



Area D – Cowichan Bay OCP

Meeting Notes OCP Steering Committee

Wednesday, September 7th, 2011
Cowichan Valley Regional District – CR2
1:00 – 4:00 pm

1. Adoption of Agenda

The agenda was adopted with the following changes:

- Item 6 – Drainage moved to next meeting;
- Items 4 and 5 reordered;
- VORR added under Item 7 – New Business; and
- Cowichan Bay Estates added under Item 7 – New Business

2. June 6th Meeting Notes

The notes from the June 6th steering committee meeting were adopted without changes.

3. August 2nd Meeting Notes

The notes from the August 2nd meeting were adopted without changes.

4. OCP Draft Discussion

The group provided the following input to help develop the draft OCP document:

- Maps should be inserted throughout the document to highlight specific areas;
- Principles should be moved before goals;
- There needs to be a reference to an environmental ethic in Planning Principle 4;
- Goals should be listed in order of importance/relevance to the community;
- Plan organization should be clear;
- Latin names of plants/wildlife should be included;
- Definitions of terms/phrases should be included in a glossary;
- Another term should be used rather than semi-urban;
- It is important to have an arable land/pervious surface requirement to retain the potential for agricultural productivity and rainwater percolation;

- References to building form should be clear that “building up” does not mean building high-rises;
- Some design/landscaping/parking criteria should be included with housing needs; note: these are to be included as development permit area guidelines;
- Policies advocating to Ministry of Transportation and Infrastructure should include references to reducing speed on major roadways and placement of deer crossing signs;
- New development should be provided the flexibility to preserve natural features;
- Home occupations should not employ more than one person who does not reside on the premises;
- Verify the requirements of the Community Care and Facilities Act with respect to daycare facilities;
- Provide definitions for secondary suite, small suite and secondary dwelling; and
- B&B operations should permit accommodations in small suites (coach houses).

5. Community Consultation

- Shoreline Walk with Ramona De Graaf
 - Members of the OCP Steering committee and members of the ORCA group met with Ramona De Graaf for a shorewalk and marine riparian ecology session to discuss foreshore concerns and ecological implications of upland activities.
- Meeting with ORCA Representatives
 - Members of the OCP Steering Committee met with members of the ORCA group on August 12th in Cowichan Bay Village. Robert identified a number of inaccuracies in the ORCA group’s meeting minutes as identified in the attached (highlighted) document. Ann noted that the complexities of local government legislation and the different mechanisms for guiding development such as zoning and development permit area guidelines can be very difficult to understand and there are some misperceptions of what is and what is not regulated today, such as retaining walls. Those steering committee members involved in the meeting thought that the discussion was very productive and that there was general consensus on the majority of points discussed.
 - It was noted that the ORCA group had requested a response to their OCP submission.
 - The group agreed that an independent consultant should provide an assessment of shoreline conditions to help formulate a response to the ORCA group and also to prepare development permit area guidelines.
- Upcoming Consultation Activities
 - During the OCP drafting process as gaps are identified there will be a need to meet with various groups to resolve outstanding questions/concerns;
 - Groups that require further consultation include the CBIA, Four-Ways group and Jim’s Crescent/Bench School area residents.

6. Other Business

- VORR: The VORR proposal has been revised to include only the areas north and east of the boat launch and also to allow exemptions for marine businesses and waterfront owners along with marine research, education, search and rescue, tour operators and First nations that need access to their properties through the VORR areas; there will be request to the CVRD Board to pass a resolution to support an application moving forward to the federal government.
- The Cowichan Bay Estates proposal has received approval for a phased development but they are still in the process of going through rezoning; this will require a separate public hearing process.

7. Next Meeting

- The next meeting will be held Monday September 19th from 8:30 – 10:30 am (*later postponed to October 17th 9:00 – 11:00 am*).

Minutes of Meeting

ORCA and Members OCP and CVRD

August 12th, 2011

In attendance:

Greg Hunt	ORCA
Peter Holmes	OCP SC
Robert Stitt	OCP SC (Chair)
Lori Iannidinardo	Director Area D
Tracy Fleming	Cowichan Tribes
Don Bright	OCP SC
Tim Kulchyski	Cowichan Tribes
Ann Kjerulf	CVRD
Brent Heath	ORCA
Jan Orrico	ORCA
Dennis O'Neill	ORCA
Gloria Craig	ORCA
Len Orrico	ORCA
Helen O'Neill	ORCA

Meeting Location: Bo's Coffee Shop, Picnic Tables

Meeting called to order approximately 11:05AM with introductions of all attendees

Robert Stitt: Thanked all in attendance. Provided outline of OCP Steering Committee (*herein after referred to OCP SC*):

- Commenced approximately 18 months ago

- Members represent a cross section of the community
- Looking at what is best for Area D from a broad view
- Not the place to make policy
- They consult **with community individuals and groups** and experts and then make recommendations to the CVRD representative (Ann Kjerulf) to start drawing policy.
- The meeting December surprised the OCP SC as much as the Members of ORCA. They also considered it premature.
- They regret the loss of trust as a result of that proposed bylaw
- Their emphasis is on the bigger picture

Gloria Craig: Requested clarification: policy versus bylaw

Ann Kjerulf: Explained the process as: OCP SC develops the policy statement then to community plan then to bylaw

Don Bright: OCP SC gathers public input, arrives at a median consensus and then develops policy

Dennis O'Neill: Requested clarification:

- When was the OCP SC formed
- Are the meetings open to the public
- Where do the meetings take place

Robert Stitt:

- OCP SC commenced meeting approximately March/April 2010, roughly 18 months ago
- They expect the first proposal **for the CVRD Board** will be ready early Spring
- Draft document currently being prepped by Ann Kjerulf
- The OCP SC meets every two **-to-four** weeks
- It is open to the public
- The public is advised by newsletter to household, emails, **CVRD web site** and billboards

Gloria Craig Advised many households do not receive local newspaper delivery and pick up at central locations is hit and miss.

There was consensus amongst ORCA members the newsletter is not being received.

Anne Kjerulf Advised it is a bulk mail drop and if the household requests no bulk mail it will not be delivered. She further advised there is recognition there needs to be a better method to communicate.

Robert Stitt: Confirmed the OCP SC meetings are open to the public. The draft document should be ready in one month and they expect the by **bylaw** to be in place by the Spring

Peter Holmes: Agreed the public not well informed

Lori Iannidinardo: Advised a communication committee now in place. The CVRD does the best it can. Robert Stitt made the observation it was all a learning process.

Brent Heath: Where did the proposed Marine Foreshore Protection arise from?

Robert Stitt: Damage is being done and is of general concern to the CVRD. They looking at a broader initiative. Growing momentum overtook the OCP SC which resulted in December, 2010's proposed bylaw. Further, the Electoral **Areas** Services **Committee** is providing directions for the Area.

Brent Heath: (*acting as spokesperson for ORCA*) Confirmed all present at the table had received and had read the ORCA report. Stated ORCA felt the report outlined our position in a straight forward manner. Requested OCP SC and CVRD's thoughts and feedback on the report.

Ann Kjerulf: Expressed appreciation for the effort. Advised not in a position to respond formally at the present. Advised report given to Kate Miller, Environment CVRD, for review. She is currently on holiday but will look at and provide a response (*no time line given*)

Robert Stitt: Looking at holistic, long term view, at all factors. Evidence of damage they would like to see prevented such as hardening of the foreshore.

Brent Heath: Requested the focus be on issues as opposed to motherhood statements. What is the magnitude of the problems? Suggested we proceed through the items outlined on the **Agreed Issues** document handed out by ORCA at the start of the meeting one by one to see where mutual agreement can be had and highlight where we have differences.

Item 1 Sea wall construction, locations and engineering

Robert Stitt: Hardening of the foreshore a primary concern. Want to educate prior to development. Want to be pro active.

It was agreed we all accepted Item 1

Ann Kjerulf: Suggested a development permit be required to harden the foreshore. Area guidelines required to protect the foreshore.

Don Bright: CVRD cannot afford to enforce all bylaws. Education required.

Jan Orrico: Soft approach to protecting foreshore acceptable. Education required. Ann agreed, in consultation with the DFO

Brent Heath: Pointed to Hecate Park as a prime example of hardening the foreshore. A CVRD project.

Lori Iannidinardo: Learning from past mistakes. Pointed to Wessex Motel parking lot. 66 heron nests destroyed in order to black top a parking lot.

Ann Kjerulf: Agreed CVRD should be the leader in conservation efforts.

Item 2 Change in natural watercourses and redirection of surface water flow across property lines, irrespective of location in area, but including on to shorefront properties and corresponding shore

and Item 3 Modification of soil organization, irrespective of location in area, likely to result in changes in erosion, drainage or vegetation regeneration patterns.

Don Bright: Spoke about the Wilmot Development where land has been clear cut and soil trucked in.

Ann Kjerulf: Solution to adopt a soil?... bylaw requiring a development permit/ approval. New developments not to alter natural drainage courses.

Discussion as to whether controls already exist. Lanes Road development discussed wherein Developers successful in having a pond declared storm drainage. Lori cited clearing upland from that development, which Ann pointed out required the Ministry of Highways approval.

Discussion also held the proposed bylaws seemed directed solely at waterfront owners.

Ann Kjerulf confirmed the proposed bylaw **will not** solely focus on the waterfront but will be area wide (*Note: Meeting of June 9th, 2011 Gerry Giles advised slough off of cliffs was a concern elsewhere but they were only able to deal with one area at a time. See minutes*)

Item 4 Change in waterfront usage, e.g. from residential to commercial, such as marinas. Current usage and structures to be grandfathered in perpetuity.

Discussed and agreed it was already regulated and public input invited on rezoning.

Brent Heath: Asked if current usage would be grandfathered?

Ann Kjerulf: If improvement legally established under a prior bylaw, no change. **If legally non-conforming, would be allowed.**

Len Orrico: Discussed insurance clauses covering non-conforming structures. Will non-conforming structures be unmolested? Example of house burning down given. Len pointed out numerous clauses in insurance policies providing for time limitations and depreciated values should the permit to rebuild on the same site be delayed or withheld. **Len requested a clear, unequivocal statement regarding the rebuilding of a home on it's original site.**

Ann Kjerulf: Not aware of the insurance clauses as Len Orrico outlined. She will ask that specific question and obtain a legal opinion. Asked if setback stays at 15 meters , most issues would be resolved? Some properties will be affected even at that minimum (Fairbanks as an example). Agreed current usage and non-conforming usage should run with the property as opposed to ownership. Len advised the normal "grandfathering" practice covered the structure not the property. Any change in the existing bylaws must be specific.

(It should be noted Len raised this specific issue at the June 9th, 2011 meeting with Lori Iannidinardo and Gerry Giles. Gerry Giles advised at that time she was not aware of the same site clauses in Home Insurance policies and stated she would try to research the answer. See minutes)

Item 5 Location of residential structures relative to land stability. If setbacks of any kind are a tool of control for permanent structures, then, they must be site specific, not a general application.

Extension of Len Orrico's concerns re: site specific.

Jan Orrico: A building inspector on any residential structure or any structure requiring a building permit has the authority to ask for a geotechnical report now.

Discussion held re: changes in existing vegetation, rapid regeneration, excavations of property and alterations within reason including a trail.

Recent slippage on reservation land discussed. Tim Kulchyski advised not natural erosion but rather a increase of natural water flows resulting from logging upland.

(Further general discussions held. At one point it was mentioned any changes to existing bylaws etc would not cover stairs or small temporary structures. As many conversations going on, can not attribute any statement to any one in particular. It was stated by someone on the OCP SC that there would be no impact on stairs or small temporary structures . The writer has penciled notes on the minutes from June 9th that Gerri Giles specifically stated the bylaws would not just cover trees but would also extend to stairs, gazebos etc. For whatever reason, I did not amend the minutes published to reflect that statement..)

Gloria Craig: In closing stated Orca's membership felt the DPA should cover Area D entirely, otherwise it was felt to be punitive if confined solely to the waterfront.

Greg Hunt: Confirmed Orca's request for a written response to the ORCA report prepared by Brent Heath and Denis McDonald be provided. The OCP SC is an advisory body that collects public input – it does not have authority to issue formal written responses to submissions, only to acknowledge receipt and provide constructive feedback.

Meeting adjourned at approximately 12:30 PM

Helen O'Neill - ORCA /Minutes