



## ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,  
June 21, 2011  
Regional District Board Room  
175 Ingram Street, Duncan, BC

3:00 p.m.

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### AGENDA

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**8. NEW BUSINESS****9. QUESTION PERIOD****10. CLOSED SESSION**

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

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**11. 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. Iannidinaro  
 Director K. Cossey  
 Director I. Morrison

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

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

M1

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, May 31, 2011 at 3:00 p.m. in the Regional District Board Room, 175 Ingram Street, Duncan, B.C.

**PRESENT**

Director L. Iannidinardo, Chair  
Director I. Morrison  
Director K. Kuhn  
Director L. Duncan  
Alternate Director R. Burgess  
Alternate Director J. Krug  
Alternate Director M. Dietrich

Absent: Director M. Dorey, Director G. Giles, Director M. Marcotte,  
Director B. Harrison

**CVRD STAFF**

Tom R. Anderson, General Manager  
Ron Austen, General Manager  
Mike Tippett, Manager  
Rob Conway, Manager  
Brian Duncan, Manager  
Brian Farquhar, Manager  
Nino Morano, Bylaw Enforcement Officer  
Rachelle Moreau, Planner I  
Jennifer Hughes, Recording Secretary

**APPROVAL OF AGENDA**

The Chair noted changes to the agenda which included adding 3 items of listed New Business, and one additional item of New Business.

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 February 24, 2011, EASC meeting be adopted.

MOTION CARRIED

**M2 – Minutes**

It was Moved and Seconded that the Minutes of the May 17, 2011, EASC meeting be adopted.

MOTION CARRIED

**BUSINESS ARISING**

There was no business arising.

**STAFF REPORTS**

**R1 - Boe**

Nino Morano, Bylaw Enforcement Officer, presented staff report dated May 24, 2011, regarding 5963 Heger Crescent -- Notice Against Land Title (Carla Boe).

Carla Boe was present and provided further information to the Committee.

The Committee directed questions to the staff.

It was Moved and Seconded

On recommendation from the Building Inspector, authorization be given to file a Notice against Land Title for the property owned by Carla Boe located at 5963 Heger Crescent legally described as: PID 000-148-652, Lot 7, Plan 32436, Block 675, Cowichan Lake Land District.

MOTION CARRIED

**R2 - Dardengo**

Rachelle Moreau, Planner I, presented staff report dated May 24, 2011, regarding Application No. 2-I-11DVP (Roger Dardengo) to reduce the minimum interior side yard setback from 3.0 metres (9.8 ft) down to 1.8 metres (5.6 ft) at 11608 Cowan Road.

Roger Dardengo, applicant, was present.

The Committee directed questions to the applicant.

It was Moved and Seconded

That Application No. 2-I-11DVP by Roger Dardengo on behalf of Arturo and Maria Dardengo for a variance to Section 5.1(4) of Bylaw No. 2465 in order to reduce the required side setback from 3.0 metres down to 1.8 metres on Lot 2, Section 45, Renfrew District, Plan 21223 (PID: 003-519-511) be approved.

MOTION CARRIED

**R3 -Dowell**

Rachelle Moreau, Planner I, presented staff report dated May 24, 2011, regarding Application No. 18-B-10DP/RAR/VAR (Greg Dowell) to consider a request for variance to the Riparian Areas Regulation to locate a single family dwelling and boat shed wholly within the Streamside Protection and Enhancement Area (SPEA) located at Lot A, Cliffside Road.

Greg Dowell, applicant, was not present at the meeting but requested by telephone the day prior to the meeting that his Application No. 18-B-10DP/RAR/VAR be referred to the next EASC meeting.

It was Moved and Seconded

That Application No. 18-B-10DP/RAR/VAR (Dowell) be referred to the June 21, 2011, EASC meeting.

MOTION CARRIED

**R4 – Conner**

Rachelle Moreau, Planner I, presented staff report dated May 24, 2011, regarding Application No. 2-B-10RS (Daryl and Deborah Conner) to rezone the subject property from R-3 (Urban Residential) to C-2 (Local Commercial) for the purpose of establishing a restaurant, coffee bar and ice cream shop within the existing building located at 1845 Renfrew Road.

Daryl and Deborah Conner, applicants, were present and provided further information to the application.

The Committee directed questions to staff.

The Committee directed questions to the applicant.

It was Moved and Seconded

- 1) That CVRD Bylaws No. 3501 and 3502 for Application No. 2-B-10RS (Conner) be forwarded to the Board for consideration of first and second reading;
- 2) That the application referrals to the Ministry of Transportation and Infrastructure, Shawnigan Lake Fire Department, Lidstech Holdings, and Vancouver Island Health Authority be accepted;
- 3) That a public hearing be scheduled with Directors Cossey, Giles and Morrison appointed as delegates of the Board, following review by CVRD and Ministry of Transportation and Infrastructure of a parking plan designed by a registered architect or engineer that satisfies the requirements of the CVRD Parking Standards Bylaw No. 1001.

MOTION CARRIED

It was Moved and Seconded

That a letter be sent to the Ministry of Transportation & Infrastructure requesting that the crosswalk located across from Mason's Beach be upgraded for safety purposes prior to the oncoming summer season.

MOTION CARRIED

**R5 – Walter**

Mike Tippett, Manager, presented staff report dated May 24, 2011, prepared by Ann Kjerulf, Planner III, regarding Application No. 1-B-10RS (Michael Walter) to amend Zoning Bylaw No. 985 to permit a seven lot subdivision on a site currently zoned F-1 (Primary Forestry) and designated for Forestry in Official Community Plan Bylaw No. 1010, located on Riverside Road.

Michael Walter, applicant, was present and provided further information to the application.

The Committee directed questions to staff.

The Committee directed questions to the applicant.

It was Moved and Seconded

That Rezoning Application No. 1-B-10RS (Walter) be referred back to staff for further discussions with the applicant regarding the potential increase of additional parkland.

MOTION CARRIED

**R6 – Bryden**

Rob Conway, Manager, presented staff report dated May 24, 2011, prepared by Alison Garnett, Planner II, regarding Development Variance Permit Application No. 1-B-11DVP (Chad Bryden) to construct a 41 m<sup>2</sup> detached garage and are requesting a reduction in the front property line setback from 7.5 metres to 4.5 metres to the front property line at 2594 Lavina Road.

Chad Bryden, applicant, was present and provided further information to the application.

The Committee directed questions to staff.

The Committee directed questions to the applicant.

It was Moved and Seconded

That Application 1-B-11DVP, submitted by Chad Bryden, respecting Lot 2, District Lot 16, Malahat District, Plan 6090, to reduce the setback of a garage from 7.5 metres to 4.5 metres from the front property line be approved as proposed on the attached plans, subject to a legal survey confirming the approved setback distance, as required by CVRD Building Inspector.

MOTION CARRIED

**R7 – Lake Cowichan  
Fire Protection  
Service Amendment –  
Boundary Extension**

Staff report dated May 17, 2011, prepared by Kathleen Harrison, Legislative Services Coordinator, regarding Lake Cowichan Fire Protection Service Amendment – Boundary Extension.

It was Moved and Seconded

That "CVRD Bylaw No. 3495 – Lake Cowichan Fire Protection Service Amendment Bylaw, 2011", be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

**R8 – Local  
Government  
Elections 2011**

J.E. Barry, Corporate Secretary, presented staff report dated May 25, 2011, regarding Local Government Elections 2011.

Committee members directed questions to staff.

It was Moved and Seconded

That it be recommended to the Board:

1. That CVRD Bylaw No. 3504 – Election/Voting Procedures Amendment Bylaw, 2011 be forwarded to the Board for consideration of first three readings and adoption.
2. That CVRD Bylaw No. 3508 – Automated Vote Counting System Authorization and Procedure Bylaw, 2011 be forwarded to the Board for consideration of first three readings and adoption.
3. That pursuant to Section 41(1) of the *Local Government Act*, Kathleen Harrison be appointed Chief Election Officer and Rosa Johnston be appointed Deputy Chief Election Officer for the 2011 General Local Election and Other Voting.
4. That the Election Pay Rates Policy be amended by setting the Chief Election Officer's remuneration at \$1,500 and the Deputy Chief Election Officer's remuneration at \$1,000.

MOTION CARRIED

**R9 – Thetis Island  
Wharf Bylaw**

Tom Anderson, General Manager, presented staff report dated May 19, 2011, regarding A Bylaw to Regulate Wharf Services on Thetis Island.

It was Moved and Seconded

That the CVRD proceed with establishing a bylaw to regulate wharf services on

Thetis Island.

MOTION CARRIED

**R10 – Reserve Fund  
Bylaw for Electoral  
Area C Community  
Park Project**

Brian Farquhar, Parks and Trails Manager, presented staff report dated May 25, 2011, on behalf of Ryan Dias, Parks Operations Superintendent, regarding Reserve Fund Bylaw for Electoral Area C Community Park Project.

It was Moved and Seconded

That a Reserve Fund Expenditure bylaw be prepared authorizing the expenditure of no more than \$141,820 from the Community Parks General Reserve Fund (Area C – Cobble Hill) for the purpose of constructing a public washroom and site landscaping improvements; and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

**R11 – Proposed  
South Cowichan  
Official Community  
Plan**

Catherine Tompkins, Senior Planner, presented staff report dated May 25, 2011, regarding Proposed South Cowichan Official Community Plan.

Committee members directed questions to staff.

It was Moved and Seconded

1. That, in addition to previous referrals, the proposed South Cowichan Official Community Plan be referred to the Capital Regional District, the District of Highlands, the District of Saanich, The District of North Saanich, the District of Central Saanich, School District No.79 and the Islands Trust.
2. That the Board pass First and Second Readings of proposed Bylaw 3510 - South Cowichan Official Community Plan – applicable to Electoral Area A (Mill Bay/Malahat), Electoral Area B (Shawnigan Lake) and Electoral Area C (Cobble Hill).
3. That the Board pass the following resolutions:
  - a. "The Regional Board has reviewed the Planning and Development Department staff report of May 25, 2011 and has examined the proposed South Cowichan Official Community Plan in conjunction with the most recent capital expenditure program and applicable economic strategy plans and has found the proposed official community plan to be consistent with the capital expenditure program and economic strategy plans."
  - b. "The Regional Board has reviewed Planning and Development Department staff report of May 25, 2011 and has examined the proposed South Cowichan Official Community Plan in conjunction with the applicable waste management plans and has found the proposed official community plan to be consistent with the waste management plans."
4. That, in accordance with the requirements of the *Local Government Act*, Bylaw 3510 - proposed South Cowichan Official Community Plan be referred to the Provincial Agricultural Land Commission for comment;
5. That an Official Public Hearing be held for proposed Bylaw 3510 - South Cowichan Official Community Plan, in accordance with the requirements of the *Local Government Act*, on June 27, 2011 at 7:00 p.m. at the Kerry Park Ice Arena, at 1035 Shawnigan-Mill Bay Road, Mill Bay, B.C.;

6. That the Regional Board delegate the holding of the Public Hearing in accordance with the requirements of the *Local Government Act* to Electoral Area A (Mill Bay/Malahat) Director Brian Harrison, Electoral Area B (Shawnigan Lake) Director Ken Cossey, Electoral Area C (Cobble Hill) Director Gerry Giles, Electoral Area D (Cowichan Bay) Director Lori Iannidinardo, and Electoral Area E (Sahtlam/Glenora/Cowichan Station) Director Loren Duncan.

MOTION CARRIED

**INFORMATION**

**IN1 – Area F Resignations - Parks and APC**

It was Moved and Seconded  
That the resignation of Carolyn LeBlanc from the Area F Parks Commission be accepted and that a letter of appreciation be forwarded to Ms. LeBlanc.

MOTION CARRIED

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

MOTION CARRIED

**IN2 & IN4**

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

- Minutes of Area A APC meeting of May 10, 2011
- Minutes of Area F Parks meeting of May 12, 2011

MOTION CARRIED

**IN3**

It was Moved and Seconded

- 1) That the Minutes of the Area I APC meeting of May 3, 2011 be received and filed.
- 2) That the following recommendation from the Minutes of Area I APC meeting of May 3, 2011 *“That CVRD staff initiate the implementation of the posting of a substantial bond on all development adjacent to RAR areas as implemented in other jurisdictions (Kelowna, Shuswap Lake, Okanagan Lake).”* be referred to Planning Staff for investigation;
- 3) That Planning staff investigate the possible increase of the setback area to 7.5 m from the boundary of the SPEA.

MOTION CARRIED

**NEW BUSINESS**

**NB1 – Area B Parks Minutes**

It was Moved and Seconded  
That the Minutes of the Area B Parks meeting of May 19, 2011 be received and filed.

MOTION CARRIED

**NB2 – Grant in Aid**

It was Moved and Seconded

That a grant in aid, Area D – Cowichan Bay, be given to Frank Wilson/Palm Court Orchestra, in the amount of \$500.00 to assist with their Silver Jubilee Season 2011/2012 Presenting Concerts on Vancouver Island.

MOTION CARRIED

It was Moved and Seconded

That a grant in aid, Area E – Cowichan Station/Sahtlam/Glenora, be given to Frank Wilson/Palm Court Orchestra, in the amount of \$250.00 to assist with their Silver Jubilee Season 2011/2012 Presenting Concerts on Vancouver Island.

MOTION CARRIED

**NB3**

It was Moved and Seconded

That a grant in aid, Area D – Cowichan Bay, be given to Cowichan Community Land Trust Society, in the amount of \$1,000.00 to assist with the creation of the Interpretive Nature Centre for Cowichan Estuary.

MOTION CARRIED

**NB4 – Small Towns Conference**

It was Moved and Seconded

That any Electoral Area Director who is interested in attending the Saving Small Towns Conference in Qualicum Beach, be authorized to attend, including applicable expenses.

MOTION CARRIED

**RECESS**

The Committee adjourned for a five minute (5:15-5:20 p.m.) 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 5:20 p.m.

**RISE**

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded  
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 5:45 p.m.

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Chair

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Recording Secretary

D1

COWICHAN VALLEY REGIONAL DISTRICT  
ADMINISTRATIVE SERVICES DEPARTMENT

REQUEST FOR DELEGATION

APPLICATION DATE: JUNE 14, 2011

NAME OF APPLICANT: JANET YEE, Chairperson

ADDRESS OF APPLICANT: 1740 ARBUS TOWER TERRACE, MILLBAY, BC

PHONE NO.: 250-743-4499 eve / 250-701-8499 cell

REPRESENTING: Oceanview Improvement District  
Name of Organization

MEETING DATE: JUNE 21, 2011

COMMITTEE/BOARD NAME: EASC

NO. ATTENDING: 1

NO. WISHING TO MAKE A PRESENTATION: 1

TOPIC TO BE PRESENTED:  
REZONING OF F-1 LANDS (WEST SIDE OF TCH)  
of Bamburton Lands

NATURE OF REQUEST/CONCERN:  
- ADEQUATE ASSESSMENT OF <sup>IMPACT OF</sup> REZONING OF  
LANDS ADDED TO APPLICATION

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

D2

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**From:** Balaji Tatachari [mailto:tatach@shaw.ca]  
**Sent:** Thursday, June 16, 2011 12:41 PM  
**To:** Rob Conway; Mike Tippett; Tom Anderson  
**Cc:** Warren Jones; Joe Barry  
**Subject:** Request delegation status;

**Application – Request "Delegation" status to EASC meeting Tuesday, June 21, 2011**

**Application Date:** Thursday, June 16, 2011

**Name of Applicant:** Balu Tatachari

**Address of Applicant:** 1733 Arbutus Terrace  
Mill Bay, BC V0R 2P4

**Phone No.:** (250) 743 - 8813

**Representing (Org):** Friends of Saanich Inlet (FOSI)

**Meeting Date:** Tuesday, June 21, 2011

**Committee Name:** Electoral Area Services Committee

**No. Attending:** Three (3)

**No. Wishing to make a Presentation:** One (1)

**Topic to be presented:**

Comments relating to staff report (Bamberton); Yet to be released expediated and revised application for EASC consideration in the week of/beginning June 20, 2011

**Nature of Request/Concern:**

Revised application related.

**Additional comments:**

Please confirm delegation status ASAP. I will be happy to answer any questions or concerns pertinent to this delegation status.

Thank you,

balu (Chair)

Friends of Saanich Inlet

On the web: <http://friendsofsaanichinlet.org/>

D3

COWICHAN VALLEY REGIONAL DISTRICT  
ADMINISTRATIVE SERVICES DEPARTMENT

REQUEST FOR DELEGATION

APPLICATION DATE:

June 15, 2011

NAME OF APPLICANT:

Lisbeth Plant

ADDRESS OF APPLICANT:

Box 351, Cobble Hill VOR 1L0  
1462 Mile End Road  
250-743-7648

PHONE NO.:

REPRESENTING:

Cowichan Canine Behavior & Training  
Name of Organization Tyre Kennel Club

MEETING DATE:

June 21, 2011

COMMITTEE/BOARD NAME:

EASC

NO. ATTENDING:

1

NO. WISHING TO MAKE A PRESENTATION: \_\_\_\_\_

TOPIC TO BE PRESENTED:

Responsible dog ownership in the community

NATURE OF REQUEST/CONCERN:

Encourage CURD to support the promotion  
of responsible dog ownership in the community  
(see attached)

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

**APPLICATION DATE:** 15 JUNE 2011 (I presume?)

**NAME OF APPLICANT:** LISBETH PLANT

**ADDRESS OF APPLICANT:** BOX 351, COBBLE HILL, BC V0R 1L0 (1462 MILE END RD)

**PHONE NO:** 250-743-7648

**REPRESENTING:** COWICHAN CANINE BEHAVIOUR & TRAINING LTD; TYEE KENNEL CLUB

**MEETING DATE:** 21 JUNE 2011

**NO. ATTENDING:** 1

**NO. WISHING TO MAKE A PRESENTATION:** 1

**TOPIC TO BE PRESENTED:** RESPONSIBLE DOG OWNERSHIP IN THE COMMUNITY

**NATURE OF REQUEST/CONCERN:**

ENCOURAGE CVRD TO SUPPORT THE PROMOTION OF RESPONSIBLE DOG OWNERSHIP IN THE COMMUNITY.

**DETAILS:**

As we are making efforts to educate our local dog owning community in responsible dog ownership, we are wondering if perhaps the CVRD would consider supporting these efforts by giving responsible dog owners a rebate of on their annual dog license fee if:

- a) the dog has a Canine Good Citizen (CGN) certificate; and/or
- b) the dog has been spayed or neutered.

Say you give a 5-10% rebate for each, for a maximum of 10-20% rebate for a dog that is spayed/neutered **and** has a Canine Good Citizen certificate, which is not difficult to get. A dog with a CGN is a dog trained in basic good manners, nothing more - not pulling on leash, can sit and wait, be handled by a stranger and is comfortable around people. See below for more information about the CGN certification. Note that although the CGN test is sponsored by the Canadian Kennel Club (which promotes purebred dogs), ANY dog can get a CGN certificate, be it an officially registered purebred or a local "Heinz 57 mutt".

My suggestion is that in order to get the rebate, you would need to bring in your paperwork (vet's spay/neuter certificate and/or CGN certificate) when you pay your license fee. Both these documents have

the dog's and owner's name on them, so they cannot be used for another dog (unless falsified, of course).

In addition to the CGN events that may be offered in connection with dog shows, we can make CGN events available at the Cobble Hill Fall Fair, the Cowichan Exhibition, and perhaps also regularly at the dog parks around dog license fee paying-time. When CGN tests are organized in connection with dog shows, the fee is usually around \$25, but it is quite possible to keep the fee at a minimum. With a local, volunteer evaluator, we should be able to set the a very minimal fee to just cover the expenses of organizing the test (venue rental, if any, and printing of certificates, etc).

### **About the Canine Good Neighbour (CGN) Test**

The purpose of the Canine Good Neighbour Program test is to ensure that one of our most favoured companions, the dog, is accepted as a valued member of the community. Canine Good Neighbours can be counted on to present good manners at home, in public places and in the presence of other dogs.

Canine Good Neighbour training is fun, rewarding, and useful, and can enable owners to achieve a better relationship with their dogs.

The objectives of the CKC Canine Good Neighbour program are three-fold:

1. To increase awareness and appreciation of dogs as valued, contributing members of society.
2. To assist in teaching and promoting responsible dog ownership.
3. To certify that dogs conduct themselves in a manner, which is reliable and trustworthy in situations encountered in everyday living, be it around people, at home, in public, or in the presence of other dogs.

The program embraces both purebred and mixed-breed dogs and has been created to assist canine owners combat anti-dog sentiment which often targets dogs as a whole. Additionally, the program enhances community awareness of responsible dog ownership and the benefits associated with dog ownership.

The test is not a competition calling for precision performance by the handler and dog. Rather, it assesses the handler and dog's relationship together with the handler's ability to control the dog.

Dogs are evaluated on their ability to perform basic exercises as well as their ability to demonstrate good manners in everyday situations.

The Canadian Kennel Club encourages all dog owners to participate in this program, thereby ensuring that our beloved canines are welcomed and respected members of our communities.

### **General Test Information**

a) The CGN Tests are sponsored by local dog clubs, private dog training schools, pet therapy societies, community colleges, service organizations, pet supply stores, and some veterinary clinics.

b) Tests will be conducted inside or outside in everyday, busy locations such as shopping malls, hotels, community centres or parks. They are not conducted in quiet locations such as regular dog training halls.

c) The tests will demonstrate that a dog can respond to such commands as "sit", "down", "stay", "come" and "heel" and that they can be put into practice every day. A handler must work with a dog to achieve a response to these commands.

d) The evaluator assigns ratings to handlers and their dogs on a "Pass" or "Not Ready" basis.

e) Dogs must be at least 6 months old to participate in the test.

f) The test is non-competitive. Dogs are not required to have formal obedience training in order to participate in or successfully complete this test.

g) In order to pass, a dog must satisfy the evaluator that it is:

- One whose behaviour would be acceptable in one's home.
- One who would be welcomed as a neighbour.
- One who is well mannered in the presence of a variety of people, dogs and situations.
- One who is well groomed and allows examination and grooming.

h) Interaction between handlers and dogs during the tests is encouraged. Handlers may talk to their dogs and quietly assist them to perform the tests. The dogs must be attentive and respond to their handler's movements and words. An occasional tight lead is permitted, but constant straining is unacceptable. Hugs, pats and words of encouragement are welcomed.

i) Food, toys and other training aids are not permitted during testing.

j) Successful completion of this test does not mean that the dog/handler team is automatically deemed suitable for pet therapy visitation or work.

k) The CGN title does not form part of the dog's official registration papers. It is meant to reward the dog for having good manners, thereby gaining a greater acceptance of it in the community.

l) While the CKC encourages all dog owners to participate in this program, the CKC is not responsible for conducting a CGN test, or for any subsequent behaviour of tested dogs.

Sincerely,

Lisbeth Plant



R1

**ELECTORAL AREA SERVICES COMMITTEE MEETING  
OF JUNE 21, 2011**

**DATE:** June 10, 2011 **FILE NO:** 1-G-10RS  
**FROM:** Alison Garnett, Planner II **BYLAW NO:** 2500 & 2524  
Development Services Division  
Planning and Development Department  
**SUBJECT:** Rezoning Application No. 1-G-10 RS  
(Hal Laird for Christie)

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**Recommendation/Action:**

That staff be directed to organize a meeting with the Engineering and Environmental Services Department, the Area Director, the applicant and surrounding property owners, to explore the feasibility of constructing a community sewer system to service the proposed development and Saltair's core.

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

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

**Background:**

Location:	10830 Chemainus Road
Size of Land Parcel:	3.15 ha (7.7 acres)
Legal Description:	Lot 10, District Lot 31, Oyster District, Plan 4039, except part in plan 41287 (PID: 004-391-250)
Application Date:	November 5, 2010
Owner(s):	Keith Christie and Patricia Ritchie
Applicant:	Hal Laird
Existing Use of Property:	Vacant
Adjacent Properties:	North: Commercial South and East: Residential West: Stocking Creek and park
Road Access:	Chemainus Road
Water:	Saltair Water System
Sewage Disposal:	On site
Public Transit:	No scheduled service to the area
Fire Protection:	Chemainus Fire Service Area
Agricultural Land Reserve Status:	The property is not located in the ALR

Environmentally Sensitive Areas:	Stocking Creek is located on the subject property, defined as large riparian ecosystem (Environmental Planning Atlas 2000)
Contaminated Sites Regulation:	Detailed site investigation will be required; application can proceed through rezoning process
Archaeological Sites:	None identified in CVRD mapping
Existing Plan Designation:	Commercial and Suburban Residential
Proposed Plan Designation:	General Residential
Existing Zoning:	C-2 Local Commercial and R-2 Suburban Residential
Proposed Zoning:	new urban residential zone
Minimum lot size (R-2 zone):	0.4 ha with full community service; 1 ha without
Minimum lot size (C-2 zone):	0.4 ha with full community service; 1 ha without
Minimum lot size proposed:	0.4 ha with community water service only. Proposed density averaging would allow lots 1290 m <sup>2</sup> (0.3 acres) in size.

### Site Context

The subject property is located along Chemainus Road, in Saltair's commercial core. A large portion of the site is occupied by Stocking Creek, which runs north-south towards the western property line. The subject property has a split Official Community Plan designation and zoning: the portion of the site closest to Chemainus Road is zoned C-2 (Local Commercial), while the remainder, encompassing Stocking Creek, is zoned R-2 (Suburban Residential). The OCP designations of Commercial and Suburban Residential follow the same boundary.

In describing the land, there are effectively two distinct components of the lot. Beginning from the Chemainus Road frontage, the eastern side of the subject property has been highly altered by historical commercial land uses; early succession alders, invasive plants and piled materials are visible. There are no existing buildings. The eastern end of the lot is fairly level, but begins to slope towards Stocking Creek. A fairly level bench splits the slope in two parts. The large portion of the lot encompassing Stocking Creek consists of an intact and healthy riparian area. Informal walking trails travel through the subject property's riparian area, connecting to the public trails in Stocking Creek Park.

The subject property is one of several commercially zoned lots that make up Saltair's commercial core along Chemainus Road. Many of these lots are split zoned, with commercial zoning along the road frontage, and suburban residential zoning at the rear of the lots and along Stocking Creek. Few of these lots have been developed to their potential under current residential or commercial zoning. Existing businesses in the area include a general store and mini warehousing operation. North of this commercial block is a pocket of eight lots zoned R-3 (General Residential). The area is otherwise characterized by Stocking Creek parkland.

### Proposal Overview

The applicants are requesting that a portion of the commercial zone, as well as the entire suburban residential zone, be amended to create a new residential zone that would permit a 7 lot residential bareland strata subdivision. The density averaging provisions of the *Strata Property Act* would permit lots approximately 1290 m<sup>2</sup> (0.3 acre) in size.

A 0.4 ha (1 acre) sized lot immediately along Chemainus Road would retain the commercial zoning and OCP designation. Originally, an application to subdivide the commercial lot in fee simple has been submitted to MOTI, however due to inadequate sewage disposal potential on the 0.4 ha lot, it is now being included in the strata development proposal.

#### **Site Access**

The conceptual plan of subdivision shows site access to the residential lots via a private strata road connecting to Chemainus Road. The proposed strata road is 10 metres in width, as it is not subject to the same public road design standards set by the Ministry of Transportation and Infrastructure.

The commercial lot fronts directly on Chemainus Road, and therefore access permits could be applied for through Ministry of Transportation and Infrastructure, as required for customer traffic and loading trucks. Duplication of access points along Chemainus Road is identified as a concern by Planning staff, and Ministry of Transportation and Infrastructure. This issue is further discussed later in this report.

#### **Water and Sewer Servicing**

The subject property is located within the CVRD operated Saltair Water System Service Area, and the applicants have indicated that the seven proposed lots would connect to this system.

In terms of sewer servicing, the applicants are proposing a shared on-site septic system. The system would be located on strata common property, on the level bench area between the residential lots and Stocking Creek. A report by Victor Proctor of Blue Mountain Engineering, entitled "Onsite Sanitary Waste Rationale", has been submitted, which describes soil type, amount and type of effluent, and type of treatment system. Essentially, a septic tank, "biobarrier" membrane, and pump would be located on each strata lot, and effluent from the seven strata lots and commercial development would be dispersed to the common property located to the west of strata lots 5, 6 and 7.

#### **Parks and Trails**

As part of the rezoning application, the applicants are offering to dedicate 1.74 hectares of land to the CVRD, representing 55% of the subject property. The proposed land dedication encompasses Stocking Creek and a 30 metre riparian buffer on both sides of the creek, and would contribute to the existing Stocking Creek Park. The density averaging calculations of the proposed bare land strata subdivision include this land intended for parkland dedication.

Public access to the park would be available by a statutory right of way across the common property road, which would connect to a 4 metre trail between strata lots 4 and 5. The trail would be dedicated as a separately titled lot. The proposed parkland dedication is shown on the attached plan of proposed development.

#### **Rainwater Management**

A drainage study by Blue Mountain Engineering is attached to this report, which details plans to manage rainwater generated from development of the commercial lot, the seven proposed residences, road, and driveways. Combined, the proposed development represents a 25.7% increase in impervious surfaces. The plan proposes to collect the rainwater from these areas, and direct it to an infiltration chamber, with storm event overflow directed to an existing ditch on the southern property line. The drainage study proposes to locate the infiltration chamber and overflow swale on the 4 metre trail dedication. The applicants have been advised that this infrastructure would have to be located on strata property as opposed to CVRD parkland.

## Policy Context

### Official Community Plan

The Saltair/Gulf Islands Official Community Plan Bylaw No. 2500 identifies the following policies in the Suburban Residential Section:

- 7.2 *The minimum parcel size in the Suburban Residential Designation will be not less than 1 hectare for parcels not connected to a community water system, and 0.4 hectare for parcels connected to a community sewer system.*
- 7.7 *The OCP does not support the concept of "density averaging" (the concentration of development opportunity permitted on an entire parcel onto a portion thereof) for lands in the Suburban Residential Designation.*

If this application were successful, a General Residential OCP designation would be required to accommodate the proposed density. General Residential policy 8.2 states:

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

The OCP's Liquid and Solid Waste Services policies include:

- 18.4 *The OCP does not support the creation of joint or shared septic tanks and fields for more than one dwelling in the OCP area, with the exception of shared septic fields for secondary suites within a dwelling unit or unless there has been a failure of an existing septic tank/field system and no other alternative exists.*

The Natural Environment section states:

- 3.10 *The OCP considers stormwater management to be a top priority for new development proposals. Where possible, landowners are encouraged to develop on-site stormwater retention systems to reduce off-site stormwater runoff. Any new development in Saltair should undertake to prevent stormwater runoff onto adjacent parcels.*

In Section 14, Parks and Trails, objective c) is to continue to place a high priority on the expansion of Stocking Creek Park.

Policy 14.3 b) *The Board will only consider parkland explicitly accepted as such by the CVRD as counting towards the 5% park dedication required by the Local Government Act. Lands such as returns to Crown and environmental setback areas will not be counted in the 5% calculation.*

## Zoning

Assuming the proposed parkland is included in the density averaging calculation, the existing R-2 zone would permit a 3 lot bareland strata subdivision. A Zoning Bylaw amendment is required in order to increase the lot yield to seven lots being proposed.

The R-3 zone's 0.4 ha minimum lot size (with community water connection only) would permit the 7 proposed lots. The permitted uses in the R-3 zone include:

- 1) Single family dwelling
- 2) Bed and Breakfast accommodation

- 3) Buildings and structures accessory to a principal permitted use
- 4) Residential day care centre
- 5) Home-based business
- 6) Horticulture
- 7) Secondary suite on parcels 0.4 ha or larger

Alternatively, a new zone within the General Residential Plan designation could be introduced to the Area G Zoning Bylaw, which is specifically tailored to this proposal.

#### ***Development Permit Areas***

Development of the subject property, including subdivision, would be subject to the Stream Protection Development Permit Area, in accordance with OCP Bylaw No. 2500. The applicants have already submitted a draft Riparian Areas Assessment, which assigns Stocking Creek a 21 metre Streamside Protection and Enhancement Area (SPEA). We note that no construction is proposed in the 30 metre riparian assessment area, as the riparian area would be dedicated as parkland.

The Stormwater Management Development Permit Area, as outlined in Section 20.6 of the OCP, may apply to the subject property if this application is successful. This DPA pertains to recently subdivided lots less than 0.2 ha in size within the General Residential Plan designation. The Stormwater Management DPA provides guidelines for minimizing the generation and runoff of rainwater flows by limiting site imperviousness (roofs, paving, etc.), encouraging natural soils and vegetation to be maintained on site, and implementing engineered stormwater management measures.

The *Local Government Act* also grants development permit powers for intensive residential development, which could be implemented to create form and character guidelines for this proposal. Issues that could be addressed through an introduced development permit area include underground utilities, landscape buffering against adjacent commercial uses, street trees, pedestrian safety, crime prevention through environmental design, etc.

#### **Advisory Planning Commission**

The Area G APC minutes from their meeting held February 10<sup>th</sup>, 2011 are attached to this report. The APC raises various issues, including sewage treatment, stormwater management, and land use policy, but are overall supportive of the application.

#### **Referral Agency Comments**

This application was referred to government agencies on December 14, 2010. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation – No objection. Applicant to apply to the Ministry of Transportation and Infrastructure for one commercial access to Chemainus Road. Any additional accesses to the commercial development will require reciprocal easement agreements over the common strata road.
- Chemainus Volunteer Fire Department – We would like to have a fire hydrant put on the corner of Chemainus Road and the proposed common property access road, on the south side of the access road.
- School District No. 79- *No comments received.*
- Chemainus Nation – *See attached email.*

- Vancouver Island Health Authority – *Approval not recommended: The current plan does not meet the intent of our Standards. If application is made to the MOTI, I normally would see this proposal through the referral process to evaluate the proposed common septic area.*
- CVRD Engineering and Environmental Services Department – *Approval recommended subject to conditions: This property is within Saltair Water System which is capable of providing service for seven additional properties. Currently, the CVRD does not own or operate a sewer service area in this area. Water Management agrees with Planning and Development that “By nature of being shared, strata septic systems often suffer from lack of maintenance and investment”. Water management would consider operating a small sewer system; however sewage treatment must be to a Class A effluent standard and meet minimum 50 homes (or equivalent size). I understand that this development does not meet this size, however if adjacent development met a 50 lot minimum, we would entertain a small community sewer system.*
- CVRD Parks, Recreation and Culture Department – *See attached staff memo and revised Parks Commission motion.*
- CVRD Public Safety Department – *See attached memo*

### **Development Services Division Comments**

#### **Site Access**

This application is proposing to develop a residential subdivision in Saltair’s core largely in isolation of future commercial uses, which raises the concern duplicating vehicle access points along Chemainus Road. Should staff be directed to draft amendment bylaws, we recommend that measures be taken to ensure that a single access point be shared by the proposed commercial lot, the 7 residences, and the commercial lot to the north. This could be accomplished through dedication of a portion of the private road to MOTI, or registration of reciprocal easements to grant legal access.

#### **Public Safety**

The Chemainus Volunteer Fire Department recommends a fire hydrant be installed at the corner of Chemainus Road and the proposed strata road. CVRD Engineering and Environment department has stated that installation of fire hydrant could be made a condition of connecting the residential units to the Saltair Water system. The Chemainus Fire Department also confirmed that the strata road’s width is sufficient for emergency vehicles.

#### **Amenity Commitments**

Should this application proceed, the parkland dedication commitment should be secured through registration of a covenant on the subject land prior to bylaw adoption. The covenant would require transfer of lands in fee simple ownership to the CVRD at time of subdivision. The covenant should be drafted prior to public hearing to ensure the amenity contribution is clearly defined. Further, the rainwater management plan proposed by Blue Mountain Engineering would have to be revised, such that all rainwater management infrastructure is located on strata property, and not on land to be dedicated to CVRD.

In 2007, the Saltair District Ratepayer’s Association and Area G APC produced a document entitled “A Proposed Vision for Central Saltair: Analysis of a Community Survey”. In that survey, 73% of respondents agreed that an outdoor area that promotes a sense of community (landscaping, benches, bus shelter, etc.) should be included in development in the Saltair Core. At this point, no outdoor features have been proposed in this application.

### ***Sewer Servicing***

The Area G Official Community Plan identifies the subject property's location as part of the commercial focal point of Saltair. Generally speaking, this proposal fits community planning principles that encourage a mix of residential and commercial uses in a community core. However achieving a mix of higher housing densities and commercial development in a village core is problematic without appropriate sewer servicing in place. The strata sewer system proposed in this application is inconsistent with the Liquid Waste Policy 18.4, which states "*the OCP does not support the creation of joint or shared septic tanks and fields for more than one dwelling in the OCP area, with the exception of shared septic fields for secondary suites within a dwelling unit or unless there has been a failure of an existing septic tank/field system and no other alternative exists*". The risks presented by shared septic systems have been identified by the community through OCP policy, and are reinforced by the comments received from CVRD Engineering and Environment department and Vancouver Island Health Authority.

A primary concern is the long term environmental impact of a strata septic system adjacent to Stocking Creek. These systems are not regulated by the CVRD, and lack of investment and maintenance has potentially detrimental effects on the area's groundwater and watercourses. Bareland strata subdivisions that meet minimum lot size of a zoning bylaw are commonly approved if technical requirements of VIHA and MOTI are satisfied. However, with the request for additional density, the CVRD is effectively being asked whether density averaging and common property septic fields are an appropriate form of development in this community.

As the location of the subject properties is one where development is supported, further work could be done by the applicant in conjunction with staff and adjacent property owners, to assess the possibilities of a sewer system that meets the CVRD's high standards for treatment and environmental protection.

### **Options**

#### *Option A:*

That staff be directed to organize a meeting with the Engineering and Environmental Services Department, the Area Director, the applicant and surrounding property owners, to explore the feasibility of constructing a community sewer system to service the proposed development and Saltair's core.

#### *Option B:*

1. That draft bylaws be prepared and presented at a future EASC meeting.
2. That a covenant be registered on title that would ensure the sewage treatment system produced Class A effluent.
3. That the drainage study be revised such that all proposed rain water management infrastructure is removed from proposed parks area and relocated to strata property.
4. That a draft covenant be submitted respecting parkland dedication and public access.
5. That a draft covenant be submitted to ensure dedication of private road to MOTI at time of subdivision, to prevent duplication of access points along Chemainus Road.
6. That the applicants agree in writing to the costs associated with installation of a fire hydrant, in a location suitable to the CVRD.
7. That if this application proceeds to subdivision approval process, that the request for an Archaeological Overview Assessment be forwarded to MOTI, and the results of any assessment be communicated to the Stz'uminus First Nation.

8. That application referrals from Vancouver Island Health Authority, Ministry of Transportation and Infrastructure, Chemainus Volunteer Fire Department, School District No. 79 and Chemainus First Nation be accepted.

*Option C:*

That Rezoning and OCP Amendment Application 1-G-10RS (Laird for Christie) be denied, and that a partial refund be given to the applicant in accordance with CVRD Development Applications Procedures and Fees Bylaw No. 3275, due to this proposals inconsistency with the OCP's Liquid Waste policy against shared sewer systems.

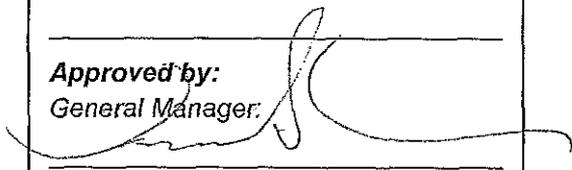
**Staff recommend Option A.**

Submitted by,



Alison Garnett, Planner II  
Development Services Division  
Planning and Development Department

AG/ca

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



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.

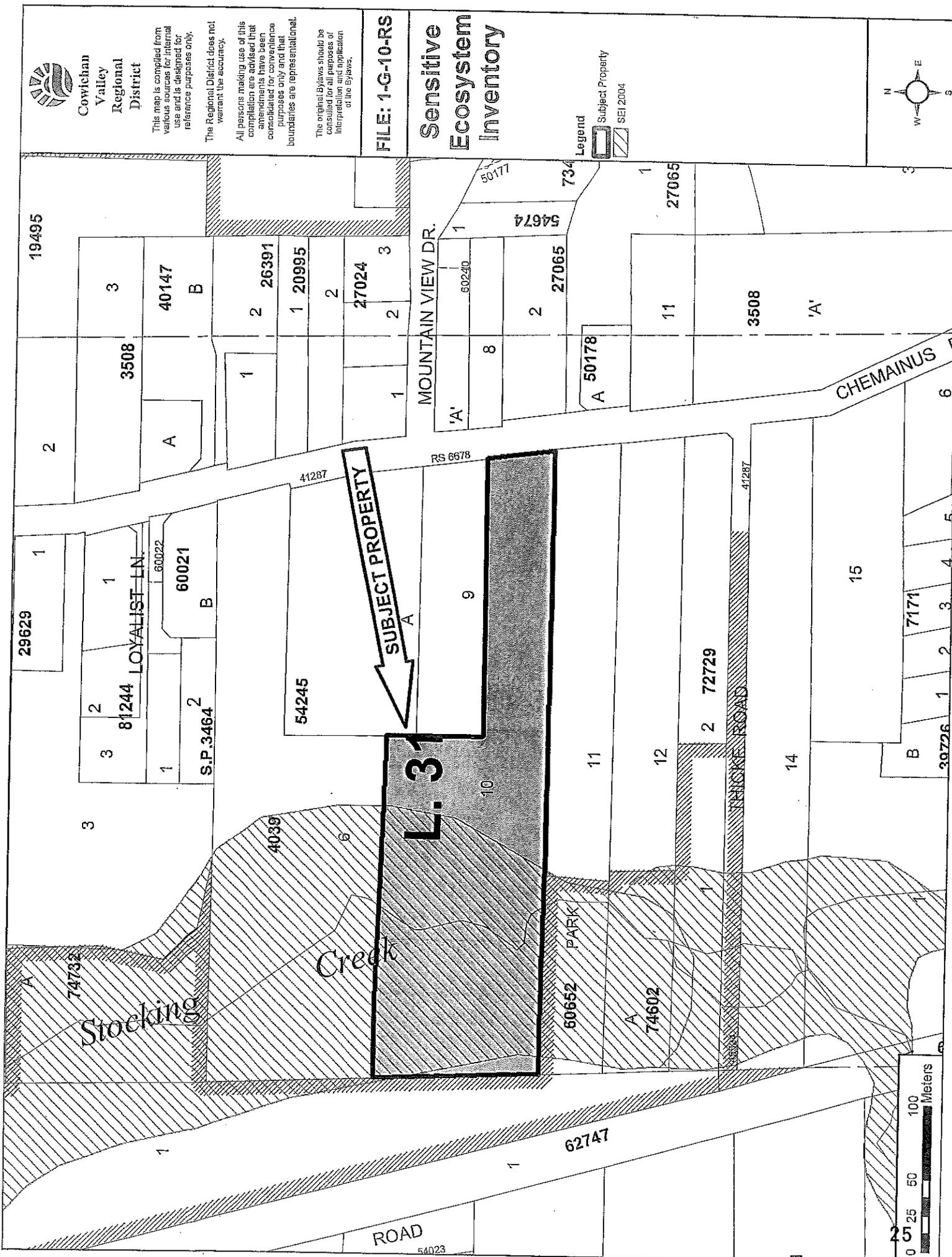
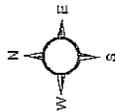
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

FILE: 1-G-10-RS

# Sensitive Ecosystem Inventory

Legend  
 Subject Property  
 SEI 2004

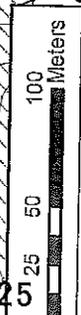


**SUBJECT PROPERTY**

**L. 31**

Stocking Creek

ROAD







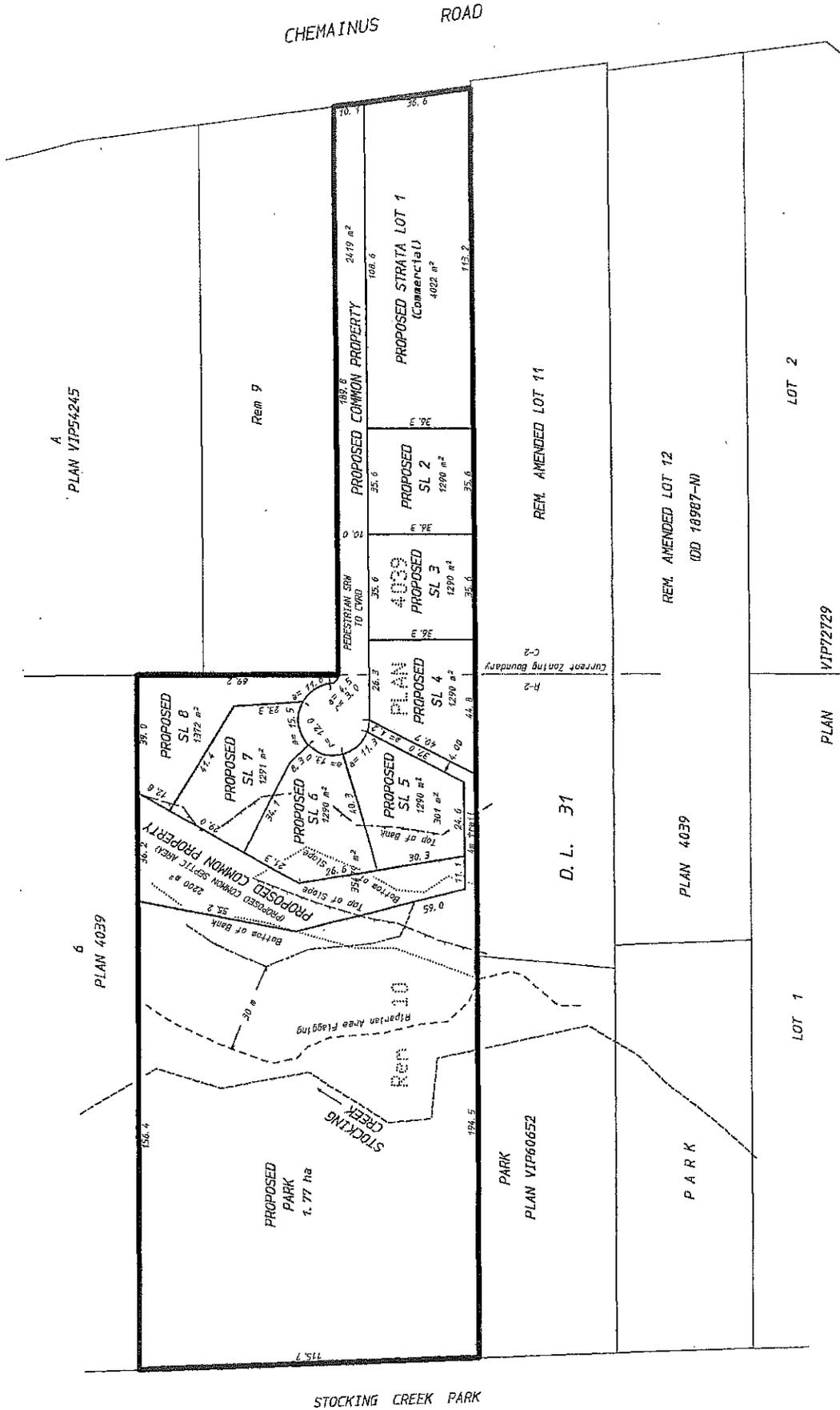
PLAN OF PROPOSED STRATA DEVELOPMENT OF  
 LOT 10, DISTRICT LOT 31, OYSTER DISTRICT,  
 PLAN 4039, EXCEPT PART IN PLAN 41287.

SCALE 1 : 1000



All distances are in metres.

Note: Rem Lot 10 lies within the C.V.R.D.  
 Area 6 and is zoned R-2 and C-2.  
 The setback requirements are as follows:  
 Residential Accessory Uses  
 Front (Interior) 3.0 m  
 Side (Interior) 4.5 m  
 Rear 7.5 m  
 C-2 setbacks for buildings and structures  
 all parcels 11m 4.5 m



THICKE ROAD (PLAN 41287)

Total Area 3.55 ha  
 Proposed Park Area 1.77 ha  
 Proposed Common Property (adjacent to Park) 0.22 ha  
 Proposed Common Property (Access) 0.24 ha



**PROJECT:** RAR Assessment  
10830 Chemainus Road, Saltair

**ASSESSED BY:**  
Tyler Innes, M.Sc., R.P.Bio.

**FIELD VISIT:**  
April 6, 2010 & Oct 16, 2010

**LOCATION:**  
Saltair

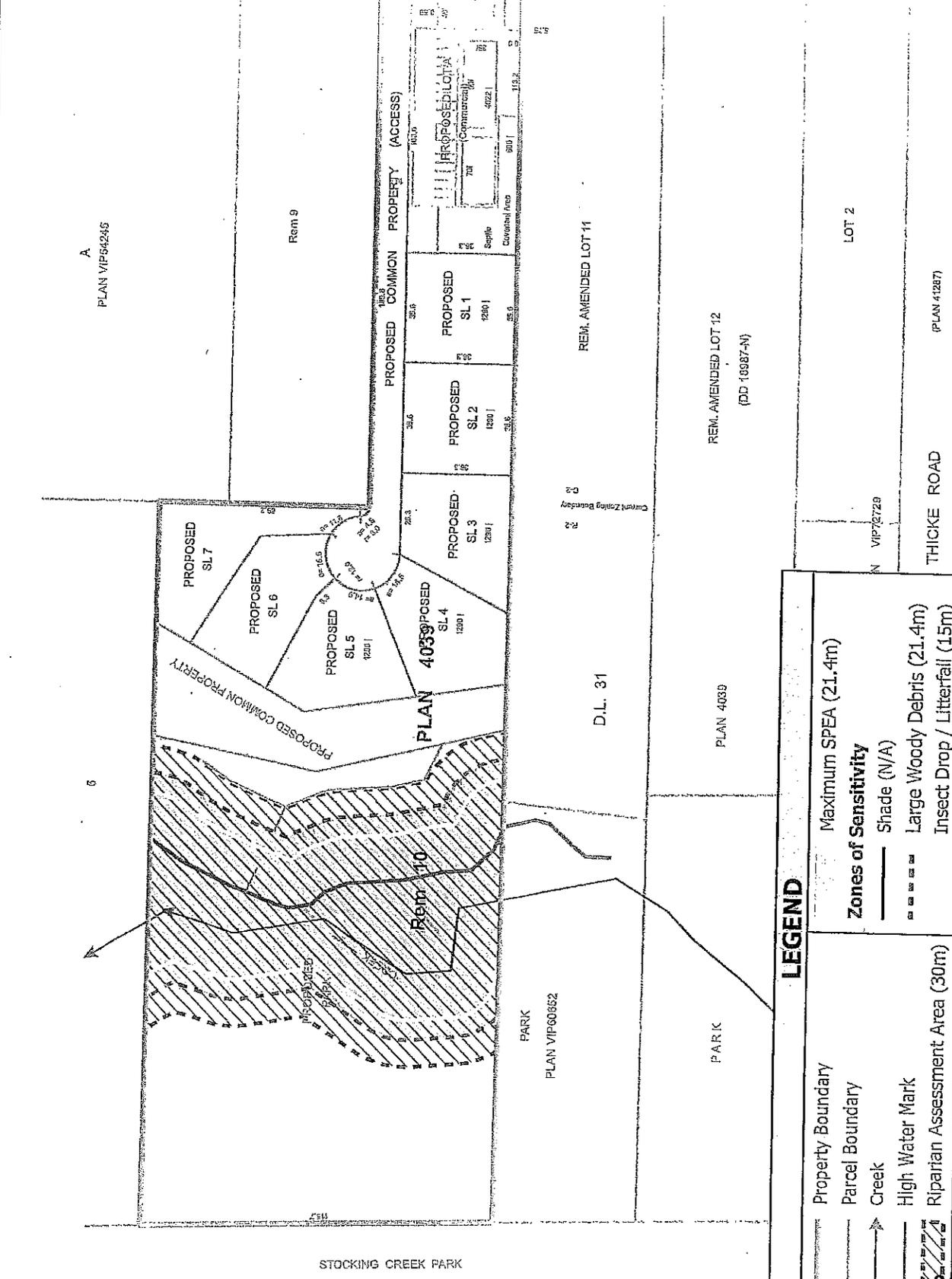
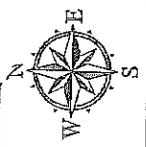
**MAP SCALE:**  
1:1,850

**CLIENT:**  
Keith Christie

**MAPPING DATE:**  
Oct. 27, 2010

**DOSSIER NO.:**  
10.0086

**DRAWN BY:**  
Anna Jeffries



**LEGEND**

Property Boundary	Maximum SPEA (21.4m)
Parcel Boundary	Zones of Sensitivity
Creek	Shade (N/A)
High Water Mark	Large Woody Debris (21.4m)
Riparian Assessment Area (30m)	Insect Drop / Litterfall (15m)

\*All features on this map are approximate. Features measured in the field were located using a handheld GPS and accuracy can only be guaranteed to 15m



**5.4 R-3 GENERAL RESIDENTIAL 3 ZONE**

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

**1. Permitted Uses**

The following principal uses and no others are permitted in the R-3 Zone:

- (a) Single family dwelling;

The following accessory uses are permitted in the R-3 Zone:

- (b) Bed and breakfast accommodation;
- (c) Buildings and structures accessory to a principal permitted use;
- (d) Residential day care centre;
- (e) Home-based business;
- (f) Horticulture;
- (g) Secondary suite on parcels 0.4 ha or larger.

**2. Minimum Parcel Size**

The minimum parcel size in the R-3 Zone is:

- (a) 1 hectare if not connected to a community water system.
- (b) 0.4 hectare if connected to a community water system;
- (c) 0.2 hectare if connected to a community water system and a community sewer system.

**3. Number of Dwellings**

Not more than one dwelling is permitted on a parcel under 0.4 hectare in area, that is zoned R-3. For parcels zoned R-3 that are 0.4 hectare in area or larger, one secondary suite is also permitted.

**4. Setbacks**

The following minimum setbacks apply in the R-3 Zone:

Type of Parcel Line	Residential Use	Accessory Residential Use
Front parcel line	7.5 metres	7.5 metres
Interior side parcel line	3.0 metres or 10% of the parcel width, whichever is less	3.0 metres or 10% of the parcel width, whichever is less, or 1 metre if the building is located in a rear yard
Exterior side parcel line	4.5 metres	4.5 metres
Rear parcel line	4.5 metres	4.5 metres

**5. Height**

The height of all buildings and structures in the R-3 Zone shall not exceed 7.5 metres, except in accordance with Section 3.8 of this Bylaw.

**6. Parcel Coverage**

The parcel coverage in the R-3 Zone shall not exceed 35 percent for all buildings and structures.

**7. Parking**

Off-street parking in the R-3 Zone shall be provided in accordance with Section 3.13 of this Bylaw.



# CVRD

## THE SUSTAINABILITY CHECKLIST For Rezoning and Development Permit Applications

REZONING

DEVELOPMENT PERMIT

### Uses Proposed:

Single Family Residential

Industrial

Multi Family

Institutional

Commercial

Agricultural

Other \_\_\_\_\_

### Environmental Protection and Enhancement

Please explain how the development protects and/or enhances the natural environment. For example does your development:

		YES	NO	N/A	EXPLANATION
1.	Conserve, restore, or improve natural habitat?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.	Remove invasive species?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.	Impact an ecologically sensitive site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4.	Provide conservation measures for sensitive lands beyond those mandated by legislation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	GAVE UP PARK
5.	Cluster the housing to save remaining land from development and disturbance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6.	Protect groundwater from contamination?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	INFILTRATORS

Please explain how the development contributes to the more efficient use of land. For example does your development:

		YES	NO	N/A	EXPLANATION
7.	Fill in pre-existing vacant parcels of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8.	Utilize pre-existing roads and services?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9.	Revitalize a previously contaminated area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10.	Use climate sensitive design features (passive solar, minimize the impact of wind and rain, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11.	Provide onsite renewable energy generation such as solar energy or geothermal heating?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Please explain how the development facilitates good environmentally friendly practices. For example does your development:

		YES	NO	N/A	EXPLANATION
12.	Provide onsite composting facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13.	Provide an area for a community garden?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
14.	Involve innovative ways to reduce waste, and protect air quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
15.	Include a car free zone?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
16.	Include a car share program?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Please explain how the development contributes to the more efficient use of water. For example does your development:

		YES	NO	N/A	EXPLANATION
17.	Use plants or materials in the landscaping design that are not water dependant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
18.	Recycle water and wastewater?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

		YES	NO	N/A	EXPLANATION
19.	Provide for no net increase to rainwater run-off?	✓			INFILTRATORS
20.	Utilize natural systems for sewage disposal and rain water?	✓			
21.	Use energy saving appliances?	✓			

Please explain how the development protects a 'dark sky' aesthetic by limiting light pollution and light trespass from outdoor lighting. For example does your development:

		YES	NO	N/A	EXPLANATION
22.	Include only "Shielded" Light Fixtures, where 100% of the lumens emitted from the Light Fixture are retained on the site?	✓			

Please explain how the project will be constructed sustainably.

		YES	NO	N/A	EXPLANATION
23.	Built to a recognized green building standard i.e., Built Green BC, LEED Standard, etc.?			✓	
24.	Reduce construction waste?	✓			
25.	Utilize recycled materials?			✓	
26.	Utilize on-site materials/ reduce trucking?	✓			
27.	Avoid contamination?	✓			
28.	Please outline any other environmental protection and enhancement features.				

### Community Character and Design

Does the development proposal provide for a more "complete community" within a designated Village Centre? For example does your development:

		YES	NO	N/A	EXPLANATION
1.	Improve the mix of compatible uses within an area?			✓	
2.	Provide services, or an amenity in close proximity to a residential area?	✓			NEW PUBLIC DEDICATION

		YES	NO	N/A	EXPLANATION
3.	Provide a variety of housing in close proximity to a public amenity, transit, or commercial area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Please explain how the development increases the mix of housing types and options in the community. For example does your development:					
		YES	NO	N/A	EXPLANATION
4.	Provide a housing type other than single family dwellings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5.	Include rental housing?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6.	Include seniors housing?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7.	Include cooperative housing?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Please explain how the development addresses the need for affordable housing in the community. For example does your development:					
		YES	NO	N/A	EXPLANATION
8.	Include the provision of Affordable Housing units or contribution to?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ONLY 7 HOMES!
Please explain how the development makes for a safe place to live. For example does your development:					
		YES	NO	N/A	EXPLANATION
9.	Have fire protection, sprinkling and fire smart principles?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10.	Help prevent crime through appropriate site design?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11.	Slow traffic through the design of the road?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Please explain how the development facilitates and promotes pedestrian movement. For example does your development:					
		YES	NO	N/A	EXPLANATION
12.	Create green spaces or strong connections to adjacent natural features, parks and open spaces?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NEW PARK ALONG CREEK
13.	Promote, or improve trails and pedestrian amenities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	''

		YES	NO	N/A	EXPLANATION
14.	Link to amenities such as school, beach & trails, grocery store, public transit, etc.? (provide distance & type)	✓			

Please explain how the development facilitates community social interaction and promotes community values. For example does your development:

		YES	NO	N/A	EXPLANATION
15.	Incorporate community social gathering places? (village square, halls, youth and senior facilities, bulletin board, wharf, or pier)				TOO SMALL
16.	Use colour and public art to add vibrancy and promote community values?			✓	
17.	Preserve heritage features?				SAVED TREES ALONG CREEK
18.	Please outline any other community character and design features.				

### Economic Development

Please explain how the development strengthens the local economy. For example does your development:

		YES	NO	N/A	EXPLANATION
1.	Create permanent employment opportunities?			✓	
2.	Promote diversification of the local economy via business type and size appropriate for the area?			✓	
3.	Increase community opportunities for training, education, entertainment, or recreation?			✓	
4.	Positively impact the local economy? How?				7 NEW HOMES TO BE BUILT
5.	Improve opportunities for new and existing businesses?			✓	
6.	Please outline any other economic development features.				

Other sustainable features?

**Disclaimer:** Please note that staff are relying on the information provided by the applicant to complete the sustainability checklist analysis. The CVRD does not guarantee that development will occur in this manner.

  
\_\_\_\_\_  
Signature of Owner

Date

04.29/10

\_\_\_\_\_  
Signature of Agent

Date

access ramp on the north side of the dwelling. Given the minor nature of the project and in order to expedite the application the APC decided to deal with this project as well.

After reviewing the plans for the project the following motion was made:

*That the Advisory Planning Commission has no objection to the proposal to construct footings for a wheelchair access ramp on the Cromp property.*

Carried Unanimously

**3. Application to legitimize and finish construction of a single family dwelling (Development Permit Application No. [REDACTED])**

[REDACTED] were present for this item. The purpose of this application is to allow the completion of the construction of a dwelling within the Ocean Shoreline Development Permit Area. [REDACTED] provided background information with respect to the application. The project originally started as a renovation to an existing dwelling which was necessary as a result of extensive damage caused by carpenter ants. However, it became apparent that the changes needed to the structure were so extensive as to virtually require the replacement of the building. As a result, work was halted and a development permit applied for. The new structure is being built on the same foot plate as the original building. A geotechnical report was commissioned by the applicant and contained a number of recommendations as to how the project should proceed.

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

*That the Advisory Planning Commission recommend approval of the application subject to incorporating the recommendations of the geotechnical study.*

Carried Unanimously

**4. Application to rezone lands from C-2 and R-2 to a zone that would permit a seven lot subdivision (Rezoning Application No. 1-G-10RS Laird)**

Hal Laird, Gregory Smith and Keith Christie were present to speak to this item.

Mr. Laird provided a brief overview of the application and all three attendees responded to a variety of questions from the APC members relating to such

things as land dedication, public access through the development, storm and sanitary sewer plans for the development and the relationship of the development to adjacent lands.

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

*That the Advisory Planning Commission provide the following comments with respect to this rezoning application:*

- *Given the parkland dedication to the CVRD which forms part of the development proposal the APC believes there is significant public benefit associated with this application and the Commission would support a rezoning to R-3 and density averaging to permit the creation of the seven residential lots proposed.*
- *The development should provide for a public access easement from Chemainus Road to Stocking Creek Park utilizing the internal road and a walkway adjacent to one of the lots fronting on the ravine.*
- *The potential of designing the development's sewage treatment system and storm water drainage plan to allow for the tie-in of the existing parcel to the north should be investigated.*
- *A sanitary sewer management operational plan should be prepared that ensures the septic treatment system will be operated in a responsible manner following completion of the development.*
- *A storm water management system for the development (as well as the lot the north) should be prepared which ensures that there is no damage from run off to the adjacent natural area and no negative environmental impact on Stocking Creek.*
- *There is a need to examine land use policy for that portion of the lot to the north which abuts proposed residential lots SL1, 2, 3 and 7 to ensure compatible development.*
- *The proposed rezoning should be examined in the context of the visioning study for Saltair's commercial core undertaken by the APC and the Saltair Ratepayer Association and, to the extent appropriate, recommendations of that study incorporated into the proposed development.*



## MEMORANDUM

DATE: April 18, 2011 FILE NO:1-G-10 R

TO: Alison Garnett, Planner 2, Planning and Development

FROM: Tanya Soroka, Parks and Trails Planner

SUBJECT: Proposed rezoning of Lot 10, DL 31, Oyster District, Plan 4039, except part in plan 41287 – Park dedication comments

---

Parks and Trails staff along with the Electoral Area G – Saltair/Gulf Islands Parks Commission have reviewed this Rezoning Application and the commission passed the following motion at their meeting of March 8, 2011:

**“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.”**

Parks staff also requested a 4 metre wide trail corridor, dedicated to the CVRD as a separately titled lot, running from the end of the cul de sac between SL4 and SL3, along the southern portion of SL4 and the Common Property septic area in order to link to the proposed 1.74 hectare park. (See attachment #3) This would allow residents in this new subdivision to access Stocking Creek Park. A statutory right of way (SRW) will need to be registered in favour of the CVRD on the common property strata road from the start of the trail to Chemainus Road to allow for public access to the trailhead.

A section 219 covenant will be registered on the property to ensure that the dedicated park land area will be dedicated to the CVRD at the subdivision approval stage. Once the park has been dedicated as a separately titled lot, the covenant will be removed.

Once Parks staff receives an updated plan from the applicant showing the trail corridor and planning staff advises Parks staff that the application is moving forward, a section 219 covenant will be drafted up through our lawyer prior to public hearing.

Sincerely,

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

TS/tag  
pc: M. Dorey, Director, Electoral Area G- Saltair/Gulf Islands  
Hal Laird, Applicant

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

**DATE:** April 4<sup>th</sup>, 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: Jackie Rieck

Members: Tim Godau, Norm Flinton, Paul Bottomley, Glen Hammond

**ABSENT:**

Members: Dave Key, and Kelly Schellenberg

**ALSO PRESENT:**

Director: Mel Dorey

**ACCEPTANCE OF MINUTES:**

An amendment was required of the March 8<sup>th</sup>, 2011 Minutes on Page 3 under "DIRECTOR'S REPORT" original Motion proposed and Carried read as:

**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.

**AMENDED MOTION:** It was proposed by Tim Godau and seconded by Paul Bottomley to accept the rezoning proposal on the Laird property with the stipulation that 55% of total property be donated to the CVRD as parkland as well as a dedicated public access trail extension from the end of the cul de sac through lots #3 and #4 through to the common property field which would provide a link to the proposed park land.

**MOTION CARRIED**

## Alison Garnett

---

**From:** Ray Gauthier [Ray.Gauthier@coastsalishdevcorp.com]  
**Sent:** Tuesday, June 14, 2011 3:09 PM  
**To:** Alison Garnett  
**Subject:** RE: CVRD Rezoning application referral- 1-G-10 RS (Laird for Christie)

Alison,

As per our conversation, Stz'uminus First Nation has no real concerns in respect to the subdivision application other than our normal title and rights concerns. Given this is fee simple property we would request that prior to approvals, the CVRD would request an archaeological overview assessment be completed. If concerns are produced from the report we would expect an archaeological impact assessment be done. Once digging commences we would also expect to be notified if any artifacts, bones or middens are discovered. Thank you for your referral in this matter.

*Ray R. Gauthier*  
CEO,  
Coast Salish Development Corporation  
Phone: 250-924-2444  
Cell: 250 - 210-8914  
Email: [Ray.Gauthier@coastsalishdevcorp.com](mailto:Ray.Gauthier@coastsalishdevcorp.com)

*"Nearly all men can stand adversity, but if you want to test a man's character, give him power."*

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---

**From:** Alison Garnett [<mailto:agarnett@cvrld.bc.ca>]  
**Sent:** June-09-11 9:31 AM  
**To:** Ray Gauthier  
**Subject:** CVRD Rezoning application referral- 1-G-10 RS (Laird for Christie)

Good morning Ray,

Further to our phone conversation this morning, I'm re-sending the staff report for a rezoning application in Saltair, along Stocking Creek. Please let me know if you have any questions about the application.

The next step in our rezoning process is review by the CVRD's Electoral Areas Services Committee. To meet the deadline for the upcoming meeting, I would appreciate any comments from you by Tuesday June 14<sup>th</sup>.

Thanks,  
Alison

Alison Garnett  
Planner, Development Services Division  
Planning and Development Department  
Cowichan Valley Regional District  
175 Ingram St, Duncan BC, V9L 1N8



## MEMORANDUM

**DATE:** December 17, 2010 **FILE NO:** 1-G-10RS

**TO:** Alison Garnett, Planner, Planning and Development Services

**FROM:** Sybille Sanderson, Acting General Manager Public Safety

**SUBJECT:** Rezoning Application No. 1-G-10RS – 10830 Chemainus Road

---

In review of Application No. 1-G-10RS (Laird, for Christie and Ritchie) to amend Electoral Area G Saltair/Gulf Islands zoning bylaw No. 2524 and Official Community Plan bylaw no. 2500, for the purposes of re-designating and rezoning the property following comments affect the delivery of emergency services within the proposed area:

- ✓ Proposal is within the boundaries of the CVRD Regional Emergency Program.
- ✓ Proposal is within Duncan RCMP Detachment area.
- ✓ Proposal is within British Columbia Ambulance (Station 149 Chemainus) response area.
- ✓ Proposal is within the Saltair Fire Protection response area serviced by the North Cowichan Fire Department – Chemainus Hall.

Public Safety has the following concerns and recommendations:

- The Community Wildfire Protection Plan has identified this area as a **moderate risk** – which is defined as: “will not support a crown fire but will support surface fire spread that could directly impact adjacent structures. Suppression success likely.”
- The water system for the properties must be compliant with “NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting” to ensure necessary firefighting water flows.
- Proposed access/egress, as well as road width to the property presents a serious concern. Sufficient access/egress must be provided to allow simultaneous access and turning radius for emergency services equipment including fire trucks, as well as egress of citizenry if evacuation is necessary.

It is noted that the North Cowichan Fire Department – Chemainus Hall has been asked to comment on this proposal and their concerns should be taken into consideration.

Together Building Community Emergency Resilience

*Sybille Sanderson*

## Alison Garnett

---

**From:** Louise Knodel Joy  
**Sent:** Thursday, March 24, 2011 9:30 AM  
**To:** Alison Garnett  
**Subject:** 10830 Chemainus Road  
**Attachments:** SKMBT\_C45011032321110.pdf

Hi Alison,

Further to our review of the rezoning of 10830 Chemainus Road, with regards to the Saltair water system, Engineering and Environment (E & E) will require the a water extension if this subdivision were to proceed.

An engineer must design the extension with the approvals by the CVRD and Vancouver Island Health Authority as well as a permit from Ministry of Transportation to work in the road allowance.

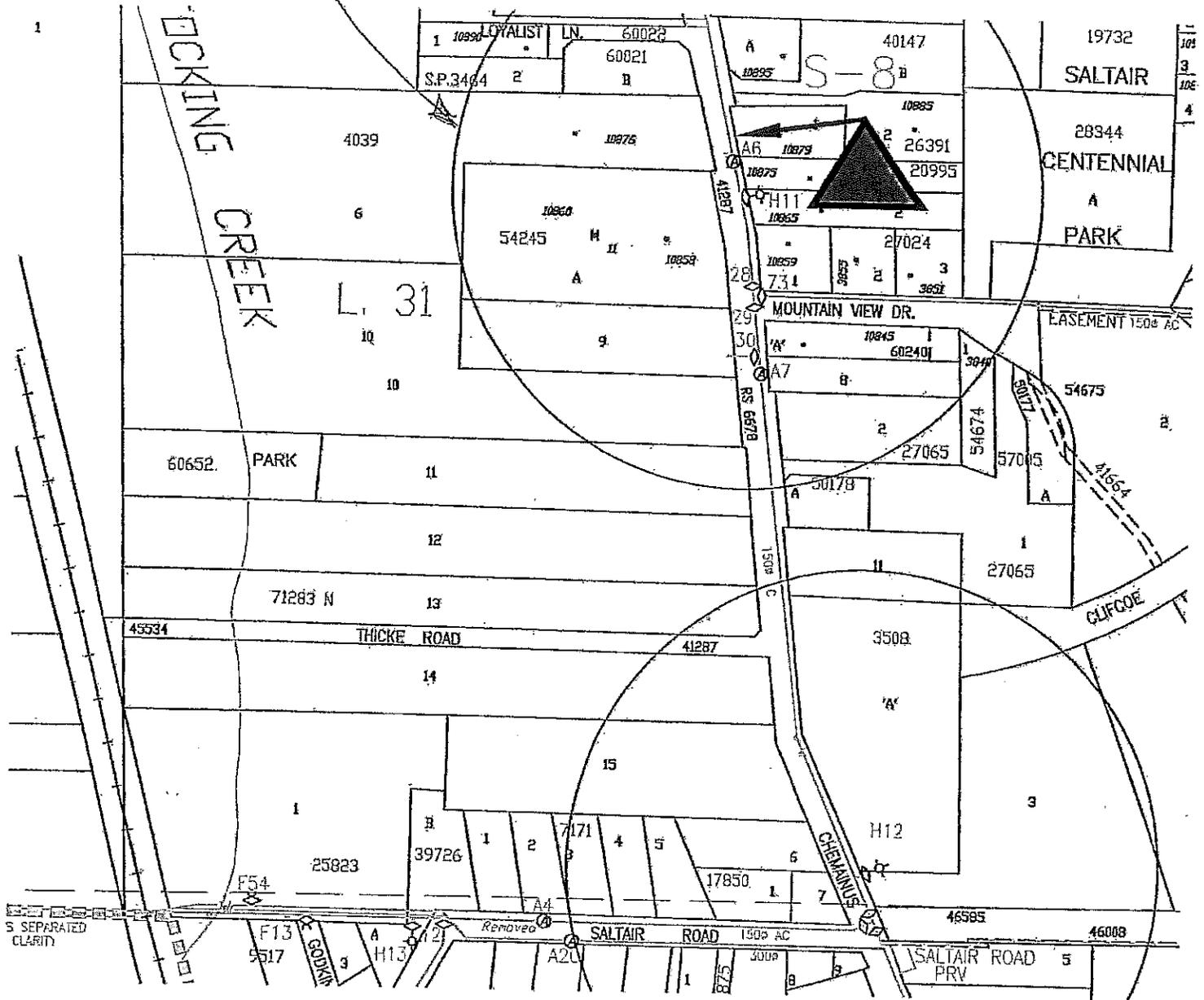
Water meters must be installed at all of the property lines of newly proposed lots. A fire hydrant will be required on Chemainus Road as the reach from existing hydrants will not meet the newly proposed lots. (see attached map) Furthermore water meters must be installed at the property lines of these new lots. The developer must liaise with E & E prior to any design and construction.

Thanks,  
Louise

Louise Knodel-Joy  
Sr. Engineering Technologist  
Water Management  
Cowichan Valley Regional District  
Duncan, BC  
Tel: 250-746-2536  
Fax: 250-746-2543  
Toll Free: 1-800-665-3955

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200m Hydrant Radius.





08/05/11

**ON SITE SANITARY WASTE  
RATIONALE**

**FOR**

**Lot 10, District Lot 31, Oyster District, Plan 4039**

561 Bellamy Close, Victoria, B.C. V9B 6C1

Office: 250-658-0906

Cell: 250-858-2491

Fax: 250-658-0735

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## 1. Introduction

The land owner has approached Blue Mountain Engineering to design a combined onsite waste water system to accommodate their proposed buildings in the Saltair subdivision located at 10830 Chemainus Rd.

The purpose of the following summary is to outline the specifications for a suitable Sub-Surface Waste Infiltration System (SWIS) design for the site. Site evaluation, design, and specifications were supervised by Victor Proctor, P. Eng.

## 2. Summary

Job: 2124	By: Blue Mountain Engineering	Date: 28-2-2010 Rev. 3
Location	10830 Chemainus Rd., Saltair, BC	
Legal	Lot 10, District Lot 31, Oyster District, Plan 4039	
Parcel Identifier	004391250	
Client	Greg Smith	
Lot Area	2.0 Ha	
Slope	0-4 %	
Terrain	Brush/Forest	Dispersal Area
Surface Water	None	
Ditches	North: none South: at property line (70 m away)	
Drains	Upslope: none Downslope: none	
Vegetation	Mesothermal forest	
Structures	7 houses and 3 commercial buildings that will each have a residence above it.	
Slope Erosion	None	
Slope Stability	Stable	
Machine access	Access road downslope of sewage covenant.	
Existing System	No	

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Job: 2063	By: Blue Mountain Engineering	Date: 28-2-2010 Rev. 3
Proposed Flow	Based on: 7 x 1200 ft <sup>2</sup> , 2 bdrm houses, 3 commercial buildings, and a residence above each.	DDF: 7 x 1136 L/day + 3 x 1136 L/day
Treatment	Biomicrobics Biobarrier MBR 0.5	1 per building, a total of 10 Biobarrier.
Effluent Type	Standard household effluent – Type 3	
Proposed Field	Subsurface Drip	
Dosage	Pressure Dose	
Soil Analysis See filing for more info	Soil: Red Loamy Sand, Weak, Fine	
Design HLR	For effluent into soil Loam: 1.8 lGal/ft <sup>2</sup> /Day <- used	AIS = 140 ft <sup>2</sup>
Design LLR	For selected soil w/ SSD: LLR = 5.0 lGal/ft/Day	Minimum Length: 70 ft
Design VS	>36"	
Design as constructed VS	Dug to 48", no evidence of restrictive layer or water table	
AIS and Field Length	For bed width of 2 ft per lateral Minimum Length = 70 ft Laterals Required = 1	1 Zones Required AIS: 140 ft <sup>2</sup>
Tanks	400 lGal Pump Tank 1200 lGal Septic Tank	

**Note:** All gallons are in US gallons unless shown otherwise

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### 3. Site and Soils Evaluation

The soils were evaluated by Greg Smith. There are two test pits described.

Test Pit 1	Test Pit 2
Top 3": Black forest loam	Top 6": Black forest loam with 15% 1" gravel
3" to 48": Red loamy sand with weak grade, fine grain, loose and nonsticky consistency, no mottling, and common roots.	6" to 48": Red loamy sand with weak grade, fine grain, loose and nonsticky consistency, no mottling, and frequent roots.
Kfs = 1500 – 3500 mm/day (As per SPM Table 2-8)	Kfs = 1500 – 3500 mm/day (As per SPM Table 2-8)

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## **4. Feasibility and System Selection**

### ***4.1 Site Selection***

The dispersal field will be located in the septic covenant behind lots 5, 6, and 7 as seen on the site plan. This spot has good soils and a very mild slope on the land.

#### **4.1.1 Horizontal Separation**

The system has sufficient distance from all critical setbacks. Any part of the system must stay at least 15 m away from the fresh water Creek (SPM 2006, Table 2.6) and at least 7.5 m from any ditch or perimeter drain.

#### **4.1.2 Vertical Separation**

The selected site has a vertical separation of greater than 48".

### ***4.2 System Specifications***

#### **4.2.1 Site Remediation**

The site will not require any remediation.

#### **4.2.2 Protection of the receiving area**

It is recommended that no digging or construction be performed downslope of the field. This includes damage due to cutting, compaction, or digging. Vegetation in the receiving area should stay undisturbed.

## **5. At Grade System Design**

### ***5.1 Daily Design Flow (DDF)***

There will be 10 buildings having flow. Using the table values in the SPM for the given sizes, the DDF is determined to be 250 lGal/Day for each building. Each building will have a dedicated system that includes a septic tank, Biobarrier, pump chamber, and dispersal field.

### ***5.2 Hydraulic Loading Rate (HLR)***

The HLR for the site has conservatively chosen to be 88 L/m<sup>2</sup>/day. This is based on Greg Smith's report that the drainage for the site is 2 min/inch. This will correlate to a soil that is defined as coarse to medium sand/loamy sand that is single grain and is treating type 3 effluent.

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### **5.3 Linear Loading Rate (LLR)**

#### **5.3.1 Path of effluent flow from the site**

Based on site slope, it is expected that flow will be primarily downslope. No significant groundwater movement is expected to affect the dispersal field.

#### **5.3.2 Soil Depth, LLR**

The LLR for the field is 5 lGal/ft/day and is based on a vertical separation of >24". This requires a minimum length along the horizontal of 70 ft, which is available. Each household bed will be 70 ft long.

#### **5.3.3 Field Sizing**

With a spacing of 2 ft centre-to-centre (c-c) between laterals (see 5.4.2), the field will need to be a total of 70 ft long to meet LLR requirements. This can be met by one 70 ft lateral. The total AIS for each system will be 140 ft<sup>2</sup>.

### **5.4 SSD Distribution (PD) System Sizing**

#### **5.4.1 Lateral Sizing**

Wasteflow Classic PC 0.5 will be used for laterals to limit the maximum flow.

#### **5.4.2 Lateral Spacing**

A 2 ft spacing between laterals was done in order to satisfy AIS while only having one lateral. This is supported by Geoflow – who suggests that for BC a maximum lateral spacing be 2 ft for a slope less than 10%.

#### **5.4.3 Orifice Spacing**

Spacing between emitters is 1 ft c-c for this SSD system.

#### **5.4.4 Lateral Flow Strength**

The WSM Appendix requires a minimum of 10 psi pressure at the exit of the line to ensure proper effluent dispersal. The final calculated required flow for the system for dosing is 0.6 GPM at 46 fth including filter and fitting head losses.

#### **5.4.5 Field Dosing**

The field will dose 22 times per day. This will allow for sufficient pump duty cycle and flush timing. At 22 doses per day per field, a dose size of 14 lGal is required including drainage.

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#### **5.4.6 Lateral and Force-main Sizing**

The minimum flow for scouring in Geoflow drip lines is >.5 ft/sec and 2ft/sec for all other lines. At .5 ft/sec, the laterals will require a flow of 2.1 GPM at 54 fth, which will meet scouring requirements for a 1" return line and 1" force main and manifolds. The drain should be towards the pump, and a vacuum break will be required at each high point to prevent suction.

#### **5.4.7 Maximum Lateral Length**

According to the WSM the maximum lateral length for Wasteflow PC 0.5 dripline at the rated flow is 288 ft, which is well within the length of the system.

#### **5.4.8 Septic Tank**

The recommended septic tank size for the selected treatment plant is 1200 IGal. This will provide both enough storage for DDF requirements and enough pressure for the Biobarrier membrane. The septic tank outlet must have an exit filter for 1/16" particle size, sized to allow daily flow rates when 85% plugged. This will prevent fouling of the drip line network.

#### **5.4.9 Treatment Tank**

The recommended treatment is a Biomicrobics Biobarrier MBR 0.5. in a 1200 IGAL 2 chamber tank. This membrane technology enables the system to produce type 3 quality effluent.

#### **5.4.10 Pump Tank**

The pump tank should be 400 IGal. This will provide sufficient volume for alarm and reserve volumes, as well as a full day of system use at the DDF.

### ***5.5 At Grade SSD Bed Design***

The design and installation requirements for a subsurface drip system are covered in the Wasteflow manual included with the drip line and the attached drawing. Conformity to the regulations will be ensured by the supervising or installing ROWP.

## **6. Pump Specification**

Dose requirement is 66 fth at 0.6 usgpm. Flush requirement is 79 fth at 2.1 usgpm.

- Pump/control piping to comply with ULC, CSA and B. C. Plumbing Code PEX;
- Pumps, controls and housing to be non-corrosive;
- Inlet to be minimum 8" above tank floor;
- Pump to be on permanently stable base – concrete slab or pedestal;

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- Pipe cam-loc unions or quick connects to be accessible and easily dismantled on the pump side of check valve;
- Electrical installation to comply with B. C. Electrical Code;
- Installed by Class "C" electrician

## **7. Installation**

### **7.1 General Installation**

- Locate all underground utilities prior to installation;
- All work to comply with WCB requirements;
- Install tank in excavation plus 12" with relatively level bottom and 2" bed of ¾" drain rock material.
- Protect inlet and outlet from damage
- Install treatment tank as per manufacturer's instructions.

### **7.2 Field Installation**

- Disposal field shall not be installed in wet conditions
- Disposal field shall not be exposed to heavy equipment
- Keep all traffic off disposal field after installation
- Lateral lines to be level
- Laterals to be terminated with a screw cap and 90 long radius elbow, then entering a 3" PVC clean out well with screw cap
- Place laterals on ¾" drain rock bed facing upward, with orifice shields over each orifice.
- Seed or sod bed with Timothy 30% clover fertilize and irrigate for 10 days. Native ferns should be allowed to grow over the area.

### **7.3 PD System Installation**

- Dosing system to be timed regulated pump on a narrow angle low amp float switch with time relay housed in a separate, accessible, watertight control box;
- Above ground Polymer tanks must be UV protected;
- Pump tank lid to be secured and tank vented;
- Pump tank size to provide at least 250 L above high level alarm;
- High level alarm to be combined claxon, audible at 100'. Intermittent sound alarm timed to appx. 5.5 minutes with visual blinking light continual.

The intent is to provide audible alarm at 20 minute intervals with a continual blinking light or approved alternative.

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## References

"The BC Sewerage System Standard Practice Manual Version 2". Ministry of Health, Population Health and Wellness Health Protection. 21 September 2007. (Designated by abbreviation SPM). 21 September 2007. (Designated by abbreviation SPM)

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Accessed May 4, 2011.

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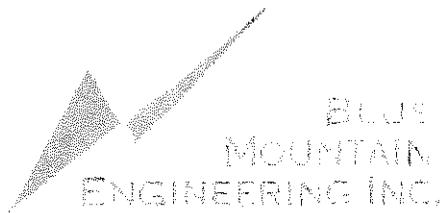
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Blue Mountain Engineering was contracted by the client to perform a drainage study at 10830 Chemainus Rd in Saltair, BC. The plan for the the 3.6 ha site is to divide twice. The first division will be to split the site into two sections. The 'Forest' section will be donated to the municipality and will join the existing park/forest reserve, while the 'Development' section will be developed into a strata corporation and will have an access road, driveways, walkways/paths, and seven houses of 1200 ft<sup>2</sup> (111.5m<sup>2</sup>), and a commercial section which has two buildings with a total of 5600 ft<sup>2</sup> (520 m<sup>2</sup>) and two parking lots. There will also be a septic system installed in the west part of the development section, and there is a septic covenant in the south-west part of the commercial section.

Of note, the Ministry of the Environment is involved with all projects that are within the Riparian zone (within 30 m of a stream). The Riparian zone must remain forested. The MOE will also get involved if the site if the project is discharging stormwater directly into a creek, stream, or river. Fortunately, the development section does not permeate the Riparian zone near Stocking Creek, and stormwater runoff discharges into an existing ditch, therefore omitting MOE involvement.

View Appendix A for site map and most recent development proposal.

## **Site Description**

10830 Chemainus Rd is a 3.6 Ha property located in Saltair, BC and is a rural property. Within the a one kilometer radius, there are shops, sports fields, and other residential areas. To the west of the site, there is a park that is heavily treed, and has Stocking Creek, a fish bearing creek, flowing through it. Stocking Creek flows through the forest section of the property.

The site can be defined as being for the most part flat. Entering from Chemainus Rd, there is a slight decrease in elevation approaching the west part of the development section. About 25 m from the forest section, the land slopes downward towards the west. Until the forest section, the slope continues, then levels off to a flat area where the septic bed will be installed, and then a further slope all the way to the forest section. The total drop in elevation in this 25 m stretch is about 10.5 m, and the total change in elevation across the entire site is about 15 m.

There is an existing drainage ditch that flows west along the south edge of the property. There is also an existing drainage ditch between Chemainus Rd and the site that is owned and maintained by the Ministry of Highways. To the north of the property, a public access/path from Chemainus Rd to the Riparian zone is proposed, and is currently under construction.

The preliminary proposal for the development/subdivision of the land can be seen in System Drawing.

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## Geology

The soil for the site area is classified as A2 – Dystric Brunisol (Dystrichrept, Cryochrept) – according to The Soil Map of British Columbia. Dystric brunisol is described as a soil that typically occurs under forest vegetation, and has a profile of some silty loam on top, followed by about 10 cm of glaciofluvial gravel and sand. The soil, which is defined as a till blanket by the Surficial Geology Map Index, has a hydraulic conductivity of  $30 \times 10^{-5}$  m/d.

The top soil on the site has been cleared. Since then, a soil profiling was performed by Golder Associates, and the soil was found to have three tiers. The top tier is a loose sandy silt that is .35 m to 1.8 m thick. The next lowest layer is a dense silt with some clay and has a thickness of .85 to 2.7m. The next lowest layer is dense sand with some silt and trace to some gravel. This lowest layer is considered to be sand, as silt and gravel will more or less cancel each other out in terms of drainage characteristics. Therefore, the infiltration rate for this bottom layer of soil is conservatively chosen to be 50 mm/hr (Chin, 2004). In terms of geological bedrock, the site sits on top of the Nanaimo Group, is part of the Georgia Basin, and has a description of boulder, cobble and pebble conglomerate, coarse to fine sandstone, siltstone, shale, and coal.

The building code of British Columbia provides rainfall information for short, intense storms. Crofton, the nearest noted town in this section of the building code, prescribes a 15 minute storm dumping 8 mm of rain.

For the site, a 10 year rain event has an intensity of 30 mm/hr and a 25 year event has an intensity of 37 mm/hr, as taken from the North Cowichan Engineering Standards. For the purpose of calculations and determining storm intensities, the time of concentration is 15 minutes.

The impervious development on the site can be seen in Table 1.

Impervious Object	Size	Metric
Houses	7 x 1200 ft <sup>2</sup> + 1 x 5600 ft <sup>2</sup>	1301 m <sup>2</sup>
Strata Road	10 m x 189.9 m + (pi*(12 m/2) <sup>2</sup> )	2011 m <sup>2</sup>
Drive Ways/Walkways/Sidewalks	7 x 15 ft x 4ft + 7 x 15 ft + 15 ft	185 m <sup>2</sup>
Parking Lot	(27.6 m x 30 m) + (15 m x 54.6 m)	1647 m <sup>2</sup>
Total		5144 m <sup>2</sup>

Table 1 Impervious Development

With the total site area being 2.0 ha, or 20,000 m<sup>2</sup>, the percent imperviousness is 25.7%. The Stormwater Planning Guide states that to ensure health of aquatic system, total impervious area in a watershed should not exceed 10%. As such, the site is not attaining the watershed goal; however, when including the 1.6 ha donated as park land, the percent impervious is reduced to 13.5%. This 10% figure can be difficult to attain on a developed site area, but on a watershed scale it is easier to maintain, especially in a relatively undeveloped area like Saltair, as any undeveloped land remains 0% impervious.

## **Overview**

Water will be collected from the parking lot area and treated in an oil/grit separator (OGS), before being discharged into the 200 mm stormwater main. Once the water has combined with road runoff, and runoff from both rain water leaders and perimeter drains, it will pour into a series of infiltration chambers buried in the covenant between lots 3 and 4. Should the infiltration chambers overflow, there will be an overflow sewer that will discharge to the ditch, where the water can be treated as 'gone'. The land above the runoff sewer will be a path that is sloped like a swale, and will act as an emergency flood route to the ditch.

## **Grading**

The stormwater sewer network will drain by gravity. Thus, the proper grading of the sewerage is very important. It is assumed that perimeter drains will be high enough to drain to the sewer main by gravity.

Driveways will be sloped such that storm water will run toward the road, and then follow the grade into a nearby grate. Similarly, the driveways will be sloped so that water cannot drain into them from the road. The road will be sloped in a west direction so that water is encouraged to drain towards the cul de sac. Once in the cul de sac, drainage will occur to the south low-point where twin grates are installed. The parking lots will be graded so that any rain landing on them will run to dedicated parking lot grates, which will lead to the OGS. Flow arrows can be seen in System Drawing.

Road grades should be at least 0.5% longitudinally, and 1.5 to 6% across the width. Roads should be crowned, and grading should accommodate the surface flow arrows in System Drawing. Driveways should be graded between 2 and 8% towards the road. Parking lots should be graded at least 2% towards the drains, and the swale should be longitudinally graded at 2% on the surface towards the ditch for emergency routing.

Elevations on System Drawing show the elevations at which the sewerage should be installed, and are measures to the obvert. The reference elevation used is the road surface above the most south east manhole on the site (in the commercial lot).

The infiltration chambers will be installed level. There should be at least 1.5 m of cover above the crowns of any storm sewer lines in road, parking lot, or driveway areas, and 0.9 m elsewhere. Elevations below grade are shown in System Drawing. Minimum and maximum grades and velocities from Table 2 apply and have been considered in calculations.

Pipe Diameter	Min Grade	Max Grade (as per 10 year designs storm)	Velocity (m/s)
100 mm	2.0%	40%	0.75 – 4.5
200 mm	0.5%	10%	0.75 – 4.5

**Table 2 Storm Sewer Grading**

At the exit to Chemainus Rd., the Ministry of Highways has indicated that no runoff should drain into public ditches or road ways. As such, there will be a lip at both the entrance to the strata road and to the entrance of the parking lot to ensure that water landing on the site will stay on site and water landing off the site will stay off the site.

## **Quality Control**

An oil-grit separator will be used to filter runoff water from the parking lot areas. The Canadian Mortgage and Housing Corporation suggests incorporating OGSs in highly impervious areas such as parking lots. The suggested OGS should be a CDS Model 2015-4 or equivalent (see Appendix C for product detail), and will capture over 80% of TSS and removal of oil/grease is performed in an upstream baffle. OGS costs are averaged to about \$2,000 per year including maintenance and capital over a 30-year life span.

The infiltration chambers will sit atop a 46 cm bed of clear gravel. These chambers will have triple action; first as a volume control tool which will be able to store up 70.8 m<sup>3</sup> of runoff; second as an infiltration tool which will allow the runoff to seep back into the ground and find its natural pathway to an aquifer or creek; and third as a settling tool which, during accumulation, will allow suspended solids to settle before overflowing into the discharge sewer to the ditch. In order to prevent dirtying/clogging of the gravel beneath the infiltration trenches, a layer of geotextile covering one third of the length of the chambers can be applied.

Runoff coming from perimeter drains, rain leaders, road, driveways and sidewalks will bypass the OGS. This runoff will be directed to the infiltration chamber via sewerage. Settling of solids will occur here.

In order to reduce scouring and erosion in the ditch during flood events, it is suggested that rock piles or rip rap be installed at the outlet of the 200 mm outlet pipe.

The ditch will be lined with rip rap for a length of 5 m, starting 1 m upstream of the outlet. Rip rap is a permanent, erosion-resistant ground cover constructed of large, loose, angular or sub-angular (rounded) stone.  $D_{100}/d_{50}$  and  $d_{50}/d_{20}$  should both be between 1.5 and 3, and  $d_{50}$  for this lining should be 15 cm, where  $d_{50}$  represents, by weight, where 50% rocks will be heavier, and 50% will be lighter. The thickness should be a minimum of 350 mm or  $2.25 \times d_{50}$ , whichever is greater. Based a fines percent of up to 60% in the soil, a ditch that is somewhere between triangular and parabolic with a depth of 0.8 m and 2.7 m across, and a flow of up to 34 L/s, it is recommended that nonwoven textile, such as US 120NW or equivalent, be used (view figure Swale and Ditch). Do not use a liner, such as COIR, that biodegrades. The stones used should be sub-angular field stone or rough unhewn quarry. The stones should be hard and resistant to weathering.

Before installation of the geotextile filter cloth and the rip rap lining, organic matter should be removed and smooth grading should be performed. This should only be done for the 5 m section that will be getting lined.

The entire ditch should have a cross sectional area of at least  $1.06 \text{ m}^2$ .

## **Sewerage**

The maximum allowable discharge rate will be considered to be 17 L/s/Ha. This value is adopted from the Central Saanich stormwater bylaw, and will be applied over the entire 2 hectare development section to result in a total allowable runoff of 34 L/s. This value, in combination with the soil infiltration rates, dictates the size of the infiltration chambers.

The purpose of applying the 17L/s/Ha discharge limit is to limit peak runoff volume. In this drainage study, all degrees of runoff have been managed in order to match not only peak runoff volumes to pre existing conditions, but to also match runoff rates for smaller, more frequent events.

It is important that the grading of all the storm sewers enables the flow to draw towards the infiltration chamber, and that the obvert of the outlet of the chamber be lower in elevation than that of the invert inlet to the chamber to ensure there is no system surcharge or back up.

The swale will act as the emergency overflow route to the ditch, and should be sloped towards the ditch as well as be the lowest point on the developed section. Total width of the swale should be 2.5 m and have 20% slope at the edges that last for 0.25 m. Grass should be applied here in order to reduce erosion if a major rain event occurs.

The storm sewer that will convey storm water from the commercial area and from the roads will travel through a 200 mm pipe to the OGS. Both parking lots will be graded so that they each drain into a sewer grates in each parking lot. Grates should be visually monitored, and if debris appears to be blocking the perimeter of the drain, it should be swept away.

All grates will drain into standard catch basins. There will be a two 550 mm x 700 mm cast iron grates at the lowest point in the cul de sac. Grates should be spaced along the strata road at a distance no more than 90 m apart, and should drain an area no more than 400 m<sup>2</sup> apiece.

Manholes will be installed at junctions and at the upstream inlet of all storm sewers. View System drawing for placement. Their spacing shall not exceed 120 m.

The obvert of any sewer discharging to the OGS will be higher in elevation than the invert of the outlet of the OGS.

Rain leaders will drain subsurface into the perimeter drain of each building. The perimeter drain of each building will flow through a 100 mm plastic pipe which will then flow into a 200 mm pvc main, which will pour into the infiltrator chambers. Using the Stormtech MC-4500, a series of 13 chambers with two end caps is required, with a depth/bed of 46 cm of clear gravel.

The invert of any sewer discharging into the infiltration chamber will be higher in elevation than the obvert of the outlet of the infiltration chambers.

The outlet of the chambers will discharge to a 200 mm sewer, which will in turn discharge to the ditch through a grated outlet. The swale shall run from the road, through the stormwater covenant between lots 3 and 4, and to the ditch. The road-side curb at the twin-grate inlet in the cul de sac will be short enough to encourage over land flow to the swale to ensure that emergency runoff is routed to the swale. This will also be the site of the lowest point on the strata road.

Pipe Diameter	Material
100 mm	DR28 PVC

200 mm	DR35 PVC
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**Table 3 Pipe Material**

The outlet of the 200 mm pipe at the ditch will be grated to prevent animals from entering. The ditch's capacity is 3.06 m<sup>3</sup>/s at a slope of 2%. For a 25 year storm, the flow in the ditch from the site will be 0.0334 m<sup>3</sup>/s. The velocity at this rate will be 0.13 m/s, which is well within the limit of 3 m/s. The site will use only a fraction of the ditch's total capacity. The calculations for the ditch were made based on keeping a free board of 30 cm. The ditch should be resized to have a cross section area of at least 1.06m<sup>2</sup>. Currently, it's cross sectional area is 0.839m<sup>2</sup>. Variations, including rip-rap lining, can be seen in Ditch and Swale.

## **Computer Model**

The Water Balance Model (WBM) was used to simulate the system on a continuous basis. In Central Saanich, the use of this model is required by law when analyzing stormwater control.

Upon a site visit by Blue Mountain Engineering, there were two classes of soil observed: one near the proposed septic bed on the western part of the property, and one across the rest of the property. For the purpose of the model, the land was divided into two sections in the development section. The flat, east part, comprising 85% of the land, is a silty loam. The other 15% of the land, which is sloped, is a loamy sand.

Post development exceedences are less than that of pre development. As such, the effect of runoff to the environment is limited.

Rainfall data from the Victoria International Airport was used in this analysis, as it is the closest station available to the model.

Three scenarios of the model were run: 1) Pre development 2) Post development, and 3) Post development with controls.

## **Pre-Development**

The following conditions were applied to represent the site as it exists today. A report in Appendix B contains the results.

A retardance coefficient of 0.03 was used for 85% of the site as the land was assumed to have poor grass or bare sod. The other 15% is deemed to be forested.

The longest drainage path was deemed to be the longest property line, which is 292.6 m.

The total change in elevation on the site was deemed to be 15m.

The existing condition included no impervious area.

The soil is a silty loam for 85% of the property, and the land is described as having agricultural surface characteristics and land use. The other 15% is a loamy sand and is in the forested area. As per the site geotechnical assessment performed by Golder Associates, the soil depth across the entire site is deemed to be 350 mm. This was the minimum depth of the top soil layer found on site.

## **Post Development – With Controls.**

Post Development – no controls, had more exceedences, as expected, when compared to pre-development conditions. This section will discuss the flow control devices used to counter the otherwise harmful effect of increased exceedences.

The following conditions were applied to represent the site as it will exist after development. A report in Appendix B contains the results.

Impervious area that is connected to the sewer network includes the roadway, parking lots, driveways, sidewalks, and rooftops. All impervious areas eventually connect to the infiltration chambers, which have an area of 45m<sup>2</sup> and an average porosity of 0.634 when sitting atop .46 cm of clear gravel. The gravel itself is assumed to have a porosity of 0.4.

The exceedance summary displays the amount of runoff (as Duration vs. Rate) from the modeled drainage area over the length of the available climate data. The total exceedance in the post development scenario with controls is seen to be lower than that of pre existing conditions.

The forest section remained undeveloped and unchanged, but the other 85% of the land previously described as having agricultural surface conditions now has a grass swale with a perforated pipe beneath it. The outlet of the infiltration chambers is limited to 17 L/s/Ha.

## **Closure**

Blue Mountain Engineering is committed to construction reviews for the proposed drainage study and believes that the development at 10830 Chemainus Rd. will control total runoff, including peak flows, to maintain the level of environmental impact the site currently has on the drainage basin.

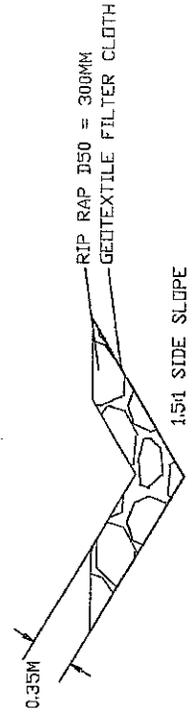
We trust that this information satisfies any concerns you may have related to the water supply and treatment systems. If we can be of any further assistance in this matter, please do not hesitate to contact us.

Very truly yours,

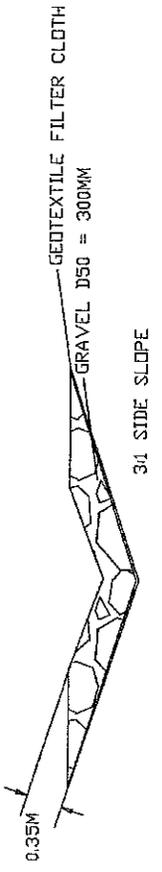
Victor Proctor, P.Eng.

For Blue Mountain Engineering Inc.

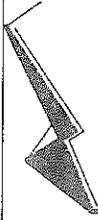
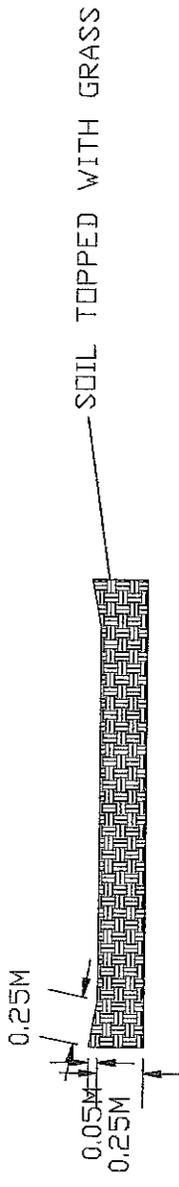
DITCH AT OUTLET WITH RIP RAP LINING - 2.7M X 0.8M (VXHD)



DITCH AT OUTLET WITH RIP RAP LINING (IF GRASSED) - 3.6M X 0.6M (VXHD)



PATH/GRASS SWALE



<b>CHREMANUS-STORMWATER</b> DRAWING: <b>DITCH SWALE</b> DATE: 21/10 SHEET NO: 1 OF: 0	
PROJECT NO: DRAWN BY: CHECKED BY:	DATE: 21/10 SCALE: 1:1 PROJECT:
NO. 1 NO. 2 NO. 3 NO. 4 NO. 5 NO. 6 NO. 7 NO. 8 NO. 9 NO. 10	NO. 1 NO. 2 NO. 3 NO. 4 NO. 5 NO. 6 NO. 7 NO. 8 NO. 9 NO. 10





R2

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 21, 2011

**DATE:** June 15, 2011 **FILE NO:** 6-D-08DP/RAR  
**FROM:** Rachelle Moreau, Planner I **BYLAW NO:**  
**SUBJECT:** Application No. 6-D-08DP/RAR  
(Parhar Holdings Ltd.)

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#### **Recommendation/Action:**

That application No. 6-D-08 DP/RAR submitted by Parhar Holdings for construction of the first phase of the Parhar Business Centre consisting of three buildings totaling approximately 4,200 m<sup>2</sup> on Lot 1, Section 13, Range 7, Quamichan District, Plan VIP88052 (PID: 028-237-765) be approved, subject to :

- a) Building constructed in accordance with the building elevations dated August 23, 2010;
- b) Installation of underground wiring;
- c) Oil/water separators be installed in the parking areas;
- d) Fencing along the Chaster Road frontage will be black or green;
- e) Submission of landscape construction drawings in accordance with the Phase 1 landscape plan dated June 13, 2011 prior to installation;
- f) Landscaping installed in accordance with the plans dated June 13, 2011 to BCSLA standards, including an underground irrigation system;
- g) 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 June 13, 2011 Landscape Plan;
- h) Landscape architect to confirm that the landscaping has been installed as per the Landscape Plan, and 50% of the landscaping security may be returned following successful installation of the landscaping and full construction of the pathway with the remaining 50% to be returned after successful completion of a 3 year maintenance period;
- i) Refuse and recycling areas to be screened and contained within a solid fenced and gated compound(s);
- j) Rainwater management system to be in accordance with Rainwater Management Plan dated December 01, 2010;
- k) Any rooftop equipment will be screened;
- l) Minimum 94 parking spaces required in Phase 1;
- m) Sustainable building elements to include low water consumption plumbing fixtures and energy efficient windows and lighting;
- n) Trail must be completed in consultation with the CVRD Parks and Recreation Department prior to occupancy of the first building or within 12 months of issuance of the development permit for Phase 1. If construction of the pathway is not complete to

CVRD standards within this time frame, CVRD may draw on the landscape security funds to construct the pathway;

- o) No tree clearing on land outside of Phase 1 until a tree inventory has been completed which can identify any existing trees that can be incorporated into future phases.

**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 Phase 1 of the Parhar Business Park consisting of 3 commercial buildings with 6 accessory dwelling units totaling approximately 4,200m<sup>2</sup> of building area.

**Location of Subject Property:** 5301 Chaster Road

**Legal Description:**

Lot 1, Section 13, Range 7, Quamichan District, Plan VIP88052 (PID:028-237-765)

**Date Application and Complete Documentation Received:** February 24, 2011

**Owner:** Parhar Holdings III Ltd.

**Applicant:** Russ McArthur

**Size of Parcel:** 3.06 ha (7.56 acres)

**Existing Zoning:** C-7 (Business Park Commercial)

**Existing Plan Designation:** Business Park Commercial

**Existing Use of Property:** Vacant

**Existing Use of Surrounding Properties:**

North: Cowichan First Nations Reserve

South: C-3 (Service Commercial)

East: A-1 (Primary Agricultural), Agricultural Land Reserve (ALR)

West: C-3 (Service Commercial) Trans-Canada Highway

**Services:**

**Road Access:** Chaster Road

**Water:** City of Duncan Community water

**Sewage Disposal:** CVRD Community sewer

**Environmentally Sensitive Areas:** The *Environmental Planning Atlas 2000* has not identified any environmentally sensitive areas on the site.

**Archaeological Site:** None identified

**Contaminated Sites Regulation:** Declaration signed

**Proposal:**

An application has been made to obtain a development permit in accordance with the Business Park Commercial DPA to permit Phase 1 of the Parhar Business Centre, consisting of three buildings of 680 m<sup>2</sup>, 1,320 m<sup>2</sup>, and 2,200 m<sup>2</sup> respectively as well as approximately six residential units of 100 m<sup>2</sup> each.

The subject property was rezoned in June 2010 from Local Commercial (C-2A) to Business Park Commercial (C-7), in order to expand the permitted uses to allow development of a business park, and accessory residential dwellings. The attached C-7 zone identifies the permitted uses, as well as specifies additional regulations such as parking, number of residential units, setbacks and the requirement for all permitted uses to take place within a building.

The Official Settlement Plan was also amended to include a new section entitled, "Business Park Commercial", which introduced a number of policies relative to the establishment and operation of a business park. This property has also been included within the Business Park Commercial Development Permit Area (DPA).

The purpose of this development permit application is to review the application in consideration of the 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.

**Policy Context:*****Official Settlement Plan (OSP)***

This property has been designated as the Business Park Commercial designation, which identifies the following policies:

***Policy 8.23***

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

***Policy 8.24***

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

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

***Zoning and Residential Density***

The C-7 Zoning provides for a number of permitted uses and specifies regulations regarding building height, setbacks, parcel coverage and parking (please see attached C-7 zone description).

The buildings are designed to accommodate a range of potential tenants and uses within approximately 200 m<sup>2</sup> (2,150 ft<sup>2</sup>) units, however some units may be larger and some may be smaller depending on the needs of the tenants. Currently, the applicant does not know the exact uses that will occur in the proposed buildings.

Parking

The Bylaw specifies that 1 parking space is required per 48 m<sup>2</sup> of gross floor area, plus one space per residential dwelling. Therefore, a total of 94 parking spaces are required for the first phase. Based on earlier drawings showing the total building area of all buildings, approximately 12,690 m<sup>2</sup>, the required number of parking spaces would be approximately 264 spaces, which the applicant has suggested they will be requesting a variance for at a later date. For this first phase, however, the number of parking spaces provided complies with the bylaw.

Development Permit Area Guidelines

The Business Park Commercial 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.

Site Design

- 1.1 No exterior storage is proposed in this Phase.
- 1.2 The site plan illustrates two entrances/exits on the property. The Ministry of Transportation and Infrastructure requires an Access Permit be issued prior to construction on the property. A detailed review of emergency access routes, and provision of water for fire-fighting purposes, including the location of fire hydrants will occur through the building permit process.
- 1.3 There are parking spaces and pathways directly in front of each building. There are no defined pathways/sidewalks alongside roadways. Within the parking areas, landscape islands will be provided to soften the character and feel of the parking lot and to provide space for street tree planting. Deciduous trees will be planted in the locations identified in the Landscape Concept Plan throughout the parking areas to break building facades and provide localized shading and cooling, as well as aid in rain garden performance.
- 1.4 Street lights are proposed in the locations identified on the plan. Additionally, both buildings along Chaster Road will be equipped with a wall mounted, shielded luminaires to provide lighting on the road side of the buildings, towards the pathway.
- 1.5 Refuse and recycling locations are noted on the plan. Requirements to fence and screen these areas will form a condition of the Development Permit.
- 1.6 The applicant has proposed the following in terms of compliance with Crime Prevention Through Environmental Design (CPTED) principles:
  - Parking is within visible well lit locations adjacent to main entrances of buildings;
  - The landscaping is not conducive to hiding;
  - Landscaping avoids locating large plants that can conceal activity adjacent to building;
  - Larger plantings tend to be trees with higher crowns;
  - The residential units provide continual presence on site. During the day, commercial activity is taking place, and during the evening people are on the site in the residences;
  - Pathways and approaches to buildings are illuminated through building mounted downlighting for security of residents and customers/staff, as well as illuminating landscape spaces around buildings for security of buildings and contents;
  - Building materials are chosen for durability and combustible-resistant qualities. Originally, the applicant was proposing fiber cement siding, stucco, concrete block, steel stud framing, aluminum windows and doors, and heavy timber wood elements that have an inherent fire resistance due to their cross-sectional size. However, the applicant is now proposing to construct the buildings with tilt-up concrete. The applicant has suggested that the appearance of the buildings will remain the same as that shown on the elevation drawings because they are able to use liners that mould and colour the exterior concrete.

### Building Design

2.1 The only currently proposed building near the Agricultural Land Reserve (ALR) boundary, Building 3, is oriented such that the main entrances, parking and public areas are internal to the business park, and not to the ALR boundary. There are two exit doors at the rear of this building, however, as noted, the main activities will be oriented towards the business park. The building is set back from the ALR boundary by 9 metres, which is the required setback specified in the zoning bylaw. This setback area will be landscaped and planted with the following plants (see attached landscaping plan and buffer planting as illustrated on the Rainwater Management Plan drawing):

- Buffer trees
  - *Acer glabrum* (Douglas maple)
  - *Crataegus douglasii* (Black hawthorne)
  - *Pinus contortat* (Lodgepole Pine)
  - *Thuja pilcata* (Western red cedar)
- Buffer shrubs (trespass –preventing)
  - *Mahonia aquifolium* (Oregon grape)
  - *Rosa nutkana* (Nootka Rose)
  - *Rubus spectabilis* (Salmon berry)
- Raingarden plants
  - *Cerex obnupta* (slough sedge)
  - *Juncus patens* Carmen's grey (rushes)
  - *Myrica gale* (Bog myrtle/Sweet Gale)

2.2 Building 1 and 2 both face Chaster Road and are designed to include a substantial number of windows, and exterior finishes will either consist of blue horizontal fiber cement siding (or resemble it using the tilt up concrete), wood fascia and wood posts. The residential suites have a patio, and wood trellis on post and beam structure. The building itself was originally going to be constructed with grey split face concrete block, however as noted; the applicant is now proposing tilt up concrete.

2.3 The buildings appear to be well-designed and include a variety of colours, varying lines, and materials.

2.4 All the buildings in Phase 1 are of a consistent design theme. Subsequent Development Permits will be required for future phases.

2.5 The proposed buildings use low maintenance durable materials consisting of concrete for the construction and metal roofing.

2.6 No smooth concrete block or vinyl siding is proposed.

2.7 This guideline recommends that building materials indigenous to the west coast are to be incorporated into the building design, and currently there are some wood elements proposed through the wood fascia and wood posts.

2.8 No rooftop equipment is currently proposed, the Development Permit can include a condition that any rooftop equipment proposed in the future be screened (e.g. through a false roof).

2.9 None of the currently proposed buildings face residential land. Subsequent Development Permits will be required for future phases of the business park, at which point careful attention will be paid to the building design of any and all buildings facing the residential land along the north property boundary.

### Landscaping and Buffers

3.1 As noted above, a public pathway is required along the front (Chaster Road). The CVRD Parks and Recreation Department will be working with the Ministry of Transportation and Infrastructure (MoTI) to secure the necessary permit. Construction of the pathway will be provided by the developer in keeping with CVRD standards.

Originally, the applicant had proposed a significant portion of their Chaster Road frontage landscaping within the road allowance/trail right of way, which included street trees, shrubs,

a bioswale, and lawn area (see attached Landscape Plan 1 – Street Trees). However, due to the high annual maintenance costs and lack of designated street tree function, the CVRD Parks and Recreation Department has advised that they cannot accept responsibility for this level of landscaping, and they are recommending a buffer of native grass, boulders or something that is low maintenance and drought tolerant between the road surface and the trail surface. As such the landscaping plan was revised to remove the street trees from the road frontage and plant rough grass instead of lawn (see attached Landscape Plan 2 – No Street Trees dated June 13, 2011). Landscaping will be provided in front of the building, within the 4 metre setback area, consisting of the following landscaping:

- Shrubs
  - *Cornus sericea* 'Kelseyii' (Kelsey Dogwood)
  - *Lonicera nitida* (Boxleaf honeysuckle)
  - *Symphoricarpos alba* (Snowberry)
  - *Vaccinium ovatum* 'Thunderbird' (Thunderbird evergreen huckleberry)
  - *Garrya elliptica* 'James Roof'
  - *Callicarpa japonica* (Japanese beauty berry)
  - *Rhododendron* sp.
  - *Hamamelis mollis* (type of witch hazel)

Within this 4 metre setback area there will be some room for planting deciduous trees, which will consist of a selection of the following, however it will not achieve the same street tree effect as the original proposal.

- Deciduous Trees
  - *Acer glabrum* (Douglas Maple)
  - *Cornus* (Eddie's White Wonder)
  - *Fraxinus oxycarpa* (Raywood ash)
  - *Picea ormorika* (Serbian Spruce)
  - *Nyssa sylvatica* (Black tupelo)
  - *Zelkova serrata*

3.2 The landscape plan illustrates a chain link fence on the rear property line along the ALR boundary. There is a 9 metre setback area from buildings, and this entire setback will be landscaped with a selection of buffer trees and shrubs (as noted above in Section 2.1). The landscape plan indicates that this complies with the Level 2D standard specified in the "Guide to Edge Planning" as required by this DPA guideline.

3.3 There is no parking, outdoor storage or other activity proposed within the buffer area. The Buffer Planting noted on the plan indicates that there are three rows of trespass-preventing shrubs consisting of Oregon grape, Nootka rose, and Salmon berry along the parking area. The landscaped buffer along the ALR land is proposed in Phase 2 of the Business Park. This guideline states that a covenant can be required to ensure protection of the buffer area.

3.3 This guideline requires that street trees be provided along public road ways and within parking areas. Approximately 22 trees were proposed within the Chaster Road allowance where the trail is to be located. However, as noted above, the CVRD does not have the budget to maintain this level of landscaping within the road allowance, and as such, a revised plan was requested which removed the street trees from this area.

Deciduous trees are also proposed within parking areas via internal landscape islands to soften the character and feel of the parking lot, to help break the building facades and provide localized shading and cooling, as well as aid in rain garden performance.

3.4 Some native plants have been included within the landscape plan (e.g Oregon grape, Nootka rose, salmon berry, western red cedar).

- 3.5 Irrigation is proposed.
- 3.6 The landscaping plan has been prepared by a landscape architect, who can be required to “sign-off” on the landscaping after it has been installed indicating that it has been done to the specifications. Additionally, a requirement for landscape construction drawings will form a condition of the development permit in order to ensure that the landscaping is in accordance with the plan, and to facilitate subsequent release of the landscaping security.
- 3.7 The landscape architect has provided a cost estimate for the proposed landscaping plan including installation of irrigation and gravel path. The CVRD requires 125% of the estimated cost to be maintained as a security until the landscaping is successfully established.
- 3.8 Upon successful installation of the landscaping, 50% of the security deposit may be returned to the applicant. The other 50% will be held by the CVRD for 3 years to ensure that the plantings are successful.

Environmental Protection:

- 4.1 This guideline requires a storm water management plan to achieve zero discharge from the property, and recommends a combination of detention and infiltration methods.

As proposed, there are two main components to the rainwater management plan (as illustrated on the attached plan):

- A series of raingardens and bioswales that will capture runoff for all the rainwater and slowly infiltrate the water into the ground. It is proposed that all the rainwater can be managed this way for Phase 1 (the 3 buildings currently proposed).
  - To achieve “zero discharge” from the site, and provide a backup and overflow system to the series of raingardens, an onsite infiltration system designed by an engineer will be required. It is proposed that all the rainwater will pass through a raingarden prior to being discharged into the infiltration trenches. The approximate location of the infiltration trench is indicated on the attached rainwater management plan.
- 4.2 Raingardens are proposed to filter the rainwater prior to it being discharged into the overflow underground infiltration system in order to pre-treat surface runoff water before it enters the groundwater. No information on the proposed uses that will occupy the buildings is available to identify whether additional protection measures are required.
- 4.3 Windows are proposed to be Energy star thermally broken, and energy efficient lighting (CFL and LED) is proposed for internal lighting.
- 4.4 All plumbing fixtures for residential and commercial uses are proposed to be low flow fixtures, dual flush or ultra low water toilets.

Signage:

Currently, the locations (but not the design as these will be occupied by various tenants) of proposed fascia signs have been identified on the building elevation drawings. Additionally, there are two locations identified on the site plan that will host the “Parhar Business Park” project sign, as illustrated on the site plan. This sign will be approximately 1.5 metres (4’11”) tall constructed with clay brick base, smooth finished concrete and black powder coated lettering.

Subsequent Development Permits will be required for signs within the business park as they are proposed. These will be reviewed for compliance with the signage guidelines within the Business Park Commercial Development Permit Area.

**Pathway along Chaster Road – CVRD Parks and Recreation Department**

Though the rezoning application, the developer has committed to constructing a trail along Chaster Road. The purpose of the trail is to improve pedestrian safety, particularly for school children who walk along Chaster Road from residences on Cowichan Tribes land near Boys Road to the Koksilah

School/Trans Canada highway overpass. This trail will be constructed within the road allowance, with CVRD Parks and Trails Division being responsible for obtaining the appropriate permit from the MoTI, and the developer being responsible for construction of the trail to CVRD standards.

Although there was broad support for the originally proposed street trees and associated landscaping within the trail/road allowance, CVRD Parks and Recreation Department do not have the budget or designated function to provide for the annual maintenance of the street trees and associated landscaping proposed within the road allowance/trail right of way.

It was noted that if the CVRD Board would like to pursue a street tree function in the future, a service area should be established which would provide an opportunity to collect annual maintenance fees from property owners through taxation.

Alternatively, the landscape architect has advised that with appropriately chosen trees, and "rough grass" instead of lawn, the maintenance for this area could be significantly reduced, particularly once the trees are established after the first 3 years. As the development permit guidelines require CVRD to keep 50% of the landscape security for 3 years, the developer could be required to maintain this landscaping while the trees are established. In order to establish the trees, a temporary irrigation system would be required which could be removed after 3 years. However, this would still require approval from the MoTI, and despite lower maintenance costs, CVRD does not have a designated function to provide for and maintain street trees.

#### **Road Upgrades – Ministry of Transportation and Infrastructure**

For the first phase of the business park, the Ministry of Transportation and Infrastructure is requiring a separate right turn lane on the west-bound approach at the Allenby and Trans-Canada Highway intersection (turning right onto the highway heading north). The Ministry has advised that line-painting may be all that is required in this instance.

Future phases of the development require subsequent approval by the Ministry of Transportation and Infrastructure, and which will require upgrades to the Trans Canada Highway intersection at Allenby Road.

#### **Advisory Planning Commission Comments:**

The APC was supportive of the application in particular favouring the deciduous street trees and landscaping proposed within the trail/road allowance.

*"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 the buffer areas;*
- *The final landscaping be signed off by the Landscape Architect to confirm it complies with the approved landscaping plan."*

The majority of the development abutting the ALR boundary is not within Phase 1 of the Business Park, therefore, the covenant to protect the ALR boundary could be deferred until Phase 2.

#### **Planning Division Comments:**

The above-referenced sections describe the proposal and how it complies with the requirements of the Business Park Commercial Development Permit Areas.

While we were not able to achieve landscaping along the road frontage within the road allowance as originally proposed in the landscaping plan, and supported by the APC, it may be worthwhile to examine other low maintenance options for trees within the road allowance. In the future, as a second alternative, the CVRD may wish to investigate the possibility of establishing a service area whereby developers/landowners within an area would pay the annual maintenance for this type of landscaping so that the cost of annual maintenance does not come directly from the parks budget.

Ultimately, however, the improved appearance of Chaster Road and the highway in this area would benefit the community at large, not just the developers/business community within the immediate area. A third alternative to accommodate the street trees would be to require the developer to move the buildings back further from the property line, beyond the minimum 4 metre setback, to include more trees.

While the revised landscape plan (dated June 13, 2011) does not include as many street trees, deciduous trees are still proposed along this frontage and there will be no net loss of the other types of plants (shrubs, ground covers etc) as these will be accommodated in other areas outside the road allowance as directed by the landscape architect.

The proposed landscaping and site plans submitted are for Phase 1 only, and there is a recognition that subsequent phases of the business park require separate development permits. These will specifically review the proposed landscaping and buildings for those phases.

Approval of Phase 1 will not be construed as general approval for future phases, in particular the landscaping proposed along the northern lot line will require some attention to ensure that residences are not impacted by the building or development activity within this area. A condition of the development permit will require landscape construction drawings to ensure that the landscaping is installed in accordance with the overall concept plan.

A somewhat significant change to the building plans is the use of tilt-up concrete as the construction method. However, the architect for the development has advised that the use of tilt-up concrete as the method of construction will not affect the appearance of the buildings, and they will appear as illustrated on the building elevation drawings.

The proposal is generally consistent with what was anticipated through the rezoning application in terms of the proposed building style, layout, and trail construction.

**Options:**

1. That application No. 6-D-08 DP/RAR submitted by Parhar Holdings for construction of the first phase of the Parhar Business Centre consisting of three buildings totaling approximately 4,200 m<sup>2</sup> on Lot 1, Section 13, Range 7, Quamichan District, Plan VIP88052 (PID: 028-237-765) be approved, subject to :
  - a) Building constructed in accordance with the building elevations dated August 23, 2010;
  - b) Installation of underground wiring;
  - c) Oil/water separators be installed in the parking areas;
  - d) Fencing along the Chaster Road frontage will be black or green;
  - e) Submission of landscape construction drawings in accordance with the Phase 1 landscape plan dated June 13, 2011 prior to installation;
  - f) Landscaping installed in accordance with the plans dated June 13, 2011 to BCSLA standards, including an underground irrigation system;

- g) 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 June 13, 2011 Landscape Plan;
- h) Landscape architect to confirm that the landscaping has been installed as per the Landscape Plan, and 50% of the landscaping security may be returned following successful installation of the landscaping and full construction of the pathway with the remaining 50% to be returned after successful completion of a 3 year maintenance period;
- i) Refuse and recycling areas to be screened and contained within a solid fenced and gated compound(s);
- j) Rainwater management system to be in accordance with Rainwater Management Plan dated December 01, 2010;
- k) Any rooftop equipment will be screened;
- l) Minimum 94 parking spaces required in Phase 1;
- m) Sustainable building elements to include low water consumption plumbing fixtures and energy efficient windows and lighting;
- n) Trail must be completed in consultation with the CVRD Parks and Recreation Department prior to occupancy of the first building or within 12 months of issuance of the development permit for Phase 1. If construction of the pathway is not complete to CVRD standards within this time frame, CVRD may draw on the landscape security funds to construct the pathway;
- o) No tree clearing on land outside of Phase 1 until a tree inventory has been completed which can identify any existing trees that can be incorporated into future phases.

2. That application No. 6-D-08DP submitted by Parhar Holdings Ltd. for construction of the first phase of the Parhar Business Centre consisting of three buildings totaling approximately 4,200 m<sup>2</sup> on Lot 1, Section 13, Range 7, Quamichan District, Plan VIP88052 (PID: 028-237-765) not be approved, and that the applicant be directed to revise the proposal.

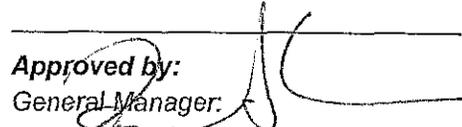
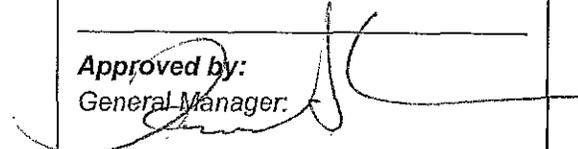
Option 1 is recommended.

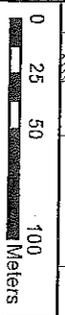
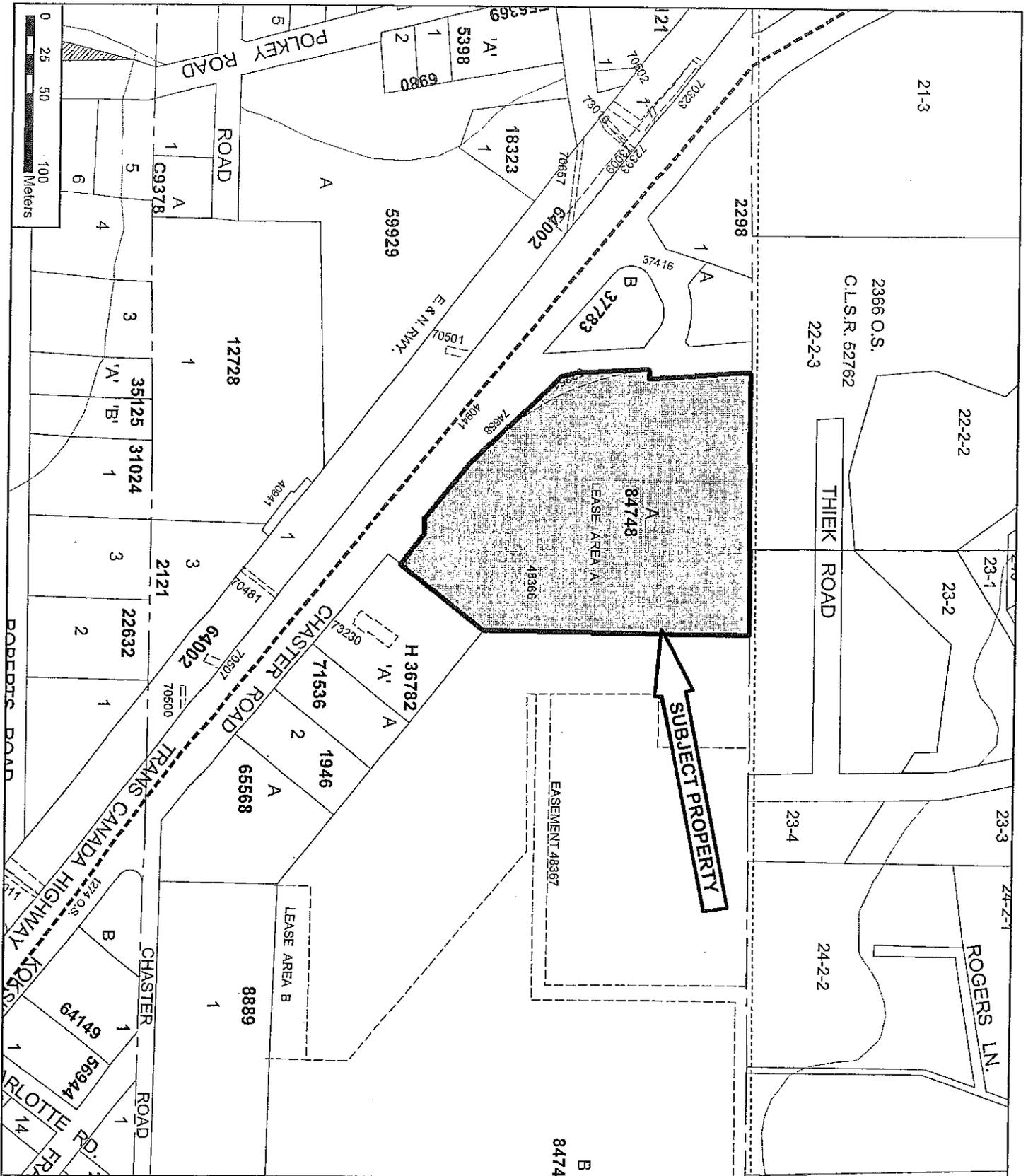
Submitted by,



Rachelle Moreau  
Planner I  
Planning and Development Department

RM/ca

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

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




**SUBJECT PROPERTY**

**Cowichan Valley Regional District**

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

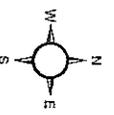
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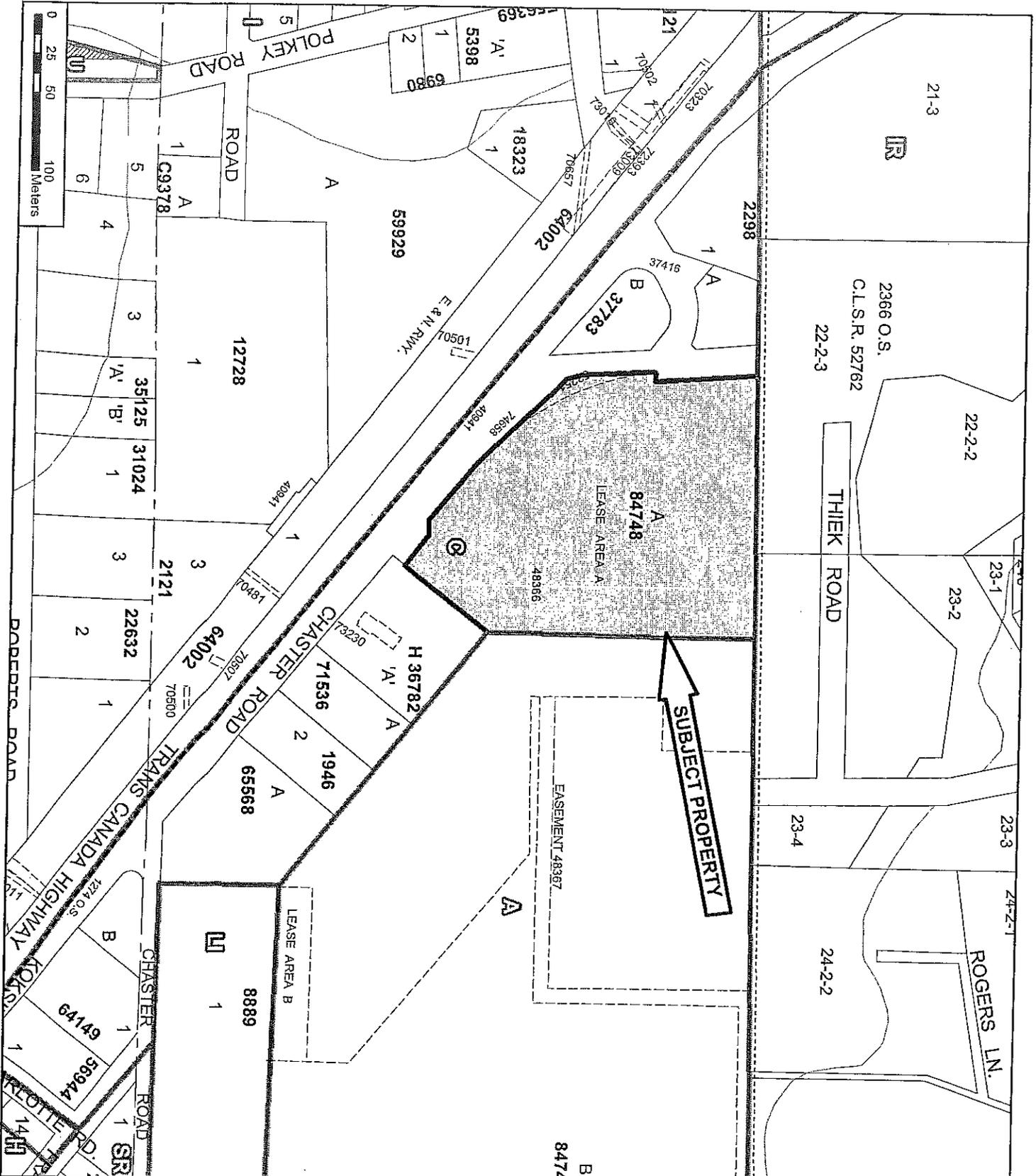
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

**FILE: 6-D-08-DP-RAR**

**Legend**  
 Subject Property





**SUBJECT PROPERTY**

**Cowichan Valley Regional District**

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

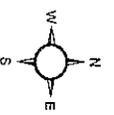
All persons making use of this compilation are advised that amendments from previous purposes only and that boundaries are representational.

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

FILE: 6-D-08-DP-RAR

**OCP**

- Legend**
-  Subject Property
  -  OCP Electoral Area D





### Cowichan Valley Regional District

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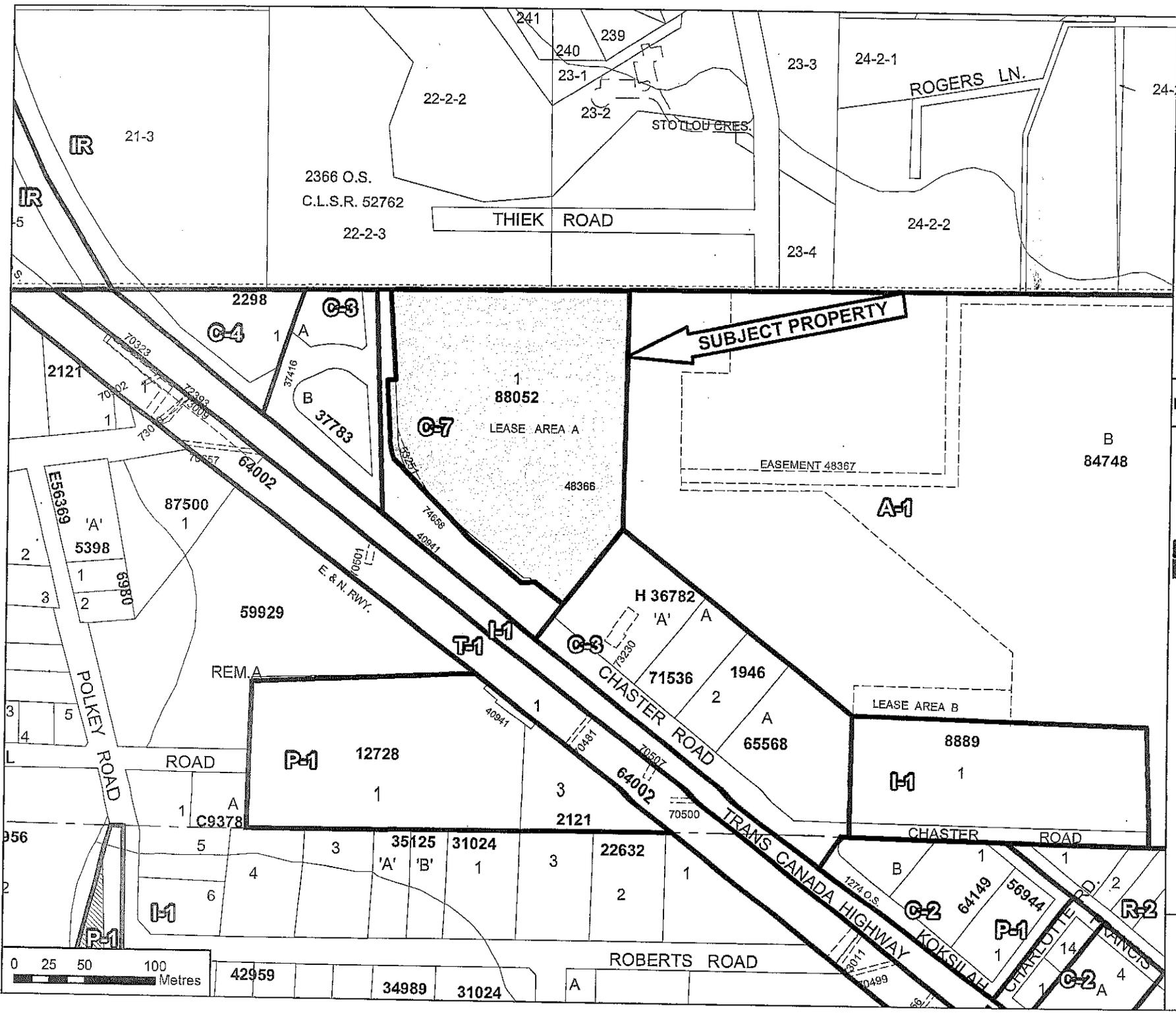
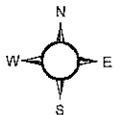
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

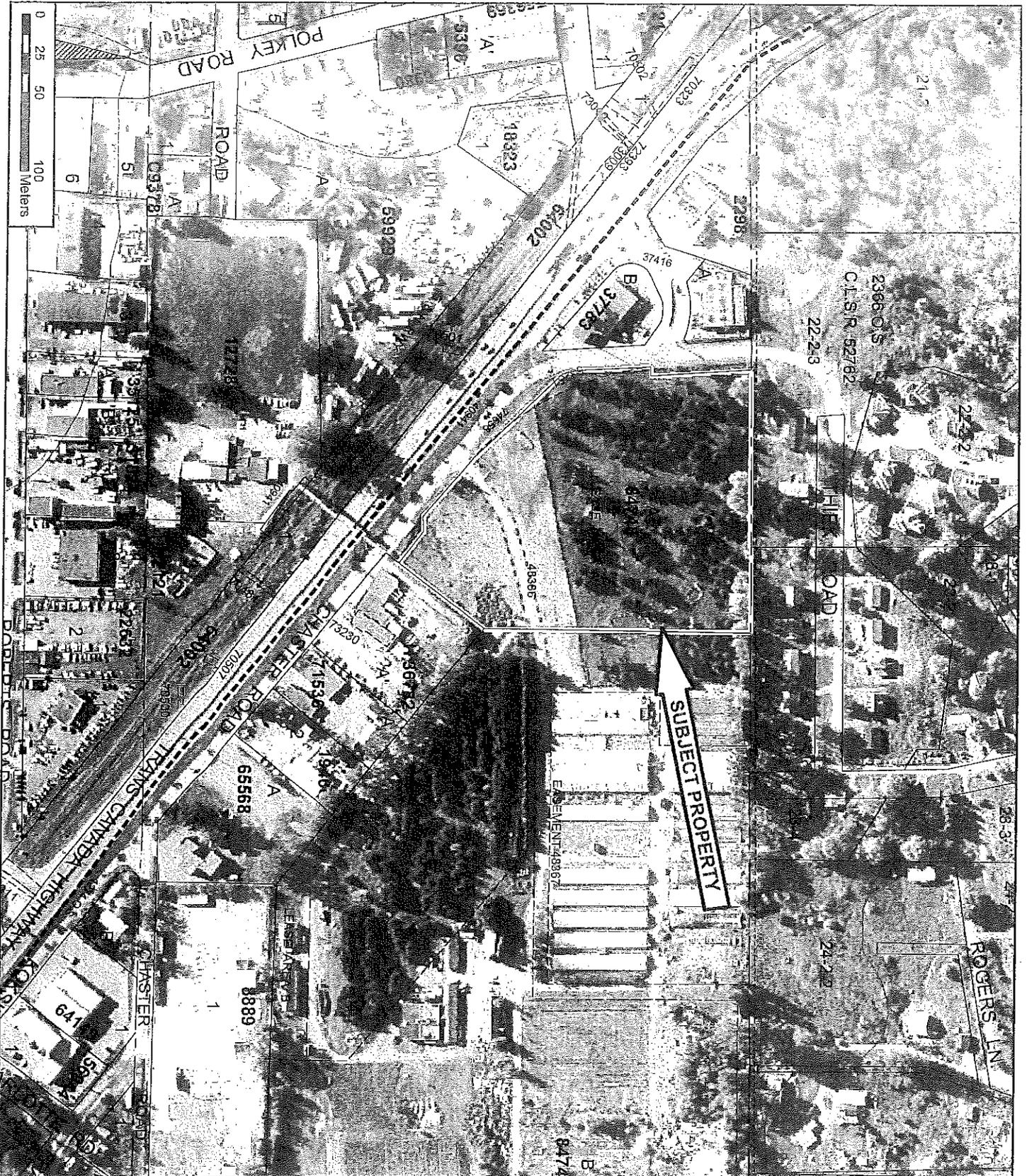
FILE: 6-D-08-DP-RAR

## ZONING

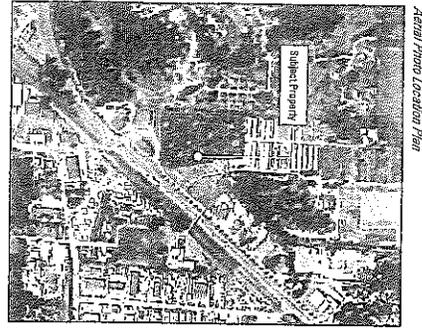
### Legend

- Subject Property
- Zoning Electoral Area D





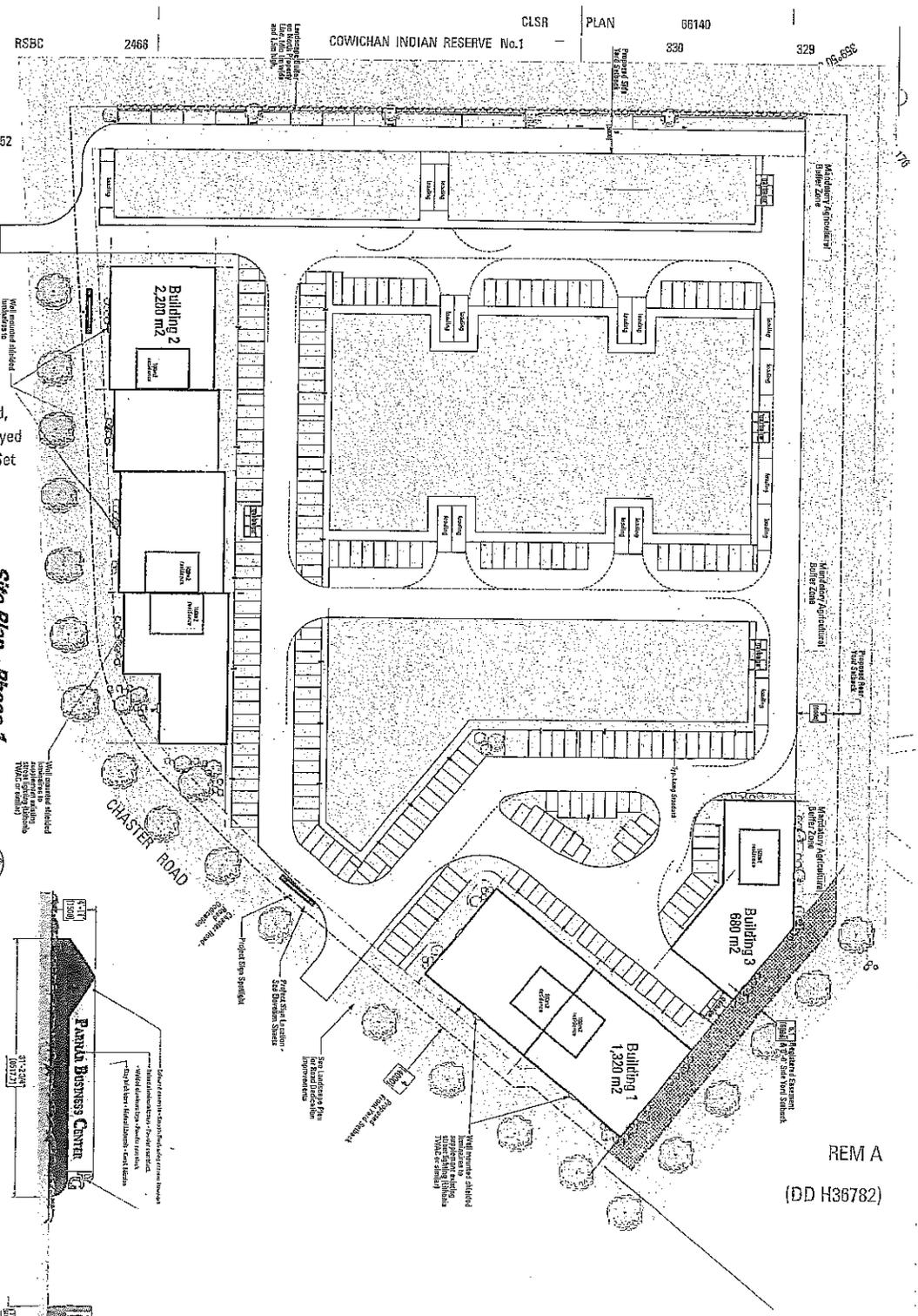
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<p>This map is compiled from various sources for internal use and is designed for reference purposes only. The Regional District does not warrant the accuracy.</p>	
<p>All persons making use of this map are advised that the map is not intended for compliance purposes only and that boundaries are representational.</p>	
<p>The original format should be consulted for all purposes of interpretation and application of the Bylaws.</p>	
<p>FILE: 6-D-08-DP-RAR</p>	
<p>Orthophoto (2004)</p>	



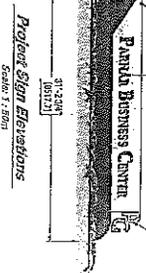
Aerial Photo Location Plan

<b>Owner:</b>	Paula King	201 Frederick Street, Duncan, BC, V9L 4J8
<b>Architect:</b>	Adapted from CLSR, B. & A. S.E.C.	440 Main Street, Victoria, B.C.
<b>Other Address of Property:</b>	440 Main Street, Victoria, B.C.	Telephone: 250-362-0400 Fax: 250-372-5222 Email: paula@adapted.com
<b>Legal Description:</b>	Lot 6 & 8, Section 16, Range 1, Township 28, E2	6700 - 10th Street, Park Community
<b>Site Area:</b>	31,972 sq. ft.	(E2091 24)
<b>Building Area:</b>	1,200 sq. ft. (Building 1) 1,200 sq. ft. (Building 2) 1,200 sq. ft. (Building 3)	1,200 sq. ft. (Building 1) 1,200 sq. ft. (Building 2) 1,200 sq. ft. (Building 3)
<b>Ownership:</b>	Proposed 25%	Proposed 25%
<b>Building Height:</b>	Proposed 15.0m	Proposed 15.0m
<b>Setbacks:</b>	Front: 4.0m Side: 2.0m Rear: 2.0m Adjacent to residential or approved zone: 5.0m	Front: 4.0m Side: 2.0m Rear: 2.0m Adjacent to residential or approved zone: 5.0m
<b>Utilities:</b>	1.4m per side, 1.4m per side	1.4m per side, 1.4m per side

**Survey:**  
Survey data from:  
KENTON WATSON  
201 DUNDAS STREET  
DUNCAN, B.C. V9L 2T1 (250) 362-4245  
FILE 053554.SIT



Site Plan - Phase 1  
Scale: 1:400m



Proposed Sign Elevations  
Scale: 1:500m

# Proposed Commercial Development

5301 Trans Canada Highway, Duncan, BC

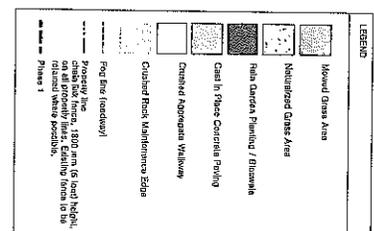
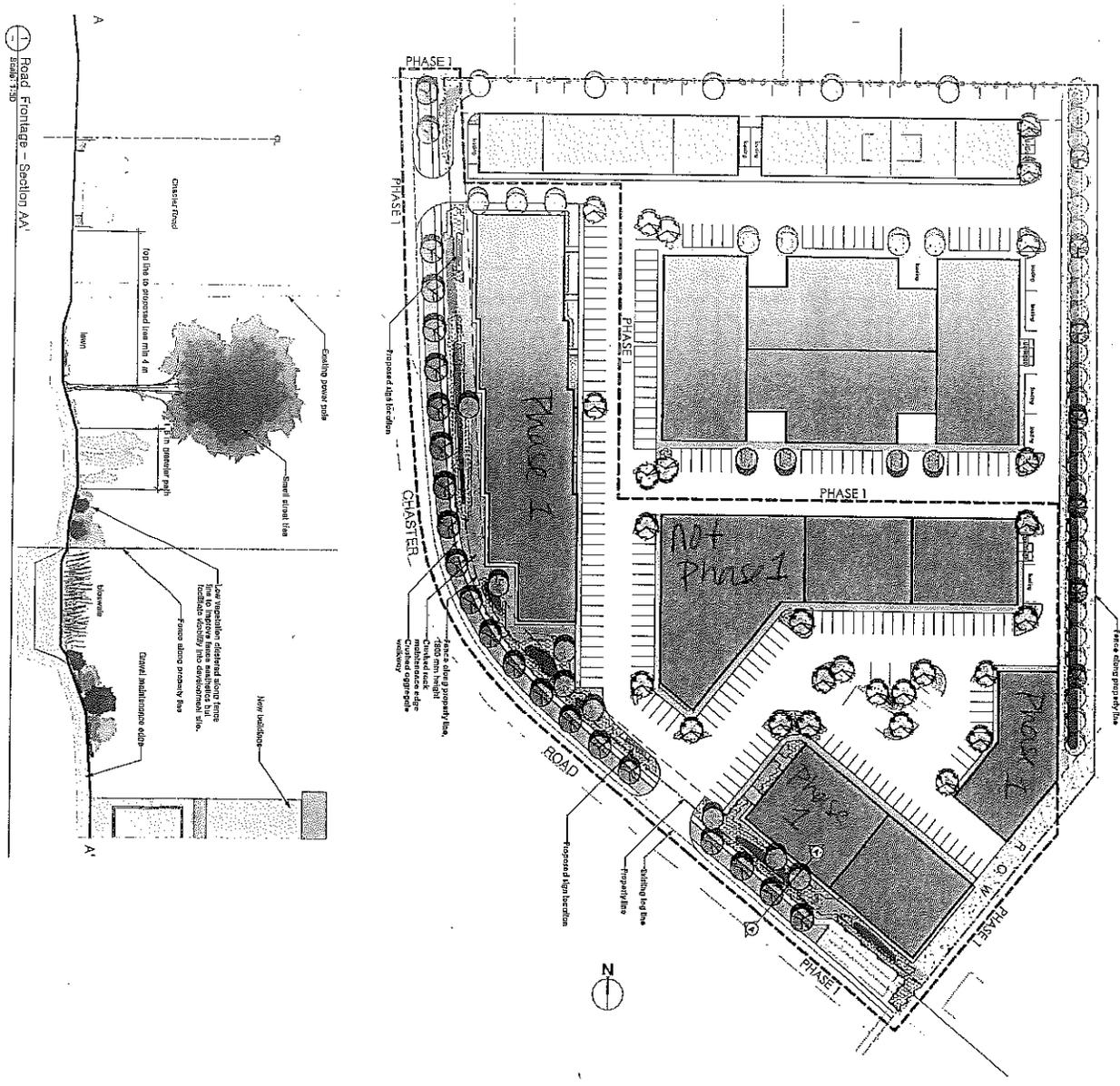
A7

20/10/2013



Joe Rowell Architects Inc.  
4500 Highway 100, Suite 200  
Duncan, B.C. V9L 2K6  
Tel: (250) 362-4245  
Fax: (250) 362-4246  
www.jrowell.com

Landscape Plan I - Street Trees  
 in road allowance

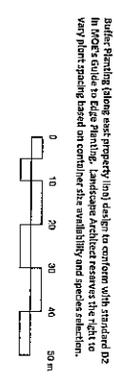


**PLANT LIST**

QTY	SYMBOL	PLANT TYPE and suggested plants	5.0m caliper
73		Redondo Trees Cornus Elaeagnus Fragaria Rosa Spiraea Syringa Viburnum	5x3
6938		Redondo Trees Cornus Elaeagnus Fragaria Rosa Spiraea Syringa Viburnum	7x5
5182		Shrubs Lonicera Syringa Viburnum Weigela Yucca Hamamelis Helleborus Lilium Nigella Rosa Spiraea Syringa Viburnum	42 / 41 pot
150		Shrubs Lonicera Syringa Viburnum Weigela Yucca Hamamelis Helleborus Lilium Nigella Rosa Spiraea Syringa Viburnum	42 / 41 pot

**BUFFER PLANT LIST**

QTY	SYMBOL	PLANT TYPE and suggested plants	43 / 47 pot
334		Shrubs Lonicera Syringa Viburnum Weigela Yucca Hamamelis Helleborus Lilium Nigella Rosa Spiraea Syringa Viburnum	42 / 41 pot
1150		Shrubs Lonicera Syringa Viburnum Weigela Yucca Hamamelis Helleborus Lilium Nigella Rosa Spiraea Syringa Viburnum	42 / 41 pot



This plan is not intended for construction.

**Murdoch de Greeff Inc.**  
 1000 West Beaver Creek Road  
 Richmond, BC V6X 3E7  
 Tel: 604.273.8888  
 Fax: 604.273.8889  
 Email: info@murdochdegreff.com

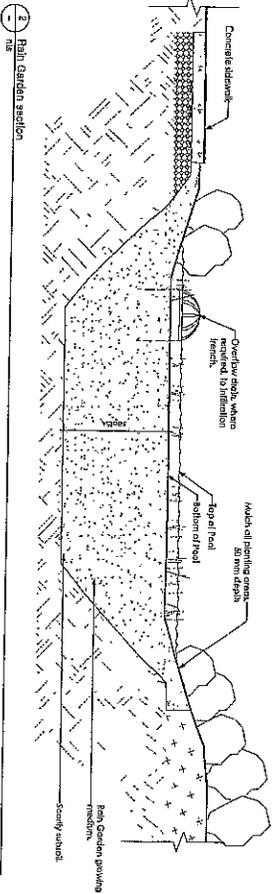
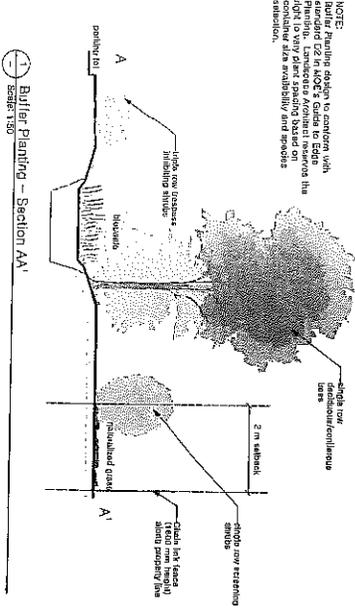
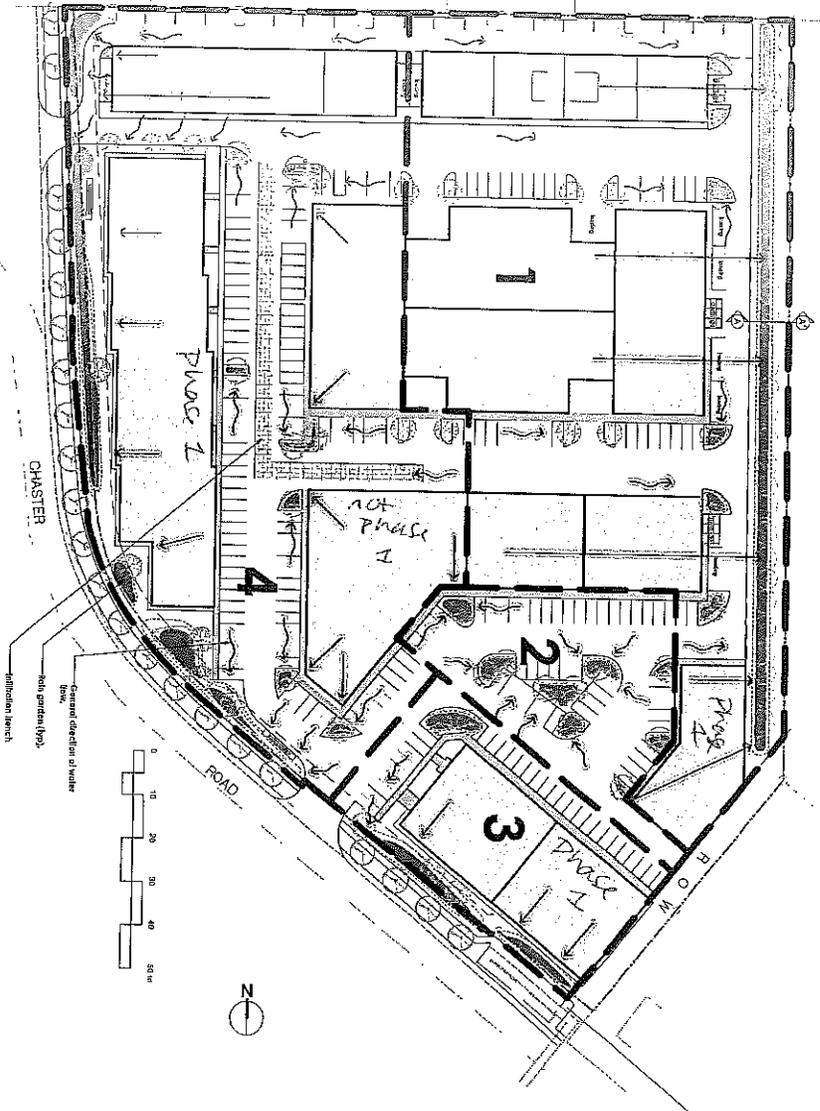
Site: **Palmer Group**  
 4301 Trans-Canada Highway  
 Delta, BC

Project: **Landscape Plan**

Drawn by: **SLP/DA**  
 Checked by: **SLP/DA**  
 Date: **10.12.12**

Sheet: **L1.01**





**Statement of Intent**

The plan is not intended for construction.

Code/Zone	Area (sqm)	Volume (m³)	Notes
1	5872	3582	Storage Volume of Rain Garden per sqm = 0.61 m³
2	1342	809	
3	5723	337	
4	140	85	
<b>Total</b>	<b>18777</b>	<b>11325</b>	

**Assumptions:**  
 Rain Garden design based on 200 mm infiltration per 100 mm of rain of rainfall intensity (10% wet period)  
 \* Catchment Area = 100 x 100 = 10,000 m²  
 Infiltration layer per Civil Engineer drawings for infiltration trench design.

**LEGEND**

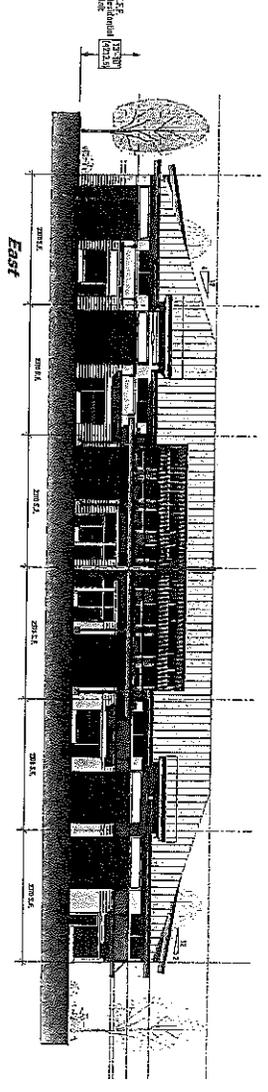
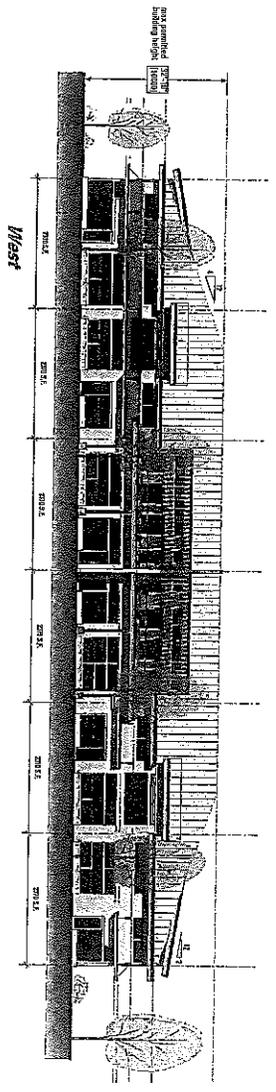
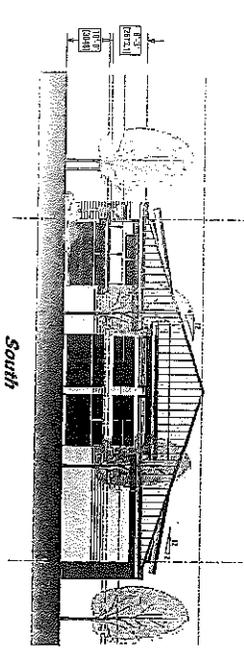
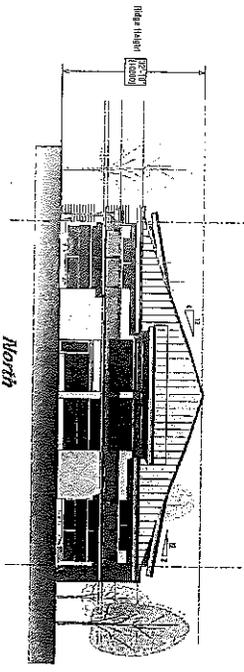
- Infiltration Area - Blue
- Rain Garden Planting / Biomass
- Infiltration Area - Catch Pits
- Concrete Paving
- Infiltration Area - Parking Lot
- Infiltration Trench
- Proposed Pavement
- Proposed Sidewalk
- General section of water flow

**Murdoch deGreeff Inc.**  
 Landscape Architect & Designer  
 2200 West 10th Avenue, Suite 100  
 Vancouver, BC V6L 2K1  
 Tel: 604.273.8888

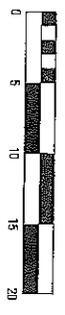
**Project:** Rainwater Management Plan  
**Client:** Rainwater Management Plan  
**Address:** 10, 12, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

**Scale:** 1:500  
**Drawn by:** M.P.F./J.G.  
**Checked by:** S.W.P./J.G.  
**Date:** 10/12/21  
**Project No.:** 10612

**Version:** L2.01



**Building 1 Elevations**  
Scale: 1/8" = 1'-0"



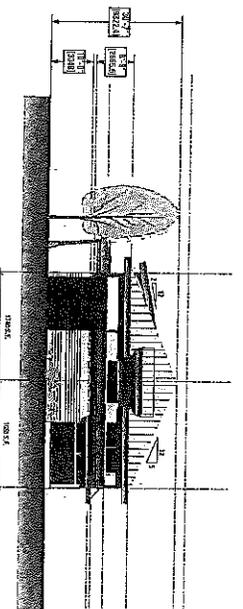
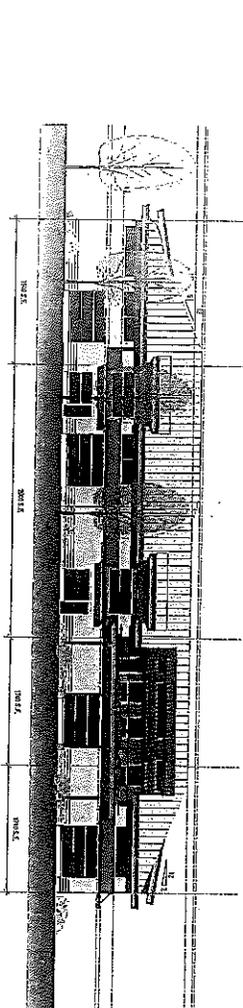
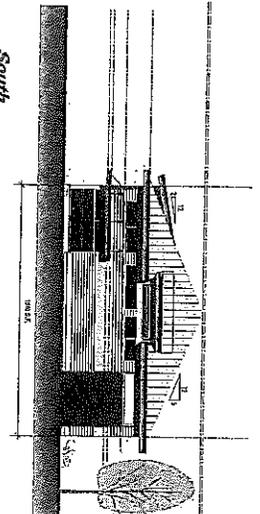
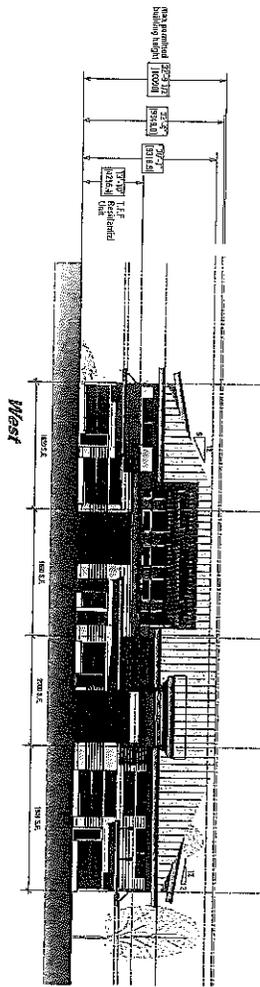
**Proposed Commercial Development**  
5301 Trans Canada Highway, Duncan, BC

**A4**



John Newell Architects Inc.  
1011 Taylor Ave. Courtenay  
Rt. 12, Courtenay, BC V9N 1S1  
Tel: 250-335-1111  
www.johnnewell.ca





**Building 3 Elevations**

Scale: 1:150m

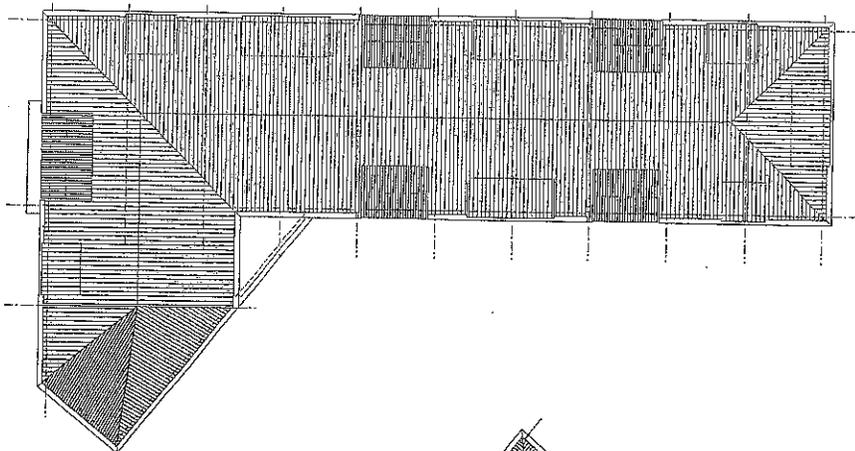


**Proposed Commercial Development**  
 5301 Trans Canada Highway, Duncan, BC

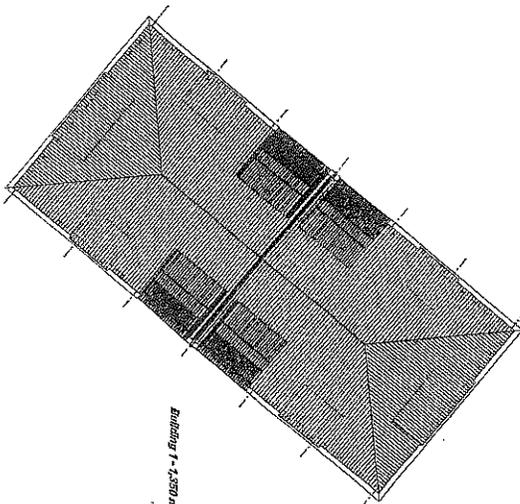
2010/02/23



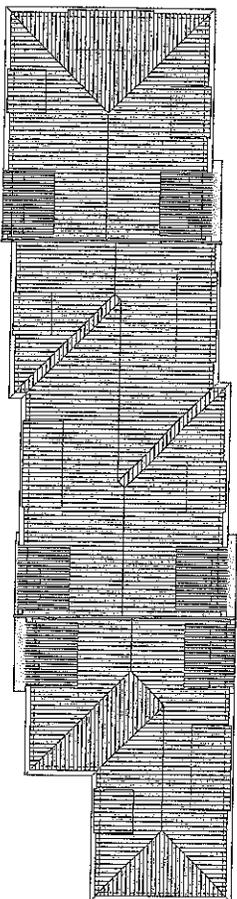
JN Architects Inc.  
 101 West 2nd Street  
 Vancouver, BC V6C 1A5  
 Tel: 604.681.1111  
 Fax: 604.681.1112  
 www.jnarchitects.com



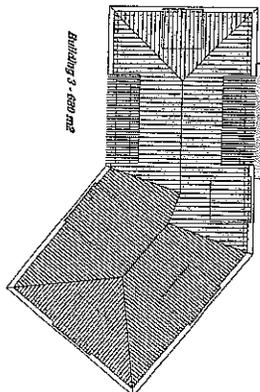
Building 4 - 2,570 m<sup>2</sup>



Building 1 - 4,350 m<sup>2</sup>



Building 3 - 2,400 m<sup>2</sup>



Building 2 - 600 m<sup>2</sup>



Phase 1 Roof Plans  
Sheet 7 of 8

**Proposed Commercial Development**  
 5301 Trans Canada Highway, Duncan, BC

2010.09.22





9.7 C-7 ZONE - BUSINESS PARK COMMERCIAL

(a) Permitted Uses

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

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

(b) Conditions of Use

For any parcel in the C-7 Zone:

- (1) the parcel coverage shall not exceed 45% for all buildings and structures
- (2) the height of all buildings and structures shall not exceed 10 metres;
- (3) the minimum setbacks for the type of parcel lines in Column I of this section are specified in Column II:

COLUMN I Type of Parcel Line	COLUMN II Building and Structures
Front	4.0 metres
Side (Interior)	0 metres
Side (Exterior)	7.5 metres
Rear	6.0 metres
Any parcel line adjacent to a Residential or Agricultural Zone	9.0 metres

- 4) Outdoor storage area shall not exceed 10% of the total gross non-residential floor area;
- 5) All permitted uses must take place within a building;
- 6) Accessory residential dwellings shall not exceed a density of 5 units per hectare and shall not have a maximum permitted gross floor area greater than 100 m<sup>2</sup>;
- 7) Notwithstanding CVRD Off-Street Parking Bylaw No. 1001, or other CVRD Bylaws that specifying required parking spaces, the minimum number of off-street parking spaces in the C-7 zone shall be 1 space per 48 m<sup>2</sup> of gross floor area (plus one space per residential dwelling).

## **13.8 BUSINESS PARK COMMERCIAL DEVELOPMENT PERMIT AREA**

### **13.8.1 CATEGORY**

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

### **13.8.2 JUSTIFICATION**

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

### **13.8.3 APPLICATION**

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

### **13.8.4 EXEMPTIONS**

A development permit shall not be required for the following:

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

### **13.8.5 GUIDELINES**

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

- alter land, including the removal of trees or vegetation and remove, deposit or excavate soil;
- utilize the land for a commercial or industrial purpose;
- construct a building or structure or undertake site works; prior to the owner of land obtaining a development permit that is deemed by the Regional District to be in substantial compliance with the following guidelines:.

#### *Site Design:*

- 1.1 Exterior storage areas will be contained and screened from public view with a combination of landscaping and fencing;
- 1.2 Internal roadways will be designed to accommodate heavy truck and emergency vehicles;
- 1.3 Parking areas will be designed to encourage safe pedestrian travel between parking lots and building entrances;
- 1.4 Exterior lighting shall be designed with the objective of providing security for persons and property while also minimizing glare and light trespass on adjacent properties;

- 1.5 Refuse and recycling shall be screened and contained within a fenced and gated compound;
- 1.6 Site planning will incorporate the principles of Crime Prevention Through Environmental Design (CPTED).

*Building Design:*

- 2.1 Where the building promotes public activity adjacent to agriculturally zoned land, buildings shall be setback a minimum of 15 metres from the agricultural boundary;
- 2.2 Buildings facing public roadways will be articulated so as to create visual interest and an attractive building façade facing the street;
- 2.3 Roof lines and exterior walls exceeding 15 metres in length will be articulated with architectural treatment;
- 2.4 Buildings shall be designed with a consistent architectural theme;
- 2.5 Low maintenance, durable finishes such as coloured split-faced concrete block, cement composite siding or metal cladding is encouraged;
- 2.6 Smooth concrete block and vinyl siding will not be permitted as exterior finishes;
- 2.7 Building materials indigenous to the west coast are to be incorporated into the building design;
- 2.8 Roof top equipment shall be screened from public view;
- 2.9 The perceived height and mass of buildings facing residential land should be minimized through the use of setback variations, building orientation, the choice of exterior finishes and landscaping adjacent to exterior walls.

*Landscaping and Buffers:*

- 3.1 A public pathway shall be constructed across the primary public road frontage. Where approved by the Ministry of Transportation and Infrastructure, the pathway may be located within the road allowance. Where the trail is not authorized in the road allowance it shall be provided on the subject property;
- 3.2 A fenced, landscaped buffer shall be provided along all residential and Agricultural Land Reserve boundaries. The buffer shall be designed and constructed to the "Level 2D" standard specified in the *Guide to Edge Planning*<sup>1</sup>;
- 3.3 No parking, outdoor storage or other intrusion into required landscaped buffers shall be permitted. Required buffers may be protected by covenants, fencing, or a combination thereof;
- 3.3 Street trees shall be provided along public road ways and within parking areas;
- 3.4 Native and drought tolerant plant species shall be utilized;
- 3.5 All landscaped areas shall be serviced with an automatic irrigation system designed to minimize water consumption;
- 3.6 All landscaping shall be designed and supervised by a member of the BC Society of Landscape Architects;
- 3.7 Landscape security in the form of an irrevocable letter of credit equivalent to 125% of the estimated cost of all proposed hard and soft landscaping shall be provided prior to issuance of a development permit. The cost estimate shall be prepared by a member of the BC Society of Landscape Architects;
- 3.8 Up to fifty percent of landscape security may be released upon completion of required landscaping in accordance with approved plans. The remaining security shall be released following successful completion of a three year maintenance period.

---

<sup>1</sup> Ministry of Environment and Lands, June, 2009.

*Environmental Protection:*

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

*Signage:*

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

### **13.8.6 VARIANCES**

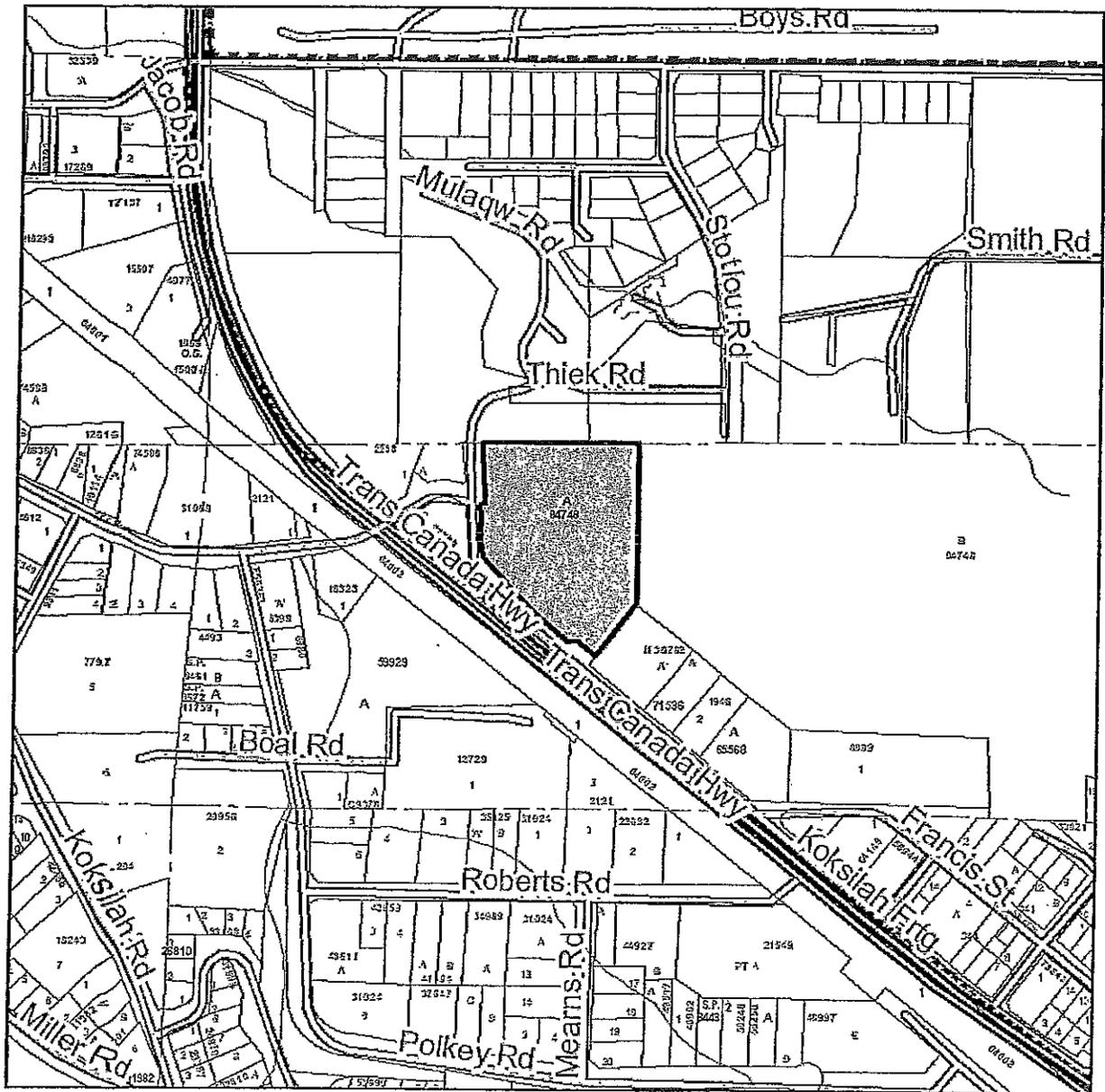
Where a proposed development plan adheres to the guidelines of this Development Permit Area, the Regional Board may give favourable consideration to variances to zoning, sign, and parking bylaws, where such variances are deemed by the Regional Board to enhance the aesthetics of the site or otherwise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

### **13.8.7 APPLICATION REQUIREMENTS**

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

- a) A written description of the proposed project, including a design rationale;
- b) A current certificate of title and copies of all easements, statutory rights of way, covenants and other relevant charges;
- c) Three sets of conceptual design drawings, including a site plan, floor plans, building elevations prepared by a professional engineer or designer;
- d) Development data, including site area, site coverage, gross floor area, number of units and parking calculations;
- e) A conceptual landscape plan showing all proposed hard and soft landscaping, and the locations, quantities, sizes and species of proposed plantings;
- f) A storm management plan prepared by a professional engineer;
- g) Conceptual servicing information.

FIGURE 7



**BUSINESS PARK COMMERCIAL  
DEVELOPMENT PERMIT AREA**



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 6-D-08 DP/RAR

DATE: DATE 2011

TO: PARHAR HOLDINGS LTD

ADDRESS: \_\_\_\_\_  
DUNCAN, BC V9L

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 1, Section 13, Range 7, Quamichan District, Plan VIP88052 (PID: 028-237-765)*
3. Authorization is hereby given for the development of PHASE 1 of the Parhar Business Park in accordance with the conditions listed in Section 4 below.
4. The development shall be carried out subject to the following conditions:
  - a) Building constructed in accordance with the building elevations dated August 23, 2010;
  - b) Installation of underground wiring;
  - c) Oil/water separators be installed in the parking areas;
  - d) Fencing along the Chester Road frontage will be black or green;
  - e) Submission of landscape construction drawings in accordance with the Phase 1 landscape plan dated June 13, 2011 prior to installation;
  - f) Landscaping installed in accordance with the plans dated June 13, 2011 to BCSLA standards, including an underground irrigation system;
  - g) 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 June 13, 2011 Landscape Plan;
  - h) Landscape architect to confirm that the landscaping has been installed as per the Landscape Plan, and 50% of the landscaping security may be returned following successful installation of the landscaping and full construction of the pathway with the remaining 50% to be returned after successful completion of a 3 year maintenance period;
  - i) Refuse and recycling areas to be screened and contained within a solid fenced and gated compound(s);
  - j) Rainwater management system to be in accordance with Rainwater Management Plan dated December 01, 2010;
  - k) Any rooftop equipment will be screened;
  - l) Minimum 94 parking spaces required in Phase 1;
  - m) Sustainable building elements to include low water consumption plumbing fixtures and energy efficient windows and lighting;
  - n) Trail must be completed in consultation with the CVRD Parks and Recreation Department prior to occupancy of the first building or within 12 months of issuance of the development permit for Phase 1. If construction of the pathway is not complete to CVRD standards within this time frame, CVRD may draw on the landscape security funds to construct the pathway;
  - o) No tree clearing on land outside of Phase 1 until a tree inventory has been completed which can identify any existing trees that can be incorporated into future phases.

5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.

6. The following Schedule is attached:

• Schedule A – Site Plan

• Schedule B – Building Elevations

• Schedule C – Landscape Plan

• Schedule D – Rainwater Management Plan

7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Planning and Development Department.

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

Tom Anderson, MCRP  
General Manager, Planning and Development

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

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

Signature \_\_\_\_\_  
Owner/Agent \_\_\_\_\_  
Occupation \_\_\_\_\_  
Date \_\_\_\_\_  
Witness \_\_\_\_\_



C.V.R.D.

R3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING  
OF JUNE 21, 2011

DATE:	June 13, 2010	FILE NO:	1-E-11 DVP
FROM:	Maddy Koch, Planning Technician	BYLAW NO:	1840
SUBJECT:	Development Variance Permit Application 1-E-11 DVP (Ben & Margie Van Boven)		

**Recommendation/Action:**

That the application by Ben & Margie Van Boven for a variance to Section 7.3 (b)(4) of Zoning Bylaw No. 1840 by reducing the minimum interior-side parcel line setback from 15 metres to 2 metres for Lot 4, Sections 3, 4 and 5, Range 7, Quamichan District, Plan 1233 (PID: 000-151-432), be approved subject to the applicant providing a legal survey confirming compliance with approved setbacks.

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

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

**Background:**

To consider an application to vary the interior-side yard setback from 15 metres to 2 metres, to allow for the construction of a cattle barn.

Location of Subject Property: 4560 Koksilah Road

Legal Description: Lot 4, Sections 3, 4 and 5, Range 7, Quamichan District, Plan 1233 (PID: 000-151-432)

Date Application and Complete Documentation Received: May 6, 2011

Owner: Ben and Margie Van Boven

Applicant: As above

Size of Lot: ±8 ha (±19.8 acres)

Existing Zoning: A-1 (Primary Agriculture)

Minimum Lot Size Under Existing Zoning: 12 ha

Existing Plan Designation: Agriculture

Existing Use of Property: Agriculture/ residential

Existing Use of Surrounding Properties:

North: A-1 (Primary Agriculture)/ Koksilah Road  
 South: A-1 (Primary Agriculture)  
 East: A-1 (Primary Agriculture)  
 West: A-1 (Primary Agriculture)

Services :

Road Access: Koksilah Road  
 Water: On site  
 Sewage Disposal: On site

Agricultural Land Reserve Status: In

Environmentally Sensitive Areas: A TRIM stream is located approximately 20 metres outside of the south-eastern corner of the subject property at the closest point. The stream planning area slightly overlaps with the corner of the property but is well away from the site of the proposed cattle barn.

Archaeological Site: None have been identified.

### **The Proposal:**

The subject property is zoned A-1 (Primary Agriculture) and is located on Koksilah Road near the turnoff to Bright Angel Park. Besides a rental home and shed located in the south-eastern corner, the subject property is essentially one big field intersected by a runoff ditch. The applicants also own the property immediately west of the subject property. This parcel (which is mostly field as well) accommodates a number of cattle barns, several accessory buildings and the applicants' home; all of which are located in the north-eastern portion of the subject property. Together, these two parcels make up the applicants' dairy farm.

The applicants propose to construct an approximately 1,600 m<sup>2</sup> (17,222 ft<sup>2</sup>) cattle barn on the north-western portion of the subject property. In order to preserve as much of the useful agricultural land as possible, the applicants are requesting to relax the setback to the interior side parcel line from 15 metres to 2 metres.

Staff is recommending approval of the requested variance. Having the barn closer to the interior side parcel line would eliminate the need to construct an access road across the field, thus maximising the efficiency of the dairy farm. Also, the property which would be most affected by the variance is owned by the applicants, who are obviously in favour of the variance being granted.

**Surrounding Property Owner Notification and Response:**

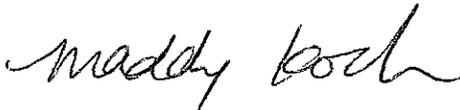
A total of 19 letters were mailed out or hand delivered to adjacent property owners, pursuant to CVRD Development Application Procedures and Fee Bylaw No. 3275, which described the purpose of this application and requested comments on this variance within a specified time frame. No comments have been received to date.

**Options:**

1. That the application by Ben and Margie Van Boven (1-E-11DVP) be approved, and the setback for a cattle barn on Lot 4, Sections 3, 4 and 5, Range 7, Quamichan District, Plan 1233 (PID: 000-151-432), be relaxed from 15 metres to 2 metres, subject to the applicants providing a legal survey confirming compliance with the approved setback,
2. That the application by Ben and Margie Van Boven (1-E-11 DVP) be denied.

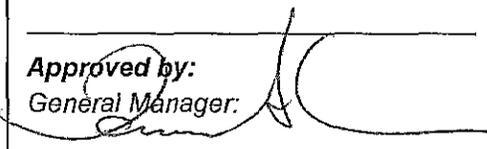
Option 1 is recommended.

Submitted by,



Maddy Koch,  
Planning Technician  
Planning and Development Department

MK/ca

<p><b>Reviewed by:</b> Division Manager:</p> <hr/> <p><b>Approved by:</b> General Manager:</p> 
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7.3 A-1 ZONE - PRIMARY AGRICULTURAL

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

(a) Permitted Uses

The following *uses*, *uses* permitted under Section 4.4, and no others are permitted in an A-1 zone:

- (1) *agriculture, horticulture, silviculture, turf farm\*, fish farm;*
- (2) *one single family dwelling;*
- (3) *a second single family dwelling on parcels six hectares or larger\*;*
- (4) *one additional single family dwelling as required for agricultural use\*;*
- (5) *bed and breakfast accommodation\*;*
- (6) *daycare, nursery school accessory to a residential use\*;*
- (7) *home occupation\*;*
- (8) *horse riding arena, boarding stable\*;*
- (9) *kennel\*;*
- (10) *sale of products grown or reared on the property;*
- (11) *secondary suite;*
- (12) *small suite on parcels two hectares or larger\*.*

\* subject to Land Reserve Commission approval: It is the mandate of the ALC to preserve agricultural land and encourage agriculture. Therefore, the ALC will base its decision on the benefit to or impact on agriculture.

(b) Conditions of Use

For any *parcel* in an A-1 zone:

- (1) *the parcel coverage shall not exceed 30 percent for all buildings and structures;*
- (2) *notwithstanding Section 7.3(b)(1) parcel coverage may be increased by an additional 20% of the site area for the purpose of constructing greenhouses;*
- (3) *the height of all buildings and structures shall not exceed 10 metres except for accessory buildings which shall not exceed a height of 7.5 metres;*
- (4) *the setbacks for the types of parcel lines set out in Column I of this section are set out for residential and accessory uses in Column II, for agricultural and accessory uses in Column III and for auction use in Column IV:*

COLUMN I Type of Parcel Line	COLUMN II Residential & Accessory Uses	COLUMN III Agricultural and Accessory Uses	COLUMN IV Auction Use
Front	7.5 metres	30 metres	45 metres
Interior Side	3.0 metres	15 metres	45 metres
Exterior Side	4.5 metres	15 metres	45 metres
Rear	7.5 metres	15 metres	45 metres

- (5) *Notwithstanding Section 7.3(b)(4), a building or structure used for the keeping of livestock shall be located not less than 30 metres from all watercourses, sandpoints or wells.*
- (6) *Processing of any farm material not grown or raised on the parcel shall be specifically prohibited;*
- (7) *A slaughterhouse, abattoir or stockyard shall be specifically prohibited;*
- (8) *Maintenance and repair of any materials offered for sale shall be specifically prohibited.*

(c) Minimum Parcel Size

Subject to Part 12, the minimum *parcel* size shall be 12 Ha.



**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 provisions of interpretation and application of the Bylaws.

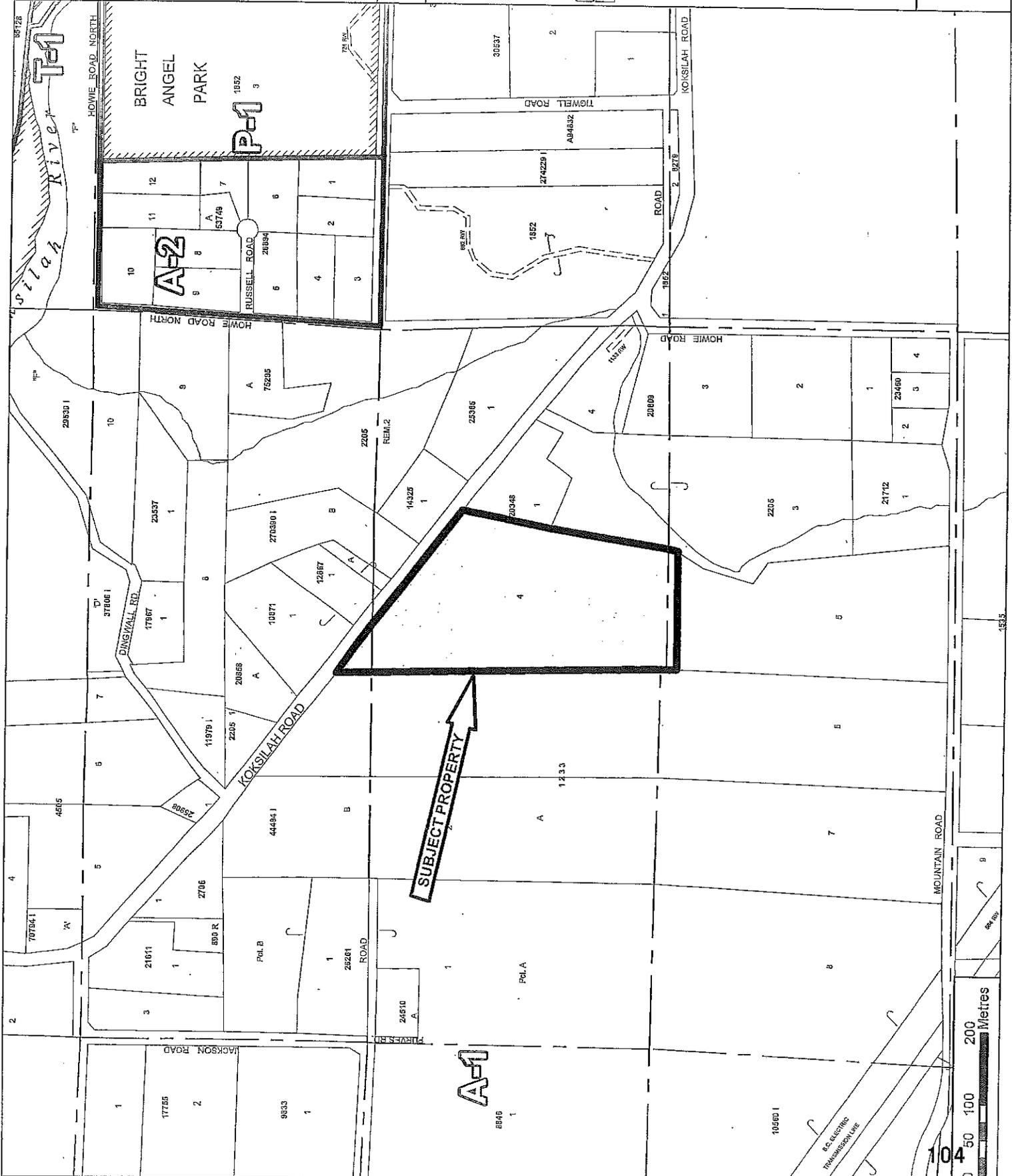
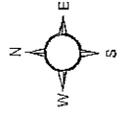
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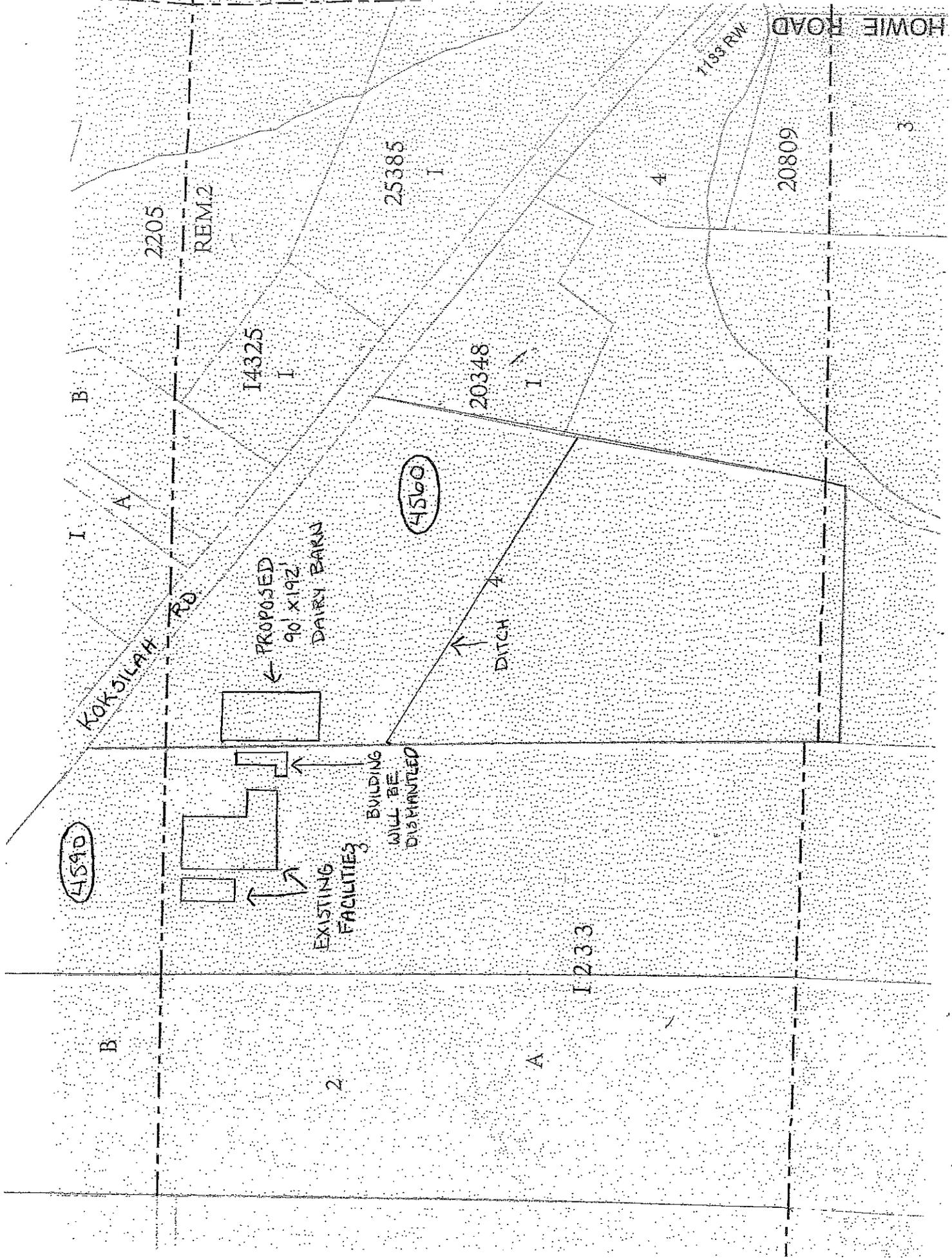
# ZONING

**Legend**



Subject Property  
Zoning Electrical Area E







R4

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 21, 2011

**DATE:** June 14, 2011 **FILE NO:** 01-A-11 RS  
**FROM:** Mike Tippett, Manager Community & Regional Planning **BYLAW NO:** 3497/3498/3511  
**SUBJECT:** Application No. 1-A-11RS – Bamberton Business Park (Bamberton Properties LLP)

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#### **Recommendation/Action:**

That the Mill Bay/Malahat Official Community Plan be amended by redesignating the proposed Business Park and adjacent light industrial park as Industrial on the Plan Map, that the OCP also be amended by allowing Forestry-designated lands to the east of the Highway to be developed for lease-only light industrial use without redesignation, that the appropriate areas of the subject lands be rezoned to allow for a mix of light industrial use, business park and outdoor recreation uses, and that the appropriate bylaws be presented to the Board for consideration of two readings, with eventual consideration of adoption being subject to a covenant on all lands to be rezoned as I-3, I-3A, I-4 and F-1A, that would require that no building, subdivision or land clearing occur without the CVRD's express written consent until:

1. a Riparian Assessment is done on all rezoned lands,
2. the subject land presently not in a fire protection area is added to Mill Bay Improvement District's Service Area;
3. a Sensitive Ecosystem Inventory assessment of lands to be rezoned and delineation of the affected areas is completed by a registered professional biologist, and a BC Land Surveyor provides mapping indicating the extent of riparian areas and other SEI areas that should be protected from development, either by the covenant or by the dedication of these areas to the CVRD as parkland;

and that the proposed bylaws be referred to a public hearing, with Directors Harrison, Giles and Dorey delegated to the hearing in accordance with Section 891 of the *Local Government Act*, and further that the referral of this application to Malahat First Nation, Cowichan Tribes, Tsarlip First Nation, Tsawout First Nation, Pauquachin First Nation, Ministry of Transportation and Infrastructure, BC Transit, Ministry of Environment, Ministry of Community, Sport and Cultural Development, CVRD Engineering and Environmental Services, Capital Regional District, Vancouver Island Health Authority, School District No. 79, Mill Bay Improvement District (Fire Department) be approved.

**Relation to the Corporate Strategic Plan:** This land use change would strengthen the local economy and likely attract new, well-paying jobs to the South Cowichan portion of the CVRD.

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

**Background:**

To consider light industrial and related land uses on some of the Bamberton lands.

**Location of Subject Property:** Trowsse Road; Bamberton TCH interchange/old haul road

**Legal Description:** Part of Block 176, Part of District Lot 95, Part of District Lot 127, District Lot 135, Part of District Lot 118 and a small part of District Lot 183, all of Malahat Land District

**Date Application and Complete Documentation Received:** February 2011

**Owner:** Bamberton Properties LLP

**Applicant:** Same

**Size of Subject Properties**

Approximately:

16 hectares (proposed Business Park I-4 Zone)

31 hectares (proposed Light Industrial I-3A Zone)

53 hectares (proposed Bamberton Light Industrial I-3 Zone, North of I-2)

12 hectares (proposed Bamberton Light Industrial I-3 Zone, South of I-2)

.....and.....

149 hectares (proposed Forestry/Outdoor Recreation F-1A Zone Southlands only)

30 hectares (proposed Forestry/Outdoor Recreation F-1A Zone, other lands)

**Existing Zoning:** F-1

**Minimum Lot Size Under Existing Zoning:** 80 hectares

**Proposed Zoning:** mixed Business Park and light industrial proposed, with outdoor recreation

**Existing Plan Designation:** Forestry

**Proposed Plan Designation:** partially Industrial ( $\pm$  47 hectares west of Highway only); all other subject lands would remain designated as Forestry

**Existing Use of Property:** Forest land and disused industrial areas

**Existing Use of Surrounding Properties:** All surrounding lands, other than the industrially-zoned land at the Bamberton quarry and port area, are forested.

**Services:**

**Road Access:** Trowsse Road and the old haul road

**Sewage Disposal:** Ground disposal; exact nature of treatment and operator of systems to be determined (see report)

**Agricultural Land Reserve Status:** Out

**Contaminated Sites Regulation:** The subject lands have been fully reclaimed under the *Contaminated Sites Regulation* with Certificates of Compliance in place.

**Environmentally Sensitive Areas:** Many riparian areas are near or part of the subject lands, and several Sensitive Ecosystem Inventory polygons are on, or near, many of the subject lands (primarily the area proposed for F-1A zoning).

**Archaeological Site:** One archaeological site, No. 196, is identified on our GIS, just north of the bitumen storage tanks on the waterfront. Other than that site, no other archaeological sites are known to exist on the areas proposed for rezoning. This application, through a copy of this Report, will be referred to the affected First Nations.

**Referral Agency Comments:** This application was referred to the following agencies, and any comments received by the agenda deadline are shown below:

***BC Transit:*** Site will be placed in future transit service area in CVRD Transit Plan, required density thresholds must be met for service to begin. See attached letter.

***Malahat First Nation:*** No response received, personal telephone message left with receptionist for Chief June 8<sup>th</sup> inviting a face-to-face meeting

***Cowichan Tribes:*** No response received

***Tsarlip First Nation:*** No response received

***Tsawout First Nation:*** No response received

***Pauquachin First Nation:*** No response received

***Ministry of Transportation and Infrastructure:*** No objection, subject to conditions; see attached letter from Bob Wylie, Regional Approving Officer

***Ministry of Environment:*** No response received

***CVRD Engineering and Environmental Services:*** No response received

***Capital Regional District:*** No response received

***Vancouver Island Health Authority:*** Approval recommended subject to compliance with Sewerage regulation and Drinking Water Protection Act (see attached letter from Cole Diplock)

***Mill Bay Improvement District (Fire Department):*** No response received, applicant has applied for service area extension.

***School District 79:*** Interests Unaffected

***Ministry of Community Sport and Cultural Development:*** A form letter concerning the Ministerial exemption process was provided.

**Advisory Planning Commission Comments:**

***APC comments and concerns relating to the Rezoning application and the Development Permit Guidelines documents:***

- *Waterfront access – tenants there because of deep-water port access.*
  - *Leasing space so can transfer to waterfront village in future.*
- *Water transportation instead of highway?*
  - *Day dock – boat/kayak, etc.*
  - *Mill Bay Ferry – now have two roads and the new road less than 12% grade. Nothing substantial has transpired with BC Ferries as yet.*
- *Areas have changed?*
  - *Some lot lines moved.*
  - *Mike Tippett mentioned lot boundaries can be zone boundaries – this can be permitted.*
- *Wild Play where?*
  - *Mostly 18.6 and 6.7 ha areas (colored green on map)*
  - *Manufacturer of equipment used by Wild Play is already leasing Bamberton waterfront.*
- *Protect parkland (South lands) – Could a covenant on rezoning this land protect it?*

- Need wording to protect Southlands from deforestation.
    - Maybe CVRD could lease to keep the area parklands.
  - Community amenity? No, not unless residential development begins.
- More tourism friendly at water front.
  - F1A zone – maybe a hospitality area.
- Where do the ships dock?
  - On map, the rectangular strip in front.
  - Drops off quickly – deep- great for large ships.
- Area at top west side - without a color code?
  - Space set aside – previously was residential.
- Industrial/Tourist safety?
  - Plan now - all commercial/industrial at waterfront.
- Zoning for East blue area (extra rezoning developer requesting)?
  - I-3 zone.
  - 2 tenant requests now.
- Where is residential?
  - May never happen.
- On West side would the 16 ha site when built out use the 31.5 ha site for expansion?
  - Yes, logical growth area.
- Descriptions between I-3 and I-4 zones very similar.
  - Mike Tippett stated that some uses needed to be modified.
- Time frame for lease- 30 years?
  - Most leases 2 to 5 years now.
- Little space for Business Park – lots of space for light industrial activities.
  - To retain flexibility.
- Wild Play – 3 zip lines located in an area with industrial activity.
  - Actually a distinct area with separate road access – independent not a part of industrial area.
- Fire protection in area?
  - Letter submitted to extend Mill Bay/Malahat fire protection.
- Business Park first area seen of Mill Bay when travelling north to Mill Bay.
  - Only business applications accepted – best up front.
  - Mike Tippett - Business Park is an amenity – creates employment.
- Two new waterfront leases (yellow areas)
  - Mike Tippett mentioned new waterfront area not decided by CVRD – needs Crown approval.
- Future residential and Industrial?
  - Amenity for this request is the cleanup of the Bamberton site.
  - Maybe amenity for residential would be South lands.
  - Design of development will still be green
  - Bamberton could be viewed as future Village Containment Boundary (VCB)
- What would you see from the water?
  - Softer visual view – most of the total waterfront will not be developed – natural color scheme.
- Process continues – how long will it take to be through the CVRD process?
  - Mike Tippett- reasonably quick would be fall.
- How long to take this to the market?
  - 18 months.
- Artifacts?
  - Not in the rezoning area

The Area A APC unanimously recommends to the CVRD **Bamberton Business Park/Light Industrial Rezoning Application No. 01-A-11RS** be approved with consideration to the **five recommendations** below:

1. Zoning permitted uses for light industrial and Business Park need to be more clearly defined so that the Business Park is a true Business Park and does not contain light industrial uses.
2. Form and character west of the TCH must be consistent.
3. Form and character guidelines must be in place to protect viewscape from water.
4. Fire protection must be in place and agreed.
5. Consideration must be given to the protection of the Southlands

Staff note: The staff report to the APC contained draft zoning permitted uses and Comment Number 1 above, respecting the clarity of the permitted uses, has been addressed in the draft zoning amendment bylaw attached to this report.

**Background:**

At the Electoral Area Services Committee (EASC) meeting of January 31, 2011, at which the original Bamberton mixed use development concept was presented, the Committee elected to proceed with consideration of a single land use component of the development concept. This single component is the proposed Business Park near the Bamberton interchange, and the “transitional” light industrial uses that were proposed in the last iteration of the original 3200 unit development application, for lands in the vicinity of the present Industrial zone and which have been reclaimed from former cement landfill uses.

The genesis of the idea for a Business Park in the Bamberton interchange area was the OCP review project for South Cowichan. It was identified as a top priority in the South Cowichan OCP process that local economic development opportunities need to be explored, which – if successful – would have the effect of improving the diversity of the local tax base and potentially offering good employment opportunities to local residents and future local residents. This in turn could encourage a more sustainable community in Mill Bay. Another key criterion was that the industry be “clean” and that it be located in such a way as to not disturb large residential areas, and yet have considerable potential for contiguous growth if the light industrial/Business Park uses are successful. Given these criteria, a suitable general location was identified in the vicinity of the Bamberton interchange on the Trans-Canada Highway.

Although at least one other landowner in the vicinity of the Bamberton interchange would be eligible for consideration of Business Park use under the proposed OCP, the Electoral Area Services Committee directed staff to consider the Bamberton lands first, as a continuation (in effect) of their late 2006 application for a comprehensive development.

The other matter related to this is the application from September 2008 (File 04-A-08RS) which proposed the establishment of a Wild Play Element Parks outdoor recreation facility on the lands. Staff proposed to revisit this application at the same time, and the opportunities to do so will be discussed later in this report.

A report based upon these parameters was sent to the Area A APC in May. Following APC review, some adjustments to the original idea brought forward at the January 31, 2011 EASC meeting were made, principally in terms of the land area into which industrial land uses would be permitted. The addition of the Wild Play application was also favourably received by the Area A APC.

**The Proposal:**

The comprehensive 3200 unit development concept that was considered by the EASC in January 2011 included rezoning approximately 80 hectares of land for light industrial and Business Park use. These areas largely consist of land that has been previously disturbed due to the operation of the former cement factory. The main exception to this is a site of about 16 hectares in area that is located to the immediate west of the Bamberton interchange – this site could be well suited to a Business Park. The applicants indicated that an additional 30 hectares of land would also be suitable for light industrial use. Staff suggested in the APC report that this area could be held in reserve, so to speak, to be the subject of a future application for zoning amendment, if the 80 hectare area is built out and expansion is desired. The APC agreed with the applicants that it would be preferable to prezone all of the approximately 110 hectares of land, 16 hectares for Business Park and the rest for light industrial use. This is a considerable area of land, being about 1/3 as large an area as Langley's Gloucester Industrial Estates, located along the Trans Canada Highway in the Lower Fraser Valley. At build-out, if demand is as strong as it seems at this stage, it is conceivable that well over 1000 people could end up working there.

***Land Tenure***

Following the EASC meeting on January 31, 2011, staff has met with the applicants several times to discuss the proposal further. In the course of those discussions, the applicants indicated that they see the proposed light industrial uses on the east side of the Trans-Canada Highway as being temporary in nature...the land would not be sold off, but rather would be leased to individual tenants for terms of perhaps 25 or 30 years. In this way, the development of this site would be relatively simple, because the lands would not be subdivided. The general idea is that the types of industrial uses permitted there would be more land-extensive in nature, which this area can accommodate due to its distance from settled areas and from the Trans-Canada Highway. In order to ensure that these lands are not further subdivided, the attached draft zoning amendment bylaw requires that the minimum parcel size remains at 80 hectares, the same as it is under the present F-1 zoning. Further, the draft Official Community Plan designation would remain Forestry. This way, a future proposal to subdivide the lands on the east side of the Trans Canada Highway off, in effect making the industrial land use permanent, would require a future OCP amendment as well as a zoning change. Any unresolved matters related to such a change (for example: community water and sewer services, permanent protection of environmentally sensitive areas) could be addressed at that time.

The light industrial land uses and Business Park, on the west side of the Trans Canada Highway, would both be visible to some degree from this major road and as a consequence, the types of use there should be contained within lots upon which a building or buildings, which are well designed and landscaped, would be most prominent from the highway vantage point. These areas would be sold off by the present landowner after they are subdivided. The draft zoning amendment bylaw requires that parcels created in those areas be serviced with both community water and community sewer services. This would ensure that the site would not be developed in an unserviced fashion (the first draft bylaws would have permitted subdivision to 1 hectare even if no services were present). Since this would not have been compatible with the intent of creating a high quality business and light industrial park, the servicing requirement was introduced. The proposed OCP amendment would redesignate the lands on the west of the Highway as Industrial, in recognition of the fact that this would become a permanent land use.

As a general rule, the areas proposed to be rezoned for the light industrial or Business Park use must be generally suitable for the purpose: i.e. not too steep or compromised in other ways. This is why the proposed light industrial zoning does not always follow lot boundaries; areas that are too steep to use for industry have been left out.

### *Land Use*

The essence of this concept is revealed in the details of the zoning. Land use is the main topic and some time was given to the development of a suitable list of land uses in the draft Zoning Amendment Bylaw No. 3498 that would be compatible with the goals of the CVRD and local community, and yet have broad enough appeal to business and industry to make such a development feasible. The applicants already have some industrial tenants on the industrially-zoned part of the property, and have been in discussions with other possible tenants who would like to move to the CVRD from other areas. Staff also notes that one cabinet maker from the Duncan area asked in depth at one of the South Cowichan OCP open houses about the Business Park concept. His business would seem to be a potential tenant for that facility too. So initial prospects seem promising, and the challenge is to generate an appropriate list of permitted uses.

The subject lands are well removed from concentrated local areas of residential use; with the closest on the west side of the Trans Canada Highway being 1.2 km by road from the Inlet Drive subdivision entrance to Business Park and I-3A lands), and the closest on the east side of the Highway being 2 km by road, or 1 km "as the crow flies". This relative isolation from potentially incompatible land uses and the strategic benefits of the site – good highway access, potential for services, proximity to a potential workforce – indicates that this may be a unique opportunity to develop a regionally significant light industrial/Business Park in any electoral area. Despite this, there are riparian and other environmental sensitivities on some of these lands, so it is important that these are recognized and addressed through the development permit process.

The area presently zoned as I-2 is not proposed to be rezoned, other than through the addition of "outdoor recreation" to the list of I-2 permitted uses. This will allow the installation of zip lines and other recreational features on the portions of the I-2 lands that would provide an entertaining experience for guests of a future wild play element park, in the vicinity of the former quarries. Now that the land use concept for this part of the site involves leases rather than subdivision and sale of land, it is possible to imagine that both industrial uses and the recreational use would be able to coexist quite comfortably. The Wild Play Element Park site near Nanaimo offers evidence that the treetop ("Monkido") courses are quite often changed and adjusted, sometimes seasonally, so it truly is an ephemeral use that is very easy to move around.

In the three new proposed Industrial zones, heavy industrial uses and recycling would not be permitted. The range of land uses permitted in each proposed zone in Bylaw 3498 is adapted to each area. This means:

- The **Business Park**, being the most visible use from the Trans-Canada Highway, would have the most restricted range of uses, with outdoor-oriented uses discouraged generally in favour of building-based activities. The aim is to provide a visually appealing modern business/office area, which would complement the Mill Bay community at what is its southern gateway. The intent of the draft I-4 zoning is to reflect this intent, with a comprehensive array of development permit guidelines to assist in maintaining a high visual standard.

- The **Light Industrial Park**, adjacent to the Business Park, would permit a somewhat wider range of uses than the Business Park, while at the same time maintaining the same standards for visual impression from public vantage points. This intent is expressed in the I-3A Zone in Bylaw 3498 – notably, manufacturing (as opposed to “light manufacturing” in the I-4 Zone) is allowed, contractor’s office and yard, among others.
- The **Bamberton Light Industrial Park**, located on the east side of the Highway, contains a range of permitted uses that is very similar to those of the I-3A Zone, with the main difference being that the I-3 Zone that would apply here permits concrete works and does not permit the land to be subdivided. We imagine this would become an area of relatively less visually attractive light industrial uses, and that this would be justifiable based upon the location and the difficulty of seeing it from public land or roads.

***Land Use: Location, Steep Slopes and Sensitive Ecosystems Inventory***

Assuming that the concept of developing a Business Park and light industrial park in this general area is supported, the Committee should turn its thoughts to the question of the suitability of the various lands for this purpose.

The previously disturbed sites on the east side of the Trans-Canada Highway, which are proposed to be zoned as I-3, would be suitable for further light industrial use. However, the proposed I-3 Zone does extend to some additional lands that have not been previously disturbed. Most of these lands are forested and some are quite steep. The areas of proposed I-3 zoning were generally identified with the intent of minimizing the steep slopes and Sensitive Ecosystem Inventory (SEI) lands that would be developed. The SEI was conducted by the Province in 1997 and again a few years ago, to identify examples of natural ecosystems that have escaped major disturbance, deserving of special protective measures.

A calculation from the CVRD GIS indicates that about 5.5 hectares of the proposed I-3 Zone to the south of the Bamberton lands lies in SEI: about 2.2 ha of that being older second growth and woodland respectively, with the remainder being riparian corridor of up to 100 metres in width. That this area would potentially be rezoned for industrial use does not necessarily mean that it would be developed as such, given the topographic limitations and the proposed development permit guidelines which would not favour the disturbance of these areas. However, it is reasonable to consider not permitting – through one mechanism or another – development of the SEI lands in the first place, which would provide greater protection of these lands against disturbance than a development permit area guideline would.

Similarly, on the west side of the Trans-Canada Highway, about 5 hectares of the 31.5 hectares proposed to be rezoned from F-1 to I-3A lies in the SEI: 2.7 ha being riparian and the other 2.3 ha being SEI woodland. Aside from the SEI, this site is part of the headwaters of Johns Creek, which empties into Saanich Inlet at the Oceanview Improvement District (OID) community on Inlet Drive. This subdivision extracts its domestic water from a production well near Inlet Drive. The Chair of OID contacted the CVRD and asked that the Board give consideration to both the quality and quantity of water that would be coming down the slope to them from the I-3A area. Once again, the question of zoning lands in the SEI as industrial must be raised. It is preferable to not zone these areas if the intent is to protect them, because development permit powers are not sufficient to prevent the use of SEI lands. Certainly the general concern about downstream effects is mitigated somewhat by the mandatory connection of permitted uses in the I-3A Zone and I-4 Zone adjacent to it to a community water and community sewer system, which means in the case of sewer that Class A effluent would be deposited to the ground for disposal.

An alternative to the consideration of rezoning the SEI lands would be to leave them out of the rezoning and just consider zoning non-SEI lands in these areas. Or, especially in the case of the proposed I-3A Zone, it could be left for a future time to decide whether industrial use should be proposed on this part of the site as opposed to the upper Northlands or adjacent lands, upper Northlands, for example, being less encumbered by Sensitive Ecosystem Inventory designations. The advice from the APC for Electoral Area A was that this area ought to be considered for rezoning.

Assuming that the Committee is prepared to move forward with the I-3A zone included, another alternative would be to require a covenant be registered in favour of the CVRD that would prohibit development on SEI lands, which would be delineated by a surveyor and biologist conducting both a RAR assessment as well as an SEI assessment, prior to adoption of an amendment bylaw. This would be a more elegant solution than attempting to split zone unsubdivided land at this stage, based only upon the SEI information, which is not necessarily accurate at the individual site level.

It would also be possible to consider developing amenity zoning for the areas to be rezoned. This would link the ability to conduct certain kinds of permitted development to the provision of amenities, which would have to be clearly understood and written into the zoning. The draft bylaw has not proposed this approach, because staff is unsure about the degree to which this concept would be workable on this site. The amenities could range from protection of SEI areas through provision of these as CVRD parklands. In the absence of clarity on which potential amenities would be desired and what the appropriate thresholds would be, we will not propose to develop this idea further unless directed to do so by the Committee.

#### ***Development Permit Control***

Staff has recommended that development permit areas be created for the two main areas of industrial activity. The purpose of the development permit areas, described in the attached amendment Bylaws 3497 and 3511, is to protect the natural environment from disturbance that the light industrial land uses and associated development could cause, and to have a series of guidelines respecting the form and character of development, including landscaping requirements, to ensure that the lands concerned are developed in an aesthetically pleasing manner. The degree to which the form and character guidelines would be rigorously applied may vary depending upon the visibility of any particular site. The guidelines are principally intended to present a harmonious appearance to this development from the perspective of public roads and from the waters of Saanich Inlet.

This development permit process would be also applied to the I-2 lands, again, because of their proximity to the Inlet and the need to have some aesthetic guidelines in place from the perspective of boaters.

The principal concerns with respect to protection of the natural environment revolve around water: groundwater and surface waters.

Firstly, the proposed Light Industrial Park (I-3A) area contains a riparian area that is a tributary of John's Creek. It is important to set back any industrial activities an appropriate distance from those riparian areas, that is, over and above the standard SPEA distance as may be determined in a Riparian Assessment Report. Development permit (DP) powers will permit this sort of site-specific control, provided the appropriate language is contained in the DP guidelines. Alternatively, as discussed above, this area could be excluded from rezoning or protected from development by a covenant.

Secondly, the proximity of the I-2 lands to Saanich Inlet and the proposal to add these lands to the development permit area will enable careful environmental review of redevelopment of those lands that are closest to the Inlet. The guidelines should ensure that sufficient measures are

taken during site planning and development that would contain potential hazards before they can cause environmental damage.

A matter that arose at the APC meeting was the importance of the appearance of the development from public vantage points, most obviously, along the Trans-Canada Highway, but also from the vantage point of the waters of Saanich Inlet. With the I-2 Zone proposed for inclusion in the development permit area, this certainly would be possible. Although the landscape from the perspective of the Inlet waters is heavily scarred by past quarrying and industrial use, new industrial development could at least be reviewed with this in mind and measures could be taken to ensure that the net visual impact is positive.

The draft Official Community Plan amendments (there is one amendment to the present Area A OCP and another to the South Cowichan OCP, in case it is adopted before this amendment) attached contain development permit guidelines that are intended to address the above-noted issues.

### ***Transportation***

Road and highway access for private and industrial traffic – to and from the site for the future industrial users – is good, but that is only part of the transportation issue. The other part is the employees. It would be preferable to have bus service to the Business Park and Light Industrial Parks at times that coincide with the operating hours of the local businesses. Transit services do not reach this area yet, although bus line number 15 does terminate at the Mill Bay Ferry, which is not far from the subject lands. At full build out, a 110 hectare industrial and Business Park could have over 1000 employees, so it is important to plan for transit. Involving transit representatives at an early stage in the process could allow for the development of the site to occur in a way that would make the eventual provision of transit services much easier and more efficient. The referral response from BC Transit indicates that the area will be included in the CVRD Transit Future Plan for transit service. The threshold of employment demand that would trigger feasible service would be a total of 25 jobs per hectare over at least 10 hectares, so it is possible that the business park alone could approach that standard when it is built out. Transit service will not be available in the earlier stages of the development of these lands, however.

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

The proposed Business Park and immediately adjacent light industrial area (Block 176) are not presently in a fire protection area. Since the land uses there and the related buildings would be permanent, it is necessary that this area be added to a fire protection area. Given that the site is about 2 km from the Mill Bay Fire Hall, the applicants have requested of Mill Bay Improvement District that they provide this protection through an amendment to their letters patent (service area boundaries). The attached letter from Bamberton LLP to Fire Chief Terry Culp and map indicate the subject lands. The applicant would need to come to terms with MBID in order to gain this protection, and staff would recommend that there should be a “no build” covenant on the subject property until the site is actually part of the MBID service area. The draft zoning has been shown (through the applicants) to Chief Culp for consideration.

The other part of this proposal, the areas to the east of the Highway which are proposed for rezoning, are presently part of the CVRD's Malahat Fire Protection Service Area. Despite this, the distance from the Malahat firehall is quite high and certainly an optimal level of fire protection cannot be provided to this area. The land uses to the east of the highway would be more temporary in nature and although it would be desirable to have these areas receive optimal fire protection, this is not feasible unless another fire hall were to be built in association with this development. The CVRD strives to ensure that all residential subdivisions are within appropriate response distances within fire protection areas, and it makes good sense to suggest that the same should apply to other land uses that have large investments in buildings and high occupancy loads. This may not be characteristic of the proposed leased industrial lands, where

uses will presumably be more land-extensive and not involve such intensively occupied buildings.

#### ***Water and Sewer Services***

The provision of a community water and community sewer service area for the Business Park (proposed I-4) and the light industrial park (I-3A) to the west of the Trans-Canada Highway is highly desirable, in order to encourage the eventual expansion of this Business Park use onto adjacent lands with a coordinated service package in place. The applicants have agreed to this approach. CVRD Engineering and Environmental Services would have to work with the applicants and the Planning and Development staff to determine how this could be accomplished. One of the difficult logistical questions is: when does a new water and sewer service area become "community" as defined in the zoning bylaw? This would be coordinated with CVRD Engineering and Environmental Services, and ensure that parcels created at the earliest stages of subdivision would be subject to the "fully serviced" minimum parcel size. This level of service also ensures, in this area that is proximate to the headwaters of John's Creek, that a very high quality of effluent would be discharged to ground, Class A.

Regarding the east side of the Highway, this area being "lease only", it would not be necessary to have community services in place for what could end up being medium-term temporary uses. Bulk water (untreated) is available there and the Vancouver Island Health Authority may control the delivery of water to the various users through the *Drinking Water Protection Act*. On-site sewer systems would likely be suitable for these low occupancy land uses. Each building or use could have its own treatment system on site for the bulk water supply. If in the future the landowners decide to request that the industrial uses in this area become permanent, an OCP amendment and zoning amendment would be required, and a requirement for community sewer, water and fire protection services could be imposed at that time, along with the possibility of an amenity contribution in the form of Southlands Park. This could be explicitly written into the OCP amendment if the idea is supported.

#### ***Official Community Plan***

Official Community Plan Bylaw No. 1890 has a section under the Industrial heading that deals with the prospect of converting land uses to industrial, Policy 9.3.1:

*The designation of additional land for industrial use shall take into consideration the following criteria:*

- a) the site shall have easy, direct, approved access to a major public road system other than the Trans-Canada Highway;*
- b) the development will not generate additional traffic on residential streets; and*
- c) the development shall not be detrimental to the natural environment nor detract from the visual attractiveness of the area.*

The access to both sites indirectly uses the Trans Canada Highway, through the existing Bamberton interchange. No residential streets are used in accessing this site, and the proposed development permit area guidelines (see attached Bylaws 3497 and 3511) aim to address environmental and aesthetic issues.

The proposed South Cowichan Official Community Plan (SCOCP) suggests that the area around the lands subject to this application should be eligible for light industrial or Business Park use, and further that this sort of development ought to be a priority for the Region.

Regarding the proposed outdoor recreation use, Policy 6.3.8 states:

*Wilderness outdoor recreational activities not requiring permanent structures (such as recreational buildings) shall be promoted in the Forestry Designation provided such uses are supported by property owners and comply with provincial and Regional District regulations.*

Thus the current Mill Bay/Malahat OCP provides the latitude for the CVRD to consider a proposal such as the Wild Play Element Park use without requiring a major policy adjustment. The three criteria for consideration of additional industrial zoning all would not be offended by this proposal, with development permit control.

Respecting the subject lands' designation, it is proposed in the draft OCP amendment bylaws (No. 3497 and 3511) that the lands to the east of the Highway remain designated as Forestry, with a notwithstanding policy that allows leasehold industrial uses. In this way, the potentially temporary nature of the light industrial uses there would be highlighted and the expansion into either subdivision or heavy industry by way of later rezoning would not be possible without a major Plan amendment and, of course, another public hearing. For the Business Park and adjacent I-3A Zone, staff is proposing to redesignate the land to Industrial, but also to retain a general policy about its potential expansions to this area, in recognition of the fact that the Business Park concept was never intended (in the proposed SCOCP) to be limited to the Bamberton lands alone.

The outdoor recreational use proposed first in a 2008 application is low impact and flexible in terms of its location, so the opportunity to consider this use simultaneously to the light industrial use should be taken.

#### ***Area of Proposed Outdoor Recreation Zoning***

The original Wild Play Element Parks application was confined to an area north and west of the present I-2 Zoned property, as well as some of the I-2 lands themselves. The proposed zoning amendment includes a new F-1A Zone, which permits the usual Primary Forestry activities, but also outdoor recreation. This new zone is proposed to not only apply to the lands proposed in the 2008 Wild Play application for such use, but also to the "Southlands" area which lies to the south of the I-2 Zone and contains the majority of the Sensitive Ecosystem Inventory lands owned by Bamberton LLP. Wild Play Element Park may decide to set up some of its "Monkido" treetop obstacle course in this area with F-1A zoning. Other possible outdoor recreational uses could occur in this area, limited as to the footprint and impact upon the land by the nature of the zoning. Staff have proposed this area be added to the F-1A Zone partly because of the uncertainty about where the treetop obstacle course might be built and partly because it is appropriate to permit the landowners to derive some income from these lands from uses other than forestry, *i.e.* other low impact outdoor recreational uses.

#### ***Protection of Southlands***

The Advisory Planning Commission minutes indicate that "consideration must be given to the protection of the Southlands". As mentioned in the heading above, staff have given this some consideration in proposing an alternative to Forestry/tree harvesting use in the zoning, but some additional layer of protection of these lands is desirable. At the APC meeting, a couple of possible methods of achieving this were mentioned: covenant and lease of this area to the CVRD for park purposes. Neither of these mechanisms would require a change to the proposed F-1A zoning, because parks are permitted in all zones, and a (protective) covenant can be entered into without having complementary changes to the zoning, for example, by removing certain otherwise permitted uses that, if acted upon, would compromise or destroy the site. **The recommendation at the head of this Report would require at a minimum, a covenant on the Southlands SEI lands.**

#### ***Covenant***

For a number of reasons, it is recommended that a covenant be required on the subject lands in the event that this application for land use change proceeds. The covenant would require that no building, subdivision or land clearing occur without the CVRD's express written consent until:

1. a Riparian Assessment is done on all rezoned lands,

2. the subject land presently not in a fire protection area is added to Mill Bay Improvement District's Service Area;
3. a Sensitive Ecosystem Inventory assessment of lands to be rezoned (including F-1 A and the Southlands) and delineation of the affected areas is completed by a registered professional biologist and a BC Land Surveyor provides mapping indicating the extent of riparian areas and other SEI areas that should be protected from development, either by the covenant or by the dedication of these areas to the CVRD as parkland.

**Comparison with Bamberton LLP Proposal**

While the intent of the above draft bylaws is similar to that which the applicants have proposed, there are some differences. For example:

- Bamberton initially proposed an 80% lot coverage standard;
- Bamberton initially proposed a different method of measuring building height, which would have effectively created taller buildings;
- Bamberton initially proposed a slightly broader range of permitted uses and a suite of new definitions which would in some cases permit uses that we surely don't want (such as auto wrecking);
- Bamberton initially proposed a very small minimum lot size in the lands to the east of the Trans-Canada Highway, which would permit the subdivision of those lands – we wish to keep lot sizes there high and restrict the third party tenures to leases.

**Conclusion**

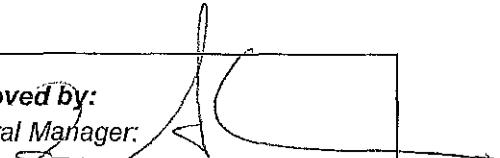
On the balance of the information reviewed, staff believe that it would be appropriate to take this proposal to the next stage, namely that of bylaw readings and public hearing, in order to ascertain the extent to which this proposal meets with the approval of the community generally.

Submitted by,



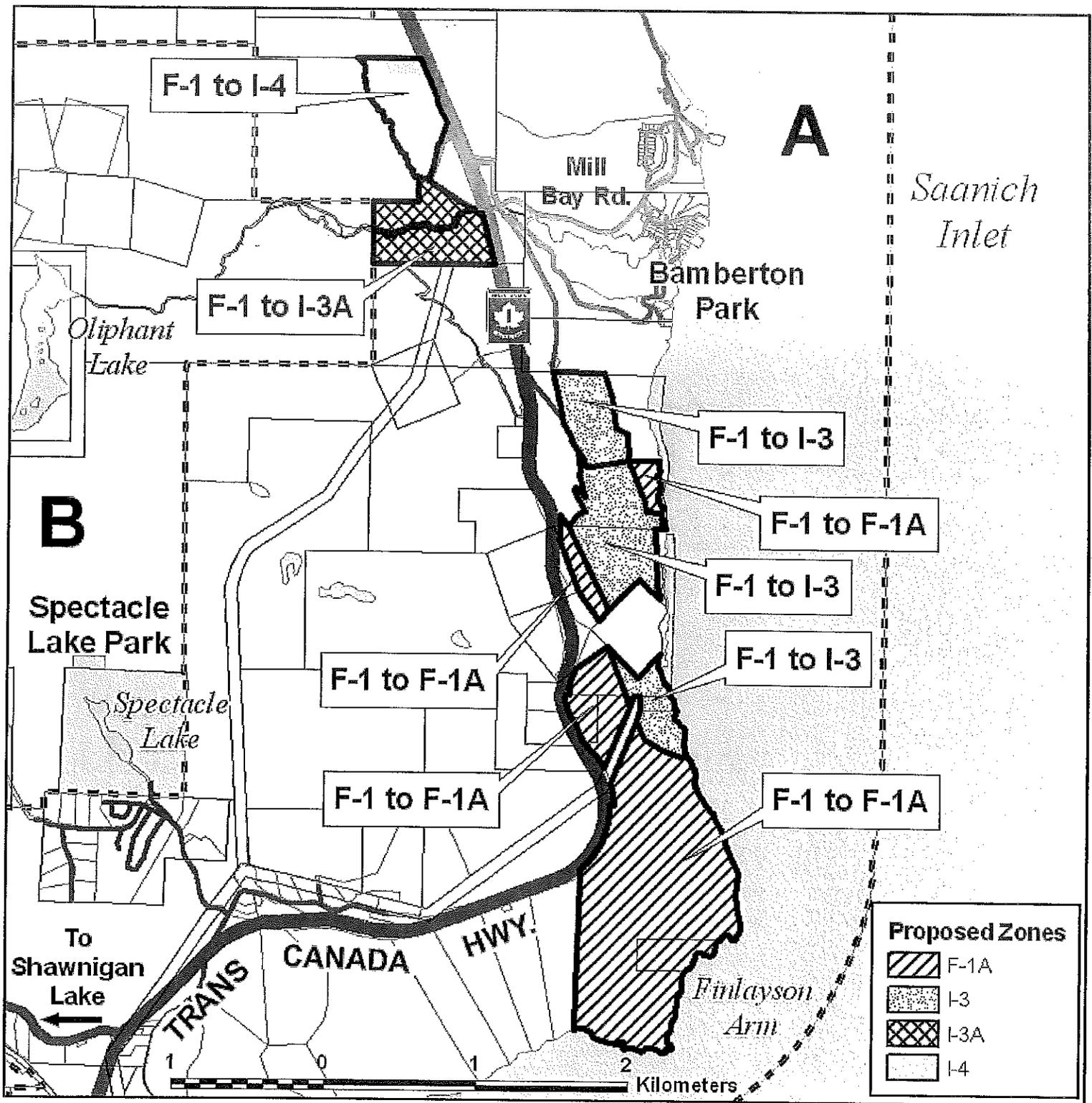
Mike Tippett, MCIP  
Manager  
Community and Regional Planning Division

Approved by:  
General Manager:

---

MT/ca



## Mike Tippett

---

**From:** Ross Tennant [rtennant@threepointproperties.com]  
**Sent:** Monday, May 30, 2011 1:43 PM  
**To:** Terry Culp  
**Cc:** Rob Conway; Mike Tippett; Sybille Sanderson; Stefan Moores; Roy Aresh; Jack Julseth; Andrew Higginson; Fran Generous; Paul Wilson  
**Subject:** Bamberton Fire Protection  
**Attachments:** Bamberton Fire Protection Implementation Report Addendum v.1.3 (Draft).pdf; MBVFD Request.pdf

Dear Terry,

Since we last spoke about the revised Bamberton development plans, we have had an opportunity to meet with the Area A APC (Advisory Planning Commission), members of the community, CVRD Planning Staff and some of the elected leadership. There seems to be strong consensus to move forward with the commercial and industrial plans that I reviewed with you. As such, please find attached a letter formally requesting that the Mill Bay Volunteer Fire Department approach your board of directors (and the province) to amend your letters patent to include the portions of Bamberton property that currently lie between the coverage areas of your department and the Malahat Volunteer Fire Department.

I trust that this is the information that you require, but would be pleased to discuss further if clarification is required.

Thank you,

Ross

– Ross Tennant  
Bamberton Properties LLP  
1451 Trowsse Road, Mill Bay, BC V0R 2P4  
main: 250-743-3737  
cell: 250-217-6141

## Mike Tippett

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**From:** Schmidt, Heike CSCD:EX [Heike.Schmidt@gov.bc.ca]  
**Sent:** Wednesday, May 25, 2011 2:53 PM  
**To:** Mike Tippett  
**Subject:** RE: Bylaw Amendment Referral CVRD Bylaw #3497 and #3498

Dear Mike:

Thank you for referring bylaws #3497 and #3498 to the Ministry of Community, Sport and Cultural Development (MCSCD) for comment. Please consider this email as MCSCD's response to your referral. As the Cowichan Valley Regional District (CVRD) is participating in the Regional District Approval Exemption pilot project, the CVRD is not required to submit most OCP and land use regulatory bylaws to the Ministry. However, we would like to provide you with some helpful information as you continue your OCP and Zoning Bylaw amendment process for Mill Bay/Malahat.

- Please ensure that you have referred this bylaw to the appropriate ministries and agencies and that you keep a detailed record of the results of your referral efforts (i.e. no comment received, resolution of concerns/ objections, etc).
- The Ministry expects that you will follow the actions for First Nations consultation as outlined in the *Interim Guide to First Nations Engagement on Local Government Statutory Approvals (Guide)*. Please be sure to complete and initial Appendix F of the Guide and retain it for your records. Here is the link to the Guide: [http://www.cscd.gov.bc.ca/lgd/library/First\\_Nations\\_Engagement\\_Guide.pdf](http://www.cscd.gov.bc.ca/lgd/library/First_Nations_Engagement_Guide.pdf)
- To help identify First Nations who have/may have rights or title on the land base, the provincial Consultative Areas Database (CAD) now has a public map service component for use by local government. The CAD Public Map Service is an interactive mapping tool. Please be sure to check the CAD and to keep a record of your findings. Here is the link to the CAD.

<http://webmaps.gov.bc.ca/imfx/imf.jsp?session=673103456444&sessionName=Consultative%20Areas%20Database%20Public>

- You may also wish to consider the commitment your regional district has made by signing the Climate Action Charter, specifically in the area of developing compact, complete communities. If this is an Official Community Plan update or amendment, please ensure that the bylaw meets the requirements of *Local Government Act* Section 877(3) - targets, policies and actions for the reduction of greenhouse gas emissions.

Under the Exemption pilot project, there may be circumstances where Regional Districts still wish to have ministerial approval. If this is the case for your Regional District, please contact me as soon as possible.

I trust this will help you with your ongoing work.

Best regards,  
Heike

Heike Schmidt, MCIP, Dipl.- Ing. (GER)  
Senior Planner  
Ministry of Community, Sports and Cultural Development  
Intergovernmental Relations and Planning Division  
Tel: 250.356.0283  
Fax: 250.387.6212  
Email: [heike.schmidt@gov.bc.ca](mailto:heike.schmidt@gov.bc.ca)



**COWICHAN VALLEY REGIONAL DISTRICT**

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

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

**BYLAW AMENDMENT REFERRAL FORM**

Date: May 16, 2011

CVRD File: Bylaw 3497 and 3498

The CVRD is considering a request to amend the Official Community Plan and Zoning Bylaw for Mill Bay/Malahat in order to promote the development of a Business Park on the west side of the Bamberton Interchange, and a considerable expansion to the industrial area on the east side of the highway, where light industrial uses would be permitted. The comprehensive residential/commercial and industrial land use proposed for these lands in 2006 will not be proceeding.

The subject lands proposed for industrial and business park use comprise approximately 110 hectares in total. The attached Staff Report and associated map explains the types of land uses that would be permitted in the various areas. Please note that the two areas shown outlined in blue on the map are recommended to be zoned immediately for light industrial uses by the Advisory Planning Commission. In the event of approval, the proposed zoning would allow for the subdivision of the Business Park and light industrial lands to the west of the Bamberton Interchange, with community water and sewer services; however, the light industrial lands to the east of the highway would be in a zone which would not permit them to be subdivided. Community water and sewer services would not be present there. Bulk untreated water is available to those lands and on-site sewage treatment and disposal areas would be identified. These lands would be leased to industrial tenants. Any proposal to subdivide these lands for individual industrial users would be subject to a future plan amendment and rezoning.

Some forest lands to the east of the highway (see map) would be placed into a new forestry zone that permits outdoor recreational activities, such as adventure parks. Golf courses would not be permitted in this area.

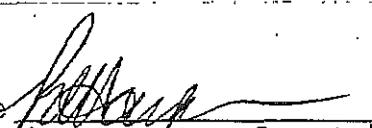
**General Property Location:** west of and adjacent to the Bamberton Interchange on Highway 1 and lands to the east of the interchange, CVRD Electoral Area A, Mill Bay/Malahat

**Legal Description:** Part of Block 176, Part of District Lot 95, Part of District Lot 127, District Lot 135, Part of District Lot 118 and a small part of District Lot 183, all of Malahat Land District

You are requested to comment on this proposal for potential effect on your agency's interests. **We would appreciate your response by May 31, 2011 if possible** but up to June 7 would be acceptable if more time is required. If no response is received within that time, it will be assumed that your agency's interests are unaffected. If you require more time to respond, please contact Mike Hippert, Manager of Community and Regional Planning, at 250-746-2602.

**Comments:**

- Approval recommended for reasons outlined below
- Interests unaffected
- Approval recommended subject to conditions below
- Approval not recommended due to reasons outlined below

Signature:   
 Date: May 24, 2011

Title: Secondary Treasurer Your File #: 6079

**This referral has been sent to the following agencies:**

- Ministry of Transportation and Infrastructure
- Capital Regional District (EA)
- Malahat First Nation
- Ministry of Community, Sport and Cultural Development
- Vancouver Island Health Authority
- Cowichan Tribes
- CVRD Engineering and Environmental Services
- Ministry of Environment
- Pauquachin First Nation
- School District 79
- Tsawout First Nation
- Provincial Approving Officer
- Tsarlip First Nation
- Mill Bay Volunteer Fire Dept.



June 7, 2011

File:  
Your File: Bylaw 3497, 3498

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

**Attn: Mike Tippett, Mgr**

**Ré: Bylaw Amendment Referral (Bylaw 3497 & 3498), Bamberton**

Thank you for your referral regarding a proposed development of the Bamberton Properties.

The Ministry of Transportation and Infrastructure does not object to the proposed use, subject to the following:

- 1) This response is not to be construed as future subdivision approval. Note; leasing part of a parcel (or option to extend a lease) for greater than 3 years is considered a subdivision and must comply with Section 73 of the Land Title Act.
- 2) No new direct access to the TCH or any interchange ramp will be permitted.
- 3) Valid permits are required for all public road accessés, with review and approval by the Ministry. Continued use of the TCH "Bamberton Entrance" (north bound side) will require the access be upgraded to a standard acceptable to the Ministry.
- 4) All buildings or structures are to meet or exceed the minimum 4.5m setback limitations specified by B.C. Regulation 513/04.
- 5) No additional drainage is to be directed to the roadway ditch system. (ie. Post development drainage flow is not to exceed pre development flows).

Please feel free to contact me if you have any questions or wish to discuss further.

Yours truly,

**Bob Wylie**  
**Provincial Approving Officer**

bw\CVRD\_bylaw\_3497\_98ref

Ministry of  
Transportation and  
Infrastructure

Vancouver Island District  
South Coast Region

Mailing Address:  
3<sup>rd</sup> flr, 2100 Labieux Road  
Nanaimo BC V9T 6R9  
Telephone: 250 751-3246  
Fax: 250 751-3289

[www.gov.bc.ca/tran](http://www.gov.bc.ca/tran)



June 7, 2011

Mike Tippett  
 Manager of Community and Regional Planning  
 Cowichan Valley Regional District  
 175 Ingram Street  
 Duncan, BC V9L 1N8

File: Bylaw 3497 and 3498

Dear Mr Tippett,

**RE: Bylaw Amendment Referral Bamberton Interchange Business and Industrial Park.**

This office has no objections to the proposed amendment in general. Please note, all community water systems must meet the Drinking Water Protection Act and Regulations. The proposed source must be given approval and an Operating Permit must be issued by this office, prior to operating the community water system. A construction permit must also be issued by the Public Health Engineer prior to water system construction. If the development wishes to connect to an existing community water system, construction permits must be issued for the water main extensions.

In regards to the "Lease only" properties, the applicant would be supplying water to multiple connections, which meets the definition of a Drinking Water System under the Drinking Water Protection Act. The applicant would be required to comply with the aforementioned legislation and would also be required to meet the standards of the VIHA Drinking Water Treatment for Surface Water (4-3-2-1) Policy.

Community or individual sewerage systems, if under 22,700 L/day, must meet the Sewerage System Regulation.

If you have any questions, please feel free to contact me at (250) 737-2010.

Yours truly,

Cole Diplock  
 Environmental Health Officer  
 CD/mjh

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**Duncan Office  
 Health Protection and Environmental Services**

4th Floor 238 Government Street, Duncan, BC V9L 1A5 • Phone: 250-737-2010 • Fax: 250-737-2008

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

## Development Referral Response

June 13, 2011

**Development Location:** Bamberton File NO: 01 - A -11RS

**Local Government:** Cowichan Valley Regional District - Electoral Area A

**Transit System:** Cowichan Valley Transit System

### Overall Transit Impact

The proposed site:

- Is not currently served by transit. However, this area will be included in the proposed Cowichan Valley Transit Future Plan for future transit service.

### Land Use Requirements to Support Transit

- A minimum of 25 jobs per hectare over a minimum of 10 hectares
- Consideration should also be given to the development of a Transportation Demand Management Strategy (TDM) to encourage more trips on transit.

### Infrastructure Requirements to Support Transit Service

- For transit service to be feasible and successful adequate road and pedestrian access that provides for the safe and efficient operation of bus services is required.
  - The road network must support a direct bus route and there must be the ability to turn the bus around.
  - The service area must be walkable with supporting pedestrian amenities such as sidewalks and sidewalk accessibility.
- Additional transit infrastructure should be considered for inclusion as part of development, such as: bus bays, bus shelters and universally accessible transit stops.

### Transit Service Design

- Future transit service to Bamberton would be designed around work start and end times with no or limited service at other times of the day as there would likely be limited ridership outside of work times.
- Implementation of service is dependant on supporting land uses and employment density, transit system development and funding availability. Any future transit service proposal for this area would be evaluated and prioritized with other proposals for transit service improvements.

### BC Transit Level of Support

- BC Transit has no objection to the development, however expansion of transit services to this area is contingent on the establishment of the minimum employment density identified and the ability provide a road network that support safe and efficient transit operations. Consideration should also be given to the other points identified in the referral response.

Thank you for the opportunity to review this proposed development. If you have any questions or would like further comments on this proposal, please contact:

James Wadsworth  
Senior Transit Planner  
BC Transit Strategic Planning  
Email: [james\\_wadsworth@bctransit.com](mailto:james_wadsworth@bctransit.com), Phone: 250-385-2551



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3497

**A Bylaw For The Purpose Of Amending Official Community Plan Bylaw  
No. 1890, Applicable To Electoral Area A – Mill Bay/Malahat**

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

**AND WHEREAS** the Regional District has adopted an official community plan bylaw for Electoral Area A – Mill Bay/Malahat, that being Mill Bay/Malahat Official Community Plan Bylaw No. 1890;

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

**AND WHEREAS** after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 1890;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3497 - Area A – Mill Bay/Malahat Official Community Plan Amendment Bylaw (Bamberton Business Park/Industrial), 2011**".

2. **AMENDMENTS**

Cowichan Valley Regional District Official Community Plan Bylaw No. 1890, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. **CAPITAL EXPENDITURE PROGRAM**

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

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

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

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

Exempt from approval by the Minister of Community, Sport and Cultural Development under Section 2 (a) and (b) of the *Cowichan Valley Regional District Approval Exemption Regulation* pursuant to Ministerial Order No. MO36, February 21, 2011.

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

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary



# C·V·R·D

## SCHEDULE "A"

### To CVRD Bylaw No. 3497

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Schedule A to Official Community Plan Bylaw No. 1890, is hereby amended as follows:

1. The following is added after Policy 6.3.11:

#### POLICY 6.3.12

Notwithstanding other policies in this Plan to the contrary, lands in the Forestry designation that are also identified on Figure 2A may be zoned for light industrial and outdoor recreational uses while remaining in the Forestry designation, and such lands, other than for lease purposes, will remain subject to a 80 hectare minimum parcel size requirement, similar to that of the Forestry designation. However, long-term leases may be registered over such lands. In the event that these lands are eventually proposed to be redesignated and rezoned for subdivision for industrial, commercial or residential purposes, the CVRD Board expects that a zoning for amenities provision would be enacted which would entail the permanent protection in the public realm of sensitive ecosystem lands to the immediate south of the lands subject to redesignation and rezoning.

#### POLICY 6.3.13

Notwithstanding other policies in this Plan to the contrary, lands in the Forestry designation that are within a 1 kilometre radius of the Bamberton Highway interchange, and are on the west side of the Trans-Canada Highway, may be eligible to be redesignated and rezoned for light industrial and business park uses, and for subdivision to lot sizes suitable for the proposed uses. In considering whether to apply this policy to any particular site, the Board will have regard for:

- a) the suitability of the site for light industrial and business park uses;
- b) the availability of similar sites in the existing business and light industrial park in the immediate vicinity and the likelihood that an expansion will be needed to meet market demand;
- c) the availability of community sewer and water services;
- d) the possibility of capturing new economic development opportunities for the region;
- e) Protection sensitive environmental features from development and protection of the appearance of this area from vantage points within the Cowichan Valley.

2. Schedule B to the Mill Bay/Malahat Official Community Plan – the Plan Map – is amended by redesignating part of Block 176, Malahat District, as shown shaded in grey on the Schedule Z-3497 attached hereto and forming part of this Bylaw, from Forestry to Industrial.

3. The following is added after Section 14.9 (Mill Bay Comprehensive Development Permit Area):

**14.10 BUSINESS PARK / LIGHT INDUSTRIAL DEVELOPMENT PERMIT AREA**

**14.10.1 CATEGORY**

The Business Park / Light Industrial Development Permit Area is designated pursuant to Section 919.1(a), (b) and (f): protection of the natural environment, its ecosystems and biological diversity, protection of development from hazardous conditions and establishment of objectives for the form and character of commercial, industrial or multi-family residential development.

**14.10.2 SCOPE**

The Business Park / Light Industrial Development Permit Area applies to all lands that are zoned industrial within the area shown on Figure 13.

**14.10.3 JUSTIFICATION**

The Business Park / Light Industrial Development Permit Area is created for the following reasons:

- a) The subject lands ultimately drain into Saanich Inlet, which is a highly sensitive marine environment, therefore special measures may be required to mitigate the potential for negative impacts upon the Inlet that could arise in the course of light industrial and related commercial development;
- b) The subject lands are in some cases highly visible from the Trans-Canada Highway or from the surface waters of Saanich Inlet, and in both cases it is appropriate to regulate the form and character of light industrial and business park buildings and structures, to ensure that a very high standard of development quality is established and maintained on lands that are within the aforementioned viewsheds;
- c) The subject lands are in an area of extremely varied topography which may present rockfall and other geotechnical hazards.

**14.10.4 GUIDELINES**

- a) Land Subdivision Guidelines

***Environmental Protection***

1. Lands in a proposed subdivision plan that contain or are adjacent to riparian features should respect the existence of the riparian area by having a substantial additional usable site area beyond the Streamside Protection and Enhancement Area (SPEA). Ongoing protection of the riparian areas generally and the SPEAS in particular is strongly encouraged through mechanisms such as dedication of these lands to the CVRD or the use of covenants in favour of the CVRD. This should minimize the likelihood of difficult-to-develop industrial parcels being created and protect the riparian areas from damage.

2. Buffer areas beyond the SPEA should be landscaped with naturalized plantings. Orientation and positioning of driveways and potential building envelopes on proposed parcels should be sensitive to these features. A development permit may specify additional setbacks from a Streamside Protection and Enhancement Area (SPEA) as required in the zoning bylaw, where such additional setback would be required to offer adequate protection to the riparian area due to the nature of the proposed land use.
3. Infiltration systems, constructed wetlands, and other features in open spaces that are forested should be designed and planted with species that require minimal irrigation and/or have a role in supporting indigenous birds and other small fauna.
4. The site grading of all proposed parcels should be designed at the subdivision stage to direct rainfall that will be collected on roofs and paved surfaces into infiltration systems wherever feasible. These systems should be engineered to allow slow infiltration of rainwater into the ground in locations that will reduce the effect of increased flows on existing watercourses and wetlands.

#### ***Natural Hazards***

5. A report concerning potential natural hazards to the subdivision will be submitted along with an application, and the report will contain the following:
  - a) Assessment of the risk of geotechnical hazards by an appropriately qualified professional engineer or professional geoscientist with experience in natural hazard assessment and mitigation.
  - b) Assessment of the risk of wildland/urban fire transfer by a qualified professional in the field. The report will contain advice for the subdivision layout and describe in its recommendations the appropriate protective measures to mitigate any risk.

#### ***Lot Layout***

6. A report on the proposed measures for rainwater management should be prepared by a appropriately qualified professional engineer as part of each DP application for subdivision.
7. Lots should front on roads that have been laid out in response to the topography in order to minimize grades by following contour lines where feasible and appropriate.
8. The subdivision plan should indicate the parcel lines, the potential building envelope reflecting required setbacks and other siting constraints.
9. If appropriate, parcel lines should not be symmetrical across the street in all locations. Lot sizes should vary occasionally to take advantage of environmental features and for variety and to encourage visual interest.

**Local Roads**

10. Local roads should be designed with rights-of-way and paved lanes to the narrowest width that would still be suitable for business park and light industrial traffic, with a view to minimizing the disruption to the landscape on sloped areas.
11. Preference will be given to main local roads with a surface swale of adequate capacity to collect rainwater from the development sites uphill from it.
12. Where permitted by the Road Authority, street trees should be planted within the right-of-way along streets where they will not affect driveways, sight lines or other infrastructure features, except where a road traverses an area of retained or replaced natural forest. The street tree planting scheme should use a variety of tree types chosen from a range of native and drought-tolerant species and planted in informal rhythms and clusters rather than in regularly spaced lines. To achieve the desired integration with the natural forest context, a minimum of 20% of trees planted should be coniferous species.
13. The local road network should be adapted to the requirements of local transit service, including, for example, transit stops.

**Landscape Character**

14. Street tree planting, if permitted by the Road Authority, should use a variety of tree species. The Development Permit application for subdivision should include a conceptual street tree planting scheme prepared by a registered Landscape Architect that sets out the species selection for each street from among appropriate drought-tolerant and climate compatible species.

**Streetscape Furniture**

15. As part of the development permit application for subdivision, the project Landscape Architect shall identify a suite of furnishings for the public realm: bench, light standards, waste receptacle, bike rack, and bollard for use throughout the Business Park and adjacent Industrial Park. This suite of furnishings should be integrated in terms of materials and design expression and should express a contemporary, industrial character. Lighting selections shall be made that have low light emissions into the night sky. Site furnishing specifications of metal, concrete, stone and/or wood should be used to express the Pacific Northwest theme yet blend into the background landscape; aluminum; stainless steel, or painted / powder coated in natural tones (including grey) should be considered; wood, wood-like materials, concrete or metal are suitable as a trim especially for the seating surface of benches.

**Visual Buffers**

16. A visual natural buffer comprised of natural forest should be provided along the majority of the Trans-Canada Highway to a minimum depth of 10 metres. It should be comprised of retained existing forest vegetation to the greatest extent feasible.

17. Limited gaps in the visual landscape buffers along the Trans-Canada Highway will be provided to achieve visual recognition of the presence of the Business Park. Additional gaps may be provided for specific users in both the Business Park and the adjacent Light Industrial Park, subject to consideration of the quality of building design, landscaping proposed and the resultant overall appearance of the land use.

### ***Signs***

26. Pylon signs may be used along the Trans-Canada Highway to identify the Business Park site, which generally should not be backlit and will not contain LCD/LED elements or video/scrolling message elements. The sign should be mounted on a well engineered base and be up to 6 metres in height, allowing visibility to drivers along the highway for an appropriate distance before the exit ramp from the Trans-Canada Highway, while still being below the height of the background trees in the highway buffer strip.

## **b) Site Development and Building/Structure Form and Character Guidelines**

### ***Environmental Protection***

1. Where feasible, the use of "green" roof structures is encouraged, to reduce heating and cooling needs and to buffer rainwater flows. Total site imperviousness figures will be submitted with any application and the measures utilised to reduce the effective impervious areas will be described in material accompanying the application.
2. Applications for development permits for buildings and development generally on the parcels for which a development permit application is made must take account of the industrial processes that will occur within the buildings and on the land, and where the proposed uses involve potential contaminants of land or water, sufficient containment measures to prevent spills of potential contaminants shall be taken in the design of both buildings and the site upon which such activities will take place. A report by a qualified professional respecting the measures to be taken in this regard may be required as a precondition to consideration of development permit issuance, and where the report makes recommendations concerning the measures required to contain such potential risks, these shall be made a requirement of the development permit. Air emissions are regulated directly by the Province of British Columbia.
3. Parking areas and any other portions of the parcel that would have machinery and other equipment parked or installed on it should be surfaced in a way that intercepts potential contaminants and separates them from rainwater, allowing for their regular removal or treatment.

### ***Building Form, Character and Signs***

4. Building façade articulation, such as recessed window and door penetrations, is encouraged to create variation and visual interest. Front entries should be marked with architectural features and where more than one entry point is proposed, the main entry should be most prominent. Entrances should be illuminated in keeping with their hierarchy of importance at levels to achieve safety and security for users. Large expanses of building façade without

windows are discouraged, but where necessary, these should be oriented to side and rear yards or, if facing the front yard, should be given an architectural treatment to achieve visual interest. Building lighting must be designed to avoid overspill into the public realm or the night sky.

5. Particular attention must be paid, in the building and landscape design, to the appearance from the Trans-Canada Highway and the surface waters of Saanich Inlet. Buildings and structures which blend into the landscape by virtue of careful colour palette control and appropriate form, materials and scale are preferred to those which would present a visually imposing presence more typical of an urban area, which would be at odds with the generally scenic rural resource lands in this area.
6. Finishing materials of buildings and structures should be appropriate to local climatic conditions and durable so as not to require frequent replacement over the building's lifespan. Acceptable exterior materials include: wood, brick, stone, stucco, concrete slab or block, and metal, fiberglass, cementitious and composite panels. Wherever possible building colours should be selected from a palette of natural tones that express the intention of integrating the Business Park into the surrounding natural environment.
7. Using landscape strategies to reduce the need for heating and cooling including: using deciduous trees on the southern and western facing side of a building to maximize the warming effect of solar radiation in winter months and the cooling effect of shade in the summer, locating evergreen trees so they block winter winds without blocking solar access.
8. Signs should be designed in coordination with the site and any buildings on it. Signage for individual industrial or commercial development sites should be either integrated with the building architecture or freestanding within the front yard landscaped area. Consideration should be given to coordinating new signs with the style of the prevailing informational and directional signage for the business area.

#### ***Landscape and Parking Area Standards***

9. A comprehensive landscaping plan should be prepared by a Landscape Architect to BCSLA/BCNTA standards, and be submitted along with the application form. Plantings should consist of a variety of plant species, dominated by native and drought tolerant types appropriate to this biogeoclimatic zone.
10. Site imperviousness figure shall be calculated by the applicant. Effective impervious surfaces of paved areas should be reduced through the use of mitigating measures such as infiltration wells for cleansed rainwater where feasible, such measures collectively being designed to reduce the surface runoff in rainfall events to a level that approaches that of the site before it was developed.
11. Fences should be constructed of wood, stone, brick, black coloured chain-link, ornamental metal work or suitable alternative materials of similar appearance.

12. Garbage and recycling containers, utility boxes, fans, vents, and outdoor storage areas should be screened from viewers in the adjacent public realm.
13. End-of-trip facilities for cyclists, including bike lockers or at a minimum, bike racks, should be provided.

FIGURE 2A

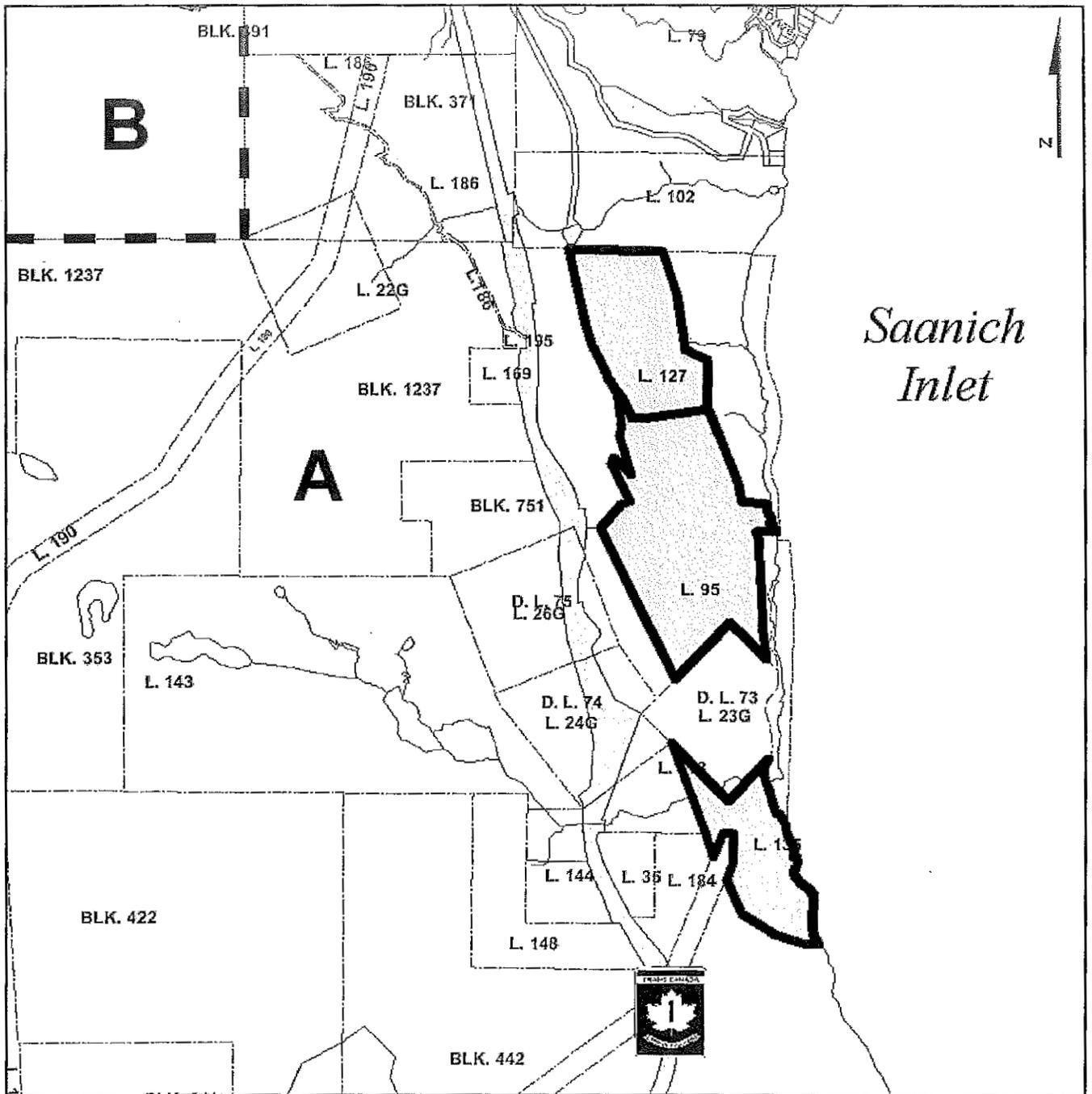
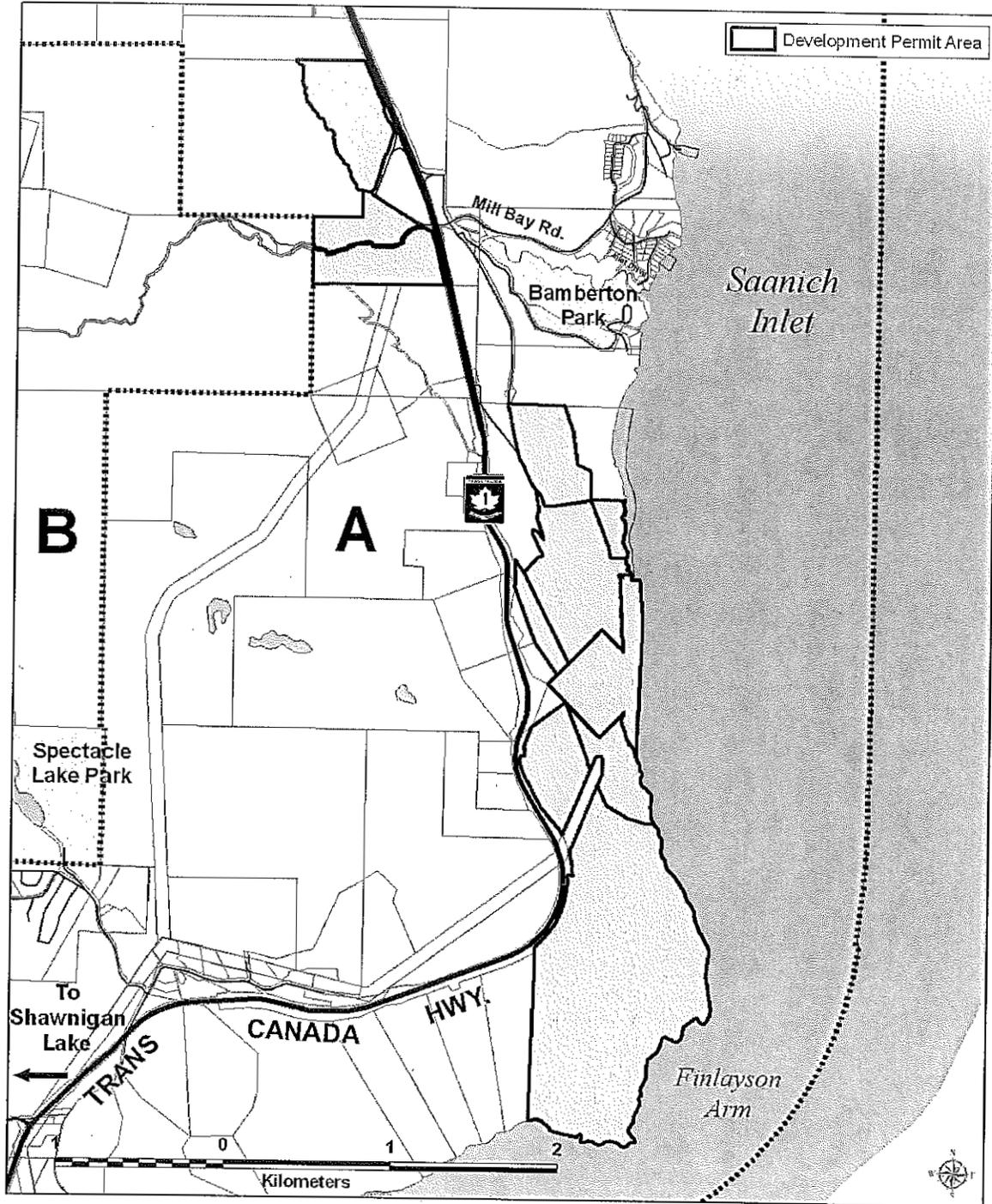


FIGURE 13

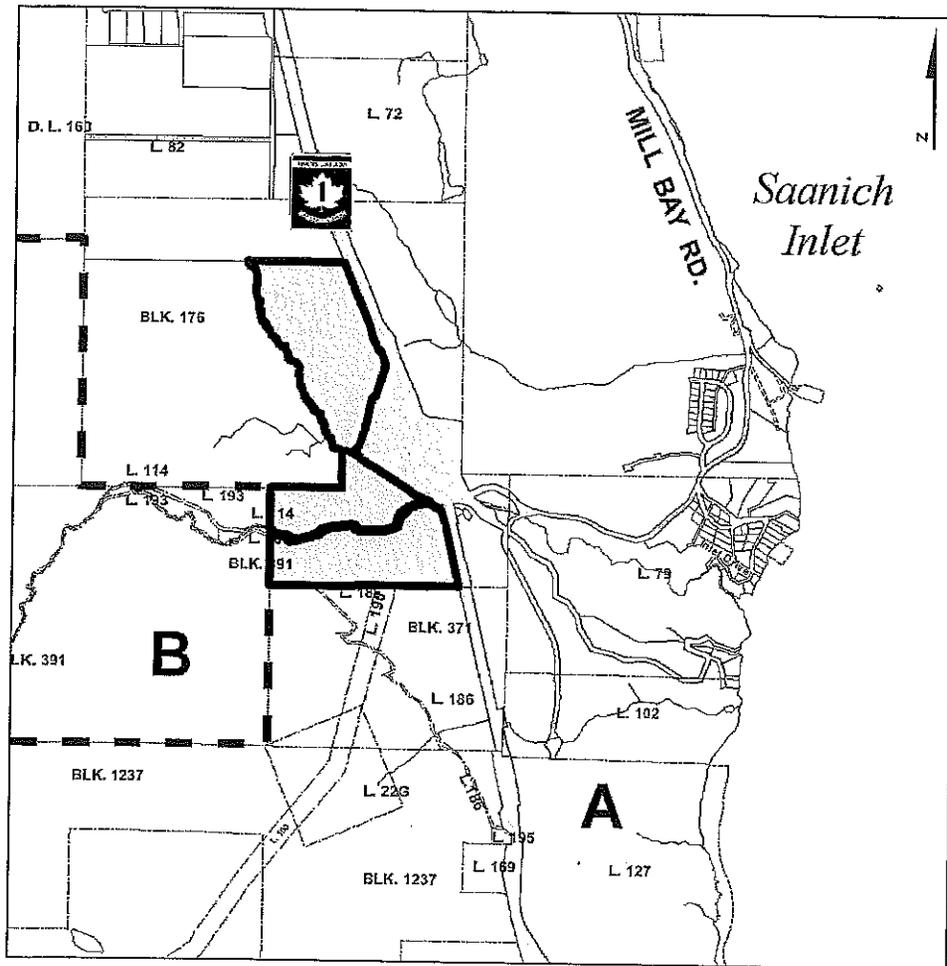
**Buisness Park / Light Industrial  
Development Permit Area**



PLAN NO. Z-3497

SCHEDULE "B" TO PLAN AMENDMENT BYLAW NO.  
OF THE COWICHAN VALLEY REGIONAL DISTRICT

3497



THE AREA OUTLINED IN A SOLID BLACK LINE IS REDESIGNATED FROM

Forestry

TO

Industrial

APPLICABLE

TO ELECTORAL AREA A



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3498

A Bylaw For The Purpose Of Amending Zoning Bylaw No. 2000  
Applicable To Electoral Area A – Mill Bay/Malahat

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

**AND WHEREAS** the Regional District has adopted a zoning bylaw for Electoral Area A – Mill Bay/Malahat, that being Zoning Bylaw No. 2000;

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

**AND WHEREAS** after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 2000;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3498 – Electoral Area A – Mill Bay/Malahat Zoning Amendment Bylaw (Bamberton Business Park Industrial), 2011**".

2. **AMENDMENTS**

Cowichan Valley Regional District Zoning Bylaw No. 2000, as amended from time to time, is hereby amended in the following manner:

a) The following is added after Section 11.2:

**I-3 ZONE – BAMBERTON LIGHT INDUSTRIAL 3**

Subject to compliance with the general requirements detailed in Parts 4 and 5 of this Bylaw, the following regulations apply in the I-3 Zone:

(a) **Permitted Uses**

The following principal uses and no others are permitted in an I-3 zone:

- (1) Agriculture, horticulture, silviculture;
- (2) Aquaculture, depuration of shellfish;
- (3) Assembly;

- (4) Boat and/or watercraft building, sales and repair and storage, marine services;
- (5) Building and construction material supply;
- (6) Commercial parking;
- (7) Concrete batch plant and concrete products manufacturing;
- (8) Contractor's workshop and yard;
- (9) Convenience store;
- (10) Equipment sales, repair, storage and rental;
- (11) Electronic equipment manufacturing and repair with accessory sales;
- (12) Feed, seed and agricultural supplies, sales and storage;
- (13) Food preparation and catering, including culinary education services;
- (14) Food and beverage manufacturing, processing, packaging, distribution, and storage, bakery, brewery, excluding fish cannery and abattoir;
- (15) Funeral services;
- (16) Indoor recreational facilities;
- (17) Laboratory, research and development centre;
- (18) Lumber and storage yards, sale of wholesale and retail building supplies;
- (19) Manufacturing;
- (20) Motor vehicle sales, service and repair, including autobody restoration and repair but excluding wrecking or salvaging;
- (21) Modular home, mobile home, truss and prefabricated home manufacturing;
- (22) Offices;
- (23) Outdoor recreation;
- (24) Personal services establishment;
- (25) Port facilities;
- (26) Printing and publishing;
- (27) Processing and sale of gardening and landscaping supplies and materials;
- (28) Recreational vehicle manufacturing, with accessory sales;
- (29) Research and development centre;
- (30) Restaurant, coffee shop including take-out, but not including a drive-through;
- (31) Retail sales, unrelated to any other principal permitted use, limited to a maximum of 250 m<sup>2</sup> in total retail floor area;
- (32) Secondary processing and manufacturing of wood products;
- (33) Software engineering office and accessory uses;
- (34) Technical services;
- (35) Trade/vocational school;
- (36) Warehousing, including mini-warehousing, distribution and forwarding of freight;
- (37) Welding shop, steel and metals fabrication, extrusion, finishing and accessory sales;
- (38) Wholesale sales;

The following accessory uses are permitted in the I-3 Zone:

- (39) Retail sales accessory to a principal permitted use;
- (40) Single family dwelling unit accessory to a principal permitted use, subject to Section 11.3(b)(3) below.

(b) Conditions of Use

For any lease area in an I-3 zone:

1. The coverage shall not exceed 60 percent of total lease area for all *buildings and structures*;
2. The *height* of all *buildings and structures* shall not exceed 20 m;
3. Not more than three single family residences are permitted per lease area of land, only in conjunction with a principal permitted use under Section 11.3(a) above;
4. Buildings and structures shall be set back not less than 7.5 metres from any lease area boundary or lot line that abuts a non-industrial zone.
5. Buildings and structures shall be set back not less than 7.5 metres from a Streamside Protection and Enhancement Area (SPEA) as designated in a Riparian Assessment Report.
6. A convenience store shall not be larger than 230 m<sup>2</sup> in floor area.

(c) Minimum Parcel Size for Subdivision

Subject to Part 13, the minimum *parcel* size in the I-3 Zone is 80 hectares. Notwithstanding this regulation, where a subdivision in the I-3 Zone is proposed to follow a land use zone boundary on an existing parcel that is split-zoned, any area within a single zone may be subdivided below the usual 80 hectare minimum, so long as the subdivision only isolates the entirety of the different zones on that parcel.

(d) Lease Areas

Areas of land in the I-3 Zone may be leased, including leases registered in the Land Title Office by Explanatory Plan, of any size, provided each lease area is of sufficient size to accommodate the other regulations of this Zone and provided it also has a source of water and sewage disposal system that are suitable to the Provincial authorities having jurisdiction. For the purposes of the I-3 Zone only, the regulations concerning use, density and other matters apply to each leased area.

(e) Definition

The definition of "parcel" in Section 3.1 does not apply to lease areas in the Bamberton Light Industrial 3 Zone.

(f) Parking

Notwithstanding CVRD Off-Street Parking Bylaw No. 1001, or any other CVRD bylaws that may require off-street parking spaces, the minimum number of off-street parking spaces required on a parcel in the I-3 Zone is 1 space per 48 m<sup>2</sup> of gross floor area, plus one space per accessory residential dwelling.

### 11.3A I-3A ZONE – LIGHT INDUSTRIAL 3A

Subject to compliance with the general requirements detailed in Parts 4 and 5 of this Bylaw, the following regulations apply in the I-3A Zone:

#### (a) Permitted Uses

The following principal uses and no others are permitted in an I-3A zone:

- (1) Agriculture, horticulture, silviculture;
- (2) Aquaculture, depuration of shellfish;
- (3) Assembly;
- (4) Boat and/or watercraft building, sales and repair and storage, marine services;
- (5) Building and construction material supply;
- (6) Commercial parking;
- (7) Contractor's workshop and yard;
- (8) Convenience store;
- (9) Equipment sales, repair, storage and rental;
- (10) Electronic equipment manufacturing and repair with accessory sales;
- (11) Feed, seed and agricultural supplies, sales and storage;
- (12) Food preparation and catering, including culinary education services;
- (13) Food and beverage manufacturing, processing, packaging, distribution and storage, bakery, brewery, excluding fish cannery and abattoir;
- (14) Funeral services;
- (15) Furniture manufacturing with accessory sales;
- (16) Indoor recreation;
- (17) Laboratory, research and development centre;
- (18) Lumber and storage yards, sale of wholesale and retail building supplies;
- (19) Manufacturing;
- (20) Motor vehicle sales, service and repair, including autobody restoration and repair but excluding wrecking or salvaging;
- (21) Modular home, mobile home, truss and prefabricated home manufacturing;
- (22) Offices;
- (23) Outdoor recreation;
- (24) Personal services establishment;
- (25) Printing and publishing;
- (26) Processing and sale of gardening and landscaping supplies and materials;
- (27) Recreational vehicle manufacturing, with accessory sales;
- (28) Research and development centre;
- (29) Restaurant, coffee shop including take-out, but not including a drive-through;
- (30) Retail sales, unrelated to any other principal permitted use, limited to a maximum of 250 m<sup>2</sup> in total retail floor area;
- (31) Secondary processing and manufacturing of wood products;
- (32) Software engineering office and accessory uses;
- (33) Technical services;
- (34) Trade/vocational school;

- (35) Warehousing, including mini-warehousing, distribution and forwarding of freight;
- (36) Welding shop, steel and metals fabrication, extrusion, finishing and accessory sales;
- (37) Wholesale sales;

The following accessory uses are permitted in the I-3A Zone:

- (38) Retail sales accessory to a principal permitted use;
- (39) Single family dwelling unit accessory to a principal permitted use, subject to Section 11.3A(b)(3) below.

**(b) Conditions of Use**

For any *parcel* in an I-3A zone:

1. All parcels shall be connected to a community water and community sewer system;
2. The coverage shall not exceed 60 percent of total parcel area for all *buildings* and *structures*;
3. The *height* of all *buildings* and *structures* shall not exceed 20 m;
4. Not more than three single family residences are permitted per parcel of land, only in conjunction with a principal permitted use under Section 11.3A(a) above;
5. A convenience store shall not be larger than 230 m<sup>2</sup> in floor area;
6. The following setbacks apply in the I-3A Zone:

COLUMN I Type of Line	COLUMN II Setback for Buildings and Structures
Front Parcel Line	4.5 metres
Interior Side Parcel Line	0 metres where the abutting parcel is zoned Industrial 7.5 metres where the abutting parcel is not zoned Industrial
Exterior Side Parcel Line	4.5 metres
Rear Parcel Line	0 metres where the abutting parcel is zoned Industrial 4.5 metres where the abutting parcel is not zoned Industrial
Streamside Protection and Enhancement Area (SPEA)	7.5 metres

**(c) Minimum Parcel Size**

Subject to Part 13, the minimum *parcel* size in the I-3A Zone is 0.1 ha for *parcels* served by a *community water and sewer system*.

(d) Parking

Notwithstanding CVRD Off-Street Parking Bylaw No. 1001, or any other CVRD bylaws that may require off-street parking spaces, the minimum number of off-street parking spaces required on a parcel in the I-3A Zone is 1 space per 48 m<sup>2</sup> of gross floor area, plus one space per accessory residential dwelling.

11.4 I-4 ZONE – BUSINESS PARK INDUSTRIAL-COMMERCIAL 4

Subject to compliance with the general requirements detailed in Parts 4 and 5 of this Bylaw, the following regulations apply in the I-4 Zone:

(a) Permitted Uses

The following principal uses and no others are permitted in an I-4 zone:

- (1) Assembly use;
- (2) Auction sales;
- (3) Cabinet making, home improvement products manufacturing and accessory sales;
- (4) Clothing manufacturing, cleaning, repair and storage, with accessory sales;
- (5) Commercial parking;
- (6) Convenience store;
- (7) Day care and nursery school;
- (8) Educational institution;
- (9) Equipment sales, repair, storage and rental;
- (10) Electronic equipment manufacturing and repair with accessory sales;
- (11) Feed, seed and agricultural supplies, sales and storage;
- (12) Food preparation and catering, including culinary education services;
- (13) Food and beverage manufacturing, storage, processing, packaging, frozen food locker, cold storage plant, bakery, brewery, excluding fish cannery and abattoir;
- (14) Funeral services, excluding crematorium;
- (15) Furniture manufacturing with accessory sales;
- (16) Indoor recreation;
- (17) Laboratory, research and development centre;
- (18) Light manufacturing;
- (19) Lumber and storage yards, sale of wholesale and retail building supplies;
- (20) Motor vehicle sales, service and repair, including autobody restoration and repair but excluding wrecking or salvaging;
- (21) Modular home, mobile home, truss and prefabricated home manufacturing;
- (22) Office use;
- (23) Outdoor recreation;
- (24) Personal services establishment;
- (25) Printing and publishing;
- (26) Professional offices;
- (27) Recreation facility, including martial arts, boxing and yoga studio;
- (28) Recreational vehicle manufacturing, with accessory sales;

- (29) Research and development centre;
- (30) Restaurant, café, coffee shop including take-out and catering, but not including a drive-through;
- (31) Retail sales, unrelated to any other principal permitted use, limited to a maximum of 250 m<sup>2</sup> in total retail floor area per enterprise;
- (32) Secondary processing and manufacturing of wood products;
- (33) Software engineering office and accessory uses;
- (34) Technical services;
- (35) Warehousing, including mini-warehousing, self-storage distribution and forwarding of freight;
- (36) Wholesale sales;

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

- (37) Retail sales accessory to a principal permitted use;
- (38) Single family dwelling unit accessory to a principal permitted use, subject to Section 11.4(b)(3) below.

(b) Conditions of Use

For any *parcel* in an I-4 zone:

1. All parcels shall be connected to a community water and community sewer system;
2. The *parcel coverage* shall not exceed 60 percent for all *buildings* and *structures*;
3. The *height* of all *buildings* and *structures* shall not exceed 18 m;
4. Not more than three single family residences are permitted per parcel of land, only in conjunction with a principal permitted use under Section 11.4(a) above;
5. A convenience store shall not be larger than 230 m<sup>2</sup> in floor area;
6. The following minimum *setbacks* apply:

COLUMN I Type of Line	COLUMN II Buildings & Structures
Front Parcel Line	4.5 metres
Interior Side Parcel Line	0 metres where the abutting parcel is zoned Industrial 5 metres where the abutting parcel is not zoned Industrial
Exterior Side Parcel Line	4.5 metres
Rear Parcel Line	0 metres where the abutting parcel is zoned Industrial 4.5 metres where the abutting parcel is not zoned Industrial
Streamside Protection and Enhancement Area (SPEA)	7.5 metres

(c) Minimum Parcel Size

Subject to Part 13, the minimum *parcel* size in the I-4 Zone is 0.1 ha for *parcels* served by a *community water and sewer system*.

(d) Parking

Notwithstanding CVRD Off-Street Parking Bylaw No. 1001, or any other CVRD bylaws that may require off-street parking spaces, the minimum number of off-street parking spaces required on a parcel in the I-4 Zone is 1 space per 48 m<sup>2</sup> of gross floor area, plus one space per accessory residential dwelling.

b) The following is added after Section 7.1:

7.1A F-1A ZONE - FORESTRY / OUTDOOR RECREATION

(a) Permitted Uses

The following *uses* and no others are permitted in an F-1A zone:

- (1) *Agriculture, silviculture, horticulture;*
- (2) *Bed and breakfast accommodation;*
- (3) *Daycare, nursery school accessory to a residential use;*
- (4) *Home occupation;*
- (5) *Management and harvesting of primary forest products, excluding: sawmilling, manufacturing, and works yards;*
- (6) *Outdoor recreation;*
- (7) *Secondary suite, or small suite;*
- (8) *Single family dwelling;*
- (9) *Office, retail sales and cafeteria accessory to an outdoor recreation use.*

(b) Conditions of Use

For any *parcel* in an F-1A zone:

- (1) The *parcel coverage* shall not exceed 20 percent for all *buildings and structures*;
- (2) The *height* of all *buildings and structures* shall not exceed 10 m;
- (3) Not more than one single family dwelling shall be permitted on a parcel of land, plus one of either a small suite or secondary suite;
- (4) The following minimum *setbacks* shall apply:

COLUMN I Type of Line	COLUMN II Residential, Recreational & Accessory Buildings & Structures	COLUMN III Forestry, Agricultural and Other Permitted Buildings & Structures
Front Parcel Line	7.5 metres	30 metres
Interior Side Parcel Line	3.0 metres	15 metres

Exterior Side Parcel Line	4.5 metres	15 metres
Rear Parcel Line	7.5 metres	15 metres
Streamside Protection and Enhancement Area (SPEA)	7.5 metres	7.5 metres

(c) Minimum Parcel Size

Subject to Part 13, the minimum *parcel* size in the F-1A Zone is 80 hectares.

c) The following definitions are inserted into Section 3.1:

**“light manufacturing”** means the manufacturing, processing, fabricating, assembling, testing, packaging, servicing, repair, distribution, and storage of retail or wholesale consumer products;

**“manufacturing”** means the manufacturing, processing, fabricating, assembling, testing, packaging, servicing, repair, treatment, distribution, and storage of products, materials, fabric, substances or compounds;

d) The definition of “outdoor recreation” under Section 3.1 of Zoning Bylaw 2000 is deleted and replaced with the following:

**“outdoor recreation”** means a recreational activity undertaken where the outdoor setting and landscape is a significant element in the activity, and the density of recreational users is not a significant element and includes adventure tourism, archery, *park* or open space, playing field, botanical garden and arboretum, but does not include a golf course;

e) Section 11.2 (a) is deleted and replaced with the following:

(a) Permitted Uses

The following *uses* and no others are permitted in an I-2 zone:

- (1) Boat buildings, repair and storage;
- (2) Clothing cleaning, manufacture, repair and storage;
- (3) Contractor's workshop, yard and storage;
- (4) Dry land log sorting;
- (5) Equipment repair, sales, storage and rental;
- (6) Feed, seed and agricultural supplies, sales and storage;
- (7) Food and candy products manufacturing, storage, processing, packaging, frozen food locker, cold storage plant, but excluding fish cannery and abattoir;
- (8) Forest products processing, milling and storage, excluding pulp and paper mill;
- (9) Industrial manufacturing, repair, storage and packaging;
- (10) Kennels for the keeping, boarding, raising, training and/or breeding of cats and dogs and animal hospital;
- (11) Lumber and storage yards, sale of wholesale and retail building supplies;

- (12) Manufacturing, repair, treatment and storage of products, materials, fabric or compounds;
- (13) Motor vehicle repair, sales, body repair, painting, wrecking, storage, salvage;
- (14) Modular or prefabricated home structure, and truss manufacturing;
- (15) Outdoor recreation;
- (16) Parking garage;
- (17) Processing and sale of gardening and landscaping supplies and materials;
- (18) Retail and wholesale sale of petroleum products and accessory storage of petroleum products not exceeding 455,000 litres;
- (19) Secondary processing and manufacturing of wood products;
- (20) Recycling, sorting and storage of any substance or material, and excluding external storage of any type of septage, animal material or animal substance;
- (21) Residential suite;
- (22) Restaurant;
- (23) Warehousing, including mini-warehousing;
- (24) Welding shop;
- (25) Wholesale sales;
- (26) Office accessory to a principal use permitted in Section 11.2(a)(1-25);
- (27) Retail sales accessory to a principal use permitted in Section 11.2(a)(1-25);
- (28) One single family dwelling unit per parcel accessory to a use permitted in Section 11.2(a)(1-25).

f) Section 6.1 (Creation of Zones) is amended by adding the following to the existing table:

	<b>ZONE</b>	<b>ZONE TITLE</b>
<i><b>Forestry</b></i>	F-1A	Forestry/Outdoor Recreation
<i><b>Industrial</b></i>	I-3	Bamberton Light Industrial
	I-3A	Light Industrial
	I-4	Business Park Industrial/Commercial

g) Schedule B (Zoning Map) is amended by rezoning Part of Block 176, Part of District Lot 95, Part of District Lot 127, District Lot 135, Part of District Lot 118 and a small part of District Lot 183, all of Malahat Land District, being those areas shown outlined in a thick black line on the Schedule Z-3498 attached hereto and forming part of this Bylaw, from Primary Forestry (F-1) to Bamberton Light Industrial 3 (I-3), Light Industrial 3A (I-3A), Business Park Industrial/Commercial 4 (I-4) and Forestry/Outdoor Recreation (F-1A) as indicated on Schedule Z-3498 and adding these new zones to the legend.

3. **FORCE AND EFFECT**

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

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

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

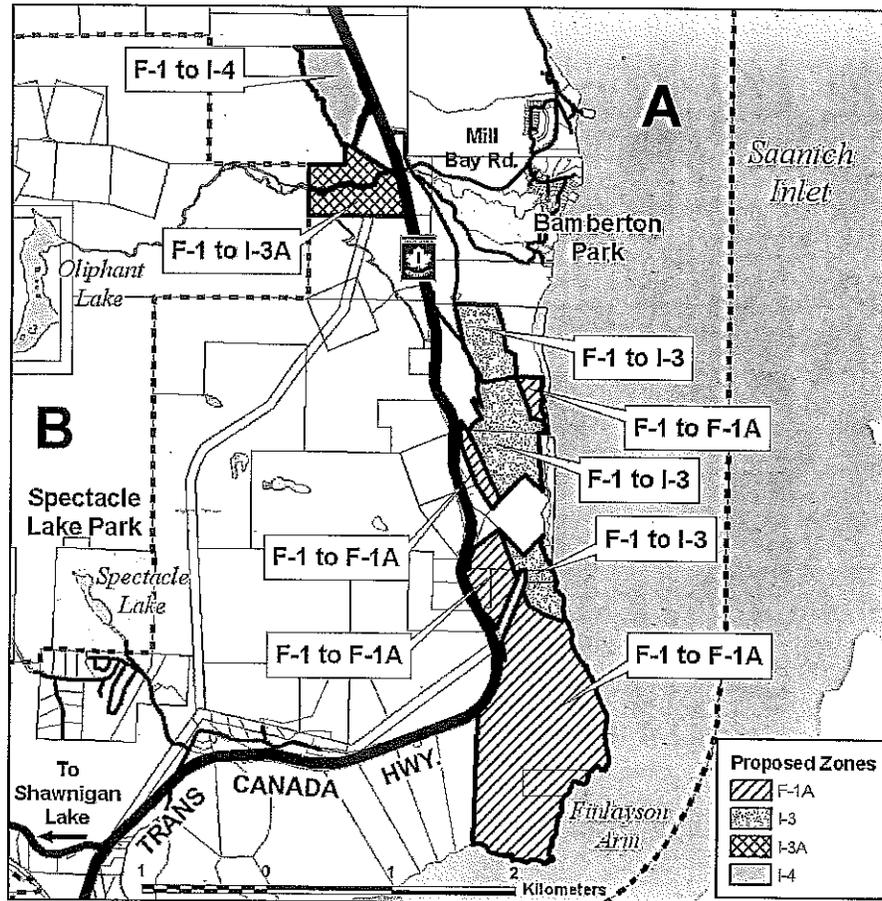
READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary

SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO. OF THE COWICHAN VALLEY REGIONAL DISTRICT



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

Primary Forestry (F-1) TO

Bamberton Light Industrial 3 (I-3), Light Industrial 3A (I-3A), Business Park Industrial/Commercial 4(I-4) and Forestry/Outdoor Recreation (F-1A) APPLICABLE

TO ELECTORAL AREA A



C.V.R.D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3511

**A Bylaw For The Purpose Of Amending South Cowichan Official Community Plan Bylaw No. 3510, Applicable To Electoral Area A – Mill Bay/Malahat, Electoral Area B – Shawnigan Lake and Electoral Area C – Cobble Hill**

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

**AND WHEREAS** the Regional District has adopted an Official Community Plan bylaw for Electoral Area A – Mill Bay/Malahat, Electoral Area B – Shawnigan Lake and Electoral Area C – Cobble Hill, that being South Cowichan Official Community Plan Bylaw No. 3510;

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

**AND WHEREAS** after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 3510;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3511 – South Cowichan Official Community Plan Amendment Bylaw (Bamberton Business Park/Industrial), 2011**".

2. **AMENDMENTS**

South Cowichan Official Community Plan Bylaw No. 3510, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. **CAPITAL EXPENDITURE PROGRAM**

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

.../2

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

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

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

Exempt from approval by the Minister of Community, Sport and Cultural Development under Section 2 (a) and (b) of the *Cowichan Valley Regional District Approval Exemption Regulation* pursuant to Ministerial Order No. MO36, February 21, 2011.

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

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3511

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Schedule A to Official Community Plan Bylaw No. 3510, is hereby amended as follows:

1. The following is added after Policy 12.23:

**POLICY 12.24**

Notwithstanding other policies in this Plan to the contrary, lands in the Rural Resource designation that are also identified on Figure 10A may be zoned for light industrial and outdoor recreational uses while remaining in the Rural Resource designation, and such lands, other than for lease purposes, will remain subject to a 80 hectare minimum parcel size requirement, similar to that of the Rural Resource designation. However, long-term leases may be registered over such lands. In the event that these lands are eventually proposed to be redesignated and rezoned for subdivision for industrial, commercial or residential purposes, the CVRD Board expects that a zoning for amenities provision would be enacted which would entail the permanent protection in the public realm of sensitive ecosystem lands to the immediate south of the lands subject to redesignation and rezoning.

**POLICY 12.25**

Notwithstanding other policies in this Plan to the contrary, lands in the Rural Resource designation that are within a 1 kilometre radius of the Bamberton Highway interchange, and are on the west side of the Trans Canada Highway, may be eligible to be redesignated and rezoned for light industrial and business park uses, and for subdivision to lot sizes suitable for the proposed uses. In considering whether to apply this policy to any particular site, the Board will have regard for:

- a) the suitability of the site for light industrial and business park uses;
  - b) the availability of similar sites in the existing business and light industrial park in the immediate vicinity and the likelihood that an expansion will be needed to meet market demand;
  - c) the availability of community sewer and water services;
  - d) the possibility of capturing new economic development opportunities for the region;
  - e) Protection sensitive environmental features from development and protection of the appearance of this area from vantage points within the Cowichan Valley.
2. Schedule B to the South Cowichan Official Community Plan – the Plan Map – is amended by redesignating part of Block 176, Malahat District, as shown shaded in grey on the Schedule Z-3511 attached hereto and forming part of this Bylaw, from Rural Resource to Industrial.

3. The following is added to the guidelines of the South Cowichan Rural Development Permit Area:

**24.4.16A Industrial/Business Park Guidelines**

*The Industrial/Business Park Guidelines apply to the subdivision of land and the construction of buildings or structures or landscaping for all lands zoned as I-2, I-3, I-3A and I-4 in the Plan Area. Where these guidelines may collide with those in other Sections, these guidelines shall prevail.*

a) **Land Subdivision Guidelines**

**Environmental Protection**

1. Lands in a proposed subdivision plan that contain or are adjacent to riparian features should respect the existence of the riparian area by having a substantial additional usable site area beyond the Streamside Protection and Enhancement Area (SPEA). Ongoing protection of the riparian areas generally and the SPEAS in particular is strongly encouraged through mechanisms such as dedication of these lands to the CVRD or the use of covenants in favour of the CVRD. This should minimize the likelihood of difficult-to-develop industrial parcels being created and protect the riparian areas from damage.
2. Buffer areas beyond the SPEA should be landscaped with naturalized plantings. Orientation and positioning of driveways and potential building envelopes on proposed parcels should be sensitive to these features. A development permit may specify additional setbacks from a Streamside Protection and Enhancement Area (SPEA) as required in the zoning bylaw, where such additional setback would be required to offer adequate protection to the riparian area due to the nature of the proposed land use.
3. Infiltration systems, constructed wetlands, and other features in open spaces that are forested should be designed and planted with species that require minimal irrigation and/or have a role in supporting indigenous birds and other small fauna.
4. The site grading of all proposed parcels should be designed at the subdivision stage to direct rainfall that will be collected on roofs and paved surfaces into infiltration systems wherever feasible. These systems should be engineered to allow slow infiltration of rainwater into the ground in locations that will reduce the effect of increased flows on existing watercourses and wetlands.

**Natural Hazards**

5. A report concerning potential natural hazards to the subdivision will be submitted along with an application, and the report will contain the following:
  - a) Assessment of the risk of geotechnical hazards by an appropriately qualified professional engineer or professional geoscientist with experience in natural hazard assessment and mitigation.

- b) Assessment of the risk of wildland/urban fire transfer by a qualified professional in the field. The report will contain advice for the subdivision layout and describe in its recommendations the appropriate protective measures to mitigate any risk.

#### **Lot Layout**

6. A report on the proposed measures for rainwater management should be prepared by a appropriately qualified professional engineer as part of each DP application for subdivision.
7. Lots should front on roads that have been laid out in response to the topography in order to minimize grades by following contour lines where feasible and appropriate.
8. The subdivision plan should indicate the parcel lines, the potential building envelope reflecting required setbacks and other siting constraints.
9. If appropriate, parcel lines should not be symmetrical across the street in all locations. Lot sizes should vary occasionally to take advantage of environmental features and for variety and to encourage visual interest.

#### **Local Roads**

10. Local roads should be designed with rights-of-way and paved lanes to the narrowest width that would still be suitable for business park and light industrial traffic, with a view to minimizing the disruption to the landscape on sloped areas.
11. Preference will be given to main local roads with a surface swale of adequate capacity to collect rainwater from the development sites uphill from it.
12. Where permitted by the Road Authority, street trees should be planted within the right-of-way along streets where they will not affect driveways, sight lines or other infrastructure features, except where a road traverses an area of retained or replaced natural forest. The street tree planting scheme should use a variety of tree types chosen from a range of native and drought-tolerant species and planted in informal rhythms and clusters rather than in regularly spaced lines. To achieve the desired integration with the natural forest context, a minimum of 20% of trees planted should be coniferous species.
13. The local road network should be adapted to the requirements of local transit service, including, for example, transit stops.

#### **Landscape Character**

14. Street tree planting, if permitted by the Road Authority, should use a variety of tree species. The Development Permit application for subdivision should include a conceptual street tree planting scheme prepared by a registered Landscape Architect that sets out the species selection for each street from among appropriate drought-tolerant and climate compatible species.

**Streetscape Furniture**

15. As part of the development permit application for subdivision, the project Landscape Architect shall identify a suite of furnishings for the public realm: bench, light standards, waste receptacle, bike rack, and bollard for use throughout the Business Park and adjacent Industrial Park. This suite of furnishings should be integrated in terms of materials and design expression and should express a contemporary, industrial character. Lighting selections shall be made that have low light emissions into the night sky. Site furnishing specifications of metal, concrete, stone and/or wood should be used to express the Pacific Northwest theme yet blend into the background landscape; aluminum, stainless steel, or painted / powder coated in natural tones (including grey) should be considered; wood, wood-like materials, concrete or metal are suitable as a trim especially for the seating surface of benches.

**Visual Buffers**

16. A visual natural buffer comprised of natural forest should be provided along the majority of the Trans-Canada Highway to a minimum depth of 10 metres. It should be comprised of retained existing forest vegetation to the greatest extent feasible.
17. Limited gaps in the visual landscape buffers along the Trans-Canada Highway will be provided to achieve visual recognition of the presence of the Business Park. Additional gaps may be provided for specific users in both the Business Park and the adjacent Light Industrial Park, subject to consideration of the quality of building design, landscaping proposed and the resultant overall appearance of the land use.

**Signs**

18. Pylon signs may be used along the Trans-Canada Highway to identify the Business Park site, which generally should not be backlit and will not contain LCD/LED elements or video/scrolling message elements. The sign should be mounted on a well engineered base and be up to 6 metres in height, allowing visibility to drivers along the highway for an appropriate distance before the exit ramp from the Trans-Canada Highway, while still being below the height of the background trees in the highway buffer strip.

**b) Site Development and Building/Structure Form and Character Guidelines****Environmental Protection**

1. Where feasible, the use of "green" roof structures is encouraged, to reduce heating and cooling needs and to buffer rainwater flows. Total site imperviousness figures will be submitted with any application and the measures utilised to reduce the effective impervious areas will be described in material accompanying the application.

2. Applications for development permits for buildings and development generally on the parcels for which a development permit application is made must take account of the industrial processes that will occur within the buildings and on the land, and where the proposed uses involve potential contaminants of land or water, sufficient containment measures to prevent spills of potential contaminants shall be taken in the design of both buildings and the site upon which such activities will take place. A report by a qualified professional respecting the measures to be taken in this regard may be required as a precondition to consideration of development permit issuance, and where the report makes recommendations concerning the measures required to contain such potential risks, these shall be made a requirement of the development permit. Air emissions are regulated directly by the Province of British Columbia.
3. Parking areas and any other portions of the parcel that would have machinery and other equipment parked or installed on it should be surfaced in a way that intercepts potential contaminants and separates them from rainwater, allowing for their regular removal or treatment.

#### **Building Form, Character and Signs**

4. Building façade articulation, such as recessed window and door penetrations, is encouraged to create variation and visual interest. Front entries should be marked with architectural features and where more than one entry point is proposed, the main entry should be most prominent. Entrances should be illuminated in keeping with their hierarchy of importance at levels to achieve safety and security for users. Large expanses of building façade without windows are discouraged, but where necessary, these should be oriented to side and rear yards or, if facing the front yard, should be given an architectural treatment to achieve visual interest. Building lighting must be designed to avoid overspill into the public realm or the night sky.
5. Particular attention must be paid, in the building and landscape design, to the appearance from the Trans-Canada Highway and the surface waters of Saanich Inlet. Buildings and structures which blend into the landscape by virtue of careful colour palette control and appropriate form, materials and scale are preferred to those which would present a visually imposing presence more typical of an urban area, which would be at odds with the generally scenic rural resource lands in this area.
6. Finishing materials of buildings and structures should be appropriate to local climatic conditions and durable so as not to require frequent replacement over the building's lifespan. Acceptable exterior materials include: wood, brick, stone, stucco, concrete slab or block, and metal, fiberglass, cementitious and composite panels. Wherever possible building colours should be selected from a palette of natural tones that express the intention of integrating the Business Park into the surrounding natural environment.

7. Using landscape strategies to reduce the need for heating and cooling including: using deciduous trees on the southern and western facing side of a building to maximize the warming effect of solar radiation in winter months and the cooling effect of shade in the summer, locating evergreen trees so they block winter winds without blocking solar access.
8. Signs should be designed in coordination with the site and any buildings on it. Signage for individual industrial or commercial development sites should be either integrated with the building architecture or freestanding within the front yard landscaped area. Consideration should be given to coordinating new signs with the style of the prevailing informational and directional signage for the business area.

#### **Landscape and Parking Area Standards**

9. A comprehensive landscaping plan should be prepared by a Landscape Architect to BCSLA/BCNTA standards, and be submitted along with the application form. Plantings should consist of a variety of plant species, dominated by native and drought tolerant types appropriate to this biogeoclimatic zone.
10. Site imperviousness figure shall be calculated by the applicant. Effective impervious surfaces of paved areas should be reduced through the use of mitigating measures such as infiltration wells for cleansed rainwater where feasible, such measures collectively being designed to reduce the surface runoff in rainfall events to a level that approaches that of the site before it was developed.
11. Fences should be constructed of wood, stone, brick, black coloured chain-link, ornamental metal work or suitable alternative materials of similar appearance.
12. Garbage and recycling containers, utility boxes, fans, vents, and outdoor storage areas should be screened from viewers in the adjacent public realm.
13. End-of-trip facilities for cyclists, including bike lockers or at a minimum, bike racks, should be provided.

#### **24.4.16B Industrial/Business Park Guideline Exemptions**

*The Industrial/Business Park Guidelines do not apply to:*

- a. Interior renovations to existing buildings;
- b. Minor exterior alterations to existing buildings;
- c. Changes to the logo, words or other information on an existing sign;
- d. A boundary adjustment between two or more existing parcels of land, provided all provisions of the otherwise applicable guidelines can be maintained following the adjustment (e.g. Buffer Area).





R5

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 21, 2011

**DATE:** June 10, 2011 **FILE NO:** 1-E-11 RS  
**FROM:** Rob Conway, MCIP **BYLAW NO:**  
Manager, Development Services Division  
**SUBJECT:** Rezoning Application 1-E-11 RS (Alderlea Farm)

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#### **Recommendation/Action:**

1. That draft amendment bylaws for OCP and Rezoning Amendment Application 1-E-11RS (Alderlea Farm) be forward to the CVRD Board for first and second reading.
2. That application referrals to the Ministry of Transportation and Infrastructure, Vancouver Island Health Authority, Agricultural Land Commission, Cowichan Tribes and Duncan Volunteer Fire Department be accepted.
3. That a public hearing be scheduled with Directors Duncan, Marcotte and Kuhn appointed as Board delegates.
4. That a covenant be required as a condition of the proposed zoning amendment to exclude kennel as a permitted use on the subject property.

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

**Financial Impact:** N/A

#### **Background:**

**Location:** 3390 Glenora Road

**Legal Description:** Lot 4, Section 11, Range 4, Quamichan District, Plan 5021, Except that part in Plan 33417 (PID 006-049-095)

**Date Application Received:** April 28, 2011

**Owners:** John and Katy Ehrlich

**Applicant:** Same

**Size of Land Parcel:** 4.15 ha. (10.25 acres)

**Contaminated Sites** Site Profile has been completed. No Schedule 2 uses noted.

Regulation:Existing Use of Property: Residential and AgriculturalExisting Use of Surrounding Properties:

North: Agricultural (zoned R-1)  
 South: Agricultural (zoned A-1)  
 East: Agricultural/Residential (zoned R-1)  
 West: Agricultural/Residential (zone R-1)

Road Access: Glenora RoadWater: WellSewage Disposal: Septic SystemAgricultural Land Reserve Status: The property is not located in the ALR but the southern property boundary abuts it.Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas identifies a watercourse feature towards the rear of the property.Archaeological Sites: None identified in CVRD mappingFire Protection: Eagle Heights Fire Service AreaExisting Plan Designation: Rural ResidentialProposed Plan Designation: AgriculturalExisting Zoning: R-1 (Rural Residential)R-1 Zone minimum lot size: 5 hectares (12.3 acres)Proposed Zoning: Amended agricultural zone (amended A-5)***The Proposal:***

The applicants farm the subject property and lease other agricultural land in the Glenora area that they also farm using biodynamic agricultural practices<sup>1</sup>. Much of the produce from the farming enterprise is sold through a shareholders program whereby participants buy a share of the harvest. Shareholders collect their produce at Alderlea Farm through-out the growing season.

Buildings situated on the property include a primary single family dwelling, a secondary dwelling, a barn, greenhouses and out-buildings. In addition, a large barn-style building was recently constructed on the property. This building serves as the collection and distribution point for the agricultural produce. Produce is washed and packaged in the building and is collected there by the shareholders. The lower level of the building is used for both produce

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<sup>1</sup> Biodynamic agriculture is a method or organic crop cultivation that uses only organic materials for fertilizing and soil conditioning.

processing and distribution and as a café. The facility has a commercial a commercial kitchen, a washroom, and a dining area that seats approximately 30 to 50 people. The café portion of the building is about 100 square metres in area (1,076 sq. ft.). The second storey of the building is presently used for storage.

The subject property is designated Rural Residential in the Area E OCP and is zoned Rural Residential (R-1). This zone permits agriculture, but does not permit the sale of agricultural products not grown on the property or the café use. In response to bylaw enforcement action the owners have applied to amend the zoning to permit these uses. Should the rezoning application be successful, building upgrades may be required.

***Property Context:***

The subject property is located at the south west corner of McLay Road and Glenora Road and is a bit over 4 hectares in area (10+ ac.). The property is in a small pocket of R-1 zoned land that extends along a portion of Glenora Road. The R-1 zoning acts a transition between from the urban residential uses in the Eagle Heights neighbourhood and the larger agricultural parcels to the south and west. Adjacent land uses are mixed, and include agriculture, bed and breakfast, home based business and single family residential.

Although the surrounding area is agriculturally oriented, the subject property and adjacent R-1 zoned land are not in the Agricultural Land Reserve and are not explicitly zoned for agricultural use.

***Policy Context:***

*Official Community Plan:*

Cowichan–Koksilah Official Community Plan Bylaw No. 1490 designates the subject property “Rural Residential”. Policy 7.2.1 of the OCP states that Land designated Rural Residential should comply with the following criteria:

- i) *The land must be reasonably accessible to existing community facilities such as schools, shopping and fire protection services. Distance isolated parcels are not considered appropriate for rural residential densities;*
- iii) *The development of the land will not disrupt or interfere with productive agricultural or forestry use;*
- iv) *The land is not anticipated to be serviced with community water for at least twenty years;*
- v.) *The land must be outside of the ALR.*

As the agricultural sales use and café use are not contemplated in the Rural Residential designation, a re-designation of the property to Agricultural and insertion of a new agricultural policy will need to accompany the zoning change. If supported, the OCP amendment would recognize agricultural sales and accessory uses that support farming in zones that permit agriculture. The following OCP policy is proposed:

*Policy 4.1.21*

*The promotion, marketing and sale of locally grown crops are encouraged. Ancillary non-farm uses that are compatible and supportive of agricultural may be considered through site specific zoning amendments.*

Zoning:

The zoning of the subject property will have to be amended in some manner if the proposed uses are to be permitted. As the R-1 zoning that currently applies to the property is common in many non-agricultural areas of Area E, it is not recommended that requested uses be added to the R-1 zone as this could have unintended implications for other R-1 zoned properties where such uses would not be appropriate. The recommended approach is to either create a new zone for the proposal or adjust an existing zone and apply it to the property.

The Area E Zoning Bylaw has an A-5 (Agricultural Market) zone that presently only applies to one property in Area E - Dinter's Nursery. This zone permits the sale of agricultural products, but not a café or similar type use. Some adjustment to the A-5 zone would therefore be necessary if it is to be used for the Alderlea Farm property. Another notable feature of the A-5 zone is that it permits any use permitted in the A-1 zone. If the A-5 zone is used, the following A-1 uses would also be permitted on the property in addition to what is currently permitted in the R-1 zone:

- One additional single family dwelling as required for agricultural use;
- Kennel;

Advisory Planning Commission Comments:

The Electoral Area E APC reviewed this application May 26, 2011, where the following motion was passed unanimously:

***That application 1-E-11RS be approved and that the subject property be rezoned from R-1 to an amended A-5 zone subject to Kennel being excluded as a permitted use.***

As stated in the motion, the APC were concerned that the proposed zoning amendment could permit a dog kennel on the property and that this use would be inappropriate given the proximity of adjacent residences. A covenant could be registered on the subject property as a condition of rezoning to address this concern. Minutes from the APC meeting are attached to this report for information.

Referral Agency Comments:

This application was referred to government agencies on May 24, 2011. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation and Infrastructure – *Applicant to apply for an access permit from the MOT once re-zoning is finalized.*
- Vancouver Island Health Authority – *This office has no objections to proposed amendment. Alderlea Café has been inspected and as of last inspection met our requirements. The water source was given approval and a Permit to Operate a Water System was issued. A new sewerage system was constructed to accommodate the café. If any additional dwellings are to be allowed on the property, an Authorized Person, under the Sewerage System Regulation, should be contacted to determine if the existing sewerage system can accommodate additional flows such as dwellings.*
- Agricultural Land Commission – *No comments received to date.*
- Cowichan Tribes – *No comments received to date.*
- Duncan Volunteer Fire Department – *No comments received to date*
- CVRD Public Safety Department – *See attached memo*
- CVRD Engineering and Environment Department – *No comments received to date.*
- CVRD Parks, Recreation and Culture Dept. – *No comments received to date.*

Any additional agency comments received will be provided at the EASC or Board meeting.

**Development Services Division Comments:**

The Region is seeing increasing interest in small scale local agriculture from both producers and consumers. While the small agricultural sector is growing, it is also shifting away from more traditional forms of agriculture towards organic farming, direct marketing, agri-tourism and ancillary uses that support farm incomes. The changing nature of agriculture is not always recognized in the Regional District's zoning bylaws, so amendments may be necessary to encourage development of the industry.

The agricultural sales use requested with the application can be addressed relatively easily. This use is commonly permitted in the A-1 zone, provided the agricultural products sold are grown or reared on the same property. One significant difference between agricultural sales in the A-1 and A-5 zones is that agricultural products sold on A-5 zoned property can be grown on any parcel rather than just on the parcel it was farmed. This flexibility is important to the applicants, as much of the produce they farm is from off-site. The proposed draft zone adds "processing, storage and retail sales of *local farm products*" as a permitted use in the zone, with "*local farm products*" defined as commodities grown or reared on a farm within 100 miles.

The challenge with the café use is to maintain a strong connection to the primary agricultural use and to limit it to a size that does not overwhelm the agricultural use or conflict with adjacent agricultural and residential uses. The Agricultural Land Commission provides some guidance in this regard, as it has established policy for agri-tourism and accessory "food and beverage service lounge" commonly associated with wineries and cideries. The policy limits the indoor area of this accessory agricultural use to 125 m<sup>2</sup> (1,260 sq. ft.) and the outdoor lounge area to a further 125 m<sup>2</sup>. These same limitations are incorporated into the draft A-5 zone. An additional limitation of 65 patrons is also included in the zone, which is the maximum occupancy permitted by the owners' health permit. The owner's have indicated the occupancy of the café is usually much less than 65, but they do wish to have this upper limit for special occasions.

Other proposed changes to the A-5 zone include reducing the permitted parcel coverage from 60% to 30%, allowing 20% additional site coverage for greenhouses, and increasing the minimum parcel size from 1.0 to 5.0 hectare. A copy of the draft A-5 zone with the changes highlighted is attached to this report along with draft OCP and Zoning amendment bylaws.

**Options:**

**Option A:**

1. That draft amendment bylaws for OCP and Rezoning Amendment Application 1-E-11RS (Alderlea Farm) be forward to the CVRD Board for first and second reading.
2. That application referrals to the Ministry of Transportation and Infrastructure, Vancouver Island Health Authority, Agricultural Land Commission, Cowichan Tribes and Duncan Volunteer Fire Department be accepted.
3. That a public hearing be scheduled with Directors Duncan, Marcotte and Kuhn appointed as Board delegates.
4. That a covenant be required as a condition of the proposed zoning amendment to exclude kennel as a permitted use on the subject property.

**Option B:**

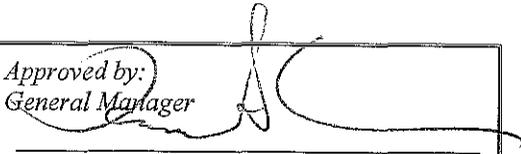
That the draft amendment bylaws be revised and presented at a future EASC meeting for review.

Option C:

That OCP and Rezoning Amendment Application 1-E-11RS (Alderlea Farm) be denied, and that a partial refund be given to the applicant in accordance with CVRD Development Applications Procedures and Fees Bylaw No. 3275.

**Option A is recommended**, as staff believes the application supports agriculture and having the proposal considered at a public hearing would allow neighbours and the surrounding community to comment.

Approved by:  
General Manager



\_\_\_\_\_

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

RC/



**Cowichan  
Valley  
Regional  
District**

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

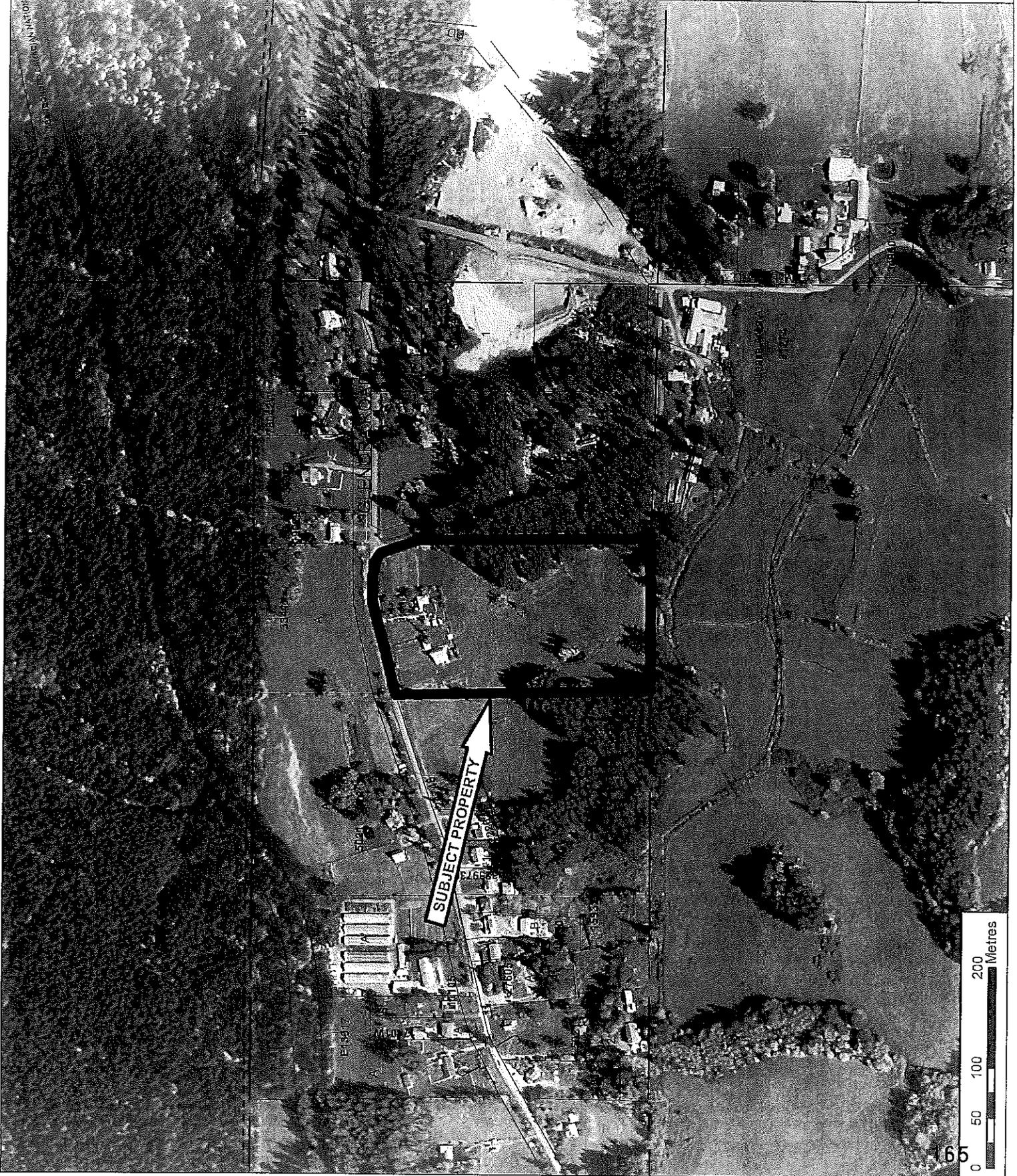
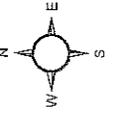
The Regional District does not warrant the accuracy.

All persons making use of this compilation are advised that amendments have been considered 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: 01-E-11-RS**

# Orthophoto (2004)



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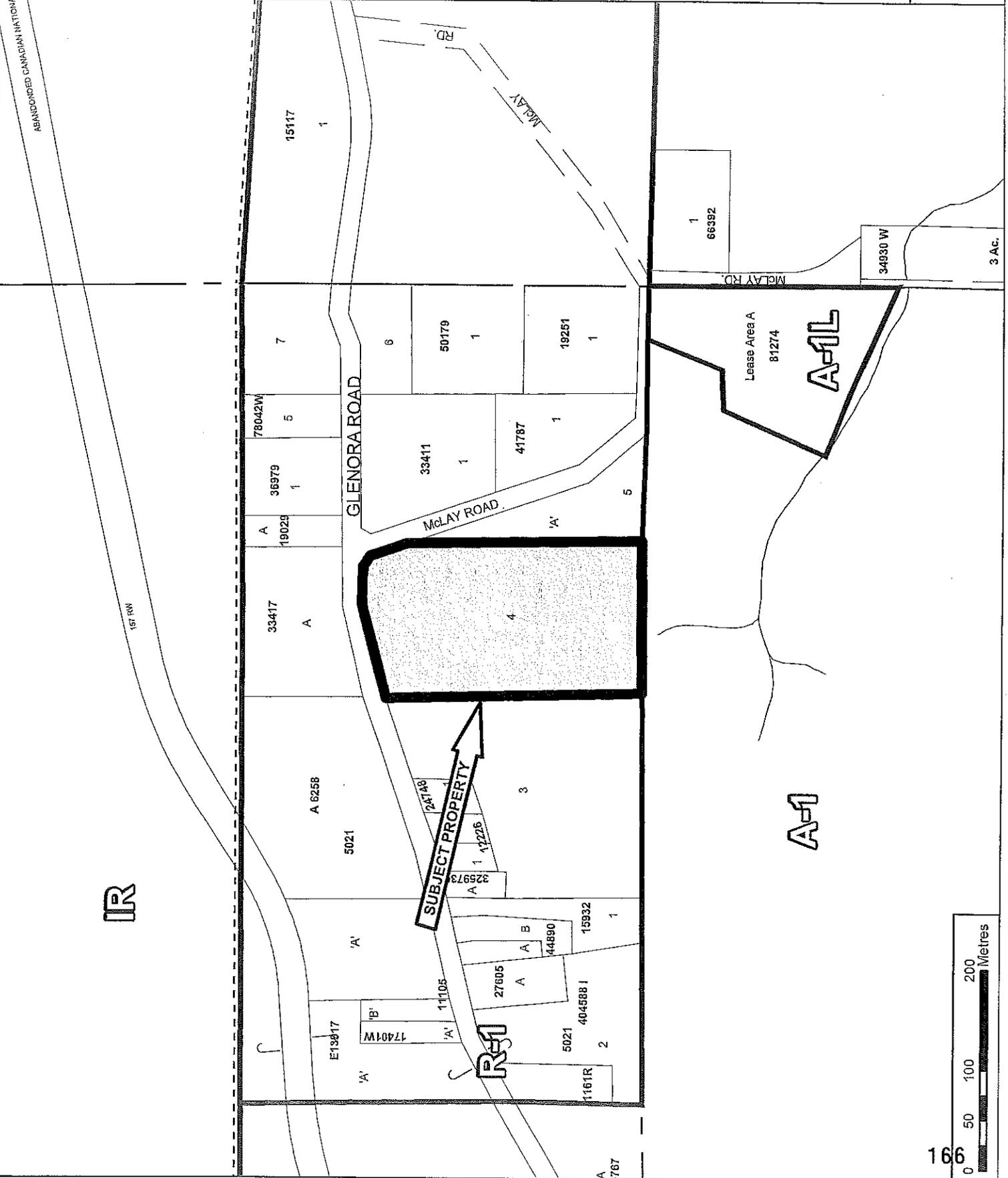
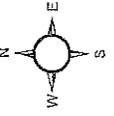
**File: 01-E-11-RS**

**ZONING**

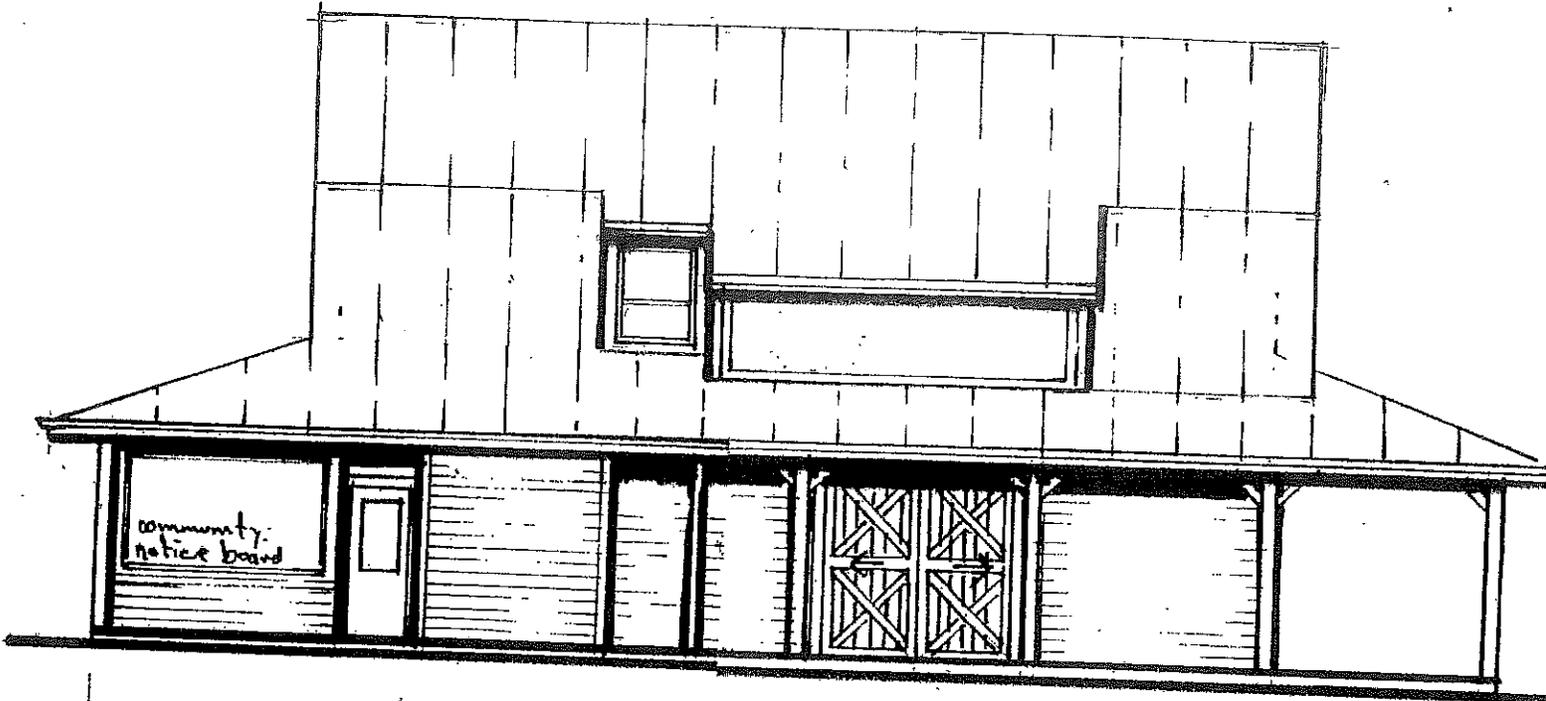
Legend



Subject Property  
Zoning Electoral Area E

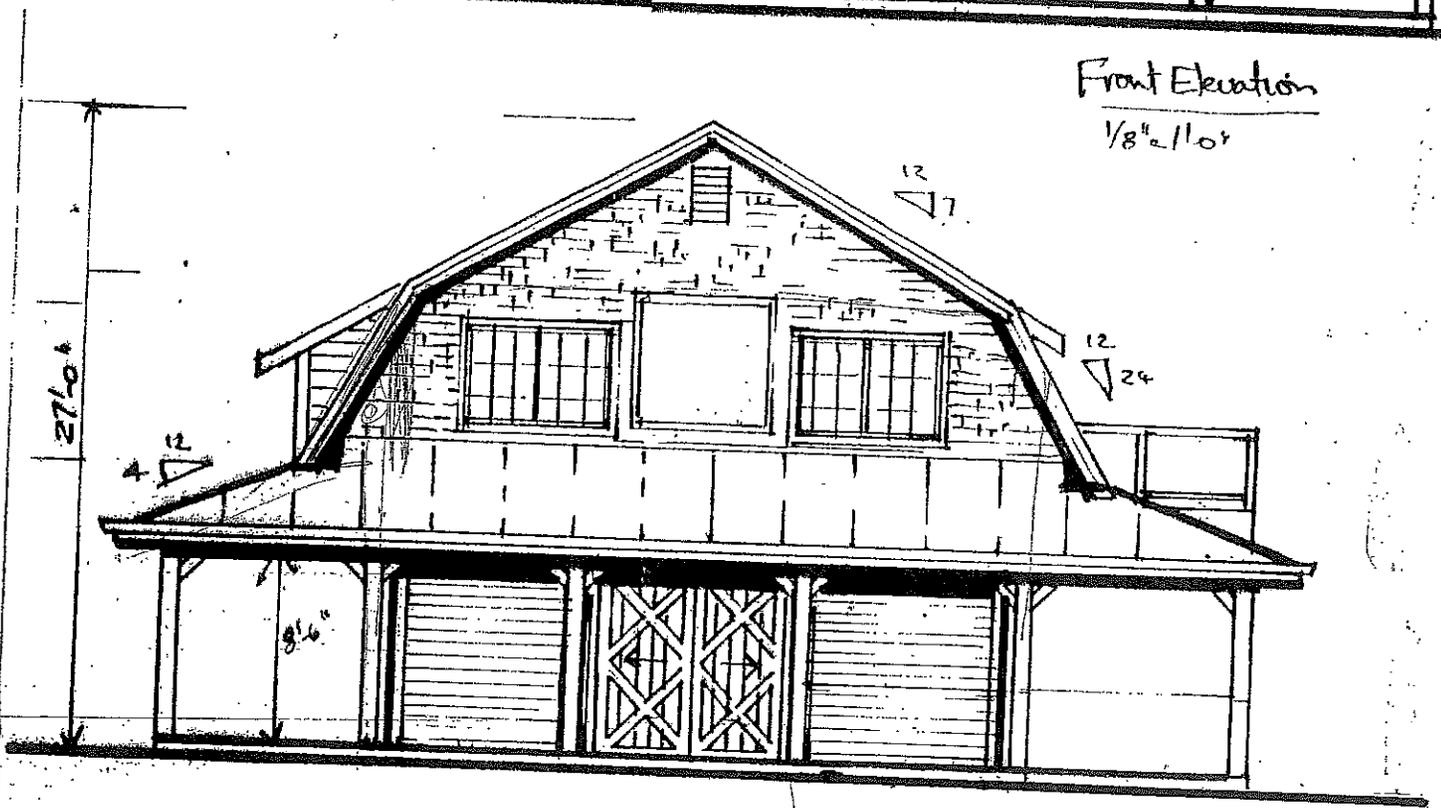




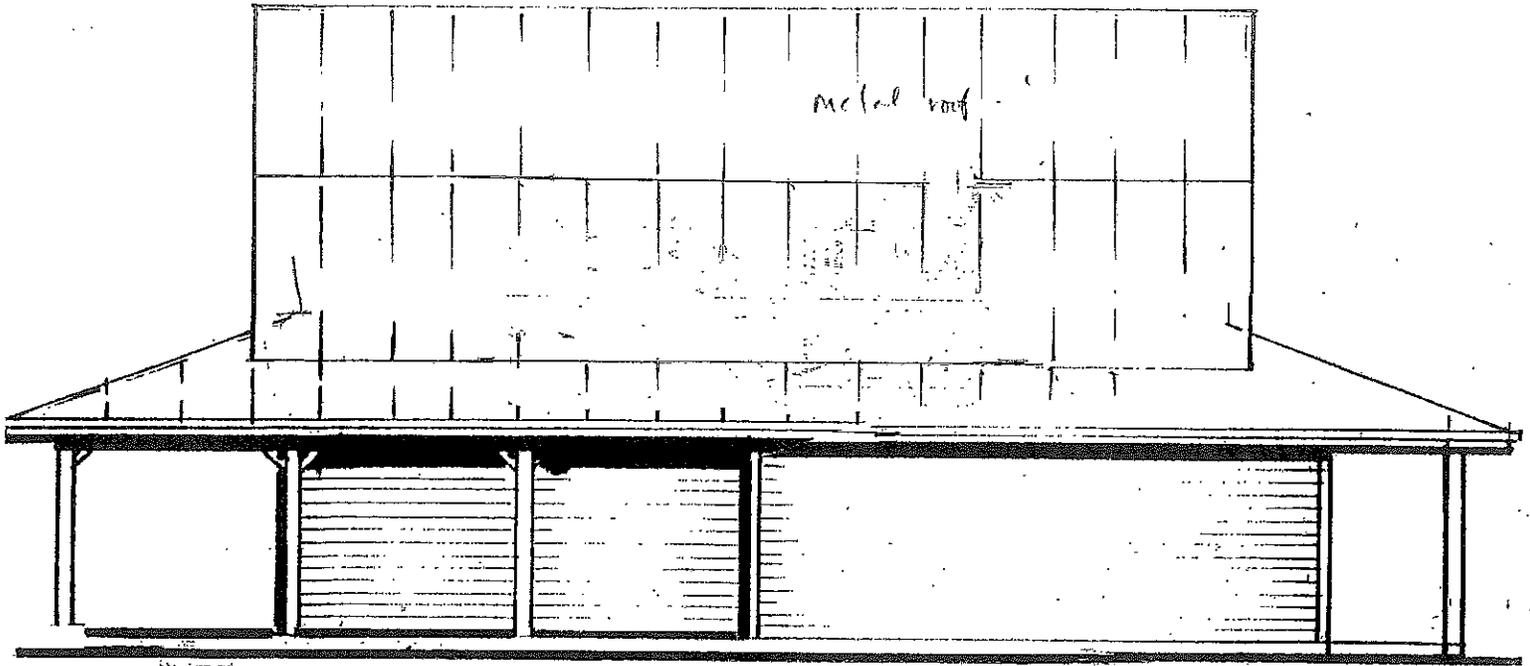


Front Elevation

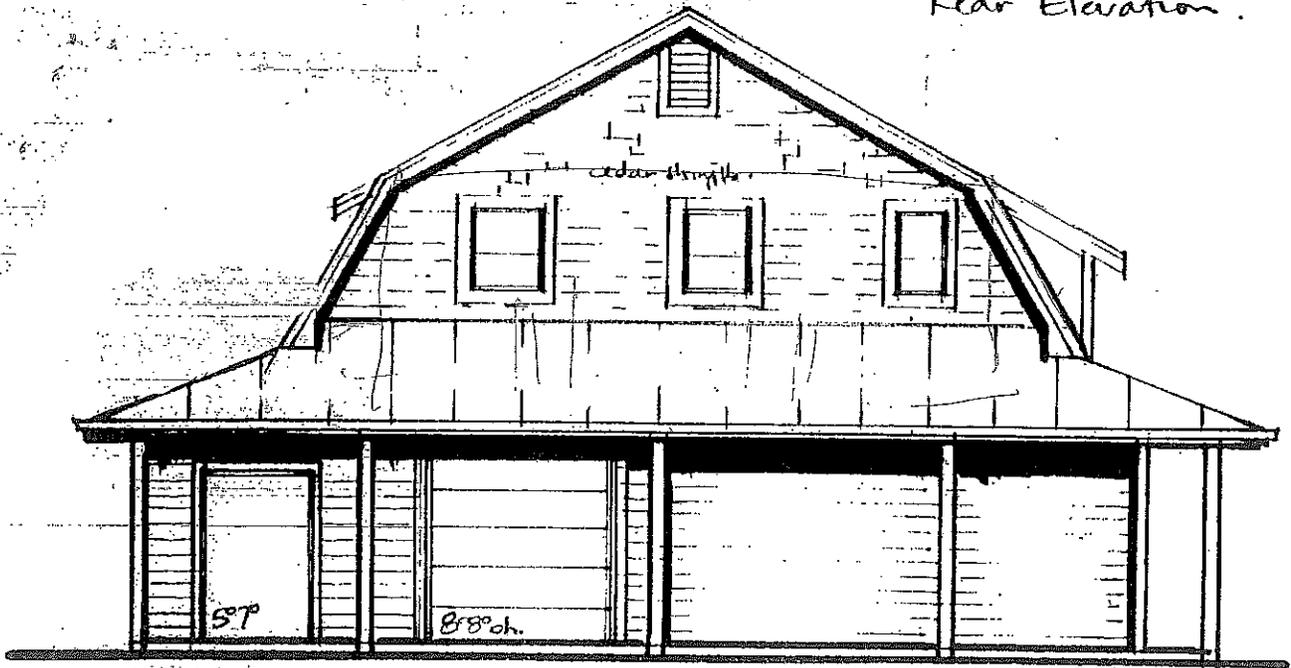
1/8" = 1' 0"



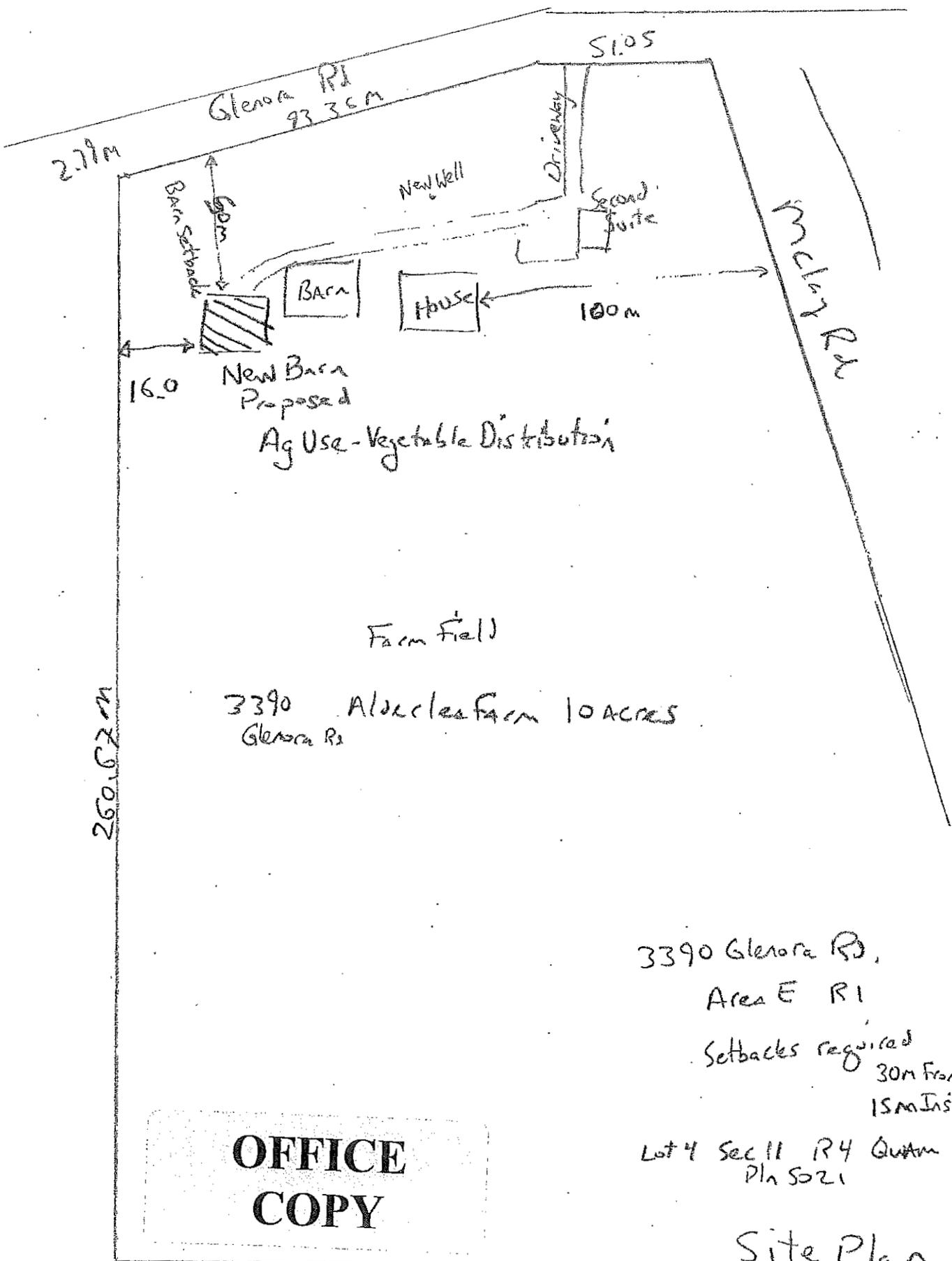
Right Elevation



Rear Elevation



Left Elevation



3390 Aloues Farm 10 ACRES  
Glenora Rd

3390 Glenora Rd,  
Area E R1  
Setbacks required  
30m Front  
15m Inside

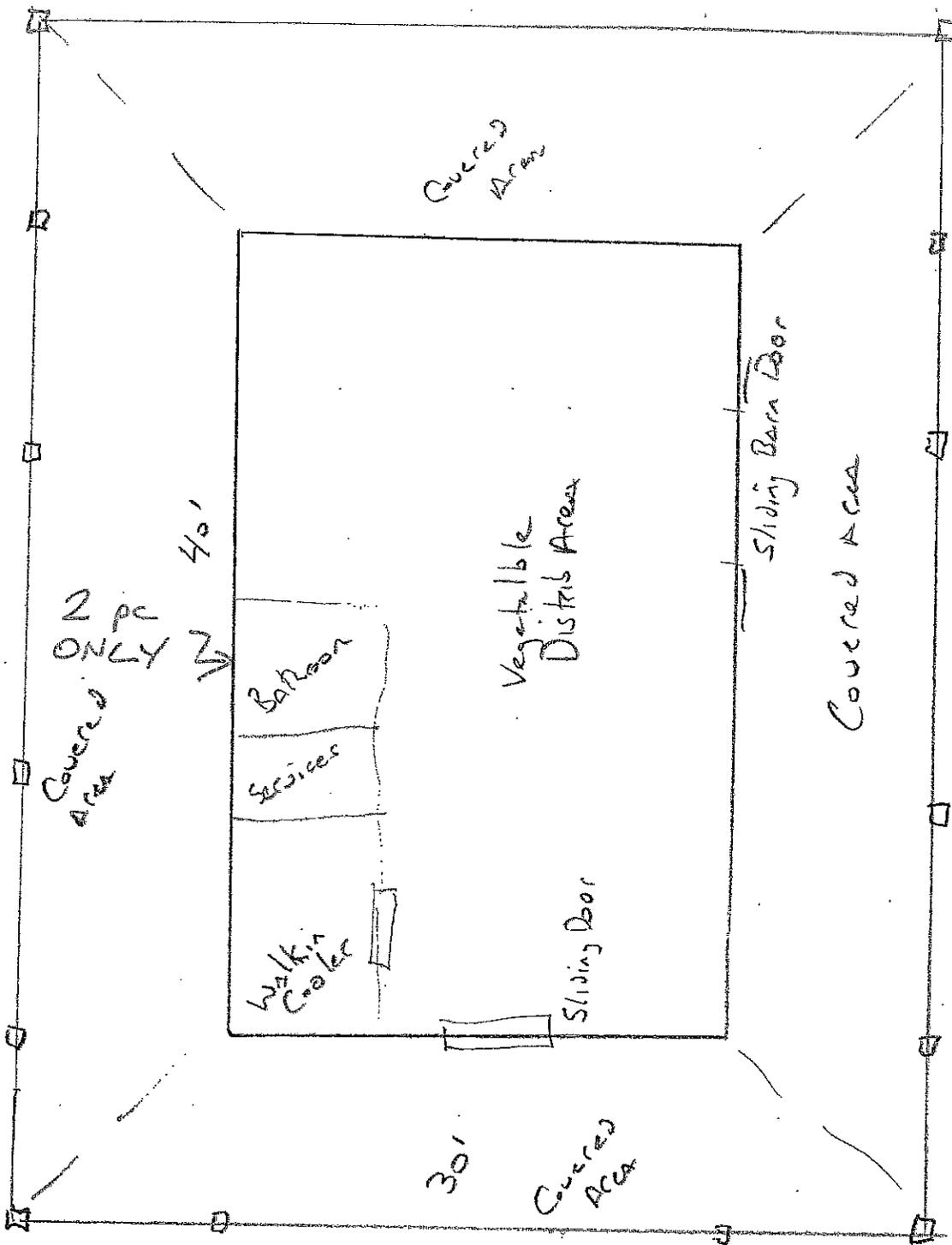
Lot 4 Sec 11 R4 Quam  
Pln 5021

**OFFICE  
COPY**

Site Plan

150.876m

1:1250 metric 170



Main Floor Plan Ethelick Barn

1200 # gross Area  
900 # Covered Area

## Meeting of the Area E Advisory Planning Commission (APC)

May 26, 2011, Glenora Community Hall

Members Present: Frank McCorkell (Chair)  
Ben Marrs  
Keith Williams  
David Tattam  
Dan Ferguson (arrived 7:15 pm)

Also Present: Director Loren Duncan  
Rob Conway (CVRD Staff)  
Jason Waldron (Applicant for 5-E-11DP/RAR/VAR)  
John and Katy Ehrlich (Applicants for 1-E-11RS)

### **Application 5-E-11DP/RAR/VAR (Waldron):**

The APC visited the subject property at Marshal Road at 6:00pm.

The regular meeting commenced at Glenora Hall at 6:40pm.

Jason Waldron described his application for a development permit and a variance to the required setback from Glenora Creek.

Director Duncan explained the recent changes to the Area E Zoning Bylaw to discourage encroachment into the Streamside Protection and Enhancement Area (SPEA).

The APC discussed differences between how the SPEA boundary and zoning setback are measured. The APC expressed a desire to maintain a twenty metre setback for the proposed dwelling from the natural boundary of the creek. The applicant agreed to confirm with the Qualified Environmental Professional (QEP) that a 20 metre setback can be achieved and to communicate this to planning staff.

### ***Motion:***

- 1. That the dwelling be a minimum of 20 metres from the natural boundary of Glenora Creek and that the natural boundary be confirmed by a QEP.*
- 2. That the variance of the 7.5 metre setback from the SPEA be granted subject to construction of a permanent cedar fence along the SPEA boundary within 15 metres of the dwelling.*

Motion carried unanimously.

**Application 1-E-11RS (Alderlea Farm):**

The applicants provided an overview of the rezoning application.

Director Duncan reviewed and explained the draft A-5 zone.

Some concerns were expressed about an additional dwelling on the subject property and possibility of a dog kennel if the proposed zoning change is adopted. It was noted that if the rezoning application is successful, the upper level of the new structure could be used as a dwelling if the required building upgrades are completed.

The possibility of the owners obtaining a liquor license for the café was discussed. The Commission did not object to the sale of local beer and wine for the café, but would be concerned about the sale of hard liquor or an establishment that primarily sold liquor. Director Duncan indicated he would request that any application for a liquor license be presented at a public meeting.

A maximum occupancy limit of 65 patrons was supported.

On-site parking was discussed. The applicants indicated they can accommodate parking on the property or on adjacent property with permission from the owners.

***Motion:***

*That application 1-E-11RS be approved and that the subject property be rezoned from R-1 to an amended A-5 zone subject to Kennel being excluded as a permitted use.*

Motion carried unanimously.

Meeting adjourned at approximately 8:20 pm.



## MEMORANDUM

**DATE:** 30 May 2011 **FILE NO:** 1-E-11RS (John & Katy Ehrlich)  
Alderlea Farm  
**TO:** Rob Conway, Manager, Development Services Division  
**FROM:** Sybille Sanderson, Acting General Manager, Public Safety  
**SUBJECT:** Rezoning Application No. 1-E-11RS (John & Katy Ehrlich) Alderlea Farm  
– Public Safety Application Review

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In review of the Rezoning Application No. 1-E-11RS (John & Katy Ehrlich) – Alderlea Farm the following comments regarding the proposed zoning.

- ✓ Proposal is within the Duncan RCMP Detachment area.
- ✓ Proposal is within the British Columbia Ambulance Station 152 (Duncan) response area.
- ✓ Proposal is within the boundaries of the CVRD Regional Emergency Program.

Public Safety has the following concerns that may affect the delivery of emergency services to the proposed facility:

- ✓ Proposal is within the contracted Eagle Heights Fire Protection response area and input from the Duncan Fire Department may further affect Public Safety concerns/comments.
- ✓ The Community Wildfire Protection Plan has identified this area as **moderate to high risk for wildfire**.
- ✓ Extra precautions should be taken such as full FireSmart compliance. A sprinkler system should be considered as firefighting in rural areas without a water system compliant with "NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting" is extremely challenging.

Together Building Community Resilience and Sustainability

*Sybille Sanderson*



08/04/2011

3390 GUENORA RD.

7.7 A-5 ZONE - AGRICULTURAL MARKET

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

(a) Permitted Uses

The following *uses*, *uses* permitted under Section 4.4, and no others are permitted in an A-5 zone:

- (1) any *use* permitted in the A-1 zone\*;
- (2) sale of agricultural products, plant nursery products and *accessory* sales of gardening supplies;
- (3) **processing, storage and retail sales of local farm products;**
- (4) **food and beverage café, accessory to a use permitted in 7.7(a)(2) and (3)\*;**
- (5) ~~one single family dwelling accessory to a use permitted in 7.7(a)(1) and (2) above.~~

\*use may require approval of the Agricultural Land Commission

(b) Conditions of Use

For any *parcel* in the A-5 zone:

- (1) the *parcel coverage* shall not exceed ~~60%~~ **30%** for all *building* and *structures*;
- (2) **notwithstanding Section 7.7(b)(1) *parcel coverage* may be increased by an additional 20% of the site area for the purpose of constructing greenhouses;**
- (3) the *height* of all *buildings* and *structures* shall not exceed 10 metres except for *accessory buildings* which shall not exceed a *height* of 7.5 metres;
- (4) the *setbacks* for the types of *parcel* lines set out in Column I of this section are set out for non-agricultural principal and any *accessory* uses in Column II and *agricultural* uses in Column III:

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

- (5) notwithstanding Section 7.7(b) (3), a *building* or *structure* used for the keeping of livestock shall be located not less than 30 metres from all *watercourses*, sandpoints or wells.
- (6) food and beverage café use shall not exceed 125 m<sup>2</sup> of indoor gross floor area and 125 m<sup>2</sup> of outdoor patio and deck area, and a maximum seating capacity of 65 persons.
- (7) A slaughterhouse, abattoir or stockyard shall be specifically prohibited.

(c) Minimum Parcel Size

Subject to Part 12, the minimum *parcel* size shall be 1.0 5.0 Ha.

Definitions:

“local farm products” means commodities grown or reared on a farm within 160 km (100 miles).

DRAFT

7.3 A-1 ZONE - PRIMARY AGRICULTURAL

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

(a) Permitted Uses

The following *uses*, *uses* permitted under Section 4.4, and no others are permitted in an A-1 zone:

- (1) *agriculture, horticulture, silviculture, turf farm\*, fish farm;*
- (2) *one single family dwelling;*
- (3) *a second single family dwelling on parcels six hectares or larger\*;*
- (4) *one additional single family dwelling as required for agricultural use\*;*
- (5) *bed and breakfast accommodation\*;*
- (6) *daycare, nursery school accessory to a residential use\*;*
- (7) *home occupation\*;*
- (8) *horse riding arena, boarding stable\*;*
- (9) *kennel\*;*
- (10) *sale of products grown or reared on the property;*
- (11) *secondary suite;*
- (12) *small suite on parcels two hectares or larger\*.*

\* subject to Land Reserve Commission approval: It is the mandate of the ALC to preserve agricultural land and encourage agriculture. Therefore, the ALC will base its decision on the benefit to or impact on agriculture.

(b) Conditions of Use

For any *parcel* in an A-1 zone:

- (1) *the parcel coverage shall not exceed 30 percent for all buildings and structures;*
- (2) *notwithstanding Section 7.3(b)(1) parcel coverage may be increased by an additional 20% of the site area for the purpose of constructing greenhouses;*
- (3) *the height of all buildings and structures shall not exceed 10 metres except for accessory buildings which shall not exceed a height of 7.5 metres;*
- (4) *the setbacks for the types of parcel lines set out in Column I of this section are set out for residential and accessory uses in Column II, for agricultural and accessory uses in Column III and for auction use in Column IV:*

COLUMN I Type of Parcel Line	COLUMN II Residential & Accessory Uses	COLUMN III Agricultural and Accessory Uses	COLUMN IV Auction Use
Front	7.5 metres	30 metres	45 metres
Interior Side	3.0 metres	15 metres	45 metres
Exterior Side	4.5 metres	15 metres	45 metres
Rear	7.5 metres	15 metres	45 metres

- (5) *Notwithstanding Section 7.3(b)(4), a building or structure used for the keeping of livestock shall be located not less than 30 metres from all watercourses, sandpoints or wells.*
- (6) *Processing of any farm material not grown or raised on the parcel shall be specifically prohibited;*
- (7) *A slaughterhouse, abattoir or stockyard shall be specifically prohibited;*
- (8) *Maintenance and repair of any materials offered for sale shall be specifically prohibited.*

(c) Minimum Parcel Size

Subject to Part 12, the minimum *parcel* size shall be 12 Ha.



C.V.R.D

**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3XXX**

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

---

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

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

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

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

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3XXX - Area E – Cowichan Station/Sahtlam/Glenora Official Community Plan Amendment Bylaw (Alderlea Farm), 2011**".

2. **AMENDMENTS**

Cowichan Valley Regional District Official Community Plan Bylaw No. 1490, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. CAPITAL EXPENDITURE PROGRAM

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

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

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

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

I hereby certify this to be a true and correct copy of Bylaw No. 3XXX as given Third Reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary



## C·V·R·D

### SCHEDULE "A"

To CVRD Bylaw No. 3XXX

---

Schedule A to Official Community Plan Bylaw No. 1490, is hereby amended as follows:

- a) That the following policy is added after policy 4.1.20:

**POLICY 4.1.21**

The promotion, marketing and sale of locally grown crops are encouraged. Ancillary non-farm uses that are compatible and supportive of agricultural may be considered through site specific zoning amendments.

- b) That Lot 4, Section 11, Range 4, Quamichan District, Plan 5021, Except that Part in Plan 33417, as shown outlined in a solid black line on Plan number Z-3XXX attached hereto and forming Schedule B of this bylaw, be re-designated from Rural Residential to Agricultural and that Schedule B of Bylaw 1490 be amended accordingly.



C.V.R.D.

## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW NO. 3XXX

#### A Bylaw for the Purpose of Amending Zoning Bylaw No. 1840 Applicable to Electoral Area E – Cowichan Station/Sahtlam/Glenora

---

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

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

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

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

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

#### 1. CITATION

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3XXX - Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Alderlea Farm), 2011**".

#### 2. AMENDMENTS

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

a) That the following definition be added to Section 3.1:

“local farm products” means commodities grown or reared on a farm within 160 km (100 miles).

b) That Section 7.7(a) be amended to add “processing, storage and retail sales of local farm products” and “food and beverage café, accessory to a use permitted in 7.7(a)(2) and (3)\*” to

the list of permitted uses.

.12

- c) That Section 7.7(a) be amended to remove “one single family dwelling accessory to a use permitted in 7.7(a)(1) and (2) above” from the list of permitted uses
- d) That Section 7.7(b)(1) be amended to reduce the maximum permitted parcel coverage from 60% to 30%.
- e) That the following Condition of Use be added after Section 7.7(b)(1):
  - (2) Notwithstanding Section 7.7(b)(1) *parcel coverage* may be increased by an additional 20% of the site area for the purpose of constructing greenhouses;
- f) That Section 7.7 (b) be amended to change the heading of Column II from “Residential and Accessory Uses” to “Non-Agricultural Principal and Accessory Uses”.
- g) That Section 7.7(b) be amended by adding the following conditions of use:
  - (6) food and beverage café use shall not exceed 125m2 of indoor floor area and 125 m2 of outdoor patio and deck area, and a maximum seating capacity of 65 persons.
  - (7) A slaughterhouse, abattoir or stockyard shall be specifically prohibited.
- h) That Section 7.7(c) be amended to change the minimum parcel size in the A-5 zone from 1.0 ha. to 5.0 ha.

3. **FORCE AND EFFECT**

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

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



C.V.R.D.

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE  
OF JUNE 21, 2011

DATE: June 11, 2011 FILE NO: 5-E-11DP/RAR/VAR  
FROM: Rob Conway, MCIP BYLAW NO:  
SUBJECT: Development Permit Application No. 5-E-11DP/RAR/VAR (Waldron)

---

**Recommendation/Action:**

That application No. 5-E-11DP/RAR/VAR be approved, and that a development permit with variance be issued to Jason and Andrea Waldron for the construction of a single family dwelling 20 metres from the natural boundary of Glenora Creek at Lot 1, Section 9, Range 3, Quamichan District, Plan 9569 (PID 026-302-322), subject to :

1. compliance with the measures and recommendations outlined in RAR assessment report No. 1981, prepared by Kelly Schellenberg, RPF;
2. Construction of a permanent cedar fence along the SPEA boundary within 15 metres of the dwelling.

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

**Financial Impact:** N/A

**Background:**

Location of Subject Property: Marshal Road, Glenora

Legal Description: Lot 1, Section 9, Range 3, Quamichan District, Plan 9569 (PID 026-302-322)

Date Application and Complete Documentation Received: April 14, 2011

Owners: Jason and Andrea Waldron

Applicant: Jason Waldron

Size of Parcel: ±0.63 ha. (1.56 acre)

Zoning: Primary Agricultural (A-1)

Existing Plan Designation: Agricultural

R6

Existing Use of Property: Vacant

Existing Use of Surrounding Properties:

North: Residential (zoned A-1)  
 South: Horse Stable; Residential (zoned A-1)  
 East: Agricultural (zoned A-1)  
 West: Gravel Pit/Residential (zoned A-1)

Services:

Road Access: Marshal Road  
Water: Well  
Sewage Disposal: On-site Septic System

Agricultural Land Reserve Status: The subject property and surrounding lands are in the ALR.

Environmentally Sensitive Areas: Glenora Creek, a fish bearing stream, runs through the centre of the property.

Archaeological Site: None Identified.

**Application Summary:**

The subject property is located on the west side of Marshal Road. At 0.63 hectares, the property is considerably smaller than the 12 hectare minimum of the A-1 zone. The property is split by Glenora Creek, which crosses it in a south-to-north direction. A covenant registered in favour of the Ministry of Environment and CVRD when the lot was created in 2005 protects a 15 metre wide riparian area on both sides of the creek. The creek and riparian covenant area consume more than half the property. Further constraints on the lot include a 584 square metre covenant area near Marshall Road for sewage disposal area and a 15 metre wide statutory right of way along the southern boundary for logging haul road. These constraints leave a limited building area approximately 15 metres wide between the 15 metre setback on the east side of the creek and the covenant area that parallels Marshal Road.

Any development within 30 metres of a stream requires a development permit from the CVRD and a Riparian Area Assessment (RAA) Report prepared by a qualified environmental professional. The applicant has had an RAA report prepared and has submitted it with the development permit application. The report identifies a SPEA of 15 metres on either side of the creek and advises the proposed development will not negatively impact fish habitat provided protection measures recommended in the report are followed.

The applicant is proposing to construct the dwelling approximately 20 metres from the natural boundary of the creek, so the proposed development will be outside of the SPEA.

**Policy Context:**

Section 5.18 Area E Zoning Bylaw 1840 requires a 20 metre setback from the natural boundary of any watercourse. In addition, as a result of an bylaw amendment in May, 2010, Section 5.18 also identifies a minimum setback of 7.5 metres from the SPEA for structures, driveways and roads. Although the bylaw now identifies two watercourse setbacks, it also states that that the larger of the two setbacks shall apply.

In this case, the proposed dwelling location is 20 metres from the natural boundary of the creek, but is within the required 7.5 metre setback of the SPEA. Since a SPEA is identified at 15 metres from the high water mark of the creek, a relaxation of the watercourse setback from 22.5 metres from the high water mark of the creek to 20 metres from the natural boundary of the creek is necessary.

**Surrounding Property Owner Notification and Response:**

A total of 10 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 the variance within a recommended time frame. To date, no correspondences for or against the proposed development have been received.

**Advisory Planning Commission Comments:**

At the request of the Area Director, this application was referred to the Area E APC for comment. The APC reviewed the application at the May 26, 2011 meeting, where the following motion was passed unanimously:

1. *That the dwelling be a minimum of 20 metres from the natural boundary of Glenora Creek and that the natural boundary be confirmed by a QEP.*
2. *That the variance of the 7.5 metre setback from the SPEA be granted subject to construction of a permanent cedar fence along the SPEA boundary within 15 metres of the dwelling.*

Minutes of the meeting are attached to this report for the Committee's information.

**Development Services Division Comments:**

The subject property is non-conforming with respect to minimum parcel size and has a number of constraints that have made it challenging for the owner to locate a dwelling on it. The proposed building location has been chosen to achieve the maximum setback from Glenora Creek without encroaching into the covenanted sewage disposal area. The QEP report prepared for the proposed development confirms there should be no adverse impacts on the creek or fish habitat. In addition, the applicant has agreed to provide permanent fencing along a portion of the SPEA boundary and to ensure a minimum 20 setback from the natural boundary of Glenora Creek as recommended by the APC. For these reasons, and because the application complies with the Riparian Area Regulation Development Permit Guidelines, staff recommend the development permit and variance be approved.

Options:

*Option 1:*

That application No. 5-E-11DP/RAR/VAR **be approved**, and that a development permit with variance be issued to Jason and Andrea Waldron for the construction of a single family dwelling 20 metres from the natural boundary of Glenora Creek at Lot 1, Section 9, Range 3, Quamichan District, Plan 9569 (PID 026-302-322), subject to :

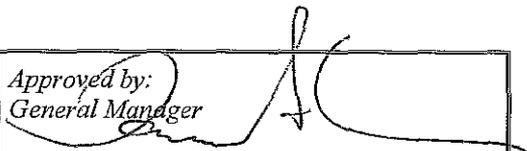
1. Compliance with the measures and recommendations outlined in RAR assessment report No. 1981, prepared by Kelly Schellenberg, RPF;
2. Construction of a permanent cedar fence along the SPEA boundary within 15 metres of the dwelling.

*Option 2:*

That application 5-E-11DP/RAR/VAR **be revised**.

Option 1 is recommended.

Submitted by,

Approved by:  
 General Manager  


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

RC/ca  
 Attachments





**Cowichan  
Valley  
Regional  
District**

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

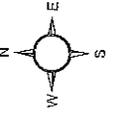
The Regional District does not warrant the accuracy.

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

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

**File:  
05-E-11-DP-RAR-VAR**

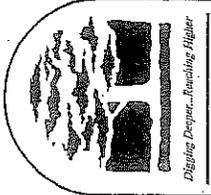
# Orthophoto (2004)



**SUBJECT PROPERTY**







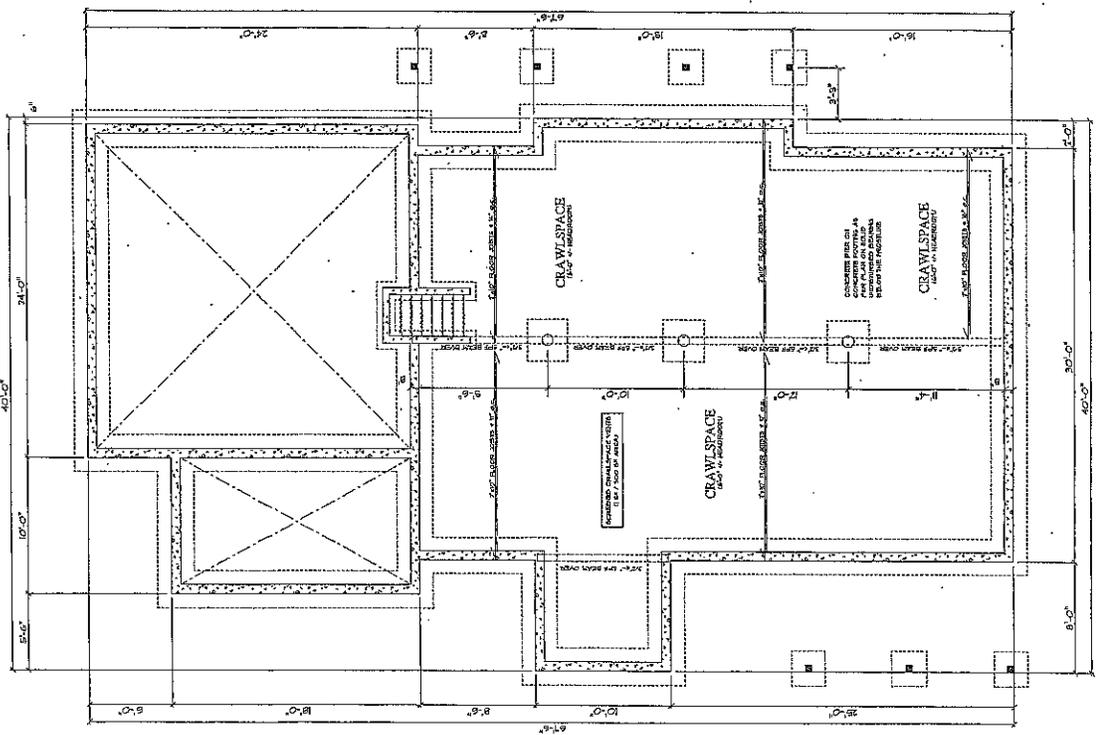
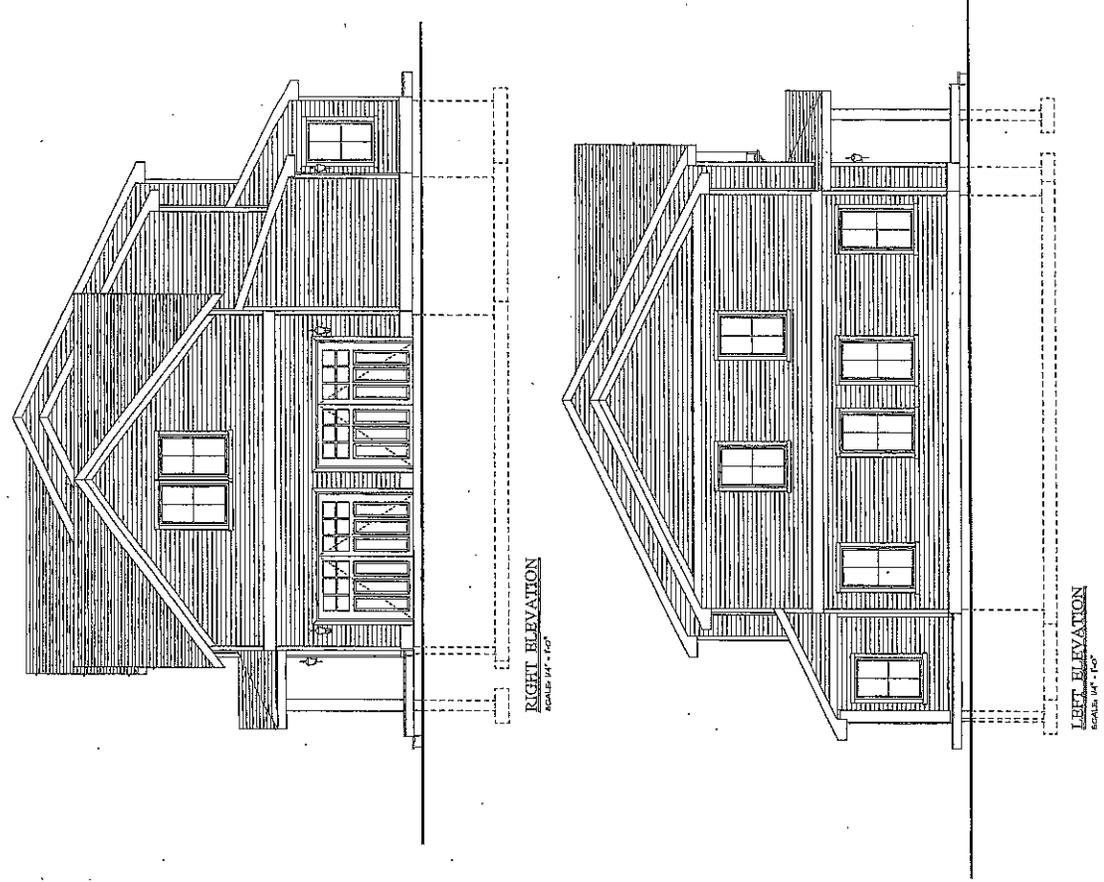
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PROPOSED  
RESIDENCE FOR:  
LOT 4 MARSHALL RD  
DUNCAN, B.C.  
2011-04-04

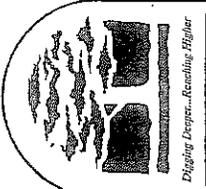
3 of 3

Taylor Designs Ltd.  
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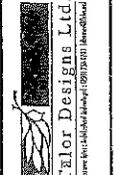
CRAWLSPACE FLOOR PLAN  
SCALE 1/4\"/>



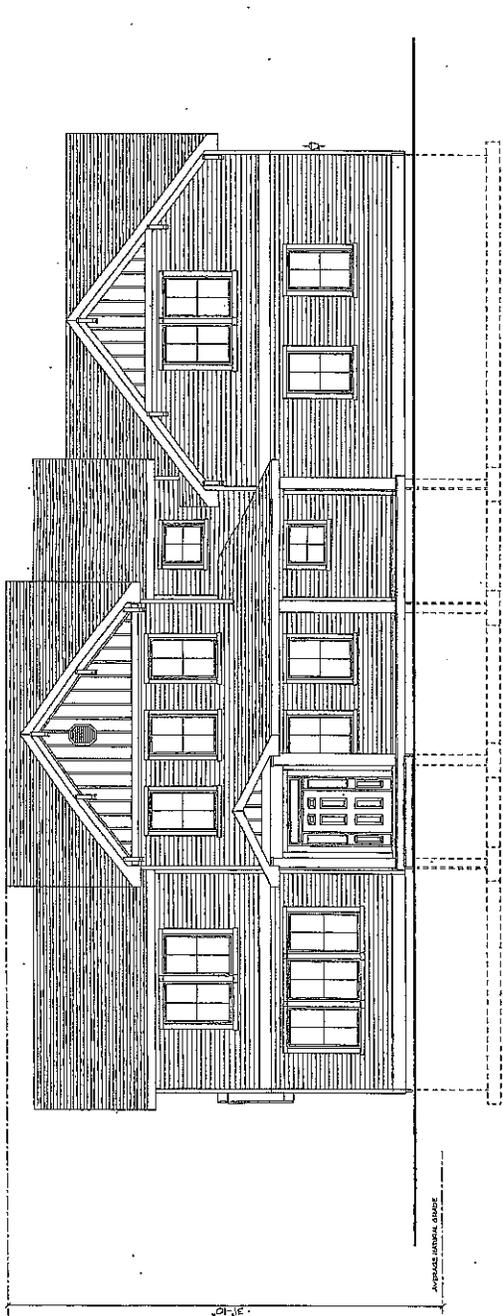
PRELIMINARY DESIGN ONLY

PROPOSED  
RESIDENCE FOR:  
LOT A MARSHALL RD  
DUNCAN, D.C.  
2011-04-04

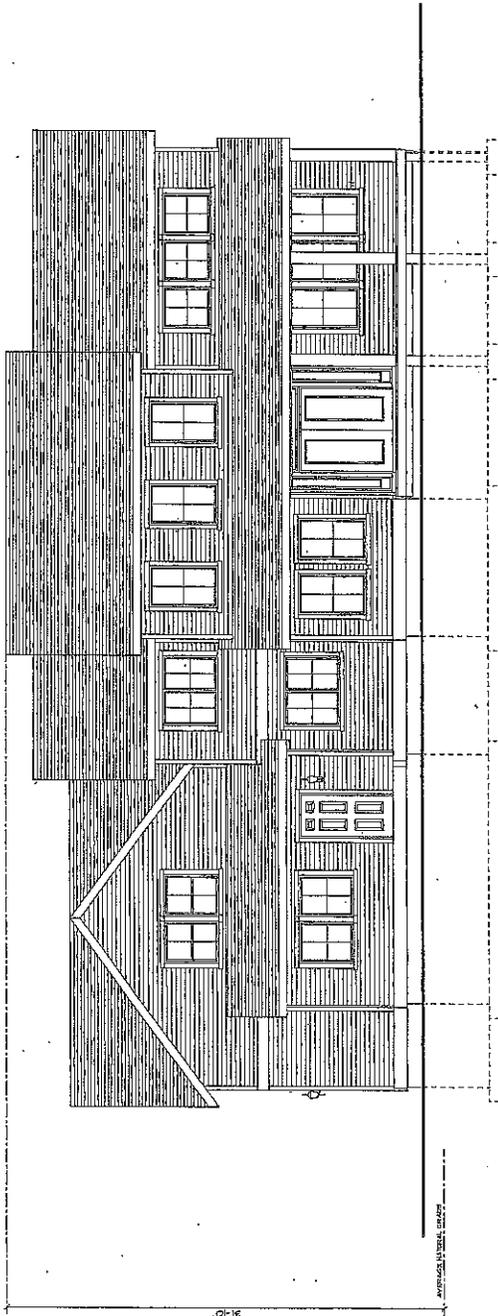
1 of 3



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FRONT ELEVATION  
SCALE 1/4" = 1'-0"

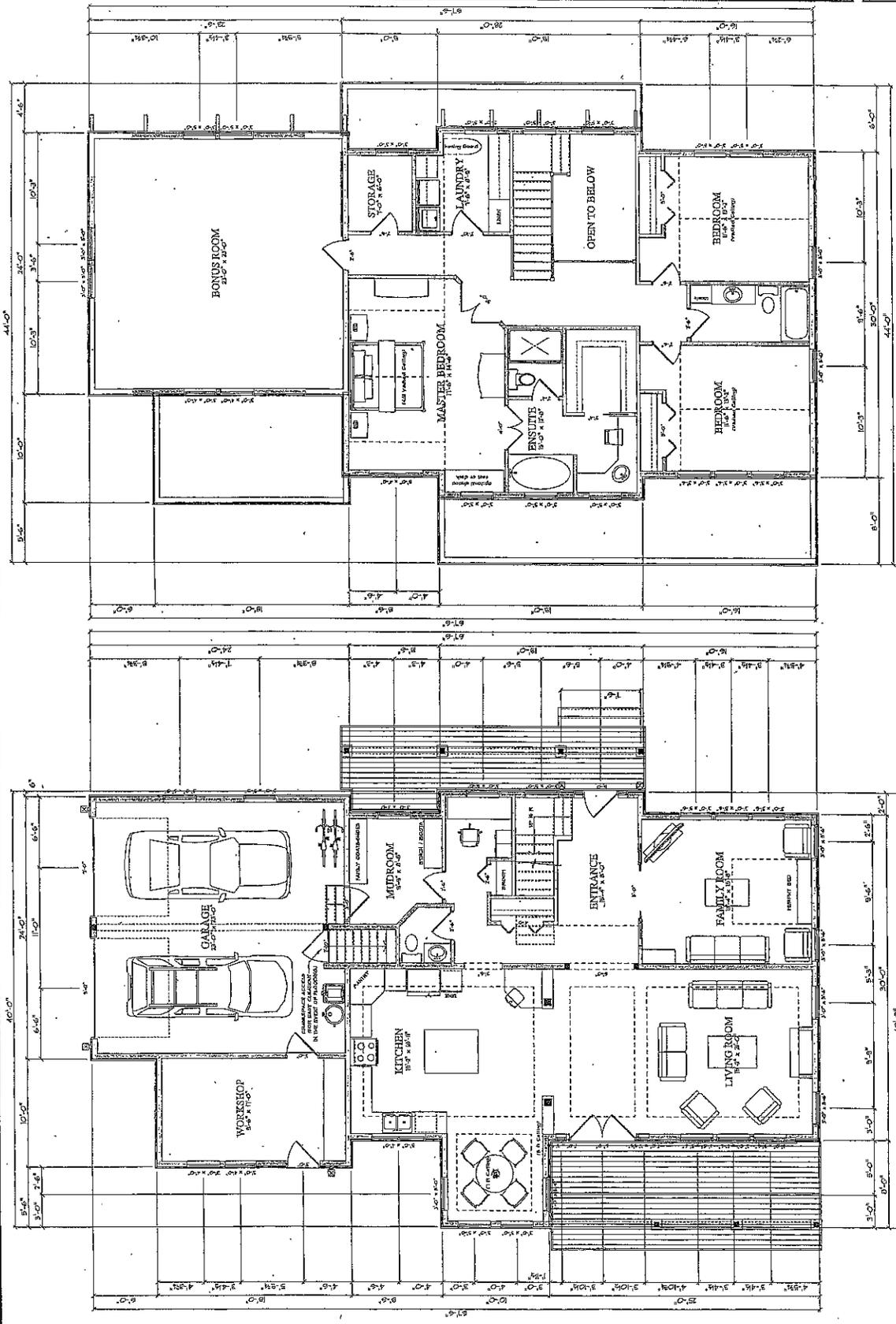


REAR ELEVATION  
SCALE 1/4" = 1'-0"



PRELIMINARY DESIGN ONLY  
 PROPOSED  
 RESIDENCE FOR:  
 LOT A MANSFIELD RD  
 PUNJABI, D.C.  
 2011-04-04

Taylor Designs Ltd.  
 10000 Woodloch Forest Dr. Suite 100  
 Dallas, TX 75243  
 2 of 3



SECOND FLOOR PLAN  
 SCALE 1/4" = 1'-0"

MAIN FLOOR PLAN  
 SCALE 1/4" = 1'-0"

**FORM 1**  
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

**Riparian Areas Regulation: Assessment Report**

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

Date April 15, 2011

**I. Primary QEP Information**

First Name	Kelly	Middle Name		
Last Name	Schellenberg			
Designation	RPF	Company	TerraWest Environmental Inc.	
Registration #	1922	Email	kschellenberg@terrawest.ca	
Address	3148-G Barons Road			
City	Nanaimo	Postal/Zip	V9T 4B5	Phone # 250.412.9682 (109)
Prov/state	BC	Country	Canada	Cell # 250.710.0657

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

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

**III. Developer Information**

First Name	Jason and Andrea	Middle Name		
Last Name	Waldron			
Company	Owner			
Phone #	250.748.8428	Email:	ajwaldron@shaw.ca	
Address	3009 Westview			
City	Duncan	Postal/Zip	V9L 2C3	
Prov/state	BC	Country	Canada	

**IV. Development Information**

Development Type	Construction: Single Family Residential			
Area of Development (ha)	0.01	Riparian Length (m)	87.5	
Lot Area (ha)	0.63	Nature of Development	New Development	
Proposed Start Date	June 1, 2011	Proposed End Date	May 31, 2012	

**V. Location of Proposed Development**

Street Address (or nearest town)	Lot A, Section 9, Range 3, Quamichan District						
Local Government	CVRD			City Duncan			
Stream Name	Glenora Creek						
Legal Description (PID)	026-302-322			Region Vancouver Island			
Stream/River Type	Stream			DFO Area South Island			
Watershed Code	920-257700-02300-08300-1350						
Latitude	48	44	77N	Longitude	123	45	11.5W

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

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

Fish species present: The Fisheries Information Summary System (FIS) has been consulted for fish distributions for Glenora Creek.

a. Glenora Creek and its tributaries represent significant fisheries resource values. This important fish stream supports a range of anadromous fish species, including: Chinook salmon (*Oncorhynchus tshawytscha*); coho salmon (*O. kisutch*); chum salmon (*O. keta*); steelhead (*O. mykiss*); coastal cutthroat trout (*O. clarkii clarkii*) - including anadromous form; and rainbow trout (*O. mykiss*).

Habitat: Fish habitat values, including the wetted perimeter and upland riparian area of the subject property are moderate to high. Small pools and hiding cover are interspersed along its length. Overhanging root systems provide hiding cover. There is a small but distinct widening of Glenora Creek in the southern 1/3 of the channel length with a good gravel deposition there for spawning purposes. The seasonally flooded portion of the shoreline may provide some rearing/cover habitat, especially for juvenile salmonids in the winter time.

Vegetation: The current condition of the subject property is mixed forest with some minor clearing outside the riparian area in preparation for building by the previous owner. Along the river bank, the shrub/herb layer consists of vegetation typical of a moist/shaded site: swordfern (*Polystichum munitum*), Oregon grape (*Mahonia* sp.), rose (*Rosa* sp.), oceanspray (*Holodiscus discolor*), wild ginger (*Asarum caudatum*), dandelion (*Taraxacum officinale*), horsetail (*Equisetum* sp.), buttercup (*Ranunculus repens*), trailing blackberry (*Rubus ursinus* and salmonberry (*Rubus spectabilis*). There is no rock armoring or barrier at the water's edge and vegetation continues to the high water mark.

Tree species include: Douglas fir (*Pseudotsuga menziesii*), Western red cedar (*Thuja plicata*), Grand fir (*Abies amabilis*), Western hemlock (*Tsuga heterophylla*), big leaf maple (*Acer macrophyllum*) and red alder (*Alnus rubra*).

Current riparian vegetation condition: At the time of the field assessment, the riparian condition could be rated as good. The species diversity and abundance indicate a healthy riparian environment.

Connectivity to downstream fish habitat: Glenora Creek represents high quality fish habitat and connects to Kelvin Creek which, flows into the Koksilah River.

Nature of development: The property owner/developers, Jason and Andrea Waldron, are proposing to develop a single family dwelling on the property. Zoned as "agriculture" this property was subdivided from the parent lot when Marshall Road was developed. The resulting lot is likely not large enough (0.63) hectares for an agricultural operation and development operations are challenged due to the area of restrictive covenants, development setbacks and riparian setback. In fact, the entire west side of the property is not developable and is marginally useable due to its small size. Agriculture zoning allows for a single dwelling on the property and this is the development that is being proposed.

Specific activities: The owner/developers propose to build a single family dwelling with garage and

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

driveway to Marshall Road. The required setback (SPEA) according to the Riparian Areas Regulation (RAR) will be 15 meters and although challenging to do so, the owner/developers have been successful in developing a house plan that respects this setback. The dwelling, garage and driveway will all be located outside the SPEA.

Case for undue hardship: The subject property is unique. Conservatively speaking, there is 21% of the property that is available for development in consideration of the Riparian Areas Regulation. Clearly a Hardship for the developer, there are Building Permit requirements that effectively reduce the building envelope further that will be addressed in a variance process. This variance is outside the scope of this assessment.

Timelines: The Waldrons are looking to a June 1, 2011 commencement.

**Section 2. Results of Detailed Riparian Assessment**

**Stream**

Refer to Chapter 3 of Assessment Methodology  
Description of Water bodies involved (number, type)

Date: April 15, 2011

1 x Stream (Glenora Creek)

Stream	X
Wetland	
Lake	
Ditch	
Number of reaches	1
Reach #	1

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

	Channel Width(m)	Gradient (%)	
starting point	8.8		I, <u>Kelly Schellenberg, RPF</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer, <u>Jason Waldron</u> c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
upstream	10.0		
	10.0		
	8.8	4	
	8.1		
downstream	8.1		
	15.0	2	
	13.8		
	9.4		
	10.6	2	
	10.0		
Total: minus high /low	89.5		
mean	9.9	2.7	
Channel Type	R/P	C/P	
		X	

**Note: Channel Widths:** The survey map for the subject property included a detailed survey of Glenora Creek and its high water mark. Some ribboning of the high water mark from the previous BC Land Survey was still on site which I agreed with. Glenora Creek is an incised creek in this location and the placement of the high water mark is straightforward in my opinion. Therefore, I used the survey information for the channel widths. In order for a change in SPEA width to occur, the average channel width would have to be less than 5 meters.

**Channel Gradient:** The channel gradient measurements were taken on site.

**Channel Type:** Characteristics of both riffle pool and cascade pool channel types were evident in this reach of Glenora Creek. Considering the matrix in Figure 3-4 of the Assessment Methodology (April 2006), cascade pool is the result of a 2.7 % channel slope and 9.9 meter channel width. A riffle pool channel type would effectively render the property "undevelopable" as a Zone of Sensitivity (ZOS) of 3 x the channel width of 9.9 (29.7 meters) would become the Streamside Protection and Enhancement Area (SPEA) or setback.

**Site Potential Vegetation Type (SPVT)**

	Yes	No	
SPVT Polygons	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
			I, <u>Kelly Schellenberg, RPE</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Jason Waldron</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
Polygon No:	<input type="text" value="1"/>	Method employed if other than TR	
	LC	SH	TR
SPVT Type	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Zone of Sensitivity (ZOS) and resultant SPEA**

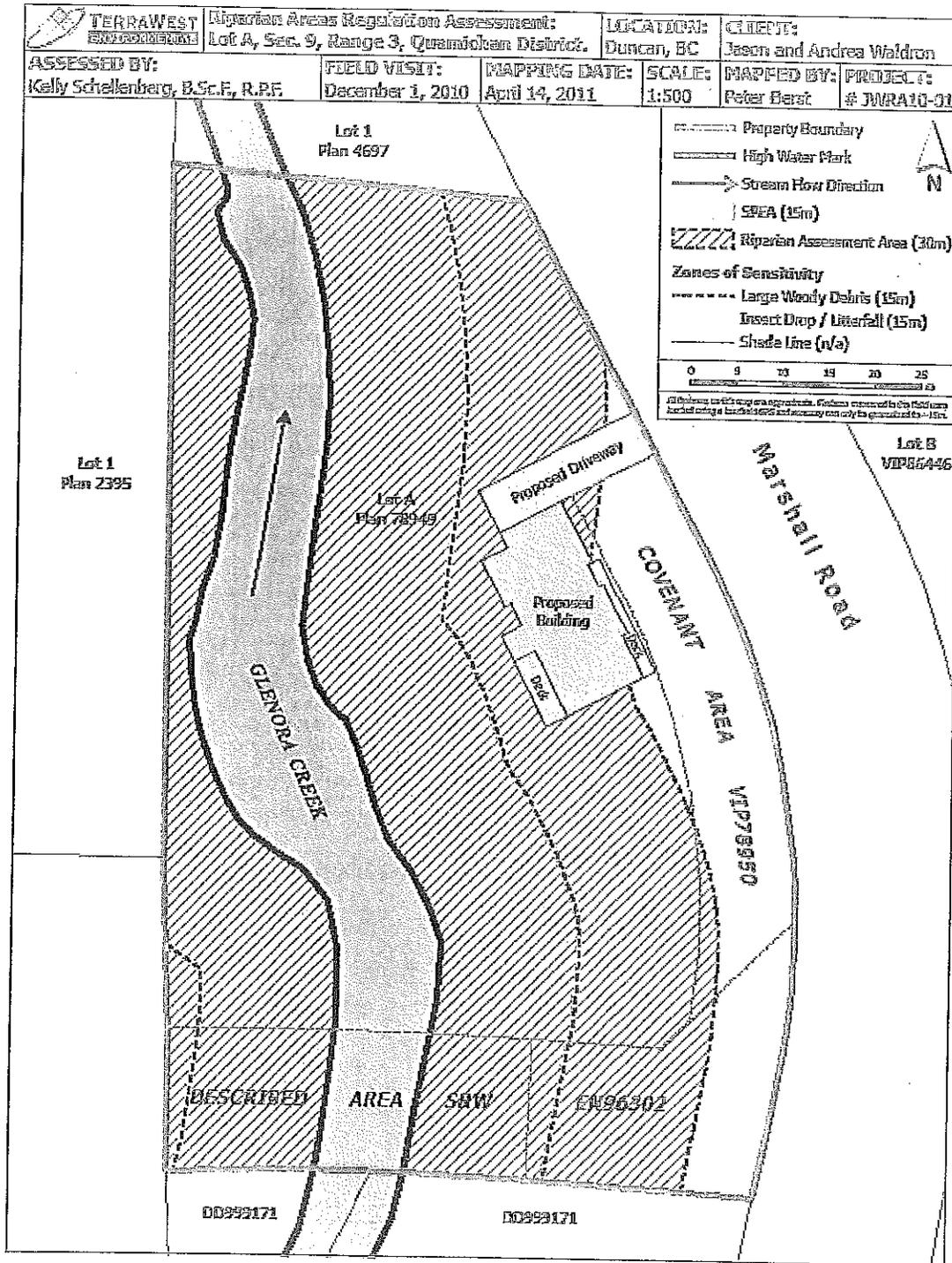
Segment No:	<input type="text" value="1East"/>	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	<input type="text" value="15"/>					
Litter fall and insect drop ZOS (m)	<input type="text" value="15"/>					
Shade ZOS (m) max	<input type="text" value="0"/>	South bank	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
SPEA maximum	<input type="text" value="15"/>					

**Zone of Sensitivity (ZOS) and resultant SPEA**

Segment No:	<input type="text" value="2West"/>	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	<input type="text" value="15"/>					
Litter fall and insect drop ZOS (m)	<input type="text" value="15"/>					
Shade ZOS (m) max	<input type="text" value="0"/>	South bank	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
SPEA maximum	<input type="text" value="15"/>					

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

Section 3. Site Plan



**Section 4. Measures to Protect and Maintain the SPEA**

<b>1. Danger Trees</b>	
I, <u>Kelly Schellenberg</u> , RPE, hereby certify that:	
<ul style="list-style-type: none"> <li>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</li> <li>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Jason Waldron</u>.</li> <li>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</li> </ul>	
	<p>Three potential danger trees were assessed and marked with blue paint on the subject property. These were assessed in the context of the potential of the trees to strike the proposed development. Other potential danger trees were noted on both sides of Glenora Creek. Trees on the west side of the creek, as well as those at both ends of the east side of the bank; do not pose a risk to the development and if damaged or uprooted over time would provide valuable inputs into fish habitat.</p> <p>Tree #1: Big leaf maple (<i>Acer macrophyllum</i>); ~80 cm diameter, ~30 meters in height. This tree is located on the east side of Glenora Creek; close to the bank. It is "over-mature" with large, heavy branches and indications of pocket rot. It may be within striking distance of a new house. Recommendation: to top, prune or remove the tree as it may pose a danger to a new house. The decision rests with the developer.</p> <p>Tree #2 and #3: Big leaf maple: ~60 cm + diameter, ~30 meters in height. These trees are side by side and have indications of pocket rot. The heavy branching and unbalanced top portions of the tops cause the trees to lean away from Glenora Creek. They may be within striking distance of a new house. Recommendation: to top or remove the trees as potential dangers to a new house. The decision rests with the developer.</p>
<b>2. Windthrow</b>	
I, <u>Kelly Schellenberg</u> , RPE, hereby certify that:	
<ul style="list-style-type: none"> <li>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</li> <li>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Jason Waldron</u>.</li> <li>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</li> </ul>	
	<p>Endemic windthrow is not expected on this subject property due to the flat topography of the surrounding area and the absence of windthrow in adjacent areas. The small clump of conifers and deciduous trees/shrubs in the southeast corner (beyond the RAA boundaries) are not hazardous at this time, but should be monitored.</p>
<b>3. Slope Stability</b>	
I, <u>Kelly Schellenberg</u> , RPE, hereby certify that:	
<ul style="list-style-type: none"> <li>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</li> <li>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Jason Waldron</u>.</li> <li>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</li> </ul>	

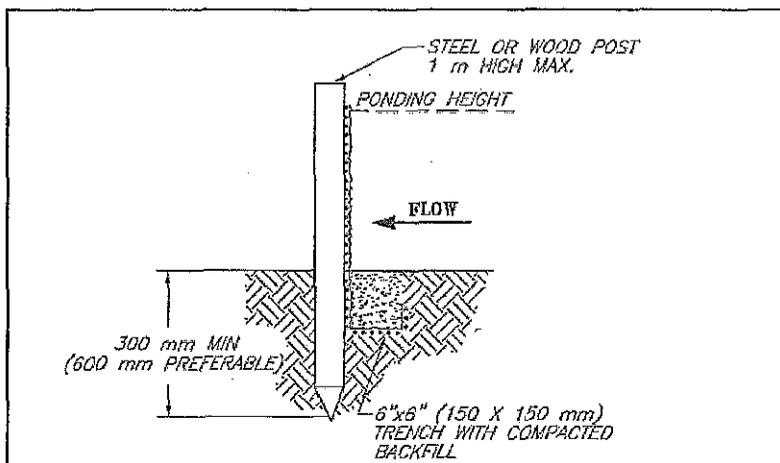
	The banks of Glenora Creek are comprised of gravelly soils which are considered erodible. The retention of riparian vegetation (including both coniferous and deciduous trees) will help stabilize the bank and ensure that Glenora Creek remains in its channel.
<b>4. Protection of Trees</b>	
I, <u>Kelly Schellenberg</u> , RPE, hereby certify that:	
<ul style="list-style-type: none"> <li>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</li> <li>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Jason Waldron</u>;</li> <li>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</li> </ul>	
The trees within the SPEA will be protected by the measures taken to prevent encroachment. In my opinion, there is no requirement for additional protection of individual trees for this development.	
<b>5. Encroachment</b>	
I, <u>Kelly Schellenberg</u> , RPE, hereby certify that:	
<ul style="list-style-type: none"> <li>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</li> <li>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Jason Waldron</u>;</li> <li>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</li> </ul>	
<p>To prevent encroachment into the SPEA during construction, highly visible flagging or temporary fencing (ie snow fencing) should be installed along the entire SPEA boundary. This will discourage people and machines from entering it during the construction process.</p> <p>As a further recommendation, the edge of the SPEA should be clearly defined on a permanent basis by constructing a visual barrier, such as a fence.</p> <p>A 1.5 meter wide pathway to access Glenora Creek is permitted. The trail will be placed to avoid the removal of trees and large shrubs; will not be constructed (ie grubbed and paved) and will be as natural and unintrusive as possible.</p>	
<b>6. Sediment and Erosion Control</b>	
I, <u>Kelly Schellenberg</u> , RPE, hereby certify that:	
<ul style="list-style-type: none"> <li>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</li> <li>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Jason Waldron</u>;</li> <li>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</li> </ul>	
<p>The creation and mobilization of sediment must be avoided during the development activities, especially considering the extremely high fish habitat values adjacent to the site. Sediment is considered a deleterious substance under the <i>Federal Fisheries Act</i>, and implementing the points listed below will help ensure that sediment will not enter Glenora Creek:</p> <ul style="list-style-type: none"> <li>- covering all soil/fill stockpiles with tarps, or surrounding them with silt fencing;</li> <li>- carrying out major grading/site preparation during the dry summer period;</li> <li>- applying temporary covers, such as mulch or geotextiles, to bare areas;</li> <li>- minimizing the area to be cleared/graded;</li> <li>- retaining vegetation cover where possible, for as long as possible, to reduce erosion and mobilization of sediment;</li> <li>- installing gravel access pads at the main site access to reduce the amount of sediment leaving the site; and</li> <li>- regular sweeping (as opposed to washing, which mobilizes sediment) of any</li> </ul>	

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impermeable surfaces.

During construction, a silt fence must be installed along the upper edge of the SPEA, which will serve the purpose of creating a barrier to sediment while also helping to clearly define the SPEA boundaries. The silt fence should be properly installed, as per the diagram below, in order to be effective. The silt fence must not be relied upon as the sole measure to prevent sediment from entering the river. The measures listed above must also be implemented, to control sediment production at the source.



**Proper installation of silt fencing – the bottom of the silt fence fabric must be dug into the ground and overlapped with material to prevent sediment from being transported underneath the fence.**

**7. Stormwater Management**

I, Kelly Schellenberg, hereby certify that:

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

The substrate of the proposed development site has been amended by a small amount of trucked-in fill, is well-drained and currently infiltrates surface runoff. Increases in stormwater run-off are expected with regard to the proposed development and a stormwater plan that meets the expectations of Cowichan Valley Regional District building permit will be addressed by the developer.

Generally speaking, the goal of storm water management is to return run-off from impervious surfaces (e.g., rooftops, paved areas) to natural hydrological pathways. It is important to manage storm water and develop a plan to capture small storm run-off (less than 50% of the rainfall event that occurs once per year, on average).

A potential solution to capturing stormwater from the roof top would be to install a rock pit or rain barrel. Rain leaders from the roof should be directed into the rock pit, for infiltration or into the rain barrel for storage for domestic use.

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8. Floodplain Concerns (highly mobile channel)	
<p>I, <u>Kelly Schellenberg</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Jason Waldron</u>.</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.</p>	
	<p>Glenora Creek is a low gradient stream that originates from the Koksilah Ridge and flows in a northeast direction to Kelvin Creek. Kelvin Creek then joins the Koksilah River before entering Cowichan Bay.</p> <p>Glenora Creek is impacted by forestry operations in its upper reaches, and agriculture in its lower reaches. Drying up in the summer months, this stream fills its banks during the winter.</p> <p>Covenant EX66216 over the subject property requires a 1.5 meter elevation above the "natural boundary" which was determined to be 98.2 meters by a BC Land Surveyor. As noted by the BC Land Surveyor, this should be considered a minimum requirement of which I concur.</p>

**Section 5. Environmental Monitoring**

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

Prior to any construction occurring, the proposed SPEA variance must be accepted by the regulatory agencies. Upon approval of development and prior to commencing construction, a site visit would need to be conducted by a QEP to ensure that all measures have been implemented. The most important measures to check would be the clear delineation of the SPEA and checking that a sediment and erosion control plan is in place. A follow up visit by a QEP is required during construction for monitoring to ensure all measures relevant to the construction phase are being followed. A final post-construction site visit and monitoring report is also required as part of this assessment and will be uploaded as a part of this RAR assessment to ensure the erosion and sediment control plan was adhered to and a storm water management plan was implemented.

**After the project is completed, a post construction report will be submitted through the RAR Notification System.**

Site visits by the QEP will include, at a minimum:

1. Before construction begins: The demarcation of the SPEA must be highly visible to workers using the construction site. This meeting also allows for the QEP to inform the developers and workers about the various measures required.
2. During the excavation: This visit will ensure that a site-specific sediment and erosion control plan is being adhered to and that runoff is not being directed towards the SPEA.
3. Post-construction: A visit to confirm that the SPEA is intact and not impacted by building activities is required under the Riparian Areas Regulation. Monitoring will also confirm that storm water management structures have been installed properly. A post-construction report will be provided as a requirement of this RAR assessment. The intention of the post-construction report is to ensure that the SPEA has been maintained during construction and all of the measures were respected. The developer should inform the QEP when construction has been completed, so post-construction procedures can be followed.

The developer must contact the QEP prior to development occurring to schedule the initial on-site meeting. The developer should also contact the QEP during the construction and upon completion, to allow the monitoring schedule to be followed appropriately.

**Section 6. Photos taken during high winter water flows.**



Photo 1: View to north of subject property from FSR; noting forest-like vegetation.



Photo 2: View of Glenora Creek and riparian vegetation.

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Photo 3: View of Glenora Creek from FSR bridge to north.

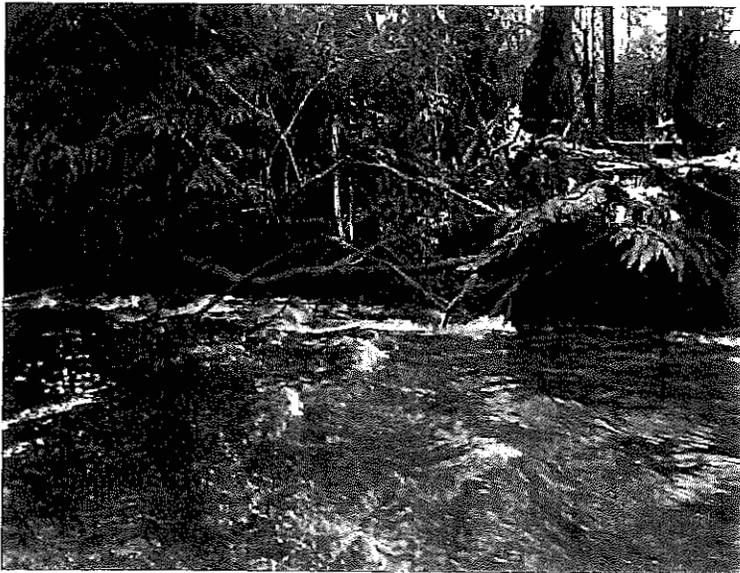


Photo 4: View of Glenora Creek noting typical high bank.

**Section 7. Professional Opinion**

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

Date April 15, 2011

I, Kelly Schellenberg, RPF

*Kelly Schellenberg*



I hereby certify that:

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

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

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

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

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

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

(a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,

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(b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and  
(c) the individual is acting within that individual's area of expertise.]

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Appendix A BC Land Surveyor Letter



Robert W. Kenyon, B.C.L.S., C.L.S., G.I.S.  
E.J. (Ed) Wilson, B.C.L.S., C.L.S., B.Sc. (Engg)  
Allan L. Cox, B.C.L.S.  
Jon K. Humphreys, Tech. Mgr.

221 Commercial Avenue, Duncan BC V9L 2S1 Phone: (250) 746-4745 Fax: (250) 749-8282 www.kenyonwilson.ca

January 24, 2011  
Our File No. 11-7150

JASON WALDRON  
3609 Westview Street  
Duncan, BC  
V9L 2C5

Dear Sir:

Re: Lot A, Section 9, Range 3, Quamichan District, Plan V178949, Murfrees Road.

Our firm has completed the work requested by yourself on the above property. Enclosed is a Sketch Plan showing boundaries and features as requested.

Please note the slight difference between the "natural boundary" and the line of Riparian flagging which closely follows the top of the adjacent bank. "Natural boundary" is defined in the Land Act, and as such is meant to separate ownership of the upland from that of the bed of the creek. Though no change in ownership applies in this case, the criteria for determining its location is the same. The term does not imply a distinct contour, nor an environmentally sensitive zone, but water level can be a good indicator. At the time of survey, the water was at or near what I would consider the natural boundary. Covenant EX56216 requires an elevation of 1.5 metres higher than this for building. As a bare minimum, this would be 99.7 (98.2 + 1.5) metres elevation as per the survey, but in all cases I recommend as high a building elevation as practical, as adherence to the covenant is no guarantee of protection from flooding.

The Streamside Protection and Enhancement Area as determined by Kelly Schellenberg is 15.0 metres from the riparian boundary as flagged in the field. In this case, Cowichan Valley Regional District bylaws stipulate an additional setback of 7.5 metres from the SPEA, which severely impacts the building envelope. I understand you have met with Mr. Conway from the Regional District to discuss the process required to vary these conditions. The enclosed sketch shows dimensions from the SPEA to the front parcel boundary.

Kenyon Wilson will forward a CAD drawing directly to your designer under license when requested. Ownership of the CAD file will remain with Kenyon Wilson.

Thank you for payment of your account. Enclosed is a copy of our invoice, shown as paid.

Should you have any questions, or require further information, please contact the writer at (250) 746-4745.

Yours truly,

KENYON WILSON

E.J. (Ed) Wilson  
B.C.L.S., C.L.S., B.Sc. (Eng'g)

EFW/es

Enclosure(s)

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Appendix B CVRD Electoral Area "E" (Cowichan Station/Sahtlam/Glenora) Zoning Bylaw No. 1840 Setback Requirements for Building Permits (not part of this Riparian Areas Regulation assessment)

5.18 Setback from a Watercourse and Streamside Protection and Enhancement Area (SPEA)

(a) The watercourse setback is as follows: no *building, structure, lane* or *highway*, nor driveway shall be located:

- i) within 30 metres of the *top of bank* of the Cowichan, Chemainus or Koksilah Rivers or;
- ii) within 20 metres of the *natural boundary* of any other *watercourse*, or a lake.

If a SPEA setback would be larger than the watercourse setback, the larger of the two setbacks applies.

(b) The SPEA setback is as follows: where a Streamside Protection and Enhancement Area (SPEA) has been designated on a parcel, no *building, structure, lane* or *highway*, nor driveway shall be located closer than 7.5 metres or 12.5% of the average parcel depth – whichever is greater – to the SPEA, with parcel depth being measured between the SPEA boundary and the front parcel line. If a watercourse setback would be larger than the SPEA setback, the larger of the two setbacks applies.

(c) Notwithstanding any other provision of this bylaw, no *building* used for the accommodation of livestock shall be located within 30 metres of the *natural boundary* of a *watercourse* or a sea, lake, sandpoint or well.

#### 14.7 RIPARIAN AREAS REGULATION DEVELOPMENT PERMIT AREA

No person shall subdivide or alter land (including the removal of trees) or construct a building or structure on land that is in the Riparian Areas Regulation Development Permit Area, prior to the owner receiving a development permit from the CVRD.

##### 14.7.1 CATEGORY

This development permit area is designated pursuant to Section 919.1(1)(a) of the *Local Government Act* – protection of the natural environment, its ecosystems and biological diversity.

##### 14.7.2 DEFINITIONS

For the purposes of this Development Permit Area, the terms used herein have the same meaning that they do under the *Riparian Areas Regulation* (BC Reg. 376/2004).

##### 14.7.3 JUSTIFICATION

The province of British Columbia's *Riparian Areas Regulation (RAR)*, under the *Fish Protection Act*, aims to protect fish habitat. This regulation requires that residential, commercial or industrial development as defined in the *RAR*, in a Riparian Assessment Area near freshwater features, be subject to an environmental review by a Qualified Environmental Professional (QEP).

##### 14.7.4 RIPARIAN ASSESSMENT AREA

The Riparian Area Regulation Development Permit Area is coincidental with the Riparian Assessment Area as defined in the *Riparian Areas Regulation*. It is indicated in general terms on Figure 14. Notwithstanding the areas indicated on Figure 14, the actual Riparian Areas Regulation Development Permit Area will in every case be measured on the ground, and it will be:

- a) for a stream, the 30 metre strip on both sides of the stream, measured from the high water mark;
- b) for a 3:1 (vertical/horizontal) ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank, and
- c) for a 3:1 (vertical/horizontal) ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.

##### 14.7.5 APPLICABILITY

A development permit must be applied for, and issued by the Cowichan Valley Regional District, prior to any of the following activities occurring in the Riparian Areas Regulation Development Permit Area, where such activities are directly or indirectly related to existing or proposed residential, commercial or industrial land uses in any Zone or Land Use Designation:

- a) removal, alteration, disruption or destruction of vegetation;
- b) disturbance of soils;
- c) construction or erection of buildings and structures;
- d) creation of nonstructural impervious or semi-impervious surfaces;
- e) flood protection works;
- f) construction of roads, trails, docks, wharves and bridges;
- g) provision and maintenance of sewer and water services;
- h) development of drainage systems;
- i) development of utility corridors;
- j) subdivision as defined in section 872 of the *Local Government Act*.

#### 14.7.6 GUIDELINES

Prior to undertaking any of the development activities listed in Section 13.7.5 above, an owner of property within the Riparian Areas Regulation Development Permit Area shall apply to the CVRD for a development permit, and the application shall meet the following guidelines:

- a) A qualified environmental professional (QEP) will be retained at the expense of the applicant, for the purpose of preparing a report pursuant to Section 4 of the *Riparian Areas Regulation*. The QEP must certify that the assessment report follows the assessment methodology described in the regulations, that the QEP is qualified to carry out the assessment and provides the professional opinion of the QEP that:
  - i) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area; and
  - ii) the streamside protection and enhancement area (SPEA) that is identified in the report is protected from the development and there are measures identified to protect the integrity of those areas from the effects of development; and
  - iii) the QEP has notified the Ministry of Environment and Fisheries and Oceans Canada, both of whom have confirmed that a report has been received for the CVRD; or
  - iv) confirmation is received from Fisheries and Oceans Canada that a harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area has been authorised in relation to the development proposal.
- b) Where the QEP report describes an area designated as Streamside Protection and Enhancement Area (SPEA), the development permit will not allow any development activities to take place therein, and the owner will be required to implement a plan for protecting the SPEA over the long term through measures to be implemented as a condition of the development permit, such as:
  - a dedication back to the Crown Provincial,
  - gifting to a nature protection organisation (tax receipts may be issued),
  - the registration of a restrictive covenant or conservation covenant over the SPEA confirming its long-term availability as a riparian buffer to remain free of development;
  - management/windthrow of hazard trees;
  - drip zone analysis;
  - erosion and stormwater runoff control measures;
  - slope stability enhancement.
- c) Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit will only allow the development to occur in strict compliance with the measures described in the report. Monitoring and regular reporting by professionals paid for by the applicant may be required, as specified in a development permit;
- d) information or some other change, a QEP will be required to submit an amendment report, to be filed on the notification system;
- e) Wherever possible, QEPs are encouraged to exceed the minimum standards set out in the *RAR* in their reports;

- f) The CVRD Board requires the QEP report to have regard for "Develop With Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia", published by the Ministry of Environment.

#### 14.7.7 EXEMPTIONS

In the following circumstances, a development permit will not be required:

- a) Renovations, repairs and maintenance to existing buildings that are protected by Section 911 of the *Local Government Act*;
- b) Minor interior and exterior renovations to existing buildings, excluding any additions or increases in building volume;
- c) Removal of invasive non-native vegetation such as Gorse, Scotch Broom, and its immediate replacement with native vegetation.

#### 14.7.8 VIOLATION

Every person who:

- a) violates any provision of this Development Permit Area;
  - b) causes or permits any act or thing to be done in contravention or violation of any provision of this Development Permit Area;
  - c) neglects to do or refrains from doing any act or thing required under this Development Permit Area;
  - d) carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to this Development Permit Area;
  - e) fails to comply with an order, direction or notice given under this Development Permit Area; or
  - f) prevents or obstructs or attempts to prevent or obstruct the authorised entry of the Administrator, or person designated to act in the place of the Administrator;
- commits an offence under this Bylaw. Each day's continuance of an offence constitutes a new and distinct offence.

#### 14.7.9 CONCURRENT DEVELOPMENT PERMIT AREAS

Where more than one development permit area applies to land in the Riparian Areas Regulation Development Permit Area (RARDPA), a single development permit may be issued. Where other DPA guidelines would conflict with those of the RARDPA, the latter shall prevail.

## Meeting of the Area E Advisory Planning Commission (APC)

May 26, 2011, Glenora Community Hall

Members Present: Frank McCorkell (Chair)  
Ben Marrs  
Keith Williams  
David Tattam  
Dan Ferguson (arrived 7:15 pm)

Also Present: Director Loren Duncan  
Rob Conway (CVRD Staff)  
Jason Waldron (Applicant for 5-E-11DP/RAR/VAR)  
John and Katy Ehrlich (Applicants for 1-E-11RS)

### Application 5-E-11DP/RAR/VAR (Waldron):

The APC visited the subject property at Marshal Road at 6:00pm.

The regular meeting commenced at Glenora Hall at 6:40pm.

Jason Waldron described his application for a development permit and a variance to the required setback from Glenora Creek.

Director Duncan explained the recent changes to the Area E Zoning Bylaw to discourage encroachment into the Streamside Protection and Enhancement Area (SPEA).

The APC discussed differences between how the SPEA boundary and zoning setback are measured. The APC expressed a desire to maintain a twenty metre setback for the proposed dwelling from the natural boundary of the creek. The applicant agreed to confirm with the Qualified Environmental Professional (QEP) that a 20 metre setback can be achieved and to communicate this to planning staff.

### **Motion:**

1. *That the dwelling be a minimum of 20 metres from the natural boundary of Glenora Creek and that the natural boundary be confirmed by a QEP.*
2. *That the variance of the 7.5 metre setback from the SPEA be granted subject to construction of a permanent cedar fence along the SPEA boundary within 15 metres of the dwelling.*

Motion carried unanimously.

**Application 1-E-11RS (Alderlea Farm):**

The applicants provided an overview of the rezoning application.

Director Duncan reviewed and explained the draft A-5 zone.

Some concerns were expressed about an additional dwelling on the subject property and possibility of a dog kennel if the proposed zoning change is adopted. It was noted that if the rezoning application is successful, the upper level of the new structure could be used as a dwelling if the required building upgrades are completed.

The possibility of the owners obtaining a liquor license for the café was discussed. The Commission did not object to the sale of local beer and wine for the café, but would be concerned about the sale of hard liquor or an establishment that primarily sold liquor. Director Duncan indicated he would request that any application for a liquor license be presented at a public meeting.

A maximum occupancy limit of 65 patrons was supported.

On-site parking was discussed. The applicants indicated they can accommodate parking on the property or on adjacent property with permission from the owners.

***Motion:***

*That application 1-E-11RS be approved and that the subject property be rezoned from R-1 to an amended A-5 zone subject to Kennel being excluded as a permitted use.*

Motion carried unanimously.

Meeting adjourned at approximately 8:20 pm.



R7

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING  
OF JUNE 21, 2011

DATE: June 16, 2011 FILE NO:  
FROM: Ryan Dias, Parks Operations Superintendent BYLAW NO:  
SUBJECT: Reserve Fund Bylaw for Electoral Area A Community Park Project

**Recommendation/Action:**

That a Reserve Fund Expenditure bylaw be prepared authorizing the expenditure of no more than \$7,000 from the Community Parks General Reserve Fund (Area A – Mill Bay/Malahat) for the purpose of developing a new park located in Mills Springs inclusive of landscaping pathways and a sport court; and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

**Relation to the Corporate Strategic Plan:**

Safe and Healthy Community - Provide exceptional recreation, cultural and park services

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

**Background:**

The Electoral Area A Parks Commission identified in the 2010 fall budgeting process the desire to develop a new park site inclusive of landscaping, pathways and a sport court in the Mill Springs subdivision. The 2011 Community Parks and Trails Capital Program Schedule approved by the Electoral Area Services Committee includes development of Mills Springs Park as a 2011 capital project. The 2011 Area A Community Parks budget also has assigned \$31,105 in major capital funds, and has received a donation from the Mills Springs Developer in the amount of \$25,000 to undertake the project. The Community Parks General Reserve Fund for Electoral Area A Community Parks as of December 31, 2010 had \$98,370 in funds available, plus interest accrued in the interim. The total cost of the project is estimated at \$63,105.00 and therefore an additional \$7,000 is required from the Electoral Area A Community Parks General Reserve Fund.

Submitted by,

Ryan Dias  
Parks Operations Superintendent  
Parks and Trails Division  
Parks, Recreation and Culture Department

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

RD/ca



R 8

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING  
OF JUNE 21, 2011

DATE: June 14, 2011

FILE NO:

FROM: Tom R. Anderson, General Manager

BYLAW NO:

SUBJECT: Proposed Cell Tower, North of Mill Bay, BC

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**Recommendation/Action:**

That the proponent be informed that the Regional District does not approve of the application to construct a Telecommunications Tower at the location identified at 820 Sheppard Road, Mill Bay as the proposed cell tower is at direct odds with the Trans Canada Highway Development Permit area Guidelines which were established to protect the visual aesthetics of the Trans Canada Highway corridor. And, that the proponent be requested to find a less visible location to locate such a tower.

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

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

**Background:**

We are in receipt of the background package regarding a proposal by Telus to erect a 60 metre (200 foot) cell tower on property just north of Mill Bay and immediately adjacent to the Trans Canada Highway (TCH) which is attached as **Appendix 1**.

The reasons given for the need for this tower are:

- To provide continuous wireless coverage and added cellular capacity for the surrounding area,
- To provide expanded cellular coverage to reach emergency services such as paramedics, police officers and fire fighters, and
- Offer an alternate to conventional landlines.

**Land-Use Authority and Public Consultation Process**

Industry Canada has established a Radiocommunication and Broadcasting Antenna Systems Process which is attached as **Appendix 2**. Section 4 outlines a Land-use Authority and Public Consultation Process which provides specific detail on the process the proponent must follow.

With regard to the proponents consultation with the **Land-use Authority Process**, they must consult with the Regional District prior to any construction with the aim of:

- Discussing site options;
- Ensuring that local processes related to antenna systems are respected;
- Addressing reasonable and relevant concerns from both the land use authority and the community they represent; and
- Obtaining land-use authority concurrence in writing.

The process states:

“Land-use authorities are encouraged to establish reasonable, relevant, and predictable consultation processes specific to antenna systems that consider such things as:

- The designation of suitable contacts or responsible officials;
- Proposal submission requirements; public consultation;
- Documentation of the concurrence process; and
- The establishment of milestones to ensure consultation process completion within **120 days**.

Where they have specific concerns regarding a proposed antenna system, land-use authorities are expected to discuss reasonable alternatives and/or mitigation measures with proponents.

Under their processes, land-use authorities may exclude from consultation any antenna system installation in addition to those identified by Industry Canada’s own consultation exclusion criteria. For example, an authority may wish to exclude from public consultation those installations located within industrial areas removed from residential areas, low visual impact installations, or certain types of structures located within residential areas.”

With regard to the **Public Consultation** Process, Section 4.2 identifies the process. Highlights include:

- Notification packages are forwarded to the local public (including nearby residences, community gathering areas, public institutions, schools, etc), neighbouring land-use authorities, businesses, and property owners, etc. located within a radius of three times the tower height,
- Notification provides at least **30 days** for written public comment, and
- Notification in a local newspaper.

In the end, the proponent is responsible for addressing all reasonable and relevant concerns.

No doubt there are many questions that will need to be addressed prior to the Regional District giving consideration to providing our “concurrence” to the establishment of such a tower in the location proposed. Questions such as:

- What area is this tower to provide coverage to?
- We are not aware of any wireless coverage problems in the Mill Bay, Cobble Hill or Shawnigan Lake areas, please identify the need for this tower?
- If this tower is being installed simply to handle increased capacity, why can’t existing towers be retrofitted to provide increased capacity?
- What other locations have been considered and why were they rejected?
- What is the radius of the area that this or another tower could be located within?
- Why a 60 metre height? Is it totally based upon location?

- What are the dimensions of the base of the tower?
- What on-site facilities will need to be located on the property?
- How much is the land owner compensated for the tower being located on the property?
- The land is in the ALR, is there a formal ALR application process that must be followed?
- Is local government given an opportunity to comment on the ALR application?
- There are three schools within close proximity to this tower, will they be consulted?
- This location is in the flight path to Victoria International Airport, is that a concern?
- If requested, would the proponent hold a public meeting in order for residence to have their concerns addressed?
- The regulations say that the proponent will need the "concurrence" of the land-use authority. Does that mean you will need a resolution from the Regional Board recommending that Industry Canada approve your application?

**Comment:**

While it is recognized that there is a growing use of mobile devices and the fact is that towers are the necessary evil of our reliance on such devices, however, the general indication received is that there is firm and adamant rejection of the location being proposed in this application. A 60 metre (200 foot) tower on pasture land immediately adjacent to the Trans Canada Highway with no tree cover to hide even a portion of the tower, that would be highly visible to not only the occupants of the 20,000 vehicles per day using that highway, but a large portion of Mill Bay and Cobble Hill residents, would appear to be headed for a denial regardless of the answers received to the above questions. Further, this Regional District has taken great strides to regulate the form and character of development along the Trans Canada Highway by way of maintaining strict adherence to the guidelines established in the Trans Canada Highway Development Permit Area of the Mill Bay/Malahat Official Community Plan. This cell tower is a direct affront to the community's desire to protect the visual aesthetics of the highway corridor. As such, it is recommended that this application be denied. If the Committee wishes to seek out the answers to the above questions before further consideration of this application then Option 2 should be considered.

**Options:**

1. That the proponent be informed that the Regional District does not approve of the application to construct a Telecommunications Tower at the location identified at 820 Sheppard Road, Mill Bay as the proposed cell tower is at direct odds with the Trans Canada Highway Development Permit area Guidelines which were established to protect the visual aesthetics of the Trans Canada Highway corridor. And, that the proponent be requested to find a less visible location to locate such a tower.
2. That the proponent be requested to appear at an upcoming Committee meeting in order to address questions and issues with regard to their application to construct a Telecommunications Tower at the location identified at 820 Sheppard Road, Mill Bay.

Submitted by,



Tom R. Anderson,  
General Manager  
Planning and Development Department

TRA/ca

# APPENDIX 1

June 7, 2011

Tom Anderson  
General Manager, Planning and Development  
Cowichan Valley Regional District  
175 Ingram St.  
Duncan, BC V9L 1N8

**Re: Public Consultation Package: Municipal Review  
Self Support Telecommunications Facility  
Alcatel-Lucent File: BC1741-1: Sheppard Rd & Hwy 1  
Municipal Address: 820 Sheppard Rd, Mill Bay, BC  
Legal Description: PARCEL A (DD 582931), SECTION 7, RANGE 9, SHAWNIGAN  
DISTRICT, EXCEPT PARTS IN PLANS 25066 AND VIP70887**

On behalf of our client TM Mobile Inc. ("TELUS"), in compliance with Industry Canada's Radiocommunication and Broadcasting Antenna Systems Process (CPC-2-0-03), and according to its Default Public Consultation Process, Alcatel-Lucent is pleased to submit to you the captioned package for your review and consideration.

Please find below a Public Consultation Package containing a description of the site location and context, the proposed wireless antenna facility, health and environmental standards as well as other information that will be distributed to a defined radius of land owners in the area. (Please refer to Section 4 of the attached Spectrum Management and Telecommunications CPC for radius requirements.)

In consideration of Alcatel-Lucent's site acquisition process the proposed facility is in the most suitable location and has been designed with consideration to current and proposed land uses. When complete, the facility will provide continuous wireless coverage and added cellular capacity for the surrounding area.

Sincerely,

**Alcatel-Lucent**



Bruce MacFarlane  
Municipal Affairs BC Market  
Alcatel-Lucent Canada  
Suite 100 – 4190 Still Creek Drive  
Burnaby, BC V5C 6C6  
Office: 604-430-3600  
Mobile: 778-960-8431  
Email: bruce.macfarlane@Alcatel-Lucent.com

## Proposed Facility Search Map

In consideration of its client's wireless service development, Alcatel-Lucent produced a search ring to find an appropriate location for a telecommunications site. With consideration of available telecommunications infrastructure resources in the area, it was concluded that a new site is required in order to satisfy the development of the TELUS network. Alcatel-Lucent is proposing a 60m telecommunications facility on a leased premise at 820 Sheppard Rd, Mill Bay, BC. TELUS' Radio Engineering Department selected this area as an appropriate location in order to maximize wireless coverage in the area and along the TransCanada Highway.



## Consultation with Cowichan Valley Regional District

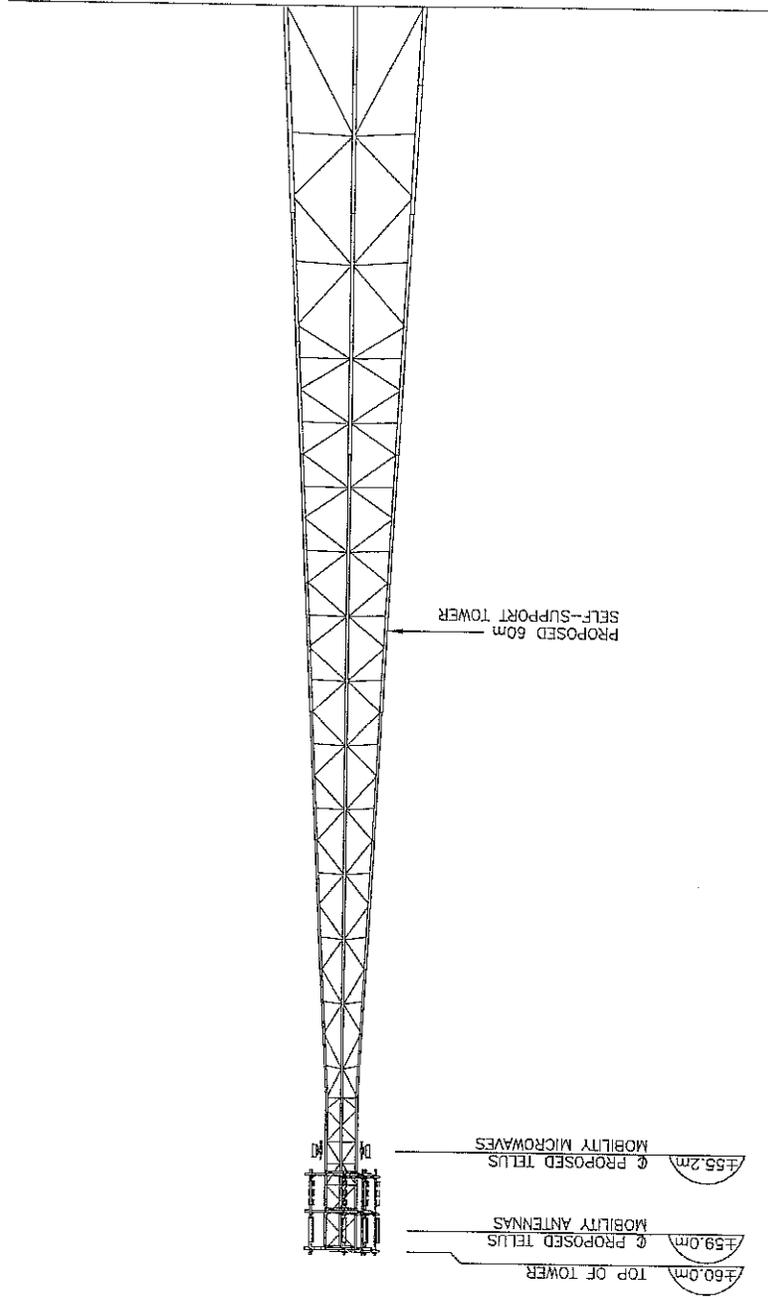
Consultation with the Cowichan Valley Regional District has been initiated. The submission of this proposal and subsequent public consultation activities are guided by Industry Canada's Default Consultation Process for municipalities.

## NAV Canada and Transport Canada Requirements

Alcatel-Lucent has applied to the appropriate federal navigational regulatory bodies for approval and will comply with subsequent requirements which may include lighting and marking.

*Drawings of proposed antenna system with height and dimensions.*

TOWER ELEVATION

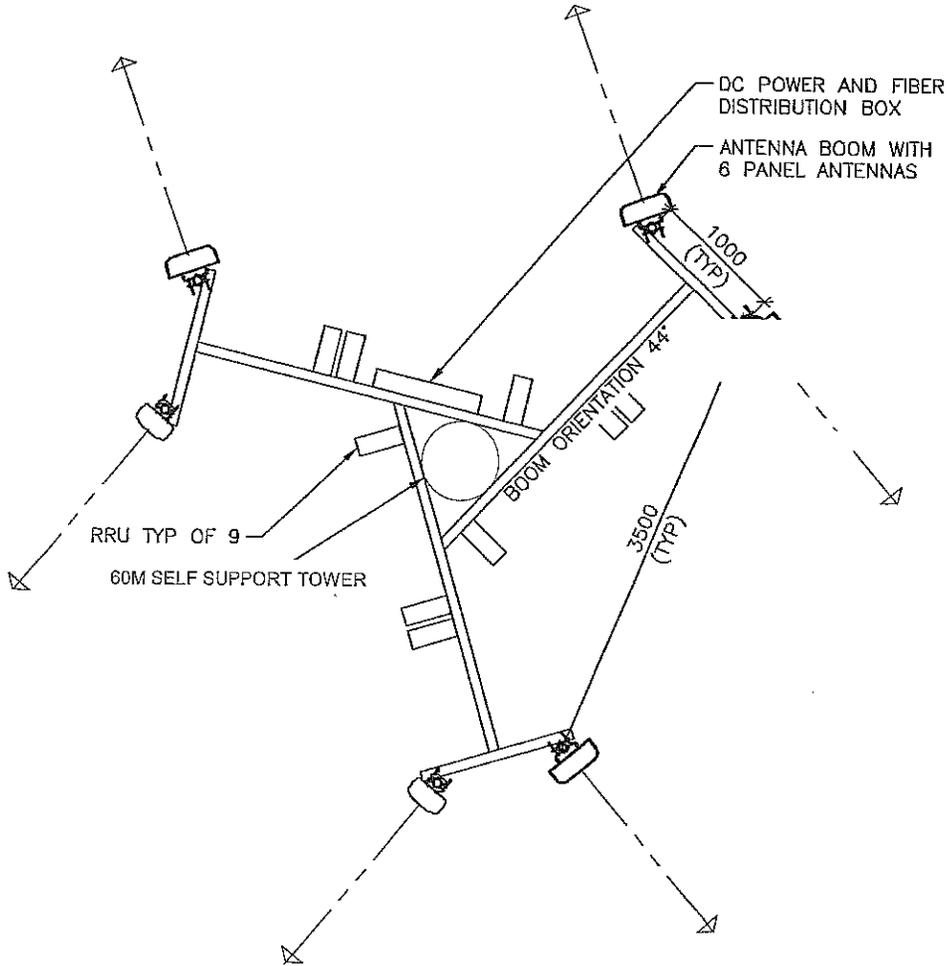


A) Self Support Tower with Antennas

Engineered Drawings of Proposed Facility

### B.) Antenna Design

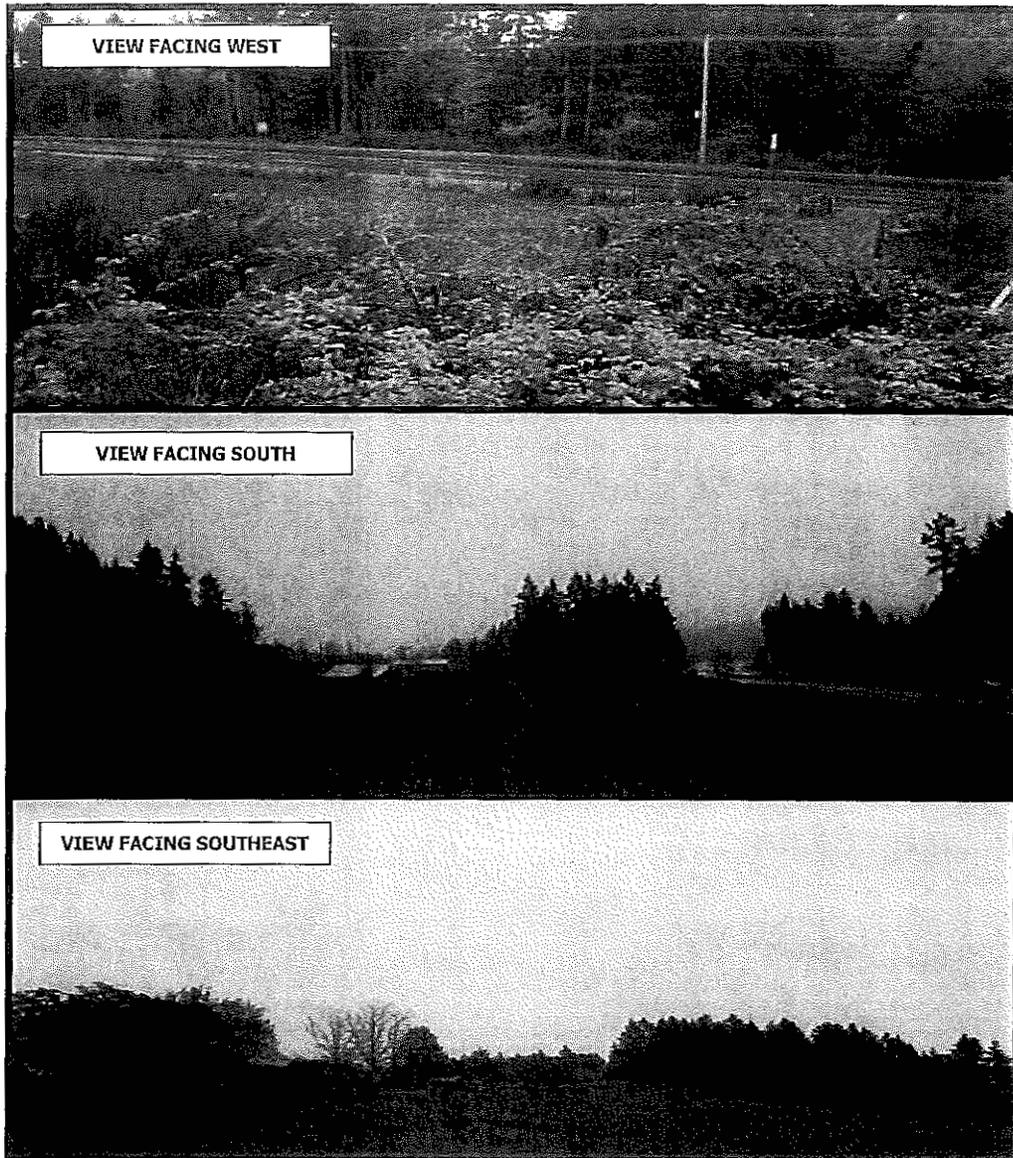
*Drawings showing mounted antennas.*



**1** ANTENNA LAYOUT  
1:50 27.7m AGL

**Images of Proposed Location:**

**820 Sheppard Road, Mill Bay, BC.**



Artist's Rendering of Proposed Facility:



## Health and Environmental Standards

Industry Canada manages the radio communications spectrum in Canada. Among other requirements, Industry Canada requires cellular telecommunications facilities to comply with guidelines set by Health Canada in order to protect people who live or work near these facilities. These Health Canada safety guidelines are outlined in their 'Safety Code 6' document and are among the most stringent in the world. All Alcatel-Lucent facilities meet or exceed these standards. The radio system described in this notification package is excluded from environmental assessment under the *Canadian Environmental Assessment Act*.

## Conclusion

Wireless communications contribute to the quality of everyday life. This proposal will satisfy demand for service to future subscribers in the area. Additionally, this facility will provide expanded cellular coverage to reach emergency services such as paramedics, police officers and fire fighters, and offer an alternate to conventional landlines.

## Contact Information:

### Alcatel Lucent:

Bruce MacFarlane  
Municipal Affairs BC Market  
Alcatel-Lucent Canada  
Suite 100 – 4190 Still Creek Drive  
Burnaby, BC V5C 6C6  
Office: 604-430-3600  
Mobile: 778-960-8431  
Email: bruce.macfarlane@alcatel-lucent.com

### Cowichan Valley Regional District

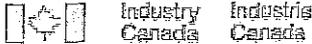
Tom Anderson.  
General Manager, Planning and Development  
Cowichan Valley Regional District  
175 Ingram St.  
Duncan, BC V9L 1N8  
tanderson@cvrd.bc.ca

### Industry Canada BC Region:

Industry Canada  
Suite 2000  
300 West Georgia Street  
Vancouver, British Columbia V6B 6E1  
Telephone: 604-666-5000  
Fax: 604-666-8330

General information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website <http://strategis.ic.gc.ca/antenna>.

# APPENDIX 2



Industry Canada > Radio, Spectrum and Telecommunications > Spectrum Management and Telecommunications > Official Publications > Procedures > Client Procedures Circulars (CPC)

## Spectrum Management and Telecommunications

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[Next](#)

### CPC-2-0-03 - Radiocommunication and Broadcasting Antenna Systems

**Issue 4, Released: June 2007, Effective: January 1, 2008**  
**Client Procedures Circular**

- [Radiocommunication and Broadcasting Antenna Systems](#) (HTML)
- [Radiocommunication and Broadcasting Antenna Systems](#) (PDF - 122 KB - 19 pages)
- Previous Issue - [Environmental Process, Radiofrequency Fields and Land-Use Consultation \(Client Procedure Circular 2-0-03\)](#) - Issue 3, June 1995 (Rescinded, January 1, 2008)

#### Related Links

- [Gazette Notice No. DGRB-001-07](#)  
[Release of Issue 4 of CPC-2-0-03, Radiocommunication and Broadcasting Antenna Systems](#)
- [Antenna Towers in Your Community \(Frequently Asked Questions\)](#)
- [Antenna Structures Home Page](#)

#### Comments and suggestions may be directed to the following address:

Industry Canada  
Radiocommunications and  
Broadcasting Regulatory Branch  
300 Slater Street  
Ottawa, Ontario  
K1A 0C8

Attention: DOSP

Via [email](mailto:spectrum_pubs@ic.gc.ca): [spectrum\\_pubs@ic.gc.ca](mailto:spectrum_pubs@ic.gc.ca)

All [Spectrum Management and Telecommunications publications](#) are available on the following website at: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/home>.

#### Contents

1. [Introduction](#)
  - 1.1 [Mandate](#)
  - 1.2 [Application](#)
  - 1.3 [Process Overview](#)
2. [Industry Canada Engagement](#)
3. [Use of Existing Infrastructure \(Sharing\)](#)
4. [Land-use Authority and Public Consultation](#)
  - 4.1 [Land-use Authority Consultation](#)

4.2 Industry Canada's Default Public Consultation Process

4.3 Concluding Consultation

5. Dispute Resolution Process

6. Exclusions

7. General Requirements

7.1 Radio Frequency Exposure Limits

7.2 Radio Frequency Immunity

7.3 Proximity of Proposed Structure to Broadcasting Undertakings

7.4 Canadian Environmental Assessment Act

7.5 Aeronautical Safety

Appendix 1 - Consultation Flow Chart

Appendix 2 - Industry Canada's Default Public Consultation Process - Public Notification Package

Footnotes

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## **1. Introduction**

Radiocommunication and broadcasting services are important for all Canadians and are used daily by the public, safety and security organizations, government, wireless service providers, broadcasters, utilities and businesses. In order for radiocommunication and broadcasting services to work, antenna systems including masts, towers, and other supporting structures are required. There is a certain measure of flexibility in the placement of antenna systems which is constrained to some degree by: the need to achieve acceptable coverage for the service area; the availability of sites; technical limitations; and safety. In exercising its mandate, Industry Canada believes that it is important that antenna systems be deployed in a manner that considers the local surroundings.

### **1.1 Mandate**

Section 5 of the *Radiocommunication Act* states that the Minister may, taking into account all matters the Minister considers relevant for ensuring the orderly development and efficient operation of radiocommunication in Canada, issue radio authorizations and approve each site on which radio apparatus, including antenna systems, may be located. Further, the Minister may approve the erection of all masts, towers and other antenna-supporting structures. Accordingly, proponents must follow the process outlined in this document when installing or modifying an antenna system. Also, the installation of an antenna system or the operation of a currently existing antenna system that is not in accordance with this process may result in its alteration or removal and other sanctions against the operator in accordance with the *Radiocommunication Act*.

### **1.2 Application**

The requirements of this document apply to anyone (referred to in this document as the proponent) who is planning to install or modify an antenna system regardless of the type of installation or service. This includes, amongst others, Personal Communications Services (PCS) and cellular, fixed wireless, broadcasting, land-mobile, licence-exempt and amateur radio operators. As well, parts of this process contain obligations that apply to existing antenna system operators.

### **1.3 Process Overview**

This document outlines the process that must be followed by proponents seeking to install or modify antenna systems. The broad elements of the process are as follows:

1. Investigating sharing or using existing infrastructure before proposing new antenna-supporting structures.

2. Contacting the land-use authority (LUA) to determine local requirements regarding antenna systems.
3. Undertaking public notification and addressing relevant concerns, whether by following local LUA requirements or Industry Canada's default process, as is required and appropriate.
4. Satisfying Industry Canada's general and technical requirements.

It is Industry Canada's expectation that steps (2) to (4) will normally be completed within 120 days. Some proposals may be excluded from certain elements of the process (see Section 6). It is Industry Canada's expectation that all parties will carry out their roles and responsibilities in good faith and in a manner that respects the spirit of this document.

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## 2. Industry Canada Engagement

There are a number of points in the processes outlined in this document where parties must contact Industry Canada to proceed. Further, anyone with any question regarding the process may contact the local Industry Canada office<sup>1</sup> for guidance. Based on a query by an interested party, Industry Canada may request parties to provide relevant records and/or may provide direction to one or more parties to undertake certain actions to help move the process forward.

## 3. Use of Existing Infrastructure (Sharing)

This section outlines the roles of proponents and owners/operators of existing antenna systems. In all cases, parties should retain records (such as analyses, correspondence and engineering reports) relating to this section.

Before building a new antenna-supporting structure, Industry Canada requires that proponents first explore the following options:

- consider sharing an existing antenna system, modifying or replacing a structure if necessary;
- locate, analyze and attempt to use any feasible existing infrastructure such as rooftops, water towers etc.

Proponents are not normally expected to build new antenna-supporting structures where it is feasible to locate their antenna on an existing structure, unless a new structure is preferred by land-use authorities.

Owners and operators of existing antenna systems are to respond to a request to share in a timely fashion and to negotiate in good faith to facilitate sharing where feasible. It is anticipated that 30 days is reasonable time for existing antenna system owners/operators to reply to a request by a proponent in writing with either:

- a proposed set of reasonable terms to govern the sharing of the antenna system; or
- a detailed explanation of why sharing is not possible.

---

## 4. Land-use Authority and Public Consultation

### Contacting the Land-use Authority

Proponents must always contact the applicable land-use authorities to determine the local consultation requirements unless their proposal falls within the exclusion criteria outlined in Section 6. If the land-use authority has designated an official to deal with antenna systems, then

proponents are to engage the authority through that person. If not, proponents must submit their plans directly to the council, elected local official or executive. Proponents are expected to establish initial formal contact with the land-use authority in writing in order to mark the official commencement of the 120-day consultation process.

Proponents should note that there may be more than one land-use authority with an interest in the proposal. Where no established agreement exists between such land-use authorities, proponents must, as a minimum, contact the land-use authority(ies) and/or neighbouring land-use authorities located within a radius of three times the tower height, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater. As well, in cases where proponents are aware that a potential Aboriginal or treaty right or land claim may be affected by the proposed installation, they must contact Industry Canada in order to ensure that the requirements for consultation are met.

### **Following the Land-use Authority Process**

Proponents must follow the land-use consultation process for the siting of antenna systems, established by the land-use authority, where one exists. In the event that a land-use authority's existing process has no public consultation requirement, proponents must then fulfill the public consultation requirements contained in Industry Canada's Default Public Consultation Process (see Section 4.2). Proponents are not required to follow this requirement if the LUA's established process explicitly excludes their type of proposal from consultation or it is excluded by Industry Canada's criteria. Where proponents believe the local consultation requirements are unreasonable, they may contact the local Industry Canada office in writing for guidance.

*we don't have one*

### **Broadcasting Undertakings**

Applicants for broadcasting undertakings are subject to Canadian Radio-television and Telecommunications (CRTC) licensing processes in addition to Industry Canada requirements. Although Industry Canada encourages applicants to consult as early as practical in the application process, in some cases it may not be prudent for the applicants to initiate public and municipal/land-use consultation before receiving CRTC approval, as application denial by the CRTC would result in unnecessary work for all parties involved. Therefore, assuming that the proposal is not otherwise excluded, broadcasting applicants may opt to commence land-use consultation after having received CRTC approval. However, broadcasting applicants choosing this option are required, at the time of the CRTC application, to notify the land-use authority with a Letter of Intent outlining a commitment to conduct consultation after receiving CRTC approval. If the land-use authority raises concerns with the proposal as described in the Letter of Intent, applicants are encouraged to engage in discussions with the land-use authority regarding their concerns and attempt to resolve any issues. See Broadcasting Procedures and Rules, Part 1 (BPR-1), for further details.

## **4.1 Land-use Authority Consultation**

Industry Canada believes that any concerns or suggestions expressed by land-use authorities are important elements to be considered by proponents regarding proposals to install, or make changes to, antenna systems. As part of their community planning processes, land-use authorities should facilitate the implementation of local radiocommunication services by establishing consultation processes for the siting of antenna systems.

Unless the proposal meets the exclusion criteria outlined in Section 6, proponents must consult with the local land-use authority(ies) on any proposed antenna system prior to any construction with the aim of:

- discussing site options;
- ensuring that local processes related to antenna systems are respected;
- addressing reasonable and relevant concerns (see Section 4.2) from both the land-use authority and the community they represent; and
- obtaining land-use authority concurrence in writing.

Land-use authorities are encouraged to establish reasonable, relevant, and predictable consultation processes<sup>2</sup> specific to antenna systems that consider such things as:

- the designation of suitable contacts or responsible officials;
- proposal submission requirements;
- public consultation;
- documentation of the concurrence process; and
- the establishment of milestones to ensure consultation process completion within **120 days**.

Where they have specific concerns regarding a proposed antenna system, land-use authorities are expected to discuss reasonable alternatives and/or mitigation measures with proponents.

Under their processes, land-use authorities may exclude from consultation any antenna system installation in addition to those identified by Industry Canada's own consultation exclusion criteria (Section 6). For example, an authority may wish to exclude from public consultation those installations located within industrial areas removed from residential areas, low visual impact installations, or certain types of structures located within residential areas.

## 4.2 Industry Canada's Default Public Consultation Process

Proponents must follow Industry Canada's Default Public Consultation Process where the local land-use authority does not have an established and documented public consultation process applicable to antenna siting. Proponents are not required to follow Industry Canada's Default Public Consultation Process if the land-use authority's established process explicitly excludes their type of proposal from public consultation or it is excluded by Industry Canada's criteria (see Section 6). Industry Canada's default process has three steps whereby the proponent:

1. provides written notification to the public, the land-use authority and Industry Canada of the proposed antenna system installation or modification (i.e. *public notification*);
2. engages the public and the land-use authority in order to address relevant questions, comments and concerns regarding the proposal (i.e. *responding to the public*); and
3. provides an opportunity to the public and the land-use authority to formally respond in writing to the proponent regarding measures taken to address reasonable and relevant concerns (i.e. *public reply comment*).

### Public Notification

1. Proponents must ensure that the local public, the land-use authority and Industry Canada are notified of the proposed antenna system. As a minimum, proponents must provide a notification package (see Appendix 2) to the local public (including nearby residences, community gathering areas, public institutions, schools, etc.), neighbouring land-use authorities, businesses, and property owners, etc. located within a radius of three times the tower height, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc.
2. It is the proponent's responsibility to ensure that the notification provides at least **30 days** for written public comment.
3. In addition to the minimum notification distance noted above, in areas of seasonal residence, the proponent, in consultation with the land-use authority, is responsible for determining the best manner to notify such residents to ensure their engagement.
4. In addition to the public notification requirements noted above, proponents of antenna-supporting structures that are proposed to be 30 metres or more in height must place a notice in a local community newspaper circulating in the proposed area.<sup>3</sup>

### Responding to the Public

Proponents are to address all reasonable and relevant concerns, make all reasonable efforts to resolve them in a mutually acceptable manner and must keep a record of all associated

communications. If the local public or land-use authority raises a question, comment or concern relating to the antenna system as a result of the public notification process, then the proponent is required to:

1. respond to the party in writing within **14 days** acknowledging receipt of the question, comment or concern and keep a record of the communication;
2. address in writing all reasonable and relevant concerns within **60 days** of receipt or explain why the question, comment or concern is not, in the view of the proponent, reasonable or relevant; and
3. in the written communication referred to in the preceding point, clearly indicate that the party has **21 days** from the date of the correspondence to reply to the proponent's response. The proponent must provide a copy of all public reply comments to the local Industry Canada office.

Responding to reasonable and relevant concerns may include contacting a party by telephone, engaging in a community meeting or having an informal, personal discussion. Between steps 1 and 2 above, the proponent is expected to engage the public in a manner it deems most appropriate. Therefore, the letter at step 2 above may be a record of how the proponent and the other party addressed the concern at hand.

### **Public Reply Comments**

As indicated in step 3 above, the proponent must clearly indicate that the party has **21 days** from the date of the correspondence to reply to the response. The proponent must also keep a record of all correspondence/discussions that occurred within the **21-day** public reply comment period. This includes records of any agreements that may have been reached and/or any concerns that remain outstanding.

The factors that will determine whether a concern is reasonable or relevant according to this process will vary but will generally be considered if they relate to the requirements of this document and to the particular amenities or important characteristics of the area surrounding the proposed antenna system. Examples of concerns that proponents are to address may include:

- Why is the use of an existing antenna system or structure not possible?
- Why is an alternate site not possible?
- What is the proponent doing to ensure that the antenna system is not accessible to the general public?
- How is the proponent trying to integrate the antenna into the local surroundings?
- What options are available to satisfy aeronautical obstruction marking requirements at this site?
- What are the steps the proponent took to ensure compliance with the general requirements of this document including the *Canadian Environmental Assessment Act (CEAA)*, Safety Code 6, etc.?

Concerns that are not relevant include:

- disputes with members of the public relating to the proponent's service, but unrelated to antenna installations;
- potential effects that a proposed antenna system will have on property values or municipal taxes;
- questions whether the *Radiocommunication Act*, this document, Safety Code 6, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

### **4.3 Concluding Consultation**

The proponent may only commence installation/modification of an antenna system after the consultation process has been completed by the land-use authority, or Industry Canada confirms concurrence with the consultation portion of this process, and after all other requirements under

this process have been met. Consultation responsibilities will normally be considered complete when the proponent has:

1. concluded consultation requirements (Section 4.1) with the land-use authority;
2. carried out public consultation either through the process established by the land-use authority or the Industry Canada's Default Public Consultation Process where required; and
3. addressed all reasonable and relevant concerns.

#### **Concluding Land-use Authority Consultation**

Industry Canada expects that land-use consultation will be completed within **120 days** from the proponent's initial formal contact with the local land-use authority. Where unavoidable delays may be encountered, the land-use authority is expected to indicate when the proponent can expect a response to the proposal. If the authority is not responsive, the proponent may contact Industry Canada. Depending on individual circumstances, Industry Canada may support additional time or consider the land-use authority consultation process concluded.

Depending on the land-use authority's own process, conclusion of local consultation may include such steps as obtaining final concurrence for the proposal via the relevant committee, a letter or report acknowledging that the relevant municipal process or other requirements have been satisfied, or other valid indication, such as the minutes of a town council meeting indicating LUA approval. Compliance with informal city staff procedures, or grants of approval strictly related to zoning, construction, etc. will not normally be sufficient.

Industry Canada recognizes that approvals for construction (e.g. building permits) are used by some land-use authorities as evidence of consultation being concluded. Proponents should note that Industry Canada does not consider the fact a permit was issued as confirmation of concurrence, as different land-use authorities have different approaches. As such, Industry Canada will only consider such approvals as valid when the proponent can demonstrate that the LUA's process was followed and that the LUA's preferred method of concluding LUA consultation is through such an approval.

#### **Concluding Industry Canada's Default Public Consultation Process**

Industry Canada's Default Public Consultation Process will be considered concluded when the proponent has either:

- received no written questions, comments or concerns to the formal notification within the **30-day** public comment period; or
- if written questions, comments or concerns were received, the proponent has addressed and resolved all reasonable and relevant concerns and the public has not provided further comment within the **21-day** reply comment period.

In the case where the public responds within the **21-day** reply comment period, the proponent has the option of making further attempts to address the concern on its own, or can request Industry Canada engagement. If a request for engagement is made at this stage, Industry Canada will review the relevant material, request any further information it deems pertinent from any party and may then decide that:

- the proponent has met the consultation requirements of this process and that Industry Canada concurs that installation or modification may proceed; or
- the parties should participate in further attempts to mitigate or resolve any outstanding concern.

## 5. Dispute Resolution Process

The dispute resolution process is a formal process intended to bring about the timely resolution where the parties have reached an impasse.

Upon receipt of a written request, from a stakeholder other than the general public, asking for Departmental intervention concerning a reasonable and relevant concern, the Department may request that all involved parties provide and share all relevant information. The Department may also gather or obtain other relevant information and request that parties provide any further submissions if applicable. The Department will, based on the information provided, either:

- make a final decision on the issue(s) in question, and advise the parties of its decision; or
- suggest the parties enter into an alternate dispute resolution process in order to come to a final decision. Should the parties be unable to reach a mutually agreeable solution, either party may request that the Department make a final decision.

Upon resolution of the issue under dispute, the proponent is to continue with the process contained within this document as required.

## 6. Exclusions

For the following types of installations, proponents are excluded from the requirement to consult with the LUA and the public, but must still fulfill the General Requirements outlined in Section 7:

- maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
- addition or modification of an antenna system (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure or other radio apparatus to existing infrastructure, a building, water tower, etc. provided the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height;
- maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;
- installation, for a limited duration (typically not more than 3 months), of an antenna system that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during the emergency, and is removed within 3 months after the emergency or special event; and
- new antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres above ground level.

Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria above should be applied in consideration of local circumstances. Consequently, it may be prudent for the proponents to consult the LUA and the public even though the proposal meets an exclusion noted above. Therefore, when applying the criteria for exclusion, proponents should consider such things as:

- the antenna system's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;
- the location of the proposed antenna system on the property and its proximity to neighbouring residents;
- the likelihood of an area being a community-sensitive location; and
- Transport Canada marking and lighting requirements for the proposed structure.

Proponents who are not certain if their proposed structure is excluded, or whether consultation may still be prudent, are advised to contact the land-use authority and/or Industry Canada for guidance.

#### Information on Downloading a PDF Reader

To access the Portable Document Format (PDF) version you must have a PDF reader installed. If you do not already have such a reader, there are numerous PDF readers available for free download or for purchase on the Internet:

- [Adobe Reader](#)
- [Foxit Reader](#)
- [Xpdf](#)
- [eXPert PDF Reader](#)

[Next](#)

Date Modified: 2010-04-19



R9

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING  
OF JUNE 21, 2011

DATE: June 15, 2011 FILE NO:  
FROM: Tom R. Anderson, General Manager BYLAW NO:  
SUBJECT: Administrative Process to Release Covenants and Agreements

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**Recommendation/Action:**

Direction of the Committee is requested.

**Relation to the Corporate Strategic Plan:**

Under Service Excellence the Strategic Action states: Review organizational processes and streamline where appropriate to improve efficiency and reduce costs

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

**Background:**

There is a desire by the Committee to streamline our development procedures process by reviewing the necessity of having to have covenants and agreements formally released by the Regional Board. The following motion was passed at the April 19, 2011 EASC meeting.

**That staff be directed to prepare a report for consideration by the Committee on the administrative process to release covenants and other commitment requirements as permitted under provincial regulations that would not require subsequent approval by the Committee and Board.**

First, let's review the types of covenants and agreements that are commonly required by this Regional District to be placed on the title of a land owner which may ultimately have to be released.

1. **Covenants to protect environmentally sensitive of other significant site features**  
*Examples: riparian area protection; tree protection; foreshore protection; protection of heritage or archaeological features.*
2. **Covenants to secure rezoning or other development commitments**  
*Examples: public land dedication, park and trail improvements, monetary contributions (e.g. payment to fire dept.), inclusion of land in ALR, public art, affordable housing.*
3. **Covenants to back-up or supplement zoning or other land use bylaws**  
*Examples: Covenants to preclude subdivision of secondary suites; to prohibit occupancy of accessory buildings as dwellings; to reinforce terms and conditions of phased development agreements; to exclude specific uses from zoning.*

**4. Covenants to allow deferral of bylaw requirements**

*Examples: "no build" and/or "no subdivide" covenants until identified requirements have been satisfied such as servicing or fire protection.*

**5. Covenants to notify current or future owners**

*Examples: "Warning" covenants to inform owners of activities such as working farms, airport noise, industrial activity.*

**6. Covenants to save us from harm**

*Examples: better known as "save harmless covenants", are placed on the title of properties where there are concerns with floodplain or geo-technical matters. Such a covenant usually remains on title in perpetuity in order to reduce Regional District liability if something such as a flood or land slip were to occur.*

**7. Notices on Title to reduce RD liability and notify future owners of building deficiencies**

*Examples: structures that have been built without a building permit that may pose a threat to health and safety. It should be noted that existing legislation already allows staff to have the Notice removed from title if the deficiencies have been corrected.*

Next, we must determine whether it is legal to delegate the authority to release such documents to senior staff. According to our legal advisor, this is a power that can be delegated to a staff position such as the General Manager of Planning and Development provided that a regional district delegation bylaw is passed which establishes this position as an Officer of the Regional District and assigns powers, duties and functions applicable to the position. This bylaw must be approved by 2/3 of the votes cast. The Board may, however, simply expand the authority of one or all three of the existing Officer positions of the Regional District to release these covenants and agreements by passing a resolution delegating the Board's authority to carry out the desired duties. Current Officers of the Regional District are the Administrator, Treasurer and Corporate Secretary. The latter process is likely the most logical avenue to follow as to create a new Officer position carries with it a whole different set of implications.

Finally, is it appropriate or desirable to delegate such authority? From a staff perspective, we can not foresee any significant problems in being delegated this authority. The key here is that staff ensure that the Director for the Electoral Area is informed on any significant matters which may result from the release of the covenant or agreement and that release by Staff does not contravene the Board's corporate powers in delegating its authority pursuant to the *Local Government Act*, the *Community Charter*, and other applicable legislation. Further, if staff are unsure or hesitant to release the covenant or agreement, then it is always their prerogative to forward a report to the Committee or Regional Board to have the decision made at that higher level.

Given the information within this report, it is now appropriate for the Committee to consider whether to proceed with delegating all or some of the authority to release covenants or agreements. Staff will be available to answer questions at the Committee meeting.

Submitted by,



Tom R. Anderson,  
General Manager  
Planning and Development Department



CVRD

RE C1

COWICHAN VALLEY REGIONAL DISTRICT

SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS) Services Department

Submitted by Director G. Giles Area C

Grantee: \_\_\_\_\_ Grant Amount \$ 500.00

NAME: Victoria Foundation  
Garden House Foundation

ADDRESS: 1070 Braithwaite Drive  
Cobble Hill BC V0R 1L4

Contact Phone No: Jim + Jackie Barker 743-4627

PURPOSE OF GRANT: to support those in need in the South End

REQUESTED BY: \_\_\_\_\_  
Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
<u>01-2-1950-0360-113</u>	<u>500.00</u>	<u>10.0</u>

**FOR FINANCE USE ONLY**

BUDGET APPROVAL [Signature]

VENDOR NO. \_\_\_\_\_

**Disposition of Cheque:**

Mail to above address: \_\_\_\_\_

Return to \_\_\_\_\_

Attach to letter from \_\_\_\_\_

Other \_\_\_\_\_

Approval at Regional Board Meeting of \_\_\_\_\_

\_\_\_\_\_  
Finance Authorization

## Sharon Moss

---

**From:** Gerry Giles [ggiles12@shaw.ca]  
**Sent:** Monday, June 13, 2011 8:56 PM  
**To:** Sharon Moss  
**Subject:** Grant in Aid  
**Attachments:** Garden House Foundation.pdf

Hello Sharon,  
Could the attached grant in aid request from the Garden House Foundation please be processed for \$500 from the Cobble Hill grant in aid fund. Also, when this is done could I please obtain an updated copy of the funding provided from the Cobble Hill grant in aid function for 2011. Thank you.  
Gerry

# GARDEN HOUSE FOUNDATION

*[Faint, illegible stamp]*  
JUN 10 2011

Ms Gerry Giles  
Area C Director and CVRD Chair  
Cowichan Valley Regional District  
June 8, 2011

Dear Gerry:

We wish to apply for grant-in-aid funding for the Garden House Foundation.

The foundation was formed in the fall of 2008 under the umbrella of the Victoria Foundation. The main goals of the foundation are to support families in crisis and animals in need. The foundation also supports recycling as well as the Community Resource Bus, which promotes early and family literacy.

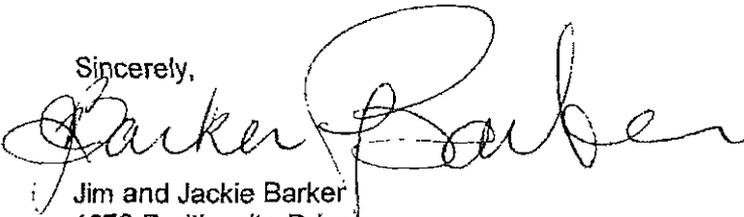
Funds in the Garden House Foundation will be held in perpetuity by the Victoria Foundation and annual grants derived from the interest on those funds will be made to local Cowichan Valley organizations including Cowichan Valley Family Life, Cowichan Women Against Violence and the SPCA. Each of those organizations provide services to residents throughout the Cowichan Valley.

Financial support from our south-end communities will greatly assist us in growing our granting base and will mean that more funds can go each year to support those in need in our community, both now and in the future.

Should we be successful in receiving a grant, please note that the cheque should be made out to the Victoria Foundation, with a memo on the cheque directing the funds into the Garden House Foundation. The cheque could be mailed to us and we would then pass it along to the Victoria Foundation and a receipt would be mailed back to the CVRD.

Thank you for your consideration.

Sincerely,



Jim and Jackie Barker  
1070 Braithwaite Drive  
Cobble Hill BC V0R 1L4  
jbarker@shaw.ca  
(250) 743-4627

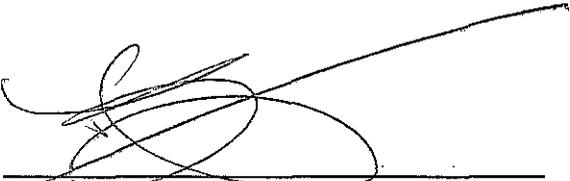


**MEMORANDUM**

**DATE:** June 14, 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 MAY, 2011

There were 44 Building Permits and 1 Demolition Permit(s) issued during the month of May, 2011 with a total value of \$ 4,574,750.

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"				941,650	84,980		7	37	1,026,630	5,197,590
"B"				667,630	92,420		9	37	760,050	2,939,300
"C"	2,500			439,760	82,680		6	15	524,940	1,602,415
"D"	1,000			583,860	62,880		6	21	647,740	2,288,300
"E"				237,570	163,950		3	15	401,520	2,270,760
"F"				308,890	37,500		3	9	346,390	712,735
"G"					56,960		2	11	56,960	1,338,580
"H"				637,520	20,000		6	15	657,520	1,643,180
"I"					153,000		3	15	153,000	2,050,960
<b>Total</b>	<b>\$ 3,500</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 3,816,880</b>	<b>\$ 754,370</b>	<b>\$ -</b>	<b>45</b>	<b>175</b>	<b>\$ 4,574,750</b>	<b>\$ 20,043,820</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

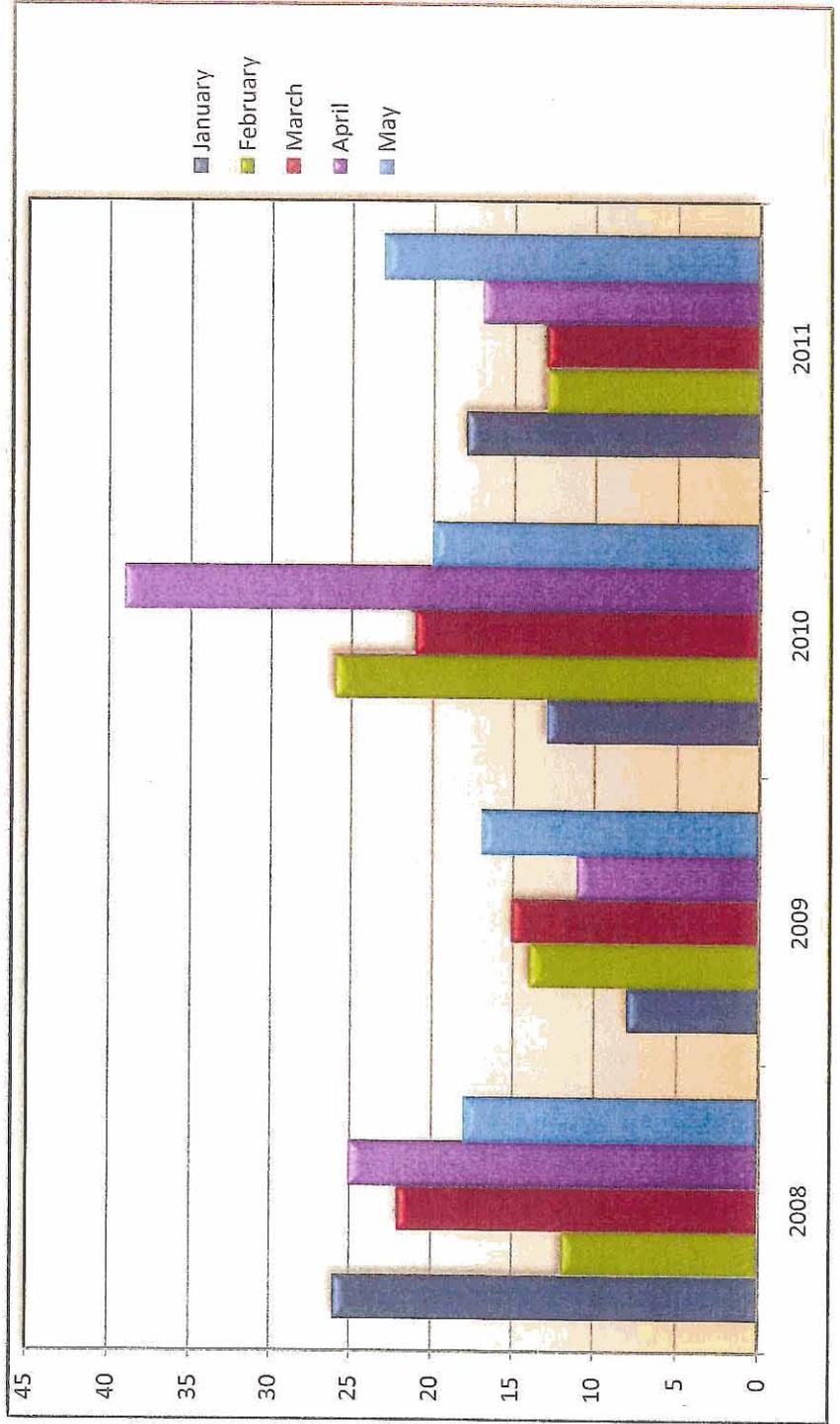
INI



C.V.R.D

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
May	18	17	20	23
<b>YTD Totals</b>	<b>103</b>	<b>65</b>	<b>119</b>	<b>84</b>

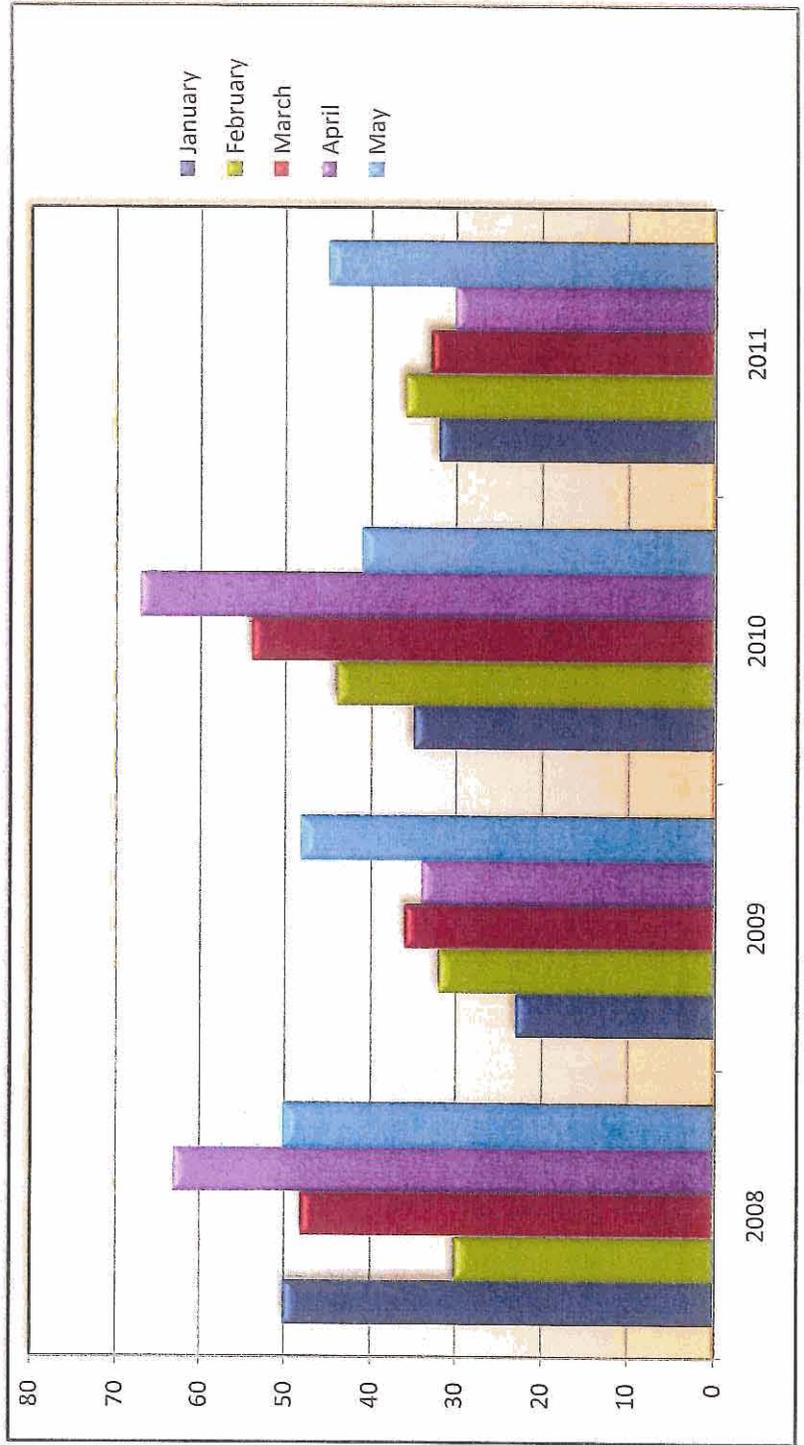




C.V.R.D.

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
May	50	48	41	45
<b>YTD Totals</b>	<b>241</b>	<b>173</b>	<b>241</b>	<b>176</b>



RECEIVED

IN 2

May 5th, 2011

7:00 p.m.

**Minutes of the Electoral Area B Advisory Planning Commission held on the above noted date and time at Shawnigan Community Centre .**

**Present:**

**APC members:** Chair Graham Ross-Smith, Vice-Chair Sara Middleton, , recording secretary Cynara de Goutiere, Carol Lane, John Clark, Rod MacIntosh, Roger Painter.

**Guest:** Rob Conway

**Delegations:** Craig Partridge and Ron Sharpe, Danny Carrier

Several members of the public were also present.

**ORDER OF BUSINESS**

**1) Introductions.**

**2) Craig Partridge and Ron Sharpe** made a brief presentation of the reworking of the application 1B09RS they had made in April of 2010.

**3) Danny Carrier spoke to the Subdivision Application 10-B-10SA (JE Anderson and Associates for Cullin Holdings Ltd.)** Normally APC would not be asked to comment on such an application, however, in the public interest the issues of intense settlement in the fragile and already damaged SPEA have been put in our purview. Our comments would be forwarded to the Provincial Approving Officer.

The R3 zoned 3.1 ha property is proposed to have 3 fee simple lots and 13 bare land strata lots on community water. Development Permit application has been applied for. Septic systems have been approved.

The proposal under bare lot strata regulation, is largely within allowable use under the current OCP. However, the minimum parcel frontage is non compliant to the 10% perimeter rule. The high density that is proposed on this R3 parcel has also been enabled by the CVRD's expansion of Shawnigan Lake North Water Service Area to these lots (Bylaw #3353 Feb10/2010) Park dedication is still being negotiated. The natural boundary has been resurveyed and subject to approval, enlarged, thus enabling yet more density.

Mr. Carrier reported that the owners are sorry for the damage done 3 years ago, and have been attempting, under the guidance of a biologist, to replant and restore the SPEA.

They feel that the Development Permit, which has been applied for and a Covenant should take care of the issue of restoration of the SPEA.

Members of the public and Area B Parks Commission aired viewpoints and leveled questions that reflected concern about the past and potential degradation of the property with this intense development proposal. There is also concern about Park dedication and public lakeside access. The developer's lack of communication and involvement with the community has increased frustration.

It was asked of Mr. Carrier if the developers would consider holding public meetings so that the issues could be respectfully addressed.

**4) Minutes of February meeting.** Motion to accept minutes of February/2011. Motion seconded and carried.

**5) Discussion of Subdivision Application 10-B-10SA (JE Anderson and Associates for Cullin Holdings Ltd.)**

**Summary of APC comments to be forwarded to the CVRD and Approving Officer.**

Given:

- the lack of information and issues created by the developer in their original clearing of the land
- the community's large dependence on the lake for quality drinking water
- the intense interest by the community in the quality of our lakeshore stewardship
- and the community opinion that road ends, lakeshore park and public access to our lake be secured

the changes that will soon be instituted in our new Shawnigan Official Community Plan regarding subdivisions and sewer systems surrounding the lake and the need to protect the quality of our water in Shawnigan Lake in the future,

- the extreme density of lots proposed

It is in the public interest:

- that the developers consider responding to the community's needs and hold a public meeting to answer questions and convey what remediation measures and solutions they propose.
- that the Ministry of Transportation and Infrastructure Approving Officer also hold a public meeting.

- That the CVRD hold a public meeting about the Park dedication
- that Parkland negotiation favours community access to lake.
- that a CVRD community sewer system be established for any subdivision of this site.
- that parcel frontage variance be denied and that lot frontage will be based on the minimum 10% of parcel perimeter.
- that if the subdivision is approved that the number of lots be reduced so as to improve vegetation remediation
- that there be DPA on the land adjacent to the SPEA *and* especially on restoration areas which may end up being outside the SPEA if the resurveyed highwater line is established; such that development is not deleterious to the success of the restoration.
- that there be a performance bond posted, and that a post construction report be required proving adherence to Section 4 of the Assessment Report.
- that a covenant be secured to protect and maintain restoration of the SPEA and adjacent restoration areas and that the covenant be sufficiently detailed:
  - Requiring the developer to permanently demarcate the natural boundary, preferably with a fence, and to make the retention and maintenance of the fence or boundary markers by the strata council and its members a condition of a covenant applicable to the strata title area of the Cullin Rd. property.
  - Requiring the developer and the strata properties owners to enter into a covenant prohibiting the removal of, damage to or destruction of any of the indigenous flora and fauna living within the SPEA and restoration areas.
  - Requiring the developer and the strata properties owners to enter into a covenant prohibiting the placement or construction of any structure on the SPEA, with the exception of one common-property wharf (dock) to serve all the strata title lots.

**7) Meeting adjourned.**

INS

## Meeting of the Area E Advisory Planning Commission (APC)

May 26, 2011, Glenora Community Hall

Members Present: Frank McCorkell (Chair)  
Ben Marrs  
Keith Williams  
David Tattam  
Dan Ferguson (arrived 7:15 pm)

Also Present: Director Loren Duncan  
Rob Conway (CVRD Staff)  
Jason Waldron (Applicant for 5-E-11DP/RAR/VAR)  
John and Katy Ehrlich (Applicants for 1-E-11RS)

### Application 5-E-11DP/RAR/VAR (Waldron):

The APC visited the subject property at Marshal Road at 6:00pm.

The regular meeting commenced at Glenora Hall at 6:40pm.

Jason Waldron described his application for a development permit and a variance to the required setback from Glenora Creek.

Director Duncan explained the recent changes to the Area E Zoning Bylaw to discourage encroachment into the Streamside Protection and Enhancement Area (SPEA).

The APC discussed differences between how the SPEA boundary and zoning setback are measured. The APC expressed a desire to maintain a twenty metre setback for the proposed dwelling from the natural boundary of the creek. The applicant agreed to confirm with the Qualified Environmental Professional (QEP) that a 20 metre setback can be achieved and to communicate this to planning staff.

### **Motion:**

1. *That the dwelling be a minimum of 20 metres from the natural boundary of Glenora Creek and that the natural boundary be confirmed by a QEP.*
2. *That the variance of the 7.5 metre setback from the SPEA be granted subject to construction of a permanent cedar fence along the SPEA boundary within 15 metres of the dwelling.*

Motion carried unanimously.

**Application 1-E-11RS (Alderlea Farm):**

The applicants provided an overview of the rezoning application.

Director Duncan reviewed and explained the draft A-5 zone.

Some concerns were expressed about an additional dwelling on the subject property and possibility of a dog kennel if the proposed zoning change is adopted. It was noted that if the rezoning application is successful, the upper level of the new structure could be used as a dwelling if the required building upgrades are completed.

The possibility of the owners obtaining a liquor license for the café was discussed. The Commission did not object to the sale of local beer and wine for the café, but would be concerned about the sale of hard liquor or an establishment that primarily sold liquor. Director Duncan indicated he would request that any application for a liquor license be presented at a public meeting.

A maximum occupancy limit of 65 patrons was supported.

On-site parking was discussed. The applicants indicated they can accommodate parking on the property or on adjacent property with permission from the owners.

***Motion:***

*That application 1-E-11RS be approved and that the subject property be rezoned from R-1 to an amended A-5 zone subject to Kennel being excluded as a permitted use.*

Motion carried unanimously.

Meeting adjourned at approximately 8:20 pm.

IN 4

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

DATE: May 10, 2011

TIME: 7:00pm

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

**PRESENT:**

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

**ALSO PRESENT:**

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

**REGRETS:**

**GUESTS:**

**ACCEPTANCE OF AGENDA**

*It was Moved and Seconded to accept the agenda.*

**MOTION CARRIED**

**ACCEPTANCE OF MINUTES**

*It was Moved and Seconded that the minutes of April 12, 2011 be accepted with the following amendment:*

*Gillian Scott was present, Ken Wilde sent his regrets.*

**MOTION CARRIED**

**BUSINESS ARISING**

- **Billy Goat Island** ~ is coming before the Board on May 11, 2011 again

**CORRESPONDENCE**

- NONE

**DIRECTOR'S REPORT**

- TimberWest is trying very hard not to deal with the dust, dirt, mud, etc coming off logging trucks when they come through Youbou, a wash station complete with grease traps, etc making it environmentally acceptable would be a great expense, **MoTI and TimberWest are meeting with CVRD staff May 11, 2011**; one (1) km of the haul road has been coated with oil to help alleviate the current problem
- 50km signs have been installed at the east end of Youbou and at Shop 'n Save heading east
- **ICBC looks after 'Children Playing On Highway' signs and Mainroad Contracting looks after 'Entering Youbou – slow down' etc signs; M. Stewart to look after contacting both parties**

**COWICHAN LAKE RECREATION**

- Lake Days Dance on June 11<sup>th</sup> is featuring a local band – 'Joint Chiefs' – with tickets selling

for \$20 each

#### CHAIRPERSON'S REPORT

- Park Walk on May 1<sup>st</sup> was attended by D. Charney, D. Nickel, G. Scott, M. Stewart, and G. Thom
- the access to Swordfern Park is inaccessible for anyone wanting to get a canoe into the water

#### COWICHAN VALLEY REGIONAL DISTRICT

- Ryan Dias reports there is \$1600 left for minor capital projects in the budget; **Director Kuhn believes it to be \$12 000 and will look into it**
- repairs to Woodland Shores playfield was \$320; the grass was rolled and reseeded with the irrigation system being undamaged
- Stoker Park will be reseeded
- Arbutus Park yard light has been re-set; the pressure pump has been replaced and **plumber Orest Symeniuk will spend some time finding a broken underground pipe**; there was some vandalism behind the lifeguard shack; two (2) new toilets have been installed; porta-potties were in by May 1<sup>st</sup>
- porta-potty surround and Hard Hat Shack have been painted
- **widow-maker at Hard Hat Shack will be taken care of by the Fire Department**
- signs warning of elk in the park have been installed at Price Park

#### OLD BUSINESS

- Memorial Bench at Mile 77 Park along the path to the water has been installed; plaque costs are \$12-\$15 for plastic and \$25 for brass; **Commission decided on brass which will be purchased at Heritage House in Duncan with cost to be split among members**; the plaque will say, 'In Memory of Wayne Palliser, a valued member of the Area I Parks Commission and keeper of the gnomes'.
- Student Crew pulled broom at Creekside along the pathway and painted the surround and Hard Hat Shack
- **Gatekeeper is still needed for Stoker Park, M. Stewart will call Roger Wiles to see if he's interested**
- Mann Property – D. Charney, G. Scott, M. Stewart, G. Thom, Dan Brown (CVRD staff), and surveyor walked the park; Nino Morano (CVRD Bylaw Officer) feels that talking with Don Mann about the invasion into the riparian area will only force him to get a QEP who'll say everything is okay; entire parkland is in the RAR; any development on a water course needs to have a fence installed along the riparian border; much discussion was held by the Commission about the pros and cons of giving up the covenant along the foreshore in exchange for increased ROW allowing for future access from current greenspace along the water to future parkland development on Bald Mountain

*It was Moved and Seconded by Area I (Youbou/Meade Creek) Parks Commission that the current covenant on the waterfront trail could be removed in exchange for:*

- 1) *the .9ha offered by the developer,*
- 2) *a diagonal covenant running from the southwest corner of the property to Blackwood by way of the waterpark along the existing roadway and*
- 3) *trail brushed out on fee simple (.9ha) property offered by the developer*

**MOTION CARRIED** (M. Stewart opposed)

(Hell must have frozen over because T. Daly agreed with M. Stewart.)

## NEW BUSINESS

- Arbutus Park – needs more sand on the beach, a few boards on the dock need replacing; new treads have been put on the slide and the wood portions of the playground equipment have been painted; **what is the status of the electrical upgrade?**
- Little League Park – D. Charney installed new boards on the bleachers, **the adult softball team will paint; trees need to be cut back to the trunk on the field side**, the backstop frame and fence should be painted some time soon
- Mile 77 Park – dead trees should be pulled and not replaced at this time because the elk keep damaging them, **is the broom puller missing?**
- Nantree Park – the outside dock is quite bouncy and should be replaced
- Woodland Shores playfield – M. Stewart noted that when the Commission did their park walkabout that seven (7) children were using the field, great to see
- Stoker Park – debris in gutters; grass is to be re-seeded, swimming booms and floats are in place
- New Parks Binder – is full of information, much nicer layout, good maps
- Major/Minor capital suggestions – Lifeguard Hut (repair or replace?), Little League Park outfield, Little League Park concession (repair or replace?), Arbutus Park playground equipment upgrade; Little League Park backstop fencing and field fence should be painted (price?)

## ADJOURNMENT

*It was Moved and Seconded that the meeting be adjourned 8:55pm.*

**MOTION CARRIED**

## NEXT MEETING

June 14, 2011

7pm at Youbou Lanes

/s/ Tara Daly  
Secretary

Minutes of the Area E Parks and Recreation Commission Meeting of June 7, 2011 held at the Glenora Community Hall

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**Present:** Frank McCorkell, Chairman, John Ramsey, Irene Evans, Howard Heyd, Larry Whetstone, Mike Lees, Paul Slade, Ron Smith

**Call to Order:** The meeting was called to order at 7:00 p.m.

**Minutes:** The minutes of the May 3<sup>rd</sup>, 2011 meeting were distributed prior to the meeting and were reviewed and accepted by the Commission.

**Business Arising:**

1. **Cowichan River Crossing Study:** The Commission reviewed the memorandum from Brian Farquhar, Manager, parks and Trails Division and after a general discussion it was decided that the memorandum would be further reviewed at the next meeting or when Director Duncan is available.
2. **Glenora Trails Head Park Entrance Sign:** The Commission discussed the sign's overall design including the picture in the centre. Everyone was quite pleased with the new sign.
3. **Glenora Trails Head Park Cookhouse:** Frank McCorkell told the Commission that the design was being prepared and the construction contract should be let shortly. It is hoped that the cookhouse will be built early this summer and be ready for the Community Parks Celebration event in August.
4. **Broombusters:** The memorandum prepared by Ron Smith on the Broombusters organization, which are located in the Errington/Parksville area, was reviewed by the Commission. Their web site was also provided should a Scotch Broom "pulling" event be undertaken in the Cowichan Valley or our electoral area.

**New Business**

1. **Busy Place Creek Trail:** Frank McCorkell brought the Commission up-to-date on the trail project.
2. **Summer Student Staff:** The students have been engaged in many of our parks including the Glenora Trails Head Park, Keating Park, the small Eagle Heights Park, Fairbridge Park and Jack Fleetwood Park where they constructed a new fence adjacent a steep bank along the Koksilah River. They also were at the Sunrise Park and cleaned up a small slide area.
3. **August 28<sup>th</sup> Community parks Celebration:** This is still planned and Commission members will assist in hosting the event.

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4. **Wake Lake Improvements:** The Chairman reported that there was concern about the frogs at the Lake and that parks staff did an on-site recently. The Commission would like to meet with staff to see what could be undertaken at the lake later this year. Mike Lees reported that large boulders were placed at the entrance so cars can't get into the area.

5. **September 8<sup>th</sup> Sahtlam Community Meeting:** Paul Slade and Mike Lees proposed that the Commission and Parks Dept. develop a hand out to be sent to all homeowners in the Sahtlam area prior to the September 8<sup>th</sup> community meeting. They suggested a number of questions to be asked of the community with respect to establishing new parks and trails in the area. It was suggested that the brochure be sent out in advance of the meeting and possibly a second follow-up notice be sent out just prior to the meeting. It was also suggested there should be some maps showing the new subdivisions and other relevant parks and planning information available for the meeting. The Commission also suggested that it would be helpful if we knew the age groups of children, and possibly entire population in the community in advance of the meeting.

Other Business

1. Howard Heyd wished to know if the new park benches have been made and Paul Slade said he would phone to see if they were ready.

2. The Commission was concerned about the noise that will occur because of the new skeet shooting facility at the gun club adjacent to the Glenora Trails Head Park. They wanted to know if this was allowed. The Chairman said he would discuss this with the CVRD.

3. Parks Brochure for the Glenora Trails Head Park was discussed and the Chairman said the CVRD Parks Dept. would provide the Commission with a general outline for our next meeting.

3. Mike Lees suggested that there was a need to update the community sign that is at the Fire Hall bus stop. This would included a re-writing of the information with more emphasis on the E&N railway (at present most is about the CN line which did not run through the Sahtlam/Paldi communities), and include some photos of the Hillcrest and Paldi sawmills and communities. It was proposed this work be done later this year so the final sign could be made and put on an aluminum backing in 2012.

4. Mike Lees also mentioned that the Tansor Service station indicated that they have had to close their washrooms since they were being inundated by users of the Trans Canada Trail. Their washrooms are on a septic tank/field system and cannot accommodate trail users and he suggested that there is an immediate need for washroom facilities constructed at key locations along the trail. Mike also indicated that more and more garbage is showing up along the trail and some garbage cans are needed.

**Minutes of the Area E Parks and Recreation Commission Meeting of June 7, 2011 continued**

5. The Commission would appreciate an update on John's Road/Granite Road project for the July meeting.

**Next Meeting**

The next meeting will be on Tuesday July 5<sup>th</sup> at Glenora at 7:00 p.m.

**Adjournment**

The meeting adjourned at 8:00 p.m.

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

**DATE:** April 4<sup>th</sup>, 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: Jackie Rieck  
Members: Tim Godau, Norm Flinton, Paul Bottomley, Glen Hammond

**ABSENT:**

Members: Dave Key, and Kelly Schellenberg

**ALSO PRESENT:**

Director: Mel Dorey

**ACCEPTANCE OF MINUTES:**

An amendment was required of the March 8<sup>th</sup>, 2011 Minutes on Page 3 under "DIRECTOR'S REPORT" original Motion proposed and Carried read as:

**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.

**AMENDED MOTION:** It was proposed by Tim Godau and seconded by Paul Bottomley to accept the rezoning proposal on the Laird property with the stipulation that 55% of total property be donated to the CVRD as parkland as well as a dedicated public access trail extension from the end of the cul de sac through lots #3 and #4 through to the common property field which would provide a link to the proposed park land.

**MOTION CARRIED**

## **APPROVAL OF AGENDA:**

Motion to approve Agenda as submitted.

## **MOTION CARRIED**

## **STANDING REPORTS:**

### CVRD UPDATE:

Harry reviewed the CVRD Capital Projects Report from Ryan Dias. There are plans to repave the smaller sport court some time during the summer months. Stairs to Stocking Creek Falls are on hold. New trail building plans from recently acquired land acquisition has the the green light to proceed.

### CENTENNIAL PARK:

After some discussion it was agreed upon to cancel the repaving plans for the smaller sport court as members felt that the asphalt from the tennis practice area should be removed and grass planted in it's place. Trimming of overhanging branches and removal of tree debris along all bark mulch trails is needed.

There was a complaint received that dog owners are still not cleaning up dog waste left behind by their pets.

Tim Godau noted that the new bear proof garbage bins need rectangle shaped inner containers.

Currently, they house round oil cans that are not suitable, as garbage is falling in along side of the cans which then requires unnecessary clean-up for our park custodian.

### PRINCESS DIANA PARK:

Harry to talk to Ryan about East Entrance culvert project. Spring trail maintenance is required, branch and brush trimming and debris clean up is needed.

### STOCKING CREEK PARK:

Brush cutting is required on encroaching foliage along all Stocking creek trails. Thick Road pot holes have been filled in.

Closed Session.

### BEACH ACCESS:

Bezan Beach Access: requires a stair repair - 9<sup>th</sup> step from the bottom is very loose. Landscaped path to stairs requires some gravel fill in.

Harry to speak to Coastal Missions regarding a potential beach access at the end of Hillside Rd.

Mel Dorey and Ryan Dias will meet at the Lagoon Bridge on April 6<sup>th</sup> at 2:00 pm to discuss Access improvements.

### LADYSMITH PARKS AND REC:

Norm was absent from their last meeting.

### BASEBALL:

Harry to contact Ryan Dias regarding field maintenance. Harry will bring copies of the Baseball Schedule to next meeting.

### DIRECTOR'S REPORT:

Mel attended the Laird Property Application for Rezoning Meeting.

### SPECIAL EVENTS:

Dave Key is handling the Centennial Park Easter Celebration scheduled for Easter Sunday, April 24<sup>th</sup> at 11:00 am. Posters have been posted throughout Saltair.

### OTHER BUSINESS:

A suggestion was brought forth that a large maple tree growing in the middle of the proposed park trail along side of the Parkinson Property should be removed before the Parkinson family begins to build on their land. Tim Godau volunteered to contact Ian Shaw regarding a quote for removal.

### NEXT MEETING:

**Next meeting is scheduled for Monday, May 2<sup>nd</sup>, 2011 at 7:00 pm Water Boarding Building Chemainus Rd.**

### ADJOURMENT:

Meeting was adjourned at 8:30 pm.

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**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.

Minutes of the regular meeting of the Area H Parks Commission convened at Elliotts Beach Park on Thursday, May 26, 2011 at 6:30 p.m. and reconvened at 7:00 pm at the North Oyster Community Centre

**PRESENT:** Chairperson Bruce Mason, Snuffy Ladret, Mary Marcotte, Murray McNab, Don Pigott, Secretary Barbara Waters.

**ABSENT:** Brad Uytterhagen

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Bruce Mason called the meeting to order at 7:05 pm.

**APPROVAL OF AGENDA**

**Moved  
Seconded**

**That the agenda be approved.**

**MOTION CARRIED**

**ADOPTION OF MINUTES**

The minutes of the meeting of April 28, 2011 were adopted as circulated.

**BUSINESS ARISING FROM THE MINUTES**

See Reports.

**CORRESPONDENCE**

None.

**REPORTS:  
R1 Yellow Point Park**

1. One minor issue to be discussed with contractor after the trails are dryer.
2. Purchase Order for broom removal has been authorized by Ryan Dias.

**R2 Blue Heron Park**

1. Mary Marcotte recently met with Ron Austin to follow up on outstanding issue.

**R3 Raven Park**

1. Appears to be used more than in the past.
2. A query was made regarding replacement of rotting post; Mary agreed to follow up with the purchase order for the contractor.

**R4 Elliott's Beach**

1. Parks Commission members visited this park prior to the meeting.
2. Tires have been removed;
3. Rip Rap installation completed;
4. Wood for park benches has been purchased and prepared for installation; the Commissioners agreed that a dark wood stain would be used to finish both park benches and the picnic tables when the weather permitted;

- 5. It was agreed that the toilet surround would be repainted with grey stain.
- 6. It was noted that the highways contractors caused damage to the parking areas while cleaning the snow from the winter storms.

It was agreed that the Parks Commission request CVRD Staff to contact Encom with a request that they repair damage to the parking areas at Elliotts Beach Park caused by their snow plows.

**R5 Michael Lake Trail**

No Report.

**R6 Trillium Park**

Looking very nice. Lots of public use.

**R7 Ladysmith Parks and Recreation**

No report

**Closed Session**

Moved  
Seconded

That the meeting resolve into closed session on the basis of Local Government Act Section 242.2, subsections in accordance with each agenda item.

**MOTION CARRIED**

Moved  
Seconded

That the commission rise with report to CVRD staff only.

**MOTION CARRIED**

**NEXT MEETING**

Thursday, June 30, 2011, 6:30 p.m., North Oyster Community Hall.

**ADJOURNMENT**

Moved  
Seconded

That the meeting be adjourned.

**MOTION CARRIED**

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The meeting was adjourned at 7:45 p.m.

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Barbara Waters, Secretary  
May 29, 2011