



## NOTICE OF ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,  
February 3, 2009  
Regional District Board Room  
175 Ingram Street, Duncan, BC

3:00 pm

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### A G E N D A

**3:00 PM      START OF MEETING**

**Pages**

1.    **APPROVAL OF AGENDA**

2.    **ADOPTION OF MINUTES**

M1    Minutes of January 20, 2009 EASC Meeting ..... 1-8

3.    **BUSINESS ARISING FROM MINUTES**

4.    **DELEGATIONS**

D1    Tom Jarvis regarding Application No.7-A-08DVP ..... 9-25

D2    Lucy and Doug Denham regarding Application No. 8-I-08DP..... 26-52

D3    Warren Johnny regarding Application No. 3-H-07RS ..... 53-76

5.    **STAFF REPORTS**

SR1   Staff Report from Daniel Derby, Manager, Protective Services, regarding  
Replacement Fire Engine for Mesachie Lake Fire Protection Service Area ..... 77-78

SR2   Staff Report from Mike Tippet, Manager, Regional and Community  
Planning, regarding Application No. 4-E-06RS (Kaelble) ..... 79-87

SR3   Staff Report from Ian MacDonald, Building Inspector, regarding Replacement  
of Covenant – 7420 Nantree Road ..... 88-90

SR4   Staff Report from Tom Anderson, General Manager, regarding Establishment  
of an Agricultural Advisory Commission ..... 91-98

SR5   Staff Report from Tom Anderson, General Manager, regarding Post  
Election Discussion ..... 99

SR6   Staff Report from Tom Anderson, General Manager, regarding Director  
Training Sessions and Conferences ..... 100

6.    **CORRESPONDENCE**

C1    Grant in Aid request – Electoral Area E ..... 101-103

7. **APC**

8. **PARKS**

- PK1** Minutes of Area D Parks Commission meeting of November 4, 2008.....104-106  
**PK2** Minutes of Area I Parks Commission meeting of January 13, 2009 .....107-109  
**PK3** Minutes of Area H Parks Commission meeting of January 7, 2009 .....110-112  
**PK4** Staff Report from Brian Farquhar, Manager, Parks and Trails, regarding  
Request for Use of Cobble Hill Parks for Community Well Sites.....113-121  
**PK5** Staff Report from Ryan Dias, Parks Operation Superintendant, regarding  
Parks Summer Student Work Crew Truck .....122-124  
**PK6** Staff Report from Ryan Dias, Parks Operation Superintendant, regarding  
Electoral Area H Parks Maintenance Contract Award .....125-128

9. **INFORMATION**

- IN1** Building Report for December 2008.....129

10. **NEW BUSINESS**

11. **PUBLIC/PRESS QUESTIONS**

12. **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.

- SM1** Minutes of Closed Session EASC meeting of January 20, 2009 .....130-131

13. **NEXT MEETING**

Tuesday, February 17, 2009

14. **ADJOURNMENT**

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

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

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

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

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, January 20, 2009 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC

**PRESENT**

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

**CVRD STAFF**

Tom Anderson, Manager  
Mike Tippet, Deputy Manager  
Rob Conway, Assistant Manager  
Brian Farquhar, Parks Manager  
Cathy Allen, Recording Secretary

**APPROVAL OF  
AGENDA**

The Chair noted changes to the agenda which included two items of New Business.

It was Moved and Seconded  
That the agenda, as amended, be accepted.

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MOTION CARRIED

**M1 - MINUTES**

It was Moved and Seconded  
That the minutes of the November 18, 2008 EASC meeting be amended on Page 3, item D3, change "Michelle Mahovlich" to "Ross Tennant" as being present, and that the minutes, as amended, be accepted.

MOTION CARRIED

**BUSINESS ARISING**

There was no business arising.

**DELEGATIONS**

**D4 - VanHuizen**

Rachelle Moreau, Planning Technician, presented Application No. 2-E-08ALR (VanHuizen) to allow a third dwelling to be constructed on the 35.03 hectare property located at 4440 Koksilah Road.

Fred VanHuizen, applicant, was present.

A question and answer session occurred.

It was Moved and Seconded

That Application No. 2-E-08ALR (VanHuizen/Rockycrest Holsteins Ltd.) made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to place a third dwelling on the subject property, be forwarded to the Agricultural Land Commission with a recommendation to approve the application.

MOTION CARRIED

**D1 - Mayo**

Rob Conway, Assistant Manager, presented Application No. 7-E-07RS (Cherry Blossom Park Development Corp.) to allow 7.53 hectares located at 5611 Culverton Road to be developed for a strata manufactured home park.

Robin Mayo, applicant, was present, and provided further information to the application.

A question and answer session occurred.

It was Moved and Seconded

1. That OCP and Zoning Amendment Application No. 7-E-07RS (Cherry Blossom Park) be presented at a public meeting to obtain community input and that the application be reviewed at a future EASC meeting with a report documenting public input and draft bylaws;
2. That the applicant provide a traffic impact assessment, a revised site plan showing an expanded agricultural buffer, buffer and boulevard landscape standards, a hydrological assessment and a preliminary riparian area assessment prior to public hearing;
3. That the applicant obtains a certificate of compliance or approval in principle for remediation of the subject property from the Ministry of Environment prior to bylaw adoption.

MOTION CARRIED

**D2 - Gervais**

Leslie Clarke, Planning Technician, presented Application No. 2-C-08ALR (Leo and Valerie Gervais) to permit subdivision of the 1.5 hectare property located at 4121 Telegraph Road.

Leo Gervais, applicant, was present, and provided further information to the application.

A question and answer session occurred.

It was Moved and Seconded

That Application No. 2-C-08ALR (Leo & Valerie Gervais) for a subdivision in accordance with Section 21(2) of the *Agricultural Land Commission Act* be forwarded to the Agricultural Land Commission with a recommendation to approve the application.

MOTION CARRIED

000002



**D3 - Jarvis**

Application No. 7-A-08DVP was deleted from the agenda due to substantial amendments causing the application to be re-submitted to adjacent property owners prior to coming before the EASC.

**D5 - Weaver**

Leslie Clarke, Planning Technician, presented Application No. 2-B-08DVP (Byron Weaver) to decrease front, exterior and rear parcel line setbacks to allow an addition to the existing residence located at 1756 Wilmot Avenue.

A question and answer session occurred.

Byron Weaver was present. There were no questions to the applicant.

It was Moved and Seconded

That Application No. 2-B-08DVP (Byron Weaver) for a variance to Section 8.5 (b)(3) of Zoning Bylaw No. 985, by decreasing the setback to a front parcel line for an existing residence from 7.5 metres to 4.9 metres, the setback for and exterior side from 4.5 metres to 2.0 metres and the setback for a rear parcel line from 4.5 to 2.5 metres on Lot 6, Block 3, Section 2, Range 4, Shawnigan District, Plan 1520, be approved and issued at such time as the property line between Lot 6 and Lot 7 is deleted and the two lots are amalgamated into one.

MOTION CARRIED

**D6 - Farrar**

Rachelle Moreau, Planning Technician, presented Application No. 1-B-08ALR (GT Farms Ltd./Chuck Farrar) to permit a boundary adjustment for Lot A and Lot 12 located on Thain Road.

A question and answer session occurred.

Chuck Farrar was present. No questions to the applicant.

It was Moved and Seconded

That Application No. 1-B-08ALR (Chuck Farrar/GT Farms Ltd.) for a boundary lot adjustment, be forwarded to the Agricultural Land Commission with a recommendation to approve; and further, that should this application proceed to subdivision approval, that a covenant be registered on the property prohibiting further subdivision of the new Lot A.

MOTION CARRIED

**Director Marcotte arrived to the meeting at this point.**

000003

**STAFF REPORTS**

**SR1 – Youbou Lands**

Director Duncan and Director Iannidinardo left the meeting at this point due to perceived conflict of interest (owning shares in the TimberWest company).

It was Moved and Seconded

That staff be directed to prepare a presentation summarizing Youbou Lands OCP Amendment Bylaw 3213, Zoning Amendment Bylaw 3214, and Phased Development Agreement Authorization Bylaw 3242 for an Electoral Area Services Committee meeting in early February.

MOTION CARRIED

**SR2 – CV Trap &  
Skeet schedule**

It was Moved and Seconded

That the Cowichan Valley Trap & Skeet Club Shoot Schedule for 2009 be approved.

MOTION CARRIED

**SR3 – BE Report**

It was Moved and Seconded

That the 2008 Bylaw Enforcement Report, be received and filed.

MOTION CARRIED

**SR4 – OCP Review**

It was Moved and Seconded

That staff be directed to review the Electoral Area E Official Community Plan, and that the project be put into the 2010 Development Services work plan and budget.

MOTION CARRIED

**SR5 & SR6 – Year  
End/Stats**

It was Moved and Seconded

That the Canada Census Statistical Tables and 2008 Year End Report, be received and filed.

MOTION CARRIED

**SR7 – Meran/  
Knappett Roads  
closure**

It was Moved and Seconded

That Ministry of Transportation and Infrastructure application referral (MoT File #01-001-21284/CVRD File # 21284, Shawnigan Station Developments Ltd.), regarding proposed road closure - Meran and Knappett Road, be forwarded to the Ministry of Transportation and Infrastructure with no objections.

MOTION CARRIED

**SR8 – MOT meeting**

It was Moved and Seconded

That staff be directed to arrange a meeting as soon as possible with Electoral Area Directors and appropriate Ministry of Transportation and Infrastructure representatives, as well as highway maintenance contractors, to discuss areas of concern and to receive project updates.

MOTION CARRIED

**SR9 – EASC meeting schedule**

It was Moved and Seconded

That the following 2009 Electoral Area Services Committee meeting schedule be approved with all meetings to convene at 3:00 pm in the Regional District Board Room.

Tuesday, January 20 <sup>th</sup>	Tuesday, June 16 <sup>th</sup>
Tuesday, February 3 <sup>rd</sup>	Tuesday, July 7 <sup>th</sup>
Tuesday, February 17 <sup>th</sup>	Tuesday, August 4 <sup>th</sup>
Tuesday, March 3 <sup>rd</sup>	Tuesday, September 1 <sup>st</sup>
Tuesday, March 17 <sup>th</sup>	Tuesday, September 15 <sup>th</sup>
Tuesday, April 7 <sup>th</sup>	Tuesday, October 6 <sup>th</sup>
Tuesday, April 21 <sup>st</sup>	Tuesday, October 20 <sup>th</sup>
Tuesday, May 5 <sup>th</sup>	Tuesday, November 3 <sup>rd</sup>
Tuesday, May 19 <sup>th</sup>	Tuesday, November 17 <sup>th</sup>
Tuesday, June 2 <sup>nd</sup>	Tuesday, December 1 <sup>st</sup>

MOTION CARRIED

**CORRESPONDENCE****C1 – Grant-in-Aid**

It was Moved and Seconded

That a grant in aid (Electoral Area E – Cowichan Station/Sahtlam/Glenora) in the amount of \$325 be given to the Girl Guides of Canada – Mid-Island Area, to assist with water testing costs.

MOTION CARRIED

It was Moved and Seconded

That a grant in aid (Electoral Area B – Shawnigan Lake) in the amount of \$325 be given to the Girl Guides of Canada – Mid-Island Area, to assist with water testing costs.

MOTION CARRIED

000005

**APC**

**AP1 – AP4**

It was Moved and Seconded

That the following APC minutes be received and filed:

- Minutes of Area I APC meeting of September 6, 2008
- Minutes of Area C APC meeting of December 11, 2008
- Minutes of Area C APC meeting of January 8, 2009
- Minutes of Area E APC meeting of November 13, 2008

MOTION CARRIED

Note: Minutes of Area I APC meeting of September 6, 2008, Business Arising states “neither the chair nor vice-chair couldn’t attend” - needs clarification.

**PARKS**

**PK1 – PK6**

It was Moved and Seconded

That the following Parks minutes be received and filed:

- **PK1** Minutes of Area I Parks meeting of December 9, 2008
- **PK2** Minutes of Area E Parks meeting of September 18, 2008
- **PK3** Minutes of Area B Parks meeting of October 16, 2008
- **PK4** Minutes of Area B Parks meeting of November 20, 2008
- **PK5** Minutes of Area I Parks meeting of November 18, 2008
- **PK6** Minutes of Area C Parks meeting of December 8, 2008

MOTION CARRIED

**PK7 – A-E  
Maintenance  
Contract**

It was Moved and Seconded

That the 2009-2010 Electoral Area A-E Community including Sub-Regional and Regional Park Maintenance Services Contract be awarded to Easy Living Holdings Ltd. of Nanaimo/Duncan in the amount of \$302,440.00 including GST, based on the RFP bid received Monday December 15, 2008.

MOTION CARRIED

**PK8 – Fuel  
Management Pilot  
Project**

It was Moved and Seconded

That the staff report dated January 13, 2009, from Tanya Saroka, Parks Planning Technician, regarding Grant Funding approval by the Ministry of Forests and Range for the Community Fuel Management Pilot Project to take place in Shawnigan Lake – Electoral Area B, be received and filed.

MOTION CARRIED

**PK9 – Portable Toilet Contract**

It was Moved and Seconded

That the Community and Regional Parks Portable Toilet contract extension be awarded to Coast Environmental Ltd. for one year, commencing January 1, 2009, and completing December 31, 2009 at the following unchanged rates:

- Additional weekly servicing of unit. @ \$30.30/servicing;
- Pre-arranged moving/unit to new site @ \$27.55/move;
- The supply of additional units @ \$99.15/unit/month;
- Monthly rate for extension of units already in place - \$99.15/unit/month;
- Hand Sanitizers - \$12.50/per unit (charged monthly)
- Wheel chair accessible portable toilet units \$127.15/unit/month; and
- Replacement price for units damaged beyond repair - \$1,200.00.

MOTION CARRIED

**INFORMATION**

**IN1 – Building Report**

It was Moved and Seconded

That the November 2008 Building Report be received and filed.

MOTION CARRIED

**NEW BUSINESS**

**1 – Draft Subdivision Bylaw**

Director Giles asked the status of the new CVRD Subdivision Bylaw.

Mr. Anderson noted that a good portion of the draft bylaw has been completed by the consultant and has now been turned over to our staff for editing. The bylaw will then go to the Steering Committee to review, and a draft will be brought to the EASC for further direction within a month or so.

Director Giles asked if the new subdivision bylaw will contain policies respecting street lighting, and in particular policies to address environmental concerns. Mr. Anderson advised that these policies are including and that there are specifics for each electoral area.

**2 – Public Communication**

Director Marcotte stated that she would like Directors to have more options available that would provide improved communication to the public. She suggested implementing an interactive website for Area H that would be linked to the CVRD website, and asked if any other Directors would be interested in this idea.

Director Morrison agreed that we need better communication methods and would like to have more access to technology.

Director Harrison stated that he would like Directors to reconsider use of the Blackberry as he feels it is a good system that provides good communication options.

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Director Giles stated that she tried an interactive website once but didn't have success. She suggested that staff review available lines of communication, including electronic options, and report back to Committee.

Mr. Anderson suggested that Directors email ideas to him and he would prepare a report to EASC.

It was Moved and Seconded

That staff explore Director/public communication options (ie. Blackberry, Director's interactive webpages, other electronics) with each Electoral Area Director and prepare a staff report, outlining the various options, to the Electoral Area Services Committee for review.

MOTION CARRIED

**CLOSED SESSION**

It was Moved and Seconded

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

MOTION CARRIED

The Committee moved into Closed Session at 5:15 pm.

**RISE**

The Committee rose without report.

**ADJOURNMENT**

It was Moved and Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 5:25 pm.

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Chair

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Recording Secretary

000008



D1

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE OF FEBRUARY 3, 2009

**DATE:** January 28, 2009 **FILE NO:** 7-A-08DVP  
**FROM:** Leslie Clarke, Planning Technician **BYLAW NO:**  
**SUBJECT:** Development Variance Permit Application No. 7-A-08DVP  
(Tom Jarvis)

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**Recommendation:**

That Application No. 7-A-08DVP by Tom Jarvis for a variance to Section 8.3(b)(3) of Zoning Bylaw No. 2000, by decreasing the setback to a front lot line to 0.02 m. (0.06 ft.) and decreasing the exterior side lot line to 0.0 m. (0.0 ft) for an accessory building on Lot 3, District Lot 79, Malahat District, Plan 13099, PID 004-716-655) not be approved.

**Purpose:**

To consider an application to relax the setbacks of an accessory building to a front parcel line by reducing the required front parcel line setback to 0.02 m. (0.06 ft.), and the exterior side parcel line setback to 0.0 m. (0.0 ft.).

**Financial Implications:** N/A

**Interdepartmental / Agency Implications:** CVRD Building Inspection has placed a Stop Work order on property. Notification of the outcome of this application will be forwarded to Building Inspection.

**Background:** The applicant constructed a building within the required setbacks from lot lines of the Cowichan Valley Regional District Bylaw #2000.

**Location of Subject Property:** 1695 Sandy Beach Road

**Legal Description:** Lot 3, District Lot 79, Malahat District, Plan 13099 (PID: 004-716-655)

**Date Application and Complete Documentation Received:** September 29, 2008

**Owner:** Tom William Jarvis & Corrine Mara Jarvis

**Applicant:** Tom Jarvis

**Size of Parcel:** ± 0.12 ha. (0.29 ac.)

000009

Zoning: R2-A (Suburban Residential - Restricted)

Setback Permitted by Zoning: Front parcel line 7.5 metres (24.6)  
Exterior side 4.5 metres (14.8 ft)

Proposed Setback: Front parcel line 0.02 metres (0.06 ft)  
Exterior side line 0.0 m. (0.0 ft)

Existing Plan Designation: Suburban Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Residential  
South: Residential  
East: Saanich Inlet  
West: Residential

Services:

Road Access: Sandy Beach Road  
Water: Well  
Sewage Disposal: Septic

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: This property abuts the Saanich Inlet. It is also located within 100 m. of John's Creek and Bamberton Provincial Park. Both the park and the creek are considered to contain sensitive eco systems.

Archaeological Site: An archaeological site has been identified within 50 metres of the property, along the foreshore to the south.

### **Background:**

The subject property fronts on Sandy Beach Road and slopes steeply downward in an easterly direction to meet with the waters of the Saanich Inlet. There is an existing single family residence situated approximately half way between the road and the high water boundary. The applicant has constructed a 22 m<sup>2</sup> utility shed on the property at the same elevation as the road and parking area. The applicant has stated in his application that the location was chosen due to the topography of the lot and the locations of existing buildings and services.

### **Planning Division Comments:**

Staff completed a site visit on November 3, 2008. The subject property slopes steeply toward the Saanich Inlet and has a residence and 2 accessory structures in place. One accessory structure appears to be a small garden shed, while the structure in question is larger, estimated to be approximately 22m<sup>2</sup>. The accessory building has been constructed so that it now requires a minor variance to both the front yard setback and exterior side setbacks. The exterior side yard

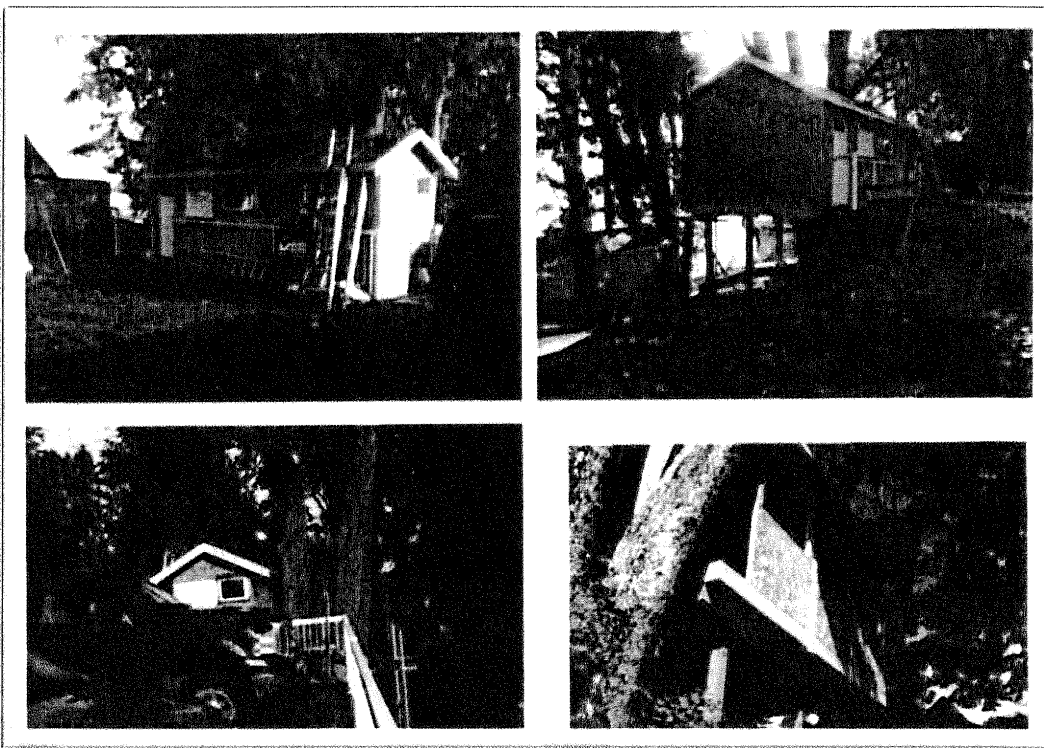
000010



in question borders a public water access to Saanich Inlet that although undeveloped appears to have pedestrian use. The applicant is requesting that the Regional District vary the required setbacks so as to legalize the location of the structure.

There is a pre-existing concrete retaining wall running perpendicular with the road and north of the dwelling. Please see attached site plan. This retaining wall protects the access to the residence and retains fill for a parking area. The wall has now been used as a support/foundation for one side of the subject accessory building. The structure is sited so that it encroaches 7.48 metres into the required front set back and 3.0 metres into the exterior side setback. This has made the exterior side lot line setback 0.0 metres, and the front set back 0.02 metres, both of which abut public road accesses. An inspection and subsequent stop work order by the CVRD Building Inspection, outlining the failure to comply with setback requirements as one of the outstanding issues, prompted the applicant to apply for this variance. The applicant was also advised to contact the Ministry of Transportation regarding a relaxation of their setback requirements and has since obtained approval from the Ministry, their file # 00013.

The location of this structure and how it may be impacting neighbouring properties was considered when staff undertook a site visit. The visual impact from the road (front lot line) appears as a modest single storey accessory structure, having little if any visual impact on neighbouring properties. However from the direction of the public beach access the visual and physical impact increases dramatically. The structure appears as a single storey building elevated to a further second storey by exposed post supports having the visual affect of impeding on the public access. The design may also pose a safety issue when the underside is left open to possible public trespass. The impression of a structure towering over the public access path and possibly posing a safety issue is believed to impact upon the enjoyment and use of this public water access.



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**Surrounding Property Owner Notification and Response:**

A total of eight ( 8 ) letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 2255. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. At the time of writing, one letter of support was received regarding this application.

If any further written comments are received by the time of the Electoral Area Services Committee meeting, these will be distributed at that time, and if further comments are received prior to the Regional Board meeting, we will do the same at the Board.

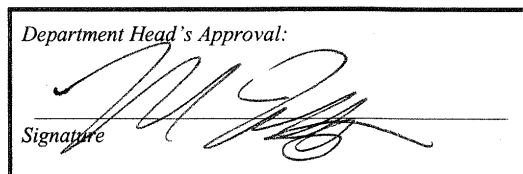
**Options:**

1. That the application by Tom Jarvis for a variance to Section 8.3(b)(3) of Zoning Bylaw No. 2000, by decreasing the setback to a front lot line to 0.02 m. (0.06 ft.) and decreasing the exterior side lot line to 0.0 m. (0.0 ft) on Lot 3, District Lot 79, Malahat District, Plan 13099, PID004-716-655, **be approved.**
2. That the application by Tom Jarvis for a variance to Section 8.3(b)(3) of Zoning Bylaw No. 2000, by decreasing the setback to a front lot line to 0.02 m (0.06 ft.) and decreasing the exterior side lot line to 0.0 m. (0.0 ft) on Lot 3, District Lot 79, Malahat District, Plan 13099, PID004-716-655, **be denied.**

Submitted by,



Leslie Clarke,  
Planning Technician  
Development Services Department



LC/  
Attachments



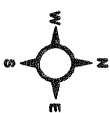
**Cowichan  
Valley  
Regional  
District**

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 considered for convenience purposes only and that boundaries are representational.

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



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Cowichan  
Valley  
Regional  
District

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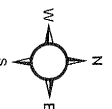
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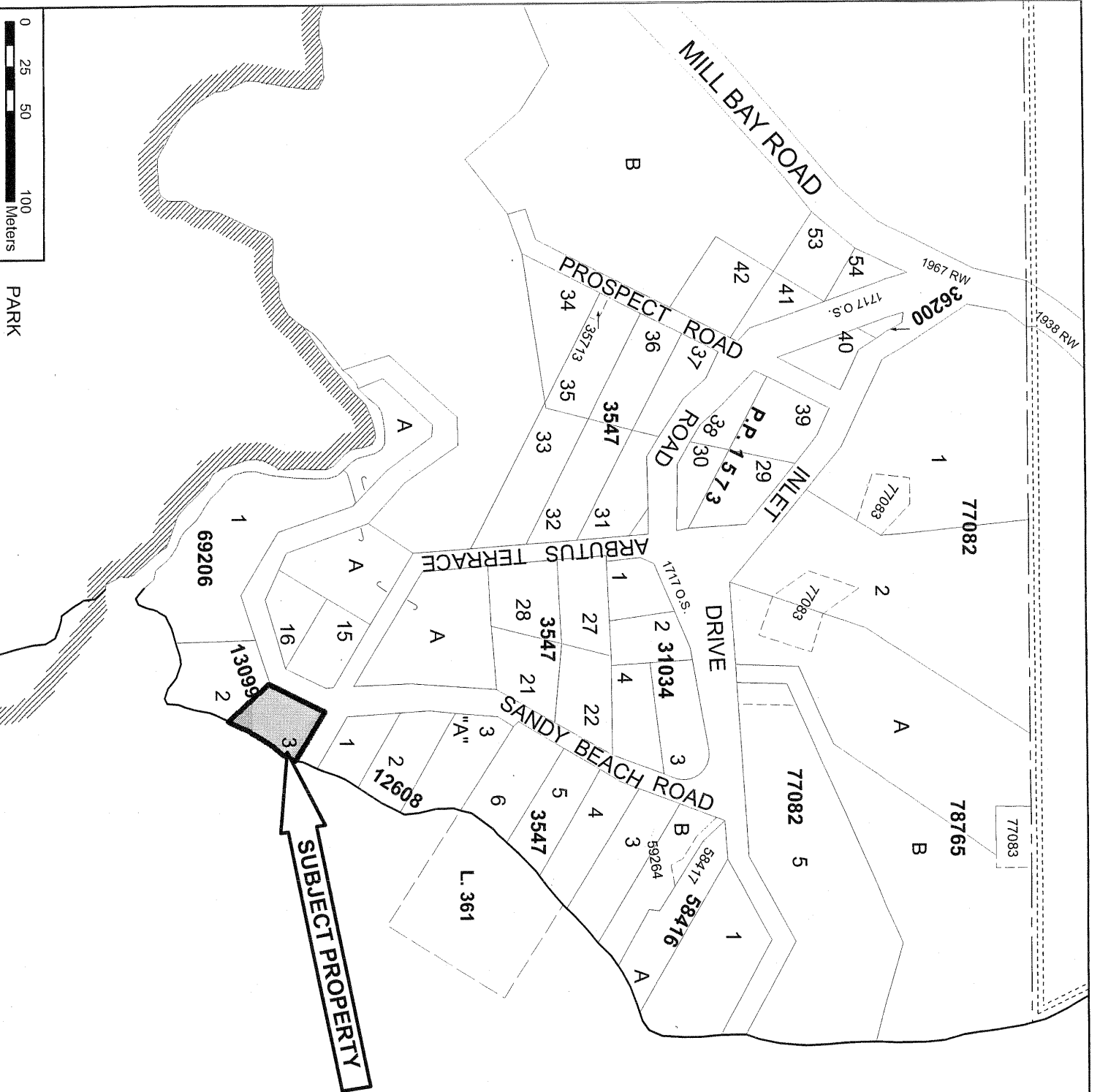
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of the Bylaws.

FILE: 7-A-08-DVP

Legend  
 Subject Property

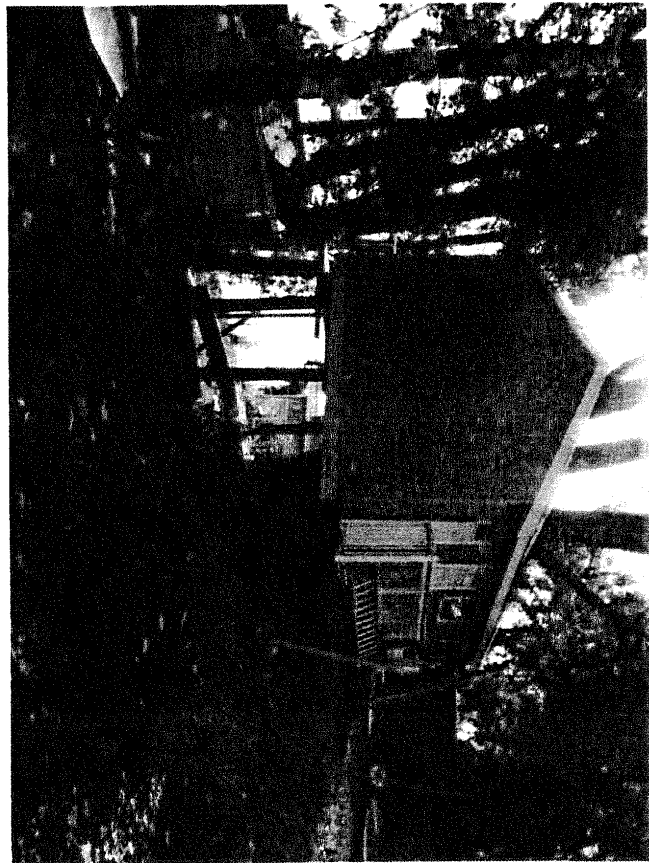
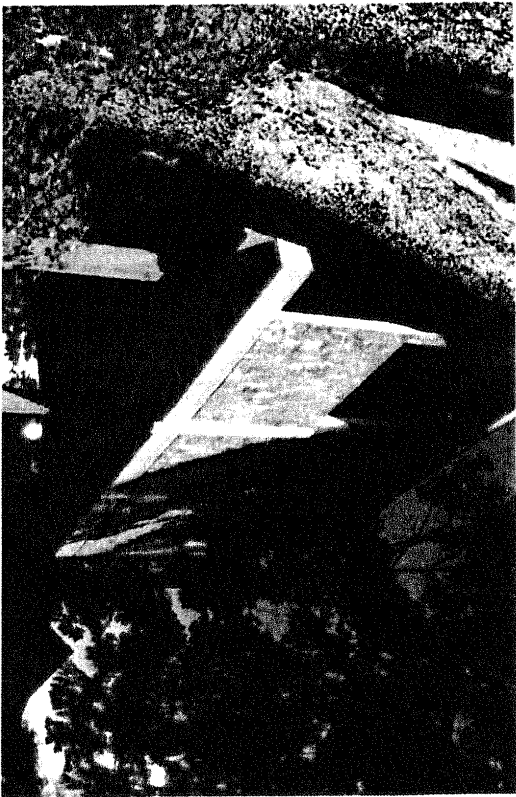
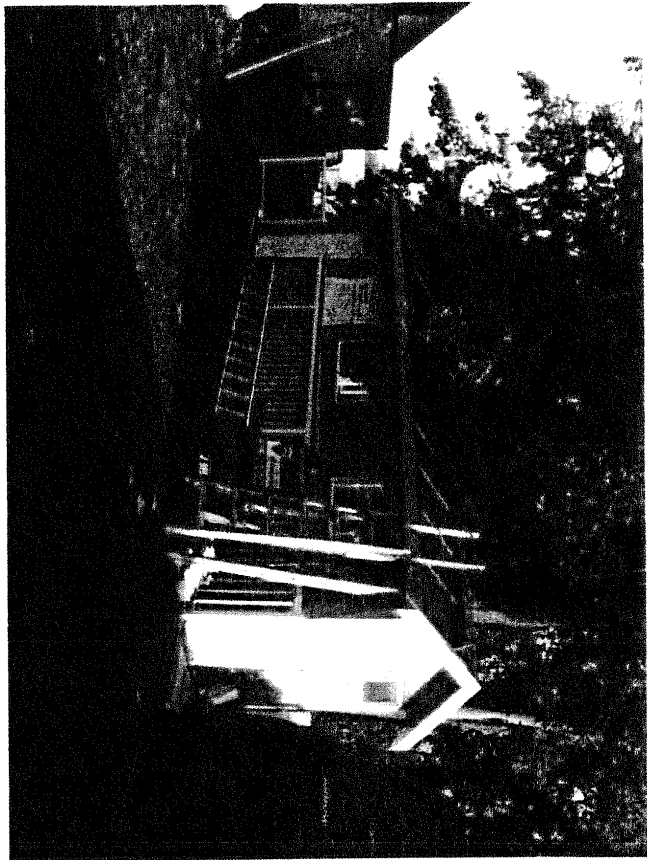
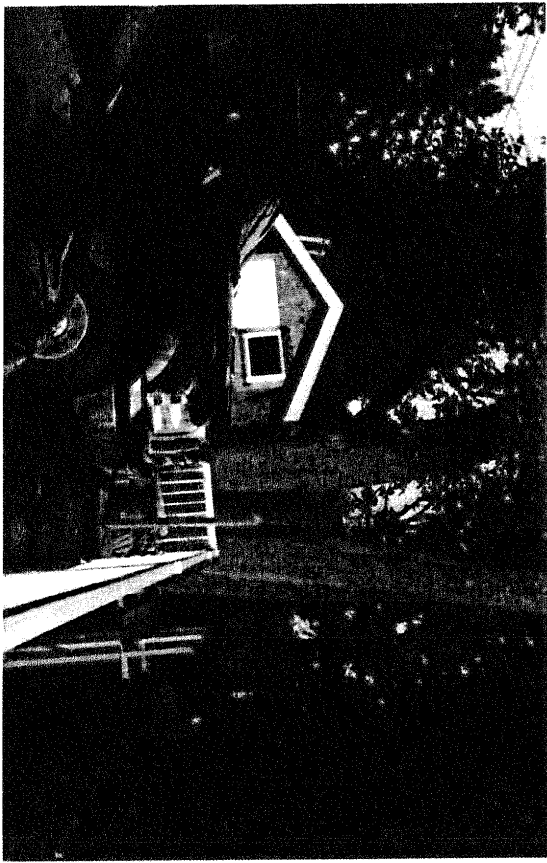


000014



0 25 50 100  
Meters

PARK



# ROAD BASEMENT

HIGH WATER

TIDAL BEACH

o.l.p.

± 0'-68

EXISTING  
SHED

SEWAGE TREATMENT  
PLANT & DRAINAGE

EXISTING HOME @  
1695 SANDY BEACH

16'

237

PARKING

STAIRS

PUMP & WELL  
SHED HEAD

SHED  
LOCATION

EXISTING CONCRETE WALL.

100'

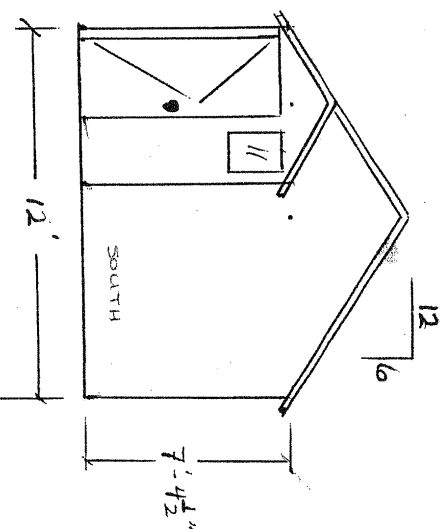
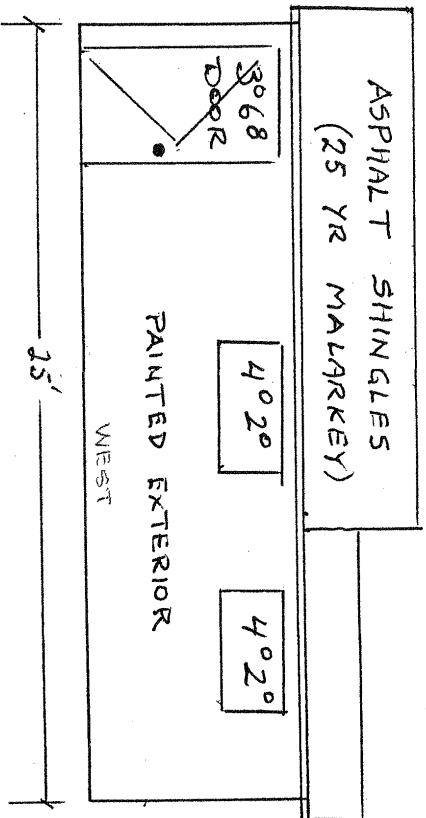
42' ±

SANDY BEACH ROAD

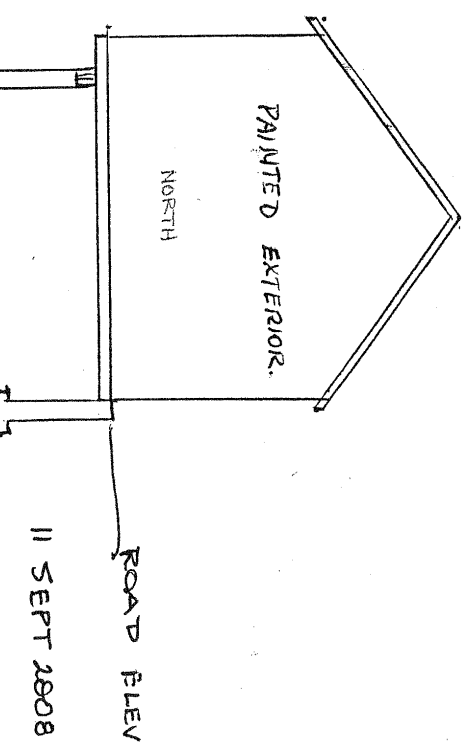
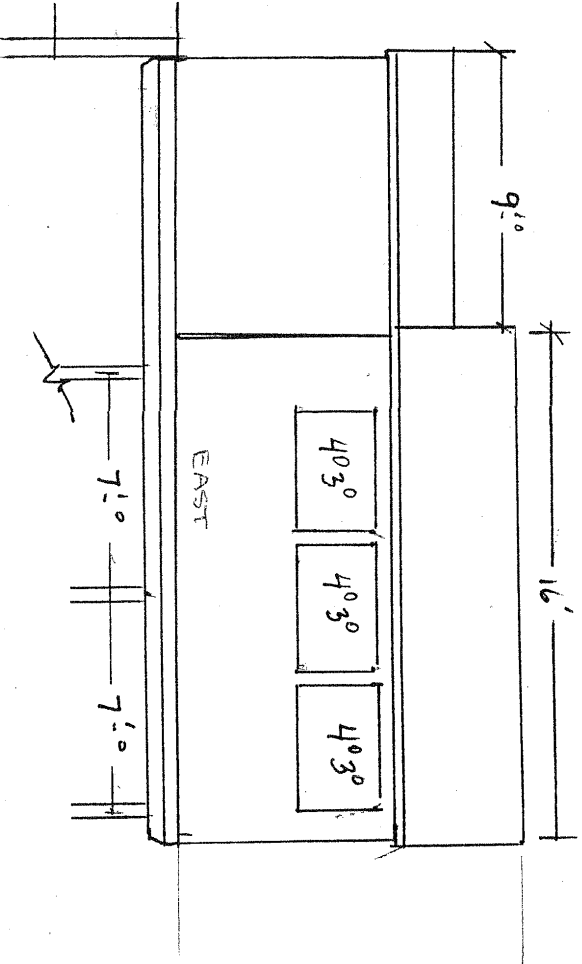
UTILITY/5'
FOR MR. J
@ 1695 SF

UTILITY/STORAGE SHED  
 @ 1695 SANDY BEACH  
 MILLBAY B.C. V0R2P4

000017



SCALE :- 1 CM = 2 FEET 237 TOTAL



11 SEPT 2008

### 8.3 R-2A ZONE - SUBURBAN RESIDENTIAL - RESTRICTED

Subject to compliance with the general requirements detailed in Parts 4 and 5 of the Bylaw, the following regulations shall apply in the R-2A Zone:

(a) Permitted Uses

The following *uses* and no others are permitted in an R-2A zone:

- (1) One single *family dwelling*;
- (2) *Horticulture*;
- (3) *Bed and breakfast accommodation*;
- (4) *Daycare*, nursery school *accessory* to a residential *use*;
- (5) *Home occupation*;
- (6) *Secondary suite* or *small suite*.

→ (b) Conditions of Use

For any *parcel* in the R-2A zone:

- (1) The *parcel coverage* shall not exceed 30 percent for all *buildings* and *structures*;
- (2) The *height* of all *buildings* and *structures* shall not exceed 10 m except for *accessory buildings* which shall not exceed a *height* of 6 m;
- (3) The following minimum *setbacks* shall apply:

COLUMN I Type of Parcel Line	COLUMN II Residential Buildings & Structures	COLUMN III Buildings & Structures Accessory to Residential Use
Front	7.5 metres	7.5 metres
Interior Side	3.0 metres	3.0 metres
Exterior Side	4.5 metres	4.5 metres
Rear	4.5 metres	3.0 metres

(c) Minimum Parcel Size

Subject to Part 13, the minimum *parcel* size in the R-2A zone shall be as follows:

- (1) 0.4 ha for *parcels* served by a *community water* and *sewer system*;
- (2) 0.4 ha for *parcels* served by a *community water system* only;
- (3) 1.0 ha for *parcels* served neither by a *community water* or *sewer system*.





Cowichan Valley Regional District

000019

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.

McPherson  
Potter  
FILE: 7-A-08-DVP

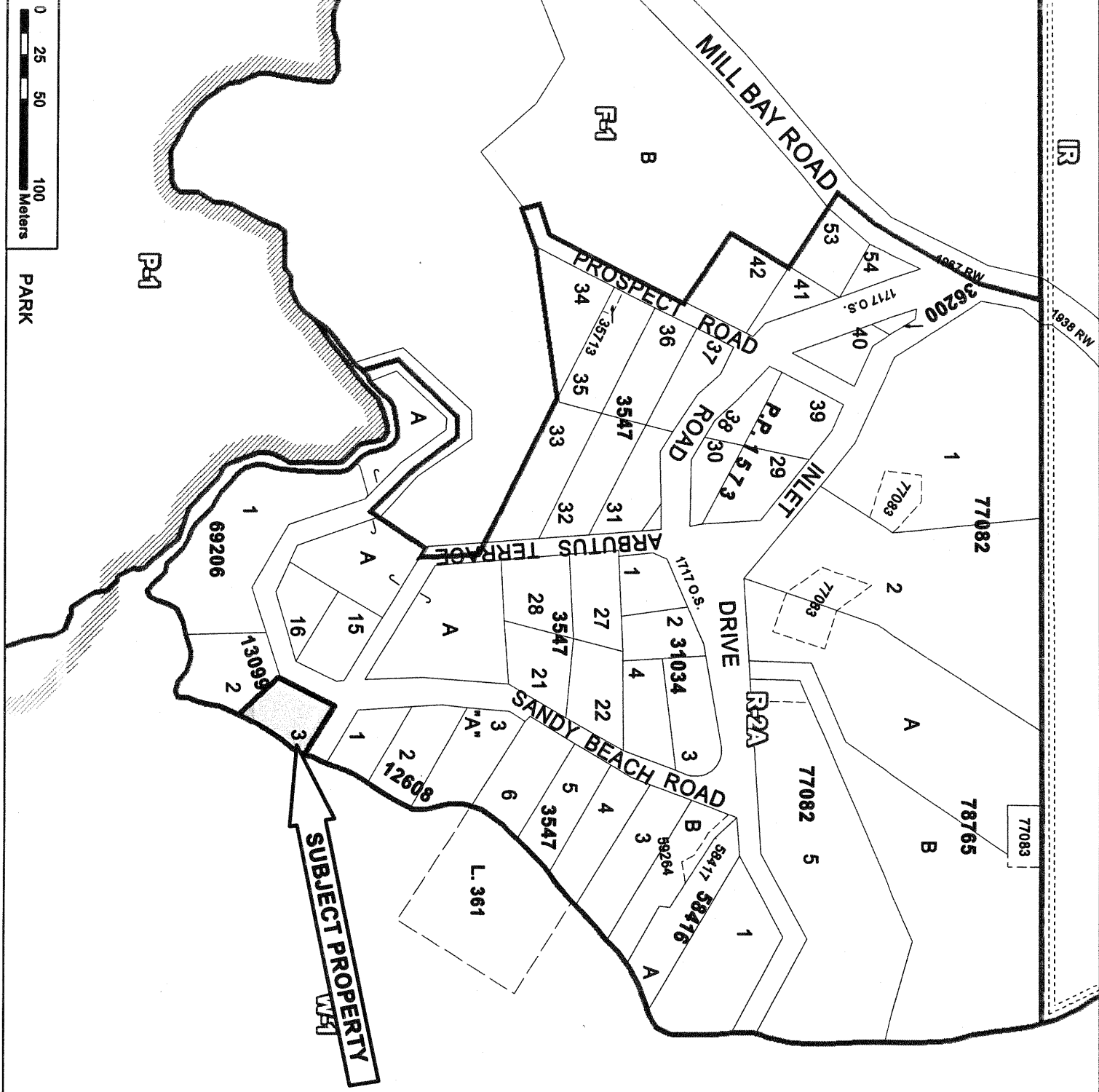
# ZONING

## Legend

- Subject Property
- Zoning Electoral Area A



PARK





Cowichan  
Valley  
Regional  
District

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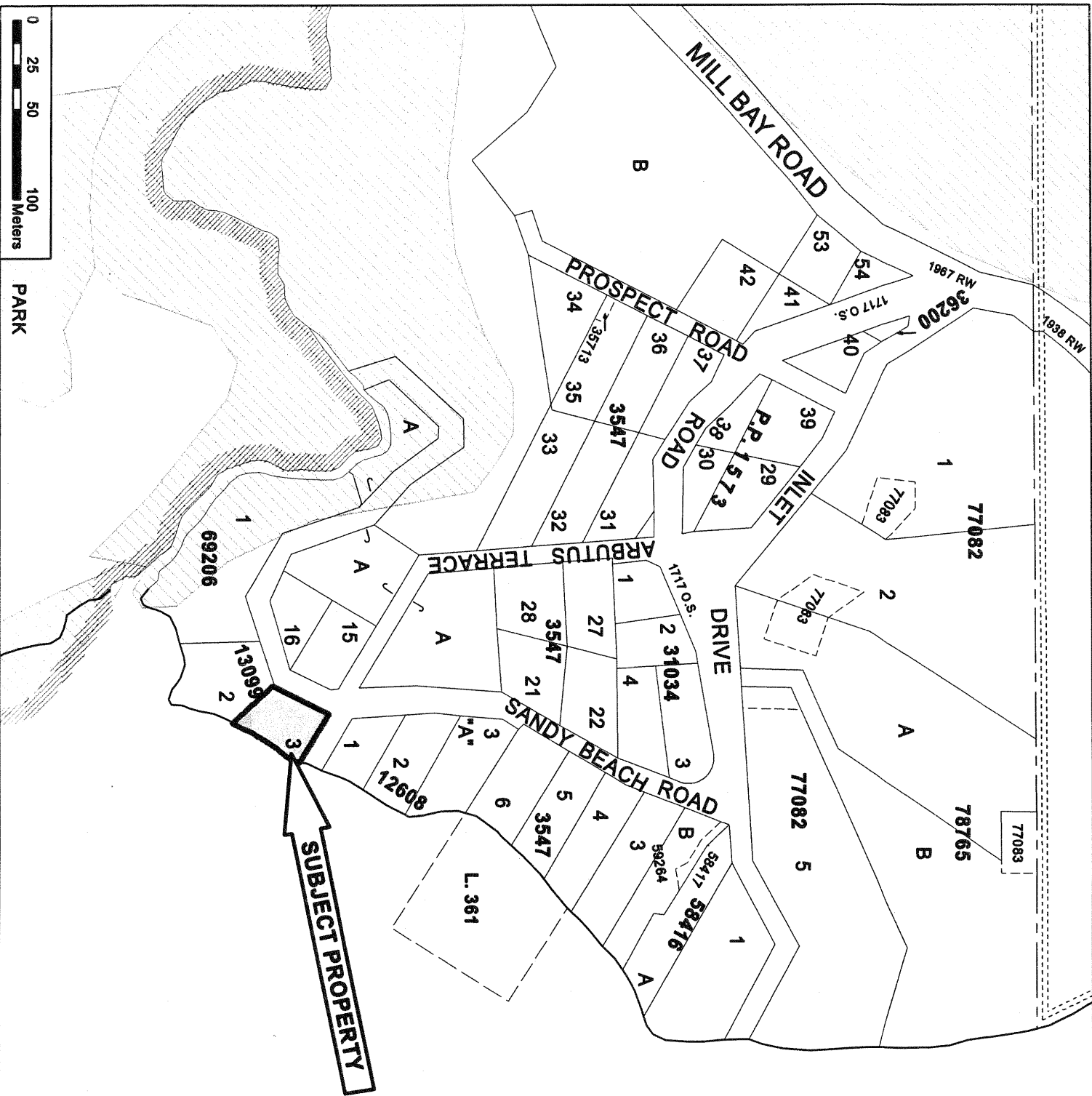
**McPherson  
Point**  
FILE: 7-A-08-DVP

## Sensitive Ecosystem Inventory

**Legend**  
 Subject Property  
 SEI 2004



PARK



000020



Covichan  
Valley  
Regional  
District

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

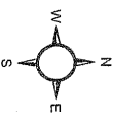
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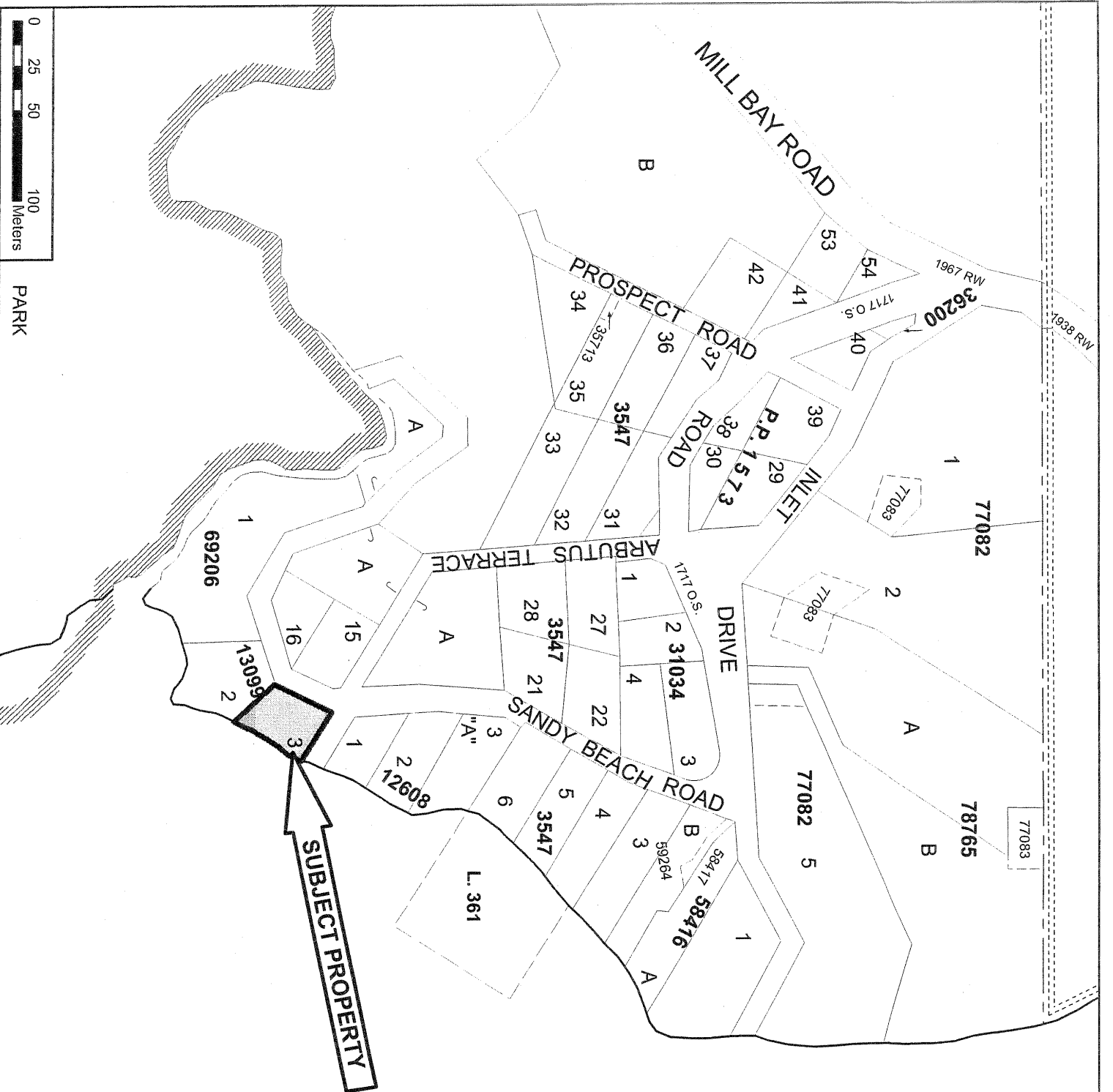
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

McPherson  
Pot  
FILE: 7-A-08-DVP

Legend  
 Subject Property



000021



0 25 50 100  
Meters

PARK



**Cowichan  
Valley  
Regional  
District**

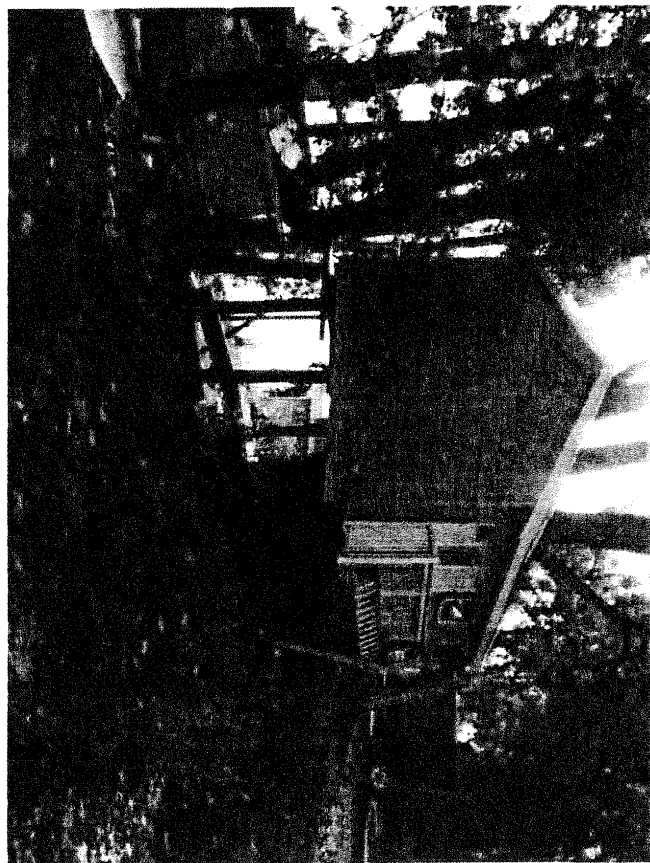
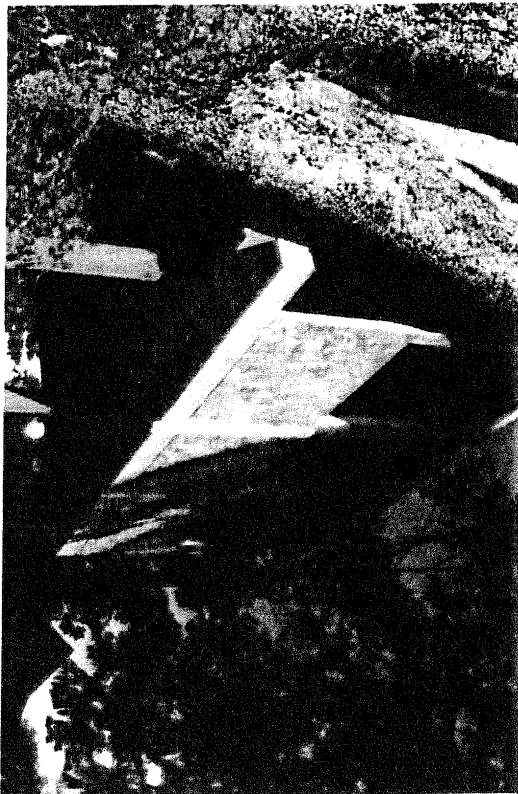
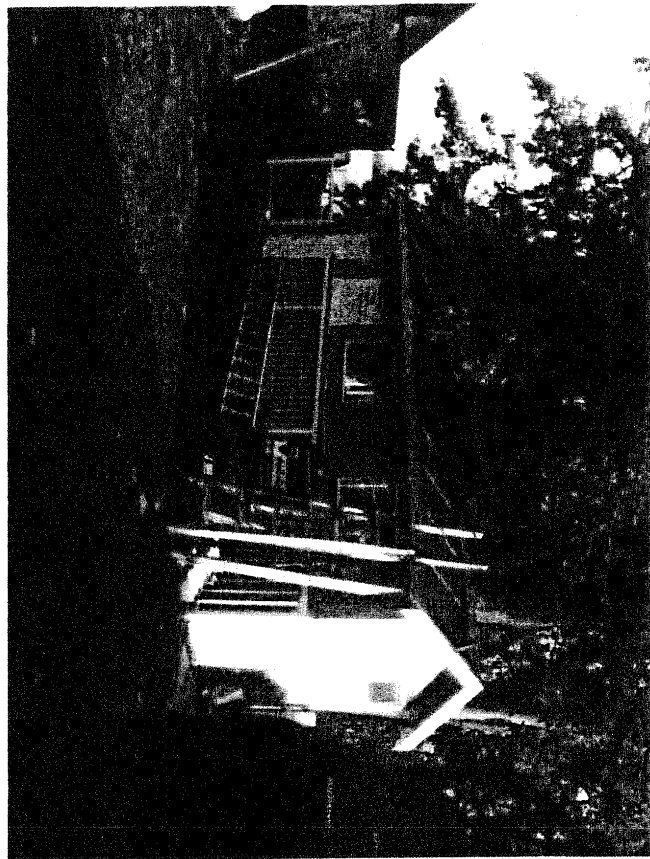
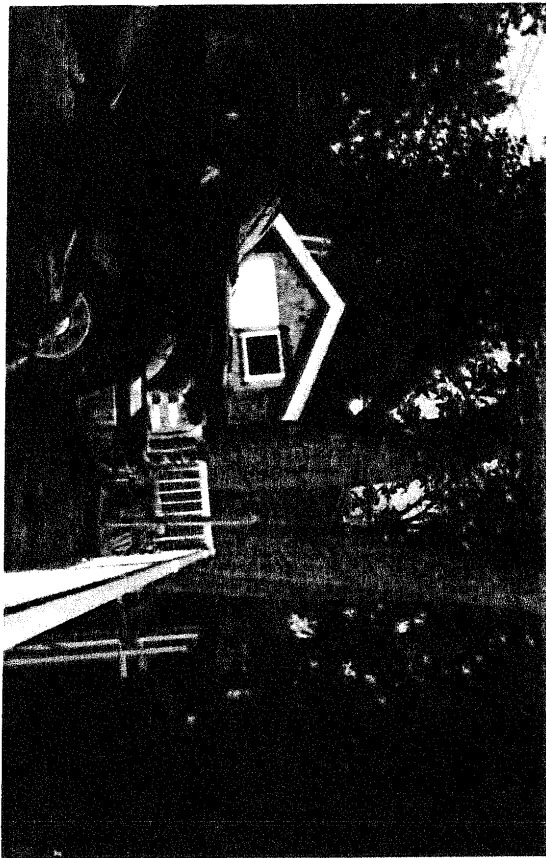
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01/24/2009 07:16

2503634463

CFB ESQUIMALT

PAGE 01/01



JAN 26 2009

Development Services Dept.  
Development  
File No. 7-A-08DVP**REVISED**

January 22, 2009

OCCUPANT  
1696 SANDY BEACH ROAD  
MILL BAY BC

① Dear OCCUPANT:

Re: **1695 Sandy Beach Road (PID: 004-716-655)**  
**Lot 3, District Lot 79, Malahat District, Plan 13099**

② Mr. Clarke,  
Have no problem with this.  
Thank for notifying me.  
23 Jan 09.  
G.W. SAVNORES  
1696 SANDY BEACH

This letter is to advise you as a property owner/resident located within the specified distance pursuant to CVRD Application Procedures and Fee Bylaw No. 2255, that a **Development Variance Permit** application has been made by **Tom Jarvis** to vary Section 8.3(b)(3) of Zoning Bylaw No. 2000 on the above-mentioned property.

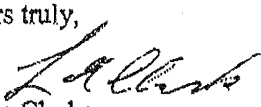
The subject property is zoned R2-A (Suburban Residential - Restricted). Section 8(b) of Zoning Bylaw No. 2000 specifies a minimum permitted setback from a front parcel line of 7.5 metres, and from an exterior side parcel line of 4.5 metres for residential accessory buildings and structures. The proposed variance is for an existing accessory building that has been constructed on the property. **\*The requested variance for a front parcel line setback of 0.02 metres** and an exterior side setback of 0.0 metres would legalize the siting, therefore allowing the structure to remain in the existing location.

For your information, we have attached a copy of the location map, site survey, building elevations, and a copy of Section 8.3 (b) from Zoning Bylaw No. 2000.

Should you have any comments for or against granting this variance request, please provide this office with written notice accompanied by the reasons for your comments, by hand, fax, or e-mail ([ds@cvrd.bc.ca](mailto:ds@cvrd.bc.ca)), preferably within two weeks of receiving this letter, quoting file number **7-A-08DVP (Jarvis)**.

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

Yours truly,

  
Leslie Clarke  
Planning Technician  
Development Services Department

**\*REVISION**LC/mca  
Attachments

cc: Director B. Harrison, Electoral Area A - Mill Bay/Malahat  
Cowichan Valley Regional District (applicants)  
175 Ingram Street  
Duncan, British Columbia V9L 1N8

Toll Free: 1 800 665 3955  
Tel: (250) 746 - 2500  
Fax: (250) 746 - 2513

**cowichan**  
[www.cvrd.bc.ca](http://www.cvrd.bc.ca)

000024



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

NO: 7-A-08 DVP

DATE: \_\_\_\_\_

TO: Tom William Jarvis

ADDRESS: 1695 Sandy Beach Road

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below (legal description) for purposes of locating an accessory building:

*Lot 3, District Lot 79, Malahat District, Plan 13099 (PID: 004-716-655)*

3. Zoning Bylaw No. 2000 applicable to Section 8.3(b)(3), is varied as follows:  
decreasing the setback to a front lot line to 0.02 m. (0.06 ft.) and decreasing the exterior side lot line to 0.0 m. (0.0 ft)
4. The following plans and specifications are attached to and form a part of this permit.
  - Schedule A – Site Plan
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Development Services Department.

AUTHORIZING RESOLUTION NO. \_\_\_\_\_ PASSED BY THE BOARD OF  
THE COWICHAN VALLEY REGIONAL DISTRICT THE \_\_\_\_\_ DAY OF  
\_\_\_\_\_ 2009.

\_\_\_\_\_  
Tom Anderson, MCIP  
Manager, Development Services

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Owner/Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

000025



D2

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF FEBRUARY 3, 2009

**DATE:** January 28, 2009 **FILE NO:** 8-I-08 DP  
**FROM:** Rachelle Moreau, Planning Technician **BYLAW NO:**  
**SUBJECT:** Lucy & Doug Denham Application 8-I-08 DP

---

#### **Recommendation:**

That application 8-I-08 DP be approved, and the Planning Division be authorized to issue a development permit to Lucy and Doug Denham for the reconstruction of the principal residence on Lot 1, Section 45, Renfrew District, (situate in Cowichan Lake District), Plan VIP19229, subject to:

- Strict compliance with RAR Report # 840 by Harry Williams, RP Bio, and
- The 15 m Streamside Protection and Enhancement Area is flagged by a surveyor prior to construction and snow fencing is established separating the construction area from the SPEA;
- The reconstruction is to be located outside the 15 metre Streamside Protection and Enhancement Area, measured from the 164 metre high water mark.

#### **Purpose:**

To consider the issuance of a development permit for the re-construction of a recreational cabin on the subject property in accordance with the provisions of the Watercourse Protection Development Permit Area.

#### **Financial Implications:**

N/A

#### **Interdepartmental/Agency Implications:**

Notification sent by the Ministry of Environment that Riparian Areas Assessment Report # 840 has been accepted and local government may proceed.

#### **Background:**

Location of Subject Property: 11626 Cowan Road

Legal Description: PID 003-717-020, Lot 1, Section 45, Renfrew District, Situate in Cowichan Lake District) Plan VIP19229

000026



Date Application and  
Complete Documentation Received:

Application received September 23, 2008.  
Amended RAR Report #840 received  
November 26, 2008

Owner: Lucy and Doug Denham

Applicant: same

Size of Parcel: ± 0.2 hectares

Existing Zoning: F-1 (Forest Resource 1 Zone)

Minimum Lot Size Under Existing Zoning: 80 hectares

Existing Plan Designation: Forestry

Existing Use of Property: Recreational residential

Existing Use of Surrounding Properties:

North:	Cowan Road
South:	Cowichan Lake
East:	Recreational
West:	Recreational

Services:

<u>Road Access:</u>	Cowan Road
<u>Water:</u>	N/A
<u>Sewage Disposal:</u>	On-site septic

Agricultural Land Reserve Status: Out

Contaminated Sites Regulation: declaration signed

Environmentally Sensitive Areas: The subject property is located along Cowichan Lake. Two small ditches run across the lot, and both are located within the Streamside Protection and Enhancement Area (SPEA).

Archaeological Site: The CVRD has no knowledge of an archaeological site on the subject property.

### **Planning Division Comments:**

The subject property is a 0.2 ha lot located on Cowan Road, west of Cottonwood Creek, and is used as recreational property by the applicants, Lucy and Doug Denham. The lot is one of approximately 30 small lots within an area of generally larger forestry parcels.

000027

There are two existing dwellings on the lot, and the applicants would like to demolish the larger one and build a new cabin. The zoning is currently F-1 (Forest Resource 1) and permits only one single family dwelling. The CVRD has a policy, established in 1991, that applies to situations of non-conforming uses on a property. This policy states that where a parcel is occupied by more lawfully established and occupied dwellings than the prevailing zoning allows, the dwelling that possesses the largest ground floor area (as measured from the outside of the foundation) shall be considered to be the conforming dwelling and any other dwelling shall be considered non-conforming. In this circumstance, the cabin planned to be rebuilt is the dwelling with the largest footprint. The applicants understand that the other dwelling will be considered legal non-conforming, and as such will be governed by Section 911 of the Local Government Act.

The subject property is located in the Watercourse Protection Development Permit Area, under Youbou/Meade Creek Official Community Plan Bylaw No. 2650. Therefore, prior to construction of a building, the applicants must receive a Development Permit issued by the CVRD. The principal requirement of the Watercourse Protection Development Permit is a Riparian Areas Regulation Assessment Report, prepared by a Qualified Environmental Professional. Attached is Report No. 840 by Harry Williams, RP Bio., which was accepted by the Ministry of Environment on November 24th, 2008.

The report outlines measures to mitigate the effects of building in close proximity to Cowichan Lake, and delineates a 15 metre Streamside Protection and Enhancement Area (SPEA) for the lake, measured from the 164 m high water mark. The intent of establishing a SPEA is to identify an area which is protected from development. According to Harry Williams, RP Bio., the 15 m SPEA encompasses and provides adequate protection for two ditches on the subject property, which are located between the cabins and the lake.

The applicants have retained the services of Focus, who have surveyed and flagged the 164 metre high water mark, as well as the 167.33 metre elevation, which is the 200 year floodplain bench mark. Review of the application by the Building Department confirms that it is feasible to rebuild a cabin on the site, although the residence will have to be designed such that the habitable portion of the dwelling will be above the floodplain level.

As shown on the site plan (page 10) in RAR Report No. 840, the southern portion of the existing cabin and deck is located within the 15 metre SPEA. Repairs or reconstruction of a building on its *existing foundation* is exempt from the Riparian Areas Regulation. Theoretically then, the applicants could rebuild within the SPEA, if the reconstruction was limited to the existing foundation. However, a site visit conducted by Building Department staff has found that the existing foundation is not suitable for reconstruction. As a new foundation is required in order to rebuild the cabin, the entire rebuilt structure must be located outside the 15 metre SPEA.

**Advisory Planning Commission Comments:**

This application was not referred to the APC.

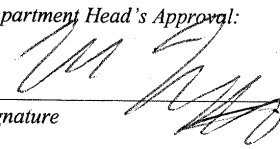
**Options:**

1. That application No. 8-I-08 DP be approved, and the Planning Division be authorized to issue a development permit to Lucy and Doug Denham for the reconstruction of the principal residence on Lot 1, Section 45, Renfrew District (situate in Cowichan Lake District), Plan VIP19229, subject to:
  - Strict compliance with RAR Report # 840 by Harry Williams, RP Bio.;
  - The 15 m Streamside Protection and Enhancement Area (SPEA) is flagged by a surveyor prior to construction; and snow fencing is established separating the construction area from the SPEA;
  - The reconstruction is to be located outside the 15 metre Streamside Protection Enhancement Area, measured from the 164 metre high water mark.
2. That application No. 8-I-08 DP not be approved

Submitted by,



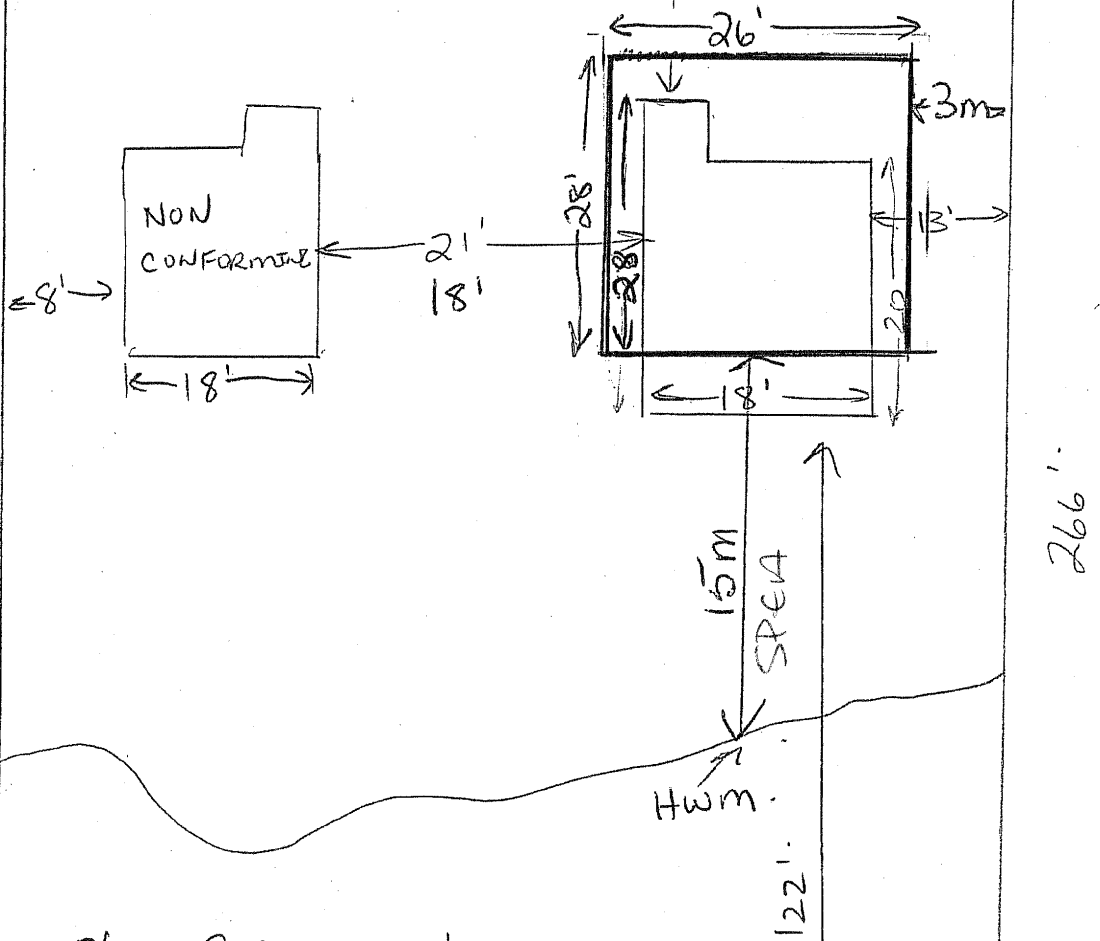
Rachelle Moreau,  
Planning Technician  
Development Services  
Planning and Development Department

Department Head's Approval:

Signature

RM/ca

000029

LOT  
#19229.  
- 11626 COWAN ROAD

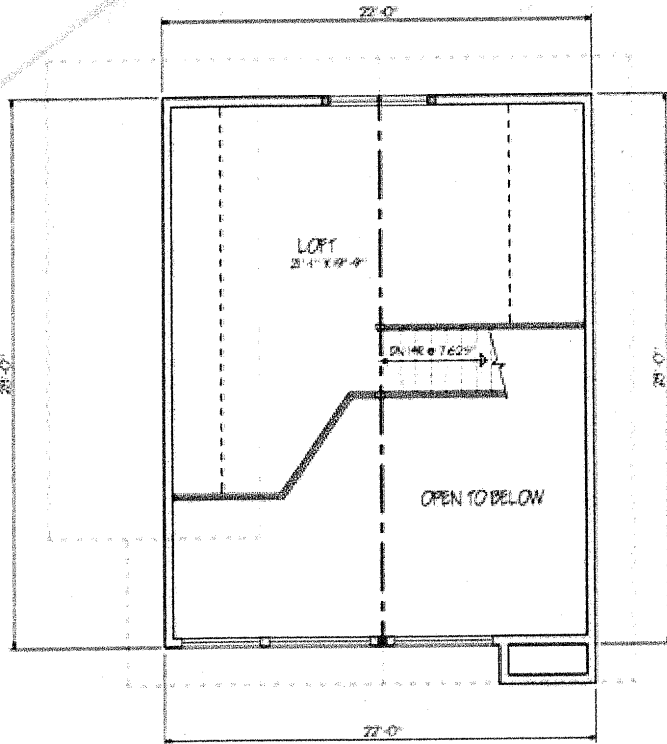


NEW CABIN IN

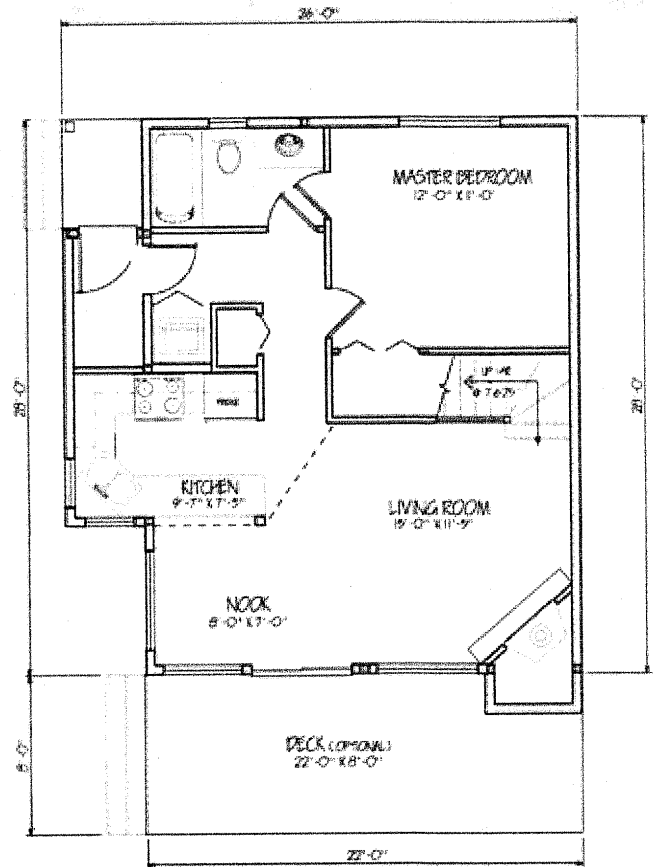
RED

- ALL BUILDING ABOVE.  
200 YR FLOOD PLAIN - OF  
167m.

# Floor Plan of Proposed Dwelling



LOFT FLOOR PLAN  
TOTAL FLOOR AREA: 241 SQ. FT.



MAIN FLOOR PLAN  
TOTAL FLOOR AREA: 686 SQ. FT.  
DECK AREA: 182 SQ. FT.

The Huron  
1027 sq. ft.

LAKA



Cowichan  
Valley  
Regional  
District

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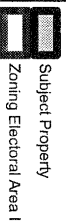
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FILE: 8-1-08-DP

## ZONING

### Legend



(YOUNG RD.)

REN.

S. 45 REN.

R-1

Creek

LOGGING

ROAD

33053

A B C D E F

ROAD

19229

SUBJECT PROPERTY

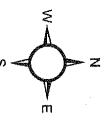
ROBERTS RD

COWAN

1538 R

Cowichan Lake

W-1



000032



Covichan  
Valley  
Regional  
District

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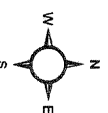
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FILE: 8-1-08-DP

Orthophoto  
(2004)



000033

## 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 2008-11-25

**I. Primary QEP Information**

First Name	Harry		Middle Name	
Last Name	Williams			
Designation	RPBio; PAg; Certified Arborist; Danger Tree Assessor		Company Jacques Whitford-Axys	
Registration #	963; 1751; PNW6342A		Email <a href="mailto:harry.williams@jacqueswhitford.com">harry.williams@jacqueswhitford.com</a>	
Address	715 Canada Ave.			
City	Duncan	Postal/Zip	V9L 1V1	Phone # 250-655-2279
Prov/state	BC	Country	Canada	

**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	Doug		Middle Name	
Last Name	Denham			
Company				
Phone #			Email: <a href="mailto:apexsteel@uniserve.com">apexsteel@uniserve.com</a>	
Address	11626 Cowan Road			
City	Youbou	Postal/Zip		
Prov/state	BC	Country	Canada	

**IV. Development Information**

Development Type	Recreational		
Area of Development (ha)	.19	Riparian Length (m)	26
Lot Area (ha)	.19	Nature of Development	New
Proposed Start Date	2008-11-15	Proposed End Date	2009-06-31

**V. Location of Proposed Development**

Street Address (or nearest town)	Youbou		
Local Government	Cowichan Valley Regional District	City	Duncan
Stream Name	Cowichan Lake		
Legal Description (PID)	PID 003 717 020; Lot 1, Section 45, Renfrew District, Plan 19229		Region 1 (South Island)
Stream/River Type	One lake, 1 ditch		DFO Area Pacific
Watershed Code	Cowichan 920-257700		
Latitude	48	53	35
Longitude	124	17	28

Completion of Database Information includes the Form 2 for the Additional QEPs, if needed.  
Insert that form immediately after this page.



**Table of Contents for Assessment Report**

	Page Number
1. Description of Fisheries Resources Values .....	3
2. Results of Riparian Assessment (SPEA width) .....	5
3. Site Plan .....	7
4. Measures to Protect and Maintain the SPEA (detailed methodology only).	
1. Danger Trees.....	9
2. Windthrow.....	
3. Slope Stability.....	
4. Protection of Trees.....	
5. Encroachment .....	
6. Sediment and Erosion Control.....	
7. Floodplain.....	
8. Stormwater Management.....	
5. Environmental Monitoring .....	12
6. Photos .....	14
7. Assessment Report Professional Opinion .....	

**Section 1. Description of Fisheries Resources Values; Description of the Development Proposal and Summary of Riparian Assessment**

**Regulatory context**

The subject property, owned by Doug Denham, is bounded by Cowichan Lake to the south, an adjacent private property to the east, and Cowan Road to the north and west (see Survey Plan).

The property is in the Cowichan Valley Regional District (CVRD), and within Electoral Area "I", Youbou / Meade Creek. Having frontage on Cowichan Lake, the subject property falls under the Watercourse Protection Development Permit Area (Section 13 of the Electoral Area "I" Official Community Plan, Bylaw 2650).

The Watercourse Protection Development Permit Area (DPA) is designated pursuant to Section 919.1 (1) (a) and (b) of the *Local Government Act* for the protection of the natural environment, its' ecosystems and biodiversity, and the protection of development from hazardous conditions.

A component of the DPA is the Riparian Areas Regulation. The objective of the Riparian Areas regulation is to preserve the environmental quality of Cowichan Lake for the critical habitat that it provides for fish and aquatic animals, fish stocks and water quality. (Section 13.4 of the Youbou / Meade Creek Official Community Plan).

A development permit must be applied for, and issued by the CVRD, prior to any subdivision within this Development Permit Area. The development in question is a rebuild of an existing cottage.

In order for the CVRD to issue a permit for a development within this DPA, they must be notified of the development proposal and be provided with a copy of a riparian area assessment report prepared by a qualified environmental professional (QEP).

This detailed riparian assessment for the subject property was therefore completed to meet the requirements of the Riparian Areas Regulation pursuant to the Fish Protection Act. The specific objectives of this assessment are to clearly identify the Streamside Protection and Enhancement Area (SPEA) as measured from the high water mark (HWM) of Cowichan Lake, and to outline measures to protect this area into the future.

**Fisheries Values**

Cowichan Lake forms the headwaters of the Cowichan River, and has an area of 6213 hectares, a perimeter of 107 kilometres, and an elevation of 164 metres. The lake has a variety of both anadromous and resident fish species including chum, coho, chinook and kokanee salmon; steelhead, rainbow trout, and sea run and resident cutthroat trout. Dolly Varden char and the introduced brown trout are also found in the lake. The shoreline habitat (littoral zone) of Cowichan Lake is important for many of these species at some point in their life cycle.

It is assumed that the shoreline habitat adjacent to the subject property is used by salmonids and other fish species. For this reason, no fish sampling was done as part of this riparian assessment.

The littoral zone of a lake is the zone where full light penetrates the water. Growth of benthic algae in this zone provides food for invertebrates that in turn serve as prey items for fish. Large, overhanging lakeshore trees and vegetation provide a source of organic detritus (leaf and needle fall) and insect drop, both of which add to the productivity of lakeshore fish habitat. Large submerged woody debris and rocks are also important features which contribute to fish habitat by providing cover and protections from predators, and by retaining tree litter fall which is then decomposed by lake organisms. It is for these reasons that juvenile and adult trout and juvenile

## FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

salmon frequently forage along the shores of Cowichan Lake.

Currently, there are serious fisheries issues in the Cowichan River watershed, including critically low escapement of Chinook Salmon. These concerns warrant strong habitat protection measures throughout the watershed. The objective of all lakeshore management plans should be to restore and conserve the riparian vegetation including herbs, shrubs and trees.

### **Description of the property**

There are two small summer cottages on the property (see photo section), which are both approximately the same distance from the edge of the lake. At the time of the field visit, in March 2008, that distance was 39 metres from waters edge.

The property has about 26 metres of lake frontage, and has a very small ditch leading down to the lake from a seepage area just below the above mentioned cottages. There is another ditch which runs more or less north - south, and forms the eastern boundary to the property. The soil in the general area is gravelly, and seepage comes out of the soil in winter and spring, originating from the steep hills to the north of this residential area. There are no creeks on the property.

The vegetation between the lake and the cottages is mostly lawn, with a strip of alders, cedar and willows along the western property boundary. There is a small patch of lakeshore riparian vegetation at the SW corner of the property which includes Douglas spirea, red-osier dogwood, red alder and willows (see photo section). The vegetation behind the house is composed of scattered trees including grand fir, bigleaf maple, Douglas-fir and western red cedar, and scattered shrubs such as sword fern and salmonberry. Daphne laurel, a noxious invasive plant, is also found adjacent to the cottages and should be removed by the client.

### **Development proposal**

The proposal is to rebuild the cottage that is located on the eastern side of the property, using the existing cement foundation, or portion thereof. The cottage in question lies at the edge of the Streamside Protection and Enhancement Area (SPEA), with the front deck and adjacent portion of the house protruding into the SPEA, and within the 200 year flood level mark (167 metres in elevation). See the Survey Plan for the precise location of the house with regard to the SPEA and the 200 year flood limit.

The construction plan calls for having the ground floor of the cottage built above 167 metres in elevation, so that in the event of a 200 year flood, the waters will extend into the crawl space only. No activity or development is planned within the 15 metre SPEA or below the High Water Mark.

### **Summary of Riparian Assessment**

Field work identifies a 15 metre Streamside Protection and Enhancement zone (SPEA) starting at the High Water Mark (HWM) of the lake, which is determined to be 164 metres above sea level. (See Survey Plan). The 15 metre buffer corresponds to the identified Zones of Sensitivity (ZOS) for potential large woody debris, leaf and needle litter, and insect fall.

The SPEA (above 164 metres) plus the lawn area (mostly below 164 metres), encompass the two ditches, thus riparian buffers do not need to be established on the ditches.

For all intents and purposes, the entire lawn area that lies between lakeshore and the two cottages is part of the lakeshore protection zone and is to be left undisturbed and undeveloped.

Both ditches on the property should also remain undisturbed in order to maintain the quality of the water going into the lake.

The owner is encouraged to enhance lakeshore fish habitat by preserving the riparian vegetation that exists in the SW corner of the property and letting it expand, covering more area.

The definition of development also includes removal or alteration of vegetation and disturbance of soils. If any of these occur without an amendment to this report, the developer would be considered non-compliant with the RAR.

## FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

**Section 2. Results of Detailed Riparian Assessment - Lakeshore Zone**

Refer to Chapter 3 of Assessment Methodology		Date: 2008-03-31
Description of Water bodies involved (number, type):		One length of lakeshore
Stream		
Wetland		
Lake	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)**

Channel Width(m)	n/a	Gradient (%)	
starting point	n/a	n/a	
upstream			
downstream			
Total: minus high /low			
mean			
	R/P	C/P	S/P
Channel Type			

I, Harry Williams, hereby certify that:

- I am a qualified environmental professional, as defined in the Riparian Areas Regulation pursuant to the *Fish Protection Act*;
- I am qualified to carry out this part of the assessment of the development proposal made by the developer Doug Denham;
- 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.

**Notes: The section of lakeshore within the property is about 26 m long.**

**Site Potential Vegetation Type (SPVT)**

	Yes	No	
SPVT Polygons		no	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
			I, <u>Harry Williams</u> , hereby certify that:
			<ol style="list-style-type: none"> <li>I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</li> <li>I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Doug Denham</u>;</li> <li>I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and</li> <li>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> </ol>
Polygon No:	1		Method employed if other than TR:
	LC	SH	TR
SPVT Type			yes
			The lakeshore riparian zone is currently a maintained lawn - however forest would have historically covered the property.
Polygon No:	N/A		Method employed if other than TR
	LC	SH	TR
SPVT Type			
Polygon No:	N/A		Method employed if other than TR
SPVT Type			

FORM 1  
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

**Zone of Sensitivity (ZOS) and resultant SPEA**

Segment No:	1	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)	15						
Litter fall and insect drop ZOS (m)	15						
Shade ZOS (m) max	n/a						
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					No	No
Ditch Fish Bearing	Yes	Yes			If non-fish bearing insert no fish bearing status report		
<b>SPEA maximum</b>	<b>15</b>	(For ditch use table3-7)					

Segment No:	N/A	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)							
Litter fall and insect drop ZOS (m)							
Shade ZOS (m) max							
<b>SPEA maximum</b>		(For ditch use table3-7)					

Segment No:	N/A	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)							
Litter fall and insect drop ZOS (m)							
Shade ZOS (m) max							
<b>SPEA maximum</b>	<b>15</b>	(For ditch use table3-7)					

I, Harry Williams, 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 Doug Denham;
- 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.

**Comments**

In order to protect the integrity of the lakeshore riparian area, a 15 metre Stream (Lake in this case) Protection and Enhancement Area (SPEA) is identified, as measured from the High Water Mark (HWM), which is at 164 metres above sea level (see Survey Plan)

## Section 2. Results of Detailed Riparian Assessment - Ditch

Refer to Chapter 3 of Assessment Methodology		Date: 2008-03-31
Description of Water bodies involved (number, type)		One ditch
Stream		
Wetland		
Lake		
Ditch	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)**

Channel Width(m)		Gradient (%)
starting point	n/a	n/a
upstream	0.5 m	
downstream	0.5 m	
Total: minus high /low		
mean	0.5 m	2
	R/P	
Channel Type	RP	

I, Harry Williams, hereby certify that:

e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation pursuant to the *Fish Protection Act*;

f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Doug Denham;

g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

h) 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.

**Notes: The ditch is 12.5 metres long.**

## Site Potential Vegetation Type (SPVT)

	Yes	No
SPVT Polygons		no

Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, Harry Williams, hereby certify that:

e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Doug Denham;

g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

h) 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:	1			Method employed if other than TR:
	LC	SH	TR	Area on both sides of the ditch is maintained as a lawn.
SPVT Type	LC			
Polygon No:	N/A			Method employed if other than TR
	LC	SH	TR	
SPVT Type				
Polygon No:	N/A			Method employed if other than TR
SPVT Type				

**Zone of Sensitivity (ZOS) and resultant SPEA**

Segment No:	1	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)	n/a					
Litter fall and insect drop ZOS (m)	2 m					
Shade ZOS (m) max	2 m	South bank		n/a		
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)				Manmade ditch (see photo)	
Ditch Fish Bearing		No	No	If non-fish bearing insert no fish bearing status report		
<b>SPEA maximum</b>	<b>2 m</b>	(For ditch use table3-7)				

Segment No:	N/A	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)						
Litter fall and insect drop ZOS (m)						
Shade ZOS (m) max		South bank	Yes		No	
<b>SPEA maximum</b>		(For ditch use table3-7)				

Segment No:	N/A	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)						
Litter fall and insect drop ZOS (m)						
Shade ZOS (m) max		South bank	Yes		No	
<b>SPEA maximum</b>	<b>2 m</b>	(For ditch use table3-7)				

I, Harry Williams, hereby certify that:

e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Doug Denham;

g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

h) 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.

**Comments**

In order to maintain the quality of the water going into the lake, a 2 metre SPEA is identified on both sides of the ditch. However as this ditch lies entirely within the Lakeshore SPEA (see Survey Plan), establishing a buffer on the ditch would be redundant. Nevertheless, as mentioned in the text, the area should be flagged and avoided during the construction period.

**Section 3. Site Plan****Site Plan****Notes to accompany Site Plan Map:**

The cottage slated for renovation is the one on the right-hand side of the Site Plan Map (eastern side of the property).

The lakeshore High Water Mark (HWM) is the blue line at the 164 m contour.

Riparian Assessment Area is essentially the whole lawn area between the cottages and the lake. The Streamside Protection and Enhancement Area (SPEA) is the area 15 metres inland from the High Water Mark.

The 15 metre SPEA corresponds to the identified Zones of Sensitivity (ZOS) for coarse woody debris, and insect and litter fall.

The ditches on the property fall within the SPEA and the area below the HWM.



# **SKETCH PLAN OF LOT 1, SECTION 45, RENFREW DISTRICT, (SITUATE IN COWICHAN LAKE DISTRICT), PLAN 19229.**

Civic address: 11626 Cowan Road

Scale = 1:300



## **LEGEND:**

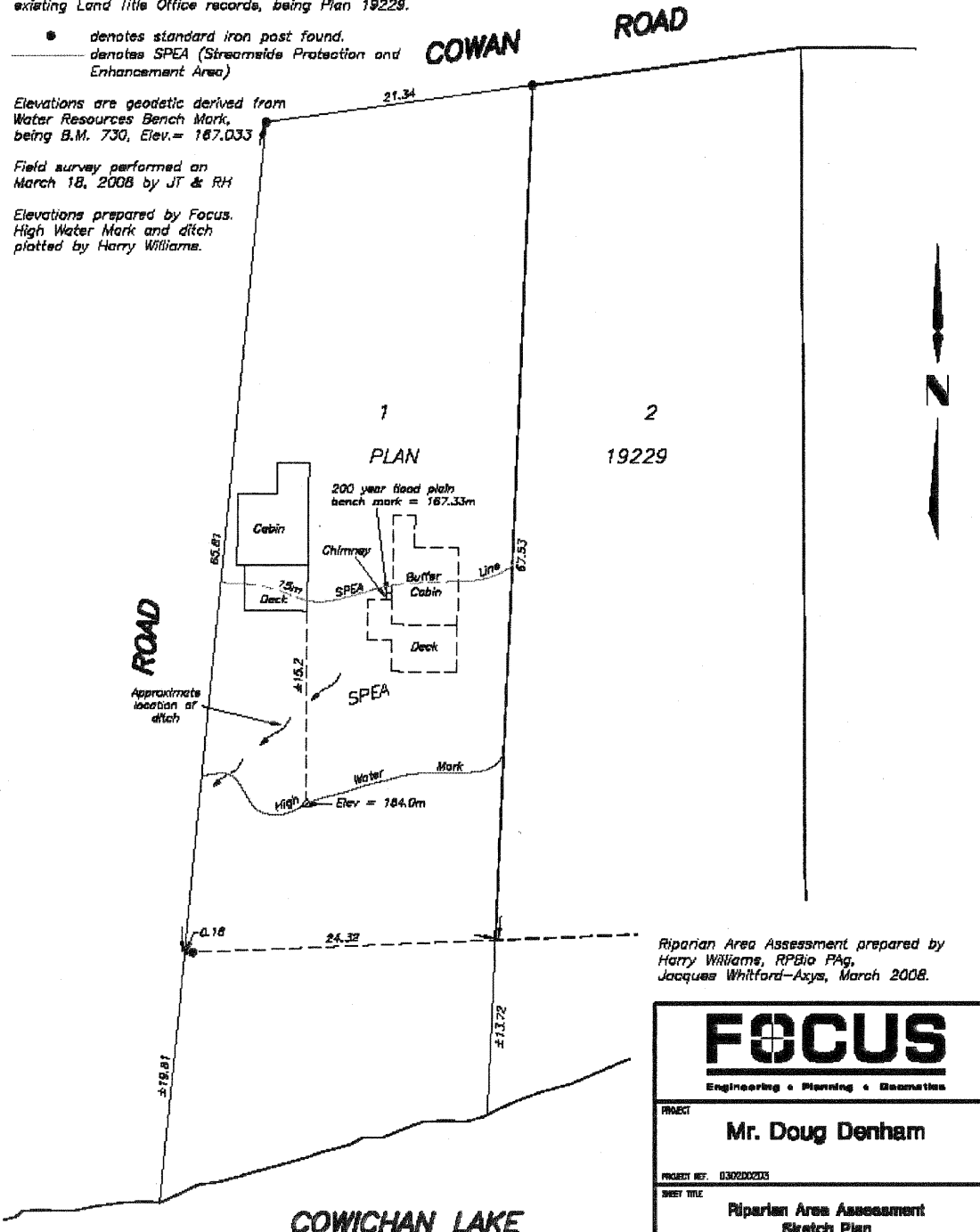
All distances are in metres and are derived from existing Land Title Office records, being Plan 19229.

- denotes standard iron post found.
- denotes SPEA (Streamside Protection and Enhancement Area)

Elevations are geodetic derived from Water Resources Bench Mark, being B.M. 730, Elev. = 167.033

Field survey performed on March 18, 2008 by JT & RH

Elevations prepared by Focus. High Water Mark and ditch plotted by Harry Williams.



Riparian Area Assessment prepared by  
Harry Williams, RPBio PAg,  
Jacques Whitford-Axys, March 2008.

**FOCUS**

Engineering • Planning • Geomatics

PROJECT	Mr. Doug Denham		
PROJECT REF.	030200203		
SHEET TITLE	Riparian Area Assessment Sketch Plan		

DRAWN	VS	DATE	March 20/08	CHECKED	SCALE	1:300
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Rev. No.	Date	Comment
1	April 8/08	Revise SPEA buffer line

030200203SK2

000043

## FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

**Section 4. Measures to Protect and Maintain the SPEA**

This section is required for detailed assessments. Attach text or document files, as need, for each element discussed in chapter 1.1.3 of Assessment Methodology. It is suggested that documents be converted to PDF *before* inserting into the assessment report. Use your "return" button on your keyboard after each line. You must address and sign off each measure. If a specific measure is not being recommended a justification must be provided.

<b>1. Danger Trees</b>	
I, <u>Harry Williams</u> , hereby certify that: i) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; j) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Doug Denham</u> ; k) 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	
<b>2. Windthrow</b>	
I, <u>Harry Williams</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>Doug Denham</u> ; 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	
<b>3. Slope Stability</b>	
I, <u>Harry Williams</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 <u>Doug Denham</u> ; 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	
<b>4. Protection of Trees</b>	
I, <u>Harry Williams</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>Doug Denham</u> ; 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	
<b>5. Encroachment</b>	
I, <u>Harry Williams</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>Doug Denham</u> ; 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	
<b>6. Sediment and Erosion Control</b>	
I, <u>Harry Williams</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>Doug Denham</u> ; 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	
<b>7. Stormwater Management</b>	
I, <u>Harry Williams</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>Doug Denham</u> ; 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	

# FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

## 8. Floodplain Concerns (highly mobile channel)

I, Harry Williams, 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 Doug Denham;
- 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

## Measures to Protect and Maintain the Streamside Protection and Enhancement Area (SPEA)

### Assessment and Treatment of Danger Trees

An assessment for Danger Trees was conducted. The vegetation along the ditch and lakeshore is lawn and has no trees. However there are young trees adjacent to the ditch along the western property boundary, including red alder and small western redcedar trees. No danger trees are present. No construction or activity is planned in the lakeshore riparian area, no danger trees exist, and therefore no measures need to be taken to remove any trees. By definition, if there is no potential target, a tree does not pose a hazard. Therefore the level or risk associated with any danger trees is deemed acceptable.

### Windthrow

A windthrow assessment of the SPEA was done, all trees appear windfirm, and there is no evidence of significant windthrow. No recent tree removal activities have taken place within 30 metres of the lakeshore, and none is proposed at this time. Therefore no measures against windthrow need to be taken.

### Slope Stability

The objective of a slope stability assessment is to determine how the proposed development may affect the stability of slopes along Lake Cowichan and the potential effects of project-related soil instability within the SPEA.

The slopes between the lakeshore and the cottages are gentle with no steep slopes. No signs of slope instability were found.

For future construction, drainage management and the design of drainage structures should be done by qualified personnel to ensure that excess water is directed away from the small bank below the cottage and into the ditched area.

The implementation of the above measures along with proper stormwater management (see below) will ensure that future construction will have a low potential to result in slope instability within the SPEA.

### Tree Protection during Construction

The cottage proposed for rebuilding is at the edge of lakeshore protection areas (SPEA). The only trees within the riparian areas are those along the western property boundary. These trees, while unlikely to be affected by the rebuilding, should nevertheless be protected for the long term to maintain the quality of the water going into the lake. It is recommended that "tree protection zones" be established around these trees and the following activities shall be excluded within the tree protection zones:

- Trenching
- Ground re-grading
- Vehicle parking
- Soil contamination via concrete washout or other pollutants.
- Dumping of debris

- **Removal of vegetation**

Additionally, no removal of any vegetation shall occur within 5 m of the High Water Mark (HWM) of the lake (the SPEA), or in the area below the HWM.

These guidelines shall be communicated to any individual involved in construction activities onsite.

**Encroachment**

The only activity permitted within the SPEA is the removal of danger trees; however, since danger tree removal is not required, no activities are permitted within the SPEA unless approved by a qualified environmental professional.

**Construction**

The edge of the SPEA (15 m from HWM) will need to be clearly identified should any construction related activity occur, as the risk of encroachment is higher during such activities. Essentially, all vehicles, lumber, and concrete storage, debris piles etc. should be located to the rear (north side) of the existing cottages and not on the grassy area south of the cottages.

**Sediment and Erosion Control**

When construction occurs on the property, a sediment and erosion control plan will be required. Proper drainage management is required to insure that no sediment deposition occurs within the SPEA or in the area below the HWM.

Confining excavation work to the dry summer period will also greatly reduce the potential for erosion and sediment laden water to flow off the property. If there is excessive water on the work site at any point, such as during a storm event, construction should halt.

If the above steps are taken, the proposed construction will have a low potential to cause erosion and sedimentation within the SPEA.

**Floodplain**

As photos 3 and 7 show, the annual flood levels of the lake can almost inundate the entire grassy area south of the cottage, and the SE corner of the cottage is within the 200 year flood mark (167 metres above sea level). The construction plan calls for increasing the height of the existing cement foundation so that the ground floor and main structure will be above 167 metres. In the event of a 200 year flood, waters will enter the crawl space below the ground floor. As long as no additional construction or construction related activities occur below 167 metres, there are no major issues with regard to excessive flooding.

**Stormwater management**

The Cowichan Valley Regional District has stormwater guidelines with regard to house construction. They aim to insure that there is no increase in stormwater run-off from buildings. The building footprint of the proposed construction is small and the run-off from the roof should be readily absorbed by the gravelly soil surrounding the house. However, it is recommended that all surfaces surrounding the cottage remain permeable (i.e. not paved). Roof run-off can be captured by gutters and directed into the ditches if desired.

**Section 5. Environmental Monitoring****Environmental Monitoring for construction**

- Mark out the edge of the 15 metre lakeshore SPEA boundary, as measured from the High Water Mark (HWM), which is at 164 metres elevation (as indicated on the Site Plan).

When construction occurs:

- Hold a pre-work, on-site tailgate meeting with the contractor to ensure understanding of all the measures outlined in this Assessment Report.
- Have a qualified environmental monitor (QEM), or planner from the CVRD, to prepare a post-development report indicating compliance with all measures and setbacks (Section 5 of the Regulation).

**Section 6. Photo section**

Photo 1: The two cottages on the Denham property. At the right is the cottage that is slated for rebuilding (eastern side of property).



Photo 2: View from the rear of the cottage planned for rebuild. The top of the cement foundation is within the 200 year flood elevation (167 metres).



FORM 1

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Photo 3: Looking out over the lakeshore area, including one small ditch and seepage area directly below the cottages (bottom of the photo), and a second ditch to the left which goes down the eastern property line.



Photo 4: Small section of natural riparian vegetation at SW corner of property. Species include Douglas spirea, cat-tail, red-osier dogwood and willows. In order to enhance lakeshore fish habitat, the client is encouraged to protect this area and let it expand to the east.



FORM 1  
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Photo 5: Close-up of small ditch in front of the cottages. This area is within the SPEA.



Photo 6: Lower portion of ditch near the lake, below High Water Mark, showing red-osier dogwood and alder trees to the left.





FORM 1

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Photo 7: Stake in the ground showing 164 metre elevation average annual High Water Mark (HWM). Note the rows of leaves showing the extents of several recent flood events (photo taken in March 2008).



FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

**Section 7. Professional Opinion**

**Assessment Report Professional Opinion on the Development Proposal's riparian area.**

Date 2008-11-25

1. I, Harry Williams, hereby certify that:

- a) I am/We are qualified environmental professional(s), as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- b) I am/We are qualified to carry out the assessment of the proposal made by the developer Doug Denham, which proposal is described in section 3 of this Assessment Report (the "development proposal");
- c) I have/We have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
- d) In carrying out my/our assessment of the development proposal, I have/We have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation; AND

2. As qualified environmental professional(s), I/we hereby provide my/our 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,
- (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.]



D3

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF FEBRUARY 3, 2009

**DATE:** January 15, 2009 **FILE NO:** 3-H-07 RS  
**FROM:** Mike Tippet, Manager, Community and Regional Planning **BYLAW NO:** 1497 and 1020  
**SUBJECT:** Rezoning Application No. 3-H-07RS  
(Chemainus First Nation)

---

#### **Recommendation:**

That application No. 3-H-07RS (Chemainus First Nation) for a defined portion of Crown seabed in Ladysmith Harbour for the purposes of active management of the subject area's shellfish resource be approved with predator netting being specifically excluded from the proposed zone, and that the subject Crown Foreshore be rezoned from W-1 and W-2 to a new W-4A Zone (Shellfish Culture), with a public hearing to be held in North Oyster, with Directors Marcotte, Dorey and Kuhn as delegates of the Board, and further that the referral of this application to the Ministry of Environment, Transport Canada, Town of Ladysmith, Integrated Land Management Bureau and Fisheries and Oceans Canada be accepted.

#### **Purpose:**

To consider a request to manage a portion of the seabed of Ladysmith Harbour for active management and harvesting of the shellfish resources.

#### **Financial Implications:**

N/A

#### **Interdepartmental/Agency Implications:**

The Integrated Land Management Bureau (ILMB) has now issued tenure over this site for active shellfish resource management, but as a condition of the active management of the tenure (e.g. planting juvenile shellfish seed) the Chemainus First Nation will require a zoning amendment.

#### **Background:**

**Location of Subject Property:** Northeastern portion of the upper part of Ladysmith Harbour, Electoral Area H (water surface)

**Legal Description:** Those parts of District Lots 80, 137, 158, 228, Block A of District Lot 78, Plan 38T418, Block B of District Lot 326, Block B of District Lot 490; together with unsurveyed Crown foreshore of land covered by water, being part of the bed of Ladysmith Harbour, all within Cowichan District.

000053

Date Application and Complete Documentation Received: October 16, 2007

Owner: Crown Provincial (managed by Integrated Land Management Bureau - ILMB)

Applicant: Chemainus First Nation, Warren Johnny and Kevin Frenchy as agents

Size of Parcel: Approximately 20.4 hectares

Existing Zoning: Mostly W-2 (Water Recreation); some W-1 (Water Conservancy)

Minimum Lot Size Under Existing Zoning: N/A

Existing Plan Designation: None

Existing Use of Property: Navigable tidal water; shellfish harvesting

Existing Use of Surrounding Properties:

North:	A-2, R-2 and R-1 lands
South:	Harbour, some shellfish tenures
East:	R-2 and R-1 lands
West:	Harbour

Services:

<u>Road Access:</u>	Indirectly, through public road ends
<u>Water:</u>	N/A
<u>Sewage Disposal:</u>	N/A

Agricultural Land Reserve Status: Out

Contaminated Sites Regulation: declaration signed

Environmentally Sensitive Areas: The subject properties are beyond the geographic scope of the Provincial Sensitive Ecosystems Inventory.

Archaeological Site: none known

### **The Proposal:**

An application has been made: to amend the Electoral Area H – North Oyster/Diamond Zoning Bylaw in order to permit the active management of shellfish culture on a 20 hectare portion of upper Ladysmith Harbour.

**Advisory Planning Commission Comments:**

The Electoral Area H APC recommended that a public meeting on the application be held. The Commission first dealt with the application on February 14<sup>th</sup>, and they conducted a site visit on April 6<sup>th</sup>. The following motion was passed at the April 10<sup>th</sup> APC meeting:

**"That this application go to a public information meeting.**

**Motion: Carried"**

*Staff note: a public meeting was held in June 2008 and the applicants have adjusted their proposal accordingly*

**Referral Agency Comments:**

This application was referred out to 5 referral agencies back in November of 2007. Their comments follow:

*Ministry of Agriculture and Lands (Integrated Land Management Bureau) – Approval recommended: ILMB has issued a license of occupation for the purpose of shellfish aquaculture over this site.*

*Transport Canada, Marine Branch – Approval recommended subject to condition below: Chemainus First Nation will be required to submit an application to Transport Canada for review prior to the installation of predator netting for shellfish cultivation.*

*Town of Ladysmith – Interests unaffected.*

*Fisheries and Oceans Canada – no comments received*

*Ministry of Environment – no comments received*

**Planning Division Comments:**

***Background***

The Chemainus First Nation (Chemainus FN) has been harvesting clams and oysters on the subject property since 1995, an activity that apparently does not require a license of occupation on Crown land from the Integrated Land Management Bureau (ILMB). Although for most of that time, there was no license of occupation in place, the Chemainus FN did have a "Map Reserve" on parts of Ladysmith Harbour, including this site. A Map Reserve is a notation of interest that the Crown will use to make sure that any tenure applications by third parties over the reserved area will be made known to the holder of the Reserve, so that they may protect their interests before any tenure to these third parties may be granted.

ILMB recently granted a license of occupation to the Chemainus FN for this site, but recognizes that the site has to be rezoned before the intensive management of the resource proposed by the applicants will be possible. We understand from discussing the application with ILMB that the resource would be used for both traditional food purposes and commercial shellfish sales.

Since 1995, the Chemainus FN has developed a very good understanding of where the suitable substrate for shellfish growth is in the local area, and they tell us that the substrate has been improving with each passing year, enhancing shellfish productivity. They have now decided to pursue active management of these shellfish beds. They already hold licenses of occupation over some other shellfish areas in Ladysmith Harbour.

In order to actively manage this area of high shellfish productivity, it was necessary for Chemainus FN to apply for a license of occupation over these shellfish beds, which is what they did some months ago, and the tenure was recently granted. The referral for the license came to the CVRD, and we advised ILMB that the water surface in the area affected is not in the W-4 Shellfish Culture Zone. Accordingly, the Chemainus FN has received authority from ILMB to apply on behalf of the Crown to rezone the water surface in the licensed area for shellfish culture.

### ***Previous EASC Review***

On May 6, 2008, this application came before the Electoral Area Service Committee with three options being attached to it: to proceed to hearing, to proceed to a public meeting or to deny the application. The EASC referred the matter to a public meeting in accordance with the advice of the Advisory Planning Commission. This meeting was held on June 9, 2008 at the North Oyster Community Hall.

The minutes taken at that public meeting are attached to this report. In reviewing these minutes, one can see that many of the public's concerns revolved around the proposed use of predator netting, which has proven to be a problem with other shellfish tenure holders in Ladysmith Harbour. In rough weather, this netting can break loose from its anchors and wash up on the nearest shore, plus some people suggested that the netting itself can trap and kill wildlife.

A related concern was the ability of the residents and local lumber company to continue to use the surface of water in the vicinity of the tenure. This issue was also related to predator netting.

### ***Amended Application Following Public Meeting***

The Chemainus FN originally proposed to have predator netting, which would have been located in the south and southwest portions of the subject area. This would have left large open areas available for navigation of boats over the rest of this part of the harbour. Transport Canada would have had to approve of the netting before it was installed.

Since the public meeting, the Chemainus FN have sent us the attached letter dated December 17, 2008, indicating that in response to the public concern over netting, that this would no longer be part of their management plan. The alternative strategy is for larger clam seed to be purchased before planting, which entails additional cost, but apparently minimizes the predation.

The revised application is again before the Committee for consideration.

### ***Other Issues***

The Chemainus FN raised the matter of noise during shellfish harvesting activities. They indicated that, because the site is already being harvested, there would be no increase in the amount or frequency of harvesting noises, which tends to occur in the very early morning due to the nature of low tides in the area.

The Chemainus FN representatives indicated that they have made an effort to contact property owners and residents of the lands near the subject property. This will of course be supplemented by the CVRD, which will also provide notification in accordance with our normal practice during the rezoning, assuming the proposal is referred to a hearing.

### ***Planner's Comments***

The Official Community Plan for North Oyster/Diamond does not provide detailed policies regarding this sort of application. It does indicate that the CVRD should develop a series of guidelines for the evaluation of water surface use, but this has not been done. The OCP contains the following passages:

*2.2.2(a) Objective: to recognize the importance of Ladysmith Harbour to the local economy, particularly with respect to recreation, shellfish culture and the forest industry.*

*Policy 4.1.2: The following water surface use categories may be regulated by a zoning bylaw:*

- (a) Water Conservancy: Uses related to environmental protection, habitat enhancement and passive recreation.*
- (b) Water Recreation: Public and private recreation use of the foreshore.*
- (c) Water Marina: Commercial moorage and marina services.*
- (d) Shellfish: Shellfish culture.*
- (e) Shellfish processing: Shucking, processing and retail of mollusks and crustaceans, excluding the processing and retail of other forms of seafood.*
- (f) Water Industrial: Uses directly related to water storage and dumping of logs.*

Other policies under the Water sections of the OCP do not provide direction for the community, with respect to applications to change water zoning from one category to another. The theme that runs throughout the OCP is one of conservation and careful management of the natural environment. Since shellfish occur naturally in the Harbour, and active management/shellfish habitat enhancement would be the result if this application is approved, no detrimental effect on the environment is expected. Therefore the issue at hand is therefore one of details: would the management activities (planting of mature clam seed) in the license of occupation interfere with others' use and enjoyment of the Harbour, and if so, how could these concerns be mitigated?

At the public meeting, many people present brought up the issue of the exclusive nature of the proposed W-4 zoning, meaning that it only permits shellfish culture and nothing else. Staff pointed out that a hybrid zone could be written which would allow shellfish culture and other compatible uses of that same water surface (for example, for recreational boating). It is for this reason that we have proposed the creation of a new W-4A Zone, which is intended to allow for more than just shellfish culture. This should address the public concern about the zoning.

The proposed W-4A Zone also would not permit the use of predator netting, which is intended to minimize the loss of young clam seed to waterfowl. This would back up the revised plan of Chemainus FN, in which the use of predator netting is not proposed.

It would also be worth considering application of this new W-4A Zone to other shellfish tenure areas in the Harbour, because the same concerns presumably exist with respect to shellfish management and the exclusionary nature of zoning in all W-4 areas.

In revising their application following the public meeting, staff believe that the Chemainus FN representatives have demonstrated good faith in amending the particulars of the proposed management plan in response to concerns expressed at the public meeting. We feel that the application has considerable merit and should be approved, with the matter to be forwarded to a public hearing.

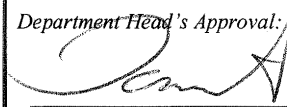
**Options:**

1. That application No. 3-H-07RS (Chemainus First Nation) for a defined portion of Crown seabed in Ladysmith Harbour for the purposes of active management of the subject area's shellfish resource be approved with predator netting being specifically excluded from the proposed zone, and that the subject Crown Foreshore be rezoned from W-1 and W-2 to a new W-4A Zone (Shellfish Culture), with a public hearing to be held with Directors Marcotte, Dorey and Kuhn as delegates of the Board, and further that the referral of this application to the Ministry of Environment, Transport Canada, Town of Ladysmith, Integrated Land Management Bureau and Fisheries and Oceans Canada be accepted.
2. That application No. 3-H-07RS (Chemainus First Nation) for a defined portion of Crown seabed in Ladysmith Harbour for the purposes of active management of the subject area's shellfish resource not be approved, and that a partial refund of the application fee be given to the applicants in accordance with the CVRD development Applications Procedures and Fees Bylaw No. 2255.

Submitted by,



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

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

MT/ca





## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW NO. 33XX

#### **A Bylaw For The Purpose Of Amending Zoning Bylaw No. 1020 Applicable To Electoral Area H – North Oyster/Diamond**

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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 H – North Oyster/Diamond, that being Zoning Bylaw No. 1020;

**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. 1020;

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

#### 1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 33xx - Area H – North Oyster/Diamond Zoning Amendment Bylaw (Chemainus First Nation), 2009**".

#### 2. AMENDMENTS

Cowichan Valley Regional District Electoral Area H Zoning Bylaw No. 1020, as amended from time to time, is hereby amended in the following manner:

- a) That Shellfish Culture 4A – W-4A – is added to Section 6.1 – Creation of Zones.
- b) That the following is added after Section 12.4(a)(1)

#### 12.4A W-4A ZONE – SHELLFISH CULTURE 4A

Subject to compliance with the General Requirements in Part 5 of this Bylaw, the following provisions apply in the W-4A Zone:

#### (a) Permitted Uses

The following uses and no others are permitted in the W-4A Zone:

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1. Shellfish culture;
2. Navigation aids, buoys and markers;
3. Recreation (private and public)
4. Activities directed towards environmental protection and habitat enhancement.

(b) Prohibited Uses

The use of predator netting is not permitted in the W-4A Zone.

- c) That Shellfish Culture 4A – W-4A is added to the Legend of Schedule B (Zoning Map).
- d) That Schedule B (Zoning Map) to Electoral Area H Zoning Bylaw No. 1020 is amended by rezoning those parts of District Lots 80, 137, 158, 228, Block A of District Lot 78, Plan 38T418, Block B of District Lot 326, Block B of District Lot 490; together with unsurveyed Crown foreshore of land covered by water, being part of the bed of Ladysmith Harbour, all within Cowichan District, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-33xx, from Water Recreation (W-2) to Shellfish Culture 4A (W-4A).

3. **FORCE AND EFFECT**

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

READ A FIRST TIME this \_\_\_\_ day of \_\_\_\_\_, 2009.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary

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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  
alterations have been  
consolidated for convenience  
purposes only and that  
boundaries are representational.

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

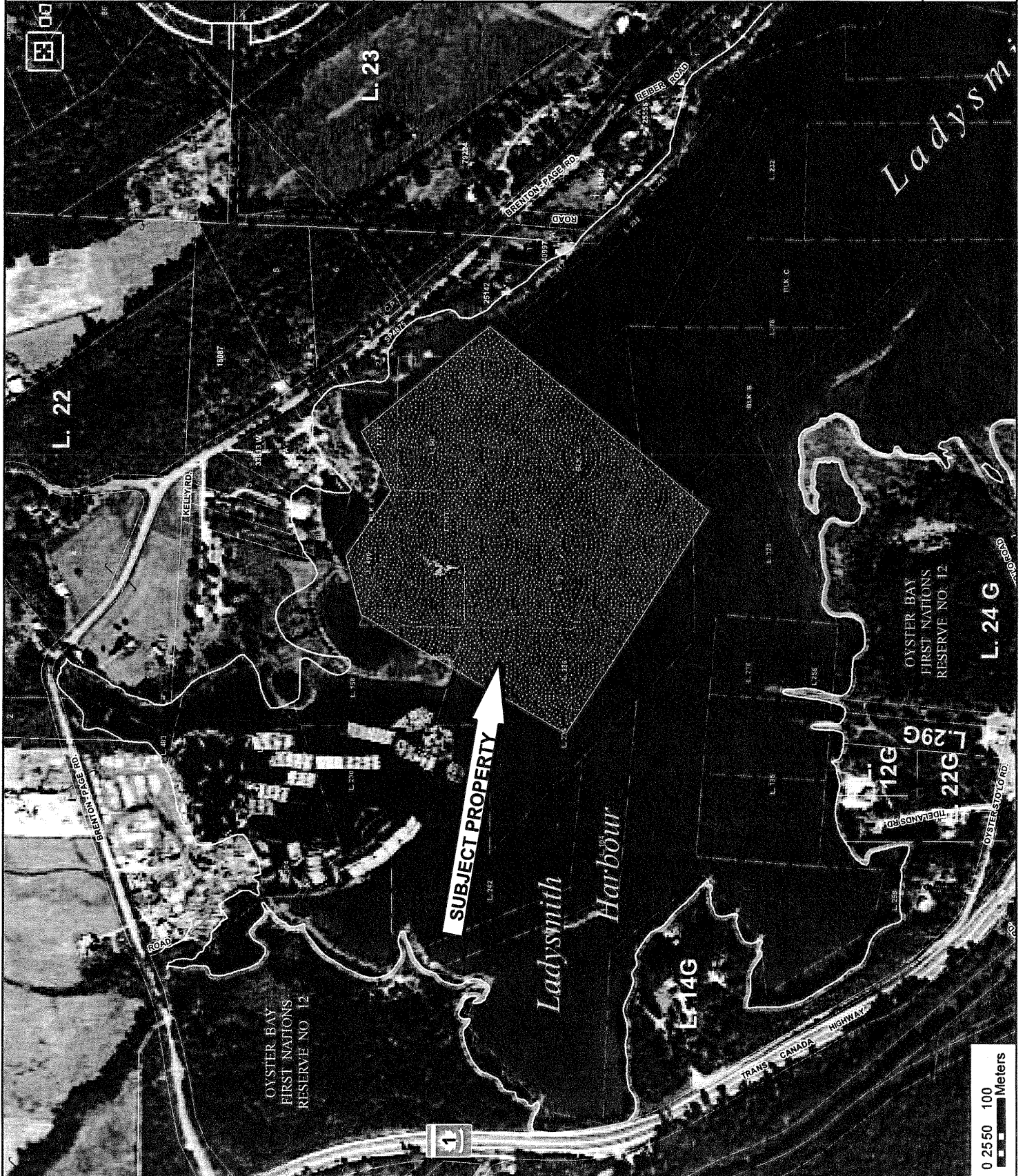
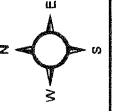
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Electoral Area H  
North Oyster / Diamond

Legend



Subject Property



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Covichan  
Valley  
Regional  
District

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

The Regional District does not warrant the accuracy.

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

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FILE:03-H-07-RS

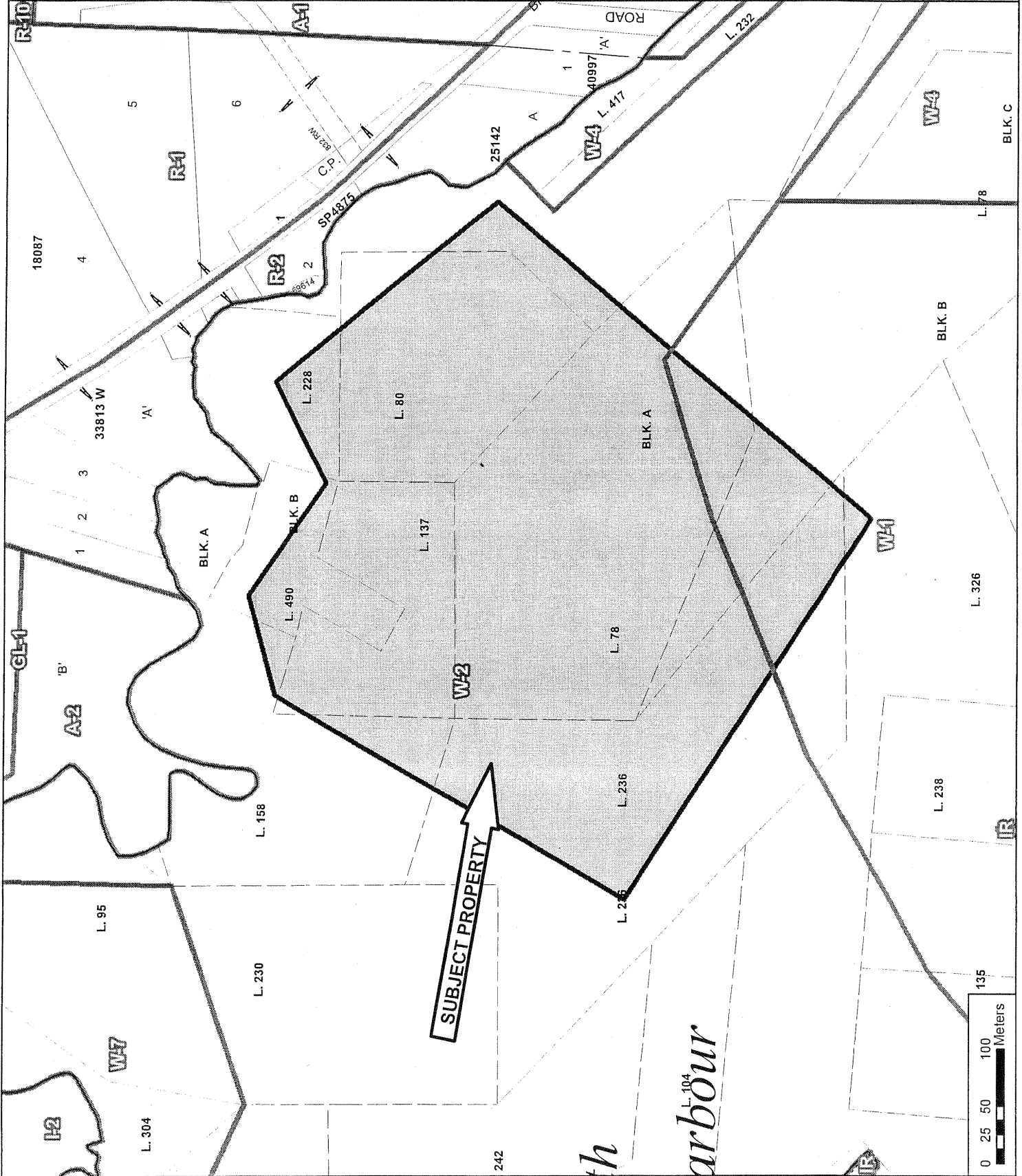
ZONING

Legend



Subject Property  
Zoning Electoral Area H

2



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Chemainus First Nation  
12611 A Trans Canada Hwy  
Ladysmith BC, V9G 1M5  
Ph: (250) 245-7155 Fax: (250) 245-3012

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December 17, 2008

Mike Tippet  
Cowichan Valley Regional District  
Development Services Department  
175 Ingram Street, Duncan, BC  
V9L 1N8

Dear Mr. Tippet,

Re: Chemainus First Nation Lease application Ladysmith Harbour

Chemainus First Nation since the public review meeting about our rezoning application have analyzed the public's comments and concerns regarding the use of predator netting, continued recreational use of the area, and navigational passage interruption.

We inform the Cowichan Valley Regional Committee and Cowichan Valley Regional District that we plan to hopefully address the public interests and concerns by the following;

We plan not use predator netting in the area under application and will remove it from our management plan with the Ministry of Agriculture and Lands. Instead of predator netting we plan to purchase larger clam seed before planting on the beach.

Navigational concerns will be addressed using standards implemented by the Coast Guard which states we are not to obstruct navigational passage routes in the harbour. We also plan to have continuous dialogue with Shaun Timber and residents in the immediate vicinity to ensure our tenure boundaries are clearly marked and ensure clear navigational passages for both recreational users and Shaun Timber is maintained at all times.

We feel any impacts by recreational users over the area will be minimal because of the location of our tenure being approximately 75 – 100 feet from the high tide mark.

We trust our plans to address the general public's concerns will move our application forward.

If you have any further questions please feel free to contact me.

Sincerely

Warren Johnny, Manager, Department of Natural Resources

Cc: Chief and council  
Stephen Olsen, Band Administrator  
Kevin Frenchy, Shellfish Coordinator

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**PUBLIC MEETING MINUTES**  
**Rezoning Application No. 3-H-07RS (Chemainus First Nation/ILMB)**  
**Electoral Area H– North Oyster/Diamond**

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The following is a summary of the proceedings of a Public Meeting regarding the Rezoning Application for the Chemainus First Nation/ILMB, applicable to Electoral Area H – North Oyster/Diamond, held on Monday, June 9, 2008, in the North Oyster Community Centre, 13467 Cedar Road, Ladysmith, BC at 7:00 p.m.

**CHAIRPERSON** Director M. Marcotte, Electoral Area H – North Oyster/Diamond - Chairperson

**CVRD STAFF PRESENT** Mike Tippet, Deputy Manager, Development Services Department  
Mary Anne McAdam, Recording Secretary, Development Services Department.

Warren Johnnie, Chemainus First Nation (applicant).

Members of the Public: There were approximately 24 members of the public present.

**CALL TO ORDER** Director M. Marcotte Chaired the Public Meeting, called the meeting to order and introduced the CVRD Staff that were present.

**Warren Johnnie**

- Started harvesting shellfish with tenure in 1994. Established a relationship with upland owners.
- 6 – 8 years ago a memorandum of understanding was negotiated with the Province to establish a Map Reserve over potential areas for aquaculture.
- Initially 1 location was tenured. This is the second choice.
- Have been harvesting since 1994.
- Objective is to increase production in this area.
- Initially started at 24 ha.
- Clam bearing in this area.
- Wish to increase production of manila clams.
- Crew of 21 from the community that harvest from Dec to approximately June to avoid red tides.
- Rely on shellfish for a livelihood.
- Wish to seed manila clams.
- Do not intend to install predator netting over the entire area, just areas that are seeded.
- The area is currently zoned for recreation, so it needs to be rezoned for aquaculture.

**Mary Marcotte**

- Mike Tippet to explain the technical aspects of the zoning, and the procedures and process.

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- Mike Tippet**
- The W-2 zone is Water Recreation. Permitted uses are: private and public wharf, application for use, i.e. sea wall, breakwater and recreation – both private and public.
  - Other portion of the area under application is zoned W-1, which is Water Conservancy. This zone currently permits environmental protection, habitat enhancement, and passive recreation.
  - W-4 Zone – Shellfish. This Permits shellfish culture only.
- Question & Answer Period**  
**(Mary Marcotte)**
- Al Schonn**  
**Brenton-Page Rd**  
**Warren Johnnie**
- How will predator nets be marked?
  - Predator nets and channel ways will be marked with buoys.
- Al Schonn**
- This is a problem. There are a lot of shellfish areas.
- Terry Hall**
- Problem with netting is that it should be tacked to bottom. In many instances it comes loose or floats into the channel where it gets caught in prop and disables the boat. How far out will it extend?
- Warren Johnnie**
- Will not go that far out into the channel. It is in the Tribe's best interest to ensure the protection of juvenile clams.
  - Nets will not be down 12 months of the year but will be in place to provide protection until the clams bury themselves, then the nets will be rolled up.
- Jim Reiber**  
**5020 Brenton-Page Road**
- Predator nets, which are huge, do get loose and wash up and are left in the area for some time.
  - Concern for kayakers, canoeists.
  - This may prevent people from using the channel.
- Warren Johnnie**
- Predator nets are not being used right now.
  - Strive to ensure that the nets do not interfere with people using the area.
- Jim Reiber**
- When the area is being marked off, will that not prevent people from using the area?
- Warren Johnnie**
- Not necessarily. The area is sub-tidal and the nets will be held down with re-bar.
- Jim Reiber**
- Will the area be marked off?
  - Will people be able to kayak inside the area?
- Warren Johnnie**
- Yes.
- Donna \_\_\_\_\_**  
**Brenton-Page Rd**
- Warren, can you define how the predator area is secured? Is it on the mud or above the water?
- Warren Johnnie**
- It is on the foreshore, on the mud. Re-bar is embedded.

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- Donna \_\_\_\_\_**  
**Warren Johnnie**
- It is not going to be roped off then?
  - Only on the tenure area.
- Donna \_\_\_\_\_**
- Question regarding zone change.
- Mike Tippet**
- Could look at the creation of a new hybrid (Shellfish) zone that would both allow shellfish harvesting and management, plus passive recreation.
- Donna \_\_\_\_\_**
- Concern about nets on beach and wildlife getting caught in nets.
- Mike Tippet**
- The CVRD's zoning only applies to the surface of the water. The First Nation are managing a mudflat.
  - Cannot restrict predator netting on the substrate since we do not have control over this area. This begs the question, "Does the zoning go out with the tide?"
- Al Schon**
- Are people with water leases still going to be able to access their areas?
- Mike Tippet**
- Explained what is allowed under the current W-2 zoning.
  - The proposed zone is restricted just to shellfish culture.
  - Possibility that the Committee would consider a hybrid zone that would allow surface use of the area as well as shellfish culture.
- Bruce Cooper**  
**11698 Fairtide Road**
- Instead of having shellfish planted on the foreshore, the new plan in 2000 was to culture a different kind of shellfish than had been used before.
  - Different restrictions presented new problems. Landowners had to go through various ministries.
  - No changes were made, as the public couldn't prove this would impact them.
  - Most waterfront owners are not wealthy. You can co-exist as long as there are no changes.
  - Would be very concerned if this was next to his property.
  - Not against this but do have concerns about precedents. A lot of land is fronted by waterfront recreational (W-2). Ladysmith/Area H needs lots of W-2.
  - The concept of using W-2 land, albeit small, is of concern.
- Sheila \_\_\_\_\_**  
**5066 Brenton-Page Road**
- Worried about predator netting and its impact on wildlife. Is it really necessary?
- Warren Johnnie**
- It is necessary to protect the investment.
  - Nets are used mostly in the summer months and are needed to protect the resource.
  - Not aware of cases where birds and other wildlife have been caught in the nets.
  - This would be of concern to the business as well.

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**Marshall Soules**  
**5092 Brenton-Page**  
**Road**

- Supports the protection of wildlife. Would there be a mechanism in place to deal with wildlife in the event they are caught in the net?
- A viable shellfish operation in this location could be a catalyst for more awareness of water quality, not only by First Nation but also the surrounding community.
- Supports the project as long as it's sustainable and it monitors the water.
- If there is a complaint, is there a procedure to follow?

**Mary Marcotte**

- Would complaints first be directed to First Nation or the CVRD?

**Mike Tippett**

- Through zoning, we wouldn't have direct authority over predator netting. We would likely contact the Chemainus First Nation to make them aware of any problems. Direct contact by concerned parties would most likely be quicker.

**Warren Johnnie**

- No objections in calls being fielded.

**Brenda Clarke**  
**5118 Brenton-Page**  
**Road**

- Appreciate First Nation's initiative for employment.
- Would change ensure access to upland owners to the W-2 Zone.
- Concerns over nets as well and their effect on birds.

**Gary Rogers**  
**4841 Brenton-Page**  
**Road**

- Cannot put a float within 200 yards of a shellfish production. Feels this will also happen here.
- No problem with shellfish harvesting. Understand the clams need to be purified before being cleaned. Don't understand why floats aren't allowed if the clams are going to go out for cleaning anyway.
- Fisheries and the Band are responsible for giving permission to put a float in.
- The floats wouldn't touch ground as they could be in deep water and the pilings could be in rock so they wouldn't touch the operation; yet, there are about 20 properties that are denied access to put a float within the W-2 Zone.
- The same thing will apply regardless of the zoning. If Fisheries gives the licence away, access will be denied.

**Miriam**\_\_\_\_\_

- This could also affect property value.
- Any restrictions, regardless of how long they are in place, will still affect the property value.

**Warren Johnnie**

- The area that exists now allows for a dock for tying up a small boat for summer use. Clams can be harvested right up to the site. But if it is more, the operation is not allowed within a 125-metre radius.

**Gary Rogers**

- The same thing applies, only in reverse, as we have the dock and aren't able to put the dock within 125 metres of the operation.
- We have a lease – one of the last issued – and the Shellfish lease now comes right under the dock.
- The neighbours applied for a lease and were denied.

**Warren Johnnie**

- Know the area in question.
- The area is harvested under permit, not lease. When private moorage exists, the operation is allowed to harvest up to it, as long as it is not a live-aboard.

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- Gary Rogers** – You wouldn't object to a new application coming into that site?
- Warren Johnnie** – *Tape unintelligible.*
- Al Schon** – Are there any shellfish leases on band land?
- Warren Johnnie** – Yes.
- Peggy Kolosoff** – Access to services.  
– Understands that only the scope of the operation is to change.  
– Will there be any increase in the method of servicing the area?
- Warren Johnnie** – Will be operating the same as they now are. Will be increasing production in the area.
- Donna\_\_\_\_\_** – What is meant by, "increasing production"?
- Warren Johnnie** – Will plant seed to increase the amount of the product hopefully to 1.5 million.
- Donna\_\_\_\_\_** – Will that mean more use?
- Warren Johnnie** – It could. There were about 20 visits. This could increase by 15 more. The visits have been fairly consistent.
- Donna\_\_\_\_\_** – What kind of consequences would there be for damage caused by netting – i.e. to wildlife?
- Mike Tippet** – Not much from CVRD. There could be consequences under the *Navigable Waters Act*.  
– Loss of netting.  
– There is no tight control over this.  
– There needs to be good stewardship.
- Donna\_\_\_\_\_** – Property values of concern. Owners have been faced with a 40 – 60% increase in taxes, yet the use is becoming more limited.  
– Wish to work hand-in-hand with First Nation people.
- Mike Tippet** – The Province sets the Mill Rates for residential properties.  
– BC Assessment hears the appeals.  
– Some people are successful, especially if a change causes some effect.
- Gary Rogers** – If Fisheries has control then why do we need to go through this process?  
– Why change the zoning?
- Mike Tippet** – Tenure was granted by ILMB (Integrated Land Management Bureau) before the zoning was in place. Ideally the two should go hand-in-hand, however this didn't happen and we are a different level of government.  
– We are here to address the ability to manage this as an intensive production site for shellfish.  
– If the zoning is not granted, you will not see predator netting in place.

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- Gary Rogers** – Who has the most authority here?
- Mike Tippet**
- Surface of the water is subject to CVRD zoning. The Crown governs the substrate (the land underneath the water).
  - They weren't wrong to issue this tenure on the substrate.
  - The proponents plan to do certain things that require the zoning to change.
  - The Board may approve some or a portion.
- Donna \_\_\_\_\_** – Has there ever been a form of hybrid zoning before?
- Mike Tippet**
- Yes – gave examples.
  - Mixed uses can be done, i.e. residential and commercial on a single property. The idea of possibly having non-motorized boating, which would not be incompatible with predator netting, might make sense.
- Mary Marcotte** – Gave an example of the building this meeting is being held in. There were some zoning restrictions but there have been changes.
- Donna \_\_\_\_\_** – Nervous about increase in site visits. There have been instances of people coming down their driveway to gain access to the beach.
- Warren Johnnie** – Can notify of accesses.
- Donna \_\_\_\_\_** – Has a 4 hp zodiac that they like to put in the water at high tide. Will that not be allowed?
- Mike Tippet**
- Would have to look into that, should a hybrid zone be considered.
  - The use should be included in the zone.
  - This could be difficult, if not impossible to enforce.
  - This is something we should look at.
- Speaker** – Will this be well marked, so that people could take a rowboat out and go around it?
- Warren Johnnie** – Yes.
- George Harris  
Resident of Island  
No. 13**
- Spoke in favour of project.
  - First Nation is very much in need of this project.
  - First Nation people live in a community with very high unemployment (40 – 50%).
  - Tribes are the largest employer.
  - This is very important to the people who have been accused of trespassing where they used to draw a livelihood.
  - Have seen many changes.
- Warren Johnnie**
- Only cultivating the foreshore.
  - A kayak is not going to damage shellfish. No problem with this.
  - Tenure is probably down 50 metres from the high tide mark.
- Mary Marcotte** – Would it in any way impede walking along the beach?

- Warren Johnnie**
- Don't see any problem with people walking along the beach.
  - Communication between upland owners and the operation needed.
- Mary Marcotte**
- Lighting is of concern at night. Are generators used?
- Warren Johnnie**
- Gas lights are used, not generators.
- Gary Rogers**
- Does the W-2 zone restrict the use of predator nets?
- Mike Tippett**
- Read the uses and restrictions from the staff memo. Doesn't specifically address netting.
- Gary Rogers**
- Warren has no objection to boats going over the W-2. Predator nets will be allowed with the change in zoning.
- Mike Tippett**
- Predator netting would be an accessory to shellfish harvesting. Zoning doesn't always mention what is not permitted. Always gone through this process in Ladysmith harbour.
- David Wetherill**
- What are the predators?
- Warren Johnnie**
- Otters and Ducks.
- Al Schon**
- Should we be able to continue with our log booms?
- Warren Johnnie**
- Need to talk. Will mark the channel to avoid the nets.
- Doug Kolosoff**  
**5130 Brenton-Page Road**
- There is a need to mark out the existing tug channel and then mark it on the plans
- Warren Johnnie**
- Have been working the area since 1994
- Al Schon**
- In conversation with Warren, was told the lease was nowhere near the tugs.
- Doug Kolosoff**
- The boats should have a channel and the lease could have its area(s).
- Marshall Soames**
- Are log booming and clam-fish culture compatible?
  - Is the bark toxic?
  - Will that have an effect on the shellfish culture?
- Warren Johnnie**
- Understand that the logs are not treated now. Not of concern.
- Kieran Hall**
- Channel is narrow. How much further out would you come?
- Warren Johnnie**
- In the general area of now harvested.
- Al Schon**
- If there are plans to expand, will you be going out further?
- Warren Johnnie**
- Would manage and try to increase production in areas that won't be jeopardized.

000071

- Mike Tippet**
- The information on the map reflects what was received from ILMB.
  - Will recheck the boundary before going further with this.
  - Warren has indicated that the boundary is further off shore than what is shown on the map.
- Warren Johnnie**
- Outlined on the map the area that is being used right now.
  - Although the boundary line is delineated to where tugs go over the tenure, we would not put seed this far out.
- Alan Schon**
- Employs numerous people.
  - Trying to protect interest.
  - Does not want to see a line drawn across the deep channel.
- Mike Tippet**
- Could discuss with Chemainus First Nation the prospect of removing from the W-4 Zone the portion they do not intend to manage.
  - This would change the line to reflect the areas of use only.
- Dennis Patterson**  
**5111 Brenton-Page Road**
- Warren Johnnie**
- How often will cars be parked along the road? There is only shoulder parking.
  - Parking could increase a bit more than what is currently seen.
- Speaker**
- How will washroom issues be addressed?
- Warren Johnnie**
- Most likely by the use of a port-a-potty.
- J. Harris for**  
**C. Harris**  
**5101 Brenton-Page Road**
- Warren Johnnie**
- Dave \_\_\_\_\_**
- First Nation employees access the beach through her father's property located at 5101 Brenton-Page Road.
  - Was not aware that this was a private access. Will change the point of entry.
  - What kind of netting will be used? Is it like gillnetting?
  - Will it allow escape?
- Warren Johnnie**
- Very small gauge netting, not like gillnetting.
- Gary Rogers**
- Enquired about use of nets by the Limberis Co.
- Mary Marcotte**
- Don't know how their nets are used.
- Gary Rogers**
- Could see loose nets being a problem.
- Speaker**
- Net that was seen was in a huge ball.
- Warren Johnnie**
- The net was probably not secured.
- Peggy Kolosoff**
- Who will one call about net problems?
- Warren Johnnie**
- Will be responsible for First Nation nets.
- Mary Marcotte**
- Called once, twice, for any further comments?

000072

- Sheila \_\_\_\_\_** – Are you still looking into another location?
- Warren Johnnie** – There are 6 other locations.
- Donna \_\_\_\_\_** – How long will this take?  
– When will you know what the result is?
- Mary Marcotte** – Explained the process that will follow this meeting.
- Mike Tippett** – The Electoral Area Services Committee may look at it in August.
- Gary Rogers** – Not necessarily against the harvesting but need to clarify what the surface use of the water will be as this could be precedent setting.
- Warren Johnnie** – Eight locations are harvested. Looking at the viability of these locations.
- Bruce Cooper** – Could the other locations be shown on the map?
- George Harris** – This could take much more time.
- Bruce Cooper** – Need to know.  
– Many people will be affected by the decision.  
– If we are talking about the harbour then residents have a need to know, as this could set a precedent for future.
- George Harris** – This is one application that is being applied for.
- Mary Marcotte** – This area needs to be identified clearly on a map that will be presented at the public hearing.  
– Called once, twice, three times for other comments.

**ADJOURNMENT**

Director Mary Marcotte thanked everyone in attendance at the Public Meeting and declared the meeting closed at 8:30 p.m.

**Mike Tippet**

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**From:** Mary [marym@island.net]  
**Sent:** Monday, May 26, 2008 6:01 AM  
**To:** Mike Tippet  
**Subject:** Fw: Clam harvesting Application

Hi Mike,  
 Will you make sure that these comments are included in the Chemainus First Nation application file.  
 Thanks,  
 mm

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

**From:** Brenda Clarke  
**To:** marym@island.net  
**Sent:** Tuesday, May 20, 2008 6:59 PM  
**Subject:** Clam harvesting Application

Greetings Mary;

I am writing to you as the owner of 5118 Brenton Page Road which is directly across from the Clam Application zone. I appreciate the First Nation have a right to clam .. However, I do not believe at the negative impact to surrounding owners. My husband and I have the following concerns:

1. NO predator netting allowed; this netting is dark and ugly, disrupts local habitat and their life in our area and discourages wildlife; we want wildlife in our area
2. Predator netting comes lose and becomes a hazard in the harbour and kills swimming sea life like the otters and some fish ...
3. We would ask that the agreement/lease application provides for the ' personal Recreational use and navigational use/boating access to homeowners property along the Ladysmith harbour'
4. We would also expect the ' No Trespassing Policy' would be re-stated in the agreement and the intent to comply with the noise by-law

Thanks for noting my feedback in the review mix for this application. Unfortunately, we are out of the province for this week .. and can not attend the Public Meeting on May 29<sup>th</sup> ... Please keep me posted of new meetings/updates ..

Thanks .. B.C.

**Brenda Clarke**

*RETHINK (West), Inc*  
 5118 Brenton Page Road  
 Ladysmith, B.C. V9G1L6

250-245-8556 or fax 8536  
 www.rethink-group.com



Please consider the environment before printing this email.

000074

5/26/2008



**Mike Tippett**

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**From:** CVRD Development Services  
**Sent:** Wednesday, June 11, 2008 4:18 PM  
**To:** Mike Tippett  
**Subject:** FW: Meeting at North Oyster - Natives - Predator nets

---

**From:** Linda or Dave Mohr [mailto:ldmohr@telus.net]  
**Sent:** Wednesday, June 11, 2008 1:41 PM  
**To:** CVRD Development Services  
**Subject:** Re: Meeting at North Oyster - Natives - Predator nets

Att: Mike,

Just a note on the idea that the natives have to install predator nets. At the June 9 meeting Warren said that it was to keep the Surf Scoter ducks from eating the Manilla clams. I live down the road from the subject property on Shell Beach on the waterfront where the natives also harvest clams, and one of my hobbies is to bird watch. I have not seen a Surf Scoter duck for at least two years and am wondering why this is even an issue. Could they all be up at the subject property? All I have seen are Buffleheads, Mergansers, Goldeneyes and the odd Grebe, etc. I can't see why it would make that much difference to their clam harvest. They are already seeding the clams, I understand, and so they are probably at the maximum potential now.

Wildlife habitat loss is an issue for me. If there are a few ducks eating clams at this site, then the natives want to stop them from taking this food source? Mr. Harris talked about the fact that they have been harvesting clams for many years, and that is fine, harvest a portion. But share a little with the ducks, so that they also can continue to survive. Surely they could come up with some other ideas for employment that do not sacrifice wildlife habitat. (We have employed them whenever we have work). And if the nets actually harmed any wildlife, that would just not be acceptable! Wildlife is stressed throughout the harbour with all the activity that happens every day, it is already a struggle for them to survive, and watching wildlife is why I live where I do, and it is the thing that gives me the most joy.

Also, if the nets are restrictive to the use of swimming, canoeing, kayaking, etc., this would not be fair to the people that live here, as was mentioned at the meeting, and I agree. Even having to look at unsightly buoys, etc. and the nets themselves would definitely not be great. We already have to look at the old Saida ship that is parked right in front of our property as well as numerous floats, etc., which really takes away from the beauty of the harbour. If this was allowed it would set a precedent, as the attending gentleman mentioned, which I also agree with. Please do not let this happen, if it is within your power to do so. It is my opinion that the zoning should not be changed.

Thankyou,  
Linda Mohr  
4266 Shell Beach Rd.  
[ldmohr@telus.net](mailto:ldmohr@telus.net)

000075

6/12/2008

## Mike Tippet

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**From:** brian wolfe [bmwolfe@shaw.ca]  
**Sent:** Wednesday, June 25, 2008 12:25 PM  
**To:** Mike Tippet  
**Subject:** foreshore rezoning proposal

i have a residence at 5126 brenton page road.i am against this rezoning application for the foreshore because there is no proposed navigation route indicated. i strongly suggest the water lots remain zoned as they currently are.  
i also have strong concerns over the use of anti-predator nets in the fore shore area.  
i can be reached at 250 245-7655 or by e-mail.



SRI

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING FEBRUARY 3, 2009

**DATE:** January 21, 2009 **FILE No:** 0540-20-EASC/07  
**FROM:** Daniel Derby, Manager, Protective Services  
**SUBJECT:** Replacement Fire Engine for Mesachie Lake Fire Protection Service Area

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#### **Recommendations:**

1. That staff be authorized to obtain the services of Bob Hamilton Enterprises Inc. to undergo negotiations, inspection and purchase of a used fire engine on behalf of the CVRD prior to the adoption of the CVRD 2009 five-year financial plan.
2. That the Board approve the sole source purchase of a used fire engine for the Mesachie Lake Volunteer Fire Department, the overall expenditure of which will not exceed \$120,000.
3. That the Board approve \$50,000 in short term borrowing for the purchase of a used fire engine for the Mesachie Lake Volunteer Fire Department to be paid over five years under the Liabilities Section 175 of the Community Charter.
4. That staff be directed to prepare the necessary Reserve Fund Expenditure Bylaw and the Bylaw be forwarded to the Board for consideration of 3 readings and adoption.

#### **Financial Implications:**

Working with the Volunteer Fire Department, it has been determined that the maximum funding available to purchase a fire engine is \$120,000. Of this sum \$50,000 will be generated through short-term borrowing over 5 years with the balance funded from 2009 operating budget and reserve funds. The current balance in the reserve fund is approximately \$63,000.

#### **Background:**

Household insurance ratings are based on a number of factors including the age and maintenance records relating to primary fire response vehicles. Mesachie Lake VFD Engine #1, a Superior Class A pumper with a pump capacity of 1050 gpm and water carrying capacity of 1000 gallons, is now 31 years old. The department has kept the vehicle in exemplary condition however insurance ratings dictate that we must update the truck to ensure continuity of insurance premiums for the residents of the Mesachie Lake area. The fire department anticipated this replacement and has been building a reserve in anticipation of a 2008 purchase.

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The department has been attempting to find a suitable used replacement. In late 2008, the City of Duncan hired Mr. Bob Hamilton, a retired Master Mechanic of the Victoria Fire Department to inspect and negotiate the purchase of a replacement ladder truck. It is proposed that Mr. Hamilton's services be acquired to secure a replacement vehicle for Mesachie Lake (the costs of his assistance have been factored into the overhead expenses). The overall expenditure of \$120,000 will be procured through a sole source purchase because a used vehicle is being sought (i.e. a tender will not be issued). The purchasing policy requires that all items over \$75,000 purchased through sole source be approved by the Board. Once a replacement pumper is purchased, Engine #1 will be disposed of in accordance with CVRD policies.

Submitted by,



Daniel J. Derby  
Manager, Protective Services

/bw



SR2

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF FEBRUARY 3, 2009

**DATE:** January 26, 2009 **FILE NO:** 4-E-06 RS  
**FROM:** Mike Tippet, Manager, Regional and  
Community Planning **BYLAW NO:** 1490 and 1840  
**SUBJECT:** Application for OCP amendment and rezoning –  
Cliff Kaelble, Allenby Road

---

**Recommendation:**

The direction of the Committee is requested; either Option 1 or 2 should be chosen.

**Purpose:**

To consider the Board's referral of this matter to staff, and propose an amendment to Bylaw 3139 which would add the subject lands to the proposed Koksilah Development Permit Area.

**Financial Implications:**

Hearing costs

**Interdepartmental/Agency Implications:**

N/A

**Background:**

At the last Board meeting, the following resolutions were passed:

- B9** It was moved and seconded that "CVRD Bylaw No. 3139 - Area E -  
**09-029** Cowichan-Koksilah Official Community Plan Amendment Bylaw (Kaelble),  
2008" be referred back to staff.  
**MOTION CARRIED**
- B10** It was moved and seconded that "CVRD Bylaw No. 3140 - Area E - Cowichan  
**09-030** Station/Sahtlam/Glenora Zoning Amendment Bylaw (Kaelble), 2008" be  
referred back to staff.  
**MOTION CARRIED**

These two bylaws have been to hearing.

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**Planning and Development Department Comments:**

If the Board's intention is to proceed with these amendment bylaws, the Committee should consider recommending that the OCP Amendment Bylaw 3139 be amended by adding the subject property, located on Allenby Road, to the development permit area proposed in Bylaw 3210, namely the Koksilah DPA. This DPA is not officially in existence yet, but the amendment bylaws creating it are at third reading.


Since adding a property to a DPA is an amendment to an Official Community Plan, a public hearing would be required. Due to this and the fact that those present at a hearing would likely want to also discuss the proposed zoning amendment again, it would be prudent for the Committee to refer both Bylaws 3139 and 3140 back to hearing, after amending Bylaw 3139 by adding the site to the Koksilah DPA.

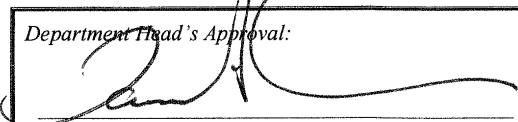
Proceeding with third reading and adoption of Bylaws 3139/3140 would leave the property zoned as industrial but outside of the Koksilah Development Permit area.

**Options:**

1. That Official Community Plan Amendment Bylaw No. 3139 (Kaelble) be amended by adding Lot 4, Section 14, Range 6, Quamichan District, Plan 1275, except parts in Plans 9717 and 28381 to the Koksilah Development Permit Area, AND FURTHER that both Bylaw 3139 and 3140 be referred back to a second public hearing, with Directors Duncan, Cossey and Giles as delegates.
2. That Official Community Plan Amendment Bylaw No. 3139 (Kaelble) and Zoning Amendment Bylaw 3140 (Kaelble) be referred back to the Board for consideration of third reading in their present form.

Submitted by,

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

Department Head's Approval:  
  
Signature

MT/ca

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## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 3139

#### **A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. 1490, Applicable To Electoral Area E – Cowichan Station/Sahtlam/Glenora**

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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 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 "**CVRD Bylaw No. 3139 - Area E – Cowichan-Koksilah Official Community Plan Amendment Bylaw (Kaelble), 2008**".

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 \_\_\_\_\_, 2008

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary





**C·V·R·D**

**SCHEDULE "A"**

**To CVRD Bylaw No. 3139**

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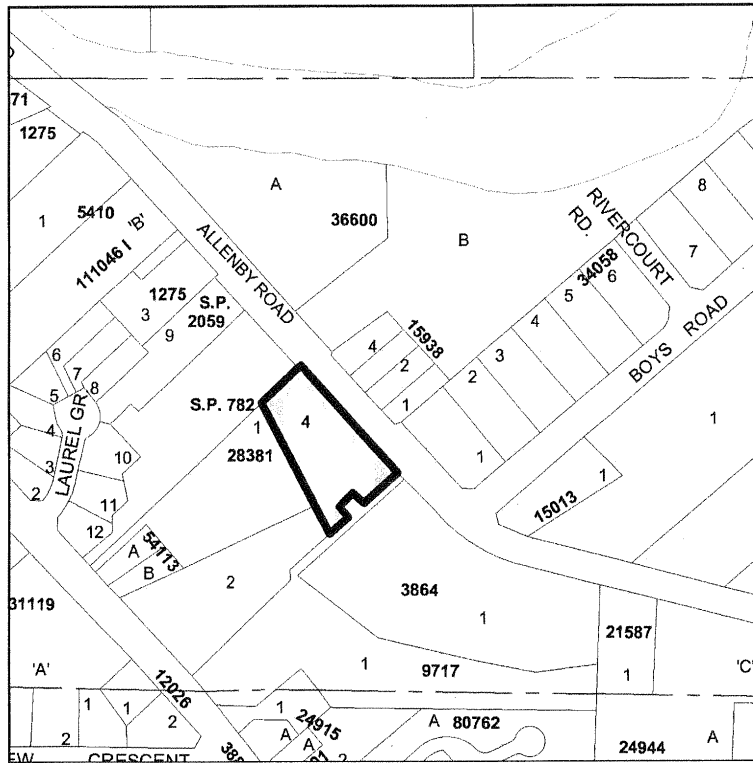
Schedule A to Official Community Plan Bylaw No. 1490, is hereby amended as follows:

1. That Lot 4, Section 14, Range 6, Quamichan District, Plan 1275, except parts in Plans 9717 and 28381, as shown outlined in a solid black line on Plan number Z-3139 attached hereto and forming Schedule B of this bylaw, be redesignated from Urban Residential to Industrial; and that Schedule B to Official Community Plan Bylaw No. 1490 be amended accordingly.
2. That Lot 4, Section 14, Range 6, Quamichan District, Plan 1275, except parts in Plans 9717 and 28381, as shown outlined in a solid black line on Plan number Z-3139 attached hereto and forming Schedule B of this bylaw, be added to the Koksilah Development Permit Area, as shown on Figure 14: Koksilah Development Permit Area Map.

PLAN NO. Z-3139

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

3139



**THE AREA OUTLINED IN A SOLID BLACK LINE IS REDESIGNATED FROM**

**Urban Residential** **TO**

<b>Industrial</b>	<b>APPLICABLE</b>
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**TO ELECTORAL AREA E**

000084



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 3140

#### **A Bylaw For The Purpose Of Amending Zoning Bylaw No. 1840 Applicable To Electoral Area E – Cowichan Station/Sahtlam/Glenora**

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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 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, in open meeting assembled, enacts as follows:

#### **1. CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3140 - Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Kaelble), 2008**".

#### **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 Schedule B (Zoning Map) to Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is further amended by rezoning Lot 4, Section 14, Range 6, Quamichan District, Plan 1275, except parts in Plans 9717 and 28381, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3140, from R-3 (Urban Residential) to I-1 (Light Industrial).

.../2

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**3. FORCE AND EFFECT**

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

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_ , 2008

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_ , 2008.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_ , 2008.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ , 2008.

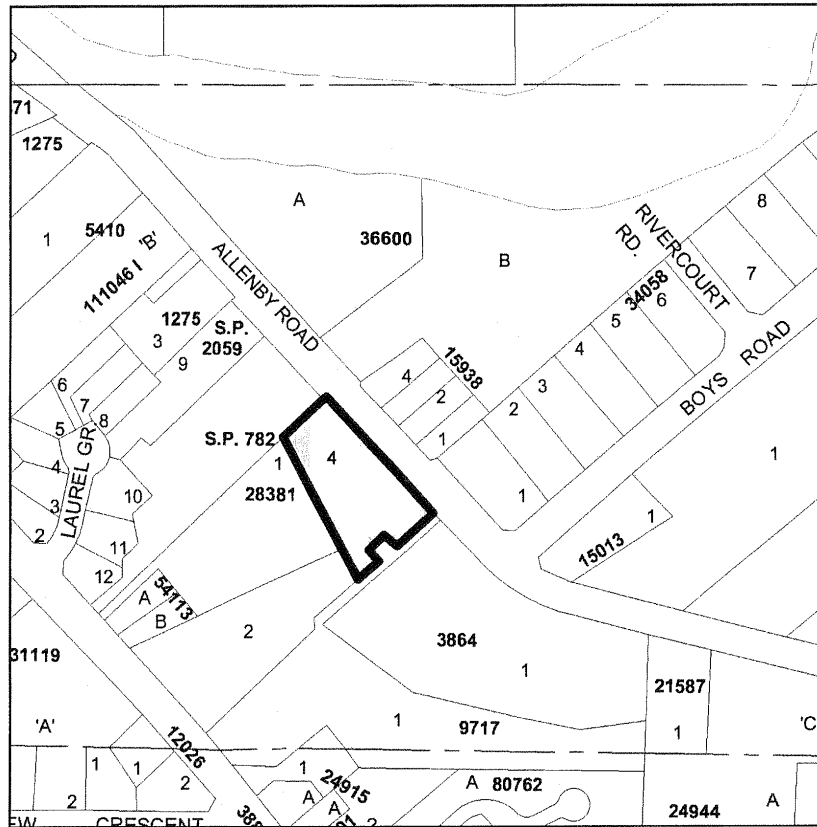
\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary

PLAN NO. Z-3140

**SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO.  
OF THE COWICHAN VALLEY REGIONAL DISTRICT**

3140



**THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM**

**R-3 (Urban Residential) TO**

**I-1 (Light Industrial) APPLICABLE**

**TO ELECTORAL AREA E**

000087



SRS

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE OF FEBRUARY 3, 2009

**DATE:** January 28, 2009

**FILE NO:** I-10-07

**FROM:** Ian MacDonald, Building Inspector

**SUBJECT:** Replacement of Covenant – 7420 Nantree Road

---

**Recommendation:**

That the CVRD allow the owners of 7420 Nantree Road to register a new covenant to replace the existing covenant (CA374141).

**Purpose:**

To release the existing covenant (CA374141) and register a new covenant to facilitate a two year extension for the completion of Building Permit I-10-07

**Financial Implications:**

N/A

**Interdepartmental / Agency Implications:**

N/A

**Background:**

The previous covenant has an expiring deadline of two years for the construction, completion and occupancy of a new dwelling on the property. Also, a \$5000 bond was issued in favor of the CVRD to cover legal costs if the owner fails to remove or render uninhabitable an existing mobile upon granting occupancy for the new dwelling.

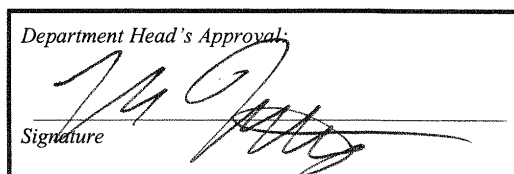
The owner believes that it will take a year, possibly more, to complete the project due to financial restraints on the family. He works for the forest industry and was laid off in 2008 but hopes to be employed again soon.

**Planning Division Comments:**

Based on the information provided by the property owner, we believe it would be reasonable to allow the owner to register a new covenant, to replace the existing, expiring covenant, granting a further two years for the completion of Building Permit I-10-07.

Submitted by,

Ian MacDonald,  
Building Inspector  
Planning and Development Department



Daniel and Janice Brooks

box 1349 7420 Nantree Rd,

Permit# I-10-07

PID-002-544-440,D/L 25

Plan 27075, Lot c, Area I,

Lake Cowichan B.C., V0R 2G0

January 26, 2009

C.V.R.D

attn: Ian Macdonald, building inspector,

WE are in the process of building our house, but due to work related issues in this last year, we have been unable

to proceed with any building on our house in 2008. WE are confident that the forest industry will resume it's normal

work in 2009. we have an existing covenant on the mobile home (which was already existing on the property) and it

expires very soon. We are asking you for an extension of this covenant. We are still living in it and will be until

we have the move in o.k. for our house. We are hopeful that we can do more on it this year, and would greatly appreciate the extension.

Sincerely Dan and Janice Brooks

000089

January 27, 2009

File No.: I-10-07

NOTE TO FILE

**Re: 7420 Nantree Rd -Building Permit #: I-10-07**

I, Ian MacDonald, Building Inspector for Electoral Area I, recommend that the owners of 7420 Nantree Road register a new covenant to replace the existing covenant (CA374141).

The previous covenant has a time sensitive deadline of two years for the construction, completion and occupancy of a new dwelling on the property. Also, a \$5000 bond was issued in favor of the CVRD to cover legal costs if the owner fails to remove or render uninhabitable an existing mobile upon granting occupancy for the new dwelling.

The owner believes that it will take a year, possibly more, to complete the project due to financial restraints on the family. He works for the forest industry and was laid off in 2008 but hopes to be employed again soon.

Based on this information, I believe it would be reasonable to allow the owner to register a new covenant, to replace the existing covenant, granting a further two years for the completion of Building Permit I-10-07.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ian MacDonald', with a stylized, flowing script.

Ian MacDonald  
Building Inspector, CVRD  
Electoral Areas E, I and F

000090





SR4

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF FEBRUARY 3, 2009

**DATE:** January 27, 2009

**FILE NO:**

**FROM:** Tom Anderson, General Manager

**BYLAW NO:**

**SUBJECT:** Establishment of an Agricultural Advisory Commission

---

#### **Recommendation:**

That an Agricultural Commission not be formed at this time.

#### **Purpose:**

To receive direction on this initiative.

#### **Financial Implications:**

Establishment of such a Commission will have financial implications.

#### **Interdepartmental/Agency Implications:**

It would be expected that other departments/divisions would have input at various times which could included Economic Development and Environment.

#### **Background:**

At the October 8, 2008 Regional Board meeting, the following resolution was passed:

##### **Resolution no. 08 -673:**

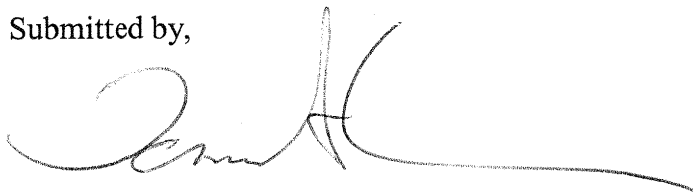
- "1. That the new Regional Board consider forming a CVRD Agricultural Advisory Commission along with establishing Terms of Reference for the Commission.**
- 2. That the ALC be requested to forward a proposal to staff for their consideration and comment which outlines how the Land Commission and the CVRD could join forces to enforce the *ALC Act* and regulations."**

It should be noted that under separate direction, the Economic Development Commission is proceeding with an Agricultural Plan for the Electoral Areas of the Regional District. The attached Request for Proposals was distributed in December with a closing date of January 15, 2009. As you can see, the RFP identifies the fact that a number of Committees will be struck as part of the project process. It is also expected that a Committee/Commission would evolve from this plan to form an Agricultural Committee/Commission to proceed with implementation of the Plan.

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In light of this initiative, it may not be wise to establish an Agricultural Committee/Commission as proposed in the October Regional Board resolution at this time as it may sidetrack the Economic Development Agricultural Plan process.

Submitted by,

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

Tom Anderson,  
General Manager  
Planning and Development Department

TA/ca

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**Request for Proposals**  
**Cowichan Region Area Agricultural Plan**  
For the  
**Cowichan Valley Regional District**  
December 2008

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**Purpose**

Economic Development Cowichan and the Cowichan Valley Regional District (CVRD), seeks a qualified consultant to create an area agricultural plan for the Cowichan Region. The Plan will be applied to the entire Regional District area and will reflect the complete region's agricultural capacity. The area agricultural plan will demonstrate economic, environmental, cultural and sustainable community development benefits based on a vibrant agricultural sector that serves local, regional and external needs for agricultural products.

**Background**

Currently there are over 700 farms<sup>1</sup> in the CVRD, 18,983 hectares in the Agricultural Land Reserve (ALR)<sup>2</sup>, and generating \$47.6 million /year in gross farm receipts.

The Cowichan region offers an excellent opportunity to serve the local and surrounding markets (Victoria, Nanaimo, Vancouver) within a 100 Mile radius, as well as export markets. The region's agricultural potential is also crucial for sustainable communities and food security.

The Agricultural Plan is intended to provide guidance to identify what the Regional District can do to encourage agricultural activity both within and outside of the ALR and to help agriculture compete with other uses for a limited land base. The plan will provide an opportunity to address current issues and provide recommendations for policies directed at ensuring the best possible future for agriculture. It will also examine farm business practices that may help the industry to flourish.

The CVRD wishes to ensure that the agricultural capability of the Cowichan region is maintained and developed as part of a secure food supply for Vancouver Island and the region.

The CVRD through Economic Development Cowichan and the Development Services Department, with support from the BC Ministry of Agriculture and Lands, is spearheading the development of an agricultural area plan for the Cowichan Region.

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<sup>1</sup> Statistics Canada Census of Agriculture 2006

<sup>2</sup> Agricultural Land Commission, January 31, 2007

The consultant will propose a vision for agriculture in the Cowichan Region. This vision includes a permanent role for agriculture as an essential component of the physical /ecological, social and economic well being of the Regional District. The consultant will provide guidance on how the vision and plan shall be clearly articulated through policy and governance opportunities, including discussion around recommendations on the future development of community plans and a Regional Growth Strategy. The agricultural plan will identify changes in farm business management, which could be implemented by individual farmers and/or by farmers' organizations.

### **Scope of Work**

The scope of work to be undertaken will include the following:

- Assist with creation of a Project Advisory Committee, which will work with the consultant from the outset. The Committee's role and responsibilities will be established. For example the committee can assist in setting the time table, identifying major issues, etc. and can work with the consultant to create a Vision for Agriculture in the Region.
- Initiate a consultative process that ensures the involvement of the agricultural community (either directly or cooperatively through local farm organizations) and the public in identifying and clarifying issues, and reviewing the consultant's progress.
- Consider and evaluate existing studies, plans, and information;
- Describe the current agricultural situation in the Cowichan Region - data, area, and trends;
- Determine means to create more educated and self aware governments and publics in regards to the agricultural food systems in the Cowichan Region;
- Identify relationships between agricultural and other land uses for the purpose of promoting healthy relationships between agriculture and its neighbours;
- Write an agricultural plan that furthers the development of socially, culturally, environmentally, and economically sustainable farming in the plan area.

The objectives of the plan will be to:

- Determine the current status of the Cowichan Region agriculture industry and resource base including a land use inventory using information from the Ministry of Agriculture and Lands;
- Identify the opportunities for agricultural crops and products with potential for enhancing agriculture in the region;
- Address opportunities in smaller and medium scale agricultural farm operations;
- Identify strategies to achieve potential and take advantage of innovative and appropriate ideas for developing a strong agricultural industry;
- Identify the ecological services agriculture provides to the region;

- Prepare an implementation strategy by:
  - Identifying priorities, actions and participants to successfully achieve solutions and to promote agriculture by;
    - Generating public awareness of its value to the region; and
    - Identifying career and business opportunities,
- Establish a monitoring process that:
  - Measures ongoing progress towards plan implementation; and
  - Maintains an activity inventory of the agricultural sector in the region.
- Include the farm community, the general public and community organizations in the planning process.
- Identify processes to implement and direct the plan process - for example - a regionally appointed 'Agriculture Steering Committee'.

The plan process requires:

- Farmer, local community and local government involvement and leadership including the creation of a Plan Agriculture Advisory Committee;
- Support from the Investment Agriculture Foundation for the process;
- The development of an agricultural plan, including an implementation strategy to support and enhance a competitive, sustainable (economically, environmentally and socially) and vibrant agricultural industry;

#### **Issues to be addressed:**

A local committee comprised of agricultural stakeholders from the region was tasked with identifying issues for the area agricultural plan and recognized the following topics. The consultant will be expected to establish a process to confirm the issues but is not limited to discussion of these issues.

1. Economic development and agricultural viability
  - Attracting young farmers to the agricultural sector;
  - Educating and informing youth and public on farm practices and its role in the community;
  - Attracting local and external investment to the agricultural and food-processing sector;
  - Demonstrating the importance of 'Value-Added Agri-Food Processing' and associated services;
  - Encouraging, investigating, facilitating and coordinating new and diverse agri-products;
  - Creation of an Agricultural Support staff position;
  - Ensuring adequate infrastructure is in place for agricultural production;
  - Ensuring land and infrastructure for non soil-dependent agriculture and farm activities;
  - Diversification of markets and revenue streams, including:
    - Agro-tourism and direct marketing
    - Access to local markets
    - Access to new markets

2. Sustainable farming practices, including:
  - Watershed protection and management, including:
    - Water quality and supply (groundwater and surface water)
    - Storm-water management: on the farm, flowing onto farms, and flowing off farms
    - Nutrient and waste management
    - Environmental farm planning
  - The role of agricultural practices in maintaining biodiversity and healthy ecosystems
  - Soils management, addressing issues of soil conservation and subsidence in organic soils
  - Specific considerations for organic agriculture
  - Specific considerations for viticulture and other specialty crops
  - Invasive species management
  - Buffering or other management strategies between agricultural lands and non-agricultural land uses.
3. Improved integration of policy, legislation, and land development practices currently affecting agricultural lands in the Cowichan Region, resulting in better integration of the agricultural economy into overall economic and governance structures, including:
  - Taxation / agricultural land servicing costs
  - Development/agricultural land conversions
  - Encroachments of non-agricultural land uses into Agricultural Land Reserve, including approvals process and subdivision approvals
  - Roads/utility corridors/trails
  - Management structure to integrate agricultural needs into regional government including issues related to Municipal and Electoral Area interface.

#### **Qualifications:**

The Consultant will have demonstrated background education or equivalent experience in the agricultural sector and in particular in research, strategic planning, community consultation and feedback and communication processes. These requirements may be held by members of a consultant team. References will be required which demonstrate similar project experience.

The Consultant should have experience in preparing agricultural area plans and marketing strategies in the agriculture sector.

The consultant should have the ability to draw clear conclusions and make specific recommendations and write a clear and concise report for all stakeholders.

#### **Timeline and Assignments**

The Consultant must be able to conduct the work in a prompt manner, completing a draft report by July 31<sup>st</sup>, 2009 and a final report by August 31<sup>st</sup>, 2009.

A schedule is to be provided outlining the task assignments of consulting team members,

their hours assigned to tasks, and key dates including schedule of project timelines and public meetings and consultations.

### **Project Budget**

Consultants costs not to exceed \$45,000.

Funding partners include the Investment Agriculture Foundation, Ministry of Community Services, Economic Development Cowichan, District of North Cowichan, local area farmers as well as significant in-kind contributions from project partners and regional advisory committee members.

### **Communication between Consultant and Economic Development Cowichan**

The Consultant on the project will maintain regular communication with the Economic Development Manager of Economic Development Cowichan through: email, and telephone meetings a minimum of every week unless otherwise agreed.

### **Deliverables**

- Consultative meetings held a minimum of once a month (or as otherwise determined) with Economic Development Cowichan - Project Advisory Committee<sup>1</sup>. Individual interviews with agricultural commodity sector groups, farming organizations, other stakeholders and groups and individuals as needed.
- Prepare an Interim Report for reviewed by at minimum the Project Advisory Committee and preferably, with the Agricultural community.
  - Draft plan to be provided by July 31, 2009.
  - Review The Draft Plan at a public meeting or at least a meeting and with the Ag Community (either could be organized through the CAS),
  - Final plan to be completed by August 31, 2009
  - Presentation of the report to be made to Economic Development Cowichan, Regional Project Advisory Committee, Regional Farmer's Institutes, Commodity groups, and other stakeholder/interest groups with opportunities for questions.

### **Project Contact Person**

Kathy Lachman, Business Development Officer,  
Economic Development Cowichan  
135 Third Street,  
Duncan, BC, V9L 1R9  
Klachman@cvr.d.bc.ca

**RFP Closing Date:** Proposals must be received by: 4:00 p.m. 30 January 2008

<sup>1</sup> Suggested composition of Project Advisory Committee: (total 15 members)

- CVRD Director;
- EDC member and/or EDC staff representative;
- CVRD Environment Commission member
- District of North Cowichan appointee and/or DNC Planning Manager;
- Community Futures Cowichan;
- Farm production one each from chicken, dairy and egg producers;
- Agricultural Land Commission Vancouver Island or staff;

- Farm community Representatives from - Cobble Hill Farmer's Institute, Cowichan Agricultural Society (Farmer's Institute), Nanaimo Cedar Farmer's Institute);
- Ministry of Agriculture and Lands (local Agrologist and or Resource Planning staff rep.)
- Farm industry supplier sector;
- Farmer's market;
- Community / Consumer representative(one)





SR5

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF FEBRUARY 3, 2009

**DATE:** January 27, 2009

**FILE NO:**

**FROM:** Tom Anderson, General Manager

**BYLAW NO:**

**SUBJECT:** Post-Election Discussion

---

**Action:**

That this topic be brought forward for discussion purposes.

**Purpose:**

To allow staff and Directors an opportunity to discuss any matters of concern that may have arisen from the last election.

**Financial Implications:**

Not Applicable at this time.

**Interdepartmental/Agency Implications:**

N/A

**Background:**

Following the election in November, there were a couple of Directors that had questions and concerns about some of the procedures that were followed. Specifically, the fact that the number of polling stations had been reduced in certain areas from those that had existed for previous elections, is one that had been brought forward. Staff would like to have a discussion with Directors on this and any other issues that may have come up so that clarification may be given and changes considered for the next election.

Submitted by,

Tom Anderson,  
General Manager  
Planning and Development Department

TA/ca

000099



SR6

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF FEBRUARY 3, 2009

**DATE:** January 28, 2009

**FILE NO:**

**FROM:** Tom Anderson, General Manager

**BYLAW NO:**

**SUBJECT:** Director Training Sessions and Conferences

---

**Action:**

That this matter be discussed and direction provided.

**Purpose:**

To allow Directors an opportunity to discuss the value of Director Training Sessions and conferences.

**Financial Implications:**

Dependent upon direction received.

**Interdepartmental/Agency Implications:**

N/A

**Background:**

The Regional District along with the other local governments within the Region have hosted a number of Director Training sessions over the last month. It is understood that there are other sessions like this hosted by other agencies that Directors may wish to attend. Further, there are the annual conferences sponsored by the Union of BC Municipalities, Federation of Canadian Municipalities and the Association of Vancouver Island Coastal Communities that Directors may wish to attend.

Director Marcotte has noted that she has seen a number of Alternate Directors attending these sessions which has never been their practice in the past and questions the financial implications and value of such. In order that Directors may obtain a better understanding of the opportunities, costs and implications of attendance or non-attendance, it was felt that it would be beneficial that Directors discuss this topic and provide direction.

Submitted by,

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

000100



CVRD

REC

C1

JAN

COWICHAN VALLEY REGIONAL DISTRICT

SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS)

Financial Services Department

Submitted by Director

*Loren Duncan* Area Cowichan Str Saltham Glenora

Grantee:

Grant Amount \$

*1000*

NAME:

*Cowichan Agricultural Society*

ADDRESS:

*5855 - Clements St*

*Duncan B.C.*

*V9L 3W2*

Contact Phone No:

*Craham Myers*

PURPOSE OF GRANT:

*Bookkeeping course, Soil/Composting course, guest speakers*

REQUESTED BY:

Director Requesting Grant

*Loren Duncan*

ACCOUNT NO.

AMOUNT

GST CODE

10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL

VENDOR NO.

Disposition of Cheque:

Mail to above address:

Return to

Attach to letter from

Other

Approval at Regional Board Meeting of

Finance Authorization

000101

January 13, 2009

Dear Director Loren Duncan ( Area E – Cowichan Station / Glenora / Sahtlam ),

On behalf of the Cowichan Agricultural Society(CAS), I am writng to request an investment of \$1000 dollars to support our programs in 2009.

CAS, sometimes also refered to as the Duncan Farmer's Institute is a registered society that has been working to support agriculture in this region for over 140 years. Initially, as a largely "social" organization, it has grown and evolved over the years. Form the early days of managing the supply of explosives. for land clearing, through it's "hay days" of coordinating the Artificial Insemination Program for local dairy farmer's, to it's more recent coordination of a regional fencing/crop protection program, the primary goal of CAS has been to support the activities of local agriculture/farmers.

Over the last couple of years CAS has been part of a growing "Food Security" movement,that recognizes the key importance of locally viable food production. We have organized a number of community events , including; all candidates meetings, a tour of farms, and an annual Harvest BBQ in September. While events such as these play an important role in, raising public awareness and consumer preference, there still exists an enormous gap in the "desire"for local produce and the ability to supply it. For this reason CAS has made commitment to concentrate on the "supply side " of the equation.

One area that we will be focussing on particularly, is providing educational opportunitites, via a series of workshops, to existing and new farming ventures. For this year, 2009, we have choosen a bookkeeping course, a Soil/Composting course and finally a visit from a highly successful and inspirational farmer, Joel Salatin.

CAS will also continue it's role as part of the larger Food Security coalition in the valley, continue to promote the importance of local agriculture, and continue to provide a venue for the important networking that brings local farmers together.

Area E contains one the highest proportions of farm land in the region. Nothing will keep land as farmland as much as viable farming. Your

000102

investment in CAS could be allocated specifically to our workshop series, and/or could be applied to the general operations of the organization. Regardless I can assure you that as a Farmer based organization that financial decisions are taken with great care and with the expectation of cultivating better opportunities for local agriculture and increasing our harvests into the future.

Sincerely,

Graham Myers  
Cowichan Agricultural Society  
5855 Clements, St.  
Duncan, BC  
V9L 3W2

000103

PK 1

AREA D PARKS COMMISSION  
MEETING MINUTES

RECEIVED

JAN 21 2009

DATE: November 4<sup>th</sup>, 2008  
LOCATION: 6:00 PM, Black Coffee, Cowichan Bay  
PRESENT: Morris Cleveland, Lori Iannidinardo, Kerry Talbot, Danica Rice

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## COMMISSION UPDATE

### Interpretive Signage at Treffery Creek

Correspondence with the Cowichan Valley Naturalists is underway. Kerrie will speak with Jim Wisnia of the CVNS to discuss interpretive signage at Treffery Creek. We would like to invite them to our December 2<sup>nd</sup> meeting.

ACTION ITEM: Kerrie to touch base with Jim Wisnia.

### Cees and Miep Hof

The table has been fixed and gravel has been improved at the beach access. The Parks crew cleared a significant portion of the vegetation going to the beach. Fiona Machell's issues have been addressed as far as the Commission is concerned.

### Kennedy Lane

The Plan creation is in progress by Valhalla Trails Ltd. The property corner survey should follow the layout so that CVRD staff can ensure the property corners are legally placed.

### Wilmot Trail

The CVRD constructed the entry fencing at the Wilmot Trail. Further work should be done to clean up the gravel deposits and pack the trail to finish it properly. The overall trail looks good.

### Hecate Park

Research for a boat shaped play structure will be done by Danica for the next meeting.

The Park's Commission would like to know more information about what needs to be done to acquire the piece of land north west of Hecate Park from Highways.

\*ACTION ITEMS: Request a Permit to construct from Highways.

Research boat shaped play structures that meet safety association and Parks Department requirements.

### Glen Park

000104

\*ACTION ITEM: The posts for the “park boundary” signage should be installed as soon as possible.

#### Parks Master Plan

The Commission is reluctant to approve the Master Plan, as there are changes that need to be addressed particularly relating to trails and trail types as well as potential linkages and sources of information for achieving these linkages. Many of the “purple” trails designated on the map should be changed to “red” trails. Details related to the ALR and trails should also be a vital component of the trail planning movement for our area and they are not included in the plan at this time. Also, details related to specific acquisition sites and criteria should be addressed further. Many of the long term planning items in the plan have already been addressed in 2008. These items should be removed from the plan with new project items updating it to meet our future needs.

The Commission would like to recommend that the consultant be relieved of the project, and would like to pay for his services, however we would like to complete the final version ourselves with support from CVRD staff- specifically Tanya. We would also like to take a final map to the public for “last chance” input before final approval and endorsement by the Area Director.

## NEW BUSINESS

#### Tom Bannister

As the Park’s entry signage was originally located on the trail; neighbour Ron Nelson made a recommendation to move it to a better location. We have made a suggestion to the CVRD staff who have said that they will find a better spot for defining the park’s entrance. It should be noted that the roof should be painted on the sign, as it is quite old and rusty.

\*ACTION ITEM: Paint old roof.

A note from Deanie Coleman representing the local residents of Lambourne Estates was presented thanking the Commission for supporting the community Halloween Party. A maximum of \$300.00 had been approved by the Commission for this event. (See attachment)

#### Maple Grove

A new parking pad and retaining wall is currently being constructed. The Parks Commission would like to know who donated the concrete and its value so that we can arrange for a thank you letter.

\*ACTION ITEM: Write thank you letter.

#### Cherry Point

A site visit was performed by Lori, Morris and Danica, as well as Tanya from CVRD staff at Mini Rd. with the property owner. The Commission suggested that the proposed developer include a trail or a pocket park to provide children from the Kingscote neighbourhood a safe place to wait for the school bus.

As the developer did not initially want to have a trail, it is likely that this issue will go no further. The Parks Commission felt that a donation in lieu would not provide the community the benefit that a trail or park would on this site.

#### Heron Rookery

The Commission would like to see park boundary posts placed around the Heron Rookery park boundary, as well as a DPA bylaw map and signage placed in visible locations outlining the protective elements of the new Development Permit Area bylaw for public education of local and visiting residents and potential developers. Specific locations should include Hecate Park, and Wilmot Road potentially near the storm water treatment facility.

Over the past month, elk have been heard in this area, as they have been for many years in the spring and fall.

\*ACTION ITEMS:      Install park boundary posts and design new interpretive/informative signage outlining the bylaw.

#### NEXT MEETING:

DECEMBER 1ST- MONDAY

1:00 PM KERRIE'S HOUSE

Master Plan Discussion



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

**DATE:** January 13, 2009

**TIME:** 7:00pm

**MINUTES** of the Electoral Area I Parks Commission Meeting held on the above noted date and time at Youbou Lanes, Youbou, BC. Called to order by chair at 7:08pm.

**PRESENT:**

Chairperson: Marcia Stewart

Vice-Chairperson: Sheny Gregory

Members: Dan Nickel, Wayne Palliser, Gerald Thom

**ALSO PRESENT:**

Director: Klaus Kuhn

Alternate Director:

Secretary: Tara Daly

Guests:

**ABSENT:** Alternate Director Alex Marshall

**ACCEPTANCE OF AGENDA**

*It was Moved and Seconded to accept the agenda with additions of:  
Trees for Tomorrow and Arbutus Park under New Business*

**MOTION CARRIED**

**ACCEPTANCE OF MINUTES**

*It was Moved and Seconded that the minutes of December 9, 2008 be accepted with corrections of:  
rephrasing of Land Purchase  
meetings to be held on the second Tuesday not the third Tuesday  
spelling correction of 'twenty-one'*

**MOTION CARRIED**

**BUSINESS ARISING**

- **Woodland Shores** ~ Logging trucks seen on property are the owners cleaning up around the Boy Scout Camp; vehicles on the beach has been referred to Environmental division
- **Nantree Park** ~ clarification on 'deer fencing': is a square-pane wire fence six or eight feet high
- **Arbutus Park** ~ currently waiting for snow to melt for proper identification of missing dock; Director Kuhn will investigate further with Brian Farquhar
- **Maintenance** ~ M. Stewart noted the contractor is already responsible for picking up garbage during the off-season; the contract includes one day per week from October to March; B. Farquhar was informed so that further payments would not be made

**CORRESPONDENCE**

- letter of introduction from Ryan Dias, Parks Operations Superintendent; Ryan Lendrum is Parks Planning

**DIRECTOR'S REPORT**

- going through a structural change at CVRD; John Elzinga is manager of Island Savings Centre and Linda Backlund is manager of Cowichan Lake Recreation; Director Kuhn has concerns about the process of appointing rather than posting these positions and also with perceived centralization of

business; changes to the delivery of facility maintenance is also concerning as the desire is to encourage local employment

- **Maintenance Contract** ~ is probably overwhelming to a small operator but the various clauses must be included to cover all aspects; discussions have happened between Director Morrison (Area F), the Town Council, and Director Kuhn with regards to Cowichan Lake Recreation maintenance overseen by municipal crew rather than contractor; it was noted that Joe Fernandez, Town administrator has been in contact with Ryan Dias about the contract – Director Kuhn will contact R. Dias for an update
- **further discussion** included the Area I Parks Commission asking to be involved with reviewing tenders for the Maintenance Contract and personally contacting local people about applying for the position
- **noted changes and/or clarifications in the Maintenance Contract** ~
  - currently a local person opens and closes the gate and washrooms at Mile 77 Park for a fee of \$150 per month; Little League Park should be included
  - pet waste dispensers need to be installed and stocked in all parks
  - what is a 'Playground Inspectors Certificate'?
  - questioning 'no mark-up on materials' for any extras the contractor purchases
  - non-payment clause reads that a contractor brought in to complete work by the old contractor would receive a higher rate that the old contractor would be required to pay to the new contractor (applies to successful candidate to adhering to the contract)
  - procedure for dismissal isn't clear (page 25)
  - length of contract (page 11): 'on-call' should be changed to 'one day per week'; would second off-season phase be included in contract?
  - Sunset Park isn't mentioned
  - page 15 'wash & clean' should also include playground equipment
  - page 16 remove 'boat' under repair, don't feel it should be maintenance contractor's responsibility
  - page 17 At this time there are persons in place (Robert at Mile 77 Park and Jennifer at 'Youbou Welcomes You' sign) – wondering if this should somehow be reflected in the contract wording
  - EXTEND deadline to February 15, 2009

## COWICHAN LAKE RECREATION

- L. Backlund will be working out of the Cowichan Lake Sports Arena but plans on being in the Youbou office of Thursday afternoons from 2:30 to 6:30pm

## CHAIRPERSON'S REPORT

- covered under other areas

## COWICHAN VALLEY REGIONAL DISTRICT

- **B. Farquhar** reports the missing dock from Arbutus Park has been referred to Planning and By-laws
- **R. Dias and R. Lendrum** have done a check of drains and structure within the parks and everything is okay; the bridge at Mile 77 Park is being checked weekly for stability
- **Woodland Shores** (Wayne Hopkins) is hoping for parks build out by Spring 2009 and wishes to have a follow-up site visit with the Parks Commission to review the proposed drawings before building starts; the participants in the site visit would be B. Farquhar, R. Dias, R. Lendrum, Director Kuhn, and Parks Commission

## OLD BUSINESS

- **Font Board** ~ some concerns by constituents with the position, vandalism, and perceived money waste;

000108

size will be 12' X 4' with backlight, aluminium and lexan finish, screened front covering message area, changes will be done manually not electronically; to be placed between existing posts from Creekside sign and will be made convenient for changing messages; Parks Commission asks for a quote that includes everything plus installation and notes that it must stay within the \$10 000 received from the Economic Development Commission; completion date will be the end of April 2009

- **Little League Park** ~ no quotes as of yet, R. Dias wants to consult with an irrigation specialist before proceeding; suggested that a fee of \$300 per team be charged for use of field – S. Gregory (ball team member) noted the team already pays \$300 to play in the league which covers insurance, Centennial Field is free and, if they play on School Field, there is a charge
- **Mile 77 Park** ~ trees are waiting to be planted, snow has to disappear; Tanya Soroka, Parks Planning Director, notes that anyone wishing to donate native trees is welcome to do so; M. Stewart will send out an email to Commission Members when the plantings are being done for anyone who wishes to donate or attend
- **Community Events** ~ M. Stewart spoke with L. Backlund about having activities put on by the Parks Commission included in the Playbook (quarterly advertising by CLR); 'Programs in the Parks' – April 26<sup>th</sup> at 1pm at Marble Bay Park will be a hike with S. Gregory overseeing; May 24<sup>th</sup> at 1pm at Price Park and Swordfern Park will be a plant identification followed by hot chocolate with M. Stewart overseeing; June 14<sup>th</sup> at 11:30am at Mile 77 Park will be a picnic; registration would be the responsibility of Commission Members (S. Gregory and M. Stewart); T. Daly will do an ad with information and email to Commission Members for the next meeting, information must be into L. Backlund by February 20<sup>th</sup>, further discussion included contacting schools, Guides, Brownies, Scouts and posters around the area

## NEW BUSINESS

- **CAPITAL PROJECTS: Little League Park** ~ outfield levelling and irrigation, **Arbutus Park** ~ irrigation and electrical upgrade (October 2006 quote was \$6 572 for irrigation) ~ QUOTES NEED FOR FEBRUARY 10, 2007 MEETING
- **Info column for Gazette** ~ M. Stewart will write about the proposed Community Events, the AGM, and the Maintenance Contract
- **Ball Game Schedule** ~ games on Tuesday, Thursday, and Friday from May 1<sup>st</sup> to the middle of July plus a tournament
- **Annual General Meeting** on March 29, 2009 at 1pm in the Community Hall; T. Daly will contact Ken Abbott, chairperson of the Youbou Fire Commission
- **Get together** for Area I Commissions and spouses was discussed, Director Kuhn will investigate further
- **Charging fees for outside groups at Arbutus Park** – discussion held in conjunction with proposed fees for locals using the parks; Director Kuhn will look into
- **Trees for Tomorrow** – M. Stewart will put in submission as time frame is short (January 16, 2009)

## ADJOURNMENT

*It was Moved and Seconded that the meeting be adjourned at 10:05pm.*

**MOTION CARRIED**

## NEXT MEETING

Next meeting on February 10, 2009 at 7:00pm at Youbou Lanes

/s/ Tara Daly  
Secretary

000109

Minutes from the Special Meeting of the Area H Parks Commission held in the North Oyster Community Centre on Wednesday, January 07, 2009 at 7:00 p.m.

PK3

**PRESENT:** Chairperson Bruce Mason, Don Pigott, Brad Uytterhagen, Mary Marcotte, Murray McNab

**ABSENT:** Snuffy Ladret, Secretary Barbara Waters

Chairperson, Bruce Mason called the meeting to order at 7:08 p.m. Mary Marcotte agreed to act as Secretary for the evening.

**APPROVAL OF  
THE AGENDA:**

**IT WAS MOVED AND SECONDED:**

**That the agenda as circulated be approved.**

**MOTION CARRIED.**

**APPROVAL OF  
THE NOTES  
FROM SEPT. 20,  
2008**

The Acting Secretary reviewed the notes from the field visit to Trillium Park on Saturday, September 20, 2008

**IT WAS MOVED AND SECONDED:**

**That the notes from the field visit to Trillium Park on September 20, 2008 be approved.**

**MOTION CARRIED.**

**BUSINESS  
ARISING FROM  
THE NOTES:**

It was agreed to deal with the parks reports before reviewing the Maintenance Services Contract tender documents.

**BLUE HERON  
PARK**

As previously discussed, large rocks have been placed around the grassy areas; these rocks replace the high maintenance posts. New signage will be installed to highlight that the stepped entrance to the beach area is "Slippery When Wet". This park was viewed during the contractors tour.

**YELLOW POINT  
PARK**

The Horse Crossing Bridge has been removed as per the agreement with the Province. Signage is in place informing the public of the bridge removal, and the entrance to the path leading to the former bridge has been roped off on both sides of Yellow Point Creek. Pictures documenting the work will be circulated with these minutes. This park was viewed during the contractors tour.

**RAVEN PARK**

This park was viewed during the contractors tour. No change was noted in the condition of this park.

000110

**ELLIOTT'S  
BEACH**

Several branches from the large maple tree have fallen onto the shore. A discussion ensued on the removal of the branches; it was felt that the larger branches may actually stabilize the bank. Don Pigott agreed to bring his chain saw out to the park and clean up as required. As this park is not part of the maintenance contract, it was not viewed during the contractors tour.

**MICHAEL LAKE  
ACCESS**

This park was visited during the contractors tour. Work will be required in late spring or early summer depending on the weather.

**TRILLIUM  
PARK**

As previously discussed, the tree removal work has been performed to our satisfaction, and the invoice has been submitted to the CVRD for payment. This park was not part of the contractors tour.

**CHRISTIE ROAD**

No report.

**UNFINISHED  
BUSINESS/  
BUSINESS  
ARISING:**

Three submissions were received by the CVRD as a result of the RFP for Area H Parks Maintenance. Along with an evaluation form, these documents were previously circulated by email to the members. Hard copies of the documents were also made available.

**UB1.  
MAINTENANCE  
CONTRACT:**

A discussion ensued on the lack of consultation when drafting the tender documents, the errors in the documents, and the inadequate notice for local residents. Dissatisfaction was expressed on the process followed during the tender process. The tender documents were reviewed by the Commission, and deemed to be unsatisfactory.

**IT WAS MOVED AND SECONDED:**

**That because of the lack of Commission input into the specific details of the RFP tender documents, it be recommended to the CVRD Board, that all of the returned tenders be rejected;**

**And further, that the maintenance contract not be re-tendered until the Commission has established the requirements for maintenance of our community parks.**

**MOTION CARRIED.**

**MAINTENANCE  
OPTIONS**

Different options for maintenance of the parks were discussed. It was agreed that the preferred option would be to separate the parks contracts for each park. While the options are explored, it was felt that if Happy Trails was agreeable, they should continue maintenance on a month to month basis. If not, contractors could be hired for specific work as required. As it is unlikely much will be required, the Parks Commission members will deal with any problems themselves.

000111

**NEW BUSINESS:**

**NB 1  
2009 MEETING  
SCHEDULE:**

A discussion ensued on the 2009 meeting schedule. Mary reported that she had booked the NOAHS hall for the fourth Thursday of every month at 7:00 p.m. It was agreed that the booking be held, but that the Commission be consulted prior to the meetings and that the schedule be adjusted if required to ensure that as many members as possible are able to attend.

**NEXT  
MEETING:**

**At the call of the Chair, or February 26, 2009 (Annual General Meeting).**

**ADJORNMENT:**

**IT WAS MOVED AND SECONDED:**

**That the meeting be adjourned.**

**MOTION CARRIED.**

The meeting adjourned at 7:55 p.m.

---

Mary Marcotte,  
Acting Secretary

January 07, 2009



PK 4

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF FEBRUARY 3, 2009

**DATE:** January 27, 2009 **FILE NO:**

**FROM:** Brian Farquhar, Manager, Parks and Trails **BYLAW NO:**

**SUBJECT:** Request for Use of Cobble Hill Parks for Community Well Sites

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#### **Recommendation:**

That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to establish a statutory right of way across Galliers Park in Cobble Hill legally described as Lot A, Plan VIP 72755, Section 13, Range 6, Shawnigan Land District in favour of the Cobble Hill Improvement District for a community well site subject to the following conditions:

- i. The wellhead location, underground services and design/construction of the wellhead enclosure meet with CVRD Parks approval, including the Area C Parks and Recreation Commission.
- ii. That a one-time financial contribution be made by the Cobble Hill Improvement District to the Area C Community Parks function in the amount of \$3,450 for granting of the statutory right of way in favour of the Cobble Hill Improvement District to permit construction and operation of a wellhead within Galliers Park.

And furthermore that staff proceed to work with the Provincial Government and the Cobble Hill Improvement District to determine the necessary requirements and approvals to amend the existing crown lease for Fairfield Road Park held by the Regional District to permit establishment of a community wellhead by the Cobble Hill Improvement District.

#### **Purpose:**

To request direction on a proposal from the Cobble Hill Improvement District to establish community well sites in Galliers Park and Fairfield Road Park in Cobble Hill.

#### **Financial Implications:**

N/A

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**Interdepartmental/Agency Implications:**

The Province of British Columbia owns Fairfield Road Park which is leased to the CVRD to manage for community park purposes. Approval from the Province would therefore be required for any change in use of part or all of these lands from what are permitted under the terms of the lease.

**Background:**

The Cobble Hill Improvement District has formally requested the Cowichan Valley Regional District give consideration to allowing the establishment of permanent community well sites in Galliers Park and Fairfield Road Park to increase the water supply capacity of the existing community water service managed by the Improvement District within the Cobble Hill Village area. Recent Provincial regulatory changes to setback requirements to protect new community well sites from potential contamination sources (i.e. roadways) has severely limited options new well site location options for the Cobble Hill Improvement District's community water system. In reviewing potential options, the Improvement District noted the above two mentioned community parks managed by the Regional District are in close proximity to the Improvement District's current distribution system and could provide the necessary setback requirements by strategically locating the wellhead within each park. It is also understood that the Vancouver Island Health Authority has reviewed the two proposed wellhead sites and has given approval for these locations as being suitable for community wells.

Galliers Park is owned by the CVRD and is a developed local park with a children's playground, sport court, parking and grassy picnic area. Future plans for the park include a picnic shelter. The park is approximately 0.4 hectares in size. The Cobble Hill Improvement District has identified a location on the eastern side of the park where a new well could likely be drilled without impacting existing and future park development (see attachment). Establishment of a community well within the park would require registration of statutory rights-of-way in favour of the Improvement District for the wellhead, water connection to the existing community water system to the west of the park and underground hydro service to the wellhead for pump operation.

Fairfield Road Park is a provincial crown-owned parcel approximately 2.3 hectares in size which is leased to the Regional District for community park purposes. At the present time the property is managed as an undeveloped natural park with a network of informal trails used and enjoyed by local residents. The Improvement District has identified a location in the northwestern portion of the park suitable for a wellhead that would require access off of Learning Way (see attachment). Preliminary discussions with the Province indicate that the existing lease for park purposes would need to be amended to exclude the wellhead area of interest by the Improvement District. This excluded area would then require a separate lease issued by the Province specifying use for community well site purposes. Further dialogue would be required with the Province to determine the specific conditions and requirements that would be applicable to amending the existing Fairfield Road lease and issuance of a separate lease for a community wellhead.

The interests of the Cobble Hill Improvement District to establish community well sites at these two parks was brought forward to the Cobble Hill Parks and Recreation Commission in early Fall 2008. At the September and October 2008 meetings of the Parks and Recreation Commission, the Commission approved recommending the request be given consideration by the Regional District subject to the following conditions:



1. That the Parks Commission be involved with and approve the wellhead enclosure design;
2. That underground wiring be installed to the well site(s) within each park so as to minimize the impact of the well location on the park(s), and
3. That reasonable compensation equivalent to the amount paid in 2008 to the Cobble Hill Improvement District from the Cobble Hill Community Parks budget for the Quarry Nature Park water service connection be negotiated.

In considering the use of park space by the Cobble Hill Improvement District, the Cobble Hill Parks and Recreation Commission gave consideration to the pros and cons of locating such wells on park property. The Parks Commission concluded that such a use of community park lands would provide considerable local community benefit while having minimal negative impact to park users. The Parks Commission indicated that it could not foresee any real difference between the CVRD drilling a well at either of these locations for park use and the Improvement District drilling similar such wells to provide water for both domestic and park purposes.

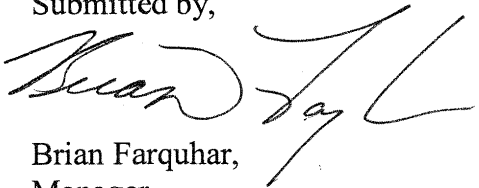
Parks staff have reviewed the proposal from the Cobble Hill Improvement District as it pertains to both park sites and make the following observations:

1. The Galliers Park site is fee-owned by the CVRD with no apparent limitations or restrictions on the use of the lands, which therefore would permit proceeding with the Cobble Hill Improvement District's request in short order, pending consideration of approval by the Regional Board.
2. Interest in use of Fairfield Road Park will require both approval of the Province and subsequent amendment of the existing lease agreement held by the CVRD for use of these crown lands as a community park to exclude the area of interest for a well site. A subsequent new lease would then be registered specific for the proposed well site. As the terms and conditions for amending the existing lease held by the CVRD as well as terms and conditions for a well site lease would need to be negotiated with the Province, it is unknown at this time what timeframe will be required to achieve to the satisfaction of all parties.
3. While the Cobble Hill Parks Commission makes reference to a one-time compensation for establishment of a permanent well site within one or both parks, it is important to note that with registration of an easement for the wellsite and underground servicing, this action should be considered a permanent change to the park, as once statutory right of ways are registered, the rights of way remain in effect until such time as the favoured party (in this case the Improvement District) agrees to discharge such right of way. In effect, the right of way limits uses of that portion of the lands from remainder of the property with respect to park management/use decisions.

In the case of a well site, the wellhead structure would become a permanent fixture within the park and underground servicing (i.e. water pipes and hydro service) could limit/restrict above ground park uses (i.e. limit structures and/or landscaping such as tree planting). Therefore, careful planning and placement of such easements so as to not negatively affect potential future uses and expansion of existing park amenities would need to be undertaken in determining appropriate locations for the proposed well head infrastructure and servicing connections.

The longer term plans for Galliers Park include construction of a family picnic shelter structure and further minor improvements to the grassy picnic area. Therefore site layout and location of the picnic shelter will be important to verify prior to finalizing the exact location for the proposed wellhead, to ensure the installation of the picnic shelter would not be compromised in future. The issue of aesthetics of the wellhead structure brought up by the Parks Commission and requirements to protect the safety and integrity of the wellhead are also important factors that should be considered in granting permission to the Improvement District to establish community wellheads in one or both parks. There are existing examples of wellheads at other sites that can be assessed to determine what design/installation approach would best be suited for these two parks. Overall, if the location and construction of the wellheads can be undertaken in such a manner as to have minimal impact on both existing/future park facilities and the public's use and enjoyment of these parks, there would appear to be no significant reason to deny the request from the Cobble Hill Improvement District, as establishment of these additional wells onto the Improvement District's existing community water distribution system would provide an additional direct benefit to the local Cobble Hill Village community.

Submitted by,

A handwritten signature in black ink, appearing to read "Brian Farquhar", written over a horizontal line.

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

BF/ca

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**COBBLE HILL IMPROVEMENT DISTRICT**  
P.O. Box 137  
Cobble Hill, B.C. V0R 1L0  
Phone (250)743-2861 Fax (250)743-9906

January 13, 2009

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

Dear Sirs:

We are writing to seek permission from the Cowichan Valley Regional District to locate well sites in the Galliers Road and Fairfield Road Parks.

The district requires two new wells in order to have a stable supply of water for its current residents, and also to ensure it meets the needs of the community's future growth.

Although a number of other sites have been explored, none are available in areas of known water supply and meet the requirements of the Ministry of Health regarding setbacks from the road allowance or distance from other industrial uses. We have quite simply run out of options for a site; thus we are seeking permission from you now.

While our request may represent a somewhat unusual use for the parks, we feel that locating wells on these sites would have very little impact on the park use and enjoyment, and that the wells would be of considerable benefit to the community because it will ensure a more reliable source of water.

We are hoping to start drilling in the spring as it is urgent that at least one well is on line before the summer.

Thank you for considering our request.

Sincerely,  
**COBBLE HILL IMPROVEMENT DISTRICT**



Robin Brett  
Corporate Administrator

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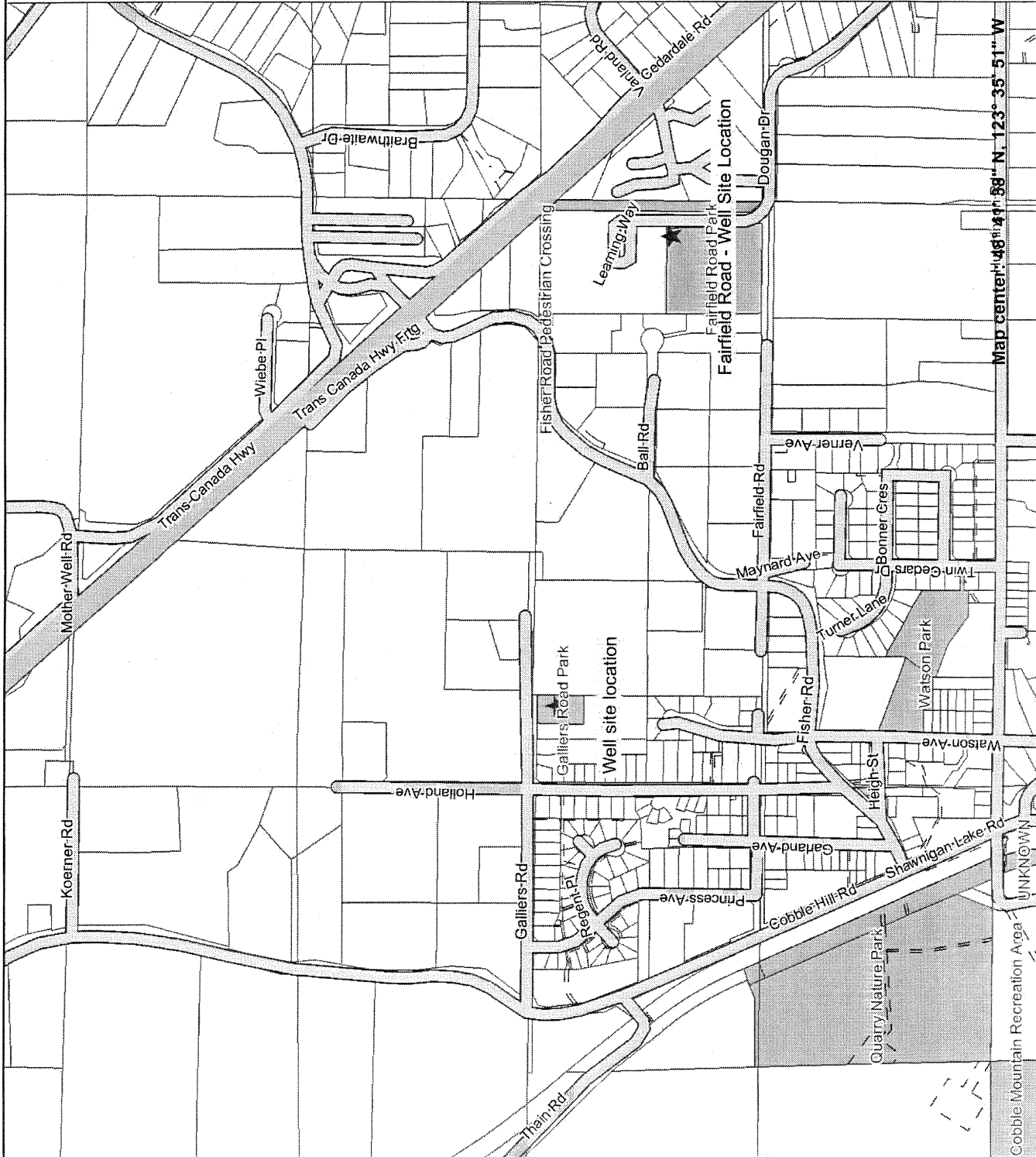


# Cowichan Valley Regional District

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

## Legend

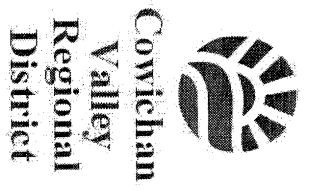
- Roads
  - Highway
  - Road
- Foreshore
- PARCEL\_ARC
- BDEALNS
- BDRDLNS
- ROOTHNGZ
- Parcel Arcs
- First Nations
- PARKS



Date Printed: 4/01/2009 12:14:06

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

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

Legend

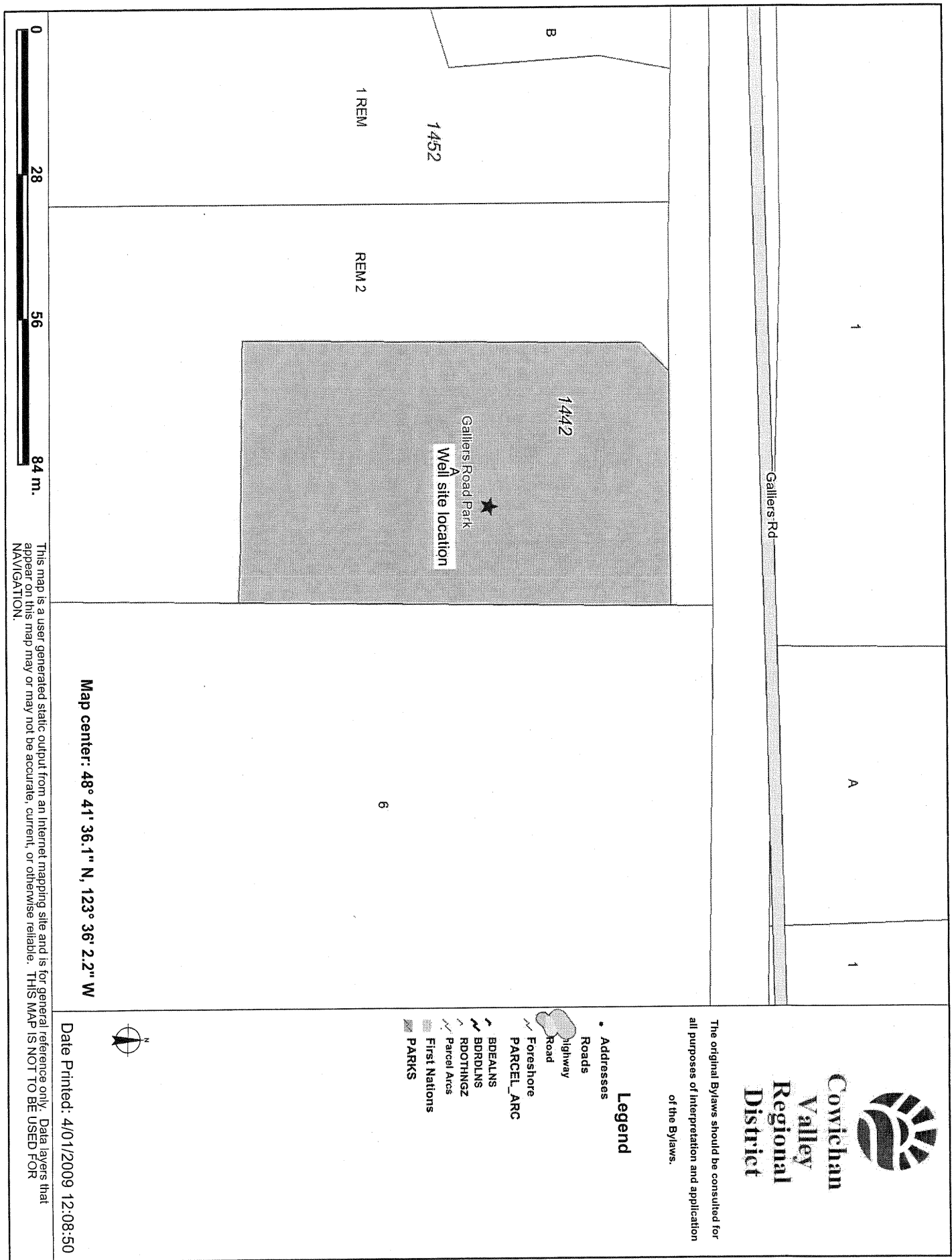
- Addresses
- Roads
  - Highway
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- Foreshore
- PARCEL\_ARC
- BDLNS
- BDRLNS
- RDOTHNGZ
- Parcel Arcs
- First Nations
- PARKS

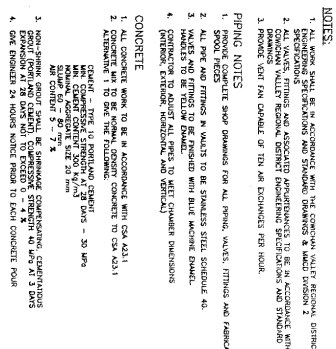


Date Printed: 4/01/2009 12:08:50

Map center: 48° 41' 36.1" N, 123° 36' 2.2" W

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

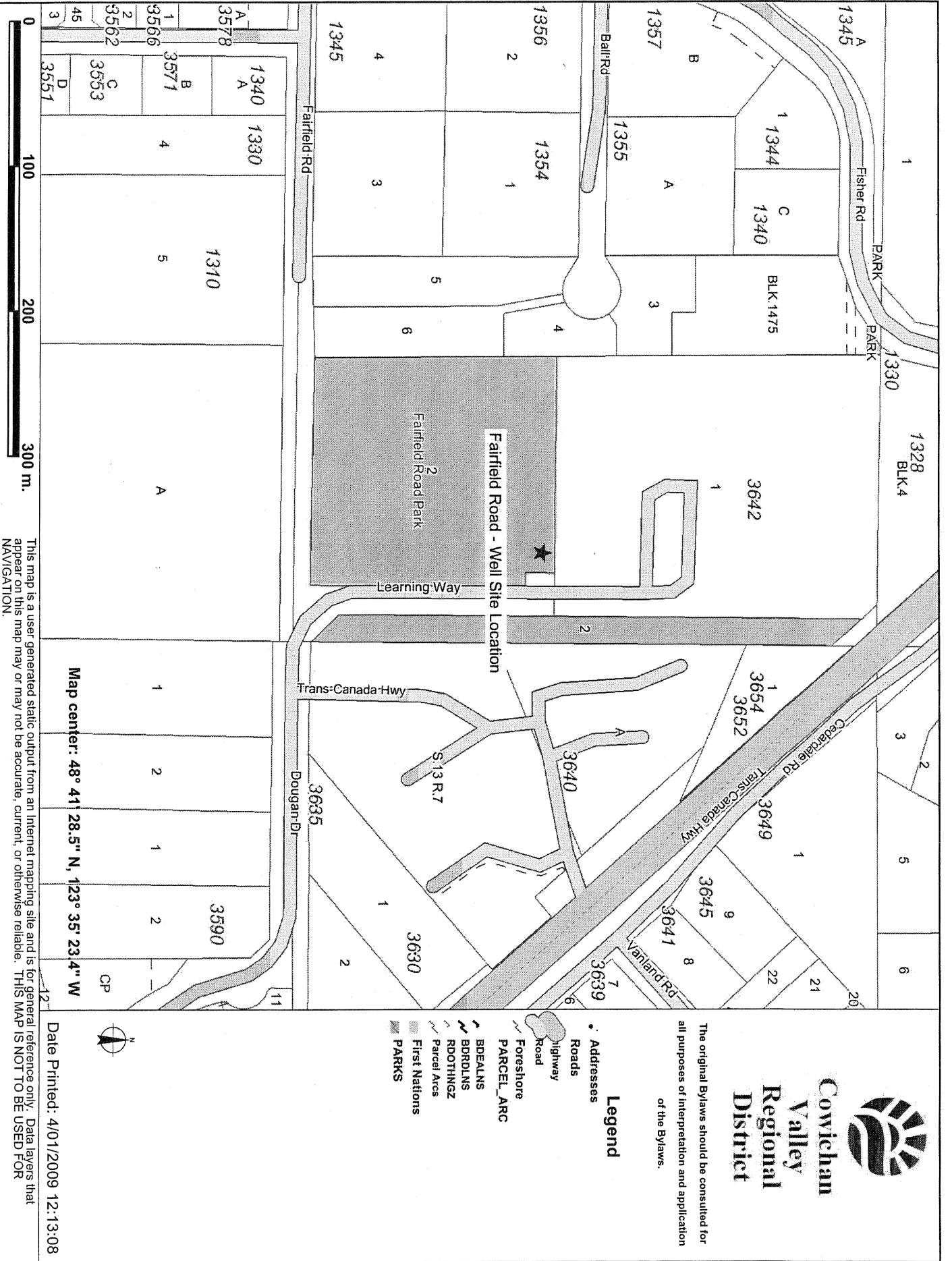




# COBBLE HILL IMPROVEMENT DISTRICT

**PROPOSED NEW WELL  
GALLIERS ROAD**

<b>FOCUS</b>		PROJECT
<b>COBBLE HILL IMPROVEMENT DISTRICT</b>		PROJECT REF: 02/2091-20
<b>PROPOSED NEW WELL GALLIERS ROAD</b>		DRAWING TITLE
DRAWN	DATE	DRAWING NO.
ND	JAN 23/08	
CHECKED	SQA/E	
DM8/R/T	AS NOTED	
<b>FIGURE 1</b>		





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## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF FEBRUARY 3, 2009

**DATE:** January 27, 2009

**FILE NO:**

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

**BYLAW NO:**

**SUBJECT:** Parks Summer Student Work Crew Truck

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#### **Recommendation:**

That a used 4x4 six passenger crew cab diesel truck and biodiesel storage tank be purchased through short term financing up to a maximum of \$30,000 with repayment of the loan to be apportioned through the annual Parks Summer Student Work Crew budgets in functions 231,232,233,234,235,239,280,281, and 282.

#### **Financial Implications:**

The purchase would be funded under annual Summer Student Work Crew program operational budgets by the respective Electoral Areas A to E Community Parks, Sub-Regional Parks and Regional Parks Budgets that participate in the Summer Student Works Crew Program. This purchase will not increase the annual operational budgets of the participating electoral areas.

#### **Interdepartmental/Agency Implications:**

N/A

#### **Background:**

Each year as part of the Summer Student Works Crew Program that runs from May-August, a vehicle is rented in order to transport the 6 person crew around to various parks during the four month work term. Annual budgets for the Electoral Area Community Parks programs that participate in the Summer Student Work Crew Program contribute to the \$12,000 per year (2008 figure) required to rent a 4x4 Crew Cab Truck with seating for six passengers for the four month term.

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<b>Electoral Area</b>	<b>2008 Rental Vehicle Costs</b>
Area A	\$2,263
Area B	\$1,509
Area C	\$1,616
Area D	\$1,185
Area E	\$1,724
Regional Parks	\$1,551
Sub-Regional Parks	\$1,218
South End Parks	\$395
Area I	\$539
<b>Total</b>	<b>\$12,000</b>

Given this high annual cost to the program, Parks staff have identified options for consideration that over the long term would result in lower annual vehicle costs to support the program, which in turn would make more funds available for actual parks projects annually identified by Parks Commissions and Staff.

**Option #1** - Purchase a used vehicle, gas or diesel, through short term financing up to a five year term. With \$12,000 per year being spent currently on a rental vehicle, the option of paying off a \$30,000 vehicle purchase could be achieved within a three year term, saving interest payments and allowing for redirection of vehicle related dollars towards parks projects in the respective Electoral Areas starting in the fourth year.

**Option #2** – Purchase a new truck that incorporates green technology. Investigation by Parks staff has determined that while hybrid technology is readily available in small cars, the technology remains limited in the truck market. For example, a hybrid truck purchased from GM would cost approximately \$6,000 more upon initial purchase, is limited to a small truck, with limited seating and towing capabilities (under 5,900 pounds). At this time the Parks Summer Student Works Crew program requires a truck with large towing capabilities for multi-use work conditions and seating for six, therefore current hybrid truck technology does not meet the operational requirements of the Parks Summer Student Program.

Options do exist however for fuel a management system, which, based on the work needs of the CVRD Parks division, a half-ton pickup with either Flex Fuel or Active Fuel Management technology would allow the Parks department to achieve operational requirements and reduce carbon footprint. Flex Fuel allows the truck to run on Ethanol based fuel (E85) and is readily available at a card lock in the Cowichan Valley. Ethanol costs approximately 10% more at the pump than regular gas, and will burn up to 26% more fuel. The second fuel management option is a truck that incorporates Active Fuel Management technology. This truck would burn regular gas, but saves on fuel consumption by allowing the truck to run on 4 cylinders versus eight when not under load or towing. The fuel economy with this option is 26 miles to the gallon or 11.5 kilometers per litre. To purchase a 2009 half-ton truck to meet the operational needs of the CVRD Parks department in either Flex Fuel or Active Fuel Management technology would cost approximately \$36,000.00. Financing such a purchase could be achieved through short term financing as outlined in option #1.

**Option #3** - The third option for consideration would be the purchase of a used truck that could incorporate green fueling initiatives. This option would be funded under the similar finance terms as outlined in option #1, and would be limited to a diesel pickup so that the use of biodiesel could be used as a regular fuel source. The cost is approximately the same or less for biodiesel as for petroleum diesel, in many cases less. Biodiesel, or the biodiesel portion of a blend, is exempt from all applicable provincial taxes, including the new carbon tax.

Biodiesel is a cleaner burning alternative to fossil fuels produced from domestic renewable resources such as vegetable oils and fats which meets the specifications of ASTM D6751. It is a methyl ester which contains no petroleum, but can be blended in any amount with petroleum diesel or used at 100% concentration. Biodiesel is non-toxic, biodegradable and virtually free of sulphur and aromatics.

Locally, the City of Duncan has switched all operational fleet vehicles, including dump trucks, machines, and small motorized equipment to biodiesel, and has reported that biodiesel is a very viable fueling source, and has helped them meet operational goals of reducing emissions.

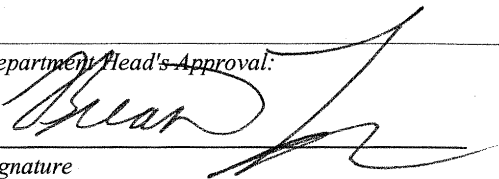
In order for the CVRD Parks Division to utilize biodiesel, it would require the set up of an above ground fueling tank located on CVRD property. Biodiesel is not available at card lock or conventional fueling stations in the Cowichan Valley at this time. A small above ground tank, pump, and concrete pad would serve as the basic infrastructure with a setup cost of approximately \$1,500 for the 450 litre tank, pump, and pad. CVRD would hire a commercial fueling service to receive biodiesel on a weekly or as required basis. This basic fueling infrastructure would also allow the CVRD to be set up for using strictly biodiesel in all future purchases of CVRD Parks vehicles, equipment, and small motorized tools.

The other key advantage with purchasing a truck for the Parks Summer Student Program is that the vehicle would be available for the other eight months of the year and support ongoing and new projects within those participating Electoral Areas at no additional cost (aside from fuel).

Submitted by,



Ryan Dias,  
Parks Operations Superintendant  
Parks & Trails  
Parks, Recreation & Culture Department

<p>Department Head's Approval:</p>  <p>Signature</p>
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## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF FEBRUARY 3, 2009

**DATE:** January 27, 2009 **FILE NO:**  
**FROM:** Ryan Dias, Parks Operations Superintendent **BYLAW NO:**  
**SUBJECT:** Electoral Area H Parks Maintenance Contract Award

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#### **Recommendation:**

That the 2009-2010 Electoral Area H Community Parks Maintenance Services Contract be awarded to I.L.S. Inc. of Ladysmith in the amount of \$14,112.00 including GST, based on the RFP bid received Monday December 15, 2008.

#### **Purpose:**

To request award of the 2009-2010 Electoral Area H Community Parks Maintenance Services contract, based on a 23-month service period from February 2009 to December 31, 2010.

#### **Financial Implications:**

This contract would be funded by the Electoral Areas H Community Parks Budget.

#### **Interdepartmental/Agency Implications:**

N/A

#### **Background:**

Parks Maintenance Services contracts are used to achieve consistent service delivery in CVRD Parks for the maintenance and upkeep of developed park facilities, amenities and greenspace areas for public use and enjoyment in a safe maintained environment. In order to maintain this level of service for park care, parks maintenance contracts detail the extent and frequency of duties that a contractor must consistently fulfill throughout the term of the maintenance contract. These requirements are outlined in a Request for Proposal ("RFP") document, which provides detail on the scope of work expected from a contractor that is consistent with a standard of care established by CVRD Parks.

The Parks maintenance contractor provides the CVRD with the necessary contract staff, equipment, tools, vehicles, supplies and resources to complete the parks maintenance services requirements of the Regional District. In addition, through contracting of parks maintenance services the Regional District transfers all liability to the contractor related to parks maintenance

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interested contractors on December 11<sup>th</sup> at 10:00 am to walk all the parks within the contract. Six contractors joined parks staff along with the Area H Director in the walk about to perform a visual review the duties of the contract within each park.

**RFP submissions received for Electoral Area H Contract:**

Proponents were required to provide a detailed proposal including an all-inclusive bid price (including GST) with further break down of costs per year.

Proposals for 2009-2010 term were received from:

I.L.S. Inc.	(Ladysmith)	\$14,112.00
Dan Lee Landscaping	(Cassidy)	\$16,369.50
Tech West Artisans	(Parksville)	\$28,687.25

Parks Staff have evaluated all proposals in the areas of past work experience, work history, knowledge of the contract expectations, references and past performance appraisals, and bid price. All proposals received met the mandatory bid criteria as outlined in the RFP.

The contract price from Tech West Artisans was significantly above the budgeted amount for Area H Parks maintenance services contract, and therefore Tech West Artisans scored the lowest in the evaluation process. Dan Lee Landscaping was the next bid at \$16,369.50 followed by I.L.S. Inc at \$14,112.00. A difference of \$2,257.50 over the two year term separated these two bids. Both I.L.S. Inc, and Dan Lee Landscaping scored very close in the evaluation process; however, I.L.S received the highest score in the evaluation process as a result of a providing the lowest price and the best response to the CVRD's request for information in the areas of past references, staff qualifications and work schedule. The bid proposal to supply parks maintenance services for the 2009-2010 period is also \$5,300 less than the contract bid extension proposal from the previous contractor that was previously considered and rejected by the Regional District.

A breakdown identifies the costs proposed by I.L.S. Inc. over the two-year term is as follows:

<b>Electoral Area</b>	<b>2009</b>	<b>2010</b>	<b>Term Total</b>
Area H	\$6,720	\$6,720	13,440
<b>GST</b>	\$336	\$336	\$672
<b>TOTAL</b>	<b>\$7,056</b>	<b>\$7056</b>	<b>\$14,112</b>

I.L.S. Inc. has provided grounds maintenance services for the Nanaimo airport for the past 8 years, and has over 25 years of experience in commercial landscape maintenance. The company has a horticulturalist on staff, and a full landscape crew to draw from in performing the duties of the contract. Evaluation of the proposal from I.L.S. Inc. including reference checks has confirmed that I.L.S. Inc. has the necessary technical expertise to undertake the duties of the Electoral Area H Contract, and has proficiency in the areas of park care services.

Separate from this report are the minutes of the Area H Parks Commission meeting held on January 7, 2009, which express dissatisfaction with the RFP process due to lack of an opportunity to provide input into the current RFP and recommend the award of a parks maintenance contract not proceed. As noted above, all three proposals received met the mandatory bid criteria outlined in the RFP documents.

services, and minimizes the Regional District's exposure to potential risk related incidents or occurrences within CVRD Parks that could result from providing this type of service delivery.

The previous contract awarded for parks maintenance services of Electoral Area H Parks was \$4,500 per year plus GST or \$12,500 for three years of service from 2006 to 2008. However, subsequent to award of this contract it was brought to the attention of CVRD Parks by the successful contractor that the total bid price of \$12,500 for the three year contract was missing, by the contractor's own admission, the costs for maintenance services of Blue Heron Park for the three year period. The contractor, however, proceeded to undertake all parks maintenance services under the terms of the contract for the three year period, including services required for Blue Heron Park as outlined in the RFP. In later correspondence the contractor identified that the corrected bid for the three year 2006-2008 contract should have been in the order of \$26,167.00 or \$8,722 per year for each of the three years. This still would have been the lowest bid received by the CVRD for parks maintenance services within Electoral Area H at the time.

In fall 2008 the previous contractor was requested to submit a bid proposal for extension of the 2006-2008 for a further two years for consideration by the CVRD, as was permitted under the terms of the parks maintenance contract. The contract extension proposal received by the CVRD from the contractor was a total of \$20,760 for 2009-2010, which worked out to \$10,380 for each of the two years. When presented with the contract extension proposal amount, the Electoral Area Services Committee recommended to the Board that the contract extension proposal not be accepted and that new contract bids be invited through a Request for Proposals process.

At the regular Board meeting of November 12, 2008 the following resolution was passed:

"That separate Request for Proposals for the provision of Parks Maintenance Services contract be issued for Electoral Area A-E Community Parks, Electoral Area F Community Parks, Electoral Area H Community Parks and Electoral Area I Community Parks."

In response to the resolution of the Board, a Request for Proposals (RFP) for Parks Maintenance Services for Electoral Area H Community Parks was issued December 1, 2008. The terms and conditions within the RFP issued outlining the parks maintenance duties remain unchanged from the previous RFP issued in 2005, which was prepared with input and feedback from the Area H Parks and Recreation Commission. The scope of these parks maintenance services for Area H Community Parks involve grass/lawn maintenance, garbage collection, basic trail maintenance/repair, hazard risk assessment/mitigation, as well as general upkeep of park amenities/facilities, park signage and park parking lots. Only contract administration changes were made based on advice from CVRD's solicitor and the requirement to supply garbage bags/garbage tipping fees were removed to allow for better tracking of these costs by CVRD. The range of maintenance duties prescribed in the RFP are established on the basis of providing a base level of parks maintenance services to address park visitor safety issues, appearance and upkeep of park sites and address risk management/liability exposure of the Regional District through standardized maintenance practices and procedures.

Newspaper ads for the parks maintenance services contract for Area H Community Parks were run locally from November 24<sup>th</sup> to December 10<sup>th</sup>. In addition, RFP documents were made available on BC Bid and the Yellow Sheets online public bid sites. Twenty-two RFP packages were requested by interested parties, with three bid submissions received prior to the submission deadline of December 15th 2008 at 2:00 pm. Staff also conducted a mandatory site visit for all

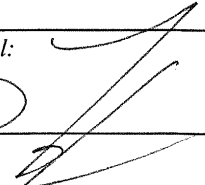
In reviewing the option of cancelling an established Request for Proposals process subsequent to receiving proposal bids by the required deadline under the general parameters of contract law, that unless just cause can be found to reject all proposals received through a Request for Proposals or Tender process (i.e. none of the proposals provided the mandatory criteria outlined in the RFP or all bid proposals received exceed budget capacity), the Regional District could risk a challenge to an action reject all proposals without due cause. If such a challenge were successful, the CVRD could be held financially accountable for loss of contract, court costs and other damages which could be imposed.

With respect to the issue raised by the Area H Parks Commission concerning not having input into the current RFP, which contained no changes from the previous version which the Commission was involved in preparing, it is proposed concurrent with issuance of a contract that Parks staff work with the Parks Commission and the parks maintenance contractor to address any issues the Commission may have with respect to the parks maintenance contract duties and requirements.

Submitted by,

Ryan Dias,  
Parks Operations Superintendant  
Parks & Trails  
Parks, Recreation & Culture Department

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Department Head's Approval:	
Signature	

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## MEMORANDUM



DATE: January 5, 2009

TO: Tom R. Anderson, Manager, Development Services Department

FROM: Brian Duncan, Chief Building Inspector

SUBJECT: BUILDING REPORT FOR THE MONTH OF DECEMBER, 2008

There were 15 building Permits and 0 Demolition Permit(s) issued during the month of December, 2008 with a total value of \$ 669,755

Electoral Area	Commercial	Institutional	Industrial	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"				156,550		1	101	156,550	20,957,620
"B"				149,530		2	154	149,530	19,568,788
"C"				10,000		2	51	10,000	5,600,619
"D"				5,840		2	44	5,840	3,040,130
"E"				0		0	61	0	4,399,111
"F"				21,120		2	37	21,120	2,451,067
"G"				150,000		1	49	150,000	3,520,454
"H"	55,000			84,875		3	42	139,875	11,726,787
"I"				36,840		2	33	36,840	2,789,179
Total	55,000	0	0	614,755	0	15	572	669,755	74,053,755
NEW RESIDENTIAL									
December 2008	(3)			\$ 439,105	December 2008	(15)		\$ 669,755	
December 2007	(10)			\$ 1,234,994	December 2007	(19)		\$ 1,508,000	
12 Months 2008	(228)			\$ 37,549,827	12 Months 2008	(572)		\$ 74,053,755	
12 Months 2007	(277)			\$ 35,271,712	12 Months 2007	(592)		\$ 51,925,854	
TOTALS TO DATE									

B. Duncan, RBO  
Chief Building Inspector  
BD/db

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