



C·V·R·D

**NOTICE OF
ELECTORAL AREA SERVICES COMMITTEE MEETING**

**Tuesday,
July 7, 2009
Regional District Board Room
175 Ingram Street, Duncan, BC**

3:00 pm

A G E N D A

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7. **PARKS**
PK1 Minutes of Area I Parks meeting of June 9, 200990-92
PK2 Minutes of Area B Parks meeting of April 16, 200993-94
PK3 Minutes of Area B Parks meeting of May 21, 200995
8. **NEW BUSINESS**
9. **PUBLIC/PRESS QUESTIONS**
10. **CLOSED SESSION**
Motion that the meeting be closed to the public in accordance with the Community Charter Part 4, Division 3, Section 90(1), subsections as noted in accordance with each agenda item.

CSM1 Minutes of Closed Session EASC meeting of June 16, 200996
11. **NEXT MEETING**
Tuesday, August 4, 2009
12. **ADJOURNMENT**

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

000002

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, June 16, 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 K. Kuhn
Director K. Cossey
Director I. Morrison
Director M. Dorey
Absent: Director L. Duncan

CVRD STAFF

Tom Anderson, General Manager
Mike Tippet, Manager
Rob Conway, Manager
Rachelle Moreau, Planning Technician
Brian Duncan, Chief Building Inspector
Warren Jones, Administrator
Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included adding four 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 June 2, 2009 EASC meeting be accepted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

DELEGATIONS

D1 - Friesen

The delegate (Wayne Friesen) respecting Application No. 2-I-05RS was not present.

It was Moved and Seconded
That application No. 2-I-05RS (Friesen et. al.) on Parcel A (DD72787I) of Section 45, Renfrew District for a new rural residential designation and zone be denied and that a partial refund be given to the applicants in accordance with the CVRD Development Applications Procedures and Fees Bylaw No. 2255.

MOTION CARRIED

D2 - Town

Rachelle Moreau, Planning Technician, presented Application No. 1-B-09DVP by Brian and Betty Town to decrease the front parcel line setback for an accessory building located at 2163 Angus Road.

Brian Town, applicant, was present and he clarified his request to Committee members.

There were no questions from Committee members.

It was Moved and Seconded

That Application No. 1-B-09DVP (Betty and Brian Town) for a variance to Section 8.3(b)(3) of Zoning Bylaw No. 985, by decreasing the setback to a front parcel line for an accessory building from 7.5 metres down to 2.9 metres, on Lot 3, Shawnigan Lake Suburban Lots, Malahat District, Plan VIP13231, be approved subject to receipt of a legal survey showing the proposed setback.

MOTION CARRIED

STAFF REPORTS

**SR1 – Internet
Mapping System**

It was Moved and Seconded

That the CVRD continue with Latitude Geographics Group Ltd. to supply a hosted interactive internet mapping system for publishing CVRD spatial information to the internet.

MOTION CARRIED

**SR2 – Seasonal
Cabins**

It was Moved and Seconded

That the draft Seasonal Cabins Building Regulations Policy be amended by changing the definition that a cabin “is used no more than 180 days per calendar year” to “is used for no more than six months per calendar year”, and that the Seasonal Cabins policy, as amended, be adopted by the Regional Board.

MOTION CARRIED

Note: Director Marcotte arrived to the meeting at this point.

000004

**SR3 – Solar Hot
Water Systems**

It was Moved and Seconded

That the minimum \$55 building permit fee be charged for installation of a solar hot water system in the CVRD provided that a double-walled heat exchanger with leak detection is installed.

MOTION CARRIED

**SR4 – Half Cutz Ball
Tournament**

It was Moved and Seconded

That the request to hold the Half-Cutz softball tournament event at Mesachie Lake Park from July 30-August 2, 2009 be approved subject to the event organizers complying with the following conditions:

- Provision of liability insurance listing the CVRD as an additional insured in the amount no less than \$2 million;
- Written confirmation from event organizers that they understand and acknowledge the current size and layout of the Mesachie Lake Park youth ball field and agree to take full responsibility and liability for any and all incidents that may arise as a result of adult use of this field.
- Preparation of “sandwich boards” advising of errant fly balls to be installed/maintained for the duration of the event in locations around the exterior of the ballpark fence, including but not limited to the commercial store parking lot and the park playground, with such wording and layout to be approved by the CVRD.
- Ensuring event participant compliance with CVRD Park Bylaws, inclusive with respect to campfire ban restrictions and after-hours noise in the park.
- Posting of additional signage regarding campfire ban restrictions that may be in place during the event, inclusive of removal/storage of any fire rings prior to the event;
- Provision of site security to for the duration of the event manage event access to registered participants only, inclusive of licensed security staff on-site from the hours from 8 pm to 4 am during the event to control access and address any after-hours noise issues;
- Posting signage clearing specifying event hours;
- Providing additional port-o-potties at the park for the duration of the event; and
- Providing additional dumpsters for refuse collection/disposal for the duration of the event.

MOTION CARRIED

000005

**SR5 – Area I
Housekeeping**

It was Moved and Seconded

1. That Youbou/Meade Creek Zoning Bylaw No. 2465 be amended as follows:
 - a) Deleting Section 3.4.2(a) and replacing it with the following:
 - (a) *the owner of the parcel agrees to and enters into a restrictive covenant in favour of the CVRD pursuant to Section 219 of the Land Title Act to the effect that the owner removes the existing dwelling or converts it to an accessory building under a Building Permit to the satisfaction of the Building Inspector, prior to the issuance of an occupancy permit;*
 - b) The last sentence of Section 3.10.2 be deleted and replaced with the following:
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.
 - c) Section 3.14 be amended by deleting subsections (c) and (d) and replacing them with the following:
 - (c) *where the parcels involved are all under 10 hectares in area, the resulting parcels may be of any size provided that a required area for a sewage disposal field and reserve field area and a reasonable building envelope are available on each proposed parcel, and that any existing buildings and structures are set back the required minimum distance from proposed lot lines;*
 - (d) *where one or more of the parcels involved are greater than 10 hectares in area, the boundary change shall not result in the reduction of any parcel's area by greater than 20% of its original size.*
 2. That a public hearing be waived pursuant to Section 890(4) of the *Local Government Act* and public notice occur in its place.
 3. That the referral of this application to the Ministry of Transportation, CVRD Engineering and Environmental Services Department, and the Town of Lake Cowichan, be accepted.

MOTION CARRIED

SR6 – Boat Patrols

It was Moved and Seconded

That the issue regarding funding of boat patrols on Shawnigan and Cowichan Lakes be reconsidered.

MOTION CARRIED

Note: Director Dorey arrived to the meeting at this point.

000006

It was Moved and Seconded

That the issue regarding funding of boat patrols on Shawnigan and Cowichan Lakes be referred to an EASC meeting where all electoral area Directors are present.

It was Moved and Seconded

That the CVRD provide funding in the amount of \$13,000 to the RCMP to assist with costs for additional summertime lake patrols, and that the funds be extracted from Bylaw Enforcement Budget Function 328.

MOTION CARRIED

CORRESPOND- ENCE

CR1 to CR3 – Grants in Aid

It was Moved and Seconded

That a grant-in-aid request (Electoral Area D – Cowichan Bay) in the amount of \$250 be given to Cowichan Bay Improvement Association to assist with expenses to repair the Mariner sign at the west entrance to Cowichan Bay Village.

That a grant-in-aid request (Electoral Area D – Cowichan Bay) in the amount of \$1,250 be given to Cowichan Bay Improvement Association to assist with costs to construct and install a Welcome Sign at the east entrance to Cowichan Bay.

That a grant-in-aid request (Electoral Area D – Cowichan Bay) in the amount of \$2,000 be given to Cowichan Community Land Trust Society to assist with costs associated with the Cowichan Eelgrass Stewardship Project.

MOTION CARRIED

PARKS

PK1 to PK4 - Minutes

It was Moved and Seconded

That the following Parks minutes be received and filed:

- Minutes of Area C Parks Commission meeting of April 14, 2009
- Minutes of Area C Parks Commission meeting of May 26, 2009
- Minutes of Area F Parks Commission meeting of May 18, 2009
- Minutes of Area I Parks Commission meeting of May 19, 2009

MOTION CARRIED

INFORMATION

IN1 – Building Report It was Moved and Seconded
That the May 2009 Building Report be received and filed.

MOTION CARRIED

NEW BUSINESS

NB1 – School Closures Director Giles suggested that School District representatives/trustees be invited to attend an upcoming EASC meeting to discuss the issue of school closures. She advised that SD #79 has expressed an interest in discussing the issue with electoral area Directors. Director Marcotte suggested that SD #78 (contact: Donna Allen) also be invited. Director Harrison suggested that a dialogue be created prior to a meeting.

It was resolved that Director Giles would begin the process of inviting School District delegates to a future EASC meeting.

NB2 – UBCM Resolution It was Moved and Seconded
That the following resolution be forwarded to the Board for consideration and submission to UBCM:

WHEREAS Search and Rescue organizations provide essential life and safety services to British Columbia's residents and visitors through volunteer organizations funded largely by private fundraising, local government grants and other forms of uncertain revenues;

AND WHEREAS the costs of providing search and rescue services are escalating dramatically due to call volumes and equipment costs;

NOW THEREFORE BE IT RESOLVED that the Union of BC Municipalities petition the provincial government to provide a significant level of predictable and sustainable funding to the Province's Search and Rescue organizations, including provision of adequate liability insurance.

MOTION CARRIED

Note: Director Giles noted that the resolution needs to be forwarded to UBCM prior to June 30th which is before the July 8th Board meeting. The Administrator stated he would see that the resolution is forwarded before June 30th.

NB3 UBCM Resolutions It was Moved and Seconded
That the memo dated June 8, 2009 from UBCM regarding resolutions submission be received and filed.

MOTION CARRIED

000008

NB4 – Bamberton Meeting

Rob Conway provided a verbal report regarding the Public Meeting to be held on June 27th respecting the Bamberton Regional Impact Assessment Final Report. He noted that the paper copy of the report will be available by Thursday and also on the CVRD web site.

NB5 – Pre-Emption Highway Lights

Director Harrison advised of concerns respecting emergency vehicle access to the highway in Mill Bay. He requested Committee support to have the Ministry of Transportation install special pre-emption lights that activate at an intersection when emergency vehicles approach. Director Harrison also stated that he would like fees implemented for future development applications that would provide for funding of these emergency lights where needed.

It was Moved and Seconded

That a letter be forwarded to the Ministry of Transportation requesting that emergency pre-emption lights be installed at two heavy traffic intersections in Mill Bay (new Mill Bay regional gas station intersection; Hutchinson Road intersection); and further that the CVRD pursue implementing additional application fees to cover costs for pre-emption lights for applications that would involve development in areas of heavy traffic intersections.

MOTION CARRIED

NB6 – Spirit Pole

Director Giles advised that the official unveiling by the CVRD Board and the Cowichan Tribes Council of the Spirit Pole is to take place on Sunday, June 21st which is National Aboriginal Day, from noon to 1:00 pm. Director Giles advised that she will clarify this and send out an email to Directors to confirm.

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 4:15 pm.

RISE

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 4:20 pm.

Chair

Recording Secretary



D1

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF JULY 8, 2009

DATE: June 30, 2009 **FILE No:** 1-D-09 DP
FROM: Rob Conway, MCIP **BYLAW No:** 925
SUBJECT: Development Permit Application - 1790 Prichard Road (Kimpfel)

Recommendation:

That application No. 1-D-09DP be approved, and that a development permit be issued to Wendy and George Kimpfel for Lot 2, Section 6, Range 4, Cowichan District, Plan VIP86262 for the construction of a single family dwelling subject to exterior construction works occurring between August 15 and February 15.

Purpose:

To consider an application to construct dwelling located within the Habitat Protection Development Permit Area.

Application and Property Summary:

Location of Subject Property: 1790 Prichard Road, Cowichan Bay

Legal Descriptions: Lot 2, Section 6, Range 4, Cowichan District, Plan VIP86262

Date Application and Complete Documentation Received: May 19, 2009.

Owner: Wendy Kathleen Kimpfel

Applicant: Wendy and George Kimpfel

Size of Parcel: 4520 square metres (1.12 acres)

Zoning: R-3B (Urban Residential – Limited Height)

Minimum Lot Size Under Zoning: 700 square metres with community sewer and water

Existing Plan Designation: Urban Residential

000011

Existing Use of Property: Vacant

Existing Use of Surrounding Properties:

North: Residential (R-3B)
 South: Vacant (R-3)
 East: Residential (R-3B)
 West: Vacant (R-3B)

Services:

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

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: There are no known watercourses or wetlands on the subject property. Great Blue Heron nest sites have been identified immediately south of the subject property, but it appears nesting herons have moved westward to the ravine east of Wessex Road.

Archaeological Site: None have been identified.

The Proposal:

An application has been submitted to the CVRD's Planning and Development Department for a Development Permit, in order to permit the applicants to construct a single family home. As the subject property is within the Habitat Protection Development Permit Area, as designated by Official Settlement Plan Bylaw No. 925, applicable to Electoral Area D – Cowichan Bay, a development permit is required before a building permit can be issued for the proposed dwelling.

Background:

The applicants recently subdivided their property on Prichard Road. The subdivision created a 1002 square metre parcel containing an existing single family home and a 4520 square metre remainder parcel. Now that the subdivision is completed, the owners intend to construct a new home on the remainder parcel.

Although the recent subdivision was completed after adoption of Bylaw 3083, which established the Habitat Protection Development Permit Area, a development permit was not required for the subdivision, as Section 943 of the *Local Government Act* provides protection from such changes for a one year period. However, subsequent development on the property, including the construction of structures, does require a development permit.

Policy Context:

The Habitat Protection Development Permit Area (DPA) was established to protect Great Blue Heron nesting sites and surrounding habitat. The Habitat Protection DPA acknowledges that the *Wildlife Act* protects nesting sites, but not habitat or activities adjacent to the nests. In order to minimize disruption to nest sites, particular during breeding season, the Habitat Protection DPA requires permits and compliance with guidelines for the following types of development within the DPA:

- Subdivision of land;
- Alteration of land, including removal of trees or vegetation and removal/deposit of soil;

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- Construction of a road, bridge, driveway, well, sewage works, pipelines, or similar work;
- Construction of a building or structure.

The Habitat Protection Development Permit guidelines discourage development within 200 metres of the identified nest sites. Where development cannot be directed outside of the 200 metre buffer area, construction and development is expected to occur outside of the breeding season and a report from a professional biologist with experience and knowledge in dealing with Herons and their nesting requirements may be required.

Project Description:

The applicants are proposing to construct a single family dwelling approximately 3 metres from the east property boundary and 45 metres from the south boundary. The building site and part of the lot have been previously cleared. The applicants plan to begin construction in August and expect to occupy the new home by the end of the year. The applicants have advised that much of the new dwelling will be "pre-fabricated", which will allow it to be constructed faster and with less noise than a site-built home.

Advisory Planning Commission Comments:

This application has not been referred to the Area 'D' Advisory Planning Commission as the APC does not meet in the summer months. Deferring review of the application until the fall would impose hardship on the applicants and may not result in issuance of the permit in time for the proposed construction to occur prior to next year's nesting and breeding season.

Development Services Division Comments:

Although the subject property is within 200 metres of the Heron nest sites identified in the Habitat Protection DPA, active nesting in the area appears to have shifted to the nearby ravine, which is more than 200 metres away from the subject property. So although the property is subject to the Habitat Protection DPA, the likelihood that activities on the subject property will affect heron nesting in the area is less than when the DPA was first established. However, as Heron nest sites can be transitory, the possibility exists that herons will return to the nest trees south of the subject property.

As the applicants are proposing to commence construction of the dwelling in August, it would be feasible for them to complete construction within the non-nesting season. Staff have discussed this matter with the applicants and they are agreeable to limiting construction from mid-August to mid-February, which is outside of the breeding and nesting season identified in the Habitat Protection DPA guidelines. If construction is limited to this period, staff believe the application would be consistent with the applicable guidelines and would have no objection to issuance of the permit.

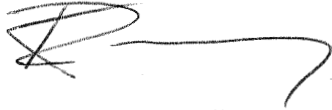
Options:

1. That application No. 1-D-09DP be approved, and that a development permit be issued to Wendy and George Kimpfel for Lot 2, Section 6, Range 4, Cowichan District, Plan VIP86262 for the construction of a single family dwelling subject to exterior construction works occurring between August 15 and February 15.

2. That application No. 1D-09DP not be approved and that the applicant be requested to revise the proposal.

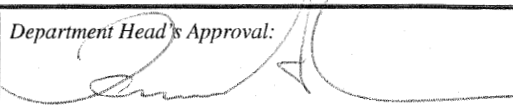
Option 1 is recommended.

Submitted by,



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

RC/ca

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

000014



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.

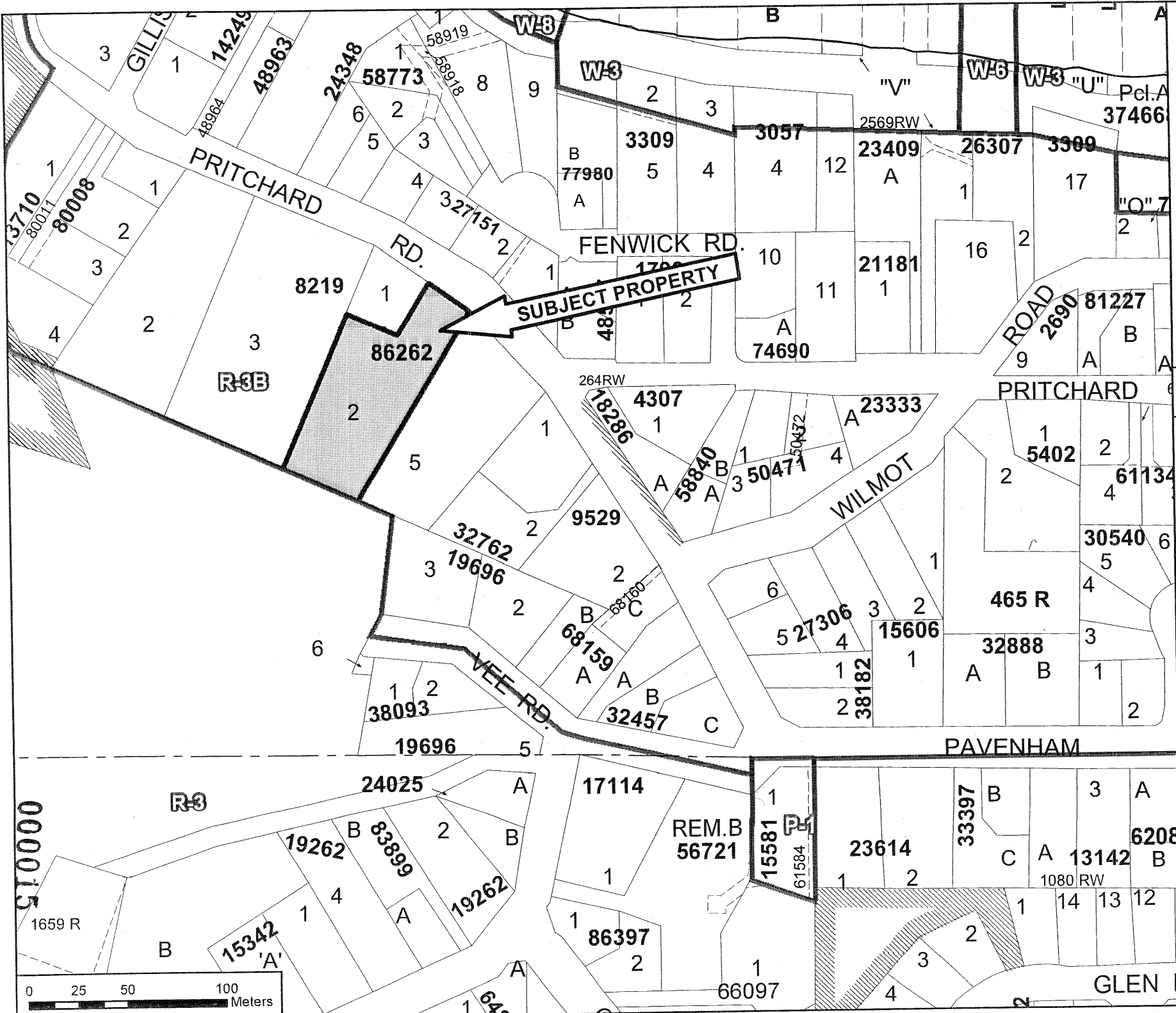
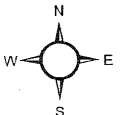
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 1-D-09-DP

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area D





Cowichan
Valley
Regional
District

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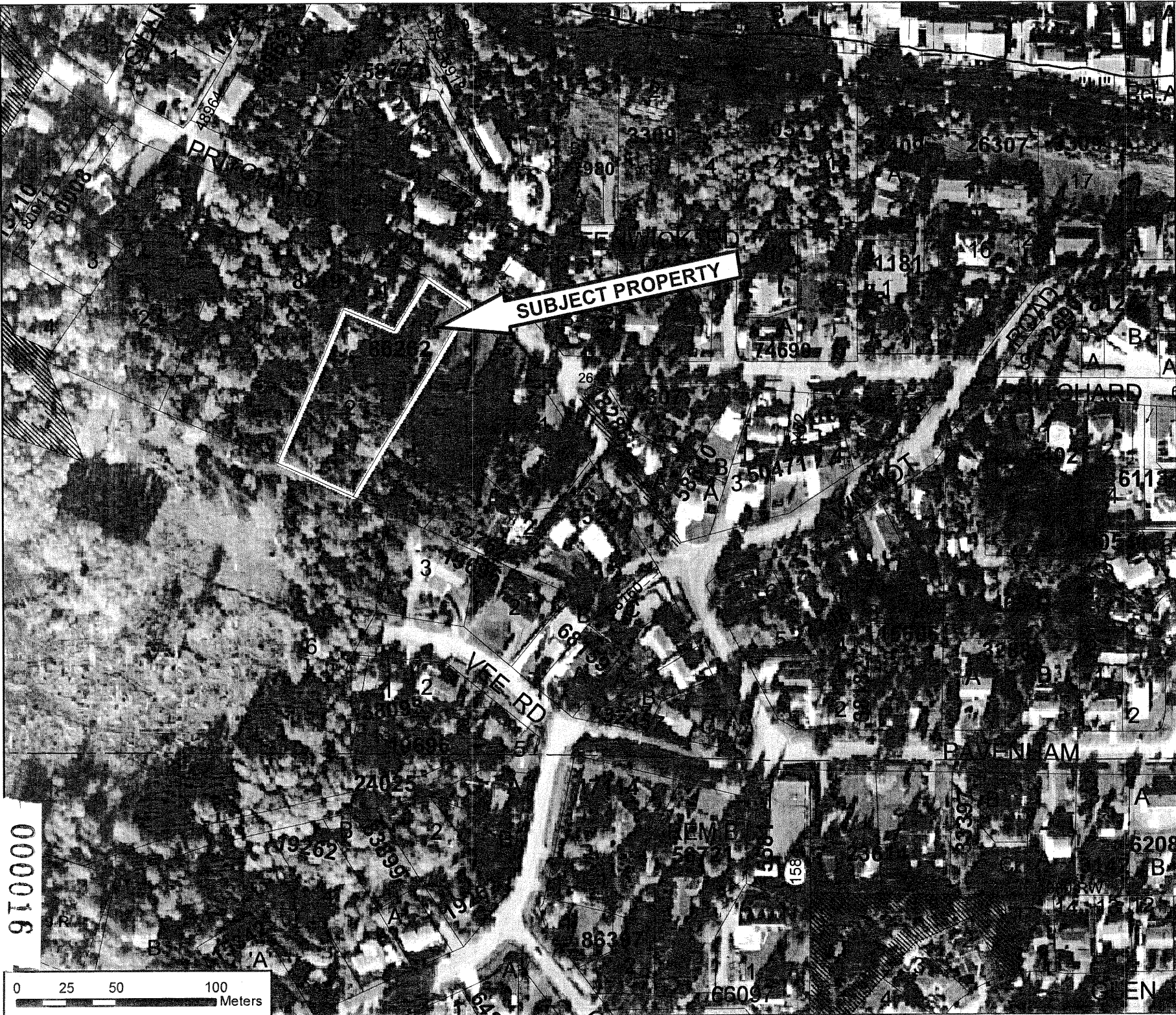
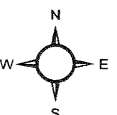
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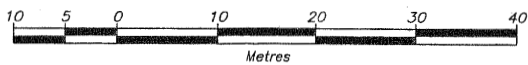
FILE: 1-D-09-DP

Orthophoto
(2004)



PROPOSED SUBDIVISION OF LOT 4,
SECTION 6, RANGE 4, COWICHAN
DISTRICT, PLAN 8219.

Scale = 1:500

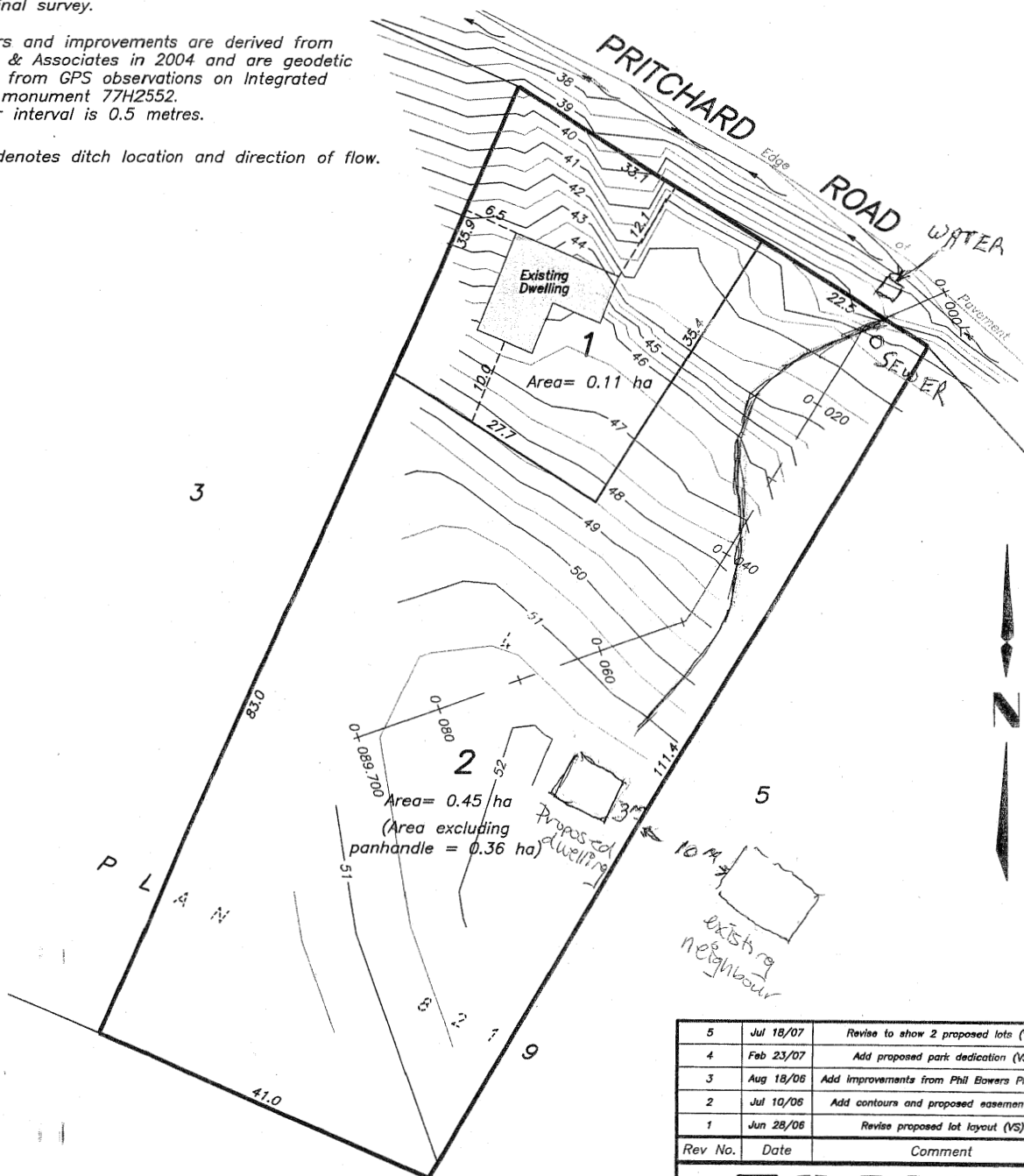


NOTE:

All distances are in metres and are subject to change upon final survey.

Contours and improvements are derived from Bowers & Associates in 2004 and are geodetic derived from GPS observations on Integrated survey monument 77H2552.
Contour interval is 0.5 metres.

← denotes ditch location and direction of flow.



REM PARCEL B
(DD 472441)
SECTION 6, RANGE 4

5	Jul 18/07	Revise to show 2 proposed lots (VS)
4	Feb 23/07	Add proposed park dedication (VS)
3	Aug 18/06	Add improvements from Phil Bowers Plan (VS)
2	Jul 10/06	Add contours and proposed easement (VS)
1	Jun 28/06	Revise proposed lot layout (VS)
Rev No.	Date	Comment

FOCUS

Engineering • Planning • Geomatics

PROJECT

Mr and Mrs Kimpfel

PROJECT REF. 011898-00

SHEET TITLE

PROPOSED SUBDIVISION

DRAWN

VS

DATE

2006-06-14

SHEET No.

CHECKED

SCALE

1:500

011898PS1

000017





C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 1-D-09DP

DATE: _____

TO: WENDY KATHLEEN KIMPFEL

ADDRESS: 1790 PRICHARD ROAD

COWICHAN BAY, BC V0R 1N1

1. This Development Permit is issued subject to compliance with all of the Regional District bylaws applicable thereto, except as specifically varied or supplemented by this Permit.
3. This Development Permit applies to and only to those lands within the Regional District described below (legal description):

Lot 2, Section 6, Range 4, Cowichan District, Plan VIP86262

4. Authorization is hereby given for the construction of a single family dwelling, in accordance with the Habitat Protection Development Permit Area Guidelines of Electoral Area D – Cowichan Bay - Official Settlement Plan Bylaw No. 925.

The development shall be carried out subject to the following conditions:

1. Exterior construction of the dwelling shall only occur between August 15 and February 15.
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedules are attached:
 - Schedule A – Site Plan

000019

7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Planning and Development Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. _____ PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE ____ DAY OF JULY, 2009.

Tom Anderson, MCIP
General Manager, Planning and Development Department

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

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

Signature

Witness

Owner/Agent

Occupation

Date

Date

000020



D2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF JULY 7, 2009

DATE: June 30, 2009 **FILE NO:** 1-H-09ALR
FROM: Rachelle Moreau, Planning Technician **BYLAW NO:**
SUBJECT: Application No. 1-H-09ALR
(M. Pilcher/B. Tolley)

Recommendation:

That Application No. 1-H-09ALR submitted by Maureen Pilcher for Bonita Tolley made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide the subject property under the provisions of Section 946 of the *Local Government Act* be forwarded to the Agricultural Land Commission with a recommendation to deny the application.

Purpose:

To subdivide the subject property pursuant to Section 946 of the *Local Government Act* (Subdivision to provide a residence for a relative) and under Section 21(2) of the *Agricultural Land Commission Act*.

Background:

Location of Subject Property: 13785 Hill Road

Legal Description: Lot A, District Lot 25, Oyster District, Plan 32458 (PID: 000-154-351)

Date Application and Complete Documentation Received: December 31, 2008

Owner: Bonita Tolley

Applicant: Maureen Pilcher & Associates

Size of Parcel: 3.88 Ha (9.59 acres)

Existing Zoning: A-1 (Primary Agricultural)

Minimum Lot Size Under Existing Zoning: 12 hectares

Existing Plan Designation: Agriculture

000021

Existing Use of Property: Residential and Horse raising and training

Existing Use of Surrounding Properties:

North: Residential
 South: Residential
 East: Fields and Residential
 West: Residential

Services:

Road Access: Hill Road
Water: Well
Sewage Disposal: Septic tank and field

Agricultural Land Reserve Status: Property is located within the ALR

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas has identified a wetland (N0040) on the northern portion of the subject property, which is shown on the Atlas to connect to a TRIM stream with confirmed fish presence.

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

The Proposal:

An application has been made to the Agricultural Land Commission, pursuant to Section 21(2) of the *Agricultural Land Commission Act*, for the purpose of subdividing one 1.6 ha (4 ac.) parcel from the existing 3.88 ha (9.58 ac.) parcel to construct a home for the property owner's son.

Soil Classification:

Canada Land Inventory Maps: \pm 20% 4A (4P); \pm 80% 7R

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
2	-	-
3	-	-
4	20	20
5	-	-
6	-	-
7	80	80
<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, can be managed with little difficulty
- Class 3 lands have moderate limitations for Agricultural Production
- Class 4 lands have limitations that require special management practices
- Class 5 lands have limitations that restrict capability to produce perennial forage crops
- Class 6 lands suitable for domestic livestock grazing, may not be suitable for cultivation
- Class 7 lands have no capability for arable culture.
- Subclass "A" indicates soil moisture deficiency, improvable by irrigation
- Subclass "C" thermal limitations
- Subclass "D" indicates low perviousness, management required
- Subclass "P" indicates stoniness, improvable by stone picking
- Subclass "R" indicates bedrock near the surface or rock outcrops
- Subclass "T" indicates topography limitations, not improvable
- Subclass "W" indicates excess water, may be improvable by drainage.

Policy Context:

The Official Community Plan, Bylaw No. 1497, 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 although none specifically reference Section 946 subdivision applications.

"Policy 5.1.1:

All lands within the Agricultural Land Reserve (ALR) as well as other lands considered to be agricultural in character or supportive of agricultural lands shall be designated Agricultural in the plan map.

Policy 5.1.2:

a) all uses and subdivision of ALR land except those lands exempted under Section 19(1) of the Agricultural Land Commission Act shall be in accordance with the provisions of the Act, regulations thereto, and orders of the Land Commission.

Policy 5.1.3

Subject to the policies contained within this Plan, agricultural pursuits shall be given priority within the Agricultural designation and the only uses permitted are those which shall not preclude future agricultural uses.

This application to subdivide is being made under the provisions of Section 946 of the *Local Government Act*, which allows for subdivision to a lot size smaller than permitted within the bylaw provided it is for a separate residence for a relative. CVRD Bylaw No. 1741 establishes the minimum parcel size for subdivisions under Section 946 of the *Local Government Act*. However, as this property is located within the ALR, it is not subject to the minimum parcel size requirements of CVRD Bylaw No. 1741.

Planning Division Comments:

The subject property is located at 13785 Hill Road and contains one residence with several agricultural buildings, including a horse stable and paddocks. The owner currently uses the property for raising and training horses, and for a residence. On the north and east sides of the subject property are large agricultural parcels (approximately 16 ha) and to the south and west the lots are smaller acreages (approximately 2-4 ha).

The 1.6-hectare area proposed for subdivision consists mostly of land not suitable for agriculture due to several bedrock outcroppings, shallow soil, and the presence of a ravine on the west side of the subject property. The remainder parcel, 2.26 hectares, also consists of poor quality soil for agriculture and will continue to be used for horse training and boarding. All existing agricultural buildings will stay on the remainder lot as shown on the site plan provided by the applicant.

The Canada Land Inventory soil classification identifies the agricultural capacity of the subject property to be limited to Class 4 and Class 7 soils with subclasses noted above, in particular stoniness and bedrock near the surface or rock outcrops. In this instance, the soil capability cannot be improved beyond Class 4 and 7.

As there is wetland on the property, the applicant may be required to obtain a Riparian Area Regulation Development Permit (RAR DP). A RAR DP is required when development (including construction or subdivision) is proposed within 30 metres of a stream, lake, wetland, or ditch that provides fish habitat or is connected by surface flow to a stream that provides fish habitat. In this case, a Qualified Environmental Professional (QEP) would be engaged by the applicant at the time of subdivision to determine whether the wetland is a stream, as defined by the Riparian Area Regulation (RAR), in which case a Development Permit and RAR assessment will be required. The QEP would conduct an assessment and delineate a Streamside Protection and Enhancement Area (SPEA). A SPEA is an area where no development activities, including vegetation removal and deposit of fill, can occur; it is meant to be left completely natural in order to protect the riparian function of the stream.

If the subdivision is authorized by the Agricultural Land Commission (ALC), the applicants must submit an application to subdivide the property with the Ministry of Transportation and Infrastructure (MoTI), who is the approving authority for subdivisions in the Electoral Areas.

Government Agency Comments:

The Electoral Area H Advisory Planning Commission met on April 9, 2009 and May 14, 2009 with a site visit having been conducted on April 15, 2009 and they discussed this application at that time. They submitted to us the following comments and recommendation (*in italics*):

“Based on the discussions at all 3 meetings, the Advisory Planning Commission was concerned with the following:

- 1) The subject property is surrounded with larger agricultural parcels and numerous 10 to 15 acre small farms and ‘hobby farms’. Subdivision of this parcel would increase the ‘densification’ of this very rural community.*

- 2) Approval of this application could encourage numerous similar applications, many of which would, by precedent, most likely be approved, changing the entire nature of the community. The APC must view each application with the entire community in mind. (i.e. does the application enhance the community (i.e. is there a benefit to the community?) OR does the application detract from the community?)
- 3) Although the agricultural potential of the property is low, there are two small, reasonably good quality fields at the northern extremity; one on the west side of the wetland and one on the east side of the wetland. The proposed subdivision would split these two arable pieces and reduce the agricultural potential of this property to almost zero.
- 4) There is a steep "ravine" running along the northern part of the west boundary. Due to the positioning of this "ravine" and adjacent steep slopes, the "new" property line (of the proposed subdivision) would cut off the access to the field/pasture area west of the wet land area (pond). NOTE: The heavily treed area that is shown on the submitted drawing (i.e. the piece west of the pond) is a field area, not a heavily treed area as indicated. This would significantly restrict or virtually eliminate the agricultural use of the proposed western lot.
- 5) This property is already much smaller (9.59 acre) than what is permitted in the existing zone (A-1: min 30 acres) and in fact is even too small to be subdivided under the next lower zone (A-2; min 5 acres).
- 6) The expressed intent for this application was "to provide an area for a single family dwelling for Ms. Tolley's son, who would assist her in the day to day maintenance of her livestock". It was suggested that an application for a second dwelling (under ALR legislation) would satisfy this objective without fractioning the land. At least one APC member indicated (and others indicated agreement) such an application would be viewed much more favourably.

The Advisory Planning Commission has recognized that there are at least two buildings on the proposed property line that, if this application were approved, would not meet the required setbacks. These buildings would have to be moved or the proposed property line altered.

The APC has correctly identified that the two horse barns identified on the plan would not comply with the minimum 15 metre setback requirements for agricultural and accessory uses.

However, if the application to subdivide in the ALR is approved, the applicants would have several options in order to comply with the setback regulations: either by revising the site plan, applying for a variance to reduce the setbacks, or moving the building in order to comply with the Bylaw.

Current CVRD policy with respect to subdivision applications made pursuant to Section 946 of the *Local Government Act* is to forward these to the ALC notwithstanding the content of land use bylaws. However, a recent legal opinion sought by the CVRD indicates that we are not necessarily required to forward these types of applications simply because they are made pursuant to Section 946 of the *Local Government Act*.

Staff are not generally supportive of Section 946 applications as they permit a subdivision that would not conform to zoning regulations and bylaws. Although the soil capability may not be supportive of agriculture, the APC has identified some valid concerns respecting the subdivision and which have been considered in our recommendation. For example, if subdivision of the subject property is permitted, it is possible that the subdivision would reduce the agricultural opportunities of the site, and encourage similar subdivision applications.

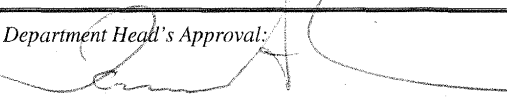
Options:

1. That Application No. 1-H-09 ALR submitted by Maureen Pilcher for Bonita Tolley made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide the subject property under the provisions of Section 946 of the *Local Government Act* be forwarded to the Agricultural Land Commission for their consideration without recommendation.
2. That Application No. 1-H-09 ALR submitted by Maureen Pilcher for Bonita Tolley made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide the subject property under the provisions of Section 946 of the *Local Government Act* be forwarded to the Agricultural Land Commission with a recommendation to deny the application.
3. That Application No. 1-H-09 ALR submitted by Maureen Pilcher for Bonita Tolley made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide the subject property under the provisions of Section 946 of the *Local Government Act* be forwarded to the Agricultural Land Commission with a recommendation to approve the application.
4. That Application No. 1-H-09 ALR submitted by Maureen Pilcher for Bonita Tolley made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide the subject property under the provisions of Section 946 of the *Local Government Act* be denied and not forwarded to the Agricultural Land Commission.

Submitted by,

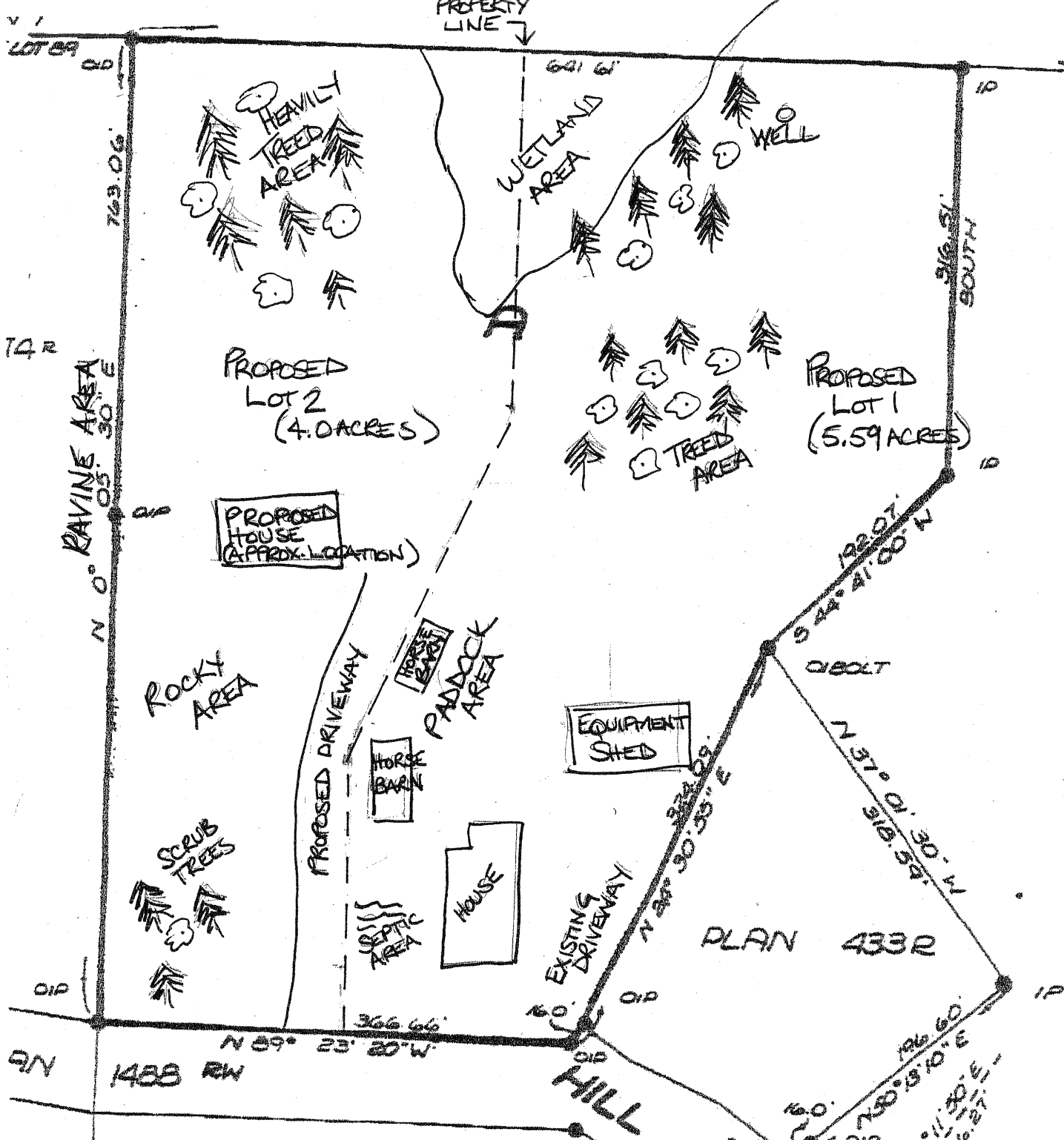


Rachelle Moreau,
Planning Technician
Planning and Development Department

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

RM/ca

000026



SUBJECT PROPERTY = 9.59 ACRES

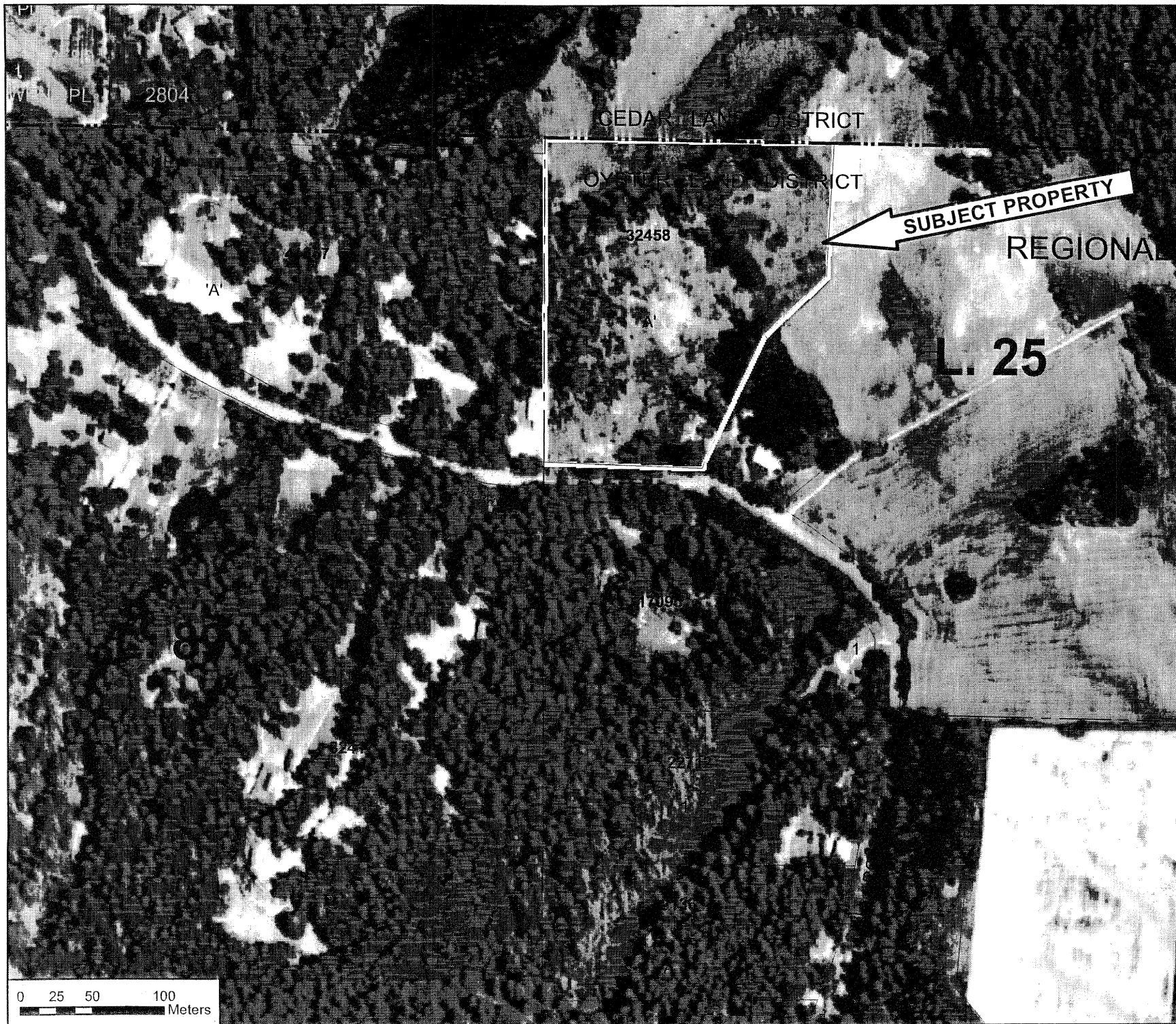
REQUEST TO SUBDIVIDE APPROX. 4.0 ACRES
OFF PARENT PARCEL UNDER
SEC. 946 OF LOCAL GOVT ACT

PROPOSED PLAN OF SUBDIVISION OF
LOT A, DL 25, OYSTER DISTRICT
PLAN 32458 PID: 000 154 351
13785 HILL ROAD

000027

NOT TO SCALE
ALL DIMENSIONS TO BE
CONFIRMED BY BCLS.

000028



**Cowichan
Valley
Regional
District**

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

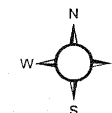
The Regional District does not warrant the accuracy.

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

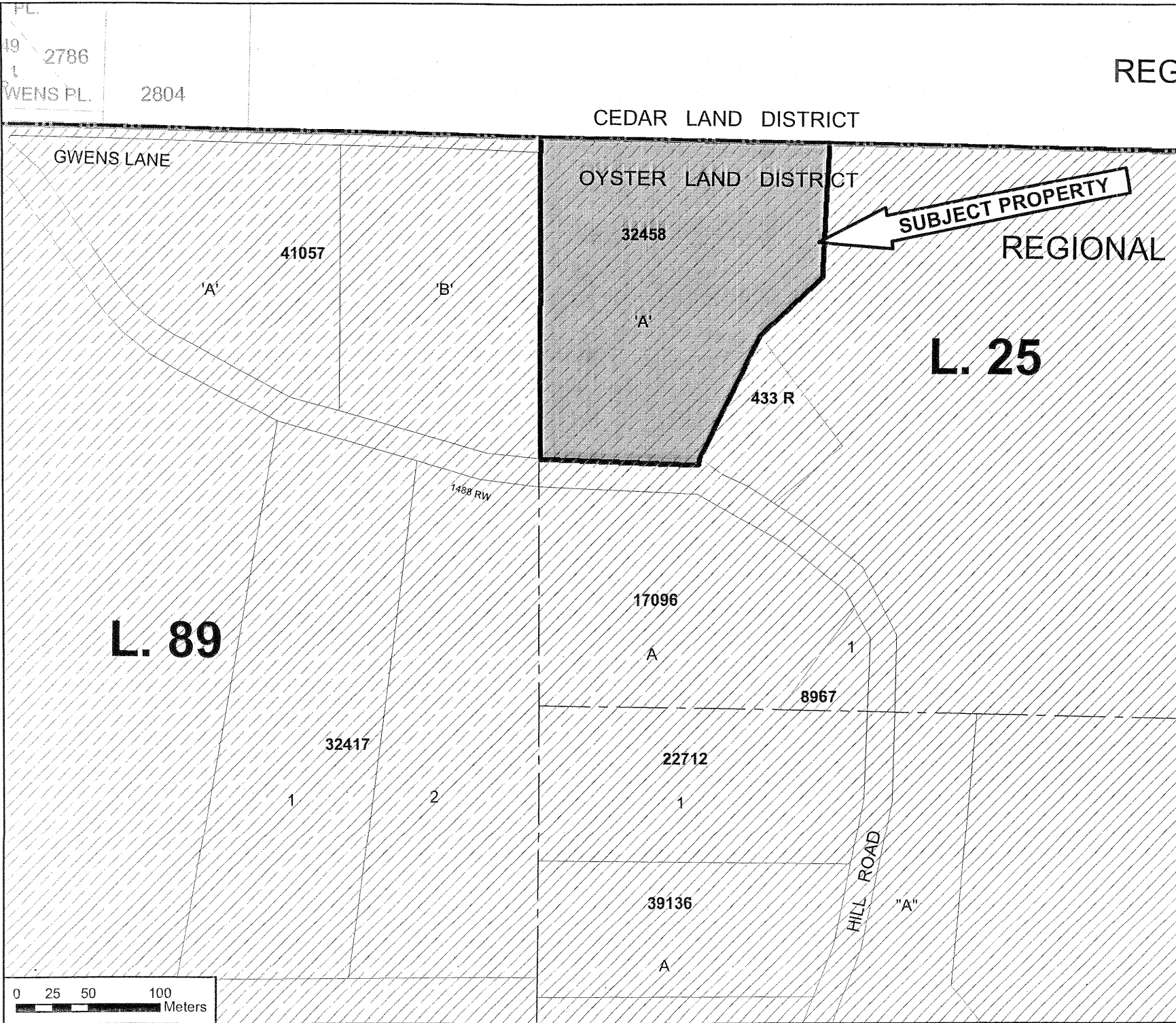
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 1-H-09-ALR

**Orthophoto
(2002)**



0000029



Cowichan
Valley
Regional
District

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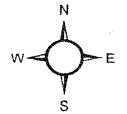
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FILE: 1-H-09-ALR

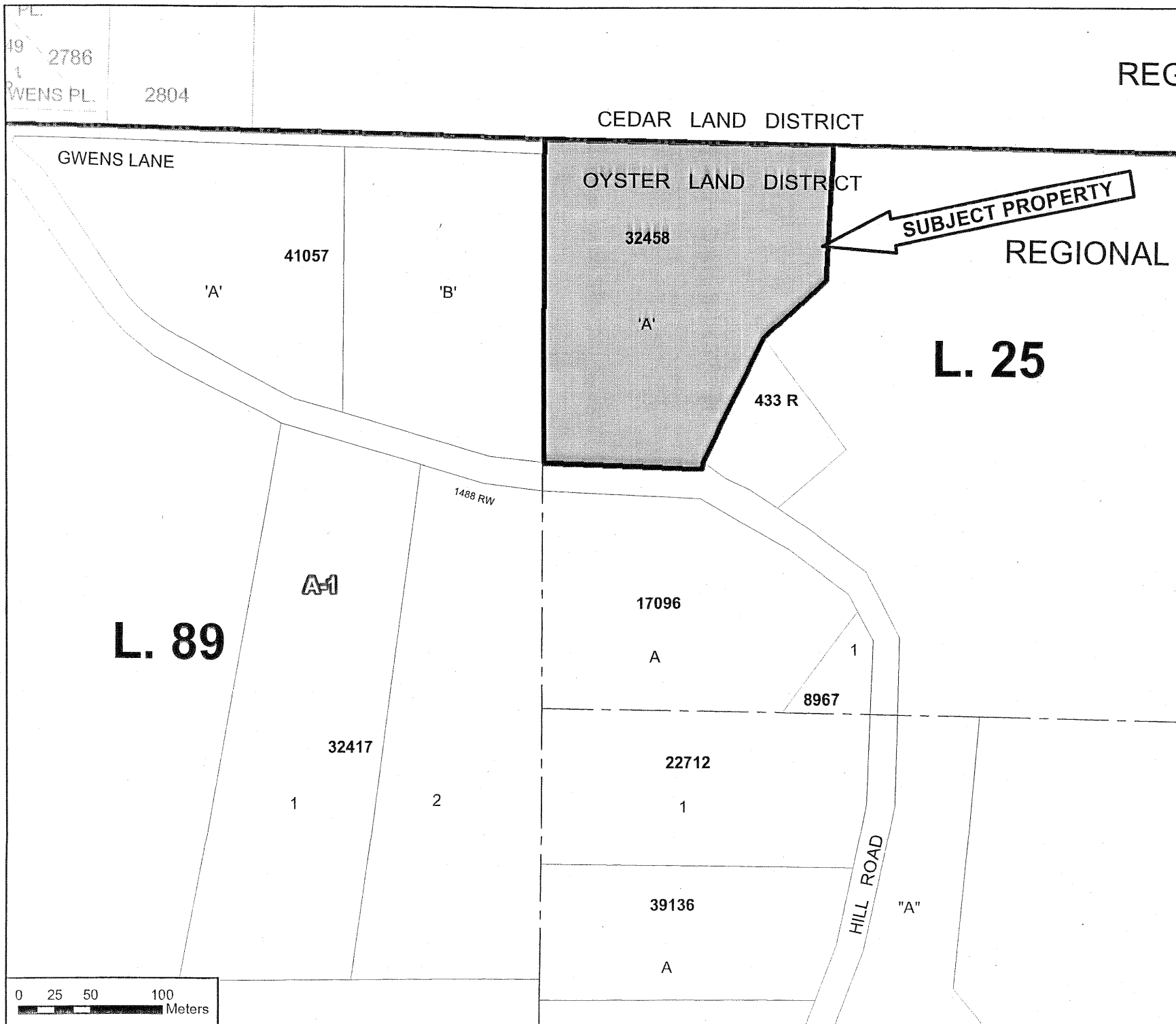
ALR

Legend

-  Subject Property
-  H_ALR



0000030



Cowichan
Valley
Regional
District

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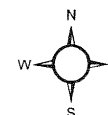
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 1-H-09-ALR

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area H



Maureen Pilcher & Associates

Land Use Consultants

2009-January-05

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

Dear Sirs:

**Re: ALC application to subdivide property under Section 946 of the
Local Government Act – Subdivision For A Relative – 13785 Hill Road.**

Please find enclosed an application to the Agricultural Land Commission in order to subdivide this property under Section 946 of the Local Government Act – Subdivision for a Relative. Please note that this is not an application to remove land from the Agricultural Land Reserve.

The subject parcel is located on Hill Road in Electoral Area H – North Oyster/Diamond area of the Cowichan Valley Regional District. The rear boundary of the property abuts land administered by the Regional District of Nanaimo. This site is fully contained within the Agricultural Land Reserve (ALR), as are the surrounding parcels. The area of the parent parcel is 9.59 acres (3.88 hectares), and is accessed from Hill Road.

This site is designated "Agriculture" pursuant to the Electoral Area 'H' OCP Bylaw No.1497 and is zoned "A-1 – Primary Agricultural". The parcel is not in a designated Development Permit area, and is not included in a Watercourse Development Permit area or an Environmentally Sensitive Area. There is a wetland area at the rear property boundary, but it is not subject to the provincial Riparian Area Regulations.

Please note that the eastern area of the subject property is being utilized by the owner for horse raising and training. There are a number of outbuildings on the property – horse stables and an equipment shed. Extensive paddock areas are maintained here. There is also a heritage home, which is presently being restored by Ms. Tolley.

The majority of properties in this rural area are utilized for residential purposes. Crop cultivation, other than small kitchen gardens, is severely limited due to poor soil conditions and rock outcroppings – particularly on the western portion of this property. The property is treed in areas, however the

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Qualicum Beach, BC
V9K 1W6

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000031

Maureen Pilcher & Associates

Land Use Consultants

species are predominantly maple and alder scrub trees. The western edge of the property is bounded by a steep ravine.

The applicant, Ms. Bonita Tolley, wishes to subdivide an area of approximately 4.0 acres – the western portion of the property - in order to provide a separate parcel for her son. This area of the property has many bedrock outcroppings, and shallow soil, which is not conducive to agricultural uses. The present western boundary of the property is on the edge of a ravine, and therefore, cannot be utilized for grazing or crop production. It could, however, provide an area for a single family dwelling for Ms. Tolley's son, who would assist her in the day to day maintenance of her livestock.

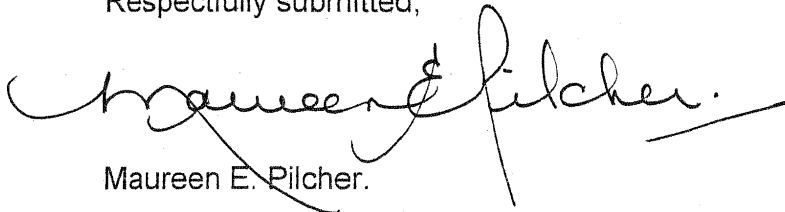
Other than the construction of a single family dwelling, no change to the property is expected. The proposed use of the subdivided parcel – a single family dwelling - would not negatively impact the existing or potential agricultural use of surrounding lands. It is not expected that this proposal will require a change to the present zoning or the Official Community Plan designation. This application meets all the requirements of Section 946 of the Local Government Act – Subdivision for a Relative, and Ms. Tolley is willing to enter into a restrictive covenant with the Cowichan Valley Regional District and the Agricultural Land Reserve Commission that the parcel being created will be utilized as required by Subsection 7 of Section 946.

The applicant does not have a current survey of this property, however we have enclosed a sketch plan of the proposed subdivision, and pictures, to support this application.

Please find enclosed a cheque, made payable to the Cowichan Valley Regional District, in the amount of \$600.00, representing the application fee for this subdivision. We understand that the Cowichan Valley Regional District will forward this application, and accompanying documentation, to the Agricultural Land Commission for their decision, once it is vetted by the Cowichan Valley Regional District Board. We would be pleased to present this application at a future Board meeting.

Please advise as soon as possible if any further supporting documentation is required.

Respectfully submitted,



Maureen E. Pilcher.

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Qualicum Beach, BC
V9K 1W6

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C·V·R·D

D3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 7, 2009

DATE: June 29, 2009 **FILE NO:** 3-E-09 DP
FROM: Mike Tippet, Manager **BYLAW NO:** 1490
Community and Regional Planning Division
SUBJECT: DEF Autoworld application for a development permit

Recommendation:

That Application No. 3-E-09DP be approved and that the Planning and Development Department be authorized to issue a development permit to DEF Autoworld Properties Ltd. for Lot 1, Range 6, Section 13, Plan 9381, Quamichan District for the construction of an automotive sales building, with the conditions in the development permit including the replacement of the existing chain link fencing along Koksilah Road with decorative wooden fencing, and that an irrevocable letter of credit in the amount of 125% of the estimated cost of landscaping be submitted to the CVRD, to be released once the landscaping has been completed and the vegetation is established for one year.

Purpose:

To consider the issuance of a development permit under the Koksilah Development Permit Area for a proposed building and use that conforms to the present C-5 zoning.

Financial Implications:

None apparent.

Interdepartmental/Agency Implications:

None apparent.

Background:

Location of Subject Property: 2930 Allenby Road

Legal Description: Lot 1, Section 13, Range 6, Quamichan District, Plan 9381

Date Application and Complete Documentation Received: April 1, 2009

Owner: DEF Autoworld Properties Ltd.

Applicant: Michael Ker for Doug Fulton

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Size of Parcel: 914 m²

Existing Zoning: Local Commercial (Special) (C-5)

Minimum Lot Size Under Existing Zoning: 0.1 hectares on community water and sewer service

Existing Plan Designation: Commercial

Existing Use of Property: Disused commercial lot, building removed in 2005

Existing Use of Surrounding Properties:

North:	Light industrial business
South:	Forested industrial land
East:	Light industrial business
West:	Urban residential - homes

Services:

<u>Road Access:</u>	Allenby Road
<u>Water:</u>	Duncan Community Water
<u>Sewage Disposal:</u>	Eagle Heights Community System

Agricultural Land Reserve Status: Out

Contaminated Sites Regulation: "Yes" answer provided on site profile form, matter referred to Ministry of Environment in summer 2007, and MoE provided clearance for the CVRD to proceed with the zoning application in October 2007. This clearance would also apply to the development permit application.

Environmentally Sensitive Areas: None shown on GIS

Archaeological Site: None shown on GIS

The Proposal:

An application has been made for approval of the design and site planning of the subject property pursuant to the new Koksilah Development Permit Area guidelines. A copy of this DPA is attached to this report.

Contamination Issue Background

The applicant is the owner of the site of a former service station located at 2930 Allenby Road. This site was an Esso service station between the late 1950s and 1979. The service station had two underground storage tanks, which were removed in 2005 when the site's building was demolished. Twenty-seven (27) tons of contaminated soil was removed at that time and trucked to the Quantum Environmental Millstream facility at that time.

Because of the previous activities on the site, when the application for rezoning was received, a site profile form had to be completed by the applicant, which detailed the previous use. This site profile form and the accompanying Wittich Environmental Services report were forwarded to Vince Hanemayer of the Ministry of Environment in Surrey for review. Local governments must not rezone properties known to have contamination issues, without the consent of the Ministry. This consent was received in the late fall of 2007. Apparently the site is adequately remediated for commercial and light industrial land uses.

The Rezoning

The applicant initially was seeking light industrial zoning for the subject land, but upon APC advice this was changed to a variation on the local commercial zoning that the subject property already had. Essentially, auto sales and repair were added as permitted uses, in the move to the new C-5 Zone. The zoning amendment bylaw was adopted by the Board on May 13, 2009.

Property Location and Context

The subject property is located in an area that is part of a block that is zoned industrial and has some light industrial land uses on it. On the west side of Koksilah Road, there is the beginning of a large residential area with homes fronting the street opposite this site. The sensitivities of the site from the perspective of the neighbours were made clear at the hearing for the zoning amendment, and the development permit area was identified as the principal opportunity for a reasonable site development, which is respectful of the neighbouring people.

Advisory Planning Commission Comments:

The Electoral Area E APC considered the application at their meeting in June 2009. The following minute covers this application:

Application File #3-E-09DP (DEF Autoworld Properties Ltd.)

Owner: Doug Fulton

Applicant: Michael Ker

MOTION:

It was moved and seconded that the application be accepted subject to the following conditions:

- 1. That a bond be applied to equal 125% of the value of the landscaping depicted on the landscape plan submitted to the CVRD;*
- 2. That the landscaping be to BCSLA standards and include an underground irrigation system; and*
- 3. That decorative wood fencing be installed along the Koksilah Road frontage.*

Motion Carried.

Development Permit Guideline Review

Environmental Protection

- a) Runoff from the development will be limited in order to prevent storm flows from damaging riparian areas during normal rainfall events. Preferably, on larger sites, natural wetland protection and enhancement should be incorporated, along with measures to limit impervious surfaces. Parking areas should contain oil/water separators, and – where feasible – use pervious landscaping that can absorb runoff. Applicants should submit figures*

for total site imperviousness. The Board may specify maximum site imperviousness in a development permit;

The site plans submitted have a landscaped area and given its small size, most of the site will be paved. It is therefore necessary for oil/water separators to be installed, and to use whatever absorption capacity in the landscaped areas to accommodate the runoff. Drain rock features off the site, but in the road rights-of-way, immediately adjacent to the property are proposed to accommodate the bulk of the runoff.

Building footprint coverage of the site is limited to 12%.

- b) *The latest Best Management Practices for land development of the Ministry of Environment and Fisheries and Oceans Canada, should be respected;*

The site plans appear to have been respectful of BMPs, which are difficult to fully implement on a very small site such as this one.

Landscaping

- c) *Landscaping will be provided around the periphery of the parcel. Particular attention will be paid to landscaping measures along road frontages and parcel boundaries that may abut other uses such as residential. A combination of low shrubbery, ornamental trees and flowering perennials is recommended. The Entire Development Permit Area sits upon a valuable drinking water aquifer and applicants should submit plans indicating how they will protect the aquifer.*

The general intent of this guideline is met by the landscaping shown on the plan. The plantings will consist mainly of two Kousa Dogwoods, one Amur Maple and 20 Rhododendron bushes. These will help to soften the chain link fence that is presently around the property, though the plantings will be inside the fence line. Beyond the property line, the applicant indicates that they intend not only to have drain rock pits installed for runoff control, but that the existing ditches will be cleared and landscaped (within the road right-of-way). Landscaped areas are indicated on the submitted plan as having underground irrigation, as per the APC recommendation. The APC also recommended that the existing chain link fencing be replaced with wooden fencing along Koksilah Road, in order to better integrate the appearance of this site with the neighbourhood. If the entire site was converted to decorative wooden fencing, it would enhance the look overall.

- d) *The use of landscaped berms and raised planter berms as a visual and noise barrier between commercial/industrial uses and the Trans-Canada Highway is strongly encouraged. Such raised features need not exceed 1.5 metres in height, but should be at least 0.75 metres in height;*

Berms are not required in this location, due to the Trans Canada Highway being about 400 metres away.

- e) *Owner-designed landscape plans may be reviewed in accordance with the Landscape Standard developed jointly by the British Columbia Society of Landscape Architects (BCSLA) and the British Columbia Nursery Trades Association (BCNTA);*

Considering the small size of the site and the relatively small area to be landscaped, formal review is not thought to be required. The applicant indicates that all planted

vegetation will be serviced with underground irrigation. In order to ensure that the landscaping requirement is met, the CVRD is entitled under Section 925 of the *Local Government Act* to require a security to cover the estimated costs of the landscaping, including a contingency. Staff will recommend that an irrevocable letter of credit be required as a condition of the development permit.

Form and Character of Buildings and Structures

- f) *Buildings and structures will be designed in consideration of improving upon the aesthetics of the surrounding area, with finishes that are attractive, such as tinted concrete, some natural materials and natural colours;*

The proposed building design is remarkably pleasant for this type of use, and it is respectful of the homes in the area. By the standards of Koksilah Industrial Park generally, this would be one of the best examples in the area, in staff's opinion. The attendees at the public hearing regarding the rezoning were shown the proposed design and the feedback at that venue was also very favourable.

Vehicle Access, Pedestrian Access and Parking

- g) *Where two or more commercial or industrial facilities adjoin one another, vehicle access points, pedestrian pathways and parking and circulation patterns should be linked and possibly shared in order to encourage as safe a flow of pedestrian and vehicle traffic as possible. This can be accomplished by reciprocal easements and or rights of way. Unnecessary duplication of access points is strongly discouraged;*

This guideline does not apply to the subject lands.

- h) *Parking areas will be designed to physically separate pedestrian and motorized traffic, for example, through the use of raised pedestrian routes;*

This site is small enough and infrequently visited by vehicles that "pedestrian routes" will not require any delineation or separation.

- i) *Parking surfaces will be paved in a suitable material, whether pervious or impervious, and will not be located within 3 metres from any major road network route and the Trans-Canada Highway;*

This guideline is met by the proposed development scheme.

- j) *Where required, pedestrian routes across, within and between sites should be clearly delineated by means of separate, raised walkways, sidewalks or paths;*

This guideline is not applicable to this site.

Signs

- k) *Signs should be designed to reflect the site's architecture and landscaping and should be limited to not more than 5 metres in height and also of limited area;*

A sign plan has not been submitted with this application; therefore a separate application will be required prior to signs being erected at the site. Sign development permits are delegated to the General Manager of Planning and Development for review.

- l) *Translucent "can" or panel signs that are wholly illuminated from behind are not permissible whether free-standing or mounted on a building fascia; however, the Board may consider permitting backlit signs if only the lettering and logos are illuminated at a low*

intensity. Fluorescent lighting projected towards a sign is very strongly discouraged and low intensity incandescent lighting is preferred for that purpose.

Not applicable as sign proposals have not been incorporated into this application.

- m) If multiple signs are required, they should be grouped and shared, and moving signs or signs with moving images or text will not be supported;*

Not applicable.

Wiring

- n) Underground wiring is encouraged in preference to overhead wiring;*

Underground electrical and other utility services are proposed.

Lighting

- o) Parking areas and pedestrian routes should be well lit, without glare to other lands and roads;*

Free-standing lights are not proposed; lighting will evidently be confined to the building itself.

A total of nine off-road parking spaces would be required for this development and seven dedicated spaces are shown on the plan behind the proposed building. An additional two spaces are shown to the side of the office. There is ample space elsewhere on the lot for additional cars to park if required, though these will likely typically be taken up with cars that are for sale.

Summary:

The proposal, as modified by staff recommendations under Option 1, complies with the intent and guidelines of the Koksilah Development Permit Area.

Options:

1. That Application No. 3-E-09DP be approved and that the Planning and Development Department be authorized to issue a development permit to DEF Autoworld Properties Ltd. for Lot 1, Range 6, Section 13, Plan 9381, Quamichan District for the construction of an automotive sales building, with the conditions in the development permit including the replacement of the existing chain link fencing along Koksilah Road with decorative wooden fencing, and that an irrevocable letter of credit in the amount of 125% of the estimated cost of landscaping be submitted to the CVRD, to be released once the landscaping has been completed and the vegetation is established for one year.
2. That Application No. 3-E-09 DP be approved as submitted and that the Planning and Development Department be authorized to issue a development permit to DEF Autoworld Properties Ltd. for Lot 1, Range 6, Section 13, Plan 9381, Quamichan District for the construction of an automotive sales building.

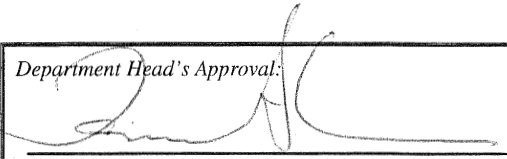
3. That Application No. 3-E-09DP not be approved because in the opinion of the Committee, one or more of the development permit guidelines has not been addressed (to be specifically identified in the Resolution).

Submitted by,



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

MT/ca

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

000039



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The Regional District does not warrant the accuracy

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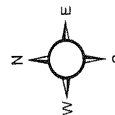
FILE: 3-E-09-DP

DPA

Legend



Subject Property





**Cowichan
Valley
Regional
District**

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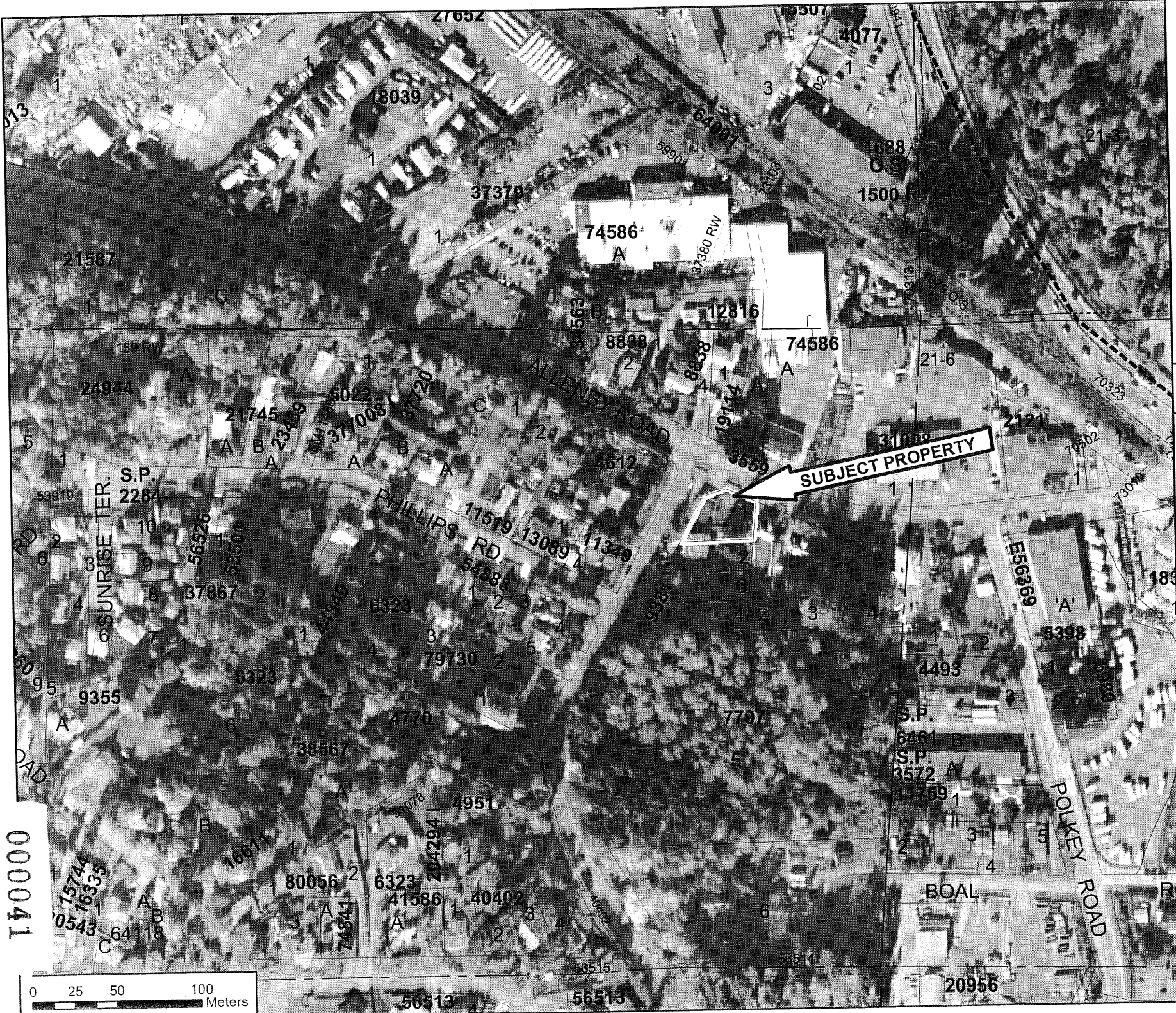
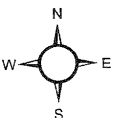
The Regional District does not warrant the accuracy.

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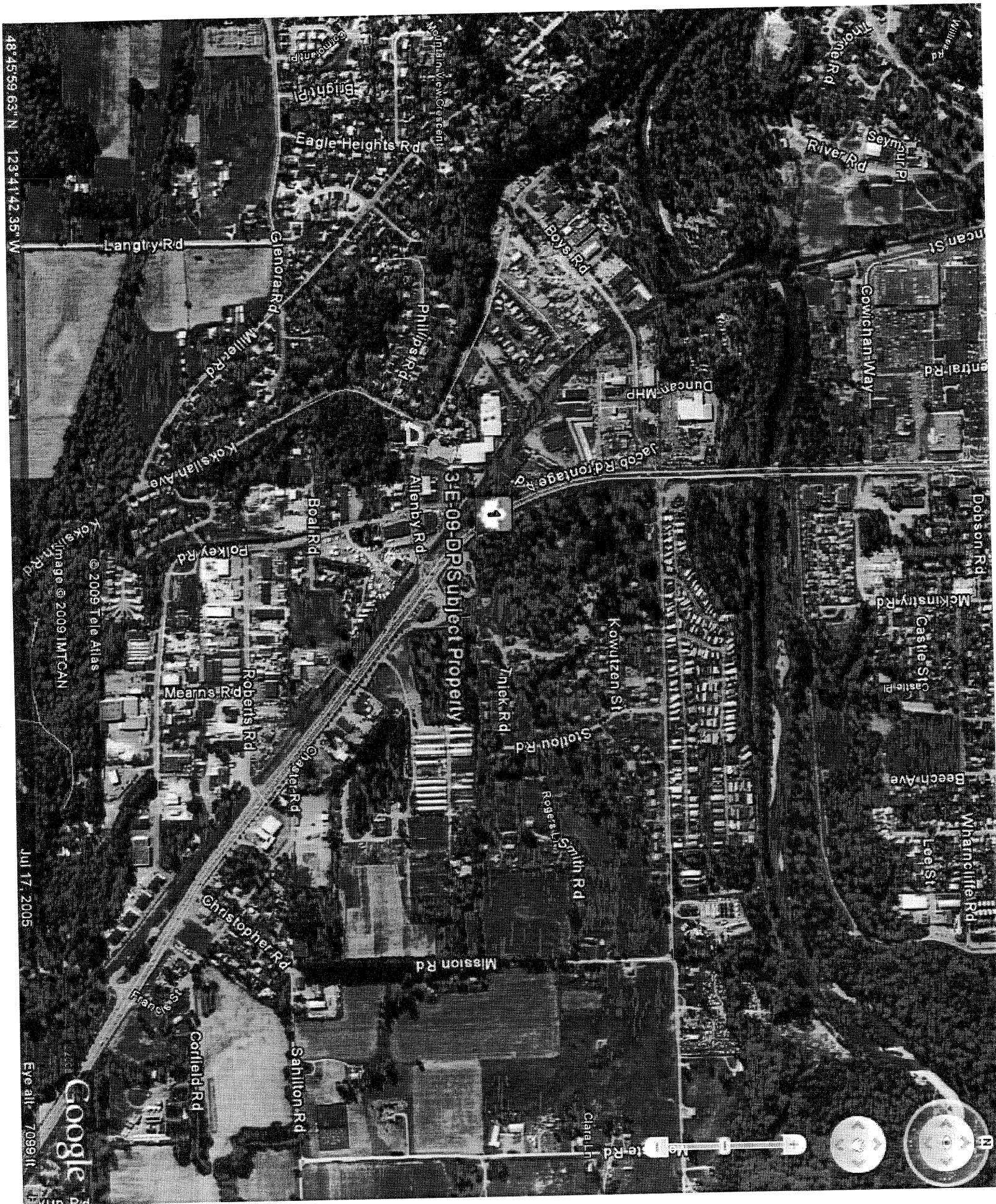
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 3-E-09-DP

**Orthophoto
(2004)**



000041



48°45'59.63" N 123°41'42.36" W
© 2009 Tele Atlas
© 2009 IMTCAN
Jul 17, 2005
Eye alt: 7089 ft

000042



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FILE: 3-E-09-DP

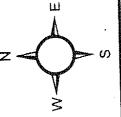
CO

Legend



Subject Property

OCP Electoral Area E





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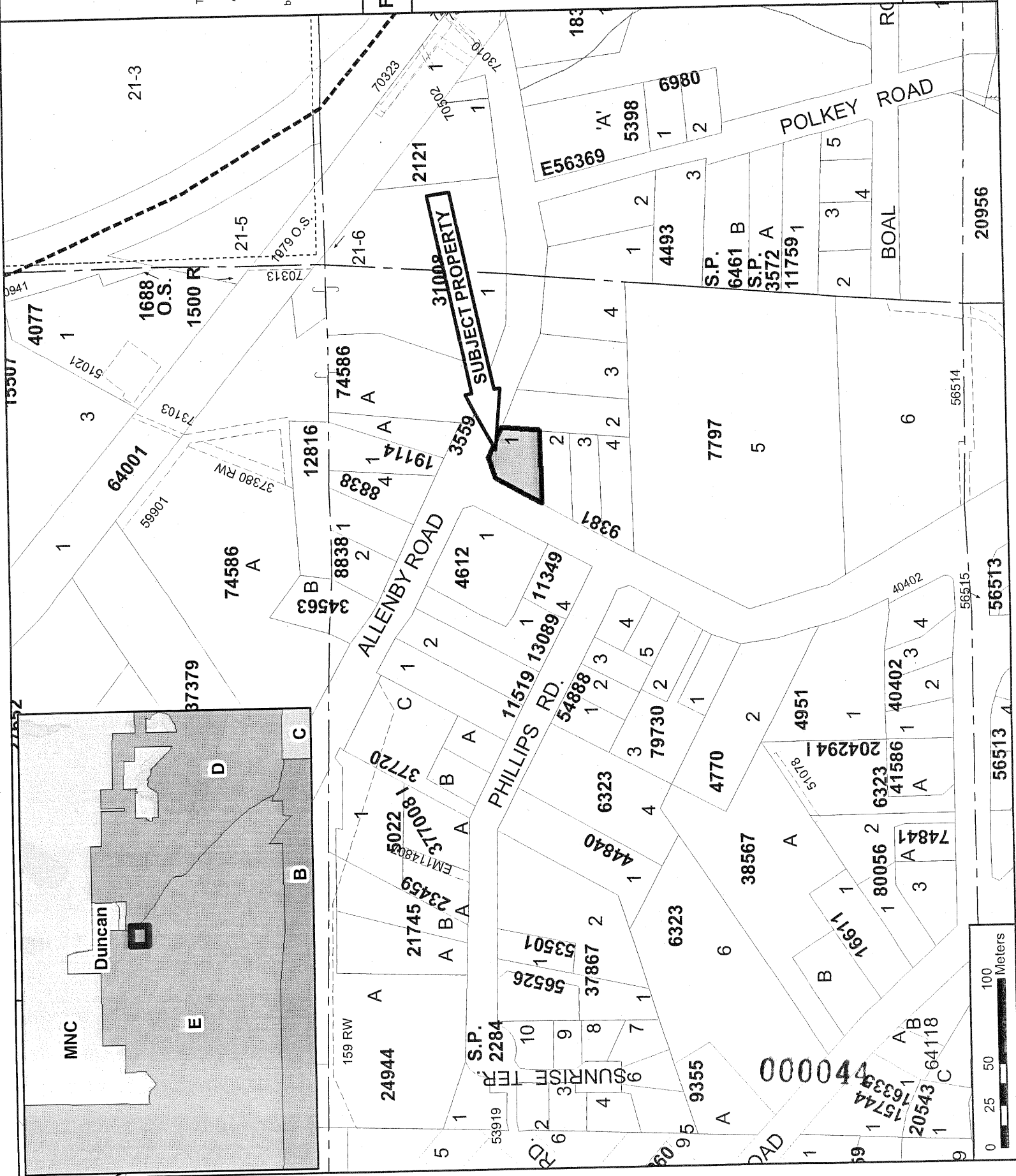
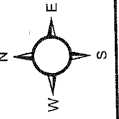
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 3-E-09-DP

Legend



Subject Property





04

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF JULY 7, 2009

DATE: June 30, 2009 **FILE NO:** 2-E-09DP
FROM: Rachelle Moreau, Planning Technician **BYLAW NO:** 1490
SUBJECT: Application No. 2-E-09DP
(Robert Davison)

Recommendation:

That application No. 2-E-09DP be approved, and that a development permit be issued to Top Shelf Feeds Inc. for Lot A, Section 12, Range 7, Quamichan District, Plan 21549, Except Part in Plans 22632, 27248 and 29799 for the construction of a new warehouse and retail building, subject to the following:

- a. Underground wiring be installed;
- b. Landscaping be installed to BCSLA standards in the amount and location as illustrated on the Revised Landscaping Plan, including an underground irrigation system;
- c. Receipt of an irrevocable letter of credit in a form suitable to the CVRD equal to 125% of the value of the landscaping as depicted on the revised landscape plan be provided with 75% of the security being refunded once the landscaping has been installed and the balance being returned after successful completion of a one year maintenance period.

Purpose:

To consider an application to construct a new warehouse and retail space.

Background:

Location of Subject Property: 2800 Roberts Road

Legal Descriptions: Lot A, Section 12, Range 7, Quamichan District, Plan 21549, Except Part in Plans 22632, 27248 and 29799 (PID:003-420-931)

Date Application and Complete Documentation Received: March 9, 2009. Revised drawings received May 15, 2009

Owner: Top Shelf Feed Inc. (Robert Davison)

Applicant: Same

Size of Parcel: 1.6 ha (3.9 acres)

000045

Existing Zoning: I-1 (Light Industrial)

Minimum Lot Size Under Existing Zoning: 0.1 ha with community sewer and water

Existing Plan Designation: Industrial

Existing Use of Property: Feed Manufacturer

Existing Use of Surrounding Properties:

North: Car Dealership (I-1)

South: Industrial

East: Trans Canada Highway

West: Industrial

Services:

Road Access: Roberts Road

Water: City of Duncan

Sewage Disposal: Eagle Heights Sewer Service

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas 2000 has not identified any environmentally sensitive areas.

Archaeological Site: None have been identified.

The Proposal:

An application has been made to the Regional Board to issue a Development Permit in accordance with the requirements of the Trans Canada Highway Development Permit Policies contained within Official Community Plan Bylaw No. 1490 for the purpose of constructing a new warehouse and retail space.

Planning Division Comments:

Policy Context

The subject property is located within the Trans Canada Highway Development Permit Area (DPA) as specified within Official Community Plan Bylaw No. 1490 (OCP). Section 919 of the *Local Government Act* provides the authority to establish Development Permit Areas. There are several grounds for the creation of development permit areas, including protection of the natural environment, protection of development from hazardous conditions, and establishment of objectives for the form and character of future industrial, commercial or multi-family development. As stated in the OCP, this Development Permit Area (DPA) was created as the Trans Canada Highway is the principal transportation corridor through this community and is a major contributor to the image of this portion of Area E – Cowichan Koksilah. Furthermore, as this property is highly visible from the Trans Canada Highway it is desired that the quality of development and landscaping is improved over time with new construction and redevelopment of older buildings.

000046

Prior to construction a development permit is required. Section 14.1 of the OCP outlines the guidelines from which to evaluate applications (see attached).

Project Description

The subject property is located off Roberts Road approximately ± 30 metres from the Trans Canada Highway. The applicant intends to construct a warehouse with a drive thru, retail space and a mezzanine including an office space. The warehouse and retail space will support the current feed manufacturing business, and provide opportunities to provide pet food and other animal feed on a retail scale. The proposed building will be constructed on the west portion of the lot and will have a total floor area of approximately 925.4 m^2 ($9,961 \text{ ft}^2$) of which 278.7 m^2 ($3,000 \text{ ft}^2$) will be devoted to the retail portion, 501.7 m^2 ($5,400 \text{ ft}^2$) for warehouse and storage use, and 145 m^2 ($1,560 \text{ ft}^2$) will be mezzanine and office.

The Trans-Canada Highway DPA Guidelines specify that buildings, landscaping and signage should be designed in a comprehensive manner with consideration of the site and surrounding lands. Please find enclosed the site plan showing the location of the proposed building and landscaping, the planting plan and landscaping elevation drawing in addition to the proposed building drawings submitted by the applicant.

The following section outlines how the application complies with the applicable Development Permit guidelines from the OCP. Please see attached Section 14.1 – **Trans Canada Highway Development Permit Area** Guidelines.

a) Vehicular Access

This property is separated from the Trans Canada Highway by the E&N railway corridor, therefore vehicle access is and will be provided off Roberts Road with no direct vehicle access to the Trans Canada Highway.

b) Vehicle Parking

The Parking Standards Bylaw No. 1001 specifies parking requirements according to the proposed use.

<i>Proposed Use</i>	<i>Parking Spaces Required</i>	<i>Loading Spaces Required</i>
Warehouse	1 space minimum per business use plus 1 space per 185 m^2 of gross floor area, whichever is greater	1 space for buildings of less than 700 m^2 of gross floor area. 1 space for each additional 700 m^2 of gross floor area for buildings greater than 700 m^2 in area to a maximum of 4 spaces.
Retail	7.5 spaces per 100 m^2 of gross floor area	1 space for buildings less than 700 m^2 of gross floor area and 1 additional space for each additional 500 m^2 gross floor area

In this case, the proposed building at 925.4 m² (9,961 ft²) would require 5 parking spaces for the warehouse and storage portion and 23 parking spaces for the retail portion. Two loading spaces are required. There are currently 27 designated parking spaces proposed on the site plan and at least 6 currently unmarked spaces beside the existing industrial building for employee parking. Therefore, a variance to the parking is not required. The number of parking spaces required for the retail portion (23) would appear to be somewhat inflated, as this type of retail will likely not generate the traffic that other types of retail stores would. However, the number of off-street parking spaces and loading spaces are calculated on the basis of the most similar use contained within the Bylaw.

The applicant has noted on the site plan that the entire front portion of the lot will be asphalt paved, as well as to the east of the proposed building.

c) Pedestrian Access

It is not anticipated that this development will have significant pedestrian circulation on the site. Pedestrian use will consist primarily of travelling from the parking spaces to the retail shop.

d) Landscaping

The following new landscaping elements are proposed:

- i) Along the northwest portion of Roberts Road between the existing access points consisting of a hedge of California lilac and Viburnum, with each end consisting of a landscaped area of Heather, Black-eyed Susan, Rhododendron, Mugo Pine and Ornamental cherry.
- ii) Landscaping adjacent to the drive-thru consisting of California Lilac, Viburnum, Heather, Mugo Pine, and Rhododendron.
- iii) In front of the retail shop consisting of Blue Oat Grass, Dwarf Fountain Grass, and Stonecrop.

As recommended by the APC (see below comments), split rail fencing has been incorporated into the landscaping along the front (Roberts Road).

Existing landscaping on the site consists of a treed buffer along the eastern (railway) side of the lot and a row of trees separating the new construction from the existing warehouse building.

This guideline states that the intermittent use of landscaped berms and raised planter beds as a visual and noise barrier between commercial/industrial uses and the Trans Canada Highway is strongly encouraged. With this application, no new construction is proposed near the Trans Canada Highway side of the lot, and consequently no new landscaping is proposed along this side.

Where landscaping is required as part of a development permit application, a form of monetary security is normally required to ensure that landscaping is provided in accordance with the approved plans and so any plant material that does not survive the specified maintenance period is replaced.

e) Signage

The applicant has not proposed any signage on the building or elsewhere on the property. Should signs be proposed in the future, an additional development permit will be required. Any development permit issued for signage in the future should ensure it is complementary to the approved building design and is compliant with applicable design guidelines.

f) Lighting

New lighting will consist of pot lights in the overhang, lighting for the storage bay and on the drive thru, and security lighting at the rear of the building.

g) Overhead Wiring

Overhead wiring is proposed. The applicants propose to connect to either an existing power pole on the site or a new one on the same side as Roberts Road as the subject property. However, underground wiring is strongly encouraged in the plan, and has been recommended by the APC.

h) Building Design

The proposed building exterior will consist of smooth and split-face coloured concrete blocks. The primary colour will be a brown/reddish colour with alternating gray or black coloured bands. The roof will consist of slate gray asphalt shingles.

Floodplain

The CVRD has a policy with regards to issuance of building permits for structures below the 200 year flood level in the Cowichan-Koksilah floodplain area. This policy permits issuance of a building permit provided that a geotechnical report is completed, a "save-harmless covenant" is registered on title, and that the proposed construction does not involve a request for more than one (1) metre below the 200 year flood level. As the proposed structure is below the 200 year floor level, the applicant will provide a geotechnical report and covenant prior to issuance of the building permit in accordance with the above-mentioned policy.

Government Agency Comments:

The Electoral Area E Advisory Planning Commission (APC) met on June 18, 2009 and they discussed this application at that time. They submitted to us the following comments and recommendation:

MOTION:

It was moved and seconded that the application be accepted subject to the following conditions:

- 1. That a bond be applied to equal 125% of the value of the landscaping as depicted on the landscape plan submitted to the CVRD,*
- 2. That the landscaping be to BCSLA standards and include an underground irrigation system,*
- 3. That parking for employees be designated to the south of the new building in a gravel parking lot with a minimum parking for 12 vehicles,*
- 4. That split rail fencing be incorporated into the landscaping along Roberts Road, and*
- 5. That underground power to the new building be installed.*

000049

Options:

1. That application No. 2-E-09 DP be approved, and that a development permit be issued to Top Shelf Feeds Inc. for Lot A, Section 12, Range 7, Quamichan District, Plan 21549, Except Part in Plans 22632, 27248 and 29799 for the construction of a new warehouse and retail building, subject to the following:
 - a. Underground wiring be installed;
 - b. Landscaping be installed to BCSLA standards in the amount and location as illustrated on the Revised Landscaping Plan, including an underground irrigation system;
 - c. Receipt of an irrevocable letter of credit in a form suitable to the CVRD equal to 125% of the value of the landscaping as depicted on the revised landscape plan be provided with 75% of the security being refunded once the landscaping has been installed and the balance being returned after successful completion of a one year maintenance period.
2. That application No. 2-E-09DP not be approved in its current form, and that the applicant be directed to revise the proposal.

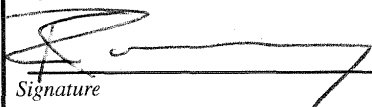
Submitted by,



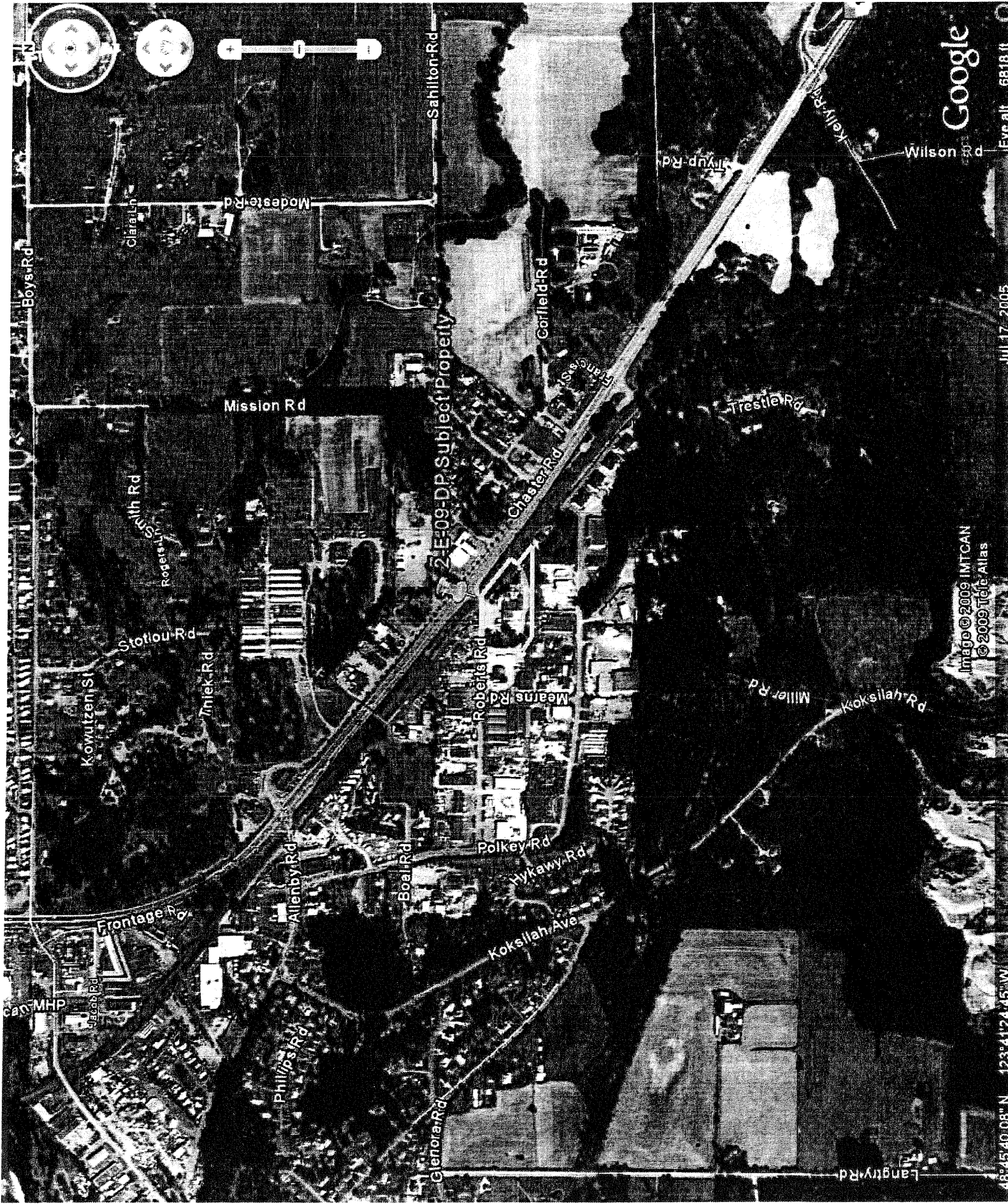
Rachelle Moreau,
Planning Technician
Planning and Development Department

RM/ca

For

Department Head's Approval:

Signature

000050



Google

Image © 2009 IMTCAN
© 2009 Tele Atlas

48°45'10.08" N 123°41'24.45" W

Jul 17, 2005

48°45'10.08" N 123°41'24.45" W

000051



Cowichan
Valley
Regional
District

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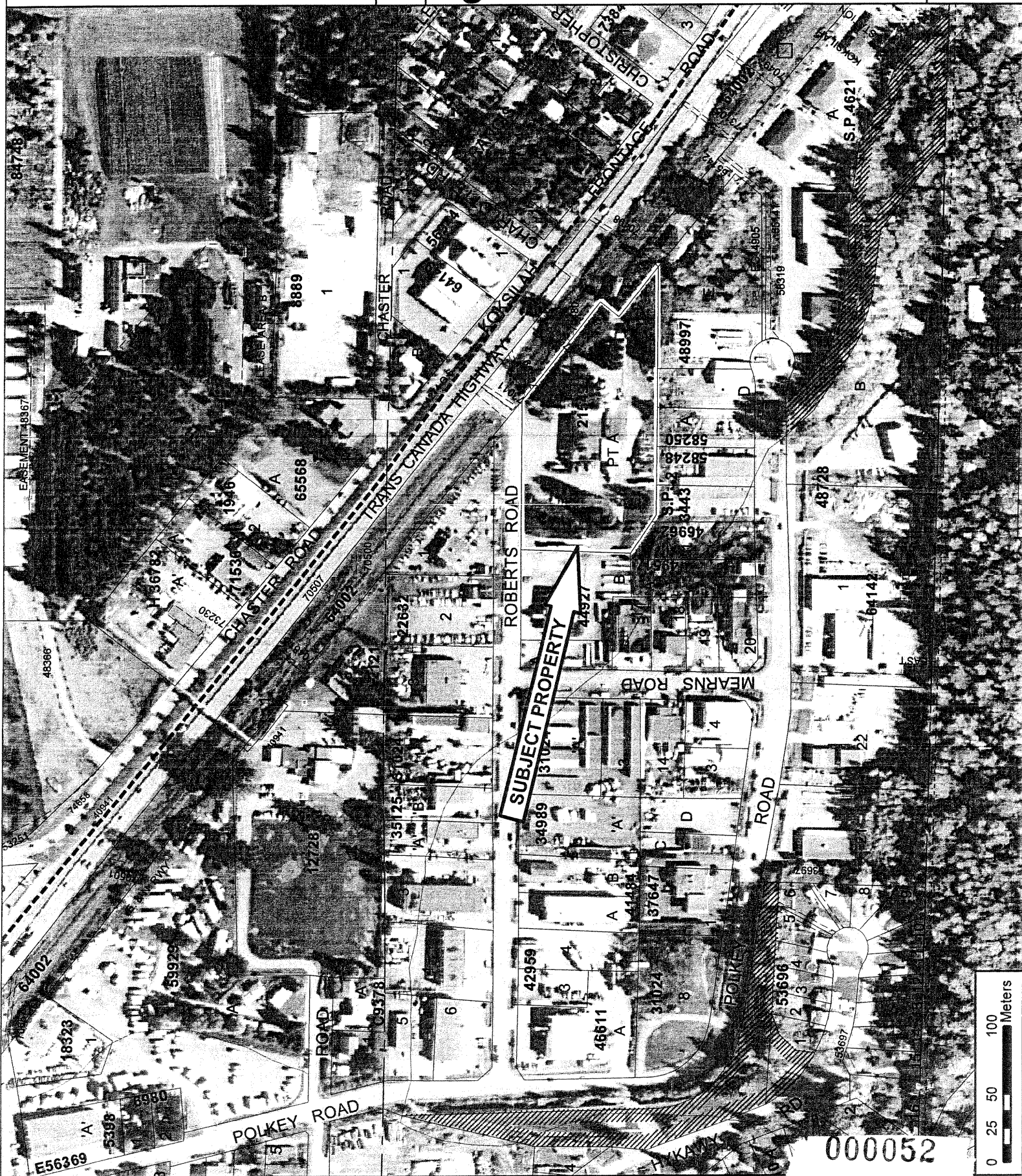
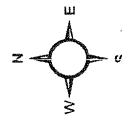
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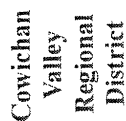
FILE: 2-E-09-DP

Orthophoto (2004)



000052





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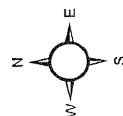
FILE: 2-E-09-DP

DPA

Legend

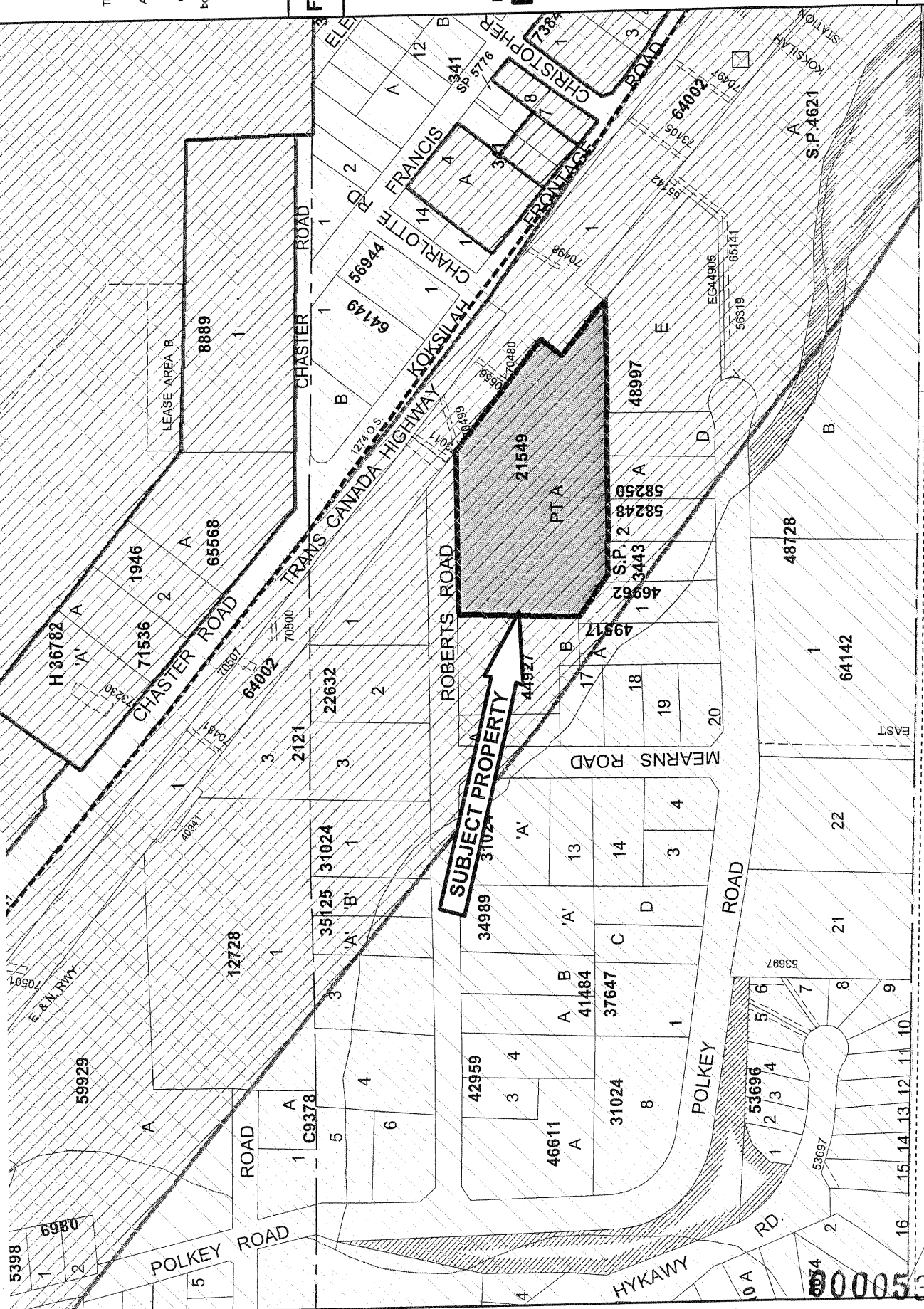


Subject Property



OTHER DPA

RIPARIAN AREAS REGULATION DPA





Cowichan
Valley
Regional
District

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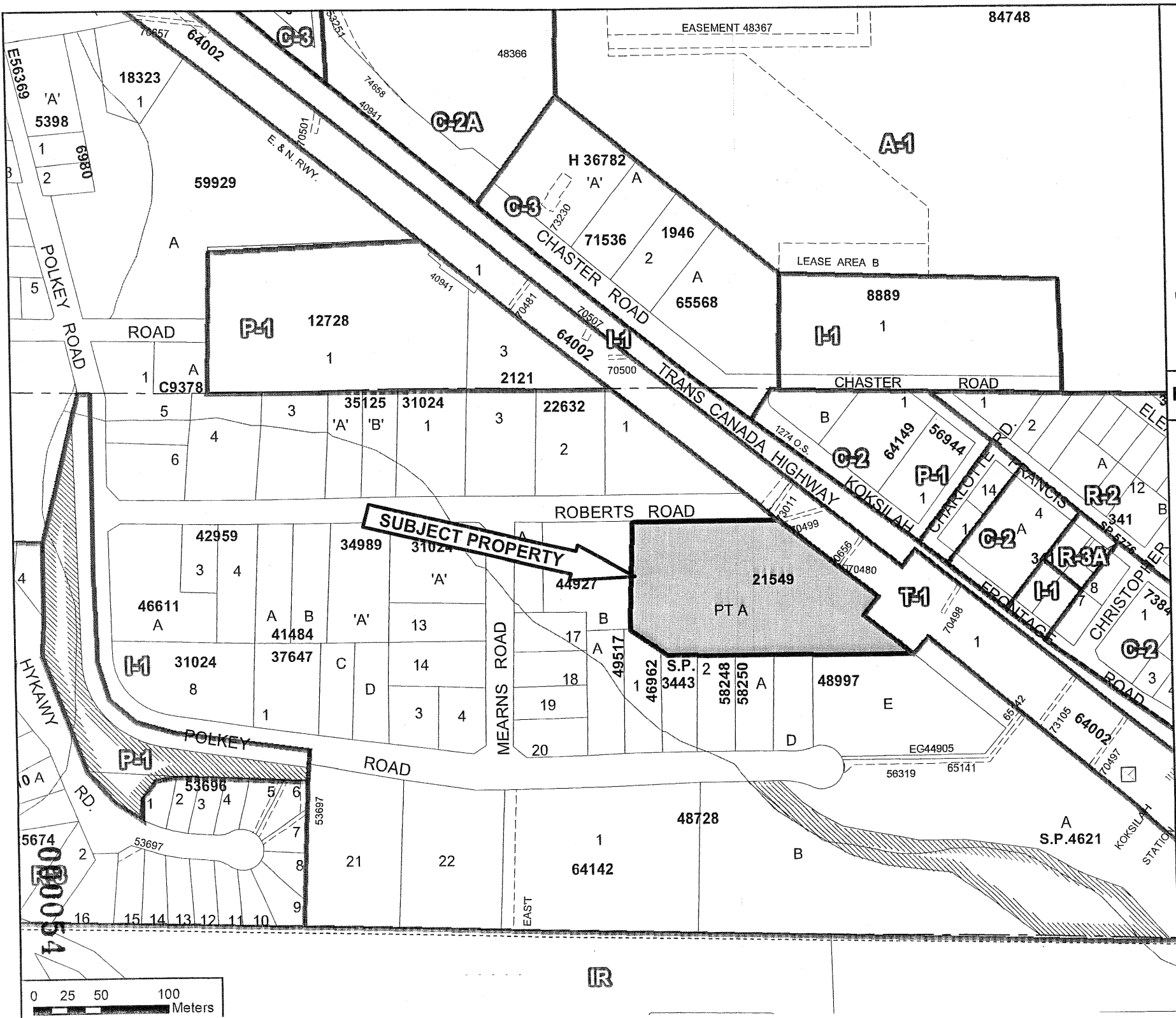
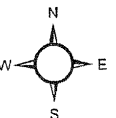
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

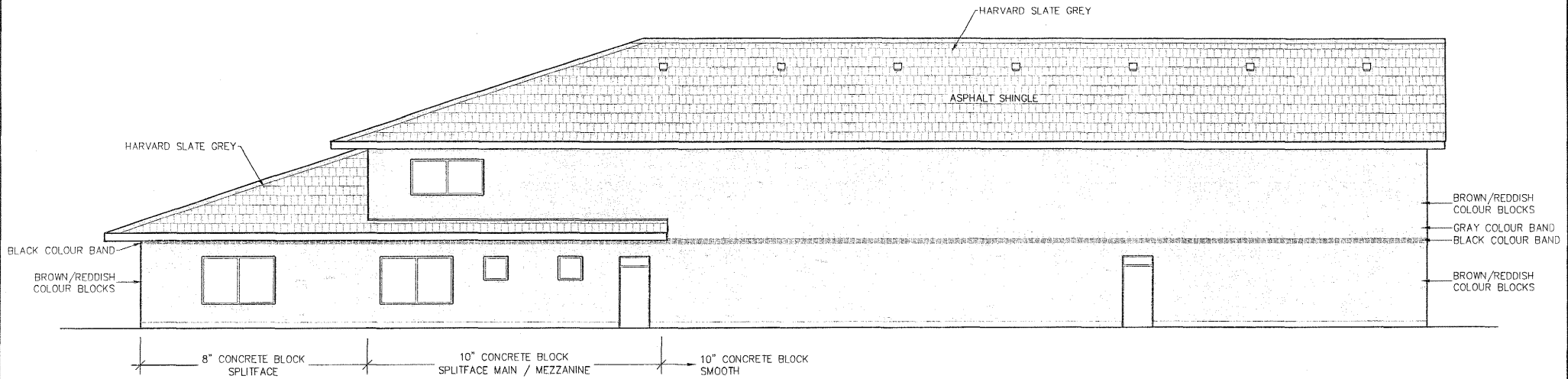
FILE: 2-E-09-DP

ZONING

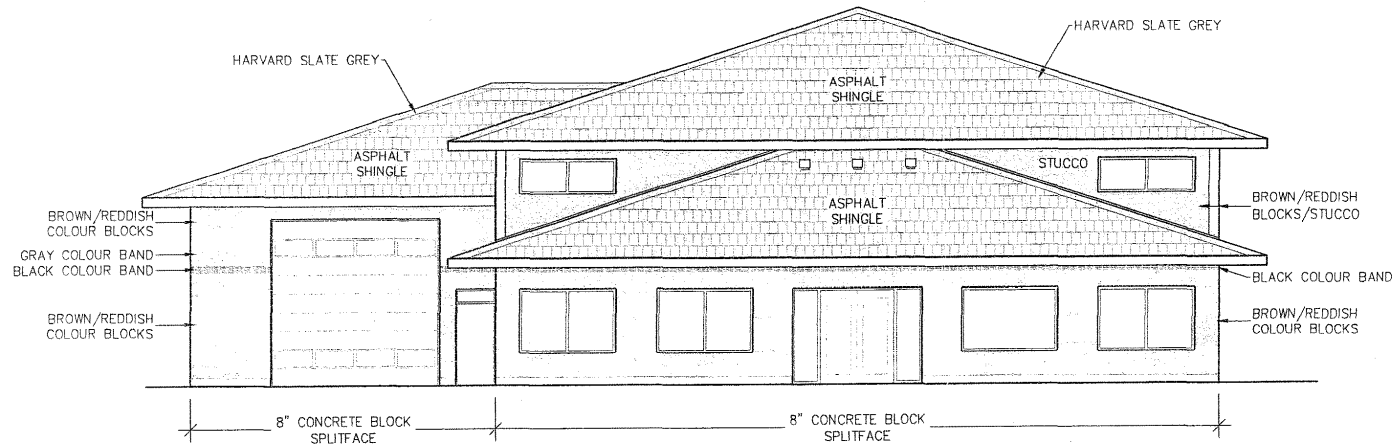
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- Subject Property
- Zoning Electoral Area E





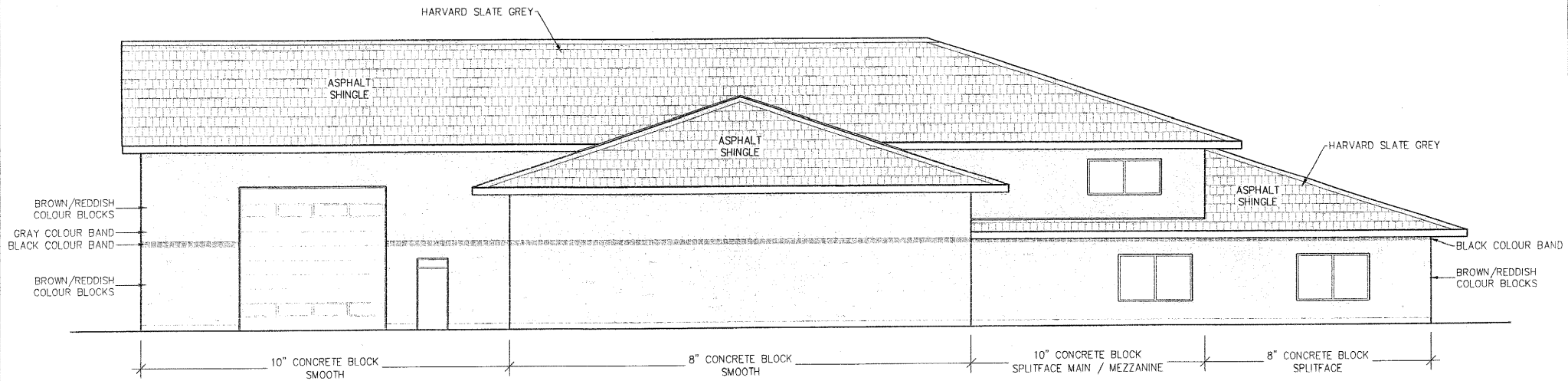
WEST ELEVATION VIEW FROM SIDE LANE



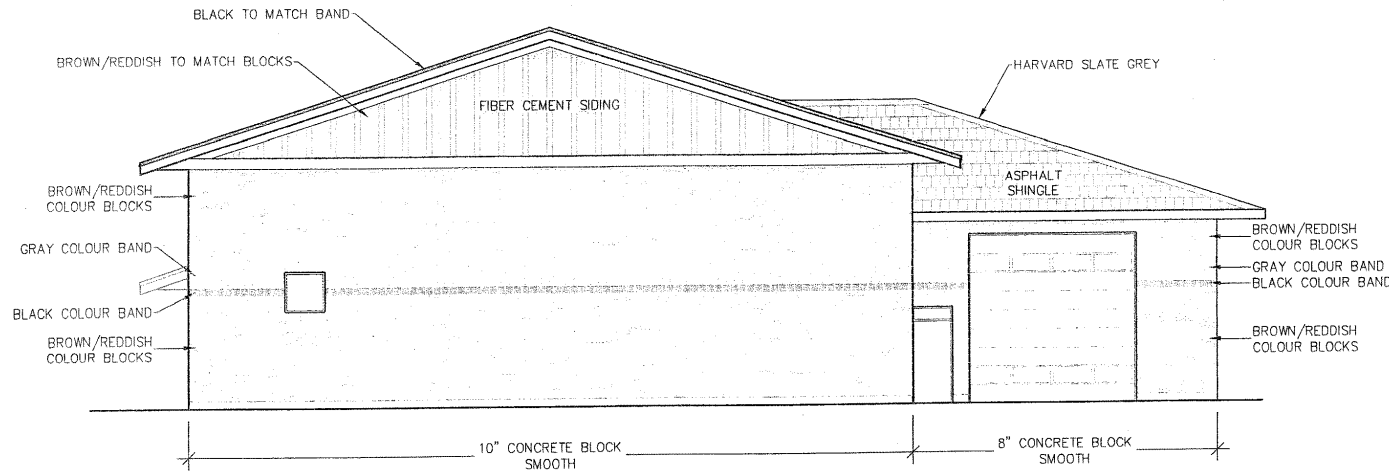
NORTH ELEVATION VIEW FROM ROBERTS ROAD

B	11 MARCH 09	ROOF HIPPS ADDED
A	MARCH 09	DEVELOPMENT
NO	DATE	REVISION/ISSUE
3D Diron Design & Drafting Services 1600 Benzon Crescent Tel. 250 248 9992 Errington BC V0R 1V0 gonewest@shaw.ca		
ADD WAREHOUSE/RETAIL SPACE 2800 ROBERTS ROAD DUNCAN, BC COLOURED WEST & NORTH ELEVATION		
Owners Top Shelf Feed 6417 Pacific Dr. Duncan, BC 1-250-715-0079		Date Plotted: 01.03.09 Job No. A0903 Designed JD Drawn: JD Dwg of 7 8 Scale: 3/32" TO 1'-0" Sheet No. A07-A

000055



EAST ELEVATION VIEW FROM YARD



SOUTH ELEVATION VIEW FROM BACK

B	11 MARCH 09	ROOF HIPS ADDED	
A	MARCH 09	DEVELOPMENT	
NO	DATE	REVISION/ISSUE	
<div><div>3D</div><div>Diron Design & Drafting Services</div><div>1600 Benzon Crescent Errington BC V0R 1V0</div><div>Tel. 250 248 9992 gonewest@shaw.ca</div></div>			
ADD WAREHOUSE/RETAIL SPACE 2800 ROBERTS ROAD DUNCAN, BC			
COLOURED EAST & SOUTH ELEVATION			
<div>Owners Top Shelf Feed 6417 Pacific Dr. Duncan, BC 1-250-715-0079</div>	Date Plotted: 01.03.09		Job No. A0903
	Designed JD	Drawn: JD	Dwg of 8 8
	Scale: 3/32" TO 1'-0"		Sheet No.
			A08-A

000056

Proposed new landscaping (Road front)

California lilac (#3 pot), viburnum (#3 pot)

Heather (#2 pot),
Blackeyed susan (#2 pot)
Rhododendron (#5 pot)
Mugo pine shrub (#5 pot)

B.C. LAND SURVEYOR'S
CERTIFICATE OF LOCATION FOR
LOT A, SECTION 12, RANGE 7,
QUAMICHAN DISTRICT, PLAN 21549
EXCEPT PART IN PLANS 22632, 27248 AND 29799

Note: Rem Lot A lies within the C.V.R.D.
Area E and is Zoned I-1
Bylaw setback requirements are as follows -

Buildings and structures:

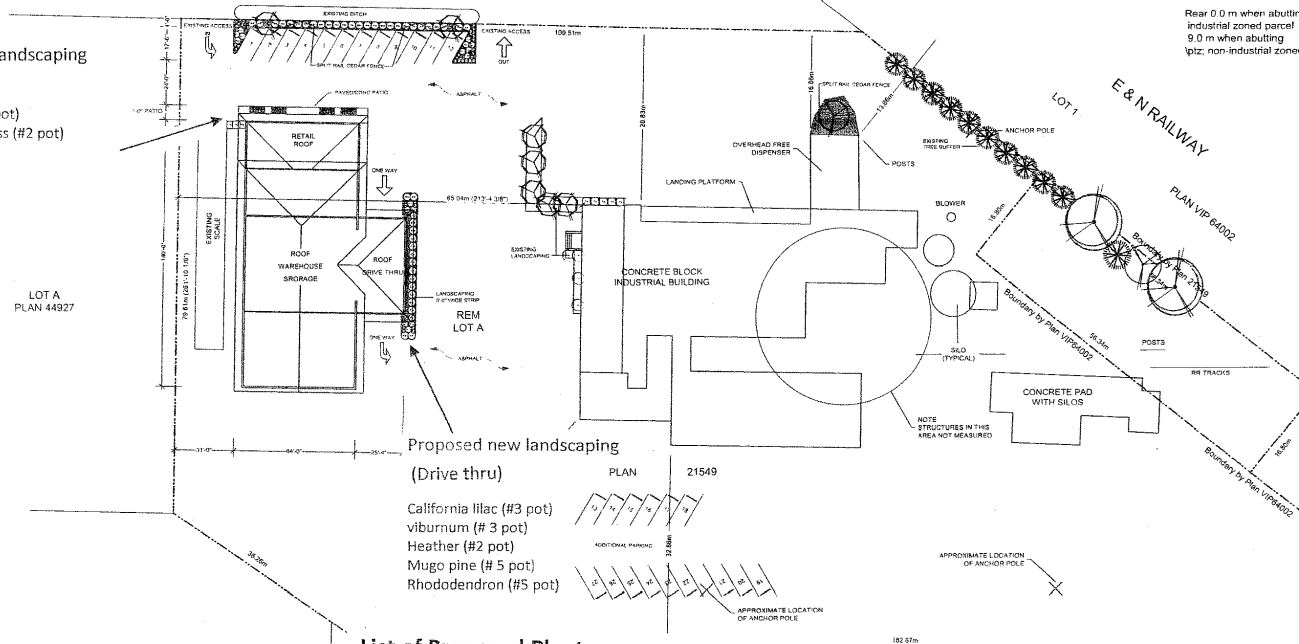
Front 4.5 m
Site (interior) 0.0 m when abutting
industrial zoned parcel
9.0 m when abutting
non-industrial zoned parcel

Side (Exterior) 4.5 m

Rear 0.0 m when abutting
industrial zoned parcel
9.0 m when abutting
non-industrial zoned parcel

Proposed new landscaping (Retail shop)

Blue oat grass (#2 pot)
Dwarf fountain grass (#2 pot)
Stonecrop (#2 pot)



Proposed new landscaping (Drive thru)

California lilac (#3 pot)
viburnum (#3 pot)
Heather (#2 pot)
Mugo pine (#5 pot)
Rhododendron (#5 pot)

List of Proposed Plants

PLANTS SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE
Hv	32	Calluna	Heather	#2 pot
Ctv	33	Ceanothus thyrsiflorus Victoria	California lilac	#3 pot
Hes	8	Helictotrichon sempervirens	Blue oat grass	#2 pot
Pah	20	Pennisetum alopecuroides	Dwarf Fountain grass	#2 pot
Pmm	12	Pinus mugo pumilio	Mugo pine shrub	#5 pot
Pc	2	Prunus	Ornamental Cherry	2.5" cal.
Rcc	6	Rhododendron	Rhododendron	#5 pot
Rg	10	Rudbeckia	Blackeyed Susan	#2 pot
Ssj	12	Sedum	Stonecrop	#2 pot
Ip	3	Thuja occidentalis	Pyramidal Cedar	#7 pot
Vd	10	Viburnum davidii	Viburnum	#3 pot

ORIGINAL SURVEY BY:
KENYON WILSON
PROFESSIONAL LAND SURVEYORS
#221 CORONATION AVENUE
DUNCAN, B.C. V9L 2T1 (250) 746-4745
FILE 03-5864 CRT
UPDATED BY "3D DIRON DESIGN DRAFTING SERVICES"

Landscape Plan

Top Shelf Feeds
Duncan, BC

Site Plan

Issued for:	Date:	By:
Review	03/27/09	JDW
Approval	06/25/09	JDW
Approval	06/29/09	JDW

Notes:

LEGEND:

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Designed By: JDW	Drafted By: JDW
Date: 03.18.09	Scale: 1"=30'-0"
Job Number: 109.01	Sheet Number: L1.01

JW DESIGNS
A division of Jason Whitehead Contracting
Landscape Design & Construction
Fencing & Irrigation Backhoe Service
2040 Wilmet Road, Duncan, BC, V9L 6L8 Tel: (250) 743-2028

000057

Landscape Plan

Top Shelf Feeds
Duncan, BC

Elevation

Issued for:	Date:	By:
Review	03/27/09	JDW
Approval	06/25/09	JDW

Notes:

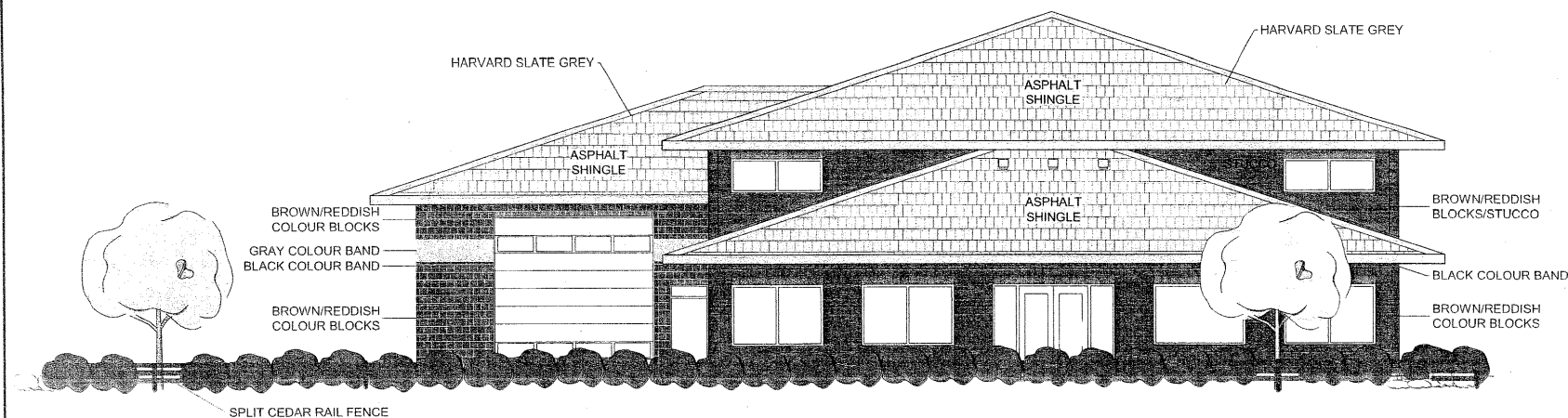
LEGEND:

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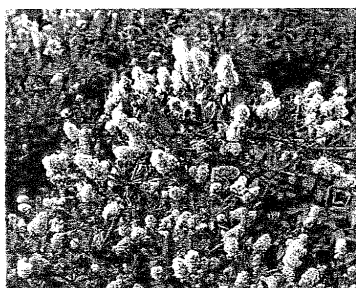
Designed By: JDW	Drafted By: JDW
Date: 03.18.09	Scale: None
Job Number: 109.01	Sheet Number: L1.03

JW DESIGNS

A Division of Jason Whitehead Contracting
Landscape Design & Construction
Fencing & Irrigation Backhoe Service
2040 Wilmar Road, Duncan, BC, V9L 5L8 Tel: (250) 743-2028



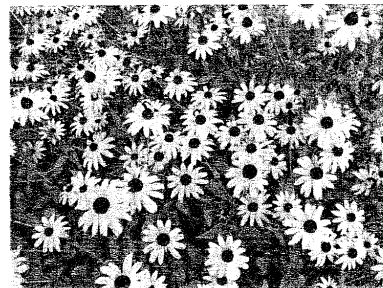
NORTH ELEVATION VIEW FROM ROBERTS ROAD



Ceonothus thyrsifolus - California lilac



Calluna - Heather



Rudbeckia - Blackeyed Susan



Pennisetum alopecuroides - Dwarf fountain grass

000058

Planting Plan

Issued for:	Date:	By:
Review	03/27/09	JDW
Approval	06/25/09	JDW

1. Drawing is to show design intent and approximate locations only.
2. Plant quantities in plan shall take precedent over quantities in plant list.
3. Plant varieties and sizes are subject to availability and may be replaced with a suitable alternative on approval of the designer.

Groundcover



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Designed By: 10W	Drafted By: 10W
------------------	-----------------

Date: 03.18.09
Scale: 1/8"=1'-0"

Job Number: 109.01 Sheet Number: L1.02

JW DESIGNS

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Landscape Design & Construction
www.landscapeconstruction.com[illegible]

EXISTING DITCH
SPLIT CEDAR RAIL FENCE —

SPLIT CEDAR RAIL FENCE

EXISTING ACCESS

IN



OUT

EXISTING
SCALE

ONE WAY

ONE WAY

[illegible]

000059



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 2-E-09 DP

DATE: _____

TO: _____

ADDRESS: _____

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below (legal description):
Lot A, Section 12, Range 7, Quamichan District, Plan 21549, Except Part in Plans 22632, 27248 and 29799
3. Authorization is hereby given for the development of the subject property in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following condition:
 - Underground wiring to the building be installed;
 - Landscaping be installed to BCSLA standards in the amount and location as illustrated on the Revised Landscaping Plan, including an underground irrigation system;
 - Receipt of an irrevocable letter of credit in a form suitable to the CVRD equal to 125% of the value of the landscaping as depicted on the revised landscape plan be provided with 75% of the security being refunded once the landscaping has been installed and the balance being returned after successful completion of a one year maintenance period.
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedule is attached:
 - Schedule A – Building Elevations
 - Schedule B – Site Plan
 - Schedule C – Landscaping Plan
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Planning and Development Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. _____ PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE __th DAY OF _____.

000060

14.0 DEVELOPMENT PERMIT AREAS

A Development Permit Area is a designation in the Official Community Plan pursuant to the Municipal Act. Where property is identified to be within a development permit area by the plan, it may require a development permit before a building permit can be issued or subdivision being approved. Development Permit Areas may be established for any one or a combination of the following purposes:

- to protect the natural environment;
- to protect development from hazardous conditions;
- to protect provincial heritage areas;
- for revitalization of commercial areas designed by the Ministry of Municipal Affairs;
- to establish objectives and guidelines for the form and character of commercial, industrial or multi-family residential development;
- for the protection of farming.

The Official Community Plan describes the special conditions and objectives that justify the designation and provides guidelines respecting the manner by which conditions will be alleviated any objectives and guidelines will be achieved.

A development permit may, however, not be the only permit requirement and approval of senior levels of government may be required prior to subdivision, construction on, or alteration of land.

14.1 Policies: Trans Canada Highway Development Permit Area

POLICY 14.1.1: CATEGORY

The Trans Canada Highway Development Permit Area shall be utilized to establish objectives and to provide guidelines for the form and character of future industrial, commercial or multi-family development in the permit area and protection of the natural environment.

POLICY 14.1.2: JUSTIFICATION

- a) The Trans Canada Highway is the principle transportation corridor through the community and is a major contributor to the image of Cowichan-Koksilah.
- b) Cowichan-Koksilah residents are concerned about aesthetics and safety along the Trans Canada Highway, particularly in areas developed for commercial or industrial use.

- c) Cowichan-Koksilah residents desire to enhance the visual characteristics and form of land developed for commercial or industrial use.
- d) Cowichan-Koksilah residents desire improved highway safety and visual representation of the community along the Trans Canada Highway.

POLICY 14.1.3 GUIDELINES

Prior to commencing any construction on lands within the development permit area, the owner shall obtain a development permit which conforms to the following guidelines:

a) Vehicular Access

Vehicular access shall not be provided directly to the travelling surface of the Trans Canada Highway. All such points of access shall be located on secondary roads or frontage roads and shall require access permits from the Ministry of Transportation and Highways.

Unnecessary duplication of access points is discouraged. Where two or more commercial facilities abut one another, it is strongly encouraged that road access points be shared and internal parking areas be physically linked and protected by legal agreements.

b) Vehicle Parking

Parking surfaces should be constructed of asphalt or concrete to Ministry of Transportation and Highways standards and should be located a minimum of three metres from any parcel line fronting on the Trans Canada Highway or any major network road (as identified in the Official Community Plan).

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 any commercial/industrial use and public roads. Combinations of low shrubbery, ornamental trees and flowering perennials is recommended.

The intermittent use of landscaped berms and raised planter berms as a visual and noise barrier between commercial/industrial uses and the Trans Canada Highway is strongly encouraged. Such raised features need not exceed 1.5 metres but should be at least

0.75 metres in height.

Landscaping may include lawn areas, however, such areas should not exceed 50% of the total landscaping on the site.

e) Signage

Signs are to be in compliance with the CVRD Sign Bylaw, the Motor Vehicle Act or current Ministry of Transportation and Highways policies and the following guidelines:

- Signage should be designed to reflect the architecture of the site and to be in harmony with the landscaping plans for the site.
- Where multiple free standing signs are required on a site, these signs shall be consolidated into a single comprehensive sign grouping or panel.
- Free standing signage should be low and should not exceed 5 metres in height, except where a site is lower than the adjacent road surface. In these cases, variations may be appropriate and should be considered on their own merit.
- Facia or canopy signs may be considered, provided that they are designed in harmony with the architecture of the structure proposed.
- Projecting signs should be discouraged since they tend to compete with one another and are difficult to harmonize with the architectural elements of commercial buildings.
- Where signs are illuminated, favourable consideration should be given to external lighting sources or low intensity internal sources. High intensity panel signs should be avoided.

f) Lighting

Parking areas and pedestrian routes on a site should be well lit, however, lighting should be designed to illuminate the surface of the site without undue glare spill-over to adjacent parcels or to adjacent roads.

g) Overhead Wiring

On-site overhead wiring should be discouraged in favour of underground wiring.

h) Building Design

Buildings and structures shall be designed in harmony with the aesthetics of the surrounding lands, on-site signage and landscaping plans. All building designs should be referred to the Advisory Planning Commission or other local advisory body for comment before being approved by the Regional Board.

POLICY 14.1.4 SCOPE OF TRANS CANADA HIGHWAY DEVELOPMENT PERMIT AREA

a) Area

The Trans Canada Highway Development Permit Area No. E-1 includes all those lands zoned commercial, industrial, multi-family residential within 200 metres of the centre line of the Trans Canada Highway within the Plan Area.

b) Exemptions

Notwithstanding clause a) above, the terms of this development permit area SHALL NOT APPLY to the following:

- Parcels that are zoned residential, agricultural (except veterinary clinics), forestry or parks and institutional;
- Interior renovation of existing structures;
- Any construction or renovation of single-family dwellings;
- Changes to the text or message on existing commercial signage;
- Any subdivision or other alteration of parcel lines;
- Signs less than 3.0 square metres in area;
- Signs which are not on property facing the Trans Canada Highway; and
- Signs which conform to the Cowichan Valley Regional District sign bylaw.

c) Variances

Where a proposed development plan adheres to the guidelines of this development permit area, the Regional Board may give favourable 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 development permit.

POLICY 14.1.5: APPLICATION REQUIREMENTS

An application for a development permit shall include the following:

- a) A brief text description of the proposed development;
- b) A scalable site plan showing the general arrangement of land uses including: parcel lines, buildings, parking and loading areas, vehicular access points, pedestrian walkways and outdoor illumination design.
- c) A scalable site landscaping plan, identifying the plant species or general species type proposed for all landscaping areas;
- d) A signage plan showing all proposed signs or sign areas;
- e) A preliminary building design including proposed roof and exterior finish details.



STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 7, 2009

DATE: June 30, 2009

FILE NO:

FROM: Tanya Soroka, Parks Planning Technician

BYLAW NO:

SUBJECT: 9th Annual RONA MS Bike Tour: Cowichan Valley Grape Escape

Recommendation:

That the application from the MS Society of Canada to hold their 9th annual RONA MS Bike Tour event on August 8th and 9th in the Cowichan Valley, including having a rest stop in West Shawnigan Lake Provincial Park and a lunch stop in Hecate Park to be approved subject to the following conditions:

1. Proof of a minimum \$2 million liability insurance coverage be provided by the organizers which covers the event and also includes the CVRD as an additional insured;
2. A Course Marshall Plan is submitted prior to the event for CVRD review and approval;
3. Confirmation that there will be appropriate flag persons at all road crossings along sections around West Shawnigan Lake Provincial Park and Hecate Park in Cowichan Bay.

Purpose:

To provide information to the Committee regarding the 9th annual RONA MS Bike Tour that is to take place on August 8th and 9th, 2009 and to consider the request to use the West Shawnigan Lake Provincial Park and Hecate Park.

Financial Implications:

N/A

Background:

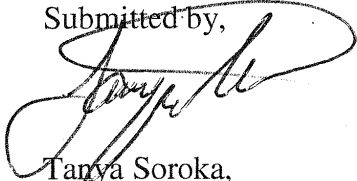
Over the past eight years the event has been a great success. The event is a non competitive pledge based fundraising event for the Multiple Sclerosis Society of Canada. It is a two-day event with both days being held in the Cowichan Valley Regional District. The bike riders will spend the day traveling along the route making stops at various identified locations. They will have 8-10 guide cyclists riding with the participants interspersed between the first and last riders. There will be approximately 375 riders and 3 support vehicles and the riders will be spread out on the course. Route marshals will be at various points along the course but will not stop or

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control traffic, just direct the cyclists. The Ministry of Transportation and Infrastructure, Municipality of North Cowichan, Shawnigan Lake and Duncan RCMP and the BC Ambulance Service have all been notified.

Cyclists will be travelling through Duncan, Cowichan Bay (stopping for a lunch break in Hecate Park), Cobble Hill, Mill Bay, Shawnigan Lake (having a rest stop in West Shawnigan Lake Provincial Park) and Glenora.

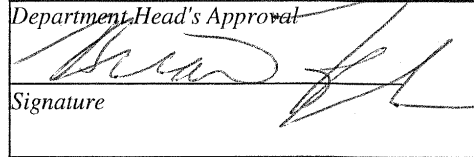
Submitted by,



Tanya Soroka,
Parks Planning Technician
Parks, Recreation and Culture Department

Department Head's Approval

Signature



TS/ca
Attachment (1)

000066

**Fax**

Anne Muir
Cowichan Valley Office
MS Society of Canada
South Vancouver Island Chapter
321 Coronation Ave
Duncan BC V9L 2T1
Telephone & Fax: (250) 748-7010
anne.muir@msociety.ca

To: Cowichan Valley Regional District

Fax #: 250-746-2513

From: Anne Muir, MS Society of Canada, Cowichan Valley Office

Date: May 6th, 2009

**Number of pages
(including cover sheet):** 4

**IF ALL PAGES OF THIS TRANSMISSION ARE NOT
CLEARLY RECEIVED, PLEASE CALL (250) 748-7010.**

MESSAGE:

At the request of the Ministry of Highways I am writing to notify you of the 9th Annual RONA MS Bike Tour: Cowichan Valley Grape Escape. This year the event is to be held August 8th & 9th, 2009. Over the past eight years the event has been a great success with no problems of any kind. I have included in this fax a general overview of the event and route maps with a list of stops. Both the Duncan & Mill Bay BC Ambulance offices have been notified of the event, as have the Duncan & Shawnigan Lake RCMP. I will be obtaining the necessary permits through the Ministry of Highways.

If you have any questions or require more information do not hesitate to contact me. I look forward to your written response of support, either by email or fax via the above contact information, at your earliest convenience.

Sincerely, Anne Muir

Original: <i>file</i>	Copies to: <i>ADD PSD</i>
Board: <i>info file</i>	<i>EIE</i>
1. Complete(s) <i>info file</i>	
2. <i>info file</i>	
File # <i>000067</i>	

This message is intended only for the addressee. It may contain privileged or confidential information. Any unauthorized disclosure is strictly prohibited. If you have received this message in error, please notify us immediately so that we may correct our internal records. Please then delete or destroy the original message. For information about the Multiple Sclerosis Society of Canada's Privacy Policy, please visit www.mssociety.ca or contact priv-bc@msociety.ca.

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General Event Description

Event Name : 2009 RONA MS Bike Tour – Cowichan Valley Grape Escape

Organization : MS Society Of Canada

Contact Person : Anne Muir, Event Coordinator

Contact Information

Phone/fax 250-748-7010

Email anne.muir@mssociety.ca

Event Day Phone 250-709-8260

This event is a non-competitive pledge-based fund raising event for the Multiple Sclerosis Society of Canada, Capital Region Chapter, taking place August 8th & 9th 2009. It is a two-day event, with both days taking place in the Cowichan Valley. Please note, the maps provided in this fax are from 2009. There may be changes to some of the stops along the way but the route & roads used will be the same.

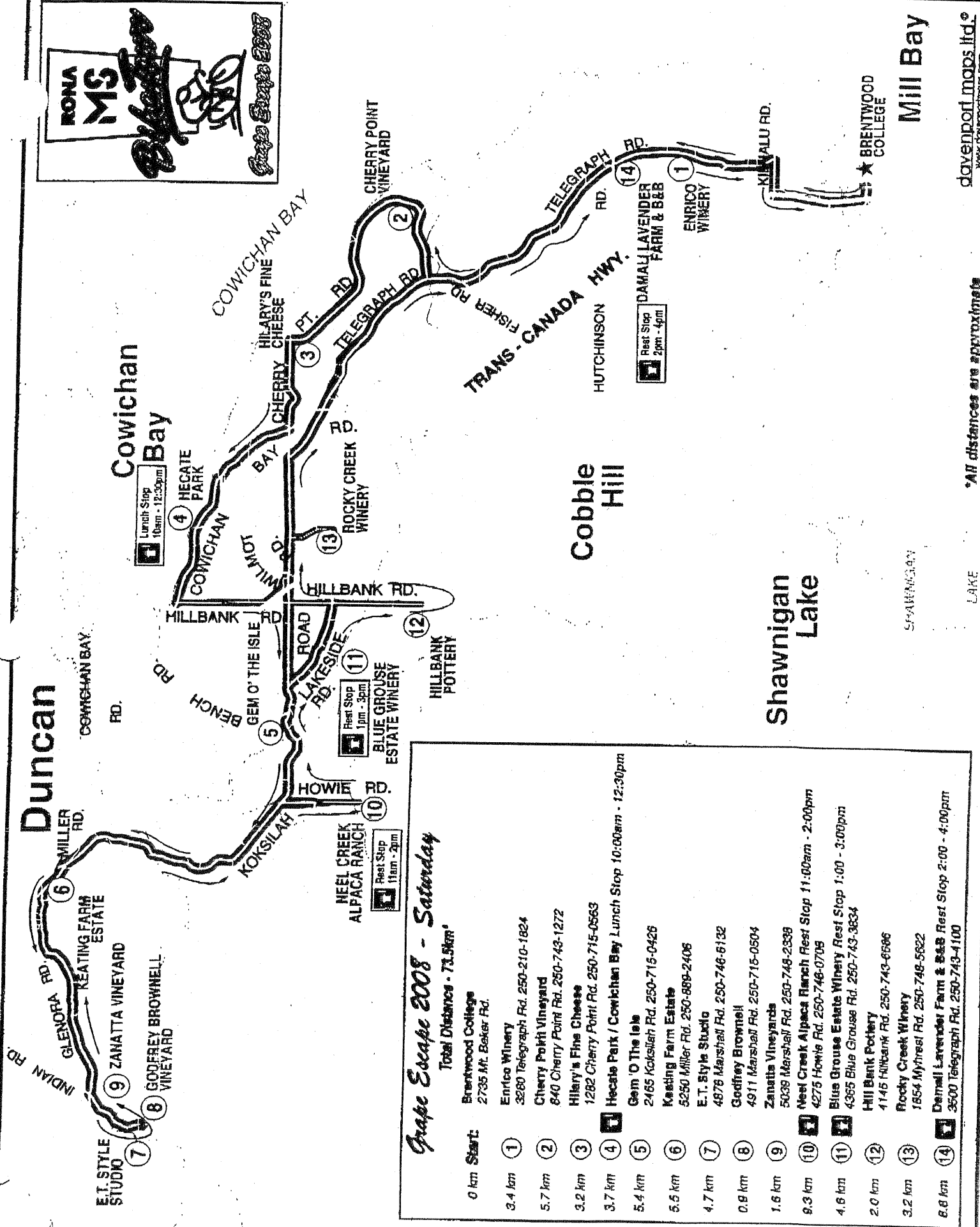
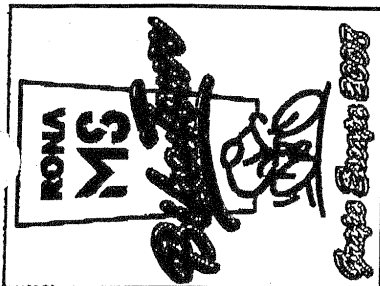
The riders will spend the day traveling along the route provided making stops at any of the places we have identified. They will be very spread out, traveling in small groups at their own pace. We will have 8-10 guide cyclists riding with the participants interspersed between the first & last riders.

We anticipate approx 375 riders, as well as 3 support vehicles on the route. In the past we have had volunteers on motorcycles to monitor the ride, this has not yet been confirmed for this year but is likely.

On Saturday August 8th, the riders will leave about 10am and return by 4:30pm. On Sunday August 9th they will leave at 9am & return by 2:30pm.

All riders will be provided with a detailed map. As well, the route will be clearly marked with signage. We will have volunteers directing them through the very beginning of the route, they will then follow the signs. They will be advised to follow the rules of the road & to only cross the highway at the designated intersection, with the lights. As we did in 2007 & 2008, we will be asking the local RCMP to assist with traffic control at the Trans Canada Highway in Mill Bay at the very start of the ride both days. This worked extremely well in 2007 & 2008. No other vehicle traffic will need to be stopped at any time. Route marshals will be at various points along the course but will not stop or control traffic, just direct the cyclists.

We will have 2 bicycle repair support vehicles on the route and will provide transportation home for anyone needing a ride. We will have people with First Aid training at key positions along the route and will have a ham radio communication system in place. Ministry of Highways, Municipality of North Cowichan, Shawnigan & Duncan RCMP & the BC Ambulance Service have all been notified of the event. See maps included for the routes the participants will be following.



All distances are approximate.

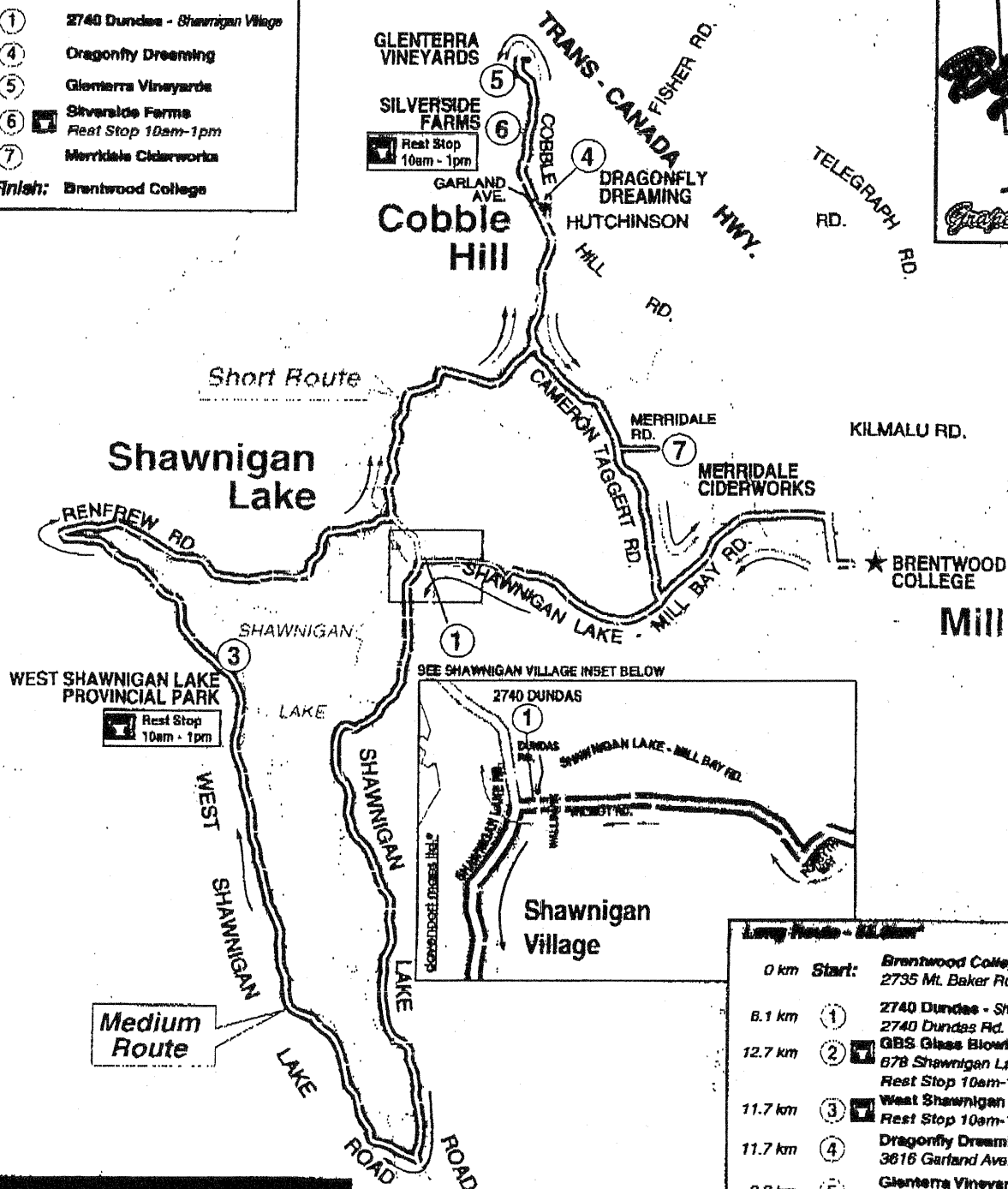
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Sunday



0 km	Start:	Brentwood College
6.1 km	①	2740 Dundas - Shawnigan Village
5.3 km	④	Dragonfly Dreaming
2.2 km	⑤	Glenterra Vineyards
0.5 km	⑥	Silverside Farms Rest Stop 10am-1pm
5.1 km	⑦	Merridale Ciderworks
5.8 km	Finish:	Brentwood College



0 km	Start:	Brentwood College
6.1 km	①	2740 Dundas - Shawnigan Village
14.1 km	③	West Shawnigan Lake Provincial Park Rest Stop 10am-1pm
11.7 km	④	Dragonfly Dreaming
2.2 km	⑤	Glenterra Vineyards
0.5 km	⑥	Silverside Farms Rest Stop 10am-1pm
5.1 km	⑦	Merridale Ciderworks
5.8 km	Finish:	Brentwood College

0 km	Start:	Brentwood College 2735 Mt. Baker Rd.
6.1 km	①	2740 Dundas - Shawnigan Village 2740 Dundas Rd. 250-743-0865
12.7 km	②	GBS Glass Blowing 878 Shawnigan Lake Rd. 250-743-5666 Rest Stop 10am-1pm
11.7 km	③	West Shawnigan Lake Provincial Park Rest Stop 10am-1pm
11.7 km	④	Dragonfly Dreaming 3616 Garland Ave. 250-743-8036
2.2 km	⑤	Glenterra Vineyards 3897 Cobble Hill Rd 250-743-2330
0.5 km	⑥	Silverside Farms 3810 Cobble Hill Rd. 250-743-9149 Rest Stop 10am-1pm
5.1 km	⑦	Merridale Ciderworks 1230 Merridale Rd. 250-743-4293
5.8 km	Finish:	Brentwood College 2735 Mt. Baker Rd.

Rest Stop
10am - 1pm
GBS GLASS
BLOWING

*All distances are approximate

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SR2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 7, 2009

DATE: June 23, 2009 **FILE No:** 0540-20-EASC/07
FROM: Sybille Sanderson, Acting General Manager, Public Safety
SUBJECT: Lake Cowichan Fire Protection Service Area Expansion

Recommendations:

1. That it be recommended to the Board that the *Certificate of Sufficiency* confirming that the petitions for inclusion in the Lake Cowichan Fire Protection Service Area is sufficient, be received.
2. That it be recommended to the Board that CVRD Bylaw No. 1657 be amended by extending the boundaries of the service area to include the following two properties:
 - District Lot A, VIP 82489, (PID 026-953-315) Owner -711933 BC Ltd.;
 - District Lot 1, Block 117 (except Plan VIP 84239 & Block 180), Plan VIP#82490, (PIC 026-953-374) Owner – Cowichan Lake Holdings
3. That the Lake Cowichan Fire Protection Service Area amendment bylaw be forwarded to the Board for consideration of three readings and adoption.
4. That Schedule A to the agreement with the Town of Lake Cowichan to provide fire protection to the Lake Cowichan Protection Service Area, be amended to include the expanded boundary.
5. That the Chair and Corporate Secretary be authorized to sign the amended Lake Cowichan Fire Protection Service Area agreement (attached).

Purpose:

To consider the approval of the expansion of the Lake Cowichan Fire Protection Service Area to include the two additional properties.

Financial Implications:

Additional expenditures to provide the service will be off-set through property assessment revenue.

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Background:

In February, 2009, the owner of the subject properties approached me to request that the properties be included in the local Fire Protection area. The Town of Lake Cowichan and the Fire Chief are amenable to expanding the service area and to amending our agreement to include these properties within the Service Area.

Submitted by,

A handwritten signature in cursive script that reads "Sybille Sanderson".

Sybille Sanderson
Acting General Manager, Public Safety

/bw

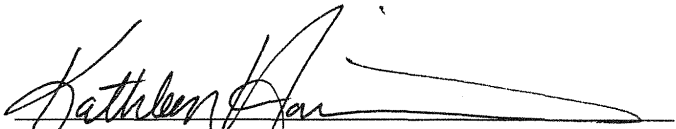
Attachments: Certificate of Sufficiency
Fire Services Agreement Amendment #1 – CVRD/Lake Cowichan



CERTIFICATE OF SUFFICIENCY

I hereby certify that the petition for inclusion in the *Lake Cowichan Fire Protection Service Area* is sufficient, pursuant to section 797.4 of the *Local Government Act*.

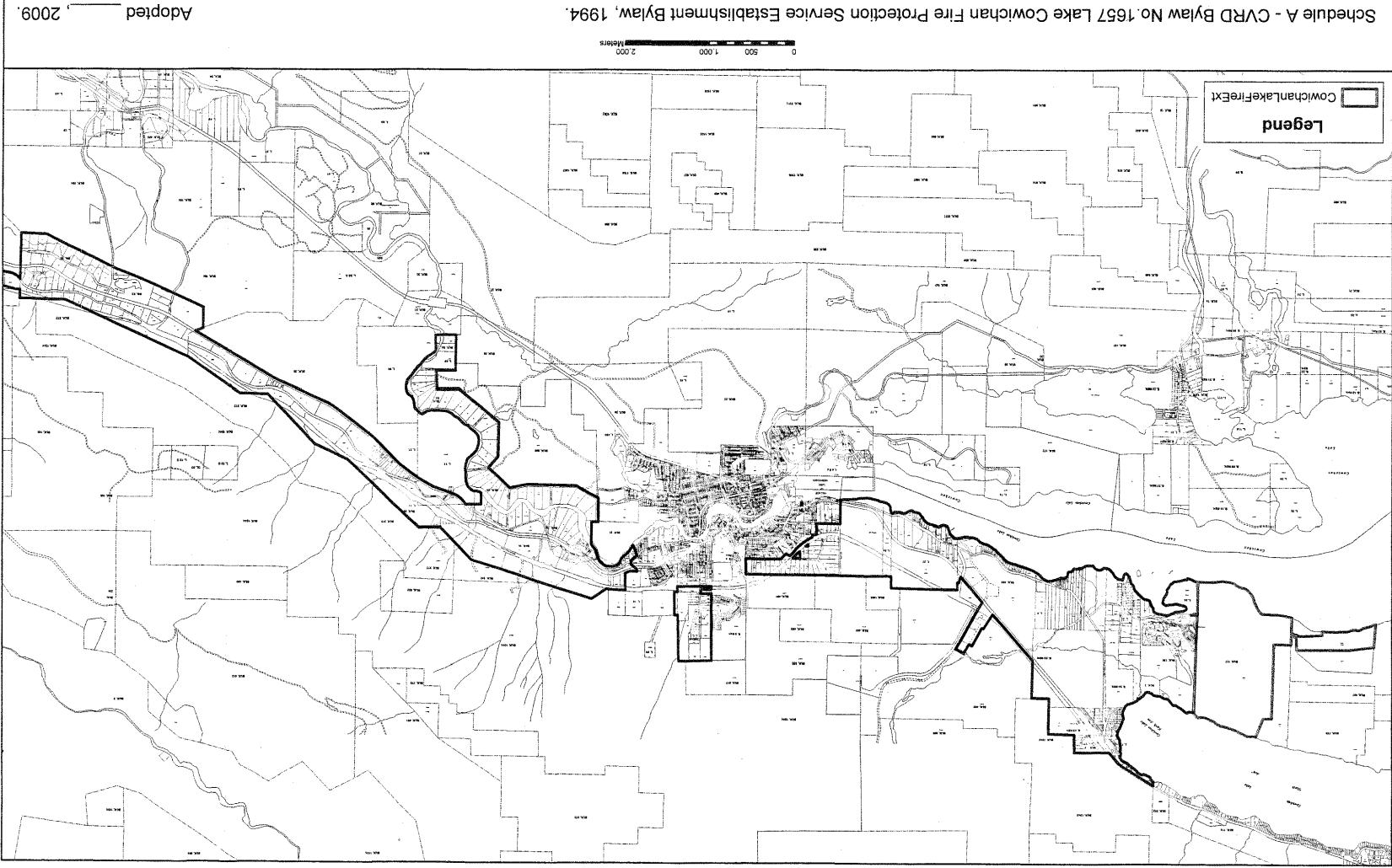
DATED at Duncan, British Columbia)
this 19th day of June, 2009)
)
)


Kathleen Harrison, Deputy Corporate Secretary

Lake Cowichan Fire Protection Service Area

Total Number of Parcels requesting inclusion in the Service Area:	2
Net Taxable Value of All Land and Improvements of new Parcels:	\$4,132,000.00
Number of Valid Petitions Received:	2
Net Taxable Value of Petitions Received (Land and Improvements):	\$4,132,000.00

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SR3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 7, 2009

DATE: June 11, 2009 **FILE NO:** 0540-20-EASC/07

FROM: Sybille Sanderson, Acting General Manager, Public Safety

SUBJECT: North Oyster Fire Protection Service Area Expansion

Recommendations:

1. That it be recommended to the Board that the *Certificate of Sufficiency* confirming that the petitions for inclusion in the North Oyster Fire Protection Service Area is sufficient, be received.
2. That it be recommended to the Board that CVRD Bylaw No. 1689 be amended by extending the boundaries of the service area to include the following two properties:
 - District Lot 51, Oyster District, Except the Right of Way of the Esquimalt and Nanaimo Railway Company, Except Part Coloured Red on Plan Deposited Under DD272791, and Except Part Shown Outlined in Red on Plan Deposited Under DD285551 (PID 009-439-714)
 - District Lot 51, Oyster District, Shown Coloured in Red on Plan Deposited Under DD272791 (PID 000-879-185).

Purpose:

To consider the approval of the expansion of the North Oyster Fire Protection Service area to include the two additional properties.

Financial Implications:

Additional expenditures to provide the service will be off-set through property assessment revenue.

000077

Background:

In March, 2009, the owner of the subject properties approached the Electoral Area Director to request that the properties be included in the North Oyster Fire Protection area. Both the Area Director and the North Oyster Fire Chief support the inclusion of these properties within the Service Area

Submitted by,



Sybille Sanderson
Acting General Manager, Public Safety

/bw

Attachments: Certificate of Sufficiency
 Map detailing North Oyster Fire Protection Service Area



CERTIFICATE OF SUFFICIENCY

I hereby certify that the *petition for inclusion* in the *North Oyster Fire Protection Service Area* is sufficient, pursuant to sections 797.4 of the *Local Government Act*.

DATED at Duncan, British Columbia)

this 12th day of June, 2009)

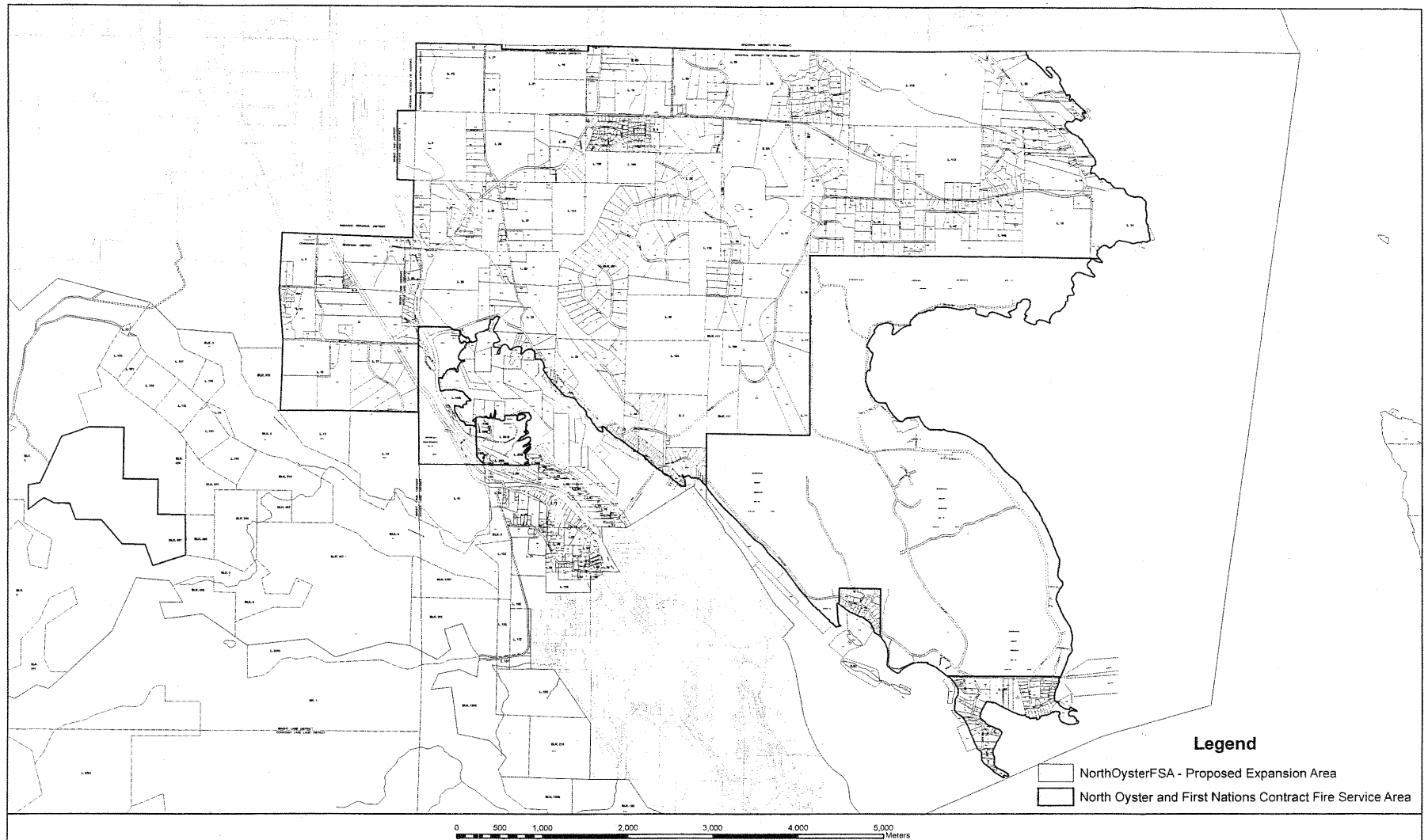
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Kathleen Harrison, Deputy Corporate Secretary

North Oyster Fire Protection Service Area

Total Number of Parcels requesting Inclusion in Service Area:	2
Net Taxable Value of All Land and Improvements of Parcels Requesting inclusion in the Service Area:	\$1,298,000.00
Number of Petitions Received:	2
Net Taxable Value of Petitions Received (Land and Improvements):	\$1,298,000.00

000079



Schedule A to CVRD Bylaw No. 1689 - North Oyster Fire Rescue Service Establishment Bylaw, 2008.

Adopted _____, 2008.



SR 4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF JULY 7, 2009

DATE: June 30, 2009

FILE NO: 1-D-09DP

FROM: Rob Conway, Manager
Development Services Division

BYLAW NO:

SUBJECT: Bamberton Regional Impact Assessment – Final Report

Recommendation:

That the Bamberton Regional Impact Assessment Final Report be received and filed.

Purpose:

To consider the receipt and filing of the Bamberton Regional Impact Assessment final report.

Background:

On June 11, 2008 the Regional Board authorized staff to enter into a contract with Trillium Business Strategies for a regional impact assessment of the Bamberton development application. The final report for the project was submitted on June 18, 2009 and copies of the final report and a volume of appendices have been distributed to Electoral Area Directors. The final report and appendices have also been posted on the CVRD's website and are available for viewing at the Planning and Development Department and at library in Mill Bay.

With project of this nature, it is normal procedure for the final report to be received and filed prior to conclusion of the contract.

Options:

1. That the Bamberton Regional Impact Assessment Final Report be received and filed.
2. That staff be directed to provide a report documenting how the final report satisfies the terms of reference for the project.

Submitted by,

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

Department Head's Approval:
Signature

RC/ca

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SR5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 7, 2009

DATE: June 30, 2009

FILE NO: ALR general

FROM: Mike Tippet, Manager
Community and Regional Planning Division

BYLAW NO:

SUBJECT: ALR application processing policies

Recommendation:

That Resolution 99-458 be rescinded and that the following be adopted as the new CVRD ALR application policy:

- (a) *ALR subdivision applications which are subject to CVRD bylaws will only be forwarded to the ALC if:*
 - 1. *the minimum parcel size regulation is complied with; or*
 - 2. *if the minimum parcel size regulation is not complied with, if the ALR applicant has also applied for the necessary bylaw amendments and these have received at least first reading;*
- (b) *ALR non-farm use applications will only be forwarded to the ALC if:*
 - 1. *the proposed non-farm use complies with CVRD bylaws; or*
 - 2. *if the proposed non-farm use does not comply with CVRD bylaws, if the ALR applicant has also applied for the necessary bylaw amendments and these have received at least first reading.*

Purpose:

To propose revisions to the CVRD policy on ALR applications, following a review of the existing policy.

Financial Implications:

None apparent.

Interdepartmental/Agency Implications:

Screening out more ALR applications at the CVRD level will reduce ALC workload.

Background:

At the present time, there is a policy adopted by Resolution of the Board in 1999 that instructs the CVRD how to deal with ALR applications:

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Resolution 99-458 *That the CVRD Board of Directors adopt a standing policy with respect to Agricultural Land Reserve Applications. As follows:*

- a) *All ALR exclusion applications will be forwarded to the Agricultural Land Commission (ALC) for consideration, with the applicant being clearly advised that by sending the application to the ALC that the CVRD Board is not implying that it supports any land use or density on the subject property other than that permitted by the current zoning bylaw;*
- b) *ALR subdivision applications pursuant to section 946 of the Local Government Act will be forwarded to the ALC notwithstanding the content of land-use bylaws;*
- c) *ALR subdivision applications which are subject to CVRD bylaws will only be forwarded to the ALC if:*
 - i) *the minimum parcel size regulation is complied with; or*
 - ii) *if the minimum parcel size regulation is not complied with, if the ALR applicant has also applied for the necessary bylaw amendments and these have received at least first reading;*
- d) *ALR non-farm use applications will only be forwarded to the ALC if:*
 - i) *the proposed non-farm use complies with CVRD bylaws; or*
 - ii) *if the proposed non-farm use does not comply with CVRD bylaws, if the ALR applicant has also applied for the necessary bylaw amendments and these have received at least first reading.*

This policy resulted from a Committee recommendation respecting the powers granted to local governments in 1995 under the *Agricultural Land Commission Act*. These powers allow local government to filter out applications that the Council or Board did not wish to go to the Agricultural Land Commission for a possible approval. The CVRD policy under Resolution 99-458 was developed with the intent of the process being fair to all applicants. For the most part, the policy has been followed, with a couple of notable exceptions (e.g. Lake Oasis). Each of the elements of the policy is briefly examined below, in light of our recent legal advice.

Section 946 Subdivision Applications in the ALR

Many ALR applications for subdivision indicate that the proposed lot would be for a relative of the applicant. Since virtually all of the land in the ALR within the CVRD is in the 12 hectare minimum size A-1 Zone, if the ALC were to give approval for the application, it would be likely that Section 946 of the *Local Government Act* would be used to actually create the new parcel. Around the time the first ALR application, we were made aware of legal advice to the effect that all such applications should be passed onto the ALC whether the CVRD supports them or not, lest they conflict with the provisions of Section 946 of the *Local Government Act*. This advice was incorporated into our ALR policy.

At the direction of the Electoral Area Services Committee, we sought, from a Vancouver legal firm this time, an update to the opinion upon which our previous ALR policy was based. This legal opinion is quite different from the one of over a decade ago, partly because there is now case law involving this very question, dating from 1999. This most recent opinion indicates that it is not necessary for a local government to send any application to the ALC because it may

eventually become a Section 946 application to subdivide. Indeed the opinion states that the question of whether any application should be sent to the ALC is something that should be examined on a case-by-case basis, and the decision should be based solely upon *bona fide* land use planning reasons, which incidentally would not include a suspicion that a property subdivided under Section 946 may be occupied after the fact by a non-relative of the applicant.

Therefore it would be best to eliminate the policy that we presently operate under with respect to Section 946 applications in the ALR.

ALR Exclusion Applications

Similarly, our present policy suggests that ALR exclusion application requests should all be sent to the ALC, because not doing so could create a perceived as a Catch-22 for the applicant: his/her land is in the ALR and because it's in the ALR it is farmland and so the CVRD will not consider applications that would challenge that. This seems to defy the rules of fairness.

The legal opinion received this month indicates that once again, the CVRD ought to consider carefully, for *bona fide* land use planning reasons, whether ALR exclusion applications ought to be sent to the ALC. Our own policy contains a clause that would address the issue raised in the preceding paragraph, but in the end the legal advice suggests that this ought to be a consideration for the Board, but not the final word. In other words, we are advised that sending all exclusion applications to the ALC, notwithstanding our own position on them, is not appropriate. Therefore we would be better to consider the issue behind the present policy as a matter to be brought up in a staff report for each application, and have the Board decide on an individual basis.

ALR Non-Farm Use and Subdivision Applications

Our legal advice on this aspect of the policy implies that it is appropriate, since it involves *bona-fide* planning reasons and each application and the Board's reaction to the planning aspects it contains informs whether it will be forwarded to the ALC. The reason for this policy is that it is difficult to imagine that the Board would ever be interested in forwarding any application to the ALC that would run contrary to our bylaws, in the knowledge that an approval from the ALC would invariably result in a zoning amendment application. This might as well be addressed during the initial application.

Conclusion

In reviewing the latest information on the matter of ALR application referrals, we believe that the appropriate response is to revise the policy by deleting the portions that deal with ALR exclusions and Section 946 subdivisions and only retaining the part that deals with applications for regular subdivision and non-farm use.

Options:

1. Retain the present ALR application policy;
2. Abolish the ALR application policy;

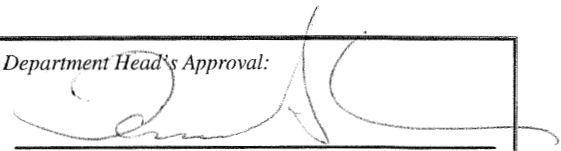
3. Rescind Resolution 99-458 and pass the following as the new CVRD ALR application policy:

- (a) *ALR subdivision applications which are subject to CVRD bylaws will only be forwarded to the ALC if:*
1. *the minimum parcel size regulation is complied with; or*
 2. *if the minimum parcel size regulation is not complied with, if the ALR applicant has also applied for the necessary bylaw amendments and these have received at least first reading;*
- (b) *ALR non-farm use applications will only be forwarded to the ALC if:*
1. *the proposed non-farm use complies with CVRD bylaws; or*
 2. *if the proposed non-farm use does not comply with CVRD bylaws, if the ALR applicant has also applied for the necessary bylaw amendments and these have received at least first reading.*

Submitted by,



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

Department Head's Approval:

Signature

MT/ca

000085

API

Area A Advisory Planning Commission Meeting
03 June 2009
Held at Francis Kelsey Secondary School
Minutes

Present: David Gall, Cliff Braaten, June Laraman, Deryk Norton, Ted Stevens, Margo Johnston, Roger Burgess (Alternate Director Area A)

Regrets: Archie Staats, Dola Boas, Brian Harrison (Director Area A)

CVRD Staff: Rob Conway

Meeting called to order at 6:40 pm

Agenda:

It was moved and seconded the agenda be approved.

MOTION CARRIED

Previous minutes:

It was moved and seconded the minutes of 6 May 2009 meeting be adopted.

MOTION CARRIED

New business:

Rezoning application 2 - A - 08RS (CCLC Holdings Ltd.)

Brent Taylor, Polaris Land Surveying, explained the rational for the rezoning application 2 – A – 08RS. Three representatives from Mill Bay Veterinary Clinic were in attendance.

There was a question and answer session directed to Brent Taylor and the clinic representatives.

Members expressed concerns regarding:

- Traffic flow: - Clients will be coming even if the clinic is not enlarged
- A safer approach and exit
- Parking stalls: - More parking would be added
- Next door residences: - Consulted
- Crematorium: - Health implications
- Odor

The Area A APC recommendation to the CVRD was moved and seconded

- 1) That Rezoning application 2 - A - 08RS, be approved
- 2) That the CVRD Planning Department create a **limited use** modified general commercial zoning for both properties. The proposed zone includes the following uses from the list on page 7: 1. Veterinary clinic; 2. Pet grooming and supplies; 3. Facilities to provide overnight accommodation for animals in conjunction with the veterinary clinic, but excluding boarding or breeding kennel; 7. Offices bank, credit unions and other financial establishments; 8. Professional/medical services; 13. One single family dwelling per parcel or 2 apartment units accessory to a commercial clinic. Other uses on the list that would not create a substantial increase in traffic.
- 3) That a traffic study is undertaken

MOTION CARRIED

000086

Three Point Properties (Bamberton) Application and Timeline & APC Review

Rob Conway explained the final report from TRILLIUM for the Regional Impact Assessment for the Bamberton proposal would be available 10 days before the presentation at Brentwood College Theatre from 1 pm – 3 pm on June 27th, 2009.

Discussion centered on:

The summer schedule for Extraordinary Meetings re: Bamberton Application

These dates are tentative until all parties have been contacted.

June 27th

1:00 pm - 3:00 pm

Trillium report public meeting (Brentwood College)

3:00 pm - 5:00 pm

Area A APC review and assessment of the Trillium report (Brentwood College)
CVRD invited

July 16th

6:30 pm - 8:30 pm

Three Point presentation to describe application and any amendments (Mill Bay Fire Hall)
Invite Area B, C, D APC members.
CVRD invited

July 30th

6:30 pm - 8:30 pm

Area A APC to review application and CVRD initial staff report (Mill Bay Fire Hall)
CVRD to address and obtain feedback on "big issues"

August 20th

6:30 pm - 8:30 pm

Pending outcome of July 30th meeting (Mill Bay Fire Hall)
Area A APC to review CVRD second report and discuss more detailed issues
CVRD invited

MOTION CARRIED

Continuing business:

Limona Application (Stonebridge Concept)

Area A APC was requested by Mike Tippet to consider the Limona Application during the summer months. Although there was some interest in doing this, it was agreed the APC has a full summer schedule with the consideration of the Three Point Properties application so deferred the Limona application to the next APC regular meeting 16th September 2009.

Report from Area A Alternate Director:

Bickford public meeting is 17th June 2009 at Kerry Park Recreational Centre from 6:30 pm - 8:30 pm

Adjournment:

It was moved and seconded the meeting be adjourned.

MOTION CARRIED

Notice of next meeting: 16th September 2009 at 6:30 pm at Francis Kelsey Secondary School

The meeting adjourned at 8:40 pm

000087

ELECTORAL AREA "E" APC MEETING MINUTES

GLENORA COMMUNITY HALL

June 18, 2009

Chairperson: Jim Marsh **Director:** Loren Duncan

Members: Frank McCorkell, Dan Ferguson, Keith Williams and David Coulson.

Absent: Alternate Director Area "E": Darin George, Colleen MacGregor, Dave Tattum, Ben Marrs and John Salmen.

Meeting called to order at 7:05 pm.

Directors Update

New Business:

1. Application File # 3-E-09DP (DEF Autoworld Properties Ltd.)

Owner: Doug Fulton

Applicant: Michael Ker

MOTION:

It was moved and seconded that the application be accepted subject to the following conditions:

1. That a bond be applied to equal 125% of the value of the landscaping as depicted on the landscape plan submitted to the CVRD,
2. That the landscaping be to BCSLA standards and include an underground irrigation system, and
3. That decorative wood fencing be installed along the Koksilah Road frontage.

Motion carried

2. Application File # 2-E-09DP (Top Shelf Feeds Inc.)

Owner/Applicant: Robert Davison

Other Applicants: Ben Walters and Gord Fraser

MOTION:

It was moved and seconded that the application be accepted subject to the following conditions:

1. That a bond be applied to equal 125% of the value of the landscaping as depicted on the landscape plan submitted to the CVRD,
2. That the landscaping be to BCSLA standards and include an underground irrigation system,

3. That parking for employees be designated to the south of the new building in a gravel parking lot with a minimum parking for 12 vehicles,
4. That split rail fencing be incorporated into the landscaping along Roberts Road, and
5. That underground power to the new building be installed.

Meeting adjourned at 8:35 pm

Acting Secretary: Jim Marsh

PK1

MINUTES OF ELECTORAL AREA I (Youbou/Meade Creek) PARKS COMMISSION MEETING

DATE: June 9, 2009

TIME: 7:00pm

MINUTES of the Electoral Area I Parks Commission Meeting held on the above noted date and time at Youbou Lanes, Youbou, BC. Called to order by chair at 7:09pm.

PRESENT:

Chairperson: Marcia Stewart

Vice-chairperson:

Members: Dan Nickel, Wayne Palliser, Gerald Thom

ALSO PRESENT:

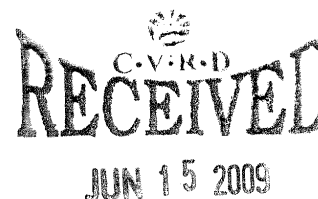
Director:

Alternate Director:

Secretary: Tara Daly

Guests:

REGRETS: Dave Charney, Director Klaus Kuhn, Vice-chairperson Shenay Gregory, Alternate Director Alex Marshall



ACCEPTANCE OF AGENDA

It was Moved and Seconded to accept the agenda.

MOTION CARRIED

ACCEPTANCE OF MINUTES

It was Moved and Seconded that the minutes of May 19, 2009 be accepted with the correction of 'bring the' instead of 'be'.

MOTION CARRIED

BUSINESS ARISING

- **Mile 77 Park** ~ contractor hasn't been emptying garbage, G. Thom mentioned that watering twice a week on the new plantings around the front board seems to be okay

CORRESPONDENCE

- None

DIRECTOR'S REPORT

- None

COWICHAN LAKE RECREATION

- **Youbou Regatta** is on August 8th ~ L. Backlund will be phoning to set up volunteers for cooking
- **National Parks Day** ~ July 18th ~ wondering if Commission wished to do anything, members present thought there was being enough done in our parks at this point
- **Summer PlayBook** is out

CHAIRPERSON'S REPORT

- **Plant Identification at Price Park** was a success, thanks to Alex and Diane Marshall for letting the group use their beach to enjoy their refreshments, also thanks to G. Thom for supplying the beverages and W. Palliser for put up directional signs
- **Domestic garbage pick-up** was discussed, the conclusion being that weekly pick-ups should be determined by weather conditions not June 15th to September 15th

000090

- M. Stewart picked up 'Bear Awareness' pamphlets that she will have laminated and then they will be placed on the kiosks/ porta potty surrounds/ posts at Nantree Park, Marble Bay Park, Spring Beach, Mile 77 Park, Price Park, Swordfern Park, Arbutus Park, Hard Hat Shack, and bulletin board at the Community Hall

COWICHAN VALLEY REGIONAL DISTRICT

- **Mile 77 Park** – irrigation around font board: connection will be paid for by Engineering, Parks will need to purchase a double check water valve, irrigation head, and pipe; should be installed in no longer than two (2) weeks – it isn't felt the planting around the font board were native, W. Palliser will build a box around the fire hydrant for protection from gravel/dirt washing down during rains; there is no ventilation in the washrooms; a couple of days of broom clearing has been done at Mile && Park with R. Lendrum noting W. Palliser's efforts at clearing the broom – the Natural Society claims the way to be rid of broom is to cut down to the ground and then bury it, repeating as necessary
- **Little League Park** toilet is repaired, it's necessary to hold the handle down for a few seconds to allow it to flush properly, CVRD staff will ask O. Smycniuk, plumber, to have a look – contractor will insure grass cutting on Tuesdays in time for the ball game, Ben Wingo will be opening and closing the washrooms
- **Woodland Shores** – the Scout Camp is almost complete; Waterfront Park has the picnic shell built with the washrooms at 50% completion; commission felt that swim floats should be put in now to prevent boats from accessing the swimming area hoping to alleviate future problems; planting will be done on the Southern Playfield in the fall; formal opening won't be until Spring 2010
- **Nantree Park** – there is still no ladder on the swim float, a pool ladder isn't long enough for the wharfs, there should be at least one more rung
- **Washroom buildings** – the walkway around the building should be two (2) or three (3) inches lower than the washroom floor allowing for water and/or snow build-up and/or melting and ventilation should be allowed for in all new washroom facilities
- **Arbutus Park** digger has been removed for safety, the perimeter has been raised around the playground at Arbutus as well as the one at Little League Park

OLD BUSINESS

- **Mile 77 Park Bridge** – retaining wall cost was \$1 328.49 with Engineering willing to pay half but the Commission feels they should pay all of the costs as it was them that approved the bridge; there is a sag in the middle of the bridge, G. Thom will use a string line for comparison over the next while; W. Palliser and G. Thom have been piling rocks against the cement on the east side and are slowly moving rocks on the west side to open up the water trough
- **Picnic** on June 14th – M. Stewart will bring juice, table & prizes, G. Thom will pick up wieners, buns, and condiments from Country Grocer (Lake Cowichan) and deliver to M. Stewart, W. Palliser will bring a barbeque, T. Daly will bring game supplies
- **Park Walkabout** with Contractor will be done in the fall
- **Youbou Lands** – no update

NEW BUSINESS

- **Price Park** – buoy system should be put in place to deter boat traffic, a certain colour designates swimming area and no boats allowed; several pickets on the bridge are either missing or loose; CVRD staff notes that the lifespan of the bridge is almost up and there are plans to replace it next year (2010) but repairs will be completed – concrete structure with wooden handrails and pickets would have a 50 year lifespan compared to fifteen for a wooden structure, building would be done in the June to September Fisheries window
- **Nantree Park** – a dinghy was seen tied up on the west side of the boomsticks indicating the probability of someone tying a larger boat there and using the dinghy for transportation to shore

000091

- **Capital Projects for next year** – currently identified are Price Park bridge, Arbutus irrigation, and Mile 77 bridge (if necessary)
- **Budget questions** – advertising is at 292% at the end of April at a cost of \$1469 with the budget amount set at \$500, Miscellaneous Equipment is at \$10 742.81 YTD with the budget amount set at \$8161, and Community Parks General Expenses is at 101% of the budget amount – Commission again discussed their need to have a breakdown of expenditures, receipts from work done, more transparency so that intelligent decisions can be made at budget discussions
- **Ball Schedules** – will be emailed out to everyone
- discussion was held on the boat launch at Woodland Shores, rumours have the position changed from where the developer had proposed

It was Moved and Seconded by the Area I (Youbou/Meade Creek) Parks Commission that the proposed new positioning of the boat launch and the parking lots at Woodland Shores is not acceptable to the Commission as it is an imminent danger for swimmers and run-off from the parking lots could put surrounding wetlands in danger

AND THAT

It would have been appropriate for the Area I (Youbou/Meade Creek) Parks Commission and the Area I (Youbou/Meade Creek) APC to be made aware of these changes, as they are deemed significant.

MOTION CARRIED

ADJOURNMENT

It was Moved and Seconded that the meeting be adjourned at 9:00pm.

MOTION CARRIED

NEXT MEETING

July 14, 2009

7pm at Youbou Lanes

M. Stewart will be away so Vice-chair S. Gregory will be taking the meeting

/s/ Tara Daly
Secretary

000092

Shawnigan Parks and Recreation Commission
Meeting Notes – Meeting held at Kerry Park Rec. Centre (social lounge)
following Regional Recreation meeting
April 16, 2009

Attendees: Margaret Symon, Bill Savage, Ken Cossey, Gerry Gutensohn, Trina White, Catherine Whittome, Betty Lord, Lori Treloar (scribe)

Motion to approve Minutes from 04Mar09. Moved. Seconded. Approved.

Andy Glover has resigned from the commission due to work issues. Thank you to Andy for the contribution to date.

The final draft of the Parks and Trails master plan is now being reviewed by T Soroka and B Farquhar at CVRD Parks.

Thank you to the members who came out to the Thain Road site visit. The trail corridor that was suggested is not favoured by the owner. His driveway will run alongside the proposed trail (he has liability concerns).
The Coleman Road property will proceed with park designation in the wetland (riparian) areas. No viewing area is necessary because the road runs alongside the wetland.

New Business: Fuel reduction pilot project to commence this spring at Silvermine Trail (Gleneagles).

Park (trail) dedication considered at subdivision proposed at Baldy Mt Road and Sylvester.

Thank you to Catherine Whittome who is the volunteer coordinator for the Subaru Shawnigan Triathlon. She is looking for volunteers.

Thank you to Bill Savage who has agreed to provide boat safety for the Triathlon event.

West Shawnigan Lake Park. The CVRD would like gain management of this park. The commission expresses concern over the lack of consultation with the province regarding Crown parks in the area. The Shawnigan Lake Parks commission supports the CVRD's direction to assume an operation permit for the West Shawnigan Lake Park.

The Parks Commission was recently billed \$2000 to remove an old dock that had been deserted at Recreation Road. The CVRD should be advised that there is an issue with abandoned docks on the lake. People who build new docks and do not want to deal with their old docks are setting them free or tying them to public places on the lake. Who was the contractor at Recreation Rd. and what is the accountability for these docks? The local Commission cannot afford to remove docks that have been abandoned. At this time there is another abandoned dock tied to Memory Island. Waterfront owners should be

accountable for their old docks when they upgrade. The Commission should be informed if there will be a charge for removal.

Ken Cossey: the Parks worksheet has been posted. Construction for Phase 1 will start in the fall of 2009 for Shawnigan Hills. There will be Kerry Park redevelopment meetings starting next week. There are three information sessions proposed leading to a referendum in Oct or Nov. The first meeting is 21Apr09 at Kerry Park.

Bill Savage asked what the status is on the Meadowview property. Still in-camera.

Ken Cossey suggested that the CVRD should come out to do an orientation for the new members of the commission.

New commission members need information binders!

Adjourned at 8:55pm

Next meeting: May 21, 2009

**Shawnigan Parks and Recreation Commission
Meeting Notes
May 21, 2009 – Shawnigan Lake Community Centre**

Attendees:

Betty Lord
Bill Savage
Catherine Whittome
Lori Treloar
Margaret Symon (chair)



regrets: Ken Cossey

1. The meeting was called to order at 1900H
2. Old Business:
 - Parks and Trails Master Plan update: CVRD still reviewing draft document – Parks Commission will have an opportunity to review draft before final submission by Lanarc
 - Coleman Rd. subdivision: recommendation re: wetland dedication forwarded to CVRD Parks
 - Mason's, Gov. Wharf, Old Mill: CVRD installing marker buoys – timed before summer season
 - *question asked regarding cost increase (from \$6,000 to \$7,000)
 - *question asked regarding selling of boomsticks (for community park funds) – ask CVRD
 - Cowichan Green Mapping: Shawnigan session informative, but v poorly attended
 - Bike Park Cobble Hill: grand opening – May17/09
 - Shawnigan Hills: questions raised regarding field maintenance (Ryan Dias email: Phase 1)
 - Community Park Chairs' Meeting – May 11/09 – commissions asked to consider broader community uses/promotion for area parks; "highs" and "lows" of park issues – what's working well?; what's not?
 - Shawnigan Subaru Triathlon: >400 competing athletes from around the world; local volunteers to be commended: special thanks to Parks Commission members for volunteering: Catherine Whittome (volunteer coordinator), Bill Savage (water safety), Al Brunet (Transition), Margaret Symon (run course coordination), and to Betty Lord's granddaughter (lifeguard); and to Area Director Ken Cossey (Honorary Chairperson)
3. New Business:
 - Silvermine Trail alignment:
 - CVRD Parks summer crew to realign temporary trail access between Beach Estates backroad and Silvermine subdivision
 - Invasive spp alert
 - W Shawnigan Lake Park
 - **Motion: The Area B Parks and Recreation Commission encourages the CVRD to pursue acquisition of W. Shawnigan Lake Park**
 - Malta Road property-landowners are voluntarily dedicating parkland
 - **site visit planned; thank-you ceremony proposed at a later date**
 - Renfrew Rd. property – discussion
 - Bob-0-Link Trail – Dan Brown conducting trail work to complete loop
4. Other items:
 - Memory Island: illegal camping, campfires: need signage, patrols! (only 1 sign now)
 - *Action required: CVRD Parks, RCMP!
 - Elkington Property: Friday afternoon tour/site visits
 - Historic Mill Bay Church: open house May 28 6-730 pm
5. Next Meeting: June 18, 2009 SLCC