



**COWICHAN ESTUARY ENVIRONMENTAL MANAGEMENT PLAN  
COMMITTEE MEETING**

**THURSDAY, SEPTEMBER 29, 2014 AT 2:00 P.M.**

**COWICHAN VALLEY REGIONAL DISTRICT, BOARD ROOM  
175 INGRAM STREET, DUNCAN, BC**

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**AGENDA**

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2.	<b><u>ADOPTION OF MINUTES</u></b>	
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	Western Forest Products log boom lease renewals.	
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7.	<b><u>ADJOURNMENT</u></b>	

The next regular meeting of the CEEMC is scheduled to be held at the call of the chair.

**Cowichan Estuary Environmental Management Plan Committee**  
Ron Diederichs, Chair, MFLNRO [ron.diederichs@gov.bc.ca](mailto:ron.diederichs@gov.bc.ca)  
Rob Conway, CVRD [rconway@cvrd.bc.ca](mailto:rconway@cvrd.bc.ca)  
Mark Harvey, MFLNRO [mark.harvey@gov.bc.ca](mailto:mark.harvey@gov.bc.ca)  
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Larry George, Cowichan Tribes [larry.george@cowichantribes.com](mailto:larry.george@cowichantribes.com)  
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Laura Robertson, CVRD [lrobertson@cvrd.bc.ca](mailto:lrobertson@cvrd.bc.ca)

Minutes of the Cowichan Estuary Environmental Management Committee Meeting held on Thursday, September 11, 2014, at 9:00 a.m. in the Cowichan Valley Regional District CR2 Meeting Room 175 Ingram Street, Duncan, BC V9L 1N8

**PRESENT:** Chair Ron Diederichs, Ministry of Forests, Lands & Natural Resource Operations  
Dana Leitch, Cowichan Valley Regional District  
Lori Iannidinardo, Cowichan Valley Regional District, Cowichan Bay Director  
Brigid Reynolds, Municipality of North Cowichan

**OTHER:** Goetz Schuerholz, CERCA  
Geoff Strong, CERCA  
Linda Wiersma, Cowichan Valley Regional District, Recording Secretary

#### **APPROVAL OF AGENDA**

**It was moved and seconded that the agenda be amended as follows:**

**that D1 precede BA1 and,**

**the agenda as amended be approved.**

**MOTION CARRIED**

#### **ADOPTION OF MINUTES**

**M1** **It was moved and seconded that the Minutes of the Cowichan Estuary Environmental Management Committee Meeting of July 14, 2014, be adopted.**

**MOTION CARRIED**

#### **DELEGATIONS**

**D1** Goetz Schuerholz from CERCA reviewed their assessment of the WFP intertidal report. CERCA's opinion is that the study was unacceptable and should not be used to make any decisions on this subject. Received for information purposes.

#### **BUSINESS ARISING**

**BA1** Western Forest Products log boom lease renewals.  
BA1 referred to the next meeting.

**BA2** **Action item: Chair to have the Ministry request a legal opinion regarding Western Forest Products complying with the Agreement with Province of BC and Government of Canada (1986 Doman).**  
BA2 referred to the next meeting

**BA3** **Action item: Tracy Fleming will distribute reports from Sheri Ayers regarding studies on the impact of dredging and log booming in intertidal lands, to committee members and WFP staff members Derek and Paul.**  
BA3 referred to the next meeting

#### **CORRESPONDENCE:**

**C1** Draft motion from Chair Ron Diederichs regarding the renewal of Western Forest Products (WFP) intertidal log storage was referred to next meeting.

**REPORTS**

**R1**

Staff report dated August 28, 2014, from Dana Leitch, Planner II regarding Development Permit Application 23-D-13DP/VAR for Pier 67 Marina Ltd. was received for information purposes.

The CEEMC discussed requesting more details from the developer on the actual float materials and how the buildings will be brought into compliance with the design bylaws. The CEEMC also requests the status of the lease to be provided along with any required amendments to the lease.

**R2**

Update of Zoning Bylaw No. 3773 was received for information purposes.

**NEXT MEETING**

Next meeting September 29, 2014

**ADJOURNMENT**

**It was moved and seconded that the meeting be adjourned.**

**MOTION CARRIED**

The meeting adjourned at : 10:40 a.m.

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Chairperson

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Recording Secretary

The issue of renewal of Western Forest Products' (WFP) intertidal log storage for the Cowichan Sawmill has been discussed at the CEEMC for several years now. The licensee would like to see progress on the renewal and has made presentations to the FLNRO Decision Maker and the CEEMC (July 14, 2014). WFP purports that the information presented to the Committee shows that they are using the area as designated in the estuary plan and that no environmental impacts are being felt from that use. Some committee members were not in agreement with that assessment, either because they feel that the report focussed on the wrong intertidal biota or that the report was too narrowly focussed on the impacts of uses only within the leases.

To move this issue forward for decision, I propose that the Committee move the decision to the Minister of Environment and I have prepared the following DRAFT MOTION:

That the Chair, CEEMC prepare a Decision Note for the Minister of Environment on the issue of renewal of Western Forest Products' intertidal log storage leases and present three options:

1. Option 1: Renewal of the current leases, maintaining the status quo, retaining the non-grounding clause, which is difficult to enforce at current staffing levels. The term would be for a further period of 5 years.
2. Option 2: Renewal of the current leases with new conditions, The term would be for a further period of 5 years and the conditions would include:
  - a. deleting the requirement to store log booms without grounding on the substrate, as this clause is difficult to enforce.
  - b. requiring WFP to prepare a report for the Minister within 2 years, outlining the steps required to activate WFP's existing deepwater log storage leases that are not being utilised. This will likely be an improved practice that will reduce impacts to the estuarine environment. The Minister would then have a reasonable period to have the CEEMC review the report and instruct the decision maker and WFP on whether or not and how to replace intertidal log storage with deepwater storage before the end of the renewed term, perhaps ending intertidal log storage by WFP in 5 years.
3. Option 3: Reject renewal of the current intertidal log storage leases and instruct WFP to take timely steps to move log storage to deepwater log storage leases that are not being utilised. This will likely be an improved practice that will reduce impacts to the estuarine environment. This would essentially ending intertidal log storage by WFP in a much shorter period of time and would be for a term of 10 years.

The Decision Note must also include the opinion of the CEEMC that supports Option 2 and/ or Option 3





R1

## MEMORANDUM

DATE: August 28, 2014

FILE NO: 23-D-13DP

**TO:** • Electoral Area D – Cowichan Bay – APC Chair and Members  
• Cowichan Estuary Environmental Management Committee

**FROM:** Dana Leitch, MCIP, RPP, Planner II, Planning & Development Department

**SUBJECT:** Development Permit Application 23-D-13DP/VAR  
(Jim Money & Doug MacAlpine for Pier 67 Marina Ltd.)

### Purpose:

To obtain a Development Permit in order to allow the construction of two buildings on Pier 67, a workshop and a restroom building. The subject property is within Marine Village Development Permit Area (DPA) in Electoral Area D.

### Background:

Location of Subject Property: 1745 Cowichan Bay Road (Pier 67), Electoral Area D – Cowichan Bay

Legal Description: District Lots 192 & 193, Block A of District Lot 162 and that part of District Lot 194, lying to the West of the Northerly production of the East boundary, District Lot 192, Cowichan District

Owner: The Province of British Columbia (Crown)

Applicants: Jim Money & Doug MacAlpine (Pier 67 Ltd.)

Size of Parcel: ± 0.23 hectares (± .56 ac) (includes upland and marine areas)

Contaminated Sites Profile: Declaration pursuant to the *Waste Management Act* signed by applicant. No Schedule 2 activity noted

Existing Zoning: W-3 (Water Marina)

Minimum Lot Size Under Existing Zoning: No minimum lot size

Existing Plan Designation: Marine Village

Existing Use of Property: Pier 67 is one of the marinas located within the Cowichan Bay Marina. Pier 67 includes a convenience store and small office (upland), and boat moorage (marine area).

### Use of Surrounding Properties:

North: W-3 Water Marina  
South: W-3 Water Marina  
East: W-3 Water Marina/W-6 (Seafood Processing)  
West: W-3 Water Marina

Road Access: Cowichan Bay Road  
Water: Cowichan Bay Waterworks (Community Water)  
Sewage Disposal: Cowichan Bay Sewer System (Community Sewer)

Environmentally Sensitive Areas: The Cowichan Valley Environmental Planning Atlas identifies a "Shoreline Sensitive Area" on the upland portion of the subject land.

Archaeological Site: None identified in CVRD mapping

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

### **The Proposal:**

The water lease is  $\pm 0.23$  hectares ( $\pm .56$  ac) and includes an upland and marine area. The Marine lands are better known as Pier 67 at Cowichan Bay. Pier 67 Marina Ltd. leases the land from the Province (Lease No. 111603).

The applicants have applied for development permits for two marine buildings. One of the buildings (building #1) has already been constructed and is a restroom. This building, which is currently being used for storage, will contain a sink, shower, and toilet. This building is one level and has a floor area of approximately 196 ft<sup>2</sup>. Building #1 also contains a 300 gallon holding tank and pump. With regards to servicing, this building is connected to the Cowichan Bay Sewer System.

When it is erected, the second building (building #2), which is intended to be used as a workshop, will be one level with a floor area of approximately 672 ft<sup>2</sup>. Building #1 is on an existing float, and building #2 will also be on a float.

According to the elevation drawings submitted by the applicant, both buildings conform to the 7.5 metre (24.6 ft.) height regulation prescribed in the W-3 zone.

In terms of materials, building #1 has vinyl siding, is white, and has a green metal roof. A picture is attached for your reference.

The applicants have submitted elevation drawings of the existing building and a site plan with their application, both are attached to this report for your review and reference. Additionally, the W-3 Zone excerpt has been attached.

### **Official Settlement Plan Policy Context:**

The Marine Village Designation is intended to accommodate marine and other uses in a manner that respects the public realm and unique maritime character of Cowichan Bay.

The subject property is located within the Marine Village DPA; therefore, a development permit is required prior to proceeding with this proposal. The Marine DPA was created to protect the natural environment, to protect development from hazardous conditions, to guide the form and character of commercial development, to promote the reduction of greenhouse gas emissions and to conserve energy and water conservation.

More specifically, the Marine Village DPA provides specific guidelines around: site and environmental design; overwater structures, the provision of public pathways, walkways and other amenity areas; role of landscaping for functional and aesthetic purposes and screening; building design, scale and massing; view protection and exterior lighting and signage.

### **DPA Guidelines**

Development Permit guidelines are the criteria by which development permit applications are assessed. The following is a summary of how the application may or may not comply with the applicable guidelines.

## **General Guidelines**

### **Site and Environmental Design**

The applicant did not provide the CVRD with specific drainage information for the development. From examining the drawings submitted with the application it appears that the new impervious surfaces being created is limited to two small roofs.

With this development, the two buildings do result in increased shading of the estuarine environment, therefore this application has also been referred to the Cowichan Estuary Environmental Management Committee (CEEMC) for consideration and review. The development permit, if issued, will include conditions of approval prescribed by the CEEMC.

The applicants did not provide the CVRD with specific information on run-off or drainage for the proposed development or indicate how that would be managed. During the site visit, the applicants did inform CVRD staff that drainage water will be directed into gutters and then flow via the gutters into the bay. Impervious surfaces being created will involve two small roofs.

No new parking or service areas are being proposed with this development.

There will be no hardening or alteration of the existing shoreline with this development. No repairs to seawalls or retaining structures are being proposed.

### **Overwater Structures**

There are two overwater structures being proposed with this development, two small buildings. The applicants have indicated that the two structures are not located in close proximity to any aquatic vegetation and only a minimum amount of shade will be cast on the water as a result.

One building has already been erected on the surface of the water; it was placed there in the vicinity of October/November of 2013.

There is no artificial lighting being proposed beneath building #1 or building #2 for daytime or evening lighting.

Neither structure requires pilings.

There are no piers, docks, wharves, or gangways being proposed with this development.

Both buildings are located at a sufficient depth of water to prevent the structure from grounding, and the vertical clearance between the level of the lowest tide and the ocean floor substrate is greater than 2.0 metres. There will be no skirting of the overwater structures.

There are no new bulkheads or shoreline armour being proposed with this development.

The floats that the structures are floating on are properly encapsulated with foam and will not break up and be released into the water.

The structures being proposed with this development do not block waterfront views from public roads, walkways, trails or commercial businesses.

### **Public Access, Walkways & Amenity Areas**

No new pathways, public access or seating is being proposed with this development.

### **Landscaping**

No significant landscaping is being proposed with this development. The applicants have indicated that they will be placing hanging floral baskets on the exterior of both structures.

The proposed development does not include any modifications to the foreshore area.

***Vehicular Access***

No new vehicular access is being proposed with this development.

***Parking, Storage and Service Areas***

No new parking, storage or service areas are being proposed with this development.

***Building Design, Scale and Massing***

The scale and massing (i.e. general shape and size) of the two structures are consistent and, generally, in harmony with other marine buildings in the immediate area.

The applicant will be incorporating some architectural elements such as overhangs and varying rooflines and roof angles. Both buildings are human in scale and are one storey.

Building materials will be of durable, non-combustible, weather resistant and natural materials. The specific building materials utilized include vinyl siding with metal roofs. Neutral colours will be utilized. The applicants did mention to planning staff that cedar would be incorporated into the building design.

The applicants have indicated that both buildings will be heated by electric baseboard.

***View Protection***

The siting of both structures and their proposed heights of 3.8 m and 3.3 m do not appear to impact view corridors either from the foreshore area or the waterside of the Marina.

***Heritage Preservation***

The proposed structures are generally compatible in form and design to surrounding marine buildings in Cowichan Bay Village.

***Signage, Wiring, Lighting***

No new signage, wiring, or lighting is being proposed with this development.

**Planning Comments:**

All relevant supporting material associated with the application is attached to this report, along with mapping information and the W-3 zone from Zoning Bylaw No. 1015. The complete Marine Village DPA guidelines have also been included.

We would appreciate your comments and a recommendation being forwarded back to our attention so they may be incorporated into a report that will be prepared for an upcoming Electoral Area Services Committee meeting.

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

Submitted by,



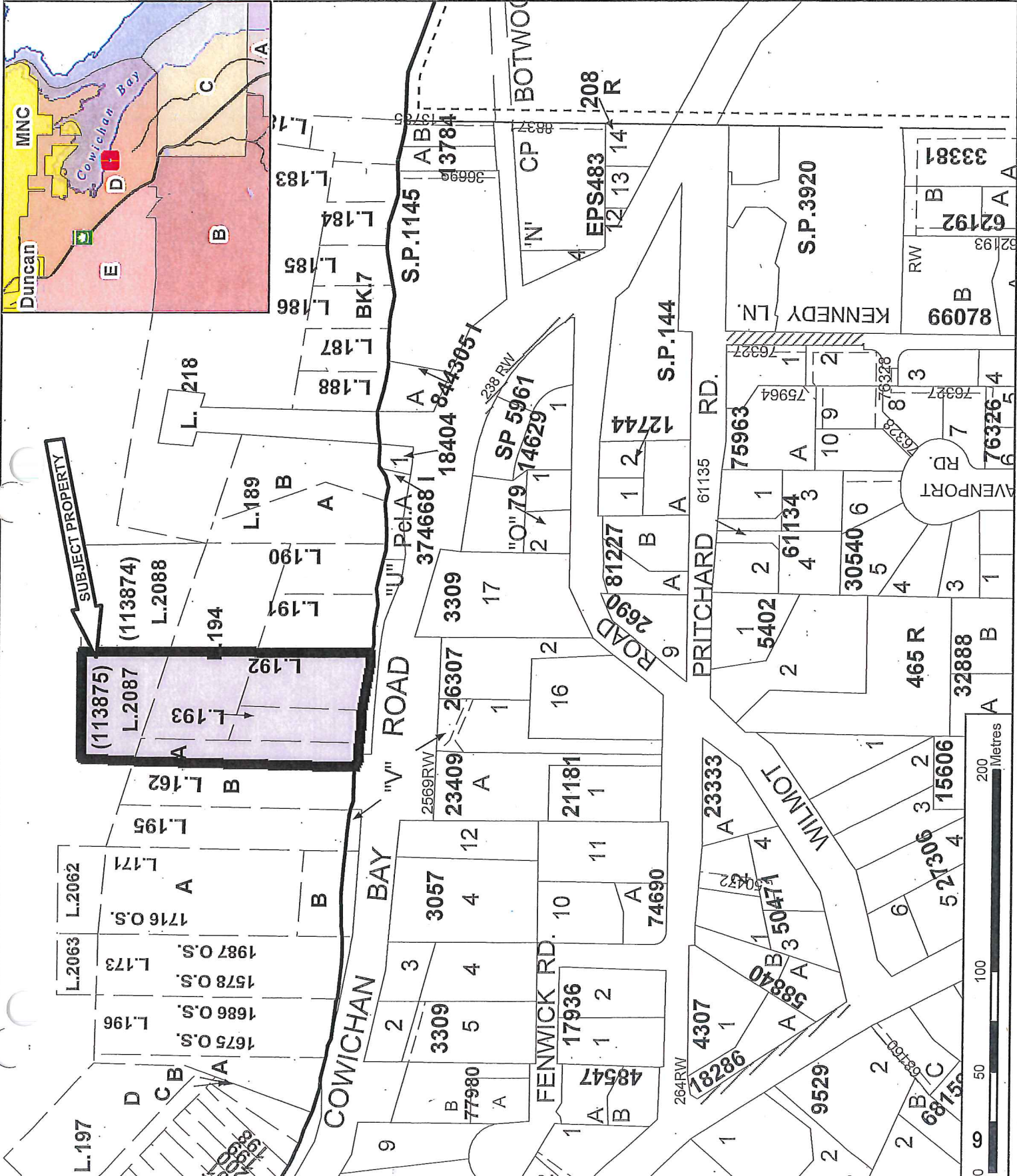
Dana Leitch, MCIP, RPP, Planner II  
Development Services Division  
Planning & Development Department

DL/mica

Attachments

pc: Director L. Iannidinardo, Electoral Area D – Cowichan Bay  
Pier 67 Marina Ltd (Jim Money & Doug MacAlpine, applicants/owners of Pier 67 Marina)









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

The Cowichan Valley Regional District does not warrant the accuracy.

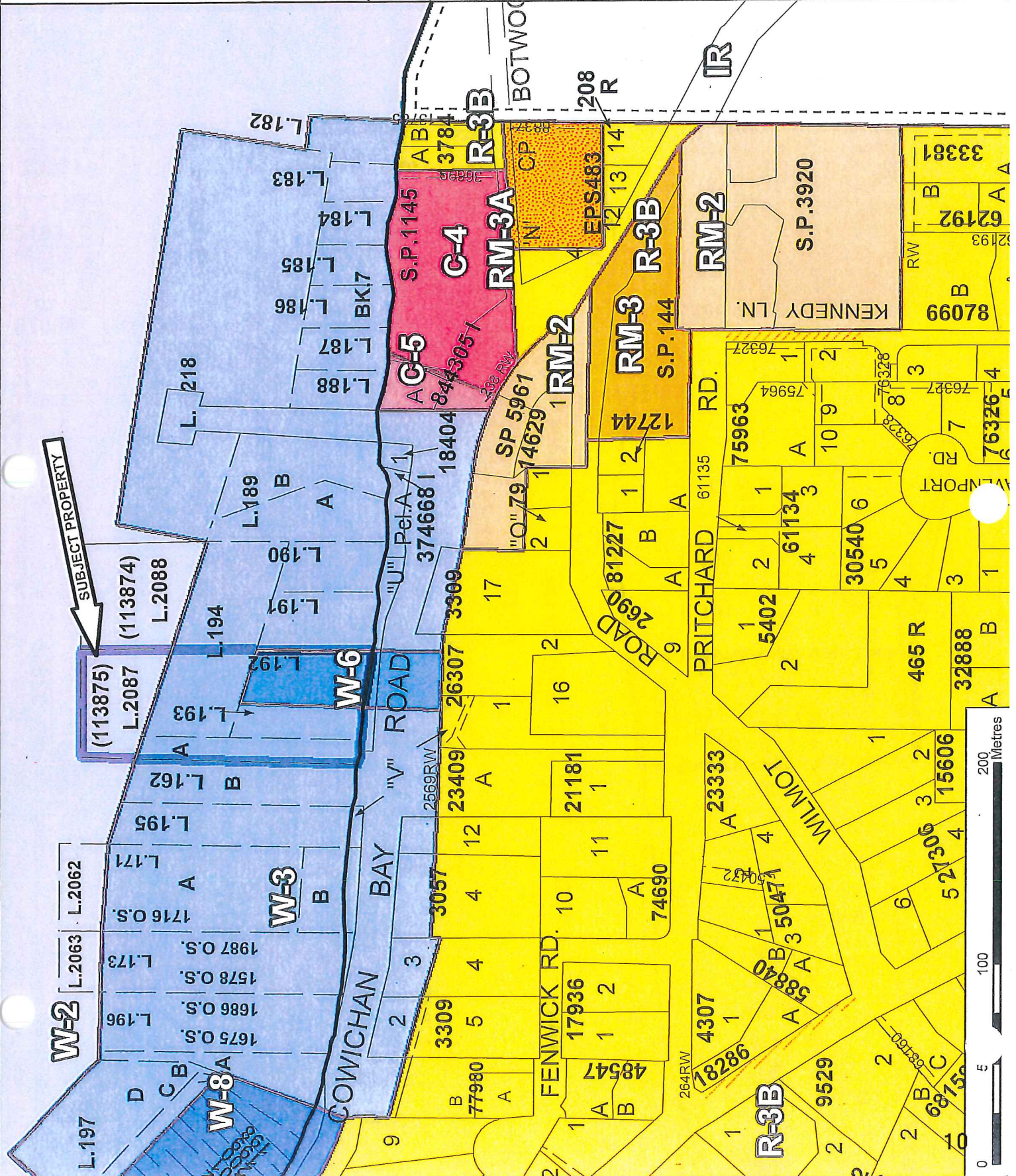
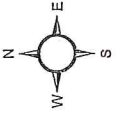
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

File: 23-D-13DP

## ZONING

Legend







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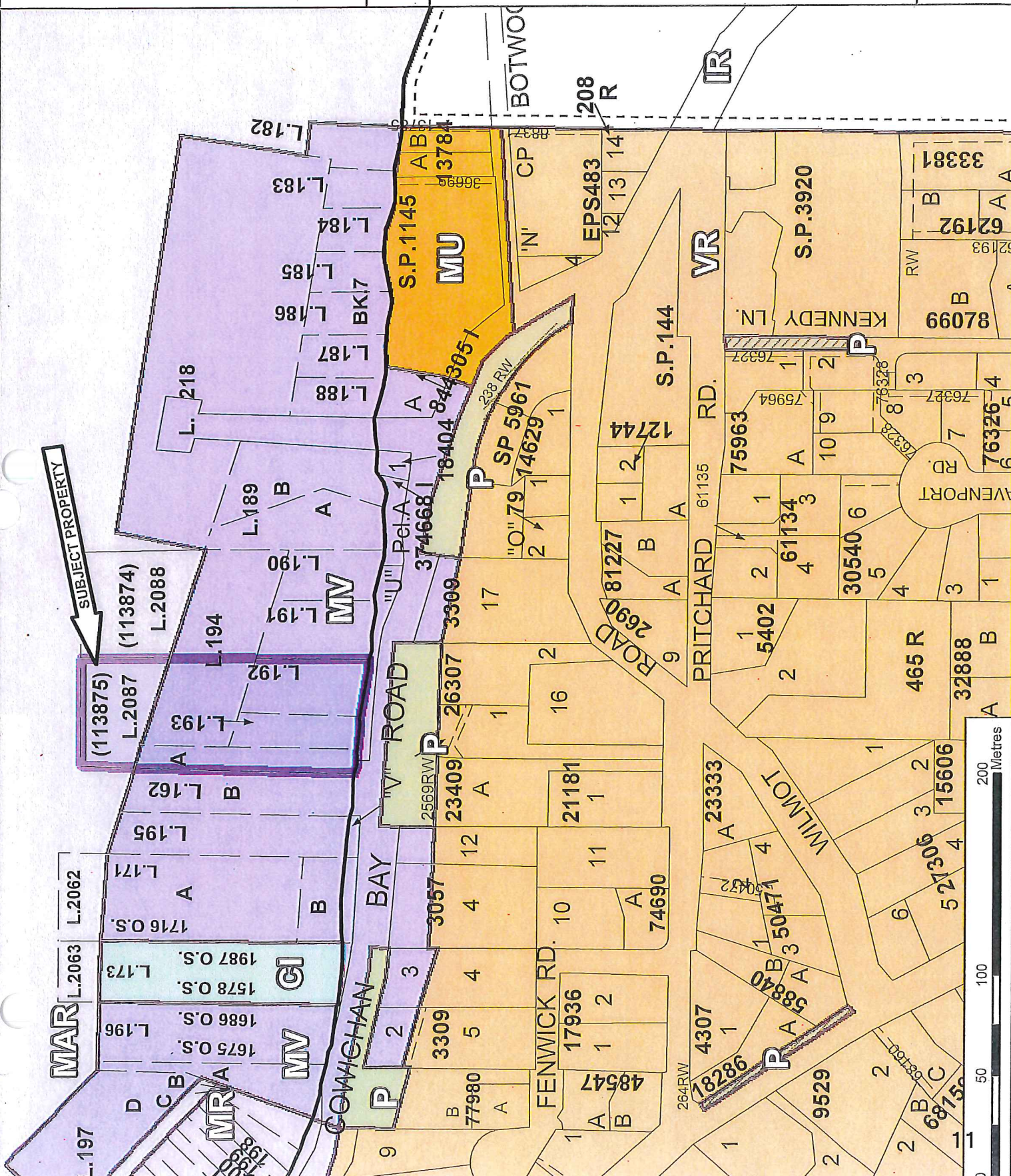
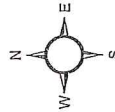
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OCP

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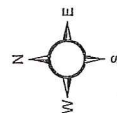


Subject Property



200 Metres

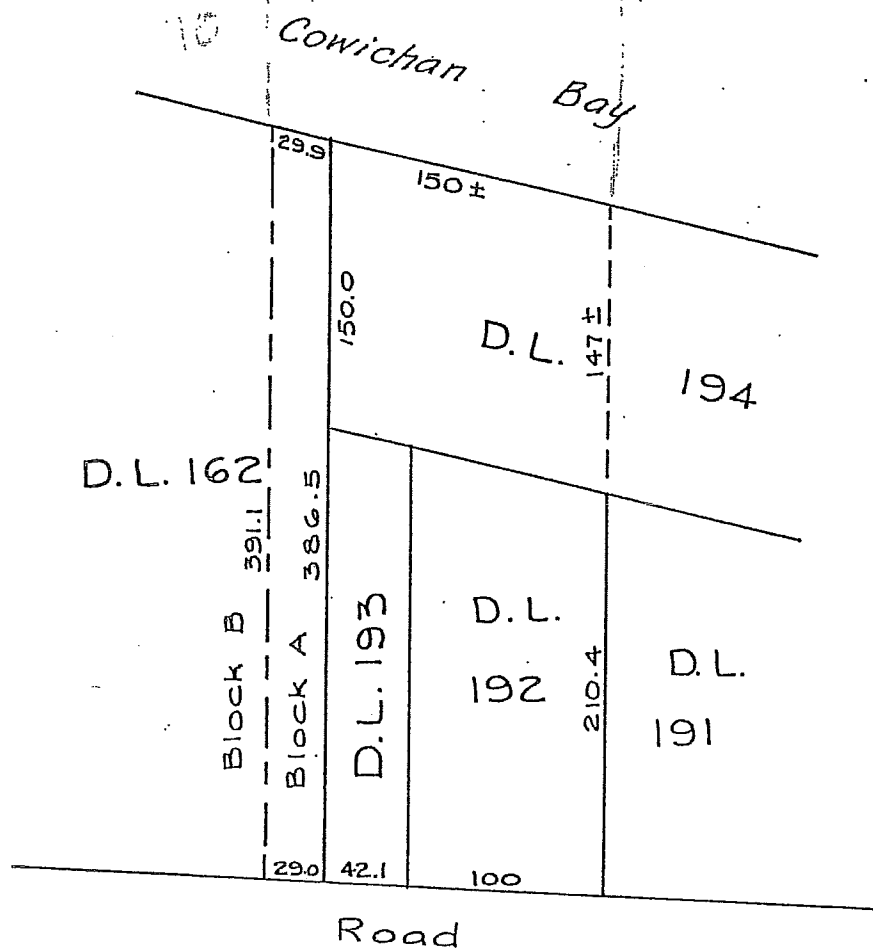


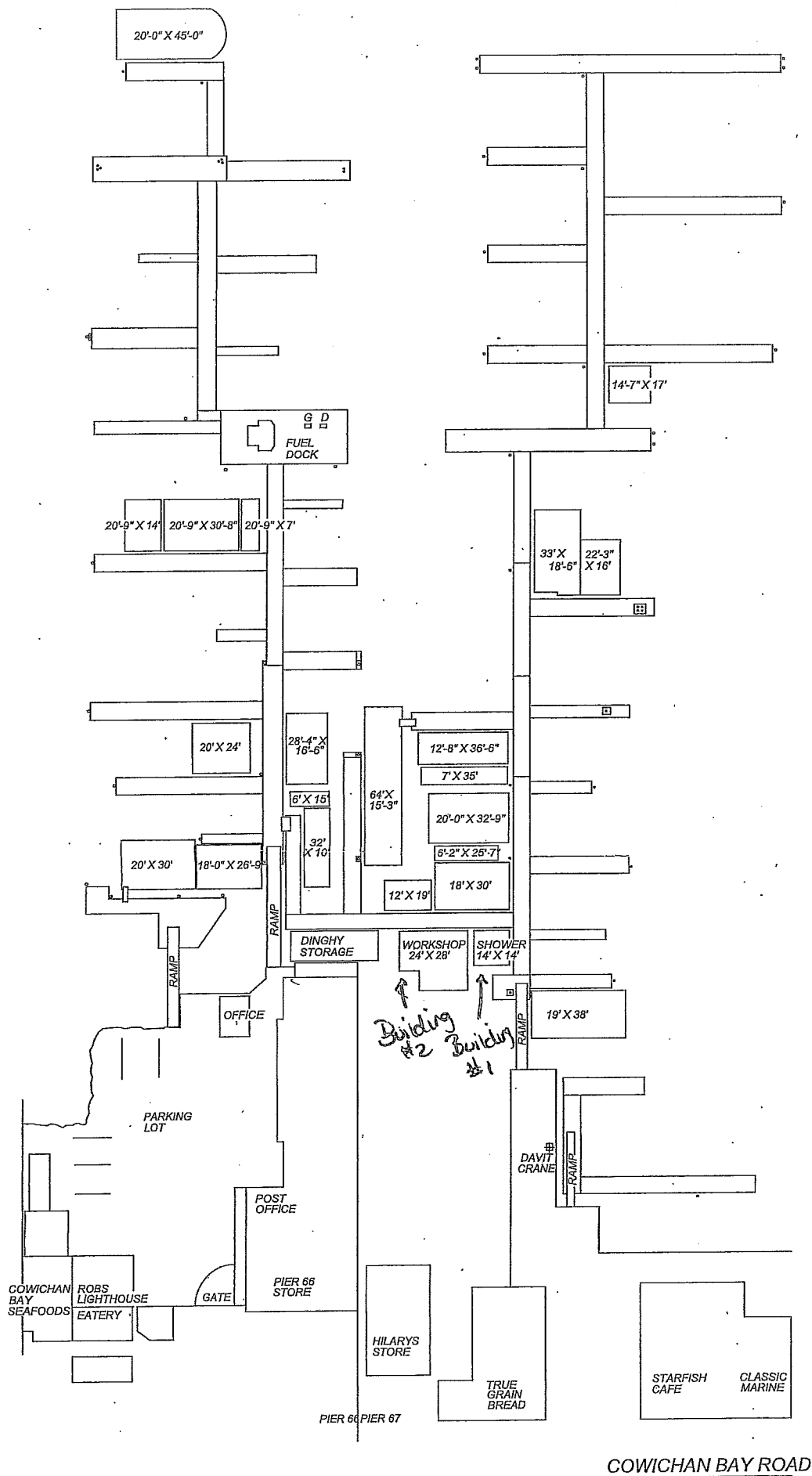




## LEGAL DESCRIPTION SCHEDULE

District Lots 192 and 193, Block A of District Lot 162 and that part of District Lot 194, lying West of the Northerly production of the East boundary for the aforesaid District Lot 192, Cowichan District





**Pier 66**

1745 Cowichan Bay Road

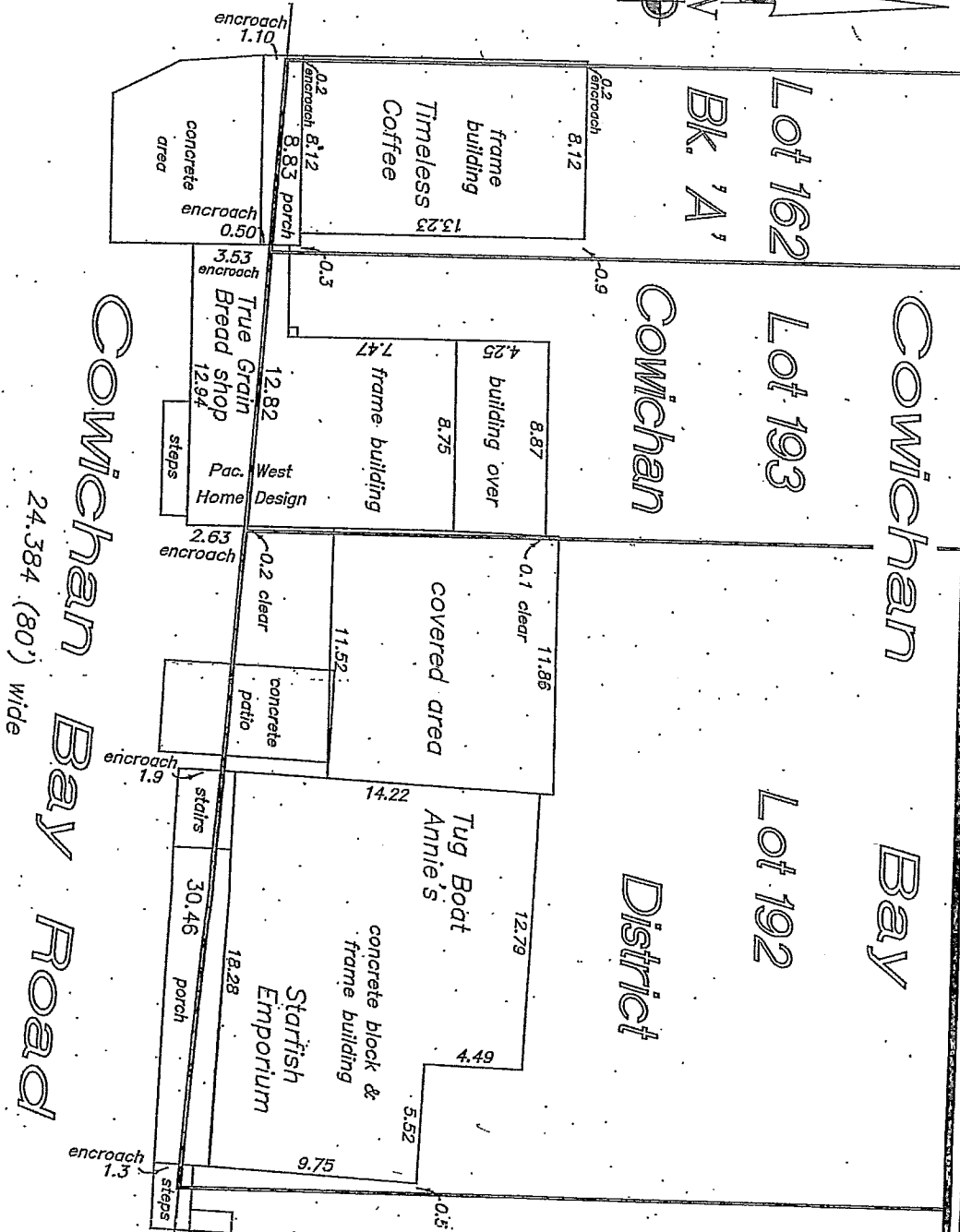
**Pier 67**

1725 Cowichan Bay Road



B. C. Land Surveyor's Location Certificate covering buildings on:-  
Block A of Lot 162 & Lots 192 & 193,  
Cowichan District.

Scale ~ 1:250 -- distances in metres



**Mortimer  
Surveying**

ENGINEERING & LAND SURVEYING

4386, Riverside Road,  
Cowichan, B.C. - V9L 6M8

Telephone : 748-5248

MAIL ~ surveyor@telus.net

File:2004/CowBay/192-193.dwg

I hereby certify that the structures located on the above lots lie as shown within the said lots, and encroach on adjoining lots or roads, as, and where, shown as encroaching. The purpose of this plan is for the protection of the original client or mortgagee only and it is not intended for the re-establishment of boundaries and/or property lines.

CERTIFIED CORRECT :

Dated this 12th. day of May, 2004

*Richard A. H. Mortimer*

© — RICHARD A. H. MORTIMER, B. C. Land Surveyor

— THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED —



# Marine Village Development Permit Area (MV)

## MV.1 Category

The Marine Village Development Permit Area (DPA) is designated pursuant to Section 919.1 of the *Local Government Act* for the following purposes:

- Protection of the natural environment, its ecosystems and biological diversity [919.1(1)(a)];
- Protection of development from hazardous conditions [919.1(1)(e)];
- Establishment of objectives for the form and character of intensive residential development [919.1(1)(e)];
- Establishment of objectives for the form and character of commercial, industrial or multi-unit residential development [919.1(1)(f)];
- Establishment of objectives to promote energy conservation [919.1(1)(h)];
- Establishment of objectives to promote water conservation [919.1(1)(i)]; and
- Establishment of objectives to promote the reduction of greenhouse gas emissions [919.1(1)(j)].



**Photo:** A local business reflecting the unique “funky not junky” character of Cowichan Bay (CVRD)

## MV.2 Scope

The Marine Village DPA, documented on Schedule D-4, includes lands adjacent to the natural boundary of the ocean within the Marine Residential, Marine Village, Mixed Use and Marine Industrial designations.

## MV.3 Justification

Cowichan Bay Village is a prominent commercial node within the Plan Area. Its seaside context, heritage, eclectic mixture of residential, commercial, industrial, recreational and institutional uses, and form and character of development contribute to a sense of place which is distinct within the Plan Area and Cowichan Region. This vibrant seaside village is juxtaposed by an important and sensitive estuarine environment, which provides habitat for a variety of fish, wildlife and birds. It also sits precariously at the toe of steeply sloping and landslide-prone clay banks and at the edge of a warming and rising ocean, and is experiencing increasingly frequent storm events attributed to increasing greenhouse gases and impacts on climate change.

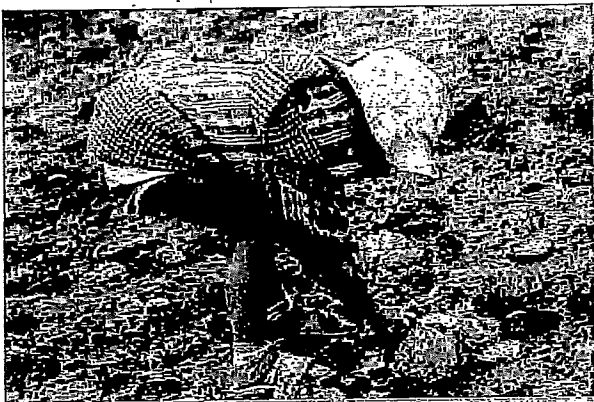
The interface between lands and Cowichan Bay represent the marine riparian zone, which serves to filter sediments and pollutants from tidal waters and provide critical habitat to support fish and wildlife.

Overwater structures, such as piers, docks and floating homes, without proper mitigation, can adversely affect estuarine habitat including light, wave energy, substrates and water quality

Jurisdiction over coastal areas is divided among federal, provincial and local government agencies. As a result, it is important to confirm senior government approval prior to undertaking development or land use activities. Development within the Marine Village DPA may also be subject to the Cowichan Estuary Environmental Management Plan (CEEMP), which serves to protect the marine environment from negative impacts related to development.

Generally, existing land uses in the village and harbour area are recognized by the CEEMP. However, the Order-in-Council requires the approval of the Ministry of Environment before any construction activity occurs in areas that are not presently developed – in other words, where portions of foreshore or ocean floor not previously shaded by buildings and structures would be developed. In such cases, the CVRD cannot issue building permits unless the owner has secured the Minister's approval. For renovations of and additions to existing buildings that do not add shade the foreshore or ocean floor, the Ministry of Environment has left approvals up to the CVRD, with a request that the Ministry be informed of projects and that Provincial and Federal best management practices be followed.

Community members have expressed a strong desire to maintain the health of the Cowichan Estuary and foreshore. Future development and redevelopment of the marine shoreline must occur in a manner that is sensitive to the critical marine riparian zone, mitigating potentially negative impacts on fish, wildlife, and their habitat. Future development and redevelopment of the marine shoreline must also contribute to the unique aesthetic character that is found in Cowichan Bay. The following guidelines address this intent.



**Photo:** The marine foreshore – a valuable community amenity (Cowichan News Leader)

## MV.4 Objectives

The Marine Village DPA is established with the following objectives:

- To ensure that the form and character of development is compatible with and enhances maritime heritage character;
- To protect public views of the shoreline and waterfront from both the water and from public land;
- To protect and enhance maritime industries in Cowichan Bay Village, which contribute to the Village's role as a working harbour;
- To provide a wide range of commercial services and amenities serving both residents and visitors;
- To enhance the experience of pedestrians moving through the marine village, along safe, accessible, and clearly marked pathways with opportunities to enjoy the seaside setting and vistas of the ocean and mountains;
- To enhance the experience of visitors arriving at the marine village by boat or seaplane with greater integration with and accessibility to marine commercial services and visitor amenities;
- To ensure that development complements the natural environment rather than impairs its productivity;
- To reduce negative impact to marine ecosystems; and
- To restore disturbed ecosystems when redevelopment of properties occurs; and
- To protect marine assets from hazardous conditions, including, but not limited to, sea level rise, storm surge, flooding and fire.

## MV.5 General Guidelines

Unless otherwise exempt under Section DP.4, prior to undertaking any of the activities in Section DP.3 in the Marine Village DPA as described in Section MV.2, an owner of land, will apply to the CVRD for a development permit in accordance with the following:

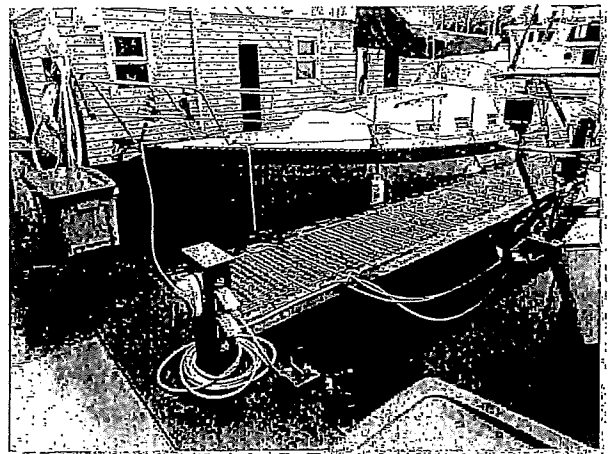
### **SITE & ENVIRONMENTAL DESIGN:**

1. Conformance with these guidelines does not exempt applicants from meeting the requirements of other agencies such as those subject to the Cowichan Estuary Environmental Management Plan.
2. Proposals involving new additions, structures or buildings which would result in increased shading of the foreshore or estuarine environment will be referred to the Cowichan Estuary Environmental Management Committee (CEEMC) for consideration. A development permit, if issued, will include all conditions of approval including conditions of approval prescribed by the CEEMC.
3. Impervious surfaces, including materials to construct docks and wharves, should be kept to a minimum.
4. Run-off from the development should be strictly limited to prevent damage to foreshore, estuarine or marine habitat during normal rainfall events. Efforts should be made to buffer flows to minimize impacts from storm events.
5. Drainage from all impervious surfaces including parking and service areas should be directed through an appropriately sized and engineered sedimentation, oil, water and grease separator or other engineered solution, designed by a Professional Engineer to the satisfaction of the CVRD. The Professional Engineer should recommend an appropriate maintenance schedule, which should be included as a condition of the development permit.
6. Parking and services areas should further be landscaped to absorb and filter surface runoff.
7. Current best management practices for environmental protection and marina development, if applicable, should be incorporated into the development proposal.
8. Shoreline hardening is strongly discouraged and where opportunities exist, hard shorelines should be naturalized subject to engineering design and supervision during such a process.
9. Construction or repair of seawalls and other retaining structures will be subject to engineering design and supervision during construction. Where shoreline hardening is required, native vegetation will be incorporated into the design to the greatest extent possible.
10. No alterations should be made to the shoreline that would adversely affect fish or wildlife habitat. The environmentally acceptable method of development is by using upland areas or by construction of wharves or floating docks rather than by land fill.



## OVERWATER STRUCTURES:

11. Development involving docks and floats, including floating homes and other structures, should follow Department of Fisheries and Oceans' *Best Management Practices (BMPs) for Constructing Docks and Floats in the South Coast Area (Vancouver Island – Sunshine Coast)*.
12. Installation and construction should occur during periods of least risk (summer: July 1 – October 1; winter: December 1 – February 15).
13. Overwater structures should be sited to avoid adverse effects on light sensitive habitat, with the extent of overwater structures and number of pilings kept to a minimum.
14. Where feasible, piers and docks should be oriented north to south.
15. Overwater structures should be a minimum of 8 metres from native aquatic vegetation or the distance that the structure will cast shade, whichever is greater.
16. Artificial lighting beneath overwater structures should be considered during daylight hours.
17. Artificial night lighting should be minimized by focusing light on the dock surface and using shades to minimize illumination to the surrounding environment.
18. Piers, elevated docks and gangways sited over nearshore areas should incorporate the use of grating, glass inserts or reflective panels, with at least 60% functional open space, to increase light penetration to the marine environment.
19. Wharves should not extend over marshes or other productive foreshore areas. Wharves should not, in any case, extend over the water beyond the mean low-water mark, except as necessary to access floats or for public viewing access.
20. Overwater structures including floating homes should be located at sufficient depth of water to prevent the structure from grounding; the bottom of the structure should be located to maintain a minimum 2.0 m vertical clearance between the level of the lowest tide and ocean floor substrate.
21. Skirting of overwater structures should be avoided.
22. Structures on the water including boat shelters, floating homes, docks, piers, gangways, and other structures, must be certified by a professional engineer, confirming that they are safe for the intended use and conditions.
23. Structures should be designed and located so no new bulkheads or shoreline armour is necessary.
24. Wood treated with toxic compounds should not be used for decking, pilings or other in-water components.
25. Foam material should be encapsulated so that it cannot break up and be released into water.
26. Structures on the water should be sited carefully to maintain waterfront views from public roads, walkways, trails and commercial businesses.
27. Structures on the water shall be identified by number or letter or combination thereof, corresponding to their address location as specified by the CVRD.
28. Marina owners shall maintain a moorage map which identifies each building, structure and mooring site by number and/or letter. Such maps shall be updated as changes occur in the layout of buildings, structures, and moorage sites.



**Photo:** An example of flow-through decking to allow light penetration at West Bay Marina (CVRD)

## **PUBLIC ACCESS, WALKWAYS & AMENITY AREAS:**

29. A continuous accessible public pathway should be constructed along Cowichan Bay Road to allow pedestrians, including persons with disabilities, to move safely through Cowichan Bay Village.
30. Public views of all areas of the waterfront should be maximized, especially for zones where public access is not safely possible (i.e. industrial uses).
31. Opportunities should be provided through redevelopment within Cowichan Bay Village to increase public access and views of the ocean and to create a public access route on the waterside of Cowichan Bay Village.
32. Seating is encouraged at viewpoints along the waterfront and where feasible, public access walkways to and/or along the waterfront should be incorporated into development. Walkways should be clearly marked for easy pedestrian navigation. Pedestrian and vehicular areas should be separated by low fencing and/or landscaping.
33. Pathways and building entrances should be accessible to persons with disabilities, scooters and strollers.

## **LANDSCAPING:**

34. A landscape plan will be provided to the CVRD, which incorporates native vegetation suited to local conditions and, where practical, blends new and existing native vegetation to create a seamless transition with the natural environment.
35. For commercial, mixed-use, and industrial applications, the landscape plan will be prepared, by a member of BCCLA or BCNTA in accordance with BCCLA or BCNTA standards, and landscaping will be installed, under the supervision of a BCCLA- or BCNTA-certified designer.
36. Existing vegetation should be retained or enhanced where practical. Areas not required for buildings, parking, services or walkways should be landscaped with native vegetation using appropriately sized native plant and tree species.
37. When redevelopment occurs, areas not required to be hardsurfaced should be replaced with native soil and vegetation. Where this is impractical, large planters constructed of natural materials such as wood should be used to accommodate plantings.
38. Foreshore areas should remain in or be restored to natural conditions where possible.
39. Areas disturbed during construction or dredging should be replanted where necessary with native species.

## **VEHICULAR ACCESS:**

40. Vehicular access will be coordinated with pedestrian pathways, parking and circulation patterns to encourage safe pedestrian and vehicular flow.

## **PARKING, STORAGE & SERVICE AREAS:**

41. Adequate space for parking, storage, servicing and garbage/recycling collection shall be provided. Where residential uses, including live-aboards and floating homes, are accessory to a marina operation, such uses shall be afforded adequate parking, garbage and recycling facilities.
42. Where parking cannot be provided onsite, the development will contribute cash-in-lieu of parking to a transportation improvement fund to improve parking and transportation management in Cowichan Bay Village.
43. Exterior storage, garbage/recycling servicing and parking areas should be located in the least visible area of the site and screened from public view with a combination of native vegetation and fencing.
44. Parking areas will be designed to encourage safe pedestrian travel between parking areas, building entrances, outdoor amenity areas, and pedestrian pathways; separation will be provided between parking and pedestrian areas through the use of raised or landscaped features and smooth, level, and non-slip walkways to accommodate people with accessibility challenges.
45. Utility wiring should be installed below grade. Overhead wiring is strongly discouraged.

## **BUILDING DESIGN, SCALE & MASSING, EFFICIENCY:**

46. Buildings should reflect the west coast seaside vernacular, complement the unique maritime heritage of Cowichan Bay Village, and contribute to the aesthetic appeal and environmental quality.
47. Building materials, colours and architectural details should reflect the local context of Cowichan Bay Village. Rich, vibrant colours are preferred. Pastels and neon colours are generally inconsistent with west coast seaside vernacular. Consideration should be given to how colours and materials weather in the coastal environment over time.
48. The use of natural materials is encouraged, including: board and batten siding, brick, clapboard siding, driftwood, lattice, netting, piers and pilings, rope, sails, shakes, shingles, wood plank, and pervious concrete decking. Rock, glass, concrete, metal and wood are preferred to synthetic materials. Wood trim should be incorporated wherever possible, particularly around doors, windows and along eaves.
49. Roofs should be non-combustible and non-reflective. Metal roofs should have a matte finish.
50. Colour variations and vertical or horizontal bands are encouraged to reduce the visual impact of height and mass by giving the appearance of variation and form.
51. Buildings should be human scale, limited in height and mass to one or two storeys.
52. Building siting should be consistent with the historical pattern of building and land use, which may include zero setbacks. Where the fulfillment of this guideline would be contrary to setbacks specified by the implementing land use bylaw, the CVRD may substantially vary the required setback to satisfy the guideline.
53. Windows should be carefully located and sized to be in proportion with the building scale. Large areas or continuous areas of curtain-wall glazing provide a blank, monotonous façade that do not contribute to the vibrancy and aesthetic appeal of Cowichan Bay Village.
54. Windows should be designed to prevent bird mortality from window strikes.
55. Buildings should be designed to promote personal and public safety through the use of *Crime Prevention Through Environmental Design* criteria, appropriate lighting and clear sightlines for pedestrians.
56. Building design should acknowledge variations in sunlight throughout the year to optimize the amount of natural light available to building inhabitants.
57. Buildings should be designed to be energy efficient and utilize renewable energy sources where possible.
58. Developments of ten units or more should provide at least 10% of their energy requirements through on-site, renewable sources.

## **VIEW PROTECTION:**

59. Development including buildings, boat shelters and other floating structures should consider view impacts and opportunities from both the waterside of Cowichan Bay Village and from the street side along Cowichan Bay Road. Views of the waterfront, the ocean, and significant natural features such as Mt. Tzouhalem, should be maintained where possible.
60. Building form, massing, and landscaping should be used to enhance and frame views.
61. The development permit may specify a lower height limit than permitted by the zoning bylaw in order to preserve critical views.
62. Where safety or security of marine industrial uses is necessary, transparent fencing or screening should be used rather than opaque fencing or screening which would block views.

## HERITAGE PRESERVATION:

63. New buildings and structures should be compatible in form, character, exterior design and finish with existing historic buildings such as the Masthead Restaurant and Cowichan Bay Shipyard and other historic features within Cowichan Bay Village. This does not imply that buildings need to be designed to look "old" but should, rather, be in harmony with historic buildings or structures.
64. Where existing buildings with significant heritage features are redeveloped, the heritage features or elements should be retained or reused where possible to retain the building's heritage potential.
65. Interpretative signage and plaques to commemorate heritage sites, buildings and features are encouraged.

## EXTERIOR LIGHTING:

66. Exterior light fixtures will enhance overall architectural, heritage and design character of development and complement the nighttime environment while preserving the ability to view the night sky. Special attention should be paid to coordinating lighting installations with adjacent properties to maintain even light levels and avoid harsh transitions from over-lit to unlit spaces.
67. Exterior lighting will be designed for pedestrian safety and comfort, render "true" colour, and fully shielded so that light is directed below the horizontal plane to the ground to avoid illumination of the night sky, glare or light trespass onto adjacent properties and roadways, or impeding marine navigation.
68. Interior lighting, visible from public roadways, walkways, docks, or the oceanside of Cowichan Bay Village, is not permitted to cause glare to drivers, boaters or pedestrians or illuminate the night sky.
69. Post-mounted or wall mounted fixtures should be kept to the minimum possible height.
70. Where practical, the use of energy efficient lighting installations (including but not limited to those employing timers, dimmers, sensors or photocells) is encouraged.

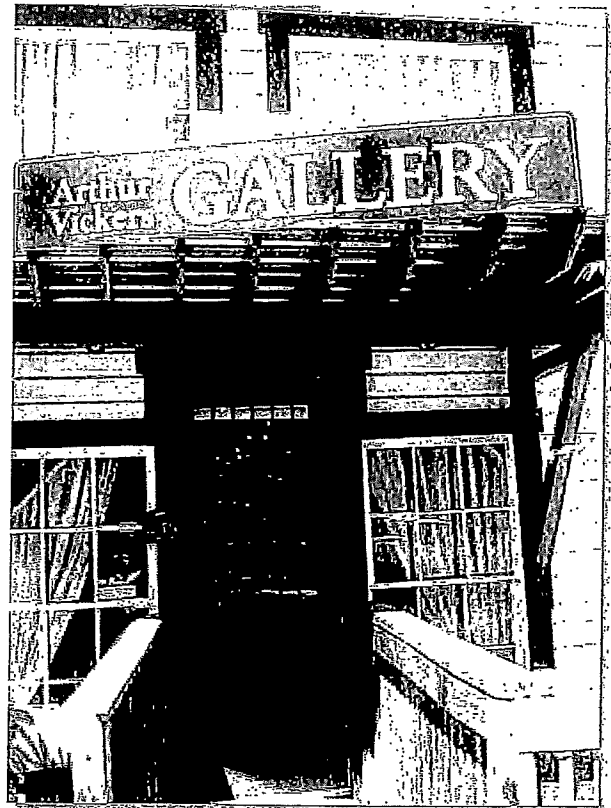


Photo: A heritage building in Cowichan Bay Village (CVRD)

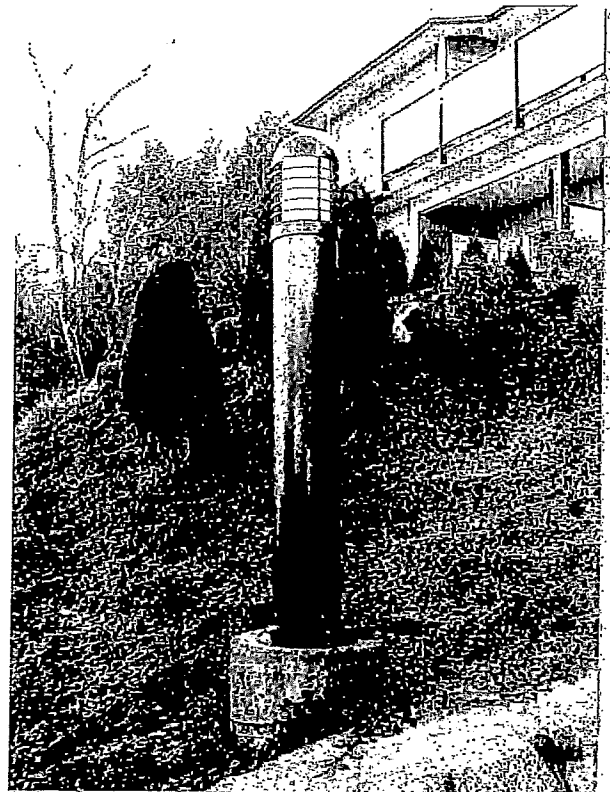


Photo: Fully-shielded light fixture with louvers (CVRD)

## MV.6 Guidelines for Commercial, Industrial, & Mixed Use Development

Unless otherwise exempt under Section DP.4, prior to undertaking any of the activities in Section DP.3 in relation to commercial, industrial or mixed-use development in the Marine Village DPA as described in Section MV.2, an owner of land, will apply to the CVRD for a development permit in accordance with MV.5 and MV.8, in addition to the following:

1. Buildings will be designed in keeping with the west coast climate with particular attention given to rain-related design with protective overhangs above windows, walls, and pedestrian walkways.
2. Balconies and overlooks on the waterside of Cowichan Bay Village are encouraged to connect indoor and outdoor environments.
3. Boardwalks, landscaping, seating, and other streetscape elements should be utilized to separate public from private areas.
4. An exterior lighting plan will be submitted to the CVRD indicating how building entrances, servicing and parking areas, outdoor amenity areas, and pedestrian walkways will be illuminated.
5. Marina redevelopment should include shared common facilities at a ratio of 50m<sup>2</sup> per hectare of Crown tenure area associated with residential uses (i.e. live-aboards and floating homes). Shared common facilities such as shower and toilet facilities, lifejacket storage, bulletin board, storage, and indoor amenity space should be provided.
6. New buildings requiring washroom facilities will be connected to the Cowichan Bay Sewer System, and expansions to existing docks and wharves will be accompanied by a mandatory sewage holding tank pump-out for moored vessels, unless the CVRD has agreed to another method of sewage disposal.
7. Marine pump out facilities designed and maintained in accordance with CVRD bylaws and the *Public Health Act*, are required for marina development and redevelopment.
8. Potential conflicts between residential and non-residential uses in mixed-use developments will be mitigated through appropriate design features including but not limited to: physical separation of uses, noise and visual barriers, landscaping and fencing, and mechanical systems to mitigate air quality impacts.



**Photo:** Public washroom building maintained by the Greater Victoria Harbour Authority



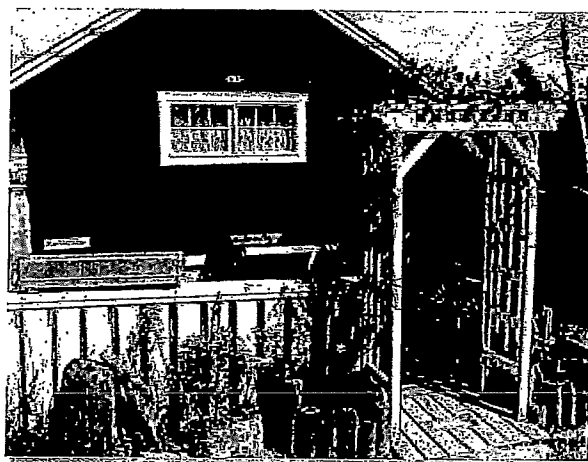
**Photo:** Waterfront access points provide an opportunity for residents and visitors to enjoy scenic vistas (CVRD)



## MV.7 Guidelines for Stilt Homes

Unless otherwise exempt under Section DP.4, prior to undertaking any of the activities in Section DP.3 in relation to intensive residential development in the Marine Village DPA as described in Section MV.2, an owner of land, will apply to the CVRD for a development permit in accordance with MV.5 and the following:

1. Stilt home buildings that are renovated or replaced should be complementary in terms of their scale and massing with historic stilt homes, which are typically not taller than one storey and not wider than 7.5 m.
2. While a two-storey stilt home may be permitted by zoning, the street-facing façade should incorporate a strong one-storey element with a roofline that is consistent with neighbouring historic homes.
3. Where one or more water lots are consolidated to accommodate a larger stilt home, the building should be constructed to mimic the appearance of the historic 7.5 m wide lot by offsetting the street-facing façade at least every 7.5 m. A depth of at least 0.5 m should be provided to articulate the offset.
4. Careful attention will be paid to massing including the roof heights and pitches to ensure that new or redeveloped stilt homes blend with neighbouring homes.
5. Roof pitch should not exceed a 12:12 ratio.
6. Redevelopment of stilt homes will satisfy the following criteria:
  - (i) *High quality exterior building materials and finishes reflecting the maritime theme will be employed;*
  - (ii) *Parking will be provided within the lease area rather than within the public roadway;*
  - (iii) *Shading of the marine foreshore will not increase; and*
  - (iv) *No habitable space will occur below the 200 year flood plain elevation, established by the provincial government.*
7. Where development variances are contemplated, attention must be paid to maintaining the privacy of adjacent homes and ensuring adequate fire protection measures are in place.



**Photo:** A stilt home representative of the unique maritime heritage character of Cowichan Bay Village (CVRD)



**Photo:** Strong one-storey elements such as roof overhangs above entranceways help to reduce the apparent mass of multi-storey buildings (CVRD)

## MV.8 Sign Guidelines

1. Signs should be designed to reflect the unique and west coast seaside vernacular of Cowichan Bay Village, complement the design of the building and site in terms of location, scale, materials, finishes and colours, and be coordinated with the overall design of the development.
2. Signs should be handcrafted and constructed of durable and weather-resistant materials. Plastic and vinyl signs are prohibited.
3. The use of individual mounted, raised or recessed letters, symbols, border and framing to provide texture are encouraged.
4. Signs will be kept to the minimum size and number needed to inform and direct pedestrian and vehicular traffic. Signs should be low profile, kept to pedestrian level and in no case should exceed 5 m in height.
5. Mounting hardware and wiring should be concealed.
6. Freestanding signs should be mounted on a heavy stone or exposed aggregate base and/or framed with heavy timber rather than post-mounted. Where lighting is included, it should be fully-shielded and directed to illuminate the sign only. Freestanding signs should incorporate decorative landscaping to enhance the quality of development.
7. Where multiple signs are required, they should be consolidated into a multi-tenant sign. Multiple free standing signs should be consolidated into a multi-tenant sign located at the main entrance.
8. Where multiple signs cannot be consolidated, then a similar design vernacular, colours and materials will be used for all signs to demonstrate harmony and consistency with the development.
9. Sign lighting should be minimized and fully-shielded to prevent excessive illumination, glare and light trespass.
10. Backlit, neon, fluorescent, or flashing signs or signs incorporating LED lighting are prohibited, as they

detract from the rural aesthetic character, contribute to light pollution and pose a risk to public and vehicular safety.



Photo: An example of multi-tenant signage (CVRD)

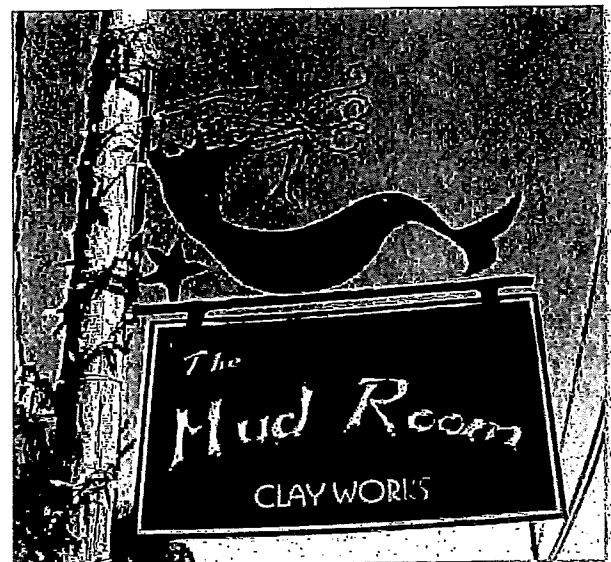


Photo: Signage which complements Cowichan Bay's unique maritime heritage character (CVRD)

## PART TWELVE WATER USE ZONES

### 12.0 WATER USE ZONES

#### 12.1 W-1 WATER CONSERVANCY ZONE

##### (a) Permitted Uses

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

- (1) Activities directed towards environmental protection and habitat enhancement;
- (2) Passive recreational activities;
- (3) Management of a waterbody, lake or reservoir, by an improvement district, municipality or regional district for use as a community water supply; and
- (4) Non-commercial private wharf, dock or float.

##### (b) Conditions of Use

For any parcel in the W-1 Zone:

- (1) No building or structure shall exceed a height of 4.0 metres;
- (2) No residential use of floats, piles or vessels of any kind is permitted.

#### 12.2 W-2 ZONE – WATER RECREATION

##### (a) Permitted Uses

The following uses and no others are permitted in a W-2 Zone:

- (1) Any use permitted in the W-1 zone;
- (2) Private and public wharf or dock; and
- (3) Seawall, breakwater, ramp.

##### (b) Conditions of Use

For any parcel in the W-2 zone:

- (1) No building or structure shall exceed a height of 5.0 metres; and
- (2) No residential use of floats, piles or vessels of any kind is permitted.

#### 12.3 W-3 ZONE – WATER MARINA

(a) The following uses and not others are permitted in a W-3 Zone:

- (1) Any use permitted in the W-2 zone;
- (2) Sales and rentals of boats and sporting equipment;
- (3) Marina;
- (4) Yacht club;
- (5) Boat repair, boat shed or boat shelter; boat building;
- (6) Moorage facilities for water taxi, ferry, fishing boats, float planes or similar commercial use;

- (7) Tourist accommodation, restaurant, café, take-out service;
- (8) Marina fueling station and storage of petroleum products up to a 23,000 litre capacity;
- (9) Slips, docks, breakwaters, ramps, dolphins and piling necessary for the establishment and/or maintenance of the principal uses permitted in Section 12.3(a)(1) to (8);
- (10) Offices and retail sales accessory to a principal use permitted in Section 12.3(a)(1) to (8); and
- (11) One single family residential dwelling accessory to a use permitted in Section 12.3(a)(1) to (8), up to a maximum of two per parcel.

(b) Conditions of Use

For any parcel in the W-3 Zone, the following regulations shall apply:

- (1) Buildings shall not exceed 7.5 metres in height;
- (2) Any dock facilities in association with a marina shall:
  - a. Possess at least one sewage pump-out that is permanently connected to the Cowichan Bay Community Sewer System, along with a system for ensuring that moored boats with head facilities only use that pump-out; or
  - b. If not equipped with a sewage pump-out, submit a detailed sewage management plan in report format to the CVRD for approval by the Development Services and Engineering Services Departments. This report will indicate that contracts are in place with owners of a sewage pump-out for effluent disposal, and further, will describe the methods by which the boat's sewage will be regularly collected and transferred.

## 12.4 W-3A ZONE – BOAT MOORAGE

(a) Permitted Uses

The following uses and no others are permitted in an W-3A Zone:

- (1) Any use in the W-2 Zone;
- (2) Boat moorage;
- (3) Marina;
- (4) Boat rental;
- (5) Marina fuelling station and storage of petroleum products up to a 23,000 litre capacity;
- (6) Boat sheds and boat shelters;
- (7) Retail sales accessory to a principal use permitted in Sections 12.4(a)(1) to 12.4(a)(6) not to exceed 23 square metres in floor space;
- (8) Slips, docks, breakwaters, ramps, dolphins and pilings necessary for the establishment and/or maintenance of the principal uses permitted in Section 12.4(a) (1) through (7).

(b) Conditions of Use

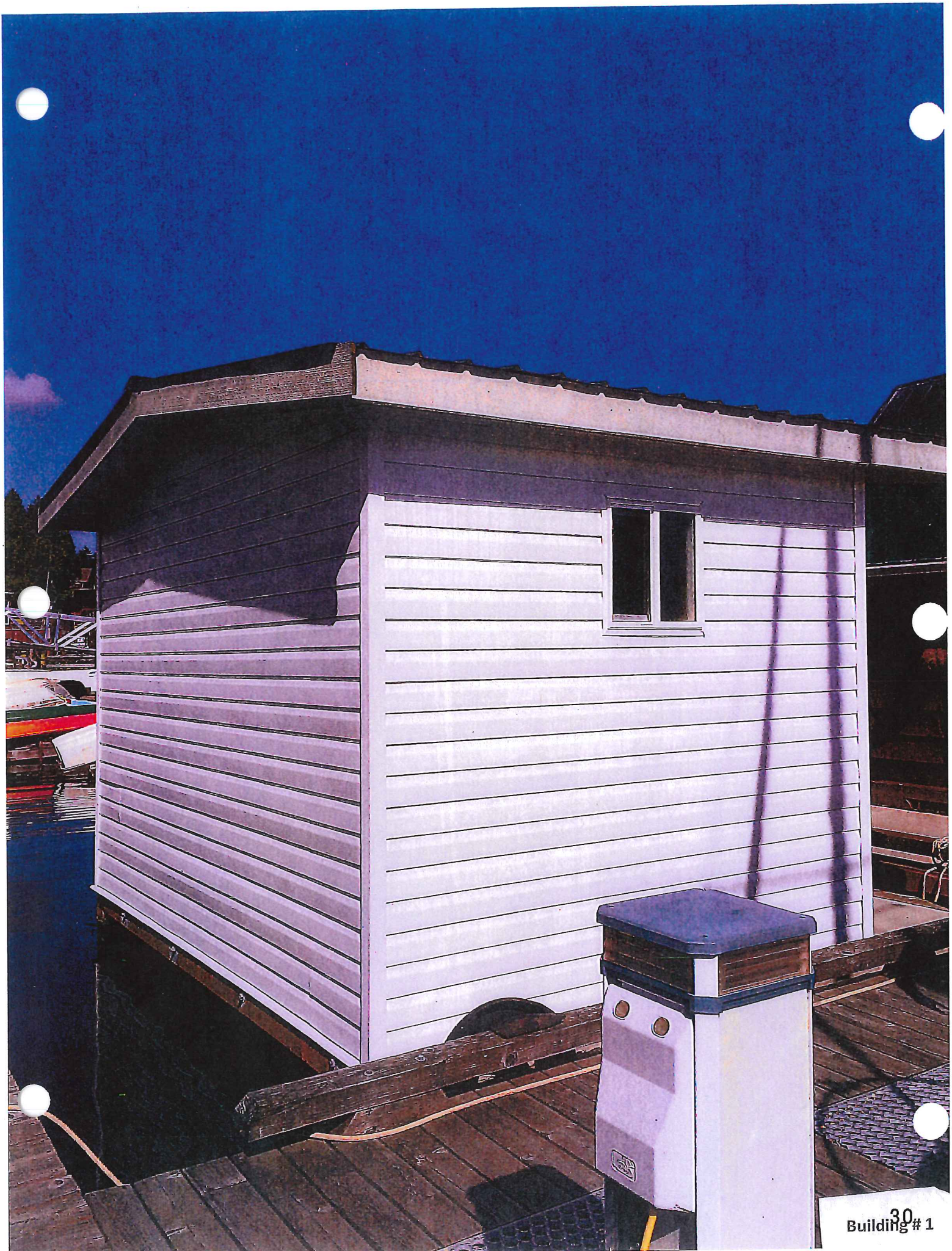
For any parcel in a W-3A Zone:

- (1) Buildings and structures shall not exceed 7.5 metres in height;
- (2) No residential use of floats, piles or vessels of any kind is permitted.













Building # 1





## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 2, 2014

**DATE:** August 1, 2014 **File No:** 3900-20-3705  
**FROM:** Ann Kjerulf, MCIP, RPP, Senior Planner **BYLAW No:** 3773  
Community and Regional Planning Division  
**SUBJECT:** Proposed Area D – Cowichan Bay Zoning Amendment Bylaw No. 3773 (Marine Zones)

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

1. That second reading of Zoning Amendment Bylaw No. 3773 (Marine Zones), be rescinded;
2. That Bylaw No. 3773 be amended in accordance with staff report dated August 1, 2014, from Ann Kjerulf, Senior Planner; and that the bylaw be forwarded to the Regional Board for consideration of second reading, as amended;
3. That a public hearing be held on proposed Bylaw No. 3773 in accordance with the *Local Government Act* and that the CVRD Board delegate the holding of the public hearing to Electoral Area Directors L. Iannidinardo, L. Duncan and M. Marcotte.

#### **Purpose:**

To implement policies of Official Community Plan Bylaw No. 3605 affecting lands within the Cowichan Estuary Environmental Management Plan area, OCP Marine Village designation, and other lands below the natural boundary of Electoral Area D – Cowichan Bay.

#### **Relation to the Corporate Strategic Plan:**

Implementation of the Area D – Cowichan Bay OCP through new and amending regulatory bylaws, supports multiple objectives and strategic actions identified by the Corporate Strategic Plan.

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

#### **Background/Discussion:**

The CVRD Board granted first and second readings to two bylaws on December 11, 2013, including:

- Electoral Area D Cowichan Bay Zoning Bylaw No. 3773 (marine zoning bylaw); and
- Electoral Area D Cowichan Bay Zoning Bylaw No. 3705 (upland zoning bylaw).

The rationale for two bylaws was to split the upland from the marine zones, particularly those within the Cowichan Estuary Environmental Management Plan area, which are subject to the approval of the Minister of Environment.

Bylaw 3705 was subsequently adopted by the Board on May 14, 2014. On the same day, the Board adopted companion Bylaw 3805 which removed upland areas and incorporated parking regulations into existing Area D – Cowichan Bay Zoning Bylaw 1015. Bylaw 3805 was primarily intended to be a technical amendment to ensure a clear boundary between upland and marine areas of Electoral Area D – Cowichan Bay for the purpose of zoning.

Since the adoption of Bylaws 3705 and 3805, staff have undertaken further consultation with Cowichan Bay marina owners including two meetings and a marina owner survey. The intent of this consultation has been to clarify the range of uses in the village area and identify appropriate regulatory solutions to existing conditions, namely float homes and live-aboards, which are long-standing uses that have not, to date, been regulated. Staff also received a letter from Cowichan Tribes outlining their concerns which may be addressed through a combination of policy amendments and regulations (see attached).

Staff are now forwarding a revised version of amending Bylaw 3773 and requesting consideration of 2<sup>nd</sup> reading, as amended, and that a public hearing be scheduled. Staff have worked with the OCP Implementation Committee in the formulation of revised regulations which respond to input from both marina owners and Cowichan Tribes, significant stakeholders in Cowichan Bay Village.

CVRD staff have also worked under the guidance of the Area D – Cowichan Bay OCP Implementation Committee in the formulation of the revised bylaw. Specific elements of the revised Bylaw 3773 include:

- New definitions harmonized with Bylaw 3705 (Upland Zones), in addition to new marine-specific definitions including: Floating home-based business, Float Home, Live-aboard Vessel, Marina Class 1, Marina Class 2, Marine Dry Storage, Marine Fueling Station, Shipyard;
- A greater range of uses permitted in all zones and uses prohibited in all zones;
- Revised and additional general regulations (i.e. accessory dwellings, secondary suites, uses on Crown lands, agri-tourism accommodation, bed and breakfast, day cares and group day cares, farm stands, home-based businesses, floating home-based businesses, retail sales, swimming pools, temporary occupancy during construction, height limit and setback exceptions, setbacks from a watercourse, fences and retaining walls, run-off control, exterior lighting, and screening requirements for exterior storage, garbage and recycling facilities, and mechanical, electrical and service equipment);
- New and amended zone regulations consistent with OCP Bylaw 3605:
  - ☐ A1 (Agricultural Resource)
    - Subdivision parcel size increase to 30 ha.
    - Removal of kennel as a permitted use
  - ☐ RR-2 (Rural Residential)
    - Subdivision parcel size increase to 1.0 ha (unserved) and 0.4 ha (served)
    - Removal of agriculture as a permitted use
  - ☐ C-9 (Neighbourhood Pub Commercial) *formerly C-5*;
    - Addition of restaurant, café, catering and office as permitted uses
    - Reduction of setbacks to 4.5 m (from all parcel lines)
  - ☐ P-1 (Park Conservation)
    - Removal of institutional (building type) permitted uses
    - Removal of residential permitted uses
    - Reduction of setbacks to 4.5 m from all parcel lines
    - Reduction of building height from 12.0 m to 4.5 m

- ☐ P-2 (Park Recreation)
  - New zone to accommodate active park uses (i.e. Hecate Park and Boat Launch)
- ☐ P-3 (Community Institutional)
  - New zone to accommodate institutional uses (removed from existing P1 zone)
- ☐ W-1 (Water Conservation)
  - Removal of private docks as a permitted use
- ☐ W-2 (Water Recreation and Navigation)
  - Removal of private docks, seawalls, breakwaters, ramps as permitted uses
- ☐ W-3 (Water Marina)
  - Addition of Artist Studio, Bakery, Float homes, Live-aboards, and Floating Home-based businesses as permitted accessory uses
  - Removal of boat sheds and shelters as permitted uses; existing boat sheds, legally established prior to the adoption of Bylaw 3773, remain legally conforming
  - A density cap on floating residential units (FRUs) and Float homes for individual marinas (36 and 30 respectively for the entire W-3 Zone)
  - Maximum parcel coverage (40%) for all buildings and structures and maximum site area (74 m<sup>2</sup>) for a single float home or live-aboard vessel
  - Minimum separating distance of 3.0 m between the floats of adjacent float homes, whether separated by a moorage walkway or open water
  - Maximum height limit of float homes 6.5 m from the surface of water to the top of roof structure
  - Special regulations for marinas including regulations which apply specifically when moorage is provided to float homes or live-aboards including:
    - i. Annual statutory declaration of number of float homes and live-aboards along with a moorage plan showing their location
    - ii. Compliance with fire protection requirements of the BC Float Home Standards
    - iii. Requirement for a sewage collection system, certified by a Qualified Professional Engineer, that is permanently connected to the Cowichan Bay Sewer System if moorage is provided to float homes
    - iv. Requirement for a pumpout for moored vessels, including live-aboards, unless the CVRD has authorized an alternative sewage collection system
    - v. Requirement for garbage and recycling facilities and parking
  - Special regulations for float homes
    - i. Must be connected to the marina's sewage collection system
    - ii. Must be moored, attached and provided access in accordance with BC Float Home Standards
  - Special regulations for Live-aboard Vessels
    - i. Must be equipped with a sewage holding tank that may be discharged to the marina's sewage collection system
    - ii. Must be moored, attached and provided with access in same manner as float homes
  - Provision for Shipyard and marine dry storage as site-specific permitted uses at the Cowichan Shipyard

☐ W-3A (Boat Moorage)

- Excludes float homes and live-aboards as permitted uses
- Excludes boat sales, boat rentals, boat charters, float plane service, water taxis as permitted uses through the definition of Marina, Class 2
- Requirement for a pumpout for moored vessels, including live-aboards, unless the CVRD has authorized an alternative sewage collection system

☐ W-5 (Water Institutional)

- Non-profit maritime centre is the principal permitted use
- Accessory uses include assembly, moorage, marine dry storage, and office
- Requirement for a pumpout for moored vessels, including live-aboards, unless the CVRD has authorized an alternative sewage collection system

☐ W-9 (Government Wharf)

- Government Wharf is the principal permitted use
- One wharfing residence is permitted (either as an accessory dwelling or a live-aboard)

In addition to the proposed bylaw, staff expect to present a report in the near future with suggested OCP Bylaw 3605 and Zoning Bylaw 3705 amendments based on further discussion with the OCP Implementation Committee and in response to concerns raised by the Cowichan Tribes through the Bylaw 3773 referral process.

**Options:**

The following options are available:

1. Move the recommendations as detailed on Page 1 of this report;
2. Move the recommendations as detailed on page 1 of this report with changes; or
3. Refer the proposed bylaws back to staff for further work to be specified in the resolution.

Submitted by,

Ann Kjerulf, MCIP, RPP  
Senior Planner  
Community and Regional Planning Division  
Planning & Development Department

AK/ca

***Reviewed by:***

*Division Manager:*

***Approved by:***

*General Manager:*



## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 2, 2014

**DATE:** August 1, 2014 **File No:** 3900-20-3705  
**FROM:** Ann Kjerulf, MCIP, RPP, Senior Planner **BYLAW No:** 3773  
Community and Regional Planning Division  
**SUBJECT:** Proposed Area D – Cowichan Bay Zoning Amendment Bylaw No. 3773 (Marine Zones)

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

1. That second reading of Zoning Amendment Bylaw No. 3773 (Marine Zones), be rescinded;
2. That Bylaw No. 3773 be amended in accordance with staff report dated August 1, 2014, from Ann Kjerulf, Senior Planner; and that the bylaw be forwarded to the Regional Board for consideration of second reading, as amended;
3. That a public hearing be held on proposed Bylaw No. 3773 in accordance with the *Local Government Act* and that the CVRD Board delegate the holding of the public hearing to Electoral Area Directors L. Iannidinardo, L. Duncan and M. Marcotte.

#### **Purpose:**

To implement policies of Official Community Plan Bylaw No. 3605 affecting lands within the Cowichan Estuary Environmental Management Plan area, OCP Marine Village designation, and other lands below the natural boundary of Electoral Area D – Cowichan Bay.

#### **Relation to the Corporate Strategic Plan:**

Implementation of the Area D – Cowichan Bay OCP through new and amending regulatory bylaws, supports multiple objectives and strategic actions identified by the Corporate Strategic Plan.

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

#### **Background/Discussion:**

The CVRD Board granted first and second readings to two bylaws on December 11, 2013, including:

- Electoral Area D Cowichan Bay Zoning Bylaw No. 3773 (marine zoning bylaw); and
- Electoral Area D Cowichan Bay Zoning Bylaw No. 3705 (upland zoning bylaw).

The rationale for two bylaws was to split the upland from the marine zones, particularly those within the Cowichan Estuary Environmental Management Plan area, which are subject to the approval of the Minister of Environment.

Bylaw 3705 was subsequently adopted by the Board on May 14, 2014. On the same day, the Board adopted companion Bylaw 3805 which removed upland areas and incorporated parking regulations into existing Area D – Cowichan Bay Zoning Bylaw 1015. Bylaw 3805 was primarily intended to be a technical amendment to ensure a clear boundary between upland and marine areas of Electoral Area D – Cowichan Bay for the purpose of zoning.

Since the adoption of Bylaws 3705 and 3805, staff have undertaken further consultation with Cowichan Bay marina owners including two meetings and a marina owner survey. The intent of this consultation has been to clarify the range of uses in the village area and identify appropriate regulatory solutions to existing conditions, namely float homes and live-aboards, which are long-standing uses that have not, to date, been regulated. Staff also received a letter from Cowichan Tribes outlining their concerns which may be addressed through a combination of policy amendments and regulations (see attached).

Staff are now forwarding a revised version of amending Bylaw 3773 and requesting consideration of 2<sup>nd</sup> reading, as amended, and that a public hearing be scheduled. Staff have worked with the OCP Implementation Committee in the formulation of revised regulations which respond to input from both marina owners and Cowichan Tribes, significant stakeholders in Cowichan Bay Village.

CVRD staff have also worked under the guidance of the Area D – Cowichan Bay OCP Implementation Committee in the formulation of the revised bylaw. Specific elements of the revised Bylaw 3773 include:

- New definitions harmonized with Bylaw 3705 (Upland Zones), in addition to new marine-specific definitions including: Floating home-based business, Float Home, Live-aboard Vessel, Marina Class 1, Marina Class 2, Marine Dry Storage, Marine Fueling Station, Shipyard;
- A greater range of uses permitted in all zones and uses prohibited in all zones;
- Revised and additional general regulations (i.e. accessory dwellings, secondary suites, uses on Crown lands, agri-tourism accommodation, bed and breakfast, day cares and group day cares, farm stands, home-based businesses, floating home-based businesses, retail sales, swimming pools, temporary occupancy during construction, height limit and setback exceptions, setbacks from a watercourse, fences and retaining walls, run-off control, exterior lighting, and screening requirements for exterior storage, garbage and recycling facilities, and mechanical, electrical and service equipment);
- New and amended zone regulations consistent with OCP Bylaw 3605:
  - ☐ A1 (Agricultural Resource)
    - Subdivision parcel size increase to 30 ha.
    - Removal of kennel as a permitted use
  - ☐ RR-2 (Rural Residential)
    - Subdivision parcel size increase to 1.0 ha (unserved) and 0.4 ha (served)
    - Removal of agriculture as a permitted use
  - ☐ C-9 (Neighbourhood Pub Commercial) *formerly C-5*;
    - Addition of restaurant, café, catering and office as permitted uses
    - Reduction of setbacks to 4.5 m (from all parcel lines)
  - ☐ P-1 (Park Conservation)
    - Removal of institutional (building type) permitted uses
    - Removal of residential permitted uses
    - Reduction of setbacks to 4.5 m from all parcel lines
    - Reduction of building height from 12.0 m to 4.5 m



- ☐ P-2 (Park Recreation)
  - New zone to accommodate active park uses (i.e. Hecate Park and Boat Launch)
- ☐ P-3 (Community Institutional)
  - New zone to accommodate institutional uses (removed from existing P1 zone)
- ☐ W-1 (Water Conservation)
  - Removal of private docks as a permitted use
- ☐ W-2 (Water Recreation and Navigation)
  - Removal of private docks, seawalls, breakwaters, ramps as permitted uses
- ☐ W-3 (Water Marina)
  - Addition of Artist Studio, Bakery, Float homes, Live-aboards, and Floating Home-based businesses as permitted accessory uses
  - Removal of boat sheds and shelters as permitted uses; existing boat sheds, legally established prior to the adoption of Bylaw 3773, remain legally conforming
  - A density cap on floating residential units (FRUs) and Float homes for individual marinas (36 and 30 respectively for the entire W-3 Zone)
  - Maximum parcel coverage (40%) for all buildings and structures and maximum site area (74 m<sup>2</sup>) for a single float home or live-aboard vessel
  - Minimum separating distance of 3.0 m between the floats of adjacent float homes, whether separated by a moorage walkway or open water
  - Maximum height limit of float homes 6.5 m from the surface of water to the top of roof structure
  - Special regulations for marinas including regulations which apply specifically when moorage is provided to float homes or live-aboards including:
    - i. Annual statutory declaration of number of float homes and live-aboards along with a moorage plan showing their location
    - ii. Compliance with fire protection requirements of the BC Float Home Standards
    - iii. Requirement for a sewage collection system, certified by a Qualified Professional Engineer, that is permanently connected to the Cowichan Bay Sewer System if moorage is provided to float homes
    - iv. Requirement for a pumpout for moored vessels, including live-aboards, unless the CVRD has authorized an alternative sewage collection system
    - v. Requirement for garbage and recycling facilities and parking
  - Special regulations for float homes
    - i. Must be connected to the marina's sewage collection system
    - ii. Must be moored, attached and provided access in accordance with BC Float Home Standards
  - Special regulations for Live-aboard Vessels
    - i. Must be equipped with a sewage holding tank that may be discharged to the marina's sewage collection system
    - ii. Must be moored, attached and provided with access in same manner as float homes
  - Provision for Shipyard and marine dry storage as site-specific permitted uses at the Cowichan Shipyard

- ☐ W-3A (Boat Moorage)
  - Excludes float homes and live-aboards as permitted uses
  - Excludes boat sales, boat rentals, boat charters, float plane service, water taxis as permitted uses through the definition of Marina, Class 2
  - Requirement for a pumpout for moored vessels, including live-aboards, unless the CVRD has authorized an alternative sewage collection system
- ☐ W-5 (Water Institutional)
  - Non-profit maritime centre is the principal permitted use
  - Accessory uses include assembly, moorage, marine dry storage, and office
  - Requirement for a pumpout for moored vessels, including live-aboards, unless the CVRD has authorized an alternative sewage collection system
- ☐ W-9 (Government Wharf)
  - Government Wharf is the principal permitted use
  - One wharfing residence is permitted (either as an accessory dwelling or a live-aboard)

In addition to the proposed bylaw, staff expect to present a report in the near future with suggested OCP Bylaw 3605 and Zoning Bylaw 3705 amendments based on further discussion with the OCP Implementation Committee and in response to concerns raised by the Cowichan Tribes through the Bylaw 3773 referral process.

**Options:**

The following options are available:

1. Move the recommendations as detailed on Page 1 of this report;
2. Move the recommendations as detailed on page 1 of this report with changes; or
3. Refer the proposed bylaws back to staff for further work to be specified in the resolution.

Submitted by,

Ann Kjerulf, MCIP, RPP  
Senior Planner  
Community and Regional Planning Division  
Planning & Development Department

AK/ca

***Reviewed by:***  
*Division Manager:*

***Approved by:***  
*General Manager:*