



C·V·R·D

**NOTICE OF
ELECTORAL AREA SERVICES COMMITTEE MEETING**

**Tuesday,
January 19, 2010
Regional District Board Room
175 Ingram Street, Duncan, BC**

3:00 pm

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14. **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. Iannidinaro
Director L. Duncan
Director M. Dorey

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M1

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, December 1, 2009 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

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

CVRD STAFF

Tom Anderson, General Manager
Mike Tippett, Manager
Rob Conway, Manager
Alison Garnett, Planning Technician
Dana Beatson, Short Range Planner
Sybille Sanderson, Acting General Manager
Brian Farquhar, Parks and Trails Manager
Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included adding D-1 Add-on item to Delegations and SR6 to Staff Reports; removing C3 Correspondence being a duplicate of C2, and removing proposed Closed Session item CSSR2.

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 November 17, 2009, EASC meeting be accepted.

MOTION CARRIED

BUSINESS ARISING

No business arising.

DELEGATIONS

D1 – Jim Logan

Dana Beatson, Short Range Planner, presented Application No. 4-A-07RS (Jim Logan) to re-zone 2.0 acres located at 841 Ebadora Lane from F-2 to new I-1B to permit outdoor storage of recreation vehicles.

There were questions to staff from Committee members.

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Jim Logan, applicant, was present and added further information to the staff report.

There were questions to the applicant from Committee members.

Director Duncan suggested that a covenant be placed on the property to prohibit signage.

It was Moved and Seconded

1. That Rezoning Application 4-A-07RS (Logan) be approved;
2. That prior to any reading of the amendment bylaws, the Ministry of Transportation and Infrastructure indicate in writing to the CVRD that the sight distance issue has been resolved or can be resolved to their satisfaction; AND a landscaping plan be submitted with cost estimates;
3. That prior to consideration of adoption of the amendment bylaws, the owner register a covenant on title prohibiting any signs from being posted along the southern boundary of the property along the Trans Canada Highway; and
4. That a BCLS survey be done of the 0.8 ha site being rezoned and that portion be fenced, or that a security (ILOC) sufficient to ensure fencing is installed be received by the CVRD; and that a security (ILOC) sufficient to ensure that landscape screening in the plan will be done is deposited with the CVRD.

MOTION CARRIED

D2 - Mann

Alison Garnett, Planning Technician, presented Application No. 1-G-09DVP (Reg and Anne Mann) to relax the side interior parcel line setback of existing residence at 3696 Gardner Road.

There were no questions to staff or the applicant from Committee members.

It was Moved and Seconded

That Application No. 1-G-09DVP by Reg and Anne Mann for a variance to Section 5.4(4) of Zoning Bylaw No. 2524, by decreasing the setback to a side interior parcel line from 1.8 metres down to 0.94 metres on Lot 20, District Lot 34, Oyster District, Plan 6095, be approved, subject to the applicant providing a survey confirming compliance with the approved distance.

MOTION CARRIED

D3 - Koutougas

Alison Garnett, Planning Technician, presented Application No. 3-A-09RS (Gerry Koutougas) to rezone properties located at 2691 and 2673 Mill Bay Road, from R-3A to new residential duplex zone.

The Committee directed questions to staff.

Gerry Koutougas, applicant, was present and provided further information to the staff report.

The Committee directed questions to the applicant.

It was Moved and Seconded

That Rezoning Application No. 3-A-09RS (Koutougas) be held in abeyance pending the following:

- The applicant to address the comments from Ministry of Transportation and the Vancouver Island Health Authority;
- Recommendation of APC regarding proposed new zone; and
- Clarification from CVRD Engineering Services regarding service area.

MOTION CARRIED

D4 - Parhar

Rob Conway, Manager, presented Application No. 5-E-07DP/6-E-07DP (Parhar Management Ltd.) regarding consideration to amend Board condition and establish an expiration date for completion of conditions.

The Committee directed questions to staff.

The applicant was not present.

It was Moved and Seconded

That Application No. 5-E-07DP and 6-E-07DP (Parhar Holdings) be referred back to staff for further information and that a report be brought back to the next EASC meeting in January 2010.

MOTION CARRIED

STAFF REPORTS

**SR1 – 2010 Budget
Planning &
Development**

It was Moved and Seconded

That the 2010 Animal Control Budget No. 310 be approved subject to deletion of the 20% surplus operating reserve.

MOTION CARRIED

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It was Moved and Seconded
That the 2010 Building Inspection Budget No. 320 be approved subject to deletion of the 20% surplus operating reserve.

MOTION CARRIED

It was Moved and Seconded
That the 2010 Community Planning Budget No. 325 be referred until further information is received.

MOTION CARRIED

It was Moved and Seconded
That the 2010 Bylaw Enforcement Budget No. 328, Thetis Island Wharf Budget No. 490, and Thetis Island Boat Launch No. 491, be approved.

MOTION CARRIED

**SR2 – 2010 Budget
No. 250**

It was Moved and Seconded
That the 2010 Electoral Area Services Budget No. 250 be approved subject to deletion of the 20% surplus operating reserve.

MOTION CARRIED

Note: Director Giles requested that a contingency be added for Director's conferences.

**SR3 – 2010 Budget
Parks**

It was Moved and Seconded
That the Bright Angel Park Budget No 281 be amended by increasing the approved 2009 budget by \$3,000 from \$27,000 to \$30,000 for 2010.

MOTION CARRIED

It was Moved and Seconded
That the 2010 South End Parks Budget No. 282 be approved with no change from the 2009 requisition of \$50,000.

MOTION CARRIED

It was Moved and Seconded
That the 2010 Community Parks and Trails Program Budget Nos. 231, 232, 233, 234, 236, 237, 238, and 456 be approved; that Budget No. 235 be amended by increasing the Capital expenditures by \$20,000 to \$320,000 and increasing the requisition by \$20,000 to \$160,000, and further, that Budget 239 be amended by increasing the operational expenditures by \$27,000 and increasing the requisition by \$27,000 from \$92,000 to \$119,000.

MOTION CARRIED

It was Moved and Seconded

That the 2010 Community Parks and Trails Service Budget No. 279 be approved, and furthermore that the Parks and Trails Planner, Parks Coordinator – Capital Projects and Parks Vehicle supplemental items presented be brought forward for further consideration as part of the 2010 budget planning process.

MOTION CARRIED

**SR4 – Year End
Transfer - Parks**

It was Moved and Seconded

That the following transfer of 2009 yearend surplus amounts be approved for Electoral Area Community Parks functions 231 (Area A), 235 (Area E) and 237 (Area G):

- Area A Community Parks Capital Reserve Fund - \$15,000
- Area E Community Parks Capital Reserve Fund - \$70,000
- Area G Community Parks Capital Reserve Fund - \$40,000

MOTION CARRIED

**SR5 – Woodland
Shores**

It was Moved and Seconded

That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to amend the existing Parks and Trails Deficiencies Agreement with Woodland Shores to reduce the outstanding deficiencies value from \$44,400 to \$10,000, and furthermore that Woodland Shores be reimbursed \$34,400 from the deficiencies fund currently held by the Regional District under the terms of the existing agreement.

MOTION CARRIED

**SR6 – 2010 Budget
Public Safety**

It was Moved and Seconded

That the 2010 North Oyster Fire Department Budget No. 350 be amended by increasing the requisition amount by \$10 per \$100,000 household or the statutory limitation.

MOTION CARRIED

It was Moved and Seconded

That the 2010 Fire Department Budgets No. 351, 354, 355, 357 and 358 be approved.

MOTION CARRIED

APC

AP1 - Minutes

It was Moved and Seconded

That the minutes of the Area A APC meeting of November 10, 2009, be received and filed.

MOTION CARRIED

PARKS

PK1 to PK4 - Minutes

It was Moved and Seconded

That the following minutes be received and filed:

- Minutes of Area G Parks meeting of November 2, 2009
- Minutes of Area I Parks meeting of November 10, 2009
- Minutes of Area D Parks meeting of October 19, 2009
- Minutes of Area C Parks meeting of November 10, 2009

MOTION CARRIED

**CORRESPOND-
ENCE**

C1 - ALC

It was Moved and Seconded

That the letter dated November 18, 2009, from Independent Contractors and Businesses Association of BC regarding the Agricultural Land Reserve, be received and filed.

MOTION CARRIED

**C2 to C6 – Grants-in-
Aid**

It was Moved and Seconded

That the following grants in aid be accepted:

That a Grant-in-Aid (Electoral Area F – Cowichan Lake South/Skutz Falls) in the amount of \$2000 be given to Caycuse Volunteer Fire Department to assist with equipment and building repair costs.

That a Grant-in-Aid (Electoral Area A – Mill Bay/Malahat) in the amount of \$2205 be given to Sussex Consultants to assist with a funding shortfall for the South Cowichan Governance Study.

That a Grant-in-Aid (Electoral Area B – Shawnigan Lake) in the amount of \$2205 be given to Sussex Consultants to assist with funding for the South Cowichan Governance Study.

That a Grant-in-Aid (Electoral Area C – Cobble Hill) in the amount of \$2205 be given to Sussex Consultants to assist with funding for the South Cowichan Governance Study.

That a Grant-in-Aid (Electoral Area C – Cobble Hill) in the amount of \$1000 be given to CMS Foodbank Society to assist with local community needs.

MOTION CARRIED

INFORMATION

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

MOTION CARRIED

NEW BUSINESS

1 - CEEMP Director Duncan stated that the Cowichan Estuary Management Plan needs to be supported and would like the CVRD to be more involved. Director Iannidinardo noted that the Ministry of Environment has and needs to keep the leadership role but support and involvement from the CVRD is needed. Director Duncan suggested that a small budget be created for administration support.

It was Moved and Seconded
That a Regional budget function be created in the amount of \$5000 to provide support for the Cowichan Estuary Environmental Management Plan.

MOTION CARRIED

2 – Staff Reports It was Moved and Seconded
That staff be directed to prepare a report outlining what is required to amend existing bylaws to allow mail in ballots for elections and referendums.

MOTION CARRIED

It was Moved and Seconded
That staff be directed to prepare a report regarding the feasibility of the Building Department requiring that legible and highly reflective street addresses be properly displayed at the front of properties prior to occupancy permits being issued.

MOTION CARRIED

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

MOTION CARRIED

The Committee moved into Closed Session at 5:48 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



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STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 19, 2010

DATE: January 11, 2010 **FILE NO:** 5-A-08RS
FROM: Mike Tippett, Manager **BYLAW NO:** 1890 and 2000
Community and Regional Planning Division
SUBJECT: Application No. 5-A-08RS
Mill Bay Marina Residences Ltd.

Recommendation:

That Application No. 5-A-08RS (Mill Bay Marina Residences Ltd.) to permit full-time occupancy of Block C, Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, except part in Plans 29781 and 30142 through a zoning amendment be denied and that the appropriate refund of \$660 be given to the applicants in accordance with the provisions of CVRD Development Applications Procedures and Fees Bylaw No. 3275.

Purpose:

The applicants are seeking a zoning amendment that would permit full time residential occupancy of the proposed Mill Bay Marina 28 hotel unit structure, which has a Board resolution from late 2007 approving of the issuance of a development permit. To date, this DP has not been issued because a number of the Board's conditions have not been met. If the DP approval is not acted on by April 30, 2010, the approval will become void. This zoning amendment application also seeks the approval of a reversal of the location of the marina access jetty, from the south end of the water lease lot to the north end, and an expansion of the water lease lot for a proposed extension of the marina to the south.

Financial Implications:

None apparent.

Interdepartmental/Agency Implications:

See report text

Background:

Location of Subject Property: 740 Handy Road, Mill Bay

Legal Description: Block C, Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, except part in Plans 29781 and 30142 (PID: 001-027-433); and Foreshore Lease Lot 459 (Lease No. 112643)

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Date Application and Complete Documentation Received: November 7, 2008

Owner: MB Marina Residences Ltd.

Applicant: As above

Size of Parcel: ± 5614 m²; Water Lot is 1.079 ha

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

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

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

Existing Use of Property: Marina and Campground

Existing Use of Surrounding Properties:

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

Services:

<u>Road Access:</u>	Handy Road
<u>Water:</u>	Mill Bay Waterworks
<u>Sewage Disposal:</u>	Three options have been provided (see discussion below)

Agricultural Land Reserve Status: Out

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

Archaeological Site: An archaeological site has been identified along the foreshore of the property. An archaeological impact assessment report conducted by Monty Mitchell of Madrone Environmental Services has been prepared. This will be forwarded to the Malahat First Nation.

The Proposal:

An application has been made to: The Regional Board to permit a zoning amendment to allow for a 28 unit residential development on this site, with the water access jetty for the marina being moved northwards, and an extension to the W-3 water zone (for marina expansion).

Advisory Planning Commission Comments:

The Mill Bay/Malahat APC reviewed this application on November 10, 2009. The following recommendation was made with respect to this application:

The seven APC members present unanimously recommended the application be **denied** and that if the marina was to be extended, it should be extended out into the bay, not north or south as per the current recommendations.

Referral Agency Comments:

Ministry of Transportation and Infrastructure: “Approval recommended subject to conditions below: “A no access to Mill Bay Road Section 219 covenant is required; Handy Road intersection with Mill Bay Road, coming out onto Mill Bay Road, has insufficient sight distance – the required sight distance is 140 m – applicant to prove that he can provide this; traffic impact study is required.”

Ministry of Environment: no comments received

Mill Bay Waterworks: no comments received

Vancouver Island Health Authority: no comments received

Cowichan Tribes: no comments received

Malahat First Nation: Approval not recommended due to reasons outlined below: “As stated in our telephone conversation on September 21st 2009 (with Rob Conway), Malahat Nation would like to have an archaeological impact assessment completed before development proceeds. We do believe there is a shell midden, among other sites, that should be protected. Please feel free to contact us at the office anytime.

Mill Bay Volunteer Fire Department: no comments received

School District No. 79: Interests unaffected

CVRD Engineering Services: Approval recommended subject to conditions below: “Mill Bay Marina has requested inclusion and is included in the Sentinel Ridge Sewer Service Area. This service system is presently at capacity however there is potential for 28 unit connection in the future provided that MB Marina contributes to a sewer treatment plant upgrade and all costs to tie into the system (as outlined in your referral). Mill Bay sewer alliance is not an option at this time.

CVRD Parks and Trails Division: no comment received

Integrated Land Management Bureau: no comment received

Ministry of Community and Rural Development: no comments received

Planning and Development Department Comments:***Soil Contamination***

Since the development permit application referred to below was processed and during the processing of the proposed zoning amendment, CVRD staff became aware that the property is contaminated with some materials that will require cleanup under the *Environmental Management Act*. This will have to occur prior to either a development permit being issued, in the event that the applicants seek to have a DP issued before the end of April 2010, and certainly before the adoption of a zoning amendment to permit residential use on the site.

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General Background Information

The subject property is located immediately south of Handy Road where it reaches the ocean and is within the Mill Bay and Trans Canada Highway Development Permit Areas (DPA), as specified in Official Community Plan Bylaw No. 1890. At the present time, the land is zoned as Tourist Recreational Commercial 4 (C-4), and a development permit application on this C-4 land was approved by the Board (but not issued) in late 2007. This development permit application (9-A-07DP) called for a 28 unit tourist accommodation structure with underground parking to be constructed on the land. The applicants apparently intend to proceed with the same building plan in the event that this zoning amendment application is approved, with the only difference being that the permitted use would include full time residential occupancy of the 28 units.

Development permit No. 9-A-07DP was processed to the Board approval stage in 2007. The associated site plan and other drawings are attached to this report. Board approval entailed the following series of conditions that had to be met before the development permit would be issued:

- 1) *A covenant being registered on title that would restrict the time of stay to twenty-two weeks in a calendar year;*
- 2) *Maximum height of buildings is 10 m above the average natural grade, to be established by a professional surveyor, and a survey of buildings as built is provided post-construction to verify this limit;*
- 3) *Proposed window projections on the south side are removed, no encroachment into the setback is permitted;*
- 4) *Pavilion/gazebo within 15 m of the sea is removed from the proposal;*
- 5) *Three loading spaces, plus parking for disabled persons, are provided in accordance with Parking Standards Bylaw No. 1001;*
- 6) *Only the driveway/underground ramp is permitted within the western 6 m setback, no above-ground structure is permitted within this setback area;*
- 7) *Approval of the design from the Mill Bay Fire Department;*
- 8) *Approval of an access point by the Ministry of Transportation;*
- 9) *The existing public boat ramp at the end of Handy Road is to be re-built in consultation with and to the satisfaction of the CVRD Parks Department; and an irrevocable letter of credit is to be provided to the CVRD equaling 120% of the estimated costs to complete the rebuilding of the boat ramp (estimate to be provided by the applicant and approved by the CVRD);*
- 10) *An irrevocable letter of credit is to be provided to the CVRD equaling 120% of the estimated costs to complete the landscaping, lighting, pathway and storm-water improvements (estimate to be provided by the applicant and approved by the CVRD);*
- 11) *Sewer approval subject to either connection to an existing system or the Mill Bay Sewer Alliance system.*

These conditions have not been met to date; however, condition 1 would be redundant in the event this amendment application is approved. The applicant indicates that at least two sewer servicing options exist, both of which would comply with condition 11. Aside from these conditions, the matter of soil contamination is yet to be resolved to the point where we would be able to issue a development permit.

000014

Given that a development permit has been authorized on the basis of these conditions, the applicants contend that the zoning amendment request is simply whether permanent residents should be permitted to occupy a building that has already been approved in principle. They indicate that the building form, character, site planning, parking and landscaping would be identical to what has already been seen in the development permit application.

Previous Rezoning Application

The subject property was previously part of a land assembly that was the subject of a 2006 rezoning application (1-A-06RS). At that time, the proposal was to rezone this property and a few others for the purpose of establishing 80 dwelling/accommodation units for both transient accommodation and permanent residency. At the time, it was also proposed to rezone the surface of the water to the east of the existing marina in order to expand and redevelop the marina infrastructure. This application was later withdrawn and the applicant proceeded to get approval in principle for a development permit in compliance with the existing C-4 zoning.

Commercial 4 Uses and Proposed Zoning Changes

Under the C-4 that presently applies to these lands, "Tourist Accommodation" is a permitted use and is defined as follows:

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

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

Therefore, in order to comply with the present zoning bylaw, no permanent residency is permitted and the maximum number of weeks per year that any one person can stay at the tourism accommodation facilities is 22 weeks. The only permanent residency permitted in the C-4 (Tourist Recreational Commercial) zone is one single-family dwelling per parcel accessory to a permitted use. This apparently will not be suitably marketable and so this application has come forward in order to make the project viable for the proponent.

Associated with this rezoning application is proposed expansion and zoning changes at the marina, which would consist of the following:

- Moving the W-3 (marina) zoning polygon that represents the jetty access to the marina slips to the northern boundary of the marina lease block;
- Expanding the W-3 zoning polygon by about 17 metres to the south, representing a total proposed lease expansion area of about 3250 m²;
- Adding a new connection of the expanded water lot towards the land on the south end of the property, about 17 metres in width.

The marina is subject to the regulations of the W-3 (Water Marina) zone within Bylaw No. 2000, and is not within any Development Permit Area. However, it is proposed to have a sani-station sewage pumpout, a fuel dock and some limited commercial activity on the W-3 area. These uses are not part of the zoning amendment application, but the information is being presented for the Commission's reference because it is considered relevant to the overall zoning amendment application on the subject property.

Proposed Zoning for Residential Use: Building Height and Infill Policies

The applicants propose to erect a structure that would contain 28 dwelling units. The proposed structure is shown in the attached building drawings. The density limit that would be necessary to permit 28 units on a site that is a bit over half a hectare in area is too high for either of the conventional multiple family residential zones (RM-1 and RM-2) in Electoral Area A. If the Committee wishes to see this proposal move forward towards an eventual approval, it would be appropriate to recommend that a new zone be created that would definitely limit the number of residential units to that proposed, or possibly a lower level the Committee might consider to be possible or appropriate, especially depending upon what height limit is recommended.

Building height was a challenge for the applicants when they went through the development permit process. This side of Mill Bay Road is certainly within the area that the Official Community Plan considers eligible for infill type developments such as this, as well as limited commercial use. Policies 7.6.2, 7.6.3 and 7.6.4 all concern this possibility.

POLICY 7.6.2

Notwithstanding Section 7.6.1, the Regional Board may, through the zoning bylaw, initiate new multi-family residential zones within the Urban Residential designation to permit a more affordable type of housing, and to use the land base more efficiently.

POLICY 7.6.3:

Notwithstanding Section 7.6.1, the Regional Board may consider new comprehensive zones that include intensive residential and general commercial uses for lands designated Urban Residential within the Urban Containment Boundary. In considering rezoning of lands for comprehensive development, the Regional Board shall give preference to the following:

- a) The proposed uses are compatible with adjacent land use;*
- b) The development is subject to Section 14 "Development Permit Areas" of this Plan;*
- c) The development is located in the near vicinity (10 minute walk) of Mill Bay Centre, within the Urban Containment Boundary shown on Figure 3;*
- d) If feasible, the development shall connect to community water and community sewer systems. If not feasible, lots shall be of sufficient size to prevent cross contamination of wells from septic disposal fields and in accordance with Ministry of Health or Ministry of Water, Land and Air Protection regulations.*

POLICY 7.6.4

Any multi-family residential development shall have approved servicing (community sewer and water) that meets CVRD standards and shall:

- a) be subject to section 14 "Development Permit Areas" of this Plan;*
- b) be located in the near vicinity (10 minute walk) of Mill Bay Village Centre, within the Urban Containment Boundary shown on Figure 3;*
- c) be located and developed so that walkways or trails can, in the future, connect the development with the village commercial nodes, schools, parks and other community amenities;*
- d) provide open space and protect unique site features and, where possible, large stands of trees;*
- e) promote public safety;*
- f) be connected to an approved community sewer system;*
- g) be serviced by the Mill Bay Waterworks community water system; and*
- h) integrate into the existing neighbourhood in an appropriate manner with complementary uses, character, setbacks, building height, scale and form, to those of nearby land uses and buildings.*

Notwithstanding these policies, experience has shown that the residents of the area to the east of Mill Bay Road are concerned that these policies, if applied to their neighbourhood, could harm the use and enjoyment of their own properties. Therefore, although the C-4 Zone permits a height limit of ten metres and the development permit approval in principle from two years ago was on the basis of a ten metre high building, there is no reason to assume that any new zone to be applied to this property would necessarily retain that limit. The applicants clearly are intending to do just that, because the plans submitted with the rezoning application appear to be identical to those approved in principle with the development permit application of two years ago. Because a new zone would be required should this application be approved, the matter of building height and other regulations are all subject to discussion in Committee.

If this land was zoned to allow exclusive multiple family dwelling use, this might lead to expectations among its residents that the adjacent marina and proposed marine pub operations should be quieter than they are. It could also be that some of the buyers in the development might be absentee owners who would like to rent their units out on a short-term basis (terms of under a month in duration). In the event that the multiple family residential use is supported in principle, but there remain some concerns about the issues noted above, a hybrid zone could be proposed that would allow both commercial uses as presently permitted and multiple family residential uses. While this would not necessarily eliminate possible noise control concerns, at least the short-term rental scenario would be addressed. In any event, the zoning would not necessarily be the final word on uses, as the developer or strata corporation would be within their rights to restrict use of the units to residential only no matter what additional uses the zoning might permit.

000017

Proposed Marina Zoning

The proposed expansion and adjustment to the marina lease/W-3 zoned area amounts to an increase of about 3250 square metres in area. The plan attached to this report shows how this revised marina zone might be used if the application was approved. Notable is the shift of the proposed marina expansion area from the eastern edge of the property under the last rezoning proposal, towards the south side. This change was presumably made to reduce the potential for interference between the rowing area for Brentwood College and the marina infrastructure.

At the Advisory Planning Commission meeting, the question of where any marina moorage expansion should be was discussed. The APC concluded that if an expansion was to occur, it should project out more into the bay, so as not to intrude into the seaward projections of adjacent lots. The APC noted that there are no tenures over the area to the east of the present marina and that other users of the bay could adapt to an increased marina footprint.

The Mill Bay/Malahat Official Community Plan contains policies that aim to minimize the impact of development upon Saanich Inlet. The over-riding goal in this respect is in Section 2.3, which states:

- d) To protect and where feasible restore the quality of aquatic and marine shoreline habitats and ecosystems in recognition of the sensitive marine waters of Saanich Inlet.*

Section 4.2 in the OCP, respecting shore-zone management, contains the following objectives:

- c) To prevent further degradation of Saanich Inlet marine waters*
e) To support the development of waterfront parks and public access, where appropriate, to and along the foreshore

The following policies are relevant to marina development:

Policy 4.3.6: The remainder of the marine water surface in the Plan area, not included in the aforementioned zones (note: this refers to areas of marine water surface designated in the original OCP for specific uses other than conservation), shall be zoned for general non-structural recreational use, including motor boating.

Policy 4.3.8: No new foreshore structures such as wharves shall be permitted along the waterfront except for government wharves, in which case public access must be provided, and wharves in extreme cases where land access is exceptionally difficult to achieve, in accordance with the commentaries of BC Crown Lands.

These policies, literally interpreted, would direct the CVRD Board not to consider the marina expansion. However, the Committee may consider whether any deviation from this policy is justified in this case.

As a consideration in this regard, some potential buyers of this entire site – marina operators in the Capital region – indicated this summer that in their opinion, the area presently zoned for marina use is too small to justify a rebuilding of the marina slips and related infrastructure. Thus it would seem appropriate for the Committee to consider approval for some extension of the marina zone, if the community wishes to retain this marina in the foreseeable future. The CVRD does not have a conventional regulatory means at its disposal to require that any or all marina spaces be made available for rent to people from Mill Bay. In the event that a zoning amendment is approved, it is conceivable that the CVRD could explore the possibility of using a covenant to make sure that at least some of the spaces remain available to the public, but whether a covenant could be registered against a Crown lease over water is unknown.

The other aspect of the marina zoning that is proposed to be changed is the access point, which would be relocated from its present southern location towards the north of the marina zone, offering an access that is very close to the Mill Bay boat ramp at the base of Handy Road. In principle, replacing the jetty location would not seem to be a problem from a zoning perspective, and it seems as though doing this would improve the access to the marina. The physical relocation of the pilings and so on would of course be subject to Fisheries and Oceans Canada approval.

Archaeological Significance

Chief Randy Daniels of the Malahat First Nation replied to our bylaw referral by pointing out that they do not support the application and would like an archaeological study to be undertaken before any development occurs. Such a study was done in support of the 2007 development permit application, and this report has been forwarded to Chief Daniels in December 2009. Even in the event that the rezoning is not approved, we should keep this in mind with respect to the proposed development permit under the present C-4 zoning.

The Provincial archaeology resources inventory indicates that there is a shell midden (a pile of seashells created by pre-contact people, along with other domestic objects) along the foreshore in this area. The adjacent Brentwood College property to the north also shares this feature, and it was studied when they applied for a development permit to relocate their dining facility. In the case of the Mill Bay Marina property, the degree of work proposed on the foreshore is minimal, other than the proposed relocation of the access jetty. In the event that any disturbance of the midden is required, an archaeological consultant would need to be called in to address the situation.

The study by Madrone confirms that the site has already been very heavily impacted from an archaeological perspective. The report also suggests that redevelopment (at the time the proposed redevelopment was larger in scale because it included several other properties) would necessarily destroy further archaeological resources, therefore a Site Alteration Permit would be required under the *Heritage Conservation Act* in order for development to proceed. No doubt this is also true in the event that the zoning application is not approved but the development permit application under the present C-4 zoning is acted upon. Supervision by an archaeologist of any excavation and site destruction, if permitted by the Province, would be required.

Specific Zoning Request

The applicants have characterized this request as amounting to a change in definition from a maximum occupancy for any one person from 22 weeks upward to 52 weeks. This of course would not be possible to do without opening up other C-4 zoned sites in the community to year-round full-time residential occupancy. This could undermine the region's tourism strategy (there is already a chronic shortage of hotel accommodation in the Cowichan Valley). Therefore the only reasonable way to accomplish a zoning amendment that would allow what the applicants are seeking is defining a new zone for the site, one which is either presently within the bylaw or a new zone that would better suit the site.

None of the existing multiple family residential zones in the Mill Bay/Malahat Zoning Bylaw No. 2000 contain a high enough density standard for this site – the highest density zone of RM-2 would only allow 19 units to be constructed on the subject property. Aside from the density limits being too low, ironically the building height limits are too high for the tastes of the neighbourhood, based upon previous applications in the area. So the only appropriate solution with respect to permitting residential use here would be to create a new zone that would at the same time allow more density on the site (about 50% more than our present highest density zone) and also a height limit of 7.5 metres.

Servicing

Policy 7.6.4 requires that any multiple family development be connected to a community sewer and community water system. Mill Bay Waterworks District supplies the water in the area and it is a community system according to the definitions in Zoning Bylaw 2000. However, the problem is community sewer service, which is defined in Bylaw 2000 as follows:

“community sewer system” means a system of sewerage works or sewage collection, treatment and disposal which serves 50 residential unit equivalents or more and which is owned, operated and maintained by the Cowichan Valley Regional District or a municipality incorporated under the Local Government Act;

There are no community sewer systems close by and the nearest one to the site is 2.4 kilometres away (Sentinel Ridge). The applicant would therefore be required by the CVRD to build 2.4 kilometres of sewage line plus pumping station(s) and connection fees to service this 28 unit residential development. Because of Policy 7.6.4, it is inappropriate for the site to be rezoned in the absence of connection to such a system. This proposed development has approval in principle for connection to Sentinel Ridge Sewer. However, the costs of implementing this approval in principle would be very large, and there are the additional costs of making whatever treatment plant upgrades as would be necessary to meet CVRD Engineering and Environmental Services requirements for the expansion of the Sentinel Ridge sewer system.

A potential alternative for sewer connection at Mill Springs is 1.1 kilometres closer to the site, although the Trans-Canada highway would have to be crossed first. But at this time, the Mill Springs system does not meet the CVRD's definition as a “community sewer system”, so it is not an option. No other possibilities for sewer connection appear to exist. This is another example of how the lack of sewer servicing options in Mill Bay makes consideration of infill development difficult, if not impossible.

Interestingly, with the property subject to its present Tourist Recreational Commercial C-4 zoning, there is no requirement in that zone's regulations that development on the site be connected to a community water or community sewer system. Therefore the options for dealing with sewage flows are more plentiful (and potentially far more economical) than under the proposed multiple family zoning. The C-4 zone also does not have a density limit (e.g. number of permitted hotel rooms).

Summary

The Committee is being asked to decide whether an infill development proposal in the heart of the community of Mill Bay is supportable. The property is now in a zone that would allow large buildings to be erected for commercial purposes, with no direct limits to density (unit count per hectare) and only indirect density limits through setback, building height, parking requirements and the 20% parcel coverage regulation. Despite this zoning, we understand that the economic forces mitigate against any developer actually constructing a hotel or other C-4 stand-alone use on this site. The present applicant has told us that and some of the other prospective buyers for the site who have discussed it with staff have the same opinion.

The development proposed in the present zoning application is consistent with some policies of the OCP, but the difficulties (primarily the high cost of pipeline and off-site sewage plant upgrades) of servicing the site as required by the OCP and Zoning Bylaw 2000 are an impediment to its development. This is one of the main challenges we face in communities where our OCPs contain infill policies, but we lack sewer infrastructure. We will be addressing this difficulty in the new South Cowichan Official Community Plan, one way or another.

The fact that any redevelopment of this site will necessarily lead to destruction of a culturally sensitive site for first nation people is another consideration. We must consider this as a significant factor in the zoning amendment decision. Also, the opportunity to proceed with any redevelopment on this site will have as a prerequisite permission from the Heritage Branch for removal of site Dd-Rv-14, and this may not be approved by the Province even if it is the intent of the Board to allow development to proceed.

Finally, community concern about infill, building height and land use conversions generally in this part of the Mill Bay Urban Containment Boundary have been expressed before. The Advisory Planning Commission recommended that the application be denied because of these concerns. Staff is inclined to follow suit, given that the applicants have indicated that the building form approved in principle in 2007 for DP issuance would be the only design they would be interested in building.

On the other hand, the need for expansion of the marina appears to be consistent with advice we have received from operators of existing marinas regarding the critical mass of dock infrastructure required to make its operation feasible in the longer term. Consideration could be given as to whether an expansion of the water area zoned for marina use could be approved and if so, whether the area proposed by the applicants is the best place for it. The APC recommended that if a marina expansion does occur, that it be made to the east of the existing moorage area, in order to neither impact the Handy Road boat launch nor the private property to the south.

Options:

1. That Application 5-A-08RS (Mill Bay Marina Residences Ltd.) to permit full-time occupancy of Block C, Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, except part in Plans 29781 and 30142 through a zoning amendment be denied and that the appropriate refund of \$660 be given to the applicants in accordance with the provisions of CVRD Development Applications Procedures and Fees Bylaw No. 3275.
2. That Application 5-A-08RS (Mill Bay Marina Residences Ltd.) to permit full-time occupancy of Block C, Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, except part in Plans 29781 and 30142 through a zoning amendment be denied with respect to the residential use conversion, but that the CVRD consider proceeding with a zoning amendment to expand the area of the marina zoning on the water eastwards, with a view to increasing the usable area for marina purposes, which would improve the viability of the marina operation in the long term, and that a draft bylaw be reported back to this Committee for further review.
3. That Application 5-A-08RS (Mill Bay Marina Residences Ltd.) to permit full-time occupancy buildings on Block C, Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, except part in Plans 29781 and 30142 through a zoning amendment be approved and that amendment bylaws be prepared for the site which would allow for the construction of a 28-unit multiple family dwelling and limit building height to 7.5 metres as well as expansion of the marina to the east and reversal of the jetty, with a public hearing to be scheduled thereafter with Directors Harrison, Giles and Cossey as delegates, the hearing to be held in the community during 2010.

Supplementary Resolution Required in the event Option 2 or 3 is chosen:

If amendment bylaws are proceeded with, the following supplementary resolution is required:

That referral agencies for the Mill Bay Marina Residences Ltd. application be the Ministry of Environment, Mill Bay Waterworks District, Vancouver Island Health Authority, Cowichan Tribes, Malahat First Nation, Mill Bay Volunteer Fire Department, School District No. 79, CVRD Engineering Services, CVRD Parks and Trails Division, Integrated Land Management Bureau, and Ministry of Community and Rural Development; AND FURTHER that the extent and degree of consultation with the first nations that are on the referral list be limited to the mailing of the original referral notice forwarded with the Advisory Planning Commission staff memo, and that the draft amendment bylaw along with a possible schedule and details of the water lease/zoning changes be sent to both first nations once it is prepared and that for the Malahat First Nation only, a follow-up telephone call to the Chief be made, with a 30 day response period being allowed.

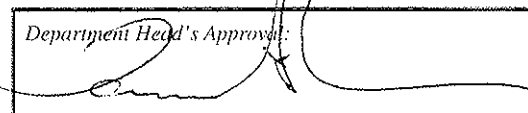
Submitted by,



Mike Tippett, MCIP
Manager

Community and Regional Planning Division
Planning and Development Department

MT/ca

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

000022



Covician
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.

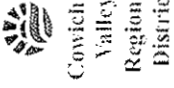
FILE: 5-A-08-RS

Orthophoto
(2002)

2



000023



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.

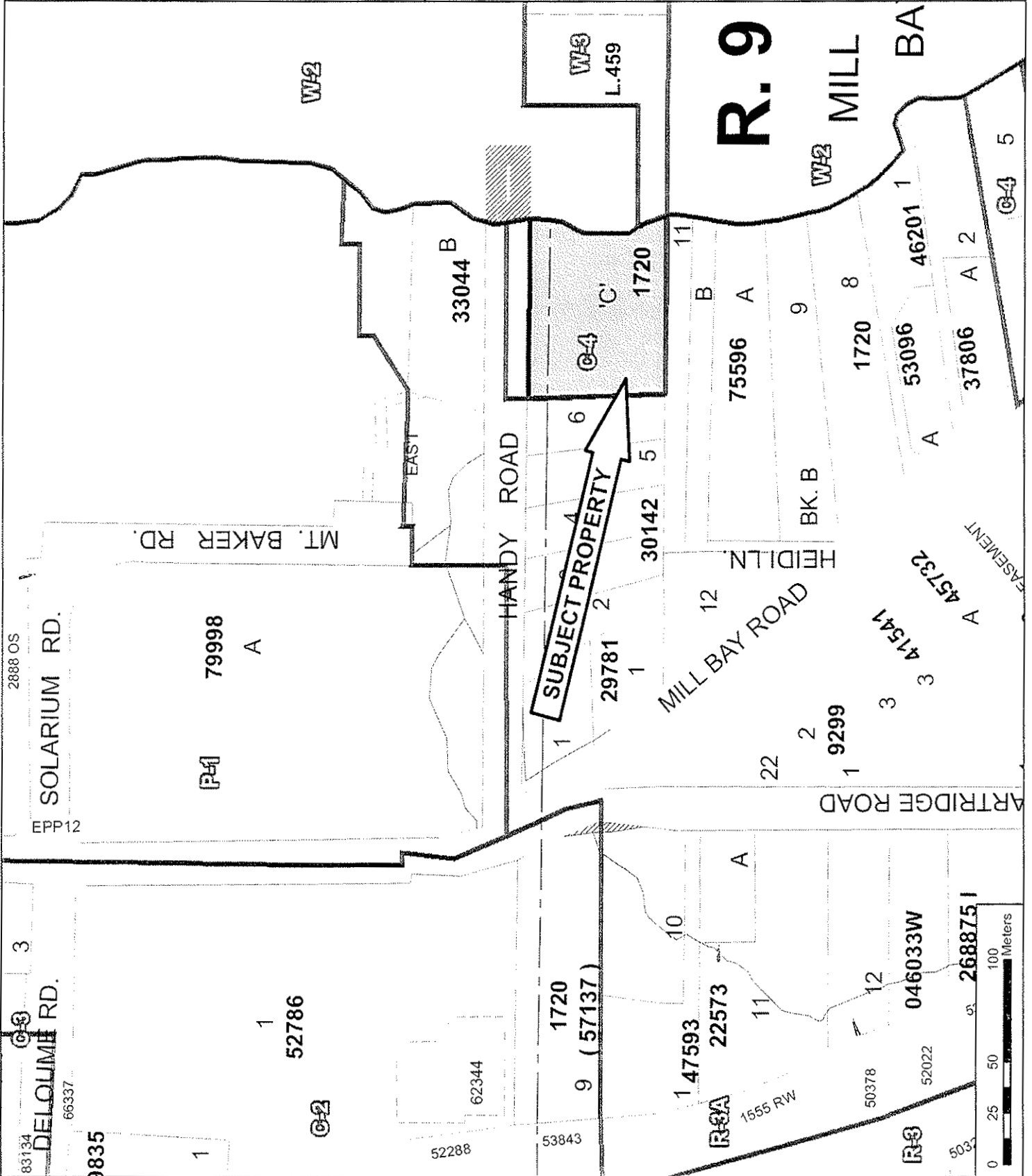
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ZONING

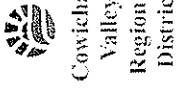
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2



000024




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.

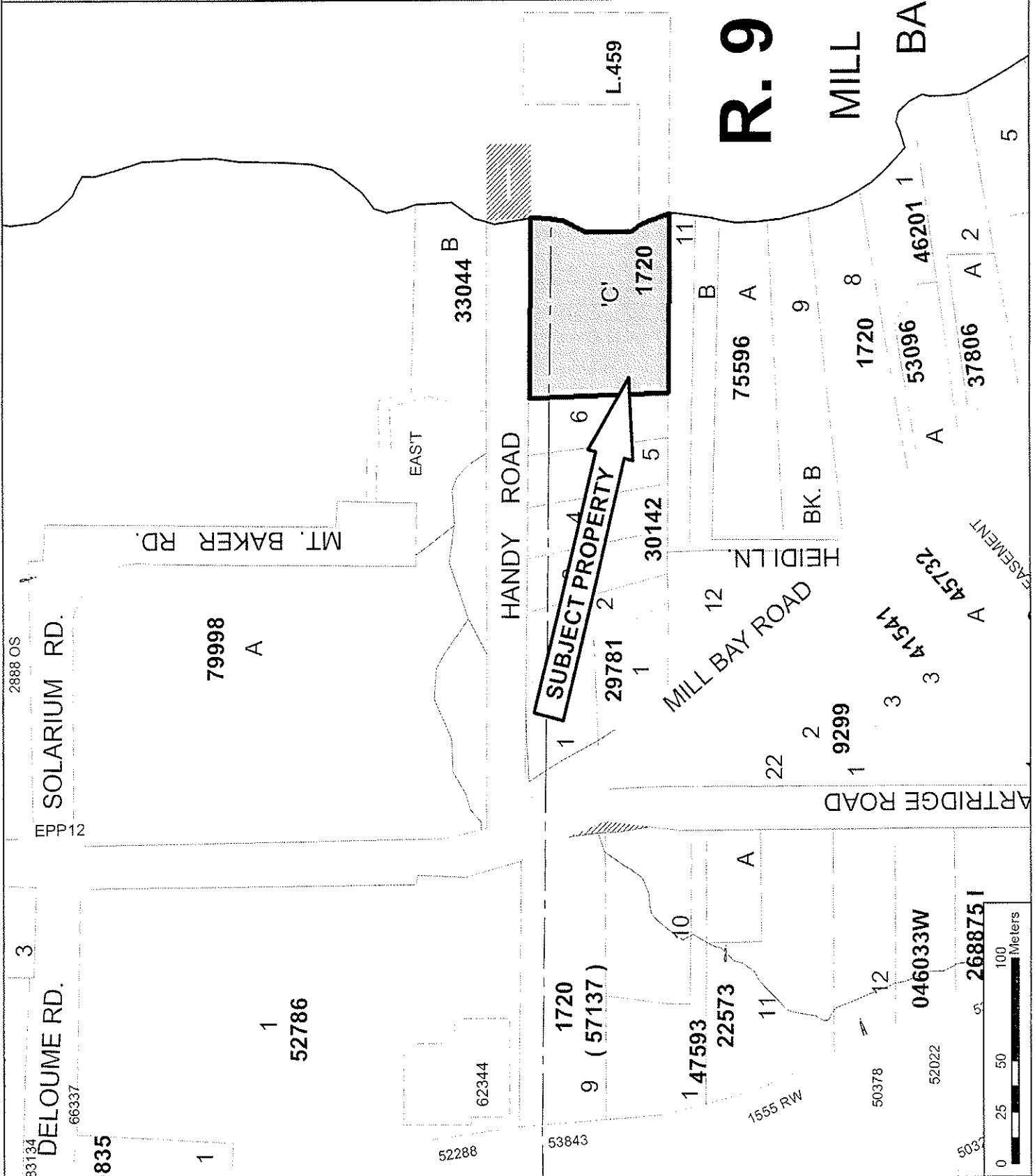
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

FILE: 5-A-08-RS

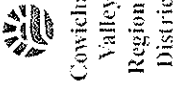
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 Subject Property

2



000025





This map is compiled from various sources for internet 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 information, road application or the Bylaws.

FILE: 5-A-08-RS

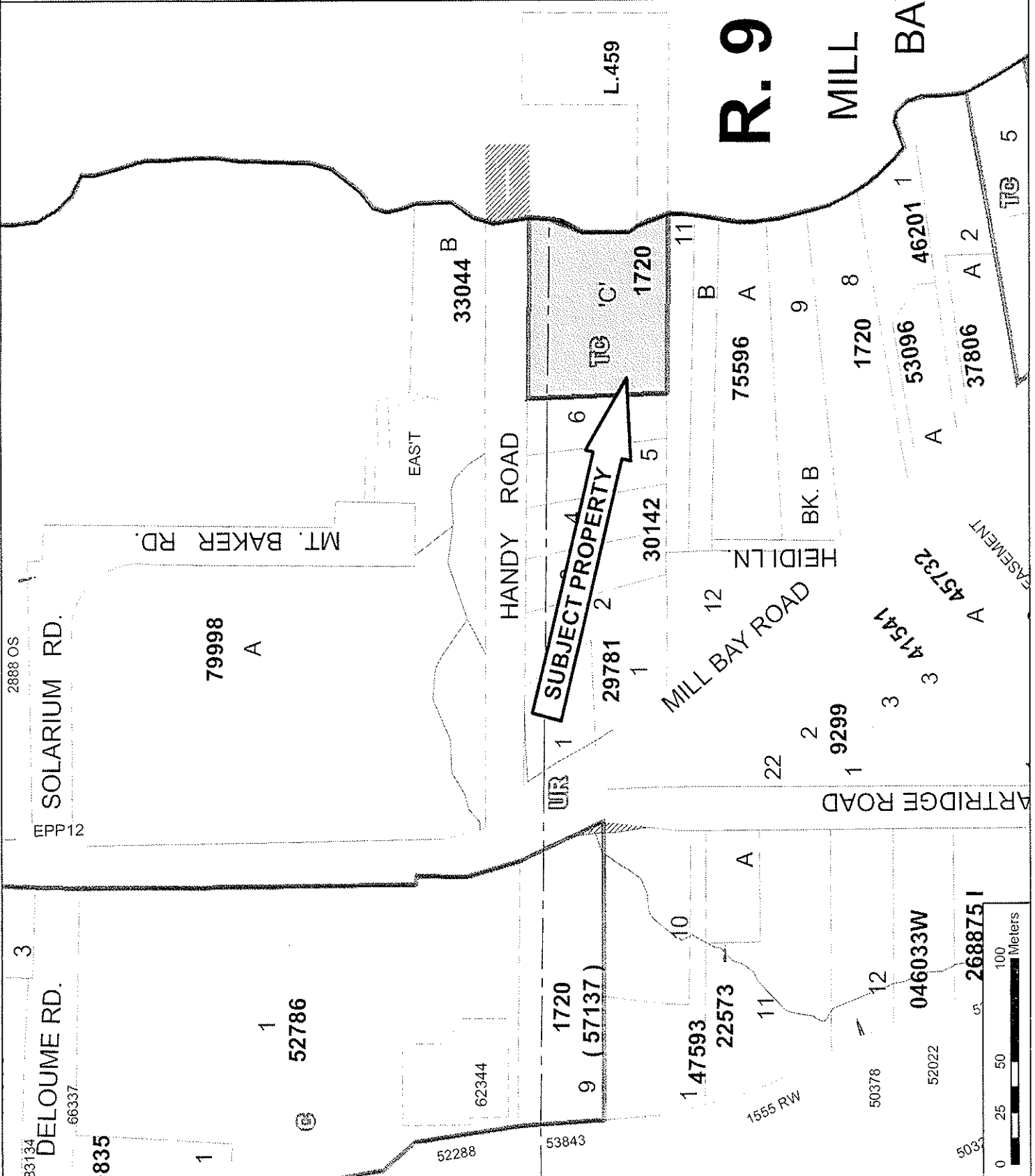
OCP

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Subject Property
OCP Electoral Area A

2



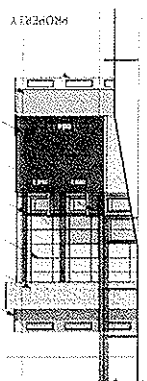
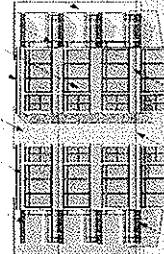
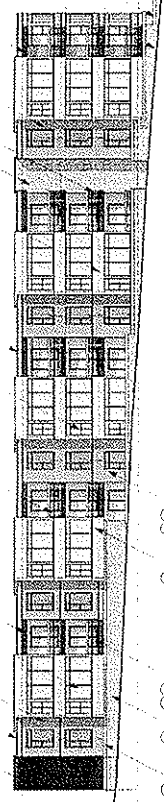
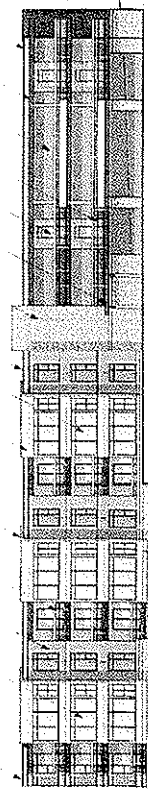
000026

PROPOSED	ALLOWED
ROOF: 15.8m	MAXIMUM: 24.5M 16.6m
THIRD: 12.6m	
SECOND: 9.4m	
FIRST: 6.2m	MAXIMUM: 21.7M 6.6m
PARKING: 3.2m (110-491)	

PROPOSED	ALLOWED
ROOF: 15.8m	MAXIMUM: 24.5M 16.6m
THIRD: 12.6m	
SECOND: 9.4m	
FIRST: 6.2m	MAXIMUM: 21.7M 6.6m
PARKING: 3.2m (110-491)	

NORTH ELEVATION

SOUTH ELEVATION



EAST ELEVATION (WATER SIDE)

WEST ELEVATION



MATERIALS AND FINISHES

- | MATERIAL | FINISH |
|--------------------|---------------------------------|
| 1. BRICK | TO MATCH CADACOM BRICK |
| 2. WOOD PANELING | TO MATCH CADACOM WOOD |
| 3. CONCRETE | TO MATCH CADACOM CONCRETE |
| 4. GLASS | TO MATCH CADACOM GLASS |
| 5. METAL | TO MATCH CADACOM METAL |
| 6. STONE | TO MATCH CADACOM STONE |
| 7. TERRAZZO | TO MATCH CADACOM TERRAZZO |
| 8. PAINT | TO MATCH CADACOM PAINT |
| 9. ROOFING | TO MATCH CADACOM ROOFING |
| 10. FLOORING | TO MATCH CADACOM FLOORING |
| 11. LIGHTING | TO MATCH CADACOM LIGHTING |
| 12. MECHANICAL | TO MATCH CADACOM MECHANICAL |
| 13. ELECTRICAL | TO MATCH CADACOM ELECTRICAL |
| 14. PLUMBING | TO MATCH CADACOM PLUMBING |
| 15. HVAC | TO MATCH CADACOM HVAC |
| 16. INSULATION | TO MATCH CADACOM INSULATION |
| 17. SOUND | TO MATCH CADACOM SOUND |
| 18. SECURITY | TO MATCH CADACOM SECURITY |
| 19. ACCESSIBILITY | TO MATCH CADACOM ACCESSIBILITY |
| 20. SUSTAINABILITY | TO MATCH CADACOM SUSTAINABILITY |

MILL BAY MARINA

ELEVATIONS

MOORE PATTERSON ARCHITECTS

1111 AVENUE 100
SUITE 200
VANCOUVER, BC V6A 0A1
TEL: 604.681.1111
WWW.MOOREPATTERSON.COM



ANDERSON GROUP
DEVELOPMENT PERMIT APPLICATION
17 AUGUST 2007

0027

CVRD

COWICHAN VALLEY REGIONAL DISTRICT

175 Ingram Street, Duncan, B.C. V9L 1N8

Tel: (250) 746-2620 Fax: (250) 746-2621

BYLAW AMENDMENT REFERRAL FORM

Date: August 21, 2009

CVRD File No. 5-A-08RS (Mill Bay Marina Residences Ltd.)

An application has been received to amend Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000. The applicants are seeking a zoning amendment that would permit full time residential occupancy of the proposed Mill Bay Marina 28 hotel unit structure. The zoning amendment application would also seek the approval of a reversal of the location of the marina access jetty, from the south end of the water lease lot to the north end, and an expansion of the water lease lot for a proposed extension of the marina.

General Property Location: 740 Handy Road, Mill Bay, BC

Legal Description: Block C, Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, except part in Plans 29781 and 30142 (PID: 001-027-433); and Foreshore Lease Lot 459 (Lease No. 112643)

You are requested to comment on this proposal for potential effect on your agency's interests. We would appreciate your response by **Monday, September 21, 2009**. If no response is received within that time, it will be assumed that your agency's interests are unaffected. If you require more time to respond, please contact Mike Tippett, Manager, Community and Regional Planning Division, Planning and Development Department, at (250) 746-2620. *Rob Comroy*

Comments:

- | | |
|---|--|
| <input type="checkbox"/> Approval recommended for reasons outlined below | <input type="checkbox"/> Interests unaffected |
| <input type="checkbox"/> Approval recommended subject to conditions below | <input checked="" type="checkbox"/> Approval not recommended due to reasons outlined below |

As stated in our telephone conversation on September 21, 2009, Malahat Nation would like to have an archaeological impact assessment completed before development proceeds. We do believe there is a shell midden, among other sites, that should be protected. Please feel free to contact us at the office anytime.

Signature *Pandy Daniels*
(sign and print)

Title CHIEF

Contact No. 250-743-8231

This referral has been sent to the following external agencies and internal CVRD departments:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Ministry of Transportation & Infrastructure | <input checked="" type="checkbox"/> CVRD Engineering & Environmental Services Department |
| <input checked="" type="checkbox"/> Ministry of Environment | <input checked="" type="checkbox"/> CVRD Parks and Trails Division, Parks, Recreation, & Culture Department |
| <input checked="" type="checkbox"/> Mill Bay Waterworks | <input checked="" type="checkbox"/> CVRD Public Safety Department |
| <input checked="" type="checkbox"/> Vancouver Island Health Authority | <input checked="" type="checkbox"/> Integrated Land Management Bureau |
| <input checked="" type="checkbox"/> Cowichan Tribes | <input checked="" type="checkbox"/> Ministry of Community and Rural Development |
| <input checked="" type="checkbox"/> Malahat First Nation | |
| <input checked="" type="checkbox"/> Mill Bay Volunteer Fire Department | |
| <input checked="" type="checkbox"/> School District No.79 | |

000028

CVRD

COWICHAN VALLEY REGIONAL DISTRICT
175 Ingram Street, Duncan, B.C. V9L 1N8
Tel: (250) 746-2620 Fax: (250) 746-2621

JUL 27 2009

BYLAW AMENDMENT REFERRAL FORM

Date: August 21, 2009

CVRD File No. 5-A-08RS (Mill Bay Marina Residences Ltd.)

An application has been received to amend Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000. The applicants are seeking a zoning amendment that would permit full time residential occupancy of the proposed Mill Bay Marina 28 hotel unit structure. The zoning amendment application would also seek the approval of a reversal of the location of the marina access jetty, from the south end of the water lease lot to the north end, and an expansion of the water lease lot for a proposed extension of the marina.

General Property Location: 740 Handy Road, Mill Bay, BC

Legal Description: Block C, Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, except part in Plans 29781 and 30142 (PID: 001-027-433); and Foreshore Lease Lot 459 (Lease No. 112643)

You are requested to comment on this proposal for potential effect on your agency's interests. We would appreciate your response by **Monday, September 21, 2009**. If no response is received within that time, it will be assumed that your agency's interests are unaffected. If you require more time to respond, please contact Mike Tippett, Manager, Community and Regional Planning Division, Planning and Development Department, at (250) 746-2620.

Comments:

Approval recommended for reasons outlined below

Interest

Approval recommended subject to conditions below

Approval to reasons

fax to CVRD

Robert A. Harper, CGA
Secretary-Treasurer
SD#79 (Cowichan Valley)

Signature

[Handwritten Signature]
(sign and print)

Title

(2)

This referral has been sent to the following external agencies and internal CVRD departments:

- Ministry of Transportation & Infrastructure
- Ministry of Environment
- Mill Bay Waterworks
- Vancouver Island Health Authority
- Cowichan Tribes
- Malahat First Nation
- Mill Bay Volunteer Fire Department
- School District No.79
- CVRD Engineering & Environmental Services Department
- CVRD Parks and Trails Division, Parks, Recreation, & Culture Department
- CVRD Public Safety Department
- Integrated Land Management Bureau
- Ministry of Community and Rural Development

000029

CVRD

COWICHAN VALLEY REGIONAL DISTRICT

175 Ingram Street, Duncan, B.C. V9L 1N8

Tel: (250) 746-2620 Fax: (250) 746-2621

BYLAW AMENDMENT REFERRAL FORM

Date: August 21, 2009

CVRD File No. 5-A-08RS (Mill Bay Marina Residences Ltd.)

An application has been received to amend Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000. The applicants are seeking a zoning amendment that would permit full time residential occupancy of the proposed Mill Bay Marina 28 hotel unit structure. The zoning amendment application would also seek the approval of a reversal of the location of the marina access jetty, from the south end of the water lease lot to the north end, and an expansion of the water lease lot for a proposed extension of the marina.

General Property Location: 740 Handy Road, Mill Bay, BC

Legal Description: Block C, Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, except part in Plans 29781 and 30142 (PID: 001-027-433); and Foreshore Lease Lot 459 (Lease No. 112643)

You are requested to comment on this proposal for potential effect on your agency's interests. We would appreciate your response by **Monday, September 21, 2009**. If no response is received within that time, it will be assumed that your agency's interests are unaffected. **If you require more time to respond, please contact Mike Tippett, Manager, Community and Regional Planning Division, Planning and Development Department, at (250) 746-2620.**

Comments:

Approval recommended for reasons outlined below

Interests unaffected

Approval recommended subject to conditions below

Approval not recommended due to reasons outlined below

MILL BAY MARINA HAS REQUESTED INCLUSION AND IS INCLUDED IN THE SENTINEL RIDGE SEWER SERVICE AREA. THIS SERVICE SYSTEM IS CURRENTLY AT CAPACITY HOWEVER THERE IS POTENTIAL FOR 28 UNIT CONNECTION IN THE FUTURE PROVIDED THAT MB MARINA CONTRIBUTES TO A SEWER TREATMENT PLANT UPGRADE & ALL COSTS TO TIE INTO THE SYSTEM (AS OUTLINED IN YOUR REFERRAL) MILL BAY SEWER ALLIANCE IS NOT AN OPTION AT THIS TIME.

Signature A. Huxford-Jay Title Sr. Engineering Tech. Contact No. 250-746-2536
(sign and print)

This referral has been sent to the following external agencies and internal CVRD departments:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Ministry of Transportation & Infrastructure | <input checked="" type="checkbox"/> CVRD Engineering & Environmental Services Department |
| <input checked="" type="checkbox"/> Ministry of Environment | <input checked="" type="checkbox"/> CVRD Parks and Trails Division, Parks, Recreation, & Culture Department |
| <input checked="" type="checkbox"/> Mill Bay Waterworks | <input checked="" type="checkbox"/> CVRD Public Safety Department |
| <input checked="" type="checkbox"/> Vancouver Island Health Authority | <input checked="" type="checkbox"/> Integrated Land Management Bureau |
| <input checked="" type="checkbox"/> Cowichan Tribes | <input checked="" type="checkbox"/> Ministry of Community and Rural Development |
| <input checked="" type="checkbox"/> Malahat First Nation | |
| <input checked="" type="checkbox"/> Mill Bay Volunteer Fire Department | |
| <input checked="" type="checkbox"/> School District No. 79 | |

000030

CVRD

COWICHAN VALLEY REGIONAL DISTRICT
 175 Ingram Street, Duncan, B.C. V9L 1N8
 Tel: (250) 746-2620 Fax: (250) 746-2621

2009-05097
 RECEIVED
 C.V.R.D.

OCT 19 2009

BYLAW AMENDMENT REFERRAL FORM

Date: August 21, 2009

CVRD File No. 5-A-08RS (Mill Bay Marina Residences Ltd.)

An application has been received to amend Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000. The applicants are seeking a zoning amendment that would permit full time residential occupancy of the proposed Mill Bay Marina 28 hotel unit structure. The zoning amendment application would also seek the approval of a reversal of the location of the marina access jetty, from the south end of the water lease lot to the north end, and an expansion of the water lease lot for a proposed extension of the marina.

General Property Location: 740 Handy Road, Mill Bay, BC

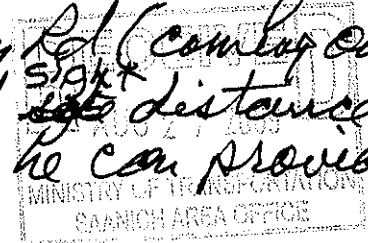
Legal Description: Block C, Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, except part in Plans 29781 and 30142 (PID: 001-027-433); and Foreshore Lease Lot 459 (Lease No. 112643)

You are requested to comment on this proposal for potential effect on your agency's interests. We would appreciate your response by **Monday, September 21, 2009**. If no response is received within that time, it will be assumed that your agency's interests are unaffected. **If you require more time to respond, please contact Mike Tippett, Manager, Community and Regional Planning Division, Planning and Development Department, at (250) 746-2620.**

Comments:

- | | |
|--|---|
| <input type="checkbox"/> Approval recommended for reasons outlined below | <input type="checkbox"/> Interests unaffected |
| <input checked="" type="checkbox"/> Approval recommended subject to conditions below | <input type="checkbox"/> Approval not recommended due to reasons outlined below |

- 1.) A no access to Mill Bay Rd 219 covenant is required.
- 2.) Handy Rd intersection with Mill Bay Rd (coming out onto Mill Bay Rd. Has insufficient sight distance. The req. SD is 140M. App to prove he can provide.
- 3.) Traffic impact study required.



Signature Ros Dawson Title Dev Tech Contact No. _____
 (sign and print)

This referral has been sent to the following external agencies and internal CVRD departments:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Ministry of Transportation & Infrastructure | <input checked="" type="checkbox"/> CVRD Engineering & Environmental Services Department |
| <input checked="" type="checkbox"/> Ministry of Environment | <input type="checkbox"/> CVRD Parks and Trails Division, Parks, Recreation, & Culture Department |
| <input checked="" type="checkbox"/> Mill Bay Waterworks | <input type="checkbox"/> CVRD Public Safety Department |
| <input checked="" type="checkbox"/> Vancouver Island Health Authority | <input checked="" type="checkbox"/> Integrated Land Management Bureau |
| <input checked="" type="checkbox"/> Cowichan Tribes | <input checked="" type="checkbox"/> Ministry of Community and Rural Development |
| <input checked="" type="checkbox"/> Malahat First Nation | |
| <input checked="" type="checkbox"/> Mill Bay Volunteer Fire Department | |
| <input checked="" type="checkbox"/> School District No.79 | |

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**AN ARCHAEOLOGICAL IMPACT ASSESSMENT OF PROPOSED
RESIDENTIAL DEVELOPMENTS ON BEHALF OF THE AMADON GROUP
LTD., MILL BAY, B.C**

Heritage Conservation Act Permit No. 2006-241

Monty Mitchell (B.A., R.P.C.A.)
Madrone Environmental Services
202-2603 Mt. Lehman Road, Abbotsford, B.C., V4X 2N2

September 30, 2006

ACKNOWLEDGMENTS AND CREDITS

Monty Mitchell, Archaeological Consultant would like to thank the Amadon Group Ltd. (INTERFOR) for retaining Madrone Environmental Services Ltd. to conduct this study. Mr. Max Tomaszewski and Mr. Roger Tejas of the Amadon Group Ltd. oversaw the study and were cooperative and helpful during the investigation in the study area. I wish to thank the Chemainus First Nation, Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation, Penelakut Indian Band and the Malahat Indian Band for their interest and cooperation with this study. Special thanks go to Mr. Gordon Harry of the Malahat Indian Band and Mr. Philip Joe of the Cowichan Tribes who participated directly in the project.

Investigations covered in this permit were conducted under Archaeology Planning and Assessment Permit 2006-266. I am grateful for the assistance provided by Mr. Ray Kenny and Mr. Jim Pike (Project Officer) for their review of the permit application and their assistance in carrying out this project

The fieldwork component of this project was conducted by Monty Mitchell of Madrone Environmental Services Ltd., Mr. John Somogyi, Archaeological Consultant, Mr. Gordon Harry of the Malahat Indian Band and Mr. Philip Joe of the Cowichan Tribes. The final report was prepared by Monty Mitchell.

Monty Mitchell of Madrone Environmental Services Ltd. is solely responsible for any errors and or shortcomings evident in this archaeological report. I would like to emphasize that the opinions and recommendations represented herein are my own. *These opinions and recommendations do not necessarily reflect those held by Archaeology Planning and Assessment, the Amadon Group and the First Nations.*

SYNOPSIS

In April 2006, Monty Mitchell, Archaeological Consultant undertook an "Archaeological Impact Assessment (AIA) study of proposed townhouse and marina developments on the south coast of B.C. (Figures 1 and 2). This AIA study was conducted on behalf of The Amadon Group. Mr. Gordon Harry of the Malahat Indian Band, and Mr. Philip Joe of the Cowichan Tribes participated directly in the project. The investigation covered in this permit was conducted under Heritage Conservation Branch Permit 2006-266. I am grateful for the assistance provided by Mr. Ray Kenny and Mr. Jim Pike (Project Officer) for their review of the permit application and their assistance in carrying out this project

The primary objectives of this study were: **(1)** to identify, locate, relocate, and map, all archaeological sites within the study area; **(2)** to evaluate the overall heritage significance value of all identified archaeological sites; **(3)** to determine the nature, extent, intensity and duration of land-altering activities and assess how they could potentially affect any identified sites (or portions thereof); and **(4)** to provide recommendations to ensure proper protection, management and/or mitigation of significant archaeological sites contained within the proposed impact zones. **One shell midden Site (DdRv-14) was revisited and is addressed in Section 4.0. This site will be impacted by proposed townhouse and marina developments.**

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1.0 INTRODUCTION AND BACKGROUND

In July of 2006, Monty Mitchell of Madrone Archaeological Services conducted an "Archaeological Impact Assessment" (AIA) study for the Amadon Group Ltd. (1806 Pine St., Vancouver, B.C., V6J 3C9, Tel : 604-688-5607). The study involved the survey, shovel testing and backhoe testing of proposed residential and ancillary developments located at Mill on the west side of Saanich Inlet, southern Vancouver Island (Figure 1). The development plan includes the redevelopment of the existing marina, including replacement of docks and marine services as well as a residential townhouse development containing 10 separate units (See Figures 3-5). The project was overseen by Mr. Max Tomaszewski of the Amadon Group Ltd. (email: mtomaszewski@amadongroup.com, Fax 604-688-1451.) Mr. James Pike oversaw the project on behalf of the Archaeology Planning and Assessment. The AIA project was conducted under Heritage Conservation Act Permit 2006-241.

1.1 First Nations Consultation.

Monty Mitchell of Madrone Environmental Services Ltd. undertook this archaeological impact assessment study with assistance from the Chemainus First Nation, Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation, Penelakut Indian Band and the Malahat Indian Band. The Amadon Group Ltd. funded and oversaw the study. First Nation representatives were informed of the project status during all stages of the assessment. Mr. Gordon Harry of the Malahat Indian Band, and Mr. Philip Joe of the Cowichan Tribes assisted Monty Mitchell in this AIA study.

1.2 Natural Setting

The study area is located in Mill Bay on the west side of southern Vancouver Island (Figure 1). The elevation of the study area ranges from 5 metres to 10 metres A.S.L. The climate of southern Vancouver Island is characterized by moderate continental conditions with warm summers (16 to 18 degrees Celsius mean daily temperature for July) and moderate wet winters (5 to 0 degrees Celsius mean daily temperature for January). The annual precipitation of the study area is 75 to 100 centimeters. The terrain and topography of the study area prior to development would have been relatively flat and hummocky.

The study areas are heavily forested and are located in the Coastal Western Hemlock Biogeoclimatic Zone. Flora commonly found in this zone consist of stands of western hemlock, western red cedar, and balsam. The understory is dominated by dense stands of salal, salmonberry and thimbleberry. Major local fauna consist of porcupine, deer, black bear, cougar, coyote, lynx, martin, beaver, fisher, marmot, wolf, bald eagle, and migratory waterfowl. The coastal aspect of the study area supports numerous fish populations.

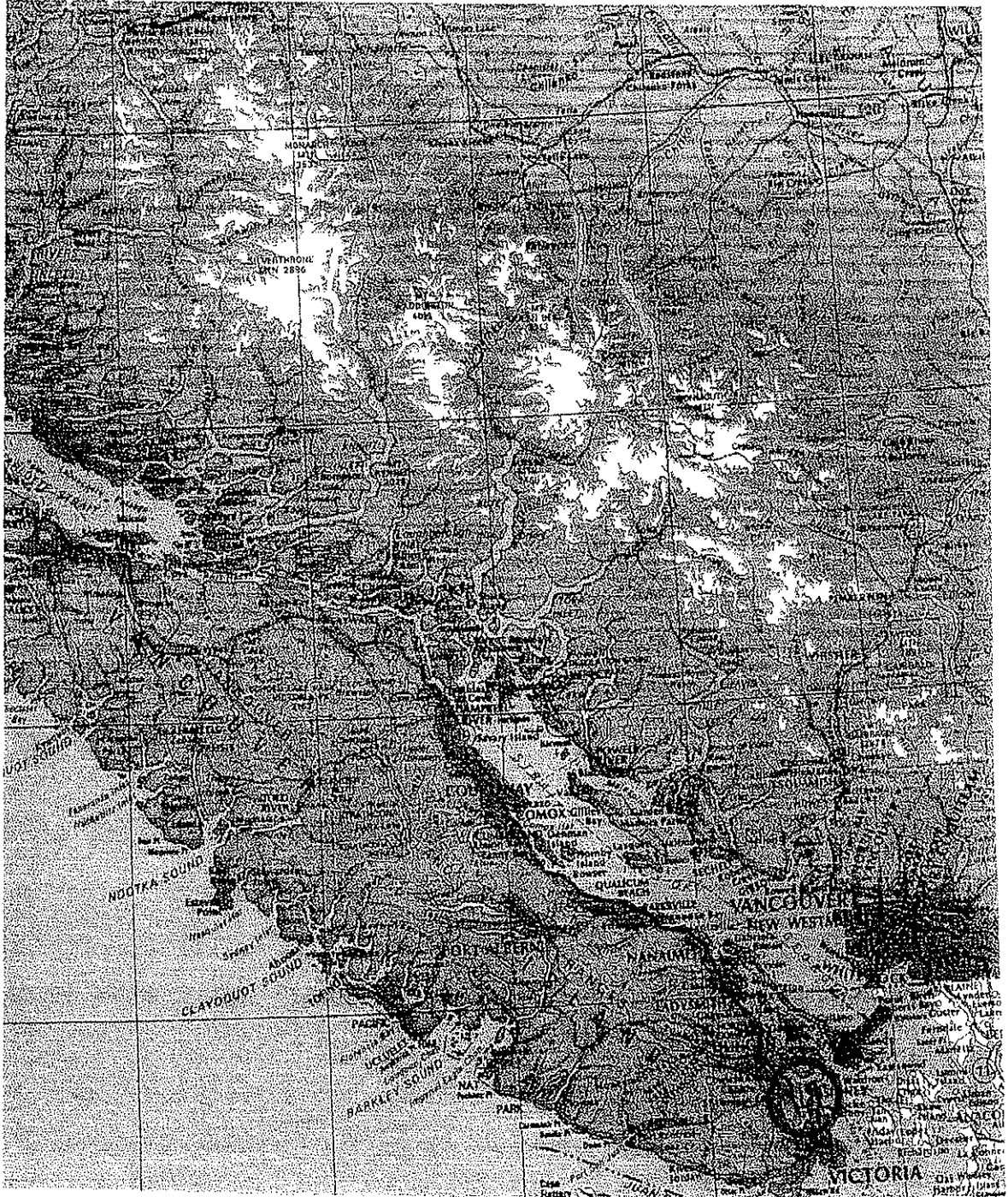


Figure 1. Map showing general location of study area.

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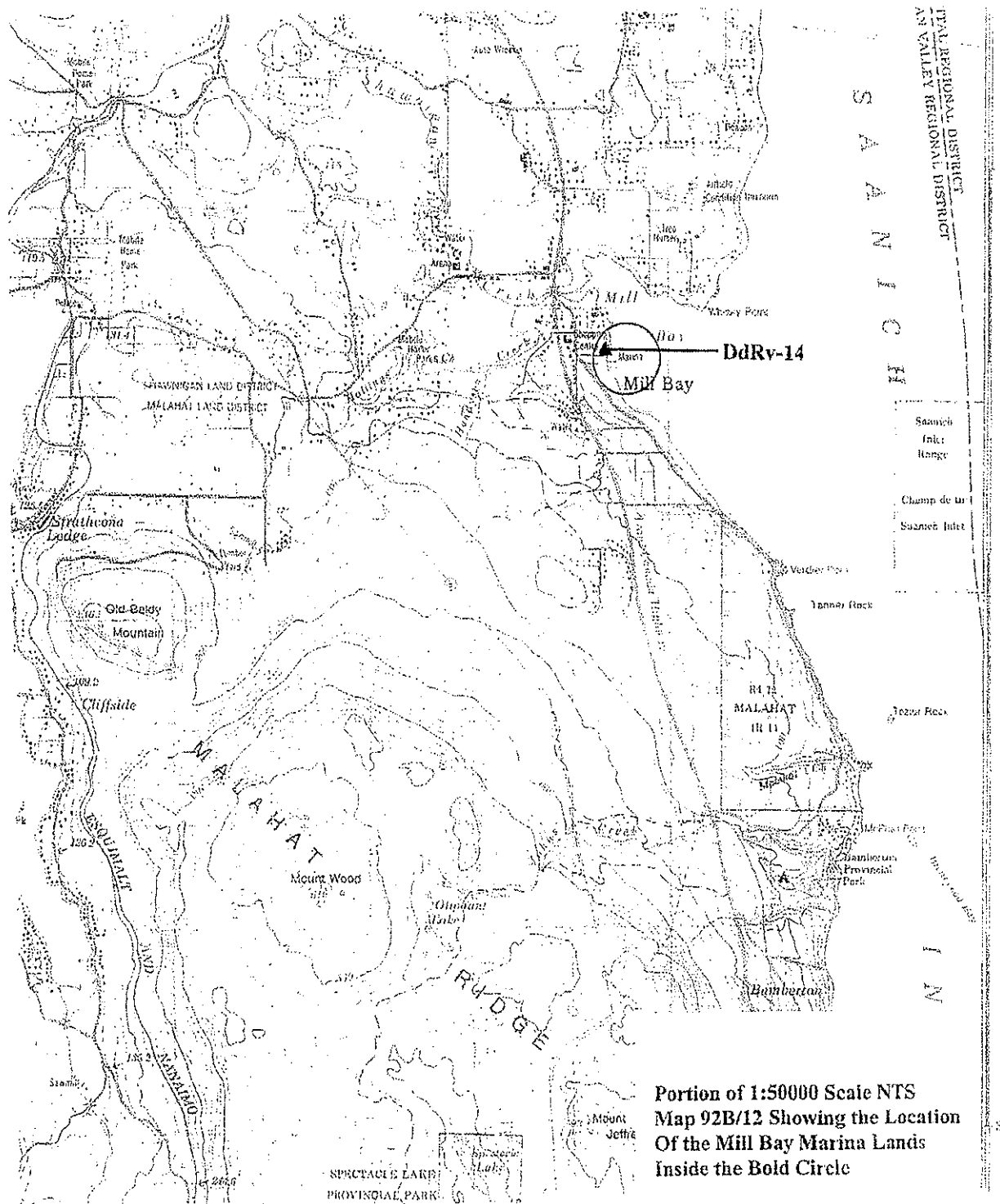


Figure 2. Map showing location of study area and shell midden site DdRv-14 (1:50,000 scale).

1.3 Previous Local and Regional Archaeological Investigations.

The subject property contains a small shell midden site (DdRv-14) first recorded by Dr. Steven Acheson in 1975. A small portion of this site was the subject of a brief AIA assessment carried out in 1997 by the Bastion Group under the direction of Mr. Bjorn Simonsen. Mr. Simonsen conducted the AIA north of the Mill Bay property on the Brentwood College Private Lands under Heritage Conservation Act Assessment 1997-248. Mr. Simonsen concluded that although the Brentwood College property contained shell midden deposits, these deposits were highly disturbed and considered to be of minimal importance. The general area surrounding Mill Bay has had many archaeological investigation and these are too numerous to mention here.

1.4 Archaeological Site Potential

Prior to fieldwork for this AIA study, the relative archaeological site potential of the study area was assessed. Archaeological potential was initially determined using topographical and forest cover maps, air photos, and information supplied by members of the First Nations communities. The methodology of this map-based assessment indicates that; areas of medium and high potential are generally found adjacent to aquatic features and certain landforms where slope is less than 20%. Aquatic features include several classes of lakes, streams, and wetlands, while landforms include large glacial drainages and eskers. The wetland category includes marshes, ponds, and meadows.

The types of pre-contact period archaeological activities and archaeological sites that can be expected in areas of medium and high potential associated with each of the aquatic features identified in the study area are generally shell middens. Shell midden sites are sites associated with a soil matrix of black organic material impacted with various amounts of shell, fire altered rock and bone material. The majority of shell midden sites indicate a brief period of habitation where shell processing occurred when other activities, such as logging, fishing, and hunting were carried out. Large shell middens with more sophisticated signs of habitation occur less frequently, and generally indicate habitation for extended periods of time.

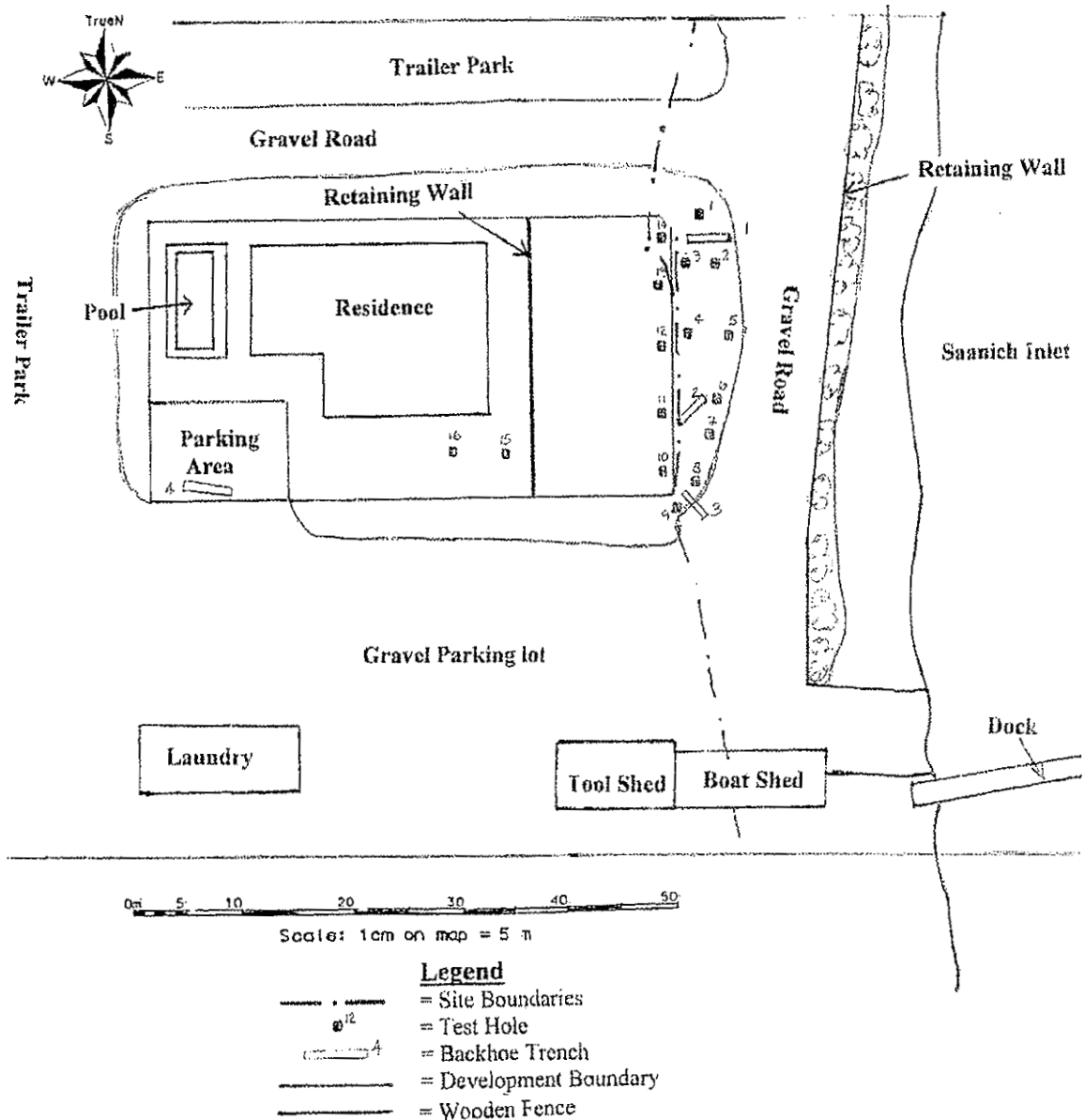


Figure 3. Map showing location of trench, shovel tests and boundaries on proposed development property (1:5,000 scale)

2.0 DEVELOPMENT TYPE, FACILITIES AND SCHEDULE

Marina and residential development activities have been scheduled to commence as early as Winter 2006/2007. Anticipated land-altering activities associated with the marina/residential construction and ancillary developments that could potentially impose direct adverse impacts to archaeological/heritage sites located within or beside the proposed marina/residential areas include:

- (1) removing standing timber involving heavy earth-moving equipment;
- (2) clearing and leveling of landing areas to facilitate and accommodate residential dwelling, equipment and associated structure involving heavy earth-moving equipment;
- (3) subsurface excavation for the purpose of structure foundations, waterlines, sewage access, electrical lines, etc.
- (4) construction of access roads and/or widening and upgrading of existing roads using heavy earth moving equipment.
- (5) clearing and leveling of areas to facilitate and accommodate parking lots and lawn areas.
- (6) other occasional miscellaneous minor developments.

An indirect impact that could potentially arise as a result of the development is *erosion*. All of the above activities could pose a potential threat of direct impact(s) to any heritage resources associated with them.

3.0 ARCHAEOLOGICAL PROJECT OBJECTIVES AND METHODOLOGY

3.1 Objectives

The basic objectives of the archaeological impact assessment study will be: **(1)** to identify (locate and map) all sites within those areas deemed to have low-medium (or greater) site potential that lie within proposed impact zones associated with the proposed marina development, residential development, access roads and ancillary developments; **(2)** to evaluate the overall heritage significance value of all identified archaeological concerns; **(3)** to determine the nature, extent, intensity and duration of land-altering activities and assess how they could potentially affect any identified sites (or portions thereof); and **(4)** to provide recommendations to ensure effective management, protection, and/or mitigation of any significant archaeological concerns lying within the proposed impact zones.

The archaeological impact assessment studies will be designed to ensure that all archaeological concerns existing within the selected development areas will be identified, recorded, assessed, and properly managed prior to the initiation of any land-altering development activities. The studies will include a review of available ethnographic, historic, and archaeological documentation; oral interviews with local residents (if required); a complete, systematic, visual ground surface reconnaissance inspection of the development area (or portions thereof); a judgmental shovel testing program; an evaluative testing program (if required); and recording and assessment of all identified sites.

Specifically, the impact assessment studies will involve:

- (1) Documentary background research involving the review and evaluation of archaeological, ethnographic, and historical literature relevant to the proposed marina, residential and/or road construction development areas.
- (2) A complete, systematic, foot traverse, visual ground surface reconnaissance inspection within the marina development, residential development, proposed access road right-of-ways, landings, and other related impact zones.
- (3) Cultural materials will be photographed and mapped in place. Artefacts will be collected and sent to the Royal British Columbia Museum (R.B.C.M.).
- (4) Initiation of a judgmental shovel testing program within any sites identified during the ground surface reconnaissance, and within areas considered to possess low- medium to high site potential (e.g., extant and extinct lake and pond shoreline terraces, and/or relatively flat or raised terraces and knolls adjacent to extant and extinct stream channels). This will help identify any buried sites, and also permit a fair assessment of the nature, integrity and archaeological significance of subsurface cultural deposits contained at all sites

identified during the field inspection. Cultural materials will be collected as per Section 3 (see Section 4.3).

(5) Evaluative testing (Archaeology Branch 1998:12-13) would be (if necessary) conducted within probable impact zones (e.g., marina development areas, access road right-of-ways, etc.) at one or more selected sites (or portions thereof) containing buried cultural materials that are deemed to have possible low-medium to high archaeological/heritage significance. This would have entailed excavation of 1m. x 1m. units in 5 cm. thick arbitrary levels with shovel and trowel. The removed matrices would be screened through 1/8 inch (4mm) wire screen mesh. Provenience on artifacts and features would have been taken and wall profiles and feature drawings would be done where appropriate. The number and judgmental placement of such test units required would depend upon the results of the ground surface reconnaissance survey and shovel testing program, and the perceived likelihood of a potential impact arising from the golf course / residential development project. Cultural material was collected (See Section 4.3).

(6) Assessment of the heritage resource significance of all sites identified within the proposed marina / residential development, roads and ancillary developments.

(7) Evaluation of the most recent development project plans with respect to potential impacts to all identified archaeological sites.

(8) Formulation and presentation of management recommendations for any significant archaeological resources in potential conflict with the presently proposed land-altering development activities relating to the proposed marina / residential development, roads and ancillary developments.

(9) Preparation of an interim report as per Archaeology Planning and Assessment guidelines shortly after completion of field inspection that will present a preliminary account of the findings, and preliminary management recommendations. They will provide a basis for immediate management of sites in immediate potential conflict with proposed land-altering activities.

(10) Eventual preparation of a detailed "archaeological impact assessment report" (Archaeology Branch 1998:23-25), that will present the objectives, findings, interpretations, and recommendations for any further archaeological investigations that may be required within and/or adjacent to the project areas prior to commencement of any land-altering activities.

3.2 Methods

The ground reconnaissance surveys entailed visual systematic inspection of all development areas and access roads. Special attention was given to

relatively sandy and flat terraces or knolls beside, or in close proximity to, ocean coastal areas. Surficially evident prehistoric and historic cultural remains were sought (scatters of lithic tools or debitage, fire-altered rock, bone, historic refuse and/or structural remains).

A judgmental shovel testing program was employed as a site discovery technique in areas considered to have low-medium or high site potential (e.g., relatively sandy and flat terraces or knolls beside, or in close proximity to, extinct and extant streams and ocean coast) where the ground is obscured. Judgmental shovel testing was performed in clusters in areas deemed to be of low-medium to high potential. Shovel tests were placed at 5 metre intervals in a grid pattern in areas considered to have low-medium to high site potential. Shovel tests averaged 45 cm in diameter and were dug to 75cm (about as far that can be reached with a shovel) in depth or when sterile or glacial deposits were reached. Removed matrices were screened through 4mm wire mesh screens. It should be noted that shovel tests were placed at the judgement of the archaeological supervisors in areas considered to be low-medium to high potential for archaeological sites. Therefore, areas considered to be lower than low-medium potential for archaeological concerns were not shovel tested. However, these areas were investigated during the surface reconnaissance of the development area. A small backhoe excavation machine was utilized in conjunction with the shovel testing program and was instrumental in determining the depth and integrity of the subsurface deposits. Several holes were excavated by the backhoe and averaged 2 to 3 metres in size and were dug to basal sterile deposits.

Site boundaries were defined by shovel tests radiating outward from positive shovel tests at 2 to 5 metre intervals in a grid pattern (in a north-south direction) and ceased in a given direction when two or more successive tests yield negative results or the landform edge were reached, whichever occurred first. The spacing of each test in the grid pattern depended on the amount of cultural material encountered. The more cultural material recovered the closer the tests were. All cultural materials encountered during the shovel testing program were recorded according to test unit number, and relative depth below ground surface.

DdRv-14 was rerecorded and described on B.C. Archaeological Site Forms according to guideline criteria (Ministry of Sustainable Resource Management, Archaeology Registry Section 2003). New site maps were drawn using compass and baseline, and were plotted on a detailed development plan map. All surficially evident features and/or historic "heritage" structures and/or structural remains (i.e., pre-AD 1945) were described and measured. The site and all significant heritage concerns were photographed using colour print film. Evaluative testing (Archaeology Branch 1998:12-13) was not considered necessary in the study area.

3.4 Data Analysis Methods

Analysis of identified artefacts involved recording qualitative (i.e., descriptive) and quantitative data. The methodologies used followed procedures considered to be standard for archaeological research in British Columbia.

3.5 Heritage Significance Evaluation Methodology

The purpose of a heritage resource significance evaluation is to provide an assessment of the significance of identified sites based on criteria established by Archaeology Planning and Assessment (1998). The following five archaeological significance evaluation categories for pre-contact and post-contact archaeological sites are defined by the Archaeology Planning and Assessment (1998:13,42,44).

(1) *Scientific Significance*: The potential of a site to provide information which, if properly recovered, will enhance our understanding of British Columbia's archaeological resources. Primarily important is the potential of a site to yield information that will help solve current archaeological research problems, provide new or unique information, and to contribute information to other related academic disciplines.

(2) *Historic Significance*: The degree to which a site relates to or represents individuals or events that made an important, lasting contribution to the development of a particular locality or province.

(3) *Public Significance*: The potential that a site has to enhance public awareness, interest, understanding, or appreciation of British Columbia's past. Of particular importance in this category is the interpretive, recreational, and educational potential of a archaeological resource.

(4) *Ethnic Significance*: The importance, significance, or value of a site as perceived by an ethnically distinct community or group (e.g., local First Nation).

(5) *Economic Significance*: The potential for a site to contribute or generate monetary benefits or employment through its development and use as a public recreational or educational facility.

In our evaluations of overall heritage significance of identified archaeological concerns in the study area, we have considered only scientific, historic, ethnic and public criteria. We believe that the First Nations are the most appropriate and best qualified agencies to evaluate ethnic significance of identified archaeological sites. Furthermore, we consider evaluation of potential economic benefits and cost associated with the development of these sites as recreational or educational facilities to be outside of our area of expertise.

Values for scientific, historic, and public significance have been measured and assigned using a simple five-part (low, low-medium, medium, medium-high, high) relative scale ranking system. An "overall" heritage significance value rating for a site has been judgmental determined by collectively considering, weighing, and then "averaging" the values previously assigned to the scientific, historic, and public significance criteria categories.

Sites (or portions thereof) determined to have "low" or "low-medium" overall heritage significance value ratings often do not warrant further archaeological investigation. However, sites with "medium" or greater overall significance value are usually considered worthy of some suitable protective and/or mitigative actions if they are in direct or indirect conflict with a proposed land altering project.

3.6 Impact Identification and Assessment.

The purpose of the impact assessment and identification component of an archaeological study is to determine "the net change between the integrity of an archaeological site with and without proposed development" (Archaeology Planning and Assessment 1998:14). Impacts are described and assessed according to "level-of-effect" indicators, which entail consideration of their magnitude, severity, duration, range, frequency, diversity, cumulative effect, and rate of change (Archaeology Planning and Assessment 1998:14,46). These indicators are reported in an objective manner, and are intended to provide a qualitative and quantitative assessment of specific land altering activities associated with the development project.

Following fieldwork and significance evaluations, all identified archaeological concerns (or portions thereof) lying within, or immediately adjacent to, impact zones were examined in light of potential impacts to them as a consequence of proposed land-altering developments. The nature, degree, magnitude, and intensity of potential impacts were assessed following criteria and guidelines established by the Archaeology Planning and Assessment (1998).

3.7 Recommendation Formulation Methodology

For appropriate management of archaeological sites, recommendation for avoiding, minimizing, or mitigating potential impacts to them, are formulated and presented in Section 7.0. It should be noted that recommendations presented in this report are restricted to archaeological sites which pre-date 1846, and to archaeological and historic sites which have been designated as a Provincial Heritage Property or listed in a schedule under Section 3.1 of the *Heritage Conservation Act*. The recommendations attempt to incorporate and consider site significance and impact identification assessments in order to formulate an appropriate strategy for preserving significant archaeological sites. Total avoidance of all archaeological resources is the optimal site management goal.

although in some cases this option is not always considered possible or practical by development proponents of First Nations or Archaeology Planning and Assessment. In such cases, management recommendations strive to offer effective and acceptable options for *mitigating adverse effects* to archaeological resources in the face of unavoidable conflicts with land-altering development.

4.0 IMPACT ASSESSMENT RESULTS

Before a systematic ground surface foot reconnaissance was undertaken, all proposed areas within the AIA study area were assessed for relative archaeological site potential. The property was surveyed by a crew of four persons, spaced at 5 metre intervals and depending on vegetation and nature of terrain, they systematically traversed the study area. Surficially pre-contact and post-contact period cultural remains were sought (i.e., formed tools, scatters of lithic waste material, fire altered rock, bone historic refuse, structural remains and/or segments of trails). Areas considered to have greater than low-medium site potential were shovel tested.

4.1 Site DdRv-14

Site DdRv-14 is a medium sized (240 metres north-south x 10 metres east-west), pre-contact period, shell midden site. The site follows the beach along Mill Bay. Portions of the site found on the proposed development property have been heavily impacted by several disturbance factors. The disturbance factors consist of the following:

- 1) A residential dwelling situated, on the south-western boundary of DdRv-14, including a landscaped yard, wooden fence, cement walkways and associated sewage and plumbing facilities.
- 2) Access road and parking facilities for the residence and marina, located in the south central aspect of the original boundaries of DdRv-14.
- 3) A soil barrier along the shoreline aspect of DdRv-14 (south-eastern portion of the site), built as a breakwater to prevent water damage to the road and residence.
- 4) A marina dock constructed on the southeast aspect of the site. There are several underground power lines present within DdRv-14 servicing the marina and the residence.

The testing programme indicated that the site had been severely impacted by the previous development activities described above. Shovel and machine subsurface testing revealed that cultural matrix was still present. However, the remaining cultural matrix was mixed with fill and sterile deposits with no original horizontal provenience. Pockets of black organic midden material with small amounts of shell, fire altered rock and bone were present, but the original context could not be identified. One bone point end fragment was recovered. This bone point was likely a part of a herring rake used to harvest herring. However the artefact is not temporally diagnostic to any specific time period. Recent historic remains (wire nails, glass, plastic, etc.) were also encountered.

5.0 HERITAGE SIGNIFICANCE EVALUATIONS

Results of the heritage significance assessment for archaeological sites identified during this study are presented below. The methodology used for assessing the "overall" heritage significance value of the archaeological sites is discussed in Section 3.4.

In evaluating the overall heritage significance value of the archaeological concerns identified in the study area, we have considered only scientific, historic, ethnic and public criteria. We believe that the First Nations involved are best qualified to evaluate the ethnic significance of the identified site. Moreover, we consider the evaluation of potential economic benefits and costs associated with the development of the sites as recreational facilities to be outside of our area of expertise.

5.1 Site DdRv-14

The portion of Site DdRv-14 located on the development property was assigned an overall heritage significance rating of "**low**". This was based primarily on the basis of scientific significance, which was assessed as low, as although some jumbled cultural deposits remain, the integrity and original context of the cultural deposits found in the site have been destroyed. This part of the site has some recent historic significance as the residence was at one time owned by the accountant of the famous mobster "Al Capone". The residence located on the site has bullet proof glass as well as a vault located in the basement. *Public significance is rated low*, because, although the site is relatively easy to access, there is very little for the general public to see. *Ethnic significance is high and this has been confirmed by the First Nations involved.*

6.0 IMPACT IDENTIFICATION AND ASSESSMENT

Portions of Site DdRv-14 will be threatened with adverse impacts resulting from proposed marina and residential development. The site has been backhoe and shovel tested, amended site boundaries defined and mapped and a revised site form submitted. **"A Site Alteration Permit" held under Section 12 of the "Heritage Conservation Act" is required for DdRv-14 in order for the development to proceed.**

6.1 Site DdRd-14

Part of shell midden site DdRv-14 is located within the proposed boundaries of a proposed townhouse and marina development. The construction of the townhouses will require that building foundations and other ancillary developments associated with townhouse construction (i.e. sewer lines, power lines, etc.) be constructed where part of DdRv-14 is located. For the development to proceed, this site will be totally destroyed by construction activities.

7.0 MANAGEMENT RECOMMENDATIONS AND CLOSING COMMENTS

The entire proposed marina and townhouse development and ancillary construction areas were inspected during this AIA study. DdRv-14 was revisited and subsurface testing conducted. Recommendations for appropriate management of archaeological site revisited during this AIA study are presented below.

7.1 Site DdRv-14

The site boundaries of Site DdRv-14 were defined by 16 shovel tests, 4 backhoe trenches and an intense surface collection programme. The site was found to be a highly disturbed shell midden site. Through the shovel tests, the backhoe tests, the low density of cultural material encountered and the absence of any features (i.e. hearths, carbon deposits, postholes, etc.) the AIA team decided that no further testing would increase our understanding of this midden site. We believe that through the testing programme an adequate representative sample of archaeological data has been obtained. Site DdRv-14 is also located in an area critical to the development and for the development to proceed this site has to be removed. Therefore, it is necessary for the Amadon Group Ltd. to obtain a "Site Alteration Permit" held under "Section 12 of the "Heritage Conservation Act" in order remove Site DdRv-14. If the marina and townhouse development is to proceed this site will be totally destroyed. During the initial earthmoving phase of the development it is recommended that a qualified archaeologist monitor the excavation of what remains of DdRv-14 on the property.

7.2 Closing Remarks

The results and management recommendations presented in this report are subject to review by the Archaeology Planning and Assessment and the First Nations. *More importantly, it must be stressed that management options and recommendations presented in this report do not necessarily reflect the opinions of the First Nations involved in this study. Before developments commence, the First Nations and Archaeology Planning and Assessment should be consulted to mutually discuss and decide upon a final management plan. It is the responsibility of the Amadon Group Ltd. and the First Nations to discuss and mutually decide upon a final management plan for the archaeological concerns identified during this study. Nevertheless, the information presented in this report should be sufficient to formulate steps that will ensure proper management of the shell midden site in order to avoid or mitigate potentially adverse impacts resulting from proposed development plans.*

The archaeological overview assessment study described in this report is *not* a study of land use by the First Nations. The purpose of this study was: (1) to identify archaeological sites within, and immediately adjacent to, a selection of

proposed development areas; (2) to identify potential impacts to archaeological sites which may result from the proposed development activities; (3) to evaluate the archaeological significance of identified sites; (4) and to provide comprehensive recommendations regarding their management.

It must be emphasized that Madrone Environmental Services Ltd, does not have the authority or responsibility to approve or advocate the initiation of any proposed land-altering activities which may conflict with or impact archaeological sites. Also the results and recommendations presented in this archaeological impact assessment report are made without prejudice to aboriginal rights or title.

8.0 SHOVEL TEST DESCRIPTIONS

Shovel Test #1

- 0-6 cm. - Light brown loam, with trace elements of finely crushed shell.
- 7-55 cm - Dark brown loam with some shell fragments.
- 56-82 cm - Disturbed black matrix with shell, fire altered rock and bone.
- 83-84 cm - Brown clay/hard pan.

Shovel Test #2

- 0-6 cm. - Light brown loam, with trace elements of finely crushed shell.
- 7-40 cm - Disturbed black matrix with shell, fire altered rock and bone.
- 41 cm - Large Rock.

Shovel Test #3

- 0-6 cm. - Light brown loam, with trace elements of finely crushed shell.
- 7-15 cm - Dark brown loam with some shell fragments.
- 15 cm - Concrete slab.

Shovel Test #4

- 0-6 cm. - Light brown loam, with trace elements of finely crushed shell.
- 7-15 cm - Disturbed black matrix with shell, fire altered rock and bone.
- 16 cm - Large rock

Shovel Test #5

- 0-6 cm. - Light brown loam, with trace elements of finely crushed shell.
- 56-60 cm - Disturbed black matrix with shell, fire altered rock and bone.
- 61- cm - Brown clay/hard pan.

Shovel Test #6

- 0-6 cm. - Light brown loam, with trace elements of finely crushed shell.
- 7-57 cm - Dark brown loam with some fire altered rock.
- 58 cm - Root mass from large cedar tree.

Shovel Test #7

- 0-6 cm. - Light brown loam, with trace elements of finely crushed shell.
- 7-64 cm - Disturbed black matrix with shell, fire altered rock and bone
- 65 cm - Brown clay/hard pan

Shovel Test #8

- 0-6 cm. - Light brown loam, with trace elements of finely crushed shell
- 7-16 cm - Brown clay/hard pan

Shovel Test #9

- 0-6 cm. - Light brown loam, with trace elements of finely crushed shell
- 7-60 cm - Dark brown loam with some shell fragments.
- 61-63 cm - Brown clay/hard pan.

Shovel Test #10

- 0-6 cm. - Light brown loam.
- 7-55 cm - Dark brown loam with lots of roots.

Shovel Test #11

- 0-6 cm. - Light brown loam.
- 7-49 cm - Dark brown loam with lots of roots.

Shovel Test #12

- 0-6 cm. - Light brown loam.
- 7-39 cm - Dark brown loam with lots of roots.

Shovel Test #13

- 0-6 cm. - Light brown loam.
- 7-14 cm - Dark brown loam with lots of roots.
- 14 cm - Concrete

Shovel Test #14

- 0-6 cm. - Light brown loam, with trace elements of finely crushed shell
- 7-56 cm - Dark brown loam with some shell fragments.
- 56-82 cm - Disturbed black matrix with shell, fire altered rock and bone
- 83-84 cm - Brown clay/hard pan

Shovel Test #15

- 0-6 cm. - Light brown loam.
- 7-56 cm - Dark brown loam with lots of roots.

Shovel Test #16

- 0-6 cm. - Light brown loam.
- 7-56 cm - Dark brown loam with lots of roots.

8.1 TRENCH DESCRIPTIONS

Trench #1

- 0-6 cm - Light brown loam.
- 7-52 cm - Medium brown fill
- 53-108 cm - Disturbed black matrix with shell, fire altered rock and bone.
- 109 cm - Hard pan

Trench #2

- 0-6 cm - Light brown loam.
- 7-70 cm - Medium brown fill
- 71 cm - Hard pan

Trench #3

0-6 cm - Light brown loam.

7-21 cm - Medium brown fill

22 cm - Hard pan

Trench #4

0-6 cm - Light brown loam.

7-59 cm - Medium brown fill

60 cm - Hard pan

8.0 BIBLIOGRAPHY

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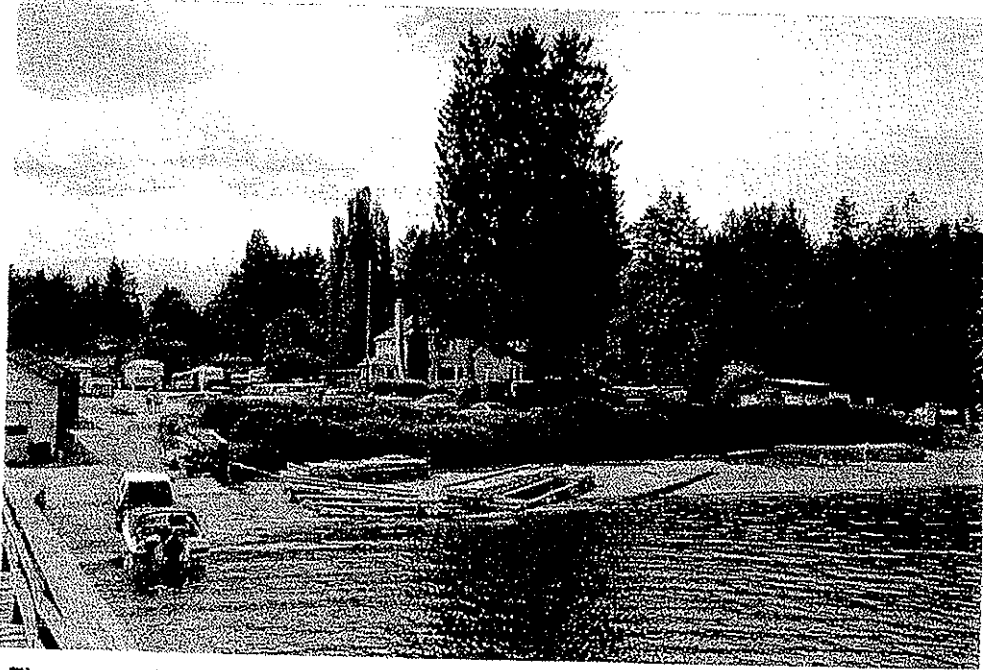


Figure 5. Photograph of entire development property from marina dock looking northwest.

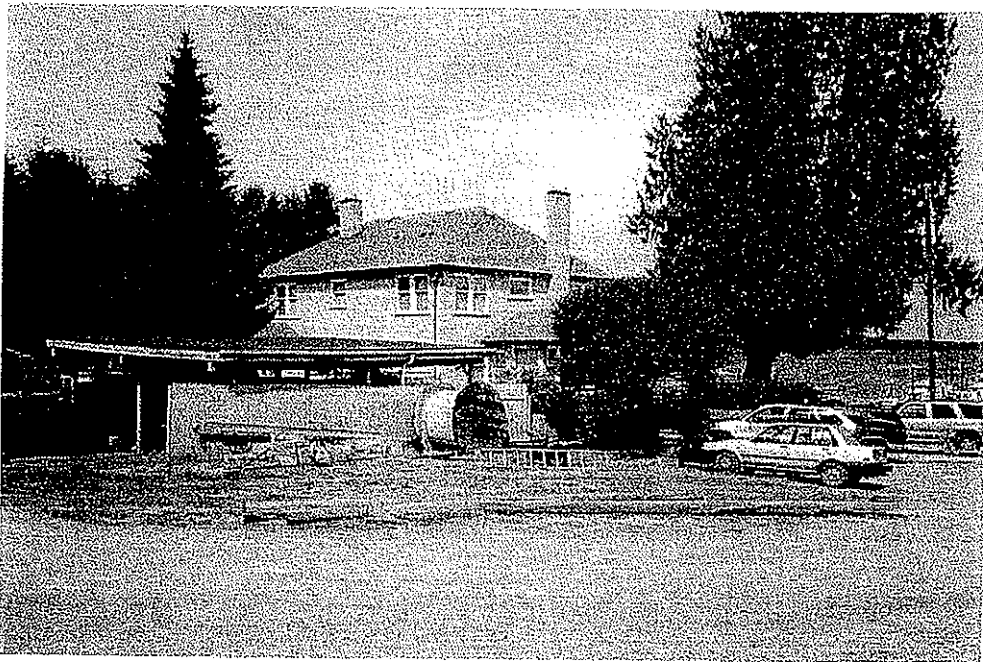


Figure 6. Photograph showing southwest aspect of house and parking lot, taken from southwest extent of development area

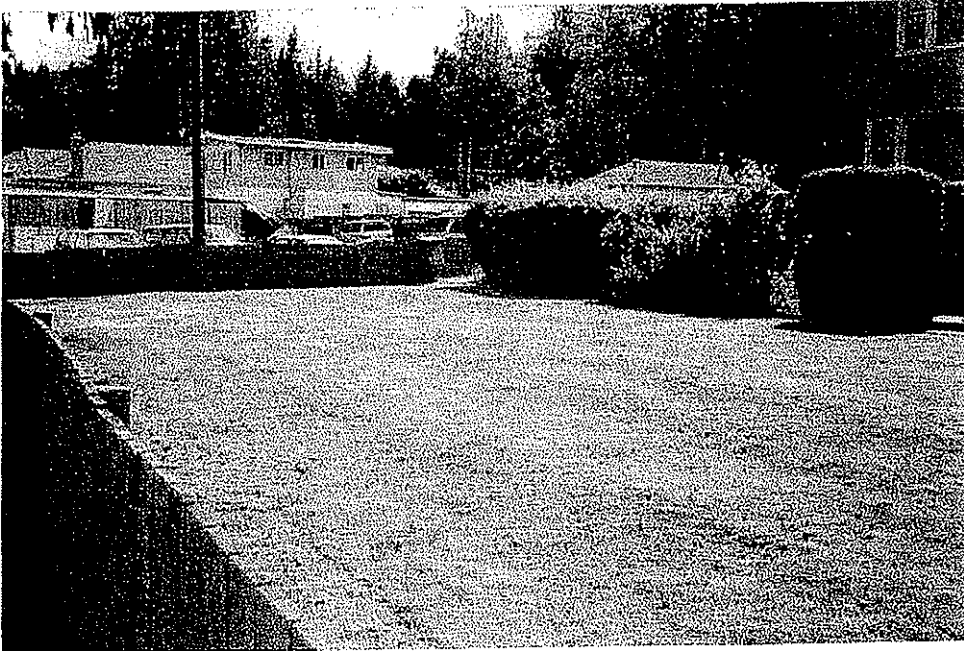


Figure 7. Photograph of front lawn and fence area looking south.



Figure 8. Photograph showing north aspect of house and road, taken from northeast extent of development area

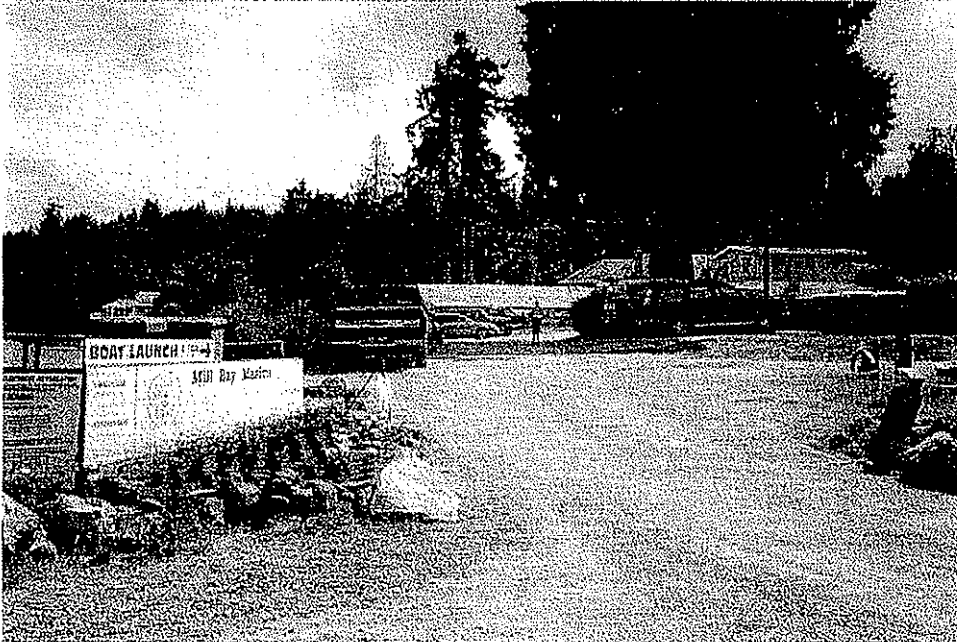


Figure 9. Photograph of east portion of development property showing access road from Handy road looking south.



Figure 10. Photograph of trench #1, note disturbed black shell midden material.



Figure 11. Test Hole #1, looking west.

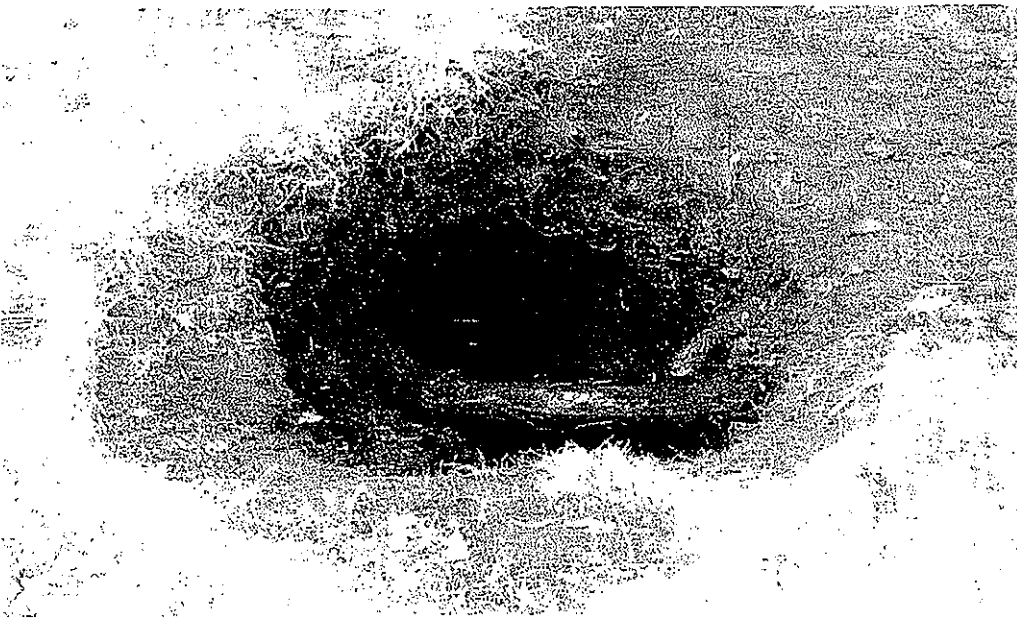


Figure 12. Test Hole #3, looking southwest.

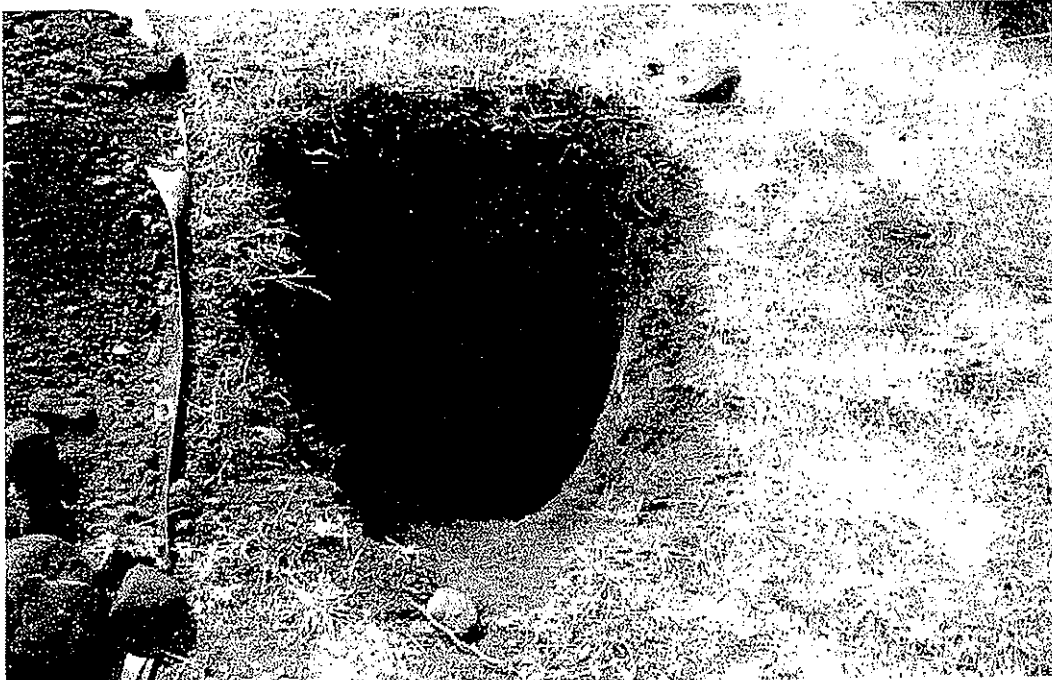


Figure 13. Photograph of Test Hole #5 looking south.



Figure 14. Photograph of Test Hole #7, looking west.

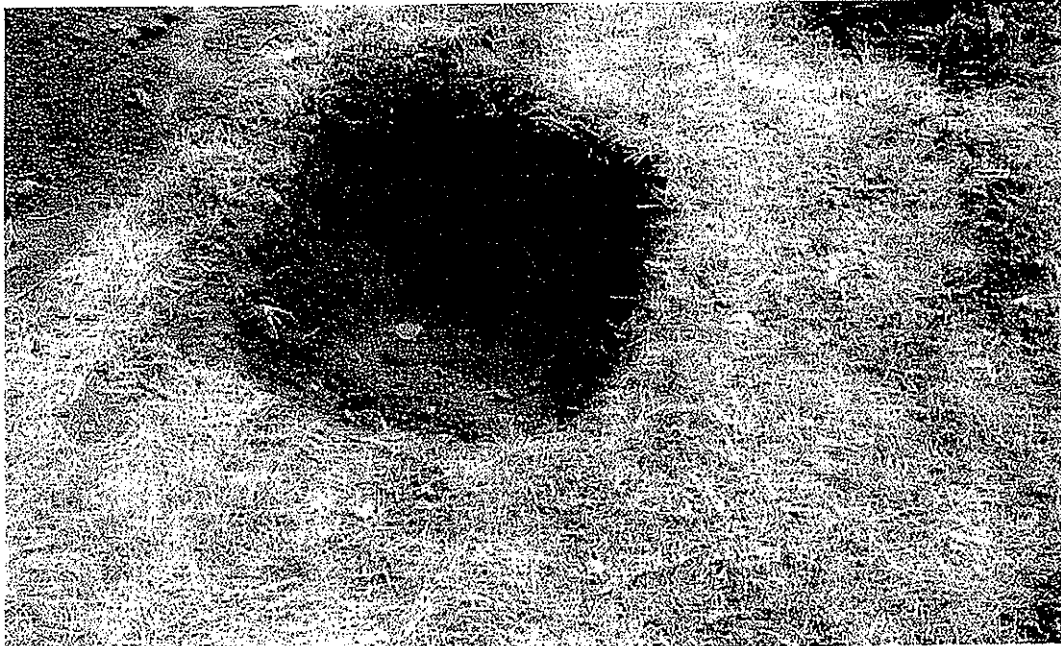


Figure 15. Photograph of Test Hole # 11, looking south.

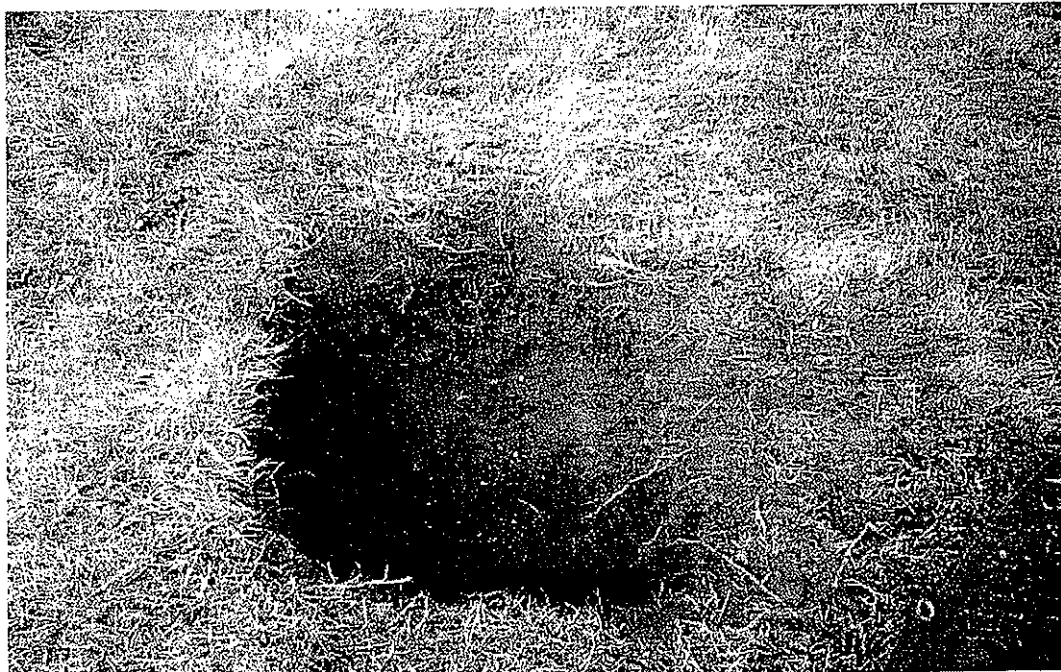


Figure 16. Photograph of Test Hole #12, looking west.



D2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 19TH, 2010

DATE: January 12, 2010 **FILE NO:** 1-C-09DVP
FROM: Jill Collinson, Planning Technician **BYLAW NO:** 1405
SUBJECT: Development Variance Permit Application No. 1-C-09DVP- (Gourley)

Recommendation:

That the application by Marilyn Gourley for a variance to Section 5.3(a) of Zoning Bylaw No. 1405, decreasing the setback from a watercourse from 15m to 12.6m on Strata Lot 429, Section 14, Range 10, Shawnigan District, Strata Plan 1601 (Phase 13) **be denied.**

Purpose:

To consider an application to relax the setback from a watercourse to allow for four supporting deck posts and deck.

Background

Location of Subject Property:

Legal Description: Strata Lot 429, Section 14, Range 10, Shawnigan District, Strata Plan 1601 (Phase 13) *PID 017-559-553.*

Date Application and Complete Documentation Received: October 20, 2009

Owner: Marilyn Gourley

Applicant: As above

Size of Parcel: 598 sq.m (6437sq.ft)

Zoning: R-5 (Comprehensive Urban Residential)

Setback Permitted by Zoning: 15m

Proposed Setback: 12.6m

Existing Plan Designation: Urban Residential

000064

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Saanich Inlet
 South: Road (Marine Drive), Residential
 East: Residential
 West: Residential

Services:

Road Access: Marine Drive
Water Canadian Retirement Corporation Water System
Sewage Disposal: Canadian Retirement Corporation Sewer System

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: None identified

Archaeological Site: None Identified

Proposal:

The subject property is located off of Marine Drive in Arbutus Ridge. There are developed lots on either side of the subject property, with Saanich Inlet to the north and Marine Drive to the south. The applicants are requesting to relax the setback to a watercourse from 15m to 12.6m in order to allow for placement of support posts and deck in the setback area. A Development Variance Permit is required before proceeding, as the proposed location for the support posts falls within the setback from a watercourse provisions as specified in Section 5.3(a) of Zoning Bylaw No. 1405.

The Zoning Bylaw requires a minimum setback of 15 metres between the ocean and the proposed structure. Cantilevered decks are permitted to extend up to 2.0 metres into the setback area, but support posts within the 15m setback are not permitted. If successful, this Development Variance Permit will allow the deck to be constructed 12.6 metres from the high watermark, which will require a variance of 2.4 metres.

Surrounding Property Owner Notification and Response:

A total of nineteen (19) letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 3275. The notification letter was distributed within the prescribed 60m zone describing the purpose of this application and requested comments regarding this variance within a recommended timeframe. To date, we received nine letters of response. Three of the received responses were opposed to the requested variance whereas six letters were in support of the requested variance. It should be noted that all letters opposing the variance were received from neighbours within the 60m notification zone, while all letters in support of the variance were received from property owners beyond 60m from the subject property.

Planning Division Comments:

Area C's Shore Zone Management policies, as stated in the Official Community Plan Bylaw No.1210, are intended to enhance the physical, recreational and visual qualities of the area, while recognizing demands for development on a finite resource. The natural progression of the shoreline results in the subject property's waterfront lot line being inset slightly compared to that of neighbouring properties. The 15m setback from a watercourse is intended to discourage development along the foreshore and encroachment on the intertidal zone, regardless of neighbouring property influences. As it may be possible to re-design the proposed deck, staff suggest the applicant should consider other design options that do not require a setback relaxation. Nearby neighbours have indicated they may be negatively impacted by the variance, thus staff does not support this application.


Options:

1. That the application by Marilyn Gourley for a variance to Section 5.3(a) of Zoning Bylaw No. 1405, by decreasing the setback from watercourse from 15 metres down to 12.6 metres, on Strata Lot 429, Section 14, Range 10, Shawnigan District, Strata Plan 1601 (Phase 13) PID: 017-559-553, be **approved**, subject to the applicant providing a survey confirming compliance with the reduced setback.
2. That the application by Marilyn Gourley for a variance to Section 5.3(a) of Zoning Bylaw No. 1405, by decreasing the setback from watercourse from 15 metres down to 12.6 metres, on Strata Lot 429, Section 14, Range 10, Shawnigan District, Strata Plan 1601 (Phase 13) PID: 017-559-553, be **denied**.

Submitted by,



Jill Collinson
Planning Technician
Planning and Development Department

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

JC/jah

Attachments



**Cowichan
Valley
Regional
District**

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

The Regional District does not warrant the accuracy.



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

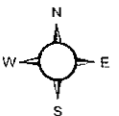
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

**FILE: 1-C-09
-DVP**

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area C



Pacific Ocean

W-2

SUBJECT PROPERTY

429

46881

I-3

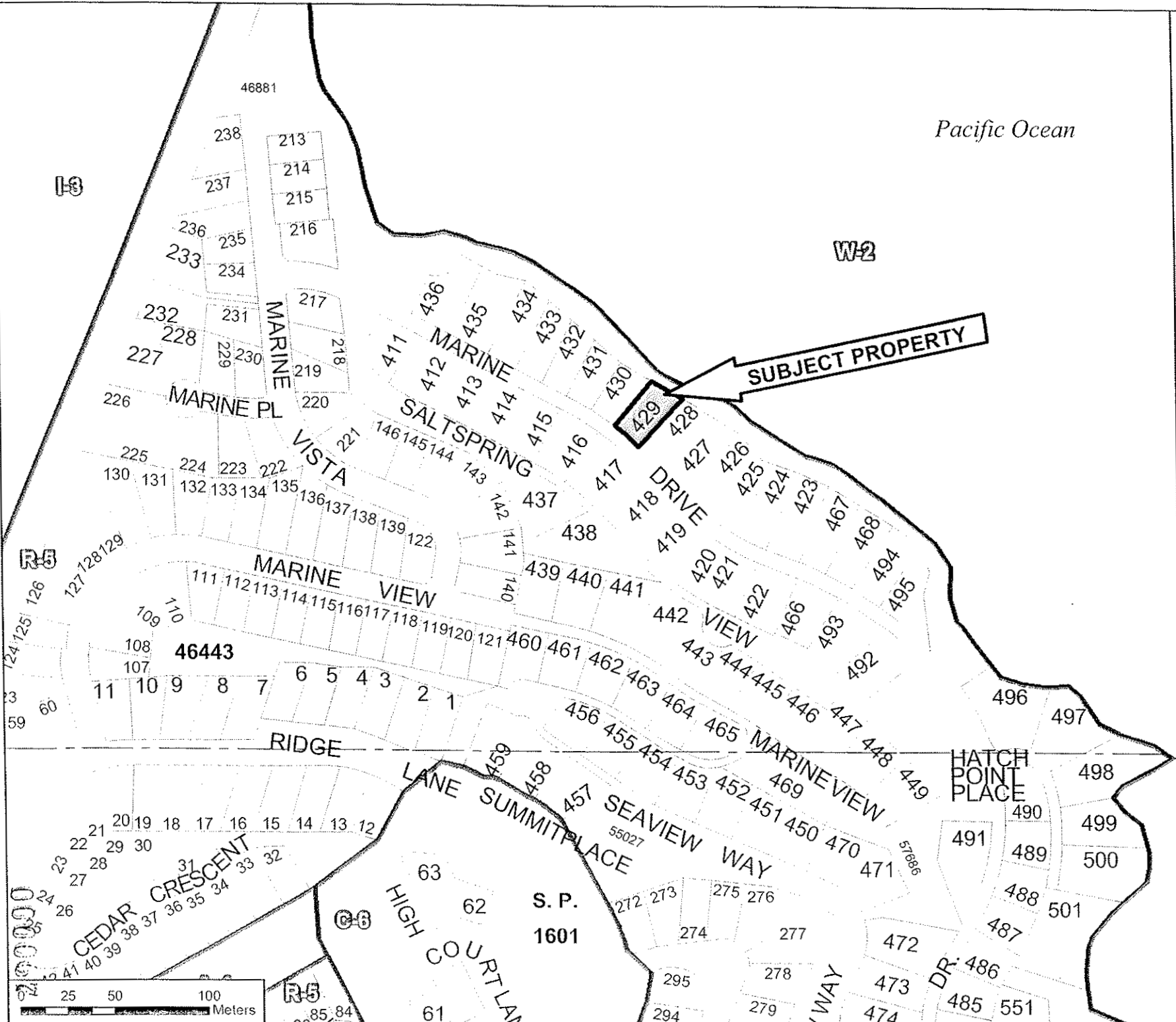
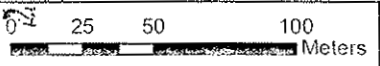
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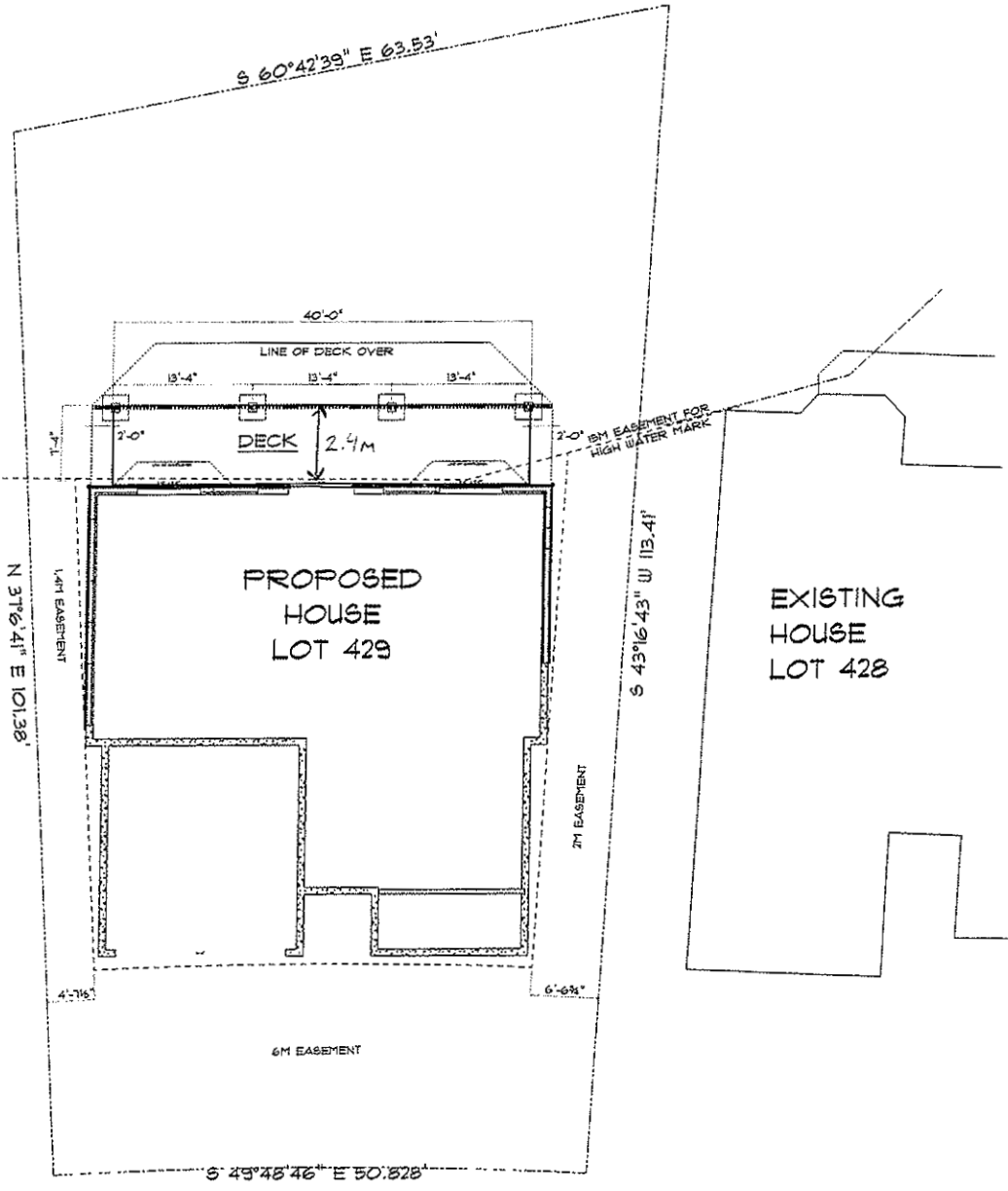
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1601

G-6

R-5



EXISTING HOUSE
LOT 430



EXISTING HOUSE
LOT 428

SITE PLAN

SCALE 1/8"=1'-0"

INARY

VISION DESIGN	
PROPOSED HOUSE PLANS FOR DAVID & MARILYN GOURLEY	
SCALE: AS SHOWN	DRAWN BY: JOHN VEJGER
DATE: October 19, 2009	PHONE: 148-6710
SITE PLAN & ELEVATIONS	
2 / 2	

000068

PART FIVE

GENERAL REQUIREMENTS

5.1 Applicability

Except as otherwise specified in this bylaw, all provisions of Part Five apply to all zones established under this bylaw.

5.2 Siting

- (a) The siting regulations of this bylaw apply to parcels and, notwithstanding the generality of the foregoing, to bare land strata lots.
- (b) The interior side parcel line requirements of this bylaw shall not apply to strata lots under a registered plan pursuant to the Condominium Act where there is a common wall shared by two or more dwellings within a building.

5.3 Setback from a Watercourse

- (a) Notwithstanding any other provisions of this bylaw, no dwelling shall be located within 15 metres of the high water mark of a watercourse, lake or the sea.
- (b) Notwithstanding any other provision of this bylaw, no building used for the accommodation of livestock shall be located within 30 metres of the high water mark of a watercourse or the sea, lake, sandpoint or well.

5.4 Setback Exceptions

Except as otherwise provided in particular zones, the setback requirements of this bylaw do not apply with respect to:

- (a) pumphouse,
- (b) gutters, cornices, sills, belt courses, bay windows, chimneys, exterior finish, heating or ventilating equipment if the projections do not exceed one metre, measured horizontally; and
- (c) eaves, unenclosed stairwells or balconies, canopies and sunshades if the projections, measured horizontally, do not exceed:
 - i) 1.0 metres in the case of front and side yards, or
 - ii) 2 metres in the case of rear yards

C.V.R.D.
RECEIVED

DEC 02 2009

November 26, 2009.

Cowichan Valley Regional District,
175 Ingram Street,
Duncan,
BC V0L 1N8.

Attention of Jill Collinson - Planning Technician

Re: File 1-C-09 DVP (Gourley)

Dear Ms Collinson,

Please be advised that we object to the above noted Planning Variance Permit Application on the grounds that it will impact on the views from neighbouring houses. Also it will establish a precedent allowing other home owners on the waterfront, both existing and in the future to potentially obtain permission to extend their decks.

We believe that the By-Law is in place to protect the environment of the waterfront and the houses abutting it and that it should not be encroached upon for the sake of waterfront development both present and future.

Yours truly,

Iris Down

Iris Down

John Down

J. O. Down

Lot 428
217 Marine Drive,
Cobble Hill,
V0R 1L1

000070

Attention - Jim Gallinson
Planning Technician
CVRD
Blunston, B.C.

C.V.R.D.
RECEIVED
DEC 02 2009

Dec 1/09

Re = File 1-C-09DVP (Coveley)

Dear Sue or Madam

Please note my concern re the above requested variance. We have all been over Horns in accordance with the said building requirements, which we believe to be adequate and fair.

It is my opinion the requested variance is unnecessary, and would protrude well past the property line. This could create a problem in the future that would effect the whole project.

Whatever you decide there are a few of my concerns, and I would hope the variance is declined.

Yours truly

Gordie MacLennan

000071

Jill Collinson

From: MICHAEL KNIGHTS [REDACTED]
Sent: Wednesday, November 25, 2009 12:42 AM
To: CVRD Development Services
Subject: File no. 1-C-09 DVP (Gourley)

This email is sent in response to the Gourley request for a variance. Wendy and Michael Knights owners and builders of 209 Marine Drive, lot 426, Cobble Hill do not wish to have the request considered.

Encroaching on the foreshore anymore than what already is permissible will only result in a very negative impact on all residents.

000072

Jill Collinson

From: Postmaster
Sent: Thursday, December 17, 2009 7:36 AM
To: Jill Collinson
Subject: FW: Att.Jill re Gourley variance Lot 429 marine Drive

From: Helen Beenham [mailto:████████████████████]
Sent: Tuesday, December 15, 2009 11:56 AM
To: Postmaster
Subject: Att.Jill re Gourley variance Lot 429 marine Drive

My wife and I invited our friends David and Marilyn Gourley to visit Arbutus Ridge. They were very taken with the community and have bought a waterfront lot at 429 Marine Drive and hope to build as soon as possible. They have applied for a variance ruling into the watercourse setback to allow for an open deck with a waterview to the east and west which would otherwise limit their view by the existing neighbours homes. We would strongly recommend that this variance be approved and cannot think of any reason to disapprove as this variance could not obstruct any other residents view..... .Roy and Helen Beenham 3716 Marine Vista Arbutus Ridge

December 13, 2009

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT SERVICES DEPARTMENT
175 Ingram Street,
Duncan, BC V9L-1N8
Attention: Jill.

Subject: David and Marilyn Gourley, Lot 429 Arbutus Ridge

Dear Jill:

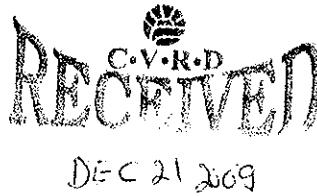
I am writing to provide support for the extension of the Deck on Lot 429. We do not feel that it would be a significant infringement on the environment or the neighbors view.

Our main concern is getting the subdivision completed so we do not have to contend with empty lots and construction for many more years. It is a tough situation to be in when you are the last house to be built, because you have to contend with all the existing constraints, while they are also paying a premium for the lot. We encourage a bit of flexibility in this situation given the conditions.

Sincerely
Brenda & Joe Hayter
490 Seaview Way
Cobble Hill B.C.
V0R 1L1

000074

Cowichan Valley Regional District
Development Services Department
175 Ingram Street
Duncan, B.C. V9L1N8



Dec 14 09

Attn: Jill

Re: Lot 429 marine Drive, Arbutus ridge: Application for variance re setbacks

We reside at 501 Marine View, Arbutus Ridge and look down upon this property and so are somewhat affected by this application. In reviewing the Gourley's plans for a new deck we have no objection whatsoever to their proposal and in fact are supportive of their application for a variance permit approval.

I should add that as I am an architect, I have not had any involvement with the project.

A handwritten signature in cursive script that reads "Patricia Marshall".

Donovan and Patricia Marshall

000075

Jill Collinson

From: CVRD Development Services
Sent: Wednesday, December 16, 2009 8:28 AM
To: Jill Collinson
Subject: FW: Letter to CVRD - attention: JILL

From: Nancy Wood [REDACTED]
Sent: Tuesday, December 15, 2009 6:33 PM
To: CVRD Development Services
Subject: Letter to CVRD - attention: JILL

Dear Jill,

We live a few lots to the south of Marilyn and David Gourley's property (lot 429 - Marine Drive, Arbutus Ridge).

We would be dismayed if anyone within the Ridge or any regulator would object to the Gourleys having a deck that does not project beyond a line drawn between the decks on adjacent properties (as proposed by the drawings provided).

It would be unfair to penalize owners of undeveloped properties, by forcing them to locate their home in a position which is disadvantageous with respect to view, as compared to the neighbours.

A final point - as residents on the street, we would like to see the street fully developed as soon as possible.

Sincerely,

Nancy and Charles Wood
201 Marine Drive
Cobble Hill, B.C.
V0R 1L1
250-743-0013

Jill Collinson

From: Arbutus Ridge Marketing Inc [REDACTED]
Sent: Friday, December 18, 2009 2:45 PM
To: Jill Collinson
Subject: Variance Request

TO: Development Service Department
FROM: CRC Developments
ITEM: Variance Request
DATE: December 18, 2009

Marilyn G. Gourley
S.P. 017-559-553
S.L. 429, Sec 14, Rge 10, Shawnigan Dis, S.P. 1601

To Whom It May Concern

With reference to the above variance request, we would like to support this extension of 2.4 meters of main deck into the setback area.

As the developer we have used the same house designer (David Adams) for many, many home designs over the last twenty years at Arbutus Ridge so much so that we have had him *approve the building scheme for all that time*. Initially David Adams worked with Mr. and Mrs. Gourley to create this beautiful custom home on our waterfront. All front, side and height requirements meet our scheme with the exception of the rear deck and glass rail. We are of the opinion that with only three lots unbuilt in this phase, a new special home on one of them would be so positive to the community at large, therefore we respectfully ask that this variance be granted.

Colin Campbell
C.R.C Developments

Jill Collinson

From: Bob Lye [REDACTED]
Sent: Sunday, January 10, 2010 1:31 PM
To: Jill Collinson
Subject: Variance Request

To: Development Service Department
From: G.R.K. Lye
Re: Variance Request
Date January 10, 2010

Marilyn G Gourley
S. P. 017-559-553
S. L. 429, Sec 14, Range 10, Shawnigan Dist, S P 1601

To Whom It May Concern

With reference to the above variance request we, my wife and I, would like to support this extension of 2.4 meters to the main deck into the set back area.
We have lived here for 21 years and have seen 613 homes built and landscaped. The remaining lots, 28 in number, look like unmade beds or people with a front tooth missing.
The set back into the ocean front property will enhance the street and the area and will probably result in similar work on some existing homes. As well, the addition of every new home pays dividends to both S P 1601 and to the CVRD in Strata Fees and Municipal Taxes.
We therefore respectfully request that this variance be approved and granted.

G.R.K. & M.E. Lye,
536 Marine View, Cobble Hill B. C. V0R 1L1.



D3

**ELECTORAL AREA SERVICES COMMITTEE MEETING
OF JANUARY 19, 2010**

DATE: January 12, 2010 **FILE NO:** 2-G-09DP
FROM: Alison Garnett, Planning Technician **BYLAW NO:** 2524
SUBJECT: Development Permit Application 2-G-09DP (Ahola)

Recommendation:

That application No. 2-G-09 DP be approved, and that a development permit be issued to Dennis and Leigh Ahola for Lot 3, District Lot 34, Oyster District, Plan 18197, subject to the following:

- Development to be in substantial compliance with D & L Ahola Residence Renovations and Additions Landscape Plan, revised version dated December 15, 2009, and;
- Development must comply with the recommendations noted in Lewkowich Engineering Associates Ltd report, dated January 7, 2010.

The Proposal:

An application has been made to the Regional Board to issue a Development Permit in accordance with the Ocean Shoreline Development Permit Area guidelines of Official Community Plan No 2500. The applicants are proposing to construct two decks, a staircase to the beach, resurface a boat ramp using concrete, and build two additional retaining walls.

Financial Implications: N/A

Interdepartmental / Agency Implications: N/A

Background:

Location of Subject Property: 3729 Gardner Road

Legal Description: Lot 3, District Lot 34, Oyster District, Plan 18197 PID 003-882-713

Date Application and Complete Documentation Received: October 22, 2009

Owner: Dennis and Leigh Ahola

Applicant: Same

Size of Parcel: 1396 m²

Existing Zoning: R-2 Suburban Residential

Minimum Lot Size Under Existing Zoning: 1 ha for parcels not connected to community sewer
0.4 ha for parcels connected to community sewer
0.2 ha for parcels connected to community water and sewer

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Existing Plan Designation: Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

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

Services:

Road Access: Gardner Road
Water: Saltair Community Water System
Sewage Disposal: On-site septic

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

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas does not identify any environmentally sensitive features on the subject property; however the site is located within the Ocean Shoreline Development Permit area, in accordance with OCP Bylaw No. 2500.

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

Planning Division Comments:

The subject property is located adjacent to Stuart Channel in Saltair, off Gardner Road. The lot is situated within the Ocean Shoreline Development Permit Area, which was established to protect the sensitive environment of the ocean shoreline and foreshore bluffs, and to protect development from hazardous conditions.

The subject property is a 1396 m² (0.3 acre) residential lot, with an existing house, unattached garage, paved driveway, retaining wall and boat ramp access. It is a steeply sloping lot, on the receiving end of drainage from the upland area. The existing concrete block retaining wall was constructed at the high water mark following a development permit issued in 1998. The property owners are now proposing to construct two deck/patio areas, two retaining walls (located above the high water mark to create level terraces), construct concrete stairs connecting the house with the beach, and resurface the boat ramp with concrete.

Please note that the applicants original plans, submitted in July, 2009, did not satisfactorily comply with the environmental protection guidelines of the Ocean Shoreline Development Permit Area. After discussion with staff, they have revised their plans to include some permeable surfacing materials, and incorporate a landscaped area composed of native plants.

The subject property is located within the Ocean Shoreline Development Permit Area (DPA). As such, the applicant must receive a development permit from the CVRD prior to commencing any site preparation or construction, in accordance with the Saltair Official Community Plan Bylaw No. 2500. The following section outlines how the proposed development addresses the Ocean Shoreline DPA guidelines. Please review the attached excerpt from OCP Bylaw No 2500, which provides the complete guidelines.

- (a) **Retention of natural vegetation** –There is no existing natural vegetation on the ocean side of the lot. After discussions with staff, the applicants have revised their plans to incorporate a

000080

30 m² area labelled as Rain Garden on the site plan. The applicants propose to replant this area using native plants and recreate a natural buffer. Natural vegetation buffers function to absorb water runoff, provide habitat, and mitigate the negative impacts of hard surfaces along the shoreline. The recommended width of a natural buffer is 30 to 100 metres.

- (b) **Road and Driveway Design**– The existing boat ramp is currently surfaced with gravel and grass. The applicants are proposing to resurface the entire area with concrete to improve vehicle access. The development permit guidelines recommend driveways be composed of porous materials such as pavers or concrete lattice to reduce the generation of rainwater runoff. Another alternative to concrete surfacing is a ribbon style driveway, which has two strips of hard surfacing at wheel base width, to provide for traction. Between the paved strips is grass or gravel.
- (c) **Footpaths** – The applicants are proposing to construct concrete stairs from the existing house, running adjacent to the boat ramp, and down to the shoreline. The guidelines recommend that footpaths be sloped contours rather than a downhill line, or elevated stairs above natural vegetation, to minimize the impact on the natural shoreline.
- (d) **Site preparation minimized** – As noted above, natural vegetation was largely removed and the site was heavily altered during the construction of the retaining wall ten years ago.
- (e) **Imperviousness figures** – Impervious surfaces prevent the natural infiltration of rainwater and alter natural hydrological processes. The increased generation of rainwater exacerbates erosion problems. Additionally, pollutants do not have the benefit of a natural infiltration process, and instead travel across hard surfaces directly into marine areas.
Since revising their plans, the applicants are proposing to use less poured in place concrete, and instead use paving stones to surface the upper patio. Staff support any decrease in the use of impermeable surfacing.
The applicants have provided calculations to show the impermeable surfaces being proposed (attached). The combination of the boat ramp, stairs, retaining wall and lower patio will create an increase of 140 m² (1504 ft²) of impermeable surfaces on the 1396 m² lot.
- (f) **Public Access** – Public access along the marine waterfront will not be affected.
- (g) **Location of Retaining Walls** – The existing retaining wall at the high water mark of the ocean will not be modified.
- (h) **Soft Erosion Control Methods** – This guideline encourages the planting of native vegetation to soften the impact of retaining walls.
- (i) **Materials Used for Retaining Walls** – The existing retaining wall is constructed of concrete blocks. As noted on the attached site plan, the proposed lower wall will be constructed of rock, and the upper wall will be constructed of concrete.
- (j) **Vegetation along Retaining Walls** – As noted above, a 30m² landscaped area is proposed above the existing retaining wall, with the remaining areas as lawn. The applicant is proposing planters surrounding the upper patio area, which can function to soften the visual impact of hard surfaced retaining wall.
- (k) **Retaining wall appearance** –No unsightly materials are proposed.
- (l) **Retaining wall with fence** – not applicable.
- (m) **Best Management Practices** – BMP's are to retain natural soils and vegetation, reduce hard impermeable surfacing, encourage natural retention and filtration of rain water, and reduce the use of polluting materials.

Advisory Planning Commission:

Members of the Area G Advisory Planning Commission reviewed this application at an informal meeting held November 27, 2009, and made the following comments:

“All members present agreed that the Development Permit Application merited approval and that consideration should be given to including the following conditions as part of that approval:

000081

- *That a storm water collection system be incorporated into the design of the upper two terraces to minimize the possibility of soil slumping or erosion.*
- *That the paved portion of the boat ramp only extend from the property line on the beach up to the break of the slope to maintain as much permeable area as reasonably possible.*
- *That grates be incorporated into the design of the boat ramp to minimize overland runoff to the beach.*
- *That the design of the two new retaining walls includes provision for planting areas to screen the hard surface of the walls. This could be accomplished by planters above and/or at the base of each wall."*

Final Comments:

In addition to providing an opportunity to review the applicants' plans with respect to environmental impact, this Development Permit Area was also created to ensure protection from hazardous conditions. This site is located on a slope and is on the receiving end of drainage from upland areas. To protect the proposed construction, staff required an engineer to approve the proposal as safe for the intended use.

Since the APC meeting, the applicants have revised the attached plans to incorporate all of the APC members' comments. Additionally, a professional engineer has reviewed the plans to ensure the proposed development does not pose any geotechnical problems. The report by Lewkowich Engineering, dated January 7, 2010 (attached) provides recommendations regarding the stormwater management system and retaining wall construction, and essentially states that the applicants' proposal is geotechnically safe and suitable for the intended use.

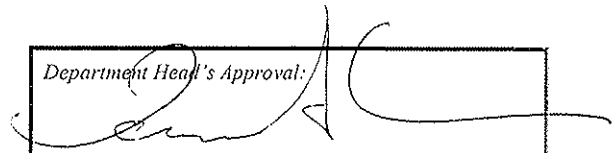
Options

1. That application No. 2-G-09 DP be approved, and that a development permit be issued to Dennis and Leigh Ahola for Lot 3, District Lot 34, Oyster District, Plan 18197, subject to the following:
 - Development to be in substantial compliance with D & L Ahola Residence Renovations and Additions Landscape Plan, revised version dated December 15, 2009, and;
 - Development must comply with the recommendations noted in Lewkowich Engineering Associates Ltd report, dated January 7, 2010.
2. That application No. 2-G-09 DP be revised.

Submitted by,



Alison Garnett,
Planning Technician,
Development Services Division
Planning and Development Department
AG/jah

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

Attachments

000082

OTHER DPA
RIPARIAN AREAS REGULATION DPA



3800000

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

The Regional District does not warrant the accuracy.

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

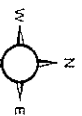
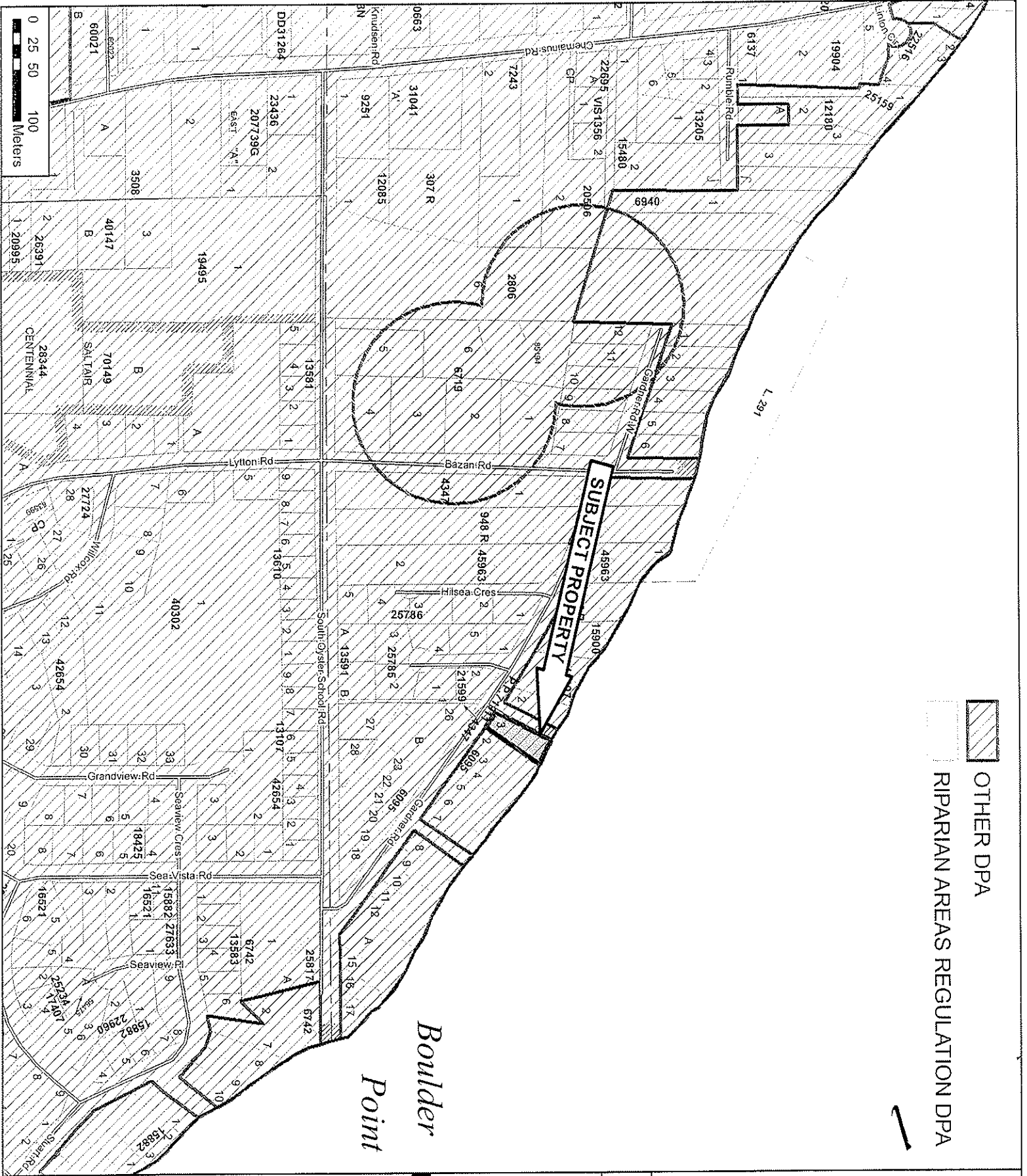
FILE: 2-G-09-DP

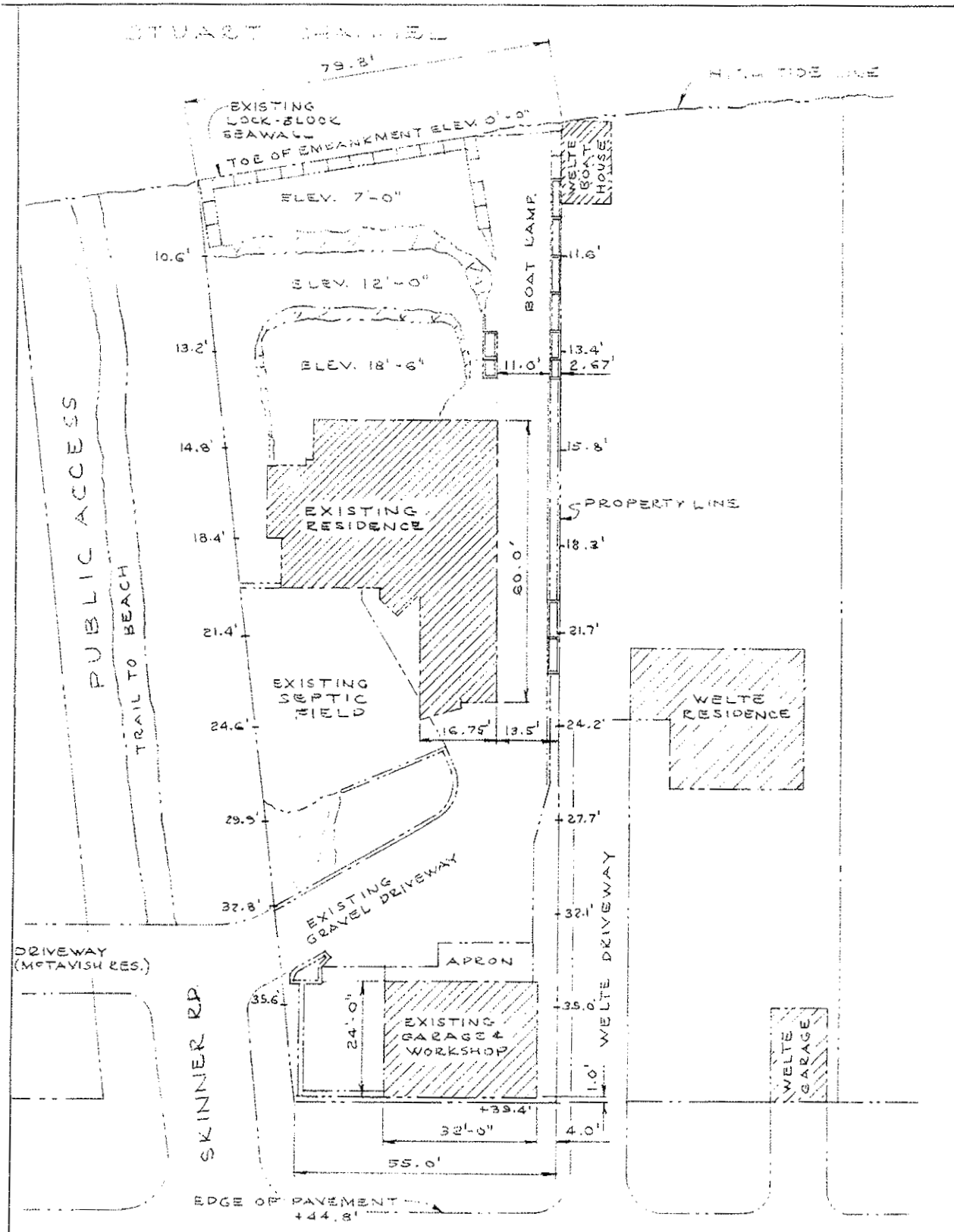
DPA

Legend

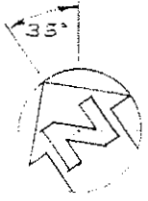
Subject Property

Boulder Point





GARDNER ROAD
 LOT 3, DISTRICT LOT 34
 OYSTER DISTRICT, PLAN 18197



D. & L. AHOLA RESIDENCE RENOVATIONS & ADDITIONS SITE PLAN	
SCALE: 1" = 20 FT.	DATE: JULY, 2009
DWG. NO. 209-100	SHT. OF

**DENNIS AHOLA
DESIGNS**

3729 GARDNER ROAD
 RR4, LADYSMITH, B.C. V0R2E0
 TEL. (604) 245-2055

000084

CALCULATIONS TO DETERMINE
 PERCENT OF LAND WITH IMPERMEABLE
 SURFACE AS PER DWG. NO C09-101 R2.

TOTAL AREA OF PROPERTY REPRESENTED
 ON DWG. NO C09-101 R2, 5498 FT²

AREA OF EXIST'G HOUSE REPRESENTED ON
 DWG. NO C09-101 R2, 459 FT²

NET AREA OF LAND 5039 FT²

IMPERMEABLE AREAS:

- AREA OF BOATRAMP AND STAIRS TO BEACH 725.75 FT²
- UPPER STAIRCASES AND ACCESS TO HOUSE CRAWLSPACE 318.75 FT²
- LOWER PATIO AREA 376 FT²
- SURFACE AREA OF RETAINING WALLS (BASED ON 8" THICK) 83.5 FT²

TOTAL AREA OF IMPERMEABLE SURFACES (CONCRETE) 1504 FT²

PERCENT OF PROPERTY ON DWG. NO C09-101 R2, WITH IMPERMEABLE SURFACE $\frac{1504 \text{ FT}^2}{5039 \text{ FT}^2} = \underline{\underline{29.84\%}}$

~ DEVIKA A. HOLLA,
 Nov. 3, 2009

000086



Dennis Ahola
3729 Gardner Road, Ladysmith, BC V9G 2A3

File: G7727.01r1
January 7, 2010

ATTENTION: Mr. Dennis Ahola

PROJECT: PROPOSED ADDITION, 3729 GARDNER ROAD, LADYSMITH, BC

SUBJECT: GEOTECHNICAL REVIEW OF D & L AHOLA RESIDENCE
RENOVATIONS & ADDITIONS LANDSCAPE PLAN
AND ADDITIONAL CONSTRUCTION CONSIDERATIONS

1. As requested, Lewkovich Engineering Associates Ltd. (LEA) has carried out a geotechnical review of the 'D & L Ahola Residence Renovations & Additions Landscape Plan'. The purpose of the review was to comment on the geotechnical aspects of the design brief and to offer general construction considerations, as necessary. The author has also conducted a reconnaissance of field conditions on December 21, 2009.
2. It is understood that the Alison Garnett, Planning Technician, Development Services division, Planning and Development Department, Cowichan Valley Regional District has requested this review as a condition of Development Permit Application No. 2-G-09DP. She has requested that the review address the safety concerns of four revisions: revised boat ramp grates, revised retaining walls with planting areas, revised slope configuration & revised storm water collection for the upper two terraces. She has requested that the review look at the retaining walls and storm water management. It should be noted that this review will only address geotechnical aspects of the project.
3. The following is a commentary of the observations made during the review.
4. The basic design structure for the proposed retaining walls does not appear to possess substantial height differences between two levels of earth, in the order 1.2m (4 ft.). It is noted that the walls will be provided buttressed support in the form of perpendicular adjoining walls. The use of geotextile reinforcement in the backfill soils should not be necessary, provided that

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the height differential is not greater than 2.6m (8 ft.). The high side of each wall should be back filled with free draining crushed aggregate. Screened, 75mm minus, blasted rock rubble is considered suitable backfill material that possesses a high fracture and phi angle, which minimizes lateral pressure against the wall. Filter cloth should be placed between the natural soils and the free draining backfill soils. The free draining back fill soils should occupy a space at least 0.9m (3 ft.) behind each wall. The walls should be structurally able to resist a pressure of 8 kPa per meter of height.

5. The storm drains illustrated in the landscape plan appear to be in suitable location. The planting areas for the retaining walls are of no geotechnical concern. Concerning the boat ramp grates, it is LEA's opinion that the proposed lower (east) grate, shown on the plan below the grassed incline, is not required. It is understood that 100mm diameter perforated PVC pipes, covered with filter cloth (manifold header) have been installed below the boat ramp to accept and disperse stormwater and will be connected, in the future, to the grate drain and lot drainage pipes. Clean out access points at convenient locations in the drainage pipes would be prudent. The boat ramp slab should be designed to resist uplift forces caused by the migration of fines downward towards the lower end of the ramp. Buried restraints, placed at least 0.9m below the slab, are considered an option. Attachment of the slab to the walls adjoining the ramp is also an option.
6. It should be noted that adequate site drainage is dependent on final lot grading. Ground surfaces should be graded to direct surface water at least 2 metres away from any buildings or structures, towards a suitable discharge area. Any settlement of backfill around foundations will create undesirable low areas for collection of surface water next to the building, and should be immediately corrected by placement of additional backfill to restore proper surface drainage away from buildings.
7. In conclusion, it is reasonable to surmise that the 'D & L Ahola Residence Renovations &

000088

Client: Dennis & Leigh Ahola
Project: 3729 Gardner Road, Ladysmith, BC
File: G7727.01r1
Date: January 7, 2010
Page 3 of 3



Additions Landscape Plan' is geotechnically safe and suitable for the use intended, given the above noted considerations and recommendations. A copy of the 'D & L Ahola Residence Renovations & Additions Landscape Plan' remains on file and is available upon request.

8. Lewkowich Engineering Associates Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or additional requirements at this time, please contact us at your convenience.

Respectfully Submitted,
Lewkowich Engineering Associates Ltd.

A circular professional engineer stamp for D. G. Clark, #30208, with the text 'D. G. CLARK', '#30208', 'P. ENG.', and 'LAWSON'. A handwritten signature is written over the stamp, and the date '2/1/10' is written to the right of the signature.

Darron G. Clark, P. Eng.
Geotechnical Engineer



D4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 19, 2010

DATE: January 12, 2010 **FILE NO:** 2-D-09DP
FROM: Alison Garnett, Planning Technician **BYLAW NO:** 925
SUBJECT: Development Permit Application 2-D-09DP (Grand Motel)

Recommendation:

That Application No. 2-D-09DP be approved, and that a development permit be issued to Te-zen Liu of 0786355 BC Ltd, for Lot 1, Section 13, Range 7, Quamichan District, Plan 2298, Except Part in Plans 40941 and 1036 RW, to permit the enclosure of the existing carport, subject to:

- The proposed enclosure of the carport must be in substantial compliance with the attached image labelled "Proposed Addition".
- The exterior finish, colour scheme and overall design of the enclosure must be consistent with, and complementary to, the existing building.

The Proposal:

An application has been made to the Regional Board to issue a Development Permit, for the purpose of constructing an addition to the existing motel in accordance with the Commercial/Industrial Development Permit Area guidelines of Official Settlement Plan No 925. The applicants are proposing to enclose an existing entrance canopy located on the south side of the building.

Financial Implications: N/A

Interdepartmental / Agency Implications: N/A

Background:

Location of Subject Property: 5325 Trans Canada Highway

Legal Description: Lot 1, Section 13, Range 7, Quamichan District, Plan 2298, except part in plans 40941 and 1036RW (PID: 000-459-925)

Date Application and Complete Documentation Received: June 9, 2009

Owner: 0786355 BC Ltd

000090

Applicant: Te-Zen Liu

Size of Parcel: 0.4 ha (1 acre)

Existing Zoning: C-4 Tourist Recreational Commercial

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

Existing Plan Designation: Commercial

Existing Use of Property: Motel, restaurant and banquet hall

Existing Use of Surrounding Properties:

North: Cowichan First Nation reserve
 South: Trans Canada Highway
 East: Service Commercial
 West: Trans Canada Highway

Services:

Road Access: Chaster Road
Water: City of Duncan Water
Sewage Disposal: Eagle Heights Sewer System

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

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas does not identify any environmentally sensitive features on the subject property.

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

Planning Division Comments:

The 0.4 ha subject property is located at the intersection of Chaster Road and the Trans Canada Highway. It is zoned C-4, Tourist Commercial, and the applicants operate a motel, restaurant, banquet hall and sports bar. The focus of this application is a covered area at the southern side of the motel, approximately 6.4 m x 7 m in size. The applicants would like to enclose this 45 m² (484 ft²) area to create a new entrance to the motel, and provide space for a lobby, front desk and gift shop.

The subject property is located in the Commercial/Industrial Development Permit Area, which is designed to encourage the revitalization of commercial and industrial uses, and ensure development is well planned and aesthetically pleasing. Prior to initiating any construction or development, the property owners must receive a development permit issued from the CVRD Board.

The following section of the report outlines how the proposed development addresses the development permit area guidelines. Please see the Cowichan Bay OSP for the complete guidelines.

000091

- A. **Runoff and rainwater management** – There is no provision for rainwater management practices in this application. However, as the proposal is to enclose an existing covered area, there will be no increase to the impervious surfacing or lot coverage.
- B. **Damage to groundwater** – No potentially damaging materials will be used on site.
- C. **Best Management Practices for Land Development** – There are no identified environmentally sensitive areas on the site.
- D. **Landscaping** – The site has an existing landscaped area along the exterior parcel line. A modest increase in landscaping features is currently proposed. Please see the attached image labelled “Proposed Addition”, which was supplied by the applicant and shows two planters at the new entrance.
- E. **Building Design** – The “Proposed Addition” image shows that the existing colour scheme of red and white will be used on the addition. The roofing structure will remain the same. Windows will be included on all three exterior sides of the building, and there will be a double door entrance facing the highway. The existing motel building walls are concrete block (see attached photo labelled “Existing Building”). The applicants will not use concrete blocks for the addition, and instead propose to use a textured exterior finish.
- F. **Vehicle and Pedestrian Access and Circulation** – There is no proposed change to the current access. The applicants have stated that this carport/drive thru area is rarely used by customer vehicles, and this proposed conversion will not negatively affect vehicle or pedestrian movement.
- G. **Safe Pedestrian Routes** – The existing motel entrance is separated from the parking area by a designated pedestrian walkway. The new entrance is located in a vehicle parking area, and it is not clear how pedestrian safety will be ensured.
- H. **Design of signage** – No new signs are proposed. The applicants have modified signs on the site since the Commercial/Industrial Development Permit Area was established in August 2008. The applicants have been advised that a development permit is required for the additional signs, but to date an application has not been received. The development permit guidelines state that signs should be designed to reflect the architecture of the site and be in harmony with the landscaping.
- I. **Lighting** – The attached image shows two exterior wall mounted lights on either side of the entrance.
- J. **Wiring** – The current underground wiring to the motel building will not be affected by this proposal.

The proposed development complies with the C-4 zoning in terms of use, parcel coverage, height limits and setbacks. The principle issues in this application are whether the proposed addition is designed in accordance with the applicable design guidelines and in a manner that complements the existing structure. In assessing compliance with the guidelines, a balance must be found between the small scale of the proposed development and the desire to have high quality developments along the Trans Canada Highway corridor.

Advisory Planning Commission:

The Advisory Planning Commission reviewed this application at their meeting November 18, 2009, where the following motion was passed:

“That the application be approved subject to the applicant and CVRD staff ensuring that all required sign permits are in place.”

Final Comments:

As noted above, the applicants have been advised that the signage on the site requires a development permit, due to the fact that signs have been modified since the Commercial/Industrial Development Permit Area was established in August 2008. The subject property is located along the high traffic Trans Canada Highway corridor, where revitalization of commercial development is a priority. The signage contributes greatly to the overall appearance of the site, and therefore it is difficult to separate the signs on the site from the present application to enclose the carport. However, staff are not of the opinion that this development permit should be withheld based on the unresolved signage issue. CVRD Bylaw Enforcement has a file regarding this subject property, and staff are expecting the applicants to come forward with an overall site design plan for signage in the near future. In the event that compliance is not achieved, legal action is an option for enforcement.

Options


1. That application No. 2-D-09 DP be approved, and that a development permit be issued to Tezen Liu of 0786355 BC Ltd, for Lot 1, Section 13, Range 7, Quamichan District, Plan 2298, Except Part in Plans 40941 and 1036 RW, to permit the enclosure of the existing carport, subject to:
 - The proposed enclosure of the carport must be in substantial compliance with the attached image labelled "Proposed Addition".
 - The exterior finish, colour scheme and overall design of the enclosure must be consistent with, and complementary to, the existing building.
2. That application No. 2-D-09 DP be held in abeyance, pending receipt and approval of an acceptable signage plan that meets the relevant development permit guidelines.

Submitted by,

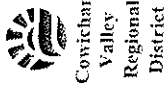


Alison Garnett,
 Planning Technician
 Development Services Division
 Planning and Development Department

AG/jah
 Attachments

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

<i>Signature</i>

000093



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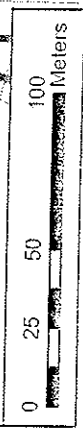
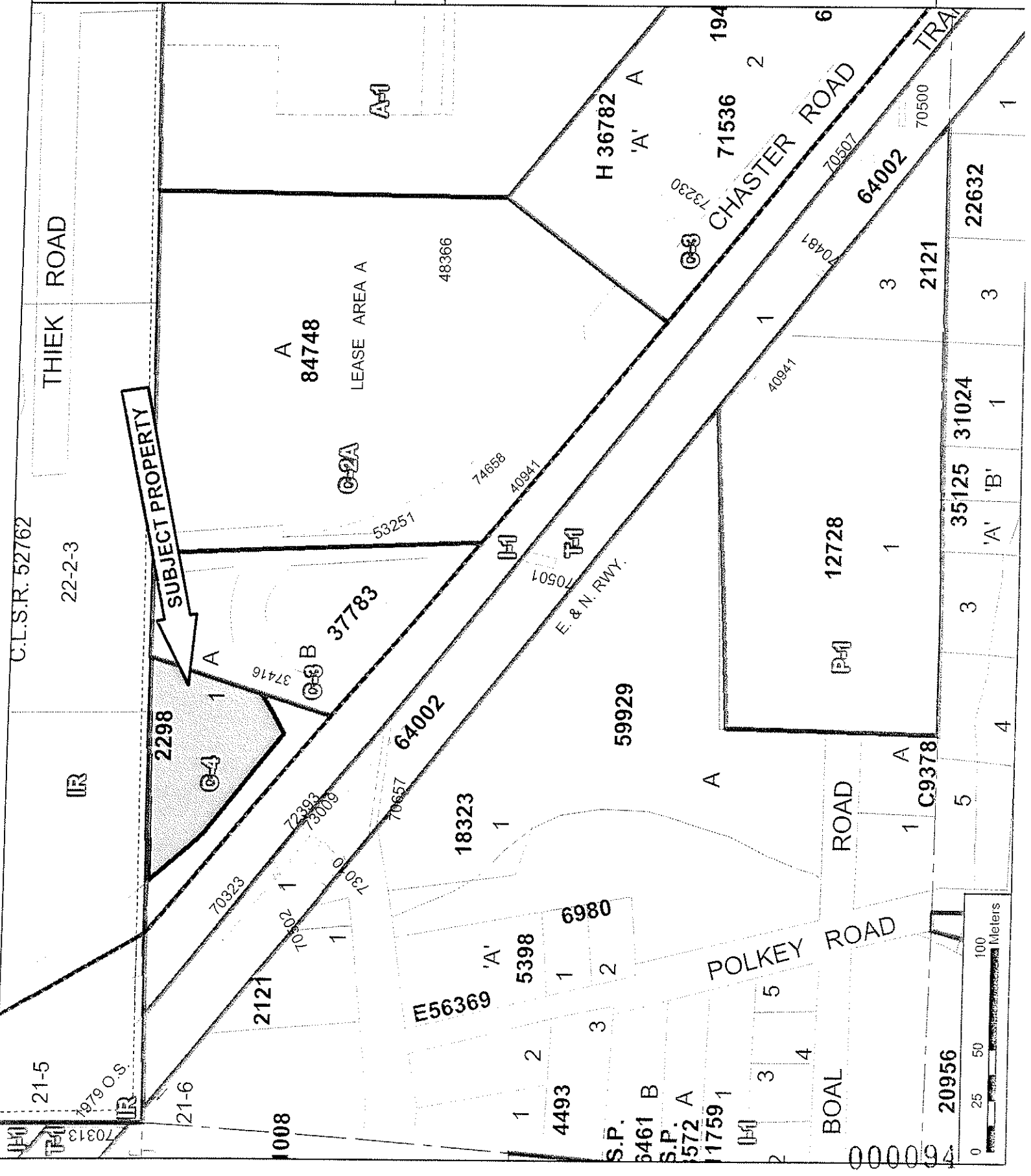
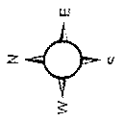
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 2-D-09-DF

ZONING

Legend

- Subject Property
- Zoning Electoral Area



C.L.S.R. 52762

THIEK ROAD

22-2-3



Cowichan Valley Regional District

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FILE: 2-D-09-DP

DPA

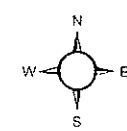
Legend

Subject Property

Legend

OTHER DPA

RIPARIAN AREAS REGULATION DPA



SUBJECT PROPERTY

2298

1 A

37416 B

37783

84748

LEASE AREA A

48366

18323

1

5398

1

59929

A

H 36782

'A'

A

71536

2

12728

1

C9378

1

35125

'A'

'B'

21-5

21-6

1008

2121

70323

70502

73010

E56369

'A'

4493

2

3

6980

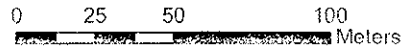
POLKEY ROAD

S.P. 6461 B
S.P. 572 A
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BOAL ROAD

ROAD

20956



CHASTER ROAD

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194

40941

70481

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640

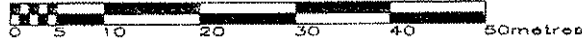
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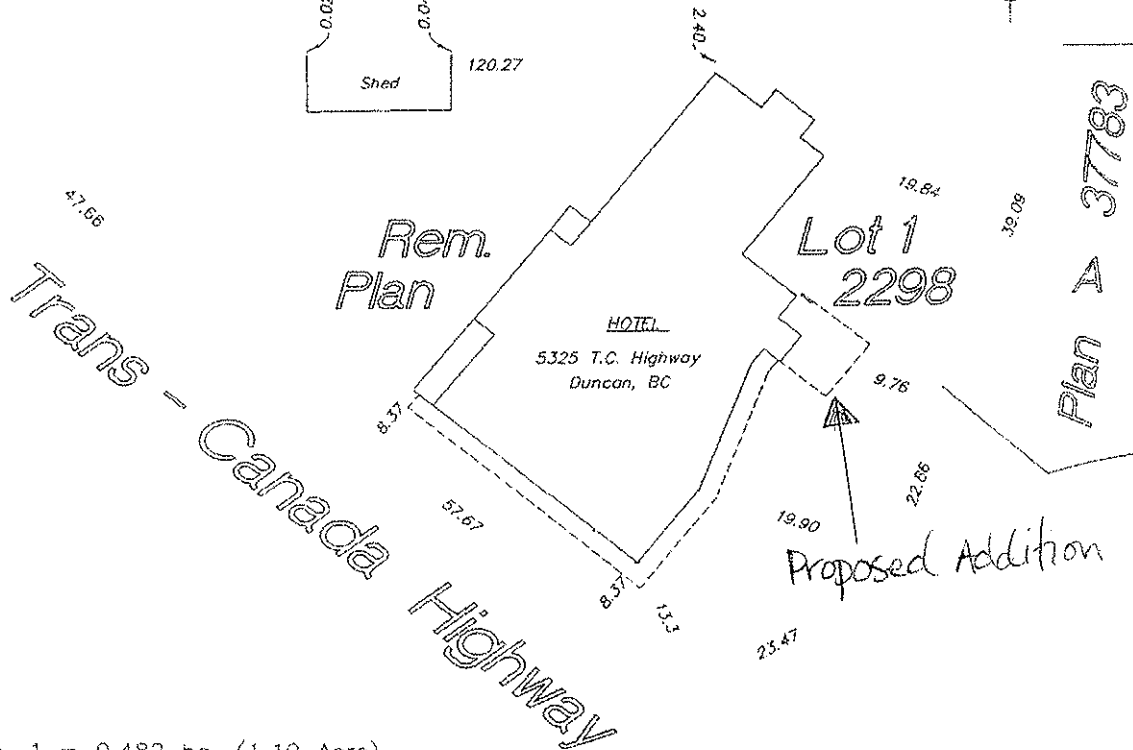
600095

B. C. Land Surveyor's Location Certificate covering:-
Lot 1, Section 13, Range 7,
Quamichan District, Plan 2298,
Except Parts in Plans 40941 & 1036 R/W.

Scale ~ 1 : 750 - distances in metres



COWICHAN INDIAN RESERVE



NOTE:

Area of Rem. 1 = 0.482 ha. (1.19 Acre)

Mortimer
Surveying
 -ENGINEERING & LAND SURVEYING-

4386, Riverside Road,
 Duncan, B.C. - V9L 6M8
 Tel: 748-5246 - Fax: 748-5214
 - EMAIL ~ surveyor@telus.net -

File:2007/CHASTER/LC.dwg

I hereby certify that the structures shown as located on the above lot lie wholly within the said lot and do not encroach on adjoining lands, lots or roads, except as shown. The purpose of this plan is for the protection of the original client or mortgagee only and it is not intended for the re-establishment of boundaries and/or property lines.

CERTIFIED CORRECT :

Dated this 19th. day of June, 2007

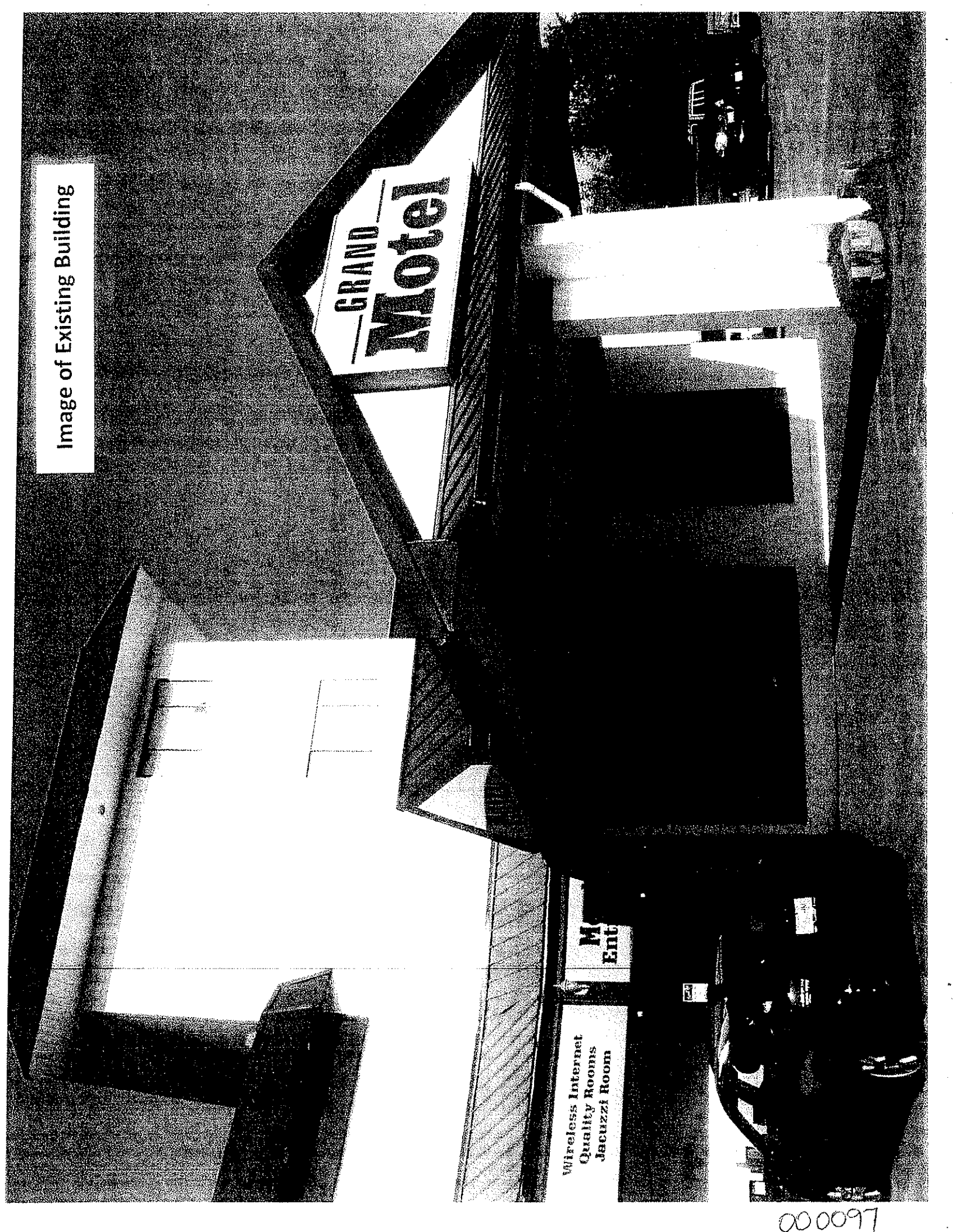
Richard A. H. Mortimer

© -- RICHARD A. H. MORTIMER, B. C. Land Surveyor

- THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED -

000096

Image of Existing Building



L60009

Proposed Addition



000093



D5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 19, 2010

Date: January 12, 2010 File No: 2-G-08RS
FROM: Rob Conway, Manager BYLAW NO: 2524
Development Services Division
SUBJECT: Rezoning Application No. 2-G-08RS (Parkinson)

Recommendation:

1. That staff be directed to prepare OCP and Zoning amendment bylaws for Application No. 2-G-08RS (Parkinson) that would permit one new lot.
2. That a public hearing be scheduled with Directors Dorey, Marcotte and Iannidinardo appointed as Board delegates, following submission of draft covenant by the applicants committing to dedication of a 3 metre wide trail corridor along the north property boundary at time of subdivision.
3. That application referrals to the Ministry of Transportation and Infrastructure, the Vancouver Island Health Authority, the Ministry of Community Services, and the CVRD's Parks, Recreation and Culture Department and Engineering and Environmental Services Department be accepted.

Purpose:

To consider an application to amend Electoral Area "G" Official Community Plan Bylaw No. 2500 (2005) and CVRD Zoning Bylaw No. 2524 (2005), applicable to Electoral Area G – Saltair/Gulf Islands, to rezone 10755 Chemainus Road in order for it to be subdivided into two parcels.

Background:

Location of Subject Property: 10755 Chemainus Road

Legal Description: Lot A (DD82676N), DL 12 & 31, Oyster District, Plan 3508 (PID 006-198-945)

Date Application and Complete Documentation Received: October 8, 2008

Owner: Keith Parkinson

000099

Applicant: As above

Size of Parcel: 1.72 ha. (4.25 acres)

Existing Plan Designation: Suburban Residential

Proposed Plan Designation: General Residential

Existing Zoning: R-2 (Suburban Residential 2)

Minimum Lot Size Under Existing Zoning: 1.0 ha. if not connected to community sewer system
0.4 ha. if connected to community sewer

Proposed Zoning: R-3 (General Residential 3)

Minimum Lot Size Under Existing Zoning: 1.0 ha. if not connected to community water system
0.4 ha. if connected to community water system
0.2 ha. if connected to community sewer and water

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Residential (Zoned R-2)
South: Residential (Zoned R-2)
East: Residential (Zoned R-3)
West: Residential (Zoned R-2 and C-2)

Services:

Road Access: Chemainus Road
Water: Saltair Water System
Sewage Disposal: On-site

Agricultural Land Reserve Status: Out

Contaminated Sites Regulation: Declaration signed

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas does not identify environmentally sensitive areas on the subject property or on properties directly adjacent to it.

Archaeological Site: None identified.

Application Context:

The applicant applied to the Ministry of Transportation in August, 2005 to subdivide the subject property with the intention of creating a residential lot for his son and family. The application was made pursuant to Section 946 of the *Local Government Act*, which permits the subdivision of a parcel to a lot size less than the minimum required by zoning when the subdivision is for a relative. The subdivision application proposed creating a 0.52 ha. (1.28 ac.) parcel for the applicant's son and a 1.2 ha (2.96 ac.) remainder that would be retained by the applicant.

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When the applicant applied for subdivision in 2005, Zoning Bylaw No. 1180 was the applicable Zoning Bylaw in Area G. This bylaw would have allowed the proposed subdivision either as a subdivision for a relative (i.e. Section 946 subdivision) or as a conventional subdivision. In November, 2005, however, the Regional Board adopted Zoning Bylaw No. 2524, which replaced Zoning Bylaw 1180. The new Zoning Bylaw included two changes that effectively precluded the applicant's ability to subdivide. Firstly, the minimum parcel size in the R-2 zone was increased from 0.4 ha (1 ac.) to 1.0 ha (2.47 ac.) for parcels not connected to a community sewer system. Secondly, Zoning Bylaw No. 2524 established a minimum parcel of 25 hectares (61.75 ac.) for parcels to be eligible for Section 946 subdivision. The adoption of Bylaw No. 2524 therefore removed the potential to subdivide the property as intended without a zoning amendment.

Because the subdivision application was submitted prior to adoption of Zoning Bylaw No. 2524, Section 943 of the *Local Government Act* provided the applicant protection against the zoning changes for a period of one year. Although the applicant undertook considerable work on the subdivision during this period, he was unsuccessful in completing the subdivision within 12 months of adoption of Zoning Amendment Bylaw No. 2524 due to complications encountered with obtaining approval from the Vancouver Island Health Authority for on-site sewage disposal. By the time the applicant had obtained approval from VIHA in October 2007, the 12 month protection period had expired and the applicant was no longer eligible to subdivide the parcel. Without protection of Section 943, the applicant's only option for pursuing the subdivision was to apply for rezoning.

The Proposal:

The applicant has proposed amending the zoning of the subject property from R-2 (Suburban Residential 2) to R-3 (General Residential 3). A corresponding change to the OCP is also proposed that would amend the Plan designation for the property from Suburban Residential to General Residential. Should the rezoning application be approved and the necessary amendment bylaws adopted, the applicant intends to complete the subdivision he applied for in 2005. A plan showing the proposed subdivision is attached to this report.

The proposed subdivision would create a new 0.52 ha. (1.28 ac.) lot on the north side of the subject property and a 1.2 ha. (2.96 ac.) remainder where the owner's existing home is located. In expectation of subdivision approval the applicant has already undertaken much of the work necessary for completion of the subdivision including identification of sewage disposal covenant areas on the proposed lot and remainder and construction of a sewage treatment plant on the proposed new lot. A water connection to the proposed new lot is not installed, but the Engineering and Environmental Services Department has confirmed the water system has capacity for the connection and can be provided.

Policy Context:

Official Community Plan:

The Area G Official Community Plan has two primary residential designations. The Suburban Residential designation, which applies to the rural and semi-rural parts of Saltair, and the General Residential designation, which applies to the more urban parts of the community – roughly between Clifcoe Road and Davis Lagoon.

The subject property is presently designated as Suburban Residential in the OCP. This designation is intended to ensure such areas remain semi-rural and agricultural over time. Objectives of the Suburban Residential designation are,

- a) *To preserve the rural residential character of Saltair;*
- b) *To ensure that there is adequate designation of land for new housing requirements;*
- c) *To encourage affordable rental and special needs housing in a manner in keeping with the rural residential nature of the community;*
- d) *To protect and encourage home-based businesses that are compatible with the rural setting; and*
- e) *To minimize conflicts between residential development and agriculture.*

Relevant Suburban Residential policies in the OCP include:

Policy 7.2 – The minimum parcel size in the Suburban Residential Designation will not be less than 1 hectare for parcels not connected to a community sewer system, and 0.4 hectares for parcels connected to a community sewer system.

Policy 7.3 – In addition to one single family dwelling, a secondary suite may be permitted on a parcel in the Suburban Residential designation, on parcels of at least 0.4 ha. in area. The strata conversion or subdivision of secondary suites will not be permitted.

Policy 7.7 – The OCP does not support the concept of “density averaging” (the concentration of development opportunity permitted on an entire parcel onto a portion thereof) for lands in the Suburban Residential Designation.

New urban residential development in the Plan area is intended to be focused within the General Residential designation so as to avoid urban expansion into the rural and semi-rural parts of the community. Objectives of the General Residential Designation include:

- a) *To preserving the rural character of Saltair by placing clear limits on urban development;*
- b) *To encourage affordable rental and special needs housing in appropriate areas;*
- c) *To encourage an adequate supply of land for housing requirements; and*
- d) *To protect and encourage home based businesses that are in keeping with the rural residential character of the community.*

General Residential Policies in the OCP applicable to the subject application include:

- Policy 8.2 – The minimum parcel size in the General Residential Designation will be:*
- *1 hectare for lands not connected to a community water system or a community sewer system;*
 - *0.4 hectare for lands connected to a community water system; and*
 - *0.2 hectare for lands connected to a community water system and community sewer system.*

Policy 8.4 – In addition to one single family dwelling, a secondary suite may be permitted in the General Residential Designation, on parcels of at least 0.4 ha in area. The strata conversion or subdivision of secondary suites will not be permitted.

Zoning Bylaw:

Zoning Bylaw No. 2524 was adopted concurrently with OCP Bylaw No. 2500 and implements many of the objectives and policies stated in the OCP.

The Zoning Bylaw zones the subject property R-2 (Suburban Residential 2 Zone), in accordance with the OCP designation. The R-2 zone permits Single Family Dwelling as a permitted use and a Secondary Suite on parcels 0.4 ha. or larger. Other permitted uses in the zone include Restricted Agriculture, Bed and Breakfast, Home Based Business, Residential Day Care and accessory uses.

The R-3 zone requested by the applicant has the same permitted uses as the R-2 zone except Horticulture is permitted instead of Restricted Agriculture. The difference between these two uses is that Horticulture excludes farm animals, poultry and mushroom farming. The primary difference between the R-2 and R-3 zone is that R-3 has a minimum parcel size of 0.4 ha for lots connected to community water but not community sewer. Such lots in the R-2 zone have a minimum parcel size of 1 ha. A comparison of other differences between the two zones is shown on Table 1.

Table 1:

	R-2 (Suburban Residential)*	R-3 (General Residential)*
Front Parcel Line Setback	7.5 m	7.5 m
Interior Side Setback	3.0 m	3m or 10% of parcel width, whichever is less
Exterior Side Setback	4.5 m	4.5 m
Rear Parcel Line Setback	7.5 m	4.5 m
Maximum Building Height	10.0 m	7.5 m
Parcel Coverage	25%	35%

* Principal Residential Use

With respect to subdivisions for relatives, Section 3.22 of the Zoning Bylaw states:

The minimum size for a parcel that may be subdivided under Section 946 of the Local Government Act throughout Electoral Area G – Saltair shall be 25 hectares.

Advisory Planning Commission Comments:

The Area G Advisory Planning Commission reviewed this application on July 15, 2009 where it unanimously passed the following resolution:

That the Advisory Planning Commission recommend approval of the proposed R-3 rezoning, but only for proposed Lot 1.

A copy of the APC meeting minutes are attached to this report. Please note comments regarding a potential trail connection through the property.

Parks Commission and Parks and Trails Division Comments:

Staff from the Parks and Trails Division of the Parks, Recreation and Culture Department referred this application to the Area G Parks Commission on July 15, 2009. Although no written response from the meeting was received in response to the Parks Commission referral, Parks staff has noted that a trail connection through the subject property connecting Stocking Creek Park to Clifcoe Road and the public beach access to the east is desirable. It was also noted that this connection is shown on the Trails Plan (Map 5) of the OCP.

Parks and Trail Division staff have visited the property to assess the feasibility of a trail corridor along the north property boundary with a trail width less than 7 metres. Due to topography and drainage challenges, the parks staff have advised that the minimum trail corridor width should be 5 metres. They have also advised that fencing is not normally provided along public trails, although adjacent property owners may choose to fence the boundary.

The applicant is reluctant to providing a trail corridor on the subject property as he believes it will impact privacy, compromise safety and limit future development on the new lot. In addition, as the applicant has already constructed a sewage disposal system in the north east corner of the property, relocation of part of the disposal field will be necessary if land for the trail is to be dedicated in the preferred location.

The applicant has advised that he is not prepared to dedicate more than a 3 metre wide trail corridor and as a condition of dedication would require the CVRD to fund the relocation of the disposal field as a condition of dedication (through the Area G Parks function). Fencing of the trail corridor was also proposed as a condition of the 3 metre dedication.

On December 21, 2009, the Area G Parks Commission held a special meeting to review the applicant's trail dedication proposal. The minutes from the meeting are attached to this report. In response to the proposal, the Commission passed the following motions:

1. *That the Parkinson's provide a 3 metre wide right-of-way on the northern border of their proposed re-zoned lot;*
2. *That costs to remove the northern arm of the Parkinson's treatment field, as per estimate of \$5,000 by Rivela Contracting of Parksville BC be covered by the CVRD;*
3. *That at the time of the trail construction, a cost-sharing arrangement between the CVRD and the landowner would be discussed for possible needs.*

Referral Agency Comments:

This application was referred to government agencies on June 25, 2009. The following is a list of agencies that were contacted and the comments received.

000104

- Ministry of Transportation and Infrastructure – *Approval recommended. Approval of this rezoning application is not to be construed as approval of the proposed subdivision application.*
- Vancouver Island Health Authority – *Approval recommended. This property's soil profile etc. meet the intent of our Standards to ensure Public Health Protection. Please see attached letter.*
- Ministry of Community Services – *In addition to ensuring adequate consultation with First Nations on this proposed bylaw amendment, and to referring it to all potentially affected agencies, you may wish to consider the commitment your regional district has made by signing Climate Action Charter, specifically in the area of developing compact, complete communities.*
- CVRD Engineering and Environmental Services Department – *Property is within CVRD Saltair Water System. Currently there is no community sewer system in this area. CVRD Engineering and Environment has no objection as the Saltair Water System has capacity to expand.*

Development Services Division Comments:

The subject property is located on the western boundary of the General Residential designation and R-3 zone. Expanding the General Residential Plan designation and R-3 zone could therefore be accomplished without resorting to “spot zoning”. In addition, since there is commercially zoned land on the opposite side of Chemainus Road, the General Residential designation and higher residential density permitted with the R-3 zone may be compatible with future uses on the near-by commercially zoned lands, particularly if community sewer became available in this area.

That said, most of the land on the east side of Chemainus Road is designated Suburban Residential and is zoned R-2. As the Suburban Residential designation and R-3 zoning was not applied to lands along Chemainus Road, it appears the OCP and Zoning Bylaw deliberately discouraged subdivision to lot sizes less than 1 ha. in this area, likely to maintain the rural character of Chemainus Road and to discourage additional driveway accesses. In this regard, it appears the proposed rezoning is not supported by the policies and objectives of the OCP.

The circumstances surrounding this application are, however, somewhat unique. Had the applicant not encountered problems with the Health Authority Approval, or if adoption of the Zoning Bylaw had been delayed, the proposed lot would now exist. Although the OCP and Zoning regulations now discourage the type of subdivision proposed, it is unlikely this proposal itself would compromise the objectives of the Plan. Since the applicant had initiated the subdivision prior to adoption of the OCP and Zoning Bylaw and we are not aware of other property owners in the area with similar circumstances, approval would not necessarily establish a precedent.

The APC, in reviewing this application, noted that rezoning the entire parcel to R-3 could allow the property to be subdivided into more than two parcels. Staff share a similar concern since the property is large enough to permit up to three new lots created without community sewer if the zoning amendment is granted. If community sewer were available, up to seven new parcels would be possible. Limiting the bylaw amendments to just the northern part of the property

where the new lot is proposed would preclude the potential for further subdivision of the remainder without subsequent zoning amendment.

As this application proposes to create one lot, there is no requirement for park land dedication at the time of subdivision. Parks issues can, however, be considered in conjunction with the rezoning of the property and requirements for parks or trails can be conditions of zoning approval should requirements for parks or trails be determined to be in the public interest. Comments from the Parks staff noted earlier in this report and the fact that a trail connection through the property is identified in the OCP highlight the possible trail connection as a central issue associated with this application.

Considerable discussion has taken place regarding the trail, and it appears the three metre wide trail strip is the maximum the applicant is prepared to offer. If the Committee is prepared to see the application move forward on the basis of the Parks Commission recommendation, staff recommend that a draft covenant be prepared to secure the commitment prior to public hearing, so any terms and conditions for the trail dedication are clearly understood by all parties.

Summary:

The OCP does not have policy directly supportive of this application and there are not any obvious planning-based justifications to support the application. However, there does appear to be hardship circumstances surrounding the application that may warrant the application's approval, or at least consideration of the application at a public meeting or public hearing. The situation the owner found himself in as a result of adoption of the new Area G OCP and Zoning Bylaw in 2005 is different than that of other property owners in Saltair in that Mr. Parkinson had seriously pursued subdivision prior to adoption of bylaws and has made a substantial investment in doing so. Staff does not believe the creation of one additional lot in this case will compromise the intent of the OCP, nor will it create a precedent for similar applications in the future.

Irrespective of the land use considerations, the Area G Official Community Plan does identify a future trail connection through the subject property. Provision of a public trail would provide a future public amenity that may help to justify the requested zoning change. Although the requested zoning amendment and 3 metre wide trail dedication is not ideal for the applicant and does not entirely achieve the CVRD's objective for a trail connection through the property, it is a compromise approach that tries to balance the land owners objectives with the policy and planning objectives of the Regional District.

Options:

Option A:

1. That staff be directed to prepare OCP and Zoning amendment bylaws for Application No. 2-G-08RS (Parkinson) that would permit one new lot.
2. That a public hearing be scheduled with Directors Dorey, Marcotte and Iannidinaro appointed as Board delegates, following submission of draft covenant by the applicants committing to dedication of a 3 metre wide trail corridor along the north property boundary at time of subdivision.

3. That application referrals to the Ministry of Transportation and Infrastructure, the Vancouver Island Health Authority, the Ministry of Community Services, and the CVRD's Parks, Recreation and Culture Department and Engineering and Environmental Services Department be accepted.

Option B:

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

Option C:

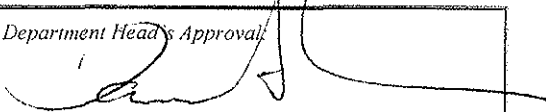
That Zoning Amendment Application No. 2-G-08RS (Parkinson) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

Option A is recommended.

Submitted by,



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

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

RC/ca
Attachments

with

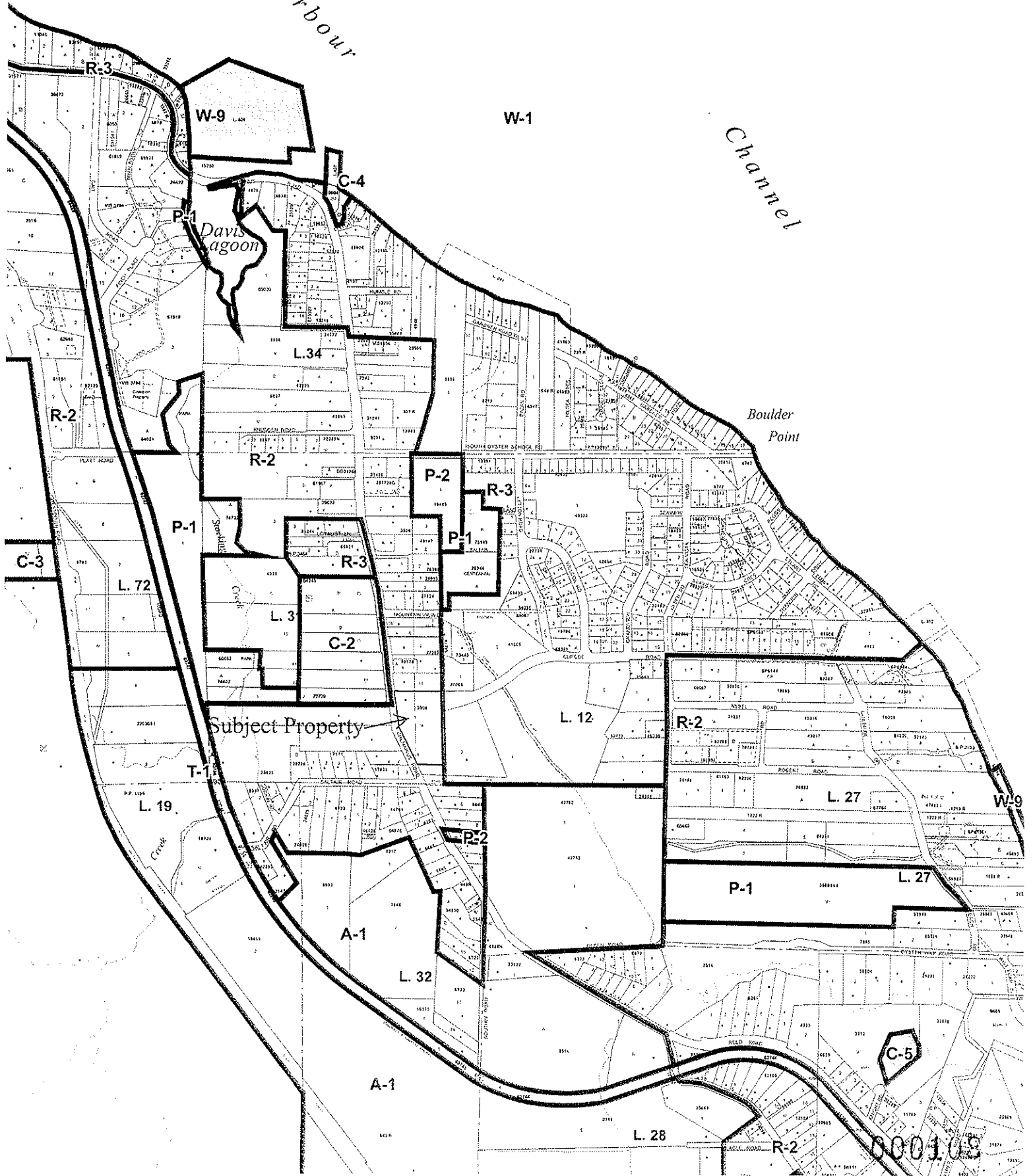
Harbour

Channel

Boulder Point

Davis
agoon

Subject Property





**Cowichan
Valley
Regional
District**

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

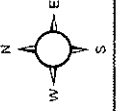
The Regional District does not warrant the accuracy.

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

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

FILE: 2-G-08-RS

**Orthophoto
(2002)**



000109



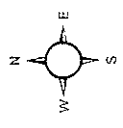
This map is compiled from various sources for internal use and is designed for reference purposes only. The Regional District does not warrant the accuracy.

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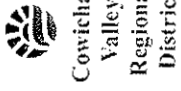
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FILE: 2-G-08-RS

OCP



000110



This map is compiled from various sources for internal use and is designed for reference purposes only. The Regional District does not warrant the accuracy.

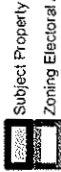
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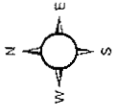
FILE: 2-G-08-RS

ZONING

Legend



Subject Property
Zoning Electoral Area G



000111



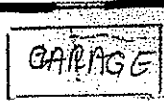
CHEMMAINUS

11

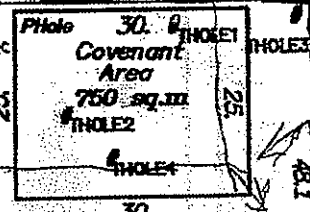
REM. 1

PLAN 3508

PLAN 27065



111.3



PROPOSED

LOT 1

0.52 ha

HOUSE

at 10m
CLIFCOE ROAD

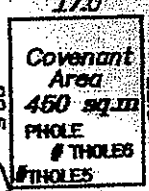
106.3

PLAN

REMAINDER A
(DD 82676N)
AREA = 1.20 ha.

3

PLAN 41665



17.0

Covenant Area
450 sq.m
3 HOLES

garage shop

aviary



dwelling

septic tank



existing disposal field (approx)

1.5

64.3

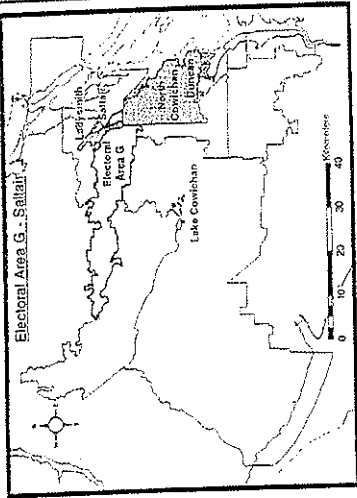
000112

existing road centre line

existing road centre line

ROAD

MAP 5A TRAILS NORTH SALTAIR



Saltair Official Community Plan

- Potential Future Plant Area
- Beach Access (Undeveloped)
- Development Beach Access
- Streams
- Trail / Cycling Route
- Favourite Road Routes
- Trails
- Suggested Future Trail
- Future Cowlitz Valley Trail Route
- Parks

The Beach Walk is not accessible at high tide.

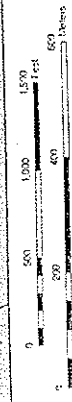
Stocking Creek Park

Doris Lagoon

Stocking Creek Park

Town of Ladysmith

Trans-Canada Highway



Possible Trail Connection



Minutes of the Electoral Area G (Saltair)
Advisory Planning Commission
July 15, 2009

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

Also in attendance: Mr. and Mrs. Keith Parkinson (applicants) and other
members and friends of the Parkinson family

The purpose of the meeting was to review Rezoning Application No. 2-G-08RS (Parkinson)

The Meeting was called to order at 8:00 p.m. by Chairman Ted Brown.

Keith Parkinson provided the Commission with background information with respect to the application, including the following points:

- The purpose of the application is to allow the subdivision of one parcel from the parent property so the applicant's son may build a house on it.
- The original subdivision request was made under the old Saltair OCP at which time both the OCP and Provincial subdivision regulations would have allowed the subdivision without the need for a rezoning of the property.
- Due to the length of time it took to secure an approved septic treatment system for the property not only had the old OCP been replaced with the current plan but the Provincial subdivision rules had changed, thus requiring a rezoning of the property.
- The Parkinson's were strongly opposed to any walkway being required through their property connecting Clifcoe Road with the Chemainus Road. Such a walkway was not possible along the north boundary of their property given the location of the septic treatment facility and a walkway between the two proposed parcels would result in an unwanted disruption between the parent's and son's homes.
- The Parkinson's also noted that, apart from creating the new lot, they had no desire to further subdivide the balance of the property.

Following questioning of the applicants and discussion, the following motion was made:

000114

That the Advisory Planning Commission recommend approval of the proposed R-3 rezoning, but only for the proposed Lot 1.

Carried Unanimously

In discussing this motion the members of the APC were of the view that the rezoning should be restricted to the proposed Lot 1 and that any broader based rezoning should only occur through a more comprehensive review of the OCP. It was recognized that this proposal could be construed as a "spot rezoning" but, given the history of the application, there was a strong consensus the rezoning should be approved in order that the additional lot could be created.

There was also considerable discussion about whether or not a walkway linking Clifcoe Road and Chemainus Road should also be required at this time. While such a walkway would provide a direct link to the Stocking Creek Park entrance at Thicke Road as well as a convenient pedestrian link from lands to the east to the commercial area on Chemainus Road it was felt that such a requirement would be overly onerous given that only one lot was being requested. However, there was discussion about protecting the opportunity to establishing such a walkway should the balance of the property be developed at some point in the future. This could be accomplished by modifying the boundaries of the proposed Lot 1 and the rezoning boundary so as to leave a small triangular piece of land in the southeast corner of the proposed Lot 1 as part of the parent parcel. The idea of placing a covenant on the parent parcel protecting this option was also discussed. It was emphasized, however, that the walkway requirement would only come into effect should the landowners choose to further develop their property.

Ted Brown
Chairman
Saltair Advisory Planning Commission



October 2, 2007

File # 01.002.26494

Cal Fradin, District Development Technician
Ministry of Transportation
3rd Floor – 2100 Labieux Road
Nanaimo, BC V9T 6E9

Dear Mr. Fradin,

**RE: Proposed subdivision for Lot A, Plan 3508, DL 12 & 31, Oyster District,
Chemainus Road, PID 006-198-945**

I have inspected this proposal to witness the soil profile and area meeting our Standard requirements. I recommend your approval and request the appropriate covenant review prior to your final approval.

If you have any questions, I can be reached at (250) 248-2044. See attached inspection plan.

Yours truly,

Glenn Gibson, CPHI(C), REHO
Land Development
Environmental Health Officer

GJG: gm

Cc: Keith Parkinson
W.R. Hutchinson, BCLS

000116

Health Protection and Environmental Services

Parksville (250) 248-2044 Fax: (250) 248-8624 Port Alberni (250) 724-1281 Fax: (250) 724-4376
Nanaimo (250) 755-6215 Fax: (250) 755-3372 Courtenay (250) 334-5450 Fax: (250) 334-5466

Our Vision: Healthy People, Healthy Island Communities, Seamless Service

ATHE HEALTH OFFICERS

5700 947 007

VIR 00:1ST 6002/ST/10

MINUTES OF ELECTORAL AREA G (Saltair/Gulf Islands)
"SPECIAL" PARKS COMMISSION MEETING

DATE: December 21st, 2009

TIME: 7:00 PM

MINUTES of the Electoral Area G Parks Commission unscheduled "Special" meeting held on the above noted date and time at the Water Board Building, Saltair, BC. Called to order by Chair at 7:03 pm.

PRESENT:

Chairperson: Harry Brunt

Members: Jackie Rieck, Tim Godau, Paul Bottomley, Glen Hammond, Kelly Schellenberg

ABSENT:

Members: Norm Flinton and Dave Key

ALSO PRESENT:

Director: Mel Dorey

Guests: Eugene Parkinson, Glenda Parkinson, Keith Parkinson, Victoria Dubois, and Gerry Milligan

NEW BUSINESS

Reviewed "Parkinson Trail" E-Mail, dated December 15th, 2009 sent to Commission Members by Mel Dorey. Keith Parkinson noted and clarified discrepancies regarding contents of the December 15th email.

To meet OCP requirements of a trail allowance through their property, the Parkinson's propose the following conditions:

1. They would provide a 3 metre wide strip of land for a trail, not the 5 metre strip requested by the CVRD
2. CVRD to cover costs of approximately \$5,000 (estimate provided by Rivela Contracting of Parksville BC) to move northern arm of their treatment field.
3. CVRD to cover costs of chain link fencing along the length of the trail.

The Parkinson family thanked Commission members for their careful consideration of this re-zoning matter and urged them to make necessary recommendations to the CVRD.

Guests departed meeting at 8:05 pm

A discussion regarding Parkinson's Three Proposal's resulted in:

1ST MOTION:

It was moved and seconded that Parkinson's provide a 3 metre wide right-of-way on the northern border of their proposed re-zoned lot.

MOTION CARRIED

2ND MOTION:

It was moved and seconded that costs to remove the northern arm of the Parkinson's treatment field, as per estimate of \$5,000 by Rivela Contracting of Parksville BC be covered by the CVRD.

MOTION CARRIED

Parkinson's request for a chain link fence was not recommended.

3RD MOTION:

It was moved and seconded that at the time of the trail construction, a cost-sharing arrangement between the CVRD and the Landowner would be discussed for possible fencing needs.

MOTION CARRIED

ADJOURNMENT:

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



D6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF JANUARY 19, 2010

DATE: January 11, 2010 **FILE NO:** 3-D-08RS
FROM: Rob Conway, Manager **BYLAW NO:** 925 and 1015
SUBJECT: Rezoning Application No. 3-D-08RS (Parhar)

Recommendation:

Direction from the Committee is requested.

Purpose:

1. To review minutes and correspondence from the public meeting held on October 29, 2009 regarding a proposed amendment to the Area 'D' Official Settlement Plan and Zoning Bylaw to allow the subject property to be developed for a mixed commercial and light industrial business park;
2. To consider proposed bylaw amendments for application 3-D-08RS.

Financial Implications: N/A

Interdepartmental / Agency Implications: N/A

Background:

An application to amend the Area 'D' Official Settlement Plan and Zoning Bylaw to permit the development of mixed commercial and light industrial business park at the location of the former Koksilah Nursery at 5301 Chaster Road was reviewed by the Electoral Area Services Committee at the August 4, 2009 meeting. A copy of the August 4, 2009 staff report is attached for the Committee's information. The Committee passed the following resolution, which was subsequently endorsed by the Regional Board on August 12, 2009:

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

- a) permit a range of smaller scale light industrial and commercial uses;*
- b) that would reduce the permitted parcel coverage from 50%;*
- c) that would establish setbacks as currently proposed by the applicant;*
- d) that would include the entire subject property in a new DPA with new guidelines; and further that*
- e) the draft guidelines be reviewed by the Electoral Area Services Committee at a subsequent meeting where detailed conditions for approval of the bylaws will also be provided;*

000120

- f) the comments and recommendations of the Ministry of Transportation and Infrastructure and the CVRD Parks and Trails Division will be reviewed at the above-mentioned meeting; and*
- g) that a public meeting be held with regard to the proposed application.*

The purpose of this report is to advise the committee how the application has progressed since the direction given at the August 4 EASC meeting and to give the Committee an opportunity to review the draft amendment bylaws and development permit guidelines, as directed.

Public Meeting:

A public meeting for the application was held on October 29, 2009 at the Old Koksilah School. Approximately 12 members of the public attended. The minutes of the public meeting along with a submission provided by the agent for the applicant is attached to this report for the Committee's information and consideration.

Draft Bylaws:

Two draft bylaws are attached to this report for the Committee's information and review.

Bylaw 3324 proposes to amend the Cowichan Bay Official Settlement Plan (Bylaw 925) to establish policies for the Business Park Commercial use. The proposed amendment does not re-designate the subject property from its current Commercial designation, but it does include policies as to where Business Park Commercial zoning will be permitted. The amendment bylaw also establishes a new Business Park Commercial Development Permit Area. The Committee should review the proposed design guidelines on pages 3-5 of the bylaw, as they will be the basis for evaluating future development permit applications for the subject property.

Bylaw 3325 proposes to amend the Area D Zoning Bylaw by rezoning the subject property from C-2A (Local Commercial) to a new C-7 (Business Park Commercial) zone. The draft C-7 zone includes light industrial and commercial uses that are generally considered by staff to be compatible. Uses excluded from the zone include more intensive industrial uses that are likely to generate nuisance and uses that tend to require a lot of outdoor storage space. Other notable features of the C-7 Zone are:

- Lot coverage is reduced from 50% to 45%;
- A minimum setback of 9 metres (29.5') is required from adjacent residential or agriculturally zoned land;
- The amount of outdoor storage is limited 10% of the total non-residential gross floor area;
- uses must take place within a building;
- A parking requirement of one space per 48 square metres of gross floor area is established.

The proposed zoning amendment also removes the C-2A zone from the Zoning Bylaw, as there are no other properties in Area D to which the zone applies.

Recommendations from MOTI and Parks and Trail Division:

The Ministry of Transportation and Infrastructure (MOTI) responded to the application referral by stating a Traffic Impact Study would be required before the Ministry could comment. A Traffic Impact Assessment report was subsequently prepared for the proposed development by the Boulevard Transportation Group and was submitted to the Ministry. The report recommends

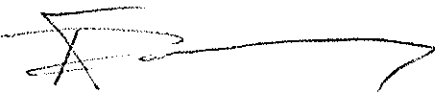
a number of road and intersection improvements. The Ministry has advised, through the applicant, that access permits will not be issued until rezoning is approved and any required improvements will be conditions of the access permit. The Ministry will therefore be addressing road and intersection upgrade requirements through the access permit process. In addition, since MOTI approval is required to approve the proposed zoning amendment bylaw before it can be adopted by the Board, and it will also be required prior to issuance of a development permit, MOTI will have further opportunity to address on and off-site improvement requirements.

The Area D Parks Commission reviewed the subject application and recommended that an off-road trail corridor be constructed along the Chaster Road frontage. The trail is intended to improve pedestrian safety, particularly for school children that walk along Chaster Road from the Cowichan Tribes housing on Boys Road to the Koksilah School/Trans Canada highway overpass. The CVRD Parks and Trails Division has requested a 7 metre wide dedication along the Chaster Road frontage that would be dedicated to the CVRD. Although the applicant has agreed to provide a trail along the property frontage, details associated with the trail width, landscaping and other matters have not been fully resolved. Planning staff believe further work on the trail issue is necessary, and recommend that a public hearing for the proposed amendment bylaws not be scheduled until there is agreement between the Parks and Trails Division and the applicant. If the Committee decides to recommend first and second reading of the amendment bylaws, Planning staff will not schedule the public hearing in the absence of an agreement on the trail, unless directed to do so by the Committee.

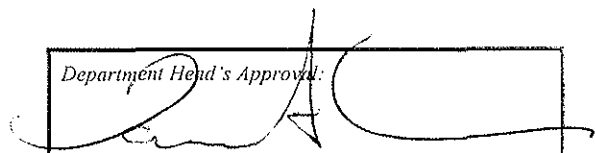
Options:

1. That the amendment bylaws for application 3-D-08RS (Parhar) be given first and second reading and that Directors Iannidinardo, Duncan and Giles be named as delegates to the public hearing; AND FURTHER that the application referrals to the Ministry of Transportation and Infrastructure, Ministry of Community and Rural Development, Agricultural Land Commission, Duncan Volunteer Fire Department, City of Duncan and Cowichan Tribes be accepted.
2. That draft bylaws for application 3-D-08RS be amended as directed by the Electoral Area Services Committee for review at a future meeting.
3. That application 3-D-08RS (Parhar) be denied and that the appropriate refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

Submitted by,



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

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

RB/jah

Attachments



C·V·R·D

FILE COPY

PUBLIC MEETING MINUTES Rezoning Application No 3-D-08RS (Parhar Holdings) Electoral Area D – Cowichan Bay

Following is a summary of the proceedings of the Public Meeting for Rezoning Application No. 3-D-08RS (Parhar Holdings), applicable to Electoral Area D – Cowichan Bay, held on Thursday, October 29, 2009, in the Old Koksilah School, 5213 Koksilah Frontage Road, Duncan, BC at 7:02pm:

CHAIRPERSON Director L. Iannidinardo, Electoral Area D – Cowichan Bay, Chairperson

CVRD STAFF PRESENT Mr. R. Conway, Manager, Planning & Development Department
Ms. J. Hughes, Recording Secretary, Planning & Development Department

Members of the Public:
There were 12 members of the public present.

CALL TO ORDER Director L. Iannidinardo, Chaired the Public Meeting and called the meeting to order and introduced the CVRD Staff present. Director Iannidinardo further introduced Rachelle Moreau from the CVRD who has taken over a new position in the Engineering and Environment Department but noted she was the Planning Technician, Planning and Development Department, who worked on the subject Rezoning Application.

CORRESPONDENCE The following information was received:
1) Submission from Russ McArthur, Agent for Parhar Holdings (EXHIBIT 1).

Rob Conway

- The Public Meeting was being held as a step in the rezoning process to have the applicants explain their plans of development for the subject property;
- Applicants have applied to change the existing zoning on the subject property which is located at the old Koksilah Nursery site;
- Property is presently zoned C-2A (Local Commercial) and the applicants would like to add some light industrial uses to the existing Commercial Zoning;
- New Zone has not yet been defined or prepared and the purpose of the Public Meeting was to allow the public the opportunity to review and comment on the proposal;
- After the Public Meeting the minutes will be prepared and forwarded onto the Electoral Area Services Committee (EASC) for review. If approved by the EASC the application will go before the Regional Board for approval to prepare Bylaws or not.

APPLICANT, Parhar Holdings Russ McArthur, Agent for Parhar Holdings, and Balbir Parhar, Owner, were present. Mr. McArthur stated the following with regard to the proposed

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Rezoning Application:

- Applied for rezoning over a year ago;
- Property has been zoned Commercial for over 20 years and there has been limited success with that Commercial zoning;
- Adding industrial uses to the existing zoning will expand the potential for persons purchasing on the site and it adds more flexibility and options for development to occur as it would offer a wider range of commercial and industrial uses on the subject property;
- Read the permitted uses within the existing C-2A (Local Commercial) Zone;
- Would like to see a possible cabinet making shop, food preparation facility and other light industrial uses permitted on site;
- Site has good access to it via the traffic light and advised that they have carried out a traffic study for potential access improvements;
- Site is located close to Duncan, it is serviced by CVRD sewer and water is provided by the City of Duncan;
- Stormwater on the property has to be discharged into the ground and they have hired engineers to determine how much area will be required for stormwater discharge;
- They displayed conceptual drawings that showed 50 percent site coverage;
- They have met twice with the local Area D Advisory Planning Commission (APC) and as a result of those two meetings they have now scaled back their buildings with regard to setbacks;
- It is in their best interests to have a nice development created to attract people into the area;
- Whole strip along there is already zoned commercial and industrial and they feel their proposal would be considered as infilling as they are trying to expand on what is already within the immediate area.

**Director
Iannidinardo**

- Since meeting with the APC has there been a walking trail corridor accepted by the Parks Department?

Russ McArthur

- Unaware of that issue at this time.

Rachelle Moreau

- Walking trail was reviewed by the Area D Parks Commission after the application went before the EASC.

**Director
Iannidinardo**

- Cowichan Tribes had questions about the proposed development and it was determined that a walking trail around the development should be reviewed by parks;
- Off road walking trails connects trails and communities as was recently constructed along Wilmot Road;
- Off road walking trails are usually located adjacent to existing roads as their purpose is to make the trail safer for pedestrians.

Rob Armour

- Will there be more street lighting installed along Chaster Road to improve sight during the night time hours as there are four existing poles located in front of the property that could be used?

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- Rob Conway**
- Road right-of-ways are owned by the Ministry of Transportation & Infrastructure (MoTI) and to install more lighting along a right-of-way would require MoTI's approval and that issue could be brought to the Ministry's attention;
 - There will be some added lighting at the entrance to the site.
- Director Iannidinardo**
- Street lighting is paid by the Electoral Area.
- Rob Armour**
- Thiek and Chaster Roads used to be very dark and people used to hang out in those areas. He was advised to contact Joanne Bath in the CVRD's Engineering Department about a potential streetlight and advised that she was very helpful in getting a streetlight installed in that area for safety purposes and asked if that could also occur along Chaster Road.
- Russ McArthur**
- He has spoken with MoTI about their application but noted that they are not willing to review it until further into the application stage.
- Rob Armour**
- He has owned the property at the corner for 45 years and what could have been a very viable area at one time he has seen go downhill;
 - This development could change the entire strip down to the Farm Market.
- Russ McArthur**
- They do not want to be an absentee landlord and they will have a caretaker living on site.
- Rob Conway**
- Commercial uses are presently permitted within the zoning and what the CVRD is trying to do is to find the right balance with also having some industrial zoning located on site;
 - The CVRD would like to know what type of industrial uses the public would like to see on the site.
- Rob Armour**
- He does not want to see outside storage on site and that he would like to see some light industrial uses on site.
- Russ McArthur**
- Storm water infiltration will be located on site and they have hired a Geotechnical Engineer to review the soils on site.
- Director Iannidinardo**
- There are different types of lighting that could be used and asked what types of lighting have they reviewed?
- Russ McArthur**
- They want to conserve energy within the proposed development and noted that it is possible the lighting systems could have timers on them;
 - They have hired an Architect who will undertake the building design and address the lighting issues.
- Director Iannidinardo**
- What is the landscaping plan for the site?

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Russ McArthur ➤ They have spoken with a local landscaper, have planned for landscaping in the front and sides but no landscaping behind the property.

Rob Conway ➤ If the rezoning application is successful the applicant will also have to go through a full development permit application review process where the more detailed design work happens.

Director Iannidinardo ➤ How will water leave the site?

Russ McArthur ➤ All water will go down into the ground and it will be contained on site.

Director Iannidinardo ➤ Will there be a catchment for pollution or runoffs?

Russ McArthur ➤ Their Engineer has designed catchment and separator areas on site to ensure there are no oils leaking into the groundwater.

Director Iannidinardo ➤ What is the proposed style of the building that faces the residential area?

Russ McArthur ➤ They will dress the building up and that issue would be dealt with during the development permit stage of the application.

Director Iannidinardo ➤ Staff Report will go back to the EASC reporting on the Public Meeting and if approved by the EASC the application will go before the Regional Board to direct Staff to prepare Amendment Bylaws which have to receive 1st and 2nd Readings and then the application would move to the official Public Hearing stage.

Rob Conway ➤ Reminded the public that Comment Sheets were located on the side table.

ADJOURNMENT Director Iannidinardo asked for public comments or questions from the public present regarding the Rezoning Application No. 3-D-07RS (Parhar Holdings).

Director Iannidinardo thanked the public for attending the Public Meeting and declared the Public Meeting closed at 7:25 pm.

EXHIBIT 1

Chaster Road-Public Meeting

Chaster Road---Public Meeting

October 29, 2009

Intoduction

Rezoning Proposal

Existing Zone -List of permitted uses

Commercial Zone with limited commercial interest over the last 20 years. Currently there is more interest in light industrial use than for commercial in this area

New Zone-Expands the existing list and Removes some items currently permitted.

Good Location-Highway Frontage Road-No direct access

Infill site with commercial/light industrial all around except for the northerly side boundary.

Site services-Water
-Sewer

Stormwater-discharged on site

Engineering-Civil
-Geotechnical

Plans are conceptual only

Original Building Plans based on reduced setbacks.
Design of building faces other than the ones facing the street will be scaled back with greater setbacks.

TRAFFIC STUDY



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3324

A Bylaw For The Purpose Of Amending Official Settlement Plan Bylaw No. 925, Applicable To Electoral Area D – Cowichan Bay

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

AND WHEREAS the Regional District has adopted an official settlement plan bylaw for Electoral Area D – Cowichan Bay, that being Official Settlement Plan Bylaw No. 925;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Official Settlement Plan Bylaw No. 925;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3324 - Area D – Cowichan Bay Official Settlement Plan Amendment Bylaw (Parhar), 2010**".

2. **AMENDMENTS**

Cowichan Valley Regional District Official Settlement Plan Bylaw No. 925, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. **CAPITAL EXPENDITURE PROGRAM**

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

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READ A FIRST TIME this _____ day of _____, 2010.

READ A SECOND TIME this _____ day of _____, 2010.

READ A THIRD TIME this _____ day of _____, 2010.

ADOPTED this _____ day of _____, 2010.

Chairperson

Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No 3324.

Schedule A to Official Settlement Plan Bylaw No. 3324, is hereby amended as follows:

1. That Policies 8.12 to 8.14 under the TOURIST-RECREATION COMMERCIAL heading be re-numbered as Policies 8.15 to 8.17.
2. That Policies 8.15 to 8.18 under the NEIGHBOURHOOD PUB COMMERCIAL heading be re-numbered Policies 8.18 to 8.21.
3. That the following be added to Section 8, Commercial – General Policies, after Policy 8.13:

Policy 8.14

The Board may consider rezoning land for “Business Park” development in those areas designated Commercial in this Plan without a Plan Amendment, provided the proposed use is consistent with the Business Park Commercial Policies specified in this Plan.

3. That the following heading be added after Policy 8.21:

c) BUSINESS PARK COMMERCIAL

4. That the following policies be added under the BUSINESS PARK COMMERCIAL heading:

Policy 8.22

The Board may consider designating lands for Business Park Commercial uses subject to appropriate environmental analysis, traffic impact and site servicing requirements. Sites considered suitable for Business Park Commercial use shall comply with the following criteria:

- a) The site must be located between the north end of the Koksilah Frontage Road and the Chaster Road/Trans Canada Highway intersection;
- b) The site must have a minimum area of 2.5 hectares;
- c) The site must be outside of the Agricultural Land Reserve.

Policy 8.23

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The Business Park Commercial designation is intended to accommodate low intensity light industrial uses and service oriented commercial uses. It is also intended to promote economic development by providing a location for commercial and light industrial businesses. Uses considered suitable for the designation include research and development, business and medical office, personal service establishment, manufacturing contained within a building, food processing and warehousing.

Policy 8.24

Business Park Commercial sites shall be designed and developed to comply with the following objectives:

- a) minimize impacts on adjacent residential and agricultural uses
- b) provide a safe, comfortable and attractive environment for employees, customers and others;
- c) achieve a consistent and unified theme for site, building, landscape and signage design;
- d) Utilize sustainable development practices such as on-site storm water management, energy efficient building design and water consumption reduction measures.

Policy 8.25

Lands designated Business Park Commercial shall be designed and constructed so as to allow uses and occupants to change over time.

Policy 8.26

All lands designated Business Park Commercial shall be included within a development permit area.

Policy 8.27

Accessory residential use may be permitted above a permitted principal use to improve on-site security, promote economic development and to encourage housing affordability. Residential density shall not exceed 5 units per hectare.

Policy 8.28

Accessory residential dwellings shall not be subdivided as individual strata units, unless attached to a permitted principal use.

5. That the TABLE OF CONTENTS be amended by adding "Business Park Commercial" after Part Four, 8. b).
6. That the following development permit area be added after Section 13.7.

13.8 Business Park Commercial Development Permit Area

13.8.1 CATEGORY

This development permit area is designated pursuant to Sections 919.1 (a) and (e) of the *Local Government Act* for the protection of the natural environment and establishment of objectives for the form and character of commercial and industrial development.

13.8.2 JUSTIFICATION

Lands within the Business Park Commercial Development Permit Area are within the Cowichan River – Koksilah flood plain. Commercial and industrial activity on the lands could potentially impact ground and surface water quality. The lands are also adjacent to non industrial/commercial uses and are at a prominent location at the south entrance to Duncan. Thoughtful site planning and building and landscape design are necessary reduce potential impacts on the environment, to encourage compatibility between commercial and industrial uses and to achieve a high quality, attractive form of development.

13.8.3 APPLICATION

Lands within the Business Park Commercial Development Permit Area are identified on Figure 7.

13.8.4 EXEMPTIONS

A development permit shall not be required for the following:

- interior renovations;
- repair to an existing structure that was previously authorized by development permit;
- the subdivision of land;
- changes to the text or message of a sign previously authorized by development permit.

13.8.5 GUIDELINES

Unless specifically exempted under Section 13.8.4 of this Bylaw, within the Business Park Commercial Development Permit Area, no person shall:

- alter land, including the removal of trees or vegetation and the remove, deposit or excavate soil;
- utilize the land for a commercial or industrial purpose;
- construct a building or structure or undertake site works;

prior to the owner of land obtaining a development permit that is deemed by the Regional District to be in substantial compliance with the following guidelines.

Site Design:

- 1.1 Exterior storage areas will be contained and screened from public view with a combination of landscaping and fencing;
- 1.2 Internal roadways will be designed to accommodate heavy truck and

- emergency vehicles.
- 1.3 Parking areas will be designed to encourage safe pedestrian travel between parking lots and building entrances;
 - 1.4 Exterior lighting shall be designed with the objective of providing security for persons and property while also minimizing glare and light trespass on adjacent properties;
 - 1.5 Refuse and recycling shall be screened and contained within a fenced and gated compound;

Building Design:

- 2.1 Buildings facing public roadways will be articulated so as to create visual interest and an attractive building façade facing the street;
- 2.2 Roof lines and exterior walls exceeding 15 metres in length will be articulated with architectural treatment;
- 2.3 Building shall be designed with a consistent architectural theme;
- 2.4 Low maintenance, durable finishes such as coloured split-faced concrete block, cement composite siding or metal cladding is encouraged;
- 2.5 Smooth concrete block and vinyl siding will not be permitted as exterior finishes;
- 2.6 Building materials indigenous to the west coast are to be incorporated into the building design;
- 2.7 Roof top equipment shall be screened from public view;

Landscaping and Buffers:

- 3.1 A public pathway shall be constructed across the primary public road frontage. Where approved by the Ministry of Transportation and Infrastructure, the pathway may be located within the road allowance. Where the trail is not authorized in the road allowance it shall be provided on the subject property;
- 3.2 A fenced, landscaped buffer shall be provided along all residential and Agricultural Land Reserve boundaries. The buffer shall be designed and constructed to the “Level 2D” standard specified in the *Guide to Edge Planning*¹;
- 3.3 No parking, outdoor storage or other intrusion into required landscaped buffers shall be permitted. Required buffers may protected by covenants, fencing, or a combination thereof;
- 3.3 Street trees shall be provided along public road ways and within parking areas;
- 3.4 Native and drought tolerant plant species shall be utilized;

¹ Ministry of Environment and Lands, June, 2009.

- 3.5 All landscaped areas shall be irrigated;
- 3.6 All landscaping shall be designed and supervised by a member of the BC Society of Landscape Architects or BC Nursery Trades Association.

Environmental Protection:

- 4.1 A storm water management plan that achieves zero discharge from the subject property will be required, utilizing detention and infiltration methods. Preliminary design for the entire site will be required at the development permit stage, with detailed design required prior to issuance of building permit;
- 4.2 Storm drainage works will be designed to include water quality protection measures such as oil-water separators. Uses that could potentially threaten ground water or surface water will require additional spill containment measures;
- 4.3 Energy efficient building design, including all exterior lighting, shall be designed and constructed to reduce energy consumption;
- 4.4 Low water consumption fixtures and appliances shall be incorporated into the building design;

Signage:

- 5.1 Free standing signage shall be consolidated into a single, multi-tenant sign. The sign should be low and not exceed 5 metres in height.
- 5.2 No signs, other than the multi-tenant sign, may directly face the public road way.
- 5.3 Facia or canopy signs are permitted over the main public entrance to individual businesses, provided they are designed to complement building architecture. Signage attached to the building shall only be placed on locations designated in the approved development permit.
- 5.4 All exterior signage must be consistent throughout the development.

13.8.6 VARIANCES

Where a proposed development plan adheres to the guidelines of this Development Permit Area, the Regional Board may give favourable consideration to variances to zoning, sign, and parking bylaws, where such variances are deemed by the Regional Board enhance the aesthetics of the site or otherwise achieve compliance with the applicable guidelines.

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13.8.7 APPLICATION REQUIREMENTS

Before the CVRD Board considers authorization of a development permit for land within the Business Park Commercial Development Permit Area, the applicant for a development permit shall submit a development permit application, which at a minimum, shall include:

- a) A written description of the proposed project, including a design rationale;
 - b) A current certificate of title and copies of all easements, statutory rights of way, covenants and other relevant charges;
 - c) Three sets of conceptual design drawings, including a site plan, floor plans, building elevations prepared by a professional engineer or designer;
 - d) Development data, including site area, site coverage, gross floor area, number of units and parking calculations;
 - e) A conceptual landscape plan, showing all proposed hard and soft landscaping and the location, quantity, size and species of proposed plantings;
 - f) A storm management plan prepared by a professional engineer;
 - g) Conceptual servicing information.
7. That Section 13.1 – Highway Development Permit Area and Section 13.6 - Commercial/Light Industrial Development Permit Area be amended to remove Lot A, Section 13, Range 7, Quamichan District, Plan VIP84748.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3325

A Bylaw For The Purpose Of Amending Zoning Bylaw No. 1015 Applicable To Electoral Area D – Cowichan Bay

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

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area D – Cowichan Bay, that being Zoning Bylaw No. 1015;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 1015;

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

1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3325 - Area D – Cowichan Bay Zoning Amendment Bylaw (Parhar), 2010**".

2. AMENDMENTS

Cowichan Valley Regional District Zoning Bylaw No. 1015, as amended from time to time, is hereby amended in the following manner:

- a) Section 6.1 is amended by deleting "C-2(A) Local Commercial" and by adding "C-7 Business Park Commercial" following "C-6 Country Village Commercial".
- b) Section 9.2.1 C-2A ZONE- LOCAL COMMERCIAL is deleted.
- c) The following is added after Section 9.6:

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9.7 C-7 ZONE - BUSINESS PARK COMMERCIAL

(a) Permitted Uses

The following principal uses and no others are permitted in the C-2A Zone:

- (1) Auction sales, excluding livestock auction;
- (2) Automotive repair and painting;
- (3) Automobile part sales, excluding auto wrecking;
- (4) Boat building and repair;
- (5) Building component manufacturing;
- (6) Building supply sales;
- (7) Convenience store;
- (8) Dry cleaning;
- (9) Eating and drinking establishment, excluding bars, public houses and drive-thru restaurants;
- (10) Equipment repair, sales, storage and rental;
- (11) Financial institution;
- (12) Food processing, storage and packaging, excluding fish processing and slaughterhouse;
- (13) Garden supply sales;
- (14) Industrial processing, manufacturing, repair, packaging and storage;
- (15) Laboratory;
- (16) Laundromat;
- (17) Medical and dental clinic;
- (18) Office, including medical office;
- (19) Publishing;
- (20) Personal services establishment;
- (21) Retail store;
- (22) Recreational vehicle repair
- (23) Sale of feed, seed and agricultural supplies;
- (24) Veterinary clinic;
- (25) Warehousing, mini-warehousing, wholesaling, freight storage and distribution;
- (26) Single family residential dwelling accessory to a principal use permitted use listed in subsections (1) through (25) above.

(b) Conditions of Use

For any parcel in the C-7 Zone:

- (1) the parcel coverage shall not exceed 45% for all buildings and structures
- (2) the height of all buildings and structures shall not exceed 10 metres;

(3) the minimum setbacks for the type of parcel lines in Column I of this section are specified in Column II:

COLUMN I Type of Parcel Line	COLUMN II Building and Structures
Front	7.5 metres
Side (Interior)	0 metres
Side (Exterior)	7.5 metres
Rear	6.0 metres
Any parcel line adjacent to a Residential or Agricultural Zone	9.0 metres

- 4) Outdoor storage area shall not exceed 10% of the total gross non-residential floor area;
- 5) All permitted uses must take place within a building;
- 6) Accessory residential dwellings shall not exceed a density of 5 units per hectare and shall have a maximum permitted gross floor area of 100 m²;
- 7) Notwithstanding CVRD Off-Street Parking Bylaw No. 1001, or other CVRD Bylaws that specifying required parking spaces, the minimum number of off-street parking spaces in the C-7 zone shall be 1 space per 48 m² of gross floor area.

d) Section 13.1 is amended by deleting “C-2(A) Local Commercial” and by adding the following after “C-5 Neighbourhood Pub Commercial”:

Zone Classification Under Zoning Bylaw	Parcel Serviced by Community Water and Sewer	Parcel Serviced by Community Water System Only	Parcels Neither Serviced by Community Water or Sewer
C-7 Business Park Commercial	0.2 ha.	0.4 ha.	0.8 ha.

- e) Schedule B (Zoning Map) to Electoral Area D – Cowichan Bay Zoning Bylaw No. 1015 is amend by rezoning Lot A, Section 13, Range 7, Quamichan District, Plan VIP84748, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3325, from C-2A (Local Commercial) to C-7 (Business Park Commercial)
- f) Schedule B (Zoning Map) is amended by deleting Local Commercial (C-2(A)) and adding Business Park Commercial (C-7) to the legend.

3. **FORCE AND EFFECT**

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

READ A FIRST TIME this _____ day of _____, 2010.

READ A SECOND TIME this _____ day of _____, 2010.

READ A THIRD TIME this _____ day of _____, 2010.

ADOPTED this _____ day of _____, 2010.

Chairperson

Secretary



STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF AUGUST 4, 2009

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

Recommendation:

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

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

And further that

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

Purpose:

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

Background:

Location of Subject Property: 5301 Chaster Road

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

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

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Owner: 626875 B.C. Ltd.

Applicant: Parhar Holdings Ltd.

Size of Parcel: 3.1 hectares

Existing Zoning: C2-A (Local Commercial)

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

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

Existing Plan Designation: Commercial

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

Existing Use of Surrounding Properties:

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

Services:

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

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

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

Archaeological Site: none shown in GIS

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

Property Context:

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

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

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

Policy Context:

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

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

The Proposal:

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

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

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

Planning Division Comments

Official Settlement Plan

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

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

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

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

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

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

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

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

Zoning

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

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

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

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

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

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

Zoning Analysis

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

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

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

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

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

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

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

Not suitable

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

Suitable with specific management restrictions

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

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

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

Accessory Residential Use

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

Setbacks

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

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

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

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

Servicing

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

Environmental Considerations

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

Floodplain

As noted above, the subject property is within the Cowichan - Koksilah River floodplain at an elevation ranging from approximately 8.5 metres to 10.4 metres. This mapping shows that the 200 year flood elevation is approximately 10.5 metres to 11.5 metres. The CVRD's Policy with respect to issuance of building permits within the Cowichan -Koksilah Floodplain is to issue permits below the 200 year flood level provided that a geotechnical report is completed, a "save-harmless covenant" is registered on title, and that the proposed construction does not involve a request for more than one (1) metre below the 200 year flood level. The minimum building elevation on the site is therefore approximately 10 metres, assuming a geotechnical engineer determines this is a safe building elevation and specifies conditions for construction, and that the required covenant is provided.

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

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

Site Access and Traffic Assessment

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

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

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

Government Agency Comments:

Referral Agency Comments

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

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

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

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

February 16, 2009

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

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

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

Recommendation

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

March 9, 2009

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

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

Recommendation:

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

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

Conclusion

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

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

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

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

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

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

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

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

Options:

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

And further that

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

Option 2 is recommended.

Submitted by,




Rachelle Moreau
Planning Technician
Development Services Department

RM/jah

Attachments

Department Head's Approval:



Signature

For
Tom

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Covichan Valley Regional District

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

The Regional District does not warrant the accuracy.

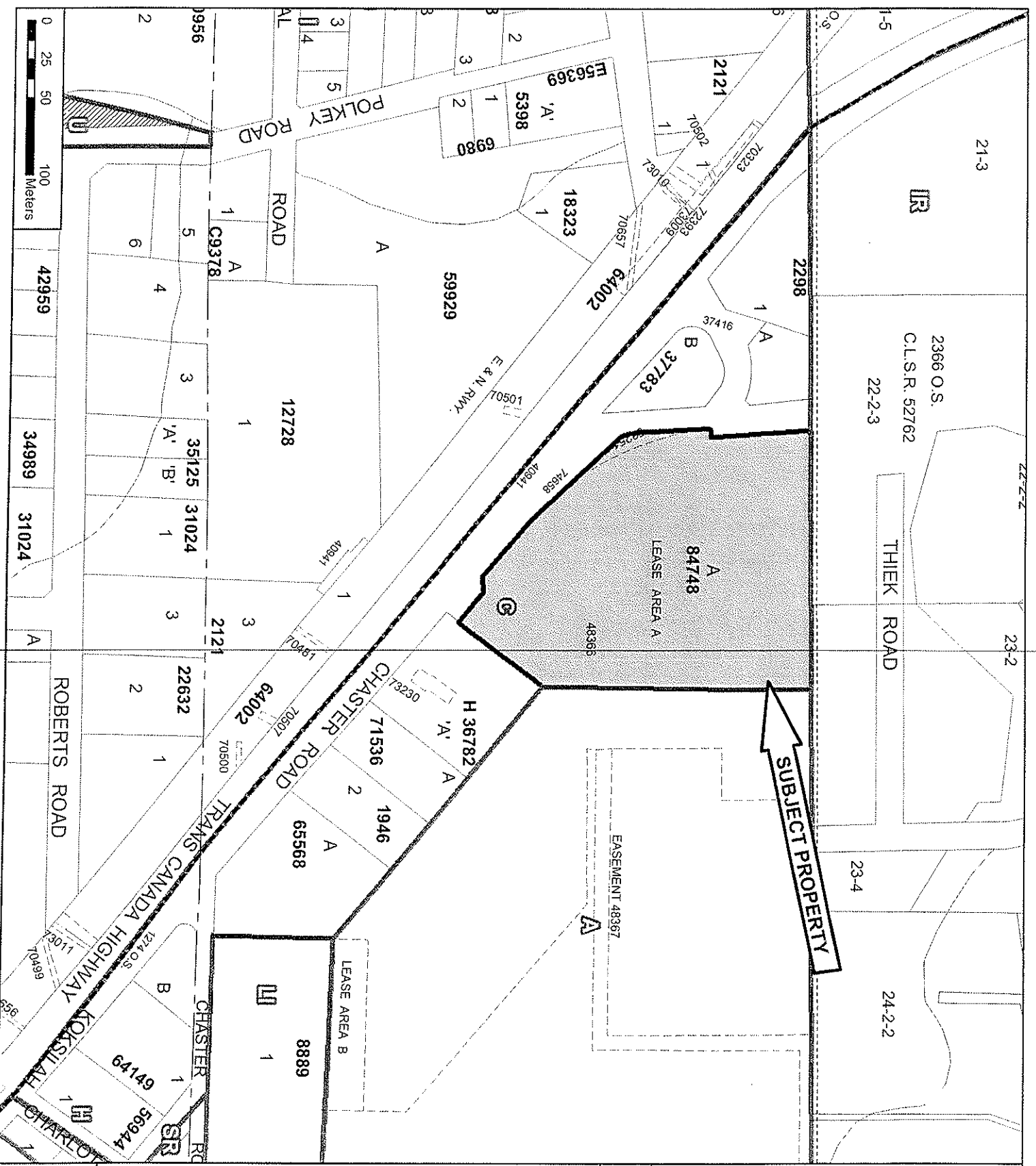
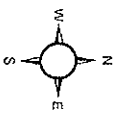
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

FILE: 3-D-08-RS

OCP

Legend
Subject Property
OCP Electoral Area D





Cowichan Valley Regional District

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

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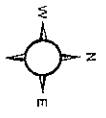
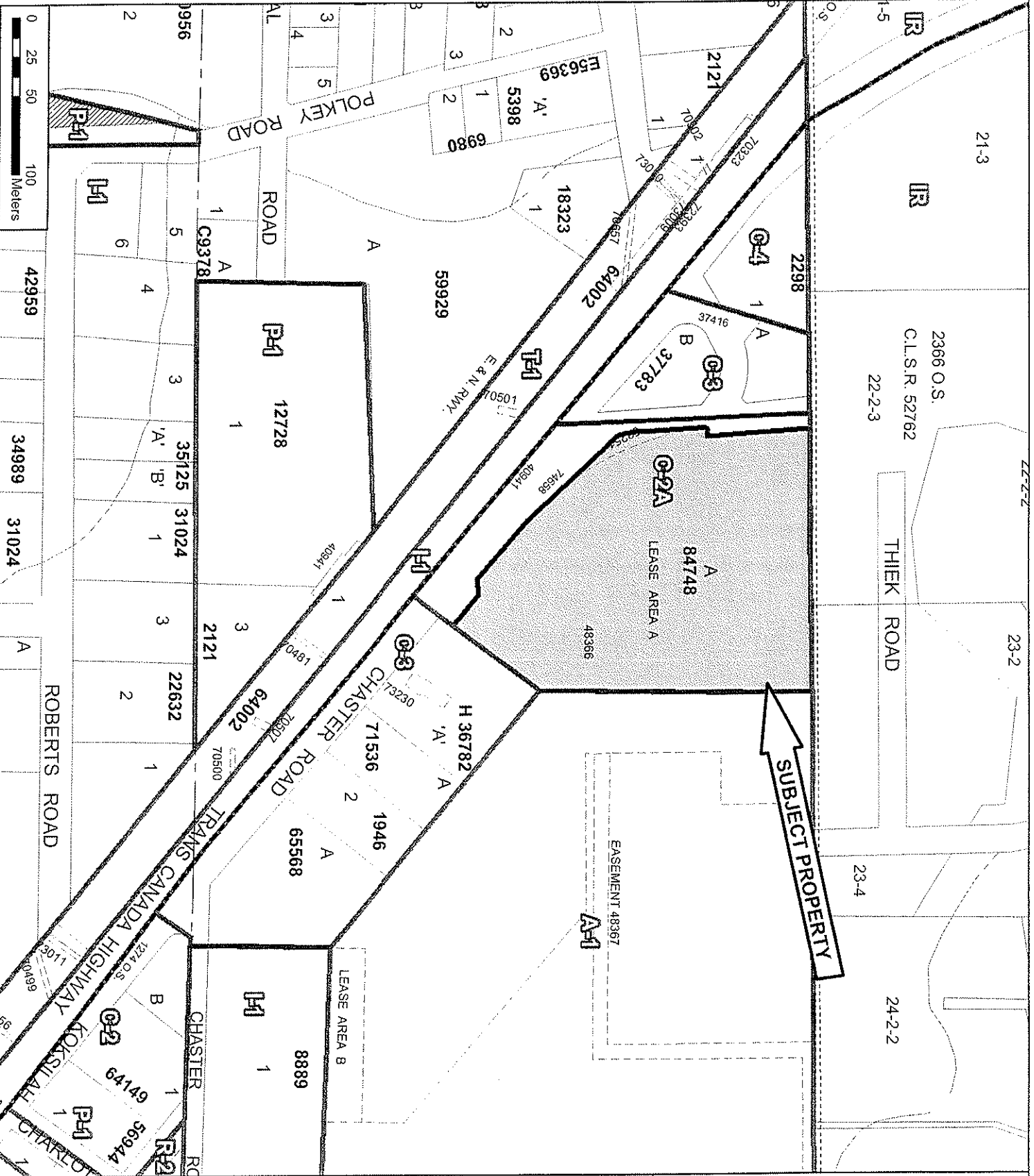
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

FILE: 3-D-08-RS

ZONING

- Legend
-  Subject Property
 -  Zoning Electoral Area D



000199



Cowichan Valley Regional District

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

The Regional District does not warrant the accuracy.

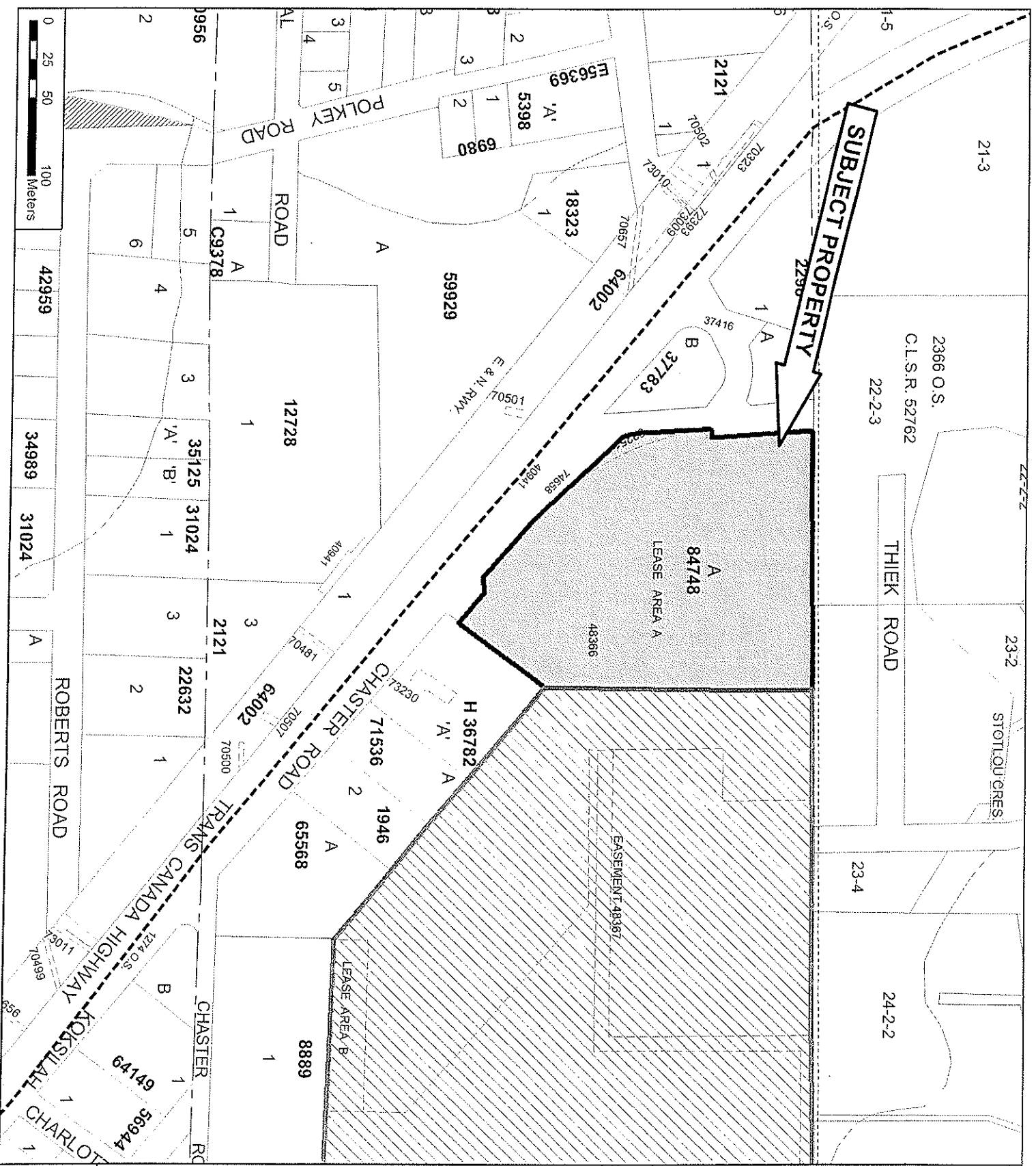
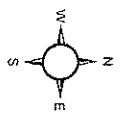
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

FILE: 3-D-08-RS

ALR

Legend
Subject Property
D.ALR



751000



Cowichan Valley Regional District

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

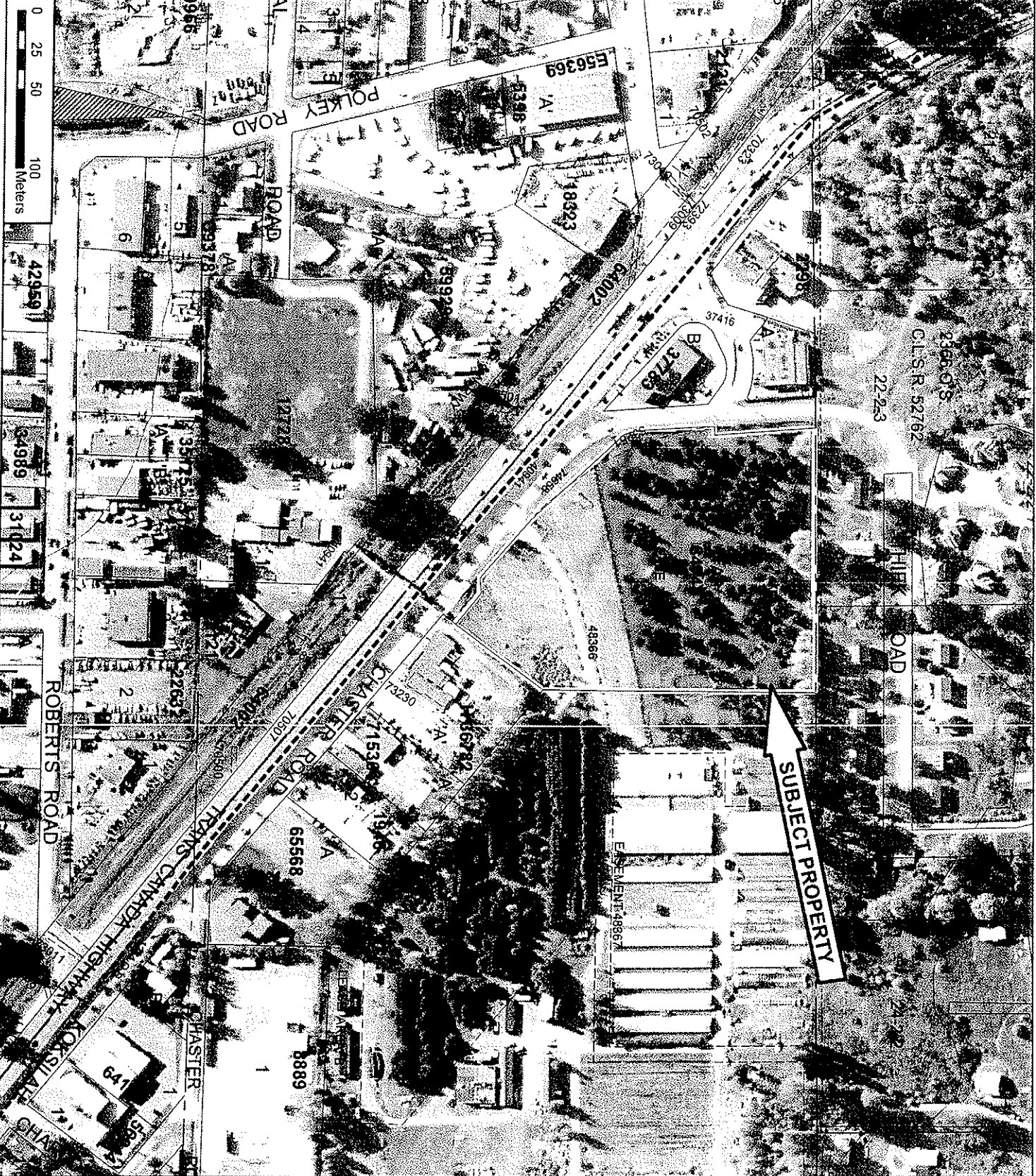
The Regional District does not warrant the accuracy.

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

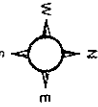
The original data should be consulted for all purposes of interpretation and application of the data.

FILE: 3-D-08-RS

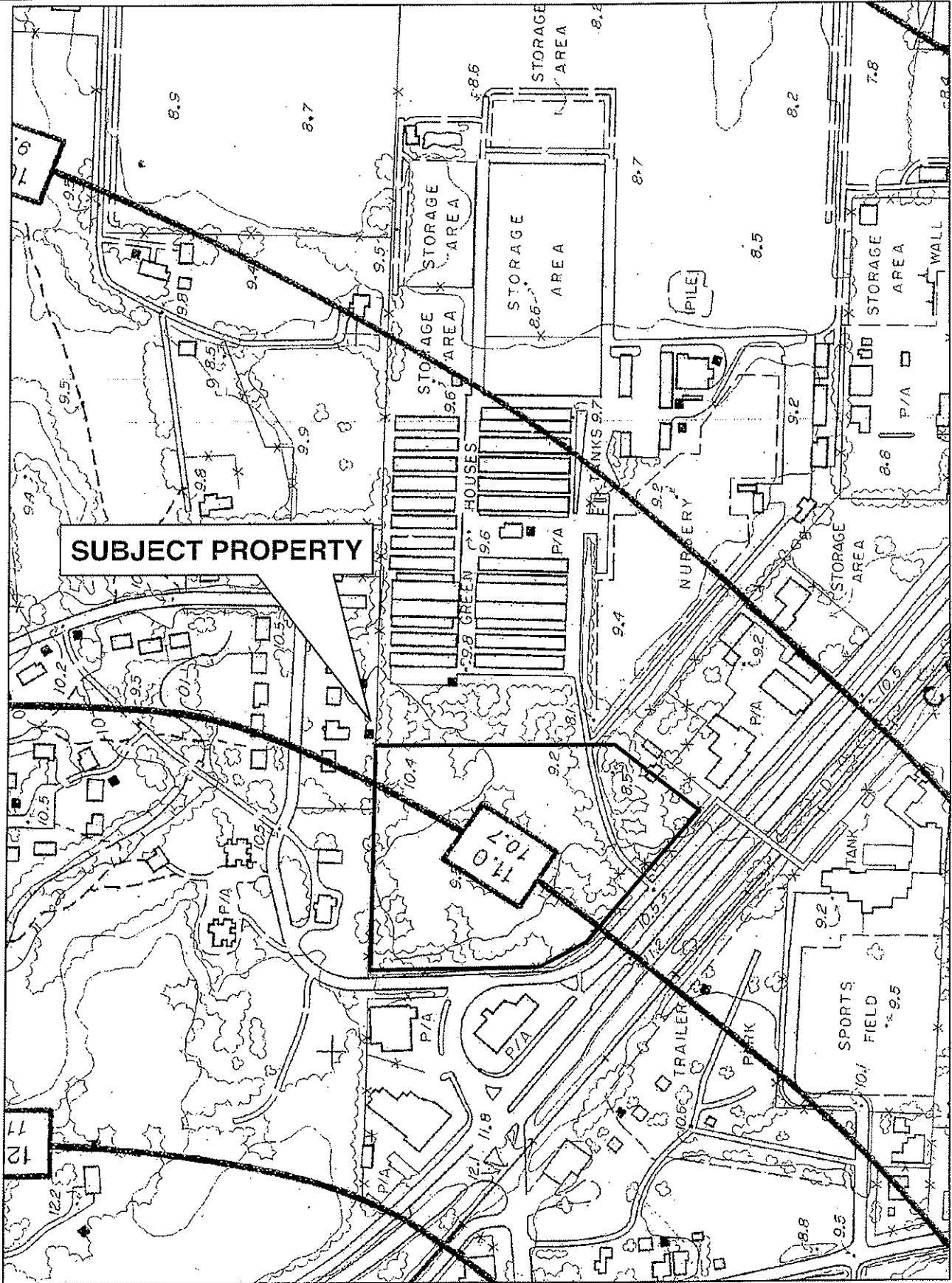
Orthophoto (2004)



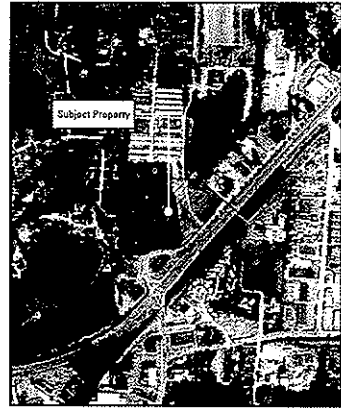
0 25 50 100 Meters



Floodplain Map



Aerial Photo Location Plan



Project Data

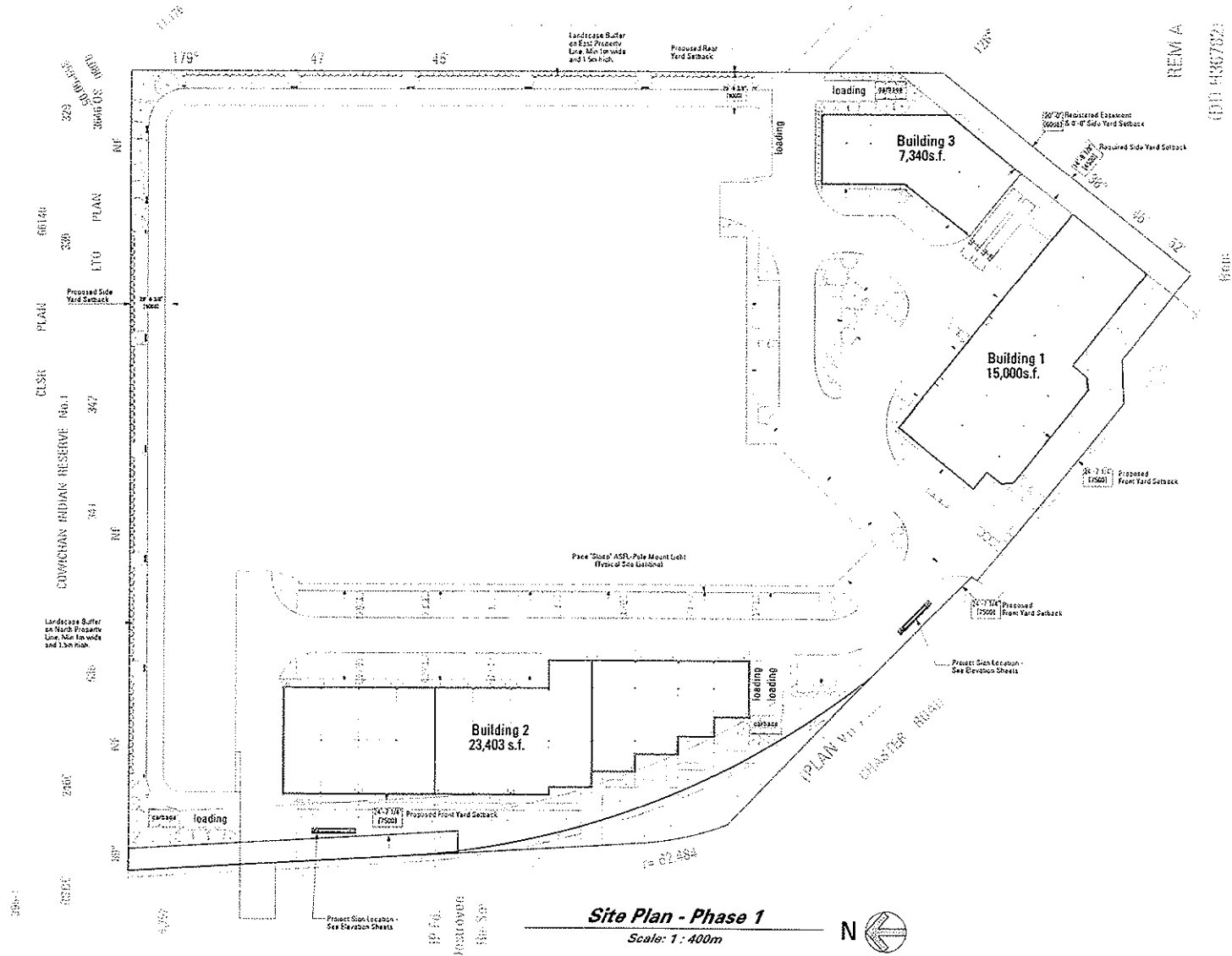
Site Area:	91,126.3 m ²	284,909 s.f.
Proposed Coverage:	50% of Site Area = 45,563.2 m ²	142,455 s.f.
Prepared Coverage:	13.7 % = 12,506.6 m ²	45,743 s.f.
Parking #	187	1 cu. 703.0 m ³
Loading #	7	1/2,223.9 m ³
Building Areas:		
Building #1	1,293.9 m ²	13,909 s.f.
Building #2	2,174.4 m ²	23,403 s.f.
Building #3	6,621.1 m ²	71,501 s.f.
Total Building Area	10,089.4 m ²	108,813 s.f.

Survey

Survey data taken from:
 KENYON WILSON
 PROFESSIONAL LAND SURVEYORS
 221 CORONATION AVE.
 DUNCAN, B.C. V9K 2T1 (250) 746-4245
 FILE 07-0655A.SKT

Legal Description

LOTS A & B, SECTION 13, RANGE 7,
 QUAMICHAN DISTRICT,
 PLAN V.P. _____



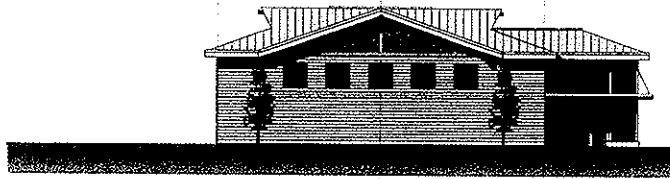
Site Plan - Phase 1
 Scale: 1 : 400m

000159

Proposed Commercial Development
 5301 Trans Canada Highway, Duncan, BC

A1
 2009.03.04

Joo Nevill Architect Inc.
 513 Yates Street, Victoria
 BC, V8W 2A9
 250.362.0441 / 250.342.0723
 j.nevill@joo-n.ca

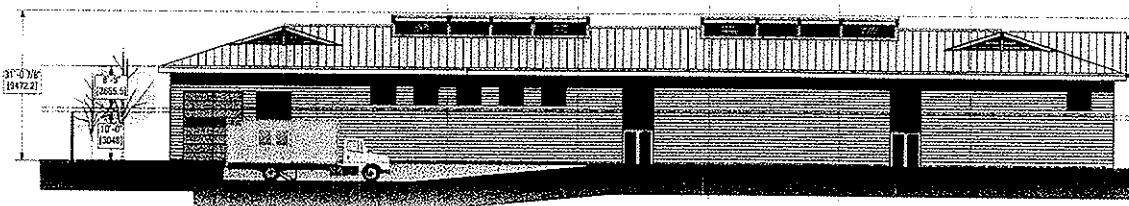


North



West

091000



East

Building 8 Elevations

- Now Building 1

Scale: 1 : 150m



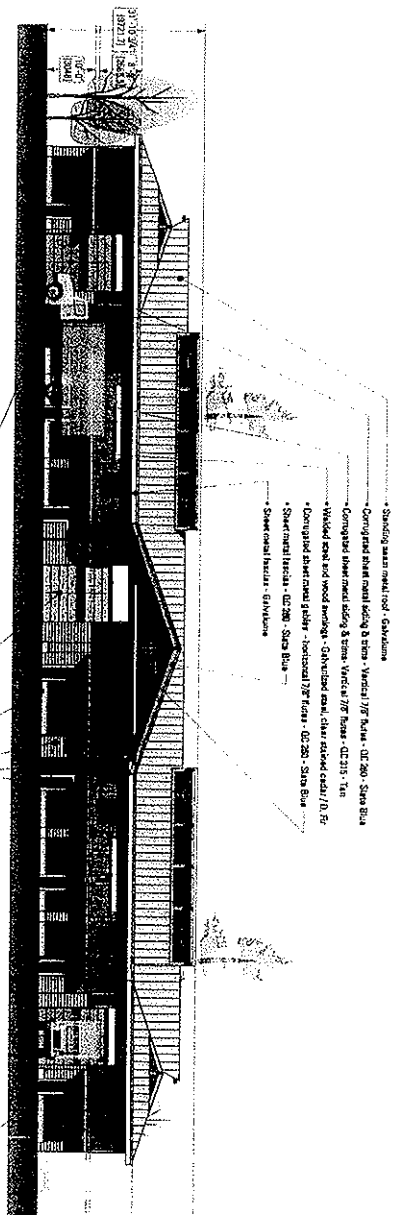
Proposed Commercial Development
5301 Trans Canada Highway, Duncan, BC

A6

2008.07.15



Joe Newell Architect Inc
412 West Street, Victoria
BC, V8W 1Y8
P. 250.382.4343 F. 250.382.5733
a. jnewell@jnewellinc.com

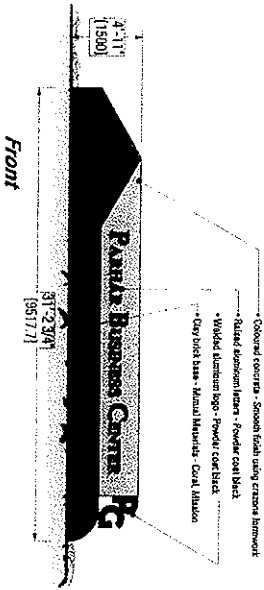


Typical Building Elevation Finishes

Scale: 1 : 150m

- Shedding eaves metal roof - Galvalume
- Corrugated sheet metal siding & trim - Vertical 7/8" Panel - CC-260 - Silver Blue
- Corrugated sheet metal siding & trim - Vertical 2 1/2" Panel - CC-215 - Tan
- Mixed metal and wood shingles - Galvalume metal, clear stained cedar / D. 50
- Decorative sheet metal gables - Horizontal 7/8" Panel - CC-260 - Silver Blue
- Sheet metal fascia - CC-260 - Silver Blue
- Sheet metal fascia - Galvalume

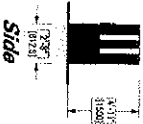
- Prismatic aluminum entrance windows and doors - Powder coated white
- Prismatic aluminum windows - Powder coated white
- Full height concrete block - Primer - Benjamin Moore - CC-802 - High Park Gray
- Smooth finish concrete piers - Custom Boardformwork
- Steel faced sectional overhead doors - Primer - Benjamin Moore CC-416 - Buckskin yellow
- Steel faced sectional overhead doors - Primer - Benjamin Moore HC-131 - Langdon Gray



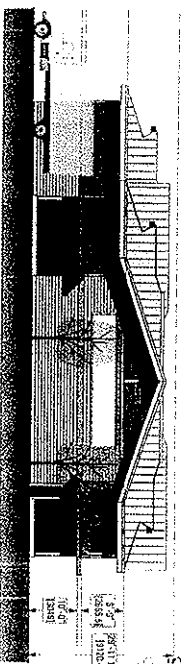
Project Sign Detail

Scale: 1 : 50m

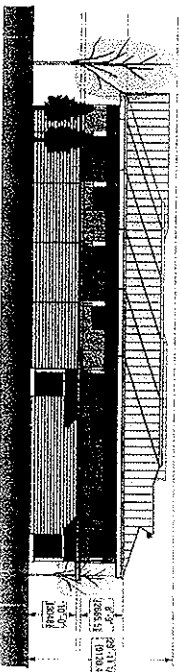
- Coloured concrete - Smooth finish using custom formwork
- Ribbed aluminum letters - Powder coat black
- Gray vinyl base - Metal Handrails - Coat, Blason



Side



North



South



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

Proposed Commercial Development

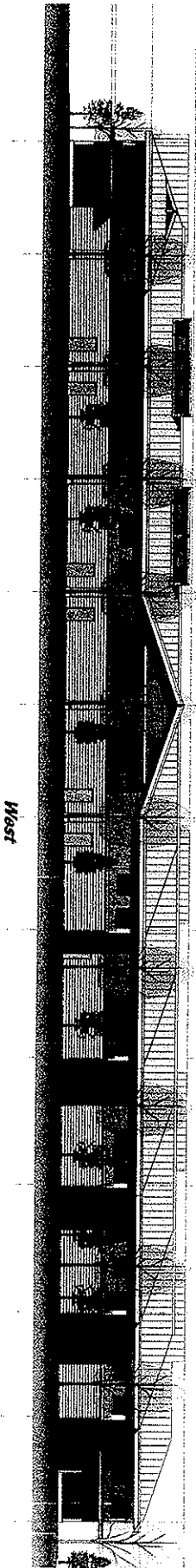
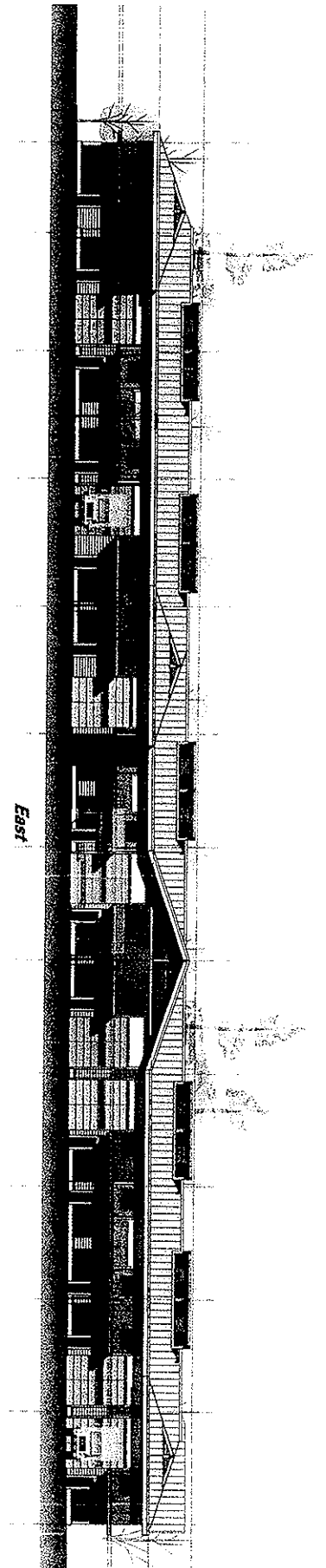
5301 Trans Canada Highway, Duncan, BC

A2

2008.07.15

3000 Highway 10
 2nd Floor
 P.O. Box 1000
 4-200-1000-1000

191000



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

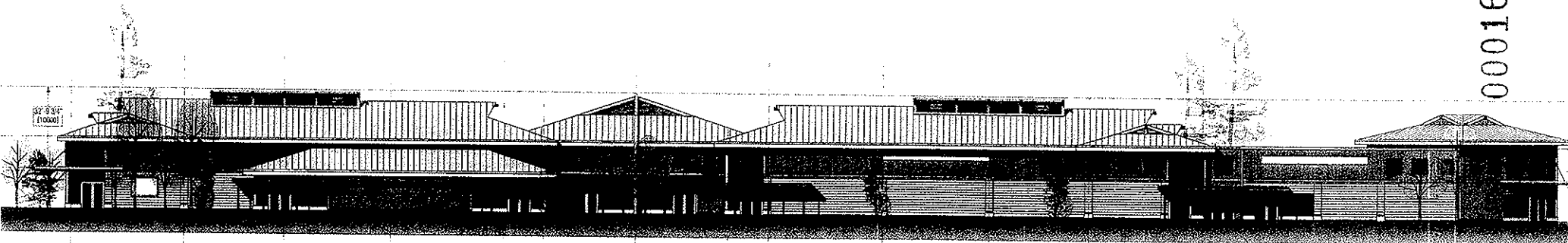
Proposed Commercial Development
 5301 Trans Canada Highway, Duncan, BC

A3

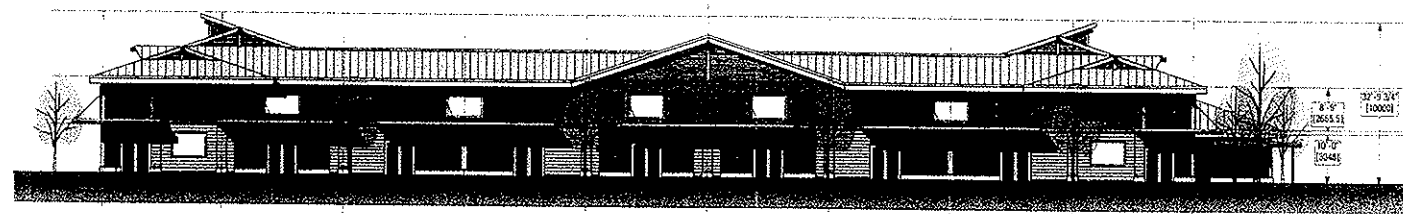
2008/07/15
 JOB: NEWELL ARCHITECTURE
 1000 W. 10th St.
 Vancouver, BC V6H 2G6
 TEL: 604-271-1111
 FAX: 604-271-1112
 www.newell-architect.com

000162

000163



West



North

NO longer proposed on current site plan
Building 3 / 4 Elevations

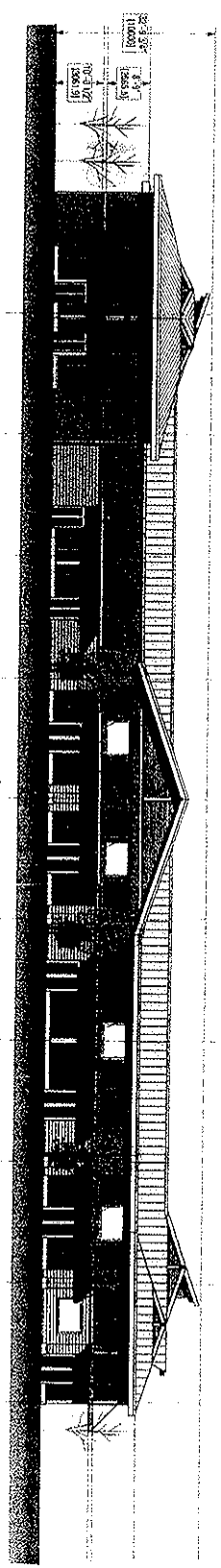
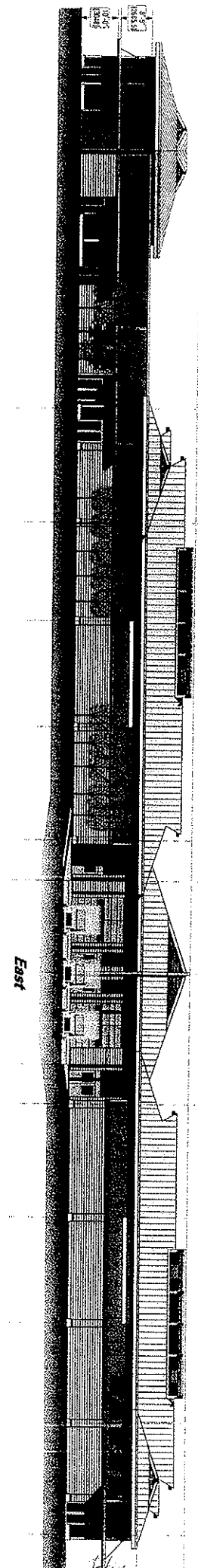
Scale: 1 : 150m



Proposed Commercial Development
5301 Trans Canada Highway, Duncan, BC

A4
2008.07.15

JN
Joe Newell Architects Inc.
812 Yvonne Street, Victoria
BC, V8W 1K9
P: 250.382.4342, F: 250.382.5703
E: joe.newell@joeandjane.com



Building 3 / 4 Elevations
 Scale: 1 : 150m



no longer proposed on current site plan

Proposed Commercial Development
 5301 Trans Canada Highway, Duncan, BC

A5

000164



MEMORANDUM

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

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

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



Cowichan Tribes

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

RECEIVED
MAR 12 2009

March 12th, 2009

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

Attention: Richelle Moreau

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

Dear Ms. Moreau:

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

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

000166

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

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

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

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

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

Sincerely,



Ernest W. Elliott,
General Manager

Encl. (1)

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

000167

Request to Appear as a Delegation

D7

Meeting Information

Request to Address:*

CVRD Board

Committee

If Committee, specify the Committee here:*

Ad Hoc Committee (Hood Canal Br

Meeting Date:*

Meeting Time:*

Applicant Information

Applicant Name:

Representing:

(Name of organization if applicable)

As:

(Capacity / Office)

Number Attending:

Applicant Contact Information

Applicant Mailing Address:

Applicant City:

Applicant Telephone:

Applicant Fax:

Applicant Email:

Presentation Topic and Nature of Request:

The Hood Canal Bridge sections are still moored in Cowichan Bay, nine months after their unannounced delivery. Their three-and-a-half-acres of hull covers vital eel-grass salmon rearing grounds. Fishing has been banned in Cowichan Bay for 30 years, and yet this structure is allowed to imperil the salmon stock. It does not conform with CVRD zoning by-laws, which gives the CVRD a lever with which to open up this affair. Rumours are flying around, but the structure is still moored in the Bay. As local residents affected by this blight, we wish to ascertain whether the zoning by-law is being enforced, and what the current situation is regarding the structure's disposal.

* indicates required fields.

000168



SRI

STAFF REPORT

**ELECTORAL AREA SERVICES COMMITTEE MEETING
OF JANUARY 19, 2010**

DATE: January 13, 2010

FILE NO:

FROM: Tom Anderson, General Manager

BYLAW NO:

SUBJECT: 2010 Electoral Area Services Committee Meeting Schedule

Action:

That the Committee approve a 2010 EASC meeting schedule and forward it to the Regional Board for information.

Purpose:

It is requested that the Committee consider the proposed Electoral Area Services Committee schedule below so that a recommendation may be forwarded to the Regional Board for information.

Financial Implications:

The proposed schedule will result in some cost savings.

Interdepartmental/Agency Implications:

N/A

Background:

Once again, it is proposed that meetings be held on the first and third Tuesdays of the month and that meetings start at 3:00 pm. As per usual, only one meeting will be held in both July and August and meetings will be cancelled if there is insufficient material to be considered.

Tuesday, January 19 th	Tuesday, June 15 th
Tuesday, February 2 nd	Tuesday, July 6 th
Tuesday, February 16 th	Tuesday, August 3 rd
Tuesday, March 2 nd	Tuesday, September 7 th
Tuesday, March 16 th	Tuesday, September 21 st
Tuesday, April 6 th	Tuesday, October 5 th
Tuesday, April 20 th	Tuesday, October 19 th
Tuesday, May 4 th	Tuesday, November 2 nd
Tuesday, May 18 th	Tuesday, November 16 th
Tuesday, June 1 st	Tuesday, December 7 th

Submitted by,

Tom Anderson,
General Manager
Planning & Development Department
TA/ca

000169



SR2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 19, 2010

DATE: January 12, 2010 **FILE NO:**
FROM: Tom R. Anderson, General Manager **BYLAW NO:**
SUBJECT: CVRD and the Cowichan Estuary Environmental Management Plan (CEEMP)

Action:

That the Committee give consideration to this information and provide direction if desired.

Purpose:

To obtain Committee direction on a number of possible opportunities for the CVRD to become more involved in supporting the CEEMP.

Financial Implications:

Dependent upon the desires of the Regional Board.

Interdepartmental/Agency Implications:

Dependent upon the desires of the Regional Board and the acceptance of such by the Ministry of Environment.

Background:

In September 2009, the Committee passed the following motion:

“That staff be directed to prepare a report to the EASC outlining how the Cowichan Estuary Environmental Management Plan process can be supported, and further that a copy of the CEEMP report be distributed to EASC members.”

A report prepared by Vis-à-vis Management Resources Inc titled “A Review of the Cowichan Estuary Environmental Management Plan” completed in 2005 was distributed to Directors in September as requested.

The intent of the above motion as staff understands it, is to pose the question as to how may the Regional District become more involved in promoting and supporting the CEEMP process and the Committee that makes decisions on matters which fall under its purview. For a full description of the CEEMP and what it means and how it works, please refer to the above noted report completed by Vis-à-vis Management Inc. If your copy has disappeared, please let me know and I will provide you with another one!

000170

In discussions with those involved in the CEEMP process, it would be very helpful if the Regional District would provide the following support:

1. Provide meeting space for CEEMP meetings.
2. Provide secretarial support for coordinating and distribution of Agendas
3. Provide secretarial support for taking and distributing meeting minutes.
4. Designating Kate Miller, Manager, Regional Environmental Policy, to sit on the Committee along with our existing representative, Mike Tippett, Manager, Community and Regional Planning.

It should be noted that CEEMP meetings are held on an as-needed basis at the call of the Chair, which in this case is, Peter Law from the Ministry of Environment. On an average, the CEEMP meets approximately 4 to 6 times a year depending upon the issues that come to the attention of the Chair.

To provide the assistance noted above is something that the Planning and Development Department could accommodate with existing staff given the minimal number of meetings that are currently experienced over an average year. Costs for this assistance would be approximately \$5,000 on a yearly basis which should be allocated to the department from the General Government Budget or some other regionally funded budget. Obviously, this budget allocation would have to be approved by the Regional Services Committee or the Regional Board.

Options:

1. That the Regional District provide the following in support of the Cowichan Estuary Environmental Management Plan:
 - a. Meeting space and administrative support for coordinating agendas, taking and distributing minutes.
 - b. Designate Kate Miller, Manager, Regional Environmental Policy, to sit on the CEEMP Committee along with existing representative, Mike Tippett, Manager, Community and Regional Planning.
 - c. Direct that \$5,000 be allocated from a Regional Budget to the Community Planning budget (325) to compensate for the cost of administrative support for this support.
2. That the Regional District not increase the current level of support offered to the CEEMP.

Submitted by,



Tom R. Anderson, MCIP
General Manager
Planning & Development Department

TRA/jah

000171



SR3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 19, 2010

DATE: January 12, 2010

FILE NO:

FROM: Tom R. Anderson, General Manager

BYLAW NO:

SUBJECT: Electoral Area D – Cowichan Bay Miscellaneous Items

Action:

That the Committee provide direction.

Purpose:

Director Iannidinardo has requested a couple of items be placed in front of the Committee for further direction.

Financial Implications:

Staff time.

Interdepartmental/Agency Implications:

Some communication with provincial agencies would be required.

Background:

Director Iannidinardo would like staff to bring forward the following bylaw amendments for consideration by the Committee and Regional Board:

1. Official Community Plan Amendment Bylaw which would adjust the existing Habitat Protection Development Permit Area to reflect the changing nesting locations of the Great Blue Herons.
2. Zoning Amendment Bylaw to recognize the desire by area residents to allow for the keeping of chickens within residential areas.

Submitted by,

A handwritten signature in black ink, appearing to read "Tom R. Anderson", written over a horizontal line.

Tom R. Anderson, MCIP
General Manager
Planning & Development Department

TRA/jah

000172



SR4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 19, 2010

DATE: January 13, 2010 **FILE NO:** 4-A-06RS
FROM: Mike Tippett, Manager **BYLAW NO:**
SUBJECT: Bamberton OCP and Zoning Amendment Application
- Referral Agencies and Consultation Strategy

Recommendation:

That the consultation strategy as set out in this report be approved and that staff proceed with consultations accordingly.

Purpose:

To establish a consultation strategy for the various referral agencies in the Bamberton OCP/Zoning application.

Financial Implications:

Additional consultations will require additional commitment of staff time and resources.

Interdepartmental/Agency Implications:

Consultation has become a more important element of Provincial approvals for OCP amendments. The elected officials therefore need to turn their attention to the question of not only what the referral agencies should be, but how much consultation is required and when.

Background:

Since the Province of BC developed its "new relationship" with first nations in 2005, there has been a distinct evolution in the role that the Ministry of Rural and Community Development has in approving local government bylaws. Now the statutory requirement for Ministerial approval has evolved beyond the scope of provincial agencies, and now includes first nations. The CVRD has been referring proposed amendments to first nations for more than a decade, long before there was any provincial requirement to consider doing so in provincial law. The Province is now requiring the consultation to be documented and for Regional Districts to assume some of the Province's responsibility for "accommodating" First Nation interests.

Recent contact with the Ministry's staff would seem to indicate that Ministry wants evidence that first nations have been consulted on an "early and ongoing" basis, even though the *Local Government Act*, Section 879 (2) (b) appears to give the local government the ability to decide "whether" consultation is required with any agencies, including first nations, and how often. Within this report, we will presume that the terms established by the CVRD for consultation will be respected by the Province.

000173

Summary:

This report follows on the February 2007 report respecting an appropriate referral agency list for the Bamberton application. The question of whether there ought to be consultation was answered when the original referrals list was established in early 2007. What was not established at that time was the terms under which consultation would occur. This report aims to remedy that.

Now that the Committee has given direction for staff to prepare draft OCP and Zoning amendment bylaws, as well as a draft Phased Development Agreement and related Bylaw, it is time to develop this detailed consultation strategy for the referral agencies.

To the 2007 referral list, we propose to add Cowichan Tribes and Pauquachin. We understand that both have some interest in the site of the Bamberton application. For the purposes of this report, the consultation strategy is divided into subsections, within which the referral agencies which we believe may have a similar level of potential interest in the project are grouped. For each of these, a consultation process is set out from start to finish.

Group 1: Basic External Agency Referral Process:

For the following referral agencies, we propose to forward bylaw amendment referral forms and passively await any response, without further contact. With the exception of Mill Bay Waterworks District, all have been contacted in 2007. While these referral agencies may have an interest in the Bamberton application, within their sphere of jurisdiction, these interests are not considered to be unusually significant, so no special consultation measures would be required:

- Capital Regional District
- City of Langford
- District of Highlands
- District of Central Saanich
- District of North Saanich
- Islands Trust
- Ministry of Community Services
- BC Transit
- Private Managed Forest Land Council
- Vancouver Island Health Authority
- Vancouver Island Corridor Foundation
- BC Ferries
- Fisheries and Oceans Canada
- Transport Canada (Marine)
- Canadian Coast Guard
- Ministry of Agriculture and Lands (Integrated Land Management Bureau)
- Ministry of Forests
- Mill Bay Waterworks District
- Inlet Drive Waterworks

For these groups, the bylaws related to Bamberton would be sent in draft form and a comment period 45 days would be established.

Group 2: Provincial Agencies known to have a special interest in Bamberton

The following Provincial agencies will receive bylaw referrals with a 45 day response period, but they also require more direct contact than a typical agency:

- Ministry of Transportation and Infrastructure (MOTI)
- Ministry of Environment (MOE – Vancouver Island Urban Ecosystem Team)
- Ministry of Environment (MOE – Parks)

In the case of the MOTI, the need to meet for discussions stems not only from the fact that the Approving Officer is an official of the agency, but because Three Point Properties is proposing a number of innovative road standards for the site. These proposed innovations include narrower right-of-way (ROW) width, steeper gradients and alternative standards for development on the part of the ROW not covered with road (sidewalks, trails, landscaping). For MOTI, we propose at least one face-to-face meeting be held in order to discuss these alternative road development standards.

MOE staff will likewise have to meet with CVRD staff once in order to discuss issues of mutual concern, revolving around on the one hand the proposed addition to the Bamberton Provincial Park, and on the other hand about the proposed Regional Park in the Southlands area.

Group 3: External Agencies Requiring Personal Contact

The following referral agencies will be sent the proposed bylaws related to Bamberton, offered a 45 day response period and will be offered a meeting with CVRD staff if they so desire:

- Mill Bay Volunteer Fire Department
- Cowichan Valley School District No. 79

We expect that each of these will have a focused interest on the Bamberton application due to the potential impacts of the development on their sphere of activity.

Group 4: First Nations/Tribes

The first nation groups that we believe have varying levels of interest in this development application are as follows:

- Malahat First Nation
- Tsartlip First Nation
- Tseycum First Nation
- Pauquachin First Nation
- Cowichan Tribes

Of these, Malahat is a community that is located immediately next to the subject property, and so their level of interest is very likely to be highest, owing to the potential immediacy of any impacts related to the Bamberton application upon their village. There is also a high likelihood that the Bamberton lands and others in the vicinity are very regularly frequented by Malahat members for various purposes, more so than the other identified groups. For these reasons, consultation with Malahat should be the principal focus of the first nation referral strategy. The CVRD has already had two meetings regarding Bamberton with the Malahat, one in early 2007 and one in 2009. We propose to have further meetings – a minimum of two – with Malahat once draft bylaws and Phased Development Agreement have been prepared, in order to present a possible development scenario for review. Prior to any meeting, draft bylaws and details of the latest version of the application would be sent for review in advance. The first meeting would consist of a brief presentation about the proposed bylaws, along with details of the development proposal and where it is in the application process. We would then solicit comment from the Malahat FN about how the proposal would affect their various interests. Subsequent meeting(s) would be used to hear further comment and exchange information. All discussions would revolve around matters directly related to the land use application and the CVRD's role in approving or denying it.

For the other first nations, we propose to send a referral of the draft bylaws related to Bamberton and follow that referral up on a couple of weeks later with a telephone call asking for any comments in response to the proposed and use change. A period of 45 days for response will be established.

The purpose of the FN consultations is to ascertain what aboriginal rights and claims may be affected by the proposed development of part of the private lands of the Bamberton site. Clarity in this regard will be paramount, in order that the CVRD Board may consider whether any adjustments to any eventual approval ought to be made.

Group 5: CVRD Agencies

The three referrals that were made to CVRD agencies will be followed up directly through the appointment of an ad-hoc technical committee whose role will be to ensure that any special interests that Engineering, Parks or Public Safety staff have with respect to this application are addressed in the course of processing it.

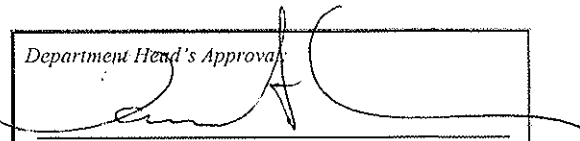
- CVRD Engineering and Environmental Services
- CVRD Public Safety – Malahat Fire Department
- CVRD Parks, Recreation and Culture

No special consultation measures other than the existence of the ad-hoc committee will be required.

Submitted by,



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

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

MT/jah



SR5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 19, 2010

DATE: January 11, 2010

FILE NO:

FROM: Tom Anderson, General Manager

BYLAW NO:

SUBJECT: Island Corridor Foundation Workshops

Recommendation:

That the Regional District reimburse APC members for registration fees to the ICF workshops.

Purpose:

To obtain Committee approval to pay for APC members to attend this series of three (3) workshops.

Financial Implications:

Registration for one (1) workshop is \$75 or attendance at all three (3) costs \$150 per person.

Interdepartmental/Agency Implications:

N/A

Background:

Further to previous correspondence forwarded to the Committee and the approval of Tom Anderson to act as the CVRD representative on this initiative, attached is a notification outlining the upcoming series of three (3) workshops to be held at different locations on the Island which will investigate various transportation opportunities provided by the existing E&N Rail Corridor.

Director Cossey has requested that one of his Advisory Planning Commission members be reimbursed for their attendance at all three workshops. According to the Island Corridor Foundation, representatives from APC's are most welcome to provide input at these workshops.

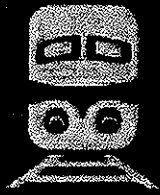
Submitted by,

A handwritten signature in black ink, appearing to read "Tom Anderson", written over a horizontal line.

Tom Anderson,
General Manager
Planning and Development Services Department

TA/ca

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ISLAND CORRIDOR

islandcorridorfoundation.ca



Get on the Train!

A workshop series about the renewal of passenger, tourist & freight rail services on Vancouver Island.

The Island Corridor Foundation, invites you to be part of a unique opportunity to help shape the future of transportation on Vancouver Island.

Rising energy costs, reducing our carbon footprint, creating prosperous "green" communities built around practical transportation alternatives. The challenge of adapting for this new future is enormous – but so are the opportunities. The Island Corridor Foundation is hosting a series of workshops to plan for renewed rail on Vancouver Island. You are invited to join us in formulating partnerships and economic opportunities through a series of workshops themed around passenger, tourism and freight rail transportation. If your organization wants to be part of the solution – you can't afford to miss this unique workshop series.

PRE-REGISTRATION OPENS IN EARLY JANUARY
see www.islandcorridorfoundation.ca for complete details

Workshop 1 Extraordinary Change, Extraordinary Opportunity

A workshop designed to showcase opportunities for communities to direct development to respond to a revised passenger rail service for Vancouver Island.

When:

January 21, 2010, 9 am – 4 pm

Where:

Quw'utsun' Cultural & Conference Centre,
Duncan, BC

Workshop 2 Sustainable Rail-based Tourism

This workshop is designed to showcase opportunities for excursion and tourism product development related to passenger and excursion rail services.

When:

March 24, 2010,

9 am – 4 pm

Where:

Vancouver Island Conference Centre,
Nanaimo, BC

Workshop 3 The Future is Here, Today

A discussion of rail infrastructure improvements that will give island businesses, especially resource-based ones, better access to North American and Asian markets, thanks to rail upgrades, improved port facilities and the coastal barge network. This day will also feature a trip to MacLean Mill on the Alberni Pacific Railway.

When:

April 21 or 23, 2010 (Date To Be Confirmed) 9 am – 4:30 pm

Where:

Best Western Barclay Hotel & Maclean Mill,
Port Alberni, BC

Mark Your Calendars Now

Registration opens in January.

Prices are \$75 per workshop or \$150 for all three.

For more details and to register,
visit www.islandcorridorfoundation.ca

www.islandcorridorfoundation.ca

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SR6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 19, 2010

DATE: January 12, 2010

FILE NO:

FROM: Tom R. Anderson, General Manager

BYLAW NO:

SUBJECT: Medical Grow-Ops

Action:

That the Committee receive the attached information and provide further direction if desired.

Purpose:

To report back to Committee on the latest information received on this subject.

Financial Implications:

N/A

Interdepartmental/Agency Implications:

N/A

Background:

On November 3, 2009 the Committee passed a motion directing that staff further investigate the issue of licensed medical grow-ops.

The attached information has recently been received which would seem to indicate that grow-ops are dangerous regardless of whether they are licensed or not. As such, I question the need to report any further on this matter unless the Committee is interested in passing a recommendation to the Regional Board confirming support for the type of resolutions which have been passed by FCM or dealt with previously by UBCM.

Submitted by,

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

Tom R. Anderson, MCIP
General Manager
Planning & Development Department

TRA/jah
Attachment

000179



Federation of Canadian Municipalities
 Fédération canadienne des municipalités

24, rue Clarence Street
 Ottawa, Ontario
 CANADA K1N 5P3

Tel./Tél. : 613-241-5221
 Fax/Télé. : 613-241-7440

www.fcm.ca

President
 Président

Mayor Basil Stewart
 Summerside,
 Prince Edward Island

First Vice-President
 Premier vice-président

Director Hans Cunningham
 Regional District of Central
 Kootenay, British Columbia

Second Vice-President
 Deuxième vice-président

Councillor Berry Urbanovic
 Kitchener, Ontario

Third Vice-President
 Troisième vice-présidente

Councillor Karen Leibovici
 Edmonton, Alberta

Président sortant
 Past President

Maire Jean Perrault
 Sherbrooke, Québec

Chief Executive Officer
 Chef de la direction

Brock Carlton
 Ottawa, Ontario

December 8, 2009

The Honourable Leona Aglukkaq, P.C., M.P.
 Minister of Health
 House of Commons
 Ottawa, Ont.
 K1A 0A6

Dear Minister:

I am writing to you about the attached resolution, CSCP09.3.03 – *Licenses Issued Under Medical Marijuana Use Regulations*, which was submitted by the City of Surrey, B.C., and recently adopted by FCM's Executive Committee.

This resolution calls on Health Canada to ensure that applicants for licenses under the Marijuana Medical Access Regulations (MMAR) comply with all safety regulations, and to initiate a process to notify local governments of licenses issued under the MMAR.

Municipal fire departments are finding that marijuana growers licensed under the MMAR are often not adhering to safety regulations. As a result, fire chiefs are concerned about the health, safety and welfare of the public, as well as firefighters who are unwittingly exposed to the dangers associated with medical marijuana grow operations.

Evidence suggests that medical marijuana grow operations can represent many of the same threats to public safety as illegal grow operations. Ensuring that MMAR applicants adhere to safety regulations, and notifying local governments of licenses issued, would alleviate many of the risks currently associated with these grow operations.

I look forward to your response on this issue.

Yours sincerely,

Basil L. Stewart
 President of FCM
 Mayor, City of Summerside
 Prince Edward Island
 Canada

BS/EH:sd
 Enclosure

c: The Honourable John Baird, Minister of Transport, Infrastructure
 and Communities



Since 1901
 Depuis 1901

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April 28, 2009

CSCP09.3.03

LICENSES ISSUED UNDER MEDICAL MARIHUANA USE REGULATIONS

WHEREAS Health Canada is issuing an increasing number of licenses under the Marihuana Medical Use Regulations to allow the cultivation and processing of marihuana for medical purposes;

WHEREAS based on the experience of municipal fire departments, these "legal" medical grow operations are not complying with municipal bylaws or provincial electrical, fire, health, safety and building regulations;

WHEREAS Health Canada does not have a process in place to notify municipalities when such licenses are issued for sites within their jurisdiction and, as such, municipalities are not aware of the locations of such operations and cannot ensure that they comply with provincial and local regulations that act to protect the safety of the public; and

BE IT RESOLVED that Health Canada be requested to take immediate action to modify its legislation and regulations to require that any applicant for license under the Marihuana Medical Use Regulations for the purpose of cultivation and/or processing of marihuana for medical purposes be required to demonstrate compliance with all local bylaws and all electrical, fire, health, building and safety regulations prior to issuance of such a license; and

BE IT RESOLVED that Health Canada be requested to institute a process by which local governments are notified of licenses that are issued by Health Canada under the Marihuana Medical Use Regulations.

City of Surrey, British Columbia

EXECUTIVE COMMITTEE DECISION (OCTOBER 2009): Category "A"; Resolution Adopted.

000181

Vancouver Foresight Society

248 E Broadway
Vancouver, B.C.
V5T 1W3
2009-11-30

B.C. Ministry of the Attorney General
Honorable Michael de Jong
PO Box 9044 STN PROV GOVT
Victoria, B.C.
V8W 9E2

Dear Minister Michael de Jong,

Coming from the Abbotsford area of the Lower Mainland you understand the fact that gangs and drugs have taken control our safety and security. Most concerned citizens in the Vancouver area are conscious of these escalating problems and the demoralization of our society. Destabilizing our neighborhoods and communities with rampant crime and drug addiction, family break-ups and cases of homelessness are growing way too fast!

The availability of cocaine, crack, meth, heroin and other dangerous drugs are easily available to all, even children! Cocaine, heroin and guns are being smuggled into Canada at an expedient rate. The values of these illegal commodities are rising as fast as the demand. Cocaine is shipped through the U.S. from South America, into Canada. Guns that litter the American population are smuggled into Canada and sold at 4-5 times their price.

The news of 'marijuana grow-ops' are far too common on the front page and TV news. The dangers these clandestine operations pose are a major concern to Mayors, Councils, Fire and Police Chiefs, City Inspectors and other Safety Officials. Any conscious person knows that dwellings are no place for 'cultivation of crops'. Fire hazards, humidity problems, mold and dangerous chemicals are just a few of the issues the previous mentioned officials have concerns with. Cities and municipalities are requiring homeowners to do a complete retrofit on homes that were grow-ops because of these 'health and safety' concerns under 'nuisance bylaws'.

This is where we come in. Vancouver Foresight Society is concerned with the fact that Health Canada's, Marihuana Medical Access Regulations allow sick people to cultivate 'medical marihuana' in homes and apartments they don't own, without the permission of the buildings owners. This complete oversight of 'health and safety' issues, cultivating Cannabis in dwellings condoned by Health Canada, is inexcusable. This unhealthy and unsafe MMAR program is governed under the 'Healthy Environments and

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Consumer Safety Branch of Health Canada! They have thrown caution to the wind under their 'health and safety' moniker.

This negligent 'health and safety' issue must be dealt with before the public's health and safety is compromised any further.

Vancouver Foresight Society is looking for support in helping the MMAD's Healthy Environments and Consumer Safety Branch to correct this dangerous process of licensing clandestine cultivation of Cannabis in homes and apartments without the owner's permission. Even the notion of using homes designed and constructed for Cannabis grow-ops, legal or not is a dangerous venture!

As registered lobbyists with the Commissioner of Lobbying of Canada we are currently awaiting responses from Health Canada to letters expressing our concerns and questions. We feel that support from you the Minister as Attorney General of B.C. will help bring Health Canada to their senses and give consideration to our proposed 'prototype' cultivation project. Our mission is taking the MMAR's licensed Medicinal Cannabis cultivation out of dwellings and into an industrial venue.

We will be sending a copy of this letter to the Mayors, Councils, Fire and Police Chiefs, City Inspectors and other Safety officials that have made the news for expressing their 'health and safety' concerns over Health Canada's 'medical marijuana' licensed grow-ops in homes and apartments. We are striving to protect the public from safety issues associated with grow-ops in homes.

Sincerely,



Dave Carr, President
Vancouver Foresight Society

VFS-2009-11-30

000183

2009 UBCM RESOLUTIONS

B65 LICENSES ISSUED UNDER MEDICAL MARIHUANA USE REGULATIONS

Surrey

WHEREAS Health Canada is issuing an increasing number of licenses under the Marihuana Medical Use Regulations to allow the cultivation and processing of marihuana for medical purposes;

AND WHEREAS based on the experience of municipal fire departments, these "legal" medical grow operations are not complying with municipal bylaws or provincial electrical, fire, health, safety and building regulations;

AND WHEREAS Health Canada does not have a process in place to notify municipalities when such licenses are issued for sites within their jurisdiction and, as such, municipalities are not aware of the locations of such operations and cannot ensure that they comply with provincial and local regulations that act to protect the safety of the public:

THEREFORE BE IT RESOLVED that Health Canada be requested to take immediate action to modify its legislation and regulations to require that any applicant for license under the Marihuana Medical Use Regulations for the purpose of cultivation and/or processing of marihuana for medical purposes be required to demonstrate compliance with all local bylaws and all electrical, fire, health, building and safety regulations prior to issuance of such a license;

AND BE IT FURTHER RESOLVED that Health Canada be requested to institute a process by which local governments are notified of licenses that are issued by Health Canada under the Marihuana Medical Use Regulations.

ON MOTION, was NOT ENDORSED

B66 SAFER COMMUNITIES AND NEIGHBOURHOODS

Courtenay

WHEREAS municipalities lack the legislative tools to adequately deal with certain types of problem properties:

THEREFORE BE IT RESOLVED that the Government of British Columbia adopt "Safer Communities and Neighbourhoods" legislation, modelled after the Province of Alberta's legislation in order to address the public disorder and neighbourhood deterioration caused by illicit drug houses, problem addresses and the issues associated with them.

On motion, duly moved and seconded, that the enactment clause be amended to remove specific reference to Province of Alberta legislation, was endorsed.

The resolution, as amended, then read:

THEREFORE BE IT RESOLVED that the Government of British Columbia work with UBCM to create or improve existing legislation in order to address the public disorder and neighbourhood deterioration caused by illicit drug houses, problem addresses, businesses and the issues associated with them.

ON MOTION, as amended, was ENDORSED

RESULTS OF ELECTION FOR SECOND VICE-PRESIDENT

At 9:45 a.m. Director Susan Gimse, Chair of the Nominating Committee presented the election results for:

Second Vice President: Director Heath Slee, East Kootenay Regional District

NOMINATIONS FROM THE FLOOR

At 9:55 am, Director Susan Gimse, Chair of the Nominating Committee, called for nominations from the floor for the positions of Small Community Representative, Electoral Area Representative and Directors at Large. Those nominated at the close of nominations were:

Chronicle

nuschronicle.com

Serving Ladysmith, Chemainus and area

Tuesday, December 15, 2009

Fire destroys part of home

Grow-op may have caused the fire to start

Stephen Thomson

THE CHRONICLE

A legal marijuana grow-op may be to blame for the blaze last week that destroyed part of a Ladysmith home.

Officials suspect a problem with hydroponic equipment sparked the fire that gutted part of the two-storey house that sits on a secluded hillside street near the town's golf course.

Ladysmith fire Chief Ray Delcourt said the owner of the Arbutus Crescent home had the authorization required to grow pot.

RCMP Cpl. Doug Brayley said no people were inside the building when the fire started but police and firefighters broke down a door and rescued two dogs.

"No one was home at the time. We talked to the owner, confirmed it. He was the only one living there," Brayley said.

The homeowner has insurance and is now staying with friends,

Delcourt said.

Firefighters from Ladysmith, Chemainus and North Oyster were called to the scene on the morning of Dec. 10.

As the crew fought to contain the blaze, neighbours and other onlookers gathered on the street to watch.

The fire sent up a column of grey smoke that towered above the home and could be seen from the highway.

Sonia Knippshild, who lives next door with her husband, said she was inside using her computer when a man suddenly came to the door with a warning that the couple should get ready to evacuate.

"I was grabbing clothes and we heard a bang and then there was really a lot of flames. So I don't know if it caught a barbecue or it if caught some gas thing or what," she said at the scene.

No other homes were damaged.

news@ladysmithchronicle.com

Web extra: inspired by generosity

49th Parallel Grocery donates large sum to Inspire the World, thanks to all the shoppers.

Online at www.ladysmithchronicle.com

000185



STEPHEN THOMSON PHOTO

crews from Ladysmith, Chemainus and North Oyster fought a house fire that may droponic equipment.

History	41	Sports	21	Community	23
AR&E	13	Crossword	23	Classicals	25

2 FOR 1



SR 7

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 19, 2010

DATE: January 13, 2010

FILE NO:

FROM: Tom R. Anderson, General Manager

BYLAW NO:

SUBJECT: Development Application Sustainability Checklist

Recommendation:

That the Committee give consideration to moving forward with the Sustainability Checklist and that a motion to proceed with an amendment to the CVRD Application Procedures and Fee Bylaw be approved.

Purpose:

To obtain Committee direction on whether to proceed with the incorporation of a Sustainability Checklist as part of the application requirements for Rezoning and Development Permit applications.

Financial Implications:

To be borne by the applicant if there is a cost.

Interdepartmental/Agency Implications:

N/A

Background:

The Regional Board formed the Environment Commission in 2008 in recognition of the fact that the world and specifically, this region are demanding more than nature can provide. To secure our future, the Commission was charged with "developing a strategy which will help bring our demands on nature back into balance."

Over the months, the Commission adopted an Environmental Lens Statement which is defined and identified as:

"Decisions that help deliver durable prosperity, resilient in the face of climate change and growing population, will meet sustainable criteria in the following key areas of CVRD authority and influence:

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Lens 1. A Sustainable Economy:

Ensure that economic development in the region is sustainable in the resources it requires for viability.

Lens 2. Healthy Natural Ecosystems:

Ensure land use conserves healthy natural ecosystems.

Lens 3. Abundant Local Food:

Enhance agricultural self-sufficiency of our region.

Lens 4. Good Water Supply:

Ensure that the quantity and quality of the region's water is maintained for the present and future.

Lens 5. Lower Carbon Footprint:

Reduce regional GHG emissions in line with or ahead of goals set by senior government.

Lens 6. Timely, Efficient Transportation:

Public and private transportation options in the region are efficient, convenient, economical and have the lowest possible ecological impact.

Lens 7. Sound Waste Management:

Waste from domestic and industrial sources is minimized and residues are managed to avoid contamination of air, land and water, or loss of recoverable materials and energy."

The Commission has also developed the "12 Big Ideas" which is a concept designed to grab the imagination of the public as a way to move the community toward more environmentally conscience decision making. The 12 Big Ideas are attached as an additional supplement to this report.

As a way of moving their initiatives to the operational level, a meeting was held by members of the Environment Commission with the CVRD Corporate Leadership Team in September 2009. One idea that came out of that discussion was that of moving forward to require all applicants submitting Zoning or Development Permit Applications be required to also fill out a Sustainability Checklist as a way of placing more emphasis on the promotion of sustainable development within the Electoral Areas of the Regional District.

A number of local governments now incorporate Sustainability Checklists as part of the application process. Some of the larger local governments have the staffing which allows them to review applications and provide their evaluation of the environmental protection and enhancement offered by each development proposal. Unfortunately, we do not have the luxury of having the resources to achieve such a level of environmental review. As an alternative, smaller local governments put the onus on the applicant themselves to highlight the sustainability features offered in their development proposal. The attached Sustainability Checklist is one that has been developed by the City of Parksville that we feel may be suitable for our situation here at the Regional District.

If acceptable to the Committee, it is proposed that a meeting be scheduled with members of the Environment Commission to bring them into the fold on the direction we are proposing to take. After which, staff would prepare the necessary amendment bylaw to our Development Application Procedures and Fees Bylaw so that this checklist can be formally incorporated into our application procedure requirements.

It is envisioned that once this checklist is in place it will be attached to the Planners report which is sent out to the Advisory Planning Commissions for comment and to the report that is prepared for the Electoral Area Services Committee. It is hoped that this will also satisfy the December 10, 2009 Environment Commission desire to have staff reports include information regarding the environmental implications of applications or specific issues.

Earlier in the report under the heading of Financial Implications, it was noted that the costs for this would be borne by the applicant. It should be stated that it is expected that the applicants will be able to complete the checklist by themselves. However, it is not inconceivable that the larger development applications will employ the services of professionals to complete the checklists as a way of ensuring the Regional District staff, politicians and public are fully aware sustainability initiatives that are included in their proposals.

Submitted by,



Tom R. Anderson, MCIP
General Manager
Planning & Development Department

TRA/jah
Attachment

000186

Environment Commission

about

membership

how to get involved

Our Plan

our 12 big ideas

background

formation

interesting and fun

facts

What You Think

what you told us

give us feedback

thanks

VRD Response

12 big ideas for a strong, resilient community

Here are our 12 big ideas on which to build a sustainability plan for the Cowichan region, and some examples of what our big ideas would look like 'on the ground.' Some of these things you could do personally, and some we could do together as a community and through local government.

Are you ready to do your part, and to support local government to do theirs?

1. **Get real about climate change.** We have to get real about climate change and the impacts that it is having and will continue to have on our region. We can do this by planning for the uncertainty ahead, protecting infrastructure and communities from increased winter rains, developing a comprehensive drought plan for region and requiring that new development or redevelopment provides on-the-ground solutions to these challenges. This first 'big idea' runs like a thread through the other 11.
2. **Eat local because food security matters.** We have some of the best agricultural land anywhere. Let's maximize this potential and establish food security for our region. We can do this by supporting small-scale agriculture, developing a regional agricultural plan and providing creative support tools and mechanisms to assist local agricultural production.
3. **Be energy smart.** We have to get smarter about how we generate and use energy in our region, in order to ensure that our demand does not outweigh our supply. We can do this by lowering thermostat when not at home, shutting off unused electronics, switching to low energy street lights, using industrial and household waste to produce power, supporting geothermal, wind and solar projects and developing a regional energy plan.
4. **Get up to speed on the new green economy.** We need to quickly change how we do business in our region, by doing things like promoting green business development (agro-forestry, alternative energy, eco-tourism), establishing partnerships with existing industry (e.g. allowing new businesses to use their energy 'waste') consuming less, applying full cost accounting to determine the true costs of products and services, and shift taxes to reward low-impact activity.
5. **Clear the air to reduce carbon emissions.** We need to immediately reduce our local carbon emissions by doing things like planting carbon-fixing vegetation, upgrading wood burning stoves, reducing our reliance on fossil fuels, passing air quality bylaws, and monitoring and enforcing our air quality.
6. **Don't hog the water so there is enough for all.** We need to make sure there is enough clean water for everyone and everything, including other species and ecosystems. We can do this by pricing water accordingly to encourage conservation, locating industry away from the aquifer's sensitive areas, using drought resistant landscaping, creating a water budget to determine the optimum population for the region, using lower flush toilets and shower heads, developing fisheries side channels that also act as floodways for increased flood protection to communities, encouraging 'green infrastructure' development that takes natural water cycle and rainwater into consideration and replenishes the aquifers and wetlands (e.g. using natural water courses instead of installing stormdrains, bringing back the ditch).
7. **Grow up, not out.** We need to lower our development footprint and live in denser, more compact communities. This means doing things like establishing an urban containment boundary (i.e. no more sprawl) that puts people, jobs and transportation closer together, developing creative ways to get added natural values within this boundary (e.g. ecosystem pockets, trees for shade and migrating birds, raingardens), and adopting a green building code that has local requirements for water conservation, energy efficiency and site impacts.
8. **Revive biodiversity.** We need to immediately start restoring and protecting valuable habitat and ecosystems. We can do this getting rid of invasive species, allowing only zero impact development (where no habitat is destroyed), acquiring or protecting ecologically significant tracts of land, building birdhouses to reduce invasive mosquito populations, enabling property owners to putting a covenant on their property, developing co-habitation partnerships (e.g. mixing working farms with cluster housing and community forests) and managing forest practices.

000189

9. **Get serious about zero waste.** We need to rethink how we handle our sewage and other wastes to make use of unused resources and minimize their impact on the receiving environment. We can also do this by saying no to plastic, avoiding excessive packaging and exploring cradle to cradle opportunities.
10. **Be carbon neutral.** We can achieve carbon neutrality by doing things like creating better ways to get around (light rail, bike lanes, more buses), developing a regional transportation plan, making recreation carbon free, setting up a regional carbon trading system that keeps the impact and benefit close to home and builds better linkages and partnerships, reforesting our communities and watershed to capture carbon and create jobs.
11. **Audit our assets.** We need to figure out what we have so we know what to protect and how quickly we have to act. This means documenting and assessing things like sensitive areas, species at risk, wetlands, watercourses and air and water quality. It also means undertaking a connectivity analysis to ensure we protect and allow for species migrations.
12. **Lead the way.** We all have a role to play in creating a sustainable Cowichan, including encouraging government to embed a sustainable future in every rule and regulation and supporting them to make real changes, joining a committee, being a watchdog and voicing your concerns and priorities.

ision. Little footprint.

Cowichan Valley Regional District Environment Commission | 175 Ingram Street | Duncan, BC | V9L 1N8 250.746.2500

000190



THE SUSTAINABILITY CHECKLIST FOR REZONING AND DEVELOPMENT PERMIT APPLICATIONS

Environmental Protection and Enhancement				
Please explain how the development protects and/or enhances the natural environment. For example does your development:				
		YES	NO	EXPLANATION
1.	Conserve, restore, or improve native habitat?	<input type="checkbox"/>	<input type="checkbox"/>	
2.	Remove invasive species?	<input type="checkbox"/>	<input type="checkbox"/>	
3.	Involve innovative ways to reduce waste, and protect the air quality?	<input type="checkbox"/>	<input type="checkbox"/>	
4.	Include an ecological inventory?	<input type="checkbox"/>	<input type="checkbox"/>	
Please explain how the development contributes to the more efficient use of energy. For example does your development:				
		YES	NO	EXPLANATION
5.	Use climate sensitive design features (passive solar, minimize the impact of wind, and rain, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	
6.	Provide onsite renewable energy generation such as solar energy or geothermal heating?	<input type="checkbox"/>	<input type="checkbox"/>	
7.	Propose buildings constructed in accordance with LEED, and the accepted green building standards?	<input type="checkbox"/>	<input type="checkbox"/>	

Please explain how the development facilitates good environmentally friendly practices. For example does your development:

		YES	NO	EXPLANATION
8.	Provide onsite composting facilities?			
9.	Provide an area for a community garden?			
10.	Include a car free zone?			
11.	Include a car share program?			

Please explain how the development contributes to the more efficient use of water. For example does your development:

		YES	NO	EXPLANATION
12.	Use drought tolerant plants?			
13.	Use rocks and other materials in the landscaping design that are not water dependant?			
14.	Recycle water and wastewater?			
15.	Provide for zero stormwater run-off?			
16.	Utilize natural systems for sewage disposal and storm water?			
17.	Use low flush toilets?			

Please explain how the development protects, enhances or minimizes its impact on the local natural environment. For example does your development:

		YES	NO	EXPLANATION
18.	Provide conservation measures for sensitive lands beyond those mandated by legislation?			
19.	Cluster the housing to save remaining land from development and disturbance?			
20.	Protect groundwater from contamination?			

Please explain how the development protects a 'dark sky' aesthetic by limiting light pollution and light trespass from outdoor lighting. For example does your development:

	YES	NO	EXPLANATION
21. Include <u>only</u> "Shielded" Light Fixtures, where 100% of the lumens emitted from the Light Fixture are projected below an imaginary horizontal plane passing through the highest point on the fixture from which light is emitted?			

Community Character and Design

Does the development proposal provide for a more "complete community" within a designated Village Centre? For example does your development:

	YES	NO	EXPLANATION
22. Improve the mix of compatible uses within an area?			
23. Provide services, or an amenity in close proximity to a residential area?			
24. Provide a variety of housing in close proximity to a public amenity, transit, or commercial area?			

Please explain how the development increased the mix of housing types and options in the community. For example does your development:

	YES	NO	EXPLANATION
25. Provide a housing type other than single family dwellings?			
26. Include rental housing?			
27. Include seniors housing?			
28. Include cooperative housing?			

Please explain how the development addresses the need for attainable housing in Parksville. For example does your development:

	YES	NO	EXPLANATION
29. Include the provisioning of <i>Affordable Housing units</i> ?			

Please explain how the development makes for a safe place to live. For example does your development:

		YES	NO	EXPLANATION
30.	Have fire protection, or include fire prevention measures such as removal of dead fall, onsite pumps, etc?			
31.	Help prevent crime through the site design?			
32.	Slow traffic through the design of the road?			

Please explain how the development facilitates and promotes pedestrian movement. For example does your development:

		YES	NO	EXPLANATION
33.	Create green spaces or strong connections to adjacent natural features, parks and open spaces?			
34.	Promote, or improve trails and pedestrian amenities?			
35.	Link to amenities such as school, beach & trails, grocery store, public transit, etc.? (provide distance & type)			

Please explain how the development facilitates community social interaction and promotes community values. For example does your development:

		YES	NO	EXPLANATION
36.	Incorporate community social gathering places? (village square, halls, youth and senior facilities, bulletin board, wharf, or pier)			
37.	Use colour and public art to add vibrancy and promote community values			
38.	Preserve heritage features?			

Economic Development

Does the development proposal infill an existing developed area, as opposed to opening up a new area to development? For example does your development:

		YES	NO	EXPLANATION
39.	Fill in pre-existing vacant parcels of land?			
40.	Utilize pre-existing roads and services?			
41.	Revitalize a previously contaminated area?			

Please explain how the development strengthens the local economy. For example does your development:

		YES	NO	EXPLANATION
42.	Create permanent employment opportunities?			
43.	Promote diversification of the local economy via business type and size appropriate for the area?			
44.	Increase community opportunities for training, education, entertainment, or recreation?			
45.	Use local materials and labour?			
46.	Improve opportunities for new and existing businesses?			
B O N U S	Please explain if there is something unique or innovative about your project that has not been addressed?			

Total Number of "Yes"	/46	<p>Disclaimer: Please note that Staff is relying on the information provided by the applicant to complete the sustainability checklist analysis. The City of Parksville does not guarantee that development will occur in this matter.</p>
	%	
SCORE		



SR8

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 19, 2010

DATE: January 14, 2010
FROM: Catherine Tompkins, Planner III
SUBJECT: 2009 Year End Report

Recommendation:

The Year End Report is submitted for information purposes only.

Purpose:

To provide the Development Services Department 2009 Year End Report for information purposes.

Financial Implications:

NA

Interdepartmental/Agency Implications:

NA

Background:

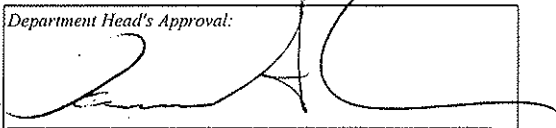
Each year the Development Services Department compiles a Year End Report to provide statistical information respecting land use and building applications received by the Cowichan Valley Planning and Development Department during the past year. 2009 has been a busy year for the Development Services Department, with significant development activities occurring throughout most of the region.

Although the Year End Report is limited to providing a statistical summary of applications, referrals and permits, it should also be recognized that the Department has many additional responsibilities, including long range projects, related to motions arising from the Electoral Area Services Committee and other committees of the Regional Board. Additionally, a primary responsibility not covered in the Report is to provide guidance and information to assist CVRD elected officials and community stakeholders in making sound and informed decisions.

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If you have any questions regarding the information provided in the Year End Report, do not hesitate to contact the undersigned. The Report is made available to the public throughout each year.

Submitted by,

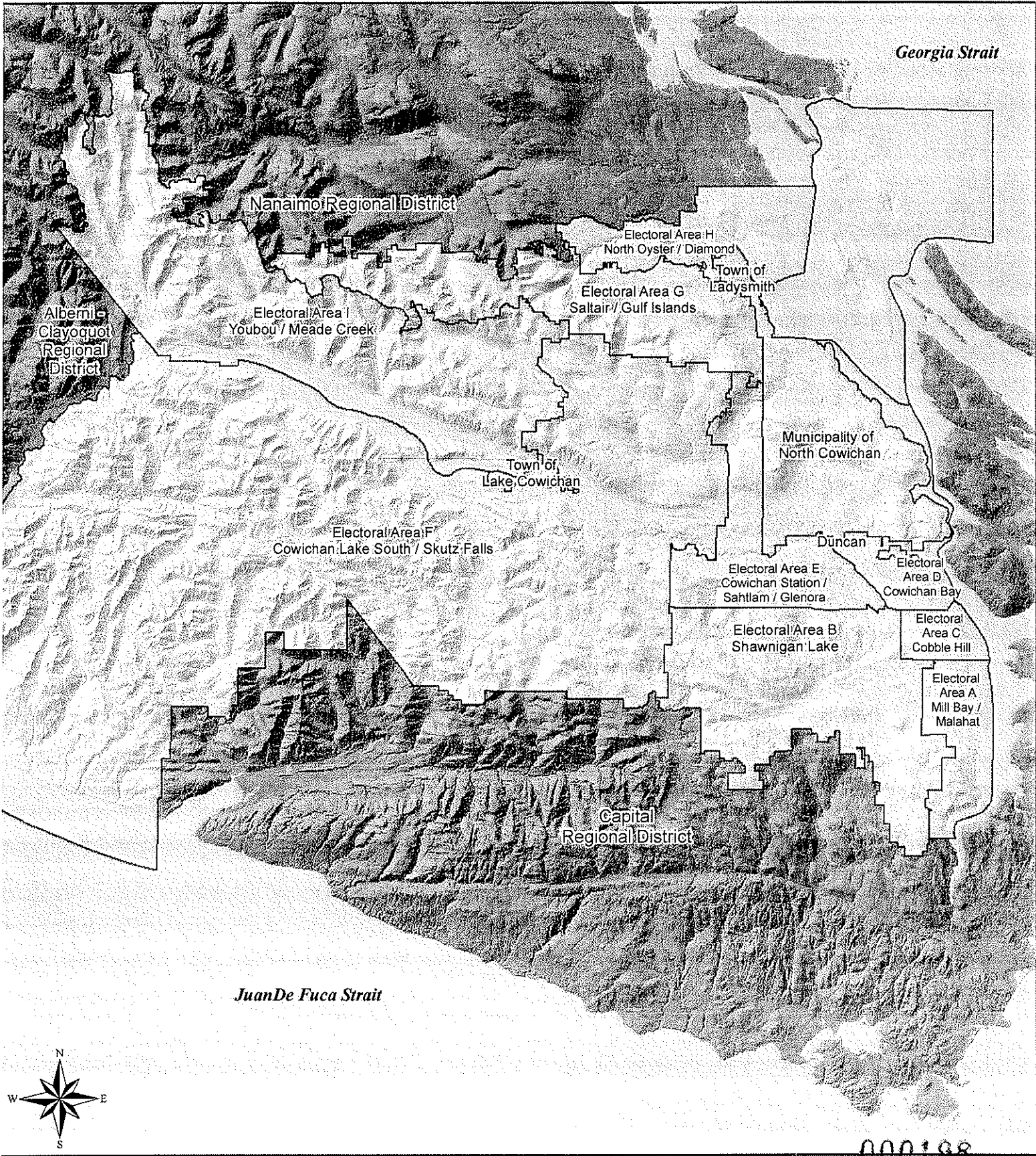
<i>Department Head's Approval:</i> 
<i>Signature</i>

Catherine Tompkins, MCIP
Planner III
Development Services Department

attachment



Cowichan Valley Regional District
Development Services Department
2009 YEAR END REPORT



PART ONE: THE CVRD PLANNING AND DEVELOPMENT DEPARTMENT

1.1 INTRODUCTION

This report provides statistical information respecting land use and building applications received by the Cowichan Valley Regional District Planning and Development Department during 2009. Although this document is generally limited to providing a statistical summary of applications, the Department has many additional responsibilities related to motions arising from the Electoral Area Services Committee and other committees of the Regional Board. A primary responsibility not covered in this report is to provide long range plans for the nine electoral areas. The department also provides guidance and information to assist CVRD elected officials in making sound and informed decisions. Advice is based on technical considerations or is given with the over-arching principle being protection of the community (“public”) interest over the long term, while being respectful of private property owners’ individual interests.

Another role of the Development Services Department is to help the public and private sector to access and understand past, present and future planning and development issues, policies and trends, by gathering, analyzing and reporting information. The Department responds to inquiries for information from the public, students, businesses, governments and non-profit agencies. Such requests range from basic to complex. Staff response time varies in accordance with the complexity of the inquiry received as well as the number of inquiries received at that time.

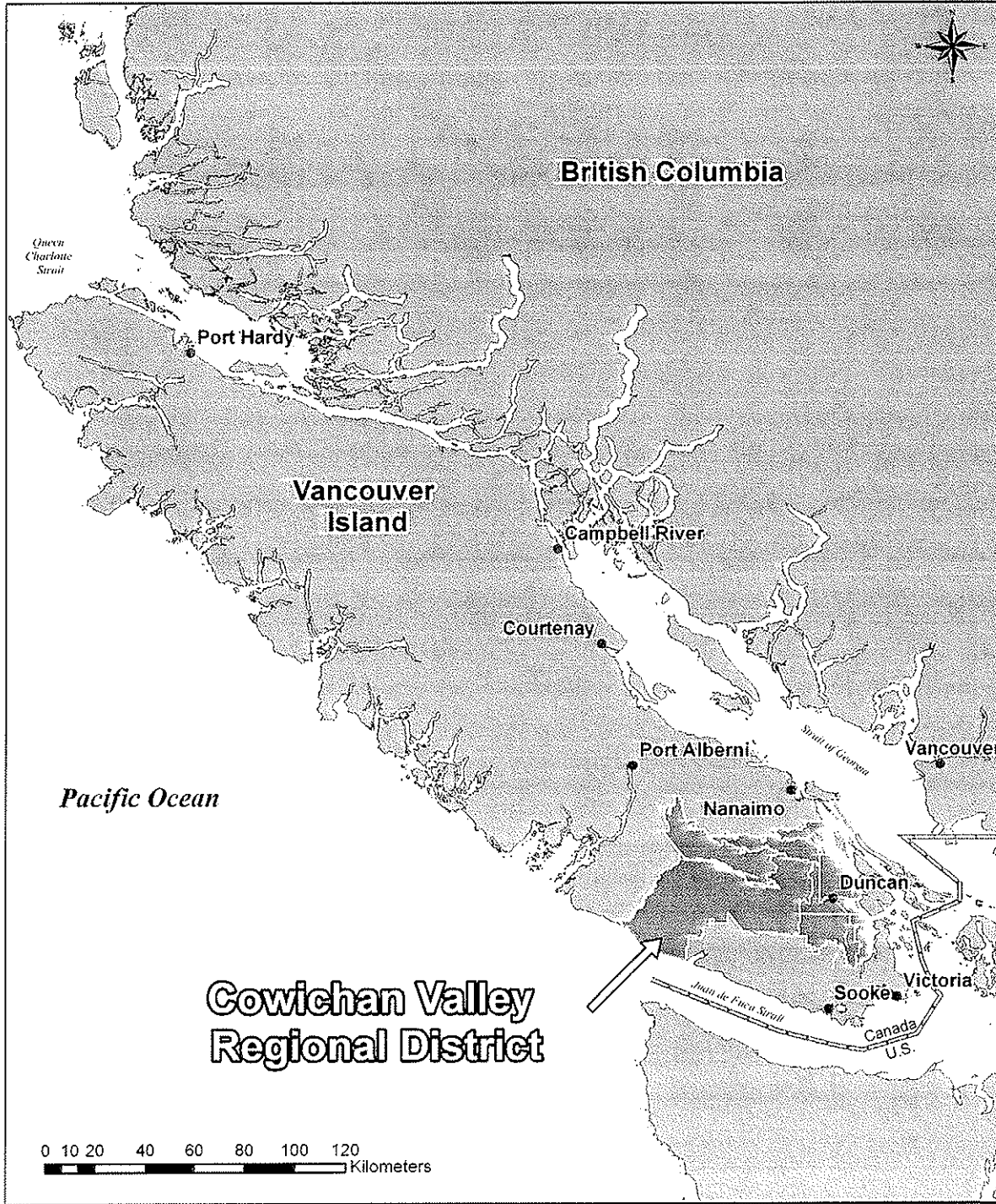
PART TWO: GEOGRAPHICAL CONTEXT



Cowichan Valley Regional District
Development Services Department
Regional Context Map



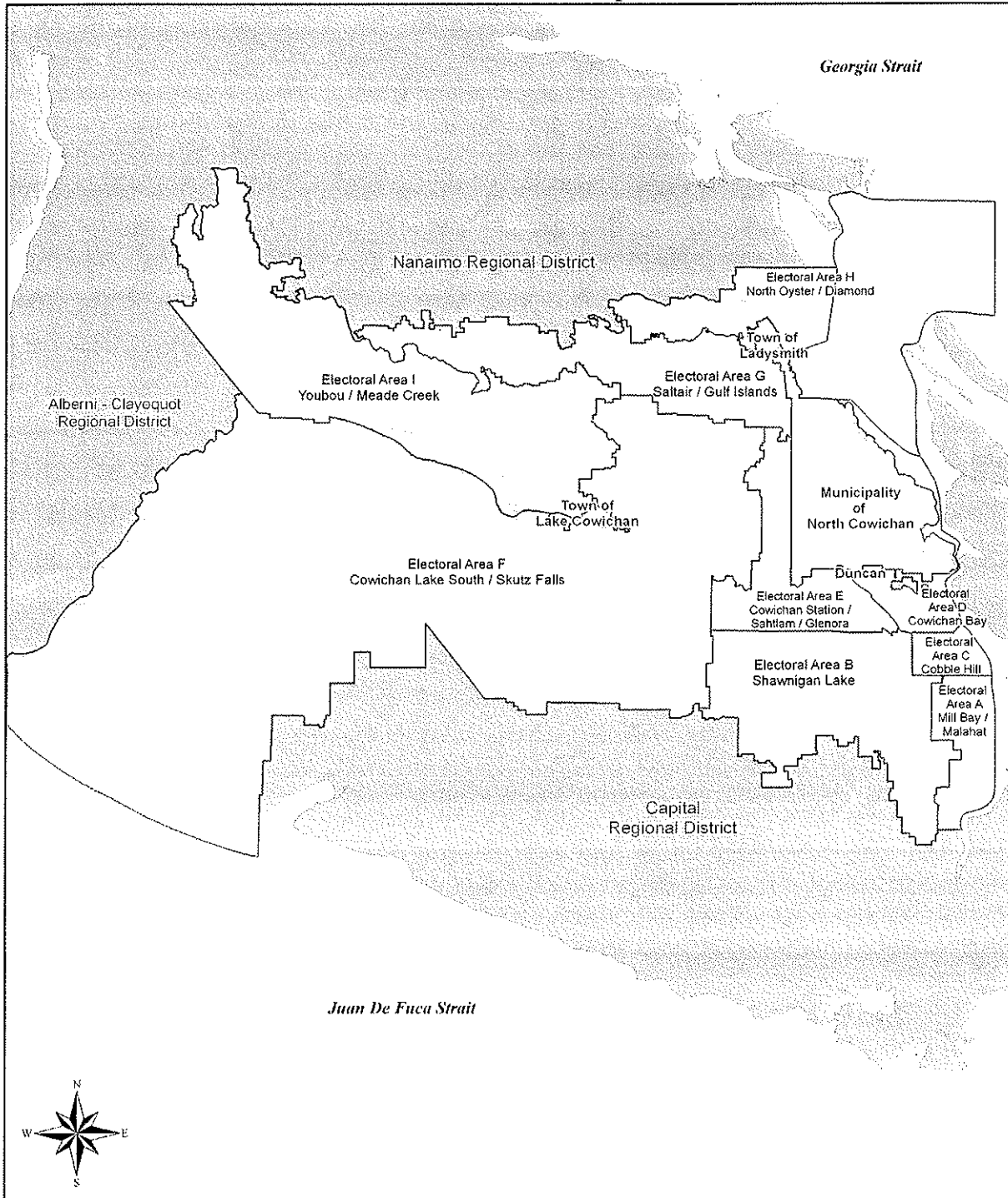
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Cowichan Valley Regional District
 Development Services Department
Electoral Area Map



PART THREE: DEPARTMENTAL ACTIVITY REPORT

3.1 OFFICIAL COMMUNITY PLAN (OCP)/ZONING AMENDMENTS

Number of OCP/Zoning Amendment Applications Received By Electoral Area										
	A	B	C	D	E	F	G	H	I	Total
1980	4	5	5	0	7	5	1	1	0	28
1981	0	4	4	2	6	4	5	3	2	30
1982	6	5	4	0	1	5	2	0	1	24
1983	4	7	3	2	4	2	2	0	2	26
1984	4	2	2	0	3	3	0	1	0	15
1985	6	5	4	0	7	2	1	5	2	32
1986	6	2	1	4	4	1	3	0	2	23
1987	6	5	4	1	5	4	2	2	2	31
1988	6	3	6	2	2	1	0	2	0	22
1989	6	4	2	0	3	1	1	3	0	20
1990	9	3	1	4	4	0	5	2	0	28
1991	6	7	2	2	4	3	0	5	0	29
1992	7	8	6	3	6	1	0	1	2	34
1993	4	4	1	1	4	5	2	1	0	22
1994	3	4	3	3	3	4	0	4	1	25
1995	2	2	1	1	1	3	1	1	0	12
1996	2	1	0	2	2	0	0	0	0	7
1997	6	4	1	0	1	1	1	1	1	16
1998	1	3	2	2	1	2	1	0	0	12
1999	6	5	0	3	1	1	0	1	0	17
2000	0	1	2	2	1	1	0	1	0	8
2001	1	6	3	0	0	1	0	0	0	11
2002	2	4	0	2	1	2	0	1	4	16
2003	2	7	2	1	0	1	0	1	1	15
2004	2	8	4	3	2	3	0	2	0	24
2005	4	8	5	0	1	1	1	2	3	25
2006	5	8	5	3	3	1	0	3	3	31
2007	5	15	2	2	7	4	0	3	2	40
2008	5	6	1	4	3	3	2	1	0	25
2009	7	1	1	4	0	1	1	1	1	17

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3.2 SUBDIVISION ACTIVITY

Number of Subdivision Referrals Received By Electoral Area										
	A	B	C	D	E	F	G	H	I	Total
1991	11	27	7	4	17	2	7	7	7	89
1992	15	26	18	4	24	2	8	6	2	105
1993	18	37	12	9	15	8	10	9	5	123
1994	10	37	16	7	12	7	7	7	2	105
1995	3	16	4	10	9	9	3	4	3	61
1996	3	5	6	8	4	2	2	4	4	38
1997	3	9	3	3	3	7	4	5	0	37
1998	8	7	2	1	4	7	1	3	0	33
1999	5	13	3	2	5	1	3	1	0	33
2000	12	6	4	5	4	2	4	7	0	44
2001	5	9	5	3	3	4	0	4	2	35
2002	9	15	4	2	6	4	3	5	2	50
2003	6	18	2	9	9	4	1	3	3	55
2004	11	22	5	14	5	6	1	10	2	76
2005	12	23	9	5	7	9	24	6	5	100
2006	8	17	6	6	6	4	2	12	10	71
2007	12	19	4	12	6	6	5	8	8	80
2008	5	17	4	10	7	4	2	6	5	60
2009	5	9	5	1	6	8	1	2	0	37
Potential Number Of Parcels Created- By Electoral Area										
	A	B	C	D	E	F	G	H	I	Total
1991	23	92	86	4	38	28	16	74	27	388
1992	52	97	48	3	47	9	8	37	15	316
1993	69	68	78	3	26	11	3	3	56	317
1994	37	59	177	20	57	16	7	5	38	416
1995	21	25	43	22	18	10	20	6	16	181
1996	8	32	54	3	17	10	10	3	14	151
1997	38	60	13	14	13	16	4	5	45	208
1998	1	19	1	7	6	0	3	15	0	52
1999	5	64	8	3	8	1	2	1	0	92
2000	17	18	30	9	7	1	5	10	0	97
2001	3	18	17	8	3	5	0	11	50	115
2002	79	31	4	1	3	6	3	6	52	185
2003	11	72	13	91	9	6	1	19	81	303
2004	88	96	25	154	5	9	1	10	13	401
2005	50	90	43	8	6	33	65	7	14	316
2006	74	86	29	9	15	10	2	11	34	270
2007	372	229	9	73	13	4	12	7	33	752
2008	13	40	8	48	13	4	3	2	76	207
2009	25	18	14	0	29	15	2	18	0	121

000203

3.3 AGRICULTURAL LAND RESERVE (ALR) APPLICATIONS

Number of ALR Applications Received By Electoral Area										
	A	B	C	D	E	F	G	H	I*	Total
1985	2	1	4	1	2	0	1	4	NA	15
1986	2	1	3	4	2	0	0	2	NA	14
1987	2	3	5	6	1	0	0	2	NA	19
1988	2	2	3	2	5	0	1	1	NA	16
1989	0	2	5	4	8	0	2	3	NA	24
1990	1	1	8	2	6	0	3	1	NA	22
1991	0	2	2	2	4	1	0	1	NA	12
1992	2	2	4	3	7	0	1	3	NA	22
1993	2	1	6	1	4	1	0	2	NA	17
1994	2	2	3	0	5	0	2	1	NA	15
1995	0	0	2	2	6	0	0	1	NA	11
1996	1	1	1	1	1	0	0	3	NA	8
1997	1	1	2	1	4	1	0	1	NA	11
1998	1	2	1	1	3	1	1	3	NA	13
1999	1	2	2	0	1	0	0	0	NA	6
2000	0	2	2	2	1	0	1	0	NA	8
2001	0	2	0	0	3	0	1	1	NA	7
2002	1	2	0	1	3	0	0	1	NA	8
2003	1	2	0	2	4	1	0	1	NA	11
2004	1	3	5	4	2	2	1	3	NA	21
2005	1	3	2	0	2	0	0	1	NA	9
2006	2	2	3	4	3	1	0	6	NA	21
2007	2	3	2	0	3	1	0	1	NA	12
2008	0	1	2	1	4	1	0	0	NA	9
2009	0	1	3	3	2	0	0	2	NA	11

*There are no ALR lands within Electoral Area I (Youbou/Meade Creek).

000204

3.4 DEVELOPMENT PERMIT APPLICATIONS

Number of Development Permit Applications Received By Electoral Area										
	A	B	C	D	E	F	G	H	I	Total
1980	3	0	0	3	2	0	1	1	0	10
1981	0	3	0	0	5	0	0	0	0	8
1982	2	0	2	1	2	0	0	1	0	9
1983	2	0	0	0	1	0	0	1	0	4
1984	1	0	0	1	2	0	0	0	0	4
1985	0	0	1	2	4	10	1	3	0	12
1986	0	0	0	0	0	0	0	2	0	2
1987	0	0	1	0	0	0	0	0	0	1
1988	0	0	1	0	0	0	0	0	0	1
1989	0	0	0	0	1	0	2	0	0	3
1990	0	0	0	0	0	0	1	4	0	5
1991	4	0	0	0	0	0	0	4	0	8
1992	2	0	1	0	4	0	2	2	0	11
1993	3	0	1	0	2	0	0	1	0	7
1994	2	1	1	0	1	0	1	1	0	7
1995	0	0	1	2	2	2	0	7	0	14
1996	3	0	0	0	2	0	0	3	0	8
1997	3	0	0	0	3	1	0	0	0	7
1998	1	0	1	1	1	1	2	1	0	8
1999	2	0	0	0	0	3	0	0	0	5
2000	2	1	0	2	2	0	1	1	0	9
2001	6	0	1	0	1	1	1	1	0	11
2002	0	0	1	0	2	1	0	0	0	4
2003	3	1	0	0	1	0	2	0	1	8
2004	3	4	1	1	1	1	1	3	0	15
2005	9	1	0	2	6	2	9	10	2	41
2006	6	10	1	0	5	3	3	7	10	45
2007	11	18	3	0	11	15	5	6	27	96
2008	4	8	2	6	7	3	3	6	7	46
2009	5	2	0	7	8	2	3	3	5	35

3.5 DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Number of Development Variance Permit Applications Received By Electoral Area										
	A	B	C	D	E	F	G	H	I	Total
1986	0	0	1	1	2	0	0	1	2	7
1987	2	2	3	1	3	0	0	1	0	12
1988	4	4	3	5	6	0	2	1	2	27
1989	3	6	4	5	4	0	0	4	3	29
1990	1	3	4	4	6	0	3	1	0	22
1991	3	2	3	2	3	1	3	0	2	19
1992	3	3	1	0	0	0	1	1	1	10
1993	2	4	3	4	1	0	1	0	4	19
1994	2	6	2	5	2	2	0	1	3	23
1995	0	2	2	1	0	0	0	0	2	7
1996	0	4	2	4	2	1	0	3	1	17
1997	3	4	0	2	2	0	1	1	1	13
1998	3	3	3	2	2	2	4	2	1	22
1999	2	0	3	2	3	0	1	0	1	12
2000	2	5	2	2	0	0	4	1	0	16
2001	2	8	9	0	4	1	0	1	1	26
2002	0	6	1	3	4	0	0	1	0	15
2003	0	2	2	2	2	1	3	1	3	16
2004	8	5	1	1	2	2	3	1	1	24
2005	3	8	0	2	0	1	3	3	1	21
2006	2	7	2	2	1	1	4	4	4	27
2007	16	4	3	5	4	3	0	3	4	42
2008	8	2	1	0	5	1	1	0	5	23
2009	3	8	1	0	4	0	1	0	3	20

000206

3.6 BOARD OF VARIANCE APPLICATIONS

Number of Board of Variance Applications Received By Electoral Area										
	A	B	C	D	E	F	G	H	I	Total
1980	1	4	2	1	2	5	5	1	1	17
1981	5	10	0	7	3	5	5	7	3	44
1982	10	12	2	2	11	3	3	3	1	55
1983	10	12	5	3	13	3	3	4	5	60
1984	12	9	2	2	12	1	1	4	8	60
1985	4	3	5	6	3	6	6	6	6	43
1986	3	11	3	3	2	2	2	4	0	30
1987	4	8	7	7	3	0	0	2	8	40
1988	0	1	1	0	2	1	1	0	1	7
1989	5	2	2	3	1	1	1	0	2	17
1990	2	2	2	1	3	3	3	0	0	15
1991	3	3	4	2	1	2	2	1	3	19
1992	4	5	6	1	3	2	2	0	0	22
1993	4	4	1	1	1	1	1	1	0	14
1994	2	5	3	2	3	5	5	1	2	24
1995	2	6	0	0	1	1	1	3	1	15
1996	4	4	3	3	1	1	1	2	2	20
1997	2	4	1	0	0	0	0	1	0	8
1998	0	2	0	0	2	1	1	0	0	6
1999	0	0	0	1	0	1	0	0	1	3
2000	0	0	0	0	0	0	0	0	0	0
2001	0	0	0	0	0	0	0	0	0	0
2002	0	1	0	0	0	0	0	0	0	1
2003	0	0	0	0	0	0	0	0	0	0
2004	0	1	0	0	0	0	0	0	0	1
2005	0	0	0	0	0	0	0	0	1	1
2006	0	0	0	0	0	0	0	0	0	0
2007	0	0	0	0	0	0	0	0	0	0
2008	0	0	0	0	1	1	0	0	0	2
2009	0	0	0	0	0	0	0	0	0	0

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3.7 NEW HOUSING STARTS

**New Housing Starts
By Electoral Area**

	A	B	C	D	E	F	G	H	I	Total
1980	41	85	23	20	27	13	23	28	4	264
1981	32	121	31	25	46	37	13	40	8	353
1982	10	52	6	4	7	10	15	14	5	123
1983	14	64	15	14	23	13	10	12	8	173
1984	17	37	18	12	17	10	6	13	3	133
1985	11	34	6	8	9	9	8	13	0	98
1986	18	24	15	9	18	12	9	11	3	119
1987	17	63	44	8	10	10	9	17	3	181
1988	34	68	121	17	13	9	14	18	4	298
1989	40	143	130	16	10	14	14	15	2	384
1990	33	108	92	15	20	11	27	32	2	340
1991	29	89	66	15	35	21	20	24	8	307
1992	36	205	89	16	54	27	24	44	15	510
1993	50	81	76	5	28	14	13	20	24	311
1994	42	72	120	16	55	9	15	21	15	365
1995	24	35	50	13	19	10	22	14	9	196
1996	19	26	43	16	21	11	8	28	8	180
1997	38	38	54	12	22	15	5	8	3	195
1998	24	29	18	5	13	5	10	6	5	115
1999	18	53	32	4	12	8	8	10	3	148
2000	50	23	18	2	5	7	4	3	4	116
2001	17	29	23	2	6	6	5	7	3	98
2002	21	65	37	8	4	6	8	7	4	160
2003	22	58	20	21	17	8	4	8	4	161
2004	47	59	23	49	22	6	5	14	4	229
2005	68	39	15	47	17	(-8)	12	41	20	251
2006	46	62	15	28	17	16	17	15	28	244
2007	61	86	9	45	16	12	10	18	15	272
2008	47	71	20	17	18	12	13	13	15	227
2009	23	83	44	12	5	2	3	2	17	191

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3.8 RESIDENTIAL BUILDING PERMITS ISSUED

Number of Residential Building Permits Issued By Electoral Area										
	A	B	C	D	E	F	G	H	I	Total
1989	74	214	171	54	46	37	50	43	28	717
1990	72	183	128	44	62	32	54	61	18	654
1991	70	186	130	52	73	43	44	54	21	673
1992	77	201	157	34	112	51	48	84	26	790
1993	82	184	128	19	73	41	38	53	39	657
1994	82	190	173	38	94	32	43	62	38	752
1995	64	111	85	31	60	34	43	47	25	500
1996	23	48	48	15	27	13	14	18	16	222
1997	68	94	101	15	49	29	26	27	11	420
1998	53	86	51	17	41	18	34	23	20	343
1999	46	104	71	16	29	21	20	23	16	346
2000	37	74	44	19	28	16	22	11	11	262
2001	44	78	51	18	22	23	21	24	12	293
2002	41	118	74	15	22	16	24	25	12	347
2003	50	116	52	35	37	27	27	27	13	384
2004	70	121	48	60	40	16	22	29	14	420
2005	91	123	38	52	40	24	34	54	34	490
2006	65	128	47	40	38	31	36	29	44	458
2007	100	150	35	67	41	23	29	41	35	521
2008	88	134	40	37	49	34	41	34	31	488
2009	58	162	76	28	33	33	24	34	32	480
Value of Residential Building Permits Issued By Electoral Area (\$)										
	A	B	C	D	E	F	G	H	I	Total
1989	3,415,094	9,559,113	10,184,058	1,338,374	810,371	1,041,471	1,308,280	1,309,758	235,856	29,202,375
1990	3,130,058	8,752,282	7,553,512	1,394,803	1,845,689	989,410	2,676,166	3,157,001	358,317	29,857,238
1991	3,302,572	8,301,059	7,749,058	1,919,421	3,163,640	1,785,795	2,003,924	2,560,522	773,310	31,559,301
1992	4,050,473	13,986,338	9,280,492	2,225,043	4,818,697	2,468,241	2,592,562	4,078,473	1,603,248	45,103,567
1993	5,806,014	9,310,183	7,437,511	488,771	3,036,522	1,733,947	1,883,075	2,249,702	2,247,355	34,193,080
1994	5,639,937	11,195,065	14,316,822	1,999,876	5,790,247	1,091,248	2,120,179	3,143,945	1,972,520	47,269,839
1995	4,077,789	5,347,235	6,590,402	1,751,620	2,780,916	1,308,439	1,827,224	1,996,211	1,303,028	26,982,864
1996	1,314,365	2,661,758	3,625,972	1,721,682	1,697,315	754,566	719,151	1,338,590	940,029	14,773,428
1997	5,474,060	5,775,397	7,665,226	1,427,070	3,259,836	1,491,321	1,492,852	2,009,203	436,496	29,031,461
1998	3,043,682	5,321,380	3,604,434	781,141	1,890,584	768,885	2,068,015	658,756	681,124	21,818,001
1999	2,657,999	6,236,665	5,156,143	932,130	1,988,646	648,364	1,021,862	1,451,831	697,330	20,790,970
2000	4,990,189	3,602,720	3,213,814	722,380	707,739	464,274	1,103,349	704,828	649,331	16,158,624
2001	3,350,828	4,522,494	3,753,005	1,221,870	765,172	913,916	1,143,195	2,111,279	355,238	18,136,997
2002	2,997,385	8,077,426	5,925,903	1,326,327	784,469	553,963	1,338,915	1,862,403	628,258	23,495,049
2003	4,011,699	8,817,990	3,599,587	2,878,921	2,685,783	1,155,962	916,436	1,546,135	785,417	26,397,930
2004	6,985,553	8,777,395	3,573,219	5,834,417	3,018,220	779,063	1,072,030	2,291,712	567,901	32,899,510
2005	9,935,928	7,474,224	2,712,342	5,354,645	2,565,088	823,379	1,885,779	6,344,587	2,731,641	39,829,613
2006	6,384,207	9,993,765	2,204,188	4,207,257	1,990,634	1,517,734	2,672,659	1,936,214	4,055,384	34,962,042
2007	9,580,866	14,244,023	2,383,767	5,363,788	2,730,959	2,036,931	1,879,812	3,592,433	2,426,116	34,303,633
2008	10,532,070	14,237,670	3,843,967	2,705,130	3,744,801	2,325,817	3,151,954	2,718,737	2,269,179	45,529,325
2009	5,935,540	13,973,396	7,775,580	2,246,675	1,426,465	1,279,150	2,544,605	2,302,220	3,387,530	40,871,161

000209

3.9 COMMERCIAL BUILDING PERMITS ISSUED

Number of Commercial Building Permits Issued By Electoral Area

	A	B	C	D	E	F	G	H	I	Total
1989	3	0	3	4	2	0	0	0	4	16
1990	4	1	3	6	4	2	0	2	1	23
1991	4	3	6	2	3	1	1	2	2	24
1992	16	1	4	6	2	1	0	2	3	35
1993	9	8	2	2	4	0	0	3	0	28
1994	2	3	4	6	1	1	1	1	0	19
1995	4	1	3	4	1	0	0	0	1	14
1996	0	3	1	5	0	0	0	1	0	10
1997	2	5	19	8	1	3	1	2	2	43
1998	3	1	3	4	5	3	0	0	0	19
1999	1	4	7	2	1	0	0	2	0	17
2000	0	1	4	0	0	0	0	1	0	6
2001	3	1	1	3	0	1	0	3	2	14
2002	8	1	1	5	0	12	2	1	1	31
2003	4	4	1	2	2	7	2	1	0	21
2004	4	4	2	4	0	7	1	0	1	23
2005	4	4	5	2	0	7	0	1	0	26
2006	0	6	9	4	3	2	1	2	0	27
2007	2	7	4	2	3	4	1	3	0	26
2008	4	9	2	2	3	1	2	1	2	26
2009	1	1	1	5	1	0	0	1	4	14

Value of Commercial Building Permits Issued By Electoral Area (\$)

	A	B	C	D	E	F	G	H	I	Total
1989	62,400	0	149,726	44,450	120,000	0	0	0	58,900	435,476
1990	595,158	7,500	192,828	55,125	182,300	58,080	0	52,256	2,304	1,145,551
1991	1,876,400	50,000	1,158,000	34,500	215,000	60,000	21,000	87,750	108,860	3,611,510
1992	3,767,236	500,000	259,243	51,665	58,000	140,000	0	84,400	253,808	5,114,352
1993	533,800	1,597,455	24,700	160,000	167,767	0	0	320,000	0	2,803,722
1994	24,600	23,900	30,992	485,980	45,217	104,832	70,000	1,000	0	786,521
1995	36,500	250,000	53,880	136,150	4,000	0	0	0	103,000	583,530
1996	0	299,000	0	120,160	0	0	0	8,736	0	427,896
1997	182,000	98,480	2,792,300	440,555	1,360	300,377	42,000	72,520	9,000	3,938,592
1998	59,000	10,000	908,000	56,080	261,240	85,246	0	0	0	1,379,566
1999	18,252	67,500	116,160	4,284	600	0	0	38,000	0	244,796
2000	0	100,000	110,000	0	0	0	0	145,000	0	1,660,000
2001	1,160,360	115,730	170,000	91,800	0	58,400	0	467,595	197,500	2,261,385
2002	1,171,127	8,800	1,000	316,000	0	93,847	55,000	55,800	28,020	1,729,594
2003	224,410	420,000	560,000	118,575	303,700	65,569	256,800	40,000	0	1,989,054
2004	50,000	966,094	643,150	239,510	0	33,020	40,000	0	10,000	1,742,264
2005	24,000	43,696	135,000	17,200	21,000	66,703	0	68,210	0	375,729
2006	0	287,858	2,719,012	142,109	881,975	21,868	11,440	10,000	0	4,074,262
2007	200,000	235,934	190,000	12,360	1,284,545	242,400	109,200	734,000	0	3,008,439
2008	55,000	340,068	575,000	205,000	366,300	111,750	7,500	97,050	520,000	2,277,668
2009	3,000,000	108,150	406,275	377,500	84,990	0	0	3,600	336,000	4,316,515

000210

3.10 INDUSTRIAL BUILDING PERMITS ISSUED

Number of Industrial Building Permits Issued By Electoral Area										
	A	B	C	D	E	F	G	H	I	Total
1989	0	0	2	0	7	0	0	2	0	11
1990	0	0	3	0	6	1	0	1	1	12
1991	0	0	0	0	7	1	0	1	0	9
1992	0	0	4	0	8	1	0	0	0	13
1993	1	0	2	0	6	0	0	1	0	10
1994	2	0	1	0	8	1	1	2	0	15
1995	2	0	0	1	4	0	0	1	2	10
1996	0	0	0	0	8	1	0	0	0	9
1997	1	0	1	0	7	0	0	0	0	9
1998	0	0	1	0	6	0	0	0	0	7
1999	2	0	0	0	5	0	0	0	0	7
2000	0	0	4	1	5	1	1	0	1	13
2001	0	0	0	0	6	2	0	0	0	8
2002	1	0	2	0	5	3	1	1	0	13
2003	1	0	3	0	8	1	0	0	0	13
2004	0	0	1	1	4	0	1	0	0	7
2005	2	0	1	0	2	1	1	1	0	8
2006	0	1	2	0	6	0	0	0	0	9
2007	0	0	2	0	1	1	0	0	0	4
2008	0	3	1	2	1	1	2	1	2	13
2009	1	3	0	2	2	0	0	1	1	10
Value of Industrial Building Permits Issued - By Electoral Area (\$)										
	A	B	C	D	E	F	G	H	I	Total
1989	0	0	6,653	0	302,308	0	0	136,430	81,000	526,391
1990	0	0	170,000	0	669,390	53,170	0	35,000	165,000	1,092,560
1991	0	0	4,000	0	247,448	10,800	0	645,900	0	908,148
1992	0	0	266,500	0	524,882	30,600	0	0	0	821,982
1993	69,435	0	60,000	0	490,800	0	0	250,000	0	870,235
1994	167,980	0	60,000	0	1,460,040	180,000	18,000	188,000	0	2,074,020
1995	140,600	0	0	800,000	457,680	0	0	21,500	94,522	1,514,302
1996	0	0	0	0	462,750	0	0	0	0	462,750
1997	62,660	0	381,560	0	893,000	0	0	0	0	1,337,220
1998	0	0	30,000	0	316,558	0	0	0	12,000	358,558
1999	314,034	0	0	0	159,800	0	0	0	0	473,834
2000	0	0	511,400	300,000	327,570	150,000	130,000	0	30,000	1,448,970
2001	0	0	0	0	798,687	70,480	0	0	0	869,167
2002	90,000	0	202,994	0	205,000	435,000	42,000	30,472	0	1,005,466
2003	24,998	0	529,600	0	554,803	33,600	0	0	0	1,143,001
2004	0	0	170,000	10,000	193,920	0	54,600	0	0	429,520
2005	0	114,768	32,760	0	82,040	0	55,200	270,000	0	554,768
2006	0	1,300,000	278,800	0	1,001,680	0	0	0	0	2,580,480
2007	0	0	0	40,800	100,000	0	0	0	0	140,800
2008	0	3,202,400	400,000	0	39,000	0	0	8,696,000	0	12,337,400
2009	26,350	657,980	0	350,000	271,800	0	0	10,000	785,460	2,101,590

000211

3.11 INSTITUTIONAL BUILDING PERMITS ISSUED

Institutional Building Permits Issued By Electoral Area

	A	B	C	D	E	F	G	H	I	Total
1989	3	3	2	1	0	1	0	2	0	12
1990	3	3	3	3	0	3	1	2	1	19
1991	1	2	2	2	3	1	0	0	0	11
1992	2	5	2	2	2	3	2	3	3	24
1993	2	7	2	0	0	0	1	2	0	14
1994	5	5	1	3	3	2	1	1	2	23
1995	6	4	5	1	0	1	1	0	2	20
1996	0	0	0	1	0	2	1	0	2	6
1997	5	5	4	1	2	2	2	1	2	24
1998	6	3	3	2	2	1	0	1	1	19
1999	3	1	0	0	2	1	0	0	1	7
2000	3	2	4	2	2	1	1	0	0	15
2001	4	7	1	0	0	1	0	0	0	13
2002	5	7	0	0	1	1	1	0	0	15
2003	0	2	0	0	3	0	0	0	1	6
2004	8	5	1	0	3	0	0	0	0	17
2005	2	5	2	0	0	0	0	1	1	11
2006	3	3	1	0	0	0	0	0	0	7
2007	0	0	2	0	1	1	0	0	0	4
2008	3	1	2	2	3	0	2	2	0	15
2009	0	4	0	1	2	0	0	1	0	8

Value of Institutional Building Permits Issued By Electoral Area (\$)

	A	B	C	D	E	F	G	H	I	Total
1989	160,500	124,500	20,000	5,000	0	5,950	0	125,000	0	440,950
1990	321,712	32,740	130,500	135,000	0	31,408	17,000	63,000	0	596,360
1991	12,960	825,000	165,000	65,120	73,760	0	0	0	0	1,128,880
1992	130,000	1,783,140	124,917	35,000	11,232	549,818	120,155	2,137,376	1,125,440	6,017,078
1993	180,000	1,420,300	210,500	0	0	0	12,000	53,500	0	1,876,300
1994	390,000	926,000	17,500	125,000	22,688	258,000	30,000	85,000	32,000	1,866,188
1995	457,120	968,700	652,620	80,000	0	716,000	80,000	0	115,210	3,069,650
1996	0	0	0	2,000	0	22,112	14,400	0	187,154	225,666
1997	437,550	556,743	61,063	1,920	55,400	103,928	75,000	20,000	261,500	1,573,108
1998	2,403,000	3,170,000	76,320	265,000	53,328	19,575	0	94,750	0	6,081,973
1999	50,186	82,740	0	0	65,000	3,500	0	0	3,000	204,426
2000	1,181,000	127,650	3,008,455	1,353,780	40,800	20,000	638,300	0	0	6,369,985
2001	385,000	3,845,746	1,768	0	0	17,408	0	0	0	4,249,922
2002	5,648,600	1,292,512	0	0	5,900	20,000	352,000	0	0	7,319,012
2003	3,000,000	535,000	0	0	240,178	0	0	0	30,000	3,805,178
2004	1,000,715	5,425,342	5,000	0	186,600	0	0	0	0	6,804,257
2005	12,850,000	306,616	10,000	0	0	17,628	0	0	175,000	13,341,616
2006	200,000	7,070,522	20,000	0	0	0	0	0	0	7,290,522
2007	0	0	1,062,800	0	32,186	0	0	0	0	1,094,986
2008	10,187,000	1,713,650	678,652	0	160,000	13,500	225,000	0	0	12,977,802
2009	0	1,429,375	0	7,500	165,240	0	0	5,000	0	1,607,115

000212

3.12 AGRICULTURAL BUILDING PERMITS ISSUED BY ELECTORAL AREA

Agricultural Building Permits Issued By Electoral Area

	A	B	C	D	E	F	G	H	I	Total
2004	1	3	2	1	7	1	2	4	0	21
2005	1	2	3	3	6	0	0	2	0	17
2006	0	3	5	7	6	1	0	1	0	23
2007	3	4	2	0	12	2	0	2	0	25
2008	2	1	2	2	3	0	2	2	0	14
2009	1	0	2	1	3	0	0	0	0	7

Value of Agricultural Building Permits Issued By Electoral Area (\$)

	A	B	C	D	E	F	G	H	I	Total
2004	40,000	137,000	25,000	10,000	142,000	25,168	35,880	44,600	0	459,648
2005	0	53,500	60,050	351,084	79,575	13,468	0	47,880	0	605,557
2006	0	85,000	216,000	96,780	150,000	10,000	0	61,880	20,000	639,660
2007	186,140	27,958	12,500	0	1,335,311	40,000	0	105,000	0	1,706,909
2008	27,000	75,000	103,000	130,000	89,000	0	136,000	160,000	0	720,000
2009	7,500	194,000	116,500	25,000	226,560	6,000	0	15,500	0	591,060

*Prior to 2004 agricultural building permits were included under the residential building permit category.

000213

3.13 TOTAL BUILDING PERMITS ISSUED

Number of Building Permits Issued - By Electoral Area										
	A	B	C	D	E	F	G	H	I	Total
1980	75	164	61	46	68	31	51	47	26	569
1981	75	189	75	63	106	62	48	64	32	714
1982	62	113	35	41	64	36	44	41	16	452
1983	59	142	60	45	81	51	33	41	32	544
1984	64	100	54	53	68	63	26	33	28	489
1985	52	88	42	31	60	44	42	33	29	421
1986	62	86	55	34	72	39	36	39	12	435
1987	58	128	72	43	61	33	42	49	34	520
1988	85	121	258	61	62	36	41	44	35	643
1989	81	212	178	59	55	37	49	46	30	747
1990	80	188	137	53	69	38	55	68	20	708
1991	77	191	133	56	80	44	45	56	22	704
1992	96	209	168	44	115	58	51	85	33	859
1993	94	198	134	21	83	42	39	59	39	709
1994	91	198	178	48	106	36	46	67	39	809
1995	77	116	93	37	65	34	43	49	30	544
1996	51	94	89	32	71	35	32	31	28	463
1997	76	104	125	24	59	34	28	31	15	496
1998	63	91	59	24	54	24	34	24	22	395
1999	50	98	73	18	36	19	20	23	17	354
2000	40	77	56	23	35	18	24	12	12	298
2001	51	86	53	21	28	27	21	27	14	328
2002	44	111	71	17	24	28	25	27	9	356
2003	57	123	57	38	57	35	29	30	15	441
2004	83	133	54	66	54	24	26	33	15	488
2005	100	134	50	57	48	32	35	59	35	549
2006	68	141	64	51	53	34	37	32	44	524
2007	105	161	45	69	58	31	30	46	35	580
2008	100	154	51	44	61	37	49	42	33	571
2009	58	148	75	35	40	33	21	32	37	479
Value of Building Permits Issued - By Electoral Area (\$)										
	A	B	C	D	E	F	G	H	I	Total
1989	3,637,994	9,683,613	10,360,437	1,387,824	1,232,679	1,047,421	1,308,280	1,571,188	375,756	30,605,192
1990	4,046,928	8,792,522	8,046,840	1,584,928	2,697,379	1,132,068	2,693,166	3,307,257	525,621	32,826,709
1991	5,191,932	9,176,059	9,076,058	2,019,041	3,699,848	1,856,595	2,024,924	3,294,172	882,170	37,220,799
1992	7,947,709	16,269,478	9,931,152	2,311,708	5,412,811	3,188,659	2,712,717	6,300,249	2,982,496	57,056,979
1993	6,589,249	12,327,938	7,732,711	648,771	3,695,089	1,733,947	1,895,075	2,873,202	2,247,355	39,743,337
1994	6,222,517	12,144,965	14,425,314	2,610,856	7,318,192	1,634,080	2,238,179	3,417,945	2,004,520	52,016,568
1995	4,712,009	6,565,935	7,296,902	2,767,770	3,242,596	2,024,439	1,907,224	2,017,711	1,615,760	32,150,346
1996	1,314,365	2,960,758	3,625,972	1,843,842	2,160,065	776,678	733,551	1,347,326	1,127,183	15,889,740
1997	6,156,274	6,430,620	10,900,149	1,869,545	4,209,596	1,895,626	1,609,852	2,101,723	706,996	35,880,381
1998	5,852,403	7,996,119	4,618,754	1,102,221	2,521,710	873,706	2,068,015	753,506	708,124	26,494,558
1999	3,040,471	6,386,905	5,272,303	936,414	2,214,046	651,864	1,021,862	1,489,831	700,330	21,714,026
2000	6,171,189	3,898,369	6,799,338	2,376,160	1,075,309	662,114	1,239,932	2,154,828	679,331	25,056,570
2001	4,896,188	8,483,970	3,924,773	1,313,670	1,563,859	1,060,204	1,143,195	2,578,874	552,738	25,517,471
2002	9,907,112	9,378,738	6,129,897	1,642,327	996,369	1,102,810	1,787,915	1,948,675	656,278	33,550,121
2003	7,311,107	9,778,990	4,689,187	2,997,496	4,516,464	1,255,131	1,173,236	1,826,135	825,417	34,373,163
2004	8,076,268	15,305,831	4,446,369	6,063,927	3,540,740	837,251	1,202,510	2,336,312	577,901	42,387,109
2005	22,809,928	7,992,804	2,950,152	5,722,929	2,747,703	921,178	1,940,979	6,730,677	2,906,641	54,722,991
2006	6,584,207	18,737,145	5,438,000	4,446,146	4,024,289	1,549,602	2,684,099	2,008,094	4,075,384	49,546,966
2007	9,967,006	14,507,915	3,649,067	5,416,948	5,483,001	2,319,331	1,989,012	4,431,433	2,426,116	40,254,767
2008	20,801,070	19,568,788	5,600,619	3,040,130	4,399,111	2,451,067	3,520,454	11,726,787	2,789,179	73,897,195
2009	9,059,390	16,362,901	8,298,355	3,006,675	2,175,055	1,285,150	2,544,605	2,336,320	3,837,790	48,906,241

000214



SR 9

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 19, 2010

DATE: January 13, 2010
FROM: Mike Tippett, Manager
SUBJECT: Proposed "Bylaw Maintenance" Amendments to the Cowichan-Koksilah OCP and Electoral Area E Zoning Bylaw

FILE NO: E-OCP and E-Zoning
BYLAW NO: 1490/1840

Recommendations:

That the proposed amendments to the Cowichan Koksilah Official Community Plan regarding agricultural protection, and proposed amendments to the Electoral Area E Zoning Bylaw with respect to suite regulations, Section 946 regulation, "no subdivision" covenant requirements, interpretation of regulations for split-zoned lands, Industrial 1 Zone changes, Screening regulations, and regulations related to Streamside Protection and Enhancement Areas be approved and further that a public hearing be scheduled with Directors Duncan, Iannidinardo and Giles as delegates of the Board, AND FURTHER that the Development Applications Procedures and Fees Bylaw No. 3275 be amended by adding Agricultural Protection Development Permit Areas to the list of applications that staff may issue permits for.

Purpose:

To offer for the consideration of the Committee a series of proposed improvements and updates to existing OCP policies and zoning regulations in Electoral Area E – Cowichan Station/Sahtlam/Glenora.

Financial Implications:

Usual costs related to bylaw amendment.

Interdepartmental/Agency Implications:

Improvements to the policies and regulations will improve bylaw administration and interpretation. We expect public and other agency impacts to be negligible.

Background:

Community and Regional Planning Division staff is tasked with maintaining the OCPs and zoning bylaws in a good state. From time to time, in between reviews, it becomes necessary to revise them as small problems arise. It is now time to propose a suite of amendments to both the Cowichan Koksilah Official Community Plan and Zoning Bylaw No. 1840, which also applies to Electoral Area E.

Cowichan Koksilah Official Community Plan

The following amendments are proposed to the Cowichan Koksilah Official Community Plan (OCP):

000215

Sign Guidelines in Development Permit Area

Although some of these guidelines are not in harmony with the sign bylaw, staff have previously been given direction to make amendments to both the sign bylaw and OCP DP guidelines throughout the CVRD, so in our opinion it would be best to not add it to this initiative.

Agricultural Protection

Staff and Director Duncan have discussed the benefits of proposing a new Agricultural Protection development permit area (DPA) which would establish home location guidelines for ALR lands that are also designated as Agricultural in the OCP. We are now ready to bring it forward to the Committee for consideration.

The goal of this process would be to ensure that agricultural properties that are not owned by those who are actively farming will not have homes established on them in such a way as to impair the potential future use of the land for agriculture. This will mean that the Board would have input on what part of a parcel a proposed home may be located on, the goal being to support house construction on parts of the land where there would be the lowest agricultural impact. Use of Canada Land Inventory Agricultural Capability maps and field inspection will provide the objective information needed to administer this proposed DPA.

We would recommend that a complementary amendment to the Development Applications Procedures and Fees Bylaw be brought forward, delegating the ability to issue DPs for home location in the ALR to staff. There is one other Agricultural Protection DPA in the CVRD, in a small portion of Mill Bay, and that too would be subject to the delegation provision.

Adjustment of Watercourse Protection Policy

Staff propose to change Policy 3.1.4(b) to delete the reference of the setback being from the "natural boundary" and substitute the "top of bank". This is in accordance with the present zoning regulations contained in Zoning Bylaw 1840 and is intended to render the OCP consistent with the zoning regulation. The riparian area cross sectional drawing under Policy 3.1.4 also needs to have "top of bank" identified on it.

Zoning Bylaw 1840

The following changes are proposed to the Electoral Area E Zoning Bylaw:

Suite Definitions and Small Suite Regulation

The definitions of small suite and secondary suite both contain regulations concerning the maximum floor area of the suites. This is bad bylaw design, because definitions should never contain regulations. The floor area limitations appear in Sections 5.16 and 5.23, which is the only place where these regulations belong. The floor area limits will be removed from the definitions. Additionally, Director Duncan has requested that the floor area limit for small suites be raised to 90 m² (968 square feet) from 74 m² (796 square feet), which would match the present floor area limit for secondary suites in Electoral Area E. Having the floor area limits identical is a good idea in the opinion of staff.

Section 946 Subdivisions

Consideration should be given to altering the present Section 946 subdivision regulation that applies to Electoral Area E. Section 946 is part of the *Local Government Act* that permits people in some circumstances to subdivide land notwithstanding the minimum lot size of its zone, if the resultant lot is for a family member. At the present time, Area E is subject to Section 946 Bylaw No. 1741, which states that if a parent parcel of land is at or above the minimum parcel size of the zone in which it is located, Section 946 may be used to subdivide the parent parcel. This

means that the majority of landowners may use Section 946, which could undermine the planning program over the long term, in an area which is largely agrarian in nature.

In Electoral Areas I and G the zoning bylaws have specified a flat 25 hectare threshold of size for Section 946, where no parcel that is already under 25 hectares may be subdivided using that section. Of course, parcels that are smaller than 25 hectares may be subdivided if the regulations of the zone they are in would allow it – such development would be in accordance with the Official Community Plan, unlike Section 946 development.

For Electoral Area E, following discussions with Director Duncan, staff proposes to enact a variation on the flat 25 hectare minimum lot size, one in which the Section 946 size threshold for parent parcels would be made a flat 4 hectares for any parcel that is in a zone with a minimum parcel size in the zoning bylaw of 4 hectares or less, but for those zones with a minimum parcel size in the zoning bylaw of greater than 4 hectares, the minimum parent parcel area would be the minimum parcel size for the zone. In the latter case, only the Primary Forestry 1 Zone (80 hectares), Primary Agricultural 1 Zone (12 hectares) and Agricultural Conversion 1C Zone (8 hectares) would have a higher threshold for Section 946, of 80, 12 and 8 hectares respectively. A complementary amendment to Bylaw 1741, in which Area E is deleted from its ambit, will be required, once the 946 regulation is added to the zoning bylaw.

Adjustment to “No Subdivision” Covenant Requirement

We propose to amend the general regulation in the small suite section of Zoning Bylaw 1840 in order to have the “no subdivision covenant” requirement amended to account for cases where the lot may be subdividable under zoning regulations until a suite is built, which is not reasonable, considering that a subdivision in which the suite ends up on a separate parcel would not in any way offend the density provisions of the bylaw. Special wording in the Electoral Area A zoning bylaw was developed for this scenario and we propose to adapt it for use in Electoral Area E. Following is the wording from the Mill Bay/Malahat Bylaw:

The small suite may be subdivided from the parcel upon which it is located only if:

- i. it is in a zone which would allow for the proposed lot sizes following subdivision;*
- ii. the principal dwelling and small suite are so located as to allow for setback requirements to be met following subdivision;*
- iii. the approval of the Health Authority for sewage disposal has been obtained.*

If the parcel upon which the small suite would be located is in a zone which would not allow for subdivision, the owner shall, prior to the issuance of a building permit for the small suite, register a restrictive covenant on the parcel which would prevent its subdivision or the registration of any form of strata plan under the Strata Property Act on the parcel.

For parcels that meet the requirements of (j)i., ii., and iii., following the subdivision, the dwelling that was formerly considered to be the small suite will no longer be subject to the regulations of Section 5.21 of the Electoral Area A – Mill Bay/Malahat Zoning Bylaw.

To this we would recommend adding under iii:

- iv. all other requirements of subdivision are met.*

Split-Zoned Land and Interpretation of Regulations

There have occasionally been problems with interpreting the way in which zoning applies to split-zoned parcels of land. For example, if a 10 hectare parcel is partly zoned A-1 and partly zoned R-2, confusion can arise as to whether the R-2 zoned portion should be allowed to be developed to R-2 standards, or whether the most restrictive zoning that applies anywhere on the parcel is in effect throughout. Staff have arrived at an interpretation that takes the former position, the reason being that if the Board decides to split zone parcels, the intention must have been to allow the portions in each zone to develop according to that zoning. For reasons of clarity, it would be useful, mainly for the public, to have this written into a general regulation.

Adjustments to Industrial 1 Zoning

The Light Industrial (I-1) Zone, mainly present at Koksilah Industrial Park, has two anomalies within it that probably should be rectified retroactively. In both cases these changes would be broadly beneficial to the goal of improving the quality of development there in the medium term.

The first anomaly is that only one residence is allowed per parcel of land, but at least one parcel in the industrial park has three or four residences in it, one inside each separate industrial building. Considering that this is a fully serviced part of the electoral area, it seems to staff that there would be no harm in altering the regulation in Section 11.1(a)(25) to read that one residential unit accessory to a permitted light industrial use is permitted to be located within each building on the site, to a maximum number based upon parcel size. The permitted use should be reworded to ensure that only one stand-alone dwelling per parcel may be permitted but that each industrial building on a site may have one residence. Alternatively this could be written as a site area-based regulation in which the lot size would be used to establish a maximum residential density for the entire site and the number of residences in each building would not be regulated directly. This latter approach is probably preferable.

The second anomaly is the retail and rental uses that are presently located in the I-1 Zone. The largest example of these would be the recently rebuilt Brick showroom/warehouse as well as the Napa Auto parts site, but there are many others. Additionally, there are car rental facilities located in the industrial park, one of which is affiliated with the mini-storage site, and that too is not permitted at present.

If both of these existing non-conformities were recognized as permitted uses in the I-1 Zone it would not in the opinion of staff undermine the industrial uses presently located in the area, but it would provide for additional land uses that would enhance the area generally over time.

Landscape Screening Regulation Adjustment

Section 5.15 should read “a landscape screen shall be provided as a buffer between any commercial or industrial use, and public roads, residential and institutional uses.” This would recognize that it is important to visually protect the grounds of Koksilah School, Eagles Hall and parks from hard industrial use on their immediate perimeters.

Introduction of SPEA Setbacks for Buildings and Structures

Director Duncan wishes to introduce into the zoning bylaw a new setback for buildings and structures of 7.5 m or more from a Streamside Protection and Enhancement Area (SPEA) where one has been designated by a Qualified Environmental Professional (QEP). This measure is incorporated into the zoning amendment bylaw for Youbou Lands. The intent of the additional setback from SPEA is that if a building is going to have any yard next to it, the yard will by definition have to be outside of the SPEA, because SPEA lands are not permitted to be modified.

This would be particularly important next to a lake where the lake is an obvious amenity, but the tendency to crowd riparian features is often true with creeks, wetlands and rivers as well. It will make development on small waterfront lots more difficult and have the effect of increasing the separation between the SPEA and human activity that could disturb it.

Sewer Infrastructure in a SPEA

A new regulation is proposed that would make it clear that the installation of sewer infrastructure inside a designated SPEA will not be permitted, although this could be varied by Permit if no other alternative exists.

A draft amendment OCP bylaw is attached to this report. A Zoning Amendment Bylaw is still under development and will be distributed in draft form at the meeting, or the day before.

Agency Referrals:

Considering that this proposed amendment is of a general bylaw maintenance nature and does not propose to rezone any private land, staff would recommend that, pursuant to Section 879(2) of the *Local Government Act*, that there is no need for “early and ongoing” consultation with any agency and further that the proposed amendments be referred to the Ministry of Community and Rural Development, the Ministry of Environment, the Ministry of Transportation and Infrastructure, the Agricultural Land Commission, the City of Duncan, the Municipality of North Cowichan and Cowichan Tribes, with a 30 day response period.

Ministerial Approval:

The proposed amendment to the Official Community Plan does not require the approval of the Ministry of Community and Rural Development because none of the thresholds of density are surpassed. However, the proposed zoning amendment will require the approval of the Ministry of Transportation and Infrastructure because elements of the proposed zoning amendments would alter uses within 800 metres of a controlled access highway (I-1 Zone in Koksilah Industrial Park).

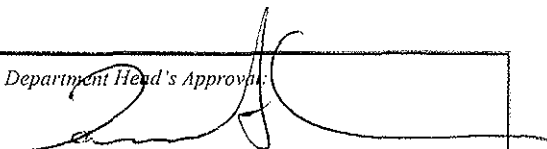
Options:

Any, all or none of the changes proposed above may be brought forward as amendments. It would also be possible for the proposed changes to be referred to the Area E APC for review.

Submitted by,



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

Department Head's Approval

Signature

MT/jah



DRAFT

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 33XX

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

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

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

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

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

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 33xx - Area E – Cowichan Koksilah Official Community Plan Amendment Bylaw (CVRD Maintenance Bylaw), 2010**".

2. **AMENDMENTS**

Cowichan Valley Regional District Official Community Plan Bylaw No. 1490, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. CAPITAL EXPENDITURE PROGRAM

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

READ A FIRST TIME this _____ day of _____, 2010.

READ A SECOND TIME this _____ day of _____, 2010.

READ A THIRD TIME this _____ day of _____, 2010.

ADOPTED this _____ day of _____, 2010.

Chairperson

Secretary



SCHEDULE "A"

To CVRD Bylaw No. 33xx

Schedule A to Official Community Plan Bylaw No. 1490, is hereby amended as follows:

1. Section 3.1.4(b) is deleted and replaced with the following:
 - (b) rivers which have a 200 year flood volume of 80 cubic metres per second or greater, including the Cowichan, Koksilah and Chemainus Rivers shall require a minimum setback of 30 metres from the top of bank.
2. The diagram "Figure 3 Leave Strip Setback (Greenway) for Watercourses" is deleted.
3. The following is added after Section 14.9.6(b)3:

14.10 AGRICULTURAL PROTECTION DEVELOPMENT PERMIT AREA

14.10.1 CATEGORY

The **Agricultural Protection Development Permit Area** is designated pursuant to Section 919.1(1)(c) of the *Local Government Act*, for the protection of farming.

14.10.2 AREA OF APPLICATION

The **Agricultural Protection Development Permit Area** applies to all lands in Electoral Area E that are designated as Agricultural in the Plan or are zoned as Primary Agricultural or Agricultural Conversion 1C in the implementing zoning bylaw.

14.10.3 JUSTIFICATION

Agriculture is recognized as being not only a vital part of the economy of the Cowichan Valley, but as an important element in regional sustainability and food security. Unlike many other countries, in most of Canada and certainly in British Columbia, zoning regulations usually permit agricultural lands to be used for residential purposes, whether the land is being farmed or not. Therefore, designating land for agricultural land use is not enough to ensure that the lands so designated will either be used for active farming or even that – at a minimum – their land base will not be compromised by the inappropriate location of residential buildings and accessory structures on the land.

14.10.4 GUIDELINES

Within the **Agricultural Protection Development Permit Area**, no person will construct a residence or a building or structure that is not directly related to agricultural purposes, prior to the owner of land applying for and receiving a development permit from the Cowichan Valley Regional District, which will sufficiently address the following guidelines:

- a) Residential buildings will be located in such a way as to not impinge on the ability to farm the land. This means that the residence(s) will not be centrally located in the middle of a highly productive soil polygon as shown on agricultural capability mapping or as evidenced in a field observation, but rather will be located on soils that have lower agricultural potential. Generally this will result in homes being located close to the fronting public road, with minimal driveway intrusion into and across the parcel. It may also mean that a residence is located on higher ground which has lower agricultural potential, wherever on a parcel this may be located.
- b) Accessory buildings will be located similarly to residential buildings, except for agricultural accessory buildings, which are exempt from this development permit process.
- c) Driveways will be placed on the land in such a way as to minimise the impact upon present and potential future farming.
- d) The footprint on the ground of the proposed buildings may be limited if they are to be located on lands with high agricultural capability.

14.10.5 APPLICATION REQUIREMENTS

Before issuing a development permit for a residence or residential accessory building or structure in the **Agricultural Protection Development Permit Area**, the Cowichan Valley Regional District requires that the following information be submitted along with the application form and fee:

- 1) a description of the scope of work on the land;
- 2) a site plan indicating the location of the proposed building construction in relation to the agricultural capability of the site (note: maps of agricultural capability are available at the CVRD office);
- 3) the location of any buildings that are already located on the site;
- 4) the location of existing and proposed driveways, including parking areas;
- 5) plans showing the size of any proposed buildings.

14.10.6 EXEMPTIONS

Any work proposed on a parcel in the **Agricultural Protection Development Permit Area** that is unrelated to the construction of a residence, residential accessory building or structure or other works accessory to residential use are exempt from the requirement to obtain a development permit under this section. Subdivision of land is also exempt.



SR10

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING
OF JANUARY 19, 2010

DATE: January 12, 2010 **FILE NO:** 1-REG-10BE
FROM: Nino Morano, Bylaw Enforcement Officer **BYLAW NO:**
SUBJECT: 2009 Bylaw Enforcement Report

Bylaw Enforcement in 2009 has not changed significantly compared to previous years. The most significant changes include increases in matters relating to waste, noise and fireworks compared to 2008. The adoption of the Land Clearing Debris Bylaw has significantly increased the workload, working in conjunction with Engineering, and it is anticipated that this trend will continue judging by the numerous inquiries over the previous years.

The summer months can be difficult to manage for one Bylaw Enforcement Officer, especially when backlogs occur while away on vacation or other reasons. The Building Inspection Division is taking on an increased enforcement role in 2010. Four (4) Building Inspectors are currently enrolled in the Bylaw Enforcement Level 1 course at the Justice Institute in 2010. Brian Duncan, Chief Building Inspector already has Level II Bylaw Enforcement training from his previous employment.

The Ticket Information Authorization Bylaw (No. 3209) has proven to be a useful tool in enforcement since it became operational in June 2009. Compliance is often gained with the knowledge that a ticket is a real possibility and some issues have been resolved more quickly as a result. To this point in time, one ticket has been issued for an animal control offense and has been paid in full.

Dog control is contracted out to the SPCA who handle all first contact complaints. If issues become irresolvable at this level they are then turned over to the Bylaw Enforcement Official and subsequently to the CVRD Solicitor, if need be. Dog related issues have not changed significantly in 2009. An excellent working relationship with the SPCA continues which has resulted in improved customer service. An increase in dog licence fees was authorized by the Board for 2010 and should, more adequately, help recover costs relating to dog control and the contract with the SPCA.

The most common bylaws requiring enforcement action were: Zoning, Noise, Development Permit Areas, Dog Control, Waste, Unsightly Premises and Building. Issues that continue to come up regularly that are not regulated by bylaw are: backyard burning, soil fill/removal, animal control (excluding dogs), altering of land outside of development permit areas (tree cutting and pollution) and general nuisance issues.

000224

File Total Comparison by Year:

Area	Year 2000	Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006	Year 2007	Year 2008	Year 2009
A	29	30	22	13	18	21	26	27	21	18
B	59	62	47	58	46	42	42	38	52	51
C	33	40	26	35	21	30	20	23	27	10
D	17	17	20	19	14	16	15	15	12	15
E	36	31	34	25	30	34	22	21	19	34
F	20	21	19	20	17	13	16	13	20	9
G	16	13	9	12	9	9	9	10	14	16
H	13	10	21	11	14	9	18	17	12	15
I	12	15	14	13	19	15	25	19	18	16
CVRD						3	6	4	5	8
Total	235	239	212	206	188	193	199	187	200	192

2009 Breakdown of Files by Area:

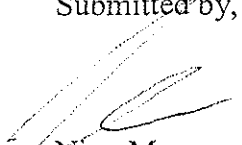
Area	Zoning	Noise	Development Permit Area	Dog/Animal	Waste	Unsightly	Assist Other Agencies	Liquor	Building	Parks	Signs	Fireworks	CVRD	Year Total
A	2		1	2	3		3	5		1	1			18
B	12	8	10	4	3	5	2	1	5	1				51
C	4	3		1		1			1					10
D	3	2	3	1	1	1			2	1	1			15
E	6	6	2	4	7	2	1	5		1				34
F	2	1	1	1		1		2	1					9
G	3	1		3	2	2	2	2				1		16
H	1		2	2		4	5				1			15
I	3	3	3	1	1	1	3			1				16
CVRD	1	1		1	2							1	2	8
Total	37	25	22	19	19	17	16	15	9	5	3	2	2	192

The statistics above do not show the numerous issues that are often resolved over the phone (averages 5 calls/day) or the front counter or files carried over from previous years or the regular communication with Provincial & Federal agencies. Complainants usually want to know what rules and regulations apply to their issues and then weigh their options. Bylaw Enforcement continues to work closely with Staples McDannold & Stewart for advice on legal issues that come up regularly with the goal of voluntary compliance. Authorization for legal action from the Board was requested and subsequently authorized twice in 2009. There has been a significant amount of success in concluding files to everyone's satisfaction, although a few issues are still under investigation. There are approximately 28 files that are currently under investigation and 7 ongoing files with our solicitor.

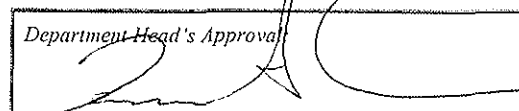
Action:

No action required as this report is for information purposes only.

Submitted by,



Nino Morano,
Bylaw Enforcement Officer
Planning & Development Department
NM/jah

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

000225

per week, to be determined by the Defendant, and on one full day, two weekends per month.

4. *The Defendant be restrained and enjoined from using or allowing the use of that property as a place to discharge firearms on more than one consecutive day, unless authorized as a special event under the Plaintiff's relevant Noise Bylaw, or in competitions of a wider than local nature unless authorized as a special event under the Plaintiff's relevant Noise Bylaw.*
5. *The Defendant be restrained and enjoined from the cutting down or allowing the cutting down of timber on that property without prior authorization of the Plaintiff.*

The Gun Club did not file a Notice of Appeal and the Court Order remains in force.

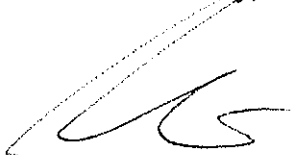
In accordance with the Court Order, the CVTSC have requested permission under the "Special Events" section of the CVRD Noise Bylaw No. 1060 to hold competitive shoots of a wider than local nature and of more than one consecutive day.

Section 5 states:

"Notwithstanding the provisions of this Bylaw, where it is impossible or impractical to comply with S. 3(g) of this Bylaw or in the case of a special event, a person may apply for and receive from the Regional District a permit waiving the requirements of this Bylaw for a specific time over a specific location, if in the opinion of the Regional District, such a waiver is in the public interest."

For your information, the CVTSC requested and was subsequently permitted to hold two special event shoots in 2009. Upon review of this file, it was noticed that no more than four special event shoots has ever been permitted in one year. During 2009, this office did not receive any concerns from nearby residents.

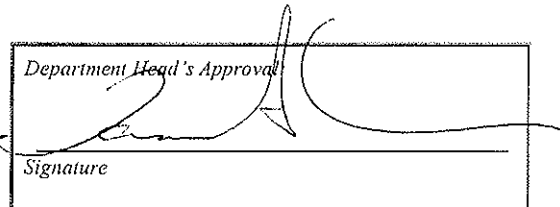
Submitted by,



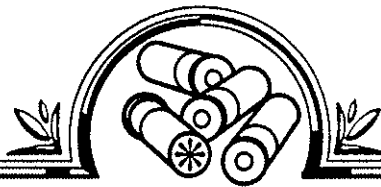
Nino Morano
Bylaw Enforcement Officer
Planning & Development Department

NM/jah

Attachment - CVTSC Shoot Schedule for 2010



000227



COWICHAN VALLEY TRAP & SKEET CLUB



SINCE 1953

Cowichan Valley Trap & Skeet Club

Shoot Schedule for 2010

January 03, 2010
January 10, 2010
February 7, 2010
February 14, 2010
February 28, 2010
March 07, 2010
March 21, 2010

*Practice every Tuesday evening April 06 to September 28, 2010
6:00 PM to 9:00 PM*

April 10,11, 2010	Special Event
April 24, 25, 2010	Special Event
May 2, 2010	
May 16, 2010	
June 06, 2010	
June 12, 13, 2010	Special Event
July 4, 2010	
July 18, 2010	
August 8, 2010	
August 22, 2010	
September 12, 2010	
September 19, 2010	
October 3, 2010	
October 24, 2010	
November 7, 2010	
November 21, 2010	
December 05, 2010	
December 12, 2010	

000228

APC

**COBBLE HILL ADVISORY
PLANNING COMMISSION MINUTES**

7:00p.m., Thursday, December 10th, 2009
Cobble Hill Hall Dining Room, Cobble Hill

Present: Rod de Paiva, Chair, Rosemary Allen, Al Cavanaugh, Joanne Bond, Jerry Tomiljenovic (at 7:15 p.m.), Jens Liebgott (at 7:08), Brenda Krug

Also present: Gerry Giles, Area 'C' Regional Director

Regrets: David Hart, Dave Thomson, John Krug, Robin Brett

Chair de Paiva called the meeting to order at 7:00 p.m.

Agenda: *Moved/seconded that the agenda be adopted as corrected. The previous minutes are from August 25th, not September 10th. Carried*

Minutes: *Moved/seconded that the minutes of the August 25thth, 2009 meeting be adopted as circulated. Carried*

New Business:

- Chair de Paiva welcomed Joanne Bond our new member from Arbutus Ridge to the APC.
- Official Community Plan Status and Proposed Time Frame:

Chair de Paiva gave a report on the OCP Steering Committee, the two Open Houses that were held in Mill Bay and the plans for future meetings in the new year. He remarked that there is now a refreshed mandate and schedule for the coming work and stressed the importance Mill Bay joining the process.

The Steering Committee members who are also on the APC gave their opinions on the continuing OCP project and were very positive regarding both the renewed process and the addition of Mill Bay to the OCP.

Director Giles explained that although Smart Growth, the original consultant on the OCP was not able to present a plan acceptable to the CVRD, excellent background information had been gathered and would now be used by in house CVRD planners to help complete the document. She stressed that common policies for resource lands and the broader perspectives of joint infrastructure affecting all three electoral areas would be addressed while the unique aspects each separate village will be maintained. She noted that because large developments impact on all of us we will require strong statements to keep growth in designated areas permitting planning for the needed infrastructure to service them. The CVRD website includes an OCP portion. She also described the two Open Houses in Mill Bay.

000229

Director's Report: Director Giles reported on the following:

1. Re-elected as CVRD Board Chair with Phil Kent as Vice Chair.
2. Cleasby Bike Park and Memorial Park: She described the local business donations to each project and the huge turnout for the November 11th Remembrance ceremony.
3. Former Works Yard: The paperwork was signed on December 5th and closing is to be December 18th at the cost of \$1.00 plus legal work. There is a portion of the property that will require capping due to salt contamination. The potential uses for the remainder will be open to community input.
4. Rezoning:
 - Arbutus RV - The application was approved December 9th as Mr. Craig Little is now in compliance, but will need to further comply with the landscape plan as submitted to the CVRD
 - South Cowichan Storage – Mr. Wm. Motherwell has not kept his commitments regarding plantings on his Trans Canada Highway or Fisher Road properties, nor has he provided oil pans under the parked vehicles on the Fisher Road site.
5. The area around the train station: Quotes are being received for this work. Plantings, except for sod and seed can be done during winter unless the ground is frozen.
6. There is renewed interest in the 10 acres on Garland Avenue zoned for small lot residential development. This is potentially problematical due to the proximity of the composting plant.
7. Mr. Ed Aiken is reconsidering the application options for his property.
8. There have been some subdivision applications to the Agricultural Land Commission, but no applications to the CVRD as yet.
9. The Kerry Park referendum – What will the future hold for this facility? Repair or closure?
10. South Cowichan Governance Phase 2 Study – This will begin in 2010 and will likely be completed in 2011.
11. Bamberton Application – This has been approved by the Mill Bay APC.

Next meeting of the Area 'C' APC will be Thursday, January 14th, 2010.

Adjournment: The meeting adjourned at 8:30 p.m.

submitted by Brenda Krug

000230

**Advisory Planning Commission Minutes
Area D – Cowichan Bay**

APC

Date: November 18, 2009
Time: 7:00 PM

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

PRESENT

Chair
Vice-Chair Kevin Maher
Secretary Dan Butler
Members Al Jones
Brian Hosking
Cal Bellerive
Gord Rutherford

Absent Calvin Slade
Hillary Abbott
David Slang

Director Lori Iannidinardo
Alt. Director

ALSO PRESENT

CVRD Rep None

Guests

ORDER OF BUSINESS

1. Development Permit Application No. 2-H-09-DP (Grand Motel)

Presentation By the Applicants (Win Myint and Sandy Liu)

- *The applicants have owned this building and business for three years and have made many improvements.*
- *They are converting the business to a Super 8 franchise, which requires an area to provide a continental breakfast.*
- *The current drive through canopy is not used for its intended purpose and is in an appropriate location to be used for the lobby expansion and breakfast area.*
- *Super 8 is OK with the existing building exterior but will require ongoing room and furniture upgrades.*
- *Intend to replace the three main backlit signs on the pole with one Super 8 sign. Will make necessary compromises on remaining signs to meet CVRD legal requirements.*
- *Current signs and lighting contribute to the security of this corner, which had many security issues prior to these owners taking over the business.*

000231

Discussion

- Extensive discussion about the number of signs on the building (approx. 28) and whether they comply with the current sign bylaw or pre-date the sign bylaw. Most members felt there were too many signs but there was no consensus on how many were the right number and which signs might contravene the bylaw.
- Some discussion about whether the sign issue was even pertinent to the current application.

Recommendation

By a vote of 6 to 0, the members recommend:

- That the application be approved subject to the applicant and CVRD staff ensuring that all required sign permits are in place.

NEXT MEETING

Wednesday, January 20th at 7:00 – Bench Elementary School

ADJOURNMENT

The meeting was adjourned at 8:30 PM

Dan Butler
Secretary

000232

AP3

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

Date: October 8, 2009

****Prior to the commencement of this meeting, Advisory Planning Commission Member, Gary Fletcher, arrived to announce his resignation.

Time: 7:00 PM

Location: North Oyster Hall

Members Present: Chairperson – Mike Fall, Secretary – Jan Tukham, Chris Gerrand, John Hawthorn, Ben Cuthbert, Gaynel Lockstein, Alison Heikes

Members Absent: Jody Shupe

Also Present: Area Director Mary Marcotte, and Alternate Director Rob Waters

Members of the Public Present: 4

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

Motion: Carried

Adoption of the Minutes:

It was moved and seconded, that the minutes of the June 11 2009 meeting of the Advisory Planning Commission, be accepted as circulated. Seconded.

Motion: Carried

Old Business: No Old Business

New Business:

Application No. 1-H-09RS –To consider an application to amend Area H- North Oyster/Diamond Official Community Plan Bylaw 1497 and Zoning Bylaw No. 1020 to allow the subject property to be developed for a manufactured home park, rural residential use and public and private open space.

Legal Description: District Lot 51, Oyster District, Except the right of way of the Esquimalt and Nanaimo Railway Company, Except part coloured red on Plan Deposited under DD27279' and Except part shown outlined in red on Plan deposited under DD28555'.:AND That Part of District Lot 51, Oyster District, Shown coloured red on Plan deposited under DD27279'.

000233

Delegate(s) present: Bruce Muir (owner/developer), Dennis Lowen – hydrologist for Lowen Hydrology, Jennifer Ky, planner and Alison Wood

A lengthy presentation was made by the delegate(s). After a brief question/answer period a motion to do a site visit by the Advisory Planning Commission of this application No. 1-H-09RS and to invite the North Oyster Fire Chief, and the Parks Commission of Area H was made. This motion was seconded.

Motion: Carried

This site visit will take place at 9:00 AM – November 7, 2009.

Regular Business:

A. Director's Report:

Director Marcotte updated the Advisory Planning Commission on both old and new applications. She announced that Dr. Wiggins had withdrawn his application, File No. 1-H-08RS.

Next Meeting: The next regular meeting of the Advisory Planning Commission will be held

Thursday, November 12, 2009 @ 7:00 PM – Diamond Hall

Adjournment: Moved and Seconded @ 8:12 PM

Closed Session: 8:20 PM

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

Motion: Carried

Adjournment: To rise without report @ 8:30 PM

Jan Tukham - Secretary

000234
C. C. C. C. C.

AP4

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

Date: November 16, 2009

Time: 8:02 PM

Location: North Oyster Community Center

Members Present: Chairperson – Mike Fall, Secretary – Jan Tukham, Chris Gerrand, John Hawthorn, Ben Cuthbert, Gaynel Lockstein, Jody Shupe

Members Absent: Alison Heikes, Gaynel Lockstein

Also Present: Area Director Mary Marcotte, and Alternate Director Rob Waters

Members of the Public Present: 3

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

Motion: Carried

Adoption of the Minutes:

It was moved and seconded, that the minutes of the October meeting of the Advisory Planning Commission, be accepted as amended. Seconded.

Motion: Carried

Old Business: No Old Business

New Business:

Application No. 1-H-09RS –To consider an application to amend Area H- North Oyster/Diamond Official Community Plan Bylaw 1497 and Zoning Bylaw No. 1020 to allow the subject property to be developed for a manufactured home park, rural residential use and public and private open space.

Legal Description: District Lot 51, Oyster District, Except the right of way of the Esquimalt and Nanaimo Railway Company, Except part coloured red on Plan Deposited under DD27279' and Except part shown outlined in red on Plan deposited under DD28555'.:AND That Part of District Lot 51, Oyster District, Shown coloured red on Plan deposited under DD27279'.

Delegate(s) present: Bruce Muir (owner/developer), Dennis Lowen – hydrologist for Lowen Hydrology, Jennifer Ky, planner and Alison Wood

000235

Motion – To ask the delegates for a brief presentation to the Advisory Planning Commission highlighting the changes that have been made since our last meeting.
Seconded.

Motion: Carried

A brief presentation was made by the delegate(s) updating the Advisory Planning Commission motioned. A question/answer period ensued. Some concerns from the Advisory Planning Commission were:

- Archeological study done
- Site cleaned up even if this development does not go through
- Concerns about the zoning change from A1 – MH.
- Residential concentration – insult that the change indicates having 147 MH now rather than 150 as originally planned.
- Urban Sprawl – will this entice infilling from the city of Ladysmith
- Will residents actually be occupied year round or will this be a 'snowbird community'
- Aquifer concerns – amount of available water – pollution from run off & septic should be no more building allowed on the aquifer
- Access to public park – down a ravine?
- Fish Habitat being affected in the Bush Creek by additional runoff
- Parkland dedication boarding this proposed strata development, will invasive species and the use of fertilizers being introduced through private gardens
- Is the developer willing to put back the 7 – proposed agricultural lots into the Agricultural Land Reserve
- This is a huge leap from the Official Community Plan – could set a precedence for future developments
- Soil study done – seems best soil is near the proposed strata development
- Agricultural does not seem to mix with such a dense residential population. Ie roosters, pigs other farm operations could be disturbing
- Where would these manufactured homes be built – should be in the Cowichan valley
- Are there guarantees in place to stop the property from being 'flipped' after rezoning

Motion: Motion to go ahead to public meeting/hearing, the Advisory Planning Commission has the following concerns:

- road structure be the same as indicated on the plans
- inclusion of property be serviced for a new fire hall
- the boundaries of the lots adjoining the power line include the power line
- access to the park be provided with the construction of a parking lot
- zoning change, if passed be site specific
- water conservation and storm water management swales etc. be constructed
- A2 lots must go back into the Agricultural Land Reserve
- A more comprehensive soil analysis be done

Seconded.

Motion: 3 in favour 3 against motion tied. Therefore Motion defeated.

There were insufficient votes to support the motion and insufficient votes to defeat this motion.

000236

Motion: To table this, until after the second public meeting/open house that is to be held on December 7, 2009. Seconded.

Motion: Carried

Regular Business:

A. Director's Report:

Director Marcotte did not have anything to report.

Next Meeting: The next regular meeting of the Advisory Planning Commission will be held

Thursday, December 10, 2009 7:00 PM North Oyster Community Hall

Adjournment: Moved and Seconded @ 10:07 PM

Jan Tukham - Secretary

000237

AP5



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

DATE: January 5, 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 Vice-Chairperson George deLure at 7:05pm.

PRESENT:

Chairperson:

Vice-Chairperson: George deLure

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

ALSO PRESENT:

Director:

Alternate Director:

Recording Secretary: Tara Daly

REGRETS: Director Klaus Kuhn

AGENDA:

No agenda

MINUTES:

No minutes

BUSINESS:

- **Elections:** Elections held in November were null and void because of procedures

It was Moved and Seconded that Mike Marrs be elected as chairperson and George deLure be elected as vice-chairperson.

CARRIED

ANNOUNCEMENTS:

- **to consider for next agenda:** free dumping for clean-up, involvement of school children with 'Tidy-Towns' concept, public accesses, chickens
- **Next Meeting** February 2 at 7pm in the Youbou Upper Hall

The meeting was adjourned at 7:30pm

/s/ Tara Daly
Secretary

000238



PKI

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING JANUARY 19, 2010

DATE: January 13, 2010 **FILE NO:**
FROM: Ryan Dias, Parks Operations Superintendent **BYLAW NO:**
SUBJECT: Community and Regional Parks Portable Toilet Contract

Recommendation:

That the Community and Regional Parks Portable Toilet Services Contract be awarded to Coast Environmental Ltd. for a three year term, with an option that the contract may be renegotiated on a year-to year basis for a maximum of up to two additional years, commencing February 1, 2010, and completing December 31, 2012.

Purpose:

To request approval to award the Community and Regional Parks Portable Toilet Contract for three years, with an option that the contract may be renegotiated on a year-to year basis for a maximum of up to two additional years, commencing February 1, 2010, and completing December 31, 2012.

Financial Implications:

This contract would be funded by participating Electoral Areas Community Parks and the Regional Parks functions requiring provision of portable toilets at various park and trail head sites.

Interdepartmental/Agency Implications:

N/A

Background:

An Invitation to Tender was issued for the supply of Portable Toilets for CVRD Community and Regional Parks with a three year term commencing in February 2010 and completing in December 2012. The Tender also provides for an option that the contract may be renegotiated on a year-to year basis for a maximum of up to two additional years.

Invitation to Tender documents were made available December 9, 2009 with the Tender closing of December 23, 2009. The Tender was advertised in local and out of town papers for a two week duration. Three packages were picked up by interested proponents, with only one Tender submission received by the deadline on December 23, 2009.

000239

The bid received from Coast Environmental Ltd. was received in the required format, and met all bid criteria for consideration. The Cost breakdown of the Coast Environmental Ltd. Bid over the three year term is as follows:

Total Cost of Supply and Install Portable Toilets 2010	<u>\$ 27,464.90</u>
Total Cost of Supply and Install Portable Toilets 2011	<u>\$ 27,464.90</u>
Total Cost of Supply and Install Portable Toilets 2012	<u>\$ 29,112.79</u>
Total GST	<u>\$ 4,202.12</u>
TOTAL TENDERED AMOUNT	<u>\$ 88,244.71</u>

In addition, the tender document requested supplemental prices for the following services:

- Additional weekly servicing of unit. @ \$26.00/servicing;
- Pre-arranged moving/unit to new site @ \$26.00/move;
- The supply of additional units @ \$99.15/unit/month;
- Monthly rate for extension of units already in place - \$99.15/unit/month;
- Hand Sanitizers - \$12.50/per unit (charged monthly)
- Wheel chair accessible portable toilet units \$127.15/unit/month;
- Replacement price for units damaged beyond repair - \$1,200.00; and
- 24 hour emergency service available.

Coast Environmental has held Portable Toilet contracts consecutively over the past twelve years, and the rates proposed for 2010 and 2011 are the same rates that were in effect for the last five years. As such, there will be no increase in cost for the provision of this service to the respective park functions in 2010 or 2011. However, due to increased cost of fuel and waste disposal fees, there will be a 6% increase in 2012, which will be the first increase since 2004.

Submitted by,



Ryan Dias,
Parks Operations Superintendant
Development Services Department

Department Head's Approval:



Signature

/RD

000240



JAN 12 2010

PK2

-----Original Message-----

From: lori iannidinardo [mailto:lianni@shaw.ca]
Sent: Monday, January 11, 2010 5:23 PM
To: Brian Farquhar
Subject: FW: Area D Parks Commission meeting ~ Monday Jan 18, 2010 ~ 6pm @ Bench School

Hi Brian,

I just wanted to forward Danica's resignation from the Parks Commission.
Lori

-----Original Message-----

From: Danica Rice [mailto:drice@valhallatrails.com]
Sent: Sunday, January 10, 2010 8:17 PM
To: Kerrie Talbot; Danica Rice; Donna Einarsson; Megan Stone; Steve Garnett; Val Townsend
Cc: Lori Iannidinardo
Subject: RE: Area D Parks Commission meeting ~ Monday Jan 18, 2010 ~ 6pm @ Bench School

Hello All,

I am sorry to inform you that I am unable to continue with my position on the Parks Commission. I am finding it to be too much with my growing family life as well as my personal career responsibilities. I wish you all the best in 2010.

Danica

000241

C.V.R.D.
RECEIVED

JAN 08 2010

PK3

**MINUTES OF ELECTORAL AREA G (Saltair/Gulf Islands)
"SPECIAL" PARKS COMMISSION MEETING**

DATE: December 21st, 2009

TIME: 7:00 PM

MINUTES of the Electoral Area G Parks Commission unscheduled "Special" meeting held on the above noted date and time at the Water Board Building, Saltair, BC. Called to order by Chair at 7:03 pm.

PRESENT:

Chairperson: Harry Brunt

Members: Jackie Rieck, Tim Godau, Paul Bottomley, Glen Hammond, Kelly Schellenberg

ABSENT:

Members: Norm Flinton and Dave Key

ALSO PRESENT:

Director: Mel Dorey

Guests: Eugene Parkinson, Glenda Parkinson, Keith Parkinson, Victoria Dubois, and Gerry Milligan

NEW BUSINESS

Reviewed "Parkinson Trail" E-Mail, dated December 15th, 2009 sent to Commission Members by Mel Dorey. Keith Parkinson noted and clarified discrepancies regarding contents of the December 15th email.

000242

To meet OCP requirements of a trail allowance through their property, the Parkinson's propose the following conditions:

1. They would provide a 3 metre wide strip of land for a trail, not the 5 metre strip requested by the CVRD
2. CVRD to cover costs of approximately \$5,000 (estimate provided by Rivela Contracting of Parksville BC) to move northern arm of their treatment field.
3. CVRD to cover costs of chain link fencing along the length of the trail.

The Parkinson family thanked Commission members for their careful consideration of this re-zoning matter and urged them to make necessary recommendations to the CVRD.

Guests departed meeting at 8:05 pm

A discussion regarding Parkinson's Three Proposal's resulted in:

1ST MOTION:

It was moved and seconded that Parkinson's provide a 3 metre wide right-of-way on the northern border of their proposed re-zoned lot.

MOTION CARRIED

2ND MOTION:

It was moved and seconded that costs to remove the northern arm of the Parkinson's treatment field, as per estimate of \$5,000 by Rivela Contracting of Parksville BC be covered by the CVRD.

MOTION CARRIED

Parkinson's request for a chain link fence was not recommended.

3RD MOTION:

It was moved and seconded that at the time of the trail construction, a cost-sharing arrangement between the CVRD and the Landowner would be discussed for possible fencing needs.

MOTION CARRIED

ADJOURNMENT:

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

PK4

C.V.R.D.
RECEIVED

DEC 17 2009

AREA F PARKS COMMISSION MINUTES: DECEMBER 2009

Called to order at 19:00 December 3, in the Honeymoon Bay Hall. Raymond Wear in the Chair.

Present: Raymond Wear, Jacquie Huene, Carolyn Leblanc, Sharon Wilcox, David and Mary Lowther.

MSC: to accept the October Minutes as circulated.

MSC: that the Chair inquire into making the port a potty at Bear Lake Park available year round.

MSC: that the Chair investigate the condition of the Mesachie Lake Community Hall roadway with regard to repair.

The Chair reported on the demolition of the Mesachie Lake Store, the budget and planned maintainance priorities.

MSC: to adjourn at 20:15

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

C.V.R.D.
RECEIVED

DEC 15 2009

DATE: December 8, 2009

TIME: 7:00pm

MINUTES of the Electoral Area I Parks Commission Meeting held on the above noted date and time at Youbou Lanes, Youbou, BC. Called to order by chair at 7:05pm.

PRESENT:

Chairperson: Marcia Stewart
Vice-chairperson: Sheny Gregory
Members: Dave Charney, Gerald Thom

ALSO PRESENT:

Director: Klaus Kuhn
Alternate Director:
Secretary: Tara Daly
Guests:

REGRETS: Dan Nickel, Wayne Palliser, Alternate Director Alex Marshall

ACCEPTANCE OF AGENDA

*It was Moved and Seconded to accept the agenda with the addition of:
Annual General Meeting under New Business*

MOTION CARRIED

ACCEPTANCE OF MINUTES

It was Moved and Seconded that the minutes of November 10, 2009 be accepted.

MOTION CARRIED

BUSINESS ARISING

- None

CORRESPONDENCE

- None

DIRECTOR'S REPORT

- **Public Meeting** had about 50 attending, overall good meeting, topics included parks, Youbou Lands, Woodland Shores, Regional Planning, policing focused on Cowichan Lake, Watershed Stewardship mostly focused on Cowichan River
- **Budget (overall CVRD)** is currently sitting at 11.8% increase, Parkland Acquisition could go from \$2 per \$100 000 as high as \$5 per \$100 000 as per by-law; Area I (Youbou/Meade Creek) has the highest per capita of parkland within the Regional District and consequently park requisition tax, in 2010 budget the requisition for the complete parks budget (Area I parks, regional parks, parkland acquisition, and parkland maintenance) could be \$30 per \$100 000
- **Comparison of Parks Budget:** in 2009 \$14.74 per \$100 000, in 2010 \$18.34 per \$100 000 (only Area I Parks); it's important to find a balance with parkland acquisition, maintenance, and amenities versus further park development
- **Boy Scout Camp** ~ the Scouts are looking at ways to gain further flat land allowing for more campers but their constitution forbids no public access on their property therefore limited their choices for expansion
- **Budget** discussion was held on various issues
- **Elections and Appointments** ~ D. Charney and G. Thom will complete their terms in 2010, S.

000246

Gregory and M. Stewart will be appointed by Director Kuhn for a one-year term, Director Kuhn will speak to D. Nickel and W. Palliser about continuing with the Commission

COWICHAN LAKE RECREATION

- **Arena** ~ once everything got moving with the renovations, it was determined there would be an over-run of \$700 000 on the \$7.5 million budget, the CLR Commission said that wasn't going to happen and for changes to be made to come within the budget; no grants have been obtained; proposed completion date is the fall of 2010
- **Winter Carnival** ~ on December 23rd starting at 6pm at the arena complete with toboggan run and fire on the ice
- **New Year's Eve** ~ at Youbou Community Hall with 'Third Rock' band and doors opening at 9pm
- **Tanya Soroka of CVRD Parks** is featuring all CVRD Parks in the CLR PlayBook
- **CVRD Parks** is looking at promoting exclusive events in the parks (Area I Parks would include Arbutus Park and Little League Park) for such things as weddings or family reunions; public would still be allowed in the areas, determining if a 'parks person' would be on-site to be responsible for washrooms, garbage, parking and where would the revenue go
- **Marie Bisson**, Programmer for CLR (mbisson@cvr.bc.ca) will be the one to contact with the information on park activities to be advertised in the spring PlayBook; deadline is mid February
- **Me 'n' You Nites Social Association** ~ held a successful card/games night at the hall with the next event to be carol singing on December 12th (group will go to both stores and Sunset) followed by hot chocolate and hot dogs at the upper hall

CHAIRPERSON'S REPORT

- **Cowichan Outdoor Club** has hiked Bald Mountain and reports that it was good
- **Community Green Map of the Cowichan Valley** was handed out
- **Letter to the Editor** ~ by M. Stewart on the topic of the recently held Public Meeting

COWICHAN VALLEY REGIONAL DISTRICT – Ryan Dias

- **Maintenance Contract** ~ hard copy was handed out to Commission members
- **Little League Park** ~ contractor is responsible from June 22nd to September 1st to clean washrooms each morning; the service record for maintaining the PlayBall will be checked – there's a fine line between hard and soft surface, Doug (from the slowpitch ball team) will speak directly to R. Dias; the tree pruning needs to be done with a bucket truck (the Commission will do); the hole in the roof of the concession stand continues to be a problem – needs to be determined if it's for plumbing or cooking
- **M. Stewart** to ask R. Dias to attend the January parks meeting
- **Price Park** ~ suggested that Student Crew could cover the tree roots with gravel next summer (the Commission will do)
- **Arbutus Park** light ~ it will be attended to promptly; there is also a problem with the light at the Little League Park
- **Hard Hat Shack** ~ the pathway needs to be scraped by machine and top dressed
- **Marble Bay Park** ~ trail markings could be done by Student Crew (M. Charney volunteered to do it on his next hike)
- **Mile 77 Park** ~ will check on the concerns of no antifreeze in the toilet
- **Staff** will assess any damage from the recent high water in all the waterfront parks (Nantree Park, Mile 77 Park, Arbutus Park); the dock will be shifted back at Arbutus Park
- **Maintenance Contractor** is now on one day per week emptying garbage
- **Woodland Shores** ~ watching the progress with the developer committed to doing more in the Spring

000247

OLD BUSINESS

- **Picnic Table Top** ~ will be dropped off at W. Palliser's where G. Thom and W. Palliser will complete the table
- **Gatekeeper** for Little League Park ~ S. Gregory has interest by three (3) persons whose names she will give to R. Lendrum, CVRD; the hours of opening would be 8am to 9pm from May 1st to September 30th
- **Bald Mountain** ~ the sections of Crown Land have not been transferred, still in hopeful discussions
- **Budget** ~ confusion with amount of requisition; clarity is needed; last payment for land purchase adjoining the sewer treatment site for Creekside will be in 2010

NEW BUSINESS

- **Planning Community Events** ~ M. Stewart asked the Commission members to think about it for the January meeting
- **Annual General Meeting** ~ Sunday, February 28, 2010 at 1pm in the lower Youbou Community Hall; T. Daly to book the hall and let the Fire Commission know; T. Daly to invite the APC, Fire Commission, and Parks Commission members and partners to a potluck following the AGM

ADJOURNMENT

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

MOTION CARRIED

NEXT MEETING

January 12, 2010
7pm at Youbou Lanes

ITEMS FOR JANUARY AGENDA

suggestions for Community Park events for 2010
new parks naming contest

/s/ Tara Daly
Secretary

000248



DEC 07 2009

PK6

**Area A Parks & Recreation Meeting Minutes
November 26th, 2009
Held at Brentwood College**

Present: David Gall, Clyde Olgivie, June Laraman, Joan Pope, Paris Webster, Greg Farley, Cathy Leslie, Mario liannidinardo, Brian Harrison (Area A Director), Roger Burgess (alternate Director)

Meeting Minutes: It was moved and seconded
That the meeting minutes for October 15th, 2009 be accepted.

Agenda: It was moved and seconded
That the meeting agenda for November 26th, 2009 be accepted.

MOTION CARRIED

Existing Business:

Progress Reports

Inlet Drive Beach Access: The CVRD Parks Operations Superintendent, Ryan Dias, provided an alternative solution to the original recommendation by MoT to install 3 parking stalls. The solution is to proceed with trail access only. Ross Deveau MoT provided a verbal okay to do this. The solution also includes the planting of trees along the top entrance of the park and installing no parking/private property signs along the property owners' side to the south. The Area A PRC members reviewed the alternative solution and the Area A PRC Chair, David Gall, gave the okay for the work to proceed.

The work proceeded using the JOP crew, however, with the recent deluge of rain; the culvert off the upper road was plugged and wiped out the newly laid gravel along the trail. Parks staff will follow up with Highways about the plugged culvert before any attempts are made to relay the gravel.

The commission wanted assurance that the owners of the private property are comfortable with the solution and asked that the PRC members who live in the area be contacted once the work is ready to be resumed. This will be communicated under a separate email.

Area A Parks & Recreation Update - Mill Bay Messenger: June Laraman drafted the update, which was circulated and approved by the Area A PRC and Director Harrison. The article has been submitted to the editor of the messenger and should appear in the January issue.

Budget Update

YTD Budget

- The November 19th, 2009 financials were distributed and reviewed. It was noted that \$51,766.12 had been expensed against a budget amount of \$112, 674.00 leaving a variance of \$60,907.88 YTD.

Budget Update (cont'd)

- The Area A PRC restated that any year-end surplus identified in the 2009 budget should be allocated to the development of the Mill Springs tot lot in 2010. This was originally recommended and agreed at the September 17th, 2009 meeting.

South Cowichan Parks

& Recreation:

The November 2nd, 2009 South Cowichan Parks & Recreation minutes were distributed to Area A PRC and reviewed.

Roger Burgess provided an overview of the scope of work for the Mill Bay Historic Church, which he had submitted, to Brian Farguhar for evaluation. No feedback had been received from the CVRD Parks staff at the time of the meeting. It is hoped that the scope of work could be included in the January 23rd, 2009 Open House.

New Business

Potential Rezoning of 2691 Mill Bay Rd to a residential duplex zone – Park Dedication Considerations:

Tanya Soroka, CVRD Parks staff, had sent through a soft copy of the request, which was distributed to the Area A PRC. The request is to determine if the commission has any interest in park dedication or financial contribution of a section of the previously proposed roadside trail corridor along Mill Bay Rd. The PRC was reminded that park dedication or cash contribution is not a statutory requirement as part of the rezoning application.

It was moved and seconded that
The Area A PRC recommend to the CVRD Board that a set back for a potential walking path and bicycle path be considered for the area that borders the property along Mill Bay Rd.

MOTION CARRIED

Other

Cowichan Community Land Trust:

David Gall provided an overview of the functions of the trust and also reviewed their area of operation on a map. David Gall highlighted that if anyone is interested they can contact the Cowichan Community Land Trust direct at 250 746-0227.

Director's Report:

- Stated that that 4 commission member's term expires on December 31st, 2009. The procedure is that there will need to be an election in the early part of January for these 4 positions. The other 4 positions are appointed by the Area A Director and will stand for the rest of the area director's term. Director Harrison indicated that he has contacted Brian Farquhar about how the process will be handled for the elected positions and is awaiting his response.
- The Meredith Rd rezoning application has been turned down by the MoT due to the placement of water and sewer in relation to the driveways.
- The Mill Bill Veterinary Clinic contacted Director Harrison about the possibility a potential sidewalk be continued past their location. This application has not come before the EASC as yet.

Adjournment: It was moved and seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 8:35 PM.

Next meeting January 21st, 2010 at 7 PM at Brentwood College pending affirmation of the commission members.

PK7
C.V.R.D.
RECEIVED
DEC 08 2009

Meeting Minutes
South Commission Parks Commission
Nov. 2, 2009
Cobblecinno's Cafe, Cobble Hill

Members Present:

- Ian Sparshu, Chair
 - Gerry Giles
 - Brian Harrison
 - Roger Burgess
 - Lynn Wilson
 - June Laraman
 - Kerrie Talbot
 - Val Townsend
 - Margaret Symon
- Dave Gall

Meeting opened 1900H
Minutes of Oct. 5, 09 meeting adopted.

MOTION:

- The South Cowichan Parks Commission requests from CVRD Parks Dept. a copy of document of names change: from "South End" to "South Cowichan" Parks Commission

MOTION CARRIED

1. Cowichan Bay Boat Launch

- Cost summary (provided by CVRD Parks and Recreation Dept.) reviewed
- Discussion re: float replacement, parking, future costs to maintain parking, dredging costs (unknown), landscaping, kayak launching site of issues: limited parking, signage, estuary sensitivity, need for more kayaking access
 - Comment from previous meeting:
The South Cowichan Directors raised the possibility increasing by a certain percentage the amount collected (>\$50,000 to \$75,000)

2. Mill Bay Historic Church/Cemetery

- MOTION:
 - That Roger Burgess prepare a preliminary Scope of Work document for the upgrade required for the Mill Bay Historic Church and Hall – to be submitted to the CVRD for assessment.
- MOTION:
 - that the CVRD ascertain an app. cost estimate to engage a project manager or architect for the Mill Bay Historic Church and Hall upgrade/restoration work and report back to the South Cowichan Parks Commission at their Dec. 7/09 meeting.
- MOTION CARRIED
- Open House for Mill Bay Historic Church and Hall: Sat. Jan. 23, 2010
- Information on the scope of the project and cost estimates should be present at the Open House
- Special invitation should be issued by CVRD to Maureen Alexander of the Mill Bay

Historical Society, inviting the Society to do a presentation at the Jan. 23, 2010 Open House on the historical significance of the Church and Cemetery to the S. Cowichan Community.

Meeting adjourned 2115H

Next meeting dates:

- 7 Dec. 2009 7 pm Cobblecinno's
- 4 Jan. 2010 7 pm

21

The Fresh Outlook Foundation is hosting its fourth Building SustainAble Communities conference in Kelowna from November 16th to 18th, 2010. I encourage you to save room in your calendar and your budget, as our lineup of events and speakers is already amazing!

Back by popular demand we have Dr. Bill Rees, Dr. Hans Schreier, Mark Holland, Tom Osdoba, and Angus McAllister. First-time big-namers include:

- **Terry Tamminen:** Climate action advisor to California Governor Arnold Schwarzenegger, former British Prime Minister Tony Blair, and BC Premier Gordon Campbell. Author of *Lives Per Gallon: The True Cost of Our Energy Addiction*.
- **Dr. Reginald Bibby:** Sociologist at the University of Lethbridge and Canada's premier tracker and interpreter of social trends. Author of *The Boomer Factor* and *The Emerging Millennials*.
- **Dr. Adrian Parr:** Associate professor at the University of Cincinnati who, among other things, examines how environmental goals are being driven by government, business, and the military. Author of *Hijacking Sustainability* and *New Directions in Sustainable Design*.
- **Chief Clarence Louie:** Osoyoos Indian Band chief since 1985, and well-known throughout BC and Canada for his progressive views on creating wealth within First Nations' communities.
- **Michael Kinsley:** A senior consultant with the Rocky Mountain Institute who has helped build sustainable economies and environments since 1983. He has also provided economic development planning and training to communities in forty states and four foreign countries.
- **Dennis Wilde:** A nationally respected green building expert who leads the Renewable Energy & Infrastructure Division at Gerding Edlen. He is a founding member of the Oregon Natural Step Network and serves on the board of the Cascadia Chapter of the U.S. Green Building Council.

Stay tuned, because we're also planning a shoulder event for the afternoon of Monday, November 15th that will provide **one-stop shopping for information about sustainability planning tools**. This fast-paced, interactive opportunity for immersion into the world of sustainability planning will help you make sense of all the potential ways you can help move your community toward its sustainability goals!

Please let me know if you have any ideas for topics and/or speakers. I will be distributing a formal call for papers to local governments in the New Year, but your input now would be very much appreciated as well.

Thanks again for your support, and I look forward to connecting with you soon. Please forward this to anyone else you think might be interesting in attending the conference.

Have a very Merry Christmas...

Joanne de Vries
Fresh Outlook Foundation
12510 Ponderosa Road
Lake Country, BC V4V 2G9
Phone: 250-766-1777
Fax: 250-766-1767
Email:
jdevries@silkk.net
Website: www.freshoutlookfoundation.org

000254

Dear Director Loren Duncan, Cowichan Valley Regional District

Join more than 600 of your peers from across Canada and around the world at the premier conference that provides a national forum for leading thinkers and planners on sustainable community development.

The FCM 2010 Sustainable Communities Conference (February 10-12, Ottawa) is a one-stop shop for the knowledge, tools and experts that will help you:

- CONSERVE water and energy
- CREATE a sustainable community plan
- DESIGN a low-carbon community
- DIVERT more waste from landfill
- GREEN your buildings and your workforce
- IMPLEMENT environmental pricing reforms
- MANAGE stormwater close to the source
- MAP your community's energy assets
- REDUCE greenhouse gases and COMBAT climate change
- REINVENT a suburb
- TAKE STEPS to create active, walkable communities
- TRANSFORM abandoned sites into vibrant mixed-use or eco-industrial developments
- UNDERSTAND the big picture from a systems thinking perspective

NEW – Study Tours

Study tours are offered on a first-come, first-served basis and have a maximum number of participants.

- The Shenkman Arts Centre
- Ottawa Paramedic Services HQ
- Ottawa Health Sciences Centre

Keynote Speakers

- Mayor David Miller, *City of Toronto*
- Avi Friedman, *Green architect, professor and columnist*
- Steven Guibeault, *deputy director, Équiterre*
- Bob Willard, *International business expert on sustainability and author of The sustainability Advantage*

Download the updated **Preliminary Conference Program** for a detailed list of conference sessions, workshops, carbon offset and study tours.

To register, visit www.fcm.ca/register using your personal FCM login ID :

Login for: Director Loren Duncan, Cowichan Valley Regional District

Username: loren_duncan@telus.net

Password: 69194

If you have any questions, need assistance with the on-line registration or have received this email in error, please contact FCM's Registration Desk register@fcm.ca or 613-907-6212.

Think green! When you can, read from your screen! To unsubscribe, please [click here](#). View our [Privacy Policy](#)

Federation of Canadian Municipalities

FCM

Federation of

Canadian Municipalities

24 Clarence Street, Ottawa, Ontario, K1N 5P3

Telephone: (613) 241-5221

Fax: (613) 241-7440

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000255

C3



CVRD

RECEIVED
CVRD

NOV 17 2009

COWICHAN VALLEY REGIONAL DISTRICT

SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS) Financial Services Department

Submitted by Director BRIAN HARRISON Area A

Grantee: _____ Grant Amount \$ 1500

NAME: FRANCES KELSEY SECONDARY SCHOOL

ADDRESS: PO BOX 279
Mill Bay, B.C. V0R 2P0
ATTENTION MS. NORMA WHEELER

Contact Phone No: (250) 743-6916

PURPOSE OF GRANT: FINANCIAL ASSISTANCE TO 3 (\$500 each)
GRADE 12 STUDENTS FOR POST SECONDARY
EDUCATION INCLUDING TRADES.

REQUESTED BY: [Signature]
 Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
		10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization 000256



FRANCES
K E L S E Y
S E C O N D A R Y S C H O O L

P.O. BOX 279 MILL BAY, BRITISH COLUMBIA, V0R 2P0 TEL (250) 743-6916 • FAX (250) 743-6915
SCHOOL DISTRICT 79 (COWICHAN VALLEY)

October 22, 2009

Cowichan Valley Regional District Electoral Area A Mill Bay-Malahat
Mr. Brian Harrison
767 Frayne Road
Mill Bay, BC V0R 2P4

Dear Mr. Brian Harrison:

At this time, our attention is once again focused on scholarships and bursaries, which are awarded annually to our graduating students.

We take this opportunity to thank you for the steadfast support shown our students in the past. The importance of these awards increases as the cost of further education escalates. There is no doubt that this help often makes a significant difference to many individual students.

Please let us know if your organization will be able to donate to the program again this year. If so, please confirm by initialing that all information is correct or revise the attached information sheet and return it by mail or fax (250-743-6980) to Ms. Norma Wheeler by Friday, January 15, 2010.

Thank you for your support.

Sincerely,

Mr. Mike Martin
Scholarship and Bursary Chairperson

MM/njw
Encl.

000257

C4

RECEIVED

DEC 18 2009



COWICHAN VALLEY REGIONAL DISTRICT Financial Services Department

SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS)

Submitted by Director Kenn Cossey Area B

Grantee: _____ Grant Amount \$ 1,500
 (2 x \$750)

NAME: COWICHAN SECONDARY SCHOOL

ADDRESS: 2652 JAMES ST
DUNCAN BC V9L 2X2

Contact Phone No: JUDY HERSHMAN (250) 746 4435

PURPOSE OF GRANT: ASSIST 2 STUDENTS
WITH THEIR POST SECONDARY
CHOICES

REQUESTED BY: K. Cossey
 Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
		10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization

000258



Cowichan Secondary School

SHARON

GRANT-IN-AID
REQUEST

FOR JAN 2010
2 x \$750

November 12, 2009

Mr. Ken Cossey

Dear Sir/Madam:

RE: Cowichan Valley Regional District Area B Bursary

We are beginning to collect the information for our Scholarships and Bursaries Booklet. Your generosity to our students has always been greatly appreciated. By recognizing their achievements and investing in their future, you are giving them not only the financial assistance they need to pursue their goals, but also the encouragement that our community believes in their potential.

Please confirm your continued support by completing the attached questionnaire(s) and return to us at your earliest convenience, if possible before January 4, 2010.

Thank you for your support.

Yours truly,

COWICHAN SECONDARY SCHOOL

J. Hershman

Judy Hershman
Scholarship/Bursary Chairperson

2 x \$750⁰⁰

JH/gj

Enc.

Original: <i>Dr. Cossey</i>	Copies to:
Board:	
Committee(s):	
Directed: <i>JH</i>	Date: <i>Dec 16/09</i>
File # p.m., Wednesday,	

*Important Date: Scholarship and Bursary Award Night
June 9th, 2010*

000259

C5



COWICHAN VALLEY REGIONAL DISTRICT



SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS)

NOV 18 2009

Submitted by Director Giles Area C Financial Services Department

Grantee: _____ Grant Amount \$ 1000.00

NAME: Frances Kelsey Secondary School

ADDRESS: Box 279
Uxmal Bay B.C V0R 2P0

Contact Phone No: 250-743-6916

PURPOSE OF GRANT: to provide assistance to a student continuing on with his/her education

REQUESTED BY: Gerry Giles
Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
		10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____



FRANCES

K E L S E Y

S E C O N D A R Y S C H O O L

P.O. BOX 279 MILL BAY, BRITISH COLUMBIA, V0R 2P0 TEL (250) 743-6916 • FAX (250) 743-6915
SCHOOL DISTRICT 79 (COWICHAN VALLEY)

October 22, 2009

Cowichan Valley Regional District Electoral Area C Cobble Hill
Ms. Gerry Giles
1115 Braithwaite Drive
Cobble Hill, BC, V0R 1L4

Dear Ms. Gerry Giles:

At this time, our attention is once again focused on scholarships and bursaries, which are awarded annually to our graduating students.

We take this opportunity to thank you for the steadfast support shown our students in the past. The importance of these awards increases as the cost of further education escalates. There is no doubt that this help often makes a significant difference to many individual students.

Please let us know if your organization will be able to donate to the program again this year. If so, please confirm by initialing that all information is correct or revise the attached information sheet and return it by mail or fax (250-743-6980) to Ms. Norma Wheeler by Friday, January 15, 2010.

Thank you for your support.

Sincerely,

Mr. Mike Martin
Scholarship and Bursary Chairperson

MM/njw
Encl.

000261

29 COWICHAN VALLEY REGIONAL DISTRICT ELECTORAL AREA 'C"- COBBLE HILL

1 award(s) valued at \$ 1000

1. To assist a worthy student, residing in Cobble Hill, who is planning on furthering their post-secondary education, either technical or academic.

Applications to: Mr. M. Martin (via Ms. Wheeler Counselling Office)

Primary Contact

Ms. Gerry Giles
1115 Braithwaite Drive
Cobble Hill, BC V0R 1L4

Alternate Contact

746-2570

Special Application Form Required? No



C·V·R·D

MEMORANDUM

DATE: December 8, 2009

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

FROM: Brian Duncan, Chief Building Inspector

SUBJECT: BUILDING REPORT FOR THE MONTH OF NOVEMBER, 2009

There were 33 building Permits and 1 Demolition Permit(s) issued during the month of November, 2009 with a total value of \$ 3,811,700

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"			25,350	410,380	118,000		6	58	553,730	8,268,127
"B"			390,000	987,725	164,480		9	145	1,542,205	13,566,551
"C"				369,630	21,360		4	76	390,990	7,394,880
"D"	20,000			333,365	58,820		5	37	412,185	2,845,065
"E"		30,240		102,130	80,000	17,160	5	41	229,530	2,070,255
"F"				254,560	1,000		2	31	255,560	1,273,270
"G"					12,700		1	22	12,700	2,458,205
"H"							0	32	0	2,132,100
"I"				414,800			2	38	414,800	3,837,790
Total	\$ 20,000	\$ 30,240	\$ 415,350	\$ 2,872,590	\$ 456,360	\$ 17,160	34	480	\$ 3,811,700	\$ 43,846,243

B. Duncan, RBO
Chief Building Inspector
BD/db

NOTE: For a comparison of New Housing Starts from 2006 to 2009, see page 2
For a comparison of Total Number of Buildig Permits from 2006 to 2009, see page 3

000263

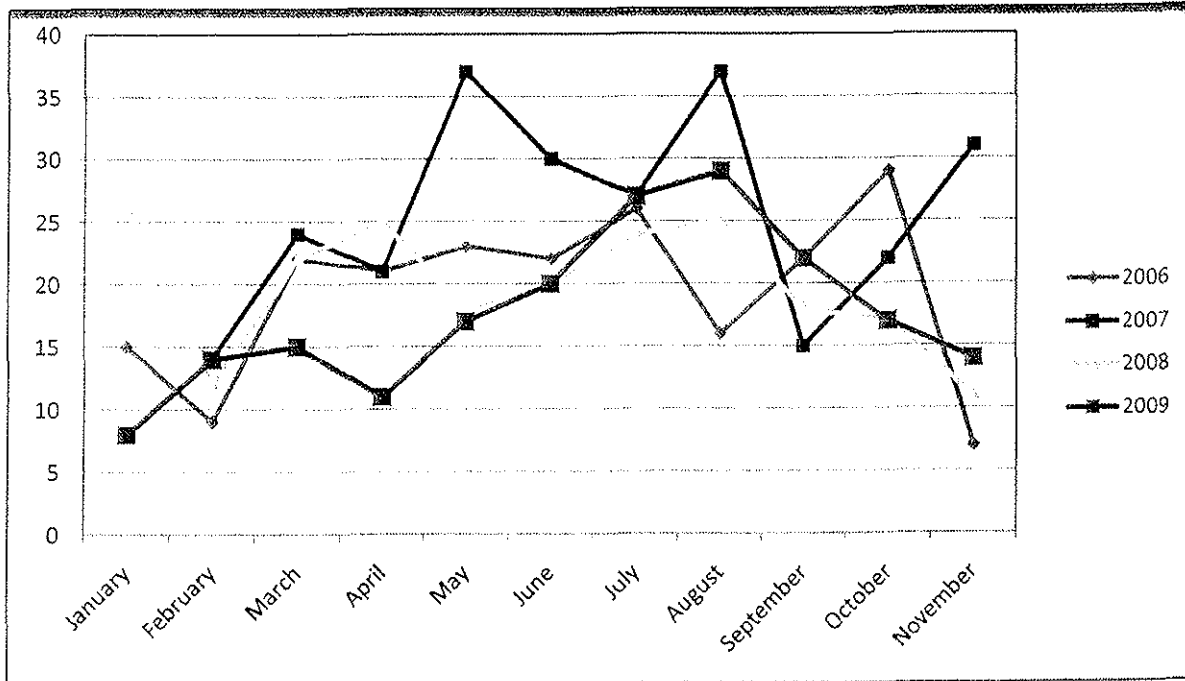
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C.V.R.D.

New Housing Starts

	2006	2007	2008	2009
January	15	8	26	8
February	9	14	12	14
March	22	24	22	15
April	21	21	25	11
May	23	37	18	17
June	22	30	20	20
July	26	27	24	27
August	16	37	25	29
September	22	15	18	22
October	29	22	17	17
November	7	31	11	14

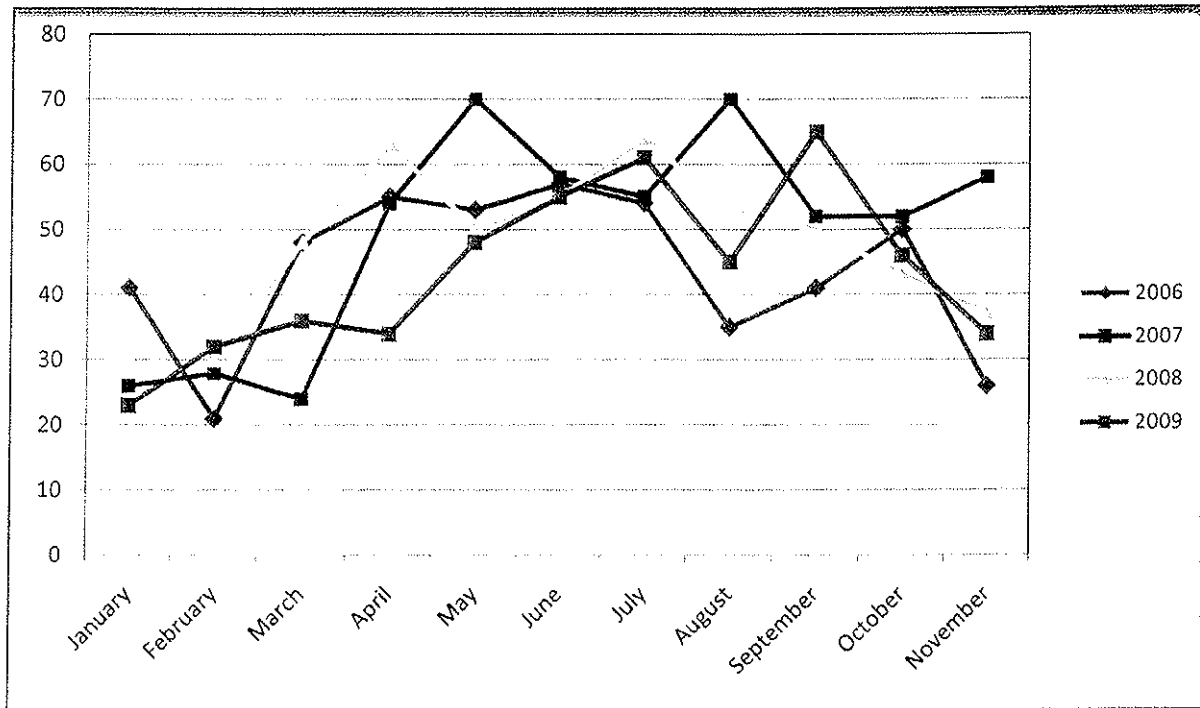




C·V·R·D

Total Building Permits Issued

	2006	2007	2008	2009
January	41	26	50	23
February	21	28	30	32
March	48	24	48	36
April	55	54	63	34
May	53	70	50	48
June	57	58	55	55
July	54	55	64	61
August	35	70	53	45
September	41	52	50	65
October	50	52	43	46
November	26	58	37	34





MEMORANDUM

DATE: December 24, 2009
TO: Tom R. Anderson, General Manager, Planning and Development Department
FROM: Brian Duncan, Chief Building Inspector
SUBJECT: BUILDING REPORT FOR THE MONTH OF DECEMBER, 2009

There were 49 Building Permits and 0 Demolition Permit(s) issued during the month of December, 2009 with a total value of \$ 4,969,988

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"				701,263			4	62	701,263	8,969,390
"B"	15,000		50,000	2,507,270	218,080	6,000	25	170	2,796,350	16,362,901
"C"	31,625			800,350	71,500		8	84	903,475	8,298,355
"D"	15,000			146,610			2	39	161,610	3,006,675
"E"			25,000	79,800			2	43	104,800	2,175,055
"F"					11,880		1	32	11,880	1,285,150
"G"					86,400		3	25	86,400	2,544,605
"H"				160,220	44,000		4	36	204,220	2,336,320
"I"							0	38	0	3,837,790
Total	\$ 61,625	\$ -	\$ 75,000	\$ 4,395,513	\$ 431,860	\$ 6,000	49	528	\$ 4,969,998	\$ 48,609,531

B. Duncan, RBO
 Chief Building Inspector
 BD/db

NOTE: For a comparison of New Housing Starts from 2006 to 2009, see page 2
 For a comparison of Total Number of Buildig Permits from 2006 to 2009, see page 3

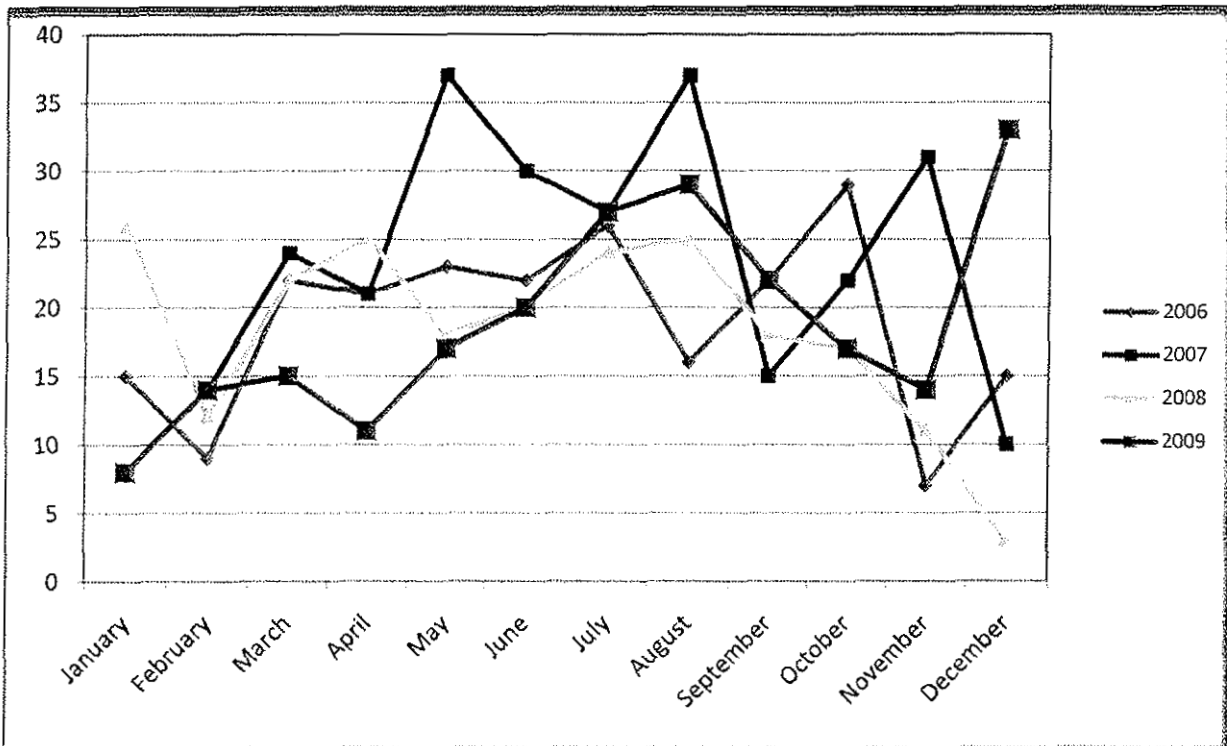
000266



C.V.R.D.

New Housing Starts

	2006	2007	2008	2009
January	15	8	26	8
February	9	14	12	14
March	22	24	22	15
April	21	21	25	11
May	23	37	18	17
June	22	30	20	20
July	26	27	24	27
August	16	37	25	29
September	22	15	18	22
October	29	22	17	17
November	7	31	11	14
December	15	10	3	33





C·V·R·D

Total Building Permits Issued

	2006	2007	2008	2009
January	41	26	50	23
February	21	28	30	32
March	48	24	48	36
April	55	54	63	34
May	53	70	50	48
June	57	58	55	55
July	54	55	64	61
August	35	70	53	45
September	41	52	50	65
October	50	52	43	46
November	26	58	37	34
December	25	19	15	49

