATION

ADDRESS: 90 T. LESLIE DALE
4544 LANES ROAD
COWICHAN BAY BC VOR INZ

Contact Phone No: (250) 748 0369

PURPOSE OF GRANT: TO HELP SUPPORT A SENIOR
MEN'S CURLING COMPETITION.

REQUESTED BY: K. Cossey
 Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0352 112	250.00	10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature] MAR - 3 2009

VENDOR NO. _____

Financial Services Department

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____

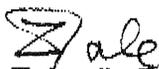
Chairman and Directors,
Cowichan Valley Regional District,
Duncan, BC

PACIFIC COAST MASTERS CURLING ASSOCIATION was formed to promote and support senior men's curling on the Lower Mainland and Vancouver Island. There are 4 zones; two are on the Island and 2 are in the Greater Vancouver area. The lower Island is zone one and is comprised of curlers from Duncan, Kerry Park, Juan de Fuca and Glen Meadows. Competition is divided into two categories; sixty+ and seventy+. Each year we determine zone winners in each category and compete with our counterparts from the BC Interior. Zone 1 is host this year and we have chosen Duncan Curling Club over Kerry Park Curling Club due to lack of necessary accommodations in the South Cowichan area.

As senior director of zone one I have put together a committee of senior curlers from Kerry Park Curling Club and Duncan Curling Club to plan and execute the event. To this end we need to raise funds for ice rental, meet & greet social evening with wine and cheese as well as other snacks, daily coffee and donuts for early morning curlers, the opening ceremony with a bagpiper as well as other amenities to give the visiting curlers and their spouses a feeling of good fellowship and entertainment on and off the ice, and to present a good impression of the hospitality available in Duncan, North Cowichan and the entire Cowichan Valley.

In order to host this event in a manner consistent with the precedents set in other clubs over the years we require 4 to 5 thousand dollars. Each of the 4 clubs will be conducting fundraising events with the main burden being with the Duncan and Kerry Park Senior Select curling leagues. To that end we are asking local companies to donate \$100 each and the District of North Cowichan and the City of Duncan to contribute \$500 each. As the majority of the curlers are from the South End we are asking Areas "A", "B", "C" and "D" to contribute an equivalent amount.

Yours truly



T. Leslie Dale

Senior Director, zone 1
Chairman organizing committee

4544 LANES RD
COWICHAN BAY BC
VOR 1N2

000123

C4



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director KEN COSSEY Area B

Grantee: _____ Grant Amount \$ 350.00

NAME: BARD @ BLANTWOOD

ADDRESS: 90 ROD PEACE - T. GIL BUNCH CENTRE FOR PERFORMING ARTS

2735 MT. BAKER ROAD MILL BAY BC V0R 2T1

Contact Phone No: (250) 743 8756

PURPOSE OF GRANT: HELP WITH THE PRODUCTION OF A PLAY.

REQUESTED BY: K. Cossey
Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0312-112	350.00	10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. _____

RECEIVED
MAR - 3 2009
Financial Services Department

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization 000124



SUMMER PRODUCTIONS

bard@brentwood

T.GIL BUNCH CENTRE

C.V.R.D.
RECEIVED

FEB 03 2009

Cowichan's Shakespearean Festival

January 30th, 2009

Mr. Ken Cossey,
Area Director, Shawnigan Lake
c/o CVRD
175 Ingram Street,
Duncan, B.C.
V9L 1N8

Dear Ken:

Thanks in part for your financial and moral support, our Bard@Brentwood seasons over the past four years have been successful.

We are now preparing for our 2009 season which will run July 9, 10, 11 and continue the next week on July 16, 17 and 18. Our director, Morgan McLeod, drama instructor, Shawnigan Lake School, will guide his cast in another comedy for 2009, "Taming of the Shrew".

We are hopeful that your contingency fund will again permit you to sponsor us as you have done in the past. Again, this support will be acknowledged in posters, programs and advertising.

Should you have any questions please do not hesitate to call me.

On behalf of the Board

Rod Pearce, Chair
(250-743-0760)

Original	7 France	Copies to:	D. Cossey
Board:			
Committee(s)			
Checked	for		Feb. 2009
File #			

000125

T. GIL BUNCH CENTRE FOR PERFORMING ARTS

2735 Mt. Baker Road, Mill Bay, BC V0R 2P1

Box Office: (250) 743-8756 • Fax: (250) 743-8775 • <http://bard.brentwood.bc.ca>

PKI

SALTAIR PARKS COMMISSION MONTHLY MEETING #1

Monday , March 2, 2009 7 pm

PRESENT: Mel Dorey, Harry Brunt, Norm Flinton, Nadi Bottomley, Glen Hammond.

ABSENT: Dave Key, Doug Irving, Tim Godau.

Nominations took place, so Director Mel Dorey presided. The meeting opened at 7 pm
Glen Hammond nominated Harry Brunt for Chairman, 2nd by Norm Flinton. Harry accepted.
Nadi Bottomley stepped down as Secretary for the parks, and also resigned from the parks
commission.

Harry Brunt nominated Norm Flinton for Secretary, 2nd by Nadi Bottomley, Norm accepted.
There were no further nominations for either position.

Mel Dorey nominated Glen Hammond for Vice-Chair, 2nd by Harry Brunt, Glen accepted.
Nominations for all positions were closed at 7:10 pm.

Regular meeting of the Saltair Parks Commission commenced at 7:10 pm with Harry Brunt presiding.
Harry welcomed everyone.

Agenda: Mel Dorey will call Ladysmith Parks to see if a representative from Area G is needed on their
board, and will get back to the Saltair Commission.

Minutes of previous meeting. Accepted as distributed and read.

Business arising from the minutes: Con Keffer's appraisal not been done yet. A new gate for Stocking
Creek will be put on at a later date.

Reports

CVRD Update: Regional parks acquisition was up to \$715,000. Board decided only \$300,000. Chair of
Regional Parks commission is Mel Dorey.

Budget meetings on at the moment. Trails will be pushed through over the next few years. (2011
maybe in Saltair.)

Centennial Park: Brian Brown and Assistant, working next week on Dugouts. #2 upgrading, installing
concrete foundation wall. A family donated a bench for Centennial park. It will be installed by #1
diamond. Lawn mower will be done soon.

Motioned by Norm Flinton, 2nd by Harry Brunt that—

**The Saltair Parks Commission hire a contractor to install a sprinkler system in Centennial Park, up to
\$31,000. Plus GST. 4 yes, 1 no. Carried.**

Tennis Courts will be done in July or August.

Lights in Cent. Park. On a timer. Piece broken and replaced. Someone has been going into concession
stand and turning the lights on. Keys will be changed.

Page 2, March 2, 2009 minutes

Diana park. 100 yds. Bark mulch dumped. Vern Kornett will level it out.
CVRD sfety tree checks. Clausson Tree Services??
Mrs. Doornbosch – happy with Christmas basket.

Stocking Creek park: Bridge finished. Needs brackets.

Opening for Stocking Creek –Sunday May 3/09. Expenses approx. \$1500.00 for opening.
Suggest that Shirley Blackstaff give guided tours.

Beach Access: Boulder point/Bazan need rock (rip rap)
Harry B. Will check back with Saltair Marine to find out if they can do it.
Don Naslund will power wash stairs @beach access, and tables at Stocking Creek.

Ladysmith Parks: No report.

Ball: Down to 12 teams. \$250.00 per team. Next year \$300.00 April 6 – July Ball season.

Director's report: Given in CVRD update.

Special Events: Easter-April 5 Dave Key and Doug Irving. Dave Key submitted an invoice for the fireworks course.

Next meeting April 6th 7pm Waterboard Building.

Meeting adjourned 9:35 pm

Dates for 2009 meetings. 7pm
April 6,
May 4
June 1
Sept. 7
Oct. 5
Nov. 2

Harry Brunt, Chair

Nadi Bottomley Secretary

000127

PK2

**Area A Parks & Recreation Meeting
February 19th 2009
Held at Brentwood College**

Present: David Gall, Clyde Olgivie, June Laraman, Joan Pope, Clyde and Brian Harrison (Director Area A).

Regrets: Sandilea Vollet, Paris Webster, Greg Farley and Mario Iannidinardo

Meeting called to order at 7:00 PM

Brian Harrison informed the commission that with the election of a new area director that the commission would need to elect a new Chair, Vice Chair and Secretary.

The following Parks & Recreation positions were moved and seconded:

- Chair, David Gall
- Vice Chair, Clyde Olgivie
- Secretary, June Laraman

Parks & Recreation members are appointed and serve until re-appointed. The one year term can be extended at the recommendation of the Area Director to CVRD. Previous understanding by some commission members was that it was a three-year assignment.

New Business:

Regular meeting date is the third Thursday of the month (no meetings July and August) at Brentwood Bay College at 7 PM.

David Gall reminded the commission that the Parks & Recreation 20-year plan for Mill Bay is now on the CVRD website at www.cvrld.bc.ca. As information, the 20-year plan is displayed in map format. The document to which the P&R Commission provided input in 2008 is been finalized and will be adopted by bylaw in 2009.

2009 Budget: Director Harrison asked for clarification of the Parks & Recreation budget for 2009 as there appears to be some question as to what funds should be in the budget currently. This will be pursued by Director Harrison and reviewed at the next meeting.

Mill Springs: Director Harrison also asked the commission to review an October 10, 2008 Recreation map provided by Mill Springs and certify that it was accurate. The designated tot lot by Handysen Creek was unfamiliar to the commission. Brian Harrison to follow up. David Gall to organize another walk-about of the area.

Lazier Rd/Meredith Rd: Motion from the floor to take money in lieu of parkland. Seconded by Clyde Olgivie. Discussion around whether this would be based on assessed value or appraised value. It was clarified that currently the money in lieu would be based on assessed value as per the CVRD process. Brian Harrison to review.

Proposed Amendment to Area A park dedication in strata plans: Brief discussion that this proposed amendment by the CVRD would be discussed at the MB Area Planning meeting on March 4th. The outcome of the discussion at that meeting would be brought to the next P&R meeting.

Next meeting is scheduled for March 19th at 7pm at Brentwood College

Should you be unable to attend please advise June Laraman via email or call at 250 733-2443.

PK3

MAR 03 2009

**COBBLE HILL PARKS AND RECREATION
COMMISSION MEETING**
Thursday, February 26, 2009 7:00 pm.
Cobble Hill Hall
MINUTES

Present: John Krug – Chair, Richard Shaw, Bill Turner, Lynn Wilson, Linden Collette, Ian Sparshu and Area 'C' Director Gerry Giles.

Guest: Ryan Dias, CVRD Parks Superintendent

Regrets: Alan Seal

1. Moved and seconded to amend minutes of the January 22nd, 2009 parks commission meeting as follows:
Under New Business 1: "Gerry has spoken to parks maintenance staff at the CVRD who will make the repairs to the bank at Manley Creek bridge 1 when they replace bridge 2 this year. Bridge 3 is to be replaced in 2010."
MOTION CARRIED
2. Moved and seconded to approve minutes of the January 22nd, 2009 AGM.
MOTION CARRIED.

Business arising from the minutes

1. Richard Shaw provided an update on the bike skills park. A work party met on January 24 and February 14th to trim and clear branches from the bike park area. Several young people attended the work parties. A chipper was brought in and the branches were chipped and cleared. Richard is planning to schedule additional volunteer parties to clear broom from the proposed fence line and to work on a diversion of the walking and bridle trail. Dan Brown from the Parks Department has arranged for the Lunns to come and build the jumps on March 7, 8,9,12, and 13, weather permitting. Tower will do the chain link fencing for the front of the park while volunteers will help fence the rest of the bike park boundary.
2. John and Ian provided an update for the dog park. The South Cowichan Parks Commission will pay to install the water line to the dog park. Water will be provided to the bike park as well. The CVRD is in the process of getting estimates for the water service installation. Jocelyn at Dunkin' Dogs is arranging to have someone come and give free dog etiquette courses at the park this spring. Ryan noted that the design for the back of the sign is complete and the sign will soon be installed. A water fountain that has a dog drinking dish attached will be installed at the dog park. Design and location to be determined. Turf will be added to the park once

the weather permits. Some community members are considering having a one year anniversary celebration at the park. It is likely that the small dog park can be added to the current park within the current year.

3. Commission members are to collect a list of needed maintenance on trails for the summer students projects. We are to bring these to the next meeting so that they can be forwarded to the Parks Board staff.
4. John went to speak to the community member who had requested a trail from Cowerd Road to Chapman Road. John emphasizes the importance of listening and responding to community members' requests even if they cannot be granted.
5. Ryan noted that the Parks and Trails Master Plan for Cobble Hill is schedule to go to the CVRD Board in April. Gerry requested that the Commission get a look at the plan after the Parks Department has completed their work and before the plan goes to the CVRD Board.

New Business

1. Mr. Ryan Dias, the new CVRD Parks Board Superintendent was introduced to the Commission. He described his plan to create policies and standards within the Board to provide consistency and accountability within the parks and from contractors. Easy Living Landscape Holdings has been hired as the maintenance contractor for the next two years. Ryan is currently working on a capital replacement budget for current parks. He noted that approximately 60% of parks cost is maintenance and 40% is planning and approval. Ryan emphasized the importance of keeping the Department informed of all volunteer projects in Cobble Hill. The CVRD Department would like to be involved in scheduling and purchasing. CVRD Parks staff or an elected official need to be present during volunteer work parties. Gerry asked if the alternate director could stand in for the director as he is also sworn in. Ryan will get back to her with a response to that question.
2. Gerry and John shared information about the Northwest Wildlife Preservation Society agreement with the Granfield Farm estate. The Society may benefit from support from the Commission and the Commission would like to have community input on how the land is managed.

Moved and seconded:

"The Cobble Hill Parks Commission Chair will write a letter to David Craig, President of the Northwest Wildlife Preservation Society offering to have the barn on the Granfield Farm professionally inspected at no cost to the Society."

MOTION CARRIED

3. Gerry provided a summary of grants applications. We will know in 3 months if we will get the grant for the cenotaph renovation. We have no new information on the status of the Trees for Tomorrow grant.
4. Commission members asked Ryan about additional garbage cans and dog waste disposal cans at the base of Cobble Hill Mountain and at the water tower. Ryan noted that he is concerned about maintenance costs for too

many waste receptacles in parks. It would be best to limit the number of garbage cans and provide signage directing community members to respect the park cleanliness.

5. We have had renewed offers of wood donations for a shelter in the bike park, a kiosk and picnic shelter at Galliers Road Park, and a train station. The Commission will follow up on offers of downed wood on community members' properties as well as on park land.

Meeting adjourned at 9:10 p.m.

Submitted by Linden Collette, Secretary

API

**Area A Advisory Planning Commission
Meeting
February 7th, 2009
Held at Mill Bay Community League Board Room**

Present: Roger Burgess, David Gall, Archie Staats, Dola Boas, Cliff Braaten, June Laraman, Margo Johnston, and Brian Harrison (Director Area A).

Regrets: Deryk Norton, and Ted Stevens.

Meeting called to order at 10:00 am

The following APC positions were moved and seconded:

Chair, June Laraman

Vice Chair, Cliff Braaten

Secretary, Margo Johnston

New Business:

Regular meeting date is the first Wednesday of the month (no meetings July and August) at Francis Kelsey School at 5:30 pm.

Roger Burgess (Alternate Director) provided an overview of the structure and function of the APC.

APC members are appointed and serve until reappointed. The one year term can be extended at the recommendation of the Area Director to CVRD. Previous understanding by some APC members was that it was a three-year assignment.

Director Harrison gave an overview of possible and real upcoming applications and indicated there could be a need for an APC meeting prior to the next regularly scheduled meeting on March 4th.

Noted – A Community Meeting will held in the Mill Bay Community League on February 12th, 2009 at 7:00 pm. At the meeting Roger Burgess will speak about the role of the APC and the appointed APC team will be announced.

Next meeting will be Wednesday, March 4th, 5:30 pm at Francis Kelsey School.

Meeting adjourned 11:45 am

MEMORANDUM



DATE: March 6, 2009

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

FROM: Brian Duncan, Chief Building Inspector

SUBJECT: BUILDING REPORT FOR THE MONTH OF FEBRUARY, 2009

There were 32 building Permits and 0 Demolition Permit(s) issued during the month of February, 2009 with a total value of \$ 3,006,170

Electoral Area	Commercial	Institutional	Industrial	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"				453,010		2	8	453,010	4,349,340
"B"				969,840	88,000	11	19	1,057,840	1,514,075
"C"				353,980		4	4	353,980	353,980
"D"				101,000		2	5	101,000	144,375
"E"			226,800	19,320		2	3	246,120	247,120
"F"				24,960		2	2	24,960	24,960
"G"				272,540		1	1	272,540	272,540
"H"				105,200		3	6	105,200	411,770
"I"				391,520		5	7	391,520	1,148,520
Total	0	0	226,800	2,691,370	88,000	32	55	3,006,170	8,466,680
NEW RESIDENTIAL					TOTALS TO DATE				
February	2009	(14)		\$ 2,120,715	February	2009	(32)		\$ 3,006,170
February	2008	(12)		\$ 1,672,399	February	2008	(30)		\$ 2,124,685
2 Months	2009	(22)		\$ 3,323,730	2 Months	2009	(55)		\$ 8,466,680
2 Months	2008	(38)		\$ 5,180,139	2 Months	2008	(80)		\$ 6,777,469

B. Duncan, RBO
 Chief Building Inspector
 BD/db

000134

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