C·V·R·D

NOTICE OF
ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
October 20, 2009
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 pm

A G E N D A

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7. INFORMATION

IN1 Minutes of Thetis Island Port Commission meeting of April 27, 2009 171
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8. NEW BUSINESS

9. PUBLIC/PRESS QUESTIONS

10. CLOSED SESSION

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

CSM1 Minutes of Closed Session EASC meeting of October 6, 2009 175-176
CSSR1 Staff Report regarding Section 90(1)(i) 177-179

11. NEXT MEETING

Tuesday, November 3, 2009

12. ADJOURNMENT

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

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

M 1

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, October 6, 2009 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

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

CVRD STAFF

Tom Anderson, General Manager
Mike Tippett, Manager
Rob Conway, Manager
Brian Farquhar, Parks and Trails Manager
Brian Duncan, Chief Building Inspector
Nino Morano, Bylaw Enforcement Officer
Rachelle Moreau, Planning Technician
Alison Garnett, Planning Technician
Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included add-on material to agenda item SR1, one New Business item, and two closed session New Business item.

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 September 15, 2009, EASC meeting be amended on page 2, item D3, by adding a space after the letter "3" and before the word "on", and that the minutes, as amended, be accepted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

DELEGATIONS

D1 - Woike

Alison Garnett, presented Application No. 3-I-09DVP (Gregory Woike) to relax the setback of an accessory building to the lake and to relax the allowable size of an accessory building located on Lot 2 on the north side of Cowichan Lake.

The applicant, Gregory Woike, was present and stated the he had nothing further to add to the staff report.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded
That Application No. 3-I-09DVP by A. Gregory Woike for a variance to Section 3.20 and 3.2(1) of Zoning Bylaw No. 2465, by decreasing the setback to a watercourse for an accessory building from 15 metres down to 10.5 metres, and increasing the permitted size of an accessory building from 25 m^2 to 53 m^2 on Lot 2, Section 44, Renfrew District, Plan 79237, be approved, subject to:

a) Receipt of a remedial landscaping plan of native riparian vegetation along the natural boundary of the lake, prepared by a registered professional biologist and approved by the CVRD,
b) Receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 120% of the landscape costs, to be refunded after two years only if the plantings are successful and to the satisfaction of the registered professional biologist.
c) Registration of a protective covenant on the subject property, for an area 30 metres from the high water mark of Cowichan Lake prohibiting the building of structures and removal of vegetation, unless authorized by development permit.

MOTION CARRIED

D2 - Smith

Rachelle Moreau, Planning Technician, presented Application No. 6-B-09DVP (Andrew Smith) to vary the maximum height of a fence from 1.2 metres in the front yard and 1.8 metres in all other parts of the parcel to approximately 3.66 metres at the north east end of the fence and a maximum of 7.3 metres along the south east end of the fence located at 1860 Malta Road.

Ms. Moreau suggested that an Engineer's report and save harmless covenant should be required if the application is approved.

The applicant, Andrew and Kimberly Smith, were present, and stated that they had nothing further to add to the staff report.

The Committee directed questions to staff and the applicants.

It was Moved and Seconded
That Application No. 6-B-09DVP by Andrew Smith for a variance to Section 5.10(b) of Zoning Bylaw No. 985, by increasing the maximum height of a fence from 1.2 metres (4 ft) and 1.8 metres (6 ft) to 3.66 metres (12 ft) at the north east end and 7.3 metres (24 ft) at the south east end of the length of the fence, on Lot 12, Block 4, Shawnigan Lake Suburban Lots, Shawnigan District, Plan 218, be approved, subject to receipt of an Engineer's report regarding construction of the fence, and registration of a save harmless covenant.

MOTION CARRIED

D3 - McAlister

Hylton McAlister was present regarding a request to waive CVRD Noise Bylaw No. 1060 due to special circumstances to allow tidal foundation work to occur October 7th and 8th after midnight, at the residence located at 1783B Cowichan Bay Road.

Mr. McAlister stated that adjacent neighbours have no concerns with his request.

There were no questions to the applicant.

It was Moved and Seconded
That the request by Hylton McAlister to waive CVRD Noise Control Bylaw No. 1060, Section 3(G) for October 7th (midnight – 2: am) and October 8th (12:30 am – 3:00 am), to conduct low tide foundation work on the stilt home located at 1783B Cowichan Bay Road, be approved.

MOTION CARRIED

STAFF REPORTS

SR1 – Permit fees

It was Moved and Seconded
That CVRD Building Permit fees be increased as per Option 2 of staff report dated September 30, 2009, from Brian Duncan, Chief Building Inspector, and that the amendment bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

SR2 – Saanich Inlet

Staff Report dated September 29, 2009, from Nino Morano, Bylaw Enforcement Officer, reporting on a meeting regarding environmental issues in Saanich Inlet, was received for information only.

SR3 – Dog Regulations amendment

It was Moved and Seconded
That the CVRD Dog Regulation Bylaw No. 3032 be amended by changing the dog licence fee schedule to increase fees from $20 to $25 (before February) and from $30 to $35 (for remainder of year) plus include a $5 tag replacement fee, and further, that the amending bylaw be forwarded to the Regional Board for consideration of three readings and adoption.

MOTION CARRIED

SR4 – Community Sign

It was Moved and Seconded
That a community sign be approved on South Shawnigan Lake Road in accordance with Schedules A and B of Staff Report dated September 29, 2009, from Rob Conway, Manager, subject to approval from the Ministry of Transportation and Infrastructure.

MOTION CARRIED

SR5 – Parks Mid-Year Budget

It was Moved and Seconded
That the staff report dated September 30, 2009, from Brian Farquhar, Parks and Trails Manager, regarding community parks mid-year status report, be received and filed.

MOTION CARRIED

SR6 – Parks & trails Priority List

It was Moved and Seconded
That the staff report dated October 1, 2009, from Brian Farquhar, Parks and Trails Manager, regarding update on 2009 community parks and trails program priority list, be received and filed.

MOTION CARRIED

SR7 – Area C parks projects

It was Moved and Seconded
That a Reserve Fund Expenditure bylaw be prepared authorizing the expenditure of no more than $50,000 from the Community Parks General Reserve Fund (Area C – Cobble Hill) for the purpose of completing the Cenotaph Project, installation of pathway, electrical service and fencing at the Farmers Institute, and covering associated costs with acquisition of lands for park purposes; and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

CORRESPOND-ENCE

C1 to C-3 – Grants-in-Aid

It was moved and seconded
That a Grant-in-Aid request (Electoral Area F – Cowichan Lake South/Skutz Falls) in the amount of $500 be given to Sooke Region Museum, to assist with costs to produce and maintain a heritage sign for the giant spruce located along the Pacific Marine Route.

That a Grant-in-Aid request (Electoral Area E – Cowichan Station/Sahtlam/Glenora) in the amount of $3000 be given to Cowichan Station Area Association, for costs to perform engineering assessments of Cowichan Station School building.

That a Grant-in-Aid request (Electoral Area B – Shawnigan Lake) in the amount of $1000 be given to Shawnigan Lake Community Association, to assist with costs associated with their Halloween event.

MOTION CARRIED

APC

AP1 - Minutes

It was Moved and Seconded
That the minutes of the Area A APC meeting of September 14, 2009, be received and filed.

MOTION CARRIED

PARKS

PK1 to PK5 - Minutes

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

- Minutes of Area A Parks meeting of September 17, 2009
- Minutes of Area C Parks meeting of June 25, 2009
- Minutes of Area E Parks meeting of September 22, 2009
- Minutes of Area G Parks meeting of September 17, 2009
- Minutes of Area I Parks meeting of September 8, 2009

MOTION CARRIED

NEW BUSINESS

1 – Hydro surge

Director Morrison reported that, at the recent UBCM convention, he requested Energy Minister Blair Lekstrom to make BC Hydro take responsibility for the June 30th power surge in the Lake Cowichan area, and that as result Hydro was required to cover the claims by those who suffered damage from the power surge.

CLOSED SESSION

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

MOTION CARRIED

The Committee moved into Closed Session at 4:03 pm.

RISE

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 4:45 pm.

Chair

Recording Secretary

D1

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE
OF OCTOBER 20, 2009

DATE:	October 13, 2009	**FILE NO:**	4-I-09DP and 2-I-09 DVP
FROM:	Alison Garnett, Planning Technician	**BYLAW NO:**	2465 and 2650
SUBJECT:	Application 4-I-09DP and Application No. 2-I-09DVP (Huot for Clandening)		

Recommendation:

1. That application No. 4-I-09DP by Clem Huot for the construction of a single family dwelling on Lot 4, Section 45, Renfrew District, Plan 19229 be approved, subject to compliance with the measures and recommendations outlined in RAR assessment report No. 1327
2. That application No. 2-I-09 DVP by Clem Huot for a variance to Section 5.1(5) of Zoning Bylaw No. 2465, by increasing the permitted height of a residence from 10 m to 11.5 m on Lot 4, Section 45, Renfrew District, Plan 19229, be denied.

Purpose:

To consider the issuance of a Development Permit and Development Variance Permit for the construction of a single-family dwelling built to a height of 11.5 metres, and in accordance with the provisions of the Watercourse Protection Development Permit Area.

Background:

Location of Subject Property: 11617 Cowan Road

Legal Description: Lot 4, Section 45, Renfrew District, Plan 19229 (PID: 003-717-054)

Date Application and Complete Documentation Received: June 23, 2009

Owner: Cheryl Clandening

Applicant: Clem Huot

Size of Parcel: $\pm$ 1927 m^2

Existing Zoning: F-1 Forest Resource 1 Zone

Minimum Lot Size Under Existing Zoning: 80 hectares

Existing Plan Designation: Forestry

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North	F-1 Zone, Residential use
South	Cowichan Lake
East:	F-1 Zone, Residential use
West:	F-1 Zone, Residential use

Services:

Road Access:	Cowan Road
Water:	N/A
Sewage Disposal:	On-site system

Agricultural Land Reserve Status: The subject property is not within the ALR.

Environmentally Sensitive Areas: The subject property is located on Cowichan Lake, and is therefore subject to the Watercourse Protection Development Permit Area.

Archaeological Sites: The CVRD has no knowledge of an archaeological site on the subject property.

The Proposal:

An application has been made to the Regional Board to issue a Development Permit in accordance with the requirements of the Watercourse Protection Development Permit policies contained within Official Community Plan (OCP) Bylaw No. 2650 for the purpose of constructing a residence.
An application has also been made to issue a Development Variance Permit, to allow the single family residence to be constructed 1.5 metres higher than that permitted by Zoning Bylaw No. 2465.

Planning Division Comments:

The 0.19 ha subject property is located at 11617 Cowan Road, along the northern shore of Cowichan Lake. Like other waterfront lots on Cowan Road, the shoreline of the subject property has been heavily altered by historical recreational and residential use, and as such consists of a manicured lawn. Existing structures on the site include a cabin, workshop and shed, as well as a dock on the lake. The owner of the property is applying to remove the existing cabin and replace it with an approximately 147 m^2 (1590 ft^2) two storey residence.

The proponents have applied to vary the 10 metre height limit within the F-1 Zone for all buildings and structures. They are proposing to build the new residence to a maximum height of 11.5 metres (37.7 ft), and to this end are requesting that Section 5.1(5) of Zoning Bylaw No. 2645 is relaxed by 1.5 metres. In Electoral Area I, height is calculated from the average existing natural grade at the perimeter of the building to the highest point. The attached house drawings show that the average grade on this site is 166.1 metres. The variance request is based on the fact that the habitable portion of the dwelling must be built above the 167 metre 200 year floodplain elevation.

The subject property is located within the Watercourse Protection Development Permit Area (DPA). In accordance with the Youbou/Meade Creek Official Community Plan Bylaw No. 2650, the applicant must receive a Development Permit from the CVRD prior to commencing any site preparation or construction. The applicant has retained the services of Trystan Willmott, a qualified environmental professional, to conduct a Riparian Areas Regulation (RAR) Assessment for the proposed development. A copy of RAR report No. 1327 is attached for your reference.

The following section outlines how the proposed development addresses the Watercourse Protection DPA guidelines. The complete guidelines are available from OCP Bylaw No. 2650.

(a) **Retention of natural vegetation** – The subject property has been heavily altered by historical residential development. As such, there is currently no natural vegetation within 30 metres of the high water mark of the lake. RAR report No. 1327 states that the addition of native vegetation at the high water mark is encouraged.
(b) **Coverage of entire area** –The proposed house will be built in approximately the same location as the existing structure, although it will have a larger footprint. This proposed location is outside the 15 metre Streamside Protection and Enhancement Area (SPEA). Please refer to site plan on page 7 of RAR report.
(c) **Riparian area protection** – This guideline has been largely superseded by the *Riparian Areas Regulation* guidelines.
(d) **BMP implementation for stormwater management** – The RAR report indicates that the increase in storm water generated by the new development will be small; however, on-site infiltration would be increased if rain leaders from the roof emptied into underground rock chambers.
(e) **Silt and sediment control** – The RAR report makes a number of recommendations for silt and sediment control. Please refer to page 9 of the report.
(f) **Imperviousness figures** – The F-1 zone permits 20% parcel coverage for all buildings and structures on a lot. The new structure has a footprint of 91 m^2, which results in less than 5% parcel coverage.
(g) **Floodplain** – The 167.33 m flood construction level has been marked on the site, and the habitable portion of the dwelling will be constructed above this elevation.
(h) **Driveway design** – As this is re-development, no new driveways are required.
(i) **Footpaths** – No footpaths are planned, as the shoreline consists of a manicured lawn.
(j) **Retaining walls** – none are planned.
(k) **Retaining wall appearance** – none are planned.
(l) **Retaining wall with fence** – none are planned.
(m) **Cultural/heritage sites** – no such sites were identified.
(n) **Pilings/floats** –No new such construction is proposed.
(o) **Applicable only to subdivision**

(p) **Develop with care** – the RAR Assessment Report will cover this within the Riparian Assessment Area.
(q) **Wetlands** – there are no wetlands on site.
(r) **Harmful Alteration Destruction of Disruption of fish habitat** – compliance with the RAR Report will by definition prevent a HADD.

Riparian Areas Regulation Assessment Report:

RAR report No. 1327 by Trystan Wilmott identifies a 15 metre Streamside Protection and Enhancement Area (SPEA) along the lake. The SPEA is measured from the high water mark of the lake, which is estimated at 164 metres above mean sea level, and has been flagged onsite. All proposed development will be located outside the designated SPEA. The RAR regulations state that property owners are permitted to continue to use the property as they have in the past, even if a SPEA is designated on it. However, the report encourages native plant re-vegetation at the high water mark to improve the biological function of the site.

Advisory Planning Commission Comments:

The Development Permit application was referred to the Electoral Area I Advisory Planning Commission, who recommended that the application proceed to the Electoral Areas Services Committee.

Surrounding Property Owner Notification and Response:

A total of 16 letters were mailed out and/or otherwise hand delivered to adjacent property owners, as required pursuant to CVRD Development Application Procedures and Fees 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 letter with regards to this application (attached). The letter objects to the variance application, on the grounds that a residence constructed 11.5 metres high will impact the lake view for the surrounding residences.

A site visit by staff has confirmed that lake views from the residences on the north side of Cowan Road could be negatively affected by the 11.5 metre high house, and therefore recommend denial of the variance application.

Options:

1. That application No. 4-I-09DP by Clem Huot for the construction of a single family dwelling on Lot 4, Section 45, Renfrew District, Plan 19229 be approved, subject to compliance with the measures and recommendations outlined in RAR assessment report No. 1327
   That application No. 2-I-09 DVP by Clem Huot for a variance to Section 5.1(5) of Zoning Bylaw No. 2465, by increasing the permitted height of a residence from 10 m to 11.5 m on Lot 4, Section 45, Renfrew District, Plan 19229, be denied.

2. That application No. 2-I-09 DVP by Clem Huot for a variance to Section 5.1(5) of Zoning Bylaw No. 2465, by increasing the permitted height of a residence from 10 m to 11.5 m on Lot 4, Section 45, Renfrew District, Plan 19229, be approved, subject to the applicant providing a survey confirming compliance with the approved height limit.

Option 1 is recommended.

Submitted by,

Alison Garnett,
Planning Technician
Planning and Development Department

Department Head's Approval:

Signature

AG/ca

C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 4-I-09 DP

DATE: October 9, 2009

TO: Cheryl Clandening DRAFT

ADDRESS: 462 Goward Road

Victoria BC, V9E 2E4

1. **This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.**

2. **This Development Permit applies to and only to those lands within the Regional District described below (legal description):**

   Lot 4, Section 45, Renfrew District, (Situate in Cowichan Lake District) Plan 19229

   Authorization is hereby given for the development of the subject property in accordance with the conditions listed in Section 4, below.

3. **The construction of a residence shall be carried out subject to the following condition:**
   - In compliance with the measures and recommendations outlined in RAR assessment report No. 1327 by Trystan Wilmott.

4. **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.**

5. **The following Schedule is attached:**
   - **Schedule A- RAR Assessment No. 1327 by Trystan Wilmott, dated June 23, 2009.**

6. **This Permit is <u>not</u> 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 Development Services Department.**

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

_____

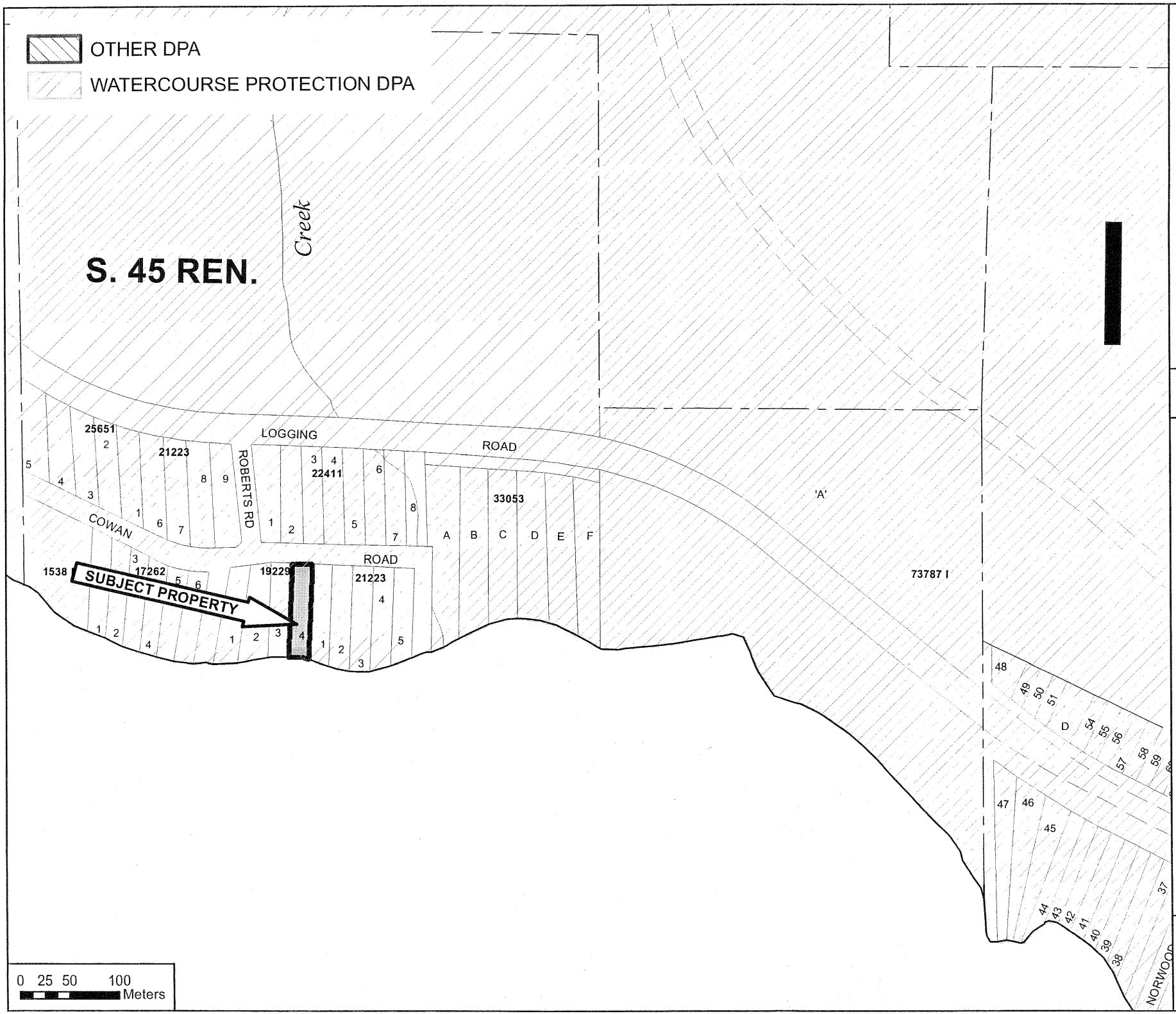
Tom Anderson, MCIP
Manager, Development Services

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.

<u>NOTE</u>: 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



Cowichan Valley Regional District

000016

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 applicaton of the Bylaws.

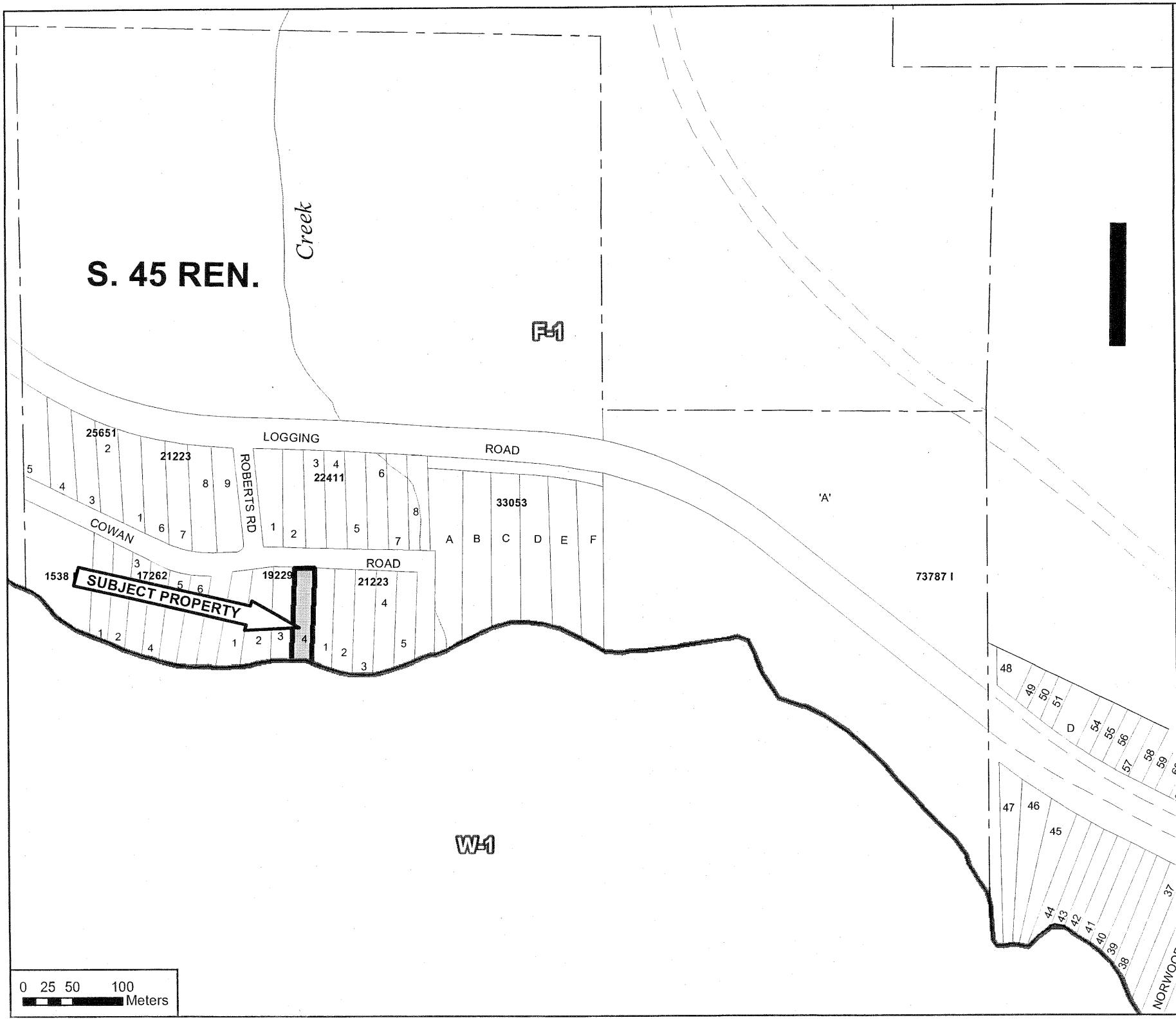
FILE: 04-I-09-DP

DPA

Legend

Subject Property

N
W
E
S



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: 04-I-09-DP

ZONING

Legend

Subject Property

Zoning Electoral Area I

N
W
E
S

SKETCH PLAN OF LOT 4, SECTION 45, RENFREW DISTRICT, (SITUATE IN COWICHAN LAKE DISTRICT), PLAN 19229.

Civic address: 11617 Cowan Road

Scale = 1:300

6 3 0 6 12 18 24

Metres

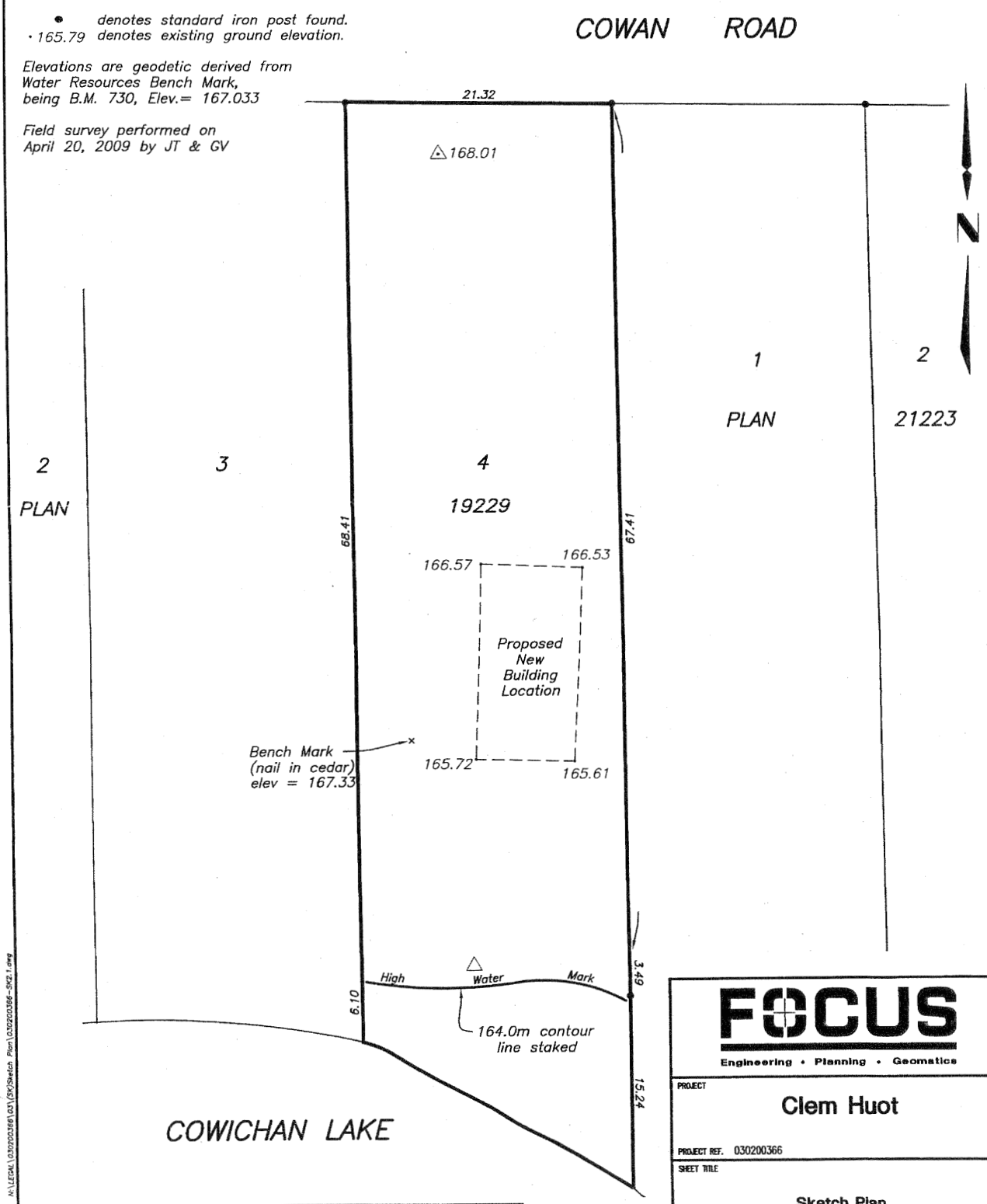
LEGEND:

All distances are in metres and are derived from existing Land Title Office records, being Plan 19229.

● denotes standard iron post found.
· 165.79 denotes existing ground elevation.

Elevations are geodetic derived from Water Resources Bench Mark, being B.M. 730, Elev.= 167.033

Field survey performed on April 20, 2009 by JT & GV



Rev No.	Date	Comment
1	April 23, 2009	Existing building location

FOCUS
Engineering • Planning • Geomatics

PROJECT: Clem Huot

PROJECT REF. 030200366

SHEET TITLE: Sketch Plan

DRAWN	DATE	CHECKED	SCALE
HL	Oct. 23, 2008	RH	1:300

SHEET No. 030200366SK2.1

N:\LEGAL\030200366\03\SK\Sketch Plan\030200366-SK2.1.dwg

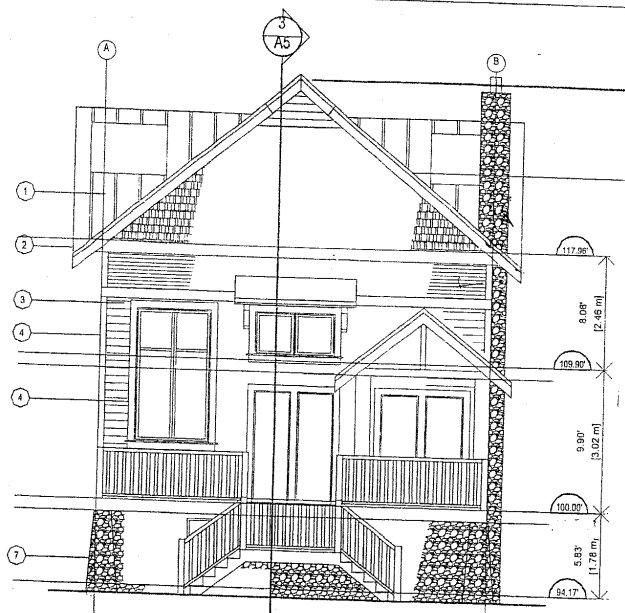
2009/04/30 - 15:08

000018

From: carole senecal [mailto:cdsenecal@shaw.ca]
Sent: Friday, September 04, 2009 7:09 AM
To: CVRD Development Services
Subject: development variance permit file #2-I-09dvp(clandening)

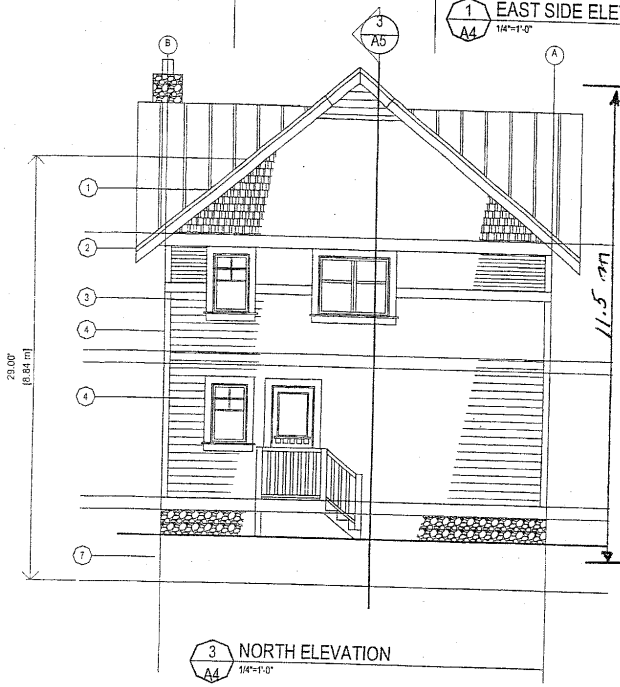
This letter is in response to lot 4, section 45, renfrew district plan 19229 file no. 2-I-09dvp (clandening)
We understand section 5.1 of zoning bylaw #2465 states the height of buildings within f-1 not exceed 32.8ft (10mtrs).
we feel that any change to the height restriction will result in a great loss of the WATER VIEWS of the landowners that live on the lots backside of this dvp! Our lot, #2 11619 cowan rd, will be directly affected by this action. For 16 years our family has enjoyed the lake view, and venemenently object t o this application! As well i have been in contact with most of the landowners on the backside whom for the most part share our concerns for this dvp.
Yours truly,
carole senecal and family 5009 old west saanich, victoria, BC

1 A4 EAST SIDE ELEVATION
1/4"=1'-0"



2 A4 SOUTH ELEVATION
1/4"=1'-0"

1. STANDING SEEM METAL ROOF
2. 2 x 10 FASCIA AND GUTTER
3. HORIZONTAL SIDING
4. 1 x 6 TRIM TYPICAL
5. 12 x 12 WOOD COLUMNS
6. CEDAR SHINGLES
7. RIVER ROCK



3 A4 NORTH ELEVATION
1/4"=1'-0"

4 A4 WEST SIDE ELEVATION
1/4"=1'-0"

Drawn by Jamie Drolet | Checked
Date 18 Sep 2008
Scale 1/4" - 1'0"

Carl E. Peterson Architect Inc.
PLANNING . ARCHITECTURE . INTERIOR DESIGN
1367 HAMPSHIRE RD. VICTORIA, B.C. V8W 1W1 CANADA
TELEPHONE (250) 380 7414 FAX (250) 380 2787
email cp@cepearchitect.com

Project Title
Hout Cottage
Lake Cowichan

Sheet Title
Elevations

Project No.
Sheet No. A

000020

5.1 F-1 FOREST RESOURCE 1 ZONE

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

1. Permitted Uses

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

a. Agriculture;
b. Silviculture;
c. Single-family dwelling;

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

d. Bed and breakfast accommodation;
e. Buildings and structures accessory to a principal permitted use;
f. Home occupation.

2. Minimum Parcel Size

The minimum parcel size in the F-1 Zone is 80 hectares.

3. Number of Dwellings

Not more than one dwelling is permitted on a parcel that is zoned as F-1.

4. Setbacks

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

Type of Parcel Line	Forestry and Agricultural Buildings and Structures	Residential Buildings and Structures
Front parcel line	30 metres	7.5 metres
Interior side parcel line	15 metres	3.0 metres
Exterior side parcel line	15 metres	4.5 metres
Rear parcel line	15 metres	7.5 metres

5. Height

In the F-1 Zone, the height of all buildings and structures must not exceed 10 metres, except in accordance with Section 3.8 of this Bylaw.

6. Parcel Coverage

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

7. Parking and Loading

Off-street parking and loading spaces in the F-1 Zone must be provided in accordance with Sections 3.12 and 3.13 of this Bylaw.

Riparian Areas Regulation: Assessment Report

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

Date June 23rd 2009

I. Primary QEP Information

First Name	Trystan	Middle Name	Mark
Last Name	Willmott		
Designation	Technologist	Company	Madrone Environmental Services Ltd.
Registration #	25491	Email	trystan.willmott@madrone.ca
Address	1081 Canada Avenue		
City	Duncan	Postal/Zip V9L 1V2	Phone # 250 746 5545
Prov/state	BC	Country Canada	

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

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

III. Developer Information

First Name	Clem	Middle Name	
Last Name	Huot		
Company			
Phone #	250 744 7717	Email	cclandening@shaw.ca
Address	462 Goward Rd		
City	Victoria	Postal/Zip	
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Single family residential		
Area of Development (ha)	0.0055	Riparian Length (m)	22
Lot Area (ha)	0.17	Nature of Development	Re-development
Proposed Start Date	August 1st 2009	Proposed End Date	December 1st 2009

V. Location of Proposed Development

Street Address (or nearest town)	11617 Cowan Rd					
Local Government	Cowichan Valley Regional District			City	Youbou	
Stream Name	Cowichan Lake					
Legal Description (PID)	003 717 054			Region	1 – Vancouver Island	
Stream/River Type	Lake			DFO Area	South Coast	
Watershed Code	920 257700					
Latitude	48	54	12	Longitude	124	18	18

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

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

(Provide as a minimum: Species present, type of fish habitat present, description of current riparian vegetation condition, connectivity to downstream habitats, nature of development, specific activities proposed, timelines)

Cowichan Lake represents very high fishery resource values. Cowichan Lake, the Cowichan River, and connected tributaries support a range of anadromous and resident fish species, including: chinook salmon (*Oncorhynchus tshawytscha*); coho salmon (*O. kisutch*), chum salmon (*O. keta*), steelhead and rainbow trout (*O. mykiss*), coastal cutthroat trout (*O. clarkii clarkii*) – including anadromous form, brown trout (*Salmo trutta*) – including anadromous form, bull trout (*Salvelinus confluentus*) – including anadromous form, Dolly Varden (*S. malma*) – including anadromous form, brook trout (*S. fontinalis*), and kokanee (*O. nerka*).

On-site fish habitat values are very low, given that riparian vegetation is lacking. No trees are present in the riparian area, and vegetation consists of manicured lawn down to and below the High water Mark. Similar conditions exist on neighbouring properties, given the existence of lakefront homes and associated historical disturbance.

There is an existing cottage on site, with a small deck extending to within a few metres of the 15 m SPEA. Behind this cottage, a small shed and workshop exist within the 30m Riparian Assessment Area (RAA). No structures are present within the 15 m SPEA, although a floating dock extends out into the lake (refer to site plan).

The developer is proposing to remove the existing cottage and replace it with a newer structure, which will be built on the approximate existing development footprint (refer to site plan). Prior to the site visit, the developer had employed professional surveyors to survey the 164m High Water Mark (set for Cowichan Lake). This line was clearly marked with stakes on the ground, as was the 15 m SPEA boundary. Both the High Water Mark and SPEA had also been mapped by the surveyors onto a site plan (refer to Section 3).

During the time of the site assessment, it was noted that recent disturbance had occurred inside the SPEA, which consisted of a layer of gravel over the pre-existing lawn (refer to photographs). This work had taken place approximately two weeks prior to the site visit and was carried out to improve drainage. Since the initial site visit in November 2008, the developer has replanted the lawn over the gravel (completed in late spring 2009) – refer to photographs. While this activity qualifies as "disturbance" inside the SPEA, fish habitat was not impacted (given the pre-existing conditions), and the site has returned to its previous land-use as a lawn.

Given that the current land use offers limited benefits to fish and fish habitat, the addition of any native trees or shrubs to the existing lawn area is encouraged, especially along and immediately below the High Water Mark.

It should be noted that this assessment is being submitted approximately 7 months after the initial site visit. The client was not ready to develop last year, although now he is ready to complete the application process. Due to the time span between the initial site

visit and the submission of the report, I have included a recent site photograph (taken on June 19th 2009).

Section 2. Results of Riparian Assessment (SPEA width)

2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: June 23rd 2009

Description of Water bodies involved (number, type): Cowichan Lake

Stream	
Wetland	
Lake	X
Ditch	
Number of reaches	N/A
Reach #	N/A

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

	Channel Width(m)	Gradient (%)
starting point		
upstream		
downstream		
Total: minus high /low		
mean		

	R/P	C/P	S/P
Channel Type			

I, Trystan Willmott, hereby certify that:
a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Clem Huot;
c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, Trystan Willmott, hereby certify that:
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d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Polygon No:				Method employed if other than TR
	LC	SH	TR	
SPVT Type			X	

Polygon No:				Method employed if other than TR
	LC	SH	TR	
SPVT Type				

Polygon No:				Method employed if other than TR
SPVT Type				

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)	15						
Litter fall and insect drop ZOS (m)	15						
Shade ZOS (m) max	30	South bank	Yes		No	X	
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)						
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report		
SPEA maximum	**15**	(For ditch use table3-7)					

Segment No:		If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)							
Litter fall and insect drop ZOS (m)							
Shade ZOS (m) max		South bank	Yes		No		
SPEA maximum		(For ditch use table3-7)					

Segment No:		If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)							
Litter fall and insect drop ZOS (m)							
Shade ZOS (m) max		South bank	Yes		No		
SPEA maximum		(For ditch use table3-7)					

I, Trystan Willmott, hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Clem Huot;
c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

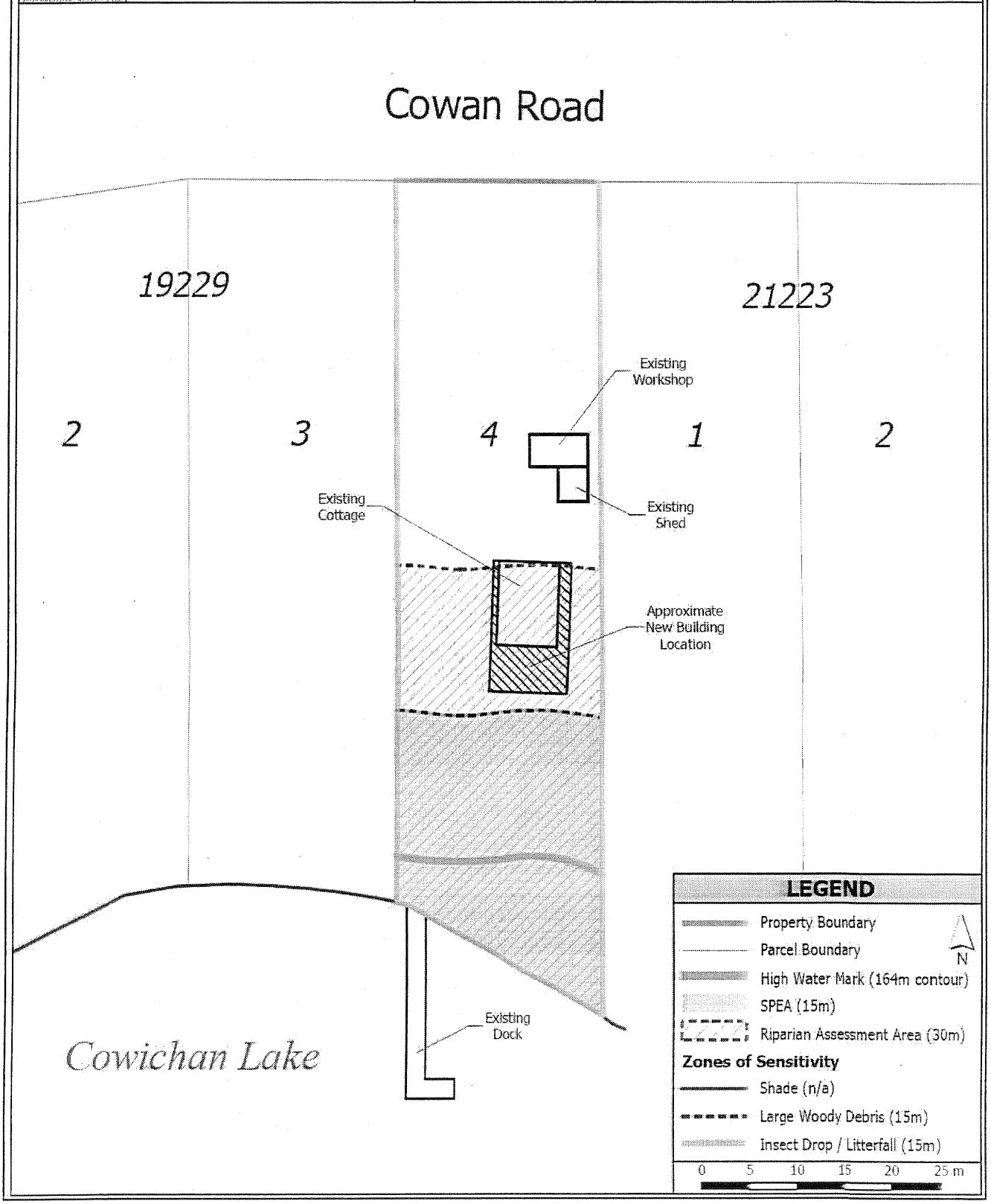
Comments

The assessment area faces due south, meaning that the maximum 30m SPEA for shade is not applicable. The SPEA will follow the default 15m maximums for litter fall/insect drop and LWD/bank stability.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

MADRONE environmental services ltd.	PROJECT: 11617 Cowan Road - Lot 4, Section 45, Renfrew District		CLIENT: Clem Huot	DOSSIER: 08.0354	DRAWN BY: Peter Berst, B.Sc.
	ASSESSED BY: Trystan Willmott, B.Sc., A.Sc.T.	LOCATION: Cowichan Lake, BC	FIELD VISIT: October 24, 2008	MAP SCALE: 1:500	MAPPING DATE: November 20, 2008



Section 4. Measures to Protect and Maintain the SPEA

This section is required for detailed assessments. Attach text or document files, as need, for each element discussed in chapter 1.1.3 of Assessment Methodology. It is suggested that documents be converted to PDF *before* inserting into the assessment report. Use your "return" button on your keyboard after each line. You must address and sign off each measure. If a specific measure is not being recommended a justification must be provided.

1. Danger Trees	
I, Trystan Willmott), hereby certify that: e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*; f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Clem Huot; g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
	No trees exist inside the SPEA. In addition, no trees will need to be removed inside the RAA to allow the development to proceed.
2. Windthrow	
I, Trystan Willmott), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Clem Huot; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
	Refer to statement above.
3. Slope Stability	
I, Trystan Willmott, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Clem Huot; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
	The assessment area occurs on gently sloping land. No slope stability issues exist.
4. Protection of Trees	
I, Trystan Willmott, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Clem Huot; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
	The SPEA is devoid of tree and shrub cover. No trees will be damaged as a result of the proposed development.

5. Encroachment	
I, Trystan Willmott, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Clem Huot; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
	Despite having a SPEA identified on the site, the property owner (developer) can continue to use the land as he has done in the past, as existing land-uses are "grand-parented" and considered legally non-conforming. Any "new" development activities, however, are not permitted inside the SPEA. In this specific case, the SPEA is currently used as a lawn area. The recent disturbance (placement of gravel) did not change the existing land-use, as the area has now returned to a lawn area. The introduction of any native trees or shrubs to the site is encouraged, especially along and immediately below the high water mark. Vegetation along the shoreline would help return biological function to the site, especially regarding bank stability, insect drop onto fish habitat and leaf litter input.
6. Sediment and Erosion Control	
I, Trystan Willmott, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Clem Huot; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
	While the developer is proposing to develop over the summer months (during drier weather), it is still important to implement a sediment and erosion control plan. Sediment from construction activities (especially from recently exposed areas) can become mobilized during rainfall and transported into fish habitat. To ensure that sediment does not become transported from the area of development into nearby fish habitat, the steps listed below should be followed: - covering all soil/fill stockpiles with tarps to prevent mobilization by rainwater; - ensuring that areas to be cleared/graded are kept to an absolute minimum; - carrying out major grading/site preparation during the dry summer period; - applying temporary covers, such as geotextiles, to small exposed areas; - combining mulching with seeding to manage more extensive exposed areas and decrease the potential for sediment mobilization from rainsplash. Prior to spreading mulch, bare ground should first be scarified to improve infiltration (compacted soil leads to decreased infiltration and increased surface run off, which creates rills and defined channels, which erode material easily). The prepared ground should be seeded and covered with loose straw (minimum 3cm depth); - retaining vegetation cover where possible for as long as possible (if applicable), to reduce erosion and mobilization of sediment;

- restricting high-frequency movement of trucks and other heavy machinery to temporary gravel "runways" on site;

- constructing perimeter swales that intercept run-off from disturbed sites and direct it into sediment traps (settling ponds). It should be noted that settling ponds are a secondary measure that will capture mobilized sediment should control at the source, using the methods above, be ineffective;

- installing gravel access pads at the main site access to reduce the amount of sediment leaving the site; and

- regular sweeping (as opposed to washing, which mobilizes sediment) of impermeable surfaces.

7. Stormwater Management	

I, Trystan Willmott, hereby certify that:

a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Clem Huot;
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Any developments usually lead to an increase in surface water run-off and a decrease in natural infiltration, due to the general increase in impermeable surface cover (e.g. driveways and rooftops). The main goals of stormwater management are to either capture run-off from impermeable surfaces and return it to natural hydrological pathways, or implement initiatives that reduce the production of stormwater run-off (e.g. by using permeable paving).

In this particular instance, the developer is proposing a small addition to an existing footprint. Increases in surface run-off will be very small, and largely attributed to the impermeable roof top. Despite the minimal interception of precipitation by the roof top, efforts should be made to return this water to natural hydrological pathways. Run-off from the roof could be encouraged to infiltrate slowly into the ground by ensuring that the rain leaders from the roof empty into underground rock chambers.

8. Floodplain Concerns (highly mobile channel)	

I, Trystan Willmott, hereby certify that:

a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
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c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation

The assessment area is located adjacent to Cowichan Lake, which represents a very dynamic system. Lakefront properties such as the one assessed are

	prone to flooding. The proposed development will be occurring inside the 200 year flood level of Cowichan Lake, the maximum extent of which (167.33m above sea level) has been surveyed on site – refer to site plan. The developer is aware of the limits to building within the 200 year flood level and is conforming to all applicable regulations.

Section 5. Environmental Monitoring

Attach text or document files explaining the monitoring regimen Use your "return" button on your keyboard after each line. It is suggested that all document be converted to PDF *before* inserting into the PDF version of the assessment report.
Include actions required, monitoring schedule, communications plan, and requirement for a post development report.

Specific Actions Required:

- making sure that a sediment and erosion control plan has been formulated for the site, prior to development proceeding (as per section 6 of the measures);
- completion of on-site monitoring visits throughout the construction period;
- carrying out a site inspection at the beginning and end of construction activities to ensure that the SPEA has been respected;
- completing and submitting a post-construction monitoring report via the RAR notification system.

Monitoring Schedule:

- on the first day of operations, an on site meeting will be held to discuss the proposed development plans and to ensure that the suggested measures for sediment and erosion have been implemented. In addition, the correct placement of high visibility fencing (e.g. orange snow fencing) along the outer edge of the SPEA should be checked;
- mid-way through the development operations, the QEP will visit the site to ensure that the development is going ahead in the proper manner;
- carrying out a final site visit following the cessation of construction activities. This final visit can be carried out before the finishing work inside the structure has been completed.

Communication Plan:

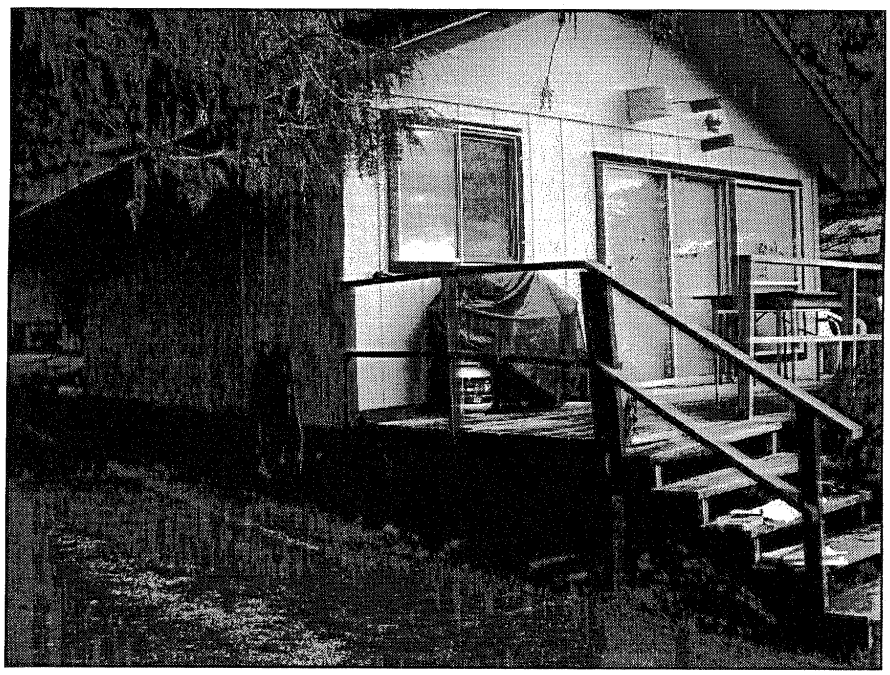
- the developer is responsible for contacting the QEP to schedule a site visit on the first day of operations;
- the developer will also contact the QEP mid-way through the development, to allow for the QEP to have the opportunity to assess and modify (if required) the development activities.

Upon completion of all construction activities within the riparian assessment area (except for finishing work inside the structure), the developer will contact the QEP, in order that the final site inspection can be carried out. This site inspection will form the basis of the post-construction monitoring report, which will be submitted via the notification system.

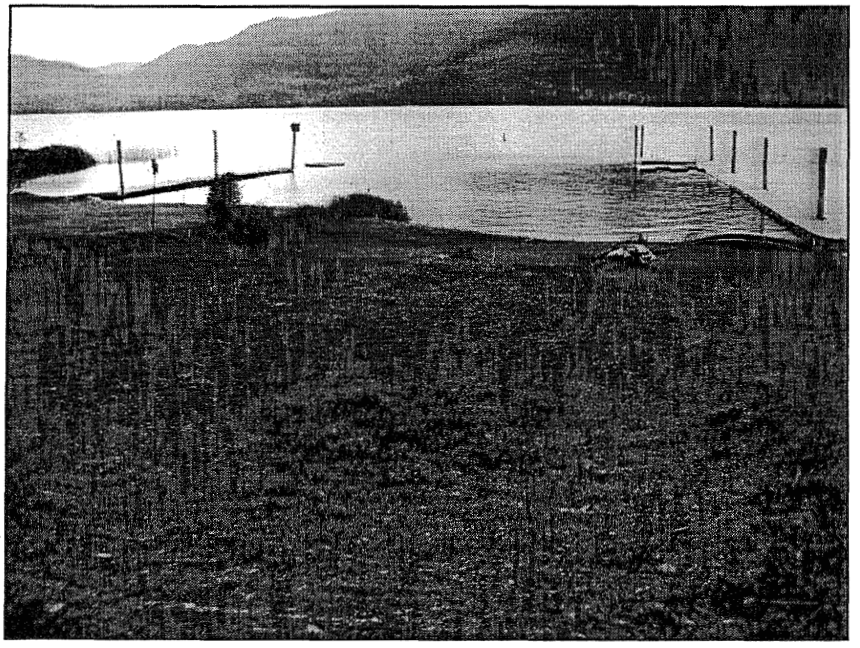
Section 6. Photos

Provide a description of what the photo is depicting, and where it is in relation to the site plan.

Looking north west towards the existing cottage from the upper edge of the 15 m SPEA. Note new cover of gravel, which was placed over the existing lawn. The limits of the proposed (larger) structure are depicted by the orange lines painted on the ground. The edge of the SPEA is marked by the orange flagging (highlighted with red arrow).

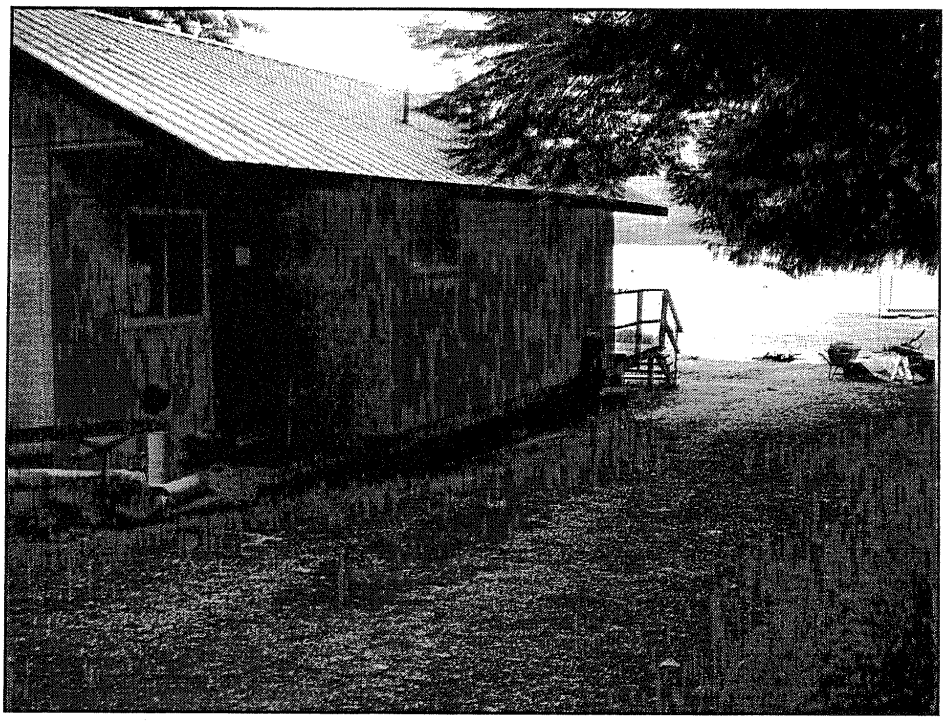


Looking north east from the western property boundary towards the existing cottage. This structure will be removed, and a new cottage built over the footprint, as per the site plan.

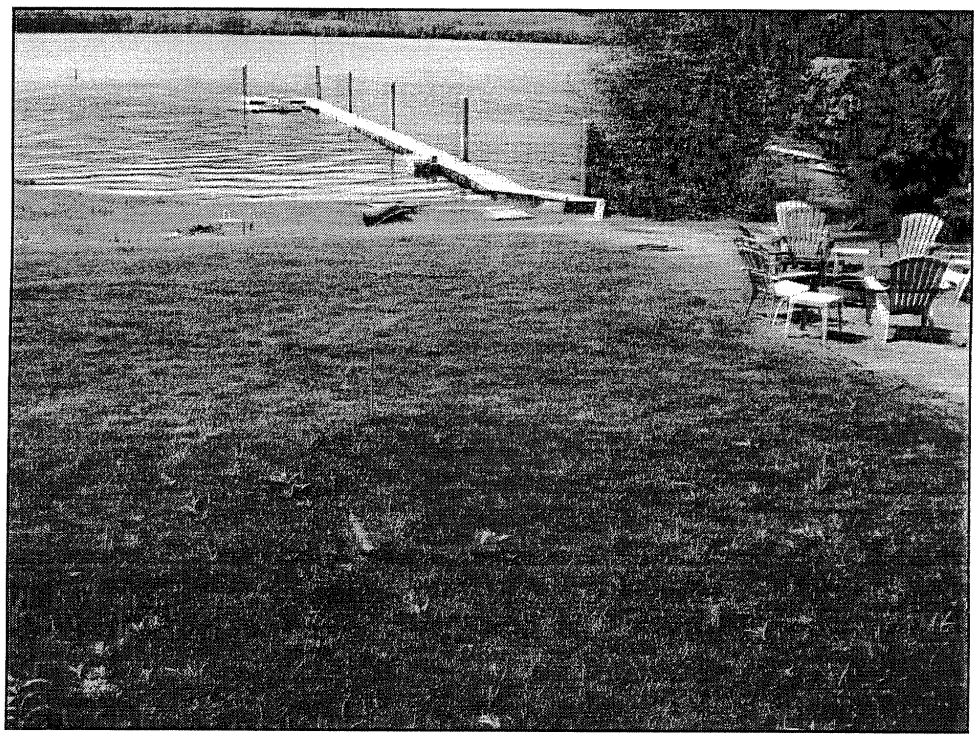


Looking south from the upper edge of the SPEA (marked with orange flagging in foreground) towards Cowichan Lake. The orange paint in the near foreground represents the southern-most extent of the proposed structure. Note lack of functioning riparian vegetation, and recent addition of gravel material over the lawn area down to the 164m elevation High Water Mark. The gravel material was covered with topsoil in the spring of 2009 and re-seeded as a lawn. The dock to the west exists on the subject property, and represents the western property boundary. The line of shrubs to the east represents the eastern property boundary.

Looking north from near the edge of the lake towards the existing cottage and area recently covered in gravel material.



Looking south east from the western property boundary towards the existing cottage. The immediate SPEA can be seen in front of the house, with Cowichan Lake in the background.



Looking south over the lawn area (June 19th 2009).

Section 7. Professional Opinion

Assessment Report Professional Opinion on the Development Proposal's riparian area.

Date June 23rd 2009

1. I Trystan Willmott

Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
b) I am qualified to carry out the assessment of the proposal made by the developer Clem Huot, which proposal is described in section 3 of this Assessment Report (the "development proposal"),
c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation; AND

2. As a qualified environmental professional, I hereby provide my professional opinion that:

a) ☐ if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR**

(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)

b) ☒ if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

[NOTE: **"qualified environmental professional"** means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if

(a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,
(b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
(c) the individual is acting within that individual's area of expertise.]

D2

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING
OF OCTOBER 20, 2009

DATE:	October 13, 2009	**FILE NO:**	9-A-07DP
FROM:	Mike Tippett, Manager Community and Regional Planning Division	**BYLAW NO:**	1890
SUBJECT:	Request for renewal of approval in principle for Mill Bay Marina Development Permit		

Recommendation:
The direction of the Committee is requested.

Purpose:
To present a request from the owners of the Mill Bay Marina property for an extension of a development permit resolution.

Financial Implications:
None apparent.

Interdepartmental/Agency Implications:
None apparent.

Background:
In November 2007, the following Board Resolution was passed regarding the Mill Bay Marina site:

07-830 That Development Permit Application No. 9-A-07 DP be approved and that the Planning Division be authorized to issue a Development Permit to MB Marina Residences Ltd. with respect to Block "C", Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, Except Part in Plans 29781 and 30142 that would allow the subject property to be developed in accordance with the Mill Bay Development Permit Guidelines of Official Community Plan Bylaw No. 1890 and subject to the following conditions:

1. A covenant being registered on title that would restrict the time of stay to twenty-two weeks in a calendar year;
2. Maximum height of buildings is 10 m above the average natural grade, to be established by a professional surveyor, and a survey of buildings as built is provided post construction to verify this limit;

3. Proposed window projections on the south side are removed, no encroachment into the setback is permitted;
4. Pavilion/gazebo within 15 m of the sea is removed from the proposal;
5. Three loading spaces are provided in accordance with Bylaw No. 1001 (the parking standards bylaw);
6. Only the driveway/underground ramp is permitted within the western 6 m setback, no above ground structure is permitted within this setback area;
7. Approval of the design from the Mill Bay Fire Department;
8. Approval of an access point by the Ministry of Transportation
9. The existing public boat ramp at the end of Handy Road is to be rebuilt in consultation with and to the satisfaction of the CVRD Parks Department; and an irrevocable letter of credit is to be provided to the CVRD equaling 120% of the estimated costs to complete the rebuilding of the boat ramp (estimate to be provided by the applicant and approved by the CVRD);
10. An irrevocable letter of credit is to be provided to the CVRD equaling 120% of the estimated costs to complete the landscaping, lighting, pathway and stormwater improvements (estimate to be provided by the applicant and approved by the CVRD);
11. Sewer approval subject to either connection to an existing system or the Mill Bay Sewer Alliance.

MOTION CARRIED

A development permit for this project was never issued, since the various conditions were not fulfilled.

Section 926 of the *Local Government Act* provides for a two year limit for development permits that have been issued, the obvious intent being that if construction does not commence within two years of the original approval, re-application will be necessary. In cases where the DP was not issued, the legislation is silent, as is the CVRD Development Applications Procedures and Fees Bylaw. However, we believe that it is appropriate for us to consider the spirit of the legislation to call for a reconsideration of the original motion after two years has passed.

Staff Comment:

Since some of the present Directors were not in place at the time of the previous Board Resolution, we have provided a copy of the 2007 staff report as background information.

In considering the request by Mill Bay Marina Residences Ltd. for a renewal of the above-noted Board resolution, we suggest that appropriate questions to ask the applicants would be:

1. What were the causes of the delay?
2. To what degree has progress been made in fulfilling the eleven conditions, especially in recent months?
3. Are any of the conditions dated, or do any of them seem inappropriate to today's Board members?
4. Do the applicants intend to abide by all of these conditions?
5. Is it economically feasible to connect the project to a community sewer system, given that the closest one is over 2 kilometres away from the site?

6. If a six month extension to the approval in principle is granted, are the applicants confident that all eleven conditions will be met, allowing DP issuance within that time?
7. If a DP is issued within 6 months, will project construction begin within the following two year period?

One way in which this application has become dated is the reference to the Mill Bay Sewer Alliance, which is now defunct. In other cases, Ministry names have changed and further clarity could be applied to other conditions. In the option below, these corrections and updates have been made.

Staff would suggest that if the Committee is inclined to grant an extension to the Board resolution listed above, a relatively short time frame for the extension should be granted, perhaps six months or until the 30th of June 2010. We would advise against a longer period.

Options:

1. That Cowichan Valley Regional District Board Resolution No. 07-830 is rescinded and that Development Permit Application No. 9-A-07 DP be approved and that the Planning and Development Department be authorized to issue a Development Permit to MB Marina Residences Ltd. with respect to Block "C", Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, Except Part in Plans 29781 and 30142 that would allow the subject property to be developed in accordance with the Mill Bay Development Permit Guidelines of Official Community Plan Bylaw No. 1890 and subject to the following conditions:

    a. A covenant being registered on title that would restrict the time of stay to twenty-two weeks in a calendar year;
    b. Maximum height of buildings is 10 m above the average natural grade, to be established by a professional surveyor, and a survey of buildings as built is provided post construction to verify this limit;
    c. Proposed window projections on the south side are removed, no encroachment into the setback is permitted;
    d. Pavilion/gazebo within 15 m of the sea is removed from the proposal;
    e. Three loading spaces are provided in accordance with Bylaw No. 1001 (the parking standards bylaw);
    f. Only the driveway/underground ramp is permitted within the western 6 m setback, no above ground structure is permitted within this setback area;
    g. Approval of the design from the Mill Bay Fire Department;
    h. Approval of an access point by the Ministry of Transportation and Infrastructure;
    i. The existing public boat ramp at the end of Handy Road is to be rebuilt in consultation with and to the satisfaction of the CVRD Parks Division; and an irrevocable letter of credit is to be provided to the CVRD equaling 120% of the estimated costs to complete the rebuilding of the boat ramp (estimate to be provided by the applicant and approved by the CVRD);
    j. An irrevocable letter of credit is to be provided to the CVRD equaling 120% of the estimated costs to complete the landscaping, lighting, pathway and stormwater improvements (estimate to be provided by the applicant and approved by the CVRD);

k. Sewer approval subject to either connection to an existing community sewer system;
l. Development Permit to be issued prior to June 30, 2010, failing which this resolution becomes invalid.

2. That the request by MB Marina Residences Ltd. to extend the validity of Cowichan Valley Regional District Board Resolution No. 07-830 be denied.

3. That the validity of Cowichan Valley Regional District Board Resolution No. 07-830 is extended through the (*insert date here*).

Submitted by,

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

Department Head's Approval:

Signature

MT/ca

FILE COPY

C·V·R·D

December 20, 2007

File No. 9-A-07DP

Mill Bay Marina Residences Ltd.
1806 Pine Street
VANCOUVER, BC V6J 3C9

Attention: Max Tomaszewski

Dear Max Tomaszewski:

Re: Development Permit Application No. 9-A-07DP – MB Marina Residences Ltd.

Please be advised that the Board of the Cowichan Valley Regional District considered the above-described Development Permit Application at their Special Board meeting held on November 28, 2007, and they passed the following resolution:

> ***"That Development Permit Application No. 9-A-07DP be approved and that the Planning Division be authorized to issue a Development Permit to MB Marina Residences Ltd. with respect to Block "C", Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, Except Part in Plans 29781 and 30142 that would allow the subject property to be developed in accordance with the Mill Bay Development Permit Guidelines of Official Community Plan Bylaw No. 1890 and subject to the following conditions:***
>
> 1. *A covenant being registered on title that would restrict the time of stay to twenty-two weeks in a calendar year;*
> 2. *Maximum height of buildings is 10 m above the average natural grade, to be established by a professional surveyor, and a survey of buildings as built is provided post construction to verify this limit;*
> 3. *Proposed window projections on the south side are removed, no encroachment into the setback is permitted;*
> 4. *Pavilion/gazebo within 15 m of the sea is removed from the proposal;*
> 5. *Three loading spaces, plus parking for disabled persons, are provided in accordance with parking standards Bylaw No. 1001;*
> 6. *Only the driveway/underground ramp is permitted within the western 6 m setback, no above ground structure is permitted within this setback area;*
> 7. *Approval of the design from the Mill Bay Fire Department;*
> 8. *Approval of an access point by the Ministry of Transportation;*
> 9. *The existing public boat ramp at the end of Handy Road is to be re-built in consultation with and to the satisfaction of the CVRD Parks Department; and an irrevocable letter of credit is to be provided to the CVRD equaling 120% of the estimated costs to complete the rebuilding of the boat ramp (estimate to be provided by the applicant and approved by the CVRD);*

10. ***An irrevocable letter of credit is to be provided to the CVRD equaling 120% of the estimated costs to complete the landscaping, lighting, pathway and stormwater improvements (estimate to be provided by the applicant and approved by the CVRD).***
11. ***Sewer approval subject to either connection to an existing system or the Mill Bay Sewer Alliance."***

In order for the Development Permit to be issued, we require items 9 and 10 (irrevocable letters of credit) to be provided to the CVRD. Please have your engineer contact Brian Farquhar, Parks Manager, to discuss the rebuilding of the existing public boat ramp and to provide an estimate of the costs. Additionally, we require revised drawings in accordance with items 3, 4, and 5.

Should you require further information or any other questions arise, please feel free to contact this office.

Sincerely,

Rachelle Moreau
Planning Technician
Development Services Department

RM/mca

pc: Director M. Walker, Electoral Area A – Mill Bay/Malahat
Brian Farquhar, CVRD Parks Manager

C·V·R·D

STAFF REPORT

ELECTORAL SERVICES COMMITTEE MEETING
OF NOVEMBER 26, 2007

DATE:	November 21, 2007	**FILE NO:**	9-A-07 DP
FROM:	Rachelle Moreau, Planning Technician	**BYLAW NO:**	
SUBJECT:	Application No. 9-A-07DP (MB Marina Residences Ltd.)		

Recommendation:

Option 1 is recommended –

That Development Permit Application No. 9-A-07 DP be approved and that the Planning Division be authorized to issue a Development Permit to MB Marina Residences Ltd. with respect to Block "C", Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, Except Part in Plans 29781 and 30142 that would allow the subject property to be developed in accordance with the Mill Bay Development Permit Guidelines of Official Community Plan Bylaw No. 1890 and subject to the following conditions:

a) A covenant being registered on title that would restrict the time of stay to twenty-two weeks in a calendar year;
b) Maximum height of buildings is 10 m above the average natural grade, to be established by a professional surveyor, and a survey of buildings as built is provided post construction to verify this limit;
c) Proposed window projections on the south side are removed, no encroachment into the setback is permitted;
d) Pavilion/gazebo within 15 m of the sea is removed from the proposal;
e) Three loading spaces are provided in accordance with Bylaw No. 1001 (the parking standards bylaw);
f) Only the driveway/underground ramp is permitted within the western 6 m setback, no above ground structure is permitted within this setback area;
g) Approval of the design from the Mill Bay Fire Department;
h) Approval of an access point by the Ministry of Transportation.

Purpose:

To obtain a development permit in order to redevelop the Mill Bay Marina and establish tourism accommodation facilities consisting of 28 units, above ground and underground parking, fitness centre, and landscaped areas.

Background:

Location of Subject Property: 740 Handy Road

Legal Description: Block "C", Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, Except Part in Plans 29781 and 30142 PID: 001-027-433; and Foreshore lease L. 459

Date Application and Complete Documentation Received: August 23, 2007

Owner: MB Marina Residences Ltd.

Applicant: As above

Size of Parcel: $\pm$ 5614 m^2; Water Lot is 1.079 ha

Existing Zoning: C-4 (Tourist Recreational Commercial) and W-3 (Water Marina)

Minimum Lot Size Under Existing Zoning: C-4 is 0.4 ha; W-3 has none specified

Existing Plan Designation: Tourist Recreational Commercial; none specified for the marina

Existing Use of Property: Marina and Campground

Existing Use of Surrounding Properties:

North:	Handy Road and Residential
South:	Residential
East:	Mill Bay (existing and proposed marina)
West:	Residential

Services:

Road Access:	Handy Road
Water:	Mill Bay Waterworks
Sewage Disposal:	Three options have been provided (see discussion Section 14.5.5(a)(1) below)

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: The Environmental Planning Atlas has identified the waterfront portion of the subject property to be within the Shoreline Sensitive Area and the northern portion is within a Stream Planning Area.

Archaeological Site: An archaeological site has been identified along the foreshore of the property. An archaeological impact assessment report conducted by Madrone Environmental Services has been prepared and submitted. This report indicates that the overall "heritage significance" of the site is low due to the integrity and the original context of cultural deposits

having been previously destroyed. It notes that the First Nations groups involved in the study feel that the "ethnic significance" is high. The report states that the development will completely destroy the archaeological site, and in order to proceed a "Site Alteration Permit" under Section 12 of the *Heritage Conservation Act* is required. Applicant has advised that the required permit was approved and issued on March 2, 2007

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 OCP Bylaw No. 1890.

For the purpose of: establishing tourism accommodation facilities consisting of 28 units, above ground and underground parking, fitness centre, and landscaped areas.

Planning Division Comments:

The subject property is located off Handy Road and is within the Mill Bay and Trans Canada Highway Development Permit Areas (DPA), as specified in Official Community Plan Bylaw No. 1890. The Mill Bay DPA was established in order to provide guidelines for the form and character of commercial development, to ensure that commercial development is attractive with rigorous requirements for storage of materials, landscaping, and to ensure compatibility with adjacent land uses. The subject property was previously part of a rezoning application (1-A-06 RS), which proposed to rezone several properties for the purpose of establishing 80 units for both transient accommodation and permanent residency. At the time, it was also proposed to rezone the surface of the water adjacent to the existing marina in order to expand and redevelop the marina. This application has since been withdrawn and the applicant intends to redevelop the property in compliance with the existing zoning.

Under the existing zoning, "Tourist Accommodation" is a permitted use and is defined as follows:

"means a use, a building or structure or set of buildings or structures, used for temporary accommodation which may contain sleeping units and may contain auxiliary assembly, commerce, entertainment, or restaurant uses, premises licensed to serve alcoholic beverages and staff accommodation and may include a hotel, motel, resort lodge or guest cabins."

The bylaw has further defined "temporary" as *"means a total of less than twenty-two (22) weeks in a calendar year"* and "sleeping units" as *"means a room or suite of rooms which may or may not contain cooking facilities, used to accommodate any person on a temporary basis."*

Therefore, in order to comply with the zoning bylaw no permanent residency is permitted and the maximum number of weeks per year that any one person can stay at the tourism accommodation facilities is 22 weeks. The only permanent residency permitted in the C-4 (Tourist Recreational Commercial) zone is one single family dwelling per parcel accessory to a permitted use, which is currently not part of the proposal.

The tenure type of the two tourist accommodation buildings is proposed to be some form of strata development. As noted by the APC, it may become difficult or onerous on the part of the CVRD through bylaw enforcement to ensure that none of the units are being used for permanent residency. The APC recommended that a covenant be required to aid in compliance with the 22-week maximum occupancy for individuals. If a covenant is registered on title it will assist in alerting the new owners of the 22-week maximum stay.

Each unit is proposed to have its own kitchen facilities and two – three bedrooms. The proposed townhouse building has two-storey units with roof top gardens. Units in the apartment and townhouse building range in size from approximately 86 m^2 (926 sq. ft) – 130 m^2 (1408 sq. ft), which is larger than a typical hotel suite.

Associated with this application for a development permit is proposed new construction at the marina, which would consist of the following:

- 278 m^2 (3000 sq. ft) restaurant/pub
- 92.9 m2 (1000 sq. ft) commercial/retail section
- 37.2 m2 (400 sq. ft) shower/washroom section
- Sani-dump station and fuel dock;
- 75 boat slips (although it appears more are shown on the attached site plan, it has been confirmed that 75 slips are proposed)

The marina is subject to the regulations of the W-3 (Water Marina) zone within Bylaw No. 2000, and is not within any Development Permit Area. However it is being presented for the Committee's reference and is considered relevant to the overall redevelopment of the subject property.

Mill Bay Development Permit Area

Please see attached Section 14.5.5 - Development Permit Guidelines.

a) <u>Services and Utilities</u>

1. The applicant is a member of the Mill Bay Sewage Alliance (MBSA), which is pursuing development of a CVRD community wastewater system in conjunction with the CVRD Engineering Department. The applicant has advised that they have concluded an agreement in principle with a local privately owned sewage treatment/disposal facility which will be capable of handling the calculated wastewater flows. This system will require the approval of the Ministry of Environment. Alternatively, the applicant owns three adjoining parcels on Mill Bay Road, which could be used to provide for sewage disposal. This option would require the lots to be rezoned to allow a utility use if the utility is not owned and operated by the CVRD. Public utilities are permitted in all zones. The applicant has advised that preliminary tests indicate these could handle waste water flow rates, and it is proposed that the CVRD would assume control of this system once a community system in Mill Bay is operational.

2. Stormwater for parking lots and access roads will be managed using the following techniques: 1) permeable pavement; 2) roads will be bordered by a non mountable concrete curb; 3) catchbasins will be located at the roads edge to capture overflow drainage; 4) catchbasins will drain into an oil interceptor; 5) a detention rock pit will be installed to capture runoff from minor storm events; 6) as the ground reaches absorptive capacity, excess storm water will accumulate within the infiltration gallery, which will be connected to an overflow manhole to allow excess runoff to flow overland through grassy swales and landscaping. Stormwater from the buildings will be directed to infiltration/detention galleries sized to detain runoff such that there is no net increase in predevelopment versus post development flows for a 10 year storm event. It is proposed that the use of infiltration galleries will allow the detained stormwater runoff to drain into the ground.
3. The subject property is within the Mill Bay Waterworks service area, and as such water will not be drawn from Shawnigan or Hollings Creeks.
4. No water laden land or unstable soil subject to degradation has been identified on the subject property.
5. See above (a)(2). The grassy swales and landscaping to provide overflow drainage will be engineered to ensure there is no damage to downstream properties.

b) Vehicular Access

1. The subject property is greater than 400 m from the Trans Canada Highway and access will be provided from Handy Road.
2. There is only one access proposed, and this is located on the north-west side of the subject property.
3. As shown on the attached "Landscape Concept Plan", the entrance onto the property will be paved with a form of permeable paving. The parking areas will all be paved with permeable pavement. There are four main pathways: 1) From the end of Handy Road along the waterfront to the beach access stairs and to a proposed waterfront terrace with public art feature; 2) From the parking area heading east to join to the waterfront pathway; 3) Along the southern property line from the tourism accommodation building to the waterfront pathway; 4) Around the east side of the marina parking area – this pathway provides four access points from the surface parking into the internal network of pathways. The pathways will be broom-finished concrete, which is conventional concrete material for sidewalks and outdoor features or water permeable pavers to prevent erosion and assist in storm water management. The surrounding properties are zoned R-3A (Urban Residential – Limited Height), therefore, there are no direct off-site amenities that these pathways should be directly connected with. However, this property is within walking distance along Handy Road to the Mill Bay Village Centre, and it is proposed to have sidewalks and boulevard trees on the South side of Handy Road. It is unknown at this time what other upgrades will be required to Handy Road itself.
4. Not applicable.

c) Vehicular Parking

1. There are 114 parking spaces proposed with 30 underground spaces reserved for transient residents, 6 surface parking spaces for transient residents, 33 underground spaces for the marina restaurant/pub, 40 surface parking spaces for the marina/moorage facilities, and 5 underground spaces for the marina office. 16 spaces are proposed for small autos only. The CVRD Parking Bylaw requires the following in terms of parking:

Proposed Use	***Number of Parking Spaces Required (required)***	***Number of Loading Spaces Required (required)***
Marina	1 space per 2 boat stalls, plus one space per 2 employees (38 spaces plus one space per two employees) The applicants have allocated an additional 5 spaces for the marina office, which may be required to accommodate the commercial component.	1 loading space per 40 stalls to a maximum of 4 (2 loading spaces)
Restaurant	1 space per 3 seats plus 3 spaces (since the restaurant/pub is not within the DPA, the parking could be addressed at the building permit stage – currently 33 spaces are proposed, which would translate into approximately 90 seats)	1 loading space (1 space)
Pub	1 space per 3 seats (It is unclear what proportion of the total restaurant/pub will consist of the pub vs the restaurant. However based on the number of spaces proposed approximately 90 seats between the two should be anticipated)	1 loading space for every $200m^2$ (1 space)
Motel/Hotel	1.1 spaces per sleeping unit (31 spaces); 1 bus passenger unloading space	1 loading space for each $900m^2$ above $700m^2$ up to a maximum of 4 spaces (3 spaces)
Commercial/Retail component of Marina Development	It is unknown at this time what type of commercial development is proposed, however parking for this development can be evaluated at the building permit stage.	

The number of parking spaces provided meets the bylaw requirements. However, there are no loading areas shown on the site plan and at least three are required for the motel/hotel alone. The applicants are aware of this requirement and will identify on the plan where these are to be situated. However, at the time this report was prepared this revised plan was not available. Although the applicants are not proposing a motel/hotel, the same parking requirements apply to a tourist lodge/resort, and the bylaw requires that where the number of parking spaces for a particular use has not been identified, the number of parking and loading spaces shall be calculated on the basis of the most similar class of building. The bylaw requires that parking for disabled persons be provided, and it is unclear from the plan where this will be located.

The ground level parking is proposed 6 m from property lines. However, the ramp which accesses the underground parking is within 3 metres from the west property line. The applicant has advised that no structures will be built on the surface in relation to the underground parking ramp. If any structures were proposed above ground within the setback (e.g concrete walls ect) then a variance would be required. However as no structural element of the underground parking and ramp is proposed above the surface, a variance is not required because it is exempted being "paving" or similar as per the definition of structure.

2. There are two pedestrian accesses down to the underground parking 1) via a ramp on the north side of the property; 2) via a stairway at the southwest corner. The surface parking has four defined entrance and exits from the parking area. The parking area is separated from the rest of the development by a pathway on the east side, and the main pedestrian route across the surface parking lot is linked by two entrance pavilions with bench seating on the north and south sides, and a portion of this route is covered by a wood arbour with climbing vine parallel to the parking lot (see attached Landscape Concept Plan feature # 8)
3. No landscaping is proposed within the parking area, however it has been proposed along the boundaries and between the parking area and property lines.
4. There are two 4.3 m (14 feet) light poles provided for the surface parking. It is unclear where lighting is proposed for the underground parking.

d) <u>Pedestrian Access</u>

1. As shown on the attached Landscape Concept Plan, pedestrian routes have been clearly defined. As noted above, there are pathways around the perimeter of the property (with the exception of the west side) and a central pathway that provides linkages through the development to the waterfront and to the sides of the property. Along Handy Road adjacent to the development, there is a proposed pathway with special paving that will lead to the waterfront pathway. This will be located on the Handy Road right-of-way and confirmation will be required that the Ministry of Transportation accepts responsibility for this path. Alternatively, CVRD Parks could assume

responsibility for the sidewalk. Additionally, as shown on the Landscape Concept Plan, there are 12 boulevard trees proposed along Handy Road, which are also proposed within the road right-of-way. However, the applicant has indicated that the trees on the north side are not part of the proposal.

e) Landscaping

1. This guideline specifies that a 6 m landscaped buffer should be provided between the commercial development and adjacent roads and parcels.

   West Parcel Line - the ramp accessing the underground parking area is within 6 m of the adjacent parcel. In place of a 6 m buffer, a row of large shrubs is proposed.
   South Parcel Line – The rear of Building 1 of the tourist accommodation buildings face onto this side. Each unit has a private patio area with retaining wall to provide privacy from the adjacent units. Landscaping is proposed between the patio areas. South of the patios is one of the pedestrian pathways and a row of large shrubs. A dedicated 6 m wide landscaped buffer is, therefore, not proposed along the south side.
   East Parcel Line – A 15 m setback from the natural boundary of the sea is proposed along this parcel line. Within this 15 m setback area the following landscaping features are proposed:
   - Berm with coniferous tree planting;
   - Waterfront terrace with public art feature;
   - Shoreline remediation planting;
   - Waterfront walkway;
   - Boulder retaining walls;
   - Planting area with flowering accent trees;
   - Waterfront sign;
   - Games meadow with picnic area;
   - Beach access stair.

   North Parcel Line - Within 6 m from Handy Road, there is a planting area with shrubs for seasonal interest, an entrance pavilion with bench seating, and the entrance sign. Landscaping also includes a row of large shrubs. There is a pathway from the entrance pavilion (and parking lot) through to Handy Road within this buffer area.
2. Safety from crime should be considered in landscaping plans. The pathways are connected to other pathways and do not finish in dead ends. These are lit in some places with bollard lighting, however the pathway from the parking lot to the waterfront does not appear to have any substantial lighting. The landscaping along the pathways consists generally of medium shrubs and mixture of ground cover perennials.
3. No multi-family use is permitted.
4. As noted on the Landscape Concept Plan, there are a few areas proposed for lawn. These do not, however, consist of greater than 50% of the total landscaping.

5. The development permit may specify the amount and location of tree and vegetation cover to be planted or retained. Therefore, once the development permit is approved, the appropriate landscaping plan will be attached as a Schedule to the Development Permit.

f) Signage

1. No illustrations of proposed signage have been provided for review with this development permit application. Therefore, prior to any signs being erected, a development permit will be required to deal specifically with the signage.

g) Lighting

1. Outdoor lighting will be indirect or shielded. As noted in Section (c)(4) above, there are two light poles provided for the surface parking area. The Landscape Concept Plan indicates the type and location of proposed lighting: 1) Bollard lights are proposed at both ends of the southern pathway and for each patio; 2) Bollard lights are proposed at the entrance pavilion (and bench); 3) Two Bollard lights are proposed on the waterfront pathway; 4) Bollard lights are proposed at every patio on the west side of Building 2; 5) Pond lights are proposed within the two ponds. Under this proposal, it does not appear that there will be excessive lighting on the site.

h) Overhead Wiring

1. Service wiring will be underground.

i) Building Design

1. Buildings and structures are proposed as illustrated on the attached Elevations drawing. In general, the exterior of the buildings will be finished in a combination of pre-finished metal panels, "Terra Cotta" solid stain, "Sahara Gold" semi-transparent stain, and stone veneer.

j) Development Adjacent to Environmentally Sensitive Areas and Hazardous Lands

1. Commercial development is discouraged within 30 m of the Saanich Inlet, except as approved in writing by the Ministry of Environment. Currently, the Ministry of Environment does not have the resources to review development applications at this level. Referrals to the Ministry generally result in the CVRD being referred to the *"Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia"* Best Management Practices Document. The applicant has engaged the services of Ian Bruce, RP. Bio to provide guidance on the redevelopment of the marina and foreshore area. He is proposing to restore the upper beach area with native plant species, and indicated that the private boat launching ramp will be removed. Additionally, he advises that new concrete floats and sewage pump out facility will improve the marina. Shore remediation works will include placement of rock boulders. As shown on the site plan, the proposed buildings are 15 m from the natural boundary, which corresponds to the setback

specified in the Zoning Bylaw. While the guideline discourages commercial development within 30 m of the ocean, it can be permitted through the development permit. Based on the landscape plan, it appears that there is a pavilion or gazebo within the 15 m setback near the stairway to the marina. However, the setback from the ocean specified in the zoning bylaw does not permit buildings or structures within 15 m, therefore the pavilion/gazebo is not permitted, but the public art feature is.

2. Associated with the upland commercial development, the applicant has proposed stormwater management systems intended to detain runoff and permit water to infiltrate into the ground. Additionally, as part of the original rezoning application, the applicant had Watershed Eco-Logical Services Ltd. provide a report on Eelgrass presence in and about the Mill Bay Marina Foreshore license area. This report noted that if redevelopment of the marina occurs only within the existing foreshore license (which is proposed), it would not be difficult to mitigate the impact of the development on the existing eelgrass beds. This could be done by diver harvest of the eelgrass and by transplanting it to another area.
3. A combination of boulder retaining walls and shoreline remediation planting (native species) is proposed along the shoreline in conjunction with the waterfront pathway.
4. No native plant communities have been identified on the subject property.

k) Timing of Development on Land

1. The development permit may specify the sequence and timing of development on the land. No phasing has been proposed for this development.

l) Siting of Buildings and Structures

1. The applicants have proposed window projections into the setback area on the south side. They have proposed that these should be considered "bay windows", which are permitted to project into the setback area provided they do not exceed 1 m measured horizontally. The applicants feel that since the projection is a window, is less than 1 metre projection and is supported by a cantilevered floor structure it should be permitted. However, staff and the APC disagree with this interpretation and feel that the "projection" should be removed from the setback area or a variance applied for.

m) Riparian Areas Regulation Guidelines

No streams have been identified on the subject property.

Government Agency Comments:

The Electoral Area A Advisory Planning Commission met on November 7, 2007 and they discussed this application at that time. They submitted to us a written report summarizing their opinion on the application (see attached).

The APC recommended that a new comprehensive traffic plan be prepared and approved by Highways and the Board before a development permit is issued. Staff contacted the Ministry of Transportation, who advised that the Ministry has not reviewed the new design and that an access permit is required. Staff was also advised that the Ministry may request a new traffic impact study.

Policy 8.9.3 of the Tourist Recreational Commercial Policies state that *"Private and public open spaces should be an integral part of all new proposals which are adjacent to waterways, scenic amenities or other regionally important landmarks."* A concern has been expressed by the APC and a member of the public that with the redevelopment, the existing public accessibility to the beach will be reduced (see attached APC report and letter). Additionally, Policy 4.3.11 states *"The foreshore area and, with the cooperation of the Ministry of Transportation and Highways, all ocean front road ends shall remain open for the public and provision of reasonable pedestrian accesses shall be encouraged."* As part of the proposal, a waterfront walkway will be provided extending from an entrance off Handy Road south to the proposed public art feature and stairs leading to the marina. Since the Ministry of Transportation has not approved the location of the access onto the property, it is difficult to anticipate what changes will occur to Handy Road itself as result of the development that may restrict or discourage the public from using this road end as an access to the ocean front.

This application was referred to the Mill Bay Fire Department for their comments. At the time this report was prepared, we had not received their comments, however it is anticipated that these should be available for the Committee's review at the meeting.

Options:

1. That Development Permit Application No. 9-A-07 DP be approved and that the Planning Division be authorized to issue a Development Permit to MB Marina Residences Ltd. with respect to Block "C", Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, Except Part in Plans 29781 and 30142 that would allow the subject property to be developed in accordance with the Mill Bay Development Permit Guidelines of Official Community Plan Bylaw No. 1890 and subject to the following conditions:

    a) A covenant being registered on title that would restrict the time of stay to twenty-two weeks in a calendar year;
    b) Maximum height of buildings is 10 m above the average natural grade, to be established by a professional surveyor, and a survey of buildings as built is provided post construction to verify this limit;
    c) Proposed window projections on the south side are removed, no encroachment into the setback is permitted;
    d) Pavilion/gazebo within 15 m of the sea is removed from the proposal;
    e) Three loading spaces are provided in accordance with Bylaw No. 1001 (the parking standards bylaw);
    f) Only the driveway/underground ramp is permitted within the western 6 m setback, no above ground structure is permitted within this setback area;
    g) Approval of the design from the Mill Bay Fire Department;
    h) Approval of an access point by the Ministry of Transportation.

2. That Development Permit Application No. 9-A-07DP not be approved pending further consultation with the Ministry of Transportation regarding traffic and access to the property and approval from the Mill Bay Fire Department.

Submitted by,

Department Head's Approval:

Signature

Rachelle Moreau,
Planning Technician
Development Services Department

RM/ca

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STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING
OF OCTOBER 20, 2009

DATE:	October 14, 2009	**FILE NO:**	1-A-09 DP
FROM:	Rob Conway, Manager, Development Services Division	**BYLAW NO:**	2000
SUBJECT:	Development Permit Application No. 1-A-09DP (Aecom Canada Ltd. - Phase 10 of Mill Springs)		

Recommendation:
That Application No. 1-A-09DP be approved and the Planning and Development Department be authorized to issue a development permit to 687033 BC Ltd. for an 18 lot phase of subdivision on District Lot 46, Malahat District, except parts in Plan VIP68911, VIP78297, VIP82480 and strata Plan VIS4795 (Phase 3, and 5 to 9) and Except Plan VIP83878, and VIP85356 and VIP85745, subject to the fire gate at Deloume Road west of Phase 10 being removed and the road opened to public traffic.

Purpose:
To consider issuance of a development permit for Phase 10 of the Mill Springs development, in accordance with the Mill Bay Development Permit Area

Financial Implications:
N/A

Interdepartmental/Agency Implications:
N/A

Background:

Location of Subject Property: North of Bucktail Road, east of Deloume Road

Legal Description: District Lot 46, Malahat District, except parts in Plan VIP68911, VIP78297, VIP82480 and Strata Plan VIS4795 (Phase 3, and 5 to 9) and except plan VIP83878, and VIP85356 and VIP85745 (PID: 009-355-723)

Date Application and Complete Documentation Received: March 10, 2009

Owner: 687033 BC Ltd

Applicant: Aecom Canada Ltd.

Size of Parcel: 1.922 hectares to be subdivided from the remainder of District Lot 46

Existing Zoning: R-3 (Urban Residential)

Minimum Lot Size Under Existing Zoning: 0.2 ha (parcels serviced by a community water system only)

Existing Plan Designation: Urban Residential

Existing Use of Property: Vacant

Existing Use of Surrounding Properties:

North:	Residential
South:	Residential
East:	Vacant / Residential
West:	Residential

Services:

Road Access:	Unnamed stub road connecting to Deloume Road
Water:	Mill Bay Waterworks
Sewage Disposal:	Mill Springs private sewer system

Agricultural Land Reserve Status: Property is not located in the ALR

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas does not identify any environmentally sensitive areas within the subject phase of development.

Archeological Site: We do not have record of any archaeological sites on the subject property.

The Proposal:

The applicant has applied for a development permit for Phase 10 of the Mill Springs development. This phase of the development is for 18 residential lots. A subdivision plan showing the proposed layout for the current phase is attached to this report.

Background:

Mill Springs is a multi-phased residential development located in southwest Mill Bay. The first phase of this development commenced in the late 1990's and since then an additional eight phases have been developed. A total of 164 residential lots have been created to date. The number of lots possible on the remaining undeveloped land is partially dependent on how it will be serviced and the amount of the site that is used for roadways and therefore cannot be determined with certainty at this time. Based on the services that are presently available and the proposed road layout, it is estimated that approximately 160 lots could be developed beyond Phase 10. The exact number of lots will be determined when the layout of future phases are reviewed and approved. Should the Mill Springs development obtain access to community sewer (as defined by Zoning Bylaw No. 2000), additional lots would be possible.

Policy Context:

Official Community Plan:
The Mill Springs lands are within the Mill Bay Urban Containment Boundary and are designated Urban Residential in the Mill Bay/Malahat Official Community Plan. The proposed subdivision is consistent with the Urban Containment Boundary and Urban Residential policies in the OCP.

Zoning:
The subject lands are zoned R-3, which has a minimum parcel size of 2,000 square metres (21,500 sq. ft.) for lots connected to a community water system but not a community sewer system. Lots that are connected to both a community water and sewer system qualify for a smaller parcel size of 1675 sq. metres (18,000 sq. ft.). The zoning bylaw definition of "community sewer system" requires that the system be owned, operated and maintained by a Municipality or a Regional District and must serve a minimum of 50 residential unit equivalents. As the Mill Springs sewer system is not owned or operated by the Regional District or a Municipality, a minimum lot size of 2,000 square metres applies.

As Mill Springs was developed as a bare land strata subdivision, "lot averaging" has been used whereby individual lots within the development may be less than the minimum specified by the Zoning Bylaw provided the overall density in the development does not exceed what could be achieved by conventional fee simple subdivision. Because lot averaging has been used, many of the lots within the developed phases of Mill Springs are less than the minimum 2,000 square metres specified by the zoning.

In addition to limitations on lot averaging specified in the *Strata Property Act*, there is a restrictive covenant registered against the undeveloped phases of the Mill Springs lands that limits the scope of lot averaging. The covenant essentially limits lot sizes in the following manner:

- the size of the smallest lot can be no less than 40% of the zoning minimum
- no more than half of the total number of lots can be less than the zoning minimum

Staff estimate the Mill springs development has not exceed the lot size thresholds in the restrictive covenant, and the 18 lots proposed within subject Phase 10 can be undertaken as proposed without violating the covenant or the Strata Property Act. The restrictions, however, will affect future phases of the development, and will require that almost all of the remaining lots be at least the minimum size specified in the zoning.

In order to accurately determine densities on the remaining undeveloped land and to ensure the developer is in compliance with *Strata Property Act* and restrictive covenant requirements, it will be necessary to obtain accurate information regarding the area of the site that has been dedicated for road access and parkland in prior phases. Staff will be requesting this information with subsequent phases of subdivision within the development to ensure zoning compliance.

Mill Bay Development Permit Area Guidelines:
The Mill Springs lands are within the Mill Bay Development Permit Area (DPA), as defined in Official Community Plan Bylaw No. 1890. The Mill Bay DPA was established to protect the natural environment and to establish objectives and guidelines for new development, including subdivision, in the Mill Bay area. Proposed subdivision of land within the Mill Bay DPA requires a development permit prior to receiving subdivision approval from the Ministry of Transportation and Infrastructure. Please note that the development permit review process is not intended to deal with use or density on

the property, or other matters addressed by the zoning bylaw. Rather, it is intended to ensure compliance with the applicable development permit guidelines.

The following section identifies applicable guidelines from the Mill Bay DPA (in italics) and how they are addressed in the subject application.

14.5.5 (a) *Services and Utilities*

1. *All sewage disposal facilities shall be approved by the Vancouver Island Health Region 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.*

The applicant will be connecting proposed Phase 10 to the existing sewage treatment plant, which has been approved by the Ministry of Environment. Water for proposed Phase 10 will be provided from the Mill Bay Waterworks water system, and as such will not draw water from Shawnigan or Hollings Creeks.

Storm water management for proposed Phase 10 includes a combination of infiltration and collection systems. Residential lots with suitable soil conditions will direct perimeter drains and rain water leaders to infiltration systems. Roadway drainage and lots with poorly drained soil will be drained to detention ponds and eventually to Handysen Creek.

14.5.5 (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.*

Proposed Phase 10 will be accessed from an existing stub road that connects to Deloume Road. Although the Deloume Road right-of-way extends northward towards the intersection at the Trans Canada Highway, Deloume Road is presently blocked at the northern boundary of the Mill Springs development. The only public access road access to Mill Springs and proposed Phase 10 is from Frayne Road. Opening this section of Deloume Road would provide a second access and egress to the development and improve traffic circulation and emergency access.

The proposed road configuration in Phase 10 accommodates future road access to undeveloped lands immediately east of the current phase.

Roads within Phase 10 will be paved with asphalt and will have concrete curbs and gutters with a concrete sidewalk on one side of the new roadway. Sidewalks and pathways that will connect to the existing trail and pedestrian network are also provided.

14.5.5 (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.*

Streetlights will be provided with proposed Phase 10. The lamp standards will match the decorative standards provided with previous phases and will include covers that direct the lighting downwards.

14.5.5 (h) *Overhead wiring*

> *Underground wiring shall be encouraged rather than overhead wiring*

Phase 10 will be serviced with underground wiring, as was the case with previous phases.

14.5.5 (j) *Development Adjacent to Environmentally Sensitive Area and Hazardous Lands*

1. *Such development shall be discouraged within 30m 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.*

A Riparian Area Regulation assessment report was prepared for the entire Mill Springs project in 2007. This report identified riparian setback areas for the entire property and established setback areas for Handysen Creek, Good Hope Creek and wetland areas on the property. As there are no identified creeks or wetlands within 30 metres of Phase 10, this phase is not impacted by the Regulation.

A comprehensive storm water management plan and drainage plan for the Mill Springs site was prepared during the initial phases of the development, and site specific updates for these proposed phases must be reviewed and approved by the Ministry of Transportation and Infrastructure prior to the final approval of the subdivision. Storm water management methods proposed for Phase 10 are described above and in the attached memo.

Parkland Dedication:
Section 941 of the *Local Government Act* requires subdivision involving three or more new lots to dedicate 5% of the land area for parkland purposes. The proposed Phase 10 provides 9.35% as parkland. The CVRD's Parks Recreation and Culture Department has advised that it is supportive of the parkland shown on the Phase 10 subdivision plan as it is consistent with the park dedication concept plan agreed-to for the entire property. They have, however, requested that the parkland be provided to the CVRD as a titled lot rather than having it label as "Park" on the subdivision plan.

Advisory Planning Commission Comments:
The Mill Bay/Malahat APC met on September 14, 2009 to discuss this application. The following motion was passed regarding the application,

> *That the Development Permit Application – Phase 10, Mill Springs, be approved with the inclusion of two recommendation from the Mill Bay Fire Department.*
> *1) A donation from the developer for an interrupter light at Frayne Road and Highway 1 intersection.*
> *2) A second road access to the Mill Springs development via Deloume Road.*

In addition, the following comments were included in the meeting minutes:

Density
- *Mike Tippett had provided an overview document to the APC of how density averaging was calculated for Mill Springs. The highlights of this document were reviewed. It was determined that Phase 10 meets the minimum lot size.*
- *Lot size will need to be looked at closely by the CVRD for all future phases in this development. The trigger will be when the sewer system is turned over to the CVRD for a change to the minimum lot size. There is approval in principle for the CVRD to take over their sewer system when the development reaches 200 lots. With the completion of Phase 10 the development will have 183 lots developed.*

Street Names
- *A letter has been submitted to the Minister of Highways requesting that the right to recommend street names be given to the Mill Bay Historical Society. Will still require approval by the MOT, the Mill Bay Fire Dept. and the CVRD.*
- *Recommended street names be representative of Mill Bay's history.*

Tot Lot
- *There has been much contention that there are currently no tot lots in the development. It was stated that the previous Area A Parks Commission had asked for the tot lots to be removed while the current commission has asked to have tot lots reinstated. There will be a tot lot included in Phase 10. This is the land only and does not include the equipment required for a tot lot.*

Water

- *Capacity of well three provides enough water for 127 homes. The community of Mill Bay can use the water until build out of the Mill Springs development.*

Road Access

- *Turning ratio is large enough for emergency vehicles.*

Government Agency Comments:
This application was referred to government agencies on July 13, 2009. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation and Infrastructure – *Interests unaffected*

- Mill Bay Fire Department – *Approval recommended subject to the conditions attached (see July 16, 2009 letter)*

- Mill Bay Waterworks – *The Mill Bay Waterworks Board of Trustees approves the amendment, provided that the developer adherers to the District Bylaws and meets the specifications of the District. The developer must also adhere to any agreements between themselves and the District.*

Development Services Division Comments:
With respect to the APC recommendation that the developer contributes towards a traffic light interrupter, staff recommends against making such a contribution a condition of the development permit. As this requirement is not addressed in the development permit guidelines and the *Local Government Act* does not enable such requirements for development permits, it is likely outside of the Board's authority to require it as a condition. In any case, the applicant has already voluntarily provided a substantial contribution to the Mill Bay Fire Department to help fund the pre-emption device.

The extension of Deloume Road was recommended by the APC and the Mill Bay Fire Department. Staff also support the extension of the road with the development of Phase 10 and believe it necessary for safe and efficient traffic circulation. Although roads are typically the jurisdiction of the Ministry of Transportation and Infrastructure, staff recommend making the extension of Deloume Road a condition of the permit so the Ministry is aware of the CVRD's support for the extension.

With the exception of Deloume Road, staff believes the application for Phase 10 of Mill Springs substantially complies with the applicable development permit guidelines. Subsequent phases of Mill springs will require detailed information from the applicant in order to determine lot size requirements and maximum permitted densities. The current phase of development, however, is within requirements specified by the Zoning Bylaw, the *Strata Property Act* and a restrictive covenant registered against the property.

Options:

1. That Application No. 1-A-09DP be approved and the Planning and Development Department be authorized to issue a development permit to 687033 BC Ltd. for an 18 lot phase of subdivision on District Lot 46, Malahat District, except parts in Plan VIP68911, VIP78297, VIP82480 and strata Plan VIS4795 (Phase 3, and 5 to 9) and Except Plan VIP83878, and VIP85356 and VIP85745, subject to the fire gate at Deloume Road west of Phase 10 being removed and the road being opened to public traffic.

2. That Application No. 1-A-09DP not be approved and a development permit not be issued until the application is amended to comply with applicable development permit guidelines.

Option 1 is recommended

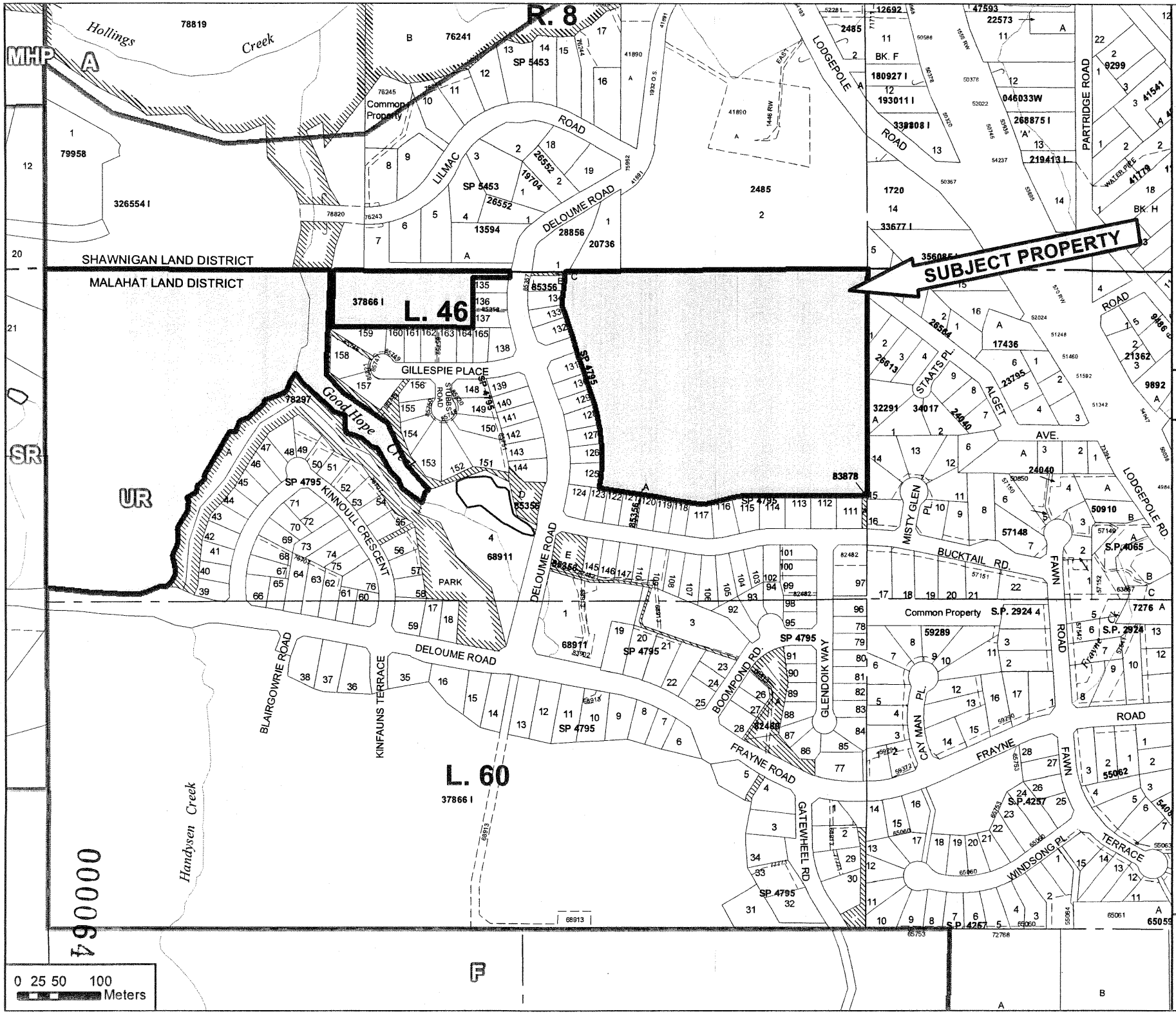
Submitted by,

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

Department Head's Approval:

Signature

RC/ca



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 applicaton of the Bylaws.

FILE: 1-A-09-DP

OCP

Legend

- Subject Property
- OCP Electoral Area A

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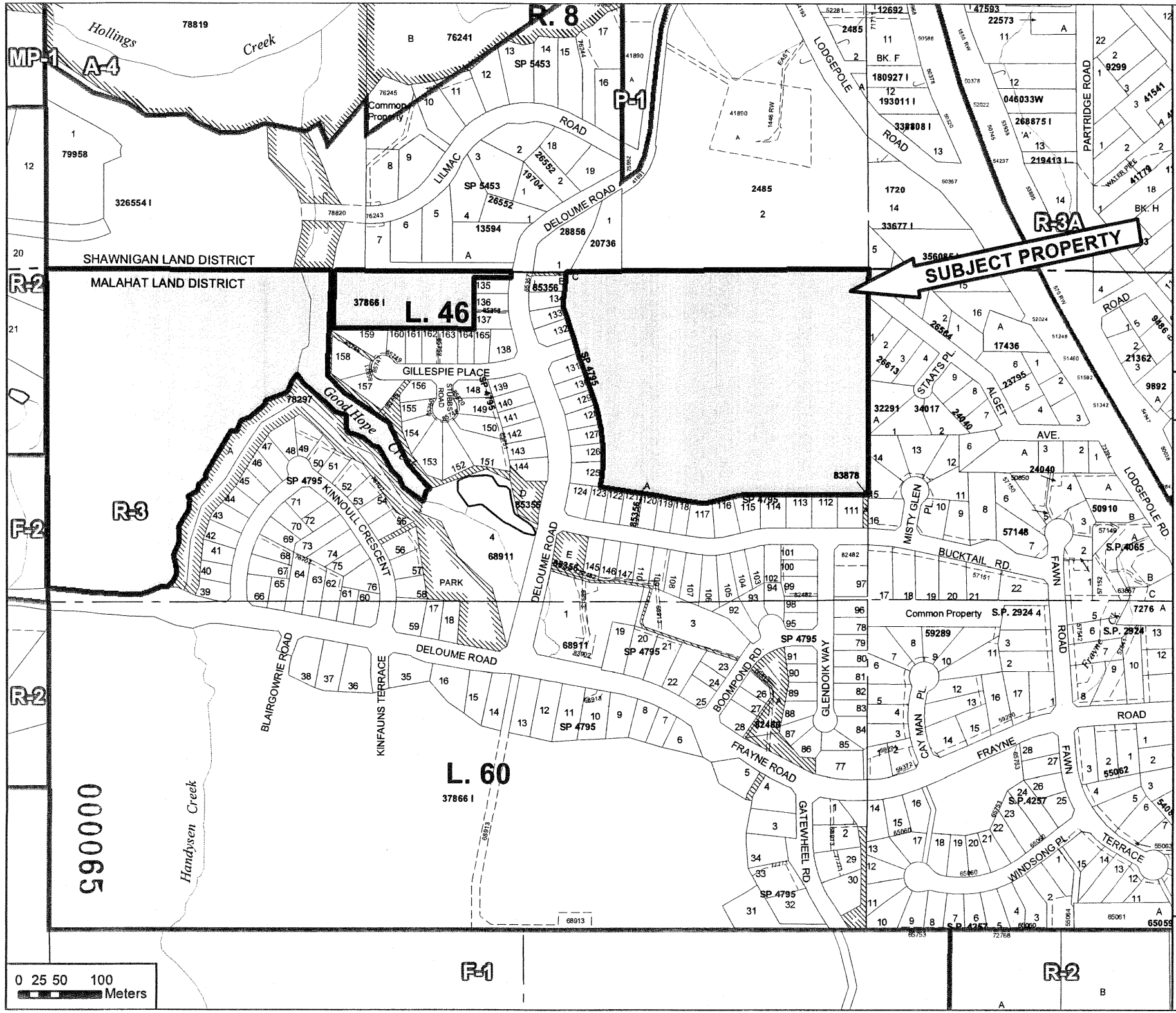
Cowichan Valley Regional District
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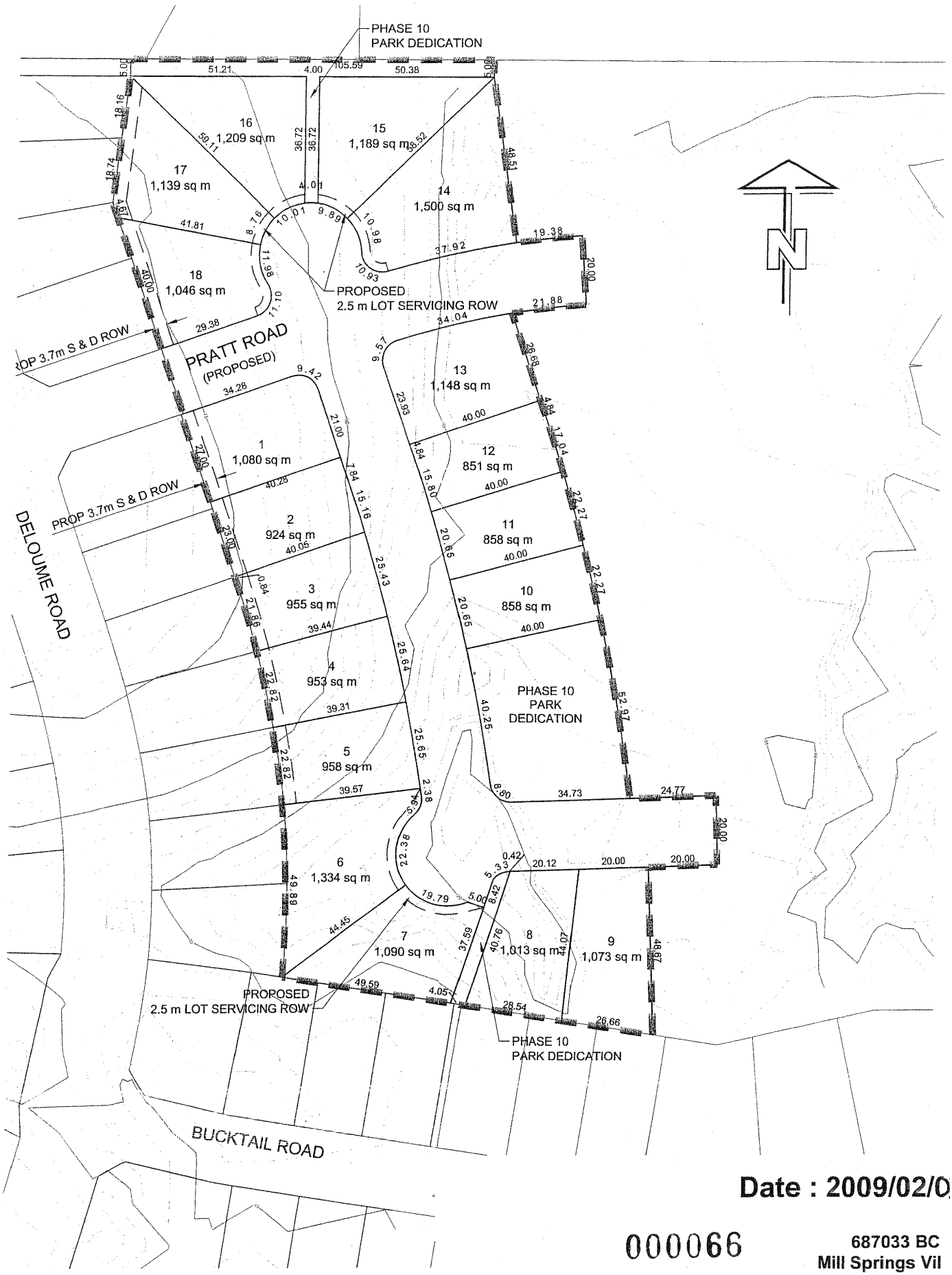
The original Bylaws should be consulted for all purposes of interpretation and applicaton of the Bylaws.
FILE: 1-A-09-DP
ZONING
Legend
Subject Property
Zoning Electoral Area A
SUBJECT PROPERTY
L. 46
L. 60
SHAWNIGAN LAND DISTRICT
MALAHAT LAND DISTRICT
R. 8
MP-1
A-4
P-1
R-2
R-3
R-3A
F-2
F-1
Hollings Creek
Good Hope Creek
Handysen Creek
LODGEPOLE ROAD
PARTRIDGE ROAD
DELOUME ROAD
LILMAC ROAD
GILLESPIE PLACE
KINNOULL CRESCENT
PARK
BLAIRGOWRIE ROAD
KINFAUNS TERRACE
BOOMPOND RD.
GLENDOIK WAY
FRAYNE ROAD
GATEWHEEL RD.
MISTY GLEN PL.
BUCKTAIL RD.
FAWN ROAD
STAATS PL.
ALGET AVE.
CAY MAN PL.
WINDSONG PL.
TERRACE
Common Property
0 25 50 100 Meters
N
S
E
W



Date : 2009/02/0

000066

687033 BC
Mill Springs Vil
Plan Submission Phas

Rem D.L. 46, Malahat Distr

Issued for Preliminary Lotting Applicati

PLAN

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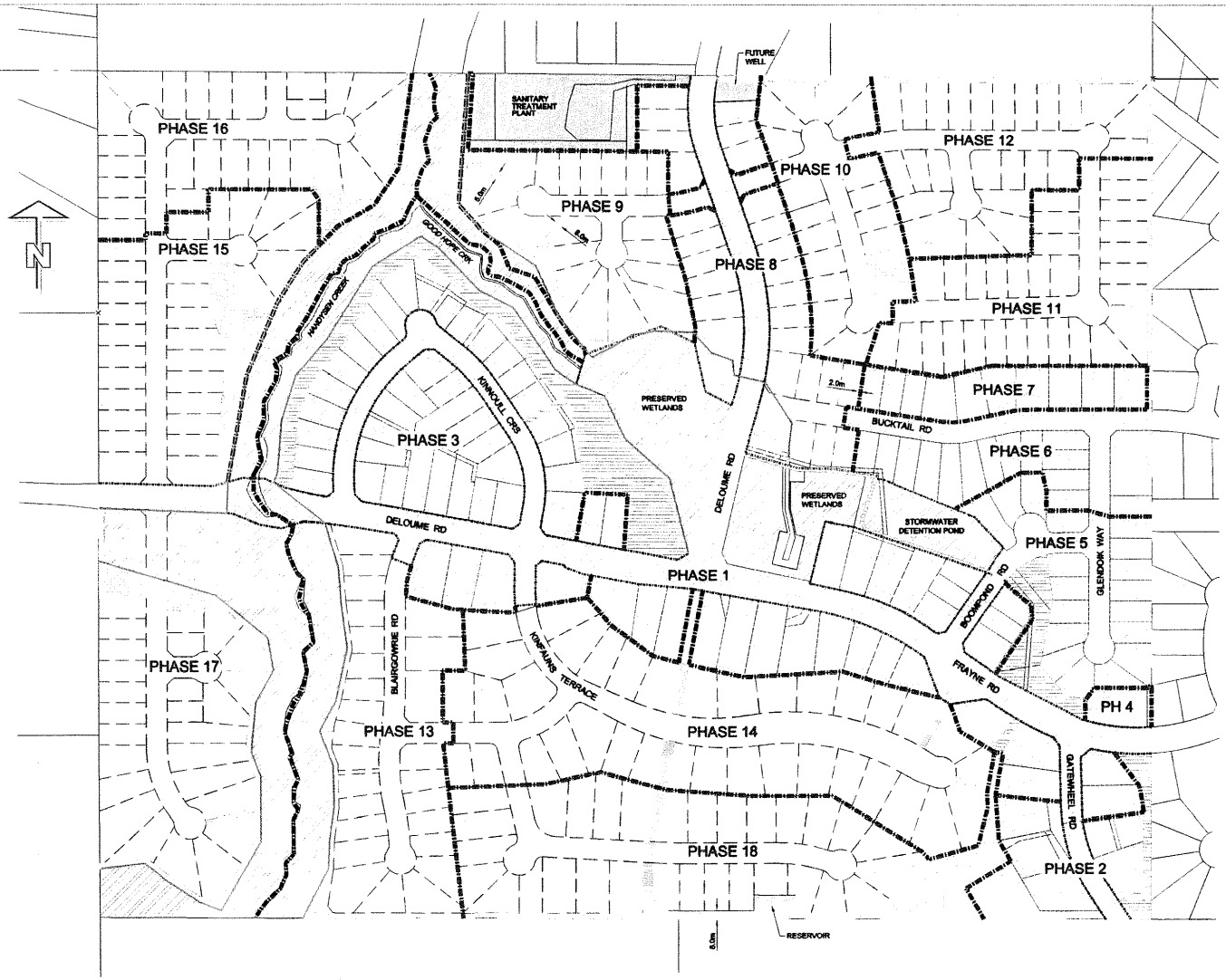

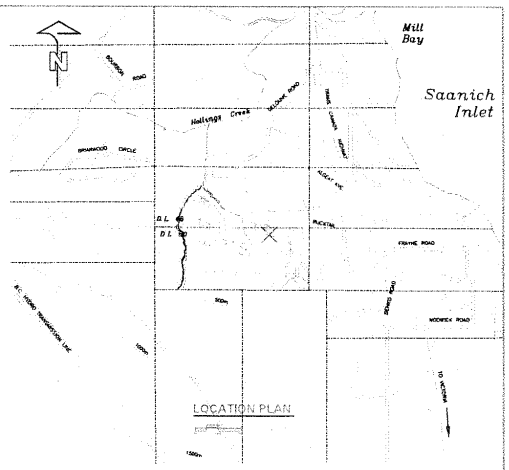

NOTES

1) ALL TRAIL / ROADWAY CONNECTIONS ARE 4.0m WIDE UNLESS OTHERWISE NOTED.
2) THE EXTERIOR PARK BUFFER IS 5.0m WIDE UNLESS OTHERWISE NOTED.
3) ALONG SPEA THE PARK WIDTH WILL AVERAGE 5.0m WIDE WITH PINCH POINTS NOT TO BE LESS THAN 2.0m WIDE.

LEGEND

- EXISTING PARK AND TRAIL DEDICATION
- PROPOSED PARK DEDICATION
- GREEN SPACE
- EXTENT OF CURRENT REGISTRATION
- UTILITY LOT
- RIPARIAN BOUNDARY
- EXISTING LOTLINE
- PROPOSED ROAD
- PHASE BOUNDARY

687033 BC Ltd.
Mill Springs Village - Project Planning & Management

Existing & Proposed Park Dedication and Utility Lots

OCTOBER 10th 2008

Figure 1

UMA | AECOM

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1-A-09-DP Subject Property
Lashburn Rd
Solarium Pl
McBain Rd
Handy Rd
Bourbon Rd
Waterman Rd
Lilmac Rd
Deloume Rd
Briarwood Dr
Briarwood Crescent
Melton
Mill Bay Rd
Lakelr Rd
Sea View Rd
Algat Rd
Partridge Rd
Lodgepole Rd
Bay Rd
Bucktail Rd
Fawn Rd
Fern Ridge Dr
Kay Pl
Fraynel R
Fawn Terrace
Windsong Pl
Lagen Rd
Benko Rd
Noowick Rd
Image © 2009 IMTCAN
© 2009 Tele Atlas
48°38'43.47" N 123°33'58.29" W
Jul 17, 2005
Eye alt 7334 ft
Google

000063

From the Office of the Fire Chief

Mill Bay Fire Department
Box #192
Mill Bay, BC
V0R 2P0
Phone:(250)743-5563 Fax:(250)743-5033

To: CVRD, Community and Regional Planning

Date: July 16th 2009

Cc: Gerry Gilles (Area C Director / CVRD Chair)
Sgt. Rob Webb (Shawnigan Lake RCMP)
Brian Harrison (Area A Director - CVRD)
Ross Deveau (Min of Transportation and Infrastructure)

Re: Mill Springs Phase 10 Development Proposal / CVRD File No. 1-A-09DP

Upon review of the proposal to allow for the creation of 18 additional residential lots in the Mill Springs subdivision, (*Referred to as Phase 10*) the Mill Bay Fire Department has serious concerns we feel need to be addressed before any future development is granted for that particular area.

1. Due to the increasing amount of residential traffic on Frayne Rd., and the need for emergency vehicles to safely navigate through this increasingly busy intersection, the Mill Bay Fire Department will require a traffic pre-emption control at the intersection of the Trans Canada Highway and Frayne Rd. This traffic pre-emption device would be required to conform to standards set down from the Ministry of Highways and the Mill Bay Fire Department, to ensure similarity in operation to other pre-emption devices planned for the area.

2. In regards to the fire and life safety aspects of this proposal. The need for a safer and quicker response time to potential emergencies in that location, and the critical need to have 2 distinct means of access and egress to both emergency services and to the general public, the Mill Bay Fire Department, strongly encourages:

   (i) The "Fire Gate" on Deloume Rd. near the subject property be removed from that location.

   (ii) The portion of Deloume Rd that lies between Gillispie Rd. and Barry Rd. be upgraded to handle the increased traffic flow.

   (iii) A second traffic pre-emption device is installed at the intersection of Deloume Rd and the Trans Canada Highway.

Fire Chief Terry W. Culp, LAFC
Mill Bay Fire Department

AECOM

RECEIVED
MAR 19 2009

AECOM
200 – 415 Gorge Road East, Victoria, BC, Canada V8T 2W1
T 250.475.6355 F 250.475.6388 www.aecom.com

March 17, 2009

Project Number: F235 010 02 (4.0)

Mike Tippet
Deputy Manager
Cowichan Valley Regional District
175 Ingram Street
Duncan, BC
V9L 1N8

Dear Mike:

Re: Mill Springs Village: Development Permit Application – Phase 10

On behalf of 687033 BC Ltd., enclosed is a Development Permit Application for Phase 10 at Mill Springs Village, in Mill Bay. As part of the application process, we have enclosed a lotting plan (PLA drawings as submitted to MOT), a current title search and a cheque in the amount of $3,800 for the development of 18 lots and a park tot lot. For your reference, we have also attached one copy of the Master Phasing Plan and sections 4 & 5 of the Master Drainage Plan (KPA Engineering 1994), which details the storm water management plan for Mill Springs Village. If you require further information of the Master Drainage Plan, it is our understanding that a copy of the document is on file with the CVRD.

To summarize the above sections of the storm water management plan, the control point for gauging pre- and post development was established at the north boundary of the development at Handysen Creek. The 5-year post development hydrograph at the north boundary of Handysen Creek determined approximately 11,556 m^3 of storage required to meet predevelopment flows for the entire development. Two detention ponds, located centrally in the development, were constructed to hold a combined storage of 11,667 m^3 to offset peak flows. The detention ponds discharge into Good Hope Creek, a tributary of Handysen Creek, at a reduced rate so that post flows will not be exceeded in Handysen Creek. This "discharge reduction" in Good Hope Creek allows other flows to be directed into Handysen Creek. Storm waters that cannot be diverted to the detention ponds by means of gravity, discharge directly into Handysen Creek. To further reduce post development flows, infiltration systems are being installed on all lots with well-drained soils.

Management of the storm water for Phase 10 will be a combination of infiltration and collection systems. Residential lots with adequate permeable soils will direct foundation perimeter drains and rainwater leaders to infiltration systems (see attached Figure 1, Storm Water Infiltration). The remaining storm water collected from roadway catch basins and lots with poorly drained soils will be diverted through underground piping and discharged to Handysen Creek.

Since the development of the Master Drainage Plan (1994), the Riparian Regulations have been introduced. The Riparian Regulations have resulted in additional areas along Handysen and Good Hope Creeks that will be dedicated as natural "green space" areas (predevelopment). Mill Spring Village also has a network of natural pathways throughout the development and adjacent to the riparian areas. The natural "green space" areas from paths and riparian zones result in reductions to the post-development flows in Handysen Creek. The Master Drainage Plan considered larger lots as per the original zoning. The increased green space and subsequent smaller lot sizes further enhances the storm water management.

If you have any questions, please do not hesitate to contact the undersigned at (250) 475-6355.

Sincerely,
AECOM Canada Ltd.

Daryl Henry, Project Engineer
daryl.henry@aecom.com

Encl.
cc: 687033 BC Ltd., Gerald Hartwig

C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 1-A-09DP

DATE:

TO: 687033 BC Ltd.

ADDRESS: c/o AECOM Canada Ltd.
200-415 Gorge Road East
VICTORIA, BC V8T 2W1

1. **This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.**

2. **This Development Permit applies to and only to those lands within the Regional District described below for purposes of subdivision:**

   - ***District Lot 46, Malahat District, except parts in Plan VIP68911, VIP78297, VIP82480 and Strata Plan VIS4795 (Phase 3, and 5 to 9) and except plan VIP83878, and VIP85356 and VIP85745 (PID: 009-355-723)***

3. **Authorization is hereby given for the land to be subdivided into 18 residential parcels, plus land for park purposes.**

4. **The subdivision shall be developed in substantial compliance with the tentative plan of subdivision dated, 2009/02/03 attached hereto as Schedule 1.**

5. **This Development Permit shall be carried out subject to Deloume Road, west of the subject phase of development, being opened to public traffic.**

6. **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.**

7. **This Permit is <u>not</u> a Subdivision Approval. No subdivision approval shall be recommended until all items of this Development Permit and other requirements of subdivision have been completed to the satisfaction of the Planning and Development Department.**

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. *XX*-XXX-XX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE XTH DAY OF XXXX, 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 MALAHAT PROPERTIES LTD., other than those contained in this Permit.

Signed	Witness
Owner/Agent	Occupation
Date	Date

D4

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING
OF OCTOBER 20, 2009

DATE:	October 14, 2009	**FILE NO:**	4-D-09DP
FROM:	Mike Tippett, Manager Community and Regional Planning Division	**BYLAW NO:**	925
SUBJECT:	Application No. 4-D-09DP (Craig Partridge and Ron Sharpe - 1670 Botwood Lane, Cowichan Bay)		

Recommendation:
That application No. 4-D-09DP approved, and that a development permit be issued to 0708322 B.C. Ltd. for the construction of a 14-unit apartment building on Botwood Lane, Cowichan Bay, on Amended Lot 1 (DD 90309[I]) Block N, Section 6, Range 4, Cowichan District, Plan 79 (PID: 009-325-298); Amended Lot 2 (DD EP44723) Block N, Section 6, Range 4, Cowichan District, Plan 79 (PID: 009-329-552); and Amended Lot 3 (DD EP44724) Block N, Section 6, Range 4, Cowichan District, Plan 79, except that part lying West of the East boundary of the Island Highway (PID: 009-329-889), subject to:

a. Submission of a suitable lighting plan which limits off-site glare, prior to permit issuance;
b. The protection of the building by sprinkling;
c. Access to the site being acceptable to Cowichan Bay Volunteer Fire Rescue, specifically NFPA 299 and 1141;
d. Consolidation of the three subject properties into a single lot.

Financial Implications:
None apparent.

Interdepartmental/Agency Implications:
None apparent.

Background:
Location of Subject Property: 1670 Botwood Lane, Cowichan Bay village area

Legal Description:
- Amended Lot 1 (DD 90309[I]) Block N, Section 6, Range 4, Cowichan District, Plan 79 (PID: 009-325-298)
- Amended Lot 2 (DD EP44723) Block N, Section 6, Range 4, Cowichan District, Plan 79 (PID: 009-329-552)
- Amended Lot 3 (DD EP44724) Block N, Section 6, Range 4, Cowichan District, Plan 79, except that part lying West of the East boundary of the Island Highway (PID: 009-329-889)

Date Application and Complete Documentation Received: July 9, 2009

Owner: 0708322 B.C. Ltd.

Applicant: Craig Partridge and Ron Sharpe

Size of Parcel: $\pm$ 2761 m^2

Existing Zoning: RM-3A (Limited Height)

Minimum Lot Size Under Existing Zoning: 0.2 ha

Existing Plan Designation: Urban Residential

Existing Use of Property: Vacant; formerly single-family residences

Existing Use of Surrounding Properties:

North: Hotel
South: Residential
East: Kil-Pah-Las FN Reserve land – Residential
West: Multiple Family Residential

Services:

Road Access: Botwood Lane
Water: Cowichan Bay Waterworks District
Sewage Disposal: Cowichan Bay Sanitary Sewer (CVRD)
Fire Protection: Cowichan Bay Volunteer Fire Department

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: None identified in CVRD data.

Archaeological Site: None were identified in the Provincial RAAD database.

Contaminated Sites: No known contamination was declared on the application form

The Proposal:

An application has been made to the Regional Board to grant a development permit for the construction of a 14 unit apartment building. The proposed building has been relocated on the site, being now closer to the southern property boundary line, and the height of the structure has been revised downwards to what the applicants are indicating is the 7.5 metre height limit above the natural grade.

Referral Agency Comments:
Development permits are not normally referred to agencies, but in this case it was sent to Cowichan Bay Volunteer Fire Rescue. Chief Ken Bulcock indicated that no new fire hydrant will be needed on Botwood Lane. He also indicates that Botwood Lane and the site must be capable of receiving firefighting apparatus, and has a strong recommendation that the building be sprinkled.

Chief Bulcock's letter is attached to this report.

Advisory Planning Commission Comments:
The Cowichan Bay APC met to discuss this application on September 22, 2009 and passed the following resolution:

RECOMMENDATION

By a vote of 10 to 0, the members recommend:
- *That CVRD staff determine if the current calculation of average natural grade is correct, as it appears it does not comply with the bylaw.*
- *If the height calculation is correct, the proposed design should be approved.*
- *If the height calculation is not correct, the design should be revised to comply with the revised average natural height and resubmitted to the APC for consideration.*

The Chief Building Inspector and planning staff have determined that the height calculation is correct under Bylaw 1015 and so the matter is now before the Committee.

Planning and Development Department Comments:

Background Information
The subject property is located on Botwood Lane in Cowichan Bay village and it was rezoned at the end of last year to a new "limited height" RM-3A Zone. The property was previously in the 7.5 metre height urban residential zone and the Board heard extensive representations as to the sensitivity of adjacent owners to the protection of views, so the special limited height zone was proposed and passed.

A few months following the adoption of the new zoning amendment, the applicants met with staff and Director Iannidinardo to discuss the prospects for an increase to the height limit of 7.5 metres that is built into the new zone. The conclusion to this discussion was that the 7.5 metre limit would be respected in the site plan.

General Comments:

Building Height
The Board has not recently indicated a willingness on this site to exceed 7.5 metres in height (other than those features such as stair towers that are exempt under Section 5.8 of Zoning Bylaw 1015), and so the height proposed in the development permit application is required to be 7.5 metres. The elevations shown on the plans by Hillel Architecture of Victoria and the surveyor's notes and sketch plan show that the intent is to build a structure that is 7.4 metres in height above natural grade. In order to make this height limit work on the site, the building had to be moved upslope somewhat and at the same time, partially sunken into the ground on the back part of the lower apartments. The 10 cm of freeboard give some comfort that the height in the end would not be exceeded, accounting for possible differences between preliminary plans such as these and the "as-built" condition of the final framing. The Chief Building Inspector advises that the

Building Division would require an as-built survey measurement of the height of the framed structure prior to it being enclosed, since that is at a stage where the roof structures could be modified somewhat to lower them, should any parts of the roof be measured at or above 7.5 metres. The Development Permit could contain a condition that the height be verified by a BCLS at the framing stage, and that the final structure is under 7.5 metres, as a condition of final occupancy being issued.

Landscaping Plan

LADR Landscape Architects of Victoria have completed the landscaping plan that is attached to this report. This plan indicates that the professional BCSLA landscape standards will be employed in the plantings and associated works. Underground irrigation is proposed, with separate controls for lawn and planting areas.

Consolidation of Three Lots

At the present time, the subject land consists of three parcels of land from a very old survey plan (Plan 79, dated 1862!), which will need to be consolidated, probably through a new survey, prior to the issuance of a building permit. The Building Code prohibits structures from straddling lot lines unless there is a firewall on the lot line. The Development Permit should make this a requirement to be fulfilled prior to the issuance of the building permit.

Fire Protection

During the rezoning process, the Cowichan Bay Fire Chief advised the CVRD that he would not have an objection to the site being rezoned for apartment use provided the building was sprinkled and provided the access points to the property through Botwood Lane were upgraded to meet the requirements set out in NFPA Standards 299 and 1141. There had also earlier been some discussion over the installation of a fire hydrant at the proponent's expense on the east side of Cowichan Bay Road, to serve the Botwood Lane area. Chief Bulcock's letter referred to at the beginning of this report indicates that a new hydrant is not required.

In terms of the development permit wording, staff would recommend that the sprinkling requirement be made a condition of the certificate of final occupancy and that the applicants be required to demonstrate compliance with the road access provisions of NFPA 299 and 1141 prior to final occupancy.

Servicing

The subject lands are in the Cowichan Bay Waterworks District, and the proponent will have to arrange with CBWD to secure connection to their system along with any fees this will require. Sewer is to be provided by the Cowichan Bay Sanitary Sewer System. The applicant purchased 12 units in this sewer service area on February 15, 2008, which – given the correction factor of 0.85 that is applied to apartment units – is sufficient to service the proposed 14 apartments. The connection to these services will be coordinated by the CVRD Building Division.

General Comments on Design

The original proposal called for an access road to be built around the back of the property, which would have meant that the part of the building facing Botwood Lane would have had a pedestrian-oriented façade. The imposition of the 7.5 metre height limit has eliminated the possibility of a rear entrance for the garage on topographic grounds. However, the building elevations show a relatively sensitive treatment of what is in effect a large garage entrance, with glazed surfaces for the small doors of the walk-in entrance and glazing adjacent to that. The garage doors would be located to either side of the main walk-in entrance, which effectively screens these doors from the perspective of the observer on Botwood Lane.

The roofline is somewhat varied, with the uphill side being somewhat more uniform if seen from ground level at the rear lot line. From that perspective, the protrusions of the two rear stairwells and elevator are apparent, with the roof ridge being otherwise uniform. From the front, the roofline is far more varied, which breaks up what would otherwise seem to be a more massive structure. These features will probably be visible from other properties in the Bay that are further uphill.

Siting

While the back of the proposed building is located on the rear lot line setback, on both the north and south sides, the building would be located slightly over 4 metres from the side lot line on the north and nearly 4 metres on the south (against the Kil-pah-las reserve), as opposed to the 3.7 metres that is required (being half of the height of the building). The front of the building is 13 metres from Botwood Lane.

Development Permit Guideline Review:

The subject property lies in the Multi-Family Development Permit Area, the guidelines for which are found in the Official Settlement Plan. A review of these guidelines with respect to this proposal follows:

(a) **Vehicular Access** – This guideline discourages direct access to the Trans-Canada Highway (TCH), which is not a problem in this case. Although not related to the TCH, the access issue with respect to fire apparatus will be considered in this permit.

(b) **Vehicle Parking** – This guideline suggests that parking areas should be located 3 m back from all lot lines. On the site plan submitted, one of the parking spaces for guests is located 2.2 m from the front lot line. The other five surface parking spaces are all over 3 m away from any lot line. The access way to the underground parking is paved and the pedestrian pathway to the main entrance is to be in concrete pavers to the east of the access driveway, which will demarcate its extent visually. The CVRD Parking Bylaw requires 21 spaces. The proposed building has 21 spaces (including one handicapped space) underneath the building and an additional 6 visitor spaces in front of the building. Although bicycle parking is not required, there is provision for storage of 14 bicycles.

(c) **Pedestrian Access** – Walkways will be provided through the site to the main underground entrance, and around the back of the building to the two exits at the rear.

(d) **Landscaping** – This guideline suggests that a landscape buffer be placed between multi-family sites and single-family sites and public roads. The landscaping plan prepared by LADR indicates that the very short frontage on Cowichan Bay Road will be buffered with two large Maple trees as well as a cedar hedge. The property to the north (B&B) will be buffered by a cedar hedge as well as some plantings close to the building.

(e) **Lighting** – No lighting plan was shown with this application and so it is assumed that lighting will be on the building and not light standards. The Development Permit could specify that glare from the property's lights must be minimized.

(f) **Wiring** – wiring service will be underground.

(g) **Drainage** – The lot coverage by the building is under 30.5% as opposed to the 50% that is nominally permitted and a further 350 m^2 (another 7.8%) is hard surfaced for the access road and guest parking. So total site imperviousness is under 40%, which is low for a project of this type. Specifications for drainage will be required at the time of building permit application.

(h) **View Protection** - In the course of the rezoning process, the owner of the Dream Weaver Bed and Breakfast expressed concern about the possibility of a ten metre high building disrupting the view from her facility's dining area as well as the guest rooms. This concern has partly been addressed through the lowering of the height of the building in the new zone, down from the originally proposed 10 m. Also noteworthy is that the relocation of the building upslope in order to comply with the 7.5 m height limit has

pushed the front of the building away from the area that would have generated one of the most egregious view impairments. Although the building would be visible from the Dream Weaver B&B, it's likely to have no more or less impact than a single-family residence would have.

The other residential parcel immediately upslope is terraced above this site, so the apparent height of the proposed building from that lot would be less than 6 metres. Other parcels that are not adjacent would be able to see this building but overall it should have little additional impact over what three single-family houses would have created, other than the more or less continuous façade of the apartment block.

This guideline also discourages flat roofs, and this proposed building is a particularly good example of how to avoid a flat roof.

The final guideline about waterfront properties does not apply to this site.

Summary

The applicants have done a good job in addressing the majority of the guidelines in the Development Permit Area. In the opinion of staff, it would be appropriate to issue the development permit, subject to the conditions raised in the recommendation.

Options:

1. That application No. 4-D-09DP approved, and that a development permit be issued to 0708322 B.C. Ltd. for the construction of a 14-unit apartment building on Botwood Lane, Cowichan Bay, on Amended Lot 1 (DD 90309I) Block N, Section 6, Range 4, Cowichan District, Plan 79 (PID: 009-325-298); Amended Lot 2 (DD EP44723) Block N, Section 6, Range 4, Cowichan District, Plan 79 (PID: 009-329-552); and Amended Lot 3 (DD EP44724) Block N, Section 6, Range 4, Cowichan District, Plan 79, except that part lying West of the East boundary of the Island Highway (PID: 009-329-889), subject to:
    e. Submission of a suitable lighting plan which limits off-site glare, prior to permit issuance;
    f. The protection of the building by sprinkling;
    g. Access to the site being acceptable to Cowichan Bay Volunteer Fire Rescue, specifically NFPA 299 and 1141;
    h. Consolidation of the three subject properties into a single lot.
2. That application No. 4-D-09DP not be approved in its present form, and that the applicant be directed to revise the proposal with respect to (insert matters requiring change here).

Option 1 is recommended.

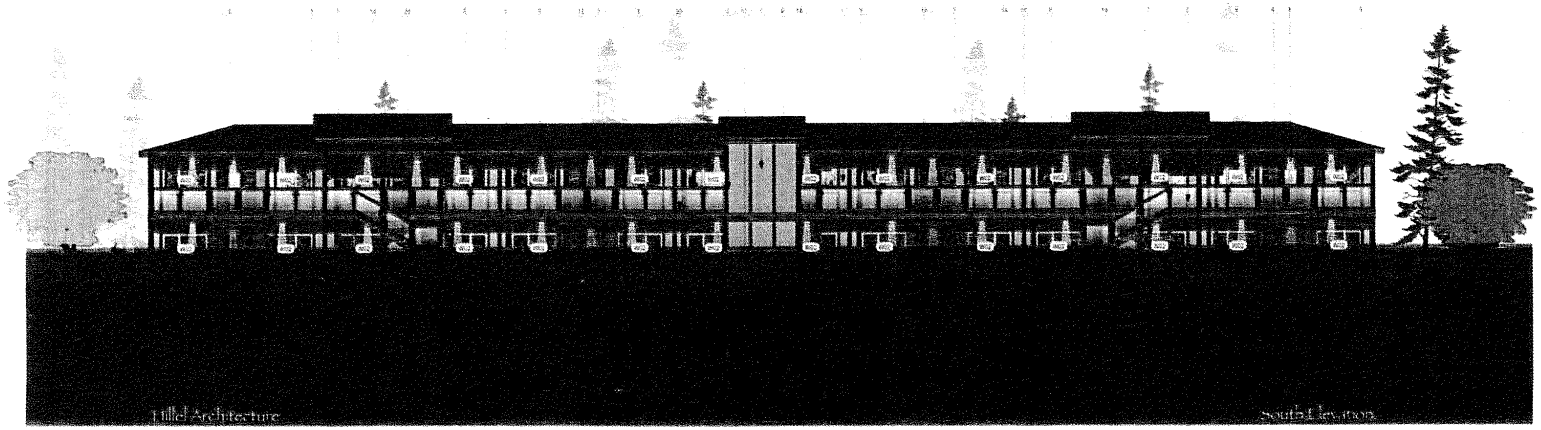
Submitted by,

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

Department Head's Approval:

Signature

Exterior Finishes Legend



Villas On The Bay

1670 Bobwood Lane, Cowichan Bay, BC

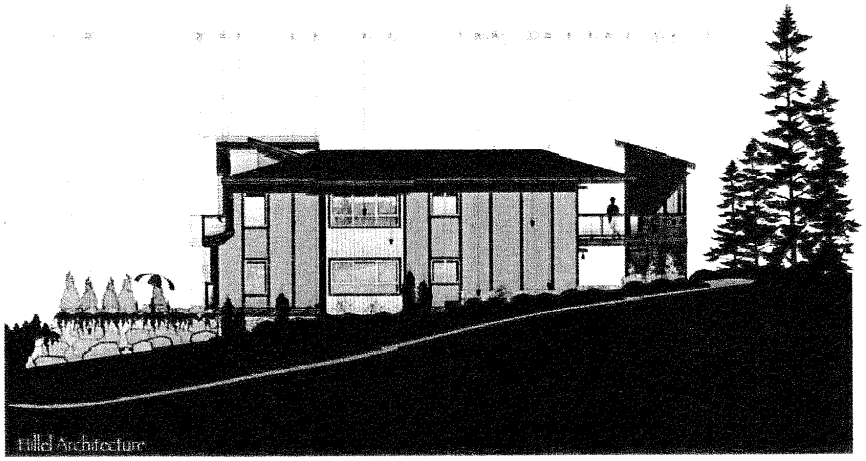
SUBMITTED FOR ENVELOPE REVIEW

Villas On The Bay

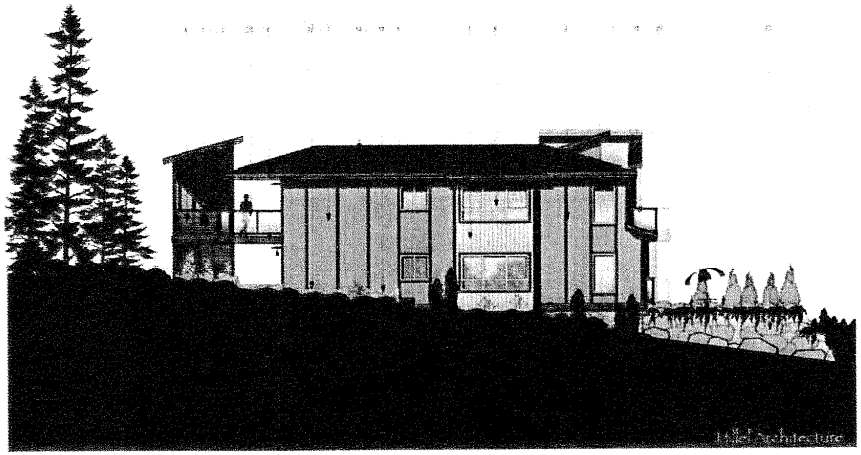
Main Elevations

A3.1

080000



West Elevation
1:100



East Elevation
1:100

Villas On The Bay

1670 Bolwood Lane, Cowichan Bay, BC

Exterior Finishes Legend

Hillel

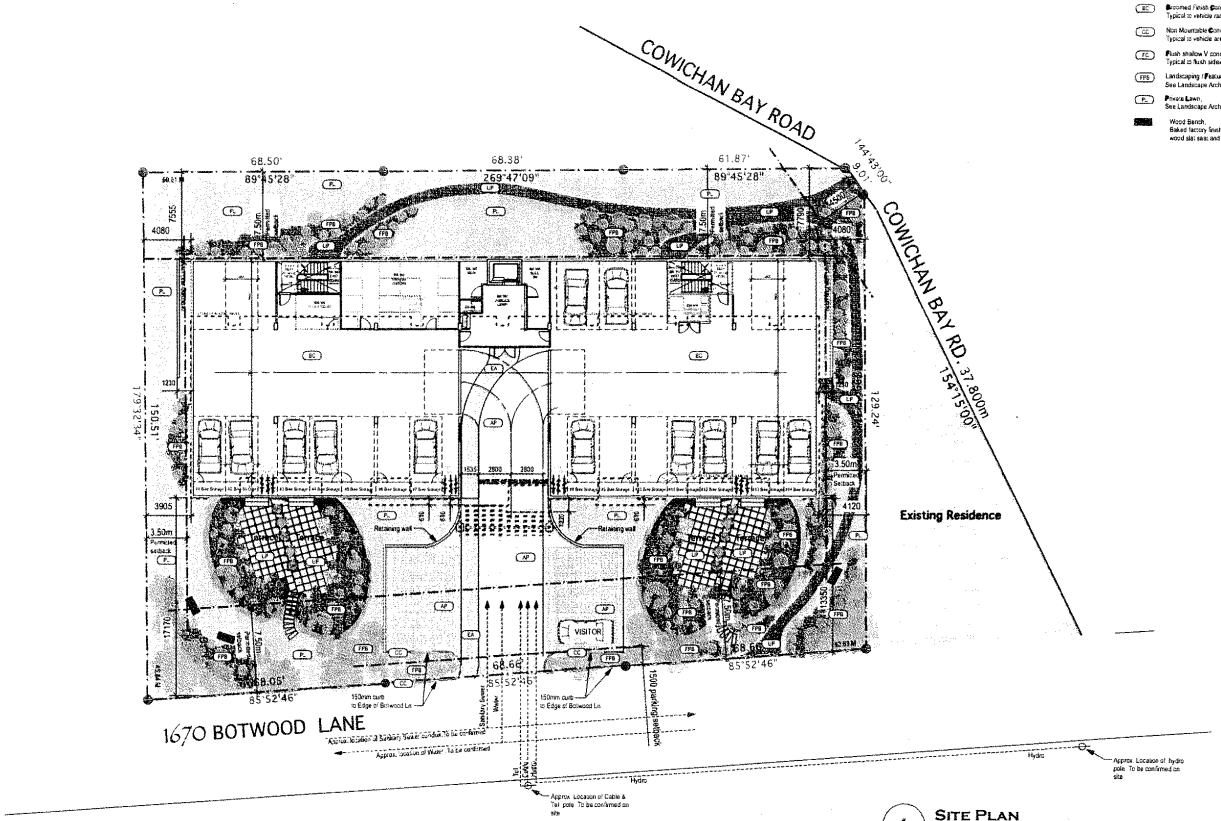
Villas On The Bay

East/West Elevations

A3.2

000081

000082



1 SITE PLAN
SCALE - 1: 200

Site Finishes Legend / Notes

- LP — 610 x 610 x 55 Tumbled Edge Unit Pavers. Typical to outdoor terraces
- EA — Exposed Aggregate Concrete. Typical to sidewalks and pathways
- AP — Asphaltic Concrete Paving. Typical to all above grade drive aisles and parking areas
- BC — Broomed Finish Concrete. Typical to vehicle ramps, complete with drainage channels
- CC — Non Mountable Concrete Curb. Typical to vehicle areas, parking areas
- FC — Flush shallow V concrete transition Curb. Typical to flush sidewalk / paving transitions
- FRB — Landscaping / Feature Planting Beds. See Landscape Architect's drawings
- PL — Private Lawn. See Landscape Architect's drawings
- Wood Bench. Baked factory finish over steel frame complete with clear finished wood slat seat and back. See Specifications

PROJECT DATA

Project Description
Development permit for 2 storey multifamily residential building

Building Owner
0708322 BC LTD.

Civic Address
1670 Botwood Lane,
District of Cowichan Bay, BC

Legal Addresses
Lots 1-3,
Block N,
Cowichan District, Plan 79,S.6,R.4

Survey Information
Lots 1-3,
Cowichan District, Plan 79,S.6,R.4

Robin LeGarff
BC Land Surveyor
56-1751 Northgate Rd
Cobble Hill, BC V0R 1L0
phone/fax: (250) 743-4912
e-mail legarff@shaw.ca

BYLAW ANALYSIS

ZONING
Existing: RM-3A ZONE
Proposed: RM-3A ZONE

BUILDING USE: Multiple family residences.

BUILDING SETBACKS:

Yard	Permitted	Provided
front	7.50m	>13.2m
W interior side	3.50m	>4.0m
E interior side	greater of 3.50m or 1/2 the bldg height (=3.75m)	>3.9m
rear yard	7.50m	>7.5m
exterior side	4.50m	>6.5m

HORIZONTAL BUILDING AREA: 983.47sq.m. /10,586 sq.ft.

LOT AREA
2,733.6028 sq.m. / 29,424.256 sq.ft

HORIZONTAL SITE COVERAGE
36.47% provided* (**50%** permitted)
* All exterior corridors and stairs included in site coverage

TOTAL FLOOR AREA
1,648.1 sqm / 17,804 sq.ft. enclosed space above grade.
Does not include parkade or unenclosed stairs and corridors.

FLOOR SPACE Ratio = 0.602

DENSITY = 51.21 units per hectare demonstrated
90 units per hectare permitted

BUILDING HEIGHT
Permitted: Up to **7.5m**

Proposed: two storeys + underground parkade
Height, as measured to top of roof framing, =
7.45m from average existing grade
7.80m from Grd Floor
See section on A4.1 for graphic demonstration of height

OFF-STREET PARKING

Total required @ 1.5 stalls/unit = 21 stalls
Total provided : 27 stalls

Enclosed resident parking (parkade) 21 stalls
Additional guest parking (off-street) 6 stalls

Designated HC stalls required : 1 stall min
Designated HC stalls provided : 1 stall

BICYCLE PARKING

(following proximate municipality bicycle bylaws)

Required number of bike stalls 0
Total number of bike stalls provided - 14 (1/per unit)

BUILDING CODE ANALYSIS, BC Building Code 2008 Edition

Occupancy Classification: Group C, Residential (14 units)

Horizontal Building Area: 983.47sq.m. /10,586 sq.ft.

***We have to talk to the Cow. Bay Planning Dept. regarding definitions.**

Number of Streets: One (1) street

Fire Protection:

Building Classification:
3.2.2.45 Group C, up to 4 Storeys, Sprinklered
Building Area not more than 3,600 sq.m.
Permitted Construction: Combustible Construction
Noncombustible Construction

FRR Floor Assemblies: 1 hr
FRR Roof Assemblies: No rating required
FRR Mezzanines: Not applicable
FRR Supporting Members: 1 hr

FRR Storage Garage Separation: 2 hours / Non Combustible Construction

Spatial Separation:

Safety within Floor Areas:
FRR Separation of Suites: 1hr
FRR Corridors: not applicable
FRR Exit Stairs: N/A
Corridors: minimum width 1.100 mm
Dead end corridors: maximum length 6 m
Minimum STC rating for suite separations: 50

Exit Requirements:
Two (2) exits required from upper floor level.

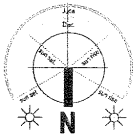
Distance between exits not to exceed 1/2 maximum diagonal dimension of floor area but not more than 9 m if floor area is served by a public corridor.

Maximum travel distance to at least one exit: 45 m

FRR Exit Separations: 1 hr

Stair landings and treads to be slip-resistant.
Colour contrast leading edge of landings and treads.

Tactile warning strips required at top of all stairs



No.	DATE	DESCRIPTION	Development Permit
4	Aug 12th, 2009		Envelope Review
3	Aug 4, 2009		Client Review
2	July 28th, 2009		
1			
drawn by	aec / aaron m	checked by	sjh / aaron m
scale	1 : 200	sheet size	36 27

Hillel architecture inc.
101-1836 Oak Bay Avenue
Victoria BC V8R 1G5
phone 250 592 4988
fax 250 592 4978

Villas On The Bay

1670 Botwood Lane, Cowichan Bay, BC

project name
Villas On The Bay
1670 Botwood Lane, Cowichan Bay, BC

drawing title
Site Plan / Data

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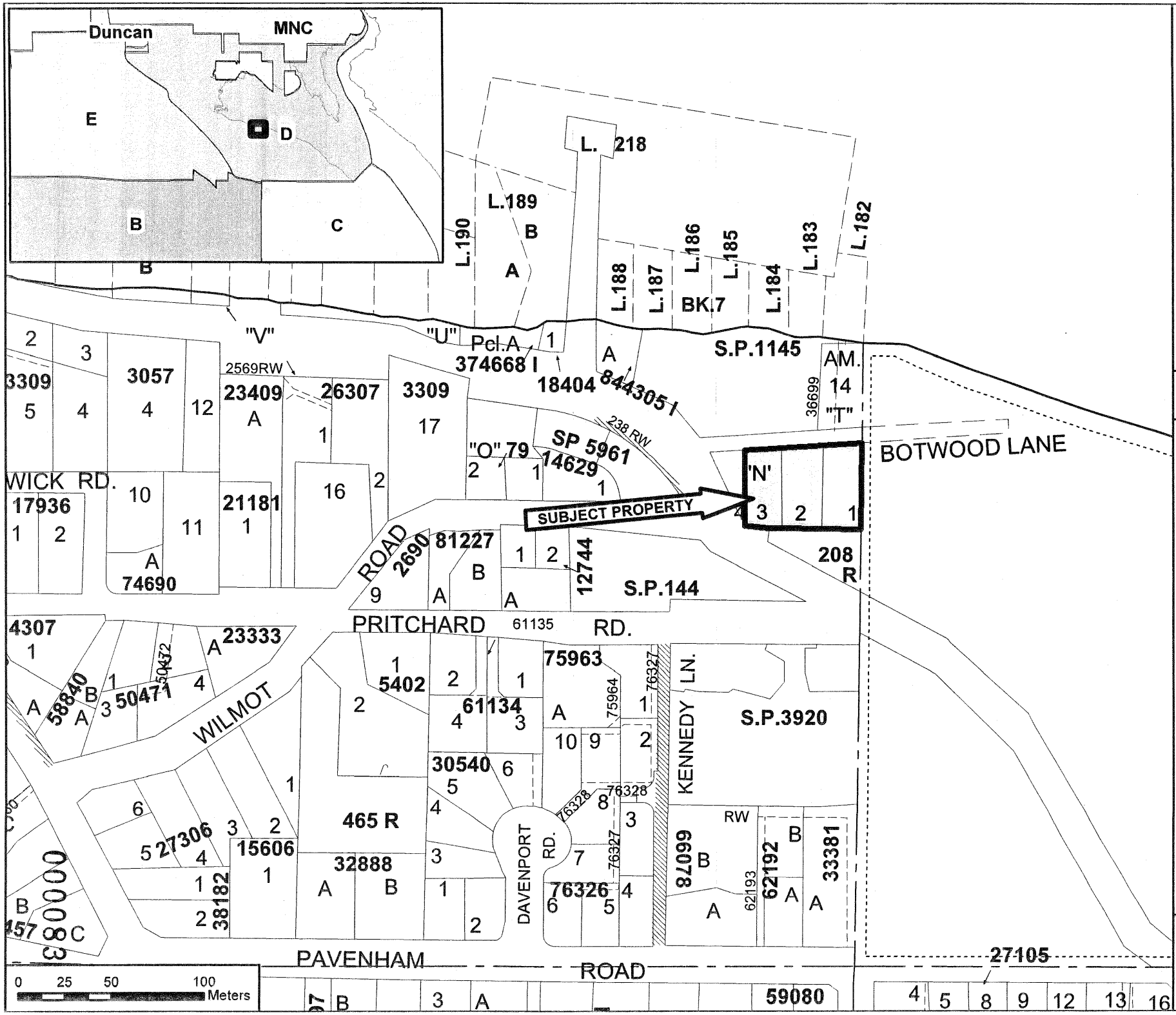
revision no

drawing no A1.0



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.

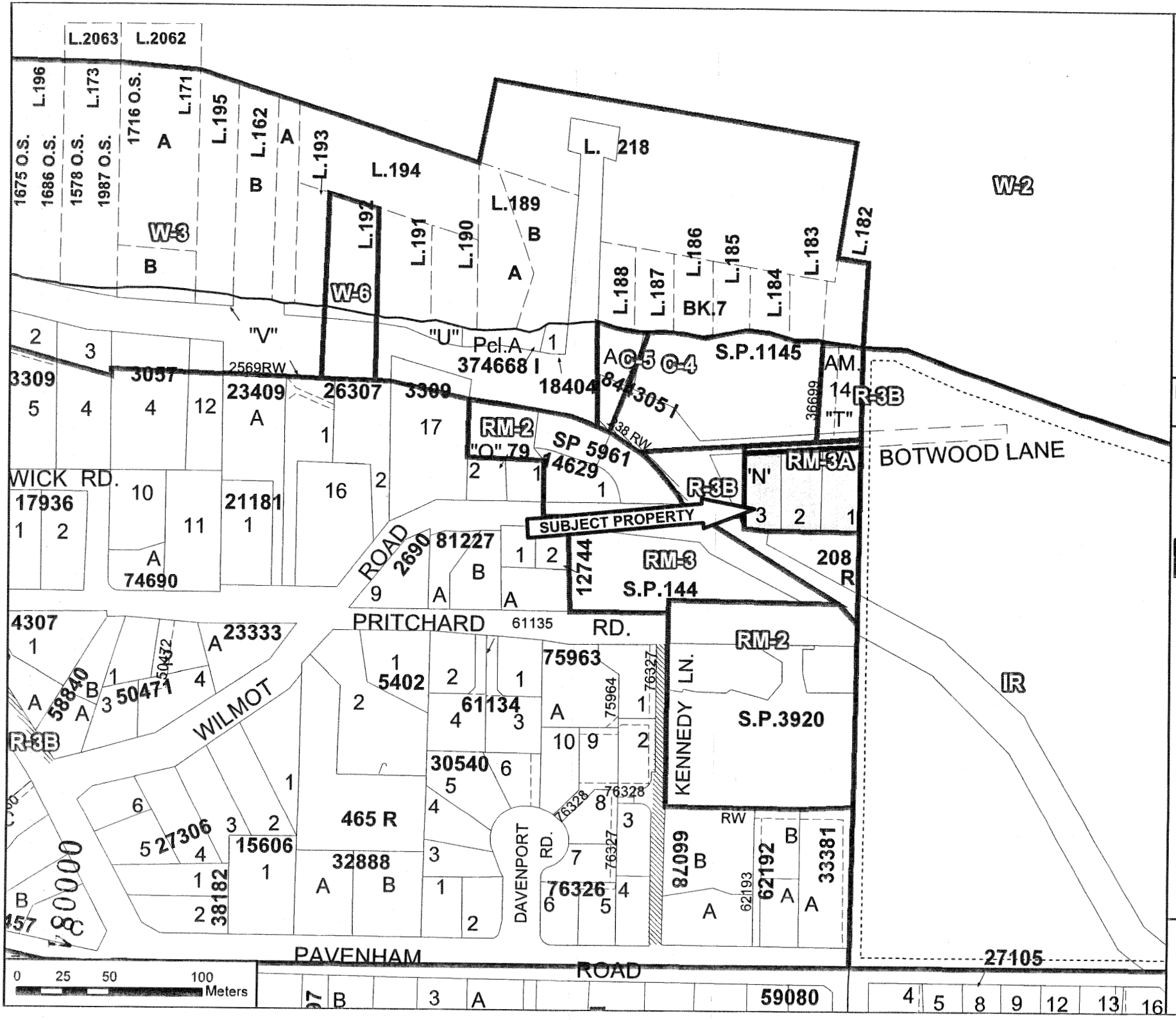
The original Bylaws should be consulted for all purposes of interpretation and applicaton of the Bylaws.

FILE: 04-D-09-DP -RAR

Legend

Subject Property

N W E S



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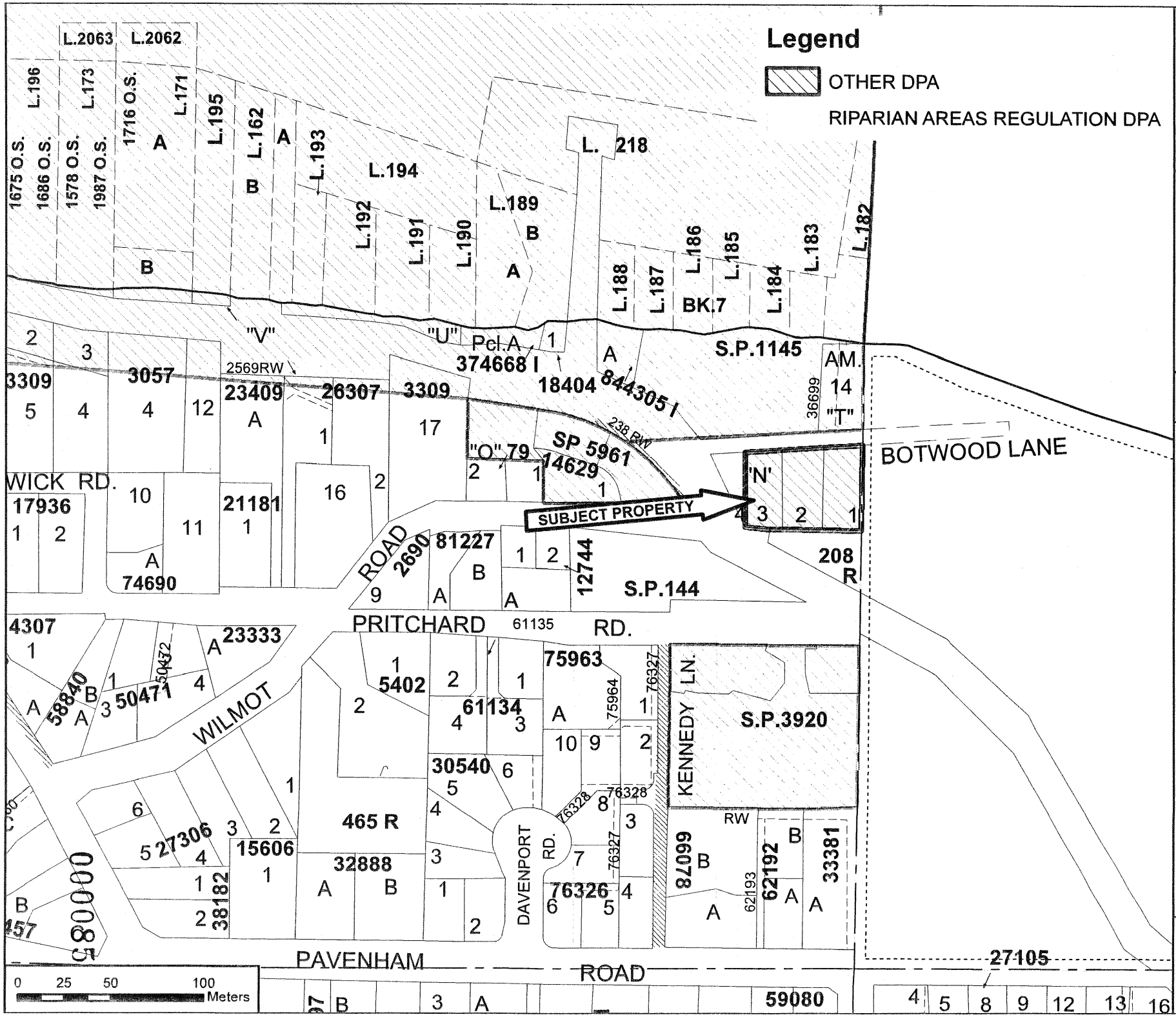
FILE: 04-D-09-DP -RAR

ZONING

Legend

- Subject Property
- Zoning Electoral Area D

N W E S



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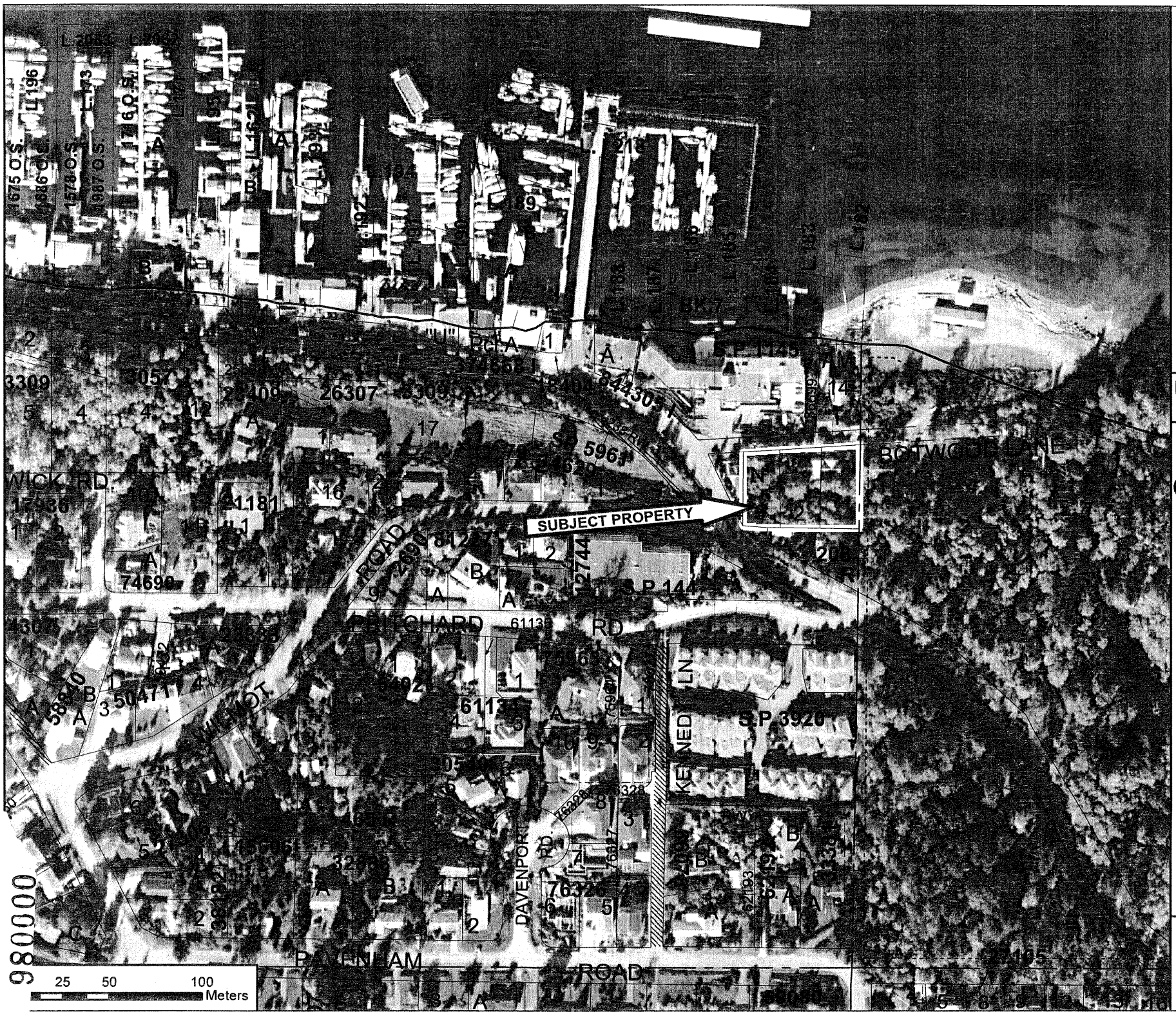
FILE: 04-D-09-DP -RAR

DPA

Legend

Subject Property

N W E S



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FILE: 04-D-09-DP -RAR

Orthophoto (2004)

N W E S

COWICHAN BAY VOLUNTEER FIRE RESCUE

4461 Trans-Canada Highway
Cowichan Bay, B.C. V0R 1N1
Telephone: (250) 743-7111 Fax: (250) 743-7113 Cell: (250) 701-2948
E-Mail: cowbayfd@cbvfr.com
Website: www.cbvfr.com

Est. 1947

C·V·R·D
RECEIVED
SEP 22 2009

September 21, 2009

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

Attention: Mike Tippett - CVRD File No. 4-D-09DP

Regarding: 1670 Botwood Lane - Development Permit for a Proposed Apartment

I have read and reviewed your recent letter dated August 25/09, with Deputy Chief Cam Ferguson, regarding the development at 1670 Botwood Lane. I re-visited the site on September 17/09 and spoke with the developers, Craig Partridge and Ron Sharp. At this time the Cowichan Bay Volunteer Fire Rescue does not require a hydrant on the Botwood Lane side of Cowichan Bay Road as there is an existing hydrant across the street. The Cowichan Bay Volunteer Fire Rescue has previously made comments on the following:

A. That the width of Botwood lane must meet proper road standard to allow proper deployment of fire fighting apparatus in the event of a fire emergency at the proposed development.
B. That any access to the subject property meet the requirements laid out in NFPA Standards 299 and 1141.
C. That full consideration be given to the installation of a sprinkler system in the development. The Cowichan Bay Improvement District supports the idea of mandatory installation of sprinklers in all new Commercial and Multi-Family Residential buildings.

The Cowichan Bay Volunteer Fire Rescue has no concerns with the proposed development subject to the conditions outlined above.

We trust this is the confirmation you require. If further detail or comment is required, please contact Ken Bulcock, Fire Chief, Cowichan Bay Volunteer Fire Rescue at the address, phone or fax numbers indicated in the letterhead.

Yours truly,

Ken Bulcock
Fire Chief, Cowichan Bay Volunteer Fire Rescue

c.c. Craig Partridge/Ron Sharp

C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 4-D-09DP

DATE: 14 October 2009

TO: 0708322 B.C. Ltd.

ADDRESS: 905 Cowerd Road

Cobble Hill BC V0R 1L4

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.

2. This Development Permit applies to and only to those lands within the Regional District described below:

   Amended Lot 1 (DD 90309[I]) Block N, Section 6, Range 4, Cowichan District, Plan 79 (PID: 009-325-298); Amended Lot 2 (DD EP44723) Block N, Section 6, Range 4, Cowichan District, Plan 79 (PID: 009-329-552); and Amended Lot 3 (DD EP44724) Block N, Section 6, Range 4, Cowichan District, Plan 79, except that part lying West of the East boundary of the Island Highway (PID: 009-329-889)

   hereafter referred to as "the land".

3. Authorization is hereby given for the construction of a 14 unit multiple family residence to be constructed on the land, in accordance with the conditions as set out below.

4. The land shall be developed in accordance with the drawings numbered A1.0, A 3.1, A3.2 prepared by Hillel Architecture of Oak Bay BC, dated August 12, 2009, and shall be landscaped in substantial conformity with the plan submitted by LADR Landscape Architects of Victoria BC, dated August 4, 2009, all of which are attached to and form part of this Permit.

5. As a condition of the issuance of this Permit, the applicant has submitted a lighting plan for the land that reduces glare to neighbouring properties to a minimum, and this lighting plan is attached to and forms part of this Permit.

6. Prior to the granting of a Certificate of Final Occupancy, the following conditions shall be met:
   a. The building shall be protected against fire by sprinkling;
   b. Access to the site shall be acceptable to Cowichan Bay Volunteer Fire Rescue, specifically NFPA 299 and 1141;
   c. The three legal parcels that comprise the land shall be consolidated into a single lot.

7. 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.

8. This Permit is <u>not</u> a Building Permit. No certificate of final occupancy 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_____2009.

_____

Mike Tippett, MCIP
Manager, Community and Regional Planning Division
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.

Signed	Witness
Owner/Agent	Occupation
Date	Date

SR1

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING
OF OCTOBER 6, 2009

DATE: September 30, 2009 **FILE NO:**

FROM: Brian Duncan, Chief Building Inspector **BYLAW NO:**

SUBJECT: Building Permit Fees

Recommendation:
That Building Permit fees be increased as shown on Appendix A and that the amendment bylaw be forwarded to the Regional Board for consideration of three readings and adoption.

Purpose:
To keep permit fees in line with current construction values. The attached amendment bylaw provides the proposed permit fee schedule.

Financial Implications: N/A

Interdepartmental/Agency Implications: N/A

Background:
We have not changed our permit and service fee schedule for 14 years. During that time, our costs have increased substantially. We have also seen changes in the housing market from custom two-storey site constructed homes to the current trend of ranchers and prefabricated homes. Prefabricated homes account for approximately 50% of new housing starts in Area A alone. Modular homes are commonly used as small suites. We are also seeing an increase in relocated homes. Our permit fees must reflect these changes. After researching building permits fees to the north and south of the Cowichan Valley, these fee changes are still well below the average for the southern end of Vancouver Island.

Submitted by,

Brian Duncan,
Chief Building Inspector
Planning and Development Department

Department Head's Approval:

Signature

BD/ca
attachment

EXISTING FEE SCHEDULE

PERMIT AND SERVICE FEES APPLICABLE TO THE
COWICHAN VALLEY REGIONAL DISTRICT BUILDING DIVISION
(ELECTORAL AREAS A TO I INCLUSIVE)

BUILDING PERMIT FEES: AS NOTED ON APPENDIX A

PLUMBING PERMIT FEE	FEE
• Each Plumbing Fixture	$12.00

SEWER AND WATER INSPECTION FEE	
• Storm sewer	$ 20.00
• Sanitary sewer inspection	$ 20.00
• Water service connection	$ 20.00

PERMIT FEE TO WRECK OR DEMOLISH A BUILDING	
• If structure has a floor area of 37.2m^2 (400 sq.ft.) or less	$ 25.00
• If structure is larger than 37.2m^2 (400 sq.ft.)	$ 50.00
• If structure is 186.0m^2 (2,000 sq.ft.) in floor area or larger	$100.00

DOUBLE FEE

If any work for which a permit is required is commenced before a permit has been obtained, the fee payable shall be doubled.

RE-INSPECTION FEE

For building or plumbing inspections required as a result of a call back where work was incomplete or improperly done	$ 30.00

PERMIT FEE TO MOVE A BUILDING* (WITHIN THE CVRD)	
• For inspection of building prior to move	$ 75.00
• If structure has a floor area of 1,000 sq.ft.	$ 75.00
• If the structure has a floor area of larger than 1,000 sq.ft.	$100.00

* This fee is in addition to permit fee required for the moved building and the construction undertaken at the new site.

OTHER FEES	
• File review fees	$ 42.00/hr.
• Site review fees	$ 42.00/hr.
• Consultation fees	$ 42.00/hr.
• Survey certificate, file review	$ 50.00
• Sprinkler systems: In accordance to Appendix A by contract price	
• Manufactured homes	$250.00
• Covenant Processing/Preparation	$ 50.00
• Correspondence/per letter	$ 30.00
• Siting Permits	$ 50.00
• Campsite Developments	$ 50.00/site
• Manufactured home parks	$ 50.00/site
• Portable Classroom Relocation	$150.00

Existing fee schedule

SCALE OF PERMIT FEES FOR THE COWICHAN VALLEY REGIONAL DISTRICT (ELECTORAL AREAS A TO I INCLUSIVE)

APPLICABLE TO THE FOLLOWING TYPES OF BUILDINGS:
Residential, Agricultural, Commercial, Institutional and Industrial

PERMIT VALUE	PERMIT FEES	PERMIT VALUES	PERMIT FEES
$ 0,000 - $ 1,000	$ 55.00	$ 50,001- $ 51,000	$ 571.00
$ 1,001 - $ 2,000	$ 57.00	$ 51,001- $ 52,000	$ 581.00
$ 2,001 - $ 3,000	$ 68.00	$ 52,001- $ 53,000	$ 590.00
$ 3,001 - $ 4,000	$ 79.00	$ 53,001- $ 54,000	$ 598.00
$ 4,001 - $ 5,000	$ 89.00	$ 54,001- $ 55,000	$ 606.00
$ 5,001 - $ 6,000	$ 101.00	$ 55,001- $ 56,000	$ 614.00
$ 6,001 - $ 7,000	$ 109.00	$ 56,001- $ 57,000	$ 622.00
$ 7,001 - $ 8,000	$ 120.00	$ 57,001- $ 58,000	$ 630.00
$ 8,001 - $ 9,000	$ 131.00	$ 58,001- $ 59,000	$ 640.00
$ 9,001 - $10,000	$ 142.00	$ 59,001- $ 60,000	$ 649.00
$10,001 - $11,000	$ 153.00	$ 60,001- $ 61,000	$ 657.00
$11,001 - $12,000	$ 161.00	$ 61,001- $ 62,000	$ 666.00
$12,001 - $13,000	$ 169.00	$ 62,001- $ 63,000	$ 673.00
$13,001 - $14,000	$ 180.00	$ 63,001- $ 64,000	$ 682.00
$14,001 - $15,000	$ 191.00	$ 64,001- $ 65,000	$ 691.00
$15,001 - $16,000	$ 202.00	$ 65,001- $ 66,000	$ 700.00
$16,001 - $17,000	$ 213.00	$ 66,001- $ 67,000	$ 708.00
$17,001 - $18,000	$ 221.00	$ 67,001- $ 68,000	$ 717.00
$18,001 - $19,000	$ 230.00	$ 68,001- $ 69,000	$ 726.00
$19,001 - $20,000	$ 240.00	$ 69,001- $ 70,000	$ 735.00
$20,001 - $21,000	$ 250.00	$ 70,001- $ 71,000	$ 744.00
$21,001 - $22,000	$ 259.00	$ 71,001- $ 72,000	$ 752.00
$22,001 - $23,000	$ 268.00	$ 72,001- $ 73,000	$ 761.00
$23,001 - $24,000	$ 278.00	$ 73,001- $ 74,000	$ 770.00
$24,001 - $25,000	$ 288.00	$ 74,001- $ 75,000	$ 778.00
$25,001 - $26,000	$ 298.00	$ 75,001- $ 76,000	$ 785.00
$26,001 - $27,000	$ 305.00	$ 76,001- $ 77,000	$ 793.00
$27,001 - $28,000	$ 315.00	$ 77,001- $ 78,000	$ 801.00
$28,001 - $29,000	$ 325.00	$ 78,001- $ 79,000	$ 809.00
$29,001 - $30,000	$ 366.00	$ 79,001- $ 80,000	$ 815.00
$30,001 - $31,000	$ 375.00	$ 80,001- $ 81,000	$ 823.00
$31,001 - $32,000	$ 385.00	$ 81,001- $ 82,000	$ 831.00
$32,001 - $33,000	$ 395.00	$ 82,001- $ 83,000	$ 838.00
$33,001 - $34,000	$ 404.00	$ 83,001- $ 84,000	$846.00
$34,001 - $35,000	$ 414.00	$ 84,001- $ 85,000	$ 853.00
$35,001 - $36,000	$ 424.00	$ 85,001- $ 86,000	$ 860.00
$36,001 - $37,000	$ 433.00	$ 86,001- $ 87,000	$ 868.00
$37,001 - $38,000	$ 442.00	$ 87,001- $ 88,000	$ 875.00
$38,001 - $39,000	$ 452.00	$ 88,001- $ 89,000	$ 882.00
$39,001 - $40,000	$ 463.00	$ 89,001- $ 90,000	$ 890.00
$40,001 - $41,000	$ 473.00	$ 90,001- $ 91,000	$ 898.00
$41,001 - $42,000	$ 483.00	$ 91,001- $ 92,000	$ 905.00
$42,001 - $43,000	$ 493.00	$ 92,001- $ 93,000	$ 912.00
$43,001 - $44,000	$ 504.00	$ 93,001- $ 94,000	$ 920.00
$44,001 - $45,000	$ 514.00	$ 94,001- $ 95,000	$ 926.00
$45,001 - $46,000	$ 524.00	$ 95,001- $ 96,000	$ 934.00
$46,001 - $47,000	$ 534.00	$ 96,001- $ 97,000	$ 942.00
$47,001 - $48,000	$ 543.00	$ 97,001- $ 98,000	$ 949.00
$48,001 - $49,000	$ 553.00	$ 98,001- $ 99,000	$ 957.00
$49,001 - $50,000	$ 561.00	$ 99,001- $100,000	$ 964.00

plus $6.60 per $1,000. value or fraction thereof above $100,000

OPTION 1

APPENDIX A
PERMIT AND SERVICE FEES APPLICABLE TO THE COWICHAN VALLEY REGIONAL DISTRICT BUILDING DIVISION ELECTORAL AREAS A TO I

	FEE
BUILDING PERMIT FEES	
Minimum fee	$55.
Construction Value Up to $100,000	1% of value
Construction Value $100,000 and over	$1000. + $7.50 per $1000. value thereafter
Renovations/Commercial	Contract price
PLUMBING PERMIT FEE	
Each Plumbing Fixture	$15.
SEWER AND WATER INSPECTION FEE	
Storm sewer	$25.
Sanitary sewer inspection	$25.
Water service connection	$25.
PERMIT FEE TO WRECK OR DEMOLISH A BUILDING	
If structure has a floor area of 37.2m^2 (400 sq.ft.) or less	$25.
If structure is larger than 37.2m^2 (400 sq.ft.)	$50.
If structure is 186.0m^2 (2,000 sq.ft.) in floor area or larger	$100.

DOUBLE FEE

If any work for which a permit is required is commenced before a permit has been obtained, the fee payable shall be doubled.

RE-INSPECTION FEE

For building or plumbing inspections required as a result of a call back where work was incomplete or improperly done	$50.

OTHER FEES

Sprinkler Systems	Contract price
Siting Permit (agricultural buildings)	$55.
Campsite Developments	$50./site
Occupant load document	$100.
Manufactured Home Parks	$50./site
Manufactured/mobile homes and relocated buildings*	$50./sq.ft.

*(Note: does not include garages, sundecks or service connections)

OPTION 2

APPENDIX A
PERMIT AND SERVICE FEES APPLICABLE TO THE COWICHAN VALLEY REGIONAL DISTRICT BUILDING DIVISION ELECTORAL AREAS A TO I

FEE

BUILDING PERMIT FEES

Minimum fee ..... $55.
All new construction* ..... 1% of value
*minimum fee $55.

Renovations/Commercial ..... Contract price

PLUMBING PERMIT FEE

Each Plumbing Fixture ..... $18.

SEWER AND WATER INSPECTION FEE

Storm sewer ..... $30.
Sanitary sewer inspection ..... $30.
Water service connection ..... $30.

PERMIT FEE TO WRECK OR DEMOLISH A BUILDING

If structure has a floor area of $37.2m^2$ (400 sq.ft.) or less ..... $25.
If structure is larger than $37.2m^2$ (400 sq.ft.) ..... $50.
If structure is $186.0m^2$ (2,000 sq.ft.) in floor area or larger ..... $100.

DOUBLE FEE

If any work for which a permit is required is commenced before a permit has been obtained, the fee payable shall be doubled.

RE-INSPECTION FEE

For building or plumbing inspections required as a result of a call back where work was incomplete or improperly done ..... $50.

OTHER FEES

Sprinkler Systems ..... Contract price
Siting Permit (agricultural buildings) ..... $55.
Campsite Developments $50./site
Occupant load document ..... $100.
Manufactured Home Parks $50./site
Manufactured/mobile homes and relocated buildings* ..... $75./sq.ft.
*(Note: does not include garages, sundecks or service connections)

C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3327

A Bylaw to amend the Building Permit Fee Schedule Pursuant to Building Bylaw No. 143, 1974

WHEREAS the Local Government Act empowers the Regional Board to adopt a Building Regulations Bylaw;

AND WHEREAS the Regional District has adopted a Building Regulations Bylaw for the Electoral Areas of the Regional District, that being Building Bylaw No. 143, as amended by Bylaws No. 152, 309, 413, 876, 950, 1032, 1411, 1668, 1691, 1745, 2199, and 3012;

AND WHEREAS the Regional Board may levy and collect fees with respect to the inspection of works, buildings and structures;

AND WHEREAS the Regional Board considers it advisable to further amend Building Bylaw No. 143;

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

1. **CITATION**

   This bylaw shall be cited for all purposes as **"Cowichan Valley Regional District Bylaw No. 3327 – Building Fee Amendment Bylaw, 2009".**

2. **AMENDMENTS**

   Cowichan Valley Regional District Bylaw No. 143, as amended by Bylaws No. 152, 309, 413, 876, 950, 1032, 1411, 1668, 1691, 1745, 2199 and 3012 is hereby further amended as follows:

   a) That existing Appendix A be deleted;

   b) That new Appendix A, attached to and forming part of this bylaw, be substituted, and becomes applicable upon the adoption of this bylaw.

   c) That existing Appendix B be deleted.

. . . /2

3. **FORCE AND EFFECT**

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

READ A FIRST TIME this _____ day of _____ , 2009

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

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

ADOPTED this _____ day of _____ , 2009.

_____ _____

Chairperson Secretary

APPENDIX A

PERMIT AND SERVICE FEES APPLICABLE TO THE COWICHAN VALLEY REGIONAL DISTRICT BUILDING DIVISION ELECTORAL AREAS A TO I

	FEE
BUILDING PERMIT FEES	
Minimum fee	$55.
All new construction*	1% of value *minimum fee $55.
Renovations/Commercial	Contract price
PLUMBING PERMIT FEE	
Each Plumbing Fixture	$18.
SEWER AND WATER INSPECTION FEE	
Storm sewer	$30.
Sanitary sewer inspection	$30.
Water service connection	$30.
PERMIT FEE TO WRECK OR DEMOLISH A BUILDING	
If structure has a floor area of 37.2m^2 (400 sq.ft.) or less	$25.
If structure is larger than 37.2m^2 (400 sq.ft.)	$50.
If structure is 186.0m^2 (2,000 sq.ft.) in floor area or larger	$100.

DOUBLE FEE

If any work for which a permit is required is commenced before a permit has been obtained, the fee payable shall be doubled.

RE-INSPECTION FEE

For building or plumbing inspections required as a result of a call back where work was incomplete or improperly done ..... $50.

OTHER FEES	
Sprinkler Systems	Contract price
Siting Permit (agricultural buildings)	$55.
Campsite Developments	$50./site
Occupant load document	$100.
Manufactured Home Parks	$50./site
Manufactured/mobile homes and relocated buildings*	$75./sq.ft.

*(Note: does not include garages, sundecks or service connections)

BUILDING VALUATION

For single and two family dwellings, factory built homes, mobile homes and moved buildings and buildings accessory thereto, the value of construction used to determine the permit fee shall be calculated based on the values as specified by resolution of the Regional Board.

For all buildings other than single and two family dwellings, factory built homes and moved buildings and buildings accessory thereto, the value of construction used to determine the permit fee shall be the contract price or equal.

REFUND

At any time before the work has commenced in respect of which a permit has been issued, the permit holder may apply in writing for cancellation of the permit. Upon receipt of such application the authority having jurisdiction, if satisfied that the work has not commenced, shall cancel the permit and shall refund to the permit holder 60 percent of the fee paid in the respect of the permit.

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STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE
OF OCTOBER 20, 2009

DATE: October 14, 2009 **FILE NO:** 2-E-08RS

FROM: Rob Conway, MCIP
Manager, Development Services Division
Planning and Development Department **BYLAW NO:**

SUBJECT: Rezoning Application No. 2-E-08RS (Inwood Creek Estates)

Recommendation:
Direction from the Committee is requested.

Purpose:

1. To review minutes from the public meeting held on September 3, 2009 regarding a proposed amendment to the Area 'E' Official Settlement Plan and Zoning Bylaw to allow the subject property to be developed for up to 41 lot single family lots and public open space.
2. To consider if the proposed bylaw amendments for application 2-E-08RS should be given first and second reading and a public hearing scheduled.

Financial Implications: N/A

Interdepartmental / Agency Implications: N/A

Background:
An application to amend the Area 'E' Zoning Bylaw and Official Settlement Plan for Phase 2 of Inwood Creek Estates was considered at the August 4, 2009 Electoral Area Services Committee, where the following recommendation was passed and subsequently endorsed in a Board resolution on August 12, 2009.

> *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.*

A public meeting regarding the application was held on September 3, 2009 at the Sahtlam Fire Hall. Minutes of the meeting are attached to this report for the Committee's information and

consideration. Copies of the draft OCP and Zoning Amendment Bylaws are also attached for the Committee's review.

Options:

1. That amendment bylaws for application 2-E-08RS (Inwood Creek Estates) be given first and second reading and a public hearing be scheduled with Directors Duncan, Morrison and Iannidinardo appointed as delegates to the public hearing; AND FURTHER that the application referrals to the Ministry of Community Services, the Ministry of Transportation and Infrastructure, the Ministry of Forests, Sahtlam Volunteer Fire Department, Vancouver Island Health Authority, Cowichan Tribes and School District 79 be accepted.

2. That OCP and Zoning Amendment Application No. 2-E-08RS (Inwood Creek Estates) be denied and that the appropriate refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275, as amended.

Submitted by,

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

Department Head's Approval:

Signature

RB/ca

C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 33XX

A Bylaw For The Purpose Of Amending Zoning Bylaw No. 1840
Applicable To Electoral Area E – Cowichan Station/Sahtlam/Glenora

---

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

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area E – Cowichan Station/Sahtlam/Glenora, that being Zoning Bylaw No. 1840;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 1840;

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

1. **CITATION**

   This bylaw shall be cited for all purposes as **"CVRD Bylaw No. 33XX - Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Inwood Creek Estates), 2009".**

2. **AMENDMENTS**

   Cowichan Valley Regional District Zoning Bylaw No. 1840, as amended from time to time, is hereby amended in the following manner:

   a) That Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is amended by adding "R-7 Comprehensive Residential/Community Resource Zone" to Section 6.1 – Creation of Zones.

   b) That Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is further amended by adding the following after Section 8.9:

8.10 R-7 ZONE – RESIDENTIAL / COMMUNITY RESOURCE ZONE

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

(a) Permitted Uses

The following *uses*, *uses* permitted under Section 4.4, and no others are permitted in an R-7 zone:

(1) One single family *dwelling;*
(2) *agriculture*, *horticulture*, *silviculture;*
(3) *daycare* or nursery school *accessory* to a residential *use*;
(4) *home occupation;*
(5) *secondary suite* or *small suite.*

(b) Conditions of Use
For any *parcel* in the R-7 zone:

(1) the *parcel coverage* shall not exceed 30% for all *buildings* and *structures.*
(2) the *height* of all *buildings* and *structures* shall not exceed 10.0 metres, except for accessory buildings, which shall not exceed a *height* of 7.5 metres.
(3) the minimum setbacks for the types of parcel lines set out in Column I of this Section are listed for the residential, non-agricultural, agricultural and accessory uses in Column II and III.

COLUMN I **Type of Parcel Line**	**COLUMN II** Residential and Non-Agricultural Principal and Accessory Uses	**COLUMN III** Agricultural Principal and Accessory Uses
Front	7.5 m	30 m
Interior Side	3.0 m	15 m
Exterior Side	4.5 m	15 m
Rear	4.5 m	15 m.

(4) *Notwithstanding Section 8.10(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) Density and Density Bonus
Subject to Part 12, the following regulations apply in the R-7 Zone:

(1) The number of residential parcels that may be created by subdivision in the R-7 zone must not exceed 3.

(2) Despite Section 8.10(c)(1), the number of parcels that may be created by subdivision in the R-7 zone may be increased to 25 if the conditions in Section 8.10(c)(7) are met.

(3) Despite Section 8.10(c)(2), the number of parcels that may be created by subdivision in the R-7 zone may be increased to 41 if the conditions in Section 8.10(c)(9) are met.

(4) Density averaging is permitted, provided that the average density in any subdivision, including public land dedication, does not exceed one parcel per 2.0 hectares of gross land area.

(5) The minimum parcel area for the purpose of s. 946(4) of the *Local Government Act* is 25 hectares.

(6) The minimum parcel area is 1.0 hectare.

(7) In respect of any parcel created in excess of 3, an area equivalent to 47.13 hectares must be transferred to the Regional District for nominal consideration, free and clear of all encumbrances of a financial nature, including mortgages, assignments of rents, options to purchase and rights of first refusal, and all other encumbrances, at no cost to the Regional District.

(8) Land provided to the Regional District described in Section 8.10(c)(7) may be phased, if the area of public land dedicated is at least proportional to the area of land to be subdivide.

(9) In respect to any parcel created in excess of 25, one parcel must be transferred to the Regional District in fee simple for nominal consideration, free and clear of all encumbrances of a financial nature, including mortgages, assignments of rents, options to purchase and rights of first refusal, and all other encumbrances including any statutory building scheme not specifically approved in writing by the Regional District, to be used for purposes set out in Section 8.9(c)(11)and the cost of transfer including the Regional District's actual, reasonable legal costs must be paid by the subdivider.

(10) The parcel transferred to the Regional District referred to in Section 8.10(c)(9) must be generally be located in the northern portion of the R-7 zone, with the location and boundaries of the parcel approved by the Regional District.

(11) The parcel transferred to the Regional District under Section 8.10(c)(9) must be used for community park purposes, including the sale of the parcel and the deposit of the proceeds into an Electoral Area E parks statutory reserve fund.

(12) Notwithstanding Section 8.10(c)(9), the subdivider may register a restrictive covenant against the parcel referred to in the Section, precluding sale of the parcel for five years following registration of the subdivision and the sale of the lot below market price.

c) That Schedule B (Zoning Map) to Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is amended by adding Residential Community Resource Land (R-7) to the legend.

d) That Schedule B (Zoning Map) to Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is further amended by rezoning Blocks A and B, Section, Range 6, Seymour District and Section 10, Range 8, Sahtlam District as shown outlined in black on Schedule A attached hereto and forming part of this bylaw, numbered Z-33XX from Primary Forestry (F-1) to Residential Community Resource Land (R-7).

3. **FORCE AND EFFECT**

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

READ A FIRST TIME this _____ day of _____ , 2009

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

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

APPROVED BY THE MINISTER OF COMMUNITY SERVICES UNDER SECTION 913(1) OF THE *LOCAL GOVERNMENT ACT* this _____ day of _____ , 2009.

ADOPTED this _____ day of _____ , 2009.

_____ _____

Chairperson Secretary

C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 33XX

A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. 1490, Applicable To Electoral Area E – Cowichan Station/Sahtlam/Glenora

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

AND WHEREAS the Regional District has adopted an official community plan bylaw for Electoral Area E – Cowichan Station/Sahtlam/Glenora, that being Official Community Plan Bylaw No. 1490;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 1490;

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

1. **CITATION**

   This bylaw shall be cited for all purposes as **"CVRD Bylaw No. 33XX - Area E – Cowichan Station/Sahtlam/Glenora Official Community Plan Amendment Bylaw (Inwood Creek Estates), 2009".**

2. **AMENDMENTS**

   Cowichan Valley Regional District Official Community Plan Bylaw No. 1490, as amended from time to time, is hereby amended in the following manner.

   a) That Section 7.8.1(b) is deleted and replaced with:

      adjacent to lands zoned for average densities of one residential dwelling unit per 2 hectares of land or less.

b) That Blocks A and B, Section, Range 6, Seymour District and Section 10, Range 8, Sahtlam District, as shown outlined in a solid black line on Plan number Z-33XX attached hereto and forming Schedule A of this bylaw, be re-designated from Forestry to Comprehensive Development Residential and that Schedule B of Bylaw 1490 be amended accordingly.

3. **CAPITAL EXPENDITURE PROGRAM**

This bylaw has been examined in light of the most recent Capital Expenditure Program and Solid Waste Management Plan of the Cowichan Valley Regional District and is consistent therewith.

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

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

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

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

_____ _____

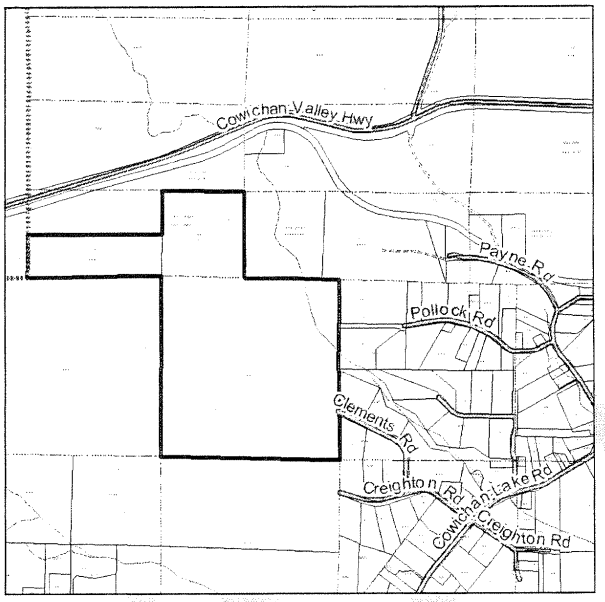
Secretary Date

APPROVED BY THE MINISTER OF COMMUNITY AND RURAL DEVELOPMENT UNDER SECTION 913(1) OF THE *LOCAL GOVERNMENT ACT* this _____ day of _____ , 2009.

ADOPTED this _____ day of _____, 2009.

_____ _____

Chairperson Corporate Secretary


Cowichan Valley Hwy
Payne Rd
Pollock Rd
Clements Rd
Creighton Rd
Cowichan Lake Rd
Creighton Rd

DRAFT

C·V·R·D

PUBLIC MEETING MINUTES
Rezoning Application No 2-E-08RS (Inwood Creek Estates)
Electoral Area E – Cowichan Station/Sahtlam/Glenora

The following is a summary of the proceedings of the Public Meeting for Rezoning Application No. 2-E-08RS (Inwood Creek Estates), applicable to Electoral Area E – Cowichan Station/Sahtlam/Glenora, held on Thursday, September 3, 2009, in the Sahtlam Fire Hall, 4384 Cowichan Lake Road, Duncan, BC, at 7:00p.m.

CHAIRPERSON

Director Loren Duncan, Electoral Area E – Cowichan Station/Sahtlam/Glenora – Chair

CVRD STAFF PRESENT

Rob Conway, Manager, Development Services Division, Planning and Development Department
Mary Anne McAdam, Recording Secretary, Development Services Division, Planning and Development Department

Kabel Atwall – applicant
Rob Howat – Land Use Consultant
Joe Materi – R.P. Bio., Ursus Environmental

Members of the Public: Approximately 25 members of the public present.

CALL TO ORDER

Director L. Duncan, chaired the Public Meeting, called the meeting to order and introduced the CVRD staff in attendance.

Loren Duncan

- Gave an overview of this proposal.
- This application is approximately 228 acres. The proposal is for 41 – 1 ha (2.5 acre lots). Also proposing 51% dedication of land to the CVRD for green space.

Rob Conway

- This land is currently designated F-1 (Primary Forestry). Application proposed is for residential use.
- This will likely require the creation of a new zone should this application go forward. Feedback from this meeting will assist the Electoral Area Services Committee (EASC) and the Regional Board in deciding whether this application will proceed to Public Hearing. Should this happen, bylaws will be drafted and these will be available for the Public Hearing.

Loren Duncan

- Advised the attending public that copies of the EASC staff report are available. Electoral Area E OCP requires any proposal for the development of 5 or more lots to host a public meeting.

Kabel Atwall

- Kabel Atwall, lead consultant for 3L Developments introduced Joe Materi of Ursus Environmental, who prepared the Elk Habitat Assessment for Inwood Creek Estates, and consultant Rob Howat, an assistant with 3L Development projects.

- The property that is proposed for rezoning consists of 228 acres and represents Phase 2, which is intended to be divided into 41 – 2.5 acre parcels. With regards to density, this represents a fewer number of lots than could have been realized if they had gone forward with a 5-acre subdivision and two dwellings per parcel.
- The reduced lot size for Phase 2 provides a valuable amenity to the public since 51% of the property is to be dedicated to the CVRD as park.
- One lot on the north side of the tributary leading to Inwood Creek will be given to the Parks and Recreation Commission for their use.
- A $100,000 contribution will come into place for the Sahtlam Volunteer Fire Department once the first subdivision plan is registered.
- The parkland dedication provides greater protection of environmental features on the property, more-so than if it had been developed into 5-acre parcels, which would provide environmental protection by covenant only.
- Maintains and enhances the recreational corridors that are used by the public and which connect to the Trans Canada Trail from the south to the north.
- Good transition from rural residential land uses to the south and east of this development and the possible treaty settlement lands to the north, south, and west, as well as the lands set aside for the Paldi proposal.
- The property has been divided into 2 phases. The north Phase is accessed from Highway 18 and the south Phase will be accessed off an extension of Clements Road.
- One Phase will be completed prior to moving on to the next Phase.
- There is no connection through the property except for logging, recreational and fire-fighting purposes. The existing bridge and road will be maintained by the developer but will be gated. A key will be provided to the fire department for access through these properties.
- The 2.5 acre lots will be serviced by septic and well. Studies have proven that the potential for these services is good.
- Traffic pattern changes are negligible.
- Sustainablility initiatives such as the catchment and re-use of Stormwater.
- Institute a solid waste management plan that would incorporate a 3-stream solid waste separation (i.e. paper, organics and garbage).

Trevor Anderson
5984 Payne Rd

- Map is misleading. Shows 2 large bodies of water, which are actually only 6" deep and exist for about 4 months of the year. Has a 339 ft. well that provides ½ gallon per minute.
- One lot on a development behind his property has 4 dry wells.

Kaeble Atwal

- A hydrogeological report has been prepared and water must be proven prior to the creation of a lot.

Trevor Anderson

- Elk, which number about 30, aren't a problem. What about bears?

Kabel Atwall

- Haven't looked at that.

Joe Materi, RP Bio., Ursus Environmental

- The emphasis was on rare and/or endangered species. The elk are considered to be threatened.
- Black bears aren't considered a high conservation priority. There is a lot of forested area to provide them with food. Bears are more closely associated with waste management issues.
- Some of the plans for enhancing elk habitat will also have a positive effect on bears.

David Schramm 5949 Clements Road (also owns Lot 3)

- Existing well is 2.5 gpm. Have a surface well which draws 30 – 40 gpm.

Michael Simms 5929 Clements Road (also owns Lot2)

- Well flows at 2.5 to 6 gpm. Acknowledged presence of bear and elk on property. Has seen upwards of 50 elk.
- No one has addressed the benefits of this development on the community. It should be noted that houses will be built using local trades and services, which will in turn generate economic activity from which the community will benefit.

Rik Dinham 4680 Cowichan Lake Road

- Resided here for 23 years and noted that taxes have increased every year but services have decreased. Don't see the benefit.
- Will each lot provide its own water and sewer?

Kabel Atwall

- Yes, a lot cannot be created if these requirements (water/septic) are not met. Each lot will have a covenanted area for septic as per VIHA requirements. A lot cannot be sold unless there is proof of water.

Rik Dinham

- Would there ever be a provision for a community water or sewer system?

Kabel Atwall

- Economically speaking, this would not be viable for the layout of this project.

Curtis Lachmanec 4261 Cowichan Lake Road

- Fences can be a problem for the elk. Large animals will walk through a 6 ft. fence while smaller animals get entangled in a downed fence.
- Who came up with idea of putting a lock on the gate? There is one access in and out. Since more people will be living in the area, adding to increased traffic, there should be another connection between Cowichan Lake Road and Highway 18.

Kabel Atwall

- Some comments from area residents indicated they don't want this to be a thoroughfare for people going into town from Highway 18.
- Putting a bridge in to Ministry of Transportation standards is cost-prohibitive at this point ($2 – $3 million).

Curtis Lachmanec

- Poor road planning.
- There is no proper public access. The speed is getting lower on this road.
- There needs to be access to the Highway (18).
- The Island Highway will eventually go through this area.

Dave Aldcroft (Conservation Chair, The Naturalist Society) 555 Kilmalu Road Mill Bay

- Development around the Valley continues to destroy elk habitat and their movement corridors.
- Written to the Province (Minister Penner) for an elk management plan. The response was that the ability to influence land management is very limited on private land and that decisions are the responsibility of North Cowichan and the CVRD.
- Met with Tribes and the Rod and Gun Club to hopefully come up with an elk management plan. This developer is helping to set a precedent for future development in this region. Commend the developer for the amount of greenspace that has been dedicated with this development.

Stephen Holmes 6658 Hillcrest Road

- Opposed to this development.
- Why would we want to dedicate prime forest land to residential?
- Concerned that dedicated park space that has public access will not be maintained due to a lack of funding.
- There is not enough equipment to maintain the roads. Additional residential development is not enough to cover the cost of providing this service.

Tony Simon 5973 Payne Road

- Development doesn't sound bad, however we need to remember that this is prime Douglas fir ground that is disappearing.
- Concerns about water.
- Sceptical about dedicated parkland. Riparian areas will need to be set aside around the water anyway; so, by dedicating a portion for parkland, the CVRD now becomes responsible for maintenance.

Kaeble Atwall

- Didn't need to give up this property for parkland; the riparian areas could have been covenanted and incorporated within the lots.

Tony Simon

- Against this development because of concern for the trees.

Loren Duncan

- What will happen with urban development that is interfaced with forestry?
- There is merit to this application.
- Concerned with what will happen to this land if this development isn't the answer.
- Pressure will continue on the community in different formats – i.e.gravel extraction etc. All these things need to be considered.

Steve Holmes

- Do you have a plan to deal with all the park issues?
- Where will the money come from to police and maintain the parks, especially when CVRD staff are not available (after-hours) for enforcement.

Loren Duncan

- Forestry pools photos indicate the CVRD has failed in the area of policing and maintenance. It is expected that this will be dealt with soon.
- Problems with 4x4s and dirt bikes.
- Forest companies are also experiencing similar problems.

- If this development proceeds I don't think people will allow habitat to be disturbed or destroyed.

Steve Holmes
- Access is impossible to monitor.

Loren Duncan
- We **will** manage dirt bikes and 4x4s tearing up habitat.

Mike Lees
- Would like to keep on topic. This is about the proposed Inwood Creek development.

Loren Duncan
- Agree.

Trevor Anderson
- Belongs to a 4x4 club, and they do participate in clean-up. Who is going to take care of the dedicated parkland for this development? Garbage will be dumped.
- Gates do not work around here. Any gate will be destroyed so that access can be gained to Highway 18.
- The existing bridge should be removed and a proper 2-lane bridge should be put in place.

Kaeble Atwall
- Bridge was only put in place for the use of the Sahtlam VFD. People didn't want a connection through their properties to the Highway 18.
- People living there will be the eyes and ears of the community, which should help lessen the incidents of vandalism.
- This will not solve all problems. In the meantime, the property is visited at least twice a week by the developer so people are aware of a presence on the property.

Mike Lees
- The Sahtlam VFD has noted a dramatic cut in time for access to Highway 18. The Bailey bridge has been a benefit.
- Belongs to an ATV club. There are over 100,000 ATVs in BC. Problems are going to exist until there are regulations, licencing and insurance on these units.

Michael Simms
5929 Clements Road
- The majority of people are out for a good time and don't cause any problems.
- Police have been called when problems arise. The development will not change what is happening now.

Nancy Simms
5929 Clements Road
- The gate should go in right now to slow people down.

David Schramm
- Concerns for his children. Neighbours need to be responsible.

Loren Duncan
- There will have to be dialogue to come up with a solution.

Jim Marsh
Creighton Road
- Opposed to turning prime F-1 into subdivisions; however, there is some benefit to development in this area. A foot bridge would be of benefit.
- To date, a better job could have been done on this project. There has been no maintenance on the development sign so far, nor has there been

any landscaping.
- Why wasn't a bridge ever put in for through traffic? It should be done now.
- Stump piles should be chipped rather than burned.

Loren Duncan
- The CVRD Land Clearing Bylaw was recently passed, so the stumps will be chipped.

Paul Slade
4184 Wheatley Road
- In favour of this development. 51% of 228 acres is coming out of private hands and into the public domain and it **will** grow trees.
- No one is maintaining the forest land as it stands now. Walkers take garbage out as they walk through here now.
- This is a better development than having 5-acre parcels.
- Individual wells often work better than using a large production well where water is removed from the site. An average house uses about 500 gallons per day. Individual wells return about 90% of the water back to the ground.
- This development is self-sustainable from this standpoint.

Speaker
- This is close to Hill 60 where the local tribes have a vested interest.
- Does any of this come up for Treaty negotiation once this is back in the public domain.

Loren Duncan
- In the eyes of the province, regional district land (in this case, parkland) is considered to be the same as private land so it is not considered to be eligible for negotiation. This is not necessarily the First Nation's position.
- There is a significant amount of Crown land adjacent to and surrounding this property that could be up for discussion.

Kaeble Atwall
- The title could be transferred to the regional district rather than just dedicating the property as parkland.

Loren Duncan
- Significant amount of this green space will be dedicated for conservation.

Trevor Anderson
- Are we not responsible for this?

Loren Duncan
- This land will belong to the community and responsibly managed. Provided and overview of parks function.
- Regional parks will have monies spent on gates etc.

Stephen Holmes
- Quite admirable if the public realizes what is required to look after this land. Are you prepared to pay for it?

Loren Duncan
- The CVRD has just acquired 800 acres (Bald Mountain), which will be like Stanley Park 160 years from now. Are we ready to look after it? A lot of responsibility goes along with owning this.

Speaker
- This property will be greenspace only – there are too many bugs,

- It is good that trees will be planted.
- A gate is a bad idea. Like the use of the road. People will go around a gate anyway. Put a proper road and bridge in place. The access to Highway 18 is great for the firehall.

Loren Duncan

- Don't want a through road for this community.

Joan Mayo

- ATVs and dirt bikes are a problem – they come up from Victoria.
- Ban ATVs and dirt bikes unless they belong to a club.

Mike Lees

- There is an *ATV Act* in British Columbia. People have been charged under the Environment Act for infractions because the *ATV Act* hadn't been tested yet. The *ATV Act* says that the government will be responsible for the actions of people in contravention of the *Act*, and also that ICBC shall require ATV owners to be licenced. This government needs to enforce the laws, and the kids need to be educated in the schools.

David Schramm

- In favour of this development. This is better than what might come along later. Could be a benefit to the entire community.

Speaker

- Any suggestion on how the developer can properly plant the property so it will be in a state that will benefit the community?

Bob Russell

- That area was logged and replanted about 10 years ago. The provincial government allowed privately own forestry land to be subdivided or kept as forestry. TimberWest went forward with the option to subdivide. Land was logged then re-planted with the 2nd growth in this area being well over 10 ft. Once they decided to sell for subdivision much was destroyed for perc testing.
- Culverts that were required by TFL were pulled out and hollows were filled in with soil.

Kabel Atwall

- Because people were trespassing on the property, broken culverts were pulled out for liability reasons.
- Geologist was sent in before perc tests were done.
- Didn't destroy the land, the majority of planted trees are still there.
- Old logging debris was cleaned up.

Loren Duncan

- If this goes forward and is returned to the Regional District, it will be re-planted.
- Line between public land and private land (on the back) will be fenced.

Jim Marsh

- Is there a plan for lots that will not yield septic or wells?

Kabel Atwall

- They may be amalgamated to create larger lots.

Loren Duncan

- Lot 4 may possibly be set aside as additional green space. Parks and Recreation Commission will have to have dialogue on this.

Curtis Lachmanec
- Elk go through the existing Phase 1 already.

Loren Duncan
- There is no plan for elk at this time. This is the first time that this has been brought up. We need to protect any areas and set a good example.
- How will this be managed in our community?

Harvey Radens
4434 Webden Road
- North portion of the development is isolated from the community except to walk across.
- The Ministry of Transportation and Infrastructure (MoTI) holds the community to ransom with expensive highways standards.

Kabel Atwall
- These are the regulatory standards set in place by the Ministry.

Harvey Radens
- Make lots more reasonable and viable for people to purchase.

Darren George
Riverbottom Rd.
- Question about Currie Creek Forest Service Road (off Highway 18)

Kabel Atwall
- Once the north phase of the development proceeds, the road will need to be developed to MoTI standards. When this is done, the Ministry of Forests will then convert it to a public road.

Loren Duncan
- After the public meeting the minutes will be prepared and a report will be forwarded to the Electoral Area Services Committee (EASC) for review and comment. If the EASC approves the application, Bylaws will be forwarded to the Regional Board for 1st and 2nd Readings. The application will then move to the public hearing stage; if the application moves to the public hearing stage, notification will be placed in the local newspapers.

ADJOURNMENT

Director Duncan asked if there were any more public comments or questions regarding Rezoning Application No. 2-E-08RS.

Hearing none, Director Duncan thanked the public for attending and declared the Public Meeting closed at 8:28 p.m.

SR3

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STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING
OF OCTOBER 20, 2009

DATE:	October 14, 2009	**FILE NO:**	6-REG-09BE
FROM:	Nino Morano, Bylaw Enforcement Officer	**BYLAW NO:**	39
SUBJECT:	Fireworks		

Recommendation:
Further direction is required from the EASC on the matter of fireworks displays/discharges.

Purpose:
Inform the EASC about the impact of the recent changes to the CVRD Bylaw No. 39 – Fireworks Sale and Discharge Regulation Bylaw, 1970

Financial Implications:
n/a

Interdepartmental/Agency Implications:
n/a

Background:
Inquires from the public have been increasing lately due to the new changes to the CVRD Fireworks Bylaw. The main issue seems to be the options available for one to have a personal/neighborhood fireworks display with consumer fireworks on Halloween. The bylaw allows for a display to occur only if the person in charge possesses a Fireworks Operator Certificate or equivalent. Taking this course is quite onerous and costs $150 and the last one that was conducted was in Pitt Meadows on September 30 with no further courses offered through National Resources Canada in British Columbia. Additionally, this certification appears to be more intended for commercial type fireworks displays. There does not appear to be a course available for consumer type fireworks at this time.

Attached to this report is an information package that is utilized by the Municipalities of Colwood, Langford and View Royal. This draft of the package has been altered to reflect recent changes to the CVRD Fireworks Bylaw. This package is presented via PowerPoint by a certified firefighter in the Colwood Fire Hall on certain days for people who want to have small family/neighborhood displays. At the end of the approximately hour session they are given a certificate good for 3 years.

As you may imagine, there are few if any people in the CVRD who possess the credentials the bylaw requires. The main issue is that the bylaw does not offer any structure as to what constitutes an "equivalent" and who is qualified to makes these calls. One idea may be to hand out these information packages to interested parties and requiring them to fill out a form acknowledging they have read it as well as the bylaw (see last page) with both the local fire and police departments informed of the location of these events. Be advised it is unknown whether or not the CVRD increases liability by becoming more involved.

Submitted by,

Nino Morano,
Bylaw Enforcement Officer
Planning and Development Department

Department Head's Approval:

Signature

NM/ca

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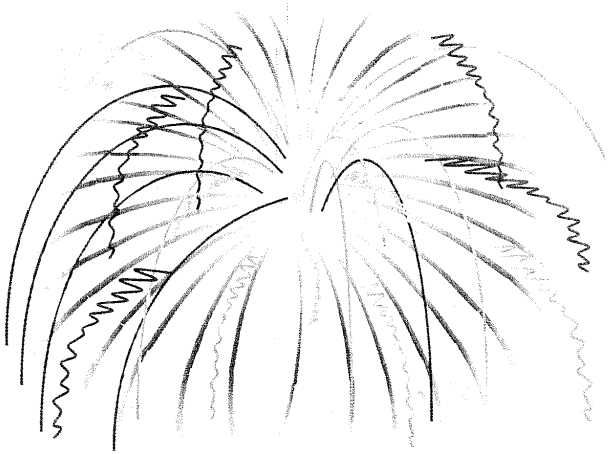
Fireworks Safety Awareness Information

000118

Course Outline



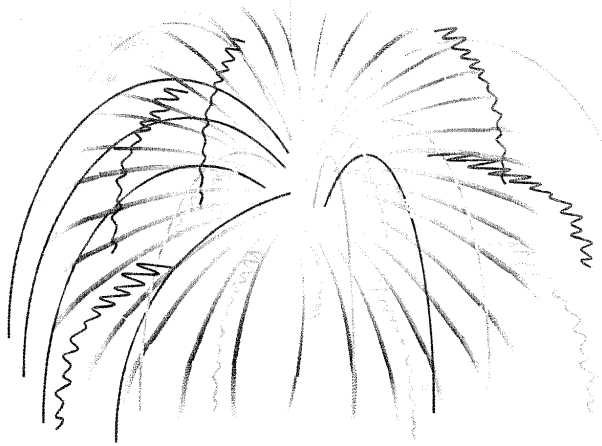
- Statistics
- Overview of the Bylaw
- Purchasing and Storing
- Set up and Safety
- Igniting Fireworks

000119

Statistics

000120

Fireworks-Related Injuries

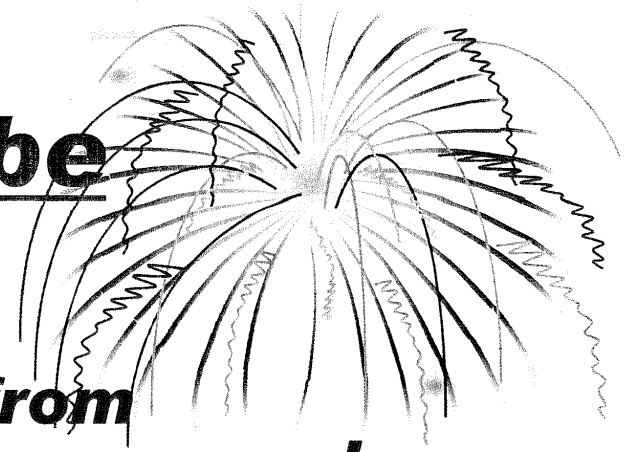


- ***In 2003, four persons died and an estimated 9,300 were treated in emergency departments for fireworks-related injuries.***

- ***An estimated 5% of fireworks-related injuries treated in emergency departments required hospitalization.***

000121

Who is most likely to be injured?



- About 45% of persons injured from fireworks are children ages 14 years and younger.
- Males represent 72% of all injuries.
- Children ages 5 to 9 years have the highest injury rate for fireworks-related injuries.
- Persons who are actively participating in fireworks-related activities are more frequently injured, and sustain more severe injuries, than bystanders.

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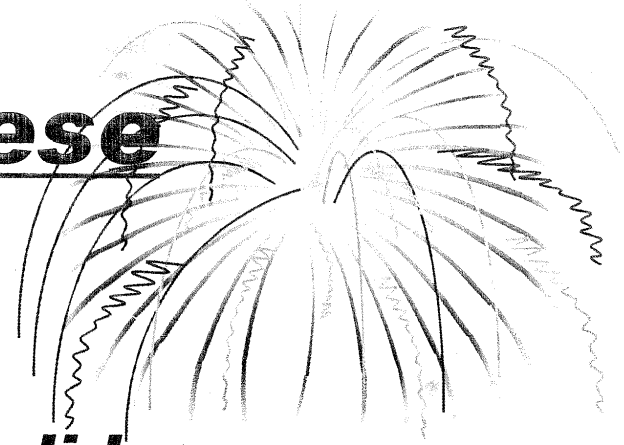
When and where do these injuries happen?

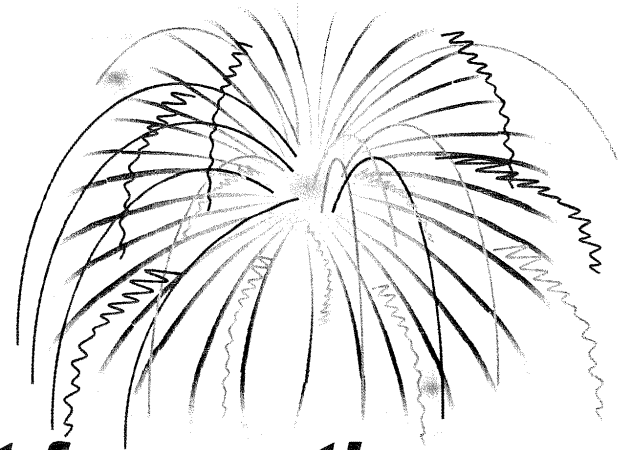


- Injuries occur on and around holidays associated with fireworks celebrations, especially the July long weekend, New Year's Eve and Halloween.

- Most of these injuries occur in homes. Other common locations include recreational settings, streets or highways, and parking lots or occupational settings.

000123

What kinds of injuries occur?

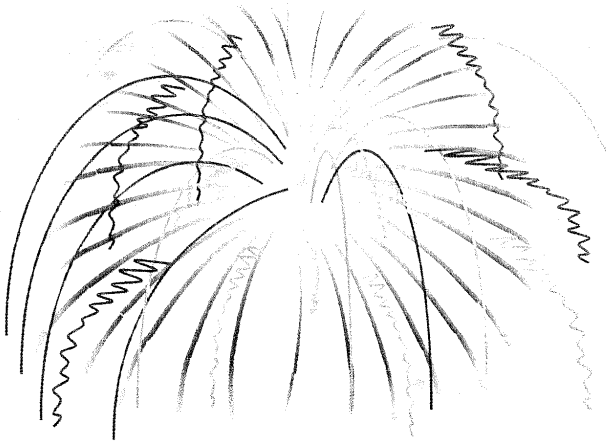


- ***Fireworks-related injuries most frequently involve hands and fingers (26%), eyes (21%), and the head and face (18%). More than half of the injuries are burns (63%); contusions and lacerations were the second most frequent injuries (18%).***

- ***Fireworks also can cause life-threatening residential fires.***

000124

What fireworks are associated with these injuries?



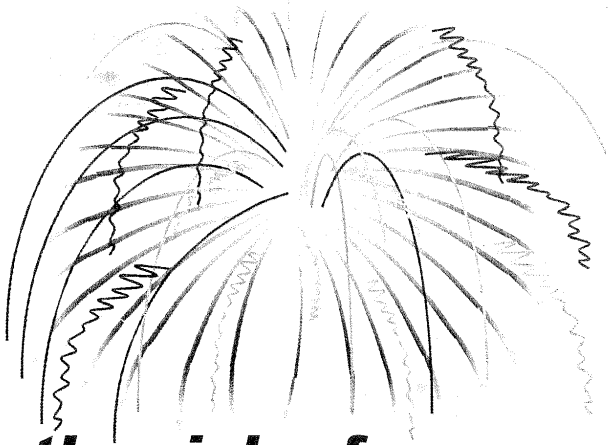
- *Illegal large firecrackers represent 2% of all firecracker injuries.*
- *Firecrackers (24%), rockets (18%), and sparklers (11%) accounted for most of the injuries seen in emergency departments during 2003.*
- *Sparklers were associated with the most injuries for children under five.*
- *For children ages five to 14 years and people ages 15 to 24 years, firecrackers, rockets, and other devices (including sparklers) were the source of most injuries.*

000125

CVRD Fireworks Sale & Discharge Regulation Bylaw No. 39

000126

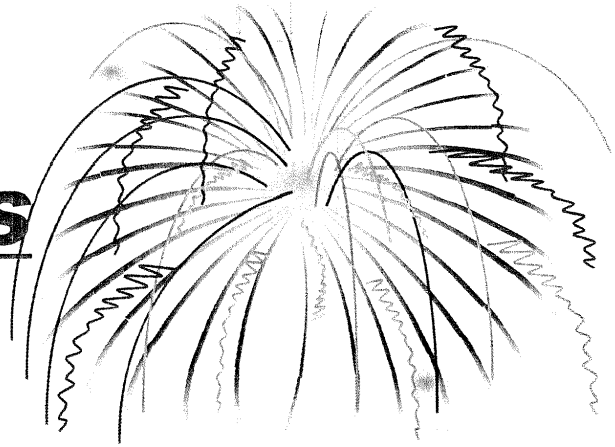
Bylaw



- ***The goal of the Bylaw is to reduce the risk of personal injury and property damage from fireworks use.***
- ***The area of jurisdiction of this Bylaw includes all electoral areas (Mill Bay/Malahat, Shawnigan Lake, Cobble Hill, Cowichan Bay, Cowichan Station/Sahtlam/Glenora, Cowichan Lake South/Skutz Falls, Youbou/Meade Creek, Saltair/Gulf Islands & North Oyster/Diamond) and the Town of Ladysmith and the Town of Lake Cowichan.***

0001127

Section 3. Prohibitions



- ***No person shall sell fireworks.***
- ***No person shall discharge fireworks.***

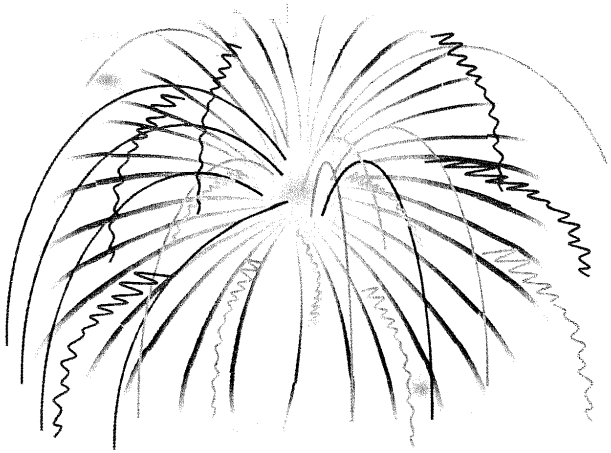
0001128

Section 4.
Public Special Event

- ***Any person or organization may possess and discharge fireworks at a public special event or festival if the person or organization has a fire safety plan and holds a valid Fireworks Operator Certificate, or equivalent, for the level appropriate to the nature of the fireworks being possessed and discharged, as confirmation of their knowledge and ability to safely possess and discharge fireworks in a sufficiently controlled environment.***

000129

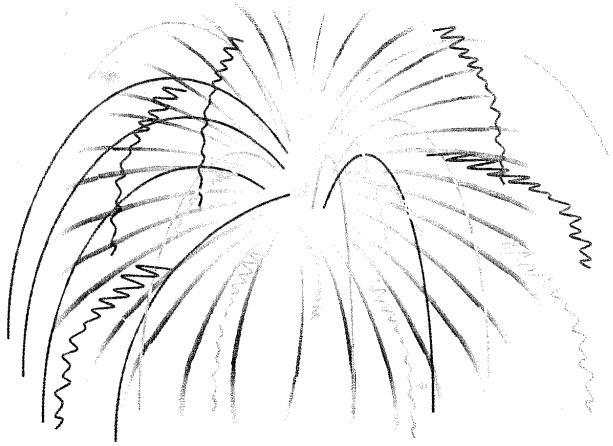
Section 4. Fireworks Operator Certificate Equivalent



- ***The CVRD will accept, as an equivalent to the Fireworks Operator Certificate, confirmation that this information has been read along with a copy of the Bylaw.***

0001130

Ticket Fines



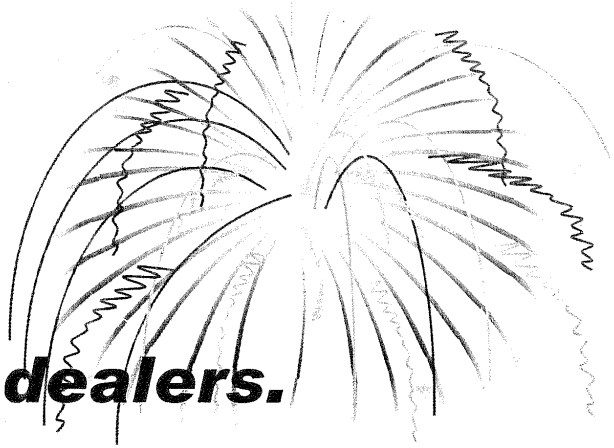
- **Sale of fireworks $500**
- **Discharge of fireworks $100**

000131

Purchasing and Storing

0001132

Buying Fireworks



- **Purchase only from authorized dealers.**
- **All authorized fireworks will have a bilingual label.**
- **Do not be tempted to try to smuggle fireworks into Canada from another country.**

0001133

Store Fireworks Properly

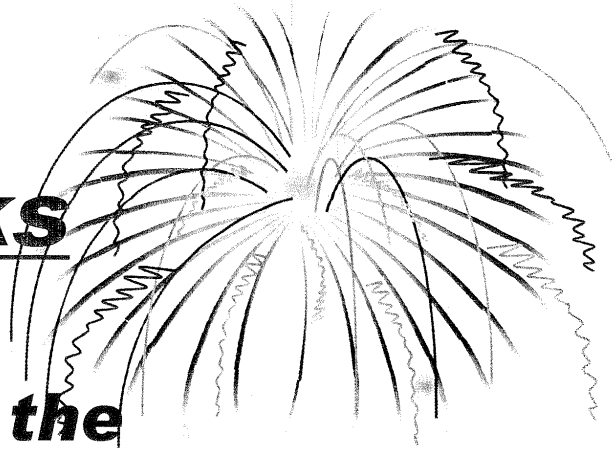
- ***Always store fireworks in a, cool, dry place and keep them away from children.***
- ***Check instructions for special handling directions.***
- ***The maximum amount of fireworks that can be stored in a dwelling is 10 kg gross weight.***
- ***Any amount in excess of this must be stored in a separate, locked building.***

0001134

Set Up and Safety

000135

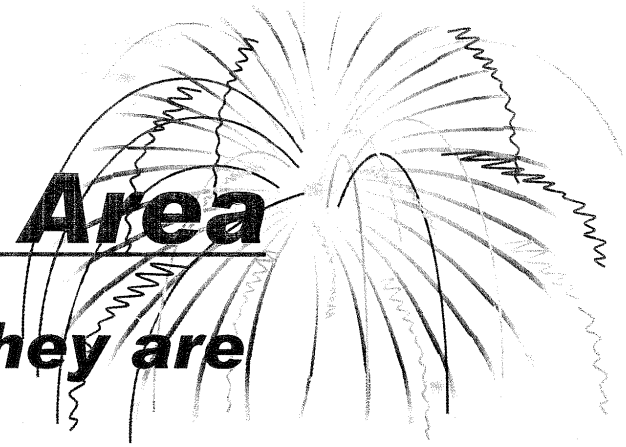
Transporting Fireworks



- **Do Not Transport Fireworks in the Passenger Compartment of a Vehicle.**
- **Always put them in the trunk.**
- **In the absence of a trunk (e.g., van or pick-up truck), transport fireworks in a non-sparking container with a lid.**
- **Do not smoke while loading, transporting or unloading fireworks.**

000136

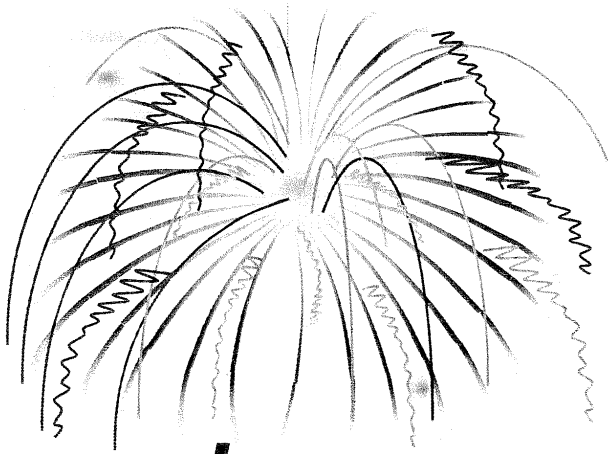
Choose a Clear, Open Area



- **Never use fireworks indoors; they are designed for outdoor use only.**
- **Always use fireworks in an open area away from buildings, vehicles, overhead obstructions, and dry brush/grass (which could catch fire).**
- **A recommended clear area of 30 m by 30 m for aerial family fireworks, such as Roman candles, and 20 m by 20 m for fountains and other ground-based items is recommended.**
- **Follow the manufactures recommendation.**

0001137

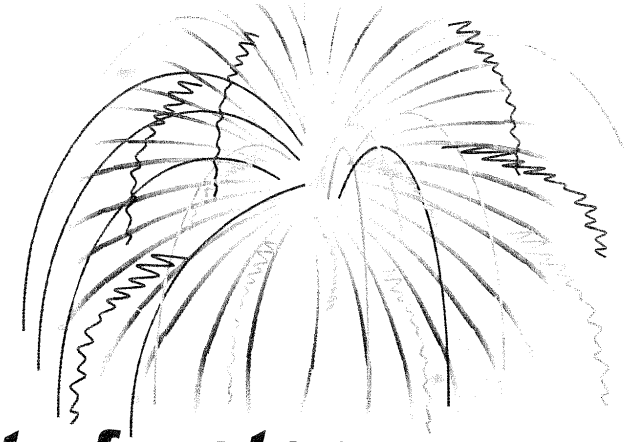
Wind



- ***Check wind direction and wind speed; fireworks should be lit with the prevailing wind blowing away from spectators. Don't set off aerial fireworks in strong winds.***

0001138

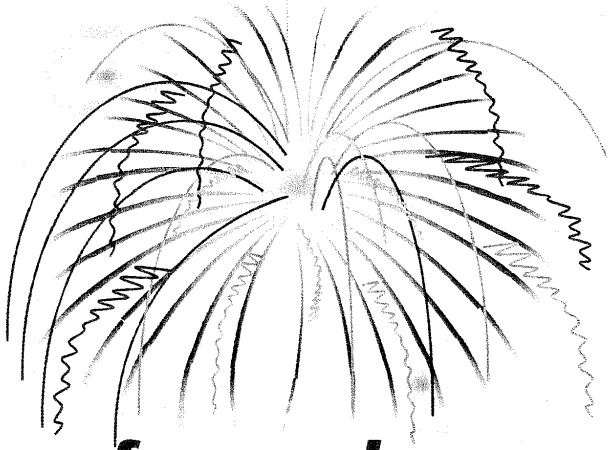
Have Water Nearby



- ***Keep a charged hose or bucket of water close by in case of a malfunction or fire.***

0001139

Read All Instructions



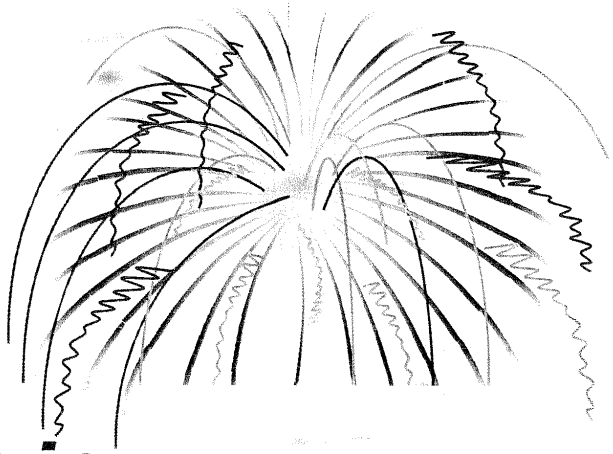
- ***Carefully read all the instructions for each firework item ahead of time.***

000140

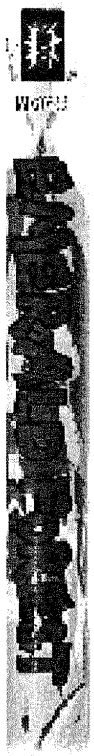
Igniting Fireworks

000141

Top Wick Fireworks

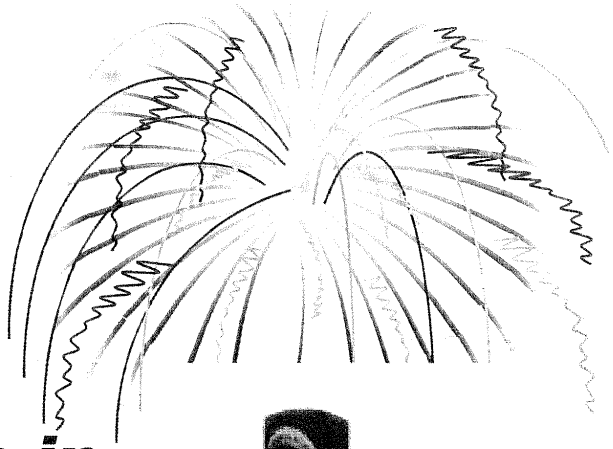


- ***Plant firework at least 3 inches in a bucket of sand or soil.***
- ***Tilt 5 - 10 degrees away of audience***

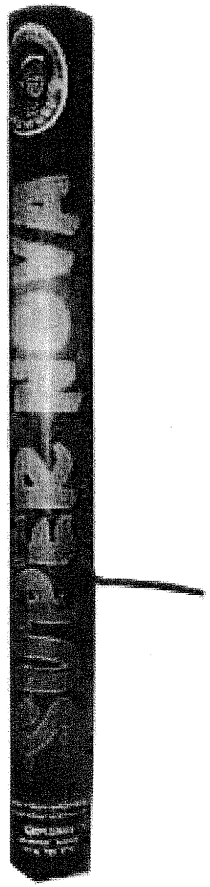


000142

Side Wick Fireworks

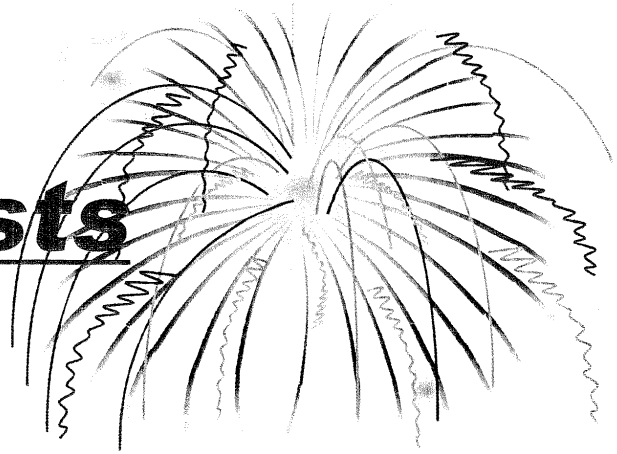


- ***Plant firework at least 3 inches in a bucket of sand or soil.***
- ***Tilt 5 - 10 degrees away of audience***



0001143

Mortars and Mine Bursts

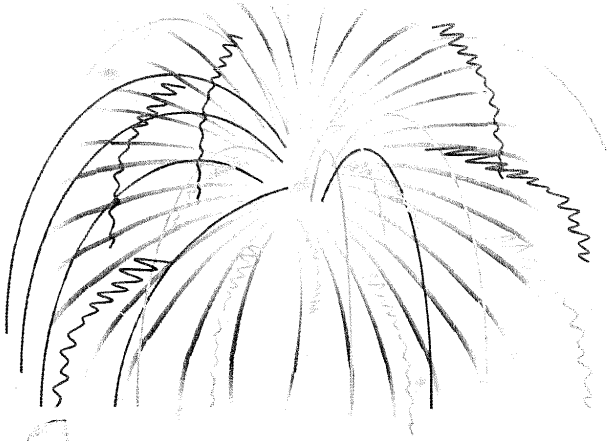


- ***Place on flat ground or better still place on a piece of plywood and tack it down with finishing nails.***

000144

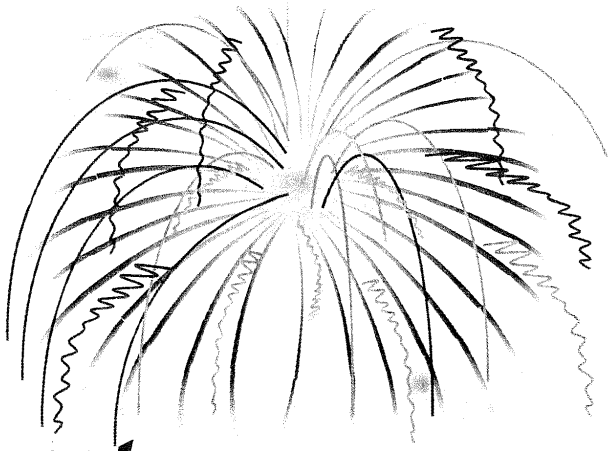
Cones, Showers & Fountains

- ***Place on flat ground or on a piece of plywood. Various fountains have to be planted in a bucket of sand or soil.***



000145

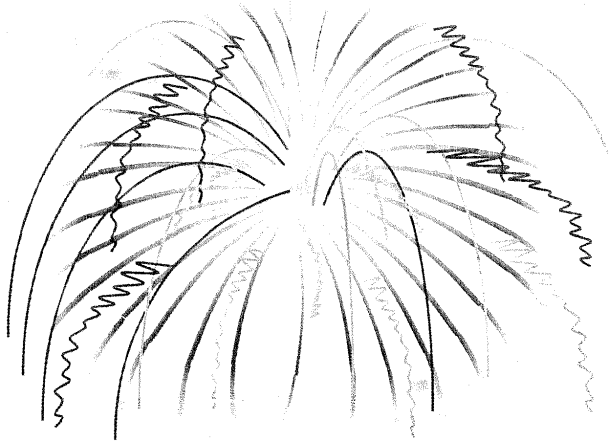
Sparklers



- ***Keep everyone 6 feet apart. Do not allow anybody to chase or wave sparklers at each other or throw them. Have or place burnt out sparklers in a bucket of water.***
- ***Sparklers can burn as hot as 650 C (1200 F).***

000146

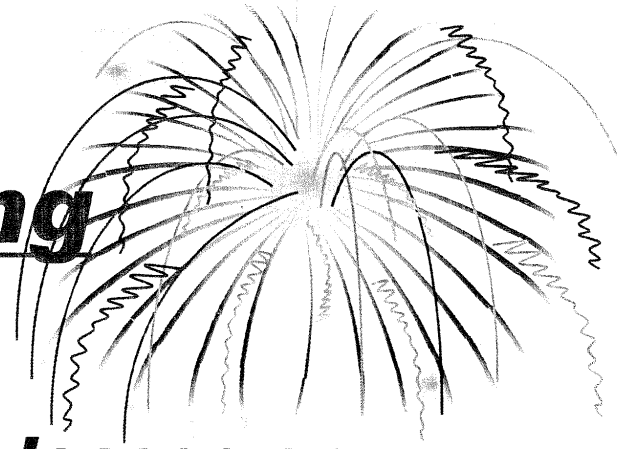
Keep Others Safe



- ***Keep all spectators at least 20 m away and pets indoors.***

000147

Eye Protection Clothing

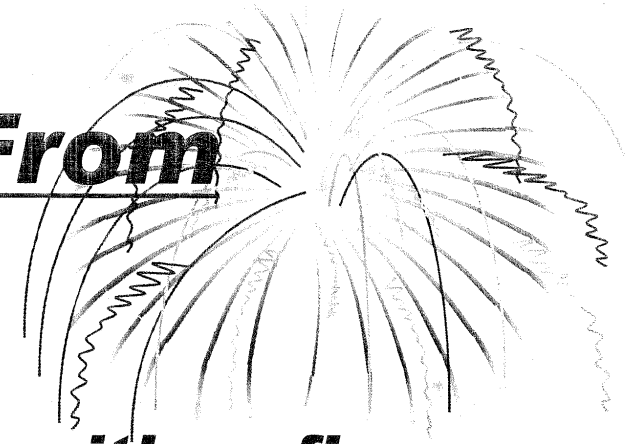


- ***Protect your eyes with safety glasses or safety goggles. Regular prescription glasses or sunglasses provide little or no protection and may actually contribute to an injury.***

- ***Wear non-flammable clothing such as cotton; never wear synthetic fibers (nylon, polyester) when firing.***

000148

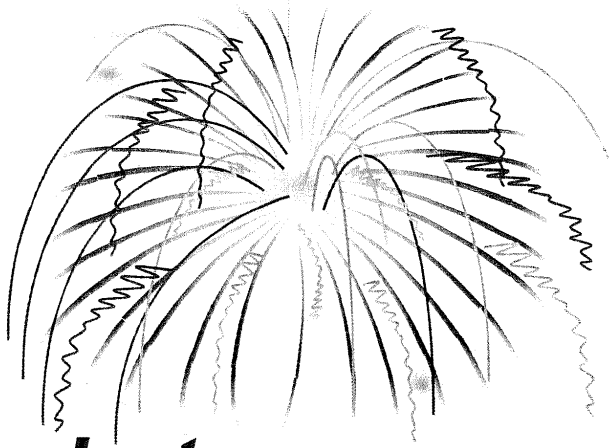
Keep Children Away From Fireworks



- **Never let children handle, play with or fire fireworks under any circumstances. Even sparklers, which are considered by many as "safe" fireworks for children, burn at very high temperatures and can easily ignite clothing.**

000149

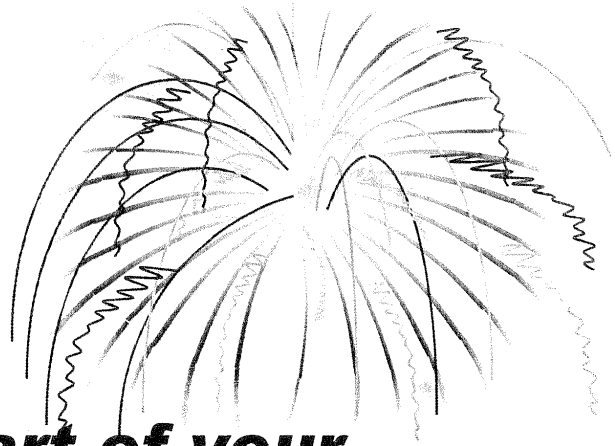
Handling Fireworks



- ***Take care when handling fireworks to prevent dropping them. Do not carry fireworks in your pockets. Never smoke while handling fireworks.***

000150

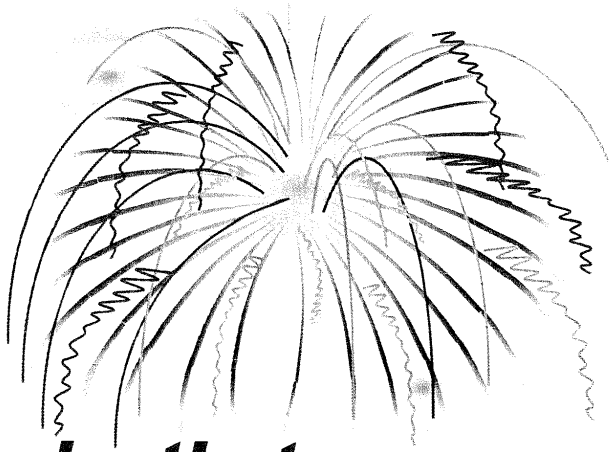
Use Care When Firing Fireworks



- **When lighting, never put any part of your body or head over the firework.**
- **Never hand hold them or insert them into other means of containment such as pipes.**
- **Never point or throw them at people**
- **During the show, store the unused fireworks away from the firing area and keep them covered to prevent stray sparks from prematurely setting them off.**

000151

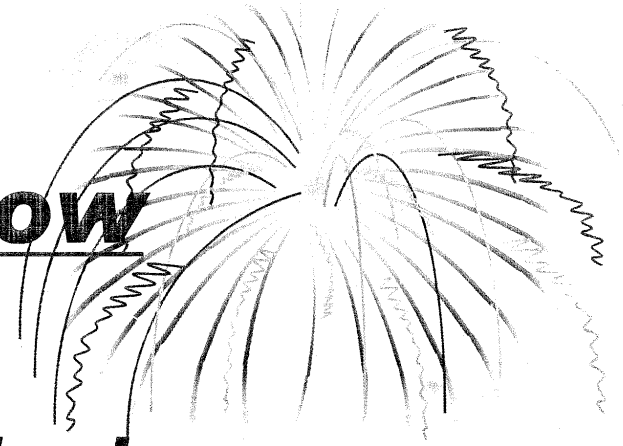
Duds or Misfires



- ***Never attempt to re-light fireworks that have misfired (duds). Wait 30 minutes and then place them in a bucket of water.***

0001152

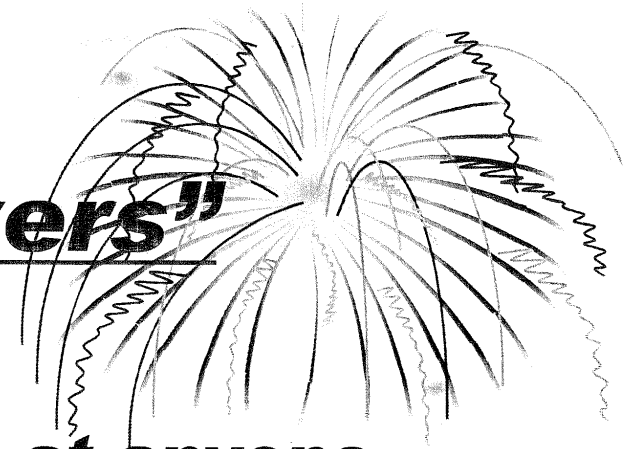
Clean-Up After the Show



- ***Wait 30 minutes after the display has finished. Check the firing area for duds, clean up all debris, and check it again the next morning.***

0001153

Remember the "3 Nevers"



- ***Never point or throw fireworks at anyone or anything – people, pets, cars, or buildings.***
- ***Never hold fireworks in your hand while lighting them.***
- ***Never attempt to re-light or move fireworks that fail to go off.***

0001154

Have a Safe and Fun time!

000155

C·V·R·D

FIREWORKS OPERATOR CERTIFICATE EQUIVALENT

I/we hereby request a Fireworks Operator Certificate Equivalent for the discharge of fireworks on _____, between the hours of _____ and _____
(date)

at _____
(civic address)

This fireworks display is for _____
(applicant or organization)

The person assuming responsibility for the discharge of fireworks is:

_____, and is 19 years of age or over.
(print name)

The following constitutes the safety plan I/we will follow during the discharge of fireworks:

_____

_____

_____

_____

I/we have read and understand the contents of the attached <u>Fireworks Safety Awareness Information</u> and <u>CVRD Fireworks Sale and Discharge Regulation Bylaw No. 39</u>

_____
Applicant Signature

_____
Address and Phone No.

***This certification is effective for one (1) calendar year. Please contact this office for any further events during this year.**

AP 1

C·V·R·D

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

DATE: October 6, 2009
TIME: 7:00pm

MINUTES of the Electoral Area I Planning Commission meeting held on the above noted date and time at the Youbou Upper Community Hall, Youbou, BC. Called to order by Vice-Chairperson George deLure at 7:10pm.
There wasn't a quorum for the meeting but one applicant was present so a discussion was held.

PRESENT:
Chairperson:
Vice-Chairperson: George deLure
Members: Jeff Abbott (arrived after attending a fire), Pat Weaver
ALSO PRESENT:
Director: Klaus Kuhn
Alternate Director:
Recording Secretary: Tara Daly
REGRETS: Kim Windecker, chairperson, Shawn Carlow, Erica Griffith, Gerald Thom
GUESTS: Clandening and Huot

AGENDA:
Unable to accept because of no quorum.

MINUTES:
Will be accepted at the November meeting because of no quorum.

Development Permit Application 4-I-09DP (11617 Cowan Road - Huot for Clandening)

- excavation has been done for the development; was completed two (2) weeks ago
- a permit was in place two (2) years ago to allow raising of the previous cabin and building of a garage; that proposed footprint was smaller than the current application
- Ian MacDonald, building inspector for Area I (Youbou/Meade Creek) allowed the excavation but told owners not to proceed any further
- **the pile of debris was a concern but the owners clarified** that as much as possible was recycled with the remaining burned and to be cleared once it has cooled; needs to be dealt with before the heavy rains
- the proposed new build will be a two floors with the bottom floor joist above the 200-year flood level
- **members reiterated encouraging the owners as per the Staff Report for additional native vegetation along the high water mark**
- owners noted that the building couldn't be moved further from the lake as there needed to be room for the septic tank and field
- **it was noted that the neighbour's site line wasn't impeded**

- it was also noted the neighbours received notice of the proposed build and the height variance required
- owners are cognizant of winter rains and wish to be able to begin as soon as possible
- the members present had no problem with Director Kuhn proceeding with the application process

Development Permit 2-I-08DP (7786 Sunset Drive)

- will be dealt with at the November meeting

DISCUSSION:

- S. Carlow asked that allowing chickens within Area I (Youbou/Meade Creek), specifically Youbou be investigated
- he noted the desire for society to become more eco-friendly and be pro-active in growing and raising food closer to home
- suggested that other by-laws in other jurisdictions be examined
- possible limit of six (6) chickens with no roosters
- Director Kuhn will do some background work

ANNOUNCEMENTS:

- items for next meeting to include: Coon Creek public access, Poker Run, and chicken update
- discussion on Development Permit application 2-I-08DP
- election of new chairperson as K. Windecker is working out of town
- Next Meeting November 3, 2009 at 7pm in the Youbou Upper Hall

ADJOURNMENT:

The meeting was adjourned at 8:00pm

/s/ Tara Daly
Secretary

AP2

From: Mary [marym@island.net]
Sent: Friday, October 09, 2009 6:22 AM
To: Jennifer Hughes; Cathy Allen
Subject: Area H APC

Hi Jen & Cathy,

Gary Fletcher resigned from my APC last night; please remove his name from my APC mailing list. I'll talk about having a letter sent to him at the next EAS meeting.

Thanks,
mm

AP3

Area A Advisory Planning Commission Bamberton Meeting
30 September 2009
Held at Mill Bay Fire Hall
Minutes

Present: David Gall, Cliff Braaten, June Laraman, Deryk Norton, Dola Boas, Ted Stevens, Margo Johnston, Geoff Johnson, Archie Staats.

Regrets: Brian Harrison (Director Area A), Roger Burgess (Alternate Director Area A)

CVRD Staff: Mike Tippett, Rob Conway, Brian Dennison

Audience: Three Point Properties representatives, Ross Tennant, Joe Van Belleghem, Stefan Moores and 4 observers.

Meeting called to order at 9:05 am

Agenda:
It was moved and seconded the agenda be approved.
MOTION CARRIED

Previous minutes:
It was moved and seconded the minutes of 20 August 2009 meeting be adopted.
MOTION CARRIED

Purpose of meeting:
The purpose is to examine the Bamberton application with a focus on the key areas of interest identified by the APC ensuring that these areas have been adequately addressed and that the suggested principles provide the appropriate guidelines to be followed in order for the proposal to proceed.

Framework/Process:

- Area A will need to evaluate the Bamberton application within the community context of the South Cowichan area as detailed in the CVRD documents provided for the following topics: Traffic & Transportation; Water & Sewer Service; Protection of the Saanich Inlet; Project Phasing and Affordable Housing. The CVRD staff will be available to answer questions.

- APC recommendations to the Electoral Areas Services Committee (EASC) will incorporate APC input along with other requested inputs. APC recommendations will assist the EASC and the Regional Board with its review of the application.

- Area A APC meetings are open to the public. Any attendees that are not part of the APC, are not Area Directors or CVRD staff will be considered observers to the meeting not participants. Should Three Point Properties attend the meeting, commission members will be asked to indicate to the chair if they have a question and/or concern to which they wish to receive input from the developer.

Meeting Format:

I. Overview of Key Areas (top 5) — CVRD Staff

A. Traffic and Transportation Issues
B. Water and Sewer Infrastructure Issues
C. Protection of the Saanich Inlet
D. Project Phasing
E. Affordable Housing

II. APC Commentary/Input — Roundtable

- CVRD Comments
- Suggested Principles

Rob Conway provided an overview for each of his documents. APC questions, comments and concerns were expressed.

The suggested principals below will be included in the CVRD staff report prepared for the EASC meeting. **APC suggested additional principles are bolded.**

A. Traffic and Transportation Issues
Suggested Principles

a) Ensure a network of pathways and bike lanes are provided though-out the site to encourage walking and cycling.

b) Support narrow road rights-of-way to minimize site disturbance, provided emergency vehicle access can be accommodated.

- Bamberton is using Master Municipal Road Guidelines instead of MOT Standards.
- MOT currently does not support the suggested road standards and needs the subdivision plan before making a decision. Different standards are most likely needed due to steep slopes of some areas.
- How small and in what areas would narrow roads occur? The subdivision plan has to have roads in place.
- Presently, MOT has Bamberton standards and is responding to Bamberton's requests.
- Concern that the roads would accommodate emergency vehicle access. Three Point Properties has stated that emergency vehicle access will be assured.

c) Require some local commercial services to be developed concurrently with residential development to reduce external vehicle trips in the early phases of the project.

- South Vancouver Island transportation analysis needed but probably not going to happen in the near future. Suggestion that the Bamberton developers could infuse some money toward a study.
- TCH on the Malahat will be at capacity in 2025 with or without Bamberton.
- There would be a mix of private, strata and MOT in charge of roads internal to Bamberton. MOT service main public roadways.
- Residents of Bamberton would pay in property tax for road maintenance.
- Bamberton believe it is not good public policy to rely on strata roads to solve issues on roadways.
- Mill Bay Road presently is not safe for walking or cycling – Bamberton is contributing $.5M at the front end of construction. Recommend a South end traffic study as condition of zoning approval.

d) Incorporate requirements for Transportation Demand Management a condition of development approval.

- Commuter rail, potential station is in Shawnigan Lake, which is a long drive from Bamberton.
- Difficult to predict what people will do as far as driving habits are concerned.
- Market mix- more seniors now foresee more young families in future.

e) Secure an "agreement in principle" from the Ministry of Transportation and Infrastructure for the development concept and proposed road standards prior to adoption of zoning.

f) Upgrade Haul Road to major provincial road requirements.

- Upgrade should allow for future extension beyond Bamberton boundaries. Should eventually reduce traffic on Trans Canada highway.

h) Where feasible make as many roads as possible public roads.

- Handle this in a development agreement.

i) Conduct comprehensive traffic reviews as part of the PDA's for each phase.

- Bunt and Delcan recommended comprehensive traffic reviews as a condition of the PDA's at each phase of development which is noted in the CVRD document – Page 5 issue i. How to conduct the study and how to monitor has not been established by the CVRD yet.

B. Water and Sewer Infrastructure Issues
Suggested Principles

a) Apply standard water consumption rates for determining required water supply until reduced consumption rates can be proven for a sustained period.

b) Incorporate margins of safety into projections for required water supply to account for atypical drought conditions and unforeseen water demands.

c) Require a CVRD-approved plan for the expansion of Oliphant Lake, including a structural assessment of existing dams, prior to use of the lake as a domestic water source.

d) Require administration and implementation of water conservation measures to be funded by the Bamberton developer or water users within the development.

e) Protect identified waste water disposal areas from development until it can be proven they will not be required for that purpose.

f) Incorporate ground water protection measures into development approvals.

g) Ensure current technical memorandums regarding the application are available prior to a public hearing.

h) Establish a time frame when the system is taken over by CVRD instead of at initial stage of development. CVRD takes responsibility for after it is established and meets all standards.

- New technology which may require time to get working properly. Community should not have to take responsibility for this.
- Responsibility should reside with the developer until the systems are fully proved in.
- Systems should meet CVRD standards before the CVRD takes control.

i) Watershed Management –" Further work regarding the implications and management of the watershed should be obtained as a condition of development approval." (CVRD document Page 5, item 5.)

ISSUE: CVRD and Bamberton need to come to an understanding about ownership and cost recovery of the sewer and water infrastructure before rezoning is given.

- CVRD plan is to take over the systems once installed and operational. The CVRD wants to get in early to gain experience and understanding.
- CVRD is expecting to have a two-year warranty in place backed up by a bond. In the Dockside development, the Ministry did not require this and the MSR was waived.
- Bamberton's position is that a financial mechanism needs to be in place that allows for recovery of system costs. In the Dockside model, the developer funded the costs and the residents pay for it. Need to ensure that the economic model for Bamberton is workable.
- Bamberton stated that it must have design input and control.

C. Protection of the Saanich Inlet
Suggested Principles

a) *Ensure zoning drafted for the Bamberton Lands excludes uses potentially harmful to the Saanich Inlet.*

b) Require on-site environmental monitoring during construction to ensure works to protect the Saanich Inlet are correctly installed and maintained.

c) Implement an educational program for future occupants of the Bamberton Lands to increase awareness of the sensitivity of the Saanich Inlet and to discourage practices that may negatively impact the Inlet.

- Saanich Inlet will be protected in development stages of Bamberton – after the development is completed the community needs to take responsibility for no impact on the Saanich Inlet.
- The Saanich Inlet is shared by the GVRD communities e.g. Saanich, Brentwood, etc. all should be part of the quality of water entering the Inlet.

d) Support and encourage the progressive approach to storm water management proposed in the Bamberton application.

e) Require a detailed and rigorous storm water management plan prior to any development occurring on the site.

- Storm water to be reused if feasible.

f) The <u>Recommended Mitigation Measures and BMPs</u> outlined in the Bamberton Rezoning Application July 2009 List of Project Appendices 8 Ecological Overview and Environmental Best Practices pages 26-36 should be incorporated by the CVRD as guidelines in PDA's or other control document principles for Bamberton if rezoning is approved. (Unless CVRD has other standards that it wishes to utilize.)

g) The issues affecting the Saanich Inlet to apply to all regional districts or municipalities so everyone on the Saanich Inlet works together to implement the protection of the Inlet. Bylaws should be established by the CVRD that pesticides, herbicides or other chemicals with a negative impact on the waters of the Saanich Inlet would no longer be allowed.

D. Project Phasing

Suggested Principles

a) Incorporate phasing commitments into development approvals.

- PDA's would apply to each neighbourhood plan and be available before a public hearing.
- Restrictions for phasing not carved in stone developer can come back to the CVRD with requests.

b) Include sustainability criteria and a phased development approach in development approvals.

- CVRD requires more information on phasing conceptual plans have been presented so far.
- Definite boundaries for each of the phases.
- Phasing needs to be tied down, if start another phases we will never see what the first community would look like at completion.
- Northlands is an acceptable starting point if we can see a different concept of a community with cost effective housing.
- Changing the nature of the Mill Bay community in putting high density residential with industrial. *Bamberton Rezoning Application Land Use Plan Table 5,* page 28 is a vague list of Industrial land uses permitted. With APC providing parameters for the industrial park proposed for Northlands, Mike Tippett will complete an acceptable industry list for the public hearing.
- Bamberton representative, Ross Tennant will provide a list of businesses that have expressed an interest in being located in the Northlands industrial park.

c) Require a detailed neighbourhood plan before development is authorized in the individual neighbourhoods that would, among other things, document sub-phasing and the delivery of services and amenities associated with development of the neighbourhood.

- Confusion between phasing and neighbourhoods. Each neighbourhood will have a detailed layout plan with details of the phasing of each neighbourhood.
- Access to businesses in Northlands Industrial Park will be revised and will be an issue dealt with in the neighbourhood plan.

- Industrial at ocean site for revenue – how long is this allowed to continue? Developers will define what industrial activities would continue and what will stop. Industrial activities could be part of a PDA or in zoning.
- APC agree with the Northlands Industrial Park in the first phase of development.
- What happens if property sold after rezoning? CVRD has yet to define the parameters.

c) Ensure some local commercial development is provided prior to 75% completion of each neighborhood.

d) With each neighbourhood plan, the phasing needs to be defined and compliance with the PDA assured with agreed boundaries before another neighborhood can begin.

- "The applicants have indicated there likely will be an overlap of neighbourhood phases, whereby the development of neigbourhoods may commence prior to the completion of prior phases. " (CVRD document, page 2)

E. Affordable Housing
Suggested Principles

a) Establish minimum unit sizes for small lots and proposed affordable housing units.

- Size of unit on small lot can be dealt with zoning.
- Benchlands has secondary suites with small lots. Will need to ensure parking available on property. And not on roadways.
- Small lots limit house size.

b) Require purpose built rental housing and a social housing site as conditions of development approval.

- Designated rental units.
- Affordable housing vs. social housing.
- Need to ensure building to same standard of the other housing in the development, if this is a separate entity.
- Social housing can destroy strata because of management. May be better to consider developer contribution to social housing off site.

c) Require more detail from the applicant regarding the affordable housing strategy and separate commitments that are intended to be secured through the development approvals from those that are intended to be unsecured.

- Some affordable housing available for a starting price of $225,000 (today's dollars). Plan is to sell affordable housing at 25% below market rates.
- Consider if appropriate for "CVRD to waive development charges and building permit fees for job creation units, limited equity townhouses, rental units and secondary suites."(Affordable Housing document p.3)

d) Do not compromise sustainable development practices and features to enhance housing affordability.

Meeting adjourned at 3:05 PM.

The next regular meeting will be at 6:30 PM on 13 October 2009 at the Mill Bay Fire Hall.

The next Bamberton meeting will be at 9:00 AM on 21 October 2009 at the Mill Bay Fire Hall.

Area "H" Advisory Planning Commission Minutes (subject to APC approval)

AP4

Date: September 10, 2009

Time: 7:00 PM

Location: Diamond Hall

Members Present: Chairperson – Mike Fall, John Hawthorn, Gary Fletcher, Jody Shupe (7:23), Alison Heikes and Ben Cuthbert

Absent – Jan Tukham, Chris Gerrand, Gaynel Lockstein, Alternate Director Rob Waters

Members of the Public Present: 0

The Chairperson called the meeting to order at 7:13 pm (approx.)

Approval of Agenda: It was moved and seconded that the agenda as circulated, be approved.

The Chair noted that the staff report for Application 1-H09RS (Heart Lake Developments Ltd.) had been received too late for consideration. He circulated copies of the report, and stated that in order to allow Commission members time to read the report, the item would be removed from the agenda. The item would instead be placed on the October agenda. This would also allow time for contacting the applicant.

Motion: **Carried**

Adoption of the Minutes: The minutes of the regular meeting, June 11, 2009 were reviewed. It was moved and seconded, that the minutes of the June 11, 2009 Advisory Planning Commission meeting be accepted as circulated.

Motion: **Carried**

Old Business Arising from the Regular Meeting, March 12, 2009

A. **Application No. 2-H-08RS (Wiggens):** To amend Electoral Area H OCP Bylaw No. 1497, and Zoning Bylaw No. 1020 to allow subdivision of the subject property into four parcels.

Delegate(s) present: Neither the applicant or the applicant's representative was present.

One member of the Commission questioned when the revised application would be coming back to the Commission for further discussion and approval prior to a public hearing as per the June minutes. The Chair advised that the minutes indicate that the application would come back to the Commission for perusal; that a memo was circulated with the revisions; that the minutes had been circulated and adopted as being correct by the Commission.

Motion:
It that was moved and seconded that further discussion of this application be continued after the next application was considered.

Motion: **Carried**

New Business: **Application No. 2-H-ALR (Hobson)**: An application made to the Agricultural Land Commission, pursuant to Section 20(3) of the *Agricultural Land Commission Act*, for the purpose of constructing a second dwelling on the subject property.

Delegate(s) present: Stephen Hobson, his wife, his mother and his mother-in-law:

The delegate gave a brief overview of the application and the reasons he was requesting the second dwelling. The applicant intends to construct a new home and would like approval for retaining the existing dwelling as a second residence for a family member. Construction has started; he has signed a covenant to remove the second dwelling if he is not successful in receiving ALR approval of this application.

Discussion ensued after a brief question and answer period.

Motion:
It was moved and seconded that a site visit be conducted prior to making a recommendation on this application, and that a special meeting be convened at the North Oyster Community Centre immediately following the site visit.

Motion: **Carried**

After discussion with the applicant, the Commission scheduled the site visit for
Monday, September 14th at 6:00 pm.

Regular Business:

A. Director's Report: Directory Marcotte provided an update on the following:
- Wiggens Application
- Heart Lake Developments Application
- Rice Farm Application
- Two ILMB Dock referrals
- RDN Boundary expansion
- Derelict Vessels
- NOFD new hall committee
- Pending developments in the region

Discussion ensued.

Next Meeting: A special meeting of the Advisory Planning Commission will be held
Monday, September 14, 2009 immediately following the 6:00 pm Hobson site visit.
– North Oyster Community Center

Next Regular Meeting: The regular meeting of the Advisory Planning Commission will be held
Thursday, October 8, 2009 @ 7:00 PM
– **North Oyster Community Center**

Adjournment: Moved and Seconded at 8:50 (approx) Motion: **Carried**

September 10, 2009

Acting Secretary

AP5

Area "H" Advisory Planning Commission Minutes (subject to APC approval)

Date: September 14, 2009

Time: 6:15 PM

Location: Site Visit to 13801 Hill Road.

Members Present: Chairperson – Mike Fall, – Chris Gerrand, John Hawthorn, Gary Fletcher, Jody Shupe, Ben Cuthbert, Alison Heikes

Members Absent: Secretary Jan Tukham,

Also Present: Director Marcotte,

Members of the Public Present: Applicants Mr. and Mrs. Hobson.

Purpose: As per application 2-H-09ALR Pursuant to section 20(3) of the Agricultural Land Commission Act, for approval for two residential dwellings on the subject property.

Site Visit and Meeting: After a site visit with the Hobson's and meeting at the North Oyster Community Hall a discussion was held and the following motion was made:

That this APC support this application and recommend approval for two dwellings on the subject property provided that the smaller building which is to be used for a family member, be decommissioned after the building is no longer required for that purpose.

Motion: Carried

Adjournment: Moved and Seconded @ 7:30 PM

Motion: Carried

Jan Tukham – Secretary
(Minutes prepared by John Hawthorn and C Gerrand)

AP6

Advisory Planning Commission Minutes
Area D – Cowichan Bay

Date: September 22, 2009
Time: 7:00 PM

Minutes of the Electoral Area D Advisory Planning Commission held on the above noted date and time at Bench Elementary School, Cowichan Bay.

PRESENT		ALSO PRESENT	
Chair	Calvin Slade	**CVRD Rep**	None
Vice-Chair	Kevin Maher		
Secretary	Dan Butler		
Members	Al Jones		
	Hillary Abbott		
	David Slang		
	Brian Hosking		
	Jenny Searle		
	Gord Rutherford		
	Cal Bellerive	**Guests**	
Absent	Lillian Talbot		
Director	Lori Iannidinardo		
Alt. Director			

ORDER OF BUSINESS

1. **Development Permit Application 4-D-09DP (Partridge/Sharpe)**

Presentation By the Applicants (Craig Partridge, Ron Sharpe, Karen Hillel)

- The proposal is a 14-unit condominium development that recently received re-zoning.
- The units will be 2 bedrooms with a den and range from 1,120 and 1,250 sf.
- The proponents are aware of the 7.5 meter height restriction above average natural grade and have had natural grade determined by a BC Land Surveyor (BCLS) to ensure they do not exceed this restriction.
- The BCLS will take measurements during construction to ensure height is not exceeded.
- The drawings indicate the design height is to the framing – the intention is for the height to be to the final finished surface and the drawings will be amended to reflect this.
- No fill or excavation has taken place on the site that would affect natural grade.
- The neighbour's sewer goes through the site and will have to be moved. The proponents are willing to grant an easement for this purpose and will assist the neighbour in installation of a new sewer line.
- Will adjust building location on site and/or lower building into ground to ensure height restriction met, if necessary.

Discussion

Members had discussion primarily about the height issue including:

- Concerns expressed that previous developments had exceeded height restrictions in spite of assurances from the developers and the community expects future developments to follow the bylaw.
- The proposed average natural grade calculation appears to be based on the building footprint including the open corridors and the unenclosed exterior stairs, while the bylaw appears to require the calculation be based on the footprint of the main building excluding the exterior corridor and stairs. This has had the impact of increasing the height of the building beyond what is permitted.
- A number of members expressed a strong desire to have the proponents ensure the neighbour with the trespassing sewer line on the site be accommodated.
- Exterior lights should be shielded to ensure lights do not impact neighbours or detract from the ambiance of the village.

Recommendation

By a vote of 10 to 0, the members recommend:

- That CVRD staff determine if the current calculation of average natural grade is correct, as it appears it does not comply with the bylaw.
- If the height calculation is correct, the proposed design should be approved.
- If the height calculation is not correct, the design should be revised to comply with the revised average natural height and resubmitted to the APC for consideration.

2. **Re-Zoning Application 1-D-09RS (Kolenberg)**

Presentation By the Applicants (Randy Kolenberg and Ron Kolenberg)

- The applicants are seeking re-zoning of the property on behalf of the owners (Dog House Restaurant Ltd) for the purpose of establishing a high end used car sales business.
- The site has high potential for this use because other car dealers are located close by.
- The Kolenbergs recently received the necessary motor vehicle repair and sales licences.
- The site would hold about 30 vehicles and a building.
- Screening not too practical, but security fencing would be required.
- Site is not being maintained and is attracting garbage so development would actually improve the look of the site.

Discussion

Members discussions covered the following points:

- Neighbouring car sales businesses do not conform to the zoning bylaw.
- The OCP calls for this area to be commercial/tourism.
- The neighbouring properties are appropriate for the OCP visions and car sales would not be compatible.
- It is envisioned that the future of this area will attract higher profile tourist/commercial uses and that permitting this change would obstruct that goal.

Recommendation

By a vote of 10 to 0, the members recommend this application be turned down because it is contrary to the vision of the OCP.

3. **Traffic At Four Ways Junction**

Discussion

- The Cowichan Bay Road, Koksilah Road and Waldy Road intersection is experiencing a high number of accidents and danger to users is increasing as traffic increases.
- The presence of large clumps of Japanese Knotweed is hampering the ability to see traffic approaching from the right or left when ones vehicle is stationary at the stop sign road markers.This weed growth is contributing to the generation of an additional road safety hazard and should be removed entirely or kept in check by regular cutting to ground level
- The Ministry of Transportation and Infrastructure is responsible for road improvements and it is difficult to get their attention.
- All agreed that a traffic circle would improve traffic flow and safety.

NEXT MEETING

Tuesday October 20th at 7:00 – Bench Elementary School

ADJOURNMENT

The meeting was adjourned at 9:00 PM

_____
Dan Butler
Secretary

IN 1

THETIS ISLAND PORT COMMISSION

Minutes of Meeting April 27, 2009 at Forbes Hall

Present: Carolyn Askew, Doug Darling, Don Hunter, Patrick Mooney, Joe Squire, Mel Dorey CVRD

M/S/C adoption of December 4, 2008 meeting Minutes

The Treasurer reported a bank balance of $24,585. as of November 30, 2008.

Carolyn has agreed to act as Secretary

Maintenance report

a) A notice will be sent to E Spokes for publication to the effect that 2 boats and trailers parked at the boat launch will be removed by May 15, 2009. The owners to be encouraged to collect and remove their property before May 15, 2009,
b) The bumper board is to be replaced on the boat ramp. Doug and Joe will carry out this repair,
c) Paint is needed on the dock upper railing and pipe tie up on the float, a work party is needed for this job,
d) Sea anemones are growing on the swim ladder and are to be removed/discouraged, a work party is needed for this job,
e) the sign on the wharf in the turn around area is broken, Joe will inquire into sign prices,

Old business

a) 2 garbage cans are needed one of which is for re-cycling – Don will purchase appropriate can

b) M/S/C J. Woods be asked to inspect the wharf and provide an estimate of the cost of preparing an ongoing maintenance, repair , replacement plan

Patrick will contact J. Woods

New business

a) CrossCut Trees invoice ($47.) is to be sent to Tom Anderson for payment

b) M/S/C Thetis Island Port Commission support the proposed study into the feasibility of incorporation under the *Local Government Act* of Thetis Island.

c) A new Board member is needed, Joe will place an announcement in E Spokes

Next meeting: in September at the call of the Chair

C·V·R·D

MEMORANDUM

DATE: October 8, 2009

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

FROM: Brian Duncan, Chief Building Inspector

SUBJECT: **BUILDING REPORT FOR THE MONTH OF SEPTEMBER, 2009**

There were 62 building Permits and 3 Demolition Permit(s) issued during the month of September, 2009 with a total value of $ 4,917,300

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"				327,400	51,760		5	51	379,160	7,704,397
"B"				722,655	360,955		21	117	1,083,610	9,989,976
"C"				1,063,940	29,600	3,500	8	65	1,097,040	6,323,450
"D"			350,000	268,130	33,235		6	29	651,365	2,053,580
"E"			20,000	457,540	21,000	134,400	9	32	632,940	1,763,695
"F"				133,920	39,600		3	26	173,520	953,310
"G"				300,000	100,000		3	16	400,000	2,063,575
"H"			10,000	0	71,870		5	28	81,870	1,806,600
"I"				108,815	308,980		5	35	417,795	3,313,790
Total	**$ -**	**$ -**	**$ 380,000**	**$ 3,382,400**	**$ 1,017,000**	**$ 137,900**	**65**	**399**	**$ 4,917,300**	**$ 35,972,373**

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

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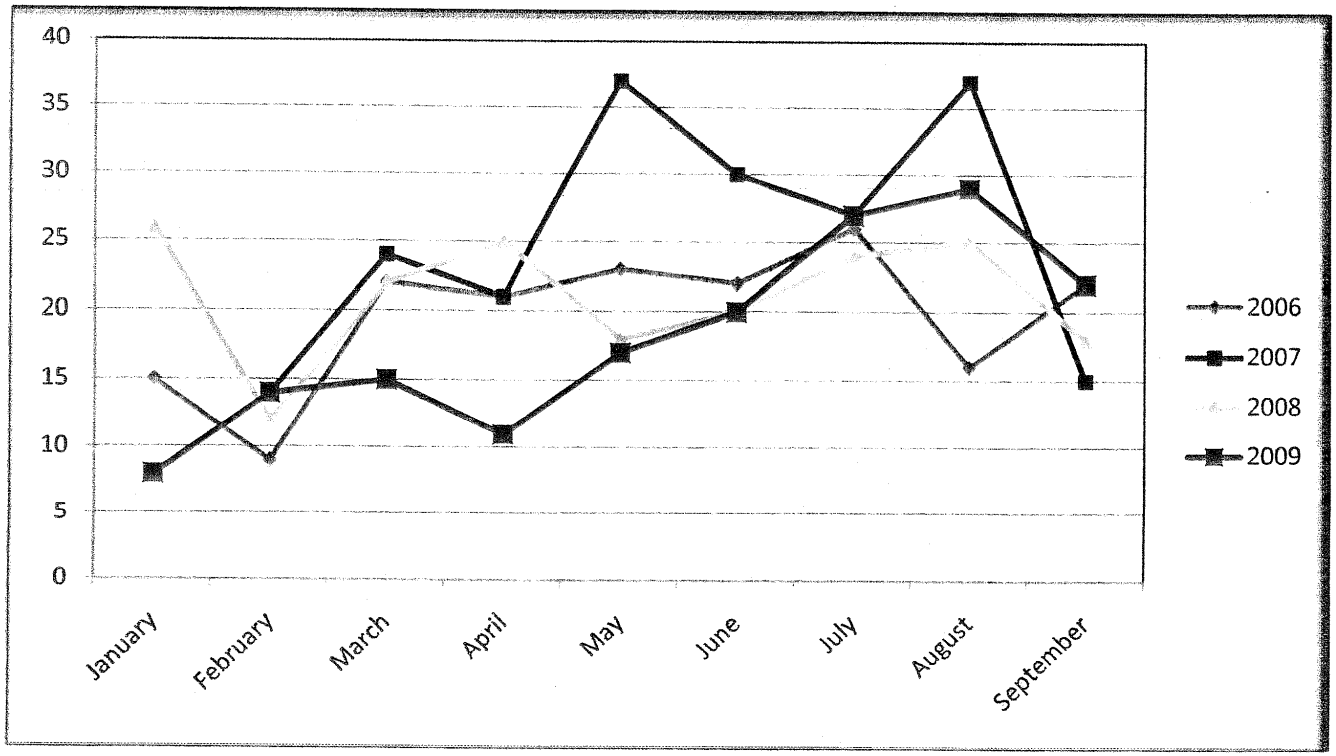
C·V·R·D

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
July	26	27	24	27
August	16	37	25	29
September	22	15	18	22



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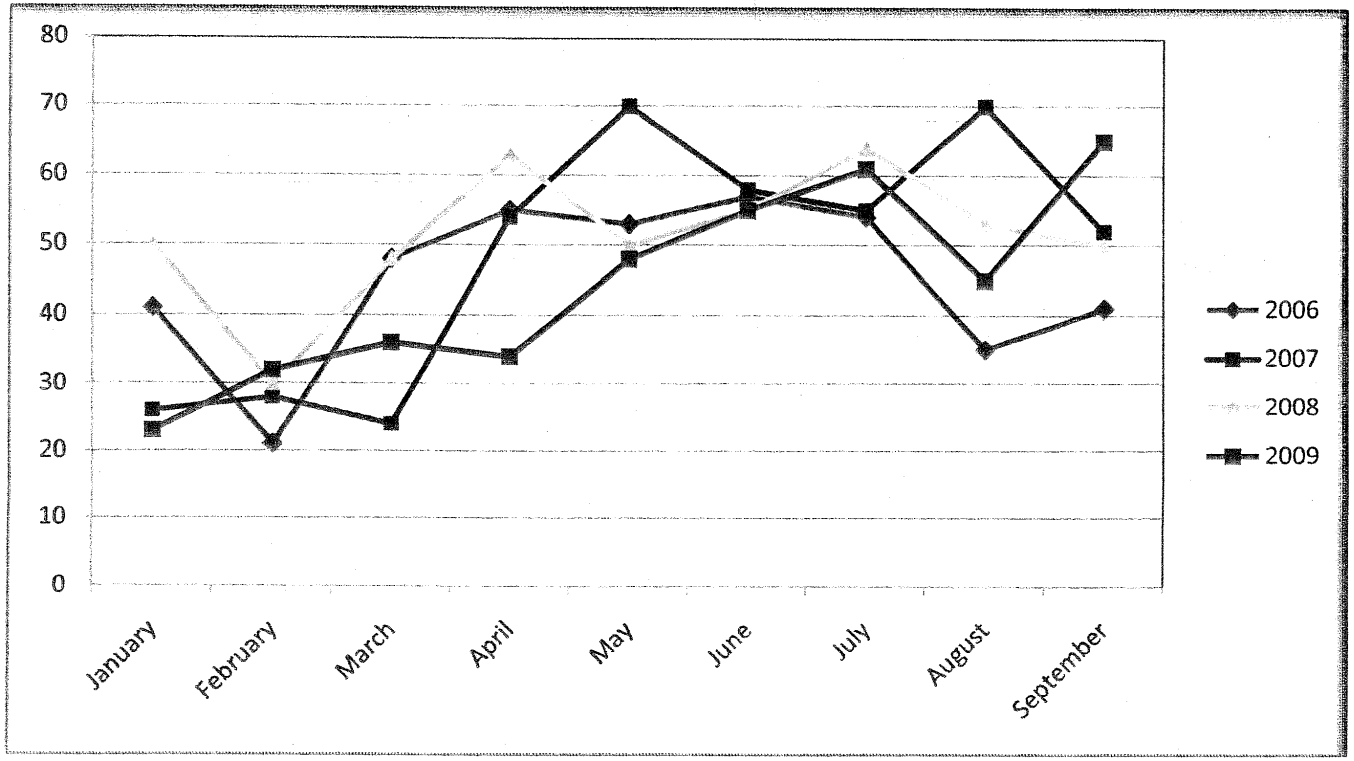
C·V·R·D

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
July	54	55	64	61
August	35	70	53	45
September	41	52	50	65



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