



## ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,  
November 15, 2011  
Regional District Board Room  
175 Ingram Street, Duncan, BC

3:00 pm

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**6. NEW BUSINESS****7. PUBLIC/PRESS QUESTIONS****8. CLOSED SESSION**

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

**CSM1** Minutes of Closed Session EASC meeting

150-151

**CSR1** Land Acquisition (Section 90(1)(e))

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**9. ADJOURNMENT**

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

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

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

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

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, November 1, 2011 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

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

**CVRD STAFF**  
Tom Anderson, General Manager  
Mike Tippett, Manager  
Rob Conway, Manager  
Brian Farquhar, Manager  
Dana Leitch, Planner II  
Alison Garnett, Planner I  
Ann Kjerulf, Planner III  
Maddy Koch, Planning Technician  
Brian Duncan, Manager  
Warren Jones, Administrator  
Cathy Allen, Recording Secretary

**APPROVAL OF AGENDA**  
The Chair noted changes to the agenda which included adding two items of listed New Business and four items of new business.

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

MOTION CARRIED

**M1 - Minutes**  
It was Moved and Seconded that the Minutes of the October 18, 2011, EASC meeting be adopted.

MOTION CARRIED

**BUSINESS ARISING**

**DELEGATIONS**

**R8 - Bamberton**  
It was Moved and Seconded  
That the applicant respecting agenda item R8 (Bamberton Business Park) be permitted to respond to questions if required.

MOTION CARRIED

**D1 - Fantillo**

Lorenzo Fantillo was present regarding request for extension of Development Permit 1-D-08DP (Silver Catch Processing). Mr. Fantillo stated that the September 14<sup>th</sup> Board resolution extending their permit until May 10, 2012 is insufficient and would like the permit to be extended to October 26, 2013.

The Committee directed questions to the delegate.

It was Moved and Seconded

That the Regional Board reconsider its previous decision of September 14, 2011, and that Development Permit No. 1-D-08DP, issued to Silver Catch Processing Inc., be renewed until October 26, 2013, and that no other extensions of the development permit be granted.

**MOTION CARRIED**

**D2 - Parker**

Terry Parker present regarding opposition to Mill Bay Marina townhouse development permit application. Mr. Parker cited invasion of privacy, shading, crowding, and loss of view that would result from the townhouse development proposed next to his property at 746 Handy Road in Mill Bay, and requested that the developers be required to adjust the design of the buildings.

The Committee directed questions to the delegate.

The Chair thanked Mr. Parker for appearing.

**STAFF REPORTS**

**R1 – Mill Bay Marina**

Rob Conway, Manager, presented staff report dated October 25, 2011, regarding Application No. 2-A-11DP (Mill Bay Marina) to permit a 14 unit townhouse development and marina at 740 Handy Road.

Cam Pringle, applicant, was present and provided further information to the application.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

That Application No. 2-A-11DP be approved, and that a development permit be issued to Mill Bay Marina Inc. for a 14 unit townhouse project and marina at Block "C", Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, except part in Plans 29781 and 30142 (PID 001-027-433) and Foreshore Lease Lot 459 (Lease No. 1122643), subject to:

- a) approval from the Ministry of Environment;
- b) establishment of average natural grade and permitted building height by a BC Land Surveyor;
- c) Provision of landscape security equivalent to 125% of the estimated cost of all landscape works; and
- d) registration of a form and character covenant.

**MOTION CARRIED**

**R2 – Hillside  
Excavating**

Maddy Koch, Planning Technician, presented staff report dated October 25, 2011, regarding Application No. 7-E-11DP (Hillside Excavating Ltd.) to convert a portion of a residence into commercial space on property located at 2381 Staghorn Road.

Bill Thompson, applicant, was not present.

The Committee directed questions to staff.

It was Moved and Seconded

That Application No. 7-E-11DP, submitted by Bill Thompson of Hillside Excavating, for conversion of a portion of a single family dwelling into a commercial space along with various other site alterations on Lot 6, Section 8, Range 1, Cowichan District, Plan 6495 Except Plan 2948 RW (PID: 005-848-661) be approved, subject to substantial compliance with the submitted site plan and building designs.

MOTION CARRIED

**R3 - Ganter**

Alison Garnett, Planner I, presented staff report dated October 24, 2011, regarding Application No. 9-E-11DP-VAR (Michael and Grandee Ganter) to construct a residential accessory building at 3929 Vaux Road.

Michael Ganter was present.

The Committee directed questions to the applicant.

It was Moved and Seconded

That Application No. 9-E-11DP/VAR, submitted by Michael and Brandee Ganter, for construction of a residential accessory building in accordance with the Agricultural Protection Development Permit Area guidelines on Lot A, Section 10 and 11, Quamichan District, Plan 32057 (PID: 001-106-902) be approved; and further, that Section 5.2(e) of Zoning Bylaw No. 1840 be varied to allow the size of the residential accessory building to be increased from 100 square metres to 143 square metres, subject to substantial compliance with the submitted site and building plans.

MOTION CARRIED

**R4 – Topping/Quek**

Alison Garnett, Planner I, presented staff report dated October 24, 2011, regarding Application No. 6-A-09RS (Topping/Quek) to permit a 98 unit multifamily development on Boulding and Benko Road in Mill Bay.

Angela Quek, applicant, provided further information to the application.

The Committee directed questions to the applicant and staff.

It was Moved and Seconded

That the Regional District accept the applicant's request to hold file No. 6-A-09RS (Topping/Quek/Van Der Have/Walker) in abeyance in order to provide the CVRD with time to complete the Benko/Butterfield neighbourhood plan, to provide the applicants with time to complete traffic, transit and engineering studies, to hold further discussions with CVRD departments and service providers (water, sewer and fire protection), and to consult with the community.

MOTION CARRIED

**R5 - Bourque**

Dana Leitch, Planner II, presented staff report dated October 26, 2011, regarding Application No. 1-I-09RS (Rick Bourque) to rezone 50 parcels located at the Marble Bay Cottage development site to permit occupancy of the cottages for up to 52 weeks in a calendar year.

Rick Bourque, applicant, was present.

There were no questions from Committee members.

It was Moved and Seconded

1. That Application No. 1-I-09RS (Van Isle Waterfront Development Corp.) be approved, with a new Recreational Zone being introduced for the subject lands and the unsubdivided C-4 Zoned area to the north, with a 0.16 hectare minimum parcel size, with a complementary amendment to the Official Community Plan which would provide for the new zone and create a drainage development permit area, subject to covenants being entered into that would:
  - interdict the further subdivision of the remainder of the lands owned by the applicants until such time as the subject properties are part of a CVRD Community Sewer System and a CVRD Community Water System;
  - require at the time of subdivision of the remainder lands to the north of the subject properties, that the applicant undertakes to work with CVRD Parks and Trails Division to establish an east-west trail link of not less than 7 metres in width, to provide connectivity across the subject lands between Block 117 and Marble Bay Park for a trail alignment which meets CVRD Parks standards.
  - require the repair or removal, in accordance with accepted fire protection standards, of the underperforming fire hydrant in the development;
2. That the appropriate amendment bylaws be prepared and forwarded to the Regional Board for consideration of first and second readings.
3. That a public hearing be arranged and that the Directors for Electoral Area I, Area F and Area G, be delegated to the hearing.
4. That the referral by way of mailed notification of the proposed amendment to Ditidaht First Nation, Cowichan Tribes, Lake Cowichan First Nation, Ministry of Transportation and Infrastructure, Lake Cowichan Volunteer Fire Department, VIHA, Ministry of Environment, School District 79 and CVRD Public Safety is accepted.

MOTION CARRIED

**R6 – Johel/Mayo**

Dana Leitch, Planner II, presented staff report dated October 26, 2011, regarding Application No. 2-E-11RS (Johel/Mayo) to permit a second crematorium at 4695 Cowichan Lake Road.

The applicants were present.

There were no questions from Committee members.

It was Moved and Seconded

That Rezoning Application No. 2-E-11RS (Khalsa Diwan Societies) be presented at a public meeting to receive input from the community, and that the application and public meeting minutes be reviewed at a future EASC meeting.

**MOTION CARRIED**

It was Moved and Seconded

That the draft zoning amendment bylaw be amended by changing the minimum parcel size for parcels served neither by a community water or sewer system in the proposed C-6 Zone from 1.0 hectares to 2.0 hectares.

**MOTION CARRIED**

**R7 – OCP Referrals**

Mike Tippett, Manager, presented staff report dated October 26, 2011, from Ann Kjerulf, Planner III, regarding Area D – Cowichan Bay OCP referrals.

It was Moved and Seconded

That, when complete, the draft Electoral Area D – Cowichan Bay Official Community Plan be referred to the following listed CVRD commissions and external agencies for review;

And that consultation with First Nations occurs in accordance with the provincial Interim Guide To First Nations Engagement on Local Government Statutory Approvals;

And further, that CVRD staff meet with Cowichan Tribes staff to determine a mutually beneficial approach to consultation, having regard for the Hul'qumi'num Treaty Group consultation policy.

CVRD Commissions

Agricultural Advisory Commission

Economic Development Commission

Environment Commission

Area D – Cowichan Bay Advisory Planning Commission

Area D – Cowichan Bay Parks Commission

Local Governments

Capital Regional District  
 District of North Cowichan  
 City of Duncan

First Nations

Stz'uminus (Chemainus)  
 First Nation  
 Cowichan Tribes  
 Halalt First Nation  
 Lake Cowichan First  
 Nation  
 Lyackson First Nation  
 Malahat First Nation  
 Pauquachin First Nation  
 Penelakut Tribe  
 Hul'qumi'num Treaty  
 Group  
 Semiahmoo First Nation  
 Snuneymuxw First Nation  
 Tsartlip First Nation  
 Tsawout First Nation  
 Tsawwassen First Nation  
 Tseycum First Nation

Provincial Government Agencies

Agricultural Land Commission  
 BC Transit  
 Ministry of Aboriginal Relations and Reconciliation  
 Ministry of Agriculture  
 Ministry of Community, Sport and Cultural Development  
 Ministry of Energy and Mines – Mineral Exploration  
 and Mining / Housing and Construction Standards  
 Ministry of Forests, Lands and Natural Resources  
 Operations – Land Tenures / Environmental Protection  
 Ministry of Transportation and Infrastructure

Federal Government Agencies

Department of Fisheries and Oceans – Fisheries  
 Department of Fisheries and Oceans – Small Craft  
 Harbours

Other Agencies

Central Vancouver Island Health Authority  
 Cowichan Bay Improvement District  
 Cowichan Bay Waterworks  
 Islands Trust  
 School District No. 79  
 Social Planning Cowichan

MOTION CARRIED

**R8 - Bamberton**

Rob Conway, Manager, presented staff report dated October 25, 2011, regarding Bamberton business park application update.

Ross Tenant, applicant, was present and provided further information.

Committee directed questions to the applicant and staff.

It was Moved and Seconded

1. That the request by the applicants to remove part of the F1-A zoning change from Application No. 1-A-11RS (Bamberton Business Park) be accepted; that Second reading of Zoning Amendment Bylaw No. 3498 be rescinded; that Zoning Amendment Bylaw No. 3498 be amended to remove the F1-A zoning change to all areas of the site except where outdoor recreation is proposed; and that Zoning Amendment Bylaw No. 3498, as amended, be considered for second reading.
2. That a draft bylaw under Section 30 of the *Community Charter* be prepared for future consideration in relation to the dedication of McCurdy Point as park, and proceed with the documents on the basis of such;
3. That staff continue to secure covenants or satisfactory lease agreements and associated documents as outlined in the October 25, 2011 staff report to protect the Southlands from alienation and to permit public access as a future amenity for the community, and that a public meeting be held by the applicants prior to the public hearing.
4. That a public hearing be scheduled in January 2012 respecting OCP Amendment Bylaw No. 3497 and Zoning Amendment Bylaw No. 3498, and that all Electoral Area Directors be appointed as hearing delegates in accordance with Section 891 of the *Local Government Act*.

5. That an acceptable agreement with respect to the protection of water users (Malahat Band, Inlet Drive, and individual residents in the vicinity of the proposed development) be finalized prior to the public meeting/hearing.

MOTION CARRIED

**R9 – Trail License Agreement, Saltair**

Brian Farquhar, Parks and Trails Manager, presented staff report dated October 25, 2011, regarding trail license agreement with the Coastal Missions Society for beach access on Hillside Road in Saltair.

It was Moved and Seconded

That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to both enter into a renewable Trail Licence Agreement with the Coastal Missions Society located at 3356 Hillside Road in Saltair for a public trail corridor along the ocean front across private property to access a flight of stairs to the beach; and to obtain a permit to construct with the MoTI for a Beach Access Park in the Hillside Road End under the Electoral Area G Community Parks function.

MOTION CARRIED

**R10 – Covenant, Coulson Application**

Brian Farquhar, Parks and Trails Manager, presented staff report dated October 26, 2011, from Tanya Soroka, Parks and Trails Planner, regarding covenant required for parkland dedication and amenity contribution for Application N. 1-E-10RS (Coulson).

It was Moved and Seconded

That a covenant be registered in favour of the Cowichan Valley Regional District on lands located at 5241 Koksilah Road (Lot 6, Section 13, Range 6, Quamichan District, Plan 7797) to secure the amenity contribution and the transfer of parkland to the CVRD, and that the Board Chair and Corporate Secretary be authorized to sign the required documents in order to register the covenant.

MOTION CARRIED

**R11 – Bush Creek Park Reserve Fund Bylaw**

Brian Farquhar, Parks and Trails Manager, presented staff report dated October 26, 2011, regarding Bush Creek Park Acquisition transfer from reserve.

It was Moved and Seconded

That a Reserve Fund Expenditure bylaw be prepared authorizing the expenditure of no more than \$6,500 from the Community Parks General Reserve Fund (Area H – North Oyster/Diamond) for the purpose of completing the acquisition of Bush Creek Park; and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

**R12 – Unsworth  
Vineyards license**

Tom Anderson, General Manager, presented staff report dated October 26, 2011, from Nino Morano, Bylaw Enforcement Officer, regarding Unsworth Vineyards Liquor License.

The subject was previously discussed at the October 18, 2011 EASC meeting but a public consultation process was not discussed.

It was Moved and Seconded

That the CVRD not provide comments or recommendation to the Liquor Control and Licencing Branch with regard to the Application for a Winery Lounge and Special Event Area Endorsement Licence #304212 by Unsworth Vineyards located at 2915 Cameron Taggart Road.

MOTION CARRIED

**R13 – Dog Control  
Contract**

Tom Anderson, General Manager, presented staff report dated October 25, 2011, regarding the CVRD dog control contract.

It was Moved and Seconded

That the Cowichan Valley Regional District award the Dog Control Contract to the BCSPCA Cowichan and District Branch for a term of three (3) years starting January 1, 2012; that the contract price for 2012 be \$86,808.00 per year including HST which is to be paid out on a monthly basis; and, that the Canadian Consumer Price Index be used to award monetary increases in 2013 and 2014.

MOTION CARRIED

**CORRESPONDENCE**

**C1 to C3 – grants in  
aid**

It was Moved and Seconded

That a grant in aid, Electoral Area C – Cobble Hill, in the amount of \$500 be given to Cowichan Foundation to assist with student bursaries for Cowichan Valley students who are furthering their education.

MOTION CARRIED

It was Moved and Seconded

That a grant in aid, Electoral Area C – Cobble Hill, in the amount of \$2240 be given to Braithwaite Estates Improvement District, to assist in the installation of aquifer protection signs.

MOTION CARRIED

It was Moved and Seconded

That a grant in aid, Electoral Area D – Cowichan Bay, in the amount of \$885 be given to Cowichan Energy Alternatives, to assist with costs for their waste vegetable oil collection bin initiative.

MOTION CARRIED

**INFORMATION**

**IN1 – Community Recreation Program**

It was Moved and Seconded  
That the letter dated October 21, 2011, from the Ministry of Community, Sport and Cultural Development, regarding Community Recreation Program, Application Intake, be received and filed.

MOTION CARRIED

**IN2 - Minutes**

It was Moved and Seconded  
That the minutes of the Area E Parks and Recreation meeting of October 20, 2011, be received and filed.

MOTION CARRIED

**IN3 - Minutes**

It was Moved and Seconded  
That the minutes of the Area I Parks meeting of October 11, 2011, be received and filed.

MOTION CARRIED

**IN4 - Minutes**

It was Moved and Seconded  
That the minutes of the Area C APC meeting of October 13, 2011, be received and filed.

MOTION CARRIED

**NEW BUSINESS**

**NB1 – Add-on to D2**

The add-on material respecting Delegation D2 (Opposition to Mill Bay Marina DP) was received as information.

**NB2 – Revision report re agenda item R7**

Staff Report from Ann Kjerulf, Planner III, regarding Revision to Staff Report respecting Area D – Cowichan Bay OCP Referrals was received.

**NB3 -**

Director Duncan expressed concern that applicants are not removing refuse containers offsite which is a listed condition of the development permit, and would therefore like to see the appropriate bylaws amended that would deal with the issue instead.–

It was Moved and Seconded  
That staff be directed to amend the appropriate bylaw(s) to include provisions for dealing appropriately with refuse containers (placement/aesthetics).

MOTION CARRIED

**NB4 – QEP's**

Director Duncan brought up the issue of the CVRD hiring qualified environmental professionals. Mr. Anderson advised that he has contacted other regional districts and Planning Directors in the Province and the only one who has actually hired their own QEP is the Central Okanagan Regional District who experienced limited success. Mr. Anderson feels that more focus should be put on the Province to do the job they are supposed to do under their current legislation.

It was Moved and Seconded

That staff be directed to investigate the Province's role and procedures respecting qualified environmental professionals; acquire legal opinions; and explore options for the hiring of qualified environmental professionals by local governments; and further, that a staff report be prepared outlining the findings and be forwarded to the EASC in the new year.

MOTION CARRIED

**NB5 – Strata developments sewer service**

Director Duncan expressed concern that Engineering reports state that we agree in principle to provide sewer and water service to strata developments. He stated he would like a heads up when agreements are being brought forward where developers are requesting sewer service for strata developments.

Directors also expressed concerns that Engineering Services should not be setting the priorities respecting service capacity for Planning and Development applications.

It was Moved and Seconded

That the issue of requiring that Engineering Services reports provide Directors with clear identification on whether an agreement in principle respecting sewer service is for a regular development or a strata development, be referred to the Engineering Services Committee.

MOTION CARRIED

**NB6 – New Contaminated Soils Regs.**

Director Duncan referred to a recent article where the BC Government has approved a dumping bylaw change in the Saanich Peninsula area where the Saanich communities may regulate the dumping of soils/contaminated soils on their agricultural lands, and noted that districts in the Saanich Peninsula are now moving forward to amend their bylaws. There is concern that these changes could mean that more contaminated soils may find their way to the Cowichan Valley.

It was Moved and Seconded

That staff be directed to contact the Districts encompassing the Saanich Peninsula to investigate what bylaws respecting the dumping of soils on agricultural lands are being proposed or have been adopted, and report back their findings to the EASC.

MOTION CARRIED

**NB7 – Honeypot Pub** Director Morrison advised that an applicant in Area F is holding a public meeting on Saturday, November 5<sup>th</sup> in Honeymoon Bay, respecting future uses for the Honeypot Pub and restaurant, and that anyone interested or has ideas to share are welcome to come out.

**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 6:30 pm.

**RISE** The Committee rose without report.

**ADJOURNMENT** It was Moved and Seconded  
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 6:35 pm.

\_\_\_\_\_  
Chair

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



R1

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 15, 2011

DATE: November 9, 2011 FILE NO: 8-A 11 DP/RAR  
FROM: Rachelle Rondeau, Planner I BYLAW NO: 3510  
SUBJECT: Application No. 8-A-11DP/RAR  
(JE Anderson & Associates for Baranti Developments)

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

That application No. 8-A-11 DP/RAR submitted by J.E Anderson & Associates on behalf of Baranti Developments Ltd. for subdivision of 5 lots on Parcel A (DD 36099I) of District Lots 77 and 80, Malahat District (PID: 009-358-137) be approved subject to:

- a) Compliance with conditions outlined in RAR report No. 435 prepared by Patrick Lucey R.P. Bio., dated April 25, 2007; and
- b) That a geotechnical setback be established by a geotechnical engineer for each lot containing steep slopes prior to issuance of the development permit to be included within the development permit.

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

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

#### **Background:**

To consider the issuance of a development permit for subdivision of 5 residential lots that were not included in the original development permit for Phase 1. Phase 1 will consist of 16 lots on the east portion of the subject property, as well as the first phase of park dedication.

**Location of Subject Property:** Rozon Road and Sangster Road (South of Sentinel Ridge)

**Legal Description:** Parcel A (DD 36099I) of District Lots 77 and 80, Malahat District (PID: 009-358-137)

**Date Application and Complete Documentation Received:** November 2, 2011

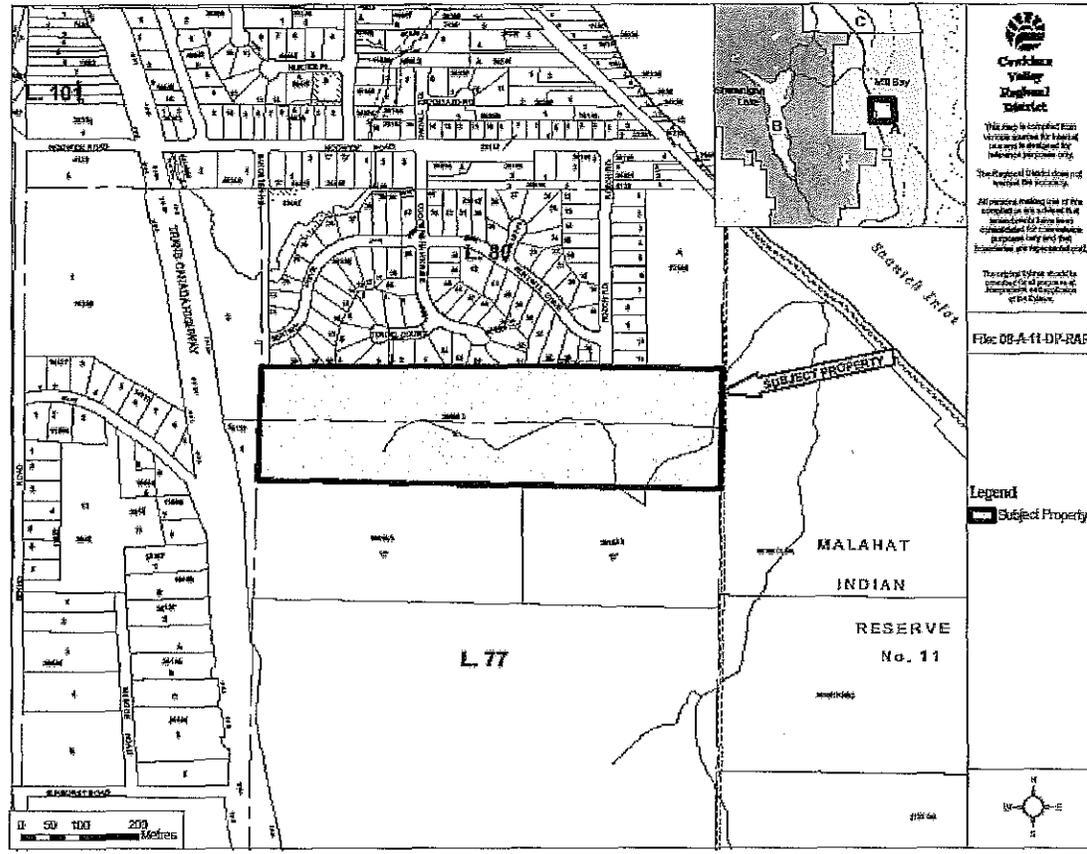
**Owner:** Baranti Developments Inc.

**Applicant:** J.E Anderson & Associates

**Size of Parcel:** 16.1 ha

**Existing Zoning:** Urban Residential - Limited Height (R-3A)

**Existing Plan Designation:** Village Residential



Existing Use of Property: Vacant – Development Permit approval for 40 lots on the northern portion of the property. Southern portion of the lot was rezoned in April 2011 to permit subdivision in accordance with the R3-A Zone

Existing Use of Surrounding Properties:

North: Sentinel Ridge subdivision  
 South: Ocean Terrace proposed development  
 East: Malahat Indian Reserve  
 West: Trans-Canada Highway, Sangster Road and one residential lot

Services:

Road Access: Primary access will be provided by Rozon Road and internal common property roads (in later Phases access will be provided by Sangster Road)  
Water: Community water (Mill Bay Waterworks)  
Sewage Disposal: CVRD Sewer  
Drainage: Strata will manage the rainwater management systems  
Lighting: N/A Only gate posts at the end of driveways with illuminated addresses

Environmentally Sensitive Areas: The *Environmental Planning Atlas 2000* has identified a TRIM stream with possible fish presence.

Comprehensive Riparian Areas Regulation (RAR), arborist and geotechnical reports were submitted with the original Development Permit application for subdivision of the northern portion, and these provided information for the entire proposed development (northern and southern portions of the property).

The RAR report identified Streamside Protection and Enhancement Areas for the main creek, tributaries and wetlands, as well as Special Management Zones. Special management zones are well-treed areas beyond the SPEA that were designated for additional protection to buffer the SPEA from development. These areas have been incorporated into dedicated park. A covenant registered on the property through the rezoning stage outlines the park dedication commitments.

For proposed Phase 1, eight lots will border the park/special management zones.

Archaeological Site: None identified

Contaminated Sites Regulation: Declaration signed

**Property Context:**

In April 2011, the southern portion of this property was rezoned from Forestry (F-1) to Urban Residential – Limited Height (R-3A). The northern portion of the subject property was already zoned R-3A, and a Development Permit was issued for subdivision of this portion of the property into 40 lots. As proposed Phase 1 extends into the southern portion of the property, the Development Permit that was issued did not include this portion.

For the entire development, a total of 80 lots are proposed, with approximately 4.39 ha being dedicated park (27.3%).

**Proposal:**

An application has been made to obtain a development permit for an additional 5 lots to comprise of Phase 1 of the Baranti development (Hidden Creek Estates). A subsequent Development Permit will be applied for to address the remaining proposed lots within the southern portion of the property in accordance with the Mill Bay Village Development Permit Area.

**Policy Context:**

The entire subject property has been designated Village Residential within the South Cowichan Official Community Plan – Mill Bay Village Plan, as well as within the Mill Bay Village Development Permit Area (DPA).

***Zoning and Residential Density***

The minimum lot size for the R3-A Zone is 0.1675 ha for parcels served by community water and community sewer systems. The subdivision is a proposed Bare Land Strata with 80 lots over 16.1 ha of land. A Bare Land Strata subdivision can include lots less than the minimum lot size provided that the total number of lots does not exceed the overall density permitted through conventional subdivision. The overall proposal for 80 lots has maximized the number of lots that can be created. Typically, the large remainder lot would form part of the common property, however in this case it is being dedicated parkland.

***Development Permit Area Guidelines***

The Mill Bay Village DPA was established for the purpose of protecting the natural environment, its ecosystems and biodiversity; and the establishment of guidelines for energy and water conservation. The following section outlines how the development proposal complies with the guidelines of this Development Permit Area.

### ***Mill Bay Village Development Permit Area Guidelines***

The Mill Bay Village Development Permit Area (Section 11.4 of the Official Community Plan) specifies guidelines within the following sections that may apply to the development:

- Habitat Protection Area
- Landscaping, Rainwater Management and Environmental Protection
- Riparian Protection Guidelines (Freshwater)
- Subdivision Guidelines

#### *Habitat Protection Area*

No eagle, hawk, osprey, owl, peregrine falcon or Great Blue Heron nests have been identified on the subject property, therefore these guidelines do not apply.

#### *Landscaping, Rainwater Management and Environmental Protection*

Through the rezoning application and previous development permit, the developer has committed to reducing impervious surfaces and managing rainwater runoff onsite as much as possible.

For the development, rainwater runoff will be managed through the use of on-site infiltration consisting of onsite rock pits or exfiltration pipes for runoff from the homes and permeable pavement for driveways. Rainwater management for road runoff will be managed through exfiltration basins to infiltrate water back into the ground as much as possible as well as a series of bioswales. Curbs and gutters are proposed, and within Phase 1, overflow road drainage for a major storm event will be directed to a rocky swale that will overflow into the park located at the northeast. The Parks and Trails Division has reviewed and accepted the location of the infrastructure, and a statutory right-of-way will be provided to the strata corporation who are managing the drainage system.

For these five lots, tree clearing has occurred and no additional tree clearing is required.

#### *Riparian Protection Guidelines (Freshwater)*

An RAR assessment has been conducted for the creek, tributaries and wet areas in conjunction with the rezoning application and prior development permit application. The report notes that several decades ago, the property had been logged and that a buffer of established trees was left intact adjacent to the riparian assessment area. The outer edge of this buffer became the boundary for establishing a Special Management Zone to protect the SPEA.

The trees within the special management zone were found to be wind-firm with the exception of a few identified hazard trees. The special management zones coincide with the areas to be dedicated park and have been flagged in the field. For Phase 1, the arborist identified a multi-stemmed maple tree at the edge of proposed lot 2 that should be removed.

As noted above, the rear property boundaries of the 5 lots being considered within this development permit application border the park/special management zones. The RAR report identified SPEAs of 11.7 m, 10 m, and 11.7 m for the 3 reaches of the main creek. As noted in the applicant's summary, the special management zones provide an additional setback from the SPEA and range in size from 6 m to 30 m, averaging approximately 15 m. Phase 1 does not include any bridge crossings, and the locations of trails will be established through the CVRD Parks and Trails Division.

The report notes that Reaches 1, 2, and 3 of the main creek contain steep slopes, and a report prepared by Levelton indicated that on the east side of the property, creek embankments are much steeper and higher than on the west side. They recommend that any building foundation be situated a minimum 2H:1V setback from the toe of the embankment. They indicate building footprints adjacent to the creek appear to meet this criteria however this should be verified by survey during final layout of each lot. As such, staff are recommending this plan and map be provided for attachment with the development permit.

*Subdivision Guidelines*

The proposed trail network will be established by the CVRD Parks and Trails Division linking the Sentinel Ridge, Baranti (Hidden Creek Estates), and Ocean Terrace subdivisions.

The developer has advised that trees along the rear portions of the lots will remain until proposed building sites are finalized. Trees within the SPEA and special management zones are protected as dedicated park.

No major road network or connections, as identified within the Transportation section of the OCP, are required. In later phases of the development, Sangster road will be developed to provide access to some lots and to connect through Sentinel Ridge and Ocean Terrace.

**Advisory Planning Commission Comments:**

This development permit application for 5 lots was not referred to the APC as it was felt that it was principally an extension of the previous Development Permit that was issued for the northerly portion of the lot.

**Planning Division Comments:**

A series of comprehensive reports have been provided with the original development permit application that address the RAR, tree protection, steep slopes and rainwater management. There are 5 lots within proposed Phase 1 that were not included in the original development permit as they are located on the southerly portion of the lot, which was only rezoned this year.

Staff are recommending approval of the development permit in accordance with the conditions and recommendations specified in these reports. Prior to final approval of the subdivision, staff will be requesting a report from the professional(s) indicating that the measures within the reports and the conditions of the development permit have been satisfied.

**Options:**

1. That application No. 8-A-11 DP/RAR submitted by J.E Anderson & Associates on behalf of Baranti Developments Ltd. for subdivision of 5 lots on Parcel A (DD 360991) of District Lots 77 and 80, Malahat District (PID: 009-358-137) be approved subject to:
  - a) Compliance with conditions outlined in RAR report No. 435 prepared by Patrick Lucey R.P. Bio., dated April 25, 2007; and
  - b) That a geotechnical setback be established by a geotechnical engineer for each lot containing steep slopes prior to issuance of the development permit to be included within the development permit.
2. That application No. 8-A-11 DP/RAR submitted by J.E Anderson & Associates on behalf of Baranti Developments Ltd. for subdivision of 5 lots on Parcel A (DD 360991) of District Lots 77 and 80, Malahat District (PID: 009-358-137) not be approved, and that the applicant be directed to revise the proposal.

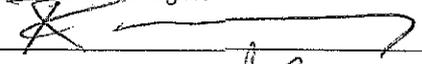
Option 1 is recommended.

Submitted by,



Rachelle Rondeau  
Planner I  
Planning and Development Department

RM/ca

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

**Information to accompany development permit application,  
Baranti Developments, Rozon Road**

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Date : October 28, 2011

JEA #23036

This information is intended to apply directly to the additional 5 lots located within the southerly half of the subject property and included in stage one of the development. We have been requested to comment on certain issues as they apply to these 5 lots. The intent is to expand the existing Development Permit requirements to include the additional lots and to comply with new conditions of the recently adopted Official Community Plan.

1. Sediment Control

Construction is virtually complete on the first stage of this development and all drainage infrastructures are in place. Sediment control for the winter will be in place to insure minimal affect on the adjacent natural water course. There will be no direct discharge to the water course. All impervious surfaces are directed to ground water recharge manholes. Surface disturbed areas will be graded to limit concentrations of surface flow. Any small concentrations remaining will be dammed with filter fabric/hay bales to insure minimal escape of sediment. If necessary, areas which are expected to remain open in the long term will be seeded to limit surface flows.

2. Rain water Management

As is the case with the existing development permit, all lots will be required to limit impervious surfaces, use splash pad for roof leaders and direct perimeter drains to on site rock pits or exfiltration pipes. The existing subsurface material in this location consists of sands and gravels considered excellent for this method of storm water disbursal. No concentrated flows are to be directed to the natural water course. There will be a building scheme registered to this effect, in the name of the strata corporation.

3. Tree Protection

In the southern half of the development, 60% of the site has been covenanted as a no disturbance area to be deeded to the CVRD. As a consequence, the vast majority of trees on the site are protected, including any vegetation on sloping land. The 5 lots had been cleared in the past and there are only a few trees on the lots themselves. As is the case with the rest of the development, the covenant boundary (rear lot boundaries) has been flagged and hazard taped. It is the intention of the owner not to remove any trees within the rear building set back at this time. When the actual house location in each lot is known, only necessary tree removal will be undertaken to the rear of the houses. This is intended to further protect the S.P.E.A. and special management zones.

4. Removal of Invasive Species

There are few invasive plants on the subject 5 lots, any encountered will be removed and burnt.

5. Green Space  
60% of the recently rezoned southern portion of the site has been covenanted as green space. This is all property to the south and west of the proposed 5 lots.
6. Bioswales  
There are no bioswales suggested for this stage of the project as the subsurface conditions favour inground dispersal of road and roof runoff. This methodology insures ground water recharge of the water course with clean storm flows.
7. Tree Clearing  
There is virtually no further tree clearing contemplated on the subject 5 lots except that at the time of building sighting a few small trees may be removed in the rear building set backs. Buildings will be positioned to minimize this removal.
8. S.P.E.A. protection  
No S.P.E.A. areas will be disturbed. In addition to the S.P.E.A. setbacks, special management zones (SMZ) have been added. These zones are required to protect trees which in turn protect the S.P.E.A. area. Considerable arborist study was involved in determining the SMZ boundaries. It is the SMZ boundaries which have been used to determine the developable portions of the property. The SMZ zones vary from 6m to 30m and average about 15m. This is in addition to the 10m S.P.E.A. width.
9. Wildlife Trees  
The biologists report does not identify any wildlife trees in the vicinity of the subject lots.
10. Danger Trees  
The arbourists report does identify one dangerous tree in the vicinity of the subject lots. This tree will be removed when appropriate. The existing covenant allows for the removal of danger trees but only under the recommendation of an arbourist and the supervision of a biologist.

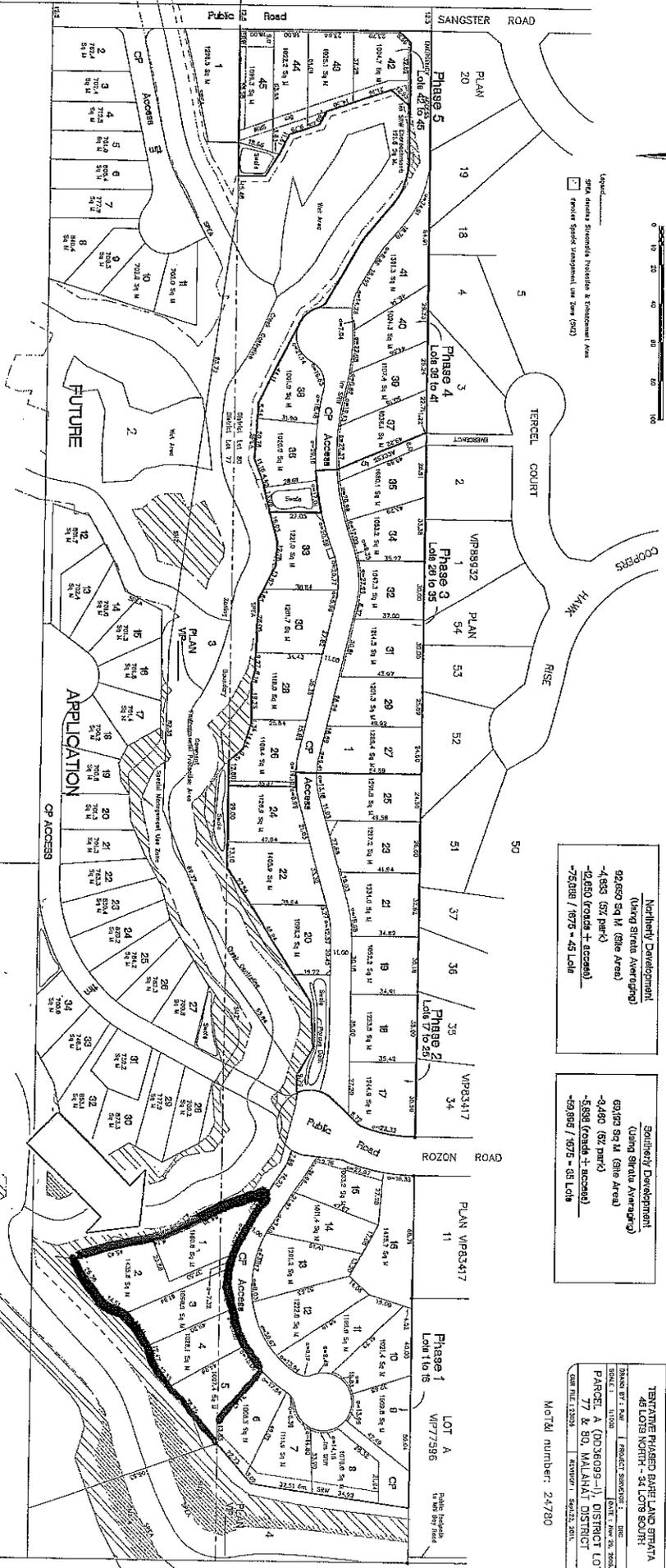


Legend  
 [Symbol] Private Street Provision & Construction Area  
 [Symbol] Private Street Improvement (see Zone (D2))

PARCEL C ( DD 43594-1 )

**Proposed 5 lots**

PARCEL D ( DD 33154-1 )

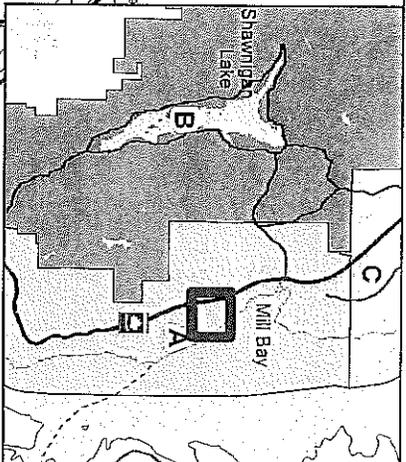
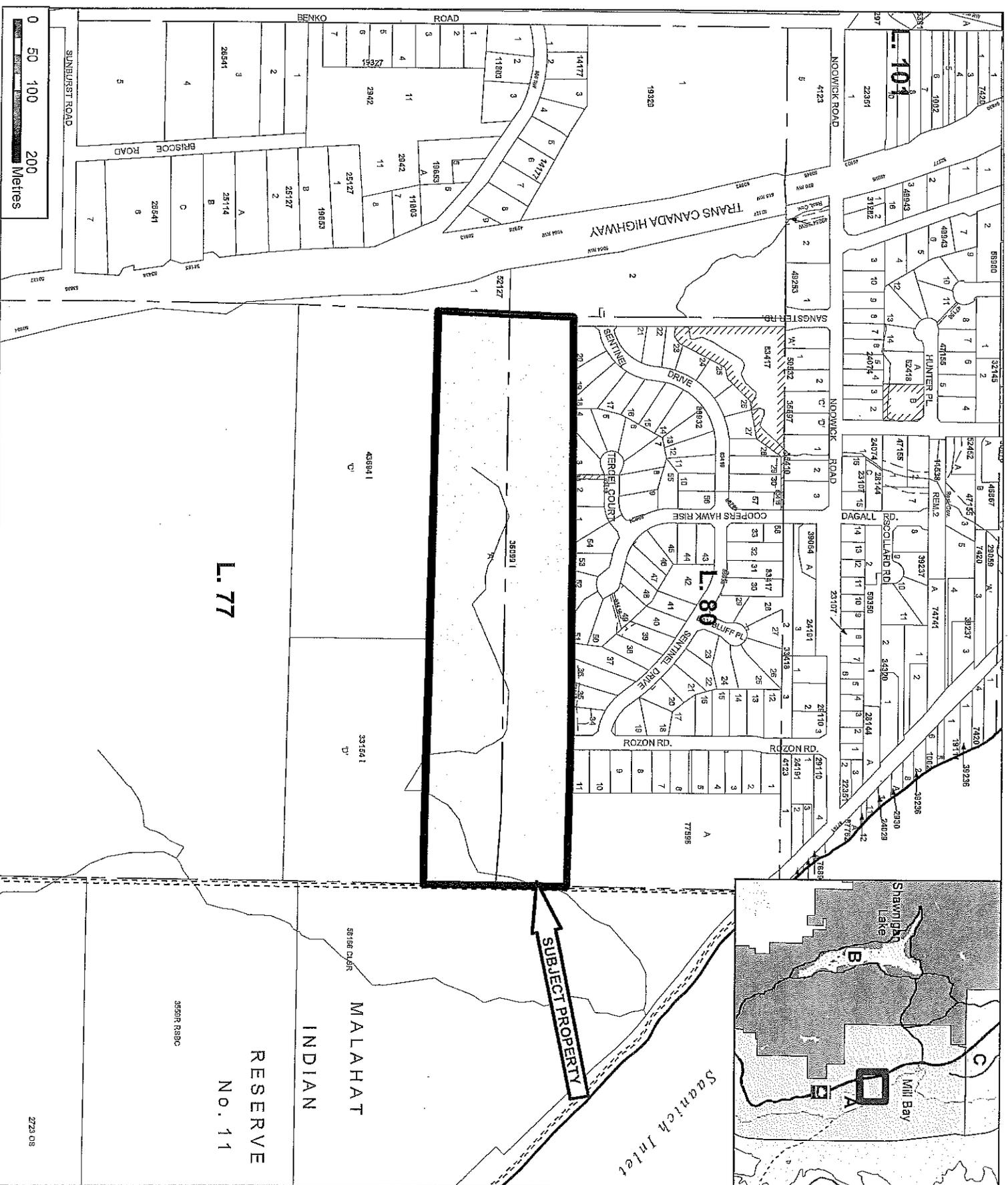


**Northerly Development**  
 (Using Strata Averaging)  
 92,690 Sq M (Site Area)  
 -4,833 (567 units)  
 -92,530 (roads + access)  
 =75,858 / 1975 = 45 Lots

**Southerly Development**  
 (Using Strata Averaging)  
 63,383 Sq M (Site Area)  
 -3,480 (482 units)  
 -5,888 (roads + access)  
 =59,895 / 1975 = 35 Lots

**Baranti Developments**  
 TENTATIVE PHASED BARANTI STRATA  
 48 LOTS NORTH - 34 LOTS SOUTH  
 PARCEL A (DD36099-1), DISTRICT LOTS  
 77 & 80, MALAHAT DISTRICT  
 (SEE THE 12329) RECEIVED: 18/02/2018  
 MOTED number: 24780

J.E. ANDERSON & ASSOCIATES  
 100 Lonsdale Street, Geelong, Victoria  
 3218  
 Ph: 53401  
 21 VICTORIAN PROFESSIONAL BOARD OF SURVEYORS



W  
N  
E  
S

**Legend**

Subject Property

**File: 08-A-11-DP-RAR**

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

**Cowichan Valley Regional District**

This map is compiled from various sources for internal use and is designed for reference purposes only. The Regional District does not warrant the accuracy. All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

**RESERVE No. 11**

**MALAHAT INDIAN**

3559R RSRBC

2723.08



Covachan 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.

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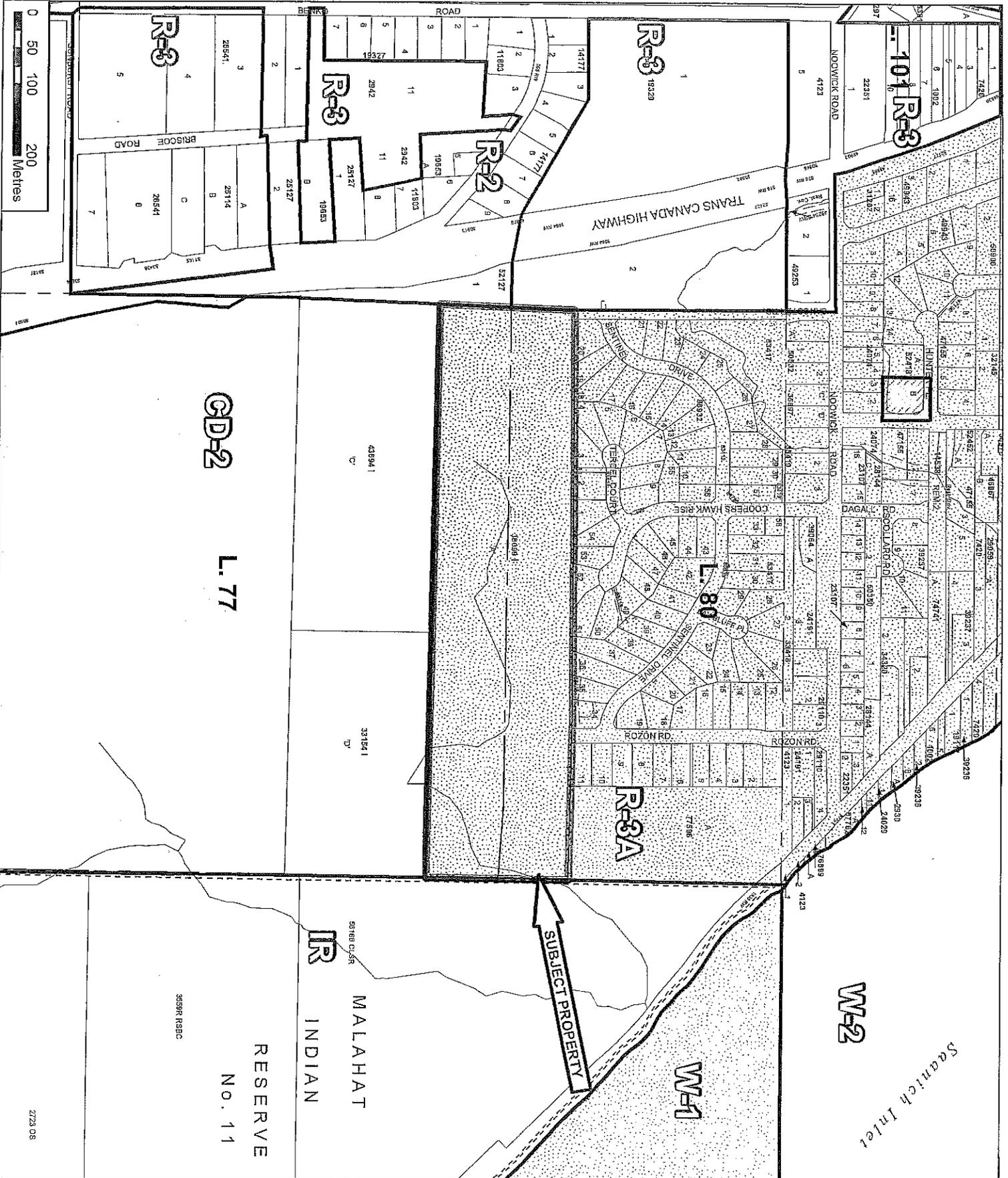
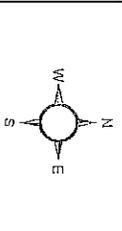
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 08-A-11-DP-RAR

# ZONING

## Legend

-  Subject Property
-  Zoning A







Imagery Date: 7/26/2010 © 2004

48°38'03" 10" N 123°32'35" 32" W elev 200 ft

Image © 2011 DigitalGlobe

©2010 Google

Eye alt 6195 ft



Covicham  
Valley  
Regional  
District

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

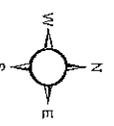
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The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 08-A-11-DP-RAR

Google Earth  
Photo (2010)





**C·V·R·D**

**COWICHAN VALLEY REGIONAL DISTRICT**

**DEVELOPMENT PERMIT**

**NO:** 8-A-11DP/RAR

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

**TO:** BARANTI DEVELOPMENTS LTD.

**ADDRESS:** 103 – 106 FORT STREET

VICTORIA, BC V8V 3K4

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below (legal description) for the purpose of subdivision:  
*Parcel A (DD36099) of District Lots 77 and 80, Malahat District (PID 009- 358-137)*
3. Authorization is hereby given for the subdivision of 5 lots on the southern section of the subject property in accordance with the conditions listed in Section 4, below, provided approval is granted by the Ministry of Transportation and Infrastructure.
4. The development shall be carried out subject to the following conditions:
  - Development must be in substantial compliance with Phase 1 of the site plan labeled "Tentative Phased Bare Land Strata 45 lots North – 34 lots South" dated Revision September 22, 2011.
  - Development shall be carried out subject to the conditions outlined in RAR Report No. 435 prepared by Patrick Lucy R.P. Bio., dated April 25, 2007.
  - Building Envelope Setbacks from steep slopes report and map.
  - Sediment and erosion control plan be developed and implemented during construction to ensure runoff waters do not contribute sediment to any fish- or amphibian-bearing streams.
  - Development must be in substantial compliance with the applicant's development information dated October 28, 2011.
  - Covenant boundaries must be clearly identified with snow fencing.
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.

6. The following Schedule is attached:

- Schedule A - Phase 1 Site plan labeled: Tentative Phased Bare Land Strata 45 lots North – 34 lots South” dated Revision September 22, 2011.
- Schedule B – Riparian Areas Regulation Assessment Report No. 435 prepared by Patrick Lucy R.P. Bio., dated April 25, 2007;
- Schedule C – Building Envelope Setbacks from steep slopes report and map
- Schedule D – Applicant’s Development Information dated October 28, 2011

And it forms part of this permit.

7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Planning and Development Department.
8. ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE <sup>TH</sup> DAY OF month.

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

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.

**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 BARANTI DEVELOPMENTS LTD. other than those contained in this Permit.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness

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

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



# STAFF REPORT

## ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 15, 2011

DATE: November 9, 2011 FILE NO: 1-B-11 RS  
 FROM: Dana Leitch, Planner II BYLAW NO: 985 and 3510  
 SUBJECT: Rezoning Application No. 1-B-11RS (Beckett for Creelman)

### Recommendation/Action:

That application No. 1-B-11RS (Creelman) be tabled for up to 60 days to give the applicant an opportunity to consider an appropriate community amenity contribution in accordance with Policy 8.1 of the South Cowichan Official Community Plan.

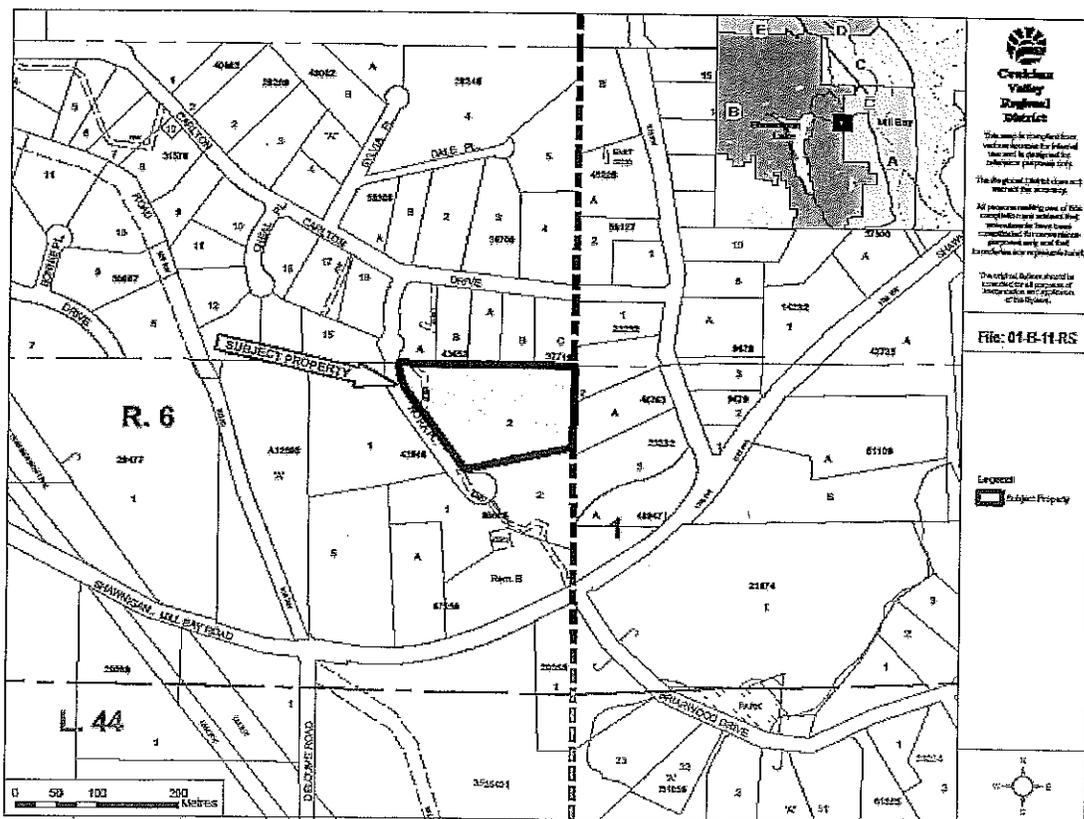
Relation to the Corporate Strategic Plan: N/A

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

### Background:

Location: 2657 Nora Place

Legal Description: Lot 2, Section 1, Range 6, Shawnigan District, Plan 43946 (PID: 004-623-126)



Date Application and Complete Documentation Received: May 5, 2011

Owner: Shelley Creelman

Applicant (Agent): John Beckett

Size of Parcel: 2.23 ha (5.51 acres)

Contaminated Site Profile Received: Declaration signed. No schedule 2 uses noted.

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Single Family Residential (Suburban Residential – R-2)

South: Single Family Residential (Suburban Residential – R-2)

East: Single Family Residential (Suburban Residential – R-2 & in Electoral Area A)

West: Single Family Residential (Rural Residential – R-1)

Agricultural Land Reserve Status: Outside

Environmentally Sensitive Areas: None identified in the CVRD Environmental Planning Atlas.

Archaeological Site: None identified in CVRD mapping

Existing Plan Designation: Rural Residential

Proposed Plan Designation: same as above

Existing Zoning: Residential (R-1)

Proposed Zoning: Residential (R-2)

Minimum Lot Size - Existing Zoning: 2.0 ha

Minimum Lot Size - Proposed Zoning: 1.0 ha (for parcels not served by community water or sewer systems); 0.4 ha for parcels served by a community water system only; and 0.4 ha for parcels served by a community water and a community sewer system.

Services:

Road Access: Nora Place

Water: Well

Sewage Disposal: On-site

**Property Context:**

The subject property is a 2.23 ha (5.5 acre) residential lot located southeast of the intersection of Nora Place and Carlton Drive within Electoral Area B – Shawnigan Lake. Currently on the property is one single family home and a rental cottage serviced by an on-site well and septic field. The subject property is located outside of the Shawnigan Lake Village Containment Boundary.

The land uses surrounding the subject property primarily consists of single family residential, which are located immediately to the north, south and east. Also, there are several agricultural parcels (zoned A-1 – Primary Agricultural) beyond the residential lands to the west of the property and to the south across Shawnigan-Mill Bay Road.

Over the past 35 years many small lot residential subdivisions have developed along Carlton Drive and Nora Place. For example, a majority of the lots north along Carlton Road were created by subdivision in 1976 and 1977. The lots south of Carlton Road were created by subdivision in the late 1970s and early 1980s.

**Proposal:**

The applicant is proposing to rezone the property from R-1 (Rural Residential) to R-2 (Suburban Residential) for the purpose of subdividing the property into two lots of approximately 1.0 ha and 1.2 ha. The parcel is currently 2.2 hectares and has no subdivision potential under the current zoning. The attached conceptual subdivision plan shows that the applicant intends to create a new 1.2 ha (3.0 acre) parcel to the east accessed by a panhandle from Nora Place. On this new lot, the applicant wishes to construct a single family dwelling. With respect to water and sewage disposal, the applicant is proposing to service the new lot with its own well and its own septic system.

**Policy Context**

***Zoning***

The current application proposes to rezone the property from Rural Residential to Suburban Residential in order to subdivide the land to acquire one additional residential lot. The uses in each of the zones are identical with the exception of the minimum parcels sizes and one principal permitted use. The current R-1 zone permits agriculture, horticulture, and silviculture and the R-2 zone does not. The R-1 zone has a minimum parcel size of 2.0 hectares whereas the minimum parcel size in the R-2 zone is 1.0 ha (for parcels not served by community water or sewer systems) and 0.4 ha for parcels served by a community water system. Please see the attached R-1 and R-2 Zoning descriptions for a complete list of permitted uses in the R-1 and R-2 zones.

<b>Zone</b>	<b>Minimum lot size</b>
R-1 Rural Residential	2 hectares
R-2 Suburban Residential	0.4 ha with community water & sewer 0.4 ha with community water only 1 ha without community water or sewer

We also note that if the applicant is successful in this rezoning process and the property is rezoned to R-2 the new residential lot would allow a small suite or secondary suite in addition to a single family dwelling.

The lots sizes being proposed with this application comply with the minimum lot size requirements for the R-2 zone because the subject property is not presently serviced by a community water or sewer system.

***Official Community Plan***

The Official Community Plan outlines a number of relevant policies for consideration when evaluating proposals for new residential development outside of the Village Containment Boundary.

**Policy 13.1.2**

The Rural Residential designation is intended to accommodate a range of rural lifestyle options outside of village containment boundaries, and to provide a buffer between resource lands (agriculture and forestry) and residential parcels, to reduce the potential for land use conflicts and provide a rural housing option.

**Policy 13.1.4**

Lands designated as Rural Residential (RR) are located outside the village containment boundaries and are intended to remain rural.

**Policy 13.1.7**

To provide an additional affordable housing option, one single family dwelling and one secondary suite or secondary dwelling unit will be permitted in the Rural Residential designation, provided that:

- a) the subject parcel is at least 1.0 ha in size, or
- b) the parcel is at least 0.4 ha in size and is connected to a community water system.

**Policy 13.1.8**

The Zoning Bylaw, when implemented, will allow for a home occupation on a parcel within the Rural Residential designation where a principal single family dwelling is located, provided that the home occupation use is in keeping with the residential character of adjacent residential areas. Uses that may be unsightly or create a nuisance by noise, dust, and odour will be prohibited.

**Policy 8.1**

A fundamental theme of this plan is that new residential development, should help to contribute toward necessary community amenities, to ensure that chronic amenity deficits are not perpetuated, and that new residential development does not negatively impact amenities which existing residents use. When an application is received to rezone land for residential uses within the Plan area, the Regional Board will apply amenity zoning, whereby the land density may be increased through rezoning on the condition that community amenity contributions are provided to enhance the character of the Plan area.

By applying amenity zoning:

- a. The CVRD may accept the provision of an amenity or a contribution toward an amenity on the subject property or within the VCB; or
- b. The CVRD may accept cash-in-lieu of amenities, and subsequently provide amenities within the VCB through a capital program.

The CVRD may require the amenity or amenities by the developer prior to granting a subdivision or occupancy permit, require the registration of a covenant on title to ensure the amenity is provided, include the amenity as a requirement in a housing agreement or require an irrevocable letter of credit equal to the value of the amenity contribution, to be held as a security, to cover the costs of providing the amenity in the event of default. Community amenities to be considered during a rezoning process should include but not be limited to:

- a. Subsidized, cooperative, or non-market affordable housing units;
- b. Parkland dedication in excess of the 5% required under the *Local Government Act*;
- c. Provision of open spaces and improvements for the benefit of the public;
- d. Dedication of environmentally sensitive areas;
- e. New recreational facilities or improvements to existing recreational facilities;
- f. Dedication of land or improvements for a community benefit (daycare, arts, culture, heritage, seniors centres, youth centres, transition homes, schools, fire halls, community police stations, transit shelters, train stations, community services, education, library);

- g. Sidewalk and trail improvements;
- h. Other amenity contributions approved by the Regional Board; and
- i. Cash in lieu.

### ***Policy 8.2***

Site specific conditions, as well as the scope and scale of the project, will determine the specific community amenity contributions that will be required for a rezoning application. Criteria for determining priority among possible amenities will include:

- a. Affordable housing potential and need;
- b. Site characteristics, including natural features that are environmentally sensitive, or have heritage or recreational value;
- c. Needs of the surrounding community for schools or other amenities; and
- d. The size, location and character of the proposed development, projected population increases, and the potential impacts of the development on existing community infrastructure.

### **Referral Agency Comments**

This proposed amendment has been referred to the following external agencies for comment:

- Shawnigan Lake Volunteer Fire Department – *Approval recommended subject to the following conditions: addresses have to be clearly displayed and driveway access to both properties have to be sufficient for fire apparatus clearance and weight.*
- Vancouver Island Health Authority (VIHA) - *Interests Unaffected.*
- Ministry of Transportation and Infrastructure - *Interests Unaffected.*
- School District No. 79 - *Interests Unaffected.*
- CVRD Public Safety Department – *This property is located within the Shawnigan Lake RCMP Detachment area, is within the British Columbia Ambulance (Station 137) Mill Bay response area, and is within the boundaries of the CVRD Regional Emergency Program.*

*The Public Safety Department has the following concerns that may affect the delivery of emergency services to the proposed facility:*

- *The property is within the Shawnigan Lake Fire Protection Improvement District response area and their input may further affect Public Safety concerns/comments;*
- *The Community Wildfire Protection Plan has identified this area as a moderate risk for wildfire. Appropriate FireSmart principles must be applied; and*
- *All driveways must be designed to allow access to the largest emergency vehicle likely to be operated on the driveway. This includes fire trucks and other emergency vehicles.*
- CVRD Parks and Recreation Department – No comment received.
- CVRD Engineering and Environmental Services – *This property is outside the CVRD water and sewer service areas, but the Cariton Water Improvement District is currently negotiating a CVRD water system take over. Should this take over occur, the Engineering Department recommends that this property join the service area.*
- Malahat First Nation – no comments received.
- Cowichan Tribes – No comments received.

**Advisory Planning Commission Comments**

The Joint South Cowichan Advisory Planning Commission reviewed this application at its meeting held on September 22, 2011 and made the following recommendation:

*That application 1-B-11 RS be approved.*

MOTION CARRIED

**Planning Division Comments**

A review of the applicant's conceptual subdivision plan indicates that it complies with the zoning bylaw regulations regarding minimum parcel size. It also appears that road frontage can be achieved. A more thorough review of the applicant's proposed subdivision plan will take place by CVRD staff when the application is formally referred to the CVRD from the Ministry of Transportation and Infrastructure.

During the application referral process the Engineering and Environment Department indicated that the Carlton Water Improvement District is currently negotiating a CVRD water system take over. The Committee should be made aware that if this system becomes a community water system (as defined in Zoning Bylaw No. 985) and the property is included in the service area, the subdivision potential of the property could increase further. This is because the R-2 zone offers a density benefit to land owners when properties are connected to a community water system. With servicing from a community water system the R-2 zone would permit the subdivision of the property into 0.4 ha (1 acre) lots and the applicant could realistically yield 4 lots after road and park dedication. A small suite or secondary suite would also be permitted on each of the new residential parcels. The Carlton Water System currently does not have enough connections to qualify as a community water system even if the CVRD takes it over. However, this could change if more users connect to the system in the future.

There is no statutory requirement for public land dedication with the subdivision plan the applicant has submitted. It should be noted that in the event the property is subdivided into 3 or more parcels of 2 ha or less in size, park land dedication or cash in lieu of land will be required in accordance with Section 941 of *The Local Government Act*.

The applicant is not proposing a public amenity with this application. A fundamental theme of the new South Cowichan Official Community Plan (SCOCP) is that rezoning for new residential development should contribute toward necessary community amenities to ensure that amenity deficits are not perpetuated and that new residential development does not negatively impact existing amenities. Within the SCOCP amenities are broadly defined and, for example, include the provision of open spaces, parkland in excess of 5% required by the *Local Government Act*, the dedication of environmentally sensitive areas, cash in lieu, sidewalk or trail improvements, new recreational facilities or improvements to existing facilities, and the provision of land for public use. SCOCP Policy 8.1 and Policy 8.2 deal specifically with amenity zoning. Even though the new residential development being proposed with this application is relatively small in scale (one additional lot) Policy 8.1 of the SCOCP suggests that some form of community amenity should be provided.

The proposed application is generally consistent with the SCOCP Policies on Rural Residential lands outlined within Section 13 of the Plan. Section 13 reviews the rural residential designation in detail and specifies criteria to be considered when rezoning residential lands outside the Shawnigan Village area. Specifically, the property:

- fronts a public road;
- is not located within the Shawnigan Watershed Boundaries;
- is adjacent to existing R-2 zoned lands;
- has been designated as Rural Residential within the SCOCP;
- is within a fire protection area;
- is within close proximity to Shawnigan Village
- is located within an established residential neighborhood;
- accomodates a rural residential lifestyle option outside the Village Containment Boundary; and
- the 1.0 and 1.2 ha parcels being proposed are consistent with the lot sizes in the surrounding area; and
- subdivision of this property would not result in additional parcels adjoining the Rural Resource Designation or Agricultural Designation.

While the Joint Advisory Planning Commission recommended approval of the application and the proposal is generally consistent with the Policies contained within the SCOCP, Planning staff are struggling to see how this new residential development contributes towards the provision of community amenities in accordance with Policy 8.1.

It should be noted that if the rezoning application is approved and the land is subdivided and developed, the applicant will need to obtain a Development Permit from the Cowichan Valley Regional District prior to the subdivision of the land.

#### **Options:**

##### **Option A:**

1. That the draft bylaws for application 1-B-11RS (Creelman) be forwarded to the Board for consideration of first and second reading;
2. That the application referrals from the Shawnigan Lake Volunteer Fire Department; Central Vancouver Island Health Authority, Ministry of Transportation and Infrastructure and School District No. 79 be accepted; and
3. That a public hearing be scheduled with the Electoral Area Directors for Areas B, A, and D appointed as delegates of the Board.

##### **Option B:**

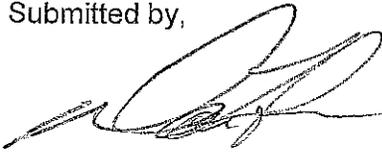
That application No. 1-B-11RS (Creelman) be tabled for up to 60 days to give the applicant an opportunity to consider an appropriate community amenity contribution in accordance with Policy 8.1 of the South Cowichan Official Community Plan.

##### **Option C:**

That Application No. 1-B-11RS (Creelman) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

Option B is recommended.

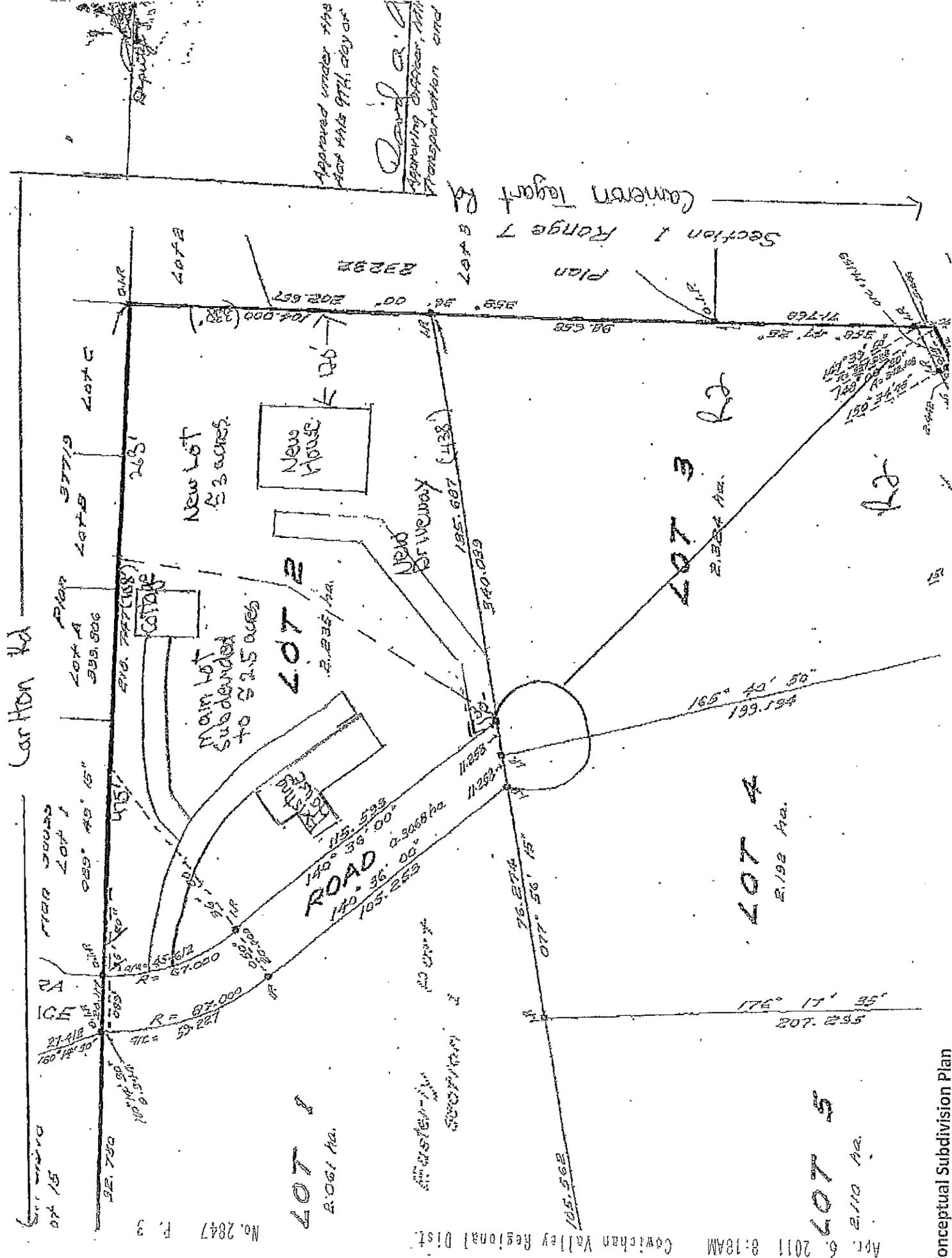
Submitted by,



Dana Leitch  
Planner II  
Development Services Division  
Planning and Development Department

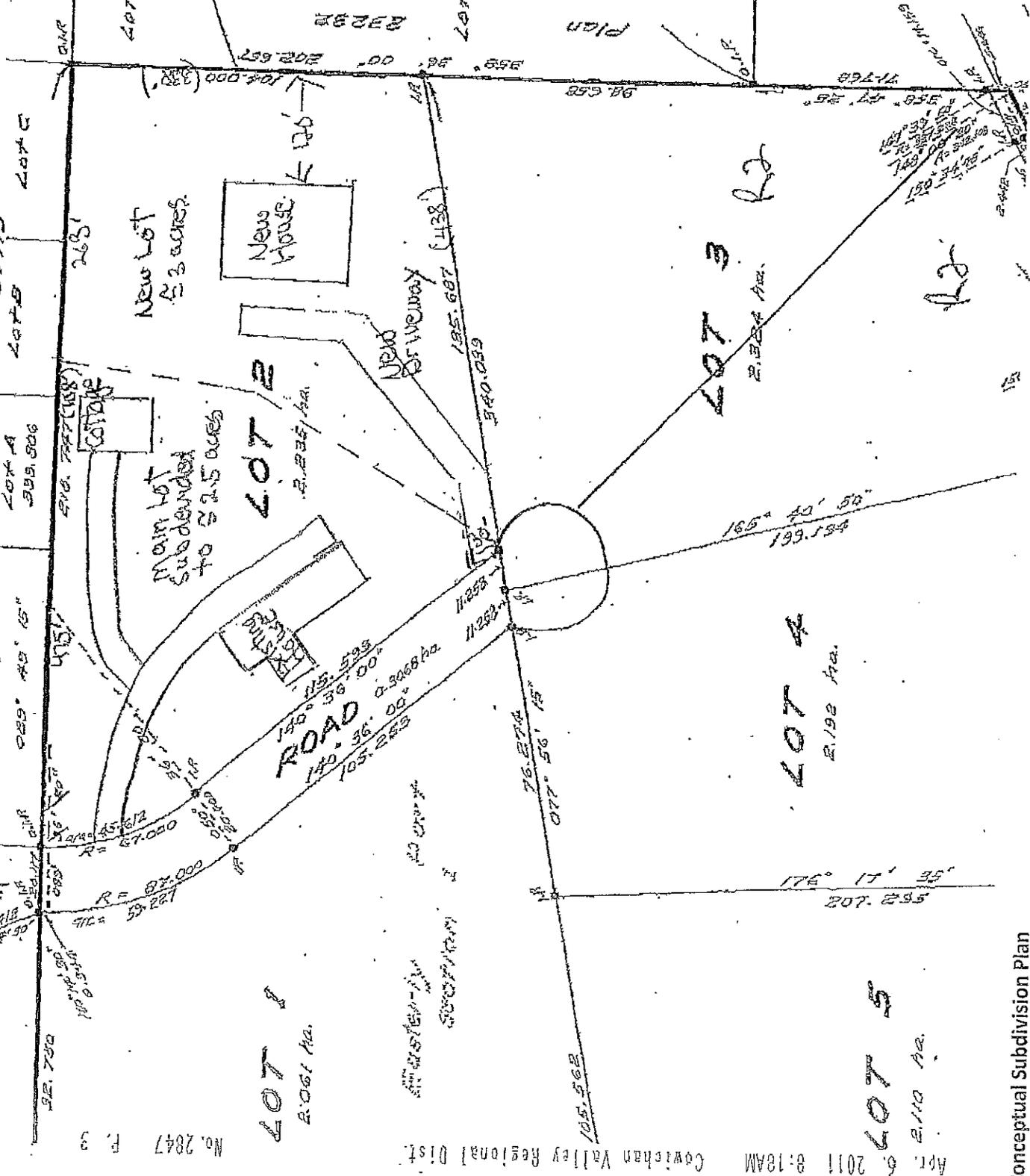
DL/ca  
attachments

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



CARTON Rd

Section 1 Range 7  
Cameron Twp Rd



LOT 1  
2.061 Ha.

LOT 2  
2.335 Ha.

LOT 3  
2.324 Ha.

LOT 4  
2.192 Ha.

LOT 5  
2.110 Ha.

No. 2847 P. 3

Apr. 6, 2011 8:18AM Cowichan Valley Regional Dist.

## 8.0 RESIDENTIAL ZONES

8.1 R-1 ZONE - RURAL RESIDENTIAL(a) Permitted Uses

The following uses and no others are permitted in an R-1 Zone:

- (1) agriculture horticulture silviculture;
- (2) single family residential dwelling or mobile home;
- (3) home occupation – domestic industry;
- (4) bed and breakfast accommodation;
- (5) daycare nursery school accessory to a residential use;
- (6) small suite or secondary suite.

(b) Conditions of Use

For any parcel in an R-1 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 metres except for auxiliary buildings which shall not exceed a height of 7.5 metres;
- (3) the minimum setbacks for the types of parcel lines set out in Column I of this section are set out for residential use in Column II; for agricultural and accessory uses in Column III and for accessory residential uses in Column IV:

COLUMN I Type of Parcel Line	COLUMN II Residential Use	COLUMN III Agricultural & Accessory Use	COLUMN IV Accessory Residential Use
Front Side (Interior)	7.5 metres 10% of the parcel width or 3.0 metres whichever is less	30 metres 15 metres	7.5 metres 10% of the parcel width or 3.0 metres whichever is less or 1.0 metres if the building is located in a rear yard
Side (Exterior) Rear	4.5 metres 4.5 metres	15 metres 15 metres	

8.3 R-2 ZONE - SUBURBAN RESIDENTIAL

(a) Permitted Uses

The following uses and no others are permitted in an R-2 Zone:

- (1) single family dwelling or mobile home;
- (2) agriculture horticulture;
- (3) home occupation – domestic industry;
- (4) bed and breakfast accommodation;
- (5) daycare nursery school accessory to a residential use; and
- (6) small suite or secondary suite.

(b) Conditions of Use

For any parcel in an R-2 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 metres except for auxiliary buildings which shall not exceed a height of 7.5 metres; and
- (3) the minimum setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column III and IV:

<b>COLUMN I Type of Parcel Line</b>	<b>COLUMN II Residential Use</b>	<b>COLUMN III Agricultural &amp; Accessory Use</b>	<b>COLUMN IV Accessory Residential Use</b>
Front	7.5 metres	30 metres	7.5 metres
Side (Interior)	10% of the parcel width or 3 metres whichever is less	15 metres	10% of the parcel width or 3.0 metres whichever is less or 1.0 metres if the building is located in a rear yard
Side (Exterior)	4.5 metres	15 metres	4.5 metres
Rear	4.5 metres	15 metres	4.5 metres

**PART FOURTEEN**

**AREA SHAPE AND DIMENSIONS OF PARCELS**

14.1 With respect to the zones identified in Column I of Section 6.1 and briefly described in Column II the minimum parcel size shall except to the extent as varied by the provisions of Sections 14.2, 14.11, and 14.12 be in accordance with the following table based on the method of sewage disposal and water supply:

Zoning Classification Under Zoning Bylaw	Parcels Served by Community Water and Sewer Systems	Parcels Served by Community Water System Only	Parcels Neither Served By Community Water or Sewer
A-1 Primary Agricultural	12 ha	12 ha	12 ha
A-1A Modified Primary Agricultural	12 ha	12ha	12 ha
A-2 Secondary Agricultural	2 ha	2 ha	2 ha
F-1 Primary Forestry	80 ha	80 ha	80 ha
F-1A Primary Forestry – Kennel	20 ha	20 ha	20 ha
F-2 Secondary Forestry	4.0 ha	4.0 ha	4.0 ha
R-1 Rural Residential	2 ha	2 ha	2 ha
R-1A Limited Rural Residential	2 ha.	2 ha.	2 ha.
R-2 Suburban Residential	0.4 ha	0.4 ha	1.0 ha
R-2A Limited Suburban Residential	1.0 ha	1.0 ha	1.0 ha
R-3 Urban Residential	0.2 ha	0.2 ha	1.0 ha
R-4 Rural Community Residential	8 ha.	8 ha.	8 ha.
R-6 Urban Residential (Mobile Home)	0.8 ha	0.8 ha	1.0 ha
MP-1 Mobile Home Park	2 ha <sup>1</sup>	2 ha <sup>1</sup>	2 ha <sup>1</sup>
C-1 Village Commercial	1100 sq.m.	1675 sq.m.	1.0 ha.
C-2A Local Commercial	1100 sq.m	1675 sq. m	0.8 ha
C-2B Local Commercial	1100 sq. m.	1675 sq. m.	0.8 ha.
C-2 Local Commercial	1100 sq.m	1675 sq. m	0.8 ha
C-3 Service Commercial	1100 sq.m	1675 sq. m	0.8 ha
C-4 Tourist Recreation Commercial	0.8 ha	0.8 ha	0.8 ha
C-5 Neighbourhood Pub	1100 sq. m.	1675 sq. m	0.8 ha
P-1 Parks and Institutional	0.2 ha	0.4 ha	1.0 ha
P-2 Parks and Recreation	20 ha	20 ha	20 ha
I-1 Light Industrial	0.2 ha	0.4 ha	0.8 ha
I-1A Light Industrial	0.2 ha	0.4 ha	0.8 ha
I-1B (Sawmilling)	1.0 ha	1.0 ha	1.0 ha
I-1C (Light Industrial)	0.2 ha	0.4 ha	0.8 ha
I-3 Medium Industrial	0.2 ha	0.4 ha	1.0 ha
I-5 Eco-Industrial	1 ha	1 ha	1 ha



**Cowichan  
Valley  
Regional  
District**

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

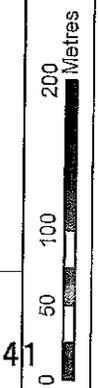
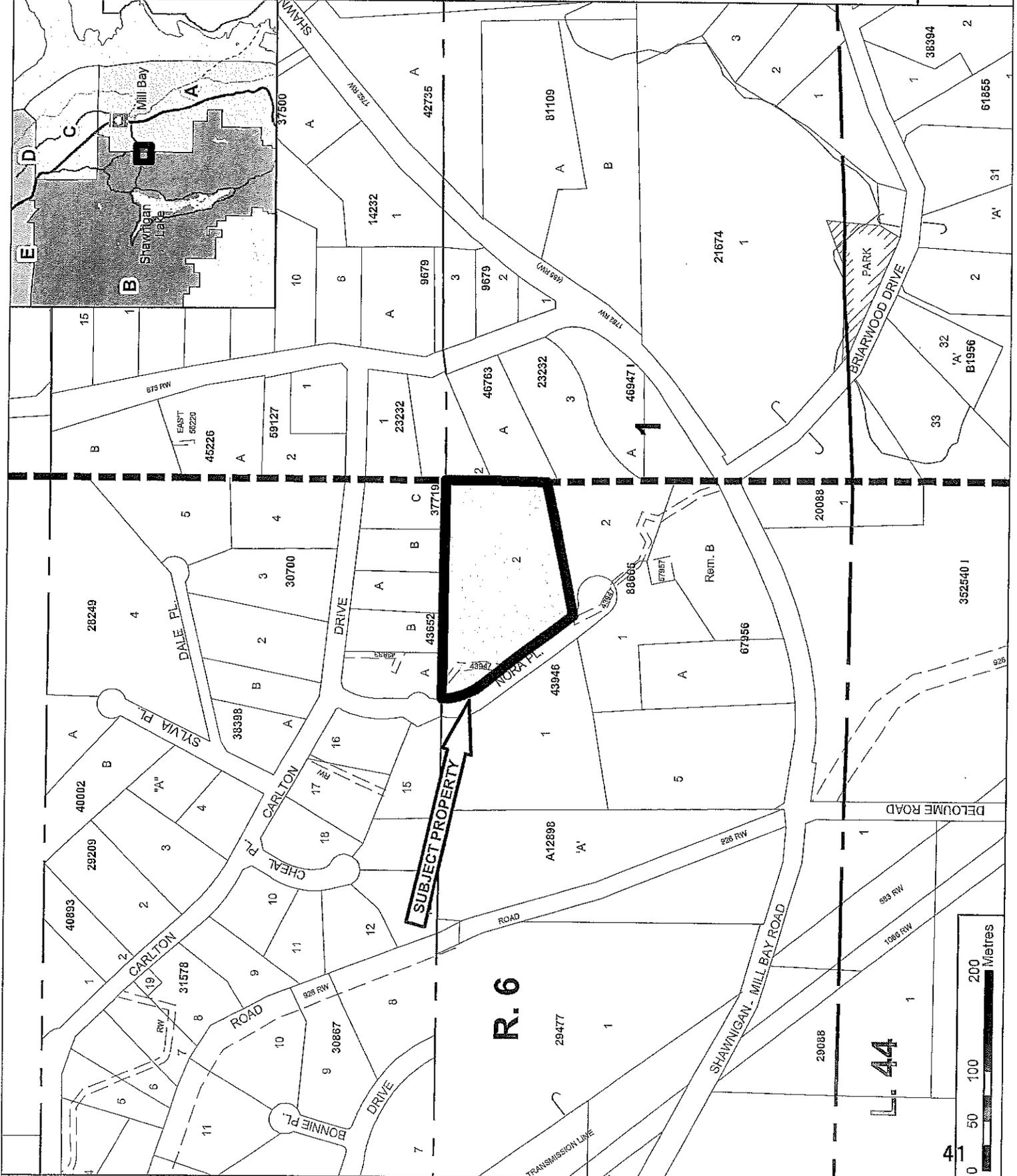
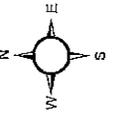
The Regional District does not warrant the accuracy.

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

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

**File: 01-B-11-RS**

**Legend**  
 Subject Property



**L. 44**

**R. 6**

**SUBJECT PROPERTY**







**Cowichan  
Valley  
Regional  
District**

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

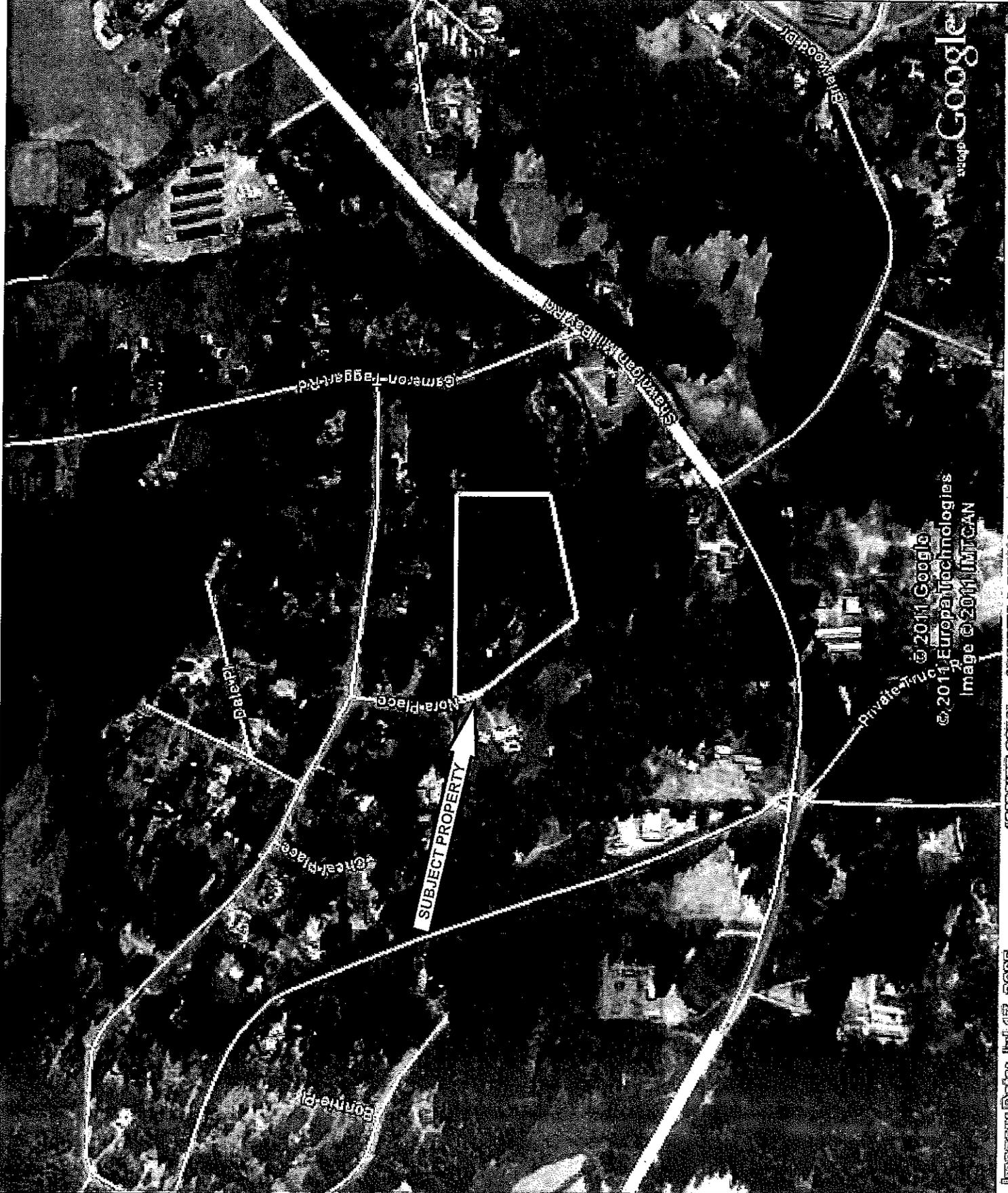
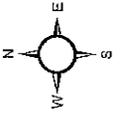
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**File: 01-B-11-RS**

**Google Earth  
Photo (2005)**



© 2011 Google  
© 2011 Europa Technologies  
Image © 2011 IMT/CAN

Image Date: Jul 17, 2005      48°39'57.99" N      123°35'24.69" W      elev 269 ft      Eye alt 3912 ft





**DRAFT**

## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. XXXX

#### A Bylaw For The Purpose Of Amending Zoning Bylaw No. 985 Applicable To Electoral Area B – Shawnigan Lake

---

**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 B – Shawnigan Lake, that being Zoning Bylaw No. 985;

**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. 985;

**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. XXXX - Area B – Shawnigan Lake Zoning Amendment Bylaw (Creelman), 2011**".

#### 2. AMENDMENTS

Cowichan Valley Regional District Zoning Bylaw No. 985, as amended from time to time, is hereby amended in the following manner:

.../2

- a) That Schedule A (Zoning Map) to Electoral Area B –Shawnigan Lake No. 985 be amended by rezoning Lot 2, Section 1, Range 6, Shawnigan District, Plan 43946 as shown outlined in black and shaded in gray on Schedule Z xxxx- attached hereto and forming part of this Bylaw, from R-1 Zone (Rural Residential) to R-2 Zone- (Suburban Residential).

**3. FORCE AND EFFECT**

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

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

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

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_ , 2012.

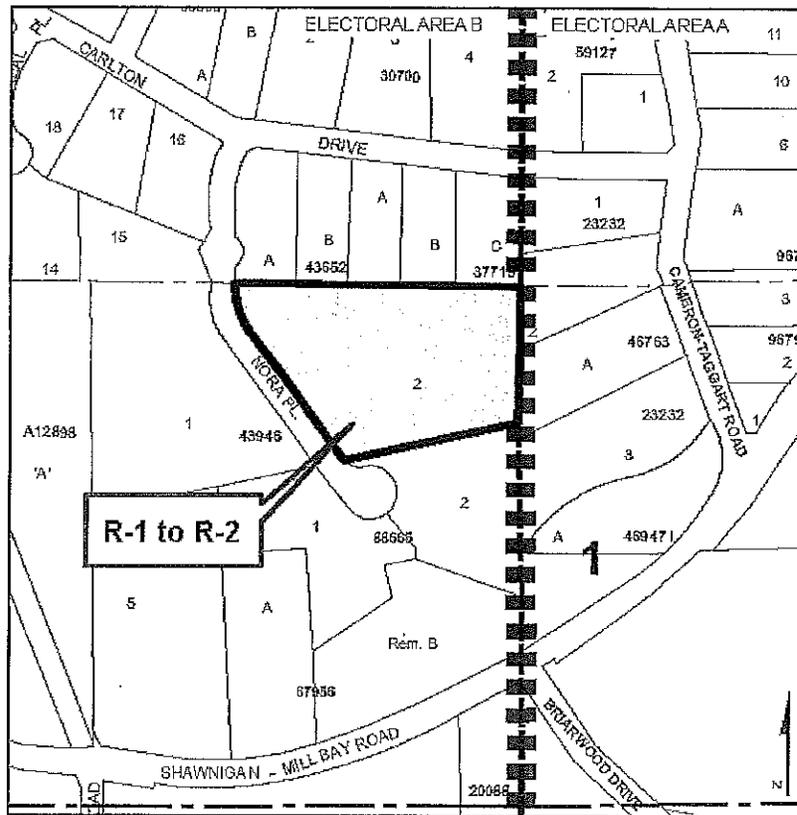
ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ , 2012.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary

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

XXXX



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

R-1 (Rural Residential) **TO**

R-2 (Suburban Residential) **APPLICABLE**

**TO ELECTORAL AREA B**

R3



**C·V·R·D**

**STAFF REPORT**

**ELECTORAL AREA SERVICES COMMITTEE MEETING  
OF NOVEMBER 15, 2011**

**DATE:** November 8, 2011 **FILE NO:** 2-I-11 DP

**FROM:** Alison Garnett, Planner I **BYLAW NO:**

**SUBJECT:** Development Permit Application No. 2-I-11 DP  
(Spencer Day and Maria Laurea)

**Recommendation/Action:**

That Application No. 2-I-11DP (Day and Laurea) be approved, and that a development permit be issued to Spencer Day and Maria Laurea to permit the restoration of the riparian area and construction of a single family home and garage on Lot 33, Block 5, Cowichan Lake District, Plan VIP55729 (PID:018-058-795), subject to:

- Compliance with the measures and recommendations outlined in RAR assessment report No. 1702 by Madrone Environmental Services, dated June 2010.
- Receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 50% of the landscape costs associated with SPEA restoration, to be refunded after two years if the plantings are successful and to the satisfaction of a qualified environmental professional

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

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

**Background:**

**Location of Subject Property:** Lot 33, Youbou Road

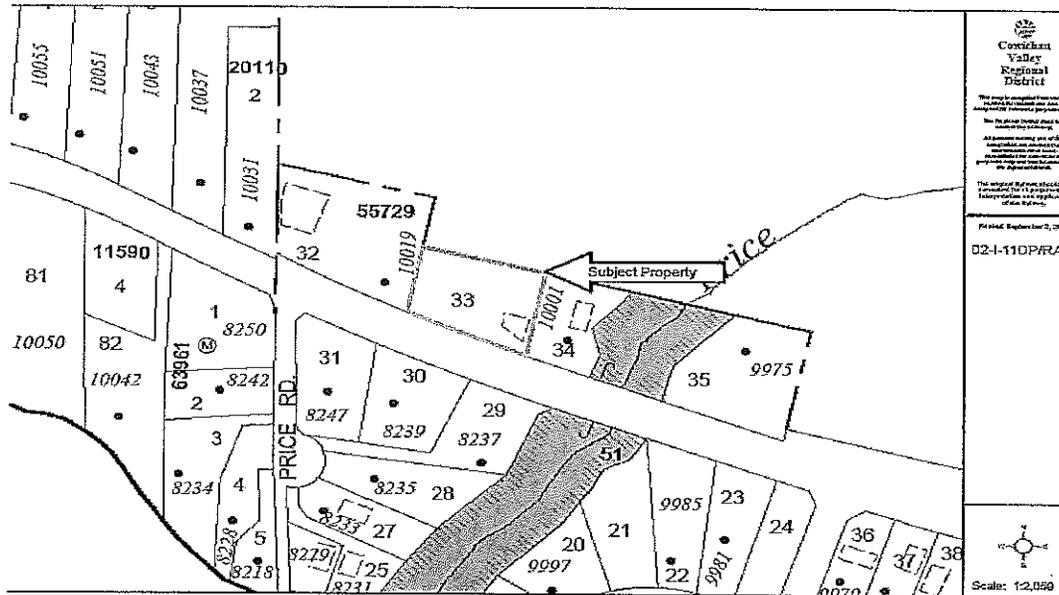
**Legal Description:** Lot 33, Block 5, Cowichan Lake District, Plan VIP55729 (PID:018-058-795)

**Date Application Received:** September 2, 2011

**Owner and Applicant:** Spencer Day and Liza Laurea

**Size of Parcel:** 3060 m<sup>2</sup> (0.75 ac)

**Existing Zoning:** LR-1 (Lakefront Residential 1)



Minimum Lot Size LR-1 zone: 2500 m<sup>2</sup> with community water system connection  
1 hectare with onsite services

Existing Plan Designation: Suburban Lakefront Residential

Existing Use of Property: Cleared. No existing buildings or structures

Existing Use of Surrounding Properties: North: Forestry  
South: Youbou Road  
East and West: Lakefront Residential

Road Access: Youbou Road

Water: Youbou Water System

Sewage Disposal: On-site sewage system

Agricultural Land Reserve Status: The subject property is not within the ALR.

Environmentally Sensitive Areas: A stream is located on the subject property, and development is therefore subject to the Watercourse Protection Development Permit Area.

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

**Planning Division Comments:**

The subject property is a 0.3 hectare lot located on Youbou Road. The parcel is currently vacant and the majority of the land is cleared of trees and vegetation. There is a watercourse that flows along the northern and western property lines, and exits the subject property via a culvert under Youbou Road. The watercourse eventually connects to Cowichan Lake.

The riparian vegetation of this watercourse was cleared by previous land owners prior to March 2010. CVRD Bylaw Enforcement became involved at that time and requested the submission of a Riparian Areas Assessment report. Madrone Environmental Services prepared report No.

1702 in June 2010, which determined a 5 metre Streamside Protection and Enhancement Area (SPEA) on the watercourse, and provides recommendations for re-vegetating the SPEA and mitigating impacts associated with construction.

The current property owners/applicants for this development permit are proposing to build a single-family home and garage on the property. Some of the proposed development is within the 30 metre Riparian Assessment Area (RAR), but outside of the 5 metre SPEA. Although the watercourse warranted only a 5 metre SPEA under the RAR assessment, additional protection from building encroachment is provided by the 15 metre watercourse setback contained in Zoning Bylaw No. 2465. Furthermore, a covenant registered on title requires a 15 metre setback for all buildings.

The property owners/applicants have already undertaken replanting of the Streamside Protection and Enhancement Area, under the guidance of a qualified environmental professional. A letter from Madrone Environmental Services, dated August 9, 2011, is attached to this report and states that the remediation activities that have taken place on the lot will likely result in a healthy and naturally functioning riparian area for the watercourse.

The following section will outline how the proposed development addresses the Watercourse Protection DPA guidelines. The attached excerpt from OCP Bylaw No. 2650 provides the complete guidelines:

- (a) **Retention of natural vegetation** – Natural vegetation has already been removed from the property, including from within the Watercourse Protection Development Permit Area. No further trees or vegetation will be removed, as the site of the proposed house is already cleared. Replanting of the Streamside Protection and Enhancement Area with native plants has been completed and approved by a qualified environmental professional.
- (b) **Coverage of entire area** – As indicated on the site map of the RAR report (page 6), and the Site Plan showing proposed development, the house site and driveway are located on the portion of the lot furthest from the development permit area.  
All buildings are sited a minimum of 15 metres from the watercourse, in accordance with zoning bylaw setback and protective covenant.
- (c) **Riparian area protection** – The Madrone Environmental Services report states that encroachment into the SPEA can be prevented by having a professional surveyor mark the SPEA boundary in the field. Further, re-establishment of a functioning SPEA is required to restore riparian function and bank stability, and the report provides details on a replanting plan.
- (d) **BMP implementation** – The role of the Qualified Environmental Professional (QEP) is to examine all BMPs and integrate these into the Riparian Assessment Report. With respect to rainwater management BMPs, the applicant will use gravel as the driveway construction material to encourage natural infiltration. Secondly, rain gardens are to be constructed to receive run off created by the proposed residence.
- (e) **Silt and sediment control** – Report No. 1702 provides erosion prevention recommendations to be implemented during construction (page 9). Implementation of the re-vegetation plan will also assist in erosion and sediment control.
- (f) **Imperviousness figures** – The LR-1 Zone permits 20% parcel coverage for all buildings and structures on a lot. However, the development proposal will result in far less parcel coverage than that permitted by the zoning. The total footprint of the garage and house including covered porch will be 370 m<sup>2</sup> (3989 ft<sup>2</sup>) on a 0.3 ha lot, which results in approximately 12.1% parcel coverage.

- (g) **Floodplain** – The RAR report states that flooding of the watercourse is not an issue on this site. The lot is well above the 200 year floodplain elevation of Cowichan Lake.
- (h) **Driveway design** – The driveway will be constructed of gravel, in accordance with the RAR report, and the width will be kept to a minimum.
- (i) **Footpaths** – No footpaths are proposed.
- (j) **Retaining walls** – No retaining walls are proposed.
- (k) **Retaining wall appearance** – Not applicable.
- (l) **Retaining wall with fence** – Not applicable.
- (m) **Cultural/heritage sites** – No such sites were identified.
- (n) **Pilings/floats** – Not applicable.
- (o) **Applicable only to subdivision**
- (p) **Develop with care** – The RAR Assessment Report will cover this within the Riparian Assessment Area.
- (q) **Wetlands** – There are no wetlands on the site.
- (r) **Harmful Alteration/Destruction or Disruption of fish habitat** – Compliance with the RAR Assessment Report will by definition prevent a HADD.

Section 925 of the *Local Government Act* allows the Regional District to require the posting of a security bond as a condition of the permit, when landscaping and riparian area restoration are a component of the permit. Typically, staff recommend that 120% of the landscaping costs of the restoration plan are held in trust for two years, firstly to ensure the works are completed, and secondly to cover the costs of plants that don't survive the first two years. In this situation, the property owners have already completed the replanting, under the supervision of a qualified environmental professional. It is possible to require a security covering less than the full amount, to guarantee the plants become well established. The recommendation is to require a bond covering 50% of the landscape costs, but Committee direction on this issue would be welcome.

**Advisory Planning Commission Comments:**

This application was reviewed by the Electoral Area I Advisory Planning Commission on November 1, 2011. The following motion was passed:

*It was moved and seconded by Area I APC that development permit no. 2-I-11 DP/RAR be recommended for approval with the assurance that RAR compliance will continue during construction.*

**Options:**

Option A:

That application No. 2-I-11DP (Day and Laurea) be approved, and that a development permit be issued to Spencer Day and Maria Laurea to permit the restoration of the riparian area, and construction of a single family home and garage on Lot 33, Block 5, Cowichan Lake District, Plan VIP55729 (PID:018-058-795), subject to:

- Compliance with the measures and recommendations outlined in RAR assessment report No. 1702 by Madrone Environmental Services, dated June 2010.
- Receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 50% of the landscape costs associated with SPEA restoration, to be refunded after two years if the plantings are successful and to the satisfaction of a qualified environmental professional.

Option B:

That application No. 2-I-11DP not be approved in its current form, and that the applicant be directed to revise the proposal.

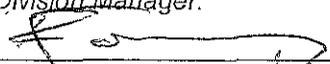
**Option A is recommended.**

Submitted by,



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

AG/ca

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



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 2-I-11DP

DATE: November 9, 2011

TO: Spencer Day and Maria Laurea DRAFT

ADDRESS: 316-623 Treanor Avenue  
Victoria BC V9B 0B1

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below (legal description):  
*Lot 33, Block 5, Cowichan Lake District, Plan VIP55729 (PID:018-058-795)*
3. Authorization is hereby given for the restoration of the riparian area and the construction of a single family home and garage, in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following condition:
  - Compliance with the measures and recommendations outlined in RAR assessment report No. 1702 by Madrone Environmental Services.
  - Receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 50% of the landscape costs, to be refunded after two years only if the plantings are successful and to the satisfaction of a qualified environmental professional.
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedule is attached:  
Schedule A – RAR Report No.1702 by Madrone Environmental Services, dated June 2011  
Schedule B- Site Plan
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Development Services Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. XXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE XXDAY OF XXX, 2011.

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness

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

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



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

The Regional District does not warrant the accuracy.

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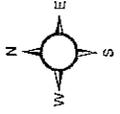
File: 02-1-11-DP-RAR

# ZONING

Legend



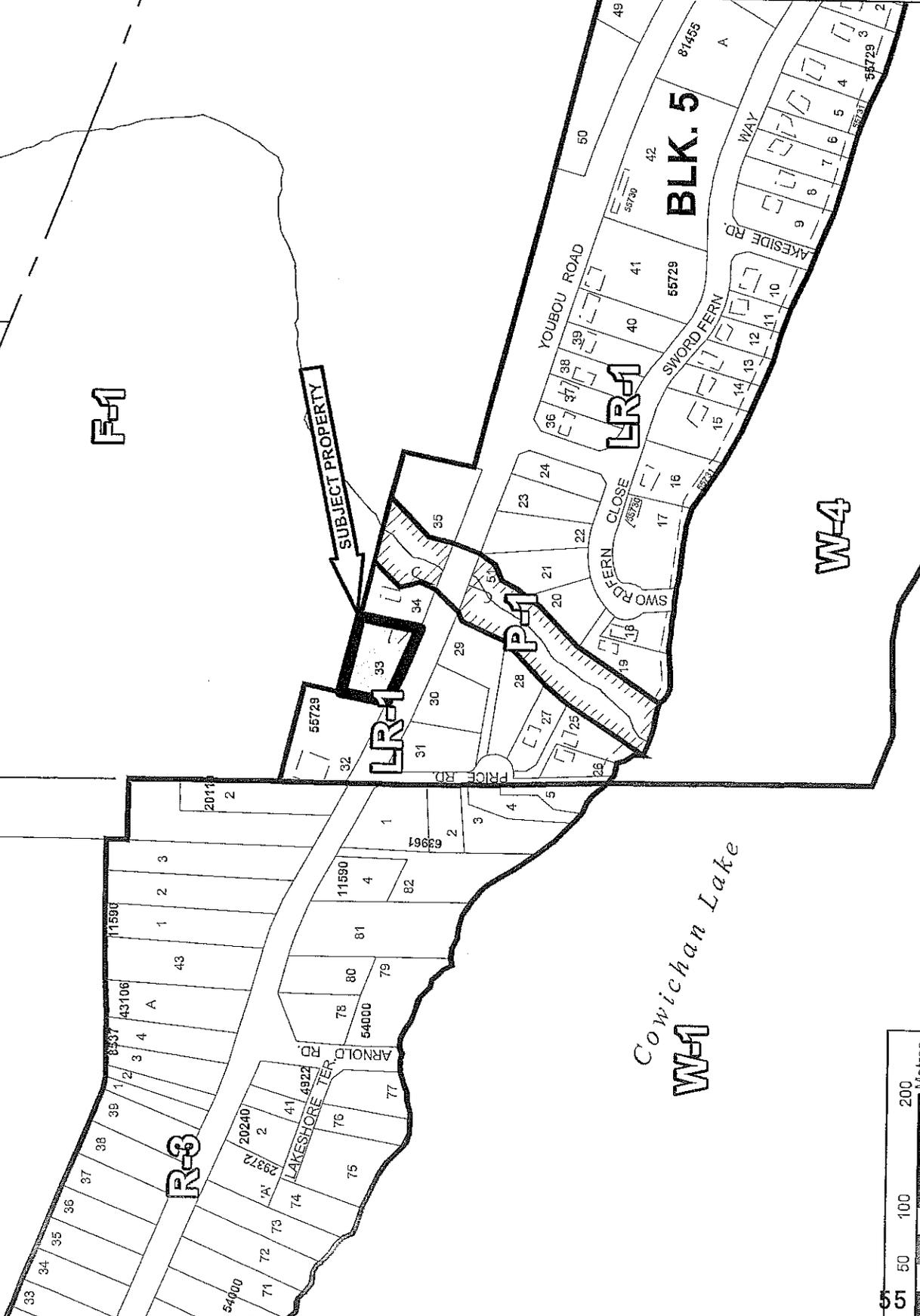
Subject Property  
Zoning Electoral Area I



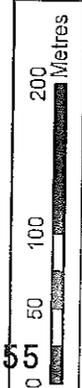
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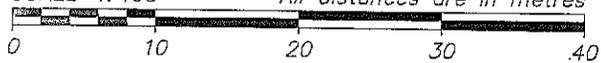
1147171



Cowichan Lake  
W-1



**PROPOSED FOUNDATION POSITION  
UPON LOT 33, BLOCK 5, COWICHAN  
LAKE DISTRICT, PLAN VIP55729.**

SCALE=1:400 All distances are in metres  


NOTE: Building positioned as per client instructions. Building position must be confirmed by approving authorities prior to construction.

Lot 33 is subject to charges:  
 Covenant EG141  
 Statutory Building Scheme EG2978

\* Denotes marks painted October 7, 2011

File: LC-DAY-LO	Zoning: LR-1 Minimum Set-backs
Date: October 11, 2011	Front: 7.5m Rear: 7.5m
Island Land Surveying Ltd. 1-15 Cadillac Avenue Victoria, B.C. V8Z 1T3 Tel 250.475.1515 Fax 250.475.1516 www.islandsurveying.ca	Interior side: 3.0m Exterior side: 4.5m

32  
PLAN

38.32

33

BLOCK 118

Ditch

69.50

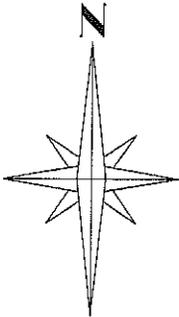
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13.00

34  
VIP55729

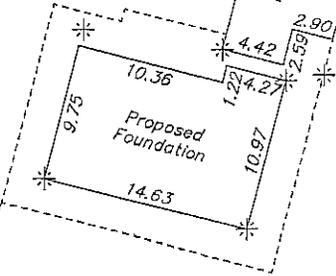
49.38



YOUBOU  
ROAD

ROAD

r=1975.00  
 a=70.32



**Riparian Areas Regulation - Assessment Report**

Please refer to submission instructions and assessment report guidelines when completing this report.

Date 2010-06-14

**I. Primary QEP Information**

First Name	Trystan	Middle Name		
Last Name	Willmott			
Designation	Applied Science Technologist	Company Madrone Environmental Services Ltd.		
Registration #	25491	Email trystan.willmott@madrone.ca		
Address	1081 Canada Avenue			
City	Duncan	Postal/Zip	V9L 1V2	Phone # 250 746 5545
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	Sean	Middle Name		
Last Name	Lucas			
Company	N/A			
Phone #	250 715-7445	Email: islandpharmacy@shaw.ca		
Address	9372 Creekside Road			
City	Youbou	Postal/Zip	V0R 3E1	
Prov/state	BC	Country	Canada	

**IV. Development Information**

Development Type	Single family residential			
Area of Development (ha)	Unknown	Riparian Length (m)	41.6	
Lot Area (ha)	0.34	Nature of Development	New	
Proposed Start Date	2010-07-01	Proposed End Date	2011-07-01	

**V. Location of Proposed Development**

Street Address (or nearest town)	Lot 33 - Youbou Road						
Local Government	Cowichan Valley Regional District			City Youbou			
Stream Name	Unnamed Tributary of Cowichan Lake						
Legal Description (PID)	018-058-795			Region 1			
Stream/River Type	Ditch			DFO Area South Island			
Watershed Code	920-257700						
Latitude	48	51	56.1	Longitude	124	10	17.9

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**

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### **Section 1. Description of Fisheries Resources Values and a Description of the Development proposal**

(Provide as a minimum: Species present, type of fish habitat present, description of current riparian vegetation condition, connectivity to downstream habitats, nature of development, specific activities proposed, timelines)

#### **Nature of Development/Specific Activities:**

Construction of a single family home is planned to take place on residential lot 33, on the north side of Youbou Road. This development proposal has triggered the Riparian Areas Regulation (RAR) process as the construction will take place within the 30 m Riparian Assessment Area (RAA) of a ditch that connects by surface flow to a fish bearing waterbody. At the present time, no definitive plans regarding placement of the home have been determined.

#### **Potential for Fish in the Focus Ditch**

Given the lack of fish habitat diversity and a seasonal flow regime, it is unlikely that the focus ditch contains fish. However, the ditch connects and contributes directly to Cowichan Lake, which represents an important fishery resource value. Anadromous salmonids known to occur in the lake include Steelhead (*Oncorhynchus mykiss*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*Oncorhynchus kisutch*) and Chum Salmon (*Oncorhynchus keta*). These salmonids migrate from the ocean, up the Cowichan River and into Cowichan Lake, at which point they enter various tributary streams of the lake in order to spawn. It should be noted that resident forms of both Rainbow (*Oncorhynchus mykiss*) and Cutthroat Trout (*Oncorhynchus clarkii clarkii*) also exist in the lake and tributary streams. Brown Trout (*Salmo trutta*), Dolly Varden Char (*Salvelinus malma*) and Lake Lamprey (*Lampetra macrostoma*) exist in Cowichan Lake.

#### **Description of Riparian Area/Connectivity/Fish Habitat**

The subject watercourse is a low-gradient (2-3%) ditch that originates on an adjacent property to the north. This ditch is one of many that have been constructed in the surrounding area to aid in directing stormwater into Cowichan Lake. Construction of the ditch promotes water flow along the northern and western boundaries of the subject property, until it reaches Youbou Road, at which point it flows into a culvert under the road. The ditch parallels Youbou road for approximately 100 m, at which point the ditch turns south, flowing through residential areas for approximately another 100 m before entering Cowichan Lake. From the confluence with Cowichan Lake for a distance of approximately 100 m upstream, access for fish is not limited and the habitat is suitable for fish. Throughout the assessment area, the ditch ranges between 0.4 m and 2.0 m wide. The ditch consists mainly of an alluvial bed (cobble/gravel dominant), although extended sections of sand also exist.

At the time of the assessment, water flow was likely near its maximum, given the saturated conditions and additional rainfall immediately prior to the assessment. The ditch is well defined along the entire length of the property and has a depth of approximately 0.5m – 1.0 m.

Due to the recent vegetation removal on the site, limited functioning riparian vegetation currently exists on the subject property. At the time of the assessment, the entire lot had been cleared of vegetation, apart from areas along the northern and western boundaries of the property. In areas where vegetation growth exists, it is very sparse and uniform. Overall, the vegetation growth is very young and consists of red alder (*Alnus rubra*) saplings, bigleaf maple (*Acer macrophyllum*)

saplings, western redcedar (*Thuja plicata*) and western hemlock (*Tsuga heterophylla*). Understory vegetation was only observed along the northern boundary of the property and included sword fern (*Polystichum munitum*) and salmonberry (*Rubus spectabilis*). Invasive plant growth in the form of bull thistle (*Cirsium vulgare*) was also evident. A riparian replanting plan is recommended for the ditch banks and the SPEA, as detailed in the "Measures" section.

**Section 2. Results of Riparian Assessment (SPEA width)**

Attach or insert the Form 3 or Form 4 assessment form(s). Use enough duplicates of the form to produce a complete riparian area assessment for the proposed development

**2. Results of Detailed Riparian Assessment**

Refer to Chapter 3 of Assessment Methodology

Date: 2010-06-14

Description of Water bodies involved (number, type)

Ditch

Stream	
Wetland	
Lake	
Ditch	X
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 (%)		I, <u>Trystan Willmott</u> , 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 <u>Sean Lucas</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
starting point	1.2			
upstream	1.4	3		
	1.6			
	2.0			
downstream	1.1			
	0.9			
	0.4	2		
	0.8			
	1.3			
	0.6			
	0.5			
Total: minus high /low	9.4			
mean	0.85			
Channel Type	R/P	C/P	S/P	
	X			

**Site Potential Vegetation Type (SPVT)**

	Yes	No	
SPVT Polygons		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
			I, <u>Trystan Willmott</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>Sean Lucas</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

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d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.								
Polygon No:	<input type="text"/>	Method employed if other than TR						
SPVT Type	<table border="1"> <tr> <td>LC</td> <td>SH</td> <td>TR</td> </tr> <tr> <td><input type="text"/></td> <td><input type="text"/></td> <td>X</td> </tr> </table>	LC	SH	TR	<input type="text"/>	<input type="text"/>	X	
LC	SH	TR						
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Polygon No:	<input type="text"/>	Method employed if other than TR						
SPVT Type	<table border="1"> <tr> <td>LC</td> <td>SH</td> <td>TR</td> </tr> <tr> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>	LC	SH	TR	<input type="text"/>	<input type="text"/>	<input type="text"/>	
LC	SH	TR						
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Polygon No:	<input type="text"/>	Method employed if other than TR						
SPVT Type	<table border="1"> <tr> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>	<input type="text"/>	<input type="text"/>	<input type="text"/>				
<input type="text"/>	<input type="text"/>	<input type="text"/>						

**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)	1.7						
Litter fall and insect drop ZOS (m)	1.7						
Shade ZOS (m) max	1.7	South bank	Yes	X	No		
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)				<b>Manmade, straight; dug to drain property; connects with roadside ditch.</b>		
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report		
SPEA maximum	5	(For ditch use table3-7)					

I, Trystan Willmott, 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 Sean Lucas;

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**

The SPEA limit must be measured as a horizontal distance from the High Water Mark, which has been flagged on the property. A Professional Surveyor must be retained to delineate the SPEA on the ground.



**PROJECT:** Riparian Areas Regulation Assessment  
Lot 33 – Youbou Road, Youbou

**CLIENT:**  
Sean Lucas

**DOSSIER NO:**  
10.0134



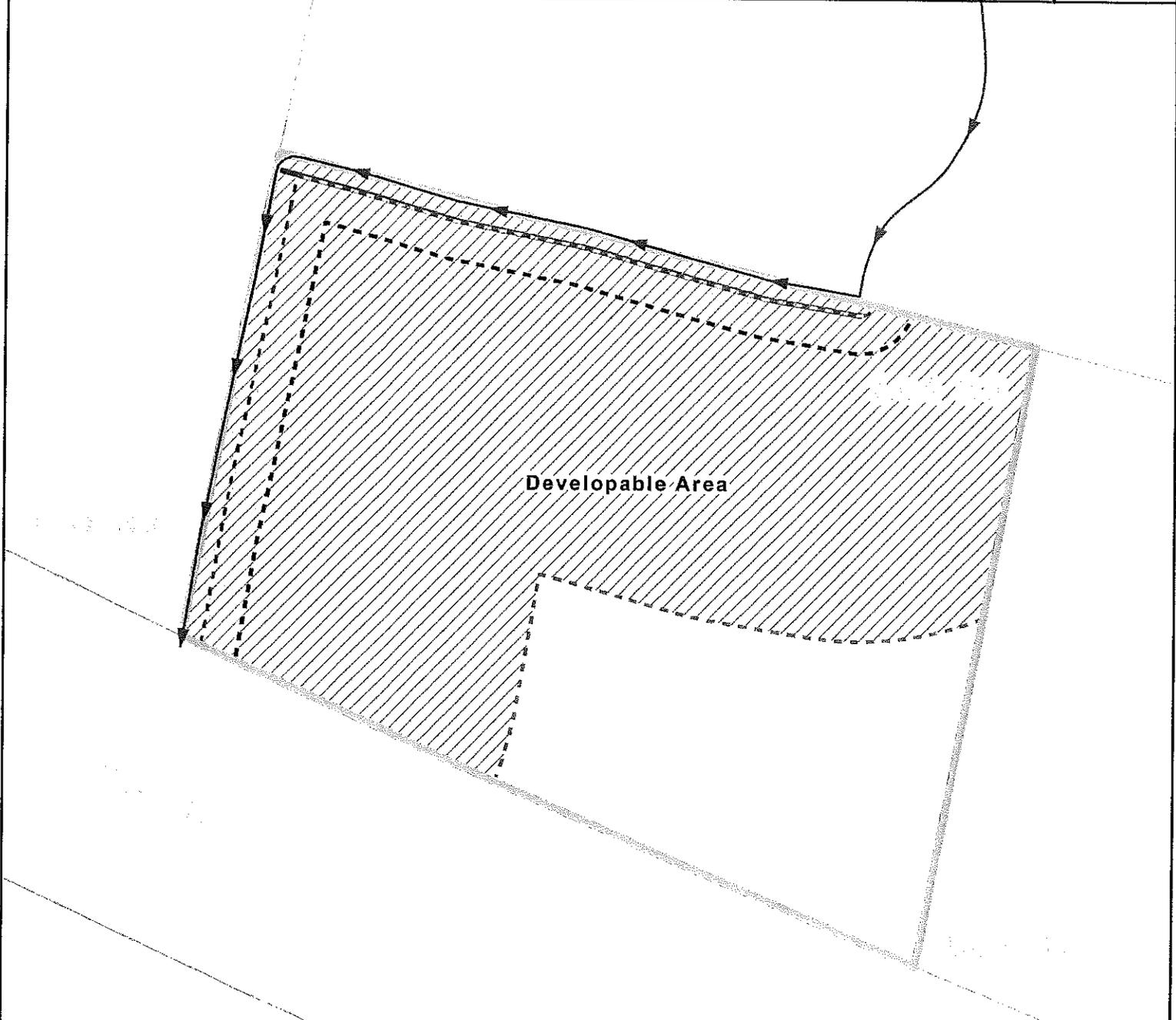
**LOCATION:**  
Youbou, BC

**FIELD VISIT:**  
June 1, 2010

**MAP SCALE:**  
1:500

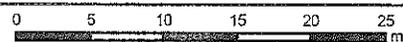
**MAPPING DATE:**  
June 6, 2010

**DRAWN BY:**  
Anna Jeffries



**LEGEND**

- Property Boundary
- Parcel Boundary
- Creek
- Developable Area
- Riparian Assessment Area (30m)
- Maximum SPEA (5m)
- Zones of Sensitivity**
- Shade (1.7m)
- Large Woody Debris (1.7m)
- Insect Drop / Litterfall (1.7m)



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

**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.

1. Danger Trees	Most of the vegetation has been previously removed from the subject property. At the time of the assessment, stands of young bigleaf maple, western redcedar and red alder were noted along the western edge of the property. All of the trees were approximately 5-10 m tall and appeared to be healthy. There are no current issues pertaining to danger trees on the property.
<p>I, <u>Trystan Willmott</u>, hereby certify that:</p> <p>e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>f) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Sean Lucas</u>;</p> <p>g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
2. Windthrow	Windthrow usually occurs as a result of removing large areas of trees and creating new exposed forest "edges" that become exposed to increased wind velocities. While the site has already been cleared, it is unlikely that the remaining early seral stage treed area along the western property boundary will experience increased damage from blow down.
<p>I, <u>Trystan Willmott</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Sean Lucas</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
3. Slope Stability	<p>During the assessment, it was noted that the slopes within the Riparian Assessment Area are gentle (2-3%) with no apparent signs of slope instability. When future development takes place it will not lead to increased bank erosion or slope instability within the SPEA.</p> <p>Portions of the cut banks of the ditch itself, however, are steep, and the lack of functioning riparian vegetation means that the banks may become eroded, especially during high flows. Vegetation must be planted along the ditch banks and inside the SPEA in order to protect the banks, prevent erosion of material and re-instate riparian vegetation.</p> <p>To help establish a riparian zone which provides proper riparian function (including bank stability), the sloped ditch banks should be planted with live stakes of appropriate</p>

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	<p>species. Red-osier dogwood (<i>Cornus stolonifera</i>), cottonwood (<i>Populus balsamifera trichocarpa</i>) and willow (<i>Salix</i> sp.) should be densely planted (less than 50 cm apart) on the banks. Beyond the top of the ditch bank, up to the edge of the 5m SPEA, a mix of native shrubs should be planted. Appropriate shrubs for the SPEA include Indian plum (<i>Oemleria cerasiformis</i>), Pacific ninebark (<i>Physocarpus capitatus</i>), black twinberry (<i>Lonicera involucrata</i>), and red elderberry (<i>Sambucas racemosa</i>). A mix of well-spaced western redcedar (<i>Thuja plicata</i>) and Douglas-fir (<i>Pseudotsuga menziesii</i>) should be interspersed throughout the shrub zone. Shrubs should be spaced approximately 1 metre apart.</p> <p>Live willow, cottonwood and red osier dogwood stakes can be collected from donor sites. Stakes should be at least 2 metres long, and all sucker growth must be removed at time of harvest. Stakes should be bundled, then soaked in running (oxygenated) water for at least 24 hours prior to being planted. Stakes must be inserted into the ground to a depth of at least 1 metre. To help achieve this depth requirement, a hole must first be prepared by using a heavy metal bar, into which the stake is inserted. It is of paramount importance that adequate planting depths are achieved, to ensure that the plants become established.</p> <p>Regarding timing, the replanting should occur in early fall, to allow the stakes, shrubs and trees to become established over the winter months.</p>
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<p>4. Protection of Trees</p>	<p>As can be seen from the site photos, the majority of the subject property is devoid of vegetation. While trees do exist within the SPEA along the northern and western property boundaries, they are at a distal location in relation to the area of development. Due to the distance between the development area and the SPEA, no trees located inside the SPEA will be impacted by construction activities.</p>
<p>I, <u>Trystan Willmott</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Sean Lucas</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<p>5. Encroachment</p>	<p>Previous actions that were carried out to remove vegetation</p>

	<p>from the subject property encroached into the SPEA of the ditch. The client is aware that no additional development activities are permitted inside the SPEA, which include activities such as: construction of permanent/non permanent structures; clearing/disturbing vegetation; limbing or pruning trees (unless deemed to be "danger" trees by a qualified professional); and dumping of yard wastes. At the development stage, the 5.0 m SPEA must be surveyed and clearly marked (both on the ground and on site plans) to prevent encroachment.</p> <p>The recommended riparian planting should also be carried out to restore riparian function. The 5 metre SPEA must be allowed to re-generate, using the prescribed replanting as a catalyst for restoration of biological function.</p>
<p>I, <u>Trystan Willmott</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Sean Lucas</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<p>6. Sediment and Erosion Control</p>	<p>Sediment resulting from construction activities can become mobilized during rainfall and transported into water bodies (i.e. creeks, ditches, lakes and wetlands). Due to the fact that site preparation for future construction is occurring within the 30 m RAA, development of a sediment and erosion control plan is warranted. Removal of vegetation from the property for construction of the home has likely generated a sediment source. In order to prevent sediment from travelling downstream via the ditch into Cowichan Lake, it is imperative that the client adopt preventative measures.</p> <p>Implementation of the recommended riparian replanting plan will help prevent the mobilization and transportation of sediment from the steep ditch cut banks during high flows. Vegetating the SPEA will also provide a vegetated buffer between adjacent construction/clearing activities and the wetted perimeter of the ditch.</p> <p>Other general measures to manage sediment and erosion control during construction include:</p> <ul style="list-style-type: none"> <li>- covering all soil/fill stockpiles with tarps, or surrounding them with silt fencing;</li> <li>- carrying out excavation activities during dry periods;</li> <li>- applying temporary covers, such as seeding or geotextiles to bare areas;</li> <li>- mulching exposed areas to reduce the potential for sediment mobilization and transportation;</li> <li>- applying silt fencing where applicable in order to prevent sediment transportation into the SPEA and/or the ditch;</li> </ul>

	<ul style="list-style-type: none"> <li>- restricting high-frequency movement of heavy machinery;</li> <li>- installing gravel access pads at the main access to the site in order to reduce the amount of sediment leaving the site;</li> <li>- regular sweeping (as opposed to washing, which mobilizes sediment) of any impermeable surfaces.</li> </ul>
<p>I, <u>Trystan Willmott</u>, hereby certify that:</p>	
<ul style="list-style-type: none"> <li>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</li> <li>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Sean Lucas</u>;</li> <li>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</li> </ul>	
<p>7. Stormwater Management</p>	<p>Construction of new developments usually leads to an increase in surface water run-off and a decrease in natural infiltration as a result of the general increase in impermeable surface cover (i.e. driveways and rooftops). The main goals of storm water management are to either capture run-off from impermeable surfaces and return it to natural hydrological pathways, or implement initiatives to reduce the production of storm water run-off (i.e. by using permeable paving or installing a bio-retention area). For this property, there are two recommendations for managing stormwater: the first being the implementation of a rain garden; and the second the construction of a permeable driveway.</p> <p>In this case, the raingarden could be developed to receive run-off from the impermeable footprint represented by the roof top of the proposed residence. Rain leaders from the roof would feed into the raingarden. The raingarden can be designed to either capture all, or a percentage of the run-off emanating from the roof (e.g. either a quarter, half or entire area).</p> <p>The following methodology should be followed to ensure that the raingarden is effective at capturing stormwater:</p> <p>The surface area of the raingarden should be approximately 20% of the impermeable surface area feeding into it. Run-off from the roof top would be directed into the raingarden via flexible plastic pipes running from the downspouts. These should be situated in a shallow trench between the house and the raingarden. To prevent erosion, small gravel (e.g., pea gravel) should be placed around the pipe inflow.</p> <p>The raingarden should be a shallow depression approximately 10-15cm deep (after soil amendmets have been added). The surface of the rain garden should be kept as level as possible, with a slight depression in the centre.</p>

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	<p>After the raingarden has been dug out, an adequate soil mix should be added, consisting of washed, coarse sand (approximately 50% by volume), hardwood mulch (15% by volume), weed free topsoil with a high organic content (30% by volume) and compost (5% by volume). It is important that the soil is not compacted (e.g., by foot traffic or machinery) after being spread. After construction of the raingarden, appropriate plants should be introduced. Suggested species include (but are not limited to): red osier dogwood; salmonberry (<i>Rubus spectabilis</i>); red elderberry; and slough sedge (<i>Carex obnupta</i>).</p> <p>Constructing a permeable driveway (e.g., using gravel surfacing as opposed to asphalt) is another option for dealing with storm water runoff, as it would encourage infiltration. The driveway should also be kept to the absolute minimum length and width required.</p>
<p>I, <u>Trystan Willmott</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Sean Lucas</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<p>8. Floodplain Concerns (highly mobile channel)</p>	<p>There are no floodplain concerns on this site. The ditch has been constructed with steep sidewalls to a depth of approximately 0.5-1.0 m in order to contain extreme waterflows.</p>
<p>I, <u>Trystan Willmott</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Sean Lucas</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	

### **Section 5. Environmental Monitoring**

Attach text or document files explaining the monitoring regimen. Use your "return" button on your keyboard after each line. It is suggested that all documents be converted to PDF before inserting into the PDF version of the assessment report. Include actions required, monitoring schedule, communications plan, and requirement for a post-development report.

#### **Specific Actions Required:**

Future development on the property represents further disturbance within the RAA up to the edge of the SPEA. As a result, monitoring should be incorporated during the process of construction. The most significant factors to be cognizant of are included in the following list:

- ensuring that the recommended replanting has been carried out;
- carrying out a site inspection at the beginning and end of construction activities to ensure that the SPEA has been respected; and
- completing and submitting a post-construction monitoring report via the RAR notification system.

#### **Monitoring Schedule:**

- on the first day of operations, a brief site visit will be conducted;
- approximately mid-way through the construction process, the site will be checked for compliance;
- a final site visit will be completed following the cessation of construction activities. This final visit should take place within 1 week of the project's completion; and
- completion of the recommended replanting operation inside the SPEA must occur before the end of October, 2010.

#### **Communication Plan:**

- the developer is responsible for contacting the QEP to schedule the recommended site visits; and
- the developer will also contact the QEP at the end of construction activities. This site inspection will form the basis of the post-construction monitoring report, which will be submitted via the notification system. The final monitoring visit and post-construction report can be carried out prior to the completion of interior construction activities.

**Section 6. Photos**



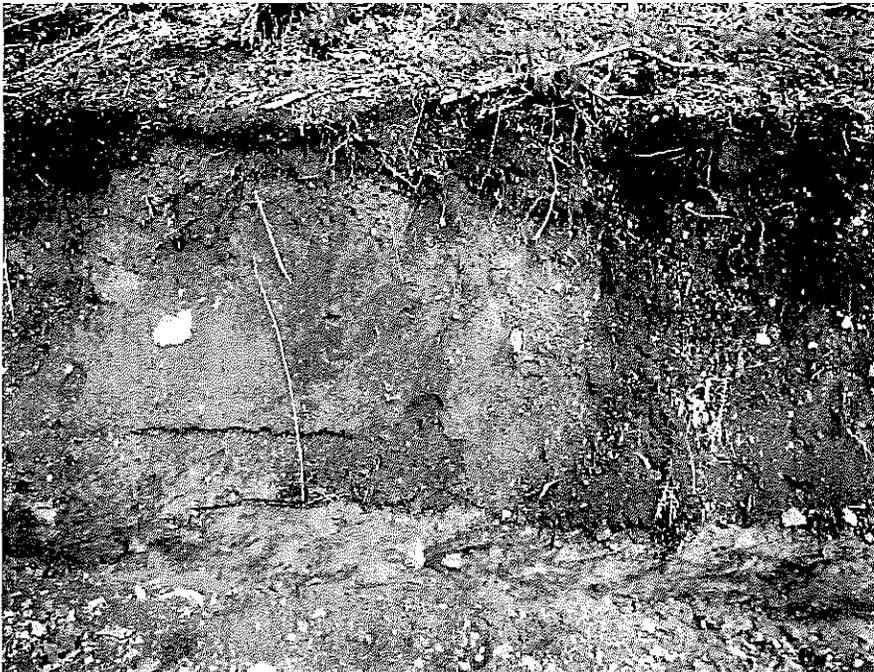
**Photo 1.** Looking north at the ditch as it flows onto the subject property.



**Photo 2.** Channel morphology of the ditch as it flows onto the subject property.



**Photo 3.** Looking west at the ditch as it flows along the northern boundary of the property, showing recent vegetation clearing. The client is aware that no further encroachment or development is permitted inside the SPEA. Note steep ditch side walls, which are prone to erosion, especially during high flows.



**Photo 4.** Channel morphology of the ditch along the northern property boundary. Again, note the steep side walls and associated potential for erosion.



**Photo 5.** Looking south at the subject property, which was previously cleared of vegetation. Youbou Road is visible in the background of the photo.



**Photo 6.** Looking southwest at the ditch as it flows along the western boundary of the property.



**Photo 7.** Looking south at the inlet where the ditch enters a culvert under Youbou Road..



**Photo 8.** Looking down at the outlet of the culvert as it emerges from under Youbou Road. At this point the ditch becomes a part of the roadside ditch system that parallels Youbou Road.



**Photo 9.** Looking west at the roadside ditch system for Youbou Road from the culvert outflow pictured above.



**Photo 10.** Looking south at the watercourse approximately 50 m upstream of where it enter Cowichan Lake. At this point the morphology of the watercourse is consistent with that of a creek as opposed to a ditch.

**Section 7. Professional Opinion****Assessment Report Professional Opinion on the Development Proposal's riparian area.**Date 1. I Trystan Willmott, B.Sc.,  
A.Sc.T. \_\_\_\_\_

Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

hereby certify that:

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

2. As a qualified environmental professional, I hereby provide my professional opinion that:

- a)  if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR**  
(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)

- b)  if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

**[NOTE:** "qualified environmental professional" means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,
- (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.]

August 9, 2011

Mr. Spencer Day  
316 – 623 Treanor Ave,  
Victoria, BC, V9B 0B1

Dear Mr. Day,

You retained my services to provide assistance for remediation of the Streamside Protection and Enhancement Area (SPEA) of a manmade ditch on Lot 33, Youbou Road. Remediation of the SPEA was a prior recommendation made in the Riparian Areas Regulation (RAR) assessment report for the subject property, which was completed for the previous property owner on June 14, 2010. Upon completion of the property sale, it is my understanding you inherited responsibility for enhancing the SPEA, and the Cowichan Valley Regional District (CVRD) requires all remediation activities be completed before granting you a development permit for construction of a single family dwelling.

At your request, I visited the subject property on June 24<sup>th</sup> 2011. At the time of the assessment you informed me that you had completed re-vegetation of the SPEA during the spring months (April – May) of 2011, as recommended. All of the vegetation planted in the SPEA was based on a list of native species which are suitable for the growing conditions (*i.e.*, planting medium and precipitation) on site. Approximately 200 individual plants were planted using nursery stock and live stakes. All of the plants were spaced using 1 m intervals. The tree layer now consists of Douglas-fir (*Pseudotsuga menziesii*), western hemlock (*Tsuga heterophylla*), bigleaf maple (*Acer macrophyllum*) and red alder (*Alnus rubra*). Shrub growth was comprised of willows (*Salix spp.*) and trailing blackberry (*Rubus ursinus*). The herb layer included swordfern (*Polystichum munitum*), common horsetail (*Equisetum arvense*) and herb-Robert (*Geranium robertianum*).

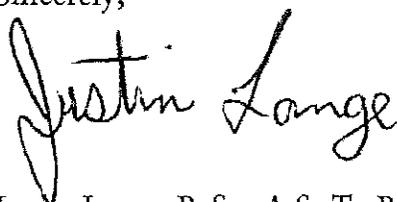
During the assessment the overall health of the vegetation appeared to be in good condition. Approximately, 12 to 15 of the 200 plants appeared to be in poor condition, likely due to the substrate not being conducive for plant growth (*i.e.*, lack of nutrients and moisture retaining ability) in these areas.

In an effort to increase the overall function of the SPEA, I recommend additional plantings of shrub species along the bank of the ditch. In the original RAR report there were concerns over bank stability of the ditch and subsequent downstream sediment transport. Increased planting of shrubs will minimize erosion and sloughing during periods of high flow. As a result the amount of sediment transported downstream will be reduced. During the site visit on June 24<sup>th</sup> 2011, it was determined that willows, in addition to Nootka rose (*Rosa nutkana*), red-osier dogwood (*Cornus stolonifera*) and western flowering dogwood (*Cornus nuttallii*) would be the species preferred for subsequent plantings.

In my professional opinion, the remediation activities that have taken place to date on Lot 33 will likely result in a healthy, naturally functioning SPEA for the ditch. The ditch itself does not provide habitat for fish, however as the regenerated SPEA becomes more established, it is likely to benefit downstream fish habitat will by providing insect drop (food for fish), shade (cooler water) and bank stabilization (prevention of sediment transport). In addition the ditch will likely provide breeding and foraging habitat for various wildlife species such as song birds and amphibians.

I appreciate your diligence in contacting me regarding this matter. If you have any questions, please do not hesitate in contacting the undersigned.

Sincerely,



Justin Lange, B. Sc., A.Sc.T., B.I.T.  
Aquatic/terrestrial biologist.





## **APPENDIX 1**

### **SITE PHOTOS**



**Photo 1.** Looking west at the SPEA of the manmade ditch. Approximately 200 native trees and shrubs were planted using potted stock and live staking methods.



**Photo 2.** Western hemlock was one of the species chosen to enhance the tree layer of the SPEA.



**Photo 3.** Due to site conditions, Douglas-fir was a major component of the stock used to re-vegetate the ditch. The sapling marked with the red arrow is an indication that planting activities were successful. A high proportion of the planted specimens were still alive at the time of the assessment.



**Photo 4.** In addition to the planted stock natural regeneration of vegetation was observed along the entire length of the ditch. As indicated by the red arrows, most of the naturally regenerating tree growth consisted of bigleaf maple and red alder.

**5.3 LR-1 LAKEFRONT RESIDENTIAL 1 ZONE**

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the LR-1 Zone:

**1. Permitted Uses**

The following principal uses and no others are permitted in the LR-1 Zone:

- a. Environmental protection and conservation;
- b. Single-family dwelling;

The following accessory uses are permitted in the LR-1 Zone:

- c. Bed and breakfast accommodation;
- d. Buildings and structures accessory to a principal permitted use;
- e. Home occupation;
- f. Secondary dwelling unit or secondary suite, provided the unit would not be located closer than 60 metres to the natural boundary of the lake.

**2. Minimum Parcel Size**

The minimum parcel size in the LR-1 Zone is 2500 m<sup>2</sup> if the parcel is connected to a community water system, and 1 hectare where the parcel is not connected to a community water system.

**3. Number of Dwellings**

Not more than one dwelling is permitted on a parcel, under 0.4 ha in area, that is zoned LR-1. For parcels zoned LR-1 that 0.4 in area or more, one additional secondary dwelling or secondary suite is permitted on a parcel.

**4. Setbacks**

The following minimum setbacks apply in the LR-1 Zone:

Type of Parcel Line	Residential and Accessory Buildings and Structures
Front parcel line	7.5 metres
Interior side parcel line	3.0 metres
Exterior side parcel line	4.5 metres
Rear parcel line	7.5 metres

**5. Height**

In the LR-1 Zone, the height of all buildings and structures must not exceed 7.5 metres, except in accordance with Section 3.8 of this Bylaw.

**6. Parcel Coverage**

The parcel coverage in the LR-1 Zone must not exceed 20 percent for all buildings and structures.

**7. Parking**

Off-street parking spaces in the LR-1 Zone must be provided in accordance with Section 3.13 of this Bylaw.



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

**DATE:** November 1, 2011

**TIME:** 7:00pm

**MINUTES** of the Electoral Area I Planning Commission meeting held on the above noted date and time at the Youbou Upper Community Hall, Youbou, BC. Called to order by Chairperson Mike Marrs at 7:05pm.

**PRESENT:**

Chairperson: Mike Marrs

Co-vice-Chairpersons: George deLure

Members: Shawn Carlow, Bill Gibson, Gerald Thom

**ALSO PRESENT:**

Director:

Recording Secretary: Tara Daly

**REGRETS:** Director Kuhn, Jeff Abbott, Pat Weaver

**GUESTS:** Spencer Day, Liza Laurea

**AGENDA:**

*It was Moved and Seconded to accept the agenda.*

**MOTION CARRIED**

**MINUTES:**

*It was Moved and Seconded to accept the minutes of May 3, 2011 as circulated.*

**MOTION CARRIED**

**DELEGATIONS:**

- **Development Permit No: 2-I-11DP/RAR (Day and Laurea)**

The applicant made a short presentation explaining the location of the house had been changed to accommodate the RAR regulations. The stream at the back of the proposed garage has been surveyed with a 15m setback. There has been a significant amount of replanting completed.

*It was Moved and Seconded by Area I (Youbou/Meade Creek) APC that Development Permit No: 2-I-11DP/RAR be recommended approval with the assurance that RAR compliance will continue during construction.*

**MOTION CARRIED**

**ANNOUNCEMENTS:**

- **Next Meeting on December 1, 2011** (at the call of the Chairperson)  
Upper Community Hall, Youbou, starting at 7pm

The meeting was adjourned at 7:25pm

/s/ Tara Daly  
Secretary



R 4

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 15, 2011

**DATE:** November 8, 2011 **FILE NO:** 3-D-10 RS  
**FROM:** Alison Garnett, Planner I **BYLAW NO:**  
Development Services Division  
**SUBJECT:** Rezoning Application 3-D-10RS (Bennefield)

---

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

That Application No. 3-D-10RS, Bennefield, be approved, with a new Semi Village Residential 2 Zone being introduced for the subject property, with a complementary amendment to the Official Settlement Plan to provide for the new zone, and thereby allow a two lot subdivision of the subject property, subject to the following:

- i. The draft amendment bylaws be referred to public hearing with Directors of Electoral Areas D, C and E as delegates;
- ii. The referral to Cowichan Tribes, Ministry of Transportation and Infrastructure, Cowichan Bay Volunteer Fire Department, Vancouver Island Health Authority, CVRD Parks & Trails Division, CVRD Engineering & Environment, and CVRD Public Safety is accepted;
- iii. Submission of a landscape plan, showing areas of existing natural soils and vegetation, prior to a public hearing;
- iv. Submission of an engineer's report which demonstrates how the proposed development will generate no net increase in rainwater runoff, prior to a public hearing;
- v. And finally, that the property is included in the Lambourne Estates Sewer Service Area, prior to consideration of fourth reading of the amendment bylaws.

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

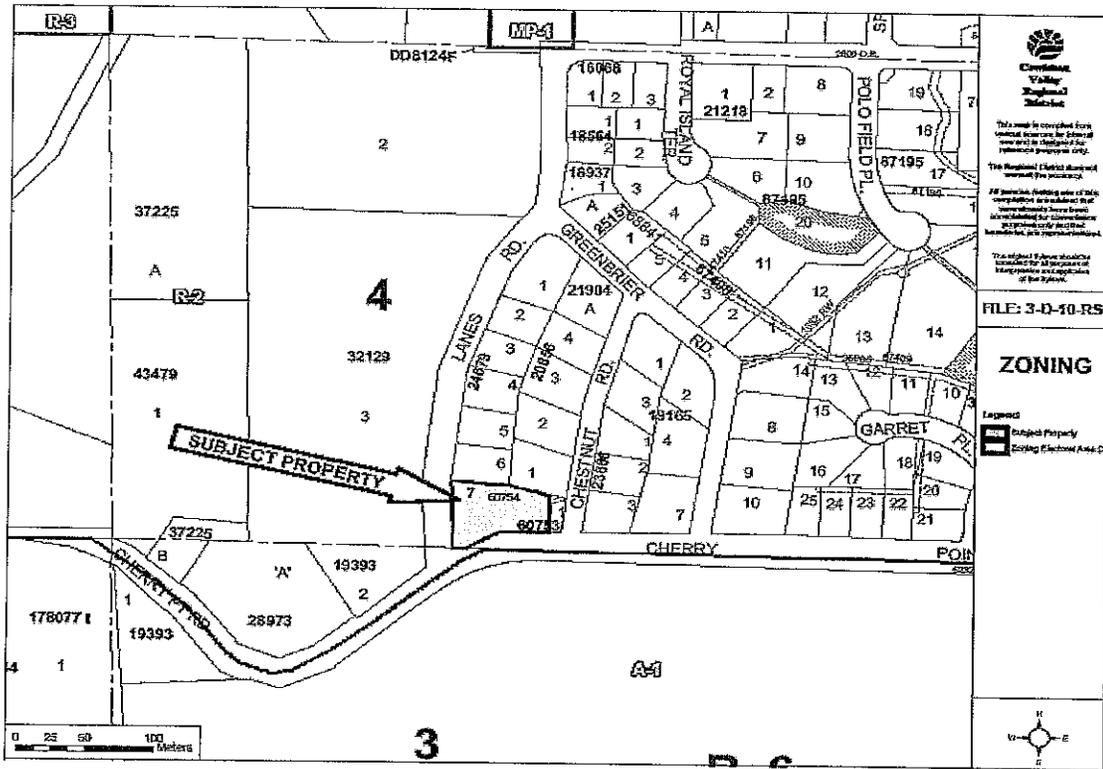
**Financial Impact** (Reviewed by Finance Division: N/A)

#### **Background:**

An application has been received to amend the Electoral Area D – Cowichan Bay Zoning Bylaw No. 1015 and Official Settlement Plan (OSP) No. 925, to rezone the subject property to permit a two lot subdivision.

**Location:** 1415 Cherry Point Road

**Legal Description:** Lot 7, Section 4, Range 6, Cowichan District, Plan 24679, except part in plans 39250 and VIP 60753



Date Application Received: April 8, 2010

Owner(s): Blue and Raina Bennefield

Applicant: Blue Bennefield

Size of Land Parcel: 0.29 ha (0.7 acres)

Contaminated Site Profile: Declaration signed by Blue Bennefield that no Schedule 2 activities have occurred on the subject property, pursuant to the *Environmental Management Act*

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North:	Residential
South:	Agricultural
East:	Residential
West:	Residential

Road Access: Cherry Point Road

Water: Lambourne Estates Water System

Sewage Disposal: Currently on site septic. Both lots are proposed to be serviced by Lambourne Estates Sewer System

Agricultural Land Reserve Status: The property is not located in the ALR

<u>Environmentally Sensitive Areas:</u>	None identified
<u>Archaeological Sites:</u>	None identified in CVRD mapping
<u>Fire Protection:</u>	Cowichan Bay Fire Service Area
<u>Existing Plan Designation:</u>	Suburban Residential
<u>Proposed Plan Designation:</u>	Unchanged.
<u>Existing Zoning:</u>	R-2 Suburban Residential
<u>Min Lot size in R-2 zone:</u>	0.2 ha with community water and sewer 0.4 ha with community water only 0.8 ha without community services
<u>Proposed Zoning:</u>	SR-2 Semi Village 2
<u>Minimum Lot Size in SR-2 zone:</u>	0.1 ha with community water and sewer servicing.

**Property Context:**

The subject property is a residential lot, located at the corner of Lanes Road and Cherry Point Road in Area D. A legal survey showing the exact lot size is not available for the subject property, however the approximate lot size is 0.29 ha (0.7 acres). As shown on the attached proposed site plan, the subject property currently has a single family home and accessory buildings, which are all located on the eastern side of the lot. The area of the proposed new lot is currently open yard with some mature trees.

The subject property is located on the periphery of an area dominated by small residential lots. The land north of Cherry Point Road is consistently zoned R-2 (Suburban Residential) and designated Suburban Residential in the Official Settlement Plan (OSP). However, the majority of the lots were created prior to the existing Zoning Bylaw, and therefore many are non-conforming with respect to minimum lot sizes of the R-2 zone. Lots immediately adjacent to the subject property are between 1000 m<sup>2</sup> and 1500 m<sup>2</sup> in size, with some lots in the area as small as 900 m<sup>2</sup> (0.2 acres).

Across Cherry Point Road are large agricultural lots, zoned A-1 (Primary Agriculture) and located in the ALR. West of Lanes Road are larger residential R-2 zoned lots with subdivision potential.

**Proposal**

The applicant is requesting that the subject property be rezoned in order to subdivide, and create two lots approximately 0.1 hectares (0.25 acres) in size. The parcel is approximately 0.29 hectares, and therefore has no subdivision potential under the current zoning. The R-2 zone has a minimum lot size requirement of 0.4 ha if community water is available, or 0.2 ha if there is connection to community water and sewer. A summary of minimum parcel sizes per zone from the Electoral Area D Zoning Bylaw No. 1015 is attached to this report.

**Servicing**

The property is serviced by Lambourne Estates Water System, and the CVRD Engineering and Environmental Services Department has indicated that connection to this system is possible for the new lot.

The subject property is currently serviced by onsite septic, but the proposed new lots will be required to connect to a community sewer system, based on their proposed sizes. The Lambourne Estates Sewer System operates in the vicinity, and expansion of the system is under discussion. The applicant has paid a connection fee in order to be eligible to connect when capacity is added to the system.

The expansion of the system is occurring consistent with the direction from the CVRD Board. The Planning and Development Department is preparing a draft covenant that is intended to establish development requirements for multiple properties that wish to be included in the Lambourne Estates Sewer Service Area. These requirements are linked to the priorities that have emerged from the Electoral Area D OCP review process underway, and include the following:

- Protection of the natural environment, its ecosystems and biodiversity;
- Protection of development from hazardous conditions;
- Restoration, protection and enhancement of the natural hydrologic regime.

Registration of a finalized version of this covenant will be required prior to including the property in the Sewer Service Area. The draft covenant has been reviewed by the applicant, and he has agreed in principle to the development requirements. With this particular application, the third objective of restoring, protecting and enhancing the natural hydrological regime appears the most relevant, since there are no hazardous conditions on the subject property, nor any particularly significant natural features.

**Fire Protection**

This application has been reviewed by CVRD Public Safety and the Cowichan Bay Volunteer Fire Department. No concerns have been raised with respect to this proposal.

**Park Dedication**

At the subdivision stage, parkland dedication would not be required pursuant to Section 941 of the *Local Government Act*, as fewer than 3 lots are proposed. This application has not yet been referred to the Area D Parks Commission, since there appears little opportunity for a dedication of land. However the EASC could direct staff to refer this application to the Parks Commission, in order to receive their feedback with regards to other possible contributions.

**Policy Context:*****Official Settlement Plan***

Policy 7.1 General Residential Policies

*Infilling shall be encouraged adjacent to existing residential areas and within those areas designated Urban and Suburban Residential on the Plan Map. Further designation of land for residential use shall be conditional upon a review of residential land availability in the area.*

Policy 7.6 reiterates the lot sizes in the Zoning Bylaw:

*Land designated Suburban Residential shall be subject to the following net density standards (excluding all parks, roads, and school):*

- No water or sewer service = 1 unit per 0.8 hectare*
- Community Water = 1 unit per 0.4 hectares*
- Community Water and Sewer = 1 unit per 0.2 hectares.*

### **Zoning**

A new zone is required to accommodate this rezoning application. Staff have drafted a new Semi Village Residential 2 zone, which is attached for review. The uses and conditions of use are similar to the existing R-2 and R-3 zones. The primary difference is the reduced parcel size of 0.1 ha. There is also no density incentive for servicing, since this zone will only be permitted for lots that are connected to community water and sewer. This new zone has been based on preliminary policy of the new Official Community Plan.

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

This application was reviewed by the Area D Advisory Planning Commission November 17, 2010, and they passed the following recommendation:

*By a vote of 9-0, the members recommend the rezoning application be held in abeyance pending the outcome of the OCP review.*

### **Referral Agency Comments:**

This application was referred to government agencies on October 19th, 2010. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation – *Preliminary approval, subject to the following conditions: 1) New driveway must meet Ministry standards; 2) Ministry support for this bylaw amendment shall not be construed as preliminary approval for future subdivision applications.*
- Cowichan Bay Volunteer Fire Department – *Interests Unaffected*
- Vancouver Island Health Authority – *This office has not objections, provided the subject property is connected to both a community water and sewer system. The Vancouver Island Health Authority standards require a minimum lot size of 0.2 ha or 0.5 acres for lots serviced by a community water system and on-site sewage disposal. If the subject property were not connected to a community sewer system, it would not meet the requirements of our standards.*
- Cowichan Tribes- *No response received.*
- CVRD Engineering and Environmental Services Department – *This subdivision is okay for water connection- in Lambourne Water Service Area. This property will be included in the Lambourne Sewer Service Area subject to meeting CVRD Planning requirements. (dated September 30, 2011)*
- CVRD Parks, Recreation and Culture Department – *No parkland dedication required.*
- CVRD Public Safety Department – *See attached memo*

### **Planning Division Comments:**

This application is proposing a new residential zone to permit subdivision within an area that is designated Suburban Residential under the current OSP. Existing policy in the OSP provides for only the existing R-2 zone within this land use designation, with a minimum parcel size of 0.2 ha with full community servicing. The APC considered this fact when they reviewed this application in October, 2010, and they recommended holding the application in abeyance, pending the OCP review.

However, the OCP is progressing, and preliminary policy resulting from the community consultation process indicates support for a modest increase in density in this general location. This increase in density is subject to appropriate servicing being in place, community amenities being provided, and development assuring that three specific environmental objectives are achieved, as outlined in the above section on servicing.

The expansion of the sewer service area is a primary issue in this application, since the proposed new Semi Village Residential 2 zone requires a connection to community water and sewer systems. However, it appears reasonable for the land use (zoning) issue of this application to proceed parallel with the service area expansion issue. From a land use perspective, this application is considered infill, which is an objective outlined in Policy 7.9. Furthermore, the lot size of the new zone is compatible with the existing settlement pattern. As noted above, adjacent lots range in size from 900 m<sup>2</sup> to 1500 m<sup>2</sup> in size.

The attached map labelled Lambourne Lot Size Analysis can be used to evaluate the implications for creating a new zone with a 0.1 ha minimum parcel size. There are 39 lots in the area that are zoned R-2, located within the Lambourne Sewer Service Area (or within possible expansion area), over 0.2 ha in size and therefore theoretically capable of subdivision if rezoned to SR-2. However, many of these lots would not be capable of subdivision due to technical considerations. For example many are panhandle lot that won't allow further subdivision. In addition, the limited capacity of the Lambourne Sewer System restricts development.

The attached draft OSP policy proposes criteria that will be used to evaluate applications for the Semi Village 2 Residential zone. The intention of the criteria is to ensure new development contributes to the existing community. Furthermore, erosion resulting from rainwater and stormwater run-off this has been an identified priority resulting from the OCP review process, therefore rainwater management consideration have also been included in the policy criteria.

The staff recommendation is for this application to proceed to a public hearing, subject to receipt of a site plan illustrating existing natural vegetation, as well as a rainwater management plan prepared by a professional engineer. Staff also advise that the expansion of the sewer service area to include the subject property is confirmed prior to consideration of final adoption of the amendment bylaws.

**Options:**

**Option A:**

That Application No. 3-D-10RS, Bennefield, be approved, with a new Semi Village Residential 2 Zone being introduced for the subject property, with a complementary amendment to the Official Settlement Plan which would provide for the new zone, and thereby allow a two lot subdivision of the subject property, subject to the following:

- i. The draft amendment bylaws be referred to public hearing with Directors of Electoral Areas D, C and E as delegates;
- ii. The referral to Cowichan Tribes, Ministry of Transportation and Infrastructure, Cowichan Bay Volunteer Fire Department, Vancouver Island Health Authority, CVRD Parks & Trails Division, CVRD Engineering & Environment, and CVRD Public Safety is accepted;
- iii. Submission of a landscape plan, showing areas of existing natural soils and vegetation, prior to a public hearing;
- iv. Submission of an engineer's report which demonstrates how the proposed development will generate no net increase in rainwater runoff, prior to a public hearing;
- v. And finally, that the property is included in the Lambourne Estates Sewer Service Area, prior to consideration of fourth reading of the amendment bylaws.

*Option B:*

That Rezoning and OCP Amendment Application 3-D-10RS (Bennefield) be denied, and that a partial refund be given to the applicant in accordance with CVRD Development Applications Procedures and Fees Bylaw No. 3275.

*Option C:*

That Rezoning and OCP Amendment Application 3-D-10RS (Bennefield) be tabled, pending the outcome of the OCP review.

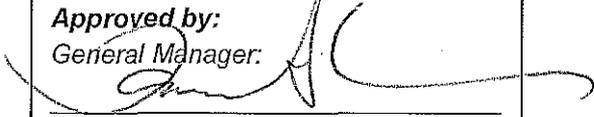
**Option A is recommended.**

Submitted by,



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

AG/ca

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



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

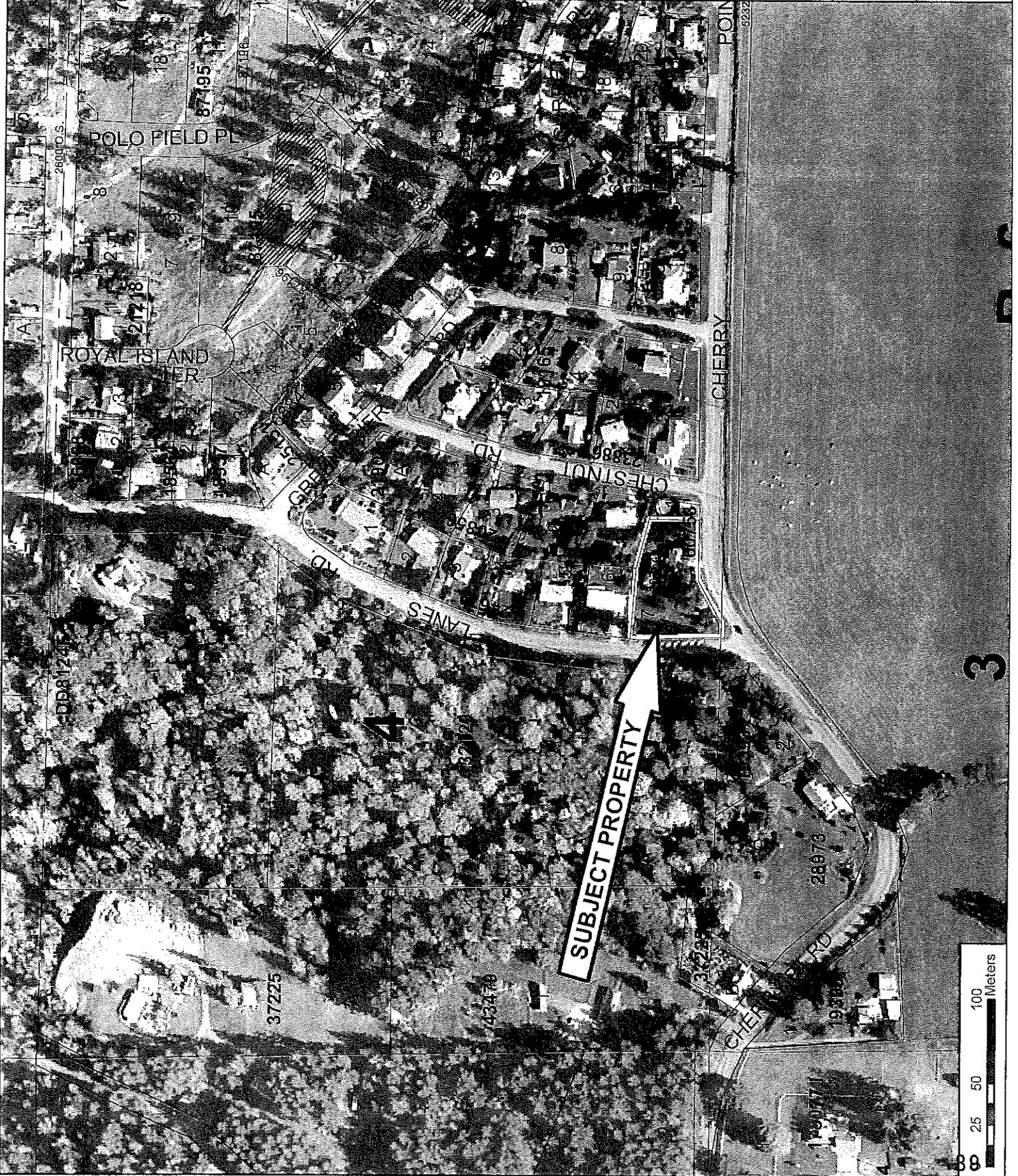
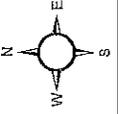
The Regional District does not warrant the accuracy.

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

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

FILE: 3-D-10-RS

# Orthophoto (2004)





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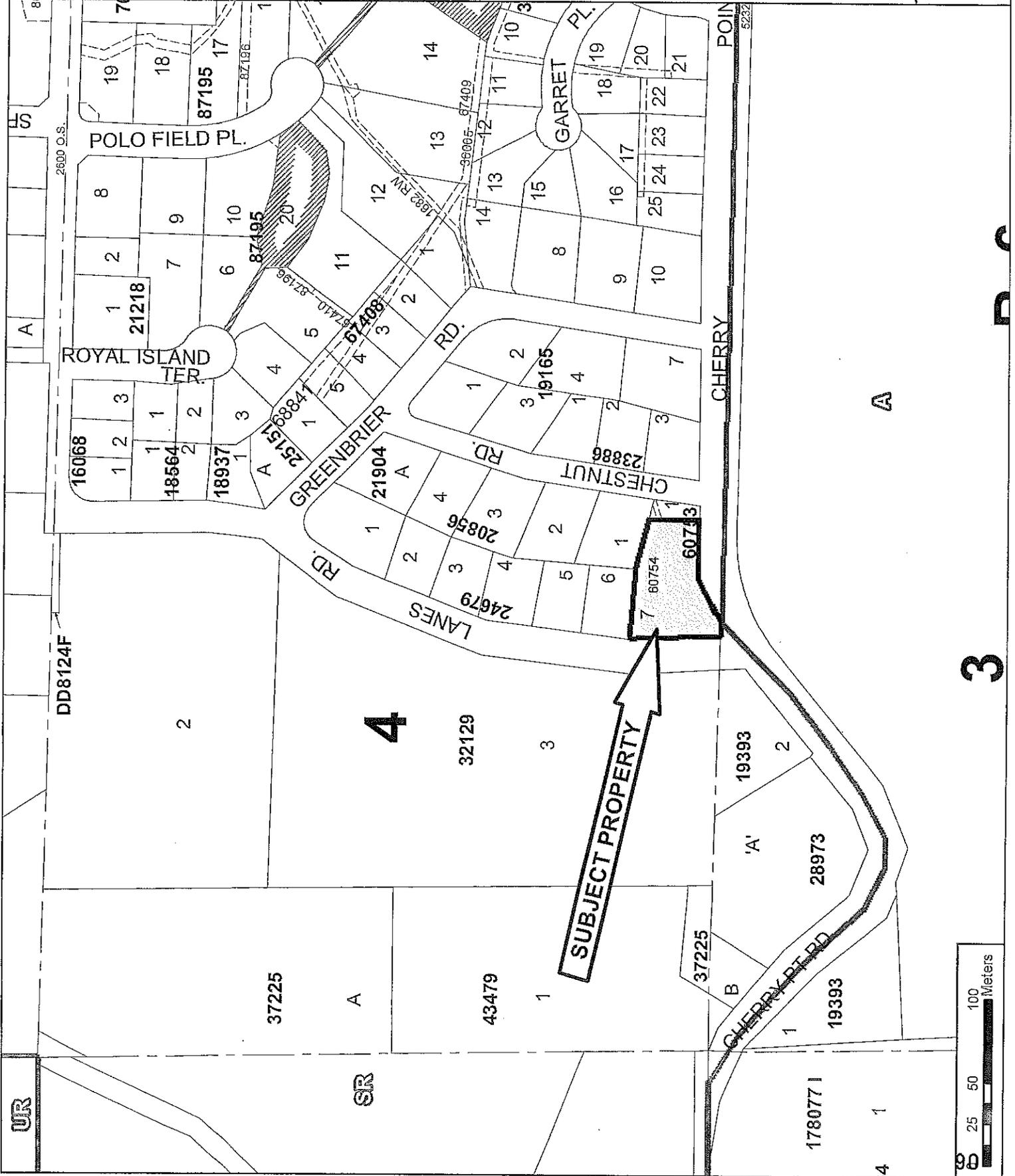
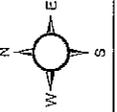
FILE: 3-D-10-RS

OCP

Legend



Subject Property  
OCP Electoral Area D





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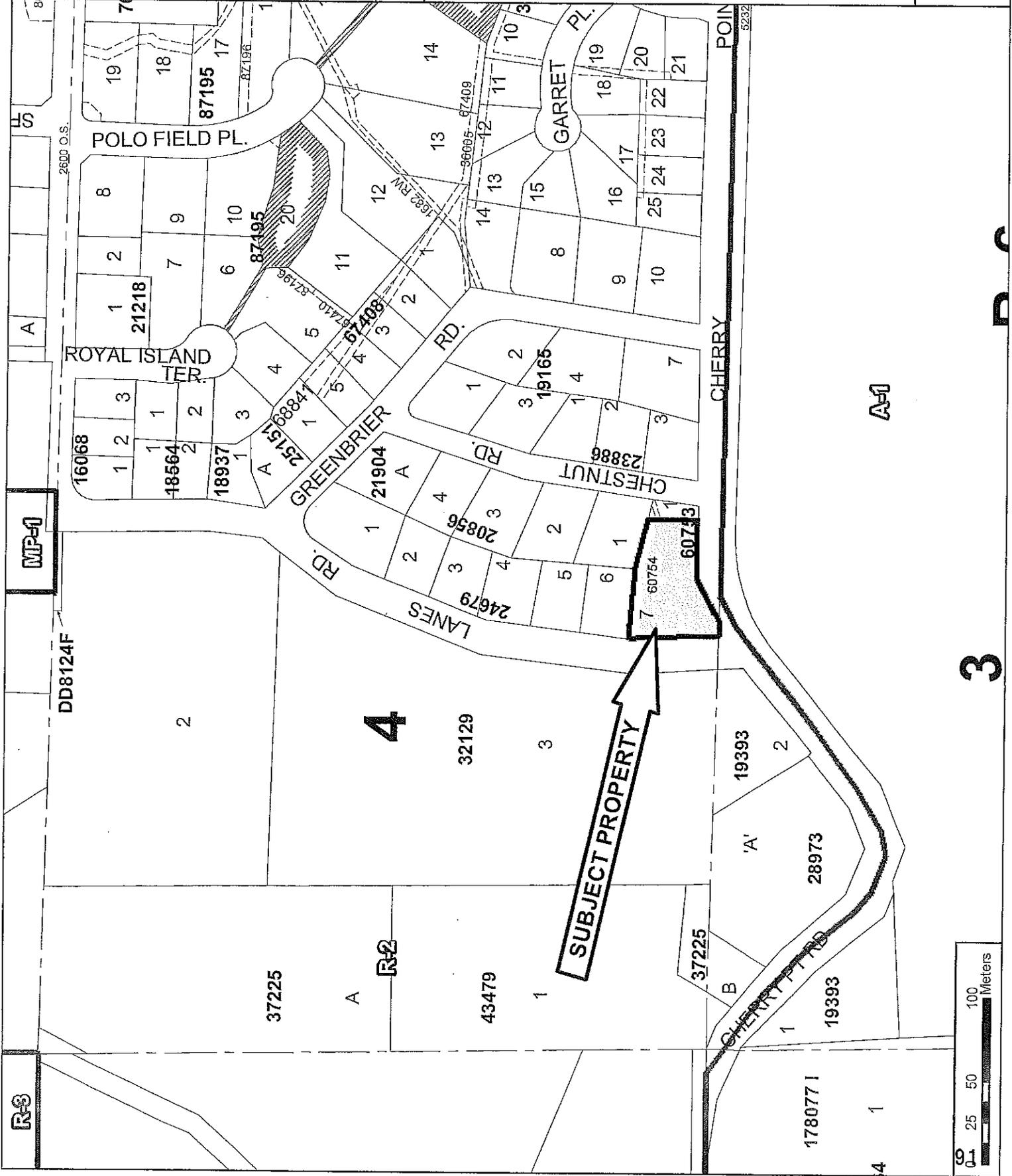
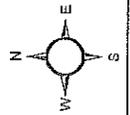
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**FILE: 3-D-10-RS**

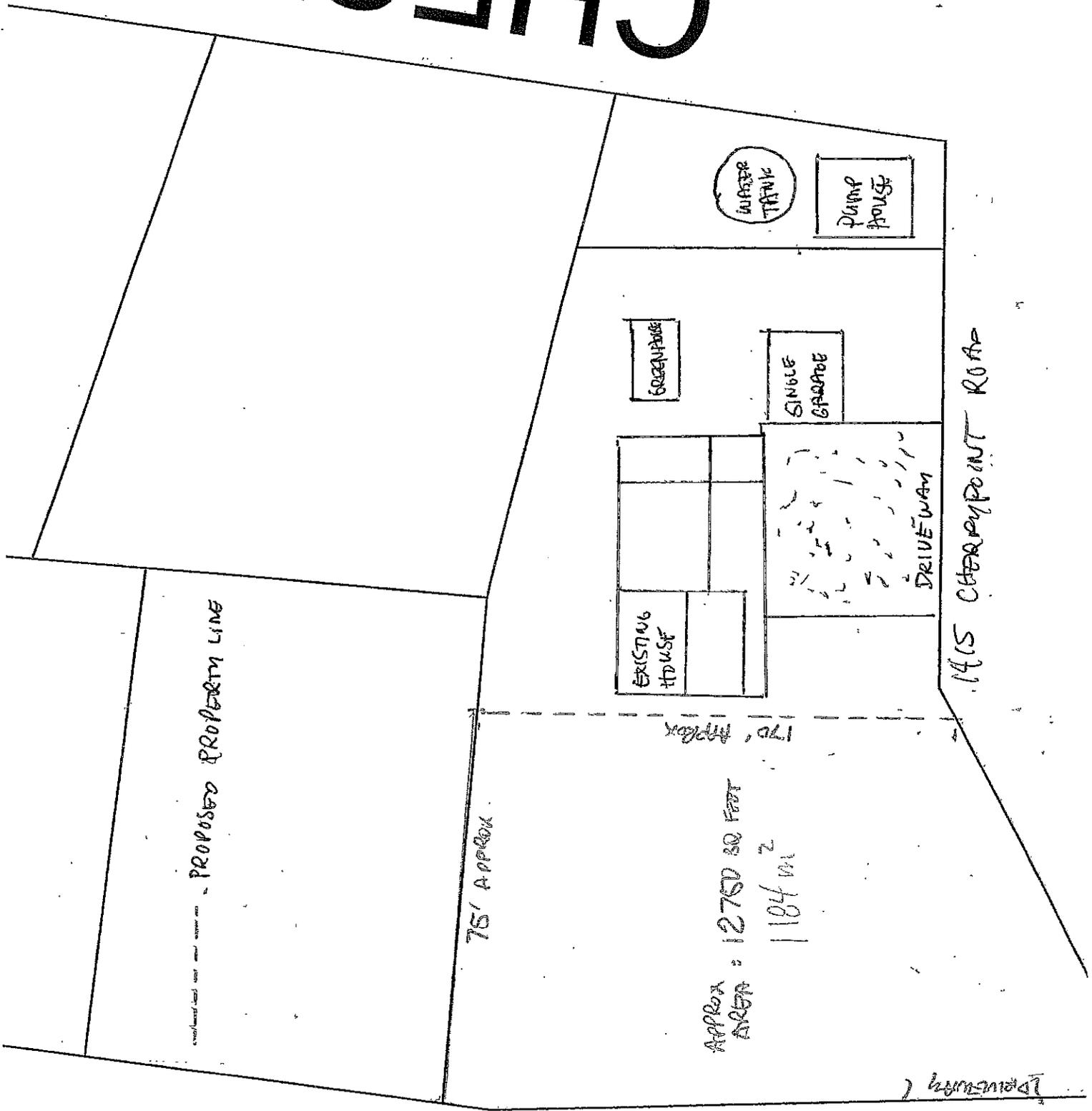
**ZONING**

Legend

Subject Property  
Zoning Electoral Area D



# CHESTNUT



LANES ROAD

**PART THIRTEEN AREA, SHAPE AND DIMENSIONS OF PARCELS**

13.1 With respect to the zones identified in Column I of Section 6.1 and briefly described in Column II, the minimum parcel size shall, except to the extent as varied by the provisions of Sections 13.2, 13.11 and 13.12, be in accordance with the following table based on the method of sewage disposal and water supply:

Zone Classification Under Zoning Bylaw	Parcels Served by Community Water and Sewer System	Parcels Served by Community Water System Only	Parcels Neither Served by Community Water or Sewer
A-1 Primary Agricultural	12 ha.	12 ha.	12 ha.
A-1A Primary Agricultural - Processing	0.5 ha.	0.5 ha.	0.8 ha.
A-4 Agricultural Recreation	12 ha.	12 ha.	12 ha.
A-5 Agricultural Market	0.8 ha.	0.8 ha.	2.0 ha.
R-2 Suburban Residential	0.2 ha.**	0.4 ha.	0.8 ha.
R-2(A) Two-Family Suburban Residential	0.2 ha.**	0.4 ha.	0.8 ha.
R-3 Urban Residential	700 sq. m.	0.2 ha.	0.8 ha.
R-3A Urban Residential-Duplex	700 sq. m.	0.2 ha.	0.8 ha.
R-3B Urban Residential – Limited Height	700 sq. m.	0.2 ha.	0.8 ha.
RM-3 High Density Multi-Family Residential	0.2 ha.	0.8 ha.	0.8 ha.
RM-3A High Density Multi-Family Residential	0.2 ha.	n/a	n/a
RM-4 Medium Density Apartment Residential	0.4 ha.	0.4 ha.	0.4 ha.
MP-1 Mobile Home Park	2.0 ha*	2.0 ha.*	2.0 ha*
C-1 Convenience Store Commercial	1100 sq. m.	1675 sq. m.	1675 sq. m.
C-2 Local Commercial	1100 sq. m.	1675 sq. m.	0.8 ha.
C-2(A) Local Commercial	1100 sq. m.	1675 sq. m.	0.8 ha.
C-3 Service Commercial	1100 sq. m.	1675 sq. m.	0.8 ha.
C-4 Tourist Recreation Commercial	1100 sq. m.	1675 sq. m.	0.8 ha.
C-5 Neighbourhood Pub Commercial	1100 sq. m.	1675 sq. m.	0.8 ha.
P-1 Parks & Institutional	0.2 ha.	0.4 ha.	1.0 ha.
I-1 Light Industrial	0.2 ha.	0.4 ha.	0.4 ha.
I-2 Heavy Industrial	0.2 ha.	0.4 ha.	0.4 ha.
I-3 Transportation Based Industrial	0.8 ha.	0.8 ha.	0.8 ha.
I-4 Aggregate and Mineral Processing	0.8 ha.	0.8 ha.	0.8 ha.
W-3 Water Marina	1100 sq. m.	1675 sq. m.	0.4 ha.
W-3A Boat Moorage	1100 sq. m.	1675 sq. m.	0.4 ha.

Note: ha. = hectares; sq.m. = square metres

\* However, provided that in the case of strata title mobile home parks, the minimum parcel size shall be 325 square metres for a single wide mobile home and 460 square metres for a double wide mobile home, but in no case shall exceed a density of 15 units per hectare.

\*\* In the case of bare land strata subdivision, the minimum parcel size may vary within the development, but in no case shall the number of strata lots created exceed the density requirements as stated above had a conventional subdivision been undertaken.

**PART EIGHT**

**RESIDENTIAL ZONES**

8.0 RESIDENTIAL ZONES

8.1 R-2 ZONE - SUBURBAN RESIDENTIAL

- (1) single family residential dwelling or mobile home;
- (2) agriculture, horticulture;
- (3) home craft;
- (4) bed and breakfast accommodation;
- (5) daycare, nursery school accessory to a residential use;
- (6) small suite or secondary suite.

(b) Conditions of Use

For any parcel in an R-2 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 metres except for accessory buildings which shall not exceed a height of 7.5 metres; and
- (3) the minimum setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column III and IV:

COLUMN I Type of Parcel Line	COLUMN II Residential Use	COLUMN III Agricultural and Accessory Use	COLUMN IV Accessory Res- idential Use
Front	7.5 metres	30 metres	7.5 metres
Side (Interior)	10% of the parcel width or 3 metres whichever is less	15 metres	10% of the parcel width or 3.0 metres, whichever is less, or 1.0 metres if the building is located in a rear yard
Side (Exterior)	4.5 metres	15 metres	4.5 metres
Rear	4.5 metres	15 metres	4.5 metres

## Advisory Planning Commission Minutes Area D – Cowichan Bay

<b>Date:</b>	November 17, 2010
<b>Time:</b>	7:00 PM

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

### PRESENT

### ALSO PRESENT

<b>Chair</b>	Calvin Slade	<b>CVRD Rep</b>	None
<b>Secretary</b>	Dan Butler		
<b>Members</b>	Dave Paras	<b>Guests:</b>	Blue Bennefield
	Brian Hosking		
	Al Jones		
	Cal Bellerive		
	Hilary Abbott		
	Robert Stitt		
	David Slang		
	Kevin Maher		
<b>Absent</b>	Linden Collett		
<b>Director</b>			
<b>Alt. Director</b>			

### ORDER OF BUSINESS

#### 1. Rezoning application 3-D-10RS (Bennefield)

##### Presentation By Blue Bennefield

- Wants to split current lot in half as shown on the submitted plan.
- The resulting two lots would match the configuration and size of the other lots in the block.
- He realizes no sub-division can proceed without a sewer connection but wants to get the process started.
- Reasons for requesting this exception to the current zoning and OSP requirements are:
  - Conforms with neighbouring lot sizes and configuration
  - Extension of community sewer system creates an opportunity for his family
  - Utilizes current serviceable land.

**Questions/Discussion:**

- The proposal does not comply with the current OSP and zoning requirements which designate this area for low density residential.
- Recent sub-divisions in the area have complied with current zoning so approving this change could create an issue for those that have 'followed the rules' as well as creating more requests for similar re-zonings.
- There are already quite a few appropriately zoned and serviced (or about to be serviced) lots in the area so there doesn't seem to be demand pressure to increase density in advance of the updated OCP.
- The current OCP update process may or may not result in this area being identified for future densification.
- In the event the revised OCP does encourage increased density in this area, this property would be appropriate for sub-dividing.
- It is not clear that the sewer unit necessary to permit a second residential lot on this site would be available in the near future.

- **Recommendation**

By a vote of 9-0, the members recommend the re-zoning application be held in abeyance pending the outcome of the OCP review..

**NEXT MEETING**

Wednesday January 19, 2011 at Bench Elementary School

**ADJOURNMENT**

The meeting was adjourned at 9:00 PM

**Dan Butler**  
**Secretary**





## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW NO. 33XX

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

---

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

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

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

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

**AND WHEREAS** an Official Community Plan is under development in Electoral Area D, the community consultation process has produced objectives for development within the Plan area, and the applicant has made a contribution to the existing community water and sewer infrastructure;

**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 D – Cowichan Bay Official Settlement Plan Amendment Bylaw (Bennefield), 2011**".

2. **AMENDMENTS**

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

3. **CAPITAL EXPENDITURE PROGRAM**

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

.../2

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

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

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary



## C·V·R·D

### SCHEDULE "A"

#### To CVRD Bylaw No 33XX

---

Schedule A to Official Settlement Plan Bylaw No. 33XX, is hereby amended as follows:

1. That the following be added to Section 7, General Residential – Suburban Residential, after Policy 7.8:

#### Policy 7.9

In support of infill Policy 7.1, the Board may consider rezoning land in the Suburban Residential Designation to a Semi Village Residential 2 zone for single family use on lots with a 0.1 hectare minimum parcel size, provided all lots are connected to community water and sewer system. Applications for the Semi Village Residential 2 zone will be evaluated according to criteria in Policy 7.10 specified in this Plan.

#### Policy 7.10

Rezoning applications for the Semi Village Residential 2 zone will be evaluated according to the following:

- a. There is demonstrated community benefit associated with the application, and a community amenity contribution is provided.
- b. Existing community water and sewer systems have capacity to accommodate the proposed development, and each residence is serviced by a community water and community sewer system.
- c. The natural hydrology of the site is maintained where possible, with the goal of causing no net increase in rainwater run-off. Preparation of plans will be required, indicating the following has been considered:
  - i. Low impact development techniques
  - ii. Preservation of existing natural vegetation and soils
  - iii. Implementation of rainwater management facilities to encourage onsite rainwater infiltration.
- d. Water meters are installed on each residence, with the potential to become operational if the CVRD implements a water metering program.



**C·V·R·D**

**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 33XX**

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

---

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

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

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

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

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 33XX - Area D – Cowichan Bay Zoning Amendment Bylaw (Bennefield), 2011**".

2. **AMENDMENTS**

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

- a) Section 6.1 is amended by adding "SR-2 Semi Village Residential 2" following "R-2(A) Two-Family Suburban Residential", and the Table of Contents is amended accordingly.

.../2

b) The following is added after Section 8.1.1:

8.1.2 SR-2 ZONE – SEMI VILLAGE RESIDENTIAL 2

The purpose of the SR-2 zone is to allow infill development in appropriate locations with full water and sewer servicing, when a community amenity contribution has been provided.

(a) Permitted Uses

The following uses and no others are permitted in the SR-2 Zone:

- (1) single family residential dwelling;
- (2) horticulture;
- (3) home craft;
- (4) bed and breakfast accommodation;
- (5) daycare, nursery accessory to a residence;
- (6) secondary suite

(b) Conditions of Use

For any parcel in the SR-2 Zone:

- (1) the parcel coverage shall not exceed 30% for all buildings and structures
- (2) the height of all buildings and structures shall not exceed 10 metres except accessory buildings which shall not exceed a height of 7.5 metres;
- (3) the minimum setbacks for the type of parcel lines in Column I of this section are specified in Column II and III:

COLUMN I Type of Parcel Line	COLUMN II Residential Use Building and Structures	COLUMN III Accessory Residential Use Buildings and Structures
Front	7.5 metres	7.5 metres
Side (Interior)	10% of parcel width or 3 metres, whichever is less	10% of parcel width or 3 metres, whichever is less, or 1 metre if the building is located in the rear yard.
Side (Exterior)	4.5 metres	4.5 metres
Rear	4.5 metres	4.5 metres

- 4) All parcels must be connected to community water and sewer systems

- d) Section 13.1 is amended by adding the following after “R-2(A) Two Family Suburban Residential”:

Zone Classification Under Zoning Bylaw	Parcel Serviced by Community Water and Sewer	Parcel Serviced by Community Water System Only	Parcels Neither Serviced by Community Water or Sewer
SR-2 Semi Village Residential 2	0.1 ha.	n/a	n/a

- e) Schedule B (Zoning Map) to Electoral Area D – Cowichan Bay Zoning Bylaw No. 1015 is amended by rezoning Lot 7, Section 4, Range 6, Cowichan District, Plan 24679, except part in plans 39250 and VIP 60753, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-33XX, from R-2 (Suburban Residential) to SR-2 (Semi Village Residential 2).
- f) Schedule B (Zoning Map) is amended by adding Semi Village Residential 2 (SR-2) to the legend.

3. **FORCE AND EFFECT**

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

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

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

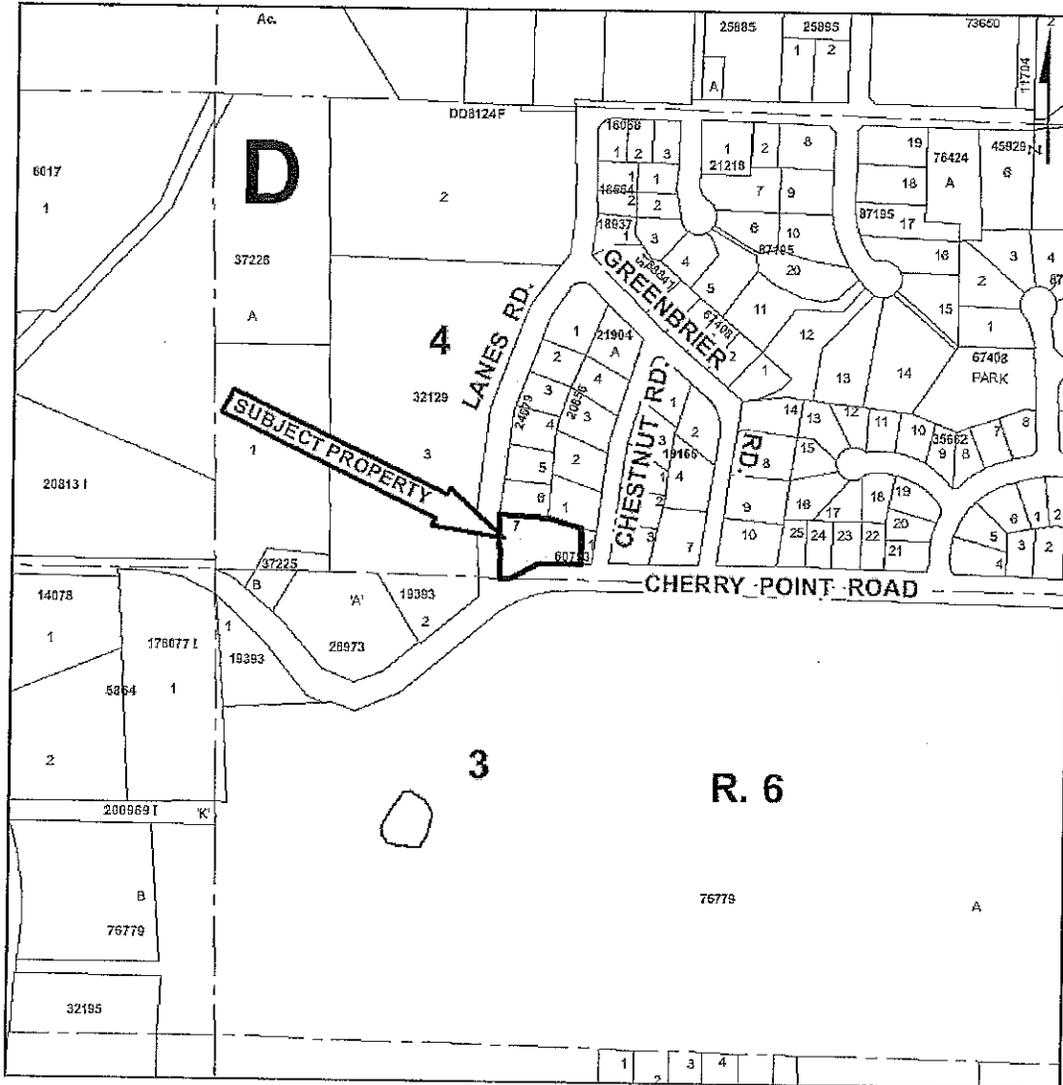
READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary

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



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

    R-2 (Suburban Residential)    

**TO**

    SR-2 (Semi Village Residential 2)    

**APPLICABLE**

**TO ELECTORAL AREA     D**



R5

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 15, 2011

DATE: November 9, 2011 FILE NO: 2-C-11ALR  
FROM: Alison Garnett, Planner I  
Planning & Development Department  
SUBJECT: Application No. 2-C-11ALR (Lamont for Motherwell)

---

**Recommendation/Action:**

That Application No. 2-C-11 ALR, submitted by Lamont on behalf of Motherwell, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* and Section 946 of the *Local Government Act*, to subdivide a 2 ha lot from Part of Section 16, Range 6, Shawnigan District, lying to the east of the Island Highway, except plans 14215, 41754, 49718, VIP65206 and 71048 (PID: 000-382-019), be forwarded to the Agricultural Land Commission without a recommendation.

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

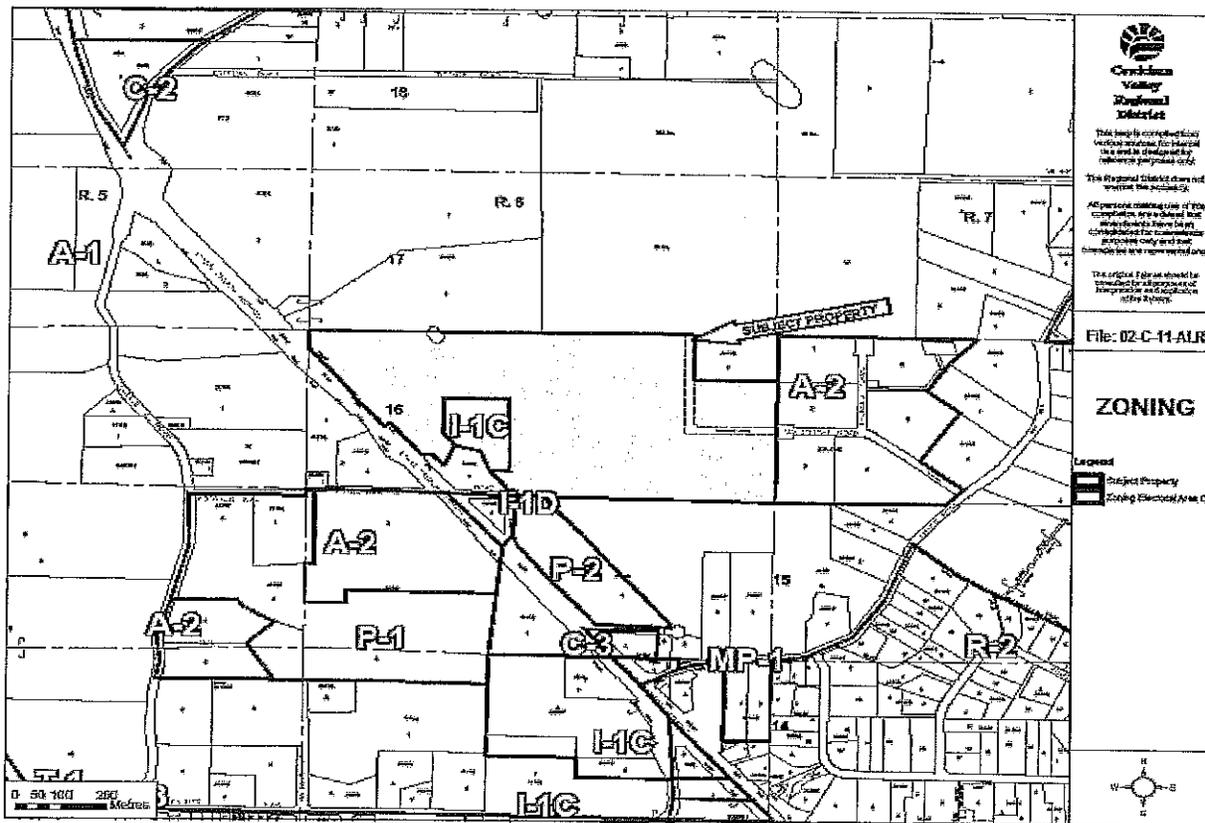
**Financial Impact:** (Reviewed by Finance Division: N/A)

**Background:**

<u>Location of Subject Property:</u>	3855 Trans Canada Highway
<u>Legal Description:</u>	Part of Section 16, Range 6, Shawnigan District, lying to the east of the Island Highway, except plans 14215, 41754, 49718, VIP65206 and 71048 (PID: 000-382-019)
<u>Application Received:</u>	August 30, 2011
<u>Owner:</u>	Averil Motherwell
<u>Applicant:</u>	Kevin Lamont
<u>Size of Parcel:</u>	33 hectares
<u>Existing Zoning:</u>	A-1 Agriculture and I-1C Light Industrial Limited
<u>Minimum Lot Size:</u>	12 hectares in A-1 zone. 0.8 ha in I-1C zone
<u>Existing Plan Designation:</u>	Agricultural and Industrial
<u>Existing Use of Property:</u>	Residential and Industrial
<u>Use of Surrounding Properties:</u>	West: Highway North: Agricultural (A-1) South: Agricultural (A-1) East: Residential/ Agricultural (A-2)
<u>Road Access:</u>	Trans Canada Highway frontage road
<u>Water:</u>	Well
<u>Sewage Disposal:</u>	On-site septic

Agricultural Land Reserve Status:  
Archaeological Site:

Property is located within the ALR  
 We have no record of any archaeological sites on the subject property.



Environmentally Sensitive Areas:

The CVRD Environmental Planning Atlas identifies two streams with possible fish presence located on the subject property. Verification of this watercourse, and its potential for providing fish habitat, will be required at subdivision stage, pursuant to the Riparian Areas Regulation.

Soil Classification:

Canada Land Inventory Maps

±40% 3A (2D<sup>8</sup>- 3T<sup>2</sup>); ±40% 3A (2D<sup>8</sup>- 2D<sup>2</sup>) ± 10% 5A (5A); ±5% 3A (3T); ± 5% 3W(2W)

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
2	-	77
3	90	13
4	-	-
5	10	10
7	-	-
<b>TOTAL</b>	<b>100</b>	<b>100</b>

Explanation of Land Capability Classifications:

- Class 2 lands have minor limitations – can be managed with little difficulty
- Class 3 lands have moderate limitations for Agricultural Production
- Class 4 lands have limitations that require special management practices
- Class 5 lands have limitations that restrict capability to produce perennial forage crops
- Class 7 lands have no capability for arable culture.
- Subclass “A” indicates soil moisture deficiency – improvable by irrigation
- Subclass “W” indicates excess water, may be improvable by drainage
- Subclass “D” indicates low perviousness, management required
- Subclass “T” indicates topography limitations – not improvable
- Subclass “P” indicates stoniness – improvable by stone picking

**Policy Context:**

The South Cowichan Official Community Plan Bylaw No. 3510 states the following objectives and policies with respect to the Agricultural Designation, which are relevant to this application.

- A. To assist in the continuing development of a thriving agricultural industry with a wide range of agricultural and related uses;*
- B. To strive for food self sufficiency on Vancouver Island;*
- H. To encourage agricultural operations that practice sustainable agriculture; and*
- I. To minimize the potential for land use conflicts between agriculture and other land uses.*

**Policy 11.3**

*Agricultural pursuits will be given priority within the Agricultural Resource Designation (A). Lands within this designation will generally be zoned A-1 Primary Agricultural, in the implementing Zoning Bylaw, and will have a minimum parcel size of 30 ha. In cases where the Agricultural Resource (A) designated lands are deemed suitable for small-lot agriculture, are outside of the ALR, and have historically been zoned A-2 Secondary Agriculture, the implementing Zoning Bylaw will continue to zone them as A-2 Secondary Agriculture, wherein the minimum parcel size will not be less than 2 ha.*

**Policy 11.5**

*There is a limited supply of large agricultural parcels within the Plan area, therefore the rezoning of A-1 Agricultural Resource parcels to A-2 Small lot Agricultural) or to other zones that would result in subdivision of agricultural land or a loss of arable land, will not be supported.*

**Policy 11.6**

*Section 24- the South Cowichan Rural Development Permit Area will apply to non-farm uses in the Agricultural Resource Designation (A), and to residential lands adjoining the Agricultural Resource Designation (A), to protect agricultural lands from non-farm uses and reduce the potential for land use conflicts between residential and agricultural uses.*

**Policy 11.8**

*Poor capability climate and soil constraints should not be considered acceptable reasons to contemplate subdivision or removal of land from the Agricultural Designation. Lower capability lands should be used for pasture, farm buildings, feedlots, greenhouses, land-based aquaculture, farm reservoirs, wood lots or other uses accessory to the farm operation but not requiring arable land.*

**Planning Division Comments:**

The subject property is a 33 hectare lot located between the Trans Canada Highway, Motherwell Road and MacDougall Road, northeast of Cobble Hill Village. Zoning Bylaw No. 1405 zones the subject property A-1 Primary Agriculture and I-1C Light Industrial Limited, and the land is located in the Agricultural Land Reserve (ALR). The South Cowichan Official Community Plan No. 3510 designates the land as Agricultural Resource.

As illustrated by the attached site plan, a single family home is located on the west end of the property and various industrial type uses occur within the I-1C zone portion of the property, including a workshop and exterior storage of heavy trucks and machinery. There is a fenced vehicle compound located toward the southern property line, outside the industrial zoned portion of the property. No farming activity currently occurs on the property.

The majority of the property is undeveloped treed land, intersected by a gravel driveway that connects the parcel to the three road frontages (Motherwell Road, MacDougall Road and Trans Canada Highway frontage road). There is a ravine located on the property, which is defined as a stream with possible fish presence in the CVRD Environmental Planning Atlas. Numerous nesting sites are also identified in the Environmental Planning Atlas, although this information should be verified in the field.

This application is proposing to subdivide a 2 hectare portion of the property (within the A-1 zone) in order to provide a residence for the owner. The applicant has not indicated any plans for future agricultural uses of the proposed new lot or the remainder. The proposed lot is currently treed, and is separated from the remainder by a registered easement to secure access for overhead power lines. To the north of the proposed new parcel is an A-1 zoned 2 hectare lot. To the east are six bareland strata lots, created by subdivision in 1997. The six lots are each approximately 2 hectares in size. The entire surrounding lands are located in the Agricultural Land Reserve.

The Canada Land Inventory soil classification identifies the agricultural capacity of the subject property to be a majority of Class 3 soils with subclasses of soil moisture deficiency and topography limitations. With appropriate techniques, the soil capability improves to 77% Class 2, with 13% as Class 3, and the remaining 10% as Class 5.

Class 2 lands have minor limitations for agricultural production; Class 3 has moderate limitations for agricultural production; while Class 5 has limitations that restrict its capability to produce perennial forage crops. The land class of the proposed new lot is entirely Class 3, improvable to a majority of Class 2 soils, as shown on the attached Soil Capability Map.

Cobble Hill Zoning Bylaw No. 1405 establishes a 12 hectare minimum lot size for land zoned A-1, which effectively prevents conventional subdivision of this property (although the A-1 zone would permit a second single family home and secondary suite). South Cowichan OCP policy 11.3 indicates that the implementing zoning bylaw will increase this minimum lot size to 30 hectares.

Under the provision of Section 946 of the *Local Government Act*, the subdivision of land in the ALR for family can be considered regardless of the minimum lot size established by a local government zoning bylaw. Despite overriding Zoning Bylaw No. 1405, the ALC's subdivision application process still allows the CVRD to review and provide recommendations on Section 946 applications. Recent changes to the CVRD Board's policy on ALC applications introduces another option, that being the ability to not forward an application to the ALC. The options presented below reflect these alternatives available to the EASC and Board.

The APC recommendation, noted below, is to forward this application with a recommendation for approval, since it is a permitted under Section 946 regulations. However, the proposed 2 hectare new lot is inconsistent with OCP policy that supports the retention of large agricultural parcels.

Therefore staff recommendation is to forward the application to the ALC without specific suggestion for approval.

**Advisory Planning Commission Comments:**

The Electoral Area C Advisory Planning Commission reviewed this application Thursday October 13th, 2011, and provided the following recommendation.

*"Moved/Seconded that the application be recommended as it is permitted under section 946 of the Local Government Act of British Columbia."*

**Options:**

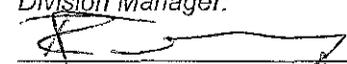
1. That Application No. 2-C-11 ALR, submitted by Lamont on behalf of Motherwell, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* and Section 946 of the *Local Government Act*, to subdivide a 2 ha lot from Part of Section 16, Range 6, Shawnigan District, lying to the east of the Island Highway, except plans 14215, 41754, 49718, VIP65206 and 71048 (PID: 000-382-019) be forwarded to the Agricultural Land Commission **without a recommendation**.
2. That Application No. 2-C-11 ALR, submitted by Lamont on behalf of Motherwell, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* and Section 946 of the *Local Government Act*, to subdivide a 2 ha lot from Part of Section 16, Range 6, Shawnigan District, lying to the east of the Island Highway, except plans 14215, 41754, 49718, VIP65206 and 71048 (PID: 000-382-019) be forwarded to the Agricultural Land Commission **with a recommendation for approval**.
3. That Application No. 2-C-11 ALR, submitted by Lamont on behalf of Motherwell, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* and Section 946 of the *Local Government Act*, to subdivide a 2 ha lot from Part of Section 16, Range 6, Shawnigan District, lying to the east of the Island Highway, except plans 14215, 41754, 49718, VIP65206 and 71048 (PID: 000-382-019) be forwarded to the Agricultural Land Commission **with a recommendation to deny**.
4. That Application No. 2-C-11 ALR, submitted by Lamont on behalf of Motherwell, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* and Section 946 of the *Local Government Act*, to subdivide a 2 ha lot from Part of Section 16, Range 6, Shawnigan District, lying to the east of the Island Highway, except plans 14215, 41754, 49718, VIP65206 and 71048 (PID: 000-382-019) **not be forwarded to the Agricultural Land Commission**.

**Staff recommends Option 1.**

Submitted by,



Alison Garnett  
Planner I  
Development Services Division  
Planning and Development Department

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

AG/ca  
Attachments



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

The Regional District does not warrant the accuracy.

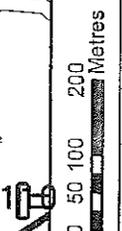
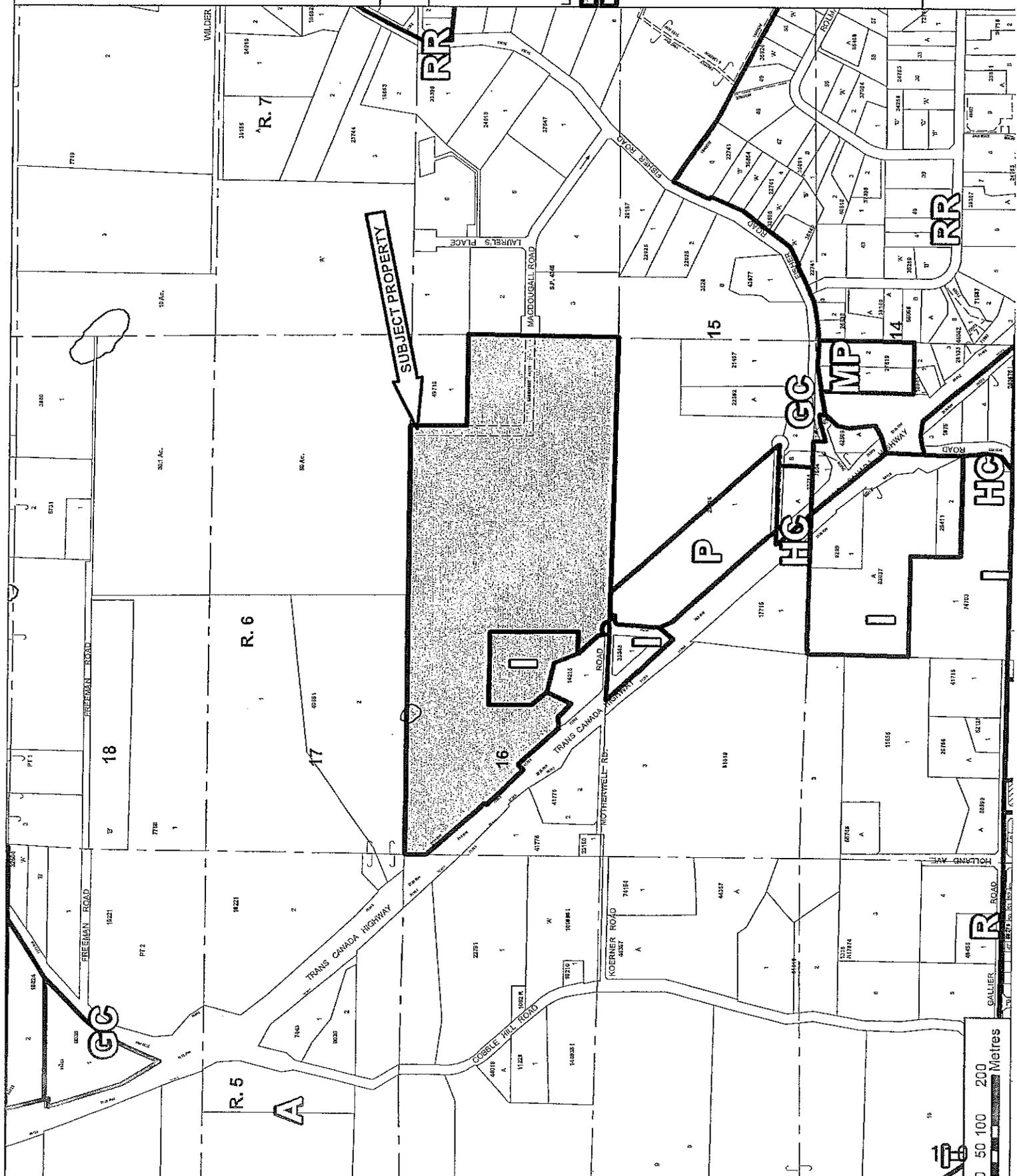
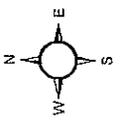
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

File: 02-C-11-ALR

OCP

Legend  
 [Stippled Box] Subject Property  
 [Hatched Box] OCP Electoral Areas ABC





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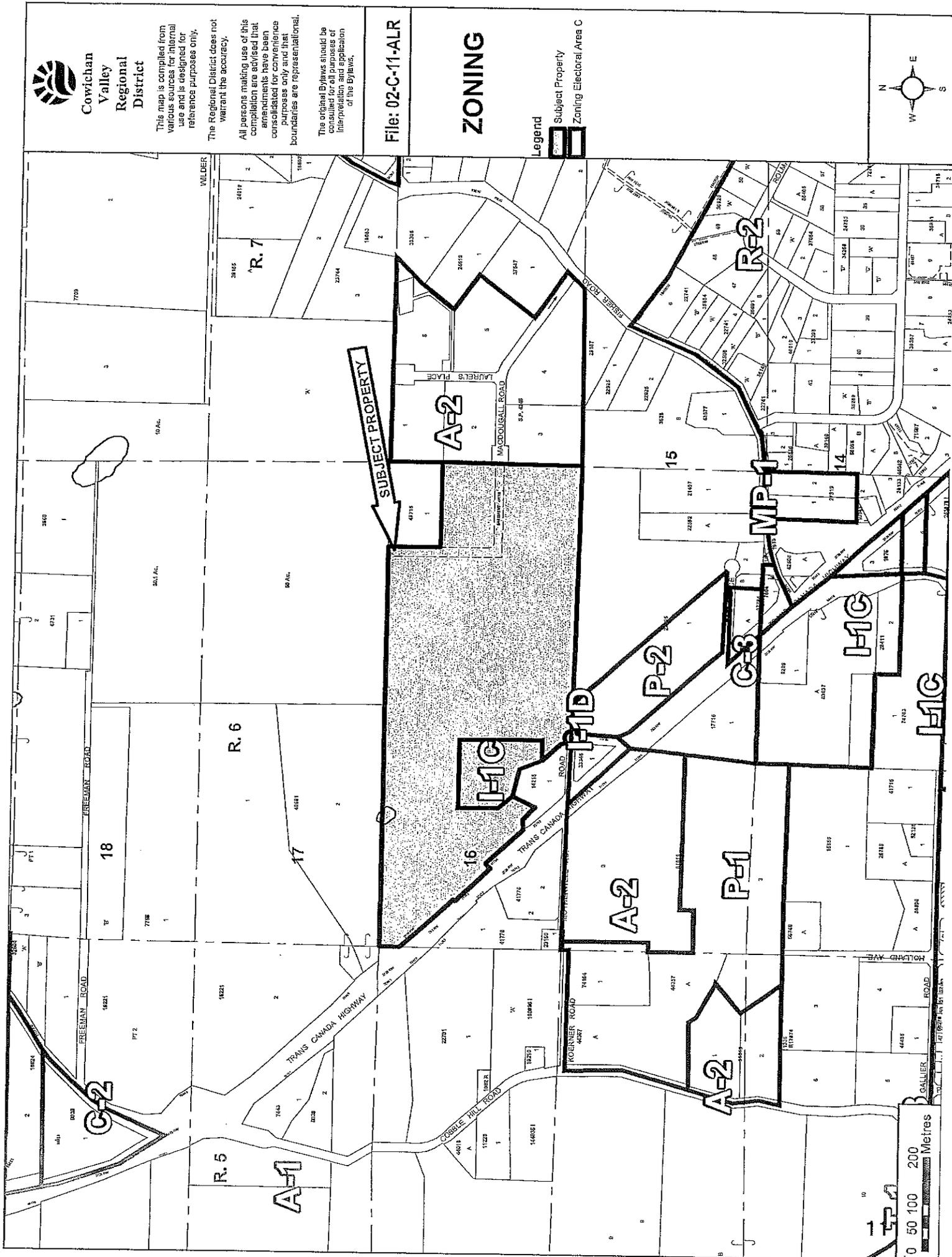
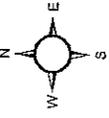
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File: 02-C-11-ALR

# ZONING

## Legend





**Cowichan  
Valley  
Regional  
District**

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The Regional District does not warrant the accuracy.

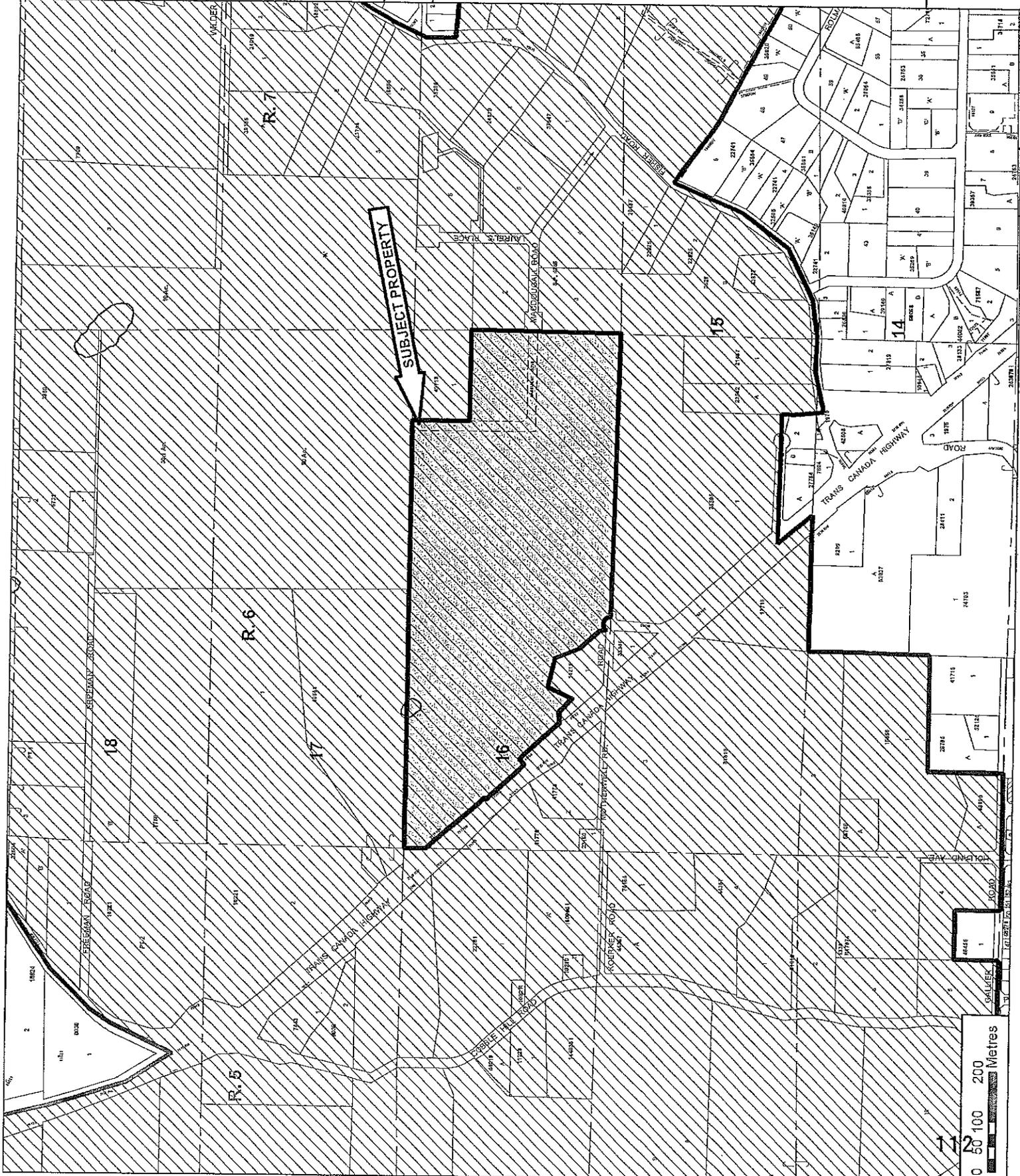
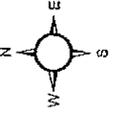
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**File: 02-C-11-ALR**

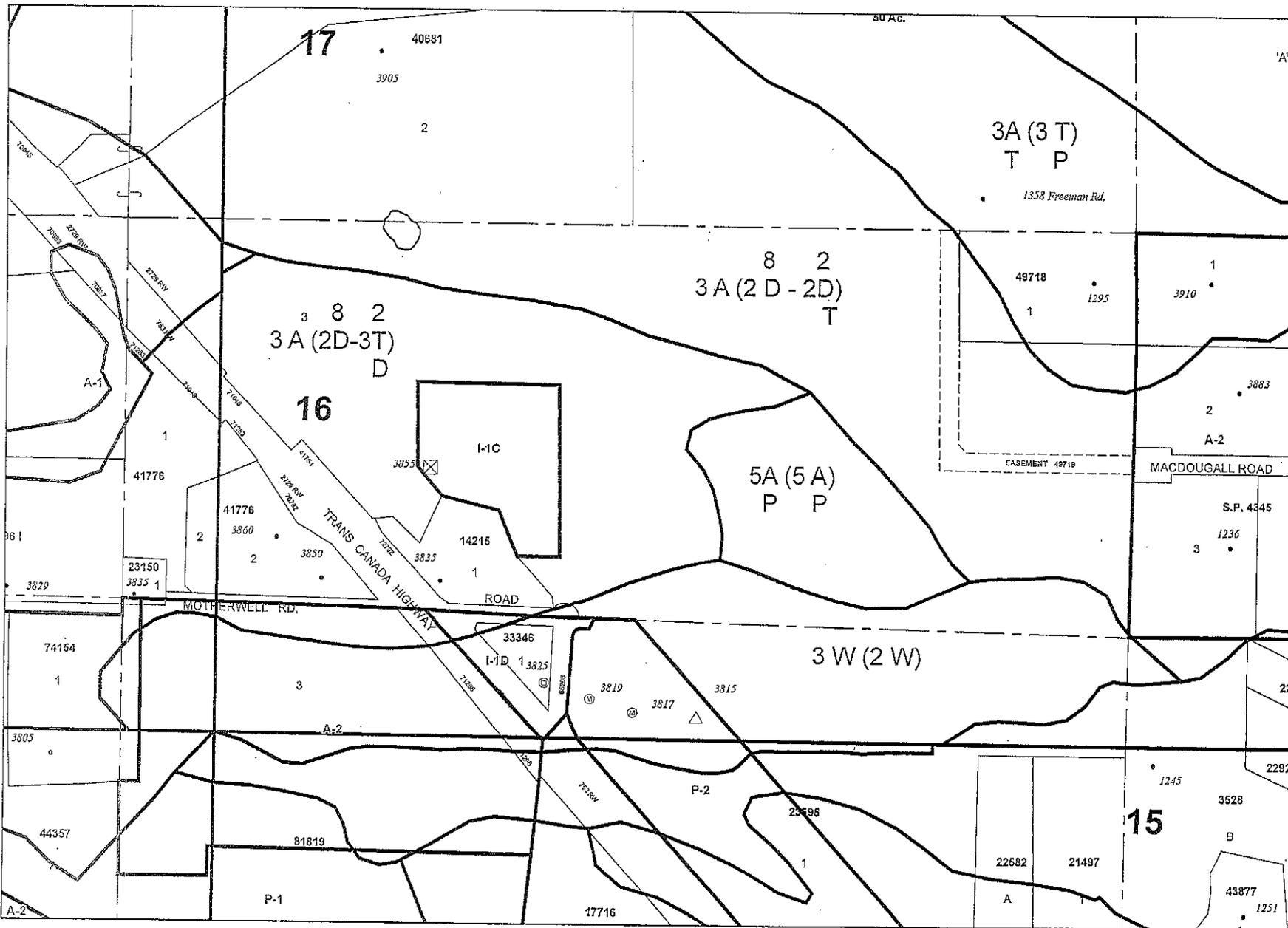
**ALR**

**Legend**  
 Subject Property  
 C\_ALR



0 50 100 200 Metres





**Cowichan Valley Regional District**

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

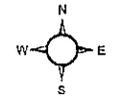
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The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

Printed: March 7, 2011

**Soil Capability Map**



Scale: 1:3,566



## APPLICATION BY LAND OWNER

*NOTE: The information required by this form and the documents you provide with it are collected to process your application under the Agricultural Land Commission Act and regulation. This information will be available for review by any member of the public. If you have any questions about the collection or use of this information, contact the Agricultural Land Commission and ask for the staff member who will be handling your application.*

### TYPE OF APPLICATION (Check appropriate box)

**EXCLUSION**  
under Sec. 30(1) of the Agricultural Land Commission Act

**SUBDIVISION in the ALR**  
under Sec. 21(2) of the Agricultural Land Commission Act

**INCLUSION**  
under Sec. 17(3) of the Agricultural Land Commission Act

**Non-farm USE in the ALR**  
under Sec. 20(3) of the Agricultural Land Commission Act

### APPLICANT

Registered Owner: Averil A. Motherwell		Agent: Kevin Lamont	
Address: 3855 Trans Canada Highway		Address: 3946 Knudsen Road	
Cobble Hill		Ladysmith	
British Columbia	Postal Code V0R 1L7	British Columbia	Postal Code V9G 1Z4
Tel. (home) (250) 743-2334 (work) ( )		Tel. (250) 416-9050	
Fax ( )		Fax (1) 866-536-1498	
E-mail		E-mail facsup@shaw.ca	

### LOCAL GOVERNMENT JURISDICTION (Indicate name of Regional District or Municipality)

Cowichan Valley Regional District

### LAND UNDER APPLICATION (Show land on plan or sketch)

Title Number	Size of Each Parcel (Ha.)	Date of Purchase	
		Month	Year
ES90539	33.09		

### OWNERSHIP OR INTERESTS IN OTHER LANDS WITHIN THIS COMMUNITY

(Show information on plan or sketch)

If you have interests in other lands within this community complete the following:

Title Number(s):

**PROPOSAL** (Please describe and show on plan or sketch)

The current 33.09 Ha property is zoned Agricultural (A-1) and Industrial (I-1C). The Industrial land is a CVRD designated area within the overall lands. The Industrial portion was approved to be in the Agricultural Land Reserve by the B.C. Agricultural Land Commission under Resolution No. 3963/76 (Note: the original ALC approval recognizes in excess of 6.07 Ha. However, this was reduced by the CVRD to 2.035 Ha subsequent to the ALC approval). The agricultural portion of the lands consists of 30.2 Ha (One large area at 28.15 Ha and one smaller area of 2.05 Ha).

The proposed subdivision of the above noted lands , involves, under Section 946 of the Local Government Act, the subdivision of one agricultural lot (2.05 Ha) from the existing agricultural/industrial lot (33.09 Ha). The lot division is proposed to coincide with existing property lines, roadways and easements. The proposed lot would be used for the construction of a residence for the existing owner of the property, Mrs. A. Motherwell.

**CURRENT USE OF LAND** (Show information on plan or sketch)

List all existing uses on the parcel(s) and describe all buildings

The existing agricultural land is approximately 75% trees and scrub with 1 residence and 2 storage garages.

The existing industrial land is approximately 35% trees with 1 shop and 1 vehicle storage shed.

**USES ON ADJACENT LOTS** (Show information on plan or sketch)

North Primary Agricultural - Undeveloped and grazing land

East Secondary Agricultural - 2.0 Ha lots with hobby farms and residential uses

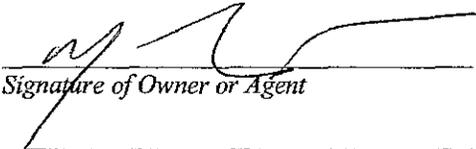
South Light Industrial-Mini Storage/Institutional-Forest Service/Agricultural-Forest Service

West Trans Canada Highway-entire boundary/Agricultural -vineyard & residence beyond highway

**DECLARATION**

I/we consent to the use of the information provided in the application and all supporting documents to process the application in accordance with the *Agricultural Land Commission Act* and regulation. Furthermore, I/we declare that the information provided in the application and all the supporting documents are, to the best of my/our knowledge, true and correct. I/we understand that the Agricultural Land Commission will take the steps necessary to confirm the accuracy of the information and documents provided.

Aug 30, 2011  
Date

  
Signature of Owner or Agent

KEVIN LAMONT  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner or Agent

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner or Agent

\_\_\_\_\_  
Print Name

**Please ensure the following documents are enclosed with your application:**

- Application fee payable to the Local Government
- Certificate of Title or Title Search Print
- Agent authorization (if using agent)
- Map or sketch showing proposal & adjacent uses
- Proof of Notice of Application \*(See instructions)
- Photographs (optional)

**AREA 'C' COBBLE HILL ADVISORY PLANNING COMMISSION  
MEETING**

**THURSDAY, OCTOBER 13TH, 2011**

**COBBLE HILL HALL DINING ROOM**

**MINUTES**

Chair de Paiva called the meeting to order at 7:26 p.m.

**Agenda:** Moved/seconded *that the Agenda be adopted as circulated.* Carried

**Minutes:** Moved/ seconded *that the Minutes of September 8<sup>th</sup>, 2011 be adopted as circulated.* Carried

**Present:** Rod de Paiva - Chair, Robin Brett, Rosemary Allen, Dave Lloyd, David Hart, Brenda Krug

**Regrets:** Jens Leibgott, Joanne Bond, Don Herriot and Jerry Tomljenovic

**Also Present:** Kevin Lamont, Bill Motherwell, Dennis Rennie, Gar Clapham, Gerry Giles Regional Director Area 'C', John Krug Alternate Director Area 'C'

**New Business:**

- Application 2-C-11ALR (Lamont for Motherwell): Mr. Kevin Lamont presented the application for Ms Motherwell and answered questions from members of the Commission regarding the subject property. The APC members then considered the application with most being in favour while there was concern regarding the Official Community Plan's provisions regarding agricultural land. It was duly moved/seconded *that the application be recommended as it is permitted under section 946 of the Local Government act of British Columbia.* Carried
- Chair de Paiva brought to the attention of the APC an application in Area 'A' that would see land rezoned from agricultural to industrial and indicated this item would be discussed by the joint APC as it is outside of the Village Core of Mill Bay.

**Director's Report:**

- Director Giles reported on several local matters.

**The next meeting of the APC will be on Thursday, November 10<sup>th</sup>, 2011.**

Adjournment: 8:22 p.m



R6

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 15, 2011

DATE: November 9, 2011

FILE NO:

FROM: Rachelle Rondeau, Planner I

0810-00-GRE

BYLAW No:

SUBJECT: Private Sector Green Building Strategy

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

In consultation with the Environment and Economic Development Commissions, and a stakeholder committee, develop a private sector green building strategy that would:

- a) provide financial incentives and recognition to builders/developers who build green, or establish a disincentive for non-green buildings, according to an established rating scheme or EnerGuide rating (e.g. 80 or above);
- b) establish higher standards for proposed development through a rezoning policy and Official Community Plan policies;
- c) continue integrating green building policies within planning documents.

#### **Relation to the Corporate Strategic Plan:**

Under *Sustainable Land Use and Healthy Environment*, the CVRD Corporate Strategic Plan has identified the following strategic actions:

- Develop a green building strategy/policy that supports environmentally friendly building practices;
- Develop and implement a program to recognize examples of excellence in sustainable community development;
- Review existing CVRD Bylaws and make recommendations for incorporating sustainable elements, and where needed, create new standards.

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

The financial impact will vary depending on the scale, type of project, and the green building certification achieved. While green buildings may have higher initial capital costs, studies have shown that these costs can be reduced by designing buildings as integrated systems, and including the green elements as key features in the design (not as later add-on items).

With respect to a green building strategy that would target the private sector, financial impact will depend on the type of programming chosen. Limited to no additional resources would be required for policy development. However, research projects, education and outreach programs or incentive programs will require some financial commitment from the CVRD.

Under the current budget structure, any rebates on building permits would be lost income from the Building Inspection Division budget. However, the amount would depend on the uptake of the program and the level of rebate offered.

The financial impact to the developer or homeowner would be dependent on the green building techniques chosen, their familiarity with green building programs, and the scale/type of building.

**Background:**

Direction is requested to determine the level of stakeholder involvement desired in establishing a green building strategy for the private sector.

The Environment and Economic Development Commissions could be engaged in order to provide input and feedback on the goals, priority areas, strategies, and certification requirements.

Additionally, a stakeholder or advisory committee would be useful to provide feedback on the benefits and barriers to green building within the development industry. This would assist in addressing barriers and to consider best practices from other areas. A series of meetings or workshops could be developed with specific objectives for each that would feed into the private sector green building strategy.

As noted above, the Corporate Strategic Plan identifies creation of a green building strategy as a strategic action supporting sustainable land use and a healthy environment.

A number of CVRD initiatives are already underway which support development of a green building strategy for the private sector:

- CVRD Corporate Strategic plan – overall direction for the CVRD, provides direction on strategic actions and work plans
- Regional Energy Plan – will establish targets for reduction in energy usage, renewable energy requirements
- Municipal Green Building Leaders<sup>1</sup>- work with other local governments to advance policies that would reduce greenhouse gas emissions in communities
- Environment Commission - 12 Big Ideas Outreach and Feedback Advertorials
- Sustainability Checklist – submitted with development applications to provide education on sustainable development and identify sustainable elements within their applications
- Integrated Regional Sustainability Plan – To be started shortly
- Sustainable Economic Development Strategy – Recently completed, now being implemented
- CVRD Bylaw No. 3422 – Building Regulation Bylaw (adopted September 14, 2011)

***Green Building Policy Areas***

The range of environmental impacts associated with new construction include the following:

- Building Energy Use;
- Transportation Energy Use;
- Water Consumption;
- Volume of Wastewater;
- Solid Waste;
- GHG Emissions; and
- Area of land converted to use for buildings (e.g. impervious surfaces, land clearing).

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<sup>1</sup> The CVRD, along with 11 other local governments, has partnered in the Municipal Green Building Leaders project of the Pembina Institute. [www.greenbuildingleaders.ca](http://www.greenbuildingleaders.ca)

Certification or rating systems that verify a building as “green” identify points that can be achieved in each one of these areas (for reference, please see attached Appendix B LEED points checklist and BuiltGreen checklist).

The costs associated with obtaining points can vary from one area to the other.

### ***Local Government Tools***

Without specific provincial approval to do so, local governments cannot adopt standards different or more restrictive than those within the BC Building Code. Therefore, the most readily available tools are land use planning and development tools, corporate policies, and programming opportunities.

Through participation in the Municipal Green Building Leaders program, it was found that adoption of an EnerGuide 85 standard for all new construction within the Electoral Areas would result in a reduction of greenhouse gas emissions of 5,064 tonnes CO<sub>2</sub>e, and reduced energy consumption of 31,658 Mwh by 2020 from the business as usual scenario. Discussions about increasing the EnerGuide rating within the BC Building Code have established EnerGuide 80 as the next possible level.

To encourage higher standards of development than those within the BC Building Code, local governments can provide incentives or facilitate green buildings in private sector development by using policy tools such as rezoning policy to specify a certain standard (e.g BuiltGreen or EnerGuide 85), building permit rebates, and incentive programs.

Examples of strategies other jurisdictions have adopted include:

- District of Saanich – Green Home Building Rebate Program<sup>2</sup>
- Regional District of Nanaimo – Green Building Incentive programs<sup>3</sup>
- Bowen Island – Rezoning Policy
- City of Victoria – Green Building Policy Private Sector Development
- City of North Vancouver – Density bonusing for increased energy efficiency

### ***Cost***

Within the CVRD, the average building permit costs approximately \$2,000 - \$2,500 for a new home, which represents 1% of construction value based on fees of \$100.00 per sq. ft, assuming an approximately 1,500 sq. ft home (plumbing permits etc. are added separately).

In order to construct a home that is certified BuiltGreen, for example, not all green elements are methods that are within the final product but can instead be services provided in how the development is completed, e.g. waste diversion on a construction site. The average expected cost increase is variable depending on the level of certification chosen, the techniques used to achieve BuiltGreen, and the developer/builder’s familiarity with the system.

### ***Incentives/Rebates***

In order to offset the increased cost and encourage construction of green buildings generally, financial incentives in the form of lower building permit fees, new rebates and quicker permitting processes are strategies that have been adopted in other jurisdictions to encourage green

<sup>2</sup> Saanich offers building permit rebate levels depending on the standard of development achieved (e.g BuiltGreen Silver, Gold or Platinum or EnerGuide rating achieved).

<sup>3</sup> The Regional District of Nanaimo has developed a Sustainable Development Checklist for Residential, Commercial and Institutional Development that offers a series of rebates (ranging from \$500-1,000) depending on the score achieved. <http://www.rdn.bc.ca/cms.asp?wpID=2428>

building. Alternatively, when new fee increases are considered for Building Permits, green buildings could remain at the regular rate to incentivize green buildings.

With regards to rebates, for example, the Regional District of Nanaimo has developed an optional Green Building checklist that provides a ranking for each project (Development Permit and Building Permit applications) and depending on the final score, offers rebates ranging from \$500.00 - \$1,000.00. The checklist is a series of 'yes' or 'no' answers, where a score is provided based on 1 point per question. As part of this program, the RDN provides advice to applicants through their Sustainability Coordinator who helps assist applicants to achieve a high sustainability rating.

Within the District of Saanich, rebates of up to 30% of the building permit value are provided for BuiltGreen Platinum, EnerGuide 80, and R-2000. An extra 20% for a total of 50% of the building permit is available for rebate on homes less than 2,000 sq. ft. For a BuiltGreen Gold home, a 20% rebate of the value of the building permit is offered (Please find attached sample information from other jurisdictions, as well as the LEED and BuiltGreen checklists).

To develop a similar program, this would involve establishing the rebate amount for certification levels achieved, developing communication materials, and a review by staff of the EnerGuide labels, BuiltGreen or R-2000 certification for applicants to receive the rebate.

Possible concerns with establishment of a rebate program are the lost revenue to the Building Inspection Division, and philosophically whether taxpayer funds should be distributed to individuals via incentive programs. Existing rebate programs offered by the CVRD include a woodstove exchange rebate, funded in large part through a Provincial grant and low flow toilet rebate.

#### *Density Bonusing*

Density bonusing is being used by the City of North Vancouver to encourage high energy efficiency in new buildings through their zoning and Official Community Plan policies. This program permits a base density in the form of allowable floor space ratio. A higher density is permitted when a minimum of EnerGuide 80 is attained, which for a single family dwelling will result in the homeowner being able to put in a secondary suite. The value of the suite is greater than the increased costs of building to a higher energy efficiency standard. The program requires a certified energy advisor to assess the final energy rating, and their involvement can also provide advice to homeowners on low cost options to improve the energy rating.

#### *Rezoning Policy*

When applications for rezoning are received, increased energy efficiency and greener buildings are sometimes negotiated on an application-by-application basis. However, development of a rezoning policy would communicate the importance of green buildings to achieving sustainable community development.

#### *Direct support opportunities*

As part of a private sector green building strategy, consideration could be given to the Regional District financing access to a Certified Energy Advisor for new construction and renovation projects. This resource person would introduce to the public the value and potential trade-offs in increasing energy performance over time versus potential capital cost. The District of Saanich offers a free one-hour consultation with a green building consultant and the RDN also offers appointments with their Sustainability Coordinator as part of these programs.

An additional opportunity that would require further research would be to identify a number of pre-approved technologies or solutions similar to that of the solar hot water regulation, in order to reduce engineering costs for homeowners wanting to build green<sup>4</sup>.

#### *Consultation*

In order to develop a successful program, consultation with a stakeholder group is desired in order to identify overall green building principles, what successes builders have had already/best practices, and what the challenges/issues may be. As local government cannot impose additional regulations on buildings, voluntary measures need to be supported (e.g. through incentives/rebates), and green building policies should be included within planning documents to encourage new and redevelopment to build green.

A recent advertorial campaign done by the CVRD Environment Commission generated a number of ideas for green building including:

- A requirement for all new subdivisions to provide district heating;
- Energy audit requirements for dwellings up for sale;
- Increasing the energy efficiency standards for new construction;
- Mandatory green building materials (e.g. responsibly forested wood, recycled content);
- Passive solar energy;
- Solar hot water; and
- That all new development be carbon neutral.

#### **Conclusion**

To produce a high impact, the above-mentioned tools should be part of an overall green building/sustainable development strategy developed in consultation with the building industry, experts in the field, and local governments. Additionally, integration of green buildings with sustainable land use and transportation practices will result in larger benefits than a focus on buildings alone.

The CVRD Regional Energy Plan project being undertaken by the Regional Environmental Policy Division supports green building as it is intended to provide a series of policy tools and information that can guide and inform the development of the private sector green building strategy. Coordination between the Environmental Policy Division, who has been conducting research and developing tools, with the Planning and Development Department, who interfaces with the public and development industry, is recommended in order to produce a robust private sector green building strategy.

Adoption of a green building strategy for the private sector encourages learning and awareness of green building activities. In order to establish consistency and target all types of buildings, the CVRD should work cooperatively with other jurisdictions to promote green building design and practices in a consistent way in the region.

Green building policies are already, and should continue to be, integrated within planning documents (e.g. Bill 27 Green Communities legislation, low impact development/onsite rainwater management). A rezoning policy and other planning policies would communicate the importance of green building as a priority of the Regional District. In order to provide financial incentives to encourage homeowners/new developments to build green, a building permit rebate

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<sup>4</sup> An additional cost of building green or using methods not contained within the Building Code is that these need to be approved by an Engineer, which increases the costs of the permitting process to the homeowner.

program for buildings that are verified BuiltGreen or Energuide 80 rating, or financial disincentives for non-green buildings, could be established.

**Options:**

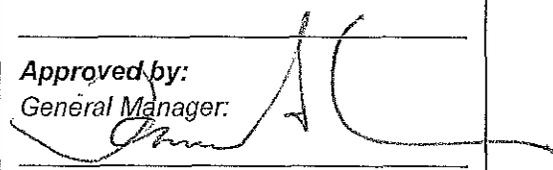
1. In consultation with the Environment and Economic Development Commissions, and a stakeholder committee, develop a private sector green building strategy that would:
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  - b) establish higher standards for proposed development through a rezoning policy and Official Community Plan policies;
  - c) continue integrating green building policies within planning documents.
  
2. A combination of the above, as directed by the Committee.

Option 1 is recommended.

Submitted by,



Rachelle Rondeau, Planner I  
Development Services Division  
Planning and Development Department

<p><b>Reviewed by:</b> Division Manager:</p> <hr/> <p><b>Approved by:</b> General Manager:</p> 
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RR/ca  
appendices

## Appendix A – Glossary of Terms

### **BuiltGreen**

is a third-party certified green building rating system creating homes that are energy efficient, and environmentally responsible and includes the use of resource-efficient, environmentally friendly, construction practices and products. BuiltGreen Gold requires a minimum EnerGuide rating of 77 and 100 points from the checklist.

**Integrated Design Process:** a whole building-design approach. It uses a multi-disciplinary team of building professionals who work together from the pre-design phase through to post-occupancy to optimize the building's environmental sustainability, performance and cost savings. This design approach recognizes that a successful green building is best achieved by planning the site, structure, components and systems as interdependent parts.

### **LEED Green Building Rating System (LEED Canada Project checklist)**

Leadership in Energy and Environmental Design (LEED) is a voluntary, consensus-based system for developing high performance, sustainable buildings. It was created by the United States Green Building Council (USGBC) in 1993 largely to stimulate green building market transformation. It is a recognizable "brand" that is also used to recognize industry leaders, and raise consumer awareness.

**LEED Certification** – different levels of green building certification are attainable in the LEED Green Building Rating system – certified, silver, gold, and platinum. They are awarded based on the total number of credits earned in the categories of sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. The certification is granted after a thorough review of the project characteristics by the CaGBC.

### **Life-cycle costing analysis**

Is an evaluation tool that assesses the net present value of the design, construction and operational costs of a building. It can also include qualitative measures such as the health and productivity of occupants, cost of environmental impacts and costs of social impacts.

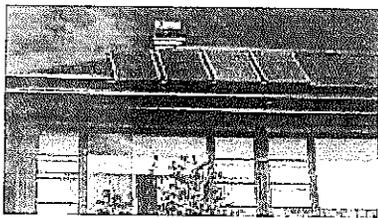
Appendix B – Rebate Program Samples, BuiltGreen and LEED Checklist.

## How it works

1. Obtain a voucher for a free green building consultation. The green building consultant will guide you through any available programs and rebates available for renovators and new home builders.
2. For new homes, schedule a blueprint assessment with an EnerGuide Rating Service provider. They will provide you with a current and potential EnerGuide rating, and ways to upgrade the plans. Costs for this service vary.
3. Build or renovate the home.
4. Arrange for final testing of the home to receive an EnerGuide label.
5. For new homes, complete third party certification process.
6. Bring copies of EnerGuide labels and/or BuiltGreen, R-2000 or Power Smart certification to Saanich Inspections and receive your rebate for EnerGuide testing and/or building permit fees.



Fibreglass insulation



Solar panels

## For more information

**BuiltGreen BC**  
[www.builtgreencanada.ca](http://www.builtgreencanada.ca)

**Power Smart at Home**  
[www.bchydro.com/powersmart](http://www.bchydro.com/powersmart)  
➤ Builders and developers

**City Green**  
[www.citygreen.ca](http://www.citygreen.ca)

**Saanich Green Building Rebate Program**  
[www.saanich.ca](http://www.saanich.ca)  
➤ Development



Oceanwood Built Green™ development, Saanich

Contact us at:



Email: [plansec@saanich.ca](mailto:plansec@saanich.ca)  
[www.saanich.ca](http://www.saanich.ca)  
Phone: 250-475-5471



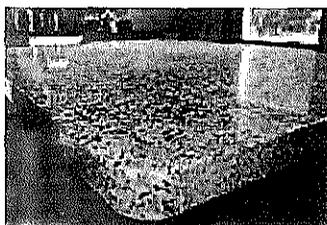
## Green Building Rebate Program



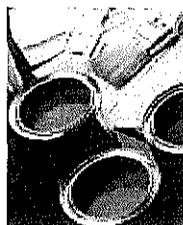
## Saanich Green Building Rebate Program

Green buildings are designed and constructed to maximize efficiency and comfort, without sacrificing style and beauty. Green buildings reduce the need for resources such as energy and water, thus reducing the environmental impact of buildings overall. Healthier for the occupants and cheaper to maintain, green buildings are a community asset.

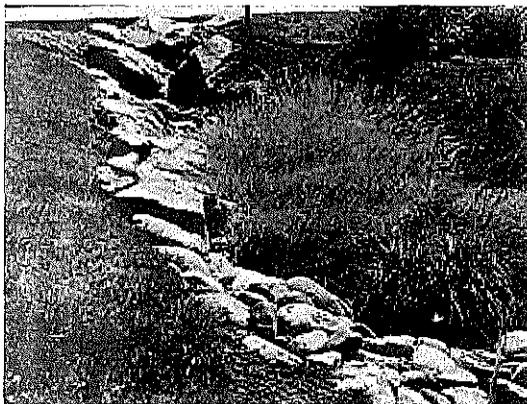
The District of Saanich offers free green building consultation and rebates for renovations and new homes built to certified energy efficiency standards.



Glass-crete countertop



Low VOC paint



Rainwater swale

## Our Commitment

Saanich green builders will be eligible for the following benefits:

1. Free one-hour consultation with the Green building consultant.
2. No-fee plumbing permit for solar hot water installation.
3. Promotional assistance (if desired).
4. Eligibility for awards/recognition.
5. On completion and certification, rebates of up to 30% of the building permit value. Additional 20% (total 50%) for homes under 2000 ft<sup>2</sup>.
6. Rebate on final retrofit or new home energy assessment (\$150 value).

### REBATES

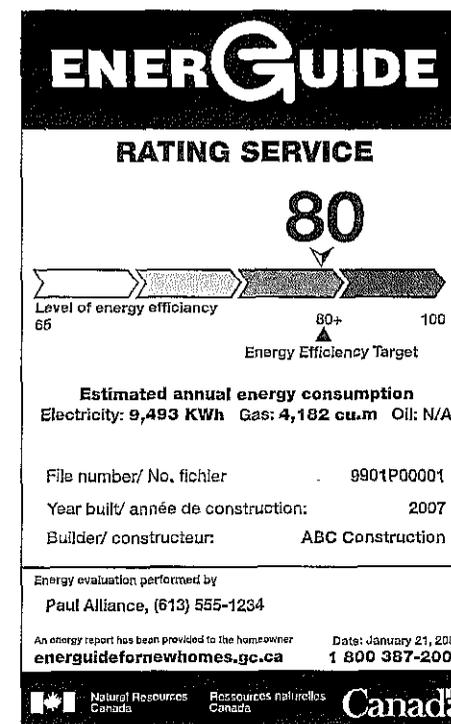
Rebate Level	EnerGuide Level	
<b>30%</b>	Built Green Platinum	82
	Power Smart Gold	80
	Energide 80	80
	R-2000	80
	*Gold Renovations	80
<b>20%</b>	Built Green Gold	77
	Power Smart Silver	77
	*Silver Renovations	77
<b>10%</b>	Built Green Silver	75
	*Bronze Renovations	75

\*some conditions may apply

## The EnerGuide Rating Service

An EnerGuide rating provides a standard measurement of a home's energy efficiency, on a scale from 0 to 100. EnerGuide ratings are calculated by a Certified Energy Advisor using information collected from the analysis of building plans and the results of a blower door test performed after the house has been built.

The EnerGuide rating is required for any Green Building Certification.



EnerGuide is an official trademark of Natural Resources Canada. Used under licence.

## BuiltGreen™ Checklist

Our checklist is a list of "green" criteria. It includes an energy efficiency requirement, and a menu of options in categories, addressing a range of "green" items from which the builder can select to meet the Bronze, Silver, Gold and Platinum achievement levels.

BuiltGreen™ Canada Members have the opportunity to submit requests for changes (additions, deletions, point value, etc.) to the BuiltGreen™ Checklist using the Checklist Change Request Form. The Checklist and the Checklist change requests are reviewed annually. The revised checklist is effective January 1 of each year.

### Certification Levels

BuiltGreen recognizes its homes based on the criteria of the checklist described above, which will categorize its members into 4 levels of Green achievement: **Bronze, Silver, Gold and Platinum.**

BuiltGreen™ supports the use of lumber and gives a significant number of points for lumber use. Only products that have been submitted for verification can be approved, and are then certified by BuiltGreen Canada. To view a selection of products within the checklist categories below, view our [Product Catalogue](#).

Checklist Categories	Bronze	Silver	Gold	Platinum
<b>Energuide for New Houses Rating 2011</b>	72pts	75pts	77pts	82pts
I. Operational Systems - Minimum 10/93				
II. Building Materials - Minimum 15/91				
III. Exterior and Interior Finished - Minimum 10/66	76pts	90pts	100pts	120pts
IV. Indoor Air Quality - Minimum 15/53				
V. Ventilation - Minimum 6/21				
VI. Waste Management - Minimum 7/32				
VII. Water Conservation - Minimum 7/48				
VIII. Business Practices - Minimum 6/31				



# LEED Canada-NC 1.0 Project Checklist

Project Name

City, Province

Yes ? No

			<b>Sustainable Sites</b>	<b>14 Points</b>
--	--	--	--------------------------	------------------

<b>Y</b>			Prereq 1 <b>Erosion &amp; Sedimentation Control</b>	Required
			Credit 1 <b>Site Selection</b>	1
			Credit 2 <b>Development Density</b>	1
			Credit 3 <b>Redevelopment of Contaminated Site</b>	1
			Credit 4.1 <b>Alternative Transportation, Public Transportation Access</b>	1
			Credit 4.2 <b>Alternative Transportation, Bicycle Storage &amp; Changing Rooms</b>	1
			Credit 4.3 <b>Alternative Transportation, Alternative Fuel Vehicles</b>	1
			Credit 4.4 <b>Alternative Transportation, Parking Capacity</b>	1
			Credit 5.1 <b>Reduced Site Disturbance, Protect or Restore Open Space</b>	1
			Credit 5.2 <b>Reduced Site Disturbance, Development Footprint</b>	1
			Credit 6.1 <b>Stormwater Management, Rate and Quantity</b>	1
			Credit 6.2 <b>Stormwater Management, Treatment</b>	1
			Credit 7.1 <b>Heat Island Effect, Non-Roof</b>	1
			Credit 7.2 <b>Heat Island Effect, Roof</b>	1
			Credit 8 <b>Light Pollution Reduction</b>	1

Yes ? No

			<b>Water Efficiency</b>	<b>5 Points</b>
--	--	--	-------------------------	-----------------

			Credit 1.1 <b>Water Efficient Landscaping, Reduce by 50%</b>	1
			Credit 1.2 <b>Water Efficient Landscaping, No Potable Use or No Irrigation</b>	1
			Credit 2 <b>Innovative Wastewater Technologies</b>	1
			Credit 3.1 <b>Water Use Reduction, 20% Reduction</b>	1
			Credit 3.2 <b>Water Use Reduction, 30% Reduction</b>	1

Yes ? No

			<b>Energy &amp; Atmosphere</b>	<b>17 Points</b>
--	--	--	--------------------------------	------------------

<b>Y</b>			Prereq 1 <b>Fundamental Building Systems Commissioning</b>	Required
<b>Y</b>			Prereq 2 <b>Minimum Energy Performance</b>	Required
<b>Y</b>			Prereq 3 <b>CFC Reduction in HVAC&amp;R Equipment</b>	Required
			Credit 1 <b>Optimize Energy Performance</b>	1 to 10




Yes ? No

Credit 5	<b>Indoor Chemical &amp; Pollutant Source Control</b>	1
Credit 6.1	<b>Controllability of Systems: Perimeter Spaces</b>	1
Credit 6.2	<b>Controllability of Systems: Non-Perimeter Spaces</b>	1
Credit 7.1	<b>Thermal Comfort: Compliance</b>	1
Credit 7.2	<b>Thermal Comfort: Monitoring</b>	1
Credit 8.1	<b>Daylight &amp; Views: Daylight 75% of Spaces</b>	1
Credit 8.2	<b>Daylight &amp; Views: Views 90% of Spaces</b>	1

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**Innovation & Design Process**

5 Points


Yes ? No

Credit 1.1	<b>Innovation in Design</b>	1
Credit 1.2	<b>Innovation in Design</b>	1
Credit 1.3	<b>Innovation in Design</b>	1
Credit 1.4	<b>Innovation in Design</b>	1
Credit 2	<b>LEED® Accredited Professional</b>	1

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**Project Totals (pre-certification estimates)**

70 Points

Certified 26-32 points Silver 33-38 points Gold 39-51 points Platinum 52-70 points



R7

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 15, 2011

DATE: November 9, 2011

FILE NO: 11-REG-11BE

FROM: Nino Morano, Bylaw Enforcement Officer

BYLAW NO:

SUBJECT: Fireworks Update

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

That staff be directed to review and recommend changes to the current CVRD Fireworks Sale and Discharge Regulation Bylaw No. 39 with the intent of updating the bylaw.

#### **Relation to the Corporate Strategic Plan:**

**Financial Impact:** *(Reviewed by Finance Division: NA)*

#### **Background:**

This report is intended to update the EASC on the status of the CVRD Fireworks Bylaw No. 39 since significant amendments were made in 2009. These amendments mainly prohibit the sale of fireworks and the discharge of fireworks unless the person responsible possesses a "...Fireworks Operator Certificate, or equivalent...".

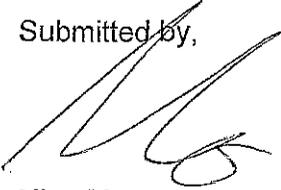
You may recall that direction was given in this matter at the October 13, 2010 Regional Board meeting where it was resolved:

"That the CVRD deal with the 2010 Halloween season using the same practice as in 2009, whereby ticketing will only be enforced respecting the "sale of fireworks" and "discharge of fireworks in public places", the Fireworks Safety Awareness Information package to be made available to the public, and require that the Fireworks Operator form be signed and submitted to the CVRD; and further, that the CVRD's Information Package be sent to other local governments for distribution in their areas."

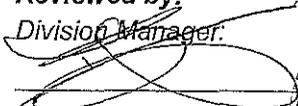
This Bylaw affects all nine (9) Electoral Areas as well as the Town of Ladysmith and the Town of Lake Cowichan. While the Town of Ladysmith is very supportive of the Bylaw, the Town of Lake Cowichan has chosen not to support enforcement with at least one prominent local business selling fireworks around Halloween consistently. The District of North Cowichan and City of Duncan are not part of the Bylaw but have prohibited the sale of fireworks using their own legislative methods. Cowichan Tribes enacted a similar bylaw(?) at around the same time and appears to have ensured no sale of fireworks has occurred since. There were no obvious signs from any other First Nations lands within the CVRD that the sale of fireworks occurred. The sale of fireworks was very prevalent in the Regional District of Nanaimo just North of Area "H".

While things have been going relatively smoothly, it has been brought to our attention that there are no provisions within the bylaw that limit the number of days that an individual may discharge fireworks on concurrent days/evening. There may also be other preventative measures that could be incorporated into the bylaw that would lessen the impact that fireworks have on animals and neighbourhoods in general. As such, staff request direction to bring back a report with recommendations to improve the bylaw.

Submitted by,



Nino Morano  
Bylaw Enforcement Officer  
Inspection and Enforcement Division  
Planning and Development Department

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

NM/ca



R8

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING  
OF NOVEMBER 15, 2011

DATE: November 10, 2011 FILE NO:  
FROM: Graham Gidden, Parks and Trails Planner BYLAW NO:  
SUBJECT: Enter into a Permit to Construct with the MoTI at Raise Road in Yellow Point;  
Electoral Area H – North Oyster/Diamond

**Recommendation/Action:**

That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to obtain a permit to construct from the Ministry of Transportation and Infrastructure to develop a public beach access in the Raise Road right of way to be funded under the Electoral Area H Community Parks budget.

**Relation to the Corporate Strategic Plan:**

Promote a *Safe and Healthy Community* - by providing exceptional recreation, cultural and park services:

1. Promote a healthy lifestyle strategy to help residents live healthier lives through taking part in parks, recreation and culture services.
2. Promote pedestrian and cyclist friendly roadways and trails between communities and neighbourhoods.
3. Develop a partnerships strategy to ensure parks, recreation and culture planning and coordination occurs throughout the Region.

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

**Background:**

The Raise Road right of way has been identified by the Electoral Area H Parks Commission and members of the community as an important location for public access to the beach (see attachment). Raise Road is located off of Yellowpoint Road approximately half a kilometre north of Blue Heron Park. Three residential properties use a portion of the road right of way for access, with the remainder of the right of way being undeveloped down to the foreshore. Presently, dumping and other unpermitted activity has made this access unusable and unsafe. The Electoral Area H Parks Commission supports the local community's request to formalize this beach access through establishing it as a public beach access under the Area H Community Parks function. Funding for construction and maintenance of the beach access trail would be covered under the Electoral Area H Community Parks Budget.

Submitted by,

Graham Gidden  
Parks and Trails Division  
Parks Recreation and Culture Department  
GG/ca

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



R9

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 15, 2011

**DATE:** November 9, 2011 **FILE NO:**  
**FROM:** Ryan Dias, Parks Operations Superintendent **BYLAW NO:**  
**SUBJECT:** Enter into a land-use Agreement with the Honeymoon Bay Hall Society for use of Central Park to be operated as a Lawn Bowling Club

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

That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to enter into a renewable five-year Land Use Agreement for an annual fee of \$1 per year with the Honeymoon Bay Hall Society for use of a portion of Central Park in Honeymoon Bay for the purpose of a Lawn Bowling Green.

#### **Relation to the Corporate Strategic Plan:**

Promote a *Safe and Healthy Community* - by providing exceptional recreation, cultural and park services:

1. Promote a healthy lifestyle strategy to help residents live healthier lives through taking part in parks, recreation and culture services.
2. Develop a partnerships strategy to ensure parks, recreation and culture planning and coordination occurs throughout the Region.

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

#### **Background:**

The Honeymoon Bay Lawn Bowling Club operates under the auspices of the Honeymoon Bay Hall Society. The HBLBC recently brought forward a proposal to the Area F community Parks Commission for reconditioning and operating the old Lawn Bowling Site at Central Park, Honeymoon Bay. This site has not functioned as a lawn bowling facility since the early 1980's. The proposal details their desire to enter into a land use agreement with the CVRD for an area containing the old lawn bowling greens, the surrounding grounds and clubhouse located in Central Park, Honeymoon Bay.

The proposal outlines a self sustaining operation that would be funded by membership fees and green fees. The Lawn Bowling Facility would be open to all members of the public with the intention of drawing on memberships, community contributions and donations to help fund the operating costs. The CVRD is not being asked to fund the required improvements to get the site up and running nor being asked to contribute towards annual maintenance of the grounds, clubhouse, maintenance equipment or payment of utilities for the duration of the lease.

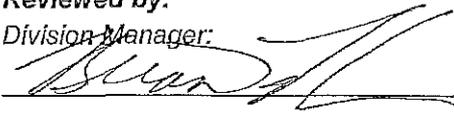
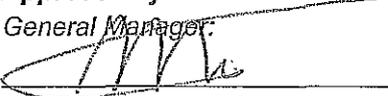
The Area F Parks Commission has provided staff with a motion of support for this agreement, and acknowledges that by entering into agreement there will be no financial impact to the Area F Community Parks Operating Budget.

Parks Staff held a preliminary meeting with the proponents from the Honeymoon Bay Lawn Bowling Club in October and agreed in principle that a five year term with an optional renewal clause would be suitable for both parties. In addition, any improvements made to the site would become assets of the CVRD if the Honeymoon Bay Lawn Bowling Society chose to vacate the property during the lease period prior to the expiry of the lease. The terms and conditions of the land use agreement would need to be drafted as to pertain only to the lawn Bowling Green, for which CVRD solicitor would need to be engaged to advise and draft such an appropriate document.

Submitted by,

Ryan Dias  
Parks and Trails Operations Superintendent  
Parks and Trails Division  
Parks Recreation and Culture Department

RD/ca

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

INI



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

**DATE:** November 1, 2011

**TIME:** 7:00pm

**MINUTES** of the Electoral Area I Planning Commission meeting held on the above noted date and time at the Youbou Upper Community Hall, Youbou, BC. Called to order by Chairperson Mike Marrs at 7:05pm.

**PRESENT:**

Chairperson: Mike Marrs

Co-vice-Chairpersons: George deLure

Members: Shawn Carlow, Bill Gibson, Gerald Thom

**ALSO PRESENT:**

Director:

Recording Secretary: Tara Daly

**REGRETS:** Director Kuhn, Jeff Abbott, Pat Weaver

**GUESTS:** Spencer Day, Liza Laurea

**AGENDA:**

*It was Moved and Seconded to accept the agenda.*

**MOTION CARRIED**

**MINUTES:**

*It was Moved and Seconded to accept the minutes of May 3, 2011 as circulated.*

**MOTION CARRIED**

**DELEGATIONS:**

- **Development Permit No: 2-I-11DP/RAR (Day and Laurea)**

The applicant made a short presentation explaining the location of the house had been changed to accommodate the RAR regulations. The stream at the back of the proposed garage has been surveyed with a 15m setback. There has been a significant amount of replanting completed.

*It was Moved and Seconded by Area I (Youbou/Meade Creek) APC that Development Permit No: 2-I-11DP/RAR be recommended approval with the assurance that RAR compliance will continue during construction.*

**MOTION CARRIED**

**ANNOUNCEMENTS:**

- **Next Meeting on December 1, 2011** (at the call of the Chairperson)  
Upper Community Hall, Youbou, starting at 7pm

The meeting was adjourned at 7:25pm

/s/ Tara Daly  
Secretary

IN2

**Area A Parks and Recreation Commission  
Regular Meeting – 7pm October 20, 2011**

Regrets: Greg Farley

Guests: Ryan Dias, CVRD Parks staff

1. Minutes approved from last meeting. MSC.

2. Business arising from minutes - Ryan Dias presented a budget to complete and upgrade the trail in Mill Springs from the storm water retention pond to Deloume via the water board wetlands. Some members expressed surprise at the amount and **requested Ryan revisit a budget based on a simpler scheme.**

**3. Continuing Business:**

**Deloume Park (Mill Springs):**

- The initial phase of the park is almost completed.
- Shrubbery will be planted at a later date.
- The concrete slab for the court (basketball) will be poured in the next week or so.
- South Cowichan Rotary and Lions clubs will be approached regarding possible funding opportunities for all access playground equipment.
- Playground equipment selection will take place over the winter.
- Fence – Mill Springs Strata council will be approached for permission for the homeowner to extend their fence along the property line of the lot next to Deloume Park.
- Discussion whether or not Mill Springs Strata Corporation would be willing to contribute some money to help finance Deloume Park. The question of “ownership” was discussed.

**We recommend that a representative of the Mill Springs Strata Council (preferably the president or vice president) attend the next PRC meeting for input and information purposes. MSC. We also request Ryan Dias attend this meeting to provide information about equipment selection.**

**4. New Business:**

a. The 2012 PRC budget (Updated October 20, 2011 and titled *Electoral Area A 2012 Community Park Budget Planning*) was reviewed and discussed at length. In addition to agreeing with the draft budget as presented by staff,

**The Area A Parks and Recreation Commission recommend to the board that the existing tax requisition be doubled from approx \$105,000 to \$210,000 to cover essential key capital projects in 2012. MSC.**

The additional monies are needed to complete Deloume Park and to finish and connect the trail network that has been started in the community.

The extra \$105,000 will be spent on the following projects:

\$65,000 for Deloume Park

\$25,000 for Hollings Creek trail upgrade and loop

\$15,000 for finishing and connecting our community trail network from Good Hope Creek to Lilmac.

**Area A Parks and Recreation Commission**  
**Regular Meeting – 7pm October 20, 2011**

It was suggested that the playing surface at Deloume Park be made of recycled rubber tires, which is manufactured in Shawnigan Lake, thereby supporting other community endeavors. **Ryan Dias agreed would look into the costs and funding assistance available.**

b. Mill Bay Marina.

It is understood that the developer of the marina will supply the community with a waterfront walkway, signage, etc. including a new community boat launch ramp and other amenities. Should the boat launch ramp fail to be rebuilt due to environmental or logistical issues; there is cash in lieu provision.

c. Area A Director's Report:

The regional director provided updates on several other projects occurring in the community.

Meeting Adjourned at 8:42pm.

**Next Meeting: November 17, 2011 – Brentwood College (Crooks Hall Boardroom)  
7pm**

INS

**Shawnigan Parks and Recreation Commission  
Meeting Minutes Oct. 27, 2011**

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**In Attendance:**

- ✓ Lori Treloar
- ✓ Al Brunet
- ✓ Margaret Symon (A/scribe)
- ✓ Bill Savage
- ✓ Catherine Whittome
- ✓ Gaileen Flaman
- Ken Cossey (not able to attend)



Guests: Brian Jackman, Garry Horwood

1. Meeting called or order 640 pm.
2. Approve minutes previous meeting.  
Motion to approve minutes of Sept. 22, 2011. Motion approved.
3. Guest presentations:

**Michael Miller, CVRD**

*Shawnigan Hills Athletic Fields:* Washroom facility: Excavation for footings done; concrete pouring next week. Completion date scheduled for Feb. 2012.

Colour scheme samples displayed. Scheme No. 1 approved.

CVRD received credit from BC Hydro. Savings of \$22,000. Reserve funds will not be needed.

Sign missing at gate: "Park closed to dusk to dawn." Needs to be replaced, as gate keeper often has to "rescue" people locked in.

*Silvermine Trail:* Inventory (lumber, etc.) at Bright Angel Park is being used to complete missing trail link. Trail surface is native material. Signage and rocks installed to inhibit motorized vehicles. Completion date Nov. 2011.

**Garry Horwood, SRA, RCMP Boathouse**

Garry Horwood provided background re SRA's suggested relocation of RCMP boathouse to Shawnigan Wharf Park. SRA has worked cooperatively with the RCMP. RCMP boathouse on opp. side of lake from RCMP detachment neither practical nor safe. Response time unproductive. 30 yr lease allows for public wharf and fire boat at Government Wharf.

Shawnigan Improvement District recently upgraded fire boat wharf.

Proper permits needed to facilitate placement of police boathouse at Government Wharf Park.

Community efforts could be used to help build the facility.

**Motion: To amend the current Water Lot Lease between the CVRD and the province off Shawnigan Wharf Park in order to include the RCMP boat house next to the fire department boat house. Motion passed.**

SRA and Shawnigan Parks and Rec. Commission members will attend next Shawnigan Fire Improvement District meeting. Margaret Symon will contact SID and notify Garry Horwood of meeting date.

**4. Business Items:**

- Road Ends. Lori Treloar presented some of the letters received by the Focus in response to the Road End P&R. Responses generally express surprise at the number of public road ends, and the extent of encroachment. More letters and comments encouraged for the "Focus Followup". Letters may be anonymous, providing writer provides contact info for the paper. Photos also welcomed. Commission looks forward to update on CVRD's negotiations with MoTI.

- Shawnigan Hills Athletic Fields washroom facility. Michael Miller provided update (see above).

- Old Mill Park. Waterfront cleanup postponed to spring 2012.

- Baldy Mt Trail. Madrone professional provided assessment, which indicates drainage problem at adjoining farm not related to Baldy Mt. Trail. Any disturbance in wetland not advised. No action recommended.

- Shawnigan Beach Estates greenbelt - CVRD truck recently visited Beach Estates; some warnings were issued re: burning in the greenbelt, garden refuse dumped in greenbelt, etc.

Parks Commission appreciates the progress, and requests follow-up (i.e., types and numbers of infractions) to the Beach Estates community and commission.

- S. Cowichan Parks and Rec - updates: Bright Angel Park function, Mill Bay Historical Church and Cemetery, Cobble Hill Dog Park

- Focus - excellent focus on local parks and recreation issues. Focus crew trying to ensure all mailboxes at Area B receive the Focus. The paper is also distributed to coffee shops, doctors' offices, etc.

- All Candidates Forum -

Parks and Recreation Commission members' questions needed for All Candidates Meeting Nov 3.

Questions from group needed by Oct. 31.

Meeting adjourned 845 pm.

Next meeting: 630 pm Thurs. Nov 24

NOV 2011 IN4

Minutes of the Cobble Hill Parks and Recreation Commission meeting held on Monday, October 24<sup>th</sup> 2011 at 7:00 p.m. in the Arbutus Ridge Board Room

Those present: John Krug – Chair, Dennis Cage, Gord Dickenson, Annie Ingraham, Ruth Koehn, Alan Seal, Dan Massen, Lynn Wilson, Brian Farquhar and Director Gerry Giles.

Apologies: Bill Turner.

Call to order by John Krug at 7 p.m. with the adoption of the agenda as presented.

The minutes of the September 19<sup>th</sup> 2012 were corrected to include the addition of the Hatch Point Trail after Manley Creek. The minutes were then adopted as corrected and circulated.

Business arising from the Minutes:

- 1) The 2012 Budget was reviewed with Commission members asking a variety of questions about the proposed 2012 Cobble Hill parks expenditures and programs.

Moved/second  
 that the Cobble Hill summer student program be increased from 4 days to 10 days in 2012. Motion Carried

A discussion took place regarding the 5% increase in the Easy Living contract plus the \$4,200 addition to their maintenance budget to look after the Cobble Hill Common. It was suggested we remove from the \$4,200 portion of the maintenance budget and see if the Shawnigan Cobble Hill Farmers Institute would mow the Cobble Hill Common area in exchange for its use at the Cobble Hill Fall Fair and other times throughout the year.

A question was raised about either real or perceived conflict of interest. After an extensive explanation and discussion it was agreed that \$4,200 would be moved from the maintenance portion of the budget to a separate line item regarding the Cobble Hill Common and that a partnership with the Institute would be explored.

Moved/second  
 that the meeting resolve into closed session at 8:05 p.m. Motion Carried

the meeting moved out of closed session at 8:30 p.m.

Moved/second  
 that \$25,000 be included in the budget for further work on the Common in 2012. Motion Carried

Moved/second  
that the 2012 budget be recommended as amended. Motion Carried

- 2) Updates on projects included the trail on Watson Avenue, the purple pipe system, the sewer connection to Evergreen Independent School and on the slab that was poured for the sport court at Evergreen. It was agreed the Watson/Twin Cedar pathway will need to be widened and stabilized near the Watson Avenue entrance.

### New Business:

The request for easement by the Cobble Hill Improvement District across the Fisher Road Park property was reviewed.

Moved/second  
that it be recommended to the CVRD Board that access be granted via an easement agreement between the CVRD and the Cobble Hill Improvement District across the small walkway portion of the Fisher Road property near the Motherwell/School District 79 location. Motion Carried

A discussion took place about smoking and fire safety on Cobble Hill Mountain. As the Mountain is a regional recreation area leased from the province and not within the jurisdiction or mandate of the Cobble Hill Parks Commission it was agreed this matter would be referred to both Dan Brown and Regional Parks.

The parking lot at the corner of Hutchinson/Empress/Cobble Hill Road was also brought forward as an item for discussion. It was suggested that the cars parking along the east side of the parking lot presented a visual obstruction to traffic traveling on south Cobble Hill Road. Commission members agreed to look at this item while the director would also discuss it with Ross Deveau of the Ministry of Transportation and Infrastructure.

The Director's report included an invitation to the Volunteer Appreciation Dinner being held on Saturday, November, 12<sup>th</sup> at 6:30 p.m. at the Cobble Hill Hall.

Next meeting scheduled for November 24<sup>th</sup> 2011.

The meeting adjourned at 9:20 p.m.

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John Krug, Chair

NOV 10 2011

INS

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

**DATE:** October 3<sup>rd</sup>, 2011

**TIME:** 7:01 PM

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

**PRESENT:**

Chairperson: Harry Brunt  
Secretary: Jackie Rieck  
Members: Tim Godau, Paul Bottomley

**ABSENT:**

Members: Glen Hammond, Norm Flinton, Kelly Schellenberg and Dave Key

**ALSO PRESENT:**

Director: Mel Dorey  
Guest: Ryan Dias

**ACCEPTANCE OF MINUTES:**

It was Moved and Seconded that the Minutes of Area "G" Parks Commission Meeting of September 19<sup>th</sup>, 2011 be accepted.

**MOTION CARRIED**

**APPROVAL OF AGENDA:**

Motion to approve agenda as submitted.

**MOTION CARRIED**

## **STANDING REPORTS:**

### CVRD UPDATE:

Ryan Dias reviewed and discussed Electoral Area G 2012 Community Park Budget Planning Draft with members. Projects planned included:

- Construction of staircase and trail improvement down to Stocking Creek Falls.
- Remove pavement of outer Tennis court practice area in Centennial Park
- Change smaller hockey court into “multi-use court” ie: add two basketball hoops at a height of 9ft and across from each other to form a shorter basketball play area.
- South Entrance of park requires some landscape improvements.
- Maple tree at the entrance to proposed Parkinson trail needs removal.
- Boulder Point and Bezan Rd Beach Accesses require Rip Rap installed.

Ryan informed members of the “ CVRD 16 week Student Works Program”from (May to August), where a student work crew would be available to perform tasks such as trail maintenance, painting and other small projects. Members were asked to compile a list of tasks for the students and submit list to Ryan.

CLOSED SESSION.

### CENTENNIAL PARK:

Drainage issues/pipe repairs at the North Entrance have been completed.

Ryan distributed a “Tree Planting Guide” hand-out for members to review before planting any new trees. Walnut tree next to Tennis Court requires removal asap.

Harry will arrange removal of debris behind Earthquake Container as well as scrap lumber and chain link located at west corner of park.

### PRINCESS DIANA:

East Entrance culvert project has been completed. The “Kess” section of trail requires widening and trimming which is flagged as a project that can be done by the Student Works team.

STOCKING CREEK PARK:

New signage displaying a park map of the trails is planned for the spring of 2012.

Mel will contact Finch Place |Strata regarding the 'common property trail access' to discuss a lease permission agreement.

Ryan will notify Michael Miller to contact park members regarding a site meeting to discuss "staircase location" to waterfall.

LADYSMITH PARKS AND REC:

No report.

BEACH ACCESS:

Hillside beach access is in the works. Rip Rap needed at Boulder Point and Bezan Rd accesses.

BASEBALL:

No report.

DIRECTOR'S REPORT:

Water pipe upgrade costs were discussed.

Closed Session.

SPECIAL EVENTS:

Halloween Party is ready to proceed October 31<sup>st</sup> at 7:00pm. Scrap lumber at Centennial Park can be used for the bonfire.

**NEXT MEETING:**

**Next Parks meeting is scheduled for Monday, November 7<sup>th</sup>, 2011 at 7:00 pm at the CVRD building on Chemainus Rd.**

**ADJOURNMENT:**

Meeting was adjourned at 9:34 pm.



MEMORANDUM

DATE: November 7, 2011

TO: Tom R. Anderson, General Manager, Planning and Development Department

FROM: Brian Duncan, Manager, Inspections and Enforcement Division

SUBJECT: BUILDING REPORT FOR THE MONTH OF OCTOBER, 2011

There were 28 Building Permits and 1 Demolition Permit(s) issued during the month of October, 2011 with a total value of \$3,611,070.

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"		450,000		264,300	48,160		6	65	762,460	10,541,660
"B"				160,495	80,260		5	83	240,755	11,334,958
"C"					17,545	48,000	2	33	65,545	5,365,300
"D"		1,000			56,480		5	45	57,480	4,954,430
"E"		19,500	1,500,000	207,740	46,500		5	35	1,773,740	6,507,300
"F"					30,240		1	24	30,240	1,889,775
"G"				337,760	69,300		2	26	407,060	2,663,180
"H"					2,000		2	29	2,000	3,827,060
"I"				271,790			1	24	271,790	3,132,750
<b>Total</b>	\$ -	\$ 470,500	\$ 1,500,000	\$ 1,242,085	\$ 350,485	\$ 48,000	<b>29</b>	<b>364</b>	\$ 3,611,070	\$ 50,216,413

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

BD/db

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

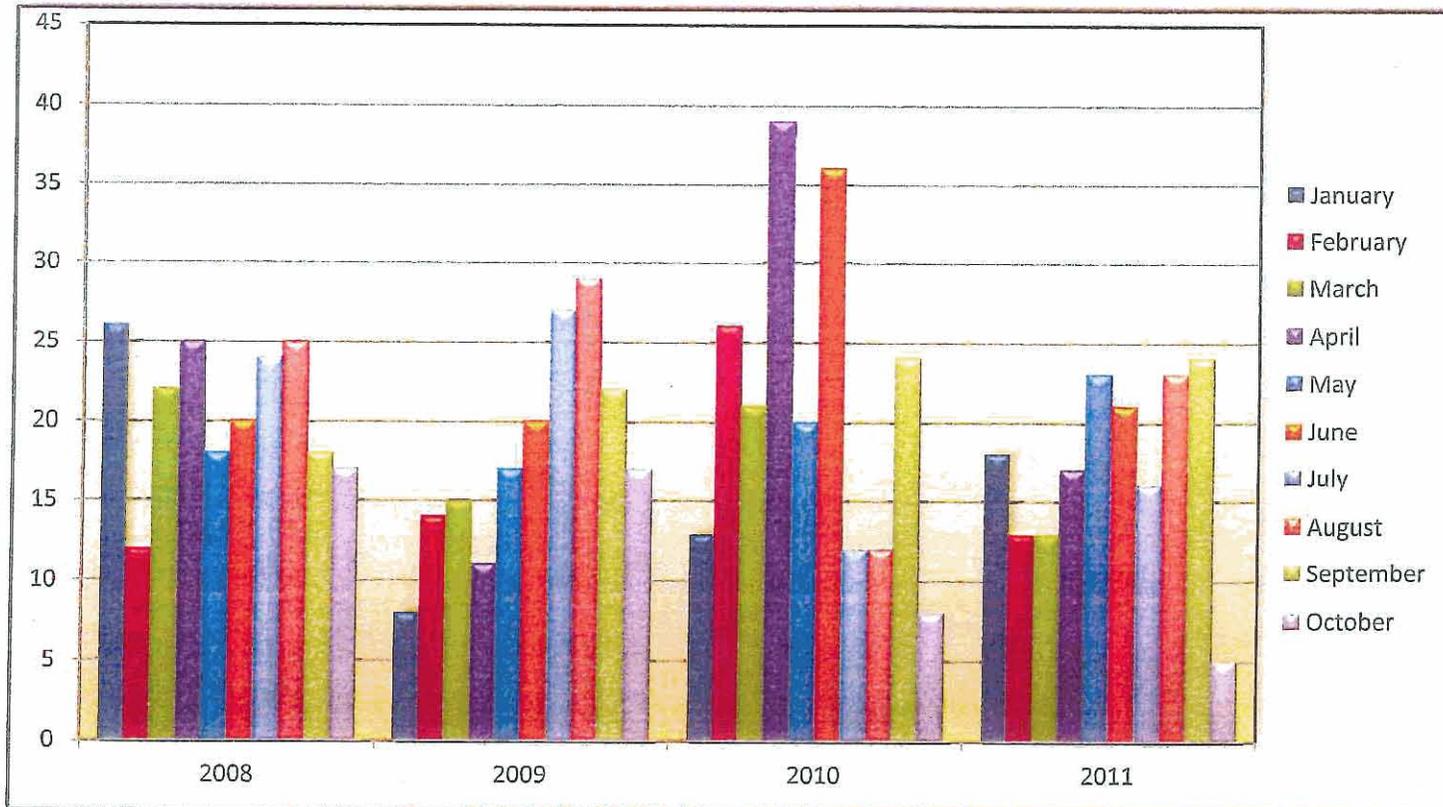
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C·V·R·D

### Total of New Housing Starts

	2008	2009	2010	2011
January	26	8	13	18
February	12	14	26	13
March	22	15	21	13
April	25	11	39	17
May	18	17	20	23
June	20	20	36	21
July	24	27	12	16
August	25	29	12	23
September	18	22	24	24
October	17	17	8	5
<b>YTD Totals</b>	<b>207</b>	<b>180</b>	<b>211</b>	<b>173</b>





### Total Building Permits Issued

	2008	2009	2010	2011
January	50	23	35	31
February	30	32	44	36
March	48	36	54	33
April	63	34	67	30
May	50	48	41	45
June	55	55	66	46
July	64	61	45	48
August	53	45	38	42
September	50	65	44	53
October	43	46	28	29
<b>YTD Totals</b>	<b>506</b>	<b>445</b>	<b>462</b>	<b>393</b>

