



## ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,  
May 17 2011  
Regional District Board Room  
175 Ingram Street, Duncan, BC

3:00 pm

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### AGENDA

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**6. NEW BUSINESS**

**7. PUBLIC/PRESS QUESTIONS**

**8. CLOSED SESSION**

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

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**9. ADJOURNMENT**

**NOTE: A copy of the full agenda package is available at the CVRD website [www.cvrld.bc.ca](http://www.cvrld.bc.ca)**

Director L. Iannidinardo  
Director K. Cossey  
Director I. Morrison

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

Director B. Harrison  
Director L. Duncan  
Director M. Dorey

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, May 3, 2011 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

**PRESENT**

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

**CVRD STAFF**

Tom R. Anderson, General Manager  
Brian Farquhar, Manager  
Mike Tippett, Manager  
Rob Conway, Manager  
Brian Duncan, Manager  
Alison Garnett, Planner II  
Ann Kjerulf, Planner III  
Catherine Tompkins, Senior Planner  
Sybille Sanderson, Acting General Manager  
Rachelle Moreau, Planner I  
Warren Jones, Administrator  
Cathy Allen, Recording Secretary

**APPROVAL OF AGENDA**

The Chair noted changes to the agenda which included adding three items of listed new business, plus one new closed session business item.

It was Moved and Seconded that the agenda, as amended, be approved.

MOTION CARRIED

**M1 - Minutes**

It was Moved and Seconded that the minutes of the April 19, 2011 EASC meeting be adopted.

MOTION CARRIED

**BUSINESS ARISING**

There was no business arising.

**STAFF REPORTS**

**R1 - Walter**

Ann Kjerulf, Planner III, presented Staff Report dated April 27, 2011, regarding Application No. 1-B-10RS (Walter) to rezone property on Riverside Road from F-1 to another Forestry Zone to allow a seven lot residential subdivision.

Michael Walter, applicant, was present and submitted a letter providing further information to the application.

It was Moved and Seconded  
That Application No. 1-B-10RS (Michael Walter) be referred back to staff to review additional information received from the applicant.

MOTION CARRIED

**R2 - Smith**

Alison Garnett, Planner II, presented staff report dated April 26, 2011, regarding Application No. 1-C-11DVP (Gordon Smith), to expand the existing workshop located at 1550 Thain Road and construct an addition.

Gordon Smith, applicant, was present.

The Committee directed questions to the applicant.

It was Moved and Seconded  
That Application No. 1-C-11DVP submitted by Gordon Smith, respecting Block 38, Section 13, Range 5, Shawnigan District, Plan 1809 (PID 004-182-626) to reduce the setback to the interior property line that abuts the railway from 9 metres to zero, be approved as proposed on the submitted plans, subject to a legal survey confirming the approved setback distance, as required by CVRD Building Inspector.

MOTION CARRIED

**R3 - Muir**

Rachelle Moreau, Planner I, presented Application No. 3-H-10ALR (Avis Muir) to construct a second dwelling at 13490 Doole Road.

Avis Muir, applicant, was present.

It was Moved and Seconded  
That Application No. 3-H-10ALR, submitted by Avis Muir, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a second dwelling on the subject property be forwarded to the Agricultural Land Commission with a recommendation to approve the application.

MOTION CARRIED

**R4 - Rytter**

Rob Conway, Manager, presented staff report dated April 26, 2011, regarding Application No. 3-B-10DP/RAR to permit a cottage on Moose Island within the Streamside Protection and Enhancement Area.

John Rytter, applicant, was present, and provided further information to the application.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded  
That Application No. 3-B-10DP/RAR submitted by John Rytter be denied as it is not compliant with the Riparian Area Regulation and the subject property appears to have building sites outside the StreamSide Protection and Enhancement Area and 15 metre watercourse setback, and further that a notice be put on title.

MOTION CARRIED

**R5 - Johnston**

Mike Tippett, Manager, presented staff report dated April 27, 2011, regarding Application No. 5-A-10DP (Mark Johnston), to allow a subdivision of 261 single family residential lots on the Stonebridge lands off Bourbon Road.

Mark Johnston, applicant, was present on behalf of Limona Construction, and provided further information to the application.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

That Application No. 5-A-10DP (Stonebridge) be referred to the South Cowichan OCP Steering Committee for review and consideration.

MOTION CARRIED

**R6 – Memorial Park**

It was Moved and Seconded

That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to renew a five year Licence of Occupation Agreement (69644-1) with the Ministry of Transportation and Infrastructure commencing January 1, 2011, for the undeveloped road portion on Holland Avenue which is managed by the Regional District as Memorial Park.

MOTION CARRIED

**R7 – Shawnigan Lake Hall Amendment Bylaw**

It was Moved and Seconded

That CVRD Bylaw No. 3493 – Shawnigan Lake (Electoral Area B) Local Service (Community Hall) Amendment Bylaw, 2011, be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

**R8 – Lake Cowichan Service Area Expansion**

Sybille Sanderson, Acting General Manager, presented staff report dated April 19, 2011, regarding Lake Cowichan Fire Protection Service Area Boundary Expansion.

It was Moved and Seconded

1. That the Certificate of Sufficiency confirming that the petition for inclusion in the Lake Cowichan Fire Protection Service Area is sufficient, be received.
2. That CVRD Bylaw No. 1657 be amended to extend the boundaries of the Lake Cowichan Fire Protection Service Area to include the following property: PID 028-062-744, Lot 68, Block 117, VIP87272, and Block 1405.
3. That the amendment bylaw be forwarded to the Board for consideration of three readings and adoption.
4. That Schedule A to the Fire Services agreement with the Town of Lake Cowichan to provide fire protection to the Lake Cowichan Fire Protection Service Area, be amended to include the additional property.
5. That the Chair and Corporate Secretary be authorized to sign the amended Lake Cowichan Fire Protection Services Agreement.

MOTION CARRIED

**R9 – Rozon Road**

Rachelle Moreau, Planner I, presented staff report dated April 27, 2011, regarding petition from Rozon Road residents.

It was Moved and Seconded

That the CVRD strongly encourage the Ministry of Transportation and Infrastructure to require dedication and construction of Sangster Road from Noowick Road to Butterfield Road, and that all construction traffic be directed south to use the Butterfield Road intersection as soon as practically possible; and further the Ministry of Transportation and Infrastructure be asked to undertake a traffic study in the area of Ocean Terrace to Mill Bay Centre to ensure that there is minimal impact on existing side streets.

MOTION CARRIED

**R10 – ALR  
Application Review**

It was Moved and Seconded

That the staff report dated April 27, 2011, from Tom R. Anderson, General Manager, regarding ALC Application Review, be received and filed.

MOTION CARRIED

**CORRESPONDENCE**

**C1 – Maritime Centre**

It was Moved and Seconded

That the request from the Cowichan Bay Maritime Centre for assistance with building permit fees be referred to the Area D Director respecting a possible grant in aid.

MOTION CARRIED

**C2 – Grant In Aid**

It was Moved Seconded

That a grant in aid Area B – Shawnigan Lake, be given to Kerry Park Women's Curling League in the amount of \$200 to assist with expenses for the Pacific International Cup curling event.

MOTION CARRIED

**C3 – Grants in Aid**

It was Moved and Seconded

That a grant in aid Area D – Cowichan Bay, be given to Cowichan Valley Jolly Dragons Senior Boat Team in the amount of \$500 to assist with costs to repair their dragon boat.

MOTION CARRIED

It was Moved and Seconded

That a grant in aid Area A – Mill Bay/Malaht, be given to Cowichan Valley Jolly Dragons Senior Boat Team in the amount of \$500 to assist with costs to repair their dragon boat.

MOTION CARRIED

It was Moved and Seconded  
That a grant in aid Area B – Shawnigan Lake be given to Cowichan Valley Jolly Dragons Senior Boat Team in the amount of \$500 to assist with costs to repair their dragon boat.

MOTION CARRIED

It was Moved and Seconded  
That a grant in aid Area C – Cobble Hill be given to Cowichan Valley Jolly Dragons Senior Boat Team in the amount of \$500 to assist with costs to repair their dragon boat.

MOTION CARRIED

**C4 – Grant in Aid**

It was Moved and Seconded  
That a grant in aid Area D – Cowichan Bay be given to Cowichan Bay Improvement Association in the amount of \$500 to assist with their 12<sup>th</sup> Annual Low Tide Day.

MOTION CARRIED

**INFORMATION**

**IN1 – Minutes**

It was Moved and Seconded  
That the minutes of the Area H APC meeting of February 26, 2011, be received and filed.

MOTION CARRIED

It was Moved and Seconded  
That the resignation of Ben Cuthbert from the Area H Advisory Planning Commission be accepted and that a letter of appreciation be forwarded to Mr. Cuthbert.

MOTION CARRIED

**IN2 - Minutes**

It was Moved and Seconded  
That the minutes of the Area H APC meeting of February 10, 2011, be received and filed.

MOTION CARRIED

**IN3 - Minutes** It was Moved and Seconded  
That the minutes of the Area C APC meeting of April 14, 2011, be received and filed.

MOTION CARRIED

**IN4 - Minutes** It was Moved and Seconded  
That the minutes of the Area F APC meeting of April 4, 2011, be received and filed.

MOTION CARRIED

**NEW BUSINESS**

**NB1 – NB3 – Grants in Aid** It was Moved and Seconded  
That a grant in aid Area C – Cobble Hill be given to Ecole Mill Bay PAC in the amount of \$500 to assist with their Ecostravaganza event on June 4, 2011.

MOTION CARRIED

It was Moved and Seconded  
That a grant in aid Area D – Cowichan Bay be given to Ecole Mill Bay PAC in the amount of \$500 to assist with their Ecostravaganza event on June 4, 2011.

MOTION CARRIED

It was Moved and Seconded  
That a grant in aid Area I – Youbou/Meade Creek be given to Lake Days Society in the amount of \$500 to assist with their Breakfast in the Town event.

MOTION CARRIED

**NB4 -** Director Kuhn announced that National Policing Week starts the week of May 15<sup>th</sup> and also noted that a fund raising event for an ill RCMP officer is planned at the Royal Canadian Legion in Duncan on Friday, May 13<sup>th</sup> at 4:00 pm.

**RECESS** The Committee adjourned for a five minute recess.

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

MOTION CARRIED

The Committee moved into Closed Session at 4:40 pm.

**RISE** The Committee rose without report.

**ADJOURNMENT**

It was Moved and Seconded  
That the meeting be adjourned.

MOTON CARRIED

The meeting adjourned at 5:25 pm.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary



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## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 17, 2011

DATE: May 11, 2011 FILE NO: 3-E-11 DP  
FROM: Rachelle Moreau, Planner I BYLAW NO:  
SUBJECT: Application No. 3-E-11DP  
(Greg Robson)

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**Recommendation/Action:**

That application No. 3-E-11DP submitted by Greg Robson on behalf of 553227 BC Ltd. (Greg's RV) for construction of a new building on Lot A, Section 13, Range 7, Quamichan District, Plan VIP59929 Except That Part in Plan VIP87500 (PID: 018-970-095) be approved, subject to :

- a) Building constructed in accordance with the plans dated May 5, 2011 including installation of the lattice screens on the south side of the building;
- b) Installation of underground wiring;
- c) Oil/water separator be installed in the parking area;
- d) Fencing along the south property boundary will be black or green;
- e) Landscaping is installed in accordance with the plans dated May 5, 2011 to BCSLA standards, including an underground irrigation system; and
- f) Receipt of an irrevocable letter of credit in a form suitable to the CVRD equal to 125% of the value of the landscaping as depicted on the May 5, 2011 landscape plan.

**Relation to the Corporate Strategic Plan:** N/A

**Financial Impact:** *(Reviewed by Finance Division: N/A)*

**Background:**

To consider the issuance of a development permit for a new approximately 1,448 m<sup>2</sup> building which will be used for servicing recreational vehicles, as well as the administration and retail functions for Greg's RV business.

**Location of Subject Property:** 5285 Polkey Road

**Legal Description:**

Lot A, Section 13, Range 7, Quamichan District, Plan VIP59929 Except That Part in Plan VIP87500 (PID: 018-970-095)

**Date Application and Complete Documentation Received:** January 25, 2011

**Owner:** 553227 BC Ltd

**Applicant:** Greg Robson

Size of Parcel: 2.15 ha (5.3 acres)

Existing Zoning: I-1 Light Industrial

Existing Plan Designation: Industrial

Existing Use of Property: Recreational Vehicles Sales and Service

Existing Use of Surrounding Properties:

North: I-1 Industrial

South: Boal Road and Koksilah School

East: E&N Railway and Trans Canada Highway

West: I-1 Light Industrial

Services:

Road Access: Boal Road

Water: Community water

Sewage Disposal: Community sewer

Environmentally Sensitive Areas: The *Environmental Planning Atlas 2000* has identified a non-TRIM<sup>1</sup> stream at the southwest portion of the property. However, it is staff's understanding that this was a dry stream bed filled in approximately 40 years ago, and is no longer a stream that would be subject to current Riparian Area regulations. There is a ditch on the western edge of the property along Boal road, however the proposed building is more than 30 metres from this ditch.

Archaeological Site: None identified

Contaminated Sites Regulation: Declaration signed – Some Schedule 2 uses were noted (Engine repair), therefore a Site Profile was completed, which was forwarded to the Site Registrar, Land Remediation Branch in accordance with the Contaminated Sites Regulation.

### **Proposal:**

An application has been made to obtain a development permit in accordance with the Koksilah Development Permit Area to permit a new approximately 1,448 m<sup>2</sup> building which will be used for servicing, administration and retail for Greg's RV. The applicant is relocating from an existing building on the subject property to the new building, and the two buildings currently on the site will be rented. For reference, please see the attached site plan.

The development permit application is expected to comply with the applicable development permit guidelines, with attention to the appearance of the building, signage, landscaping, lighting, impervious surface and rainwater management, and other matters addressed in the development permit area. Detailed elements of the proposal are noted in the following sections.

### **Policy Context:**

#### ***Development Permit Area Guidelines***

The property is within the Koksilah Development Permit Area (DPA), which was established for the purpose of protecting the natural environment, its ecosystems and biodiversity; and the establishment of objectives for the form and character of commercial, industrial and multi-family development.

<sup>1</sup> TRIM refers to a map series produced by the Province using aerial photographs. Due to the scale of the mapping, there are some streams that are not identified through TRIM maps, and these are identified as non-TRIM streams.

The Koksilah Development Permit Area outlines how the property should be developed in terms of the site design, landscaping, signage, building design and environmental protection. The following section outlines how the development proposal complies with the guidelines.

Environmental Protection

- a) This guideline requires that runoff from the development be limited in order to prevent storm flows from damaging riparian areas during normal rainfall events. The applicants have retained the services of a geotechnical engineer who suggested the use of a rock-filled dispersion trench to dispose of stormwater in the ground on site.

The guideline suggests that oil/water separators and, where feasible, pervious landscaping that can absorb runoff be incorporated into the storm water design. The majority of the site will not be paved, with the exception of the new road onto the site and the parking area.

- b) The latest Best Management Practices for land development should be respected. At the site level, this includes guidelines on preservation of ecologically sensitive areas, stormwater management, and erosion control. With this application, there are no environmentally sensitive areas indicated on the site, and the proposal includes on-site stormwater management methods.
- c) The applicants have provided information indicating that the use of the building will not introduce any contamination on the site that could be deleterious to the aquifer.

Landscaping:

- d) This guideline states that landscaping be provided around the periphery of the parcel with particular attention to landscaping measures along road frontages and parcel boundaries that may abut other uses. A combination of low shrubbery, ornamental trees and flowering perennials is recommended. Currently, the applicants are proposing the following in terms of landscaping:
- Five landscaped pockets along the Trans Canada Highway consisting of Populus tremula erecta (Swedish Aspen) and wildflower mix;
  - The same landscaping pockets noted above on either side of the entrance at Boal Road, with large boulders on the corners;
  - Landscape screen along the south and west parcel lines (between Koksilah School and the subject property) consisting of Ornamental pear trees, Photinia hedge, Mugo pines, Spirea and large boulders. Directly south of the building will consist of a Photinia hedge. Galvanized chain link fencing currently exists along the property boundary, and the landscaping will be installed north on the subject property side. As a result there will likely be some view of the fencing within the landscaped area until the landscaping becomes well established.
  - South of the entrance at Polkey Road, landscaping will consist of a Laurel hedge, Spirea, and Mugo Pine.
- e) A landscaped berm of minimum 0.75 metres in height along the Trans Canada Highway is recommended in this guideline, however no such feature is proposed. The applicants are proposing landscaping pockets of large feature trees of Swedish aspen, which can grow tall and narrow to create more of a visual impact along the highway, while still allowing exposure of RVs from the highway.
- f) The landscape plan has been designed by a landscape architect, and, as a condition of the development permit, must be installed to BCSLA standards. The CVRD typically requires security in the amount of 125% of the estimated landscaping costs in the form of a letter of credit to ensure that landscaping and irrigation is installed in accordance with the plans, and that the plantings are successful over a one-year period.

Form and Character of Buildings and Structures:

- g) This guideline recommends the use of attractive finishes, with some natural materials and colours. The building is proposed to be finished with stone grey prefinished metal cladding, darker grey hardiplank siding and charcoal trim, a metal roof, timber canopy over entrances, and timber beams/columns with concrete pedestals. The main entrance to the building will be off Boal Road, and this is illustrated as the west elevation.

The east and south elevations are those that would be most visible from the highway, with the south side facing the Koksilah School. Lattice screens have been added to the south side (rear) of the building to break up the façade.

Vehicle Access, Pedestrian Access and Parking:

- h) There is currently one access off Polkey road, and a new access point for the proposed building will be from Boal Road. There is not a substantial amount of internal traffic circulation on the site, and as the lot is used for the sale of recreational vehicles, there is no need for defined pathways for pedestrians.
- i) As noted above, there is no strong need for defined pedestrian areas. The Parking Standards Bylaw requires 21 spaces based on the floor area of the building, plus one space per two employees for a total of 26 spaces, which is being provided. Two loading spaces are required, and these are also being provided. The Parking Standards Bylaw requires that the parking area be surfaced with dust free material and that each space be clearly marked. The site plan indicates that the road and parking area will be asphalt.
- j) Parking areas are will be asphalt surfaced, as well as the entrance road and some areas directly around the building. Parking is not located within 3 metres from any major road network or the Trans Canada Highway.
- k) As noted, no defined pathways are proposed.

Signage:

- l) The existing freestanding sign on the highway (northeast side of the parcel) will remain however the text of the sign will be changed to that of the new tenants. An additional freestanding sign advertising Greg's RV is proposed on the Trans Canada Highway (see attached "Highway Sign"). This sign is 5.79 metres tall, which is higher than that recommended in the guideline. However, as the elevation of the subject property is lower than that of the highway, it was requested that this sign be permitted.

A new 3.2 metre tall entrance sign consisting of Greg's RV logo, held by timber column and beam, and concrete pedestal is proposed off Polkey Road near the corner of Boal Road (see "Polkey Road sign". Additionally, two "Greg's RV" logo signs are proposed on the building: one on the west side, and one on the north side as illustrated on the building elevation drawings.

- m) The freestanding sign that is proposed on the highway will be double-faced and include a manual message board (see attached "Highway Sign").
- n) This guideline discourages having multiple signs, however as one of the signs is existing, and the new sign has been designed to match the new building, it is preferable over one larger sign. If in the future, if the new tenants desire a change in signage, beyond replacing the text, or would like to advertise multiple tenants, a subsequent development permit will be required which will look at the form and character of that sign.

Wiring:

o) Underground wiring is already on site and will be provided to the new building.

Lighting:

p) Lighting is proposed on the building, however no new lighting is proposed for the sales lot.

**Floodplain:**

The property is within the Cowichan River floodplain, and CVRD policy is to require a geotechnical report, and registration of a save-harmless covenant in order to issue a building permit.

**Setbacks:**

The minimum 9.0 metre setback from buildings in the I-1 (Light Industrial) Zone, to parcels abutting residential, agricultural, forestry or institutional has been complied with.

**Landscaping:**

In addition to the landscaping guidelines within the Koksilah DPA, Section 5.15 of Zoning Bylaw No. 1840 specifies the following:

*"A landscape screen shall be provided as a buffer between any commercial or industrial uses and public roads, residential uses and institutional uses."*

A landscape screen is defined as "a visual barrier formed by a hedge of compact material, a masonry wall, earth berm or fence or a combination thereof, when such screen is continuous except for access driveways and walkways."

Considerable attention has been placed on developing a landscape plan that would satisfy the applicants and also achieve the intention of the DP guidelines and zoning requirement for a landscape screen. The application before the Committee has been improved from the original plan submitted to include the landscape screen, a new landscape pocket along the highway, and lattice screens on the south (rear) side of the building.

**Advisory Planning Commission Comments:**

The Electoral Area E Advisory Planning Commission (APC) reviewed this application at their May 5, 2011 meeting.

The APC was generally pleased with the appearance of the proposed building, landscaping and signage. It was noted that the landscaping on Polkey Road was being requested in order to complete a past landscaping commitment, and that underground irrigation for all the landscaping was strongly recommended.

**APC Recommendation:**

*That the application be recommended for approval as per the proposed building plans which include lattice screens on the south side of the building; landscaping be installed per the revised plan dated May 5, 2011 and include underground irrigation; that a letter of credit be obtained for the landscaping; and the sign be manual message board instead of the electronic message board.*

**Options:**

1. That application No. 3-E-11DP submitted by Greg Robson on behalf of 553227 BC Ltd. (Greg's RV) for construction of a new building on Lot A, Section 13, Range 7, Quamichan District, Plan VIP59929 Except That Part in Plan VIP87500 (PID: 018-970-095) be approved, subject to :

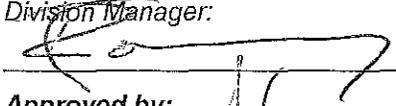
- a) Building constructed in accordance with the plans dated May 5, 2011 including installation of the lattice screens on the south side of the building;
- b) Installation of underground wiring;
- c) Oil/water separator be installed in the parking area;
- d) Fencing along the south property boundary will be black or green;
- e) Landscaping installed in accordance with the plans dated May 5, 2011 to BCSLA standards, including an underground irrigation system; and
- f) Receipt of an irrevocable letter of credit in a form suitable to the CVRD equal to 125% of the value of the landscaping as depicted on the May 5, 2011 landscape plan.

2. That application No. 3-E-11DP submitted by Greg Robson on behalf of 553227 BC Ltd. (Greg's RV) for construction of a new building on Lot A, Section 13, Range 7, Quamichan District, Plan VIP59929 Except That Part in Plan VIP87500 (PID: 018-970-095) not be approved, and that the applicant be directed to revise the proposal.

Submitted by,



Rachelle Moreau  
Planner I  
Development Services Division  
Planning and Development Department

<b>Reviewed by:</b> Division Manager:	
<b>Approved by:</b> General Manager:	

RM/ca



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

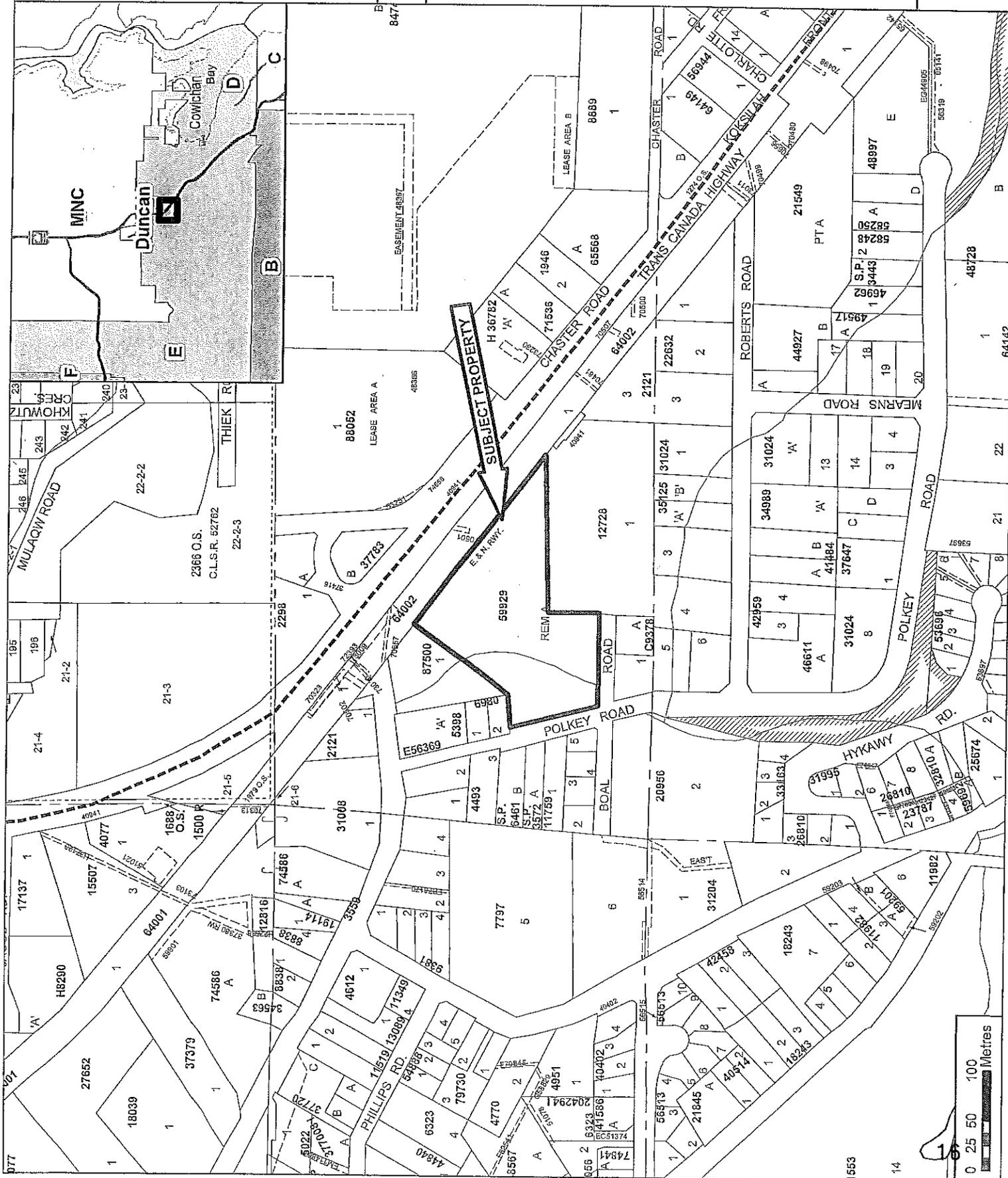
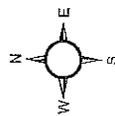
The Regional District does not warrant the accuracy.

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: 03-E-11-DP

Legend  
 Subject Property





**Covichian  
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.

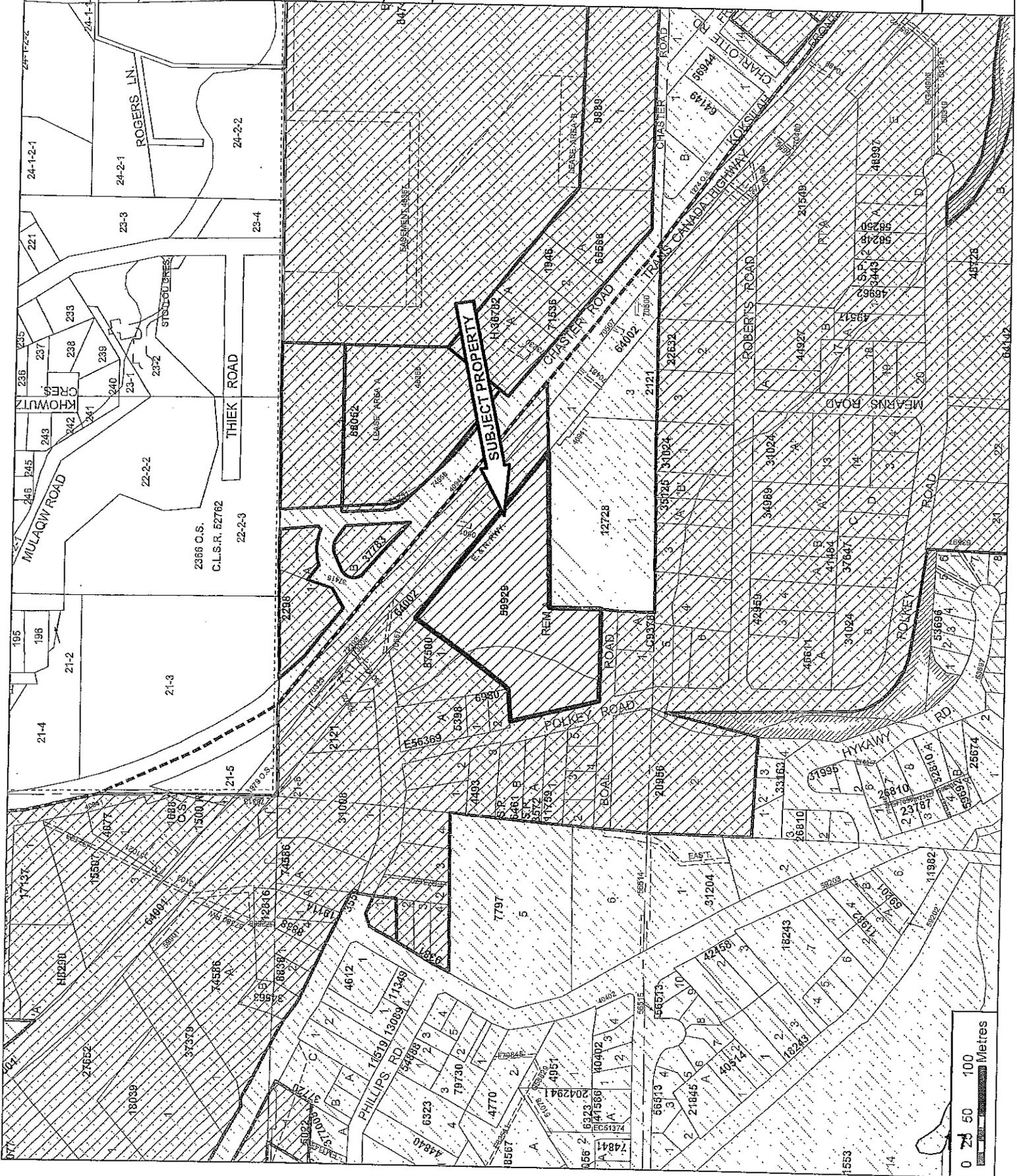
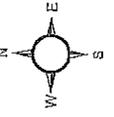
The original Bylaws should be consulted for any changes or interpretation and application of the Bylaws.

**FILE: 03-E-11-DP**

**DPA**

**Legend**

-  Subject Property
-  OTHER DPA
-  RIPARIAN AREAS
-  REGULATION DPA





**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.

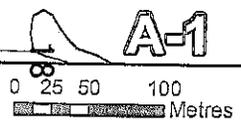
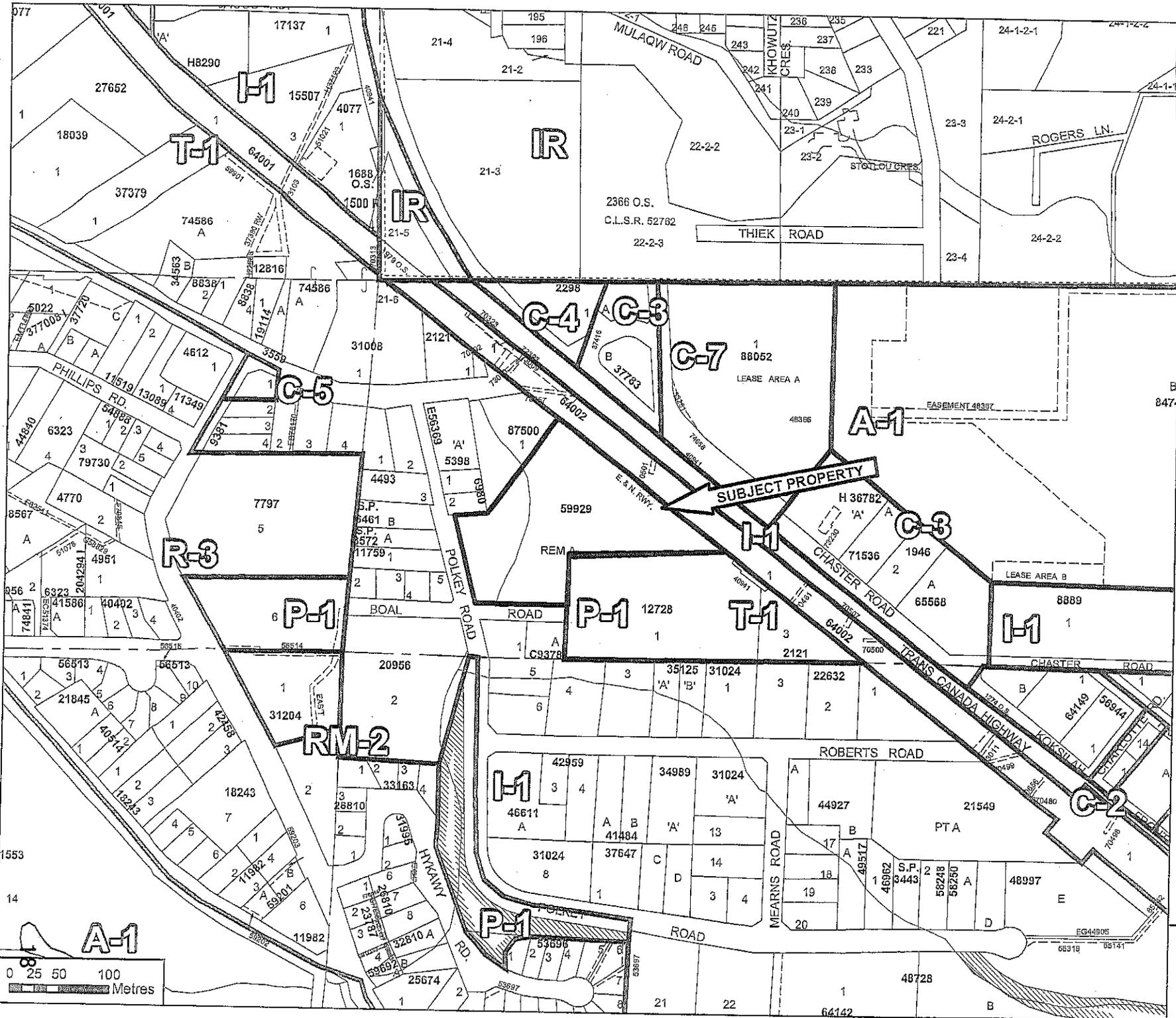
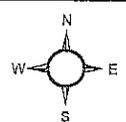
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 03-E-11-DP

**ZONING**

**Legend**

-  Subject Property
-  Zoning Electoral Area E



25 January 2011

INDUSTRIAL DEVELOPMENT  
5285 POLKEY ROAD  
DUNCAN B.C.

### **DESIGN RATIONALE**

The subject property is located on the southwest side of the Trans-Canada Highway. The site currently houses two existing industrial buildings and inventory storage throughout the yard. The site is in an area of similar industrial uses, and an adjacent institutional lot to the south.

This development proposal is for a new facility for Greg's RV Place that will house the service, retail and administration components of the business in one new building. This building will be sited on the southeast portion of the property parallel with the existing property line.

Notable aspects of siting include:

- view of the building's main entrance from site access.
- location on southern portion of property reserves remaining area of site for future development.
- visual access is obtained from North and West thoroughfares.
- creates a separate and distinct entrance off Boal Road.

Building form, scale and finish are in context with the neighborhood. The primary building structure is a pre-engineered steel building punctuated with windows and large overhead doors serving a utilitarian function. The retail and administration components of the building have been treated with varying roof forms, main entrances canopies and a variety of materials. This establishes corporate identity and provides distinction within the industrial landscape. Finish materials are selected for appropriateness of application, texture, colour and contrast. Metal siding provides durability; while large expanses of glazing give transparency to the building. Hardi-panel has been applied to the vertical forms and draw attention to signage located on these elements, again promoting corporate identity. Where public use is at the highest, heavy timbers finished naturally will soften and contrast against the metal siding. Various colours have been used throughout the façade to provide interest and contrast, highlighting important elements of the building.

THIS IS A PRELIMINARY LAYOUT AND NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE LOCAL AUTHORITY. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE STATED. THIS DRAWING IS THE PROPERTY OF DELINEA DESIGN CONSULTANTS LTD. AND IS NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF DELINEA DESIGN CONSULTANTS LTD.

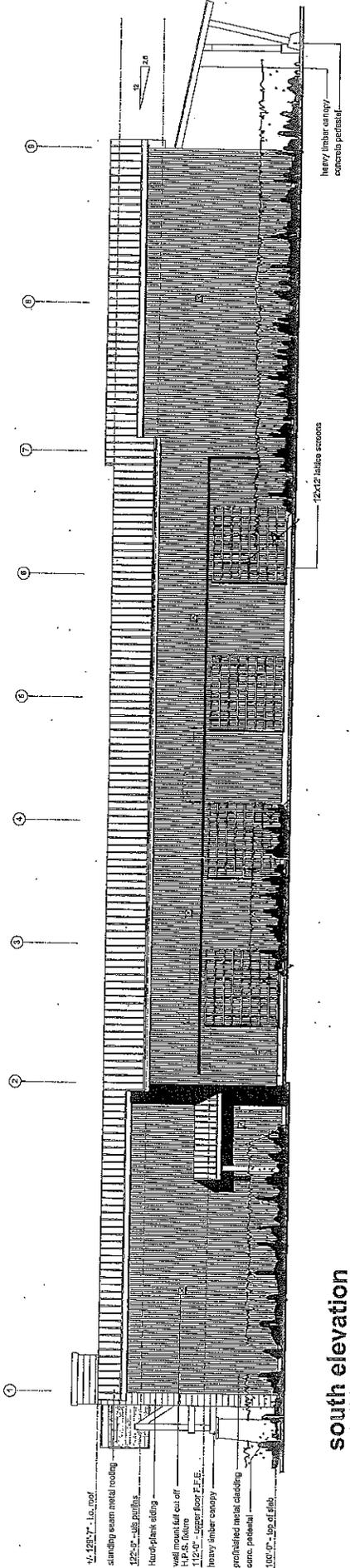
**delinea**  
design consultants ltd  
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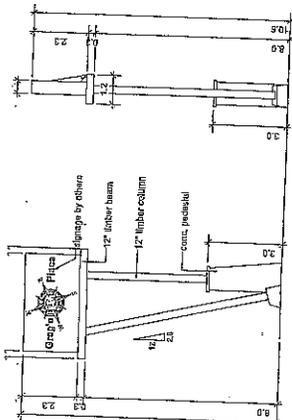
THIS PLAN, SPECIFICATIONS, CONTRACT AND ALL OTHER DOCUMENTS ARE THE PROPERTY OF DELINEA CONSULTANTS LTD. AND ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THESE DOCUMENTS WITHOUT THE WRITTEN CONSENT OF DELINEA CONSULTANTS LTD. IS STRICTLY PROHIBITED. ANY USE IN ANY MANNER NOT FORESEEN BY THE USER IS AT THE USER'S SOLE RISK.

**delinea**  
CONSULTANTS LTD.

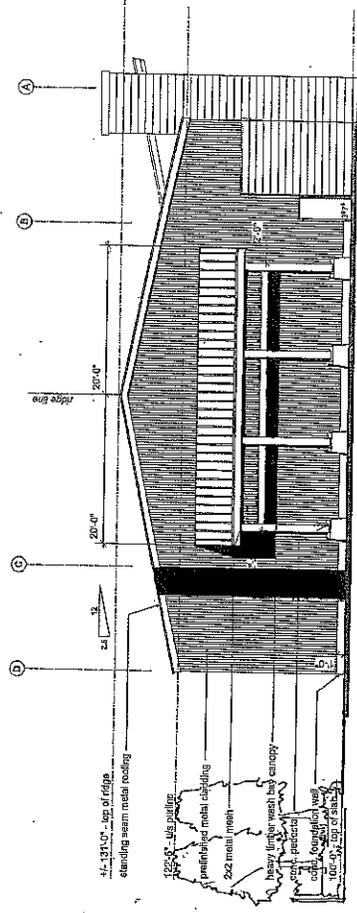
420 GERRARD ROAD EAST, SUITE 100, WILLOWDALE, ONTARIO M2H 1P7  
 Will mark file  
 designer ZS/2/16/30  
 checker  
 REVISIONS:  
 16 DEC 20  
 Issued for review  
 25 JAN 20  
 Issued for D.P.  
 05 MAY 20  
 Issued for APC



**south elevation**  
scale: 1/8"=1'-0"



**proposed sign - front & side elevation**  
scale: 1/8"=1'-0"  
*Polkey Road sign*

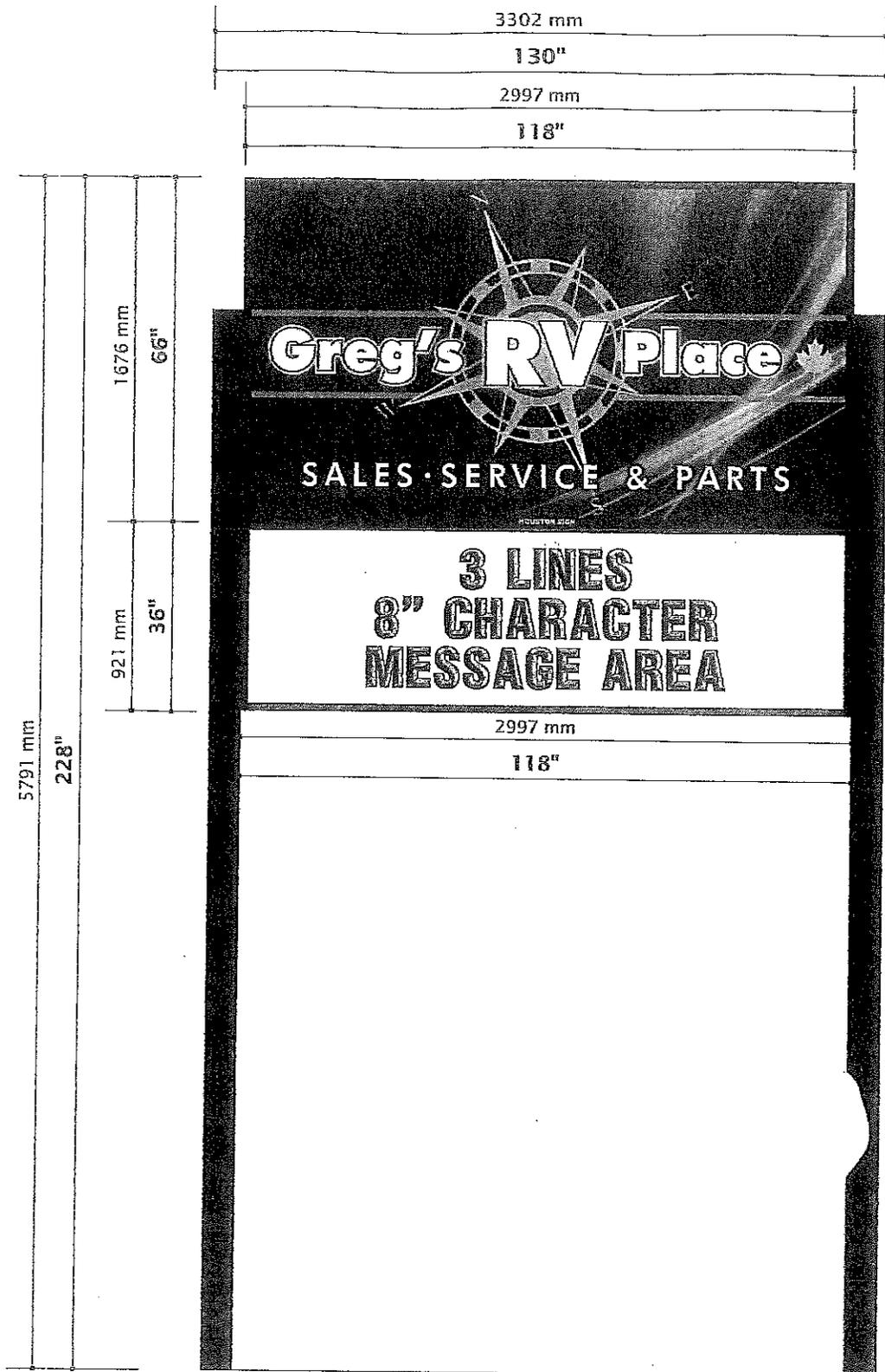


**east elevation**  
scale: 1/8"=1'-0"

THIS PLAN, SPECIFICATIONS, CONTRACT AND ALL OTHER DOCUMENTS ARE THE PROPERTY OF DELINEA CONSULTANTS LTD. AND ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THESE DOCUMENTS WITHOUT THE WRITTEN CONSENT OF DELINEA CONSULTANTS LTD. IS STRICTLY PROHIBITED. ANY USE IN ANY MANNER NOT FORESEEN BY THE USER IS AT THE USER'S SOLE RISK.

PROJECT:  
**Greg's R.V. Place**  
 Polkey Road  
 District, B.C.  
 JOB NUMBER:  
 41205.31.10  
 SCALE:  
 AS SHOWN  
 DRAWN BY:  
 T.S./S.W./C.M.  
 REVISIONS:  
 PRELIMINARY  
 REVIEW  
 DEVELOPMENT PERMIT  
 BUILDING PERMIT  
 TENDER  
 CONSTRUCTION  
 DRAWING TITLE:  
 elevations  
 PAGE: **1/1**

Highway Sign



**HOUSTON SIGN**  
 Custom Designed & Manufactured Signs

PROOF NO.  
 B1

PRODUCTION DATE  
 January/11

PRODUCTION METHOD  
 Core/DRAG

SIGN TYPE  
 Backlit Pylon Sign

SALES PERSON  
 Brian Orr

DESIGNER  
 Joe Eastman

SCALE  
 1:24

SIGN DIMENSIONS  
 131" X 228"

SIGN CONSTRUCTION DETAILS  
 - 2" SQUARE Pylon Sign  
 - 2" X 2" X 1/2" ALUMINUM CHANNEL  
 & FINISH  
 - 2 1/2" WHITE POLYURETHANE FOAM  
 - 2" X 2" X 1/2" ALUMINUM CHANNEL  
 & FINISH  
 - 2 1/2" WHITE POLYURETHANE FOAM  
 - 3 LINES OF 8" CHARACTER  
 CHARACTER MESSAGE AREA  
 - 2M 1030 Series Vinyl Sign/letter  
 Digital Printed Vinyl Graphics  
 - 2 Hand Stamped Vinyl Sign Letters  
 - USA electrical components used, Certified practices

TO RETURN TO MESSAGE CENTRAL OFFICE:  
 \*None

APPROVED BY

TITLE \_\_\_\_\_ NAME \_\_\_\_\_

NOTES \_\_\_\_\_



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 3-E-11DP

DATE: , 2011

TO: GREG ROBSON

ADDRESS: \_\_\_\_\_

DUNCAN, BC

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below (legal description):  
*Lot A, Section 13, Range 7, Quamichan District, Plan VIP59929 Except That Part in Plan VIP87500 (PID:018-970-095)*
3. Authorization is hereby given for the development of the subject property in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following conditions:
  - Building constructed in accordance with the plans dated May 5, 2011 including installation of the lattice screens on the south side of the building;
  - Installation of underground wiring;
  - Oil/water separator be installed in the parking area;
  - Fencing along the south property boundary be black or green;
  - Landscaping be installed in accordance with the plans dated May 5, 2011 to BCSLA standards, including an underground irrigation system;
  - Receipt of an irrevocable letter of credit in a form suitable to the CVRD equal to 125% of the value of the landscaping as depicted on the May 5, 2011 landscape plan.
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedule is attached:
  - Schedule A – Site Plan and Landscape Plan
  - Schedule B – Building Elevations
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Planning and Development Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE <sup>TH</sup> DAY OF , 2011.

\_\_\_\_\_  
Tom Anderson, MCIP  
General Manager, Planning and Development



R2

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 17, 2011

DATE: May 11, 2011 FILE NO: 3-B-10 DVP  
FROM: Rachelle Moreau, Planner I BYLAW NO: Bylaw No. 985  
SUBJECT: Application No. 3-B-10DVP (Mary Jane Thorne)

---

**Recommendation/Action:**

That Application No. 3-B-10 DVP submitted by **Mary Jane Thorne** for a variance to Section 8.5(b)(3) of Bylaw No. 985 in order to reduce the required exterior side setback from 4.5 metres down to 1.1 metres on Lot 10, Shawnigan Lake Suburban Lots, Shawnigan District, Plan 22349 (PID: 003-302-580) **be approved**, subject to receipt of a post construction survey confirming compliance with the approved variance.

**Relation to the Corporate Strategic Plan:** N/A

**Financial Impact:** N/A

**Background:**

To consider an application to reduce the minimum exterior side yard setback from 4.5 metres down to 1.1 metres.

**Location of Subject Property:** 2676 Decca Road

**Legal Description:** Lot 10, Shawnigan Suburban Lots, Shawnigan District, Plan 22349 (PID: 003-302-580)

**Date Application and Complete Documentation Received:** September 14, 2010

**Owner:** Mary Jane Thorne

**Applicant:** As above

**Size of Parcel:** ± 727 m<sup>2</sup> (±0.17 acres)

**Zoning:** R-3 (Urban Residential)

**Existing Plan Designation:** Urban Residential

**Existing Use of Property:** Residential

Existing Use of Surrounding Properties:

North: Residential  
 South: Shawnigan Beach Resort  
 East: Residential  
 West: Residential

Services:

Road Access: Widow's Walk/Decca Road  
Water: CVRD Shawnigan Lake North Community Water System  
Sewage Disposal: On-site septic System

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: None Identified

Archaeological Site: None Identified

**Proposal**

The subject property is located at 2676 Decca Road at the corner of Widow's Walk and Decca Road. Currently on the property is a single family dwelling, and the applicant would like to extend the existing deck to capture more view of Shawnigan Lake and to provide a space underneath the deck for a carport. There is currently no other onsite parking provided on the lot.

Currently, the deck is 1.1 metres (3.6 ft) from Decca Road at its closest location and 3.4 metres (11 ft) from the furthest location. Originally, the applicant requested a variance to allow a 0 metre setback. However, this was not approved by the Ministry of Transportation and Infrastructure (MOTI). The neighbor to the east also had concerns with a 0 metre setback.

Therefore, the applicant has revised the proposal to request a variance that would extend the deck 1.1 metres from Decca Road, in line with the location of the existing deck from the property line (see attached site plan).

Both the MOTI as well as the neighbor to the east are not opposed to the requested 1.1 metre setback.

**Surrounding Property Owner Notification and Response:**

A total of 28 letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 3275. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. To date, we have received two letters (both from the neighbor to the east at 2662 Decca Drive). For reference, please see attached letters.

**Planning Division Comments:**

The applicant has done a considerable amount of work and consultation to ensure that the revised plan is acceptable with adjacent property owners as well as the MOTI. The additional deck area and extension is relatively minor, and there does not appear to be any negative impact that would result from granting this variance request.

**Options:**

1. That application 3-B-10 DVP submitted by **Mary Jane Thorne** for a variance to Section 8.5(b)(3) of Bylaw No. 985 in order to reduce the required exterior side setback from 4.5 metres down to 1.1 metres on Lot 10, Shawnigan Lake Suburban Lots, Shawnigan District, Plan 22349 (PID: 003-302-580) **be approved**, subject to receipt of a post construction survey confirming compliance with the approved variance.
2. That application 3-B-10 DVP submitted by **Mary Jane Thorne** for a variance to Section 8.5(b)(3) of Bylaw No. 985 in order to reduce the required exterior side setback from 4.5 metres down to 1.1 metres on Lot 10, Shawnigan Lake Suburban Lots, Shawnigan District, Plan 22349 (PID: 003-302-580) **be denied**.

Option 1 is recommended.

Submitted by,



Rachelle Moreau  
Planner I  
Development Services Division  
Planning and Development Department

RM/ca

<b>Reviewed by:</b> <del>Division Manager:</del> 
<b>Approved by:</b> General Manager: 



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.

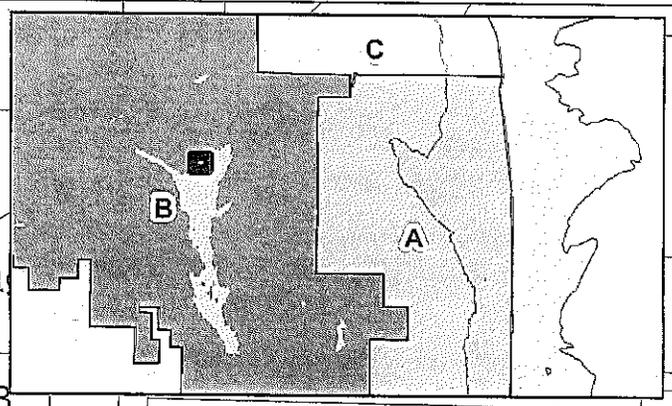
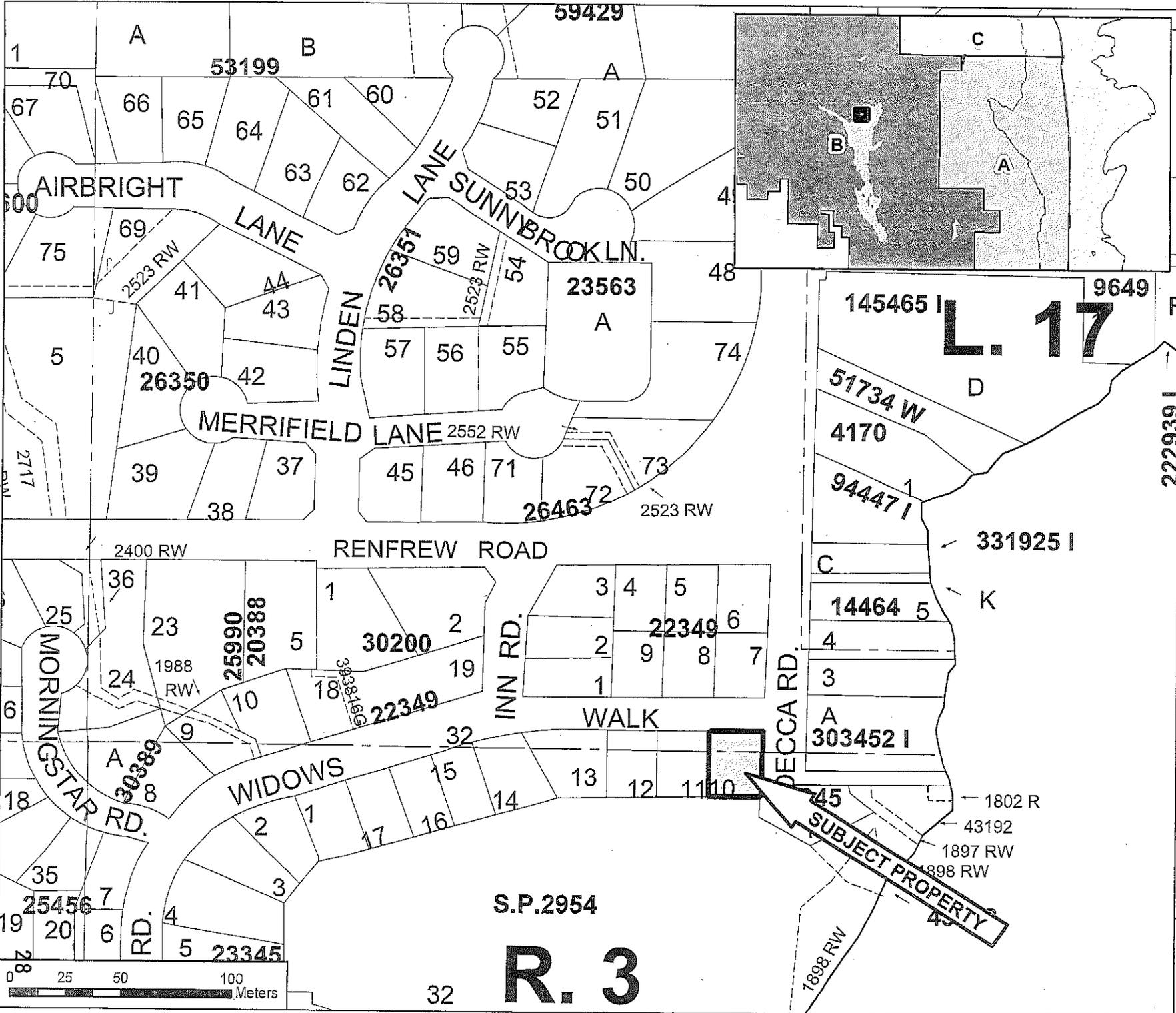
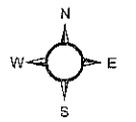
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

FILE: 3-B-10-DVP

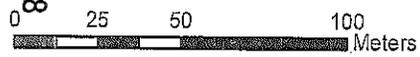
Legend

Subject Property



L. 17

SUBJECT PROPERTY



R. 3



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.

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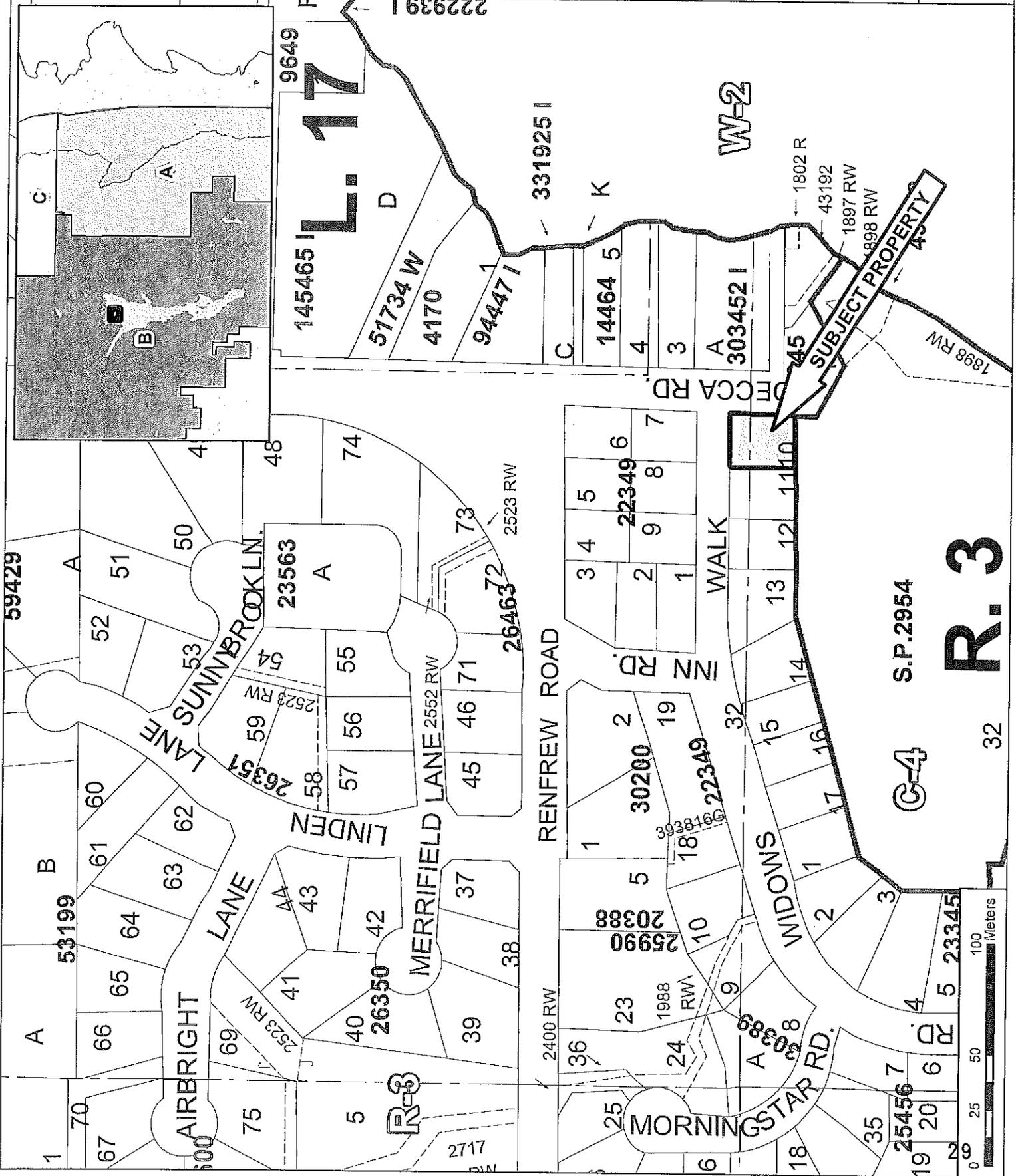
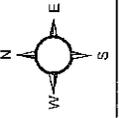
FILE: 3-B-10-DVP

# ZONING

Legend



Subject Property  
Zoning Electoral Area B



# R.3

S.P.2954

C-4

W-2

L.17

R-3

100 Meters

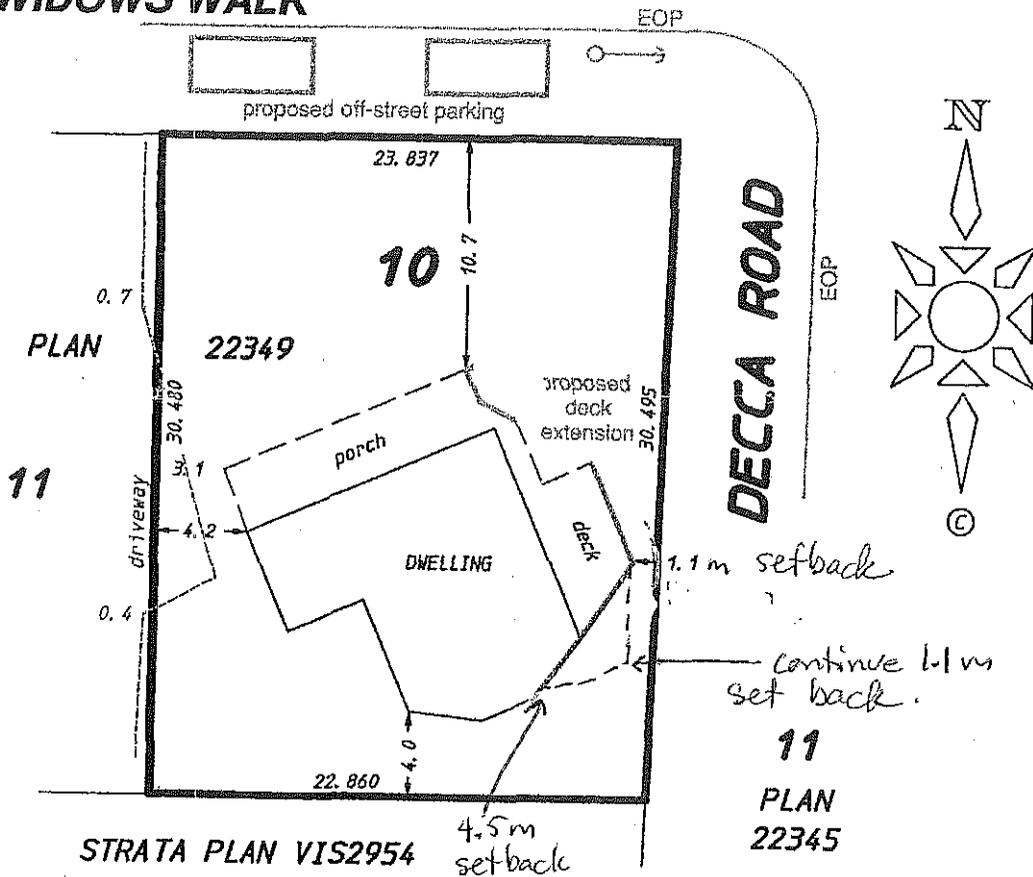
0 25 50

B. C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING(S) ON  
**LOT 10, SHAWNIGAN SUBURBAN LOTS**  
**SHAWNIGAN DISTRICT, PLAN 22349.**

Civic address - 2676 Decca Road, Shawnigan Lake (PID 003-302-580)

Scale = 1:300

**WIDOWS WALK**



**LEGEND**

All distances are in metres.

Note: Title subject to Restrictive Covenant 3902876.

Field survey completed June 19, 2010.

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

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

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

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

Certified correct this day of , 2010.

**BOWERS & ASSOCIATES**

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

© 2010

B. C. L. S.

This document is not valid unless originally signed and sealed.

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**From:** Brent Morrison [<mailto:bwmor@shaw.ca>]  
**Sent:** Friday, February 25, 2011 9:44 AM  
**To:** CVRD Development Services  
**Subject:** file #3-B-10DVP

Rachelle Moreau, Planner 1  
Development Services Division  
Planning and Development Department

Dear Rachelle,

Re: 2676 Decca Road –PID: 003-301-580  
Lot 10, Shawnigan Lake Suburban Lots, Shawnigan District, Plan 22349

Thank you for your letter dated February 11, 2011 with respect to our neighbour, Mary Jane Thorne, applying for a development variance permit.

Unfortunately, it is our opinion that the proposed deck extension and car port with a 0 meter setback from Decca Road would significantly impinge on our property on 2662 Decca Road. The house on 2676 Decca Road is currently elevated above our property and further extension of the house past the current bylaws would further reduce the privacy and enjoyment of our yard. We are, therefore, against the proposed development variance permit.

There may be another equitable solution, however, since we also have plans to build a boat garage on our property close to the proposed deck extension and car port of our neighbours. We would be amenable to a 0 meter setback for our neighbours if we could also have a 0 meter setback for the entrance of a garage which would sit on the northwest corner of our yard and open onto Decca Road. This would help provide the necessary privacy to maintain the natural enjoyment of our property.

Yours Sincerely,

Brent & Christine Morrison  
5164 Old West Saanich Rd  
Victoria, B.C.  
V9E 2B1  
(250) 479-3579

**From:** Brent Morrison <[bwmor@shaw.ca](mailto:bwmor@shaw.ca)>  
**Date:** May 9, 2011 5:00:14 PM MDT  
**To:** 'mjthorne' <[mjthorne@mac.com](mailto:mjthorne@mac.com)>  
**Subject:** RE: I need you to forward a consent for the

MJ

You have my consent to go ahead as planned as long as the CVRD approves the deck variance and you are agreeable to my plans to have a zero clearance when I am ready to make application for my garage construction.

Best Regards,

Brent Morrison  
2662 Decca Rd.  
Shawnigan Lake

-----Original Message-----

**From:** mjthorne [<mailto:mjthorne@mac.com>]  
**Sent:** May-09-11 10:58 AM  
**To:** BRENT MORRISON  
**Cc:** Rachele Moreau  
**Subject:** I need you to forward a consent for the

deck variance we discussed to Rachele at CVRD by tomorrow so we can move forward on completing this process.

Are you able to do that for me?

thanks. mj



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

NO: 3-B-10DVP

DATE: 2011

TO: MARY JANE THORNE

ADDRESS:

SHAWNIGAN LAKE BC V0R 2W0

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below (legal description):  
*Lot 10, Shawnigan Suburban Lots, Shawnigan District, Plan 22349 (PID: 003-302-580)*
3. Zoning Bylaw No. 985, applicable to Section 8.5(b)(3), is varied as follows:  
The exterior side setback for construction of deck is reduced from 4.5 metres down to 1.1 metres subject to the applicant providing a survey confirming compliance with the approved setback variance.
4. The following plans and specifications are attached to and form a part of this permit:  
Schedule A – Site plan
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Development Services Department.

AUTHORIZING RESOLUTION NO. PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE <sup>TH</sup> DAY OF 2011.

Tom Anderson, MCIP  
General Manager, Planning and Development Department



C·V·R·D

R3

**STAFF REPORT**

**ELECTORAL AREA SERVICES COMMITTEE MEETING  
OF MAY 17, 2011**

**DATE:** May 10, 2011 **FILE NO:** 1-I-09RS

**FROM:** Mike Tippett, Manager, Community and Regional Planning Division **BYLAW No:** 2465

**SUBJECT:** Rezoning Application 1-I-09RS (Rick Bourque) for the Cottages at Marble Bay

**Recommendation/Action:**

That Application No. 1-I-09RS, VanIsle Waterfront Development Corp, be approved, with a new Recreational Zone being introduced for the subject lands and the unsubdivided C-4 Zoned area to the north, with a 0.16 hectare minimum parcel size, with a complementary amendment to the Official Community Plan which would provide for the new zone and create a drainage development permit area, subject to Covenants being entered into that would:

- interdict the further subdivision of the remainder of the lands owned by the applicants until such time as the subject properties are part of a CVRD Community Sewer System and Community Water System;
- require that, at the time of subdivision of the remainder lands to the north of the subject properties, that the applicant undertakes to work with CVRD Parks and Trails Division to establish an east-west trail link of not more than 7 metres in width, to provide the residents of the Cottages at Marble Bay project with ready access to Bald Mountain Park and access for other residents across the subject lands;
- require the repair or removal, in accordance with accepted fire protection standards, of the underperforming fire hydrant in the development;

And further that the amendment bylaws be referred to public hearing with Directors Kuhn, Morrison and Dorey as delegates, and that the referral by way of mailed notification of the proposed amendment to Ditidaht First Nation, Cowichan Tribes, Lake Cowichan First Nation, Ministry of Transportation and Infrastructure, Lake Cowichan Volunteer Fire Department, VIHA, Ministry of Environment, School District 79 and CVRD Public Safety is accepted.

**Relation to the Corporate Strategic Plan:** N/A

**Financial Implications:** N/A

**Background:**

An application has been received to amend the Electoral Area I – Youbou/Meade Creek Zoning Bylaw No. 2465. The applicant is proposing to rezone 50 parcels located at the Marble Bay Cottage Development site to permit occupancy of the recreational cottages for up to 52 weeks in a calendar year. Under the current zoning the cottages can only be occupied by any one individual person or family for up to a maximum of 22 weeks in a calendar year.

Location: Marble Bay Road, Youbou/Meade Creek

Legal Description(s): Strata Lots 5, 8, 9, 12, 15, 18, 25, 26-28, 32-35, 38-50, all of Strata Plan VIS5772, Block 180, Cowichan Lake District; and Remainder of Lot 1, Block 180, Cowichan Lake District, Plan VIP78710

Date Application and Complete Documentation Received: January 7, 2010

Applicant: Rick Bourque, Van Isle Waterfront Development Corporation

Size of Parcels:

The Remainder of Lot 1 is about 2.48 hectares and the strata lots range from 940 m<sup>2</sup> to 5700 m<sup>2</sup>.

Contaminated Site Profile Received: Declaration pursuant to the *Waste Management Act* signed by the property owner. No "Schedule 2" uses noted.

Existing Use of Property:

Strata lots 1, 2, 3, 5, 6, 8, 10, 12, 15, 20, 24, 25, 27, 28, 29, 30 and 31 have recreational cottages constructed on them. Strata lots 4, 7, 9, 11, 13, 14, 16, 17, 18, 19, 21, 22, 23, 26, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50 are vacant recreational lots.

Existing Use of Surrounding Properties:

- North: Suburban Residential (zoned R-2) & Park Use (zoned P-1)
- South: Institutional (zoned P-2) & Cowichan Lake (zoned W-1)
- East: Residential (zoned R-2) & Forestry (zoned F-1)
- West: Park Use (zoned P-1) & Residential (zoned R-6)

Agricultural Land Reserve Status: The subject properties are outside the ALR.

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas (2000) identifies three stream planning areas with TRIM streams. One stream planning area with confirmed fish presence is located along the shoreline of Marble Bay and a second stream exists on the western portion of the property. The third stream planning area is also located on the western portion of the property and contains a TRIM stream possible fish presence. An RAR Report was submitted when the last phase of subdivision was underway and a development permit has been issued.

Archaeological Sites: There are no confirmed archeological sites on the subject properties.

Existing Plan Designation: Tourist Commercial.

Proposed Plan Designation: Not being amended as part of this application

Existing Zoning: C-4 (Tourist Commercial 4 Zone).

Proposed Zoning: A new recreational zone is being proposed for the subject properties.

Minimum Lot Size Under Existing Zoning:

2000 m<sup>2</sup> for parcels served by a community water and sewer system;  
 4000 m<sup>2</sup> for parcels served by a community water system only;  
 1 hectare for parcels not served by a community water or sewer system.

Minimum Lot Size for Subdivision under Proposed Zoning:

The minimum parcel size for the proposed recreational zone has not been established, but it would likely remain the same.

Services:

<u>Road Access:</u>	5 strata roads and 1 paved public road are constructed onsite
<u>Water:</u>	Private Water Utility
<u>Sewage Disposal:</u>	Private (Marble Bay) Sewer System

Site Context:

The subject properties are located approximately 2 km from Youbou Road. A majority of the properties are moderately sloped from a northern to a southern direction towards the shoreline of Marble Bay.

This area in Youbou is characterized by a mix of land uses. Lands immediately to the north are zoned for suburban residential use and park use. Properties to west are zoned for residential use and park use. Lands to the east are zoned for forestry and residential use. To the south lands are zoned for institutional uses and water conservation.

In terms of surrounding land use designations the subject properties are designated Tourist Commercial in the OCP. Lands to the immediate north are designated as Suburban Residential and Parks and Institutional. To the south lands are designated as Parks and Institutional and to the west lands are designated as Bald Mountain Lakefront Cottage Residential. To the east the land is designated as Suburban Residential and Forestry. This is visible on the Official Plan map excerpt that is attached to this report.

The Proposal:

The applicant proposes to rezone the subject properties to a new zone that would permit the recreational cottages onsite to be occupied for up to 52 weeks in a calendar year. Under the current zoning short-term temporary stay is permitted and it is limited to a maximum of 22 weeks in a calendar year. This change might appear to be a shift to straight residential use, however, the ability to offer short term stays, possibly on a commercial rental basis, would remain and so it is not strictly speaking a purely residential use.

Site Access

The subject properties are accessed from 5 strata roads and 1 paved public road which have all been constructed. These roads include Towhee Lane, Pintail Place, Nighthawk Road, Kestrel Drive, Teal Court, Pinyon Rise, Blackwood Heights, and Widgeon Way.

The applicant has informed CVRD staff that:

Lots 1, 2, 3, 5, and 6 are off of Towhee Lane

Lots 7 and 8 are accessed off Pintail Place

Lots 4, 9, 10, 11, 12, 25, 26, 27, 28, 29, 30, 31 and 41 are accessed off Nighthawk Road

Lots 17, 18, 19, 20, 21, 22, 24, 32, 33, 38, 40, 42, 43 and 44 are accessed off of Kestrel Drive

Lots 13, 14, 15, 16, 34, 35, and 36 are access off of Teal Court

Lots 23 and 37 are accessed off of Pinyon Rise  
 Lots 39, 49, and 50 are accessed off of Blackwood Heights  
 Lots 45, 46, 47 and 48 are accessed off of Widgeon Way

The following roads are gravel strata roads: Towhee Lane, Pintail Place, Nighthawk Road, Kestrel Drive, Teal Court, Pinyon Rise, and Widgeon Way. Blackwood Heights is the only paved public road constructed onsite.

#### **Water**

The subject properties are presently serviced by a private water utility that is owned and operated by Van Isle Waterfront Development Corporation.

#### **Sewer**

The subject properties are all presently serviced by the Marble Bay sewer system which is a private utility operated by the Strata Corporation.

#### **Agency Referrals**

The proposed amendment was referred to several external agencies. Their comments follow:

##### **Central Vancouver Island Health Authority:**

*"This office does not have any objection to the 22 or 52 week occupancy since the water supply system must meet proper operational and water quality standards year round. However, the present system has, at this time, a water supply system designed to service up to 40 lots. Expansion of this system is pending the developer's decision on source use and system design.*

*Also, at this time, we bring to your attention that the sewer system design and operation is under the jurisdiction of the Ministry of Environment. There may have been concessions provided to limit recreational usage versus the potential for year-round residential use that this rezoning application is proposing. (note: the staff report discussed this further)"*

##### **Ministry of Transportation and Infrastructure: "Interests unaffected"**

**Ditidaht First Nation:** no comments received

**Lake Cowichan First Nation:** no comments received

**Cowichan Tribes:** no comments received

**School District No. 79:** no comments received

**Lake Cowichan Volunteer Fire Department:** Doug Knott, the Fire Chief, advised the CVRD in his written reply that pumper truck tests at Marble Bay (the subject properties) have shown that some of the hydrants have insufficient flow for firefighting. In response to this comment, staff put the Chief into touch with Peter Gericke, the consulting Engineer for the applicants as well as Mr. Bourque. The issue has been examined further and it is believed that one hydrant may have been partially blocked, because other ones upstream and downstream of it function well. Further work has indicated that the underperforming hydrant is not required in order to provide adequate firefighting capacity to the area; as other hydrants are within the vicinity, but the existence of an underperforming hydrant is still a problem due to the possibility that in an emergency, a fire truck may connect to it. If it truly is surplus to safety needs and does not perform, it should be removed. This issue will be resolved whether this application is approved or not. The Fire Chief did not have written comments regarding the zoning amendment. Material related to this has been submitted to the CVRD and is attached to this report.

**Ministry of Environment:** Kirsten White, Senior Environmental Protection Officer with the Ministry of Environment in Nanaimo, advised us of the following:

*"I had a chance to look into this file further. Please find attached a copy of the original registration form, to see what the facility is registered for. In the event that there be any expansion to the development, (i.e. increase in effluent volume >59.02 m<sup>3</sup>/day), this will trigger the need to apply for a new registration under the MSR. Unfortunately, a registration differs from a permit, in that it cannot simply be amended. A new MSR package would be required containing revised registration forms, Operating Plan and an EIS that is reflective of any proposed changes, and will ensure that the discharge will not adversely impact human health and the environment, and that the system is designed to accept/operate at the maximum discharge rate registered.*

*The second item that I noted was the lack of security and Capital Replacement Funds in place. I believe the original registration had identified that the cottages were to be seasonal occupancy, in which case security and CRF are not required. However, during the last inspection it was identified that some of the cottages are being occupied on a year round basis. If even one dwelling is occupied year round, this is defined as a "residential development", whereby security and CRF are required under the MSR. This will be brought forth with the client during the next scheduled inspection. As we discussed briefly though, should this site be taken on by the CVRD in the future, security and CRF would not be required."*

The application has also been referred to the Public Safety Department. Departmental comments are attached.

**Advisory Planning Commission Comments:**

A copy of the APC minutes is attached as an appendix to this report. The minutes reflect the complexity of the issues around this site, but it seems that the APC was supportive of making some adjustments to zoning to reflect current uses. A series of recommendations concerning a proposed development permit area were made.

**Policy Context:**

***Official Community Plan***

The Area I – Youbou/Meade Creek OCP is not particularly helpful in assessing the merits of this application. A unique situation has evolved at this site, so no specific policy framework was developed around the scenario that this application represents.

***Zoning***

The subject property is presently zoned C-4 and this zone has a minimum parcel size of 0.2 hectares for parcels served by a community water and sewer system; 0.4 hectares for parcels served by a community water system only; and 1.0 hectares for parcels served by neither a community water nor community sewer system.

The following principal uses and no others are permitted in the **C-4 Zone**:

- a. Convention facility;
- b. Golf course, pitch-and-putt course and driving range, including clubhouses, pro shops and similar ancillary facilities customarily incidental to golf course operation;
- c. Hotel, motel, campground (subject to CVRD Campsite Standards Bylaw No. 1520), resort;

- d. Marina operations, including accessory boat sales, rental and servicing, but excluding boat building and the rental of personal water craft vessels;
- e. Recreational facility;
- f. Restaurant;

The following accessory uses are permitted in the C-4 Zone:

- g. Buildings and structures accessory to a principal permitted use;
- h. Gift shop, accessory retail sales;
- i. Single family dwelling.

### ***Covenants***

There are covenants registered on the land title of the subject properties that the applicant wishes to maintain. The newest covenant is between the owner Van Isle Waterfront Development Corporation and the Cowichan Valley Regional District and it states the lands shall be used for no other purpose other than recreational use. The covenant also specifies the size of the building footprint permitted onsite and defines what a recreational use is. The apparent disconnect between the proposed zoning change and the desire to keep the recreational use covenant intact is due to an arrangement that the applicant and the owners in the Cottages development have with Bayview Village strata.

### **Development Services Division Comments:**

#### ***Land Use***

The applicant is proposing to rezone strata lots 1-50 from C-4 to a new recreational zone that would permit any individual person or family to occupy the cottages onsite for up to 52 weeks in a calendar year while still retaining the recreational character of the property. The applicant has informed staff that the desire of most existing land owners and potential buyers is to be able to utilize the cottages for more than 22 weeks in a calendar year, but that they would not necessarily live in the cabins on a year round basis.

Staff is of the opinion that it would be beneficial to add the undeveloped portion of the site to the application, which would have the benefit to the applicants of having a single zone over the entire site as well as bringing additional density benefits, which will offset most of the costs of connecting the entire development to adjacent community sewer and water services. This possibility is discussed in depth towards the end of this report.

A new recreational zone would need to be created for this site because the CVRD does not have a zone in place that would explicitly sanction the occupancy of recreational/commercial cottages for more than 22 weeks per calendar year. The OCP does not contain any policies that address the conversion of temporary, short term stay accommodation to long term accommodation in the Tourist Commercial (TC) designation. The subject lands do lie within the Urban Containment Boundary.

In principle, it makes a lot of sense to apply a new recreational zone to the subject property, which would still be aligned with the intent of the TC designation and yet provide greater flexibility to owners in this development. There are a number of details that must be carefully reviewed however, and these are discussed in the balance of the report.

More than a decade ago, the CVRD decided that the development of recreational cottages on this site would be consistent with the C-4 zoning, so long as no one person occupies a unit for more than 22 weeks in a year. A Covenant was negotiated between the CVRD and the developer, limiting the footprint of the structures that could be built there. The site evolved with a residential character and appearance, not as a typical commercial – recreational resort would.

The fact that there is no central rental pool for the building units really would suggest that it is strictly a recreational/residential use rather than Tourist Commercial. Had the units been marketed as 1/3 timeshares, the temporary occupancy of the buildings would have been assured. However, each unit was sold to one owner and as a result, potential over-stays by individuals (of the maximum 22 week provision in the definition) are possible.

A further consideration is that the C-4 zone is one of the few zones in the CVRD that has no density limit. The only limit to density would be found in the covenant EX044071 that is in place (limiting the use to "recreational") and also in the servicing limitations. A wide array of permitted uses, some of which would be incompatible with the present quasi-residential uses, are allowed on any of the parcels that is zoned C-4. There would be great benefit in having the zoning better approximate the actual use of the property, as well as the terms of Covenant EX044071, which the CVRD negotiated with the developer. In fact, if the zoning is developed in accordance with the terms of the covenant, the covenant would become redundant and therefore could be discharged if it was deemed by both parties that it serves no purpose. The applicants are not seeking this, however.

There is considerable merit in amending the zoning, subject to terms and conditions mentioned later in this report, to finally apply a new zone that is wholly appropriate to this site. There is no harm, in staff's opinion, in permitting the owners in this development to reside there for as long or as short a period of time as they wish, provided servicing matters are resolved adequately. A new zone would only apply to these parcels, not other C-4 zoned lands in Electoral Area I, and this new zone would still allow for recreational, residential and short-term rental uses.

#### ***Development Permit Area***

The APC recommended that the site be designated a development permit area to control drainage. This is a reasonable request, especially if density is to increase further and so this process should be implemented if the application moves forward.

#### ***Fire Protection***

As is noted in the Agency Comments section above, the Town of Lake Cowichan Fire Chief has indicated that one of the hydrants on the site is not performing adequately; however, the applicants have worked to address this issue and evidence has also been submitted that the impugned hydrant may not be required for the subdivision as it exists to meet minimum distance between hydrant regulations anyway. If this is the case, the faulty hydrant should either be repaired or removed, because – despite other functional hydrants being available, the fire department could mistakenly connect to the bad one in an emergency.

#### ***Occupancy and Enforcement Under C-4 Zoning***

As is noted above, the Cottages at Marble Bay development presently is considered as a resort under the C-4 zone, although it is not managed or run like one. There is no central rentals office for each strata lot and short term commercial rentals would have to be done by each lot owner, if they are occurring. The cottages cannot be occupied for longer than a maximum of 22 weeks in a calendar year by any one individual person or family. Once the individual or family leaves a unit, another individual or family may occupy the cottage for an additional 22 weeks and then after that a third party can occupy the cottage for an additional 22 weeks and so on. The cottages are therefore able to be occupied up to 52 weeks in a calendar year under the existing C-4 zoning. Monitoring when one individual or party begins to occupy a cottage and when they end their occupancy would be difficult for the CVRD, but so far this site this has not been the subject of enforcement action.

***Background on Servicing:***

Although the essence of this application is simply related to the nature of the occupancy of existing and proposed units in this development, there are some servicing matters that the Committee should be aware of, and which deserve careful consideration in the context of this application. Both the domestic water services for the subject properties and the sewer services are private utilities owned by the developer or the strata corporation, and these are managed and serviced by contractors on the developer or strata's behalf. Accordingly, neither meets the CVRD's definition of community systems.

Following is a summary of the different community water and sewer definitions that the applicants have been subject to since the Cottages at Marble Bay project was first conceived:

*Former Zoning Bylaw 1000 (1986):* At the time the Cottages at Marble Bay project was begun, Zoning Bylaw No. 1000 was in effect. It defined community sewer service to constitute any Ministry of Health or Ministry of Environment-approved system, regardless of the number of service connections. Similarly, the definition of community water service when this project was begun was quite different than now, with the only requirement being that 5 or more parcels be served by the same system.

*Original Zoning Bylaw 2465 (July 2004):* Although the development of the sewer system was conceived under the term of the former Zoning Bylaw 1000, the Sewage permit application to the Ministry of Environment happened a month after the adoption of the new Zoning Bylaw No. 2465. With this came a new set of definitions. Community sewer service was defined as a system that comprises 75 units and is owned by the CVRD, an improvement district or a municipality. The new definition of community water service was that there be 75 units or more connected to a system, although the water system could be owned by a private utility.

*Bylaw 2465 as amended in 2007:* In May 2007, Zoning Amendment Bylaw 2869 was adopted, which changed the above definitions in Bylaw 2465. This was part of a region-wide initiative to gain better control over the installation of new sewer and water systems. The number of minimum connections in both cases (sewer and water) was reduced to 60 and in the case of community water services, private utilities no longer qualified as a "community" system.

The development has spanned these three definitions, each of which has a bearing on the density of the subject property and the unsubdivided remainder. When the most recent phase of the development was approved, resulting in the total of 50 lots that are present today, the understanding – put in writing by staff (letter attached) – was that no further development of the unsubdivided remainder of the parcel – which is not officially part of the present application – would be permitted until the sewer and water systems in the first 50 lots were taken over by the CVRD. The number 50 was chosen to avoid a Catch-22 in which the CVRD would tell the developer that he can't have the maximum density due to there being no community water and community sewer system because fewer than 60 connections are present in the first phase of subdivision, so all lots have to be 1 hectare in area instead of 2000 m<sup>2</sup>. We therefore permitted the creation of 50 lots prior to the expected takeover of the sewer and water systems by the CVRD, and expected that any further lots could only be approved if the CVRD takes over or provides services.

The cost to the developer of securing a water source and associated infrastructure for the undeveloped lands in the C-4 Zone would be considerable – the present water supply is not capable of supporting the additional 38 units.

Looking specifically at timing, the first 12 lots of the 50 units in existence were registered on April 22, 2005. On December 30, 2005, the developer sent a letter to CVRD Engineering & Environmental Services asking for the proposed 65 lot development's sewer system to be taken over by the CVRD. A letter of approval in principle was issued by Engineering Services' Brian Dennison, P. Eng. on April 2, 2006. Further steps were taken by the CVRD, including the establishment of a proposed service area. Meanwhile, a total of 40 more parcels were proposed and supported by the CVRD on the grounds that the required critical mass of lots (50) that would be required for Engineering & Environmental Services to consummate the takeover would have to be permitted. Once the last phase of subdivision was registered, progress on having the CVRD take over this system appears to have ceased.

Abandonment of the idea that the first 50 lots already created would never be connected to a community sewer system as it is presently defined was never an option for either planning or engineering staff. The 50 lots were only permitted with the understanding that the entire development would become a CVRD Community water and community sewer service area.

Conversely, if the applicants intend to cut the present private water and sewer service areas loose so to speak, from any upgrades or connection to the Woodland Shores service areas, this is not at all in line with CVRD expectations or Zoning Bylaw requirements, as described above. This scenario would lead towards the last 38 or so parcels that remain to be developed (under the 2000 m<sup>2</sup> minimum lot size) to the north of the subject properties being connected to a wider sewer and water system, with the subject property's 50 units being part of a separate service system right next to it, a service system that does not meet the CVRD's definition upon which the density presently there was predicated.

This would not be an acceptable outcome because it would not be in the long-term public interest, and it would leave the 50 lots that comprise the subject property as non-conforming. The CVRD would have to advise the approving officer that any request to subdivide under these terms would not be approvable. Engineering and Environmental Services staff indicated that they would not be prepared to recommend that to the Board, even if the rezoning process was not underway.

#### ***Opportunities for Public Amenity***

Rezoning applications are an opportunity for the applicants and local governments to consider the matter of amenities that could benefit the community in general. Since this zoning amendment is only focused on the zoning rules that apply to a pre-existing neighbourhood, the opportunities to capture potential parkland have passed on the 50 lots in question. However, there is an opportunity to ask the applicants whether they would be prepared to enter into a covenant with respect to the unsubdivided upland C-4 zoned area (if it is added to this application as we believe it should) that would commit to providing an east-west linkage for pedestrians passing between Woodland Shores and the large CVRD park to the east that was created when the subject lands were first rezoned a couple of decades ago. This sort of linkage is not definable until a plan of subdivision is proposed, which is why a covenant would be an appropriate instrument to use. The covenant could provide for a minimum/maximum width specification. This linkage would benefit not only the residents of adjacent parcels of land, it would also be of general benefit to residents of the Cottages at Marble Bay development who may wish to go for a hike in the large park areas at Woodland Shores. The CVRD Parks Division has expressed an interest in this concept. Any donation of land in this fashion would qualify for an "over and above 5%" donation and either a tax receipt could be issued or a density credit under Section 3.10.2 of Zoning Bylaw 2465 could be applied, ensuring that said donation would not reduce lot yield for the developer.

### ***Towards a Mutually Acceptable Solution?***

The Ministry of Environment has provided valuable input on this file, quoted earlier in this report. The Ministry indicates that the operating permit for the sewage disposal system at the subject property is capped at 50 recreational units. By virtue of the units being recreational (temporary occupancy) in nature, both under zoning and in the consideration of the Ministry, the sewage discharge and related permit volume are estimated to be lower than would be the case for homes that could legally be occupied year round. What this means for the applicants is: were the CVRD to agree to the original application and rezone it, these 50 lots would immediately come out of compliance with the terms of the sewage permit, and a new *Municipal Sewage Regulation* (MSR) would have to be done but the developer. Additionally, the system would have to be bonded to the Province, with a sizeable security bond being placed. That is just to enable the rezoning of the 50 lots. This still would not make the development compliant with zoning regulations, in the sense that the CVRD would have to agree to take over that existing sewer system in order for further development to occur.

The point here is that the developer is facing considerable costs even under the *status quo*, if this zoning application, as submitted, is approved. This would include doing a new MSR registration, plant upgrades related to the conversion from part-time to possible full-time occupancy and making a security deposit in the order of up to a million dollars. It would also require that new water sources be secured (wells or lake water license) and expensive new water servicing infrastructure (e.g. storage) be installed, for the remainder of the site to be developed as is planned, even under C-4 zoning. Considering that the ownership of the subject lands (lots 1 through 50) is mostly in the hands of third parties who would presumably have little interest in contributing to these costs, it seems to be a problematic scenario for the proponent.

Staff have pondered this dilemma and devised what may be a solution for both the proponents of this rezoning, the strata corporation and the CVRD's administrative concerns. This involves the following:

- Rezone not only all 50 existing lots, but also the undeveloped remainder of the site to a new recreational zone that would not limit occupancy to a maximum number of weeks;
- In the new zone, establish a 1600 m<sup>2</sup> minimum parcel size, which is a reduction of 20% increase in density over the C-4 Zone, in consideration of the minimum lot sizes that prevail in other fully serviced (sewer and water) residential zones in Electoral Area I;
- Create a development permit area for drainage control in consideration of the increased density, which would require a stormwater management plan to be prepared and implemented as development of the remaining land proceeds;
- Require a covenant to ensure an east-west trail linkage over the undeveloped portion of the property at such time as it is proposed to be subdivided;
- Require that the underperforming hydrant either be repaired in the case of it being required for local fire protection, or be removed if it is redundant;
- As a condition of the adoption of the zoning amendment, require that all lands being rezoned be connected to the Woodland Shores community water and community sewer system; this would have to be committed to prior to bylaw adoption.

The increase in density would allow perhaps another 7 or 8 lots to be created on the remainder in addition to the 38 or so that are permitted under C-4 zoning, and the abandonment of the existing sewage treatment and disposal areas would permit these sites to be redeveloped as well. One of these sites is owned by the applicant in fee simple (it was reserved as a sewage treatment and disposal area for the C-4 zoned area that remains to be developed) and the other is common property of the strata corporation that the 50 lots comprise. The fee simple land area is about 0.35 hectares in area, so could generate two more lots (possibly three or even

four if density from elsewhere on the site was averaged into it under Bare Land Strata regulation rules).

The other present sewer site is common property of the strata corporation and the future use of that land area would be up to the strata lot owners to decide, but they could develop that area as well and possibly contribute some of the proceeds to the infrastructure costs of connecting to Woodland Shores sewer (though there is no way for us to ensure that such a contribution would be made). Arguably the upzoning of the existing 50 lots is worth something to those owners, so for that reason alone it would be arguable that some contribution should be made by them, if this reclaimed sewage treatment and disposal land was redeveloped.

Considering the following facts:

- That the applicant would be facing considerable infrastructure costs even under the present C-4 zoning in order to develop the remainder;
- The CVRD has stated in writing that the sewer system in the 50 lot development must become community sewer as our Zoning Bylaw 2465 defines it, in order for additional development of the remainder to occur;
- that the proposed rezoning of the 50 C-4 lots already developed would carry with it a duty to re-engineer the existing sewage system and provide a large security to the Province;
- the advent of the Woodland Shores development to the immediate west of the subject lands, which has CVRD owned and operated sewer and water systems of a very high quality, infrastructure that was not present when the Cottages at Marble Bay development was begun;
- the additional development potential (perhaps another 10 lots under the proposed zoning) would allow for the developer to offset a considerable amount of many of the infrastructure costs that would be required to connect to Woodland Shores community sewer and water systems

It seems that it would be prudent to proceed on this basis.

### ***Summary of Land use and Servicing Discussion***

The costs of connection to Woodland Shores water and sewer system would also be substantial; however the connection of all of these lots to the high-performance system at Woodland Shores is in the public interest generally and would strengthen the services offered to landowners in the subject lands.

Engineering and Environmental Services would work out a reasonable payment schedule for the connection fees for the 50 existing lots, recognizing that the payment should be phased in accordance with the creation of or sales of the new lots to be subdivided. In this way, the total cost would not need to be paid up front.

Finally, staff believe that for the type of use proposed, on full servicing, there is justification to increase the density slightly in this zone, and assuming that it will eventually apply to the remainder of the subject property, this will offset some of the costs of the necessary upgrades. Lowering the minimum lot size would not affect the 50 parcels already created, because only two of them would potentially be able to subdivide under a 1600 m<sup>2</sup> lot size, and neither one is likely to be possible.

Staff have examined the zoning of similar fully serviced parcels in this electoral area and found that a typical minimum parcel size for full servicing in a residential or quasi-residential zone is 1600 m<sup>2</sup>. We would therefore suggest that the new draft zone contain this regulation in recognition that it is in line with other similar areas and there would be a clear incentive to rectify the existing service area non-conformities of the subject lands, should this zone be applied to the remainder of the C-4 area that is yet to be subdivided. We would also suggest that it would be appropriate to rezone the balance of this property to the same category at the same time

***Draft New Zoning Regulations:***

“**building footprint**” means the total area of a building, measured on the ground level, which is supported by a concrete perimeter foundation, structural support columns and includes cantilevered enclosed floor area, but does not include deck areas;

“**recreational residence**” means a building similar to a single family residence, which may be either occupied seasonally or full-time by one or more persons, and which may also be rented on a commercial basis, for short-term stays;

**5.10A LR-11 LAKEVIEW RECREATIONAL 11 ZONE**

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the LR-11 Zone:

**1. Permitted Uses**

The following principal use and no others is permitted in the LR-11 Zone:

- a. Recreational residence;

The following accessory uses are permitted in the LR-11 Zone:

- b. Community service facility;
- c. Home office;
- d. Buildings and structures accessory to a principal permitted use.

**2. Minimum Parcel Size**

The minimum parcel size in the LR-11 Zone is 1600 m<sup>2</sup>.

**3. Servicing**

All parcels in the LR-11 Zone shall be connected to both a community water system and a community sewer system.

**4. Number of Recreational Residences**

Not more than one recreational residence is permitted on a parcel that is zoned LR-11.

**5. Footprint Area**

The maximum footprint area for a recreational residence on a parcel in the LR-11 Zone is 105 m<sup>2</sup>, plus a covered, unenclosed deck attached thereto not exceeding 31 m<sup>2</sup> and not extending more than 3.7 metres from a foundation wall.

**6. Setbacks**

The following minimum setbacks apply in the LR-11 Zone:

Type of Parcel Line	Residential and Accessory Buildings and Structures
Front Parcel Line	4.5 m
Interior Side Parcel Line	4.5 m
Exterior Side Parcel Line	4.5 m
Rear Parcel Line	4.5 m

**7. Height**

The following maximum height regulations apply in the LR-11 Zone:

- a. Principal Buildings and structures 10 m
- b. Accessory buildings and structures 6 m

**8. Parcel Coverage**

The parcel coverage shall not exceed 20 percent for all buildings and structures in the LR-11 Zone

**9. Parking**

Off-street parking shall be provided in accordance with Section 3.14 of this Bylaw.

**Options:**

1. That Application No. 1-I-09RS, VanIsle Waterfront Development Corp, be approved, with a new Recreational Zone being introduced for the subject lands and the unsubdivided C-4 Zoned area to the north, with a 0.16 hectare minimum parcel size, with a complementary amendment to the Official Community Plan which would provide for the new zone and create a drainage development permit area, subject to Covenants being entered into that would:

- interdict the further subdivision of the remainder of the lands owned by the applicants until such time as the subject properties are part of a CVRD Community Sewer System and Community Water System;
- require that, at the time of subdivision of the remainder lands to the north of the subject properties, that the applicant undertakes to work with CVRD Parks and Trails Division to establish an east-west trail link of not more than 7 metres in width, to provide the residents of the Cottages at Marble Bay project with ready access to Bald Mountain Park and access for other residents across the subject lands;
- require the repair or removal, in accordance with accepted fire protection standards, of the underperforming fire hydrant in the development;

And further that the matter be referred to public hearing with Directors Kuhn, Morrison and Dorey as delegates, and that the referral by way of mailed notification of the proposed amendment to Ditidaht First Nation, Cowichan Tribes, Lake Cowichan First Nation, Ministry of Transportation and Infrastructure, Lake Cowichan Volunteer Fire Department, VIHA, Ministry of Environment, School District 79 and CVRD Public Safety be approved..

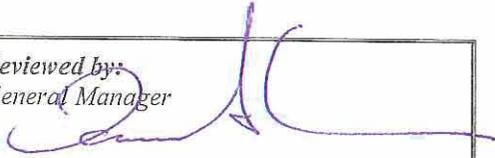
2. That Application No. 1-I-09RS, VanIsle Waterfront Development Corp, be denied.

Submitted by,



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

Reviewed by:  
General Manager



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MT/ca



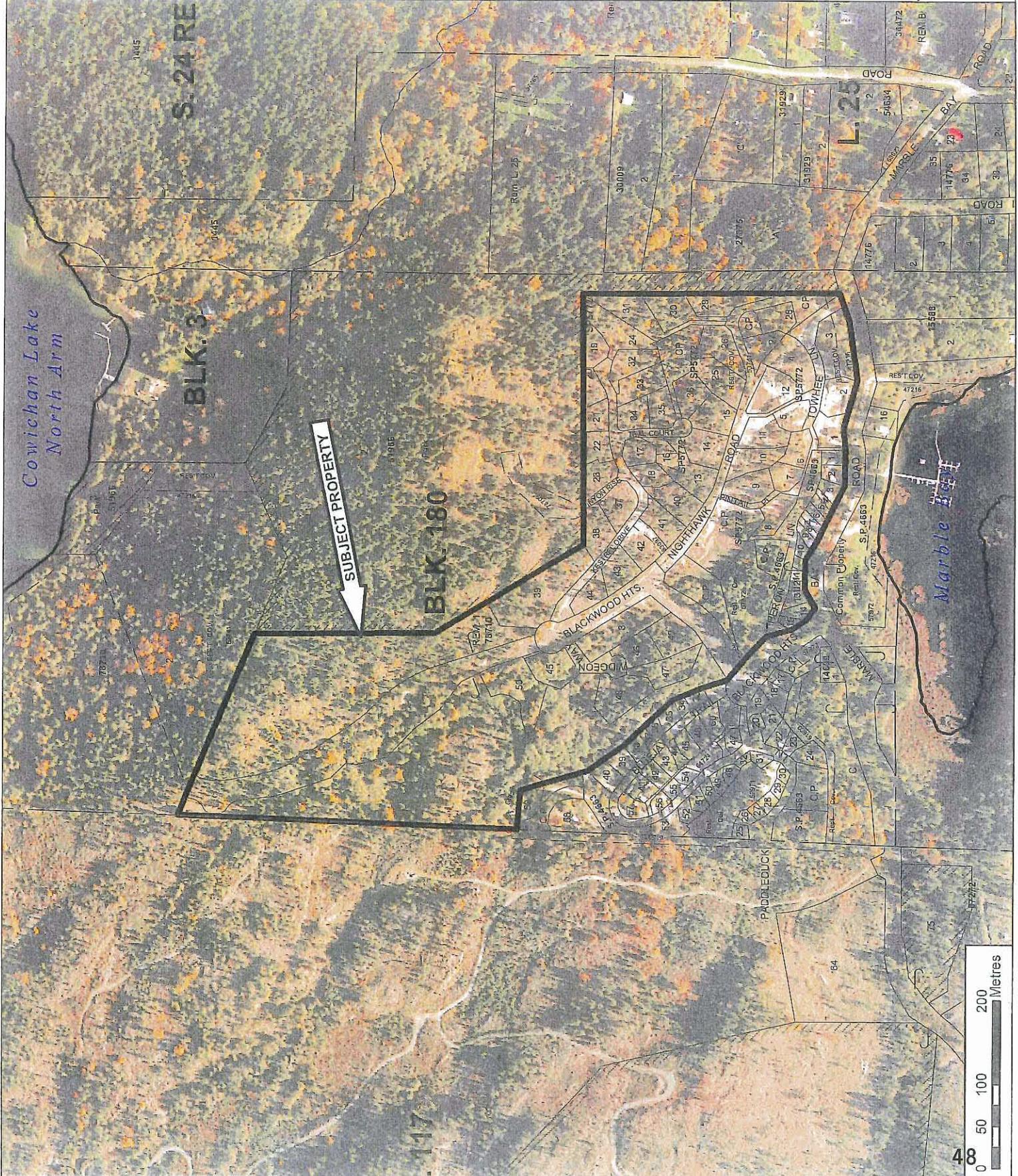
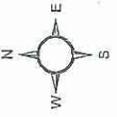
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**The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.**

File: 01-1-09-RS

# Orthophoto (2004)

Legend  Subject Property





Cowichan Lake  
North Arm



**Cowichan  
Valley  
Regional  
District**

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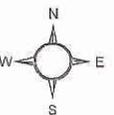
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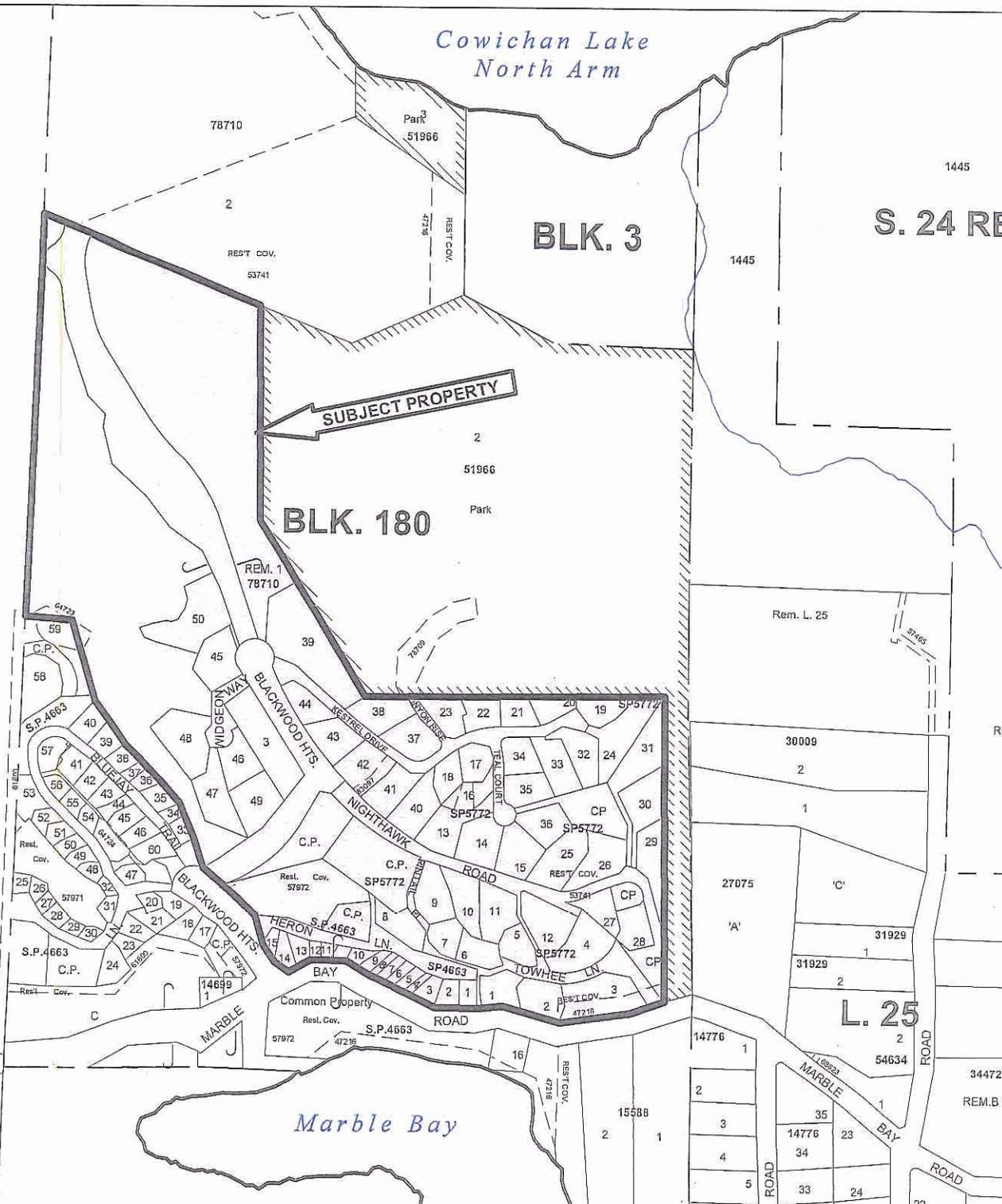
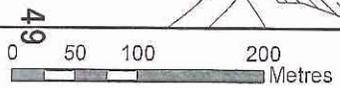
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Legend

 Subject Property



117



**SUBJECT PROPERTY**

**BLK. 3**

**S. 24 RE**

**BLK. 180**

**L. 25**





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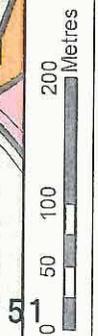
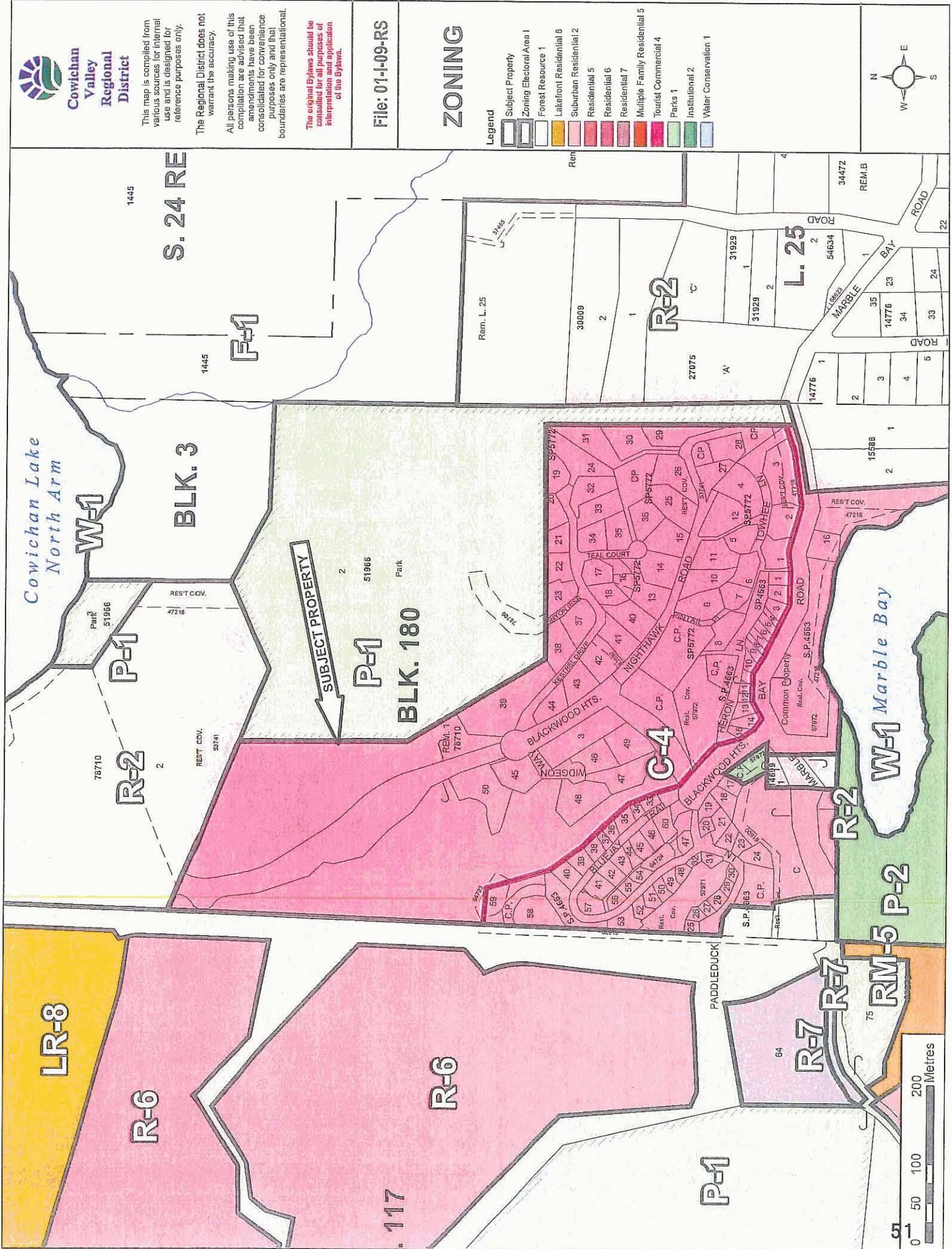
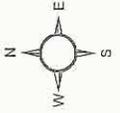
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-1-09-RS

# ZONING

## Legend

- Subject Property
- Zoning Electoral Area 1
- Forest Resource 1
- Lakefront Residential B
- Suburban Residential 2
- Residential 5
- Residential 6
- Residential 7
- Multiple Family Residential 5
- Tourist Commercial 4
- Parks 1
- Institutional 2
- Water Conservation 1





R4

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 17, 2011

DATE: May 10, 2011 FILE NO:  
FROM: J.E. Barry, Corporate Secretary BYLAW NO: 3496  
SUBJECT: CVRD Bylaw No. 3496 – Mail Ballot Authorization and Procedure  
Amendment Bylaw, 2011

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**Recommendation/Action:**

That CVRD Bylaw No. 3496 – Mail Ballot Authorization and Procedure Amendment Bylaw, 2011 be forwarded to the Board for consideration of first three readings and adoption.

**Relation to the Corporate Strategic Plan:**

Not applicable.

**Financial Impact:** *(Reviewed by Finance Division: [Signature])*

The new regulations will only apply to electors who are absent from the Regional District on all three voting days (November 9, 15 and 19). There will probably only be a few dozen people who won't be here for even one of the advance voting days. Postage costs will be minimal so therefore the financial impact should be less than \$100.

**Background:**

The CVRD has allowed electors to vote by mail since 1999 on a very limited basis. People have only been able to vote by mail if they were unable to make it to a Voting Place because they:

- had a physical disability;
- were ill;
- were injured; or,
- resided in a remote area (either west of the E&N Land Grant in Area F – Cowichan Lake South/Skutz Falls or on one of the gulf islands (other than Thetis Island) in Area G – Saltair/Gulf Islands.

Typically, less than half a dozen electors have voted by mail in each election.

The *Local Government Act* was amended in 2008 to give local governments the opportunity to increase their mail voting options. Legislation now allows persons to use mail ballots who expect to be absent from the Regional District on general voting day and at the times of all advance voting opportunities. Although staff considered this new option, there had been no increased demand from the public for voting by mail, so no changes were made locally for the 2008 election.

However, during the 2009 Kerry Park Capital Renovation and Aquatic Centre Referendum, there was an increased demand to vote by mail from electors that were going to be on vacation during the Referendum. As well, there was increased interest from non-resident property electors who wanted to vote in the referendum but it wasn't convenient to drive to a Voting Place. Following the referendum, a couple of Directors raised the possibility of expanding the scope of mail ballot voting in time for the 2011 election. As a result, CVRD Bylaw No. 3496 – Mail Ballot Authorization and Procedure Amendment Bylaw, 2011 has been prepared for consideration.

It is important to note that this bylaw amendment is not expected to make a huge difference in the number of ballots processed through the mail. Electors still have to meet the requirements of the *Local Government Act* (which are duplicated in the bylaw). The new provisions will only apply to those people who are absent from the Regional District on all three voting days (November 9, November 15 and November 19). If the voters are in the Regional District on at least one of these dates, they will not be able to vote by mail under the legislation.

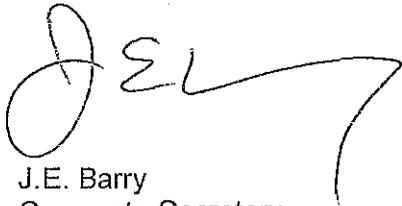
Snowbirds

Due to the time it takes international mail to be processed, it is doubtful that many snowbirds will be able to take advantage of the new regulations. Ballots are printed during the last week of October so the earliest they can be mailed out is between November 2 and November 4. It takes approximately one week for mail to reach the southern United States so ballots wouldn't be received until the 10<sup>th</sup> of November. There needs to be a quick turnaround in order to get the ballot back by November 19<sup>th</sup>. However, the elector does have the choice of using a courier at their expense. As long as ballots are returned by 8pm on November 19<sup>th</sup>, they will be included in the election count. Ballots received after this time are not valid.

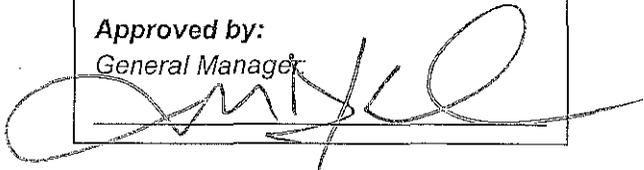
Benefit

Increasing the scope of our existing mail voting provisions is a good thing since it gives more people the opportunity to vote. While it is not expected that we will see a huge increase, every vote can make a difference and we'll be providing a service to our residents who will be absent at that time.

Submitted by,



J.E. Barry  
Corporate Secretary

<p><i>Reviewed by:</i> <i>Division Manager: N/A</i></p> <hr/>
<p><i>Approved by:</i> <i>General Manager:</i></p> 



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 3496

#### A Bylaw to Amend Mail Ballot Authorization and Procedure Bylaw No. 1981

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**WHEREAS** the Board of the Cowichan Valley Regional District authorized and established procedures for voting by mail ballot under the provisions of Bylaw No. 1981, cited as "CVRD Bylaw No. 1981 – Mail Ballot Authorization and Procedure Bylaw, 1999";

**AND WHEREAS** the Board of the Cowichan Valley Regional District wishes to amend Bylaw No. 1981 to permit persons who expect to be absent from the Regional District on general voting day and at the times of all advance voting opportunities to vote by mail ballot;

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

#### 1. CITATION

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3496 – Mail Ballot Authorization and Procedure Amendment Bylaw, 2011**".

#### 2. AMENDMENTS

1. That all references to "Municipal Act" be changed to: "Local Government Act".
2. That Section 2 – Authorization be deleted and replaced with the following Section 2:

##### "2. AUTHORIZATION

- 2.1 Voting by mail ballot and elector registration by mail in conjunction with mail ballot voting are hereby authorized.
- 2.2 In accordance with the provisions of Section 100(3) of the Local Government Act, the only electors who may vote by mail ballot are:
  - (a) persons who have a physical disability, illness or injury that affects their ability to vote at another voting opportunity;
  - (b) persons who reside in the following areas of the Regional District that are remote from voting places at which they are entitled to vote, shall be permitted to vote by mail ballot:
    - (i) that portion of Area F (Cowichan Lake South/Skutz Falls) west of the E&N Land Grant as shown shaded on the attached Schedule A.

- (ii) all Area G (Saltair/Gulf Islands) islands, except Thetis Island, as shown on the attached Schedule "B".
- (c) persons who expect to be absent from the Regional District on general voting day and at the times of all advance voting opportunities."

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Secretary



R5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING  
OF MAY 17, 2011

DATE: May 11, 2011 FILE NO: 4-REG-11BE  
FROM: Nino Morano, Bylaw Enforcement Officer BYLAW NO:  
SUBJECT: MTI – Ticketing Amendments

**Recommendation/Action:**

Amend the existing CVRD Bylaw No. 3209 – Ticketing Information Authorization Bylaw, 2008 as identified in this report.

**Relation to the Corporate Strategic Plan:** N/A

**Financial Impact:** (Reviewed by Finance Division: N/A )  
N/A

**Background:**

You may recall this matter on the agenda of the March 1, 2011 EASC meeting where the following was resolved:

“That staff report dated February 23, 2011, from Nino Morano, Bylaw Enforcement Officer, regarding MTI Ticketing amendments, be referred back to staff for a further detailed report.”

The following are recommended amendments to the existing CVRD Bylaw No. 3209 – Ticketing Information Authorization Bylaw, 2008 and are mainly concerned with housekeeping, altering fine amounts in the Waste Stream and Parks Bylaw and adding water, sewer and drainage Bylaws (3313, 3305, 3406, 3306, 3307) and adding the Manager of Inspections and Enforcement to the list of staff authorized to issue tickets. Included in this report is more justification in raising of fines in the Waste Stream Bylaw and Parks Bylaw.

Submitted by,

Nino Morano,  
Bylaw Enforcement Officer  
Inspections and Enforcement Division  
Planning and Development Department

NM/ca

<p><b>Reviewed by:</b> Division Manager:</p>
<p><b>Approved by:</b> General Manager:</p>

**BYLAW NO. 3209 Proposed Amendments: (Changes shown shaded)**

**TEXT AMENDMENTS:**

**4. OFFENCES**

The words or expressions set forth in Column I of Schedules 2 through to 55, attached to and forming part of this bylaw, designate the offence committed under the bylaw section number appearing in Column II, opposite the respective words or expressions.

**5. FINES**

The amounts appearing in Columns III of Schedules 2 through to 55, attached to and forming part of this bylaw, are fines set pursuant to Section 265 of the *Community Charter* for the corresponding offences designated in Column I.

**Schedule 1 amendments:**

Column I	Column II
Regional District Building Bylaw No. 143, 1974	-Bylaw Enforcement Official -Building Inspector -General Manager, Planning and Development Department -Manager, Community and Regional Planning Division -Manager, Development Services Division - <u>Manager, Inspections and Enforcement Division</u>
CVRD Bylaw No. 3032 - Dog Regulation and Impounding Bylaw, 2007	-Bylaw Enforcement Official -Domestic Animal Protection Officer -General Manager, Planning and Development Department -Manager, Community and Regional Planning Division -Manager, Development Services Division - <u>Manager, Inspections and Enforcement Division</u>
Cowichan Valley Regional District Bylaw No. 39 – Fireworks Sale and Discharge Regulation Bylaw, 1970	-Bylaw Enforcement Official - <u>Royal Canadian Mounted Police</u> -General Manager, Planning and Development Department -Manager, Community and Regional Planning Division -Manager, Development Services Division - <u>Manager, Inspections and Enforcement Division</u>
Cowichan Valley Regional District Noise Control Bylaw No. 1060, 1987	-Bylaw Enforcement Official -Domestic Animal Protection Officer -Royal Canadian Mounted Police -General Manager, Planning and Development Department -Manager, Community and Regional Planning Division -Manager, Development Services Division - <u>Manager, Inspections and Enforcement Division</u>

<p>Cowichan Valley Regional District Sign Bylaw No. 1095, 1987</p>	<ul style="list-style-type: none"> <li>-Bylaw Enforcement Official</li> <li>-Building Inspector</li> <li>-General Manager, Planning and Development Department</li> <li>-Manager, Community and Regional Planning Division</li> <li>-Manager, Development Services Division</li> <li><del>-Manager, Inspections and Enforcement Division</del></li> </ul>
<p>Cowichan Valley Regional District Parks By-law No. 738, 1983</p>	<ul style="list-style-type: none"> <li>-Bylaw Enforcement Official</li> <li>-Manager, Parks and Trails Division</li> <li>-Parks Superintendent</li> <li>-Parks Planning Coordinator</li> <li>-Domestic Animal Protection Officer</li> <li>-Royal Canadian Mounted Police</li> <li><del>-Manager, Inspections and Enforcement Division</del></li> </ul>
<p>Cowichan Valley Regional District House Numbering, Unsightly Premises and Graffiti Bylaw No. 1341, 1991</p>	<ul style="list-style-type: none"> <li>-Bylaw Enforcement Official</li> <li>-General Manager, Planning and Development Department</li> <li>-Manager, Community and Regional Planning Division</li> <li>-Manager, Development Services Division</li> <li><del>-Manager, Inspections and Enforcement Division</del></li> </ul>
<p>CVRD Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000, 1999</p>	<ul style="list-style-type: none"> <li>-Bylaw Enforcement Official</li> <li>-General Manager, Planning and Development Department</li> <li>-Manager, Community and Regional Planning Division</li> <li>-Manager, Development Services Division</li> <li><del>-Manager, Inspections and Enforcement Division</del></li> </ul>
<p>Electoral Area “B” Zoning By-law No. 985 1986</p>	<ul style="list-style-type: none"> <li>-Bylaw Enforcement Official</li> <li>-General Manager, Planning and Development Department</li> <li>-Manager, Community and Regional Planning Division</li> <li>-Manager, Development Services Division</li> <li><del>-Manager, Inspections and Enforcement Division</del></li> </ul>
<p>Electoral Area “C” Zoning By-law, 1991</p>	<ul style="list-style-type: none"> <li>-Bylaw Enforcement Official</li> <li>-General Manager, Planning and Development Department</li> <li>-Manager, Community and Regional Planning Division</li> <li>-Manager, Development Services Division</li> <li><del>-Manager, Inspections and Enforcement Division</del></li> </ul>
<p>Electoral Area D Zoning By-law No. 1015, 1986</p>	<ul style="list-style-type: none"> <li>-Bylaw Enforcement Official</li> <li>-General Manager, Planning and Development Department</li> <li>-Manager, Community and Regional Planning Division</li> <li>-Manager, Development Services Division</li> <li><del>-Manager, Inspections and Enforcement Division</del></li> </ul>
<p>CVRD Electoral Area “E” – Cowichan Station/Sahltlam/Glenora Zoning Bylaw No. 1840, 1998</p>	<ul style="list-style-type: none"> <li>-Bylaw Enforcement Official</li> <li>-General Manager, Planning and Development Department</li> <li>-Manager, Community and Regional Planning Division</li> <li>-Manager, Development Services Division</li> <li><del>-Manager, Inspections and Enforcement Division</del></li> </ul>
<p>CVRD Zoning Bylaw No. 2600, 2005, Applicable to Electoral Area F – Cowichan Lake South/Skutz Falls</p>	<ul style="list-style-type: none"> <li>-Bylaw Enforcement Official</li> <li>-General Manager, Planning and Development Department</li> <li>-Manager, Community and Regional Planning Division</li> <li>-Manager, Development Services Division</li> <li><del>-Manager, Inspections and Enforcement Division</del></li> </ul>

CVRD Zoning Bylaw No. 2524, 2005, Electoral Area G – Saltair/Gulf Islands	-Bylaw Enforcement Official -General Manager, Planning and Development Department -Manager, Community and Regional Planning Division -Manager, Development Services Division -Manager, Inspections and Enforcement Division
Cowichan Valley Regional District Electoral Area “H” Zoning Bylaw No. 1020, 1986	-Bylaw Enforcement Official -General Manager, Planning and Development Department -Manager, Community and Regional Planning Division -Manager, Development Services Division -Manager, Inspections and Enforcement Division
CVRD Zoning Bylaw No. 2465, 2004, Electoral Area I – Youbou/Méade Creek	-Bylaw Enforcement Official -General Manager, Planning and Development Department -Manager, Community and Regional Planning Division -Manager, Development Services Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 1958 – Cowichan Valley Regional District Garbage and/or Recyclable Materials Collection Bylaw, 1999.	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Recycling and Waste Management Division -Environmental Technologist -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 2108 – Solid Waste Management Charges and Regulations Bylaw, 2000	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Recycling and Waste Management Division -Environmental Technologist -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 2570, Waste Stream Management Licensing Bylaw, 2004	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Recycling and Waste Management Division -Environmental Technologist -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 1690 – Cherry Point Estates Water System Management Bylaw, 1995	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 1607 – Honeymoon Bay Water System Management Bylaw, 1994	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 2527 – Kerry Village Water System Management Bylaw, 2004	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 1971 – Mesachie Lake Water System Management Bylaw, 1999	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division

CVRD Bylaw No. 1967 – Shawnigan Lake North Water System Management Bylaw, 1999	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 2817 – Satellite Park Water System Management Bylaw, 2006	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 1763 – Saltair Water System Management Bylaw, 1996	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 2946 – Youbou Water System Management Bylaw, 2007	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 2996 – Fern Ridge Water System Management Bylaw, 2008	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 2830 – Sentinel Ridge Sewer System Management Bylaw, 2006	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 2476 – Cowichan Bay Sewer System Management Bylaw, 2003	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 2560 – Youbou Sewer System Management Bylaw, 2005	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 1926 – Eagle Heights Sewer System Management Bylaw, 1999	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 2526 – Kerry Village Sewer System Management Bylaw, 2004	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 1748 – Maple Hills Sewer System Management Bylaw, 1996	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division

CVRD Bylaw No. 1970 – Mesachie Lake Community Sewerage System Management Bylaw, 1999	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 1966 – Shawnigan Beach Estates Sewer System Management Bylaw, 1999	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 2947 – Twin Cedars Sewer System Management Bylaw, 2007	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 2879 – Sentinel Ridge Drainage System Management Bylaw, 2006	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 2880 – Wilmot Road Drainage System Management Bylaw, 2006	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 2948 – Twin Cedars Drainage System Management Bylaw, 2007	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 2020 – Landclearing Management Regulation Bylaw, 2009	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Recycling and Waste Management Division -Environmental Technologist -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 2998 – Arbutus Mountain Estates Water System Management Bylaw, 2008	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 3099 – Lambourn Estates Water System Management Bylaw, 2008	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 2997 – Arbutus Mountain Estates Sewer System Management Bylaw, 2008	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 3098 – Lambourn Estates Sewer System Management Bylaw, 2008	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division

CVRD Bylaw No. 3122 – Cobble Hill Sewer System Management Bylaw, 2008	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 2999 – Arbutus Mountain Estates Drainage System Management Bylaw, 2008	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 3100 – Lanes Road Drainage System Management Bylaw, 2008	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 3123 – Cobble Hill Village Drainage #2 System Management Bylaw, 2008	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 3313 – Dogwood Ridge Water System Management Bylaw, 2009 **Bylaw 3313 added to Schedule 1	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
Cowichan Valley Regional District Bylaw No. 3305 – Arbutus Ridge Water System Management Bylaw, 2009 **Bylaw 3305 added to Schedule 1	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
CVRD Bylaw No. 3406 – Douglas Hill Water System Management Bylaw, 2010 **Bylaw 3406 added to Schedule 1	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
Cowichan Valley Regional District Bylaw No. 3306 – Arbutus Ridge Sewer System Management Bylaw, 2009 **Bylaw 3306 added to Schedule 1	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division
Cowichan Valley Regional District Bylaw No. 3307 – Arbutus Ridge Drainage System Management Bylaw, 2009 ** Bylaw 3307 added to Schedule 1	-Bylaw Enforcement Official -General Manager, Engineering and Environment -Manager, Water Management Division -Manager, Inspections and Enforcement Division

**BYLAW NO. 3209 Proposed Schedule Amendments:**

- Schedule 7 (amended)
- Schedule 11 (amended)
- Schedule 20 (amended)
- Schedule 32 (amended)
- Schedule 33 (amended)
- Schedule 34 (amended)
- Schedule 51 (new)
- Schedule 52 (new)
- Schedule 53 (new)
- Schedule 54 (new)
- Schedule 55 (new)

After consultation with Parks staff the following is a table showing the current fines vs the proposed fines for Parks violations. It was determined that raising the fines to \$250 for tree cutting, damage to structure and setting a fire seemed more appropriate.

**SCHEDULE 7  
CVRD BYLAW NO. \_\_\_\_\_**

**Cowichan Valley Regional District Parks By-law No. 738, 1983**

<b>Column I</b>	<b>Column II</b>	<b>Column III</b>	<b>Column III</b>
<b>Designated Offence</b>	<b>Section</b>	<b>Fine</b>	<b>Proposed Fine</b>
Remove, destroy or damage vegetation	3.2(a)	\$100	No change
Cut or remove tree	3.2(b)	\$100	\$250
Damage or deface structure	3.2(c)	\$100	\$250
Foul or pollute any area of water	3.2(d)	\$100	No change
Inappropriate waste disposal	3.2(f)	\$100	No change
Temporary abode overnight	3.2(i)	\$100	No change
Obstruct free use of park	3.2(j)	\$100	No change
Waste water from fixture	3.2(l)	\$100	No change
Vehicle parked outside designated area	3.2(o)	\$100	No change
Drive any vehicle outside designated area	3.2(p)	\$100	No change
Post, paint or affix any advertisement, poster or bill	3.2(q)	\$100	No change
Horse outside designated path	3.2(r)	\$100	No change
Animal running at large	3.2(s)	\$100	No change
Deposit or remove any material without permission	3.2(u)	\$100	No change
Molest, injure, trap or snare any animal	3.2(v)	\$100	No change
Violate any notice or order from Regional District	3.2(w)	\$100	No change
Sale of anything without permission	3.3(a)	\$100	No change
Set fire outside designated area or place lighted material on ground	3.3(c)	\$100	\$250
Construction, tent, mobile home, trailer in a park	3.3(d)	\$100	No change
Horse or dog on beach	3.6(a)	\$100	No change
Interfere with free use of beach	3.6(d)	\$100	No change

Litter on beach or in waters adjacent	3.6(f)	\$100	No change
Drive any vehicle on beach without permission	3.6(g)	\$100	No change
Dog unleashed on waterfront apparatus	3.6(h)	\$50	No change

**SCHEDULE 11**  
**CVRD BYLAW NO. \_\_\_\_\_**

**Electoral Area "C" Zoning By-law, 1991**

<b>Column I</b>	<b>Column II</b>	<b>Column III</b>
<b>Designated Offence</b>	<b>Section</b>	<b>Fine</b>
Prohibited use	4.2	\$100
Kennel building improperly sited	5.5	\$100
Junkyard prohibited	5.6	\$100
Accessory building prohibited	5.9(b)	\$100
Accessory building used as a dwelling unit	5.9(d)	\$100
Over height – corner sight triangle	5.11	\$100
Over height fence	5.12(b)	\$100
Home craft – exterior storage	5.13(c)	\$100
Home craft – oversized floor area	5.13(e)	\$100
Home occupation – oversized floor area	5.14(d)	\$100
Home occupation – exterior storage	5.14(e)	\$100
Bed and breakfast – too many rooms	5.15(c)	\$100
Secondary suite prohibited	5.22(7)	\$100
Accessory building improperly sited	7.1(b)(4), 7.2(b)(4), 7.3(b)(2), 7.4(b)(3), 8.1(b)(3), 8.2(b)(3), 8.3(b)(3), 8.4(c)(3), 8.5(b)(3), 9.1(b)(3), 9.2(b)(3), 9.3(b)(3), 9.4(b)(3), 9.5(b)(3), 9.6(b)(3), 9.7(b)(5), 11.1(b)(3), 11.2(b)(4), 11.3(b)(3), 11.4(b)(3) or 11.5(b)(4)	\$100
Mini storage - outdoor storage	11.5(b)(3)	\$100
Mini storage – no adequate vegetative screen TCH	11.5(c)(1)	\$100
Mini storage – no adequate vegetative screen abutting non industrial zone	11.5(c)(2)	\$100

## MEMORANDUM

**DATE:** March 14, 2011 **FILE NO:**  
**TO:** Nino Morano, Bylaw Officer  
**FROM:** Rob Williams, Environmental Technologist II  
**SUBJECT:** Revising Schedule 20 CVRD Bylaw No. 3209 (Municipal Ticketing Information)

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This memorandum is regarding the motion to replace Schedule 20 CVRD Bylaw No. 3209 with a revised ticketing schedule in relation to CVRD Bylaw No. 2570 – Waste Stream Management Licensing, 2004.

A staff report was submitted and endorsed by the CVRD Engineering & Environmental Services Committee on January 26, 2011 regarding recommendations to improve the regulation of composting facilities covered under CVRD Bylaw 2570, see attached staff report. Amending, or replacing Schedule 20 of CVRD Bylaw No. 3209 was included in this list of recommendations. The purpose of this recommendation is to ensure that the fine schedule for infractions under CVRD Bylaw 2570 is updated appropriately to help further protect human and environmental health. The new proposed ticket schedule is intended to not only address potential infractions from licensed composting facilities but also cover all other facilities licensed under CVRD Bylaw 2570.

The following table outlines the current and proposed changes regarding Schedule 20 allocations for CVRD Bylaw 2570.

### SCHEDULE 20 CVRD BYLAW NO. \_\_\_\_\_

#### **CVRD Bylaw No. 2570, Waste Stream Management Licensing Bylaw, 2004**

<b>Designated Offence</b>	<b>Section</b>	<b>Current Fine</b>	<b>Proposed Fine</b>
Operating facility without license	4.1	\$500	\$1000
Failure to comply with facility licence	4.1	No current fine	\$500
Failure to install and maintain locking gate	6.1(a)	\$250	No change
Failure to install and maintain barrier	6.1(c)	\$250	No change
No functioning communication equipment	6.1(d)	\$250	No change
Litter outside facility	6.1(e)	\$250	No change
Leachate from containment system	6.1(f)	\$500	\$1000
Employee not present	6.1(g)	\$250	No change

Failure to inspect load	6.1(h)	\$250	No change
Failure to maintain records	6.1(i)	\$250	No change
Failure to confirm waste appropriately removed	6.1(j)	\$500	No change
Burning	6.1(k)	\$500	\$1000
Failure to comply with operating plan	6.1(l)	\$250	\$500
Failure to notify fire department	6.1(o)	\$250	No change
Fail to deliver waste or recyclable to licenced facility	8.2	\$500	No change
Failure to remove waste	8.3	\$500	No change
Failure to document compliance	8.4	\$500	No change
Failure to replenish security	10.7	\$500	No change
Failure to pay annual fee	12.3	\$250	No change
Failure to submit monthly statements	12.4	\$250	No change
Failure to maintain records	12.6	\$250	No change
Failure to report waste discharge	13.1	\$250	\$500
Failure to report deviation	13.2	\$250	\$500
Failure to take all reasonable measures	13.3	\$250	\$500
Failure to notify of ownership change	18.1	\$250	No change

**SCHEDULE 32**  
**CVRD BYLAW NO. \_\_\_\_\_**

**CVRD Bylaw No. 2560 – Youbou Sewer System Management Bylaw, 2005**

<b>Column I</b>	<b>Column II</b>	<b>Column III</b>
<b>Designated Offence</b>	<b>Section</b>	<b>Fine</b>
Connection without approval	5(1)(b)	\$250
No temporary connection	5(8)	\$250
Illegal connection to sewer system	9(1)(b)	\$1000
Willfully causes damage or obstruction	9(1)(c)	\$500
Discharges into system or manhole any substance interfering with system.	9(1)(d)	\$1000

**SCHEDULE 33**  
**CVRD BYLAW NO. \_\_\_\_\_**

**CVRD Bylaw No. 1926 – Eagle Heights Sewer System Management Bylaw, 1999**

<b>Column I</b>	<b>Column II</b>	<b>Column III</b>
<b>Designated Offence</b>	<b>Section</b>	<b>Fine</b>
Connection without approval	11(b)	\$250
No temporary connection	18	\$250
Illegal connection to sewer system	29(ii)	\$1000
Willfully causes damage or obstruction	29(iii)	\$500
Discharges into system or manhole any substance interfering with system.	29(iv)	\$1000

**SCHEDULE 34**  
**CVRD BYLAW NO. \_\_\_\_\_**

**CVRD Bylaw No. 2526 – Kerry Village Sewer System Management Bylaw, 2004**

<b>Column I</b>	<b>Column II</b>	<b>Column III</b>
<b>Designated Offence</b>	<b>Section</b>	<b>Fine</b>
Connection without approval	5(1)(b)	\$250
No temporary connection	5(8)	\$250
Illegal connection to sewer system	9(1)(b)	\$1000
Willfully causes damage or obstruction	9(1)(c)	\$500
Discharges into system or manhole any substance interfering with system.	9(1)(d)	\$1000

**SCHEDULE 51 – NEW SCHEDULE  
CVRD BYLAW NO. \_\_\_\_\_**

**CVRD Bylaw No. 3313-- Dogwood Ridge Water System Management Bylaw, 2009**

<b>Column I</b>	<b>Column II</b>	<b>Column III</b>
<b>Designated Offence</b>	<b>Section</b>	<b>Fine</b>
Occupant supplies water elsewhere without authority	11(1)(c)	\$500
Tampers with hydrant or appurtenance or obstructs access	11(1)(d)	\$1000
Alter water meter or bypass to alter water register	11(1)(f)	\$500
Illegal connection to water system	11(1)(g)	\$1000
Establish connection allowing cross-connection	11(1)(i)	\$500
Water use contrary to restrictions	11(1)(k)	\$100

**SCHEDULE 52 – NEW SCHEDULE  
CVRD BYLAW NO. \_\_\_\_\_**

**Cowichan Valley Regional District Bylaw No. 3305 – Arbutus Ridge Water System Management Bylaw, 2009**

<b>Column I</b>	<b>Column II</b>	<b>Column III</b>
<b>Designated Offence</b>	<b>Section</b>	<b>Fine</b>
Occupant supplies water elsewhere without authority	11(1)(iii)	\$500
Tampers with hydrant or appurtenance or obstructs access	11(1)(iv)	\$1000
Alter water meter or bypass to alter water register	11(1)(vi)	\$500
Illegal connection to water system	11(1)(vii)	\$1000
Establish connection allowing cross-connection	11(1)(ix)	\$500
Water use contrary to restrictions	11(1)(xi)	\$100

**SCHEDULE 53 – NEW SCHEDULE  
CVRD BYLAW NO. \_\_\_\_\_**

**CVRD Bylaw No. 3406 – Douglas Hill Water System Management Bylaw, 2010**

<b>Column I</b>	<b>Column II</b>	<b>Column III</b>
<b>Designated Offence</b>	<b>Section</b>	<b>Fine</b>
Occupant supplies water elsewhere without authority	11(1)(c)	\$500
Tampers with hydrant or appurtenance or obstructs access	11(1)(d)	\$1000
Alter water meter or bypass to alter water register	11(1)(f)	\$500
Illegal connection to water system	11(1)(g)	\$1000
Establish connection allowing cross-connection	11(1)(i)	\$500
Water use contrary to restrictions	11(1)(k)	\$100

**SCHEDULE 54 – NEW SCHEDULE  
CVRD BYLAW NO. \_\_\_\_\_**

**Cowichan Valley Regional District Bylaw No. 3306 – Arbutus Ridge Sewer System Management Bylaw, 2009**

<b>Column I</b>	<b>Column II</b>	<b>Column III</b>
<b>Designated Offence</b>	<b>Section</b>	<b>Fine</b>
Connection without approval	5(1)(b)	\$250
No temporary connection	5(8)	\$250
Illegal connection to sewer system	9(1)(b)	\$1000
Willfully causes damage or obstruction	9(1)(c)	\$500
Discharges into system or manhole any substance interfering with system.	9(1)(d)	\$1000

**SCHEDULE 55 – NEW SCHEDULE**  
**CVRD BYLAW NO. \_\_\_\_\_**

**Cowichan Valley Regional District Bylaw No. 3307 – Arbutus Ridge Drainage System  
Management Bylaw, 2009**

Column I	Column II	Column III
<b>Designated Offence</b>	<b>Section</b>	<b>Fine</b>
Discharge domestic or other prohibited waste	3.0(1)	\$200
Alter regional district drainage system	4.0(1)(a)	\$200
Obstruct watercourse	6.0(1)	\$200



R 6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING  
OF MAY 17, 2011

DATE: May 10, 2011 FILE NO:  
FROM: Tom R. Anderson, General Manager BYLAW NO:  
SUBJECT: A Bylaw to Regulate Wharf Services on Thetis Island

---

**Recommendation/Action:**

Direction of the Committee is requested.

**Relation to the Corporate Strategic Plan:** N/A

**Financial Impact:** (Reviewed by Finance Division: N/A )

**Background:**

The Thetis Island Port Commission (TIPC) have requested that the Regional District adopt a more extensive bylaw to cover a broader range of potential issues affecting the Thetis Island Wharf. The Regional District had previously passed Bylaw No. 3273 in 2009 which prohibited over-night moorage. However, members of the Commission have indicated a desire for us to adopt a bylaw with more extensive powers which is similar to one that has been adopted by the District of Central Saanich.

In February, the attached bylaw was forwarded to the Committee for initial review with the following motion being approved:

**That the draft Thetis Island Wharf Regulation Bylaw be referred to the Thetis Island Port Commission for further discussion and comment; and further, that the draft bylaw be also forwarded to the Mill Bay Parks Commission for information as interest in a similar bylaw may exist.**

The draft bylaw was reviewed by TIPC on March 29<sup>th</sup> with a recommendation to proceed as they feel that this bylaw will cover all potential eventualities that may arise.

Given the desire to move forward, staff have taken a closer look at the draft bylaw in order that we fully understand the implications of all sections of the bylaw and how they relate to the Regional District context. Specifically, our concerns are with regard to Sections 16, 17 and Schedule C which revolve around the impoundment, public auction and fines associated with removing a vessel from the wharf.

In a worst case scenario, we may be required to take a number of actions which currently have the following estimated costs:

Action	Cost
1. Tow the boat from the Thetis Island Wharf to Cowichan Towing	\$600
2. Store the boat at Cowichan Towing for possibly many months	\$25/day
3. Auction or Sell the boat	Depends on condition
4. Obtain the services of a Bailiff	Depends on condition

Given the above detail, there are two situations that we should consider.

1. In a scenario where the owner wants his boat back, the owner would be looking at an approximate \$1,000 bill (impound and towing/storage charge) to take possession of his boat after a 2 week period. This would not include any cost associated with having the boat towed from the storage compound once the charges have been paid.
2. In a scenario where the owner cannot be found, it is envisaged that the CVRD would take approximately 2 months attempting to find the owner as per the Warehouse Lien Act, which would result in costs associated with towing and storage of approximately \$2,100. At that point it would have to be determined whether we would be able to recoup this and any additional costs by way of sale or auction of the boat. If there is little or no hope the boat is worth even attempting a sale, disposal to a licenced waste management facility may be the only option which again would cost the CVRD with no hope of cost recovery. One other option to consider as part of this scenario is whether the CVRD Bings Creek Solid Waste Management Complex Facility lands could be use to store the boat to reduce/eliminate storage costs. It is unclear whether or not this is a viable option. It should also be noted that there is no budget to pay these costs at the present time.

These scenarios are under the assumption that insurance is not an issue either in the towing or storage of the boat. As you can imagine from the moment the CVRD, or its agent, handles and stores the boat until the moment of recovery by the owner, the CVRD increases liability in the event there is damage to the vessel or one or more things go missing.

It should be noted that staff have conferred with the District of Central Saanich with regard to enforcing their Wharf Regulation Bylaw and they indicated that only small boats (dingy type vessels) have been impounded by their own staff and stored in their Works yard. While there has been potential in the past of impoundment of larger boats, there has not been any example of this type of impoundment in the recent past. Usually the boat has been removed by the owner after days and or weeks of pressure from the Bylaw Enforcement Officer. To tow and store a boat is a last case scenario!

Another consideration about this bylaw is the inclusion of offences pertaining to liquor, dangerous goods and conduct of people on the wharf. These offenses may be extremely challenging to enforce and more appropriately handled by the RCMP. In the few examples of enforcement under the current bylaw, there has been reasonable success in posting a notice on the boat and alerting the local RCMP.

The option of ticketing may be challenging due to the fact that a large number of boats are not registered or have any identifying numbers. Without proof of ownership, issuing a ticket would be extremely difficult. In the few examples of enforcement under the current bylaw it has been

found that the type of people we are likely to run in to in these situations, do not usually have a fixed address which makes issuing tickets even more difficult.

While it is agreed impoundment is an option that we must have in our list of enforcement options, it is one that, as noted in the Central Saanich situation, is a last case scenario!

Submitted by,

Tom R. Anderson,  
General Manager  
Planning and Development Department

TRA/ca  
attachment



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No.

**A Bylaw to Regulate Wharf Services on Thetis Island  
Applicable To Electoral Area G –Saltair/Gulf Islands**

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**WHEREAS** pursuant to Section 903 of the *Local Government Act*, R.S.B.C. 1996, Chapter 323 (the “Act”) the Regional Board is empowered to prepare and adopt a regulatory bylaw;

**AND WHEREAS** the Cowichan Valley Regional District operates public wharf facilities and wishes to regulate the use of those facilities;

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

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**PART ONE**

**CITATION**

This bylaw may be cited for all purposes as “Cowichan Valley Regional District Thetis Island Wharf Regulation Bylaw No. , 2011”

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**PART TWO**

**DEFINITIONS**

In this Bylaw,

**business** means a commercial or industrial undertaking of any kind, including providing of professional, personal or other services for the purpose of gain or profit;

**bylaw enforcement officer** means any person appointed as such by the Cowichan Valley Regional District (CVRD) and members of the Royal Canadian Mounted Police (RCMP);

**dangerous goods** means dangerous goods as defined in the *Transport of Dangerous Goods Act*;

**emergency personnel** includes any person, group or organization authorized by provincial or federal statute to respond to emergency situations;

.../2

**emergency service vessel** means a police, fire, search and rescue, ambulance or other vessel used by emergency personnel in the course of their duties;

**emergency vehicle** means police vehicle, ambulance, fire, search and rescue or other vehicle used by emergency personnel in the course of their duties;

**explosive** has the same meaning as in the *Explosives Act* (Canada);

**length** means

- (a) in the case of a vessel registered under the *Canada Shipping Act*, the length as shown in the certificate of registry issued by Transport Canada;
- (b) in the case of a vessel licensed under the Small Vessel Regulations under the *Canada Shipping Act*, the length from the fore part of the head of the stern to the after part of the head of the stern post; and
- (c) in the case of a vessel that is not registered or licensed under (a) or (b), the horizontal distance measured between perpendiculars erected at the extreme ends of the outside of the hull;

**liquor** has the same meaning as in the *Liquor Control and Licensing Act*;

**live aboard** means a vessel or watercraft with living accommodation;

**emergency zone** means that area of a wharf designated solely for loading and unloading passengers, supplies or freight and identified by a yellow painted tie-rail or yellow painted lines;

**moor** means to secure a vessel or watercraft by means of lines, cables, anchors or other similar means;

**raft** means the mooring of one vessel or watercraft along side another;

**vessel** means any ship, boat or watercraft whether or not propelled by machinery;

**waterlot area** means an area owned, leased or licensed to the Cowichan Valley Regional District in which is located a wharf as described and shown on Schedule B; and

**wharf** means any landing pier, ramp, float, dock and other facilities comprised in public facilities listed in Schedule A.

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**PART THREE****ADMINISTRATION**

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**1. Public Conduct**

- (a) No person shall obstruct or interfere with any person or vessel lawfully using a wharf.
- (b) No person shall behave in a disorderly, dangerous or offensive manner on a wharf.
- (c) No person shall bring a live animal onto a wharf unless the animal is on a leash.

**2. Noisy Activities**

No person shall, while on a wharf or on a vessel moored at a wharf, make any amplified sound or operate any equipment, which disturbs or tends to disturb the quiet, peace, enjoyment and comfort of other persons.

**3. Liquor**

No person shall possess an open container of liquor at a wharf.

**4. Signs**

No person except the Cowichan Valley Regional District and its employees, contractors and agents shall place, post or erect a sign on a wharf.

**5. Damage**

- (a) No person shall remove, destroy or damage any wharf or structure or sign attached to a wharf.
- (b) No person shall remove, destroy or damage any notices, rules or regulation posted on a wharf by or under the authority of the Cowichan Valley Regional District.
- (c) No person shall deposit or leave any garbage, refuse, empty or broken bottles, cans, paper, animal excrement or other waste material on a wharf or in a waterlot area.

**6. Storage**

No person shall store any material of any kind, including a vessel, on the surface of a wharf.

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**7. Loading Zone**

- (a) No person shall cause a vessel or a vehicle to be left unattended at or adjacent to a loading zone.
- (b) Every person using a loading zone shall immediately vacate the loading zone for an emergency vessel operating in the case of an emergency.
- (c) No person shall cause a vessel to remain moored in a loading zone for a period in excess of 15 minutes, except for emergency vessels in the course of training exercises or emergency situations.

**8. Commercial Use**

No person shall conduct any business on a wharf or within a waterlot area, including selling or displaying for sale any goods or services, including food and refreshments.

**9. Moorage Restrictions**

- (a) No person shall cause any vessel to moor or remain moored at a wharf area between the hours of 9:00 p.m. and 6:00 a.m., except for emergency service vessels in the course of emergency situations.
- (b) No person shall secure the berth of any vessel at the wharf by use of a lock or otherwise in a manner that prevents a bylaw enforcement officer from relocating the vessel or watercraft.
- (c) When required by limited mooring space, a person in charge of a vessel may raft the vessel provided that no more than two vessels are rafted and that such rafting does not impede the movement of other marine traffic.
- (d) No person shall moor a vessel within a waterlot area, other than at a wharf.

**10. Dangerous Goods**

- (a) No person shall moor a vessel carrying dangerous goods or explosives at a wharf.
- (b) No person shall store, treat, generate, transport, process, handle, produce or dispose of any dangerous goods, explosives or hazardous or contaminated materials or substances at a wharf or within a waterlot area.

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**11. Maximum Vessel Length**

No person shall moor a vessel in excess of 10 metres (32.8 feet) in length at a wharf.

**12. Prohibited Vessels**

The loading and unloading of passengers onto wharves from seaplanes or charter boats is not permitted at a wharf.

**13. Prohibited Uses and Obstructions**

No person shall:

- (a) do any maintenance or repair work on a wharf;
- (b) refuel at a wharf;
- (c) do any other thing in such a manner as to impede public access to a wharf;
- (d) use any vessel moored at a wharf for live-aboard activity;
- (e) flush vessel heads at a wharf or within a waterlot area;
- (f) ground a vessel on the foreshore of a waterlot area or create any other disturbance of the foreshore or seabed within a waterlot area;
- (g) moor a vessel at a wharf in such a manner as to unduly obstruct the movement of other vessels or watercraft;
- (h) tie lines fastening a vessel to a wharf, across a wharf or to anything other than the fastenings provided for the purpose of moorage;
- (i) operate a barbeque, camp stove or similar device or start or cause any open flame at a wharf; or
- (j) keep the motor of a vessel running at a wharf, except when arriving at or leaving a wharf.

**14. Enforcement Powers**

- (a) All bylaw enforcement officers may enforce this Bylaw in the course of their duties.
- (b) A bylaw enforcement officer may order a person who does anything contrary to this Bylaw to leave, and to remove any vessel over which they exercise control from, a wharf immediately, or within a period of time specified by the bylaw enforcement officer, and every person so ordered shall comply with the order.
- (c) No person shall hinder, oppose, molest or obstruct a bylaw enforcement officer in the discharge of their duties.

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**15. Offence**

A person who breaches any part of this Bylaw commits an offence and is punishable by a moorage fine or on summary conviction, by fine of up to \$2,000.

**16. Removal and Impoundment of Vessels, Watercraft, Chattels and Obstructions**

- (a) A bylaw enforcement officer may remove and impound, or cause to be removed and impounded, any vessel, chattel or obstruction that occupies a wharf or waterlot in contravention of this Bylaw.
- (b) Any vessel, chattel or obstruction removed and impounded under this section may be recovered by the owner upon presenting proof of ownership and upon payment in full of all costs incurred by the Cowichan Valley Regional District in removing and impounding (including storing) and any fines owing by the owner under this Bylaw.
- (c) If a vessel, chattel or obstruction is removed and impounded, a bylaw enforcement officer shall make reasonable efforts to obtain the name and address of the owner of the vessel, chattel or obstruction and:
  - (i) if the name and address of the owner is determined, the bylaw enforcement officer shall give written notice delivered in person to the owner or sent by registered mail to the owner advising the owner of the removal and impoundment, the sum payable to release the vessel, chattel or obstruction and the date for sale by public auction or disposition under section 17, as applicable, if unclaimed; or
  - (ii) if the identity of the owner is not determined, the bylaw enforcement officer shall cause a notice to be posted at the relevant wharf advising of the removal and impoundment, the sum payable to release the vessel and the planned date for sale by public auction or disposition under section 17, as applicable, if unclaimed.
- (d) The fees, costs and expenses payable by the owner of a vessel, chattel or obstruction removed and impounded under this section are set out in Schedule "C" to this Bylaw.
- (e) A sign at each wharf shall notify the public that vessels, chattels and obstructions occupying the wharf and surrounding waterlot in contravention of this Bylaw, may be removed and impounded by or on behalf of the Cowichan Valley Regional District at the cost of the owner and may be sold at public auction or otherwise disposed of if unclaimed.

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- (f) The Cowichan Valley Regional District may engage the services of a bailiff to remove, impound and auction vessels, chattels and other obstructions under this section and section 17.

#### **17. Public Auction**

- (a) Any vessel, chattel or obstruction not claimed by its owner, including where the bylaw enforcement officer has been unable to determine the owner's identity, within 30 days of notice under section 16(c) may be sold at a public auction and such auction shall be advertised at least once in a newspaper distributed at least weekly in the Cowichan Valley Regional District.
- (b) The proceeds of such auction sale shall be applied firstly to the cost of the sale, secondly to all unpaid fees, costs and expenses levied in accordance with this Bylaw.
- (c) If any vessel, chattel or obstruction is not offered for sale or purchased at public auction under this section, the expenses incurred in the removal, impoundment or disposal, are recoverable as a debt due to the Cowichan Valley Regional District from the owner.
- (d) If the bylaw enforcement officer considers that a vessel, chattel or obstruction removed and impounded from a wharf is of insufficient value to warrant an auction, the bylaw enforcement officer may dispose of the vessel, chattel or obstruction if unclaimed after 2 months following notice under section 16(c) and any money obtained through such disposition shall be dealt with in accordance with section 17(b).

#### **18. Severance**

If a section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid, by the decision of any Court, such decision shall not affect the validity of the remaining portions of this Bylaw.

#### **19. Schedules**

Schedules "A" to "C" attached to this Bylaw form an integral part of this Bylaw.

#### **20. Repeal**

Cowichan Valley Regional District Thetis Island Wharf Regulation Bylaw No. 3273, 2009 and all amendments thereto, are hereby repealed.

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**PART THREE**

**FORCE AND EFFECT**

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

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary

## **SCHEDULE A**

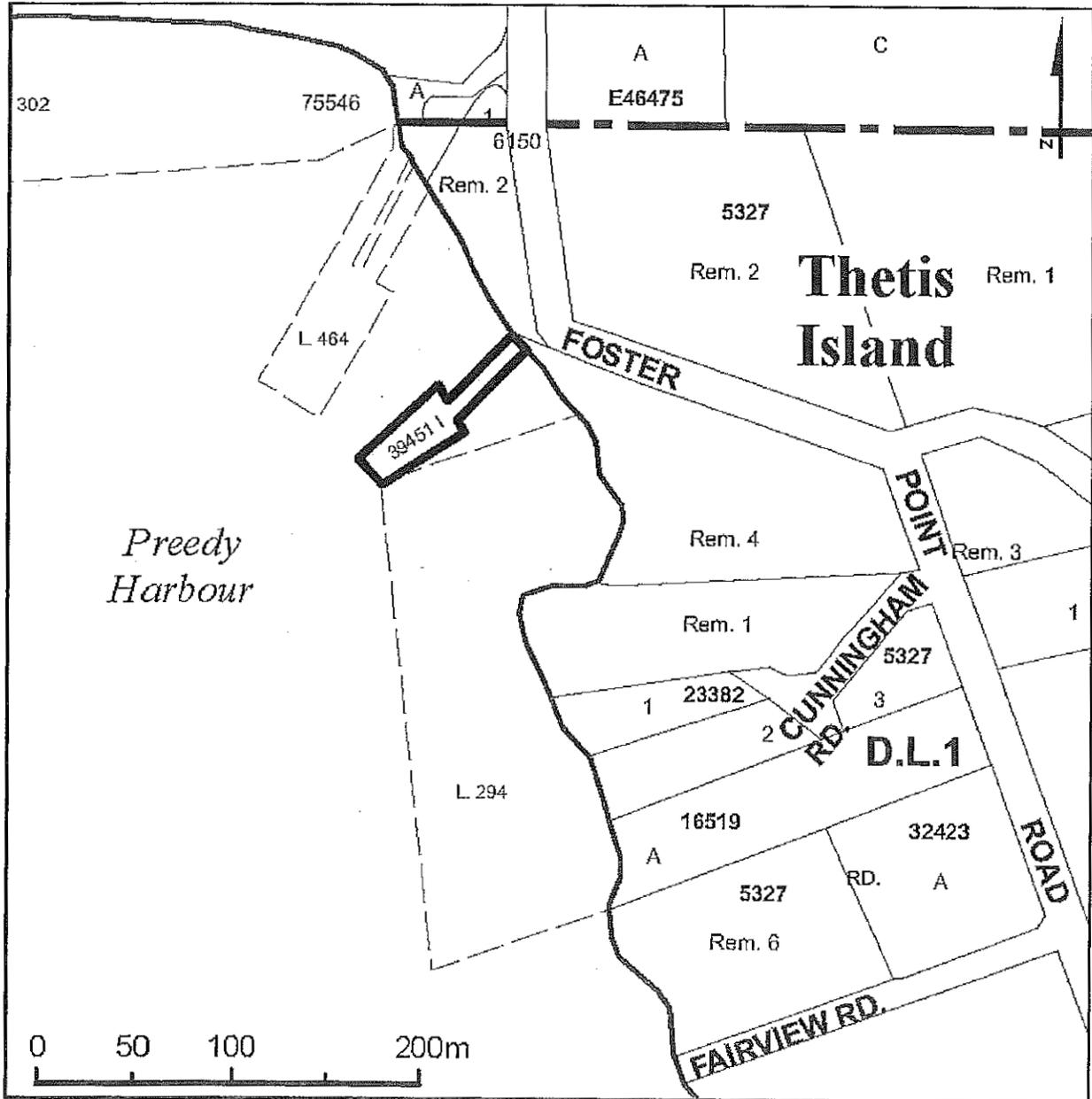
### **Public Facilities**

- Benches

# SCHEDULE B

## Waterlot Areas

- That part of the bed of sea adjoining DL. 1 Thetis Island, Cowichan District, as shown colored red on plan deposited under Deposited Document 39451 I.



## SCHEDULE C

### Fees, Costs and Expenses

The following fees, costs and expenses shall be paid by the owner of a vessel, chattel or obstruction removed, detained or impounded pursuant to Section 16 of this Bylaw:

- |    |  |               |
|----|--|---------------|
| 1. | Moorage Fine   | \$150 per day |
| 2. | Impoundment Fee  | \$200         |
| 3. | Towing Fee (incl. haul-out)<br>(for towing or removal to storage location) | \$600         |
| 4. | Storage Costs for Vessel   | \$25 per day  |



**MEMORANDUM**

**DATE:** May 12, 2011  
**TO:** Tom R. Anderson, General Manager, Planning and Development Department  
**FROM:** Brian Duncan, Manager, Inspections and Enforcement Division  
**SUBJECT:** BUILDING REPORT FOR THE MONTH OF APRIL, 2011

There were 29 Building Permits and 1 Demolition Permit(s) issued during the month of April, 2011 with a total value of \$ 15,469,070.

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"	55,000			711,680			5	30	766,680	4,170,960
"B"				1,031,500	171,870		12	28	1,203,370	2,179,250
"C"				192,300		55	2	9	192,355	1,077,475
"D"				236,860			1	15	236,860	1,640,560
"E"				431,570			2	12	431,570	1,869,240
"F"					10,800		1	6	10,800	366,345
"G"							0	9	0	1,281,620
"H"			7,920	336,840			2	9	344,760	985,660
"I"				199,890	68,420		5	12	268,310	1,897,960
<b>Total</b>	<b>\$ 55,000</b>	<b>\$ -</b>	<b>\$ 7,920</b>	<b>\$ 3,140,640</b>	<b>\$ 251,090</b>	<b>\$ 55</b>	<b>30</b>	<b>130</b>	<b>\$ 3,454,705</b>	<b>\$ 15,469,070</b>

B. Duncan, RBO  
 Manager, Inspections and Enforcement Division  
 Planning and Development Department

BD/db

**NOTE:** For a comparison of New Housing Starts from 2008 to 2011, see page 2  
 For a comparison of Total Number of Building Permits from 2008 to 2011, see page 3

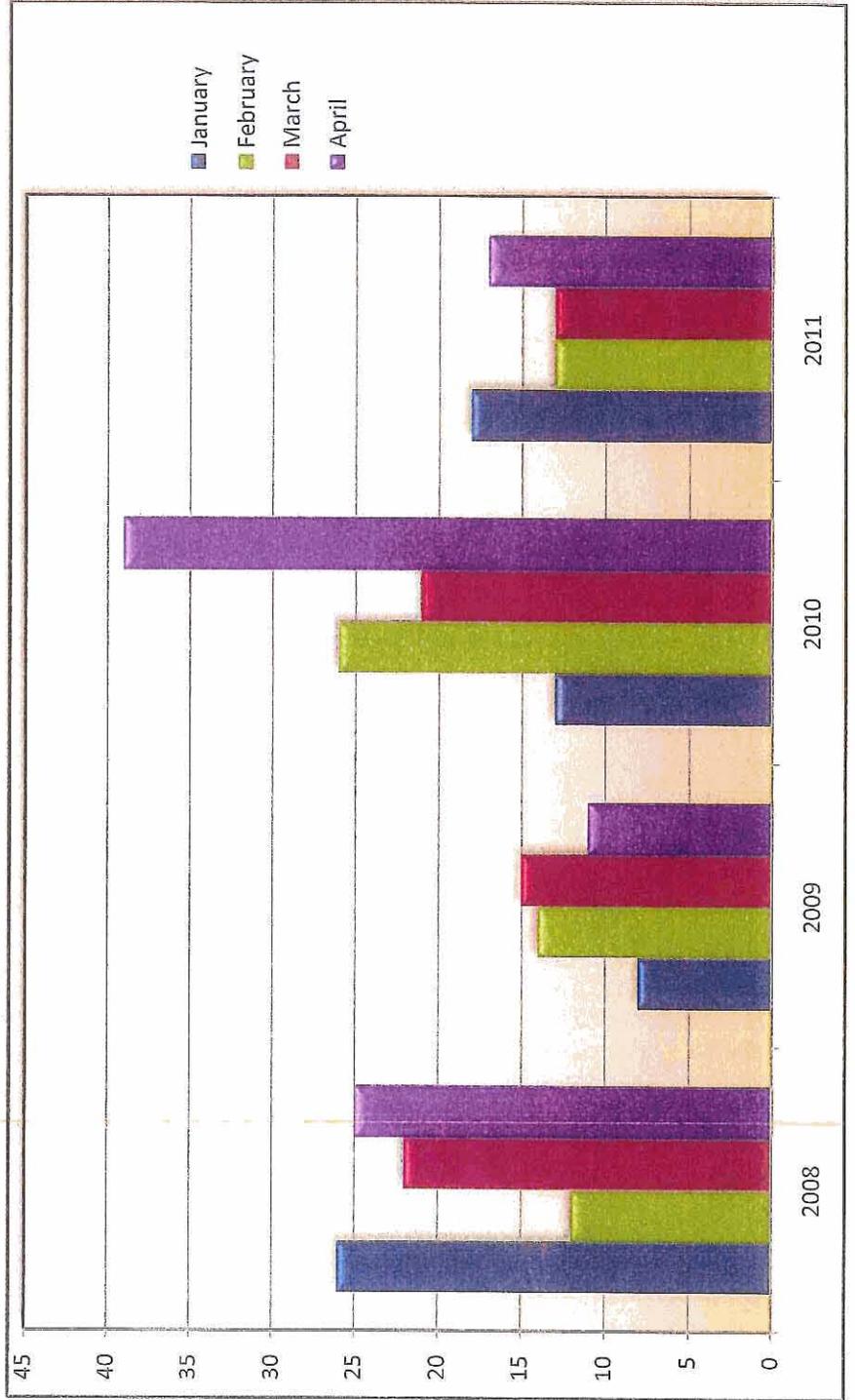
FINI



CVRD

Total of New Housing Starts

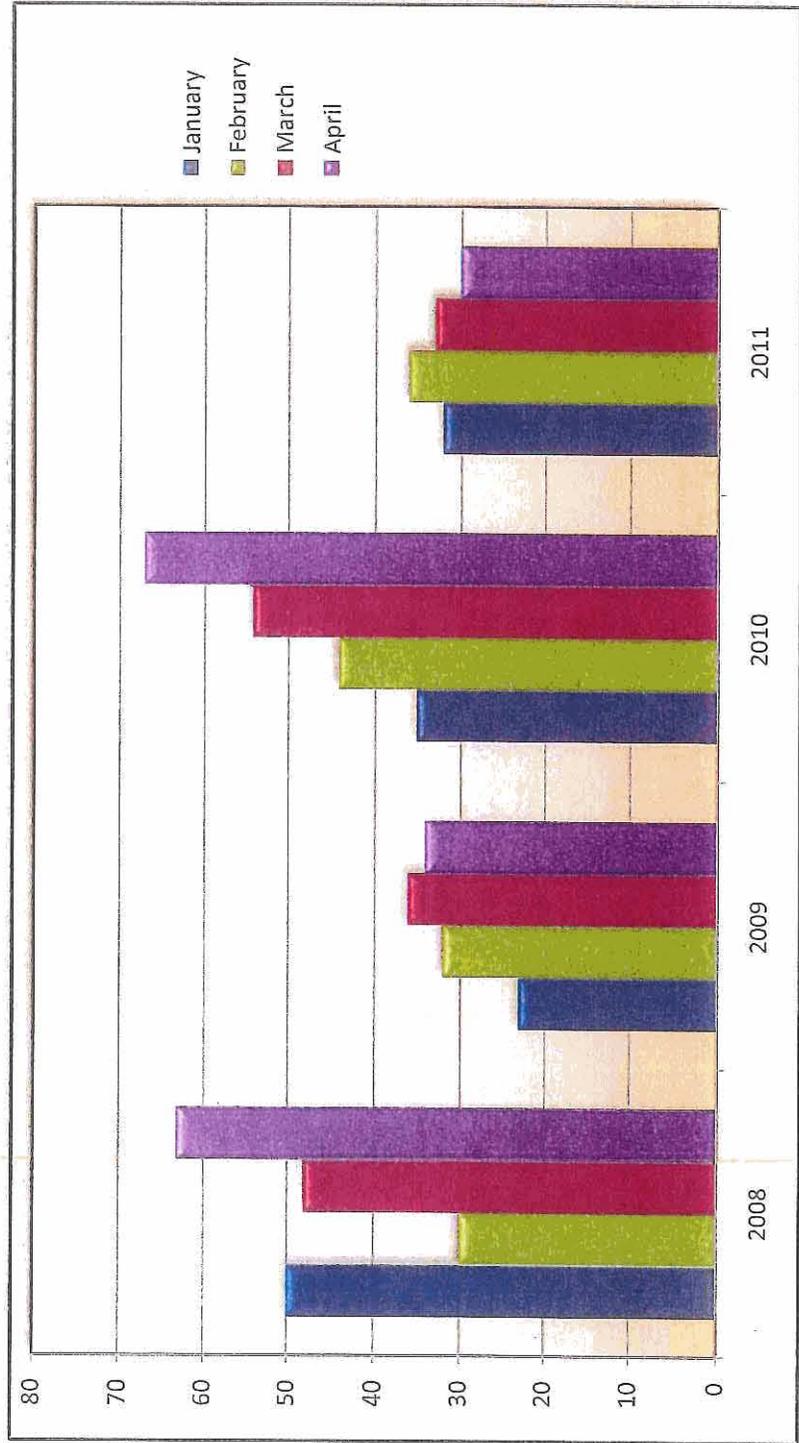
	2008	2009	2010	2011
January	26	8	13	18
February	12	14	26	13
March	22	15	21	13
April	25	11	39	17
<b>YTD Totals</b>	<b>85</b>	<b>48</b>	<b>99</b>	<b>61</b>



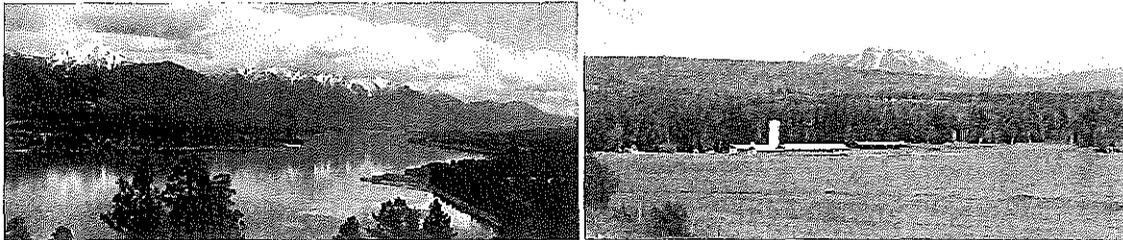


**Total Building Permits Issued**

	2008	2009	2010	2011
January	50	23	35	32
February	30	32	44	36
March	48	36	54	33
April	63	34	67	30
<b>YTD Totals</b>	<b>191</b>	<b>125</b>	<b>200</b>	<b>131</b>



IN 2



## RURAL BC PROJECT BACKGROUND PAPER

### RENEWABLE ENERGY PRODUCTION AND GREENHOUSE GAS EMISSIONS: BRITISH COLUMBIA'S NEW ERA OF ENERGY POLICY

*This background paper will help local governments, First Nations, and other stakeholders review and consider the opportunities and challenges that arise in the context of British Columbia's new era of energy policy*

#### CONTENTS

#### INTRODUCTION

1. PAST ENERGY POLICY IN BRITISH COLUMBIA
2. A NEW ERA IN ENERGY POLICY
3. WHAT IS THE CONNECTION BETWEEN ENERGY AND CARBON?
4. FIRST NATIONS AND LOCAL GOVERNMENT RESPONSES TO THE BC ENERGY STRATEGY
5. PROSPECTS FOR VENTURES IN RENEWABLE ENERGY AND CARBON OFFSET SERVICES
6. CONCLUSION

#### GLOSSARY

#### REFERENCES

#### INTRODUCTION

Today energy policy in British Columbia supports three related objectives: self-sufficiency in production and distribution of electricity, increased investment in energy from non-fossil fuel sources (clean energy), and reduction of emissions of greenhouse gases from carbon-based fuels. To realize this broad policy, the province is employing legislation as well as incentives. The *Carbon Tax Act* (Bill 37, 2008) on the purchase and use of fossil fuels and four legislative acts concerning emissions of greenhouse gases are key measures. Public sector organizations, under Bill 27, 2008 ("Green Communities"), must reduce net greenhouse gas emissions in their operations to target levels in 2010, 2012 and later. The act requires tax credits to be paid to households and businesses to make the *Carbon Tax Act* "revenue neutral." The Clean Energy Fund and the Pacific Carbon Trust offer additional incentives to support community engagement.

These and other legislative and policy directions are the foundation of the *Clean Energy Act (Bill 17, 2010)*, which, together with earlier energy legislation, will remake BC's energy landscape. This paper reviews these measures and draws attention to economic and social opportunities available to stakeholders in rural communities.

## **1. PAST ENERGY POLICY IN BRITISH COLUMBIA**

With the creation of the British Columbia Hydro Authority in 1961, the provincial government announced the policy of developing hydro-electric generation and transmission facilities through a crown corporation. Under this strategy, the province intended to become self-sufficient in electricity from renewable sources and to sell power at very competitive prices. Using the electricity bonanza, the provincial government also pursued policies encouraging utilization of timber, mineral and other resources in the rural regions. This economic strategy produced employment in construction of infrastructure, industrial facilities, and growing communities. Moreover, the royalties paid by resource industries for access to timber, minerals, oil and gas flowed to the provincial treasury. Under this strategy, rural communities found that prosperity was interrupted periodically by the down-side of economic cycles in world market demand for resource commodities.

By the early 1990s other forces began to cause changes in resource industry practices. First Nations increased their communications and legal efforts to be involved in decisions about the use of natural resources in traditional territories and their right to be involved in management of them. Public perceptions regarding stewardship of resources on public lands became increasingly critical of provincial policy and resource industry practices. The media often refer to the 1993 citizen-blockade of logging operations at Clayoquot Sound as the start of BC's "war in the woods."

Finally, by the mid-1990s, global climate change emerged as a theme of public discussion among British Columbians. (The 1990 energy Plan references greenhouse gas emissions and the BC Energy Council Report in 1994 focuses on how BC should manage climate change issues.) The International Panel on Climate Change confirmed through its long-term research that the burning of hydrocarbons produces emissions of greenhouse gases (primarily carbon dioxide) and add to the atmospheric layer of such gases which contribute in a significant and measurable way to warming of the earth's surface. For further information refer to the ("British Columbia Climate Action Charter -2007," which describes the government's rationale for taking action ([http://www.cscd.gov.bc.ca/ministry/docs/climate\\_action\\_charter.pdf](http://www.cscd.gov.bc.ca/ministry/docs/climate_action_charter.pdf)).

## **2. A NEW ERA OF ENERGY POLICY**

Fifty years after the establishment of BC Hydro, energy again occupies a primary place in the provincial policy agenda. Upon passing the *Clean Energy Act* into law in mid-2010, the province described the legislation as "setting the foundation for a new future of electricity self-sufficiency, job creation and reduced greenhouse gas emissions, powered by unprecedented investments in clean, renewable energy across the province. Bill 17 builds upon British Columbia's unique

heritage advantages and wealth of clean, renewable energy resources.” The *Clean Energy Act* supports a strategy which, in the decades ahead, will foster both production and conservation of energy while taking advantage of many renewable sources, including surface carbon, to achieve these objectives. Under the strategy, the province will both encourage and require action to reduce greenhouse gas emissions. Several earlier pieces of legislation support this “climate action” vision.

These measures include: *Environmental Management Act* (sections), 2003; *Greenhouse Gas Reduction Targets Act* (regulations regarding “carbon neutral government”) 2007; *Greenhouse Gas Reduction Act* (cap and trade) 2008; and *Greenhouse Gas Reduction Act* (renewable and low carbon fuel requirements) 2008. Another key piece of this series is the *Local Government Statutes Amendment Act* (2008), known as the “Green Communities” Act.

#### BOX 1

##### Legislation Supporting B.C.’s Climate Action Planning

- *Greenhouse Gas Reduction Targets Act (Bill 44, 2007)*
- *Greenhouse Gas Reduction (Cap and Trade) Act (Bill 18, 2008)*
- *Greenhouse Gas Reduction (Renewable and Low Carbon Fuel Requirements) Act (Bill 16, 2008)*
- *Carbon Tax Act (Bill 37, 2008)*
- *Greenhouse Gas Reduction (Vehicle Emissions Standards) Act (2008)*
- *Emissions Standards Statutes Amendment Act*
- *The 2008 Utilities Commission Amendment Act*
- *Local Government (Green Communities) Statutes Amendment Act (Bill 27, 2008)*
- *Wood First Act (Bill 9, 2009)*
- *Zero Net Deforestation Act (Bill 5, 2010)*
- *Clean Energy Act (Bill 17, 2010)*

This basket of legislation includes two broad goals. Bill 44, *Greenhouse Gas Reductions Target Act*, (Part 1, 5 [1]) requires “each public sector organization [to] be carbon neutral for the 2010 calendar year and for each subsequent calendar year.” The “carbon neutral public sector” and applies to provincial ministries, school districts, health authorities, colleges and universities, etc. **Carbon neutrality**<sup>4</sup> means that an organization or business has a net zero carbon footprint. That is, the total amount of carbon emissions released (as measured by amount of

<sup>1</sup> For a public sector organization **carbon neutral** refers to “reducing greenhouse gas emissions as much as possible and balancing the remaining emissions through the purchase of qualified offsets or GHG reduction projects” (“BC Climate Action Toolkit: *Workbook*”)

<http://toolkit.bc.ca/sites/default/files/Carbon%20Neutral%20Workbook%20v%202.pdf>.

carbon dioxide in tonnes) is less than amounts sequestered or offset by an organization. Carbon credits may be purchased to make up any difference between quantities released and sequestered or offset. Under the *Green Communities Act, Bill 27*, local governments are required to set greenhouse gas reduction targets, policies and actions in Official Community Plans as well as Regional Growth Strategies. Under the *Climate Action Charter* (refer to page 8) local governments volunteer to become carbon-neutral.

Through this combination of legislation and policy initiatives, the province intends to achieve several goals, as set out in the "BC Energy Plan: A Vision for Clean Energy Leadership" in early 2007. The Plan emphasizes:

- Environmental leadership – "clean or renewable electricity generation will continue to account for at least 90% of total generation (in BC)."
- Energy Conservation and Leadership – "combatting climate change through legislation and clean energy solutions."
- Energy Security – a provincial commitment to "electrical self-sufficiency by 2016" and the requirement for BC Hydro to "establish a standing offer program with a set purchase price for power projects up to 10 megawatts."
- Investing in innovation – "the new \$25-million Innovative Clean Energy Fund," and "the new BC Bioenergy Strategy."

In all, "the BC Energy Plan (has) 55 policy actions (which) focus on the province's key natural strengths and competitive advantages of clean and renewable sources of energy" (<http://energyplan.gov.bc.ca/>).

The province expects the strategy to create extensive business opportunities for several economic and social sectors: households, industry, commercial, public-sector organizations, and First Nations. At the same time, government strategy to implement these goals recognizes that there are planning as well as technical challenges that local governments and other entities will have to address. Some

examples are provided in PART 4 - FIRST NATIONS AND PUBLIC-SECTOR RESPONSE TO THE BC ENERGY STRATEGY.

<p><b>BOX 2</b></p> <p><b>Policy and Strategy Actions to Support B.C.'s Climate Action Planning</b></p> <ul style="list-style-type: none"> <li>– <i>Climate Action Charter (September, 2007)</i> - signed by local governments, UBCM and the Province of B.C.</li> <li>– <i>Pacific Carbon Trust</i> (established in 2008)</li> <li>– <i>Pacific Institute for Climate Solutions</i> (established in 2008)</li> <li>– <i>The Clean Energy Fund; Bioenergy Network; and \$100 million climate action and clean energy funding (2010 BC budget).</i></li> </ul>
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### 3. WHAT IS THE CONNECTION BETWEEN ENERGY AND CARBON?

We live in a world where energy generated from carbon-based fuels, largely “fossil fuels,” powers a significant portion of human settlement activity. Fossil fuels, primarily coal, oil, and natural gas, come from ancient carbon recovered from underground deposits. Carbon-based fuels are non-renewable except for surface carbon captured (sequestered) in wood and other organic materials. The use of these fuels requires burning (and other forms of oxidation) to release heat energy, which is put to work to power engines, heat buildings, and support catalytic processes. These uses release gases, primarily carbon dioxide, called greenhouse gases. Unless greenhouse gases are captured when generated, they escape into the atmosphere and add to the layer of such gases surrounding the earth. This layer has the effect of trapping outgoing heat from the surface of the earth and gradually warming the lower atmosphere. Many natural processes also release greenhouse gases; these include forest fires, decay of organic materials, emissions of livestock, volcanic eruptions, melting of permafrost, and changes in ocean temperatures.

### BOX 3

Energy Plan 2007 focuses sharply, but not exclusively, on environmental issues, and in particular greenhouse gas (GHG) emission issues. It indicates that the provincial government has accepted at the highest level that global warming is occurring; that it is occurring because of GHG emissions; and that the province ought to take steps to reduce GHG emissions in British Columbia. Where it is perhaps somewhat ambiguous is in whether such steps as outlined in the plan will have a net economic cost or benefit. (Lawson Lundell LLP, march 14, 2007)

As discussed in Part 2, the province is committed to a new energy era that requires sectors of the economy to achieve carbon neutrality. Energy users will need to take advantage of power generated from clean and renewable sources, while reducing and avoiding use of fossil fuel sources. There will be years of transition for economic and public-sector organizations striving to reduce their carbon footprints. For the foreseeable future, some sectors such as transportation, oil and gas exploration and production, mining, forestry and other industries will not be able to achieve carbon neutrality by modifying their operations. They will have to purchase verifiable carbon offsets from suppliers in order to meet carbon neutrality targets.

These suppliers may sequester carbon by managing types of land (forests, grasslands, wetlands, utility corridors, etc.) over long periods of time in such a way as to absorb or store (sequester) carbon dioxide. Suppliers of such *offsets* may be business entrepreneurs or social entrepreneurs (non-profit organizations); please refer to the “Climate Action Toolkit *Workbook*” for more information ([www.toolkit.bc.ca](http://www.toolkit.bc.ca)). Public-sector organizations are becoming involved as partners and owners of carbon offset services. They may have interests in selling carbon credits as well as claiming them for offsets that are needed to achieve net carbon-neutral status. An example is the Hartland Landfill Gas Utilization project ([http://www.crd.bc.ca/waste/documents/fcm\\_landfillgas.pdf](http://www.crd.bc.ca/waste/documents/fcm_landfillgas.pdf)). This corporation is a public/private partnership which produces energy from methane discharged by decomposing waste. “The power

project qualifies as 'green' since it produces no net new emissions and so indirectly offsets approximately 6,000 tonnes of greenhouse gas emissions per year."

Because the *Clean Energy Act* (together with earlier legislation) requires the reduction of greenhouse gas emissions and supports the provision of new sources of clean energy, rural regions have the opportunity to provide the sites for wind farms, run of the river electricity generating plants, and other power production facilities. Rural communities are the logical centres to provide workers, housing, education, and other services for the renewable energy growth the provincial economy needs. At the same time, those resource industries that cannot become carbon neutral in their operations will purchase carbon credits. It is in their interest to purchase credits from providers in the rural communities where the industries operate.

In 2008 the provincial government calculated that 57% of greenhouse gas emissions in British Columbia were from production and use of fossil fuels. In the near future the emphasis in energy consumption will be on substituting energy from renewable sources for energy generated from non-renewable sources. Fuel switching is an example. Because a number of resource industry operational models will not be able to eliminate greenhouse gas emissions (at least in the foreseeable future) there is potentially a large market for producing and selling carbon offset services.

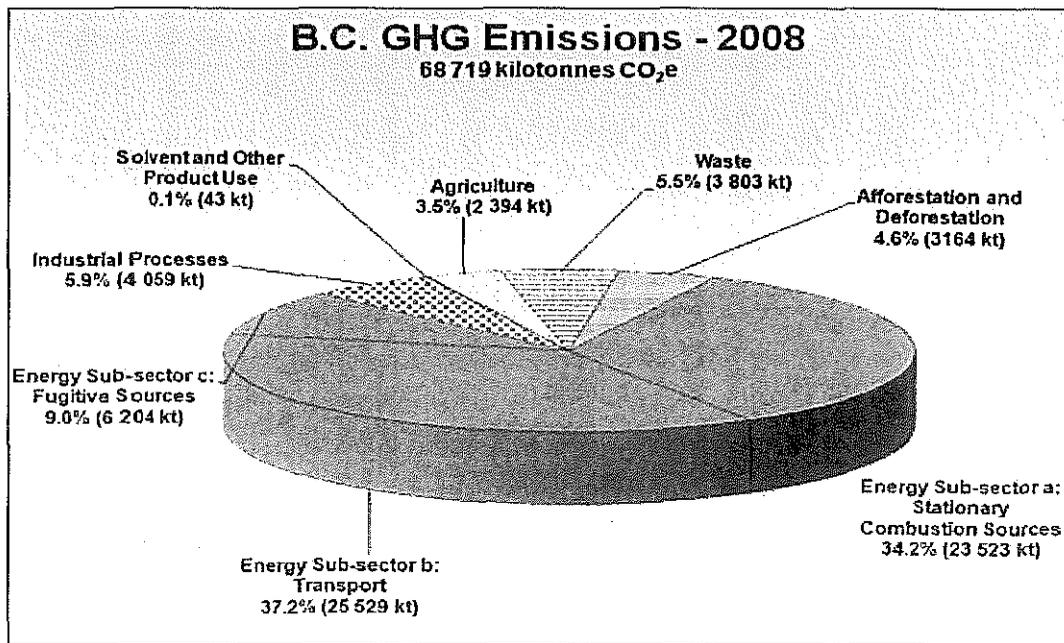


Figure 1: BC Greenhouse Gas Emissions by Sector (2008) – source: BC Ministry of Environment

The key connection between energy and carbon is that any carbon-based fuel used will produce greenhouse gases when “burned” (combusted). Strategies and methods that will reduce or eliminate emission of greenhouse gases offer financial advantages. Such advantages include

avoidance of carbon taxes, meeting greenhouse gas reduction targets (a concern particularly for public-sector organizations), possibly producing carbon-offset services that can be marketed, meeting corporate social responsibility goals, and ensuring a healthier local and regional environment.

#### **4. FIRST NATIONS AND PUBLIC SECTOR RESPONSE TO THE BC ENERGY STRATEGY**

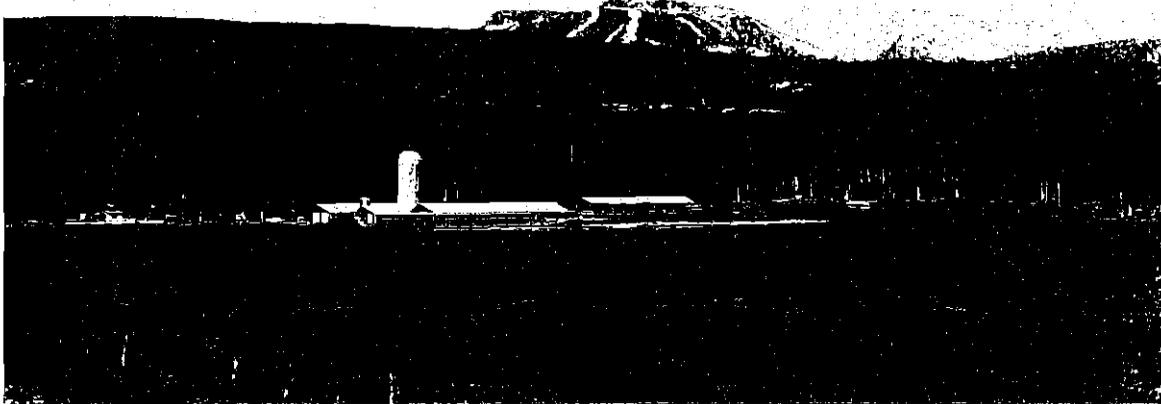
As discussed in previous parts of this paper, the *BC Energy Plan (2007)* and the *Clean Energy Act (2010)* support reducing energy demand (by avoiding waste), increased production of energy from renewable sources, and reduction of greenhouse gas emissions. Public-sector organizations have obligations to meet targets to reduce greenhouse gas emissions (*Greenhouse Gas Reduction Targets Act -2007* and *Local Government 'Green Communities' Statutes Amendment Act -2008*). Local governments are taking on the same challenge by signing onto the *Climate Action Charter* (refer to page 8). In contrast, First Nations, as a separate order of government, are not affected by this compelling legislation. However, both groups of communities are pursuing planning and implementation work as a result of this new policy environment.

A number of **First Nations** communities and organizations are adopting plans to reduce their greenhouse gas emissions and participate in clean energy projects. Some examples are:

- The West Moberly First Nations project, using solar panels to heat domestic water;
- The China Creek independent power project, developed by the Hupacasath First Nation on Vancouver Island;
- The Squamish First Nation's participation in the Furry Creek and Ashlu Creek hydro projects; and,
- The Gitga'at First Nation Community Hydro Project, to replace a diesel generator.

First Nations have formed and/or are participating in collaborations to advance clean energy and carbon offset initiatives:

- The First Nations Energy and Mining Council (2006) publication "Carbon Credit overview for First Nations" (January 2010) (<http://fnbc.info/sites/default/files/fck-uploads/file/FNEMC/Carbon%20101%20Final%20version%20November%2023%202009.pdf>).
- The First Nations Equity Fund (April 2010), which "will initially provide loans to BC first Nations to make direct equity investments in green energy projects" and in which partners are All Nations Trust, New Relations Trust and Nuw-Chan-Nulth Economic Development Corporation; the fund has start-up cash of \$5 million.
- The Aboriginal Energy Partnership between two Aboriginal capital corporations, Tale'awtxw Aboriginal Capital Corporation and Tribal Resources Investment Corporation and Ecotrust Canada Capital, a subsidiary corporation of Ecotrust Canada; the partnership will manage a \$7-million fund, of which the Aboriginal Energy Partnership and Ecotrust Canada will each contribute \$2 million and the federal Department of Indian Affairs and Northern Development will put in \$3 million.



**Public-sector organizations, especially local governments,** have been working with the provincial government to facilitate the implementation of the significant requirements of becoming “carbon neutral” within the time lines set out in legislation. A UBCM committee established in mid-2007 worked with the province to prepare the *Climate Action Charter* for adoption at the UBCM Conference in September, 2007. As of mid-2010, 178 local governments have signed the Charter which commits them to this “joint local-provincial strategy to mitigate climate change impacts through greenhouse gas reduction.”

This working relationship (between the UBCM and provincial ministries) has led to publication of the *BC Climate Action Toolkit* through collaboration with Smart Planning for Communities. The *Toolkit* is described as “*climate action tools for local government by local government in collaboration with UBCM.*” Public-sector organizations and others make frequent use of the resource. In 2010 the *BC Climate Action Toolkit* released “The Workbook: Helping Local Governments Understand How to be Carbon Neutral in their Corporate Operations, Version 2.” This resource provides step-by-step details for local governments to establish and carry out their strategies to become carbon neutral. The Ministry of Agriculture has prepared the “Agriculture Emissions Reduction Toolkit” to support the local government context.

Since late 2007 local governments have been adopting plans and implementing strategies to become carbon neutral in their operations as well as to achieve community-wide outcomes to reduce emissions of greenhouse gases. Key actions for carbon neutral operations include:

- Vehicle fleet management (reducing the size of vehicles and switching to fuels that reduce or eliminate greenhouse gas emissions);
- New approaches for the design of civic buildings (efficient lighting, intelligent buildings, low emission heating systems, solar-heated swimming pools); and,
- Adopting planning strategies that embrace land use and design strategies that will curb energy demand; for example, building district heating systems, opting for integrated

resource management of solid and liquid waste (less pumping, easier demand management, recycling), and infill development (more intensive use of existing infrastructure).

Local governments also are taking advantage of opportunities to produce energy by adapting existing infrastructure. Examples include:

- District of Elkford, which installed solar-powered circulators in its sewage lagoons;
- District of Lake Country, which generates hydro-electric power from a water reservoir;
- The China Creek hydroelectric project, in which the City of Port Alberni is a partner;
- The Hartland Landfill Gas Utilization Project, in which the Capital Regional District is a partner;
- The Quesnel Community Energy System (at the stage of proving the feasibility of a system using biomass to produce heat via a district system and generate electrical power), in which Fortis BC (formerly Terasen Gas) and West Fraser are partners.

Overall local governments are investing resources to comply with their obligations to achieve carbon-neutral operations. This is an onerous process of planning, obtaining statistical data and determining which strategies will reduce carbon emissions. In some cases, as noted above, local governments are getting involved in partnerships to produce carbon offsets. Nearly all projects, however, involve producing clean energy. Projects such as the Hartland Gas Utilization Project and the multi-party Quesnel Community Energy System project are examples of local governments being involved in carbon offset strategies that will be counted in their calculations as they strive to become carbon neutral.

First Nations are planning and implementing projects that support carbon-neutral community objectives. Most ventures are implementing strategies that use renewable ("green") energy production to reduce the reliance of their communities on fossil fuels. It is important to note that the First Nations Energy and Mining Council (2006) has published "Carbon Credit Overview for First Nations," a paper encouraging carbon offset enterprise as a feasible economic development strategy for First Nations. *The Clean Energy Act*, enables the creation of the First Nations Clean Energy Fund which has three broad objectives. It will provide capacity development funding to help First Nations engage in feasibility work and form partnerships. Grants may be made to qualifying First nations for equity involvement in projects; and revenue sharing agreements for land rents, water rentals and other land-related resources may be arranged.

## **5. PROSPECTS FOR VENTURES IN RENEWABLE ENERGY AND CARBON OFFSET SERVICES**

In 2002 the province published its plan, *Energy for Our Future: A Plan for BC*. This policy "stressed the importance of the private sector in power production...The B.C. government decided that the private sector is well positioned for power development, given its ability to find entrepreneurial capital, efficiently build and operate facilities, and take associated risks" (B.C. Ministry of Energy and Mines, *Energy for Our Future*, 2002, p. 30). Under the *Plan*, BC Hydro was required to establish the "Standing Offer Program" to purchase clean energy generated by independent power producers

with facilities of 10 megawatts or less”

([www.bchydro.com/planning\\_regulatory/acquiring\\_power/standing\\_offer\\_program.html](http://www.bchydro.com/planning_regulatory/acquiring_power/standing_offer_program.html)).

According to the Independent Power Producers Association of BC (now the Clean Energy Association of BC), as of April 2007, 781 projects were planned or under way at an estimated development value of \$117 billion. Currently 43 independent power projects are operating in BC.

While the clean energy sector, primarily run of the river electrical generation, has grown rapidly (encouraged by the Standing Offer Program at BC Hydro), there are reasons why this scenario could change. At current prices, the purchase of clean energy power at preferred rates affects the profitability of BC Hydro. Now, BC Hydro sells electricity at an average price of \$.061 per kilowatt hour. In the most recent proposal call for clean energy production, the median price was \$.0973 per kilowatt hour. In its most recent annual report (2010) BC Hydro did not show a profit from operations. Operations in 2009 also recorded a loss, unlike the long string of annual profits in previous years. Likely electricity rates will rise to enable a return to an operating profit. As well, the utility has to replace aging infrastructure and financing will be required.



Without the requirement under provincial energy legislation that BC Hydro provide the Standing Offer Program, the utility would have a reduced incentive to purchase power from independent clean energy producers, at least not at rates 30% above average prices for electricity sold. Certainly many of the more remote and higher-priced proposals will not proceed. However, BC Hydro will still have to produce and/or purchase more electricity from independent projects in BC to reach a point at which once again it can be a net exporter of electrical power.

In contrast, projects in the carbon offset sector must access financing based on the carbon markets. B.C. is committed to the Pacific Carbon Trust. The Trust stimulates carbon offset projects by issuing calls for offset services. In its *Carbon Offsets Opportunities in BC* (June 2010), the Trust announced that it is “aggressively sourcing BC offset projects to meet the demand for 1 million annual offset tonnes for the public sector”

(<http://www.pacificcarbontrust.com/LinkClick.aspx?fileticket=DOT1Piw6dGA%3D&tabid=124&mid=573>).

Most of the offset projects that have been approved and implemented focus on technology and design, with hybrid heating systems being the most common. Those ventures that concern use and/or conservation of land for offsets are at an early stage of development. For example, the Ministry of Environment has just released its *British Columbia Forest Carbon Offset Protocol - November 2010* as a draft for public review. The Protocol addresses the complexity of implementing a standard procedure for access to lands designated as forest lands and it clarifies how offsets may be achieved using various management protocols on Crown and private lands that meet the definition of "forest lands." Once approved, the protocol should have the effect of making it easier for carbon offset enterprises to be established on forest lands, primarily in the rural regions.

In addition to forest lands offset protocols, lands in agricultural use, grasslands, utility corridors, wetlands, bogs, and so on have the potential to be used in various ways to sequester carbon. Broadly speaking, all of these possibilities fall under the concept of 'living carbon conservation offsets.' "A conservation offset is a financial instrument aimed at reducing greenhouse gas emissions through the conservation of living carbon in natural ecosystems or increasing greenhouse gas removal from the atmosphere through restoring natural ecosystems."<sup>2</sup> First Nations and public-sector organizations have considerable responsibility to plan for the use and conservation of land. They can encourage and potentially participate in carbon offset ventures on appropriate landscape types.

#### BOX 4

##### *Forest Carbon Offset Protocol*

The Government of British Columbia has been developing a Forest Carbon Offset Protocol (FCOP) to guide the design, development, quantification and verification of B.C. forest carbon offsets from a broad range of forest activities on private and public land in B.C. Forest carbon is an increasingly significant component of climate action, and the protocol will ensure that forest carbon offsets developed in B.C. meet domestic and international quality standards. Given the importance of the forested land base in the province, this project is a key element in sustaining B.C.'s reputation as a leader in climate action in North America.

The FCOP project is led by the Climate Action Secretariat of the Ministry of Environment in collaboration with the Pacific Carbon Trust, the Ministry of Forests, Mines and Lands and the Ministry of Aboriginal Relations and Reconciliation. (<http://www.env.gov.bc.ca/cas/mitigation/fcop.html>).

<sup>2</sup> Penn, B., "Conservation Offsets: A Revenue Tool To Conserve Natural Areas, Watersheds and Community Resilience" (2010). The Land Trust Alliance of BC, Victoria B.C. (2010) p.4.e3

Other strategies that can create offsets involve manufacturing. By way of illustration, at the moment there is much research and commercial interest in *biochar*. Pyrolysis of wood waste and other forms of low-value biomass results in a form of charcoal of great value as a soil amendment, yet the production process is net carbon neutral or better and agricultural biochar sequesters carbon in the soil for hundreds or thousands of years.

## 6. CONCLUSION

The Beetle Action Coalitions are well situated (by mandate and governance) to investigate the social and economic values that may reside in carbon offset ventures, both those involving renewable energy strategies and those concerning the use and conservation of land. The joint involvement of the three coalitions in the Rural BC Project (RBCP) provides the opportunity to take on an inter-regional view of renewable energy and carbon offset strategies. Such an approach will help all rural communities consider if they should become involved in supporting or participating in carbon offset initiatives, and how that might occur. As well, communities ought to be prepared to review the potential liabilities as well as benefits that may occur if carbon offset strategies are pursued.

A number of factors suggest that this area of opportunity merits review by the Rural BC Project:

- The RBCP has a cross-regional view of social and economic issues and opportunities;
- BC's rural regions are being reshaped by the new era of energy policy;
- Because local governments which have signed the Climate Charter have committed to become carbon neutral in their operations, they may consider involvement in entrepreneurial strategies that will provide carbon offsets;
- Some First Nations are considering carbon offset enterprises suitable for traditional territories and reserve lands;
- It appears that many types of potential carbon offset services can be enterprises operated by local entrepreneurs including ranchers, farmers, woodlot and forestry companies, other land owners as well as a wide range of contractors;
- Carbon offset services appear to offer opportunities for local governments and First Nations to encourage economic activity and retain more of the economic benefits locally;
- Lands employed for offset services can serve other functions as well, including forestry, agriculture, parks, conservation areas, wetland/riparian areas, utility corridors, etc.;
- In addition to the public-sector market for purchasing offsets, there is a likelihood that the resource and transportation industries will have to purchase offsets. It will be very attractive to them if they can purchase services supplied by the regions in which they operate. In such a case there will be a large potential market for purchase of offsets that favours regionally-based and operating service providers.

Finally, the Rural BC Project should be aware that the potential market for carbon offsets and policy on taxing emissions is unsettled. The Pacific Carbon Trust notes in its *2011/12 -2013/14 Service Plan*:



"BC continues with action against climate change. BC's Ministry of Environment has released consultation papers in preparation for a cap and trade program with other WCI (Western Climate Initiative) partners. This could create a larger regional offset market for BC companies in addition to the sizeable BC market created by the province's public sector carbon neutral commitment. There is a level of risk leading various climate initiatives, and the introduction of a potential new regional market could create uncertainties in BC as policies continue to be defined and implemented.

The large demand for BC offsets presents challenges in this new and uncertain market. The market infrastructure - while expanding with suppliers, specialists, financial partners, project protocols and new technologies - is constrained by a lack of capital due to the recent recession and unclear policy in North America. New markets outside of BC, depending on offset rules, can compete for the supply of BC offsets or resources. These challenges could affect PCT's ability to deliver the high volume of verified quality offsets required in 2011." (Page 8).

### Glossary

**Biomass energy** Energy derived from organic materials such as wood, solids from sewage, alcohol, methane (also occurring in natural gas in fossil fuel deposits), cultivated materials such as switch grass, and other "surface carbon" from renewable sources.

**Carbon** An abundant element that appears in only a few pure forms, including diamonds and graphite. Carbon occurs in many compounds. Most common are carbon dioxide gas (CO<sub>2</sub>), coal (coal is nearly pure carbon; it often occurs in mixtures and sometimes as a compound) and the fractions of petroleum. The human body is about 18.5% carbon and trees are about 50% by dry weight.

**Carbon capture and storage** This term usually refers to capturing CO<sub>2</sub> (the most significant component of greenhouse gases, of which there are six) from large point sources such as coal-fired power plants or oil refinery operations. The CO<sub>2</sub> is then stored in some way to prevent it from entering the atmosphere.

**Carbon credit.** A carbon credit is any tradable certificate or permit representing the right to emit one tonne of carbon or carbon dioxide equivalent (CO<sub>2</sub>-e). Carbon credits and carbon markets are a component of national and international attempts to mitigate the growth in concentrations of greenhouse gases (GHGs).

**Carbon footprint.** A carbon footprint is “the total amount of greenhouse gases produced (by an organization, household, company, etc.), to directly and indirectly support human activities, usually expressed in equivalent tons of carbon dioxide (CO<sub>2</sub>).” [Time-for-Change.org. Niederurnnen, Switzerland].

**Carbon-neutral** A process is carbon-neutral if, when an organization, corporation or other entity calculates the level of carbon emissions from its operations, it takes steps to reduce or eliminate CO<sub>2</sub> as much as possible and, if need be, it buys carbon-offsets to reduce any remaining emissions to zero. A synonym is “net carbon-neutral.”

**Carbon offsets.** “A carbon offset is a measured reduction in emissions of greenhouse gases (GHGs), primarily CO<sub>2</sub>, achieved by various means including installing energy produced from renewable sources, or carbon emissions that are captured and utilized (e.g. methane from a landfill). Carbon offsets are available from service providers who have “verified” methods of reducing emissions of GHGs, especially CO<sub>2</sub>. What are carbon offsets? Put simply, they are credits that represent reductions in greenhouse gases via a carbon reduction project such as a wind farm or small hydro project. In projects of this type, energy is created by a renewable source, lessening the need for fossil fuel-based energy and thereby reducing greenhouse gas emissions. (Carbon Clear, United Kingdom)

**Carbon sequestration** Carbon sequestration involves natural processes in which carbon is absorbed through the growth of trees and other flora, by soil formation, in peat formation in bogs and wetlands, and by ocean organisms. Carbon also may be sequestered by mechanical means such as production of biochar (a form of charcoal with agricultural and other uses) and storage in underground reservoirs. “There are two primary types of carbon sequestration. Our program focuses on carbon dioxide capture and storage, where carbon dioxide is captured at its source (e.g., power plants, industrial processes) and subsequently stored in non-atmospheric reservoirs (e.g., depleted oil and gas reservoirs, unmineable coal seams, deep saline formations, deep ocean). The other type of carbon sequestration focuses on enhancing natural processes to increase the removal of carbon from the atmosphere (e.g., forestation). [Source: Carbon Capture & Sequestration Technologies at MIT.]

**Fossil fuels** Are fuels sourced from petroleum, natural gas, and coal. These are ancient deposits of carbon.

**Renewable energy** (also called “green energy”) Energy produced from non-fossil fuel sources, including wind, sunlight, hydro-electric generation, geothermal, tides, and biomass (surface carbon found in organic materials).

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NOTE: The International Panel on Climate Change ([www.ipcc.ch](http://www.ipcc.ch)) provides a scientific review of earth's climate issues. In 2007 the IPCC issued its fourth report, *Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change*, which provides details on the effects of climate change due to global warming. Research confirms that human settlement activity is a major contributor to the increase in greenhouse gases in the atmosphere.

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## RURAL BC PROJECT MANAGEMENT COMMITTEE

Don Bassermann, Chair, representing the Omineca Beetle Action Coalition (OBAC)

Gerry Theissen, OBAC

Grace McGregor, representing the Southern Interior Beetle Action Coalition (SIBAC)

Rhona Martin, SIBAC

Percy Guichon, representing the Cariboo Chilcotin Beetle Action Coalition (CCBAC)

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This paper was written by Tim Pringle, April 25, 2011

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The Rural British Columbia Project is a collaboration of organizations based in the rural regions. The Omineca Beetle Action Coalition is the Secretariat for the Project. For further information contact Sharon Tower, Corporate Officer, 250-960-6712 or email to [info@ominecacoalition.ca](mailto:info@ominecacoalition.ca).

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IN 3

RECEIVED

MAY - 9 2011

Cycle Cowichan  
c/o Cowichan Green Community  
181 Station Street  
Duncan, BC V9L 1M8

May 5, 2011

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

Dear Gerry Giles:

Cycle Cowichan recommends the Cowichan Valley Regional District (CVRD) prepare and adopt a bicycle network plan that spans all member municipalities.

The Ministry of Transportation and Infrastructure provides financial support for municipalities with a bicycle network plan. *"The Province provides support for cycling infrastructure for communities that have a bicycle network plan. Cyclists throughout British Columbia will benefit from new, safe and high-quality cycling trails, bike lanes, bike lockers and more, thanks to Bike BC, a \$31-million program for cycling infrastructure."* To access Cycling Infrastructure funds, a municipality must have a cycling network plan. *"Bicycle plans that have been adopted by a local government, and which will be incorporated into the next update of the official community plan, will be accepted as a bicycle network plan."* Information can be found on the Ministry's web-site, [www.th.gov.bc.ca/BikeBC/](http://www.th.gov.bc.ca/BikeBC/).

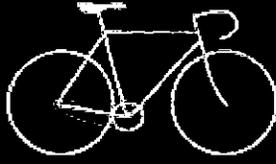
A bicycle network would resolve issues such as the recent introduction of bicycle lanes in North Cowichan on 'University Way'. To be useful, those lanes must connect with other cycle lanes and paths. Benefits include decreased automotive traffic congestion, improved health, and economic development. The economic development component comes from cycle tourists using restaurants and accommodation. For example, in Washington State, county governments are building and promoting a significant trail network and reaping the benefits of touring cyclists.

Recently, the CVRD held meetings to amend Official Community Plans (OCP) to reflect new environmental concerns. Vehicles were identified as the primary source of air pollution in the Cowichan. A cycling network should be part of the response and a component of the OCP.

Cycle Cowichan is a group of cyclists trying to improve cycling conditions in the Cowichan Valley. Our mission is to create a safe and positive environment for cycling and to encourage cycling as an effective, economical, health and environmental friendly mode of transportation.

The Province's cycling policy suggests the creation of a municipal bicycle advisory committee. Cycle Cowichan is prepared to be part of an advisory committee.

Received by:	Chair
Board:	JL
Date:	May 11/11
File #	



**CycleCowichan.ca**

Duncan BC

[info@cyclecowichan.ca](mailto:info@cyclecowichan.ca)

[twitter.com/cyclecowichan](https://twitter.com/cyclecowichan)

Cycle Cowichan emailed you on February 10<sup>th</sup> this same letter. We have not had a response and would appreciate your taking the time to review and respond to our request.

Sincerely,

Doug Orr  
Cycle Cowichan

IN 4

---

**From:** Laura Gale  
**Sent:** Thursday, May 05, 2011 8:34 AM  
**To:** Jennifer Hughes  
**Subject:** FW: 3-E-11DP Memo

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**From:** Colleen MacGregor [<mailto:c-macgregor@shaw.ca>]  
**Sent:** Thursday, May 05, 2011 7:29 AM  
**To:** Laura Gale  
**Subject:** RE: 3-E-11DP Memo

Hello Laura  
Please take me off of your mailing address. I am no longer a member of the APC.  
Thank you,  
Colleen MacGregor

---

**From:** Laura Gale [<mailto:lgale@cvrd.bc.ca>]  
**Sent:** Wednesday, May 04, 2011 11:38 AM  
**To:** Alternate Director Darin George; Ben Marrs; Colleen MacGregor; Dan Ferguson; David Coulson; David Tattam; Director Loren Duncan; Frank McCorkell, Chair; Keith Williams  
**Subject:** 3-E-11DP Memo

Dear APC Members,

The above attachment has been mailed to you for consideration at the next meeting of the APC.

Thanks,

Laura Gale  
Secretary  
Planning and Development Department

IN5

**Advisory Planning Commission Minutes  
Area D – Cowichan Bay**

<b>Date:</b>	April 20, 2011
<b>Time:</b>	7:00 PM

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

**PRESENT**

**ALSO PRESENT**

<b>Chair</b>	Calvin Slade	<b>CVRD Rep</b>	None
<b>Vice-Chair</b>	Kevin Maher		
<b>Secretary</b>	Dan Butler		
<b>Members</b>	Dave Paras	<b>Guests:</b>	Russ McArthur
	Brian Hosking		Mr. Parhar
	Cal Bellerive		
	Robert Stitt		
	Al Jones		
	Hilary Abbott		
<b>Absent</b>	Linden Collett		
	David Slang		
<b>Director</b>	Lori Iannidinardo		
<b>Alt. Director</b>			

**ORDER OF BUSINESS**

**1. Development Permit Application No. 6-D-08DP/RAR (Parhar Holding)**

**Presentation By the Applicant**

- The proposed Business Park Commercial development is materially the same as approved in the re-zoning application.
- The residential units will only have a balcony on one side.
- The building walls may be tilt up concrete instead of the originally proposed split face concrete block and stucco, however, the tilt up panels would be finished with materials similar to what was originally proposed.
- All storm water will be dealt with on site by the use of retention ponds, bio-swales and infiltration trench. Catch basins with oil separators will ensure no contaminants are released to the ground.
- Roofs will be metal.

**Questions/Discussion:**

- CVRD Parks has a new requirement for low maintenance, no water native vegetation on public pathways while the owner has proposed trees plus grass and plantings that will require maintenance and watering. Consensus was that deciduous trees similar to

- proposed were desirable but other plantings should be as per parks standard.
- Discussion about risks inherent in constructing a facility such as this on a flood plain. It was suggested this might be a CVRD policy issue rather than a subject covered by the development permit bylaw.
- Concerns expressed that tenants' roof top air handling equipment needed to be screened and not visible from the highway. The applicant undertook to ensure any such equipment would be concealed by recessing it into the roof framing on the sides of the buildings facing away from the highway.
- **Recommendation**

By a vote of 8-0, the members recommend that the Development Permit be approved subject to the following:

- The landscaping to be provided on the public property on Chaster Road consist of deciduous trees as shown on the landscape plan with the other plantings to be determined by Parks.
- All roof top equipment to be concealed within the roof structure and placed on the side of the roof facing away from the highway.
- A covenant be registered to protect buffer areas.
- The final landscaping be signed off by the Landscape Architect to confirm it complies with the approved landscape plan.

#### **NEXT MEETING**

Wednesday May 18, 2011 at Bench Elementary School

#### **ADJOURNMENT**

The meeting was adjourned at 8:30 PM

**Dan Butler**  
**Secretary**

ING

Meeting of the Area E Advisory Planning Commission (APC)

May 5, 2011, Glenora Community Hall 7:00 pm

Members Present: Dan Ferguson  
Ben Marrs  
Frank McCorkell  
Keith Williams

Also present: Will and Cherine Melville, Delinea Design Consultants;  
Greg Robson, and Sherra Robson, Applicants;  
Director Loren Duncan,  
Rachelle Moreau, CVRD Planner I

3-E-11 DP Greg's RV

Will Melville of Delinea Design Consultants presented the application highlighting design features of the proposed building, the colours and materials that will be used on the building, and the proposed landscaping.

The building will be constructed from pre-engineered steel, non-combustible material. It has been designed to include a variety of building materials, and the building is articulated to break up the mass of the building. Lattice screens have been added to the rear of the building to add interest and break up this wall.

APC members reviewed the application materials and posed questions:

- Whether the school would be disturbed from noise from the building, Mr. Melville noted that all the service bays are located internal to the development (on the north side of the building);
- What kind of lattice screen is added to the building? Substantial, not garden centre variety.
- Landscaping on Polkey Road? Applicants advised future development will occur in this area, and they will complete landscaping at that time.
- Underground wiring? Underground wiring is already in place on the site
- Height of the sign exceeds the guidelines? Highway is higher up than the sign so they lose some elevation, Mr. Robson advised that the electronic message board proposed was in reality probably too small to be useful, and that were agreeable with the manual message board sign.

The APC was generally pleased with the appearance of the proposed building, landscaping and signage. It was noted that the landscaping on Polkey Road was being requested in order to complete a past landscaping commitment, and that underground irrigation for all the landscaping was strongly recommended.

**Recommendation:**

*That the application be recommended for approval as per the proposed building plans which include lattice screens on the south side of the building; landscaping be installed per the revised plan dated May 5, 2011 and include underground irrigation; that a letter of credit be obtained for the landscaping; and the sign be manual message board instead of the electronic message board.*

INT 7

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



MAY - 9 2011

**DATE:** April 12, 2011  
**TIME:** 7:00pm

**MINUTES** of the Electoral Area I Parks Commission Meeting held on the above noted date and time in the Upper Hall, Youbou, BC. Called to order by chair at 7:05pm.

**PRESENT:**

- Chairperson: Marcia Stewart
- Vice-chairperson: Gerald Thom
- Members: Dave Charney, Dan Nickel, Ken Wilde

**ALSO PRESENT:**

- Director: Klaus Kuhn
- Alternate Director:
- Secretary: Tara Daly

**REGRETS:**

**GUESTS:** Trish Waddington

**ELECTIONS**

*Marcia Stewart was elected by acclamation to serve as Chairperson and Gerald Thom was elected by acclamation to serve as Vice-chairperson. The Commission congratulated Marcia on doing such an awesome job.*

**MOTION CARRIED**

**ACCEPTANCE OF AGENDA**

*It was Moved and Seconded to accept the agenda with the following additions:  
Under Delegations – Trish Waddington; Under New Business - ‘Mann Property Park Dedication’; also Under New Business – Stoker Park parking lot*

**MOTION CARRIED**

**ACCEPTANCE OF MINUTES**

*It was Moved and Seconded that the minutes of February 8, 2011 be accepted with the following amendment:  
on page 2 – ‘repairs to the Playfield’ not Stoker Park*

**MOTION CARRIED**

**DELEGATION**

T Waddington expressed great concern over the dust, dirt, and grime the many logging trucks are bringing into Youbou; between 9am and 10am this morning she had counted thirteen (13) trucks; Director Kuhn & George deLure have met with TimberWest representatives but there hasn't been too much headway; they aren't willing to install a 'washing centre'; they will have the sweeper from Mainroad Contracting to come through but the general consensus of the Commission was that that could be daily; Director Kuhn will be meeting with MoTI representatives and will question the permit holder's responsibility for entry from private road to public road; it may be necessary to contact media and/or protest by blocking the road; the situation is certainly ongoing with no obvious solutions as of yet; Director Kuhn will continue to pursue all avenues

**BUSINESS ARISING**

- **Land behind Firehall** ~ ATVs are desecrating the area; it is private land (owned by Youbou Lands); is to be an increase in Arbutus Park parkland; should be gated to discourage the ongoing abuse

**CORRESPONDENCE**

- NONE

**DIRECTOR'S REPORT**

- Town Hall meeting on May 4, lower hall, starting at 7pm (Emergency Preparedness presentation by Sybille Sanderson, CVRD, Public Awareness acting Manager)
- Director Kuhn has been appointed as CVRD representative on the Island Corridor Foundation
- Town of Lake Cowichan OCP draft has been given to the CVRD directors for comment; one main concern is the desire of the Town to expand its boundaries to include Meade Creek Industrial Property (Johel Bros.)

**COWICHAN LAKE RECREATION**

- the Arena is officially opened; a Programmer 1 (John) has been hired; two (2) full-time, one (1) part-time, and one (1) casual lifeguards have been hired working from June 27<sup>th</sup> to September 3<sup>rd</sup>

**CHAIRPERSON'S REPORT**

- minutes and budget papers were given to those members who hadn't attended the AGM with the following high-lites for members
- Youbou Lands is waiting for a Certificate of Compliance from MoE which could take up to six (6) months; the initial item on their agenda will be the bridge over Cottonwood Creek
- it was asked by a member of the public if it was possible to have Area I septic dumped into the sewer system at Woodland Shores; Director Kuhn had looked into it and found that sludge from septic tanks is not the same as sewerage and would ultimately have to be pumped from the system so is not feasible
- local people (Creekside) would like to see the development of Mile 77 Park suggesting beach (swimming) access, playground equipment, and tennis courts; as the park gets more used, those kind of improvements will be looked into
- M. Stewart attended the Regional District Parks' chairperson's meeting noting that Area I Parks are the only area that doesn't have a major project this year mostly because the parks that are used are in pretty good shape

**COWICHAN VALLEY REGIONAL DISTRICT**

- the playfield at Woodland Shores has been rolled, taking out the ruts, the irrigation system will be tested in the next week, the cost is anticipated to be about \$500 because there wasn't as much damage as initially thought
- contractor has begun aeration at Arbutus Park and Mile 77 Park
- washrooms will be open for the season on May 1<sup>st</sup>
- gatekeepers ~ G. Thom for Mile 77 Park, K. Wilde for Little League Park, D. Nickel for Sunset Beach Access & Nantree Park, M. Stewart for Arbutus Park & Hard Hat Shack, D. Charney for Swordfern Park & Marble Bay Park, Gillian Scott for Price Park, Director Kuhn for Denninger Trail, M. Stewart will contact Ed Deiekan for Stoker Park & the playfield
- new signs warning of elk in the area have been put up at Arbutus Park
- contractor is doing winter clean-up, liming
- does the Commission wish to have a work party to remove the sleeves on the seedlings and

pull broom on Bald Mountain? M. Stewart to contact Jack Casey from Scouts Canada to see if they are interested in this project. The trails on Bald Mountain have had trail bikes spinning out on corners, followed by rain causing ruts and washing outs, the trails needs some maintenance

- it was noted by CVRD staff that at Arbutus Park and Little League Park, the washroom buildings need painting and toilets need to be replaced

#### **OLD BUSINESS**

- **Font Board** ~ fluorescent tubes cannot be removed to dim the light
- **Park Commission Events** ~ think about it for this year; wasn't a great turn-out last year
- **Parking Lot at Stoker Park** ~ vehicles continue to cause problems along with a fire in the middle of the parking lot; it's hoped that the construction of some homes will limit further destruction

#### **NEW BUSINESS**

- **Parks Walkabout** ~ Sunday, May 1 meeting at 9am at Arbutus Park
- **Memorial Park Bench** ~ Myles Palliser confirms they have material for the bench for his father; Commission to bring forward ideas for the plaque at the next meeting
- **Mann Property park** ~ current covenant allows for a trail only, no access north or south; owners wish to swap the covenant along the water for a wider access between to greenspace areas; Commission wants to investigate further, a meeting will be set-up with Commission members and Parks staff
- **Student Crew 2011** ~ trail maintenance at Creekside including broom pulling and the same at Bald Mountain (if time permits); Commission will do some work at the entrances to Arbutus Park and Mile 77 Park
- **The Fire Department** did some hydrant flushing and washed away gravel at the east end of Mile 77 Park; it needs to be investigated and repaired
- **Park Projects 2011** ~ at least two (2) dedicated breakers in the power supply at Shack at Arbutus Park allowing for coffee makers; could parking lot at playground be levelled?
- think about other projects (5-year Plan) to be brought forward at May meeting
- Meeting Schedule for the rest of 2011 is May 10<sup>th</sup>, June 14<sup>th</sup>, July 12<sup>th</sup>, No August, September 13<sup>th</sup>, October 11<sup>th</sup>, November 8<sup>th</sup>, December 13<sup>th</sup>; the Parks Agenda will be put on the CVRD website

#### **ADJOURNMENT**

*It was Moved and Seconded that the meeting be adjourned at 9:10pm.*

**MOTION CARRIED**

#### **NEXT MEETING**

June 14, 2011

7pm at Youbou Lanes

/s/ Tara Daly  
Secretary

IN 8

Shawnigan Lake Parks and Recreation Commission  
**AGM**  
and **April 2011 Meeting Minutes**  
Thursday, April 28, 2011 – SLCC

**Attendees:**

**P&R Commission Members:** Al Brunet, Lori Trealar, Catherine Whittome, Bill Savage, Betty Lord (outgoing member), Margaret Symon (Chair), and newly elected member Gaileen Flaman

**Area B Director:** Ken Cossey

**CVRD:** Ryan Dias, Parks Operations Superintendent

**Guests:**

- Brian Jackson
- Sharon Starkey
- Bob Starkey
- Betty Lord
- Jim Lord
- Paul Latter

1. Call to order: 7:15pm - Add agenda item: previous AGM minutes (2009)
  - . Motion to accept 2009 AGM minutes. Passed.
  - . Introduction from Ken Cossey: Ken Cossey addressed those in attendance and remarked on role of Commission
1. Outline of current issues: Margaret Symon.
  - . Parks and Trails Master Plan. Job well done.
  - . \*Public access to lake. 74 + road ends to consider reclaiming.
  - . \*Silvermine <1 km to complete this year.
  - . \*Trail to Baldy Mountain
  - . \*Shawnigan Hills Athletic Park. Outlined site services to date and plans for changeroom/washroom building
    - . \*Shawnigan Beach Estates entrance way beautification project
    - . \*Old Mill Park community work party
    - . \*Subaru Triathlon (plans to change start/finish to village in 2012)
    - . \*Koksilah green corridor potential
    - . \*communications of park issues - Shawnigan Focus newspaper spearheaded by members of Commission
4. Election
  - . Nominations and acclamations for members: Gaileen Flaman, Bill Savage, Al Brunet, Lori Trealar, Catherine Whittome, Margaret Symon
  - . Betty Lord nominated – decided not to run. Thanks conveyed to Betty L for her service to the Commission.
  - . Nomination and acclamation for Chair: Margaret Symon, 1<sup>st</sup> Catherine W, 2<sup>nd</sup> Al B
5. Approved March 28 2011 Minutes:
  - Amendment: Development application requires wording "In favour of trails".
  - Minutes approved
6. **Business Items:**
  - Shawnigan Hills Athletic Park update and feedback of washroom/changeroom building

requested from Ryan Diaz. Requested to consider stall size, drainage in outside covered area and building colour scheme. **Action:** Ryan to provide Commission with amended floor plan and colour scheme and invite to "stake-driving"

7. **Area Directors Report:** Ken Cossey-

- Community Town Hall Meeting planned for Monday, May 30, 7pm at SLCC. 4 agenda items: invite Ministry of Transportation staff to speak to road issues; Elsie Miles building safety update; RCMP and Fire chief to speak to new Hall at south end, announce 4 dates for "Meet the Director".
- OCP community input attendance and survey respondents has been impressive and plan is to expedite the process with a public hearing in June and adoption in Sept/Oct.
- School District has extended authority of Elsie Miles school to CVRD for 50 years while CVRD works on eventual purchase.
- Advisory Plan Committee meeting on May 5 – Commission in favour of the approving officer of the Worthington Subdivision following the density bylaw.

8. **Return to Business Items:**

- . Baldy mountain Trail: Nearby property owner has drainage issues. CVRD Parks will determine options following professional assessment.
- . Old Mill Park: Al Brunet has contacts to take the lead on a community work project to take place over a weekend to clean-up park of invasive plants. Action: Ryan Dias to invite Commission to view park at same time as "stake-driving" event.
- . Memory Island: CVRD Parks summer crew to conduct FireSmart treatment and clean-up of park. Lori Trealar knows of an individual interested in assisting the clean-up as well.
- . Shawnigan Beach Estates entrance: Gaileen Flaman updated possible partnership with OUR Ecovillage's Permaculture program to provide students for design to be approved by CVRD and undertaken by volunteers organized by SBENA (Shawnigan Beach Estates Neighbourhood Association). Other points brought up include the SRA (Shawnigan Residents Association) having a volunteer database on its website and Parks to address resident encroachment of greenbelt in SBE (Shawnigan Beach Estates).
- . May 29 Shawnigan Subaru Triathlon: Catherine Whittome spoke of event requiring volunteers and potential to move next year to village. Volunteers still needed for this year's event. [www.triseries.ca](http://www.triseries.ca)
- . Boating safety signage: Graham Gidden, Parks Planning Tech, will be contacted by Commission to advise on coast of buoy or marker for West Arm.
- . Furlonge Property: Subdivision application between Furlonge and Elford. Partially landlocked. CVRD recommends Commission receives 5% cash in lieu of parkland designation. Approved by Commission.
- . Road ends beach access: Brian Farquhar, Manager Parks and Trails, to address with Ministry of Transportation

Meeting called to end at 9:12pm

Next meeting: May 19, 7pm SLCC

R IN 9

Minutes of the Cobble Hill Parks and Recreation Commission meeting held Thursday, April 28<sup>th</sup> 2011 in the dining room of the Cobble Hill Hall.

Those present: Chair – John Krug, Bill Turner, Vice Chair – Alan Seal, Dan Massen, Gord Dickenson, Annie Ingraham, Ruth Koehn, Lynn Wilson and Director Gerry Giles.

Guest: Chris Koehn – Evergreen Independent School

Chair Krug called the meeting to order at 7:09 p.m. with a request for the adoption of the agenda with the addition of budget allocations under old business.

Moved/Second  
that the agenda be approved as amended.

MOTION CARRIED

Moved/Second  
that the minutes of the April 7<sup>th</sup> 2011 parks meeting be accepted as distributed.

MOTION CARRIED

OLD BUSINESS:

1. An update on the Evergreen Sport Court was provided by Chris Koehn. The site location has been chosen and it parallels Watson Avenue. Chris also provided and overview of the design and budget. It has been determined by the CVRD that a geo tech and seal engineering set must be provided. The project has been accepted by the Timber Framers Guild and during the build a crew of between 20 and 25 timber framers will donate 10 days of their time to the project. This will become a huge community event. Concrete should be poured in July providing the permits are in place.
2. Work is currently underway at the Cobble Hill Common with Gord Truswell now doing the cat and roller work. After the machine levelling is done the next project will be removing and replacing the chain link fence with split rails along Fisher Road and installing a berm system along Holland Avenue.
3. An overview of the 2011 budget as it pertains to both Minor and Major Capital was undertaken by the commission. After reviewing the April 28, 2011 memo by Brian Farquhar on how to fund the various parks projects from the 2011 budget it was,

Moved/Seconded

that the \$16,610 surplus found in the 2011 budget be allocated to Minor rather than Major Capital.

MOTION CARRIED

Moved/Seconded  
that the Minor Capital budget be revised as follows:

Bike Park	\$ 8,500	
Watson Park Trail	5,000	
William Shearing Park	6,000	
Cobble Hill Common	<u>27,610</u>	
	\$47,110	MOTION CARRIED

4. Moved/Second  
that a separate line item of \$28,500 be established within the 2011 budget to enter into the playground partnership with Evergreen Independent School.  
MOTION CARRIED

Note: prior to the vote on this item Ruth Koehn excused herself from the room.

NEW BUSINESS:

**Quarry Nature Park** - the overall park layout tour of today's date was reviewed with the washroom location and types of amenities discussed. After due consideration, it was agreed that further discussion on the building design and layout would continue once the plans are received from Graham Gidden.

**BCSPCA Trail Ride** - will taking place on Sunday, May 1<sup>st</sup> and help with parking will be needed at 8:30 a.m. Please contact John if you can help. Twenty or more riders are expected and signup sheets are posted at various spots throughout the village.

**Cobble Hill Mountain/Dog Poop** is becoming a problem because of the amount of material not cleaned up.

Moved/Second  
that scoop the poop signs be installed by the bag dispenser at the yellow gate and another at the steam engine and another at the water tower.  
MOTION CARRIED

Moved/Second  
that parks staff install and maintain directional signs on the mountain to identify the various park trails.  
MOTION CARRIED

**The Directors Report** included the reopening of the Kinsol Trestle and the winner of the Rotary Draw.

Moved/Second  
that the meeting resolve into closed session.

MOTION CARRIED

Moved/Second  
that the meeting rise with no report.

MOTION CARRIED

It was reported that 47 volunteer hours have been donated to Cobble Hill's parks since the last meeting of April 7, 2011.

Next meeting will be held at the call of the Chair.

The meeting adjourned at 9 p.m.

---

John Krug, Chair

I N 10

**Area D Parks Commission General Meeting Minutes**  
**Bench School**  
**18 April, 2011**

Meeting called to order: 1813

**Present:** Kerrie Talbot, Roger Southern, Dave Nisbet, Bruce Clarke, Megan Stone, Lori Iannidinardo, Steve Garnett

**Absent:** Val Townsend

**Minutes from last meeting (21 March, 2011)**

Approved

**Letters**

1. From John Lofto re: Coverdale Watson basketball hoops. → Kerrie responded explaining that they just need to cure before the hoops are erected
2. From Ron Cooke re: Wilmot/ Cowichan Bay Rd walking trail → read out to Parks Commission

**New Business**

1. Motion: ask for Permit to Construct for off road walking trail starting from corner of Wilmot Road and Cowichan Bay Road, continuing up Wilmot Road and connecting with off road walking trail already in place at the top of Wilmot Road (called: Wilmot Road Trail). Motion passed.
2. Meeting on May 2<sup>nd</sup>, 2011, at the CVRD to meet OCP members & to discuss the Area D Park's master plan. Kerrie will contact Ann Kjerulf.
3. Agenda Point: the Commission would like to update the Master Plan

**Ongoing Business**

1. re: Park Place Trail. Amendment to last month's minutes: in light that builder is putting in 6' fence instead of 4' fence, the Commission hopes this will protect the ravine without the additional need for a walking path. Therefore, the Commission will return to the concept of an undeveloped wildlife corridor, and the Commission will monitor to make sure people are not dumping into it. The Commission would like to see a gate installed to keep the public out, but allow service people to access the pump station.
2. Funding for Bench School PAC's drive to upgrade playground equipment. Kerrie to contact Brian Farquhar re: options for donating \$10,000. (over 2 years @ \$5,000 per year).
3. Cowichan Estates Phase 2 update: 122 units approved with one multi family unit.

Meeting adjourned at 1935

Next Meeting on 16 May, 2011, at Bench School, at 6pm

I N 11

**Area D Parks Commission General Meeting Minutes**  
**South Cowichan Lawn Tennis Clubhouse**  
**March 21, 2011**

Meeting called to order: 1806

**Present:** Kerrie Talbot, Roger Southern, Dave Nisbet, Bruce Clarke, Megan Stone, Lori Iannidinardo  
**Absent:** Steve Garnett, Val Townsend

**Minutes from last meeting (Feb 21, 2011)**

Approved

**Presentations**

Ron Cook:

-represents local area group concerned about pedestrian safety at the corner of Wilmot and Cowichan Bay Rd. Wants to redesign the walkway so there is a safe walking trail. Action: Lori to contact Graham Gidden for his draft plan and estimate. Lori to send to MOT. Lori is meeting with Andy Newell and MOT this Thursday to go over the plan and reinforce the community's wish that this corner is made safer. Once MOT is onboard with the plan, Ron Cook and his community group will approach CBIA to ask for funds. Once all approved and costs are in place, Ron will return to the Parks Commission to ask for some funding. Motion: the Parks Commission believes this corner is dangerous and needs to be made safer for pedestrians. The Parks Commission supports moving forward with ameliorating this long standing issue. The Parks Commission also moves to request a permit to construct, from the MOT, for the corner of Wilmot Rd and Cowichan Bay Rd. Motion: Bruce. Motion carried.

Tanya Friese:

- president of PAC for Bench School. The PAC wants to expand its playground and make it wheelchair accessible. The PAC is requesting \$10000 in financial support from the Parks Commission. Parks originally supported this playground, financially, and is aware that the community uses this facility frequently. Plan: Kerrie to talk with CVRD to get updated budget so Commission able to determine amount that they are able to give. Action: The Parks Commission supports this request in principal and so supports the Area Director and Parks Commission Chair to decide the monetary amount to be given to the PAC, post budget discussion with the CVRD. The Commission also agrees the amount will be spread out over two years. The Chair will write a letter of support to the PAC by the end of April, including the funding amount that will be given.

## **Parks Commission's Response to Letters**

1) Ron Austen - request for comment on City of Duncan's bylaw 2084 (Proposed Public Health Smoking Protection Bylaw):

- while the Parks Commission cannot support such a broad bylaw, we do support the notion of banning smoking in recreation areas and in bus shelters.

2) Ryan Dias – re: Park Place

a) we do not support “wildflowers” to be planted in this area unless species native to this area are used

b) Kerrie to talk with CVRD about our trail budget so we may construct a trail between Longwood Ravine Park and back of properties #1 - #14. Trail to include a split rail with chicken wire on the back so dogs are kept out of the ravine

c) construction of this trail to be fast-tracked as Parks wishes this to be built before the houses are constructed. Parks wishes this, as the walkway will act as a barrier and protection for the Ravine.

d) In an effort create a pathway from our new trail through to Waldy Rd, we request the CVRD Parks department to approach the property owner for lot #20768 (off Waldy Rd) for pathway access from lot #14 and #15 through to Waldy Rd.

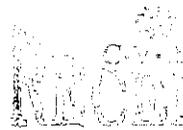
## **Ongoing Business**

Interpretive Centre: site meeting took place on March 14<sup>th</sup>.

Park Benches: Last email from CVRD stated the work was to be completed last week. Lori to email them again.

Meeting adjourned at 2220

Next Meeting on 18 April, 2011, at Bench School, at 6pm



IN 12

APR 13

Area A Parks and Recreation Commission  
Meeting  
March 17, 2011

Meeting called to order at 7:00pm

Regrets: Charley Boas, Greg Farley, and Roger Burgess

Additional attendees: Director Harrison

Guests: None

A. Minutes of March meeting: Agreed minutes from last meeting had not been distributed until Ocean Terrace review is completed and tabled for April meeting.

B. Continuing Business:

1. Role of Mill Bay Malahat Historical Society in local naming.

The Society has been invited to select names for Parks and Streets for approval and recommendation of Area A PRC. We will suggest names as well. They could provide us with a suitable "pool" of names from which to choose.

2. Ocean Terrace DPA:

The majority of the Commission plus Director Harrison and the applicant, Mark Wyatt, conducted a site visit on March 5, 2011.

The Commission feels that the Ocean Terrace plan presented at our February 17, 2011 meeting represents a substantial change from what was originally presented to the community in Spring 2006 in terms of parkland dedication, size and location of parks, the perceived inclusion of riparian area and highway buffer in the parkland dedication.

**The following recommendations (as well as those contained in the minutes of the February 17, 2011 meeting) are made to the Board:**

- That the applicant is required to adhere closely to the original proposal presented to the community in a series of open houses and public hearings in Spring 2006. This proposal emphasized a community with minimal vehicle traffic and comprehensive pedestrian corridors and multiuse trails with connectivity to parks, neighbourhoods and potential retail area. The concept of Smart Growth was the cornerstone of the original plan.
- That a bridge be constructed across the ravine to join the trail network in the neighbouring development (Baranti and Sentinel Ridge) as discussed with the applicant at previous presentations to the Commission in Spring 2006, a subsequent site visit to the property and in keeping with the proposed Area A Parks and Trails Master Plan.

3. Whittaker Property:

This land had been identified as potential expansion to the Mill Bay Nature Park and has been so identified in the draft Area A Parks and Trails Master Plan. A site review has been made by the

Commission and we found that the land does not have high value as a possible park. **The Commission recommends to staff to remove the property from the Parks and Trails Master Plan.**

C. New Business:

1. Noted that Area A park acquisition fund has received \$69,000 from the Meredith Road development.
2. Please remember to email Roger Burgess regarding hat and t-shirt order.
3. The Commission members would like to have copies of CVRD maps including:
  - Current parks
  - Riparian areas
  - Current zoning
4. Mill Springs Tot Lot:  
Park Phase One should be completed by the summer 2011. The children's play area will be constructed at a later date.
5. As a result of concerns about large-scale tree removal at the Ocean Terrace site before agreement on parkland is reached, **The Commission strongly supports the Board developing a tree protection by-law for Area A and research other tree protection by-laws in other communities in order to ensure that potential parkland can be protected from development and complete tree removal**

Meeting adjourned at 9:10 pm

IN 13

**MINUTES OF ELECTORAL AREA "G" (SALTAIR/GULF ISLANDS)**  
**PARKS COMMISSION MEETING**

**DATE:** March 8, 2011  
**TIME:** 7:00 PM

**MINUTES** of the Electoral Area G Parks Commission regular meeting held on the above noted date and time at the Water Board Building, Saltair, BC.

**PRESENT:**

Chairperson: Harry Brunt  
Secretary: Glen Hammond (filling in for Jackie Rieck)  
Members: Tim Godau, Paul Bottomley, Kelly Schellenberg

**ABSENT:**

Members: Dave Key, Jackie Rieck and Norm Flinton

**ALSO PRESENT:**

Director: Mel Dorey

**ACCEPTANCE OF MINUTES:**

It was Moved and Seconded that the Minutes of the Area G Parks Commission Meeting of February 14<sup>th</sup>, 2011 be accepted.

**MOTION CARRIED**

**APPROVAL OF AGENDA:**

Approved as submitted with addition re: Trans Canada Trail Update

**MOTION CARRIED**

## **STANDING REPORTS:**

### CVRD UPDATE:

Brief update regarding Ruxton Island for info only.

### CENTENNIAL PARK:

Need identified for more trees to be planted. Suggested that Kelly be requested to provide input regarding varieties of native trees and or others that should be planted. Need to organize a committee for the planting of the trees, it's timing and locations. Suggestion that some consideration be given to also plant some suitable fruit trees in support of the "Food Security" issues.

### PRINCESS DIANA PARK:

Reported that people continue to walk over the logs placed to close off the section of old trail that is on private property, rather than taking the new trail section. Suggested that more trees be planted in the closed area or resort to planting blackberries as a deterrent to continued traffic.

### STOCKING CREEK:

Mel advised that Ron Maddin would like to plant some rhodos and cherry trees at the entrance to the Trans Canada Trail near the location of the proposed water fountain at Finch Place. He is also willing to do the watering and maintenance of the plants. It was mentioned that approval is still needed from the Island Corridor Rail for the overall project.

### BEACH ACCESS:

Need for improved access at the Lagoon Bridge location of the Stocking Creek due to car traffic. Mel advised that Ryan Dias needs to contact DFO for permission of location proposed access improvement. Discussion of the issues of need to clear willows that have fallen onto the beach at bottom Bezan Rd Access and of the recently built retaining walls.

### LADYSMITH PARKS & REC:

No new report. Not sure whether Norm Flinton was contacted regarding their March meeting. Brief discussion of Geo Caching and the events planned for April regarding cleanup of garbage at end of Davis Rd and in September for Transfer Beach.

BASEBALL:

Work Party scheduled for April 10<sup>th</sup>, 2011 at 10:00 am.

DIRECTOR'S REPORT:

An over view of the Hal Laird rezoning property was provided by Mel Dorey, and the request to increase density ( R-3 to R-2 ) on that part of the property that is not zoned commercial. This will allow for 7 building lots. Approximately 55% of the total property will be donated to the CVRD for addition to the Stocking Creek Park.

**MOTION:**

**It was proposed by Tim Godau and seconded by Paul Bottomley to accept the rezoning proposal on the Laird property with 55 % of total property be deemed "parkland" be donated to the CVRD.**

**MOTION CARRIED**

NEXT MEETING:

Next meeting is scheduled for April 4<sup>th</sup>, 2011 at 7:00 pm Water Board Building Chemainus Rd.

**ADJOURNMENT:**

Meeting was adjourned at 8:20 pm.