C·V·R·D

ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
July 31, 2012
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 p.m.

A G E N D A

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IN6	Minutes of Area I Parks Commission meeting of July 10, 2012	247-249

7. NEW BUSINESS

8. PUBLIC/PRESS QUESTIONS

9. 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 of July 3, 2012	250-251
CSR1	Litigation [Section 90(1)(g)]	252-254

10. ADJOURNMENT

NOTE: A copy of the full agenda package is available at the CVRD website www.cvrd.bc.ca

Director M. Walker	Director M. Marcotte	Director P. Weaver
Director B. Fraser	Director G. Giles	Director L. Duncan
Director I. Morrison	Director L. Iannidinardo	Director M. Dorey

M1

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, July 3, 2012 at 3:00 p.m. in the Regional District Board Room, 175 Ingram Street, Duncan, B.C.

PRESENT

Director M. Walker, Chair
Director G. Giles
Director B. Fraser
Director L. Iannidinardo
Director L. Duncan
Director I. Morrison
Director M. Marcotte
Director M. Dorey
Alt. Director B. Hodson
Absent: Director P. Weaver

CVRD STAFF

Mike Tippett, A/General Manager
Rob Conway, Manager
Brian Duncan, Manager
Warren Jones, Administrator
Ryan Dias, A/Manager
Rachelle Rondeau, Planner I
Dana Leitch, Planner II
Sybille Sanderson, A/General Manager
Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included adding four listed New Business items, removing agenda item R7, adding one new listed Closed Session business item, and adding three additional 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 June 19, 2012, EASC meeting be adopted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

STAFF REPORTS

R1 - Smith

Rachelle Rondeau, Planner I, reviewed staff report dated June 27, 2012, regarding Application No. 1-H-11ALR (Raymond and Robin Smith), to update and revise the application to construct a second dwelling at 13150 Cameron Road.

The applicant was not in attendance.

The Committee directed questions to staff.

It was Moved and Seconded
That Application No. 1-H-11ALR, submitted by Ray Smith, made pursuant to Section 20(3) of the Agricultural Land Commission Act to construct a second dwelling, be forwarded to the Agricultural Land Commission; and if approved, strongly recommend that the ALC determine an appropriate location for the second residence that minimizes the impact to the agricultural capability of the land.

MOTION CARRIED

R2 - Parker

Rachelle Rondeau, Planner I, reviewed staff report dated June 26, 2012, regarding APC procedure for Application No. 2-A-12RS (Parker/Parshel Holdings).

Mike Tippett noted that the current joint APC procedure is being reviewed so until the matter is resolved we need to move forward with applications that are minor in nature.

It was Moved and Seconded
That rezoning application No. 2-A-12RS (Parker for Parshel Holdings) be referred to the Electoral Area A – Mill Bay/Malahat and Electoral Area B – Shawnigan Lake Advisory Planning Commissions only.

MOTION CARRIED

R3 – Livestock Compensation

Brian Duncan, Manager, reviewed staff report dated June 26, 2012, regarding compensation for livestock kill by unknown dog(s) at 4860 Bench Road.

It was Moved and Seconded
That Bill Eben be compensated $225 for the loss of two livestock (sheep) as a result of an attack from unknown dog(s) at 4860 Bench Road on May 16, 2012.

MOTION CARRIED

It was Moved and Seconded
That staff be directed to investigate amending the current Dog Regulation and Impounding Bylaw No. 3032 to provide for a maximum/yearly limit for compensation to owners of livestock killed by unknown dogs, and that a staff report be brought back to an upcoming EASC meeting.

MOTION CARRIED

It was Moved and Seconded
That staff be directed to place an ad in local newspapers advising the public of CVRD regulations respecting livestock compensation claims.

MOTION CARRIED

R4 – Living Forest

Dana Leitch, Planner II, reviewed staff report dated June 26, 2012, regarding APC procedure for Application No. 1-B-12RS (Living Forest Planning Consultants).

It was Moved and Seconded
That rezoning application No. 1-B-12RS (Living Forest Planning Consultants) be referred to the Electoral Area B – Shawnigan Lake Advisory Planning Commission only.

MOTION CARRIED

R5 – Mill Bay Marina

Dana Leitch, Planner II, reviewed staff report dated June 26, 2012, regarding APC procedure for Application No. 1-A-12RS and 1-A-12DVP (Mill Bay Marina Inc.)

It was Moved and Seconded
That rezoning applications 1-A-12RS (Mill Bay Marina Inc.) and 1-A-12DVP (Mill Bay Marina Inc.) be referred to the Electoral Area A – Mill Bay/Malahat Advisory Planning Commission only.

MOTION CARRIED

R6 – Malahat Fire Engine Purchase

Sybille Sanderson, A/General Manager, reviewed staff report dated June 22, regarding Malahat Fire Engine Purchase, Loan authorization and Reserve Fund Expenditure.

It was Moved and Seconded

1. That a loan authorization bylaw be prepared for an amount up to $265,000, financed over a fifteen year period, for the purpose of assisting in the purchase of a new first line Type 2 fire engine for the Malahat Fire Protection Service Area, and that the bylaw be forwarded to the Board for consideration of three readings and following provincial and voter approval be considered for adoption.
2. That voter approval for the adoption of the loan authorization bylaw be obtained through an alternate approval process.
3. That a reserve fund expenditure bylaw be prepared authorizing the expenditure of up to $60,000 from Reserve Fund Bylaw No. 1301 (Malahat Fire Protection Specified (Local Service) Area Machinery and Equipment Reserve Fund By-law No. 1, 1990) for the purpose of assisting with the purchase of a new first line Type 2 fire engine for the Malahat Fire Protection Service Area, and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

R7 – Automatic Aid Agreement Amendment

Agenda item R7 (Cowichan Lake Area Automatic Aid Agreement Amendment) was removed from the agenda at the request of the Acting General Manager, Public Safety.

R8 – Cell Tower, Area C

Mike Tippett, A/General Manager, reviewed staff report dated June 28, 2012, regarding proposed cell tower in Cobble Hill.

It was Moved and Seconded
That the CVRD recommend to Alcatel-Lucent that TELUS host a community information meeting in Cobble Hill regarding their proposed self support telecommunications facility (cell tower) at 3730 Trans Canada Highway.

MOTION CARRIED

The Committee suggested that staff request Telus to answer the following questions regarding the proposed facility:

1. What is the output power of all transmitters planed for in the proposal?
2. How many frequencies will be used initially and will that number be increased in future at this site?
3. How far away is the nearest house located?
4. Is the tower structure for the sole use of Telus antennas or will they sell/trade tower space to other entities?
5. Has a propagation study for cell area coverage been done and if so was this a desktop or a field exercise? Is Telus willing to share the survey results with the CVRD/community?

INFORMATION

IN1 to IN3 - Minutes

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

- Minutes of Area I APC meeting of June 5, 2012
- Minutes of Area G Parks Commission meeting of June 11, 2012
- Minutes of Area B Parks Commission meeting of May 17, 2012

MOTION CARRIED

CORRESPONDENCE

C1 - Resignation

It was Moved and Seconded
That the resignation of Tom Boughner from the Area C Advisory Planning Commission be accepted, and that a letter of appreciation of service be forwarded to Mr. Boughner.

MOTION CARRIED

NEW BUSINESS

NB1 to NB3 - Minutes

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

- Minutes of Area B APC meeting of June 7, 2012
- Minutes of South Cowichan Joint APC meeting of June 26, 2012
- Minutes of Area A Parks meeting of June 21, 2012

MOTION CARRIED

NB4 – Grant in Aid

It was Moved and Seconded
That a grant in aid, Area I – Youbou/Meade Creek, in the amount of $250 be given to Cowichan Valley Community Radio Society, to assist with their Summer Nights project.

MOTION CARRIED

NB5 – Mountain Road garbage pickup

Director Fraser expressed concern that a small residential section of Mountain Road does not get garbage pickup. It was suggested that staff look into making a small bylaw adjustment that would allow residents to purchase service on the section of road that is currently not included.

It was Moved and Seconded
That Development Services staff request Engineering Services staff to prepare a service adjustment bylaw for consideration at the next board meeting.

MOTION NOT VOTED ON

The Committee requested Mike Tippett to contact Bob McDonald regarding procedure and protocol.

NB6 – Shawnigan Lake/Cowichan Lake enforcement issues

Director Fraser expressed concerns regarding enforcement issues at Shawnigan Lake and problems with multi-jurisdictional boundaries. It was suggested that staff arrange a meeting with regulatory agencies and the watershed roundtable committee to discuss how levels of enforcement could be improved.

Director Morrison stated he would also be interested in such a meeting regarding similar issues at Cowichan Lake.

NB7 – TCH concerns

Director Iannidinardo expressed concern regarding an area of the Trans Canada Highway that has serious safety issues. She noted that the area around the Old Farm Market experiences re-occurring accidents from vehicles turning left from Miller Road crossing four lanes of traffic. It was suggested that the Ministry of Transportation and Infrastructure be requested to install highway meridians so vehicles could only make right hand turns, or that a "no left turn" sign be installed.

General discussion ensued.

It was Moved and Seconded
That a letter be forwarded to the Ministry of Transportation and Infrastructure requesting that a "No Left Turn" sign be installed on the east side of Miller Road to prevent left turns onto the Trans Canada Highway.

MOTION CARRIED

RECESS

The Committee adjourned for a five minute recess.

CLOSED SESSION

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

MOTION CARRIED

The Committee moved into Closed Session at 5:15 p.m.

RISE

It was Moved and Seconded
That the Committee rise without report.

MOTION CARRIED

The Committee rose at 5:25 p.m.

ADJOURNMENT

It was Moved and Seconded
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 5:35 p.m.

Chair

Recording Secretary

D1

C·V·R·D

REQUEST TO APPEAR AS A DELEGATION

(Submit completed form to Legislative Services Division – Fax 250.746.2513)

REQUEST TO ADDRESS: ☐ **CVRD BOARD**

☑ ELECTORAL AREA SERVICES **COMMITTEE**

at the meeting of JULY 31, **20** 12 **at** 3 **pm**

APPLICANT NAME HARVEY SCHMIDKE

REPRESENTING: ALCATEL - LUCENT / TELUS
(name of organization if applicable)

AS: MANAGER, REAL ESTATE
(capacity/office)

NUMBER ATTENDING: 1 or 2

Applicant mailing address: Alcatel-Lucent Canada, 100-4190 still Creek Drive, Burnaby BC V5C 6C6

Applicant Telephone: (604) 419-5338 **Fax:** N/A

Applicant email: harvey.schmidke@alcatel-lucent.com

PRESENTATION TOPIC and NATURE OF REQUEST:
Request of CVRD for public meeting regarding proposed cobble Hill cell tower / concurrence of CVRD

(If more space is required, please attach an additional page to this form)

(by delegate)
Signature

18 JULY 2012
Date

Cowichan Valley Regional District, 175 Ingram Street, Duncan BC V9L 1N8
Please address inquiries to the Legislative Services Division at 250.746.2508.

D2

Cathy Allen

From: Joe Barry
Sent: Friday, June 22, 2012 8:30 AM
To: Cathy Allen
Subject: FW: Online Form Submittal: Request to Appear as a Delegation

---

From: support@civicplus.com [mailto:support@civicplus.com]
Sent: Friday, June 22, 2012 8:08 AM
To: Joe Barry
Subject: Online Form Submittal: Request to Appear as a Delegation

If you are having problems viewing this HTML email, click to view a Text version.

Request to Appear as a Delegation

Meeting Information
Request to Address:
( ) CVRD Board (X) Committee
If Committee, specify the Committee here:
Electoral Area Services
Meeting Date: 07/03/2012
Meeting Time: 3:00
Applicant Information
Applicant Name: Sherry Durnford
Representing: (Name of organization if applicable)
As: (Capacity / Office)
Number Attending: 4
Applicant Contact Information
Applicant Mailing Address: 4211 Solmie Road
Applicant City: Ladysmith (Saltair)
Applicant Telephone: 250 245-0471
Applicant Fax: cell 778 837-3641
Applicant Email: psdurnford@telus.net
Presentation Topic and Nature of Request:
Issues regarding 11255 Chemainus Road (previously Seaside Trailer Park) including brief power point presentation to be provided to staff by June 26

The following form was submitted via your website: Request to Appear as a Delegation

Request to Address:: Committee

If Committee, specify the Committee here:: Electoral Area Services

Meeting Date:: 07/03/2012

Meeting Time:: 3:00

Applicant Name:: Sherry Durnford

Representing::

As::

Number Attending:: 4

Applicant Mailing Address:: 4211 Solmie Road

Applicant City:: Ladysmith (Saltair)

Applicant Telephone:: 250 245-0471

Applicant Fax:: cell 778 837-3641

Applicant Email:: psdurnford@telus.net

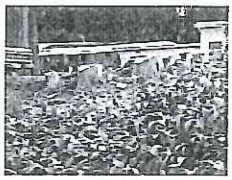
Presentation Topic and Nature of Request:: Issues regarding 11255 Chemainus Road (previously Seaside Trailer Park) including brief power point presentation to be provided to staff by June 26

Additional Information:
Form submitted on: 6/22/2012 8:08:06 AM
Submitted from IP Address: 173.183.101.66
Referrer Page: No Referrer - Direct Link
Form Address: http://www.cvrd.bc.ca/Forms.aspx?FID=41

Seaside Trailer Park

Redevelopment Proposal

Fact and Fiction



Presentation to Electoral Area Services Committee- July 31/12

Facts

- Seaside had 11 full time manufactured homes and 2 seasonal manufactured homes until 2008
- Owners claimed in court in 2008 that they intended only to have the existing house as their home, needing no permits to discontinue manufactured home park and keep only a single family home with guest house. This was ratified by the CVRD Director of Planning as provided in the Dispute Resolution Decision of June/08
- Residents were intimidated when trees were felled within feet of their homes which, combined with septic tank problems, prompted them to move out early

Facts

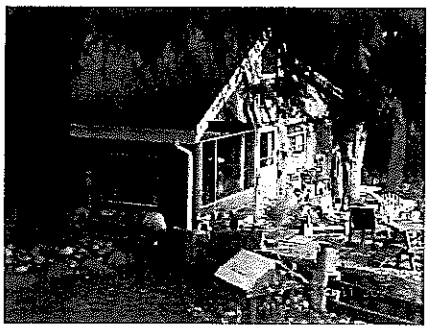
- All manufactured homes were removed
- Water connections to sites were disconnected
- Electrical lines to sites were removed
- Pad sites were obliterated
- Property was listed for sale as commercial lot with 400 ft. of waterfront (actually 240 ft.)
- Property lost it's non conforming status as a manufactured home park

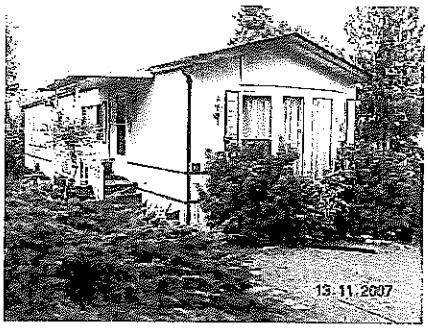
Sec. 911 of Local Government Act

- (1) (b) ...but if non conforming use is discontinued for a continuous period of 6 months, any subsequent use...becomes subject to bylaw.
- (5) in relation to land, sub. (1) or (4) does not authorize the non conforming use ...on scale....greater than that at time of adoption.

Residents and their homes

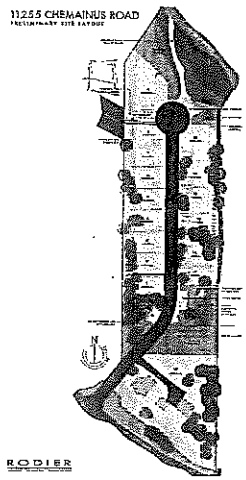
Community of well kept homes

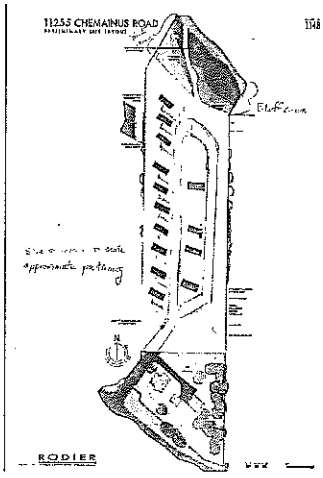




Property now

Proposed houses on lot





Consequences of approving the proposed redevelopment-short term

- Open CVRD to a legal challenge on non conforming status
- Open CVRD to legal challenge on allowing modular homes, then standard construction homes instead of allowable manufactured homes (definitions are entirely different)

Consequences of Approving the Proposed Development-longer term

- Encourage other trailer park owners in B.C. to oust residents by providing "density bonusing"
- Private sewer treatment system with clay soil at estimated 20,500 litres per day, if not maintained properly, will fail quickly
- Inadequate fire protection for number & proximity of houses from Solmie standpipe
- Saltair bluffs erosion likely with building proximity to bank.

WHY!

- Why are you trying to bend the CVRD and Provincial rules for a company owned by non residents who have ignored your rules?
- Why are you approving density that is unsuitable given the soil conditions and inconsistent with the OCP which was prepared by community residents for community residents?
- Why are you rewarding thoughtless and unbusinesslike behavior?

D3

Original:	Copies to:
Board:	
Committee(s): EASC	
Directed by: JB	Date: 6/26/12
File #	

RECEIVED
CVRD
JUN 26 2012
Administrative Services

CVRD

REQUEST TO APPEAR AS A DELEGATION

(Submit completed form to Legislative Services Division – Fax 250.746.2513)

REQUEST TO ADDRESS: **CVRD BOARD**

☑ NEIGHBOURHOOD EASC **COMMITTEE**

at the meeting of JULY 31, **20** 12 **at** _____ **pm**

APPLICANT NAME KEVIN KIVELA, TARA KIVELA, AND PHILIP OLDRIDGE

REPRESENTING: KIVELA CONTRACTING LTD
(name of organization if applicable)

AS: _____
(capacity/office)

NUMBER ATTENDING: 3

Applicant mailing address: 415 FOURNEAU WAY, PARKSVILLE, BC, V9P 2J2

Applicant Telephone: (250) 954-0817 **Fax:** (250) 954-1516

Applicant email: kivela@shaw.ca

PRESENTATION TOPIC and NATURE OF REQUEST:
WE WISH TO EXPLAIN OUR INTENSIONS AS TO WHAT WE ARE DEVELOPING AT OUR PROPERTY AT SALT AIR THAT USED TO BE A MOBILE HOME PARK.
(If more space is required, please attach an additional page to this form)

K. [signature]
Signature

JUNE 22, 2012
Date

Cowichan Valley Regional District, 175 Ingram Street, Duncan BC V9L 1N8
Please address inquiries to the Legislative Services Division at 250.746.2508.

n 26 2012 7:49AM Kivela Contracting Ltd. 2509541516 page 1

R1

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE
OF JULY 31, 2012

DATE: July 24, 2012 **FILE NO:** 1-G-11SA

FROM: Rob Conway, MCIP
Manager, Development Services Division
Planning and Development Department **BYLAW NO:**

SUBJECT: Re-Development of Former Seaside Trailer Park – 11255 Chemainus Road

---

Recommendation:
That the decision to accept the lawful non-conforming use claim by the owners of 11255 Chemainus Road be re-affirmed, and that re-development of a 15 lot mobile home park be permitted to proceed; AND FURTHER, That Mobile Home Park Permit G-23-12 be amended to incorporate commitments made by Phillip Oldridge in his letter of July 16, 2012.

Financial Implications: N/A

Interdepartmental / Agency Implications: N/A

Purpose:
In response to a delegation regarding the proposed re-development of 11255 Chemainus Road, the Electoral Area Services Committee passed the following motion at its June 5, 2012 meeting:

That the "Address to the Electoral Area Directors" information package dated June 5 2012, from Sherry Durnford be directed to staff and further that staff prepare a report for the EASC on the issue of zoning, non-conforming use and other items raised on the subject property located at 11255 Chemainus Road.

This report is provided in accordance with Committee direction.

Background:
The Seaside Trailer Park was located at 11255 Chemainus Road. This property is comprised of two parcels, with an estimated site area of about 1.83 hectares (4.52 ac.). The property presently has a dwelling and a cottage located on it. The property previously accommodated a small mobile home park known as the Seaside Trailer Park. It is not known exactly when the mobile home park use was established, but it apparently pre-dates the first CVRD zoning bylaw that was adopted in 1974. It is also not known with certainty how many mobile homes were previously located on the property. Past owners have provided a letter stating that between 2002 and 2007 there were a total of 15 mobile home pads on the property, 13 of which were

occupied. Some of the neighbouring property owners contend that only 10 or 11 mobile homes were located on the site. A sketch plan showing the configuration of the mobile home park is provided in Schedule 3, attached to this report.

In June, 2007 the property and mobile home park was sold to new owners. Shortly after acquiring the property the new owners commenced eviction of the mobile home park tenants with the stated intention of using the property for single family residential use. By most accounts, the evictions caused considerable hardship for the mobile home residents, as many were low income seniors without the resources to easily relocate.

At the time, the residents and the CVRD were told that the new owners intended to live on the property, and that the evictions were necessary to allow the owners to occupy the property for their personal use. Whether this was true or not, it appears the owners had a legal right to evict the Mobile Home tenants, provided the process and compensation requirements of the *Mobile Home Park Tenancy Act* were followed. Section 42 of the Act states:

> ***Subject to section 44* [tenant's compensation: section 42 notice], *a landlord may end a tenancy agreement by giving notice to end the tenancy agreement if the landlord has all the necessary permits and approvals required by law, and intends in good faith, to convert all or a significant part of the manufactured home park to a non-residential use or a residential use other than a manufactured home park.***

The single family use that was used as the basis for the eviction did not require permits or other approvals, so the owner was able to commence the evictions prior to obtaining approval to re-develop the property.

Section 44 of the *Mobile Home Park Tenancy Act* outlines the owner's obligation for providing compensation to mobile home park tenants when tenancies are ended in accordance with Section 42. The *Act* essentially requires payment of 12 months rent to displaced tenants. A further payment of 6 months rent must also be paid, "*if steps have not been taken to accomplish the stated purpose for ending the tenancy under Section 42 within a reasonable period after the effective date of the notice ...*". The owner has advised that the residents were provided 12 months rent and were permitted to reside on the property for 12 months rent free. The residents were not paid the additional 6 months rent that is required if the "stated purpose" for the evictions was not accomplished.

In June, 2008, seven of the mobile home park tenants appealed to the Residential Tenancy Branch, asking that the Notice to End Tenancy be declared invalid. The Dispute Resolution Officer who heard the case found the Notice to End Tenancy to be valid, as the owner did not require permits or approvals to close the Park and to occupy the single family dwelling on the property for personal use. The Officer concluded:

> ***I find that the Landlord does not require permits or approvals to carry out his stated intentions to shut down the Park and live in the single family dwelling with his family.***
>
> ***I find that the Notice to End Tenancy is valid and therefore, I dismiss the Applications of the Tenants.***
>
> ***The Notice to End Tenancy remains in full force and effect.***

In March, 2011, the CVRD received a referral from the Ministry of Transportation and Infrastructure for a 27 modular home bare land strata subdivision. After reviewing the application, the Planning and Development Department concluded that it was not compliant with the CVRD's Mobile Home Park Bylaw, which requires a minimum parcel size of 2.0 ha. for the mobile home park use. A letter was sent to the Ministry of Transportation and Infrastructure recommending that the subdivision application not be approved.

Following the recommendation to deny the subdivision, staff were contacted by the applicants to discuss developing the property as a "lawful non-conforming use". Section 911 of the *Local Government Act* allows owners to legally conduct uses that existed lawfully prior to zoning. The law surrounding non-conforming use is complex, and it can be difficult to substantiate if a use is legal non-conforming or not. Typically the onus of proof is on the property owner to prove lawful non-conforming status. In situations where local government and the property owner cannot agree on lawful conforming status, it is commonly determined by a court, based on the available evidence.

To substantiate their non-conforming use claim, the owners provided a letter from a previous property owner that stated there were previously 15 mobile home pads on the property, 13 of which were occupied by mobile homes. In addition, CVRD Engineering staff advised that the property had been previously billed for 13 mobile home water services. Despite this information, it was difficult to determine conclusively how many lawful non-conforming mobile home pads existed. It was even more difficult to determine if lawful non-conforming rights that may have existed continued to exist after some of the mobile home park infrastructure was removed from the subject property.

In an attempt to get resolution to this issue, a staff report was presented at the November 23, 2011 EASC meeting. Staff advised acceptance of the owner's lawful non-conforming use claim for the following reasons.

1. The property is zoned Manufactured Home Park 1(MP-1). The only reason the owners were unable to develop it for a manufactured home park is because of a s. 915 of the Mobile Home Park Bylaw that states that a minimum site area of 2.0 ha. required for the mobile home park use. There is risk a court may not agree with a decision to deny the mobile home park use when the property is zoned for this purpose.
2. The density of the amended proposal was significantly less than what could be achieved under the zoning (15 lots instead of 27). If the decision to deny the use was successfully challenged, the property could be developed to a density that is significantly higher than the density of the surrounding neighbourhood.
3. The owner had offered community amenities and development features with the proposal that would not have been offered if the developer were to successfully establish development rights through the courts.

Minutes from the November 23, 2011 EASC meeting where the staff report was reviewed are recorded as follows:

R4-11255 Chemainus Road	Rob Conway, Manager, reviewed staff report dated November 16, 2011, regarding re-development of mobile home/manufactured home park at 11255 Chemainus Road. Discussion ensued. Directors felt that 13 mobiles max should be permitted, and that an affordable housing component should be built into

	the proposal. Amenity options were also discussed. It was Moved and Seconded: That 13 mobile homes be the maximum permitted at the proposed re-developed mobile home park at 11255 Chemainus Road. MOTION NOT VOTED ON It was Moved and Seconded: That the request from the owners of the closed mobile home park located at 11255 Chemainus Road to allow re-development of manufactured homes to proceed as legal non-conforming use, be referred back to staff to sort out amenity issues related to the request. MOTION CARRIED

Following the EASC's direction to accept the proposed use as legal non-conforming, staff and the Local Area Director met with the owner's agent to discuss amenities and development features. To resolve the discrepancy about the number of lawful non-conforming mobile homes, the agent agreed to provide the approximate value of one of the lots, or $110,000, to the Area G Parks function. A public pathway to the waterfront was also offered, as well as amenities for residents within the development. The development plan is attached to this report as Schedule 4.

To formalize the terms and conditions of the development, a mobile home park permit was issued on February 7, 2012 (Schedule 5). Following issuance of the permit, the Ministry of Transportation and Infrastructure were advised in a report dated April 12, 2012 that the CVRD had no objection to subdivision of the property, subject to conditions (Schedule 6).

On May 16, 2012, a neighbourhood meeting was held to inform local residents of the pending development.

Delegation's Issues and Concerns:

A number of issues were raised by Ms. Durnfurd and other members of the delegation that presented at the June 5th EASC meeting. The reader is referred to Schedule 7 of this report for the material that was provided to the Directors at the meeting. For the purpose of this report we will attempt to summarize what staff considers to be the primary issues raised by the delegation and provide some comment with respect to the issues. We caution the reader that this is staff's understanding of the concerns and the reader is directed to the delegation material for a complete description of the delegation's concern's.

***Issue #1* – Inadequate Compensation for former Mobile Home Park Residents**

The delegation contends that the property owners did not disclose their intentions to develop the subject property as a manufactured home park and therefore should be required to compensate former mobile home park tenants as specified in Section 44 of the Mobile Home Park Tenancy Act.

Staff Comments – As the stated purpose for the eviction was to allow the owners to use the property for a single family dwelling, and this did not occur, the evicted tenants may have a valid claim for further compensation. Alternatively, the owners contend that compensation provided to the former tenants exceeds what is required by law. In any case, the CVRD does not have authority to enforce the *Mobile Home Park Tenancy Act* and any outstanding claims for compensation should be directed to the Residential Tenancy Branch.

The owners have advised staff that they consider their compensation obligations to have been fulfilled, but to not object to the CVRD using the contribution to the Area G Parks function for compensation of the former tenants, should it choose to do so.

***Issue # 2* – Non-Conforming Status**
The delegation believes the owner lost any non-conforming rights he may have had when the Seaside Trailer Park was dismantled. Even if a lawful non-conforming right can be established, the delegation believes the number of mobile homes that would be protected would be 10 or 11, not 15.

Staff Comments – It can be difficult, or sometimes even impossible, for local government to determine if legal non-conforming use rights exist or not. In situations where the local government and property owner do not agree, the Courts can make a conclusive determination. Determination of such rights through the courts can be costly to both the land owner and Regional District, and the outcome can be unpredictable.

It is particularly hard to determine legal non-conforming rights for mobile home parks, as case law has established that it is the mobile home "pad" that has protection, not the mobile home. In this case, staff is not aware if the homes were on concrete pads, or simply placed on gravel pads. Much of the mobile home park infrastructure that previously existed, such as the hydro and water services, appear to have been removed, although part of the Park such as the road and mobile home plots are still evident.

Staff believe that a case could be made that the lawful non-conforming rights have been lost. We also believe the property owner could prepare a credible case that non-conforming rights still exist. Refusing development approval based on the limited information available at the time was an option, but staff instead recommended a negotiated approach based on information available at the time.

The number of units that were accepted as legal non-conforming was based largely on statements submitted by the previous property owner. Staff recognized that the information was not conclusive and debatable, but still considered a negotiated solution to be preferable.

***Issue #3* – Modular Homes v. Mobile Homes**
The delegation has questioned why "modular homes" have been accepted in a mobile home park zone.

Staff Comments - The CVRD has in the past accepted both CSA Z240 mobile homes and CSA A277 modular homes in mobile home park zones. The main reason for this is that the CVRD's Mobile Home Park Bylaw does not clearly distinguish between the two types homes. The bylaw defines "mobile home" as,

> ***A structure manufactured as a unit, intended to be occupied year round in a place other than of its manufacture, designed for dwelling purposes, is***

completely self-contained, and includes flush toilet, bath, or shower, requiring only connection of utilities and some incidental assembly. This definition does not include those dwellings that have been designed to propel themselves or be classed as motor homes or travel trailers.

As the definition does not clearly differentiate between the two CSA classes of manufactured home (Z240 and A277), the CVRD has traditionally accepted both in mobile home park zones. The most recent example of this is the Shawnigan Station/Arbutus Mountain Estates development on Shawnigan Lake Road, where modular homes were permitted under comparable zoning. As the CVRD has allowed modular homes in mobile home park zones elsewhere in the CVRD, there was little reason to deny them in this case.

***Issue #4* - Sewer Disposal**
Concerns were expressed about the impact of an on-site common sewage treatment facility for the proposed development on adjacent properties.

Staff Comments – Approval for the proposed sewage treatment and disposal system is required from the Vancouver Island Health Authority. The CVRD has no role in this process, so staff are not in a position to comment on the system or potential impacts to adjacent properties. The owners have provided a letter from H_2O Environmental Ltd. that outlines the waste water design concept (Schedule 8).

Issue #5 – Building Height
It was noted by the delegation that modular homes on the proposed lots could be up to two stories in height. This is considerably higher than the height of conventional (CSA Z-240) single storey mobile homes. Two storey structures at the lower end of the subject property would negatively impact the ocean views from some of the existing homes on Solmie Road.

Staff Comments - The MP-1 Zone has a maximum permitted building height of 7.5 metres (24.6 ft.), which can accommodate a two storey structure. This height limit applies to both mobile homes and single family dwellings. The delegation does make a good point that traditional mobile homes are single storey structures that can be transported on public roadways. Accepting CSA A-277 modular homes in mobile home park zones likely does result in taller and larger dwellings.

As the CVRD has traditionally permitted modular homes in mobile home park zones and the zoning clearly allows a 7.5 metre height, the CVRD has no basis for limiting building height to a single storey in this case. However, as a result of concerns about building height expressed at the May 16th neighbourhood meeting, staff has asked the owners to consider a height limitation on the lower three lots (proposed lots 7, 8 and 9). The owners have advised that they are prepared to reduce building height on these three lots if lot coverage is increased from 35% to 40%. This can only be done through a variance process. The owners have indicated an intention to apply for a variance (Schedule 9), but it remains to be seen if they will proceed with an application and if the application would be approved by the Board.

Issue #6 – Parking
The site plan for the proposed development indicates only one parking space per lot. The delegation considers proposed on-site parking to be insufficient and lack of parking could contribute to parking congestion on Solmie Road and Chemainus Road. A similar concern was

expressed about the lack of parking at the end of Solmie Road for the proposed beach access trail.

Staff Comments - The Area G Zoning Bylaw requires a minimum of 2 parking spaces per lot, so more on-site parking will be required than what is currently shown on the development plan.

With respect to the parking for the trail, staff acknowledge that Solmie Road does not have much room for parking and does not have a cul-de-sac bulb or other provision for vehicles to turn around. Although the proposed trail would be accessed from the end of Solmie Road, it is expected to be used primarily by local residents and it is not expected to attract much vehicle traffic. Should parking become a problem, no parking signage could be posted, or other actions could be taken to deal with the problem.

To address neighbourhood concerns about the trail access and parking, the owners have agreed to a statutory right of way that would allow public access to the waterfront trail from the internal strata road. The right of way would also allow the five parking spaces at the north end of the development to be used by the public, which should alleviate potential parking problems at the end of Solmie Road. The owners have asked that public access through the development be limited to between 8 am to 7pm Schedule 9).

Issue #8 - Slope Stability
Concerns were expressed about the stability of the Saltair Bluffs and the safety of the building sites proposed near the bluffs.

Staff Comments - Prior to development of the property, the owner is required to obtain a development permit in accordance with the Ocean Shoreline Development Permit Area. As a requirement of the development permit application, the owner will need to provide a geotechnical assessment that confirms the site is safe for the use intended. Further geotechnical assessment may also be required at the building permit stage.

Issue #9 – Public Process
The delegation had concerns about the lack of public process and that land use decisions have been made without community input.

Staff Comments – Staff appreciate that it is frustrating for local residents to not have formal opportunities for input into the planning and development of the subject property. As it is often not possible to achieve community consensus on land use decisions, a formal process for public input allows opportunities for issues and concerns to be expressed. Public input doesn't necessarily resolve differences of opinion, but it can help to inform elected officials before decisions are made.

Non-conforming use situations differ from other types of land use decisions in that the *Local Government Act* provides no opportunity for formal public input. Even informal public input on such matters is challenging, as local governments are obliged to make determinations about non-conforming use based on available evidence, not community opinion or preference.

Development Services Comments:
This report has attempted to provide some information and explanation regarding the issues that were raised by the June 5th EASC delegation. As many of the issues are complex and do not necessarily have simple answers, it is unlikely that the information provided in this report

fully addresses the concerns that have been raised. As is often the case with development, there are many different views and interests that cannot always be reconciled. While a rezoning process can allow such concerns to be voiced and considered, a comparable process is not available when considering non-conforming uses. In an attempt to resolve a difficult situation where full information was not available, the CVRD chose to pursue a negotiated approach in good faith and with good intentions. In retrospect, a more confrontational approach may have been preferable as it may have resulted in a rezoning process where the neighbourhood concerns could be arbitrated. Alternatively, it may have resulted in a legal challenge with an unpredictable outcome.

The situation at hand is complicated by the recent history of the property and the hardship experienced by the former tenants of the Seaside Trailer Park when they were evicted. While the motives and approach taken by the property owners may have influenced how some neighbours view re-development of the property, it would be inappropriate for planning staff to make recommendations on such information.

Staff believe there are two basic options available. The first option is to allow the development to proceed as proposed. The second option is to reverse the previous decision to accept the lawful non-conforming use claim and inform the owner that the proposed development does not comply with CVRD bylaws.

A range of "compromise" options are also available. One such option would be to reduce the number of permitted lots to 13, as this number is more easily defended, and abandon the community amenity that was negotiated. These options may partially address the neighbourhood concerns, but are unlikely to satisfy all of the concerns identified in this report.

Staff is challenged with recommending a preferred option for the Committee and Board. By accepting the non-conforming claim, there is little opportunity to address neighbourhood concerns or engage in a process where the public can have their concerns and points of view considered. By denying the claim, there is a possibility the land could be developed at a higher density and without the amenities that have been offered.

Given some of the new information that has become available from the delegation and neighbourhood residents, there may be reason to reconsider the legal non-conforming use claim. Also, since a number of the neighbourhood residents have objected to aspects of the development, the Committee may also question how much community benefit has been achieved.

All of the options are imperfect but, in the opinion of staff, Option 1 is preferred. Since the delegation appeared at the July 5, 2012 EASC meeting, the property owner has made some concessions in the development plan that will hopefully address some of the neighbourhood concerns. These include:

i) Consent for the CVRD to re-allocate part or all of the $110,000 contribution towards the community parks function to compensation of the former mobile home park residents;
ii) Consent for a statutory right of way over the internal strata road and five parking stalls at the north end of the development for public access;
iii) Reduction of building height on proposed lots 7,8 and 9 to 6.0 metres in exchange for an increase in lot coverage on those lots from 35% to 40%;

Staff believe the property owners have been responsive in addressing many of the neighbourhood concerns that were raised. We also believe the current development plan is

preferable to what might be possible if the CVRD contests the zoning and are therefore recommending Option 1.

Options:

Option 1:
That the decision to accept the lawful non-conforming use claim by the owners of 11255 Chemainus Road be re-affirmed, and that re-development of a 15 lot mobile home park be permitted to proceed; AND FURTHER, That Mobile Home Park Permit G-23-12 be amended to incorporate commitments made by Phillip Oldridge in his letter of July 16, 2012.

Option 2:
That the owner of 11255 Chemainus Road be advised that the CVRD does not accept the lawful non-conforming use claim for re-development of a mobile home park due to evidence received from adjacent property owners indicating that the majority of the mobile home park infrastructure was removed in 2008.

Option 3:
That the CVRD accept the lawful non-conforming use claim by the owner of 11255 Chemainus Road for a maximum of 13 units, and that development plans and the mobile home park permit be amended accordingly.

Option 1 is recommended.

Submitted by,

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

Department Head's Approval:

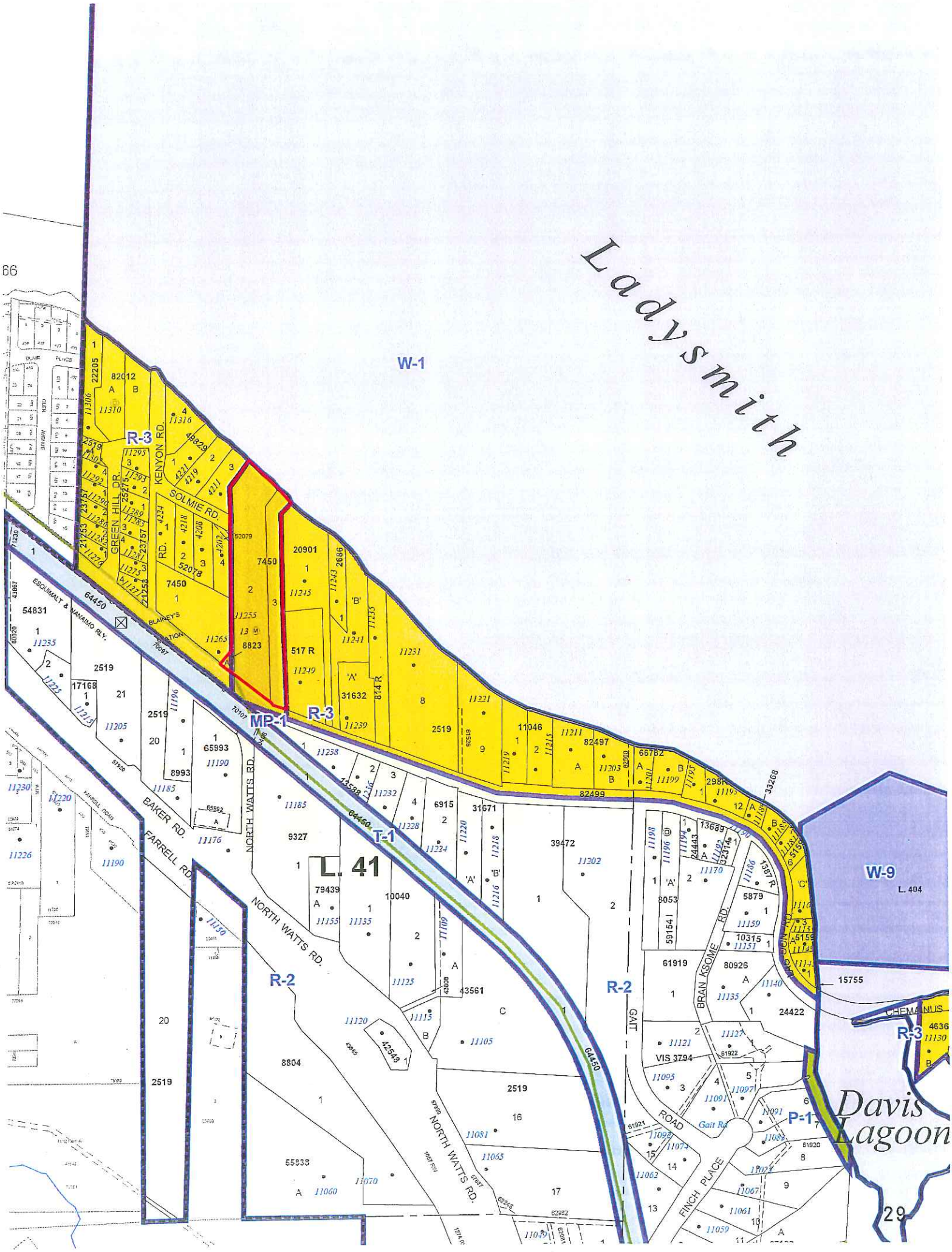
Signature

RC/jah

Attachments:	Schedule 1	Location and Zoning Map
	Schedule 2	MP-1 Zone
	Schedule 3	Seaside Mobile Home Park Sketch Plan
	Schedule 4	Proposed Development Plan
	Schedule 5	Mobile Home Park Permit
	Schedule 6	Subdivision Report
	Schedule 7	July 5, 2012 Delegation Information Package
	Schedule 8	Conceptual Wastewater System Design
	Schedule 9	July 16, 2012 Letter from Phillip Oldridge

Schedule 1

Location and Zoning Map


Ladysmith
W-1
R-3
KENYON RD.
GREEN HILL DR.
SOLMIE RD.
ESQUIMALT & NANAIMO RY.
BLAINEY'S
MP-1
R-3
NORTH WATTS RD.
T-1
L. 41
BAKER RD.
FARRELL RD.
NORTH WATTS RD.
R-2
R-2
GAIT
BRAN KSOME RD.
W-9
L. 404
CHEMAINUS
R-3
P-1
Gait Rd
ROAD
FINCH PLACE
Davis Lagoon
29

Schedule 2

MP-1 Zone

5.5 MP-1 MANUFACTURED HOME PARK ZONE 1

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

1. **Permitted Uses**

   The following principal uses and no others are permitted in the MP-1 Zone:
   (a) Single family dwelling;
   (b) Manufactured home park;

   The following accessory uses are permitted in the MP-1 Zone:
   (c) Bed and breakfast accommodation, accessory to the single family dwelling;
   (d) Community service facility, accessory to the manufactured home park;
   (e) Home-based business;
   (f) Buildings and structures accessory to a principal permitted use.

2. **Minimum Parcel Size**

   The minimum parcel size in the MP-1 Zone is 2 hectares.

3. **Density**

   The permitted density in the MP-1 Zone is 15 dwelling units per hectare.

4. **Standards, Definitions and Setbacks**

   The setbacks, definitions of mobile home, minimum site area and other standards for the MP-1 Zone are set out in the CVRD Mobile Home Park Bylaw.

5. **Height**

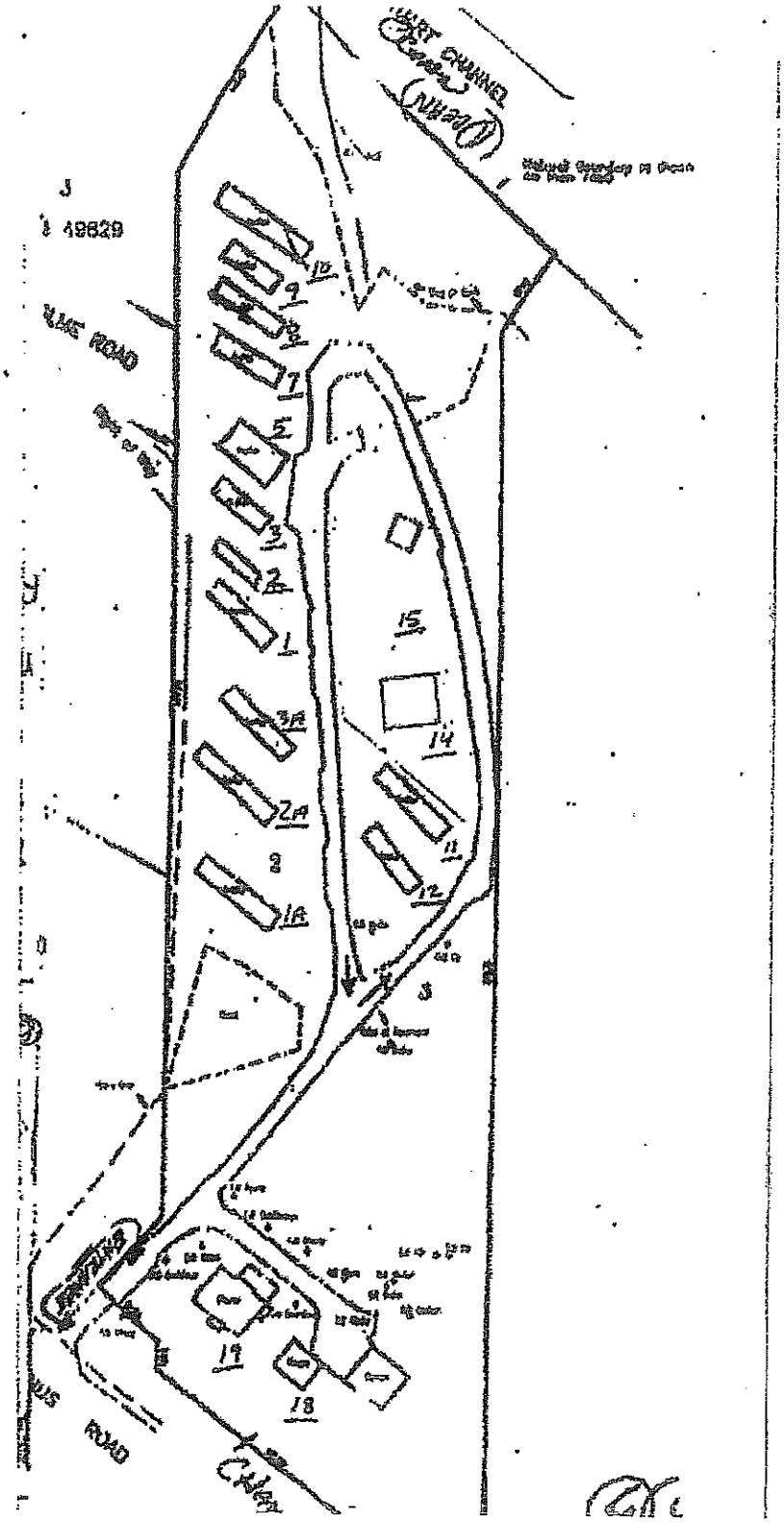
   In the MP-1 Zone, the height of all principal buildings and structures shall not exceed 7.5 metres, and the height of all accessory buildings shall not exceed 4.5 metres, except in accordance with Section 3.8 of this Bylaw.

6. **Parking**

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

Schedule 3

Seaside Mobile Home Park Sketch Plan


49629
ROAD
ROAD

Schedule 4

Proposed Development Plan

11255 CHEMAINUS ROAD

PRELIMINARY SITE LAYOUT

MAY 1, 2012 R2

1148

RODIER

0 10 20 30 40 50'

100'

1" = 30'-0"

Schedule 5

Mobile Home Park Permit

C·V·R·D

FILE COPY

REPORT OF PRELIMINARY SUBDIVISION

REGIONAL DISTRICT FILE: 1-G-11SA
HIGHWAYS FILE: 2011-01514
DATE: April 12, 2012

Re: Proposed Subdivision of Lots 2 & 3, Plan 7450, and Lot A, Plan 8823, all in District Lot 41, Oyster District (11255 Chemainus Road)

Purpose: To subdivide the subject properties into 15 bare land strata manufactured home lots and one fee-simple lot.

Bylaw Requirements:

	REGULATION	COMPLIANCE
1.	**Zoning Bylaw No. 2524** *The subject properties are zoned MP-1 (Manufactured Home Park Zone 1). This zone allows the land to be developed for a manufactured home park, provided it is compliant with both the Zoning Bylaw No. 2524 and Mobile Home Park Bylaw No. 275.* *CVRD Mobile Home Park Bylaw No. 275 requires a minimum parcel size of 2.0 hectares to qualify for a mobile home park use. Although this site is less than the 2.0 hectare minimum, it appears to have lawful non-conforming status, and may be re-developed for the mobile home park use provided the number of manufactured home lots does not exceed 15. Any lots or dwellings beyond what is proposed in the current subdivision application will require rezoning.* *As the proposed use of the property is non-conforming, the CVRD may pursue a zoning amendment in the future that would align the zoning with the actual use of the property.* *The minimum parcel size for the proposed subdivision is defined in Section 3.11.8 of the Zoning Bylaw and Section 9.17 of the Mobile Home Park Bylaw. The proposed lots are compliant with the applicable minimum parcel size requirements.* *The submitted subdivision sketch indicated that two dwellings may be located on Proposed Lot A. As the zoning only permits one dwelling per parcel, confirmation that the structure identified on the sketch plan as "#1a" is not used or configured as a dwelling is required prior to final subdivision approval.*	Pending
2.	***Mobile Home Park Bylaw No. 275*** *Mobile Home Park Permit G-23-12 was issued on February 7, 2012. All requirements of the permit must be satisfied prior to subdivision.*	Pending

3.	**Building Setbacks** *Dwelling and accessory buildings on Proposed Lot A comply with applicable setback requirements. No other structures are identified on the property.* *All new structures must comply with the setbacks and development criteria in Sections 6 and 9 of Mobile Home Park Permit G-23-12.*	Yes
4.	**Lot Frontage** *10% frontage requirement as per Section 3.10 of Zoning Bylaw No. 2524 is met.*	Yes
5.	**Water Supply** *Connection to the Saltair community water system to be confirmed by CVRD's Engineering and Environmental Services Department prior to subdivision (See April 6, 2011 letter from CVRD Engineering and Environmental Services Department).*	Pending (CVRD Engineering to confirm)
6.	**Sewage Disposal** *Development is proposed to be serviced by an on-site sewage disposal system. Approval from Ministry of Environment or Vancouver Island Health Authority is required.*	Pending
7.	**Emergency Access** *Mobile Home Park Permit G-23-12 requires a minimum 6.0 metre wide emergency vehicle access between Solme Road and the end of the proposed strata road. Confirmation from the Ladysmith Fire Department and CVRD Public Safety Department that the proposed layout adequately accommodates emergency vehicle access is also a condition of the Mobile Home Park Permit. This confirmation should be obtained before the subdivision layout is finalized.*	Pending
8.	**Development Permit Area** *The subject properties are within the Ocean Shoreline Development Permit Area, as defined in Official Community Plan Bylaw No. 2500. Development of the property, including subdivision, will require a development permit that is compliant with applicable guidelines.* *The CVRD has no objection to issuance of PLA in advance of the development permit, but request that final subdivision approval be withheld until the development permit is issued.*	Pending
9.	**Park Land Dedication** *Park land dedication, or cash-in-lieu, in accordance with Section 941 of the Local Government Act is required. The CVRD Parks and Trails Division has advised that cash-in-lieu of park land is preferred. The applicant should contact Parks staff to confirm the cash-in-lieu amount and provide payment prior to subdivision.*	Pending
10.	**CVRD Subdivision Fees** *A subdivision application fee of $7500 (15 x $500 per lot) is required, payable prior to final subdivision approval, in accordance with Development Application Procedures and Fees Bylaw No. 3275*	Pending

Staff Comments:
The proposed subdivision layout is consistent with the Mobile Home Park Permit that was issued for the subject properties. The CVRD has no objection to issuance of preliminary layout approval for the proposed subdivision, but wish to advise the Ministry and the applicant that there are a number of requirements to be satisfied before the CVRD is prepared to recommended final subdivision approval. As some of these requirements may affect how the property is developed, we strongly recommended that the applicant obtain the required development permit and confirm emergency access before proceeding with development of the properties. We also encourage the applicant and property owner to review all requirements identified in this report and confirm that they can be met before proceeding with construction.

Recommendations:
The CVRD Planning and Development Department has no objection to the proposed subdivision, subject to the following conditions:

- Confirmation that Proposed Lot 9 has only one dwelling;
- Confirmation that all requirements of Mobile Home Permit No, G-23-12 have been satisfied;
- Adjustment of the emergency access between Solme Road and the strata road to a minimum width of 6.0 metres and confirmation that the road design complies with access requirements of the Ladysmith Fire Department and CVRD Public Safety Department;
- Issuance of an Ocean Shoreline development permit;
- Payment of cash in lieu of park land;
- Payment of subdivision application fee.

Submitted by,

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

RC/lw

Attachment

pc :Director M. Dorey, Electoral Area G- Saltair/Gulf Islands
WCY Rentals Ltd. Inc., John Koren, Applicant

\\Cvrdstore2\IT\GIS\Devservices\DS_Apps\SA\2011\G\01-G-11-SA (Koren For WCY Rentals Ltd)\DOCUMENTS\1-G-11SA Pre Sub Report.Doc

Schedule 6

Subdivision Report

C·V·R·D

February 7, 2012

File No: 1-G-11SA

WCY Rentals Ltd. Inc. #0737555
#770-475 West Georgia Street
VANCOUVER BC V6B 4M9

Attention: John Koren

Dear John Koren:

Re: Mobile Home Park Permit G-23-12 (11255 Chemainus Road)

Please be advised this letter constitutes a permit in accordance with Cowichan Valley Regional District (CVRD) Mobile Home Park Bylaw No. 275 for a development of a 15 lot bare land strata subdivision as shown on the attached preliminary site layout plan prepared by Rodier Design. The permit is issued subject to the following terms and conditions:

1. Compliance with CVRD Mobile Home Park Bylaw No. 275
All development must comply with the CVRD's Mobile Home Park Bylaw No. 275. Relaxation of bylaw requirements will only be permitted where authorized by development variance permit.

Please note that the subject properties are approximately 1.8 hectares in area and therefore do not comply with the 2.0 hectare minimum site area required for a mobile home/manufactured home park as specified in Section 9.15 of Bylaw No. 275. However, based on information you have submitted, the CVRD is prepared to accept your assertion that the property has lawful non-conforming status. Although it is uncertain if the lawful non-conforming protection applies to 13 or 15 dwellings, the CVRD is agreeable to authorizing re-development for 15 manufactured homes with one of the proposed lots or an equivalent monetary contribution of $110,000 transferred to the Area G – Saltair/Gulf Islands Parks fund.

The definition of "mobile home" in Bylaw No. 275 includes dwellings constructed to both the CSA Z240 and A277 standards. Site built homes are not permitted in the MP-1 zone.

2. Subdivision
This permit does not authorize subdivision of the subject land. Separate application must be made for subdivision approval to the Ministry of Transportation and Infrastructure. The CVRD will review any application for subdivision for compliance with this permit and any applicable CVRD Bylaws. Please be advised that subdivision approval may include conditions and requirements beyond what is outlined in the mobile home park permit.

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3. Building Permits
Building permits are required for all dwellings and structures. All building permit applications must comply with the requirements of this permit and all other applicable bylaws and regulations.

4. Recreation Area
Section 11.4 of the Bylaw No. 275 requires that 10 percent of the total site area be designated for recreation use. The submitted site plan shows recreation area at the north end of the property adjacent to the ocean and at where the children's play area and community garden are proposed. These areas are acceptable as recreation areas, but they will need to be completed as shown and landscaped prior to subdivision approval or issuance of building permits. The CVRD may consider deferral of the landscaping if an acceptable landscape plan and irrevocable letter of credit equivalent to 125 percent of the estimated cost of the works are provided.

5. Communal Storage Area
Section 9.21 of Bylaw No. 275 requires an outdoor communal storage area of 27 square metres for each manufactured home lot. As 15 lots are proposed, the communal storage area of 405 square metres is required. The Bylaw also requires that the storage area be fenced and screened with landscaping. Since the proposed lots are expected to have garages and room for storage on the lots, you may wish to consider applying for a development variance permit to relax the requirement for a communal storage area. Alternatively, you could identify where the outdoor storage area will be provided on the site plan.

6. Buffer Areas – Bylaw No. 275 requires a landscaped buffer area of 7.5 metres on the east and west property boundaries and along Chemainus Road, as shown on the site plan. No buildings or structures are permitted within the buffers, and these areas must be landscaped. Landscaping of the buffers on the east and west boundaries that adjoins residential use must be designed so as to protect the privacy of adjacent properties, preferably with a combination of fencing and vegetation.

Subdivision approval and building permits will not be authorized until the necessary landscaping has been installed or an irrevocable letter of credit equivalent to 125 percent of the estimated landscape cost has been provided.

Since the buffer areas are proposed on private lots rather than on common property, a Section 219 covenant will be required to ensure required buffer is maintained. Please submit a draft covenant to the CVRD's Planning and Development Department for review and approval prior to subdivision or development of the property.

7. Fire Protection
The subject properties are within the Saltair Fire Protection Local Service Area with fire protection provided by the Ladysmith Fire Department. Prior to subdivision of the land, we will require confirmation from the CVRD's Public Safety Department that the

.../3

proposed layout accommodates emergency vehicle access and requirements for other fire protection measures such as on-site hydrants. Please note that we expect the proposed 4.0 metre wide lane between Solme Road and the proposed strata road will need to be widened to 6.0 metres to facilitate emergency vehicle access.

8. Public Access to Waterfront

The CVRD supports the proposed public access from Solme Road to the waterfront, as shown on the submitted site plan. To ensure public access, a statutory right-of-way will be required in favour of the CVRD prior to subdivision or development of the property. Please contact the CVRD's Parks and Trails Division regarding the construction standard of the trail and the content of the statutory right-of-way document.

Please note that development within 30 metres of the high water mark of the ocean is within the Ocean Shoreline Protection Development Permit Area and a development permit is required before work can occur. Proposed development in this area must be compliant with the applicable guidelines. Please contact the CVRD's Planning and Development Department regarding the development permit application and process.

9. Development Criteria

Development criteria for the dwellings in the MP-1 zone are contained within Area G - Saltair/Gulf Islands Zoning Bylaw No. 2524 and Mobile Home Park Bylaw No. 275. The following criteria apply to development of dwellings:

Building Height – 7.5 metres for principal buildings; 4.5 metre for accessory buildings

Parking – 2 spaces per lot

Setbacks – 6.0 m from any roadway (front)
6.0 m exterior side
1.5 m one side, 3.0 metre other side (4.5 m minimum between units)
6.0 m from any manufactured home park boundary
1.5 metres from any required buffer area

Lot Coverage – 35%

10. Water Supply

Please contact the CVRD's Engineering and Environmental Services Department to confirm requirements for connection to the Saltair Water System.

11. Sewage Disposal

The proposed on-site sewage disposal system must be designed and constructed to Vancouver Island Health Authority or Ministry of Environment standards. Please contact the appropriate agency regarding requirements for on-site sewage disposal.

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12. Amendments
Any change to the proposed development must be authorized in writing as an amendment to this permit.

13. Application Fees
An application fee of $50 per manufactured home site is required as per Schedule "A" of the CVRD Building Regulation Bylaw. Based on the 15 lots proposed, a fee of $750.00 (15 x $50) is required. Additional fees will be required for individual building permits as per item 3 of this letter.

Should you have any questions regarding this permit or development of the property, please contact Rob Conway, Manager, Development Services Division, or the undersigned.

Yours truly,

Brian Duncan, Manager
Inspections and Enforcement Division
Planning and Development Department

RC/lag

pc: Director M. Dorey, Electoral Area G- Saltair/Gulf Islands
Rob Conway, Manager, Development Services Division
Brain Farquhar, Manager, Parks and Trails Division
Dave Leitch, Manager, Water Management Division
Sybille Sanderson, Acting General Manager, Public Safety Department

I Hereby Certify that I have read the terms and conditions of this amendment to Mobile Home Park Permit G-23-12 (11255 Chemainus Road). I understand and agree that the Cowichan Valley Regional District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with WCY Rentals Ltd. Inc. #0737555, other than those contained in this permit.

Signature of Owner/Agent

PHILLIP OLDRIDGE
Print Name

FEB 07 2012.
Date

Schedule 7

July 5, 2012 Delegation Information Package

11255 Chemainus Road Development Proposal

June 5, 2012

Address to the Electoral Area Directors

Thank you for the opportunity to make this presentation today. We are here because of a number of concerns that we have about the owners' plans for what was Seaside Trailer Park at 11255 Chemainus Road. We hope to be able to establish a resolution at the Area Director level and have kept our delegation to a minimum today. However, should there not be any address of our concerns, our next step will be to go to the CVRD Board on June 13th. There are a number of past residents on the property and neighbours who will attend that meeting if it is necessary.

First, I'll address the issue of integrity and the nonconforming status of the property.
Secondly, Doug Routley will give a brief summary of events that led up to a dispute resolution hearing at the Residential Tenancy Office and its outcome .
Thirdly, Ray Bradford will address the sewer disposal concerns regarding the project.
Lastly, we will wrap up with other concerns expressed by neighbours regarding the project.

1/ According to the CVRD bylaws, a Manufactured Home Park needs to be a minimum of 2 hectares. The property being considered is 1.8 hectares but, because it had been a manufactured home park for over 35 years, it was granted nonconforming status. Please find attached Appendix A which contains a couple of excerpts defining nonconforming use of a property. It is reiterated throughout these that a change of use renders the nonconforming use no longer legal. The owners told the residents at a meeting on November 1, 2007 that they were using the property to build 2 houses that the owners would live in. The Director of Planning for the CVRD was contacted by the dispute resolution officer for the Residential Tenancy Branch on June 5, 2008 and given assurances that the property was no longer to be used as a manufactured home park but as a single family residence for the owners. This change to single family residential without a manufactured home use was borne out in the ruling of June 25, 2008 provided by the dispute resolution officer. The owners also told the media this as shown in highlights on Appendix B. Appendix C shows that the owners are not resident and have never lived on the property as they purported to and that the property was purchased by a company, not individuals. On Appendix D, is an excerpt from the Manufactured Home Tenancy Act that specifies that a further six months' rent is due to residents if the owners don't use the property as they specified. This amounts to $2400 for each of the 10 owners. It is a very small amount for the developers but would help to offset the considerable financial, emotional, and health costs of the residents. Two of the residents died after being given notice but before they could move and 3 others have had significant medical issues as either a direct or indirect result of the trauma that they endured. Three of the residents have not kept in touch so we don't know what has happened to them.
If the CVRD accepts that there was continued use as a manufactured home park, which should require the owners to compensate the previous residents in accordance with the Act, the next question is how a Manufactured Home Park can be turned into a Modular Home Subdivision with individual strata units. The attached Appendix E provides definitions of modular homes and manufactured homes. They are completely different.
2/ Please find attached Appendix F, the sequence of events that led to the eviction of the Seaside Trailer Park home owners.
3/ Please see attached Appendix G which shows the minimum lot size and discharge areas required for sewers on a community waterworks system. We are greatly concerned that, although sewage treatment systems have been improved, the soil here can't withstand the 20,500 litres of effluent per day coming from the property. Please consider that 15 homes ranging from 1544 square feet to 3846 square feet will produce more effluent than the system can handle. If there is the usual seepage from rain water, it will further overload the system. Also, if the waste water is pumped up a steep hill, what happens if the pumps fail or there's an electrical outage. If the system fails, will the CVRD assume responsibility and costs as they've needed to with the Aquila Estates water system? If an overflow occurs, how will it affect the two neighbours to the east of the development and the shoreline which Fisheries and Oceans regulates? Lastly, but most importantly, because of the thin layer of

1

percable soil with clay below, the porosity is very poor in this area. An already compromised drainage system will be further impeded by the massing on the property.

4/ **Parking**: Please refer to the attached email from one of the well respected neighbours regarding parking issues. At the meeting held on May 16th, the area director informed us that there were 2 parking spaces per household. The plan given to us only indicates one parking space. Further, we were told that there would be 5 parking spaces for public access to the beach at the foot of the property. Subsequently, one of the neighbours was told that there would be no vehicle access down the road of the development. This means that there is no parking accommodation whatsoever for public beach access except if people park on the end of Solmie Road which hasn't any provision for parking.

Height: When the owners of the property immediately to the west of the property prepared their plans, they were told by Norm of the CVRD that there would not be any structures more than a single storey on the subject property. Allowing a 25 foot height not only violates the concept of a manufactured home but also increases the likelihood of larger families moving in and obstructs the view corridor that was assured to adjacent uphill residents on Solmie Road.

Bluff Erosion: In the past, residential development was allowed on the Saltair Bluffs in the South Oyster Road area. Recent erosion has occurred and threatens the homes at the base of the bluff. The Saltair Bluffs bylaw was introduced in 1988 to ensure that past bad practices were not repeated. Now it appears that that bylaw has been replaced and a much more lenient Saltair Ocean Shoreline Development Permit Area has been established. When the Saltair bluff erodes further, who will protect the homeowner who was permitted to build close to the bluff and subsequently has land or structures slide?

Bylaw Changes: It is unfortunate that the South Oyster area was developed without proper consideration of sewer, water, and drainage issues. Now it appears that the same mistakes will happen to accommodate a developer rather than look at the longer term viability of dense development of properties and quality of life. If we can change bylaws and regulations to accommodate a developer, why do we bother with an official community plan or any community process? In fact, why do we have a Planning Department at all? The CVRD Planners should play an important role in ensuring that the wishes of the taxpayers as reflected in the OCP are respected. It is a dangerous precedent to manipulate the bylaws or rules to accommodate individual developers at the expense of the community well being. 2

Summary Recommendations:

1/ That the property owners be required to pay the 6 months' rent to the manufactured home owners that was payable if they had kept the mobile home park without changing it's use but evicted them.

2/ That the owners be required to apply for a development variance permit to change the use to a modular home site with the same number of units as were previously allowed (10).

3/That the CVRD contract with an independent engineer to evaluate the property, the proposed sewer treatment system, and the development massing to ensure that the proposed sewer treatment system is adequate for the usage. And further, that the costs be reimbursed by the developer.

4/ That the developer be required to provide a prospectus to every purchaser and that the purchaser sign for the prospectus so that they are completely aware of the limitations of each lot and the strata's responsibilities regarding infrastructure on the property.

5/ That the five parking spaces at the foot of the development by available for the public to park for beach access as was specified earlier in the planning process.

Thank you for listening to this presentation and we look forward to your review of the implications of this development project not just for Saltair, but for all CVRD communities and amendments.

Sherry Durnford

June 5, 2012

Board of Directors,
Cowichan Valley Regional District,
175 Ingram Street,
Duncan, B.C.

Dear Board Directors,

Subject: Sequence of events at 11255 Chemainus Road, Saltair (formerly Seaside Trailer Park)

While 11255 Chemainus Road is in Electoral area G, the consequences of what steps the CVRD takes with regard to this property have an effect on all properties within the CVRD. While we are not opposed to development, we are concerned that developments within our community are undertaken in a responsible manner and that zoning and development bylaws are adhered to. Similarly, that best practices for developers and regional districts are adhered to and not subject to legal action threats, bullying, or financial incentives to bend rules.

We very much appreciate that the CVRD staff and Area G Director held an information meeting for neighbours of the proposed development at 11255 Chemainus Road. Open communication is an important part of our community's growth. Unfortunately, the staff and Director assure us that we have no input into the project and are unable to change any of the proposed development at this point. I recommend that community consultation take place at the beginning of a process, not at the end.

The following is a brief description of concerns that neighbours and past residents of the property have. Also attached is a brief chronology of the events that have transpired with regard to the use of the property.

Concerns:
1/ The past residents of Seaside Trailer Park were evicted without proper compensation under the Manufactured Home Park Tenancy Act given that the property remained a manufactured home park.
2/ The property, if non conforming, according to municipal standards can't be expanded beyond the units that were already in place. The previous usage was for 10 manufactured homes and 3 temporary recreational vehicle spots. The previous bylaw had specified maximum size for trailers which the new bylaw doesn't refer to at all. The previous owner had applied for increased sites but the CVRD had denied them. The homes were mostly single wide and all single story. As the homes in the proposed development can range from 1544 sq. ft. to 3846 sq. ft. and can be 2 stories high, the massing on the lot will be increased dramatically from what previously existed there. Given the clay content of the soil in this area, this could result in

effluent seepage, drainage problems, and increased traffic hazards at the entrance to the complex.

3/ The definition of a manufactured home is quite different from a modular home (please see attached). We have been told that the CVRD has declared that a modular home is considered to be the same as a manufactured home for purposes of the manufactured home bylaw. There is a huge difference between a modular home and manufactured home which, unfortunately, the CVRD seems not to recognize. There is little difference between a modular home and a "stick built" home so you effectively have approved large family residential homes where small footprint low impact manufactured homes were previously located.

4/ The Area Director stated that there would be 2 parking spaces per home. According to the plan provided, there is only one. The neighbouring residents were also told that there were 5 parking spaces for the public to access the beach. Guy Bezeau was later told by the Area Director that there would be no public access down the road and that the 5 parking spaces are for residents and their guests only. This is unacceptable given that the public access has no place for people to park, thus forcing them to park on Solmie Road where there is no provision for parking.

5/ The CVRD had a Saltair Bluffs bylaw #2500 that prohibited removal of trees on the bluff area and building within a certain distance of the bluff. On April 14, 2011, residents were informed that the Saltair Ocean Shoreline Development Permit Area was established but didn't mention that the Saltair Bluffs bylaw #2500 had been replaced. We are concerned that changes seem to have been made to accommodate a developer rather than to protect the vulnerable bluffs from further erosion.

6/ The proposal as we understand, is that the sewerage from the 15 proposed homes will be pumped up to a common property area. This area is within 100 feet of an existing water well on a neighbouring property. It also relies on sewage being pumped up a fairly steep incline. Should the pumps fail or in the case of electrical outage, we are uncertain of what the consequences would be. We are also concerned that the amount of waste water produced will exceed the septic system put in place, resulting in overflows and effluent seepage problems similar to those experienced in the South Oyster Road area. This will also impact the shoreline and the fish and bird life that inhabit the shoreline area.

7/ The property owners to the west of the subject proposal were assured by CVRD staff that there would be no more than single story structures placed on the neighbouring property. They took these assurances into account when they planned and built their home. Two storey structures will have a major effect on their and other uphill homes on Solmie Road.

8/ Lastly, we seek clarification of how a subdivision of the property into more than 15 individual titles can be attained without any public process.

Thank you for your attention to these matters and we would appreciate a written response to the above issues.

Yours truly,

Peter and Sherry Durnford

DRAFT

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Appendix "A"

Nonconforming Use

Also found in: Financial

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Continuing use of real property, permitted by Zoning ordinances, in a manner in which other similar plots of land in the same area cannot ordinarily be used.

Most municipal governments have enacted zoning ordinances that regulate the development of real estate within the municipality. The municipality is divided into zoning districts that permit a particular use of property: residence, business, or industry. Within these three main types of zoning districts, population density and building height may also be restricted. Zoning attempts to conserve the value of property and to encourage the most appropriate use of land throughout a particular locality.

When zoning is established, however, the ordinance cannot eliminate structures already in existence. Thus, if a district is zoned residential, the corner grocery store and neighborhood service station become nonconforming use sites. These businesses may remain even though they do not fit the predominant classification of real property in the zoning district.

As long as the property having nonconforming use status does not change, its status is protected. Problems arise, however, when change occurs. In general, substantial alterations in the nature of the business, new equipment that is not a replacement but a subterfuge to expand the use of the property, or a new structure amount to illegal expansion or extension. These types of actions will result in the loss of the nonconforming use status and the closing of the business. For example, if the corner grocery builds an addition to house a restaurant, that would be a significant change. If, however, the grocery updates its refrigeration equipment, that would not be an illegal change.

If a nonconforming use structure is destroyed or partially destroyed by fire or similar occurrences, zoning ordinances generally provide that if it is destroyed beyond a certain percentage, it cannot be rebuilt. Usually the owner loses the right to rebuild if 50 percent or more of the structure is damaged.

If a business stops operating at the nonconforming use site, zoning ordinances generally classify this as a discontinuance and revoke the nonconforming use status. The owner of the business must intend to abandon the use. Discontinuance due to repairs, acts of war or nature, government controls, foreclosure, condemnation, or injunctions are not regarded as manifesting intent to abandon the nonconforming use status if the situation is beyond the business owner's control.

Another tool to end nonconforming use situations is amortization, where the nonconforming use of a structure must cease within a zoning district at the end of the structure's estimated useful economic life. This device often is used in connection with billboards and junkyards.

Though municipalities may seek to end nonconforming use status through these various approaches, landowners usually retain this status until it becomes economically undesirable.

Cross-references

Land-Use Control.

West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. All rights reserved.

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nonconforming use n. the existing use (residential, commercial, agricultural, light industrial, etc.) of a parcel of real property which is zoned for a more limited or other use in the city or county's general plan. Usually such use is permitted only if the property was being so used before the adoption of the zoning ordinance which it violates. Example: a corner parcel has been used for a gasoline station for years, and now the city has zoned the entire area as residential (for homes only). The nonconforming use will be allowed as "grandfathered in," but if the station is torn down the only use would be residential. (See: zoning, general plan)

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Appendix "B"

Seaside residents face eviction

People living in Saltair trailer park lose hope, file for arbitration

Christina M. Windle
THE CHRONICLE

The outlook is not sunny for the residents of Saltair's Seaside Trailer Park.

The residents, all elderly, are all but sure they will not be able to receive fair market value for their trailers and will be homeless as of next May.

Seaside's new property owners, Lee Gillroy and Philip Oldridge, are taking the land over for their personal use.

"The bottom line is we're all going to have to go," said resident Joan Auld.

The residents of Seaside, along with many other mobile home park residents across the province, have been given 12-month eviction notices with little financial compensation through a loop hole in The British Columbia Manufactured Home Park Tenancy Act.

If Seaside's land owners intended to rezone the land for commercial or industrial use, they would have had to get the proper permits in place, then give the residents at least 12 months notice.

Also, on or before eviction day, they would have needed to give the residents fair market value for their homes.

But, Gillroy and Oldridge are not rezoning the land at this time. They intend to live on the property in an already existing home at Seaside's entrance.

Changes to the Tenancy Act in 2006 created a loop hole that means the land owners are not legally responsible to give the residents fair market value for their homes because they are not rezoning.

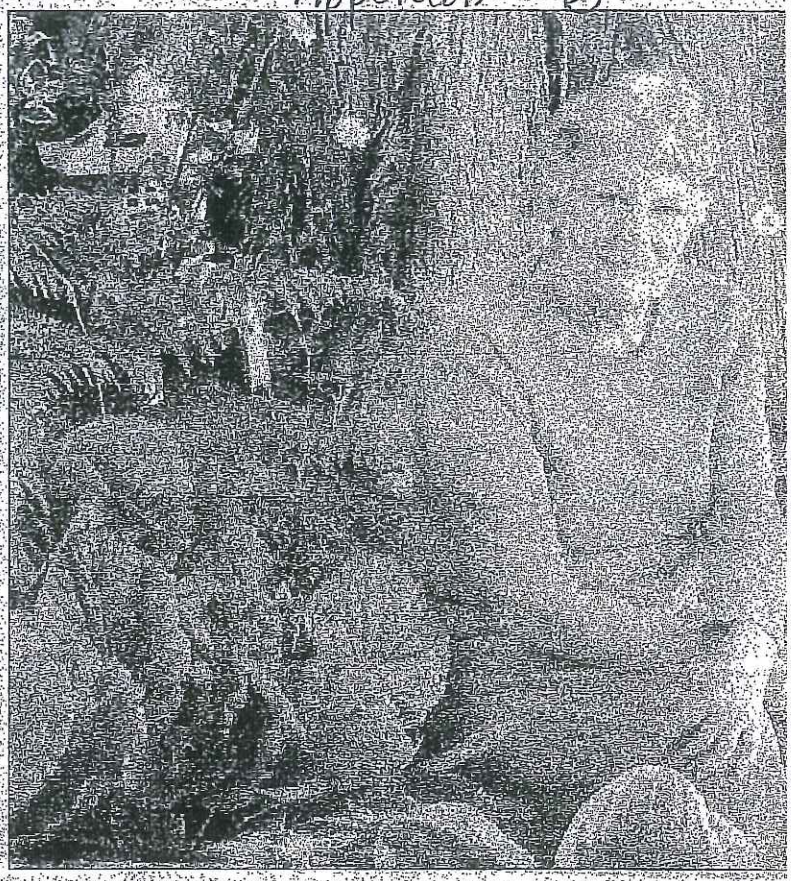
"We are one of the parks that slipped through the cracks," Auld said.

But all is not as cut and dried as it seems. Even though the land will still be used for residential use, Gillroy and Oldridge needed some permits in place before they could give Seaside residents their notice on April 14.

A letter dated April 21 from the Cowichan Valley Regional District states the landowners did not take this step before starting some acreage renovations.

"The Cowichan Valley Regional District has not received any applications for demolition of existing buildings, or applications for permits to construct any structure on the above property," the letter said.

This misstep on the part of the landowners opened a window of opportunity for Seaside. So, on June 4, the residents of Seaside filed for arbitration in Victoria after seeking legal council.



Joan Auld will have to leave her garden behind and tear apart her trailer to move f
Park in Saltair to Town & Country Mobile Park in Ladysmith.

> "We're one of the parks that slipped through the cracks."
>
> — *Joan Auld, reisdent of Seaside Trailer Park*

"We're still waiting on the decision on the arbitration," Auld said. But the best outcome of the legal action Seaside could hope for, Auld said, is that Gillroy and Oldridge may have to get some permits in place and then hand out new eviction notices, with a new eviction date being 12 months from the date of the second notice.

"I don't think we have much hope," Auld said. "Spirits have just gone down."

Auld and her husband, Terry, have had some luck and are moving their trailer to Town & Country Mobile Park in Ladysmith.

But salvation comes at a hefty price.

"My husband and I have had to go into a considerable amount of debt," Auld said.

Although some trailers are relatively easy to move, this trailer won't be one of them. The
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 Appendix "C"

LAND TITLE ACT 15 JUN 2007 11 57 FB055443
FORM A
(SECTION 185 (1)
Province of British Columbia
FREEHOLD TRANSFER (This area for Land Title Office Use) Page 1 of 1 Page

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

J. Herbert Rosner, Barrister & Solicitor
#770 – 475 West Georgia Street
Vancouver, B.C. V6B 4M9
Phone: (604) 687-6638
Fax: (604) 682-2481

DYE & DURHAM

1F

2. (a) PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:*
(PID) (LEGAL DESCRIPTION)

001-184-458 **Lot 2 , District Lot 41, Oyster District, Plan 7450**

(b) MARKET VALUE: **$912,500.00**

3. CONSIDERATION: **$912,500.00**

4. TRANSFEROR(S):* **P & K ENTERPRISES INC., (Incorporation No. BC0427500) as to an undivided 81/100 interest and PATRICK LEONARD RYAN and KARLA MARIE RYAN as to an undivided 19/100 interest.**

5. FREEHOLD ESTATE TRANSFERRED: *
FEE SIMPLE

02 07/06/15 11:58:23 02 VI 759206
FEE SIMPLE $65.65

6. TRANSFEREE(S): (Including occupation(s), postal address(es) and postal code(s))*

WCY RENTALS LTD., (Incorporation No. BC0737555), having a registered office at #770 – 475 West Georgia Street, Vancouver, BC V6B 4M9

7. EXECUTION(S):** The transferor(s) accept(s) the above consideration and understand(s) that this instrument operates to transfer the freehold estate in the land described above to the transferee(s).

Officer's Signature (s)

DOUGLAS B. ROBSON
BARRISTER & SOLICITOR
22 High Street Box 1890
Ladysmith, B.C. V9G 1B4
Tel: (250) 245-7141

(as to all signatures)

Execution Date

Y	M	D
07	06	14

Transferor(s) Signature(s)

P & K ENTERPRISES INC.
(Inc. No. BC0427500) by its authorized Signatory(ies)

Per:
PATRICK LEONARD RYAN

Per:
KARLA MARIE RYAN

PATRICK LEONARD RYAN

KARLA MARIE RYAN

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act* R.S.B.C. 1996. c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
** If space insufficient, continue executions on additional page(s) in Form D.

END OF DOCUMENT

Appendix "D"

» The tenants, guests or pets have:
- Caused extraordinary damage or put the landlord's property at significant risk
- Seriously jeopardized the health, safety or rights of the landlord or another occupant
- Significantly interfered with or unreasonably disturbed the landlord or another occupant
- Engaged in illegal activity that:
  - ~ Has caused or is likely to cause damage to the landlord's property
  - ~ Has affected or is likely to affect the quiet enjoyment, security, safety or physical well-being of other occupants in the park
  - ~ Has jeopardized or is likely to jeopardized a lawful right or interest of the landlord or other occupant of the park

One-Month Notice example: if rent is due on the first of the month and a notice is given on March 15, the notice would take effect on April 30th.

A One-Month Notice must cover a full rental month.

12.8 Twelve-Month Notice

The landlord must serve the tenant with twelve months notice where the landlord plans to convert all or a significant part of the park to a non-residential use or a residential use other than a manufactured home park. The landlord must have all required government permits and approvals in place before issuing the notice.

A Twelve-Month Notice must cover a full year. For example, a notice given on March 15 would not take effect until the last day of March of the following year.

A tenant that receives a Twelve-Month Notice can move out earlier than the date specified on the notice, unless the tenancy is for a fixed term. The tenant must give the landlord at least 10 days written notice and pay the rent up to the move-out date. Where the tenant has already paid a full month's rent, the landlord must refund the rent on a pro-rated basis. In addition, the landlord must pay any remaining amount of the compensation.

Appendix "D"

If the sites are not used for the reasons given in the notice within a reasonable period, the tenants may apply for dispute resolution, asking for compensation equivalent to six months' rent. At the hearing, the landlord should be prepared to demonstrate there was an honest intent to convert at the time the notice was issued.

12.9 Disputing a Notice to End Tenancy

A tenant who believes a Notice to End Tenancy is not justified may submit an application for dispute resolution asking for an order setting aside the notice. If the tenant does not dispute the notice by the appropriate deadline, the tenancy ends on the date specified in the notice. The landlord should talk to the tenant to confirm the moving date.

Type of Notice to End Tenancy	Application for Dispute Resolution must be submitted
10-day notice for non-payment of rent	within 5 days of receiving the notice
One Month notice	within 10 days of receiving the notice
12-month notice	within 15 days of receiving the notice

13. Order of Possession

An Order of Possession gives the landlord the right to repossess the site and requires the tenant to move out of the park.

When applying for an Order of Possession, the landlord must provide a copy of the Notice to End Tenancy and be able to prove that it was served correctly. A landlord can apply for an Order of Possession after the tenant's deadline to dispute the notice has passed or at any time after a tenant has served them with an application to dispute the notice.

When a tenant submits an application to dispute a Notice to End Tenancy, and if the tenant's application is not successful, the landlord can make an oral request for an Order of Possession at the same hearing. An Order of Possession may be issued without a further hearing in some circumstances.

13.1 When the Tenant Does Not Move Out

A landlord cannot physically remove a tenant, even when the tenancy has legally ended. A landlord also cannot prevent access to the manufactured home or site or take the tenant's personal property without a Writ of

Excerpt from 2008 Policy Guidelines

Twelve-Month Notice

Effective January 1, 2004, a landlord can give the tenant a twelve-month notice to move **only if the landlord intends to convert all or a significant part of the manufactured home park to a non-residential use or a residential use other than a manufactured home park.** It is not sufficient to leave the land vacant. The landlord must have all the necessary permits and approvals required by law before the notice to end is issued.

A landlord cannot use this provision to end a single tenancy under this part unless the park contains only one site that is rented, or the site is the only occupied site in a portion of the park that the landlord intends to develop.

A landlord cannot end a tenancy on a site that will not form part of the new development, unless the site must be vacated in order that the development can proceed and there is no other viable alternative.

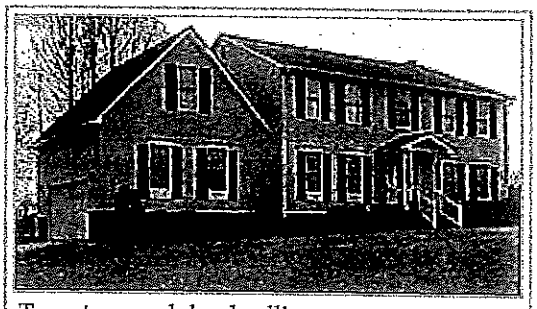
If the landlord gives a Notice to End a Tenancy for redevelopment of the park and there is a fixed-term tenancy in place, the effective date of the Notice can be no earlier than the pre-determined end date of the fixed-term.

Modular building

From Wikipedia, the free encyclopedia

Appendix "E"

Modular buildings and **modular homes** are sectional prefabricated buildings or houses that consist of multiple modules or sections which are built in a remote facility and then delivered to their intended site of use. The modules are assembled into a single residential building using either a crane or trucks.



Two-story modular dwelling

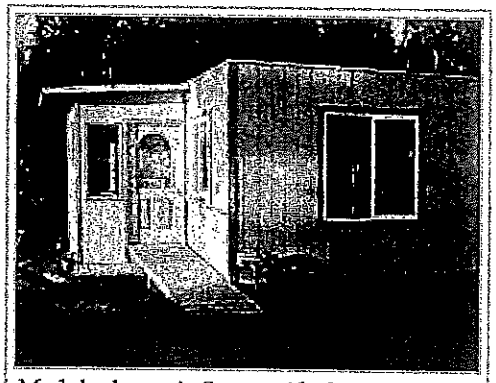
Modular buildings are considerably different from mobile homes or manufactured homes. Off-frame modular dwellings differ from mobile homes largely in their absence of axles or a frame, meaning that they are typically transported to their site by means of flat-bed trucks; however, some modular dwellings are built on a steel frame (on-frame modular) that can be used for transportation to the site. Many modular homes have multiple levels. Homes are often set in place using a crane.

Contents

- 1 Uses
- 2 Construction process
- 3 Advantages
  - 3.1 Market acceptance
  - 3.2 Modular homes vs. mobile homes
- 4 Standards and zoning considerations
  - 4.1 Building strength
  - 4.2 CE marking
  - 4.3 Surfaces and finishes
  - 4.4 Regional Differences with Modular Construction
- 5 See also
- 6 References
- 7 External links

Uses

Modular buildings have a variety of uses. They may be used for long-term, temporary or permanent facilities, such as construction camps, schools and classrooms, civilian and military housing, and industrial facilities. Modular buildings are used in remote and rural areas where conventional construction may not be reasonable or possible, for example, the Halley VI accommodation pods used for a BAS Antarctic expedition.[1] Other uses have included churches, health care facilities, sales and retail offices, fast food restaurants and cruise ship construction.



Modular home in Sutton, Alaska

Construction process

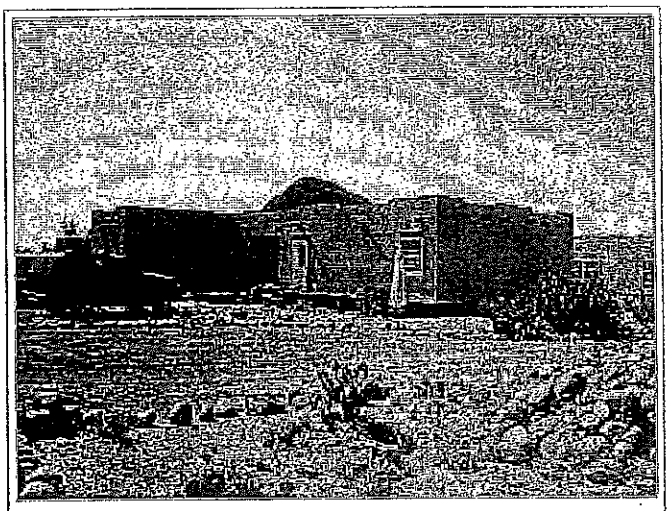
Modular components are typically constructed indoors on assembly lines. An assembly line track moves the modules from one workstation to the next. Independent building inspectors are on site to supervise the construction and ensure that all building codes are adhered to during assembly. While modules can take one to three months to be constructed, they can take as little as 10 days. They are transported to the building site and assembled by a crane. The placement of the modules may take from several hours to several days. Once assembled, modular buildings are essentially indistinguishable from typical site-built structures. While mobile manufactured buildings often decrease in value over time, a well-built modular building should have the same longevity as its site-built counterpart, increasing in value over time.

Appendix "E"

Manufactured housing

From Wikipedia, the free encyclopedia

Manufactured housing (commonly known as **mobile homes** in the United States) is a type of prefabricated housing that is largely assembled in factories and then transported to sites of use. The definition of the term in the United States is regulated by federal law (Code of Federal Regulations, 24 CFR 3280): "Manufactured homes are built as dwelling units of at least 320 square feet (30 m^2) in size with a permanent chassis to assure the initial and continued transportability of the home."[1] The requirement to have a wheeled chassis permanently attached differentiates "manufactured housing" from other types of prefabricated homes, such as modular homes.



A modern "triple wide" home

Contents

- 1 In the United States
  - 1.1 Definition
  - 1.2 History
  - 1.3 Modern manufactured homes
  - 1.4 High-performance manufactured housing
  - 1.5 Difference from modular homes
  - 1.6 Difference from IRC codes homes (site built)
- 2 Manufactured homes in Australia
- 3 Manufactured Homes in the Bay Area
- 4 See also
- 5 References
- 6 External links

In the United States

Definition

According to the Manufactured Housing Institute's National Communities Council (MHINCC), *manufactured homes*[2]

Sequence of Events at Seaside Trailer Park APPENDIX "F"

Date:	Event
June 1, 2007	Lee Gilroy and Phil Oldridge purchase Seaside Trailer Park at 11255 Chemainus Road
July/07	Dale Constable dies
July/Aug/07	Sara puts her home for sale, asking $135,000 Realtor removes listing from market as new owner refuses to transfer lease.
Oct.15/07	Delegation attends CVRD meeting requesting that the Saltair MH Park bylaw be amended to exclude use as only a single family residence or that a provision be made that, if not used as manufactured home park, it reverts to R3 zoning
Nov 1/07	New owners hold a meeting with home owners and tell them that they have bought land, not a manufactured home park. They have excellent lawyers in Vancouver and they intend to redevelop the park. However, they are looking for an alternative site for owners to move their homes.
Nov 9/07	Alice Walter writes letter to indicate acceptance of offer of one year's rent (required by law) and that the owners will purchase an alternative site to relocate the homes.
Nov. 11/07	Danny at site #4 dies
Feb. 17/08	Kitty at site 3 dies
End of Mar, 08	The owners cut down approx. 15 mature trees on the protected bank (highly susceptible to erosion) in violation of Bylaw 2500.
April 2, 2008	The CVRD writes to the landowners with copies to the home owners, requiring the owners to discontinue any vegetation removal
April 9, 2008	The owners contact all residents and tell them that they will be meeting with them on April 14
April 12, 2008	The owners' contractors (cousins) continue to cut down large trees directly adjacent to peoples' homes. They tell the owners that they won't get paid if they don't get all the trees down, including ones abutting people's homes. They then stack all the fallen trees directly over the septic drain field. A neighbour calls the police and explains that she believes that the people are being intimidated. The officer asks the contractor to stop. Shortly after, the land owners drive through the park. They are obviously not happy.
April 13, 2008	The owners meet with neighbours with their MLA, Doug Routley, present to discuss their options.
April 14, 2008	The land owners give all home owners notice to end tenancy of manufactured home park along with bank drafts for the one year of lease owing.
April 21?, 08	The owners file for dispute resolution
June 4, 2008	The owners travel to Victoria to have an "in person" dispute resolution hearing because some don't hear very well. It turns out that they couldn't hear many parts of the conference call as the dispute resolution officer didn't come to the hearing in person. The dispute resolution officer informs the attendees that no decision will be made until he receives confirmation from the Director of Planning at CVRD that no permit is required if the owner wants to live in the existing house.
June 25/08	Dispute resolution officer, Mr. Latain, provides ruling saying that owners have provided valid notice as their use doesn't require any permits because they are using the property as already permitted single family home. Therefore, the notices are valid. Under the Act, notice can't be given until permits for planned use have been issued.
Nov. 1, 2008	Betty Birrell who started the trailer park with her husband more than 35 years ago moves out.

	By December, most residents have moved out as there are large trees fallen across the roadway and septic system is failing due to lack of maintenance and heavy weight on it.
Jan.1/09	Vagrant living in empty mobile home breaks into neighbour's garage.
2009	Owners clear the land of any pads and remove the septic system. They then put the property up for sale with Tracy Salvador of Victoria. The sign reads "Commercial property with 400 ft of waterfront, +- 5 acres. Her actual description refers to 39 unit development plan. The property isn't zoned commercial, has 240 ft. of waterfront, and is +- 4.2 acres.
2010	Land remains fallow.
April 4, 2011	Residents receive letter from Mike Tippett regarding Ocean Shoreline Development Permit Area
Summer/2011	We notice earthmovers creating a dust storm by leveling area. Joan and Terry report that they are intending to convert the property back to a mobile home park. They mention that Pat and Carla Ryan have been asked to do something for the previous owners but not clear on what it was.
April ?/2012	Mel Dorey explains to us that the property next door is going to be developed. Details to be presented at a community meeting.
May ?/2012	Meet with Rob Conway to gain information. He tells us that the development can go ahead without any further approvals except minor storage area issues.
May 16/2012	Community meeting held. We are told that there will be 15 units, one of which was approved by developer providing $110,000 to Stocking Creek Park land acquisition. There will be 2 parking spaces per unit and that the foot square ratio is .35 (35 feet of home for every 100 feet of overall lot size) and that homes can be up to 25 feet high. We are told that there will be 5 parking spaces for public to access beach on the property. Neighbours request that lower homes be single storey, that something be done to prevent cars from parking on Solmie to gain the public beach access, and that a fence be placed on the east side of property where children's play area is to prevent them from falling off cliff.

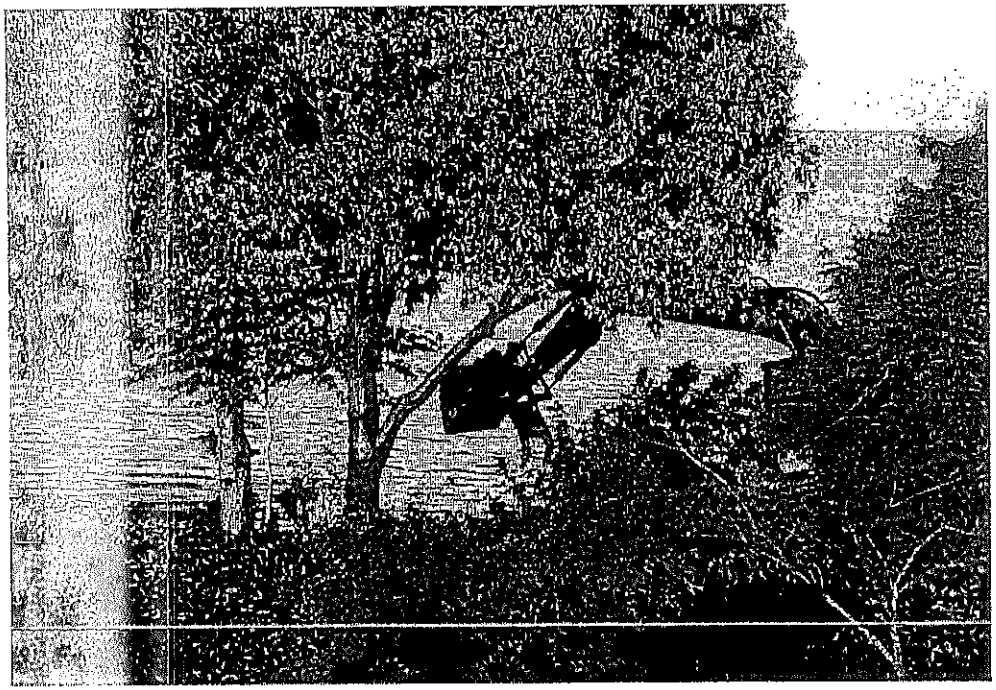
Appendix "G"

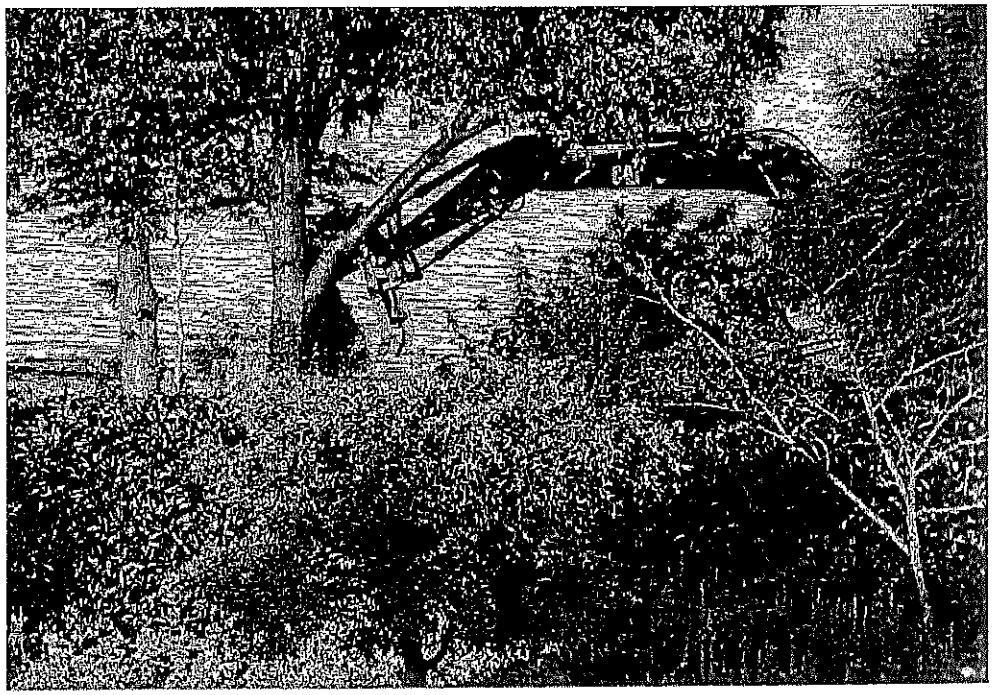
Table "A"

D.1 Minimum Lot Size and Discharge Areas for Properties On Approved Waterworks System

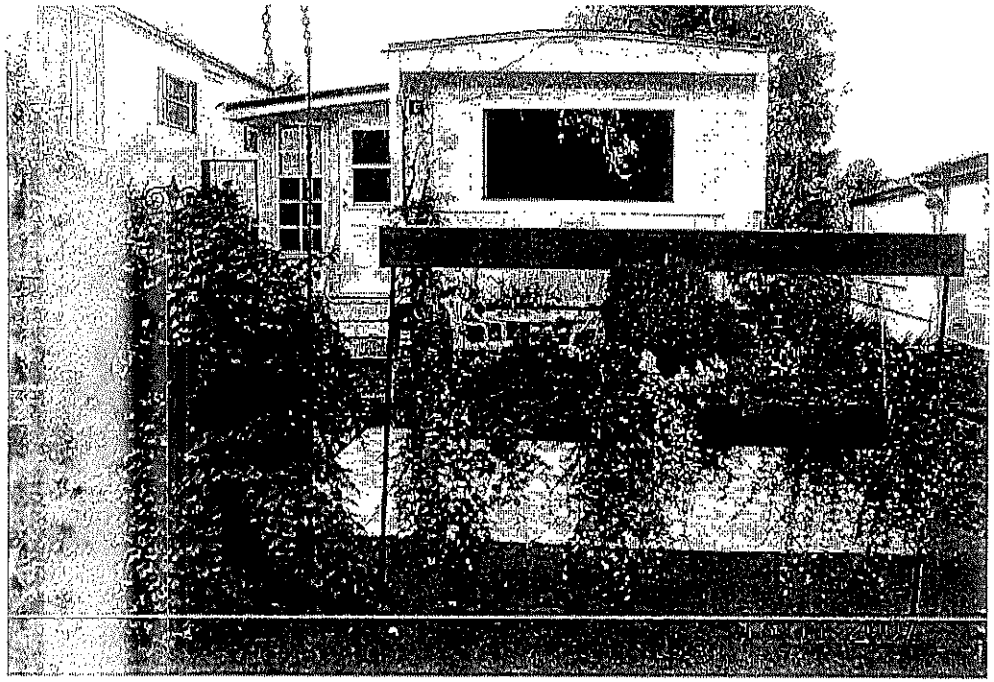
Slope Within Discharge Area (%)	Minimum Native Mineral Soil Depth m.(in.)	Min. Native Mineral Soil Depth m. (in.) Overall lot slope 15% or less *See #9 above	Minimum Lot Size	Minimum Discharge Area Based On Percolation Rate and Field Length 1363 litres Estimated daily flow		
				Sands-Gravels 1-5 Min/inch	Loams 6-15 Min/inch	Silts 16-30 Min/inch
Up to 15%	1.2 m.	.9 m.	.2 ha			
	.9 m.	.76 m.	.3 ha	535 m^2	715 m^2	890 m^2
	.76 m.	.61 m.	.4 ha	120m field length	182m field length	240m field length
	.61 m.	.46 m.	1 ha			
	.46 m.	.46 m.	2 ha			
15 to 30%	1.2 m.	1.2 m.	.5ha			
	.9 m.	.9 m.	.5 ha			

Pictures taken 11/10/2008 of work being performed on Saltair Bluffs at 11255 Chamainus Road. without authorization



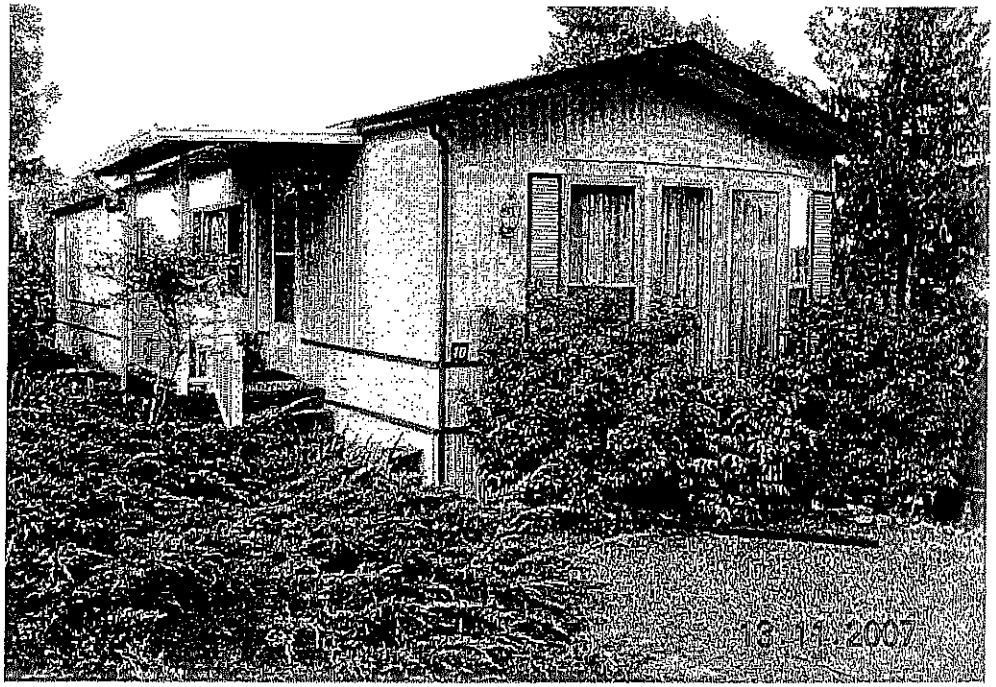


Unit 8



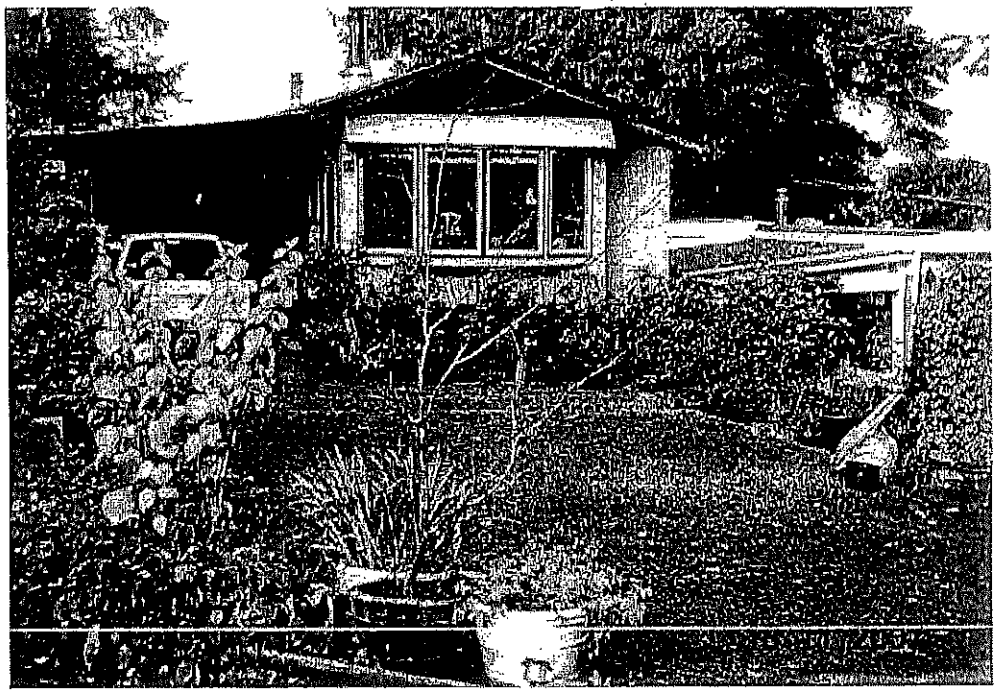
Units 7+8

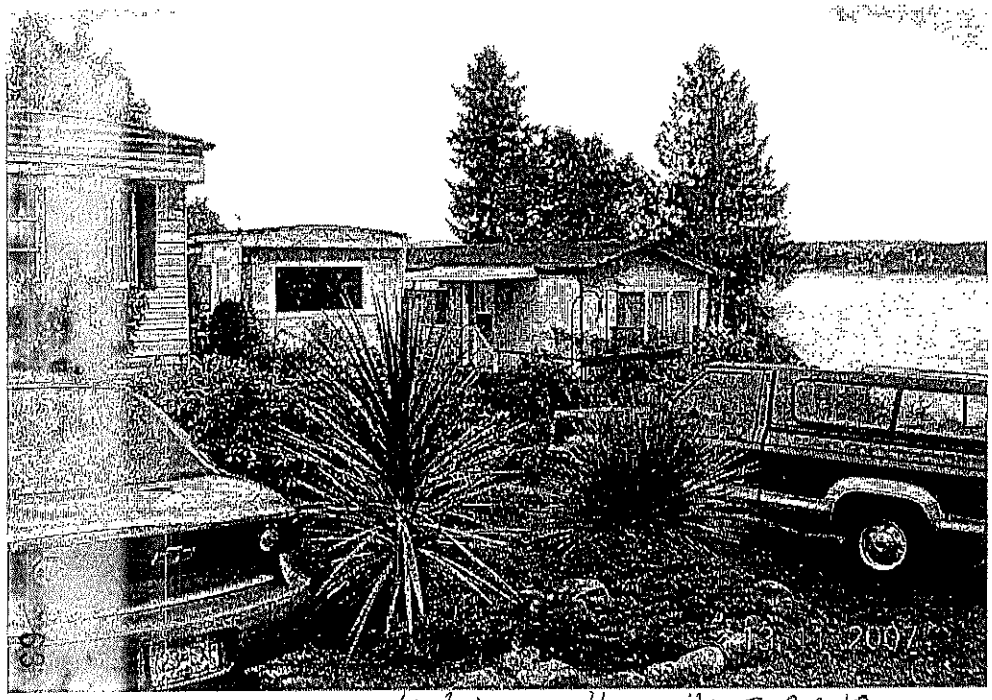
North most and last permanent unit #10



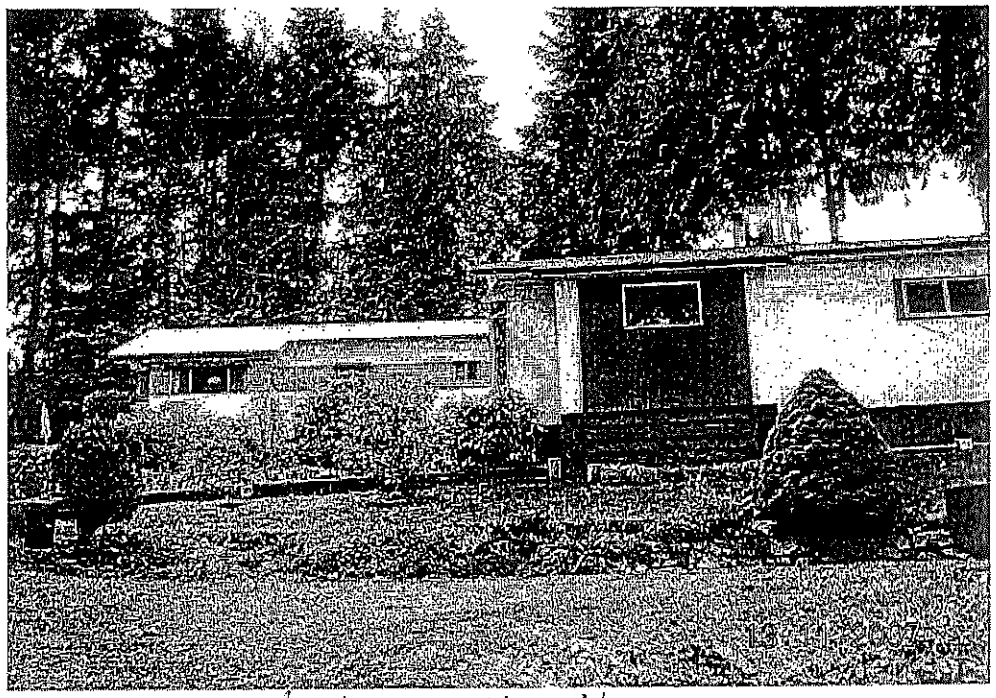
Unit 3 Kitty passed away before she could move

Units 4 + 5



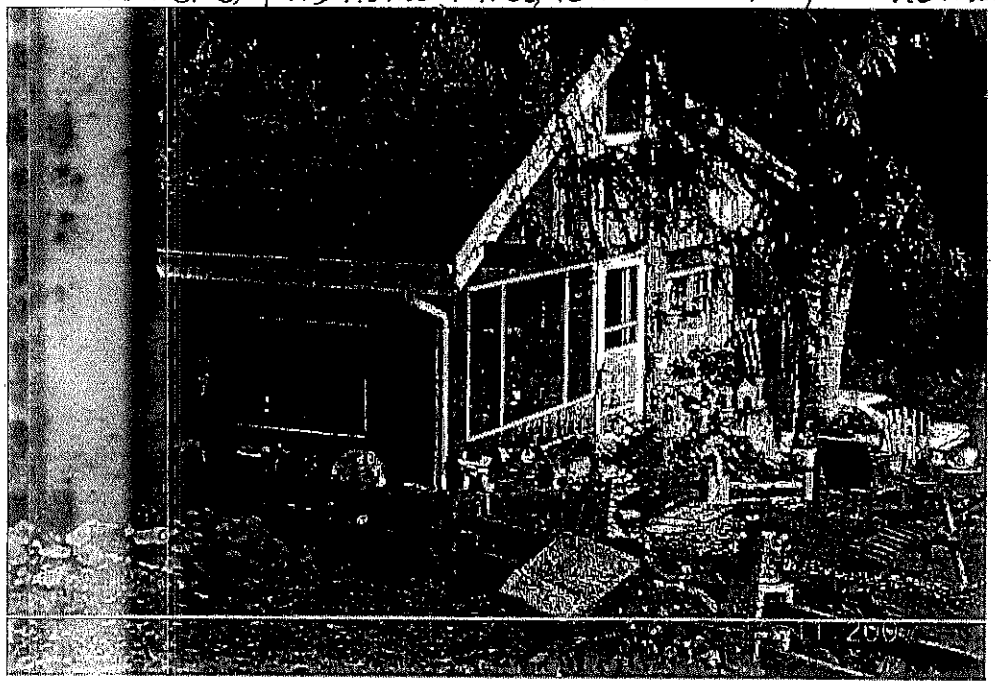


looking north, units 8, 9 + 10

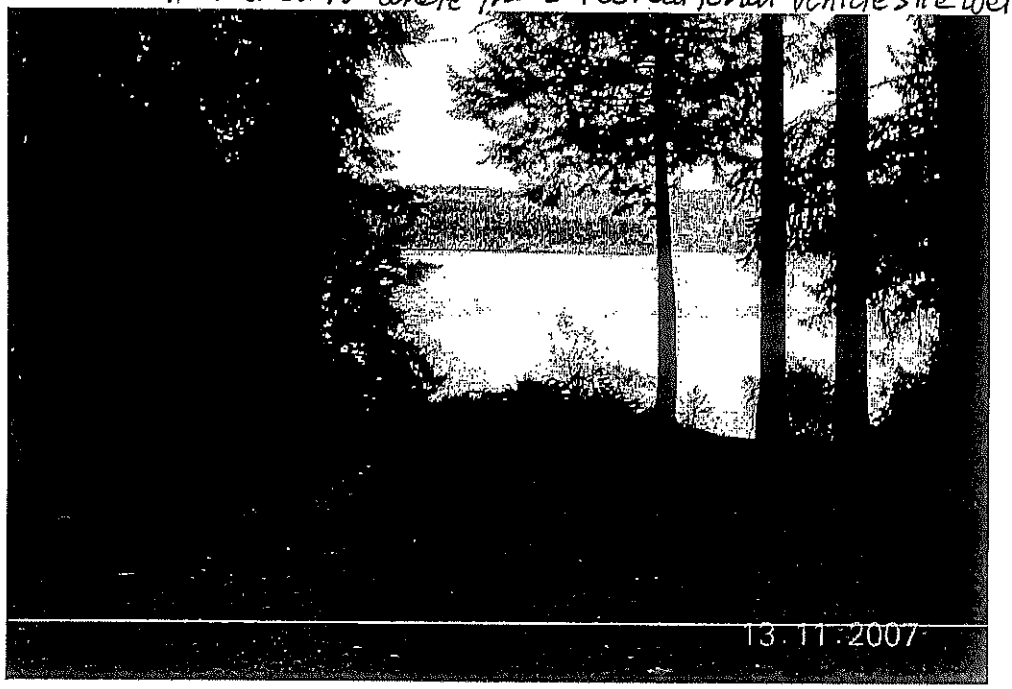


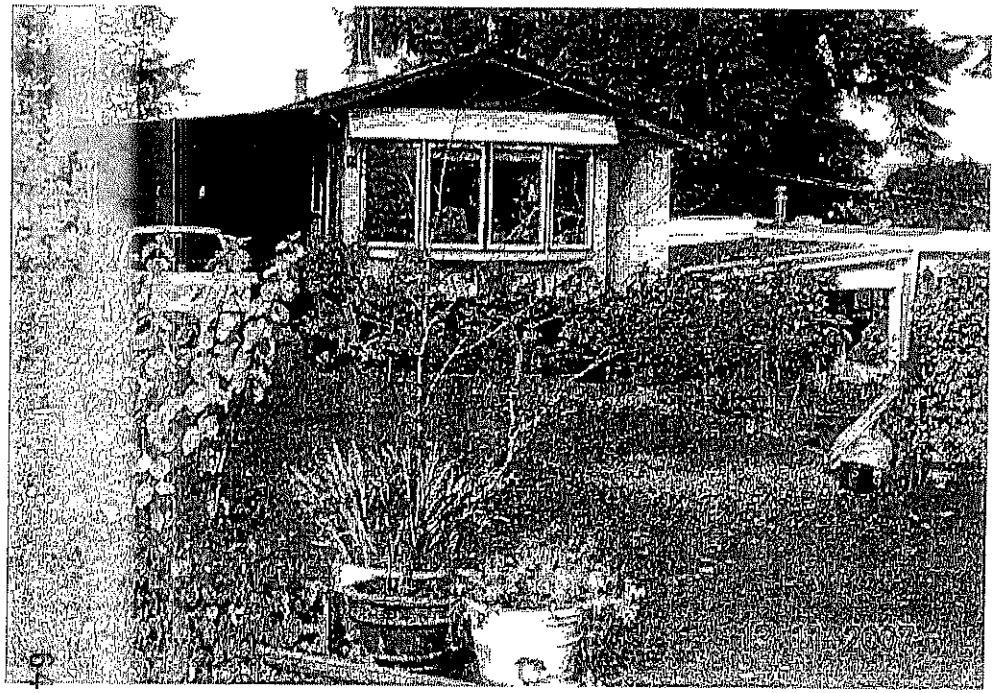
looking south, units 1 + 2

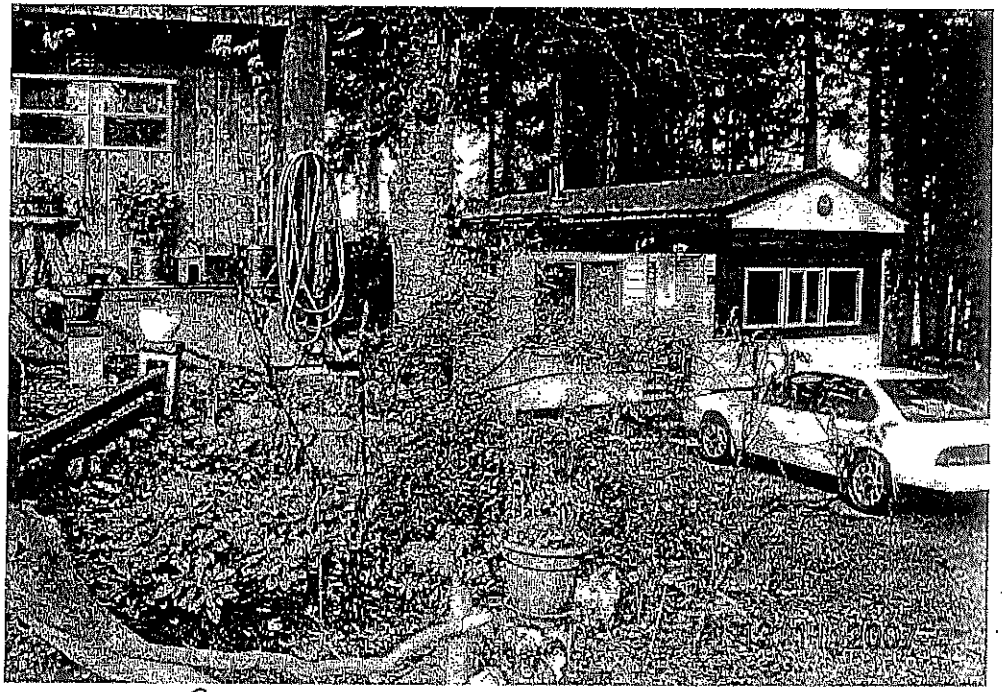
The owner of this home Alice, is now battling braincancer



This area is where the 3 recreational vehicle site were







Rented unit

ISSUE:

The University of Victoria (UVic), Environmental Law Clinic has recently completed a critical review of the Sewerage System Regulation (SSR). The UVic review raises significant concerns regarding the septic system approval process, such as; lack of public oversight, liability, standards of practice. These concerns are of interest to the Regional District, given the high number of septic systems in the rural areas and more broadly to UBCM who have been working with the Province on this issue.

BACKGROUND:

The Sewerage System Regulation (SSR) is the provincial regulation governing septic systems in BC. The regulation was enacted in 2005, and introduced a new self-regulating approach for septic system approvals. As a result, Fraser Health now instructs property owners to retain an 'Authorized Person' to file the details of the proposed septic system and have the filing documents accepted prior to construction of the system. There is no longer a permit and approval process by Fraser Health, instead a filing is received and reviewed for completion of the form by the Fraser Health staff. Essentially, the

DISCUSSION:

The report author's are the Sewerage System Regulation Improvement Coalition (SSRIC). They comprise a cross-section of industry groups, including; BC Shellfish Growers Association, Canadian Institute of Public Health, Public Health Association of BC along with support from the University of Victoria. The SSRIC strongly recommend changes or replacement of the Sewerage System Regulation. The report describes the SSR as having "set the stage for a potential health disaster. It lacks public oversight and there is a need to make this form of self-regulation more open and accountable."

The UVic report is of strong interest to the FVRD, given the prevalence of septic systems in the Electoral Areas. Ultimately the consequences of poorly designed or installed septic systems affect everyone, including the Regional District. The results can be serious, such as contaminated water supplies, or demands for Regional District services such as sanitary sewer.

The lack of oversight by public agencies to ensure these systems are appropriate also leaves local governments in a questionable position as the land use authority. Over the years, land use approvals such as zoning or development permits have come to rely upon advice from the technical professionals at the Health Authority. One might argue that the absence of their advice and public oversight leave a significant gap in our approval processes, and shifts the responsibility to local governments.

Additional concerns are highlighted in the case studies presented in the UVic report. The case studies are stories told by individuals whose experience with the SSR identifies concerns with the regulation. We recognize that these personal experiences are subjective, but they illustrate general problems with

Schedule 8

Conceptual Wastewater System Design

H2O ENVIRONMENTAL LTD

3060 Lake Road, Denman Island, BC V0R 1T0
Tel :(250) 335-1864 Fax: (250) 335-1846
Email: h2oenv@telus.net

July 18, 2012 H_2O File: 12-36

Kivela Contracting Ltd.
415 Foureau Way
Parksville, BC V9P 2J7

Re: Conceptual Wastewater System Design
11255 Chemainus Road, Ladysmith

Introduction

H_2O Environmental Ltd. (H_2O) was retained by Kivela Contracting Ltd. to prepare this conceptual wastewater design letter for the above referenced site.

H_2O has based the preliminary design on the information delivered to H_2O by Mr. Kivela concerning the development plans for 15 two bedroom homes at the site. The rated effluent volume for these homes would be approximately 17,000 litres per day.

Discussion

A Type 1 wastewater system is only septic tank treated effluent with total suspended solids (TSS) and five day biochemical demand (BOD_5) on the order of 150-300 parts per million (ppm) and 150-250 ppm, respectively. BOD_5 is a measure of the oxygen use of the microbes within the effluent.

Using a variety of methodologies, Type 2 treatment systems reduce the effluent TSS and BOD_5 to a maximum of 45 ppm.

A Type 3 system has a maximum of 10 ppm BOD_5 and TSS and adds tertiary treatment, i.e. - a UV light, to reduce the fecal coliforms to less than 400 colony forming units (CFU) per 100 milliliters of effluent. Additionally, as the treatment level is increased, there is a simultaneous decrease in the size of the disposal field required to safely dispose of the effluent.

On the subject site, the area at the top of the slope has been chosen for the site of the tanks and disposal field for the development. The area available and the volume of effluent are the predominant site constraints that determine the type of system required. Based on these conditions, H_2O has designed a Type 3 treatment system for the onsite wastewater system.

Conceptual Wastewater System Design

Each home will have an individual 3,410 litre (750 gal) 2 chamber septic tank. All effluent from the septic tanks will be gravity drained to a 22,730 litre (5000 gal) tank at the base of the slope. This tank will have two pumps installed for reliability to transfer the effluent to the treatment system at the top of the slope. Solids will be retained by the individual

septic tanks and regular pump outs will be the responsibility of the individual homeowners.

A Type 3 wastewater system for the site would consist of two 11, 365 litre (2500 gal) concrete 2 chamber treatment tanks in series containing a Bionest BN 4000 treatment system split between the tanks. The Bionest treatment system uses suspended media and aeration to reduce TSS and BOD_5. The effluent would gravity flow through the treatment tanks to two ultraviolet light units in series to reduce pathogens and then into a 22,730 litre pump chamber. This pump chamber will also have duplex pumps installed to time dose the disposal field to minimize saturated conditions in the native soils.

The pump would dose a disposal field located immediately below the tank area. H_2O believes that the best solution for disposal would be a shallow trench disposal field to take full advantage of the depth and organic attenuation ability of the native soils.

Six laterals of 30 metres would be installed in the field area, with 2 metres of separation between laterals. Gravelless chambers will be installed to increase the infiltrative area. An automatic, pressure activated rotating valve will be used to sequentially dose the 6 zones of the disposal field. The footprint of the field will be larger as the chambers need to be covered and graded for drainage with minimum slopes on all sides.

The system would also have a control panel capable of time dosing the disposal field and recoding pump run times. Time dosing is used to maintain regular small volumes of effluent transferred to the disposal field.

Closure

H_2O is pleased to provide you with this preliminary wastewater design letter. Please call with any questions you may have regarding this report.

H_2O Environmental Ltd.

Per: _____
Steven M. Carballeira, P.Geo.

Schedule 9

July 16, 2012 Letter from Phillip Oldridge

July 16, 2012

Rob Conway
Manager, Development Services Division
Cowichan Valley Regional District
175 Ingram Street
Duncan, BC
V9L 1N8

Dear Mr. Conway

Re: Manufactured Home Park – 11255 Chemainus Road

As you requested at our meeting on July 4, 2012, I wish to confirm the commitments I am prepared to make to address some of the neighbourhood concerns you identified with my development plans for the above-described property. Please be advised of the following:

1. The CVRD, should it choose to do so, may reallocate part or all of the $110,000 that was previously allotted to the Area G parks function to compensation of the former mobile home park residents. This re-allocation would be at the sole discretion of the CVRD, as I consider my obligations under the law to compensate the former residents to have been entirely fulfilled. I further confirm that the monetary commitment will be paid in trust to the CVRD prior to registration of the subdivision and will be dispersed upon the sale of the first lot.

2. I consent to registration of a statutory right of way over the strata road and the five parking stalls at the north end of the strata road to accommodate public access to the waterfront. Access to the waterfront from the strata road would be limited to the hours of 8am to 7pm. A statutory right of way document will be provided to the CVRD for review and approval prior to registration of the proposed subdivision.

3. I agree in principle to limiting the height of dwellings on proposed lots 7, 8 and 9 to a single storey (6.0 metres), provided the CVRD is agreeable to increasing the permitted parcel coverage on these lots from 35% to 40%. As I understand that parcel coverage can only be increased through a development variance permit process, I intend to submit a variance application to formalize this request. As I do not expect future residents of the proposed development to have a need for a shared outdoor storage area, I also intent to request a relaxation of the outdoor storage requirement specified in the CVRD's Mobile Home Park Bylaw. Should the CVRD Board agree to grant these variances, I would have no objection to the reduced building height on proposed Lots 7, 8 and 9.

4. I acknowledge that the subject properties are within the Ocean Shoreline Development Permit Area, and a development permit is required before the property is subdivided and before the any work occurs within 30 metres of the high water mark.

Should you have any questions regarding these commitments, please contact the undersigned.

Yours Truly,

Jul 23 2012 11:47AM Kiwala Contracting Ltd. 2509541518 page 1

Phillip Oldridge

R2

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF JULY 31, 2012

DATE: July 24, 2012 **FILE NO:** 7-B-12DP

FROM: Rob Conway, MCIP, Manager **BYLAW NO:**

SUBJECT: Development Permit Application 7-B-12DP (Elkington Forest – Midlands Phase)

Recommendation:
That Development Permit Application No. 7-B-12DP (Elkington Forest – Midlands Phase) be approved, and that a development permit be issued to Living Forests GP Ltd. for a 25 lot bare land strata subdivision and associated development subject to:

a. Compliance with RAR assessment report for the Midlands Phase;
b. Demarcation of SPEA boundaries with fencing and signage and submission of a post-development report prepared by a Qualified Environmental Professional prior to subdivision;
c. Registration of a restrictive covenant to confirm permitted uses and to preclude further subdivision of the proposed lots;
d. Registration of a restrictive covenant to preclude development of the identified Streamside Protection and Enhancement Areas and the protective zones identified in the RAR assessment report;
e. Compliance with Covenants CA1648147 and CA1648148 (Fire Protection);
f. Compliance with Covenants CA1648144 and CA1648145 (Parks);
g. Compliance with Covenant CA1648146 (Servicing);
h. Demonstration that the applicable zoning bylaw has been amended to permit residential use of the subject lots and that proposed dwellings comply with criteria listed on Schedule 7 prior to issuance of a building permits;
i. Submission and approval of a drainage design that incorporates the storm and rain water management concepts described Schedule 8, prior to subdivision of lots in the Midlands Phase;
j. Installation of all wiring underground.

Purpose:
To consider a development permit application for Phase 1B of the Elkington Forest development.

Property Information:

Location of Subject Property: South Shawnigan Lake

Legal Description: Lot B, District Lot 201 and Blocks 201, 270 and 281, Malahat District, Plan EPP9371

Date Application and Complete Documentation Received: March 26, 2012

Owners: Living Forest GP Ltd.

Applicant: Living Forest Planning Consultants

Size of Parcel: 192.3 ha. (475 ac.)

Zoning: Community Land Stewardship (CLS-1)

Minimum Lot Size: No minimum specified

OCP Plan Designation: Community Land Stewardship

Existing Use of Property: Forestry/Vacant

Existing Use of Surrounding Properties:

North: CLS-1 (Elkington Family)
South: CRD Parks and Water District
East: Goldstream Heights (Zoned F-2)
West: CRD Water District

Services:

Road Access: Strata Road via Goldstream Heights Drive and Stebbings Road
Water: Community Water
Sewage Disposal: Community Sewer
Fire Protection: Malahat Fire Service Area.

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: Three creeks subject to the Riparian Area Regulation have been identified on the subject property.

Archaeological Sites: None identified.

Background:

The Elkington Forest lands were rezoned in August, 2010 to a new Community Land Stewardship (CLS-1) zone. The CLS-1 zone applies to approximately 385 hectares of land, with 85% of the zoned land protected for eco-forestry and ecological conservation. The remaining 15% of the site is intended for agro-forestry use, clustered residential hamlets and low density residential use. A maximum of 90 dwelling units, excluding secondary suites, are permitted on the lands.

The CLS-1 zoned area is currently subdivided into three parcels. The Living Forest Communities development, owned by Living Forest GP Ltd., is planned for the southern parcel (Lot B). This parcel is 172 hectares in area and is permitted up to 77 dwellings (excluding suites). The northern parcel (Lot A), which is owned by the Elkington family estate, is 190 hectares in area and is permitted up to 8 dwellings. The third parcel is the Gates property, which is a 38 hectare site directly to the north of the Elkington Family Estates land, which is permitted up to 5 dwellings.

The subject application is for phase 1B, or the "Midlands" phase of the Elkington Forest Development. Phase 1A of the project, the "Trail Head" phase, was issued a Development Permit in May, 2011. The Phase 1A development permit authorized 18 residential strata lots as well as locations for a community hall and fire hall, public park, strata-owned common property and utilities. Preliminary Layout Approval for the subdivision of the Trail Head phase has been issued by the Provincial Approving Officer, but the subdivision is not completed. A plan showing the Trailhead Hamlet (phase 1A) is attached to this report as Schedule 2.

The subject application is for Phase 1B of Elkington Forest, or the "Midlands Phase". Twenty five strata lots are proposed in this phase of the development. A plan of the proposed phase is attached as Schedule 3.

Proposed Development:

Roads and Access:
The Midlands Phase will be accessed from a strata road that connects via an extension of Trail Way to Goldstream Heights Drive to the east. Most of the lots in the Midlands Phase will front on a secondary strata road that terminates with a ring road at the west side of the current phase. Five of the lots will be accessed from the main strata road that will service a future phase of development to the south. The detailed road design will be confirmed at the subdivision stage, and will be undertaken in accordance with provincial standards for strata roads.

Land Use:
The Midlands Phase is proposed for an area of the CLS-1 zone that is currently with the Agro-Forestry sub-zone. The Low Density sub-zone C residential use area is located to the west, directly contiguous with the Agro-forestry sub-zone. Uses permitted within the Agro-Forestry sub-zone include silviculture, horticulture, and secondary wood processing. Residential use is notably excluded. The owners have applied for a zoning amendment that would, if approved, allow the 25 lots proposed for the Midlands Phase to each have a single family dwelling and small suite. Proposed lot 25, at the centre of the ring road, is also expected to accommodate an equestrian center. The rezoning application does not propose to increase the number of dwellings permitted on the Elkington Forest lands, nor does it propose to expand the development footprint into the eco-forestry sub-zone. It does, however, propose to shift where dwellings can be located on the site.

The subject application is proposing 25 agricultural lots, which is permitted by current zoning. Should the rezoning application be approved, it is intended that these lots will be used residential and agricultural purposes.

Lot Layout:
Lots in the Elkington Forest development will be created by bare land strata subdivision, whereby the lots will be privately owned and roadways and common property will be collectively owned by the strata corporation.

Lots sizes in the Midlands phase are an average of approximately 0.5 ha. (1.23 ac.) in area and range in size from about 0.28 ha. to 0.8 ha. (0.7 to 2.0 ac.).

The CLS-1 zoning limits the maximum floor area of dwellings in the Low Density Sub-Zone to 400 square metres (4,305 sq ft.). Should the rezoning application for residential use of the lots be approved, covenants will be registered against some of the lots to limit the area of the lots that can be used for residential and accessory residential purposes, generally as shown on Schedule 9.

Parks and Trails:
It is specified in the covenants that were registered against the land at the time of rezoning that a strip of land for the Trans-Canada Trail will be transferred upon the subdivision of the Trailhead Hamlet, Phase 1A.

Within Phase 1B, a number of inter-connected trails will be established throughout the eco-forestry lands, including a hiking trail circumnavigating Elkington Pond, and another hiking/biking trail (currently roughed-in) which will connect the Midlands Hamlet to the Trailhead Hamlet.

To the south east of the Midlands area, a large area (approx. 3.3 ha) has been designated as a common park area (on the Schedule 4 map this is labeled as Strata Park Site). It begins at the constructed wetland area at the intersection of Trailway and Midlands Drive, and extends up the hill to the rocky moss outcrop at the edge of Ridge View Hamlet. In addition to being a visual amenity, the constructed wetland will serve four principal functions: capture and storage of rain run-off to slow the flow of water into Elkington Pond, a storage reservoir for firefighting requirements, the final polishing stage for the treatment of the Class A effluent, and use as agricultural irrigation.

To the western edge of the Midlands Hamlet is the farming and equestrian area, with a second constructed wetland at the edge. There will be additional trails built for horseback riding, hiking, and biking radiating from this area, through the agro-forestry lands and to the power line corridor to the west.

Services:
The Midlands Phase, if rezoned for residential use, will be serviced from a CVRD owned and operated community water system, supplied from on-site wells. Sewer service will be from a "Class A" treatment system, as required by the CVRD's South Sector Liquid Waste Management Plan. The sewage treatment system will be a CVRD utility.

As mentioned above, it is expected that storm water and rain water will be managed on-site using a "natural drainage approach", whereby vegetated swales, drainage retention and detention, and natural drainage techniques will be used. A conceptual drainage plan that describes how drainage in the Midlands Phase will be managed is included as Schedule 8.

Fire Protection:
As the Elkington Forest Lands were not in a fire protection service area when they were initially proposed for development, a number of fire protection measures were required as conditions of rezoning and inclusion of the properties in the Malahat Fire Service Area. These include construction of a new fire hall, provision of dry hydrants and lockable equipment storage, requirements for Fire Smart construction and fire hazard fuels management and cash contributions for firefighting equipment. A section 219 covenant is registered against the subject lands to secure fire protection commitments, which must be satisfied prior to subdivision. All three parcels of land with CLS-1 zoning (including the Elkington Forest lands) are currently in the Malahat Fire Service Area.

Stream and Riparian Area Protection:
A riparian area assessment report has been prepared that identified three streams within the subject phase of development that are subject to the Riparian Area Regulation. The CVRD has not received notification from the Province that the report has been received, but this will be required before a development permit is issued. The Streamside Protection and Enhancement Areas for these streams have been identified at between 10 and 30 metres. The RAR assessment report recommends SPEA protection measures during the subdivision construction and building construction phases such as temporary fencing and erosion and sediment control, and these protection measures will be included as conditions of the development permit.

As the draft Riparian Assessment Report is a lengthy document, it was not included in the agenda package. It is, however, available for review by contacting Planning staff.

Building Criteria Checklist:
Criteria for buildings and structures within the development are provided on Schedule 7. These include requirements for energy efficient building design, FireSmart building standards (including interior sprinklers), rainwater management requirements, and architectural and design standards.

Policy Context:
Zoning:
Electoral Area "B" Zoning Bylaw No. 985 zones the entire Elkington Forest Lands as Community Land Stewardship (CLS-1). Within the CLS-1 zone, five sub-zones are identified that specify the uses, densities and development criteria that apply to various parts of the property.

As mentioned previously, the Midlands Phase falls within the Agro-Forestry sub zone. The applicant has applied to rezone the land to shift residential density from the Low Density sub-zone C and Hamlet sub-zone area to the current phase, in order to reserve the best agricultural land for agricultural use. The new South Cowichan Official Community Plan recognizes this change, but the amendment has not yet been incorporated into the zoning bylaw. If issued, the development permit for the Midlands phase would allow the subdivision to proceed, but issuance of building permits and residential use of the lots would not be possible until the zoning is amended.

A copy of the CLS-1 Zone is attached to this report as Schedule 8.

Official Community Plan:
The subject property is within the South Cowichan Rural Development Permit Area (DPA). Development within the South Cowichan Rural DPA, including subdivision, is expected to demonstrate compliance with the applicable guidelines. The DPA has guidelines that specifically apply to the subject property (S. 24.4.4A – Community Land Stewardship Guidelines), as well as various other general guidelines that apply to development through-out the development permit area.

Advisory Planning Commission Comments:
The Area B Advisory Planning Commission reviewed the development permit application on July 5th and recommended unanimously that the application be approved. Minutes from the APC meeting not yet available.

Staff Comments:
As there are dozens of guidelines that apply or potentially apply to the proposed development, they won't be analyzed individually in this report. However, staff has reviewed the proposed development in the context of the guidelines and is of the opinion that the Midlands phase is generally compliant with the applicable guidelines of the South Cowichan Rural DPA.

The Elkington Forest development is unique and has many innovative land use and development concepts incorporated into it. As this project is considerably more complex than conventional residential subdivision, it has been necessary to structure the development permit in a manner that addresses the applicable guidelines while still allowing some flexibility as to how development on the site will occur.

Perhaps the most unusual aspect of this application is that it is authorizing subdivision on a part of the site that is not currently zoned for residential use. This is possible because the CLS-1 zone does not restrict subdivision within the Eco-Forestry or Agro-Forestry sub-zones. It is, however, noteworthy that the applicant intends to obtain the ability to construct dwellings and small suites on the parcels by shifting density from elsewhere on the site and the application should be considered with this in mind.

Options:

Option 1:
That Development Permit Application No. 7-B-12DP (Elkington Forest – Midlands Phase) be approved, and that a development permit be issued to Living Forests GP Ltd. for a 25 lot bare land strata subdivision and associated development subject to:

a. Compliance with RAR assessment report for the Midlands Phase;
b. Demarcation of SPEA boundaries with fencing and signage and submission of a post-development report prepared by a Qualified Environmental Professional prior to subdivision;
c. Registration of a restrictive covenant to confirm permitted uses and to preclude further subdivision of the proposed lots;
d. Registration of a restrictive covenant to preclude development of the identified Streamside Protection and Enhancement Areas and the protective zones identified in the RAR assessment report;
e. Compliance with Covenants CA1648147 and CA1648148 (Fire Protection);
f. Compliance with Covenants CA1648144 and CA1648145 (Parks);
g. Compliance with Covenant CA1648146 (Servicing);
h. Demonstration that the applicable zoning bylaw has been amended to permit residential use of the subject lots and that proposed dwellings comply with criteria listed on Schedule 7 prior to issuance of a building permits;
i. Submission and approval of a drainage design that incorporates the storm and rain water management concepts described Schedule 8, prior to subdivision of lots in the Midlands Phase;
j. Installation of all wiring underground.

Option 2:
That Development Permit Application No. 7-B-12DP (Elkington Forest – Midlands Phase) not be approved in its current form, and that the applicant be requested to revise the proposal.

Submitted by,

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

General Manager's Approval:

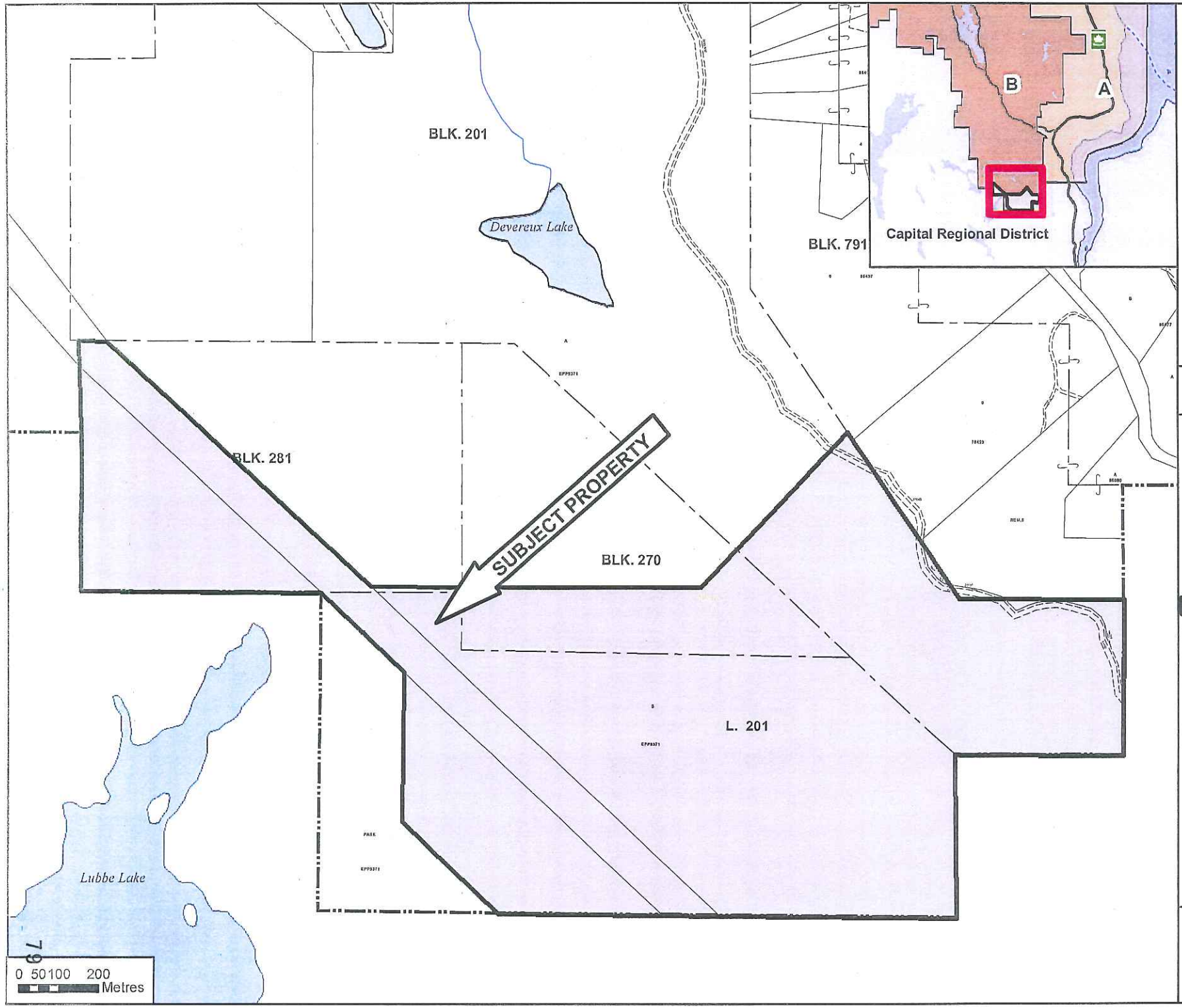
Signature

RC/jah

Attachments:
Schedule 1 – Location, OCP and Zoning Maps
Schedule 2 – Approved Trail Head Hamlet Plan (Phase 1A)
Schedule 3 – Proposed Midlands Plan (Phase 1B)
Schedule 4 – Concept Plan for Elkington Forest Lands
Schedule 5 – Strata Concept Plan
Schedule 6 – RAR Stream Plan
Schedule 7 – Building Criteria Checklist
Schedule 8 – Drainage Concept Plan
Schedule 9 – Proposed Covenant Areas – Midlands Phase
Schedule 10 – CLS-1 Zone
Schedule 11 – Community Land Stewardship Policies
Schedule 12 - Draft Development Permit

Schedule 1

Location, OCP and Zoning Maps



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 applicaton of the Bylaws.

File: 07-B-12-DP

Legend

Subject Property

N
W E
S

Cowichan Valley Regional District

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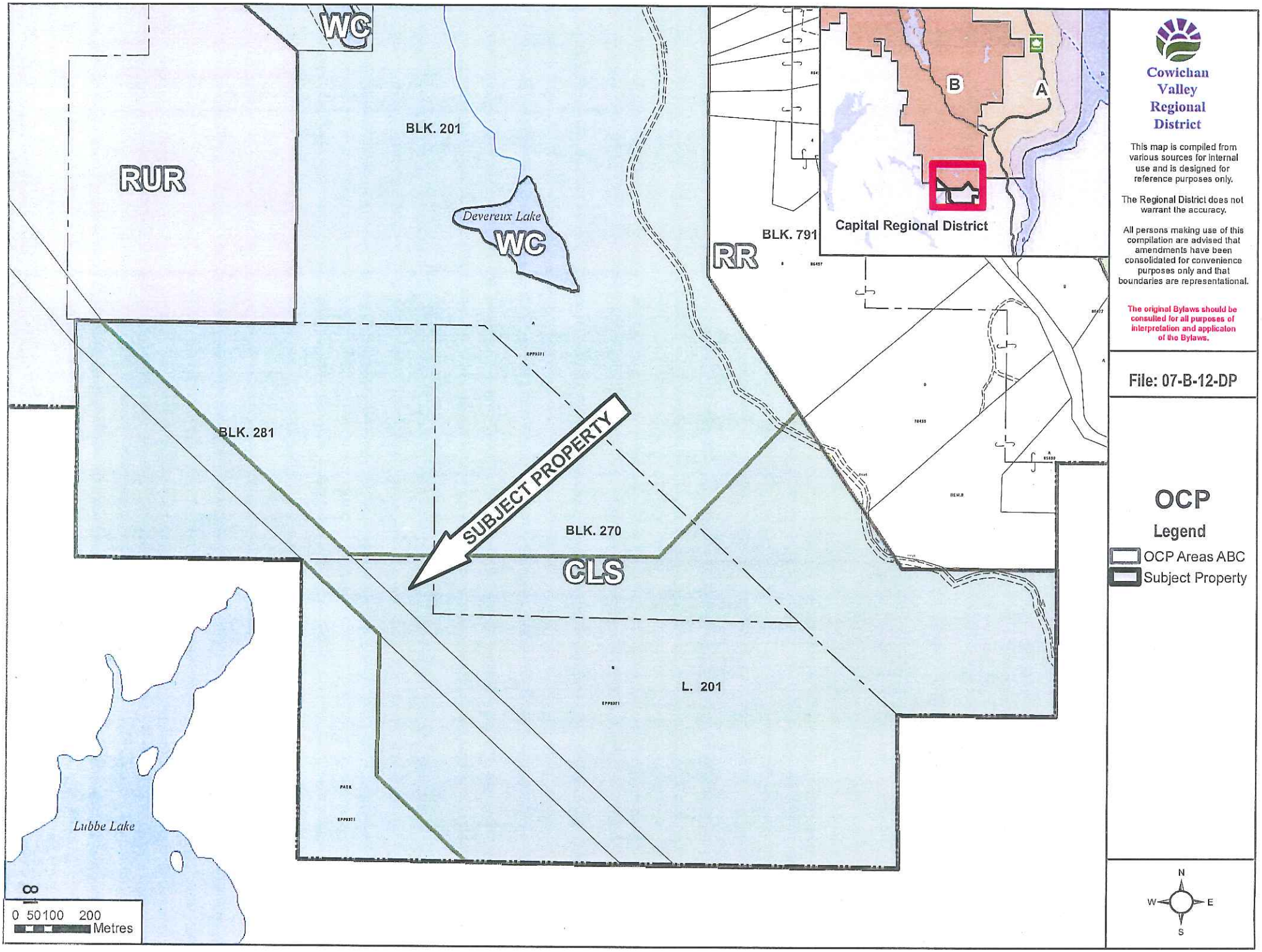
File: 07-B-12-DP

Google Earth Photo (2010)

N
W E
S


WC
RUR
BLK. 201
Devereux Lake
WC
BLK. 791
RR
Capital Regional District
B
A
BLK. 281
SUBJECT PROPERTY
BLK. 270
CLS
L. 201
Lubbe Lake
0 50 100 200
Metres
Cowichan Valley Regional District
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File: 07-B-12-DP
OCP
Legend
OCP Areas ABC
Subject Property
N
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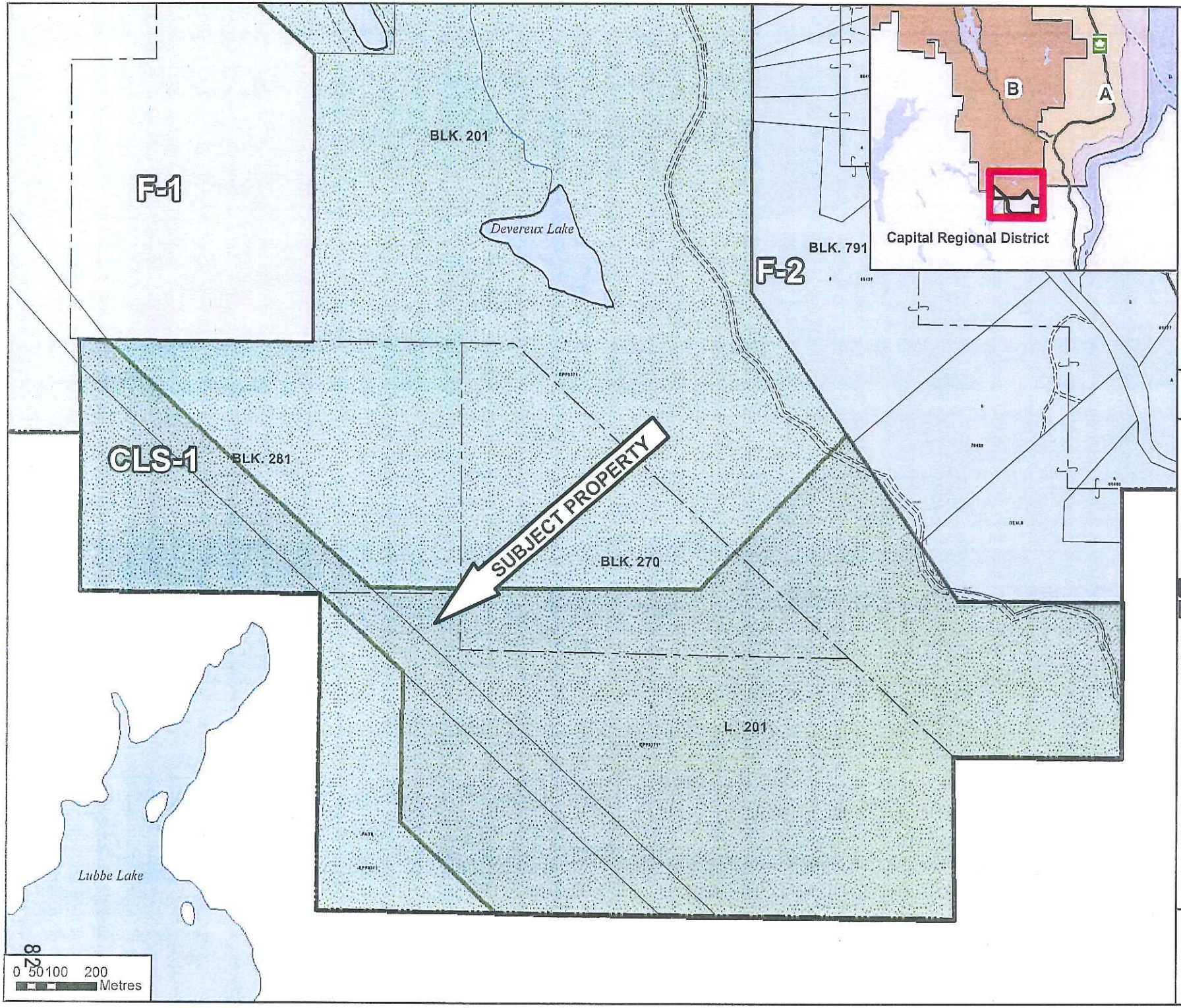

Cowichan Valley Regional District

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File: 07-B-12-DP

ZONING

Legend

Subject Property

Zoning B

Schedule 2

Approved Trailhead Hamlet Plan (Phase 1A)

SCHEDULE A

Date drawn: 02.10.2011
Projection = UTM zone 10
Datum = NAD 83
Scale = 1:2,500
0 — 100 m

456600 m | 456700 m | 456800 m | 456900 m | 457000 m

5375300 m | 5375200 m | 5375100 m | 5375000 m | 5374900 m

Rem. 8

SUBDIVISION LEGEND

AREA TYPE
- Private strata lands
- Strata common lands
- CVRD park lands
- CVRD Firehall

LINE TYPE
- Water lines
- Cadastre
- Trails
- Sewage lines
- Hydro lines
- Contour lines (1 meter)

POINT TYPE
- Well location

TERASEN ROW

CVRD 01

SL08

SL09

SL10

Well location

Sewage Pump station

CVRD 02

Well location

SL11

SL12

SL13

SL07

SL06

SL05

SL04

SL03

SL02

SL01

SL14

SL15

SL16

SL17

SL18

Hamlet Parkway (6m wide strata rd.)

Trailway (6m wide strata rd.)

CVRD 03

Well location

LOT 21 (TCT)

LOT 29

MOT TRAIL WAY ROW

TERASEN ROW

LOT 21(TCT)

BLOCK 453

Trailway (7m wide public rd.)

PROPOSED MOT ROW FOR PUBLIC ACCESS RD.

Trailhead Subdivision

Hydro to extend to Goldstream heights, Sewage lines to treatment station, and water to intermediate pump. See attached reports.

Sewage treatment plant and engineered raised mounds.

Scale 1:12,000

Water pump station for future development phases

ELKINGTON FOREST

YOUR PLACE IN HISTORY

TRAILHEAD HAMLET:

Scaleable sketch plan

Legal description of property: Lot B, Block 281, Block 270, Pt. Block 201 and District Lot 201, Malahat District, Plan EPP9371.

For grades, widths, and profiles of roads see attached engineered drawings found in subdivision application package.

Schedule 3

Proposed Midlands Plan (Phase 1B)

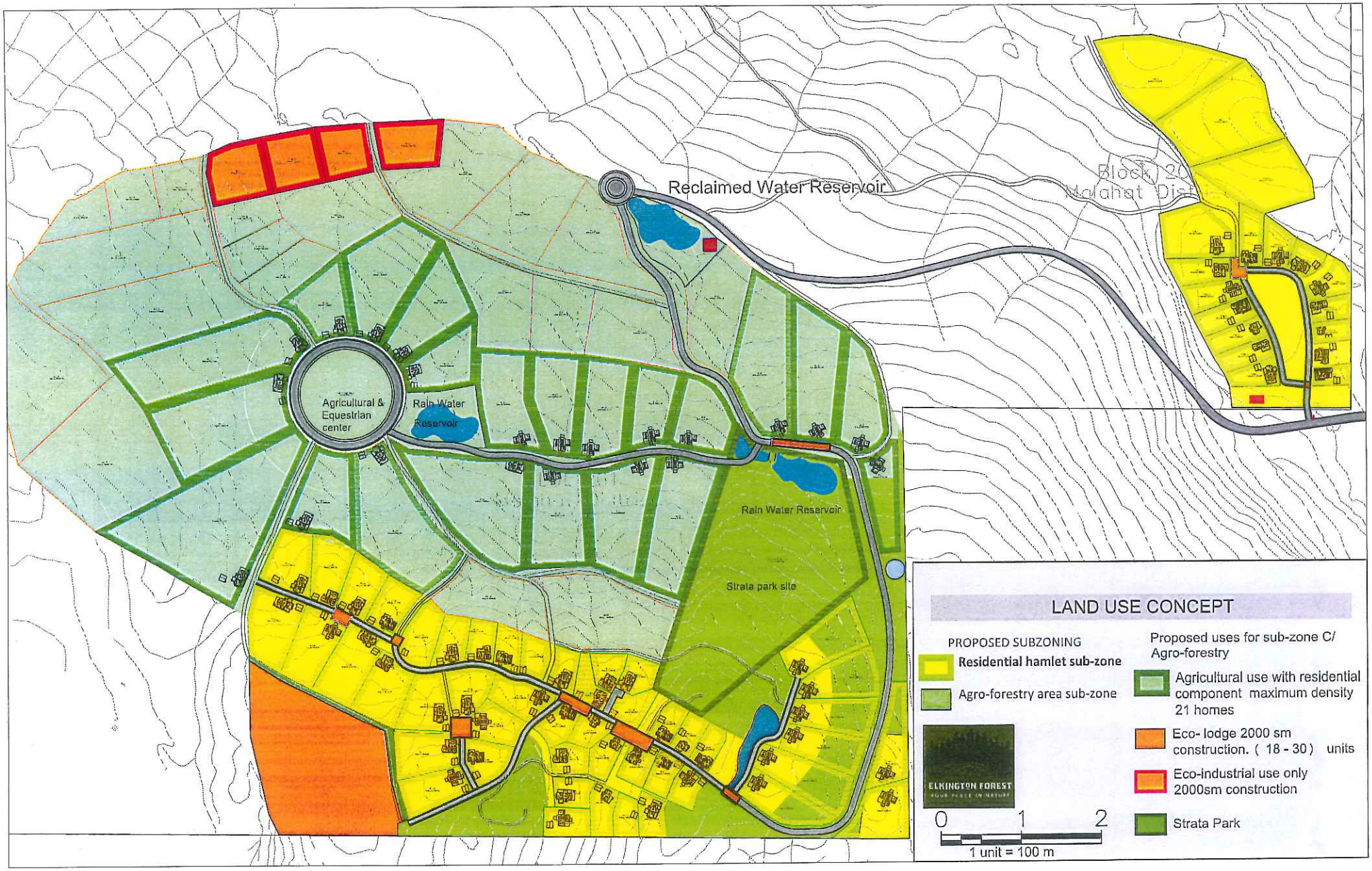
Pedestal Lay Post
Turnbuckle and Stretcher
Brass Sign
Wrought Iron Banding
Bubble Stone Wall
Lantern
Traffic
End Elevation
Side Elevation
Pavilion Inside
Dn
Dn
ELKINGTON FOREST
YOUR PLACE IN NATURE

Schedule 5

Strata Concept Plan

Schedule 4

Concept Plan for Elkington Forest Lands


Reclaimed Water Reservoir
Agricultural & Equestrian center
Rain Water Reservoir
Rain Water Reservoir
Strata park site
LAND USE CONCEPT
PROPOSED SUBZONING
Residential hamlet sub-zone
Agro-forestry area sub-zone
Proposed uses for sub-zone C/ Agro-forestry
Agricultural use with residential component maximum density 21 homes
Eco- lodge 2000 sm construction. (18 - 30) units
Eco-industrial use only 2000sm construction
Strata Park
ELKINGTON FOREST
0 1 2
1 unit = 100 m

Schedule 6

RAR Stream Plan

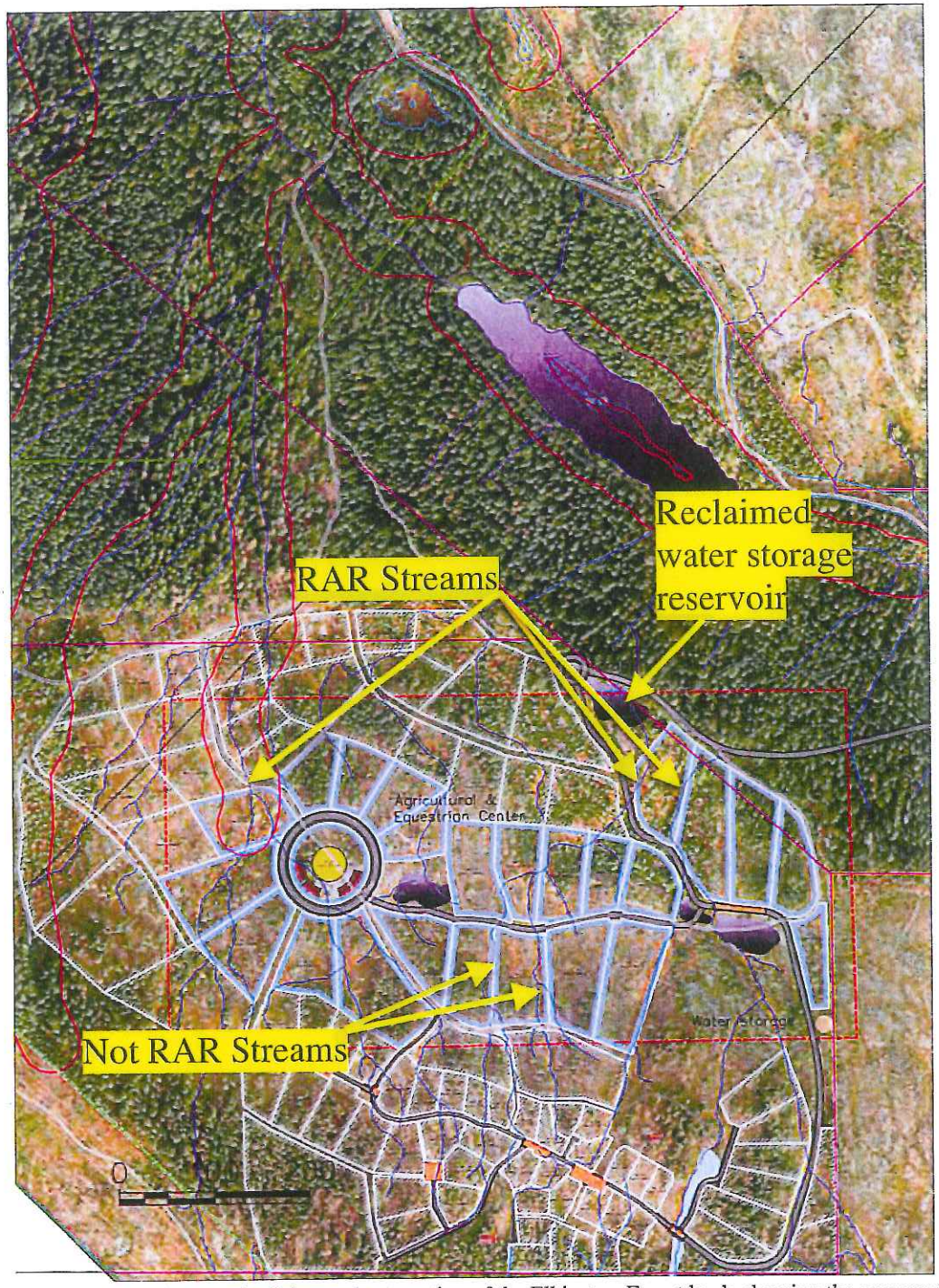


Figure 1. Aerial photograph of the southern portion of the Elkington Forest lands showing the proposed subdivision lot layout, together with streams, ponds, wetlands, and the road network. The site tour revealed that there are three streams subject to the RAR, while a number of other channels would not be considered streams, so would not be subject to the RAR. The streams subject to the RAR are referenced as the eastern, middle, and western streams.

Schedule 7

Building Criteria Checklist

Elkington Forest Phase 1B: Midlands Hamlet – Building Permit Checklist

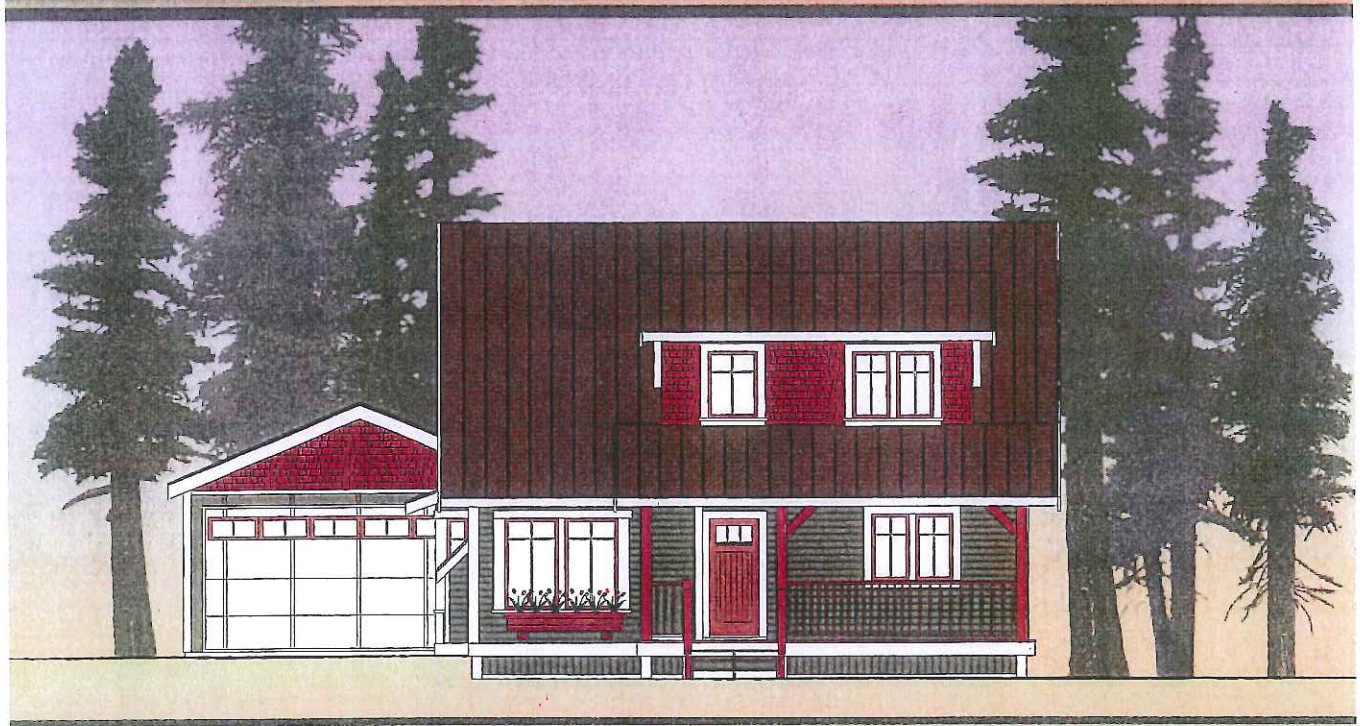
Development Permit Criteria for Building Permit Application

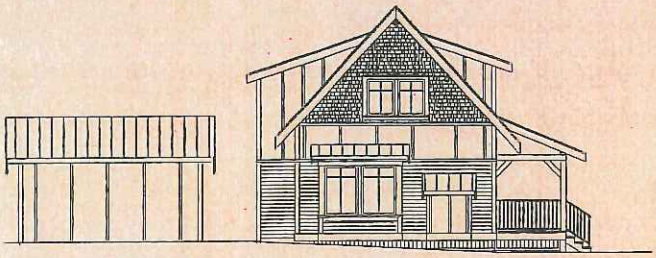
Applications for building permits on lands subject to Development Permit 7-B-12DP must demonstrate compliance with the following criteria prior to issuance of a building permit:

1. All residential and commercial buildings must be designed and built to a minimum Built Green™ Gold standard or equivalent;
2. All exterior lighting is shielded to minimize light pollution;
3. Primary heating for all residential and commercial buildings is to be from a geo-exchange heat pump or energy efficient equivalent;
4. All residential and commercial buildings are to be constructed with interior sprinklers;
5. All structures shall be designed and constructed using FireSmart standards;
6. Rain water management plans will be prepared for individual lots that incorporate concepts identified in the Elkington Midlands Rainwater Management Plan;
7. Development on lots that include Streamside Protection and Enhancement Areas will incorporate protection measures described in Riparian Areas Regulation Assessment Report No. 2412, Aqua-Tex Scientific Consulting, July, 2012;
8. Building and development will comply with applicable covenant and bylaw requirements;
9. Residential buildings will generally comply with the design standards illustrated in the Elkington Forest – Model Home Plans (attached).
10. Residential and Commercial buildings will comply with the following design guidelines, as specified in the Community Land Stewardship Development Permit Area:
    - Dwellings will have vertical proportions with one, two and two and a half storey construction;
    - The architecture will be predominately simple geometric proportions and massing; square, rectangular, T-shape, cruciform, H shape, etc., with dormers, gables, projecting balconies, recessed decks and doors, covered porches, and bay and box windows, designed with vertical proportions;
    - The main portion of all roofs will be a minimum of 12/12 pitch, in grey, black, copper, and other metal colors;
    - A palette of natural materials will be used, such as exposed timber frame trusses, beams, wood siding or shingles, and small areas of non-combustible rough textured stucco;
    - Dwellings will not exceed 400 m^2 in gross floor area, emphasizing efficiency in use of space, high quality design, and practical storage areas;
    - The street frontage will be designed to reflect visual continuity with neighbouring houses, with common but not mimicking features;
    - Deep usable porches, windows overlooking the street, and clearly visible entrances are encouraged. Except for "curb-cuts" for driveways, there should be a continuity of the street wall incorporating the face of the dwellings, frontage walls, trellises, and vegetation;

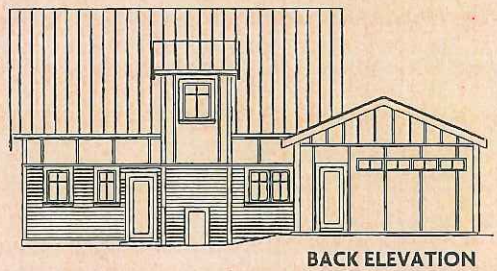
- Carports, garages, and parking areas are to be hidden on the side or rear of houses, or tucked into basement areas;
- Fencing and walls to be restricted to portions of yards and gardens immediately adjacent to the dwelling, and to areas that are intensively cultivated, farmed, or used for agro-forestry uses (deer fencing is permitted);
- The use of rainwater catchment tanks and cisterns for re-use in irrigation is required;
- The use of alternative and renewable sources of energy in required.

ELKINGTON FOREST
THE BALSAM HOUSE

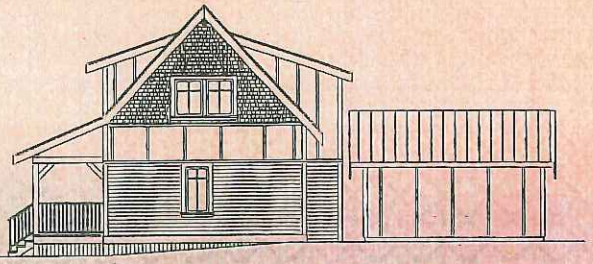




SIDE ELEVATION



BACK ELEVATION



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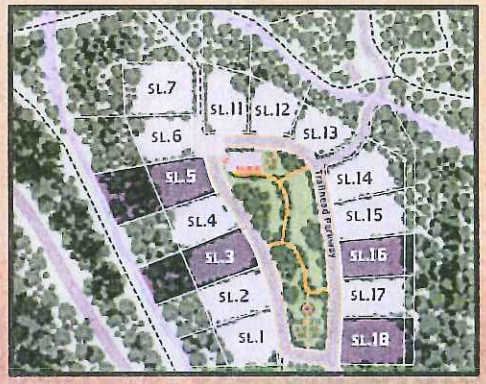
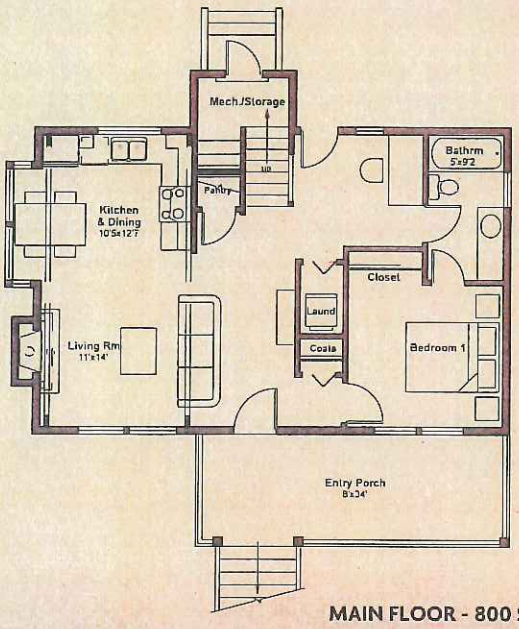
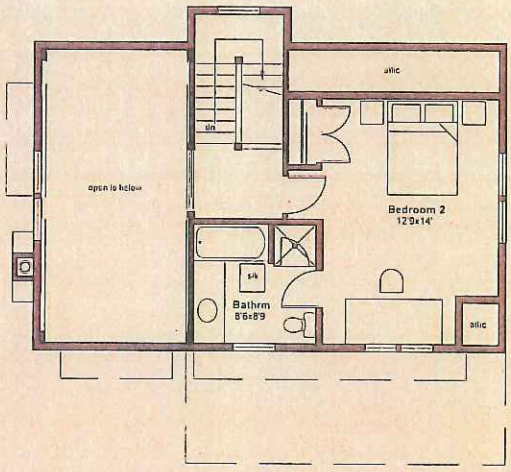


HOME SITE SELECTION

ELKINGTON FOREST : BALSAM HOUSE 2 BR

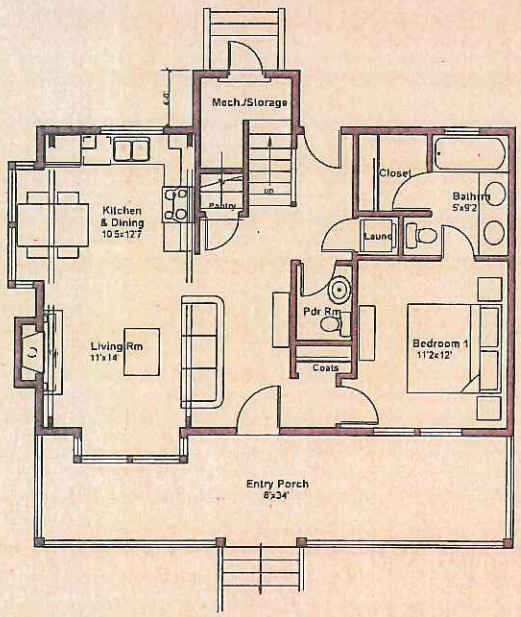


MAIN FLOOR - 800 SF

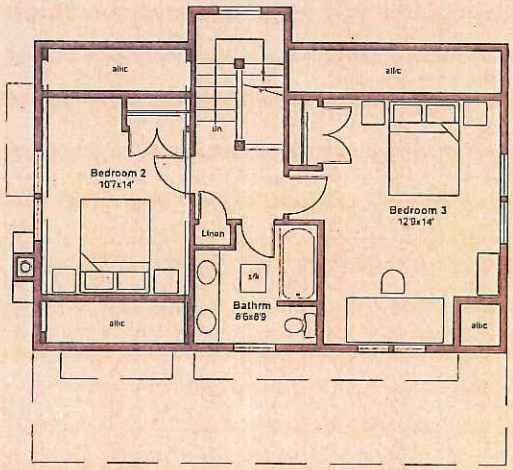


SECOND FLOOR - 350 SF

ELKINGTON FOREST : BALSAM HOUSE 3 BR



MAIN FLOOR - 800 SF



SECOND FLOOR - 550 SF

THE DEVELOPER RESERVES THE RIGHT TO MODIFY THE FLOOR PLANS, ARCHITECTURAL FEATURES AND FINISHES SHOWN HERE WITHOUT NOTICE TO OR RECOURSE BY THE PURCHASER. ALL MEASUREMENTS SHOWN ON THESE PLANS ARE CALCULATED BASED ON ARCHITECTURAL/REAL ESTATE MEASUREMENT STANDARDS AND THUS MAY DIFFER FROM THE ACTUAL FINAL PRODUCT. THE PURCHASER SHOULD REVIEW ALL PLANS, SPECIFICATIONS, FINISHINGS AND MEASUREMENTS WITH THEIR BUILDER.

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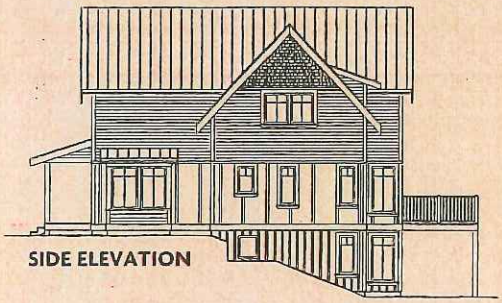
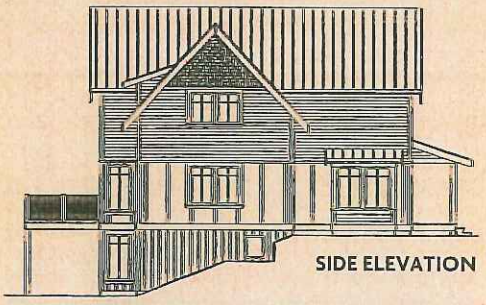
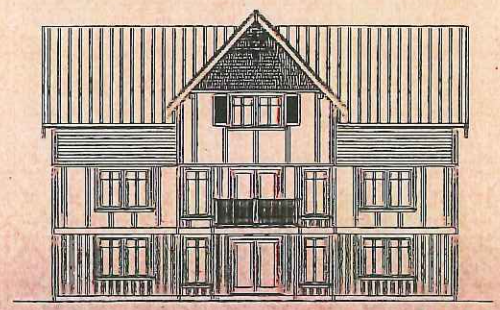
ELKINGTON FOREST
THE ARBUTUS HOUSE



SIDE ELEVATION



SIDE ELEVATION



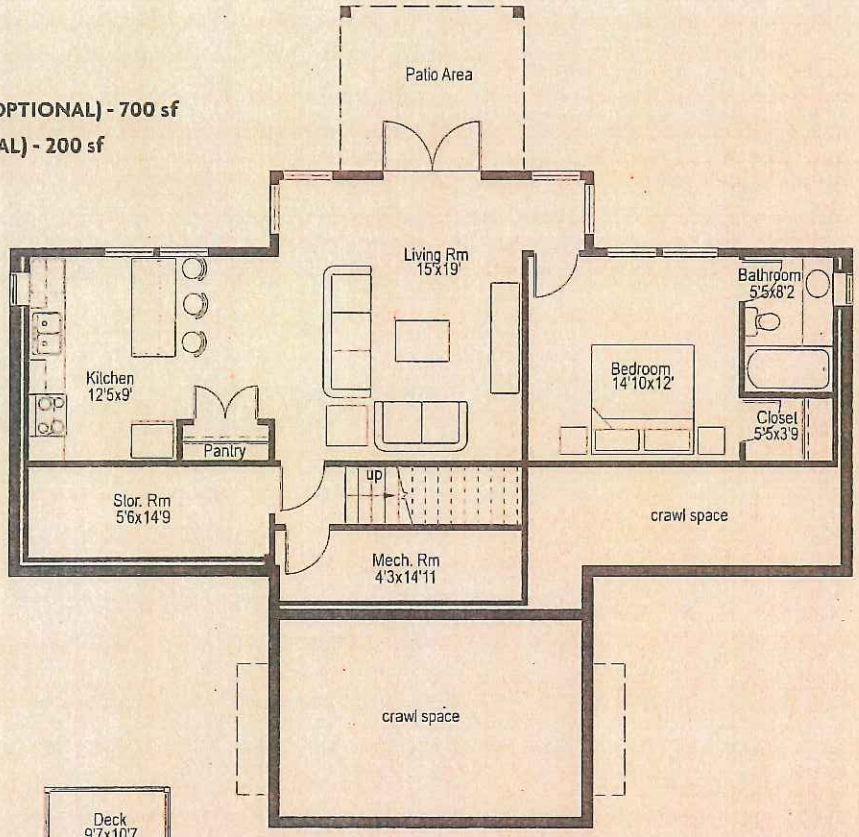
BACK ELEVATION

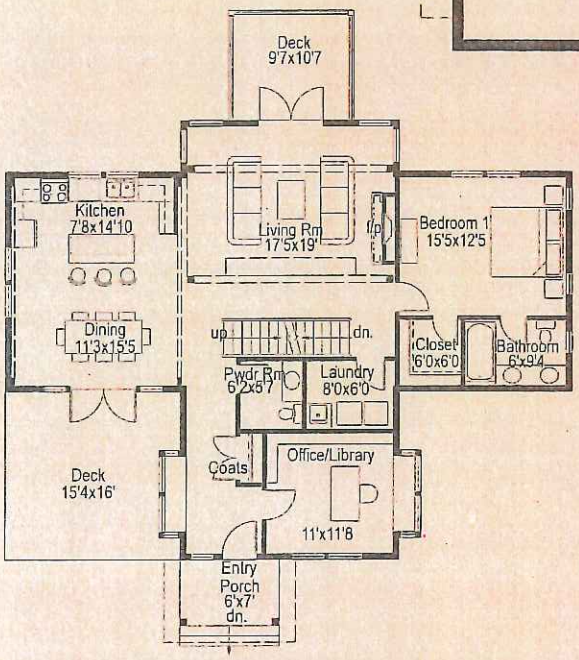
HOME SITE SELECTION

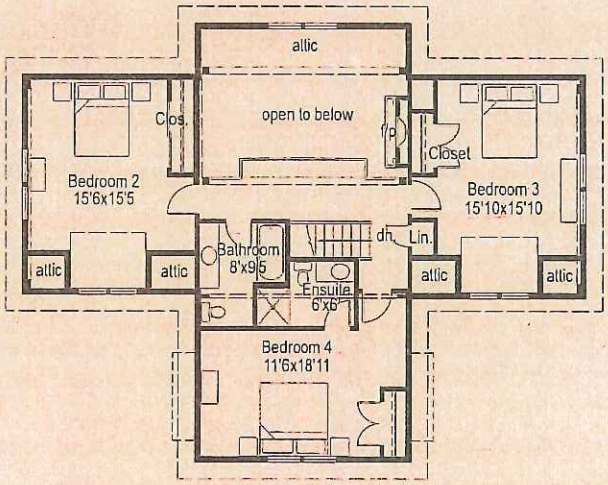
ELKINGTON FOREST : ARBUTUS HOUSE

BASEMENT SUITE (OPTIONAL) - 700 sf

STORAGE (OPTIONAL) - 200 sf







MAIN FLOOR - 1400 sf

SECOND FLOOR - 1004 sf

THE DEVELOPER RESERVES THE RIGHT TO MODIFY THE FLOOR PLANS, ARCHITECTURAL FEATURES AND FINISHES SHOWN HERE WITHOUT NOTICE TO OR RECOURSE BY THE PURCHASER. ALL MEASUREMENTS SHOWN ON THESE PLANS ARE CALCULATED BASED ON ARCHITECTURAL/ REAL ESTATE MEASUREMENT STANDARDS AND THUS MAY DIFFER FROM THE ACTUAL FINAL PRODUCT. THE PURCHASER SHOULD REVIEW ALL PLANS, SPECIFICATIONS, FINISHINGS AND MEASUREMENTS WITH THEIR BUILDER.

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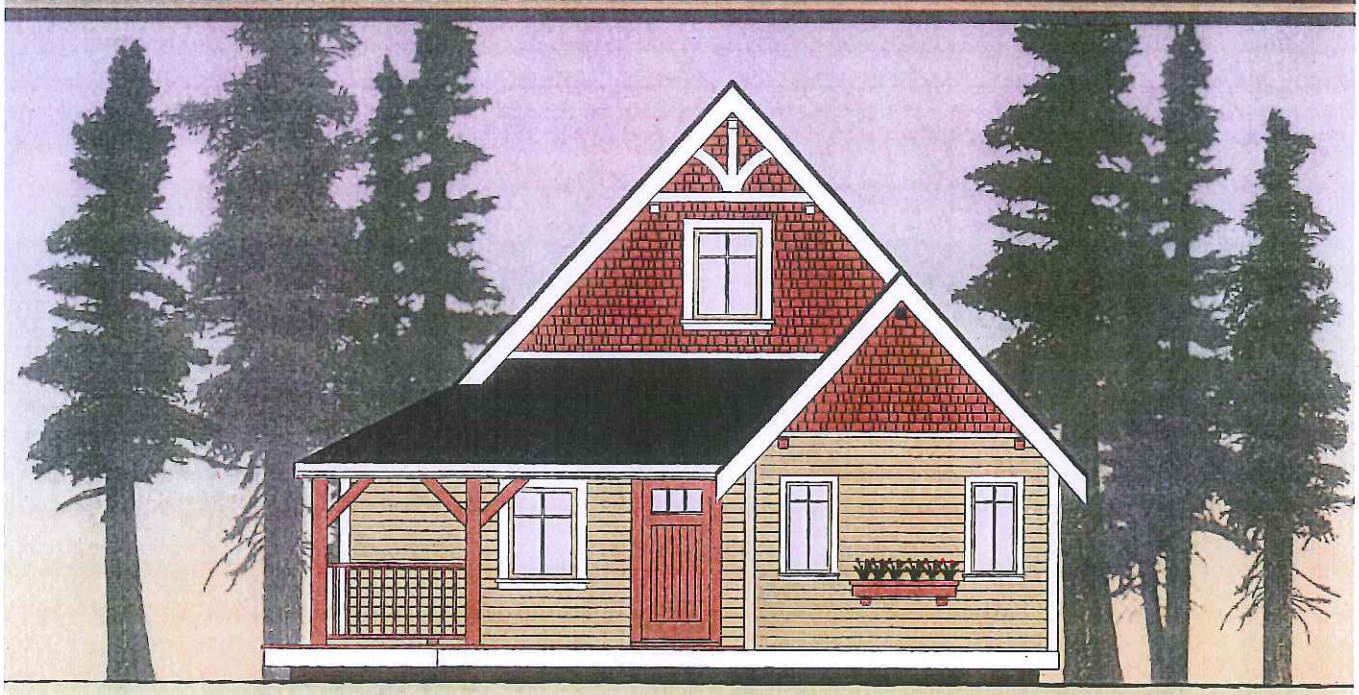
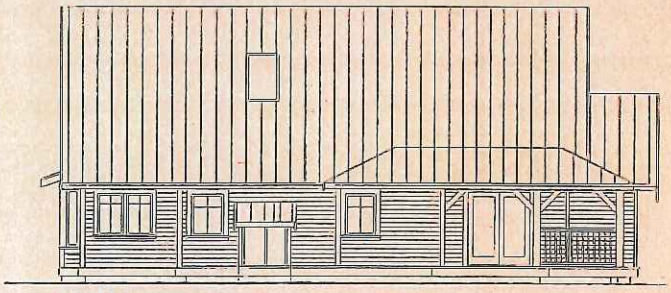
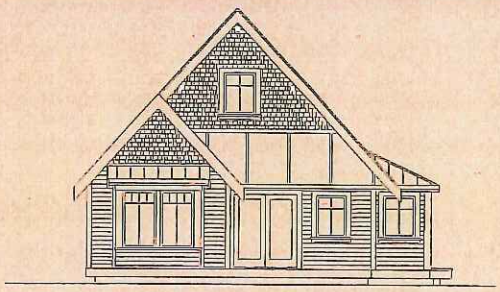
ELKINGTON FOREST
THE MAPLE HOUSE

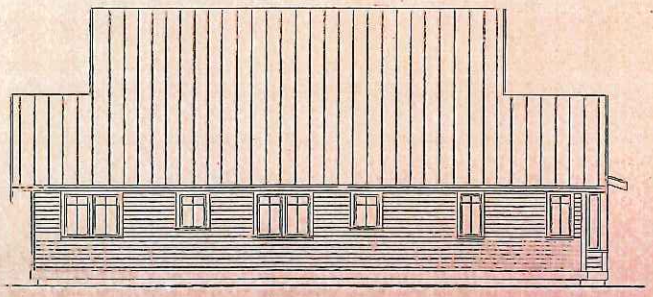




SIDE ELEVATION



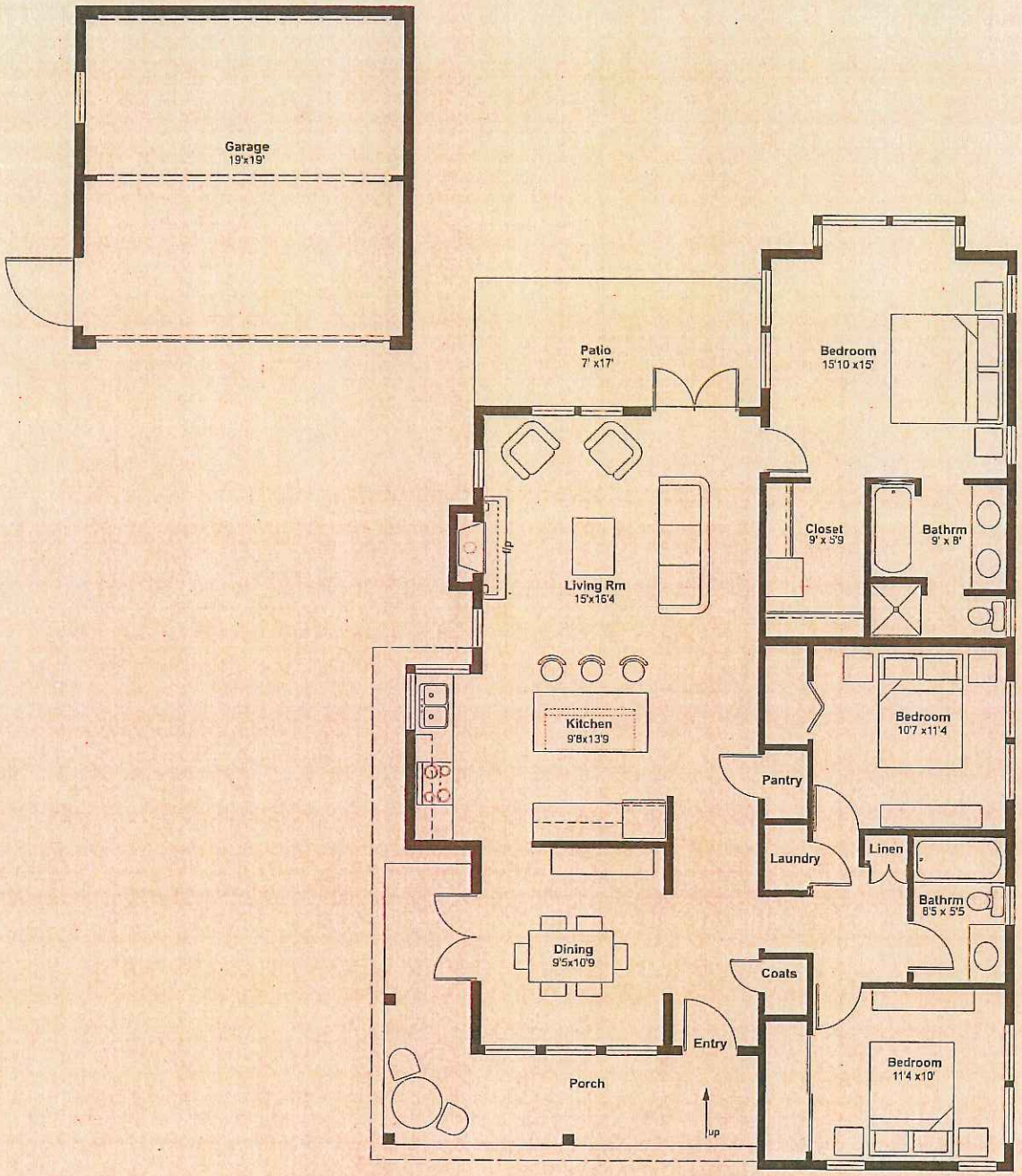
BACK ELEVATION



SIDE ELEVATION

HOME SITE SELECTION

ELKINGTON FOREST : MAPLE HOUSE



MAIN FLOOR - 1400 sf

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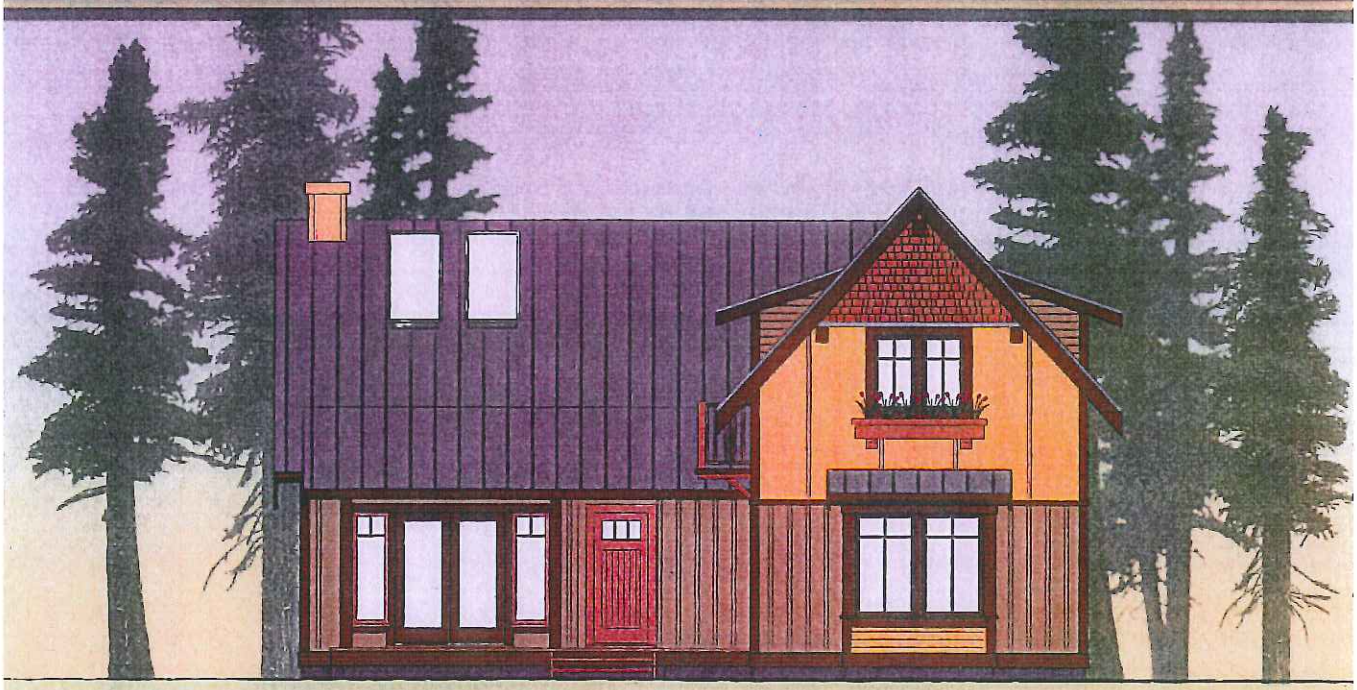
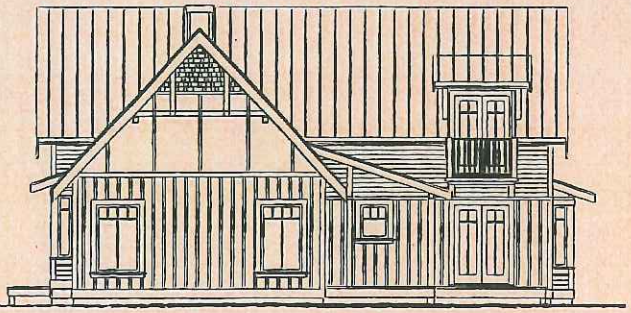
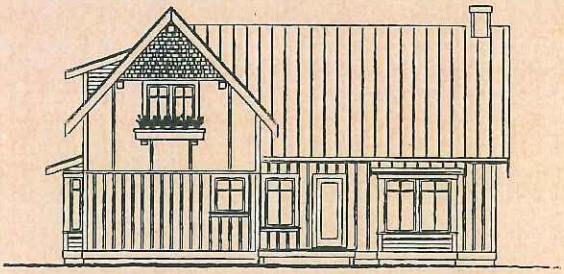
ELKINGTON FOREST
THE OAK HOUSE

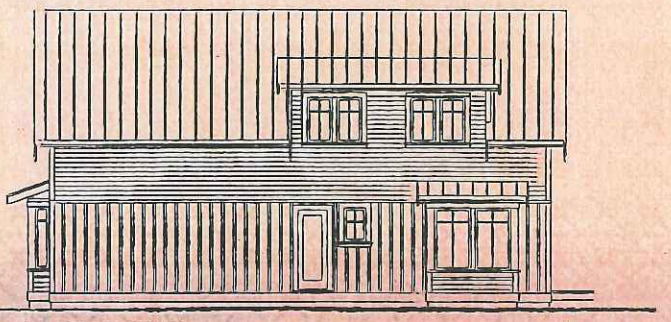




SIDE ELEVATION



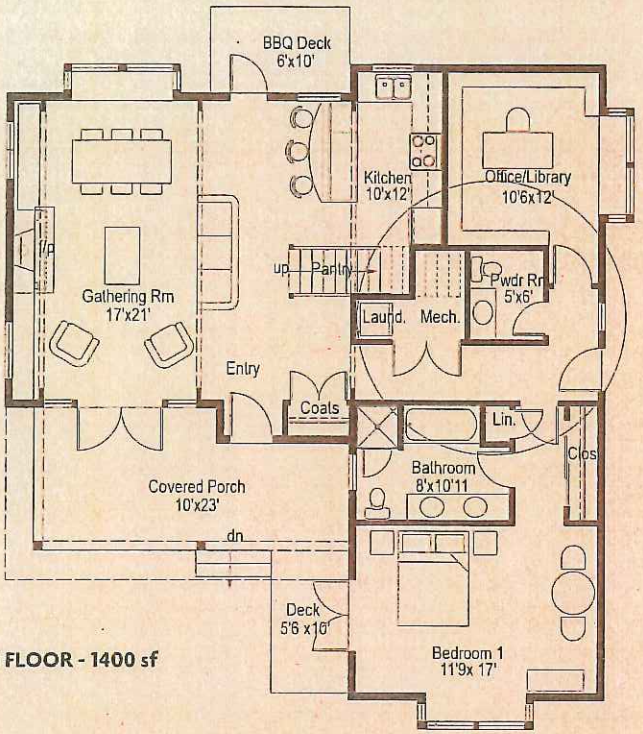
BACK ELEVATION



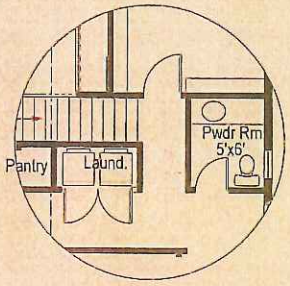
SIDE ELEVATION

HOME SITE SELECTION

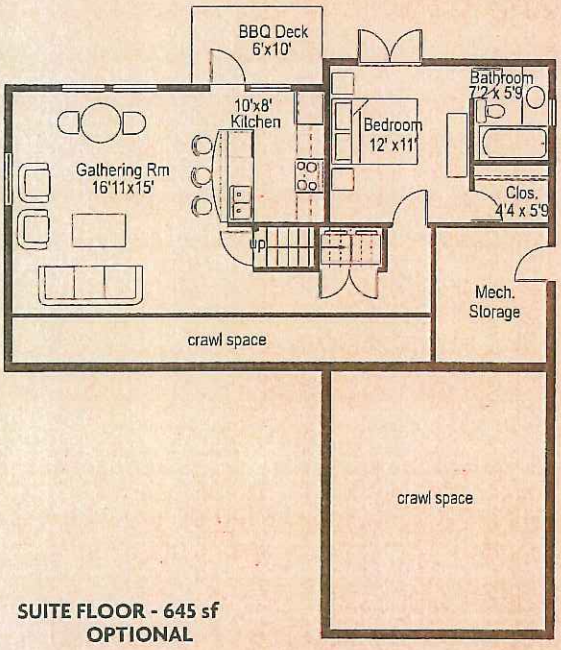
ELKINGTON FOREST : OAK HOUSE



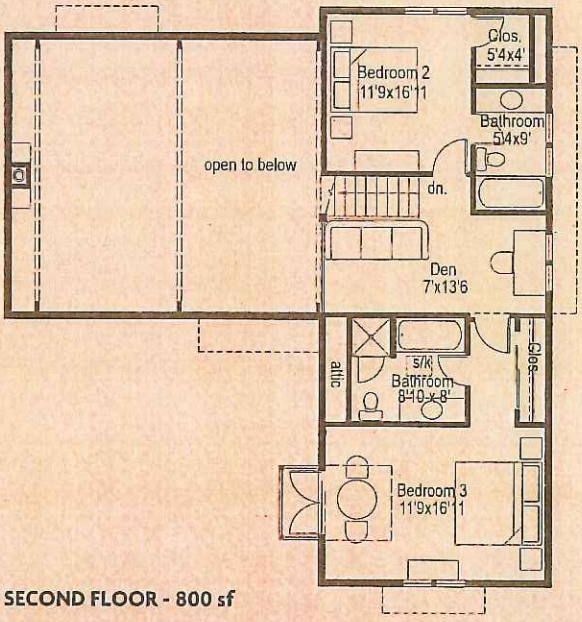
MAIN FLOOR - 1400 sf



OPTIONAL
SUITE FLOOR ACCES DETAIL



SUITE FLOOR - 645 sf
OPTIONAL



SECOND FLOOR - 800 sf

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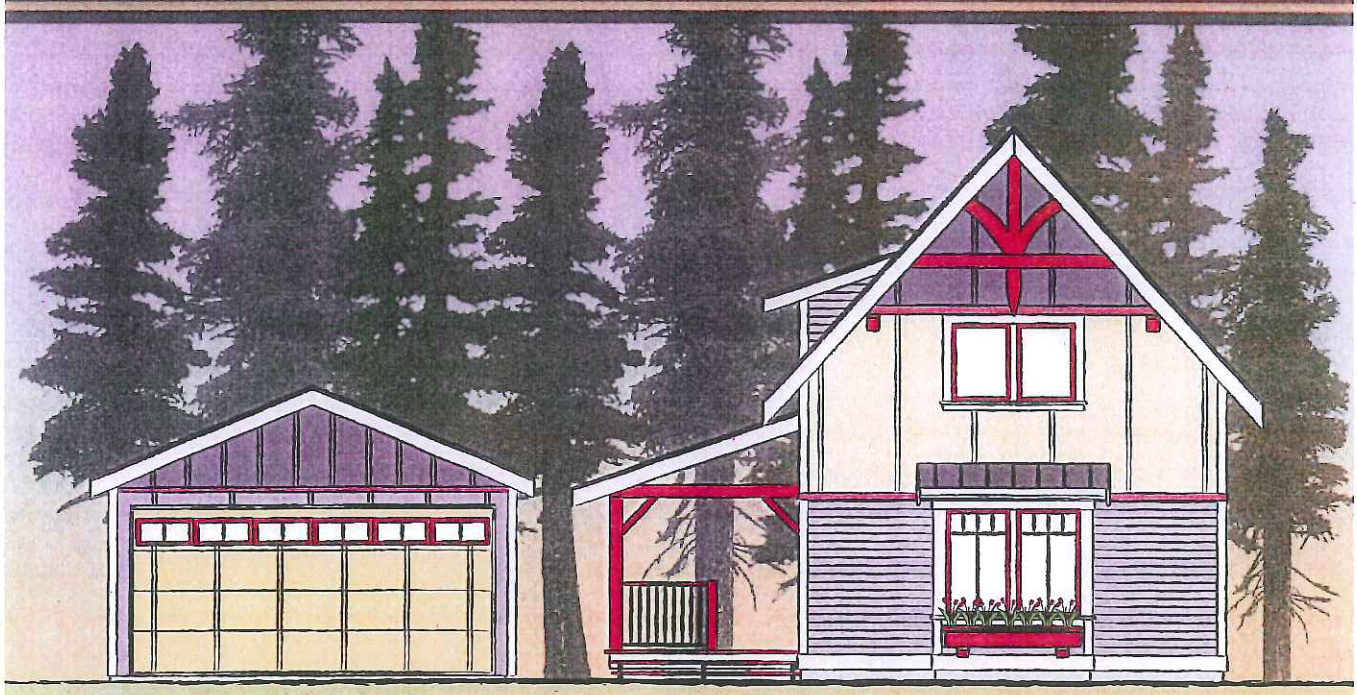
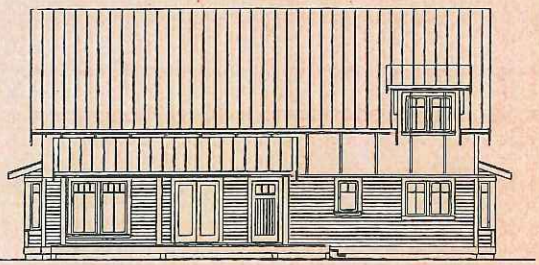
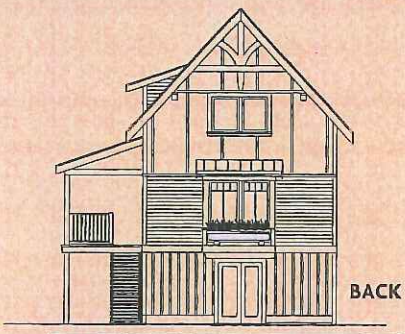
ELKINGTON FOREST
THE DOUGLAS HOUSE

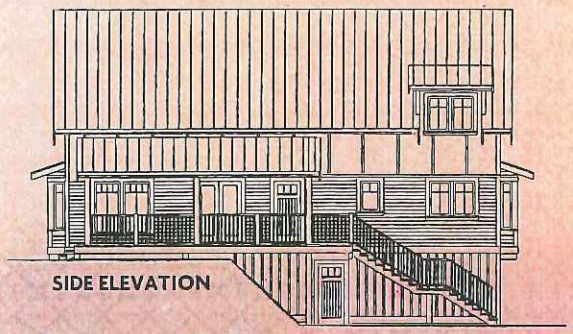




SIDE ELEVATION



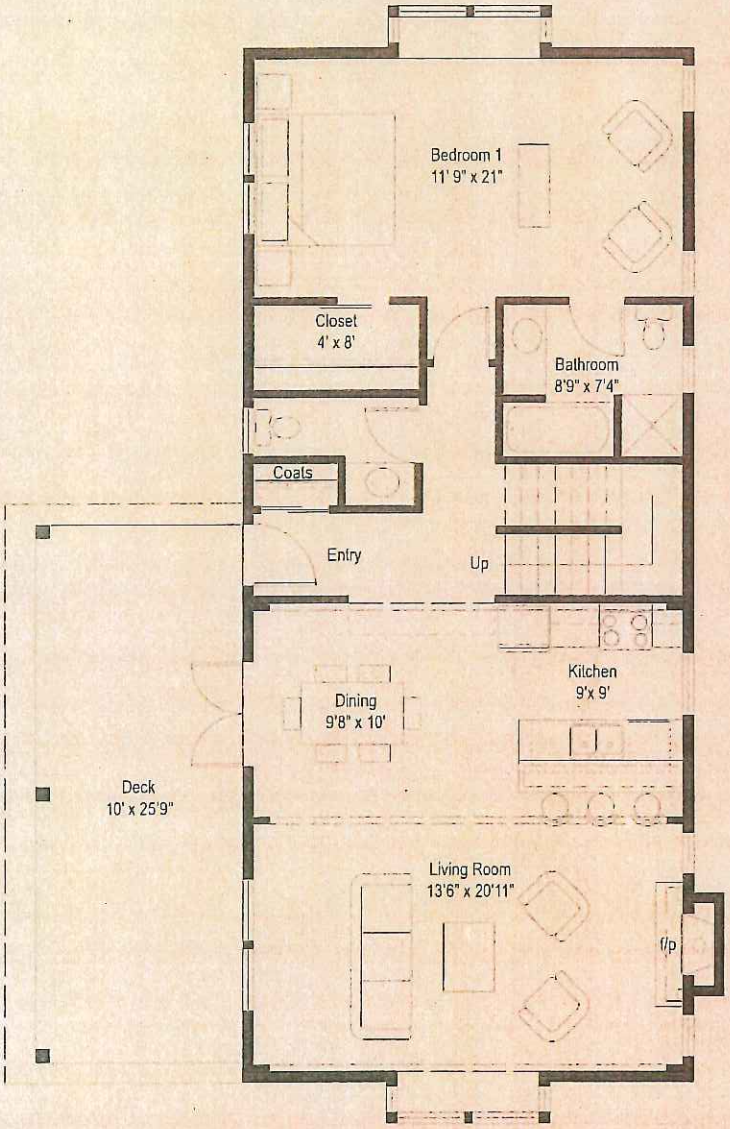
BACK ELEVATION



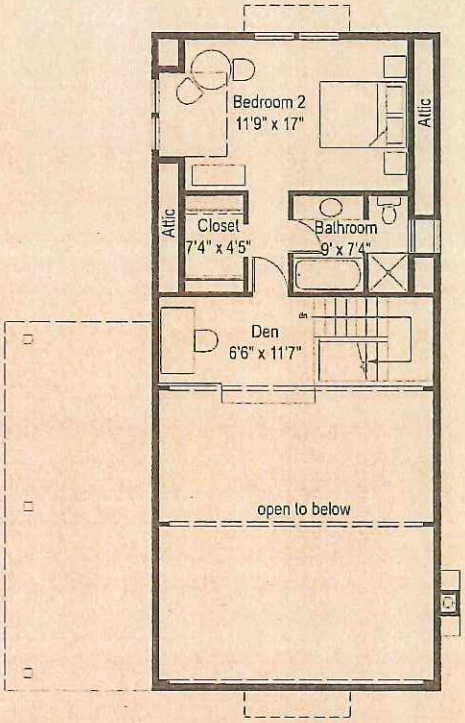
SIDE ELEVATION

HOME SITE SELECTION

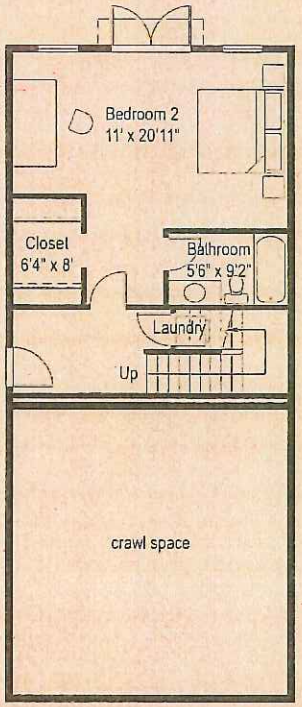
ELKINGTON FOREST : DOUGLAS HOUSE



MAIN FLOOR - 1150 sf.



SECOND FLOOR - 450 sf.



OPTIONAL LOWER FLOOR - 540 sf.

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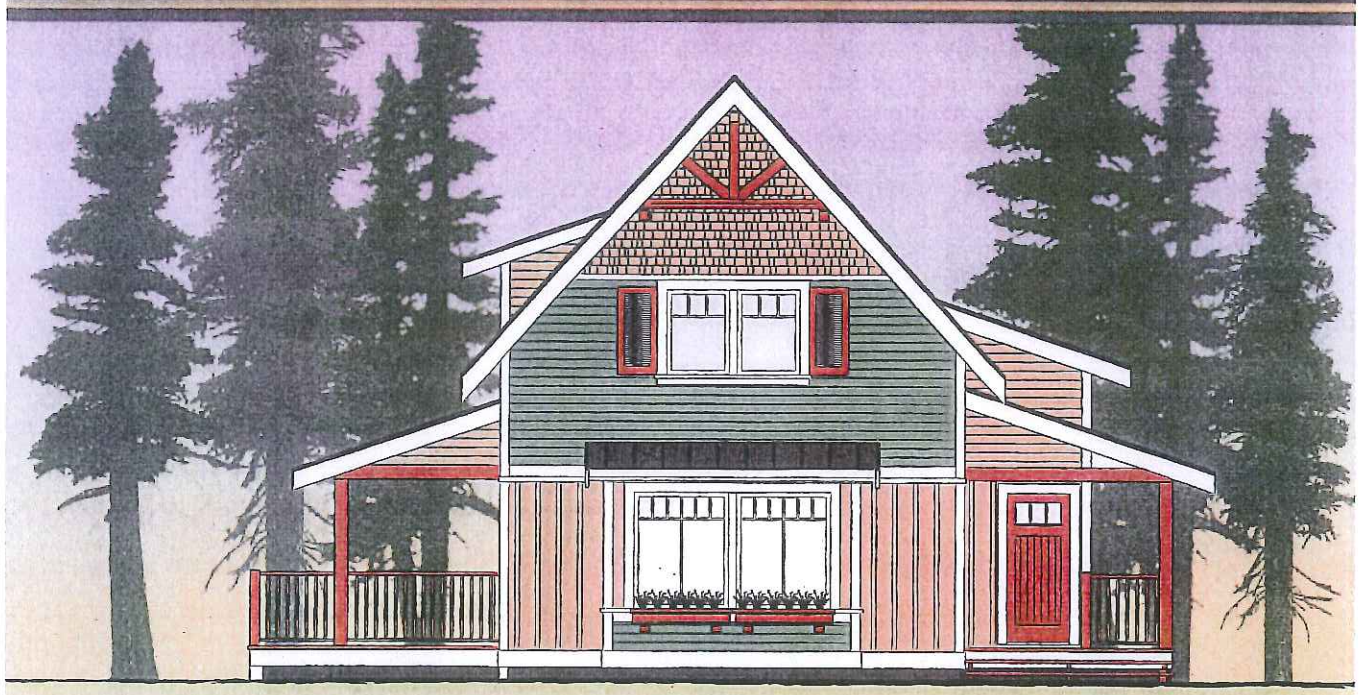
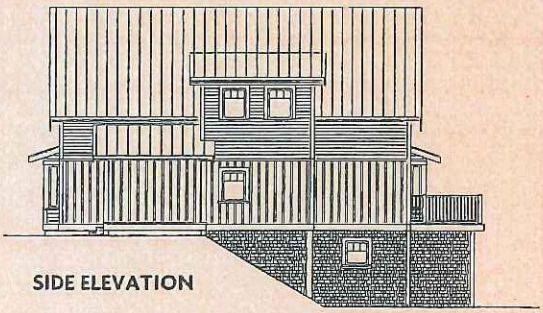
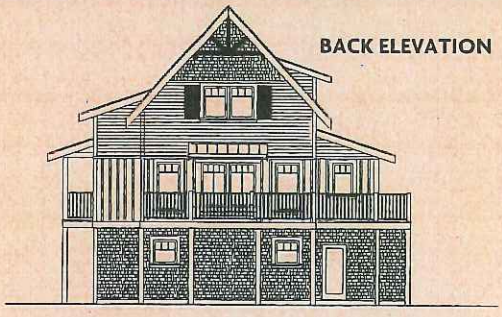
THE PINE HOUSE

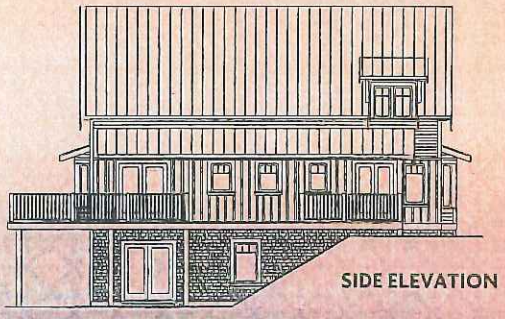




SIDE ELEVATION



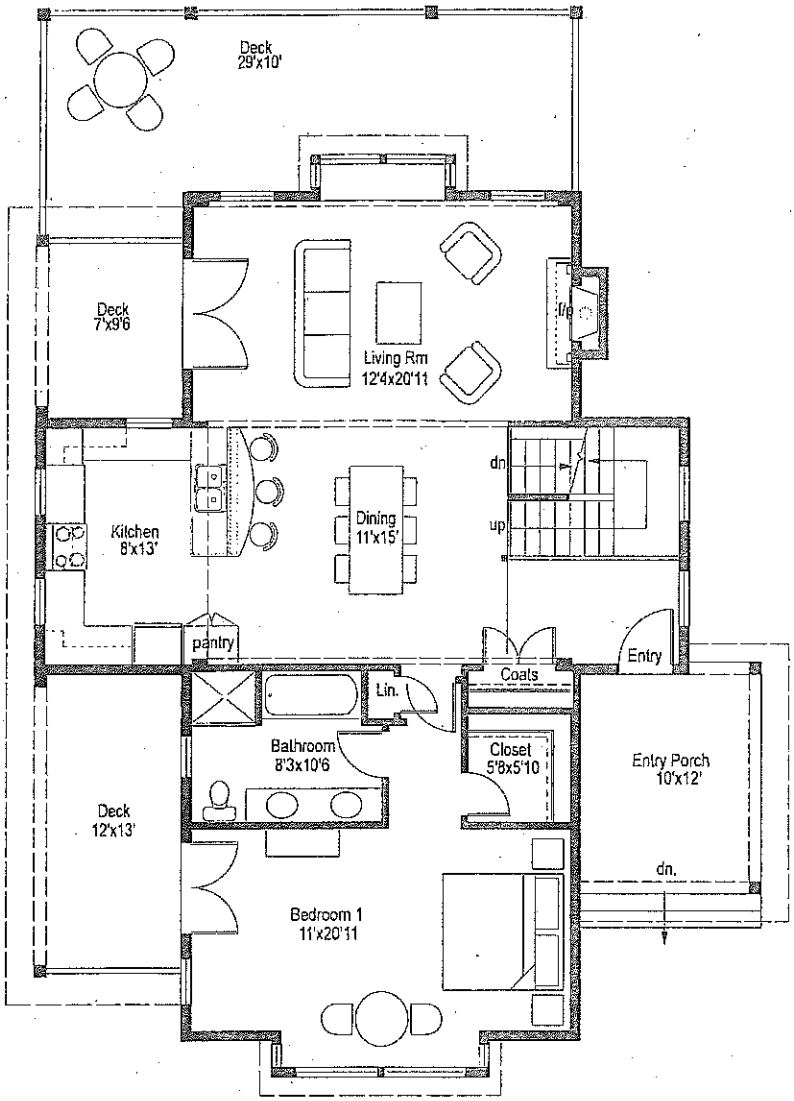
BACK ELEVATION



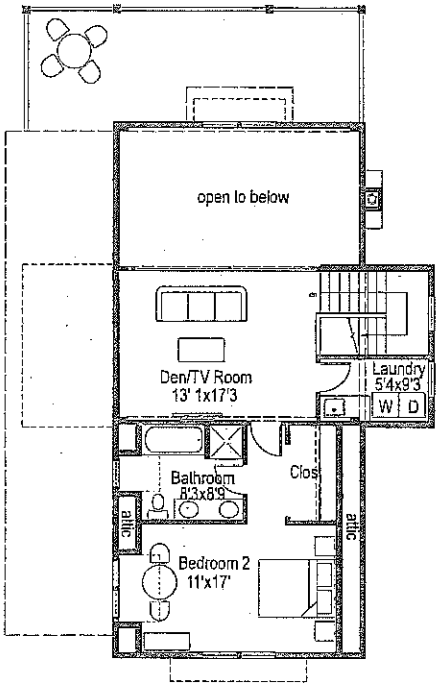
SIDE ELEVATION

HOME SITE SELECTION

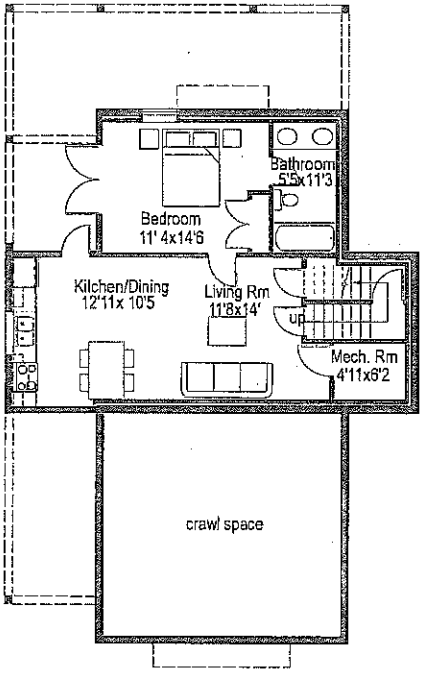
ELKINGTON FOREST : PINE HOUSE



MAIN FLOOR - 1200 sf



SECOND FLOOR - 600 sf



OPTIONAL SUITE FLOOR - 576 sf

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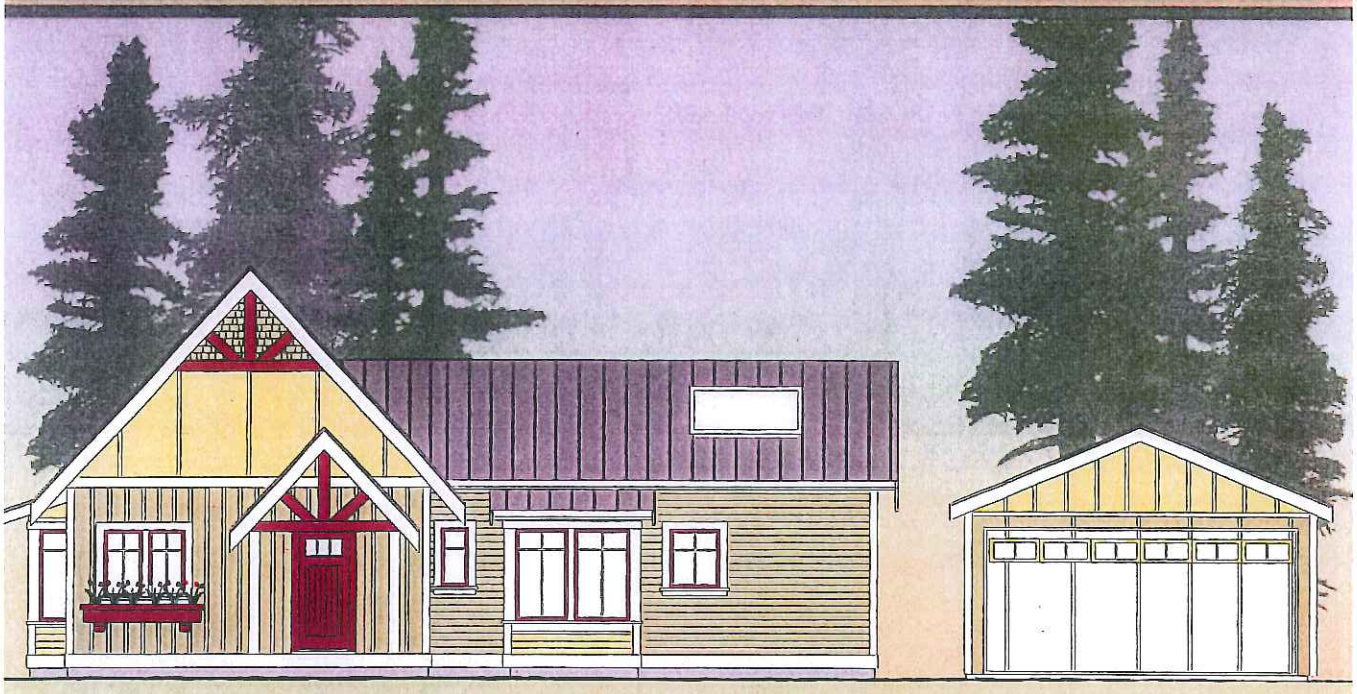
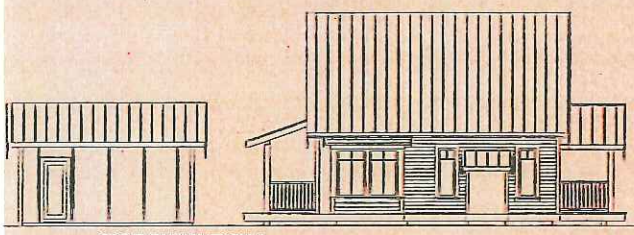
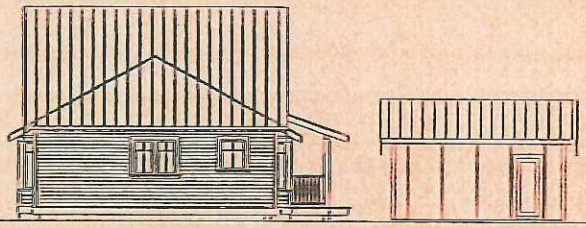
ELKINGTON FOREST
THE HEMLOCK HOUSE

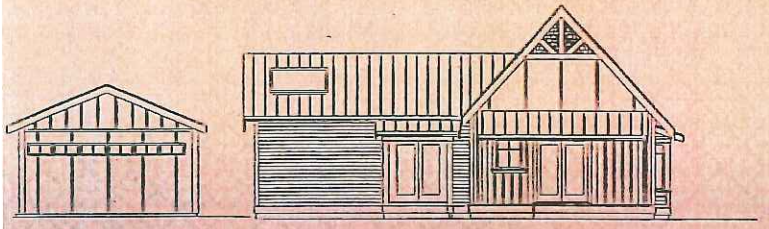




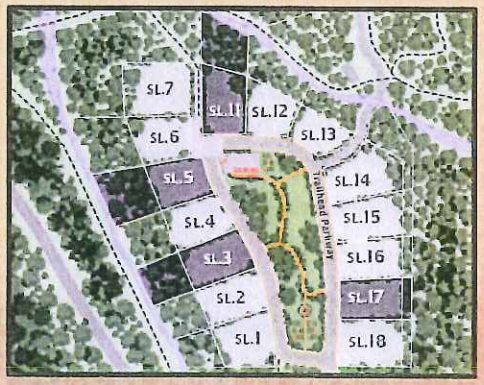
SIDE ELEVATION



SIDE ELEVATION

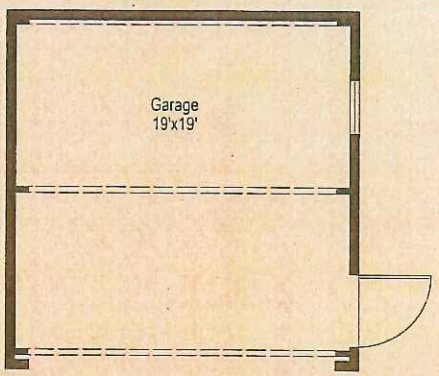


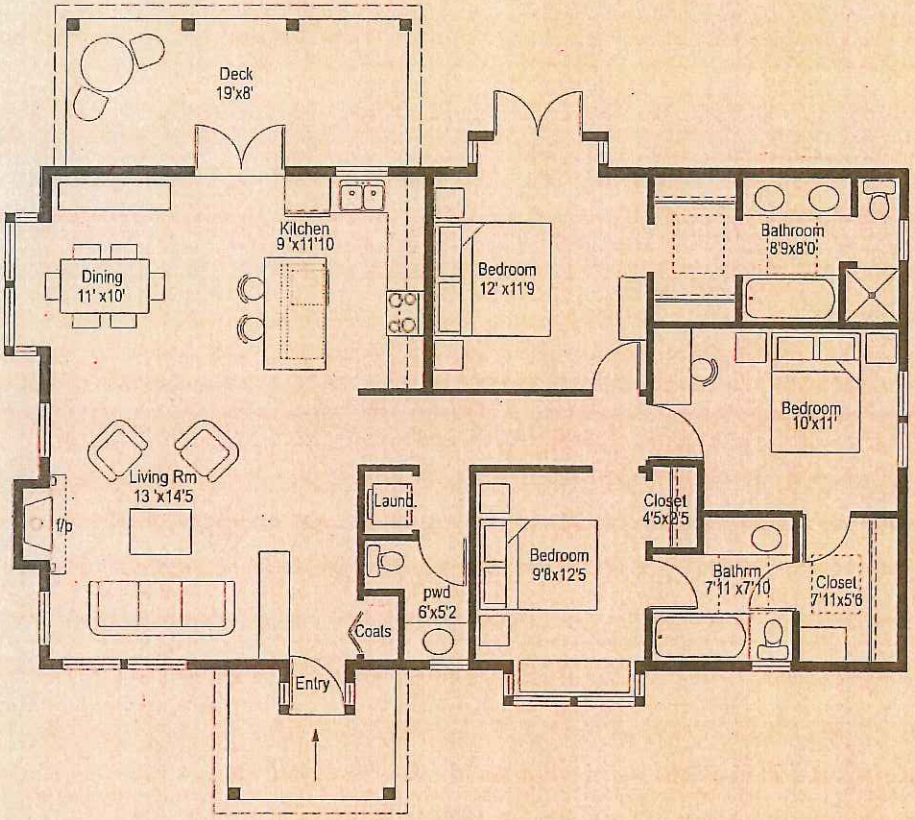
BACK ELEVATION



HOME SITE SELECTION

ELKINGTON FOREST : HEMLOCK HOUSE





MAIN FLOOR - 1430 sf

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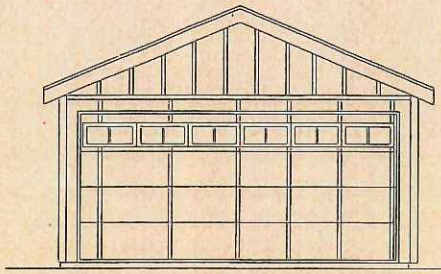
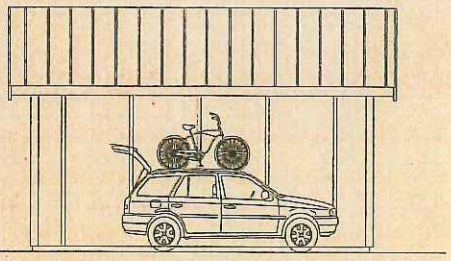
STANDARD SINGLE & TWO CAR GARAGES

STANDARD TWO CAR GARAGE



FRONT ELEVATION



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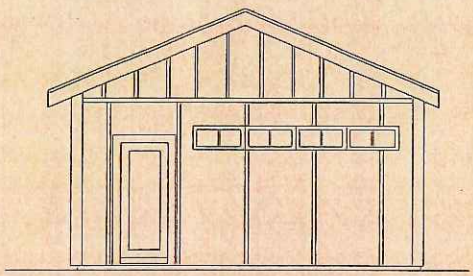
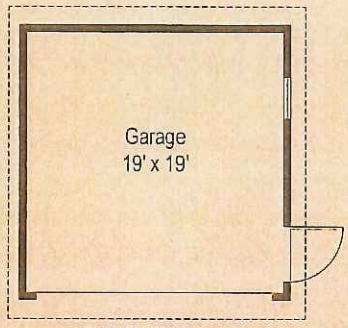
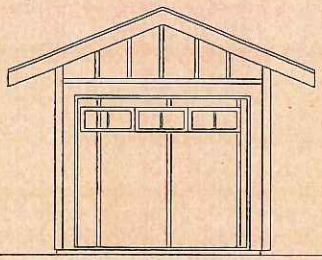


BACK ELEVATION



FLOORPLAN

STANDARD SINGLE CAR GARAGE



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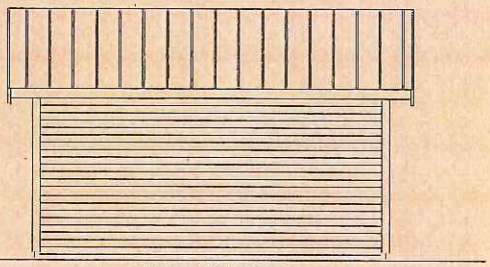

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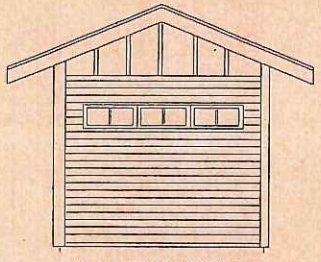
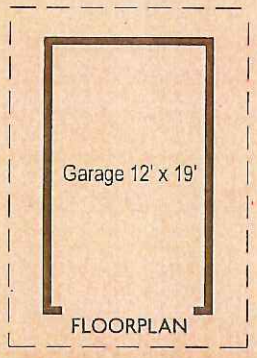


BACK ELEVATION



FLOORPLAN

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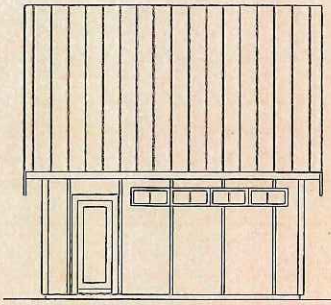
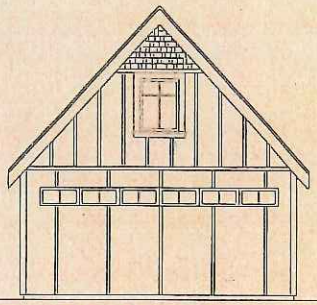
UPGRADED GARAGE & STUDIO FLOORPLANS

UPGRADED TWO CAR GARAGE



SIDE ELEVATION



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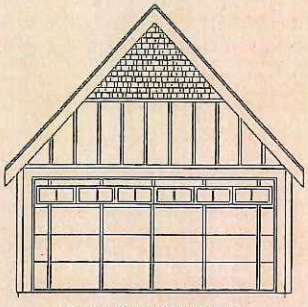

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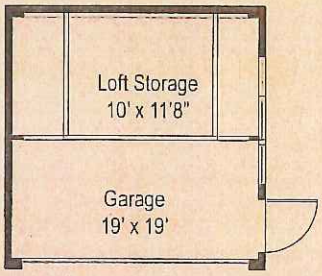
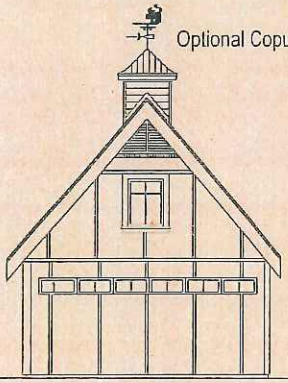


FLOORPLAN

STUDIO



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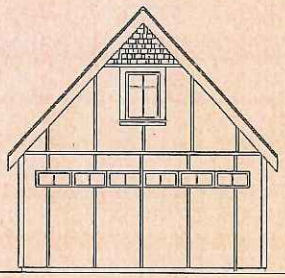
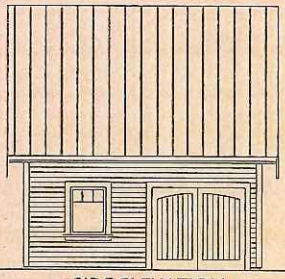
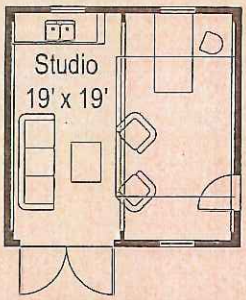


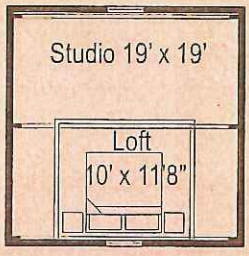
BACK ELEVATION



SIDE ELEVATION



STUDIO FLOORPLAN



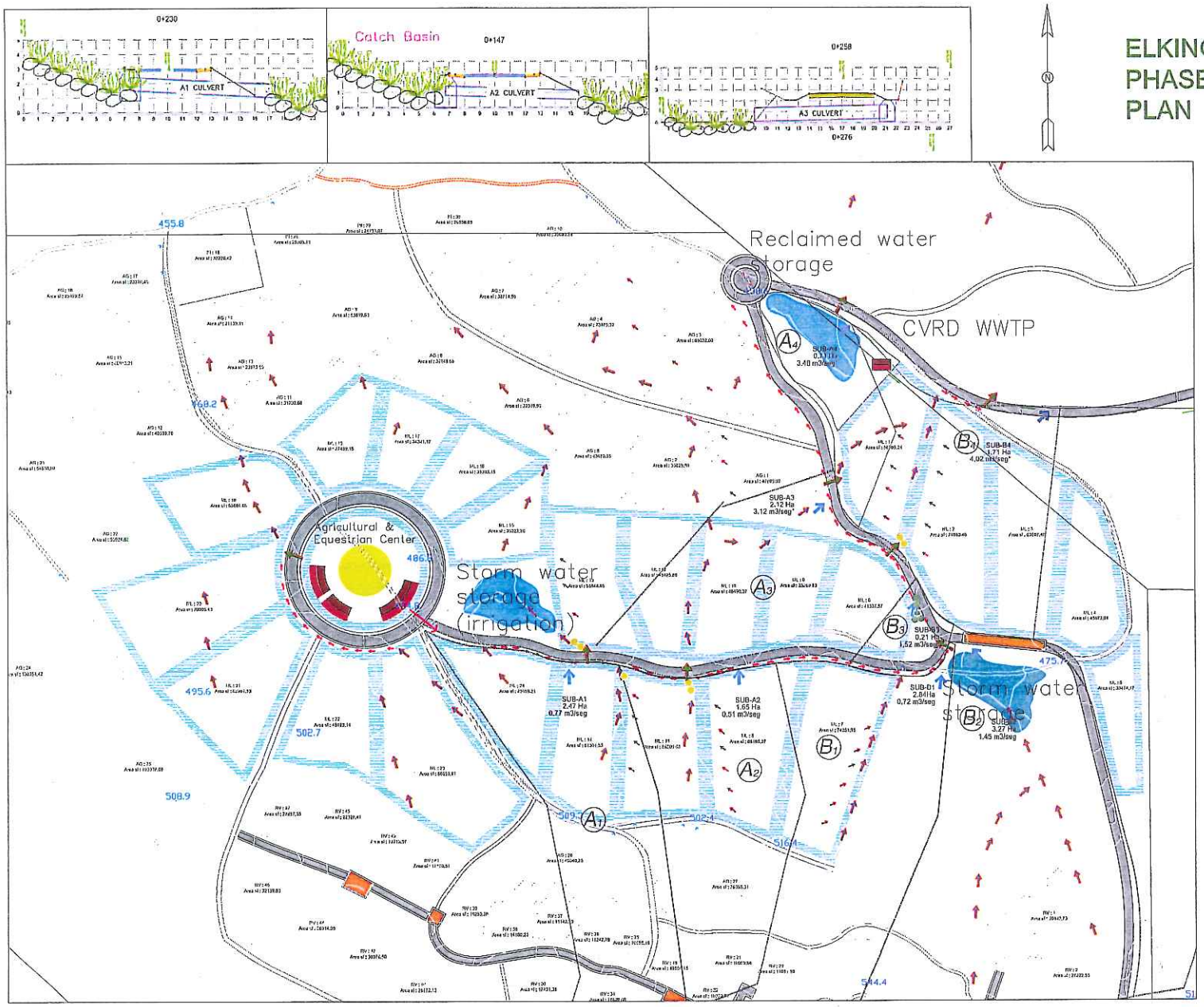
OPTIONAL STUDIO LOFT UPGRADE

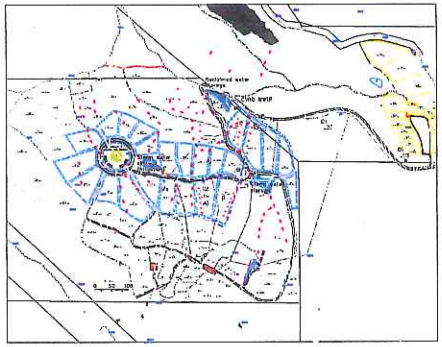
THE DEVELOPER RESERVES THE RIGHT TO MODIFY THE FLOOR PLANS, ARCHITECTURAL FEATURES AND FINISHES SHOWN HERE WITHOUT NOTICE TO OR RECOURSE BY THE PURCHASER. ALL MEASUREMENTS SHOWN ON THESE PLANS ARE CALCULATED BASED ON ARCHITECTURAL/REAL ESTATE MEASUREMENT STANDARDS AND THUS MAY DIFFER FROM THE ACTUAL FINAL PRODUCT. THE PURCHASER SHOULD REVIEW ALL PLANS, SPECIFICATIONS, FINISHINGS AND MEASUREMENTS WITH THEIR BUILDER.

Schedule 8

Drainage Concept Plan

ELKINGTON FOREST PHASE 1B DRAINAGE PLAN





SIGNIFICANT CREEKS, general RAR 30 m setback*

PHASE1 A 18 LOTS TRAIL HEAD HAMLET

PHASE 1B 25 LOTS MIDLANDS FARMS

PHASES 2 & 3 FUTURE DEVELOPMENT

CULVERT CROSSING

CONCENTRATION FLOW

ROAD DITCH FLOW

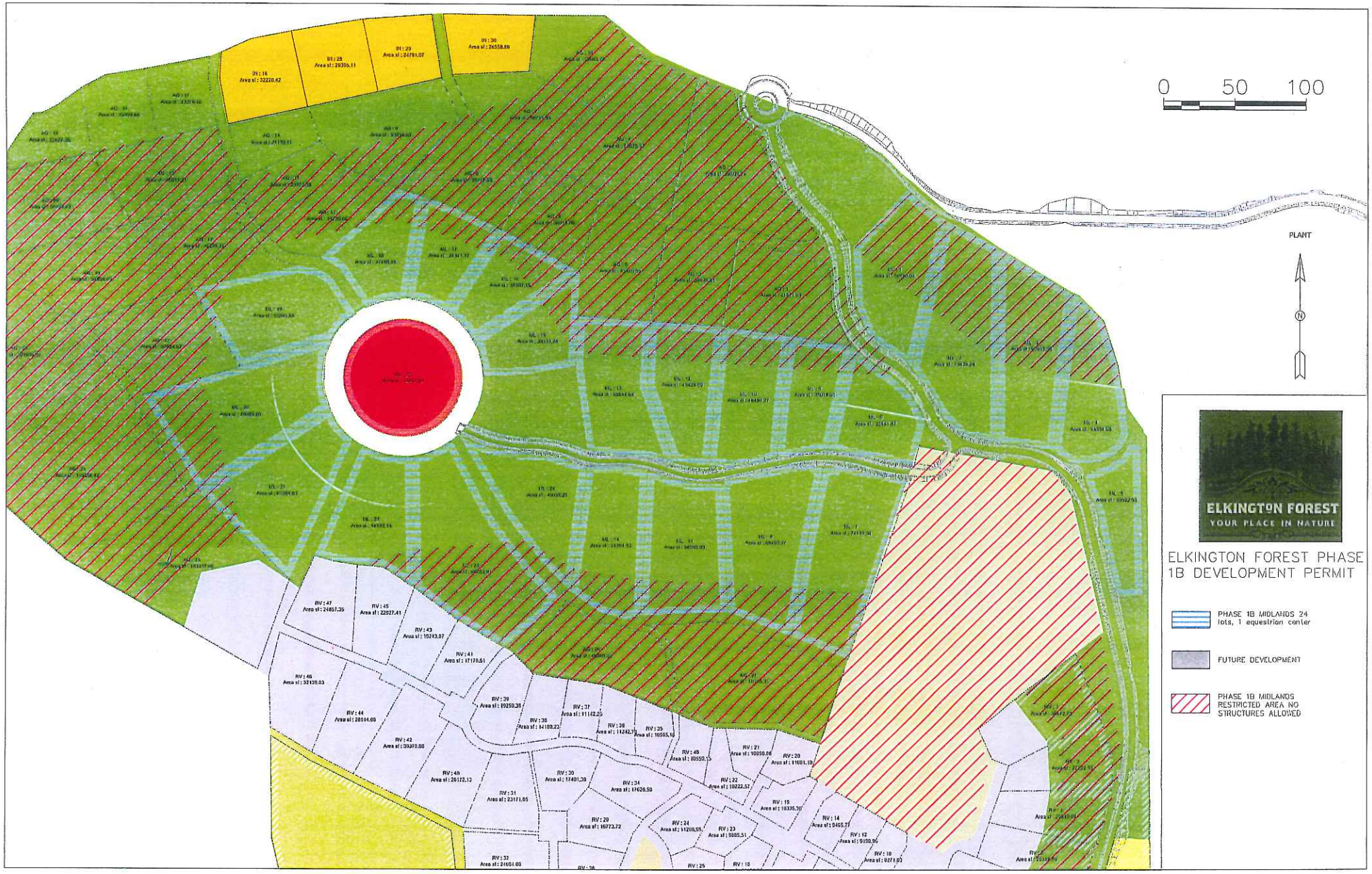
GROUND SURFACE WATER FLOW

Component	Description	Function
Vegetated Swales	Vegetated swales are built on suitable (site specific soil and planting distance with stormwater management in mind. Soils are designed and implemented to achieve adequate infiltration, while still maintaining integrity and strength to prevent slope failures. Soils must also be of a proper growth medium. Hardness generally consist of grass cover and shrub plants.	Vegetated swales intercept stormwater, slowing flow velocity and improving water quality via sediment and filtration. The vegetation serves to not only stabilize the soil and prevent erosion, but it also functions as a physical flow barrier and promotes evapotranspiration.
Narrower Streets	Traditional street widths are reduced to reduce impervious surface.	Narrower streets reduce the amount of impervious surface (by up to 11 percent in some projects), while still allowing for two-way traffic and street side parking. Narrower streets also require less paving
Permeable surfaces	Streets and walkways are made of natural stone and a more porous concrete mixture than traditionally	Allows for stormwater infiltration and reduced runoff volume.
Cascading Pools	A series of shallow pools linked by culverts that allow runoff to flow down a gradient from one pool to another.	This design helps control proper infiltration in areas with moderately steep slopes and high stormwater volumes. The shallow pools also reduce stormwater velocity, as water is released at each subsequent pool. In general, cascading pool designs have proven successful in areas with steep gradients and low slow traffic.
Curvilinear Street Design	Instead of using a traditional straight street design, roads are built in a curvilinear fashion.	Curvilinear roads help to reduce the runoff leaving the road surface more rapidly and before gaining velocity, which reduces erosion. This road design can be especially useful in areas with steeper gradients and low slow traffic.
Rain Gardens	Rain gardens are beds of vegetation natural landscape elements planted near roads, parking lots, and other impervious areas within large pre-existing lot runoff.	Rain gardens function similarly to vegetated swales, but without a prescribed shape or size. They are effective at slowing runoff and infiltrating the first flush of runoff – they are not designed to retain high stormwater volumes.

* by Mimulus Biological consultants

Schedule 9

Proposed Covenant Areas – Midlands Phase


0 50 100
PLANT
ELKINGTON FOREST
YOUR PLACE IN NATURE
ELKINGTON FOREST PHASE 1B DEVELOPMENT PERMIT
PHASE 1B MIDLANDS 24 lots, 1 equestrian center
FUTURE DEVELOPMENT
PHASE 1B MIDLANDS RESTRICTED AREA NO STRUCTURES ALLOWED

Schedule 10

CLS-1 Zone

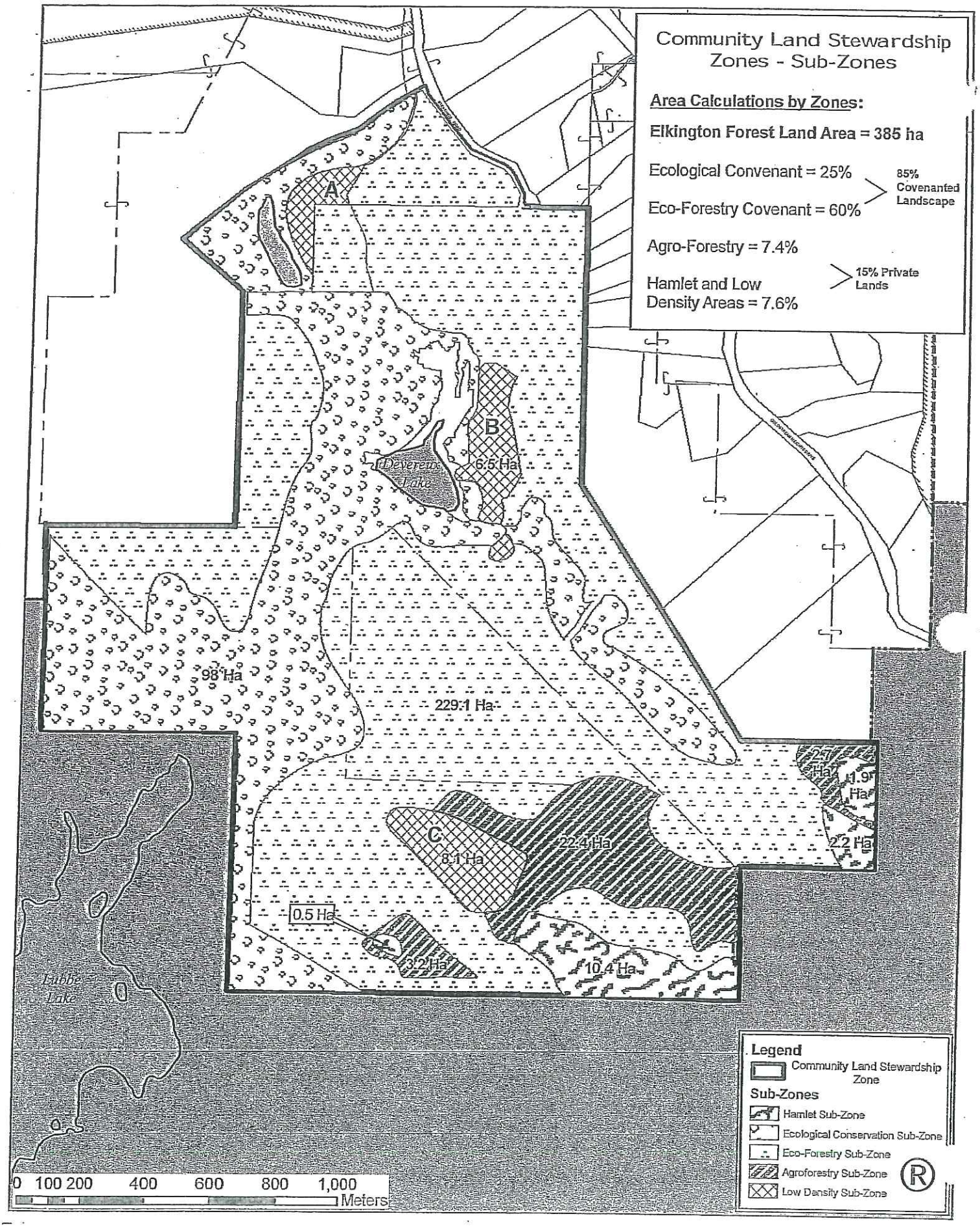
12.0 Comprehensive Zones

12.1 Community Land Stewardship Zone

General Regulations

1. The following general regulations apply in the Community Land Stewardship Zone:

   a) Within the CLS Zone, there are five distinct sub-zones as identified on the CLS-1 Sub-Zone Map. The five sub-zones are: Ecological Conservation Sub-Zone, Eco-Forestry Sub-Zone, Agro-Forestry Sub-Zone, Low Density Sub-Zone(A,B and C), and Hamlet Sub-Zone.
   b) Forestry industrial uses, including timber processing, sawmill, planer mill and secondary wood processing and manufacturing, and accessory uses, shall not exceed 2 hectares for the entire Community Land Stewardship Zone;
   c) Agro-forestry processing, greenhouses and accessory buildings shall not exceed 1500 m^2 for the entire Community Land Stewardship Zone;
   d) Not more than one community centre facility is permitted within the entire Community Land Stewardship Zone.
   e) Not more than one retail commercial area shall be permitted within the entire Community Land Stewardship Zone.
   f) Not more than one Guest Lodge shall be permitted within the entire Community Land Stewardship Zone.
   g) No more than six guest lodge tree top canopy units are permitted within the entire Community Land Stewardship Zone, and no Guest Lodge tree top canopy unit is to be located more than 300 metres from the Guest Lodge, the main building of which is permitted within the Hamlet Sub-Zone.
   h) Kitchen facilities are prohibited in the guest lodge tree top canopy units.
   i) Ecological education and interpretive structures shall not exceed 160 sq metres in total floor area for the entire Community Land Stewardship Zone.
   j) Excavation and extraction of gravel, soil, fill and rock, shall be used only within the Community Land Stewardship Zone and shall not exceed 2 hectares in total land area;
   k) A fire hall is permitted in any sub-zone within the Community Land Stewardship Zone.


Community Land Stewardship Zones - Sub-Zones
Area Calculations by Zones:
Elkington Forest Land Area = 385 ha
Ecological Convenant = 25%
Eco-Forestry Covenant = 60%
85% Covenanted Landscape
Agro-Forestry = 7.4%
Hamlet and Low Density Areas = 7.6%
15% Private Lands
A
B
6.5 Ha
Deveron Lake
98 Ha
229.1 Ha
C
8.1 Ha
22.4 Ha
2.7 Ha
1.9 Ha
2.2 Ha
0.5 Ha
3.2 Ha
10.4 Ha
Lubbe Lake
0 100 200 400 600 800 1,000
Meters
Legend
Community Land Stewardship Zone
Sub-Zones
Hamlet Sub-Zone
Ecological Conservation Sub-Zone
Eco-Forestry Sub-Zone
Agroforestry Sub-Zone
Low Density Sub-Zone

12.2 Ecological Conservation Sub-Zone

1. The following uses and no others are permitted in the Ecological Conservation Sub-Zone:

   a) Trails for use by pedestrians, bicyclists and emergency and security vehicles;
   b) Management of forests for the purpose of maintaining the health of the forest, and minimizing the risk of wild fire, wind throw, or spread of invasive species.

2. Conditions on Use for Ecological Conservation Sub-Zone

   a) Setbacks from watercourses and natural features shall be a minimum of 30 meters or as otherwise determined by the Riparian Areas Regulation.

12.3 Eco-Forestry Sub-Zone

1. The following uses and no others are permitted in the Eco-forestry Sub-Zone:

   a) Silviculture;
   b) Horticulture;
   c) Management, harvesting and cultivation of non-timber forest products and agro-forestry products;
   d) Trails for use by pedestrians, bicyclists and emergency and security vehicles;
   e) Timber processing, including sawmill, planer mill and secondary wood processing and manufacturing;
   f) Excavation and extraction of gravel, soil, fill and rock, for use only within the Community Land Stewardship Zone;
   g) Guest Lodge tree top canopy units;
   h) Non-habitable ecological education structures.

2. Conditions on Use for Eco-forestry Sub-Zone
   a) Buildings and structures shall be set back a minimum of 15.0 metres from parcel lines, where the abutting parcel is not zoned as CLS-1 (Community Land Stewardship 1 Zone);
   b) Buildings and structures shall be set back a minimum of 15.0 metres from lands outside of the Eco-forestry Sub-Zone;
   c) The buildings and structures associated with permitted wood processing, sawmills, timber manufacturing, agro-forestry, greenhouses, and educational and recreational facilities shall be limited to a maximum height of 10.0 m, and a building footprint of 2000 m^2 in area, within the entire Community Land Stewardship Designation;
   d) Setbacks from watercourses and natural features shall be a minimum of 30 meters or as otherwise determined by the Riparian Areas Regulation;
   e) No ecological education structure shall exceed 40 m^2 in floor area;
   f) Soil, fill and rock excavated and extracted on site shall only be used within the Community Land Stewardship Zone and shall not exceed 2 hectares in total land area;

12.4 Agro-Forestry Sub-Zone

1. The following uses and no others are permitted in the Agro-forestry Sub-Zone;

   a) Silviculture;
   b) Horticulture;
   c) Management, harvesting and cultivation of non-timber forest products and agro-forestry products, including horticulture;
   d) Agro-forestry processing, greenhouses and accessory buildings;
   e) Trails for use by pedestrians, bicyclists and emergency and security vehicles;
   f) Timber processing, including sawmill, planer mill and secondary wood processing and manufacturing;
   g) Excavation and extraction of gravel, soil, fill and rock, for use only within the Community Land Stewardship Zone;
   h) Guest lodge tree top canopy units.

2. Conditions on Use for Agro-forestry Sub-Zone

   a) Buildings and structures shall be set back a minimum of 10 metres from parcel lines, where the abutting parcel is not zoned as CLS-1 (Community Land Stewardship 1 Zone);
   b) Buildings and structures shall be set back a minimum of 10 metres from lands outside of the Agro-forestry Sub-Zone;
   c) The non-habitable buildings and structures associated with permitted wood processing, sawmills, timber manufacturing, agro-forestry, greenhouses, and educational and recreational facilities shall be limited to a maximum height of 10.0 m, and a building footprint of 2000 m^2 in area;
   d) Agro-forestry processing, greenhouses and accessory buildings, shall not exceed 1500 m^2 for the entire Community Land Stewardship Zone;
   e) Setbacks from watercourses and natural features shall be a minimum of 30 meters or as otherwise determined by the Riparian Areas Regulation.
   f) Soil, fill and rock excavated and extracted on site shall only be used within the Community Land Stewardship Zone and shall not exceed 2 hectares in total land area.

12.5 Low Density Sub-Zone (A, B, and C)

1. The following uses and no others are permitted in the Low-Density Sub-Zone;

   a) Management of forests for the purpose of ensuring the practice of eco-system based forestry and maintaining the health of the forest, and minimizing the risk of wild fire, wind throw, or spread of invasive species;
   b) Trails for use by pedestrians, bicyclists and emergency and security vehicles;
   c) A maximum of five (5) single family dwellings within Low-Density Sub-Zone A, a maximum of eight (8) single family dwellings in Low-Density Sub-Zone B, and a maximum of 14 dwellings in Low-Density Sub-Zone C. For the purposes of this section, a dwelling does not include a secondary suite;
   d) Home Occupation;
   e) Secondary Suites;
   f) Bed and Breakfast (B & B) accommodation;
   g) Guest lodge tree top canopy suites.

2. Conditions on Use for Low-Density Sub-Zone

   a) The minimum parcel size within the Low-Density Subzone is 1 ha, where the parcel not serviced by a community water system or a community sewer system, and 0.4 ha where a community water system and a community sewer system are provided.
   b) The maximum height of all dwellings shall be 12 meters;
   c) Setbacks for structures or buildings shall be a minimum of 5 m from parcel boundaries, not including strata property lines;
   d) Dwellings shall be no greater than 400 sq. metres in floor area;
   e) Secondary suites shall be located within the footprint of the principal dwelling;
   f) Not more than one secondary suite shall be permitted within a dwelling;
   g) Setbacks from watercourses and natural features shall be a minimum of 30 meters or as otherwise determined by the Riparian Areas Regulation;
   h) Kitchen facilities are prohibited in guest house tree top canopy units.

12.6 Hamlet Sub-Zone

1. The following uses and no others are permitted in the Hamlet Sub-Zone;

   a) Management of forests for the purpose of ensuring the practice of eco-system based forestry and maintaining the health of the forest, and minimizing the risk of wild fire, wind throw, or spread of invasive species;
   b) Trails for use by pedestrians, bicyclists and emergency and security vehicles;
   c) Single Family and multi-family dwellings, to a maximum density of one dwelling per 4.5 ha land total land area, and where no more than a total of 77 dwellings are permitted in the combined Hamlet Sub-Zone and the Low-Density C Sub-Zone, and no more than 90 dwellings are permitted within the entire Community Land Stewardship Zone. For the purposes of this section, a dwelling does not include a secondary suite;
   d) Home Occupation;
   e) Secondary Suite;
   f) Bed and Breakfast (B & B) accommodation;
   g) Community centre building or structure;
   h) Convenience store;
   i) Guest Lodge, including tree top canopy units;
   j) Ecological education and interpretive recreational facilities, including tree top and ground based structures;

2. Conditions on Use for Hamlet Sub-Zone

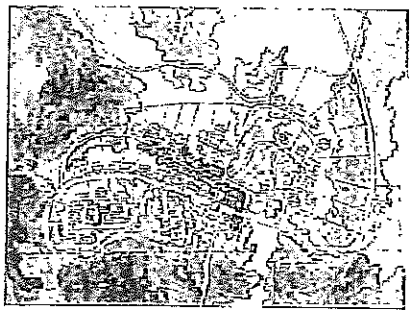
   a) The maximum height of all dwellings shall be 12 meters;
   b) The maximum floor area of a dwelling shall not exceed 370 m^2;
   c) Setbacks for structures or buildings shall be a minimum of 1.5 m from side and rear parcel boundaries, not including strata property lines;
   d) Setbacks from watercourses and natural features shall be a minimum of 30 meters or as otherwise determined by the Riparian Areas Regulation.
   e) The total number of dwellings permitted in the in the combined Low-Density and Hamlet Sub-Zones, is limited to a maximum of 90 dwelling units, not including secondary suites. The average overall density will not be greater than one dwelling unit per 4.5 hectares of land, based on a land area of 411 hectares as shown in the Community Land Stewardship Sub-zone Map;
   f) Secondary suites shall be located within the footprint of the principal dwelling;
   g) Not more than one secondary suite shall be permitted within a dwelling;

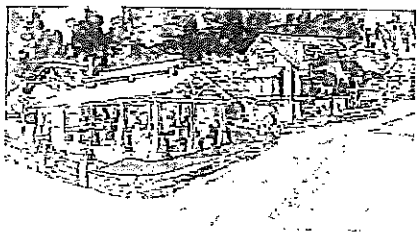
h) Dwellings will not exceed 200 m^2 in footprint.
i) The community centre facility shall not to exceed 100 square meters in floor area.
j) The Guest House shall have a maximum floor area of 2000 sq metres, including the treetop canopy suites and the spa and wellness facility;
k) The Guest house is intended solely for the temporary accommodation of tourists, and shall consist of:
    i. not more than 12 Guest Lodge accommodation suites within the main Eco-Tourism Guest Lodge;
    ii. a Spa and wellness facility accessory to the Guest Lodge, to a maximum of 400 sq m in floor area;
    iii. a maximum of 6 treetop canopy suites (for the entire Community Land Stewardship Zone, where each treetop canopy suite shall not exceed a total floor area of 40 sq m, and shall not be located more than 300 m from the main Guest Lodge;
l) Kitchen facilities are prohibited in guest house tree top canopy units.
m) The convenience store shall not exceed 100 square meters in floor area.

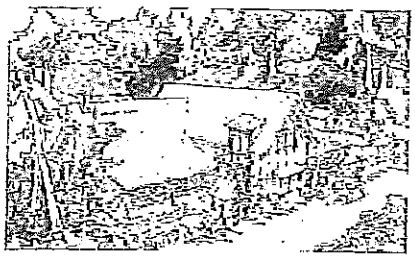
Schedule 11

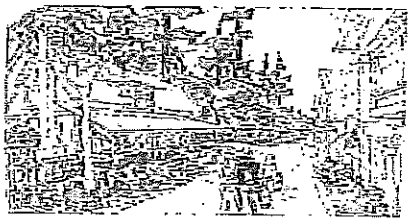
Community Land Stewardship Policies (OCP)

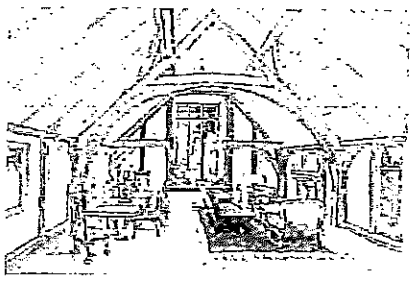
SECTION 14 COMMUNITY LAND STEWARDSHIP DESIGNATION











Lands within the Community Land Stewardship Designation (CLS) are located in the southern portion of Electoral Area B – Shawnigan Lake, south of Stebbings Road, adjoining the Capital Regional District. The designation allows for a maximum of 90 dwellings within a 411 ha area. The majority (about 80) of the dwellings will be clustered into two 'hamlets' in the south-eastern portion, while the remainder will be situated in the central and northern part of the designated area.

Within the Community Land Stewardship Designation (CLS), development is permitted on 15% of the total designated area, with the remaining 85 percent protected through conservation covenants for nature preservation, an eco-forestry conservation area, and parkland. Within the hamlet areas the designation allows for a small-scale coffee/tea house, bed and breakfast accommodations, and home based businesses. There is also provision for a "guest Lodge use", which would have a spa and related accessory activities. There will also be a "retail commercial store" use. A value added forest industrial area is also included in the designation, primarily to process the logs harvested within the designated lands.

This designation represents one of the only areas on this portion of the Malahat that has not been recently clear-cut. Logging activities are a provincial responsibility, and the CVRD has had no measurable influence over the management of working forestlands in the region. However, within the Community Land Stewardship Designation (CLS), forestry activities are restricted by covenants requiring that only sustainable logging practices may occur. In addition to the restrictive covenants, the timber on Part B of the Elkington Forest CLS area (closest to the residential dwellings).

Forest management will be further controlled through the donation of those timber rights to the registered Canadian charity the Trust for Sustainable Forestry, who will manage the harvesting according to the established forest management Plan, as per the Forest Stewardship Council certification process. The ownership of the timber rights by a third party not-for-profit entity will ensure that local or strata pressures will not influence harvesting procedures beyond what is permitted by the covenants and FSC certification.

Lands within the Community Land Stewardship Designation (CLS) constitute the headwaters of Shawnigan Lake – an extremely important series of wetlands, lakes and streams that feed into and sustain Shawnigan Lake. The CVRD and the Land Conservancy of British Columbia are party to the covenants that are in place to protect this area. In specified areas where logging can occur, careful logging practices are required to reduce the risk of local flooding, nutrient and siltation loading of the lake, and sustainability of the forest resource.

COMMUNITY LAND STEWARDSHIP DESIGNATION OBJECTIVES

A To preserve the headwaters of Shawnigan Creek and Shawnigan Lake, including riparian areas and sensitive ecosystems;

B To ensure that a minimum of 325 ha of land remain forested, for ecological conservation and eco-forestry activities;

C To allow for two hamlet areas to be established for clustered housing in a compact, hamlet setting;

D To encourage economic development activities including a small-scale coffee/tea house, bed and breakfast accommodations, retail commercial store, home based businesses, an eco-lodge/guest house use, and both primary and secondary forestry activities;

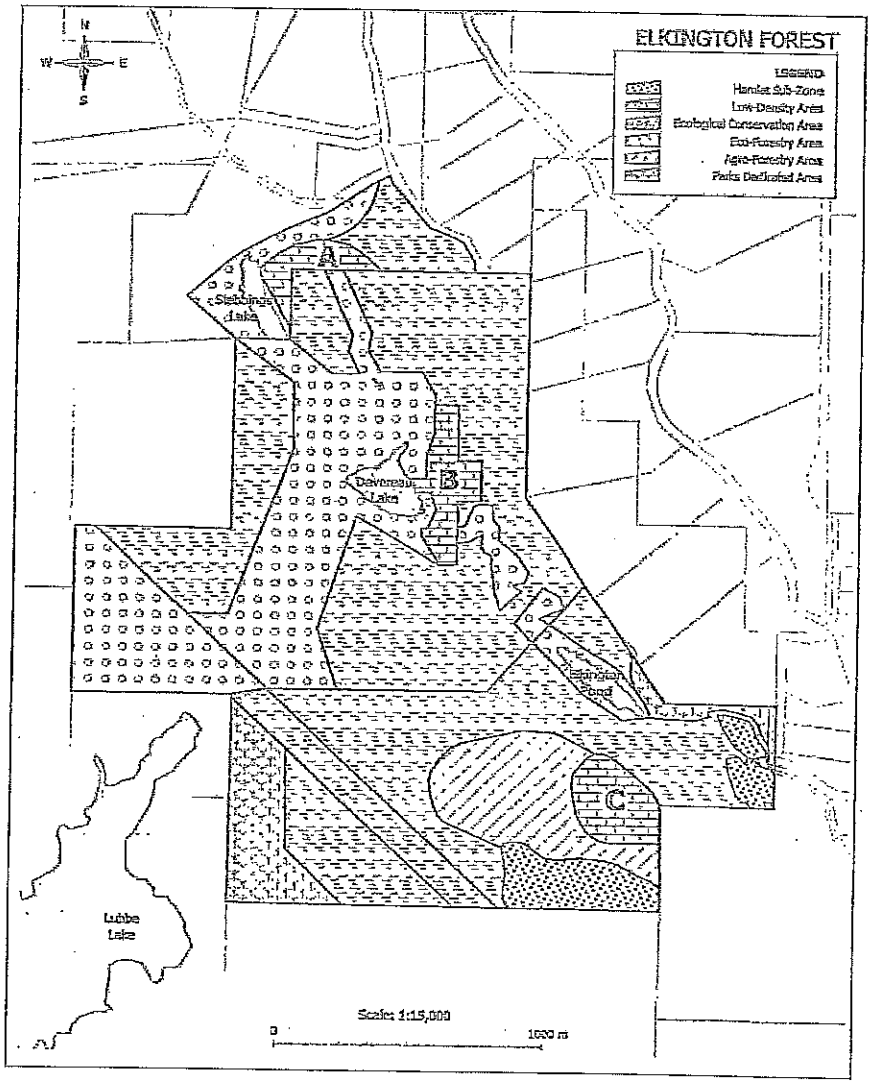
E To require sustainable logging practices that reduce the risk of local flooding, and nutrient loading or siltation of watercourses.

COMMUNITY LAND STEWARDSHIP DESIGNATION POLICIES

Policy 14.1: The Community Land Stewardship Designation is shown on Schedule B: the Plan Map.

Policy 14.2: The Community Land Stewardship Designation is intended to accommodate land use and development on 411 hectares of land within Part A and B of Block 201,270, 281; District Lot 201,EPP 9371, Malahat District including part of amended Parcel A (DD1896741) of said Block, and Lot 26, District Lot 201, Malahat District Plan VIP78459.

Policy 14.3: The Community Land Stewardship Designation includes five distinct sub areas: Ecological Conservation Area; Eco-forestry Area; Agro-forestry Area; Low-Density Area; and Hamlet Area. These five Sub Areas are shown on Figure 14A: "Community Land Stewardship Designation Sub-Areas Map".



Policy 14.4: Within the Community Land Stewardship Designation, a minimum of 85% of the total land area will be within the Ecological Conservation and Eco-forestry sub-areas, to protect the ecological integrity and resource management of the land. Conservation and eco-forestry covenants will be registered on the land titles to protect the long term ecological functioning of the land, provide long-term employment (eco-forestry and organic agriculture), ensure sustainable forestry practices and mitigate climate change impacts.

Policy 14.5: Within the Community Land Stewardship Designation, up to 15% of the land base may be within the Agro-forestry, Hamlet and Low-Density sub-areas. Development within these areas will incorporate low impact infrastructure, narrow roads, and site designs that limit and contain the ecological footprint of the development.

Policy 14.6: Buffer areas will be established adjacent to watercourses and wetlands, according to the provincial Riparian Areas Regulation, the Forest Stewardship Council requirements, or equivalent, to protect the ecological integrity of these systems from potentially harmful human activities.

Policy 14.7: The 385 hectares of land within Part A and B of Block 201, 270, 281; District Lot 201,EPP 9371,Malahat, and that part of Block 201, Malahat District including part of amended Parcel A (DD1896741) will be limited to not more than 85 dwellings. The 26 hectares within Lot 26, District Lot 201, Malahat District Plan VIP78459 will be limited to 5 dwellings.

Ecological Conservation Area

Policy 14.8: While primarily a conservation area, the permitted uses within the Ecological Conservation Area will include trails and the management of forests so as to maintain the health of the forest and minimize the risk of wild fire, wind throw or the spread of invasive species.

Policy 14.9: Lands within the Ecological Conservation Area will be subject to a conservation covenant, held by the CVRD and the Land Conservancy of Canada, registered on the title of the lands.

Eco-Forestry Area

Policy 14.10: Uses permitted within the Eco-forestry Area will include timber harvesting according to a Forest Stewardship Council management plan (or equivalent), silviculture, horticulture, cultivation of non-timber forest products and agro-forestry products. This sub-area will also permit recreational trails and small facilities or structures for ecological education, which may include non-habitable tree top canopy structures. Limited, small-scale timber milling, wood processing and other timber based manufacturing activities will be encouraged.

Policy 14.11: Lands within the Eco-Forestry Area will be subject to a forestry conservation covenant, held by the CVRD and the Forest Stewardship Council of Canada, registered on the title of the parcels. Uses within the Eco-Forestry Area will be subject to the "Small Operations Standards of the Forest Stewardship Council Regional Certification Standards for British Columbia (2005), or equivalent.

Agro-Forestry Area

Policy 14.12: The Agro-Forestry area encourages a wide range of traditional farming and homesteading activities, including agriculture, animal husbandry, permaculture, horse logging and riding, gardening, greenhouses, value-added agriculture, food production and processing, and harvesting of non-timber resources such as mushrooms, berries and salal, as well as related accessory structures and improvements. Permitted uses will include eco-forestry based forest management systems, including timber harvesting, in accordance with a Forest Stewardship Council management plan (or equivalent), silviculture, horticulture, cultivation of non-timber forest products and agro-forestry products. This sub-zone will also permit recreational trails and small facilities or structures for ecological education, which may include tree top canopy structures. Limited, small scale, value added timber manufacturing, sawmills, planer mills and other low impact timber based manufacturing activities will also be encouraged in this area.

Low Density Area

Policy 14.13: Uses permitted within the Low-Density Area will include Single Family residential units to a maximum density of five (5) dwellings in Area A, eight (8) dwellings in Area B, and fourteen (14) dwellings in Area C. All Single Family dwellings may have a Home occupation, a secondary suite, and a bed and breakfast accommodation. Other permitted uses include agriculture, recreational trails and the management of forests in order to maintain the health of the forest and minimize the risk of wild fire, wind throw or spread of invasive species.

Hamlet Area

Policy 14.14: Uses permitted within the Hamlet Area will include single family and multiple family residential units. Up to 77 dwelling units will be permitted in the Hamlet Area and the Low Density - Area C Combined. Therefore, between 63 and 77 dwellings may occur in the Hamlet Area, depending on density within the Low Density - Area C area. Single family dwellings may have a home occupation, a secondary suite, and/or a bed and breakfast accommodation.

Policy 14.15: Within the Hamlet Area, all intensive residential and multi-family development will be subject to the Community Land Stewardship Development Permit Area.

Policy 14.16: Within the Hamlet Area, no dwelling shall be greater than 370 square metres in floor area (including basements).

Policy 14.17: Within the Hamlet Area, a Guest Lodge for tourist accommodation is permitted with up to 12 suites within the Lodge, and with up to 6 accessory tree top canopy units for tourist accommodation. These tree top canopy units will not exceed 40 m^2, and may be located in an Eco-forestry, Agro-forestry, Low-Density, or Hamlet Area, provided that they are located within 300 metres of the Guest Lodge.

Policy 14.18: Within the Hamlet Area, a community centre facility is permitted, not to exceed 100 square meters in area. In addition, community structures, gazebos, amphitheatres, community fire response centres and civic buildings are encouraged.

Policy 14.19: Within the Hamlet Area, a retail commercial store, not exceeding 100 square meters in floor area, will be permitted.

Policy 14.20: Within the Hamlet Area, other permitted uses include recreational trails and the management of forests so as to maintain the health of the forest and minimize the risk of wild fire, wind throw or spread of invasive species.

Schedule 12

Draft Development Permit

C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 7-B-12DP

DATE: August 5, 2012

TO: LIVING FOREST GP LTD., INC. NO. BC 0776613

ADDRESS: #21 – 21 DALLAS ROAD

VICTORIA, BC V8V 4Z9

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:

   Lot B, District Lot 201 and Blocks 201, 270 and 281, Malahat District, Plan EPP9371 (PID: 028-429-257)

3. Authorization is hereby given for the land to be subdivided and developed in accordance with the conditions and plans listed in Sections 4 and 5 below.

4. The development shall be carried out subject to the following conditions:

   a. *Compliance with RAR report #XXXX;*
   b. *Demarcation of the SPEA boundary with fencing or signage and submission of a post-development report prepared by a Qualified Environmental Professional prior to subdivision;*
   c. *Registration of a restrictive covenant to confirm permitted uses and to preclude further subdivision of the proposed lots;*
   d. *Registration of a restrictive covenant to preclude development of the identified Streamside Protection and Enhancement Areas and the protective zones identified in the RAR assessment report;*
   e. *Compliance with Covenants CA1648147 and CA1648148 (Fire Protection);*
   f. *Compliance with Covenants CA1648144 and CA1648145 (Parks);*
   g. *Compliance with Covenant CA1648146 (Servicing);*
   h. *Demonstration that the applicable zoning bylaw has been amended to permit residential use of the subject lots and that proposed dwellings comply with criteria listed on Schedule 7 prior to issuance of a building permits;*
   i. *Submission and approval of a drainage design that incorporates the storm and rain water management concepts described Schedule 8, prior to subdivision of lots in the Midlands Phase;*
   j. *Installation of all wiring underground.*

5. The following schedules are attached:
   - Schedule A – Midlands Subdivision Plan
   - Schedule B – Drainage Concept Plan – Midlands Phase
   - Schedule C – Building Criteria Checklist
   - Schedule D – Covenant Area Plan
   - Schedule E – Riparian Areas Regulation Assessment No. XXXX

6. This Permit is not a Subdivision Approval or a Building Permit Approval. No subdivision approval shall be recommended or building permit issued until all conditions and requirements of this Development Permit have been completed to the satisfaction of the Planning and Development Department.

7. ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. 11-062.10 PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 1st DAY OF AUGUST, 2012.

Tom Anderson, MCIP
General Manager,
Planning and Development Department

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 LIVING FOREST GP LTD., INC. NO. BC 0776613, other than those contained in this Permit.

Signature of Owner/Agent	Witness
Print Name	Print Name
Date	Date

DRAFT

R3

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 31, 2012

DATE:	July 25, 2012	**FILE NO:**	1-D-12DVP
FROM:	Maddy Koch, Planning Technician	**BYLAW NO:**	1015
SUBJECT:	Development Variance Permit Application 1-D-12DVP (McKenzie)		

Recommendation/Action:
That Application No. 1-D-12DVP submitted by Maureen McKenzie and Rod Kell to vary Section 8.1 (b)(3) of Zoning Bylaw No. 1015 by reducing the minimum setback from a rear parcel line from 4.5 metres to 1 metre on Lot B, Section 8, Range 3, Cowichan District, Plan VIP87075 (PID: 028-096-649), for the purpose of constructing a garage, be approved subject to the applicant providing a legal survey confirming compliance with approved setbacks.

Relation to the Corporate Strategic Plan: N/A

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

Background:
To consider an application to vary the setback to a rear parcel line from 4.5 metres to 1 metre, to allow for the construction of a garage.

Location of Subject Property: 2054 Cowichan Bay Rd

Legal Description: Lot B, Section 8, Range 3, Cowichan District, Plan VIP87075 (PID: 028-096-649)

Date Application and Complete Documentation Received: May 10, 2012

Owners Maureen McKenzie & Rodney Kell

Applicants As above

Size of Lot: ± 0.2 ha (±0.5 acres)

Existing Zoning: R-2 (Suburban Residential)

Minimum Lot Size Under Existing Zoning: 0.2 ha for parcels serviced by both a community water and community sewer system;
0.4 ha for parcels serviced by a community water system; and
0.8 ha for parcels not serviced by either a community water or community sewer system.

Existing Plan Designation: Suburban Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North:	R-2 (Suburban Residential)
South:	Theik Reserve No.2
East:	R-2 (Suburban Residential)
West:	R-2 (Suburban Residential)

Services :

Road Access:	Cowichan Bay Road
Water:	Onsite
Sewage Disposal:	Cowichan Bay Sewer System Service Establishment

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: None have been identified.

Archaeological Site: None have been identified.

The Proposal:
The subject property is ±0.2 ha (±0.5 acres) in size, zoned R-2 (Suburban Residential) and located on Cowichan Bay Road. The lot slopes up towards the rear yard. A single family dwelling, a swimming pool and a lean-to structure are located on the lot.

The applicants are proposing to vary the 4.5 metre rear parcel line setback by 3.5 metres in order to build a garage 1 metre from the rear parcel line. The garage is intended to replace the existing lean-to structure. Placing the garage in the proposed location would allow the applicants to pass between the garage and the rear of their house in a truck, allowing them to transport landscaping materials to their back yard with ease. Narrowing the garage to allow truck passage would prevent them from fitting two cars in the garage, as they are hoping to do.

Surrounding Property Owner Notification and Response:
A total of 13 letters were mailed out or hand delivered to adjacent property owners, pursuant to CVRD Development Application Procedures and Fee Bylaw No. 3275, which described the purpose of this application and requested comments on this variance within a specified time frame. No letters for or against the variance were received. However, please note that the applicants did solicit their own letters of support and these were provided with the application. (Please see attached). Also, please note that staff are currently in communication with a representative of the adjacent Theik Reserve No. 2 and anticipate that feedback is forthcoming.

Staff are recommending that a development variance permit be issued because of the support from adjacent property owners, and the practicality of locating the garage at the proposed location.

Options:

1. That Application No. 1-D-12DVP submitted by Maureen McKenzie and Rod Kell to vary Section 8.1 (b)(3) of Zoning Bylaw No. 1015 by reducing the minimum setback from a rear parcel line from 4.5 metres to 1 metre on Lot B, Section 8, Range 3, Cowichan District, Plan VIP87075 (PID: 028-096-649), for the purpose of constructing a garage, be approved subject to the applicant providing a legal survey confirming compliance with approved setbacks.

2. That Application No. 1-D-12DVP submitted by Maureen McKenzie and Rod Kell to vary Section 8.1 (b)(3) of Zoning Bylaw No. 1015 by reducing the minimum setback from a rear parcel line from 4.5 metres to 1 metre on Lot B, Section 8, Range 3, Cowichan District, Plan VIP87075 (PID: 028-096-649), for the purpose of constructing a garage, be denied.

Option 1 is recommended.

Submitted by,

Maddy Koch

Maddy Koch, Planning Technician
Development Services Division
Planning & Development Department

MK/jah

Attachments

Reviewed by:
Division Manager:

Approved by:
General Manager:

C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

DRAFT DEVELOPMENT VARIANCE PERMIT

FILE NO: 1-D-12DVP (MCKENZIE)

DATE: JULY 24, 2012

TO: MAUREEN MCKENZIE AND RODNEY KELL

ADDRESS: 2054 COWICHAN BAY ROAD
COWICHAN BAY BC
V0R 1N1

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.

2. This Development Variance Permit applies to and only to those lands within the Regional District described below:

   Lot B, Section 8, Range 3, Cowichan District, Plan VIP87075 (PID: 028-096-649)

3. Zoning Bylaw No. 1015, applicable to Section 8.1(b)(3), is varied as follows:

   The setback to the rear parcel line is reduced from 4.5 metres to 1 metre, to allow for construction of a garage, subject to a legal survey confirming compliance with the approved setback.

4. The following plans and specifications are attached to and form a part of this permit.

   - Schedule A – Site plan

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

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

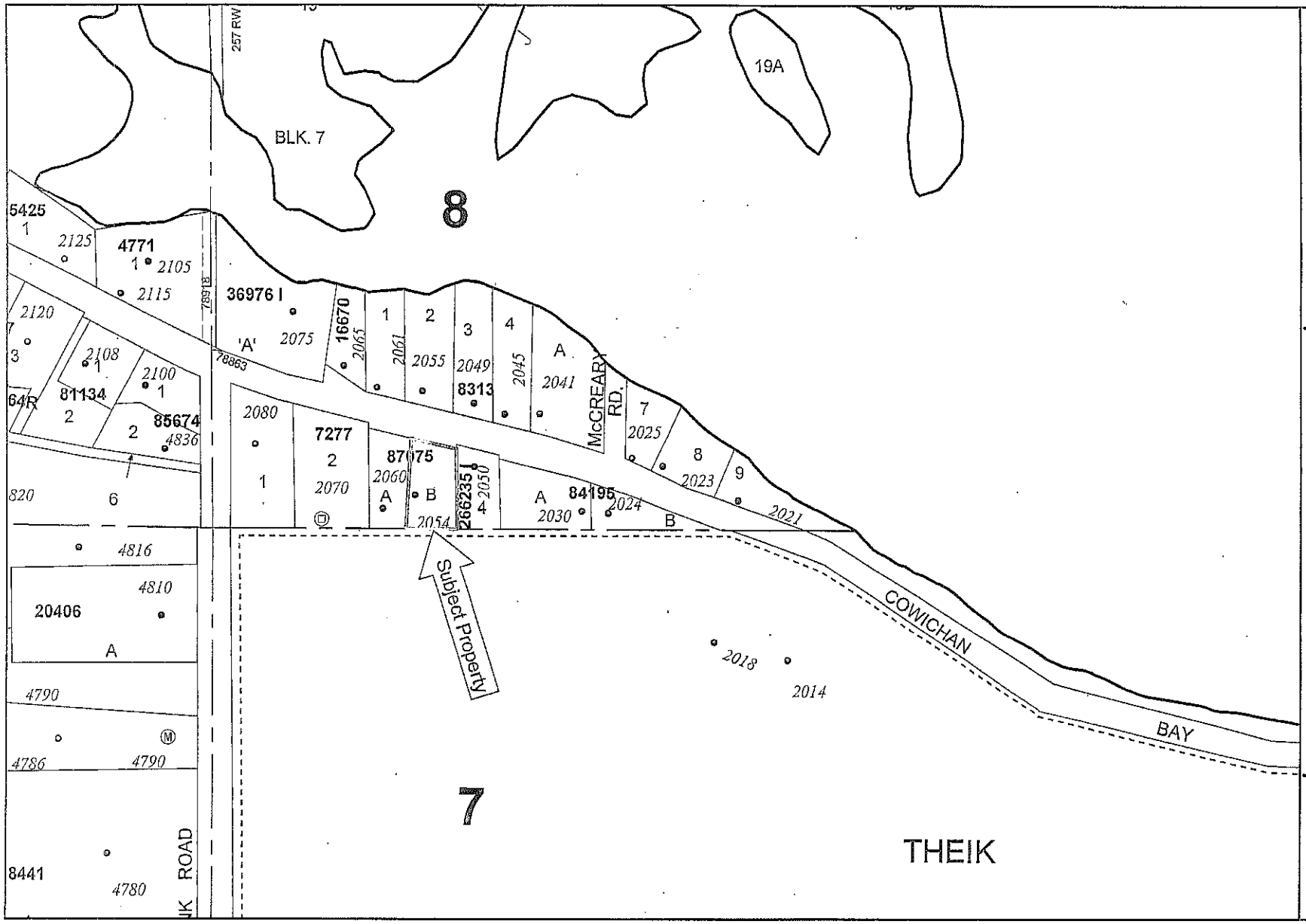
AUTHORIZING RESOLUTION NO. XX-XXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE XX DAY OF XXXX, 2012.

Tom Anderson, MCIP
General Manager, Planning and Development Department

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 MAUREEN MCKENZIE AND RODNEY KELL other than those contained in this Permit.

Owner/Agent (signature)	Witness
Print Name	Occupation
Date	Date



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 applicaton of the Bylaws.

Printed: May 16, 2012

01-D-12DVP

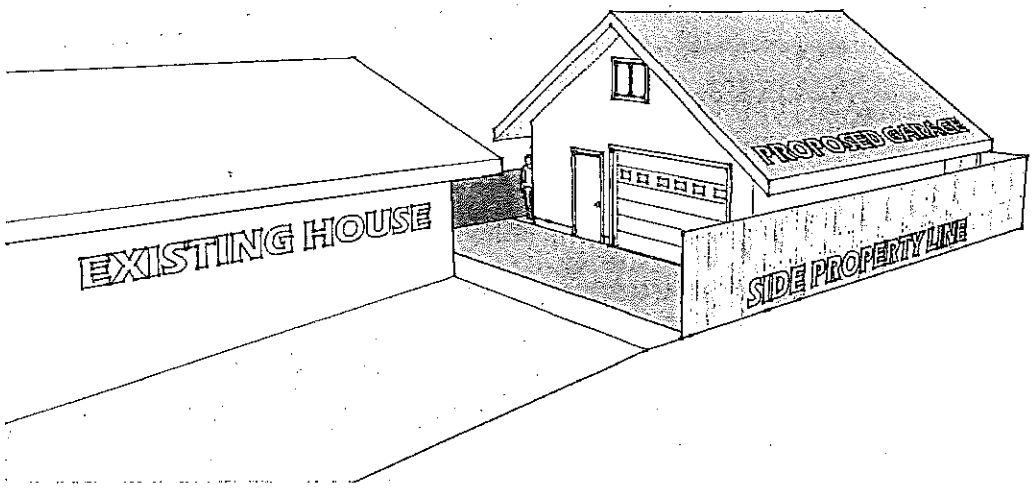
N W E S

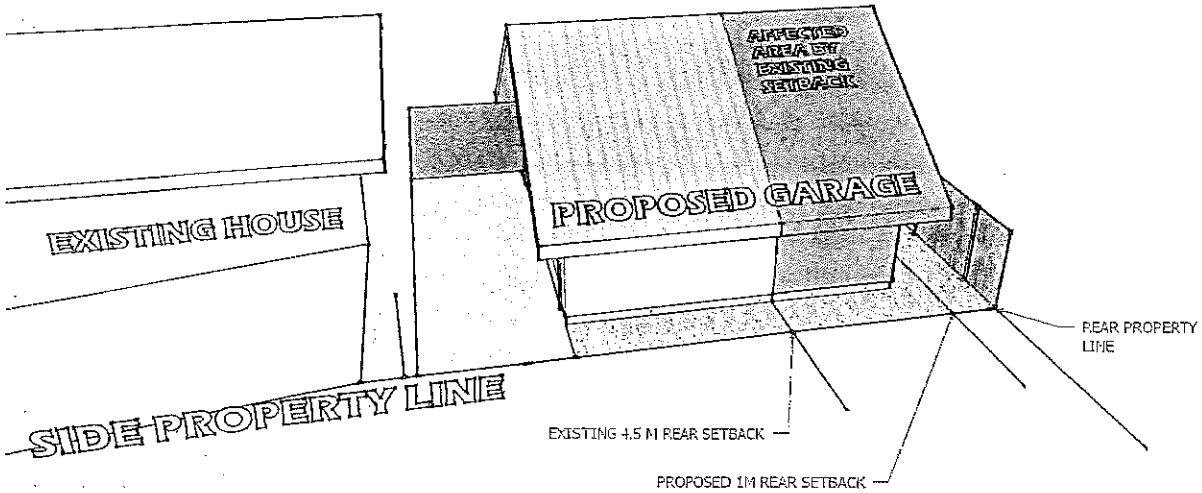
Scale: 1:3,637

AFFIRMATION OF SUPPORT FOR VARIANCE

I/We (*please write full names here*) Gord + Gail Dame who are the registered owners of (*please write house number here*) 2050 Cowichan Bay Road have no concerns regarding the proposed variance for construction located at 2054 Cowichan Bay Road. I/We can be reached by telephone at (250) 932 4986 to confirm our support. I/We understand that the proposed variance is to shift the rear yard construction setback from 4.5 M to 1M in order to facilitate the construction of a garage in rear yard of property as shown in sketches below and attached site plan.

Signature(s): G Dame Date: 08/05/12 (dd/mm/yy)

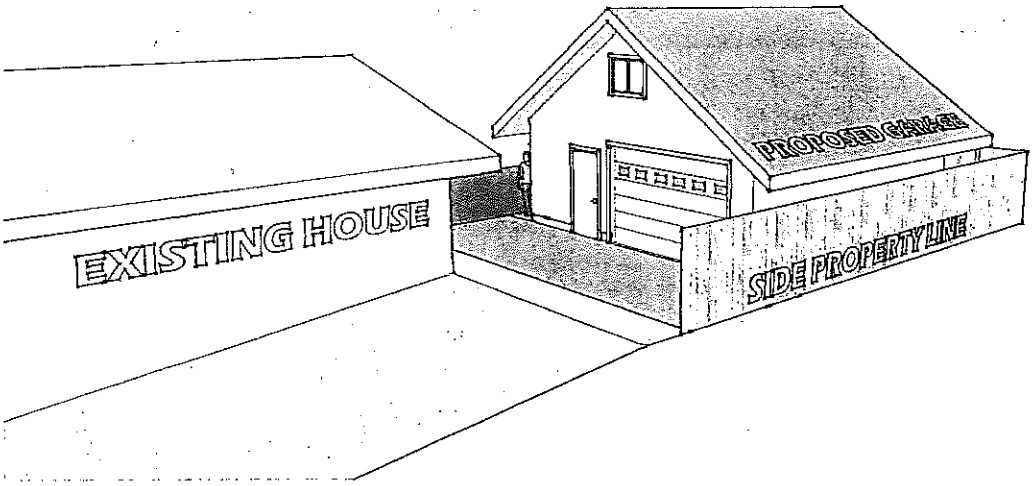


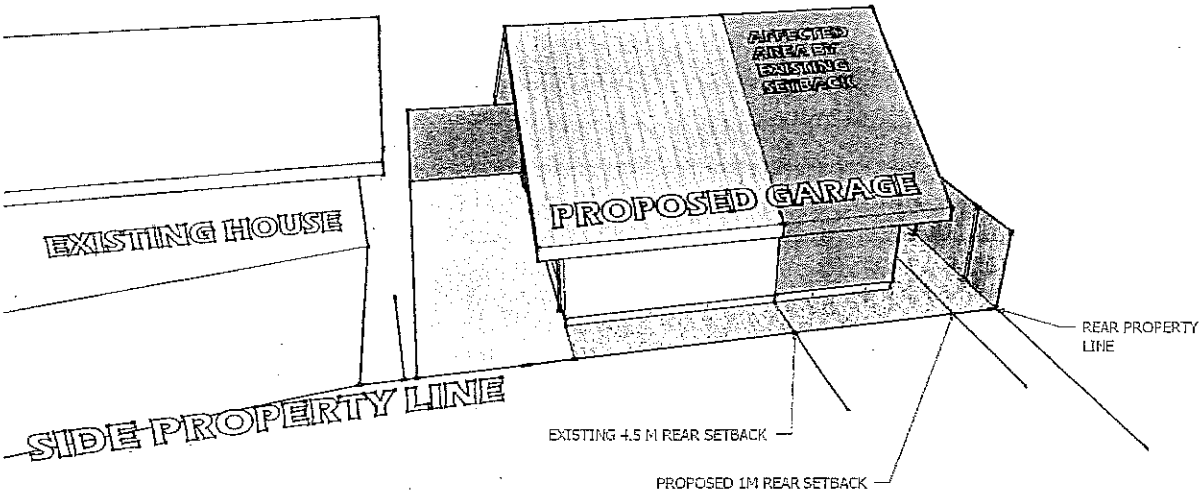


AFFIRMATION OF SUPPORT FOR VARIANCE

I/We (*please write full names here*) Marcel & Debbie Nussbaum who are the registered owners of (*please write house number here*) 2030 Cowichan Bay Road have no concerns regarding the proposed variance for construction located at 2054 Cowichan Bay Road. I/We can be reached by telephone at 250-746-8156 to confirm our support. I/We understand that the proposed variance is to shift the rear yard construction setback from 4.5 M to 1M in order to facilitate the construction of a garage in rear yard of property as shown in sketches below and attached site plan.

Signature(s): [signature] Date: 10. May 2012 (dd/mm/yy)

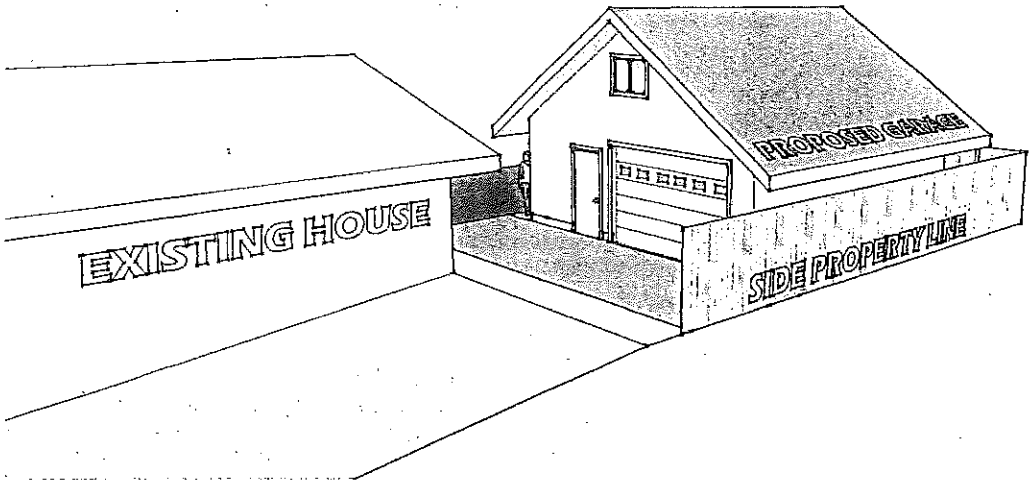


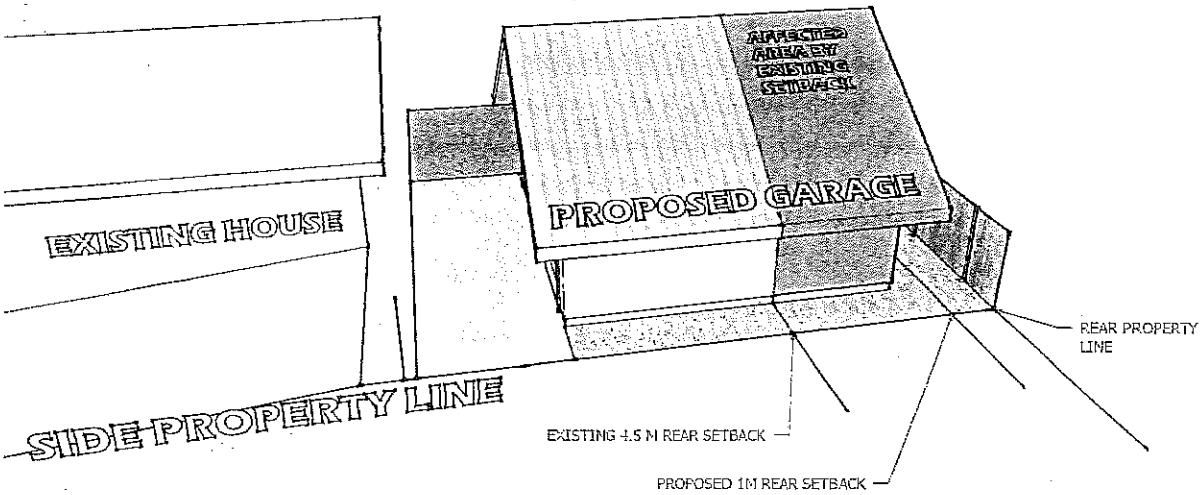


AFFIRMATION OF SUPPORT FOR VARIANCE

I/We (*please write full names here*) DERRICK & PIP WOODCOCK who are the registered owners of (*please write house number here*) 2049 Cowichan Bay Road have no concerns regarding the proposed variance for construction located at 2054 Cowichan Bay Road. I/We can be reached by telephone at 250 701 9166 to confirm our support. I/We understand that the proposed variance is to shift the rear yard construction setback from 4.5 M to 1M in order to facilitate the construction of a garage in rear yard of property as shown in sketches below and attached site plan.

Signature(s): D W Woodcock Date: May 9 - 2012 (dd/mm/yy)



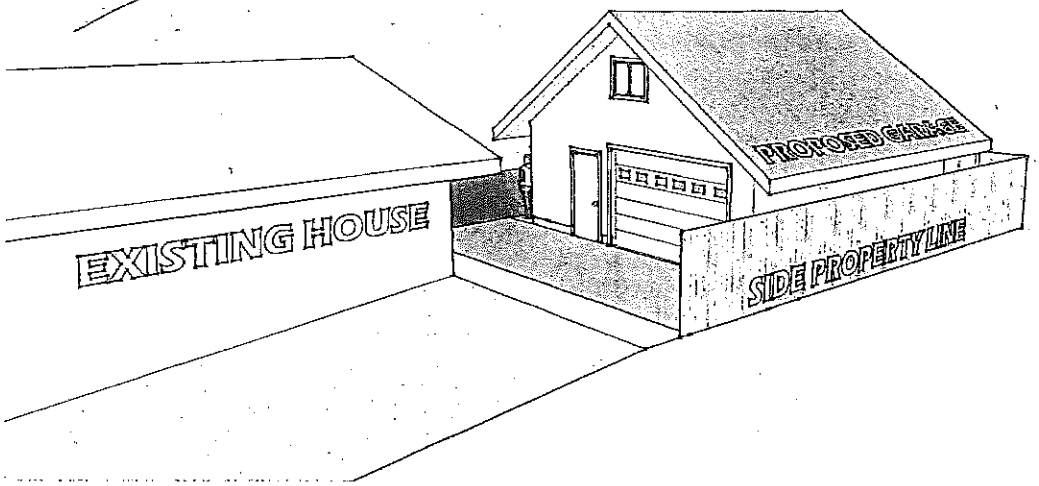


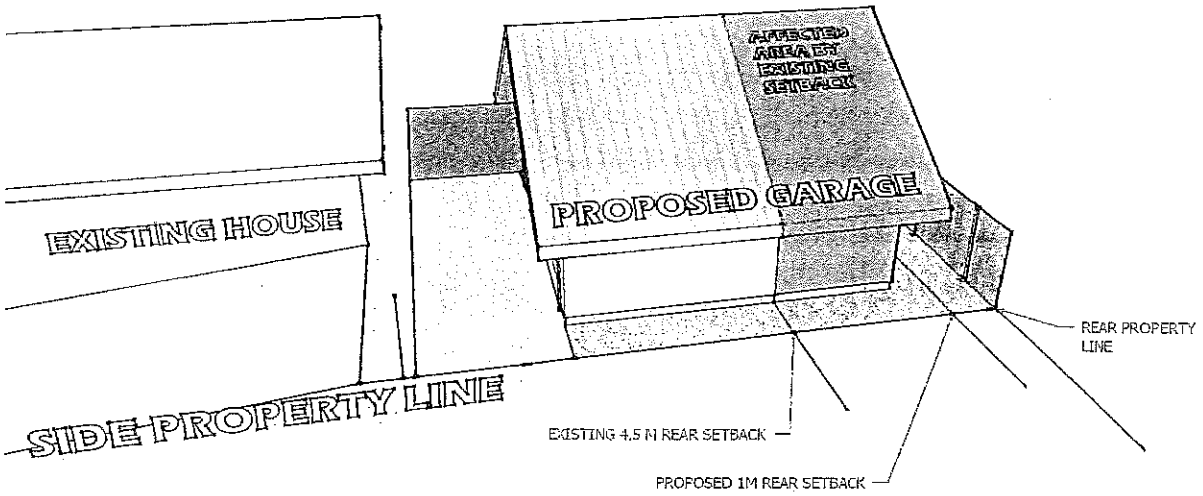
AFFIRMATION OF SUPPORT FOR VARIANCE

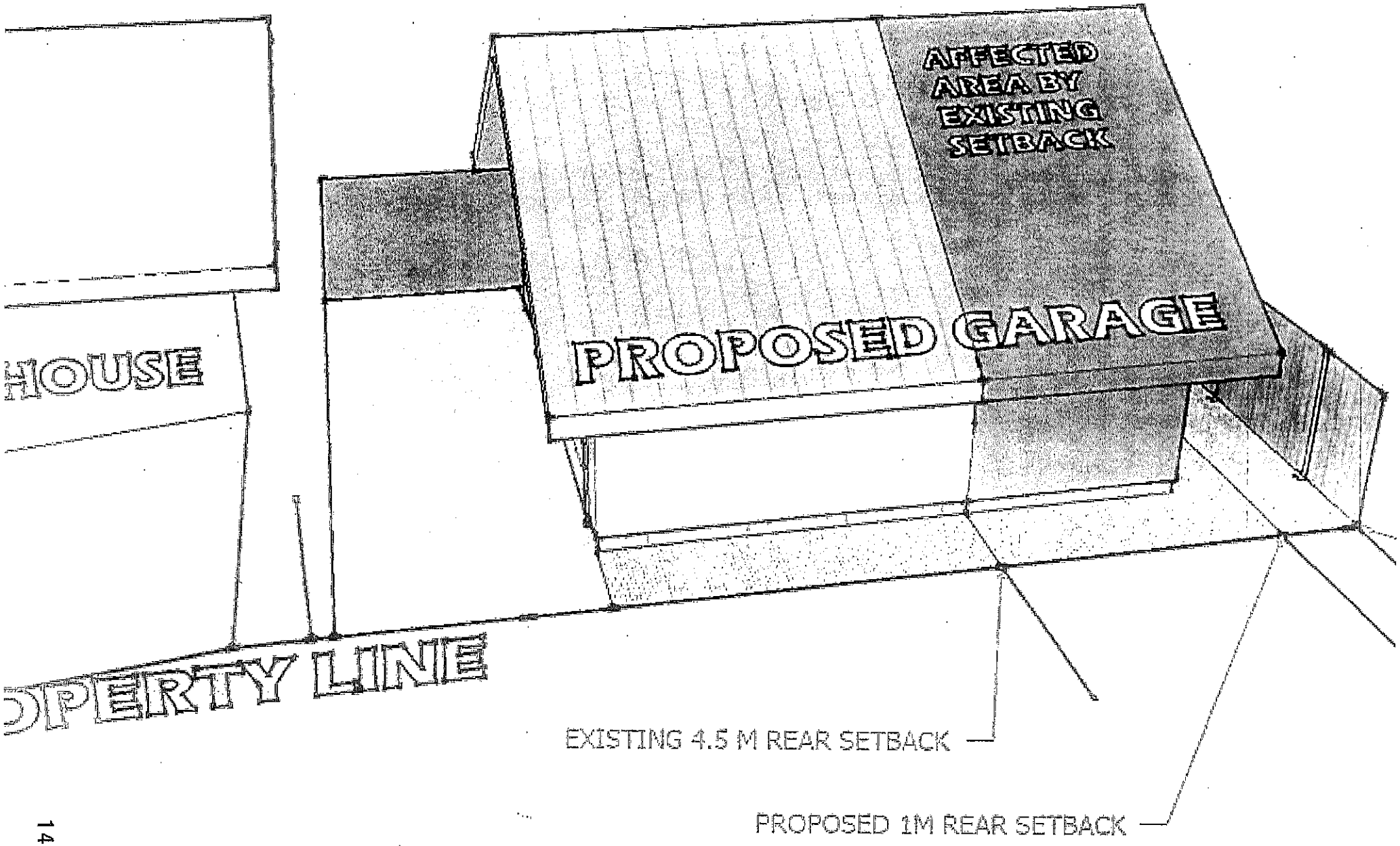
I/We (*please write full names here*) Dale Purinton & Temple Purinton. who are the registered owners of (*please write house number here*) 2045 Cowichan Bay Road have no concerns regarding the proposed variance for construction located at 2054 Cowichan Bay Road. I/We can be reached by telephone at 250 597-0547 to confirm our support. I/We understand that the proposed variance is to shift the rear yard construction setback from 4.5 M to 1M in order to facilitate the construction of a garage in rear yard of property as shown in sketches below and attached site plan.

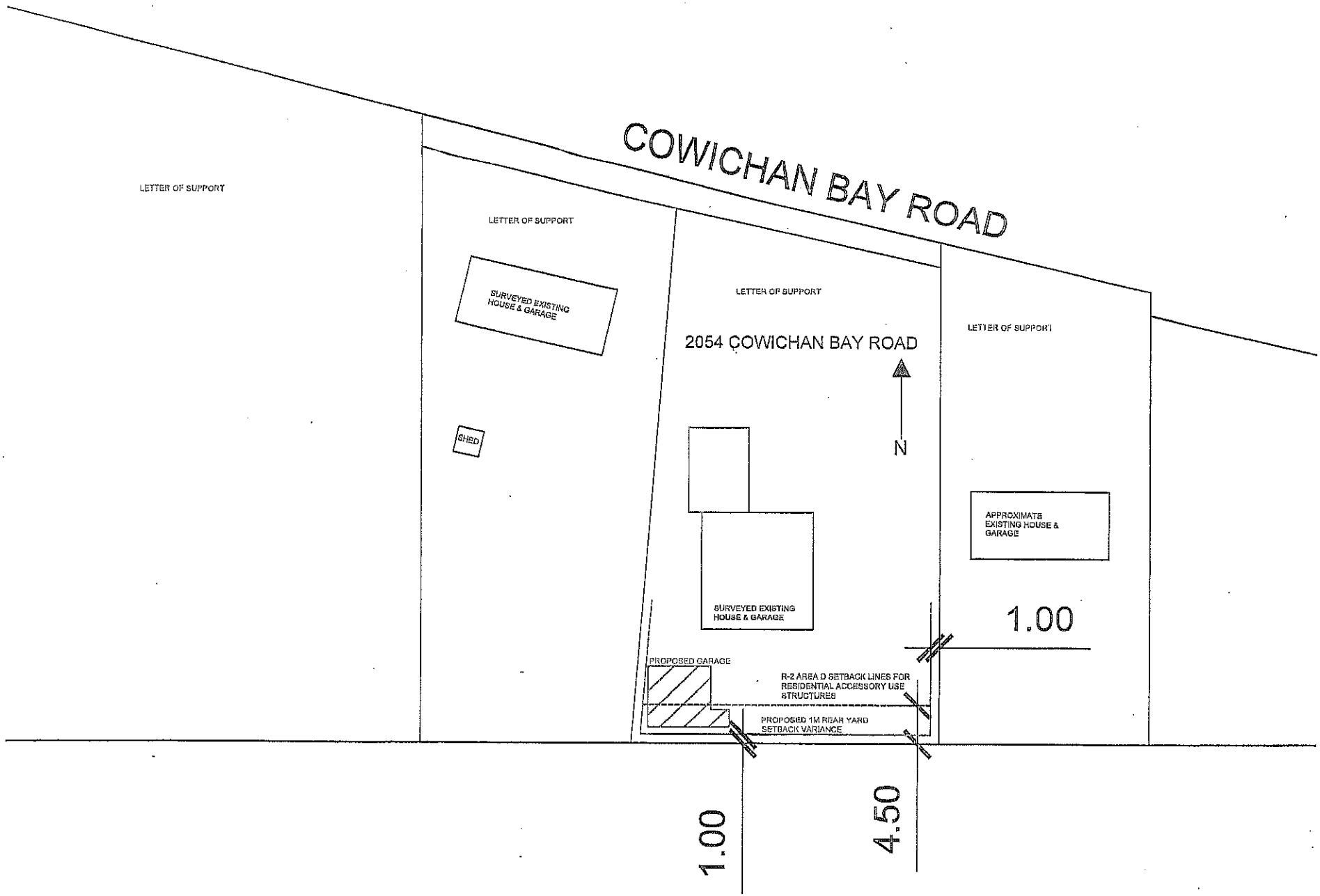
Signature(s): Temple Purinton Date: 9-5-12 (dd/mm/yy)

Dale Purinton






AFFECTED AREA BY EXISTING SETBACK
PROPOSED GARAGE
HOUSE
OPERTY LINE
EXISTING 4.5 M REAR SETBACK
PROPOSED 1M REAR SETBACK


COWICHAN BAY ROAD
LETTER OF SUPPORT
LETTER OF SUPPORT
SURVEYED EXISTING HOUSE & GARAGE
SHED
LETTER OF SUPPORT
2054 COWICHAN BAY ROAD
N
SURVEYED EXISTING HOUSE & GARAGE
PROPOSED GARAGE
R-2 AREA D SETBACK LINES FOR RESIDENTIAL ACCESSORY USE STRUCTURES
PROPOSED 1M REAR YARD SETBACK VARIANCE
LETTER OF SUPPORT
APPROXIMATE EXISTING HOUSE & GARAGE
1.00
1.00
4.50

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 Residential 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

R4

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 31, 2012

DATE:	July 20, 2012	**FILE NO:**	3-B-12DVP
FROM:	Alison Garnett, Planner	**BYLAW NO:**	985
SUBJECT:	Development Variance Permit Application 3-B-12 DVP (Mike and Kari Thompson)		

Recommendation/Action:
That Application No. 3-B-12DVP by Mike and Kari Thompson to vary Section 5.10 of Zoning Bylaw No. 985 by increasing the maximum permitted height of a fence from 1.2 metres to 1.8 metres along the front parcel line of Lot B, Shawnigan Suburban Lots, Shawnigan District, Plan 18509 (PID 003-754-880), be approved.

Relation to the Corporate Strategic Plan: N/A

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

Background:

Location of Subject Property:	1787 Thrush Road
Legal Description:	Lot B, Shawnigan Suburban Lots, Shawnigan District, Plan 18509 (PID 003-754-880)
Date Application Received:	May 4th, 2012
Owner and Applicant:	Christopher (Mike) and Kari Thompson
Size of Lot:	± 700 m2
Existing Zoning:	R-3 (Urban Residential)
Minimum Lot Size R-3 Zone:	0.2 ha with community water
Existing Plan Designation:	Residential
Existing Use of Property:	Residential
Use of Surrounding Properties:	Residential
Road Access:	Thrush Road
Water:	Lidstech Holdings
Sewage Disposal:	On site

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: None have been identified
Archaeological Site: None have been identified

The Proposal:
The subject property is ±700 m^2 in size, zoned R-3 and located on Thrush Road within the Shawnigan Village Containment Boundary. A single family dwelling is located on the subject property. Thrush Road is a narrow, gravel surfaced road that ends at the subject property. Pedestrian access continues along the Thrush road right of way, and providing a shortcut to Shawnigan Lake Wharf Park along the lake's waterfront.

The applicant is proposing to vary the 1.2 metre front parcel line height limit for a fence by 0.4 metres in order to build a 1.8 metre fence. Zoning Bylaw No. 985 permits a 1.8 metre tall fence along all other property lines, but only a 1.2 metre fence along the front parcel line.

The applicant's rationale for the request is that other front yard fences in the area exceed the 1.2 metre height limit, and therefore this proposed fence would not be out of place in the neighbourhood. They have further explained that the 1.8 meter high fence is needed for privacy from the pedestrians travelling the footpath to the lake.

Surrounding Property Owner Notification and Response:
A total of 33 letters were mailed out or hand delivered to adjacent property owners, pursuant to CVRD Development Application Procedures and Fee Bylaw No. 3275, which described the purpose of this application and requested comments on this variance within a specified time frame. One faxed response was returned to the CVRD, and appears to be in favour of the application.

In staff's opinion there appears to be justifiable reason to support the request. We recommend Option 1 presented below to approve the application.

Options:
1. That Application No. 3-B-12DVP by Mike and Kari Thompson to vary Section 5.10 of Zoning Bylaw No. 985 by increasing the maximum permitted height of a fence from 1.2 metres to 1.8 metres along the front parcel line of Lot B, Shawnigan Suburban Lots, Shawnigan District, Plan 18509 (PID 003-754-880), be approved.

2. That Application No. 3-B-12DVP by Mike and Kari Thompson to vary Section 5.10 of Zoning Bylaw No. 985 by increasing the maximum permitted height of a fence from 1.2 metres to 1.8 metres along the front parcel line for Lot B, Shawnigan Suburban Lots, Shawnigan District, Plan 18509 (PID 003-754-880), be denied.

Submitted by,

Alison Garnett,
Planner
Planning and Development Department
AG/jah
Attachments

Reviewed by:
Division Manager:

Approved by:
General Manager:

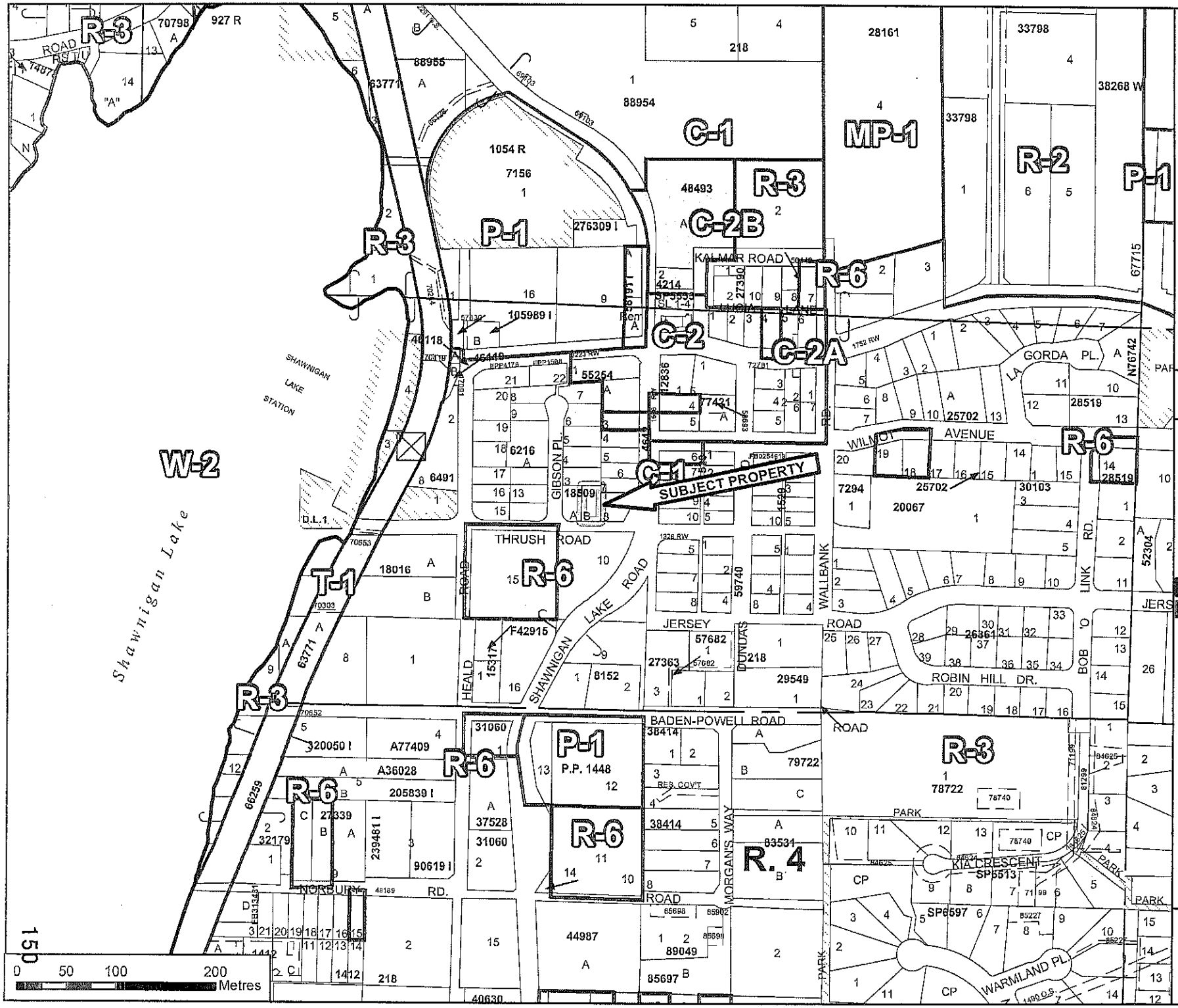
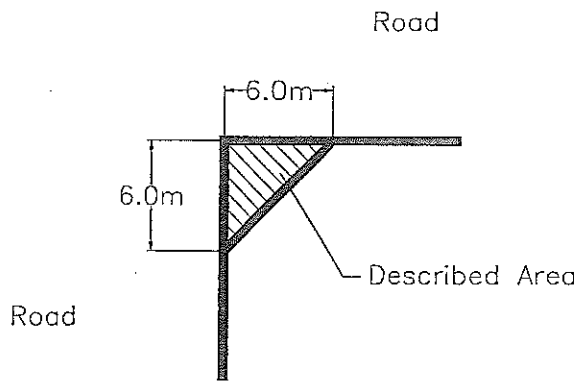

C·V·R·D
This map is compiled from various sources for internal use and is designed for reference purposes only.
The Cowichan Valley Regional District does not warrant the accuracy.
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.
File: 03-B-12-DVP
ZONING
Legend
Subject Property
Zoning B
SUBJECT PROPERTY
C-1
MP-1
R-3
R-2
P-1
C-2B
R-6
C-2
C-2A
W-2
T-1
R.4
KALMAR ROAD
GORDA PL.
WILMOT AVENUE
THRUSH ROAD
GIBSON PL.
SHAWNIGAN LAKE ROAD
JERSEY ROAD
WALLBANK RD.
LINK
ROBIN HILL DR.
BADEN-POWELL ROAD
MORGAN'S WAY
NORBURY RD.
KIA CRESCENT
WARMLAND PL.
Shawnigan Lake
SHAWNIGAN LAKE STATION
0 50 100 200 Metres
N
S
E
W

FIGURE A



5.10 Fences

Except as otherwise specifically stated in this bylaw

(a) the height of a fence or wall shall be measured to the highest point from and perpendicular to a line representing the average grade level at the base; and
(b) a fence within a required front yard shall not exceed a height of 1.2 metres and fences in all other parts of a parcel shall not exceed a height of 1.8 metres except within zones in which commercial or industrial use is permitted in which case the maximum height permitted is 2.5 metres.
(e) fences may be constructed within any required setback area.

5.11 Home Occupation – Domestic Industry

(a) The home occupation-domestic industry use may only be conducted by a resident on the parcel and may not employ more than two additional non-resident persons on the parcel;

(b) The home occupation-domestic industry use may be conducted within the dwelling unit or within a permitted accessory building;

(c) All articles and/or services sold through a home occupation-domestic industry must be produced or manufactured on site;

(d) Notwithstanding Subsection (c) articles manufactured off site may be sold through a home occupation-domestic industry provided that all storage and distribution of articles will be carried out off site;

DAVID COULSON DESIGN Ltd.
CUSTOM BUILDER

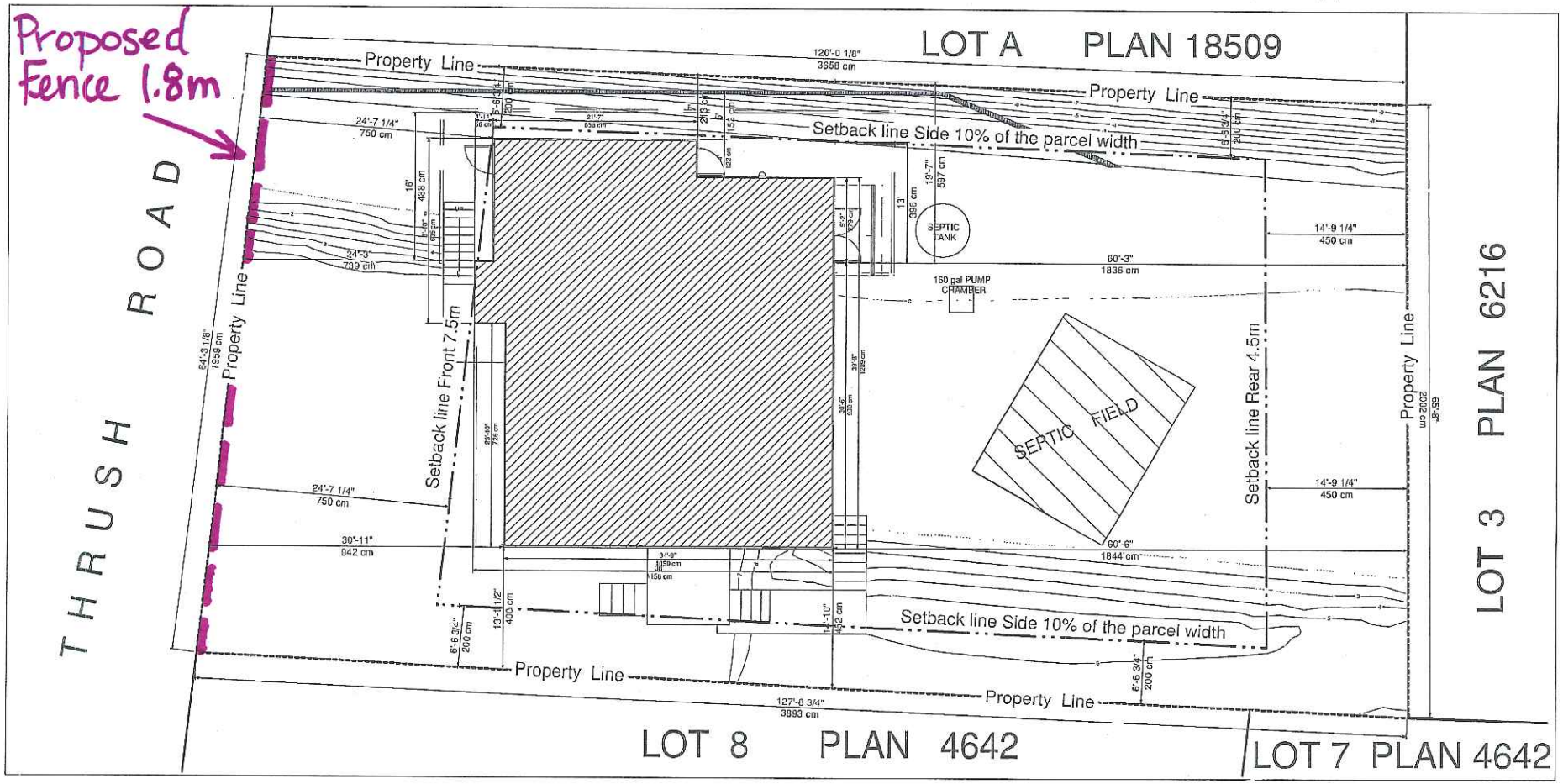
Kari & Mike Thompson

1787 Thrush Road,
Shawnigan Lake, C.V.R.D, B.C.

Design by:
David Coulson & Cezar E. Cristea 01/09/2009

SITE PLAN

Lot B, Shawnigan Lake Suburban lots,
Shawnigan District, Plan18509
Scale: 3/32" = 1'-0"
Land elevation is approximate



5372 Miller Road, Duncan, BC V9L 6R2
Tel/Fax: (250) 746-5372 Cell: (250) 715-8425 Email: coulsondesign@shaw.ca
Website: www.davidcoulsondesign.com

May 4, 2012

Variance Application – Section 5.10 of CVRD Bylaw 985

Below are details and images from our yard and the surrounding properties. We would like to build a 1.8m fence around three sides of our property, the North, West and South sides. A 1.8m fence already exists on the East side of property on our boundary with Lot 8 Plan 4642. A variance is needed for the fence on the South side of property which is considered the 'front' and partially borders Thrush Road which dead ends midway down our property. This portion of Thrush road only services our property and is not used by any other vehicles. Both of the neighboring properties have 1.8m fences along Thrush Road.

The picture below shows the access to Thrush Road off of East Shawnigan Lake Road and the 1.8m fence on the neighbouring lot to the East (Lot 8 Plan 4642).

The picture below shows the start of our lot with the road dead ending half way down it. This is the side of our lot that would need a building variance in order to construct a 1.8m fence.

Below is the neighboring lot on the West side, also with a 1.8m fence (Lot A Plan 18509).

Below is a picture of the walking path down to the public beach. This part of Thrush Road is not accessible by vehicle.

C·V·R·D

July 4, 2012

File No. 3-B-12DVP

JUL - 6 2012

ELDEAN ARSENS
PO BOX 305
SHAWNIGAN LAKE BC V0R2W0

IN FAVOUR

Dear ELDEAN ARSENS:

Re: **1787 Thrush Road**
Lot B, Shawnigan Suburban Lots, Shawnigan District, Plan 18509 (PID: 003-754-880)

This letter is to advise you as a property owner/resident located within the specified distance pursuant to CVRD Application Procedures and Fee Bylaw No. 3275, that a Development Variance Permit application has been made by **Kari and Chris Thompson** to vary Section 5.10 (b) of Zoning Bylaw No. 985 on the above-mentioned property.

The applicants are proposing to construct a fence along three sides of the subject property, and are requesting a height variance for the portion of the fence along Thrush Road. Zoning Bylaw No. 985 establishes a height limit of 1.2 metres for a fence in the front yard (along Thrush Road), and 1.8 metres on all other parcel lines. **The development variance permit would allow the fence along the front property line to be built 1.8 metres in height, which requires a variance of 0.4 metres.**

For your information, we have attached a subject property zoning map, Section 5.10 of Zoning Bylaw No. 985, a site plan showing the subject property with the proposed fence location identified, and a written description of the variance request submitted by the applicants.

Should you have any comments for or against granting this variance request, please provide this office with written notice, accompanied by the reasons for your comments, by hand, fax, or e-mail (ds@cvrd.bc.ca), preferably within 10 days of receiving this letter, **quoting file number 3-B-12DVP (Thompson).** All comments submitted are considered public information and should be identified by name and address.

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

Yours truly,

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

AG/mca
Attachments
pc: Director B. Fraser, Electoral Area B – Shawnigan Lake
Mike and Kari Thompson (Owner/Applicant)

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COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

FILE NO: 3-B-12DVP

DATE: July 17, 2012

REGISTERED PROPERTY OWNER(S):

Christopher (Mike) and Kari Thompson

1787 Thrush Road

DRAFT

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below:

   Lot B, Shawnigan Suburban Lots, Shawnigan District, Plan 18509 (PID 003-754-880)
3. Zoning Bylaw No. 985, applicable to Section 5.10, is varied as follows: the height limit of a fence in the front yard is increased from 1.2 metres to 1.8 metres.
4. The following plans and specifications are attached to and form a part of this permit.
   - Schedule A – Site Plan of 1787 Thrush Road.
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Development Services Department.

   AUTHORIZING RESOLUTION NO. *[from Board Minutes]* PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE *[day]* DAY OF *[month]* 2009.

Tom Anderson, MCIP, General Manager
Planning and Development Department

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 *[name on title]* other than those contained in this Permit.

Owner/Agent (signature)	Witness (signature)
Print Name	Print Name
Date	Date

R5

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 31, 2012

DATE:	July 20, 2012	**FILE NO:**	4-B-12DVP
FROM:	Alison Garnett, Planner	**BYLAW NO:**	985
SUBJECT:	Development Variance Permit Application 4-B-12 DVP (Lindsay)		

Recommendation/Action:
That Application No. 4-B-12DVP by James Lindsay to vary Section 8.5 (b)(3) of Zoning Bylaw No. 985, by reducing the minimum setback from a side exterior parcel line from 4.5 metres to 1.8 metres for strata lot 8, Shawnigan Lake Suburban Lots, Shawnigan District, Strata Plan 731, for the purpose of recognizing an existing workshop building, and furthermore, to vary part 6 of Land Use Contract F27348 by reducing the required setback of a building from 3 metres to 1.8 metres, be approved.

Relation to the Corporate Strategic Plan: N/A
Financial Impact: (Reviewed by Finance Division: N/A)

Background:

Location of Subject Property:	#8- 2180 Renfrew Road
Legal Description:	Strata lot 8, Shawnigan Lake Suburban Lots, Shawnigan District, Strata Plan 731, PID 000-020-711
Date Application Received:	May 9th, 2012
Owner and Applicant:	James and Lisa Lindsay
Size of Lot:	1370 m^2
Existing Zoning:	R-3 (Urban Residential)
Minimum Lot Size R-3 Zone:	0.2 ha
OCP Designation:	Residential
Existing Use of Property:	Residential
Use of Surrounding Properties:	Residential (R-3)
Road Access:	Private strata road
Water:	Shawnigan Lake North Water System (CVRD)
Sewage Disposal:	On site
Agricultural Land Reserve:	Out
Environmentally Sensitive Areas:	None have been identified.
Archaeological Site:	None have been identified.

The Proposal:
The subject property is 1370 m^2 in size, zoned R-3 and forms part of a bareland strata subdivision located off of Renfrew Road. A single family dwelling is located on the subject property, along with a recently constructed residential accessory workshop building.

The applicants applied for a setback variance prior to constructing the subject accessory building. Their application for a reduced 3 metre setback to the side exterior parcel line was approved by the CVRD in 2010. However, a survey was submitted following construction of the building, and it showed that the building is setback only 1.8 metres from the side exterior property line. This siting is non-compliant with the variance permit issued in 2010, in addition to Land Use Contract F27348. The Land Use Contract was registered between the CVRD and the original developer in 1976, and it requires buildings to be located 3 meters from a common property boundary.

In order to legalize the building's siting, a variance request is being made to reduce the setback from 4.5 metres to 1.8 metres. The structure is a two story building, with a double bay garage. Staff note that residential use within the accessory building is not permitted in accordance with Zoning Bylaw No. 985.

It appears that the primary affected party in the application are individuals of the strata corporation, as the building encroaches onto the private strata road. A letter has been submitted by the Strata President (attached), which states that they have no objections to the building's siting.

Surrounding Property Owner Notification and Response:
A total of 11 letters were mailed out or hand delivered to adjacent property owners, pursuant to CVRD Development Application Procedures and Fee Bylaw No. 3275, which described the purpose of this application and requested comments on this variance within a specified time frame. No letters or comments have been received, other than the letter received from the President of the Strata, Glenn White.

Options:
1. That Application No. 4-B-12DVP by James Lindsay to vary Section 8.5 (b)(3) of Zoning Bylaw No. 985, by reducing the minimum setback from a side exterior parcel line from 4.5 metres to 1.8 metres for strata lot 8, Shawnigan Lake Suburban Lots, Shawnigan District, Strata Plan 731, for the purpose of recognizing an existing workshop building, and furthermore, to vary part 6 of Land Use Contract F27348 by reducing the required setback of a building from 3 metres to 1.8 metres, be approved.
2. That Application No. 4-B-12DVP by James Lindsay to vary Section 8.5 (b)(3) of Zoning Bylaw No. 985, by reducing the minimum setback from a side exterior parcel line from 4.5 metres to 1.8 metres for strata lot 8, Shawnigan Lake Suburban Lots, Shawnigan District, Strata Plan 731, for the purpose of recognizing an existing workshop building, and furthermore, to vary part 6 of Land Use Contract F27348 by reducing the required setback of a building from 3 metres to 1.8 metres be denied.

Option 1 is recommended.

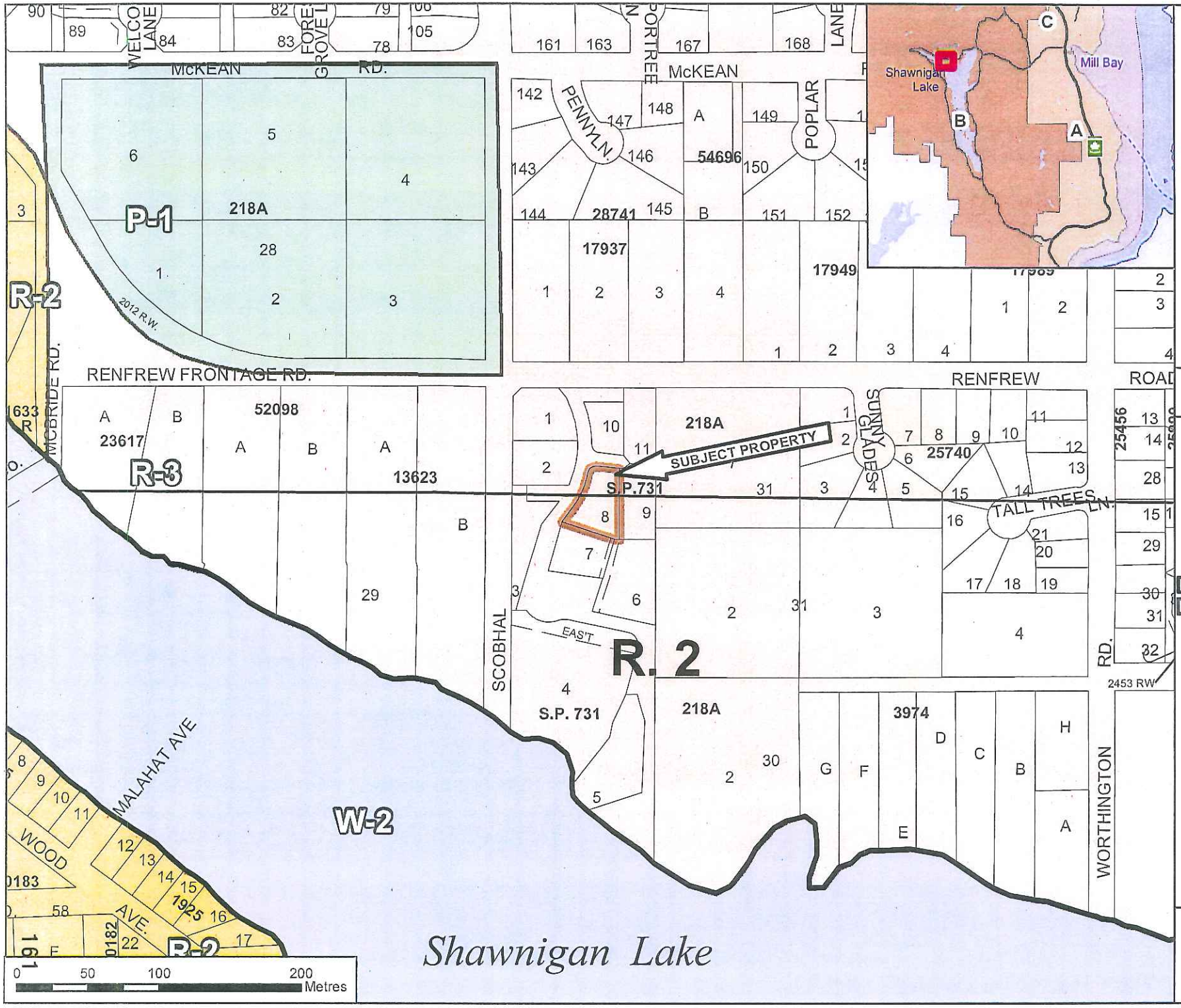
Submitted by,

Alison Garnett,
Planner
Planning and Development Department

AG/jah
Attachments

Reviewed by:
Division Manager:

Approved by:
General Manager:


McKEAN RD.
RENFREW FRONTAGE RD.
RENFREW ROAD
SUBJECT PROPERTY
S.P.731
S.P. 731
218A
54696
28741
17937
17949
25740
52098
23617
13623
3974
25456
P-1
R-2
R-3
R. 2
W-2
PENNY LN.
POPLAR
SUNNY GLADES
TALL TREES LN.
SCOBHAL
EAST
MALAHAT AVE
WOOD AVE.
WORTHINGTON
MCBRIDE RD.
2012 R.W.
2453 RW
Shawnigan Lake
Mill Bay
C·V·R·D
This map is compiled from various sources for internal use and is designed for reference purposes only.
The Cowichan Valley 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 applicaton of the Bylaws.
File: 04-B-12-DVP
ZONING
Legend
Subject Property
Zoning B
0 50 100 200 Metres
N
W
E
S

B. C. LAND SURVEYOR'S
CERTIFICATE OF LOCATION FOR
STRATA LOT 8, SHAWNIGAN LAKE SUBURBAN LOTS, SHAWNIGAN DISTRICT, STRATA PLAN 731, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1.

Scale 1 : 250

0 5 10 20 metres

all distances are in metres.

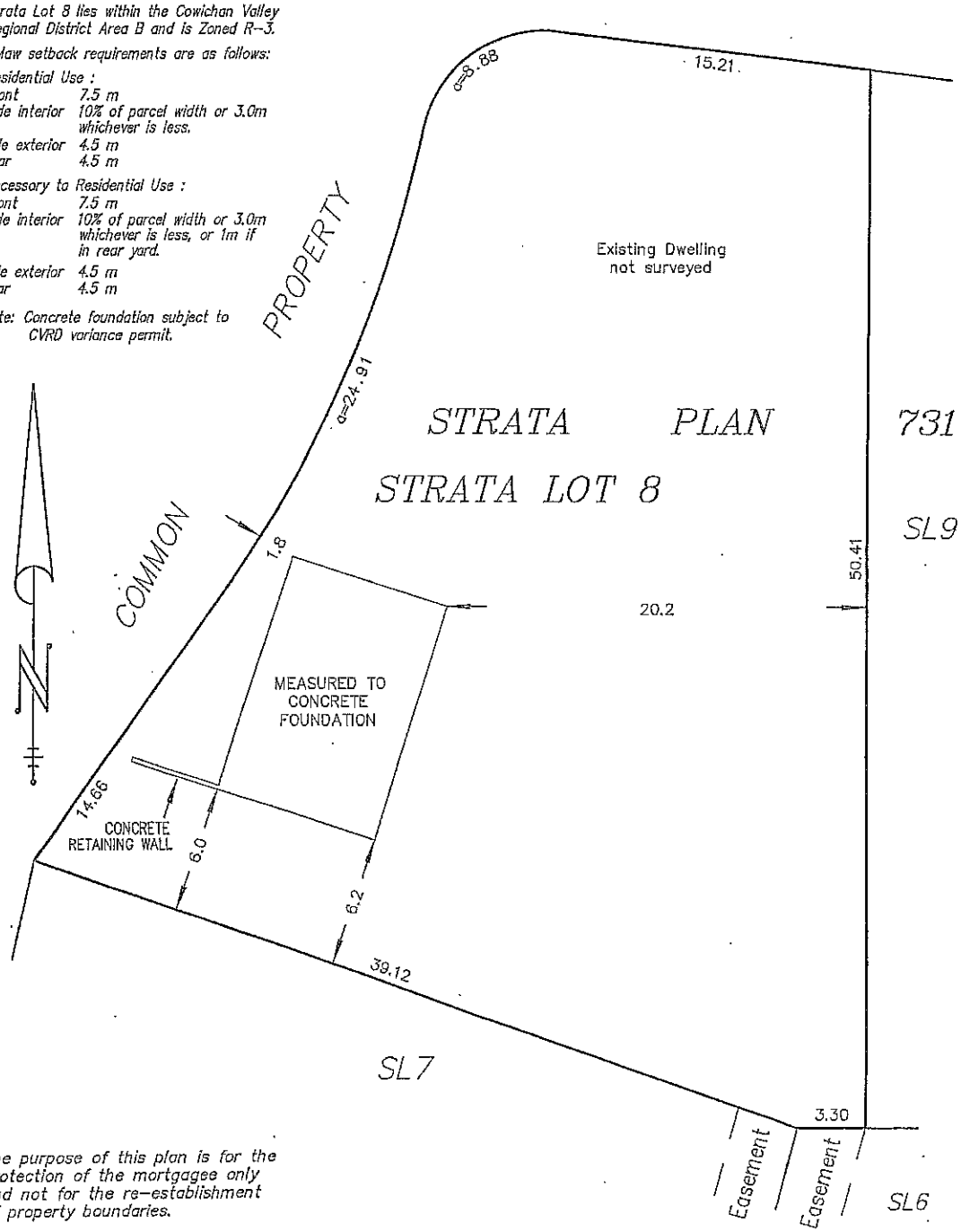
Strata Lot 8 lies within the Cowichan Valley Regional District Area B and is Zoned R-3.

Bylaw setback requirements are as follows:

Residential Use :
Front 7.5 m
Side interior 10% of parcel width or 3.0m whichever is less.
Side exterior 4.5 m
Rear 4.5 m

Accessory to Residential Use :
Front 7.5 m
Side interior 10% of parcel width or 3.0m whichever is less, or 1m if in rear yard.
Side exterior 4.5 m
Rear 4.5 m

Note: Concrete foundation subject to CVRD variance permit.



The purpose of this plan is for the protection of the mortgagee only and not for the re-establishment of property boundaries.

All clearance distances are shown to an accuracy of plus or minus 0.1 metres.

This is to certify that the structure on the above lot lies wholly within the said lot and does not encroach on any adjoining lot or road. Certified correct this 29th day of April 2011.

© _____ B.C.L.S.

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED.

KENYON WILSON
PROFESSIONAL LAND SURVEYORS

FILE: 11-7197 BLCB.DWG
DATE: APRIL 29, 2011.

221 Coronation Avenue
Duncan, B.C. V9L 2T1 (250) 746-4745

Strata Plan # 731
Shawnigan Manor
2180 Renfrew Road
Shawnigan Lake BC
V0R2W1

May 1, 2012

Jim and Lisa Lindsay
2180 Renfrew Road
Shawnigan Lake BC
V0R 2W1

Re Easement Request

I am pleased to advise you that your request for an easement to Schedule of Restrictions # 12, which requires all buildings be located at least 10 Feet from any common property has been approved by the Strata. We take no exception to the location of your shop building.

Please call me if you have any questions or need any additional information.

Yours truly,

Glenn White
President Strata Plan # 731

Land Use Contract - 4 - F27348

2. The said lands shall not hereafter be used except for the following purposes:

(a) The placing, constructing or erecting and the maintaining thereon of not more than ten (10) single family dwellings (exclusive of the dwelling unit already situate on the said lands) and suitable outbuildings accessory thereto;

(b) The maintaining thereon of the existing dwelling unit and accessory buildings thereto situate on the said lands.

3. No dwelling, other than the dwelling unit already situate on the said lands shall exceed 1200 square feet in area exclusive of porches, balconies, basements, carports, parking garages and suitable outbuildings used in conjunction therewith.

4. No part of any building other than any building already situate on the said lands, shall be closer than one hundred fifty (150) feet to the high water line of Shawnigan Lake.

5. No part of any building shall be closer than twenty-five (25') feet to the boundary of Renfrew Road or Scobhal Road.

6. No part of any building shall be closer than ten (10') feet to any common boundary of the said lands and any other parcel of land.

7. No dwelling, including the dwelling unit already situate on the said lands, shall be utilized as a hotel, motel, hostel, dormitory or as a structure for the overnight accommodation of persons other than members of a single family unit who own and occupy as a residence a

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COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

FILE NO: 4-B-12 DVP

DATE: July 18, 2012

REGISTERED PROPERTY OWNER(S):

James and Lisa Lindsay

#8 2180 Renfrew Road

DRAFT

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.

2. This Development Variance Permit applies to and only to those lands within the Regional District described below:

   Strata lot 8, Shawnigan Lake Suburban Lots, Shawnigan District, Strata Plan 731, together with an interest in the common property proportion to the unit entitlement of the strata lot as shown on from 1 (PID 000-020-711)

3. Zoning Bylaw No. 985, applicable to Section 8.5(b)(3), is varied as follows: the exterior side setback of a residential accessory building is reduced from 4.5 meters to 1.8 metres

   And furthermore, part 6 of Land Use Contract F27348 is varied to reduce the required setback from 3 metres to 1.8 metres.

4. The following plans and specifications are attached to and form a part of this permit.

   - Schedule A – Surveyors Certificate of location for Strata Lot 8, dated April 29, 2011.

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

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

AUTHORIZING RESOLUTION NO. *[from Board Minutes]* PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE *[day]* DAY OF *[month]* 2009.

Tom Anderson, MCIP, General Manager
Planning and Development Department

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 *[name on title]* other than those contained in this Permit.

Owner/Agent (signature)	Witness (signature)
Print Name	Print Name
Date	Date

RG

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 31, 2012

DATE:	July 25, 2012	**FILE NO:**	8-E-12DP
FROM:	Alison Garnett, Planner I	**BYLAW NO:**	1490
SUBJECT:	Application No.8 -E-12DP (Marbre Construction for C&C Holdings Ltd.)		

Recommendation/Action:
That Application No. 8-E-12DP, submitted by Marbre Construction for C&C Holdings, for construction of ten mini-warehouse buildings on Lot 1, Section 14, Range 6, Quamichan District, Plan 37379 (PID: 001-048-171) be approved, subject to the following conditions:

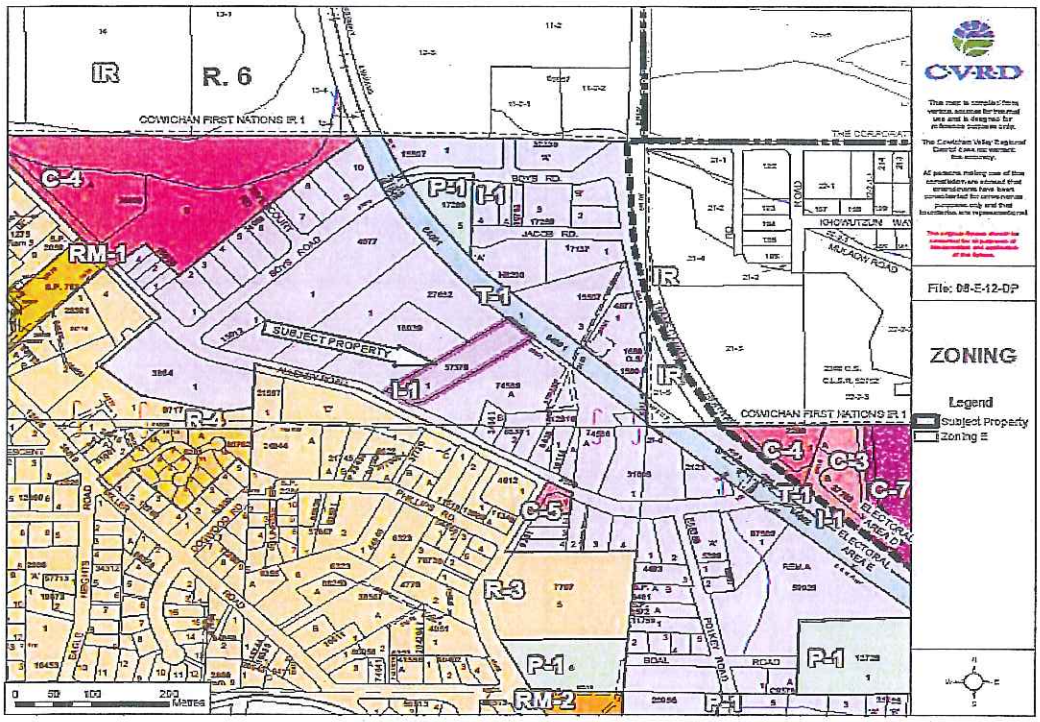
- Development is in substantial compliance with the attached plans;
- An irrevocable letter of credit in a form suitable to the CVRD is received, equivalent to 125% of the landscaping costs, to be refunded after two years if the plantings are successful and to the satisfaction of a qualified professional;
- Compliance with a rain and stormwater management plan prepared by a Qualified Professional at the time of building permit application, which is designed to promote low impact development techniques and onsite rainwater management.

Relation to the Corporate Strategic Plan: N/A

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

Background:

Location of Subject Property:	Allenby Road, Koksilah Industrial Park
Legal Description:	Lot 1, Section 14, Range 6, Quamichan District, Plan 37379 (PID: 001-048-171)
Date Application Received:	April 30, 2012. Complete documentation received June 26, 2012
Owner:	C & C Holdings Inc.
Applicant:	Majid Varasteh of Marbre Construction
Size of Parcel:	±0.7 hectare (1.7 acres)
Existing Zoning:	I-1 (Light Industrial)
Existing Plan Designation:	Industrial



Existing Use of Property:	Vacant
Existing Use of Surrounding Properties:	
North:	E& N rail line (T-1) and lath mill (I-1)
South:	Residential (R-3)
East:	Pacific Energy (zoned I-1)
West:	Allenby Road mobile home park (zoned I-1)
Road Access:	Allenby Road
Water:	Eagle Heights Water System
Sewage Disposal:	Eagle Heights Sewer System
Environmentally Sensitive Areas:	The property is in the Cowichan River floodplain.
Archaeological Site:	None identified
Contaminated Sites Regulation:	Declaration signed

Proposal:

The application proposes to construct a mini storage facility on the subject parcel. The parcel is zoned I-1 (Light Industrial), and mini storage is a permitted use within the zone.

The subject parcel is a rectangular shaped lot, bounded by Allenby Road, the E&N rail corridor, C&C lath mill, Pacific Energy warehouse, and a legal non-conforming residential mobile home park. The parcel is 7210 square metres in size or 1.78 acres. There are no existing buildings or structures on the parcel, but it is cleared, quite level, and currently used for storing recreational vehicles and boats. A shallow drainage ditch travels along the property line shared with the mobile home park.

The applicants are proposing to construct 4 buildings in the first phase of the mini-warehouse facility, and another six units in future phases. The storage units are single storey timber framed buildings.

The applicants have submitted Landscape and Elevation plans, a site plan showing the three phases of development, and two reports prepared by Ryzuk Geotechnical. These geotechnical reports provide an assessment of the flood hazards present on the site, and specific recommendations for development of the mini-storage buildings to ensure secure building foundations.

The subject property is located in the Cowichan/Koksilah River floodplain, and contour maps show the elevation of the site is 12.8 metres. To protect from flooding, Ryzuk Geotechnical recommends raising the elevation of the storage units to the flood elevation of 13.9 metres (for a 1:200 year storm event), or alternatively, ensuring that building cladding of the units be resistant to water damage, and taking care to store sensitive materials above the flood level within the buildings. The applicant has indicated that the units will be built 0.3 metres (one foot) above the current 12.8 metre elevation. CVRD policy allows for commercial/industrial buildings to be located no more than a metre below the 200-year floodplain elevation, as long as a geotechnical engineer confirms that buildings are safe for the intended use, and a Section 219 Save Harmless covenant is registered on title at time of building permit.

Finally, we note that this application appears to comply with the zoning regulations from Bylaw No. 1840, including permitted uses, parcel coverage, setbacks of buildings to property lines and height limits of the I-1 zone. The I-1 Zone permits a zero setback to interior property lines, when adjoining parcels are zoned Industrial.

Development Permit Area Guidelines

The property is within the Koksilah Development Permit Area (DPA), which was established for the purpose of protecting the natural environment and providing guidelines for the form and character of future industrial, commercial or multi-family development in the permit area.

The DPA guidelines outline how the property should be developed in terms of vehicular access, vehicle parking, pedestrian access, landscaping, signage, lighting, overhead wiring and building design and environmental protection. The following section provides the DPA guidelines in italics, followed by analysis of the proposal's compliance with the guidelines from staff's perspective.

Environmental Protection

A) *Runoff from the development will be limited in order to prevent storm flows from damaging riparian areas during normal rainfall events. Preferably, on larger sites, natural wetland protection and enhancement should be incorporated, along with measures to limit impervious surfaces. Parking areas should contain oil/water separators, and – where feasible – use pervious landscaping that can absorb runoff. Applicants should submit figures for total site imperviousness. The Board may specify maximum site imperviousness in a development permit;*

B) *The latest Best Management Practices for land development of the Ministry of Environment and Fisheries and Oceans Canada should be respected;*

C) *The entire Koksilah Development Permit Area sits upon a valuable aquifer that supplies drinking water to local residents. Applicants will submit a plan describing how they will protect this community resource on their site.*

There are no environmentally sensitive ecosystems or watercourses on the site. A drainage ditch is located along the northwest property line abutting the mobile home park. The majority of the site is cleared of vegetation and is surfaced with compacted crushed rock fill.

The development plans show total site coverage for the buildings in all three phases will be 2488 m^2, which equals 34.5% of the lot. The internal aisles between buildings will be surfaced with crushed rock and the driveway along the eastern property line will be surfaced with permeable road based compacted gravel. These permeable surface materials are preferable to hard surfacing such as pavement, as they reduce the amount of rainwater generated on the site and allow for natural infiltration of rain water into soils.

The report by CN Ryzuk, dated May 22, 2012, states that in-ground disposal of storm water will be possible on the site, by installing infiltration pits located appropriate distances from the buildings. Staff recommend that more detailed plans are submitted and implemented during building permit stage, to ensure these preliminary recommendation for in-ground rainwater disposal are implemented.

Landscaping

D) *Landscaping will be provided around the periphery of the parcel. Particular attention will be paid to landscaping measures along road frontages and parcel boundaries that may abut other uses such as residential. A combination of low shrubbery, ornamental trees and flowering perennials is recommended;*

E) *The use of landscaped berms and raised planter berms as a visual and noise barrier between commercial/industrial uses and the Trans Canada Highway is strongly encouraged. Such raised features need not exceed 1.5 metres in height, but should be at least 0.75 metres in height;*

F) *Owner-designed landscape plans may be reviewed in accordance with the Landscape Standard developed jointly by the British Columbia Society of Landscape Architects (BCSLA) and the British Columbia Nursery Trades Association (BCNTA);*

The applicant has submitted a Landscape Plan which shows a three-metre-wide landscaped buffer along the Allenby Road frontage, consisting of seven flowering cherry trees and lawn. Two other areas on the fronting storage unit include proposed plantings of mixed trees and low perennials. Additional landscaping is proposed at the site's entrance below the free-standing sign.

Considering the distance of the site from the highway, visual and noise barriers do not appear to be necessary.

The site plan indicates an 8-foot-high chain link fence with privacy slats for the property line abutting the mobile home park. A chain link fence is proposed for the remaining property line boundaries.

Form and Character of Buildings and Structures

G) *Buildings and structures will be designed in consideration of improving upon the aesthetics of the surrounding area, with finishes that are attractive, such as tinted concrete, some natural materials and natural colours.*

This guideline is most applicable to the storage building located closest to, and visible from, the Allenby Road frontage. The Building Elevation drawings show design details for the front building, including an articulated building frontage. Metal cladding is proposed as the exterior building material on the upper portion, and painted HardiePlank siding on the lower portion of the building. Specific colours have not been proposed. Roofing material is asphalt shingles. A peaked roof on the west end of the building provides some variation in building appearance.

All other buildings have a traditional rectangular shape typical of storage units. Metal cladding will be used as exterior finish of all buildings not visible from the public road.

Vehicle Access, Pedestrian Access and Parking

H) *Where two or more commercial or industrial facilities adjoin one another, vehicle access points, pedestrian pathways and parking and circulation patterns should be linked and possibly shared in order to encourage as safe a flow of pedestrian and vehicle traffic as possible. This can be accomplished by reciprocal easements and or rights-of-way. Unnecessary duplication of access points is strongly discouraged;*

I) *Parking areas will be designed to physically separate pedestrian and motorized traffic, for example, through the use of raised pedestrian routes;*

J) Parking surfaces will be paved in a suitable material, whether pervious or impervious, and will not be located within 3 metres from any major road network route and the Trans Canada Highway;
K) Where required, pedestrian routes, within and between sites should be clearly delineated by means of separate, raised walkways, sidewalks or paths;

Access to the site will be via an angled gate at the southeast corner of the site. Space will be provided for vehicles to pull off of Allenby Road and park temporarily while opening the security gate. This driveway is located adjacent to but not shared with the neighbouring property (Pacific Energy).

There is no designated parking or pedestrian areas within the development. The nature of a mini-storage facility is delivery and pickup of stored goods by vehicles, rather than pedestrian access. Vehicles will circulate the site by the main driveway on the eastern property line, and the 9 metre (30 ft.) wide aisles between buildings.

Signs
L) Signs should be designed to reflect the site's architecture and landscaping and should be limited to not more than 5 metres in height and also of limited area;
M) Translucent "can" or panel signs that are wholly illuminated from behind are not permissible whether freestanding or mounted on a building fascia; however, the Board may consider permitting backlit signs if only the lettering and logos are illuminated at low intensity. Fluorescent lighting projected towards a sign is very strongly discouraged, and low intensity incandescent lighting is preferred for that purpose;
N) If multiple signs are required, they should be grouped and shared, and moving signs or signs with moving images or text will not be supported.

A single free-standing sign is proposed at the site's entrance, and is illustrated on the Floor Plan/Landscape Plan. The sign is 1.8 metres (6 feet) wide, with a 1.2 metre (4 ft.) tall sand-blasted cedar sign with raised letters, built on a 0.6 metre (2 ft.) tall base. The base will have a stone veneer. The applicant is proposing low intensity front lighting that won't create light pollution.

Wiring
O) Underground wiring is encouraged in preference to overhead wiring;

The site is connected to the road by overhead wiring. Beyond this, wiring will be placed below ground.

Lighting
P) Parking and pedestrian routes should be well lit, without glare to other lands and roads;

There are no designated parking and pedestrian routes within the development. However for security purposes, lights will be installed at the corner of each building.

<u>Advisory Planning Commission Comments:</u>
The Electoral Area E Advisory Planning Commission (APC) reviewed this application at their July 18, 2012 meeting.
APC Recommendation:
That a stone facing be added to the base of the front entrance sign.
That the lot line setback to the north be reduced as much as possible so as to wisely use and preserve valuable I1 zoned land.
That the appropriate Landscaping and Landscaping Bond be put in place.

Staff Comments:

The APC has recommended changes to the free standing sign and the siting of the buildings in relation to northern property line. The applicant is agreeable, and the attached plans been revised to reflect the APC's suggestions.

The I-1 Zone permits a zero setback to interior parcel lines where the adjoining parcels are zoned for industrial use. The neighbouring property to the north is a non-conforming residential mobile home park, located on industrial zoned land. In order to maximize space on the subject parcel, the APC has recommended that buildings are sited as close to that common property line as possible. The applicant is proposing a setback of 1 meter on the attached plans.

The application generally complies with all aspects of the development permit area guidelines. Staff recommend that this application be approved, subject to the development occurring as proposed in the attached plans, receipt of a security to ensure landscaping is completed, and submission of a detailed rainwater management plan prepared by a qualified professional.

Options:

1) That Application No. 8-E-12DP, submitted by Marbre Construction for C&C Holdings, for construction of ten mini-warehouse buildings on Lot 1, Section 14, Range 6, Quamichan District, Plan 37379 (PID: 001-048-171) **be approved**, subject to the following conditions:
   - Development is in substantial compliance with the attached plans;
   - An irrevocable letter of credit in a form suitable to the CVRD is received, equivalent to 125% of the landscaping costs, to be refunded after two years if the plantings are successful and to the satisfaction of a qualified professional;
   - Compliance with a rain and stormwater management plan prepared by a Qualified Professional at the time of building permit application, which is designed to promote low impact development techniques and onsite rainwater management.

2) That Application No. 8-E-12DP, submitted by Marbre Construction for C&C Holdings, for construction of ten mini-warehouse buildings on Lot 1, Section 14, Range 6, Quamichan District, Plan 37379 (PID: 001-048-171) **be revised.**

Option 1 is recommended.

Submitted by,

Reviewed by:
Division Manager:

Approved by:
General Manager:

Alison Garnett,
Planner
Planning and Development Department

AG/jah

Attachments

CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

FILE NO: 8-E-12 DP

DATE: July 24, 2012

REGISTERED PROPERTY OWNER(S):

C&C Holdigns Inc. No 440890

321 Julian Street

Duncan BC V9L 3S5

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:
   Lot 1, Section 14, Range 6, Quamichan District, Plan 37379 (PID: 001-048-171)

3. Authorization is hereby given for construction of mini warehouse facility in accordance with the conditions listed in Section 4, below.

4. The development shall be carried out subject to the following condition(s):
   - Development is in substantial compliance with the attached plans;
   - An irrevocable letter of credit in a form suitable to the CVRD is received, equivalent to 125% of the landscaping costs, to be refunded after two years if the plantings are successful and to the satisfaction of a qualified professional;
   - Compliance with a rain and stormwater management plan prepared by a Qualified Professional at the time of building permit application, which is designed to promote low impact development techniques and onsite rainwater management.

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

6. The following Schedule is attached:

   Schedule A – Site Plan of proposed development for C&C Storage, dated July 24, 2012.

7. This Permit is <u>not</u> 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. *[fill in Board Resolution No.]* PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE *[day]* DAY OF *[month]* MAY *[year]*.

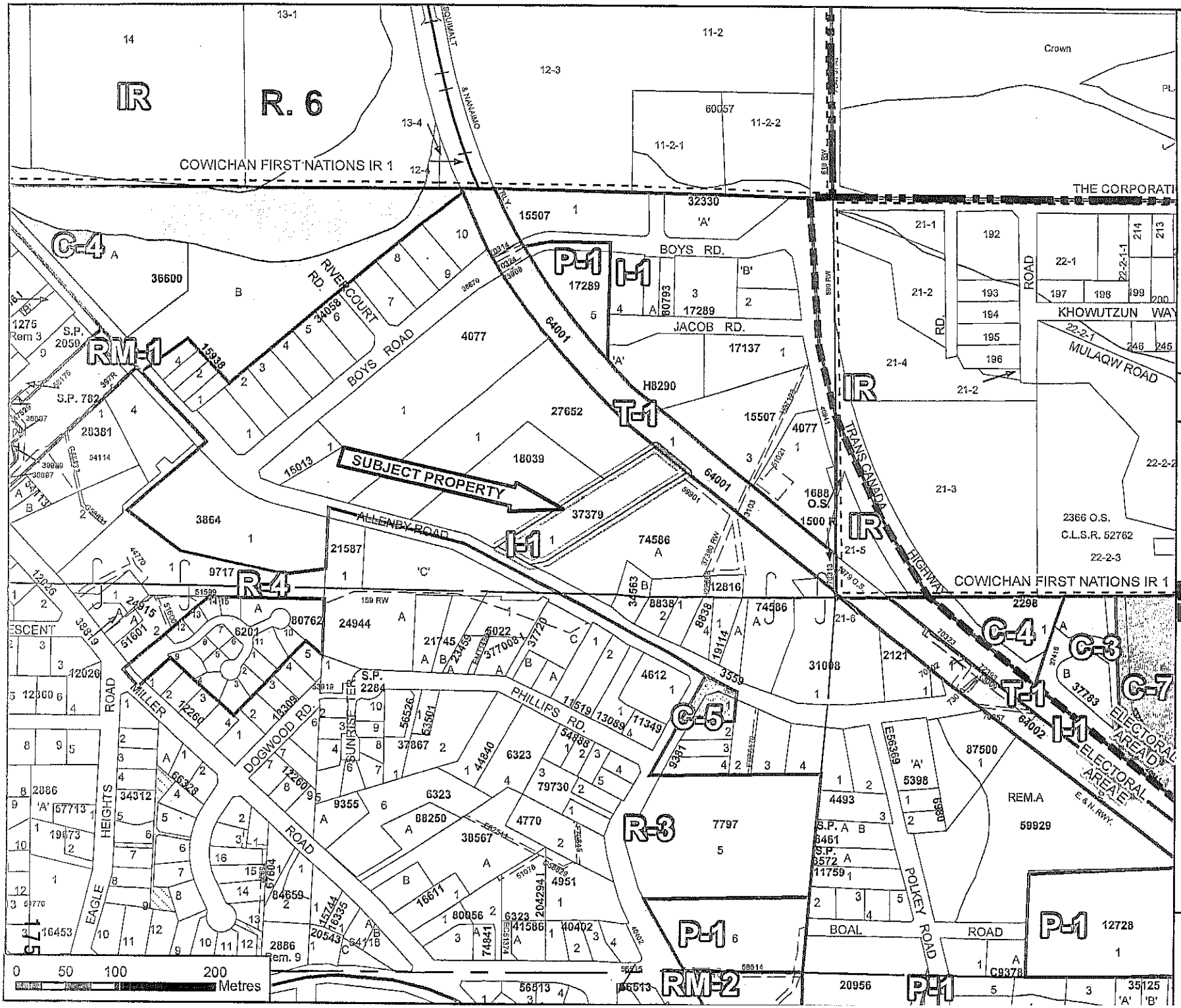
_____

Tom Anderson, MCIP
General Manager, Planning and Development Department

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 *[name on title]* other than those contained in this Permit.

Owner/Agent (signature)	Witness (signature)
Print Name	Print Name
Date	Date



C·V·R·D

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

The Cowichan Valley 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.

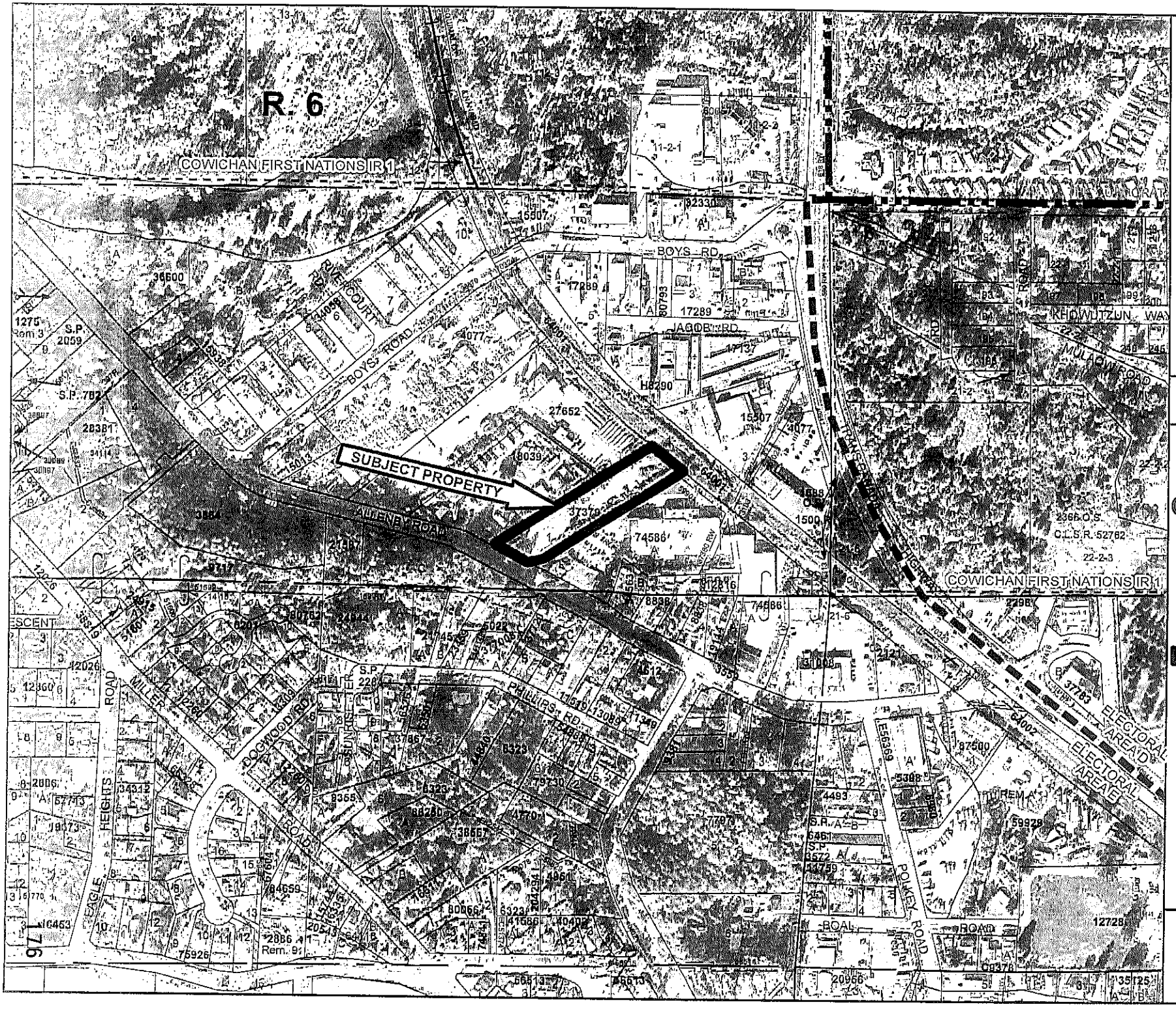
File: 08-E-12-DP

ZONING

Legend

- Subject Property
- Zoning E

N W E S



C·V·R·D

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File: 08-E-12-DP

Orthophoto (2004)

Legend

Subject Property

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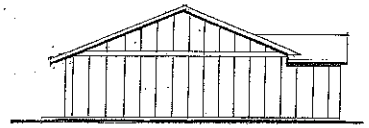
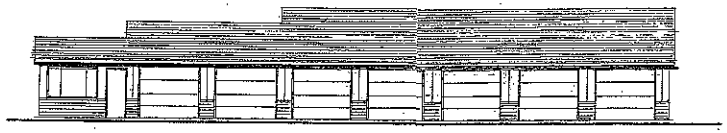
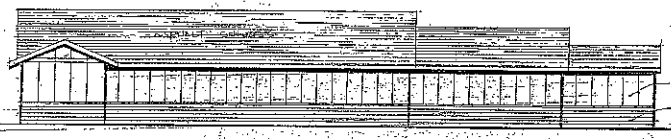


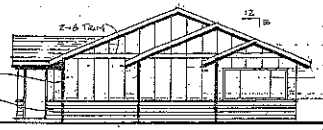
Left (West) Elevation
1/8"= 1'-0"



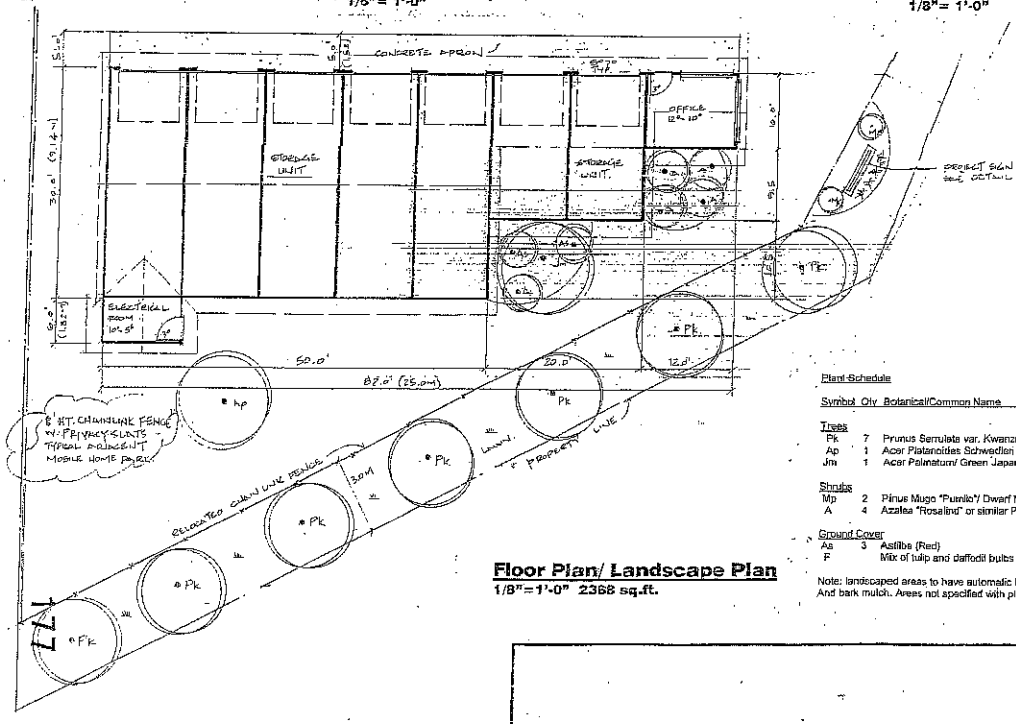
Rear (North) Elevation
1/8"= 1'-0"



Front (South) Elevation
1/8"= 1'-0"



Right (East) Elevation
1/8"= 1'-0"

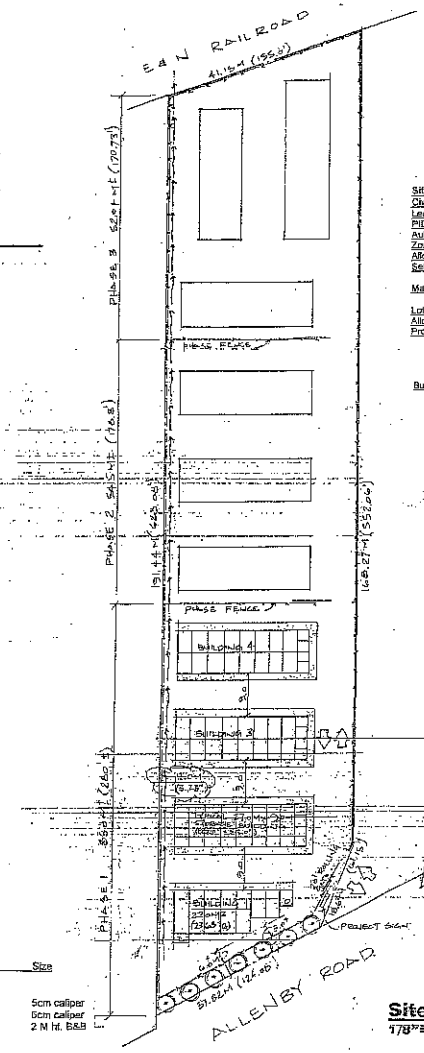


Floor Plan/ Landscape Plan
1/8"=1'-0" 2368 sq.ft.

Plant Schedule

Symbol	Qty	Botanical/Common Name	Size
Trees			
Pk	7	Prunus Serrulata var. Kwanzan/ Flowering Cherry	5cm caliper
Ap	1	Acer Platanoides Schwedlan Nigrum/ Crimson King Maple	6cm caliper
Jm	1	Acer Palmatum/ Green Japanese Maple	2 M ht. B&B
Shrubs			
Mp	2	Pinus Mugo "Pumilo"/ Dwarf Mugo Pine	#2
A	4	Azalea "Rosalind" or similar Pink Azalea	#2
Ground Cover			
As	3	Astilbe (Red)	#1
F		Mix of tulip and daffodil bulbs	

Note: landscaped areas to have automatic irrigation systems
And bark mulch. Areas not specified with plantings to be lawn.

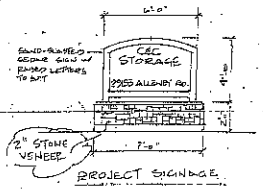


Site Plan
1/8"=1'-0"

Site Data
Civic Address: Allenby Road, Duncan, B.C.
Legal description: Lot 1, Range 6, Section 14, Quamichan District, Plan 37379
PID: 001-048-171
Authority having Jurisdiction: CVRD, Electoral Area E
Zoning: I-1, Light Industrial
Allowable Uses: Mini Storage Warehouse
Setbacks: 4.6 M (14.78') front and exterior side, O.O M rear and interior side
9.0 M (29.52') adjacent residential zoned land
Maximum Height: 10.0 M (32.8')

Lot Size: 7210 sq.M (77610 sq.ft.) (1.78 acres)
Allowable Site Coverage: 50% or 3605 sq.M (38805 sq.ft.)
Proposed Site Coverage: Phase 1- 958 sq.M. (10312 sq.ft.)
Phase 2- 738 sq.M. (7944sq.ft.)
Phase 3- 792 sq.M. (8526sq.ft.)
Total- 2488 sq.M. (26781 sq.ft.), or 34.5%

Building Occupancy: Warehouse (Group F2):



MAR 24 2012

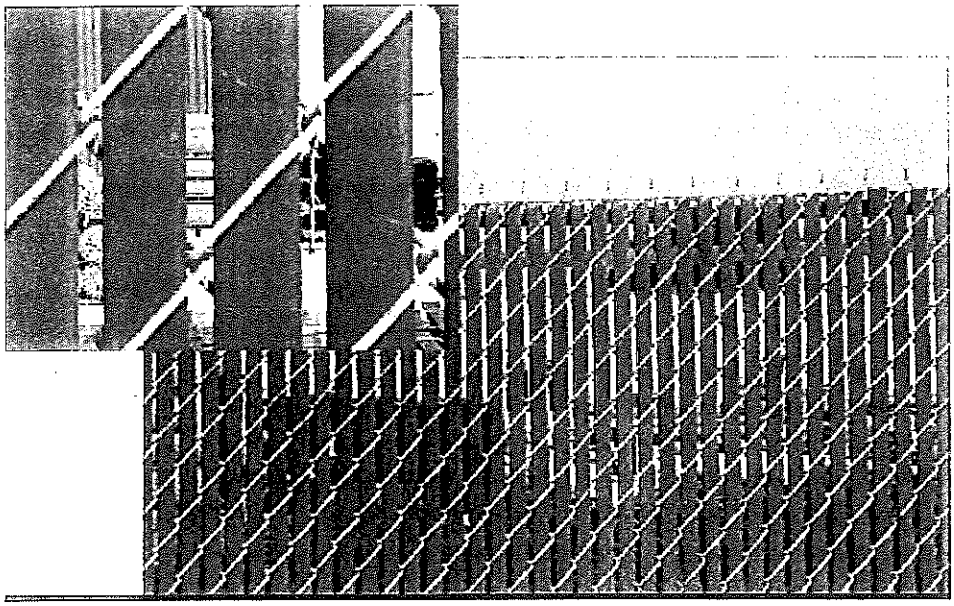
- SIDE SET BACK & FENCE TYPE MODIFIED JULY 24, 2012
- STONE VENEER FINISH ADDED TO SIGN - JULY 24, 2012

Proposed Development for
C & C STORAGE
Allenby Road, Duncan, B.C.

Michael Ker Building Designer
Square One Design Ltd.
202-281 Canada Ave. Duncan, B.C.
V9L 1T6 tel/fax 250-748-3333

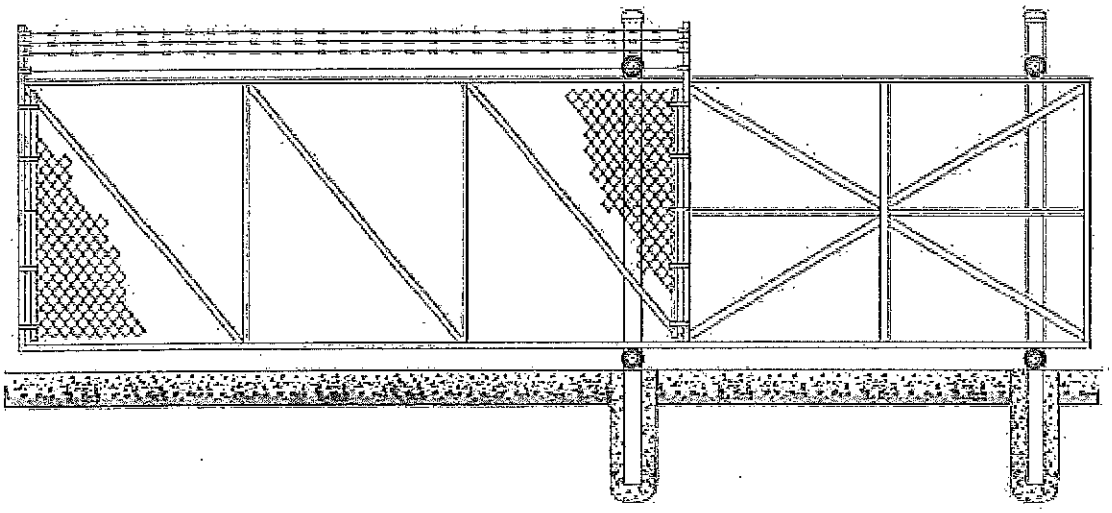
JOB NO	CLIENT	SHEET TITLE
1211	MARBRE	PLANS ELEVATIONS NOTES
DATE MAY 2012	SCALE NOTED	
	DRAWN M. KER	A-1 of 1

Image of proposed fence for northwest property line, abutting mobile home park



Standard Slat

Image of proposed gate along Allenby Road



11.0 INDUSTRIAL ZONES

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

11.1 I-1 ZONE - LIGHT INDUSTRIAL

(a) Permitted Uses

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

(1) retail stores, including convenience stores, automotive rental, and automotive parts and accessory sales;
(2) auction grounds;
(3) automotive repair, sales, body repair, painting, wrecking, storage, salvage;
(4) café, restaurant, take out service, catering;
(5) clothing and garment manufacturing, laundry, dry cleaning, repair and storage;
(6) contractor's workshop, yard and storage;
(7) electric and electronic equipment manufacturing;
(8) equipment repair, sales, storage and rental;
(9) feed, seed and agricultural supplies, sales and storage;
(10) food and candy products manufacturing, storage, processing, packaging, frozen food locker, cold storage plant, but excluding fish cannery and abattoir;
(11) industrial processing, manufacturing, repair, storage and packaging;
(12) *kennels* for the keeping, boarding, raising, training and/or breeding of cats and dogs and animal hospital;
(13) laboratory;
(14) lumber and storage yards, sale of wholesale and *retail* building supplies;
(15) modular or prefabricated home structure and truss manufacturing and sale;
(16) parking garage, recreational vehicle storage and sale;
(17) processing and sale of gardening and landscaping supplies and materials;
(18) publishing;
(19) retail and wholesale sale of petroleum products and accessory storage of petroleum products not exceeding 455,000 litres;
(20) secondary processing and manufacturing of wood products, including the making of cabinets, furniture, plywood, lath and particle board and similar products; but excluding sawmills, pulp and paper mills and log storage and sorting;
(21) recycling, sorting and storage of substances or materials, including in-vessel composting;
(22) warehouse, including mini-warehouse, freight handling and storage;
(23) welding shop;
(24) *office accessory* to a *principal use* permitted in Section 11.1(a)(1) to (23);
(25) *retail sales accessory* to a *principal use* permitted in Section 11.1(a)(1) to (23);
(26) single family dwellings accessory to a permitted use under Section 11.1(a)(1) through (25), subject to the regulations established by Section 11.1(b)(5).

(b) Conditions of Use

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

(1) the *parcel coverage* shall not exceed 50 percent for all *buildings* and *structures*;
(2) the *height* for all *buildings* and *structures* shall not exceed 10.0 metres;
(3) notwithstanding the uses permitted in Section 11.1(a) of the Industrial-1 Zone, no sewage, septage, biosolids, animal manure, animal material or animal substance shall be stored or utilised in an industrial process on a parcel in the Light Industrial Zone;
(4) the *setbacks* for the types of *parcel* lines set out in Column I of this section are set out for all *buildings* and *structures* in Column II:

COLUMN I **Type of Parcel Line**	**COLUMN II** **Buildings & Structures**
Front	4.5 metres
Interior Side	0 metres where the abutting *parcel* is zoned Industrial 9.0 metres where the abutting *parcel* is zoned Residential, Agricultural, Forestry or Institutional
Exterior Side	4.5 metres
Rear	0 metres where the abutting *parcel* is zoned Industrial 9.0 metres where the abutting parcel is zoned Residential, Agricultural, Forestry or Institutional

(5) The number of accessory residences permitted on any parcel in the I-1 Zone is one. One additional accessory residence is permitted per parcel for every 0.4 hectares of parcel area, but only if the parcel lies within the Eagle Heights Sewer Service Area and is connected to this system.

(c) Minimum Parcel Size

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

(1) 0.1 Ha. for *parcels* served by a *community water* and *sewer system*;
(2) 0.3 Ha. for *parcels* served by a *community water system* only;
(3) 1.0 Ha. for *parcels* served neither by a *community water* or *sewer system*.

RYZUK GEOTECHNICAL
Engineering & Materials Testing

28 Crease Avenue, Victoria, BC, V8Z 1S3 Tel: 250-475-3131 Fax: 250-475-3611 www.ryzuk.com

May 22, 2012
File No: 8-6364-1

Marbre Construction
3001 Allenby Road
Duncan, BC
V9L 5Z1

Attn: Mr. Majid Varasteh

Dear Mr. Varasteh

Re: Proposed Mini-Storage Complex
3001 Allenby Road – Duncan, BC

As requested, we attended the above referenced site on May 8, 2012 to undertake a subsurface soils investigation. The purpose of this investigation was to gather soils information throughout the site in order for us to provide geotechnical comments and recommendations for the proposed mini-storage development. Our work has been carried out in accordance with, and is subject to, the attached Terms of Engagement.

The site is located within the southern industrial district of the city of Duncan, generally bounded by Allenby Road to the southwest and elsewhere by developed commercial properties. The site is relatively level and a small drainage ditch exists along the northwestern property line which gradually slopes down to the northeast. Most of the site is surfaced with compacted crushed rock fill, but some vegetative cover and uneven ground is present within the central portions. We understand that the previous site usage has been generally limited to an open storage lot. We provided a report on April 17, 2012 addressing flood hazard, as the site is located within a known flood plain.

The proposed site development will comprise construction of 20 (or more) single storey timber frame storage unit buildings. We anticipate that the buildings will be designed with shallow conventional concrete foundations with grade supported slabs throughout. The areas surrounding the buildings are expected to be hard surfaced and would likely be designed to accommodate light to moderate vehicle loads associated with self storage usage.

The subsurface investigation comprised advancing 16 test pits with a mini hydraulic excavator at select locations throughout the site, as shown on the attached Location Plan drawing No. 8-6364-1-1. Stratigraphic information was noted from visual observations of the materials during exposure. Test pits were generally excavated to the desired depths to verify native soil conditions. Soil conditions were somewhat varied but were generally observed to be very compact dry granular fill, overlying dry to damp silty sandy fill and/or native topsoil with variable organics. The fill overlies native damp to

moist medium dense to dense silty sand with trace organics, overlying dense sand and/or sandy gravel with cobbles. No seepage was observed in any of the test holes, however, the soil was typically moist below a depth of 1.5 m. See the attached Table 1 for details of the soils conditions recorded at each test pit.

The soils encountered at the site are generally consistent with our experience at adjacent building sites, as well as the reported surficial geology of the area. The fill/topsoil was generally less than 0.5 m thick, but granular fill was locally noted to extend to a depth of approximately 1.5 m at test pit 12-07. The fill generally overlies organic silty soil inferred to be the original ground surface. The variably dense silty sand with a trace of organics directly beneath the silty organic layer is inferred to have been deposited within the past few thousand years, during an extreme flood event of the nearby Cowichan River. This material is generally less than1.5 m thick. This flood deposit overlies inferred dense glacio-fluvial sand and gravel materials which were deposited at the end of the last glacial period (about 10,000 years ago) and are expected to have an undulating surface profile, as such were encountered at less than 1 m from the existing surface within several locations.

We do not consider the fill and/or organic soil to be capable of providing stable, long term support to building foundations and therefore we recommend that such be removed from within foundation areas. The native silty sand is considered to be suitable for foundation support if sufficiently densified/compacted. Since this material was less dense than desired we recommend that these soils be subject to vibratory compaction applied at the exposed native surface. We recommend that this compaction be undertaken with a vibratory plate attachment (hoe pack) of a large (+ EX200 size) excavator to achieve adequate depth penetration. It would be possible to place engineered fill to build up the footing grade within areas where the in situ fill or organics (to be removed and replaced) are significantly deeper than the foundation design grade. In this scenario, once the native subgrade has been inspected and approved by a geotechnical professional, engineered fill would be placed in thin lifts and suitably compacted to achieve the design grade. This fill would comprise select granular materials and would need to extend outwards of the foundation edges in all directions by at least the depth of the fill to be placed to ensure a 1H:1V (horizontal to vertical) splay is maintained. We expect that the surficial granular fill at the site could be reused as engineered fill.

Foundations bearing atop the engineered fill, native silty sand (compacted as described above), as well as the dense sand and gravel materials, can be designed with allowable bearing capacities of 145 kPa and 170 kPa for strip and pad footings respectively.

As a cost saving measure, we expect that the imported select granular fill to prepare the base of the grade supported slabs could be placed directly atop the existing very compact granular surface. We recommend, however, that the slabs be suitably reinforced to reduce the sensitivity of the slabs to possible localized long term settlement occurring within the unknown subsurface conditions. It should be noted that future settlement, including differential, is possible and may necessitate repairs to floor slabs. If this risk is not acceptable, then it would be necessary to remove all existing fills within the building footprint and recover design grade with engineered fill. Where vegetation is present at the surface, we recommend that the organic soils are removed prior to placement of select granular slab

supporting materials within slab areas. Vapor barrier is recommended to be placed atop the prepared slab base material prior to placement of the concrete slab.

Given the proposed development and the soil conditions observed, we anticipate that the requirement for perimeter drainage could be omitted provided that certain conditions are met as follows:

- A grade differential of 200 mm minimum is maintained between the interior and exterior finished hard surfacing (except locally for unit access ramps).
- All finished grades should slope away from the building foundations at +1.5 % for a minimum of 2 m.
- All backfill in and around the foundations are free draining materials.
- All collected storm water proposed for in-ground disposal is discharged within the dense gravel at depth, at least 4.0 m horizontally away from any building.

We expect that in-ground disposal of storm water will be possible at the site. We recommend that the collected storm water be directed to suitably designed infiltration pits with direct hydraulic connectivity with the dense glacio-fluvial sand and gravel at depth. We can provide additional details on design specifics for infiltration options if requested.

We expect that the existing very compact granular fill surface would be generally suitable to leave as sub-base within the proposed paving areas where such has a minimum thickness of 200 mm. We recommend that the proposed paving structure be designed with the following minimum specifications of 150 mm of 75 mm minus sub-base, 100 mm of 20 mm minus base, and 50 mm and 75 mm of asphalt for light and moderate to heavy vehicle usage respectively. We also recommend that proof roll testing be undertaken on the subgrade prior to placement of sub-base materials and generally that granular materials supporting pavement are compacted to 95% of Modified Proctor. We recommend that the asphalt be placed in accordance with MMCD specifications to maximize durability of the pavement.

We hope the preceding is suitable for your purposes at present. Please don't hesitate to contact our office if we can be of further assistance.

Yours very truly,
Ryzuk Geotechnical

Andrew Jackson, GIT
Project Geoscientist

S. W. Moore, P.Geo.
Review Geoscientist

REGISTERED PROFESSIONAL
PROVINCE OF
S. W. MOORE
#30349
BRITISH COLUMBIA
GEOSCIENTIST

Attachments – Terms of Engagement
– Drawing No. 8-6364-1-1
– Table 1. Summary of Test Pit Information

TERMS OF ENGAGEMENT

GENERAL

Ryzuk Geotechnical (the Consultant) shall render the Services, as specified in the agreed Scope of Services, to the Client for this Project in accordance with the following terms of engagement. The Services, and any other associated documents, records or data, shall be carried out and/or prepared in accordance with generally accepted engineering practices in the location where the Services were performed. No other warranty, expressed or implied is made. The Consultant may, at its discretion and at any stage, engage sub-consultants to perform all or any part of the Services.

Ryzuk Geotechnical is a wholly owned subsidiary of C. N. Ryzuk & Associates Ltd.

COMPENSATION

All charges will be payable in Canadian Dollars. Invoices will be due and payable by the Client on receipt of the invoice without hold back. Interest on overdue accounts is 24% per annum.

REPRESENTATIVES

Each party shall designate a representative who is authorized to act on behalf of that party and receive notices under this Agreement.

TERMINATION

Either party may terminate this engagement without cause upon thirty (30) days' notice in writing. On termination by either party under this paragraph, the Client shall forthwith pay to the Consultant its Charges for the Services performed, including all expenses and other charges incurred by the Consultant for this Project.

If either party breaches this engagement, the non-defaulting party may terminate this engagement after giving seven (7) days' notice to remedy the breach. On termination by the Consultant under this paragraph, the Client shall forthwith pay to the Consultant its Charges for the Services performed to the date of termination, including all fees and charges for this Project.

ENVIRONMENTAL

The Consultant's field investigation, laboratory testing and engineering recommendations will not address or evaluate pollution of soil or pollution of groundwater. The Consultant will cooperate with the Client's environmental consultant during the field work phase of the investigation.

PROFESSIONAL RESPONSIBILITY

In performing the Services, the Consultant will provide and exercise the standard of care, skill and diligence required by customarily accepted professional practices and procedures normally provided in the performance of the Services contemplated in this engagement at the time when and the location in which the Services were performed.

INSURANCE

Ryzuk Geotechnical is covered by Professional Indemnity Insurance as follows:

1. $ 2,000,000 each and every claim
2. $ 4,000,000 aggregate
3. $ 5,000,000 commercial/general liability coverage

LIMITATION OF LIABILITY

The Consultant shall not be responsible for:

1. the failure of a contractor, retained by the Client, to perform the work required for the Project in accordance with the applicable contract documents;
2. the design of or defects in equipment supplied or provided by the Client for incorporation into the Project;
3. any cross-contamination resulting from subsurface investigations;
4. any Project decisions made by the Client if the decisions were made without the advice of the Consultant or contrary to or inconsistent with the Consultant's advice;
5. any consequential loss, injury or damages suffered by the Client, including but not limited to loss of use, earnings and business interruption;
6. the unauthorized distribution of any confidential document or report prepared by or on behalf of the consultant for the exclusive use of the Client
7. Subsurface structures and utilities

The Consultant will make all reasonable efforts prior to and during subsurface site investigations to minimize the risk of damaging any subsurface utilities/mains. If, in the unlikely event that damage is incurred where utilities were unmarked and/or undetected, the Consultant will not be held responsible for damages to the site or surrounding areas, utilities/mains or drilling equipment or the cost of any repairs.

The total amount of all claims the Client may have against the Consultant or any present or former partner, executive officer, director, stockholder or employee thereof under this engagement, including but not limited to claims for negligence, negligent misrepresentation and breach of contract, shall be strictly limited to the amount of any professional liability insurance the Consultant may have available for such claims.

No claim may be brought against the Consultant in contract or tort more than two (2) years after the Services were completed or terminated under this engagement.

DOCUMENTS AND REPORTING

All of the documents prepared by the Consultant or on behalf of the Consultant in connection with the Project are instruments of service for the execution of the Project. The Consultant retains the property and copyright in these documents, whether the Project is executed or not. These documents may not be used on any other project without the prior written agreement of the Consultant.

The documents have been prepared specifically for the Project, and are applicable only in the case where there has been no physical alteration to, or deviation from any of the information provided to the Consultant by the Client or agents of the Client. The Client may, in light of such alterations or deviations, request that the Consultant review and revise these documents.

The identification and classification as to the extent, properties or type of soils or other materials at the Project site has been based upon investigation and interpretation consistent with the accepted standard of care in the engineering consulting practice in the location where the Services were performed. Due to the nature of geotechnical engineering, there is an inherent risk that some conditions will not be detected at the Project site, and that actual subsurface conditions may vary considerably from investigation points. The Client must be aware of, and accept this risk, as must any other party making use of any documents prepared by the Consultant regarding the Project.

Any conclusions and recommendations provided within any document prepared by the Consultant for the Client has been based on the investigative information undertaken by the Consultant, and any additional information provided to the Consultant by the Client or agents of the Client. The Consultant accepts no responsibility for any associated deficiency or inaccuracy as the result of a miss-statement or receipt of fraudulent information.

JOBSITE SAFETY AND CONTROL

The Client acknowledges that control of the jobsite lies solely with the Client, his agents or contractors. The presence of the Consultant's personnel on the site does not relieve the Client, his agents or contractors from their responsibilities for site safety. Accordingly, the Client must endeavor to inform the Consultant of all hazardous or otherwise dangerous conditions at the Project site of which the Client is aware.

The client must acknowledge that during the course of a geotechnical investigation, it is possible that a previously unknown hazard may be discovered. In this event, the Client recognizes that such a hazard may result in the necessity to undertake procedures which ensure the safety and protection of personnel and/or the environment. The Client shall be responsible for payment of any additional expenses incurred as a result of such discoveries, and recognizes that under certain circumstances, discovery of hazardous conditions or elements requires that regulatory agencies must be informed. The Client shall not bring about any action or dispute against the Consultant as a result of such notification.

FIELD SERVICES

Where applicable, field services recommended for the Project are the minimum necessary, in the sole discretion of the Consultant, to observe whether the work or a contractor retained by the Client is being carried out in general conformity with the intent of the Services. Any reduction from the level of services recommended will result in the Consultant providing qualified certifications for the work.

DISPUTE RESOLOUTION

If requested in writing by either the Client or the Consultant, the Client and the Consultant shall attempt to resolve any dispute between them arising out of or in connection with this Agreement by entering into structured non-binding negotiations with the assistance of a mediator on a without prejudice basis. The mediator shall be appointed by agreement of the parties. If a dispute cannot be settled within a period of thirty (30) calendar days with the mediator, the dispute shall be referred to and finally resolved by arbitration under the rules of the arbitrator appointed by agreement of the parties or by reference to a Judge of the British Columbia Court.

TABLE 1.
SUMMARY OF TEST PIT INFORMATION

[1]Test Pit No.	[3] *Stratigraphy*				[2] *Comments*
	Granular Fill from - to (m)	Fill / Organic Soil from - to (m)	Native Silty Sand from - to (m)	Native Sand / Sand and Gravel from - to (m)	
12-01	0.0 - 0.3	0.3 - 0.6	0.6 - 1.9	> 1.9	Dense gravel inferred at bottom of hole. No seepage.
12-02	0.0 - 0.3	0.3 - 0.7	0.7 - 1.0	1.0 - > 1.6	No seepage.
12-03	0.0 -0.3	0.3 - 0.4	0.4 - 1.3	1.3 - > 1.8	No seepage.
12-04	0.0 - 0.2	0.2 - 1.0	1.0 - 1.9	> 1.9	Dense gravel inferred at bottom of hole. No seepage.
12-05	0.0 - 0.15	-	0.15 - 1.3	> 1.3	No seepage.
12-06	0.0 - 0.6	-	0.6 - 1.2	> 1.2	No seepage.
12-07	0.0 - 1.6	-	1.6 - 1.9	> 1.9	Thick gravel fill. No seepage.
12-08	0.0 - 0.5	-	0.5 - 1.5	> 1.5	No seepage.
12-09	0.0 - 0.4	-	-	0.4 - > 1.0	No seepage.
12-10	0.0 - 0.25	-	0.25 - 1.0	> 1.0	No seepage.
12-11	0.0 - 0.4	-	-	0.4 - > 0.6	No seepage.
12-12	0.0 - 0.3	-	-	0.3 - > 1.4	No seepage.
12-13	0.0 - 0.4	-	-	0.4 - > 1.0	No seepage.
12-14	0.0 - 0.2	-	0.2 - 0.6	0.6 - > 0.8	No seepage.
12-15	0.0 - 0.2	-	0.2 - 1.5	1.5 - > 2.4	No seepage.
12-16	-	0.0 - 0.2	0.2 - 1.3	1.3 - > 1.5	No seepage.

Notes:

1) Test pits undertaken with a mini excavator May 8, 2012. See Location Plan 8-6364-1-1.

2) Comments describe noted conditions and departures from General Stratigraphy noted below.

3) General Stratigraphy

Granular Fill - Thin crushed rock surface over very compact pitrun sand and gravel
- dry

Fill / Organic Soil - Compact to very compact, light to medium brown/grey, silty sand with some gravel, rubble, asphalt and variable organics
- dry to damp
- organic odor

Native Silty Sand - Medium dense to dense, light brown, silty
- damp
- trace organic

Native Sand / Sand and Gravel - Dense, light brown/natural
- damp to moist
- trace silt

RYZUK GEOTECHNICAL
Engineering & Materials Testing

28 Crease Avenue, Victoria, BC, V8Z 1S3 Tel: 250-475-3131 Fax: 250-475-3611 www.ryzuk.com

April 17, 2012
File No: 8-6364-1

Marbre Construction
PO Box 184
Duncan, BC
V9L 5Z1

Attn: Mr. Majid Varasteh

Dear Sir,

Re: Assessment of Flood Hazard
3001 Allenby Road – Duncan, BC

As requested, we have undertaken an assessment of the flood hazard at the referenced site as such relates to the proposed construction of a mini-storage complex. The property is located within a known flood plain of the Cowichan River, and accordingly an assessment is required to determine the 20 year and 200 year flood levels. Our investigation has involved a review of the available Flood Plain Mapping, BC Government aerial photographs, and a brief site reconnaissance with you. Our comments and recommendations pertaining to flood hazards at the site are summarized herein, and our work has been undertaken in accordance with, and is subject to, the attached Terms of Engagement.

The site is bounded to the south by Allenby Road and to the east, west, and north by similar commercial/light industrial properties. The topography slopes generally down slightly towards the north from Allenby Road, and is essentially level over the remaining portions, with some localized depressions. We have not yet undertaken any subsurface investigation to determine the nature of the soils. In general, however, the property is located on the right bank (looking downstream) of the Cowichan River, and has a site elevation of approximately 12.8 m (Geological Survey of Canada Datum) according to the flood plain mapping. The river within this region is historically a meandering channel leading to the coastal delta, however, as development of the city has encroached into the flood plain, much of the channel banks have been armored or diked, resulting in a relatively controlled channel in the vicinity of the subject site.

Flood plain mapping was undertaken as part of the Canada/British Columbia Flood Plain Mapping Agreement between the BC Ministry of Environment, Lands, and Parks (MELP) and Environment Canada. The flood plain maps covering the lower Cowichan area, entitled "Flood Plain Mapping Cowichan and Koksilah Rivers and Tributaries at Duncan" drawing number 91-19-3, were initially prepared in back in 1981 and then were more recently revised and released in 1997, based on survey data obtained in 1991 and aerial photographs taken in 1987 and 1989. The revised flood plain mapping analysis resulted in an overall 0.7 m increase in the predicted flood water elevation between 1981 and 1997 due to more accurate data for the analyses, more refined computer models, and

natural changes that had occurred within the flood plain during that time. The 1997 1:5000 scale flood plain maps clearly delineate the 1:200 and 1:20 year return period flood levels, which are the areas that can be expected to flood on average, once every 200 years and once every 20 years respectively, along Cowichan River.

The flood plain mapping includes a 0.6 m freeboard and indicates that flood levels at the subject property are expected to be 13.9 m and 13.5 m for the 1:200 and 1:20 year return period elevations. Considering the estimated elevation of the property of 12.8 m from existing contour maps, we expect that the flood water level could rise up to as much as 0.7 m above the existing site elevation during a 1:20 year period event, and up to 1.1 m during a 1:200 year period event, including the noted freeboard. This freeboard has been included in the analysis and mapping to account for hydrologic and hydraulic uncertainties in the calculations and accommodates potential for waves, surges, etc. and can be viewed as a 'safety' factor.

Considering the above, it is our professional opinion that the development as proposed is not subject to hazard from major channel relocation nor is it at risk due to soil erosion within the active channel during a flood event. There is some risk however, that flood levels will rise to sufficient elevation to affect the proposed development, unless the floor elevation of the storage unit is raised to at least the respective flood elevation. If it is not, then it would be necessary to ensure that there is no permanent critical moisture sensitive systems or equipment below the predicted 200 year return period flood water elevation. As well, the building cladding below the flood level should be resistant to damage by wetting, and the building foundation walls should be detailed to permit in-flow of flood waters (to equilibrate hydrostatic pressure). In the event of rising flood waters, it may be necessary to take precautionary measures to protect stored materials within the unit from water damage. This may consist of sandbagging, pumping, ring dikes, or simply removing the material if considered viable. We expect that there should be substantial advance warning of the threat of rising flood waters, and accordingly, time should be available for appropriate action to be taken.

Provided that the above considerations are taken into account, and considering the flood plain information cited, we believe that the land may be safely used for the use intended, pursuant to Section 56 of the Community Charter.

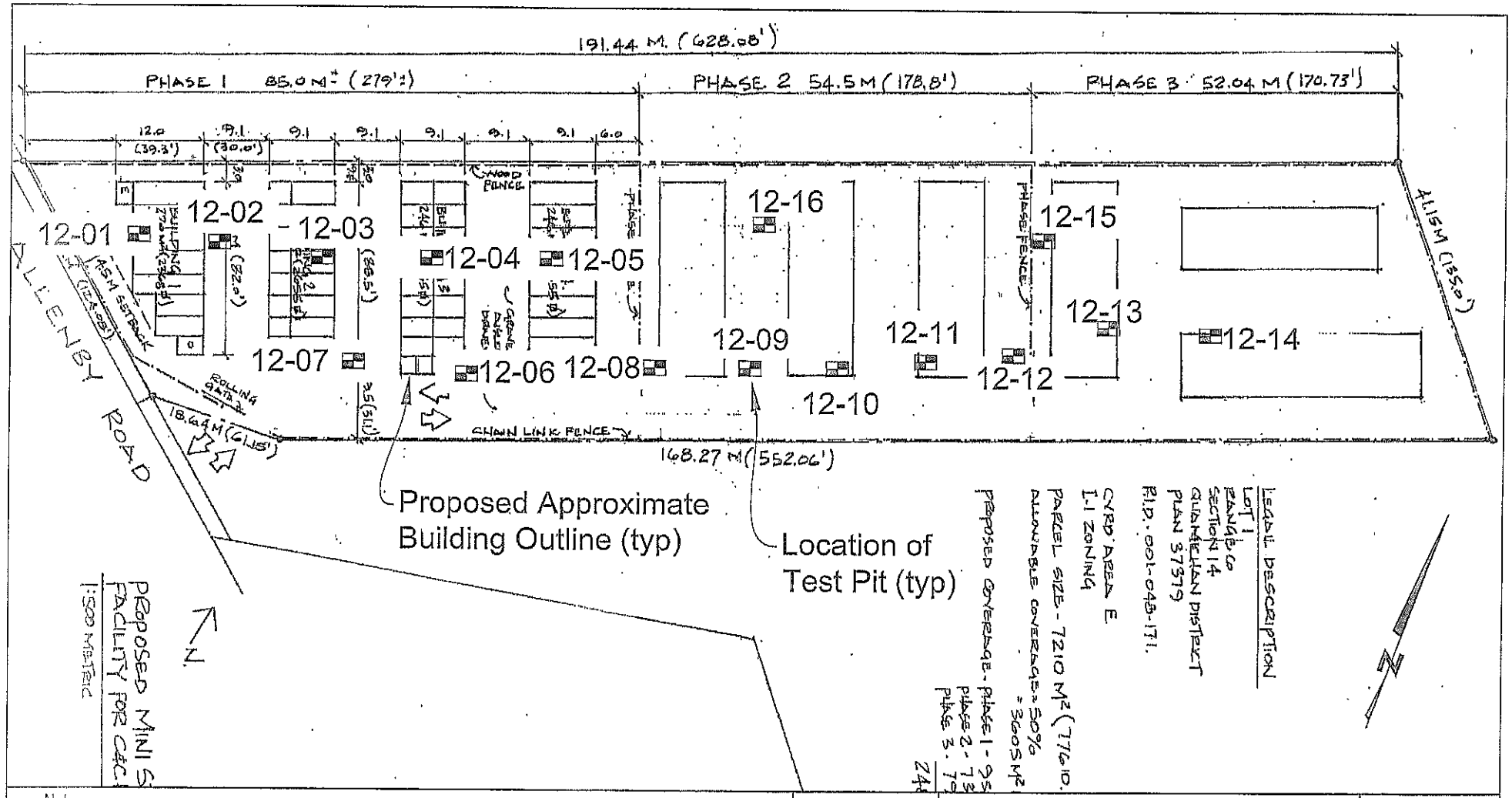
We hope the preceding is suitable for your purposes at present. If you have any questions with respect to the above, please contact us.

Yours very truly,
Ryzuk Geotechnical

PROFESSIONAL
PROVINCE OF
S. W. MOORE
#30949
BRITISH COLUMBIA
GEOSCIENTIST

S. W. Moore, P.Geo.
Geoscientist
SWM/cam

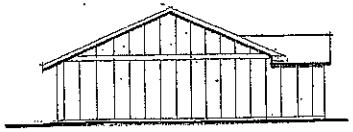
Attachment – Terms of Engagement



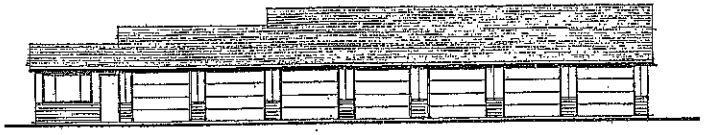
Notes:

1. Base plan taken from preliminary site plan received by email.
2. Test pits undertaken with a mini excavator May 8, 2012. Located by Ryzuk Geotechnical, estimated accuracy +/- 1.5 m.

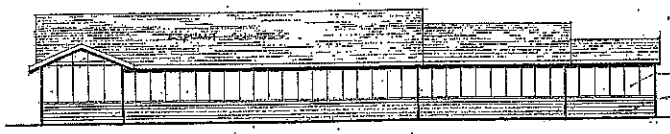
Marbre Construction	DRAWN ARJ
LOCATION PLAN	DATE May, 2012
Proposed Mini-Storage Complex	APPROVED
3001 Allenby Road Duncan B.C.	SCALE 1:500 (approx)
RYZUK GEOTECHNICAL Engineering & Materials Testing	DRAWING No. 0-8394-1-1



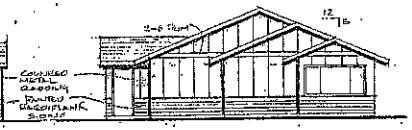
Left (West) Elevation
1/8" = 1'-0"



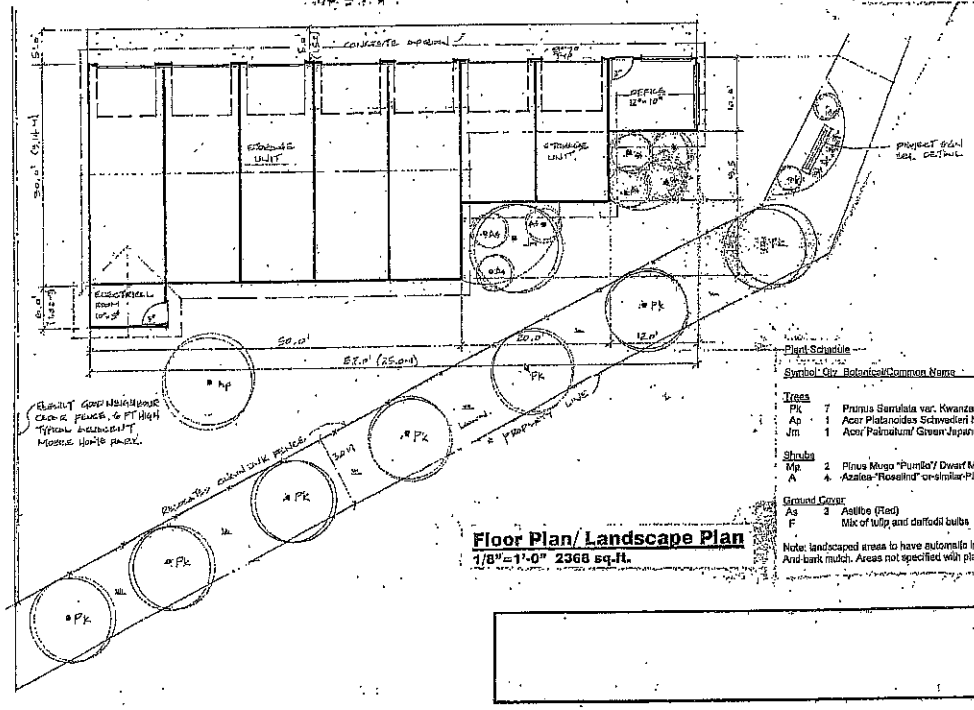
Rear (North) Elevation
1/8" = 1'-0"



Front (South) Elevation
1/8" = 1'-0"



Right (East) Elevation
1/8" = 1'-0"

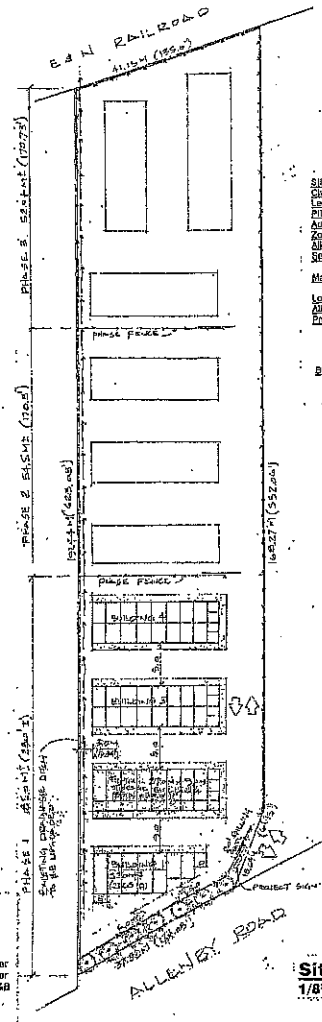


Floor Plan/ Landscape Plan
1/8"=1'-0" 2368 sq.ft.

Plant Schedule

Symbol	Qty	Botanical/Common Name	Size
Trees			
Pk	7	Prunus Serrulata var. Kwanzan/ Flowering Cherry	6cm caliper
Ap	1	Acer Platanoides Schwedleri Nigrum/ Crimson King Maple	6cm caliper
Jm	1	Acer Palmatum/ Green Japanese Maple	2 M ht. B&B
Shrubs			
Mp	2	Pinus Mugo "Pumilo"/ Dwarf Mugo Pine	#2
A	4	Azalea "Rosalind" or similar-Pink Azalea	#2
Ground Cover			
As	3	Astilbe (Red)	#1
F		Mix of tulip and daffodil bulbs	

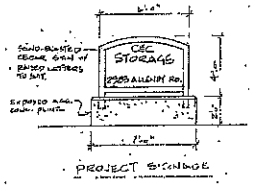
Note: landscaped areas to have automatic irrigation systems
And bark mulch. Areas not specified with plantings to be lawn.



Site Data
Civic Address: Allenby Road, Duncan, B.C.
Legal description: Lot 1, Range 6, Section 14, Quamichan District, Plan 37379
PID: 001-948-171
Authority having Jurisdiction: CVRD, Electoral Area E
Zoning: I-1, Light Industrial
Allowable Uses: Mini Storage Warehouse
Setbacks: 4.5 M (14.76') front and exterior side, 0.0 M rear and interior side
9.0 M (29.52') adjacent residential zoned land
Maximum Height: 10.0 M (32.8')

Lot Size: 7210 sq.M (77610 sq.ft.) (1.78 acres)
Allowable Site Coverage: 50% or 3805 sq.M (38805 sq.ft.)
Proposed Site Coverage: Phase 1- 958 sq.M. (10312 sq.ft.)
Phase 2- 736 sq.M. (7944sq.ft.)
Phase 3- 792 sq.M. (8525sq.ft.)
Total- 2486 sq.M. (26781 sq.ft.), or 34.5%

Building Occupancy: Warehouse (Group F2).



Site Plan
1/8"=1'-0"

N

Proposed Development for C & C STORAGE Allenby Road, Duncan, B.C.	Michael Ker Building Designer Square One Design Ltd. 202-281 Canada Ave. Duncan, B.C. V9L 1T6 tel/fax 250-748-3333	JOB NO 121 / DATE MAY 2012	CLIENT MARSKE / SCALE NOTED / DRAWN M. KER	SHEET TITLE PLANS ELEVATIONS NOTES / A-1/1

C·V·R·D

THE SUSTAINABILITY CHECKLIST
For Rezoning and Development Permit Applications

REZONING ☐ **DEVELOPMENT PERMIT** ☑

Uses Proposed:

☐ Single Family Residential ☑ Industrial

☐ Multi Family ☐ Institutional

☐ Commercial ☐ Agricultural

☐ Other _____

Environmental Protection and Enhancement

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

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

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

		YES	NO	N/A	EXPLANATION
7.	Fill in pre-existing vacant parcels of land?	✓			New Self Storage buildings on a Vacent lot
8.	Utilize pre-existing roads and services?	✓			Using existing driveway, Road & fencing
9.	Revitalize a previously contaminated area?			✓	
10.	Use climate sensitive design features (passive solar, minimize the impact of wind and rain, etc.)?		✓		
11.	Provide onsite renewable energy generation such as solar energy or geothermal heating?		✓		

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

		YES	NO	N/A	EXPLANATION
12.	Provide onsite composting facilities?		✓		
13.	Provide an area for a community garden?			✓	
14.	Involve innovative ways to reduce waste, and protect air quality?	✓			Improving air quality with adding Limited Green space to the lot
15.	Include a car free zone?			✓	
16.	Include a car share program?			✓	

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

		YES	NO	N/A	EXPLANATION
17.	Use plants or materials in the landscaping design that are not water dependant?	✓			Included with plan.
18.	Recycle water and wastewater?		✓		

		YES	NO	N/A	EXPLANATION
19.	Provide for no net increase to rainwater run-off?	✓			Rain water Infilteration system & Collection for every 2nd or 3rd Buildings/Collecting rain water from roofs.
20.	Utilize natural systems for sewage disposal and rain water?		✓		
21.	Use energy saving appliances?			✓	

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

		YES	NO	N/A	EXPLANATION
22.	Include only "Shielded" Light Fixtures, where 100% of the lumens emitted from the Light Fixture are retained on the site?	✓			All lights will be directed towards ground or have upper sheilds.

Please explain how the project will be constructed sustainably.

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

Community Character and Design

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

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

		YES	NO	N/A	EXPLANATION
3.	Provide a variety of housing in close proximity to a public amenity, transit, or commercial area?			✓	

Please explain how the development increases the mix of housing types and options in the community. For example does your development:

		YES	NO	N/A	EXPLANATION
4.	Provide a housing type other than single family dwellings?			✓	
5.	Include rental housing?			✓	
6.	Include seniors housing?			✓	
7.	Include cooperative housing?			✓	

Please explain how the development addresses the need for affordable housing in the community. For example does your development:

		YES	NO	N/A	EXPLANATION
8.	Include the provision of Affordable Housing units or contribution to?			✓	

Please explain how the development makes for a safe place to live. For example does your development:

		YES	NO	N/A	EXPLANATION
9.	Have fire protection, sprinkling and fire smart principles?	✓			No sprinkle system. Hydrent is located close by.
10.	Help prevent crime through appropriate site design?	✓			Appropriate, lighting, security cameras & fencing.
11.	Slow traffic through the design of the road?			✓	

Please explain how the development facilitates and promotes pedestrian movement. For example does your development:

		YES	NO	N/A	EXPLANATION
12.	Create green spaces or strong connections to adjacent natural features, parks and open spaces?			✓	
13.	Promote, or improve trails and pedestrian amenities?			✓	

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

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

		YES	NO	N/A	EXPLANATION
15.	Incorporate community social gathering places? (village square, halls, youth and senior facilities, bulletin board, wharf, or pier)			✓	
16.	Use colour and public art to add vibrancy and promote community values?	✓			Using colours & designs to enhance the building & area.
17.	Preserve heritage features?			✓	
18.	Please outline any other community character and design features.				

Economic Development

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

		YES	NO	N/A	EXPLANATION
1.	Create permanent employment opportunities?	✓			It will create an employment by the compition of the project.
2.	Promote diversification of the local economy via business type and size appropriate for the area?	✓			will enhance the diversity of the area & local bussinesses
3.	Increase community opportunities for training, education, entertainment, or recreation?			✓	
4.	Positively impact the local economy? How?	✓			Create job / enhance the look of the area / attract the potential customers
5..	Improve opportunities for new and existing businesses?			✓	
6.	Please outline any other economic development features.				

Other sustainable features?

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

Signature of Owner

Date June. 25/2012

M. Varasteh

Signature of Agent

Date June. 25/2012

R7

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE
OF JULY 31, 2012

DATE:	July 25, 2012	**FILE NO:**	1-C-12DP/VAR
FROM:	Rachelle Rondeau, Planner I	**BYLAW NO:**	3510 & 1095
SUBJECT:	Proposed Sign at Valleyview Centre		

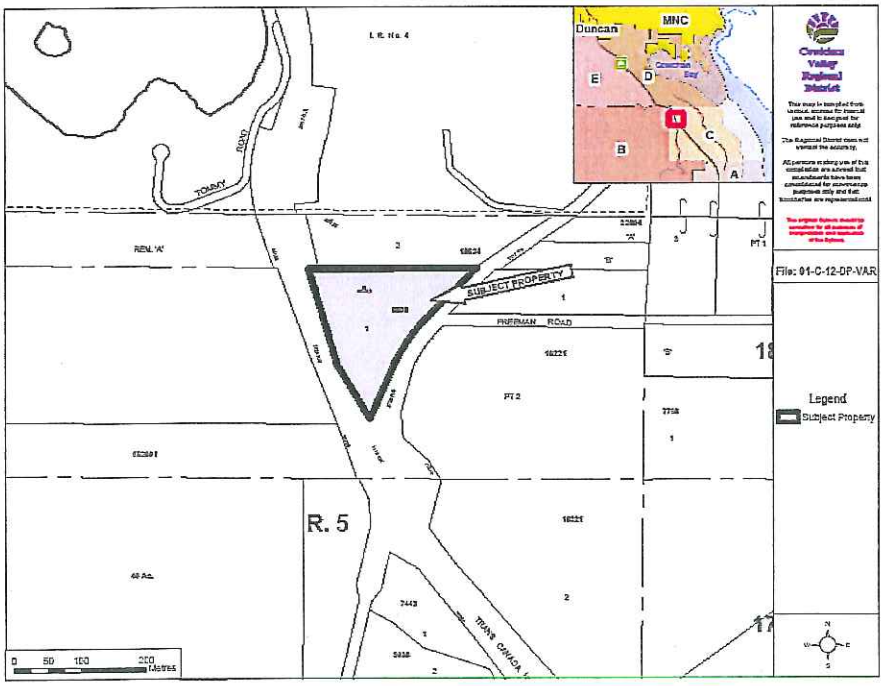
Recommendation/Action:
That Application No. 1-C-12DP/VAR (Landmark Sign) **be approved**, and that a development permit with variance be issued to permit a free-standing sign with a maximum sign area of 9.7 m^2 for the Valleyview Centre on Lot 1, Section 18, Range 5, Shawnigan District, Plan 8038 (PID: 005-633-133).

Relation to the Corporate Strategic Plan: N/a

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

Background:
An application has made for a Development Permit with Variance to permit a free-standing sign for the Valleyview Centre tenants.

Location Map:



Location of Subject Property: 1400 Cowichan Bay Road

Legal Description: Lot 1, Section 18, Range 5, Shawnigan District, |Plan 8038 (PID: 005-633-133)

Date Application and Complete Documentation Received: April 24, 2012

Owner: Countryview Centre

Applicant: Landmark Sign Ltd.

Size of Parcel: 2.4 ha (6.03 acres)

Existing Zoning: C-2 (Local Commercial)

Existing Plan Designation: General Commercial

Existing Use of Property: Retail centre

Existing Use of Surrounding Properties:

North: C-4 (Tourist Commercial)
South: Trans- Canada Highway and A-1 (Primary Agricultural)
East: Cherry Point Vineyards and A-1 (Primary Agricultural)
West: A-1 (Primary Agricultural)

Services:

Road Access: Cowichan Bay Road
Water: Cowichan Bay Waterworks Improvement District
Sewage Disposal: On site

Environmentally Sensitive Areas: The Environmental Planning Atlas has not identified any environmentally sensitive areas.

Proposal:
An application has been made for a Development Permit with Variance to permit a multi-tenant free-standing sign at Valleyview Centre. The sign would be located on the subject property near the Trans-Canada Highway frontage. All the tenants of the Valleyview Centre would like signage on the free-standing sign to improve the exposure of their businesses to the Trans Canada Highway.

In order to accommodate signage for all the tenants, the area of the proposed sign is greater than that permitted in the sign bylaw. The proposed sign area is 9.7 m^2 (104 sq. ft), and Bylaw No. 1095, the CVRD Sign Bylaw, specifies a maximum size of 5.94 m^2 (64 ft^2).

The maximum height specified in the Sign Bylaw is 10.6 meters, and the Development Permit Area guidelines recommend a maximum height of 5 metres. The height of the proposed sign is 8.5 metres.

Policy Context:
The subject property is zoned C-2 (Local Commercial), and is within the South Cowichan Rural Development Permit Area (DPA). This DPA, among other things, specifies guidelines for the form and character of commercial and industrial development.

Surrounding Property Owner Notification and Response:
A total of 5 letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 3275. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. To date, one letter has been received, which supports the variance request (see attached).

Advisory Planning Division Comments:
The Area C APC met and discussed this application on July 19, 2012. Approval of the application was recommended. Minutes from the meeting are attached to this report.

Planning Division Comments:
There are currently three low profile signs on the subject property that identify the property as the Valleyview Centre (see attached site plan for the locations of the existing sign and proposed sign). There are also fascia signs on the buildings which provide onsite identification of individual tenants. However, there is currently no free-standing sign on either road frontage that is available to the shopping centre's tenants.

As the subject property is within the South Cowichan Rural DPA, the signs must comply with both the applicable development permit guidelines and the CVRD's Sign Bylaw. As the area of the proposed signs exceeds what is permitted by the sign bylaw, a variance is required in addition to the development permit.

The development permit guidelines specify that one multi-tenant sign is preferred to multiple free-standing signs. The Development Permit guidelines specify that the sign should not be illuminated, and should be less than 5 metres in height. However, given the extensive frontage on the Trans Canada Highway, and the multiple tenants of the centre consideration can be given to approving this type of signage.

Although the proposed sign is larger and taller than the development permit guidelines and the CVRD's Sign Bylaw advocate, it seems reasonable for a larger sign to be considered in this case, given the number of tenants on the property and the size and available road frontage of the property. Staff are therefore recommending that the application for development permit and variance be approved.

Options:

1. That Application No. 1-C-12DP/VAR (Landmark Sign) **be approved**, and that a development permit with variance be issued to permit a free-standing sign with a maximum sign area of 9.7 m^2 for the Valleyview Centre on Lot 1, Section 18, Range 5, Shawnigan District, Plan 8038 (PID: 005-633-133).

2. That Application No. 1-C-12DP/VAR (Landmark Sign) for a free-standing sign with a maximum sign area of 9.7 m^2 for the Valleyview Centre on Lot 1, Section 18, Range 5, Shawnigan District, Plan 8038 (PID: 005-633-133) **be denied** and the applicant be requested to amend the application by:
   a) Reducing the height to a maximum 5 metres (compliance with DP guidelines)
   b) Reducing the sign area to maximum 5.94 m^2 (compliance with sign bylaw);

Option 1 is recommended

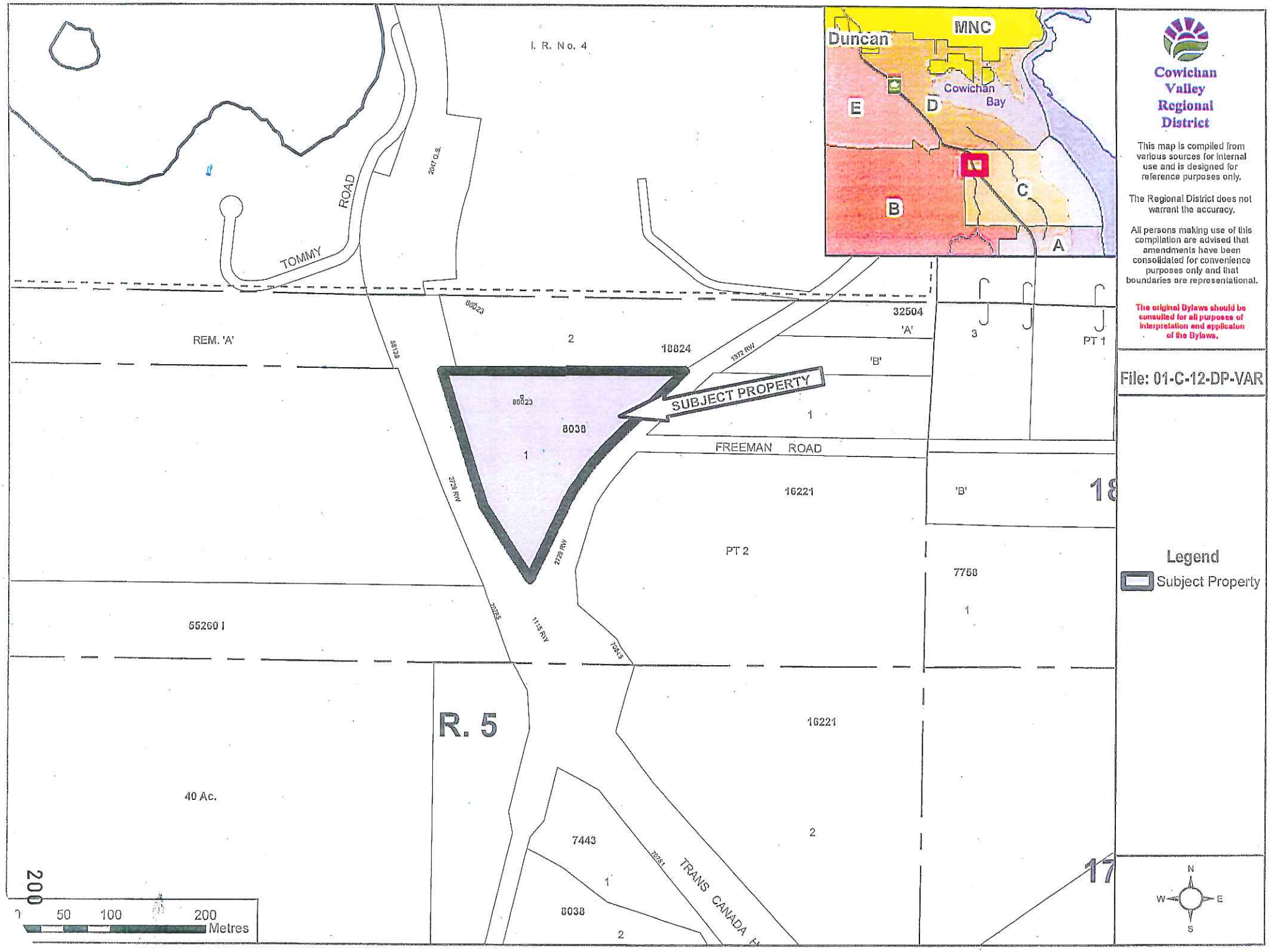
Submitted by,

For: Rachelle Rondeau, MCIP, Planner I
Development Services Division
Planning & Development Department

Reviewed by:
Division Manager:
Approved by:
General Manager:

RR/jah

Attachments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Cowichan Valley Regional District
This map is compiled from various sources for internal use and is designed for reference purposes only.
The Regional District does not warrant the accuracy.
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The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.
File: 01-C-12-DP-VAR
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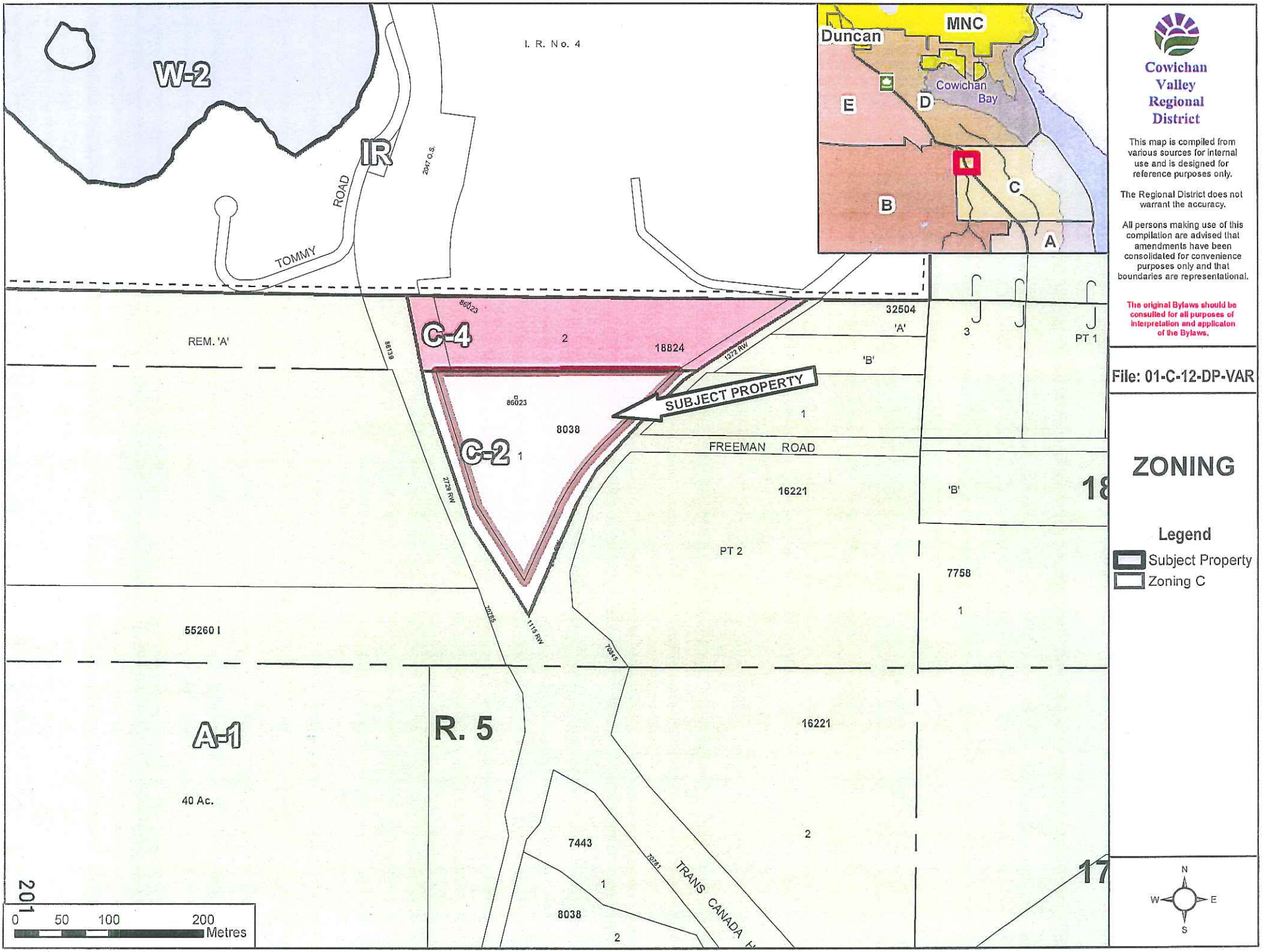
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Cowichan Valley Regional District
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File: 01-C-12-DP-VAR
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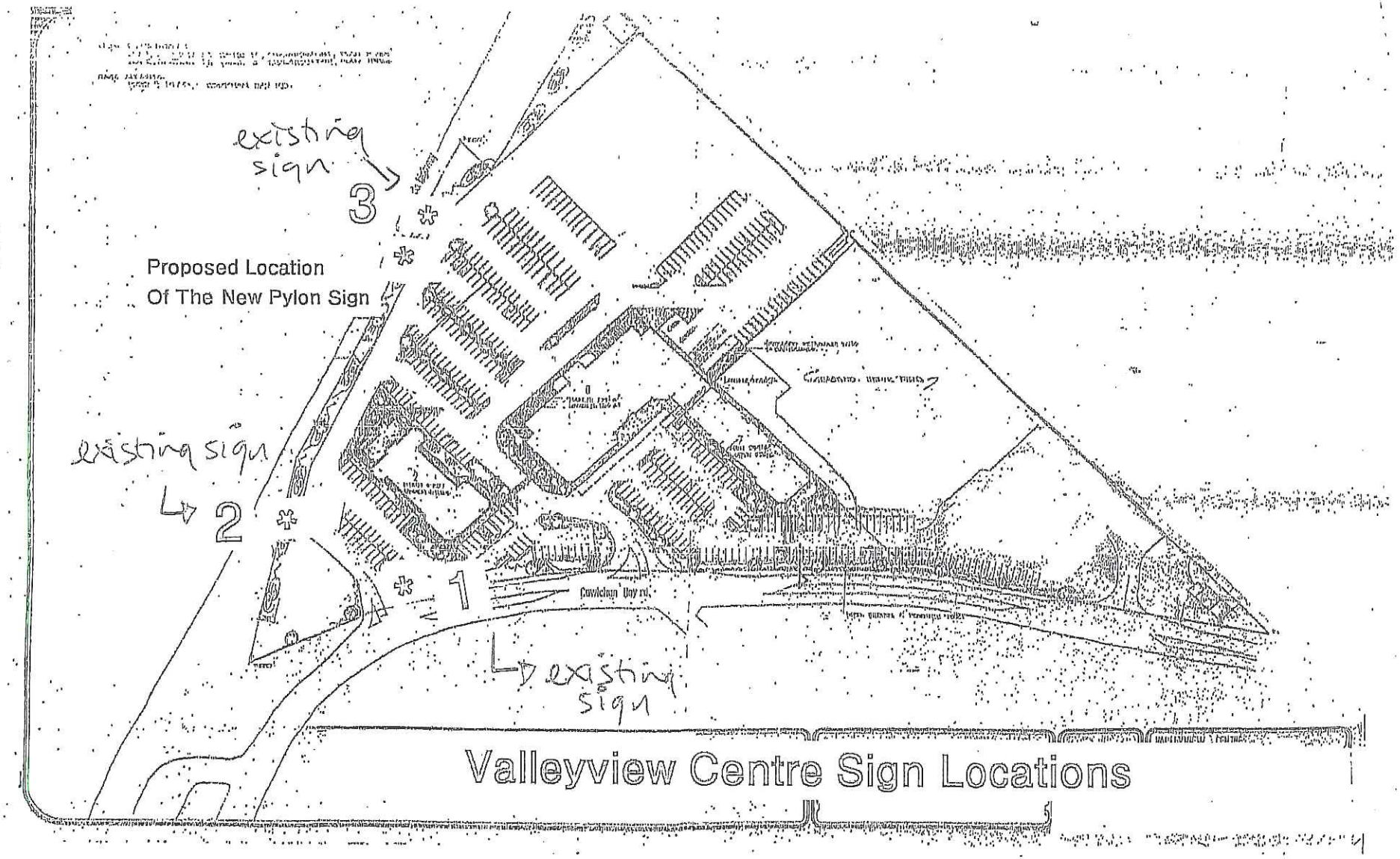
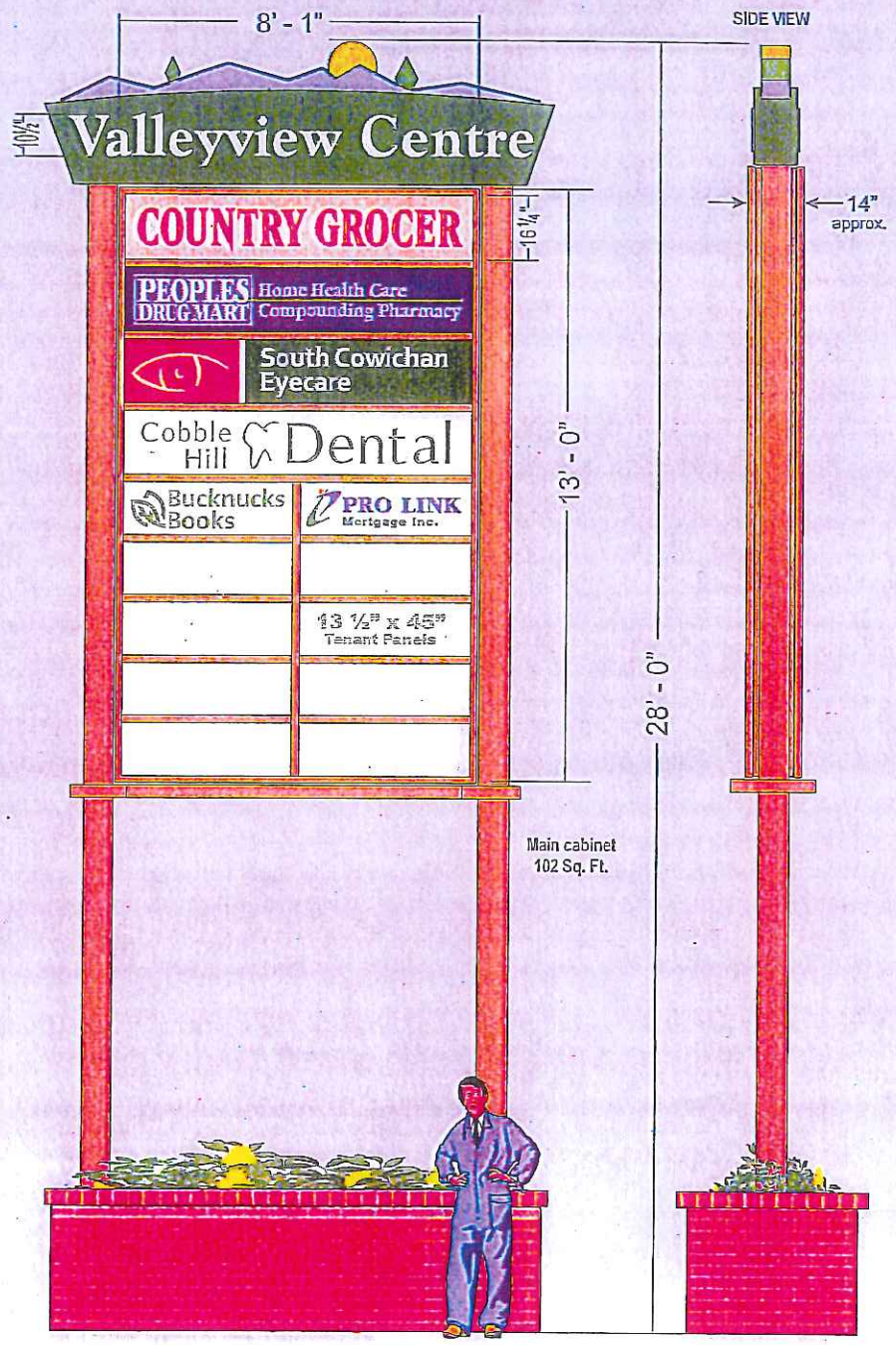

existing sign
3
Proposed Location
Of The New Pylon Sign
existing sign
2
1
Cowichan Bay rd.
existing sign
Valleyview Centre Sign Locations

ILLUMINATED PYLON SIGN



Scale 1/4" = 1' - 0"

©

NOTE: Tenants shown are not necesarily the correct tenants or in the correct order.

- New D/S illuminated pylon structure
- Top cabinet to have routed 12 ga. aluminum face panels with ½" thick, clear acrylic push through letters with translucent vinyl graphics applied to face of letters & D/S illuminated Channel shape mounted to top
- Main cabinet, sht. mtl. construction with EX 7 retainers & 3/16" thick, White Implex faces
- Two 8" square H.S.S. poles with bottom section clad with wood a shown
- Green & beige colours to match colours used on buildings
- Concrete base by others

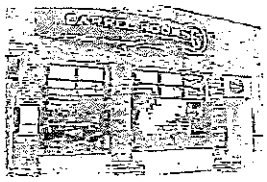
Landmark Sign 1250 Glenshire Dr. Victoria, B.C. Ph. 250-479-9510 © COPYRIGHT LANDMARK SIGN LTD. 2004 Fax. 250-479-8631	Client Name Valleyville Centre Location: 1400 Cowichan Bay #44, Cobble Hill, BC	Start Date: May 14 / 2011 Last Revision: Jan 25 / 2012 Drawing#: Valleyview Centre PYLON R4.cdr Page: 1 of 3	Client Approval Landlord Approval	Sales Rep: Brooke Designer: Weldon

ILLUMINATED PYLON SIGN

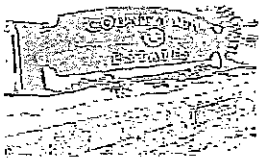
Landmark Sign 1250 Glenshire Dr. Victoria, B.C. Ph. 250-478-8610 © COPYRIGHT LANDMARK SIGN LTD. 2004 Fax. 250-478-8531	Client Name Valleyview Centre Location: 1400 Cowichan Bay #44, Cobble Hill, BC	Start Date: May 14 / 2011 Last Revision: Jan 25 / 2012 Drawing#: Valleyview Centre PYLON R4.cdr Page: 2 of 3	Client Approval Landlord Approval	Sales Rep: Brooke Designer: Weldon 204

24.4.13 A Sign Guidelines

The Sign Guidelines apply to the installation of signs within areas designated for a commercial or industrial use.

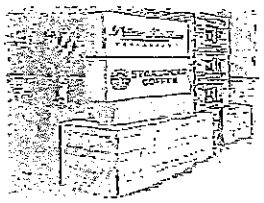


1. The use of thematic, painted, hand-crafted wooden fascia signs are preferred over other types of signs. Signs shall be constructed of natural materials and shall complement the architectural design of structures on the site.
2. Signs should identify uses and shops clearly, but be scaled to the pedestrian rather than automobile traffic moving at speed limits.
3. All forms of illuminiated signs, roof mounted signs and multiple free standing signs are discouraged.



4. Where multiple, free standing signs are proposed on a site, they must be consolidated into a single, comprehensive sign that should not exceed 5 metres in height. No more than one free standing sign is permitted per parcel.
5. Entrance ways should provide visible signage identifying building address.

6. Facia or canopy signs may be approved provided that they are designed in harmony with the architecture of the building or structure proposed.
7. Projecting signs are discouraged since they tend to compete with one another and are difficult to harmonize with the architectural elements of commercial buildings.
8. Signs with temporary and changeable lettering are not supported, except where clearly required due to the nature of the business activity.



9. Third party signs, advertising goods or services not available on the subject lands, are not permitted.

24.4.13 B Sign Guideline Exemptions

The *Sign Guidelines* do not apply to changes to the text or message on an existing sign allowed by a previous development permit.

DIVINO ESTATE WINERY LTD.
BUSNARDO VINEYARD

JUNE 19/12

C.V.R.D.

FILE # 1-C 12 DP/NAR.

RE: 1400 COWICHAN BAY ROAD
VALLEYVIEW CENTRE

IN REFERENCE TO YOUR LETTER DATED JUNE 8/12 RE THE ABOVE-MENTIONED SUBJECT, I FEEL THE PROPOSED SIGN WOULD BE AN ENHANCEMENT. I HAVE NO OBJECTIONS.

J Busnardo

1500 FREEMAN ROAD, COBBLE HILL, VANCOUVER ISLAND, B.C. V0R 1L0

Minutes of Cobble Hill Advisory Planning Commission meeting held on Thursday, July 19th 2012 at 7 p.m. in the Cobble Hill Hall located at 3550 Watson Avenue, Cobble Hill.

Those present: Chair – Rod de Paiva, David Hart, Don Herriott, Jens Liebgott, Rosemary Allen, Robin Brett, Brenda Krug, Dave Lloyd, Janice Hiles, John Krug and Director Gerry Giles.

Also present: Brooke Tomlin of Landmark Signs Ltd. on behalf of Valleyview Centre and Brent Large the owner of the Centre.

Moved/second
that the agenda be adopted as presented. MOTION CARRIED

Moved/second
that the minutes of June 14, 2012 be adopted as circulated. MOTION CARRIED

Chair de Paiva noted the resignation of Arbutus Ridge Ratepayers Association appointment Tom Boughner from the APC while noting that Mr. Boughner had been elected to the Arbutus Ridge Strata Council. Chair de Paiva thanked Mr. Boughner for his term with the APC and wished him well in his new duties as did the rest of the members of the APC.

New Business:

1. Development Permit Application Number 1-C-12DP/VAR by Valleyview Centre to erect a free-standing sign for the Valleyview Centre tenants.

   A presentation by the applicant was made. It was stated that over half of the thirty tenants of the mall want to be on a sign that has highway frontage. The sign being proposed would locate at the front of the property near the Trans-Canada Highway. It would be a free-standing sign. The height of 28 feet is proposed as is a sign area of 104 square feet. Bylaw No 1095 specifies a maximum size of the sign area is 64 square feet which is why the variance is required in addition to the development permit.

   Questions were then asked and answered. Although most APC members felt that the Centre tenants should have signage on the highway, concerns were expressed regarding the sign's height, the proliferation of signs along the highway and the lack of artistic impression with the design presented. It was also noted that the old Cobble Hill OCP stated signs should be designed for pedestrian traffic to avoid the danger present when drivers are trying to read signs while travelling at highway speed.

   The primary concern noted by members of the APC however focused on the number of sandwich board signs that are currently displayed along Cowichan Bay Road around the entrance to the Centre. The APC would like some assurance these signs will not be permitted in the future.

   After further discussion, it was

   Moved/second
   that the APC recommend that Development Permit Application Number 1-C-12DP/VAR be approved. MOTION CARRIED
   1 opposed

C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

FILE NO: 1-C-12 DP/VAR

DATE: _____

REGISTERED PROPERTY OWNER(S):

Country View Centre Ltd.

1. This Development Permit with Variance 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 with Variance applies to and only to those lands within the Regional District described below (legal description):

   Lot 1, Section 18, Range 5, Shawnigan District, Plan 8038 PID: 005-633-133
3. Authorization is hereby given for construction of a multi-tenant sign in accordance with the conditions and schedules listed below.
4. The development shall be carried out subject to the following condition(s):
   - Schedule 3, Section B(2)(c) of Bylaw No. 1095 is varied to permit a maximum sign area of 9.7 m^2
   - Sign shall be constructed in accordance with Schedule A
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 – Proposed Sign
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit with Variance have been complied with to the satisfaction of the Planning and Development Services Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. *[fill in Board Resolution No.]* PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE *[day]* DAY OF *[month]* MAY *[year]*.

R8

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 31, 2012

DATE: July 23, 2012 **File No:** 6480-20-D/2010

FROM: Ann Kjerulf, MCIP, RPP, Planner III
Community and Regional Planning Division **BYLAW NO:** 3605

SUBJECT: Draft Electoral Area D – Cowichan Bay Official Community Plan

Recommendation/Action:
That the draft Electoral Area D – Cowichan Bay Official Community Plan be received for information.

Relation to the Corporate Strategic Plan: The Official Community Plan (OCP) is intended to support the CVRD Corporate Strategic Plan Vision: "*The Cowichan Region celebrates diversity and will be the most livable and healthy community in Canada*;" and numerous objectives and strategic actions for sustainable land use, healthy environment, service excellence, viable economy, safe and healthy community and sustainable infrastructure.

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

Discussion:
The Electoral Area D – Cowichan Bay OCP community consultation process began in the spring of 2010. To date, there have been numerous opportunities for community engagement in the development of a new OCP intended to replace the existing (1986) Official Settlement Plan. The draft Plan has been referred to CVRD commissions, senior government agencies, First Nations, School District 79, Improvement Districts, and other stakeholders for comment. To date, comments have been received from several agencies and a few others have contacted CVRD Planning & Development to advise that they are in the process of preparing referral responses. The attached table includes a list of the agencies to which the draft OCP has been referred and status of feedback.

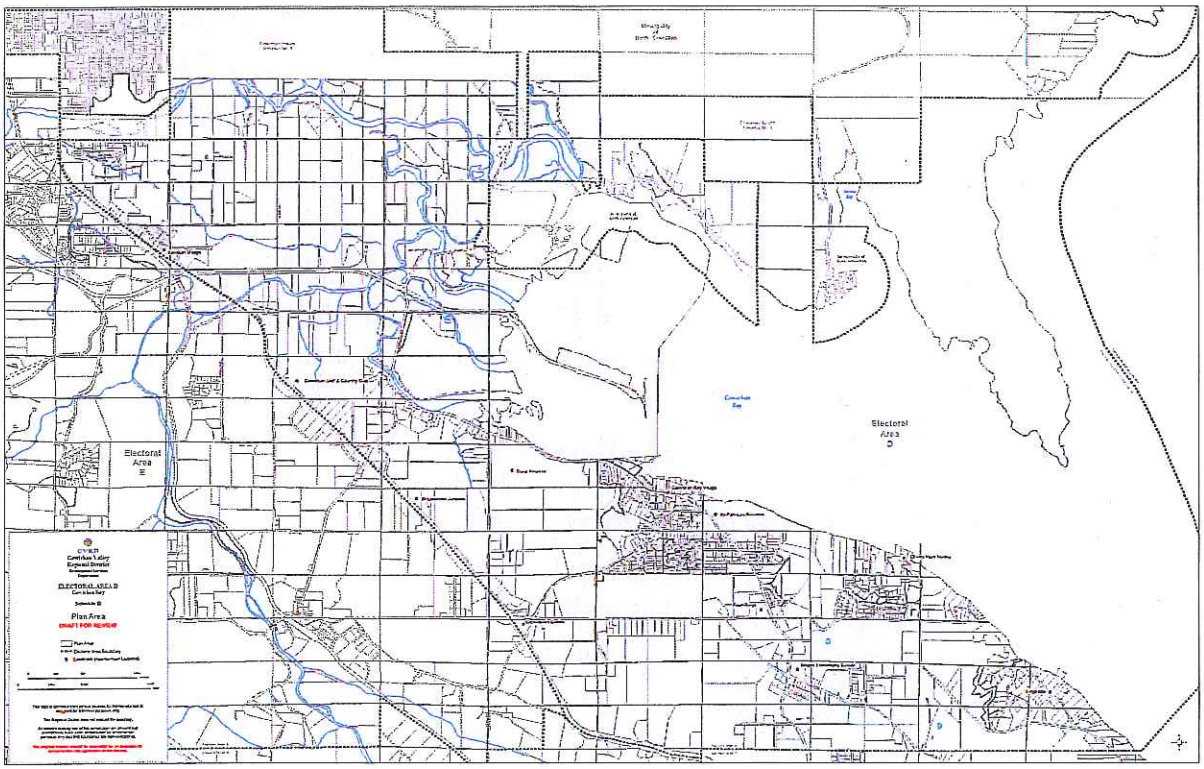
At this time, CVRD Planning & Development staff are providing the draft OCP to the Electoral Area Services Committee for information. The intent is to provide ample opportunity for directors to review the draft Plan in advance of a request for recommendation of first reading of the OCP Bylaw in the coming weeks. A hard copy of the draft OCP has been provided to each of the Electoral Area directors. An electronic version of the draft OCP is also available on the CVRD website at http://www.cvrd.bc.ca/index.aspx?nid=1476. Directors are welcome to ask questions of and provide comments to Planning & Development staff concerning the draft OCP in advance of the statutory OCP bylaw adoption process.

Once staff are satisfied that sufficient time and opportunity has been provided for referral agencies to provide comments and no further comments are expected, staff will make appropriate revisions to the draft OCP in consultation with the OCP Steering Committee and then forward the revised draft OCP along with a report for consideration of the Electoral Area

Services Committee. It is intended that any issues and concerns raised by the respective CVRD commissions and external agencies be addressed prior to a staff recommendation for first reading of the OCP bylaw.

Location Context:

The Electoral Area D – Cowichan Bay OCP will apply to all lands and the majority of water surfaces within Electoral Area D. In consultation with the Ministry of Community, Sport and Cultural Development and the OCP Steering Committee, it was decided that a portion of the water surface within the boundaries of Electoral Area D – Cowichan Bay should be excluded from the Plan Area. The District of North Cowichan maintains a development permit area along the natural boundary directly adjacent to this area.



This report has been provided for information.

Submitted by,

Ann Kjerulf, MCIP, RPP
Planner III, Community and Regional Services Division
Planning and Development Department

Reviewed by:
Division Manager:

Approved by:
General Manager:

AK/jah

Referral Agency/Commission	Input Received (y/n)	Notes
CVRD Agricultural Advisory Commission	y	
CVRD Economic Development Commission	y	Attended June 21, 2012 EDC meeting
CVRD Environment Commission	n	
Area D – Cowichan Bay Advisory Planning Commission	y	Attended June 4, 2012 APC meeting
Area D – Cowichan Bay Parks Commission	y	Attended May 22, 2012 meeting
Capital Regional District	n	
District of North Cowichan	n	preparing referral response
City of Duncan	n	
Stz'uminus (Chemainus) First Nation	n	
Cowichan Tribes	n	Attended April 16, 2012 Lands Committee meeting
Halalt First Nation	n	
Lake Cowichan First Nation	n	
Lyackson First Nation	n	returned draft OCP
Malahat First Nation	n	
Pauquachin First Nation	n	
Penelakut Tribe	n	
Hul'qumi'num Treaty Group	n	
Semiahmoo First Nation	n	
Snuneymuxw First Nation	n	
Tsartlip First Nation	n	
Tsawout First Nation	n	
Tsawwassen First Nation	n	
Tseycum First Nation	n	
Agricultural Land Commission	y	
BC Transit	n	
Ministry of Aboriginal Relations and Reconciliation	n	
Ministry of Agriculture	n	
Ministry of Community, Sport, Cultural Development	y	
Ministry of Energy and Mines – Mineral Exploration and Mining	n	
Ministry of Energy and Mines – Housing and Construction Standards	n	
Ministry of Forests, Lands and Natural Resources Operations – Land Tenures	y	
Ministry of Forests, Lands and Natural Resources Operations – Environmental Protection	y	
Ministry of Transportation and Infrastructure	n	preparing referral response
Department of Fisheries and Oceans – Fisheries	n	
Department of Fisheries and Oceans – Small Craft Harbours	n	
RCMP – Duncan Detachment	y	
Central Vancouver Island Health Authority	y	
Cowichan Bay Improvement District	n	
Cowichan Bay Waterworks	n	
Islands Trust	n	preparing referral response
School District No. 79	y	
Social Planning Cowichan	n	
Urban Development Institute (Victoria)	n	
Bird Studies Canada	y	

R9

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 31, 2012

DATE: July 20, 2012 **FILE NO:**

FROM: Tanya Soroka, Parks and Trails Planner **BYLAW NO:**

SUBJECT: Former Hayes Site - Amendment to the Log Sort Water Lot Lease #105062 in Cowichan Bay

---

Recommendation/Action:
That the Regional District be authorized to amend the current Provincial Water Lot Lease No. 105062 located at the former Hayes site in Cowichan Bay (legally described as District Lot 160, Cowichan District) from a log sort use to a community use and enter into a renewable 10 year term.

Relation to the Corporate Strategic Plan:
Provide exceptional recreation, cultural and park services – Continue with the parkland acquisition program to acquire high priority areas and identify opportunities for funding support and partnerships.

Financial Impact: *(Reviewed by Finance Division: n/a)*

Background:
To the immediate west of Hecate Park in Cowichan Bay is the former Hayes log sort site, now referred to as the "Gateway to Cowichan Bay", which is a provincial water lot lease covering 4.09 hectares inclusive of a 0.227 hectare upland fill area (see attachment). There is a current water lot lease that was originally issued back in December 1993 for a 20 year term, which expires December 2013. The terms of the lease provides for use of the site for log handling and booming purposes. The CVRD acquired this lease in April 2012 from West Coast Flotation Ltd for the duration of the lease term (expiring in December 2013). As a condition of this acquisition the Regional District must follow the existing terms and conditions of the lease, that being the site only be used for log handling and booming purposes.

Discussions have been held with provincial ministry staff regarding the process to apply for an amendment to the existing water lot lease with terms and conditions that would be applicable to the CVRD managing the site for a community use similar to the provincial water lot lease agreements in place for Hecate Park and the Cowichan Bay Boat Launch. Indications show that they support the application for amending the lease. There is also the guidance of the CEEMP for which passive public use of the site would be consistent with the plan's objectives.

The CVRD also applied to West Coast Community Adjustment Program (WESTCCAP) for grant funding to be applied to this site to clean up and improve the area for public use and passive recreation (picnicking and a kayak launching point). The grant funding was approved for $60,000 from WESTCCAP with matching CVRD monies of $40,000 to begin works on the site with final completion by September 30, 2012.

Discussions have also been occurring between the CVRD and Cowichan Tribes to determine appropriate development and use of the site that is supported and in keeping with the vision for improving public access and use of portions of the Cowichan Bay foreshore. The CVRD has received two letters of support from Cowichan Tribes for an amendment to the existing lease to change it from a log sort use to a community use with an extension from 18 months to a 10 year term. In the immediate future the CVRD will be working with Cowichan Tribes to develop a partnership agreement for the management of the site in the long term.

A further staff report will be brought forward once draft terms have been competed on a partnership agreement for consideration of approval by the Electoral Area Services Committee and Board.

Submitted by,

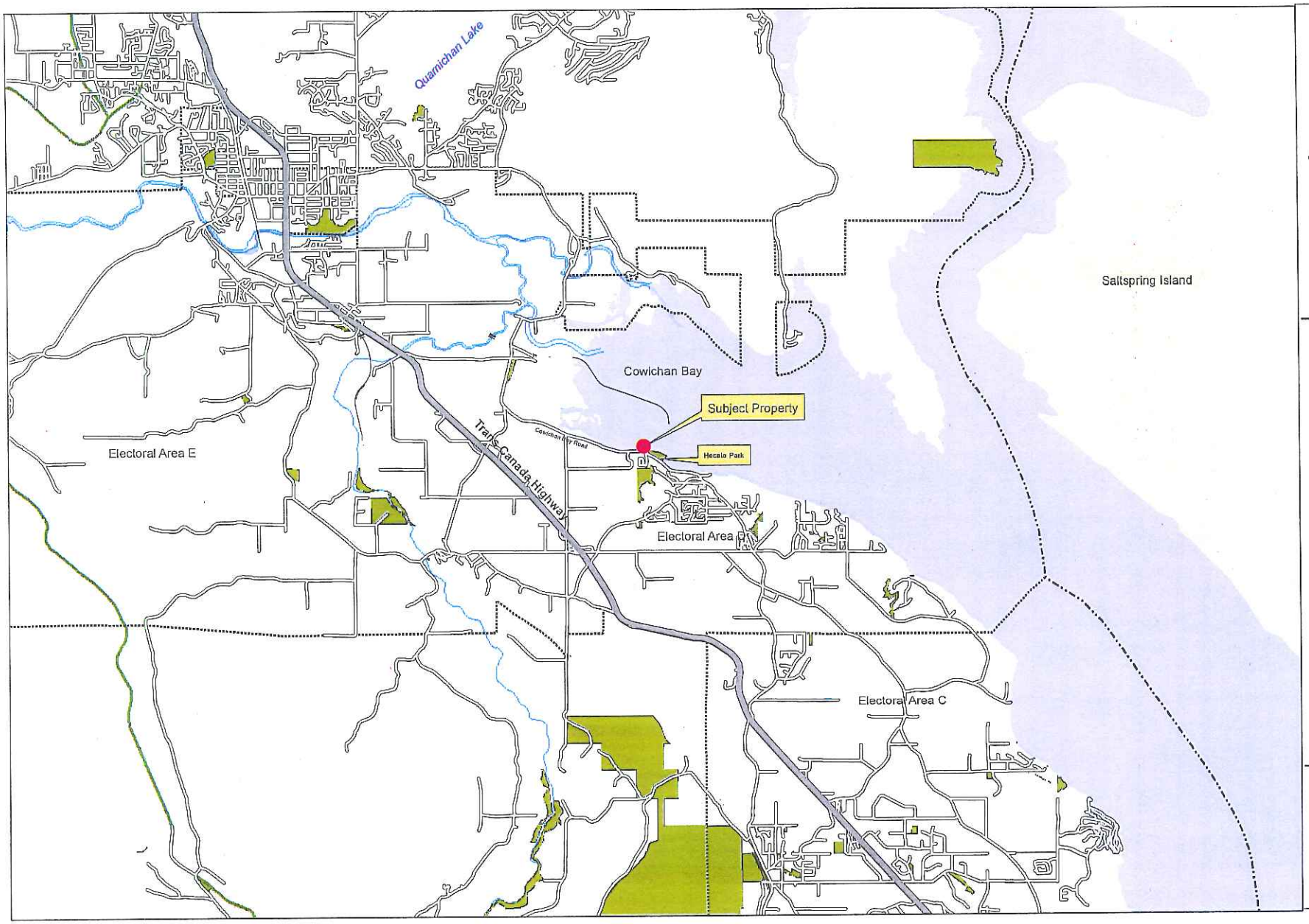
Tanya Soroka
Parks and Trails Division
Parks, Recreation and Culture Department

TS/jah

Attachments

Reviewed by:
Division Manager:

Approved by:
General Manager:



Cowichan Valley Regional District

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Printed: July 19, 2012

File #1405511

Water lot Lease Area #105062 Location Map

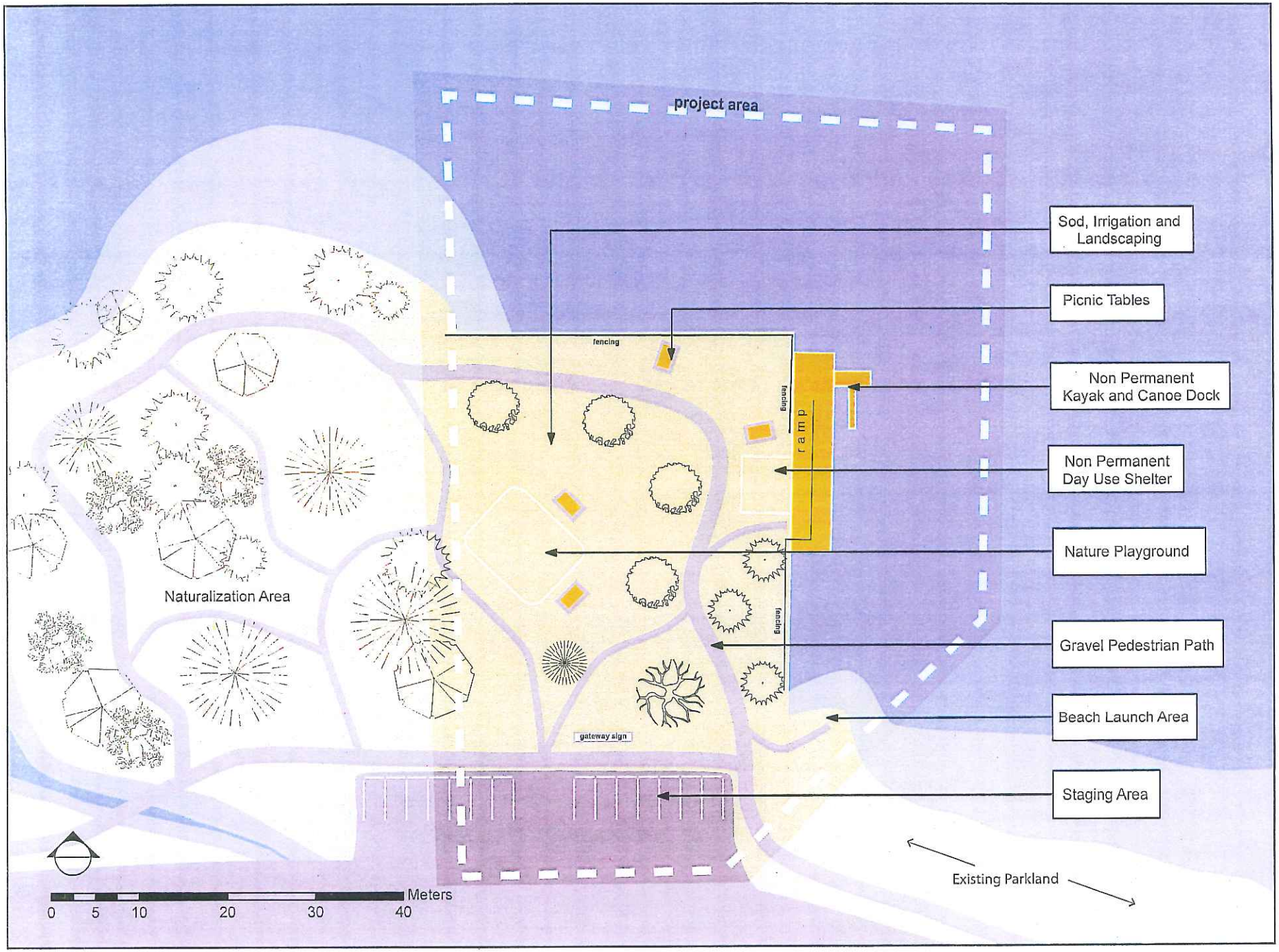
Electoral Area D Cowichan Bay

N W E S

Scale: 1:50,000

Cowichan Bay Marine Gateway concept plan

2012



R10

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING
OF JULY 31, 2012

DATE: July 31, 2012 **FILE NO:**

FROM: Tanya Soroka, Parks and Trails Planner **BYLAW NO:**

SUBJECT: Encroachment in Fern Ridge Park; Electoral Area A – Mill Bay/Malahat

---

Recommendation/Action:
That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to enter into a Land Exchange Agreement with Alexander Jacob to equally subdivide a portion of their land (Lot 15, District Lot 107, Malahat District, Plan VIP63859) and a portion of CVRD land, (PARK, District Lot 107, Malahat District, Plan VIP57604) namely Fern Ridge Park and exchange them in order to complete a boundary adjustment between both lands.

That a bylaw be prepared authorizing an AAP process for approval of the electorate to subdivide and exchange the said lands; and

That the Board Chair and Corporate Secretary be authorized to sign necessary documents in order to complete the subdivision and exchange of these lands.

Relation to the Corporate Strategic Plan:
N/A

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

Background:
In 1993 Fern Ridge Park was dedicated through subdivision to the CVRD under Section 941 of the *Local Government Act*. No park improvements were done in the park and the land is currently undeveloped forest. Adjacent to Fern Ridge Park was the remainder of the Lot 107 that was further subdivided as part of a 15 lot subdivision in 1996. Lot 15 is the residential property in question (see attachment #1). A residential home was constructed on 1142 Fern Ridge Drive (Lot 15) shortly after the subdivision was approved in 1996.

In 2004 this residential property was purchased by Mr. Alexander Jacob and at that time he was unaware that the principal residence and the shed were built over the property line and into the adjacent parkland. The property has recently been put up for sale and it was only upon the survey of the property was it determined that the principal residence and the shed had encroached on the adjacent parkland. The CVRD has been informed of this encroachment by the property owner who is requesting a land swap with the CVRD to adjust the property boundary as a means of addressing the existing encroachments.

The Parks and Trails Division, Area A Parks Commission and Director Walker have reviewed the current survey plan that identifies the encroachments and all parties agree that the most appropriate means of addressing this issue is to do a land exchange between both parties. A boundary adjustment would need to be done to ensure that the portion of the principal residence as well as the deck and shed that are trespassing on the park property will be subdivided off to ensure that they no longer encroach into the park property. An equal area of land is proposed to be provided to the CVRD at the north end of the residential property in exchange for the portion of parkland that the principal residence, deck and shed are located on. The portion of the CVRDs land that is to be exchanged is a flat, treeless piece that is approximately 105 sq m in size in exchange for the piece of land from the Jacobs (approx.105 sq m) that is treed with deciduous and some coniferous trees gently sloping down to a level area. Attached is a survey plan showing the proposed land exchange. The land owner is willing to offer more land as a donation if required.

A Land Exchange Agreement would be prepared between the CVRD and Alexander Jacob to outline timelines and would state that all costs will be borne by the landowner (Mr. Jacob) to complete this land exchange including subdivision costs. As this parkland was acquired through Section 941 of the *Local Government Act* a bylaw must be prepared by the CVRD to allow for a public Alternative Approval Process (AAP) to take place in order to obtain approval of the electorate to subdivide the land and do a land swap.

In the June 21, 2012 Electoral Area A Parks Commission meeting a motion was passed stating:

"Parks recommends a land swap with Alex Jacob

MOTION CARRIED"

Alternatively, if the Regional District were not in favor of the land exchange, the property owner would need to pursue alternative arrangements to address the encroachments in order to sell their property. This could include removal of the encroachments from CVRD's property through dismantling those portions of the structures on CVRD lands or requesting another form of tenure (i.e. easement) from the CVRD for the encroachment areas.

Submitted by,

Tanya Soroka
Parks and Trails Division
Parks Recreation and Culture Department

Reviewed by:
Division Manager:

Approved by:
General Manager:

TS/jah
Attachments

Cowichan Valley Regional District

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Printed: July 23, 2012

Property with Encroachments into Fern Ridge Park

N
W E
S

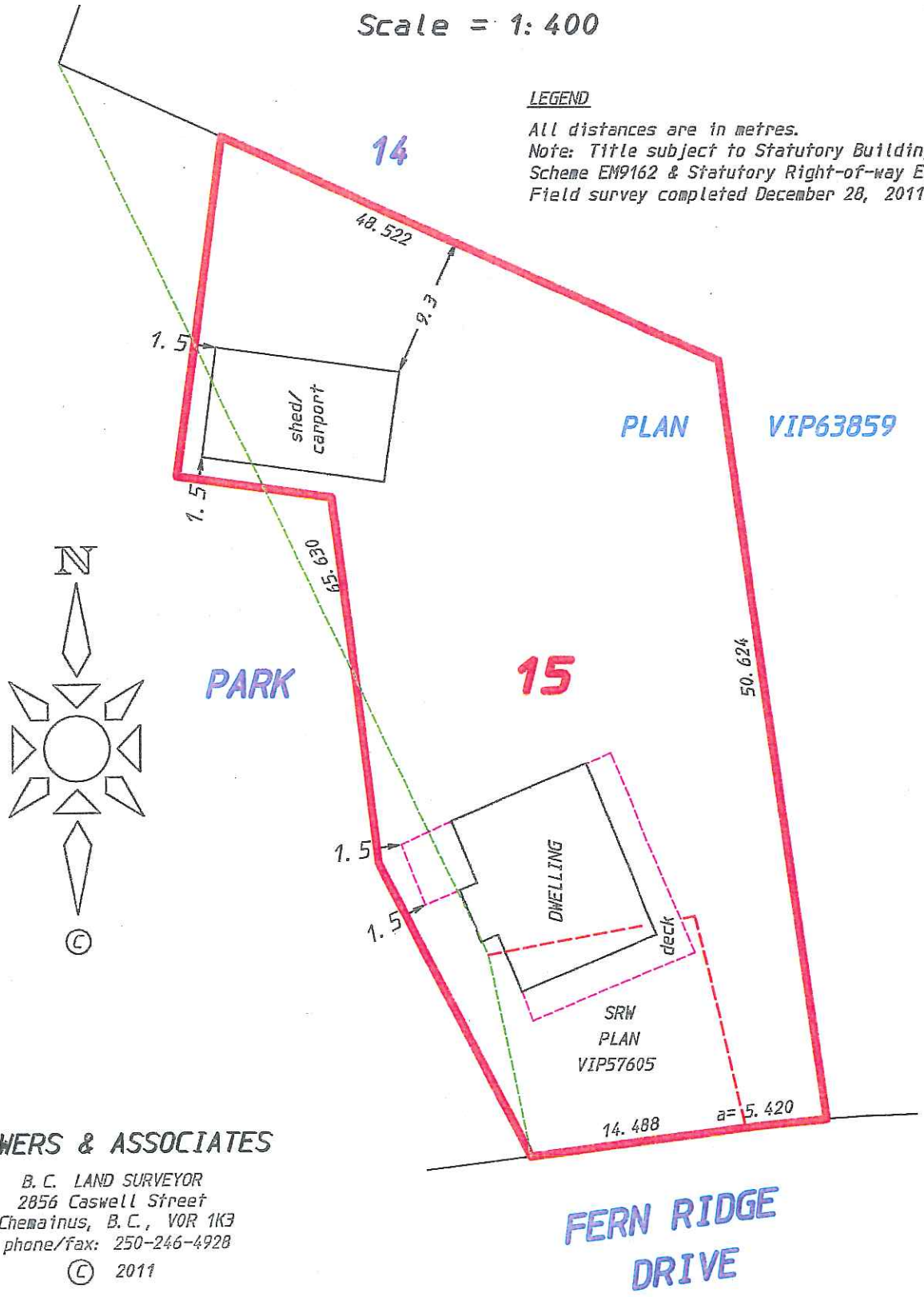
Scale: 1:4,677

SKETCH PLAN OF PROPOSED BOUNDARY-LINE ADJUSTMENT

LOT 15, DISTRICT LOT 107 MALAHAT DISTRICT, PLAN VIP63859.

Civic address - 1142 Fern Ridge Drive, Mill Bay (PID 023-515-341)

Scale = 1:400



BOWERS & ASSOCIATES

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

© 2011

R11

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 31, 2012

DATE: July 24, 2012 **FILE NO:**

FROM: Tanya Soroka, Parks and Trails Planner **BYLAW NO:**

SUBJECT: Don's Park in Electoral Area E – Cowichan Station/Sahtlam/Glenora

---

Recommendation/Action:
That Board Resolution #12-098-4 dated March 14, 2012, be rescinded.

Relation to the Corporate Strategic Plan:
Promote *Safe and Healthy Communities* with an objective to *promote individual and community wellness.* The strategic action is*: to promote pedestrian and cyclist friendly roadways and trails between communities and neighbourhoods.*

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

Background:
Don's Park is a 0.82 hectare undeveloped park located at the end of Don's Road in Electoral Area E (Cowichan Station/Sahtlam/Glenora). The park was acquired in 1984 through subdivision under Section 941 of the *Local Government* Act (at that time, the *Municipal Act*). The Park was never developed and has been left as vacant land for the past 28 years.

At the August 11, 2010 Board meeting a Board Resolution #10-464-1 was passed that:

> *"a parkland disposal bylaw be prepared for consideration of three readings and adoption to declare Don's Park surplus to community park needs in Electoral Area E, with the intention to dedicate a portion of the property as additional highways road right-of-way to extend Don's Road and that the remainder of the property be sold as a lot".*

As the development south of Don's Park was progressing slowly at the time, no action was taken and at the request of the Electoral Area E Director at the March 14, 2012, Board meeting the Resolution was rescinded and a new resolution was carried. This new Resolution # 12-098-4 stated:

> *"That bylaws be prepared for the subdivision and disposal of surplus parkland in Don's Park retaining a 10 metre wide portion of the property along the western boundary for park purposes to establish a community trail between Don's Road and property immediately south of the park and that an Alternate Approval Process be held as required under the Local Government Act with respect to obtaining elector consent for the disposal of the surplus portion of Don's Park no longer required for community park purposes".*

A further analysis of the property has determined that it is not viable to subdivide as proposed at this time due to more extensive wetland area on the lands that would severely limit options for developing a residential property if subdivided as proposed. It is therefore recommended that Resolution #12-098-4 passed on March 14, 2012, be rescinded and that Don's Park remain as an undeveloped local park in Electoral Area E – Cowichan Station/Sahtlam/Glenora at this time.

Submitted by,

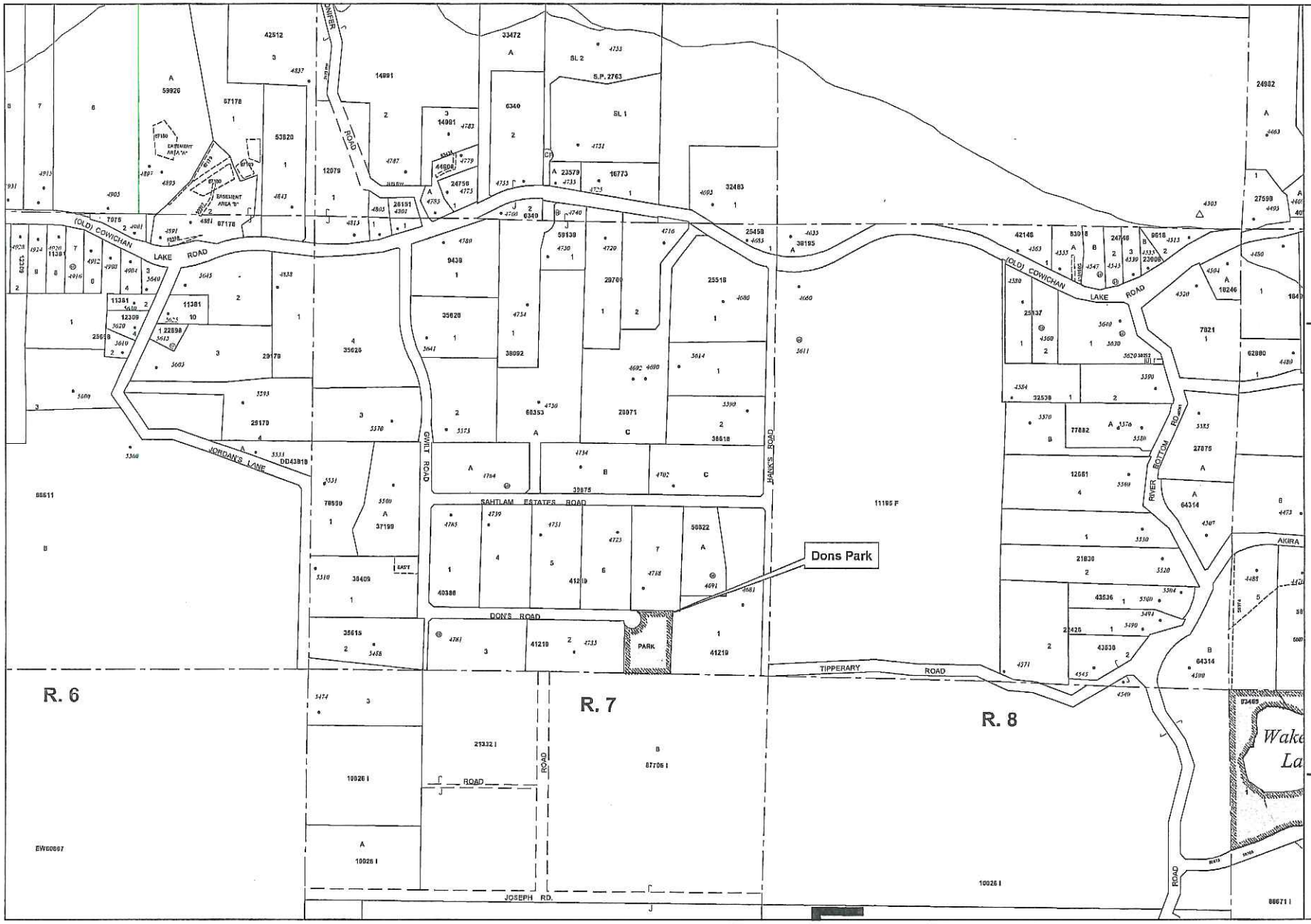
Tanya Soroka
Parks and Trails Division
Parks Recreation and Culture Department

Reviewed by:
Division Manager:

Approved by:
General Manager:

TS/jah

Attachment



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.

Printed: July 19, 2012

Electoral Area E

Don's Park

N W E S

Scale: 1:6,078

R12

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JULY 31, 2012

DATE: July 25, 2012 **FILE NO:**

FROM: Tom R. Anderson, General Manager **BYLAW NO:**

SUBJECT: CVRD Newsletter

Recommendation/Action:
Direction of the Committee is requested.

Relation to the Corporate Strategic Plan: N/A

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

Background:
The following Resolution was approved at the July 11, 2012, Regional Board meeting which requires the consideration of the Electoral Area Services Committee:

> ***"1. That the following be referred to the Electoral Area Services Committee:***
>
> 1. ***A standard template be developed for all CVRD newsletters funded through General Government.***
> 2. ***In addition to local area news/updates and messages from the local area director, that space be provided for regional news/messages.***
> 3. ***Regional District staff/contractor be assigned to assist area directors with the production/review of such newsletters/articles.***
> 4. ***A percentage of the cost of publication and distribution of such newsletters be charged to General Government.***
> 5. ***The EASC consider establishing a communications budget to permit each area director to publish a newsletter bi-annually.***
>
> ***2. That CVRD Matters be re-established as a regular monthly publication."***

Committee direction is sought.

Submitted by,

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

R13

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF JULY 31, 2012

DATE: July 26, 2012 **FILE NO:** 1-H-10 DVP

FROM: Rob Conway, MCIP
Manager, Development Services Division **BYLAW NO:**

SUBJECT: Development Variance Permit No. 01-H-10DVP (McCullough)

Recommendation/Action:
That condition 3(iii) of Development Variance Permit No. 1-H-10DVP be amended to allow removal of trees 5 to 9, identified in the Tree Risk Assessment report prepared by B. Furneaux, dated March 22, 2011, subject to planting of 10 new trees with a minimum height of 2.0 metres.

Relation to the Corporate Strategic Plan: N/A

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

Background:
The CVRD Board authorized issuance of a development variance permit to the Nanaimo-Ladysmith Schools Foundation on May 11, 2011. The variance relaxed Section 5.3(A) of the Area H Zoning Bylaw to reduce the setback from the ocean from 15 metres to 9.1 metres.

The subject property is located on the north side of Ladysmith Harbour. Much of the property is steep, with the only practical building site on a level bench between the foreshore bank and second bank that slopes up to Brenton Page Road.

Prior to issuance of the permit, the applicant submitted a report from a certified arborist that recommended removal of nine trees that were considered potential hazards. The Board decided to allow four of the nine trees to be removed, but required the other 5 trees to be maintained as a condition of the development variance permit.

The property has now been transferred and the new owner is planning to proceed with construction of a dwelling.

The Issue:
The tree service the property owner hired to remove trees on the site has submitted correspondence that affirms the recommendations of the Furneaux Tree Risk Assessment Report. It also asserts that it is not possible to safely work on the site with the 5 hazard trees remaining, and to do so would likely violate Worksafe BC regulation. Approval to remove all nine trees identified in the Tree Risk Assessment report is requested.

Staff Comments:
As the Board has agreed to reduce the building setback, it would seem reasonable to require trees to be maintained to offset some of the potential environmental and visual impacts of the reduced building setback. However, as two professional opinions have been obtained confirming that five of the trees to be maintained are potential hazards, the CVRD would be vulnerable to liability claims should the trees ever damage persons or property. Staff recommend that the owner be allowed to remove the trees, subject to planting two new trees with a minimum height of 2 metres for each tree removed.

Options:

Option 1:
That condition 3(iii) of Development Variance Permit No. 1-H-10DVP be amended to allow removal of trees 5 to 9, identified in the Tree Risk Assessment report prepared by B. Furneaux, dated March 22, 2011, subject to planting of 10 new trees with a minimum height of 2.0 metres.

Option 2:
That the request to amend *Development Variance Permit No. 1-H-10DVP be denied.*

Option 1 is recommended.

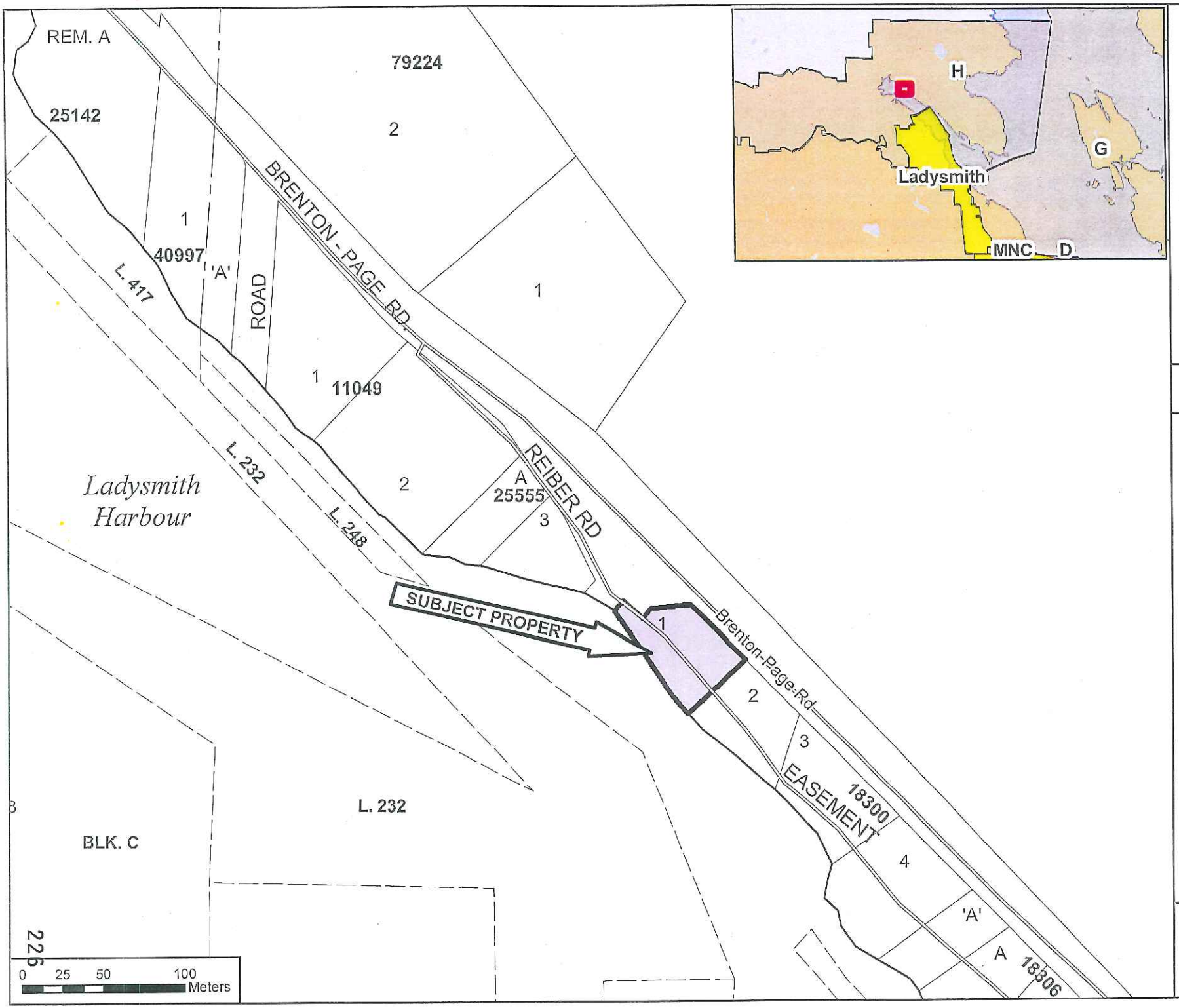
Submitted by,

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

Approved by:
General Manager:

RC/jah

Attachment



Cowichan Valley Regional District

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

FILE: 1-H-10-DVP

Legend

Subject Property

N
W E
S

Subject: FW: Application no.1-h-10dvp-McCullough

From: "Soderstrom, Troy" <Troy.Soderstrom@davey.com>
Date: 18 July, 2012 1:38:24 PM PDT
To: "rconway@cvrd.bc.ca" <rconway@cvrd.bc.ca>
Cc: "brian@mmshomes.com" <brian@mmshomes.com>
Subject: Application no.1-h-10dvp-McCullough

Hello Mr. Conway

I worked with Davey Tree Services for 20 years now .
Im a professional in tree care and only would want to offer correct and proper advice to customers to deal with their tree issues. I'm a certified Tree Risk Assessor and a certified ISA Arborist. These credentials are recognized by Worksafe and all government Agencies . We have been hired by Mr. McCullough to remove hazard trees on his property in order to provide a safe low risk worksite Trades people will be using driveway and will be all over the property. In order to abide by Worksafe Policies and Procedures all the high risk trees identified within the Arborist report supplied by Barry Furneaux and Toth/Associates need to be delt with as per prescription . These trees have all been identified as high risk trees. They are not nice trees! These trees need to be delt with before any construction can take place as set out by Worksafe. Please take another look at this file so we can proceed in a safe manner . If needed I can have Worksafe come to site and confirm .

Please call myself at 2507407037 to review conditions of letter dated June 7, 2011

Thank you for your time on this issue. I only want to do what is reasonable and provide a safe environment for all workers.
Thank you,

Troy Soderstrom
Davey Tree Service
ISA certified
Certified tree risk assessor
District Manager
250 755-1288
Troy Soderstrom @davey.com

C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

NO: 1-H-10DVP

DATE: JUNE 6, 2011

TO: NANAIMO-LADYSMITH SCHOOLS FOUNDATION

ADDRESS: 550 7th STREET

NANAIMO BC V9R 3Z2

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.

2. This Development Variance Permit applies to and only to those lands within the Regional District described below (legal description):

Lot 1, District Lot 23, Oyster District, Plan 18300, (PID: 003-902-641)

3. Section 5.3(A) of Area H Zoning Bylaw No. 1020, is varied as follows: The setback from a watercourse is decreased from 15 metres to 9.1 metres to allow for the construction of a single-family dwelling, subject to the following conditions;

   i. *Compliance with the recommendations of the Environmental Assessment report prepared by Toth and Associated Environmental Services, dated February 21, 2011;*
   ii. *Compliance with the Geotechnical Evaluation report prepared by Lewkowich Engineering Associated Ltd. dated February 4, 2011;*
   iii. *Removal of trees 1 to 4 and maintenance of trees 5-9 identified in the Tree Risk Assessment report prepared by B. Furneaux, dated March 22, 2011;*
   iv. *Registration of a restrictive covenant on the slope between the marine natural boundary and the top of bank to preclude tree removal and slope disturbance, other than trees 1 to 4 identified in the Tree Risk Assessment report and works recommended in the Environmental Assessment Report;*
   v. *Confirmation by legal survey that the dwelling is no closer than 9.1 metres from the natural boundary of the ocean;*
   vi. *Supervision and monitoring of construction and submission of a report from a Registered Professional Biologist confirming that all conditions of the development permit have been complied with prior to issuance of an occupancy permit for the dwelling.*

4. The following plans and specifications are attached to and form a part of this permit.
   - *Schedule A – Site Plan*
   - *Schedule B – Environmental Assessment Report*
   - *Schedule C – Geotechnical Evaluation Report*
   - *Schedule D – Tree Risk Assessment Report*

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.

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

   AUTHORIZING RESOLUTION NO. 11-231 PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 11th DAY OF MAY 2011.

   Tom Anderson, MCIP
   General Manager, Planning and Development Department

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 the NANAIMO-LADYSMITH SCHOOLS FOUNDATION other than those contained in this Permit.

Signature of Owner/Agent	Witness: L Eddy
Print Name: Brian McLuckovich	Occupation: Secretary
Date: June 15/11.	Date: June 15, 2011

B. C. LAND SURVEYOR'S CERTIFICATE OF PROPOSED HOUSE LOCATION ON:

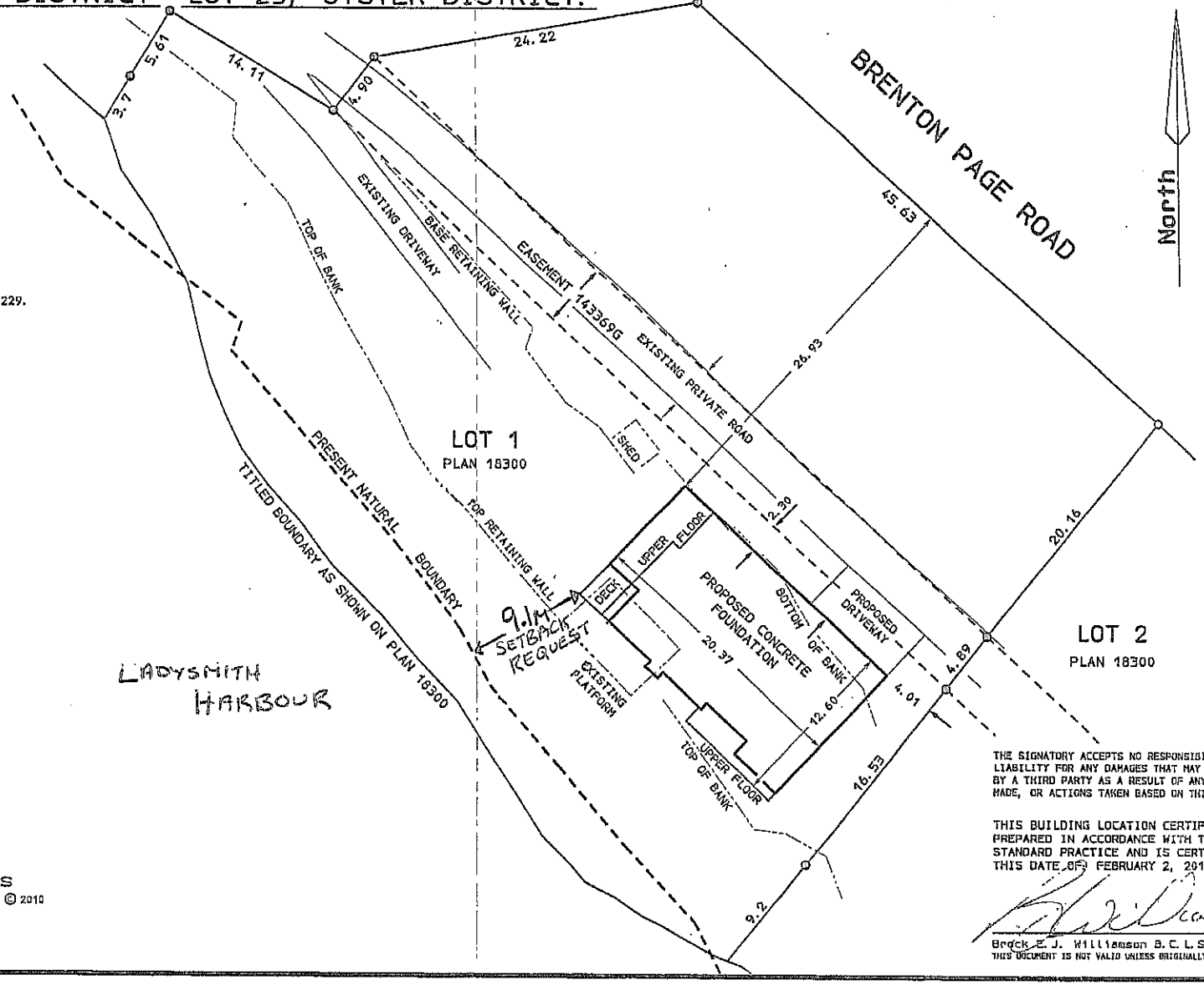
LOT 1, PLAN 18300, DISTRICT LOT 23, OYSTER DISTRICT.

Schedule A

SCALE 1:300

0 5 10 15 metres

DISTANCES ARE IN METRES.



NOTES:

CIVIC ADDRESS: 4991 BRENTON PAGE ROAD

LOT DIMENSIONS ARE DERIVED FROM PLAN VIP87229.

HOUSE DESIGN FROM BRIAN McCULLOUGH
DRAWINGS RECEIVED NOV. 3/09.

THE UNDERSIGNED CONFIRMS THAT HE HAS BEEN RETAINED BY BRIAN McCULLOUGH TO PROVIDE FOUNDATION LAYOUT IN ACCORDANCE WITH THE FOUNDATION LOCATION SHOWN ON THIS PLAN.

O " STANDARD IRON POST FOUND.

THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES & PERMITS:
- EASEMENT 143369G;
THIS PLAN DOES NOT PURPORT TO VERIFY COMPLIANCE WITH THE RESTRICTIONS THEREIN.

THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL AND/OR PROPOSED IMPROVEMENT(S) SHOWN RELATIVE TO ONLY THE BOUNDARIES SHOWN OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S).
THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE LOCATION OF ANY OTHER ACTUAL OR PROPOSED IMPROVEMENT(S) RELATIVE TO ANY BOUNDARY OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S).
THIS PLAN IS NOT TO BE USED TO RE-ESTABLISH BOUNDARY LINES.

WILLIAMSON & ASSOCIATES
PROFESSIONAL SURVEYORS © 2010
3088 DARONS ROAD NANAIMO B.C. V9T 4B5
PHONE: 250-756-7723 FAX: 250-756-7724
EMAIL: KAPS@TELUS.NET
FILE: 09006-4

THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

THIS BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE AND IS CERTIFIED CORRECT THIS DATE OF FEBRUARY 2, 2010.

Brock E. J. Williamson B. C. L. S.
THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED.

March 22, 2011

B. Furneaux
290 East Fern Rd
Qualicum Beach, BC
V9K 1R1

Brian McCullough
211 Ferntree Place
Nanaimo, BC
V9T 5M1

Re: **Tree risk assessment of proposed residential development at 4991 Brenton Page Road in the CVRD**

INTRODUCTION:

Toth and Associates Environmental Services, during their survey, identified several trees in poor condition. They recommended a hazard tree (tree risk) assessment. I met with the owner on site March 21, 2011. His areas of concern were the proposed house site and the existing driveway. I do not know where the services are going or what other site disturbances may take place. This tree risk survey concerns the building site and the driveway which is partially held up by wood cribbing which is rotten. The road will need to be upgraded to accommodate construction traffic. This will directly impact trees numbered 5-9. Trees 1-4 affect the building site. There may be other trees which during the course of construction, may be impacted and become "at risk".

PROCEDURES:

My exposure to the trees which would impact the building site and the road confirmed Toth's observations. Trees 1 through 9 were found to be infested by bracket fungi (conk). I core tested several trees which confirmed the presence of white rot (cellulose decay). All nine trees showed evidence of infestation; some more than others. In addition trees 5, 6, 7 and 9 have been topped and have multiple sucker tops (7 to 10 meters long approximately) which are an additional risk. Some are dripping pitch and show signs of earlier injury. Trees 8 & 9 have crooks and leans varying from 10 degrees to 30 degrees. All trees were measured (diameters and heights), located on the site plan and visually examined using binoculars. Photographs of the trees are included. A tree risk assessment form has been competed and forms part of this report along with my disclaimer.

CONCLUSIONS:

1. Trees 1 – 4 could fail and put the proposed house at risk
2. Trees 5 – 9 along the existing driveway have multiple defects. The reconstruction of the driveway may impact the roots as all 5 trees have roots under the road. The increase in activity which comes with the proposed development also increases the risk. If any of the leaning trees fall they would tear out a part of the driveway.

TREATMENT RECOMMENDED:

Remove trees 5 through 9. This should reduce the risk sufficiently to allow road reconstruction in relative safety. The risk to the house is lowered as well by removing trees 1 through 4.

Please contact the writer if you require any additional information.

Yours truly,

Barry T. Furneaux

Barry T. Furneaux
Certified Arborist PN 0384
Tree Risk Assessor 0036

LIMITATIONS OF THIS ASSESSMENT

It is our Company's policy to attach the following clause regarding limitations.. We do this to ensure that developers or owners are clearly aware of what is technically and professionally realistic in retaining trees.

The assessment of the trees presented in this report has been made using accepted arboricultural techniques. These include a visual examination of the above-ground parts of each tree for structural defects, scars, external indications of decay such as fungal fruiting bodies, evidence of insect attack, discoloured foliage, the condition of any visible root structures, the degree and direction of lean (if any), the general condition of the tree(s) and the surrounding site, and the proximity of property and people. Except where specifically noted in the report, none of the trees examined were dissected, cored, probed, or climbed, and detailed root crown examinations involving excavation were not undertaken.

Notwithstanding the recommendations and conclusions made in this report, it must be realised that trees are living organisms, and their health and vigour constantly change over time. They are not immune to changes in site conditions, or seasonal variations in the weather conditions.

While reasonable efforts have been made to ensure that the trees recommended for retention are healthy, no guarantees are offered, or implied, that these trees, or any parts of them, will remain standing. It is both professionally and practically impossible to predict with absolute certainty the behaviour of any single tree or group of trees or their component parts in all circumstances. Inevitably, a standing tree will always pose some risk. Most trees have the potential for failure in the event of adverse weather conditions, and this risk can only be eliminated if the tree is removed.

Although every effort has been made to ensure that this assessment is reasonably accurate, the trees should be re-assessed periodically. The assessment presented in this report is valid at the time of the inspection.

March 22/11 4991 BRENTON PAGE ROAD.
B. Fournaux Certified Arborist PN0384A
The Risk Assessor 0036

PACIFIC NORTHWEST CHAPTER

Tree Risk Assessment Form

Location: 4991 BRENTON-PAGE ROAD Date: MAR 22/11 Assessor Name: B. FURNEAUX Page 1

Tree #	Species	DBH (CM)	Location Details (CVRD)	Describe defects	1 Probability of failure	2 Size of defective part(s)	3 Probability of target damage	4 Other risk factors	Describe other risk factors	Risk rating (Sum of columns 1 – 4)	Treatment recommended	Action completed Date	Action completed Initials
					1 – 4 points	1 – 3 points	1 – 3 points	0 – 2 points		3 – 12 points			
1	FIR	49	ON BANK NEAR PROPOSED BLDG. SITE	CONKY	2	2	3	–		7	REMOVE BEFORE CONSTRUCTION OF HOUSE		
2	FIR	52	AS ABOVE	CONKY	2	3	3	–		8	AS ABOVE		
3	FIR	57	AS ABOVE	CONKY	2	3	3	–		8	AS ABOVE		
4	FIR	44	AS ABOVE	CONKY	2	2	3	–		7	AS ABOVE		
5	FIR	77	EDGE OF ROAD	CONKY	2	3	2	1	TOPPED LONG SUCKERS	8	REMOVE BEFORE ROAD REPAIR		
6	FIR	79	AS ABOVE	CONKY	2	3	2	1	AS ABOVE	8	AS ABOVE		
7	FIR	98	AS ABOVE	CONKY	2	3	2	1	AS ABOVE	8	AS ABOVE		
8	FIR	90	AS ABOVE	CONKY	2	3	3	1	CROOK 10° LEAN	9	AS ABOVE		
9	FIR	89	AS ABOVE	CONKY	3	3	3	1	TOPPED LONG SUCKERS 30° LEANING CROOK	10	AS ABOVE		

B.C. LAND SURVEYOR'S CERTIFICATE OF PROPOSED HOUSE LOCATION ON:

LOT 1, PLAN 18300, DISTRICT LOT 23, OYSTER DISTRICT.

SCALE 1:300

0 5 10 15 metres

DISTANCES ARE IN METRES.

NOTES:

CIVIC ADDRESS: 4991 BRENTON PAGE ROAD

LOT DIMENSIONS ARE DERIVED FROM PLAN VIP87229.

HOUSE DESIGN FROM BRIAN McCULLOUGH DRAWINGS RECEIVED NOV. 3/09.

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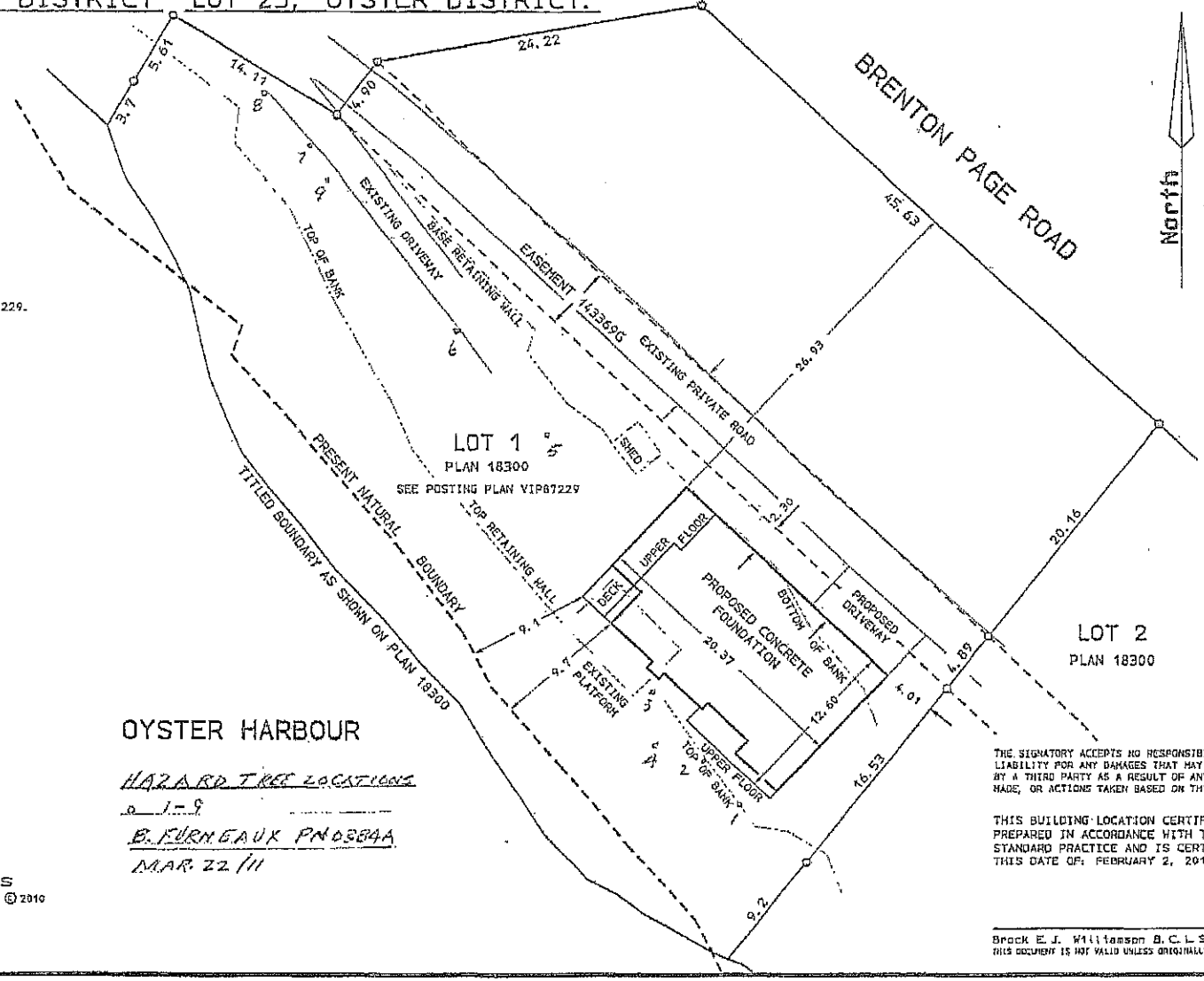
WILLIAMSON & ASSOCIATES
PROFESSIONAL SURVEYORS © 2010
3000 BARONS ROAD NANAIMO B.C. V9T 4D5
PHONE: 250-756-7723 FAX: 250-756-7724
EMAIL: WAPS@TELUS.NET
FILE: 09086-4

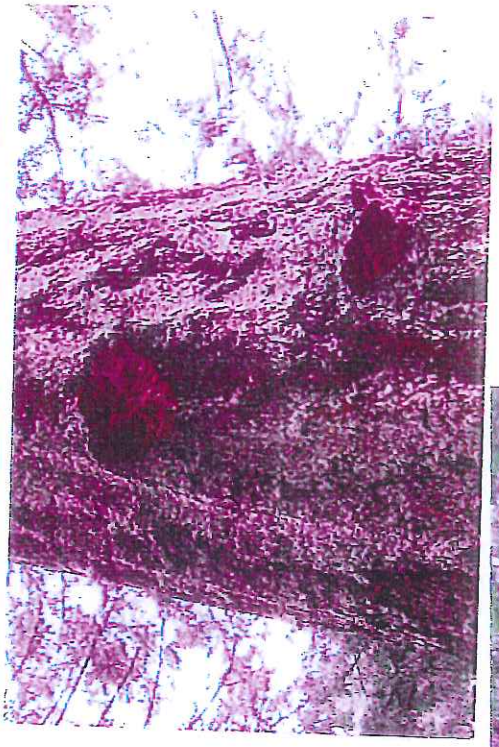


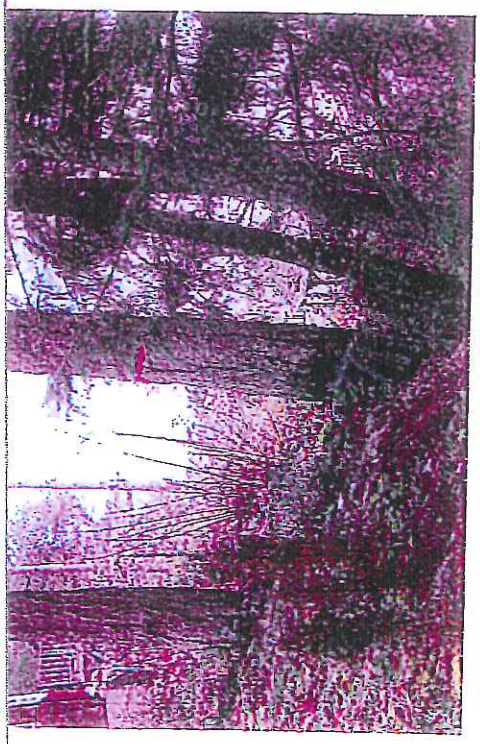
HAZARD TREE LOCATIONS
o 1-9
B. FURNEAUX PN0884A
MAR. 22/11

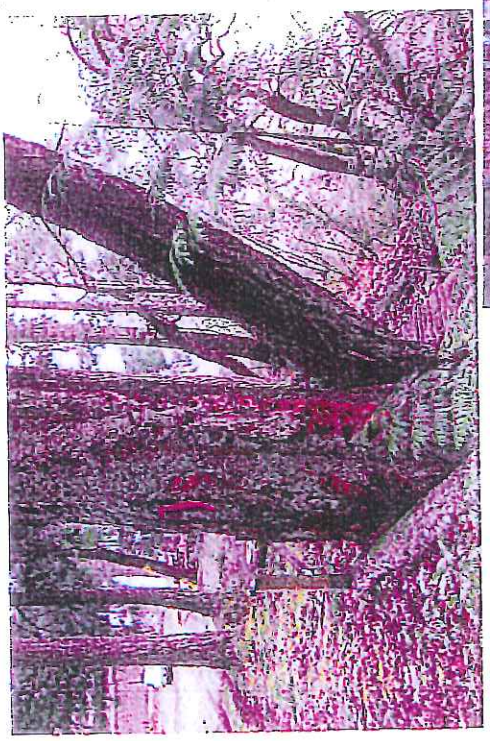
THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

THIS BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE AND IS CERTIFIED CORRECT THIS DATE OF: FEBRUARY 2, 2010.

Brock E.J. Williamson B.C.L.S.
THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED.







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C·V·R·D

MEMORANDUM

DATE: July 5, 2012

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

FROM: Brian Duncan, Manager, Inspections and Enforcement Division

SUBJECT: **BUILDING REPORT FOR THE MONTH OFJUNE 2012**

There were 38 Building Permits and 0 Demolition Permit(s) issued during the month of June, 2012 with a total value of $ 3,963,051.

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"	100,000			1,150,660	35,360		8	35	1,286,020	6,868,960
"B"				443,460	88,020		8	47	531,480	5,834,377
"C"				5,000	82,400		3	19	87,400	1,460,775
"D"				841,770	5,000		5	20	846,770	2,019,070
"E"					252,181	36,000	5	27	288,181	1,902,936
"F"					44,080		2	12	44,080	1,506,550
"G"					373,440		3	12	373,440	2,385,010
"H"				381,980	10,000		3	12	391,980	1,165,090
"I"				113,700			1	11	113,700	1,934,790
Total	**$ 100,000**	**$ -**	**$ -**	**$ 2,936,570**	**$ 890,481**	**$ 36,000**	**38**	**195**	**$ 3,963,051**	**$ 25,077,558**

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

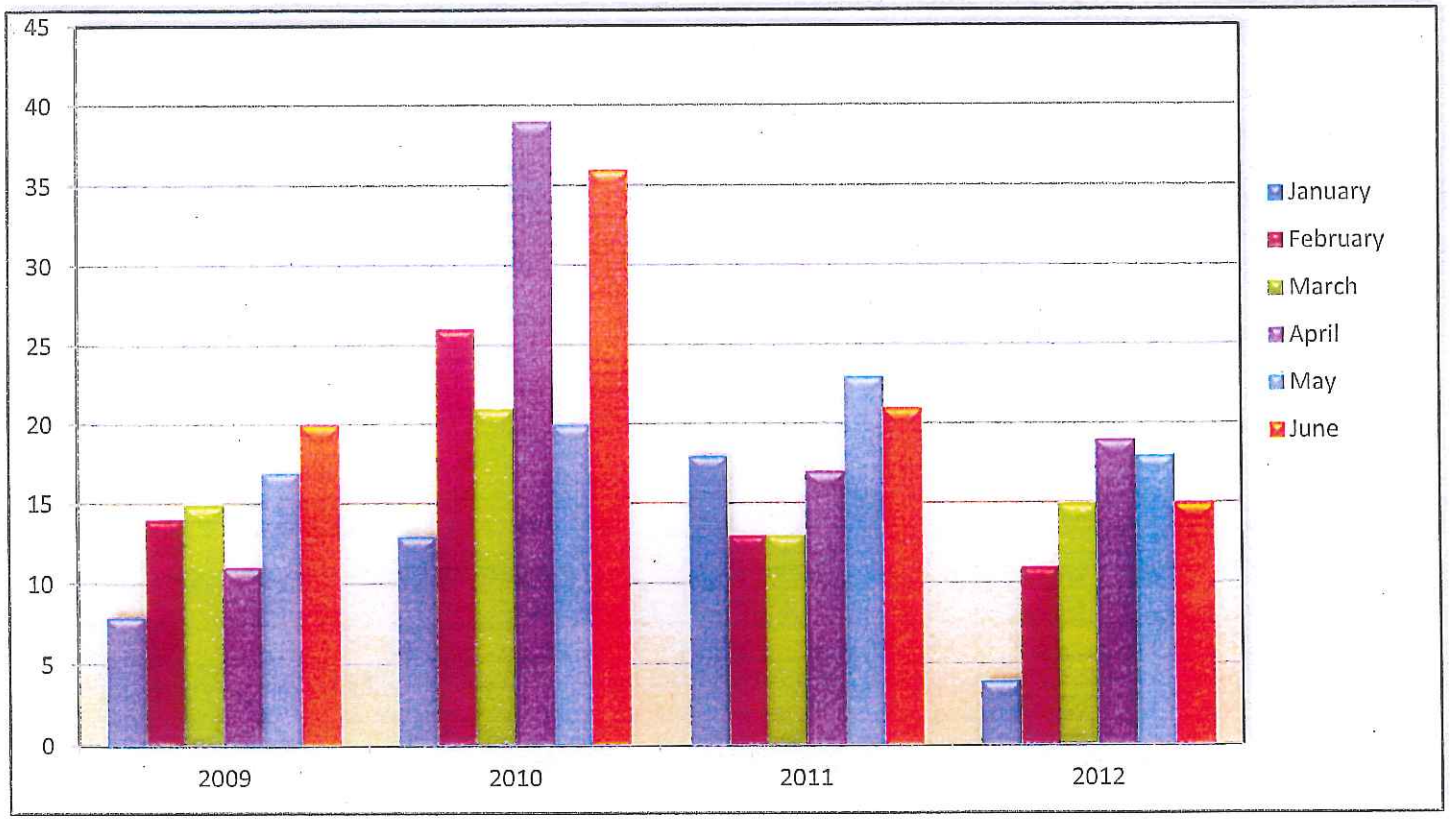
BD/db

NOTE: For a comparison of New Housing Starts from 2009 to 2012, see page 2
For a comparison of Total Number of Building Permits from 2009 to 2012, see page 3

C·V·R·D

Total of New Housing Starts

	2009	2010	2011	2012
January	8	13	18	4
February	14	26	13	11
March	15	21	13	15
April	11	39	17	19
May	17	20	23	18
June	20	36	21	15
YTD Totals	**85**	**155**	**105**	**82**



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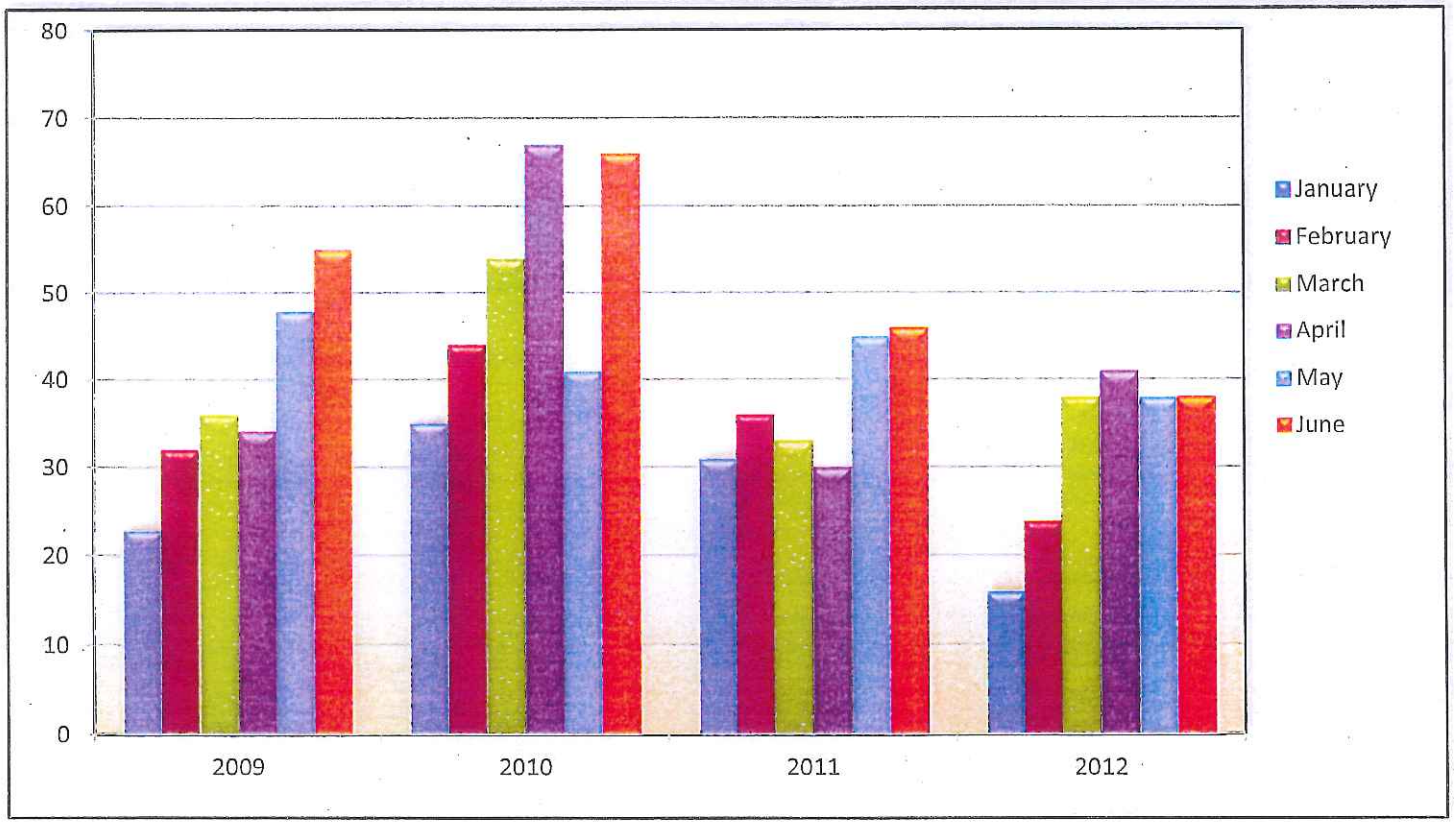
Total Building Permits Issued

	2009	2010	2011	2012
January	23	35	31	16
February	32	44	36	24
March	36	54	33	38
April	34	67	30	41
May	48	41	45	38
June	55	66	46	38
YTD Totals	**228**	**307**	**221**	**195**



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IN2

Minutes of Cobble Hill Advisory Planning Commission meeting held on Thursday, July 19th 2012 at 7 p.m. in the Cobble Hill Hall located at 3550 Watson Avenue, Cobble Hill.

Those present: Chair – Rod de Paiva, David Hart, Don Herriott, Jens Liebgott, Rosemary Allen, Robin Brett, Brenda Krug, Dave Lloyd, Janice Hiles, John Krug and Director Gerry Giles.

Also present: Brooke Tomlin of Landmark Signs Ltd. on behalf of Valleyview Centre and Brent Large the owner of the Centre.

Moved/second
that the agenda be adopted as presented. MOTION CARRIED

Moved/second
that the minutes of June 14, 2012 be adopted as circulated. MOTION CARRIED

Chair de Paiva noted the resignation of Arbutus Ridge Ratepayers Association appointment Tom Boughner from the APC while noting that Mr. Boughner had been elected to the Arbutus Ridge Strata Council. Chair de Paiva thanked Mr. Boughner for his term with the APC and wished him well in his new duties as did the rest of the members of the APC.

New Business:

1. Development Permit Application Number 1-C-12DP/VAR by Valleyview Centre to erect a free-standing sign for the Valleyview Centre tenants.

   A presentation by the applicant was made. It was stated that over half of the thirty tenants of the mall want to be on a sign that has highway frontage. The sign being proposed would locate at the front of the property near the Trans-Canada Highway. It would be a free-standing sign. The height of 28 feet is proposed as is a sign area of 104 square feet. Bylaw No 1095 specifies a maximum size of the sign area is 64 square feet which is why the variance is required in addition to the development permit.

   Questions were then asked and answered. Although most APC members felt that the Centre tenants should have signage on the highway, concerns were expressed regarding the sign's height, the proliferation of signs along the highway and the lack of artistic impression with the design presented. It was also noted that the old Cobble Hill OCP stated signs should be designed for pedestrian traffic to avoid the danger present when drivers are trying to read signs while travelling at highway speed.

   The primary concern noted by members of the APC however focused on the number of sandwich board signs that are currently displayed along Cowichan Bay Road around the entrance to the Centre. The APC would like some assurance these signs will not be permitted in the future.

   After further discussion, it was

   Moved/second
   that the APC recommend that Development Permit Application Number 1-C-12DP/VAR be approved. MOTION CARRIED
   1 opposed

2. Proposed Zoning Bylaw 3520 along with OCP Amendment 3604 were discussed. Although several concerns were noted, the primary issue revolved around the proposed RR-3 zone in the Chapman Road area. This is, in essence, a down zoning of these properties and something that the APC and OCP Review Committee had agreed would not happen when the OCP was being developed. This proposed down zoning had not been previously noted because the zoning map with lot sizes had only recently been distributed to the APC. The APC agreed with rectifying this situation.

   After reviewing the remainder of the bylaw it was agreed the process should remain open for the APC to look at all zones and bring forward any concerns they may have with either the proposed zoning bylaw or the proposed OCP amendments. A final review will take place at the August APC meeting where separate and complete minutes with recommendations will be sent to Mike Tippett and the CVRD.

Directors Report:

3. A brief update on the South Island Aggregate public meeting process and application was discussed.
4. The timeline for the sewer/purple pipe/washroom was provided.
5. A quick review of the work undertaken by the Age-Friendly Committee was given.
6. An overview of the application by Telus to locate a cell tower at the Rona site was discussed. The number of concerns expressed by the Electoral Area Services Committee where detailed and the lack of a community amenity was noted.
7. John Krug provided an overview for the planning of the Cobble Hill Fair. He focused on what an excellent event the whole affair will be while highlighting the Sunday, August 25th - 25 Mile Dinner featuring Chef Bradford Boisvert, Chef/Proprietor of Amuse on the Vineyard. It is a terrific menu with a live and silent auction and all proceeds will go toward replacing the roof on the Cobble Hill Hall.

The next APC meeting is scheduled for August 9th 2012 in the Cobble Hill Hall.

Meeting adjourned at 8:40 p.m.

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Rod de Paiva, Chair

IN3

Minutes-Area "E"-APC, July 19
Glenora Community Hall
7:00 pm

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Application 8-E-12DP, C&C Holdings
Allenby Rd.

Present: Chairman Frank McCorkell, Jill Thompson,
Keith Williams, Ben Marrs, Dave Tattam
Also present Director Duncan
Applicant, Majid Varasteh (Marbre Construction)

Review of application 8-E-12DP and discussion with applicant Majid Varasteh resulted in the following unanimous motion:

That a stone facing be added to the base of the front entrance sign. That the lot line setback to the north be reduced as much as possible so as to wisely use and preserve valuable I1 zoned land. That the appropriate Landscaping and Landscaping Bond be put in place.

Adjourn 8:00 pm

IN4

Minutes of the Regular meeting of the Area I (Youbou/Meade Creek) Area Planning Commission held in the Upper Community Hall, 8550 Hemlock Street, Youbou BC, on Tuesday, July 3, 2012 at 7:14 pm.

PRESENT: Chair Mike Marrs
Vice Chair Gerald Thom
George deLure, Bill Gibson

ALSO PRESENT: Recording Secretary Tara Daly

ABSENT: Jeff Abbott, Shawn Carlow

APPROVAL OF AGENDA

It was moved and seconded that the agenda be approved.

MOTION CARRIED

ADOPTION OF MINUTES

It was moved and seconded that the minutes of June 5, 2012 Regular Area I (Youbou/Meade Creek) Area Planning Commission meeting be amended on Page 2, bullet 2 to read 'bear' not 'beer' and on Page 2, bullet 3 to read 'adaptable housing' not 'multi-level'; and

that the minutes, as amended, be adopted.

MOTION CARRIED

BUSINESS ARISING OUT OF MINUTES

M. Marrs reported that:

- the new house being built on Swordfern Way has all the building permits required
- he left a message for Nino Morano, Building Inspector, but hasn't heard back, concerning the dilapidated trailer but has heard that the frame has been sold and the new owners are to be removing it
- Director Weaver hasn't called back concerning the lake access on Coonskin Creek Road

OLD BUSINESS

The application for Billy Goat Island put forward by Mr. Dix is on hold waiting for Mr. Dix.

ADJOURNMENT

7:55 pm **It was moved and seconded that the Regular Area I (Youbou/Meade Creek) Area Planning Commission meeting be adjourned.**

MOTION CARRIED

The meeting adjourned at 7:55 pm.

IN5

Minutes of the Cobble Hill Parks and Recreation Commission meeting held on Thursday, July 5th 2012 at 7 p.m. in the Youth Hall on Watson Avenue.

Those present: John Krug – Chair, Gord Dickenson, Annie Ingraham, Jennifer Symon, Al Garside, Bill Turner, Ruth Koehn, Lynn Wilson, Dennis Cage and Director Gerry Giles.

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Apologies: Alan Seal

The meeting was called to order at 7:00 p.m.

It was noted before the start of the meeting that John Giles is maintaining the newly planted trees at the Cobble Hill Common and Gord Dickenson had weed wacked the park boundary on Holland Avenue.

Moved/second
that the agenda be adopted by adding an update on the Quarry Nature Park washroom to it.
MOTION CARRIED

Moved/second
that the minutes of May 22, 2012 be accepted as circulated. MOTION CARRIED

Old Business:

1) The lighting issue at Galliers Park seems to have been resolved. However, upon further discussion it was,

   Moved/second
   that a timer be installed on the light at the Galliers Road Park with it timed to turn off at 2 a.m.
   MOTION CARRIED

2) An update on the Twin Cedars Trail was provided and it was agreed the culvert needs to be installed and this trail needs to be finished before the Cobble Hill Fair on August 25th. Parking for fair patrons will be encouraged in the Twin Cedars subdivision so a completed pathway will provide a convenient access through to the fairgrounds.

3) The requirements for installing the sign kiosk at the Cobble Hill Common were reviewed. It was agreed we would ask Dan Johnston – Central Power – to auger the post holes. These holes need to be 18 inches to accommodate the concrete.

   It was previously agreed by the Commission to support the request by the Shawnigan Cobble Hill Farmers Institute and Agricultural Society to use the Common during the fair, but the Institute's request needs to include a list of what the intended uses for the Common would be so that the CVRD has a clear idea of the activities taking place at the park.

   The first meeting of the Cobble Hill Common Age-Friendly Housing Project will take place on Friday, July 6th in the Youth Hall. Information from it will be reported back to the Parks Commission.

4) An update was provided on the ALC review of the Galliers property and it is now doubtful any decision will be made before September. Brian Farquhar has responded.

5) There was no update on the Telus building mural but John Krug will follow up with John Hodgins on this item.

6) John Krug visited the dog park with Ryan Lendrum where a discussion on how to improve the dust situation in the park was held. John obtained some product which he displayed to the Commission but it was agreed that 5mm would also be looked at. It was thought the 5mm product would be more expensive but less abrasive on dog paws. It was also agreed that more signage was needed on the front gate to warn of age restrictions in the dog park. The shelter is due for another coat of Sikkens and a work party will be arranged to wash the shelter then accommodate the staining. The commission agreed the water fountain needs to be improved and both Richard Shaw (John) and Randy Jones (Dennis) will be asked if they can assist in this regard.

7) Director Giles could not provide an update on whether or not the SIMBS agreement had been signed. There needs to be follow up with staff, SIMBS and the young people using the park as the users are becoming discouraged and a few minor injuries have occurred.

8) Questions were asked about the progress on the sewer system and when the washroom might be built at Quarry Nature Park. It was agreed that Director Giles would arrange a meeting with engineering, parks staff and John Krug to review the project. During that discussion water use in the parks was also brought forward and it was agreed that a master valve should be placed on all timer systems to ensure that leaks do not occur during times when the system is not in use.

New Business:

9) A discussion about recognition for those who contributed to Memorial Park was held and it was agreed the recognition for all donations on projects that have taken place in the Village should be accommodated in the Common either on the back of the sign or on the historical wall.

10) Commission members were asked to think about plans for the small park on Fairfield Road that visually forms a part of the front yard of the Service family. It was suggested what is eventually planned for this space should be low maintenance and plants should be drought resistant. This property is located at 1417 Fairfield Road and members were asked to view it before the next meeting.

11) Questions were asked about the current maintenance contract for Cobble Hill Parks. It was agreed that staff would be asked to confirm what parks in Cobble Hill come under the service contract with Easy Living also to confirm the date that the Easy Living contract expires.

There being no further items of business, the meeting adjourned at 9:06 p.m. Next meeting to be at the call of the Chair.

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John Krug, Chair

IN6

Minutes of the Regular meeting of the Area I (Youbou/Meade Creek) Parks Commission held in Youbou Lanes, 8550 Hemlock Street, Youbou BC, on Tuesday, July 10, 2012 at 7:00 pm.

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PRESENT: Chair Marcia Stewart
Vice Chair Gerald Thom
Dan Nickel

ALSO PRESENT: Recording Secretary Tara Daly
Rob Somers, gatekeeper at Stoker Park, Woodland Shores

ABSENT: Gillian Scott, Ken Wilde, Director Pat Weaver

APPROVAL OF AGENDA

It was moved and seconded that the agenda be amended with the addition of one Old Business item:

OB4 Update of Price Park Land Exchange; and

that the agenda, as amended, be approved.

MOTION CARRIED

ADOPTION OF MINUTES

It was moved and seconded that the minutes of June 12, 2012 Regular Area I (Youbou/Meade Creek) Parks Commission meeting be amended in the Chairperson's Report by changing "entrance of the former millsite" to "entrance to the greenspace behind the Youbou Firehall", and

that the minutes, as amended, be adopted.

MOTION CARRIED

BUSINESS ARISING

G. Thom reported that he had looked for the branch in the lake beside the wharf at Arbutus Park and couldn't find anything. M. Stewart will inform R. Dias.

REPORTS

DIRECTOR WEAVER

Director Weaver sent her regrets but did send information that she would be looking into a sewer system in Youbou.

COWICHAN LAKE RECREATION

Staff Report from Manager, Cowichan Lake Recreation re: Arbutus Park Safety Audit was received for information.

Swimming lessons have started at Arbutus Park but there are no registrants until the third session. Day Camps are being held in Lake

Cowichan only, not Youbou.

Youbou Regatta is on August 11, 2012. The Commission has been asked to serve for the concession but there are conflicts for most members. G. Thom will contact L. Blatchford

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CHAIRPERSON

The Commission received a new Canadian flag from Me 'n'You-nites to be put up next year.

Canada Day ceremonies at Arbutus Park were well attended with 'O Canada' cake and singing of the anthem. There was also entertainment (Daryl Alsbrook and Ray Harvey), games for the children, and free chips and pop for the children.

CVRD

The Student Crew and carpenters were in Area I Parks from June 26 to July 4. The work completed was:

- Arbutus Park – safety improvements required by audit included signage on the dock, roping off drop off area, rope across end of east side of dock, handrails down stairs to beach, installation of waterfront park safety signage, and engineer's report approving the safety of the diving board base; painted the bridge; tree pruning and brushing
- Little League Park – repaired the rotting retaining wall
- Nantree Park – 60 feet of dock constructed; 16 feet entry ramp repaired
- Upland Park, Mile 77 Park, and Price Park – trail maintenance and repairs; broom removal

OLD BUSINESS

OB1 Arbutus Park Safety Audit dealt with previously in agenda.

OB2 Lifeguard Hut – Britco will build to a supplied design if you purchase the trailer for a cost between $25,000 and $30,000 with shipping costs of $2,300 and warrantee; foundation blocks would be about $500 and costs extra for water and sewer installation; a storage shed for maintenance and pump equipment would still be necessary

OB3 Arbutus Park garbage can in parking lot – staff removed it because it was being used for household garbage.

Further to garbage cans – the bear proof cans at Arbutus Park and Stoker Park need to have clips attached in order to keep them tightly closed to prevent the bears from opening them.

The Commission would like to know where the garbage can from Arbutus Park and the slide from Nantree Park are. Area I Parks paid for these two items and would like to know the costs and their whereabouts.

OB4 Price Park Land Swap – site visit went well, the new survey has been sent to the owners but no reply as of yet so it's likely the completion date will be the end of August rather than July

NEW BUSINESS

NB1 The next Regular meeting of Area I (Youbou/Meade Creek) Parks Commission will be held on September 11, 2012 in Youbou Lanes at 7:00 pm.

ADJOURNMENT

8:00 pm **It was moved and seconded that the Regular Area I (Youbou/Meade Creek) Parks Commission meeting be adjourned.**

MOTION CARRIED

The meeting adjourned at 8:00 pm.