



**NOTICE OF
ELECTORAL AREA SERVICES COMMITTEE MEETING**

Tuesday,
August 4, 2009
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 pm

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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

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M1

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, July 7, 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 I. Morrison
Director M. Dorey
Director L. Duncan
Alt. Director G. Gutensohn
Absent: Director K. Cossey

CVRD STAFF

Mike Tippet, Acting General Manager
Rachelle Moreau, Planning Technician
Warren Jones, Administrator
Cathy Allen, Recording Secretary

**APPROVAL OF
AGENDA**

The Chair noted changes to the agenda which included adding five 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 16, 2009 EASC meeting be accepted.

MOTION CARRIED

BUSINESS ARISING

Director Duncan advised that he would like to amend the previous motion passed at the June 16th EASC meeting respecting item SR6 – Boat Patrols.

It was Moved and Seconded
That the previous motion respecting boat patrols on Cowichan and Shawnigan Lakes passed at the June 16, 2009 EASC meeting be amended to read as follows: “That the CVRD provide funding in the amount of \$13,000 to the RCMP on a one time basis to assist with costs for additional summertime lake patrols and that the funds be extracted from Bylaw Enforcement Budget Function 328, and further, that alternative enforcement and funding models be structured for 2010.”

MOTION CARRIED

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DELEGATIONS

D1 - Kimpfel

Mike Tippet, Acting General Manager, presented Application No. 1-D-09DP by Wendy and George Kimpfel to construct a single family dwelling at 1790 Pritchard Road which is within the Habitat Protection DPA.

The Committee directions questions to Mr. Tippet.

It was Moved and Seconded

That Application No. 1-D-09DP (Wendy and George Kimpfel) be referred to the Area D APC for comment and that a further staff report with the APC comments be brought back to the EASC for recommendation.

MOTION CARRIED

D2 - Pilcher

Rachelle Moreau, Planning Technician, presented Application No. 1-H-09ALR by Maureen Pilcher to subdivide under Section 946, 3.88 hectares located at 13785 Hill Road to provide a residence for the applicant's son to assist with their horse training business.

Maureen Pilcher, applicant, was present on behalf of owner Bonita Tolley (also present) and provided further information to the application.

The Committee members directed questions to the applicant.

It was Moved and Seconded

That Application No. 1-H-09ALR (Maureen Pilcher for Bonita Tolley) be referred back to staff to consult with the applicant respecting adjustment of proposed subdivision boundaries.

MOTION CARRIED

D3 - Ker

Mike Tippet, Acting General Manager, presented Application No. 3-E-09DP by Michael Ker to permit construction of an automotive sales building at 2930 Allenby Road.

The applicant Michael Ker was present.

The Committee members directed questions to staff and the applicant.

It was Moved and Seconded

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 conditions in the development permit including replacement of the existing chain link fencing along Koksilah Road with decorative wooden fencing, and requirement for underground irrigation; and further 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.

MOTION CARRIED

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D4 - Davison

Rachelle Moreau, Planning Technician, presented Application No. 2-E-09DP by Robert Davison to construct a new warehouse and retail building at 2800 Roberts Road.

Robert Davison, applicant was present, and provided further information to the application.

Committee members directed questions to staff and the applicant.

It was Moved and Seconded

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.

MOTION CARRIED

**SR1 – RONA Bike
Tour**

It was Moved and Seconded

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.

MOTION CARRIED

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**SR2 – Fire Protection
Service Area
Expansion**

It was Moved and Seconded

1. 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 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.

MOTION CARRIED

**SR3 – Fire Protection
Service Area
Expansion**

It was Moved and Seconded

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).

MOTION CARRIED

**SR4 – Bamberton
Impact Report**

It was Moved and Seconded
That staff be directed to provide a report documenting how the Bamberton Regional Impact Assessment Final Report satisfies the terms of reference for the project.

MOTION CARRIED

**SR5 – ALR
Processing Policies**

It was Moved and Seconded
That Board 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.*

MOTION CARRIED

**APC
AP1 - Minutes**

It was Moved and Seconded
That the minutes of the Area A APC meeting of June 3, 2009, be received and filed.

MOTION CARRIED

AP2 - Minutes

It was Moved and Seconded
That the minutes of the Area E APC meeting of June 18, 2009, be received and filed.

MOTION CARRIED

PARKS

PK1 to PK3 – Minutes

It was Moved and Seconded
That the following minutes be received and filed:

- Minutes of Area I Parks meeting of June 9, 2009
- Minutes of Area B Parks meeting of April 16, 2009
- Minutes of Area B Parks meeting of May 21, 2009

MOTION CARRIED

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NEW BUSINESS

**1 – South Cowichan
OCP**

Director Harrison requested that Area A – Mill Bay/Malahat be included in the South Cowichan OCP project.

It was Moved and Seconded

That Electoral Area A – Mill Bay/Malahat be included in the South Cowichan OCP review process, and that staff provide a progress report to the EASC in three to six months.

MOTION CARRIED

2 - Public Meeting

Director Morrison requested funds to place ads in the local papers advertising a public meeting between Areas F & I and the Town of Lake Cowichan respecting Cowichan Lake Stewardship.

Mr. Tippet advised that funds are available for electoral directors for advertising, hall rentals, etc. from the Electoral Area Services (250) account respecting community information.

**3 – Nanaimo Airport
Boundary
Adjustment**

Director Marcotte advised that the CVRD is in receipt of a letter from the Regional District of Nanaimo respecting a proposed boundary adjustment involving the Nanaimo Airport lands and requested that a letter be forwarded to the RDN advising that the CVRD does not support the boundary adjustment.

It was Moved and Seconded

That a letter of response be forwarded to the Regional District of Nanaimo advising that the Cowichan Valley Regional District does not support their proposed Nanaimo Airport lands boundary adjustment.

MOTION CARRIED

**4 – Parks Commission
Chairs**

Director Giles requested that the Parks Commission bylaw be amended to provide for the election of Chairperson and a Co-Chairperson.

It was Moved and Seconded

That the procedure section of the Parks Commission Bylaws for Areas A, C, D, G and I be amended to include the election of a Co-Chair.

MOTION CARRIED

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**5 – Hydro Power
Surge**

Director Morrison advised of a power surge on June 30th that hit the east side of Lake Cowichan and the Skutz Falls area and affected electronic equipment of several residents in Area F. He stated that residents are receiving contradictory information from BC Hydro and he would like the CVRD to send them a letter requesting that they delegate one individual to process claims.

It was Moved and Seconded

That a letter be forwarded to BC Hydro requesting them to appoint a designated individual to coordinate responses and claims by residents of Electoral Area F respecting the recent hydro power surge and resultant damages.

MOTION CARRIED

CLOSED SESSION

It was Moved and Seconded

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

MOTION CARRIED

The Committee moved into Closed Session at 5:17 pm.

Minutes

It was Moved and Seconded

That the minutes of the Closed Session EASC meeting of June 16, 2009, be accepted.

MOTION CARRIED

RISE

It was Moved and Seconded

That the Committee rise without report.

MOTION CARRIED

ADJOURNMENT

It was Moved and Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 5:18 pm.

Chair

Recording Secretary

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STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF AUGUST 4, 2009

DATE: July 27, 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

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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 was presented to the Electoral Area Services Committee on July 8, 2009, where the Committee passed the following motion.

That Application No. 1-D-09DP (Wendy and George Kimpfel) be referred to the Area D APC for comment and that a further staff report with the APC comments be brought back to the EASC for recommendation.

The application was referred to the Area D APC, but unfortunately they were unsuccessful in getting a quorum for a July meeting. In order to facilitate issuance of the permit in time for the proposed construction to occur prior to next year's nesting and breeding season, staff are forwarding the application to Committee without APC comments.

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.

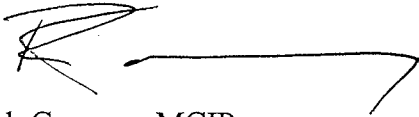
As the applicants are proposing to commence construction of the dwelling in August, it would be feasible for them to complete construction within the non-nesting season. Staff have discussed this matter with the applicants and they are agreeable to limiting construction from mid-August to mid-February, 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.

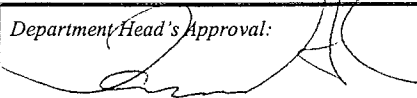
Submitted by,



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

RC/jah

Attachments

Department Head's Approval:

Signature

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LOTS 162, 171, 173, 182-210, 212-218.



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.

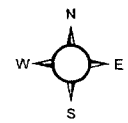
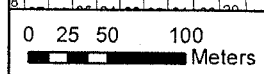
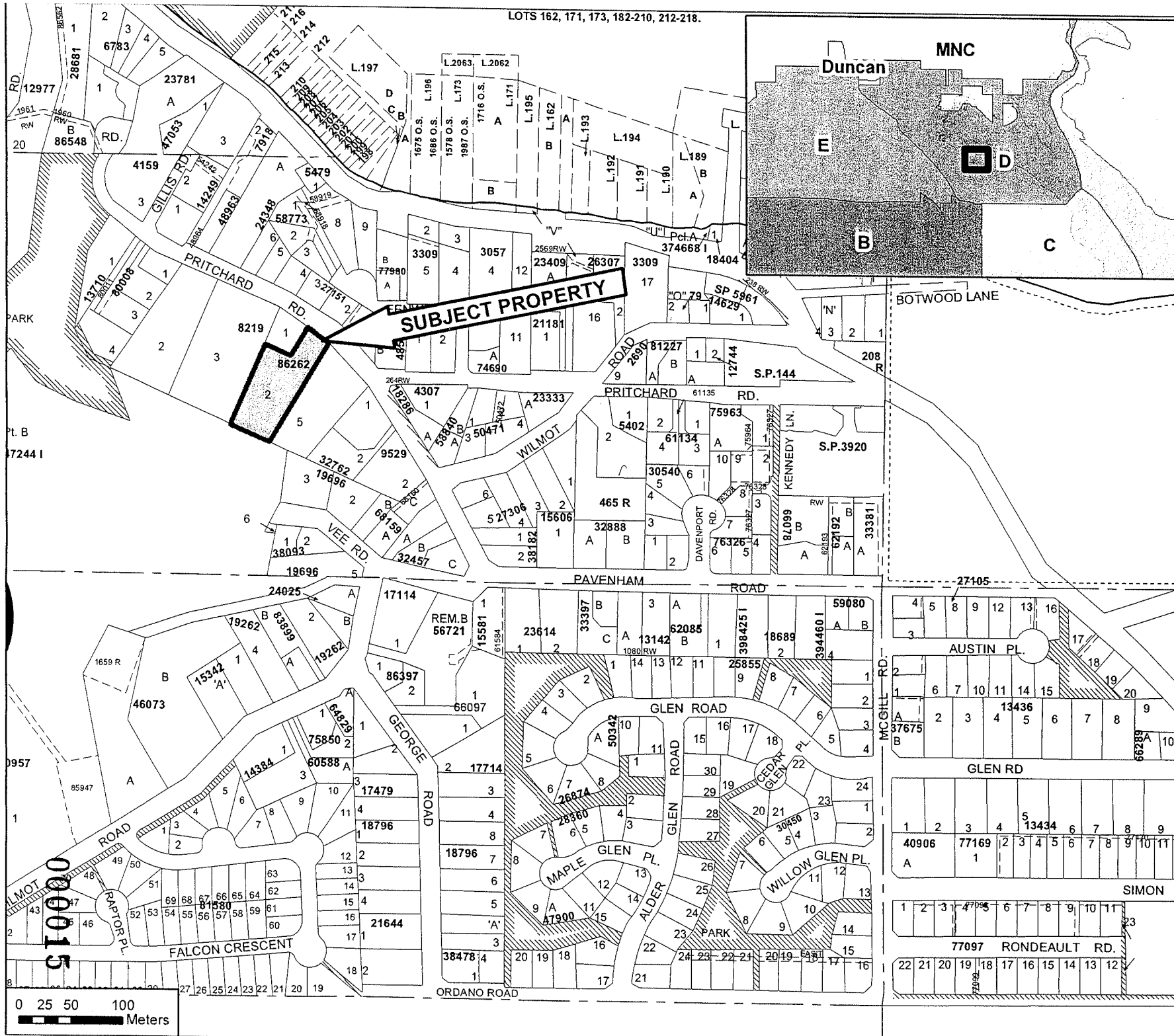
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

FILE: 1-D-09-DP

Legend

 Subject Property





Cowichan
Valley
Regional
District

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

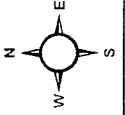
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The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 1-D-09-DP

Orthophoto (2004)



SUBJECT PROPERTY

0 25 50 100 Meters

SECTION 6, RANGE 4, COWICHAN DISTRICT, PLAN 8219.

Scale = 1:500

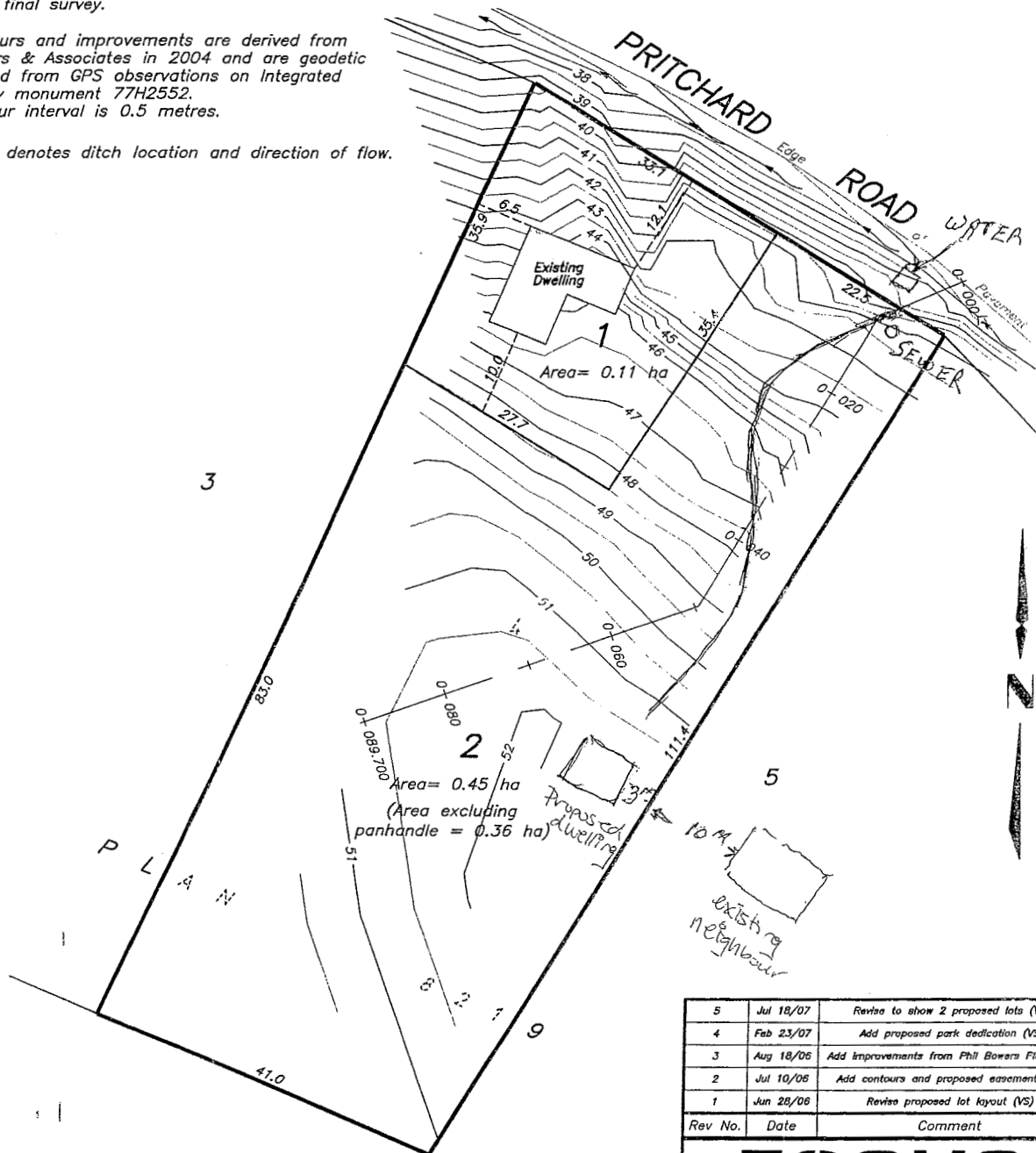


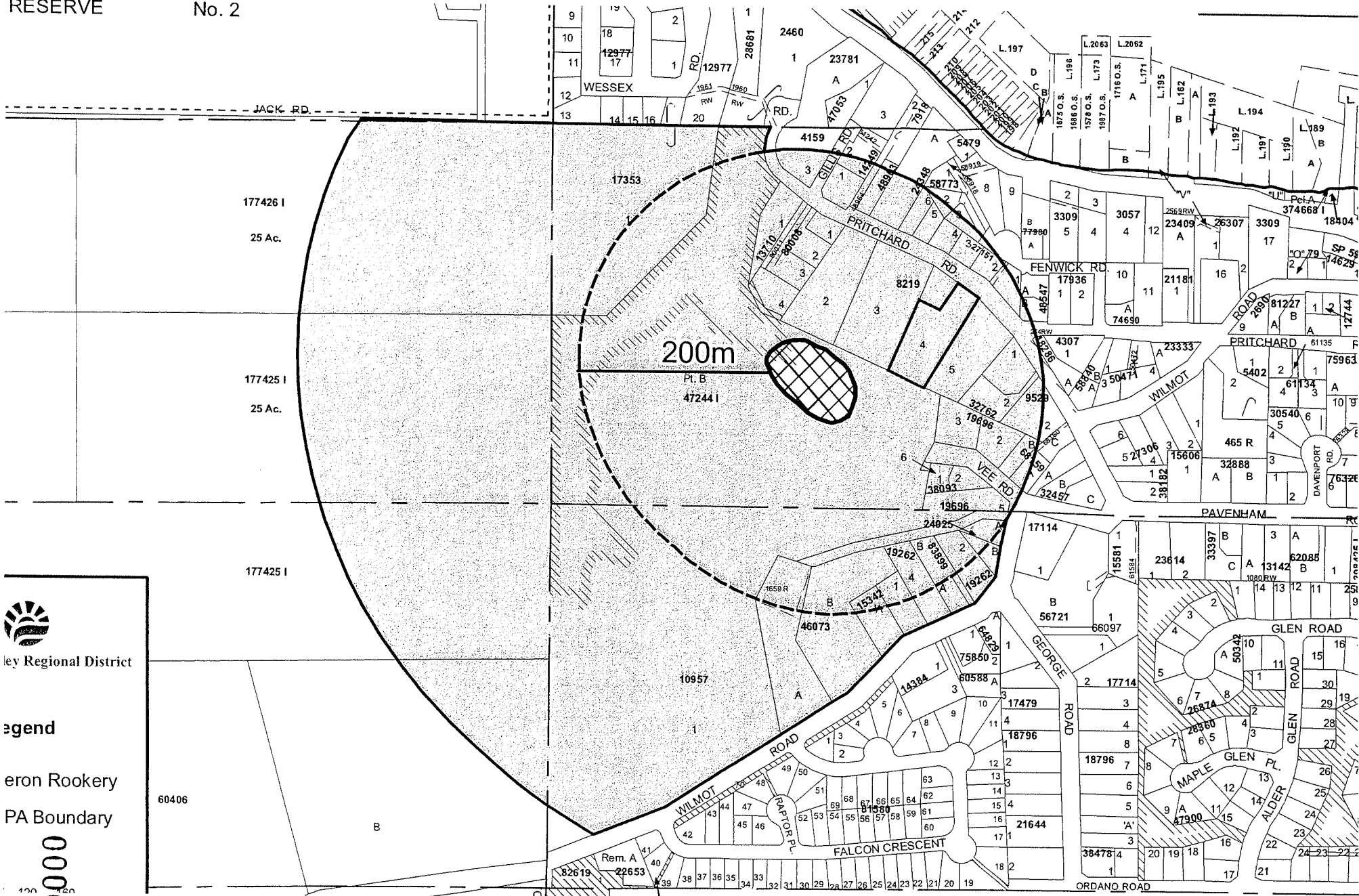
NOTE:

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.





8.2.2 R-3B ZONE – URBAN RESIDENTIAL – LIMITED HEIGHT

(a) Permitted Uses

The following uses and no others are permitted in an R-3B Zone:

- (1) one single family residential dwelling;
- (2) horticulture;
- (3) home craft;
- (4) bed and breakfast accommodation;
- (5) daycare, nursery school accessory to a residence;
- (6) small suite or secondary suite.

(b) Conditions of Use

For any parcel in an R-3B Zone:

- (1) the parcel coverage shall not exceed 30 percent for all buildings and structures;
- (2) the height of all buildings and structures shall not exceed 7.5 metres;
- (3) the setbacks for the types of parcel lines set out in Column I of this Section are set out for all structures in Column II:

COLUMN I Type of Parcel Line	COLUMN II Residential Use	COLUMN III Accessory Residential Use
Front Side (Interior)	7.5 metres 10% of the parcel width or 3 metres, whichever is less	7.5 metres 10% of the parcel width or 3.0 metres, whichever is less, or 1.0 metres if the building is located in a rear yard
Side (Exterior)	4.5 metres	4.5 metres
Rear	4.5 metres	4.5 metres

13.7 – HABITAT PROTECTION DEVELOPMENT PERMIT AREA

13.7.1 CATEGORY

The Habitat Protection Development Permit Area is designated pursuant to Section 919.1(1)(a) of the *Local Government Act*, to protect the natural environment, its ecosystems and biological diversity.

13.7.2 JUSTIFICATION

Pursuant to Section 919.1 of the *Local Government Act*, the Habitat Protection Development Permit Area is established to address the following:

- (a) The OCP aims to provide for greater protection of nest sites from direct and indirect development. The nests, eggs and young of Great Blue Herons are protected pursuant to the *Wildlife Act*; it is an offence to destroy, remove, or injure any of these features. However, only the actual nests, eggs and young are protected under the *Wildlife Act*. To ensure the viability of the nests and the rooting integrity of the nest trees, the Ministry of Water, Land and Air Protection recommends buffer areas surrounding these trees.
- (b) The OCP recognizes that Great Blue Herons are currently blue-listed (threatened). Furthermore, they are extremely sensitive to disturbance around their nest sites. The OCP aims to ensure that their nests, and the surrounding habitat area upon which they rely, are not disturbed.
- (c) The OCP recognizes that Great Blue Herons are particularly sensitive to loud sounds and have been known to desert their nests and young due to construction activities taking place during nesting season.
- (d) The trees have been clear-cut immediately adjoining to the heron nest trees, hence the area of concern, where human activities could destroy the viability of the habitat areas, includes a 500 metre periphery, on the slope facing the heron rookery.

13.7.3 AREA OF APPLICATION

The Habitat Protection Development Permit Area applies to areas of land shown on Figure 6 - Habitat Protection Development Permit Area Map.

13.7.4 GUIDELINES

Within lands located in the Habitat Protection Development Permit Area, no person shall:

- subdivide land;
- alter land, including the removal of trees or vegetation and removal/deposit of soil;
- construct a road, bridge, driveway; well, sewage works, pipelines, or similar work; or
- construct a building or structure

prior to the owner of land applying for and receiving a development permit from the CVRD, which shall sufficiently address the following guidelines:

- (a) Development will, wherever possible, be directed outside of a 200 metre periphery of the nest sites. In cases where there are no appropriate alternatives but to locate development within the 200 metre buffer area, the precautionary principle will be used. As such, the onus will be on the applicant to demonstrate that encroaching into the Habitat Protection Development Permit Area is necessary due to circumstances such as the entire parcel being located within the 200 metre periphery;

- (b) Where a parcel of land is entirely or significantly within the Habitat Protection Development Permit Area, the development should be sited so as to maximize the separation between the proposed development and the wildlife tree or trees. In cases where the appropriate course of action is unclear, the applicant may be required to provide, at his/her own expense, a report by a registered professional biologist, with experience and knowledge in dealing with Herons and their nesting requirements, which will identify the area of lowest environmental impact which is suitable for the use intended. In such cases, mitigation and restoration measures may be required to minimize the impact of the encroachment;
- (c) Breeding and nesting season is generally from mid February until mid August. Construction and development, including unusual or loud activities such as blasting, tree falling, chain saws, concrete cutters, large trucks, whistles, and banging devices should not take place during breeding and nesting season;
- (d) At the time of subdivision, restrictive covenants will be required to protect the nest trees from land development impacts;
- (e) Subdivisions shall be undertaken in a manner that does not create parcels entirely within the 200 metre periphery of the wildlife trees, or parcels that would require or encourage additional development to occur within the 200 metre periphery of the wildlife trees.
- (f) Where development is proposed within the Habitat Protection Development Permit Area, all works will adhere to the *Environmental Best Management Practices for Urban and Rural Land Development in British Columbia* (Ministry of Water, Land and Air Protection: 2004).

13.7.5 EXEMPTIONS

Within the Habitat Protection Development Permit Area, the following activities are exempted from the requirement of obtaining a development permit:

- (a) Development outside of a 200 metre radius from a wildlife tree, where a registered professional biologist, with experience and knowledge in dealing with Herons and their nesting requirements, provides a report to the CVRD indicating that the birds are not present and would not be affected by the proposed development, and that the proposed work is taking place in compliance with the *Environmental Best Management Practices for Urban and Rural Land Development in British Columbia* (Ministry of Water, Land and Air Protection: 2004).
- (b) Interior and minor exterior building renovations;
- (c) Construction, repair and public maintenance works by agents or contractors of the Government of Canada, British Columbia or the CVRD;
- (d) Fence building, growing, rearing, producing and harvesting of agricultural products in areas affected by the *Farm Practices Protection Act*, in accordance with recognized standards of the *Farm Practices Protection Act*;
- (e) The planting of trees, shrubs or groundcovers and manual removal of invasive plants or noxious weeds for the purpose of enhancing the habitat values and /or soil stability within the Habitat Protection Development Permit Area provided that the planting is carried out in accordance with the *Environmental Best Management Practices for Urban and Rural Land Development in British Columbia*, published by the provincial Ministry of Water, Land and Air Protection.

- (f) The removal of a hazardous tree that could result in loss of life or damage the built environment.

13.7.6 APPLICATION REQUIREMENTS

Before the CVRD authorizes the issuance of a development permit for a parcel of land in the Habitat Protection Development Permit Area, the applicant must submit a development permit application, which at a minimum includes:

- (a) a written description of the proposed project;
- (b) information in the form of one or more maps, as follows:
- location/extent of proposed work, including land clearing;
 - location of all Great Blue Heron nests;
 - location of watercourses, including top of bank;
 - topographical contours;
 - existing tree cover and proposed areas to be cleared;
 - existing and proposed buildings;
 - existing and proposed property parcel lines;
 - existing and proposed roads, vehicular access points, driveways, and parking areas;
 - existing and proposed trails;
 - existing and proposed septic tanks, treatment systems and fields;
 - existing and proposed community water lines and well sites.

In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense, an impact assessment report prepared by a registered professional biologist, with experience and knowledge in dealing with Herons and their nesting requirements, indicating that the birds are not present and would not be affected by the proposed development, and that the proposed work is taking place in compliance with the *Environmental Best Management Practices for Urban and Rural Land Development in British Columbia* (BC Ministry of Water, Land and Air Protection: 2004).



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

000023

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

000024



D2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF AUGUST 4, 2009

DATE: July 27, 2009 **FILE NO:** 1-H-09 ALR
FROM: Rachelle Moreau, Planning Technician **BYLAW NO:**
SUBJECT: Application No. 1-H-09 ALR (M. Pilcher/B. Tolley)

Recommendation:

Direction of the Committee is sought.

Purpose:

To present a revised subdivision plan submitted by the applicant as suggested by the Committee at the July 7, 2009 meeting of the Electoral Area Services Committee.

Financial Implications: n/a

Interdepartmental/ Agency Implications: n/a

Background:

The applicant has applied to subdivide land within the ALR in order to provide a parcel of land for the owner's son to build a residence. As the property is within the Agricultural Land Reserve (ALR), Agricultural Land Commission (ALC) approval of the proposed subdivision is required prior to submitting an application to the Ministry of Transportation and Infrastructure, the approving authority for subdivision in the Electoral Areas.

Please see the attached Electoral Area Services Committee Staff Report of July 7, 2009 for the background information, which includes the comments and recommendations of the Advisory Planning Commission (APC).

Planning Division Comments:

At the July 7, 2009 meeting of the Electoral Area Services Committee, the application was referred back to staff in order to consult with the applicant respecting adjustment of the proposed subdivision boundaries.

The application was revised by decreasing the size of the proposed lot from approximately 1.6 ha (4 acres) to 1 ha (2.5 acres). In doing so, the proposed lot would now consist of the land immediately surrounding the proposed house site leaving the rear portion of the property all within the remainder lot.

For the Committee's reference, the Canada Land Inventory Soil Capability Map identifies the soil capability of the subject property to be \pm 20% 4A improvable to 4P and \pm 80% 7R (Class 4 and Class 7). Class 4 lands have limitations that require special management practices, and Class 7 lands have no capability for arable culture. Subclass A indicates soil moisture deficiency improvable by irrigation, subclass P indicates stoniness, and subclass R indicates bedrock near

000025

the surface or rock outcrops. Bedrock outcroppings were noted within the southern portion of the lot and in the location of the proposed dwelling. The APC identified two “reasonably good quality fields” within the northern portion of the subject property, and expressed concern that the original subdivision plan would sever the connection between these two fields thereby reducing any potential for agriculture on the land. Therefore, the applicant has submitted the revised subdivision plan which proposes to maintain these two field areas on one piece of property.

The APC did note other concerns that are more philosophical in their nature, for example:

- whether approval of this application would encourage others;
- whether a second dwelling on the parent parcel would be preferable over a subdivision; and
- that the proposed lot sizes are already smaller than those permitted in the Agricultural zones of the Zoning Bylaw.

Lastly, it can be questioned whether Section 946 applications still serve their purpose or if the legislation has been so overused that it no longer can be relied upon to legitimately provide a residence for a relative as was originally intended.

Options:

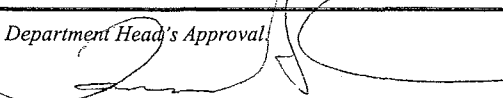
1. That Application No. 1-H-09 ALR submitted by Maureen Pilcher for Bonita Tolley made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide the subject property under the provisions of Section 946 of the *Local Government Act* be forwarded to the Agricultural Land Commission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

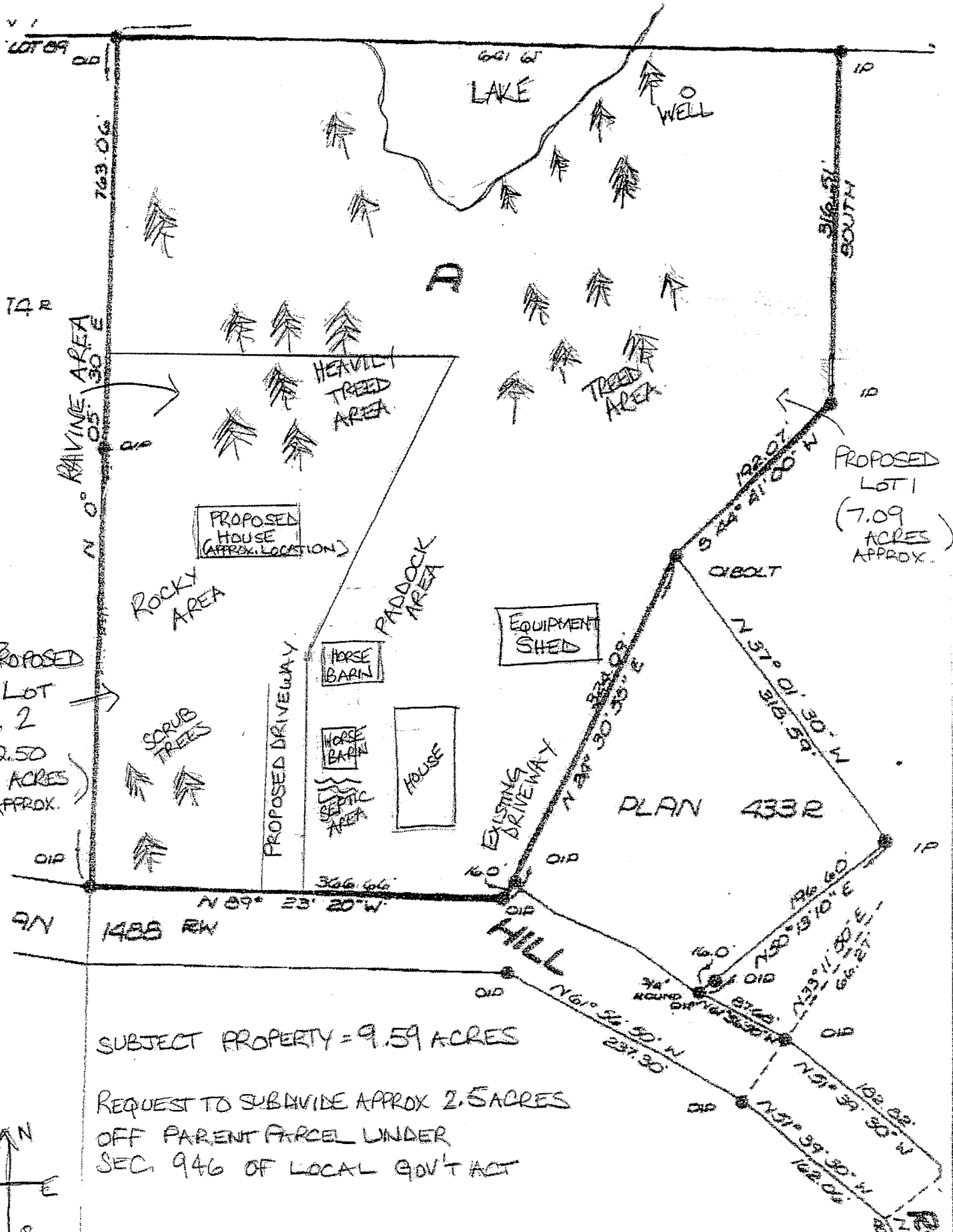
The original staff recommendation was No. 2 above – to forward the application to the ALC with a recommendation to deny. At this time we are supplying the revised information as requested and now seeking direction from the Committee.

Submitted by,



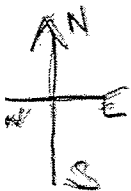
Rachelle Moreau,
Planning Technician
Planning and Development Department

Department Head's Approval 
Signature <hr/>



SUBJECT PROPERTY = 9.59 ACRES

REQUEST TO SUBDIVIDE APPROX 2.5 ACRES
OFF PARENT PARCEL UNDER
SEC. 946 OF LOCAL GOV'T ACT



NOT TO SCALE 0000027
ALL DIMENSIONS TO BE
CONFIRMED BY BCLS.

REVISED: JULY 09



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

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

000029

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.

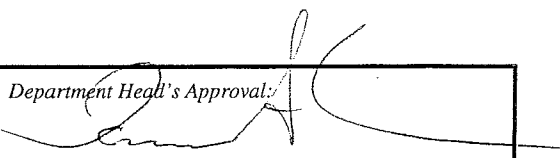
Options:

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

000033

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

1149 Pratt Road
Qualicum Beach, BC
V9K 1W6

Phone: (250) 752-6246
Fax: (250) 752-8513
Cell: (250) 802-6046
E-Mail: mo@maureenpilcher.com

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.

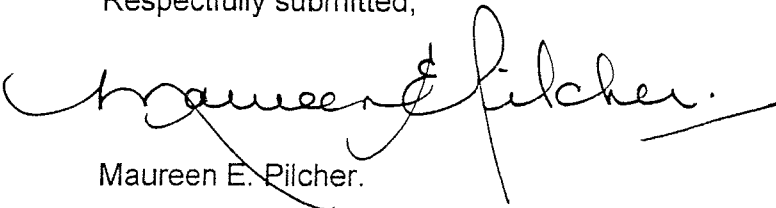
Other than the construction of a single family dwelling, no change to the property is expected. The proposed use of the subdivided parcel – a single family dwelling - would not negatively impact the existing or potential agricultural use of surrounding lands. It is not expected that this proposal will 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.

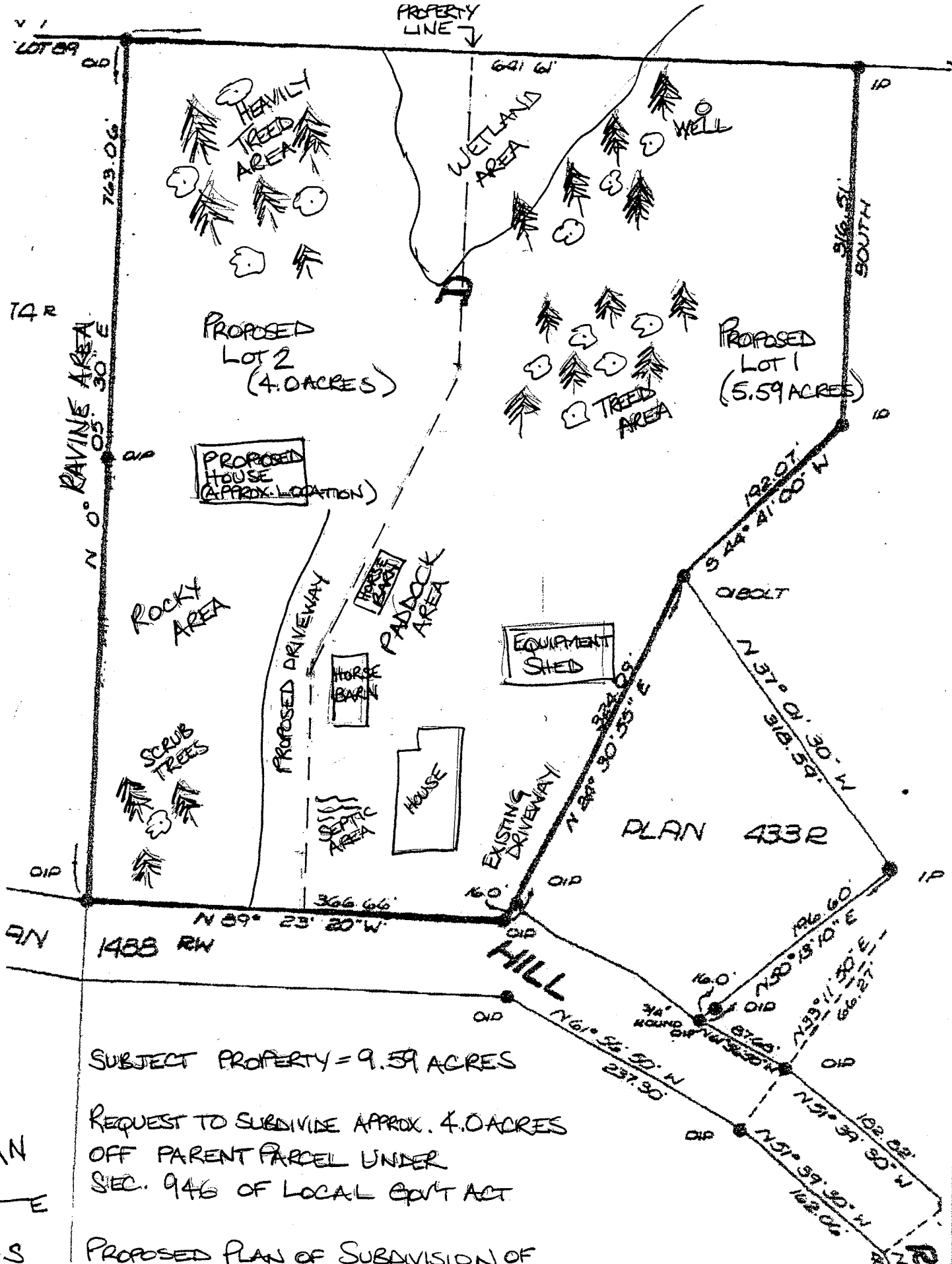
Respectfully submitted,



Maureen E. Pilcher.

1149 Pratt Road
Qualicum Beach, BC
V9K 1W6

Phone: (250) 752-6246
Fax: (250) 752-8513
Cell: (250) 802-6046
E-Mail: mo@maureenpilcher.com



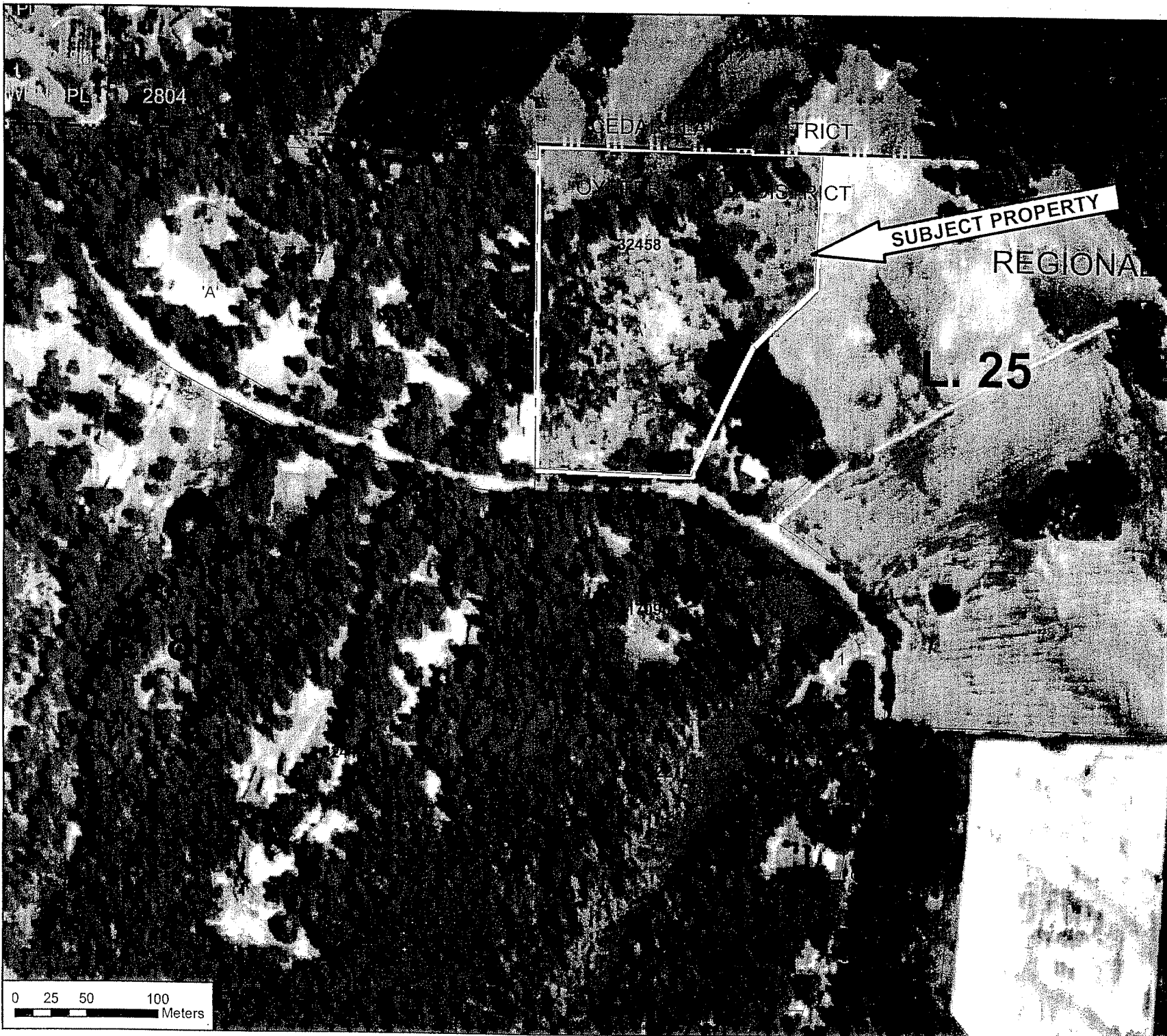
SUBJECT PROPERTY = 9.59 ACRES

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

NOT TO SCALE
ALL DIMENSIONS TO BE
CONFIRMED BY BCLS.

000036



**Cowichan
Valley
Regional
District**

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

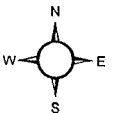
The Regional District does not warrant the accuracy.

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)**



000037

0 25 50 100
Meters

PL

19 2786

GWENS PL. 2804

GWENS LANE

REG

CEDAR LAND DISTRICT

OYSTER LAND DISTRICT

SUBJECT PROPERTY

REGIONAL

L. 25

433 R

32458

'A'

'B'

41057

'A'

1488 Rwy

17096

'A'

8967

22712

1

39136

'A'

HILL ROAD

'A'

L. 89

32417

1

2

0 25 50 100 Meters



Cowichan
Valley
Regional
District

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

The Regional District does not warrant the accuracy.

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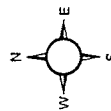
FILE: 1-H-09-ALR

ALR

Legend



Subject Property
H-ALR



000038

PL

19 2786

GWENS PL. 2804

GWENS LANE

41057

'A'

'B'

L. 25

CEDAR LAND DISTRICT

OYSTER LAND DISTRICT

SUBJECT PROPERTY

REGIONAL

433 R

32458

'A'

1488 RW

A-1

L. 89

32417

1

2

17096

A

8967

1

22712

1

39136

A

HILL ROAD

"A"



Cowichan
Valley
Regional
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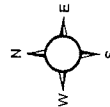
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ZONING

Legend



Subject Property
Zoning Electoral Area H



0 25 50 100 Meters

000039



D3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF AUGUST 4TH, 2009

DATE: July 27, 2009 **FILE NO:** 5-B-09DVP
FROM: Alison Garnett, Planning Technician **BYLAW NO:** 1095
SUBJECT: Development Variance Permit Application No. 5-B-09DVP
(Mid-Island Aggregate Ltd.)

Recommendation:

That the application by Rocky Point Metal Craft (Mid-Island Aggregate Ltd.) for a variance to Schedule 2 (b)(2) of CVRD Sign Bylaw No. 1095, by increasing the allowable size of a freestanding sign within a forestry zone from 1.85 m² to 6.7 m², on Lot 3, District Lot 50 and 132, Malahat District, Plan VIP 85007, be approved.

Purpose:

To consider an application to relax the size restrictions of a freestanding sign.

Financial Implications: N/A

Interdepartmental / Agency Implications: N/A

Background

Location of Subject Property: Stebbings Road

Legal Description: Lot 3, District Lots 50 and 132, Malahat District, Plan VIP 85007 (PID 027-514-358)

Date Application and Complete Documentation Received: May 12, 2009

Owner: Rocky Point Metal Craft

Applicant: Mid-Island Aggregate (Randy Thiessen)

Size of Parcel: ± 18 ha (44 ac.)

Zoning: F-1 (Primary Forestry)

Size Permitted by Bylaw: 1.85 m² (20 ft²)

000040

Existing Size: 6.7 m² (52 ft²)

Existing Plan Designation: Forestry

Existing Use of Property: Aggregate extraction, crushing and shipment

Existing Use of Surrounding Properties:

North:	Forestry
South:	Forestry
East:	Forestry
West:	Forestry

Services:

Road Access: Stebbings Road

Water: N/A

Sewage Disposal: N/A

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: None identified within the vicinity of the subject sign.

Archaeological Site: None Identified

Planning Division Comments:

The subject property is an 18 ha forestry zoned lot operated by Mid-Island Aggregate Ltd. It is located off Stebbings Road, in close proximity to the Shawnigan Lake and Stebbings Road Industrial Park area. At the road entrance, the applicants have constructed a free standing sign to identify their business (see attached photo). The copy area of the sign is 3 m² (32 ft²), and it is encased in a cement block frame, which brings the total sign area to 6.7m² (72 ft²).

The CVRD Sign Bylaw No. 1095 regulates the size of signs. Bylaw No. 1095 distinguishes between types of signs (freestanding, canopy, projecting), as well as the type of land on which the sign is located. As the subject property is designated as Forestry in the Shawnigan Lake Official Community Plan, we must look to the permitted size of a free standing sign within Agriculture and Forestry Areas. In Schedule 2, Bylaw No. 1095 states that the sign area for a free standing sign in a forestry area must not exceed 1.85 m² (20 ft²). The applicants therefore require a variance of 4.85 m² (52 ft²).

As stated above, the subject property is located within close proximity to an industrial area at the corner of Stebbings Road and Shawnigan Lake Road. It is pertinent to note that the existing sign would comply with Sign Bylaw No. 1095 if the subject property was designated Industrial, as the size regulations are much less restrictive in Industrial areas. As stated in the attached letter provided by the property owner, the existing sign is the only sign on the subject property.

000041

Surrounding Property Owner Notification and Response:

A total of six (6) letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 2255. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. No responses were received during the two week period provided for a written reply.

Options:

1. That the application by Rocky Point Metal Craft (Mid-Island Aggregate Ltd.) for a variance to Schedule 2 (b)(2) of CVRD Sign Bylaw No. 1095, by increasing the allowable size of a freestanding sign within a forestry zone from 1.85 m² to 6.7 m², on Lot 3, District Lot 50 and 132, Malahat District, Plan VIP 85007, be **approved**.
2. That the application by Rocky Point Metal Craft (Mid-Island Aggregate Ltd.) for a variance to Schedule 2 (b)(2) of CVRD Sign Bylaw No. 1095, by increasing the allowable size of a freestanding sign within a forestry zone from 1.85 m² to 6.7 m², on Lot 3, District Lot 50 and 132, Malahat District, Plan VIP 85007, be **denied**.

Option 1 is recommended.

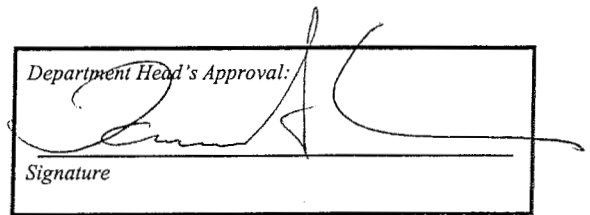
Submitted by,



Alison Garnett
Planning Technician
Planning and Development Department

AG/jah

Attachments





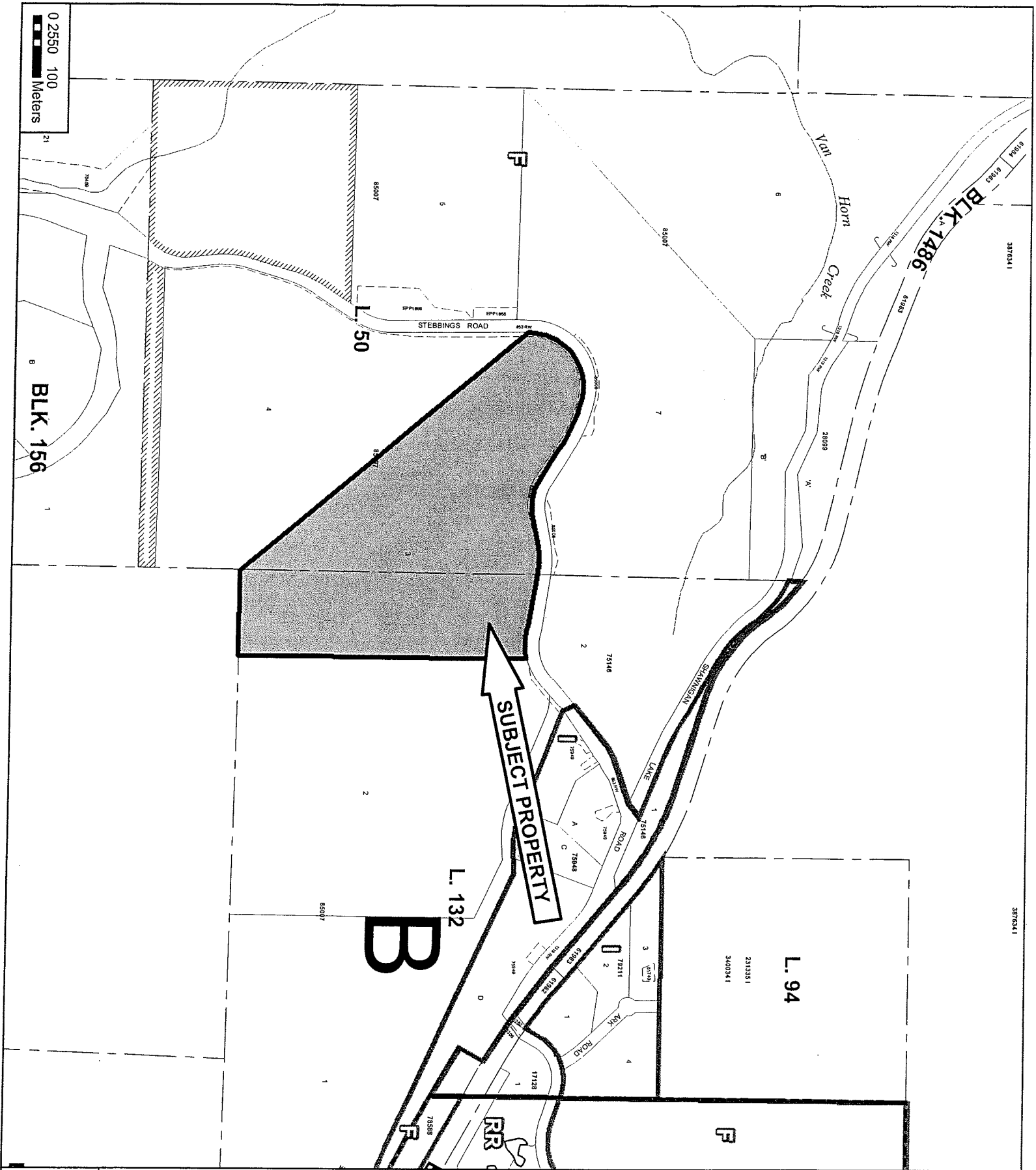
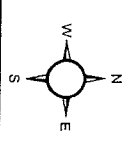
000042

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FILE: 5-B-09
-DVP

OCP

- Legend**
-  Subject Property
 -  OCP Electoral Area B





000045

6.3 FREE STANDING SIGN

Sign Area

(a) For permitted sign area, see sign schedules for particular zone where sign is located.

(b) More than one free standing sign shall be permitted per frontage, provided that free standing signs are 36.57 metres (120 feet) apart, unless otherwise specified in this bylaw.

(c) For a free standing sign where the message is located not less than 2.7 metres (9 feet) above grade, the lower 2.7 metres (9 feet) of such sign may be considered as an element within the landscaping and may be excluded from the sign area calculation.

Clearance

(d) When the clearance of a free standing sign is less than 2.4 metres (8 feet), the ground underneath shall be guarded against the passage of vehicles and pedestrians to maintain public safety.

(e) When a free standing sign projects over a vehicular traffic area such as parking lot aisles or driveways, a minimum clearance of 4.2 metres (14 feet) shall be maintained.

Location

(f) All signs shall be erected and contained within the boundaries of the parcel of land the sign is to be located upon, unless otherwise specified in this bylaw.

Height Limitation

(g) The maximum height of a free standing sign shall be 10.6 metres (35 feet).

Support Structure

(h) For a free standing sign no guy wires shall be used. The support structure shall form an integral part of the design.

Sign Combination

(i) Businesses may combine their free standing signs to form one single sign.

6.4 CANOPY SIGN

Sign Area

(a) For permitted sign area, see sign schedules for particular district where sign is located.

(b) The area of a sign located on either side of a canopy shall not exceed half the area of a sign located on the front of a canopy.

For a semi-circular canopy, the centre half of the perimeter shall be counted as the front of the canopy.

Vertical Dimension

(c) The vertical dimension of a canopy sign shall not exceed 0.6 metres (2 feet).

Location

(d) Canopy signs shall be directly attached to the apron of the canopy but shall not:

- (i) have a clearance of less than 2.7 metres (9 feet); and
- (ii) project 38 cm (15 inches) horizontally beyond the apron of the canopy.

(e) Signs shall only be permitted on a canopy if the projection of the canopy is more than 0.9 metres (3 feet).

6.5 THIRD PARTY SIGN

Sign Area and Requirements

(a) For permitted sign area and requirements, see sign schedules for particular zone where sign is permitted.

000046

SCHEDULE "2" - AGRICULTURAL AND FORESTRY AREAS

(A) PERMITTED SIGNS

1. Signs as permitted in Schedule "1" except the maximum area of a directional sign shall be 0.55 sq. metres (6 sq. ft.).
2. One non-illuminated temporary real estate sign not exceeding 3.71 sq. metres (40 sq. ft.). A permit will not be required. Such sign may be attached to a fence or hoarding.
3. Facia projecting, free standing, and canopy signs shall be permitted, however, third party signs shall be permitted only as necessary for the direction to a permitted use and present only the names of the use and direction instructions.
4. In the case of a bona-fide agricultural operation, one farm identification sign up to a maximum size of 3.0 square metres shall be permitted without requiring a sign permit.

(B) SIGNS REQUIREMENTS

1. Signs shall conform to all specifications as set forth in Sections 6 and 8.
2. Notwithstanding the above:

Sign Area

- (a) The sign area for a facia, projecting, free standing, or canopy sign shall not exceed 1.85 square metres (20 sq. ft.).
- (b) The sign area for a third party sign shall not exceed 0.74 square metres (8 sq. ft.).

May 5, 2009

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



Attention: Rob Conway.

To whom it may concern,

We are requesting a development variance permit to allow a sign that exceeds 20 square feet to be used at the main entrance to the Mid-Island Aggregate Ltd. pit at 683 Stebbings Road. The sign itself is 4 x 8 totaling 32 square feet. Including the cement block frame it is approximately 6 x 12 totaling 72 square feet.

The sign is placed at the entrance to the aggregate pit. The entrance is much larger than average at approximately 70 feet across to allow for large trucks to enter and exit. Given the size of the entrance the sign does not look obtrusive or oversized. The sign was positioned so that it is not visible coming down the hill creating less impact on residents further up Stebbings Road. The entrance is in a fairly remote area and it is important that trucks can easily see the entrance. There is no easy turn around if trucks drive past the entrance. Better visibility to the entrance will increase safety for those driving on Stebbings Road.

The property line runs along the road for several hundred feet in both directions and the land totals approximately 150 acres including lots 1 and 2 which are also beneficially owned by Russ Crawford, owner of Rocky Point Metalcraft Ltd. This is the only sign on the property advertising our business. The adjacent property across the road is bare land. Other adjacent properties are primarily other industrial companies except for a few residential properties further up Stebbings Road.

In our opinion the sign is tastefully done and not likely to be viewed as offensive by anyone driving by.

We thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'Russ Crawford'.

Russ Crawford, President of Mid-Island Aggregate Ltd.

000048

7.4 F-1 ZONE – PRIMARY FORESTRY

(a) Permitted Uses

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

- (1) management and harvesting of primary forest products excluding sawmilling and all manufacturing and dry land log sorting operations;
- (2) extraction crushing milling concentration for shipment of mineral resources or aggregate materials excluding all manufacturing;
- (3) single family residential dwelling or mobile home;
- (4) agriculture silviculture horticulture;
- (5) home occupation – domestic industry;
- (6) bed and breakfast accommodation;
- (7) secondary suite or small suite on parcels that are less than 10.0 hectares in area;
- (8) secondary suite or a second single family dwelling on parcels that are 10.0 hectares or more in area.

(b) Conditions of Use

For any parcel in an F-1 Zone:

- (1) the parcel coverage shall not exceed 30 percent for all buildings and structures;
- (2) the height of all buildings and structures shall not exceed 15 metres;
- (3) the setbacks for the types of parcel lines set out in Column I of this section are set out for residential and accessory uses in Column II and for agricultural stable and accessory uses in Column III:

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

000049



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

DRAFT

NO: 5-B-09 DVP

DATE: July 23, 2009

TO: Rocky Point Metal Craft Ltd.

ADDRESS: 824 Kangaroo Road

Victoria BC V9C 4E2

DRAFT

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below (legal description):
Lot 3, DL 50 and 132, Malahat District, Plan VIP85007 (PID 027-514-358)
3. CVRD Bylaw No. 1095, applicable to Schedule 2 (b)(2), is varied as follows: the size of a freestanding sign within a forestry zone is varied to permit one 6.7m² sign.
4. The following plans and specifications are attached to and form a part of this permit.
 - Schedule A -Map to identify sign location
 - Schedule B- Photograph of sign
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Development Services Department.

AUTHORIZING RESOLUTION NO. XXXX PASSED BY THE BOARD OF
THE COWICHAN VALLEY REGIONAL DISTRICT THE DAY OF
 2009

Tom Anderson, MCIP
Manager, Development Services

DRAFT

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

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

Signature

Witness

Owner/Agent

Occupation

Date

Date

000050



D4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF AUGUST 4TH, 2009

DATE: July 27, 2009 **FILE NO:** 2-B-09DVP
FROM: Alison Garnett, Planning Technician **BYLAW NO:** 985
SUBJECT: Development Variance Permit Application No. 2-B-09DVP
(Weidenfeld)

Recommendation:

That the application by Mike Weidenfeld for a variance to Section 8.5(b)(3) of Zoning Bylaw No. 985, by decreasing the setback to a rear parcel line for an accessory building from 4.5 metres down to 0.6 metres, and decreasing the setback to a side interior parcel line for an accessory building from 1 metre to 0.6 metres on Lot 18, Section 2, Range 4, Shawnigan District, Plan 26361, be approved.

Purpose:

To consider an application to relax the setback of an accessory building to the rear and side interior parcel lines.

Financial Implications: N/A

Interdepartmental / Agency Implications: N/A

Background

Location of Subject Property: 1708 Robin Hill Drive

Legal Description: Lot 18, Section 2, Range 4, Shawnigan District, Plan 26361 (PID: 000-124-028)

Date Application and Complete Documentation Received: April 24, 2009

Owner: Mike and Shelley Weidenfeld

Applicant: As above

Size of Parcel: $\pm 781 \text{ m}^2$ (0.19 ac.)

Zoning: R-3 (Suburban Residential)

Setback Permitted by Zoning: Rear setback 4.5 metres (14.7 ft)
Side interior setback 1 m (3.3 ft)

000051

Proposed Setback: Rear setback 0.6 metres (1.9 ft)
 Side interior setback 0.6 metres (1.9 ft)

Existing Plan Designation: Urban Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North:	Robin Hill Drive
South:	Residential
East:	Residential
West:	Residential

Services:

<u>Road Access:</u>	Robin Hill Drive
<u>Water:</u>	Lidstech Holdings
<u>Sewage Disposal:</u>	Onsite Septic

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: None identified

Archaeological Site: None Identified

Planning Division Comments:

The subject property is a 781 m² residential lot located on Robin Hill Road. Currently on the site is a 120 m² (1300 ft²) single-family dwelling. The applicants have constructed a 35 m² (375 m²) shed in the south east corner of the lot, which is located 0.6 metres from both the side interior and rear property lines. Zoning Bylaw No. 985 states that accessory residential use buildings should be constructed 4.5 metres from the rear property line and 1 metre from the side interior property line.

The adjacent property to the south is a 2.7 ha R-3 zoned property. This property is the subject of a current rezoning application before the CVRD to permit an increase in density. However, at the present time, there is no residence on this adjacent lot that would be affected by the proximity of the subject building to the shared parcel line.

The adjacent property to the east is screened and separated from the subject building by a wide and well established row of trees. Again, there are no buildings on this adjacent lot which are in close proximity to the subject building.

The subject building has been constructed without a building permit. A CVRD Building Inspector was called to the site March 17th, 2009, and at that time instructed the applicant that no further construction was permitted until a building permit was issued. As the interior of the subject building was not completed at the time of this site visit, the Building Inspector was able to conclude that the construction meets the *Building Code*. Therefore, should this application be approved, the Building Department will be able to issue a permit.

000052

Surrounding Property Owner Notification and Response:

A total of nineteen (19) letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 2255. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. During the two week period provided for a written reply, we received three letters (attached). Two letters are in support of the application, one of which was written by the owners of lot 17 (to the east of the subject property). The third letter recommends the CVRD Board deny the variance application, largely on the basis that the construction of the shed was done without prior CVRD approvals.

From a planning perspective, this variance request is supported. The adjacent property owners most affected by the accessory building (to the south and east of the subject property) either support or have not expressed opposition to the application. Additionally, the small size of the structure and the buffering provided by existing landscaping reduce the visual impact caused by the close proximity of the subject building to the parcel lines. The question of whether to condone the practice of building without the required CVRD permits is best addressed by the EASC. Should the Board choose to deny this application, the matter would be referred to Bylaw Enforcement. Options for enforcement include registration of a Notice on Title or pursuing removal of the structure.

Options:

1. That the application by Mike Weidenfeld for a variance to Section 8.5(b)(3) of Zoning Bylaw No. 985, by decreasing the setback to a rear parcel line for an accessory building from 4.5 metres down to 0.6 metres, and decreasing the setback to a side interior parcel line for an accessory building from 1 metre to 0.6 metres on Lot 18, Section 2, Range 4, Shawnigan District, Plan 26361, be **approved**.
2. That the application by Mike Weidenfeld for a variance to Section 8.5(b)(3) of Zoning Bylaw No. 985, by decreasing the setback to a rear parcel line for an accessory building from 4.5 metres down to 0.6 metres, and decreasing the setback to a side interior parcel line for an accessory building from 1 metre to 0.6 metres on Lot 18, Section 2, Range 4, Shawnigan District, Plan 26361, be **denied**.

Option 1 is recommended.

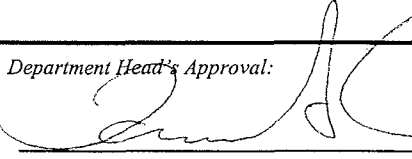
Submitted by,



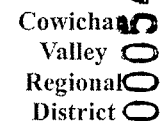
Alison Garnett
Planning Technician
Planning and Development Department

AG/jah

Attachments

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

000053



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FILE: 2-B-09-DVP

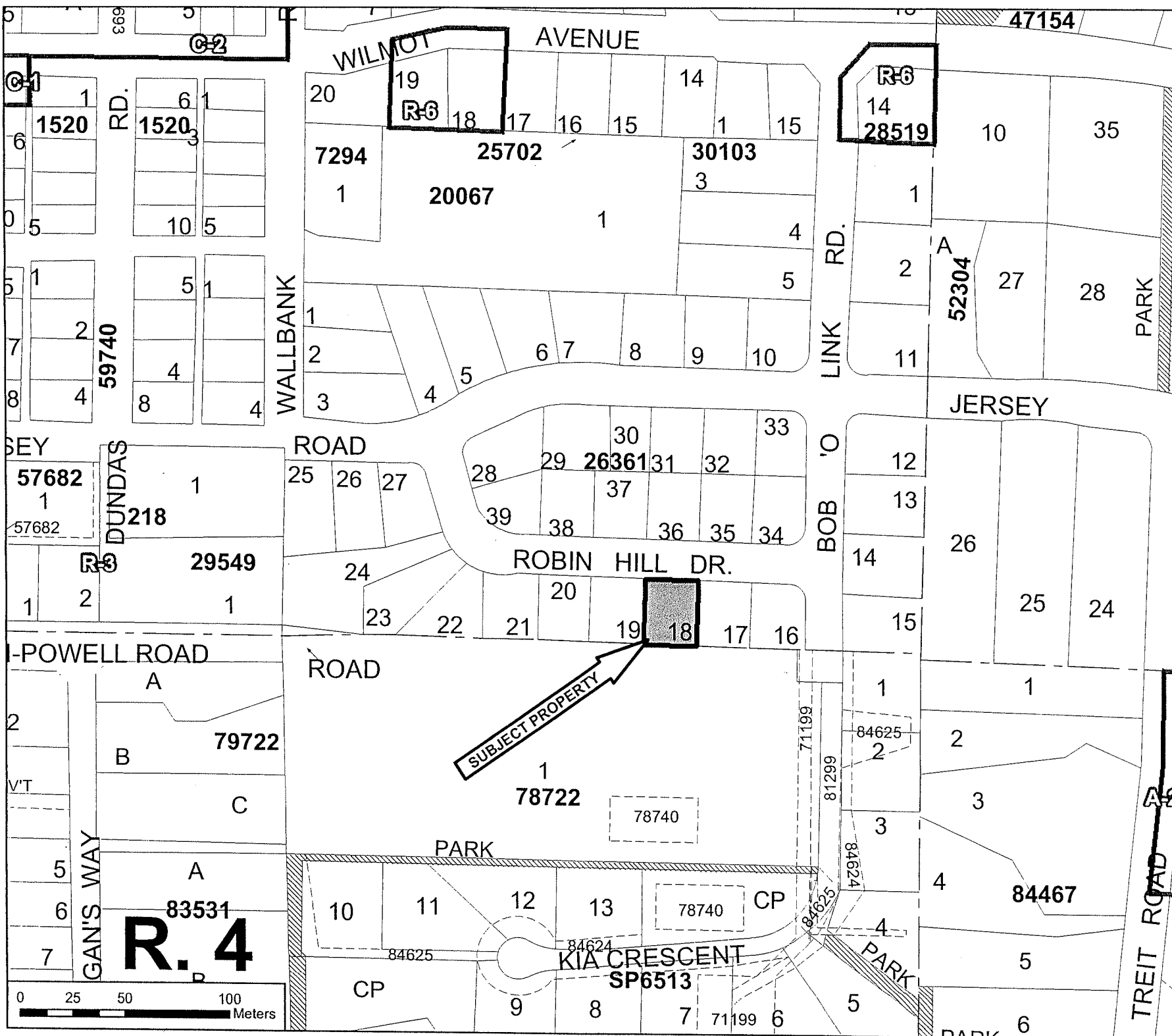
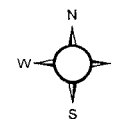
ZONING

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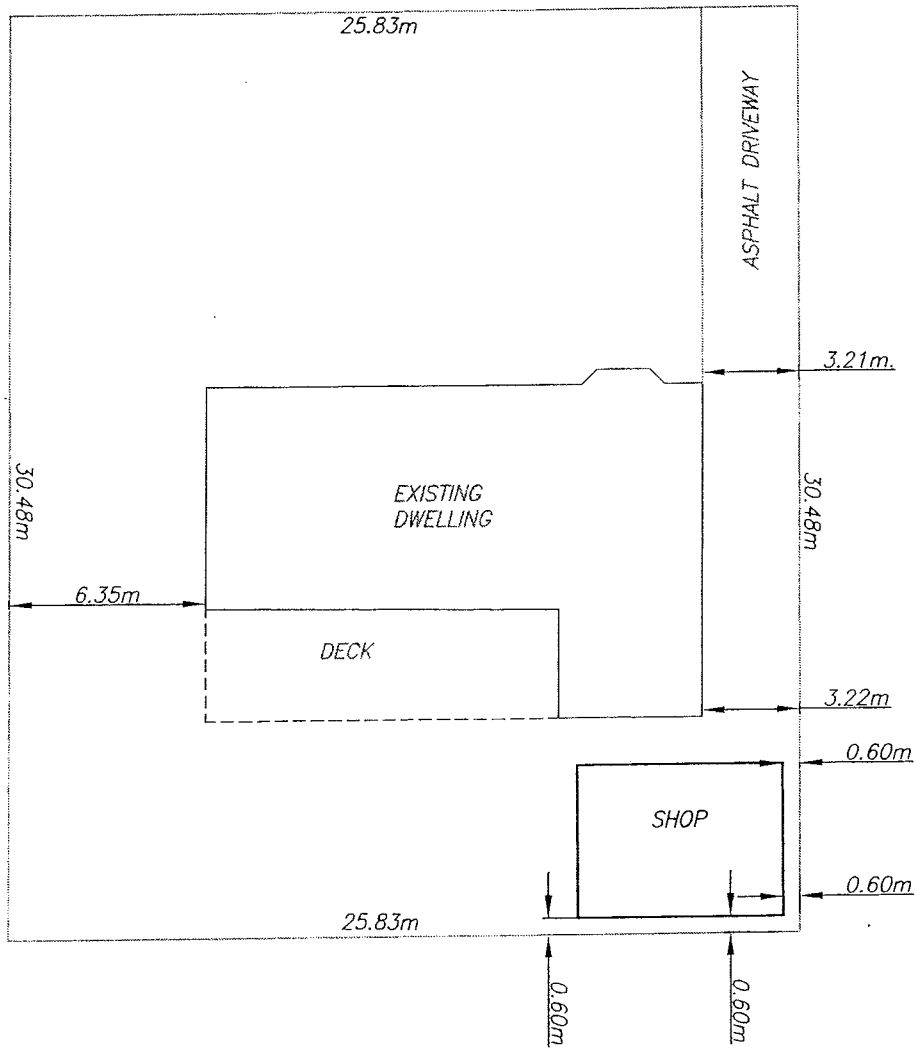


Subject Property

Zoning Electoral Area B



ROBIN HILL DRIVE



NOTES:

ALL DIMENSIONS ARE METRIC
UNLESS OTHERWISE NOTED

000055

DESIGN BY: CW	PROJECT: 1708 ROBIN HILL DRIVE	PROJ. #:	CDW
DRAWN BY: SP	DATE 09/04/14 SCALE: H: 1:250	SITE PLAN	SURVEY & DESIGN SERVICES LTD. CONSTRUCTION SURVEY, LAND DEVELOPMENT & ENGINEERING SERVICES 505 FORT WILSON STREET DUNCAN, B.C. V9M 8C7 P: (250) 331-1440 F: (250) 331-1530 Email: cws@highline.ca

8.5 R-3 ZONE - URBAN RESIDENTIAL

(a) Permitted Uses

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

- (1) single family residential dwelling;
- (2) horticulture;
- (3) home occupation-service industry;
- (4) bed and breakfast accommodation;
- (5) daycare nursery school accessory to a residence; and
- (6) small suite or secondary suite

(b) Conditions of Use

For any parcel in an R-3 Zone:

- (1) the parcel coverage shall not exceed 30 percent for all buildings and structures;
- (2) the height of all buildings and structures shall not exceed 10 metres except for accessory buildings which shall not exceed a height of 7.5 metres;
- (3) the setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

COLUMN I Type of Parcel Line	COLUMN II Residential Use	COLUMN III Accessory Residential Use
Front	7.5 metres	7.5 metres
Side (Interior)	10% of the parcel width or 3 metres whichever is less	10% of the parcel width or 3.0 metres whichever is less or 1.0 metres if the building is located in a rear yard
Side (Exterior)	4.5 metres	4.5 metres
Rear	4.5 metres	4.5 metres

Cowichan Valley Regional District
Application for Development Variance Permit

Application Question:

16. Indicate the extent of the variance requested and the justification for the proposed variance:

I have been a resident of Cowichan Valley for the past 15 years and I am proud to call it my home. It is not just a house but I have raised my children and provided a comfortable shelter for my family. Some years ago, the need for additional storage space was evident and I have reviewed several options:

- a) An open shed is not secure and it is not weather proof.
- b) A portable metal container will be more secure but it will be unsightly.
- c) After careful consideration and willing to incur more expense, I have chosen to construct a structure that is aesthetically pleasing and least offensive to the neighbourhood.

I have completed the project and the result is a 375 square foot accessory building that is slab on-grade. It only has electrical for lighting and heat. The exterior is of conventional finishing and the structure has a proper pitch-roof. The location of this building is behind the house and it is not highly visible from the road. My side and rear yard are also well screened by a fence and a hedge. Overall, I am proud of this building and it also meets my needs.

Neighbours from adjacent properties have indicated no objections to this structure but instead I have received compliments over how nice it looks. It is most regrettable that this structure requires a variance under the current regulation and I am willing to take the necessary steps to obtain the approval.

I urge the board to consider this application favourably and render a decision to grant this variance.

000057

June 30, 2009

Development Services Division
Planning & Development Department

Re: File No. 2-B-09DVP (Weidenfeld)

In regards to Mr Weidenfeld's application for a variance on his constructed accessory residential structure. We believe that it should not be granted for the following reasons.

He built this structure with no consultation or consideration to his immediate neighbours.

He built his structure knowing that it was to close to the property lines-Breaking bylaws. He owns an excavating company and does contract work for various municipalities, companies and private members and is quite aware of the facts and procedures to apply for permits etc. We feel this shows his contempt for the bylaw system that is in place to protect others from this type of development.

He made no attempt to apply for a permit for this structure until he was reported by a concerned neighbour. To the best of our knowledge, he has never applied for permits for the two other additions he has made to his property-enclosing the carport for extra living square footage & additional shop/storage area.

If this variance is granted our opinion is that it will open the door for every other land owner in the area to build in the same fashion, with total disregard for the CVRD Bylaw system.

"build now(break the law)ask for forgiveness later"

Respectfully yours,

**Jonathan and Cindy Lehman
PO Box 307
1712 Robin hill Drive
Shawnigan Lake BC**

000058

Alison Garnett

From: CVRD Development Services
Sent: Monday, June 29, 2009 8:35 AM
To: Alison Garnett
Subject: FW: File number 2-B-09DVP(Weidenfeld)

From: gerry humeny [mailto:tghumeny@shaw.ca]
Sent: Thursday, June 25, 2009 6:59 PM
To: CVRD Development Services
Subject: File number 2-B-09DVP(Weidenfeld)

Dear Alison,

My family and I have looked at the building and it is a fine well constructed structure and is very pleasing to the eye and is by no means intrusive or obstructing. I would like to place my opinion in the order of granting the variance.

Sincerely,

Gerald P Humeny
Owner
1711 Robin Hill Drive
Shawnigan Lake, PO Box 230
V0R 2W0
Home: 250.743.0003
Cell: 250.589.8809



PO Box 246
1704 Robin Hill Drive
Shawnigan Lake, BC V0R 2W0

July 2, 2009

CVRD
Alison Garnett, Planning Technician
Development Services Division
Planning & Development Department
175 Ingram Street
Duncan, BC V9L 1N8

Attention Alison Garnett:

Re: Your File No. 2-B-09DVP
Lot 18, Section 2, Range 4, Shawnigan
District, Plan 26361 (PID: 000-124-028)

In response to your letter of June 23, 2009, by hand regarding the Development Variance Permit application, we have no objections to Mr. Weidenfeld's request for variance on the property located at 1708 Robin Hill Drive.

Yours truly,

Ernest Dumka

A handwritten signature in dark ink, appearing to be "E. Dumka".

Gisela Dumka

A handwritten signature in dark ink, appearing to be "Gisela Dumka".

000060



COWICHAN VALLEY REGIONAL DISTRICT

DRAFT DEVELOPMENT VARIANCE PERMIT

NO: 2-B-09 DVP

DATE: July 20, 2009

TO: Mike Weidenfeld

ADDRESS: 1708 Robin Hill Drive PO Box 358

Shawnigan Lake BC V0R 2W0

DRAFT

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below (legal description):
Lot 18, Section 2, Range 4, Shawnigan District, Plan 26361 (PID 000-124-028)
3. Zoning Bylaw No. 985, applicable to Section 8.5 (b)(3), is varied as follows: the rear and side property line setback is reduced to 0.6 metres for the existing "shop".
4. The following plans and specifications are attached to and form a part of this permit.
 - Schedule A – Site Plan, dated April 14, 2009
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Development Services Department.

AUTHORIZING RESOLUTION NO. XXXX PASSED BY THE BOARD OF
THE COWICHAN VALLEY REGIONAL DISTRICT THE _____ DAY OF ____
_____ 2009

Tom Anderson, MCIP
Manager, Development Services

DRAFT

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

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

Signature

Witness

Owner/Agent

Occupation

Date

Date

000061



D5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF AUGUST 4, 2009

DATE: July 27, 2009 **FILE NO:** 3-B-09 DVP
FROM: Rachelle Moreau, Planning Technician **BYLAW NO:** 985
SUBJECT: Development Variance Permit Application No. 3-B-09DVP (Main)

Recommendation:

That the application by Ian and Colleen Main for a variance to Section 8.3(b)(3) of Zoning Bylaw No. 985, by decreasing the setback to a rear parcel line for an accessory building from 4.5 metres (14.76 ft) to 0.9 metres (3 ft), on Lot 6, Block 7, Shawnigan Lake Suburban Lots, Malahat District, Plan 1679, **be approved** subject to receipt of a legal survey showing the proposed setback.

Purpose: To consider an application to vary the rear parcel line setback of an accessory building from 4.5 metres (14.76 ft.) down to 0.9 metres (3 ft.).

Background:

Location of Subject Property: 2030 Mable Road

Legal Description: Lot 6, Block 7, Shawnigan Lake Suburban Lots, Malahat District, Plan 1679 (PID: 007-021-542)

Date Application and Complete Documentation Received: April 30, 2009

Owner: Ian and Colleen Main

Applicant: Same

Size of Parcel: 689.8 m² (7425 sq. ft)

Existing Zoning: R-2 (Suburban Residential)

Minimum Lot Size Under Existing Zoning: 1.0 ha

Existing Plan Designation: Suburban Residential

000062

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Residential
South: Residential
East: Residential
West: Residential

Services:

Road Access: Mable Road
Water: Well
Sewage Disposal: Septic System

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas 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 vary Section 8.3(b)(3) of Bylaw No. 985.

For the purpose of: construction of a garage 0.9 metres (3 ft) from the rear parcel line.

Planning Division Comments:

The subject property is one of approximately 38 small lots on Mable Road. Some of these have been consolidated using two or three of the original 689 m² lots. However, the subject property is one of the original 55' x 135' (689 m²) sized lots. The applicants have recently completed building a residence on the lot (obtained occupancy in January 2009) and would now like to build a detached garage/workshop.

The proposed garage will be approximately 37 m² (400 sq. ft), and located 0.9 metres from the rear parcel line. The applicants would like to build their garage closer to the rear parcel line in order to gain some distance between the existing house and the garage. With this size of shop, and without the variance, the garage would be located quite close to the house.

Due to the small lot size, staff have considered the maximum permitted parcel coverage of 30% in the R-2 Zone, and have found that the existing residence and proposed garage would be nearing the upper limit of permitted coverage but would comply with the Zoning Bylaw in this respect.

The parcel to the rear of the subject property, which would be most affected by the placement of this garage, is currently treed, appears to slope down westward and consists of rocky or shallow soil and bed rock outcrops.

Surrounding Property Owner Notification and Response:

A total of 12 letters were mailed out and/or otherwise hand delivered to adjacent property owners, as required pursuant to CVRD Development Application Procedures and Fee Bylaw No. 2255, which described the purpose of this application and requested comments on this variance within a specified time frame. During the 2-week period provided for a written reply, we received one email (please see attached correspondence).

Options:

1. That the application by Ian and Colleen Main for a variance to Section 8.3(b)(3) of Zoning Bylaw No. 985, by decreasing the setback to a rear parcel line for an accessory building from 4.5 metres (14.76 ft) to 0.9 metres (3 ft), on Lot 6, Block 7, Shawnigan Lake Suburban Lots, Malahat District, Plan 1679, **be approved** subject to receipt of a legal survey showing the proposed setback.
2. That the application by Ian and Colleen Main for a variance to Section 8.3(b)(3) of Zoning Bylaw No. 985, by decreasing the setback to a rear parcel line for an accessory building from 4.5 metres (14.76 ft) to 0.9 metres (3 ft), on Lot 6, Block 7, Shawnigan Lake Suburban Lots, Malahat District, Plan 1679, **be denied**.

Option 1 is recommended.

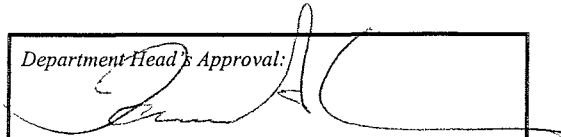
Submitted by,



Rachelle Moreau
Planning Technician
Planning and Development Department

RM/jah

Attachments

Department Head's Approval:

Signature

000064

55'

Proposed Shop 3:3

Residence

44'

12'

38'

Septic area

Mable rd.

000065



Cowichan
Valley
Regional
District

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The Regional District does not warrant the accuracy.

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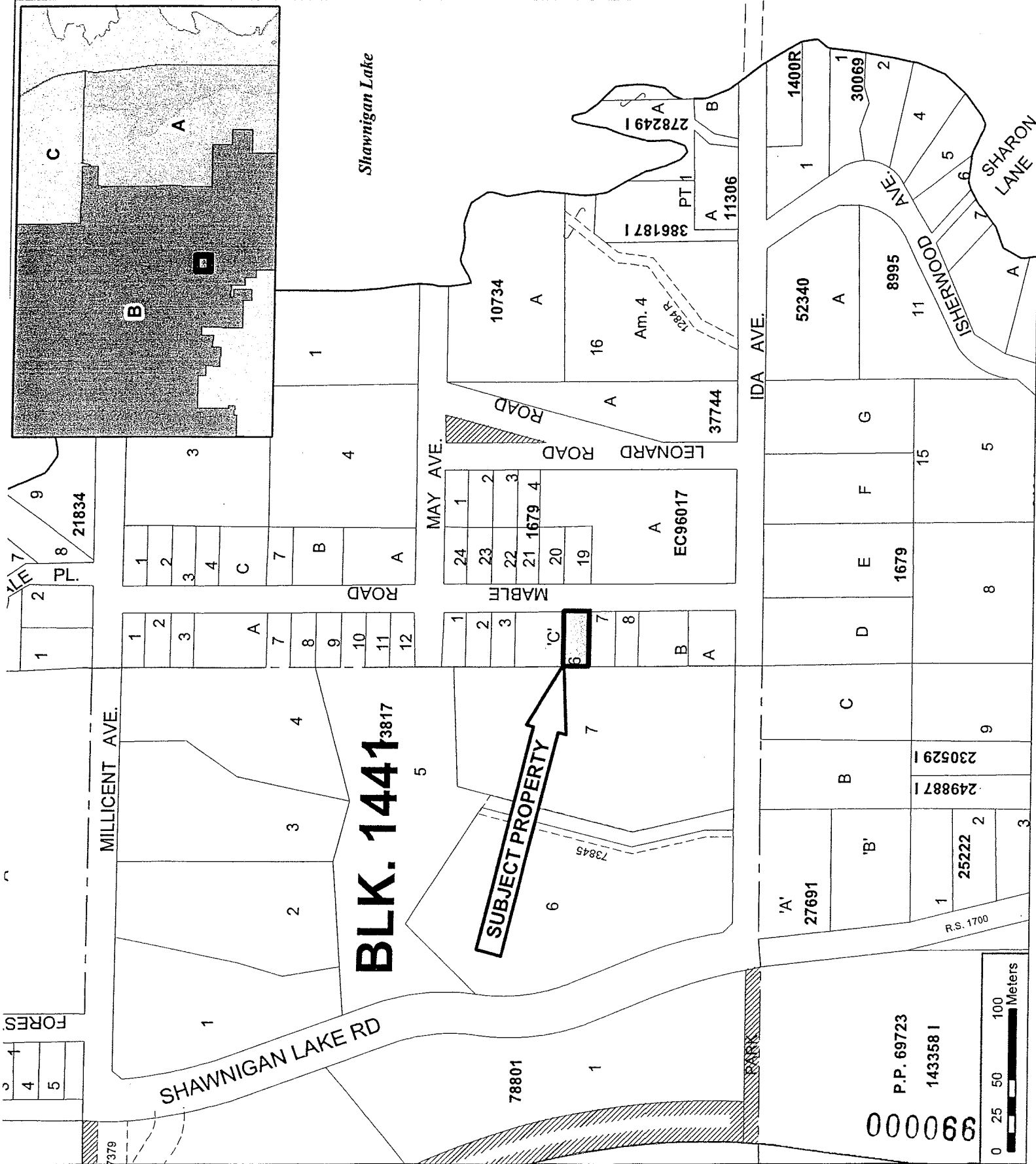
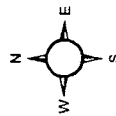
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

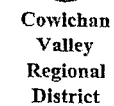
FILE: 3-B-09
-DVP

Legend



Subject Property

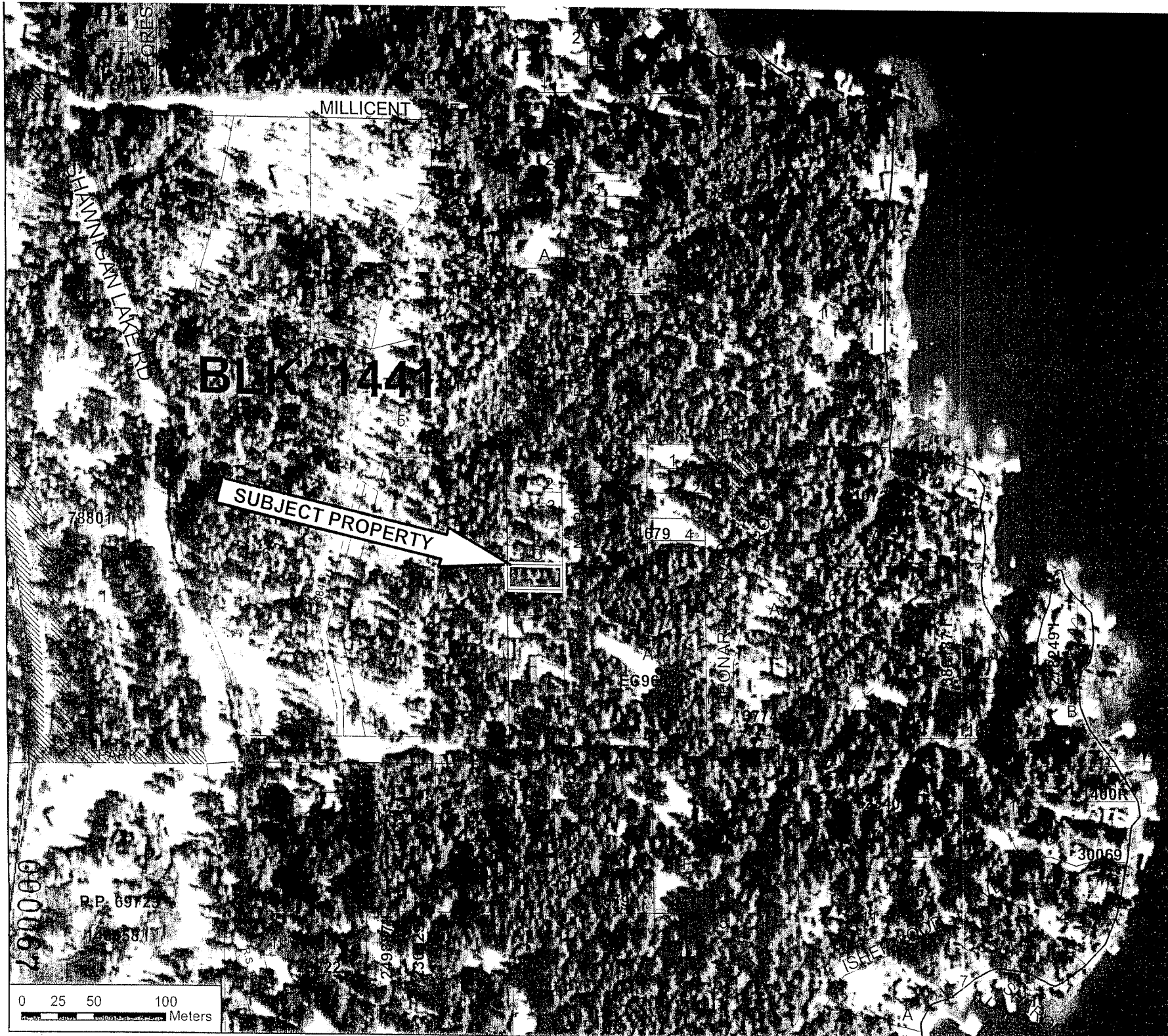
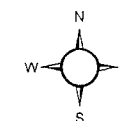




The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 3-B-09
-DVP

**Orthophoto
(2002)**





Cowichan
Valley
Regional
District

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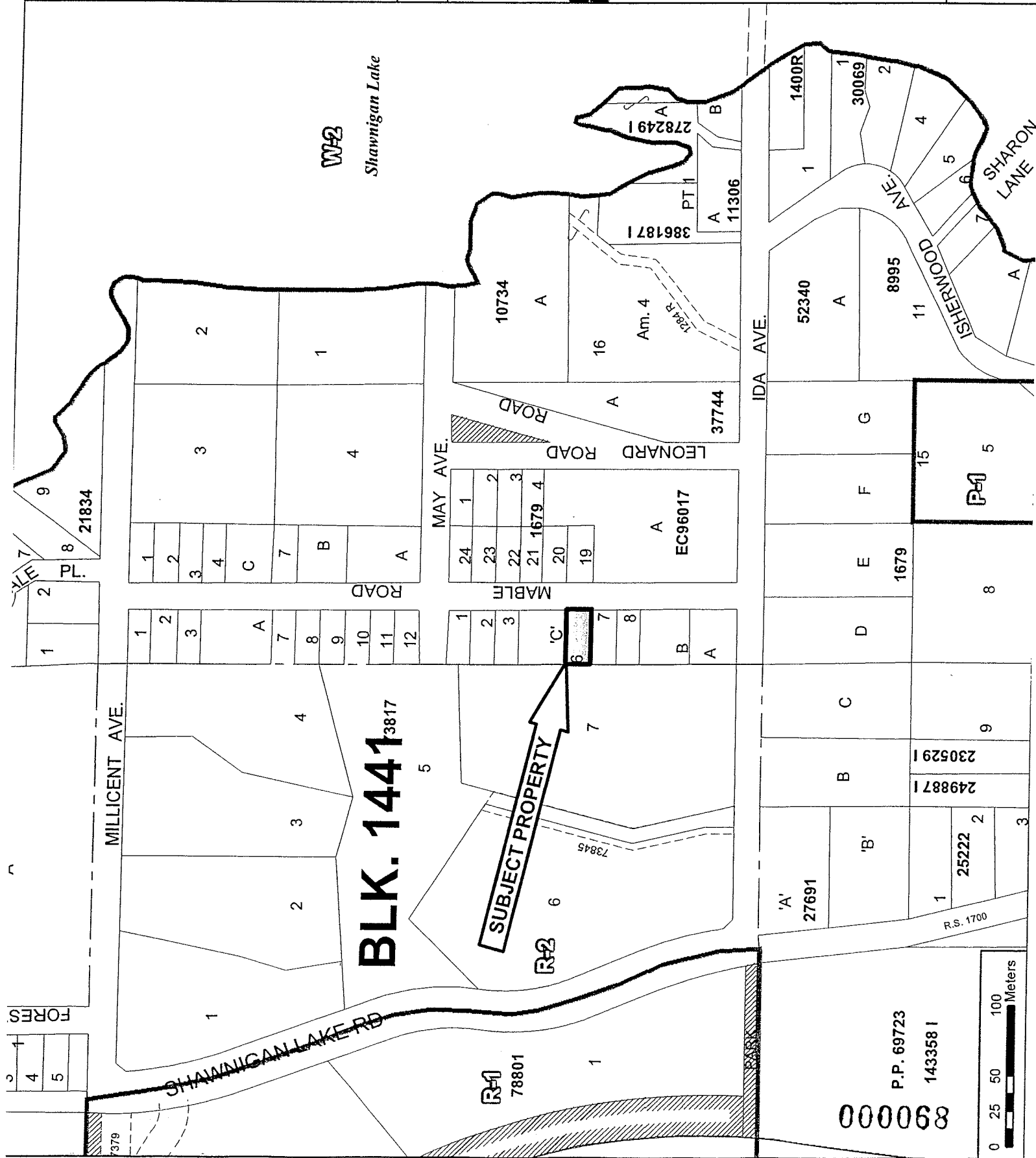
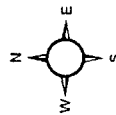
FILE: 3-B-09
-DVP

ZONING

Legend



Subject Property
Zoning Electoral Area B



8.3 R-2 ZONE - SUBURBAN RESIDENTIAL

(a) Permitted Uses

The following uses and no others are permitted in an R-2 Zone:

- (1) single family dwelling or mobile home;
- (2) agriculture horticulture;
- (3) home occupation – domestic industry;
- (4) bed and breakfast accommodation;
- (5) daycare nursery school accessory to a residential use; and
- (6) small suite or secondary suite.

(b) Conditions of Use

For any parcel in an R-2 Zone:

- (1) the parcel coverage shall not exceed 30 percent for all buildings and structures;
- (2) the height of all buildings and structures shall not exceed 10 metres except for auxiliary buildings which shall not exceed a height of 7.5 metres; and
- (3) the minimum setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column III and IV:

COLUMN I Type of Parcel Line	COLUMN II Residential Use	COLUMN III Agricultural & Accessory Use	COLUMN IV Accessory Residential Use
Front	7.5 metres	30 metres	7.5 metres
Side (Interior)	10% of the parcel width or 3 metres whichever is less	15 metres	10% of the parcel width or 3.0 metres whichever is less or 1.0 metres if the building is located in a rear yard
Side (Exterior)	4.5 metres	15 metres	4.5 metres
Rear	4.5 metres	15 metres	4.5 metres

Rachelle Moreau

From: Tom Schindelka [Tom1212@shaw.ca]
Sent: Friday, July 03, 2009 1:21 PM
To: Rachelle Moreau
Subject: Re: Your File N o. 3B-09 DVP

Hi Rachelle,

Thank you for prompt reply. If the garage/shop is 400 square feet, we can see no reason why a variance to allow a three foot set back should not be approved.

Tom

Thank you,

Judith Gilley & Tom Schindelka
2021 Mable Road

000070



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

NO: 3-B-09 DVP

DATE: _____

TO: _____

ADDRESS: _____

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below (legal description) for purposes of subdivision:
Lot 6, Block 7, Shawnigan Lake Suburban Lots, Malahat District, Plan 1679 (PID: 007-021-542)
3. Zoning Bylaw No. 985, applicable to Section 8.3(b)(3), is varied by reducing the minimum setback required for an accessory building to the rear parcel line from 4.5 metres down to 0.9 metres.
4. The following plans and specifications are attached to and form a part of this permit.
 - Schedule A – Site Plan
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Planning and Development Department.

AUTHORIZING RESOLUTION NO. _____ PASSED BY THE BOARD OF
THE COWICHAN VALLEY REGIONAL DISTRICT THE _____ DAY OF ____
_____ 2007

Tom Anderson, MCIP
General Manager, Planning and Development Department

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

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

Signature

Witness

Owner/Agent

Occupation

000071



D6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF AUGUST 4, 2009

DATE: July 29, 2009 **FILE NO:** 4-A-09 DP
FROM: Rachelle Moreau, Planning Technician **BYLAW NO:** 1890
SUBJECT: Development Permit Application No. 4-A-09DP (Alf Webb Holdings)

Recommendation:

That Application No. 4-A-09 DP be approved, and that a development permit be issued to Alf Webb Holdings Ltd. for Lot 18, Block H, Section 1, Range 9, Shawnigan District, Plan 1720 to permit subdivision of the subject property into two lots.

Purpose: To consider a development permit application to subdivide the subject property into two + 2000 m² lots.

Background:

Location of Subject Property: 2638 Mill Bay Road

Legal Description: Lot 18, Block H, Section 1, Range 9, Shawnigan District, Plan 1720 PID: 000-289-159

Date Application and Complete Documentation Received: June 19, 2009

Owner: Alf Webb Holdings Ltd.

Applicant: Alf Webb

Size of Parcel: 0.56 ha (1.391 acres)

Existing Zoning: R-3A (Urban Residential - Limited Height)

Minimum Lot Size Under Existing Zoning: 0.2 ha when served by a community water system

Existing Plan Designation: Urban Residential

Existing Use of Property: Single family dwelling

000072

Existing Use of Surrounding Properties:

North:	Residential
South:	Residential
East:	Residential
West:	Road

Services:

<u>Road Access:</u>	Mill Bay Road and Seaview Road (not constructed)
<u>Water:</u>	Mill Bay Waterworks
<u>Sewage Disposal:</u>	Septic system

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas 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 Mill Bay Development Permit Policies contained within Official Community Plan Bylaw No. 1890 for the purpose of subdividing the subject property.

Planning Division Comments:

Policy Context

The subject property is located within the Mill Bay Development Permit Area (DPA) as specified within Official Community Plan Bylaw No. 1890 (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, land uses within this Development Permit Area (DPA) may impact the Mill Bay Aquifer, the Saanich inlet or freshwater streams that flow into the inlet. Therefore, development permit review is required prior to any subdivision within the DPA to ensure that the integrity of surface and groundwater is protected from indiscriminate development.

Project Description

The subject property is located off Mill Bay Road approximately 500 metres from Deloume Road. The applicant intends to subdivide the 0.56 ha (1.39 acres) subject property and create two approximately 2000 m² lots. The subject property currently has one dwelling on it and consists primarily of lawn and field areas. However, the southern most portion of the proposed lot is well-treed.

000073

The following section outlines how the application complies with the applicable Development Permit guidelines from the OCP. Please see attached Section 14.5.5 – Mill Bay Development Permit Guidelines

14.5.5 a) Services and Utilities

- 1) Sewage disposal facilities will be approved by the Vancouver Island Health Authority.
- 2) No storm sewers will be provided. The property slopes down towards Mill Bay Road and it is not anticipated that the creation of one new lot will have a negative impact on creeks or drainage in the immediate area.
- 3) Potable water will be provided by Mill Bay Waterworks.
- 4) No unstable soil or water laden land has been identified on the site. Substantial tree clearing will not be required as the anticipated building site is already cleared (grassed area).
- 5) There are no hazardous lands on or near the property.

14.5.5 b) Vehicular Access

- 1) Legal access will be off Mill Bay Road and Seaview Road. However, it is anticipated that actual access for both lots will be off Mill Bay Road until such time as Seaview Road is constructed.
- 2) N/a
- 3) As the proposed subdivision will create one new lot, park dedication is not required. Any road construction will be completed to Ministry of Transportation and Infrastructure Standards, however as access will be from Mill Bay Road and there is an existing driveway it appears unlikely that significant work will be required.
- 4) N/a

14.5.5 m) Riparian Areas Regulation Guidelines

As noted above, there are no environmentally sensitive features or streams located on the property.

Advisory Planning Commission Comments:

This application was not referred to the Electoral Area A Advisory Planning Commission or government agencies as it was felt to be a relatively straightforward application: no environmentally sensitive areas have been identified, no geotechnical hazards are present and the proposal involves the creation of only one new lot.

Options:

1. That application No. 4-A-09 DP be approved, and that a development permit be issued to Alf Webb Holdings Ltd. for Lot 18, Block H, Section 1, Range 9, Shawnigan District, Plan 1720 to permit subdivision of the subject property into two lots.
2. That application No. 4-A-09DP not be approved in its current form, and that the applicant be directed to revise the proposal

Option 1 is recommended.

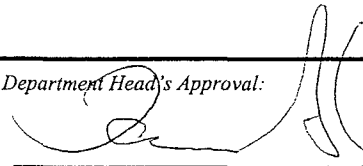
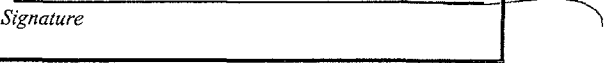
Submitted by,



Rachelle Moreau
Planning Technician
Planning and Development Department

RM/jah

Attachments

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

SEA VIEW RD

ACCESS

EXISTING
HOUSE.



NEW LOT.

APPROX
2043 M²

EXISTING LOT 100' WIDE
X 600' LONG

NEW LOT APPROX
100' WIDE X 220' LONG

ACCESS

2638 MILL BAY RD.

000076



Cowichan
Valley
Regional
District

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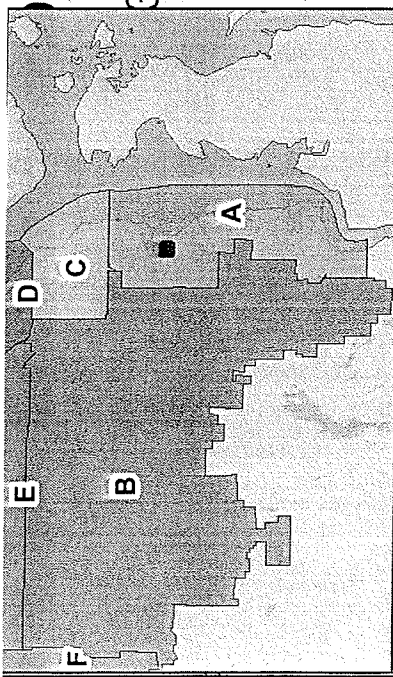
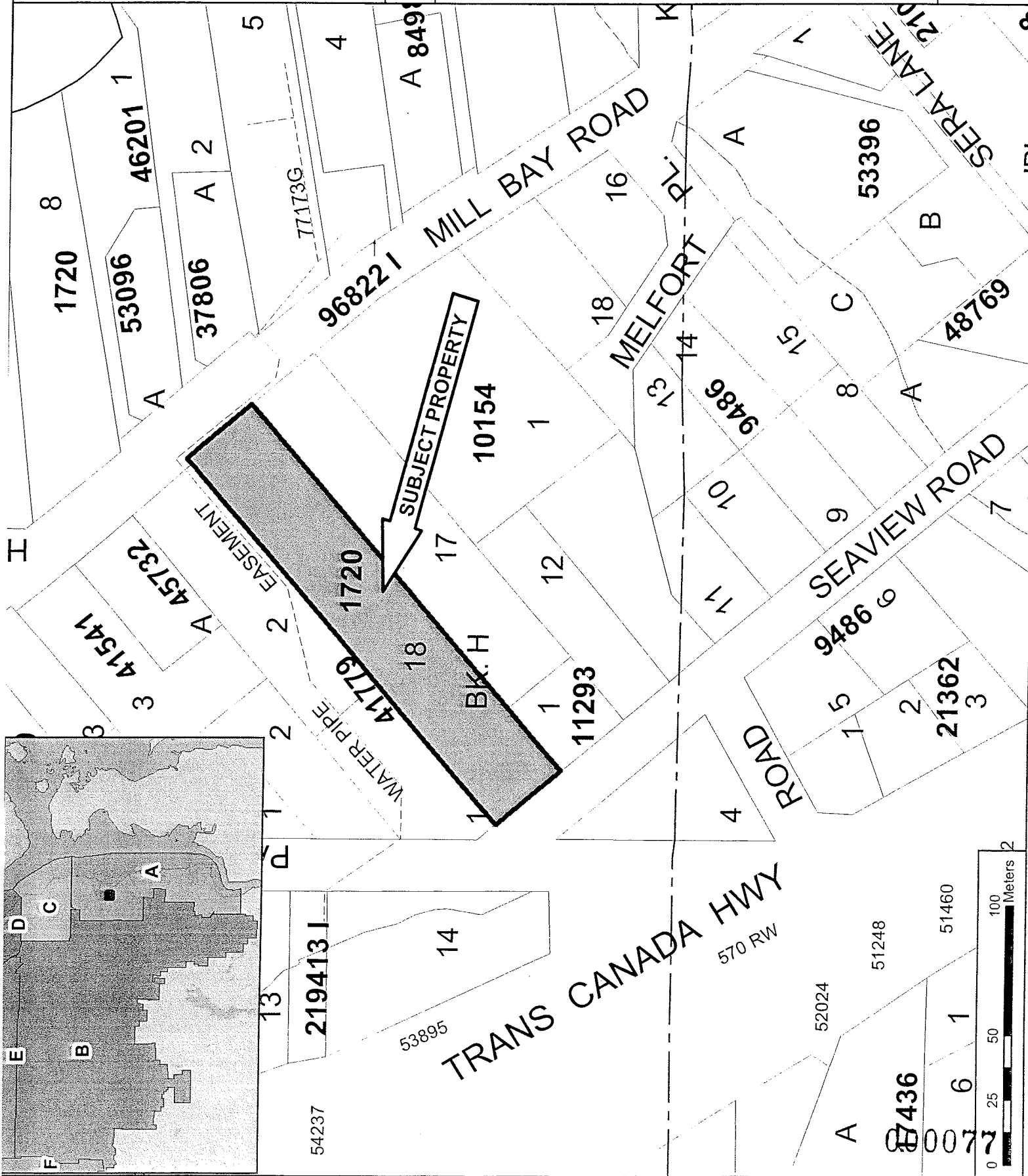
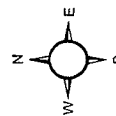
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 4-A-09-DP

Legend



Subject Property





Cowichan
Valley
Regional
District

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FILE: 4-A-09-DP

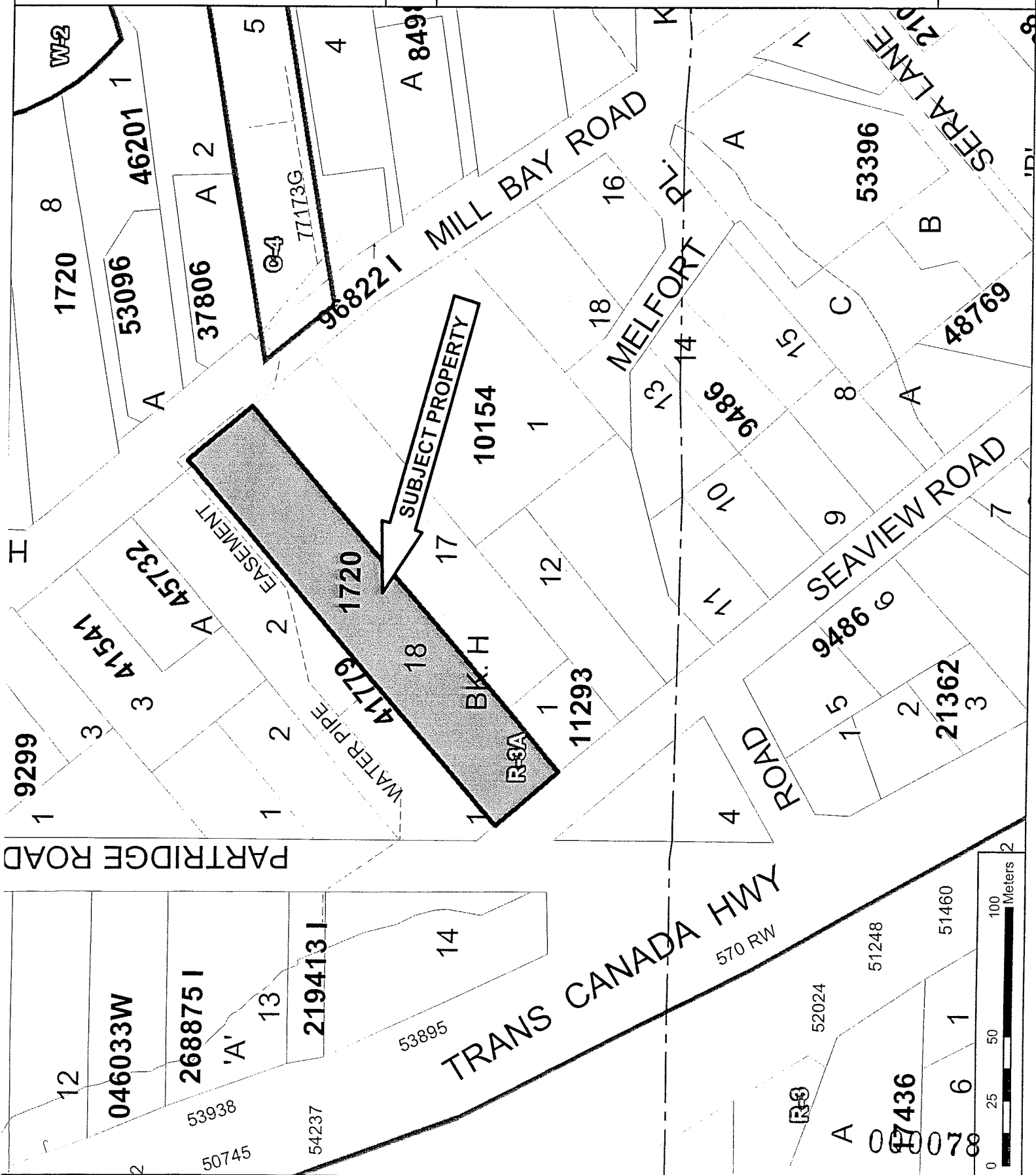
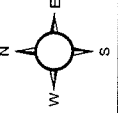
ZONING

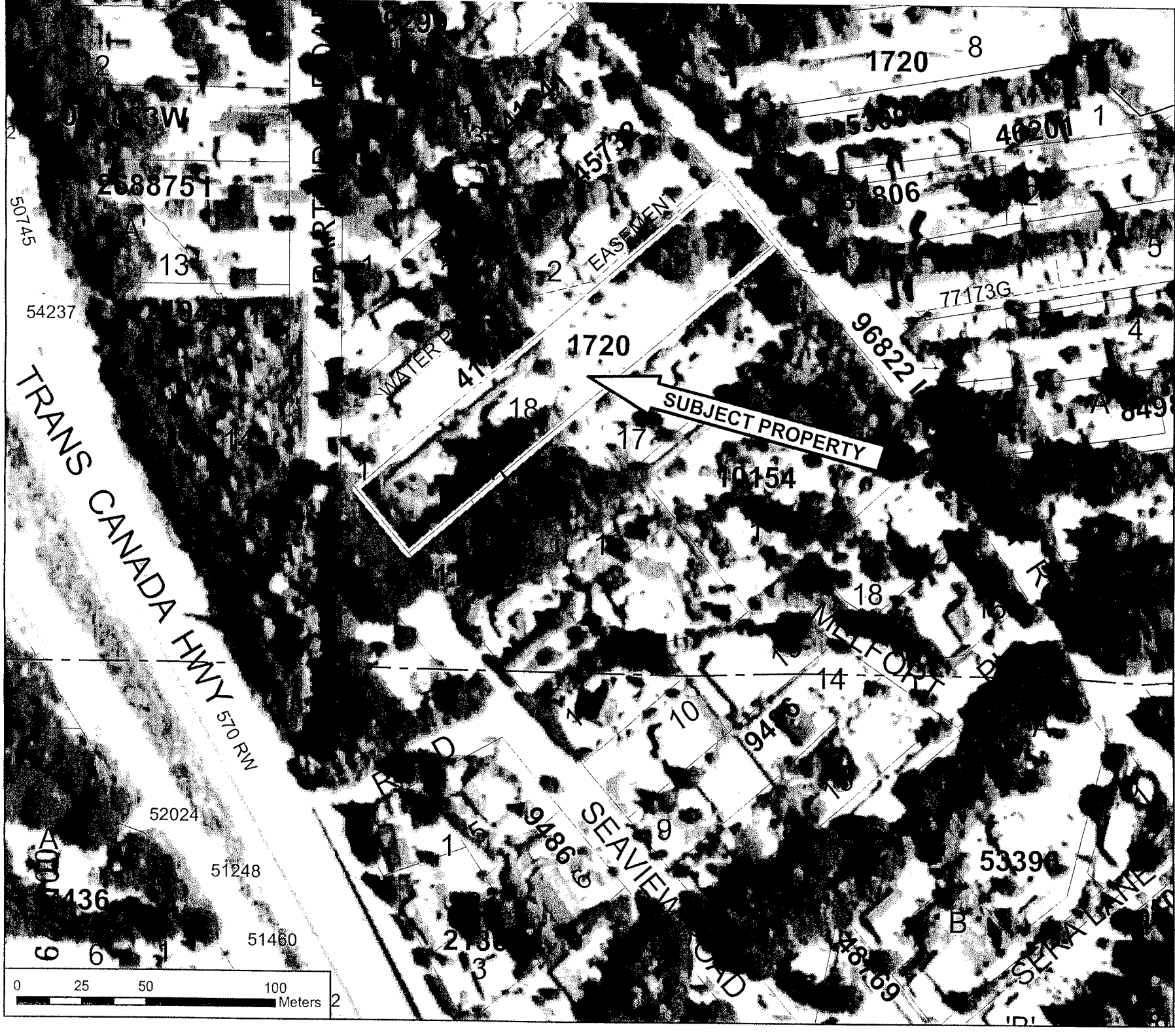
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Subject Property

Zoning Electoral Area A





Cowichan
Valley
Regional
District

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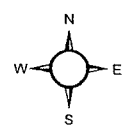
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FILE: 4-A-09-DP

Orthophoto
(2002)



north and northeast, and the discharge zone is in the northern portion in the vicinity of Wheelbarrow Springs),

- significant areas along Shawnigan Creek and its tributaries may be subject to flooding, erosion and channel shifting,
 - provincial Fishery officials and the Federal Department of Fisheries and Oceans are concerned about the loss and degradation of trout and salmon spawning and rearing streams in the area,
 - the construction of buildings and structures and the clearing of land can create sedimentation problems which can adversely affect aquatic habitat, and
 - “Develop With Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia”, published by the Ministry of Environment requires that sensitive areas be left undisturbed wherever possible, with most development being preferably at least 30 metres away from the natural boundary of a watercourse.
- f) The province of British Columbia’s *Riparian Areas Regulation (RAR)*, under the *Fish Protection Act*, aims to protect fish habitat. This regulation requires that residential, commercial or industrial development as defined in the *RAR*, in a Riparian Assessment Area near freshwater features, be subject to an environmental review by a Qualified Environmental Professional (QEP).

14.5.5 GUIDELINES

Prior to commencing any development, including subdivision or construction, on lands within the Mill Bay Development Permit Area, the owner shall obtain a development permit which conforms to the following guidelines:

- a) Services and Utilities
1. All sewage disposal facilities shall be approved by the Vancouver Island Health Authority or the Ministry of Environment.
 2. Storm sewers should be designed to retain and delay storm water runoff in order to reduce peak storm flows and the possible negative impact of flash flooding on the creeks. A storm water retention plan is encouraged to be developed as part of any engineering work in the development permit area.
 3. Primary water sources for housing should not include Shawnigan or Hollings Creeks.
 4. In any area that has unstable soil or water laden land which is subject to degradation, no septic tank, drainage, irrigation or water system shall be constructed.
 5. Drainage facilities shall divert drainage away from hazardous lands.
- b) Vehicular Access
1. Vehicular access shall not be provided directly to the traveling surface of the Trans Canada Highway. All such points of access shall be located on

secondary roads or frontage roads, and shall be approved by the Ministry of Transportation and Highways.

2. Unnecessary duplication of access points is discouraged. Where two or more multi family, commercial or industrial facilities abut one another, it is strongly encouraged that road access points be shared and internal parking areas and walkways be physically linked and protected by legal agreements.
3. Roads shall be paved with curbs, gutters, and sidewalks or similarly dedicated walkways/bikeways. Paths and bikeways shall be encouraged to link the on-site uses together and to connect with off-site amenities and services.
4. The Regional Board may give favourable consideration to variances of the terms of its parking bylaw (as stated in Policy 14.5.6 VARIANCES), for intensive residential development that features extended care facilities for seniors, if the development is located within the Urban Containment Boundary and in the vicinity of a public transit route which connects with Mill Bay Centre.

c) Vehicular Parking

1. Parking surfaces shall be constructed of asphalt or concrete and should be located a minimum of three metres from any parcel line.
2. Parking areas shall be designed to physically separate pedestrian and vehicular traffic.
3. Parking areas shall have interior landscaping, to break up large parking areas.
4. Parking areas shall be well lit and designed to provide for the safety of users.

d) 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.

e) Landscaping

1. Landscaping shall be provided as a minimum 6 metre visual buffer between a multi family, commercial or industrial use and neighbouring parcels and public roads. Combinations of low shrubbery, ornamental trees, and flowering perennials are recommended.
2. Safety from crime should be considered in landscaping plans.
3. The intermittent use of landscaped berms and raised planter berms as a visual and noise barrier between a multi family use and public roads is encouraged.
4. Landscaping may include lawn areas, however for commercial and industrial uses such areas should not exceed 50% of the total landscaping on the site, and for multi family uses such areas should not exceed 80% of the total landscaping on the site.

5. The Development Permit may specify the amount and location of tree and vegetation cover to be planted or retained.

f) Signage

1. Signage should be designed to reflect the architecture of the site and to be in harmony with the landscaping plans for the site.
2. Where multiple free standing signs are required on a site, the signs shall be consolidated into a single, comprehensive sign.
3. 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.
4. Facia or canopy signs may be considered provided that they are front-lit and designed in harmony with the architecture of the building or structure proposed.
5. Projecting signs shall be discouraged since they tend to compete with one another and are difficult to harmonize with the architectural elements of the commercial or industrial building.
6. Where signs are illuminated, favorable consideration shall be given to external lighting sources or low intensity internal sources. Signs shall be designed so that they are not in contravention with provincial legislation and the Ministry of Transportation and Highway's policies High intensity panel signs shall be avoided.
7. Signs shall be designed so that they are not in contravention with provincial legislation and the Ministry of Transportation and Highway's policies.

g) 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 only without glare spill-over to adjacent parcels or to adjacent roads.

h) Overhead Wiring

Underground wiring shall be encouraged rather than overhead wiring.

i) Building Design (applies only to intensive or multiple family residential, commercial and industrial buildings)

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

j) Development Adjacent to Environmentally Sensitive Areas and Hazardous Lands

This section applies to intensive residential, multi-family residential, commercial and industrial uses:

1. such development shall be discouraged within 30 metres of any watercourse, including the Saanich Inlet, except as approved in writing by the Ministry of Environment and Fisheries and Oceans Canada, and a Development Permit under this Section.
 2. Any alteration, construction or development must not impact water quality and quantity, and be done in an environmentally sensitive manner resulting in no net loss of fisheries habitat. For example, this means that post-development stormwater flows should equal pre-development stormwater flows, and earth piles must be covered during construction, and construction machinery must be maintained to prevent oil spills.
 3. The ocean shorelines and creek banks shall be left as much as possible in a natural state using existing vegetation and slope as guidelines.
 4. Adequate buffering and protection of any sensitive native plant communities shall be provided.
- k) Timing of Development on Land
The development permit may impose conditions for the sequence and timing of development on land described in the permit.
- l) Siting of Buildings and Structures
The regulations of the zoning bylaw will normally prevail, however since site conditions will vary, there may be a need to alter the siting in certain locations to create a more aesthetic setting, protect environmentally sensitive areas, protect amenities, enhance views or increase the functionality of the site design.
- m) Riparian Areas Regulation Guidelines
Prior to undertaking any of the development activities listed in Section 14.5(a) above, an owner of property within the Mill Bay Development Permit Area shall apply to the CVRD for a development permit, and the application shall meet the following guidelines:
1. A qualified environmental professional (QEP) will be retained at the expense of the applicant, for the purpose of preparing a report pursuant to Section 4 of the *Riparian Areas Regulation*. The QEP must certify that the assessment report follows the assessment methodology described in the regulations, that the QEP is qualified to carry out the assessment and provides the professional opinion of the QEP that:
 - i) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area; and
 - ii) the streamside protection and enhancement area (SPEA) that is identified in the report is protected from the development and there

- are measures identified to protect the integrity of those areas from the effects of development; and
- iii) the QEP has notified the Ministry of Environment and Fisheries and Oceans Canada, both of whom have confirmed that a report has been received for the CVRD; or
 - iv) confirmation is received from Fisheries and Oceans Canada that a harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area has been authorised in relation to the development proposal.
2. Where the QEP report describes an area designated as Streamside Protection and Enhancement Area (SPEA), the development permit will not allow any development activities to take place therein, and the owner will be required to implement a plan for protecting the SPEA over the long term through measures to be implemented as a condition of the development permit, such as:
 - a dedication back to the Crown Provincial,
 - gifting to a nature protection organisation (tax receipts may be issued),
 - the registration of a restrictive covenant or conservation covenant over the SPEA confirming its long-term availability as a riparian buffer to remain free of development;
 - management/windthrow of hazard trees;
 - drip zone analysis;
 - erosion and stormwater runoff control measures;
 - slope stability enhancement.
 3. Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit will only allow the development to occur in strict compliance with the measures described in the report. Monitoring and regular reporting by professionals paid for by the applicant may be required, as specified in a development permit;
 4. If the nature of a proposed project in a riparian assessment area evolves due to new information or some other change, a QEP will be required to submit an amendment report, to be filed on the notification system;
 5. Wherever possible, QEPs are encouraged to exceed the minimum standards set out in the *RAR* in their reports;
 6. The CVRD Board strongly encourages the QEP report to have regard for "Develop with Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia" published by the Ministry of Environment.

14.5.6 REQUIREMENTS

Prior to issuing a development permit on a parcel in the Mill Bay Development Permit Area, the Regional District, in determining what conditions or requirements

it will impose in the development permit, shall require the applicant to submit, at the applicant's expense, a development permit application which shall include:

- a) a brief text description of the proposed development,
- b) maps/elevation drawings which include:
 - 1. the location of the project,
 - 2. a scale drawn site plan showing the general arrangement of land uses including parcel lines, existing and proposed buildings and structures, parking and loading areas, vehicular access points, pedestrian walkways and bike paths, and outdoor illumination design,
 - 3. a scale drawn landscaping plan, identifying the existing and proposed plant species, and areas to be cleared or planted for all landscaped areas,
 - 4. a Signage plan showing all existing and proposed signs or sign areas,
 - 5. a preliminary building design including proposed roof and exterior finish details,
 - 6. the location of all natural watercourses and water bodies,
 - 7. the location of all greenways or open space,
 - 8. setback distances from a watercourse for construction or the alteration of land,
 - 9. location of break of land at the top of bank, or the significant or regular break in slope which is a minimum of 15 metres wide away from the watercourse, pursuant to the document "Develop with Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia" published by the Ministry of Environment,
 - 10. topographical contours,
 - 11. the location of all soil test sites and soil depths,
 - 12. the location of hazardous slopes exceeding 25 percent grade,
 - 13. the location of lands subject to periodic flooding,
 - 14. existing and proposed roads, drainage systems, septic tanks and other sewage systems, irrigation systems, and water supply systems,
 - 15. the location of the sewage treatment plant and disposal field, if applicable,
 - 16. proposed erosion control works or alteration proposed, and
 - 17. areas of sensitive native plant communities.
- c) For development in areas that are subject to Section 14.5(a), a report of a Qualified Environmental Professional pursuant to Section 14.5.4(m).
- d) In addition to the requirements in subsections (a), (b) and (c), the Regional District may require the applicant to furnish, at his/her own expense, a report certified by a professional engineer with experience in geotechnical engineering which shall include:
 - 1. a hydrogeological report/environmental impact assessment assessing any impact of the project on watercourses in the area,
 - 2. a report on the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition,

3. a report regarding the safety of the proposed use and structures on-site and off-site or indicating that the land may be used safely for the use intended,
4. a drainage and stormwater management plan, and
5. a report on the potential impact of the development on the groundwater resource.

14.5.7 EXEMPTIONS

The terms of the Mill Bay Development Permit Area do not apply to:

- a) construction or renovations of single family dwellings and accessory structures that lie outside of the area that is subject to Section 14.5(a);
- b) interior renovations to existing buildings;
- c) agriculture (except veterinary clinics) forestry, and parks;
- d) changes to the text or message on an existing sign that was permitted under an existing development permit.

14.5.8 VARIANCES

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

14.5.9 VIOLATION

Every person who:

- a) violates any provision of this Development Permit Area;
- b) causes or permits any act or thing to be done in contravention or violation of any provision of this Development Permit Area;
- c) neglects to do or refrains from doing any act or thing required under this Development Permit Area;
- d) carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to this Development Permit Area;
- e) fails to comply with an order, direction or notice given under this Development Permit Area; or
- f) prevents or obstructs or attempts to prevent or obstruct the authorised entry of the Administrator, or person designated to act in the place of the Administrator;

commits an offence under this Bylaw.

Each day's continuance of an offence constitutes a new and distinct offence.

14.6 STONEBRIDGE DEVELOPMENT PERMIT AREA

14.6.1 CATEGORY AND AREA

All lands located within the area highlighted on Figure 8 are designated as the Stonebridge Development Permit Area under Section 879(1)(a) and (e), for the purpose of protecting the environment and establishing objectives and guidelines for the form and character of commercial, industrial, and multi-family development in the Development Permit Area.



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STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF AUGUST 4, 2009

DATE: July 29, 2009 **FILE NO:** 3-D-08 RS
FROM: Rachelle Moreau, Planning Technician **BYLAW NO:** 925 and 1015
SUBJECT: Rezoning Application No. 3-D-08RS (Parhar Holdings)

Recommendation:

That staff be directed to prepare OSP and Zoning amendment bylaws for Application No. 3-D-08RS (Parhar Holdings Ltd.) in the manner suggested by staff that would:

- a) permit a range of smaller scale light industrial and commercial uses;
- b) that would reduce the permitted parcel coverage from 50%;
- c) that would establish setbacks as currently proposed by the applicant;
- d) that would include the entire subject property in the Commercial/ Light Industrial Development Permit Area or establish a new DPA and guidelines;

And further that

- e) the draft bylaws be reviewed by the Electoral Area Services Committee at a subsequent meeting where detailed conditions for approval of the bylaws will also be provided; and that
- f) the comments and recommendations of the Ministry of Transportation and Infrastructure and the CVRD Parks and Trails Division will be reviewed at the above-mentioned meeting;

Purpose:

To amend the Area D Zoning Bylaw No. 1015 and Official Settlement Plan Bylaw No. 925 to permit a mixed commercial and light industrial business park

Background:

Location of Subject Property: 5301 Chaster Road

Legal Description: Lot A, Section 13, Range 7, Quamichan District, Plan VIP84748, (PID: 027-444-511)

Date Application and Complete Documentation Received: June 5, 2008
Traffic Impact Study and Storm Drainage Study received June 19, 2009

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Owner: 626875 B.C. Ltd.

Applicant: Parhar Holdings Ltd.

Size of Parcel: 3.1 hectares

Existing Zoning: C2-A (Local Commercial)

Minimum Lot Size Under Existing Zoning: 1100 m² with community water and sewer servicing

Proposed Zoning: New zone to permit a mixed industrial and commercial business park, with proposed setbacks of 7.5 metres to the front, 9 metres to side adjacent to a residential use and 4.5 metres to commercially zoned properties, and 9.0 metres to the rear.

Existing Plan Designation: Commercial

Existing Use of Property: Previously a commercial nursery and pitch and putt golf course

Existing Use of Surrounding Properties:

North:	Residential, Cowichan Tribes IR
South:	Chaster Road and Trans Canada Highway
East:	Previously commercial nursery/ ALR and Service Commercial (southeast)
West:	Service Commercial

Services:

<u>Road Access:</u>	Chaster Road
<u>Water:</u>	City of Duncan Water System
<u>Sewage Disposal:</u>	Eagle Heights Sewer Service

Agricultural Land Reserve Status: Out, however the subject property's eastern parcel line abuts the ALR boundary

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas does not indicate any such features; however the subject property is located within the Cowichan – Koksilah River floodplain.

Archaeological Site: none shown in GIS

Contaminated Sites Profile: Declaration signed - no Schedule 2 uses noted

Property Context:

The subject property is located in the northwest corner of Electoral Area D - Cowichan Bay, south of the City of Duncan. The site is accessible from Chaster Road, which is a frontage road running parallel to the Trans Canada Highway. Located directly to the north of the property are a number of residences located on IR#1 of Cowichan Tribes land. Directly to the east of the

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subject property is an A-1 (Primary Agricultural) zoned parcel within the Agricultural Land Reserve (ALR). The subject property is currently vacant, but was part of the former Ministry of Forests Koksilah Nursery and more recently operated as a pitch and putt golf course and commercial plant nursery. The subject property is also within the Cowichan – Koksilah River Floodplain.

In addition to the adjacent agricultural and residential uses described above, other surrounding properties along Chaster Road are zoned for commercial use and are designated commercial in the OSP. Businesses in this area include a sign company, motel and restaurant, and feed supply store. The exception to this nearly consistent commercial use in the vicinity is a parcel located further south on Chaster Road which was zoned light industrial to reflect its historical use as a highways maintenance yard. This property is currently used for car sales.

Policy Context:

As noted above, the subject property is designated Commercial within Electoral Area D Official Settlement Plan Bylaw No. 925. The OSP presently has the Commercial/Light Industrial Development Permit Area (DPA) applied to a portion of the subject property, and the Highway DPA applies to the remainder of the subject property. Therefore, the entire subject property is currently included in a Development Permit Area.

In 2000, the CVRD approved a zoning amendment for the subject property from C-2 (Local Commercial) to the current C-2A zoning to permit the addition of seven new uses including mini-golf and a retail shopping centre which was to be developed as “Koksilah Market”. Several covenants are registered on the title, including one restricting the siting of a building or structure in the bend of Chaster Road for the purposes of protecting sight lines, and one granting statutory right of way access to the CVRD along the southwest corner of the lot.

The Proposal:

The applicant is proposing to develop a business park with a combination of local commercial and light industrial uses. The conceptual site plan was revised from the initial proposal for eight buildings, ranging in size from 512 m² to 6318 m², and which would be built to a height of 10 metres. The revised conceptual site plan illustrates only the three buildings that are currently desired. These range in size from 681.9 m² to 2174.2 m², and the proposed uses have not been defined further than to say they will be used as permitted under the new zoning. It should be noted that more buildings will be proposed in the future, and these will be required to comply with the zoning applied to the property and the applicable setback, coverage and height regulations. In addition to the commercial and industrial uses, the applicant is requesting that residential uses be permitted accessory to the commercial or industrial use.

The applicant had previously requested a zero setback along the side and rear property lines, and a 4.5 metre setback to the front parcel line along Chaster Road. However, these relaxations were not supported by the APC (as noted below) or by Cowichan Tribes who are neighbours to the development (see attached letter). Therefore, the applicant has revised the proposal to provide for a more appropriate setback of 9 metres from the north side and rear (Cowichan Tribes and ALR land), 7.5 metres from the front, and 4.5 metres from the southeast side (adjacent to commercially zoned property).

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The maximum permitted parcel coverage within the existing C2-A zone is 50%, and this coverage has been requested in the new zone as well. Therefore, on a 3.1 ha site, the building coverage could reach 1.5 ha (167,475 ft²) of the subject property. With the addition of impervious areas created by the parking and roads on the site, the total impervious surface of the development will be significant. As this site is located within the floodplain, the significance of properly managing rainwater generated from the development of the site is heightened. To determine how stormwater from the site may be managed, the applicants engaged the services of an Engineering firm to provide a preliminary stormwater management study for the three buildings currently being proposed.

Planning Division Comments

Official Settlement Plan

The Cowichan Bay Official Settlement Plan (OSP) describes the long-term vision for the community and sets out policies, priorities and guidelines for land use and community development in Area D – Cowichan Bay. The OSP states in Policy 8.1 that the plan map recognizes the Koksilah/Francis Street area as one of five principal commercial nodes in the electoral area. The subject property is located at the northern end of this commercial node. The OSP states further in policy 8.6 that the Koksilah area shall be encouraged to develop primarily as a tourist recreation and local commercial area, though a limited amount of service commercial development may be permitted.

The applicant's proposal would add a considerable number of industrial uses to the zoning, which would necessitate a re-designation of the land to Light Industrial from the current Commercial designation. The OSP's General Industrial Policies state that the designation of lands within 300 metres of the Trans Canada Highway for industrial purposes may be considered provided that the property does not gain direct access to the Highway and is adequately screened either through landscaping or terrain features. Additionally, the policy states that the Board may require an environmental impact study be completed to determine the impact of the proposed industrial development.

More specifically, the OSP provides direction regarding the designation of lands to Light Industrial in policy 9.4:

The designation of sites for Light Industrial use shall be based on the individual merits of the proposed development and on the following criteria:

- 1. The site should preferably have good access to a major network road.*
- 2. The development will not cause excessive traffic through any residential area.*
- 3. Open storage areas will be adequately screened from public view.*
- 4. The landscaping and exterior design of the development will be in keeping with the visual character of the community.*

In terms of items 1 and 2, the site is close to a controlled access intersection at the Trans-Canada Highway so traffic generated by the development would not travel through residential areas. Additionally, Newcastle Road, Chaster Road's predecessor, is identified as a Major Road Network in the OSP. A Traffic Impact Assessment was conducted by Boulevard Transportation Group, which still requires review by MOTI in order to identify any concerns or deficiencies in

the current road configuration, vehicle access and traffic components of the application. As noted below, the MoTI has not had the opportunity to review the application, and any approvals/support would be conditional on the MoTI approval. Furthermore, due to the proximity of the subject property to the Trans Canada Highway, MoTI approval is required prior to Bylaw adoption.

In terms of items 3 and 4 above, and the particulars of the site in terms of building design, rainwater management, site layout, parking, landscaping and screening, these can be addressed at the development permit stage. Screening and landscaped buffer areas will be a priority in review of any subsequent application to ensure separation between, in particular, the residential neighbours to the north, the ALR land to the east, and the Trans Canada Highway.

Zoning

The applicants have requested the following uses be permitted within the new zone proposed for the subject property. Staff has noted in which zones the requested uses are now permitted.

- Auto body repair and painting I-1
- Boat building and repair I-1
- Book binding, publishing and storage I-1
- Bowling alley, arcade, billiard and games room C-2A
- Bus Depot C-2A
- Clothing cleaning, manufacture, repair sales and storage I-1
- Eating and drinking establishments C2-A, although doesn't exclude bars and public houses
- Equipment repair, sales, storage and rental I-1
- Feed seed and agricultural supplies, sales and storage I-1
- Financial institutions C2-A
- Funeral parlours C2-A
- Food processing, storage and packaging, excluding fish cannery and processing, and slaughterhouse I-1
- Industrial processing, manufacturing, repair, storage and packaging within a building I-1
- Laboratory, veterinary clinic and animal hospital I-1
- Personal services establishment C-2A
- Plant nurseries, horticulture, sales of garden supplies, plants and produce, including associate outdoor storage C-2A
- Retail stores, including convenience stores, shopping centres and automobile parts sales repair and servicing and including automotive parts sales I-1
- Recreational vehicle sale and servicing C-3
- Secondary processing and manufacturing excluding sawmills, chipper mills, pulp and paper mills and log storage and sorting I-1
- Transit station P-1 Parks and Institutional
- Manufacturing of prefabricated homes and structures and ancillary activities and storage I-1
- Warehousing, mini-warehousing, freight handling storage and distribution I-1
- Wholesale and retail sales C-2A
- Café, restaurant, take out service and catering I-1

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- Recycling and sorting centre excluding composting or offal and waste treatment or storage I-1
- Offices I-1 and C-2A
- Personal care facility P-1 Parks and Institutional
- Fitness centre C-2A
- Medical and dental clinics and offices C-2A
- One single family residential dwelling not exceeding 100 m², accessory to a listed permitted use

The following I-1 (Light Industrial) uses were removed from the requested list of permitted uses by the applicant as they were considered to be unsuitable for the location:

- Building supplies, sales and storage I-1
- Lumber yard, storage yards, auction house excluding animal or livestock auctions I-1
- Petroleum sales and ancillary storage of petroleum products I-1
- Plywood manufacturing, lath production, particle board and similar products I-1

Due to the nature of the surrounding land uses (residential and agricultural), it is important to carefully consider what uses are appropriate on the site. For example, the Koksilah Industrial Park, located across the Trans Canada Highway in Electoral Area E, is bounded by residential uses, and this residential/industrial interface has historically resulted in frequent land use conflicts.

Zoning Analysis

The APC requested staff to fine tune the list of proposed permitted uses, and the following section will provide a discussion of the issues associated with the proposed uses.

The applicant suggests that the target tenants would be small businesses and that this would be a unique type of business park which would allow a small business owner to have their workshop/business and to live in the accessory residential unit or use it for a caretaker. High-tech uses, small assembly line, and wine bottling are examples of some of the types of uses that the applicant envisions within the business park. Furthermore, the design of the park would be such that small businesses could share resources like equipment and loading areas.

Instead of permitting “*industrial processing, manufacturing, repair, storage and packaging within a building*” as an outright permitted use, staff have considered that it may be more suitable to permit a form of “*custom workshop*” and “*artisan’s and artist’s workshop*”. This would limit the type of industrial uses that could occur on the site, shifting the focus to smaller scale industry. For example, “custom workshop” could potentially be defined to be a workshop with emphasis on the production, sales, and servicing of specialized goods or services, including cabinets, signs, window coverings, and furniture. Additionally, artisan workshop could be further explored and defined for inclusion within the new zone, provided that the general concept is supported by the Committee. Manufacturing could still be included provided there were restrictions in the zone to limit the scale.

Eating and drinking establishments are not treated consistently in the existing Zoning Bylaw No. 1015, however it would be sufficient to permit "*Eating and Drinking establishments, including catering, excluding drive thru*" as this would capture the majority of uses including café, restaurant, deli, bakery etc. Pubs are excluded as these have their own zone (C-5).

Zoning Bylaw No. 1015 defines "offices" as "*the occupancy or use of a building for the purpose of carrying out business or professional activities, but specifically excludes retail activities and personal service use.*" Therefore, this would be sufficient to capture high-tech uses or an office building if similar tenants were to occupy one building.

The applicant has requested "fitness centre" and "medical and dental clinics and offices", and these are both already captured under the definition of "Personal service establishment", which "*means a commercial establishment which provides direct personal goods or services to persons such as barber shops, hairdressers, drug stores, doctor and dentist offices, laundromats and fitness studios.*" Therefore, they are not required to be specifically listed within the permitted uses, provided that "personal service establishment" is included.

Uses that staff are reluctant to include within the new zone, or that would require specific management restrictions, are listed below. It is felt that in some cases the proposed use does not fit the concept of the development as it requires high parking needs, the use requires exterior storage of materials or goods which is not appropriate given the high visibility from the Trans Canada Highway, the use requires a high degree of manufacturing not appropriate for the site given the close proximity of residential neighbours, or the use adds more residential density than appropriate to the site (e.g. personal care facility).

Not suitable

- Bowling Alley, arcade, billiard and games room;
- Bus Depot;
- Funeral Parlours;
- Industrial processing, manufacturing, repair, storage and packing within a building;
- Plant nurseries, horticulture, sales of garden supplies, plants and produce including associate outdoor storage;
- Recreational vehicle sale and servicing;
- Secondary processing and manufacturing excluding sawmills, chipper mills, pulp and paper mills, and log storage and sorting;
- Recycling and sorting center excluding offal and waste treatment or storage; and
- Personal care facilities.

Suitable with specific management restrictions

- Retail stores, including convenience stores, shopping centres, and automobile sales, repair and servicing including automotive parts sale;
- Manufacturing of prefabricated homes and structures and ancillary activities and storage; and
- Wholesale and retail sales.

In some cases, the concern can be resolved by adding a general requirement that all uses occur within a building and that there be no exterior storage. Additionally, within the new zone a limit

could be placed on the floor area to limit the number and types of establishments locating within the business park. For example, a limit to the floor area of retail stores to ensure that the business park does not become a shopping centre but still permits the sale of goods might be appropriate. It should be noted that the current zoning, and that proposed by the applicant, permit both shopping centres and wholesale sales, which could potentially result in “big box” store development of the site.

Accessory Residential Use

Staff believe that accessory residential use would be of benefit to the development, as it may decrease the incidence of vandalism on the site and would allow people to live closer to their places of work. By permitting tenants to live and work in the same general space, it may also improve the affordability for small business tenants. If this application is supported, density restrictions would be developed in the new zone to ensure the residential use remains accessory to the principal permitted uses in the zone.

Setbacks

As noted above, the applicants are requesting the new zone contain a 7.5 metre setback to the front parcel line and 9.0 metre setback to the rear and side abutting residential (Cowichan Tribes), and 4.5 metres to the side abutting commercial zone. The setbacks within the existing C2-A and I-1 zones are shown in the table below.

Type of Parcel Line	C-2A Zone Setbacks to parcel lines	I-1 Zone Setbacks to parcel lines	Proposed Setbacks
Front	7.5 metres	9 metres	7.5 metres
Exterior Side	4.5 metres	4.5 metres	7.5 metres
Rear	6 metres	9 metres	9 metres
Interior Side	4.5 metres	9 metres from one side parcel line and 0 metres from any other side parcel line	9 metres to a side adjacent to residential use and 4.5 metres to a side adjacent to a commercial use

The Agricultural Land Commission (ALC) provides guidelines regarding setbacks to the ALR boundaries in their document *Landscaped Buffer Specifications*. These specifications are intended to be used in bylaws to protect farmlands, minimize the potential conflict between farm and non-farm uses, and minimize trespass and vandalism. In response to our referral, the ALC recommended fencing and placement of a vegetative buffer along this portion of the subject property.

Additionally, the Commercial/Light Industrial DPA guidelines require a 6 metre landscaped buffer around the periphery of the parcel, which must be designed in accordance with specifications developed jointly by the British Columbia Society of Landscape Architects and the British Columbia Nursery Trades Association. Considering the subject property’s high visibility from the Trans Canada Highway, it seems appropriate that the site would have a setback ranging from 7.5 to 9 metres from the front parcel line to accommodate landscaping.

Servicing

In terms of servicing, the site is connected to the Eagle Heights sewer system and the City of Duncan water system. Approval from the City of Duncan and Eagle Heights (CVRD) will be required in order to redevelop the property, as the proposed business park may have different servicing requirements than the previous use.

Environmental Considerations

The OSP's Background Report refers to the sensitive nature of large portions of the area, and warns that great care must be taken to ensure no industry is permitted to discharge harmful pollutants into the environment. This information is relevant for an industrial development in the floodplain, with a potential 50% parcel coverage and additional increase in impervious structures for internal roads and parking. For example, a 3.1 ha site that is nearly 100% impervious surface will generate approximately 930 000 litres of water during an average 30 mm rainfall. The Commercial/Light Industrial DPA guidelines recommend artificial wetland creation to control rainwater flows, in addition to measures to limit impervious structures. The applicants appear to realize the need for developing an on-site rainwater management plan, and have submitted a preliminary report by an engineering firm that provides recommendations with regards to on-site detention and infiltration. This report focuses on the engineering aspects of stormwater detention but has not provided any guidance with regards to limiting impervious surfaces, or alternative mechanisms for rainwater management such as artificial wetland creation or the possible use of green roofs or bioswales. The inclusion of such features not only assists in managing rainwater, it can assist in improving the appearance of the development. The APC paid particular attention to rainwater management and the critical role it plays for development within the flood plain, also indicating that the development should have a "green focus". In recognition of the APC's concerns and the floodplain's susceptibility to potential environmental degradation if development is not carefully designed, a more comprehensive and innovative approach to managing rainwater on the site is warranted and recommended.

Floodplain

As noted above, the subject property is within the Cowichan - Koksilah River floodplain at an elevation ranging from approximately 8.5 metres to 10.4 metres. This mapping shows that the 200 year flood elevation is approximately 10.5 metres to 11.5 metres. The CVRD's Policy with respect to issuance of building permits within the Cowichan -Koksilah Floodplain is to issue permits below the 200 year flood level 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. The minimum building elevation on the site is therefore approximately 10 metres, assuming a geotechnical engineer determines this is a safe building elevation and specifies conditions for construction, and that the required covenant is provided.

A "save harmless covenant" is a type of Section 219 of the *Land Title Act* [Section 219(6)(a)] covenant that provides for "an indemnity of the covenantee against any matter agreed to by the covenantor and the covenantee". In an indemnity, one party agrees to be financially responsible, or assume the risk, of the consequences of the covenant. The CVRD has a template floodplain covenant which specifies that the land shall only be used in the manner determined and certified in the geotechnical engineers' report and buildings shall be constructed in accordance with the recommendations made in the report. It is registered as a covenant and indemnity and releases

the CVRD from financial responsibility associated with construction within the floodplain, or hazard area.

Site Access and Traffic Assessment

The Traffic Impact Assessment submitted by the applicant makes nine recommendations to improve traffic flow, provide safe access to and from the site and to mitigate any negative impact to highway conditions. The following improvements are recommended (*in italics*) but it is not apparent if the applicant is proposing any of these with the proposed development. Once the MoTI has reviewed the traffic assessment, we will have a better understanding of what improvements will be required.

- *Optimized the splits at Allenby Road/Highway 1;*
- *Extend the southbound left lane storage length to 100 m at Allenby Road/Highway 1;*
- *Extend the westbound right lane to 40 m at Allenby Road/Highway 1;*
- *Install a southbound left turn lane (20 m storage with 20 m taper) on Chaster Road at Thiek Road;*
- *Install a southbound left turn lane (20 m storage with 54 m taper) on Chaster Road at the south access;*
- *Install a stop sign with painted stop line and centre line on Thiek Road at Chaster Road;*
- *Restrict the access on Thiek Road to right in/right out with a raised island;*
- *Ensure the driveway throat width is a minimum 10.5 m for both accesses and a minimum clear throat (magazine) length for the South Access is 15 m;*
- *Add a 1.5 m paved should on Chaster Road along the development frontage.*

In the long term, MoT should explore option to signalize Miller Road/Highway 1

Government Agency Comments:

Referral Agency Comments

The proposed amendment was referred to the following external agencies and their comments (if any) are as follows:

- Ministry of Transportation and Infrastructure – *Prior to comments they required a Traffic Impact Study, which the applicants have now supplied, however this has not yet been reviewed by MoTI*
- Ministry of Community Services – *No comments received*
- Agricultural Land Commission – *Interests unaffected as the subject property is not within the ALR, however strongly encourage fencing and a vegetative buffer to be included in the development plan to help decrease any potential negative impact on the ALR*
- Duncan Volunteer Fire Department – *While Fire Protection can be provided to this development, the area is not covered in any service agreement and the city is receiving no compensation for providing the service. This should be corrected as soon as possible by the applicant requesting that the CVRD negotiate, with the City, their inclusion of the Fire Service Agreement for Area E.*
- Cowichan Tribes – *See attached letter*
- CVRD Engineering Department – *CVRD managed sewer system. An engineered sewer main extension will be required for this development.*

- City of Duncan (Water System) – *The review of the water supply is preliminary only and at the time of subdivision, a full analysis must be carried out at the developer's expense.*
- CVRD Public Safety Department – *See attached letter*

The Electoral Area D Advisory Planning Commission met on two occasions to discuss this proposal: February 16, 2009 and March 9, 2009. They submitted to us the following comments and recommendation (*in italics*):

February 16, 2009

There was general consensus that there was a need for this type of development and the basic concept was probably appropriate for the site, however, a number of areas, including the following needed more work:

- *Not all of the proposed uses would be compatible with this site;*
- *Proposed setbacks were not appropriate;*
- *Storm water disposal;*
- *Meeting floodplain requirements;*
- *Not all staff report issues have been addressed by the applicant.*

The complexity of this application suggests that it would be appropriate to have CVRD staff support during deliberations.

Recommendation

- *The APC determined that it would not be able to make a recommendation without more information and CVRD staff support and has deferred this item to the next meeting.*
- *The Chair was requested to arrange staff support and schedule another meeting as soon as possible in order to avoid disrupting the applicant's business.*

March 9, 2009

Members were clear that they continued to support the proposal subject to addressing a number of concerns. Issues discussed were:

- *Dry cleaning involves toxic solvents that could create an environmental concern;*
- *Re-cycling operation can create significant rodent problems;*
- *The proposed setbacks are not appropriate for adjoining residential and agricultural uses;*
- *Target tenants are small businesses who present the future for job growth;*
- *Landscape buffers are needed in the front and residential setbacks;*
- *A storm water management plan is critical to ensure this development doesn't create problems for the neighbourhood;*
- *The development should have a green focus;*
- *Some of the remaining industrial uses need to be defined better to ensure objectionable uses are not inadvertently included;*
- *A Development Permit Area is already in place for this site so design issues will be picked up in that process.*

Recommendation:

By unanimous vote, the members recommend that the application be approved subject to the following:

- *That setbacks be set at:*
 - *Front - 7.5 metres;*
 - *Side and back adjoining agricultural and residential (IR) – 9.0 metres;*
 - *Side adjoining commercial – 0 metres*
- *Landscape buffer required in setbacks at property line at front and adjacent to residential (IR);*
- *CVRD staff to tighten up the industrial uses to exclude uses that will create conflict with adjoining uses. Of particular concern are industrial processing, secondary processing, and recycling and sorting center. Members would be satisfied if these uses were confined to indoor activities.*
- *Storm water management plan by a Professional Engineer is required with the objective of maximizing the amount of water retained on site.*
- *Air exhaust systems be required to be designed by a Registered Professional Hygienist.*

Conclusion

In summary, the general expectation is that this business park, if approved, will consist of a mixture of commercial and light industrial uses with emphasis on smaller scale commercial and light industrial uses and tenants. Staff do not feel that outright industrial processing should be permitted on the site. Rather, a use or collection of uses more suited to a business park (as opposed to an industrial park) is appropriate. Specific attention should be paid to the site design, buffering and landscaping of the site to ensure that neighbouring residential areas and existing commercial uses are not disturbed and to ensure that the development is in keeping with a high standard due to the close proximity to the highway. Additionally, in recognition that many school children use Chaster Road and the pedestrian highway overpass to get to the Quw'Utsun Smuleem elementary school placement of a pathway on the subject property or through an agreement with the MoTI for placement on the road allowance may be desirable. This application has been referred to the CVRD Parks and Trails Division for their comments.

As this property is within the floodplain, and the site will likely be heavily built up (either buildings or parking areas), this may also be an opportunity to consider if permitted parcel coverage is appropriate. While 50% parcel coverage is consistent with existing commercial and industrial zones, it may no longer be appropriate to allow this density of development within a floodplain and where rainwater management is a priority. Additionally, considering that the APC has suggested the development have a green focus and since considerable attention to the landscaping and buffering is desired, the CVRD should consider whether 50% parcel coverage is appropriate on this site.

If the proposal is to be considered, staff are of the opinion that substantial work is required in order to define the permitted uses, the appropriate residential density and the terms of these uses. The applicant desires that the zoning permit such a range of uses to be flexible and attractive to a wide range of tenants. As a result, it is possible that the development plan may change considerably through the development permit process. Therefore, it will be important to have

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clear zoning requirements and development permit guidelines to ensure that the business park is developed in an attractive and environmentally sensitive manner.

If the Committee is inclined to support the proposal, we would recommend specific attention be given to the following points:

- Is blanket “industrial processing, manufacturing, repair, storage and packaging” suitable for the site or is smaller scale industry preferable;
- Is 50% parcel coverage appropriate or should the parcel coverage be reduced; and
- Can a pathway be incorporated along the front of the development to allow for safe passage of pedestrians and cyclists;

The Official Settlement Plan (Bylaw No. 925) is expected to undergo a review within the next few years, and one option would be to hold this application in abeyance pending the review. This usually happens only in instances where an application proposes a substantial change in either the permitted uses or the density or where a substantial departure from existing OSP policy is proposed. In this case, many commercial uses are already permitted, and the change from commercial to a hybrid commercial/light industrial zone does not appear to warrant the application being held in abeyance pending the outcome of the OSP review process.

Staff are requesting direction as to whether bylaw preparation should be initiated, if so subsequent consideration of the draft bylaws would be given at a future EASC meeting. At this time, we would also present the comments and recommendations of the Ministry of Transportation and Infrastructure and the CVRD Parks and Trails Division.

Options:

1. That OSP and Zoning Amendment Application No. 3-D-08 RS (Parhar Holdings Ltd.) be denied and that the appropriate refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 2255, as amended.
2. That staff be directed to prepare OSP and Zoning amendment bylaws for Application No. 3-D-08 RS (Parhar Holdings Ltd.) in the manner suggested by staff that would:
 - a) permit a range of smaller scale light industrial and commercial uses;
 - b) that would reduce the permitted parcel coverage from 50%;
 - c) that would establish setbacks as currently proposed by the applicant;
 - d) that would include the entire subject property in the Commercial/ Light Industrial Development Permit Area or establish a new DPA and guidelines;

And further that

- e) the draft bylaws be reviewed by the Electoral Area Services Committee at a subsequent meeting where detailed conditions for approval of the bylaws will also be provided; and that
- f) the comments and recommendations of the Ministry of Transportation and Infrastructure and the CVRD Parks and Trails Division will be reviewed at the above-mentioned meeting.

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Option 2 is recommended.

Submitted by,

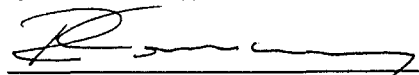


Rachelle Moreau
Planning Technician
Development Services Department

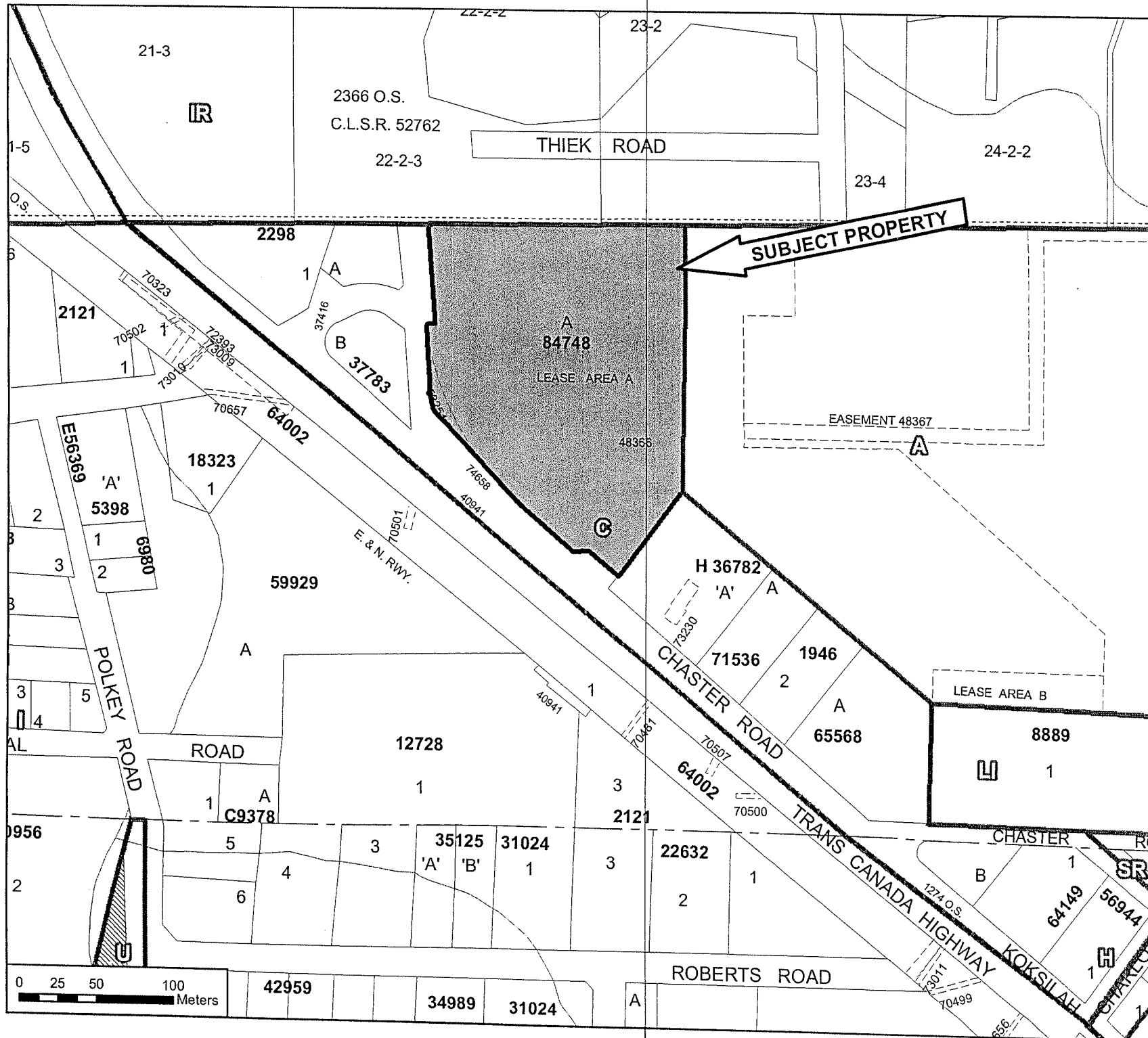
RM/jah

Attachments



Department Head's Approval:  Signature
--

000101



**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.

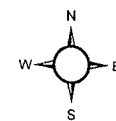
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 3-D-08-RS

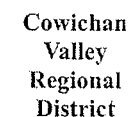
OCP

Legend

-  Subject Property
-  OCP Electoral Area D



000102



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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-D-08-RS

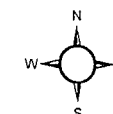
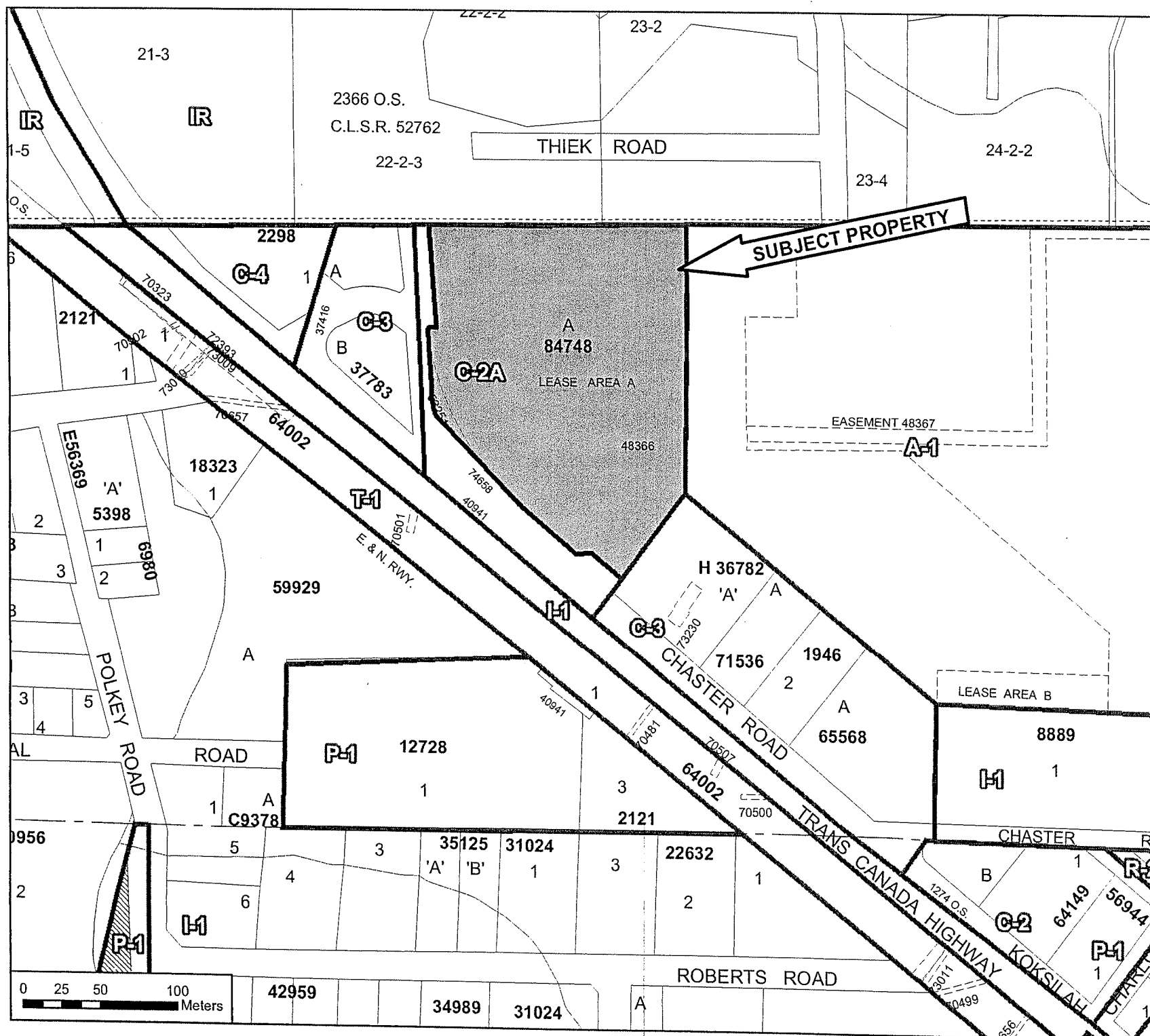
ZONING

Legend



 Subject Property

Zoning Electoral Area D



00103



Cowichan
Valley
Regional
District

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various sources for internal
use and is designed for
reference purposes only.

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warrant the accuracy.

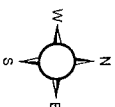
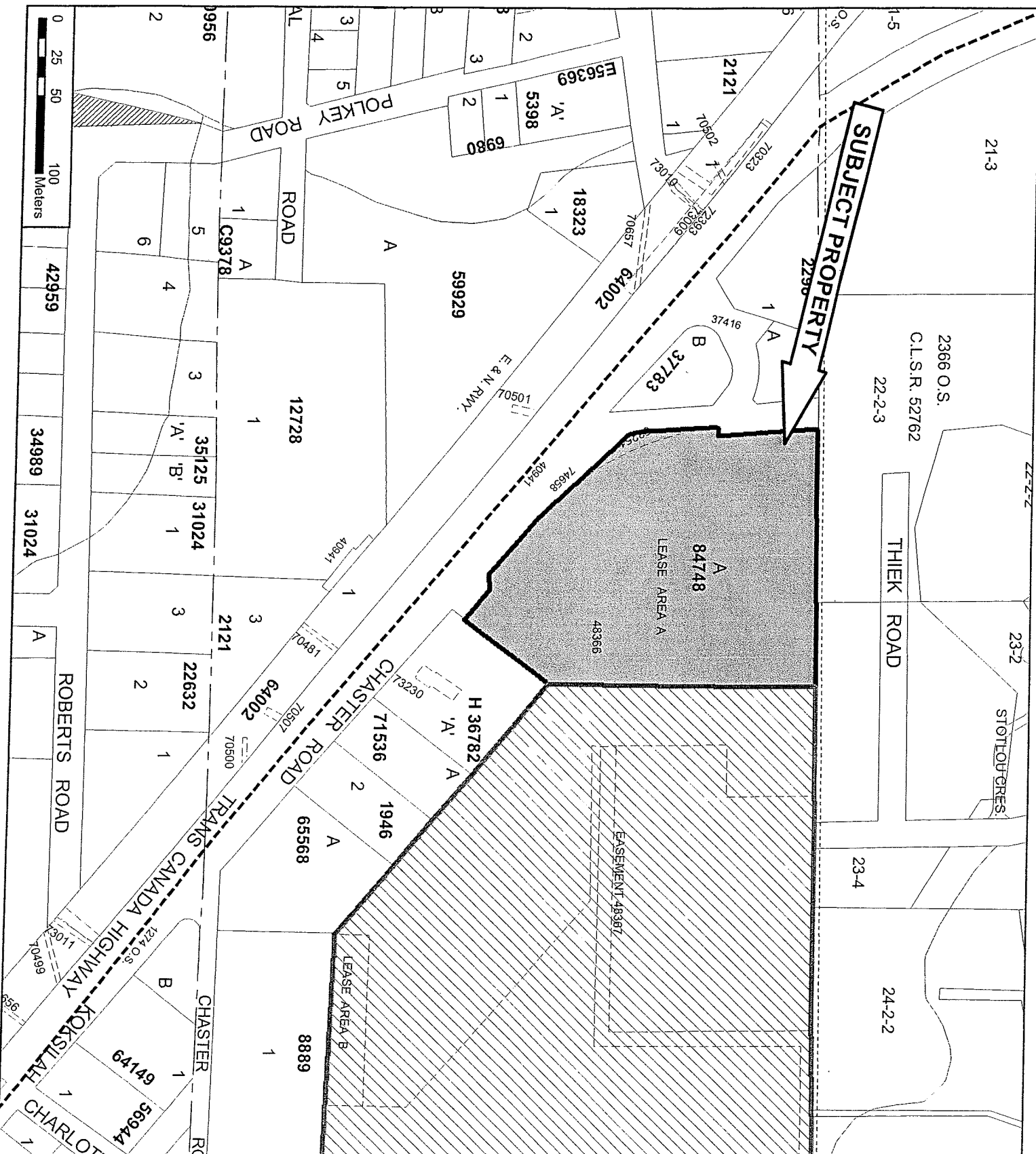
All persons making use of this
compilation are advised that
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purposes only and that
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The original Bylaws should be
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interpretation and application
of the Bylaws.

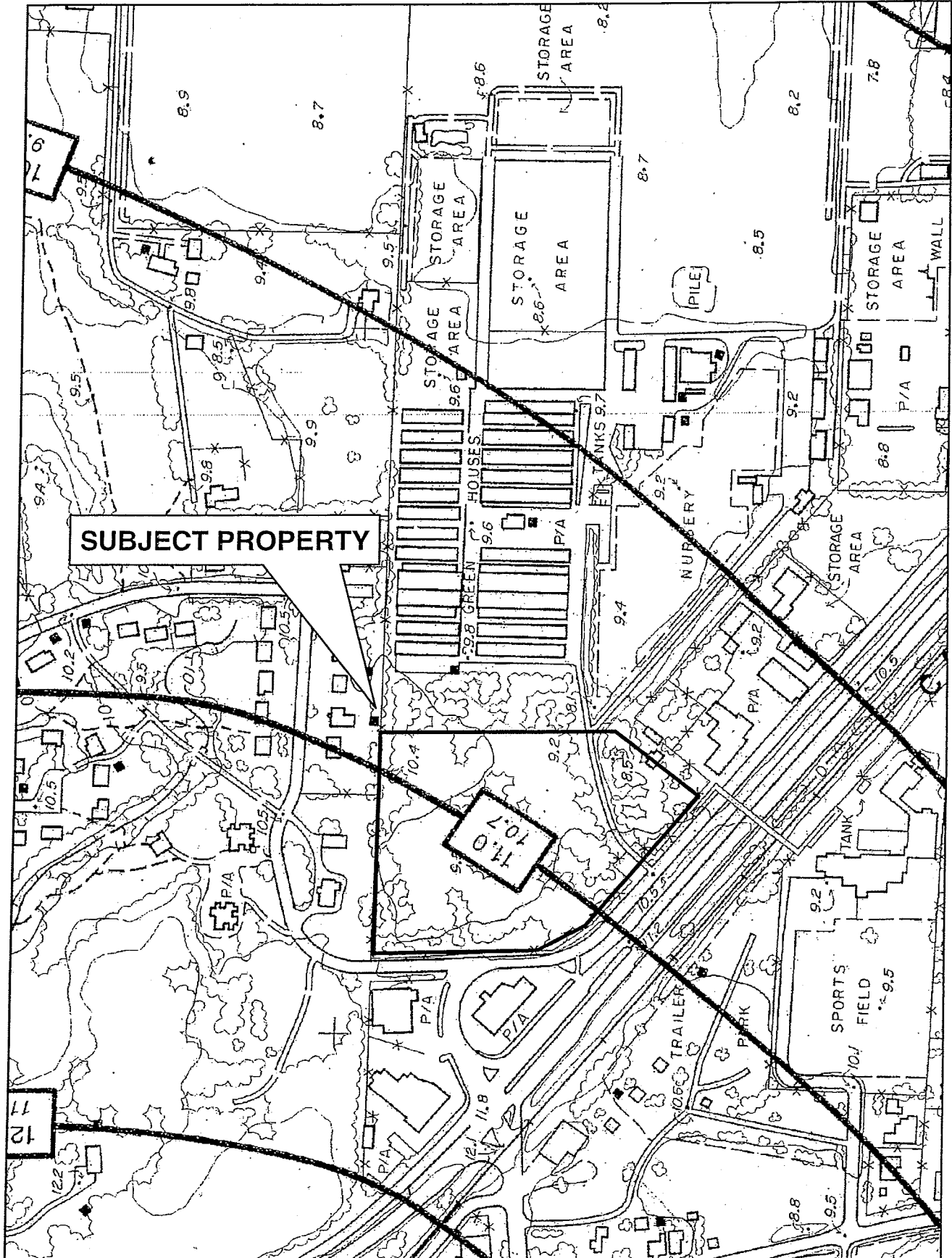
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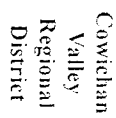
ALR

Legend



Floodplain Map





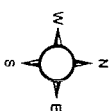
The Regional District does not warrant the accuracy.

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FILE: 3-D-08-RS

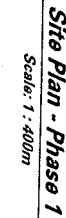
**Orthophoto
(2004)**



~~000108~~

Survey data taken from:
KENYON WILSON
PROFESSIONAL LAND SURVEYORS
221 CORNWATON AVE.
DUNCAN, B.C. V9L 2T1 (250) 746-4745
FILE 07-0065A.SKT

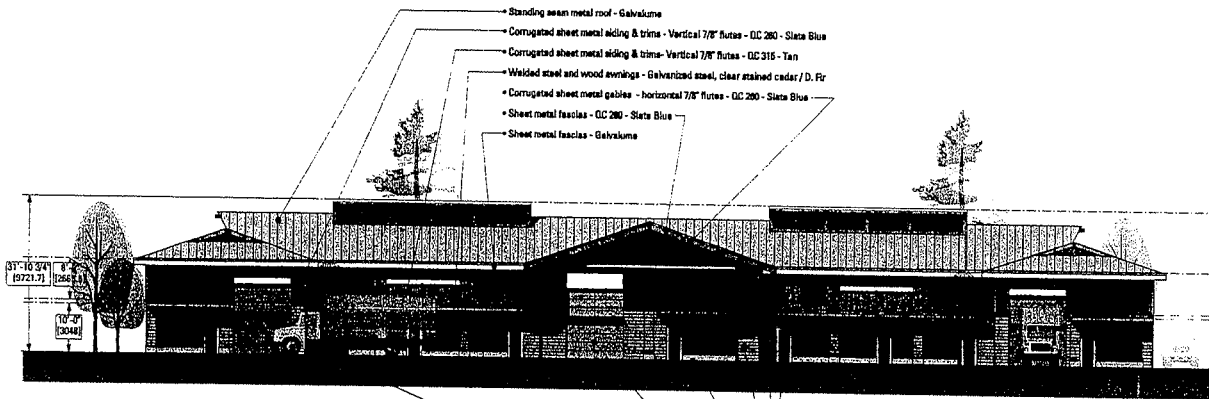
395-7



5301 Trans Canada Highway, Duncan, BC

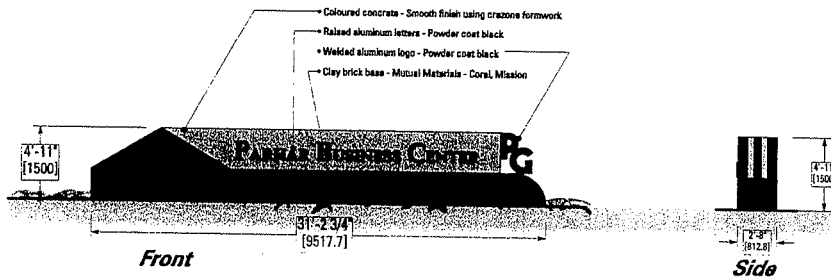
813 Veritas Street, Victoria
BC, V8W 1K9
P. 250.262.4744, F. 250.262.5723
e. corinnewell@shaw.ca

000107



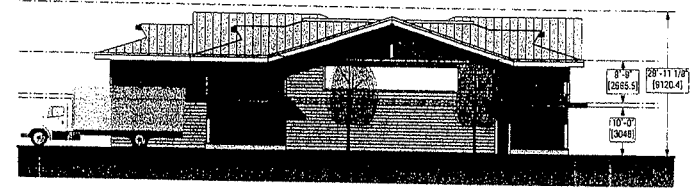
Typical Building Elevation Finishes
Scale: 1 : 150m

- Prefinished aluminum storefront windows and doors - Powder coated white
- Prefinished aluminum windows - Powder coated white
- Full split face concrete block - Painted - Benjamin Moore - CC 820 - High Park Green
- Smooth finish concrete pilasters - Crazone board formwork
- Steel faced sectional overhead doors - Painted - Benjamin Moore HC 151 - Buckland Blue
- Steel faced sectional overhead doors - Painted - Benjamin Moore CC 410 - Boardwalk yellow
- Steel faced sectional overhead doors - Painted - Benjamin Moore HC 131 - Lullaby Green

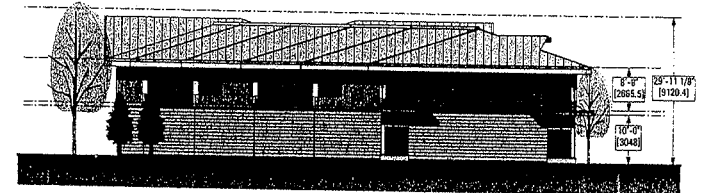


Project Sign Detail
Scale: 1 : 50m

- Coloured concrete - Smooth finish using crazone formwork
- Raised aluminum letters - Powder coat black
- Welded aluminum logo - Powder coat black
- Clay brick base - Mutual Materials - Coral, Mission



North



South

Now Building "Z"
Building 1 Elevations
Scale: 1 : 150m

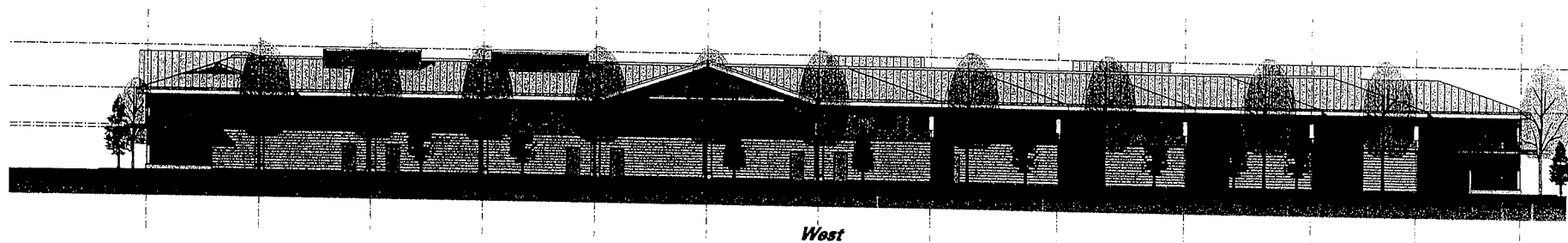
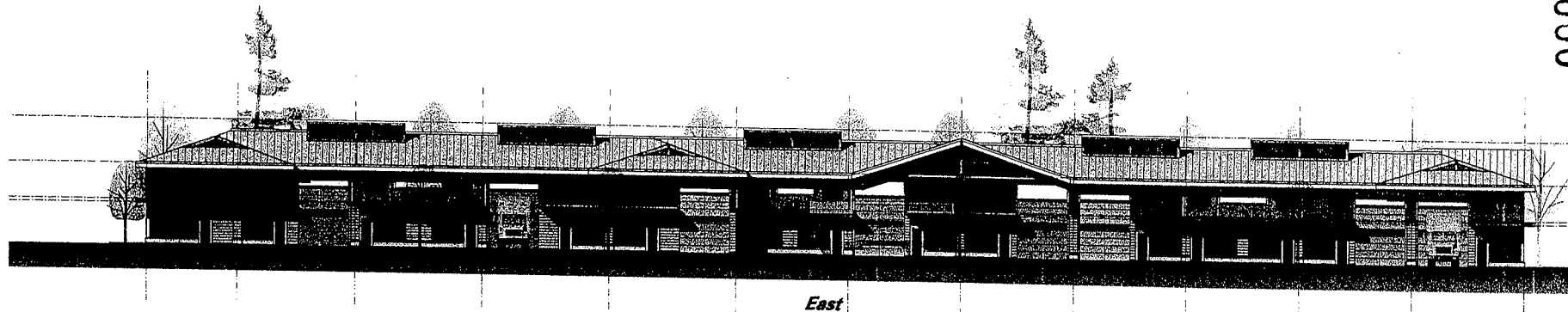


Proposed Commercial Development
5301 Trans Canada Highway, Duncan, BC

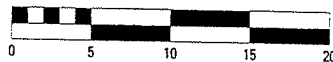
A2
2008.07.15

JN
Joe Newell Architect Inc.
812 Yates Street, Victoria
BC, V8W 1G9
P: 250.362.4242, F: 250.362.8729
e: joe.newell@jnewell.ca

000109



Now Building 2
Building 1 Elevations
Scale: 1 : 150m

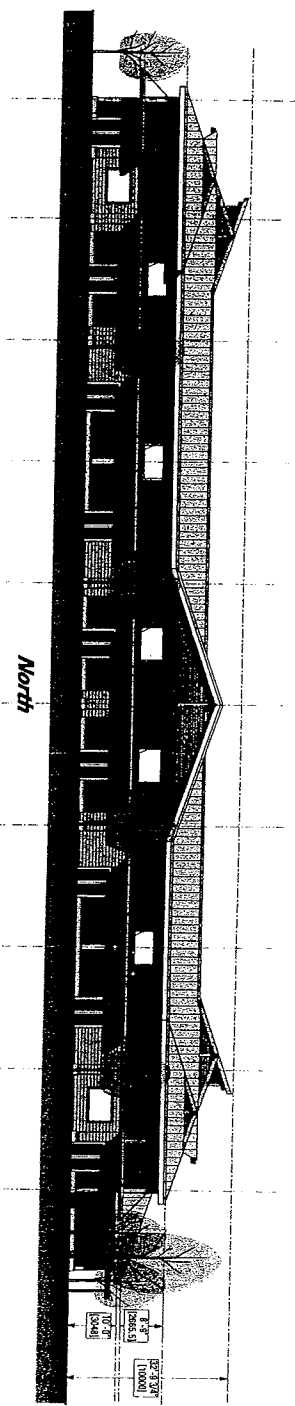
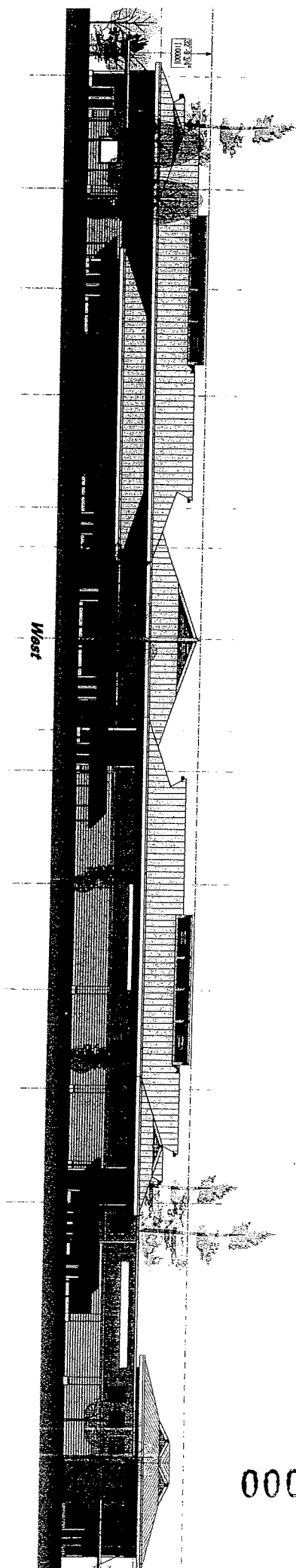


Proposed Commercial Development
5301 Trans Canada Highway, Duncan, BC

A3
2008.07.15

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© 2007, 2008, 2009, & 2010 JN&A
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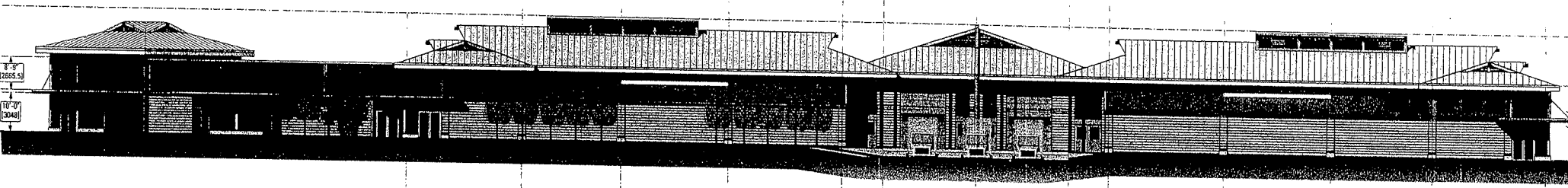
NO longer proposed on current site plan
Building 3 / 4 Elevations
Scale: 1 : 150m



Proposed Commercial Development
5301 Trans Canada Highway, Duncan, BC

A4
2008/07/15

000111

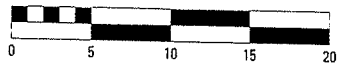


East



South

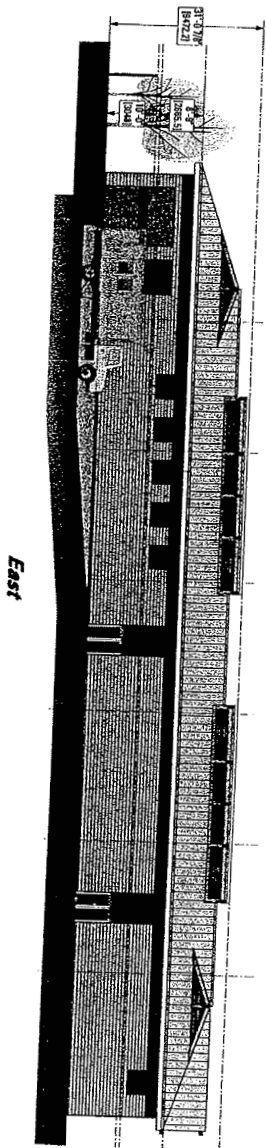
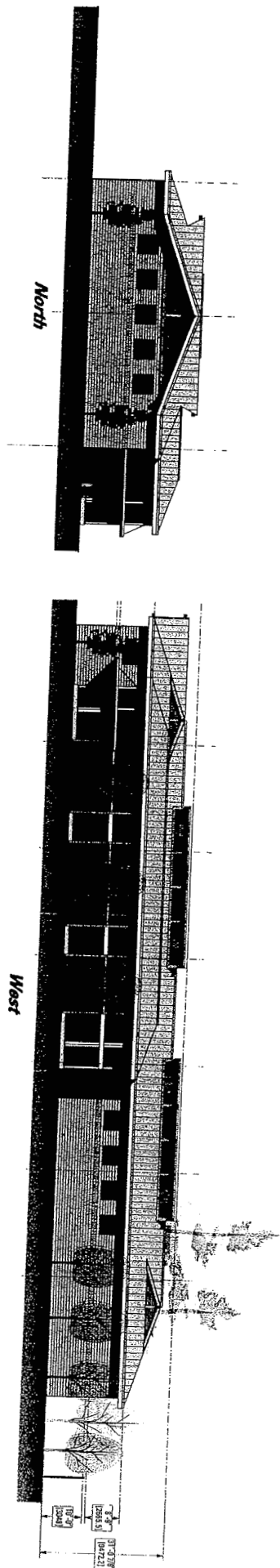
Building 3 / 4 Elevations - No longer proposed on current
Scale: 1 : 150m Site plan



Proposed Commercial Development
5301 Trans Canada Highway, Duncan, BC

A5
2008.07.15

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BC, V8W 1K3
D: 250.382.4241, F: 250.382.5725
e: joe@jnewellarchitect.com



Building 8 Elevations - New Building 1

Scale: 1 : 150m



Proposed Commercial Development
5301 Trans Canada Highway, Duncan, BC

2008.07.15 **A6**



MEMORANDUM

DATE: April 27, 2009 **FILE NO:** 3-D-08RS (Parhar Holdings)
TO: Rachelle Moreau, Planning Technician, Development Services Department
FROM: Daniel Derby, General Manager, Public Safety
SUBJECT: Rezoning Application No. 3-D-08RS – Public Safety Application Review

In review of the Rezoning Application No. 3-D-08RS the following comments affect the delivery of emergency services within the proposed area.

- ✓ Proposal is within North Cowichan/Duncan RCMP Detachment area.
- ✓ Proposal is within British Columbia Ambulance (Station 152 Duncan) response area.
- ✓ Proposal is within the boundaries of the CVRD Regional Emergency Program.
- ✓ Minimum two points of access/egress to the proposed development should be considered to provide community and emergency services personnel a secondary evacuation route.
- ✓ A water system compliant with "NFPA 1142, Standard on Water Supplies for suburban and Rural Fire Fighting" is recommended to ensure necessary fire flows.
- ✓ Rezoning should be subject to the inclusion of the property in the Eagle Heights Fire Protection Service area.
- ✓ Public Safety does not object to the proposed zoning amendment to a new zone to permit mixed industrial and commercial business park and to allow zero setback to rear and side interior parcel lines, based on all buildings having sprinkler protection.



Cowichan Tribes

5760 Allenby Road Duncan, BC V9L 5J1
Telephone (250) 748-3196 Fax: (250) 748-1233

RECEIVED
C.V.R.D.
MAR 12 2009

March 12th, 2009

Planning Department,
CVRD,
175 Ingram St.,
Duncan, B.C.
V9L 1N8

Attention: Richelle Moreau

Re: Your File # 3-D-08RS; Parhar Holdings Ltd. Rezoning Application

Dear Ms. Moreau:

From Cowichan Tribes perspective we see the following issues as concerns:

- The southern most roadway/access through the subject property onto and from Chaster Road to our lands to the immediate east, formerly known as the Koksilah Farm Nursery, should be of commercial width and standard of construction to allow the safe movement of our commercial vehicles. This is very important as the only other alternative is for our commercial vehicles to transport goods through residential neighbourhoods which clearly presents a danger to families and children residing on those routes.
- The massing of the buildings presenting up to 32' in height to the on-reserve residences on the subject property's northern boundary will leave the affected homes and families in its shadow.
- The lack of setbacks on the subject property's northern and eastern boundaries doesn't allow for an adequate transition from residential uses on the north and as yet undetermined uses on the east contiguous lands.
- The proposed rezoning to commercial and light industrial uses is acceptable to Cowichan Tribes provided all uses including storage and refuse are conducted within the walls of the premises. This holds particularly true along the northern boundary of the subject property. Truck loading bays are not to present themselves to the residential properties to the north in order to mitigate noise particularly in the early morning or during the night.
- No outdoor storage to enhance the purpose of clean users only.
- Noted in the report is the possible intent for second storey residences. Our concern is the noticeable lack of on-site parking dedicated to this use. Chaster Road is a very busy corridor with a mix of industrial, commercial and residential vehicles. Any overflow parking presents a risk to pedestrians whom a significant number are Cowichan Tribes' citizens and Cowichan children attending

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Continued...Response to CVRD File # 3-D-08RS

Quw'Utsun Smuleem Elementary School. The children use the overhead pedestrian walkway to this school located on the Westside of the highway. Many of Cowichan Tribes citizens do not have cars and therefore must walk. They cannot or should not use the Trans-Canada Highway. Therefore, Chaster Road is the safer path. These pedestrians are walking to and from shopping north of the Silver Bridge or the neighbouring residential areas off Chaster Road, Boys Road, or elsewhere.

- A minor note is the use of metal roofs for the buildings along the northern boundary. This material may cause an inordinate amount of noise to the residences thus, if this is the case, perhaps a less intrusive material could be used for roofing.

In light of the above, Cowichan Tribes is generally pleased with Mr. Parhar's development plans and supports his endeavour.

As a guide to the prospective uses that Mr. Parhar is seeking to incorporate into his project, I provide you with a plan of the existing or contemplated uses of neighbouring on-reserve lands.

Sincerely,



Ernest W. Elliott,
General Manager

Encl. (1)

Cc Balbir Parhar, Pahar Holdings Ltd.
 Referral Co-ordinators, Cowichan Tribes
 John Keating, Lands Manager, Cowichan Tribes

000115



D8

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF AUGUST 4, 2009

DATE: July 29, 2009 **FILE NO:** 1-A-08RS
FROM: Dana Beatson, Planner **BYLAW NO:**
SUBJECT: Rezoning Application No. 1-A-08RS (Niko Pfaffe)

Recommendation:

That Rezoning Application 1-A-08RS **be denied**, and a partial refund be given to the applicant in accordance with CVRD Development Applications Procedures and Fees Bylaw No. 3262.

Purpose:

To amend Zoning Bylaw No. 2000 to allow the subject property to be subdivided into a maximum of three residential lots.

Financial Implications: N/A

Interdepartmental / Agency Implications: N/A

Background:

Location of Subject Property: Benko Road, Mill Bay

Legal Description: Lot 10, District Lot 101, Malahat District, Plan 46865, (PID 011-600-560)

Date Application and Complete Documentation Received: May 12, 2008

Owner: Alexander Pfaffe

Applicant: Nikolaus Pfaffe

Size of Parcel: Approx. \pm 0.80 ha (\pm 1.98 acres)

Current Zoning: R-2 (Suburban Residential)

Proposed Zoning: R-3 (Urban Residential)

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Minimum Lot Size Under Existing Zoning: 0.4 ha with community water and sewer
0.4 ha with community water only
1.0 ha without community or sewer

Minimum Lot Size Under Proposed Zoning 0.1675 ha with community water and sewer
0.2 ha with community water only
1.0 ha with neither community water or sewer

Existing Plan Designation: Urban Residential

Existing Use of Property: The land is currently vacant.

Existing Use of Surrounding Properties:

North: Residential (zoned R-2)
South: Residential (zoned R-2)
East: Residential (zoned R-3) (Sangha Development)
West: Residential (zoned R-2) and Forestry lands beyond (zoned F-1)

Services:

Road Access: The applicant is proposing to access one of the residential lots from Butterfield Road or Benko Road (it is undecided at this time) and the remaining two lots will be accessed off Benko Road.

Water: Proposed connection to a community water system

Sewage Disposal: One lot is proposed to be connected to a community sewer system and the remaining two parcels will have onsite sewage disposal.

Agricultural Land Reserve Status: The subject property is outside the ALR.

Contaminated Sites Regulation: Declaration pursuant to the *Waste Management Act* signed by the property owner. No Schedule 2 uses noted.

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas (2000) does not identify any sensitive ecosystems on the subject property. However, a possible watercourse was seen by staff on the property during a site visit.

Archaeological Site: There are no confirmed archaeological sites on the subject property.

Proposal:

The applicant is proposing to rezone the subject property from R-2 to R-3 in order to subdivide it. The applicant's proposed subdivision plan would create three lots with lot sizes of approximately 0.27 ha (.67 acres) as shown on the attached conceptual subdivision plan.

The development of the property as indicated on the submitted plan is largely dependent on the development of the Sangha property. The development of the Sangha lands would extend Benko

000117

Road along the east boundary of the property, allowing access to the two proposed lots on the south side of the property. The applicant would like to service one of the proposed lots with a community water system and one of the proposed lots with a community sewer system. Since the remaining two parcels are not eligible for connection to the community sewer system that will be constructed for the Sangha development, these two lots are proposed to be serviced with on-site sewage disposal.

It should be noted that this application has been amended slightly since it was referred to external agencies and the APC. Initially the applicant was proposing a four lot subdivision with all lots being connected to both a community water and a community sewer system.

Site Context:

The subject property is located at the northwest corner of Benko Road at the Benko Road/Butterfield Road intersection. The property is long and narrow in shape and is approximately 0.80 ha (1.98 acres) in size. The site gently slopes from the southern boundary to the northern boundary and is sparsely vegetated and vacant.

R-2 residential lots abut the subject property to the north, south, and west. These lots are similar in size to the subject property (about 0.80 ha) and have subdivision potential.

Policy Context:

Official Community Plan:

The Area 'A' OCP designates the subject property and surrounding area as Urban Residential (UR). The UR designation allows for a minimum residential lot size of 1,675 sq. m. for parcels serviced by community water and sewer systems. Limited amounts of multi-family housing may also be permitted in the UR designation, subject to the policies and direction in the Plan. The OCP also includes this property within the Mill Bay Urban Containment Boundary.

The following OCP Policies are relevant to this application:

Policy 7.3.1 - Infilling shall be encouraged in existing residential areas, with the further designation of land for residential purposes being conditional on a review of residential land availability in the general area.

Policy 7.3.2 - Rezoning proposals for residential development will be considered based upon the following criteria:

- a) protection of hazard lands and environmentally sensitive areas;*
- b) impact on surface water and ground water;*
- c) sewage disposal impacts and pollution potential;*
- d) relationship to the natural resource management policies in this Plan;*
- e) integration with natural surroundings and adjacent land uses;*
- f) provision of green space and park land;*
- g) provisions for public safety; and*
- h) other criteria which encourage the creation of a sustainable community.*

Policy 7.6.1 - For lands designated as Urban Residential, a maximum density (excluding all roads, parks and schools) shall not exceed one dwelling unit per 1 hectare (2.47 acres), where community water is not provided. Where community water is provided and community sewage disposal is not provided, the maximum density shall not exceed one dwelling unit per 2000 square metres (0.5 acres). Where community water and community sewage disposal are provided, the maximum density shall not exceed one dwelling unit per 1675 square metres (0.4 acres).

Policy 7.6.7 – Lands designated as Urban Residential shall be located within the Urban Containment Boundary.

Policy 7.9.4 – Urban residential densities shall not be permitted outside of the urban containment boundary.

Zoning Bylaw:

The subject property is presently zoned R-2 (Suburban Residential). The R-2 Zone has a minimum parcel size of 1.0 ha without services and 0.4 ha if community water or community sewer and water and sewer are available.

The main difference between the R-2 and R-3 Zones is lot size. The R-3 Zone allows minimum lot sizes of 1675 square metres (0.41 acres) where lots are serviced with community water and sewer. Where only community water is available, a minimum lot size of 0.2 ha (0.49 acres) is permitted and where neither community sewer and community water are available, the minimum lot size in the R-3 Zone is 1.0 ha. Permitted uses in the R-3 Zone are the same as for R-2, with the exception of Agriculture, which is excluded from the R-3 Zone.

Advisory Planning Commission:

The Advisory Planning Commission reviewed this application at their March 4, 2009 meeting, where the following motion was passed:

That Rezoning Application 1-A-08RS, not be approved.

That the CVRD Planning Department prepare a neighborhood plan of this region in the Urban Containment Boundary recommended in the OCP for R-3 zoning. There is potential for 300 lots in the area thus a detailed neighborhood plan is needed to provide direction and structure for future development applications in the area. A plan for the area would provide homeowners an opportunity for input.

Motion Carried

The Advisory Planning Commission was not in support of this rezoning application. The APC also expressed concerns regarding servicing and the proposed lot sizes being dependant on community water and sewer, the availability of water in the Butterfield Road area, future developments impacting this area, drainage, and the lack of park dedication offered as part of the application.

Government Agency Comments:

This application was referred to government agencies on March 11, 2009. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation – *No comments received.*
- Central Vancouver Island Health Authority – *The properties must be connected to a community water and a community sewer system. If unable to connect to a community sewer system, the property will have to comply with the subdivision standards of the Central Vancouver Island Health Authority.*
- School District No. 79 - *No comments received.*
- Mill Bay Waterworks – *Interests Unaffected.*
- Mill Bay Volunteer Fire Department – *No comments received.*
- Ministry of Environment – *If CVRD staff are unsure as to whether the feature on the property is a drainage ditch or a watercourse they should request that the applicant hire a Qualified Environmental Professional to provide a letter that the RAR does or does not apply to the subject property.*
- CVRD Engineering Services – *Approval of the development application is not recommended. At this time, the CVRD has been requested to own and operate the sewer system for the Sangha development in this vicinity. There is an understanding that this developer will provide capacity in pipes and in disposal for an additional 50 lots, in the Butterfield Road area, which is one connection per lot only. There is no guarantee that there will be any excess sewer capacity for subdivision purposes for these 50 lots. Also this sewer system is proposed to tie into the existing Sentinel Ridge Sewer System and that work has not been completed yet. If community sewer is required for this rezoning to proceed, the CVRD Engineering & Environment Department can not approve a connection of sewer to four lots. It should be noted that the owner is able to connect the subdivided lots to community sewer units if he wants to pay to upgrade the community sewer system and that will cost approximately one million dollars.*
- CVRD Public Safety Department - *We do not object to the proposed rezoning. The proposal is within the Shawnigan Lake RCMP Detachment Area, the BC Ambulance response area, the Mill Bay Volunteer Fire response area, and is within the boundaries of the CVRD Regional Emergency Program. A minimum of two points of access/egress to the proposed development should be considered to provide community and emergency personal with a secondary evacuation route. A water system compliant with NFPA 1142, Standard on Water Supplies for Suburban and Rural Firefighting is recommended to ensure necessary fire flows.*
- CVRD Parks – *The Area A Parks and Recreation Commission is not recommending that any park land be dedicated as part of the rezoning application.*

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Planning Division Comments:

Overview of Proposal

The applicant is proposing to amend Zoning Bylaw No. 2000 by rezoning the .80 ha (1.98 acres) subject property in the vicinity of Benko and Butterfield road from R-2 (Suburban Residential) to R-3 (Urban Residential) to permit an urban residential subdivision of 3 lots.

The applicant has prepared a conceptual subdivision plan that consists of three ± 0.27 ha (± 0.67 acre) parcels. The applicant is proposing to have one of the parcels connected to a community sewer system which is to be developed by the owner of the lands to the immediate east and the remaining two parcels are proposed to have onsite sewage disposal in the form of septic systems. There is road access from both the north and the east of the property. The proposed road access for lots 2 and 3 would be from Benko Road on the eastern side of the property and lot 1 could be accessed from either Butterfield Road or Benko Road. This application proposes to connect to a community water system and the applicant is proposing that each parcel be ± 0.27 ha (± 0.67 acres) which is slightly larger than the required 0.2 ha (0.49 acre) minimum parcel size for the level of servicing proposed.

The Benko and Butterfield Road neighbourhood is characterized by large suburban residential parcels that range in size from about 0.80 ha to 2.0 ha (2.0 ac – 5.0 ac). This neighbourhood including the subject property is designated Urban Residential in the OCP. A number of the larger parcels in the area have been rezoned to R-3 (Urban Residential) and are in the process of being subdivided. There are, however, many parcels in the area that remain R-2 (Suburban Residential) and are large enough to be subdivided if they are rezoned.

Policy Review

The subject property is currently designated as Urban Residential (UR) within the Official Community Plan and is within the Mill Bay Urban Containment Boundary. Policies 7.6.7 and 7.9.4 require that lands designated as Urban Residential be located within the Urban Containment Boundary, and that no Urban Residential densities be permitted outside of the Urban Containment Boundary. This is an important component of the Official Community Plan as it is the primary means of controlling urban sprawl and ensuring that Mill Bay has the capacity in the future to be a relatively compact community.

Because the subject property is within the Urban Containment Boundary and is located within an already existing residential neighbourhood, the proposed subdivision would be regarded as an infill application. OCP Policy 7.3.1 encourages infilling in existing residential areas, therefore, to rezone the property to R-3 would be consistent with this particular policy.

OCP Bylaw No. 1890 has recently been added to the South Cowichan OCP Project, however, it is too early in the planning process to determine with certainty if the land use strategy for this area will remain as it is under the current Plan. During plan reviews it would be advisable to hold a community meeting on rezoning applications, prior to bylaw preparation, in order to inform the community of the application and to encourage public comment.

The subject property is within the Mill Bay Development Permit Area. Prior to the subdivision stage the applicant will be required to meet the guidelines of the Development Permit Area. The Mill Bay Development Permit Area includes guidelines regarding the protection of the natural environment as well as the Riparian Area Regulations (RAR). As mentioned previously, staff did notice a possible watercourse on the subject property during a site visit and are recommending that if the application proceeds that a Qualified Environmental Professional be hired to provide a letter of opinion that would state if the RAR does or does not apply to the subject property.

Park Dedication

The applicant is not proposing any parkland dedication with this application. The CVRD Parks and Trails Division were referred a copy of this report for review and the matter of park dedication was referred to Electoral Area A – Mill Bay/Malahat Parks and Recreation Commission for their comments regarding park and trail opportunities on-site. The Parks Commission is not recommending that any park land be dedicated as part of this rezoning application.

Approval of this application would result in a subdivision application. Parkland dedication or cash in lieu during the subdivision process under Section 941 of the *Local Government Act* would not be required. Section 941 of the *Local Government Act* states that an owner of land being subdivided must provide parkland in the amount of 5%, and in a location acceptable to the local government if the smallest parcel created is 2.0 ha or less in size and if 3 or more new parcels are being created. Based on the information provided to us by the applicant (i.e. a subdivision of the parcel into three lots of ± 0.27 ha (± 0.67 acre) parcels there are only two new parcels being created, therefore park dedication or cash-in-lieu is not required.

APC Comments

The Advisory Planning Commission reviewed this application at their March 2009 meeting. The community (as represented by the APC) expressed concerns about servicing the subdivided parcels, the lack of park dedication offered with the application, the amount of water available in the Butterfield area, and future development potential in the area. More specifically, the APC expressed concerns around the density permitted under the R-3 zone and future development that could take place on this property and on surrounding R-2 parcels to the west and the north of Mr. Sangha's lands. The APC recommended that a neighbourhood plan of this area be completed to provide both direction and structure for future development applications. The APC emphasized the need for this plan because there is the potential for a number of additional parcels in the area. For example, there are approximately 33 parcels to the west of Mr. Sangha property and if these parcels were to be connected to a community water system under the existing zoning an additional 80 lots could be created. Further, if these parcels were to be rezoned to R-3 and connected to a community water system an additional 220 lots could be created and an additional 267 lots would be created if they were connected to both a community water system and a community sewer system.

Planning staff from the Development Services Division discussed the completion of this neighbourhood plan with the Community and Regional Planning Division and were informed that it is doubtful that such a detailed neighbourhood plan could be done as part of the Electoral Area A Official Community Plan review that is currently underway. However it is possible that the applicant could furnish this neighbourhood plan at his own expense or that multiple land owners in the Benko/Butterfield area could get together and furnish this plan at their own

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expense. It may be possible that the CVRD could undertake such a plan but it would be a few years before such a plan could be initiated.

Servicing

The applicant has informed Planning staff that he will be connecting the subdivided parcels to a community water system which permit parcel sizes of 0.2 ha (.49 acres). The applicant is also proposing to connect one of the parcels to a community sewer system. According to the CVRD Water Management Division it may be possible for the applicant to gain access to one community sewer connection in the future but this would be entirely dependent on an agreement that Mr. Sangha has with the CVRD Engineering & Environment Department. This agreement is currently an agreement in principle and it states that there is an understanding that the developer, Mr. Sangha will provide additional capacity in pipes and in disposal for an additional 50 lots, in the Butterfield Road area, which totals one sewer connection per lot. Also, this sewer system is proposed to tie into the existing Sentinel Ridge Sewer System and this work has not been completed yet. Planning staff have been recently informed by CVRD Engineering staff that no such agreement with the developer has been reached or firmly in place. Planning staff have been able to confirm that the additional two lots the applicant is proposing cannot be connected to a community sewer system.

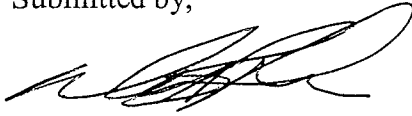
CVRD Development Services staff feels that a neighbourhood plan with a particular focus on servicing be completed for this area in Mill Bay. Generally speaking, staff has no objection to the proposed land use and is supportive of residential infill in this neighbourhood provided the appropriate servicing is in place. Presently this suburban residential neighbourhood lacks an approved community sewer system, therefore if the subject property was rezoned from R-2 to R-3 the maximum density on the property could not be achieved (i.e. two of the three parcels would be on septic systems). Additionally, if the remaining R-2 parcels in the Benko/Butterfield Road area were rezoned to R-3 without a community sewer system in place the maximum densities on those parcels could not be achieved and it would result in a number of R-3 zoned parcels on septic systems. CVRD Planning staff feels that if there was a desire by the CVRD Board to pursue residential infill in this neighbourhood by rezoning lands R-2 lands to R-3 that the appropriate servicing (i.e. a community sewer system) be in place so that land densities can be maximized. Since maximum density cannot be achieved on all three proposed parcels staff are not supportive of this application as it does not achieve the highest and best use of the land.

Options:

1. That Rezoning Application No. 1-A-08RS (Pfaffe) **be approved** with Directors Harrison, Cossey and Giles named as delegates to the public hearing and that the application referrals to the Ministry of Transportation, the Central Vancouver Island Health Authority, School District No. 79, Mill Bay Waterworks, Mill Bay Volunteer Fire Department, the Ministry of Environment, CVRD Engineering & Environment Services, CVRD Public Safety Department, and CVRD Parks and Trails Division be accepted.
2. That Rezoning Application 1-A-08RS (Pfaffe) **be denied**, and a partial refund be given to the applicant in accordance with CVRD Development Applications Procedures and Fees Bylaw No. 3262.

3. That a public meeting be scheduled to obtain community input regarding Application 1-A-08RS (Pfaffe).

Submitted by,




Dana Beatson
Short Range Planner
Development Services Department

DB/jah

Attachments

For
Tom

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



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.

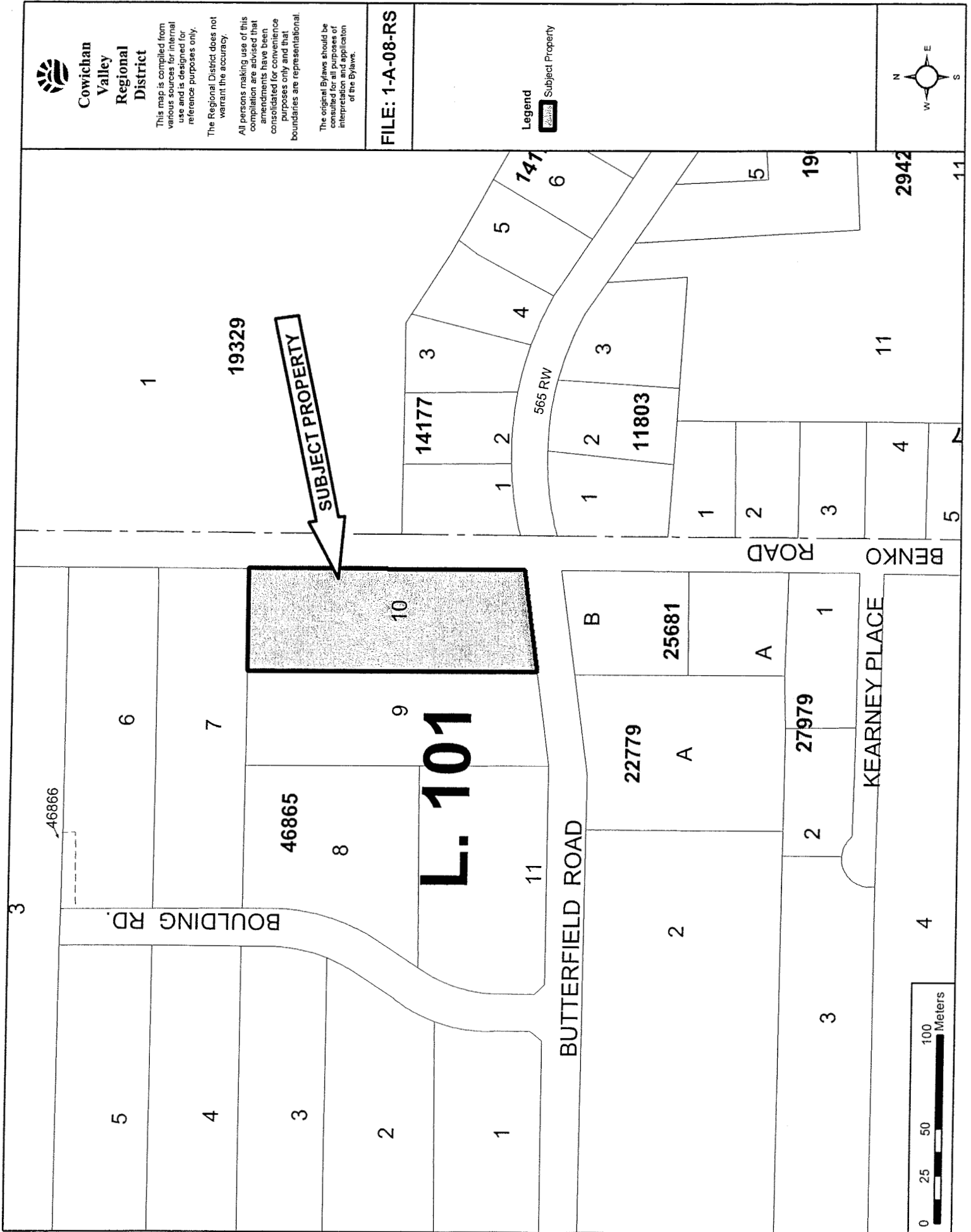
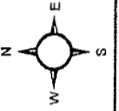
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 1-A-08-RS

Legend



Subject Property



000125



**Cowichan
Valley
Regional
District**

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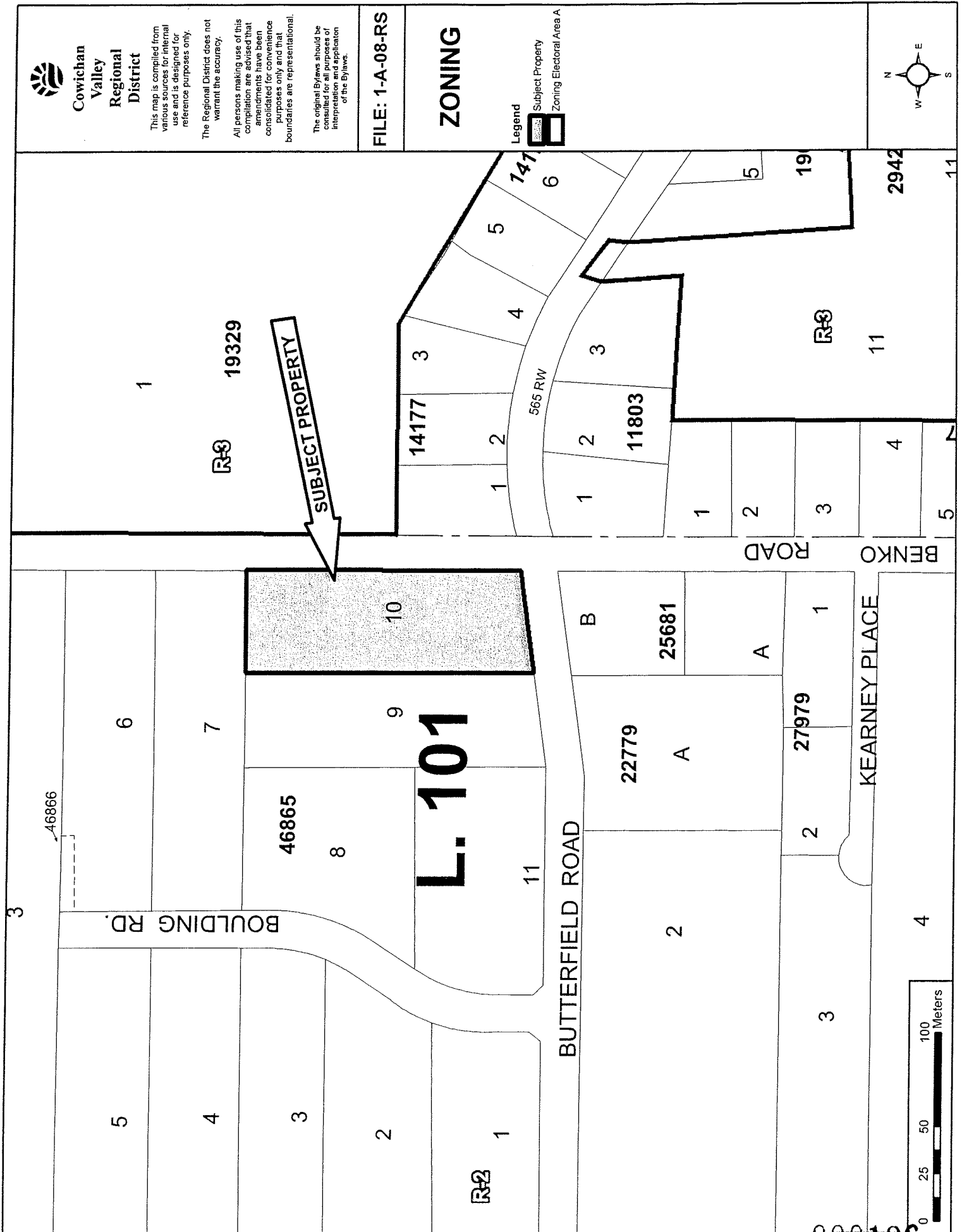
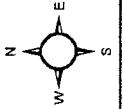
FILE: 1-A-08-RS

ZONING

Legend



Subject Property
Zoning Electoral Area A



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**Cowichan
Valley
Regional
District**

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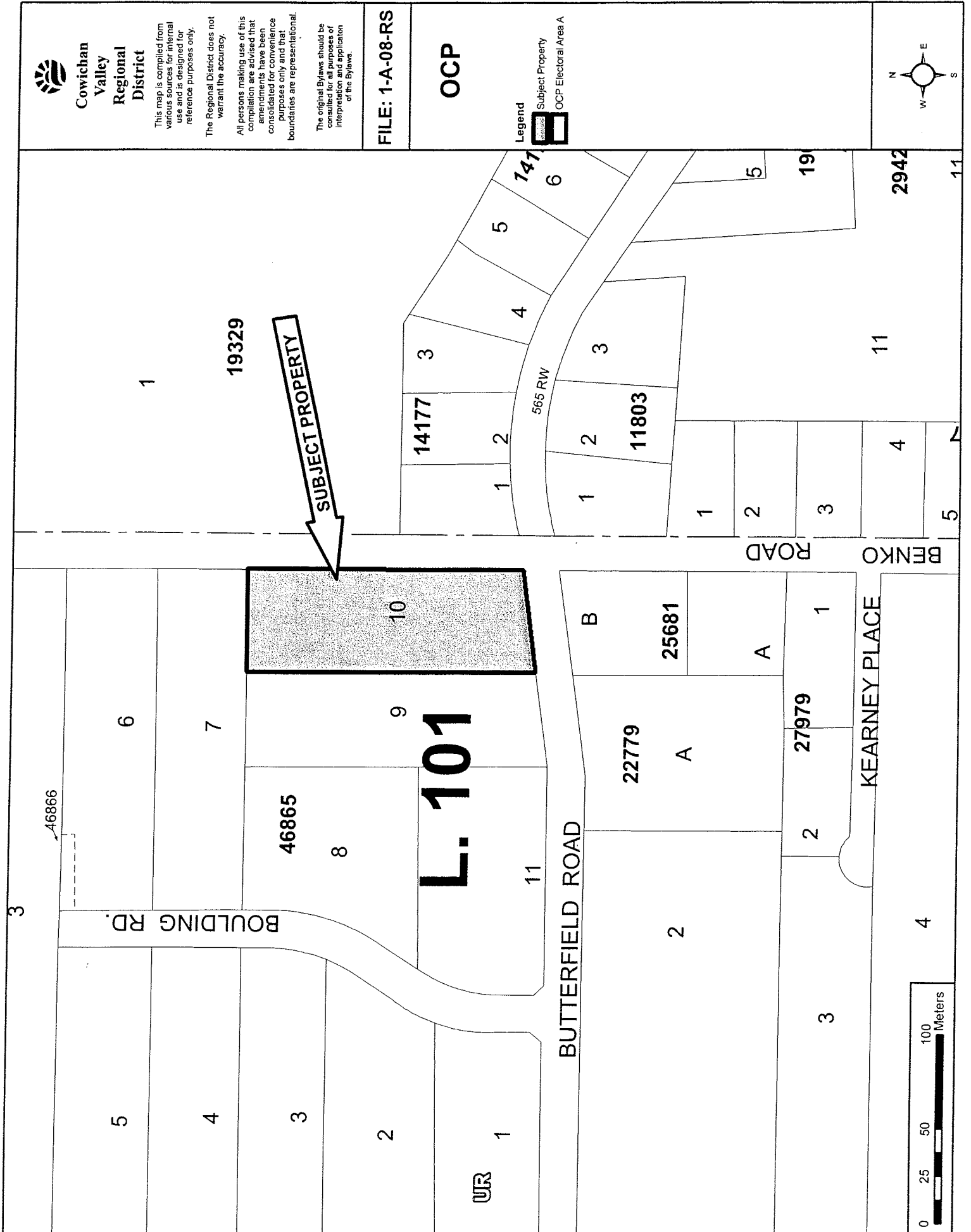
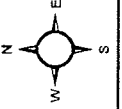
FILE: 1-A-08-RS

OCP

Legend

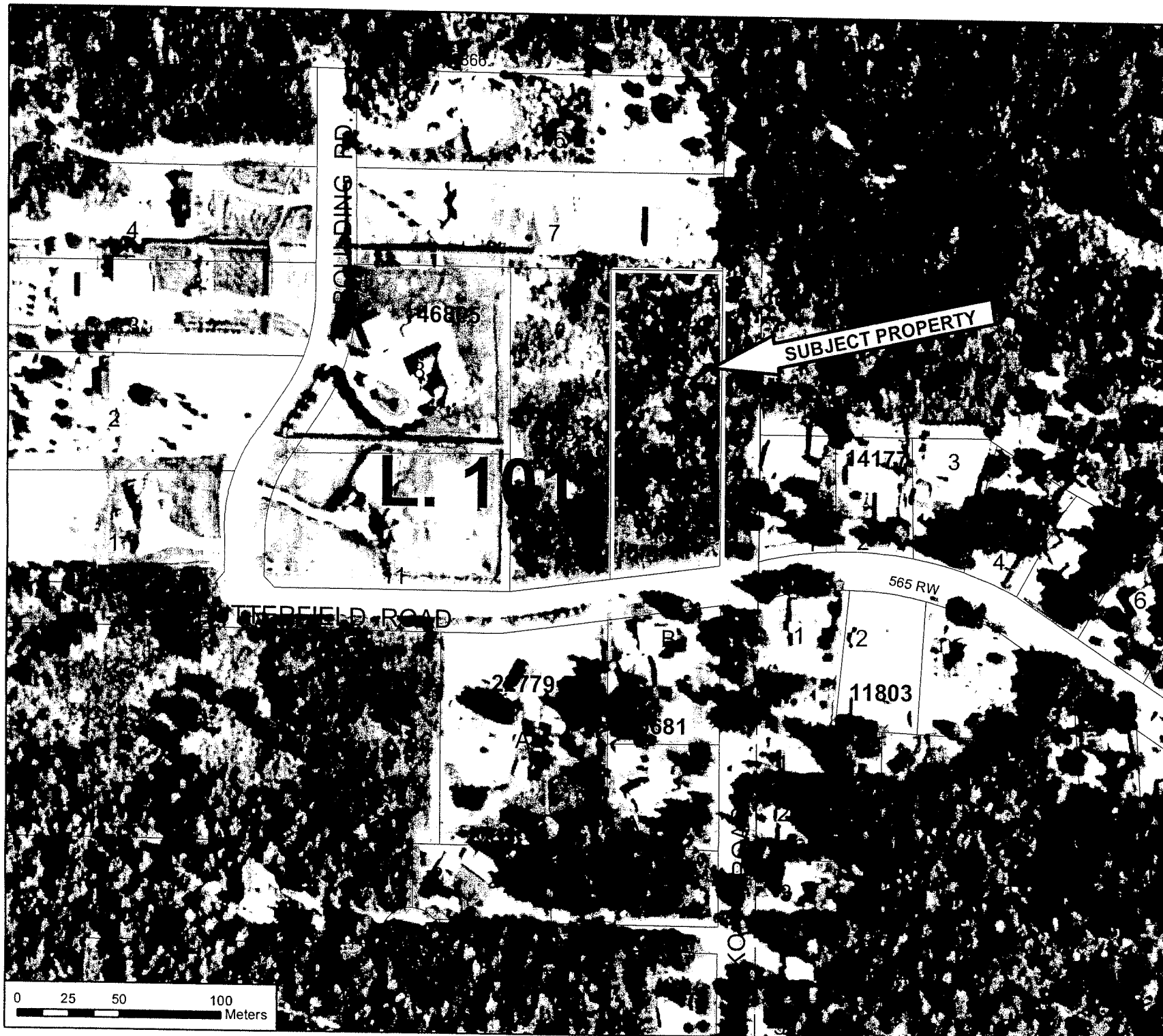


Subject Property
OCP Electoral Area A



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**Cowichan
Valley
Regional
District**

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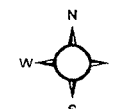
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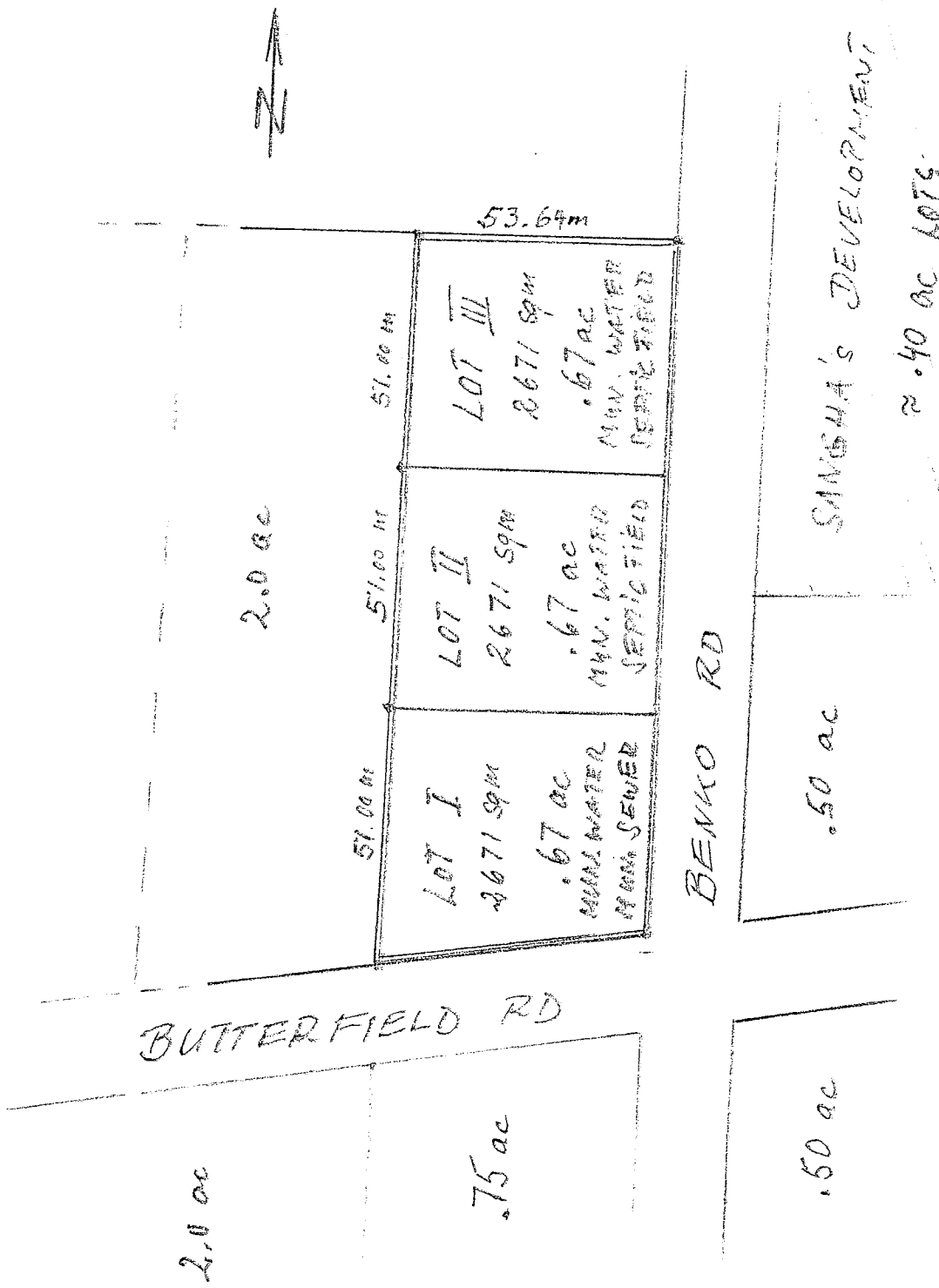
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 1-A-08-RS

**Orthophoto
(2002)**



PID: 011-600-560
 LOT 10, DIST. LOT 10, MALAMAT DIST., PLAN 46885





D9

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF AUGUST 4, 2009

DATE: July 28, 2009 **FILE NO:** 2-E-08RS
FROM: Rob Conway, MCIP **BYLAW** 1840 & 1490
NO:
SUBJECT: Proposed Official Community Plan and Zoning Bylaw Amendment
(Inwood Creek Estates – Phase 2)

Recommendation:

That OCP and Zoning Amendment Application No. 2-E-08RS (Inwood Creek Estates – Phase 2) be presented at a public meeting to obtain community input and that the application be reviewed at a future EASC meeting with a report documenting public input and draft bylaws.

Purpose:

To amend Cowichan-Koksilah Official Community Plan Bylaw No. 1490 and CVRD Electoral Area “E” – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 to allow the subject property to be developed for up to 43 single family lots and public open space.

Background:

A staff report was included on the June 2, 2009 EASC meeting agenda regarding a rezoning application for Phase 2 of Inwood Creek Estate. A copy of the staff report, which describes the application and associated issues, is attached to this report. Although the June 2nd report acknowledges the subject lands are a good candidate for residential development and the proposal offers a substantial community amenity in the form of public land dedication, denial of the application was recommended due to the proposal not conforming to policies in the OCP and a lack of apparent demand for residential land in the area. The report further recommended that should the Board choose to advance the application to the bylaw preparation stage, that this only occur after conditions recommended by the Area E APC have been addressed in the application and after a public meeting has been held where the Sahtlam community can review and comment on the proposal.

Prior to the application being considered by the Committee on June 2nd, the applicant requested that it be tabled and that consideration be deferred to a future meeting in order to allow time to address issues identified in the report and to respond to the APC recommendations. The applicant has since proposed amendments to the proposal and has requested that it now proceed to Committee.

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Application Amendments:

The applicant has proposed the following amendments to the application:

- Reduce the proposed number of residential lots from 44 to 41. The lots removed from the proposal increase the width of the wildlife corridor through the site.
- Increase the percentage of park and open space from 44.01 ha. (48%) to 46.96 ha. (51%)
- A \$100,000 contribution to the Sahtlam Fire Department at the time of registration of the first phase of subdivision for purchase of equipment. This contribution is intended as an alternative to the dedication of one lot suggested in the APC recommendation and is supported by the Fire Department (see attached letter).
- Dedication of one lot to the Area E Parks Commission. This lot may be used as park or sold and the revenue used for park improvements. Restrictions would be placed on the lot prior to dedication specifying when the lot can be sold and the sales price. The terms and conditions of the restrictions will need to be confirmed before a public hearing is scheduled, should the application reach that stage.

Development Services Division Comments

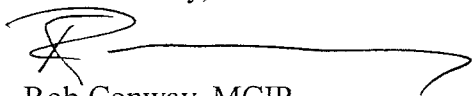
The applicant has significantly amended the application to address issues identified by the APC, the Parks Commission, Planning Staff and the Sahtlam Fire Department. The proposed changes also bring the application more in-line with applicable OCP policies by achieving an average lot size that exceeds 2 hectares. As a result of the application amendments, staff now feel the application has sufficient merit to be presented at a public meeting where the Sahtlam community can review and comment on the application prior to amendment bylaws being considered.

Options:

- A. That OCP and Zoning Amendment Application No. 2-E-08RS (Inwood Creek Estates – Phase 2) be denied and that the appropriate refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 2255, as amended; AND FURTHER, that the subject properties and surrounding lands be considered as a possible residential expansion area as part of the 2010 Area ‘E’ OCP review.
- B. That OCP and Zoning Amendment Application No. 2-E-08RS (Inwood Creek Estates – Phase 2) be presented at a public meeting to obtain community input and that the application be reviewed at a future EASC meeting with a report documenting public input and draft bylaws.
- C. That staff be directed to prepare OCP and Zoning amendments bylaws for Application No. 2-E-08RS (Inwood Creek Estates – Phase 2) and that a public hearing be scheduled following first and second reading of the amendment bylaws with Directors Duncan, Morrison and Iannidinardo appointed as Board delegates.

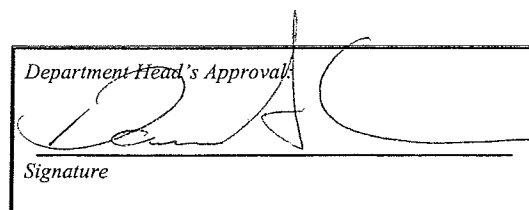
Option B is recommended.

Submitted by,



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

RC/jah
Attachments



000131



SAHTLAM FIRE RESCUE

4384 COWICHAN LAKE ROAD

DUNCAN BC V9L 6J7

PH (250) 748-1242 FAX (250) 748-1504

July 17th. 2009

3L Developments

Attention Mr. Kabel Attwall

Inwood Creek Development

Dear Sir;

Reference your Email of July 10th 2009 and our meeting of July 8th 2009.

"In consideration of our rezoning application, the Area E APC stated that our application be accepted subject to a number of conditions. One of the conditions was that a developed lot be given to the Sahtlam Fire Department for the purchase of equipment."

"We would like to put forward another alternative for your department's consideration. rather than waiting for a lot to be developed and potentially sold, that we offer the Fire Department an upfront cash payment of \$100,000. It is believed that this may be a more palatable solution to yourselves in terms of timing and less regulatory issues to deal with."

The officers of the department have considered your proposal and reply as follows:

The officers of the department support the concept of a one time cash donation of \$100,000.00 at the time of the subdivision registration. Knowing that we have an up front dollar figure to work with rather than waiting for future development and lot sale makes good sense to us. We will also indicate our support of this concept to the CVRD. If accepted, it will give us the opportunity to apply that donation upon receipt into our five year major apparatus replacement plan sooner rather than later.

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During the early planning stages of your development were appraised of your plans and requested and have had input into the development of an emergency access via a bridge across Inwood Creek to your proposed development and Highway 18. That bridge is now in place, and has been used several times already for emergency incident access to the highway cutting our travel time from 15 to five minutes.

I would like to thank you for taking the time to meet with us and for presenting this offer for our consideration.

Michael Lees

Fire chief
Sahtlam VFR

cc: CVRD
Loren Duncan
Sahtlam Firefighters Society

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STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF JUNE 2, 2009

Tabled

DATE: May 27, 2009

FILE NO: 2-E-08RS

FROM: Rob Conway, MCIP

BYLAW 1840 & 1490
No:

SUBJECT: Proposed Official Community Plan and Zoning Bylaw Amendment (Inwood Creek Estates – Phase 2)

Recommendation:

That OCP and Zoning Amendment Application No. 2-E-08RS (Inwood Creek Estates – Phase 2) be denied and that the appropriate refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 2255, as amended; AND FURTHER, that the subject properties and surrounding lands be considered as a possible residential expansion area as part of the 2010 Area 'E' OCP review.

Purpose:

To amend Cowichan-Koksilah Official Community Plan Bylaw No. 1490 and CVRD Electoral Area "E" – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 to allow the subject property to be developed for up to 44 single family lots and public open space.

Financial Implications: None identified

Interdepartmental / Agency Implications: None identified

Background:

Location of Subject Properties: Between Old Lake Cowichan Road and Highway 18, west of Clements Road and Pollock Road

Legal Description: Block A, Section 1, Range 6, Seymour Land District (PID 002-592-959)
Block B, Section 1, Range 6, Seymour Land District (PID 009-901-213)
Section 10, Range 8, Sahtlam Land District (PID 009-850-929)

Date Application and Complete Documentation Received: May 15, 2008

Owner: 3L Developments Inc.

Applicant: Kabel Atwall

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Size of Parcel: Approximately 89 ha. (220 ac.)

Current Zoning: F-1 (Primary Forestry)

Proposed Zoning: To be determined

Minimum Lot Size Under Existing Zoning: 80.0 ha (197.6 ac.)

Minimum Lot Size Under Proposed Zoning 1 ha. (2.47 ac.)

Current Plan Designation: Forestry

Proposed Plan Designation: To be determined

Existing Use of Property: Forestry / Vacant

Existing Use of Surrounding Properties:

North:	Crown Land/Trail (Zoned F-1)
South:	Crown Land/Rural Residential (Zoned F-1 and R-2)
East:	Rural Residential (Zoned A-2)
West:	Crown Land/Forestry (Zone F-1)

Services:

Road Access: Clements Road, Pollock Road, Highway 18 via Forestry Road

Water: Well

Sewage Disposal: On-site sewage disposal

Agricultural Land Reserve Status: Out

Contaminated Sites Regulation: Declaration signed

Archaeological Site: None identified.

Proposal:

The application proposes to rezone the subject properties from F-1 (Primary Forestry) to a new residential zone in order to allow them to be subdivided into 44 one hectare residential lots. The concept is to dedicate almost half of the property as park or publicly-owned open space with the remainder developed for residential use. The proposed park and open space is intended to provide wildlife habitat, riparian protection area, and publicly accessible trail routes through the property. Although the size of the proposed residential lots are less than the 2 hectare lot size specified in the OCP for un-serviced lots, the applicant is suggesting that the average lot size is comparable to that recommended by the bylaw when the proposed park and open space is included.

Site Context:

The proposal involves three properties with a total area of about 89 hectares (220 acres). The lands are located north-west of Sahtlam, between Cowichan Lake Road and Highway 18, west of Pollock Road and Clements Road. Much of the subject lands have been logged, although there is some standing timber along the creeks that cross the property and in a wetland area in the north-west corner of the site.

The objective of the OCP and Zoning Bylaw amendment application is to allow the property to be subdivided into approximately 44 one-hectare rural residential lots which would be marketed as the second phase of the Inwood Estates subdivision. The first phase of Inwood Estates was comprised of approximately 14 two-hectare lots. The applicant contends that smaller, 1-hectare lots with approximately 48% of the site dedicated as public land would make the second phase more marketable and would provide a substantial community benefit in the form of land dedication.

An un-named tributary to Inwood Creek crosses the site in a west-to-east direction and effectively bisects the site into a southern parcel and a northern parcel. The southern parcel is accessed from Clements Road, through Phase 1 of Inwood Creek Estates. The northern parcel is accessed via Highway 18 and the Currie Creek Forest Service Road. Substantial road construction has already occurred to provide access to the lands.

The subject properties are surrounded by Crown-owned land to the north, south and west. Rural residential properties are located to the east, with lot sizes that range from approximately 0.4 ha (1.0 ac.) to 12 ha. (30.0 ac.). These lands are designated "Agricultural" in the OCP and are predominantly zoned A-2 (Secondary Agricultural). Suburban Residential designated lands are located south of the subject lands, on either side of Cowichan Lake Road between River Bottom Road to the east and Culverton Road to the west.

Policy Context:*Official Community Plan:*

The OCP for Area E and Part of Area F (Bylaw No. 1490) designates the subject property and lands to the north, south and west as Forestry. Forestry designated lands are intended primarily for timber production although secondary uses such as forest-based recreation are also permitted. The following policies from the OCP apply to the Forestry designation and the subject lands:

Policy 5.1.1

Except where otherwise provided in this Plan, forestry related uses shall be given priority on lands designated Forestry in the Plan map, however, the following subordinate uses may be permitted:

- a) Mineral and aggregate extraction and processing;*
- b) Outdoor recreational activities, not involving permanent structures; and*
- c) Residential, agricultural and horticultural uses.*

Policy 5.1.2

Lands in the Forestry designation where continuous forestry is envisioned shall be zoned "Primary Forestry" with applicable minimum parcel sizes of 20.0 hectares.

Policy 5.1.3

Notwithstanding Policy 5.1.2, those lands which are designated Forestry in the Plan map but are not suitable for forestry use due to poor forest growth capabilities or proximity to conflicting land uses may be zoned Secondary Forestry with an applicable minimum parcel size of 4.0 hectares, or Forestry/Residential with an applicable minimum parcel size of 3.5 hectares.

Policy 5.1.8

Except as stated in Policy 5.1.4 the Regional Board shall not rezone the following types of lands from Forestry to any other zone category:

- a) Lands currently in a Tree Farm License;*
- b) Lands currently classified as private Managed Forest under the Assessment Act;*
- c) Lands that were classified as private Managed Forest under the Assessment Act within 5 years of the date of application for rezoning of such lands; or*
- d) Provincial Forest Land.*

As the application is proposing to change the designation of the subject lands to Residential, the following OCP policies are also applicable:

Policy 7.1.1

The Regional Board shall not approve any bylaw which would designate additional land for residential use or increase the density of existing residential lands prior to a review of residential land availability in the planning area.

Policy 7.1.2

Where a review of residential land availability indicates that there is sufficient land available to satisfy the anticipated population growth over a five year period or where additional residential areas would reduce the area's ability to economically provide for community services, designation of additional residential lands shall be denied or deferred until infilling of existing residential areas has occurred.

Policy 7.1.3

Cluster forms of development may be permitted through the use of a density averaging formula where it would facilitate more efficient use of the land while providing amenities and protecting features of a specific site. Where a subdivision is created by means of a density averaging, it shall be necessary for a restrictive covenant to be registered in the name of the Regional District against the title of the lands at the time of registration of the subdivision, prohibiting further subdivision of any lot created from the original parcel where the aggregate average of all lot sizes does not permit further subdivision of the original parcel.

Policy 7.1.6

Where a rezoning proposal would result in the creation of five or more parcels, a neighbourhood plan shall be required which will establish an overall subdivision concept that would permit efficient use of land and outline possible impacts on surrounding land uses and a public meeting shall be held prior to first reading.

With respect to density and minimum lot size, the OCP identifies a minimum parcel size of 5.0 hectares (12.35 ac.) for the Rural Residential designation and 2.0 hectares (4.94 ac.) for parcels that are designated Suburban or Urban Residential, where neither community sewer or water are available.

Advisory Planning Commission Comments:

The Area 'E' Advisory Planning Commission visited the property and discussed the application at its April 16, 2009 meeting. The application was reviewed again on April 28, 2009, where the following motion was passed:

That the application be accepted subject to the following conditions:

- 1. That lot 5 be eliminated for elk habitat and a developed lot (with well, power and septic) be given to the CVRD for Area E parks revenue and a developed lot (with well power and septic) be given to the Sahtlam Fire Department for the purchase of equipment making a total of 43 lots for the development;*
- 2. That the developer continue dialog with Cowichan Tribes regarding elk habitat and elk movement corridors,*
- 3. That the rights-of-way between lots 24 and 25 and lots 37 and 38 be re-instated for connectivity and that a (3 metre minimum) right-of-way between lots 33 and 34 be established;*
- 4. That the developer build a pedestrian bridge to connect the right-of-way between lots 28 and 29 and the right-of-way between lots 16 and 17 subject to Riparian Area Regulation; and*
- 5. That, as recommended in the April 28th, 2009 letter from Cowichan Tribes, some reforestation be carried out in the dedicated areas.*

As a portion of the subject land is directly adjacent to boundary between Area E and Area F, the application was also referred out of courtesy to the Area 'F' APC. The minutes from the May 13, 2009 Area 'F' APC meeting recorded the following motion regarding the application:

That Area "F" APC endorse application 2-E-08RS (44 lot project) as presented.

Parks Commission Comments:

The Area 'E' Parks Commission reviewed the application on April 20, 2009. Although the Commission did not pass a resolution regarding the proposal, the minutes from the meeting and comments from individual parks Commission members are attached to this report.

Government Agency Comments:

This application was referred to government agencies on March 10, 2009. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation and Infrastructure – *Pursuant to section 52(3)(a) of the Transportation Act, approval is granted subject to the following reasons: The Ministry of Transportation would have no objections to the land use proposed, however this is not to be construed as approval of any subsequent subdivision.*
- Ministry of Forests – *No comments received*
- Sahtlam Volunteer Fire Department – *No comments received*

- Vancouver Island Health Authority – *At the subdivision stage, the applicant will have to comply with the Vancouver Island Health Authority Subdivision Standards once this office receives a referral from the approving officer.*
- Cowichan Tribes – *See attached letter*
- School District 79 – *No comments received*
- CVRD Parks, Recreation and Culture Dept. – *Refer to Parks Commission Comments*
- Ministry of Community Services – *Interest unaffected – Please see the following documents: Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia and A Guide to Green Choices – Ideas and Practical Advice for Communities in BC.*

Planning Division Comments:

Land Use:

Official Community Plan bylaw No. 1490 discourages the conversion of forestry land for residential or other non-forestry uses. Primary forestry land is intended to be maintained as large parcels (20 ha. or larger) for commercial forestry. Smaller parcels sizes of between 3.5 ha. and 8 hectares may be considered where land is not suitable for forestry due to poor growing condition or conflicting land uses. Lot sizes less than 3.5 ha. are not considered suitable for forestry use and would require a residential OCP designation in order to rezone and subdivide as proposed.

The subject lands are on the periphery of the Sahtlam community, in an area that has been primarily used in the past for forestry. The forestry lands have partially defined the northern limits of the Sahtlam community, and conversion of these lands to residential use represents an expansion of the residential area recognized as Sahtlam. OCP policies 7.1.1 and 7.1.2 acknowledge that some expansion of the Sahtlam community may be necessary to accommodate future growth of the community. The Plan does not, however, identify when and where such an expansion should occur, but rather suggests that residential expansion should not occur until a review has been completed that demonstrates a need for additional residentially zoned land.

Current and Future Residential Land Supply:

Although a comprehensive review of residential land supply and demand in the Sahtlam area has not been completed, observation of the local housing market does indicate a need for additional residential lots in the area at this time. Lots in phase one of Inwood Creek Estates have been slow to sell and many remain for sale. Additional lots in the area are also expected to become available as the 50 lots approved for the Caromar lands are developed. Other approved and in-process development applications could result in a further 15-20 lots between Kapoor Road and Riverbottom Road. At this time, it does not appear to staff that additional residential development land is warranted.

While staff do not see an immediate need for additional residential development land in the area, the subject properties appear to be a good location for accommodating expansion of the Sahtlam community in the future. The lands abut existing settlement on the east boundary and are close to existing residential development to the south and would make a logical extension of the existing community. Although the subject properties are partially surrounded by crown-owned forestry land, it is likely these Crown lands will be part of a future treaty settlement. The referral response letter from Cowichan Tribes (see attached) indicates these lands are intended to provide future housing for Cowichan Tribes members. If so, the lands that are the subject of this

application would be largely surrounded by residential use and may be impractical for commercial forestry.

Official Community Plan Review:

In the absence of obvious pressures for additional residential development land in Sahtlam, staff recommend the subject properties and adjacent lands be reviewed as part of the Area 'E' Official Community Plan review scheduled for 2010. This would allow the future use of the properties to be considered in a larger context and would allow the community to more actively participate in determining future growth patterns for the area. A possible risk with this approach is that the owners may choose to remove gravel deposits from the properties and preclude public access if consideration of the proposal is deferred pending the outcome of the OCP review.

Alternatively, if the Committee and Board believe there is sufficient merit with the application it could proceed in advance of the 2010 OCP review. If the Board chooses this option, staff recommended that it occur based on the following conditions.

1. That the applicant amend the application and conceptual site plan to address the conditions identified in the April 29, 2009 Area "E" APC recommendation.
2. That a public meeting be held where the Sahtlam community can review and comment on the proposal.

Zoning and Development Approval:

Should the subject application be approved and the Board directs that amendment bylaws be prepared, it will be necessary to determine an appropriate form of zoning. As there is substantial public land dedication proposed and possibly other amenities should the applicant agree to the conditions identified by the APC, staff recommend either a density bonus zone or a phased development agreement to secure the amenities. Either of these approaches will require that the commitments associated to be clearly defined before the bylaw amendments and associated agreements and covenants can be drafted. Bylaw drafting is therefore not recommended until after the public meeting and after direction from the EASC and the Board.

Options:

- A. That OCP and Zoning Amendment Application No. 2-E-08RS (Inwood Creek Estates – Phase 2) be denied and that the appropriate refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 2255, as amended; AND FURTHER, that the subject properties and surrounding lands be considered as a possible residential expansion area as part of the 2010 Area 'E' OCP review.

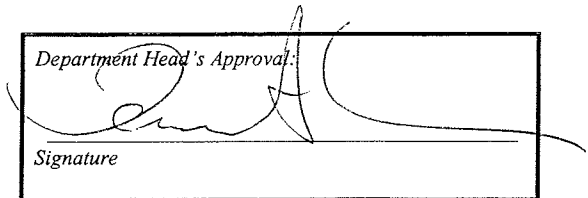
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- B. 1. That the applicant for OCP and Zoning Amendment Application No. 2-E-08RS (Inwood Creek Estates – Phase 2) provide written confirmation as to how he intends to address the conditions indentified in the April 29, 2009 Area “E” APC recommendation prior to the application proceeding to public meeting; AND
2. That OCP and Zoning Amendment Application No. 2-E-08RS (Inwood Creek Estates – Phase 2) be presented at a public meeting to obtain community input and that the application be reviewed at a future EASC meeting with a report documenting public input and draft bylaws.
- C. That staff be directed to prepare OCP and Zoning amendments bylaws for Application No. 2-E-08RS (Inwood Creek Estates – Phase 2) and that a public hearing be scheduled following first and second reading of the amendment bylaws with Directors Duncan, Morrison and Iannidinardo appointed as Board delegates.

Submitted by,

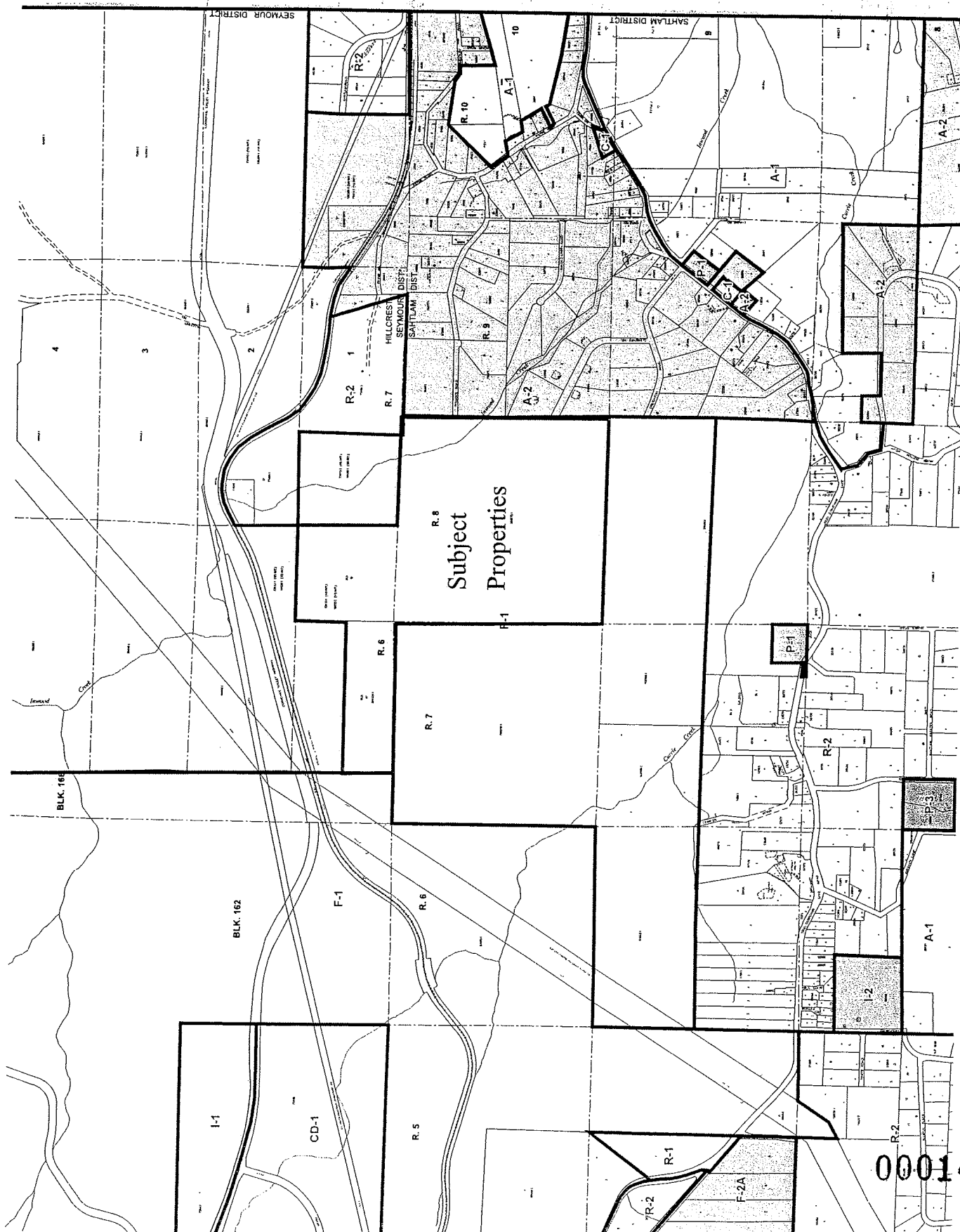


Rob Conway, MCIP
Manager, Development Services Division
Planning and Development Department



RC/ca
Attachments

000142



000143



**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.

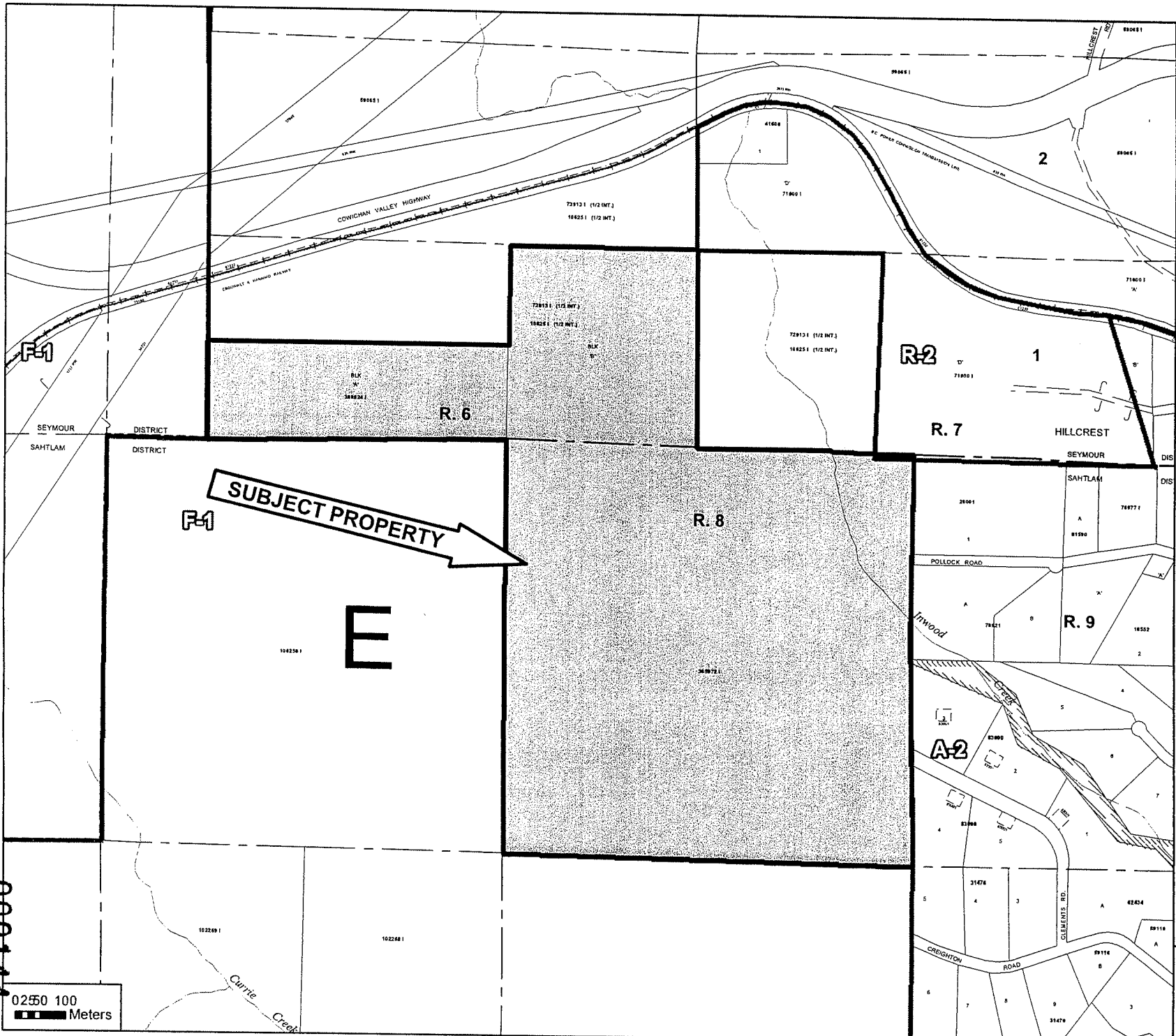
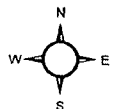
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 2-E-08-RS

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area E



000144

0 250 100
Meters



**Cowichan
Valley
Regional
District**

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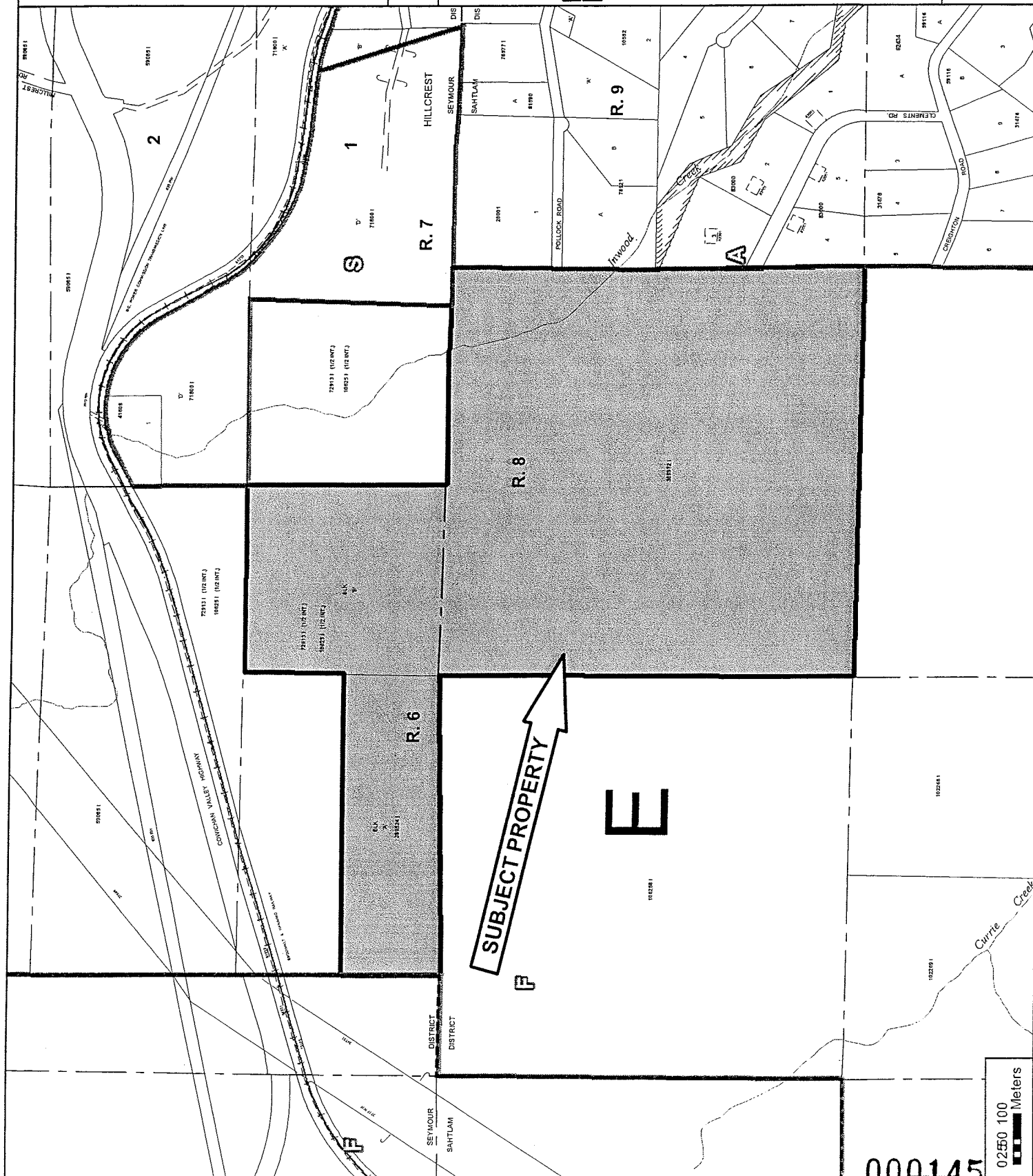
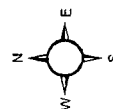
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OCP

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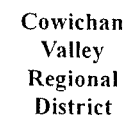


Subject Property
OCP Electoral Area E



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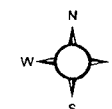


The Regional District does not warrant the accuracy.

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

FILE: 2-E-08-RS

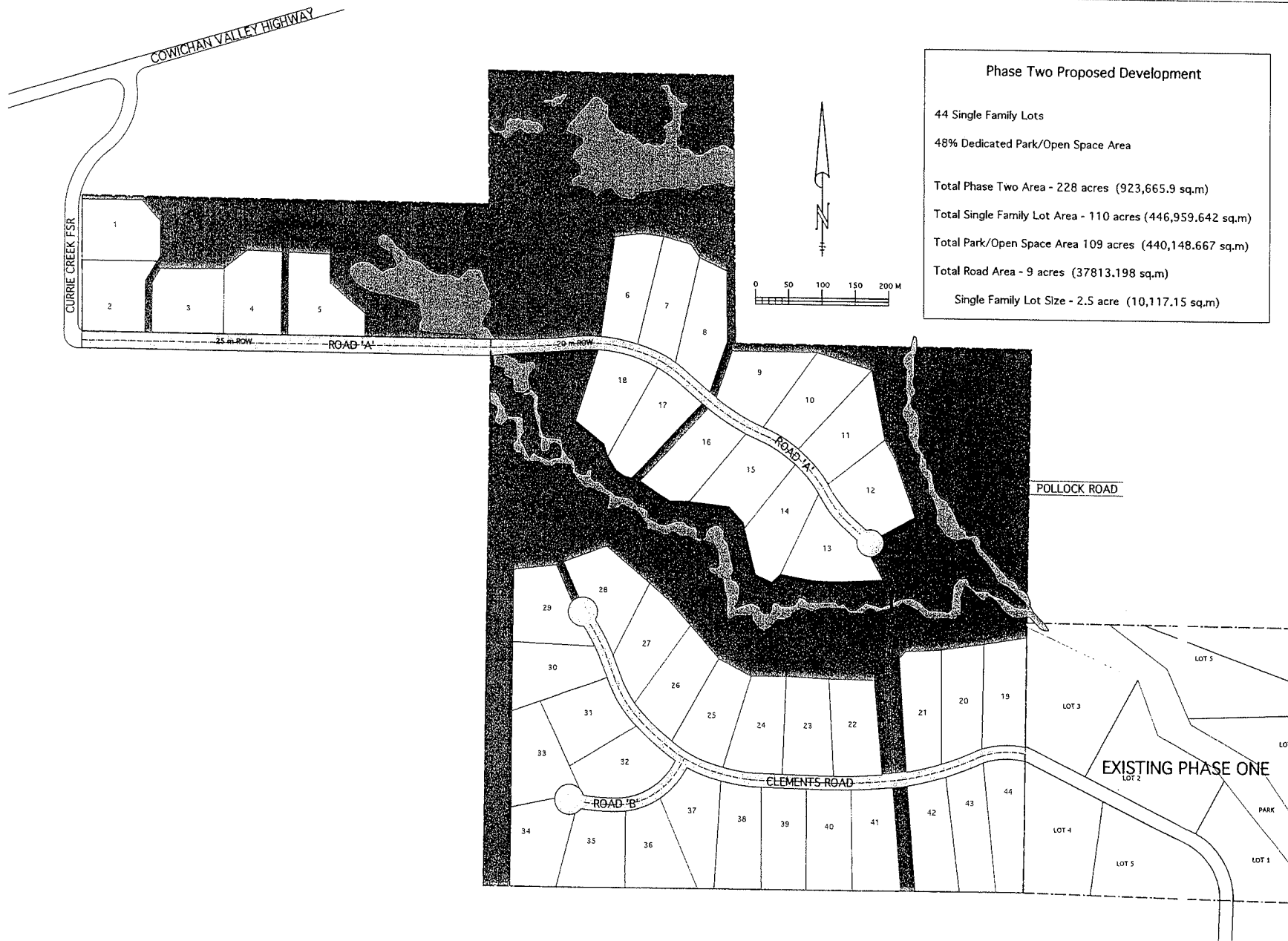
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SUBJECT PROPERTY

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Meters

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Phase Two Proposed Development

44 Single Family Lots

48% Dedicated Park/Open Space Area

Total Phase Two Area - 228 acres (923,665.9 sq.m)

Total Single Family Lot Area - 110 acres (446,959,642 sq.m)

Total Park/Open Space Area 109 acres (440,148.667 sq.m)

Total Road Area - 9 acres (37813.198 sq.m)

Single Family Lot Size - 2.5 acre (10,117.15 sq.m)

1	April 2009	Client Review
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3L -
Development

project title

drawing title

Development Plan
Inwood Creek Estates
Phase Two

48 % PARK

scale: 1:2500

designer/drawn by: CH
checked by:

Stamp



Minutes of the Cowichan Station/Sahtlam/Glenora Parks and Recreation Commission Meeting, held on April 20th, 2009 at 6:00 p.m. at Sahtlam

Present: Director Loren Duncan, Paul Slade, Howard Heyd, Irene Evans, Phil Gates, John Ramsey, Larry Whetstone, Ron Smith, Frank McCorkell and Tanya Soroka, CVRD Parks Planning Technician.

On-site Tour: Prior to holding the Commission meeting an on-site tour was made of the potential re-zoning of Inwood Creek Development—Phase 2. This 89 hectare parcel is owned by 3L Developments and owner Kabel Atwall accompanied the Commission.

Call to Order: The meeting resumed at the Sahtlam Fire Hall at 7:20 p.m.

Following the on-site the Chair asked Mr Atwall to provide the Commission with any additional background information that would assist with its deliberation regarding the parkland dedication within the development. Mr. Atwall indicated that at this time there was going to be approximately 45% of the land dedicated to park although this would likely raise a little as he was planning to ask this staff to eliminate some of the lots in one area and possibly include some in another portion of the property. Furthermore servicing of the lots would be wells on each lot, septic on each lot, and above ground hydro. Access to the top section of the property would be from the Currie Creek Forest Road off Highway 18 and this road would have to be brought up to highway standards and then become a public road. This would be done at the developer's expense. Likely the development would be done in two phases.

At this point there were questions by members of the Commission with respect to the possible access off Highway 18 and why the road would not be connected and join Highway 18 with Old Lake Cowichan Road. It was pointed out by both the developer and Director Duncan that the Sahtlam community was quite opposed to this idea.

In addition there was further discussion on one particular area (lots 6-10 and 19, 20) of the most recent plan. Mr. Atwall indicated a new plan of subdivision was being developed and he would try and get it to the parks staff in a week or so and would likely show some lots within this cluster eliminated.

At this point Mr. Atwall and Ms. Soroka left the meeting.

Minutes

The Minutes of the March 5th, 2009 meeting were distributed and reviewed by the Commission members.

Business Arising

There was some discussion regarding the Glenora Staging Area Community Park and the Commission requested that the Parks Department contract to have the park road graded and dust abatement measures be initiated right away. It was requested that the material to control the dust be administered from the east end of the east parking lot through to the far end of the west parking lot near the new washrooms. In addition that the Department publish a request for tenders to contract for snow plowing the road very soon.

A memorandum from Brian Farquhar Parks and Trails Manager, regarding the insurance coverage for CVRD Volunteers was distributed to each member for their information.

Minutes of the Parks and Recreation Commission meeting of April 20, 2009 continued:

New Business

3L Developments Inc. Proposal:

There were additional input from all members of the Commission regarding this proposed subdivision as it pertains to the size and location of park land to be dedicated. Because the owner was aware of the concerns some Commission members held he is planning to draft a new plan which will be distributed to all members as soon as it is made available to the Parks Department—in approximately a week.

With this in mind there was a general consensus that the Commission could not made a definitive recommendation regarding the park dedication at this time.

The Chair suggested that if there was agreement he would request the Parks Department to send out the new map to each member by e-mail or mail once it is available. Each Commission member would then send their comments to the Chair, via e-mail or phone at which time the comments would be compiled and sent to the Department so it can be included in any information package to be provided to the Development Services Committee.

Upcoming Meeting At Cowichan Station

Director Duncan distributed information regarding the meeting to be held on May 4th at 7p.m. regarding the future use of the Cowichan Station School Site. He requested as many members of the Commission as possible attend the meeting.

Next Meeting

The next meeting will be held in mid May and will include an on-site tour with members of the horse riding fraternity of the Cowichan Valley at the Glenora Staging Area Park. The Chair will establish the exact date in consultation with Director Duncan and the horse club members.

Adjournment

The meeting adjourned at 8:50 p.m.

Hi Jim:

I asked for comments from our Commission members regarding this rezoning/subdivision proposal. While the issues to be addressed should be limited to the 'green space/parkland dedication as you will read below a number of other issues came in to the discussion. I'll not attach any individual names but have input from all members. One who is on the APC and Commission will speak at your meeting.

Commission Member 1

I assumed by the way Kabel was talking 4 further lots would be deleted (including 6 & 7) and the last lot "8" with the well would stay. Other than that, 48% dedication to parkland is fair.

Commission Member 2

The elk corridor is quite sufficient and with the increase in the public park land to 48% I have no objections to this subdivision from a Parks and Recreation perspective.

Commission Member 3

I feel the lot size should be a minimum of 2 ha., that Road 'A' should be completed to proper standards and connected to Clements Road at the time of subdivision so future taxpayers don't have to pay for its development. And finally, fisheries should be asked for their input.

Commission Member 4

Lot 6, 7 and 18 should be removed, and eliminate the green corridor between lots 16 and 17 and between 8 and 9 except at the rear of these two lots alone the present property boundary.

Commission Member 5

I'm concerned with the lot size, and think they should be similar to those in existing phase one. Also, am concerned with the standing water in many of the text holes and the need to prove water. Finally, Road 'A' should be developed and paved to the standard existing in phase one and connected to Clements Road. If all conditions are met I'm in favour of the proposal.

Commission Member 6

My comments are as follows:

1. I agree with Tanya's observations which accord with my understanding of the April 20, 2009 discussion of the "Kabel" Plan
2. My fundamental disagreement with the "Kabel Plan" remains that it fails to measure up from a **Community** perspective:
 - A) It ignores the policy of Cowichan Tribes that "the city should stay in the city, and the country should stay in the country" (see Tribes letter to CVRD dated May 22, 2007) because the "Kabel Plan" creates a subdivision development "in the middle of nowhere" (i.e. halfway between Duncan and Lake Cowichan) with poor social & public transit connections except by automobile (i.e. not a "Green" project!)
 - B) The "Kabel Plan" effectively severs this development from becoming part of the Sahtlam community by denying vehicular traffic over the connecting bridge to the South to Lake Cowichan Road.
 - C) the siting of Lots #6, #7 and #8 effectively cuts off the general public's (including the adjacent First Nations residents) enjoyment of the viewpoint North across the natural valley overlooking the Roosevelt Elk Meadow. (this area of outstanding beauty of parkland with its existing horse & hiking trails must be preserved in perpetuity without threat of commercial development including clear cut logging and/or the taking of gravel from the Site.

D) The existing Roosevelt Elk egress across this area must be preserved by a significant & meaningful trail corridor which must be dedicated as a "Nature Preserve" within the proposed "parkland area" designated under C above.

In conclusion, I regret the absence of a Regional Strategic Plan for the CVRD to allow the Parks Committee to measure land usage considerations intelligently rather than on an ad hoc basis with the developer always in a more knowledgeable position on the technical aspects of a specific project. I therefore rest my case on the unanswered (in the latest Plan) concerns raised by Tanya Soroka in her Memorandum of April 7, 2009 on the "Potential rezoning of Inwood Creek Development Phase 2 (3L Developments Inc)-Potential Park Dedication and I conclude that unless the current Plan lots #6, #7 and #8 are dedicated "Parkland" the proposed public land dedication does NOT adequately protect environmental and recreational features of the Site."

Finally!!

Commission Member 7

I believe lot 6 should also be eliminated from the plan and I also am not in favour of lots being less 2 hectares in size.

There you have it Jim.

Ron

**Elk Habitat Assessment for Inwood Creek Estates
Phase 2, Cowichan Valley**

EXECUTIVE SUMMARY

This report was prepared in support of a rezoning application by the proponent, 3L Developments, to allow subdivision and development of the site. The property is located in the Cowichan Valley, north of Paldi and south of Highway 18. It has a total area of about 94 ha, with parkland dedications covering about 45 % of the area. A total of 46 lots are proposed at full build-out. The site will be accessed from a short road off the Currie Creek Forest Service Road and by extending Clements Road.

The proponent had noted the presence of several Roosevelt Elk, a Provincially Blue-Listed subspecies of considerable management interest, on the property over the past few years. However, prior to this study the nature and intensity of elk use at the site had not been investigated. As a result, the primary objectives of this assignment were to:

- 1) Document elk occurrence on and near the site, and place it in a regional context;
- 2) Assess habitat conditions on the property;
- 3) Identify potential impacts on elk or elk habitats associated with site development;
- 4) Discuss strategies for mitigation of any impacts considered significant; and
- 5) Identify opportunities for on-site elk habitat enhancement.

The assessment was based on site inspection carried out October 30th and 31st of 2007, background review of existing information and interviews with personnel familiar with the region. Based on the information obtained through fieldwork and desktop review, the following were concluded:

1. Five habitat types present on the site are considered attractive to Roosevelt Elk. Early Seral Forest, Seeded Pasture, and Alder Swamp habitats are valued primarily for their high forage values, while Riparian Forest and Shrub Carr habitats are valued for both their forage and security/travel cover values.
2. Given the low elevation of the site, the dearth of optimal snow interception cover is not expected to be a limiting factoring in the persistence of local elk herds.
3. The size of the lower Cowichan Valley elk herd is estimated to be in the vicinity of 60 animals. It appears to be increasing in numbers, while the herd in the neighbouring Chemainus River Valley is believed to be stable.
4. No elk were directly observed on the site during the October reconnaissance. However, evidence of elk use was recorded on the site and neighbouring areas, primarily in the north-central and northwestern parts of the site.
5. Based on the presence of sign, elk appear to use the site in all seasons. The amount of observed sign suggests use by only one or a few elk (i.e. <8).

6. Given the apparent low levels of use by elk, and the extensive retention of green space on the site (45 % of the total area), habitat impacts from site development are not expected to be significant at the individual or local herd level.
7. A potential area of concern for traffic-related impacts to elk occurs near the mid-point of proposed Road 'A,' where it would bisect retained high-use Alder Swamp and Riparian Forest habitats.
8. The possibility exists that recently cleared parts of the Phase 2 site will eventually attract use by members of the large elk herd occurring a few kilometers to the east. This would most likely involve a small "bachelor" group of mature but subordinate bulls. It may also include mixed groups of bulls, cows, and calves.

The following recommendations were offered to minimize potential environmental impacts associated with site development:

- To reduce the potential for elk-vehicle collisions along Road 'A', standard highway "Elk Crossing" signs should be installed between Lot 6 and Lot 7.
- The potential for conflicts arising from elk damage to lawns and/or landscaping could be reduced by having homeowners install 2.4 m high page wire wildlife exclusion fencing around the perimeter of their properties.
- While on-site habitat enhancement for elk is not recommended at this time, consideration should be given to establishing a "decoy" meadow within the existing green space area, to reduce elk damage to lawns and landscaping should a large increase in elk numbers occur in future years.

7.0 FORESTRY AND AGRICULTURAL ZONES

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

7.1 F-1 ZONE - PRIMARY FORESTRY

(a) Permitted Uses

The following *uses*, *uses* permitted under Section 4.4, and no others are permitted in an F-1 zone:

- (1) management and harvesting of primary forest products, excluding sawmilling, manufacturing, dry land log sorting operations, *offices* and works yards;
- (2) *agriculture, silviculture, horticulture*;
- (3) *bed and breakfast accommodation**;
- (4) daycare, nursery school accessory to a residential use*;
- (5) *home occupation**;
- (6) one single *family dwelling*;
- (7) *secondary suite**, or *small suite**.

* use may require approval of Forest Land Commission

(b) Conditions of Use

For any *parcel* in an F-1 zone:

- (1) the *parcel coverage* shall not exceed 30 percent for all *buildings* and *structures*;
- (2) the *height* of all *buildings* and *structures* shall not exceed 10 metres;
- (3) the *setbacks* for the types of *parcel* lines set out in Column I of this section are set out for residential and *accessory uses* in Column II and for *agricultural* and other permitted *uses* in Column III:

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

- (4) Notwithstanding Section 7.1(b)(3), a *building* or *structure* used for the keeping of livestock shall be located not less than 30 metres from all *watercourses*, sandpoints or wells.

(c) Minimum Parcel Size

Subject to Part 12, the minimum *parcel* size in the F-1 zone is 80 Ha.



Cowichan Tribes
5760 Allenby Road Duncan, BC V9L 5J1
Telephone (250) 748-3196 Fax: (250) 748-1233

April 28, 2009

Our File No. 714 (8852095)
VIA FAX: 250-746-2621

CVRD
175 Ingram Street
Duncan BC V9L 1N8

**Attention: Rob Conway, Development Services Division, Planning and Development
Department**

Dear Mr. Conway;

Re: Bylaw Amendment: Inwood Creek. Your File: 2-E- 08RS (3L Developments Inc)

This letter is in response to the Bylaw Amendment referral letter sent to Cowichan Tribes, dated March 10, 2009. The project area is within the traditional territory of Cowichan Tribes. This site is an historical and contemporary aboriginal use site for our Cowichan Mustimuhw (people) for sacred and ceremonial purposes, medicine and gathering locations, Kwewe'uts (Roosevelt elk) habitat, all of which are in impacted by this proposal.

Cowichan Tribes reviewed the development site area on April 20, 2009 and Kabel Atwall, of 3L Development, was in attendance.

Elk Habitat

Elk habitat is disappearing quickly in the Cowichan Valley. Cowichan members rely upon elk meat to supplement their families' diets. Elk habitat must be given due consideration in any new development to maintain biological diversity and respect traditional subsistence patterns. The executive summary of the report by Ursus Environmental, "Elk Habitat Assessment for Inwood Creek Estates Phase 2, Cowichan Valley" noted three habitat types present on the site that are important for their high forage values and two habitat types important for both forage and security/travel cover values. Elk sign is present on the site and with the increasing populations of elk in the area, potential problems of the human/wildlife interface are likely to occur. These include elk-vehicle collisions and conflicts arising from elk damage to lawns and gardens, as suggested in the Ursus report. The report suggests homeowners install 2.4 m high wildlife exclusion fencing around the perimeter of their properties. Fences further reduce the travel corridors for elk, hence reducing their ability to get to their forage areas.

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Throughout the Cowichan Valley, developments continue to destroy elk habitat and movement corridors. This development proposal is yet another example of this. An Elk management plan for the Cowichan Valley has not yet been developed by the Ministry of Environment, nor has a Regional Growth Strategy been developed by the CVRD. Increasing agricultural conflicts and roadway incidents are occurring as a result of human encroachment into Elk habitats. Wintering areas and safe travel corridors are essential to prevent these conflicts. Consideration of elk habitat would ensure adequate hunting opportunities for our people.

In this proposal, not only is valuable elk habitat lost, but the area where the elk corridor has been planned, is bisected by a road. This again sets up the potential for elk/human conflict. We do note however, that the most recent draft of your planned development has increased the area of the elk corridor between adjacent Crown lands.

Water

Two wetland ecosystems are identified on the property. Inwood Creek and other secondary creeks flow through the property. Inwood Creek is fish-bearing and flows into the Cowichan River. This creek has well-established contemporary cultural and spiritual use sites which are very important to Cowichan Tribes.

Higher development densities put more pressure on the local aquifer which ultimately affects the Cowichan River. Water issues are unresolved and there is uncertainty about how much water is present in local aquifers. Cowichan Tribes stresses that a comprehensive water study for the Cowichan River watershed is needed in order to ensure that our water supply is not put at risk by the numerous development proposals received and approved by the CVRD.

Should this development take place, we recommend that several well monitors be in place so that data on aquifer water levels can be applied in the future.

Rezoning Forested Lands

Cowichan Tribes does NOT support rezoning of forestry lands. This rezoning process continues to create ad hoc development throughout the Cowichan Valley, with no for sight into the future needs of the community and the protection of the environment. Communities across BC are striving to keep development contained to pre-determined growth areas, and the best tools available to do this are the Official Community Plan and a Regional Growth Strategy. The Cowichan Tribes recommends that a **moratorium** be placed on rezoning forestry zoned land until a Regional Growth Strategy is developed for the valley. Forests must be properly managed with the potential to preserve wildlife and bird habitat, allow First Nations to pursue cultural activities, maintain rural values, provide hunting and recreational opportunities, and to generate jobs and tax revenue.

Adjacent Crown Land

Crown land is located to the north, south and west of this proposed development area. These Crown lands have been designated for Cowichan Tribes' treaty table. Development adjacent to natural areas on Crown land reduces the value of that Crown land for wildlife habitat, traditional hunting, as well as many other cultural and spiritual activities that are known to occur there.

According to the Phase Two Proposed Development map, access to the site is by way of Currie Creek FSR. This Forestry Service Road is on Crown land and the connecting unnamed road is on Crown land

April 27, 2009

and has a license of occupation.

It has not gone unnoticed that developments in this area are going ahead with the presumption that the Crown lands (i.e., Treaty lands) will remain forested into the future thereby compensating for the habitat values that would be lost to development. This assumption is not fair or realistic since once treaty negotiations are complete, Cowichan Tribes intends to address its dearth of healthy housing by building new homes for our members. Potentially these particular Crown land pieces will be considered in the future for that purpose. What of elk habitat in the event of this occurring?

Dedicated Areas

Most of the property has been recently logged, and very few trees remain standing, including the dedicated areas. A portion of the area has recently been planted, in what looks like grasses. We recommend that reforestation be carried out in these areas and should include western redcedar, Douglas fir, and native shrubs. Note that the Ursus Environmental states that this would benefit the elk, by increased security cover.

Please contact our referrals coordinators, Helen Reid or Tracy Fleming, if you wish to discuss this matter further.

Yours truly,



Larry George

Land and Governance Manager

LG/hr

pc. Kabel Atwall, 3L Developments

D10

**COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT**

REQUEST FOR DELEGATION

APPLICATION DATE:	<u>July 28, 2009</u>
NAME OF APPLICANT:	<u>Wayne Friesen</u>
ADDRESS OF APPLICANT:	<u>2300 Regina Drive, Duncan, BC, V9L 5V4</u>
PHONE NO.:	<u>250-701-1114</u>
REPRESENTING:	<u>Carley Cove Co-Owners</u>
	<u>Name of Organization</u>
MEETING DATE:	<u>August 4, 2009</u>
COMMITTEE/BOARD NAME:	<u>Electoral Area Services Committee</u>
NO. ATTENDING:	<u>2</u>
NO. WISHING TO MAKE A PRESENTATION:	<u>2</u>

TOPIC TO BE PRESENTED:

We were not notified in advance of the June 16, 2009 EASC meeting to give us the opportunity to present our proposal and application (2-I-05RS). We were not aware our application was denied until a letter was received in the mail on July 27 with a partial refund cheque.

NATURE OF REQUEST/CONCERN:

We request that the decision on our application be reversed, our file reopened, and we be given our right to present our proposal to the EASC and/or Board.

- ⇒ Protocol has been broken and we have not been given the opportunity to speak on our application and proposal.
- ⇒ The request to review discrepancies in Mike Tippet's report before the final report and application went to the CVRD has not taken place.
- ⇒ We did not receive a copy of Mike Tippet's final report on our application prior to the June 16 EASC meeting.
- ⇒ Mike Tippet's report makes many references to the current OCP which was not implemented

Note: Once the request for delegation application has been favourably considered, presentations will be restricted to ten (10) minutes, unless notified otherwise.

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- ⇒ We have been following the direction of the CVRD and previous Director for the last 4 years regarding our application and it is fair and considerate that we be given the opportunity to provide an update to the Committee, including the new Directors.



SRI

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING AUGUST 4, 2009

DATE: July 13, 2009 **FILE NO:** 0540-20-EASC/07
FROM: Sybille Sanderson, Acting General Manager, Public Safety
SUBJECT: Reserve Fund Expenditure from Reserve Fund Bylaw #1301

Recommendation:

That staff be authorized to prepare a Reserve Fund Expenditure Bylaw authorizing the expenditure of a maximum of \$10,000 from Reserve Fund Bylaw #1301 (Malahat Fire Protection Specified (Local Service) Area Machinery and Equipment Reserve Fund Establishment Bylaw #1, 1990), for the purpose of acquiring an imaging camera, and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

Purpose:

To obtain Board approval for a Reserve Fund Expenditure, not to exceed \$10,000, to acquire an imaging camera for the Malahat Fire Protection Service Area.

Financial Implications:

As discussed.

Interdepartmental/Agency Implications:

N/A

Background:

In the 2009 budget, the Malahat VFD budgeted \$10,000 from reserve funds to purchase an imaging camera and the reserve fund expenditure authorization is now being sought to allow finalization of the purchase.

Submitted by,

Sybille Sanderson
Acting General Manager, Public Safety

/bw

000160



STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING

OF AUGUST 4, 2009

DATE: July 14, 2009 **Bylaw No.:** 3293 & 3294
FROM: Kathleen Harrison, Legislative Services Coordinator, Corporate Secretariat Division
SUBJECT: Cowichan Lake Fire Protection Service Area & North Oyster Fire Protection Service Area Amendment Bylaws (Boundary Extensions).

Recommendations:

1. That "CVRD Bylaw No. 3293 – Lake Cowichan Fire Protection Service Area Amendment Bylaw, 2009", be forwarded to the Board for consideration of three readings and adoption.
2. That "CVRD Bylaw No. 3294 – North Oyster Local Service (Fire Protection) Area Amendment Bylaw, 2009", be forwarded to the Board for consideration of three readings and adoption.

Purpose:

To introduce CVRD Bylaw Nos. 3293 and 3294 which extend the boundaries of the Lake Cowichan and North Oyster Fire Protection Service Areas to include two additional properties in each fire protection service area.

Financial Implications:

Costs for both services are to be recovered through parcel taxes on the appropriate parcels within the applicable participating area. The maximum amount of money that may be requisitioned annually in support of the Lake Cowichan Fire Protection Service (within a portion of Electoral Areas F – Cowichan Lake South/Skutz Falls and I – Youbou/Meade Creek) is the greater of \$80,000. or 1.0811 per \$1,000. of net taxable land and improvements. The average costs to taxpayers (based on the 2009 tax rate of .6290/\$1,000.) within the Lake Cowichan Fire Protection Service Area with property assessed at \$100,000. is approximately \$62.90 annually. The maximum amount of money that may be requisitioned annually in support of the North Oyster Fire Protection Service (within a portion of Electoral Area H – North Oyster/Diamond) is the greater of \$105,650. or .704 per \$1,000. of net taxable land and improvements. The average costs to taxpayers (based on the 2009 tax rate of .5811/\$1,000.) within the North Oyster Fire Protection Service Area with property assessed at \$100,000. is approximately \$58.11 annually.

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Interdepartmental/Agency Implications:


These bylaws require the approval of the service area voters before they can be adopted. In cases where a sufficient petition for services has been received, voter approval may be obtained by the Area Director consenting, in writing, to the adoption of the Bylaw. These bylaws also meet the criteria for exemption from obtaining the Inspector of Municipalities approval pursuant to the *Regional Districts Establishing Bylaw Approval Exemption Regulation, B.C. Reg. 113/2007*.

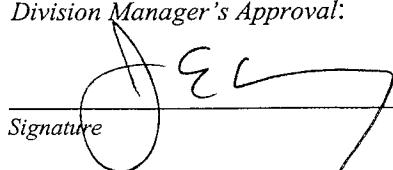
Background:

At its meeting held July 8, 2009, the Board received sufficient petitions for inclusion in each of the service areas from property owners within the applicable service areas. The Board further endorsed Resolution Nos. 09-348-2 and 09348-3 that directs that the boundaries of the service areas be extended to include the subject properties and that the appropriate fire protection service establishment bylaws be amended to include these properties.

Therefore Amendment Bylaw No. 3293 extends the boundaries of Bylaw No. 1657 – Lake Cowichan Fire Protection Service Area to include two additional properties. Further, Amendment Bylaw No. 3294 extends the boundaries of Bylaw No. 1689 – North Oyster Fire Protection Service Area to include two additional properties and both bylaws are attached for consideration.

Submitted by,


Kathleen Harrison
Legislative Services Coordinator
Corporate Secretariat Division

Division Manager's Approval:

Signature

Attachment: Bylaw No. 3293
Bylaw No. 3294

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COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3293

A Bylaw to Amend the Lake Cowichan Fire Protection Service Establishment Bylaw

WHEREAS the Board of the Cowichan Valley Regional District established the *Lake Cowichan District Fire Protection Area* under the provisions of Bylaw No. 1657, cited as "CVRD Bylaw No. 1657 – Lake Cowichan Fire Protection Service Establishment Bylaw, 1994", for the purpose of providing fire protection and suppression services within portions of Electoral Area F – Cowichan Lake South/Skutz Falls and Electoral Area I – Youbou/Meade Creek;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to extend the boundaries of the service area to include the following properties:

- Lot A, Block 1405, Plan VIP82489 Except that Part in Plan VIP84577, Cowichan Lake Land District, PID 026-953-315; and
- Lot 1, Blocks 117 and 180, Plan VIP82490 Except Part in Plan VIP84239, Cowichan Lake Land District, PID 026-953-374.

AND WHEREAS the Regional Board has received a sufficient petition to include the properties within the fire protection service area;

AND WHEREAS the Directors for Electoral Area F – Cowichan Lake South/Skutz Falls and Electoral Area I – Youbou/Meade Creek have consented, in writing, to the adoption of this bylaw;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as "CVRD Bylaw No. 3293 – Lake Cowichan Fire Protection Service Area Amendment Bylaw, 2009".

2. AMENDMENT

That Bylaw No. 1657 be amended as follows:

- a) That Schedule A to CVRD Bylaw No. 1657 be deleted and replaced with the Schedule A attached to and forming part of this bylaw.

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

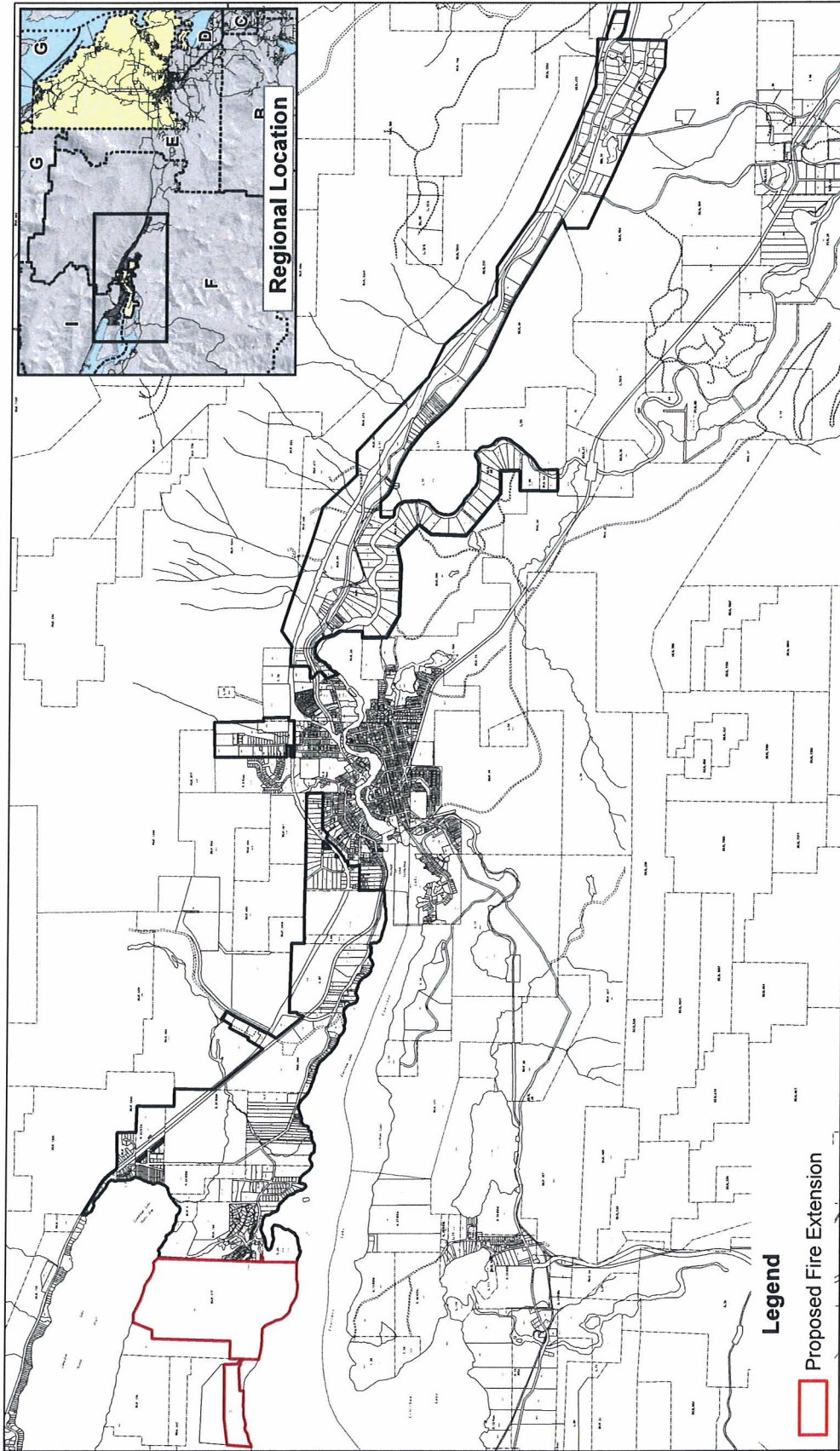
READ A SECOND TIME this _____ day of _____ , 2009.

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

ADOPTED this _____ day of _____ , 2009.

Chairperson

Corporate Secretary



Schedule A to CVRD Bylaw No. 1657 Lake Cowichan Fire Protection Service Establishment Bylaw, 1994. As amended by Bylaw No. 3293, adopted _____, 2009.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3294

A Bylaw to Amend the North Oyster Local Service (Fire Protection) Area Establishment Bylaw No. 1689.

WHEREAS the Board of Directors of the Cowichan Valley Regional District established a Fire Protection Service known as the *North Oyster Local Service (Fire Protection) Area* by Bylaw No. 1689, cited as "CVRD – North Oyster Local Service (Fire Protection) Area Establishment Bylaw No. 21, 1995", as amended;

AND WHEREAS the Regional Board deems it desirable and expedient to further amend Bylaw No. 1689 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 DD28551 (PID 009-439-714); and
- District Lot 51, Oyster District Shown Coloured in Red on Plan Deposited Under DD272791 (PID 000-879-185).

AND WHEREAS the Regional District Board has received a sufficient petition to include the properties within the service area;

AND WHEREAS the Director of Electoral Area H – North Oyster/Diamond has consented, in writing, to the adoption of this bylaw;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District, enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3294 – North Oyster Local Service (Fire Protection) Area Amendment Bylaw, 2009**".

2. AMENDMENT

That CVRD Bylaw No. 1689 be amended as follows:

That Schedule A to Bylaw No. 1689 be deleted and replaced with the Schedule A attached hereto and forming part of this bylaw.

.../2

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

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

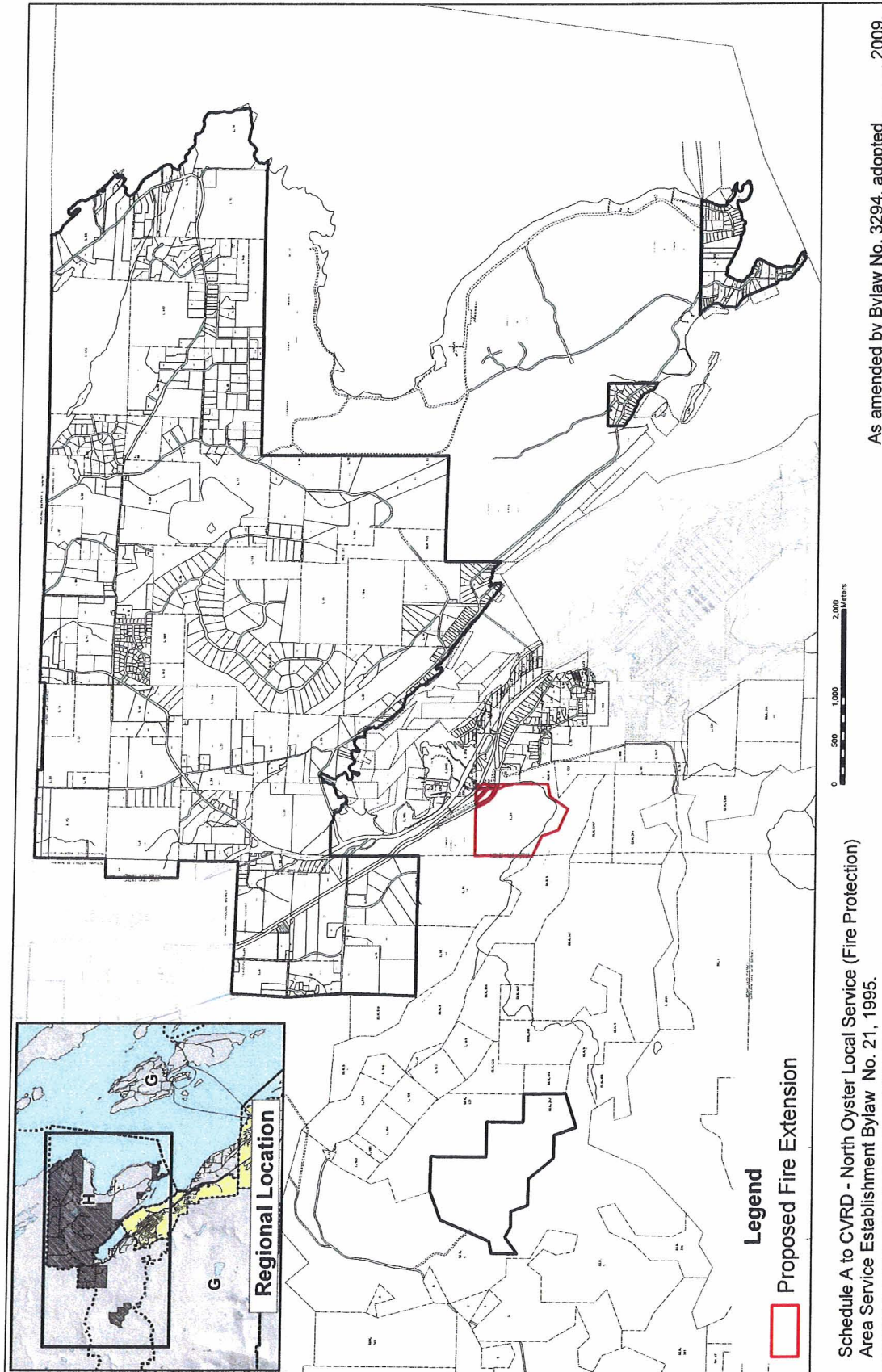
READ A THIRD TIME this _____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary

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STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF AUGUST 4, 2009

DATE: July 29, 2009

FILE NO:

FROM: Brian Farquhar, Parks and Trails Manager

BYLAW NO:

SUBJECT: Reserve Fund Bylaw for Electoral Area F Community Parks Projects

Recommendation:

That a Reserve Fund Expenditure Bylaw be prepared authorizing the expenditure of no more than \$40,000 from the Community Parks General Reserve Fund (Area F – Cowichan Lake South/Skutz Falls) for the purpose of completing the dismantling of the old store building in Mesachie Lake Park and installation of lighting in Central Park; and that the Bylaw be forwarded to the Board for consideration of three readings and adoption.

Purpose:

To request direction on the preparation of a Transfer from Reserves of no more than \$40,000 to cover capital project costs dismantling of the old store building in Mesachie Lake Park and installation of lighting in Central Park.

Financial Implications:

The Community Parks General Reserve Fund for Electoral Area F Community Parks as of December 31, 2008 had \$54,363 in funds available.

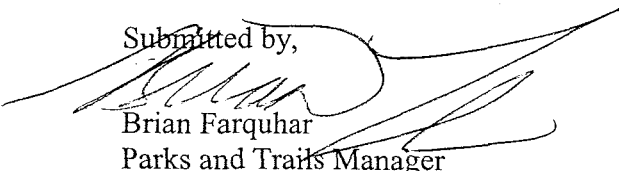
Interdepartmental/Agency Implications:

N/A

Background:

The 2009 Community Parks and Trails Program endorsed by the Electoral Area Services Committee includes the Central Park lighting project as a 2009 capital project. The Regional Board also approved the purchase of the former Mesachie Market property earlier this year to expand Mesachie Lake Park, inclusive of expanding the park's baseball outfield area. Removal of the old store building on the property is the first step towards expanding the ballfield outfield, and given the fact the old building remains empty at this time, dismantling is a priority to ensure security of the site. As funds for the lighting project were directed to the property purchase, additional funds are required to cover the project costs, which are of a priority to the Area F Parks Commission for park safety and security reasons. Therefore, in order to proceed with these projects in 2009, a Transfer from the Community Parks General Reserve Fund (Area F – Cowichan Lake South/Skutz Falls) is recommended.

Submitted by,



Brian Farquhar

Parks and Trails Manager

Parks, Recreation and Culture Department

BF/jah

000169



SR4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF DATE OF THE MEETING

DATE: July 29, 2009

FILE NO:

FROM: Tom R. Anderson, General Manager

BYLAW NO:

SUBJECT: FCM 2010 Conference

Action:

That the Committee give direction on this request.

Purpose:

To obtain Committee approval for Director Cossey and possibly two others, to attend the 2010 FCM Conference.

Financial Implications:

Not known

Interdepartmental/Agency Implications:

N/A

Background:

Director Cossey has requested that this issue be placed on the agenda so that he may receive approval to attend the 2010 FCM Conference in Toronto. It should be noted that the Regional Board passed a resolution allowing a total of three directors to attend the FCM conference in any particular year. As such, the Committee may wish to identify three directors who may attend in 2010.

Submitted by,

Tom R. Anderson,
General Manager
Planning and Development Department

TRA/jah

000170



SR5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF AUGUST 4, 2009

DATE: July 21, 2009 **FILE NO:** D general
FROM: Mike Tippett, Manager,
Community and Regional Planning Division **BYLAW NO:**
SUBJECT: Derelict Ship in Cowichan Bay

Recommendation:

The direction of the Committee is requested.

Purpose:

To advise the Committee of the long-standing presence of an unattended ship in Cowichan Bay.

Financial Implications:

None apparent.

Interdepartmental/Agency Implications:

CVRD has no direct authority over ship moorage and abandonment.

Background:

Director Iannidinardo has requested that the matter related in the attached information sheets indicate regarding the motor vessel "Dominion" be referred to this Committee for discussion.

It should be noted that we have been invited by the District of Central Saanich to a meeting on September 9th to discuss just such matters. As such we will report back to the Committee after this meeting.

Submitted by,

Mike Tippett, MCIP
Manager
Community and Regional Planning Division
Planning and Development Department
MT/jah
Attachment

Department Head's Approval:
Signature

000171

SUPPORTING INFORMATION ON M/V DOMINION 1 - COWICHAN BAY, BC

The *M/V Dominion 1* is registered under Canadian flag (Reg.No: 823233) with Vancouver being the port of registry (see below for more information). The steel vessel was built in 1970 and is about 46 meters long with a gross tonnage of 596 tonnes. The registered owner is Robert L. Hall, Fernie, British Columbia.

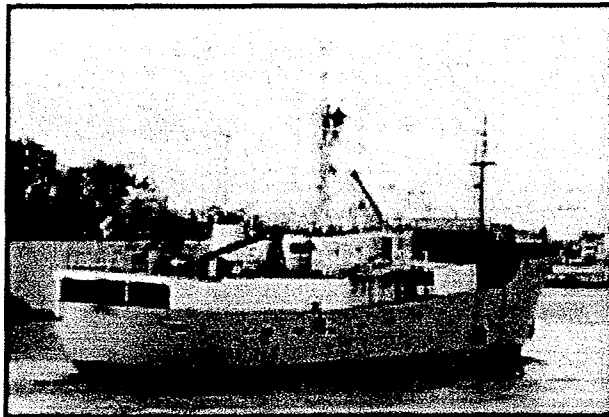
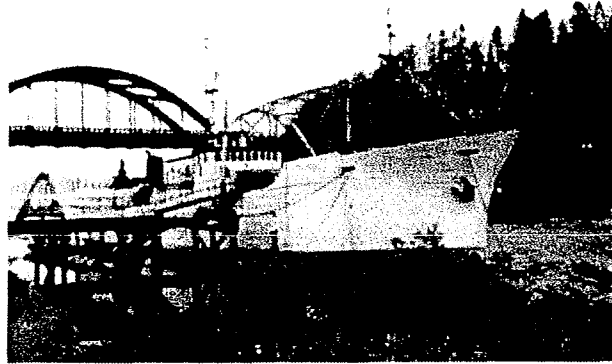


Owner: Robert Hall

The vessel was previously located in Reedsport, Oregon, USA then moved to Canada around 2002. It is now residing in Cowichan Bay since 2007.

M/V Dominion 1 was intended to sail down to Fiji for the tuna fishing with the *Triple Kay Fishing Company Ltd.* as part of *Sea Island Mission Inc.* (Finland) initiative.¹ The decline of the fishing in the region brought this initiative to an end. Refer to: http://www.sea-islands-mission.com/English_menu.htm

The vessel has a history in Canada, when on March 28, 2005, an oil spill at the *Ship Point Facility* of the *Greater Victoria Harbour Authority* (GVHA) was suspected to have originated from *M/V Dominion 1* based on oil sample analysis by Environment Canada. The shipowner offered \$4,000 to off-set a portion of the cleanup costs. Provided without prejudice.²

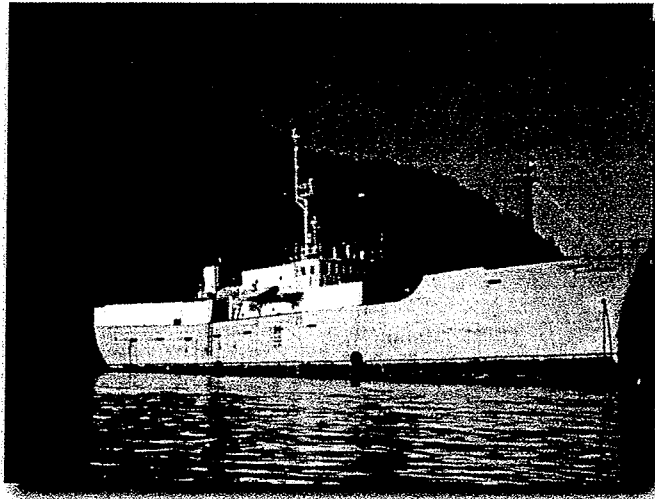


Historic pictures showing vessel while in Oregon and then later in Vancouver

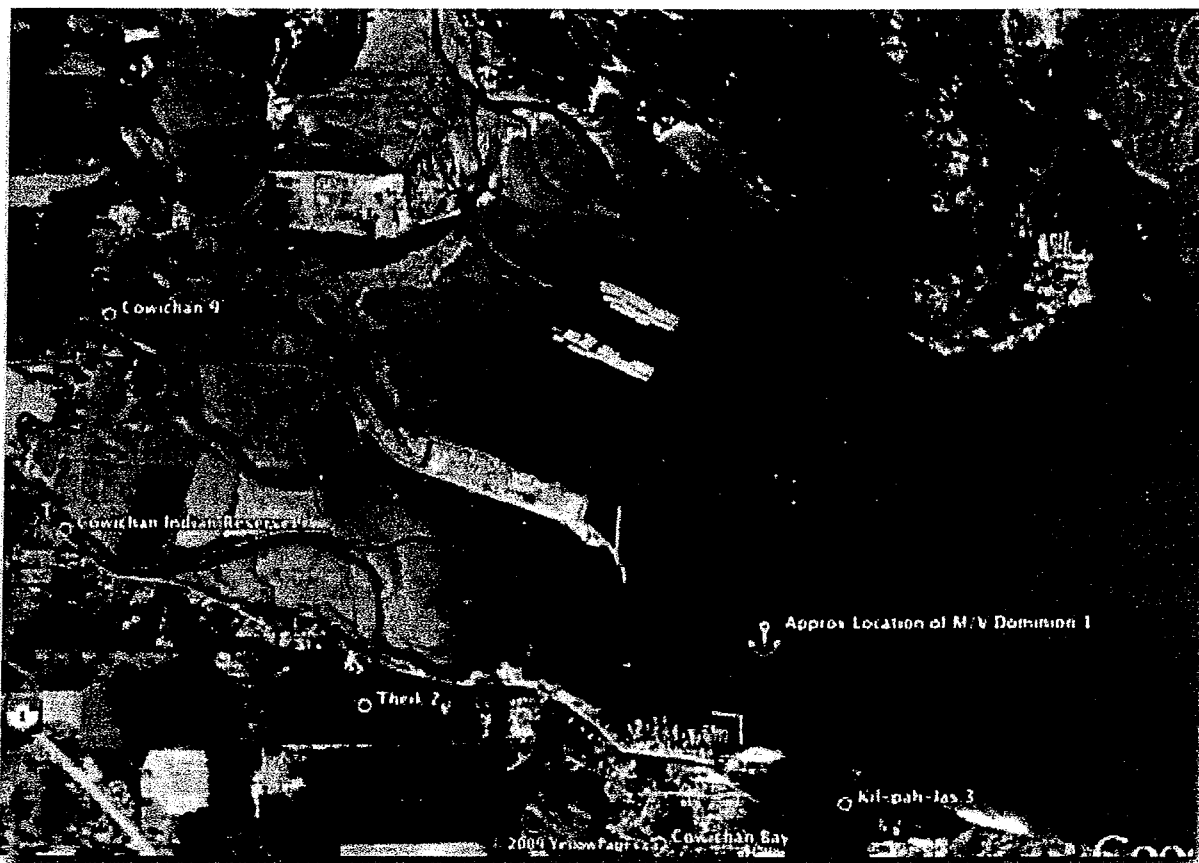
¹ Sea Islands Mission Inc. is registered in Texas, USA. The membership consists of reborn believers from the different Christian denominations.

² Source: Ship-source Oil Pollution Fund, The Administrator's Annual Report 2007 – 2008

SUPPORTING INFORMATION ON M/V DOMINION 1 - COWICHAN BAY, BC



Current location of the *M/V Dominion 1* in Cowichan Bay, B.C.



Vessel Location in Cowichan Bay

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Cowichan River Estuary Looking South

SUPPORTING INFORMATION ON M/V DOMINION 1 - COWICHAN BAY, BC

Information about the M/V Dominion 1 from
Transport Canada Vessel Registration Query System

DOMINION I (O.N. 823233)

Vessel

Official Number	823233
Vessel Name	DOMINION I
Former Name	WESTWARD
IMO Number	
Hull Number	-
Year Built	1970
Year Rebuilt	-
Port of Registry	VANCOUVER
Registry Date	2002-07-31
Certificate Expires	2011-07-31

General Statistics

Vessel Type	PLEASURE CRAFT
Gross Tonnage	596 t
Net Tonnage	178 t
Construction Type	CARVEL/FLUSH
Construction Material	STEEL
Vessel Length	45.90 m
Vessel Breadth	11.70 m
Vessel Depth	5.82 m

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SUPPORTING INFORMATION ON M/V DOMINION 1 - COWICHAN BAY, BC

Engine

Engine Description	DIESEL
Number of Engines	1
Propulsion Type	SELF-PROPELLED
Speed	11.0 knots
Propulsion Method	SINGLE SCREW
Propulsion Power	895
Unit of Power	KILOWATTS

Builder

Name	KABUSHIKI CORPORATION
Address	SHIMIZU CITY
Country	JAPAN
Postal Code	

Owner

Name	ROBERT LINCOLN HALL
Address	BOX 1674, 155-15TH ST FERNIE
Province	BRITISH COLUMBIA
Country	CANADA
Postal Code	V0B 1M0
Number of Shares	64

Authorized Representative

Name	ROBERT LINCOLN HALL
Address	BOX 1674, 155-15TH ST FERNIE
Province	BRITISH COLUMBIA
Country	CANADA
Postal Code	V0B 1M0

000177



SR6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF AUGUST 4, 2009

DATE: July 27, 2009 **FILE NO:** 3275

FROM: Mike Tippet, Manager,
Community and Regional Planning Division **BYLAW NO:** Procedures and
Fees Bylaw 3275

SUBJECT: Proposed Revision to the Fee Schedule Charged at the Time of OCP Amendment
and Rezoning Applications

Recommendation:

- 1) That CVRD Development Application Procedures and Fees Bylaw No. 3275 be amended by requiring additional density-based application fees from applicants for an Official Community Plan amendments (without zoning) in the amount of \$80 per additional density unit (up to \$14 of which would be directed to Engineering and Environmental Services), with the remaining \$40 per density unit to be paid along with the \$2200 base fee at the time of zoning application (up to \$6 of which would be directed to EES), provided the zoning application is received within 2 months of adoption of the OCP amendment. If the zoning application is made later than 2 months after the OCP amendment adoption, an additional density-based application fee of \$120 per density unit will be charged in addition to the \$2200 base zoning fee.
- 2) That CVRD Development Application Procedures and Fees Bylaw No. 3275 be forwarded to the Regional Board for consideration of Three Readings and Adoption.

Purpose:

To clarify that the fees payable by an applicant for amendments to an OCP only would be comparable to those of an OCP and zoning amendment application.

Financial Implications:

The intent of the present wording in Bylaw 3275 is that applications for land use amendments would pay a fee commensurate with the complexity of the application, which is deemed to be approximated by the number of additional residential dwelling units and commercial/industrial land area that would be redesignated. However this intent is not as clearly set out as it could be, so an amendment to the wording of the bylaw is in order, so the CVRD may without complications fully recover its costs of processing an OCP amendment application in accordance with the application's proposed density.

Interdepartmental/Agency Implications:

None apparent, other than that listed above.

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Background:

A question has recently arisen regarding the interpretation of CVRD Development Application Procedures and Fees Bylaw No. 2255 and its recent successor, Bylaw 3275. The question concerns the amount of fee to be paid if an application is made for an Official Community Plan amendment only, but it is clear that a complementary zoning amendment would be required to implement the proposed OCP change.

Up to now, no applicant has proposed to amend an OCP only, while harbouring an obvious desire for a complementary zoning amendment, for some time in the future. Up to now, OCP and zoning amendment fees have always been paid at the same time.

The present bylaw schedule of fees reads as follows:

(a)	OFFICIAL PLAN AMENDMENT ONLY:	\$2200.
(b)	OFFICIAL PLAN AMENDMENT COMBINED WITH ANY ZONING AMENDMENT:	\$2400. plus amounts shown in (d)
(c)	ZONING MAP AND/OR TEXT AMENDMENT:	\$2200. plus amounts shown in (d)
(d)	ZONING ALLOWING 3 OR MORE NEW DWELLINGS OR PARCELS :	an additional \$120. for each dwelling or parcel permitted by the amendment Bylaw ⁴
(e)	ZONING FOR COMMERCIAL OR INDUSTRIAL: (for parcels 0.3 ha or greater in area)	\$120. plus a further \$120. for each additional 0.1 ha of parcel area

Staff interpret part (a) to have the intent of applying only where the OCP amendment is a stand-alone initiative, not requiring a complementary zoning amendment for the Plan amendment to be implemented – for example, a requested change to development permit area guidelines or insertion of a new policy that does not affect land use or density into the Plan.

Nevertheless, there is an alternative interpretation, one that suggests that any OCP amendment on its own, whether or not it might give rise to or indeed require a complementary zoning amendment to implement the plan amendment, should only cost a total of \$2200, no matter how complex the OCP amendment application might be.

In order for this second interpretation to prevail, one would have to accept that a major land use application, albeit one that is restricted to a plan amendment, would only generate a fee that would be sufficient for approximately a couple of days of staff time, after deducting the mandatory \$1200 advertising costs and other administrative costs from the fee. This clearly is an absurd interpretation. The intent of Section 895 of the *Local Government Act* is that local governments should be able to set their application fees at a level that is directly commensurate with the expected level of administrative effort and costs associated with the application. We believe that intent is reflected in Bylaw 3275, but to clarify it beyond doubt, a rewrite of the above fee schedule is proposed.

Planning and Development Department Comments:

Staff have reviewed the options available to the CVRD and come to the conclusion that additional fees should be shown on the fee schedule as being payable at the time of OCP amendment application. The question then is: how much?

If the total fee amount that would be payable if an OCP and zoning amendment were made simultaneously was paid at the time of the OCP application, and the zoning application that could come months or even years later was free or even \$2200, this is inappropriate, as additional administrative costs would be incurred later, without any cost recovery. We have therefore suggested that an appropriate way to approach this would be to split the supplementary (density unit-based) fees in some fashion in cases where applicants decide that only an OCP amendment would be worth pursuing at any given time. We feel that an appropriate split would be to collect \$80 of the additional \$120 fee at the time of OCP amendment only, with the balance of \$40 plus the \$2200 zoning fee to be collected later. However, in order to dissuade applicants from spacing out the OCP and zoning amendment applications to the point where all the administrative effort would have to be expended again in the second application, we have suggested a 2 month maximum lag time between OCP amendment approval and zoning amendment application, after which the zoning fees would be assessed at \$120 per additional density unit.

The new fee schedule would be as follows:

(a)	OFFICIAL PLAN AMENDMENT, no new density:	\$2200.
(b)	OFFICIAL PLAN AMENDMENT, new density:	\$2200, plus amounts shown in (e) and (f)
(c)	OFFICIAL PLAN AMENDMENT COMBINED WITH ANY ZONING AMENDMENT:	\$2400, plus amounts shown in (g) and (h)
(d)	ZONING MAP AND/OR TEXT AMENDMENT:	\$2200, plus amounts shown in (g) and (h)
(e)	OFFICIAL PLAN AMENDMENT ONLY, ALLOWING 3 OR MORE NEW DWELLINGS OR PARCELS:	an additional \$80. for each dwelling or parcel permitted by the amendment Bylaw ^{4,5}
(f)	OFFICIAL PLAN AMENDMENT ONLY, ALLOWING FOR COMMERCIAL OR INDUSTRIAL: (for parcels 0.3 ha or greater in area):	\$80. plus a further \$80. for each additional 0.1 ha of parcel area to be redesignated ^{4,5}
(g)	ZONING ALLOWING 3 OR MORE NEW DWELLINGS OR PARCELS:	an additional \$120. for each dwelling or parcel permitted by the amendment Bylaw ⁴
(h)	ZONING FOR COMMERCIAL OR INDUSTRIAL: (for parcels 0.3 ha or greater in area)	\$120. plus a further \$120. for each additional 0.1 ha of parcel area ⁴

Superscript ⁵ would refer to the additional fees to be paid at the time of zoning if the application comes in with two months of the original OCP amendment's adoption (*i.e.* \$40 per density unit).

Options:


1. That CVRD Development Application Procedures and Fees Bylaw No. 3275 be amended by requiring additional density-based application fees from applicants for an Official Community

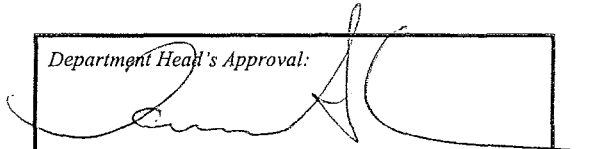
000120

Plan amendments (without zoning) in the amount of \$80 per additional density unit (up to \$14 of which would be directed to Engineering and Environmental Services), with the remaining \$40 per density unit to be paid along with the \$2200 base fee at the time of zoning application (up to \$6 of which would be directed to EES), provided the zoning application is received within 2 months of adoption of the OCP amendment. If the zoning application is made later than 2 months after the OCP amendment adoption, an additional density-based application fee of \$120 per density unit will be charged in addition to the \$2200 base zoning fee.

2. That CVRD Development Application Procedures and Fees Bylaw No. 3275 be amended by requiring full payment of fees in the amount of \$2200 plus \$120 per additional dwelling unit plus a further \$120 per additional 100 m² of additional industrial and commercial parkland at the time that an application for an Official Community Plan amendment alone is made, with the additional \$2200 zoning amendment fee being paid if the complementary zoning amendment application is made within 6 months of the receipt of the OCP amendment application. If the zoning application is made later than 6 months after the OCP application, full fees will be charged, as if it were a totally separate application.
3. That no amendment to CVRD Development Application Procedures and Fees Bylaw No. 3275 be made at this time.

Submitted by,


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

Department Head's Approval:

Signature

000181



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3275

**A Bylaw to Establish Procedures to Amend an Official Community Plan
or a Zoning Bylaw, Amend a Land Use Contract, Process an Agricultural Land Reserve
Application or to Issue a Permit Under Part 26 of the *Local Government Act***

WHEREAS the Board of Directors of the Cowichan Valley Regional District has adopted official community plans, zoning bylaws, and land use contracts;

AND WHEREAS the Board has designated areas in the Official Community Plans within which temporary commercial and industrial permits and development permits are required;

AND WHEREAS the Board has a duty, under the *Agricultural Land Commission Act*, to provide information and a resolution regarding Agricultural Land Reserve applications in the CVRD;

AND WHEREAS the Board must, pursuant to Section 895 of the *Local Government Act*, by bylaw, establish procedures to amend a plan, bylaw or issue a permit;

AND WHEREAS the Board may, pursuant to Section 931 of the *Local Government Act*, by bylaw, impose fees for applications and inspections;

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

1. **CITATION**

This bylaw may be cited for all purposes as the "**CVRD Development Application Procedures and Fees Bylaw No. 3275, 2009**".

2. **SCHEDULES**

The following Schedules are attached to, and form part of, this bylaw:

- a) Schedule "A" – Application Forms
- b) Schedule "B" – Fee Schedules
- c) Schedule "C" – General Sign Specifications
- d) Schedule "D" – Sign Information

3. SCOPE

This bylaw shall apply to the following:

- a) Application, by a party other than the Regional District, for amendment to:
 - i) an Official Community Plan;
 - ii) a Zoning Bylaw; and
 - iii) a Land Use Contract.
- b) Applications, by a party other than the Regional District, for a:
 - i) Development Variance Permit;
 - ii) Development Permit;
 - iii) Temporary Commercial/Industrial Use Permit;
 - iv) Board of Variance decision; and
 - v) *Agricultural Land Commission Act* approval.
- c) Subdivision Application Fees pursuant to Section 931 of the *Local Government Act*.
- d) Discharge or consent to amendment of a Restrictive Covenant to which the CVRD is a signatory or named party.
- e) File review in response to a letter requesting a review of many aspects of a parcel's status such as: present or historical zoning, building permits, bylaw enforcement and other permits.

4. APPLICATIONS

- a) Applications listed in Section 3 shall be made by the owner of the land involved, or by a person authorized by the owner.
- b) Applications for amendments or permits shall be made to the General Manager, Planning and Development Department of the CVRD, on the applicable form, attached hereto as Schedule "A" of this bylaw.

5. FEES

At the time of an application listed in Section 3, the applicant shall pay to the CVRD an application fee in the amount prescribed in Schedule "B" of this bylaw, or in accordance with any statute or regulation of British Columbia.

6. STAFF DUTIES AND REPORTS

- a) Applications shall be received by the General Manager of Planning and Development or a nominated designate;

- b) Where any application or administrative process would be within a Riparian Assessment Area pursuant to the *Riparian Areas Regulation* (RAR), the procedures set out therein shall be followed, without being subject to subsections c), d) and e) below;
- c) Written reports prepared by the Planning and Development Department shall be submitted to the appropriate Advisory Planning Commission (APC), where these exist, in the case of OCP amendments, zoning amendments and development permits;
- d) In the case of development variance permits and Agricultural Land Reserve applications, these will not be sent to an Advisory Planning Commission unless the Director of the affected area specifically requests it, but will instead be the subject of a Planning and Development Department report to the Electoral Area Services Committee;
- e) Following step (c) above, once an APC has prepared a recommendation or comments on an application it has considered, Planning and Development Department staff will prepare a report to the Electoral Area Services Committee;
- f) The recommendation of the Electoral Area Services Committee will then be considered by the CVRD Board of Directors.

7. DELEGATION OF DEVELOPMENT PERMIT APPLICATIONS

The CVRD Board of Directors delegates the ability to issue development permits to the General Manager of Planning and Development in the following circumstances:

- a) where a development permit application has been made pursuant to a Riparian Areas Regulation Development Permit Area or exclusively pursuant to RAR Development Permit Area guidelines;
- b) where a development permit would be required only for a sign.
- c) where a development permit has been applied for in the Woodley Range Development Permit Area (Electoral Area H).

8. PUBLIC NOTICE

8.1 Statutory References

The public notice requirements for development applications are prescribed in Part 26 of the *Local Government Act*, as illustrated by the following table:

APPLICATION TYPE	LOCAL GOV'T ACT SECTION
Official Community Plan	875
Zoning Bylaw Amendments	903
Development Permits	920
Temporary Commercial/ Industrial Use Permits	921
Development Variance Permits	922
Land Use Contracts	930
Board of Variance	901

8.2 Public Notice Requirements

Public notice, in any case noted in Section 8.1 other than Development Permit applications that do not incorporate a Variance, and Board of Variance applications, when required to be mailed, shall be mailed or otherwise delivered to the owners of parcels located within **60 metres** of the subject property.

8.3 Sign Requirement

- a) The applicant, on those parcels subject to an amendment to:
- i) an official community plan or zoning bylaw;
 - ii) land use contract, temporary commercial or industrial use permit.
 - iii) development variance permit and a development permit that incorporates a variance
- shall erect or cause to be erected a development application sign on the subject property.
- b) The development application sign shall be of a form substantially in conformity with the specifications of Schedules "C" and "D", and located in conformity with the following:
- i) the bottom edge of the sign(s) shall be a minimum of 1 metre above the ground, and not more than 1.5 metres above the ground;
 - ii) one sign shall be located within 3 metres of the edge of pavement of any fronting road, or on the parcel boundary line, whichever makes the sign(s) more legible for passers-by;
 - iii) the sign(s) shall be located approximately at the mid-point along each fronting road or parcel boundary line, except where this requirement would have the effect of obscuring the sign.

- c) The development application sign will be erected as soon as practical after application has been made, and shall be kept in place continuously, until after the Public Hearing, for a bylaw amendment, and until after Board of Directors has rendered a final decision, for a permit application. The General Manager of Planning and Development may require proof in a form acceptable to him that the sign has been posted as required by Section 8 of this bylaw.
- d) For the purposes of Section 8 of this bylaw, the CVRD may make a series of re-useable signs that conform to Schedules "C" and "D" available to applicants, for a fee as prescribed in Schedule "B".
- e) Notwithstanding anything to the contrary in this Bylaw, applicants whose properties lie within Electoral Area F of the CVRD are not required to post development application signs on their property in accordance with this Section.

9. PUBLIC HEARING

In the case of applications for amendments to the official community plan and the zoning bylaw, public hearings are governed by Section 890 of the *Local Government Act*. In the absence of the public, a public hearing may be adjourned after a minimum of 15 minutes from the advertised time of commencement of the hearing.

10. PENALTY FOR POSTPONEMENT OF PUBLIC HEARING

Any costs associated with the postponement of a hearing, due to failure of the applicant to comply with the requirements of this Bylaw, shall be paid by the applicant, in addition to application fees previously paid.

11. PROCEDURE AFTER PUBLIC HEARING

The Board shall, after the public hearing, if any, proceed in accordance with Section 894 of the *Local Government Act*.

12. PERMIT - ISSUANCE OR REFUSAL

The Board may, in the case of an application for a development variance permit, development permit, or temporary commercial use or industrial use permit:

- a) authorize the issuance of the permit; or
- b) authorize the issuance of the proposed permit as amended by the Board in its resolution;
or
- c) table the permit; or
- d) refuse to authorize the issuance of the permit.

13. REFUSAL

Where an application has been refused by the Board, the General Manager of Corporate Services or a nominated designate shall notify the applicant in writing within 30 days immediately following the date of refusal.

14. INACTIVE APPLICATION

Where an applicant under this Bylaw has not pursued the application for a period of twelve (12) months, after being asked by CVRD staff to provide further information or follow a procedure outlined in this Bylaw, the application is deemed to be inactive, and the file will be closed. If a partial fee refund is due under the Official Community Plan and Zoning Amendment refund policy, it will be issued at the time of file closure. **Approximately three (3) months before file closure or nine (9) months into an inactive period, a warning letter will be sent to the applicant advising them that their file is about to become inactive.**

15. REFUND

No refunds are available for any type of applications upon which CVRD Staff have expended time in processing the application, except in accordance with the **Refund Policy** under **Schedule B to this Bylaw – Rezoning/Official Community Plan Fee Schedule.**

Where any type of application has been submitted along with the required fee, and the applicant withdraws an application before staff effort has been expended on the file, a 100% fee refund will be given to the applicant.

16. REAPPLICATION

Subject to Section 895 of the *Local Government Act*, reapplication for an amendment or permit that has been refused by the Board shall not be considered within a 12 month period immediately following the date of refusal. The time period respecting reapplication may only be varied by an affirmative vote of at least two thirds of the Regional Board members eligible to vote on the reapplication.

17. SEVERABILITY

If any word, section, subsection, sentence, phrase, or schedule of this bylaw is for any reason held invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the portion that is invalid shall not affect the validity of the remainder of this bylaw.

18. REPEAL

Development Approvals Procedures Bylaw No. 2255, cited as "CVRD Development Approval Procedures Bylaw No. 2255, 2001"; and amendments thereto are hereby repealed.

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

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

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

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



SCHEDULE A

To CVRD BYLAW NO. 3275

Includes the following Application Forms:

1. Application for Development Permit
2. Application for Development Variance Permit
3. Application for Rezoning and/or Official Plan Amendment, or Land Use Contract Amendment
4. Application for Temporary Use Permit

COWICHAN VALLEY REGIONAL DISTRICT

APPLICATION FOR DEVELOPMENT PERMIT

1. Name of Owner(s) _____
2. Address of Owner(s) _____
3. Telephone No. of Owner(s) _____ Fax No. _____
4. Name of Applicant _____
5. Address of Applicant _____
6. Telephone No. of Applicant _____ Fax No. _____
7. Legal Description of Property _____

8. Civic Address of Property _____
9. Size of Property _____
10. Existing Use of Property _____
11. Adjacent Land Use:
North _____
South _____
East _____
West _____
12. Zoning _____
13. Official Plan Designation _____
14. Proposed Use of Property _____

(additional written material may be attached)

15. Request for Variance ? _____

DECLARATION PURSUANT TO THE ENVIRONMENTAL MANAGEMENT ACT

I, _____, owner of land described above on this application form, hereby declare that the land which is the subject of this application has not to my knowledge been used for industrial or commercial activity as defined in the list of "Industrial purposes and activities (Schedule 2) of the *Contaminated Sites Regulation* (B.C. Reg. 375/96). I therefore declare that I am not required to submit a site profile under Section 20.11 or any other section of the *Environmental Management Act*.

Signature_____
Date

000190

THE FOLLOWING MUST BE INCLUDED WITH THIS APPLICATION:

- (a) One copy of the legal plan of the property
- (b) Scale plan of the property or properties showing true dimensions and shape of the property, the site location of proposed and existing buildings, the approximate location of the buildings on adjoining properties and, where applicable, additional information such as dimensioned floor plans, elevations, watercourses, areas of standing water, etc. (Note: At least one copy of any submissions must be a maximum of 11"x17" in size.)
- (c) State of Title Certificate (available from the Land Titles Office, in Victoria or through a title search company, notary or lawyer) and copies of all easement, covenant and right-of-way documents etc. on the title.
- (d) Additional material, certified resolutions or comments in support of the application.
- (e) Payment of the applicable application fee (see fee schedule).
- (f) Completed Site Profile as per the Site Contamination Regulation of the *Environmental Management Act* (if required).

I HEREBY DECLARE that all the above statements and information contained in the material submitted in support of this application are, to the best of my knowledge true and correct in all respects. I further declare that I am aware that should a development permit be issued, the CVRD is required by Section 927 of the *Local Government Act* to file notice of the issuance of the permit in the Land Title Office and that such notice will be filed against the title of the subject property.

Signature of Owner(s)

By completing this application form, the owner and/or applicant hereby is aware and authorizes site inspections to be conducted by Regional District staff and Advisory Planning Commission members as authorized by the Regional Board.

Where the applicant for development permit is not the owner of the subject property, the following consent form must be filled out by the registered owner(s) of the property:

I _____, the registered owner, of

do hereby authorize _____, to act on my behalf with respect to the above described development permit, and I acknowledge that all correspondence and communications regarding this matter shall be between _____

_____ and the Cowichan Valley Regional District.

Signature of Owner

Signature of Agent

Date

Date

ADDRESS APPLICATION TO:

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

000191

COWICHAN VALLEY REGIONAL DISTRICT**APPLICATION FOR DEVELOPMENT VARIANCE PERMIT**

1. Name of Owner _____
2. Address of Owner _____
3. Telephone No. of Owner _____ Fax No. _____
4. Name of Applicant _____
5. Address of Applicant _____
6. Telephone No. of Applicant _____ Fax No. _____
7. Legal Description of Property _____

8. Civic Address of Property _____
9. Size of Property _____
10. Existing Use of Property _____
11. Adjacent Land Use:
North _____
South _____
East _____
West _____
12. Zoning _____
13. Official Plan Designation _____
14. Proposed Use of Property _____

15. I require a variance to Section _____ of CVRD Bylaw No. _____
which states: _____
16. Indicate the extent of the variance requested and the justification for the proposed variance

DECLARATION PURSUANT TO THE ENVIRONMENTAL MANAGEMENT ACT

I, _____, owner of land described above on this application form, hereby declare that the land which is the subject of this application has not to my knowledge been used for industrial or commercial activity as defined in the list of "Industrial purposes and activities (Schedule 2) of the *Contaminated Sites Regulation* (B.C. Reg. 375/96). I therefore declare that I am not required to submit a site profile under Section 20.11 or any other section of the *Environmental Management Act*.

Signature_____
Date**000192**

THE FOLLOWING MUST BE INCLUDED WITH THIS APPLICATION:

- (a) One copy of the legal plan of the property
- (b) Scale plan of the property or properties showing true dimensions and shape of the property, the site location of proposed and existing buildings, the approximate location of the buildings on adjoining properties and, where applicable, additional information such as dimensioned floor plans, elevations, watercourses, areas of standing water, etc. (Note: At least one copy of any submissions must be a maximum of 11"x17" in size.)
- (c) State of Title Certificate (available from the Land Titles Office, in Victoria or through a title search company, notary or lawyer) and copies of the easement, covenant and right-of-way documents etc on the title.
- (d) Additional material, certified resolutions or comments in support of the application.
- (e) Payment of the applicable application fee (see fee schedule).
- (f) Completed Site Profile as per the Site Contamination Regulation of the *Environmental Management Act* (if required).

I HEREBY DECLARE that all the above statements and information contained in the material submitted in support of this application are, to the best of my knowledge true and correct in all respects. I further declare that I am aware that should a development variance permit be issued, the CVRD is required by Section 927 of the *Local Government Act* to file notice of the issuance of the permit in the Land Title Office and that such notice will be filed against the title of the subject property.

Signature of Owner(s)

By completing this application form, the owner and/or applicant hereby is aware and authorizes site inspections to be conducted by Regional District staff, Advisory Planning Commission members and Agricultural Advisory Committee members as authorized by the Regional Board.

Where the applicant for development variance permit is not the owner of the subject property, the following consent form must be filled out by the registered owner(s) of the property:

I _____, the registered owner of

_____ do hereby authorize _____, to act on my behalf with respect to the above described development variance permit, and I acknowledge that all correspondence and communications regarding this matter shall be between _____ and the Cowichan Valley Regional District.

Signature of Owner

Signature of Agent

Date _____

Date _____

ADDRESS APPLICATION TO:

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

000193

COWICHAN VALLEY REGIONAL DISTRICT**APPLICATION FOR REZONING AND/OR
OFFICIAL PLAN AMENDMENT, LAND USE CONTRACT
AMENDMENT OR RURAL LAND USE BYLAW AMENDMENT**

1. Name of Owner _____
2. Address of Owner _____
3. Telephone No. of Owner _____ Fax No. _____
4. Name of Applicant _____
5. Address of Applicant _____
6. Telephone No. of Applicant _____ Fax No. _____
7. Legal Description of Property _____

8. Civic Address of Property _____
9. Size of Property _____
10. Amount of property in the ALR _____ (if applicable)
11. Amount of property in the FLR _____ (if applicable)
12. Existing use of property _____
13. Adjacent land use:
North _____
South _____
East _____
West _____
14. Services Provided and/or proposed by applicant
Sewage Disposal _____
Water Supply _____
Road Access _____
Other _____
15. Existing Zoning _____
16. Existing Official Plan Designation _____

000194

17. Proposed Zoning _____
18. Proposed Official Plan Designation _____
19. Bylaw text change requested (if applicable): _____
20. Proposed use and reasons for requesting the change:

DECLARATION PURSUANT TO THE ENVIRONMENTAL MANAGEMENT ACT

I, _____, owner of land described above on this application form, hereby declare that the land which is the subject of this application has not to my knowledge been used for industrial or commercial activity as defined in the list of "Industrial purposes and activities (Schedule 2) of the *Contaminated Sites Regulation* (B.C. Reg. 375/96). I therefore declare that I am not required to submit a site profile under Section 20.11 or any other section of the *Environmental Management Act*.

Signature

Date

THE FOLLOWING MUST BE INCLUDED WITH THIS APPLICATION:

- (a) One copy of the legal plan of the property
- (b) Scale plan of the property or properties showing true dimensions and shape of the property, the site location of proposed and existing buildings, the approximate location of the buildings on adjoining properties and, where applicable, additional information such as dimensioned floor plans, elevations, watercourses, areas of standing water, etc. (Note: At least one copy of any submissions must be a maximum of 11"x17" in size.)
- (c) State of Title Certificate (available from the Land Titles Office, in Victoria or through a title search company, notary or lawyer) and copies of all easement, covenant and right-of-way documents, etc. on the title.
- (d) Additional material, certified resolutions or comments in support of the application.
- (e) Payment of the applicable application fee (see fee schedule).
- (f) Completed Site Profile as per the Site Contamination Regulation of the *Environmental Management Act* (if required).

000195

I HEREBY DECLARE that all the above statements and information contained in the material submitted in support of this application are, to the best of my knowledge true and correct in all respects. I further declare that I am aware that should a permit be issued, the CVRD is required by Section 927 of the *Local Government Act* to file notice of the issuance of the permit in the Land Title Office and that such notice will be filed against the title of the subject property.

Signature of Owner(s)

By completing this application form, the owner and/or applicant hereby is aware and authorizes site inspections to be conducted by Regional District staff, Advisory Planning Commission members and Agricultural Advisory Committee members as authorized by the Regional Board.

Where the applicant for re-zoning, plan amendment, land use contract amendment or rural land use bylaw amendment is not the owner of the subject property, the following consent form must be filled out by the registered owner(s) of the property:

I _____, the registered owner, of

do hereby authorize _____, to act on my behalf with respect to the above described rezoning/plan amendment, and I acknowledge that all correspondence and communications regarding this matter shall be between _____ and the Cowichan Valley Regional District.

Signature of Owner

Date _____

Signature of Agent

Date _____

ADDRESS APPLICATION TO:

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

000196

COWICHAN VALLEY REGIONAL DISTRICT
APPLICATION FOR TEMPORARY USE PERMIT

1. Name of Owner _____
2. Address of Owner _____
3. Telephone No. of Owner _____ Fax No. _____
4. Name of Applicant _____
5. Address of Applicant _____
6. Telephone No. of Applicant _____ Fax No. _____
7. Legal Description of Property _____

8. Civic Address of Property _____
9. Size of Property _____
10. Amount of property in the ALR _____ (if applicable)
11. Amount of property in the FLR _____ (if applicable)
12. Existing Use of Property _____
13. Adjacent Land Use
North _____
South _____
East _____
West _____
14. Services Provided and/or proposed by applicant
Sewage Disposal _____
Water Supply _____
Road Access _____
Other _____
15. Existing Zoning _____
16. Existing Official Plan Designation _____
17. Proposed use and reasons for requesting a permit:

000197

THE FOLLOWING MUST BE INCLUDED WITH THIS APPLICATION:

- (a) One copy of the legal plan of the property
- (b) Scale plan of the property or properties showing true dimensions and shape of the property, the site location of proposed and existing buildings, the approximate location of the buildings on adjoining properties and, where applicable, additional information such as dimensioned floor plans, elevations, watercourses, areas of standing water, etc. (Note: At least one copy of any submissions must be a maximum of 11"x17" in size.)
- (c) State of Title Certificate (available from the Land Titles Office, in Victoria or through a title search company, notary or lawyer) and copies of all easement, covenant and right-of-way documents etc on the title.
- (d) Additional material, certified resolutions or comments in support of the application.
- (e) Payment of the applicable application fee (see attached).

I HEREBY DECLARE that all the above statements and information contained in the material submitted in support of this application are, to the best of my knowledge true and correct in all respects. I further declare that I am aware that should a development permit be issued, the CVRD is required by Section 927 of the *Local Government Act* to file notice of the issuance of the permit in the Land Title Office and that such notice will be filed against the title of the subject property.

Signature of Owner(s)

By completing this application form, the owner and/or applicant hereby is aware and authorizes site inspections to be conducted by Regional District staff, Advisory Planning Commission members and Agricultural Advisory Committee members as authorized by the Regional Board.

Where the applicant for a temporary use permit is not the owner of the subject property, the following consent form must be filled out by the registered owner(s) of the property:

I _____, the registered owner, of

do hereby authorize _____, to act on my behalf with respect to the above described temporary use permit, and I acknowledge that all correspondence and communications regarding this matter shall be between _____ and the Cowichan Valley Regional District.

Signature of Owner

Date _____

Signature of Agent

Date _____

ADDRESS APPLICATION TO:

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

000198



C·V·R·D

SCHEDULE B

To CVRD BYLAW NO. 3275

Includes the following Fee Schedules:

1. Development Permit Fees
2. Development Variance Permit Fees
3. Rezoning/Official Plan Amendment Fees
4. Miscellaneous Fees
5. Subdivision Fees

FEE SCHEDULE - DEVELOPMENT PERMIT

TYPE OF APPLICATION

FEE

Environmental Protection Development Permit Areas:

- Riparian Areas Regulation DPA:)-	
- Mill Bay DPA – with Riparian Areas Regulation)-	\$ 200.
- Cowichan River DPA – Cowichan-Koksilah OCP)-	plus \$200.
- Stream Protection DPA – Saltair)-	for each parcel
- Habitat Protection DPA – Saltair)-	or dwelling unit
- Watercourse Protection DPA – Youbou/Meade Creek)-	

All Other Development Permit Areas:

Minor Commercial or Industrial: (Structures less than 200 m ² in area)	\$400.*
Major Commercial or Industrial: (Structures 200 m ² in area or greater)	\$400.* plus \$100. for each 100 m ² of gross floor area
Sign Only: =.75 m ²	\$ 20.*
>.75 m ² and <3 m ²	\$ 40.*
= or >3 m ²	\$100.*
Exterior Cosmetic Renovations, Parking and Loading Changes:	\$300.*
Residential: One Dwelling or Parcel	\$200.*
Residential: More than one Dwelling or Parcel	\$200*, plus \$200. for each parcel or dwelling unit

* where a development permit application also includes a variance, an additional \$200. is required

ENVIRONMENTAL/GEOTECHNICAL CONSULTANT FEE: See note below

NOTES:

1. In the cases where environmental or geotechnical reports have been submitted by the applicant as part of an application, the Board may require an independent review prior to any decision being made on a development permit. In such cases, the applicant will be required to pay the Regional District for the estimated costs of the independent review (up to \$5,000. maximum) before the review is undertaken.
2. Where a property that is the subject of an application for a development permit lies in multiple development permit areas, only one development permit fee will be charged.
3. In the event that the application is approved by the Regional Board, a further charge of \$25. per parcel is payable to the CVRD, to cover the cost of filing notice at the Land Titles office.

000200

FEE SCHEDULE - DEVELOPMENT VARIANCE PERMIT

<u>TYPE OF APPLICATION</u>	<u>FEE</u>
DEVELOPMENT VARIANCE PERMIT:	\$ 400.

NOTE:

1. In the event that the application is approved by the Regional Board, a further charge of \$25. per parcel shall be payable at the time of but prior to the issuance of the permit so as to cover the cost of filing notice of the permit at the Land Titles office.
2. If more than one parcel is the subject of the application, a separate development variance permit application fee shall be required for each parcel and/or for each building or dwelling if separate variances are required for each.

000201

FEE SCHEDULE - REZONING/OFFICIAL PLAN AMENDMENT

TYPE OF APPLICATION

FEE

(a)	OFFICIAL PLAN AMENDMENT, no new density:	\$2200.
(b)	OFFICIAL PLAN AMENDMENT, new density:	\$2200. plus amounts shown in (e) and (f)
(c)	OFFICIAL PLAN AMENDMENT COMBINED WITH ANY ZONING AMENDMENT:	\$2400. plus amounts shown in (g) and (h) and (e) below, if applicable
(d)	ZONING MAP AND/OR TEXT AMENDMENT:	\$2200. plus amounts shown in (g) and (h) and (e) below, if applicable
(e)	OFFICIAL PLAN AMENDMENT ONLY, ALLOWING 3 OR MORE NEW DWELLINGS OR PARCELS:	an additional \$80. for each dwelling or parcel ("density unit") permitted by the amendment Bylaw ^{4,5}
(f)	OFFICIAL PLAN AMENDMENT ONLY, ALLOWING FOR COMMERCIAL OR INDUSTRIAL: (for parcels 0.3 ha or greater in area):	\$80. plus a further \$80. for each additional 0.1 ha of parcel area ("density unit") to be redesignated ^{4,5}
(g)	ZONING ALLOWING 3 OR MORE NEW DWELLINGS OR PARCELS:	an additional \$120. for each dwelling or parcel ("density unit") permitted by the amendment Bylaw ⁴
(h)	ZONING FOR COMMERCIAL OR INDUSTRIAL: (for parcels 0.3 ha or greater in area)	\$120. plus a further \$120. for each additional 0.1 ha ("density unit") of parcel area ⁴

ENVIRONMENTAL/GEOTECHNICAL CONSULTANT FEE:

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

Notes and superscripts:

- The application fees prescribed above shall be due upon application regardless of whether or not the rezoning/plan amendment application is approved.
- Refund Policy:** If an application for amendment of an Official Plan, Zoning or Land Use Contract is withdrawn, denied by the Board or deemed inactive in accordance with Section 14 of this Bylaw, in all cases prior to the CVRD having caused a Newspaper Notice to be published:
 - a full refund will be given only where the file has not been worked on at all by CVRD Development Services staff;
 - a refund of \$1,500. will be given to the applicant, in cases where the application fees were either \$2,200. or \$2,400.;
 - a refund of \$1,500. plus an additional 33% (percent) of additional "density unit" application fees paid will be given to the applicant.
- All applications must be acted upon. Any rezoning application that has been inactive for more than one calendar year is considered defunct and closed unless otherwise determined by the Regional Board. Should the applicant wish to reactivate the file, he or she must re-apply and submit the required fees.
- For residential development, the number of dwellings or parcels permitted shall be calculated by dividing the total area of the site to be rezoned by the maximum parcel or dwelling density allowed by the proposed zone regardless of the level of water or sewer servicing.
- Where an OFFICIAL PLAN amendment application has been made that would affect use of land or density, and additional application fees of \$80 per "density unit" have been paid, a complementary ZONING BYLAW amendment application fee of \$2200 PLUS an additional application fee of \$40 per "density unit" must be paid, provided this occurs within 60 days of adoption of the OFFICIAL PLAN amendment. If the gap between the adoption of the OFFICIAL PLAN amendment and ZONING BYLAW amendment application is longer than 60 days, the ZONING BYLAW amendment application shall be treated as if it is an entirely new application, with full application fees being levied.

000202

FEE SCHEDULE - MISCELLANEOUS

<u>TYPE OF APPLICATION</u>	<u>FEE</u>
BOARD OF VARIANCE:	\$400.
LAND USE CONTRACT AMENDMENT:	Same as for rezoning amendment, development permit, development variance permit (whichever is applicable) plus advertising costs
TEMPORARY USE PERMITS:	\$1,000. plus advertising costs
LIQUOR LICENCE APPLICATION	\$1,500. plus advertising costs
OTHER:	
CVRD Development Application Sign Deposit	\$30
CVRD File Review Fee	\$150
Restrictive Covenant Processing /Amendment Discharge Fee	\$250

NOTE:

1. In the event that the application is approved by the Regional Board, a further charge of \$25. per parcel shall be payable at the time of, but prior to, issuance of the permit so as to cover the cost of filing notice at the Land Titles office.
2. If more than one parcel is the subject of the application, a separate permit application fee shall be required for each parcel unit/or for each building or dwelling if separate variances are required for each.
3. The applicant will be sent a first invoice for the anticipated cost of the advertising for the public hearing/notice. The public hearing/notice will not be scheduled until payment of the first invoice has been received, and payment of the final invoice must be received prior to the recommendation being forwarded to the Regional Board.
4. In a case where an application is withdrawn or turned down by the Regional Board prior to the public notification process having commenced, a refund of \$100. shall be returned to the applicant.

000203

.../6

FEE SCHEDULE - SUBDIVISIONS**TYPE OF APPLICATION****FEE****SUBDIVISIONS OR BOUNDARY ADJUSTMENT:**

\$500 for boundary adjustment
or first new lot, plus an additional
\$500 for the second and every
subsequent new parcel

Prior to final approval and signature of a plan of subdivision by the Approving Officer, a fee of \$500 for every new parcel to be created shall be due and payable to the Cowichan Valley Regional District Development Services Department.

Additional fees as shown below shall be due and payable to the Cowichan Valley Regional District Engineering Services Department for properties that are within an existing local service area or are proposed to become designated a local service area (water and/or sewer utility) under the jurisdiction of the Cowichan Valley Regional District, based on the following noted formula.

SUBDIVISIONS: SEWER UTILITY

\$100. plus \$50. for every new
parcel within a sewer utility local
service area owned and operated
by the CVRD

SUBDIVISIONS: WATER UTILITY

\$100. plus \$50. for every new
parcel within a water utility local
service area owned and operated
by the CVRD

SUBDIVISIONS: SEWER & WATER UTILITY

\$200. plus \$50. for every new
parcel within water & sewer
utilities local service area
owned and operated by the
CVRD



C·V·R·D

SCHEDULE C

To CVRD BYLAW NO. 3275

Sign Specifications:

1. Sign Size:
 - 91 cm x 91 cm, minimum dimensions
2. Sign Material:
 - Corrugated plastic, plywood or other durable material
 - Colour: white background
3. Sign Lettering:
 - Block lettering in black paint or black vinyl
 - Major headings as per Schedule D: 7 cm letters (minimum)
 - Secondary headings as per Schedule D: 5 cm letters (minimum)
 - All other words: 4 mm (minimum)
4. Sign Content:
 - Sign content shall be substantially as shown on Schedule C, Page 2, or
 - Sign content may be varied from the above with the prior consent of the General Manager of Planning and Development or nominated designate, provided the sign meets all of the minimum requirements of this Schedule and adequately provides public notice.
5. Sign Installation
 - Notice of Development Application signs shall be installed in a sound manner, be capable of withstanding typical winds and weather, and be clearly legible from the fronting road right-of-way.

000205



CVRD

NOTICE of DEVELOPMENT APPLICATION

AN APPLICATION HAS BEEN SUBMITTED TO THE
COWICHAN VALLEY REGIONAL DISTRICT AS DESCRIBED BELOW:

For details of the insert, see Schedule D

For further information, please contact:
Planning and Development Department
COWICHAN VALLEY REGIONAL DISTRICT
175 Ingram Street, Duncan, BC V9L 1N8
Telephone: (250) 746-2620 or 1-800-665-3955

000206



To CVRD BYLAW NO. 3275

Type: **DEVELOPMENT PERMIT with VARIANCE**

Summary:

Map:

000207



SR7

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF AUGUST 4, 2009

DATE: July 29, 2009 **FILE NO:** 5400-04- Mill
Bay Rd
FROM: Alison Garnett, Planning Technician **BYLAW NO:**
SUBJECT: Referral from Ministry of Transportation
Proposed Road Closure – Mill Bay Road

Recommendation:

That Application No. 5400-04 Proposed Closure of Mill Bay Road (MoT File No. 2009-04276) be recommended without objection to the Ministry of Transportation and Infrastructure.

Purpose:

To obtain a recommendation from the Regional Board with regard to the proposed closure of a section of Mill Bay Road.

Financial Implications: none apparent

Interdepartmental/Agency Implications: MOTI request CVRD comments by August 14, 2009

Background:

Location of Subject Property: 2395 Mill Bay Road

Legal Description: Lot 1, District Lot 101, Malahat District, Plan 22351 (PID 000-565-351)

Date Application and Complete Documentation Received: July 21, 2009

Owner: Wayne McKinnon & Deborah Hollands-McKinnon

Applicant: Wayne McKinnon & Deborah Hollands-McKinnon to Ministry of Transportation

Size of Parcel: 0.13 ha

Existing Zoning: R-3A (Urban Residential- Limited Height)

Minimum Lot Size Under Existing Zoning: 1 ha

Existing Plan Designation: Urban Residential

000208

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Residential
South: Residential
East: Saanich Inlet
West: Mill Bay Road

Services:

Road Access: Mill Bay Road
Water: N/A
Sewage Disposal: On-site Septic

Agricultural Land Reserve Status: Outside the ALR

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

Archaeological Site: No archaeological sites have been identified.

The Proposal:

An application has been made to: the Ministry of Transportation and Infrastructure to close and acquire the land in a public road.

For the purpose of: resolving the encroachment of the existing residence to Mill Bay Road.

Planning Division Comments:

The Ministry of Transportation and Infrastructure (MOTI) has referred this application for a Road Closure to the CVRD for comment. A Board resolution is required in order to assist the MOTI in their decision. The current owners of 2395 Mill Bay Road have applied to MOTI to close and acquire the portion of Mill Bay Road where their existing house encroaches on the road right of way. As shown on the attached site plan, the proposed road closure ranges from 0.2 m to 1.2 metres in width, the precise length that the existing house encroaches on the road.

The existing residence at 2395 Mill Bay Road was constructed before the CVRD's inception. In 1970, the Department of Highways issued a permit to the owners of the day, granting permission to encroach on the road right of way by 1.3 metres. In 1983 the owners applied to the CVRD for a building permit to renovate the existing residence. At that time the CVRD Board of Variance issued a resolution that appears to have addressed the obvious infraction of the setback regulations in the Zoning Bylaw.

The Ministry of Transportation has advised they support the application as it will resolve current road encroachment and remove any associated liability issues.

000209

Government Agency Comments:

This application was not referred to the Area A – Mill Bay/Malahat Advisory Planning Commission.

Recommendation:

That Application No. 5400-04 Proposed Closure of Mill Bay Road (MoT File No. 2009-04276) be recommended without objection to the Ministry of Transportation and Infrastructure.

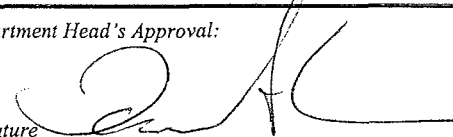
Submitted by,



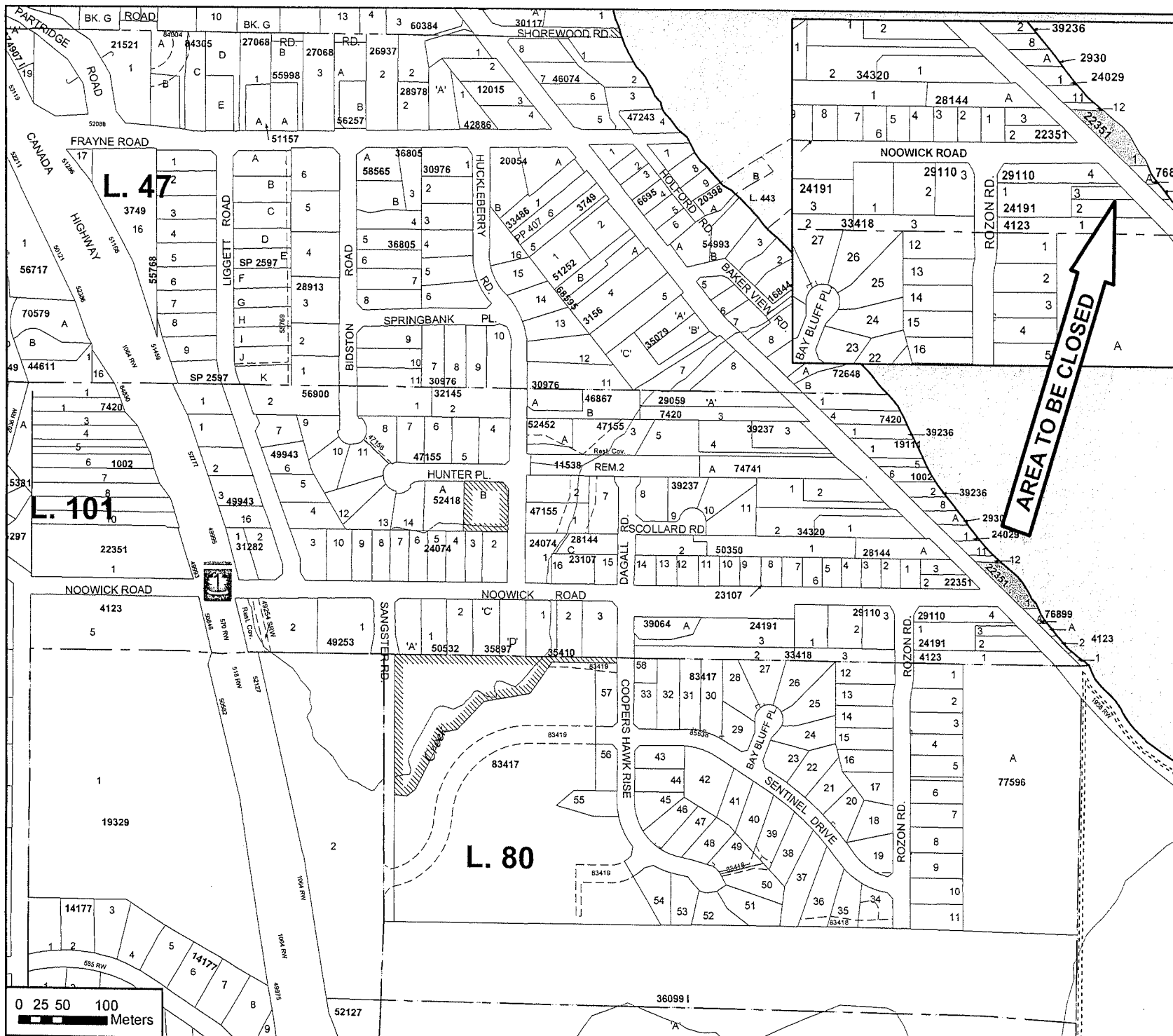
Alison Garnett,
Planning Technician
Development Services Department

AG/jah

Attachments

Department Head's Approval:

Signature

000210



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.

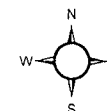
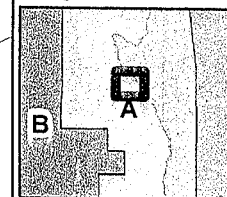
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

MOT FILE:
2009-04276

Legend

Road Closure
Representing the portion of the road right of way to be closed.

Regional Location



0 25 50 100
Meters

000212



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.

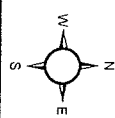
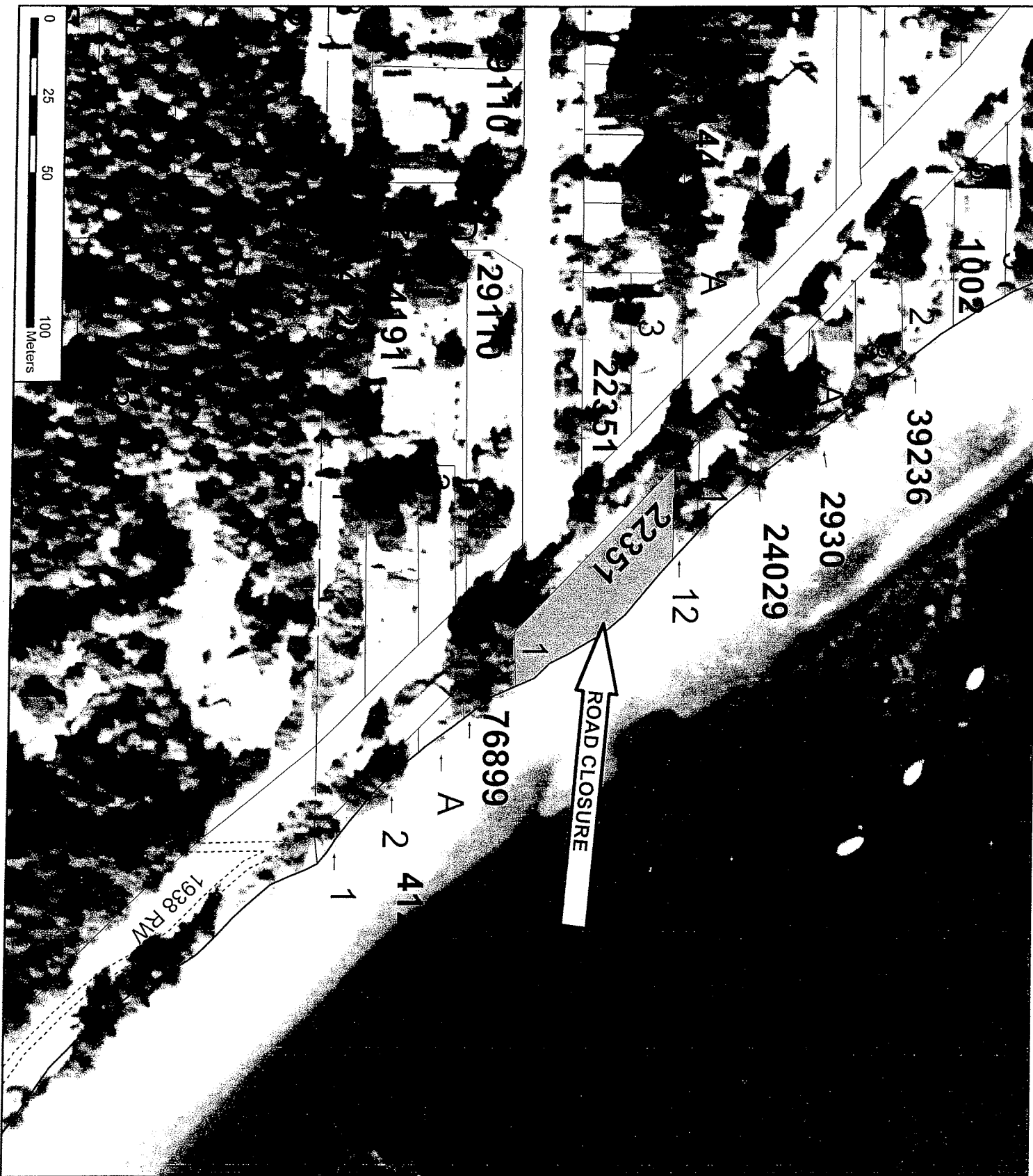
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representative.

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

MOT FILE:
2009-04276

Orthophoto (2002)

Legend
Road Closure



**B. C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING(S) ON
LOT 1, DISTRICT LOT 101, MALAHAT DISTRICT
PLAN 22351, EXCEPT PARCEL "A" (DD 44679-W)
AND PART IN PLANS 23107, 24074 AND 27795.**

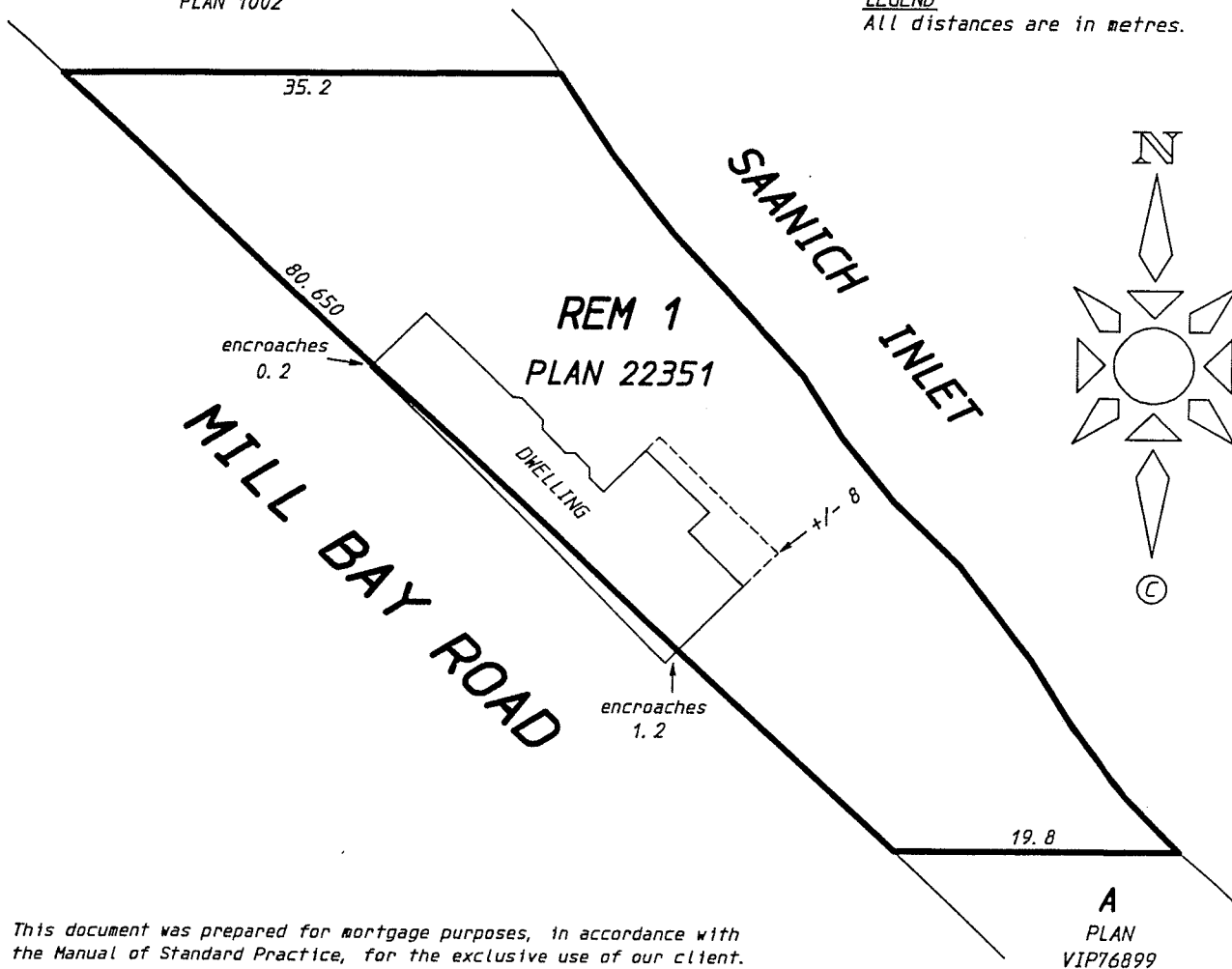
Civic address - 2395 Mill Bay Road, Mill Bay (PID 000-565-351)

Scale = 1:500

PART 12
PLAN 1002

LEGEND

All distances are in metres.



This document was prepared for mortgage purposes, in accordance with the Manual of Standard Practice, for the exclusive use of our client.

The surveyor accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made or actions taken based on this document.

This document shows the relative location of the surveyed structures and features with respect to the registered boundaries of that land, and is not a boundary survey.

All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or part without the consent of the signatory.

Certified correct this 15th day of July, 2009.

[Signature]

B. C. L. S.

This document is not valid unless originally signed and sealed.

Field survey completed June 29, 2009.

BOWERS & ASSOCIATES

B. C. LAND SURVEYOR
2856 Caswell Street
Chemainus, B. C., V0R 1K3
phone/fax: 250-246-4928

© 2009

000213



SR8

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF AUGUST 4, 2009

DATE: July 29, 2009 **FILE NO:** 5400-04- Heald Rd
FROM: Alison Garnett, Planning Technician **BYLAW NO:**
SUBJECT: Referral from Ministry of Transportation
Proposed Road Closure – Heald Road

Recommendation:

That Application No. 5400-04 proposed Closure of Heald Road (MoT File No. 2008-00055) be recommended without objection to the Ministry of Transportation and Infrastructure.

Purpose:

To obtain a recommendation from the Regional Board with regard to the proposed closure of a section of Heald Road.

Financial Implications: none apparent

Interdepartmental/Agency Implications: MOTI request CVRD comments by August 14, 2009

Background:

Location of Subject Property: Heald Road at Shownigan Mill Bay Road

Legal Description: N/A

Date Application and Complete Documentation Received: July 21, 2009

Owner: Ministry of Transportation and Infrastructure

Applicant: Lidstech Holdings Ltd. to Ministry of Transportation and Infrastructure

Size of Affected Area: 30.6 m²

Existing Zoning: N/A

Minimum Lot Size Under Existing Zoning: N/A

000214

Existing Plan Designation: N/A

Existing Use of Property: Lidstech Holdings Ltd pumphouse

Existing Use of Surrounding Properties:

North:	Residential
South:	Residential
East:	Railway
West:	Heald Road

Services:

<u>Road Access:</u>	Heald Road
<u>Water:</u>	N/A
<u>Sewage Disposal:</u>	N/A

Agricultural Land Reserve Status: Outside the ALR

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

Archaeological Site: No archaeological sites have been identified.

The Proposal:

An application has been made to: the Ministry of Transportation to close and acquire the land in a public road.

For the purpose of: resolving the encroachment of a water pumphouse located on road right of way.

Planning Division Comments:

The Ministry of Transportation and Infrastructure (MOTI) has referred this Road Closure application by Lidstech Holdings to the CVRD for comment. A Board resolution is required in order to assist the Ministry of Transportation in their decision. As shown on the attached site plan, the application proposes to close a small portion of Heald Road. The size of the affected area is 30.6 m² (329 ft²). Lidstech Holdings has a water pump house on the subject area, and has recently applied to the MOTI to acquire the land.

The Ministry of Transportation has advised they support the application in order to resolve current road encroachment and provide the area required for Lidstech Holdings Ltd operations.

Government Agency Comments:

This application was not referred to the Area B – Shawnigan Lake Advisory Planning Commission.

000215

Recommendation:

That Application No. 5400-04 proposed Closure of Heald Road (MoT File No. 2008-00055) be recommended without objection to the Ministry of Transportation and Infrastructure.

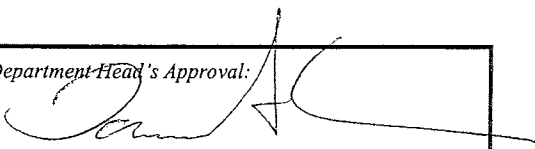
Submitted by,



Alison Garnett,
Planning Technician
Development Services Department

AG/jah

Attachments

Department Head's Approval:

Signature

000216



Cowichan
Valley
Regional
District

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

The Regional District does not warrant the accuracy.

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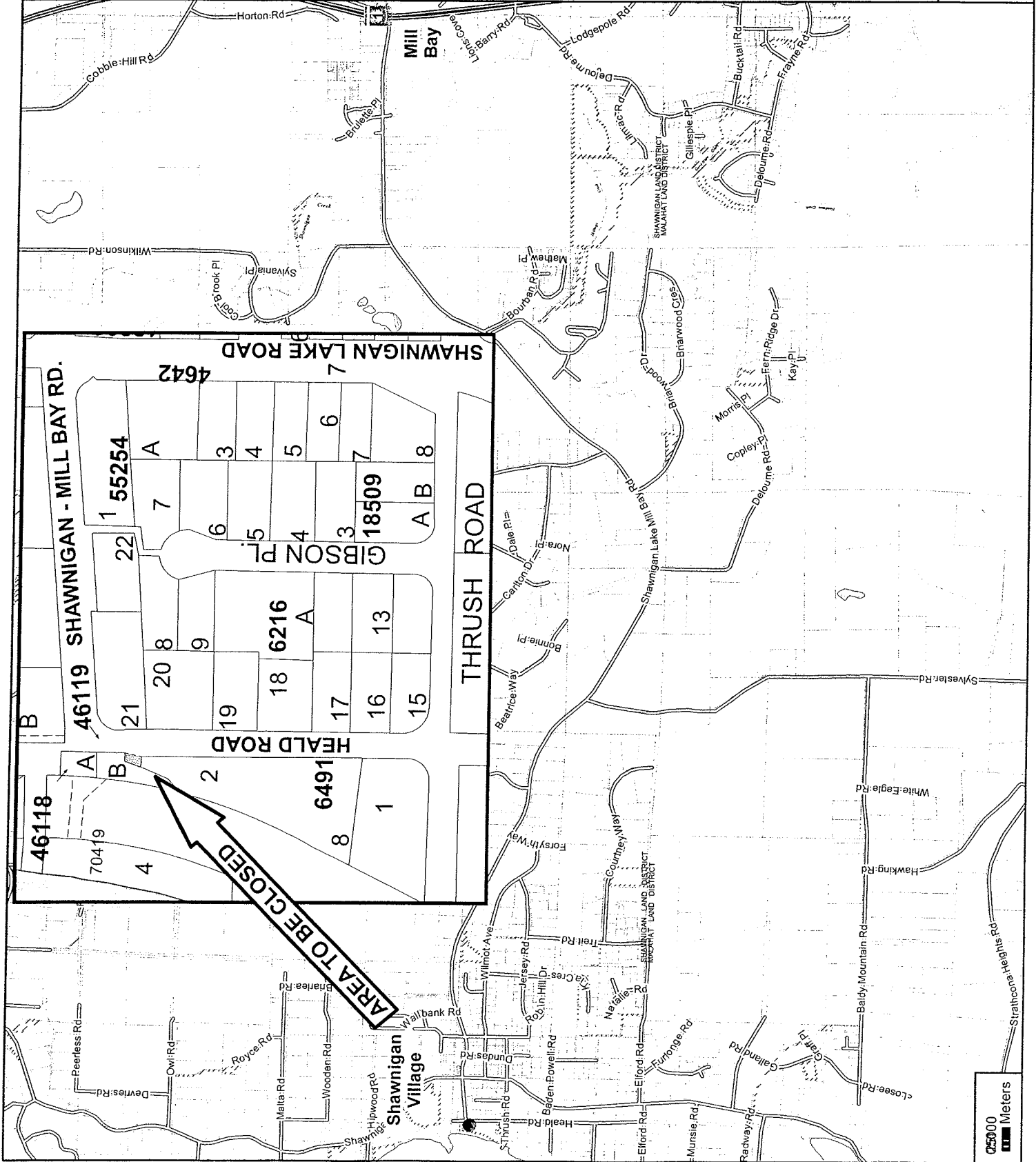
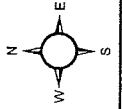
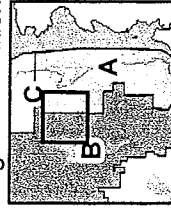
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

MOT FILE:
2008-00055

Legend

 Road Closure
Representing the portion of the road right of way to be closed.

Regional Location



000217

000218



Cowichan
Valley
Regional
District

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various sources for internal
use and is designed for
reference purposes only.

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compilation are advised that
amendments have been
consolidated for convenience
purposes only and that
boundaries are representational.

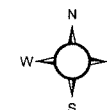
The original Bylaws should be
consulted for all purposes of
interpretation and application
of the Bylaws.

MOT FILE:
2008-00055

Orthophoto
(2002)

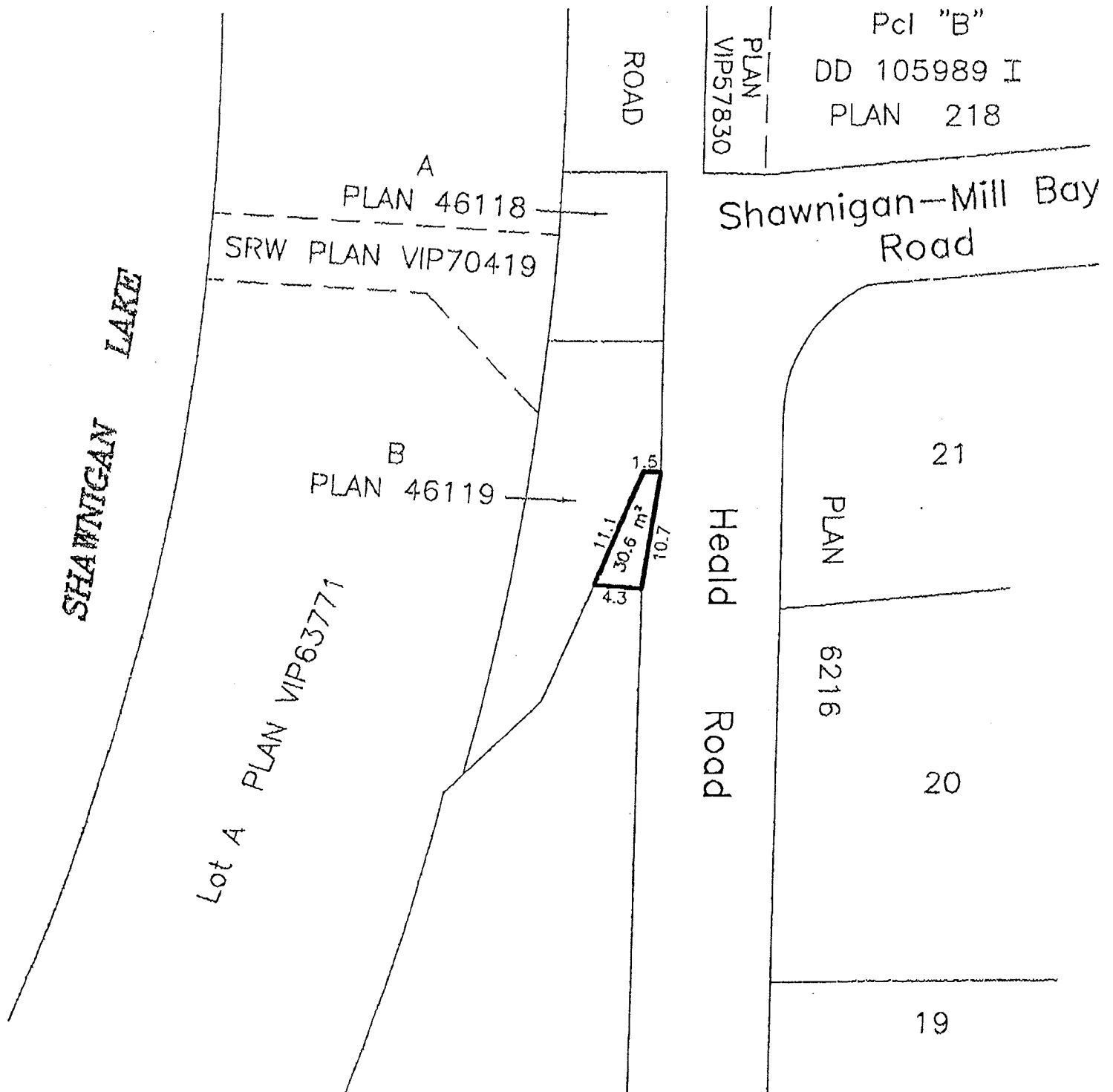
Legend

 Road Closure



SKETCH PLAN OF PROPOSED CLOSURE OF
PART OF HEALD ROAD, SHAWNIGAN, B.C.

00055

Scale 1:500
Metric



**COWICHAN VALLEY
NATURALISTS'
SOCIETY**

Box 361
Duncan, BC
V9L 3X5
cvns@naturecowichan.net
www.naturecowichan.net

CRI

Cowichan Valley Naturalists Society

Box 361, Duncan, BC V9L 3X5

July 14, 2009

Peter Law, Biologist
Ministry of Environment
2080A Labieux Road
Nanaimo, BC V9T 6J9

Scott Northrop, Fisheries Biologist
Fisheries and Oceans Canada
Pacific Biological Station
3190 Hammond Bay Rd
Nanaimo, BC V9R 5K6

Gerry Giles, Chair
Cowichan Valley Regional District
175 Ingram St.
Duncan, BC V9L 1N8

Dear Peter Law, Scott Northrop and Gerry Giles:

RE: Hood Canal Bridge in Cowichan Estuary

Several members of the Cowichan Valley Naturalists Society (CVNS) attended a public meeting on June 11, 2009 in Cowichan Bay hosted by the Cowichan Bay Residents concerning the arrival of the Hood Canal Bridge in the Cowichan Estuary. Since then we have been informed by the CVRD that Seagate Pontoon will be moving the bridge because any demolition of the bridge would trigger the CVRD to seek an injunction.

CVNS has many members who participate in an eelgrass restoration project in Cowichan Estuary that the Cowichan Community Land Trust and Seachange Society have organized over the last few years. CVNS members in conjunction with other groups such as the Cowichan Community Land Trust, Ducks Unlimited, the Department of Fisheries and Oceans, and The Nature Trust of BC have a direct stake in the Cowichan Estuary through nature related activities. In addition to the eelgrass restoration, these activities include the conservation of great blue heron rookeries, the restoration of purple martin nesting habitat, bird counts, DFO salmon research, marine mammal studies, habitat conservation, and the provision of programs such as bird-watching, Low Tide Day, canoeing, and kayaking. We will soon be beginning forage fish spawning surveys.

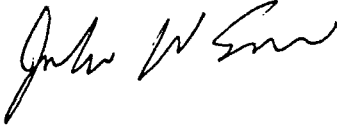
We intend to protect and defend the ecological values of the Cowichan Estuary. Thus, the persistent

000220

question for our organization is "How did this bridge end up in the Cowichan Estuary and why was the response of the responsible agencies not timelier?"

How can we assist government agencies to ensure that this type of breakdown does not occur in the future and to protect the ecological integrity of the Cowichan Estuary? CVNS would like to meet with the Cowichan Estuary Environmental Management Team to discuss this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "John Scull". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Scull".

John Scull, secretary, for Eric Marshall, president
Cowichan Valley Naturalists Society

Cc: John Keating, Land Manager, Cowichan Tribes
Lori Iannidinardo, Director, Cowichan Bay
Tom Walker, Mayor, North Cowichan
Georgina Webber, Cowichan Bay Residents Association
Roger Hart, Cowichan Community Land Trust
Les Bogdan, Ducks Unlimited
Doug Walker, The Nature Trust of BC
Andrew Gage, West Coast Environmental Law Association
W.J. Andrews, Barrister & Solicitor

000221



CR2

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director K. Cossey Area B

Grantee:

Grant Amount \$ 250.00

NAME: Cowichan Green Community

ADDRESS: _____

Contact Phone No: 748-8506 Judy Stafford

PURPOSE OF GRANT: Aid with 2nd Annual Fall Harvest and Sustainability Festival

REQUESTED BY: _____

Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
<u>01-2-1950-0291 - 112</u>	<u>250.00</u>	<u>10.0</u>

FOR FINANCE USE ONLY

BUDGET APPROVAL ✓

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____

Tammy Knowles

From: Sharon Moss
Sent: Monday, July 27, 2009 3:34 PM
To: Tammy Knowles
Subject: FW: Cowichan Green Community's Second Annual Fall Harvest and Sustainability Festival September 2009

Tammy,

Could you please sent in motion the Grant In Aid for Ken Cossey as below and "put a fire under it" if necessary. (Not sure of the timing of the next meeting) – thanks. Please let me know which meeting it will be going to.

Sharon

From: Ken Cossey [mailto:kcossey@seaside.net]
Sent: Saturday, July 25, 2009 1:43 PM
To: Judy Stafford
Cc: Sharon Moss; emily bullen
Subject: Re: Cowichan Green Community's Second Annual Fall Harvest and Sustainability Festival September 2009

Sharon,

Please set up the paperwork for an Area B Grant in Aid for \$250.00.

Thanks

Ken Cossey

----- Original Message -----

From: Judy Stafford
To: Ken Cossey
Cc: emily bullen
Sent: Monday, July 20, 2009 12:25 PM
Subject: Fw: Cowichan Green Community's Second Annual Fall Harvest and Sustainability Festival September 2009

Hello Ken,

I am just following up from my email of May 29th to see if you have been able to consider our request for funding for this year's event.

Please let me know if you require additional information. I look forward to hearing back from you at your earliest convenience.

Thank you again for your consideration.

Judy Stafford
Executive Director
Cowichan Green Community

----- Forwarded Message -----

From: Judy Stafford <judy_l_stafford@yahoo.ca>
To: kcossey@seaside.net; meldorey@shaw.ca; loren_duncan@telus.net; briger@shaw.ca; lianni@shaw.ca; k.k@shaw.ca; marym@island.net; morrison.director@shaw.ca; ggiles12@shaw.ca
Sent: Friday, May 29, 2009 4:01:08 PM
Subject: Cowichan Green Community's Second Annual Fall Harvest and Sustainability Festival September 2009

Hello all,

It's hard to think of planning for the fall when summer is barely here - but it is that time already.

This September, Cowichan Green Community (CGC) will be hosting our second annual Fall Harvest and Sustainability Festival. Last year was a huge success with hundreds of people basking in the incredible sunshine at Providence Farm while being entertained with live local music, attending a series of educational workshops, and learning about environmental sustainability from over 40 exhibitors.

We collected over 200 pounds of food which was donated to the Cowichan Valley Basket Society and we raised almost \$1,500.00 to help support CGC and the important work we do in the Valley. The feedback was so inspiring with most folks asking us to make sure we do it again this year and so we are. We already have the list of exhibitors started and Providence Farm is booked.

Last year, your generous contribution equated to \$1,000.00 to help defer some of the costs to rent Providence Farm. This year we are again asking for your support. We want to make this event bigger and better and now with the cancelation of the Cowichan Exhibition folks will be looking for things to do this fall - and what better way than to have fun and learn how to improve the environment of our incredible Valley at the same time?

We sincerely appreciate any monetary donation you can contribute and if you require any more information please do not hesitate to contact me.

Yours truly,

Judy Stafford
Executive Director
Cowichan Green Community
250-748-8506
www.cowichangreencommunity.org

Looking for the perfect gift? **Give the gift of Flickr!**



Yahoo! Canada Toolbar : Search from anywhere on the web and bookmark your favourite sites.
Download it now!

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 8.5.392 / Virus Database: 270.13.20/2249 - Release Date: 07/19/09 17:59:00

CR3



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director IANNI DINARDO, Area D

Grantee:

Grant Amount \$ 1000.00NAME: BRUCE STEWART / CITTA SLOW COWICHANADDRESS: 5155 SAMUEL RD.DUNCAN V9L 6Y1Contact Phone No: 746-7664PURPOSE OF GRANT: SIGNAGE FOR A CITTA SLOW
COWICHAN BAY ENTRANCE
SIGN

REQUESTED BY:

Lu L. Iannardino
Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
<u>01-2-1950-0366-114</u>	<u>1000.00</u>	<u>10.0</u>

FOR FINANCE USE ONLY

BUDGET APPROVAL _____

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____

Tammy Knowles

From: Mark Kueber
Sent: Monday, July 20, 2009 8:43 AM
To: Tammy Knowles
Subject: FW: 2009 07 15 Letterto CVRD request\$

Hi Tammy, can you forward to Lori the information she is looking for, also can you provide EAS with the info for putting this on the next agenda.

Thanks

Mark

From: Lori Iannidinardo [mailto:lianni@shaw.ca]
Sent: Thursday, July 16, 2009 3:58 PM
To: Mark Kueber
Subject: 2009 07 15 Letterto CVRD request\$

Hi Mark, I would like to know the balance of the Area D Grant-in-Aid Function and I did wonder if we could add this on to the next agenda I will fill out the appropriate forms and bring them in as well. Thanks Lori

July 15, 2009

Bruce Stewart

Cittaslow Cowichan

5155 Samuel Road

Duncan BC V9L 6Y1

Lori Iannidinardo

Area D Director

Dear Lori:

Please accept this letter as a formal request for funding from the CVRD. We are asking for \$1000 to enable us to erect signage at the entrance to the community.

Cittaslow is a new society that has recently been set up in Cowichan Bay. Cittaslow is an Italian organization whose core values are to promote sustainability, local food, cultural heritage and a slower way of life. Cowichan Bay has applied for, and recently been awarded admission into this exclusive society. This will be the first Cittaslow in North America. This

achievement will generate significant interest in Cowichan Bay as well as the surrounding area, further strengthening our reputation as a great vacation destination.

We plan on formally "cutting the ribbon" at our inaugural event in September .

Please advise as to whether we can count on the support from the CVRD for this.

Sincerely,

Bruce Stewart

President – Cowichan Bay

000227

Area A Advisory Planning Commission Bamberton Meeting
16 July 2009
Held at Mill Bay Fire Hall
Minutes


JUL 27 2009

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

Regrets: Dola Boas

CVRD Staff: Mike Tippet, Rob Conway

Audience: Invited Area B, C, and D Directors and their APC members, CVRD members, Three Point Properties guests

Meeting called to order at 6:35 pm

Purpose of Meeting:

Three Point Properties representatives Ross Tennant, Joe Van Belleghem, Stefan Moores presented an overview of the Bamberton application and amendments. They also provided a summary of the Bamberton Rezoning application changes, an overview of the proposed community benefits and the Bamberton response to the CVRD Regional Study Recommendation.

The audience and Area A APC members were asked for questions they might have related to the presentation.

APC/Audience Questions and Bamberton Response

1. How will Bamberton differ from Dockside Green?

- It is about a mind set, not doing the projects the same. Techniques will not be identical and strategies will be integrated differently. The systems will get more efficient as density increases.
- The issue is job creation.

2. What is the Industrial use of Bamberton lands?

- Businesses will need to conform to a standard. Example could be prefab homes. There will be commitments and covenants with businesses that sign up to be part of Bamberton. A 15,000 sq. ft commercial grocery store planned for later years.

3. Is the waterfront area with the village starting first?

- This area is not going to start until there are residents, that is, the density to support the waterfront development. If the retail component does not work the village will not work. There will be a retail /commercial component in all phases of the development.
- The project will start in the Northlands, as the water infrastructure is closest to the Northlands.
- There will be pressure on Mill Bay businesses for a few years.
- The Trillium Study shows there is not demand for condo's now.
- The business plan will not work if Three Point Properties were to start in waterfront area.

4. Do you have an extensive rendering of Northlands and the Eco Park?

- Northlands would be modeled after "Village Homes", located in Davis California
<http://www.villagehomesdavis.org>
- This projects features such things as community gardens and social amenities such as a with a shared park area.
- There is a market for smaller homes (800-sq. ft.), starter homes, and senior homes with no stairs and homes with granny suites as mortgage helpers.
- Two handouts were given to Ted Stevens in response to his concern.

5. What home price do you call affordable?

- In the range of a \$250,000 home with a secondary suite.

API

000228

6. In the artist rendering of the waterfront area the riprap is not a natural structure thus is not environmentally friendly. Is this the riprap that will be used?

- Three Point Properties will not use the type of riprap in the illustration. They will follow the Green Shores agreement. There will be a need for some riprap, which should be defined in the PDA.

7. How do you see the public access areas staying in the public hands?

- By the creation of a buffer or an easement.

8. You mentioned using treated wastewater in toilets. What was another use?

- The use of grey water in washing machines.

9. What is your relationship between Malahat and Other First Nations and the current economic situation of the Malahat band?

- First proposed a fee that would go into a trust for all First Nations, 20% for each band – this is an equitable way to do it.
- Trillium Study suggested the money go into a trust for Stewardship of the Saanich Inlet and interested bands could participate. It should not be up to us to tell First Nations what they should do with the money.
- Prefer to let the Malahat band manage the fund and decide how it should be distributed.

10. Small homes in the Northlands area, would there be lack of sunlight?

- Can't do anything about this.

11. Beyond construction what would happen to business in Mill Bay? Would business be driven away?

- Think will have a catalytic effect on Mill Bay.
- Three Point Properties has offered \$.5 million to the CVRD to develop a plan that ensures that Bamberton is integrated into the fabric of the Mill Bay Community. This plan would address such issues as water, sewage, roads, etc. that vitally impact the well-being of Mill Bay.

12. Would you explain the sale of low cost homes?

- There would be a covenant of sale for low cost (employee) homes.

13. Increased population will dictate the need for the addition of another fire truck at the cost of a \$.5 million. Would this be a direct cost to the residents of Mill Bay?

- Three Point Properties has leverage e.g. the new Fire Hall truck and equipment would have financing in place where the residences of Bamberton would pay the initial costs not the existing residences in Mill Bay.

14. Traffic issue? Trillium report was deficient on traffic infrastructure and maintenance.

- Suburban sprawl is causing the traffic problems in your region now.

15. In the first ten years of the Bamberton development it is roughly estimated that there will be about 2200 residents and somewhere between 1200 to 1500 autos on the road. This traffic will not stay resident in the area as all the big box stores are located in either Victoria or Mill Bay and regular trips will be made to these locations. Given that Bamberton does not plan any significant commercial development in the early years it appears that the Mill Bay Centre will be experiencing a significant traffic increase, as will the Trans Canada. This will also have a huge impact on the infrastructure of Mill Bay. What are your thoughts on this issue?

- Area is currently experiencing suburban sprawl vs. the benefits of a planned community. Bamberton will probably relieve some of the traffic issues that are evolving as a consequence of this type of development.
- The residents' commercial requirements or needs will not be fulfilled by Bamberton for the first 4-5 years; this will put pressure on Mill Bay -- pain in the first years.

16. Where is the wastewater site?

- There will be a couple of plants.

000229

17. How much space is there for the new industrial site?

- There is 42 acres now with leases to 2020 that provide cash flow to Three Point Properties. Intention is to shrink this to some light industrial at the port facility over time.
- Some additional industrial outside of this area e.g. in some of the energy zones.

18. Is there room for expansion of industrial lands rather than residential?

- Not all industrial on one site.
- Zoning allows for more industrial. Master plan will change as time goes on.
- Deepwater port is a huge asset. Carmanah would use for transport.

19. What do you consider light industrial?

- Energy systems, prefab homes, hi tech, etc.

20. Can small groups meet with Three Point with more questions?

- Yes, can also e-mail questions or ideas to Ross.
- June Laraman, Area A APC Chair, requested that answers that might provide more insight to the development be shared with both the CVRD and the APC.

Feedback to the rezoning application and amendments provided by Three Point Properties should be sent to Rob Conway, rconway@cverd.bc.ca , ASAP.

Meeting adjourned at 8:45 pm.

000230

Minutes of the Electoral Area G (Saltair)
Advisory Planning Commission
July 15, 2009

In attendance: Ted Brown, Ruth Blake, Gary Dykema, David Thomas, Director
Mel Dorey

Also in attendance: Mr. and Mrs. Keith Parkinson (applicants) and other
members and friends of the Parkinson family

The purpose of the meeting was to review Rezoning Application No. 2-G-08RS (Parkinson)

The Meeting was called to order at 8:00 p.m. by Chairman Ted Brown.

Keith Parkinson provided the Commission with background information with respect to the application, including the following points:

- The purpose of the application is to allow the subdivision of one parcel from the parent property so the applicant's son may build a house on it.
- The original subdivision request was made under the old Saltair OCP at which time both the OCP and Provincial subdivision regulations would have allowed the subdivision without the need for a rezoning of the property.
- Due to the length of time it took to secure an approved septic treatment system for the property not only had the old OCP been replaced with the current plan but the Provincial subdivision rules had changed, thus requiring a rezoning of the property.
- The Parkinson's were strongly opposed to any walkway being required through their property connecting Clifcoe Road with the Chemainus Road. Such a walkway was not possible along the north boundary of their property given the location of the septic treatment facility and a walkway between the two proposed parcels would result in an unwanted disruption between the parent's and son's homes.
- The Parkinson's also noted that, apart from creating the new lot, they had no desire to further subdivide the balance of the property.

Following questioning of the applicants and discussion, the following motion was made:

That the Advisory Planning Commission recommend approval of the proposed R-3 rezoning, but only for the proposed Lot 1.

Carried Unanimously

In discussing this motion the members of the APC were of the view that the rezoning should be restricted to the proposed Lot 1 and that any broader based rezoning should only occur through a more comprehensive review of the OCP. It was recognized that this proposal could be construed as a "spot rezoning" but, given the history of the application, there was a strong consensus the rezoning should be approved in order that the additional lot could be created.

There was also considerable discussion about whether or not a walkway linking Clifcoe Road and Chemainus Road should also be required at this time. While such a walkway would provide a direct link to the Stocking Creek Park entrance at Thicke Road as well as a convenient pedestrian link from lands to the east to the commercial area on Chemainus Road it was felt that such a requirement would be overly onerous given that only one lot was being requested. However, there was discussion about protecting the opportunity to establishing such a walkway should the balance of the property be developed at some point in the future. This could be accomplished by modifying the boundaries of the proposed Lot 1 and the rezoning boundary so as to leave a small triangular piece of land in the southeast corner of the proposed Lot 1 as part of the parent parcel. The idea of placing a covenant on the parent parcel protecting this option was also discussed. It was emphasized, however, that the walkway requirement would only come into effect should the landowners choose to further develop their property.

Ted Brown
Chairman
Saltair Advisory Planning Commission

AP3



Area "H" Advisory Planning Commission Minutes (subject to APC approval)

Date: June 11, 2009

Time: 7:00 PM

Location: Diamond Hall

Members Present: Chairperson – Mike Fall, – Chris Gerrand, John Hawthorn,
Gary Fletcher, Jody Shupe,

Members Absent: Secretary Jan Tukham, Alison Heikes and Ben Cuthbert,

Also Present: Fire Commissioner Shirley Husband, Parks Commissioners Barb Waters and
A.S. Ladret,

Members of the Public Present: 1

Approval of Agenda: It was moved and seconded that the agenda, be approved.

Motion: Carried

Adoption of the Minutes: It was moved and seconded, that the minutes of the
May 14, 2009 meeting of the Advisory Planning Commission, be accepted as circulated.

Motion: Carried

Old Business: No Old Business

New Business: **Application No. 1- H-08RS (Applicant W. Clifford for Bryan Wiggins)**

Application to amend Electoral Area H OPC Bylaw No. 1497, and Zoning Bylaw No. 1020 to
allow subdivision of the subject property into four parcels.

Delegate(s) present: Applicant's representative, Wendy Clifford,

After a discussion period of questions and answers to Ms. Clifford the following motion was
made;

That the Area H Advisory Planning Commission does not support rezoning of agricultural land;
however, because there is a potential for significant community benefit with this application and
because a residential zone would be compatible with the surrounding properties, we
recommend that a new site specific zone be created and that this application proceed to public
hearing. And further, we encourage the applicant and the CVRD to explore all options for the
maximizing the public benefit.

Examples being; That there be no small suites, no secondary dwellings, no home occupation,
no bed and breakfast, no docks or any such disturbance of the foreshore;

That the applicant provide a source of water for fire fighting and dedicate a piece of land for a
future satellite fire hall and also a piece of land for a park.

And that prior to going to a public hearing that the revised proposal be returned to this APC for
its perusal.

Motion: Carried

000233

Page 2

Area "H" Advisory Planning Commission Minutes

Director's Report: Director Marcotte.

Next Meeting: The regular meeting of the Advisory Planning Commission will be held
Thursday, July 9, 2009 @ 7:00 PM
– Diamond Hall

Adjournment: Moved and Seconded @ 8:25 PM

Motion: Carried



Area A Parks & Recreation Meeting Minutes
June 25th, 2009
Held at Brentwood College

JUL 21 2009

Present: David Gall, Clyde Olgivie, June Laraman, Joan Pope, Paris Webster, Mario Iannidinardo, Greg Farley, Brian Harrison (Area A Director), Roger Burgess (Alternate Area A Director), Brian Farquhar (CVRD Parks & Trails Manager)

Meeting Minutes: It was moved and seconded
That the meeting minutes for March 19th be accepted with the correction of the name Brian Dias, CVRD Parks Operations Superintendent, to Ryan Dias.

MOTION CARRIED

Agenda: It was moved and seconded
That the meeting agenda for June 25th be accepted. Under Existing Business added Meredith Rd Update and under Other Business added New PRC Members.

MOTION CARRIED

Existing Business:

Parks Maintenance **Summer Student Priorities:** Brian Farquhar confirmed that the Mill Springs trail will be able to be completed either by the summer students or the JOP crew that has been funded.

Funding Grants **For Trail Clean-up:** Brian Farquhar confirmed that funding grant for the JOP program had been approved and that the requested program of work o for the Lilmac Trail connection east and west would be funded. The CVRD staff will be meeting with the contractor, BC Parks and North Cowichan in the next couple of weeks to develop a schedule for the 2 crews that have been funded for the next 30 weeks. It is possible that the work may not happen until the fall

Individual Donations: Per Brian Farquhar and Tanya Soroka, CVRD Parks & Trails, the CVRD does not have a policy in place for commissions to solicit individual donations. For this to occur the Area A PRC would need to recommend that a policy be established and formally document the request in the PRC minutes for review by the Electoral Area Services Committee and then approval by the Board.

It was moved and seconded that
The PRC recommend that a policy is established for the solicitation of donations and this request be reviewed by the Electoral Area Services Committee and be approved by the CVRD Board.

MOTION CARRIED

Meredith Rd Update: Per Brian Farquhar and Tanya Soroka, CVRD Parks & Trails, a cheque has not been received for the cash in lieu amount. The developer will bring in his most recent BC land assessment form when he is ready. The developer will not get approval from the CVRD to the MoT for meeting section 941 of the *Local Government act* for park and land dedication so will be unable to proceed.

Director Harrison updated the PRC that turnaround parking will be available once the development proceeds.

New Business

South Cowichan/End Parks & Recreation Commission:

Roger Burgess provided an overview of the commission and the budget. The mandate of the commission is to maintain, improve, acquire and develop entities within Areas A, B, C & D that have a regional context as opposed to entities that only have local significance.

The current entities are Cowichan Bay Boat Launch, Mill Bay heritage church, Cobble Hill dog off-leash park & Cobble Hill Cenotaph.

The members are drawn equally from the four aforementioned areas with two delegates from each area PRC - the chair and one other member at large. The Area Director or alternate is not a member of the Commission, may not propose nor vote on motions but may provide advice and comments if requested. It was established that David Gall would be attending as the Area A PRC chair and one other representative was required. June Laraman volunteered to be the other representative if there was no other volunteer.

Roger Burgess requested clarification as to who are the other area representatives and a copy of the most recent commission minutes. Brian Farquhar to follow-up and provide the information.

It was moved and seconded that June Laraman would be the other attendee at the South End Parks & Recreation Commission pending approval by both Director Harrison and the CVRD Board.

MOTION CARRIED

Rezoning Overview: Brian Farquhar provided an overview of how the rezoning application process works as it relates to Parks and Trails.

The differences between parkland dedication requirements at time of subdivision and parks issues raised as part of a rezoning application are recapped below:

Parkland Dedication at time of Subdivision

- A Provincially legislative requirement under Section 941 of the Local Government Act
- Applies to subdivisions where a parcel is being subdivided into 3 or more lots PLUS the remainder of the parent parcel AND the smallest lot being created is 2.0 hectares or less in size

- Parkland area calculated as maximum five percent of total parcel being subdivided (i.e. a 20 hectare parcel being subdivided would require a 1 hectare park dedication)
- Location of parkland dedication determined by Local Government (i.e. CVRD), as Regional District has policies in OCP pertaining to parks in community
- Parkland dedicated can be one area or more than one area (i.e. trail corridor dedications) as long as total area not more than 5 percent of total parcel being subdivided
- Overall, if applicant meets all requirements for subdivision application, including parkland dedication where applicable, the application is approved

Rezoning and Park Issues

- Applications for Rezoning are administered by the Regional District as land use zoning is regulated by local government (not the Province)
- No guarantee of approval by CVRD Board, regardless of what applicant is applying for or offering to community as part of application (i.e. park space)
- There is no regulations pertaining to parkland dedication as part of rezoning applications, as there is no regulation requiring rezoning applications be approved just because an application is made.
- Similarly, there is no limit to the amount of land an applicant may be willing to provide as park on the lands proposed for rezoning. Rezoning applications approved by the Board in recent years have included no parkland (zero percent) to upwards of 60-70 percent of the land area dedicated for park following rezoning approval. The same has applied to construction of park amenities, where some rezoning have included commitments to construct park facilities at cost to the applicant.
- Reviewing rezoning applications could be similar/akin to completing a focused Official Community Plan review process on the subject property(s) applied for rezoning, looking at all aspects of issues covered within the OCP (social, environmental, economic, transportation, parks/open space, etc.) in terms of impacts (negative/positive/neutral to the surrounding community/Electoral Area).
- Opportunity for offering/negotiation of parkland for active/passive/environmental protection/trail corridor(s) by proponent as part of application to offset impacts of proposed rezoning (i.e. from Forestry to Residential zoning which will bring new residents into the community for which offering of parkland would provide area(s) for these new residents to go, instead of existing parks within community which may already be at capacity with existing residents.

- Similarly, in addition to providing land for park, construction of park amenities can be offered/negotiated by applicant, such that if rezoning approved the park would be constructed by the developer at time of subdivision application (note this would be a condition of rezoning approval NOT a condition of subdivision application – see above)
- In order to secure commitments for park dedication/amenity construction by applicants, such commitments are registered on title in favor of the Regional District PRIOR TO formal approval/adoption of rezoning bylaws by the Board. Parks staff are involved in structuring such legal commitments (i.e. through restrictive covenants). Phased Development Agreements are emerging as another legal tool to secure such commitments by applicants.

As noted above, the primary difference of dedication of parkland between Subdivision Applications and Rezoning Applications is that with subdivision applications it is a provincially regulated requirement under the conditions above whereas through a Rezoning Application process there is no formal requirement for parkland dedication, rather is it subject to the willingness of an applicant to offer park dedication/development as part of their application and whether the Board gives favorable consideration to a rezoning application (which may or may not include parkland dedication/parkland development).

Rezoning Application: Mill Bay Veterinary Clinic

Proposed rezoning is located at 840 and 846 Deloume Rd and is a total of 0.374 hectares (0.92 acres). The applicant is proposing to rezone the two subject properties for A- 3 Veterinary and R- 3 Urban Residential to a modified general commercial zone.

The proposed rezoning will not trigger a 5% park land dedication under section 941 of the *Local Government Act*. The CVRD Parks & Trails formally referred the request to determine if there is any opportunity for a trail corridor.

It was moved and seconded that
The Mill Bay Veterinary Clinic be requested to make a donation to the park fund.

MOTION CARRIED

Parks Proposal:

Wildlife Viewing Pier at Fuller Lake: Request received from Tony Massey at the Freshwater Fisheries to consider making a donation of one to two thousand dollars towards a proposal to construct a wheelchair accessible angling and wildlife viewing pier at Fuller lake.

It was moved and seconded that
Area A appreciated the opportunity to make a donation, however, as funding cannot be made available outside its area this would not be possible.

MOTION CARRIED

000238

Other:

New PRC Members – Discussion around the need to recruit new area A PRC members as at times it is difficult to obtain a quorum. The commission can have up to nine members and currently only has seven members.

Director Harrison agreed that new members should be nominated for his review with the caveat that the commission should look for a greater representation of the community i.e. families.

Adjournment: It was moved and seconded
That the meeting be adjourned.

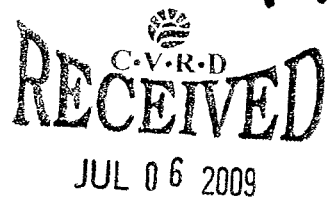
MOTION CARRIED

The meeting adjourned at 8:50 PM.

Next meeting: September 17th, 2009 at 7pm at Brentwood College

000240

PK2



Meeting Minutes
Shawnigan Lake Parks & Recreation Commission
June 18, 2009, SLCC Lounge

Called meeting to order at 7 pm (following site visit to Renfrew Road)

Present: Trina White (scribe), Bill Savage, Ken Cossey, Margaret Symon (chair), Betty Lord, Gerry Gutensehn, Al Brunet, Lori Trearlor

CVRD staff in attendance: Ryan Dias

Guests: Dave and Cathy Alder

Approved meeting minutes from April 16.09 & May 21.09

Old Business:

Parks & Trails Master Plan Update: Brian Farquhar provided a memo stating that the Master plan is delayed due to the amount of time CVRD Parks Dept. has been spending on grants and applications. The master plan should be completed in the near future; final drafts will be circulated to commission members prior to our July meeting. Commission needs to review the Memo "Update on Shawnigan Lake Parks & Trails Master Plan Completion" and provide feedback (vis-à-vis the Master Plan).

Silvermine Trail Detour: Temporary detour trail between Shawnigan Beach Estates and Silvermine Estates completed by CVRD Parks summer crew; signed, and already in good use.

Subaru Triathlon: The event was a great success. The weather was good; over 400 athletes competed this year. Several commission members volunteered to make the event a success. Small amount of litter left at TCT Trail/W. Shawnigan Lake Park/roadway cleaned by commission member volunteers and CVRD Parks maintenance crew.

Shawnigan Hills Phase 1: The commission now has the option to look at completing phase one or spend this same money on changing the field to a turf field. The commission has asked the CVRD to research the costs and maintenance of a turf field for our next meeting. If we decide to go any further we would have to have an open house in the fall with all user groups.

Ryan Dias explained that the sports fields have recently received maintenance upgrading; there are some hard spots that will be fixed through a coordinated plan of irrigation/fertilisation.

Bob-O-Link connecting Trail -- Dan Brown: Trail work done this spring. The trail is about ½ km long.

000241

Water Safety: Mason's, Gov Wharf, Old Mill: Long Booms are getting replaced with Buoys. The CRVD will review the work done along with Bill. Need to ensure that the buoys are tied off so that they do not slide.

New Business

Silvermine Trail and Park Fuel Reduction Pilot Project/JOP: CVRD/DNC/KFC received JOP grant for trail building/fuel reduction in parks. KFC crew scheduled to commence work at Silvermine Trail/Park this fall.

Renfrew Road Property: In Camera

Youth Info Kiosk – Shawnigan Wharf Park: Service Canada will be setting up a one day booth in July to promote work programs with the youth. Commission endorses this project.

Picnic Table: Parks has donated a picnic table to the Shawnigan Cemetery from the request of the Lions club.

Memory Island. Continued problem with overnight camping/campfires. RCMP will be contacted again.

Security Patrols at Shawnigan Lake Parks. In recognition of the number of high use public parks and lakefront, more funding required. Area Directors will be asked to support proposal for more funding.

Organization: Ken Cossey will be organizing a meeting between all commission, Parks, Residents, Community Centre, and Business. The focus of this meeting will be to open up communication between all commissions and work along side each other on projects.

Parks Mandate: Ken Cossey encouraged Parks and Recreation Commission to focus on park and recreation issues and to look positively to the future.

Meeting adjourned. Next Meeting July 16. SLCC.



JUL 08 2009

Minutes of the regular meeting of the Area H Parks Commission held at Bruce Mason's residence on June 22, 2009 at 7:30 p.m.

PK3

PRESENT: Chairperson Bruce Mason, Snuffy Ladret, Brad Uytterhagen, Mary Marcotte, Secretary Barbara Waters, Area H alternate director Rob Waters

ABSENT: Murray McNab, Don Pigott

**TOUR OF
WIGGINS
PROPERTY**

Prior to the meeting, Parks Commission members met at 6:30 p.m. with Dr. Brian Wiggins, his lawyer Wendy Clifford and two members of the Area H Fire Commission to tour a parcel of land fronting on Shell Beach Road. The proposed subdivision of this parcel will entail a donation of parkland and it is also proposed that a portion of this land be dedicated to a fire substation.

**APPROVAL OF
AGENDA**

Moved
Seconded

That the agenda be approved.

MOTION CARRIED

**ADOPTION OF
MINUTES**

Moved
Seconded

That the minutes of the regular meeting of March 21, 2009 be adopted.

MOTION CARRIED

**NEW BUSINESS
NB1: WIGGINS
PROPERTY
PARKLAND**

Discussion included issues around strata-title, rezoning, existing local aquifer, and zoning restrictions, as well as requirement for significant community benefits if this application for rezoning is to be approved.

The Parks Commission recommends that the CVRD explore the following options with the applicant: that a narrow strip of parkland be provided along the entire eastern edge of the property from Shell Beach Road to the waterfront, widening out at the waterfront end; and that public pedestrian access be provided to Fearn Way.

000243

**NB2: ROCK
DONATION**

A donor has offered two to four dump truck loads of rock which could be used along the borders of parking lots, e.g. in Blue Heron, Yellow Point and Elliott's Beach parks. Rob Waters is to explore size requirements and size of rocks available. Mary Marcotte is to confirm if delivery is to be free of charge.

**NB3:
LADYSMITH
PARKS AND
RECREATION
COMMITTEE**

Brad Uytterhagen has volunteered to be the Area H Parks Commission representative on the Ladysmith Parks and Recreation committee.

**NB4: MARY
MARCOTTE'S
WEBSITE**

Mary Marcotte reports that her new website is nearly ready. Parks Commission meeting times, dates and agendas will be posted on this website.

REPORTS

**R1: YELLOW
POINT PARK**

Parks Commission members met in this park June 14 to work on clearing the trail to the site of the new bridge. Another work party is needed for this project. Contract work is required for clearing broom and refurbishing the picnic table. Mary Marcotte is to find out the hourly rate of our current contractor and other available contractors.

**R2: BLUE
HERON PARK**

We recently received a message from a parks technician that the toilet in Blue Heron Park may need to be pumped out more frequently. As it is already being pumped out weekly, commission members agreed that the current service is adequate.

**R3: RAVEN
PARK**

No report.

**R4: ELLIOTT'S
BEACH**

No report.

**R5: MICHAEL
LAKE TRAIL**

No report.

**R6: TRILLIUM
PARK**

The new contractor has yet to begin servicing this park. A work party is needed to complete improvements. A park neighbour has requested that a fence be constructed along the park border. Although a fence cannot be provided, the Commission will follow up on the proposal to plant trees to define the border. Don Pigott to advise as to the best time for planting. It was reported that another nearby resident recently had some trees trimmed as they were overhanging her house. Brad Uytterhagen to view.

NEXT MEETING

Thursday, July 23, 2009, 6:30 p.m., North Oyster community Hall

ADJOURNMENT

**Moved
Seconded**

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 8:55 p.m.

Barbara Waters, Secretary
July 4, 2009

PK4

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

DATE: July 14, 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 7:08pm.

PRESENT:

Chairperson: Marcia Stewart

Vice-chairperson:

Members: Dave Charney, Dan Nickel, Wayne Palliser, Gerald Thom

ALSO PRESENT:

Director:

Alternate Director:

Secretary: Tara Daly

Guests:

REGRETS: Director Klaus Kuhn, Vice-chairperson Shenyn Gregory, Alternate Director Alex Marshall

RECEIVED
C.V.R.D.
JUL 22 2009

ACCEPTANCE OF AGENDA

It was Moved and Seconded to accept the agenda with the following additions

Mile 77 Park under Old Business and

Woodland Shores under Old Business

MOTION CARRIED

ACCEPTANCE OF MINUTES

It was Moved and Seconded that the minutes of June 9, 2009 be accepted.

MOTION CARRIED

BUSINESS ARISING

- **Pamphlets warning of bears** ~ will be put up at Swordfern Park, Price Park, Nantree Park, and Marble Bay Park, they are up on the bulletin board at Community Hall, will be put up in remaining parks when laminating is complete
- **Nantree Park** ~ dinghy is no longer at the park

CORRESPONDENCE

- letter looking for support for an Angling and Wildlife Viewing Pier at Fuller Lake with wheelchair/handicap access; discussion on whether this would be possible at Youbou Lands development

DIRECTOR'S REPORT

- None

COWICHAN LAKE RECREATION

- **Youbou Regatta** is on August 8th ~ L. Backlund will be calling for volunteers; has a frying pan for cooking onions, gloves, cardboard containers for hotdogs, and the grill lined up
- L. Backlund will be on holidays for two (2) weeks; T. Daly will be supervising the staff at Arbutus Park and Mesachie Lake Hall
- **Playbook deadline** is August 19, 2009 ~ commission agreed the Community Ballgame scheduled for September 26, 2009 should be advertised again; T. Daly will email L. Backlund tell her same

000246

- **Arbutus Park** ~ swim lessons had thirty-two (32) registered for the first session with fourteen (14) of them under the age of three (3)
- **Huge thank-you for use of Font Board** ~ consideration is being given to installing one at the intersection of Youbou Road and Highway 18

CHAIRPERSON'S REPORT

- **Mile 77 Picnic** ~ thanks to volunteers (W. Palliser ~ bringing BBQ and cooking, D. Charney and A. Marshall for setting up and watering new plantings; T. Daly for children's games; D. Nickel for showing up with injured hand. There were about thirty (30) attendees at our first picnic. Thank you was sent to Country Grocer (Lake Cowichan) for their donations of wieners, buns, and fixings.
- **Tennis Court** ~ was approached at picnic by Chantelle about installation of one at Mile 77 Park. M. Stewart told her to gather information and attend a Parks meeting with her proposal. Short discussion by commission felt facilities should be kept together in a more central location, less vandalism.
- **Little League Park** ~ possibly put up a 'clean fill wanted' sign to keep costs down for levelling the outfield; softball team is still interested in helping

COWICHAN VALLEY REGIONAL DISTRICT

- **Woodland Shores** ~ August 4, 2009 is the arbitrary deadline for completion of park structures, bond can be enforced; completion probably not until 2010; developers can't proceed on next phase of housing until park is completed. The culvert of concern with the Commission has been approved by Highways environmental personal. The Commission's concern is the silt off the sidehill will kill the frog pond at the outflow of the culvert.

It was moved and seconded by Area I (Youbou/Meade Creek) Parks Commission that they have serious concerns over the potential siltation of a natural wetland across the road from the South Lakefront Public Park. The wetland is an important frog habitat

AND FURTHER THAT

in the process of developing Woodland Shores, protection of the environment has be incorporated several times. The commission feel this is another worthy instance to consider and would appreciate further review and a response to the voiced concerns.

MOTION CARRIED

- **Park Walkabout** ~ D. Nickel, W. Palliser, M. Stewart, and G. Thom will do a walkabout on Thursday, July 16, 2009 starting at 8am
- **Nantree Park** ~ ladder, the work order was to be submitted last Tuesday (July 7, 2009); the existing ladders are not long enough
- **Price Park** ~ there is no foreshore lease, legally Parks cannot install anything; suggest to put buoy system in 2010 budget; boomsticks have been removed within the Regional District because of liability (insurance costs); the bridge pickets have been repaired
- **Arbutus Park** ~ a hole on the wharf was fixed on July 4, 2009; the irrigation system is bad but will be okay for this season, item for 2010 budget
- **Student Crew** ~ has been here; cleaned out Creekside trail
- **Budget items of concern** ~ *Miscellaneous Equipment* overcost – Tourism grant (\$10 000) hasn't been received yet; *Advertising* at 292% included advertisements for the Maintenance Contractor and AGM; M. Stewart will ask about Consultant cost

OLD BUSINESS

- **Community Ballgame** ~ at Little League Park on September 26 from 1-3pm, OAP will do the concession; final planning at September Parks meeting

000247

- **Mile 77** ~ sprinkler head that was missing has been replaced; maintenance contractor has adjusted sprinklers but they need to be worked on some more, W. Palliser asked if he could be present to watch how the heads are adjusted; outside lights on washroom building aren't working, W. Palliser has installed shelving in the storage area; suggested that a little more attention should be paid to the watering to save money
- **Woodland Shores** washrooms have the ventilation and lights installed; commission questioned the need for heat and drywall in the washrooms

NEW BUSINESS

- **Mile 77 Trail** ~ at the Creekside residents meeting a discussion was held on the trail with comments coming forward that it isn't used, it isn't maintained properly, and it would be nice to have a buffer of trees between the private road at Creekside and Youbou Road
- **Woodland Shores** ~ more information is need on Community Parks versus Regional Parks. M. Stewart to ask Brian Farquhar to attend the September meeting
- **CVRD Grant-in-Aid** of \$13 000 had been given to the RCMP to help increase their presence on Cowichan Lake; would like to have follow-up on the success of increased police presence
- **Commission** discussed their need to have either Director Kuhn attend the meetings or, in his absence, Alternate Director A. Marshall

ADJOURNMENT

It was Moved and Seconded that the meeting be adjourned at 9:10pm.

MOTION CARRIED

NEXT MEETING

September 8, 2009

7pm at Youbou Lanes

NO MEETING IN AUGUST

ITEMS FOR SEPTEMBER AGENDA

Budget items including irrigation system at Arbutus Park and buoy systems for swimming areas (Arbutus Park and Price Park)

Update on RCMP presence on the lake through the summer

Brian Farquhar to attend speaking about Regional Parks versus Community Parks

/s/ Tara Daly
Secretary

000248

12H

MEMORANDUM



000249

DATE: July 7, 2009

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

FROM: Brian Duncan, Chief Building Inspector

SUBJECT: BUILDING REPORT FOR THE MONTH OF JUNE, 2009

There were 54 building Permits and 1 Demolition Permit(s) issued during the month of June, 2009 with a total value of \$ 4,022,528

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"				565,180	262,485		8	34	827,665	6,497,362
"B"	93,150	50,000		630,960	187,995		15	61	962,105	4,439,916
"C"				1,141,728	6,400	53,000	14	41	1,201,128	3,969,135
"D"				171,530			2	16	171,530	613,290
"E"					74,960		3	17	74,960	766,110
"F"					58,800		4	13	58,800	374,040
"G"				451,885	3,000		3	10	454,885	1,455,155
"H"				83,775	1,000		2	16	84,775	1,258,870
"I"			35,460		151,220		4	20	186,680	1,696,805
Total	\$ 93,150	\$ 50,000	\$ 35,460	\$ 3,045,058	\$ 745,860	\$ 53,000	55	228	\$ 4,022,528	\$ 21,070,683

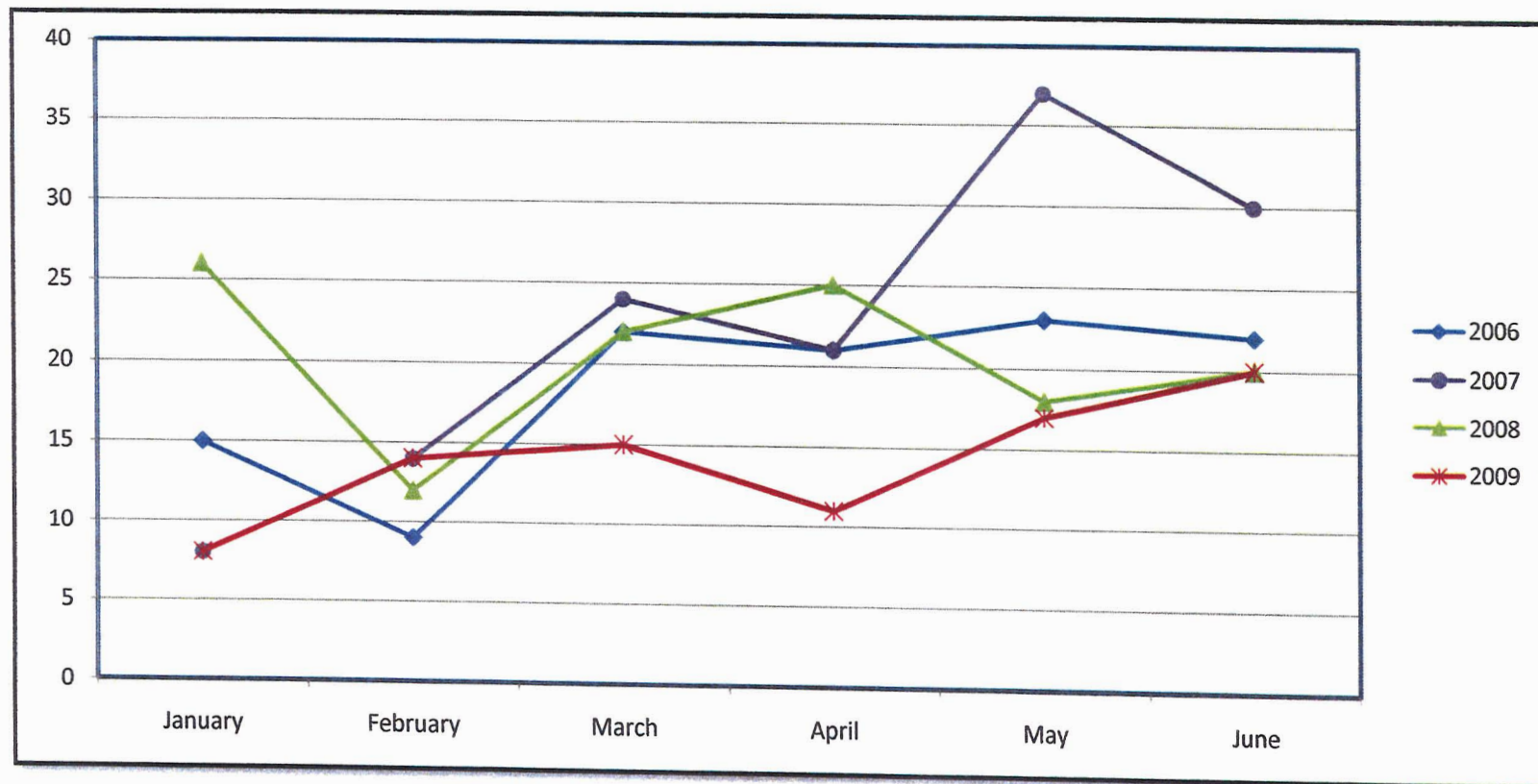
B. Duncan, RBO
Chief Building Inspector
BD/db

NOTE: For a comparison of New Housing Starts from 2006 to 2009, see page 2
For a comparison of Total Number of Buildig Permits from 2006 to 2009, see page 3



New Housing Starts

	2006	2007	2008	2009
January	15	8	26	8
February	9	14	12	14
March	22	24	22	15
April	21	21	25	11
May	23	37	18	17
June	22	30	20	20





Total Building Permits Issued

	2006	2007	2008	2009
January	41	26	50	23
February	21	28	30	32
March	48	24	48	36
April	55	54	63	34
May	53	70	50	48
June	57	58	55	55

