



**NOTICE OF
ELECTORAL AREA SERVICES COMMITTEE MEETING**

Tuesday,
July 6, 2010
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 pm

A G E N D A

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Tuesday, August 3, 2010
13. **ADJOURNMENT**

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

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

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

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

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, June 15, 2010 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

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

CVRD STAFF

Tom Anderson, General Manager
 Rob Conway, Manager
 Mike Tippet, Manager
 Brian Farquhar, Parks and Trails Manager
 Joe Barry, Corporate Secretary
 Jill Collinson, Planning Technician
 Alison Garnett, Planning Technician
 Tanya Soroka, Parks Planner
 Ann Kjerulf, Planner III
 Brian Duncan, Chief Building Inspector
 Cathy Allen, Recording Secretary

**APPROVAL OF
AGENDA**

The Chair noted changes to the agenda which included deleting agenda item SR3, adding four listed new business items, and adding one 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 June 1, 2010, EASC meeting, be accepted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

DELEGATIONS

D1, NB1 – van Nieuwkerk

Roger van Nieuwkerk, was present regarding Cowichan Bay petition for affordable access to the Cowichan Aquatic Center. Mr. van Nieuwkerk showed a power point presentation. The petition stated that those who signed the petition are in favour of Cowichan Bay having affordable access to the Cowichan Aquatic Center available to all residents and therefore approve of contributing to the funding of the Cowichan Aquatic Center through property taxation.

The Committee directed questions to staff.

It was Moved and Seconded

That, in the event the Board does not proceed with the creation of a Regional/Sub-Regional Funding Model for the Cowichan Aquatic Centre by November 2010; that an Annual Financial Contribution Service be created for Electoral Area D – Cowichan Bay for the purpose of contributing to the cost of operation and maintenance of the Cowichan Aquatic Centre with a maximum requisition limit of \$132,000”.

It was Moved and Seconded

That the issue of Electoral Area D – Cowichan Bay contributing to the cost of operation and maintenance of the Cowichan Aquatic Centre be referred to staff, and that a report be brought back to the EASC respecting available funding to hold a referendum vote, including public consultation/information costs.

MOTION CARRIED

D2 - Lamont

Jill Collinson, Planning Technician, presented Application No. 2-G-10DVP (Kevin Lamont) to relax the setback to the rear parcel line for an accessory building at 11204 Chemainus Road. Two letters of support were received.

Kevin Lamont, applicant, was present, and provided further information to the application.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

That Application No. 2-G-10DVP by Kevin Lamont for a variance to Section 5.3(4) of Zoning Bylaw No. 2524, decreasing the setback of the rear parcel line from 7.5 metres to 1.5 metres, be approved subject to the applicant providing a survey confirming compliance with approved setbacks.

MOTION CARRIED

D3 - Gerz

Alison Garnett, Planning Technician, presented Application No. 1-E-10DVP (Reinhold Gerz) to vary the front yard setback from 7.5 metres to 3.7 metres, to allow construction of an accessory building at 4332 Gerz Road.

The applicant was not present.

There were no questions from Committee members to staff.

It was Moved and Seconded

That Application No. 1-E-10DVP by Reinhold Gerz to relax the setback of an accessory building on Lot 1, Section 9, Range 9, Sahlam District, Plan 19055 except parts in Plan 23851, 24796, 26014 and VIP 54052, from 7.5 metres to 3.7 metres, be approved subject to:

- a survey confirming compliance with the approved setback prior to issuance of building permit,
- the applicant obtaining a permit from the Ministry of Transportation and Infrastructure for construction within a road setback.

MOTION CARRIED

D4 - Shadlock

Jill Collinson, Planning Technician, presented Application No. 5-A-09DP (Tom Shadlock/Brentwood College) to construct a new visual arts centre for Brentwood College School located at 2735 Mt. Baker Road.

Tom Shadlock, applicant, was present and provided further information to the application.

It was Moved and Seconded

That Application No. 5-A-09DP be approved and that the Planning and Development Department be authorized to issue a Development Permit to Brentwood College Association with respect to Lot A, Section 2 and 3, Range 9, Shawnigan District and District Lots 2067 and 2068 Cowichan District Plan EPP10, provided that there is no additional geo-thermal unit encroachment into the Bay and that existing units stay within designated boundaries.

MOTION CARRIED

**SR9 – Area B Parks
Master Plan**

Tanya Soroka, Parks and Trails Planner, presented Staff Report dated June 15, 2010, regarding Community Parks and Trails Master Plan for Electoral Area B – Shawnigan Lake.

It was Moved and Seconded

That the Community Parks and Trails Master Plan for Electoral Area B – Shawnigan Lake be received for adoption by Bylaw as the basis to define the future direction, policies, priorities, and actions of the Community parks and trails program in Electoral Area B over the next fifteen to twenty years (2010 – 2025).

MOTION CARRIED

SR10 – Wake Lake

Tanya Soroka, Parks and Trails Planner, presented Staff Report dated June 15, 2010, regarding Wake Lake Surplus Parkland Disposal Bylaw.

It was Moved and Seconded

1. That the Board approve the subdivision and sale, at fair market value through the retention of a realtor working on behalf of the Regional District, of an approximately 0.8 hectare portion of Lot 2, Section 7, Range 9, Plan VIP83485 of that portion of the Sahtlam Land District, as such lands are considered surplus to the needs of the Regional District.
2. That the Board Chair and Corporate Secretary be authorized to execute all necessary documents for the subdivision and sale of the surplus lands, with the proceeds of sale to be used for paying down the debt against the purchase of the subject property and all costs associated with the subdivision and sale of the surplus land portion, with the remaining proceeds of sale, if any, to be applied to the Community Parkland Reserve Fund for Electoral Area E.

MOTION CARRIED

SR1 – Valdes Island

Brian Duncan, Chief Building Inspector, presented Staff Report dated June 9, 2010, regarding Valdes Island brochure.

It was Moved and Seconded

That the CVRD and Islands Trust forward the newly created “Local Government on Valdes Island” brochure to all registered owners of Valdes Island.

MOTION CARRIED

SR2 – Bylaw 3392

It was Moved and Seconded

1. That “CVRD Bylaw No. 3392 – Shawnigan Lake Historical Society Annual Contribution Services Amendment Bylaw, 2010” be forwarded to the Board for consideration of three readings and following provincial and voter approval, be considered for adoption.
2. That voter approval for adoption of CVRD Bylaw No. 3392 be obtained through an Alternative Approval Process.

MOTION CARRIED

SR3 – Bylaw 3393

Agenda item SR3 (Staff Report dated June 9, 2010, from Kathleen Harrison, Legislative Services Coordinator, regarding Bylaw No. 3393 – A Bylaw to Create an Annual Financial Contribution Service for the Cowichan Station Area Association within a Portion of Electoral Area B), was removed from the agenda.

SR4 – Dogwood Ridge Works Upgrade

Dave Leitch, Manager, presented Staff Report dated June 9, 2010, regarding Dogwood Ridge Capital Works Upgrades.

It was Moved and Seconded

That an additional \$100,000 of Community Works funding be allocated for upgrades to the Dogwood Ridge Water System to reduce the annual cost charged to customers of the system.

It was Moved and Seconded

That staff be directed to investigate what exact amount of Community Works funding would be required for upgrades to the Dogwood Ridge Water System, and advise where the funds would be derived from, and that the information be brought back to the next EASC meeting.

MOTION CARRIED

SR5 – Sustainable Communities Conference

It was Moved and Seconded

That up to six (6) Directors be authorized to attend the Building Sustainable Communities Conference in Kelowna from November 16-18, 2010.

MOTION CARRIED

SR6 – November EASC meeting

It was moved and Seconded

That the regular scheduled EASC meeting for Tuesday, November 16, 2010, be cancelled.

MOTION CARRIED

**SR7 – I-1 Zone,
Area C**

It was Moved and Seconded

1. That a zoning amendment bylaw be prepared to amend the Area C – Cobble Hill Zoning Bylaw No. 1405 by rezoning Lot A, Section 13, Range 6, Shawnigan District, Plan VIP51903 and Lot 1, Section 13, Range 6, Shawnigan District, Plan 29581, from Light Industrial I-1 to Light Industrial – Limited I-1C, and that the amendment bylaw be forwarded to the Board for consideration of 1st and 2nd readings.
2. That property owners and owners of lands adjacent to the subject lands be notified of the amendment in accordance with the *Local Government Act*; and that a public hearing be held with Directors Giles, Harrison and Morrison named as delegates of the Board.

MOTION CARRIED

**SR8 – Cowichan Bay
Sewer Units**

Rob Conway, Manager, presented Staff Report dated June 9, 2010, regarding Cowichan Bay Estates request for Sanitary Sewer Units.

Dave Conway, Creative Engineering Services, was present representing the owners of Cowichan Bay Estates.

The Committee directed questions to staff and Mr. Conway.

It was Moved and Seconded

That an Agreement be prepared for the transfer of up to 90 sewer units from the Eagle Heights Specified Service Area and up to 36 sewer units from the North Cowichan Sewer System to the Cowichan Bay Specified Service Area and assignment of the units to Parcel B (DD 47244I) of Range 6 and Lot 1, Section 5, both of Range 4, Cowichan District (Cowichan Bay Estates).

MOTION CARRIED

APC

AP1 - Minutes

It was Moved and Seconded

That the minutes of the Area G APC meeting of June 4, 2010, be received and filed.

MOTION CARRIED

**CORRESPOND-
ENCE**

C1, NB2, NB3

It was Moved and Seconded
That the following grants-in-aid be approved:

1. That a grant-in-aid (Area D) be given to the Cowichan Valley Seniors Dragon Boat Society in the amount of \$500 to support the new "Huff and Puffs" Dragon Board group.
2. That a grant-in-aid (Area F) be given to the Honeymoon Bay Volunteer Firefighters Association in the amount of \$2,500 to support the "Bay Days" fireworks display in August.
3. That a grant-in-aid (Area F) be given to the Cowichan Lake District Chamber of Commerce in the amount of \$5000 to support 2010 Info centre initiatives in the Lake Cowichan region.

MOTION CARRIED

PARKS

PK1, PK2 - Minutes

It was Moved and Seconded
That the minutes of the Area G Parks Commission meeting of May 3, 2010 and May 27, 2010 be received and filed.

MOTION CARRIED

INFORMATION

IN1 – Building Report

It was Moved and Seconded
That the May 2010 building report be received and filed.

MOTION CARRIED

NEW BUSINESS

NB4 – Bylaw 3384

It was Moved and Seconded
That the Board Chair formulate and forward a letter to the Minister of Community and Rural Development outlining the rationale behind the creation of CVRD Bylaw No. 3384, (Nature and Habitat Fund Establishment, Area I) which is presently before the Ministry for approval, and that a copy of the letter be forwarded to the Town of Lake Cowichan.

MOTION CARRIED

CLOSED SESSION

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

MOTION CARRIED

The Committee moved into Closed Session at 4:55 pm.

RISE

The Committee rose without report.

ADJOURNMENT

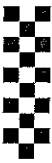
It was Moved and Seconded
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 5:55 pm.

Chair

Recording Secretary

Fax 2
Attn. C

D1

COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

REQUEST FOR DELEGATION

APPLICATION DATE:

June 28, 2010

NAME OF APPLICANT:

Jennifer Freshwater

ADDRESS OF APPLICANT:

181 Station St Duncan BC

PHONE NO.:

250-748-8506

REPRESENTING:

Cowichan Green Community
Name of Organization

MEETING DATE:

Tues July 6, 2010 @ 3pm.

COMMITTEE/BOARD NAME:

Electoral Area Services Committee

NO. ATTENDING:

2

NO. WISHING TO MAKE A PRESENTATION:

2

TOPIC TO BE PRESENTED:

Buy Local! Buy Fresh! Map - represents locally
produced food + the people that make it happen. Connecting
community foodies with community farmers.

NATURE OF REQUEST/CONCERN:

Presentation only (ten minutes)

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



D2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 6, 2010

DATE: June 29, 2010 **FILE NO:** 2-G-10DP

FROM: Jill Collinson, Planning Technician, Development Services Division,
Planning & Development Department

SUBJECT: Application No. 2-G-10 DP (Hart)

Recommendation:

That Application No. 2-G-10DP be approved, and that a development permit be issued to Edward and Patricia Hart for Lot 12, District Lot 34, Oyster District, Plan 13071, subject to the following:

- Compliance with the recommendations for eagle nest noted in the May 4, 2010 report by Sally Leigh-Spencer of Ecologic Consulting;
- Maintain the existing forested buffer around the nest tree in its natural condition.

Purpose:

To consider the issuance of a Development Permit for the construction of a single-family dwelling in accordance with the provisions of the Habitat Protection Development Permit Area contained within OCP Bylaw No. 2500.

Background:

Location of Subject Property: Gardner Road West

Legal Description: Lot 12, District Lot 34, Oyster District, Plan 13071

Date Application and Complete Documentation Received: February 2nd, 2010

Owner: Edward and Patricia Hart

Applicant: As above

Size of Parcel: 0.4 acres

Existing Zoning: R-3 (General Residential)

Minimum Lot Size Under Existing Zoning: 0.4 acres

Existing Plan Designation: General Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North:	Residential (R-3)
South:	Residential (R-3)
East:	Residential (R-3)
West:	Residential (R-2 & R-3)

Services:

<u>Road Access:</u>	Gardner Road West
<u>Water:</u>	Saltair Water System
<u>Sewage Disposal:</u>	Septic system

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: The Cowichan Valley Environmental Planning Atlas (2000) has not identified any Environmentally Sensitive Areas on the subject property. However, an eagle nest has been identified on the adjacent lot to the west, and a Habitat Protection Development Permit Area has been designated over lands within 60 m of this nest, including the subject property

Archaeological Site: No archaeological sites have been identified.

The Proposal:

An application has been made to: The Regional Board to issue a Development Permit in accordance with the requirements of the Habitat Protection Development Permit Policies contained within OCP Bylaw No. 2500.

For the purpose of: construction of a single-family dwelling.

Planning Division Comments:

The subject property is located off Gardner Road West in Electoral Area G, Saltair. It is situated within the Habitat Protection Development Permit Area, which was established to protect the nest sites of eagle, hawk, osprey, owl, peregrine falcon and great blue herons. While the nests, eggs and young are protected under the Wildlife Act, buffer areas around the nests are not protected, and these birds are very sensitive to disturbance around their nests. For this reason, the development permit areas have been established in order to protect the habitat surrounding the nests and the root integrity of the nest trees.

The applicants have applied for a development permit to permit the construction of a single-family dwelling within 60 metres of the identified eagle nesting tree and have supplied a site plan highlighting the preferred building location. All proposed development activities must obtain a development permit conforming to the specified guidelines prior to receiving building permit approval from the CVRD. The applicants have submitted a report prepared by a Registered Professional Biologist (R.P.Bio) from the firm Ecologic Consulting who provided the following recommendations with regards to any development within the 60 metres of the nest tree (please see the attached report):

- Maintain the present forested buffer around the nest tree;
- If any machine or construction activity is to occur within the 60m zone, it should occur outside the breeding window, unless the nest is not occupied;
- There should be no activity within the 60m buffer during February when eagles are commencing breeding; as disturbance might prevent the use of the nest;
- If the nest is occupied and activities need to occur within the 60m buffer zone, a qualified professional monitor should be retained to determine if the activity is disturbing the birds and if so, appropriate direction should be discussed. All recommendations of the monitor should be adhered to.

The Biologist's report provides recommendations as to when activities should occur and measures to minimize potential impact of construction

Policy Context

The OCP has established guidelines to achieve the objectives of the Habitat Protection Development Permit Area (attached). Also, development proposals subject to a development permit are expected to follow the Ministry of Environment's Best Management Practices.

The submitted report recommends maintaining the forested buffer around the nest tree. The portion of the subject property that falls outside of the 60m buffer zone is the applicant's preferred site for the septic field for the proposed dwelling. As a result the applicant has identified a building envelope 40 metres away from the identified nesting tree in attempt to maximize the separation between proposed house siting and the eagle nest.

The report by the Registered Professional Biologist has identified February as a month when no activity should occur due to this being the time when the eagles commence breeding. The Biologist also identified July as the time when juveniles are fledging and the nest can be extremely sensitive to disturbance. The R.P.Bio also noted that if the nest is occupied and if activities need to occur within the 60m buffer zone that the site should be monitored by a qualified professional to determine if the birds are being disturbed.

As no construction is to occur in February and there are no juvenile eagles fledging July 2010, an environmental monitor should not be necessary for the proposed works. Should works occur during these months in future years, monitoring is recommended.

Advisory Planning Commission:

Members of the Area G Advisory Planning Commission reviewed this application at a meeting held June 4, 2010, and made the following recommendations:

That the Advisory Planning Commission recommend approval of the application subject to the following conditions:

1. *That the forested buffer area around the nest tree be maintained in a natural condition*
2. *That no construction activity be undertaken during the breeding window"*

Final Staff Comments:

Staff has sent a letter to the Ministry of Transportation and Infrastructure advising them of eagle's nest present near Gardner Road West. Staff recommend that the requested development permit be issued, subject to the conditions and recommendations of the Area G Advisory Planning Commissions and the biologist's report.

Options:

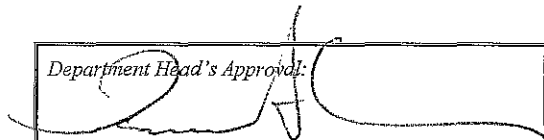
1. That application No. 2-G-10 DP be approved, and that a development permit be issued to Edward and Patricia Hart for Lot 12, District Lot 34, Oyster District, Plan 13071, subject to the following:
 - Compliance with the recommendations for eagle nest noted in the May 4th, 2010 report by Sally Leigh-Spencer of Ecologic Consulting
 - Maintain the existing forested buffer around the nest tree in its natural condition.
2. That application No. 2-G-10 DP be revised.

Option 1 is recommended.

Submitted by,



Jill Collinson,
Planning Technician
Development Services Division
Planning and Development Department

Department Head's Approval: 
Signature

JC/ca



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 2-G-10 DP DRAFT

DATE: JULY XX, 2010

TO: EDWARD & PATRICIA HART

ADDRESS: PO BOX 2074

BANFF, ALBERTA, T1L 1B8

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 12, District Lot 34, Oyster District, Plan 13071 (PID 004-711-564)
3. Authorization is hereby given for the construction of a single family dwelling on the subject property, as noted on site plan in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following condition:
 - a) *Compliance with the recommendations for eagle nest noted in the May 4th, 2010 report by Sally Leigh-Spencer of Ecologic Consulting,*
 - b) *Maintaining, in its natural condition, the forested buffer around the nest tree*
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedule is attached:
 - Site Plan
 - Ecologic Consulting Report dated May 4th, 2010
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Development Services Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO.XXXXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 14th DAY OF JULY, 2010.

Tom Anderson, MCIP
Manager, Development Services

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

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

Signature

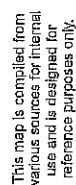
Witness

Owner/Agent

Occupation

Date

Date



The Regional District does not warrant the accuracy.

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

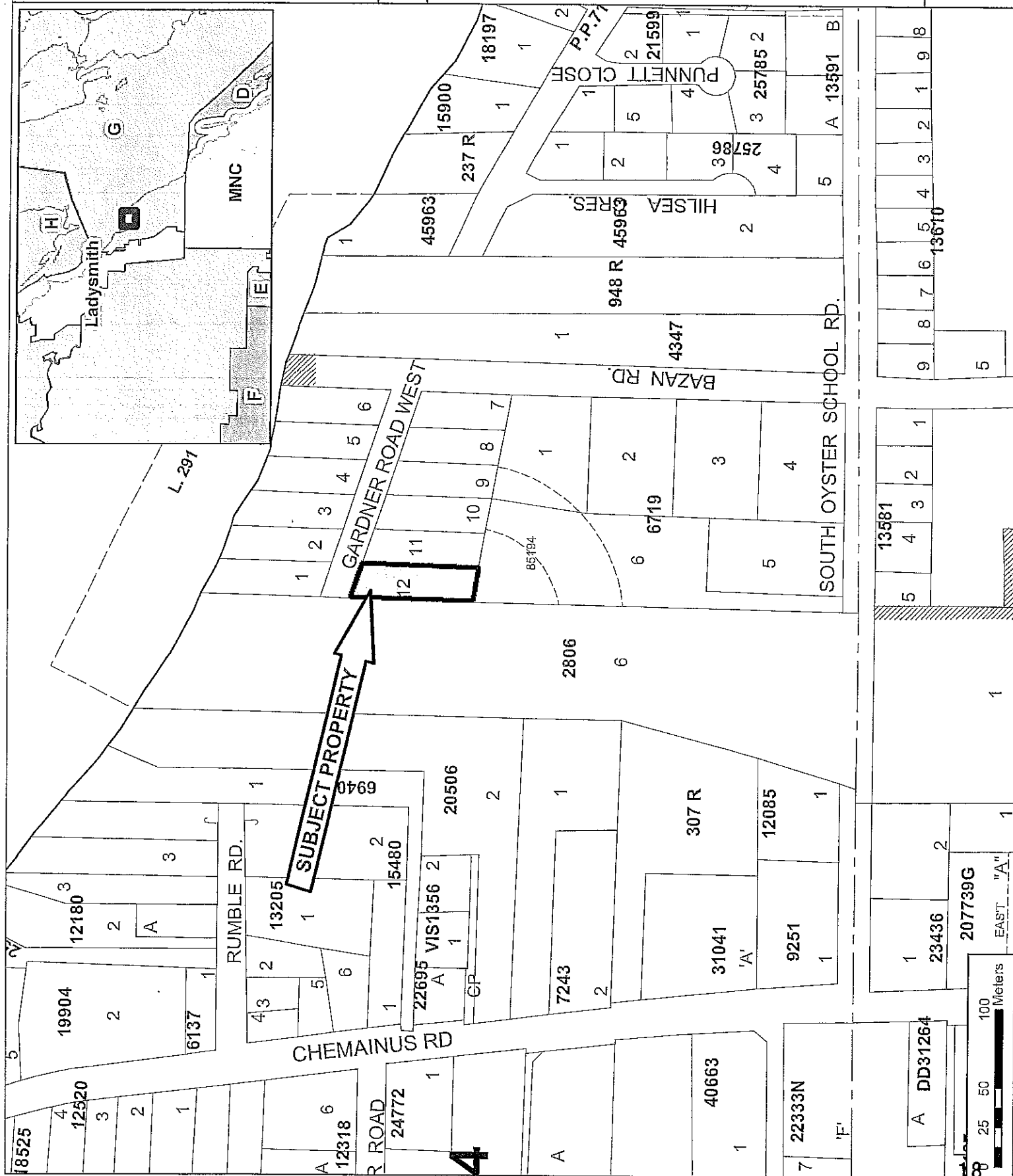
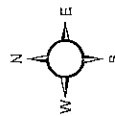
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 2-G-10-DP

Legend



Subject Property





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

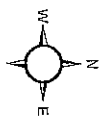
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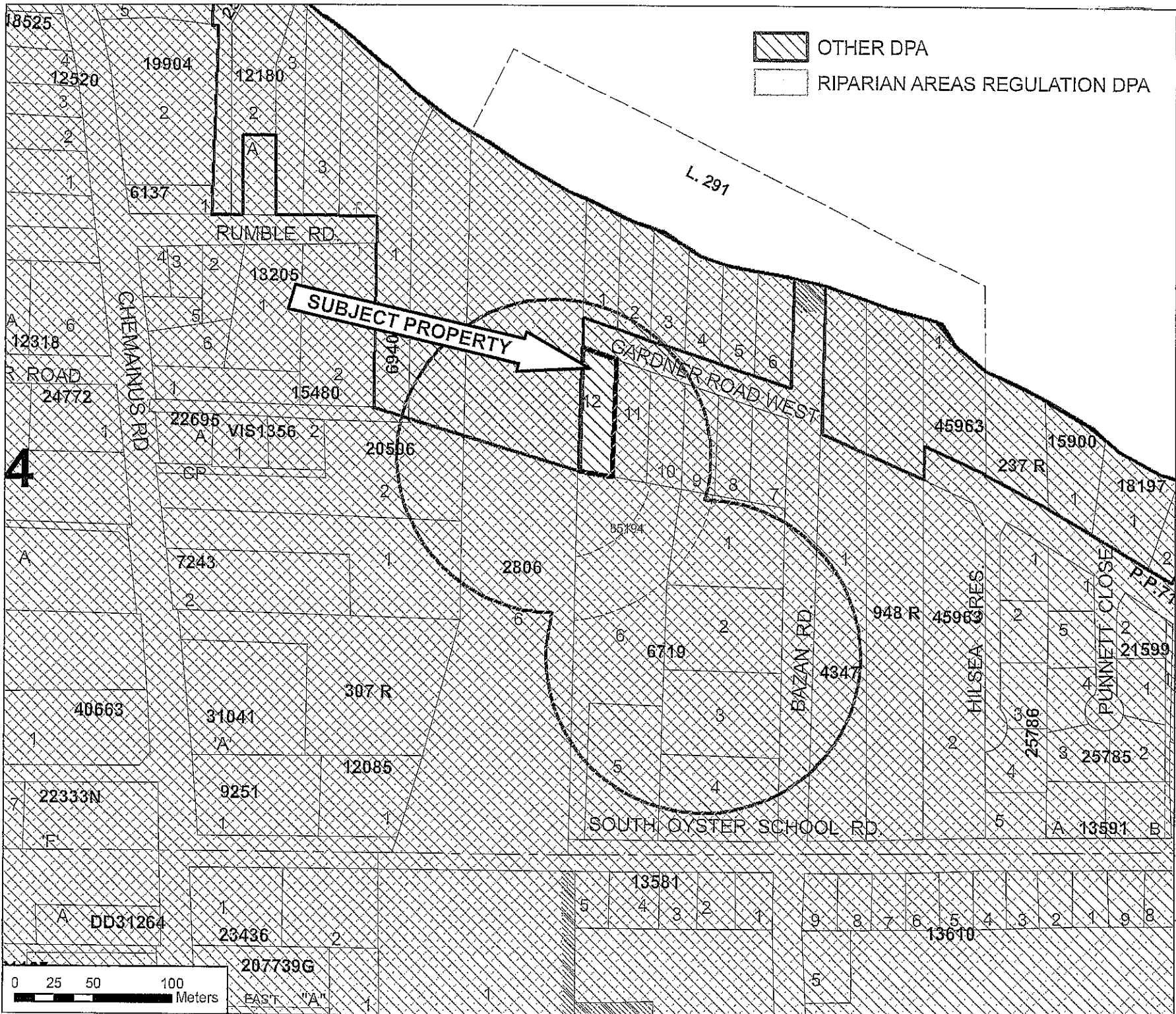
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FILE: 2-G-10-DP

**Orthophoto
(2002)**





Cowichan
Valley
Regional
District

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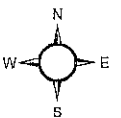
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 2-G-10-DI

DPA

Legend

Subject Property





FILE COPY

June 18, 2010

CVRD File No. 2-G-10DP

Ministry of Transportation
Vancouver Island District
South Coast Region
3rd Floor, 2100 Labieux Road
NANAIMO, BC V9T 6E9

Attention: Debbie O'Brien, District Development Technician

Dear Debbie O'Brien:

**Re: Lot 12, District Lot 34, Oyster District, Plan 13071
(PID: 004-711-564) on Gardner Road West in Saltair, BC**

The Cowichan Valley Regional District is in receipt of a Development Permit Application for the above-mentioned property. This property falls within the Habitat Protection Development Permit Area as an eagle's nest has been noted nearby. The Advisory Planning Commission (APC) for Electoral Area G – Saltair/Gulf Islands, has requested that CVRD Staff contact the Ministry of Transportation to advise them of the nest so that road repairs required can take place outside of the February breeding season.

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

Yours truly,

Jill Collinson,
Planning Technician
Development Services Division
Planning and Development Department

JC/lz

pc: Director M. Dorey, Electoral Area G – Saltair/Gulf Islands
Ted Brown, Chair, Electoral Area G – Saltair/Gulf Islands
Edward and Patricia Hart, Applicant

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Minutes of the Electoral Area G (Saltair)
Advisory Planning Commission
June 4, 2010

In attendance: Ted Brown, Ruth Blake, David Thomas, Gary Dykema, Director
Mel Dorey

The Meeting was called to order at 7:00 p.m. by Chairman Ted Brown.

**1. Application for a property line adjustment by Saltair Properties Limited
(Development Permit Application No. 5-G-10DP)**

John Morris, on behalf of Saltair Properties Limited, was present for this item. Mr. Morris noted that the purpose of the application was to segregate the mini storage facility on the site from the mobile home park located adjacent to Byron's Grocery store on Chemainus Road. This application would have several significant benefits for the mobile home residents including the relocation of access to the storage facility to the redefined adjacent lot. This would result in a significant reduction of traffic through the residential area. In addition, the realignment of the southerly property boundary would create "back yard" space for those units paralleling the property line. Mr. Morris also noted that health approvals had been secured for the sewage treatment facilities required for both of the redefined lots.

The APC suggested that a landscaped buffer be created along the south property line to separate the residential area from the commercial area and Mr. Morris undertook to do this.

Following discussion of the application, the following motion was made:

*That the Advisory Planning Commission recommend approval of
the proposed property line adjustment.*

Carried Unanimously

**2. Application to remove a tree, construct a path and build a retaining wall
(Development Permit Application No. 1-G-10DP)**

Mr. Ken Bosma appeared on behalf of the applicant, John Merrett. The subject land is a waterfront property within the Ocean Shoreline Development Permit Area located at the foot of Clifcoe Road. Mr. Bosma stated that the purpose of the application is to provide beach access for this lot. He noted that there had been a previous Development Application for this site made by the developer

that would have led to the removal of a significant number of trees from the site and that the property owner did not support this application. Mr. Bosma drew attention to the geotechnical assessment that had been prepared as part of the application and, in particular, the finding that the proposed pathway will help improve slope stability.

A concern over the removal of the single tree proposed by the application was voiced by one APC member. In this regard, it was noted that the construction of the path would compromise the root system for this tree thus creating a potential hazard and that, in terms of retaining trees on the site, the current application was a significant improvement over the previous proposal which would have led to the removal of a significant number of the trees on the site.

Following discussion of the application, the following motion was made:

"That the Advisory Planning Commission recommend approval of the application subject to the following conditions:

- 1. that the recommendations of the geotechnical report be adhered to with respect to the slope and gradient of the proposed path, design of retaining walls, topsoil removal, choice of construction materials and drainage;*
- 2. that a remedial landscaping plan be prepared and implemented to help ensure slope stability."*

Carried Unanimously

The APC also recommended that, at the time of full site development, a storm water management plan be prepared for the site and that the Building Inspector ensure that this plan is implemented. The concern in this regard is that, in terms of the waterfront properties along the Saltair bluffs, the danger of land slumpage often results from the lands above the top of the bank becoming saturated during heavy rainfalls as opposed to erosion from wave action at the foot of the bank.

3. Application to construct a single family dwelling (Development Permit Application No. 2-G-10DP)

This application, which is located on Gardner Road West, is to permit the construction of a single family dwelling within the Habitat Protection Development Permit Area. In particular, the subject site lies within 60 metres of an eagle nesting tree. The applicants, who currently reside in Banff, were unable to be present for the meeting, although the APC Chair did discuss the application with them by telephone.

Following discussion of the application, the following motion was made:

"That the Advisory Planning Commission recommend approval of the application subject to the following conditions:

- 1. that the forested buffer area around the nest tree be maintained in a natural condition;*
- 2. that no construction activity be undertaken during the breeding window."*

Carried Unanimously

The Commission also recommended that, at the time the house is constructed, steps be taken to insure that upland drainage not infiltrate the septic field at the front of the property. This could be achieved by establishing, at the time of house construction, a curtain drainage system to redirect drainage from the lands to south of the property away from the septic field. This would help avoid the problem that has occurred in other parts of Saltair where effluent from septic fields has flowed into the roadside ditches.

In addition, the Commission thought it important that the Highways Department/Encom be advised of the presence of the eagle nest so that the road repairs required in this area take place outside the breeding season.

4. Proposed Official Community Plan Amendments Respecting Greenhouse Gas Emissions

An initial discussion took place regarding this matter. It was agreed that the Chairman will request a Word version of the amendments proposed by staff to facilitate the APC's "customizing" of the wording to fit the Saltair situation.

Ted Brown
Chairman
Saltair Advisory Planning Commission

20.4 – HABITAT PROTECTION DEVELOPMENT PERMIT AREA

20.4.1 CATEGORY

The **Habitat Protection Development Permit Area** is designated pursuant to Section 919(1)(a) of the *Local Government Act*, to protect the natural environment, its ecosystems and biological diversity.

20.4.2 AREA OF APPLICATION

The **Habitat Protection Development Permit Area** applies to areas of land within 60 metres of an eagle, hawk, osprey, owl or peregrine falcon nest, and within 100 metres of a Great Blue Heron nest, including areas shown on **Map 10 - Habitat Protection Development Permit Area Map**.

20.4.3 JUSTIFICATION

Pursuant to Section 919 of the *Local Government Act*, the **Habitat Protection Development Permit Area** is established to address the following:

- (a) The OCP aims to provide for greater protection of nest sites from direct and indirect development. The nests, eggs and young of eagles, hawks, herons, ospreys, owls and peregrine falcons, are protected pursuant to the *Wildlife Act*; it is an offence to destroy, remove, or injure any of these features. However, only the actual nests, eggs and young are protected under the *Wildlife Act*. To ensure the viability of the nests and the rooting integrity of the nest trees, the Ministry of Water, Land and Air Protection recommends buffer areas surrounding these trees.
- (b) The OCP recognizes that Great Blue Herons are currently blue-listed (threatened) while Bald Eagles are currently yellow listed (regionally significant). These species, as well as other eagle, hawk, owl, osprey, and peregrine falcon species are extremely sensitive to disturbance around their nest sites. The OCP aims to ensure that their nests, and the surrounding habitat area upon which they rely, are not disturbed.

20.4.4 GUIDELINES

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

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

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

- (a) If adequate, suitable areas of land for the use intended exist on a portion of the parcel which lies outside of the **Habitat Protection Development Permit Area**, the proposed development should be directed to those areas in order to minimize development in the DPA. The precautionary principle will be used, with the onus being on the applicant to demonstrate that encroaching into the **Habitat Protection Development Permit Area** is necessary due to circumstances such as topography, hazards or lack of alternative developable land. All other options to accommodate buildings, structures and land uses outside of the **Habitat Protection Development Permit Area** should be considered;
- (b) Where a parcel of land is entirely within the **Habitat Protection Development Permit Area**, the development should be sited so as to maximize the separation between the proposed building/land use and the wildlife tree or trees. In cases where the appropriate course of action is unclear, the applicant may be required to prepare, at his/her own expense, a report by a qualified professional biologist, which will identify the area of lowest environmental impact which is suitable for the use intended. In such cases, mitigation and restoration measures may be required to minimize the impact of the encroachment;
- (c) Construction at a time of year and using construction methods that minimize the impacts on the **Habitat Protection Development Permit Area** will be encouraged;
- (d) At the time of subdivision, restrictive covenants may be required to protect the nest trees from land development impacts;
- (e) All development proposals subject to a development permit should use the Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (2004) (BC Ministry of Water, Land and Air Protection).

20.4.5 EXEMPTIONS

The following will be exempted from the requirement of obtaining a development permit in the **Habitat Protection Development Permit Area**:

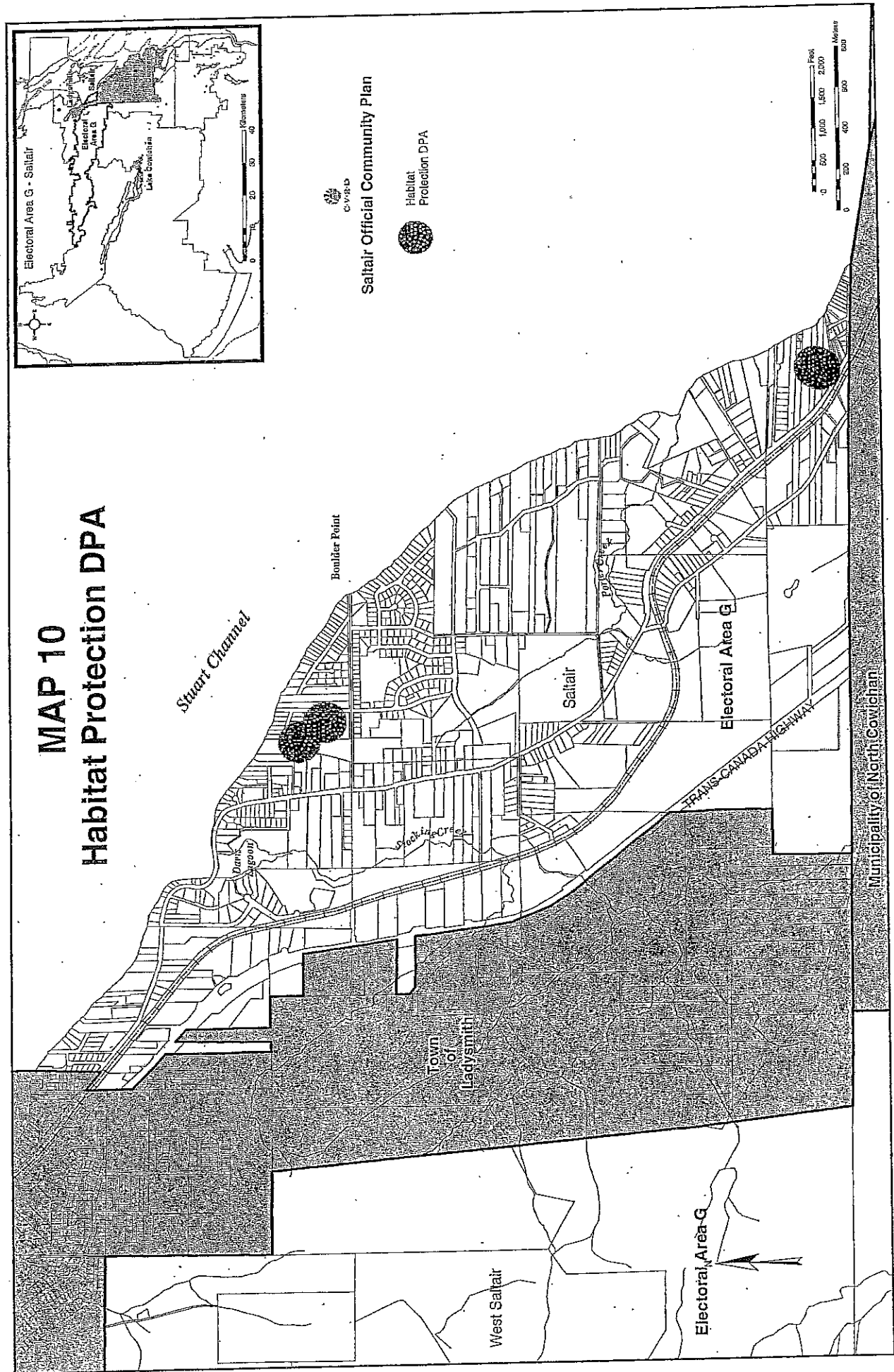
- (a) Development more than 60 metres from an eagle, hawk, osprey, owl or peregrine falcon nest, and more than 100 metres from a Great Blue Heron nest;
- (b) Interior and minor exterior building renovations;
- (c) Construction, repair and public maintenance works by agents or contractors of the government of Canada or British Columbia or the CVRD;
- (d) Fence building, growing, rearing, producing and harvesting of agricultural products in areas affected by the *Farm Practices Protection Act*, in accordance with recognized standards of the *Farm Practices Protection Act*;
- (e) A trail, provided that:
 - 1. the trail is outside of the root zone of the wildlife nest tree, and otherwise provides a direct route of passage through the development permit area, avoiding the most sensitive area;;
 - 2. sensitive habitat will not be impacted by the presence of the trail;
 - 3. no vehicles are permitted;

4. the trail is a maximum of 1.5 metres in width; and
 5. no trees greater than 5 metres in height and 10 centimeters in diameter are removed;
- (f) The planting of trees, shrubs or groundcovers for the purpose of enhancing the habitat values and /or soil stability within the **Habitat Protection Development Permit Area** provided that the planting is carried out in accordance with the *Environmental Best Management Practices for Urban and Rural Land Development in British Columbia*, published by the provincial Ministry of Water, Land and Air Protection.
- (g) The removal of invasive plants or noxious weeds within the **Habitat Protection Development Permit Area**, including but not limited to English Ivy, Scotch broom, Gorse, Himalayan Blackberry, morning glory and purple loosestrife, provided that the works are carried out in accordance with the *Environmental Best Management Practices for Urban and Rural Land Development in British Columbia* (2004), published by the provincial Ministry of Water, Land and Air Protection.
- (h) The removal of hazardous trees that pose a threat to existing development.

20.4.6 APPLICATION REQUIREMENTS

- (a) Before the CVRD authorizes the issuance of a development permit for a parcel of land in the **Habitat Protection Development Permit Area**, the applicant must submit a development permit application, which at a minimum includes:
- (1) a written description of the proposed project;
 - (2) reports or information as listed in the relevant Development Permit Guidelines;
 - (3) information in the form of one or more maps, as follows:
 - location/extent of proposed work;
 - location of all eagle, hawk, owl, osprey, peregrine falcon and/or Great Blue Heron nests;
 - location of watercourses, including top of bank;
 - topographical contours;
 - existing tree cover and proposed areas to be cleared;
 - existing and proposed buildings;
 - existing and proposed property parcel lines;
 - existing and proposed roads, vehicular access points, driveways, and parking areas;
 - existing and proposed trails;
 - existing and proposed septic tanks, treatment systems and fields;
 - existing and proposed community water lines and well sites.
- (b) In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense, an environmental impact assessment, certified by a registered professional biologist, assessing any impacts of the project on eagle, hawk, osprey, owl, peregrine falcon or Great Blue Heron nests in the area.

MAP 10 **Habitat Protection DPA**





Ecologic Consulting

Sally Leigh-Spencer, R.P. Bio.

5632 Menzies Road
Duncan, BC V9L 6G7
P: 250.748-3047
F: 250.748-5047

May 4, 2010

Mr. T. Hart
(email: TedHart@shaw.ca)
Banff, Alberta

Re: Eagle Nest Tree Adjacent to Lot #12

Dear Ted;

I have reviewed your Sketch Plan for Lot #12 (District Lot 34, Oyster District, Plan 13071) in relation to the Bald Eagle's nest on the adjacent property to the west. From my field assessment on April 29th, 2010, the nest is situated in a 2m diameter old-growth Douglas fir with a broken top. The surrounding forest is a 100+ year-old fir, western red-cedar and maple dominated stand with an understory of younger western red cedar, alder, Himalayan blackberry, red huckleberry, ocean spray, Oregon grape and sword fern. An alternate nest/perch tree is situated approximately 75m to the west. The two nest trees are the only old growth trees visible in the area. There were no eagles present at the time of the survey however there have been reports of two eagles at the nest recently.

Raptors, including Bald Eagles are protected under Section 34 of the *BC Wildlife Act* and subsection (b) provides protection year-round to the nest. The CVRD *Electoral Area G – Saltair Official Community Plan Bylaw No. 2500 – Habitat Protection Development Permit Area* applies to land within 60 metres of an eagle nest. Based on the Sketch Plan for your lot, your building site is within the 60 m setback from the eagle's nest. From discussions, I understand that you do not plan to clear any of the forest between your building site and the nest tree, other than the removal of invasive Himalayan blackberry.

Eagles will usually arrive at the nest site in January and begin nesting in February. Juveniles will fledge by mid to late July, sometimes possibly into August. They can be extremely sensitive to disturbance during the egg laying and fledgling stage of their development and any disturbance during this period can cause the adults to leave the nest, presenting the eggs and young vulnerable to predation.

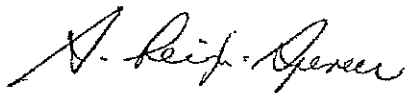
The following recommendations pertain to any development within the 60m setback from the nest:

- Maintain the present forested buffer around the nest tree.
- If any machine or construction activity is to occur within the 60m zone, it should occur outside the breeding window, unless the nest is not occupied.
- There should be no activity within the 60m buffer during February when eagles are commencing breeding; as disturbance might prevent the use of the nest.

- If the nest is occupied and activities need to occur within the 60m buffer zone, a qualified professional monitor should be retained to determine if the activity is disturbing the birds and if so, appropriate direction should be discussed. All recommendations of the monitor should be adhered to.

If the above stated recommendations are adhered to during the development of your property, there should be no impact to the successful long-term use of the eagle nest tree from activity on your lot. If you have any further question concerning the development of your property, please contact me.

Yours truly,

A handwritten signature in cursive script, appearing to read "S. Leigh-Spencer".

Sally Leigh-Spencer, R.P.Bio.

Gardner Rd. W.

Lot 12, District Lot 34, Oyster District, Plan 13071

Development Application

As defined in *Electoral Area G – Saltair Official Community Plan Bylaw No. 2500* the subject property falls within Category 20.4.1 **Habitat Protection Development Permit Area** due to the presence of an eagle nesting tree located on an adjacent property (see “Sketch Plan of Improvements” attached) requiring application for a Development Permit.

The *Guidelines* (20.4.4) address a 60 metre separation between the nesting tree and development on the property, subsection (a) requiring development outside the permit area if possible and subsection (b) requiring siting so as to maximize the separation between the proposed building/land use and the tree. In the case of the subject property, approximately 80 percent of the lot towards its rear falls within the 60 metre zone, and, as explained below, development requirements regarding a septic field effectively eliminate development outside the zone.

The applicant proposes building a single family residence on the lot, but has not yet determined the plan to be built. Accordingly, the application identifies a development “envelope” of approximately 50’ by 60’ that could reasonably incorporate a moderate sized residence with a small side and rear yards.

In accordance with the direction of the *Guideline*, the applicant is attempting to site the development as far forward on the lot as development circumstances allow, thereby maximizing the separation from the nesting tree. The results of the perc tests carried out on the lot by Bowater Backhoe Services are attached and indicate that the front of the lot is the best location to construct the septic system. I have had regular discussions with George Bowater concerning the septic system over the past several years and he has advised on the requirements of the system given the slope of the lot and the presence of a seasonal watercourse in the roadside ditch just outside the front of the lot. Mr. Bowater has determined that the field requires a 25 foot setback from the ditch, the field itself would be 15 feet deep, there would be a curtain drain above the field (8 foot allowance) and there is a requirement of a 12 foot setback of the residence from the field and drain. The total is therefore 60 feet and the attached “Sketch Plan of Improvements” has plotted the location of the development envelope accordingly.

The area of the lot appears to have been cleared at an earlier time of the large cedars that still surround its rear, leaving the front 130 to 140 feet an open grassed area while the rear 100+ feet is covered with scattered young native maples infested with non-native Himalayan blackberry. The proposed development envelope resides entirely on the grassed area, requiring that no trees or shrubs be removed other than non-native Himalayan blackberry that continue to move into the grassed area.

The septic field will be approximately 40 feet wide and it is proposed that it be sited towards the west side of the lot to allow a driveway adjacent to the septic area on the east side.

Please be advised for reference purposes that I have discussed the circumstances of this development permit application with Leslie Clarke of the CVRD planning office on several occasions.

E. J. Hart
Applicant

NOTE:

This document is not a substitute for a building permit. Unless otherwise indicated this document shows proposed offsets to the foundation walls with no reference to decks, eaves chimneys, grades, site coverage and building heights etc. The owner/developer should satisfy himself that the proposed building location abides by all registered charges and bylaws.

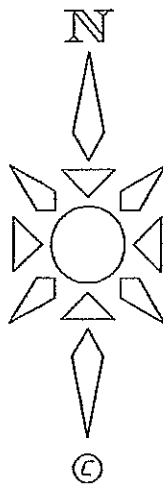
This document was prepared for the purpose intended and is for the exclusive use of our client.

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

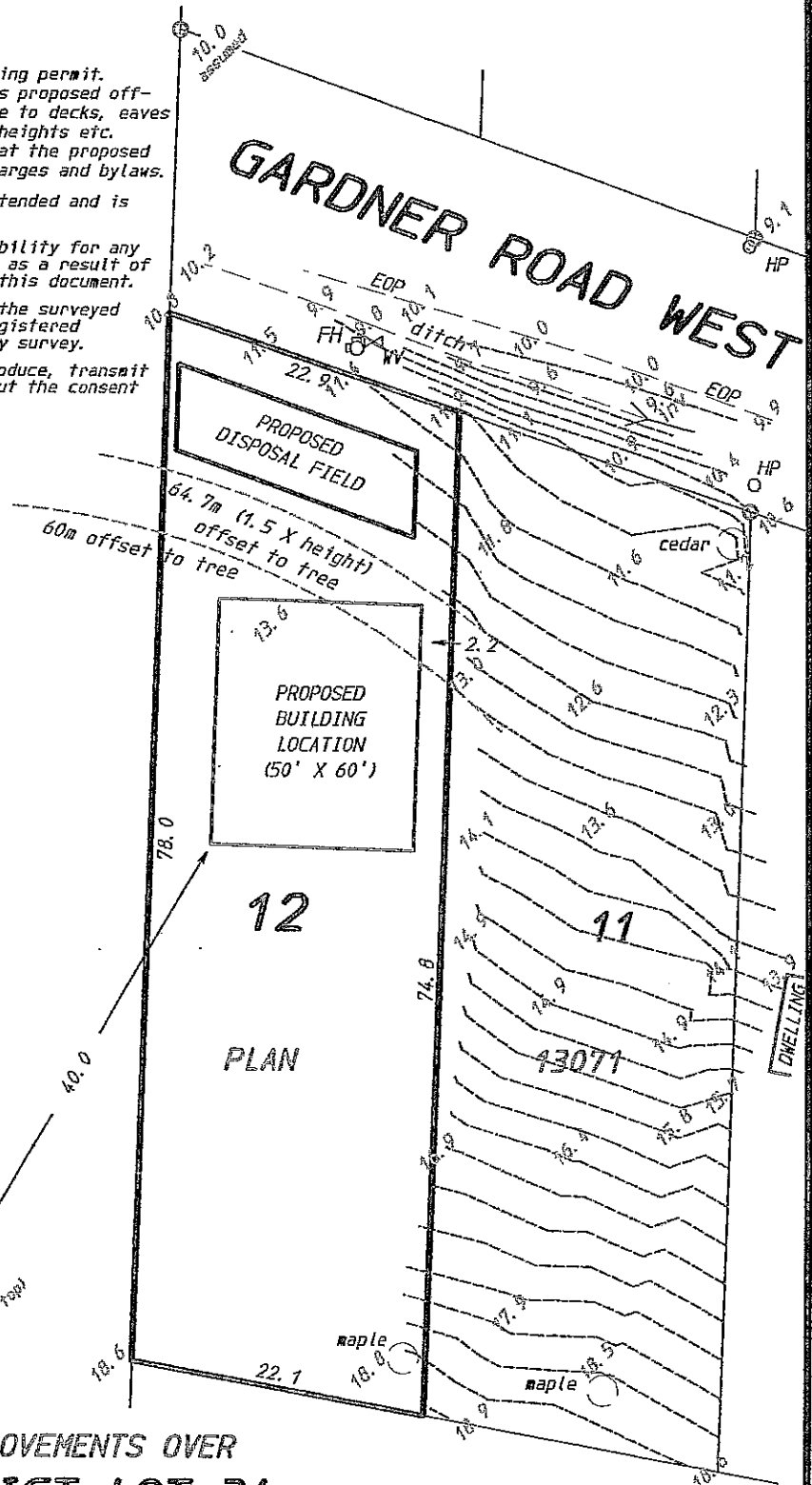
This document shows the relative location of the surveyed structures and features with respect to the registered boundaries of that land, and is not a boundary survey.

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

18.2
62.2
(tree top)
old
nesting tree



nesting tree
21.5
64.6
(tree top)



**SKETCH PLAN OF IMPROVEMENTS OVER
LOT 12, DISTRICT LOT 34
OYSTER DISTRICT, PLAN 13071.**

Scale = 1:500

LEGEND

All distances and elevations are in metres and decimals thereof.
Elevations are assumed derived from post at N/W iron post.

BOWERS & ASSOCIATES.

2856 CASWELL STREET,
CHEMAINUS, B.C., VOR 1K3

PHONE/FAX: 246-4928

File: 3852

Bowater Backhoe Services LTD
2692 Yellow Point rd
Ladysmith, BC
V9G 1E1
250-722-2043
Fax 722-0104



5/30/2006

May 23 2006 Bowater Backhoe Services investigated lot 12, PL 13071, lot 34, Oyster land District for a possible septic system. Four tests pits were done; all are marked on the attached map.

Test pit # 1 was 8in of top soil, with 28in of sand gravel to hard pan surface

Test pit #2 was 8in of top soil, with 34in of sand gravel to hard pan surface.

Test pit #3 was 10in of top soil, with 38in of sand gravel to hard pan surface.

Test pit #4 was 6in of top soil, with 18in of sand gravel to hard pan surface.

All tests pits showed good consistence soils. Test pits # 2, 3 were the better for depth. Test pit #4 showed the hard pan surface increasing this indicates shallower soils in the upper portion of the lot. The lower portion showed much deeper soils and would be the area for septic. To construct a septic system for this lot in the lower area a curtain drain must be placed on the upper side of the system to ensure any winter water would be drain away from the system. Bowater Backhoe Services would design and install a low pressure pump system.

Ted as you requested here are some numbers to look at;

Cost to design, file, maintaince package ect \$1000.00.

To install the designed system for a 3-4 bedroom home would be approx \$8000.00 + GST.

The drain ditch would be approx 1800.00 + GST.

Quotes for septic system will only be held for 60 days as the costs of material are always rising

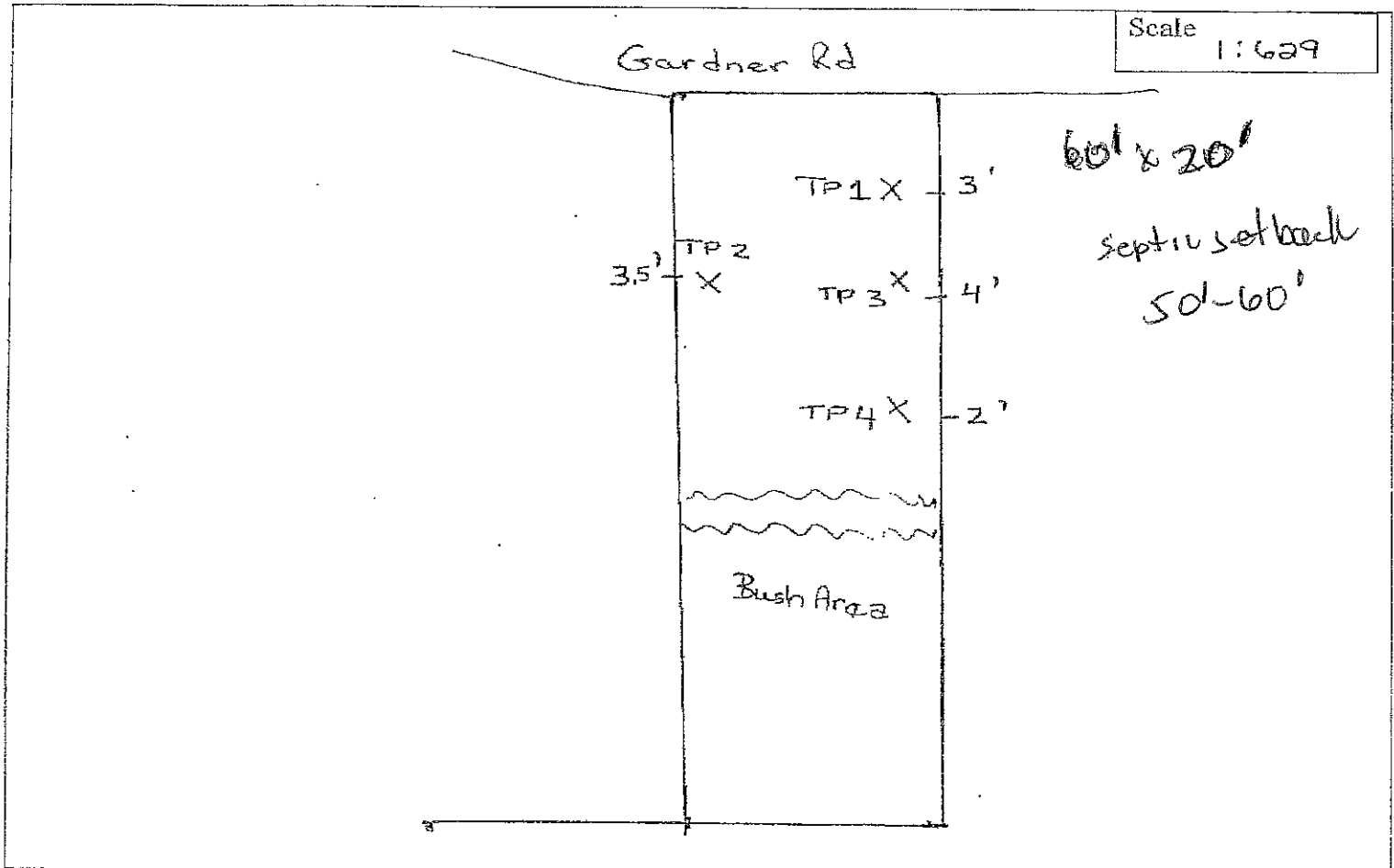
Thank You George Bowater

Bowater Backhoe
Services LTD
2692 Yellow point rd
Ladysmith, BC
V9G1E1

Phone (250)722-2043

Cell 618-4161

Site Plan



Lot Description :

Perc Test Results	Soil # 1	Soil # 2	AP Seal
Hole # 1	8" Soil	8" Soil	GK
# 2	28" Sandgravel	34" sandgravel	
# 3	Soil # 3	Soil # 4	
# 4	10" Soil	6" Soil	
	38" Sandgravel	18" Sandgravel	



D3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 6, 2010

DATE: June 28, 2010 **FILE NO:** 5-G-10 DP
FROM: Alison Garnett, Planning Technician **BYLAW NO:** 2500
SUBJECT: Development Permit Application 5-G-10 DP
(W.R. Hutchinson Land Surveying Ltd. for Saltair Properties)

Recommendation:

That application No. 5-G-10 DP be approved, and that a development permit be issued to Saltair Properties for Lot A, District Lot 31, Oyster District, Plan VIP 54245 and Lot 9, District Lot 31, Oyster District, Plan 4039 except part in plan 41287, to permit a boundary adjustment subdivision, subject to the following:

- development substantially complies with the attached plan of proposed subdivision,
- receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 125% of the landscape costs, to be refunded after two years only if the plantings identified on the Landscape Plan are successful and to the satisfaction of the CVRD.

Purpose:

To consider an application for a development permit, to allow a proposed boundary adjustment within the Commercial Development Permit Area.

Financial Implications: N/A

Interdepartmental/Agency Implications: N/A

Background:

Location: 10860 and 10830 Chemainus Road

Legal Description: - Lot A, District Lot 31, Oyster District, Plan VIP 54245 (PID: 017-771-820)
- Lot 9, District Lot 31, Oyster District, Plan 4039 except part in plan 41287
(PID 006-146-414)

Date Application and Complete Documentation Received: April 15, 2010

Owner(s): Saltair Properties Ltd.

Applicant: W.R. Hutchinson Land Surveying Ltd.

Size of Parcel: Lot A is 1.6 ha (4 acres) Lot 9 is 0.8 ha (2 acres)

Contaminated Site Profile Received: Declaration signed

Existing Use of Property:

- Lot A has a grocery store, mobile home park, single family home and mini storage business
- Lot 9 is vacant

Existing Use of Surrounding Properties:

North: Residential
 South: Commercial
 East: Chemainus Road and Residential
 West: Commercial C-2 Zone

Services:

Road Access: Chemainus Road
Water: Saltair Water system
Sewage Disposal: On site system

Agricultural Land Reserve Status: N/A

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas does not identify provincially designated sensitive ecosystem polygons within the subject property, and none were identified by staff during a site inspection.

Archaeological Sites: None identified

Existing Plan Designation: Commercial

Existing Zoning: C-2 Local Commercial

Minimum Lot Size Under Existing Zoning: 0.4 ha for parcels serviced by community water system

The Proposal:

An application has been made to the Regional District for a Development Permit, in accordance with the Commercial Development Permit guidelines of Official Community Plan Bylaw No. 2500. No construction is being proposed, however the CVRD has received a subdivision application referral from the Ministry of Transportation and Infrastructure, which proposes to adjust the boundaries between two commercial properties.

Planning Division Comments:

The subject properties are two adjacent lots, both zoned C-2 Local Commercial, and located along Chemainus Road. Lot A is 1.6 ha rectangular shaped lot with the following uses: a grocery store, mobile home park, single family home and mini storage business. The adjacent Lot 9 is a vacant lot fronting onto Chemainus Road. The applicant is proposing to adjust the common property line between Lot A and 9. Please refer to the attached plan for an illustration of the proposal.

Essentially, the plan is to expand Lot 9 to include the existing mini storage business, which currently is located at the rear of Lot A. It is intended that the proposed boundary adjustment will accomplish three goals: reduce traffic travelling through the residential area to the mini storage business at the

rear of Lot A, place a viable commercial business on Lot 9 to increase commercial development potential, and resolve the setback non-conformities of the existing mobile homes to Lot A's southern property line.

A boundary adjustment is treated as a traditional subdivision application referral from the Ministry of Transportation. Minimum lot size is not applicable (in this case a 0.4 ha minimum lot size in the C-2 Zone), as Zoning Bylaw No. 2524 has a provision for boundary adjustments which states the following:

Section 3.14 Parcel Realignment and Consolidations

Existing parcels may be consolidated and re-subdivided into new parcels for matters of convenience provided that:

1. *The subject parcels are contiguous;*
2. *No additional lots are created;*
3. *Where the proposed parcels are under 1 ha in size, the boundary change does not result in the reduction of any parcel by 20% or more of its original size;*
4. *The requirements of this Bylaw respecting siting of buildings and structures are complied with.*

The proposal appears to comply with these boundary adjustment regulations. However, a Development Permit is required prior to subdivision. The Commercial Development Permit Area (DPA) was established for the protection of the environment, ecosystems and biodiversity, and for the form and character of commercial, industrial and multi-family residential development. As no construction or alteration of the land is being proposed, only a few of the following DPA guidelines are applicable:

- a) **Rainwater management and site imperviousness:** No increase in site imperviousness is proposed, as no driveways, roadways or buildings are planned at this stage.
- b) **Groundwater protection:** No potentially damaging materials will be used on site.
- c) **BMP for water and land development:** There are no sensitive environmental areas noted on the site.
- d) **Landscaping:** This guideline states that 6 metre wide landscaping should be provided around the periphery of the parcel. No landscaping plans were originally proposed, but the APC recommended that landscaping be completed to separate the residential area from the commercial area. The applicant has since submitted a landscape plan showing that 150 Emerald Cedars will be planted along the 130 metre boundary between the manufacture homes and the commercial use to the south. The development permit guidelines state that owner- designed landscape plans may be reviewed in accordance with the Landscape Standards developed jointly by the BC Society of Landscape Architects (BCSLA) and the BC Nursery Trades Association (BCNTA). However, it appears that the owner-designed plan submitted for this application meets the APC's recommendations and is commensurate with the development being proposed, and therefore would be sufficient for this development permit application.
- e) **Building design:** Not applicable.
- f) **Coordination of vehicle and pedestrian movement:** In some respects the proposed boundary adjustment will improve vehicle and pedestrian movement, especially on Lot A, as it will reduce the commercial vehicle traffic travelling through the residential area to the mini storage business. However, the proposed new parcel lines will result in very jagged property lines, which are not ideal from an aesthetic or practical perspective. Staff have discussed alternatives lot layouts with the applicant, but due to the location of existing septic fields and buildings, no other line layouts appear viable.

There is an existing culvert access point at Chemainus Road to Lot 9 which would be used as the road entrance/exit for the mini storage and potential future development. This will create

duplication of entrance/exits along Chemainus Road, but it is likely a safer option than a single combined residential and commercial entrance.

- g) **Safety of pedestrian routes:** No pedestrian routes are proposed, but the applicant is encouraged to consider this guideline when planning future development on the site.
- h) **Signs:** No new signs are proposed.
- i) **Lighting:** No change is proposed.
- j) **Underground wiring:** The applicant is not proposing to change the existing above ground wiring.

Advisory Planning Commission

The Saltair APC reviewed this application June 4, 2010 and made the following recommendation:

That the Advisory Planning Commission recommend approval of the proposed property line adjustment.

Furthermore, in the minutes the APC suggested that a landscape buffer be created along the south property line to separate the residential area from the commercial area and Mr. Morris undertook to do this.

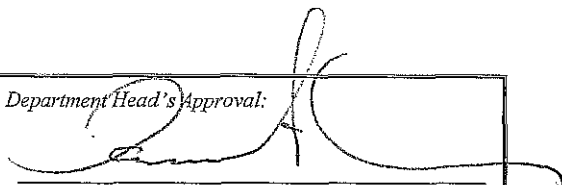
Options:

1. That application No. 5-G-10 DP be approved, and that a development permit be issued to Saltair Properties for Lot A, District Lot 31, Oyster District, Plan VIP 54245 and Lot 9, District Lot 31, Oyster District, Plan 4039 except part in plan 41287, to permit the boundary adjustment subdivision, subject to the following:
 - development substantially complies with the attached plan of proposed subdivision
 - receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 125% of the landscape costs, to be refunded after two years only if the plantings identified in the Landscape Plan are successful and to the satisfaction of the CVRD.
2. That application No. 5-G-10 DP for a development permit for Lot A, District Lot 31, Oyster District, Plan VIP 54245 and Lot 9, District Lot 31, Oyster District, Plan 4039 except part in plan 41287, be revised.

Submitted by,



Alison Garnett,
Planning Technician
Development Services Division
Planning and Development Department

Department Head's Approval: 
Signature

AG/ca



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 5-G-10 DP

DATE: June 28, 2010

TO: Saltair Properties DRAFT

ADDRESS: Suite 400, 1803 Douglas Street
Victoria BC V8T 5C3

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below (legal description):
Lot A, District Lot 31, Oyster District, Plan VIP 54245 and Lot 9, District Lot 31, Oyster District, Plan 4039 except part in plan 41287
3. Authorization is hereby given for a boundary adjustment of the subject properties in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following conditions:
 - *development substantially complies with the attached plan of proposed subdivision,*
 - *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 identified in the Landscape Plan are successful and to the satisfaction of the CVRD.*
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedule is attached:
 - Plan of Proposed Boundary Adjustment by WR Hutchinson Land Surveyors, dated April 15, 2010
 - Landscape Plan, dated April 15, 2010
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Development Services Department.

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 XXX 2010.

Tom Anderson, MCIP
Manager, Development Services

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

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

Signature

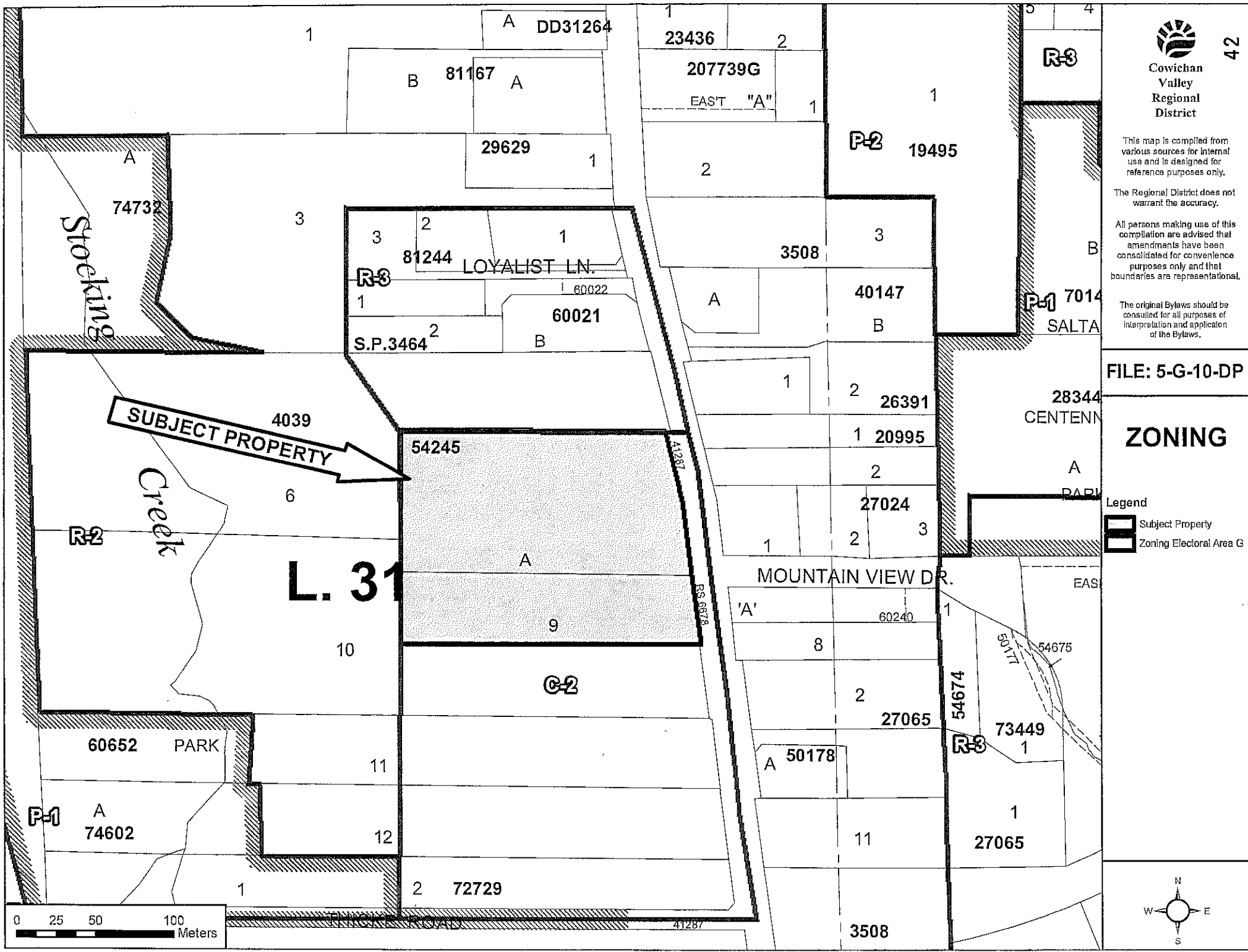
Witness

Owner/Agent

Occupation

Date

Date



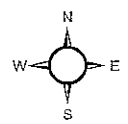
Cowichan Valley Regional District

This map is compiled from various sources for internal use and is designed for reference purposes only. The Regional District does not warrant the accuracy. All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational. The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 5-G-10-DP

ZONING

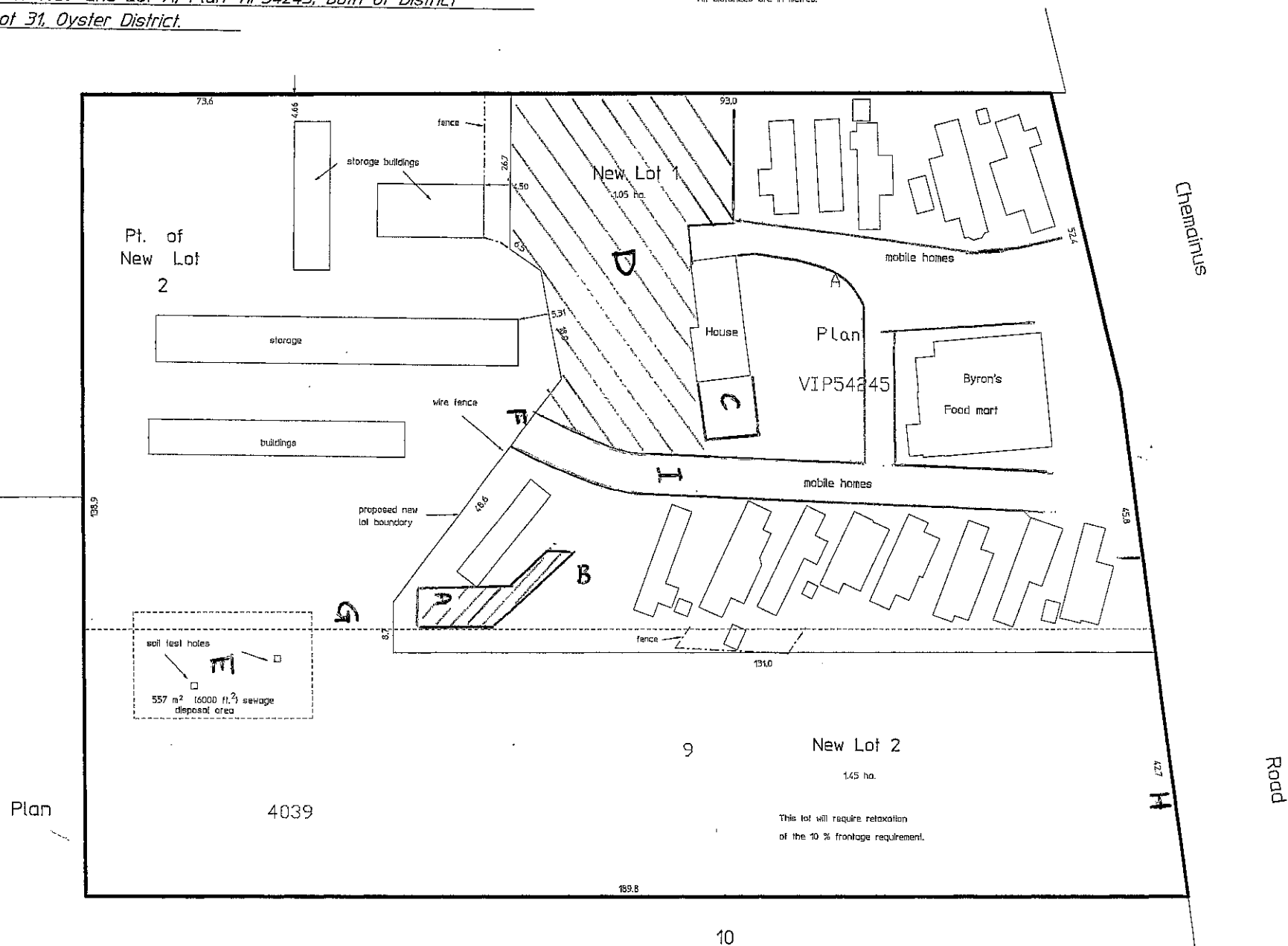
Legend
[Grey Box] Subject Property
[White Box] Zoning Electoral Area G



Plan to accompany Development Permit Application
for approval of a boundary adjustment between Lot 9,
Plan 4039 and Lot A, Plan VIP54245, both of District
Lot 31, Oyster District.

SCALE 1 : 500
 10 5 0 5 10 20
 All distances are in metres.

43



Saltair Properties Ltd.
Boundary Adjustment between lot 9, Plan 4039
And
Plan VIP54245, Both of district lot 31, Oyster District

NOTES:

A - Septic system and treatment plant. This septic system services pad 14 and pad 15. Pad 15 has a new unit on it, this unit is presently up for sale. Pad 14 has an active building permit with the CVRD and will have a new unit placed on the pad when the unit on pad 15 sales. Both new units were permitted by the CVRD and were completed with building permits.

B - Pad 14. A new pad permitted by the CVRD. A home will be added to this location in 2010. This pad is connected to the septic system marked A on the land survey report.

C - Main Treatment Plant. This is the location of the parks primary septic treatment plant.

D - Septic field and secondary site for septic field. D is the existing main septic field and approved secondary site for a septic field for the community under the planned boundary adjustment.

E - Approved Septic location for lot 9. E is the approved primary and secondary septic location for lot 9. There is presently no plans to add capacity to these locations under the present boundary adjustment. They would be used in the event of a future development on the new lot (proposed lot 2).

F - Gate. F is the existing main gate to the mini-storage facility.

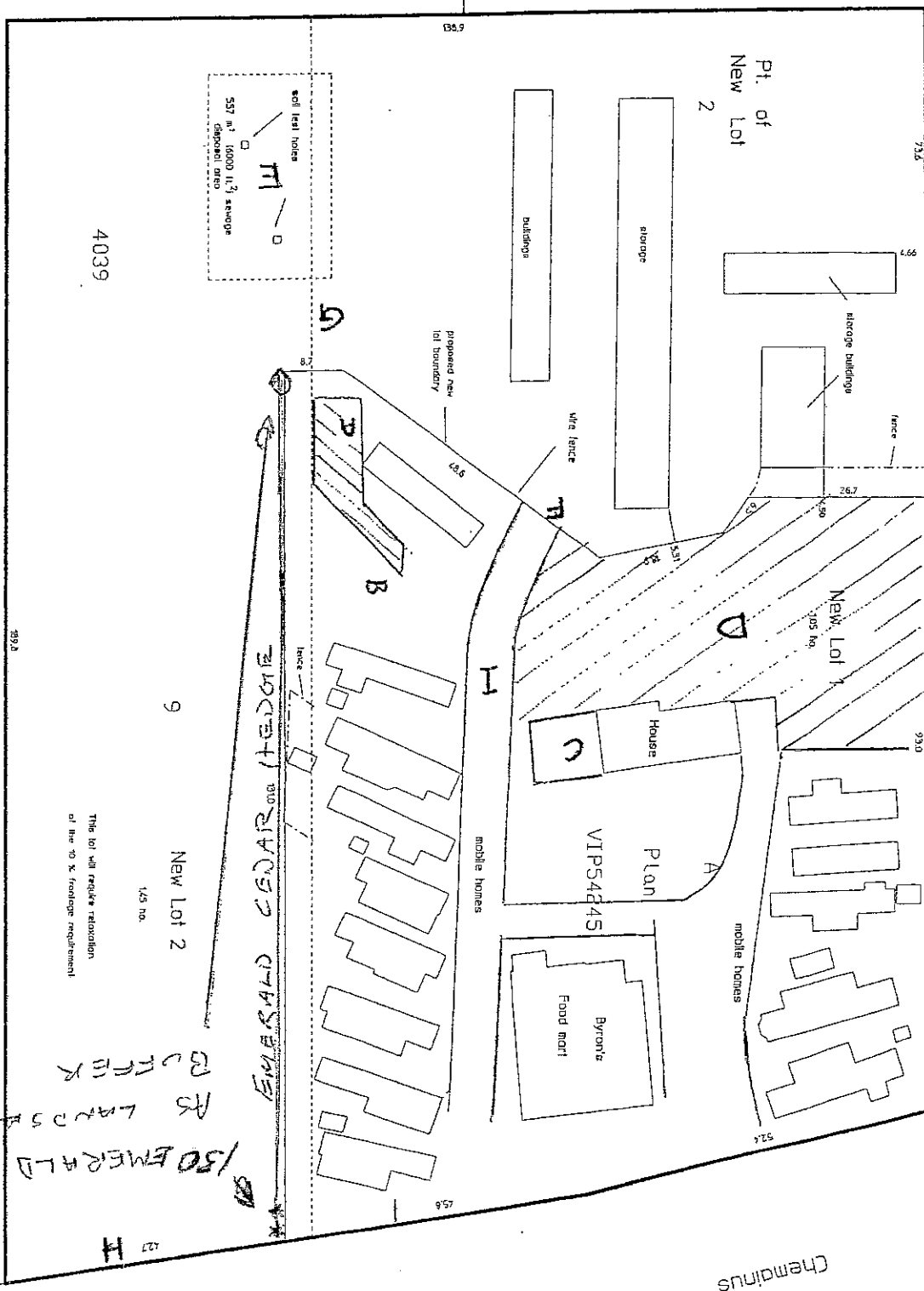
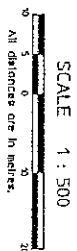
G - Proposed Temporary Gate. G is the proposes Temporary Gate location if the boundary adjustment is approved. The location is temporary as it may be moved in the future under a new development permit. Area G would easily accommodate a gate of 7 meters while conforming to the CVRD bylaws. The temporary road would be constructed using road base and gravel.

H - Culvert and gate location. H is an existing approve culvert with a gate. This location would be used to enter the new lot 2 location. A temporary road would be constructed to access the new gate location (G). The road would be temporary to permit easy adjustment if a more comprehensive development permit was taken out to develop the front of the existing lot 9 location in the future. When the temporary road was constructed the gate to access the mini-storage through the residential portion of new proposed lot 1 would be removed.

I - Road access to mini-storage. I is the access to the mini-storage through the existing property. When the *proposed lot line adjustment* is made the access would be closed off to the mini-storage at location F. I would then be used to service the residences only. Mini-storage traffic would be directed towards the proposed Lot 2 (access point H) and access to the mini-storage would be at the G location.

Plan to accompany Development Permit Application
for approval of a boundary adjustment between Lot 9,
Plan 4039 and Lot A, Plan VIPS4445, both of District
Lot 34, Oyster District.

LANDSCAPE PLAN



Plan

4039

New Lot 2

14.5 m

This lot will require relaxation
of the 10 % floodage requirement

150 EMERALD CEDARS
AS LANDSCAPE
BUFFER 131 M

42.7 H

Road



D 4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 6, 2010

DATE: June 29, 2010

FILE NO: 8-E-09DP

FROM: Jill Collinson, Planning Technician

BYLAW: 1840

SUBJECT: Development Permit Application 8-E-09DP
(Kelvin McCulloch for Buckerfield's Ltd)

Recommendation:

That Development Permit Application No. 8-E-09 DP be approved and that the Planning and Development Department be authorized to issue a Development Permit to Buckerfield's Ltd with respect to Lot 3, Section 14, Range 6, Quamichan District, Plan 15507 to allow for an addition to the existing building, subject to;

- a) The proposed "Buckerfield's" signage on the pergola being replaced with a "B" only;
- b) The proposed signage on the gable of the new addition being consistent with proposed warehouse signage and installation of a half-moon vent above the sign;
- c) The LED sign is static and follows design specifications as per attachment A10a;
- d) Provision of landscape security in the form of an irrevocable letter of credit, equal to 125% of the value of the landscaping;
- e) Oil interceptor installed for all parking lot drainage;
- f) Installation of green or black fencing in conjunction with attachment A5;
- g) Compliance with landscaping plan as per attachment A5.

Purpose:

To consider the issuance of a Development Permit to construct an addition on the existing Buckerfield's building and associated site improvements.

Background:

Location of Subject Property: 5410 Trans Canada Highway

Legal Descriptions: Lot 3, Section 14, Range 6, Quamichan District, Plan 15507, (PID:004-154-614)

Date Application and Complete Documentation Received: November 13, 2009.
Updated plans May 2010

Owner: Buckerfield's Ltd.

Applicant: Kelvin McCulloch

Size of Parcel: 0.9 ha (2.2 acres)

Existing Zoning: I-1 (Light Industrial)

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

Existing Plan Designation: Industrial

Existing Use of Property: Light Industrial

Existing Use of Surrounding Properties:

North: Light Industrial

South: Railway Transportation and Light Industrial

East: Trans Canada Highway and Cowichan First Nations No. 1

West: Railway Transportation and Light Industrial

Services:

Road Access: Frontage Road

Water: City of Duncan

Sewage Disposal: Eagle Heights Sewer Service

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

Environmentally Sensitive Areas: None identified

Archaeological Sites: None identified

Proposal

An application has been made to: the Regional Board to issue a Development Permit, in accordance with the requirements of the Koksilah Development Permit Policies contained within Official Community Plan Bylaw No. 1490.

For the purpose of constructing a 195 m² (2094 ft²) addition to the existing Buckerfield's building to allow for greater retail space.

Planning Division Comments

Policy Context

The subject property is located within the Koksilah Development Permit Area (DPA) as specified within Official Community Plan Bylaw No. 1490 (OCP). The subject property also falls within the Trans-Canada Highway Development Permit Area (DPA) and the Riparian Areas Regulation Development Permit Area (RAR DPA). Thus, there are three DPA's to consider - Koksilah DPA, Trans-Canada Highway DPA and the RAR DPA. However, the RAR DPA was not triggered as there were no creeks or watercourses noted on the subject property and the Trans-Canada Highway DPA does not apply to parcels within the Koksilah Development Permit Area. As a result the only Development Permit Area pertinent to the subject property is the Koksilah DPA.

There are several grounds for the creation of development permit areas, including protection of the natural environment, protection of development from hazardous conditions, and establishment of objectives for the form and character of future industrial, commercial or multi-family development. As stated in the OCP, the Koksilah Development Permit Area was created to ensure design of any commercial and industrial development was keeping with the community's expectations for visual quality and functionality compatibility with surrounding land uses, that future developments offer safety and accessibility and are adequately landscaped, and that the integrity of surface water and groundwater is protected.

Therefore, prior to any new construction a Development Permit needs to be issued to ensure that the form and character of buildings meet certain aesthetic standards and protection of the natural environment has been considered. Attached is Section 14.9 of Area E's Official Community Plan which outlines the guidelines from which to evaluate this application.

Project Description

The subject property is located at 5410 Trans-Canada Highway with access off of Boys Road via Jacob Frontage Road. The applicant is proposing to construct a 2094 ft² (195 m²) addition to allow for the expansion of interior retail space. Currently onsite are two warehouses encompassing 12964 ft² (1204m²). An old 5228 ft² warehouse (noted as Warehouse B on attachment A2) sits in the northwestern corner of the property is largely unused. A larger warehousing area (noted as Warehouse A on attachment A2) houses office space and is attached to the existing 4260 ft² of retail space. Also existing on site are exterior areas for temporary plant sales.

The proposed building addition will be constructed in the mid-northern portion of the lot and will comprise approximately 195 m² (2094ft²) adjacent to existing retail and warehousing space (see attachment A-2). The applicant is also proposing to re-construct the area noted as temporary plant sales to a more aesthetically pleasing temporary structure (see attachment A-2 & A-9). The existing building will remain a combination of offices, warehousing, and retail space.

Koksilah DPA guidelines specify that buildings should be designed in harmony with the aesthetics of the surrounding lands, signage, and landscaping plans, as well as comply with objectives for the form and character of development. This application addresses the guidelines for environmental protection, landscaping, form and character of the building, vehicular and pedestrian access, parking, signage, wiring, and lighting. Attached are the following plans and drawings submitted by the applicant:

A1-Perspective

A2-Site Plan

A3-Partial Site Service Plan

A4-Fence, Grade & Paving Plan

A5-Landscaping Plans

A6-East & South Elevations

A7-West & North Elevations

A8-Sections

A9-Greenhouse & Power Door Plan

A10 & A10a-Signage

A11-Lighting Specifications

A12-MOTI Permit

Koksilah Development Permit Area

The following section outlines how the application complies with the applicable Development Permit guidelines from the OCP. Please see attached Section 14.9 – Koksilah Development Permit Area Guidelines.

a) Environmental Protection

There is no groundwater contaminants produced on-site. Paved area catchments will flow through an oil interceptor prior to entering existing storm water containments. As the site is

predominately gravel and asphalt there is limited impervious surfaces. However, the applicant is proposing to increase the landscaped pervious area by 176 m² (± 1800 ft²) to 581 m² (± 6200 ft²). The applicant is also intending to collect rainwater via roof runoff to use for irrigation of landscaped areas and watering of plant materials sold on site.

b) Landscaping

This guideline states that landscaping will be provided around the periphery of the property with attention being paid to landscaping measures along the road frontage. The Koksilah DPA also strongly encourages use of landscaped berms and raised planter beds as a visual and noise barrier between commercial/industrial uses and the Trans Canada Highway. Planting in the landscaped areas has been developed in accordance with British Columbia Nursery Trades Association standards.

Existing on site is 414 m² (± 4450 ft²) of landscaping. Primarily, the only visible green space is the raised beds that frame the outdoor retail space and an existing water garden area to the rear of the building. Proposed plans will include three landscaped areas and increase landscaped coverage by 167 m² (± 1800 ft²) to a total of 581 m² (± 8250 ft²) (see attached plan A4 & A5). The following species will be used;

- *Oregon Grape*
- *Columnar Cedar*
- *Globe Cedar*
- *Creeping Juniper*
- *Pyramidal Cedar*
- *Rhododendron*
- *Heather*
- *Hypericum*

Further, the applicant has been issued a permit (#2010-00034) by the Ministry of Transportation and Infrastructure to allow for the landscaping and maintenance along the eastern parcel boundary adjacent to Jacob Frontage Road. They are proposing to incorporate raised berms planted with above-mentioned species along the eastern parcel boundary ensuring a visual barrier between the subject property and the Trans Canada Highway (see attached drawing A5). To the rear of the three landscaped areas along the frontage road will be green or black wire-diagonal fencing and rolling gates to provide afterhours theft deterrent (see attached drawing A4).

c) Form and Character of Buildings and Structures

Buildings and structures are to be designed with consideration of improving esthetics of the area. The applicant has indicated that the proposed addition will be similar to the existing building. A new red metal roof, similar to existing, will extend the length of the front of the building and also the proposed area of addition. The applicant is painting the entirety of the front exterior of the building in an off-yellow hue (see attached drawing A1) and has a 5 year plan of repainting the remainder. An architectural cupola is proposed atop the retail section of the building to hide venting and fans. Two gables will be incorporated, south of the cupola, above the warehouse. The cupola and gables will have matching off-yellow hardi-plank facades (see attached plan A8). As the applicant is currently sourcing structural costs, new support posts will be either i) steel posts with a hardi-panel exterior or ii) 3 foot tall cement lower base with 8 inch square fir posts extending from the top of the base up to the roof line (see attached drawing A9). All new and existing posts will match in colour and be complimentary to the building structure.

d) Vehicular Access, Pedestrian Access and Parking

This property is separated from the Trans Canada Highway by Jacob Frontage Road. Access will be provided off of Boys Road with no direct access to the Trans Canada Highway. Vehicular access to the subject property is proposed to be via separate entrance and exit

openings, $\pm 12.49\text{m}$ ($\pm 40\text{ ft}^2$) in width, with a $\pm 13\text{m}$ ($\pm 43\text{ ft}^2$) long landscaped area separating the openings.

As access is proposed to change from what is currently existing, the applicants were required to obtain a permit from the Ministry of Transportation and Infrastructure prior to moving forward with this development permit application (see attached MOTI Permit #2010-00034). The area west of the building will be gravel parking where as the area to the south and east of the building is existing asphalt. There will be two areas re-asphalted at the new separate entrance and exit site to the subject property (see attached plan A4).

Site plans submitted by the applicant indicate that parking requirements outlined in CVRD Bylaw 1001 have been met. The applicant is also providing a cyclist parking area for up to 5 bicycles.

Pedestrian access to the retail space is proposed via a covered walkway at the front of the building that extends to the area proposed for temporary plant sales (see attached drawing A3). The applicant will also be painting a $25 \times 25\text{ft}$ square at the ramp entrance to the retail space acting as a quieting zone for pedestrians.

e) Signs

Guidelines dictate that signs should be reflective of site architecture and landscaping and should be of limited area, not more than 5 metres in height and if multiple signs are required that they should be grouped together. There are further guidelines pertaining to lighting and illumination of signs.

On site there are currently three signs- two fascia signs and one free-standing sign displaying "Buckerfield's" in the corporate colours of black, white and red. The two fascia signs, approximately $12 \times 3\text{ft}$ and $12 \times 8\text{ft}$ respectively, are fixed to the existing building's overhang; one above the retail space and one above the warehouse/loading area. The free-standing sign is in the northeastern corner of the property is approximately 6 feet off the ground, $12 \times 8\text{ft}$ in size and houses a reader board. All of the existing signs will be removed.

The applicant will be replacing existing signage. There is to be a sign above the retail entrance space, directly below the cupola and half-moon vent, displaying a "B" situated adjacent the "Buckerfield's" sign. A complimentary sign is to be sited between the two gables above the warehousing area of the building and will incorporate the B and Buckerfield's reflective of the signage above the retail space. A "B" will be installed on the outdoor display pergola above the lettering of "garden centre" (refer to drawing A10).

The main sign is to be freestanding in the northeastern corner of the subject property, outside the fenced area, adjacent to proposed landscaping and the existing sewer right-of-way. The applicant is proposing to have a $5\text{ft} \times 16\text{ft}$ double-sided, low intensity, backlit, illuminated sign with a single - colour, static LED message centre. The sign will stand approximately 10 feet from the ground to the base, plus the additional 5 feet of signage area, resulting in a $+16\text{ft}$ (4.87m) tall sign. There will also be red metal roofing detail and wooden (or wood clad) support posts ensuring architectural elements of the country theme are highlighted. The sign lettering, though capable of animation, will remain static as a condition of the development permit-with the exception of the ability to change the reader screen on a weekly basis. Currently the siting of this sign is proposed to be outside of the secure fenced area due to the location of a CVRD sewer right-of-way, though the preferred location for the sign is inside of the fenced area. The applicant is consulting with the Engineering Department to

determine if there is a plausible and safe location directly adjacent the right-of-way and inside the fenced area.

f) Wiring

The applicant is proposing to move the hydro pole from the southeastern corner to the northeast corner of the property and existing wiring will be relocated underground. All new wiring will also be underground.

g) Lighting

At present, there are industrial flood lights on the southern front corner of the existing building. The applicant is proposing to install fence lighting, spot lighting and parking lot light standards (see attached drawing A11).

APC Comments

The Electoral Area E Advisory Planning Commission (APC) met on June 122, 2010 and they discussed this application at that time. They submitted to us the following comments and recommendation:

That the application be accepted subject to the following conditions:

1. *That the proposed "Buckerfield's" signage on the pergola be replaced with a "Buckerfield's B" only,*
2. *That the proposed signage on the gable of the new addition be made consistent with the proposed warehouse signage and a half moon vent be installed above the sign,*
3. *That the main L.E.D. sign at the entrance be installed with wood posts and architectural elements consistent with the country theme of the application and that the electronic part of the sign be "static",*
4. *That the proposed cladding of the expanded building façade be upgraded to gable shingling and/or a wood drop siding,*
5. *That wood fence posts be installed along the property front to mimic the look of the proposed pergola and that the applicant research a steel panel alternative to the proposed chain link,*
6. *That the landscaping be to BCSLA standards and*
7. *That a bond be applied to equal 125% of the value of the landscaping as depicted on the landscape plan submitted to the CVRD.*

All of the APC's recommendations, with the exception of conditions #4 and #5, have been incorporated into the proposed design.

Final Comments

The form and character guidelines for the Koksilah DPA dictate that buildings and structures are to be designed so as to improve the aesthetics of the surrounding area, with finishes that are attractive, such as tinted concrete, and the use of natural materials and natural colours.

APC has recommended that the hardi-plank cladding on the proposed addition to be changed to gable shingling and/or wood drop siding. Guidelines dictate use of some natural materials, however, this portion of the building will be painted an off-yellow mitigating the aesthetic benefit of the natural shingling/siding materials. Similarly, applicable design guidelines do not address the wood and steel panel fencing requested by the APC and are not included as part of the proposed improvements.

Options

- 1) That Development Permit Application No. 8-E-09 DP be approved and that the Planning and Development Department be authorized to issue a Development Permit to Buckerfield's Ltd with respect to Lot 3, Section 14, Range 6, Quamichan District, Plan 15507 to allow for an addition to the existing building, subject to;
 - a) The proposed "Buckerfield's" signage on the pergola being replaced with a "B" only;
 - b) The proposed signage on the gable of the new addition being consistent with proposed warehouse signage and installation of a half-moon vent above the sign;
 - c) The LED sign is static and follows design specifications as per attachment A10a;
 - d) Provision of landscape security in the form of an irrevocable letter of credit, equal to 125% of the value of the landscaping;
 - e) Oil interceptor installed for all parking lot drainage;
 - f) Installation of green or black fencing in conjunction with attachment A4;
 - g) Compliance with landscaping plan as per attachment A5.

- 2) That Development Permit Application No. 8-E-09 DP be approved and that the Planning and Development Department be authorized to issue a Development Permit to Buckerfield's Ltd with respect to Lot 3, Section 14, Range 6, Quamichan District, Plan 15507 to allow for an addition to the existing building, subject to;
 - a) The proposed "Buckerfield's" signage on the pergola being replaced with a "B" only;
 - b) The proposed signage on the gable of the new addition being consistent with proposed warehouse signage and installation of a half-moon vent above the sign;
 - c) The LED sign is static and follows design specifications as per attachment A10a;
 - d) Provision of landscape security in the form of an irrevocable letter of credit, equal to 125% of the value of the landscaping;
 - e) Oil interceptor installed for all parking lot drainage;
 - f) Installation of green or black fencing in conjunction with attachment A4;
 - g) Compliance with landscaping plan as per attachment A5.
 - h) The cladding of the expanded building façade be upgraded to gable shingling and/or wood drop siding.**
 - i) Wood fence posts be installed along the property from to mimic the look of the proposed pergola**

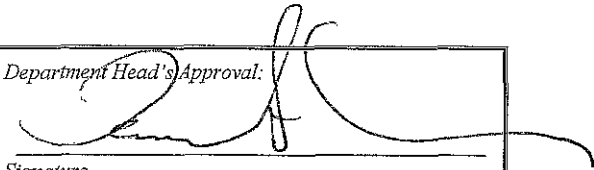
- 3) That Development Permit Application No. 8-E-09 DP be revised, as directed by the Committee.

Option 1 is recommended.

Submitted by,



Jill Collinson,
Planning Technician
Development Services Division
Planning and Development Department

Department Head's Approval:  Signature
--



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 8-E-09DP DRAFT

DATE: JULY, 2010

TO: BUCKERFIELDS LTD.

ADDRESS: 5410 TRANS CANADA HWY

DUNCAN, BC V9L 6W4

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 3, Section 14, Range 6, Quamichan District, Plan 15507, (PID: 004-154-614)
3. Authorization is hereby given for the development of the subject property in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following conditions:
 - Provision of landscape security in the form of an irrevocable letter of credit, equal to 125% of the value of the landscaping;
 - Oil interceptor installed for all parking lot drainage;
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedule is attached:
 - Schedule A – Site Plan
 - Schedule B – Landscaping Plan
 - Schedule C – Sign Plan
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Planning and Development Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. XX-XXX(X) PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 14TH DAY OF JULY 2010.

Tom Anderson, MCIP
General Manager, Planning and Development

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 BUCKERFIELDS LTD. other than those contained in this Permit.

Signature

Witness

Owner/Agent

Occupation

Date

Date



June 23, 2010

Jill Collinson
Planning Technician
Development Services
Planning and Development Department
Cowichan Valley Regional District

Dear Jill

APC Concerns – Buckerfields Response

Thank you for providing me with the minutes of the APC meeting.

With regard signage, please note the attached renderings which illustrate the changes which we will make in respect of the APC's comments:

1. The 'Buckerfield's B' will replace the Buckerfields signage on the gable end of the pergola.
2. The design of the Buckerfields signage above the retail store will be exactly the same as the sign on the warehouse – accordingly the 'Buckerfields B' above the store signage will be removed and replaced with a half moon vent.
3. The posts holding the main LED sign will be clad with, or otherwise made from wood to match the posts comprising the pergola at the garden centre.
4. The LED sign will be operated in static mode only.
5. The 'Entrance' sign will not be installed.
6. A stylized 'roof' which matches the architectural design of the retail store and which is consistent with the existing pole sign at our store in Central Saanich will be added to the main LED sign.

With regard the remaining points of the APC:

1. We will investigate the cost of upgrading the cladding on the building to improve the visual effect – if the cost of gable shingling or wood drop siding is reasonable in relation to the original proposal, we will use the alternate material.
2. We will investigate alternatives to the chain link fence along the front perimeter of the property. However, our intention is to construct a fence that is as unobtrusive as possible so that the retail store, garden centre and landscaping remain the dominant visual features on the property. In any case, the fence along the front perimeter will be brand new and will be built and maintained to the highest standards.
3. The landscaping will meet BCSLA standards – in addition, it appears now that we may be able to hardscape an irrigation system into the front landscape islands and will do so provided the cost is reasonable in relation to the committed cost of the landscaping and fencing that are required.
4. We will comply with whatever security arrangement the CVRD requires provided:

- a. Enabling legislation clearly establishes authority for such an arrangement
- b. the amount of security does not exceed the cost of construction
- c. there are no incremental costs to Buckerfields for maintaining the security.

In closing, I wish to thank the APC for attending to our application and for making best efforts to move the application forward in a timely manner.

Yours very truly,

A handwritten signature in cursive script, appearing to read 'Kelvin McCulloch', written in dark ink.

Kelvin McCulloch, B.ASc., MPA., CA
Managing Director
Buckerfields Ltd.

cc. Jim Marsh.

ELECTORAL AREA "E" APC MEETING MINUTES

GLENORA COMMUNITY HALL

June 22, 2010

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

Members: Frank McCorkell, Keith Williams, Ben Marrs and David Coulson.

Absent: Alternate Director Area "E": Darin George, Colleen MacGregor, Dave Tattum and Dan Ferguson.

Meeting called to order at 7:00 pm.

Elections were held for the following positions:

Chair: Jim Marsh

Vice Chair: Frank McCorkell

The election for Secretary was postponed pending the return of absent members.

New Business:

- 1. Application File # 8-E-09DP (Buckerfield's)
Applicant: Kelvin McCulloch, CEO**

MOTION:

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

1. That the proposed "Buckerfield's" signage on the pergola be replaced with a "Buckerfield's B" only,
2. That the proposed signage on the gable of the new addition be made consistent with the proposed warehouse signage and a half moon vent be installed above the sign,
3. That the main L.E.D. sign at the entrance be installed with wood posts and architectural elements consistent with the country theme of the application and that the electronic part of the sign be "static",
4. That the proposed cladding of the expanded building façade be upgraded to gable shingling and/or a wood drop siding,
5. That wood fence posts be installed along the property front to mimic the look of the proposed pergola and that the applicant research a steel panel alternative to the proposed chain link,
6. That the landscaping be to BCSLA standards and
7. That a bond be applied to equal 125% of the value of the landscaping as depicted on the landscape plan submitted to the CVRD.



⑤ VIEW STANDING IN FRONT OF BUCKERFIELDS



⑥ VIEW FROM HIGHWAY SHOWING PAVEMENT OVER DITCH AT ADJACENT SHOPPING CENTRE



⑦ VIEW IN FRONT OF BUDGET SHOWING TOTAL PAVING BETWEEN SIDE ROAD + BUDGET STREET FRONTAGE.



⑧ VIEW FROM ROAD IN FRONT OF SHOPPING CENTRE TOWARD BUCKERFIELD'S SHOWING TOTAL PAVING

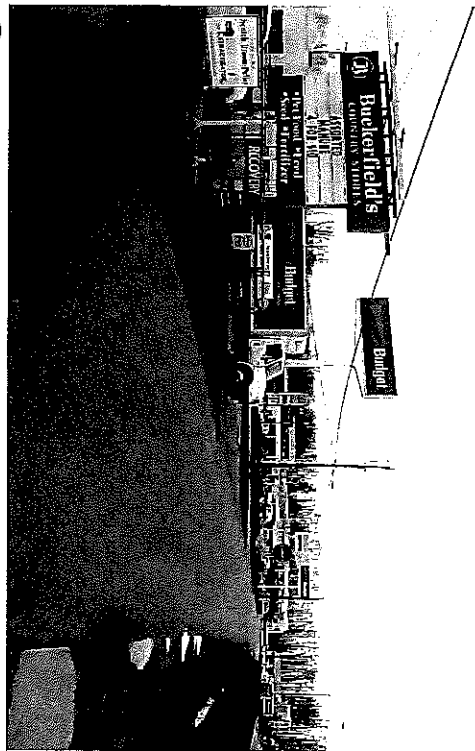
COPYRIGHT © THESE DRAWINGS, DESIGN AND RELATED COMPLETION FILES ARE THE PROPERTY OF THE ARCHITECT TO BE USED ONLY FOR THE PROJECT SHOWN. ANY REPRODUCTION OR PARTIAL OR TOTAL USE FOR ANY OTHER PROJECT WITHOUT WRITTEN PERMISSION FROM THE ARCHITECT.

**BENJAMIN BRYCE LEVINSON,
ARCHITECTURE INC.**

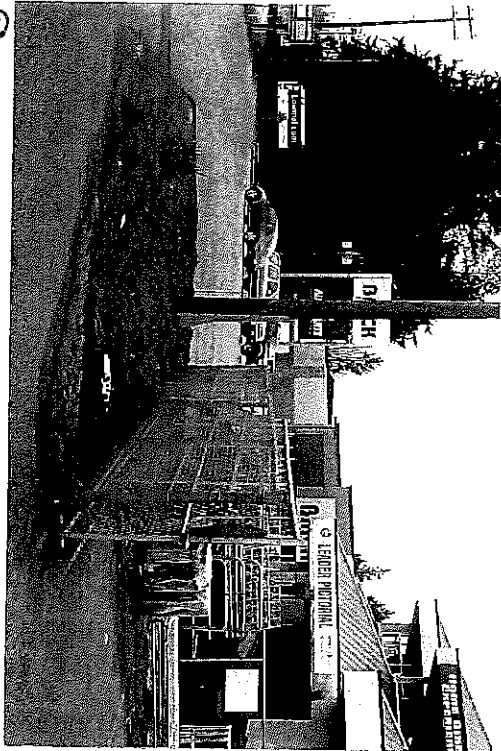
1185-811 Yates St. Suite 2046
VICTORIA, BRITISH COLUMBIA
CANADA V8W 4Y9
TEL: (250) 382-5125
FAX: (250) 380-3899



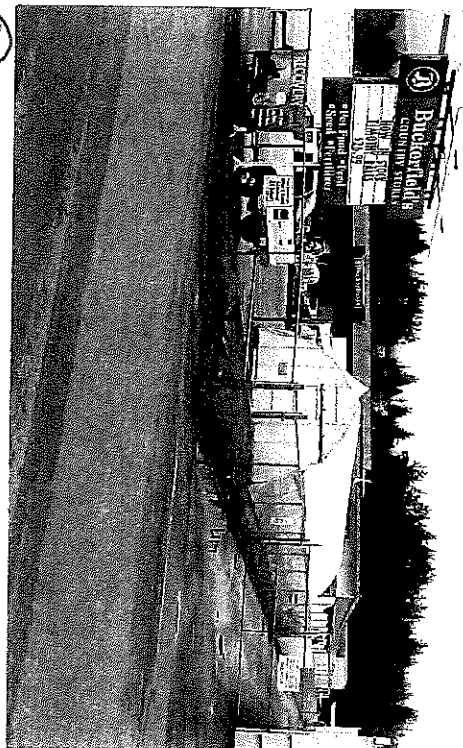
**Buckerfield's
COUNTRY STORES**



⑨



⑪



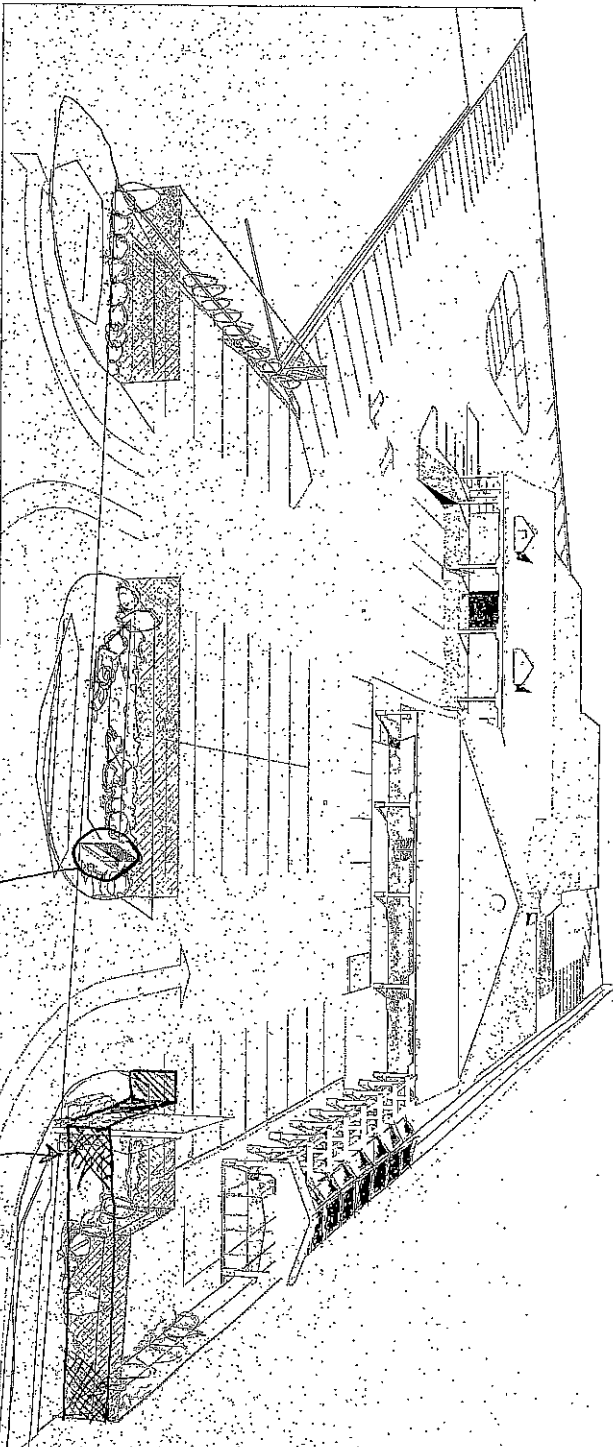
⑩

COMPANY: BUCKNERFIELD'S COUNTRY STORES
ADDRESS: 150-111 VANDERBILT AVENUE, SUITE 200
NORTHVALE, NEW YORK 10917
TEL: (914) 382-3300
FAX: (914) 382-3300

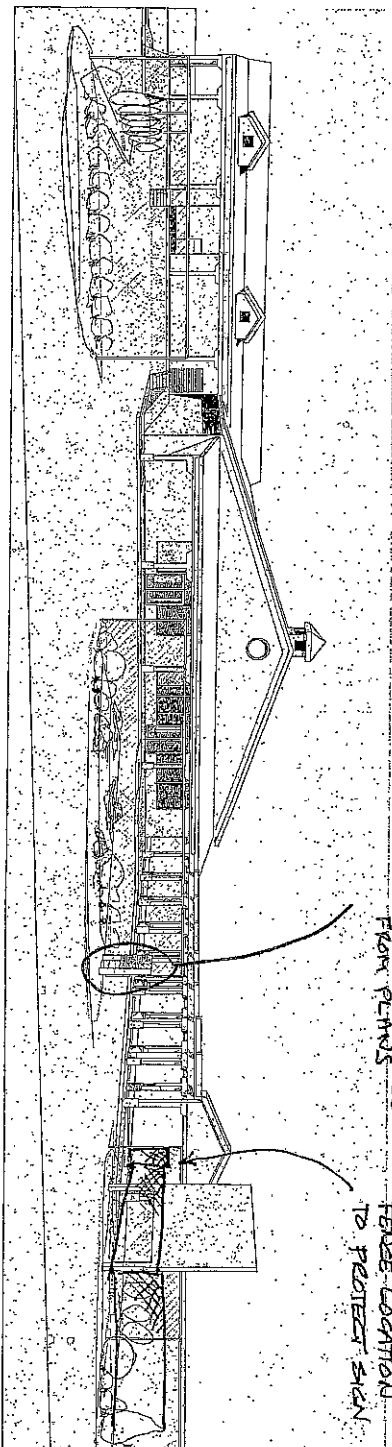
BENJAMIN BRYCE LEVINSON,
ARCHITECTURE INC.

150-111 VANDERBILT AVENUE, SUITE 200
NORTHVALE, NEW YORK 10917
TEL: (914) 382-3300
FAX: (914) 382-3300





1 Aerial Perspective



2 Street Perspective

NOTES: 1. THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. 2. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. 3. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

**BENJAMIN BRYCE LEVINSON,
ARCHITECTURE INC.**

1155 ST. JAMES ST. SUITE 200
VICTORIA, BRITISH COLUMBIA
TEL: (250) 382-5725
FAX: (250) 382-8999

Sheet Title

Perspective
Buckfield's Additions and Renovations
8410 Trans-Canada Highway

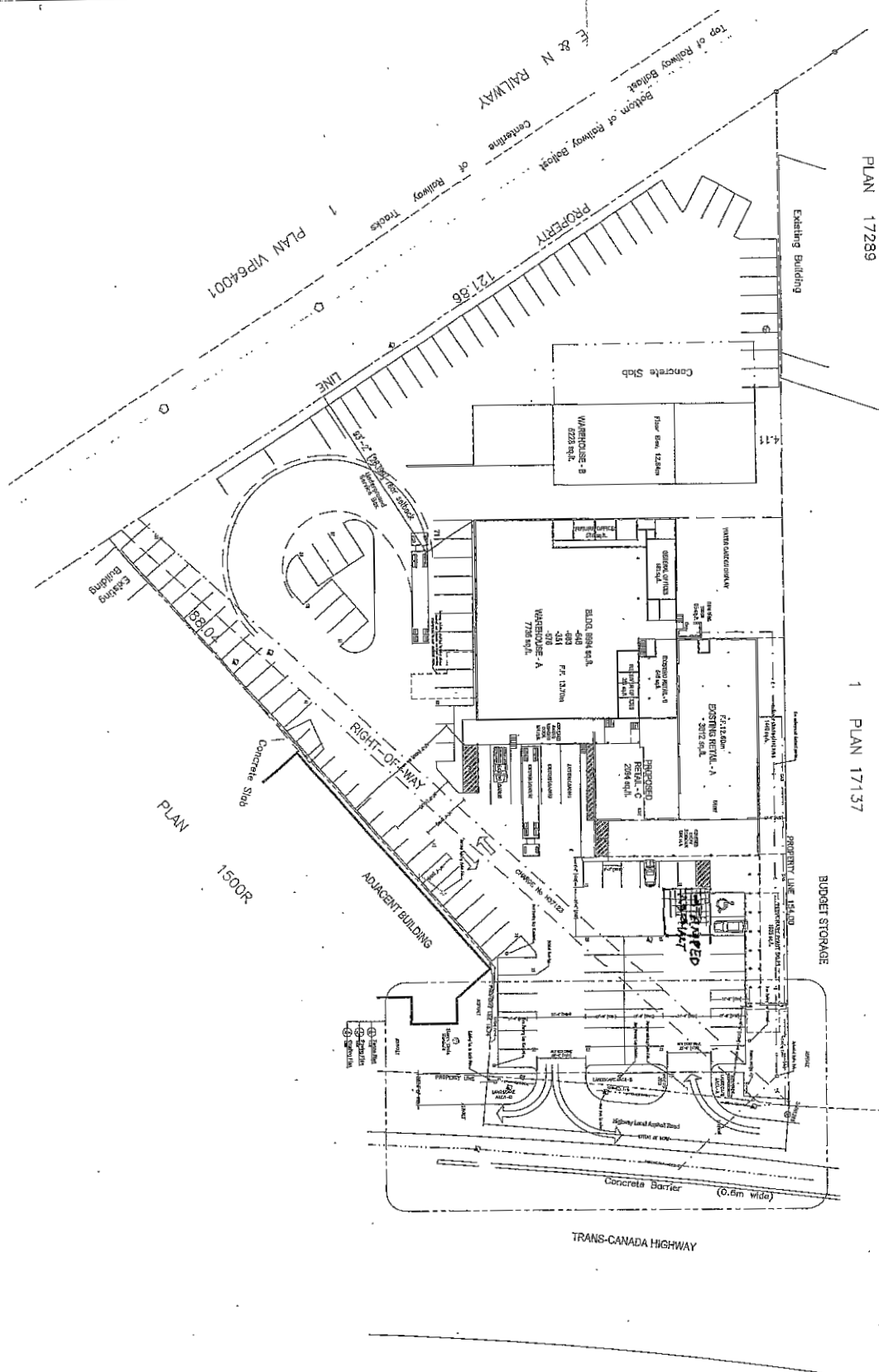
Scale:

Project #: 10.003
Drawing #: 8839

May 7, 2010
A1

A (DD HB290)
PLAN 17289

1 PLAN 17137



CONTRACTOR: BRYCE LEVINSON, ARCHITECT
DESIGNER: BRYCE LEVINSON, ARCHITECT
DATE: 1990-05-10
PROJECT: 17289

BENJAMIN BRYCE LEVINSON,
ARCHITECTURE INC.

1055-11 VICTORIA BL. SUITE 200
VANCOUVER, BC V6B 2K6
TEL: (604) 682-5125
FAX: (604) 682-5125

SITE PLAN
Project: Buchanan's Addition & Renovation
5410 TransCanada Highway, Duncan, B.C.

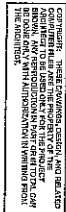


Scale: 1" = 10.003'
Date: 1990-05-10
Sheet: 8940

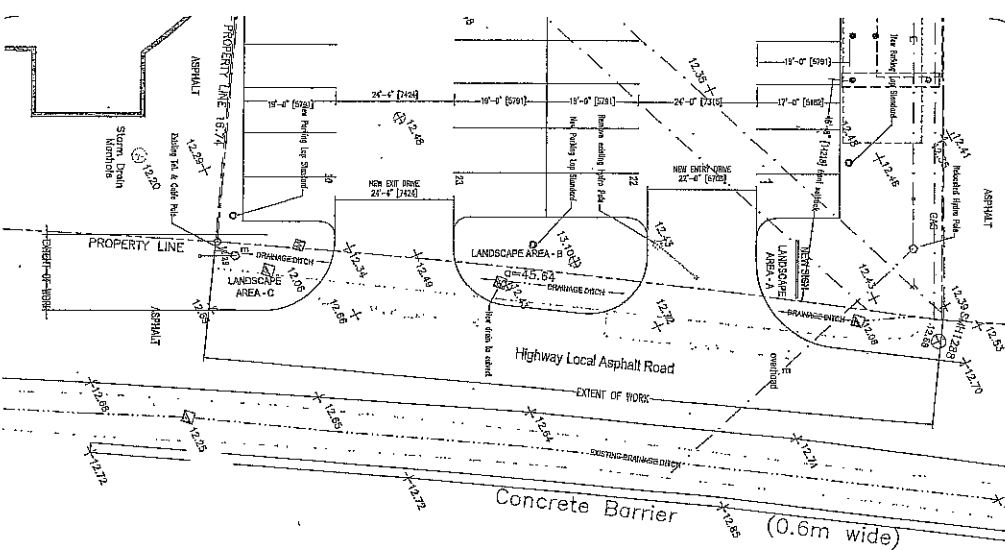
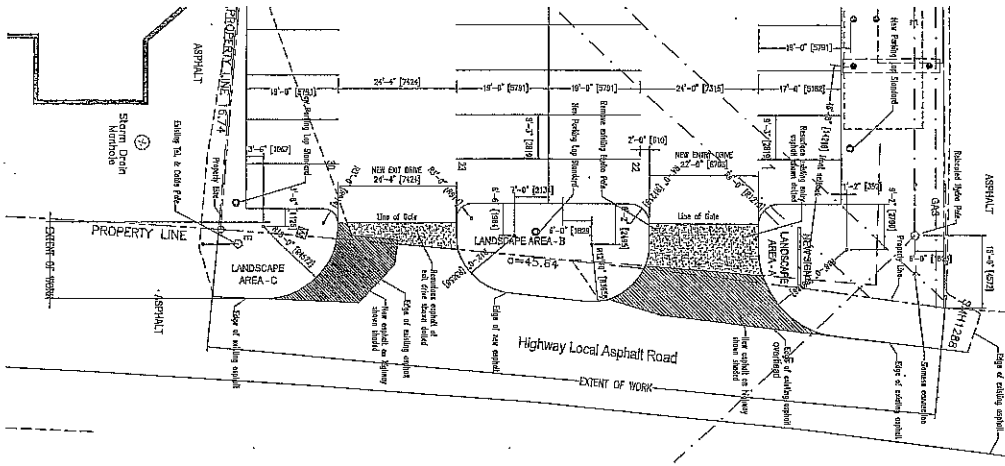
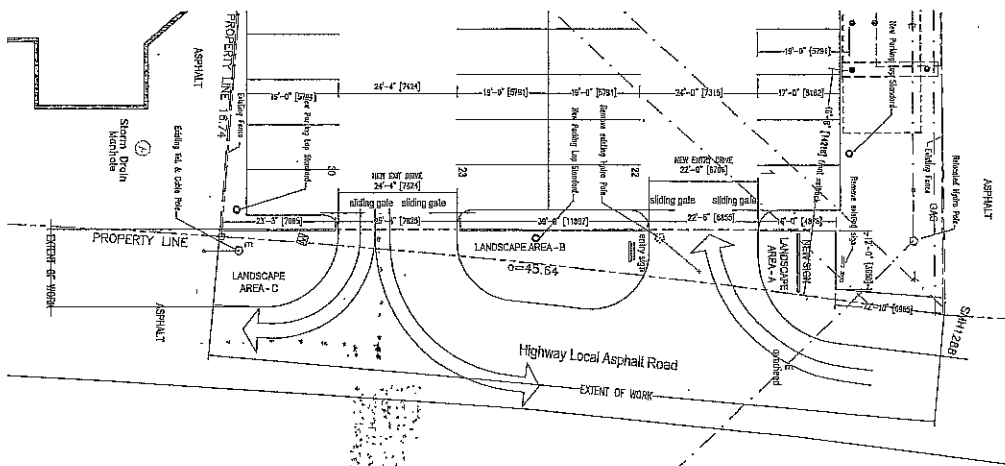
A2

Issued by: CHRD Permit

May 7, 2010



Sheet No.
A3



CONTRACTOR: BRYCE LEVINSON ARCHITECTURE INC.
 PROJECT: BENCHMARK BRYCE LEVINSON ARCHITECTURE INC.
 DRAWING: FENCE, GRADE & PAVING PLANS
 DATE: MAY 7, 2018

BENJAMIN BRYCE LEVINSON
ARCHITECTURE INC.

186-8111 Victoria Bl., Suite 204
 Victoria, British Columbia
 TEL: (250) 382-1725
 FAX: (250) 380-8889

Client: FENCE, GRADE & PAVING PLANS
 Project: Benchmark's Addition & Renovations
 5410 TransCanada Highway, Duncan, B.C.

Based for CIVIC Permit
 Scale: 1:200
 Date: 10.003
 Project: B942

May 7, 2018
 A4

NOTES: THESE DRAWINGS, SPECIFICATIONS AND RELATED DOCUMENTS SHALL BE USED IN CONJUNCTION WITH THE ARCHITECTURAL DRAWINGS AND SHALL BE USED TO CONSTRUCT THE PROJECT IN ACCORDANCE WITH THE INTENT OF THE ARCHITECT.

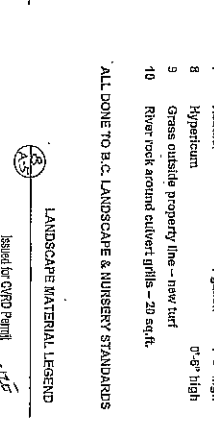
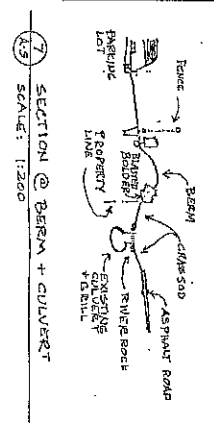
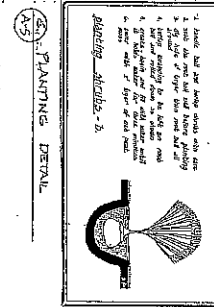
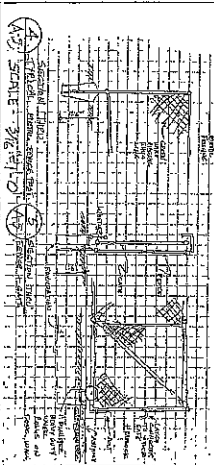
BENJAMIN BRYCE LEVINSON, ARCHITECTURE INC.

185-8411 Varsity Ave., Suite 204
VICTORIA, BRITISH COLUMBIA
TEL: (250) 382-5125
FAX: (250) 380-3898

LANDSCAPING PLANS
Buckfield's Additions & Renovations
5410 TransCanada Highway, Duncan, B.C.

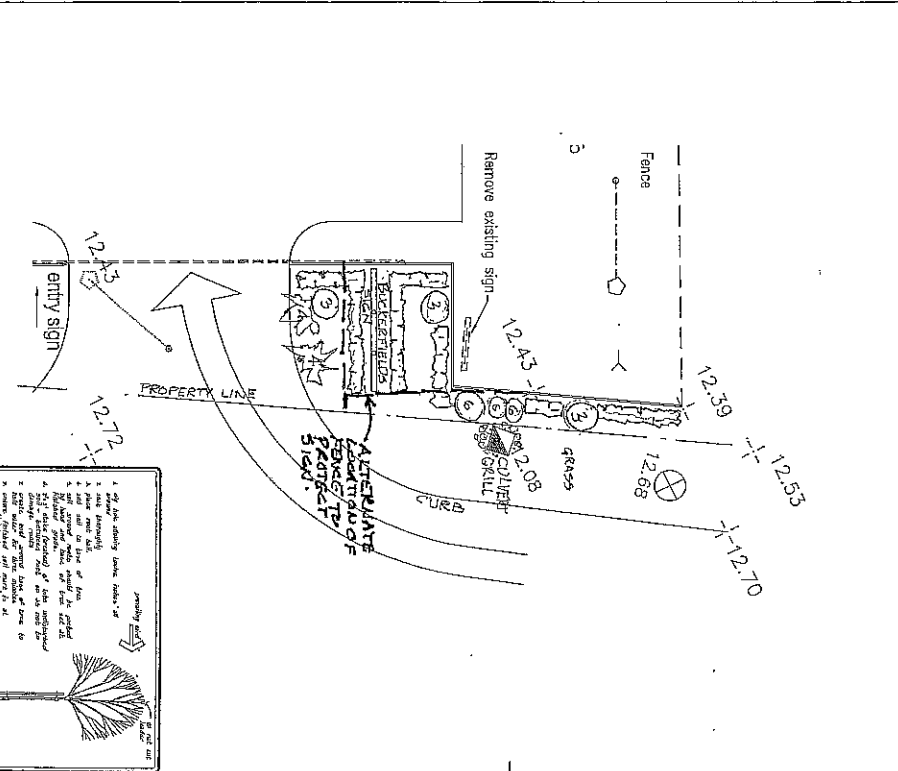
Drawn: TBL
Revised: 1/15/15
Scale: 1/8" = 1'-0"

Sheet No. 1 of 1
Date: 10/03
Project: 1200 MANSION 8843
A5

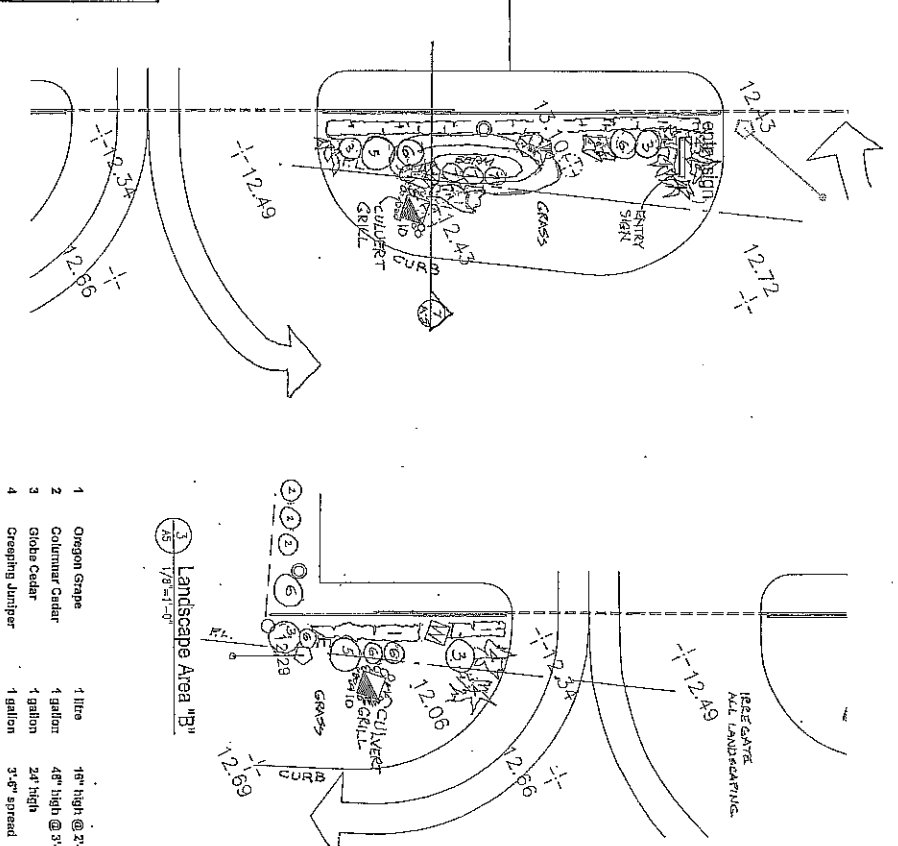


LANDSCAPE MATERIAL LEGEND

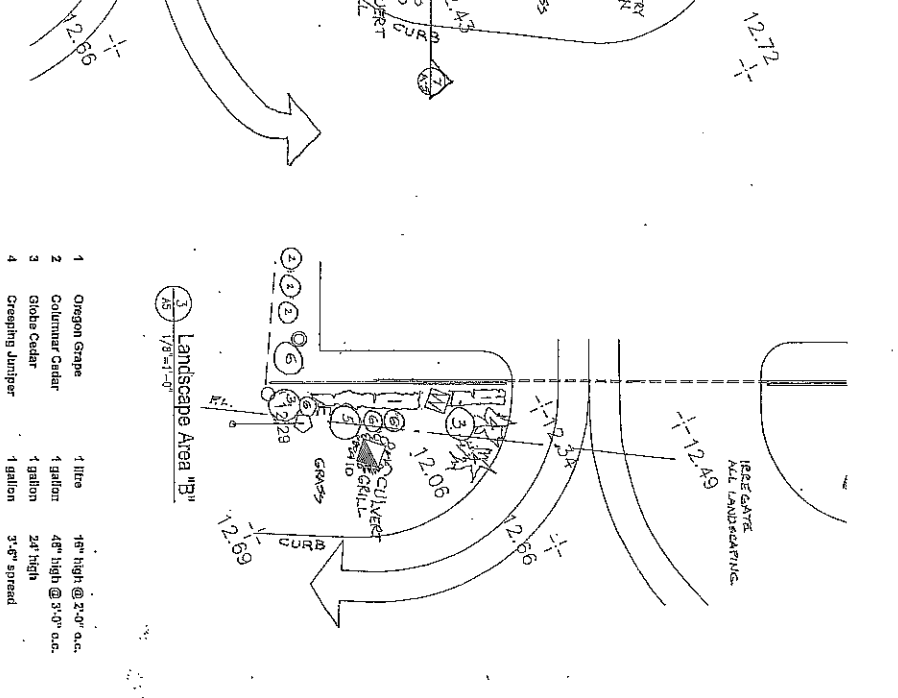
1 Landscape Area "A"
1/8" = 1'-0"



2 Landscape Area "B"
1/8" = 1'-0"

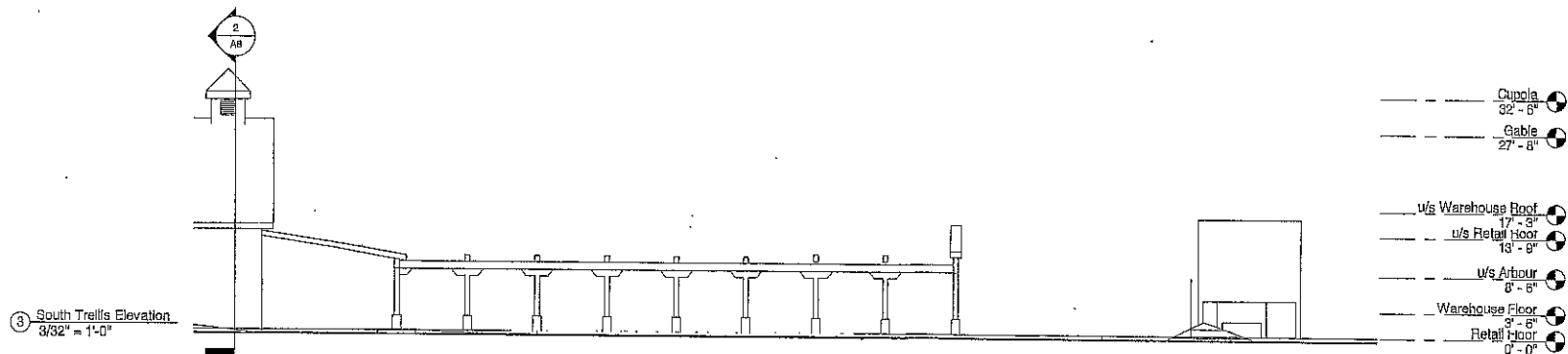
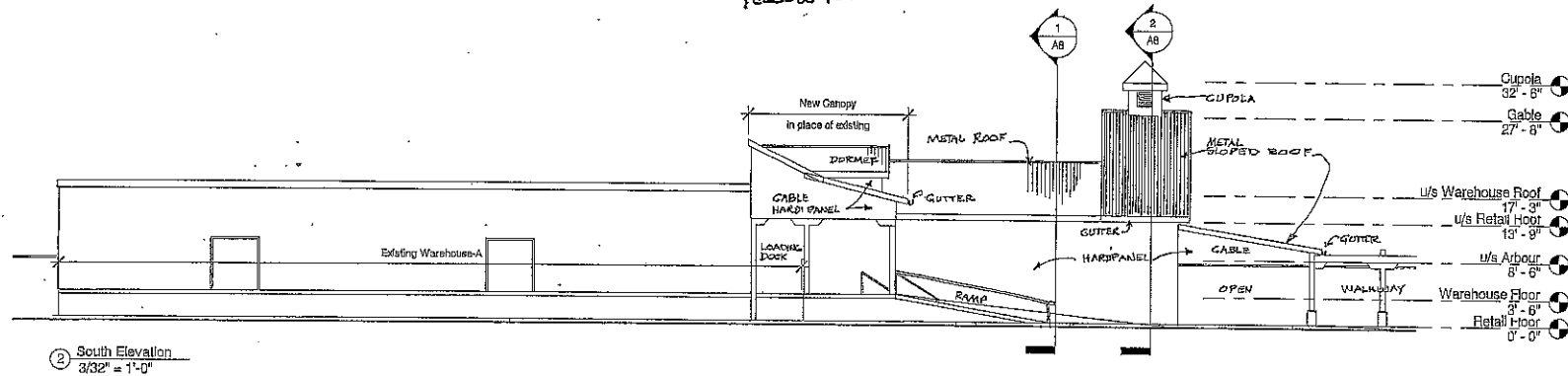
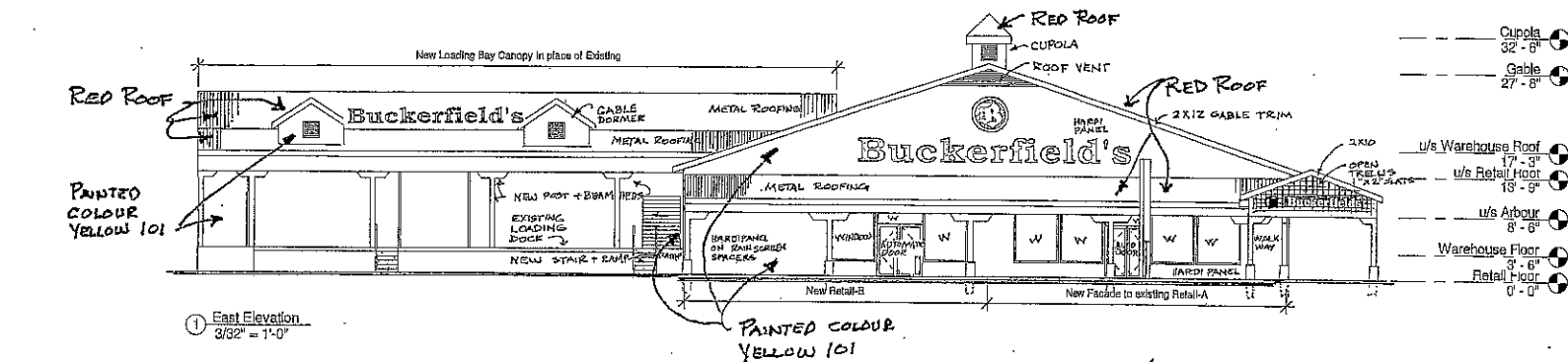


3 Landscape Area "B"
1/8" = 1'-0"



- 1 Oregon Grape 1 tree 16" high @ 2'-0" o.c.
- 2 Columnar Cedar 1 gallon 48" high @ 3'-0" o.c.
- 3 Globe Cedar 1 gallon 24" high
- 4 Creeping Juniper 1 gallon 3'-6" spread
- 5 Pyramidal Cedar 2 gallon 4'-0" high
- 6 Rhododendron 1 gallon 3'-0" high
- 7 Heather 1 gallon 1'-0" high
- 8 Hypericum 0'-8" high
- 9 Grass outside property line - new turf
- 10 River rock around culvert grills - 20 sq.ft.

ALL DONE TO B.C. LANDSCAPE & NURSERY STANDARDS

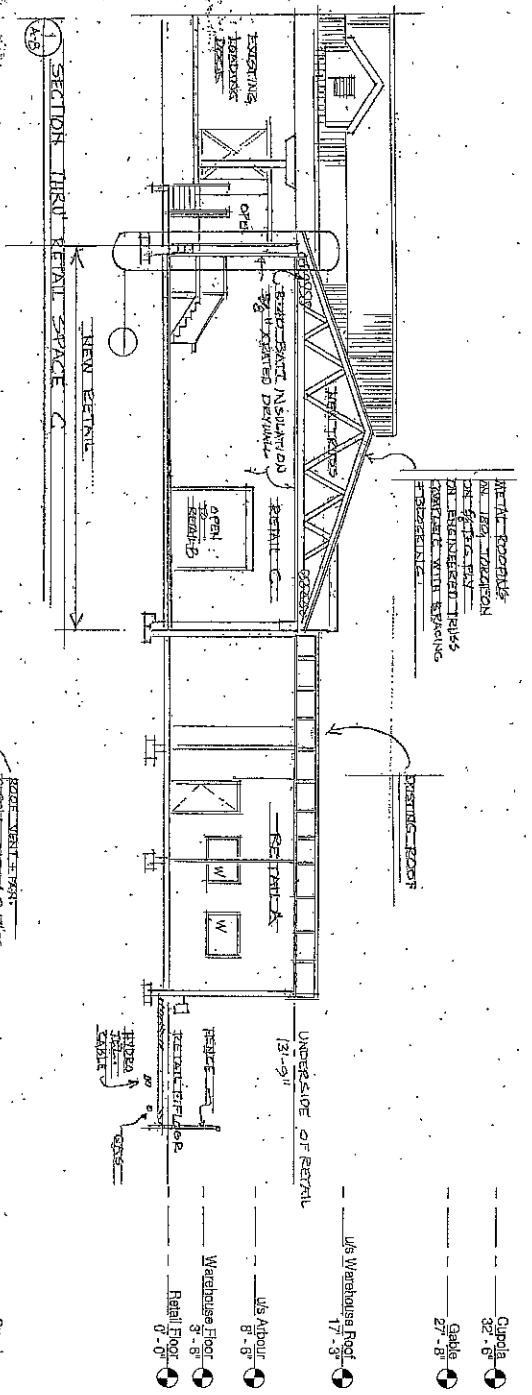


Architectural drawing of the exterior of Warehouse A, showing a long, low building with a gabled roof. The drawing includes labels for 'Exterior Wall A', 'Roof', 'Gable', 'Carpenter', '32'-0"', '27'-0"', 'U/S Warehouse Roof', 'U/S Rain Hood', '15'-0"', 'U/S Airfoil', '8'-0"', 'Warehouse Floor', '27'-0"', and 'Retail Floor', '0'-0"'. The drawing is oriented vertically on the page.

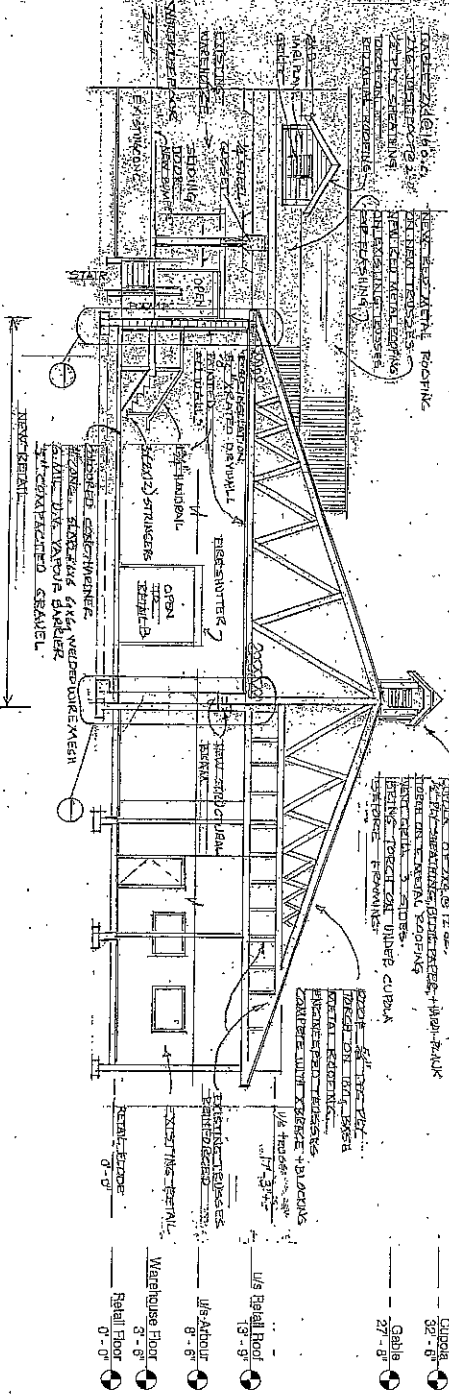
BENJAMIN BRYCE LEVINSON,
ARCHITECTURE INC.

West & North Elevations
Bucknfields Additions and Renovations
5410 Trans-Canada Highway
Surrey, BC V4A 4H2
Tel: 604-581-1111
Fax: 604-581-1112
E-mail: info@westandnorth.com
Web: www.westandnorth.com

Serial No.	A7
Bowley: 2/64 3/82" = 1'-0"	
Project #:	10.003
Dist Record #:	9845



2 CROSS SECTION OF RETAIL
A-B SCALE 8'-0"=1'-0"



BENJAMIN BRYCE LEVINSON,
ARCHITECTURE INC.

11001 1st St. Suite 100
VICTORIA, BRITISH COLUMBIA
CANADA V8S 2G5
TEL: (250) 385-3990
FAX: (250) 385-3990

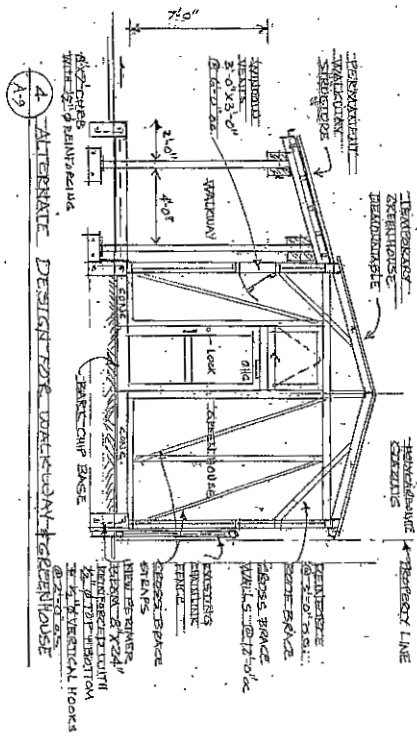
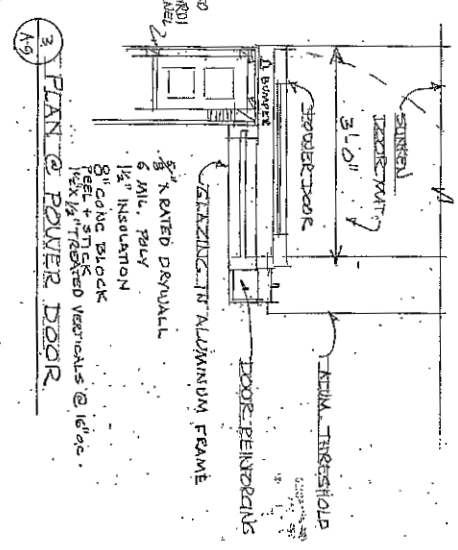
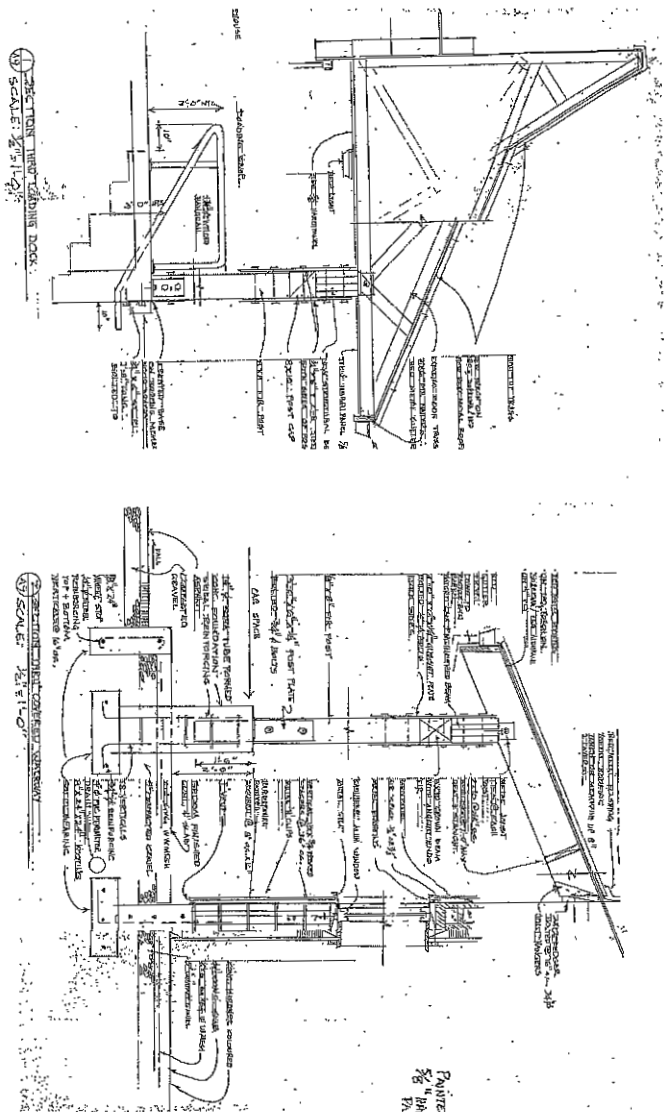
Sheet Title:
Project:
Address:

Sections
Buckfield Additions and Renovations
840 Trans-Canada Highway

Scale: 1/2" = 1'-0"
Project #: 10.008
Date Issued: 11/18/10

A8

Issued for CYRD Permit May 7, 2010



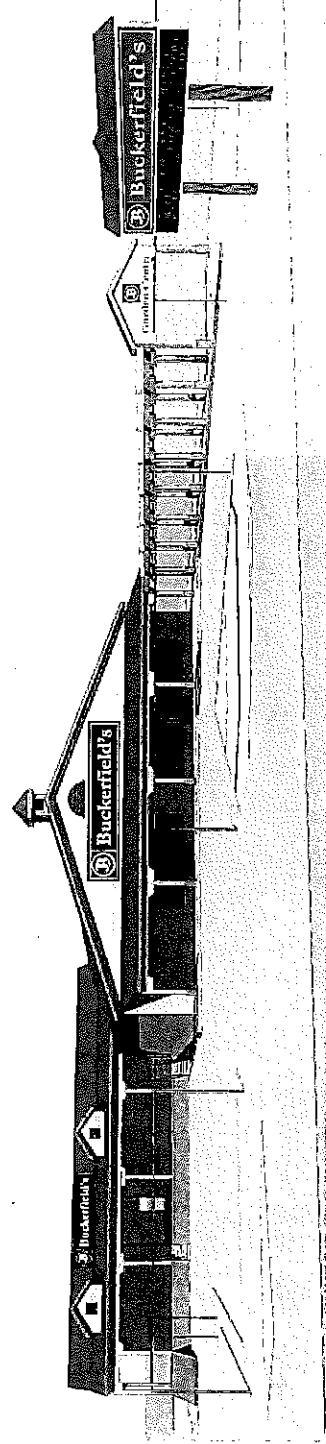
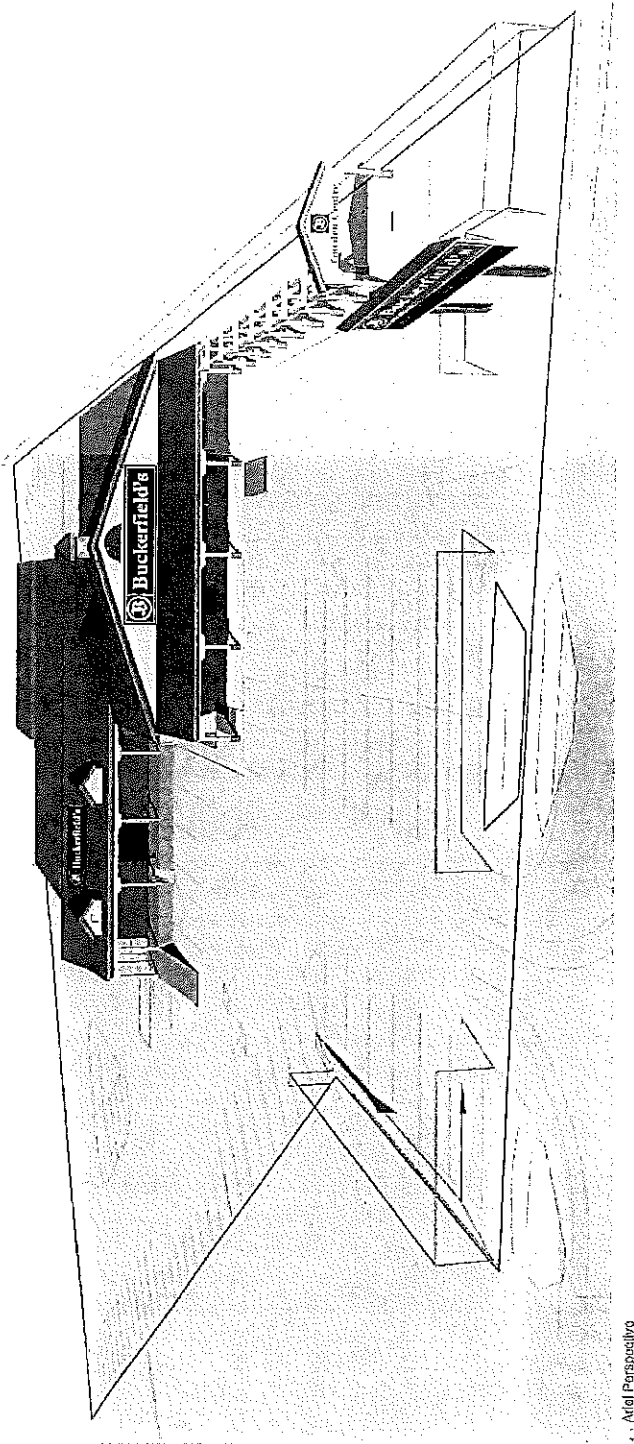
BENJAMIN BRYCE LEVINSON,
ARCHITECTURE INC.

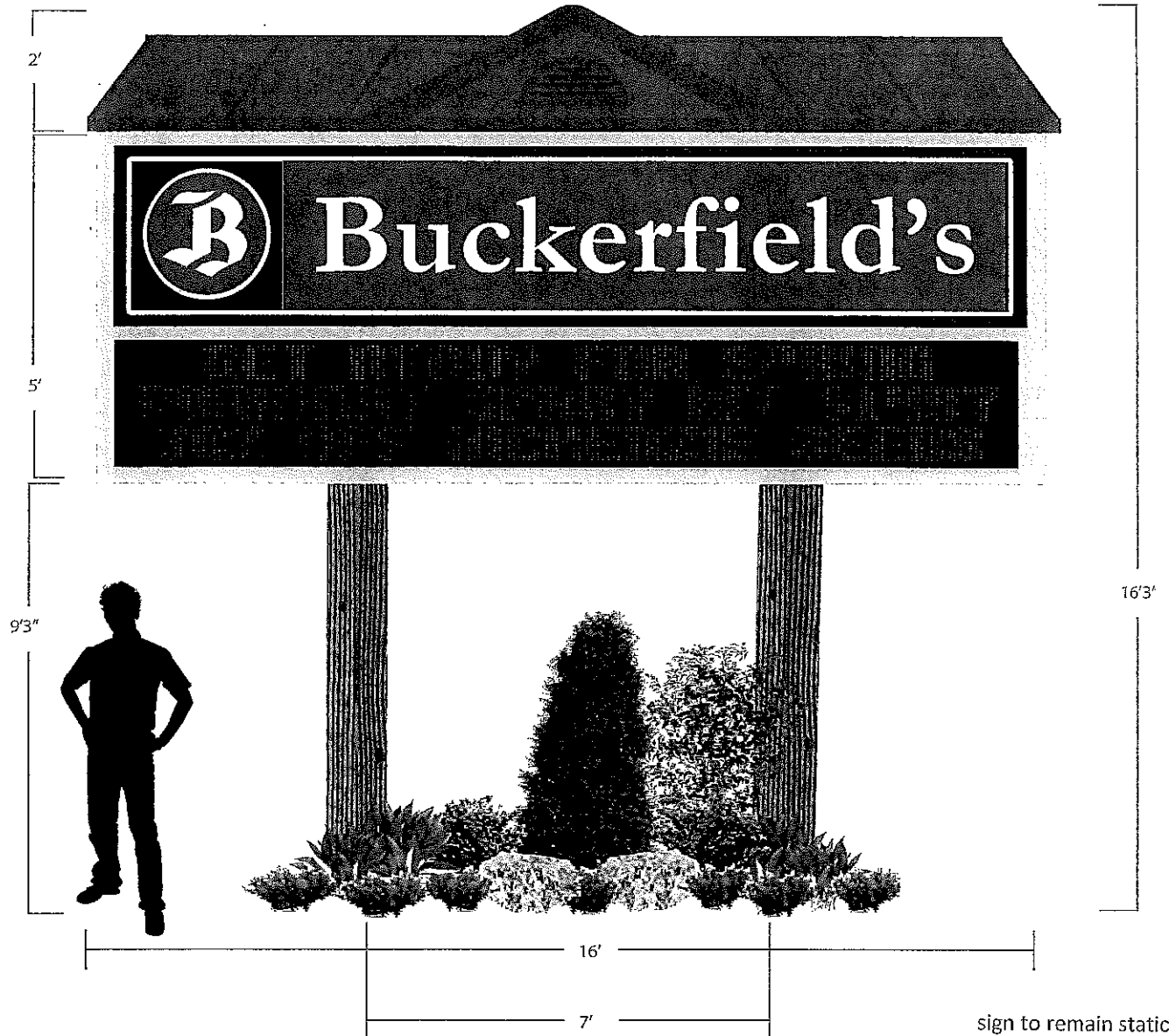
150-011 VICTORIA ST. SUITE 201
VANCOUVER, BRITISH COLUMBIA
TEL: (604) 382-5125
FAX: (604) 382-5880

Sheet No. D
Project: Buckfield's Additions & Renovations
6410 Fernside Highway, Duncan, B.C.

Scale: 1/8" = 1'-0"
Job No. 10.003
Date: May 7, 2010

Sheet No. A9





Sign Specifications:

- 5' x 16' double sided illuminated sign with low intensity fluorescent back lighting & 30"x90"x16mm one colour static LED message centre.

- Sign face done in lexan with blockout vinyl on all of the face except for the lettering and logo.

- Metal roof cap to match Building.

- Steel poles Cladded in cedar.

permitted to change message on a daily basis

PROJECT:	Buckerfields	DATE:	June 23 2010
LOCATION:	Duncan BC	SKETCH No.	11 of 11
TITLE:	Pylon Sign Revision	DWG. No.	BuckerfieldsDunc.pdf
SALES REP:	Aimee	DRAWN BY:	Douglas Rogers





PERMIT TO CONSTRUCT, USE, AND MAINTAIN ACCESS TO A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE NISGA'A FINAL AGREEMENT ACT.

BETWEEN:

The Minister of Transportation and Infrastructure

Saanich Area Office
240-4460 Chatterton Way
Victoria, BC V8X 5J2
Canada

("The Minister")

AND:

Kelvin McCulloch
Buckerfields Ltd.
5410 Trans Canada Highway
Duncan, British Columbia V9L 6W4
Canada

("The Permittee")

WHEREAS:

- A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;
- B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:

The installation, operation, and maintenance of commercial access from JACOB FRONTAGE ROAD, TRANS CANADA S, to serve Buckerfields, Duncan, at Lot 3, Sec 14, Rge 6, Quamichan, Plan 15507, as shown on drawings provided with application.
- C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

- 1. The Minister shall designate an official ("the Designated Ministry Official") who shall act as the Minister's agent in the administration of this permit in the manner hereinafter set out.
- 2. The Use shall be carried out according to the reasonable satisfaction of the Designated Ministry Official.
- 3. The Permittee will at all times indemnify and save harmless Her Majesty the Queen in Right of the Province of British Columbia, as represented by the Minister of Transportation and Infrastructure, and the employees, servants, and agents of the Minister from and against all claims, demands, losses, damages, costs, liabilities, expenses, fines, fees, penalties, assessments and levies, made against or incurred, suffered or sustained by any of them, at any time or times (whether before or after the expiration or termination of this permit) where the same or any of them are sustained in any way as a result of the Use, which indemnity will survive the expiration or sooner termination of this permit.
- 4. The Permittee shall make diligent attempts to determine if there are other users of the right of way in the vicinity of the Permittee's location whose use may be affected. It shall be the responsibility of the Permittee to contact any such users before exercising any of the rights granted hereunder and to attempt to reach an accommodation.
- 5. The Minister shall take reasonable care to do as little damage or interference, as possible, to any Use authorized by this permit in the carrying out of the construction, extension, alteration improvement, repair, maintenance or operation of any work adjacent thereto, but the Minister shall not be responsible for any damage regardless.
- 6. The Minister at the absolute discretion of the Minister may, at any time, cancel this permit for any reason upon giving reasonable



notice; provided, however, that in the case of default by the Permittee or in the case of an emergency no notice shall be necessary. The Minister shall not be liable for any loss incurred as a result of permit cancellation.

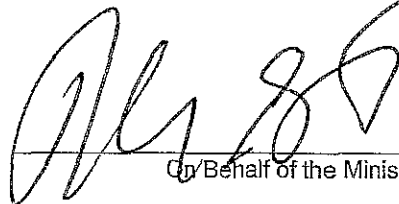
7. Placing of speed arresters on the access (or accesses) or in the Permittee's property without the prior consent in writing of the Designated Ministry Official shall render the permit void.
8. The Permittee shall be responsible for replacing any survey monuments that may be disturbed or destroyed by the Use. Replacement must be by a British Columbia land surveyor at the Permittee's expense.
9. The Permittee shall remove any mud, soil, debris, or other foreign material tracked onto the highway from the access authorized herein. Such removal shall be at the Permittee's expense and shall be done at any time the material unduly inconveniences traffic and, in any event, daily.
10. The Permittee acknowledges that the issuance of this permit by the Minister is not a representation by the Minister that this permit is the only authority needed to carry out the Use. The Permittee shall give deference to any prior permission given for use of the right of way in the vicinity of the permit area, shall obtain any other permission required by law, and shall comply with all applicable laws regardless of their legislative origin.
11. At the end of the term of this permit, or when the permit is cancelled or abandoned, the Permittee shall, if so requested by the Minister, remove all installations and shall leave the site as near as reasonably possible in the condition it was in before this permit was issued or such other condition as shall reasonably be required by the Designated Ministry Official. If the Permittee refuses to comply with these obligations, the Minister may perform them as required and the Permittee shall be liable to the Minister for the costs of doing so.
12. The rights granted to the Permittee in this permit are not assignable without the consent of the Minister.
13. As a condition of this permit, the permittee unconditionally agrees with the Ministry of Transportation and Infrastructure that the permittee is the prime contractor for the purposes of the work described by this permit, at the work location described in this permit, and that the permittee will observe and perform all of the duties and obligations which fall to be discharged by the prime contractor pursuant to the Workers Compensation Act and the Occupational Health and Safety Regulation.
14. The permittee is advised and acknowledges that the following hazards may be present at the work location and need to be considered in co-ordinating site safety: overhead hazards, particularly electrical or telecommunications lines; buried utilities, particularly electrical, telecommunication, and gas lines; traffic, danger trees, falling rocks, and sharp or infectious litter.
15. Any works within the Ministry right-of-way that fall within the scope of "engineering" under the Engineers and Geoscientists Act will be performed by a Professional Engineer, and shall comply with this Ministry's "Engineer of Record and Field Review Guidelines". The Guidelines can be viewed on the Ministry's website at http://www.th.gov.bc.ca/publications/Circulars/All/T_Circ/2009/t06-09%20.pdf
16. At the applicant's expense, the Ministry reserves the right to appoint an Inspector, as deemed advisable by the Operations Manager, and said Inspector's costs shall be chargeable to the applicant.
17. All work is to be carried out to the satisfaction of the Operations Manager, Victoria, British Columbia.
18. LOCATION
19. The layout shown on the attached drawing is a condition of this permit, and any change in layout without the prior consent in writing of the Designated Ministry Official shall render the permit void.
20. CONSTRUCTION AND INSTALLATIONS
21. The Permittee shall take all reasonable precautions to attempt to ensure the safety of the public in connection with particular, but not so as to limit this obligation, the Permittee shall, if so required by the Designated Ministry Official on reasonable grounds, prepare and implement a traffic control plan. The contents of the plan and the manner in which it is implemented must meet the reasonable satisfaction of the Designated Ministry Official.
22. The Permittee shall, at his/her cost, supply, erect, and maintain standard traffic control devices in accordance with the Ministry of Transportation Traffic Control Manual for Works on Roadways and WCB Regulation, Part 18.
23. That before opening up any highway or interfering with any public works, written notice of intention to do so must be given to the Designated Ministry Official at least two (2) weeks before the work is begun.
24. The access (or accesses) shall be paved to the satisfaction of the Designated Ministry Official.
25. The access (or accesses) shall be constructed with 500mm (or as appropriate) culvert pipe manufactured to CSA or ASTM standards and laid at ditch invert elevation. Maintenance and periodic cleaning of this culvert is the responsibility of the Permittee.
26. The finished grade of the access (or accesses) at the ditch-line shall be 150mm below the highway shoulder elevation.
27. Access to be constructed at 90 degrees to the highway for a distance of 10 metres from the highway shoulder.
28. This permit does not provide licencing and insurance and/or oversize, overweight authorization for a commercial vehicle to access a provincial highway from an industrial road. Commercial vehicle operators require authority pursuant to Section 8 of the Commercial Transport Act, R.S.B.C 1996, and should contact a provincial weigh scale to obtain Permit MV4000 (Highway Crossing Permit).
29. The Permittee must achieve safe sight distance of ____m in each direction.
30. OPERATION AND MAINTENANCE
31. The Permittee will ensure that the works do not impair, impede or otherwise interfere with:
 - I. public passage on the Highways;
 - II. the provision of highway maintenance services by the Province, or by its servants, contractors, agents or authorized representatives of the Province in connection with the Highways; or
 - III. the operation of the Highways.
32. That where the said works are in the proximity of any bridge, culvert, ditch or other existing work, such work shall be properly maintained and supported in such manner as not to interfere with its proper function, and on the completion of the said works,



- any bridge, culvert, ditch or other existing work interfered with shall be completely restored to its original condition.
33. That before opening up any highway or interfering with any public works, written notice of intention to do so must be given to the Designated Ministry Official at least 72 hours before the work is begun, except in the case of an emergency situation, the Permittee will immediately contact the Road & Bridge Maintenance Contractor or local RCMP.
34. That when necessary all excavations, materials, or other obstructions are to be efficiently lit, and watched. And at all times every possible precaution is to be taken to ensure the safety of the public.

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Victoria, British Columbia, this 13 day of April, 2010



On Behalf of the Minister



SRI

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 6, 2010

DATE: June 28, 2010 **FILE No:** 13-B-07RS
14-B-07RS
FROM: Catherine Tompkins, Senior Planner **BYLAW No:** 3222, 3223
SUBJECT: OCP Amendment Bylaw No. 3222 and Zoning Amendment Bylaw No. 3223
(Elkington Estates/Macaroff/Gates)

Action:

For the Committee's information.

Purpose:

To inform the Committee that the Board Conditions have been met for the above referenced Bylaws.

Financial Implications:

None apparent

Interdepartmental/Agency Implications:

None apparent

Background:

Official Community Plan Amendment Bylaw 3222 and Zoning Amendment Bylaw 3223 have received all necessary provincial approvals (see attached March 11, 2010 approval of the Ministry of Community and Rural Development). Further, the conditions set by the Board (see attached Board Resolution No. 09-199) have been met and the covenants are available for viewing in the Directors Room. As such, the Regional Board may proceed with consideration of fourth and final adoption.

Submitted by,

Catherine Tompkins MCIP, Senior Planner
Community and Regional Planning Division
Planning and Development Department

Department Head's Approval:
Signature



COPIED
RECEIVED
MAR 16 2010

March 15, 2010

Tom R. Anderson
General Manager
Cowichan Valley Regional District
175 Ingram St
Duncan BC V9L 1N8

Dear Tom R. Anderson:

Re: Bylaw Approval

Please find enclosed one copy of the below noted bylaw(s) approved by the Minister of Community and Rural Development pursuant to section(s) 882 of the *Local Government Act*.

<u>BYLAW</u>	<u>APPROVED</u>	<u>APPROVAL NUMBER</u>
3222	March 11, 2010	2010008

Please note that the Ministry has not reviewed the bylaw for the purpose of determining if it is valid or lawful and the Minister's approval does not represent or guarantee the legal certainty of the bylaw, nor the process under which it may be adopted, and does not validate or otherwise make legal any provision of the bylaw.

Yours truly,

Carol Green
Program Administrator
Enclosure(s)



No. 2010008

Statutory Approval

Under the provisions of section 882

of the Local Government Act

I hereby approve Bylaw No. 3222

Cowichan Valley Regional District,

a copy of which is attached hereto.

Dated this 11th day
of March, 2009

Bill Bennett
Minister of Community and Rural
Development

B11
09-197 It was moved and seconded that "CVRD Bylaw No. 3222 - Area B - Shawnigan Lake Official Community Plan Amendment Bylaw (Living Forest Planning Consultants/Elkington Estates), 2008", be granted 2nd reading as amended.

MOTION CARRIED

B11
09-198 It was moved and seconded that "CVRD Bylaw No. 3222 - Area B - Shawnigan Lake Official Community Plan Amendment Bylaw (Living Forest Planning Consultants/Elkington Estates), 2008", 3rd reading.

MOTION CARRIED

B11
09-199 It was moved and seconded that prior to adoption of "CVRD Bylaw No. 3222 - Area B - Shawnigan Lake Official Community Plan Amendment Bylaw (Living Forest Planning Consultants/Elkington Estates), 2008", that the applicant meet the following conditions:

1. That the applicant provide (through statutory agreements) a detailed Fire Protection Plan, for the approval of the General Manager, CVRD Public Safety and the Malahat Volunteer Fire Chief. The Plan should include a service area, to be included in the Malahat Fire Protection Area, Equipment, Fire Hall, Water Supply, Infrastructure and the phasing of fire protection infrastructure and equipment.
2. That the applicant construct shared sewage treatment systems for each of the proposed hamlet areas to the specifications of the CVRD Engineering and Environmental Services Department, with effluent quality to meet Class A requirements for ground discharge and further, the application will consider reuse options.
3. That the applicant construct a community water system serving the hamlet areas to the specifications of the CVRD Engineering and Environmental Services Department, which will be subject to a covenant that allows transfer of the system to the CVRD once, in the opinion of the CVRD Engineering and Environmental Services Department, the system has reach an economically viable size.
4. That the applicant provide a rainwater management system to the specifications of the CVRD Engineering and Environmental Services Department.

- ✓ 5. That conservation covenants and eco-forestry covenants be registered on the title of the subject property, to ensure that a minimum of 85% of the subject property is used for long term ecological protection and sustainable eco-forestry practices, and that the Land Conservancy of Canada and the CVRD be signatories to the covenant for ecological protection, and the Land Conservancy of Canada, the Forest Stewardship Council and the CVRD be signatories to the covenant for eco-forestry areas.
6. That the CVRD receive written notice from the Capital Regional district that the CRD Water Management Division does not oppose the development.
7. That restrictive covenants or like agreements be provided for the CVRD's acquisition of parkland and built park amenities as committed to by the applicant and agreed to by the CVRD, including parkland inclusive of trailhead parking and covered washroom/picnic shelter next to the Cowichan Valley Trail, a nature conservation park and lands for a sensitive conservation area.

MOTION CARRIED

B12
09-200

It was moved and seconded that "CVRD Bylaw No. 3223 - Area B - Shawnigan Lake Zoning Amendment Bylaw (Living forest Planning Consultants/Elkington Estates), 2008", be granted 3rd reading.

MOTION CARRIED

B13
09-201

It was moved and seconded that "CVRD Bylaw No. 3256 - Area H - North Oyster/Diamond Zoning Amendment Bylaw (Chemainus First Nation), 2009", 2nd reading, be RESCINDED.

MOTION CARRIED

B13
09-202

It was moved and seconded that "CVRD Bylaw No. 3256 - Area H - North Oyster/Diamond Zoning Amendment Bylaw (Chemainus First Nation), 2009", be amended in accordance with item SR2.

MOTION CARRIED

B13
09-203

It was moved and seconded that "CVRD Bylaw No. 3256 - Area H - North Oyster/Diamond Zoning Amendment Bylaw (Chemainus First Nation), 2009", be granted 2nd reading as amended.

MOTION CARRIED



SR2

ELECTORAL AREA SERVICES COMMITTEE MEETING
6 JULY 2010

DATE: June 28, 2010 **FILE NO:**
FROM: Daniel Derby, General Manager, Public Safety
SUBJECT: Training/Conference – Per Diem

Recommendation:

1. To approve implementation of Training/Conference – Per Diem.
2. That the Vadim Payroll system be used for payment of all of the per diems and stipends.

Purpose:

To compensate volunteers \$100 per day when regular work is missed to attend training or conferences.

Financial Implications:

No additional cost to 2010 budgets. Future budgets may be increased \$500 - \$5,000 to support per diems.


Interdepartmental/Agency Implications:

n/a

Background:

Lack of reimbursement for work missed due to training or conferences has been an ongoing issue within the CVRD Fire Departments. In order for the volunteers to receive basic training, on occasion they are required to miss work. No reimbursement for work missed has also had a negative effect regarding recruitment.

Submitted by,


Daniel Derby
General Manager, Public Safety

/gc



SR3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 6, 2010

DATE: June 29, 2010

FILE NO:

FROM: Tom Anderson, General Manager

BYLAW NO:

SUBJECT: Barnjum Road, Electoral Area E, West of Duncan

Action:

That the Ministry of Transportation and Infrastructure be requested to place the upgrading and paving of Barnjum Road on their priority list.

Purpose:

To receive direction from the Committee.

Financial Implications:

N/A

Interdepartmental/Agency Implications:

This will require the cooperation of the Ministry of Transportation and Infrastructure.

Background:

The attached map shows the area just west of the District of North Cowichan municipal boundary and the beginning of Electoral Area E. Of particular note, is the highlighted strip which is an unpaved portion of Barnjum Road. For anyone who has lived in this area for any length of time, it is hard to believe that such a busy road could possibly be left unpaved for so long. This road is a key connector to/from Duncan/North Cowichan to Riverbottom Road and Old Lake Cowichan Road. In the near future, the land to the west which is highlighted in pink will be subdivided in accordance with the concept drawing that is also attached to this report. Of note, is the fact that there will be a future road dedication through the lands to the east of this property when it is subdivided which will eventually connect up with Barnjam Road as shown as a dotted line on the first map.

Director Duncan has requested that this report be placed on the agenda in an attempt to have a motion passed requesting that the Ministry of Transportation and Infrastructure place the paving of this road on their priority list.

Submitted by,

A handwritten signature in black ink, appearing to be 'Tom R. Anderson', with a long horizontal flourish extending to the right.

Tom R. Anderson,
General Manager
Planning and Development Department

TRA/ca



Cowichan Valley Regional District

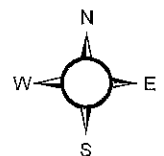
This map is compiled from various sources for internal use and is designed for reference purposes only.

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.

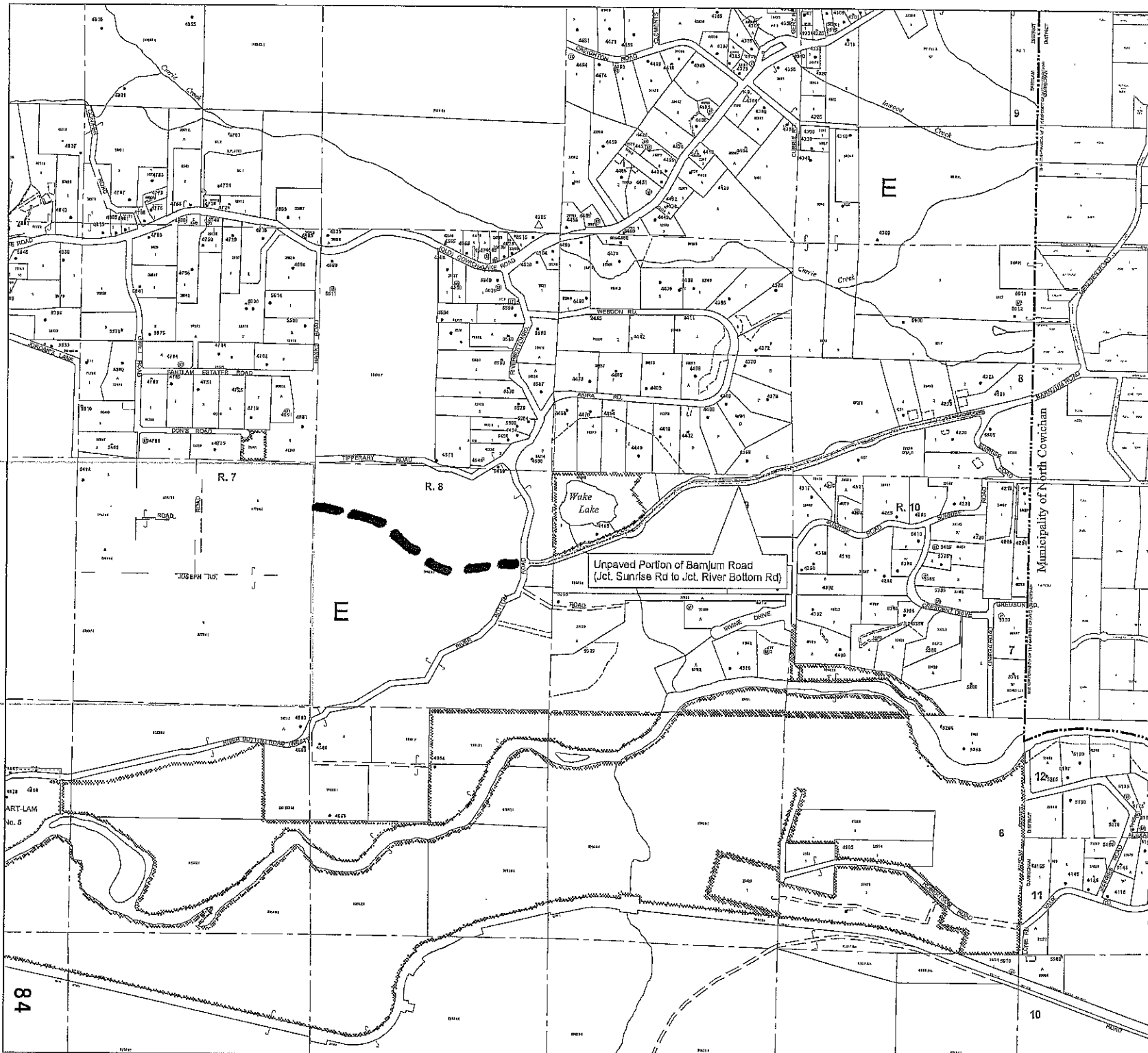
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

Printed: June 22, 2010




Meters

0 200 400 600





- DIMENSIONS ARE IN METRES, ALL DISTANCES AND AREAS ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY.
- TRAILS TO BE GROUND TRUTHED WITH GPS PRIOR TO FINAL LOCATION



EXISTING DRAINAGE COURSES

CLIENT:	CAROMAR SALES		
SHEET TITLE:	PLAN OF PROPOSED SUBDIVISION OF SECTION 7, RANGES 6 & 7, SAHTLAM DISTRICT		
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	CREATIVE ENGINEERING SERVICES 716 CANADA AVENUE DURHAM, ON VIC. 1V1	CHECKED: DC	FILE: 1046-C
		SCALE: 1/2000	DWG: 1046C-CONCEPT LAYOUT



SR4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 6, 2010

DATE: June 29, 2010 **FILE NO:**

FROM: Tanya Soroka, Parks and Trails Planner **BYLAW NO:**

SUBJECT: Grant Funding approval by the Ministry of Forests and Range for the Operational Fuel Management Project and the Fuel Management Prescription to take place in 5 Community Parks in the Regional District.

Recommendation:

That this report be received for information.

Purpose:

To inform the Electoral Area Services Committee that the Union of British Columbia Municipalities along with the Ministry of Forests and Range approved Grant applications for Fuel Management Prescription preparation in the amount of \$19,680 (100% of the actual eligible costs) and Operational Fuel Management work in the amount of \$193,605 (75% of the actual eligible costs of the project) inclusive of five community park sites.

Financial Implications:

Matching funds of 25% will include in-kind contributions from the Job Opportunities Program (JOP), staff and volunteers as well as minor funds from the Community Parks budgets as previously approved.

Interdepartmental/Agency Implications:

N/A

Background:

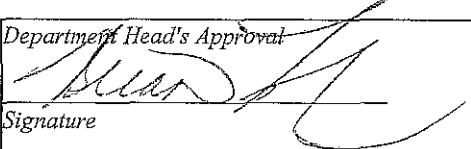
On February 10, 2010 the Regional Board approved the submission of two Grant Funding applications to the Ministry of Forests and Range and UBCM for \$19,680 for Fuel Management Prescriptions in five Community Parks and for \$72,590 in project costs for the subsequent Operational Fuel Treatment Program in these parks. These parks are: Marble Bay Park (Area I), Silvermine Trail (Area B), Quarry Nature Park (Area C), Bright Angel Park (Area E) and Mill Bay Nature Park (Area A).

The following table provides a breakdown of project funding:

Park Site	<i>UBCM Fuel Mgmt Funding</i>	<i>JOP Work Crew Grant Funding</i>	Total Grant Funding Value	Community Park Budget Contrib.
Marble Bay	\$2,323	\$0	\$2,323	\$157
Quarry Park	\$12,730	\$8,000	\$20,730	\$1,375
Bright Angel	\$6,430	\$0	\$6,430	\$625
Mill Bay Nature	\$13,730	\$8,000	\$21,730	\$375
Silvermine Trail	\$10,479	\$7,000	\$17,479	\$1,376
TOTAL	\$45,692	\$23,000	\$68,682	\$3,908

The purpose of the Fuel Management Prescription program is to assist communities in the development of prescriptions intended for the treatment of fuels that pose a wildfire risk to the wild land urban interface (WUI) which were identified in the planning process. The intent of fuel management is not to eliminate the risk of wildfire but to alter the fuel composition and structure in order to reduce the potential behavior of a fire. The objective is to ensure communities have the information they need when developing applications for larger scale operational fuel management projects and that fuel management treatments are appropriate for the area. The proposed work will be completed in the coming months based on the prescriptions prepared.

Submitted by,

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

Tanya Soroka,
Parks and Trails Planner
Parks and Trails Division
Parks, Recreation and Culture Department

TS/ca



SR5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 6, 2010

DATE: June 30, 2010

FILE NO:

FROM: Brian Farquhar, Manager
Parks and Trails Division

BYLAW NO:

SUBJECT: Polkey Road Park - Sh-hwuykweslu Restoration Project

Recommendation:

That the proposal for habitat restoration work Sh-hwuykweslu (Busy Place Creek) within Polkey Road Park in Electoral Area E be approved, with funding for the works to be provided by the Ministry of Transportation and Infrastructure, Living Rivers, the Pacific Salmon Foundation and in-kind contributions.

Purpose:

To request direction on a proposal received to undertake creek habitat enhancement work within Sh-hwuykweslu (Busy Place Creek) inclusive of the creek area though Polkey Road Park in Electoral Area E.

Financial Implications:

The project is to be funded entirely by others, with no financial obligations requested of the Regional District.

Interdepartmental/Agency Implications:

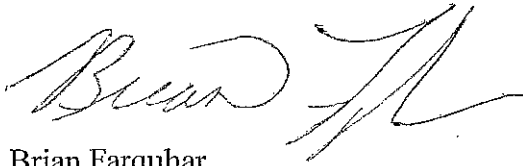
The Ministry of Transportation and Infrastructure and Fisheries and Oceans Canada are the lead government agencies involved with this project.

Background:

The attached proposal to restore sections of Sh-hwuykweslu (Busy Place Creek) through the Koksilah Industrial Park in Electoral Area E, including the creek section through Polkey Road Park, is a partnership of several agencies, community organizations and local businesses, including the Ministry of Transportation and Infrastructure, Fisheries and Oceans Canada, Cowichan Tribes, Pacific Salmon Foundation, Sh-hwuykweslu Streamkeepers and Cowichan Valley Naturalists. Sh-hwuykweslu is a small tributary of the Koksilah River that originates above Keating Farm and flows through the Koksilah Industrial Park and Cowichan Tribes lands.

The proposed habitat enhancement works include channel improvements and creation of habitat ponds and alcoves to improve sheltered winter off-channel habitat and wetted summer habitat for coho and trout species. The works are planned for either late summer 2010 or 2011, depending on the detailed habitat assessment and design work currently underway. The request to the Regional District for this project is for access to Polkey Road Park to make the necessary stream channel improvements envisioned and to possibly create a streamside community walking pathway. The Regional District is not being requested to fund the project, and ongoing maintenance costs would be limited to maintaining the pathway if installed. The Electoral Area E Community Parks Commission is supportive of the project and agreeable to assume financial responsibility through the Electoral Area E Community Parks budget for maintenance of the pathway, if constructed as part of the project.

Submitted by,

A handwritten signature in black ink, appearing to read "Brian Farquhar", with a stylized flourish at the end.

Brian Farquhar,
Manager
Parks and Trails Division
Parks, Recreation & Culture Department

BF/ca
Attachment

Sh-hwuykwselu Restoration Project – CVRD Parks

Project Synopsis

June 2010

Background

Sh-hwuykwselu, also known as Busy Place Creek, is a small tributary to the Koksilah River that originates above the Keating Farm area and flows downstream through the Polkey Road industrial park and into the Cowichan Indian reserve where it enters the Koksilah. It has been the focus of a significant stewardship initiative over the past 8 years, led by the staff and students of Koksilah elementary school. Stewardship activities carried out to date have included water quantity and quality monitoring, regular benthic invertebrate and fin fish surveys, habitat complexing, riparian planting, invasive exotic vegetation management and outreach and education to property owners and the general public. Sh-hwuykwselu supports salmon and trout species downstream of Koksilah Road.

Project Overview

For the past several years partners have been working towards the realization of the goal of improving the existing fish habitat features of Sh-hwuykwselu from where it leaves Polkey road (at Drillwell Enterprises) to its confluence with the Koksilah. This reach flows through a small unnamed Cowichan Valley Regional District (CVRD) Park and the Cowichan Indian Reserve. The planned works would involve using heavy equipment to clearly define a channel and to excavate habitat ponds and alcoves that would provide sheltered winter off-channel habitat and wetted summer habitat for coho and trout species. These habitat types are currently limiting to wild populations of salmonids in Sh-hwuykwselu. This project could be implemented in phases, with the first phase being the section from Polkey Road to the Miller Road bridge on the Reserve.

In addition to providing for increased quality of freshwater aquatic habitat, this initiative could also include the creation of a walking trail along the stream that would provide students walking to Koksilah School an alternate route to the railroad tracks which are currently used extensively for this purpose.

Rationale, Goals & Objectives

The primary goal of this project is to provide increased habitat quality for salmon, trout and other freshwater flora and fauna. The techniques that will be used are well established and have been applied successfully to several locations in the

Cowichan and Koksilah watersheds. It is important to note the importance of this work in terms of realizing the goals of the Koksilah School Streamkeepers group, who have been active in this small watershed for several years. The Streamkeepers initiative has provided a unique, effective and inspirational learning opportunity for Koksilah students and this project will build on their success to date and provide a platform for future achievements.

As mentioned, this project will also provide a safe alternative walking route connecting “Trestle Village” on the Cowichan Indian Reserve to Koksilah School and beyond and an opportunity for students and the general public to enjoy walking beside this attractive watercourse. It will also provide access to an “outdoor classroom” to be enjoyed by Streamkeepers and students for generations to come. Finally, this project, in keeping with the philosophy of the Cowichan Stewardship Roundtable, provides an opportunity for a diverse group of partners to work together towards realizing a worthwhile goal that will result in real benefits for the environment and the community.

Scope and Timing of Work

Work associated with this initiative will include, but not necessarily be limited to:

Planning

- Physical survey and associated design overlay (underway)
- Installation and monitoring of piezometers to track ground water levels and assist with design specifications – depth of cut to access over-summer water. (underway – none within CVRD parkland)
- Property owner contact on Cowichan Indian reserve to provide information regarding project and receive support
- Fry sampling and inventory (ongoing)
- Invasive exotic vegetation survey adjacent to watercourse
- Courtesy contacts to Via-Rail and business owners in general area
- Information presentations to CVRD and Cowichan Tribes
- Integration of works with CVRD floodplain mapping plan through CVRD Environmental Policy Division
- Necessary permitting from Federal and Provincial resource management agencies

Implementation

- Mobilization of tracked excavator(s).
- Removal of any trees necessary by certified faller. Tree removal to be kept to a minimum, any trees removed to be used for large woody debris complexing, if possible.
- Construction of defined channel, ponds and alcoves as per design to create wetted summer and sheltered winter off channel habitat

- Complexing of creating habitats with large woody debris
- Creation of walking trail adjacent to watercourse between Miller and Polkey Roads.
- No material to be “end hauled” all excavated material to be incorporated into on site features including trail
- All works to be assessed pre-construction to ensure net gain with respect to flood management concerns
- Post construction site management to include planting with native riparian species wherever necessary. Also potential for interpretive signage adjacent to trail.

Effectiveness Monitoring and Maintenance

- Effectiveness monitoring will be carried out by the Sh-hwuykwselu Streamkeepers support by the other partners
- There are no maintenance requirements expected to be associated with this instream work

Timing

- All planning and process work is scheduled to be completed summer 2010
- A decision on implementation will be made after reviewing the results of the piezometers at the end of the summer. If all permitting/process work has been successfully completed, the project could either be implemented at the end of the summer 2010 work window (September 1-15) or delayed until summer 2011.

Partnerships and Funding

This project represents a partnership that includes:

Sh-hwuykwselu Streamkeepers
 BC Ministry of Transportation and Infrastructure (MOTI)
 Cowichan Tribes
 Living Rivers (Georgia Basin-Vancouver Island)
 Fisheries and Oceans Canada
 Cowichan Valley Naturalists
 Drillwell Enterprises Ltd.
 Pacific Salmon Foundation (PSF)

Funding for this initiative is being provided by MOTI, Living Rivers and the PSF with in-kind contributions from all other partners. The project is fully funded at this time.

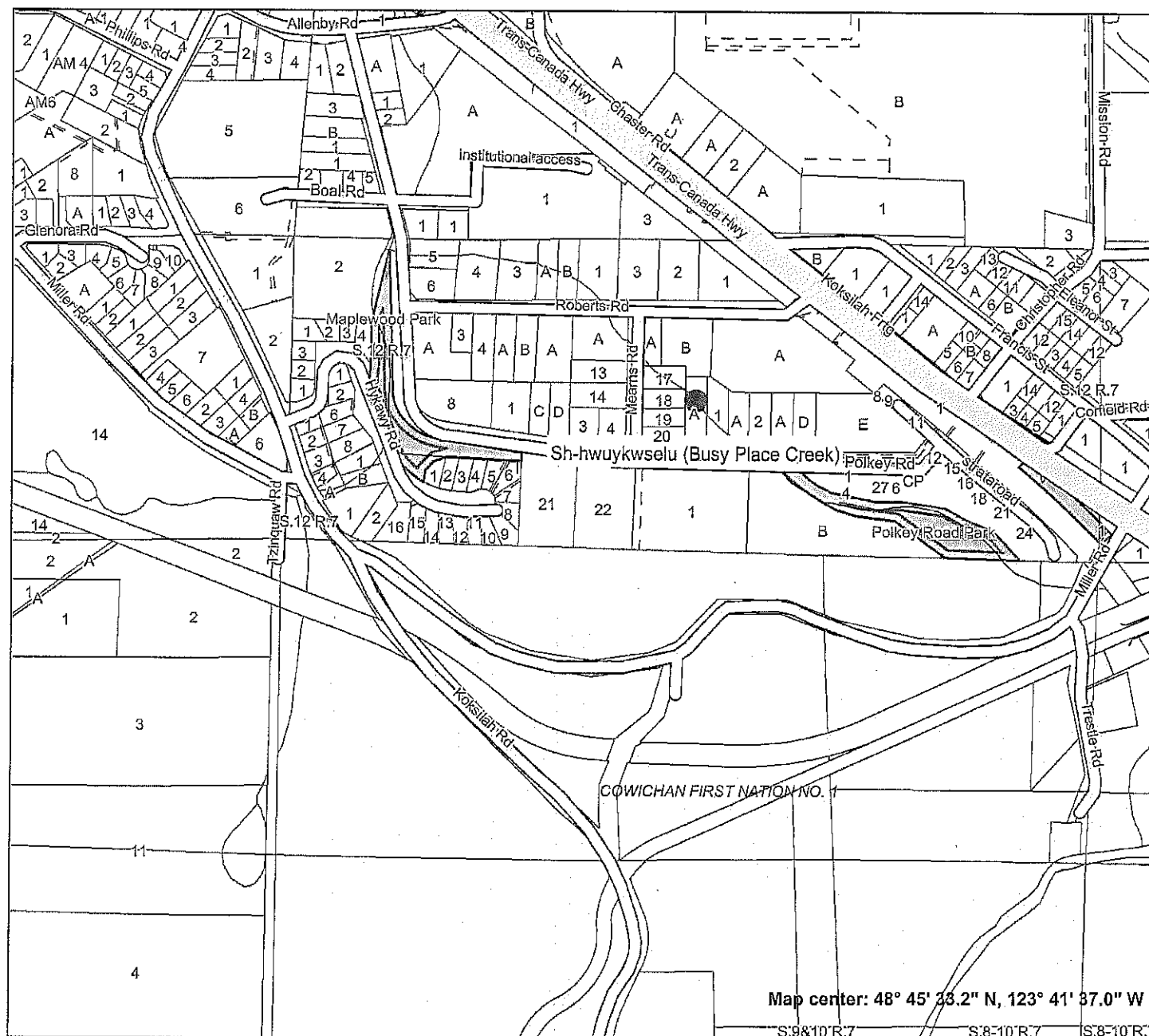


Cowichan Valley Regional District

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

Legend

- Roads
 - highway
 - Road
- Foreshore
- PARCEL_ARC
- BDEALNS
- BDRDLNS
- RDOTHNGZ
- Parcel Arcs
- First Nations
- Parks by Community
- PARKS
- Park Boundaries



Map center: 48° 45' 33.2" N, 123° 41' 37.0" W

Date Printed: 30/06/2010 12:15:30

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



SR6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 6, 2010

DATE: June 28, 2010 **FILE NO:** C-General
FROM: Mike Tippet, Manager **BYLAW NO:** 3404
Community and Regional Planning Division
SUBJECT: Referrals for Bylaw 3404

Recommendation:

That Bylaw 3404 be referred only to Cobble Hill Improvement District, Miller Water Supply and Braithwaite Improvement District for comment, and that a three week reply period be allowed for, after which a hearing may be scheduled.

Purpose:

To establish a referral list for Bylaw 3404.

Financial Implications:

None apparent.

Interdepartmental/Agency Implications:

Only agencies whose interests would be directly affected by the Bylaw should receive a referral.

Background:

At the special Board meeting of June 23, 2010, the Board gave two readings to Zoning Amendment Bylaw No. 3404. Prior to scheduling a public hearing, it is appropriate to consider which if any agencies should receive a bylaw referral.

Normally the scope of the proposed amendment bylaw (to remove two permitted uses from two parcels of land along Fisher Road) would not be of any interest to another agency. However, the purpose of the amendment bylaw is to reduce the likelihood that land uses which could negatively impact the groundwater could be undertaken on these lands. Since there are three water service areas in the vicinity of the subject lands, staff believes that it would be appropriate to send a referral regarding these bylaws to Cobble Hill Improvement District, Miller Water Supply and Braithwaite Improvement District. All of these service areas extract their water from an aquifer in the vicinity.

In order to give these utilities a chance to reply to our referral, we are suggesting that a three week period be offered for agency response to be received.

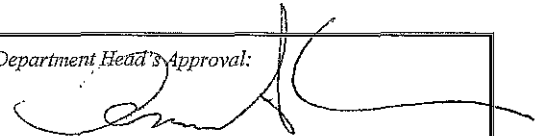
Options:

1. That Bylaw 3404 be referred only to Cobble Hill Improvement District, Miller Water Supply and Braithwaite Improvement District for comment, and that a three week reply period be allowed for, after which a hearing may be scheduled.
2. That Bylaw 3404 not be referred to any agencies.

Submitted by,



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

Department Head's Approval:

Signature

MT/ca



SR7

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 6, 2010

DATE: June 28, 2010

FILE NO:

FROM: Rob Conway, Manager
Development Services Division

BYLAW NO:

SUBJECT: 2163 Angus Road – Accessory Building Fixture

Recommendation:

Committee direction is requested.

Purpose:

To obtain direction from the EASC with respect to a request for bathing facilities within an accessory building at 2163 Angus Road, Shawnigan Lake.

Financial Implications:

N/A

Interdepartmental/Agency Implications:

N/A

Background:

On July 8, 2009, the CVRD Board authorized a development variance permit to reduce the front parcel line setbacks for an accessory structure from 7.5 metres to 2.9 metres at 2163 Angus Road. The owners are now in the process of constructing the accessory building and have been advised by a CVRD building inspector that only one sink and one toilet fixture are permitted in the new building, unless Board authorization is obtained. As the owners wish to have a three piece bathroom comprised of a toilet, sink and five foot bathroom, they are requesting permission from the Board, as outlined in the attached letter.

The CVRD's policy with respect to plumbing fixtures within accessory buildings originates from the following January, 2004 Electoral Area Services Committee resolution:

"As a measure to reduce the number of illegal dwellings in the CVRD, that staff be authorized to allow for one toilet and one sink, and no other facilities such as showers, bathtubs, and laundry and kitchen facilities, in accessory buildings, without the specific authorization of the Board."

Since 2004, requests for additional plumbing fixtures have been directed to the Board, through EASC.

Staff Comments:

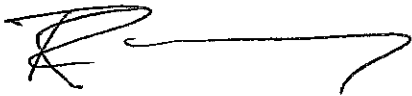
The owners state in their letter that they intend to use the accessory building for storage and occasional sleeping accommodation for family and guests. Although the use of the structure for sleeping accommodation is a step towards residential occupancy, the structure would not be considered a dwelling unless it has self contained living facilities (i.e. bathing and cooking facilities) and is occupied as a dwelling. Allowing a bathtub itself would not result in the structure becoming a dwelling, but it could make conversion of the structure to a dwelling in the future relatively easy.

Should the Committee choose to support the owner's request by allowing a bathtub, the Committee may wish to consider a restrictive covenant prohibiting occupancy of the structure as a dwelling as a condition of approval. Although the covenant would not guarantee that structure would not be occupied as a dwelling in the future, it would inform any future owner of the property that the accessory building cannot be used as a dwelling and would facilitate future enforcement action, should it be required.

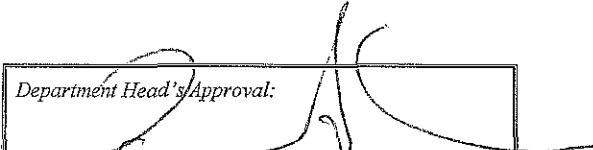
Options:

1. That the request by Brian and Betty Town for a bathtub in addition to a sink and toilet within an accessory building on Lot 3, Shawnigan Lake Suburban Lots, Malahat District, Plan 13231 (2163 Angus Road), be approved, subject to the land owner registering a covenant affirming that the structure will not be used as a dwelling.
2. Limit plumbing fixtures within an accessory building at Lot 3, Shawnigan Lake Suburban Lots, Malahat District, Plan 13231 (2163 Angus Road) to a sink and toilet.

Submitted by,



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

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

RC/
Attachments



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

The Regional District does not warrant the accuracy.

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

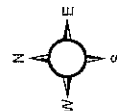
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 1-B-09-DVP

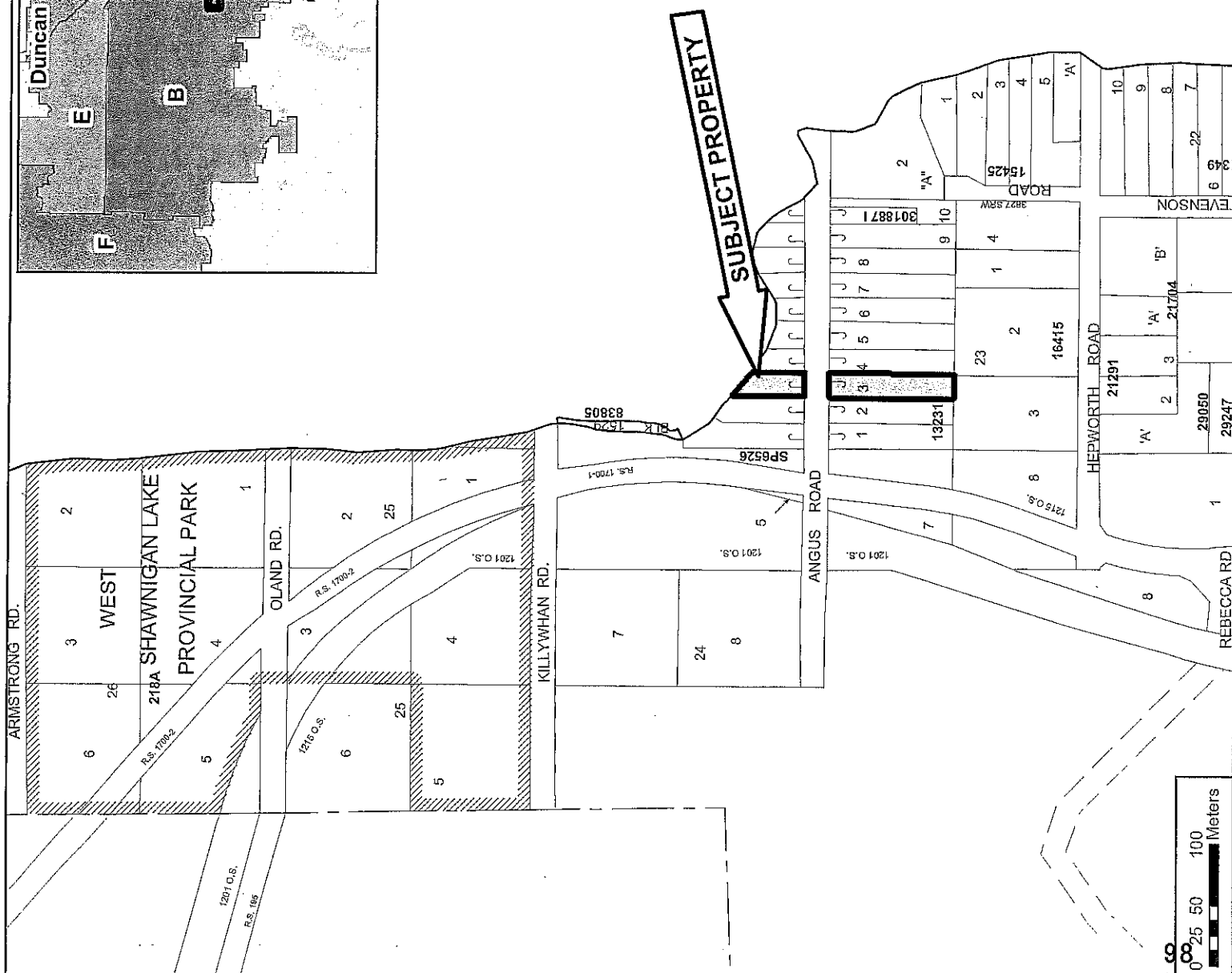
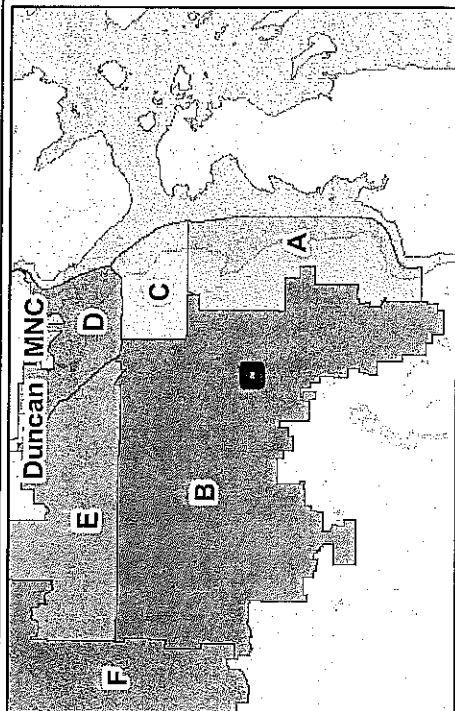
Legend



Subject Property



Shawnigan Lake



SHAWNIGAN LAKE
SUBURBAN LOTS
MALAHAT DISTRICT
PLAN 13231

(2163 ANGUS ROAD)

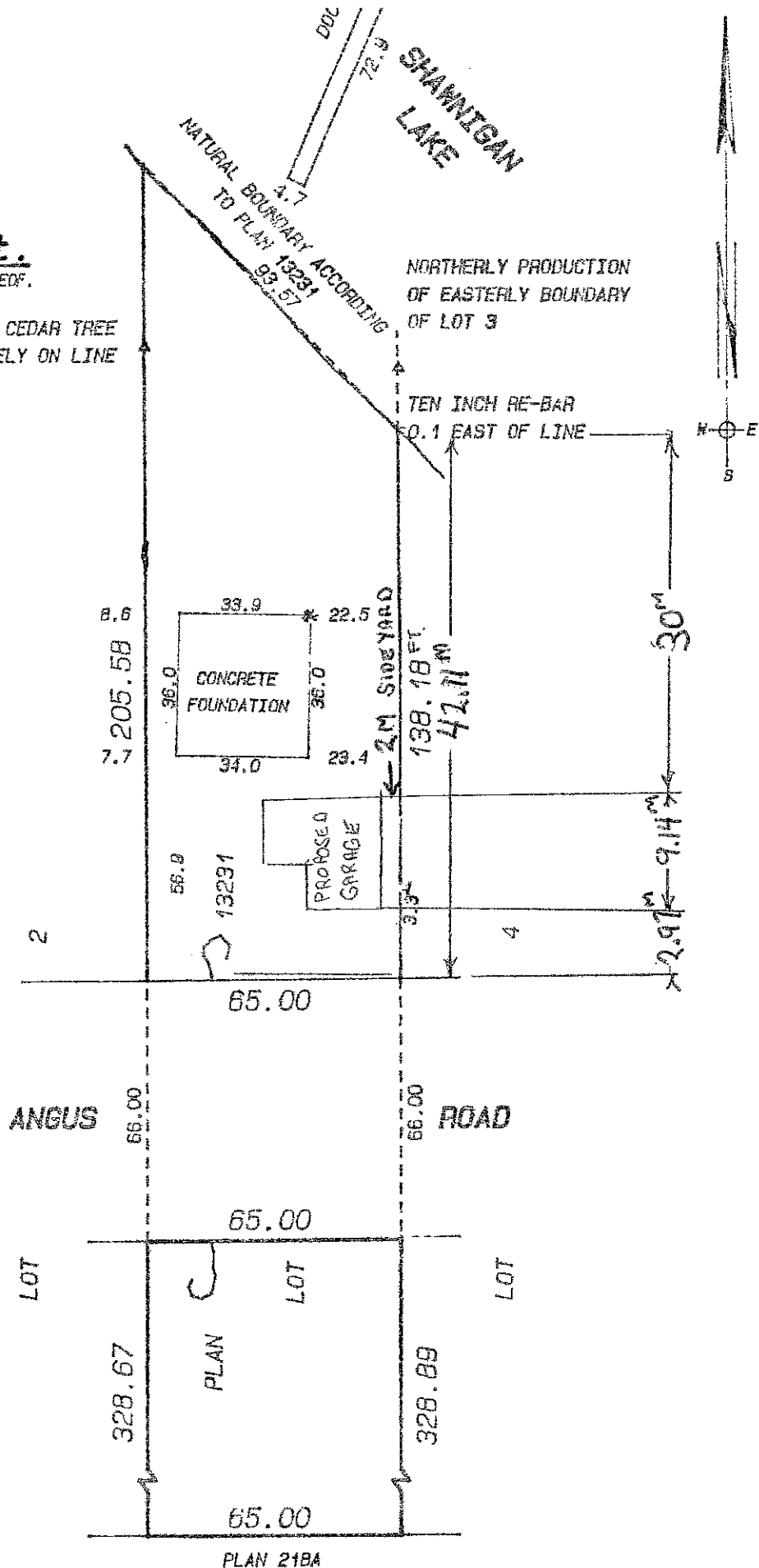
SCALE 1In.=40Ft.

DISTANCES ARE IN FEET AND DECIMALS THEREOF.

NAIL IN CEDAR TREE
APPROXIMATELY ON LINE

*
ELEVATION OF TOP OF CONCRETE
SLAB = 118.0 METRES (GEODETIC)
±0.05 METRES

2163 ANGUS RD.
BRIAN + BETTY TOWN



THIS PLAN IS NOT TO BE USED TO RE-ESTABLISH PROPERTY BOUNDARIES OR FOR CONSTRUCTION PURPOSES

JOHN A. WHITTAKER
B.C. LAND SURVEYOR

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED 99

THIS PLAN IS PREPARED FOR MORTGAGE PURPOSES ONLY.

Brian & Betty Town
9077 Lochside Drive
North Saanich

June 6 2010

Development Services CVRD

Attn: Rachelle Moreau
Re: 2163 Angus Rd.
File# 1-B-09DVP

We are finally in the process of finish our garage project on Shawnigan lake. This plan does include 2 extra rooms above the garage that we would like to use for occasional family and guest accommodation. Our inspector has advised us that we are only permitted a 2 piece bathroom instead of the 3 piece that we prefer for basic guest accommodation. As we are close to the drywall stage I would ask that you consider allowing us to install a 5 foot bathtub.

Our original cabin is 900 feet with a single bathroom. It was built 20 years ago when our family totaled 4 and was adequate up to 4 years ago. Two marriages and 3 grandchildren later bring our total to 9 making for very crowded conditions. Rather than do an addition to our existing cabin we thought a garage for on site storage plus extra rooms when need was a better route to go. We installed a new pressurized septic system when the new cabin was built and have maintained it with pump outs every 4 years. Changing our existing toilet to a 6 liter low flush will keep our daily septic flow the same.

I realize rental suites are a concern and I can say with some certainty that we are probably the only family on Angus road who has never rented our property in the 20 years we've been owners and have no plans or financial need to in the future. Needless to say we would be willing to sign any declaration to that effect that you deem necessary.

Thank-you for your consideration.

Yours Truly



Brian & Betty Town

PLEASE SEND A COPY TO:
GRANT IN INSPECTIONS



SR8

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 6, 2010

DATE: June 24, 2010 **FILE NO:** B-General
FROM: Mike Tippet, Manager,
Community and Regional Planning Division
And
Nino Morano, Bylaw Enforcement Official **BYLAW NO:** 985
SUBJECT: Tower Fence Products Ltd. site at Shawnigan Lake

Recommendation:

This report is provided for information purposes only.

Purpose:

Director Cossey has asked for a summary of the situation at the Tower Ready-Mix Ltd. site at Own Road at Shawnigan Lake.

Financial Implications:

None apparent.

Interdepartmental/Agency Implications:

The pit operates under a *Mines Act* permit and the ministry responsible may have special Provincial regulations in place that would be enforced by Ministry staff.

Background:

Location of Subject Property: 1720 Owl Road, Shawnigan Lake

Owner: Tower Fence Products Ltd.

Size of Parcel: 11.94 hectares (Lot A)
2.0 hectares (Lot 8)

Existing Zoning: I-4 (Parcel A)
R-2 (Lot 8)

Existing Use of Property: Gravel pit and processing site, concrete products manufacturing

Existing Use of Surrounding Properties:

North: Rural residences (unserved)
 South: Rural residences (unserved)
 East: Parkland
 West: Rural residences (unserved)

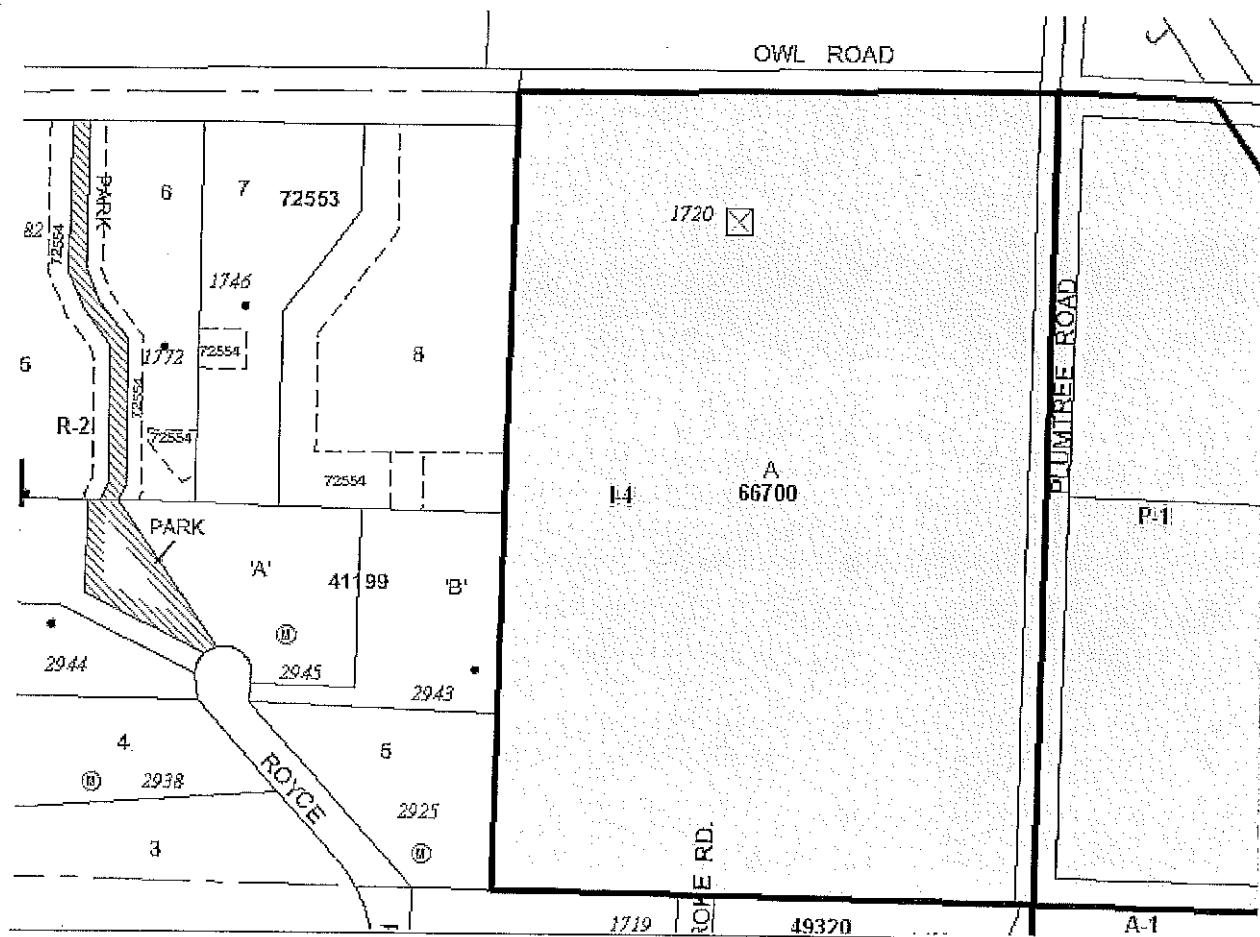
Services:

Road Access: Owl Road
Water: Well
Sewage Disposal: Onsite

Contaminated Sites Regulation: Not applicable for the purposes of this report

Environmentally Sensitive Areas: There is a wetland in the vicinity of the pit operation

Map: (Lot A fronting on Owl Road and Lot 8 to the left of it are the subject properties)



Introduction and Background

This industrial operation is contained within two (2) lots. The larger lot (Lot A), which contains the majority of the operation, is zoned I-4 (Aggregate and Mineral Processing Industrial) and permits “asphalt batch plant concrete batch plant and accessory precast concrete products manufacturing”. The smaller lot (Lot 8) is zoned R-2 and over time has been included in this aggregate extraction operation with a variety of covenants in place to control the impact of this operation for the adjacent land owners. Both lots are further regulated by a mine permit and have covenants in place which contains a variety of conditions, one of which is:

- “2. The Owners, in carrying out any mining, drilling, filling, excavating, dredging or removal of topsoil, sand, gravel, rocks or minerals, or any pit operation, shall:*
- a) Operate only between the hours of 7:00am and 7:00pm, Monday to Friday, and 7:00am to 1:00pm on Saturdays;*
 - b) Conduct wash plant operations only between the hours of 8:00am to 6:00pm on weekdays and 8:00am to noon on Saturdays;*
 - c) Suspend all pit operations on Sundays and statutory holidays; and*
 - d) Comply with all special conditions as listed on the permit amendment by Ministry of Energy and Mines, a copy of which is attached hereto as Schedule “A”.”*

It is unclear whether or not these conditions extend to an asphalt batch plant operation and may be seen as separate from the “pit operation”. If this is the case, this use would be exposed only to the current zoning which does not restrict hours of operation.

A meeting on site recently was conducted by representatives of CVRD, DFO, MOE and MEM investigating a variety of environmental concerns which resulted in an “Inspector’s Direction” from DFO. The land owners have indicated they wish to cooperate fully and have committed to hire an environmental consultant to assess the environmental concerns and a plan to fix the problems. They are in an ongoing process to “clean up” inherited issues from the previous owners. There did not appear to be any basis for the CVRD to be involved with these concerns and no action is being contemplated at this time.

Zoning and other CVRD Regulations

The main pit area is zoned as Aggregate and Mineral Processing Industrial (I-4), a zone within which most types of aggregate and mineral processing would be permitted, in addition to the following:

Asphalt batch plant, concrete batch plant and accessory pre-cast concrete products manufacturing;

This permitted use would, of course, allow for asphalt plants to be erected on the portion of the site that is in the I-4 Zone.

The CVRD does not have an hours-of-operation bylaw at this time.

Covenant

The CVRD holds a covenant over the subject properties, which in the case of Lot 8 deals with the setback of the gravel extraction area from adjacent lots, and in the case of Lot A addresses a number of issues, including:

- Noise attenuation
- Hours of operation

In the case of hours of operation, two standards are specified:

1. pit operation (mining, drilling, filling, excavating, dredging, removal of topsoil, sand gravel, rocks or minerals or any pit operations (0700-1900 M-F; 0700-1300 Sat)
2. Wash plant operations (0800-1800 M-F; 0800-1200 Sun)

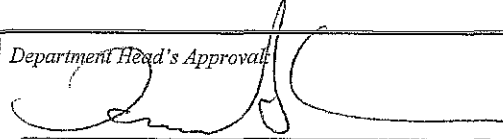
The covenant is quite specific about the operations to which the hours of operation would apply; however, the intent of the covenant is to reduce nuisance to the area residents. We would therefore suggest that any of the industrial permitted uses on this site would be subject to these hours of operation, naturally, including an asphalt plant.

If a particular paving project was occurring at night, the operators could approach the CVRD for approval to operate outside of the hours specified in the covenant on a temporary basis.

Submitted by,



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

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

Nino Morano,
Bylaw Enforcement Official
Planning & Development Department

MT/NM/ca

PLAN 50

31 MAY 2004 14:41

EW067012

LAND TITLE ACT

FORM 11(a)

(section 99(1)(e), (j) and (k))

VIP77029

APPLICATION FOR DEPOSIT OF REFERENCE PLAN

I, **LAIMA A. PAKSTAS**, Solicitor, 122 Station Street, Duncan, British Columbia, V9L 1M7, agent of the **COWICHAN VALLEY REGIONAL DISTRICT**, the owner of a registered charge, apply to deposit reference plan for Covenant purposes over part of Lot A, Sections 5 & 6, Range 4, Shawnigan District, Plan VIP ~~77029~~ **66700**

I enclose:

1. The reference plan.
2. The reproductions of the plan required by section 67(s) (see below) 01 04/05/31 14:41:20 01 VI 568138
3. Fees of \$50.00. \$50.00

Dated the 26th day of May, 2004.


LAIMA M. PAKSTAS *KCP*

NOTE:

(i) Under Section 67(s) the following reproductions of the plan must accompany this application:

- (a) one blue linen original (alternatively white line or original transparency);
- (b) one duplicate transparency;
- (c) one whitelar (white mylar print) for each taxing unit requiring returns;
- (d) one whiteprint for the Assessment Authority of British Columbia (to be addressed to the primary taxing unit shown on title);
- (e) one whiteprint for the appropriate regional district identified on the plan;
- (f) one whiteprint for the Ministry of Transportation, Communications and Highways when the plan is in unorganized territory or where the Ministry has approved the plan under the Controlled Access (Highway) Regulations;

In addition, one whiteprint is required as a worksheet for the Land Title Office.

(ii) The following further requirements may be necessary:

- (a) If the parent property is in an Agriculture Land Reserve, a release is required unless the parent property is less than 2.0 acres (app. .8094 hectares) or where, for permitted uses, an approving officer has signed the plan under section 1(1)(a) and (b) of the Subdivision and Land Use Regulation (B.C. Reg. 7/81) under the Agricultural Land Commission Act.

- (b) Where a notice respecting a grant under the Home Purchase Assistance Act is endorsed on title, an extra white print must accompany the application, unless the Ministry of Lands, Parks and Housing agrees otherwise in writing. This extra print must contain the following endorsement:

"The eligible residence as defined by the Home Purchase Assistance Act is located on lot _____ created by this plan.

 B.C.L.S. or solicitor for the owner"

- (c) Controlled access approval must be evident on the plan where parent property adjoins a highway that is designated as a controlled access highway.
- (d) Where the plan refers to a restrictive covenant to be made under section 215, the instrument containing the covenant must be tendered with the plan.

F:\CVRD\Shawnigan Gravel coven\FORM.11.doc

1C
2B
2-
LAND TITLE ACT
FORM C

31 MAY 2004 14:41

EW067012

(SECTION 233)

Province of British Columbia

GENERAL INSTRUMENT - PART 1 (This area for LTO use)

Page 1 of 12 Pages

1. APPLICATION:

NEWCOMB & COMPANY, Barristers & Solicitors,
122 Station Street, Duncan, BC
V9L 1M7 748-3783

Rita Baker

KLB

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:

(PID)

(LEGAL DESCRIPTION)

024-043-401

LOT A, SECTIONS 5 & 6, RANGE 4, SHAWNIGAN DISTRICT, PLAN VIP66700

3. NATURE OF INTEREST:

Description

Document Reference
(Page and Paragraph)Person Entitled to
Interest

Section 219 Covenant

Entire Document

Covenant 09/09/31 14:41:28 01 VI
CHARGE568138
\$60.00

4. TERMS: Part 2 of this instrument consists of (select one only)

- a) Filed Standard Mortgage Terms ☐ D.F. No.
b) Express Charge Terms ☒ Annexed as Part 2
c) Release ☐ There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in item 3 is released or discharged as a charge on the land described in item 2.

5. Covenantor(s): Maurice Charles Simard, Verna Marie Simard, Raymond Adrian Simard
and Terry Raper Simard

6. Covenantee(s): The Cowichan Valley Regional District, 137 Evans Street
Duncan, British Columbia, V9L 1P5

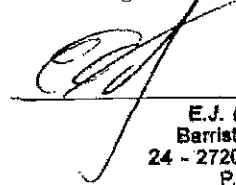
7. ADDITIONAL OR MODIFIED TERMS: N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date

Transferor(s) Signature(s)



E.J. (JACK) HICKS
Barrister and Solicitor
24 - 2720 MILL BAY ROAD
P.O. BOX 83
MILL BAY, BC V0R 2P0

Y / M / D
2003 / 3 / 25
2004 / 3 / 25



Maurice Charles Simard



Verna Marie Simard

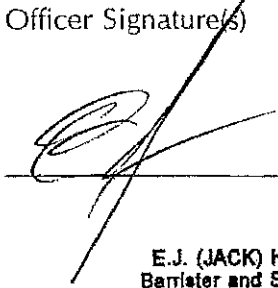
(as to both signatures)

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996 c. 124 to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D
EXECUTIONS CONTINUED

Page 2

Officer Signature(s)

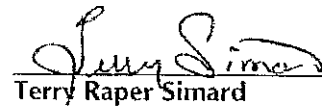


E.J. (JACK) HICKS
Barrister and Solicitor
24 - 2720 MILL BAY ROAD
P.O. BOX 83
MILL BAY, BC V0R 2P0

Execution Date

Y / M / D
2003 / 3 / 25
2004

Party(ies) Signature(s)


Raymond Adrian Simard
Terry Raper Simard

As to both signatures

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

THIS INDENTURE IS MADE AS OF THE 25 DAY OF March, 2003
2004

BETWEEN:

COWICHAN VALLEY REGIONAL DISTRICT

137 Evans Street
Duncan, British Columbia
V9L 1P5

(hereinafter referred to as the "Regional District")

OF THE FIRST PART

AND:

MAURICE CHARLES SIMARD, Self-Employed, and
VERNA MARIE SIMARD, Homemaker of
1860 Thain Road, Cobble Hill, BC, V0R 1L0, and
RAYMOND ADRIAN SIMARD, Self-Employed, and
TERRY RAPER SIMARD, Practical Nurse, of
1900 Fulford Ganges Road, Fulford Harbour, BC, V8K 2A6

(hereinafter referred to as the "Simards")

OF THE SECOND PART

AND:

SHAWNIGAN GRAVEL SUPPLIES LTD.,
24-2720 Mill Bay Road, PO Box 83, Mill Bay, British
Columbia, V0R 2P0

(hereinafter referred to as the "Shawnigan Gravel")

OF THE THIRD PART

WHEREAS:

- A. The Simards are the registered owners in fee simple of all and singular that certain parcel or tract of land and premises situate, lying and being within the Cowichan Valley Regional District, in the Province of British Columbia, and more particularly known and described as:

**Lot A, Sections 5 and 6, Range 4, Shawnigan
District, Plan VIP66700
in the Province of British Columbia**

(hereinafter referred to as the "Simard Property")

- B. Shawnigan Gravel is the registered owner in fee simple of all and singular that certain parcel or tract of land and premises situate, lying and being within the

Cowichan Valley Regional District, in the Province of British Columbia, and more particularly known and described as:

**Lot 8, Section 5, Range 4, Shawnigan
District, Plan VIP72553
in the Province of British Columbia**

(hereinafter referred to as the “Shawnigan Gravel Property”)

- C. Shawnigan Gravel operates a gravel pit on the Simard Property;
- D. The Simards and Shawnigan Gravel (hereinafter collectively referred to as the “Owners”) propose to extend the mining operation from the Simard Property into the Shawnigan Gravel Property;
- E. The Simard Property is subject to a Restrictive Covenant in favour of the Regional District which would prohibit the extension of the gravel pit operation;
- F. In consideration of the release of the Restrictive Covenant, registered in the Victoria Land Title Office under No. N30216 and amendments thereto registered as no. R68255 and no. EL62853, by the Regional District, the Owners agree to restrict and limit the use of the Shawnigan Gravel Property and the Simard Property (hereinafter collectively referred to as the “Lands”) on the terms and conditions and for the purposes hereinafter set forth;

NOW THEREFORE for one dollar paid by the Regional District to the Owners and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged the parties agree as follows:

1. The Owners, may, except in so far as expressly restricted from doing so by this Agreement, make use of the Lands for the following purposes:
 - (a) gravel processing;
 - (b) asphalt batch plant, concrete batch plant and accessory precast concrete products manufacturing; and
 - (c) one single-family dwelling per parcel, accessory to a use permitted in either of the preceding provisions,

(hereinafter collectively referred to as the “pit operations”).
2. The Owners, in carrying out any mining, drilling, filling, excavating, dredging or removal of topsoil, sand, gravel, rocks or minerals, or any pit operations, shall:
 - (a) Operate only between the hours of 7:00am and 7:00pm, Monday to Friday, and 7:00am to 1:00pm on Saturdays;
 - (b) Conduct wash plant operations only between the hours of 8:00am to 6:00pm on weekdays and 8:00am to noon on Saturdays;

Land Title Act
Part 2 – Terms of Instrument
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Page 5

-
- (c) Suspend all pit operations on Sundays and statutory holidays; and
 - (d) Comply with all special conditions as listed on the permit amendment by Ministry of Energy and Mines, a copy of which is attached hereto as Schedule "A".
3. The portions of land shown and entitled "Covenant Area 'A'" and "Covenant Area 'B'" on Reference Plan registered as Plan VIP 77029 in the Land Title Office at Victoria are hereafter referred to as the "Restricted Lands".
4. The Owners shall not, upon the Restricted Lands;
- (a) Construct, reconstruct, alter or move thereupon any billboard, fence, building or other structure, except for the purpose of constructing a building permitted by this covenant;
 - (b) Carry out pit operations or in any way change the topography of the surface of the Restricted Land, except for the purpose of constructing a building permitted by this covenant;
 - (c) Dump trash, rubbish, or other waste;
 - ✓ (d) Pollute any waters on or adjacent thereto, or change the existing natural habitat in any manner;
 - (e) Carry out any activity which results in erosion or which will have a detrimental effect upon fish or wildlife and their natural habitat, or on the natural ecosystem and its process;
 - (f) Remove any tree or bush or natural growth, except as specified and permitted by the Regional District.
- NO* 5. The Owners shall, within six months of the date of registration of this Covenant establish a noise barrier berm, being an earth berm capable of supporting vegetation to a height of not less than 4.5 meters, upon all that part of the Lands designated as "Covenant Area 'A'" on Schedule "B".
6. The Owners shall maintain the noise barrier berm established pursuant to paragraph 5 herein, and the existing noise barrier berm located along the northerly portion of Covenant Area "B" on the section located between the end of Owl Road and Plumtree Road as shown on Schedule "B".
7. The Owners shall stake and flag the restricted area created on the Lands at their expense.
8. The Owners shall permit the Regional District to enter onto the Lands at all reasonable times for the purpose of performing bi-annual inspections and to monitor that no prohibited activity occurs within the restricted areas on the Lands.
9. The Owners shall pay all of the costs and expenses of performing the obligations herein created.

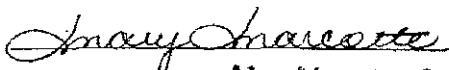
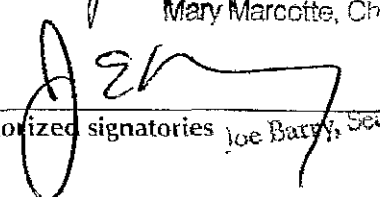
Land Title Act
Part 2 - Terms of Instrument
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Page 6

10. The Owners will reimburse the Regional District for the costs of preparing and registering this Restrictive Covenant in the Land Titles Office at Victoria.
11. The Owners will, upon the reasonable request of the Regional District, make, do execute, or cause to be made, done or executed all such further and other lawful acts, deeds, documents and assurances whatsoever for the better or more perfect and absolute performance of the covenants, premises and agreements herein contained, and for obtaining the registration of this document in the Land Title Office at Victoria and for that purpose shall obtain the consents as may be required from other persons having a registered interest in the Lands for the purpose of obtaining registration of this document.
12. The restrictions herein contained and set out and the covenants to be performed shall be binding upon the ownership of any interest in the Lands.
13. The restrictions and covenants herein contained shall be covenants running with the Lands, shall be perpetual, and shall be registered in the Land Title Office at Victoria under Section 219 of the Land Title Act as covenants in favour of the Regional District.
14. The Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns, and in furtherance of this, the Owners shall obtain from any subsequent purchaser or transferee from them a covenant to observe the restrictions herein set forth, including this clause.
15. Wherever the expression "Owners" is used herein, the same shall be construed as meaning the singular, plural, feminine or body corporate or politic where the context or the parties so require.

IN WITNESS WHEREOF the Owners and the Regional District have executed this Agreement and have affixed their Seals in the presence of the authorized signatories on the dates and at the places shown:

THE CORPORATE SEAL OF THE COWICHAN VALLEY REGIONAL DISTRICT was hereunto affixed the 14th day of May, 2004, in the presence of:

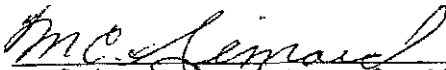

Mary Marcotte, Chair

Authorized signatories Joe Barry, Secretary


c/s

Land Title Act
Part 2 - Terms of Instrument
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Page 7

Executed by
THE CORPORATE SEAL OF SHAWNIGAN GRAVEL SUPPLIES LTD. was hereunto affixed
the 25th day of March 2004, in the presence of:
SHAWNIGAN GRAVEL SUPPLIES LTD.
by its Authorized Signatories


MAURICE CHARLES SIMARD

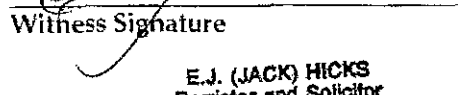

Authorized signatories
RAYMOND ADRIAN SIMARD

SIGNED, SEALED AND DELIVERED BY THE OWNERS, the 25th day of March 2004 in the presence of:


Witness Signature

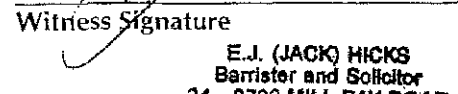
E.J. (JACK) HICKS
Barrister and Solicitor
Name 24 - 2720 MILL BAY ROAD
P.O. BOX 83
MILL BAY, BC V0R 2P0

Address


Witness Signature

E.J. (JACK) HICKS
Barrister and Solicitor
Name 24 - 2720 MILL BAY ROAD
P.O. BOX 83
MILL BAY, BC V0R 2P0

Address


Witness Signature

E.J. (JACK) HICKS
Barrister and Solicitor
Name 24 - 2720 MILL BAY ROAD
P.O. BOX 83
MILL BAY, BC V0R 2P0

Address


MAURICE CHARLES SIMARD


VERNA MARIE SIMARD


RAYMOND ADRIAN SIMARD

Land Title Act
Part 2 - Terms of Instrument
Section 219 Covenant

Page 8

Witness Signature

Name

Address

E.J. (JACK) HICKS
Barrister and Solicitor
24 - 2720 MILL BAY ROAD
P.O. BOX 83
MILL BAY, BC V0R 2P0


TERRY RAPER SIMARD

SCHEDULE "A"

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Operator: Shawnigan Gravel Supplies Ltd.

Property: Owl Road Pit, Shawnigan Lake

Notice of Work: July 24, 2001

Supplementary Documentation: October 15, 2001

SPECIAL CONDITIONS

- a) Pit may be operated only between the hours of 7:00am and 7pm, Monday to Friday, and 7:00am to 1:00pm Saturdays. Wash plant operations shall be further restricted to 8:00am to 6:00pm on weekdays and 8:00am to noon on Saturdays. All pit activities shall be suspended on Sundays and statutory holidays.
- b) Pit access shall be gated and provided with signage indicating operator's name, address, telephone number and appropriate safety advisories.
- c) Pit development shall be undertaken in accordance with drawings SGP-1 and SGP-2 as received October 22, 2001 subject to any adjustments that may be necessary to comply with the conditions of this permit.
- d) No excavation shall occur within the property boundary leave strips as established on drawings SGP-1, within 5 metres of a property boundary including the Owl and Plumtree Road right of ways, nor below a plane dipping into the pit from a property boundary setback at a slope of 1.5: 1 (horizontal :vertical).
- e) Property boundaries, limits of excavation and environmental buffers shall be flagged prior to commencing operations. Such flagging shall be maintained over the course of pit operations.
- f) Except for reclamation purposes, no further gravel excavation shall occur along the south and east walls of the existing pit (Lot A').
- g) All trees, vegetation and topsoil shall be removed within 2 metres of the rim of a working face. Where possible, vegetation lying beyond the mandated stripping shall be retained to provide visual screening and an acoustical buffer. Such retention shall, however, remain consistent with safe working practices.
- h) No pit development or other related surface disturbances shall occur within 30 metres of the natural boundary of any adjacent watercourses.
- i) Pit excavations shall not proceed within 1 metre of the high water table. Operator shall

undertake all investigations and monitoring as may be necessary to ascertain the elevation of such levels and to provide confirmation that the separations have been maintained over the course of mining operations.

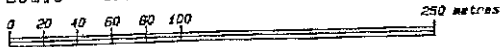
- j) Topsoil shall not be removed from site and shall be stockpiled for pit reclamation purposes.
- k) Working face shall not exceed the reach of mobile equipment being utilized.
- l) Screening and/or washing activities shall be restricted to the original pit area only.
- m) Backfill and/or sloping of tile south and east walls of the existing pit shall be undertaken at the earliest possible opportunity in the interests of slope stability and noise suppression. All fill material shall be placed and compacted in lifts rather than end dumping from the pit crest.
- n) Only certified clean mineral soil shall be utilized as backfill for slope remediation and/or final pit reclamation. Backfill shall not contain woodwaste or other organic materials except when being utilized for top dressing of the final pit slope. Operator shall ensure that the quality of such fill is consistent with the proposed end land use prior to placement.
- o) Runoff occurring above the pit disturbance shall be diverted around tile milling operation. Where possible, in pit drainage shall be diverted around active work areas.
- p) Pending the establishment of a self-sustaining vegetative cover, silt fencing shall be installed along the toe of all backfilled and/or mine slopes which may be susceptible to erosion and silt migration
- q) No pit runoff shall be allowed free access to any surface water and is to be impounded and/or treated to the satisfaction of the Ministry of Water, Air and Land Protection prior to discharge. Existing settling pond installations shall be upgraded to improve capacity, treatment efficiencies and the dissipation of flow energy at the final discharge location.
- r) A "weekly composite" sample shall be taken from tile effluent leaving the final pit settling pond and tested for total suspended solids. A copy of tile test results shall be maintained on site and be available for review by inspection staff.
- s) The wash plant water circuit shall be upgraded to establish a closed circuit arrangement with no discharge to the pit drainage system or to the surface environment. Operator shall ensure that no discharge occurs from the wash plant circuit other than through exfiltration into the underlying gravel horizons.
- t) Primary process water shall be recirculated from the wash plant system. Water may be pumped from the main pit drainage ponds as make up for exfiltration and product losses.

- u) Wash plant settling ponds shall be constructed in accordance with good engineering practice and with a minimum freeboard of 0.5 metres Washing operations shall be suspended during extreme rain events and/or whenever the design freeboard cannot be maintained.
- v) Fuel shall not be stored on site unless the tankage has been fitted with a secondary containment vessel capable of holding 110% of the stored fuel volume. Tanks shall be signed "No Smoking" and have extinguishers available in close proximity.
- w) Oil spills shall be cleaned up immediately and all contaminated materials disposed of in an appropriate manner. An emergency spill response kit shall be maintained on-site during the course of operations.
- x) Site shall not be used for any purpose unrelated to the development and extraction of the sand and gravel resource. Disused or damaged trailers and equipment shall not be stored on site and the pit shall not be used for the disposal of industrial and/or domestic debris, woodwaste, garbage, toxic materials, petroleum wastes, contaminated soils, etc.
- y) All waste containers and garbage shall be removed from site at the earliest possible opportunity.
- z) Operator shall pursue all practical means for the mitigation and/or reduction of pit related noise.
- aa) All pit operations shall be conducted under the supervision of a person holding a valid Supervisors Certificate.
- bb) First aid facilities shall be maintained in accordance with requirements of the Mines Act for the number of persons employed.
- cc) Upon completion of resource extraction activities:
 - i) Pit walls shall be contoured at not more than a 2h :1v slope, top dressed with an appropriate growth media and a proper vegetative ground cover established.
 - ii) Pit floors shall be graded to establish proper drainage and left in a manner consistent with the proposed industrial/residential end land uses.
 - iii) Natural drainage patterns shall be re-established and residual pit drainage works shall be replaced with appropriate self-maintaining alternatives.

**REFERENCE PLAN OF COVENANT OVER PART
OF LOT 8, SECTION 5, PLAN VIP72553;
& PART OF LOT A, SECTIONS 5 & 6,
PLAN VIP66700, ALL WITHIN RANGE 4,
SHAWNIGAN DISTRICT.**

(Prepared pursuant to Section 99(1) (e) of the Land Title Act.)

Scale = 1:2500



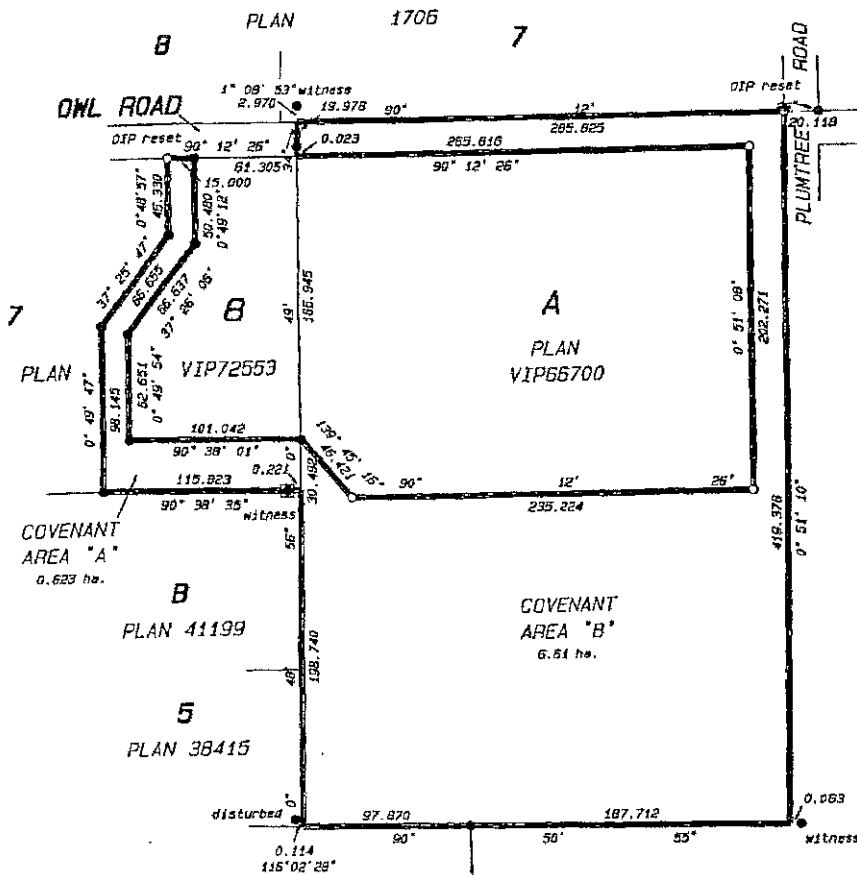
B.C.S. 928.092

LEGEND

Bearings are astronomic bearings derived from Plan VIP72553.

- standard iron post found.
- standard iron post placed.
- non-standard square iron post found.

All distances are in metres and decimals thereof.



I, Philip J. Bowers, a British Columbia Land Surveyor
of the Town of Chemainus, in British Columbia certify
that I was present at and did personally superintend
the survey represented by this plan, and that the survey
and plan are correct.
The survey was completed on the _____ day of _____, 2002.

BOWERS & ASSOCIATES
BOX 738, 2858 CASWELL STREET,
CHEMAINUS, B.C., V0R 1K0
E-MAIL: pbowers@islandnet.com
PHONE/FAX: 245-4928
File: 2595

Philip J. Bowers

B.C.L.S.

END OF DOCUMENT

AP1

Advisory Planning Commission Minutes Area D – Cowichan Bay

Date:	April 21, 2010
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 (acting)	Cal Bellerive		
Members	Brian Hosking		
	Al Jones	Guests: Gary Marshall	
	Robert Stitt		
	David Slang		
	Gordon Rutherford		
Absent	Dan Butler		
	Hilary Abbott		
Director	Lori Iannidinardo		
Alt. Director			

ORDER OF BUSINESS

1. Rezoning Application No: 3-D-09RS and 6-D-09DP (Cowichan Bay Marina)

Presentation By the Applicant Gary Marshall

The applicant wishes to extend the current marina and add 32 new moorage spots. This requires rezoning of a water area currently zoned W2 to a zoning of W3.

The applicant will also needs to obtain a waterlot lease from the Provincial Government. A handout showing the proposed expansion was given to the APC members.

Sewage requirements would be met by existing pumpouts in Cowichan Bay and the connection of existing liveaboards to a sewage system.

The applicant indicated that the requirements of the CEEMC have been met with the exception of building a new seawall. This condition will be met within five years.

The parking issue was discussed with the applicant wondering how these requirements were arrived at. The parking bylaws were read and indicate that one parking space is required for every two boats and every two employees.

The applicant indicated that at this point there is no plan to add extra parking, but he would be

willing to contribute monetarily to a Village parking solution when a equitable solution involving all participants was established.

Discussion

Much discussion centered around the congested parking in Cowichan Bay.

It would appear that some other marinas have expanded their docks without CVRD rezoning.

This has helped lead to the current parking problem.

It is evident that the geography of the Cowichan Bay Village limits the amount of parking solutions available. All the stake holders need to be involved in finding and funding a solution.

Recommendation

By a vote of 8-0, the members recommend:

The proposal be accepted as is, with a covenant that the parking requirements are not waived but postponed until a Cowichan Bay Village parking solution is created. At which time the applicant must participate.

NEXT MEETING

TBA

ADJOURNMENT

The meeting was adjourned at 8:30 PM

Cal Bellerive Acting Secretary

Draft

Electoral Area F - Planning Commission

Minutes of the Meeting

May 11, 2010

7 p.m. Meeting called to Order

In attendance – Peter Devana, Ian Morrison, Brian Peters, David Lowther, Joe Allan,
Shirley Burden
Ian Morrison Area Director chaired the
Election of Officers

Voted to serve by Acclamation
Brian Peters, Chairman
Joan McKenzie, Vice Chairperson
Shirley Burden, Secretary

David Lowther resigned from the executive to sit on the Board at large.
Space still available for new members and Ian Morrison is seeking
suggestions for names of people who may wish to serve on the
Commission
Suggested 10 members needed.

A Greenhouse Gas Emission Presentation followed from Allison Garnett
and Katie _____, CVRD planning technicians.

They outlined the provincial requirement regarding green house gas
emissions that are to be addressed into all OCP's.
The goal is a 33% reduction from 2007 – 2020 to be increased to 50% by
2030.

Transportation is the largest culprit in producing green house gas
emissions.

A document outlining the plans for reduction is due the end of May 2010.

Several comments regarding the concerns of our area were expressed by
various members and discussions to be ongoing into the future of the
numerous lands considered ALR in our area. Joe Allan outlined the
majority of our 1800 sq kms are in the ALR and that the total emissions of
our populace of 1800 people – is not of concern, rather the need for a
more friendly, workable plan to enable growth in the area. The need to

distinguish between urban, rural and suburban situations is vital and we should have the right to negotiate and entertain any applications.

An excellent film on Bill 27 was viewed and led to more discussion on the issues.

Meeting adjourned at 9:15 p.m.

AP3



CVRD

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

DATE: May 4, 2010

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 Chairperson Mike Marrs at 7:07pm.

PRESENT:

Chairperson: Mike Marrs

Vice-Chairperson: George deLure

Members: Jeff Abbott, Shawn Carlow, Erica Griffith, Gerald Thom, Pat Weaver

ALSO PRESENT:

Director: Klaus Kuhn

Alternate Director:

Recording Secretary: Tara Daly

GUESTS:

Rick Bourque, applicant

Peter (engineer for R. Bourque)

AGENDA:

It was Moved and Seconded to accept the agenda with additions:

New Business 1) building behind Youbou Market

New Business 2) unofficial subdivision on F1 lands west of Youbou

CARRIED

MINUTES:

It was Moved and Seconded to accept the minutes of March 2, 2010 as circulated.

CARRIED

PRESENTATION:

- applicant is looking at having a zone developed to replace the current zone; C4 zoning doesn't reflect how the land will be used
- fifty (50) lots in completed development
- potential purchasers are drawn to the development because they're recreational but wish to have the option of full-time occupancy in the future; possible retirement accommodations
- currently restricted to 22 weeks/ year by a single family but others can also use for 22 weeks/ year potentially having the residence occupied for the entire year; not enforced by CVRD staff ~ applicant claimed to not know of this restriction
- applicants don't wish the application to be classified as 'residential' as it would eliminate access to the waterfront through the adjoining strata land by way of an existing covenant
- infrastructure (roads, sewer ~ rated at 300 gallons/ day/ lot, water, hydro ~ 200amp underground) is designed for full time

- proposed sewer treatment can probably accept increased capacity, think it's a 'modified type 2 system'
- originally sixty-five (65) lots were proposed, now only doing fifty (50)
- fifteen (15) lots looking at joining Woodland Shores sewer system
- current F1 zoning; wanting some kind of zoning that doesn't indicate overnight occupancy by transient persons
- thirty-two (32) lots sold with only one (1) permanent resident
- a biologist has done an Environmental Assessment with the results that requirements have been met
- Commission comments: 22 week restriction allows money to be put into the area but doesn't promote taking jobs away from full-time residents; more information is needed on water and sewer infrastructure; why doesn't applicant want residential zoning (answer: 1) doesn't need to obtain a waste management permit ~ doesn't need to post a bond, 2) the easement over Bayview Village waterfront requires the land to be recreational
- QUESTIONS AND CONCERNS: 1) waste management and storm water run-off capacity; 2) definitions and legalities of zoning

It was Moved and Seconded by the Area I (Youbou/Meade Creek) Planning Commission that a list of questions and comments concerning Rezoning Application I-I-09RS (Rick Bourque) be formulated for CVRD staff and applicant and be brought forward to the next regularly scheduled meeting on June 1, 2010 so that the Commission can do due diligence and move forward with recommendations.

CARRIED

- it was noted by the Commission the need to treat each application with the same considerations and expectations

BUSINESS ARISING FROM MINUTES:

- none

OLD BUSINESS:

- none

NEW BUSINESS:

- organize a meeting with CVRD Planning ~ Mike Tippet to get background information on current proposed development before the Commission
- need assessment of the three (3) creeks within development and Marble Bay riparian area
- current stormwater assessment
- engineer's report confirming capacity of existing sewer system to accommodate year round occupancy at current standards
- water supply ~ capacity and quality
- possibility of interconnecting green spaces (desired zoning would benefit the developer ~ what's the community benefit?)
- APC and CVRD need to deal with all developers the same; treated equally
- lack of by-law enforcement makes it difficult for APC to have credibility within the community when restrictions/ conditions are put in place for a development

- need written confirmation from the Strata Corporation that Rick Bourque is speaking on their behalf
- G. deLure and G. Thom will arrange a meeting with CVRD staff for May 10th at 7pm in the Youbou Upper Hall
- OCP Amendment regarding Climate Change ~ 1) improved bus service between Area I and Duncan would help decrease vehicles on the highway, 2) Island Railway corridor needs a cash influx and change direction of daily travel, 3) Park & Ride parking lots need to be larger, 4) focus on equality between rural and city needs
- **Read and highlight ‘Climate Change’ proposed amendment for next meeting**
- Is the building being built on Arbutus Crescent within height restrictions?
- Illegal subdivision concerns ~ concern about riparian areas, multiple recreation vehicles, possibly put an article in the Lake Cowichan Gazette

ANNOUNCEMENTS:

- **Special Meeting** May 10, 2010 at 7pm in the Youbou Upper Hall
- **Next Meeting** June 1, 2010 at **6:30pm** in the Youbou Upper Hall

The meeting was adjourned at 9:20pm

/s/ Tara Daly
Secretary

AP4



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

DATE: May 10, 2010

TIME: 7:00pm

MINUTES of the Electoral Area I Planning Commission extraordinary meeting held on the above noted date and time at the Youbou Upper Community Hall, Youbou, BC.
Called to order by Chairperson Mike Marrs at 7:10pm.

PRESENT:

Chairperson: Mike Marrs

Vice-Chairperson: George deLure

Members: Jeff Abbott, Shawn Carlow, Erica Griffith, Gerald Thom, Pat Weaver

ALSO PRESENT:

Director: Klaus Kuhn (arrived at 7:40pm)

Alternate Director:

Recording Secretary: Tara Daly

GUESTS:

Mike Tippett, CVRD Planning and Development

AGENDA:

Bourque Application

Greenhouse Gas Issue

DP & Variance on Billy Goat Island

Youbou Lands update

Illegal subdivision west of Youbou Lands

MINUTES:

to be accepted at the next regular meeting

Rezoning Application 1-I-09RS (Rick Bourque) – comments by M. Tippett in italics

- need to be fair to all developers, consistent thinking and practices
- developer seems to be riding on the coattails of Woodland Shores
- why should the APC bend? *they don't need to*
- possibly consolidation of existing covenants would make sense, keep it simple; violated east access and set-backs for building on cliffsides
- zoning is currently restricted to twenty-two (22) weeks by one family but another family can come in after
- development looks more residential than recreational
- *possibly a special zone rather than C4 focusing on exactly what is wanted*
- started with fifteen (15) lots and is currently up to eighty (80) lots donating Marble Bay Park allowing access for a water tower
- *developers looking at Lot 2 (east of Bayview Village) to allow water access and boat launch for owners in proposed new development; nothing formally done;*

couldn't be a marina unless added to the public access already existing for Bayview Village

- Marble Bay is one of the most ecologically sensitive area on Cowichan Lake
- concern with three (3) streams on land, run-off, sewer treatment, possibility of obtaining land to connect existing parklands (Marble Bay Park and Bald Mountain trail system)
- *with no commercial or industrial taxes, residential doesn't cover parkland improvements*
- *tentative deal was struck with Engineering Department but significant upgrades were required*
- *developer doesn't want 'residential' zoning in order to keep access to lake according to Strata covenant*
- *existing infrastructure has no right-of-ways for lines*
- What kind of message would be given to other developers if this development were allowed to connect to Woodland Shores? *additional connection fees would be levied, connections could happen whether re-zoning happens or not*
- *Engineering Department wouldn't take over any system that hadn't been brought up to CVRD standards; M. Tippet will clarify with Brian Dennison*
- new zone needs to be rational, encompassing a variety of appropriate uses, Commission needs to be comfortable with new zone
- get rid of twenty-two (22) week limitation
- it would be better if sewer system was in the same spot
- application should be for entire area; no more piecemeal applications
- Is Rick Bourque the recognized spokesperson for the Strata? *not sure but will check with Dana*
- need to be fair to Bayview Village; most residents like it as is, not too much traffic, concerned the marina is currently abused. *Woodland Shores has and will create more traffic.*
- Fisheries Act requires a 30m setback from the high water mark for Riparian Area Protection assessment *would need to be done by a biologist (high water mark is assessed at 164m), Water Act approves floats, regulations differ on either side of the high water mark, CVRD would control the development of a marina by approving or not approving a special zone*
- cottage zone could allow for year round occupancy
- think the whole application stinks, not worried about the developer's problems, put up a bond for the sewer system, tough if waterfront access is lost, agree it would be a positive move to join in with Woodland Shores sewer, does stormwater run-off include catch basins, oil & water separators, Marble Bay doesn't drain DP area *could be added for drainage system* Want 52 weeks, then zoning is residential, end of discussion
- Could a rain garden be required? *Yes, that could be mandatory in DP requiring 0% run-off, all suggestions can be brought forward for inclusion in DP*
- the whole development is historically a mess and there's an opportunity to fix it
- Could the DP be part of the re-zoning? *don't see any reason why not*
- Would it go to a Public Hearing? *Yes, could even have a Public Meeting.*
- make the conditions on title *DP's are on title, just as good as covenants*
- wharfs experimented at Lakeview, further at Creekside, hopefully at Woodland Shores, *it'll finally work with wharf's being installed then zoned*

- concern with road (Meade Creek, Marble Bay) – no walkway *Woodland Shores agreed to improve but currently working through Crown Land issues*
- Does CVRD have any jurisdiction on water? *Yes, uses on the surface*
- Where do we go from here? There is enough information to formulate a recommendation including DP. *not necessary to rush, should be done at next meeting, draft completed before developer comes, meet at 6:30pm with developer coming at 7:30pm*

Greenhouse Gas – Bill 27 (Climate Change)

- *similar process taken by government as when the Riparian Area Regulation was brought in in 2006*
- *recommendations are supposed to be done by the end of May 2010; important topic but has been a low priority*
- *by 2050 the government hopes to have a 80% reduction in greenhouse gases*
- *OCP proposes aspirational targets, reinforces direction of OCP*
- *the primary and currently only growth node for Area I is Youbou Lands*
- *trying to keep a lid on growth discourages use of vehicles*
- *although the CVRD respects the intent of the province, it is difficult to re-invent all OCPs for the Electoral Areas to abide by their requirements in a short space of time and therefore a middle ground is taken*
- *like most of the proposals; forestry needs to be more involved; strongly encourage both private and Crown Land to look at better ways of cutting and maintaining undergrowth Area I is probably negative carbon even at the present with the abundant trees in the area*
- *acquiring land for Carbon Trust is almost impossible as there is no money; province doesn't like to be told what to do; rural areas are totally different from the cities – mass transit is difficult*
- *in the next year it would be interesting to determine the carbon footprint of Area F & Area I – probably better than 0%*
- *improved transit system*
- *forest industry – there is no interplay as to forest practices; value-added industry would create employment*
- *How do we make something happen? remind the province of its responsibilities; the mill closure has made it more necessary for people to drive to obtain work; there is a lot of stuff left on the ground that could be used for value-added industry*
- *garbage system that generates power; could by land for Carbon Trust with excess power sales*
- *current Transit schedule is not working*
- *doesn't seem to be a mechanism to get stumpage off the land cost-effectively*
- *alternative energy – more information is needed check out 'solarbc' website*
- *it stinks, the province is doing more downloading; looking after corporate greed; Carbon Trust can be bought by whoever has the most money, law should apply equally to everyone*
- *we shouldn't roll over, we need to find a way to deal with it*
- *Where do we go from here? Reflect on what's been said with a decision at next meeting. Draft minutes will be sent to members to look at and comment. CVRD is looking for community input.*

DP & Variance on Billy Goat Island

- an application is coming forward but hasn't as of yet
- lots of opposition from public
- main house plus secondary
- all islands on Cowichan Lake except Billy Goat Island have houses on them
- bending of SPEA has to be approved by CVRD then to Department of Fisheries and Oceans for approval

Youbou Lands

- Amendment #1, Amendment #2, and Phased Development Agreement have been approved
- developers have to full fill the conditions: 1) clarity on the fish hatchery, 2) signature of TimberWest on the PDA, 3) boat ramp
- time frame for approval is at the June meeting of the CVRD Board of Directors

Group Purchases

- Hawes Bay (Lots 1, 2, & 3 just 10km west of the millsite)
- one (1) mile of waterfront
- recreational vehicles on the beaches, wrecking the riparian zone
- no rules, no enforcement
- Camp Andy was granted a certain number of campsites through the court system citing historical camping
- suggestion to identify the most hideous example (worse scenario), taking information to by-law officer with previously recorded video with GPS coordinates

ANNOUNCEMENTS:

- **Next Meeting** June 1, 2010 at 6:30pm in the Youbou Upper Hall

The meeting was adjourned at 9:15pm

/s/ Tara Daly
Secretary

AP5



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

DATE: April 6, 2010

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 Chairperson Mike Marrs at 7:15pm. **As there was no quorum, the following is only a recording of discussion.**

PRESENT:

Chairperson: Mike Marrs

Vice-Chairperson:

Members: Shawn Carlow, Pat Weaver, Erica Griffith (arrived 8:15pm)

ALSO PRESENT:

Director: Klaus Kuhn

Alternate Director:

Recording Secretary: Tara Daly

REGRETS: Jeff Abbott, George deLure, Gerald Thom

AGENDA:

Accepted as circulated

MINUTES:

No quorum

BUSINESS ARISING FROM MINUTES:

- none

OLD BUSINESS:

- **Chickens** ~ an informal presentation was made by Vikki Marrs, Mary Irving, Kathryn Swan, and Norma Winner asking for support to have a maximum of six (6) female chickens (no roosters) allowed in Area I; possible rules & regulations covering but limited to permits, structure size and construction, fencing, set-backs, and cleanliness was covered in the presentation; the Commission encouraged the presentation at the CVRD Board meeting but felt support, or not, at this time was out of order
- the Commission held a lively discussion on the pros and cons of chickens noting the recent trend within the Cowichan Valley Regional District is leaning towards natural food production; it was also noted that there is a move towards the island being more self-sufficient

NEW BUSINESS:

- none

ANNOUNCEMENTS:

- **Next Meeting** May 4, 2010 at 7pm in the Youbou Upper Hall
The meeting was adjourned at 8:50pm

/s/ Tara Daly
Secretary

APC



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

DATE: June 1, 2010

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 Chairperson Mike Marrs at 7:10pm.

PRESENT:

Chairperson: Mike Marrs

Vice-Chairperson: George deLure

Members: Shawn Carlow, Gerald Thom, Pat Weaver

ALSO PRESENT:

Director: Klaus Kuhn

Alternate Director:

Recording Secretary: Tara Daly

REGRETS:

Jeff Abbott, Erica Griffith

GUESTS:

Rick Bourque, applicant

AGENDA:

It was Moved and Seconded to accept the agenda.

CARRIED

MINUTES:

It was Moved and Seconded to accept the minutes of May 4, 2010 and May 10, 2010 as circulated.

CARRIED

BUSINESS ARISING FROM MINUTES:

- M. Marrs brought forward a recommendation for Rezoning Application 1-I-09RS (Rick Bourque); the commission held a discussion

It was Moved and Seconded to accept the recommendations brought forward from Mike Marrs and further that said document be forwarded to CVRD staff (see Attachment 1 to minutes of June 1, 2010)

CARRIED

- **Climate Change Comments:**

- * Forestry section is too weak, wood waste, need to more effectively handle the forest land, should be #1 priority not at bottom, restrict raw log exports, reduce stumpage costs so that more wood can be utilized, use

everything, local jobs would eliminate the distance needed to travel for work

- * Carbon Credits potentially benefit big business with the taxpayers paying
- * improvements with diesel engines are good until you look at the whole picture – they don't last as long therefore more parts are needed increasing costs in manufacturing and distribution
- * improved Transit System would allow more people to use, recent changes have caused people to quit jobs because they can't make connections; encourage car pooling and have a local (Cowichan Lake area) Park 'n Ride lot; expand Gas Tax credits into rural area; improve rail lines
- * more research on alternative energy, jobs created
- * feel the Provincial Government has their own agenda; more concerned with large centres not rural areas
- * rather than downloading, the province needs to take responsibility; they have the expertise, more information is needed to make better informed comments

OLD BUSINESS:

- **Youbou Lands** – the Provincial Government has returned the document; will go to 4th reading after three (3) final items are signed off on; if approved remediation but be completed before anything else starts
- **Town Beautification** – Director Kuhn hopes that people will generally start their own clean-ups; logistically it's difficult to organize

NEW BUSINESS:

- after much discussion, the Commission wanted to note that any infringements on Riparian Zones are not acceptable. The public, as well as, the APC wish to maintain the existing Riparian areas around the lake and increase, if possible

ANNOUNCEMENTS:

- **Next Meeting** July 6, 2010 at 7pm in Upper Youbou Hall (at the call of the chair)

The meeting was adjourned at 9:35pm

/s/ Tara Daly
Secretary

Attachment 1

2010.06.01 **Area I (Youbou/Meade Creek) Area Planning Commission**

Subject: Rezoning Application No. 1-I-09RS (Bourque)

Current Zoning: C-4 Tourist Commercial 4 Zone

Current OCP: designated as Tourist Commercial

Current Use: At some point, the property appears to have been subdivided into bare land Strata Lots upon which approximately 32 have had individual residential buildings or cottages constructed and are occupied for extended periods. The current use and occupancy is non-compliant.

Covenant: A covenant in favour of the CVRD is registered on title restricting the use of the property to no other uses other than a recreational use. The covenant prohibits a “permanent residence” use of the property.

Application: To rezone the subject properties in order to legalize the non-compliant use and permit the year round (full-time_ occupancy under a new “recreational zone”.

Observation: It appears that the current use and status is non-compliant with the existing OCP, Zoning, and Covenant in that:

1. At some point the subject property was given approval to subdivide as a bare land stratum in apparent disregard to the properties current C-4 Tourist Commercial 4 Zoning and the Official Community Plan designation as Tourist Commercial.
2. The current use contravenes the current C-4 Tourist Commercial 4 Zone by:
 - a. 5.24 (1c) Contravening the permitted uses as a non-commercial use of the property.
 - b. 5.24 (1i) exceeding the single family dwelling restriction as an accessory use to an approved commercial use as well as the single family dwelling permitted under 5.24 (3)
 - c. 5.24 (2)(a) Notwithstanding the non-compliant subdivision, it appears that some of the subdivided strata lots do not comply with the minimum parcel size of 0.2 hectares where served by a community water and sewer system
3. The current use does not meet the definition of “resort” as a commercial use and nor the definition of “temporary accommodation” which limits the maximum stay to less than 22 weeks.
4. Based on staff’s initial referral report to the APC, it appears that the existing use may be in conflict with the “Registered Covenant” which restricts the use to “recreational” only and limits “the” building footprint and prohibits a permanent residence all of which appears to be “singular in reference.”

Comments:

1. The APC does not condone what appears to be a flagrant disregard of regulatory bylaws and nor does it encourage the use of regulatory procedures to rectify or legalize such contraventions after the fact. Based on the information provided to the APC, it appears that the current noncompliant situation has managed to evolve through the subdivision process and numerous building permit processes without questions being raised. It appears that the regulatory system has

Attachment 1

failed the community, which further strains the relationship, whether real or imaginary, between the community here and our regulatory agencies.

That said, notwithstanding that the subject has be developed in a manner contrary to the OCP, Zoning and other regulatory instruments, the fact remains that the current situation needs to be addressed and addressed with regard to the community's best interest. To that end the following is submitted to CVRD staff in response to the referral to the APC.

Recommendations:

It appears that consideration of an amendment to the Electoral Area I Youbou/Meade Creek Official Community Plan By No. 2650 Official Community Plan and Electoral Area I Youbou/Meade Creek Zoning Bylaw No. 2465 is required to facilitate the applicant's request.

Should the CVRD proceed forward with due process and should the OCP and zoning amendments be successful, we recommend the following to be considered and incorporated accordingly:

1. The issuance and registration on title(s) of a Development Permit to regulate and control the existing and any future development within the subject properties.
2. The Registered Covenant be rescinded and any applicable restrictions be made part of the Development Permit.

Further in consideration of the:

1. OCP Amendment Application:

The OCP amendment to reflect the proposed zoning to accommodate use of the subject properties.

2. Zoning Amendment Application:

The Zoning Amendment to reflect the intended 'Recreation Cottage' use by:

- a. Limiting the use to 1 recreational cottage
- b. Limit building footprint and maximum floor are of same
- c. Maximum accessory building(s) of 2 with a total square footage of 56
- d. No secondary suites or B&B uses
- e. Establish new minimum lot area, relative to that which has been stratified

3. Development Permit to include and regulate:

- a. Requirement to submit an acceptable QEP report and implement any recommendations or requirements relative to the existing and future development impact on the 3 stream planning areas with TRIM streams as identified in the staff's report on page 2. Confirmation that any existing development is in compliance with Riparian, flood, a Fisheries protection regulations.
- b. Requirement to submit an acceptable Engineer's report and implement any recommendations or requirements relative to the capability of the existing water and sanitary systems given the potential year-round occupancy, including any potential impact on Marble Bay. (The APC notes the ecological sensitivity within Marble Bay and its limited circulation and thus expresses its concern about potential negative impacts any increased habitation may have on the adjacent lake system).

Attachment 1

- c. Requirement to submit an acceptable Engineer's report and implement any recommendations or requirements relative to the existing infrastructure (water, sanitary, and fire protection) being up to CVRD engineering standards.
- d. Requirement to submit an acceptable Engineer's report and implement any recommendations or requirements relative to storm and roof water retention and control systems to prevent run-off and potential negative impact upon the lake or adjacent properties.
- e. Include those restrictive clauses that may be applicable, which were included in the CVRD Covenant that is recommended for rescinding as noted above.
- f. Any existing or future infrastructure crossing over the bare land strata lots must be protected by way or registered easements.
- g. Confirmation that existing or future common roads within the main parcel area are and will remain as common property to be maintained by the Strata Corporation.
- h. Confirmation that existing or future common services such as water, sanitary, fire protection, etc. within the main parcel area are and will be maintained by the Strata Corporation. Further that any CVRD required easements or right-of-ways are in place or obtained as part of this process.
- i. In drafting the DP, CVRD staff work with the Area I Parks Commission to explore the need for green space interconnection.
- j. Incorporate any requirements of those responding to other referrals

In closing, the Commission is concerned about the precedent set by this application should it be successful and solely sees the foregoing as a singular recommendation to resolve a difficult situation. In no way is this recommendation to be taken as support or potential support for the creation of any similar Zoning or OCP amendment. The Commission strongly feels that the CVRD maintain support of the intent and Commercial Tourist designation within the OCP, including those adjacent lands currently zoned C-4.

Respectfully, Area I (Youbou/Meade Creek) Area Planning Commission

Area A Advisory Planning Commission Minutes

15 June 2010 at 6:30 PM

Mill Bay Fire Hall

Present: June Laraman, Deryk Norton, Ted Stevens, Archie Staats, Margo Johnston, Cliff Braaten, Dola Boas, Geoff Johnson, and Brian Harrison (Director, Area A)

Regrets: David Gall, Roger Burgess (Alternate Director, Area A)

CVRD: Rob Conway (Planning and Development)

Presenters: Mark Wyatt

Audience: 13 public representatives including Ken and Sheelagh Horton and Wayne Haddow representing the BC Ministry of Agriculture and Lands.

Meeting called to order at 6:32 pm.

Previous minutes:

It was moved and seconded the minutes of 11 May 2010 meeting be adopted.

MOTION CARRIED

New Business:

OCP and Zoning Amendment Application No: 7-A-09RS (Wyatt/Horton Road)

The purpose to consider an application to amend the Area A Official Community Plan and Zoning Bylaw to permit development of a 75 unit mixed housing development on approximately 3.8 hectares of land between Horton Road and Barry Road.

Rob Conway, MCIP, Manager CVRD presented an overview of the application outlining considerations for the APC to keep in mind while formulating a decision. Is the application a good fit for the site? Is there a community need and does it comply with adjacent land use?

Considerations:

1. Maintain the agricultural buffer as defined in the Agricultural Land Commission or Ministry of Agriculture Policies.
 - 30 metre set back depending on the degree of density; minimum 15 metres landscape buffer.
2. Consider the possibility for public roadway to connect Horton Road to Barry Road.
 - CVRD has a request to MoT regarding Barry Road and where the road would be located. The MoT has not responded.
3. Lot size – is this site appropriate for mixed-use housing?
 - Zoned R3 single family (approx. 23 lots on 3.8 hectares).
 - Sewage on Taggart property assuming CVRD takes over this disposal field. This is not finalized.

Mark Wyatt, project developer, provided the APC with a visual presentation explaining the rationale for this application. Primary focus is that Mill Bay is largely comprised of single family lots and there is a need for other types of housing for young families and retirees who want to downsize and age in place.

Key elements presented by Mark Wyatt were affordability (\$350K range); Units per acre or UPA is 7:Smart-growth approach; concentrated parking.

Mark pointed out that if the application was not approved for mixed used housing that they would go ahead and develop the property with 23 single family lots.

Ken Horton, adjacent ALR land farmer/owner, was given the opportunity to respond to the concerns expressed in his letter. He pointed out that the treed area that aligns to the Wyatt application is where cattle currently graze. He expressed concern around the security of the farm and the need to keep the residential impact to a minimum.

APC Questions and Concerns:

Agricultural buffer:

- Urban Containment Boundary is butted against ALR land. Mill Bay/Malahat OCP has a policy to protect ALR.
- Developer is considering the road allowance to be part of the buffer e.g. 18 metres is dedicated for a narrow road and 7.5 metres landscape buffer.
- Rob Conway stated, if this application is approved he is not certain the road could be used a part of the buffer.
- There is a need to preserve and protect ALR. It was recognized that the Agricultural Land Commission Act takes precedence over the provincial legislation and local government bylaws. The basic premise is the protection of agricultural land is a priority.
- The large treed area on Horton's property, which the developer suggested could be part of the buffer, is used by a herd of beef cattle.
- There will be new agricultural provisions in the SCOCP if approved. It was recommended that this application should wait for the new plan to be approved.
- It was stated that the proposed density is too high and inappropriate given the proximity to one of the largest farms in the Cowichan Valley.

Roadway:

- Strata road constructed on north side should be public at the onset.
- Concerns with high density land use and roadway.

Density - Lot size and mixed use housing:

- Affordability? Price will be mid \$300,000 for 31 single-family homes, \$370,000 for terrace homes – subject to market trends.
- 10-minute walk to Mill Bay Centre is on a steep grade and presents safety concerns when walking under current bridge.
- In Area A, there are properties already zoned for multifamily units.
- Developer stated water is available from Mill Bay Water District for the development, this was confirmed by an APC member who works for Mill Bay Water.
- As this would be a strata development, the parks would not be public.
- Different housing needs met by Ocean Terrace approved application.
- Why on this property? Other locations are available not adjacent to ALR.
- Concern about where the children would play with adjacent treed agricultural land.
- No communication between developer and ALR land owner until shortly before the application review by the APC

APC Recommendations:

The Area A APC recommendation to the CVRD is that the OCP and Zoning Amendment Application No. 7-A-09RS be deferred for a decision until the APC walk the Horton farm. A follow-up meeting will be necessary to discuss.

Note: The CVRD has since advised that the application will be revised. The farm walk-about will be scheduled to occur shortly before the revised application is discussed,

Other:

1. **Limona DP** – Mid summer meeting?

The APC did not recommend a summer meeting to consider Limona's revised DP but agreed that it should be included at the regular APC meeting, 14 September 2010.

2. **SCOCP** Follow-up Meeting Mill Bay UCB.

The APC agreed to a meeting in Sept. June Laraman will confirm a date.

Area A Director Update:

- Mill Bay Marina has new owners and they have meet with the CVRD re development.
- South End recycle facility site has been selected and in the process of public meetings. It is located on Cameron Taggart Road and Lover's Lane.
-

Adjournment:

It was moved and seconded the meeting be adjourned.

MOTION CARRIED

Meeting adjourned at 9:30 pm.

The next regular meeting will be at 6:30 pm, 14 September 2010 at Mill Bay Fire Hall.

AP8

ELECTORAL AREA "E" APC MEETING MINUTES

GLENORA COMMUNITY HALL

June 22, 2010

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

Members: Frank McCorkell, Keith Williams, Ben Marrs and David Coulson.

Absent: Alternate Director Area "E": Darin George, Colleen MacGregor, Dave Tattum and Dan Ferguson.

Meeting called to order at 7:00 pm.

Elections were held for the following positions:

Chair: Jim Marsh

Vice Chair: Frank McCorkell

The election for Secretary was postponed pending the return of absent members.

New Business:

- 1. Application File # 8-E-09DP (Buckerfield's)
Applicant: Kelvin McCulloch, CEO**

MOTION:

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

1. That the proposed "Buckerfield's" signage on the pergola be replaced with a "Buckerfield's B" only,
2. That the proposed signage on the gable of the new addition be made consistent with the proposed warehouse signage and a half moon vent be installed above the sign,
3. That the main L.E.D. sign at the entrance be installed with wood posts and architectural elements consistent with the country theme of the application and that the electronic part of the sign be "static",
4. That the proposed cladding of the expanded building façade be upgraded to gable shingling and/or a wood drop siding,
5. That wood fence posts be installed along the property front to mimic the look of the proposed pergola and that the applicant research a steel panel alternative to the proposed chain link,
6. That the landscaping be to BCSLA standards and
7. That a bond be applied to equal 125% of the value of the landscaping as depicted on the landscape plan submitted to the CVRD.

Motion carried

Meeting adjourned at 9:30 pm

Acting Secretary: Jim Marsh

RECEIVED
C.V.

JUN 2

AP 9

From: Gordon Rutherford [mailto:g-rutherford@shaw.ca]
Sent: Wednesday, June 16, 2010 9:45 PM
To: lianni@shaw.ca; cslade@cow-net.com
Subject: Resignation

Laurie Iannidinardo.
Director Area D
CVRD

June 16, 2010

Dear Laurie

I am entering my formal resignation as per our conversation. I stated I would stay until you found a replacement and it appears you have in Dave Parris.

I will be gone the month of September to Europe and off to the states in probably November. It is unfair to the community for me to continue as I spend less and less time here.

Good luck to you all.

Yours truly,

Gordon Rutherford

CC APC Chair

Gord R

PK1

Area D Parks Commission General Meeting Minutes
Bench School
June 21, 2010

RECEIVED
JUN 22 2010

Meeting called to order: 18:13

Present: Steve Garnett, Kerrie Talbot, Val Townsend, Bruce Clarke, Lori Iannidinardo

Absent: Megan Stone

Minutes from last meeting (May 17, 2010)

Moved and approved.

Welcome to Bruce Clarke, our new member.

Report on Recent Events

-Damage to Wilmot Rd. trail due to accessing of private property across ditch and trail. Nino Morano (bylaw officer) was contacted (Kerrie via Ryan Dias) and we await a response. Lori will contact Ross Deveaux.

- Cowichan Bay Boat Festival. No Fast and Furious Boat building. Not as busy as usual but more really good chowder to sample. Pub won. Not many boats attended. This festival is put on by the Wooden Boat Society.

Upcoming events

Duncan Summer Festival, mid July.

Ongoing Business

1. Maple Grove – A person wants a circle trail developed that allows one to walk down through camp ground to the dike and then back through the adjacent field. This would involve entering Nature's Trust area and nesting area.
2. Danica Rice – sent an email re horse riding trails along Telegraph and Fisher Rds. Grant available but must be applied for by end of June. Notice is too short and we need more information; we are interested in learning what would be considered
3. Tanya's response from May meeting on file. No bench inventory on file a CVRD. The two families that wanted Memorial benches have paid their \$500.
4. Coverdale Watson survey discussion: Added two items, Steve will add and email to Kerrie.

5. Summer Parks Program: Budget gone from \$2500 to \$3950 – need an update.

Other Business

Mill Bay Church and Historical gravesite: Minutes on file. A suggestion made that they contact McDonald & Lawrence in Cobble Hill who specialize in repairing old structures.

Director's update

Wilmot/ Cowichan Bay Rd corner- Waiting for a draft drawing from Dan Brown

Lambourne Estate pond. Developer putting original water tower on a concrete pad. Polo field picture circulated. Talk of calling the pond Polo Pond.

Shell property and adjacent lots. Discussion as to whether we should be trying to obtain these parcels. "Yes" seemed to be the general answer. This could also provide a trail link from Fenwick to downtown Cowichan Bay. Could also provide decent access for buses, something which is now lacking: This would also allow greater numbers of people in the bay without a lot more individual cars.

Next Meeting on July 19, 2010 6pm @ ?

Meeting adjourned at 19:30

PK2

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

RECEIVED

JUN 14 2010

DATE: March 9, 2010

TIME: 7:00pm

MINUTES of the Electoral Area I Parks Commission Meeting held on the above noted date and time at Youbou Lanes, Youbou, BC. Called to order by chair at 7:10pm.

PRESENT:

Chairperson: Marcia Stewart

Vice-chairperson:

Members: Dave Charney, Dan Nickel, Gerald Thom, Wayne Palliser

ALSO PRESENT:

Director: Klaus Kuhn

Alternate Director:

Secretary: Tara Daly

REGRETS: Shenyn Gregory

ACCEPTANCE OF AGENDA

It was Moved and Seconded to accept the agenda with addition of:

Woodland Shores under Old Business

MOTION CARRIED

ACCEPTANCE OF MINUTES

It was Moved and Seconded that the minutes of February 9, 2010 be accepted with corrections:

page 1 under Director's Report should be 'effluent' not 'affluent'

page 3 under Community Events should be 'May 23rd' not 'May 20th'

page 3 under New Business should be 'Marble Bay Park' not 'Bald Mountain'

MOTION CARRIED

BUSINESS ARISING

- Woodland Shores timeline for change from F1 to Residential ~ zoning was changed in Fall 2009
- Director Kuhn will check into where the effluent at Woodland Shores goes
- the questions from School District #79 to the Town of Lake Cowichan regarding the availability of school property on Youbou Lands was considered a non-issue after discussion

CORRESPONDENCE

- none

DIRECTOR'S REPORT

- Budget items include an increase of \$2.20/\$100,000 for Community Parks, an increase of \$3.20/\$100,000 for Regional Parks, \$1.30/\$100,000 for Parkland Acquisition, and a new function of Parks and Trails for \$2.00/\$100,000; Cowichan Lake Recreation (mostly for the arena renovation) will see an increase of \$8.70/\$100,000 ~ current increase in residential taxes is sitting at \$48.30/\$100,000 in Area I (Youbou/Meade Creek)
- there will be logging on Bald Mountain to remove trees around the emergency Relay Tower for a better sight-line for the solar cells, projected slash burn in April
- the by-law for lakeshore improvements put in place at the time of Creekside Estates development currently states that each lot contribute \$300 for the benefit of Area F and Area I (entire lake); Director Kuhn is wishing to have a by-law in place for further developments (Woodland Shores and Youbou

Lands) where how the monies are spent would be determined by the residents of Area I only, Area F currently has no waterfront developments

- Noise & Speed by-law is in place for Cowichan Lake, a continuing \$10,000 Grant-in-aid for the RCMP of Shawnigan Lake and Cowichan Lake hasn't been discussed at the CVRD Board table as of yet
- suggested by M. Stewart that having Sybille Sanderson of the CVRD Emergency Preparedness could be a part of the next Town Hall Meeting with a presentation/information specifically on earthquake preparedness

COWICHAN LAKE RECREATION

- renovations are moving along quite quickly
- the Youbou Hall will have some work done ~ upper hall kitchen will see a \$3000 upgrade, the entire hall will have a \$10,000 electrical upgrade, and the building will be powerwashed
- Adult Bowling at Youbou Lanes on Saturday evenings starting at 7:30pm

CHAIRPERSON'S REPORT

- good Annual General Meeting for all twelve (12) attendees (Canada/USA Olympic gold medal game was also happening)

COWICHAN VALLEY REGIONAL DISTRICT – Ryan Dias

- **ex- forestry workers** have basically completed work at Price Park and Marble Bay Park clearing deadfalls, improving drainage, brushing trails, and covering some roots; through further monies may be able to have workers for three (3) more days
- **Commission noted:** snags in Price Park; two (2) dead firs in Swordfern Park, possibly root rot; although the trails at Woodland Shores are not yet the responsibility of Area I (Youbou/Meade Creek) Parks it was noted there are three (3) trees across the low, loop trail
- **Capital Projects for 2010** ~ bridge replaced at Price Park; irrigation at Arbutus Park; assessment of Little League Park shows the first step to have insurance people in showing due diligence, Turf Manager believes the best way to improve the outfield is to lift turf, level, and replace
- **Maintenance Contractors** ~ have weeded Little League Park ballfield, aerated the ballfield and Arbutus Park, no grass cutting until April, trees will be pruned in April; investigation of 'playball' by taking a samples to Butler's Bros. indicates it is not the correct mix, company has been notified and will determine if it's correct and will remove or top-dress accordingly ~ the Commission felt that if it was wrong the it should be removed, not just top-dressed
- **Woodland Shores** ~ CVRD will not assume responsibility for the parks until the grass is germinating, growing well, and draining properly ~ the Commission felt the installation of mulch in the play area is dangerous for the children and generally a fire hazard (wick)

OLD BUSINESS

- **Gatekeeper** ~ S. Gregory unable to attend meeting but W. Palliser has offered to open gates at both Mile 77 Park and the Little League Park until someone is found
- **Plant ID Walk** ~ will be on May 2nd at Price Park with Kathryn Swan
- **Name the Park Contest** ~ M. Stewart will put entry forms at the garage, stores, and the hall but the big announcement may be delayed if CVRD has assumed responsibility for the park; M. Stewart will do an article for the paper; prizes will consist of CVRD Park hats and bowling passes
- **Marble Bay Park** ~ Tanya Soroka has let the Commission know that funds have been approved for the work to be done (widening trails); prescription in the Spring and operational in the Fall
- **Mile 77 Park** ~ elk are knocking off the trees that were planted last year, Bernie (Dinter's Nursery) will donate stakes and W. Palliser also has some re-bar; the Commission again noted at least six (6) small firs have been ringed through weed-whacking too close
- **Boy Scouts** letter is still coming stating they would be responsible for maintaining the trail system on

Bald Mountain, there is a waiver in the parks manual that allows volunteers in the parks

NEW BUSINESS

- **Lifeguard Hut** at Arbutus Park is currently being used by the Maintenance Contractor which leaves little room for the Summer Program, M. Stewart will speak to R. Dias
- **Bald Mountain** tree planting is mostly where they can be seen from the trails with the mountain tops being left pretty bare, Commission agreed that when walking the trails they would pay closer attention to what is or is not done
- **Meeting dates** will be given to Heather Roberts by T. Daly

ADJOURNMENT

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

MOTION CARRIED

NEXT MEETING

April 13, 2010

7pm at Youbou Lanes

/s/ Tara Daly
Secretary

PK3

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

RECEIVED
C.V.R.D.

JUN 14 2010

DATE: April 13, 2010

TIME: 7:00pm

MINUTES of the Electoral Area I Parks Commission Meeting held on the above noted date and time at Youbou Lanes, Youbou, BC. Called to order by chair at 7:10pm.

PRESENT:

Chairperson: Marcia Stewart

Vice-chairperson:

Members: Dave Charney, Sheny Gregory, Dan Nickel, Gerald Thom, Wayne Palliser

ALSO PRESENT:

Director: Klaus Kuhn

Alternate Director:

Secretary: Tara Daly

REGRETS:

ACCEPTANCE OF AGENDA

It was Moved and Seconded to accept the agenda with additions

MOTION CARRIED

ACCEPTANCE OF MINUTES

It was Moved and Seconded that the minutes of March 9, 2010 be accepted.

MOTION CARRIED

BUSINESS ARISING

- Woodland Shores affluent ~ curious to know how system works
- Mile 77 Park ~ Easy Living maintenance has staked trees that were knocked over by the elk; trees ringed by the weed-wacker will be replaced
- letter is still coming from Boy Scouts re: maintenance of trails on Bald Mountain
- insurance on boomsticks?

CORRESPONDENCE

- resident inquired about a map for the trail system on Bald Mountain: Tanya Soroka is working on a map for the kiosk at Marble Bay Park but Bald Mountain is not yet part of the Area I Parks

DIRECTOR'S REPORT

- attended AVICC (Association of Vancouver Island and Coastal Communities convention
- a new by-law is being created re: water maintenance/ riparian area inclusive to Area I
- Ron Austin (general manager of Parks, Recreation & Culture for CVRD) feels there is a disconnect with staff and commission on time needed to do park maintenance; staff need to listen more to Parks Commissions' concerns and give feedback; volunteers need to be used in areas that wouldn't impede on maintenance contract
- in Swordfern Park and Price Park Area I residents could do a clean-up twice a year rather than have it as part of the maintenance contract; more community involvement is needed
- a more local contractor would be preferable; input from the Commission is appreciated
- Town Hall Meeting on May 19th at 7pm in the Youbou Community Hall
- lack of soil on the lawns in the Tot Park at Woodland Shores will be rectified; walkabout should happen by the end of April

- concern was expressed by some Commission members on the condition of Youbou Lands property

COWICHAN LAKE RECREATION

- renovations are continuing
- the current PlayBook is out with the ad for Parks Commission's activities and the 'Name the Park' contest information

CHAIRPERSON'S REPORT

- Regional District Parks chairs' meeting on May 31st highlights ~ two (2) new positions, one being 'Capital Development' with 65% of time spent on Community Parks and 35% of time spent on Regional Parks funded from each electoral area in the amount of \$2200, the other position, 'Parks & Trails Planner' who will assist Tanya Soroka, Parks & Trails Technician
- Water accesses ~ should Ministry of Highways and Transportation be approached to have them taken over by associated Community Parks?
- Ryan Dias noted three points ~ 1) Planning & Design stage of parks should be considered in budgets two (2) plus years in advance, Commission should bring forward ideas for Director Kuhn for the May meeting; 2) Implementation stage; 3) Maintenance stage noting most contractors (developers) give a \$500,000 one-year warranty for park development
- Some ideas brought forward for consideration are: playground equipment, Arbutus Park change room, Arbutus Park picnic hut, connecting of existing trails
- three (3) Youbou slow-pitch adult teams are using Little League Park this year; they would like to put in permanent pins for the bases
- Saltair ball teams participate in the upkeep of the ballfield; Cowichan Station/Sahtlam/Glenora is installing an Adventure Park; Shawnigan Lake has summer students involved with boating safety
- Would whole Commission workshops be valuable?
- Items on the next agenda for the Regional District Parks chairs' meeting include the Cowichan River, how to deal with new subdivisions specifically parks

COWICHAN VALLEY REGIONAL DISTRICT – Ryan Dias

- **Little League Park** ~ the insurance company will do due diligence focusing on the outfield to avoid repercussions
- **Bark Chips** ~ are a standard product, shouldn't have to be replaced for four (4) – five (5) years
- **Maintenance Equipment** in the lifeguard shack at Arbutus Park will be moved to the Little League Park where shelving has been installed; ball teams will be required to keep the storage area tidy
- **Woodland Shores parks** ~ Easy Living Maintenance has been contracted to do field improvements; CVRD will not assume responsibility until grass has been cut once and all other improvements completed
- **Ball Leagues** ~ start May 4; Commission noted bathroom cleaning at Little League Park should be from May 1st – July 15th rather than starting on June 22nd
- **Gatekeepers** ~ Rick West, Ken Wilde, and S. Gregory will take on the responsibility of opening and closing starting May 1st
- **Mile 77 Park** ~ it was noted there is no water at the park
- **Little League** ~ Playball in infield was installed three (3) years ago; replacement by removing would be \$3600 with a \$1400 credit with installation of new product for a cost of \$15,000; 4" depth would be \$13,000 and 6" depth would be \$18,000; the Commission decided to get a load of sand and place where you would likely slide possibly to be installed by the ball teams

OLD BUSINESS

- **Plant Identification Walk** ~ at Price Park on May 2nd at 1pm; hot chocolate to follow

- **Park Naming Contest** ~ winners will be announced in June with the picnic being moved from Mile 77 Park to our new park at Woodland Shores, the May 22nd event will be cancelled as it is highly unlikely the CVRD will take responsibility for the park by then; contest will be extended to May 10th
- **Arbutus Park** ~ irrigation is complete

NEW BUSINESS

NONE

ADJOURNMENT

It was Moved and Seconded that the meeting be adjourned at 9:30pm.

MOTION CARRIED

NEXT MEETING

May 11, 2010

7pm at Youbou Lanes

/s/ Tara Daly

Secretary

PK4
RECEIVED
JUN 14 2010

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

DATE: May 11, 2010

TIME: 7:00pm

MINUTES of the Electoral Area I Parks Commission Meeting held on the above noted date and time at Youbou Lanes, Youbou, BC. Called to order by chair at 7:15pm.

PRESENT:

Chairperson: Marcia Stewart

Vice-chairperson:

Members: Dave Charney, Dan Nickel, Gerald Thom,

ALSO PRESENT:

Director: Klaus Kuhn (arrived 7:50pm)

Alternate Director:

Secretary: Tara Daly

REGRETS: Shenay Gregory, Wayne Palliser

ACCEPTANCE OF AGENDA

It was Moved and Seconded to accept the agenda with additions:

Old Business ~ Price Park

New Business ~ statement of revenue and expenses

MOTION CARRIED

ACCEPTANCE OF MINUTES

It was Moved and Seconded that the minutes of April 13, 2010 be accepted with corrections:

Business Arising ~ effluent instead of affluent

MOTION CARRIED

BUSINESS ARISING

- Mile 77 Park ~ G. Thom has taken over gate opening and closing, as well as, font board; he will call R. Lendrum to let him know

CORRESPONDENCE

- none

DIRECTOR'S REPORT

- Youbou Lands has been approved and returned from the Provincial Government; PDA (phased development agreement) still requires three (3) conditions to be met before the proposal goes forward to the Board of Directors 1) boat ramp positioning and public access, 2) TimberWest to sign PDA because of a portion of land still under their ownership but being sub-divided and turned over to Youbou Lands, 3) monies put aside for fish hatchery to be diverted to more suitable use - Ted Burns' report states the mill bay is prime area for fish habitat - possible building of small bays towards Cottonwood Creek promoting fish habitat; dredging of mill bay would probably cause too much disturbance
- *Will Parks Division work with T. Krielan to delay Park development? Commission doesn't wish to have maintenance costs for parks with no residents.* Director Kuhn will look into the possibility.
- Water Board - emphasize on water conservation, greater desire to look into forest practises, fish needs, usage; also looking at septic tank installations which were downloaded by Health Inspectors (government) to installers who have little background and must assume liability

- Building Inspectors are now trained as By-law Enforcement officers; direct complaints will still be dealt with by Nino Morano (CVRD By-law Officer)
- Poker Run (boat race) – a \$2000 donation was made last year and will happen again this year; new regulations state that boats with muffler switch are illegal, inspections should be done at boat launches
- RCMP plan to be out on the water for May long weekend with assistance from the Stewardship Committee checking for Operator's licenses

COWICHAN LAKE RECREATION

- renovations are moving along
- swimming lessons will begin on July 5th at Arbutus Park; if there isn't better attendance for Day Camp this will be the last year it's offered; Tennis Lessons are happening at Honeymoon Bay Hall; Cowichan Lake Treads (hiking group) meets Wednesday mornings and have already done Christopher Rock and Bald Mountain; a full-time maintenance person has been hired mainly for hall repairs; further staff hires are expected in the near future

CHAIRPERSON'S REPORT

- Plant Identification at Price Park had five (5) attendees, thanks to Kathryn Swan, G. Thom, and T. Daly

COWICHAN VALLEY REGIONAL DISTRICT – Ryan Dias

- **Bridge at Price Park** ~stringers are rotten, foundation is wrong, will be replaced by a concrete base (slab and footings) with wooden pickets during the Fisheries window of June 15th to September 15th ~ *concern by Commission members that it's not rotting and should be postponed until next year; wondering about support*
- **Little League Park** ~ teams have filled in the holes with sand, seeding will be done in the fall, CVRD is still waiting for outfield proposal; washroom schedule will be adjusted to accommodate ball teams ~ *Commission hoping that consultant wasn't paid for the free proposal; S. Gregory to advise G. Thom of game nights to be put on font board; 'line pull' is missing from storage shed; teams will paint dugouts and concession building in July or August*
- **Mile 77 Park** ~ there are no water leaks, watering schedule will be adjusted as the water bill was quite high
- **Arbutus Park** – new irrigation lines will enhance growth, almost can't notice where the lines were installed
- **Woodland Shores** – the contractor is holding off on completion of Waterfront Park until better weather, CVRD won't consider taking over the park until after the first grass cutting, levelling park and installation of two (2) more inches of soil must be completed
- *Commission questioned the need to water in parks that aren't being used a great deal; it is understood that Woodland Shores needs watering in order to establish the grass for this year, at least*
- R. Dias walked the trails on Bald Mountain up to the transmission tower and reports they are great; Fuel Management Grant will remove branches
- **Mile 77 Park** – the tap has been moved to allow access to the fire hydrant

OLD BUSINESS

- **Boy Scout Letter** – M. Stewart will call W. Palliser to check on status
- **Little League Park** caretaker – taken care of
- **Price Park** – tree roots on west side of bridge towards the water need to be covered with gravel
- **Swordfern Park** – three (3) big firs are dead and need to be removed, liability issue
- **Name The Park Contest** – Waterfront will now be called 'Stoker Park' and the trails on Bald Mountain will be 'Bald Mountain Denninger Trail System'; the winners were George deLure for Stoker Park and Roger Wiles for Denninger Trail System; Saturday, July 24th at 11:30am will be a

picnic with sign unveiling at Stoker Park; G. Thom will cook and T. Daly will do children's games

NEW BUSINESS

- **Mile 77 Park** – washrooms are disgusting, initial cleaning should be now with weekly cleaning starting in June, G. Thom to monitor
- **Picnic Table** – two (2) pieces of 4' X 16" X 8'; R. Dias investigating concrete base using the wood as tops, concerned about tables being stolen, possibly a bench would be better use
- **Font Board** – platform used to change sign is a liability issue
- **Font Board** – information that should be put on board to include: No un-muffled boats allowed on lake and Campfire Ban when applicable
- **Town Clean-up** sub-meeting was good, in the process of looking for funding, possibly have a day where residents can put out unwanted goods with others checking the items over as a community yard sale with leftovers being picked up and taken to Meade Creek transfer station (free tipping), before and after yard/ house clean-up contest with prizes of flowers with all participants receiving something; derelict vehicles can be towed away for free; possible installation of 'Free Store' at Meade Creek transfer station
- **Creekside Park** in budget papers needs to be changed to **Mile 77 Park**
- **Woodland Shores** boat ramp positioning change will be brought forward; proposed area is further from the swimming area

ADJOURNMENT

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

MOTION CARRIED

NEXT MEETING

June 8, 2010

7pm at Youbou Lanes

/s/ Tara Daly
Secretary

Proposed Changes to the Solid Fuel Burning Domestic Appliance Regulation

INI

The Ministry of Environment intends to review and revise the **Solid Fuel Burning Domestic Appliance Regulation** (SFB DAR) in keeping with actions set out in the B.C. Air Action Plan. In addition to meeting the Air Action Plan goal, the review process supports the ministry's commitment to continuous improvement and to regularly review regulations in order to revise provisions as appropriate.

The SFB DAR aims to reduce air pollution from domestic wood heating by regulating the sale of woodstoves and other solid fuel burning domestic appliances in B.C. The objective of the proposed revisions is to further reduce impacts on human health and ecosystems by further reducing air pollution from domestic wood heating.

The content of the proposed regulatory changes is outlined in the policy intentions paper below.

- [Intentions Paper](#) (PDF/134 KB)

Interested parties are encouraged to read the policy intentions paper and provide any comments to the ministry on the response form below, or by fax, email or letter to the consultation contact indicated below.

THE DEADLINE FOR SUBMISSION IS JULY 2, 2010

Following careful review of all comments, suggestions and submissions received through the consultation process, government staff will complete legal drafting of the amendment for legislative review and implementation. A summary of public comment will also be prepared and posted on the consultation web page. Comments received after the submission deadline date will still be reviewed by the ministry but may not be included in consultation summary reporting.

Comments received and the identity of those providing comments will be treated with confidentiality by ministry staff and contractors. However, please note that comments you provide and information that identifies you as the source of those comments may be publicly available if a request is made under the *Freedom of Information and Protection of Privacy Act*.

For more information on the consultation process and the development of policy intentions papers, see [Consultation Process for Policy Intentions Papers](#) and [Codes of Practice & Regulatory Reviews](#).

Response Form

- [Response Form](#), PDF version (PDF/117 KB)
- [Response Form](#), Word version (DOC/87 KB)
- [Response Form](#), HTML version (Direct Submission)

Web Consultation Contact

The Ministry has contracted Cindy Bertram of C. Rankin & Associates to manage the consultation process. Please review the posted policy intentions paper, and submit comments by fax, e-mail, letter, or in the applicable response form by July 2, 2010. Cindy Bertram's contact information is:

Email: cindybertram@shaw.ca

Fax: 250 598-9948

Mail: PO Box 28159, Westshore RPO, Victoria, B.C. V9B 6K8

Solid Fuel Burning Domestic Appliance Regulation Intentions Paper

1. Introduction

The Ministry of Environment and the Ministry of Healthy Living and Sport intend to review and revise the Solid Fuel Burning Domestic Appliance Regulation in keeping with actions set out in the B.C. Air Action Plan.¹ The overall objective of the review and proposed revisions is to reduce impacts on human health and ecosystems by reducing air pollution from domestic wood heating.

The purpose of this intentions paper is to seek responses and comments from stakeholders and the public on the proposed revisions to the regulation. The paper provides: a summary of ministry and government goals; background information regarding solid fuel burning appliances, air quality, and the regulation of solid fuel appliances; proposed revisions to the regulation; and information on assuring compliance. The paper also describes how to provide comment on the proposed revisions.

The Solid Fuel Burning Domestic Appliance Regulation (SFB DAR) was enacted under the *Environmental Management Act* (EMA)² for the purpose of reducing air pollution from domestic wood heating. The regulation sets particulate matter (PM) emission standards applicable to specified new solid fuel burning domestic appliances (such as wood and pellet stoves) sold in B.C. The regulation has not been revised since it was enacted in 1994.

The regulation review process consists of five steps:

1. **Scoping** – including a review of lessons learned through implementation of the SFB DAR, advances in wood and pellet combustion since the regulation was enacted in 1994; and regulatory measures addressing domestic wood heating in other jurisdictions.
2. **Intentions Paper** – for public consultation, outlining the ministries' proposed revisions for the regulation and consultation questions.
3. **Consultation** – with affected stakeholders and the general public, using the intentions paper and response forms posted on the ministries' websites, and other means as required.
4. **Drafting** – preparation of legal language for consideration by the Minister of Environment and Lieutenant Governor-in-Council.
5. **Implementation** – informing ministry staff and external stakeholders, and developing guidance where needed.

The intentions paper, the response form for providing comments to the ministries, and links to related legislation are posted on the Ministry of Environment website: www.env.gov.bc.ca/epd/codes.

Phased approach to revisions

The ministries intend to revise the regulation in two phases. Revisions based on the intentions set out in this paper will be initiated in 2010, following review and consideration of consultation comments. Revisions undertaken during this phase will address elements where the ministries have both existing legislative authority to act and sufficient information to revise regulatory provisions.

Phase 2 revisions are expected to proceed approximately two years after the completion of Phase 1 revisions and will address regulatory elements where: the ministries currently lack legislative authority to act; need to work in cooperation with other ministries involving associated statutes and regulations; need to gather further information before considering revision; and/or topics where there is a benefit to waiting for regulatory development in other jurisdictions (particularly the US) rather than acting unilaterally.

2. Ministry and Government Goals

The Ministry of Environment and the Ministry of Healthy Living and Sport share responsibility for air quality management in B.C. The Ministry of Healthy Living and Sport advises on standards, objectives, and regulations to protect human health while the Ministry of Environment regulates air pollutant emissions from a variety of sources using approvals, permits, regulations, guidelines and codes of prac-

¹ See: www.bcairsmart.ca

² To view the text of the regulation and the *Environmental Management Act*, follow the "statutes and regulations" link under: www.bclaws.ca. A summary description and links can also be found under the B.C. "air quality legislation" webpage: www.bcairquality.ca/regulatory/air-legislation-summary.html.

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tice. In addition the two ministries support community based airshed planning – a multi-stakeholder process for identifying and meeting community supported air quality goals through local action.

The B.C. Air Action Plan was released in 2008 and contains 28 specific “actions” to improve air quality across the province by promoting clean transportation, clean industry and clean communities. Two measures in the plan are targeted at reducing wood smoke from domestic heating, a key source of particulate air pollution in many B.C. communities.

Action #25 addresses the Solid Fuel Burning Domestic Appliance Regulation. The current regulation requires all new appliances to meet the latest standards established by the U.S. Environmental Protection Agency or the Canadian equivalent. The Air Action Plan commits to “*expanding the regulation’s scope to apply to a wider range of wood burning devices.*”

Action #24 aims to “*get rid of smoky old wood stoves*” through the Provincial Woodstove Exchange Program, an education and incentive program to replace old uncertified wood-burning appliances with cleaner new certified wood and pellet-burning appliances, or gas or electric alternatives. The long term goal of the program is the exchange of at least 50,000 old wood stoves for newer more fuel-efficient models or other clean heat sources. This represents about half of the old woodstoves in the province and would reduce emissions of fine particulate matter by more than 3,000 tonnes per year.

3. Background Information

3.1 Domestic Wood Heating in B.C.

Wood burning has long been used in B.C. either as a stand-alone source of heat or as a supplement to heating with electricity, natural gas or other fuels. Wood (including pellets and other wood derivatives) provides about 10% of the energy used for space heating in the province.³

³ See the Natural Resources Canada (NRCAN) Office of Energy Efficiency (OEE) *Comprehensive Energy Use Database*:

The proportion of households heating at least partly with wood is greatest in rural areas of B.C. Outside of the lower Fraser Valley, approximately one-quarter of households burn at least some wood in an appliance other than a fireplace. Wood burning appliance use is particularly heavy in the Bulkley Valley Lakes District and the Cariboo Region.

B.C. residents who heat with wood cite “cost savings” and “readily available fuel supply” as major reasons for heating with wood⁴. These reasons are particularly true in rural B.C. where many residents have ready access to low cost supplies of wood fuel.

3.2 Domestic Wood Heating Industry in B.C.

There are four manufacturers of wood and pellet stoves presently operating in B.C. In 2008 they collectively produced about 75,000 appliances. Although the B.C. market is significant to these manufacturers, the majority of appliances manufactured in the province are exported. Collectively, B.C. companies supply about 16% of the North American market for pellet stoves and 30% of the market for steel stoves and inserts. The wood stove manufacturers in B.C. directly employ 500-600 people. In addition to manufacturing of appliances, the distribution, retailing, installation and maintenance of solid fuel appliances in B.C., also accounts for significant employment.

There is also a significant industry providing cordwood and pellet fuel for use in appliances. Cordwood production and sale is generally a small scale business, often utilizing waste wood from the timber industry. Pellet production is more centralised, requiring larger facilities and greater capital investment than cordwood production. Wood pellets are manufactured primarily from waste wood. Currently the majority of pellets produced in B.C. are exported, though the domestic market for pellets is expanding. A proportion of wood used for pellet and

oee.nrcan.gc.ca/corporate/statistics/neud/dpa/comprehensive_tables/index.cfm?attr=0.

⁴ Xue, Hui. Residential wood burning in British Columbia: public behaviour and opinion. Ministry of Environment, 2006. (www.bcairquality.ca/reports/woodstove_emissions_0706.html).

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cordwood production would otherwise be burnt in open pile burns.

3.3 Domestic Wood Heating and Air Quality

The smoke generated by domestic wood heating can have significant impacts on air quality, with associated health and environmental concerns. Many B.C. communities are located in valleys that are subject to inversions and periods of stagnant air that can trap smoke emissions from wood-burning appliances and other sources close to the ground. These inversions are most frequent in winter when emissions from wood heating are also greatest.

The main air quality concern related to domestic wood heating is exposure to airborne particulate matter (PM)⁵ at concentrations that could lead to adverse human health and ecosystem effects. The most significant health risks are associated with the finest particles, in particular “respirable” particles less than 2.5 micrometres (µm) in diameter, termed PM_{2.5}. Other domestic wood smoke impacts include impairment of visibility by smoke; odorous smoke emissions, and emissions of toxic air pollutants such as polycyclic aromatic hydrocarbons (PAHs).

Wood burning accounts for 97% of PM_{2.5} emissions associated with space heating in B.C. although it only accounts for 10% of space heating energy needs in the province.⁶ Smoke from domestic wood heating is responsible for approximately 15% of total provincial PM_{2.5} emissions (Figure 1) – the third largest PM_{2.5} source in B.C.⁶ Domestic wood heating also causes significant emissions of volatile organic compounds (VOC) – 6% of provincial total.

Emissions from wood heating may lead to human exposure to PM even greater than suggested by their fraction in the inventory. Domestic wood smoke is

emitted at rooftop level within neighbourhoods, and wood smoke emissions are often greatest on cool winter evenings when atmospheric mixing is very poor. In contrast industrial emissions are typically emitted fairly evenly throughout the year through elevated stacks, and may also be located outside of residential areas. A recent study in Vancouver found that domestic wood smoke was 3-5 times more likely to be inhaled than PM from other sources.⁷

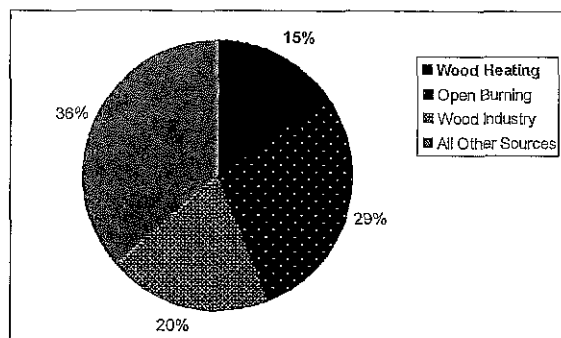


Figure 1 – Percentage of PM_{2.5} emissions from different sources in B.C.⁸

Wood smoke is a significant contributor to total PM_{2.5} concentrations in a number of communities in B.C. For example: in Golden the “wood smoke” and “winter heating” fractions of PM collectively account for 60% of measured PM_{2.5}⁹; an airshed modelling study in Quesnel determined that the “residential sector” (including wood stoves and backyard burning) contributes up to 62% of PM_{2.5}¹⁰, depending on location; in Williams Lake wood heating was the largest PM_{2.5} contributor at 7 out of 15 sites in-

⁵ Particulate Matter (PM) refers to a combination of microscopic solid and liquid particles that are suspended in the air we breathe. For more information on PM in B.C. see: www.bcairquality.ca/101/index.html, the *State of the Air Report 2009*; www.bc.lung.ca/airquality/stateoftheair-report.html; and *Every Breath You Take.... 2003 Provincial Health Officer's Report* www.hls.gov.bc.ca/pho/pdf/phoannual2003.pdf.

⁶ Wakelin, Tony. “2000 British Columbia Emissions Inventory of Criteria Air Contaminants: Methods and Calculations” (June 2005). (www.bcairquality.ca/reports/pdfs/2000_inven_rep.pdf).

⁷ Ries, Francis. “Wood Smoke Intake Fraction for Metro Vancouver”, 2008 B.C. Lung Air Quality & Health Workshop, Vancouver, B.C. (www.cheer.ubc.ca/UBCBAQS/Presentations/BCLung2008/Ries_BC_%20Lung08.pdf).

⁸ Source: 2005 B.C. Criteria Air Contaminant Emissions Inventory. “Other sources” includes emissions from transportation (on and off-road), the pulp and paper industry, marine transportation, and other industrial and area sources. No sector, other than the three identified on the chart, contributes more than 7% of B.C.’s total PM_{2.5} emissions.

⁹ See: www.bcairquality.ca/reports/golden_pmf.html

¹⁰ See: www.bcairquality.ca/reports/Source_Apportionment.html

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vestigated¹¹; and in Prince George wood heating constitutes 18-26% of total PM_{2.5}.¹²

3.4 Provincial wood stove exchange program

To address the existing stock of old and high polluting domestic wood heating appliances in B.C. the provincial government has established a wood stove exchange program. This commitment, affirmed in the B.C. Air Action Plan, includes education and incentives to encourage people to replace old wood stoves and inserts with newer cleaner burning wood appliances, or with gas or electric heaters. The long term goal of the woodstove exchange program is to change out 50,000 woodstoves. Since 2007, approximately 3,000 stoves have been exchanged. The program is offered in cooperation with partners at the municipal and regional level and with the hearth products industry. It is focused on areas of B.C. where wood smoke has been recognized as a contributor to poor air quality. Information on the program is available at the BC Air Quality [website](#).

3.5 Climate change and domestic wood heating

Domestic wood heating, if it displaces the use of fossil fuel for heating, has the potential to offset greenhouse gas (GHG) emissions. While wood is a carbon based fuel, the carbon dioxide (CO₂) released from wood combustion is not considered to be a net addition to global GHG as it is offset by CO₂ taken up by re-growing forests. However, the negative health effects of air pollutants from domestic wood heating can outweigh this modest GHG benefit. For this reason, the use of wood for home heating has not been promoted as a climate mitigation strategy in B.C. Instead the B.C. Bioenergy Strategy¹³ promotes burning wood in centralized energy facilities that may generate electricity or provide heat for district heating or industrial uses. Pollutant emissions from these centralized facilities can be controlled to a much lower level than pollu-

tant emissions from a large number of individual wood stoves burning an equivalent amount of fuel.

For wood heat to be a truly climate neutral source of energy it must not only be harvested sustainably, it must also be cleanly combusted to carbon dioxide (CO₂) and water with insignificant products of incomplete combustion generated. Wood burned in current home heating appliances generates carbon monoxide (CO), methane (CH₄), VOCs and PM – all of which contribute to global warming to some extent,¹⁴ (in addition to their key role as health-damaging air pollutants). Thus, cleaning up wood combustion by tightening emission requirements provides not only a major health benefit but also a secondary GHG benefit.

4. Current Regulation of Domestic Wood Heating in B.C.

4.1 Solid Fuel Burning Domestic Appliance Regulation

The Solid Fuel Burning Domestic Appliance Regulation (SFB DAR) is the primary provincial legislation governing emissions from domestic wood heating in B.C. The regulation:

- ♦ Requires new wood stoves sold in B.C. to be certified to meet emission standards set by the US Environmental Protection Agency¹⁵ (EPA), or certified to meet equivalent standards set by the Canadian Standards Association (CSA).¹⁶
- ♦ Sets out standards for testing and labelling of woodstoves.
- ♦ Sets out specifications for pelletized fuel sold in the domestic market.

With the adoption of SFB DAR in 1994, B.C. became the first province in Canada to regulate wood

¹¹ See: www.bcairquality.ca/reports/fine_part_source_apport.html

¹² See:

www.pcairquality.com/files/pdf/PG_PM25SourceApportionment_FinalReport.pdf

¹³ See: www.energyplan.gov.bc.ca/bioenergy/

¹⁴ See page 205 of the IPCC Fourth Assessment Report: www.ipcc.ch/pdf/assessment-report/ar4/wg1/ar4-wg1-chapter2.pdf

¹⁵ "EPA certified" means meeting the requirements of Title 40, Part 60, Subpart AAA of the Code of Federal Regulations: Standards of Performance for New Residential Wood Heaters as updated from time to time.

¹⁶ "CSA certified" means meeting the requirements of CSA B415.1-00: Performance Testing of Solid-Fuel-Burning Heating Appliances as updated from time to time.

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stove emissions. Even today, only three other Canadian provinces have comparable regulations.

The SFB DAR has been largely successful in its aim of ensuring that the majority of new wood appliances sold in B.C. meet US and/or Canadian emission standards. However in the fifteen years since the regulation was implemented, several shortcomings with the regulation have become apparent:

- ♦ The regulation exempts several categories of wood heating appliances, such as outdoor wood boilers (hydronic heaters), central heating furnaces and wood-fired cook stoves from meeting emission standards. Outdoor wood boilers can emit PM at 10 to 20 times the rate of EPA certified wood stoves.¹⁷ Emissions from outdoor wood boilers have led to many complaints to government agencies, usually from neighbours who are affected by the emissions.
- ♦ The wood stove emission levels referenced in the regulation no longer represent best available technology for reducing PM emissions. New wood and pellet stoves are now available that can reduce PM emissions to 50-90% below the current certified levels.
- ♦ The regulation does not contain any mechanism for addressing excessive emissions resulting from improper use of wood burning appliances – it only addresses emissions from new appliances.
- ♦ The regulation does not prevent re-sale or installation of old high polluting appliances.

¹⁷ NESCAUM. "Assessment of Outdoor Wood-fired Boilers" (March 2006). Available at: www.nescaum.org/documents/assessment-of-outdoor-wood-fired-boilers.

4.2 Municipal bylaws

Municipalities in B.C. have the power to enact by-laws controlling some aspects of wood burning.¹⁸ Provisions in municipal bylaws may include:

- ♦ A curtailment provision that restricts the use of wood heating appliances during air quality advisories.
- ♦ A sunset provision that requires old stoves to be removed or replaced by a certain date.
- ♦ Requirements on the type of fuels that are burned.
- ♦ Restrictions on appliance types, such as a ban on outdoor wood boilers.

At least one municipality in B.C. – Golden – has also taken the step of banning wood burning appliances in new construction. Municipalities can prioritize areas of action that are viewed as most important and most acceptable to the citizens in that community. On the other hand, over-reliance on municipal action to control smoke from domestic wood heating may mean that not all British Columbians receive the same protection from air pollution.

4.3 Related provincial regulations

In addition to the Solid Fuel Burning Domestic Appliance Regulation, provincial regulations have been enacted addressing other sources of wood smoke, including open burning of wood waste (the Open Burning Smoke Control Regulation), wood residue burners and incinerators (the Wood Residue Burner and Incinerator Regulation), and agricultural boilers (Agricultural Waste Control Regulation).¹⁹ Backyard burning is not within the scope of the Open Burning Smoke Control Regulation, however the Ministry of Environment has drafted a model municipal bylaw for regulating backyard burning to support local efforts to control smoke from this source.²⁰

¹⁸ A model bylaw for regulating wood burning appliances is available at: www.ec.gc.ca/cleanair-airpur/975A1778-B583-4E2A-9369-81800C3AC8C2/Model_By-law.pdf. See also, an inventory of clean air bylaws in B.C. current to 2007 at: www.bcairquality.ca/reports/aa_bylaws_bc.html.

¹⁹ These regulations can be found by following the "statutes and regulations" link under: www.bclaws.ca.

²⁰ See: www.bcairquality.ca/reports/model-bylaw-backyard-burning.html.

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5. Proposed Revisions to the Regulation

The review team established for the revision process includes representatives from the Ministries of Environment and Healthy Living and Sport. The team oversaw a jurisdictional review on the regulation of emissions from domestic wood heating that looked at Quebec, Washington, Oregon, Colorado, Maine, Vermont, New York, Connecticut, as well as a number of regional and municipal jurisdictions in the US and Canada. The team also gathered information on non-regulatory means of reducing domestic wood smoke, emission levels from modern solid fuel appliances, and recent developments in the solid fuel appliance industry. As well, the team met with representatives of other government agencies and the wood burning appliance industry to gather information.

5.1 Objectives guiding proposed revisions

The overall objective of the review and proposed revisions is to reduce impacts on human health and ecosystems by reducing air pollution from domestic wood heating. This will be achieved by ensuring that new wood appliances sold in B.C. are as clean-burning as possible and that existing wood appliances are operated as cleanly as possible.

The ministries used the following set of objectives to assess potential changes and guide revision of the regulation:

- ♦ The primary goal of the regulation is to reduce or minimize impacts to human health from domestic wood smoke.
- ♦ Apply in B.C. what has been effective in other jurisdictions.
- ♦ Where possible harmonize with other jurisdictions to minimize additional testing, compliance and record-keeping costs to industry.
- ♦ Weigh costs and benefits of regulatory provisions. Seek provisions that do not impose undue costs on government, industry, or individuals who heat with wood.
- ♦ Take into account and where possible integrate with non-regulatory options for reduction of wood smoke.
- ♦ Take into account regulatory capacity and actions of municipal and regional partners.
- ♦ The revised regulation should allow and encourage technological development of cleaner wood-burning appliances.
- ♦ Regulatory provisions should be as clear and simple as possible and should be designed to encourage and enable compliance with the regulation.
- ♦ The revised regulation should leave wood heating as a viable option for many British Columbians.

5.2 Widening the scope of the regulation

Currently the provisions of the regulation that require stoves sold or manufactured in B.C. to be EPA or CSA certified (see section 4.1 above) only apply to certain classes of biomass burning appliances. This creates “exempt” appliances which do not have to meet any PM emission standards in order to be sold in B.C.

The ministries intend to revise the regulation so that “appliance” will be defined in an inclusive manner – including conventional wood and pellet stoves, wood and pellet boilers and furnaces, cook stoves, wood fireplaces and masonry heaters. The BC emission standard will then apply to all biomass fired solid fuel appliances except: (1) defined classes of appliances specifically excluded from meeting the standard; and (2) defined classes of appliances for which a separate emissions standard is provided.

5.3 Lower PM emission standards for new solid fuel burning appliances

Wood heating technology, as well as our understanding of wood smoke impacts on human health, has advanced significantly since initial development of emission standards by the US EPA in 1988. The cleanest stoves and inserts available today are able to achieve emission levels 70-90% below these standards.

The ministries intend to adopt PM emission standards equivalent to the levels currently required in Washington State (see Table 1 below). These emission levels will be defined as the B.C. emissions standard. Beginning in 2011, only appliances meet-

Solid Fuel Burning Domestic Appliance Regulation Intentions Paper

ing the B.C. emissions standard will be allowed to be offered for sale in B.C. – with the exception of classes of appliances specifically exempted from meeting the emissions standard and classes of appliances for which a separate emissions standard is established.

The proposed standard will result in a lowering of the maximum permissible average emissions rate by 40% below current standards and will ensure that only the lowest emitting new appliances will be offered for sale in B.C.

As with the current provision, an appliance could be certified under the EPA standard, the CSA standard, or both. Regardless of which certification is used, to be legally offered for sale in B.C. an appliance will have to achieve the emissions rate specified in Table 1, or the emissions rate required to obtain certification, whichever is lower. Since the EPA is currently revising their emission standards for solid fuel appliances,²¹ this wording will ensure that if the EPA lowers their emissions rate, that number will be applicable in BC if it is equal or below the BC standard.

Table 1: Current and proposed PM emission standards²²

	Non-catalytic appliances	Catalytic appliances
Current PM Emission Standard	7.5 grams/hour	4.1 grams/hour
Proposed B.C. PM Emission Standard	4.5 grams/hour	2.5 grams/hour

These emission standards will not apply to site-built masonry fireplaces, site built masonry heaters and factory-built fireplaces with a minimum burn rate above 5.0 kg/h – as the CSA testing procedures do not apply to these classes of appliances.

Requiring lower emissions from new appliances is consistent with the regulation of pollution from other sectors (such as automobiles and industrial

sources). New sources are required to achieve emission levels consistent with the application of best achievable technology, and the required emissions levels become lower over time as pollution prevention technology is improved. Since many appliances are already available that meet the proposed PM emission levels, lowering the PM emission standard is not expected to significantly reduce the availability of wood appliances in B.C. In Washington State where the above emission limits have applied since 1995, there are nearly 500 wood appliance models and nearly 200 pellet appliance models certified for sale.²³

5.4 PM emission standards for indoor central heating appliances

Currently, solid fuel burning indoor central heating appliances – such as forced air furnaces and boilers – do not have to meet any emission standards to be sold in B.C. However, the revised CSA B415.1 standard includes an emission rate applicable to indoor solid fuel burning central heaters. To be certified by the CSA, the average emissions rate for this class of appliance must not exceed 0.4 grams per megajoule of output.

The ministries intend to revise the regulation to include a definition of an indoor central heating appliance, and beginning in 2012 only appliances certified to meet the CSA standard will be legal to offer for sale in B.C. If the US EPA has adopted a similar or more stringent emissions limit for indoor central heating appliances by 2012, appliances of this type could also be certified to that standard. The phase in date of 2012 is proposed to allow sufficient time for indoor central heating appliances to be certified.

5.5 Requirements for outdoor central heating appliances

The installation and use of outdoor wood boilers in residential areas of B.C. has generated a substantial volume of complaints to provincial and municipal government agencies from neighbours exposed to excessive quantities of smoke.

²¹ See: www.omni-test.com/publications/nsps.pdf

²² Expressed as the average emissions calculated across the test cycle.

²³ See list of appliances meeting Washington standards at: www.ecy.wa.gov/programs/air/indoor_woodsmoke/wood_smoke_page.htm

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Solid fuel burning outdoor central heating appliances include outdoor wood boilers (also known as outdoor wood-fired hydronic heaters). Currently these appliances do not have to meet any emission standards to be sold in B.C. However, the revised CSA B415.1 standard includes an emission rate applicable to outdoor central heating appliances. The average emissions rate for this class of appliance must not exceed 0.137 grams per megajoule of output. The CSA B415.1 emissions standard for this class of appliance is substantially equivalent to the US EPA's voluntary Phase 2 Hydronic Heater Program (the "White Tag" program).²⁴ The Phase 2 emission level has been adopted as a regulatory requirement by several US states including Maine, Massachusetts, and Vermont.

The ministries intend to revise the regulation to include a definition and standard for outdoor central heating appliances. Beginning in 2011, only outdoor central heating appliances certified to meet the CSA standard or demonstrated to meet the EPA White Tag emissions level will be legal to offer for sale in B.C. If the US EPA adopts a formal emissions standard for outdoor central heaters (replacing the voluntary White Tag program) a provision in the B.C. regulation could ensure that appliances meeting the US EPA standard would qualify for sale in B.C.

In addition to the emissions standards, the ministries propose to include a setback standard (distance from nearest property line) that will limit the installation of new outdoor central heating appliances to sites on larger properties, where they are far less likely to cause nuisance or health problems to neighbours. A number of US states (including Connecticut, Maine and Vermont) have adopted setback standards for new outdoor central heating appliances.

The ministries are proposing a setback distance from the nearest property line in the range of 60-150 metres for outdoor appliances that do not meet the emission standards²⁵ and 30-90 metres for outdoor appliances that do meet the emission standards.

²⁴ See: www.epa.gov/burnwise/woodboilers.html

²⁵ Outdoor central heating appliances not meeting the new emission standards would still be legal for sale between the effective date of the regulation and the coming into force of the emissions provisions (see Section 5.7 A)

In order to promote compliance with this provision, retailers of outdoor central heating appliances would be required to provide information to purchasers on these setback requirements. Purchasers of outdoor central heating appliances would be required to provide their name and address and an acknowledgment that they have received this material.

5.6 PM emission standards for cook stoves

The ministries intend to adopt a definition for a "cook stove" in the revised regulation. The proposed definition will include "having an oven and a flame path capable of being routed around the oven." Appliances meeting this definition can continue to be offered for sale in B.C. but will be required to be certified to meet the B.C. emission standard starting in September 2014.

As wood-fired cook stoves are a niche appliance and do not contribute a major proportion of emissions in B.C., the proposed implementation date of 2014 is intended to allow appliance manufacturers sufficient time to certify cook stoves.

5.7 Additional considerations

A. Transition Period

New emission standards, when they come into force, have the potential to leave distributors and retailers in B.C. with appliances that are no longer legal to sell in B.C.

The ministries propose a transition period of 12-18 months between the effective date of the regulation and the coming into force of the emission standards. The proposed dates for introduction of each of the emission standards will thus be dependent on the effective date of the regulation.

B. Acceptable Fuels

Burning improper fuels has the potential to create excessive emissions. In addition burning some unsuitable materials produces toxic emissions that are not associated with combustion of clean dry wood. The ministries intend to include a provision in the revised regulation that lists acceptable fuels that may

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be burnt in solid fuel appliances. Acceptable fuels would include: "untreated seasoned wood with a moisture content below 20%, wood chips, manufactured fire logs, and wood or other biomass pellets; and clean paper, newsprint or cardboard used solely for starting fires." Fuels not listed as "acceptable fuels" would not be permitted to be used in solid fuel burning appliances in B.C.

C. Labelling and information requirements

To be legally offered for sale in B.C., appliances will be required to have a permanently affixed label according to the requirements of the EPA or CSA standard, showing that they meet the above referenced emission limits. This requirement exists in the current regulation, however, with the proposed changes it will apply to a wider class of appliances. As part of the compliance strategy for the amended regulation, the ministries will track appliances that are legal for sale in B.C.

D. Testing and record keeping requirements

Manufacturers, wholesalers and retailers of appliances will continue to be required to ensure that testing has been done to determine compliance with the emission standard. Testing records will continue to be required to be kept for at least two years and to be made available for inspection.

E. Pelletized fuel specification

The current regulation contains a provision specifying pellet quality for the domestic market ("pelletized fuel specification"). However, pellets are currently manufactured to several different grades and pellet fuel appliances are available that can burn a wide variety of pellets while still meeting emission standards.

The ministries intend to remove the current pellet fuel provision from the regulation as it does not appear necessary for ensuring good air quality.

F. B.C. specific appliance testing not required

It is not the general intent of this regulation to require manufacturers to test appliances separately or specifically for the B.C. market. Appliances that have been tested for the Canadian market by obtain-

ing certification under CSA B415-1 for an emissions rate at or below the B.C. standard, or that have been tested for the US market by obtaining EPA certification for an emissions rate at or below the B.C. standard, will be accepted as legal to offer for sale in B.C. As well, pellet appliances that have been tested to achieve Washington State emission standards will be recognized as meeting the equivalent B.C. emission standards and will be accepted as legal to offer for sale in B.C. on application by a manufacturer, importer, distributor or retailer. Outdoor central heating appliances that have met the requirements of the US EPA White Tag program may also apply to be legally offered for sale in B.C.

6. Proposed Phase 2 Revisions to the Regulation

In Phase 2 of revisions to the regulation, the ministries propose to address emission standards for remaining classes of exempt appliances, and to consider provisions to reduce emissions from existing solid fuel burning domestic appliances.

Provisions that the ministries are considering for Phase 2 include:

- ♦ Emission standards for new masonry heaters sold in B.C. The form and level for these standards will depend on developments in other jurisdictions.
- ♦ Emission standards for all fireplaces that are not covered by Phase 1. The form and level for these standards will depend on developments in other jurisdictions.
- ♦ A standard addressing allowable opacity of smoke from solid fuel appliances that could be applied to complaints of excessive smoke from solid fuel appliances. This could be applied on a province-wide scale or in designated airsheds.
- ♦ A "curtailment" provision that would provide for restrictions on the use of solid fuel burning appliances during air quality advisories.
- ♦ A "sunset" provision that could allow the setting of mandatory timelines for the phase out of old high polluting appliances within designated airsheds.

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- ♦ A prohibition on the sale of used appliances that do not meet the emission standards.
- ♦ A prohibition on the installation of new or used appliances not meeting the emission standards.

The ministries are seeking comment at this time on these and other potential issues and measures that could or should be included in Phase 2 revisions. The ministries will then describe proposed measures in a subsequent intentions paper to allow for additional consultation. It is expected that scoping of Phase 2 revisions would begin approximately two years after the completion of Phase 1 revisions. However, the exact timing of proposed Phase 2 revisions will depend on the implementation of Phase 1 provisions, legislative changes in BC, and regulatory developments in other jurisdictions.

7. Additional Provisions in other Legislation

In addition to revisions to the SFB DAR, the ministries recognize that other legislation, as well as non-regulatory means, may be used to reduce harmful emissions from solid fuel burning appliances. Two examples that the ministries are considering are described below. The ministries are seeking comment on these and other measures that might be enacted outside of the SFB DAR.

7.1 Only compliant appliances to be installed in new construction

Solid fuel burning appliances can be bought on the used market, or bought outside of B.C. and imported into B.C. These markets may provide a source of higher emitting appliances for new or modified construction in B.C. This issue could be dealt with by allowing only solid fuel appliances that meet the emission requirements of this regulation to be installed in B.C. residences. Although such a provision could be enacted in the SFB DAR in future (Phase 2) revisions, the B.C. Building Code might provide another means of controlling what appliances are allowed to be installed in new construction.

7.2 Requirement to disclose (or remove) non-compliant appliances on sale of property

Older non-certified wood stoves continue to account for the majority of solid-fuel burning appliances in B.C. These appliances emit far more PM and other pollutants than modern certified appliances. Because these appliances have a long useful life, many of them may continue polluting years into the future.

The primary means of addressing emissions from this population of old stoves is through the provincial wood stove exchange program.

One measure that could increase the change-out of old stoves would be to require the removal or disclosure of non-certified appliances on the sale or transfer of the home. Comparable programs exist in Washington (disclosure requirement) and Oregon (removal requirement).

8. Awareness, Compliance and Enforcement

Awareness and compliance promotion

The existing SFB DAR applies only to appliance manufacturers, wholesalers and retailers. Proposed revisions to the regulation – in particular proposed emission levels for new appliances and testing, labelling and record-keeping provisions – will be of interest to these same groups. In addition, the revised regulation will contain some provisions that apply to individual users of solid fuel burning appliances – including acceptable fuel provisions and the siting restrictions for new outdoor wood boilers.

Compliance promotion with the appliance industry (manufacturers, wholesalers and retailers) will be accomplished through trade journals, meetings with industry stakeholders and targeted mailings to retailers. Compliance promotion with the public will be undertaken through the B.C. Air Quality website (www.bcairquality.ca), partner websites, news releases, partner newsletters and other means as appropriate.

Promoting awareness of the SFB DAR requirements to the general public would become even more criti-

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cal following the Phase 2 revisions where additional responsibility for proper burning could be placed onto users of solid fuel burning appliances.

Compliance verification and enforcement

The Ministry of Environment's approach to assuring compliance with the SFB DAR will include regular and random compliance reviews and inspections, as well as reviews and inspections in response to identified or potential issues or concerns regarding protection of the environment or human health.

The Ministry of Environment's response to non-compliance will entail written advisories, warnings, directives, tickets and prosecutions. The choice of response will be based on ministry-wide policy, the compliance history of the manufacturer, distributor, retailer, or appliance user and the significance of the impact from the non-compliance occurrence.

Contravention of the provisions governing manufacture, distribution, or sale of new appliances will continue to be designated as offences under the revised regulation. New provisions on prohibited fuel and on siting of outdoor wood boilers would be designated as offences, with several of the new offences added to the Violation Ticket Administration and Fines Regulation.

9. Providing Comment on the Proposed Intentions for the Regulation

The ministries are intending to finalize the Solid Fuel Burning Domestic Appliance Regulation in 2010. Comments regarding the proposed intentions of the ministries are being solicited and will be carefully considered in the review and development process. The ministries welcome all suggestions with respect to any aspect of the regulation.

Submissions will be compiled and summarized, without specific attribution, by an independent contractor and the summary posted on the ministries' website. Following review of comments and submissions, the Ministry of Environment will complete legal drafting of the regulation for legislative review and implementation.

This intentions paper and a response form with questions based on proposed intentions for the regulation have been posted on the ministry's web site: www.env.gov.bc.ca/epd/codes.

Those interested are invited to submit comments using the instructions and questions provided on the response form. Individuals or organizations may also make written submissions to the ministry without following the format set out in the response form.

All submissions will be reviewed for inclusion in a consultation summary report. Comments received will be treated with confidentiality by ministry staff and contractors when preparing consultation reports. Please note that comments you provide and information that identifies you as the source of those comments may be publicly available if a Freedom of Information (FOI) request is made under the *Freedom of Information and Protection of Privacy Act*.

If you have any questions or comments regarding the consultation process, review the information posted on the ministry website, or contact Cindy Bertram of C. Rankin & Associates, who has been contracted to manage consultation comments, at:

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Thank you for your time and comments!