



C·V·R·D

ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
September 4, 2012
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 p.m.

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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.

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10. ADJOURNMENT

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

Director M. Walker
Director B. Fraser
Director I. Morrison

Director M. Marcotte
Director G. Giles
Director L. Iannidinardo

Director P. Weaver
Director L. Duncan
Director M. Dorey

MI

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, July 31, 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
Director P. Weaver

CVRD STAFF

Tom Anderson, General Manager
Rob Conway, Manager
Brian Duncan, Manager
Brian Farquhar, Manager
Rob Hutchins, Board Chair
Warren Jones, CAO
Ann Kjerulf, Planner III
Alison Garnett, Planner I
Jennifer Hughes, Recording Secretary

**APPROVAL OF
AGENDA**

The Chair welcomed the audience to the EASC meeting.

It was Moved and Seconded that the Agenda be amended with the addition of the following four (4) New Business Items:

- NB1 Add-on material respecting agenda Item R1 – Staff Report from Rob Conway, Manager, regarding Re-development of Former Seaside Trailer Park, 11255 Chemainus Road
- NB2 Staff Report dated July 30, 2012, from Brian Farquhar, Manager, regarding Shawnigan Cobble Hill Farmers Institute and Agricultural Society Request to Use the Cobble Hill Common For Cobble Hill Fair
- NB3 Minutes of Area C, Cobble Hill Parks & Recreation Commission of July 26, 2012
- NB4 Verbal Report by Director L. Duncan regarding Rock Concert

MOTION CARRIED

Brian Duncan, Manager, Inspections & Enforcement Division, introduced Rob Harris, new CVRD Bylaw Enforcement Officer. Mr. Duncan advised that, under his direction, Mr. Harris will be working closely with the Engineering Department and Parks Division on waste management and parks issues, along with Mr. Morano who has been briefing him on various matters within the Electoral Areas and that if the Directors had any concerns to please contact him.

The Committee welcomed Mr. Harris to the CVRD.

M1 - Minutes

It was Moved and Seconded that the Minutes of the July 3, 2012, EASC meeting be adopted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

DELEGATIONS

**D1 – Harvey
Schmidke, Alcatel-
Lucent/Telus**

Harvey Schmidke, Agent for Alcatel-Lucent, on behalf of Telus was present and provided an overview of the process that has occurred for the proposed cell site at 3730 Trans Canada Highway, Cobble Hill.

The Committee directed questions to Mr. Schmidke.

The Chair thanked Mr. Schmidke for attending.

D2 - Durnford

Sherry Durnford, Ray Bradford, Lynn Smith and Andrew were present and each provided an overview expressing their concerns regarding property located at 11255 Chemainus Road (former Seaside Trailer Park) in Electoral Area G – Saltair/Gulf Islands and CVRD Staff Report (R1) dated July 24, 2012, prepared by Rob Conway, Manager.

The Chair thanked the Delegates for attending.

**D3 – Kivela
Contracting Ltd.**

Kevin Kivela (Kivela Contracting Ltd.) was present and stated that the property owners, Messrs. Oldridge and Gilroy, were unable to attend the meeting. Mr. Kivela provided an overview of what has occurred on the property located at 11255 Chemainus Road (formerly Seaside Trailer Park) in Electoral Area G – Saltair/Gulf Islands.

The Committee directed questions to Mr. Kivela.

The Committee directed questions to staff.

The Chair thanked Mr. Kivela for attending.

STAFF REPORTS

**R1 – Re-Development
of Former Seaside
Trailer Park – 11255
Chemainus Road**

Rob Conway, Manager, reviewed staff report dated July 24, 2012, regarding Re-Development of Former Seaside Trailer Park located at 11255 Chemainus Road, Saltair.

The Committee directed questions to staff.

Director Giles left the meeting at 4:30 p.m.

Director Giles returned to the meeting at 4:40 p.m.

It was Moved and Seconded

That staff seek a legal opinion regarding the non-conforming status of the

former Seaside Trailer Park, located at 11255 Chemainus Road, in Electoral Area G – Saltair/Gulf Islands.

MOTION CARRIED

**R2 – Doug
Makaroff/Living
Forest Planning
Consultants**

Rob Conway, Manager, reviewed staff report dated July 24, 2012, regarding Application No. 7-B-12DP (Elkington Forest – Midlands Phase) for a 25 lot bare land strata subdivision and associated development located on South Shawnigan Lake.

Doug Makaroff, applicant, was present.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

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 permit;
- 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.

MOTION CARRIED

R3 – McKenzie/Kell

Staff report prepared by Maddy Koch, Planning Technician, dated July 25, 2012, regarding Application No. 1-D-12DVP (Maureen McKenzie & Rodney Kell) to consider the issuance of a Development Variance Permit for the purpose of constructing a garage on property located at 2054 Cowichan Bay Road.

It was Moved and Seconded

That Application No. 1-D-12DVP (Maureen McKenzie & Rodney Kell) be referred back to staff.

MOTION CARRIED

R4 – Mike & Kari Thompson

Alison Garnett, Planner I, reviewed staff report dated July 20, 2012, regarding Application No. 3-B-12DVP (Thompson) to consider the issuance of a Development Variance Permit by increasing the maximum permitted height of a fence from 1.2 metres to 1.8 metres on property located at 1787 Thrush Road.

Mike & Kari Thompson, applicants, were present.

There were no questions directed to the applicants or staff.

It was Moved and Seconded

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.

MOTION CARRIED

R5 – Lindsay

Alison Garnett, Planner I, reviewed staff report dated July 20, 2012, regarding Application No. 4-B-12DVP (Lindsay) to reduce the minimum setback from a side exterior parcel line from 4.5 metres to 1.8 metres for the purpose of recognizing an existing workshop building on property located at #8-2180 Renfrew Road.

James and Lisa Lindsay, applicants, were unable to attend the meeting.

The Committee directed questions to staff.

It was Moved and Seconded

That Application No. 4-B-12DVP by James and Lisa 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.

MOTION NOT VOTED ON

It was Moved and Seconded

That Application No. 4-B-12DVP by James and Lisa Lindsay be referred back to staff to inspect the building to ensure there are no living accommodations located on the 2nd floor.

MOTION CARRIED

R6 – Marbre Construction/C & C Holdings Ltd.

Alison Garnett, Planner I, reviewed staff report dated July 25, 2012, regarding Application No. 8-E-12DP (Marbre Construction for C & C Holdings Ltd.) to construct ten mini-warehouse buildings on property located on Allenby Road,

Koksilah Industrial Park (Lot 1, Section 13, Range 6, Quamichan District, Plan 37379.

Majid Varasteh of Marbre Construction, applicant, was present.

The Committee directed questions to staff.

It was Moved and Seconded

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.

MOTION CARRIED

**R7 – Landmark
Sign/Countryview
Centre**

Rob Conway, Manager, on behalf of Rachelle Rondeau, Planner I, reviewed staff report dated July 25, 2012, regarding Application No. 1-C-12DP/VAR (Landmark Sign) for a Development Permit with Variance to permit a free-standing sign located at 1400 Cowichan Bay Road.

Brooke Tomlin, Landmark Sign, and Brett Large, property owner, were present.

The Committee directed questions to the applicant.

The committee directed questions to staff.

It was Moved and Seconded

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 m² for the Valleyview Centre on Lot 1, Section 18, Range 5, Shawnigan District, Plan 8038 (PID: 005-633-133) with the height of the sign in compliance with the Development Permit Area Guidelines that recommend the maximum height of 5 m and further that the sandwich board signs be removed from the property.

MOTION DEFEATED

It was Moved and Seconded

That Application No. 1-C-12DP/VAR (Landmark Sign) be referred back to Planning staff.

MOTION DEFEATED

It was Moved and Seconded

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 m² for the Valleyview Centre on Lot 1, Section 18, Range 5, Shawnigan District, Plan 8038 (PID: 005-633-133), subject to reduction of the sign height by 2 feet from what was presented at the July 31st EASC meeting.

MOTION CARRIED

**R8 – Draft Electoral
Area D – Cowichan
Bay Official
Community Plan**

Ann Kjerulf, Planner III, reviewed staff report dated July 23, 2012, regarding Draft Electoral Area D – Cowichan Bay Official Community Plan.

It was Moved and Seconded

That the draft Electoral Area D – Cowichan Bay Official Community Plan be received for information.

MOTION CARRIED

**R9 – Former Hayes
Site**

Brian Farquhar, Manager on behalf of Tanya Soroka, Parks and Trails Planner, reviewed staff report dated July 20, 2012, regarding Former Hayes Site – Amendment to the Log Sort Water Lot Lease #105062 in Cowichan Bay.

It was Moved and Seconded

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.

MOTION CARRIED

**R10 – Encroachment
in Fern Ridge Park,
Electoral Area A –
Mill Bay/Malahat**

Brian Farquhar, Manager on behalf of Tanya Soroka, Parks and Trails Planner, reviewed staff report dated July 21, 2012, regarding Encroachment in Fern Ridge Park, Electoral Area A – Mill Bay/Malahat.

It was Moved and Seconded

- 1) 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.
- 2) That a bylaw be prepared authorizing an AAP process for approval of the electorate to subdivide and exchange the said lands; and
- 3) That the Board Chair and Corporate Secretary be authorized to sign necessary documents in order to complete the subdivision and exchange of these lands.

MOTION CARRIED

**R11 – Don's Park,
Electoral Area E –
Cowichan
Station/Sahtlam/
Glenora**

Brian Farquhar, Manager on behalf of Tanya Soroka, Parks and Trails Planner, reviewed staff report dated July 24, regarding Don's Park in Electoral Area E – Cowichan Station/Sahtlam/Glenora.

It was Moved and Seconded

That CVRD Board Resolution #12-098-4 dated March 14, 2012, regarding the possible disposition of Don's Park, be rescinded.

MOTION CARRIED

**R12 – CVRD
Newsletter**

Tom R. Anderson, General Manager, reviewed staff report dated July 25, 2012, regarding CVRD Newsletter.

It was Moved and Seconded

That the staff report dated July 25, 2012, prepared by Tom R. Anderson, General Manager, regarding CVRD Newsletter, be referred to a future EASC meeting.

MOTION CARRIED

**R13 – Application No.
1-H-10DVP
(McCullough)**

Rob Conway, Manager, reviewed staff report dated July 26, 2012, regarding Development Variance Permit Application No. 1-H-10DVP (McCullough)

It was Moved and Seconded

That Condition 3(iii) of Development Variance Permit No. 1-H-10DVP (McCullough) 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 as well as planting 5 new Arbutus trees which are native to the area and posting of an irrevocable letter of credit equivalent to 125% of tree installation, to be refunded after 2 years if the trees are successfully established, as determined by the General Manager of Planning & Development.

MOTION CARRIED

INFORMATION

**IN1 – June 2012
Building Report**

It was Moved and Seconded

That the June 2012 Building Report be received and filed.

MOTION CARRIED

IN2-IN6 - Minutes

It was Moved and Seconded

That the Minutes of Area C – Cobble Hill APC meeting of July 19, 2012 (IN2) be referred back to the Area C APC Secretary to be corrected as Director Giles noted that they need to be amended on Page 2, 3rd line by changing RR-3 Zone to read RR-2 Zone).

MOTION CARRIED

It was Moved and Seconded

That the following minutes be received and filed:

- Minutes of Area E – Cowichan Station/Sahtlam/Glenora APC meeting of July 19, 2012.
- Minutes of Area I – Youbou/Meade Creek APC meeting of July 3, 2012.
- Minutes of Area C – Cobble Hill Parks and Recreation Commission meeting of July 5, 2012.
- Minutes of Area I – Youbou/Meade Creek Parks & Recreation Commission meeting of July 10, 2012.

MOTION CARRIED

NEW BUSINESS

**NB1 – Add-on
Material Respecting
Item R1**

See R1 (Re-development of Former Seaside Trailer Park – 11255 Chemainus Road.

**NB2 – Shawnigan
Cobble Hill Farmers
Institute and
Agricultural Society
Request to Use the
Cobble Hill Common
for Cobble Hill Fair**

Brian Farquhar, Manager, reviewed staff report dated July 30, 2012, regarding Shawnigan Cobble Hill Farmers Institute and Agricultural Society Request to Use the Cobble Hill Common for Cobble Hill Fair.

It was Moved and Seconded

That the application from the Shawnigan Cobble Hill Farmers Institute and Agricultural Society to use the Cobble Hill Common property in Cobble Hill to stage displays and events as part of the 103rd Cobble Hill Fair on August 24 and 25, 2012, be approved subject to the following conditions:

1. Proof of \$5,000,000 liability insurance that the Society has to cover the event which also identifies the CVRD named as additional insured,
2. That the activities and use of the Common by the Society is per the layout plan provided July 26, 2012.
3. That no displays or equipment are located on the planted berm and that the berm is cordoned off with temporary fencing to prevent the public from walking on the planted areas.
4. That the Society agrees to reimburse the CVRD for costs incurred to replace any damaged plants or damage to other recent improvements made within the Common incurred as a result of the Fair event.

MOTION CARRIED

**NB3 – Area C Parks &
Recreation
Commission Minutes**

It was Moved and Seconded

That the Minutes of the Area C, Cobble Hill Parks & Recreation Commission of July 26, 2012, be received and filed.

MOTION CARRIED

NB4 – Rock Concert

Director Duncan reported on the Rock of the Woods which has been held previously at the Bamberton site and noted that this year the organizers held the event at Glenora Farms. He advised that he personally attended the Saturday evening event which was well managed and controlled and they did not find noise to be intrusive.

RECESS

The Committee took a five minute recess at 6:45 p.m.

CLOSED SESSION

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

MOTION CARRIED

The Committee moved into Closed Session at 6:50 p.m.

RISE

The Committee rose without report at 6:56 p.m.

ADJOURNMENT

It was Moved and Seconded
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 6:56 p.m.

Chair

Recording Secretary

01



REQUEST TO APPEAR AS A DELEGATION

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

REQUEST TO ADDRESS: ☐ CVRD BOARD
☒ EAC COMMITTEE

at the meeting of Sept 4, 2012 at 8:30 pm

APPLICANT NAME Tamara Lawrence

REPRESENTING: Creekside Residents Association
(name of organization if applicable)

AS: _____
(capacity/office)

NUMBER ATTENDING: 4

Applicant mailing address: 9528 Creekside Dr. Yonbou, V0R3E1

Applicant Telephone: 250-709-1753 Fax: _____

Applicant email: tlawrence@5c@gmail.com

PRESENTATION TOPIC and NATURE OF REQUEST:

short term rentals

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

Tamara Lawrence
Signature

23 Aug 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: Thursday, August 16, 2012 4:35 PM
To: Cathy Allen
Subject: FW: Online Form Submittal: Request to Appear as a Delegation

Cathy, delegation request for the Sept. 4th EASC meeting.

Joe

From: support@civicplus.com [mailto:support@civicplus.com]
Sent: Monday, August 13, 2012 10:43 PM
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

☒ Committee

If Committee, specify the Committee here:

EASC

Meeting Date: 09/04/2012

Meeting Time: 3:00 p.m.

Applicant Information

Applicant Name: Drew/Lori Speirs

Representing: (Name of organization if applicable)

As: (Capacity / Office)

Number Attending: 2

Applicant Contact Information

Applicant Mailing Address: 923 Kingsmill Road

Applicant City: Victoria

Applicant Telephone: 250 384 5736

Applicant Fax:

Applicant Email: d.speirs@telus.net

Presentation Topic and Nature of Request:

Request for the board to hear our ongoing issue with a summer rental beside our home in Youbou

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

Request to Address:: Committee

If Committee, specify the Committee here:: EASC

Meeting Date:: 09/04/2012

Meeting Time:: 3:00 p.m.

Applicant Name:: Drew/Lori Speirs

Representing::

As::

Number Attending:: 2

Applicant Mailing Address:: 923 Kingsmill Road

Applicant City:: Victoria

Applicant Telephone:: 250 384 5736

Applicant Fax::

Applicant Email:: d.speirs@telus.net

Presentation Topic and Nature of Request:: Request for the board to hear our ongoing issue with a summer rental beside our home in Youbou

Additional Information:

Form submitted on: 8/13/2012 10:42:38 PM

Submitted from IP Address: 50.92.197.221

Referrer Page: No Referrer - Direct Link

Form Address: <http://www.cvrld.bc.ca/Forms.aspx?FID=41>



R1

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF SEPTEMBER 4, 2012

DATE: August 29, 2012 **FILE NO:**

FROM: Rob Conway, MCIP **BYLAW No:**
Manager, Development Services Division

SUBJECT: Short Term Rentals of Residential Dwellings Units

Recommendation/Action:

That a policy be established to allow short term rentals that are customarily incidental to residential use and that enforcement action be taken against vacation rentals for terms of less than one month.

Relation to the Corporate Strategic Plan: N/A

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

Background:

At the May 1, 2012 EASC meeting, staff presented a report regarding the short term rentals of single family dwellings, including "vacation rentals".

The report noted that the short term rental of dwellings is not a permitted use in single family zones, other than in the context of bed and breakfast accommodation. Although short term rentals are not explicitly permitted, there are certain types of short-term tenures that commonly occur in residential neighbourhoods that are generally not disruptive. The rental of single family dwellings for vacation purposes can, however, have negative impacts on adjacent properties and neighbourhoods. This report is intended to outline options for managing enforcement when complaints are received about short term rentals and provides recommended policy options for guiding bylaw enforcement action.

Issues with Short Term Rentals:

Dwellings in residential zones are typically occupied by a single family as a primary residence. Residential zoning also allows dwellings to be rented and occupied by unrelated persons (up to five). Short term rental, particularly for tourist and vacation accommodation, is generally considered a non-residential use. The C-4 zone allows tourist accommodation and short term vacation rentals, and there are developments

within the Regional District, such as The Cottages at Marble Bay in Area I and the Clearwater Resort in Area B, where the rental of dwellings for short stays is permitted.

The CVRD rarely receives complaints about short term rentals in most residential neighbourhoods. When complaints are received, it is usually for properties on Cowichan Lake and Shawnigan Lake where second dwellings are more common, and where there is a market for vacation rentals.

When properties are purchased as second dwellings, there is often a desire to have others occupy the dwelling during the times it is not occupied by the owner. Sometimes the dwelling is used by friends and family, it may be rented during the off-season, or it may be rented short term which typically occurs during the peak season. All of these types of occupancy are potentially disruptive to adjacent property owners because the use of the dwelling and property tends to be more intensive with more occupants and more use of outdoor spaces. Consequently, nuisances such as noise, on-street parking, the illegal discharge of fireworks, and other general disturbances can be greater. Another aspect of the problem is that short term rental occupants are transient, so there a tendency to be less respectful of neighbours. Bylaw enforcement is also more challenging, as the occupants tend to be less knowledgeable and abiding of local bylaws, and the occupants are rarely there long enough for bylaw enforcement to be effective.

Zoning and Enforcement:

Most of the CVRD's zoning bylaws do not explicitly identify a term of occupancy in the definition of "dwelling unit". For example, the Area I Zoning Bylaw defines it as,

One or more habitable rooms with self-contained sleeping, living, cooking, eating and sanitary facilities use, designed or intended as a residence for one family, and does not include a recreational vehicle or park model RV (CSA Z 241)

The definition does not explicitly exclude vacation rentals or other types of short term rentals, but neither does it imply the use of residential dwellings for this purpose is permitted. Section 3.23(6) of the bylaw allows uses that are "customarily incidental" to a permitted use. It would seem reasonable to consider activities such as home exchanges, accommodation of friends and family, house sitting and even the seasonal rental of dwellings as a normal and customary practice in residential neighbourhoods. The short term commercial rental of single family dwellings for vacation purposes is likely not considered a normal and customary practice in most residential neighbourhoods. However, vacation rentals may be more customary and accepted in resort areas where second home ownership is more common. It is largely a matter of policy as to whether some limited short term vacation rental is accepted as a residential use.

Correspondence received on the issue of vacation rentals is attached, which provides perspectives on vacation rentals in residential zones.

Staff Comments:

It is the opinion of staff that the types of short term rentals identified in Table 1 are commonly conducted in residential neighbourhoods and are commonly considered as a legitimate use of a residential dwelling. Staff recommend that enforcement action not be pursued for such activities unless they are conducted at a scale and extent that exceeds what would be considered "customarily incidental" for a residential dwelling.

Table 1

Term	Definition
<i>Home Stay/Boarding</i>	A stay at a residence by a traveler or student who is hosted by a family or home owner.
<i>Home Exchange</i>	The exchange of one's home for the use of another's home, often arranged by a travel service or club.
<i>House Sitting</i>	The practice of occupying a dwelling to provide security and maintenance while the owner or regular tenant is away.
<i>Seasonal Rentals</i>	The rental of a dwelling during the off-season, for the months when it is not occupied by the owners.
<i>Guest Accommodation</i>	The accommodation of friend or relatives for short stays within the owner's dwelling, with or without compensation to the owner.
<i>Work-Stay Accommodation</i>	The provision of food and lodging in exchange for labour.

Vacation rentals are a form of short term rental that staff believe should be treated differently than those listed above. Recent court decisions (Whistler v. Miller; Whistler v. Wright), have confirmed that vacation rentals are a distinct use from residential use, and that local government may regulate and prohibit the use through zoning. Although the courts have confirmed that local government has the ability to regulate and prohibit vacation rentals in residential zones, the CVRD Board has discretion as to how aggressively bylaw enforcement will be pursued.

Staff believe the rental of dwellings for a term of one month or more can reasonably be considered a residential use, and would recommend that bylaw enforcement not be pursued if a tenancy of one month or more can be substantiated, even if the rental is intended for vacation purposes.

Staff further recommend that rental terms of less than one month be considered as a non-residential use and a use that is not permitted unless conducted in a zone where the use is explicitly allowed. If the Committee agrees with this approach, enforcement would commence when complaints are received as with other bylaw violations. If the Committee considers some low level of short term vacation rental (e.g. 2-4 weeks per year) to be an acceptable use of a residential dwelling, a bylaw enforcement policy could be structured to allow this. A draft policy outlining enforcement procedures for short term rentals is attached.

In the longer term, the issue of vacation rentals should be considered and addressed when OCP and zoning bylaws are reviewed, as these processes allow opportunities for broad community consultation. This has been done with the draft South Cowichan Zoning Bylaw by including definitions for "residential use" and "temporary accommodation" that help clarify where vacation rentals are and are not permitted.

Options:

Option A:

That a policy be established to allow short term rentals that are customarily incidental to residential use and that enforcement action be taken against vacation rentals for terms of less than one month.

Option B:

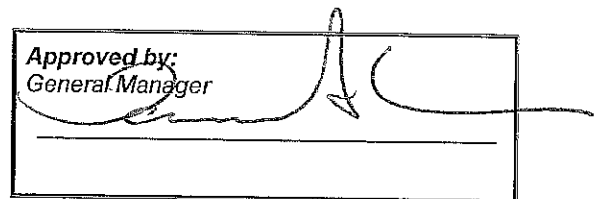
That a policy be established to allow short term rentals that are customarily incidental to residential use and that enforcement action be taken against vacation rentals for terms of less than one month when the rental activity exceeds more than four weeks in a calendar year.

Option A is recommended.

Submitted by,



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



RC/ca
attachments



Policies & Procedures

Short Term Rental Of Single Family Dwellings Policy

Applicability: Planning & Development

Effective Date: Choose a date

PURPOSE:

To outline bylaw enforcement procedures for the short term rental of single family dwellings.

POLICY:

1. CVRD staff will investigate complaints regarding the short term rental of residential dwellings and will determine if a bylaw violation has or is occurring.
2. Enforcement will not be pursued against the following types of short-term rentals unless the activity is occurring to a scale and extent that exceeds what is customarily incidental to residential use:
 - Home Stay/Boarding
 - Home Exchange
 - House Sitting
 - Seasonal Rentals
 - Guest Accommodation
 - Work-Stay Accommodation
3. Enforcement will be pursued when a residential dwelling unit is rented for a term of less than one month.

Or - Enforcement will be pursued when a residential dwelling unit is rented for a term of less than one month and the short term rental occurs more than 4 weeks in a calendar year.
4. Upon confirmation that a dwelling has been rented for a term of less than one month, the property owner will be notified by registered mail that all short term rental activity must cease with 14 days of the notice.
5. If short term rentals continue after issuance of the 14 day notice, staff will seek direction from the Board to commence prosecution proceedings or to seek a court ordered injunction.

Nothing in this enforcement policy should be interpreted as giving permission to violate the applicable bylaws and the CVRD Board may change this policy at any time and may give direction to expand enforcement activities at any time.

Approved by: Choose an item.
Approval date: Click here to enter a date.
Amended date: Click here to enter a date.



Policies & Procedures

FOR OFFICE USE ONLY: POLICY APPROVAL TRACKING SHEET

Initiated by: Click here to enter name & position

Applicability: Choose a group

Effective Date: Choose a date

Approval History:

New Policy

To Be Approved by:

All policies pertaining to money must be pre-approved by the Finance Division.

**Approval
Required?**

Date Approved:

**Signature or
Resolution/Page Number:**
(attach staff reports and minutes)

Choose Finance Division

Choose Enter name
Committee

Choose CVRD Board

Choose Corporate
Leadership Team

Choose Administrator

Dear Mr. Conway,

We have been searching for the perfect waterfront property for approximately 8 years now. Although we live on the Mainland, we fell in love with Lake Cowichan when we camped at Gordon Bay Provincial Campground 6 years ago.

After 8 years of searching and monitoring the real estate market, we finally purchased our dream vacation home in the Creekside Development on Lake Cowichan this last April. The house was a court ordered sale and had sat vacant for several years prior to us purchasing it. Although beautiful, the house was not complete and required a considerable amount of time and money to complete the home and to make it safe for us to enjoy with our 2 small boys. Since purchasing the home in April, my husband has spent each and every one of his days off traveling from our home in North Vancouver to work on the property while I stayed at home to look after our boys. The boys and I were ecstatic when we traveled to our "lakehouse" on Lake Cowichan for the first time as a family in May. We have spent more time in Lake Cowichan this summer than at our home in North Vancouver – my wilted tomato plants can attest to this. On an almost daily basis, neighbours have stopped by to tell us how glad they were that a family was finally using the home and to comment in amazement on how much work we had accomplished in such a short period of time. Neighbours have also been appreciative of how well maintained our property looks since we have moved into the house.

My husband and I feel that we have purchased this home at the perfect time for our family - our boys are 1 and 3 and this will allow us to create memories with them that will last a lifetime. In order to realize this dream, we have saved and worked hard to make it happen. As a way to offset the cost of maintaining the property, we have explored the option of offering our home as a short term vacation rental. We were aware of several that were operating on Lake Cowichan and in our neighbourhood. For the last 10 years, vacation rentals operated by private owners has been our preferred type of accommodation while traveling. This has been especially true since having children – in fact, our family stayed at a vacation rental in Lake Mesachie while viewing prospective homes on Lake Cowichan.

At the end of July, we advertised our property on a "Vacation Rental by Owner" website. We placed strict limitations on the age and number of persons that could rent our property. We have a special rider on our insurance that allows us to conduct short term vacation rentals up to a maximum of 4 weeks. As we prefer to come to our "lakehouse" ourselves as much as possible, it was our intention to rent out our property a limited number of times during the summer to carefully screened families. Interest was high as soon as we listed our property. We received 12 rental requests in the first 2 weeks of August – we accepted 2. The first family stayed at our home for a week and consisted of two grandparents with their 4 and 6 year old grandchildren. They loved our home and have asked to return next summer. The second family consisted of 2 couples – one of whom had a 5 month old baby. We later heard from our neighbours that they had additional guests and that the neighbours were concerned about noise levels. I immediately apologized to my neighbour and advised that this was completely unacceptable. I explained the steps I had taken to screen my guests and advised the neighbour that I would add a clause in my rental contract to prevent this from happening in the future. I

indicated to our neighbour that I was hoping to have 2 more rentals by the end of the season and hoped they would support me in this once we were able to talk. I also indicated to her that if there was ever an issue again, she could contact me directly and I would evict the renters immediately (which I am able to do as the homeowner). She indicated to me that vacation rentals were not desirable in our neighbourhood as it was important that the neighbours knew all of the people in the neighbourhood and that there was no way I could control who rented my property. She was also upset when I indicated that there were additional vacation rentals operating on our street that she was not aware of. We agreed to speak more about it when I arrived at our lakehouse later in the week.

As we were driving to the lakehouse later that week, I spoke instead to a CVRD bylaw officer who had received a complaint from our neighbours who were hoping to “nip” any vacation rentals “in the bud”.

Mr. Conway, I have read your report dated April 25, 2012 regarding the use of Single Family Dwellings as Vacation Rentals. As a responsible homeowner, I support your recommendation that a policy be developed outlining circumstances under which enforcement action will be pursued against vacation rentals in single family dwellings. Under no circumstances do I want to be a “bad” neighbour. If I am unable to properly screen my guests so as not to interfere with my neighbours enjoyment of their property, then I would have no choice but to cease offering our home as a vacation rental. However, a vacation rental property is not inherently disruptive. This is our home – we are motivated to have guests who are respectful of our neighbours and who wish to enjoy the lake as we do!

I would like to outline the steps I currently take in order to screen my vacation rental guests (as well as the additional steps I would take if given the opportunity in the future):

- I have a minimum age limit of 25 years of age for renters;
- I allow a maximum of two families to stay in our home (ie. 4 adults and 4 children to a maximum of 8 people). I turned down several requests for groups of 8-12 adults as I feel that their agenda is likely to be “partying”;
- I have renters provide the full name and date of birth for all guests staying at the house and state that they cannot change the guests without notification;
- I “google” applicants names, phone numbers, address, and email addresses to ensure that they are legitimate renters;
- I utilize social media sites such as Facebook to confirm the identity of renters;
- In future, I would add a clause stating that if the number of authorized guests staying on the property is exceeded, the damage deposit would immediately be forfeit;

-In future, I would also add a clause stating the if complaints were received from the neighbours about noise levels and/or disruptive behavior, that guests would be evicted immediately and would only receive a refund on the remaining nights; and

-We would also welcome suggestions on how to improve screening of guests.

Lake Cowichan is an amazing place and the lake is a natural draw to people. Unfortunately, there are limited accommodations in the area that are suitable for families. Vacation rentals offer a comfortable place for families to stay at a reasonable price. In return, guests bring tourist dollars to the area – spending money on restaurants, activities, novelties, gas and groceries. As tourists in our new town, we have gone to the Birds of Prey Visitor centre, the BC Forest Discovery Centre and plan to go river tubing next summer – the additional money that tourists spend can only be a benefit to the local economy.

Mr. Conway, we love our new home and Lake Cowichan. We are good neighbours! We respectfully request the opportunity to share our home with other families – who knows, they may fall in love with the area and be future residents too!

Sincerely,

Lisa and John Merrett

Paul Brigel, M.D., C.C.F.P.
Clinical Assistant Professor, University of B.C.
120 - 1105 Pandora Avenue
Victoria, B.C. V8V 3P9 Canada
Phone (250) 383-9533 Fax (250) 383-0312

September 9, 2011

Dear Cowichan Valley Electoral Area Services Committee,

I own the cabin at 9766 Miracle Way. Since it was built, 1997, I have rented this cabin for up to 6 weeks/year.

However, the owner to the immediate West has contacted Nino Morano, our Cowichan Valley Bylaw Enforcement Officer, who has politely informed me that temporary accommodation infringes on regional bylaws.

May I point out that my family (immediate with 2 daughters 19 & 21 years old) and extended family, love our cabin, which we rent out to defray mortgage and other maintenance expenses (\$1980.00 for septic system repairs this June).

Because we consider this our beloved family home/retreat, I only rent out:

- a) to other families, usually with children (as opposed to young adults who tend to "party hard"); Mr. Morano met one of these families, (who told me he was well-mannered and soft-spoken).
- b) for only several weeks/year; - this year, I rented for 2 intact weeks (Aug. 6-13, Aug. 14-21) & two 4 day periods (July 18-22, Sep 1-5)
- c) in respect of the neighborhood and in deference to my immediate neighbors' request, I do not permit these renters to bring their dogs

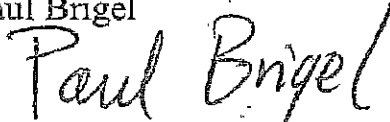
Because of all this, I have chatted with several other neighbors and local merchants: these neighbors are not concerned as long as they are not disturbed, which they are not; the merchants welcome my renters, pointing out that, with the logging/milling downturn, they depend on occupants of the community for their livelihood and economic welfare.

In brief, I would never rent to "loud party-types" for both my sake and for the peace and quiet of the neighborhood.

I trust this explanation meets with your understanding.

Yours sincerely,

Paul Brigel



P. 2

383-0312

09 Sep 2011 4:09 PM 240

August 6, 2012

Andrew Douglas Speirs
Lori Jean Speirs
923 Kingsmill Rd.
Victoria B.C.

CVRD Electoral Area Services Committee
175 Ingram St.
Duncan, B.C. V9L 1N8

Dear Committee Members;

We are writing this letter today to help put a real perspective on the decision regarding Summer/ Short Term Rentals in Area I.

We have lived beside a summer rental for the past four years. Living beside a summer rental is challenging at best.

When an individual property owner living directly beside, or within 300 metres of a rental complains about a commercial Summer Rental, this concern should be taken very seriously. People who live beside, or close to summer rentals are subjected to the carry on at summer rentals, not the owner who is renting the property. The residents beside the Summer Rental are taxpaying citizens in our community, and should have a right of protection afforded to them under the CVRD bylaws. There may only be one dissenting voice against a Summer Rental property owner, but that individual voice must be heard, as it is this voice that is not breaking bylaws, it is this voice that is not trying to circumvent the system, it is this voice that is not profiting at the expense of his or her neighbours.

Summer Rentals can truly ruin the enjoyment of the Lake Cowichan experience from our family's personal perspective. The time of the year has come for us to enjoy the lake and right beside us is a group of holidayers, with a new group showing every week to get their money's worth. We have found from personal experience short term renters are not overly concerned with the fact they are in a residential neighbourhood, it is time for their holiday, they are on vacation, they want to get their money's worth.

When the CVRD gets ongoing reports of a Summer Rental bylaw infraction, bylaw enforcement must act with a measured and arbitrary approach. We believe this is a three step approach, step one is an introduction to the bylaw, step two is warning of fine or impending legal action, and step three is enforcement.

If persons are interested in being Hoteliers or Inn Keepers, We would make a suggestion to this committee, ask the interested party to buy a piece of property that is presently zoned for the desired use.

We believe the purpose of bylaws is to ensure each resident has equal opportunity to enjoy their property. When one resident is permitted to circumvent zoning bylaws, the integrity of the entire bylaw process is lost.

Bylaws are made as a measure of what is good for all. We believe the bylaws regarding permitted land use do not need any adjustment. Bylaws are a measure of protection, and strengthen our community, these bylaws were not capriciously considered, it was with good conscience these bylaws were enacted, We are asking the EASC to refrain from changing anything regarding permitted use in zoning, We believe change is not necessary.

Sincerely;

Drew Speirs

Lori Speirs



R2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 4, 2012

DATE: August 23, 2012 FILE NO: 3-I-12 DP
FROM: Maddy Koch, Planning Technician BYLAW NO: 2650
SUBJECT: Development Permit Application No. 3-I-12 DP
(Greg and Laurie Allen)

Recommendation/Action:

That Application No. 3-I-12DP (Allen) be approved, and that a development permit be issued to Greg and Laurie Allen to permit construction of a dwelling on Lot 35, District Lot 32, Cowichan Lake District, Plan 1003 except part in plan 1584RW (PID: 006-544-851), subject to:

- Compliance with the measures and recommendations outlined in RAR assessment report No. 2369 by Ted Burns, dated May 5, 2012.
- Narrowing of the footpath to 1.5 metres, in accordance with the Watercourse Protection Development Permit Area requirements of CVRD Bylaw No. 2650

Relation to the Corporate Strategic Plan: N/A

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

Background:

Location of Subject Property: Lot 35, Sa-Seen-Os Crescent

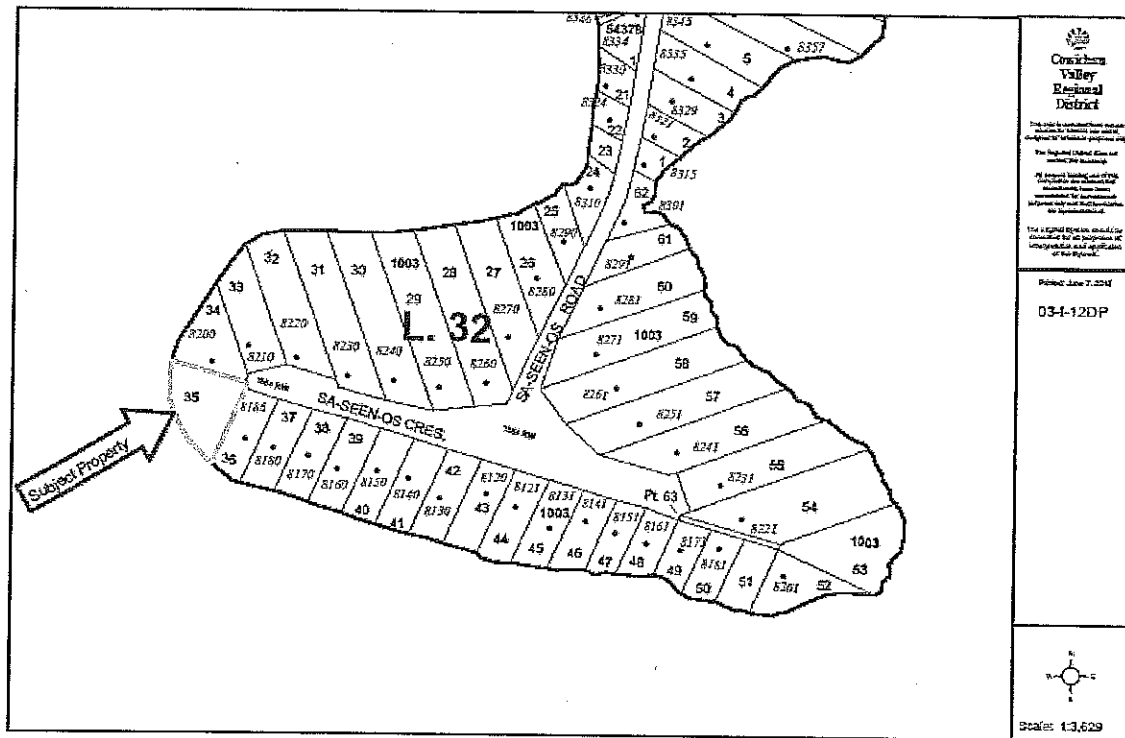
Legal Description: Lot 35, District Lot 32, Cowichan Lake District, Plan 1003 except part in plan 1584RW (PID: 006-544-851)

Date Application Received: May 31, 2012

Owner and Applicant: Greg and Laurie Allen

Size of Parcel: ±0.58 hectares (±1.4 acres)

Existing Zoning: R-3 (Urban Residential)



<u>Minimum Lot Size:</u>	0.2 hectares with community water system connection
<u>Existing Plan Designation:</u>	Residential
<u>Existing Use of Property:</u>	Vacant Land
<u>Existing Use of Surrounding Properties:</u>	North: R-3 South: Lake Cowichan East: R-3 West: Lake Cowichan
<u>Road Access:</u>	Sa-Seen-Os Crescent
<u>Water:</u>	Youbou Water System Service Area
<u>Sewage Disposal:</u>	On-site
<u>Agricultural Land Reserve Status:</u>	The subject property is not within the ALR.
<u>Environmentally Sensitive Areas:</u>	The subject property is located adjacent to Lake Cowichan and is therefore subject to the Watercourse Protection Development Permit Area.
<u>Archaeological Sites:</u>	The CVRD has no knowledge of an archaeological site on the subject property.
<u>Urban Wildfire Interface Level:</u>	Moderate

Planning Division Comments:

The subject property is ±0.58 ha (1.4 acres) in size, zoned R-3 and located on Cowichan Lake. The lot is currently vacant and almost entirely located within the Watercourse Protection Development Permit Area (DPA).

In 2010, the previous owners cleared much of the shoreline without a development permit. A development permit was issued for the purpose of remediating this damage. As noted in the restoration plan within RAR report No. 2369 by Ted Burns, restoration works have been ongoing. The current application is required because the previous permit did not address house construction, and the current owners wish to construct a dwelling.

The proposed dwelling is 140 m² in area, and 185 m² including the proposed deck. At its closest point, the dwelling would be 0.3 metres from the 15 metre watercourse setback. Most of the proposed dwelling is within the 30 metre development permit area.

A wide access route to the water was cleared by the previous owner. While the Development Permit Area exempts a 1.5 metre wide footpath to the water, at the time of staff's site visit, the access was significantly wider than that (see attached picture). The owner has been advised of this and has agreed to narrow down the path by moving the logs which line it, so that it meets the 1.5 metre allowable width.

The Watercourse Protection Development Permit Area was created for protection of the natural environment, its ecosystems and biodiversity, and for the protection of development from hazardous conditions. The following section will outline how the proposed development addresses the Watercourse Protection DPA guidelines. Pages 43 – 48 of OCP Bylaw No. 2650 contain the complete guidelines:

- a) **Retain site in its natural state** – No site alterations other than house construction are proposed. The proposed house site was previously cleared.
- b) **Setback from sensitive area** – The proposed development would be located 2.2 metres from the SPEA and 0.3 metres outside of the 15 metre setback from a watercourse required by Zoning Bylaw No. 2465.
- c) **Minimize vegetation clearing** – None is proposed.
- d) **Rain and stormwater management** – The QEP report recommends that rooftop and driveway runoff be directed to infiltration pits.
- e) **Silt and sediment control** – Section 5 of the RAR report includes a Sediment and Erosion Control Plan.
- f) **Imperviousness figures** – The proposed new home has a footprint of 185 square metres including the 45 square metre deck. No other impervious surfaces are proposed.
- g) **Floodplain** – It appears that the proposed dwelling would be located above the 167 metre 200-year floodplain elevation.
- h) **Driveway design** – No new driveways are proposed.
- i) **Footpaths** – There is a wide, cleared access to the water, and a narrow footpath veers off from this to provide access to a dock. The Watercourse Protection DPA exempts 1.5 metre wide footpaths to the water, and the owner has indicated that he will ensure the existing access is narrowed to the allowable width. No other water access paths are proposed.
- j) **Retaining walls** – No retaining walls are proposed.
- k) **Retaining wall appearance** – Not applicable.
- l) **Retaining wall with fence** – Not applicable.

- m) **Cultural/heritage sites** – No cultural/ heritage sites are identified.
- n) **Pilings/floats** – A dock and access ramp have been constructed on the subject property and were approved under Section 9 of *The Water Act* (see attachment).
- o) **Applicable only to subdivision.**
- p) **Develop with care** – The RAR Assessment Report will cover this within the Riparian Assessment Area.
- q) **Wetland & Watercourse alteration** – No alterations to wetlands or watercourses are proposed.
- r) **Harmful Alteration/Destruction or Disruption of fish habitat** – The RAR assessment report states that the proposed development will not result in a HADD.

Advisory Planning Commission Comments:

This application was reviewed by the Electoral Area I Advisory Planning Commission on August 7, 2012. The following motion was passed:

It was moved and seconded that the Area I (Youbou/ Meade Creek) Area Planning Commission recommend to the Electoral Area Services Committee to support Application 3-I-12DP/RAR (Allen) by following the plan laid out in the Staff report dated June 27, 2012 and to approve the Development Permit. MOTION CARRIED

Staff Recommendation:

This application seems to meet the guidelines of the Watercourse Protection DPA, and was supported by both the QEP report and the Advisory Planning Commission. Therefore staff recommend the application be approved.

Options:

1. That Application No. 3-I-12DP (Allen) be approved, and that a development permit be issued to Greg and Laurie Allen to permit construction of a dwelling on Lot 35, District Lot 32, Cowichan Lake District, Plan 1003 except part in plan 1584RW (PID: 006-544-851), subject to:
 - Compliance with the measures and recommendations outlined in RAR assessment report No. 2369 by Ted Burns, dated May 5, 2012.
 - Narrowing of the footpath to 1.5 metres, in accordance with the Watercourse Protection Development Permit Area requirements of CVRD Bylaw No. 2650
2. That That Application No. 3-I-12DP (Allen) be denied.

Option 1 is recommended.

Submitted by,

Maddy Koch

Maddy Koch
Planning Technician
Development Services Division
Planning & Development Department

<p>Reviewed by: Division Manager:</p> <p><i>[Signature]</i></p> <hr/> <p>Approved by: General Manager:</p> <p><i>[Signature]</i></p>
--

MK/ca

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

Riparian Areas Regulation: Assessment Report

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

Date May 5, 2012

I. Primary QEP Information

First Name	Ted	Middle Name	
Last Name	Burns		
Designation	Biologist	Company	
Registration #	895	Email	tedburns42@gmail.com
Address	9715 Epp Drive		
City	CHILLIWACK	Postal/Zip	V2P 6N7
Prov/state	BC	Country	CANADA
		Phone #	604-795-9716

II. Secondary QEP Information (use Form 2 for other QEPs)

First Name		Middle Name	
Last Name			
Designation		Company	
Registration #		Email	
Address			
City		Postal/Zip	
Prov/state		Country	
		Phone #	

III. Developer Information

First Name	Greg	Middle Name	
Last Name	Allen		
Company			
Phone #	250-508-2781	Email	greg.allen@ascendantfx.com
Address	4537 Rithetwood		
City	Victoria	Postal/Zip	V8X 4J9
Prov/state	BC	Country	CANADA

IV. Development Information

Development Type	Construction: Single Family Residential		
Area of Development (ha)	.013	Riparian Length (m)	75
Lot Area (ha)	.056	Nature of Development	New
Proposed Start Date	June 1/2012	Proposed End Date	Sept. 15/2012

V. Location of Proposed Development

Street Address (or nearest town)	8190 Sa Seenos Crescent, Youbou V0R 3E1		
Local Government	Cowichan Valley Regional District	City	Duncan
Stream Name	Cowichan Lake		
Legal Description (PID)	006-544-851	Region	Vancouver Island
Stream/River Type	Lake	DFO Area	South Coast
Watershed Code	9202577		
Latitude	48	51	58
Longitude	124	12	14

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

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

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

Fisheries Resources

Cowichan Lake as Fish Habitat

Cowichan Lake and, in particular, its shore zone, is very important fish habitat. Cowichan Lake is a large, deep, oligotrophic coastal lake. It covers a surface area of 62,043,000 m², has a volume of 3,109,138,000 m³ and a perimeter of 102,740 m. The shore zone has been divided into 85 reaches and sub-reaches (Burns, 2002). It has a strong and diverse fish community.

Table 1: Cowichan Lake Physical Description

Elevation	Area (m ²)	Volume (m ³)	Mean Depth (m)	Max. Depth (m)	Perimeter (m)	Reaches
158-165	62,043,000	3,109,138,000	50.1	152	102,740	85

Cowichan Lake is utilized by rainbow and cutthroat trout, brown trout, Dolly Varden char, kokanee, chinook and coho salmon. Chum salmon also use the lake on a short term basis. Threespine sticklebacks and sculpins are abundant (*Cottus asper* and *Cottus aleuticus*). The Cowichan Lamprey is also present and common (Table 2).

Table 2: The fishes of Cowichan Lake and their relative abundance

Species	Relative Abundance
Coho salmon	Very abundant in the shore zone between May and July. Can persist all summer in cool years.
Three-spine stickleback	Very abundant in the shore zone for most of the year
Kokanee	Very abundant but mainly in open water
Cutthroat trout	Very abundant. At least two races or forms in the lake.
Rainbow trout	Very abundant but slightly less so than cutthroats
Dolly Varden	Formerly abundant especially in the west portion of the lake but have declined markedly of late. Now uncommon.
Chinook salmon	Scarce. Very abundant prior to 1950's in the form of early run (June) that held in the lake until fall rains then spawned in a number of tributaries. Fall Chinooks are still relatively abundant in the Cowichan system but they make little use of the

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

	lake.
Chum salmon	Not abundant, spawns in several tributaries in small numbers, total escapement to the lake tributaries usually less than 1000. Very occasional beach spawning near Youbou and possibly at other sites. Young are in shore zone from late April to June.
Brown trout	Uncommon in the lake but some large individuals are present. Some brown trout take up residence in Cowichan Lake. Browns are most common in the Upper Cowichan River
Cowichan Lamprey	Abundant in Cowichan, Bear and Mesachie Lakes
Prickly Sculpin	Abundant in the shore zone
Alutian Sculpin	Common in the lake and portions of its tributaries

Of the Cowichan Lake fish community, Threespine sticklebacks and coho salmon are the most at risk from development adjacent to the lake because they are most dependent on shore zone habitat. All juvenile salmonids winter in the shore zone (inland extent of riparian vegetation and, in most cases, seasonal wetting, to the 6 m contour offshore). But coho and sticklebacks are present in all but the warmest weather periods when water temperature exceeds 22°. However they are not usually present in all habitats being largely limited to protected, well vegetated Class 1 and 2 Shores.

The Allen Property is highly exposed to the prevailing westerly and moderately exposed to southeasters blowing up the narrows hence its fish habitat value is relatively low and has been rated Class 5. The outer shore zone is largely bedrock while the riparian community is relative sparse in the lower part of the zone and soon grades to upland forest common to dry, south facing sites with shallow soils in this region – Salal, Oregon Grape, Ocean Spray, Arbutus, Saskatoon and Douglas fir. A large portion of the SPEA was cleared and grubbed in June of 2010. Some 850 m² needs to be restored. However, much of the SPEA was covered in broom and an old road crossed a fair amount of it. Soils on the road were compact and cover was somewhat sparse. But a large number of trees and shrubs were removed. It's possible that restoration can produce a healthier SPEA than was present at the time of clearing.

Three transects were run from the HWM to the inland boundary of the SPEA: one on the west near a pocket beach, one near the centre of the property and a third near the east end of the property. These were surveyed prior to restoration.

Table 1: Transect I on the west side (June 2010)

Distance from HWM (m)	Description
0-3	Mostly gravel but some Bald hip Rose, Trailing Blackberry, Himalayan Blackberry and plantain. There is considerable vegetation below the hwm including some cedars and Douglas fir, aster, vetch and Nootka Rose.
3-15	Grubbed zone: occasional Himalayan blackberry with broom, bracken, salal, Oregon Grape, Douglas fir, Arbutus and trailing blackberry in nearby woods.

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Transect 2: In front of possible building site in mid-property (June 2010)

Distance from HWM (m)	Description
0-5	Himalayan blackberry, Nootka Rose, Occasional sweet gale and grasses. Despite the exposure to wave attack there are pockets of soil in the bedrock below the HWM with cottonwood saplings, young alders and even some young shore pine seedlings. There are even patches of Himalayan blackberry below the HWM.
5-14	Thicker soil but grubbed: occasional Himalayan blackberry and Bald Hip Rose.
14-15	Edge of fill: some fill capped with road mulch (crushed rock)

Transect 3: Eastern Portion of lot (June 2010)

Distance from HWM (m)	Description
0-2	Grasses, Himalayan blackberry, boulders and berm from last winter's high storm waves near 164.5 m
2-10.3	Grubbed belt: mostly bare but some rose, Saskatoon and blackberry poking up
10.3 - 15	Intact SPEA inland: Salal, Oregon Grape, Ocean Spray, Saskatoon, Douglas fir, Arbutus.

Nature of Development

The Allen's propose to construct a single family dwelling of 130 m² on the southern portion of the lot. At its nearest point it would be approximately 2.2 m from the SPEA. *

A Note on Restoration to Date

Although Mr. Allen was not responsible for the clearing and grubbing of the SPEA, I have included a progress report on SPEA restoration (Appendix 1). Restoration began in the summer of 2010 with invasive removal. A 1998 video by the Cowichan Lake Salmonid Enhancement Society revealed that the property was infested with broom before clearing and grubbing and it will be a long term problem because of seed presence. planting began in the early spring of 2011 and considerable natural infill has occurred. Weeding and watering will continue until the plants are judged to "free to grow".

Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: April 30/2012

Description of Water bodies involved (number, type)

1 Lake

Stream	
Wetland	
Lake	x
Ditch	
Number of reaches	1
Reach #	1

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

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

I, (name of qualified environmental professional), hereby certify that:

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

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer (name of developer);

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

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Site Potential Vegetation Type (SPVT)

	Yes	No
SPVT Polygons		x
<p>Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes</p> <p>I, <u>(Ted Burns)</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Greg Allen)</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and</p> <p>d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.</p>		
Polygon No:		
SPVT Type	LC SH TR	x
Method employed if other than TR		
Polygon No:		
SPVT Type	LC SH TR	
Method employed if other than TR		

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Polygon No:
SPVT Type:

Method employed if other than TR

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	15					
Litter fall and insect drop ZOS (m)	15					
Shade ZOS (m) max	15	South bank	Yes		No	x
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report	
SPEA maximum	15	(For ditch use table3-7)				

Segment No:		If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)						
Litter fall and insect drop ZOS (m)						
Shade ZOS (m) max		South bank	Yes		No	
SPEA maximum		(For ditch use table3-7)				

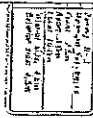
Segment No:		If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)						
Litter fall and insect drop ZOS (m)						
Shade ZOS (m) max		South bank	Yes		No	
SPEA maximum		(For ditch use table3-7)				

Comments

Lower portion of lot including most of the SPEA was cleared on or about June 28-29, 2010.

Section 3. Site Plan

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Section 4. Measures to Protect and Maintain the SPEA

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

1. Danger Trees	No danger trees are present within the SPEA. Two large Douglas firs (dbh .8-.9 m) are present near the centre of the lot but these are judged to be wind firm because of their exposed position in the front of the property. Other somewhat smaller firs (.6 m) are also within range of this area in the direction of the strongest winds (SW) but they are also judged to be wind firm and are mostly off the property. One can never be completely certain however but there does not appear to be enough risk to take them down.
I, <u>(Ted Burns)</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Greg Allen)</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
2. Windthrow	Same applies. While some large trees in the SPEA are still located on the property, there is no evidence of decadence or branch loss. The trees are still relatively young and vigorous and they appear to be wind firm.
I, <u>(Ted Burns)</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Greg Allen)</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
3. Slope Stability	The slope is very gradual and stable ranging from 6 – 12%. There are no evident stability risks.
I, <u>(Ted Burns)</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Greg Allen)</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
4. Protection of Trees	Trees and the SPEA will be marked with snow fencing.
I, <u>(Ted Burns)</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Greg Allen)</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
5. Encroachment	A low split rail fence is recommended to delineate the SPEA boundary. There will two 1.5 m breaks in it to accommodate two paths down to the water. There is an

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	attractive pocket beach in the west corner of the property that will be used for swimming. A wharf has been installed there.
<p>I, <u>(Ted Burns)</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Greg Allen)</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
6. Sediment	Clearing and grubbing had already occurred and a layer of crush has been added to the building site and surrounding area. Construction will occur in the summer months so there should be no sediment generation.
a.	
7. Stormwater Management	Rooftop and driveway run off will be directed to infiltration pits.
<p>I, <u>(Ted Burns)</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Greg Allen)</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
8. Floodplain Concerns (highly mobile channel)	Does not apply to this property, a stable lakeshore.
<p>I, <u>(Ted Burns)</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(Greg Allen)</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	



Section 5. Environmental Monitoring

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

Pre -Construction

✱ Prior to construction, a meeting will be held on site with the owner and the contractor to discuss measures that will insure the SPEA is protected and construction will not generate sediment that will reach Cowichan Lake.

During Construction

The site will be visited at least twice during construction to insure that protection measures are being adhered to. It will also be visited after heavy runoff events.

Post Construction

Following completion, a POST DEVELOPMENT REPORT that outlines the degree of protection compliance and any necessary restoration measures will be provided.

Section 6. Photos

Provide a description of what the photo is depicting, and return it to its envelope for the site visit.

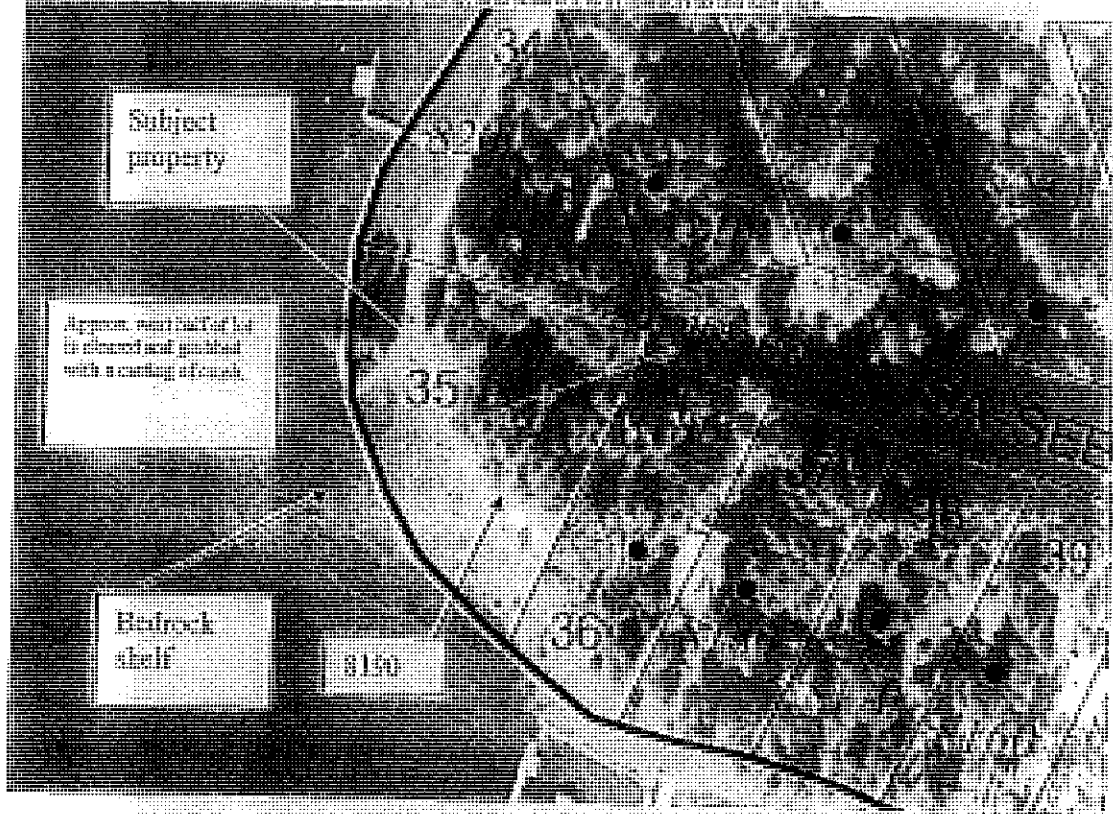


Photo 1: Aerial orthophoto of property.

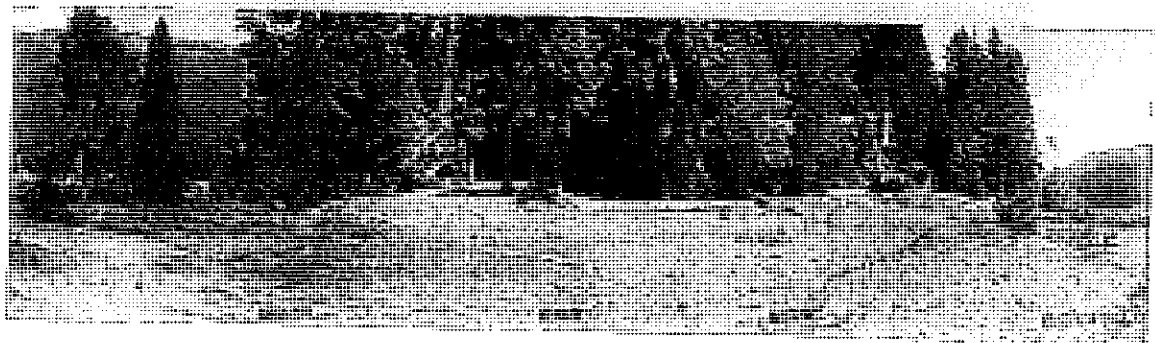


Photo2: Long view of property from bedrock shore to south.

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Photo 3 A closer view of the SPEA in front of the central area of the lot. The SPEA was cleared and grubbed early in the summer of 2010. The green is Himalayan Blackberry. Along with the blackberry, a bit of Nootka and Bald hip Rose is coming back along with some Saskatoon and considerable broom. The work was done on or about June 29, 2010. Yellow line represents inland boundary of the 15 m SPEA.



Photo 4 A closer view of the SPEA in front of the central area of the lot. The SPEA was cleared and grubbed early in the summer of 2010. The green is Himalayan Blackberry. Along with the blackberry, a bit of Nootka and Bald hip Rose is coming back along with some Saskatoon and considerable broom. The work was done on or about June 29, 2010. Yellow line represents inland boundary of the 15 m SPEA.

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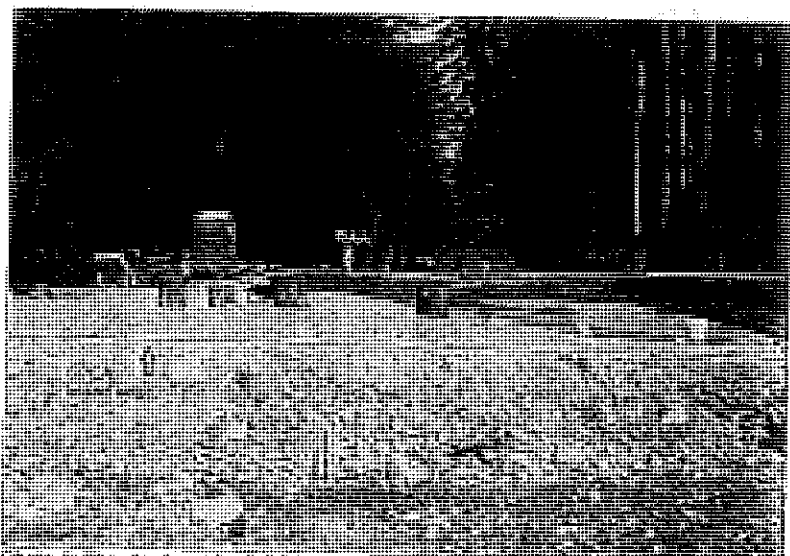


Photo 5: This clearing was used for the 1994 boundary and disposal. Photo from August, 2010.



Photo 6: Looking west from the eastern portion of the property. A band some 6-8 m wide was cleared and grubbed here as well but the woodland portion of the SPEA is intact. An old road was present here and cover was largely broom. August 6, 2010.

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Section 7. Professional Opinion

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

Date May 5/2010

1. I/We Ted Burns

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

hereby certify that:

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

2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:

- a) if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR**

(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)

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

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

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,
- (b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
- (c) the individual is acting within that individual's area of expertise.]

Plant Inventory from Restored SPEA at the Greg Allen (Formerly Fitzpatrick) Property at Saseenos Point

The SPEA was cleared and grubbed by Dan Fitzpatrick in June 2010. A restoration plan was prepared in of 2010 and planting began in the spring of 2011.

An inventory of all the plants in the SPEA was conducted on May 4, 2012. Not all the plants were planted but at least 300 were and weeding and watering fostered conditions for volunteers. Plant total was 856. Species composition is listed in Table 1.

Table 1: Plant Species in the SPEA at 8910 Sa Seenos Crescent – May 4/2012

Species	Number
Nootka and Bald hip Rose	322
Willow	200
Oregon Grape	99
Alder	76
Salal	40
Douglas fir	39
Ocean Spray	25
Arbutus	12
Saskatoon	11
Shore Pine	10
Red Flowering Currant	8
Red Huckleberry	6
Mock Orange	3
Cedar	2
Big Leaf Maple	1
Indian Plum	1
Total	856

In addition a number of flowering plants such as Purple Lupine and Pearly Everlasting were also planted – 30 plus.

The biggest challenge to plant survival is the robust nature of invasives – broom and blackberry – and there is a continuous need for broom removal.

Bob Crandall
Ted Burns
May 5/2012

SECTION 13. WATERCOURSE PROTECTION DEVELOPMENT PERMIT AREA

13.1: CATEGORY

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

13.2: SCOPE

The Watercourse Protection Development Permit Area is coincidental with the Riparian Assessment Area as defined in the *Riparian Areas Regulation*. It is indicated in general terms on Map 6. Notwithstanding the areas indicated on Map 6, the actual Watercourse Protection Development Permit Area will in every case be measured on the ground, and it will be:

- (a) for a stream, the 30 metre strip on both sides of the stream, measured from the high water mark;
- (b) for a 3:1 (vertical/horizontal) ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank, and
- (c) for a 3:1 (vertical/horizontal) ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.

13.3: DEFINITIONS

For the purposes of this Development Permit Area, the terms used herein have the same meaning that they do under the *Riparian Areas Regulation* (BC Reg. 376/2004).

13.4: JUSTIFICATION/OBJECTIVES

- (a) The province of British Columbia's *Riparian Areas Regulation (RAR)*, under the *Fish Protection Act*, aims to protect fish habitat. This regulation requires that residential, commercial or industrial development as defined in the *RAR*, in a Riparian Assessment Area near freshwater features, be subject to an environmental review by a Qualified Environmental Professional (QEP).
- (b) The environmental quality of Cowichan Lake, its tributaries, and associated riparian areas should be protected, as they provide critical habitat for an abundance of fish and aquatic animals, birds, plants, and land-based wildlife such deer, bear, cougar, and Roosevelt Elk;
- (c) Increasing environmental awareness and declining fish stocks in the Strait of Georgia have led to the need for the protection of the OCP area's lake, streams, wetlands and adjacent riparian lands.
- (d) The riparian areas along Cowichan Lake and its tributaries act as natural water storage, drainage and purifying systems. These areas need to remain in a largely undisturbed state in order to prevent flooding, control erosion, reduce sedimentation, and recharge groundwater.
- (e) This area requires careful management, as it includes hazardous lands that have physical characteristics that may lead to property damage or loss of life if improperly built on.
- (f) The water quality of Cowichan Lake and its tributaries requires protection as it provides an important existing and potential domestic water source.
- (g) Research into watershed hydrology and environmental resilience has demonstrated that once certain thresholds of impervious surfaces (total area of roofs, paving, concrete slabs, accessory buildings and other hard surfaces) are exceeded, irretrievable harm may be done to aquatic life. Many of the developed areas of the OCP area already exceed this threshold of

imperviousness. The OCP aims to ensure that, henceforth, impervious surfaces are minimized to the extent possible, particularly in areas within close proximity to a watercourse.

- (h) The vegetation within the riparian areas requires special consideration as it is essential to the water quality, protecting the water resource from pollution and sedimentation, and permitting more regular water flows during the summer months than would occur otherwise.

13.5: APPICABILITY

A development permit must be applied for, and issued by the Cowichan Valley Regional District, prior to any of the following activities occurring in the Watercourse Protection Development Permit Area, where such activities are directly or indirectly related to existing or proposed residential, commercial or industrial land uses in any Zone or Land Use Designation:

- (a) removal, alteration, disruption or destruction of vegetation;
- (b) disturbance of soils;
- (c) construction or erection of buildings and structures;
- (d) creation of nonstructural impervious or semi-impervious surfaces;
- (e) flood protection works;
- (f) construction of roads, trails, docks, retaining walls, wharves and bridges;
- (g) provision and maintenance of sewer and water services;
- (h) development of drainage systems;
- (i) development of utility corridors;
- (j) subdivision as defined in section 872 of the Local Government Act.

13.6: GENERAL GUIDELINES

Prior to undertaking any activities outlined in Section 13.5 above, an owner of land that is in the Watercourse Protection Development Permit Area shall apply to the CVRD for a development permit, and the application shall meet the following guidelines:

- (a) Sites shall be retained in their natural state where possible, preserving indigenous vegetation and trees. If adequate, suitable areas of land for the use intended exist on a portion of the parcel located outside of the Watercourse Protection Development Permit Area, the proposed development should be directed to those areas in order to minimize development in the DPA. The precautionary principle will be applied, whereby the onus will be placed with the applicant to demonstrate that encroaching into the Watercourse Protection Development Permit Area is necessary due to circumstances such as topography, hazards or lack of alternative developable land, and that every effort is made to minimize adverse impacts.
- (b) Where a parcel of land is entirely within the Watercourse Protection Development Permit Area, the development should be sited so as to maximize the separation between the proposed building/land use and the most sensitive area. In cases where the appropriate course of action is unclear, the applicant may be required to prepare, at his/her own expense, a report by a qualified professional biologist, which will identify the area of lowest environmental impact that is suitable for the use intended.
- (c) Any work done in the Watercourse Protection Development Permit Area must be carried out in a manner that minimizes the need for vegetation clearing. An arborist should be consulted, to ensure that trees and shrubs in the riparian buffer area are carefully pruned, where necessary to enhance views, rather than removed. In order to control erosion and to protect the environment, the development permit may specify the amount and location of tree and vegetative cover to be planted or retained. Where a development proposal calls for the

removal of vegetation within this Development Permit Area, the Regional Board may require the preparation of a report by a qualified biologist, payable by the developer, indicating measures required to achieve no net loss of habitat and appropriate implementation measures. The Board may require the re-vegetation of land in a Development Permit.

- (d) Recommendations in the Ministry of Water Land and Air Protection's Best Management Practices (*Storm Water Planning – A Guidebook For British Columbia*) should be applied, to reduce areas of impervious surfaces and increase natural groundwater infiltration. On-site stormwater management techniques that do not impact surrounding lands, should be used, rather than the culverting or ditching of stormwater runoff.
- (e) The creation and implementation of a silt and sediment control plan and/or an integrated stormwater management plan, by qualified professionals may be required to permit the controlled release of runoff from the development and to buffer streams from the loading of sediment and nutrient materials. The Regional Board will require that a drainage study be completed by a licensed, professional engineer to determine the extent of the works required and to establish criteria for eliminating or minimizing storm flows from the developed site.
- (f) Figures for total imperviousness on sites within this development permit area should be calculated by the proponent and submitted at the time of development permit application. The Board may specify maximum site imperviousness or effective imperviousness in a development permit.
- (g) Where a subject property is located within a floodplain as shown on the "Cowichan Lake Floodplain Maps", buildings and structures will be subject to the flood construction levels specified on the floodplain maps, administered under Section 56 of the *Community Charter*.
- (h) Roads and driveways should be located as far as possible from the edge of a bank or from a shoreline, so as to keep sand, gravel, leach oils and fuels, and road salt out of runoff. Driveways should be angled across the hill's gradient, where possible, and be composed of porous materials such as road mulch, small modular pavers or pre-cast concrete lattice, to keep runoff to a minimum. For driveways that are already paved, a portion of the runoff can be diverted by the use of speed bumps in regular intervals. Settling pools can be installed in runoff ditches that slope to water.
- (i) Footpaths to a shoreline should be planned to avoid erosion, using slope contours rather than a straight downhill line, and be narrow to minimize impacts on drainage patterns. Impacts to a slope can be minimized by elevating stairs above the natural vegetation.
- (j) Retaining walls will be limited to areas above the high water mark, and to areas of active erosion. Backfilling behind a wall, to extend the existing edge of a slope, is not permitted unless it can be clearly demonstrated that the fill is necessary to prevent further erosion or sloughing of the bank.
- (k) Where a retaining wall is proposed, bioengineering – using native plants, will be encouraged. The use of concrete, rip rap, unsightly construction debris like broken concrete, bricks and shot rock are discouraged as materials to improve bank stability. The use of vegetation such as willows and/or deadfalls or logs are encouraged as alternatives to minimize erosion and reduce the velocity of stream flows. Natural materials such as wood and stone, particularly darker colours that blend in with the natural shoreline and are less obtrusive when seen from the water. In cases where hard armouring, such as using solid concrete or heavy rocks or rock in wire cages, is necessary, the planting of native vegetation should be done to soften its impact, and the base of the wall should be constructed to be habitat friendly; Large, fortress

- like, uniform walls should not be permitted unless composed of pervious materials and stepped or softened to provide for water absorption.
- (l) Where a fence is constructed on, or in conjunction with, a uniform retaining wall or the highest uniform section of a retaining wall, the retaining wall or portion thereof should be considered to be an integral part of the fence for the purpose of determining height.
 - (m) Cultural/heritage features of a site must be undisturbed.
 - (n) Pilings, floats, or wharves should be consistent with the current Operational Statement of Fisheries and Oceans Canada.
 - (o) For subdivision proposals, where a sensitive area is proposed to be covenanted for conservation purposes or dedicated to a public body or conservation group, the parcel lines may abut or follow the boundaries of the sensitive area. In other cases, the appropriateness of proposed parcel line locations should be reviewed with respect to site-specific considerations and the overall goal of minimizing environmental impacts.
 - (p) All development proposals subject to a development permit should be consistent with "Develop With Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia", published by the Ministry of Environment.
 - (q) The draining of wetlands or watercourses, and the land filling or dredging of a watercourse, including a lake, to increase a property size, create a sandy beach area, or restrict the public use of an area beyond property lines, is prohibited.
 - (r) Development proponents must ensure that the proposed development does not cause a harmful alteration, disruption or destruction to habitat.

13.7: RIPARIAN AREA REGULATION GUIDELINES

Prior to undertaking any activities outlined in Section 13.5 above, an owner of land that is in the Watercourse Protection Development Permit Area shall apply to the CVRD for a development permit, and the application shall meet the following guidelines:

- (a) A qualified environmental professional (QEP) will be retained at the expense of the applicant, for the purpose of preparing a report pursuant to Section 4 of the *Riparian Areas Regulation*. The QEP must certify that the assessment report follows the assessment methodology described in the regulations, that the QEP is qualified to carry out the assessment and provides the professional opinion of the QEP that:
 - (i) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area; and
 - (ii) the streamside protection and enhancement area (SPEA) that is identified in the report is protected from the development and there are measures identified to protect the integrity of those areas from the effects of development; and
 - (iii) the QEP has notified the Ministry of Environment and Fisheries and Oceans Canada, both of whom have confirmed that a report has been received for the CVRD; or
 - (iv) confirmation is received from Fisheries and Oceans Canada that a harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area has been authorised in relation to the development proposal.
- (b) Where the QEP report describes an area designated as Streamside Protection and Enhancement Area (SPEA), the development permit will not allow any development activities to take place therein, and the owner will be required to implement a plan for protecting the SPEA over the long term through measures to be implemented as a condition of the development permit, such as:

- a dedication back to the Crown Provincial,
 - gifting to a nature protection organisation (tax receipts may be issued),
 - the registration of a restrictive covenant or conservation covenant over the SPEA confirming its long-term availability as a riparian buffer to remain free of development;
 - management/windthrow of hazard trees;
 - drip zone analysis;
 - erosion and stormwater runoff control measures;
 - slope stability enhancement.
- (c) Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit will only allow the development to occur in strict compliance with the measures described in the report. Monitoring and regular reporting by professionals paid for by the applicant may be required, as specified in a development permit;
- (d) If the nature of a proposed project in a riparian assessment area evolves due to new information or some other change, a QEP will be required to submit an amendment report, to be filed on the notification system;
- (e) Wherever possible, QEPs are encouraged to exceed the minimum standards set out in the *RAR* in their reports;
- (f) Cowichan Lake is subject to natural water level fluctuations on an annual basis. Winter water (high) levels often flood shoreline areas of the lake. These shoreline areas provide important fish habitat, especially during winter periods. The QEP assessment must pay special attention to how the site may be within an active floodplain; the QEP should also assess the existence of floodplain plant species that are important fish refuge areas during high water, and clearly delineate exactly where the high water mark is on the site.
- (g) The mean annual high water mark on Cowichan Lake has been calculated by the Ministry of Environment as being 164 metres above mean sea level, so Qualified Environmental Professionals are very strongly encouraged to incorporate this into their reports, as being the point from which the SPEA will be measured.

13.8: EXEMPTIONS

In the following circumstances, a development permit will not be required:

- (a) Renovations, repairs and maintenance to existing buildings that are protected by Section 911 of the *Local Government Act*;
- (b) Minor interior and exterior renovations to existing buildings, excluding any additions or increases in building volume;
- (c) Removal of invasive non-native vegetation such as Gorse, Scotch Broom, and its immediate replacement with native vegetation;
- (d) Creation of a passage or trail not more than 1.5 metres in width cleared of vegetation, which does not involve the removal of any tree greater than 5 metres in height or with a diameter at breast height (DBH) of 10 centimetres, to allow for passage to the water on foot.

13.9: VARIANCES

Where a proposed development plan adheres to the guidelines of the Watercourse Protection Development Permit Area, the Regional Board may give favourable consideration to variances of its bylaws where such variances are deemed by the Regional Board to have no negative impact on adjacent parcels and would enhance the aesthetics of the site in question. Such variances may be incorporated into the development permit.

13.10: FLOOD CONSTRUCTION LEVELS

The Board will not give relaxations to the flood construction levels in any circumstance.

13.11: CONCURRENT DEVELOPMENT PERMIT AREAS

Where more than one development permit area applies to land in the Watercourse Protection Development Permit Area (DPA), a single development permit may be issued. Where any other DPA guidelines would conflict with the Riparian Areas Regulation guidelines, the latter shall prevail.

13.12: VIOLATION

(a) Every person who:

1. violates any provision of this Development Permit Area;
 2. causes or permits any act or thing to be done in contravention or violation of any provision of this Development Permit Area;
 3. neglects to do or refrains from doing any act or thing required under this Development Permit Area;
 4. carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to this Development Permit Area;
 5. fails to comply with an order, direction or notice given under this Development Permit Area; or
 6. prevents or obstructs or attempts to prevent or obstruct the authorised entry of the Administrator, or person designated to act in the place of the Administrator;
- commits an offence under this Bylaw.

(b) Each day's continuance of an offence constitutes a new and distinct offence.

13.13 PENALTY

A person who commits an offence against this Bylaw is liable, upon conviction in a prosecution under the *Offence Act*, to the maximum penalties prescribed under the *Community Charter* for each offence committed by that person.

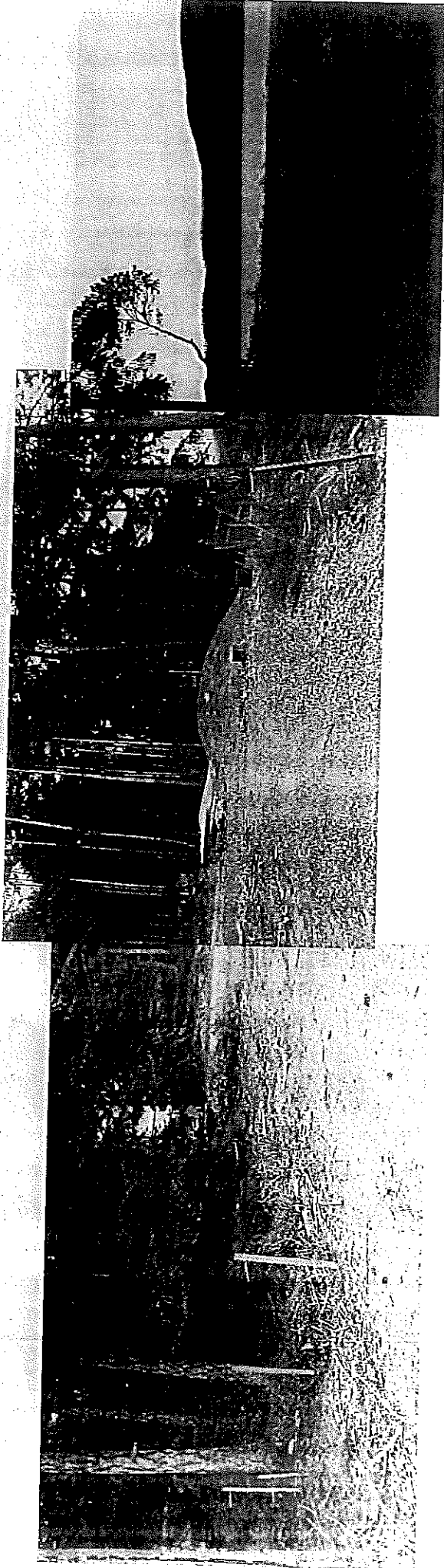
13.14: SEVERABILITY

If any section, sentence, clause, phrase, word or schedule of this Development Permit Area is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Development Permit Area.

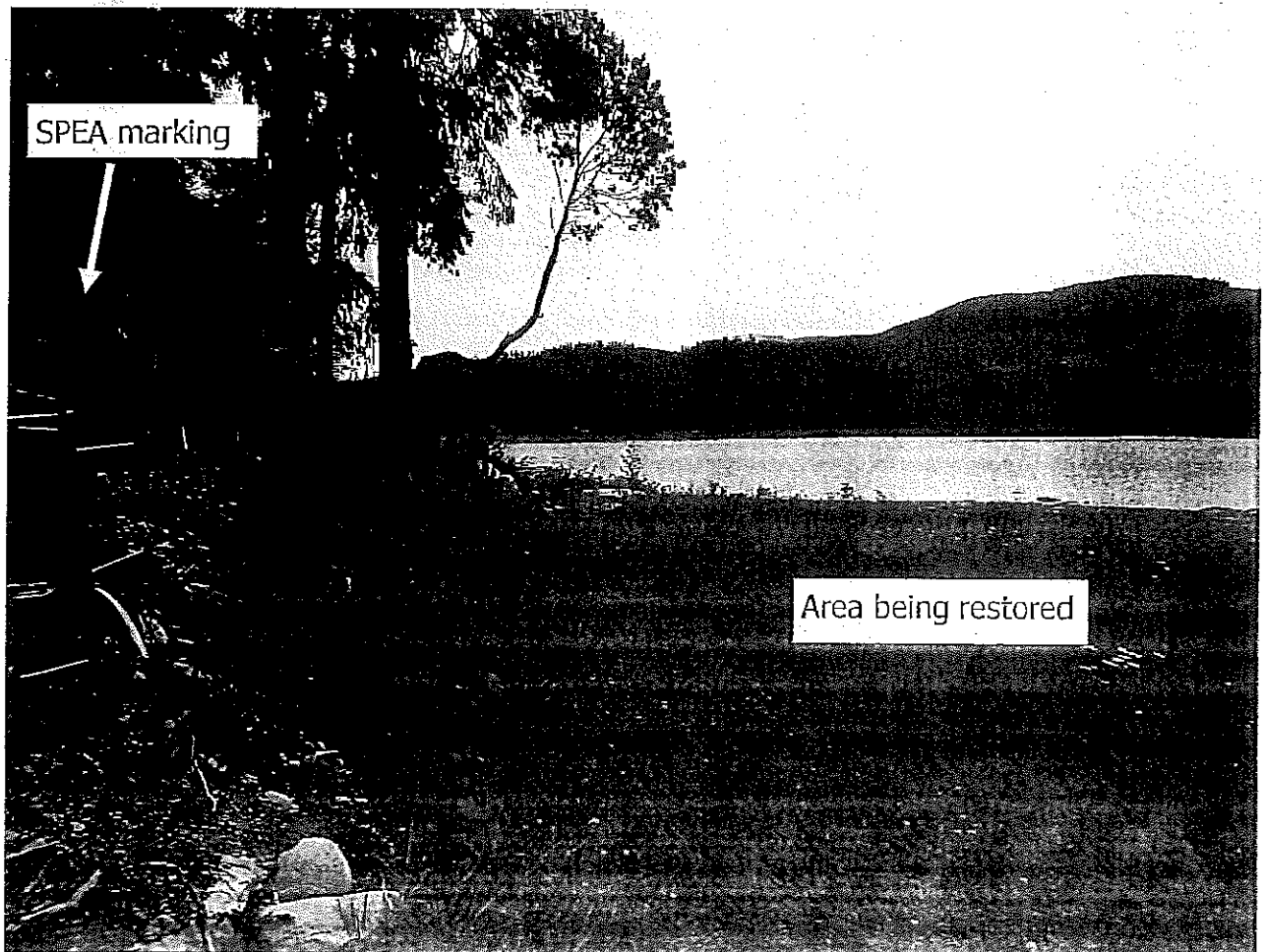
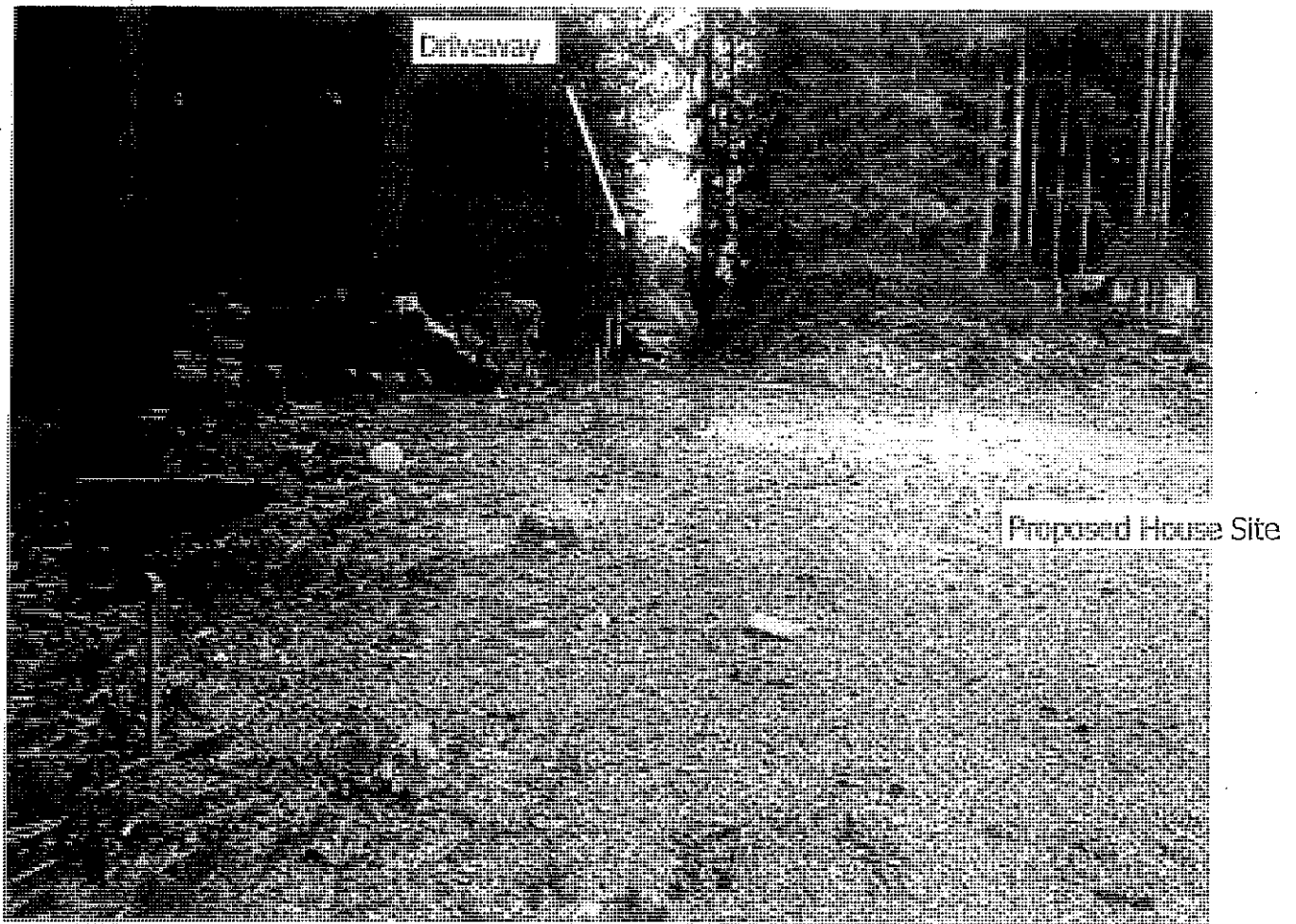
13.15 APPLICATION REQUIREMENTS

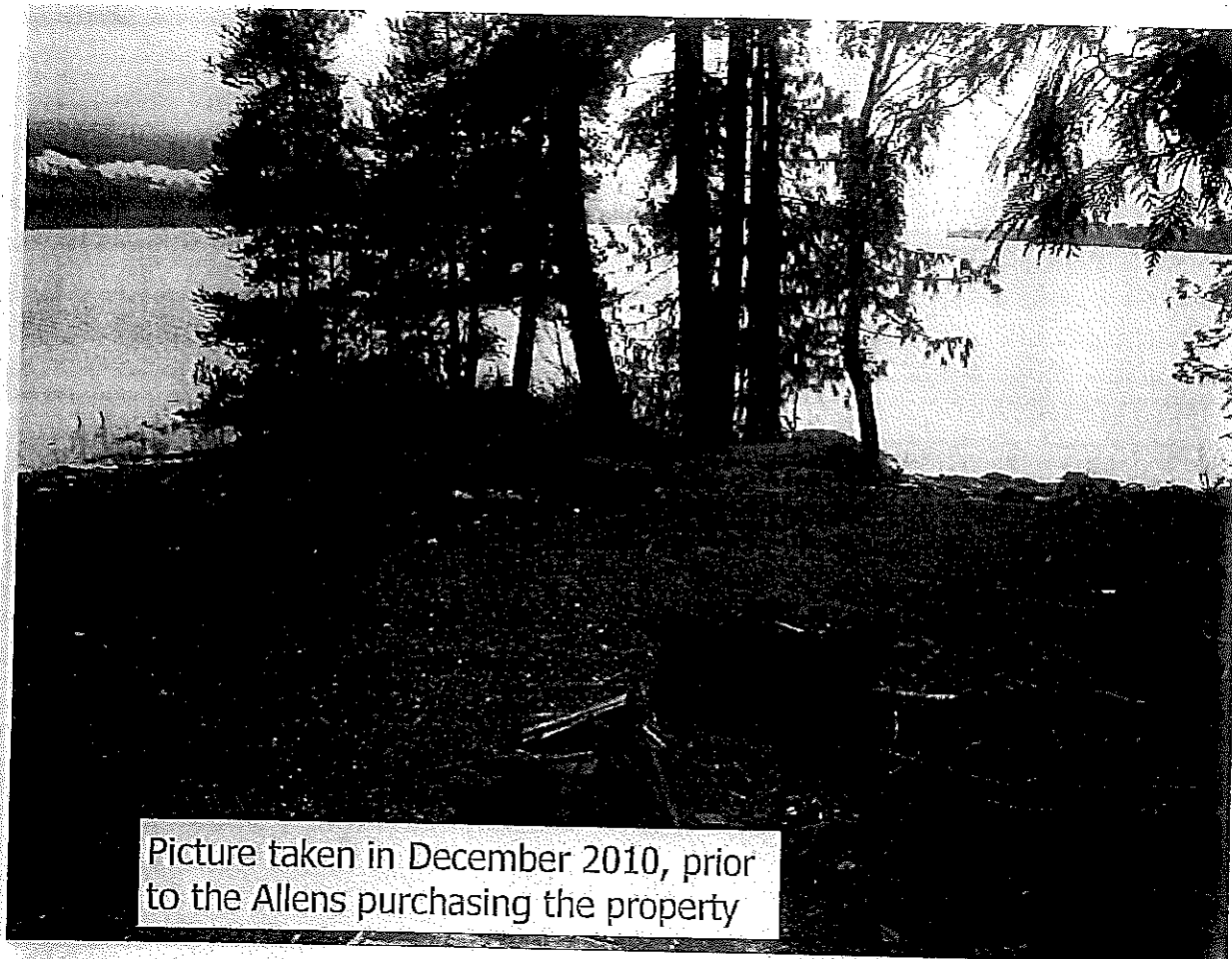
- (a) Before the CVRD authorizes the issuance of a development permit for a parcel of land in the **Watercourse Protection Development Permit Area**, the applicant must submit a development permit application, which at a minimum includes:
1. A written description of the proposed project;
 2. Reports or information as listed in the relevant Development Permit Guidelines;
 3. Information in the form of one or more maps, as follows:
 - Location/extent of proposed work;
 - Location of watercourses, including top of bank;
 - Topographical contours;
 - Location of slopes exceeding 25 percent grade;
 - Location of lands subject to periodic flooding;
 - Percentage of existing and proposed impervious surfaces;
 - Existing tree cover and proposed areas to be cleared;
 - Areas of known sensitive or rare native plant communities;
 - Areas of known wildlife habitat;
 - Existing and proposed buildings;
 - Existing and proposed property parcel lines;
 - Existing and proposed roads, vehicular access points, driveways, and parking areas;
 - Existing and proposed trails;
 - Existing and proposed stormwater management works, including retention areas and drainage pipes or ditches;
 - Existing and proposed erosion mitigation/watercourse bank alterations;
 - Existing and proposed septic tanks, treatment systems and fields;
 - Existing and proposed water lines and well sites.
 4. A Qualified Environment Professional's report, prepared pursuant to Section 13.7.
- (b) In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense, a report certified by a professional engineer with experience in geotechnical engineering which includes:
1. A hydrogeological report, which includes an assessment of the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition;
 2. A report on the safety of the proposed use and structures on-site and off-site, indicating that the land may be used safely for the use intended; and/or
 3. A stormwater management plan, which includes an assessment of the potential impact of the development on the groundwater resource;
 4. To ensure that all of the applicable DPA guidelines are met, the CVRD may require, by Resolution of the Board, the deposit of a Security to be held until the requirements of a Permit have been met to the Board's satisfaction. Should a Development Permit holder fail to fulfill the requirements of a Development Permit, the CVRD may undertake and complete the works required at the cost of the Permit holder and may apply the Security in payment of the cost of the work, with any excess to be refunded to the Permit holder. Should there be no default as described above, the CVRD will refund the Security to the Permit holder.

Proposed house site

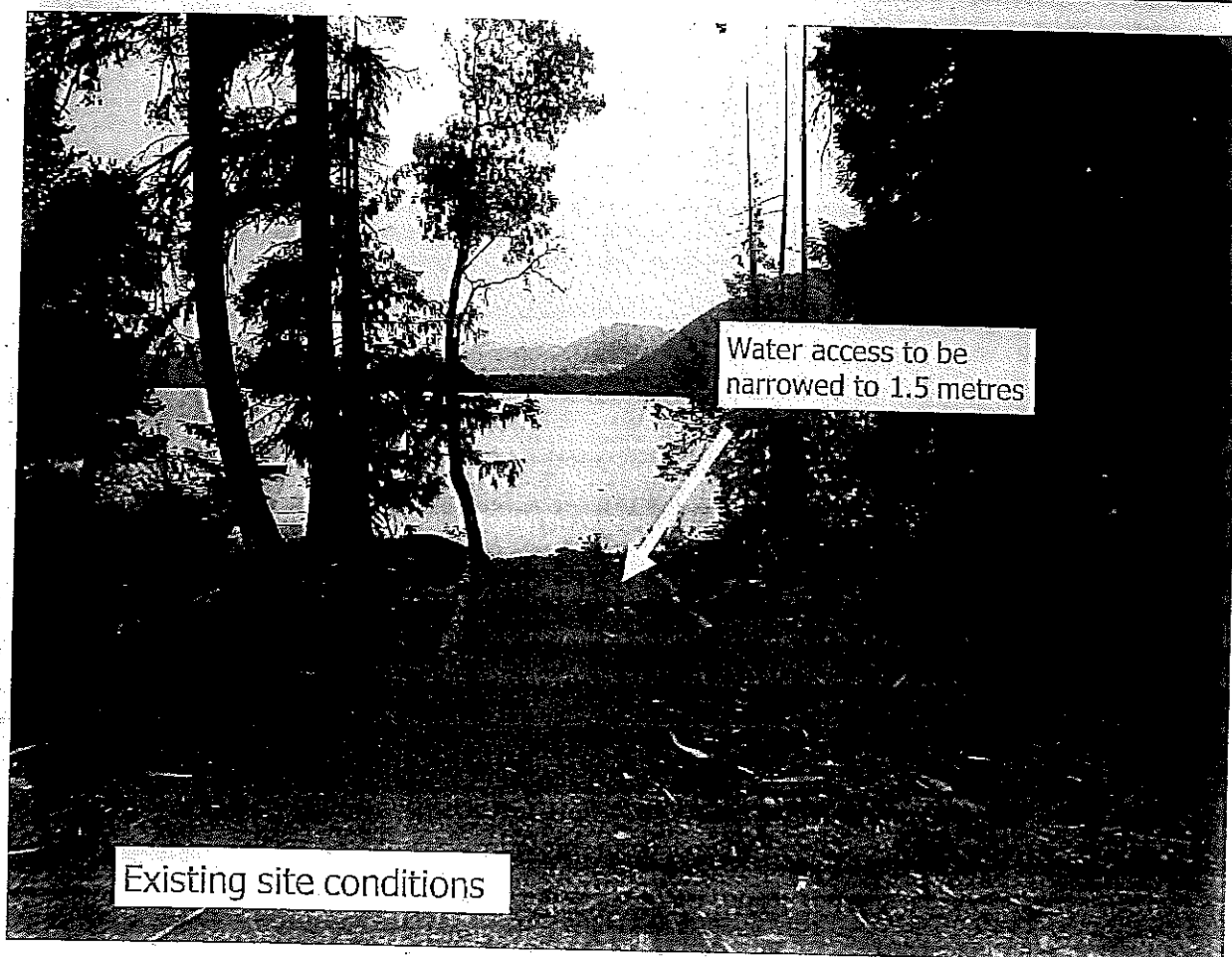


View of site from water access



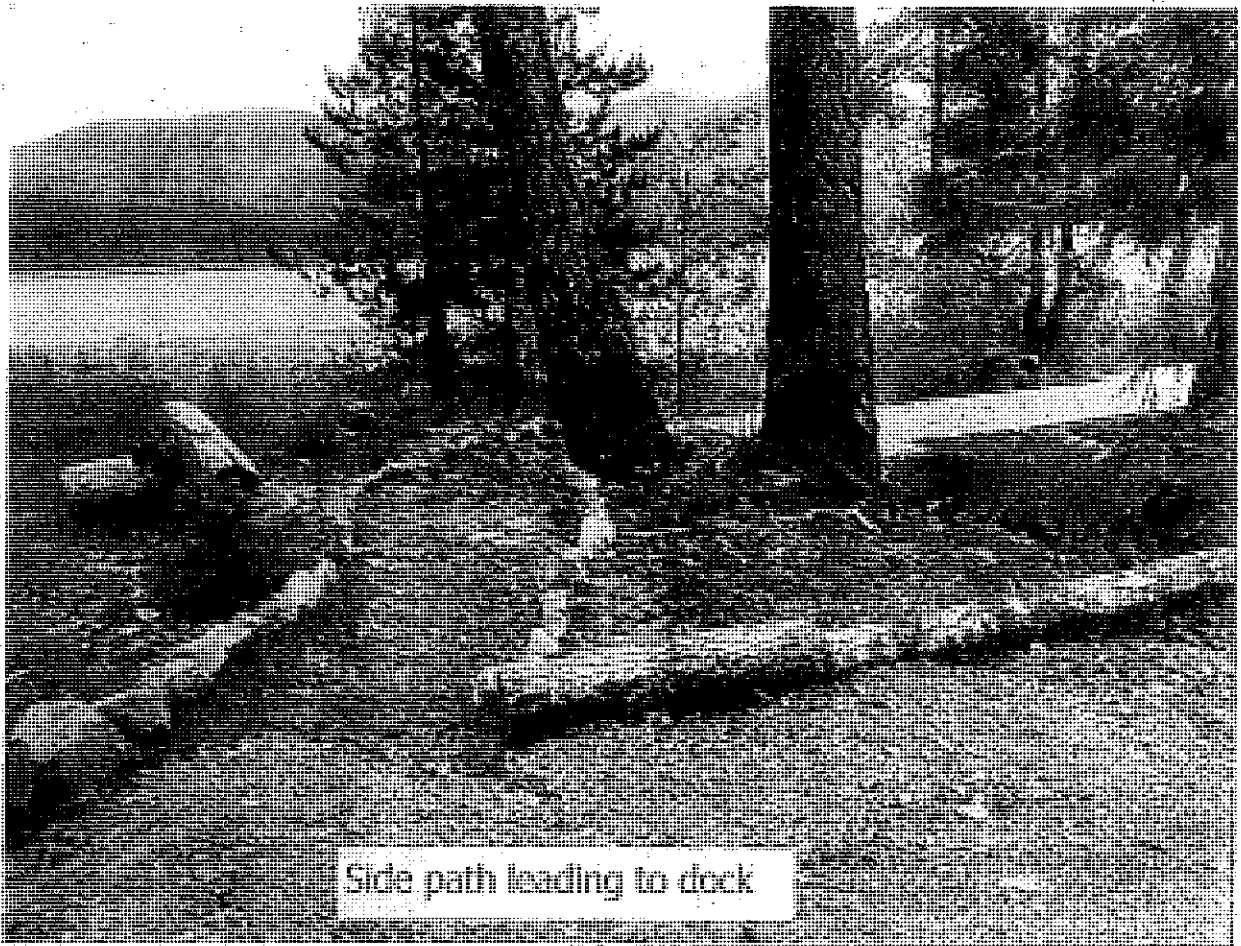


Picture taken in December 2010, prior to the Allens purchasing the property

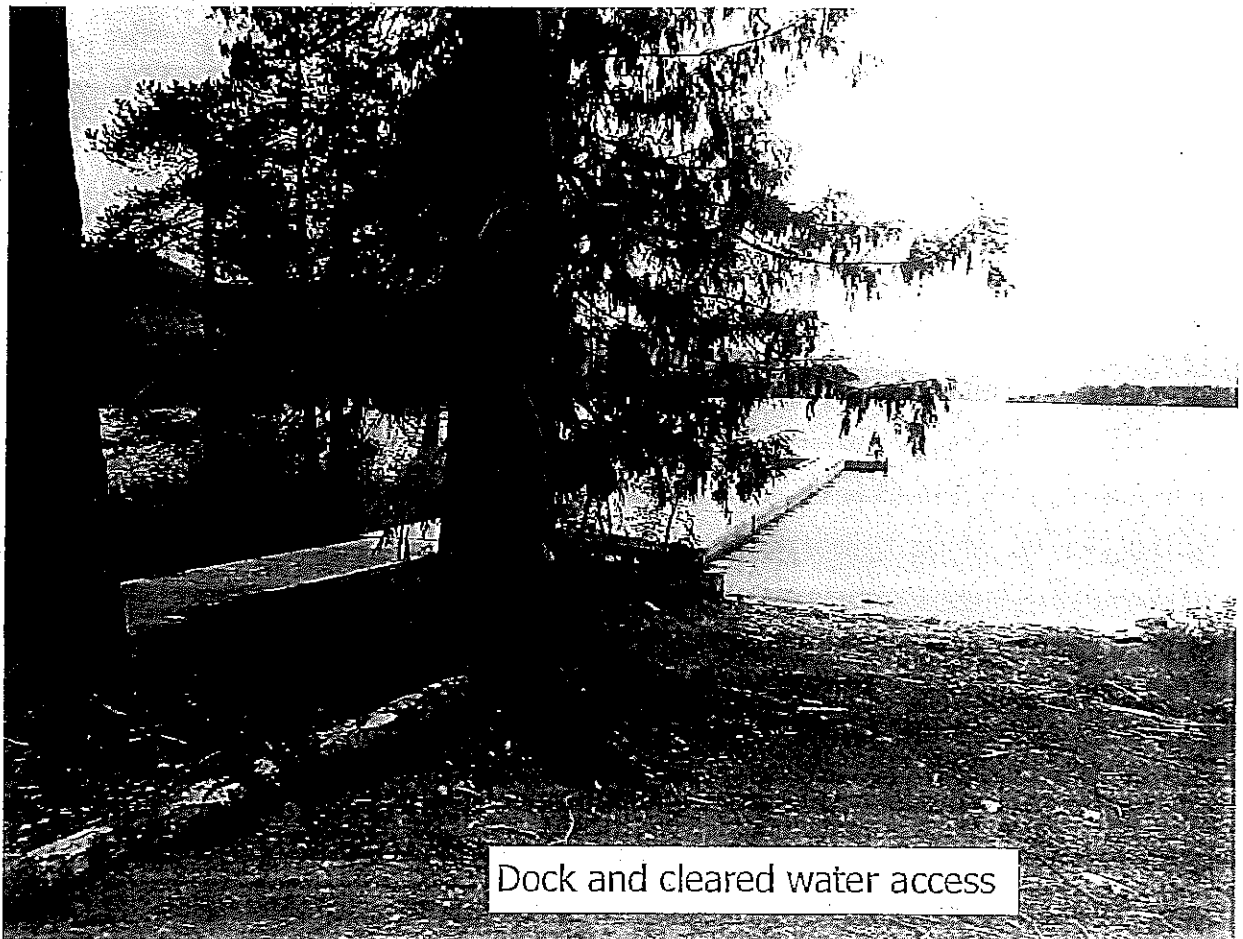


Water access to be narrowed to 1.5 metres

Existing site conditions



Side path leading to dock



Dock and cleared water access

RE: Section 9 Notification ~ N1-3365 Lake Cowichan
Hide Details

FROM:

• Nap, Nancy R ENV:EX

TO:

• 'Gregallen9@gmail.com'

• 'rcrandall007@yahoo.com'
Tuesday, January 10, 2012 2:11 PM

Message body

Habitat Officer, Kevin Telfer, has reviewed your application and has no further requirements. You may proceed proposed changes.

Notifications received by this office will be used to plan and carry out on-site inspections and monitoring during and after the works are completed.

This email provides direction under Section 9 of the *Water Act* only, and does not constitute permission or consent under any other Act or Authority. In addition to Fisheries and Oceans Canada (DFO), consultation should be made with the local government (municipality or regional district) to determine if there are any additional requirements for your proposed works.

Nancy R. Nap

Ministry of Environment ~ 250-751-3120

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, August 7, 2012 at 7:03 pm.

PRESENT: Co-Chair George deLure
Co-Chair Gerald Thom
Jeff Abbott, Shawn Carlow, Bill Gibson

ALSO

PRESENT: Recording Secretary Tara Daly

ABSENT: Mike Marrs

GUESTS: Allan and Suzanne Thom; Jean Atkinson; Doug Dillon;
Greg Allen

**APPROVAL OF
AGENDA**

It was moved and seconded that the agenda be amended with the addition of three New Business items:

NB1 Dillon Road Access Gift;

NB2 Boat Launch at the Bottom of Coon Creek Road;

NB3 Lot Behind Church; and

that the agenda, as amended, be approved.

MOTION CARRIED

**ADOPTION OF
MINUTES**

It was moved and seconded that the minutes of July 3, 2012 Regular Area I (Youbou/Meade Creek) Area Planning Commission meeting be adopted.

MOTION CARRIED

DELEGATIONS

D1

Application 2-I-12DP/RAR (Brydon/Vinnels) was considered.

It was moved and seconded that the Area I (Youbou/Meade Creek) Area Planning Commission recommend to the Electoral Area Services Committee to support Application 2-I-12DP/RAR (Brydon/Vinnels) with the following conditions:

- That the old ramp, the mill felt, and the periwinkle be removed from the beach; and
- That the existing pathway routing to the beach will be the only access.

MOTION CARRIED

D2

Application 3-I-12DP/RAR (Allen) was considered.

It was moved and seconded that the Area I (Youbou/Meade Creek) Area Planning Commission recommend to the Electoral Area Services Committee to support Application 3-I-12DP/RAR (Allen) by following the plan laid out in the staff report dated June 27, 2012 and to approve

the Development Permit.

MOTION CARRIED

NEW BUSINESS

NB1

Dillon Road Access Gift was considered. Attached to the minutes is a submission and map of the subject property from Doug Dillon.

It was moved and seconded that the Area I (Youbou/Meade Creek) Area Planning Commission recommend to staff that letters be written to MoTI and Bill Routley, MLA, asking that the gift of Dillon Road be investigated; that the trespassers be removed; that the damage to the riparian area be repaired; and that the land be made available to the public for access to the lake as was the original intension of the Dillon family.

MOTION CARRIED

NB2

Boat Launch at the Bottom of Coon Creek Road was considered. Attached to the minutes is a submission from Jeff Abbott.

It was moved and seconded that the Area I (Youbou/Meade Creek) Area Planning Commission recommend that CVRD write a letter to MoTI asking that bollards or a gate be installed to deter larger boats from using the access as a boat launch; and that keys be given to the Youbou Volunteer Fire Department and Area I (Youbou/Meade Creek) Parks.

MOTION CARRIED

NB3

The Lot Behind Church was received for information. J. Abbott noted that the private residence at the east end of Lake Boulevard is using an access off of Youbou Road rather than coming off of Lake Boulevard. The lot has seemingly disappeared. J. Abbott will investigate further.

ADJOURNMENT

8:44 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 8:44 pm



R3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 4, 2012

DATE: August 29, 2012 FILE NO: 1-D-12 DVP
FROM: Maddy Koch, Planning Technician BYLAW NO: 1015
SUBJECT: Development Variance Permit Application 1-D-12 DVP
(McKenzie)

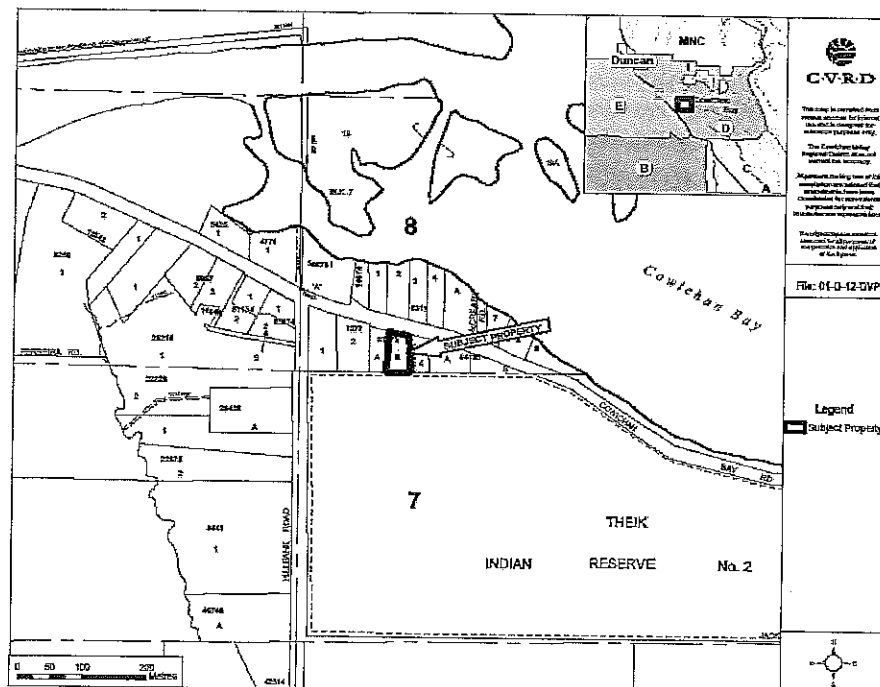
Recommendation/Action:

That Application No. 1-D-12DVP 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.

Relation to the Corporate Strategic Plan: N/A

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

Background:



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:

Please note that this application was scheduled to be reviewed at the July 31st EASC meeting, but was deferred due to complications with notifying Cowichan Tribes and the residents of the adjacent Theik Reserve No.2.

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 (as opposed to moving the garage back, as proposed) would prevent them from fitting two cars in the garage.

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. A further 10 letters were hand delivered to residents on Theik Reserve 2. The applicants solicited their own letters of support and these were provided with the application. Two letters in response to the CVRD notification were received, both of which were opposed to the variance. One of the two letters was signed by five adjacent residents.

Staff Recommendation:

Staff are recommending that the application be denied because of the widespread opposition to the variance.

Options:

1. That the application 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.
2. That the application 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 a legal survey confirming compliance with approved setbacks.

Option 1 is recommended.

Submitted by,

Maddy Koch

Maddy Koch
Planning Technician
Planning & Development Department

MK/ca

<p>Reviewed by: Division Manager:</p> <p><i>[Signature]</i></p> <p>Approved by: General Manager:</p> <p><i>[Signature]</i></p>
--



Theik Indian Reserve

Cowichan Valley Regional district

175 Ingram Street, Duncan, BC.
V9L-1N8 Tel: 250 746-2500

2760 Boys Road
Duncan, BC. V9L-6T6
Contact Telephone: 250 732-5095
July 29, 2012

**RE: Opposed to the variance application for rezoning of 2054 Cowichan Bay Road.
Lot B, Section 8, Range 3, Cowichan District, Plan VIP87075 - PID: 028-096-649**

History Of Theik Indian Reserve: Currently the property is very old traditional "Jack family property" that pre-dates local European contact, and currently was/is owned by 2 people; Late Adeline Jack and her son Joseph Jack.

Last year Adeline Jack passed away leaving a will for the division of her property (approximately 24 acres) on Theik Indian Reserve to be sub-divided between her five adult children: Justine, Jack, Joseph Jack, Della Jack, Darryl Jack, and Billy Tommy.

After the legal division of this traditional family property between the 5 adult children of the deceased Adeline Jack, there will be a future division of the Theik Indian Reserve family property between approximately 15 adult children of the new owners (grand children of late Adeline Jack).

Please be advised that we have reviewed the application proposal for the setback property line of 2054 Cowichan Bay Road, from 4.5 metres to 1 metre, and we are fully familiar with the area, and we are officially opposing this application for the following reasons:

The future growth and development of Theik Indian Reserve: This variance has the potential to alter and adversely affect the future residential development of the lower section of the Theik Indian Reserve directly adjacent to the backside of 2054 Cowichan Bay road.

The Property of 2054 is sufficient in available construction space: The current size & available open space of the applicant's property is sufficient for a garage to be designed & built within the current permitted zoning ordinance; especially when given other design options and/or design locations within his property.

Precedent Setting: Another concern is that this variance targets and affects only the Theik Indian Reserve property, and that the variance holds the future potential to set a precedent for the other adjacent properties to apply for future building zoning variance's if this application was successful. Which would in turn continue to adversely affect the future developments of the lower section of our traditional family lands.

Detachment from the ramification of the variance: We were recently informed that the neighbors on both sides of the applicant are supportive of this variance, and we feel that their support is irrelevant to this application as it does not hold the potential to adversely affect their property. We also feel that if the variance was directed towards their property line, they would not be supportive of the applicant's development variance, and that they would also openly oppose it.

In closing, we feel the applicant purchased his land with full knowledge of the zoning restrictions which were in effect at the time of his purchase. We also feel that the existing zoning is sufficient for the applicant's project, and that it's possible for the applicant's land to yield a reasonable return without the variance.

We also believe that the existing zoning is there for a very specific reason, and that variances to it should not be easily or lightly granted.

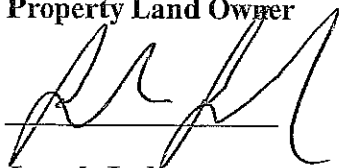
We also sincerely believe that granting this variance will alter the essential character and future development of the locality of the Theik Indian Reserve Lands, and therefore the applicant's request should be denied, and he should abide by a plan that can be designed and constructed within the zoning ordinance that's already in place, and that he originally agreed to.

We thank you for respecting our traditional family lands.



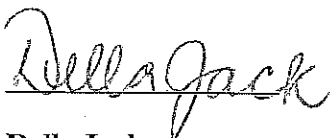
Justine Jack

**Theik Indian Reserve
Property Land Owner**



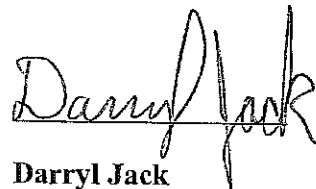
Joseph Jack

**Theik Indian Reserve
Property Land Owner**



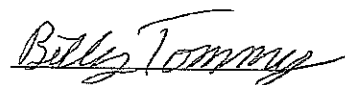
Della Jack

**Theik Indian Reserve
Property Land Owner**



Darryl Jack

**Theik Indian Reserve
Property Land Owner**



Abner Billy Tommy

**Theik Indian Reserve
Property Land Owner**

CC: Kevin Balney

**Cowichan Tribes Lands Department
5462 Allenby Road. Duncan, BC.
Telephone: 250 748-3196**



Cowichan Tribes

5760 Allenby Road Duncan, BC V9L 5J1
Telephone (250) 748-3196 Fax: (250) 748-1233

August 23, 2012

File No. e285-300712
Via Email

Maddy Koch, Planning Technician
Development Services Division
Cowichan Valley Regional District
175 Ingram Street
Duncan, BC V9L 1N8

Dear Maddy Koch:

Re: 2054 Cowichan Bay Road Lot B, Section 8, Range 3, Cowichan District, Plan VIP87075 – PID: 028-096-649

Thank-you for your letter of August 15, 2012 advising Cowichan Tribes of the Development Variance Permit application on the subject property described above. We appreciate the opportunity to comment on this variance on the property line setback from 4.5 m to 1 m.

The adjacent land is in the possession of the Jack family of Thiek (IR 2). Mr. Joe Jack who is representing the interests of his family has contacted Cowichan Tribes' Lands Department to register concerns about the close proximity of the proposed garage (within 1 m) to the property line with his family's land. Future plans for the Jack family land include subdivision to provide housing for the Jack siblings and their children. Assumptions should not be made by the applicant or the CVRD that this land will remain in a forested state and that a 1 m distance from the property line is appropriate.

The Jacks also have concerns about safety issues (fire) of a building this close to their land. As well building so close to the property line is not conducive to good neighbours. The Jack family feels that there is ample space on the applicant's land to accommodate the garage structure proposed.

Future CVRD variance applications need to consider that even though there may not be homes within the 60 m radius of the property in question, this does not imply that there are not imminent housing plans within that 60 m radius. In future please contact the Lands Department of Cowichan Tribes when variance applications are received by CVRD that are adjacent to I.R. lands.

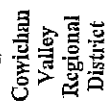
Please contact Tracy Fleming, Referral Coordinator or Rhonda Sullivan, Lands Administrator at 250-748-3196 if you have any questions.

Sincerely,

for Larry George
Smaalthan
Manager, Lands and Governance Department
LG/tf

pc: Director L. Iannidinardo, Electoral Area D – Cowichan Bay
Tom Anderson, Manager, Planning & Development Department

F:\Users\LND\Referral\DB\Correspondence\285-300712\CT response Aug 23_12.doc



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.

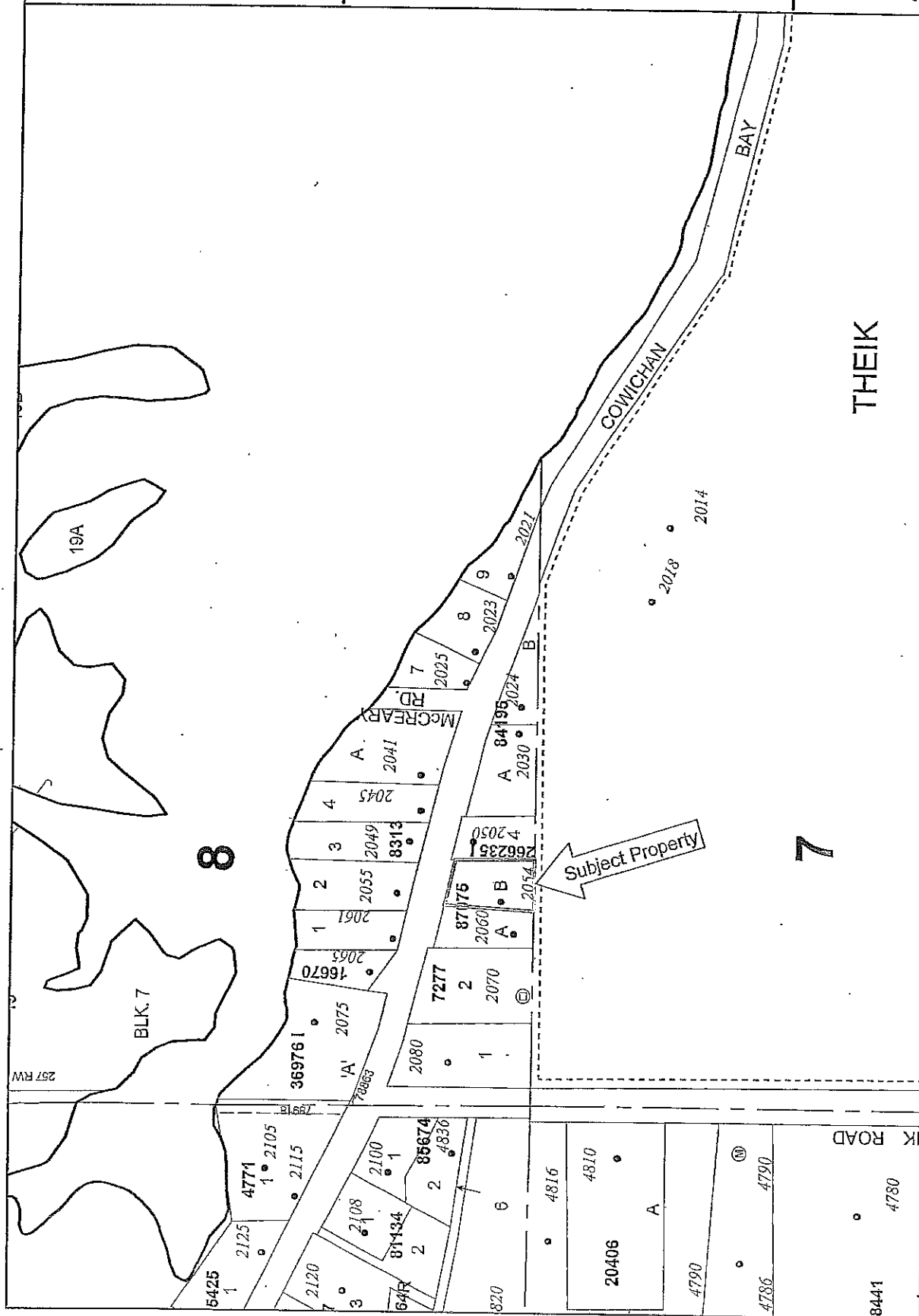
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

Printed: May 16, 2012

01-D-12DVP



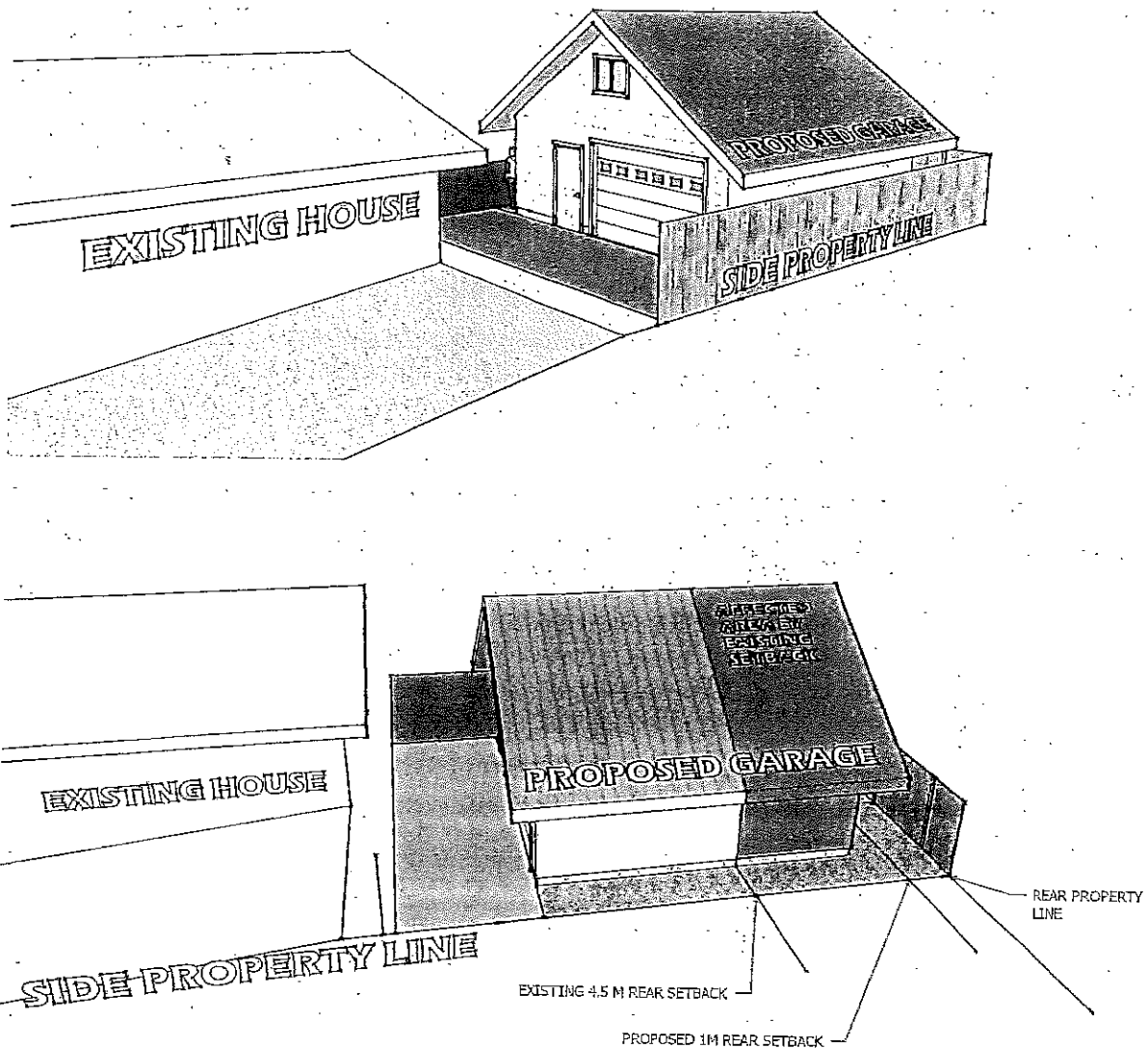
Scale: 1:3,637



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.

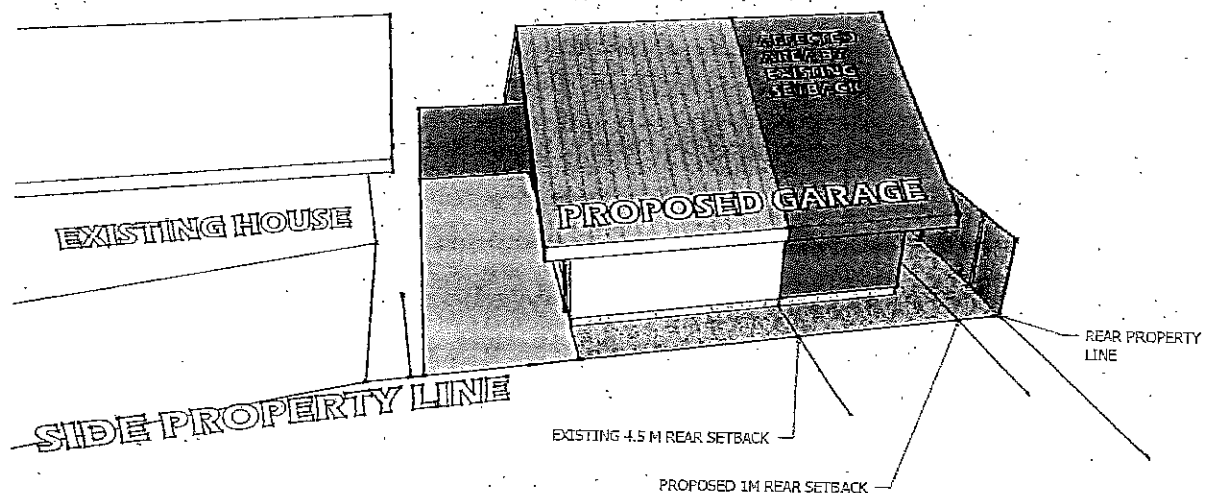
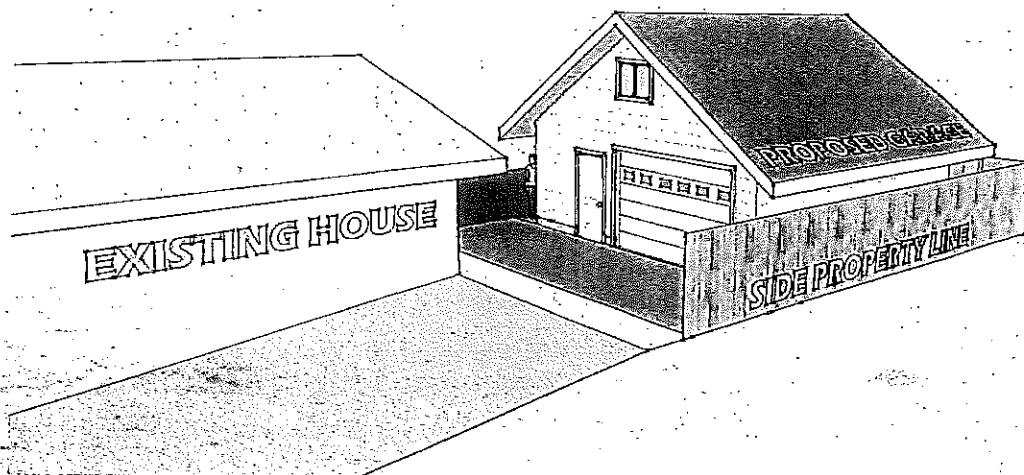
Signature(s): G Dame Date: 08/05/12 (dd/mm/yy)



AFFIRMATION OF SUPPORT FOR VARIANCE

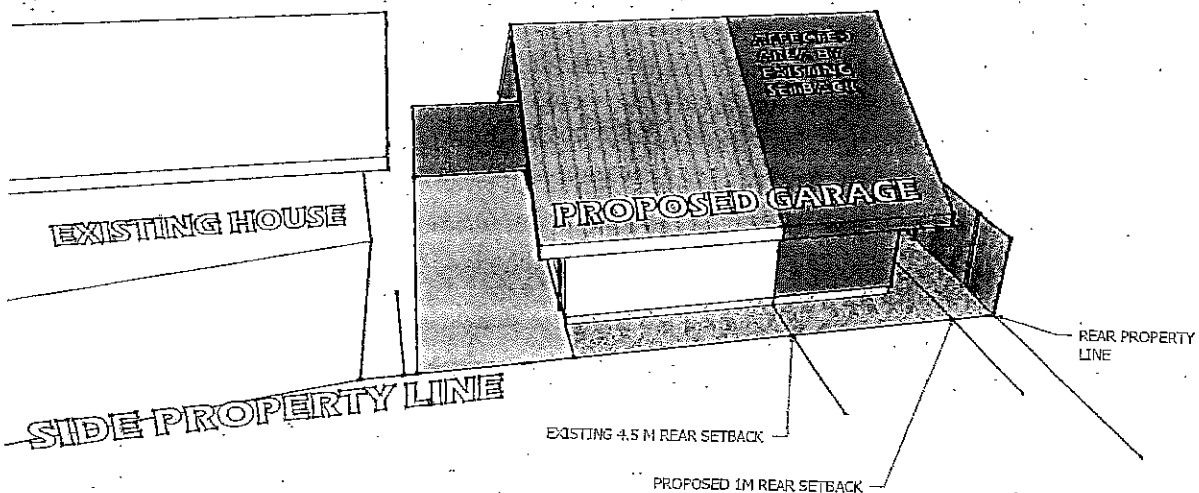
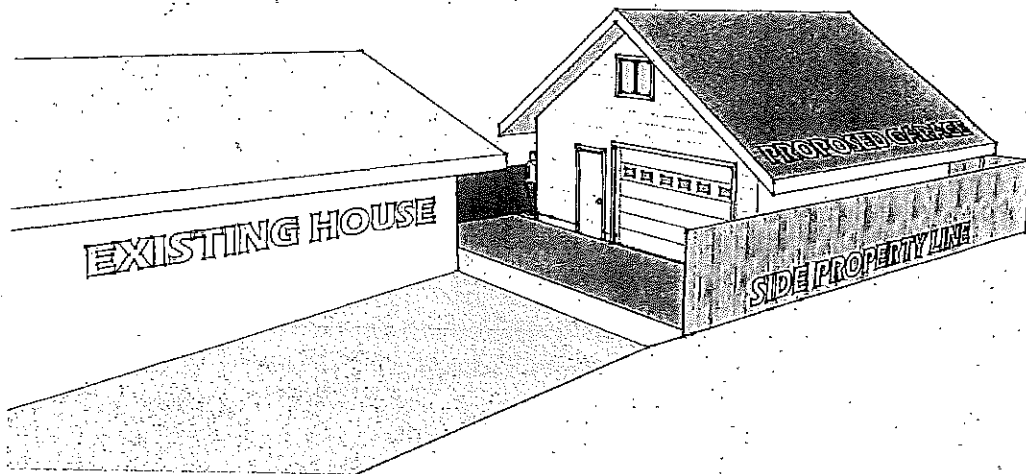
I/We (please write full names here) MARCO & Debbie Nussbaum who are the registered owners of (please write house number here) 2030 Cowichan Bay Road have no concerns regarding the proposed variance for construction located at 2054 Cowichan Bay Road. I/We can be reached by telephone at 250-746-8156 to 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

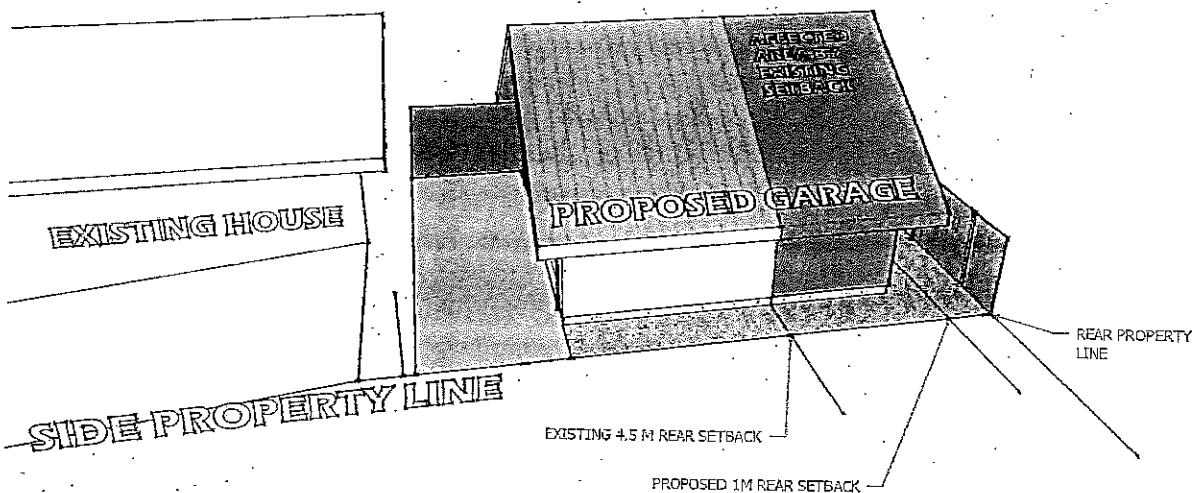
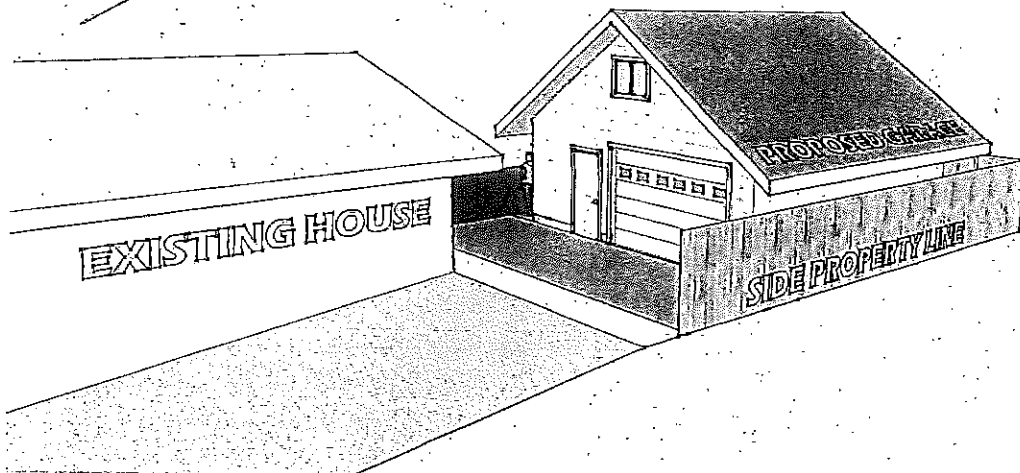
I/We (please write full names here) DERRICK & PIP WOODCOCK who
are the registered owners of (please write house number here) 2049 Cowichan Bay Road have no
concerns regarding the proposed variance for construction located at 2054 Cowichan Bay Road. I/We
can be reached by telephone at 250 701 9166 to 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): DW Woodcock Date: May 9 - 2012 (dd/mm/yy)

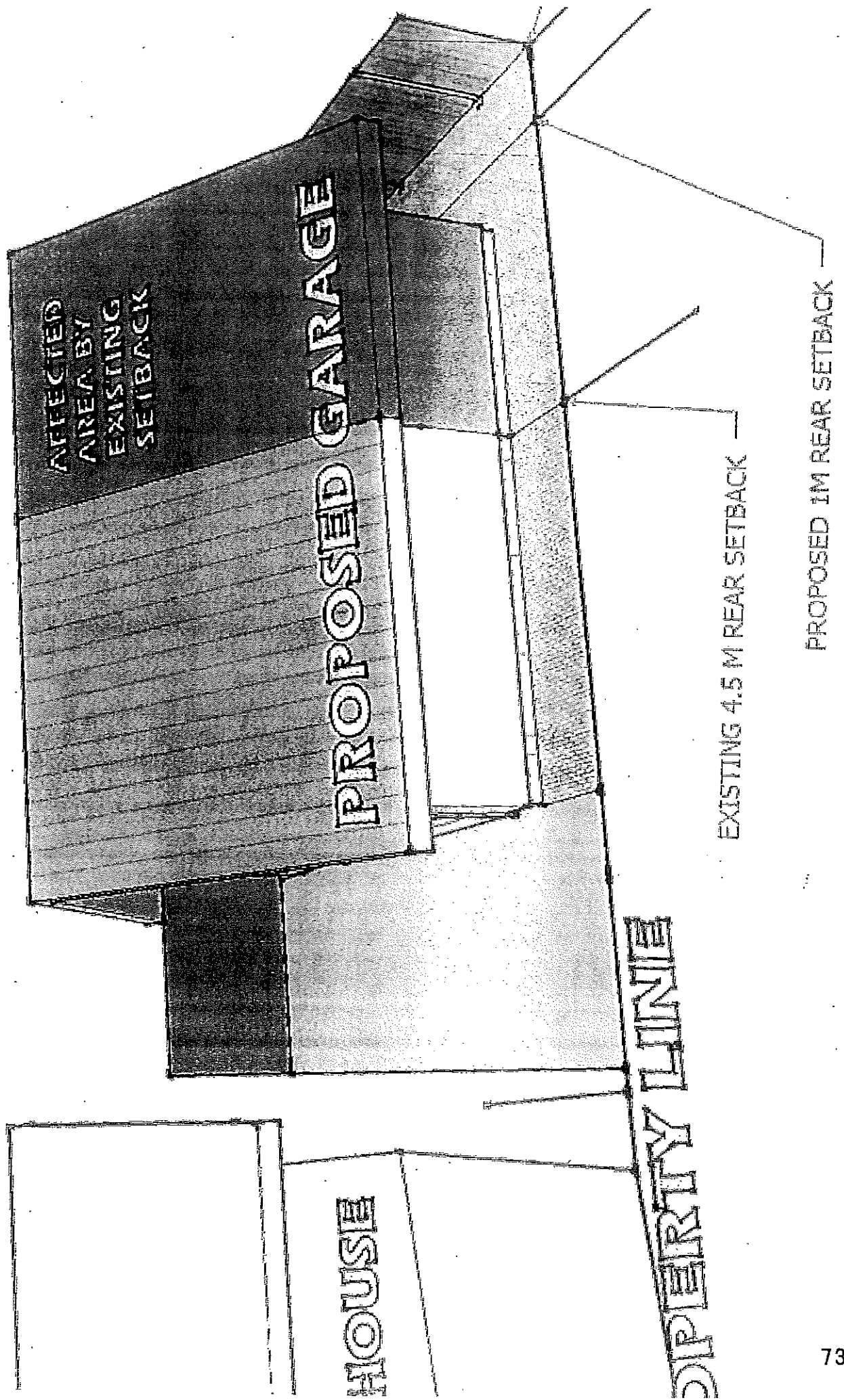


AFFIRMATION OF SUPPORT FOR VARIANCE

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





COWICHAN BAY ROAD

LETTER OF SUPPORT

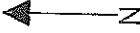
LETTER OF SUPPORT

SURVEYED EXISTING
HOUSE & GARAGE

SUBED

LETTER OF SUPPORT

2054 COWICHAN BAY ROAD



1.00

APPROXIMATE
EXISTING HOUSE &
GARAGE

R-2 AREA D SETBACK LINES FOR
RESIDENTIAL ACCESSORY USE
STRUCTURES

PROPOSED GARAGE

PROPOSED 1/4" REAR YARD
SETBACK VARIANCE

4.50

1.00

8.0 RESIDENTIAL ZONES

8.1 R-2 ZONE - SUBURBAN RESIDENTIAL

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

(b) Conditions of Use

For any parcel in an R-2 Zone:

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

COLUMN I Type of Parcel Line	COLUMN II Residential Use	COLUMN III Agricultural and Accessory Use	COLUMN IV Accessory Res- idential Use
Front	7.5 metres	30 metres	7.5 metres
Side (Interior)	10% of the parcel width or 3 metres whichever is less	15 metres	10% of the par- cel width or 3.0 metres, which- ever 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

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 4, 2012

DATE: August 27, 2012 FILE No: 10-B-12 DP
FROM: Alison Garnett, Planner I BYLAW No: 3510
SUBJECT: Application No. 10-B-12 DP
(Kozak and Fothergill)

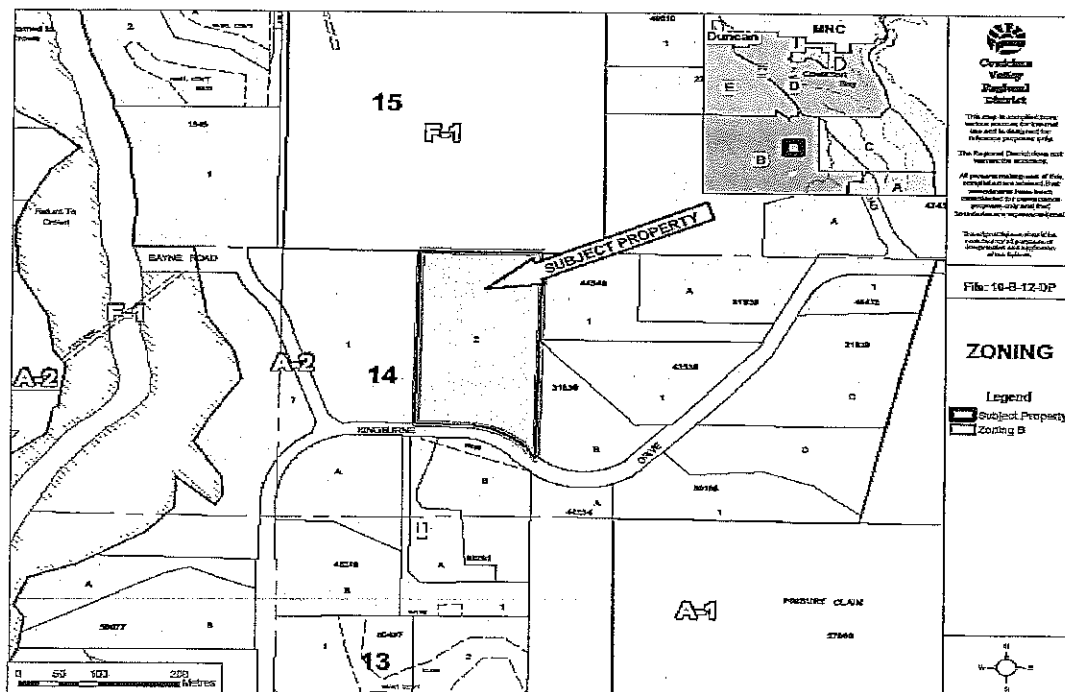
Recommendation/Action:

That application No. 10-B-12DP submitted by Wayne Kozak and Lucinda Fothergill on Lot 2, Section 14, Ranges 2 & 3, Shawnigan District, Plan 30904 (PID 001-211-960) for subdivision of one new lot be approved subject to:

- Subdivision will be in substantial compliance with the approved plans and RAR report No. 2395;
- Prior to issuance of a building permit on the new lot, a qualified professional provides advice on low-impact development techniques and recommendations to manage rainwater water on-site and in a manner that protects the natural environment.

Relation to the Corporate Strategic Plan: N/A

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



Background:

Location of Subject Property: 3700 Kingburne Drive

Legal Description: Lot 2, Section 14, Ranges 2 & 3, Shawnigan District, Plan 30904 (PID 001-211-960)

Date Application Received: April 23, 2012

Owner and Applicant: Wayne Kozak and Lucinda Fothergill

Size of Parcel: 4 ha (10 acres)

Existing Zoning: A-2 (Secondary Agricultural)

Minimum Lot Size: 2 ha

Existing Plan Designation: Agricultural

Existing Use of Property: Residential and Agricultural

Existing Use of Surrounding Properties:

North: Agricultural

South: Residential (A-2)

East: Residential (A-2)

West: Residential (A-2)

Services:

Road Access: Kingburne Drive

Water: On site well

Sewage Disposal: On site

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

Environmentally Sensitive Areas: Heather Bank Brook, a tributary of the Koksilah River is located on the subject property.

Fire Protection: Cowichan Bay Volunteer Fire Department

Archaeological Site: We do not have record of any archaeological sites on the subject property.

Urban Containment Boundary: Property is located outside of the Village Containment Boundaries

The Proposal:

The applicant has applied for a development permit for a proposed 2 lot residential subdivision.

The subject property is a 4 hectare (10 acre) lot, located on Kingburne Drive, west of Cobble Hill Village. The property is zoned A-2 (Secondary Agriculture), and is designated Agricultural in the South Cowichan Official Community Plan.

The property is currently used for residential and agricultural purposes. The sketch plan of subdivision shows a single family home and cottage, barn, greenhouses, pasture and garden areas. A creek is also located on the subject property; therefore an assessment of the

watercourse was completed by a qualified environmental professional (QEP), in accordance with Riparian Areas Regulation.

The application proposes to subdivide the property into two fee simple lots, each a minimum of 2 ha (5 acres), in accordance with the minimum lot size of the A-2 zone. A survey plan of subdivision has not yet been prepared, and if this application proceeds towards final approval, the applicant will be asked to confirm that both lots meet the required two hectare minimum lot size. The sketch plan proposes irregularly shaped lots, and the CVRD will recommend to the Ministry of Transportation and Infrastructure that the proposed new property line is adjusted in order to provide each lot with sufficient parcel frontage.

As the subject parcel is outside of community water and sewer service areas, proof of potable water will be required in accordance with CVRD Subdivision Bylaw No. 1215. The Vancouver Island Health Authority is responsible for approving septic disposal.

No parkland dedication is required pursuant to Section 941 of the *Local Government Act*, as fewer than 3 lots are proposed and the lots exceed 2 hectares.

Policy Context:

Development Permit Guidelines

The subject property is within the South Cowichan Rural Development Permit Area (DPA), as defined in Official Community Plan Bylaw No. 3510. This DPA was established to protect the natural environment and to establish objectives and guidelines for new development, including subdivision, in the rural areas of South Cowichan. Subdivision of land within the South Cowichan Rural DPA requires a development permit prior to receiving approval from the Ministry of Transportation and Infrastructure.

The following section identifies applicable guidelines from the South Cowichan Rural DPA (in italics) and how they are addressed in the subject application.

24.4.1 (A) General Guidelines

1. *In all cases where a development permit is required, the eradication of invasive weeds, such as English Ivy, Scotch Broom, Gorse, Himalayan Blackberry, Morning Glory and Purple Loosestrife, and other non-native invasive weeds listed by the Coastal Invasive Plant Committee and the BC Landscape and Nursery Association, will be a requirement of the development permit.*

The Riparian Areas Regulation report did not highlight invasive plant species occurrences on the property.

24.4.2 (A) Agricultural Protection Guidelines

These guidelines do not apply to subdivision, but will be applicable to subsequent non-agricultural development of the subject property, including construction of a residence and accessory buildings, driveways, etc.

24.4.6(A) Landscaping, Rainwater Management and Environmental Protection

1. *Runoff from the development must be strictly limited to prevent rainwater flows from damaging roads, surrounding properties and sensitive watershed features. Pervious surfaces should predominate, to encourage infiltration of water. The removal of trees*

should only be allowed where necessary and where alternate vegetation and water retention measures can be achieved.

The applicants don't intend to build on the new lot, and therefore have not submitted building plans. We can anticipate that some land clearing would be required for the driveway and future house construction on the new lot. Considering the 2 hectare lot size, managing increased rainwater flows should not be difficult on this site. However, the staff recommendation includes a condition that a qualified professional be retained prior to building permit for the new home, in order to provide recommendations for managing rainwater flows onsite and in a manner that protects the natural environment.

24.4.10 (A) Riparian Protection Guidelines (Freshwater)

- 1. For lands within 30 metres of a fish-bearing watercourse, or a watercourse that is connected by surface water to a fresh-water, fish bearing watercourse, a qualified environmental professional will be retained at the expense of the applicant, for the purpose of preparing a Riparian Areas Report...and determine the Streamside Protection and Enhancement Area (SPEA) and any measures that must be taken to protect the SPEA.*
- 2. Proposed lots that are part of or adjacent to riparian areas should be large enough to not only contain a building site that does not require a SPEA to be crossed by a driveway, and large enough to accommodate a reasonable usable yard area between the proposed building envelope and the edge of the SPEA, a maximum of 7.5 metres in depth measured perpendicularly from the edge of the building envelope.*
- 3. For development located within 30 metres of a watercourse, including a seasonal watercourse, whether fish bearing or not, development should be located away from and should not contribute to changes in the riparian area through loss of trees and vegetation or alteration of natural processes. These changes may diminish the ability of the riparian area to function as a water storage and purification area and to help prevent hazardous flooding and erosion conditions. Development may be required to provide mitigation measures and restoration to already damaged riparian areas.*
- 4. Road, trail and utility crossing of watercourses and riparian areas must be kept to a minimum, and crossing points should be chosen for low impact, in particular to avoid critical habitats of sensitive species.*
- 5. Pedestrian/cycle and road crossings of watercourses must have a low impact design; i.e., boardwalk or bridge.*
- 6. Sewage tanks and fields should be setback a minimum of 30 metres from the high water mark of a watercourse.*
- 7. Recommendations in the Ministry of Environment's Best Management Practices Development will be carried out in accordance with the Ministry of Environment's Develop with Care: Environmental Guidelines for Urban and Rural Land Development in BC should be applied, to reduce areas of impervious surfaces and increase natural groundwater infiltration. Onsite rainwater management techniques that do not impact surrounding lands should be used, rather than the culverting or ditching of water runoff. Effective impervious surfaces should be limited through appropriate building, landscape and driveway design that can absorb runoff. Figures for total site imperviousness may be required.*

Riparian Areas Assessment No. 2395 was prepared by Madrone Environmental Services, and is attached to this report. Report 2395 identifies the watercourse as Heather Bank Creek, a tributary of the Koksilah River. A Streamside Protection and Enhancement Area of 13.8 metres is recommended, although no development is proposed for the entire 30 metre assessment

area. If development is proposed in the assessment area in the future, then a more detailed RAR report and development permit will be required.

As noted above, plans for future driveways and building sites have not been submitted. However due to the size and configuration of the lots, and the location of the watercourse, there appears to be sufficient areas on which to build that would not impact the riparian area.

24.4.14(A) Subdivision Guidelines

1. *A trail system should link neighbourhoods to amenities and, where possible, provide corridors of native vegetation that can provide for groundwater infiltration.*
2. *The removal of trees should only be allowed where necessary and where alternate vegetation and water retention measures can be achieved.*
3. *If a subdivision proposal is received in an area identified for major road network connection or improvement in the Transportation section of this OCP, any development permit issued should accommodate major road network and intersection improvements that have been identified.*

Due to the rural location of the subject property and large proposed lot sizes, these guidelines are not considered applicable to this particular application.

Advisory Planning Commission Comments:

The Area B Advisory Planning Commission reviewed this application July 5, 2012, and passed the following motion:

APC recommends that CVRD approves 10-B-12DP. And APC recommends that a covenant be applied on RAR area of Heatherbank Brook.

Planning Division Comments:

This application appears to meet the relevant South Cowichan Development Permit Area guidelines, and therefore the staff recommendation is to approve the application.

Option 2 addresses the APC's recommendation for a restrictive covenant on the 30 metre riparian area of Heatherbank Brook. A restrictive covenant is not included in Option 1, as this development permit will be registered on title of the subject property and we anticipate this largely addresses the APC's intent of protecting the watercourse. However Option 2 is presented if the EASC determines that a covenant is required to reinforce protection of the watercourse.

Options:

Option 1 is recommended.

1. That application No. 10-B-12 DP submitted by Wayne Kozak and Lucinda Fothergill on Lot 2, Section 14, Ranges 2 & 3, Shawnigan District, Plan 30904 (PID 001-211-960) for subdivision of one new lot be approved subject to:
 - a) Subdivision will be in substantial compliance with the approved plans and RAR report No. 2395;
 - b) Prior to issuance of a building permit on the new lot, a qualified professional provides advice on low-impact development techniques and recommendations to manage rainwater water on-site and in a manner that protects the natural environment.

2. That application No. 10-B-12 DP submitted by Wayne Kozak and Lucinda Fothergill on Lot 2, Section 14, Ranges 2 & 3, Shawnigan District, Plan 30904 (PID 001-211-960) for subdivision of one new lot be approved subject to:

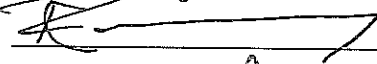
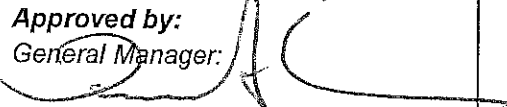
- a) Subdivision will be in substantial compliance with the approved plans and RAR report No. 2395;
- b) Prior to issuance of a building permit on the new lot, a qualified professional provides advice on low-impact development techniques and recommendations to manage rainwater water on-site and in a manner that protects the natural environment.
- c) Registration of a restrictive covenant on the riparian area of Heatherbank Brook.

Submitted by,



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

AG/ca

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



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

FILE NO: 10-B-12 DP

DATE: August 27, 2012

REGISTERED PROPERTY OWNER(S):

Thomas Wayne Kozak and Lucinda Fothergill

RR#1 U-13 Bowen Island, BC

V0N 1G0

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below (legal description):
Lot 2, Section 14, Ranges 2 & 3, Shawnigan District, Plan 30904 (PID 001-211-960)
3. Authorization is hereby given for a one lot subdivision in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following condition(s):
 - Subdivision will be in substantial compliance with the approved plans and RAR report No. 2395;
 - Prior to issuance of a building permit on the new lot, a qualified professional provides advice on low-impact development techniques and recommendations to manage rainwater water on-site and in a manner that protects the natural environment.
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedule is attached:
Schedule A – RAR Report No. 2395, dated May 22, 2012
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Development Services Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. [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



Cowichan
Valley
Regional
District

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

The Regional District does not
warrant the accuracy.

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

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

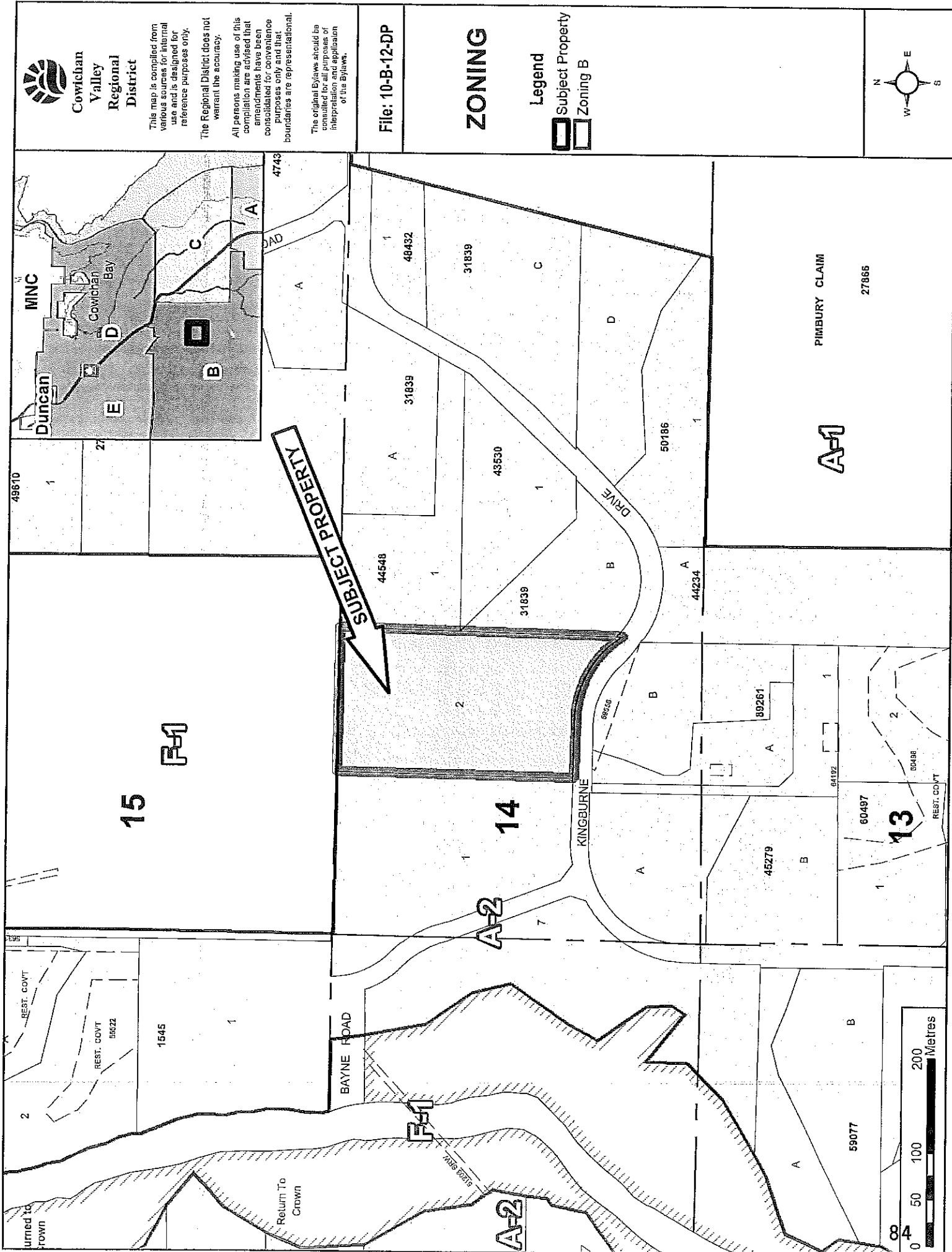
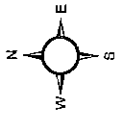
File: 10-B-12-DP

ZONING

Legend



Subject Property
Zoning B





Covichan
Valley
Regional
District

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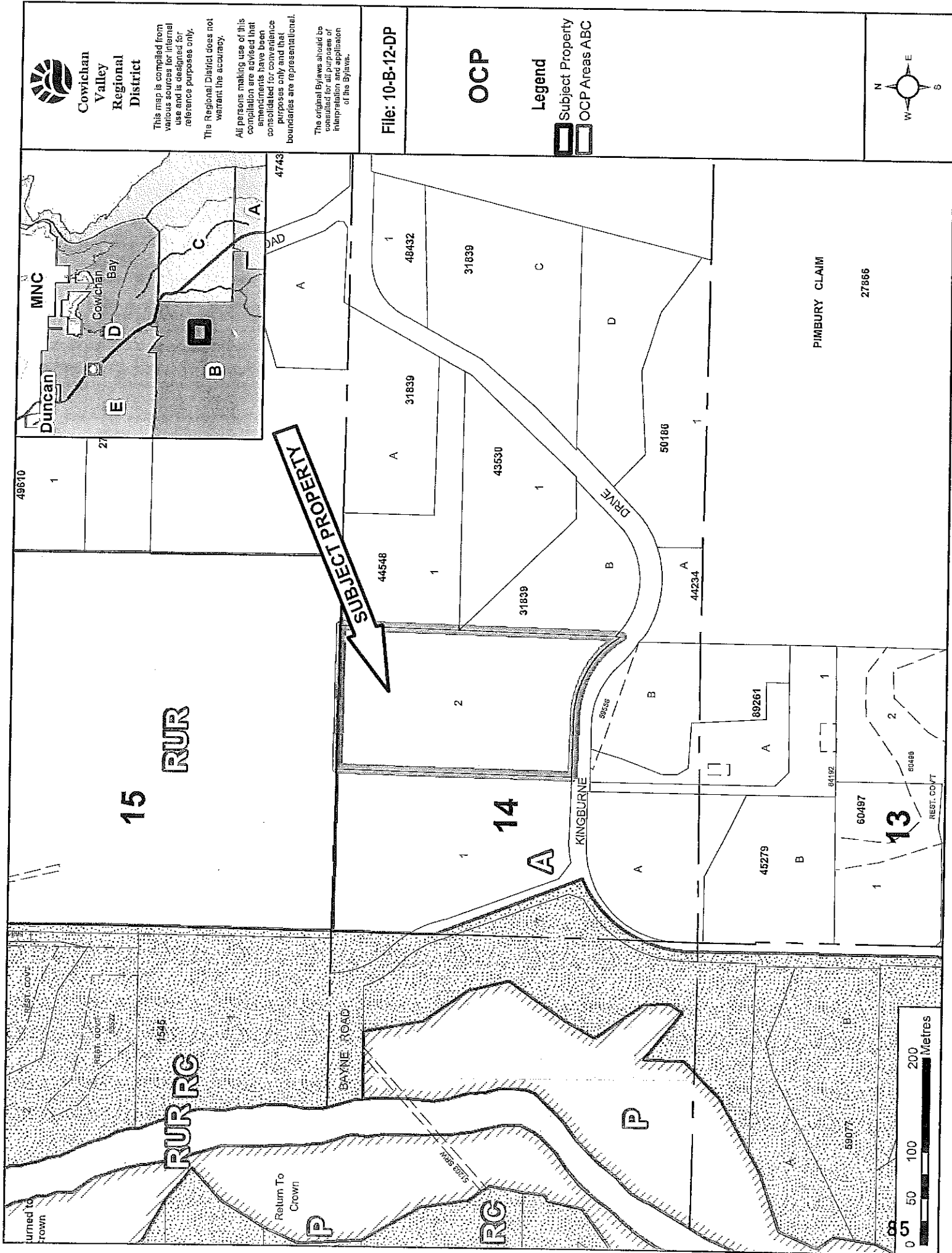
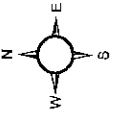
File: 10-B-12-DP

OCP

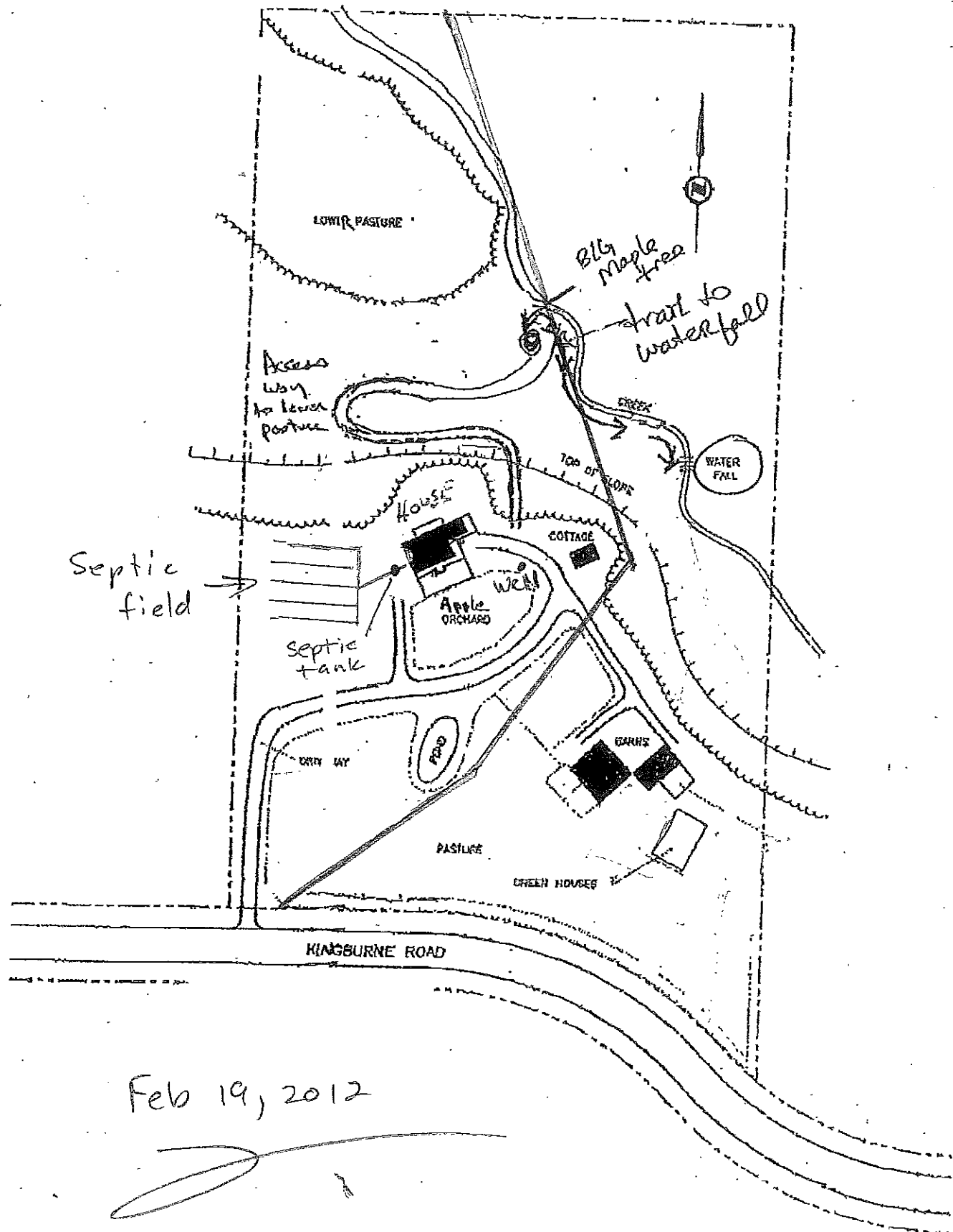
Legend



Subject Property
OCP Areas ABC



Sketch Plan of Subdivision



Feb 19, 2012

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

Riparian Areas Regulation: Assessment Report

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

Date **2012-05-22**

2395

I. Primary QEP Information

First Name	Justin	Middle Name	
Last Name	Lange		
Designation	A.Sc.T	Company	Madrone Environmental Services Ltd.
Registration #	27813	Email	justin.lange@madrone.ca
Address	1081 Canada Avenue		
City	Duncan	Postal/Zip	V9L 1V2
Prov/state	BC	Country	Canada
		Phone #	250 746 5545

II. Secondary QEP Information (use Form 2 for other QEPs)

First Name		Middle Name	
Last Name			
Designation		Company	
Registration #		Email	
Address			
City		Postal/Zip	
Prov/state		Country	
		Phone #	

III. Developer Information

First Name	Lucinda	Middle Name	
Last Name	Fothergill		
Company	N/A		
Phone #	(250) 743-7823	Email:	Lucinda.foth@gmail.com
Address	3700 Kingburne Drive		
City	Cobble Hill	Postal/Zip	V0R 1L5
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Subdivision	
Area of Development (ha)	N/A	Riparian Length (m) 225
Lot Area (ha)	4.08	Nature of Development New
Proposed Start Date	2012-05-01	Proposed End Date 2012-12-31

V. Location of Proposed Development

Street Address (or nearest town)	3700 Kingburne Drive		
Local Government	Cowichan Valley Regional District	City	Cobble Hill
Stream Name	Heather Bank Brook		
Legal Description (PID)	001-211-960	Region	1
Stream/River Type	Stream	DFO Area	South Island
Watershed Code	920-257700-02300-23400		
Latitude	48	41	45.6
Longitude	123	38	24.8

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

Table of Contents for Assessment Report

	Page Number
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3. Site Plan	6
4. Measures to Protect and Maintain the SPEA (detailed methodology only).	
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2. Windthrow	7
3. Slope Stability	7
4. Protection of Trees.....	7
5. Encroachment	8
6. Sediment and Erosion Control.....	8
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8. Stormwater Management	8
5. Environmental Monitoring	9
6. Photos.....	10
7. Assessment Report Professional Opinion	13

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

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

Nature of Development/Specific Activities:

Recently, plans have been established to subdivide the 10-acre tract of land located at 3700 Kingburne Drive. Under the provincial Riparian Areas Regulation (RAR) process, subdivision is recognized as a development activity. Therefore, the proposed subdivision has triggered an RAR assessment as the subdivision is within the 30 m Riparian Assessment Area (RAA) of Heather Bank Brook (subject stream). The subdivision proposal involves dividing the existing lot in half, resulting in two equal sized (5 acre) properties (refer to site plan).

As the current land use of the subject property is for farming related activities, most of the construction footprints exist for the purpose of farming. Construction footprints onsite include a single family residence, barn, access road, bird enclosures and equipment shelters. In addition to assessing the riparian zone of Heather Bank Brook, the entire property was traversed for other RAR applicable water bodies. Other than the focus stream, no additional water bodies were documented during the assessment.

Fish Species Present in Heather Bank Brook

Heather Bank Brook is a tributary of the Koksilah River, which is known as a high value fisheries resource. The Koksilah River contains both anadromous and resident fish species. Anadromous salmonids known to occur in the river include Steelhead Trout (*Oncorhynchus mykiss*), Chinook Salmon (*O. tshawytscha*), Coho Salmon (*O. kisutch*) and Chum Salmon (*O. keta*). These species migrate from the ocean, up the Koksilah River and enter various tributary streams in order to spawn. Resident forms of both Rainbow (*O. mykiss*) and Cutthroat Trout (*O. clarkii clarkii*) also exist in the Koksilah River and its tributary streams.

Although Heather Bank Brook is a tributary of the Koksilah River and contains suitable habitat, it is highly unlikely that any fish inhabit the subject stream. Immediately upstream of the confluence with the Koksilah River, a waterfall approximately 15 m high exists. Due to the height, the waterfall is impassable to fish, preventing them from migrating upstream and occupying the upper reaches of the subject stream. It should be noted that a second waterfall, approximately 12 m high exists on the subject property, also impassable to fish.

Description of Riparian Area/Connectivity/Fish Habitat

The subject stream originates from a pond on an adjacent agricultural property to the south and flows north under Kingburne Drive. As the stream reaches the southern boundary of the subject property, the flow of water shifts in a northwesterly direction, through the eastern portion of the subject property. Heather Bank Brook continues flowing to the northwest through adjacent properties until it joins the Koksilah River (refer to site plan).

Overall, the stream is low gradient (5-7%) and the morphology is consistent with that of a cascade-pool system. Throughout the assessed portion of the stream, the substrate is dominated by gravels and cobbles (alluvial bed); however, the portion of the stream at the upper-most water fall consists of bedrock substrate. The stream channel is well defined along the entire length of the property and ranges between 3.0 and 6.9 m in width. Also, the stream is contained within a steep sided ravine. The slopes on either side of the stream have a grade of approximately 75%. As the stream flows through the northern portion of the property, the topography of the land is subdued as the stream flows through pasture land.

On the subject property, functioning riparian vegetation is abundant. Table 1 lists the species of vegetation that were observed within the riparian zone of Heather Bank Brook at the time of the assessment.

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

Table 1. Riparian Area Vegetation Species List

Common Name	Scientific Name
Terrestrial Herbaceous Polygons	
Trees	
Douglas-fir	<i>Pseudotsuga menziesii</i>
Western redcedar	<i>Thuja plicata</i>
Bigleaf maple	<i>Acer macrophyllum</i>
Red alder	<i>Alnus rubra</i>
Shrubs	
Pacific ninebark	<i>Physocarpus capitatus</i>
Trailing blackberry	<i>Rubus ursinus</i>
Red huckleberry	<i>Vaccinium parvifolium</i>
Indian plum	<i>Oemleria cerasiformis</i>
Nootka rose	<i>Rosa nutkana</i>
Salmonberry	<i>Rubus spectabilis</i>
Willow	<i>Salix spp.</i>
Devil's club	<i>Oplopanax horridus</i>
Herbs	
Sword fern	<i>Polystichum munitum</i>
Lady fern	<i>Athyrium filix-femina</i>
Vanilla leaf	<i>Achlys triphylla</i>
Pacific bleeding heart	<i>Dicentra formosa</i>
Herb-Robert	<i>Geranium robertianum</i>

Section 2. Results of Riparian Assessment (SPEA width)

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

2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Description of Water bodies involved (number, type)

Date: 2012-05-22

Stream	X
Wetland	
Lake	
Ditch	
Number of reaches	1
Reach #	1

1 Stream

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

	Channel Width(m)	Gradient (%)
starting point	4.2	
upstream	3.8	
	4.4	7
	4.0	
	4.6	
downstream	3.7	
	5.2	
	6.9	5
	5.7	
	5.9	
	3.0	
Total: minus high /low	41.5	
mean	4.6	6
	R/P	C/P
Channel Type		X

I, Justin Lange, hereby certify that:

- I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act;
- I am qualified to carry out this part of the assessment of the development proposal made by the developer Lucinda Fothergill;
- I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Site Potential Vegetation Type (SPVT)

SPVT Polygons	Yes	No	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes I, <u>Justin Lange</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Lucinda Fothergill</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
		X	
Polygon No:			
SPVT Type	LC	SH TR	
Polygon No:			Method employed if other than TR
	LC	SH TR	
SPVT Type			Method employed if other than TR
Polygon No:			
SPVT Type			Method employed if other than TR

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons			
LWD, Bank and Channel Stability ZOS (m)	10				
Litter fall and insect drop ZOS (m)	13.8				
Shade ZOS (m) max	13.8	South bank	Yes	X	No
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)				
Ditch Fish Bearing	Yes	No	If non-fish bearing insert no fish bearing status report		
SPEA maximum	13.8	(For ditch use table 3-7)			

I, <u>Justin Lange</u> , hereby certify that:	
a)	I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ;
b)	I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Lucinda Fothergill</u> ;
c)	I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
d)	In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Comments

At the present time there are no plans for construction and this assessment was triggered by a proposal for subdivision. Therefore, the high water mark (HWM) was not flagged in the field. If in the future there are plans to construct on either the subdivided or parent parcel of land, a more focused RAR assessment must be completed. At that time a biologist will be required to determine and flag the HWM for the purpose of determining the Streamside Protection and Enhancement Area (SPEA). Also, the CVRD has implemented an additional 7.5m setback from the edge of the SPEA, where no building, structure, lane, highway or driveway can occur, as per Electoral Area B zoning bylaws.



PROJECT: RAR Assessment
3700 Kingburn Drive

LOCATION:
Cobble Hill, BC

CLIENT:
Lucinda Fothergill

DOSSIER NO:
12.0087

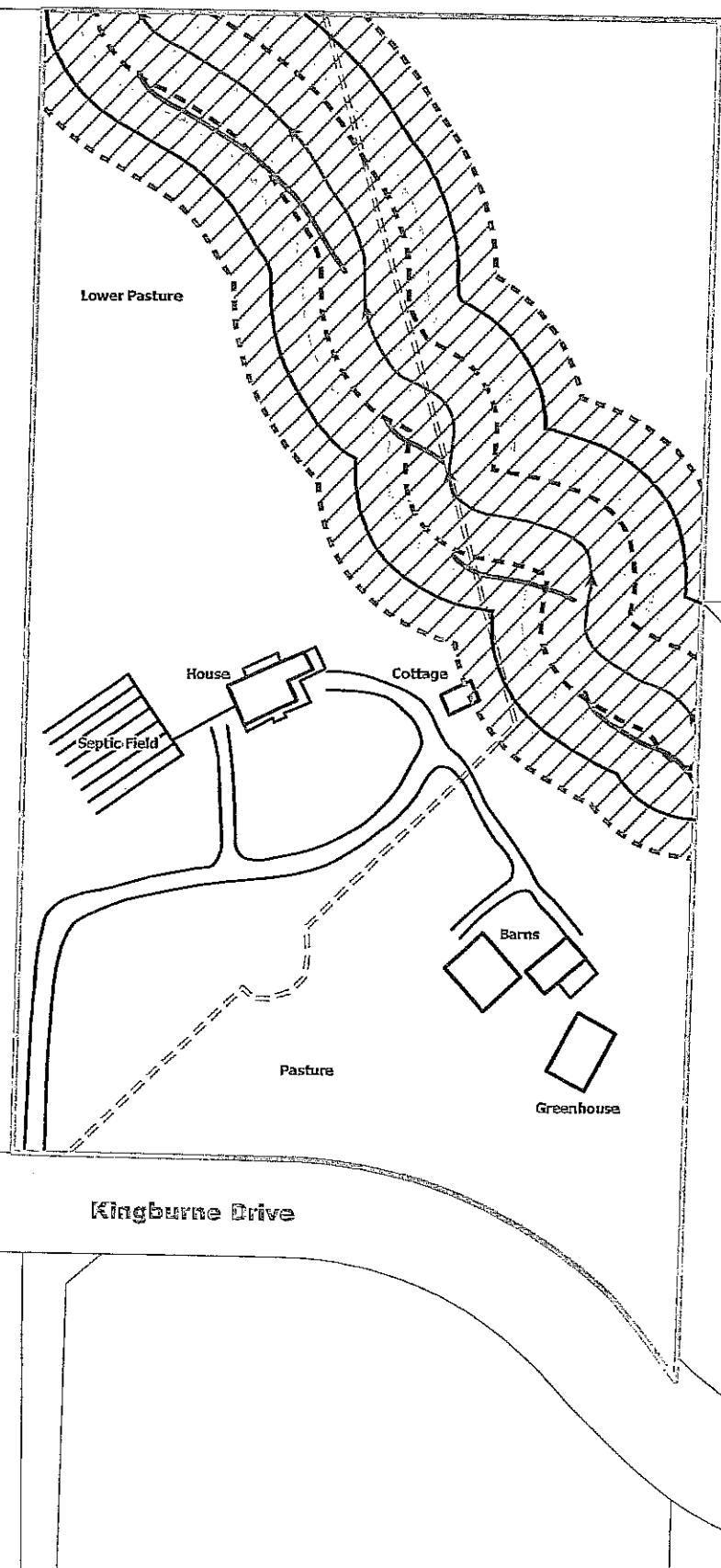
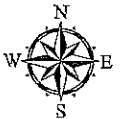
ASSESSED BY:
Justin Lange, B.Sc., A.Sc.T., B.I.T.

FIELD VISIT:
April 23, 2012

MAP SCALE:
1:1,500

MAPPING DATE:
May 22, 2012

DRAWN BY:
Anna Jeffries



LEGEND

- Property Boundary
- Parcel Boundary
- Existing Buildings
- Proposed Subdivision
- Creek
- CVRD No Build Zone (7.5m)
- Riparian Assessment Area (30m)
- Maximum SPEA (13.8m)
- Zones of Sensitivity**
- Shade (13.8)
- Large Woody Debris (10m)
- Insect Drop / Litterfall (13.8m)

0 25 50 75
m

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

Section 4. Measures to Protect and Maintain the SPEA

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

1. Danger Trees	At the time of the assessment, all of the trees within the SPEA appeared to be healthy. If in the future any trees within the SPEA show signs of poor health, it is unlikely that there will be a potential threat of damage to buildings or human welfare. Due to the fact the SPEA consists of a steep sided ravine, any trees that fall over will likely end up within the stream.
I, <u>Justin Lange</u> , hereby certify that: e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; f) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Lucinda Fothergill</u> ; g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
2. Windthrow	Windthrow usually occurs as a result of removing large areas of trees and creating new exposed forest "edges" that become exposed to increased wind velocities. No potential issues exist related to windthrow as this is a subdivision proposal and there are no plans to remove any trees.
I, <u>Justin Lange</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Lucinda Fothergill</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
3. Slope Stability	Although the slopes of the ravine are steep (approximately 75% grade), there were no signs of slope instability. Beyond the top of the ravine bank the terrain is subdued with a grade of approximately 2-3%. There should be no issues related to slope stability as any future development will be completed at a distal location to the top of the ravine bank.
I, <u>Justin Lange</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Lucinda Fothergill</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
4. Protection of Trees	Presently, no construction activities are proposed and subdivision is the only form of "development". Due to the fact the SPEA is within a ravine and the upper RAA is un-forested (consists of fields and bird pens), it is unlikely that tree protection measures would need to be developed should any construction take place. Also, the implementation of an additional 7.5 m no build zone setback from the SPEA edge will help to ensure that no trees are impacted either directly or indirectly.
I, <u>Justin Lange</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Lucinda Fothergill</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	

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

5. Encroachment	The client is aware that all current structures and uses inside the SPEA are "grand-parented" – i.e. they are legally non-conforming. The developer/home owner can continue using the property in its current state. It should be noted, however that any additional, new developments are not permitted inside the SPEA. "Development" includes activities such as vegetation removal, construction of new trails, dumping of yard wastes and the construction of temporary or permanent structures.
<p>I, <u>Justin Lange</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Lucinda Fothergill</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
6. Sediment and Erosion Control	<p>Sediment resulting from construction activities can become mobilized during rainfall and transported into water bodies (i.e. creeks, ditches, lakes and wetlands). Sediment is a deleterious substance under the Federal Fisheries Act, and its introduction into watercourses can lead to negative impacts to adjacent and connected downstream fish habitat.</p> <p>To date, a sediment and erosion control plan has not been developed as this assessment was triggered by a subdivision. Any future developments within the RAA would necessitate development of a detailed sediment and erosion control plan.</p>
<p>I, <u>Justin Lange</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Lucinda Fothergill</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
7. Stormwater Management	<p>Construction of new developments usually leads to an increase in surface water run-off and a decrease in natural infiltration as a result of the general increase in impermeable surface cover (i.e. rooftops). The main goals of storm water management are to either capture run-off from impermeable surfaces and return it to natural hydrological pathways, or implement initiatives to reduce the production of storm water run-off (i.e. by installing a bio-retention area).</p> <p>As this is a proposal for subdivision and no construction is planned, there will not be an increase in surface water run-off and therefore a stormwater management plan is not required. However, if in the future construction activities are planned methods (i.e. raingarden) for dealing with excess runoff should be developed during the planning phase.</p>
<p>I, <u>Justin Lange</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Lucinda Fothergill</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
8. Floodplain Concerns (highly mobile channel)	As the subject stream is contained within a ravine, it lacks an active floodplain. Therefore, it is unlikely there will be any issues related to flooding or movement of the stream channel.
<p>I, <u>Justin Lange</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Lucinda Fothergill</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	

Section 5. Environmental Monitoring

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

Environmental monitoring is required when construction activities take place within the 30 m RAA. The purpose of monitoring during the construction phase is to ensure that the recommended measures put in place to protect the functionality of the SPEA are followed.

In this particular case, subdivision is the only proposed "development" for the property at this time. If development plans are established at a later date to include construction activities inside the RAA, completion of a more detailed assessment must be completed. The SPEA and RAA have now been identified, allowing the local government to assess any new development applications proposed on the property under the RAR. Future property owners must be made aware of the RAA and SPEA dimensions (including the additional 7.5m setback) and also the requirement for the completion of a focused RAR assessment, should development be proposed inside the RAA.

Section 6. Photos

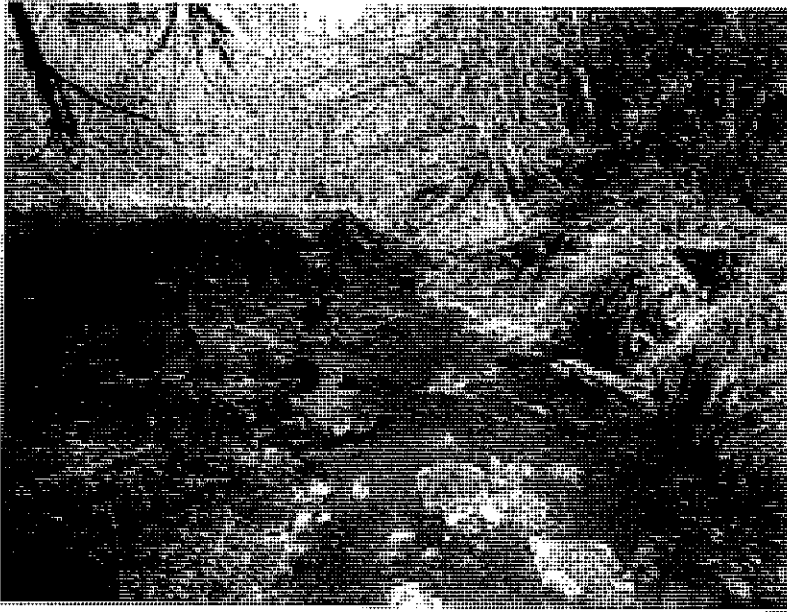


Photo 1. Looking northwest at Heather Bank Brook as it flows off the subject property.



Photo 2. Looking southeast at the stream as it emerges from the ravine. Note the alluvial substrate and functioning riparian vegetation.



Photo 3. Morphology of the stream in the east-central portion of the property. Note the waterfall, which is approximately 12 – 14 m in height.



Photo 4. The assessed stream from the top of the ravine bank. Note the channel morphology is typical of a cascade pool system.



Photo 5. Looking northwest at Heather Bank Brook from the outlet of the culvert under Kingburne Drive.



Photo 6. Looking southeast at the agricultural property in which the headwaters of Heather Bank Brook originate.

Section 7. Professional Opinion

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

Date 2012-05-22

1. I Justin Lange, B.Sc., A.Sc.T., B.I.T.

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

hereby certify that:

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

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

- a) if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, OR

(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)

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

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

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,
- (b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
- (c) the individual is acting within that individual's area of expertise.]



R5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING of September 4, 2012

DATE: August 28, 2012

FILE No: 1-A-10 RS

FROM: Alison Garnett, Planner I

BYLAW No: 3510 & 2000

SUBJECT: Rezoning Application 1-A-10 RS (Phillips for Jackson)

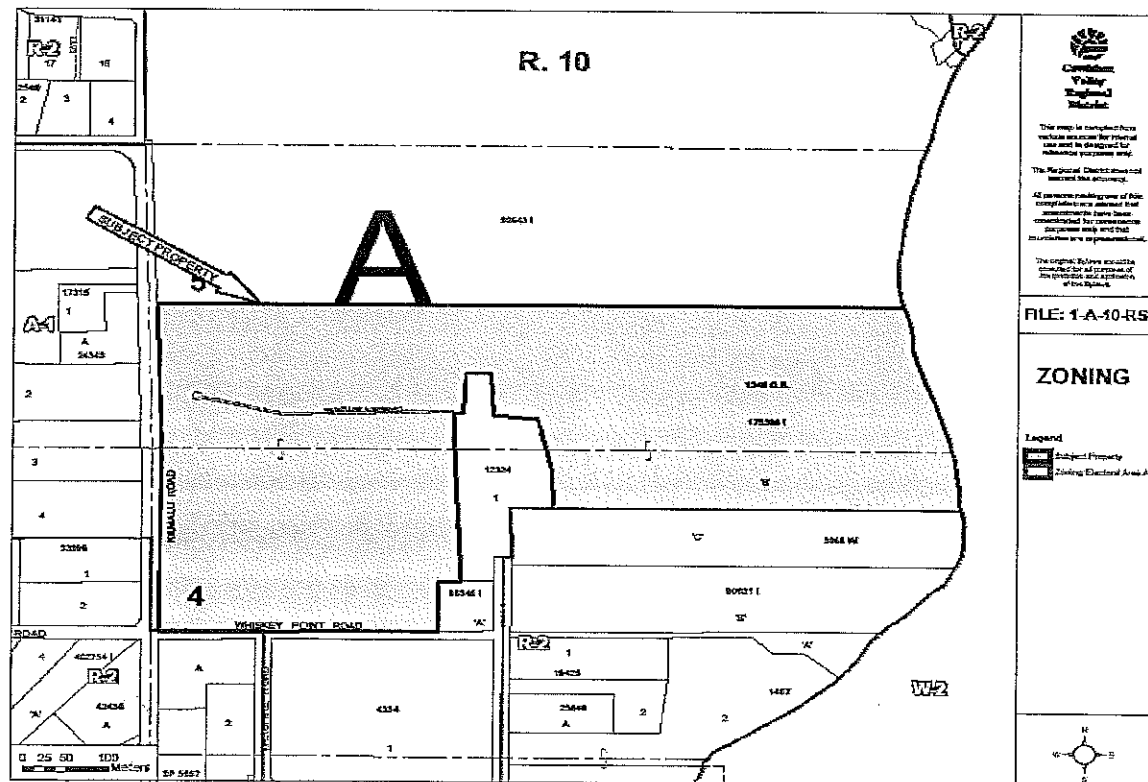
Recommendation/Action:

That Application No. 1-A-10RS (Phillips for Jackson) be denied, a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275, and the file referred to the Inspections and Enforcement Division.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: N/A

Background:



Location: Foreshore accessory to 605 Kilmalu Road

Legal Description: That part of Section 4, Range 10, Shawnigan District, shown outlined in red on Plan 1340 OS except those parts in Plan 12324 and except those parts in Parcel A (DD85346I) and Parcel C (DD93148I) (PID: 009-480-153)
That part of Parcel B (DD64629I) of Section 5, Range 10, Shawnigan District, shown outlined in red on Plan 1340 OS except that part in Plan 12324 (PID: 009-480-170)

Date Application and Complete Documentation Received: March 4, 2010

Owner(s): Anne Jackson

Applicant: Andrea Phillips

Size of Land Parcel: + 28 hectares (69 acres)

Size of proposed Water Lease: Unknown

Contaminated Site Profile Received: Declaration signed

Existing Use of Property: Residential and Agricultural on land, private dock on water

Existing Use of Surrounding Properties:

North, South & West: Residential and Agricultural

East: Saanich Inlet

Road Access: Whiskey Point Road

Water: Well

Sewage Disposal: On site disposal

Agricultural Land Reserve Status: The property is located in the ALR

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas does not identify Provincially designated sensitive ecosystem polygons within the subject property; however the entire shoreline of Electoral Area A is identified as a Shoreline Sensitive zone. The physical shoreline type in this area is described as rock with sand and gravel beach.

Archaeological Sites: None identified in CVRD mapping or the provincial Remote Access to Archaeological Data (RAAD)

<u>Fire Protection:</u>	Mill Bay Fire Service Area
<u>OCP Designation:</u>	Marine Conservation Designation
<u>Proposed Plan Designation:</u>	Amendment to the Marine Shoreline Management and Water Designation policies would be required.
<u>Existing Zoning:</u>	W-2 (Water Recreation)
<u>Proposed Zoning:</u>	Amended W-2 zone, or new water zone

Application History:

Beginning in June 2008, the applicants constructed a private floating dock on the water adjacent to their residence at 605 Kilmalu Road. Construction was completed without a foreshore license from the Province, and was constructed in contravention of Zoning Bylaw No. 2000. The surface of the water adjacent to the subject property is zoned W-2 (Water Recreation), and private docks are not a permitted use within this zone. CVRD bylaw enforcement was initiated in 2009, and as a result of the enforcement the applicants have applied to rezone the surface of the water in order to legalize and retain the existing structure.

Site Context:

The subject property is an oceanfront lot located at Kilmalu Road and Whiskey Point Road, north of Mill Bay. It is a 28 hectare lot (69 acres), with approximately 275 metres of shoreline along the Saanich Inlet. The land is zoned A-1 (Primary Agriculture), is located in the Agricultural Land Reserve (ALR), and is used for residential and agricultural purposes. Lands to the north of the subject property are large agricultural lots. To the south, lands are R-2 (Rural Residential) zoned lots of various sizes.

The attached site plan shows the single residence on the subject property is located near the ocean. From the residence, the land slopes steeply in the direction of the ocean and ends abruptly at a rock face at the high water mark. There is a narrow, winding foot trail connecting the house with the ocean, however access directly to the water is difficult due to the nature of the steep and rocky shoreline. The native trees, vegetation and soil of the shoreline appear healthy and intact.

Adjacent to the subject property, the surface of the water is zoned W-2 (Water Recreation). The W-2 zone extends north and south of the subject property, with the exception of the W-3 (Water Marina) zone at Mill Bay Marina. Approximately south of Noowick Road, the water zoning become W-1 (Water Conservation). The W-1 zone continues to the southern extent of Electoral Area A, with the exception of the BC Ferries dock.

The nearest point of public access to the ocean, by road ends or public parks, is at the end of Whiskey Point Road. Otherwise, private property dominates the shoreline. The rugged physical makeup of the shoreline does not easily encourage public use. No other docks are within sight of the subject property, although there are a number of non-conforming docks within Electoral Area A.

Proposal Overview:

The applicants are requesting that a new water zone be created and applied to the water adjacent to the subject property, or that the existing W-2 zone be amended to include private docks as a permitted use. The existing 37 m² (400 ft²) dock is attached to the shore and to the ocean floor by six cables. The applicants have also constructed a set of stairs and a two level deck, which is built into the rocks. A ramp connects the decks with the floating dock. The entire structure was

constructed with very little impact to the shoreline, as no pilings are used, and materials were transported along cables strung up through the trees rather than by vehicles.

If this application is approved by the CVRD, the applicant would also have to receive a foreshore license from the Province. The applicants will also need to apply to legalize the existing deck and stairs through a Development Permit with Variance, as Zoning Bylaw No. 2000 does not permit structures to be constructed within 15 metres of the high water mark of the ocean. OCP Bylaw No. 3510 has implemented a development permit area for Marine Riparian Areas for the purpose of protecting ecological processes and functions, and mitigate the threat of a coastal hazard on life and property; however this construction would technically be exempt as it predates the adoption of the OCP.

Policy Context:

Zoning

The current W-2 zoning permits the following uses:

- 1) Activities directed towards environmental protection and habitat enhancement;
- 2) Management of a waterbody, lake or reservoir by an improvement district, municipality of regional district for use as a community water supply;
- 3) Passive recreation;
- 4) Seawall, breakwater.

Other zones within Electoral Area A include W-1 Water Conservation (which applies to Saanich Inlet south of Noowick Road and has fewer permitted uses than the W-2 zone); W-3 Water Marina (Mill Bay Marina); and W-4 Water Transportation (BC Ferry Terminal).

The only existing zone that permits private dock use is the W-3 zone.

Official Community Plan Bylaw No. 3510

Policies contained within Section 4, Marine Shoreline Management, which are relevant to this application include the following:

Policy 4.1: Marine water surfaces adjoining the ocean shoreline will be designated as Marine Conservation on Schedule B – the Plan Map, and are subject to the policies within Section 18: Marine Conservation Designation.

Policy 4.2 The implementing Zoning Bylaw will zone the water surfaces of the Saanich Inlet and Satellite Channel as Marine Conservation Zone, to help to preserve the biodiversity of the marine water and the estuarine flats of Shawnigan Creek as a water conservancy area. The exceptions are:

- a. *The BC Ferry Terminal, at the foot of Ferry Road, adjacent to the Malahat First Nation Reserve, and the Hatch Point Terminal Facility north of Arbutus Ridge may be zoned as W-4 Water Transportation Zone.*
- b. *There is a future potential at the Bamberton Industrial site for a deep water terminal facility. Should such a facility be built, it may be zoned as W-4 Water Transportation Zone;*
- c. *The Mill Bay Marina may be zoned as W-3 Water Marina;*
- d. *Wharves owned by the CVRD, the provincial government, or the federal government may be zoned as W-5 Water Institutional Zone;*
- e. *Wharves owned by a First Nations government, or by the federal government on behalf of a First Nations Government may be zoned as W-5 Water Institutional Zone;*
- f. *The Brentwood University College wharf may be zoned as W-5 Water Institutional.*

Policy 4.4 To protect the shoreline, and public access along the shoreline, no docks, wharves, or other structures will be permitted within the marine environment of the Saanich Inlet and Satellite Channel, except for those referenced in Policy 4.2, whereby public access must be provided along the foreshore. The creation of bulkheads, seawalls with land fill, and similar engineering works will not be permitted, due to the deleterious effects this has on beach sediment transfer and accumulation zones.

Other relevant policies in the South Cowichan OCP are found within Section 18, Water Designations. Objectives of the Water Designation include the following:

- B. To recognize the international importance of the Saanich Inlet and Satellite Channel, for fisheries, food security, tourism and marine wildlife;
- C. To ensure that the Saanich Inlet and Satellite Channel are protected from the impacts of human developments.

Advisory Planning Commission Comments:

The Joint South Cowichan APC reviewed this application June 26th, 2012, and passed the following motion:

The committee recommends to the CVRD that application No. 1-A-10 RS Phillips for Jackson to rezone be denied.

Referral Agency Comments:

This application was referred to government agencies on August 21, 2010. The following is a list of agencies that were contacted and the comments received.

- Cowichan Tribes – No comments received.
- Mill Bay Volunteer Fire Department – No comments received
- Fisheries and Oceans Canada – No comments received
- Malahat First Nation – No comments received
- Transport Canada Navigable Water – No comments received
- CVRD Parks, Recreation and Culture– *No Parks interests.*
- CVRD Public Safety – See attached memo.
- CVRD Environmental and Engineering Department (Water Management Division)– *This property is not in any CVRD water or sewer service areas, therefore Water Management has no comment for this development. Suggest Environmental Policy input.*

Planning Division Comments:

The dock under review in this application represents an example of relatively low impact shoreline development, as consideration has been given to reducing the disturbance to the shoreline and ocean floor. The issue of impeding public use of the shoreline is relatively minor at this site as the rugged beach and lack of public access points reduce the likelihood of public use in this area. The applicants present the argument that the rocky, steep shoreline impedes meaningful access to the Saanich Inlet from private residences, and therefore a dock is the only means to ensure recreational use of the ocean.

However, the newly adopted OCP policies identify community objectives of ecological conservation and limiting the impact of development on the Saanich Inlet. The zoning bylaw reinforces these policies, by not permitting private docks within the W-2 zone. This regulation applies to the vast majority of water surface in Electoral Area A, aside from the marina and ferry terminal. The discussion and final decision of the APC indicates that these regulations continue to reflect the community's objectives for the marine shoreline.

An amendment to the W-2 zone to permit docks would have implications for the remainder of Mill Bay, as this would allow dock construction throughout a large portion of Saanich Inlet, subject only to a foreshore lease from the Province. A new site specific zone with criteria for environmentally sensitive construction could be considered, however there does not appear to be sufficient community support for such a zone. The recently adopted OCP and recommendation from the Advisory Planning Commission suggest that the existing regulations continue to be appropriate for Mill Bay.

Staff recommend that the application be denied, and the matter referred to the Inspections and Enforcement Division for resolution of the bylaw infraction.

Options:

A

That Application No. 1-A-10RS (Phillips for Jackson) be denied, a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275, and the file referred to the Inspections and Enforcement Division.

B

That draft bylaws for application No. 1-A-10RS (Philips for Jackson) be presented at a future EASC meeting.

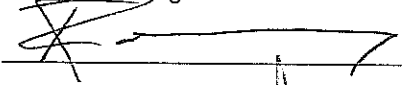

Option A is recommended.

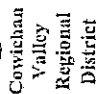
Submitted by,



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

AG/ca

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



The Regional District does not warrant the accuracy.

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

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

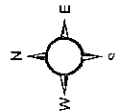
FILE: 1-A-10-RS

GNON

Legend



Zoning Electoral Area A



906431

SUBJECT PROPERTY

WATER LINE EASEMENT

KILMALU ROAD

WHISKEY POINT ROAD

W-2

SP 5697



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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compilation are advised that
commitments have been
made to the public and that
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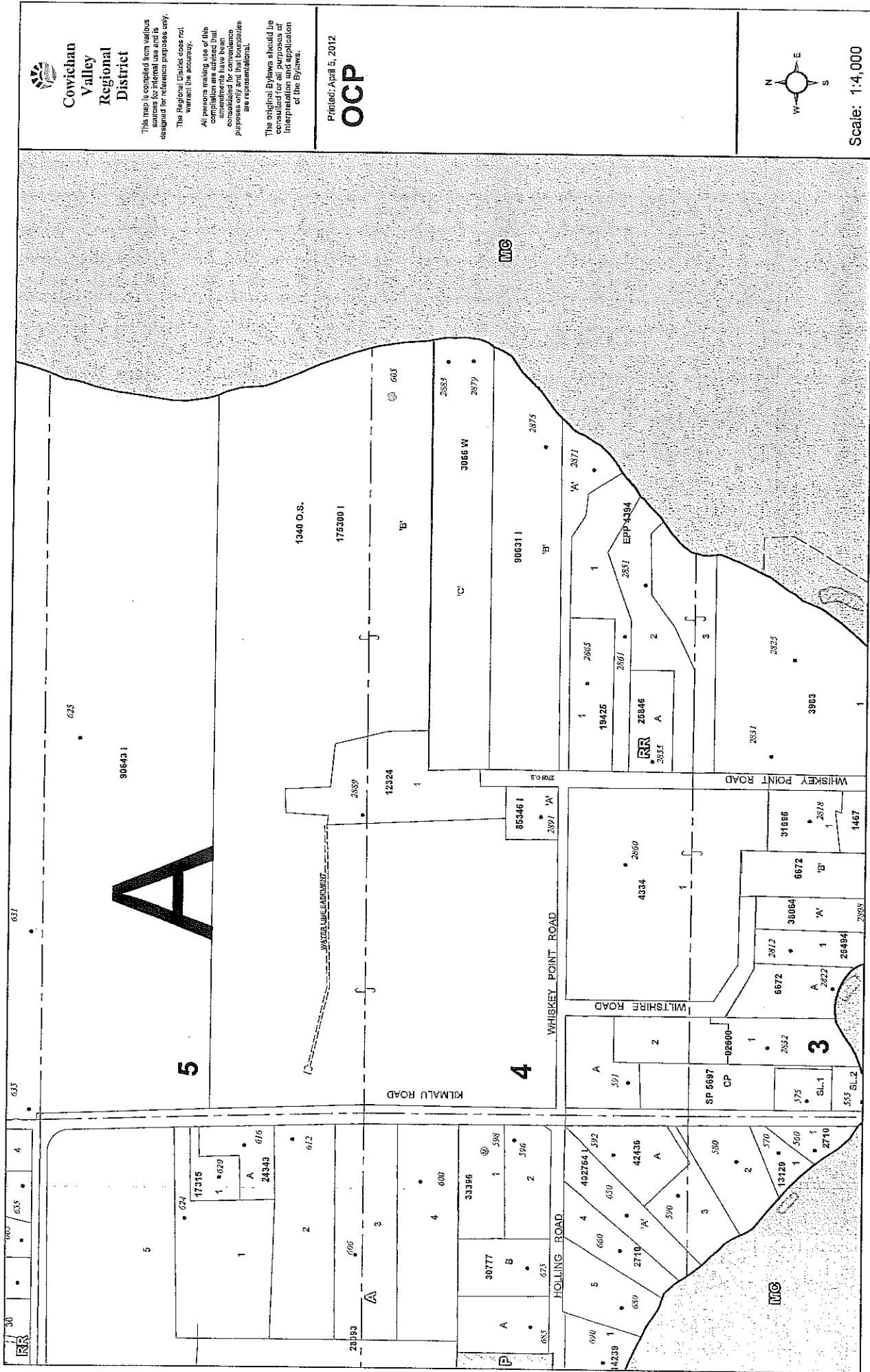
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of the Bylaws.

Printed: April 5, 2012

OCP



Scale: 1:4,000



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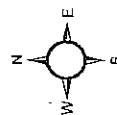
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The original Dylaves should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 1-A-10-RS

Orthophoto (2002)



SUBJECT PROPERTY

05000
Meters

NORTH

PLANS 1340 and 123A4
COMBINED

KILMALU R.

SCALE: 200 FT = 1"

WHISKY POINT RD.

SECTION 4

SECTION 5

PARCEL 'B'

HOUSE

PARCEL 'A'

EASEMENT

DRIVE WAY

PARCEL 'C'

PARCEL 'B'

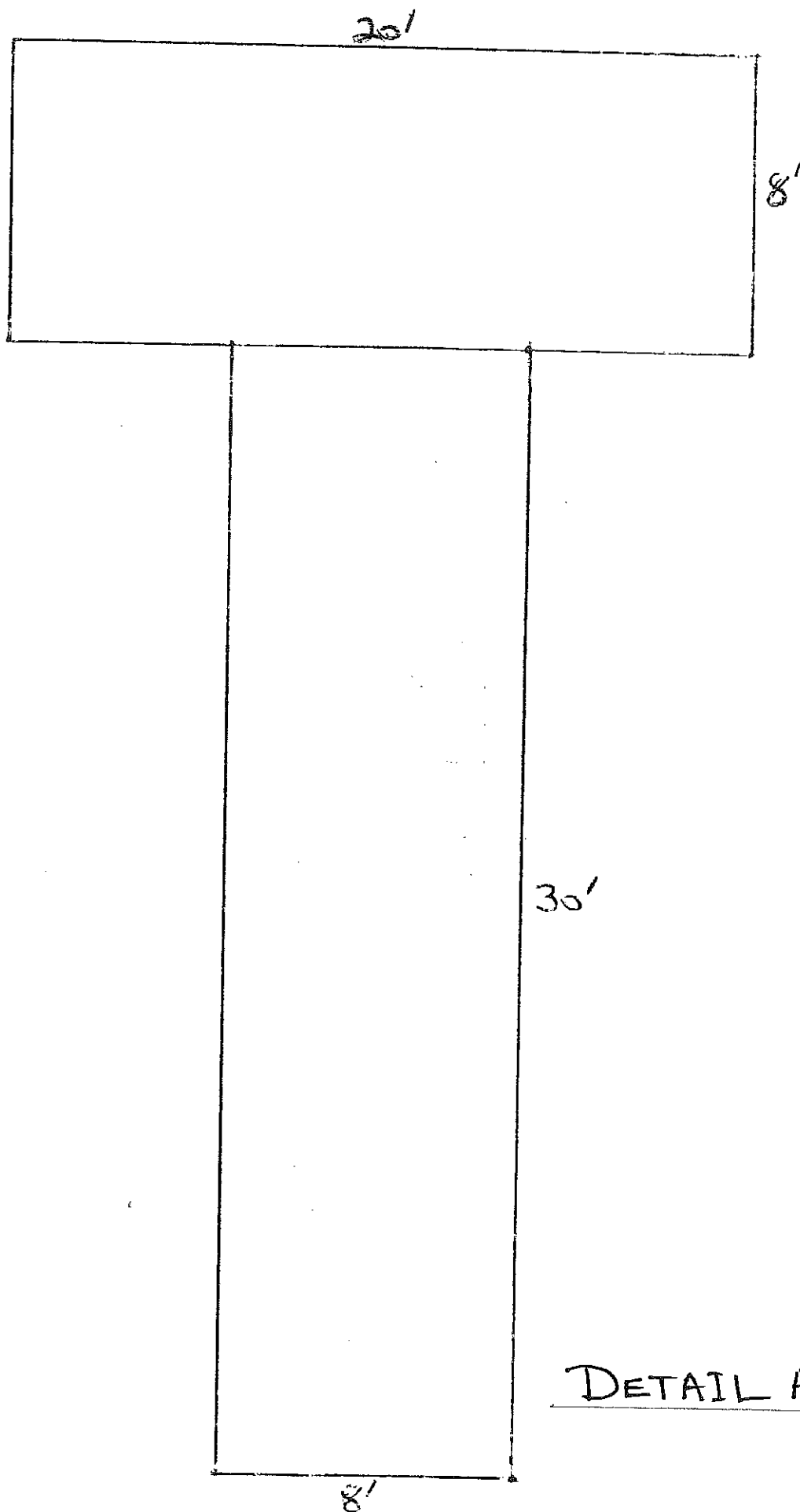
APPLICANT'S HOME

FLOAT, SEE DETAIL 'A'

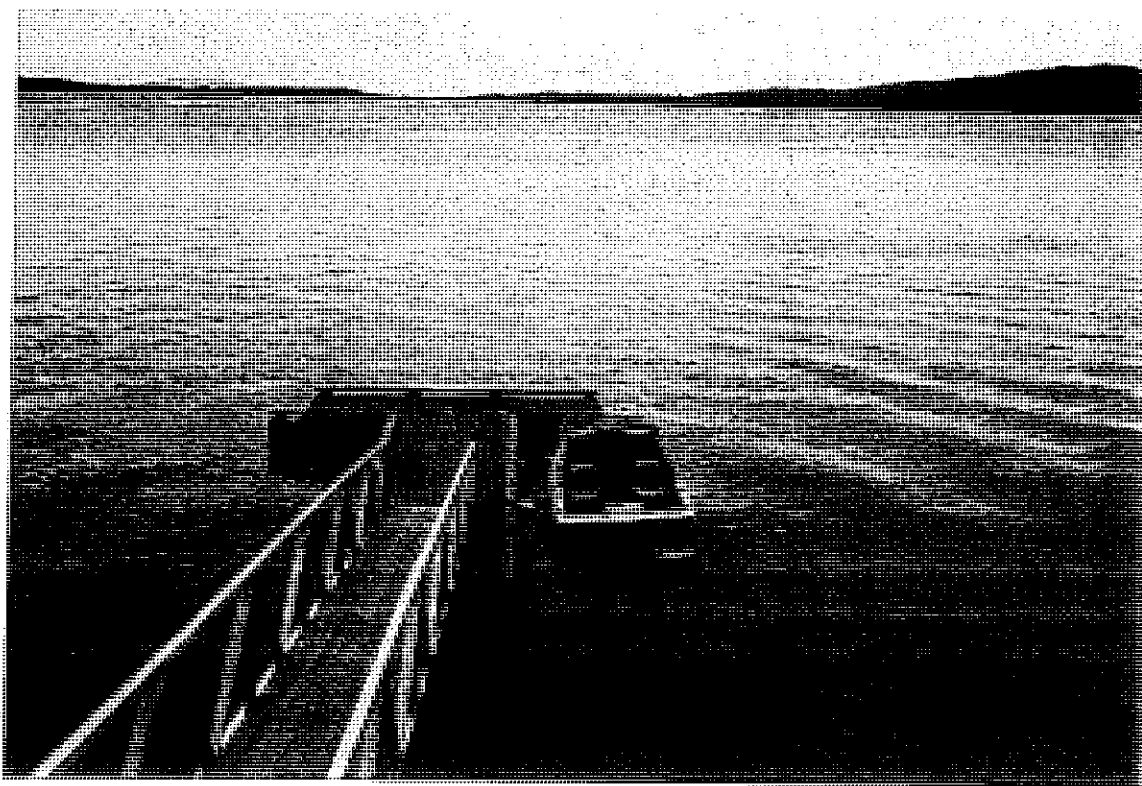
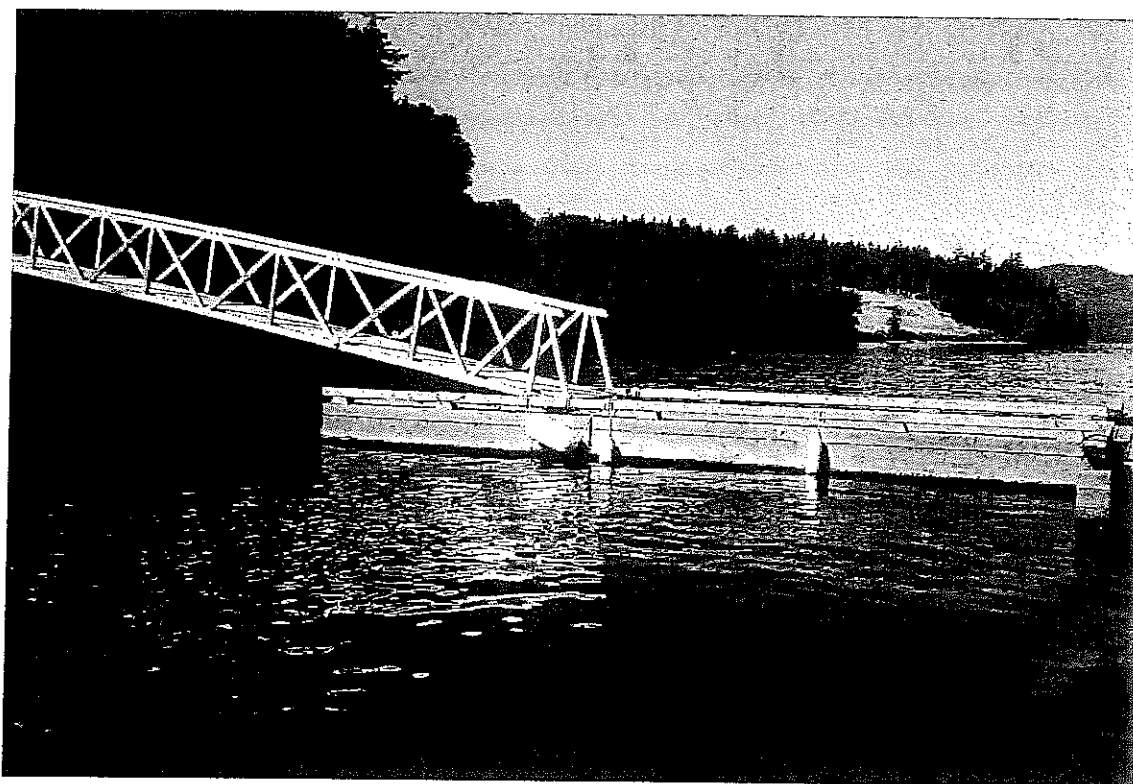
SANMICH TUNEL

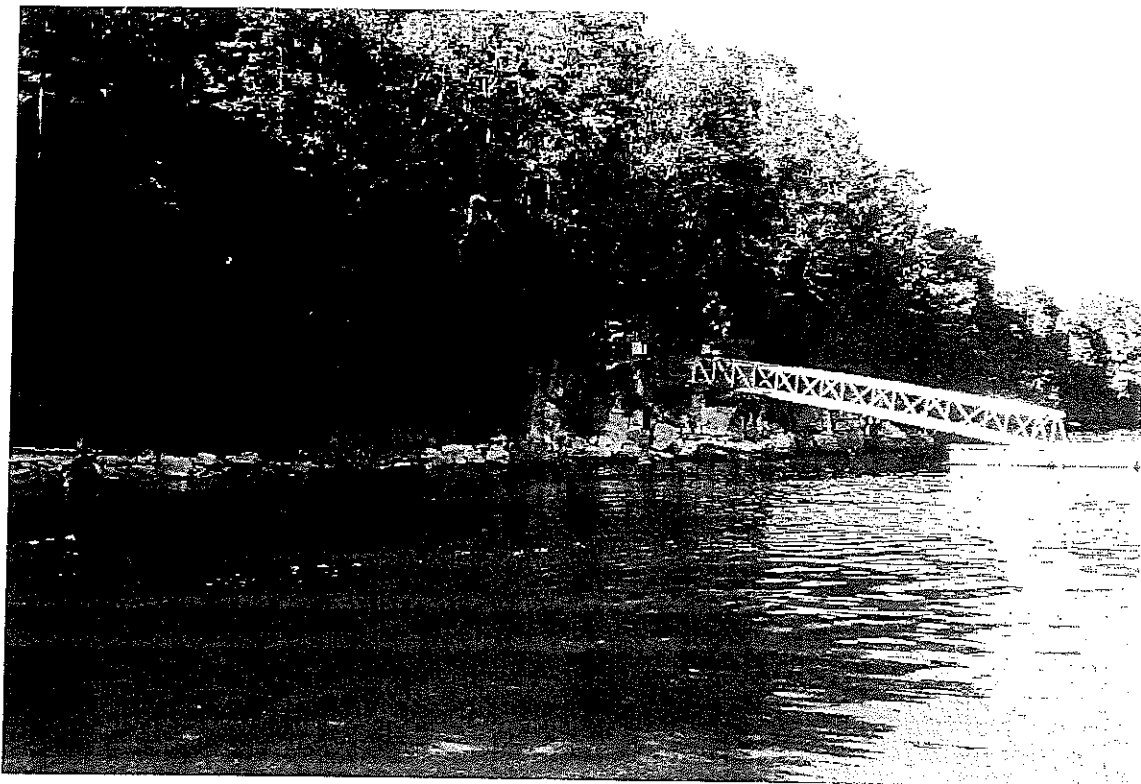
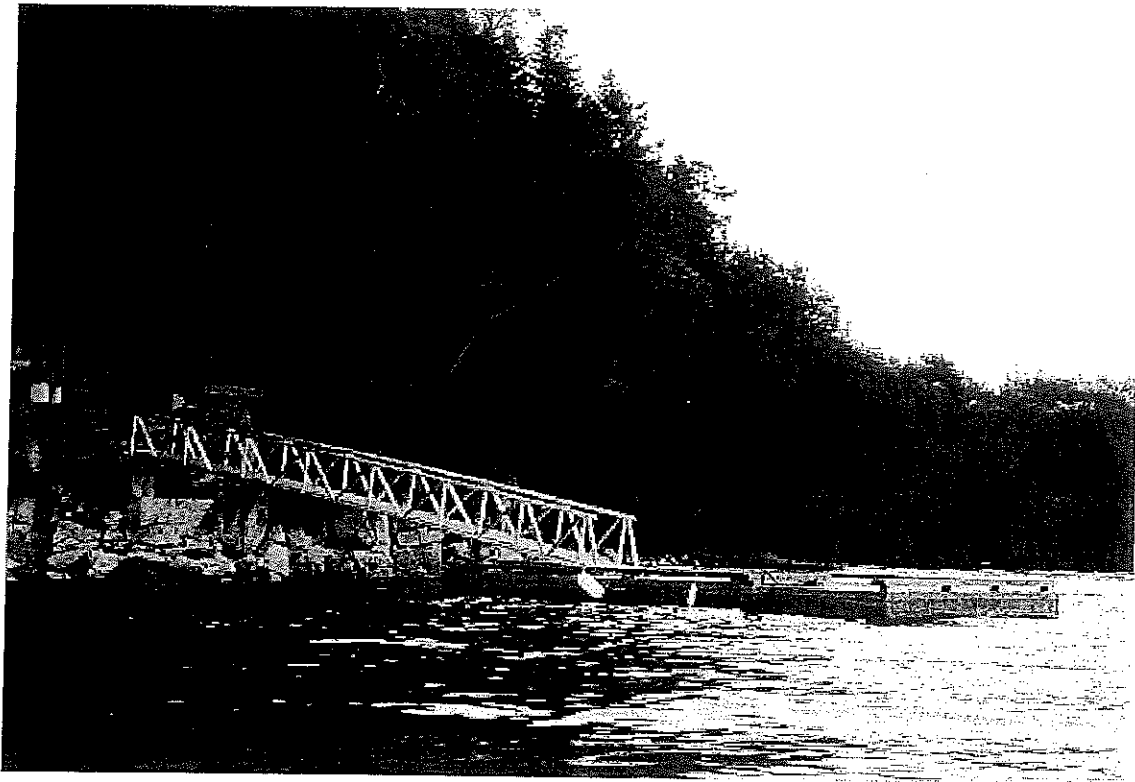
CLAY & COMPANY

837 Burdett Ave., Victoria, B.C. Canada V8W 1B3
Telephone (250) 386-2261 Fax (250) 389-1336
Toll Free: 1-877-688-9634



DETAIL A





SCHEDULE 'B'

Proposed Use and Reasons for Requesting the Use.

Request

The applicant requests the surface of water accessory to the upland parcel be used as private moorage and a private float currently affixed to the upland parcel, but not affixed to the foreshore, be allowed.

The applicant requests that either their proposed use be allowed under an amended W-2 zoning, the foreshore accessory to the upland parcel be rezoned to allow private moorage, either under the existing W-3 zoning or a new zone.

The applicant does not have a foreshore tenure from the Province of British Columbia, but will be seeking tenure if the applicant's request is allowed.

Private and Public Recreational Use

In constructing the float the applicant sought to increase their recreational access to the water. The foreshore accessory to the upland parcel is rocky and difficult to traverse. Accordingly meaningful water access for recreational purposes is difficult to achieve without the use of a float.

The applicants not only moor their motorboat at the float, but also use the float as a launching site for other types of water based recreational activities. The closest public launch is located at the Marina in Mill Bay, which necessitates car travel and the trailering of the boat, both of which are impediments to the spontaneous full enjoyment of the applicant's waterfront property and waters of the Saanich Inlet.

The rugged and rocky character of the shoreline of the property makes hiking along that section of the foreshore a relative impossibility. Accordingly the traverse along the foreshore accessory to the upland parcel by members of the public is limited, and is not impacted or restricted in any way by the float as currently situated.

Environmental Suitability

The applicant submits that their application should be considered in light of the specific type of shoreline that exists at the float location and that council should balance the development requested by the applicant with the ecological conservation of the shoreline environment accessory to the upland parcel. This approach is consistent with the Saanich Inlet Study, which recognized not only that the Inlet "has a number of special and sensitive species that are supported by the unusual physical characteristics of the Inlet," but also that the Inlet "is highly valued by humans and supports important cultural and recreational uses" and sought to identify and establish the base lines from which the above two competing interests could be balanced.

The applicant carefully and diligently sought to minimize the environmental impact of a float on the seabed and waters of the Saanich Inlet. The foreshore accessory to the upland parcel is not within an area of the Saanich Inlet identified as most vulnerable to environmental degradation. It is outside the embayment of Mill Bay and is not an eelgrass bed location. The area is however a location for crab fishing, a recreational activity that the applicant can more readily engage in though the use of their float.

To minimize the environmental impact the float is secured to the seabed by way of anchor, thereby greatly reducing and limiting any adverse impact on the seabed from piles. In addition, the float is constructed of hard wearing encapsulated foam, which not only eliminates foam breakdown but also creates a structurally robust long lasting float.

In addition to taking care to construct a float that was sensitive to the environment, the applicants plan, with the full access to the water afforded by the float and full approvals, if required, from the applicable level of government, to attempt to re-establish the oyster beds which were essentially wiped out from the area in the 1970s.

Aesthetic Quality

Floats are visible against the shoreline and an argument against the construction of a float in the Saanich Inlet may be that it impairs the scenic aesthetic of the area unspoiled by development.

That being said this particular float is not situated on an area of the foreshore easily viewable by the public. Furthermore, the foreshore accessory to the upland parcel is one of the largest stretches of undeveloped foreshore accessory to private property in the Cowichan Valley Regional District. In addition, the applicant built a float that is sensitive to aesthetic concerns, in that the particular float is low to the water, and the float and the gangway are of a high quality and aesthetically pleasing nature.

Additionally, it is the applicant's position that aesthetic considerations, without more, should not outweigh the applicant's rights to use their property for reasonable outdoor recreational activities. Both the Saanich Inlet Study and the CVRD's Official Community Plan support the importance of recreational use of the Saanich Inlet, and both suggest an approach to this application that balances the need for environmental sensitivity, access of both the general public and private individuals to foreshore and water recreational activities as well as public considerations of aesthetics.

Private Docks in the Cowichan Valley Regional District

Due to the geographic conditions in the Saanich Inlet there are very few places where a private dock can be constructed in the CVRD. However, the number of private docks that exist in breach of the CVRD zoning bylaws is estimated to be in the dozens, which indicates that many waterfront property owners have a need and desire to use private docks adjacent to their property. The CVRD enforcement branch investigates non

conforming docks only on a complaint basis, which suggests that there is a disconnect between the bylaws as currently drafted and the will and opinion of members of the constituency.

The applicant argues that the bylaws as currently drafted do not strike the appropriate balance between the goals of the protection of the environment, access of both the general public and private individuals to the foreshore and other public considerations, such as aesthetics.

Rather than the blunt exclusion of private moorage, the applicant asks the council to take this opportunity to review the water area zoning bylaws and draft new bylaws that regulate private moorage and balance the competing goals outlined above. The applicant suggest the CVRD review the approach set out in the Central Saanich Regional District's Official Community Plan, which strives to balance development opportunities with ecological conservation of the shoreline by recognizing that certain areas of the foreshore are less susceptible to environmental degradation than others and that certain types of constructions can be minimally impairing.



MEMORANDUM

DATE: September 2, 2010 **FILE NO:** 1-A-10RS

TO: Alison Garnett, Planner, Planning and Development Services

FROM: Sybille Sanderson, Acting General Manager Public Safety

SUBJECT: Rezoning Application No. 1-A-10RS – 605 Kilmalu Road, Mill Bay

In review of Application No. 1-A-10RS to amend the Area "A" Official Community Plan and Zoning Bylaw to permit development of a private dock, the following comments affect the delivery of emergency services within the proposed area:

- ✓ Proposal is within Shawnigan Lake RCMP Detachment area.
- ✓ Proposal is within British Columbia Ambulance (Station 137 Mill Bay) response area.
- ✓ Proposal is within the Mill Bay Fire Improvement District response area.
- ✓ Sufficient access/egress space for emergency services equipment to respond and evacuate the property
- ✓ CVRD Wildland Urban Interface Mapping indicates the area hazard interface as "Low" - not directly adjacent to an area that may be directly impacted by a wildfire.

Sybille Sanderson

12.2 W-2 ZONE - WATER RECREATION

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

(a) Permitted Uses

The following *uses* and no others are permitted in a W-2 zone:

- (1) Activities directed towards environmental protection and habitat enhancement;
- (2) Management of a waterbody, lake or reservoir, by an improvement district, municipality or regional district for use as a community water supply;
- (3) *Passive recreation*;
- (4) Seawall, breakwater.

(b) Conditions of Use

For any *parcel* in a W-2 zone:

- (1) No building or structure shall exceed a height of 4 m above the high water mark;
- (2) No residential use of floats, piles or vessels of any kind is permitted.



R6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 4, 2012

DATE: August 17, 2012
FROM: Ann Kjerulf, MCIP, Planner III
SUBJECT: Proposed Community Facilities at the Cowichan Bay Oceanfront Suites Hotel

Recommendation/Action:

That this report be referred to the Electoral Area D Parks Commission for discussion.

Relation to the Corporate Strategic Plan:

Under the Plan's broad goal of Safe and Healthy Community, proposed community recreation and cultural facilities at the Cowichan Bay Oceanfront Suites Hotel support the following strategic actions:

- *Increase participation in parks, recreation, and culture programs, events and activities;*
- *Continually improve the quality of programs and services; and*
- *Develop a partnerships strategy to ensure parks, recreation and culture planning & coordination occurs throughout the Region. This will include the establishment of regional staff level teams working with local groups, clubs, sports, outdoor and arts and cultural organizations to develop partnerships for the delivery of a broad spectrum of services.*

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

Background/Discussion:

The Cowichan Bay Oceanfront Suites Hotel (former Oceanfront Grand Hotel) has over the past several years experienced significant financial challenges. Options for the revitalization and repurposing of the hotel mixed use development are currently being explored in advance of a formal rezoning application.

The Eight Avenue Development Group Ltd. and Brook Pooni Associates have held two separate community meetings in Cowichan Bay Village to invite public input regarding potential future uses of the hotel and potential community amenities that could be provided through a rezoning process. A significant outcome of these meetings has been an interest in the CVRD acquiring and transforming the existing conference, dining room and kitchen facilities into a community recreation and cultural facility. Subsequent discussions have occurred between the development consultants and Economic Development Commission and members of the CVRD Planning & Development, and Parks, Recreation and Culture Departments. There is significant interest in the potential for the development of a community facility that could serve multiple purposes (e.g. fitness, yoga, dance, daycare, weddings, banquets, community meetings, artist studios and exhibits, and farmers' markets). Cowichan Bay currently has no community centre.

Prior to submitting an application for rezoning, the development consultants would like to develop a business plan for staff and public consideration. To help develop the business plan, they have requested an opportunity to meet with and obtain input from the Electoral Area D Parks Commission regarding potential community recreational and cultural uses. Further definition of potential uses is needed in order for the consultants to develop a clear business plan and also to accurately determine the financial feasibility of the proposal for both the consultants and the CVRD.

Although not specifically requested, the EASC may wish to provide an opportunity for the Electoral Area D Advisory Planning Commission to provide input as well. Alternatively, the EASC may wish to wait until a formal application for rezoning has been received.

Options

Option A (preferred)

That this report be referred to the Electoral Area D Parks Commission for comment.

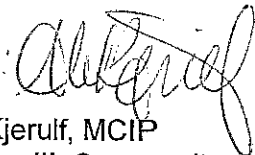
Option B

That the report be referred to the Electoral Area D Parks Commission and the Electoral Area D Advisory Planning Commission for comment.

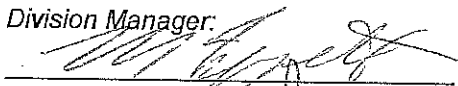
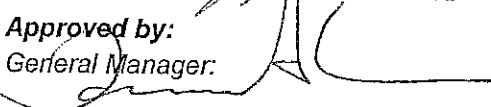
Option C

That a report regarding a potential community facility at the Oceanfront Suites Hotel not be referred to either the Electoral Area D Parks Commission or Electoral Area D Advisory Planning Commission until a formal rezoning application has been received by the CVRD.

Submitted by,



Ann Kjerulf, MCIP
Planner III, Community and Regional Services Division
Planning & Development Department

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

AK/ca



R7

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 4, 2012

DATE: August 23, 2012 FILE No: 5160-20
FROM: Ann Kjerulf, MCIP, Planner III BYLAW No:
SUBJECT: Cobble Hill Age-Friendly Assessment and Housing Study

Recommendation/Action:

Receive as information.

Relation to the Corporate Strategic Plan:

The proposed project supports the Corporate Strategic Plan objectives: *"Establish well-coordinated land use plans and policies"* and *"Establish sustainable communities"*.

Financial Impact: (Reviewed by Finance Division: NA)

Background:

Staff previously submitted a report to EASC on May 5, 2012 regarding the proposed Cobble Hill Village Age-Friendly Assessment and Housing Study to be funded by a \$20,000 grant from UBCM. On June 13, 2012, the CVRD Board passed the following motion:

*"That staff undertake a housing needs assessment and associated community engagement program in relation to the Cobble Hill Commons site with the assistance of a professional planning consultant and in cooperation with a project advisory committee; and
That Lois Turner, John Krug, Linden Collette, Roger Painter, Judith Blakeston, and Rosemary Allen be appointed to the Cobble Hill Commons project advisory committee."*

On July 13, 2012, CVRD Planning & Development issued a Request for Proposals (RFP) to conduct the Cobble Hill Age-Friendly Assessment and Housing Study with a focus on the Cobble Hill Commons site as a potential seniors housing/mixed use development. The RFP call closed on August 10, 2012 and on August 13, 2012, the project advisory committee met and considered three consultant proposals. IPS Island Planning Services, a Duncan-based planning consultancy, with the support of Gemella Design Inc., a Nanaimo-based landscape architecture firm, were unanimously selected by the project advisory committee members to undertake the work.

The consultant initiated community engagement at the Cobble Hill Fall Fair, held August 25, 2012. Community engagement will continue this fall with an expected completion date of the final draft assessment report and conceptual plans in early December and presentation to the EASC by the consultants in January, 2013. A condition of the UBCM grant is that all project deliverables are received by UBCM by January 31, 2013.

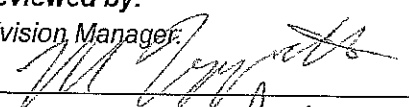
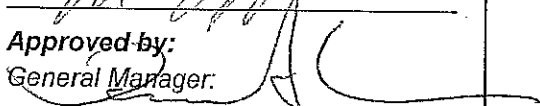
This report has been provided for information.

Submitted by,



Ann Kjerulf, MCIP
Planner III, Community and Regional Services Division
Planning & Development Department

AK/ca

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



STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING SEPTEMBER 4, 2012

DATE: August 20, 2012 **FILE No:** 0540-20-EASC
FROM: Sybille Sanderson, A/General Manager, Public Safety
SUBJECT: Contribution In Lieu of Taxes - Imadene Foundation

Recommendations:

1. That it be recommended to the Board that a letter be sent to the Imadene Foundation requesting an annual contribution to the Mesachie Lake Fire Protection equivalent to the taxes currently exempt on the following properties owned by the Imadene Foundation:

PID 003-795-403	Roll Number 02602.000 Recreation Non Profit
PID 001-610-821	Roll Number 01268.000 Business Other
PID 001-610-902	Roll Number 02600.000 Business Other
PID 001-610-651	Roll Number 01951.000 Business Other/Residential

Relation to the Corporate Strategic Plan:

Establish sustainable communities: Pursue incentives and other financial instruments to encourage positive practices. An annual contribution by the Imadene Foundation supports this strategic objective.

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

The contribution by Imadene Foundation would result in a significant increase to the budget of the Mesachie Lake Fire Protection (function 351). At the 2012 residential tax rate of 1.2073 cost per \$100,000 the increase in revenue to the Fire Hall budget could be as much as \$7,898. The 2012 requisition for this service is \$38,880.

Interdepartmental/Agency Implications: n/a

Background:

The Imadene Foundation owns four properties in the Mesachie Lake area that currently comprise 50% of the Mesachie Lake Fire Protection land area.

Property one (PID 003-795-403) has a current land value of \$1,424,000 and improvements valued at \$1,909,200 for a total value of \$3,333,200. Camp Imadene is situated on this property and is totally exempt from property taxes.

Property two (PID 001-610-821) has a current land value of \$198,000,

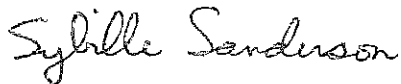
Property three (PID 001-610-902) has a current land value of \$145,000

Property four (PID 001-610-651) has a current land value of \$934,300 and improvements valued at 130,800, for a total value of \$1,065,100

Properties two, three and four are zoned residential or forestry and yet are exempted because they are owned by a foundation. These properties have a combined assessed value of \$1,408,100.

The Foundation enjoys all the benefits of the community particularly the emergency services including fire protection and first responder services provided by the volunteer fire department. At this time this benefit is paid solely by the other 121 properties in Mesachie Lake. It is reasonable to request that the Foundation contribute financially towards the cost incurred by the community to maintain and operate the fire department.

Submitted by,



Sybille Sanderson
A/General Manager, Public Safety



R9

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 4, 2012

DATE: August 28, 2012

FILE NO:

FROM: Rob Conway, Manager

BYLAW NO:

SUBJECT: Draft Land Remediation Documents - Ministry of Environment

Recommendation/Action:

That the 14 draft documents referred to the CVRD by the Ministry of Environment's Land Remediation Section be referred to the CVRD's Soil Relocation Sub-Committee.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: N/A

Background:

The Ministry of Environment's Land Remediation Section recently released 14 draft documents for public review and comment. The documents deal with several topics which may be of interest to those involved with "Site Profiles", the screening form the Ministry uses to identify potentially contaminated sites.

The draft documents outline new and streamlined administrative procedures for site profiles and the Ministry's expectations for communications involving the migration of contaminants.

The draft documents have been released to obtain feedback from stakeholders, with opportunities to comment up to September 30, 2012. This report provides a summary of the 14 draft documents with a view to identifying any potential impacts on the CVRD's development approval process.

Summary of Draft Documents:

The 14 draft documents are available on the Ministry of Environment's website at http://www.env.gov.bc.ca/epd/remediation/requests_for_comments/index.htm and are summarized in the following table:

1.	<p>Protocol 6 for Contaminated Sites – “Eligibility of Application for Review by Approved Professionals”</p> <p><u>Purpose:</u> To designate the classes of activities, reports and recommendations which are to be performed, prepared or made by Approved Professionals.</p>
2.	<p>Protocol 12 for Contaminated Sites– “Site Risk Classification, Reclassification and Reporting”</p> <p><u>Purpose:</u> Provides procedures for classifying sites and parts of sites based on their risks to the environment and human health.</p>
3.	<p>Protocol 18 for Contaminated Sites – “Criteria for Establishing Multiple Land Uses at Sites”</p> <p><u>Purpose:</u> To specify circumstances under which more than one land use may apply at a site for the purpose of using the standards in the Contaminated Sites Regulation.</p>
4.	<p>Contaminate Protection Division #8 – “Definitions and Acronyms for Contaminated Sites”</p> <p><u>Purpose:</u> To consolidate for easy reference acronyms and definitions related to contaminated sites in the Environmental Management Act, Contaminated Sites Regulation and various contaminated sites protocols, procedures and guidance documents.</p>
5.	<p>Environmental Protection Division #9 – “Procedures for Processing Site Profiles”</p> <p><u>Purpose:</u> To provide guidance to Ministry of Environment staff who process site profiles and make decisions on releases of external authorities to approve specified applications under the Islands Trust Act, the Land Title Act, the Local Government Act and the Vancouver Charter.</p>
6.	<p>Environment Protection Division #10 – “Requirements for Service Application Resubmissions, Withdrawals and Amendments”</p> <p><u>Purpose:</u> Provides guidance to Ministry staff on the administration of, and fees for, contaminated site service application resubmissions, withdrawals and amendments.</p>
7.	<p>Environment Protection Division and Mining Division #11 – “Transfer Agreement Procedures for Mining Properties”</p> <p><u>Purpose:</u> Establishes administrative process to guide provincial agencies on applications for waivers of remediation liability by Transfer Agreements under the Environmental Management Act for specific types of mining operations.</p>
8.	<p>Environmental Protection Division #12 – “Procedures for Preparing and Issuing Contaminated Sites Legal Instruments”</p> <p><u>Purpose:</u> To provide guidance to Ministry staff and Approved Professionals who prepare draft contaminated sites legal instruments and who act on behalf of the Director processing contaminated sites legal instrument applications.</p>
9.	<p>Environmental Protection Division # 16 – “Procedures for Determining if a Director Should Require the Submission of a Site Risk Classification Report Under Protocol #12”</p> <p><u>Purpose:</u> To provide guidance to Ministry staff, acting on behalf of the Director, who</p>

	administers decisions under Protocol 12 requiring the submission of a Site Risk Classification Report.
10.	Administrative Guidance on Contaminated Sites #11 – “Expectations and Requirements for Contaminant Migration” <u>Purpose:</u> Identifies requirements and expectations for persons responsible for parcels that are the source of migration of contamination (source parcels)
11.	Administrative Guidance on Contaminated Sites #12 – “The External Contract Review Process” <u>Purpose:</u> Outlines the Ministry's external contract review process.
12.	Technical Guidance on Contaminated Sites #14 – “Operation of Soil Treatment Facilities for the Bioremediation of Hydrocarbon Contaminated Soil” <u>Purpose:</u> Augments Protocol #15 by providing recommendations to the operation of soil treatment facilities and describes when a discharge of authorization may be required during an operation.
13.	Technical Guidance on Contaminated Sites #15 – Concentration Limits for the Protection of Aquatic Receiving Environments” <u>Purpose:</u> - Established concentration limits in and around aquatic receiving environments.
14.	Technical Guidance on Contaminated Sites # 22 – “Using Monitored Natural Attenuation and Enhanced Attenuation for Groundwater Remediation” <u>Purpose:</u> Provides guidance on the use of the monitored natural attenuation (MNA) and enhances attenuation (EA) for the remediation of groundwater in BC.

Staff Comments:

Most of the above-described draft documents relate to the administration of contaminated sites legislation and the Ministry's responsibilities for regulating contaminated sites. The documents are technical in nature, and are primarily intended to clarify and document internal Ministry procedures and process. As the CVRD has no direct responsibility for the regulation of contaminated sites, and the documents do not appear to change in any substantive way how contaminated sites are regulated, staff do not consider the documents to affect the CVRD's interests.

The one possible exception is document #5, “Procedures for Processing Site Profiles”. The CVRD is involved in the Site Profile process insofar as Site Profiles are collected from applicants when rezoning, development variance permit and development permit applications are received and the property owner declares that a “Schedule 2” use has occurred on the property. The CVRD is responsible for forwarding completed Site Profile forms to the Ministry, and the CVRD's development approval process may be suspended by the Ministry if a site investigation or site remediation is ordered.

If the CVRD's ability to approve a development application is suspended, the subject development application cannot be approved until a “release” is obtained from the Ministry. The draft “Procedures for Processing Site Profiles” document provides information and guidance regarding site investigations and development approval releases.

Staff are supportive of the “Procedures for Processing Site Profiles” document because it provides information about the Ministry of Environment's process and evaluation criteria for

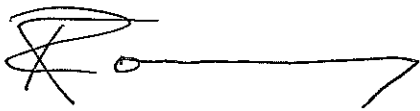
determining when site investigations will be required and the circumstances under which development approval releases will be granted. This in turn should give CVRD staff and development applicants a better understanding of the Site Profile process and how the CVRD's development application process may be impacted for sites with contamination or potential contamination issues.

Although staff's review of the draft documents did not identify any concerns or issues, The CVRD's Soil's Relocation Sub-Committee may wish to have an opportunity to review and comment on them before a response is sent. Staff therefore recommends Option 1.

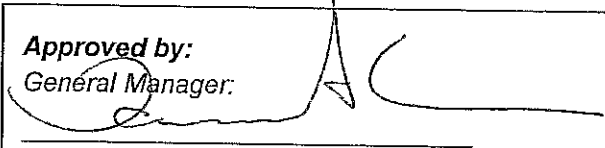
Options:

1. That the 14 draft documents referred to the CVRD by the Ministry of Environment's Land Remediation Section be referred to the CVRD's Soil Relocation Sub-Committee.
2. That the Ministry of Environment be advised by September 30, 2012 that the CVRD has no objection to the 14 draft documents referred for comment and that the Ministry's efforts to define and streamline the Site Profile process and procedures are supported.

Submitted by,



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

<p>Approved by: <i>General Manager:</i></p> 
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STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 4, 2012

DATE: August 28, 2012

FILE NO:

FROM: Brian Duncan, Manager
Inspections & Enforcement Division

BYLAW NO: 3633

SUBJECT: CVRD Fireworks Sale and Discharge Regulation Amendment Bylaw

Recommendation/Action:

That proposed CVRD Bylaw No. 3633 - Fireworks Sale and Discharge Regulation Amendment Bylaw, 2012, be forwarded to the Board for consideration and three readings and adoption.

Relation to the Corporate Strategic Plan: N/A

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

Background:

CVRD Fireworks Sale and Discharge Regulation Bylaw No. 39 was amended by Bylaw No. 3303 in August 2009. Amendment Bylaw No. 3303 made provisions for a Fireworks Operator Certificate, and as well a Fireworks Safety Awareness Information package was made available for hand out. It is again time to further amend Bylaw No. 39. It is proposed to replace the requirement for a Fireworks Operator Certificate with a "Fireworks Discharge Permit", and to limit the discharge of fireworks to three specific dates and specific times (special request dates to be approved by the Board).

Proposed Amendment Bylaw 3633 is attached.

Submitted by,

A handwritten signature in black ink, appearing to be "Brian Duncan", is written over a horizontal line.

Brian Duncan
Manager
Inspections and Enforcement Division
Planning & Development Department

/ca

<p>Approved by: General Manager:</p> A handwritten signature in black ink, appearing to be "Brian Duncan", is written over a horizontal line. <hr/>
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COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3633

A Bylaw to amend Fireworks Sale and Discharge Regulation Bylaw No. 39

WHEREAS the Board of the Cowichan Valley Regional District established regulations to regulate the sale and use of fireworks within the Cowichan Valley Regional District, excluding the City of Duncan and the District of North Cowichan, under the provisions of Bylaw No. 39, cited as "Fireworks Sale and Discharge Regulation Bylaw No. 39, 1970";

AND WHEREAS the Board wishes to amend CVRD Bylaw No. 39 to further regulate the sale and discharge of fireworks;

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

1. CITATION

This bylaw shall be cited for all purposes as "CVRD Bylaw No. 3633 – Fireworks Sale and Discharge Regulation Amendment Bylaw, 2012".

2. AMENDMENTS

Cowichan Valley Regional District Fireworks Sale and Discharge Regulation Bylaw No. 39, 1970, as amended from time to time, is hereby amended in the following manner:

- a) Section 1 DEFINITIONS be amended by deleting the definition of "Fireworks Operator Certificate".
- b) Section 1 DEFINITIONS be amended by deleting the definition of "Public Special Event or Festival" and replace with the following:

"Public Special Event or Festival" means the observance or celebration of a public special event, festival or other ceremony sponsored or conducted by an organization or person.

- c) Section 1 DEFINITIONS be amended by adding the following definitions:

"Board" means the Board of Directors of the Cowichan Valley Regional District.

"Bylaw Enforcement Officer" means the person designated by the Board to administer and enforce bylaws within the Cowichan Valley Regional District.

"Fire Chief" means the Chief of the Fire Department in the jurisdiction that the public special event or festival is being held.

"*Fireworks Discharge Permit*" means a current and valid permit in the form attached as Schedule A to this Bylaw, specifying and authorizing a person or organization to possess and discharge fireworks.

"*Ticket*" means municipal ticket information in the form described in the Community Charter Bylaw Enforcement Ticket Regulation.

- d) Section 4 REQUIREMENTS FOR SPECIAL EVENTS be amended by deleting the existing paragraph and replace with the following:
- a) Despite subsections 3(a) and (b), any person or organization may possess and discharge fireworks at a public special event or festival if the person or organization has a fire safety plan and holds a valid Fireworks Discharge Permit for the level appropriate to the nature of the fireworks being possessed and discharged, as confirmation of their knowledge and ability to safely possess and discharge fireworks in a sufficiently controlled environment.
 - b) Fireworks Discharge Permits will be issued for one day only and must be approved by the CVRD.
 - c) One day permits will be issued for the following days only: January 1st ; July 1st ; October 31st.

3. FORCE AND EFFECT

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

READ A FIRST TIME this _____ day of _____, 2012.

READ A SECOND TIME this _____ day of _____, 2012.

READ A THIRD TIME this _____ day of _____, 2012.

ADOPTED this _____ day of _____, 2012.

Chairperson

Secretary



SCHEDULE "A"
To CVRD Bylaw No. 3633

FIREWORKS DISCHARGE PERMIT

LOCATION: _____

DATE: * _____

*Date must be January 1st, July 1st, or October 31st – Special request dates must be approved the CVRD Board.

*July 1st date may be subject to LOCAL FIRE DEPARTMENT APPROVAL

Fireworks may be discharged only between the hours of 6:00 pm and 12:00 midnight on July 1st or October 31st, and on January 1st between 12:00 midnight and 1:00 am.

I, _____, have read and understand the contents of CVRD Fireworks Sale and Discharge Regulation Bylaw No. 39, and amendments, and the Fireworks Safety Awareness Information package, available at the CVRD office. I am over 19 years of age and assume responsibility for the discharge of fireworks on the date and at the location noted above.

Signed: _____

Date: _____

This Permit is approved by: _____

CVRD Bylaw Enforcement Officer

Date

Note: The RCMP and local Fire Department will be notified of the above event.



R 11

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 4, 2012

DATE: August 27, 2012

FILE No:

FROM: Tom R. Anderson, General Manager

BYLAW No:

SUBJECT: 2011 UBCM Resolution Response

Recommendation/Action:

That the Committee receive this as information and comment if appropriate.

Relation to the Corporate Strategic Plan: N/A

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

Background:

In response to one of our 2011 UBCM resolutions pertaining to Riparian Area Regulations that was approved at the convention, the Province responded in a manner that questioned the true intent of the Regulation. The attached report was forwarded to the March 14, 2012 Electoral Area Services Committee for information and direction. At that time, the Committee passed a motion directing that staff seek clarification from the provincial government.

The attached letter was forwarded on April 26, 2012 and the attached response dated July 27th has been received.

Submitted by,

A handwritten signature in black ink, appearing to be "Tom R. Anderson", is written over a horizontal line.

Tom R. Anderson,
General Manager
Planning & Development Department

TRA/ca
attachments



Ref: 188258

July 27, 2012

Tom Anderson, MCIP
General Manager
Planning and Development
Cowichan Valley Regional District
175 Ingram Street
Duncan BC V9L 1N8

Re: 2011 UBCM Resolution and Provincial Agency Response

Dear Tom Anderson:

Thank you for your April 26, 2012 letter to Ben Vander Steen regarding the provincial agency response to the recent Resolution B97 Protection of Lakes and Rivers forwarded by the Cowichan Valley Regional District at the 2011 UBCM Convention. As the responsibility for the Riparian Areas Regulation falls within the mandate of the Ministry of Forests, Lands and Natural Resource Operations, I have been asked to respond on Mr. Vander Steen's behalf. I apologize for the delay.

In your letter you requested clarification as to the intended meaning of the statement within the provincial response as underlined below:

"The Riparian Areas Regulation provides that named local governments must use the tools available to them in Part 26 of the Local Government Act to not approve or allow streams or lakeside development unless riparian fish habitat is maintained, protected and/or provided with an opportunity of recovery".

The intention behind the underlined statement is not to permit damage to riparian areas which can then be restored through replanting as you suggest. Rather, the statement recognizes that some riparian areas have been impacted from past development prior to the Riparian Areas Regulation (RAR) coming into force and that under the RAR the intention is to allow recovery of these areas either naturally or by encouraging their restoration.

.../2

The regulation looks to protect and maintain existing fish habitat, and allow for the recovery of fish habitat that has been impacted by previous development. If an area had been cleared by a previous development, and the area is determined to be in a Streamside Protection and Enhancement Area (SPEA), no new development as defined is allowed within it, instead the area is to be left to either recover naturally or through restoration efforts (which is a permitted activity).

Many grandparented structures occur within SPEAs and any re-development at these sites may trigger RAR bylaws allowing the opportunity for recovery of the riparian area. For example, a property owner may wish to enlarge a grandparented summer home located within a SPEA into a larger year-round home. In this case, the end result as negotiated by the QEP, property owner, provincial government, Department of Fisheries and Oceans and the local government, will probably be to locate the larger home outside the SPEA and dismantling the original structure allowing the SPEA to return to natural vegetation.

Also, there are some situations when permission is granted allowing new development within the riparian area. For example, a subdivision approved prior to the enactment of RAR may have resulted in delineation of a building lot that, once the riparian set-back is defined, does not provide adequate area to construct a reasonably sized house or cottage. If an authorization is provided by the Department of Fisheries and Oceans to develop within this riparian area, the 'no net loss' policy will still require some sort of mitigation or compensation such that maximum riparian protection is still provided.

Thank you for requesting this clarification. We appreciate the commitment of the Cowichan Valley Regional District in protecting riparian areas. Please contact us again if additional information is required.

Sincerely,



Heather Pritchard
A/Riparian Areas Regulation Coordinator

cc: Ben Vander Steen
Strategic Policy Branch, Ministry of Environment



C·V·R·D

FILE COPY

April 26, 2012

Ministry of Environment
5th Floor, 2975 Jutland Road
VICTORIA BC V8W 9M1

**Attention: Benjamin Vander Steen, Senior Policy Advisor
Intergovernmental and External Relations Section**

Dear Mr. Vander Steen:

Re: 2011 UBCM Resolutions and Provincial Agency Response

The Cowichan Valley Regional District put forward a resolution for consideration by the delegates to the 2011 UBCM Convention. Resolution B97 Protection of Lakes and Rivers was endorsed, as amended, and forwarded to the Ministry of Environment for response. Attached please find a copy of the resolutions and Provincial response. The Provincial response has raised a number of concerns and the Regional Board has directed that clarification be obtained. Specifically, the fourth paragraph, in your response, states:

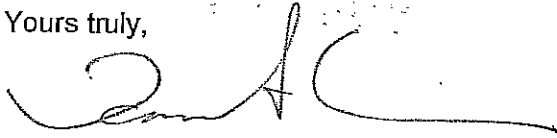
"The Riparian Areas Regulation provides that named local governments must use the tools available to them in Part 26 of the Local Government Act to not approve or allow streams or lakeside development unless riparian fish habitat is maintained, protected, and/or provided with an opportunity of recovery" (underlined by writer).

The Cowichan Valley Regional District took the necessary steps to comply with the Provincial directive and has established Development Permit Areas covering all fresh watercourses. We have also gone to great lengths to educate lakeshore property owners by sending out hundreds of letters informing them of the various Federal, Provincial and local government regulations and processes that are in place to protect the sensitive habitat adjacent to lakes in our Region. Unfortunately, we read the above statement as one that suggests that destruction of the riparian area is not a problem as long as it is provided with an opportunity of recovery. This is a very disconcerting statement as one of our biggest problems is trying to control individuals that destroy the habitat and then, once caught, obtain a report from a Qualified Environmental Professional and request that a Development Permit be issued so that they can replant the now destroyed riparian area. The statement leaves us with the impression that such action is being condoned by the Province as long as a plan is put in place to replant the area.

.../2

We would appreciate it if you would provide us with some clarification as to the statement above and the untenable position your Ministry has left local governments to defend.

Yours truly,

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

Tom Anderson, MCIP
General Manager
Planning and Development

TA/dsb

Attachments

\\Cvrdstore1\homedirs\jlendrum\Letters 2012\Apr 26-Ministry of Environment-2011 UBCM Resolutions and Provincial Agency Response.docx



STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MARCH 20, 2012

DATE: March 14, 2012

FILE NO:

FROM: Tom R. Anderson, General Manager

BYLAW NO:

SUBJECT: 2011 UBCM Resolutions and Provincial Agency Responses

Recommendation/Action:

That the Regional Board seek clarification from the Provincial government on their response to the CVRD 2011 UBCM resolution regarding Protection of Lakes and Rivers.

Relation to the Corporate Strategic Plan: N/A

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

Background:

The Cowichan Valley Regional District forwarded two resolutions to the 2011 UBCM convention for consideration. The attached correspondence from UBCM identifies those resolutions and the responses they have received from the provincial government.

Of note, is the response that has been provided to our resolution titled Protection of Lakes and Rivers. Specifically, Directors are asked to take a close look at the first sentence in paragraph 4 which states:

"The Riparian Areas Regulation provides that named local governments must use the tools available to them in Part 26 of the Local Government Act to not approve or allow stream or lakeside development unless riparian fish habitat is maintained, protected, and/ or provided with an opportunity of recovery."
(underlining by TA)

This is a very interesting statement! It could be interpreted as meaning that the alteration or destruction of the riparian area is not a problem provided the area is restored in some manner. In other words, go ahead and nuke the riparian area to improve your views, etc. provided you obtain a QEP report which outlines a course of action to replace the vegetation that has been lost!! We see that quite often when the land owner removes the vegetation, gets caught and then comes in for a Development Permit with a QEP report attached which outlines methods of restoring the riparian area in some manner. If this is really the intent of the provincial government then we can all sit back and relax and feel comfortable dealing with these situations after the fact. Everybody is happy! The lakeshore property owner gets a better view and we are satisfied that restoration initiatives after the fact are good enough! While we have not had time to seek clarification, it may be an idea to request formal clarification from the province on this one.

As you know, we have discussed the inadequacies of the Riparian Areas Regulation for some time. Beyond the above 2011 resolution, the Regional District passed a similar resolution last month which will be considered at this year's AVICC convention, and, if approved, at the fall UBCM convention. The resolution states:

WHEREAS the Provincial government implemented the Riparian Areas Regulation to protect fish habitat for future generations, and the implementation of this regulation requires a partnership between the Provincial Ministry of Environment, Fisheries and Oceans Canada, and local governments in order to be successful;

AND WHEREAS the Provincial Ministry of Environment appear to be lacking the dedicated resources to review the reports forwarded by Qualified Environmental Professionals (QEP's) which is necessary in order to ensure that the standards set under these regulations are adhered to;

NOW THEREFORE BE IT RESOLVED that the Provincial Ministry of Environment take immediate steps to provide the necessary staff resources to review the reports forwarded by QEP's so that the provincial Riparian Areas Regulation fully achieves its goal of protecting our fish habitat.

As noted above, it would be advisable to seek clarification from the Province on their statement contained in their response to our UBCM resolution.

Submitted by,



Tom R. Anderson,
General Manager
Planning and Development Department

TRA/ca

WHEREAS numerous large parcels of private managed forest land exist on Vancouver Island as a result of the E&N land grants dating back to 1884;

AND WHEREAS private managed forest land regulations are inferior to Crown land forest regulations with respect to protecting key environmental, watershed and community interests:

THEREFORE BE IT RESOLVED that UBCM petition the Province of BC to revise the Private Managed Forest Land Act and appurtenant regulations to improve forestry practices on private managed forest lands to a standard equivalent or better than Crown forest land regulations, thereby better protecting community interests.

CONVENTION DECISION: ENDORSED

PROVINCIAL RESPONSE

Ministry of Forests, Lands & Natural Resource Operations

In British Columbia, governance for environmental stewardship on private land is a multi-agency responsibility. The Ministry of Forests, Lands and Natural Resource Operations is responsible for the Private Managed Forest Land Act that regulates forests practices on private land to ensure protection of key public values such as fish and wildlife habitat, soil conservation, drinking water protection and reforestation. Several other agencies also play a role, including the Ministry of Health, responsible for maintaining safe drinking water under the Drinking Water Protection Act; the Ministry of Environment, responsible for the protection of fish and wildlife under the Wildlife Act, the Fisheries Act and the Environmental Management Act; and Fisheries and Oceans Canada, responsible for fish habitat under the Fisheries Act.

The Private Managed Forest Land Council is responsible for establishing, administering, monitoring and amending regulations, with assistance from ministry staff and Legislative Counsel, relating to forest practices on private managed forest land. The Council is also responsible for monitoring forest practices and outcomes, the results of which help inform them about the effectiveness of regulations.

Based on the monitoring results received to date, government is satisfied that current standards are ensuring that the objectives for key environmental values as set out in the Private Managed Forest Land Act are being met. Government and the Council will continue to monitor results and look for ways to improve practices when necessary.

WHEREAS the health of British Columbia lakes and rivers is deteriorating due to increasing pollution, recreational use, development, and insufficient regulatory enforcement by senior levels of government;

AND WHEREAS local governments do not have adequate regulatory powers or the funding capacity to sufficiently protect local lakes and rivers:

THEREFORE BE IT RESOLVED that the Province of British Columbia restore funding and resources to provincial ministries to ensure the adequate protection of BC lakes and rivers, or provide the enabling regulatory authority and financial means to local governments to properly protect and manage lakes and rivers at the local level, should they so wish.

CONVENTION DECISION: ENDORSED AS AMENDED

PROVINCIAL RESPONSE

Ministry of Environment

Ministry of Forests, Lands & Natural Resource Operations

Government's 2010 Lakeshore Development Compliance project identified low compliance with the requirement to obtain an authorization under the Water Act for modifications to the lakeshore or meet bylaw requirements under the Riparian Areas Regulation. The report also suggested that there are significant impacts to aquatic habitat as a result of non-authorized shoreline work. The provincial government is currently reviewing the results of this study to determine what can be done to enhance the effectiveness of current programs and regulations which protect the Province's lakes and rivers.

Protection of lakes and streams is also being addressed through the following initiatives:

The provincial government continues to support local collaborative processes and mechanisms such as the Shuswap Lake Integrated Planning Process (SLIPP) and the Cowichan Watershed Board to improve agency coordination, public outreach and compliance.

The Riparian Areas Regulation provides that named local governments must use the tools available to them in Part 26 of the Local Government Act to not approve or allow stream or lakeside development unless riparian fish habitat is maintained, protected, and/or provided with an opportunity of recovery. The Province, through its Intergovernmental Cooperation Agreement with UBCM and DFO, continues to work with local governments to meet their regulatory requirements in bringing in and implementing effective bylaws, in particular ensuring their ability to deal with non-compliant development activities that impact stream and lakefront fish habitat.

The Province is developing a new Water Sustainability Act that builds on and will replace the current Water Act. Under the proposed new act, provincial water objectives will be established and the opportunity to employ different governance approaches and new tools such as water sustainability plans will be enabled to support increased collaboration and participation.

The Province is also reviewing Part 7 of the Water Regulation (Changes in and about a Stream). A primary objective of the review is to identify opportunities to improve the effectiveness of the regulation to ensure that water quality, fish and wildlife habitat are not compromised.

Funding for additional staff and resources must be evaluated in the context of the provincial government's overall priorities.



R12

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 4, 2012

DATE: August 27, 2012

FILE NO:

FROM: Tom R Anderson, General Manager

BYLAW NO:

SUBJECT: Mid-Year Budget Report

Recommendation/Action:

This report is submitted for information purposes only.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division: _____)

Background:

Community Planning Budget (325)

Expenditures:

General expenditures including salaries, benefits, office operations, etc. are right in line with where they should be at this time of year. With regard to specific accounts for various projects, the expenditures expected for the South Cowichan Zoning (\$5,000) are still untouched as the public portion of the process is just beginning. Those funds earmarked for the Cowichan Bay OCP (\$9,000) remain well within budget at this time as only \$2,800 have been expended at this time with more expenditures expected as the formal approval process will take place this fall.

Expenditures for legal fees within the budget are a concern again this year, as this Division is involved in a number of proactive and reactive legal issues. At this point, 90% of our budget in this account has been spent.

Revenues:

Revenues from Fees and Permit applications are coming in lower than expected for this time of year as some of the larger developments are seem to be in a holding pattern at this time. It should be noted that Fees and Permit revenues make up only a small portion of the revenues for this budget.

Inspections and Enforcement Budget (320)

Expenditures:

General expenditures including salaries, benefits, office operations, etc. are in line with where they should be at this time of year.

Revenues:

The monthly reports that have been forwarded to Committee showing the number of building permits issued so far this year highlight the fact that considering the economic conditions being experienced in some parts of this country, this area remains pretty active. Numbers of new homes being constructed are down but overall numbers of permits issued is only slightly down from last year. Revenues are reflecting this drop.

Animal Control Budget (310)

Expenditures for this function vary little due to the fact that the primary expenditure is the Animal Control Contract with the SPCA. As has been noticed, expenditures for compensating farmers for animals being lost due to attacks has increased this year over last. Overall, it is expected that expenditures will fall in line with budgeted expectations.

Revenues are approximately \$2,500 short of what was projected to the end of the year. While revenues are primarily obtained in the first six months of the year through our licensing program, there are still a few agencies that have some outstanding remittances so it is expected that we will come close to our revenue projections.

Submitted by,



Tom R. Anderson,
General Manager
Planning & Development Department

TRA/ca



R13

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 4, 2012

DATE: August 27, 2012 **FILE NO:**
FROM: Tom R. Anderson, General Manager **BYLAW NO:**
SUBJECT: 2013 Planning and Development Department Budget Preparation Report

Recommendation/Action:

Direction of the Committee is requested on any additional projects or priorities; and further, any budget direction you wish the Department to take in the preparation of the 2013 budget.

Relation to the Corporate Strategic Plan: N/A

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

Background:

The following is an update on the key projects, workloads and priorities tasked to Planning and Development staff at the present time. Attached is the Departmental Work Plan which has listed all priorities established by the EASC and their status within the Division they have been assigned.

ADMINISTRATIVE SUPPORT

The Administrative Support Division is responsible for providing clerical support for all Divisions within the Planning and Development Department as well as the Parks and Trails Division of the Parks, Recreation and Culture Department. This section is comprised of six full time employees, one part time employee and several on-call casual employees.

DEVELOPMENT SERVICES DIVISION

The Development Services Division is primarily responsible for managing development and processing land use and development applications. Staff from this division handle the majority of the department's planning inquiries and periodically undertake planning projects.

The Division currently has a Planner II and two Planner I positions assigned to it. As a result of the senior planner being on medical leave, a temporary one year planning technician position has also recently been filled. Staff from the Development Services Division are providing support and assistance to the Community and Regional Planning Division as needed while they are short staffed.

Planners in the Development Services Division allocate approximately 40% of their time to public inquiries and general planning issues and administration. The remainder of their time is largely focused on processing planning applications and planning projects. As the Division is responsible for processing applications within a reasonable time frame, priority is generally given to applications with project work undertaken as resources allow.

Table 1 identifies development application activity over the last seven and a half years. Applications for 2012 are shown in the shaded rows as applications received to August 20th and applications projected to the end of the year.

Table 1

Year	DVP Applications	DP Applications	ALR Applications	Subdivision Applications	Zoning/OCP Amendment s
2005	21	41	9	100	25
2006	27	45	21	71	31
2007	42	96	12	80	40
2008	23	46	9	60	25
2009	20	35	11	37	17
2010	22	59	16	37	17
2011	14	41	8	39	13
2012 (to Aug. 20)	12	49	6	26	6
2012 (Projected)	18	70	9	40	9

Application activity has generally slowed down since the peak in 2007, but development applications continue to be received at a steady pace. The number of new rezoning applications has diminished considerably, but this has been offset an increase in the number of development permit applications. The number of development variance permit, ALR and subdivision applications received in 2011 is comparable to previous years.

A noteworthy trend is the increase in development permit activity. The South Cowichan OCP includes comprehensive development permit areas that require development permits for a broader range of development activities. The draft Cowichan Bay OCP also includes comprehensive development permit areas and it is expected that future OCP reviews for other Electoral Areas result in additional requirements for development permits. The processing of development permits is consuming more staff and departmental resources and this trend is expected to continue.

Another trend that has continued from 2011 is the increasing number of legal challenges to CVRD planning decisions. This is requiring staff to draw more on legal counsel and to examine more closely the CVRDs development approvals processes and procedures for processing applications.

COMMUNITY AND REGIONAL PLANNING DIVISION

The Community and Regional Planning Division is responsible for all long range planning projects within the Region. This division is staffed by Mike Tippet (Manager), Katy Tompkins (Senior Planner – on medical leave) and Ann Kjerulf (Planner III).

INSPECTIONS AND ENFORCEMENT DIVISION

Within the Building Inspection side of the Division, our four Building Inspectors continue their duties of building inspections with the added additional duties of conducting initial investigations of bylaw enforcement complaints.

The digitization of building files continues and it is expected the work will be completed in 2013. Once the information is in the system, the Inspectors will have access to all property files from within their vehicle. Properties with bylaw infraction history will be added to these files in an effort to provide our dual role inspectors with the information necessary to maintain a safe work environment in some of the more remote areas.

Within the Bylaw Enforcement side of the Division, we have hired a new Bylaw Enforcement Officer to enforce Parks and Engineering bylaws. Several tickets have been written to date on behalf of both departments. As noted above, with the amalgamation of the Building and Bylaw Enforcement Divisions, initial bylaw complaints and investigations are handled with more efficiency than previously which has allowed more time for our Bylaw Enforcement Officers to deal with the more problematic issues.

The use of parks and trails by motorized vehicles is becoming less of an issue. With increased enforcement presence by our staff and the assistance of the RCMP and the media, this activity has shown a marked decrease over the last few months. All complaints about such activity have been handled quickly with what we believe are positive results. We still have a few problem areas with parties at places like the Forestry Pools along the Chemainus River, for example, so we will continue to fine tune our strategy for 2013 and beyond.

Weekend and evening patrols of our parks and trails will continue in 2013 and we will continue to monitor our 746-2600 hotline for concerned citizens reporting offenders during these periods. We have recently purchased a noise meter and will be setting levels of tolerance in our new Noise Bylaw which we expect to bring to Committee in the fall.

As this is the lead-off document to where you as Directors would like to go with the 2013 departmental budget, your direction on any projects you would like to see undertaken next year would be appreciated. Once that information has been received, staff can pull together the information necessary to identify any budgetary considerations for the 2013 budget. In addition, if there is a desire by Directors to provide firm financial direction to the Department for this coming budget year prior to receipt of any year end surplus figures, please feel free to so.

Submitted by,



Tom R. Anderson,
General Manager
Planning & Development Department

TA/ca
attachments

PLANNING AND DEVELOPMENT DEPARTMENT**UPDATED DEPARTMENTAL WORKPLAN****DEVELOPMENT SERVICES DIVISION**

PROJECT/ASSIGNMENT	STAFF	STATUS
That staff be directed to review the CVRD Sign Bylaw regarding existing regulations for LED signs and provide suggestions for amendments regarding flashing/scrolling signs, and that a report be brought back to the EASC	Rob	Started
That staff be directed to prepare a policy for consideration by the Committee and Board with respect to administering and dispensing of security for completion of amenities and/or site improvements per conditions of Development Permits or through other requirements as imposed by the Regional District (i.e. conditions of rezoning approvals)	Ali	Fall
That staff be delegated the power to release covenants and agreements	Tom	Fall
That staff be directed to amend the appropriate bylaw(s) to include provisions for dealing appropriately with refuse containers (placement/aesthetics)	Rob	Started
That staff be directed to prepare an amendment bylaw to CVRD Development Application Procedures Bylaw No. 3275, to address requests to extend the validity of a development permit or development variance permit, specifically by creating an application form and fee, providing a list of application requirements and an outline of the process (Apr. 23, 2012)	Rob	Started
That staff be directed to prepare a policy outlining circumstances under which enforcement will be pursued against vacation rentals of single family dwellings (May 1, 2012)	Rob	Fall
That staff be directed to investigate existing electoral area zoning bylaws to determine if anything exists that permits soil being deposited and whether there is an effective way to eliminate the dumping of soil deposits in the electoral areas. (May 15, 2012)	Tom	On Hold
That the staff report dated May 28, 2012, from Rob Conway regarding commercial uses in Area E Parks and Institutional (P-1) be received, and further, that staff prepare a report for a future meeting regarding the implications of commercial uses in the P-1 Zone. (June 5, 2012)		

COMMUNITY AND REGIONAL PLANNING DIVISION

PROJECT/ASSIGNMENT	STAFF	STATUS
South Cowichan Zoning Bylaw and Other Implementing Bylaws	Mike	Fall/Winter
Cowichan Bay Official Community Plan	Ann	Fall
Cowichan Bay Zoning Bylaw and Other Implementing Bylaws	Ann/Mike	Started
Electoral Area E (Cowichan Koksilah) Official Community Plan Review		To Begin after Area D OCP Completed
Integrated Regional Sustainability Plan	Tom	Started
Climate Action Plan	Tom	Started
Electoral Area F Official Community Plan Review		
That staff be directed to develop a policy with respect to redevelopment of lots below the high water mark in the Walton Road area of Honeymoon Bay.		To be done as Part of Area F OCP
Koksilah River Corridor Plan		
Review of Area H Industrial Zones	Ann	Started
That staff prepare a report regarding bylaws being drafted for all EA's that would remove recycling type uses and composting from the Electoral Areas' Light and heavy Industrial Zones	Maddy	
Greenhouse (Bill 27) Gas OCP Amendments	Ali	One more EA to go
Subdivision Servicing Bylaw	Tom	Ongoing
Trans Canada Highway Development Permit Areas.		
That staff initiate a process to amend the Electoral Area D Cowichan Bay Official Settlement Plan and Zoning Bylaw to regulate float homes in Cowichan Bay Village	Ann	Started
That staff be directed to prepare a report to the April 3 rd EASC providing information respecting protocol for recognizing and protecting heritage sites and obtaining heritage status, including local government involvement	Ann	Started
Cobble Hill Commons Seniors Study	Ann	Early 2013
That staff be instructed to investigate the inappropriate structure of the South Cowichan Joint APC and report back with suggested amendments to the organization and mandate of the Commission (Apr. 3, 2012)	Mike	Pending Direction from APC's
That staff be directed to prepare a sample amendment bylaw for a zone with a specific bareland strata example for Committee review (May 1, 2012)	Mike	Started
That staff be directed to investigate existing CVRD policies and bylaws respecting public Board/Committee/Commission delegation requests and process, and provide a staff report with suggested changes/recommendations at a future EASC meeting. (June 19, 2012)	Tom	
That the staff report dated July 25, 2012, prepared by Tom Anderson, regarding CVRD Newsletter, be referred to a future EASC meeting. (July 31, 2012)	Tom	

INSPECTION AND ENFORCEMENT DIVISION

PROJECT/ASSIGNMENT	STAFF	STATUS
Digitization of Building Files	Colin	Ongoing
External Green Building Policy	Rachelle	Fall
Update CVRD Noise Bylaw	Brian	Fall
That staff investigate requesting the implementation of provincial government regulations for contaminated soils that are similar to solid waste regulations in landfills and also look at requesting other effective measures to deal with contaminated soils	Tom	On Hold
That staff be directed to contact the Districts encompassing the Saanich Peninsula to investigate what bylaws respecting the dumping of soils on agricultural lands are being proposed or have been adopted	Nino	On Hold
That staff be directed to review and recommend changes to the current CVRD Fireworks Sale and Discharge Regulation Bylaw No. 39 with the intent of updating the bylaw	Brian	Fall
That staff contact the SPCA regarding the CVRD Animal Control Bylaw to review options respecting compensation and consider including a reward section; and further that the matter also be referred to the Agricultural Committee for comment, and that staff report back to a future EASC (March 6, 2012)	Brian	Fall
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. (July 3, 2012)		Fall
That staff be directed to place an ad in local newspapers advising the public of CVRD regulations respecting livestock compensation claims. (July 3, 2012)		Fall



R14

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 4, 2012

DATE: August 28, 2012 FILE No:
FROM: Brian Farquhar, Manager Parks & Trails Division BYLAW No:
SUBJECT: Community Parks and Trails Budgets

Recommendation/Action:

That this report be received for information.

Relation to the Corporate Strategic Plan: N/A

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

Background:

Further to the direction of the Board on the schedule and timeline to prepare 2013 budgets for consideration by the Board, Parks and Trails Division staff will be working with Parks and Recreation Commissions through September to mid-October to identify 2013 priorities for individual Electoral Area and Sub-regional budgets. In particular, input on 2013 minor and major capital projects and summer student work crew projects for those Electoral Areas that wish to engage the students in projects next year and addition of recent park development to operations will be the focus of discussion with Commissions. Community Parks and Trails Planning projects for 2013 will also be reviewed with Commissions to determine priorities and resource capacity. Staff reports will be brought forward to the September 18th EASC meeting to provide a mid-term 2012 budget update and considerations for preparation of the 2013 Community Parks and Trails Program budget.

Submitted by,

A handwritten signature in black ink, appearing to read "Brian Farquhar".

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

BF/ca

Approved by:
General Manager:

A handwritten signature in black ink, appearing to be a stylized "M".



R15

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 4, 2012

DATE: August 30, 2012

FILE NO:

FROM: Kate Miller, Regional Environmental Policy
Manager

BYLAW NO:

SUBJECT: Area E OCP Energy Efficiency Issues

Recommendation/Action:

The wording for the exact motion is currently being designed in consultation with the Province and is expected to be available by the September 4, 2012 meeting date. In essence, the motion will request the Province to immediately consider implementing province wide regulation that permits local governments to opt into a modified building code that will require an increased level of energy efficiency and or specific heating typologies.

Relation to the Corporate Strategic Plan:

Financial Impact: not at this time

Background:

The Area E OCP update is currently in process at this time with a focus on climate mitigation and adaptation issues which include a range of policies and suggested mechanisms for implementation by way of development permits and bylaws covering both the natural and built environment. Foremost among these are a focus on energy efficiency in the residential sector. To date this has included a robust discussion regarding mandatory inclusion of specific heating typologies (primarily heat pumps) and an exclusion of fossil fuel based sources in the residential sector.

The CVRD and other local governments have limited jurisdiction to require energy efficiency or renewable energy improvements to buildings needing to meet the provincial commitments including greenhouse gas emissions reductions targets of 33% below 2007 levels by 2020 and 80% below 2007 levels by 2050 (Bill 27 - Greenhouse Gas Reduction Targets Act); (Green Communities) Statutes Amendment Act); and the Province's goal of net zero homes and buildings by 2020; as well as the Provincial Energy Act which calls for a 66% conservation target by 2020 from Bill 17 - 2010 Clean Energy Act to meet future electrical needs.

The Director is currently seeking to respond strategically to these issues by way of a regulatory framework focused on new development in his electoral area and has worked closely with planning staff and legal counsel on the challenges of these proposed changes. In addition, feedback and advice has been sought through a collaborative process with the Area E APC and Environmental Policy Division. This review has identified a number of critical issues primarily the implications of adverse negative effects on existing property owners if zoning bylaws are used to modify the exiting building code.

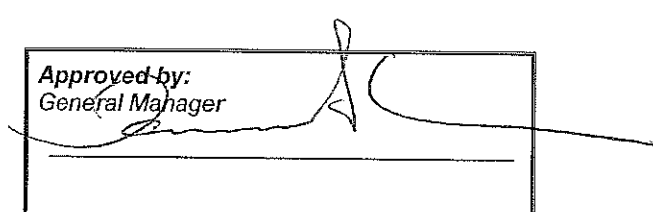
The CVRD and other local governments have been working with the Province and industry on a number of programs and initiatives examining a comprehensive approach to these issues for a number of years. The focus of which has been an examination of a number of issues such as:

- Should the requirement be performance or prescriptive in nature (or both)?
- Should there be exemptions?
- Compliance?
- Can barriers be addressed through policy design or complimentary programs and incentives?

A recommendation from the partnership group was submitted to UBCM in 2011 which requested the Province develop amendments to the Provincial Building Code to implement the option for local governments to require both renewable energy requirements or increased energy efficiency. An amended staff report, to be distributed at the September 4th meeting, will include an update on that process and the implications for the area Director's requests to require increased efficiency and heating mechanisms for his OCP update.

Submitted by,

Approved by:
General Manager



Kate Miller
Regional Environmental Policy Manager
Engineering & Environmental Services Department

KM/ca



C.V.R.D.

MEMORANDUM

DATE: August 9, 2012

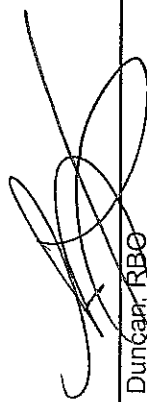
TO: Tom R. Anderson, General Manager, Planning and Development Department

FROM: Brian Duncan, Manager, Inspections and Enforcement Division

SUBJECT: BUILDING REPORT FOR THE MONTH OF JULY 2012

There were 34 Building Permits and 3 Demolition Permit(s) issued during the month of July, 2012 with a total value of \$2,494,840.

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"		40,000		214,000	37,380		4	39	291,380	7,160,340
"B"				170,800	73,800		9	56	244,600	6,078,977
"C"			13,800	169,880	14,400		7	26	198,080	1,658,855
"D"				564,550			2	22	564,550	2,583,620
"E"				208,100	27,720	500,000	4	31	735,820	2,638,756
"F"					158,100		4	16	158,100	1,664,650
"G"				112,840	39,870		3	15	152,710	2,537,720
"H"					149,600		4	16	149,600	1,314,690
"I"							0	11	0	1,934,790
Total	\$ -	\$ 40,000	\$ 13,800	\$ 1,440,170	\$ 500,870	\$ 500,000	37	232	\$ 2,494,840	\$ 27,572,398


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

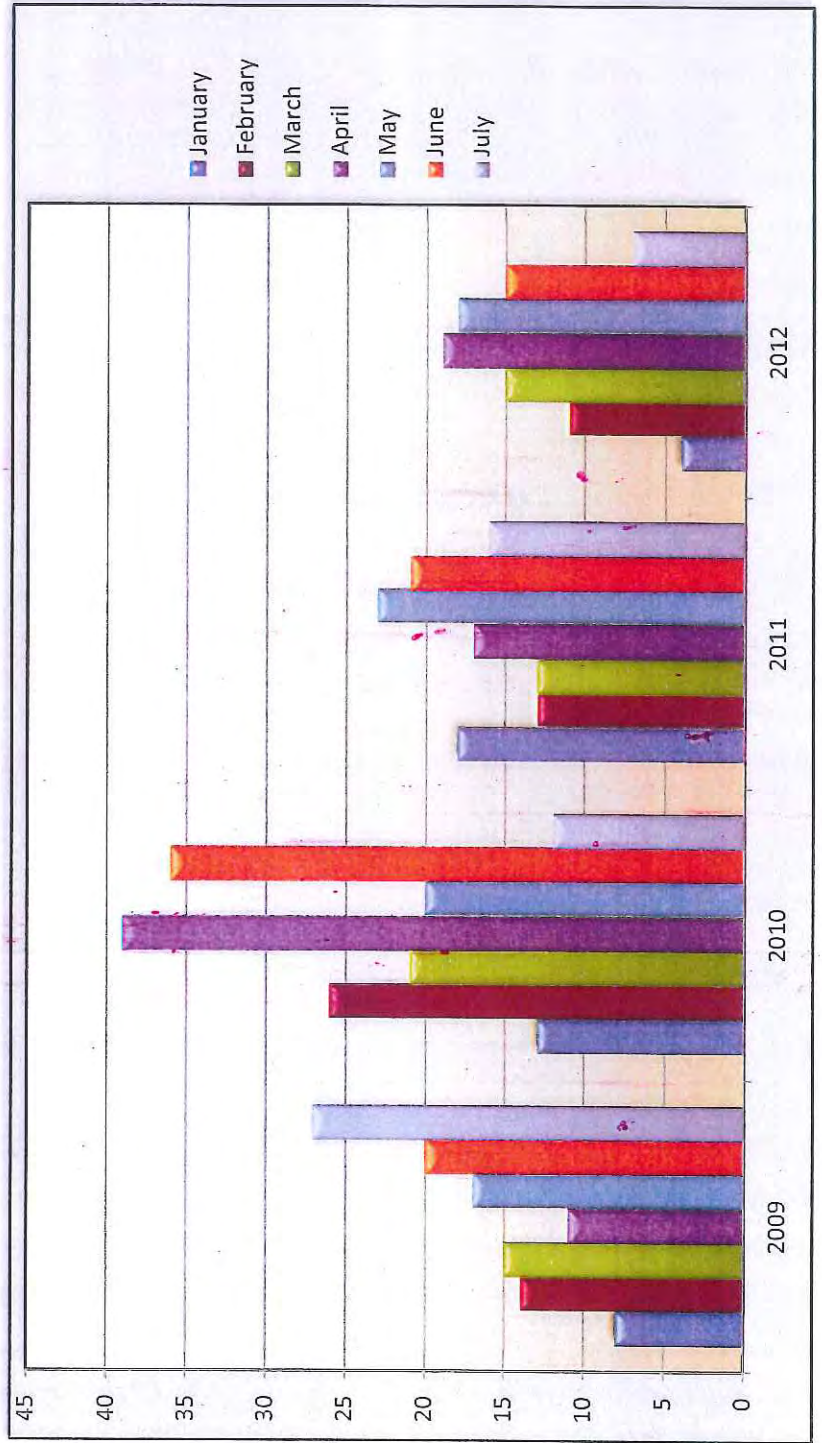
INI



CVRD

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
July	27	12	16	7
YTD Totals	112	167	121	89

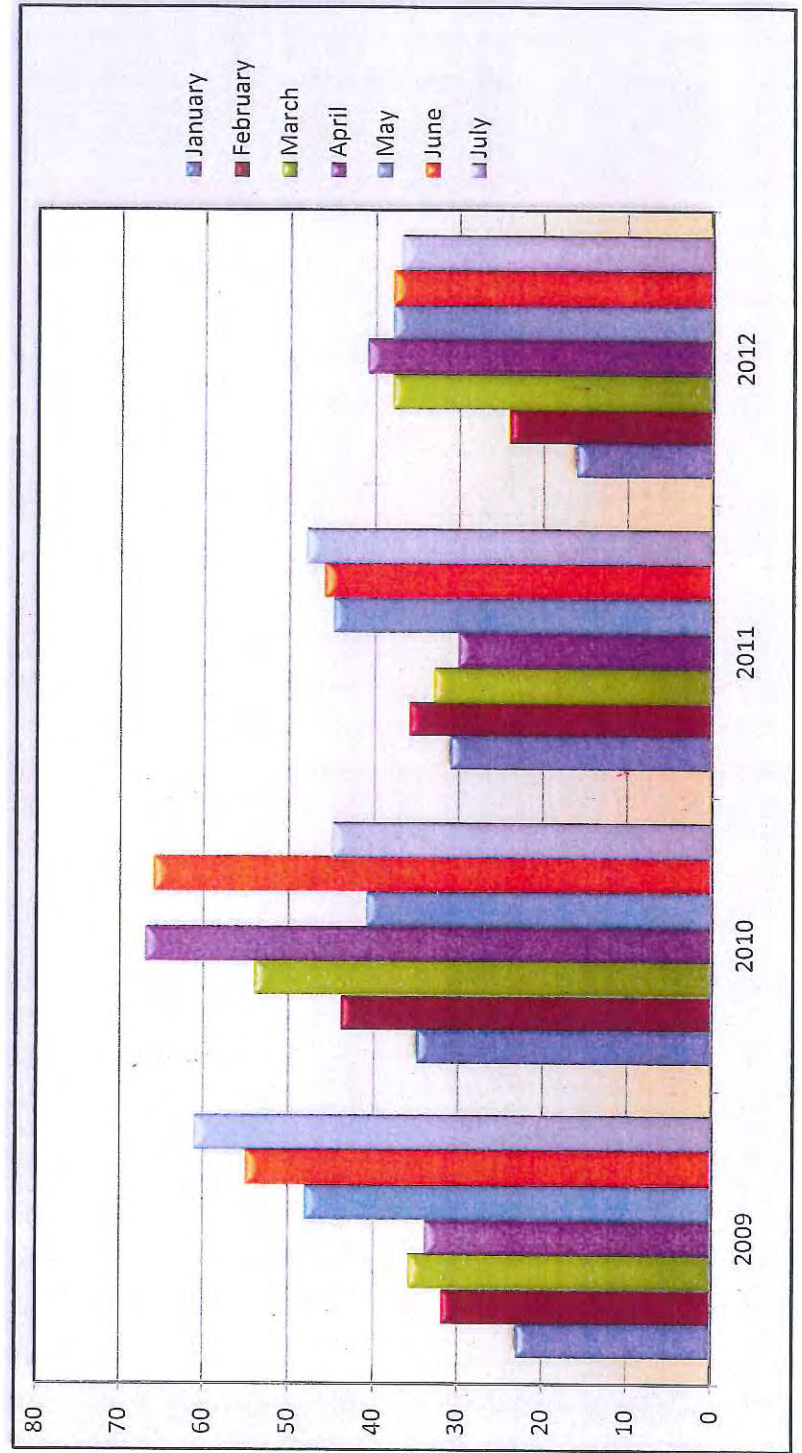




CVRD

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
July	61	45	48	37
YTD Totals	289	352	269	232



IN 2

AREA F APC MINUTES

DATE: June 25, 2012

TIME: 1900 hrs

MINUTES of the Electoral Area F Advisory Commission held on the above noted date and time at Honeymoon Bay meeting room.

PRESENT:

Chairperson:	Sharon Devana
Vice-Chairperson:	Joe Allan
Secretary:	Bob Restall
Members:	Peter Devana
	Mary Lowther
	Brian Peters
	Susan Restall

ALSO PRESENT:

Director:	Ian Morrison (for part of the meeting)
Alternate Director:	
Guests:	Dana Leitch (CVRD Planner)
	Philip Bowers (Applicant)
	Philip Kozijn, (Applicant)
	Greg Bush (Applicant)

ABSENT:

Phil Archbold
Shirley Burden
Joan McKenzie
Bill Bakken

ACCEPTANCE OF MINUTES;

It was Moved and Seconded that the minutes of the Area F APC meeting of April 2, 2012 be accepted.

ORDER OF BUSINESS

1. Application No. 3-F-11RS

Delegates present: Philip Bowers, Philip Kozijn, Greg Bush

Discussion:

Philip Bowers, appearing for Caycuse Acres, stated that they wanted to use the property for camping. Greg Bush, appearing for Caycuse Acres, gave some background to their proposal. He stated that they wished to develop up to 40 campsites on the overall property, and to maintain the rustic nature of the property.

Mary L asked if this was a directive from the CVRD?

Greg B. said no, that it was a suggestion from the planners—as they were more likely to be successful if they stayed within the community plan. He continued on to state that the use would be for personal use only, and that at present camping was not permitted.

General discussion regarding the end use of the property. Also about policing and security.

Dana Leitch, CVRD staff Planner provided clarification of the park area. Also, stated that VIHA would approve toilet facilities. She stated that the proposal would be sent to several agencies for input and consideration. She indicated that the proposed zoning was above the Campground Standards Bylaw.

Peter D. asked if Caycuse Acres would be using their own material or bringing in material. He also asked about fire protection and the installation of a dry hydrant.

Greg B. indicated that he had contacted Horne Lake regarding their system and Caycuse Acres would be coping their system.

Joe A. expressed concern about future subdivision.

Greg B. stated that they would be amenable to the inclusion of walking trails across the upper portion of the property.

Joe A. was concerned that there would be the potential for five houses on the overall property, together with secondary residences.

Philip B stated that there was no intension to sell the lots for construction.

Joe A. stated that the community will want amenities IE. the unused portion of the land.

Greg B. they are presently practicing silvaculture and it was recommended that they consult with BC Assessment re zoning questions and usage.

Joe A. expressed concern about density—campsites plus houses plus inlaw suites or secondary dwellins. He stated that the CVRD can not regulate use if it is in the zoning. He also expressed concern about alienation of access to the lake, as this proposed rezoning would set a precedent for other developers along the lakeshore.

Brian P. expressed concern about the control of non-compliant occupants.

MOTION

It was Moved and Seconded that it be recommended that Application No. 3-F-11RS be held in abeyance for the following reasons:

The Area F APC is in favour of moving the application forward to a campsite based zone, subject to the applicant and staff getting together to discuss significant public amenities. For example: trails, parks and beach access.

MOTION CARRIED

ADJOURNMENT

MOTION;

It was Moved and Seconded that the meeting be adjourned at 21:30 hrs

MOTION CARRIED

Bob Restall

Secretary

Sharon Devana

Area F APC Chairperson

Send to:

Electoral Area Services Committee via

Administrative Coordinator Planning & Development Department

Cathy Allen <callen@cvrd.bc.ca>

Area F APC Chairperson

Sharon Devana <sdevana117@uniserve.com>

IN3

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.
1 opposed

MOTION CARRIED

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-2 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 Tippet 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 were 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.

Rod de Paiva, Chair

IN4

July 5, 2012

7:00 p.m.

Minutes of the Electoral Area B Advisory Planning Commission held on the above noted date and time at Shawnigan Community Centre .

Present:

APC members: Graham Ross-Smith, Sara Middleton, Cynara de Goutiere, Roger Painter
Chris Hennecker, Grant Treloar, Dave Hutchinson,

Absent: Rod MacIntosh, Bruce Stevens, Jennifer Morros

Director: Bruce Fraser

Alternate Director: Kelly Musselwhite

Guest: Rob Conway

Delegates: Doug Makaroff, Living Forest Communities,
Wayne Kozak, Richard Grohovac,

Members of Public: Marcy and Jim Green

ORDER OF BUSINESS

1) Introductions.

2) Agenda Review

3) Minutes of June meeting

Motion to change item 4 from Draft South Cowichan OCP to South Cowichan Draft Zoning

Bylaw and otherwise, approve minutes of June 2012. **Motion** seconded and carried.

4) Director Bruce Fraser report:

- Community Policing office has set up Blockwatch throughout region. A Lakewatch Program is in the works and will be on Watershed Round Table
- Bruce recommends APC deputized to site visits for each application.
- Kerry Park July 12, Public meeting 8- 10 Ministry of Mines, and Environment will be present to explain process.

5) Doug Makaroff gave overview on progress on Elkington Forest 2nd Development Permit phasing. They wish to re-configure housing and agricultural areas to better suit the land. No increase of density is intended.

- if subdivision had been proposed on the other axis, it may have received a different recommendation
- wetland area should be examined by an expert.

Motion seconded. Motion carried.

10) Wayne Kozak DP Application 10-B-12DP

Discussion.

Motion APC recommends that CVRD approve **10-B-12DP**. And APC recommends that a covenant be applied on RAP area of Heatherbank Brook.

Motion seconded. **Motion** carried.

11) Deputization of Site Visits Discussion.

Since Director Fraser and CVRD staff do site visits, APC member could accompany them to minimize intrusion. Bruce and Staff will set up such meeting times, and Roger will work through with Staff.

12) Upcoming regular meeting. Partridge/Sharpe application for August 2nd meeting. Site visit will be expected.

OCP review meeting in 2 weeks. July 19th. Dave introduced his concerns about W2 zoning.

Structure of meetings over summer. 2 are planned. Members to bring forward issues on their assigned portion. Each meeting will cover entirety of review so that it will be a layered review process.

Advertising to alert public discussed.

Meeting adjourned.

IN 5

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, August 7, 2012 at 7:03 pm.

PRESENT: Co-Chair George deLure
Co-Chair Gerald Thom
Jeff Abbott, Shawn Carlow, Bill Gibson

**ALSO
PRESENT:** Recording Secretary Tara Daly

ABSENT: Mike Marrs

GUESTS: Allan and Suzanne Thom; Jean Atkinson; Doug Dillon;
Greg Allen

APPROVAL OF AGENDA

It was moved and seconded that the agenda be amended with the addition of three New Business items:

NB1 Dillon Road Access Gift;

NB2 Boat Launch at the Bottom of Coon Creek Road;

NB3 Lot Behind Church; and

that the agenda, as amended, be approved.

MOTION CARRIED

ADOPTION OF MINUTES

It was moved and seconded that the minutes of July 3, 2012 Regular Area I (Youbou/Meade Creek) Area Planning Commission meeting be adopted.

MOTION CARRIED

DELEGATIONS

D1

Application 2-I-12DP/RAR (Brydon/Vinnels) was considered.

It was moved and seconded that the Area I (Youbou/Meade Creek) Area Planning Commission recommend to the Electoral Area Services Committee to support Application 2-I-12DP/RAR (Brydon/Vinnels) with the following conditions:

- That the old ramp, the mill felt, and the periwinkle be removed from the beach; and
- That the existing pathway routing to the beach will be the only access.

MOTION CARRIED

D2

Application 3-1-12DP/RAR (Allen) was considered.

It was moved and seconded that the Area I (Youbou/Meade Creek) Area Planning Commission recommend to the Electoral Area Services Committee to support Application 3-I-12DP/RAR (Allen) by following the plan laid out in the staff report dated June 27, 2012 and to approve

the Development Permit.

MOTION CARRIED

NEW BUSINESS

NB1 Dillon Road Access Gift was considered. Attached to the minutes is a submission and map of the subject property from Doug Dillon.

It was moved and seconded that the Area I (Youbou/Meade Creek) Area Planning Commission recommend to staff that letters be written to MoTI and Bill Routley, MLA, asking that the gift of Dillon Road be investigated; that the trespassers be removed; that the damage to the riparian area be repaired; and that the land be made available to the public for access to the lake as was the original intension of the Dillon family.

MOTION CARRIED

NB2 Boat Launch at the Bottom of Coon Creek Road was considered. Attached to the minutes is a submission from Jeff Abbott.

It was moved and seconded that the Area I (Youbou/Meade Creek) Area Planning Commission recommend that CVRD write a letter to MoTI asking that bollards or a gate be installed to deter larger boats from using the access as a boat launch; and that keys be given to the Youbou Volunteer Fire Department and Area I (Youbou/Meade Creek) Parks.

MOTION CARRIED

NB3 The Lot Behind Church was received for information. J. Abbott noted that the private residence at the east end of Lake Boulevard is using an access off of Youbou Road rather than coming off of Lake Boulevard. The lot has seemingly disappeared. J. Abbott will investigate further.

ADJOURNMENT

8:44 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 8:44 pm

DILLON ROAD

-hello, I'm Doug Dillon and I have recently moved here to Youbou from Victoria a few months ago and live at Youbou Road

I'm dismayed at what has happened to my parents former property, the old motel which is now a co-op, and in particular, what has happened to the public road access to lake which was donated to the community by them.

-as a brief history--my parents, Larry and Yvonne Dillon, moved to Youbou in the 1980s and bought what was then the Saseenos Bay Motel at 8405 Bremner Road

-they then bought the two properties beside it

-one of those properties had the large septic field for the motel

-my father, who was a civil engineer by profession, surveyed all three properties, then divided them into two, putting the lot with the septic field with the motel's property to make one large property

-at that time my parents realized that there was very little public access to lake as people would often drop by the motel and ask if they could use the motel's docks to get on the lake

-so during the time my father was surveying the three properties, he also surveyed a 20 ft wide roadway from the top of the second property up near Youbou highway, all the way down to the lakefront with sole intention of giving this land to the Youbou community for public lake access.

-after the surveying was completed and accepted by the district, the highways department named the road in their honour

-this road is now public land and is part of the road system of Youbou as can be seen on the official map found on the Cowichan Regional District website

-unfortunately, my father developed cancer before the road could be put in and they were unable to continue running the motel and sold it to the people who now run it as some sort of co-op

-these people have completely taken over the road as if it were part of their property by putting in boats and boat sheds, as well as year-round mobile homes (two which have extensive fencing) along where Dillon Road is, giving the impression of some sort of trailer park.



-as well, they have built a large extension onto the end of the main building itself.

-all of these things encroach on Dillon Road in one way or another, giving the impression that this road does not exist

-as an aside, one of these mobile home owners has built a substantial cement and gravel foundation which extends to about 25 feet from a salmon bearing stream which winds its way through several other properties along the lake before heading up the mountainside

-I have been told by my brother-in-law that a fisheries officer came out to the co-op's property last year and told this particular mobile homeowner that he had built both the foundation and a large wooden deck too close to the stream

-this owner then added more decking even closer to the stream

-as well, the coo-op property owners have cut down a number of tree along the stream shoreline and have placed large underwater tarps along the lake shore water which includes the front of the stream's entrance to the lake

-we, along with several neighbours along the lake who all have sent reports to the fisheries department in Duncan, would like to see the regulations concerning the salmon stream be upheld, particularly the underwater tarps which likely hinder the stream's entrance for the fish

-Both of my mother and father have since passed on, but it is my family's intention to see that their generous donation for Dillon Road to be built and for the co-op to stop their encroachment to this public lake access. It's our belief that what they have done with the mobile homes, trailers, boats, boat houses, and the extension to the co-op building are all illegal and we hope that the Youbou community will recognise the value of this lake access road and take possession of it as they are legally entitled to and as my parents had wanted.



DOUGLAS DILLON



**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: August 21, 2006



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Cowichan Valley Regional District
Cowichan
 Community Parks

Youbou Little League Park

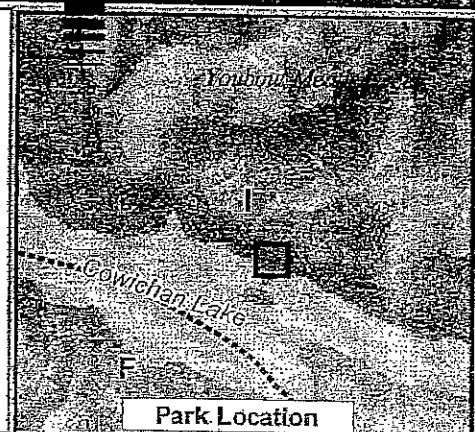
Electoral Area I
Cowichan
 Youbou/ Meade Creek



Park revision date:
 August 24, 2009

Community Park Legend

	Baseball Diamond		Handicap Accessible		Running Water
	Biking		Hiking Trails		Scenic Lookout
	Boat Launch		Horseback Riding		Showers
	Camping		Mountain Biking		Sport Court
	Canoeing		Picnic Area		Sport Field
	Dogs off Leash		Picnic Area Shelter		Swimming
	Fishing		Playground Area		Toilet Facility
			Community Park		
	Cowichan Valley Trail		Kinsol Trestle Bypass Route		Park Trails



NB2

Subject: Youbou boat launch

From: Jeff Abbot

Date: 01/08/2012 10:21 AM

To: <anne.burns@gov.bc.ca>

CC: Pat Weaver

, George Delure

, Mike Marrs

, Tara Daly

, Casda Thomas

, Brooke Hodson

To whom it may concern, good morning I am a member of the area planning committee (APC) under Area I of the Cowichan Valley Regional District. (CVRD) property owner since 1976. Since the commercial closure of the boat launch at what was known as "Bens Marina" on Sa-see-nos Point Road, the tourist faction has now taken to using the bottom of Coon Creek Rd. which runs between the pub and the Gas station as a place to launch their water crafts then leaving their vehicles and trailers in the neighbouring streets (Willow and Coon Creek) . Originally this was a fire lane but since the placement of fire hydrants in town is now basically redundant. The zoning is not in place for boat launch and the increased traffic is disruptive to the mostly senior residents living in that area. The subject of a public boat launch in Youbou has been on the agenda of the last four or five area directors so this is not something new. The rezoning of the old mill site promised a boat launch at the proposed marina which has not happened so far due to a downturn in the economy and realty sales. Thus leaving a kind of free for all as to where to get a boat into this 22 mile long lake ! What is needed is a small metal gate with padlock key to be kept with both fire dept. and Youbou parks and rec chairperson or delegate so if needed for water rescue or perceived need at the time to be able to open the gate. The staff at CVRD felt this fell under the jurisdiction of Ministry of Highways.

Kindest Regards

Jeff Abbott

Youbou B.C.

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2197 / Virus Database: 2437/5168 - Release Date: 07/31/12

ING

From: Ian Morrison
Sent: Friday, August 24, 2012 12:44 PM
To: Cathy Allen
Subject: Resignations

Cathy, can you please ensure the Burden's resignations are on the appropriate committee agendas in September?

Ian

Sent from my iPhone

From: Cathy Allen
Sent: Tuesday, August 21, 2012 12:40 PM
To: Ian Morrison
Subject: resignations

Ian, could you please send me a quick email that requests the following resignations be forwarded to the next EASC:

1. Resignation of Bob Burden from the Area F Parks Commission
2. Resignation of Shirley Burden from the Area F APC

Catharine Allen
Administrative Coordinator
Planning & Development Department
175 Ingram Street
Duncan, BC V9L 1N8
tel (250) 746-2603
fax (250) 746-2621



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