



C·V·R·D

ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
September 18, 2012
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 p.m.

AGENDA

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R11 Brian Farquhar, Manager, regarding Mid-Year Community Parks and Trails Budget Report (to be distributed)	
R12 Brian Farquhar, Manager, regarding 2013 Community Parks and Trails Budget Preparation Report (to be distributed)	
6. <u>INFORMATION</u>	
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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.

CSM1 Minutes of Closed Session EASC Meeting of September 4, 2012

185-186

CSR1 Law Enforcement [Section 90(1)(f)]

187-189

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

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, September 4, 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 L. Iannidinardo
 Director L. Duncan
 Director I. Morrison
 Director M. Marcotte
 Director M. Dorey
 Director P. Weaver
 Alt. Director K. Musselwhite
 Absent: Director B. Fraser

CVRD STAFF

Tom Anderson, General Manager
 Rob Conway, Manager
 Mike Tippett, Manager
 Brian Duncan, Manager
 Brian Farquhar, Manager
 Rob Hutchins, Board Chair
 Warren Jones, Administrator
 Nino Morano, Bylaw Enforcement Officer
 Alison Garnett, Planner I
 Maddy Koch, Planning Technician
 Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included two un-listed items of new business.

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

MOTION CARRIED

M1 - Minutes

It was Moved and Seconded that the Minutes of the July 31, 2012, EASC meeting be adopted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

DELEGATIONS

D1 - Lawrence

Tamara Lawrence, delegate, was present on behalf of the Creekside Residents Association regarding concerns about short term vacation rentals in Creekside.

Ms. Lawrence stated that the residents are not in favour of short term renting of residential homes. A letter from Tamara Lawrence was submitted along with several form letters from Creekside residents who oppose any short term rentals.

There were no questions directed to the delegate.

The Chair thanked Ms. Lawrence for appearing.

D2 - Speirs

Drew Speirs and Laurie Speirs, delegates, were present regarding concerns with ongoing issue of summer rental on Miracle Way in Youbou.

The delegates stated that they agree with statements made by the previous speaker, and that they have the same concerns. They stated that they support the recommendation of the staff report from Rob Conway.

There were no questions directed to the delegates.

The Chair thanked Mr. & Mrs. Speirs for appearing.

STAFF REPORTS

R1 – Short Term Rentals

Rob Conway, Manager, presented staff report dated August 29, 2012, regarding Short Term Rentals of Residential Dwelling Units.

The Committee directed questions to staff.

It was Moved and Seconded

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.

MOTION CARRIED

R2 - Allen

Maddy Koch, Planning Technician, reviewed staff report dated August 23, 2012, regarding Application No. 3-I-12DP (Allen) to permit construction of a dwelling on Lot 35, Sa-Seen-Os Crescent.

Greg Allen, applicant, was present.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

That Application No. 3-I-12DP 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

MOTION CARRIED

R3 - McKenzie

Maddy Koch, Planning Technician, reviewed staff report dated August 29, 2012, regarding Application No. 1-D-12DVP (McKenzie/Kell) to permit construction of a garage at 2054 Cowichan Bay Road.

The applicants were present.

There were no questions directed to staff or the applicants.

It was Moved and Seconded

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.

MOTION CARRIED

R4 - Kozak

Alison Garnett, Planner I, reviewed staff report dated August 27, 2012, regarding Application No. 10-B-12DP (Kozak/Fothergill) to permit subdivision of one new lot at 3700 Kingburne Drive.

The applicants were present.

There were no questions directed to staff or the applicant.

It was Moved and Seconded

That Application No. 10-B-12DP be approved, and that a development permit be issued to Wayne Kozak and Lucinda Fothergill on Lot 2, Section 14, Ranges 2 & 3, Shawnigan District, Plan 30904 (PID 001-211-960) to permit subdivision of one new lot, 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.

MOTION CARRIED

R5 - Jackson

Alison Garnett, Planner I, reviewed staff report dated August 28, 2012, regarding Application No. 1-A-10RS (Phillips/Jackson) to amend the existing W-2 Zone to include private docks as a permitted use to allow a private dock at the foreshore to 605 Kilmalu Road.

The applicant was present and provided further information to the application.

The Committee directed questions to staff.

It was Moved and Seconded

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.

MOTION CARRIED

R6 – Oceanfront Suites Hotel

Mike Tippett, Manager, reviewed staff report dated August 17, 2012, from Ann Kjerulf, Planner III, regarding proposed community facilities at the Cowichan Bay Oceanfront Suites Hotel.

It was Moved and Seconded

That staff report dated August 17, 2012, from Ann Kjerulf, Planner III, regarding proposed community facilities at the Cowichan Bay Oceanfront Suites Hotel, be referred to the Electoral Area D Parks Commission for discussion.

MOTION CARRIED

R7 – Cobble Hill Age Friendly

Mike Tippett, Manager, reviewed staff report dated August 23, 2012, from Ann Kjerulf, Planner III, regarding Cobble Hill Age-Friendly Assessment and Housing Study.

It was Moved and Seconded

That the staff report dated August 23, 2012, from Ann Kjerulf, Planner III, regarding Cobble Hill Age-Friendly Assessment and Housing Study, be received and filed.

MOTION CARRIED

R8 – Imadene Foundation

Sybille Sanderson, A/General Manager, reviewed staff report dated August 20, 2012, regarding contribution in lieu of taxes (Imadene Foundation).

It was Moved and Seconded

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

MOTION CARRIED

R9 – Land Remediation Documents

Rob Conway, Manager, reviewed staff report dated August 28, 2012, regarding draft land remediation documents (Ministry of Environment).

It was Moved and Seconded

That the 14 draft land remediation documents regarding contaminated sites, referred to the CVRD by the Ministry of Environment, be referred to the CVRD's Soil Relocation Sub-Committee for review and comment.

MOTION CARRIED

R10 - Fireworks

Brian Duncan, Manager, reviewed staff report dated August 28, 2012, regarding CVRD Fireworks Sale and Discharge Regulation Amendment Bylaw.

It was Moved and Seconded

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.

MOTION CARRIED

R11 – UBCM Response

Tom Anderson, General Manager, reviewed staff report dated August 27, 2012, regarding 2011 UBCM Resolution Response.

It was Moved and Seconded

That the letter dated July 27, 2012, from Ministry of Forests, Lands and Natural Resource Operations, regarding 2011 UBCM resolution and provincial agency response.

MOTION CARRIED

R12 – Mid Year Budget

Tom Anderson, General Manager, reviewed staff report dated August 27, 2012, regarding Planning & Development Department mid-year budget report.

It was Moved and Seconded

That the staff report dated August 27, 2012, from Tom Anderson, General Manager, regarding mid-year budget report, be received and filed.

MOTION CARRIED

R13 – Budget Prep Report

Tom Anderson, General Manager, reviewed staff report dated August 27, 2012, regarding 2013 Planning and Development Department Budget Preparation Report.

Mr. Anderson suggested that Directors forward/email their requests for 2013 staff projects directly to him.

R14 – Parks & Trails Budgets

It was Moved and Seconded
That staff report dated August 28, 2012, from Brian Farquhar, Manager Parks & Trails Division, regarding community parks and trails budgets, be received and filed.

MOTION CARRIED

R15 – Area E Energy Efficiency

It was Moved and Seconded
That the subject of Energy Efficiency Issues be referred to the next EASC meeting and that a further more comprehensive staff report from Kate Miller, Regional Environmental Policy Manager, regarding Bill 27 and the proposed heat pump regulations for Area E, be provided.

MOTION CARRIED

INFORMATION

IN1- Building Report

It was Moved and Seconded
That the July 2012 Building Report, be received and filed.

MOTION CARRIED

IN2 to IN5 - Minutes

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

- Minutes of Area F APC meeting of June 25, 2012
- Minutes of Area C APC meeting of July 19, 2012
- Minutes of Area B APC meeting of July 5, 2012
- Minutes of Area I APC meeting of August 7, 2012

MOTION CARRIED

IN6 - Resignations

It was Moved and Seconded
That the resignation of Bob Burden from the Area F Parks Commission, and the resignation of Shirley Burden from the Area F Advisory Planning Commission, be accepted and that a letter of appreciation be forwarded to Bob and Shirley Burden.

MOTION CARRIED

NEW BUSINESS

NB1 – Application process

Director Giles stated that she has received concerns from constituents regarding the planning application process. It was suggested that applicants receive a hand-out that outlines the step-by-step application process.

Mr. Anderson advised that applicants do receive a brochure when they submit an application that outlines the application process, and noted that such things as agency referrals, requests for further studies, and new South Cowichan OCP policies may hold up processing of certain applications.

Discussion ensued.

Mr. Conway stated that more time could be spent with applicants going over the process and requirements.

Director Giles stated that concerns were more regarding the length of the process.

NB2 – EDC Bylaw

Director Giles suggested that the EASC review the Economic Development Commission bylaw to determine whether or not they are operating within their mandate.

Director Marcotte suggested that this should go to Regional Services first as feels that the whole Board should be included in discussion regarding EDC.

It was Moved and Seconded

That the Economic Development Commission bylaw be placed on the agenda of the next EASC meeting for review of the bylaw mandate/function, and that the CVRD's municipal partners be invited to participate if desired.

MOTION CARRIED

RECESS

The Committee adjourned for a five minute recess.

CLOSED SESSION

It was Moved and Seconded

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

MOTION CARRIED

The Committee moved into Closed Session at 5:46 p.m.

RISE

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 6:42 pm.

Chair

Recording Secretary

DI



CVRD

REQUEST TO APPEAR AS A DELEGATION

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

REQUEST TO ADDRESS: CVRD BOARD EAS COMMITTEE

at the meeting of SEPT 18, 2012 at _____ pm

APPLICANT NAME MAX WYATT

REPRESENTING: IAI TUP
(name of organization if applicable)

AS: APPLICANT
(capacity/office)

NUMBER ATTENDING: 1

Applicant mailing address: PO Box 246, MILL BAY BC V0R 2 P0

Applicant Telephone: 250-701-7178 Fax: _____

Applicant email: oceanterrace@shaw.ca

PRESENTATION TOPIC and NATURE OF REQUEST:
DISCUSS TUP PROCESS

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

Signature [Handwritten Signature]

Date Sept 11/2012

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



RI

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 18, 2012

DATE: September 12, 2012

FILE NO: 1-A 11 TUP

FROM: Dana Leitch, Planner II

BYLAW No: 3510

SUBJECT: Application No. 1-A-11TUP
(Mark Wyatt/Malahat Holdings)

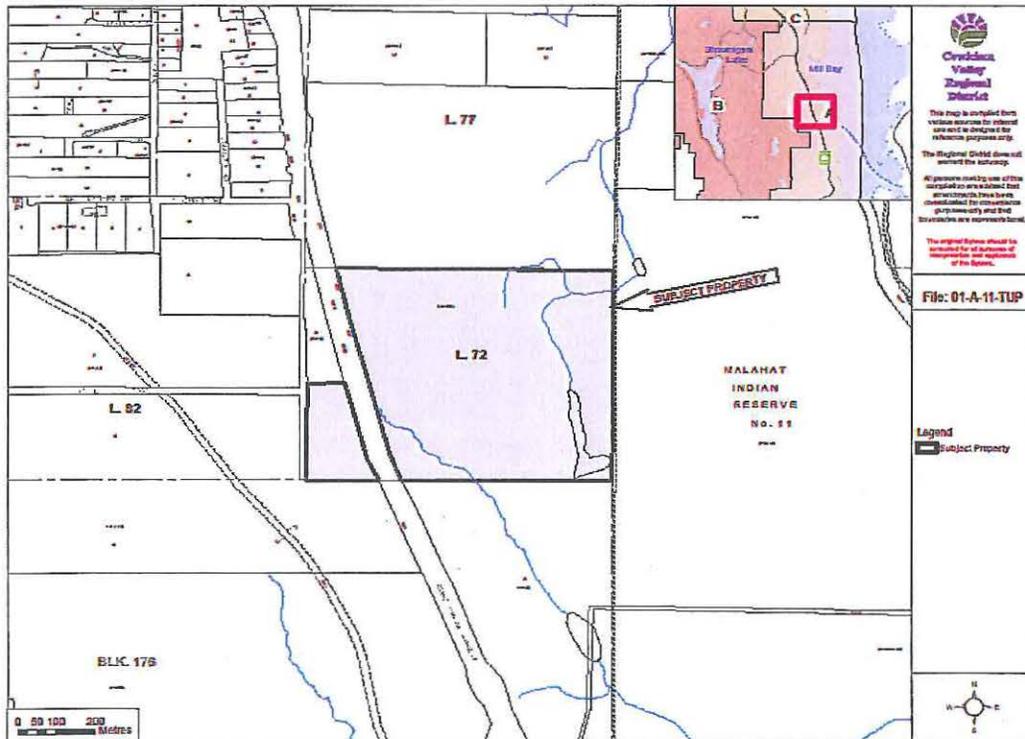
Recommendation/Action:

To receive as information.

Relation to the Corporate Strategic Plan: N/A

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

Location Map:



Purpose:

The report relates to the issuance of a Temporary Use permit application to allow rock processing on the northeast portion of District Lot 72 in Electoral Area A – Mill Bay/Malahat.

Background:

This application was reviewed by the Electoral Area Services Committee (EASC) at the April 3, 2012 meeting. At this time the Committee recommended "That application No. 1-A-11 TUP submitted by Mark Wyatt on behalf of Malahat Holdings Ltd. Inc. for a Temporary Use Permit on 8.0 ha of District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86314 proceed to a public meeting in accordance with South Cowichan Official Community Plan Policy 12.23." The Committee's recommendation was ratified at the CVRD Board Meeting held on April 11, 2012.

A public meeting was held on this application on April 26, 2012 in accordance South Cowichan Official Community Plan Policy 12.23 and a copy of the public meeting notes were reviewed by the EASC at their June 5, 2012 meeting.

At the June 5, 2012 meeting the Committee recommended "That notice be given that the Cowichan Valley Regional District intends to issue a Temporary Use Permit to Malahat Holdings (Application No. 1-A-11TUP) to allow rock processing on 8.0 ha of District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86314 for a period of three years in accordance with Section 921 of the Local Government Act." The Committee's recommendation was ratified at the CVRD Board Meeting held on June 13, 2012.

In accordance with section 921 of the Local Government Act the CVRD undertook a public notification process with regards to the issuance of the Temporary Use Permit. Public notification was advertised in local newspapers on July 25 and July 27, 2012. Letters were also sent to adjacent property owners and occupiers as required by the Local Government Act. Persons whose interests were deemed to be affected by the issuance Temporary Use Permit were invited to submit their comments in writing to the CVRD Planning Office by August 1, 2012.

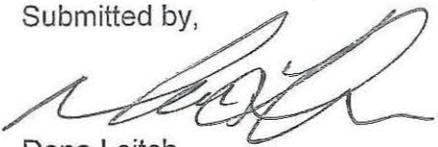
On August 1, 2012 CVRD Planning Staff received a letter from Malahat First Nation requesting that a joint meeting be scheduled with CVRD Staff to discuss the Temporary Use Permit application. At the Board meeting held on August 1, 2012 the Board ratified the following motion "It was moved and seconded that the application from Malahat Holdings Ltd for a Temporary Use Permit to allow rock processing on 8.0 ha of District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86314 be referred back to staff to arrange a meeting that includes staff, the proponent and First Nations representation, and further, that staff report back to the Board."

On August 16, 2012 Planning Staff met with representatives of Malahat First Nation to discuss the Temporary Use Permit application. Malahat First Nation Staff indicated that they were going to submit their comments regarding to the Temporary Use Permit Application to the CVRD Board in writing. It has been approximately one month since the meeting and no written comments have been received from the Malahat First Nation.

Next Steps:

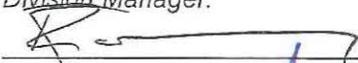
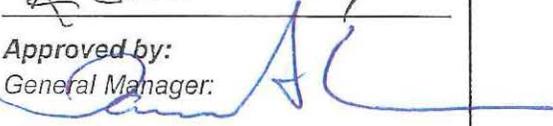
Planning staff will be reporting back to the CVRD Board of Directors' in October 2012 on the Temporary Use Permit Application.

Submitted by,



Dana Leitch
Planner II
Development Services Division
Planning and Development Department

DL/jah
Attachments

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



MALAHAT FIRST NATION

110 Thunder Rd., Mill Bay B.C, V0R 2P4
PH: (250) 743-3231 FAX: (250) 743-3251

Wednesday, August 01, 2012

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

Re: Proposed Development of Lot 72 (directly adjacent to Malahat Indian Reserve 11) by Malahat Holdings Ltd and Mark Wyatt for the purposes of Gravel Extraction.

Dear Mr. Rob Conway,

It has come to our attention that there is proposed development and/or by-law amendment being considered for Lot 72 (directly adjacent to Malahat Indian Reserve 11) by Malahat Holdings Ltd and Mark Wyatt for the purposes of gravel extraction.

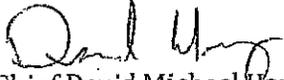
Please be advised that until Malahat Nation has been properly consulted and its interest have been satisfactorily addressed in the development of these lands directly adjacent to its Reserve the Malahat Nation will vehemently and vigorously oppose this initiative.

The Malahat Nation requests that joint meetings be scheduled with the CVRD and development Proponents forthwith to discuss the proposed development, and take the necessary steps to ensure their interests and concerns are properly addressed.

In light of this matter, and the apparent disconnect with Malahat Nation and proper consultation concerning the development and management of lands within the Malahat Nation traditional territory, and more specifically in those lands immediately impacting the IR 11, the Malahat Nation also proposes a joint meeting with the CVRD with the specific purpose of working collaboratively to develop a protocol agreement to define communication, consultation and build working relationships with each other.

Please acknowledge receipt of this letter upon receipt, and we look forward to hearing from you directly on what we have proposed to address Lot 72 development activities, and more meaningful communication and consultation processes.

Sincerely

A handwritten signature in black ink, appearing to read "David Harry". The signature is written in a cursive style with a large initial "D" and "H".

Chief David Michael Harry
Malahat Nation

transport BC Summer Games participants at no cost to the Host Society or BC Games Society, except for incremental costs associated with use of the buses including fuel and insurance and possibly wages if not volunteered.

2. That cash fares on the Cowichan Valley Regional Transit System, both conventional and handyDART, be reduced to zero (no charge) during the four event days of the 2016 or 2018 games, if Cowichan is successful in their bid to host the games.

MOTION CARRIED

STAFF REPORTS

SR1 The Staff Report from the Planner I, Planning & Development Department, dated July 18, 2012, re: Rezoning Application 1-F-11Rs (All Sports Lands Ltd.) was received for information.

SR2 The Staff Report from Planner II, Planning & Development Department, dated July 24, 2012, re: Temporary Use Permit Application 1-A-11TUP (Malahat Holdings Ltd.) was considered.

12-387 It was moved and seconded that the application from Malahat Holdings Ltd. for a Temporary Use Permit to allow rock processing on 8.0 ha of District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86317 be referred back to staff to arrange a meeting that includes staff, the proponent and First Nations representation; and further, that staff report back to the Board.

MOTION CARRIED

BYLAWS

B1
12-388 It was moved and seconded that "CVRD Bylaw No. 3617 – Lambourn Estates Water System Capital Reserve Fund Expenditure (Reservoir and Water Treatment System Upgrades) Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B1
12-389 It was moved and seconded that "CVRD Bylaw No. 3617 – Lambourn Estates Water System Capital Reserve Fund Expenditure (Reservoir and Water Treatment System Upgrades) Bylaw, 2012", be adopted.

MOTION CARRIED

B2
12-390 It was moved and seconded that "CVRD Bylaw No. 3618 – Kerry Park Recreation Centre Reserve Fund Expenditure (Sewer System Upgrades) Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED



R2

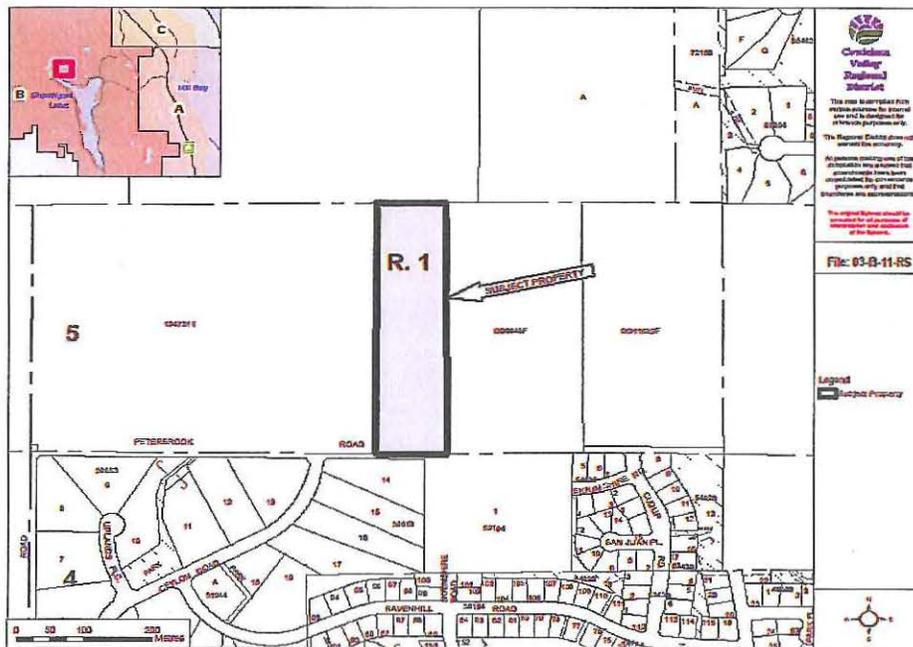
STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 18, 2012

DATE: September 12, 2012 FILE NO: 3-B-11RS
 FROM: Dana Leitch, Planner II BYLAW NO: 985 & 3510
 SUBJECT: Rezoning Application No. 3-B-11RS (Steve and Alexandra McLeod)

Recommendation/Action:

That Application No. 3-B-11RS (Steve and Alexandra McLeod) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.



Relation to the Corporate Strategic Plan: N/a

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

Background Information:

Location: 2373 Peterbrook Road, Shawnigan Lake

Legal Description: The West 5 Chains of the East 25 Chains of Section 5, Range 1, Shawnigan District (PID: 001-429-876).

Date Application and Complete Documentation Received: July 8, 2011

Owners: Steven McLeod, Alexandra McLeod, Robert McLeod, Christian Gaujous, & Shaunak Sood

Applicant: Steve McLeod

Size of Parcel: ± 3.94 ha (9.74 acres)

Contaminated Site Profile Received: Declaration pursuant to the *Environmental Management Act* signed by owners. No Schedule 2 uses noted.

Existing Use of Property: Residential, a mobile home and a greenhouse is situated on the property.

Existing Use of Surrounding Properties:

North:	Forestry & Residential (Ingot Road Subdivision)
South:	Residential (Ceylon Road Subdivision) and Urban Residential (Shawnigan Beach Estates)
East:	Forestry
West:	Forestry

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

Environmentally Sensitive Areas: None identified in the CVRD Environmental Planning Atlas. A site visit confirmed the presence of a wetland on the southwestern portion of the property.

Archaeological Site: None identified

Fire Protection: The property is not located within a Fire Protection Service Area.

Existing Plan Designation: Rural Resource

Proposed Plan Designation: Rural Residential

Existing Zoning: Primary Forestry (F-1)

Min lot size under existing zoning: 80 hectares

Proposed Zoning: Suburban Residential (R-2)

Minimum Lot Size Under Proposed Zoning:

0.4 ha for parcels serviced by a community water and community sewer system;

0.4 ha for parcels serviced by a community water system only; and

1.0 ha for parcels not serviced by either a community water or community sewer system

Services:

Road Access: Peterbrook Road (Unpaved Public Road) and private strata road

Water: Shawnigan Lake North Water System (Community Water)

Sewage Disposal: On site (septic)

Property Context

The subject property is a 3.94 ha forestry lot located northwest of the Shawnigan Beach Estates on Peterbrook Road in Electoral Area B – Shawnigan Lake. Currently on the property is a mobile home and a greenhouse, and the lot is serviced by its own well and septic field. **The subject property is located outside of the Shawnigan Lake Village Containment Boundary.**

The property is zoned F-1 (Primary Forestry) and designated Rural Resource in the South Cowichan Official Community Plan. The land use surrounding the subject property is a combination of forestry, suburban residential and urban residential. The forestry parcels surrounding the property range from 2.5 ha (6.2 ac) to 50 ha (123 ac). A majority of the nearby residential lots within the Ceylon Road subdivision are .80 ha (2.0 acres) and lots within the Shawnigan Beach Estates range from .05 ha (.12 acres) to 0.11 ha (0.27 acres). Suburban Residential lots are also located to the northeast of the property along Ingot Drive that range in size from .16 ha (.39 acres) to .40 ha (1.0 acres).

Although the immediate area is still characterized by forestry uses, smaller lot residential subdivisions have developed in the immediate area in the past 30 years. For example, a majority of the lots south along Ceylon Road (which are zoned R-2) were created by subdivision in 1983. The lots within the Shawnigan Beach Estates, which are zoned R-3, and Ingot Drive, which are zoned R-2, were created by subdivision in the 1980s.

Proposal

The applicant is requesting that the subject property be rezoned in order to subdivide it into seven residential lots ranging from 1.01 acres (.40 ha) to 1.57 acres (3.8 ha) and one 0.74 acre (0.30 ha) park. The subject property is 3.94 ha (9.74 acres) and has no subdivision potential under the current zoning.

Site Access

Road access is proposed from a strata road accessed off Peterbrook Road, which is an unpaved public road. The status and construction of roads will be determined at the time of subdivision by the Provincial Approving Officer.

Fire Protection

This property is not within a Fire Protection Service Area although the Shawnigan Lake Fire Protection Service Area boundary is located immediately south of this property.

Wildfire Interface

It should be noted that the subject property is rated as high on the CVRD Wildland Urban Interface Map.

Water

The water supply for the development is proposed to be from the Shawnigan Lake North Community Water System. The applicant is proposing to connect to this community water system and has applied to the CVRD Engineering and Environment Department for inclusion in the service area.

Sewer

Connection to the Shawnigan Beach Estates Sewer system is not possible at this time; therefore, the applicant is proposing to service the lots by approved septic fields as well as a Vegetated Tertiary Filter system (VTF). According to the applicant, the VTF system provides a more efficient treatment and involves the use of a specially planted garden for the final step in sewage treatment. The result is fewer disturbances to the land for installation, which means more land available to the homeowner for other uses, plus the addition of adding an attractive garden feature. Requirements for on-site sewage disposal would be established by VIHA at the time of subdivision.

Park Dedication

If the proposed zoning amendment is granted and the land is subdivided, parkland dedication or cash-in-lieu under Section 941 of the *Local Government Act* is required.

Based on the conceptual subdivision plan provided, there are three or more parcels of 2.0 ha or less in size being created. Five percent of the total land area represents approximately 0.49 acres. In order to keep seasonal run-off contained within undeveloped areas and to retain some significant trees, the applicant is proposing a slightly larger amount of parkland (0.74 acres), which represents approximately 7.6% of the total site area.

Power

Electricity is already provided for the property via seven power poles and two transformers which are located along the existing driveway. The applicant anticipates one or two more poles would have to be installed to supply the appropriate amount of power to the proposed subdivision.

Sensitive Areas

A wetland has been identified on the southwestern portion of the property. The applicant obtained a letter of opinion from a Registered Professional Biologist which indicates that the wetland is not subject to the Riparian Areas Regulation. However, the biologist recommends a buffer width of 10 metres in and around the wet area as this features provides an important stormwater retention and habitat function.

Sustainability Checklist

A review of the applicant's sustainability checklist indicates that the applicant has incorporated some sustainability features into this development. For example the applicant is proposing the homes onsite contain energy star appliances, doors and windows, LED lighting, spray foam insulation, increased attic insulation, and metal roofing. Other sustainability features the applicant is proposing includes: recycling waste materials from housing construction; planting native and drought resistant plant varieties for landscaping and post site restoration; rainwater re-use through cisterns; limiting the creation of impervious surfaces; using natural clearings for building sites in order to limit tree and vegetation removal; building homes to Built Green Standard silver level; and the use of fabric or straw bales to prevent siltation and runoff near construction and road building areas.

Policy Context

Zoning

This proposal involves rezoning the subject property from F-1 (Primary Forestry) to R-2 (Suburban Residential) to permit a seven-lot subdivision.

In order for the property to be subdivided, a zoning bylaw amendment is required. As mentioned previously, the applicant is proposing that the property be rezoned to R-2 that permits the following uses: single family dwelling or mobile home; agriculture, horticulture; home occupation; bed and breakfast accommodation; daycare nursery school accessory to a residential use; and small suite or secondary suite.

As this proposal involves subdivision, minimum lot size relative to zoning and level of servicing is a primary consideration. The table below provides a summary of relevant minimum parcel sizes from Zoning Bylaw No. 985.

ZONE	MINIMUM LOT SIZE
R-2 Suburban Residential	0.4 ha with community water & sewer 0.4 ha with community water only 1 ha without community water or sewer

The size of the proposed lots in this application (± 1.0 acre parcels) complies with the minimum lot size requirements for suburban residential zones only if the subject property is serviced by a community water system. We note that the lot sizes being proposed permit a small suite (with a floor size limit of 74 m²) or secondary suite (with a floor size limit of 60 m²).

For your reference, a copy of the F-1 and R-2 Zones is attached to this report.

Official Community Plan

The South Cowichan Official Community Plan Bylaw No. 3510 contains a number of policies relevant to this application. They include:

Policy 7.5: The OCP supports the protection of the renewable forest resource for natural resource management (forestry, mining) over the long term. Forest lands will be designated as "Rural Resource" and they should not be considered a 'land-bank-in-waiting' for future residential development.

Policy 8.1: A fundamental theme of this plan is that new residential development should help to contribute toward necessary community amenities to ensure that chronic amenity deficits are not perpetuated, and that new residential development does not negatively impact amenities which existing residents use. When an application is received to rezone land for residential uses within the Plan area, the Regional Board will apply amenity zoning, whereby the land density may be increased through rezoning on the condition that community amenity contributions are provided to enhance the character of the Plan area.

By applying amenity zoning:

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

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

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

Policy 8.2: Site specific conditions, as well as the scope and scale of the project, will determine the specific community amenity contributions that will be required for a rezoning application. Criteria for determining priority among possible amenities will include:

- a. *Affordable housing potential and need;*
- b. *Site characteristics, including natural features that are environmentally sensitive, or have heritage or recreational value;*
- c. *Needs of the surrounding community for schools or other amenities; and*

- d. *The size, location and character of the proposed development, projected population increases, and the potential impacts of the development on existing community infrastructure.*

Policy 8.3:

The Regional Board will assist in the provision of affordable housing, by:

- e) *Allowing secondary suites and secondary dwelling units, including micro-suites, in specified areas, subject to the community water and community sewer services necessary to protect the natural environment.*

Policy 12.9: Applications for residential or mixed use developments in the Rural Resource Designation, including developments that would require an expansion of a VCB or the creation of a new VCB, may be considered provided that, in the Board's opinion, they meet the following conditions:

- a. *The proposed development must have a diverse mix of land uses (e.g. residential, employment, recreational, institutional, commercial and parkland);*
- b. *For residential development, there must be a demonstrated need for housing, based upon public statistical information related to total population increases and housing in the South Cowichan Plan area, and it must be determined that the housing need cannot be met within the village containment boundaries;*
- c. *There must be a demonstrated need for the proposed use in the South Cowichan, to justify development of the proposed use outside of a VCB;*
- d. *The proposed development must contribute to rebuilding and maintaining balanced community demographics through providing a full range of housing types aimed at different income levels.*
- e. *The proposed development must be phased, to ensure a continual balance of residential, commercial, employment, institutional and recreational land uses;*
- f. *The proposed development must demonstrate significant environmental, economic and social benefits to the immediate area and to the South Cowichan region. Community amenity contributions, in accordance with Section 8 – Social Sustainability – must be substantially higher than those for development within a VCB. The amenity contribution should include a combination of amenities, including:*
 - i. *The dedication to the CVRD of sensitive ecosystems, designated by the Province, riparian corridors, areas identified in the Species and Ecosystems at Risk Act (SARA), and waterfront areas;*
 - ii. *An affordable non-market or subsidized housing component of 10% of residential units will be provided;*
 - iii. *A significant parkland dedication of at least 40 to 70 percent of the area of the subject property will be required;*
 - iv. *A dedication of land and provision of infrastructure to ensure that the institutional needs of the community can be met.*
- g. *The proposed development must protect ground and surface water and potable water must be proved to be available in suitable quantities to support the development.*
- h. *The proposed development must provide regional transportation improvements including major road network improvements and linkages that relieve pressure on existing residential neighbourhoods;*
- i. *The proposed development must integrate public transit and transit-supportive land uses together with provision of pedestrian and cycling networks to reduce vehicle miles travelled and corresponding greenhouse gas emissions.*
- j. *The subject property must be located outside of the Shawnigan Lake Watershed, delineated in Section 5 – Shawnigan Lake Watershed Management;*
- k. *Watershed planning must be an integral part of the development – rainwater management plans will be required to ensure that runoff is not increased as a result of land development;*
- l. *The CVRD Development Approvals Information Bylaw will apply;*

m. A Phased Development Agreement and design guidelines may be required to ensure phasing, that the development proceeds in a timely manner, that amenities are forthcoming and that there is a high standard of architectural and landscape design. Development permit guidelines would also apply.

Policy 13.1.2: The Rural Residential Designation (RR) is intended to accommodate a range of rural lifestyle options outside of village containment boundaries, and to provide a buffer between resource lands (agriculture and forestry) and residential parcels, to reduce the potential for land use conflicts and provide a rural residential housing option.

Policy 13.1.4: Lands designated as Rural Residential (RR) are located outside of the village containment boundaries and are intended to remain rural. New community water or sewer systems will not be permitted outside of the village containment boundaries. For parcels that are connected to an existing community water system, the implementing zoning bylaw will allow for a minimum parcel size of 0.4 ha.

Policy 23.2: To reduce the risk of wildfire interface events in South Cowichan, the CVRD will ensure that new developments are compact, are not established outside of a fire protection area, and do not add to the significant volume of rural parcels in the wildfire interface area.

Referral Agency Comments

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

- **Shawnigan Lake Volunteer Fire Department** – *Interests Unaffected.*
- **Vancouver Island Health Authority (VIHA)** - *Approval recommended subject to the following conditions: each lot is to connect to a community water system and during the subdivision phase, the applicant will be required to meet VIHA's Subdivision Standards for minimum native soil depth for each proposed lot.*
- **Ministry of Transportation and Infrastructure** – *Interests Unaffected.*
- **School District No. 79** – *No comments received.*
- **CVRD Parks and Trails Division, Parks, Recreation & Culture Department** – *Once comments on from the APC are received the application will be referred to the Parks Commission. The current park location that applicant is proposing may not be in a favorable location and the park may be requested as a trail corridor along the Western boundary of the property as a connection North or across the North Boundary to provide a linkage from the end of Gregory Road to lands further to the West.*
- **CVRD Public Safety Department** – *No comments received.*
- **CVRD Engineering and Environmental Services** – *The department is supportive of this development as it will contribute to water conservation fees to the Shawnigan Lake North Water Conservation Program.*
- **Malahat First Nation** – *No comments received.*
- **Cowichan Tribes** – *No comments received.*

Advisory Planning Commission Comments

The Joint South Cowichan Advisory Planning Commission reviewed this application at its meeting March 22, 2012 made the following recommendation:

*It was moved and seconded that the Joint APC not support proposal 3-B-11RS.
MOTION CARRIED (8-1)*

The Electoral Area B Advisory Planning Commission was referred this application and it was discussed at their meeting on August 9, 2012 and they made the following recommendation:

*The APC recommends that application 3-B-11RS not be approved.
MOTION CARRIED*

Development Services Division Comments

There are some merits to this proposal such as the proposed lot sizes are consistent with the minimum lot sizes which are established in OCP policy. The OCP supports the creation of rural residential lots of 0.4 ha (with a connection to community water) outside the Village Containment Boundary to accommodate a rural residential lifestyle option and to provide a buffer between resource lands (forestry and agriculture) and residential lands.

The applicant has offered a community amenity cash contribution of up to \$5,000 which is consistent with OCP Policy 8.1.

The applicant is proposing a phased development which is consistent with OCP Policy 12.9(e) where one home during the first year will be constructed and two to three homes per year will be constructed until all seven homes are built. Total build out of all seven homes is projected to be three to four years in total.

The applicant has tried to provide some affordable housing by requesting that each lot be permitted to have a small suite or secondary suite that could be rented out to residents of different income levels (OCP Policies 8.3 (e) & 12.9 (d)).

The applicant has incorporated sustainability features into both the site design and home design and has designed his proposed subdivision layout and lot sizes to minimize any disturbance to the wetland on proposed lot 2 and to preserve some older growth trees within the proposed park area.

Land Use:

The South Cowichan Official Community Plan establishes well defined boundaries (i.e. Village Containment Boundaries) for lands intended for future community water and sewer servicing, growth and development. OCP Policy 10.4 further reiterates that development is encouraged to take place within village containment boundaries and that lands outside these boundaries should remain rural. This particular property lies outside of the Village Containment Boundary, is zoned F-1 (Primary Forestry) and was designated as Rural Resource during the South Cowichan Official Community Plan review.

OCP Policy 7.5 supports the protection of renewable forest resources over the long term and states that Forest lands should not be considered a "land-bank-in-waiting" for future residential development.

Notwithstanding some of the policies above, the South Cowichan Official Community Plan does contain a specific policy that applies applications for residential development within the Rural Resources Designation (OCP Policy 12.9). In evaluating this proposal against the criteria listed in OCP Policy 12.9 it is the opinion of Planning staff that the proposal in its current form does not meet a majority of the criteria listed. For instance, the proposed development does not contain a diverse mix of land uses; the applicant has not demonstrated to the CVRD that there is a need for housing in the Peterbrook Road area of Shawnigan Lake; the proposal does not demonstrate significant environmental or social benefits to the immediate area; the proposal does not contain an affordable housing component of 10% or a significant park land dedication of at least 40 to 70 percent of the area; the development does not provide any regional transportation improvements and there is no integration of transit or transit-supportive land uses within the proposed development (OCP Policies 12.9 (a)(b)(c)(f)(h)(i)).

Fire Protection

With regards to fire protection, the subject property has been rated as high in the Wildfire Interface Index and is currently not included within the Shawnigan Lake Fire Protection Area. OCP Policy 23.2 discourages new developments from being established outside of a fire protection area. If the Committee sees merit in this proposal and the proposal moves forward staff are recommending that the property included in the Shawnigan Lake fire protection area as a condition of rezoning approval.

Parkland Dedication

During the application referral process Planning staff did refer this application to CVRD Parks and Trails Division staff. However the application has not formally been referred to the Electoral Area B Parks Commission for comment. If the Committee sees merit in this proposal Planning staff recommends that the application be referred to the Electoral Area B Parks Commission for comment and review.

South Cowichan Development Permit Area

It should be noted that if the rezoning application is approved and the land is subdivided and developed, the applicant will need to obtain a Development Permit from the Cowichan Valley Regional District prior to the subdivision of the land. The development permit will address site specific issues such as: the management of invasive weeds, rainwater management, environmental protection, the protection of riparian areas and sensitive ecosystems, and the mitigation and prevention of wildfires.

Conclusion

Because this development proposal is contrary to many of the OCP Policies regarding redesignating Rural Resource lands to Rural Residential Lands Planning staff are recommending denial of this proposal.

Options:**Option 1:**

That Application No. 3-B-11RS (Steve and Alexandra McLeod) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

Option 2:

That Application No. 3-B-11RS be referred back to the Committee when the following conditions have been met:

- a) That Application No. 3-B-11RS (Steve and Alexandra McLeod) be formally referred to the Electoral Area B Parks Commission for comment and review.
- b) That a Wildland Urban Interface Fire Hazard Assessment for the property be drafted and submitted by the applicant.
- c) That draft Zoning and OCP Amendment Bylaws for the property be drafted by Planning Staff.

Option 3:

That Application No. 3-B-11RS (Steve and Alexandra McLeod) and draft amendment bylaws be presented at a public meeting and that the application and public meeting minutes be reviewed at a future EASC meeting.

Option 1 is recommended.

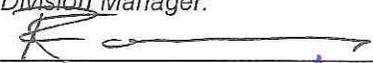
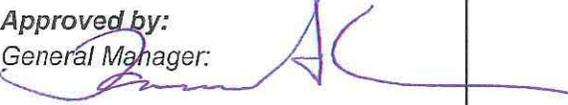
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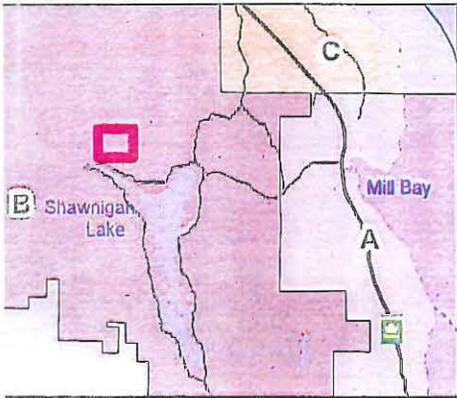


Dana Leitch
Planner II
Development Services Division
Planning & Development Department

DL/jah

Attachments

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



**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.

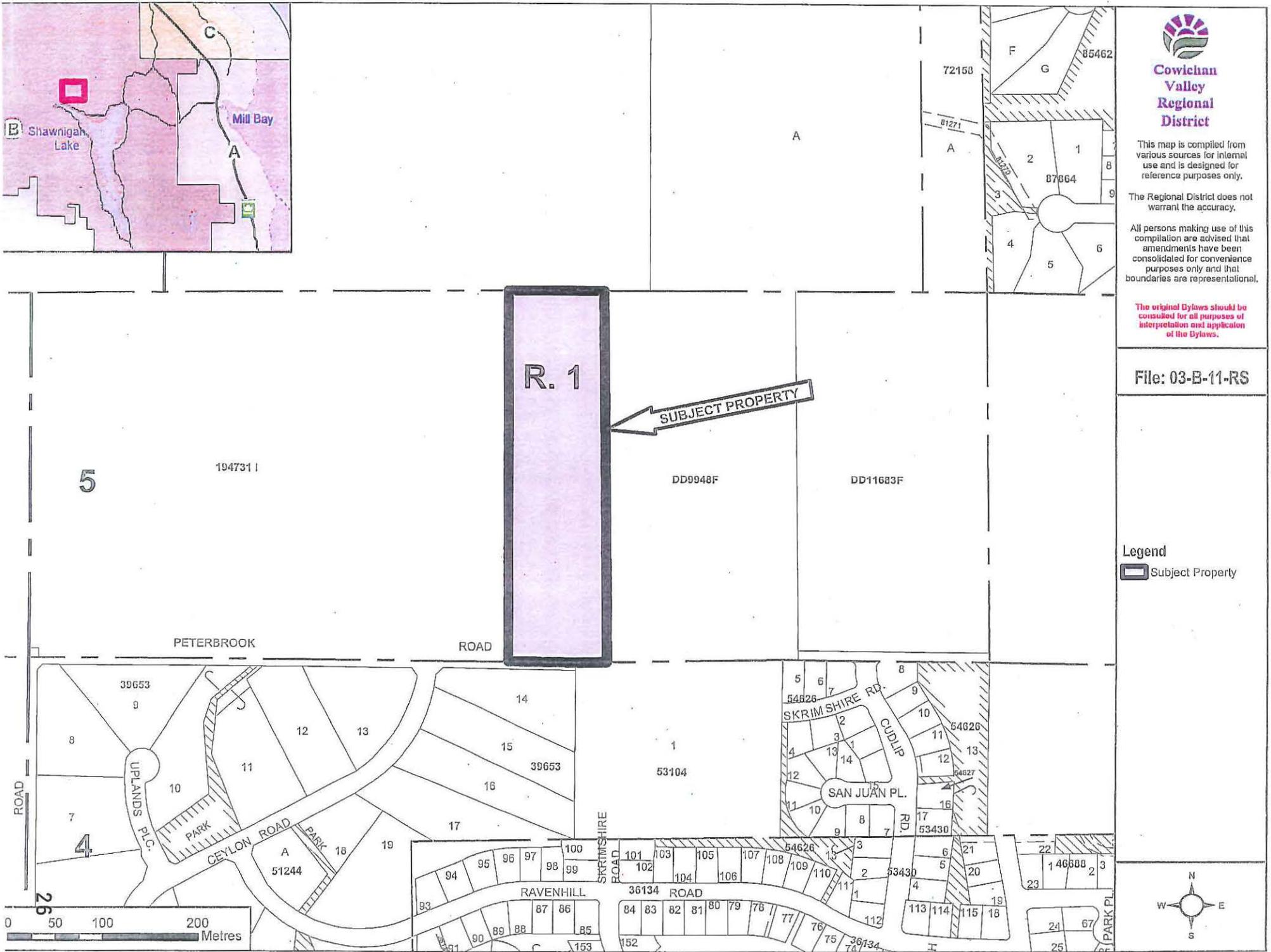
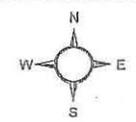
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

File: 03-B-11-RS

Legend

 Subject Property





Cowichan Valley Regional District

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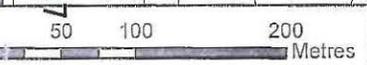
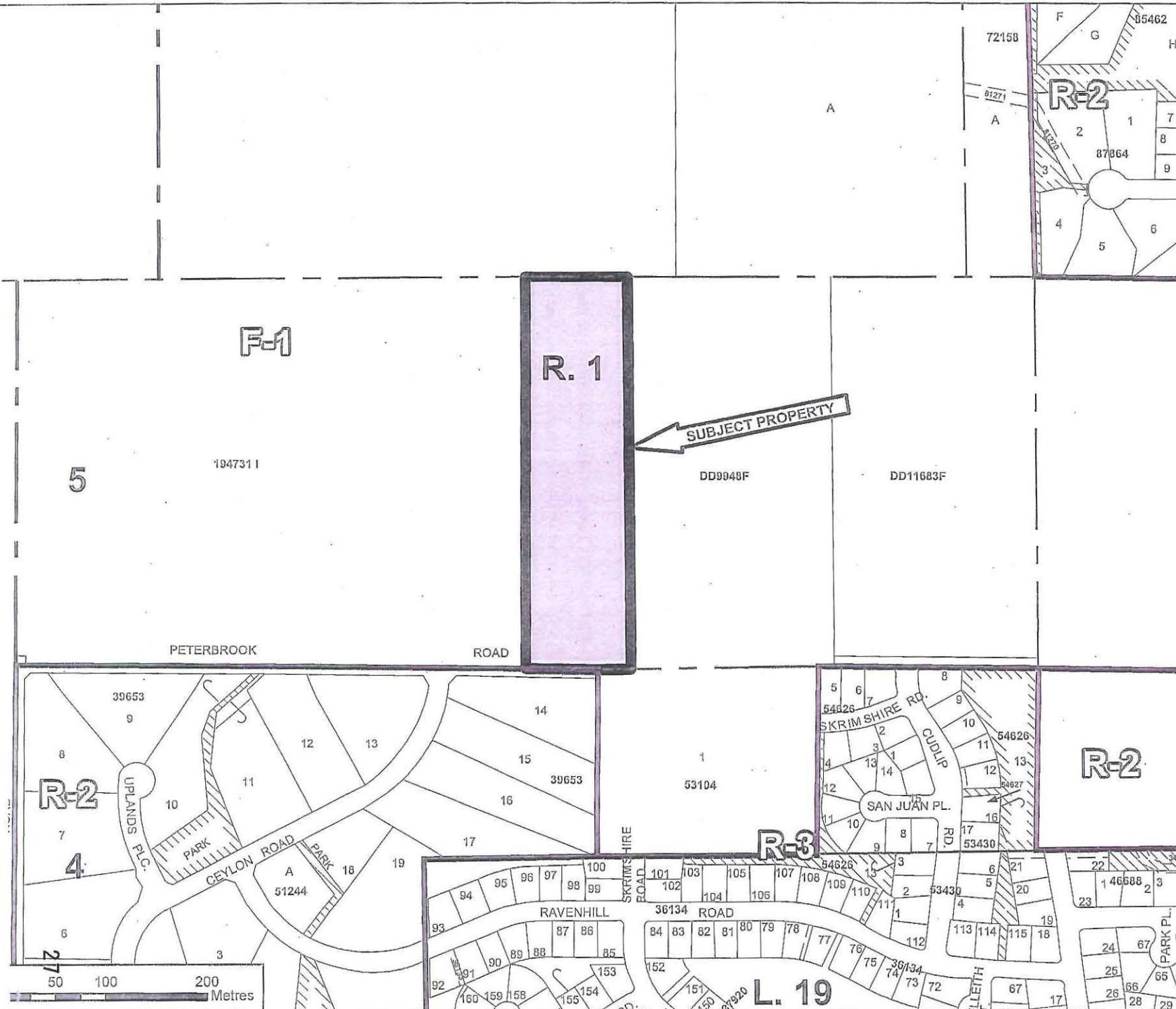
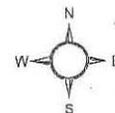
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File: 03-B-11-RS

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area B





Cowichan Valley Regional District

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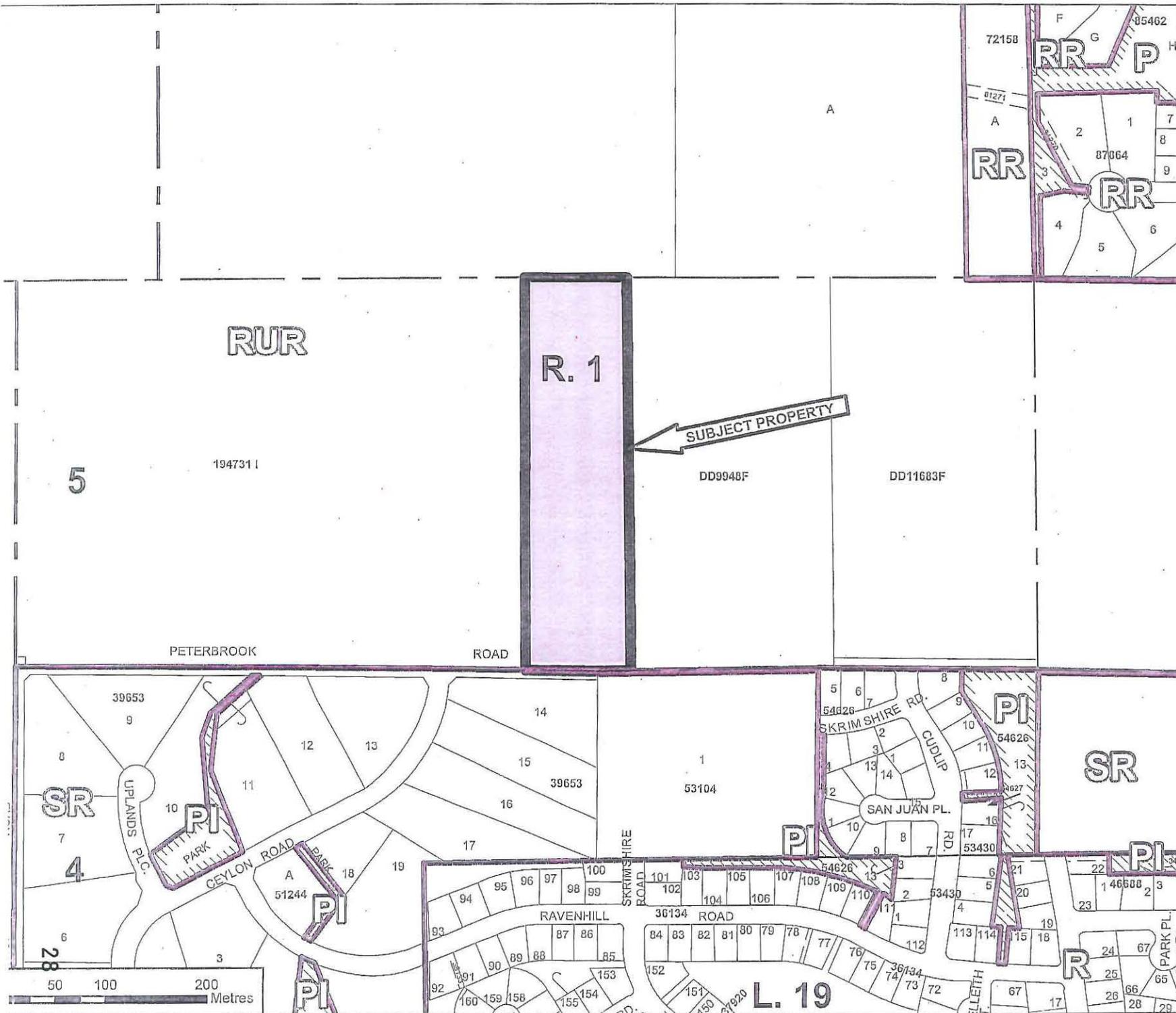
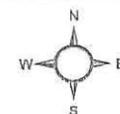
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File: 03-B-11-RS

OCP

Legend

-  Subject Property
-  OCP Electoral Areas ABC





**Cowichan
Valley
Regional
District**

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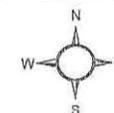
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File: 03-B-11-RS

**Google Earth
Photo (2005)**



SUBJECT PROPERTY

Image © 2011 NMT CAN

Google

Imagery Date: 7/16/2005 2004

48°39'45.67" N 123°39'47.28" W elev 553 ft

Eye alt 4295 ft

7.4 F-1 ZONE – PRIMARY FORESTRY

(a) Permitted Uses

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

- (1) management and harvesting of primary forest products excluding sawmilling and all manufacturing and dry land log sorting operations;
- (2) extraction crushing milling concentration for shipment of mineral resources or aggregate materials excluding all manufacturing;
- (3) single family residential dwelling or mobile home;
- (4) agriculture silviculture horticulture;
- (5) home occupation – domestic industry;
- (6) bed and breakfast accommodation;
- (7) secondary suite or small suite on parcels that are less than 10.0 hectares in area;
- (8) secondary suite or a second single family dwelling on parcels that are 10.0 hectares or more in area.

(b) Conditions of Use

For any parcel in an F-1 Zone:

- (1) the parcel coverage shall not exceed 30 percent for all buildings and structures;
- (2) the height of all buildings and structures shall not exceed 15 metres;
- (3) the setbacks for the types of parcel lines set out in Column I of this section are set out for residential and accessory uses in Column II and for agricultural stable and accessory uses in Column III:

COLUMN I Type of Parcel Line	COLUMN II Residential & Accessory Uses	COLUMN III Agricultural & Accessory Uses
Front	7.5 metres	30 metres
Side (Interior)	3.0 metres	15 metres
Side (Exterior)	4.5 metres	30 metres
Rear	7.5 metres	15 metres

8.3 R-2 ZONE - SUBURBAN RESIDENTIAL

(a) Permitted Uses

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

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

(b) Conditions of Use

For any parcel in an R-2 Zone:

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

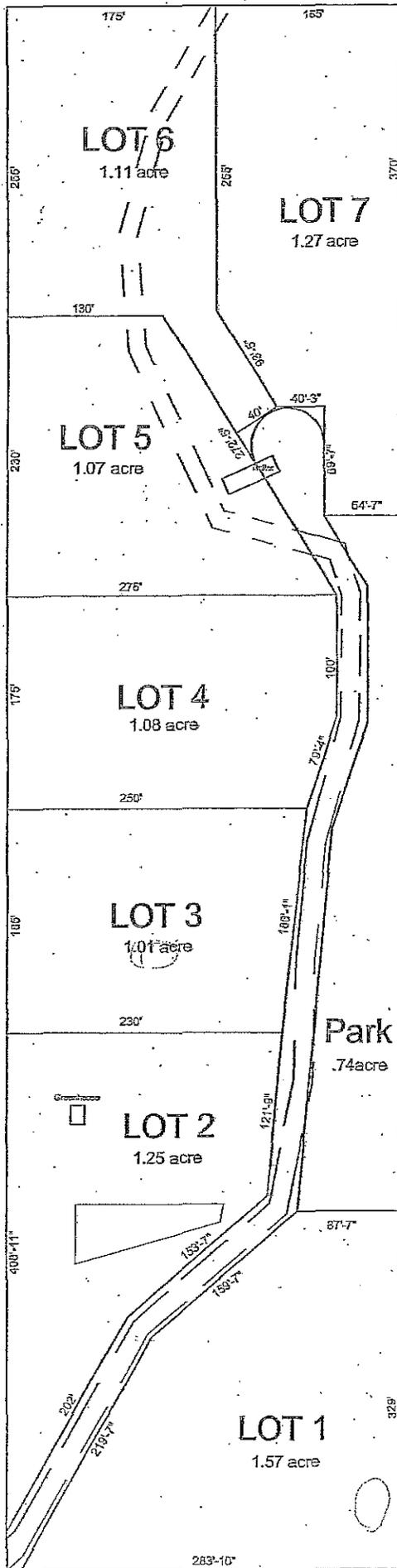
COLUMN I Type of Parcel Line	COLUMN II Residential Use	COLUMN III Agricultural & Accessory Use	COLUMN IV Accessory Residential Use
Front	7.5 metres	30 metres	7.5 metres
Side (Interior)	10% of the parcel width or 3 metres whichever is less	15 metres	10% of the parcel width or 3.0 metres whichever is less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

PART FOURTEEN

AREA SHAPE AND DIMENSIONS OF PARCELS

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

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



August 9, 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, Roger Painter
Chris Hennecker, Grant Treloar, Dave Hutchinson, Jennifer Morros

Absent: Cynara de Goutiere.

Director: Bruce Fraser

Alternate Director: Kelly Musselwhite

Members of Public:

ORDER OF BUSINESS

1) Introductions.

2) Agenda Review.

3) Minutes of June meeting

Motion - None

Action Items - None

4) Director Bruce Fraser report:

- Gave update on the ongoing discussions with SIA's application. Bruce expects a collaborative approach with the CVRD and Ministry in continuing to look for suitable sites as this application is unacceptable in a community watershed;
- A Lakewatch/Blockwatch Program is in the works. Currently looking at other models;
- Bruce asked that going forward there be at least 2 APC members be at all site visits.

5) Correspondence

None

6) Craig Partridge -Ron Sharpe - Proposal 2-B-11-RS Development Permit

Motion - APC recommends that the DP application 2-B-11-RS Development Permit not be approved.

7) Steve McLeod - Proposal 3-B-11-RS Development Permit Application (Amended).

Motion - APC recommends that the DP application 3-B-11-RS Development Permit Application (Amended) not be approved.

Meeting adjourned.



C·V·R·D

JOINT SOUTH-END ELECTORAL AREA APC MEETING

Day: Thursday

Date: March 22, 2012

Place: Shawnigan Community Centre

Address: 2804 Shawnigan Lake Road

Time: 7:00 PM.

MINUTES

PRESENT:

APC:

Roger Painter	Area B (Shawnigan) APC Chair and Chair for this Joint Meeting
Sara Middleton	Area B (Shawnigan) APC Vice-Chair
Dave Hutchinson	Area B (Shawnigan) APC Member
Grant Treloar	Area B (Shawnigan) APC Member
Bruce Stevens	Area B (Shawnigan) APC Member
Ted Stevens	Area A (Mill Bay) APC Chair
Cliff Braaten	Area A (Mill Bay) APC Vice-Chair
Rod de Paiva	Area C (Cobble Hill) APC Chair
Jens Liebgott	Area C (Cobble Hill) APC Vice-Chair

CVRD:

Bruce Fraser	Area B Director
Kelly Musselwhite	Area B Alternate Director

Applicants:

Steve McLeod, Robert McLeod and Christian Gaujous for Proposal 3-B-11RS
Steve Hornick and Denise Kors for Proposal 4-B-11RS

ORDER OF BUSINESS:

1. **Introductions**
2. **Call to Order**
3. **Chair Explanation of Meeting Procedure**
4. **Acceptance of Agenda**
It was agreed to revise the agenda so that the discussion and recommendations regarding each proposal would immediately follow the presentation by the applicant.
5. **Presentation by Steve McLeod for Proposal 3-B-11RS (2373 Peterbrook Road)**

6. APC Discussion Regarding Proposal 3-B-11RS

- The applicant's presentation was clear and well prepared. It including a promising conceptual design incorporating several commendable features.
- The main concern for the APC was the location of the subject property relative to adjacent F-1 parcels. Allowing this parcel to be rezoned could create pressure for similar proposals contrary to the objectives of OCP Policy 7.5 concerning forest lands.
- It was observed that the subject property slopes from north to south towards the West Arm of Shawnigan Lake. Although the Watershed Map (p.32 of the OCP) does show the parcel to be just outside of the watershed, this should be checked and the boundary adjusted if necessary.
- The rezoning application states that the water supply would be from the Shawnigan Lake North Water System. Questions were raised about the current status and capacity of this service and, incidentally, of the Shawnigan Beach Estates Sewer System. It was agreed that a request be made to the CVRD Engineering Department for a detailed status report of both these systems. It was thought that this information would be valuable as a general reference for the APC.

7. Motion

It was Moved and Seconded that the Joint APC not support Proposal 3-B-11RS.
MOTION CARRIED (8-1)

8. Presentation by Steve Hornick and Denise Kors for Proposal 4-B-11RS**9. APC Discussion Regarding Proposal 4-B-11RS**

- The applicant's presentation was clear and well prepared.
- Although the APC had similar concerns to the previous proposal with regard to OCP Policy 7.5 concerning forest lands, the fact that subject property did not intrude significantly into adjacent F-1 parcels, and also that the OCP designation is already Rural Residential, were clearly points in its favour.

10. Motion

It was Moved and Seconded that the Joint APC support Proposal 4-B-11RS.
MOTION CARRIED (7-2)

11. Director's Report

Area B Director Bruce Fraser took part in a general discussion about the structure and process of the new Joint South-End APC. There was concern that some referrals, even though they are located outside of Village Containment Boundaries, are not significant enough to warrant the Joint APC process and would be more appropriately handled by the local APCs. It was also observed that the local APC members who do not participate with the Joint APC will miss out on relevant issues. One comment was that all the local APC members should participate in the Joint APC when the referral is in their Area. Director Fraser suggested that local members attend as observers in the short term and that the CVRD Board would likely be amenable to requests to improve the process after a review period. Roger Painter volunteered to follow up on this issue.

12. Meeting Adjourned at 9 pm.

Sustainability Checklist Summary

Note: These are short answers to the checklist questions. Please read the proposal for a more cohesive outline.

Environmental Protection and Enhancement

1. Conserve Restore or improve natural habitat
 - Additional parkland: A 7% portion of the property (0.74 acres) will be given for parkland rather than the required 5% (0.49 acres) to encompass natural runoff systems. Manmade pond will remain in current state for its habitat value.
2. Remove Invasive species
 - Scotch broom has begun to take hold in a few of the fringe areas on the property. These areas will be addressed during the development of the road and services, and maintained by a neighbours committee.
3. Impact an ecologically sensitive site
 - There are no sensitive areas on the property requiring an R.A.R as is stated in the attached environmental assessment.
4. Provide conservation for sensitive areas beyond the required
 - N/A
5. Cluster housing to limit disturbance to land
 - Natural clearings on the property were chosen in the lot design to retain the natural beauty of the area and minimize the clearing necessary for building sites. In addition, to minimize the disturbance caused by road building, rather than rerouting the road to maximize lot potential the existing drive way will be followed for the large majority of the road and cul-de-sac layout.
6. Protect Groundwater from contamination
 - Beyond VIHA approved septic systems, some of the lots will be serviced by Vegetative Tertiary Filter systems which require a much smaller area to operate and pre-treat the sewage before it enters a landscaped garden leech field.
7. Fill in existing parcels of land
 - This 10 acre property has sat only partially developed since at least 2003 with an old model mobile home and greenhouse as the only buildings on site. It is adjacent to an R-2 subdivision and near many amenities.
8. Utilize pre-existing roads and services
 - A well developed access road (Peterbrook) exists between Ceylon road and the property. A good quality driveway (with culverts) and a powerline with 7 poles run the length of the 400M property. The Municipal watersupply line runs just north of the lot and is easily accessed. Hook-up has already been approved by the Engineering department. Schools, stores, parks and public transit are all within a short distance.

9. Revitalize contaminated area
 - N/A
10. Use of climate sensitive design features
 - House plans will utilize passive solar design and super insulated construction techniques for reduced heating and cooling requirements. This includes: Energystar appliances, doors and windows, extra air seals in framing, spray foam insulation, increased attic insulation, metal roofing.
11. Provide onsite renewable energy generation (solar energy / geothermal)
 - Housing design and construction will be focused on energy conservation rather than generation. This cost effective approach can provide much more benefit per dollar over generation techniques. (which can also be retrofitted later)
12. Provide composting facilities
 - Lot sizes provide adequate space for owner composting.
13. Provide a community garden
 - Lot sizes provide adequate space for owner gardens.
14. Involve ways to reduce waste and protect air quality
 - During development and construction all efforts will be made to reduce and reuse waste on site. Where possible waste materials will be recycled and slash from clearing will be used for firewood rather than burn piles.
15. Include a car free zone
 - N/A
16. Include a car share program
 - N/A
17. Use plants or materials in the landscaping design that are not water dependant
 - Landscaping and restoration after installation of road and services will be done with native and drought resistant plant varieties.
18. Recycle water and wastewater
 - Raincatchment will be provided for each lot consisting of a cistern and pump system for landscaping and gardening use.
19. Provide for no net increase to rainwater runoff
 - Driveways and patio areas will be constructed with low impervious surfaces. Also the main roofing type will be metal which does not contaminate rainwater runoff. Cistern collection will also reduce runoff.
20. Utilize natural systems for sewage and rainwater
 - Septic and VTF sewage treatment use natural systems for their processes. The seasonal pond on site will be left to remain in its natural state and provide for rainwater collection, and slow integration.
21. Use energy saving appliances
 - Houses will utilize LED lighting, and energy star windows, doors, and appliances.

22. Shielded lighting

- o Yes

23. Built to a recognized green building standard

- o Houses will be Built Green Certified to a silver level standard or above.

24. Reduce construction waste

- o A recycling / sorting area will be set up during the project where extra materials can be stored for eventual use

25. Utilize recycled materials

- o LVL and manufactured lumber product such as I-beam joists will be used in place of solid lumber, also metal roofing has a high recycled material content.

26. Use on site materials to reduce trucking

- o Any soils, blasted rock, etc will remain on site for use in development or landscaping.

27. Avoid contamination

- o Precautions such as fabric or straw bale filtering will be utilized to prevent siltation of any runoff near construction and road building sites.

28. Any other environmental features.

- o Some houses will include insulated concrete form foundations which greatly increase the R-value of basements and crawlspaces.

Community Character and Design

1. N/A

2. Provide amenity in close proximity to a residential area

- a. This proposal would bring and extension of the municipal water supply and fire protection within 50M of Ceylon road and even closer to the adjacent neighbour's homes . This would allow for potential hook up by local houses and provide fire protection for the nearby area, which currently has none.

3. Provide housing in close proximity to public amenities

- a. 1.25 Km school
- b. 0.7 KM to bus
- c. 2.75 KM to Shawnigan Village
- d. 0.7 KM to restaurant

Rezoning Proposal

2373 Peterbrook Road

Introduction: Ceylon road is a quiet branch off from the larger Beach estates subdivision in Shawnigan Lake. It is home to a number of attractive properties ranging in size from 1 to 2 acres and ends in a cul de sac called Peterbrook road. At the end of this cul de sac is a beautiful 9.74 acre property that has remained partially developed for several years. The following proposal outlines a project that would extend the Peterbrook cul de sac further into this property along a private lane to a small stretch of acre lots designed to not only preserve the natural beauty of the property but keep the look and feel of the Ceylon neighbourhood.

One of the owners is a Green builder who intends on constructing a green custom home for his family on one of the proposed lots. This house will also serve as a show home for the rest of the houses on the property.

This proposal will present a project that is an excellent opportunity to increase the density of the Shawnigan Village area with Green Built housing by utilizing an existing, partially developed property that lies attached to one subdivision and within 200M of the largest subdivision in Shawnigan Lake and all of its nearby amenities.



Background and Site Information:

(see attached: Figure 1 - survey map)

2373 Peterbrook was recently purchased from the owner who had been in possession since 2003 and partially developed the lot as an estate. The property is not within the ALR, or the Watershed, or contains or is part of a sensitive ecological site. The lot is 9.74 acres in a long rectangle 330ft (100m) wide by 1286ft (391m) long and is currently zoned F-1 Forestry. A driveway / road extends the full length of the property which connects to Gregory road, a gravel service road originating from the Beach estates. The lot is already well serviced; seven power poles line the road reaching approx 2/3rds into the lot and it also has a septic system and well. The Municipal water supply tower lies nearby to the west and the main water line runs east near the property line to the north. The property was logged many years ago and the majority of existing trees are widely spaced with no dense forest area. The existing pond was artificially constructed by a previous owner by berming a channel for seasonal runoff. It does not contain or is connected to any fish bearing waterbodies.

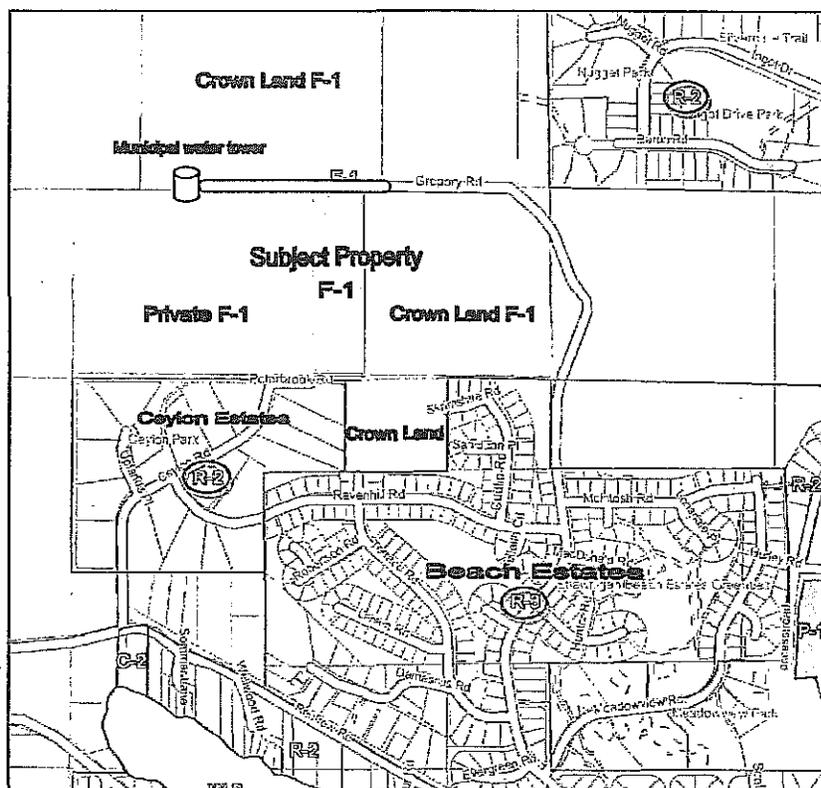
Current Use: For the last 8 years the lot has featured a mobile home which is currently being rented by tenants of the previous owner. There is also a green house, which contains the well, situated near the pond.

Adjacent Properties: To the North of the property is a large parcel of Crown land part of which was previously used for municipal sewage treatment until its failure and resiting to a R-2 subdivision further to the North east. To the East is a 40 acre parcel of Crown land, zoned F-1 and only slightly further east (170m) lies Shawnigan Beach estates, zoned R-3. To the west is a 40 acre parcel of privately owned, F-1 zoned property which holds the Municipal water supply tower. To the south is the Ceylon R-2 zoned subdivision.

Local Amenities: As the property sits so close to existing residential areas it has access to all of the amenities and services enjoyed by these residents, including schools, stores, and public transit.

Public transit: 700m Restaurant: 725m

School: 1.25 km Shawnigan Village: 2.75 km



Proposed Usage:

The project proposed would involve rezoning the 9.74 acre property from F-1 Forestry to R-2 Suburban Residential and dividing it into eight parcels: Seven 1 to 1.5 acre lots and one - 0.74 acre park. R-2 zoning allows for 1 Hectare lots (2.47 acres) on well water or 0.4 hectares (1 Acre) with municipal water. Municipal water access has been secured for the property.

The end goal is to retain the natural beauty of the property while creating small inviting estates for Green Built certified homes.

Lot Design

Natural clearings on the property were chosen for building sites in the lot design to minimize the clearing necessary for construction. Proposed lots 2 through 7 all sit on a plateau overlooking the road and proposed park area. Lot 1 due to the road layout and its proximity to an existing neighbours house was designed especially large at 1.57 acres. Lot 2 was also created larger to accommodate a building site without disturbing the existing pond.

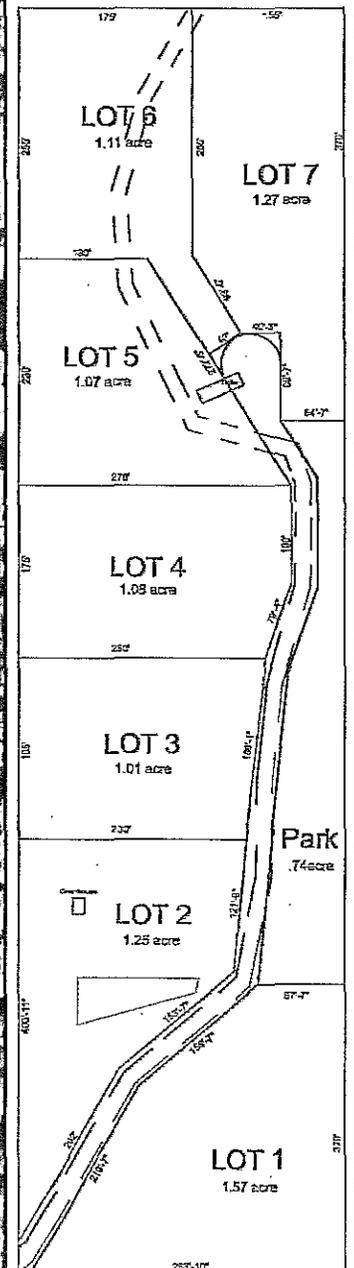
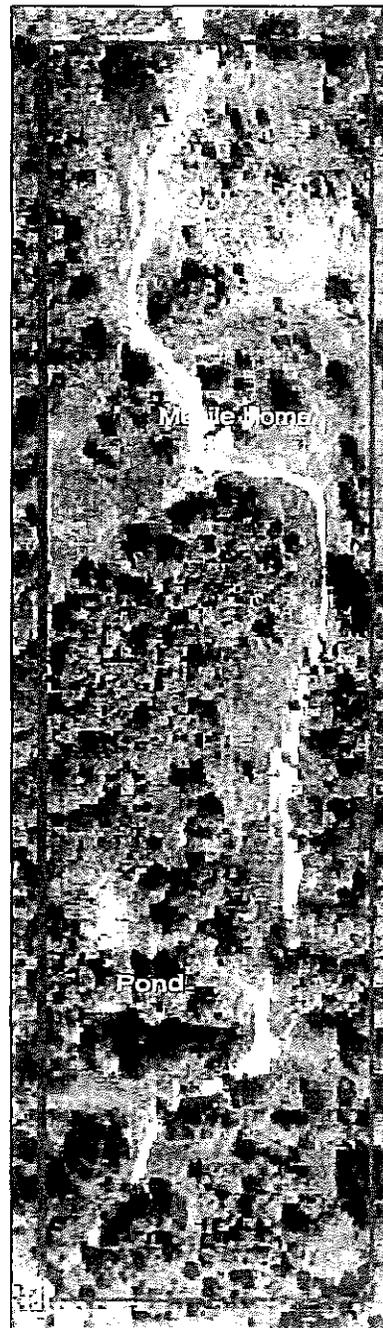
Park

Required park contribution for this size property is approx 0.5 acres but in order to keep seasonal runoff in undeveloped, naturally maintained areas the park was increased to 0.74 acres.

Road Access

Road access would be designated as a private lane and remain in strata care by the subdivision. As connection to the Gregory service road is not desired by the Ministry of Transportation and Infrastructure this lane would end in a cul de sac approx 300M into the property. An easement from the Cul de sac to Gregory would be put in place for future use at the MOTI's request.

To minimize the disturbance to the area caused by road building; rather than rerouting the road



to maximize lot potential, the existing drive way will be followed for the large majority of the road and cul-de-sac layout. Waterline infrastructure will also be placed along the road to keep the excavation required to as few areas as possible.

Pond

The pond, although manmade, adds to the natural beauty of the area and holds some value to the local wildlife. It will therefore be left in its current state. Drainage from the pond flows into a culvert that runs under the road. This culvert will be upgraded during road construction to allow the natural drainage system continue its existing path into the proposed park.

Water

Key to this proposal is the connection to the Municipal water supply that runs along the northern border of the property. This connection allows for 1 acre size parcels in an R-2 zoned area making the water line expansion and connection costs financially feasible. The previous owner had a letter of approval by the CVRD for connection to the municipal supply and this has since been secured by the new owners through meetings with the Engineering Department. Extension of the water supply through the property will potentially allow access to the residence of Peterbrook and Ceylon roads if homeowners choose to pay for the necessary infrastructure. This would create a subdivision potential for nearby residence at the current zoning.

Power

Electrical servicing is already well provided for by 7 power poles and 2 transformers along the current driveway and only 1 or 2 additional poles would be needed to supply all of the proposed lots.

Sewer

As sewer connection is not available at this time the proposed lots will be serviced by approved septic fields as well as Vegetative Tertiary Filter systems. VTF systems provide much more efficient treatment from a much smaller area and use a specially planted garden for the final step in sewage treatment. The result is less disturbance to the lot for installation and much more area available to the homeowner for other uses, besides adding an attractive garden feature.

Fire Protection

According to CVRD regulations 2 fire hydrants must be installed no more than 200M apart for fire protection of the subdivision. One of these hydrants will be placed near the entrance to the property to also provide fire protection for existing homeowners on Peterbrook and Ceylon roads (which currently is without) and would reduce home insurance rates for nearby residence.

Clearing and Site Construction

Beyond utilizing natural clearings for building sites, areas surrounding the specific build sites will be left as undisturbed as possible to provide a natural look and reduce the need for restorative landscaping later. To reduce trucking, any blasted or excavated material will be used to it's maximum potential on site for lot preparations, road or driveway building, or landscaping. Where possible waste materials will be recycled and slash from clearing will be used for firewood or compost rather than burn piles. Precautions such as fabric or straw bale filtering will also be utilized to prevent siltation of any runoff near construction and road building sites. Due to the properties' location at the end of the Peterbrook cul de

sac, and the fact it is bordered by 3 larger properties, disruption to local residence should be minimal during the development and construction processes.

Storm Water Runoff

Natural seasonal drainage systems already exist on the property and will be left intact wherever possible including the pond in the proposed lot 2. These systems not only add beauty to the area but serve to slowly integrate rainwater runoff into the local ecosystem.

A Roof rainwater collection system will be provided for each building lot, consisting of a cistern with a pump system for landscape and garden watering. To minimize chemical contamination of this water supply and the additional rainwater runoff, metal and alternative roofing materials will be utilized which do not leach chemicals as found with other types of common roofing products. The stored water will therefore be more suitable for vegetable gardening and have much less impact on the surrounding ecosystem.

Driveways and patio areas will be constructed with low impervious surfaces such as gravel, pavers, or reinforced grass to reduce any additional runoff.

Affordable housing

Suburban Residential zoning (R-2) does allow for small or secondary suites if the lot size is 1 acre or larger. Rental suites of this size (approx 800 sq ft) are much more affordable for low income earners or seniors and can encourage neighbourhood diversity. There is a potential for some of the new homeowners to develop affordable rental units on their lots.

Landscapeing

Native plants species will be used for any restoration work needed during and after development to keep the area as natural as possible.

Scotch broom has begun to take hold in a few of the fringe areas on the property. These areas will be addressed during the development of the road and services, and maintained later by a neighbours committee.

Design Features and Green Construction

House plans will utilize passive solar design and super insulated construction techniques for reduced heating and cooling requirements. This includes: extra air seals in framing, spray foam insulation, increased attic insulation, metal roofing and Energy Star doors and windows.

Housing design and construction will be focused on energy conservation rather than generation. This more effective approach can provide a greater benefit per dollar over generation techniques such as wind and solar. Also, it is by far more cost effective to increase the performance of a structure during initial construction than through renovation later. Wind and solar technologies are easily retro fitted to existing homes as they become more efficient and therefore more practical.

Houses constructed in this project will be Built Green Certified to a silver level standard or above and will utilize high efficiency LED lighting, hooded exterior lighting, Energystar appliances, and Heat Recovery and Ventilation systems.

During development and construction all efforts will be made to reduce and reuse waste on site. A sorting / recycling area will be set up and maintained until completion of the project.

Due to the properties' location at the end of the Peterbrook cul de sac, and the fact it is bordered by 3 larger properties, disruption to local residence would be minimal during the development and construction processes. As well, not all of the houses would be constructed at once but spanned out over 2 to 4 years. The first house constructed will be used as a show home to display the green concepts presented above.

OCP Compliance

According to current OCP figures 366 housing units will be needed in Shawnigan Lake by 2016 and 1098 units by 2026. This project would provide 7 new units along with the potential for affordable rental suites on each lot. The property sits directly on the designated Shawnigan Village Boundary and meets all of the criteria stated in the previous OCP Policy 6.17: (Which was in place at the time of this application)

“In considering the future re-designation of land for suburban residential use, the Board shall give priority to those lands that meet the following criteria:

- The land is outside the Shawnigan Lake Watershed;
- The land abuts areas already designated suburban residential;
- The land is well suited to future resubdivision into smaller lots;
- The land is reasonably close to public and commercial services;”

The newly adopted OCP created a Village Containment Boundary which runs along the southern border of the property and placed a number of new policy guidelines on the proposal.

The proposal meets many of the new requirements that are imposed upon it by the fact it borders the village boundary and is not contained within it and the few requirements it does not meet, are not particularly relevant due to the size and location of the property.

Policy 7.5 In this section it states that “ Forest lands will be designated as Rural Resource and should not be a land bank in waiting for future residential development”

Due to the small 10 acre size of this parcel (which is far below the minimum requirement for its current F-1 Zoning) and the close proximity to residential subdivisions, the property is totally unusable as forestry land or gravel extraction and should not be classified as Rural Resource. The actual resource or value of the property is its location to existing infrastructure and amenities.

Other policies state that the dedication of sensitive eco-systems, a parkland dedication of 40 to 70 percent, a subsidized housing component and integration of public transit are requirements. These policies are much more suited to a larger scale development and are unreasonable to expect in a project of this size.

Conclusion

Beyond meeting the above criteria, 2373 Peterbrook has many additional positive factors that make it well suited for a project of this nature, including; available municipal water servicing and fire protection, existing road ways, and substantial power infrastructure. The current F-1 zoning does not reflect the potential for this small parcel to expand on a beautiful Suburban subdivision and the nearby infrastructure. This proposal was carefully crafted to meet the concerns of local residents, provide a benefit to the community, retain the character of the local area, create minimal impact during development and provide an environmentally higher standard in the construction of homes within this project. A new level of sustainable residential development is being proposed in this rezoning application and may set the bar much higher for future projects in Shawnigan Lake if approved.

Attached : Full Aerial, Full zoning, Survey map

R3



STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 18TH, 2012

DATE: September 12, 2012 FILE NO: 1-B-12 RS

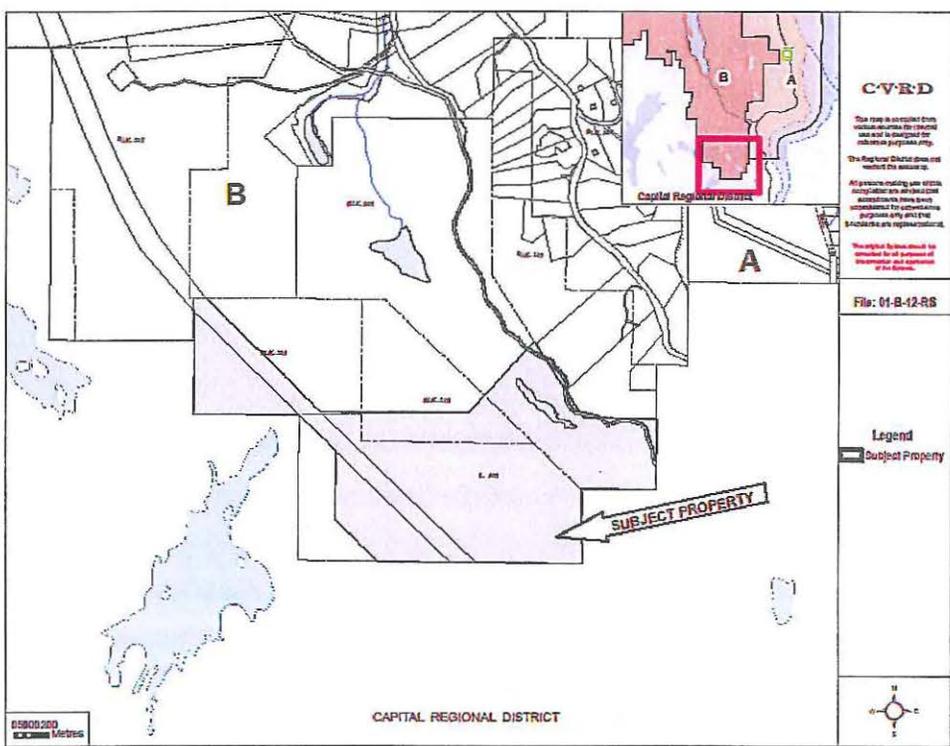
FROM: Dana Leitch, Planner II BYLAW No: 985 & 3510

SUBJECT: Rezoning Application No. 1-B-12RS (Living Forest Consultants Ltd)

Recommendation/Action:

Option 1:

- a) That the Zoning Amendment Bylaw and OCP Amendment bylaws for Application No. 1-B-012RS (Living Forest Planning Consultants) be drafted and forwarded to the Board for consideration of 1st and 2nd reading.
- b) That a public hearing be scheduled with Directors Fraser, Walker, and Marcotte appointed as delegates.



Relation to the Corporate Strategic Plan: N/a

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

Background Information:

Location: South Shawnigan Lake

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

Date Application and Complete Documentation Received: April, 2012

Owners: Living Forest GP Ltd

Applicant (Agent): Doug Makaroff

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

Contaminated Site Profile Received: Declaration pursuant to the *Environmental Management Act* signed by owners. No Schedule 2 uses noted.

Existing Use of Property: Forest/Vacant

Existing Use of Surrounding Properties:

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

Agricultural Land Reserve Status: Out

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

Archaeological Site: None identified

Existing Plan Designation: Community Land Stewardship

Proposed Plan Designation: No changes are being proposed to the existing OCP designation

Existing Zoning: Community Land Stewardship (CLS-1)

Min lot size under existing zoning: No minimum

Proposed Zoning: No changes are being proposed to the existing zoning of the property.

Minimum Lot Size Under Proposed Zoning: No minimum

Services:

Road Access: Strata Road via Goldstream Heights Drive and Stebbings Road

Water: Community Water

Sewage Disposal: Community Sewer

Fire Protection: Malahat Fire Service Area

Background:

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

Within the CLS-1 Zone there are five sub zones: the Ecological Conservation Sub-Zone; the Eco-Forestry Sub-Zone; the Agro-Forestry Sub-Zone; the Low Density Sub-Zone (A,B,&C) and the Hamlet Sub-Zone.

Proposal:

The subject application is for the Midlands phase of the Elkington Forest Development. The applicant is proposing that the range of uses permitted in the Hamlet Sub-Zone and the Low Density C Sub-Zone be permitted anywhere within the Agro-Forestry Sub-Zone.

The following is a list of the specific changes the applicant is proposing to make to the existing zoning bylaw No. 985:

- (1) Within Section 12.1 (1) Community Land Stewardship Zone (pg. 55) under General Regulations add a new regulation that states *"The area shown on the Sub-Zone map as the Agro-Forestry Sub-Zone will in addition to the permitted uses of the Agro-Forestry Sub-Zone, permit any of the uses contained within the Low Density Sub-Zone C and Hamlet Sub-Zone."*
- (2) Replace the existing Community Land Stewardship Zone and Sub-Zones Sub-located on page 56 of the zoning bylaw with a new map entitled Community Land Sewardship Zones and Sub-Zones (see attached map supplied by the applicant).
- (3) Within Section 12.1 Community Land Stewardship Zone (pg. 55) under General Regulations delete general regulation d) *"Not more than one community centre facility is permitted within the entire Community Land Stewardship Zone."*
- (4) Within Section 12.4 (1) Agro-Forestry Sub-Zone (pg. 59) that the following uses be added to the existing list of permitted uses:
 - all of the uses permitted within the Low-Density Sub-Zone C;
 - all of the uses permitted within the Hamlet Sub-Zone;
 - equestrian facilities; and
 - small suites (instead of secondary suites).

With regards to residential density permitted through suites, it should be noted that the applicant has requested that small suites be permitted instead of secondary suites. This change in use would not result in any increase in residential density onsite as the current zoning already permits secondary suites.

- (5) Within Section 12.5 (1) Low Density Sub-Zone (A, B, and C) delete the restriction of having a maximum of 14 dwellings in the Low Density Sub-Zone C.
- (6) Within Section 12.6 (2) Hamlet Sub-Zone Condition of Uses, delete f) Secondary Suites shall be located within the footprint of the principal dwelling and delete i) The Community centre facility shall not exceed 100 square metres in floor area.

Rationale for Rezoning Request:

The applicant wants to amend the zoning in order to create a more “fluid” zoning, where permitted uses could be located on the developable lands within three sub-zones the Agro-Forestry Sub-Zone, the Low Density Sub-Zone C, and the Hamlet Sub-Zone rather than having the uses located within specific Sub-Zones. Another reason this amendment has been applied for is to preserve those lands onsite that have the highest agricultural capability.

Park Dedication:

This proposal does not involve the subdivision of land, therefore park dedication is not required under Section 941 of the *Local Government Act*. No additional park land is being proposed with the rezoning application.

Development Permit:

The applicant has already applied for and obtained a development permit from the CVRD for the “Midlands” phase. The development permit does not authorize residential use of lots in this phase unless the zoning change is approved.

Stream and Riparian Area Protection:

A riparian area assessment report has been prepared that identified three streams within the subject phase of development that are subject to the Riparian Area Regulation. The Streamside Protection and Enhancement Areas for these streams have been identified at between 10 and 30 metres. The RAR assessment report recommends SPEA protection measures during the subdivision construction and building construction phases such as temporary fencing and erosion and sediment control, and these protection measures were included as conditions of the development permit which was issued in July 2012.

Roads and Access:

This Phase of the development will be accessed from a strata road that connects via an extension of Trailway to Goldstream Heights Drive to the east. Most of the lots in the Midlands Phase will front on a secondary strata road, although five of the lots will be accessed from the main strata road that will service a future phase of development to the south. Detailed information about the road design is not available at this stage, but it will be designed and constructed according to provincial standards for strata roads.

Services:

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

Fire Protection:

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

Policy Context**Zoning**

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

As mentioned previously, the Midlands Phase falls within the Agro-Forestry sub zone. This application involves making some technical amendments to the current zoning in order to shift residential uses from the Low Density Sub-Zone C and the Hamlet Sub-Zone to the current phase. This would allow for a more fluid zoning and act to preserve lands with the highest agricultural capability.

This proposal also involves adding some additional uses to the Agro-Forestry Sub-Zone and requests that small suites be permitted instead of secondary suites.

For your reference, a copy of the Community Land Stewardship Zone (Section 12.1), the Agro-Forestry Sub-Zone (Section 12.4), the Hamlet Sub-Zone (Section 12.6) and the Low Density Sub-Zone (A, B, AND C) Zones have been attached to this report for your reference.

Official Community Plan:

The following policies are relevant to this application:

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

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

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

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

Referral Agency Comments

This proposed amendment has been referred to the list of external agencies below for comment. Staff anticipate that agency responses will be received towards the end of October 2012. If staff receives comments back in opposition of this application or comments that would significantly impact the processing of this application, comments will be referred back to the Electoral Area Services Committee at a future meeting.

- Malahat Volunteer Fire Department
- Ministry of Forests
- Capital Regional District
- Vancouver Island Health Authority (VIHA)
- Ministry of Transportation and Infrastructure
- School District No. 79
- CVRD Parks and Trails Division, Parks, Recreation & Culture Department
- CVRD Public Safety Department
- CVRD Engineering and Environmental Services
- Malahat First Nation
- Cowichan Tribes
- Private Managed Forest Council

Development Services Division Comments

The zoning changes the applicant is requesting are considered minor amendments and are consistent with the objectives and policies regarding the Community Land Stewardship Designation Policies contained within the South Cowichan Official Community Plan.

By enabling a more fluid zoning in the Agro-Forestry Sub-Zone and allowing some residential development to occur within this Sub-Zone lands with higher agricultural productivity can be preserved. The proposed zoning changes will not have an overall impact on residential density as no new dwellings are proposed. What being is proposed is a shift in where the residential uses can be located onsite.

The applicant is proposing that small suites replace secondary suites, no increase in residential density is being sought, and however larger parcel coverage's on lots may result because detached small suites would be permitted. Allowing small suites may also lead to changes in the physical appearance of the residential lots because suites would no longer be contained within single family dwellings.

The applicant has requested that equestrian use be included within the Agro-Forestry Sub-Zone. Planning Staff considers esquestrian facilities to be a compatible use with the other uses permitted in the Sub-Zone

If this application moves forward the Committee should be aware that some minor amendments to some of the language contained within Section 14 of the South Cowichan Official Community Plan would need to occur. This would apply specifically to OCP Policies 14.12, 14.13, 14.18. This amendment would be done in order to have consistent language between the Zoning Bylaw and the related OCP policies. Amendments to the existing Community Land Stewardship Zone and Sub-Zone maps in both the Zoning Bylaw and OCP would also need to occur.

Advisory Planning Commission

This application was not formally referred to the Advisory Planning Commission at the request of the Electoral Area B Director. It is the Director's view that the members of the Advisory Planning Commission have considered aspects of the Elkington Forest development on numerous occasions and that the APC does not have any concerns with the development or zoning changes. The rezoning application was discussed to some extent during the APC's referral and site visit to the property during the Development Permit Application review process this past summer

Conclusion

Because this proposal is generally consistent with the objectives and policies of the Community Land Stewardship Designation Policies within the OCP, staff are recommending approval of this application.

Options:

Option 1:

- a) That the Zoning Amendment Bylaw and OCP Amendment bylaws for Application No. 1-B-012RS (Living Forest Planning Consultants) be drafted and forwarded to the Board for consideration of 1st and 2nd reading.
- b) That a public hearing be scheduled with Directors Fraser, Walker, and Marcotte appointed as delegates.

Option 2:

That Application No. 1-B-12RS (Living Forest Planning Consultants) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

Option 1 is recommended.

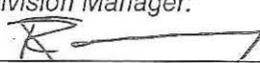
Submitted by,



Dana Leitch
Planner II
Development Services Division
Planning & Development Department

DL/jah

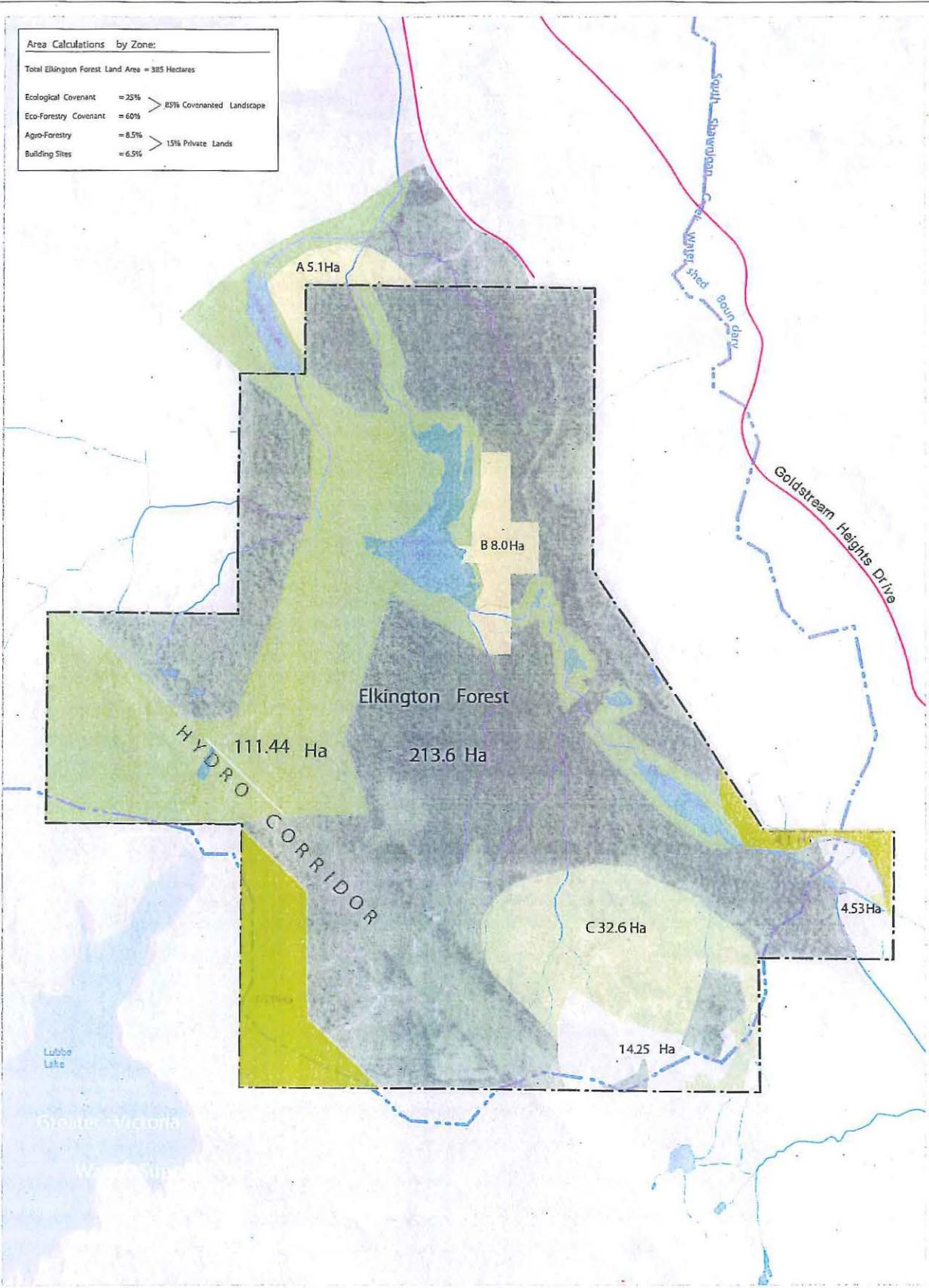
Attachments

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

Area Calculations by Zone:

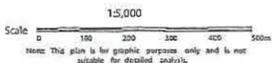
Total Elkington Forest Land Area = 385 Hectares

Ecological Covenant	= 25%	} 85% Covenanted Landscape
Eco-Forestry Covenant	= 60%	
Agro-Forestry	= 8.5%	} 15% Private Lands
Building Sites	= 6.5%	



Living Forest Communities - Elkington Forest
COMMUNITY LAND STEWARSHIP
 Zones and sub-zones

Date: 12.04.15
 File No: CVRD Z1
 Revision: 02
 Drawn by: AC
 Based on data retrieved from:
 British Land Surveying Ltd.
 CND Natural Areas Atlas



Legend:

Community Land Stewardship Zone	Hamlet Sub-Zone	Parks
Local roads	Low Density Sub-Zones A, B	
South Shawigan Watershed boundary	Ecological Conservation Sub-Zone	
Major stream	Eco-Forestry Sub-Zone	
Major water bodies/lakes	Agro-Forestry Low Density Sub-Zone C	
Wetlands		

C.V.R.D.
RECEIVED

APR 23 2012



April 17, 2012

Bruce Fraser, Area Director Electoral Area B

Mike Tippett, Director of Planning

Rob Conway, Manager of Development Services

Cowichan Valley Regional District

175 Ingram Street

Duncan, BC

V9L 1N8

RE: Elkington Forest – CLS -1 Land Use Bylaw Amendment process

Dear Sirs:

Further to my letter of February 23, 2012, and specifically relating to the second of the two requests in that letter, we hereby submit a proposed draft for the wording of the technical and administrative rezoning amendment.

We request that the planning staff initiate a technical and administrative rezoning process to alter the text and maps for the Community Land Stewardship Zone, CLS – 1. We propose that the range of uses permitted currently in the Hamlet, Low-Density and Agro-forestry sub-zone be permitted anywhere within the entire envelope of the Midlands Agro-forestry area as shown on the map. In addition, there are a couple of uses that we would like to add to the list of permitted uses, such as equestrian facilities, temporary workers accommodation, and small suites. These uses are mentioned or implied by the wording of the OCP, and would not result in any increase to density or additional residential units.

Pages referenced below, are based on the current version of the Consolidated Bylaw, including all updates to bylaw amendment #3241, as found on the CVRD website.

p.56 see new Plan, entitled Community Land Stewardship Zones – Sub-Zones.

p.55 under heading of General Regulations.

Add new general regulation after a)

b) The area shown on the Sub-Zone map as the Agro-forestry Sub-zone will, in addition to the permitted uses of the Agro-forestry sub-zone, permit any of the uses permitted within the Low Density Sub-Zone C and Hamlet Sub-zone.

Delete general regulation“d) Not more than one community centre facility is permitted within the entire Community Land Stewardship Zone.”

p.59 under the heading of Agro-forestry Sub-zone

“The following uses and no other are permitted in the Agro-forestry Sub-zone;”

Add the following new permitted uses,

- i) all of the uses permitted within the Low-Density Sub-Zone C
- ii) all of the uses permitted within the Hamlet Sub-Zone
- iii) temporary workers accommodation
- iv) equestrian facilities
- v) small suites (wherever there is a reference to secondary suites)

Add a new condition of use

a) temporary workers accommodation shall not exceed a maximum of 1,500 sq m.

p.60 Under Low-Density Sub-Zone, permitted use section

c) delete the restriction of having “a maximum of 14 dwellings in Low-Density Sub-zone C.”

p.61 Under Hamlet Sub-zone

Delete the condition of uses, as follows:

- f) Secondary Suites shall be located within the footprint of the principal building.
 - i) The community centre facility shall not exceed 100 square meters in floor area.

Due to the anticipated scheduling and timing for the DP and construction, we request that this proposed technical amendment proceed as quickly as possible.

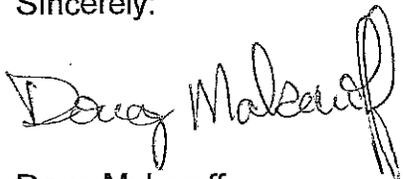
This proposal will create a “fluid” zoning, where permitted uses may be located anywhere on the developable lands (Agro-forestry, Low-density Sub-zone C, or Hamlet Sub-zones). During the sales process, we will register a restrictive covenant on the subdivided lot to limit the permitted uses, and the amount of buildable space by use. For example, we might have a Midlands lot with a covenant that allows only agricultural uses, or a lot with a covenant that permits a residential dwelling (including a secondary suite) and a specific amount of

agricultural manufacturing space, but not the Guest Lodge. The purpose of the covenants is that both parties, the CVRD and the developer, would have a table where we identify how and when the residential and non-residential space is allocated.

Then annually, or as appropriate, the planning staff would do a wholesale administrative "fixing" of the zoning for each of the parcels, release the covenants, and establish the various parcels as specific sub-zones.

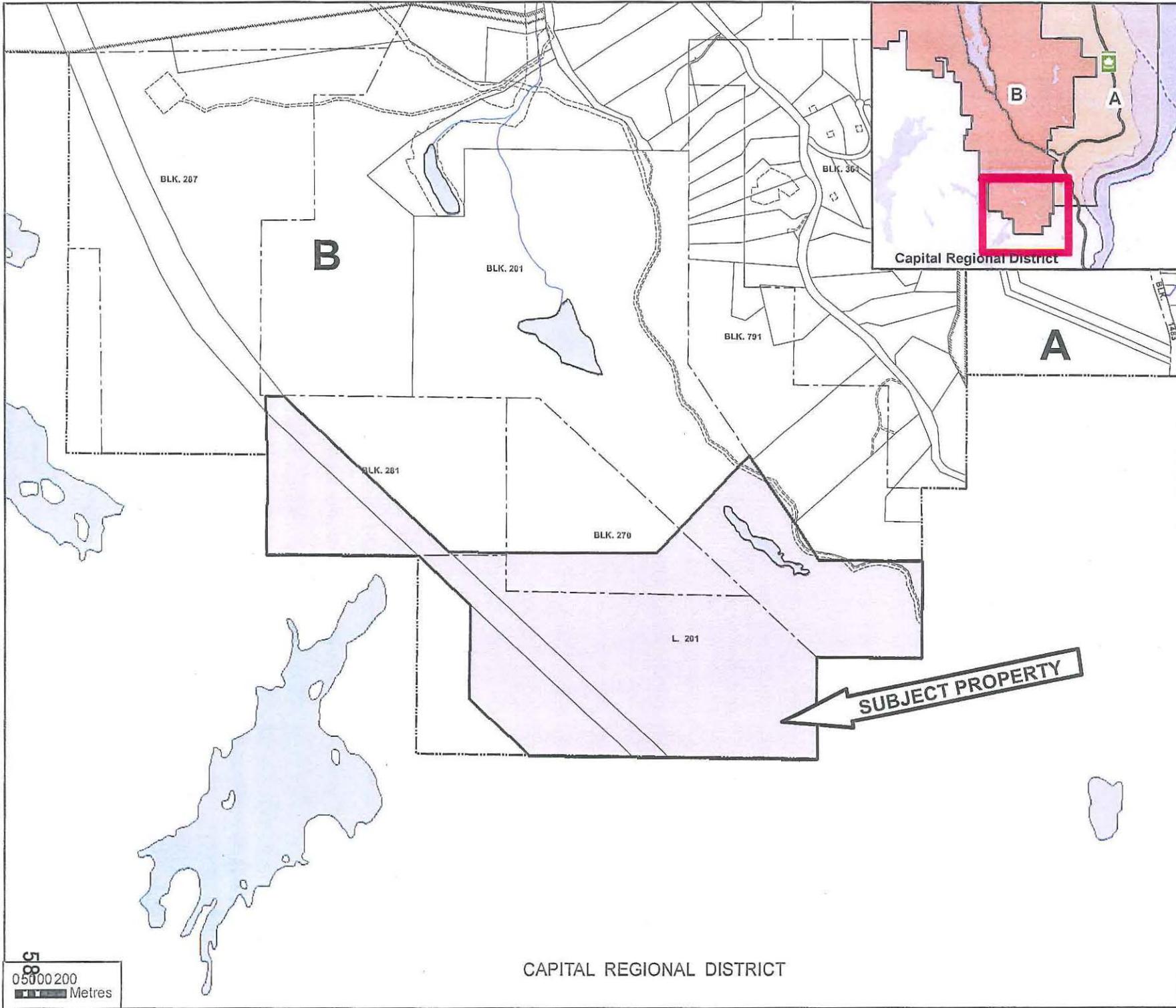
Thanks for your assistance.

Sincerely:

A handwritten signature in black ink that reads "Doug Makaroff". The signature is written in a cursive style with a large, looped initial "D" and a long, sweeping tail.

Doug Makaroff
President
Living Forest Communities

cc: Tom Anderson



C·V·R·D

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

The Regional District does not warrant the accuracy.

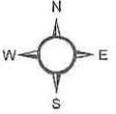
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

File: 01-B-12-RS

Legend

 Subject Property



58
05000200
Metres

CAPITAL REGIONAL DISTRICT



**Cowichan
Valley
Regional
District**

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

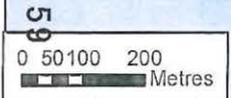
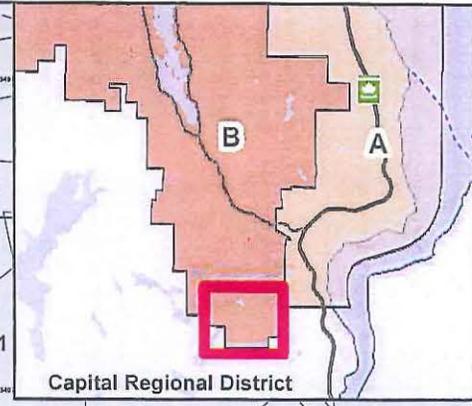
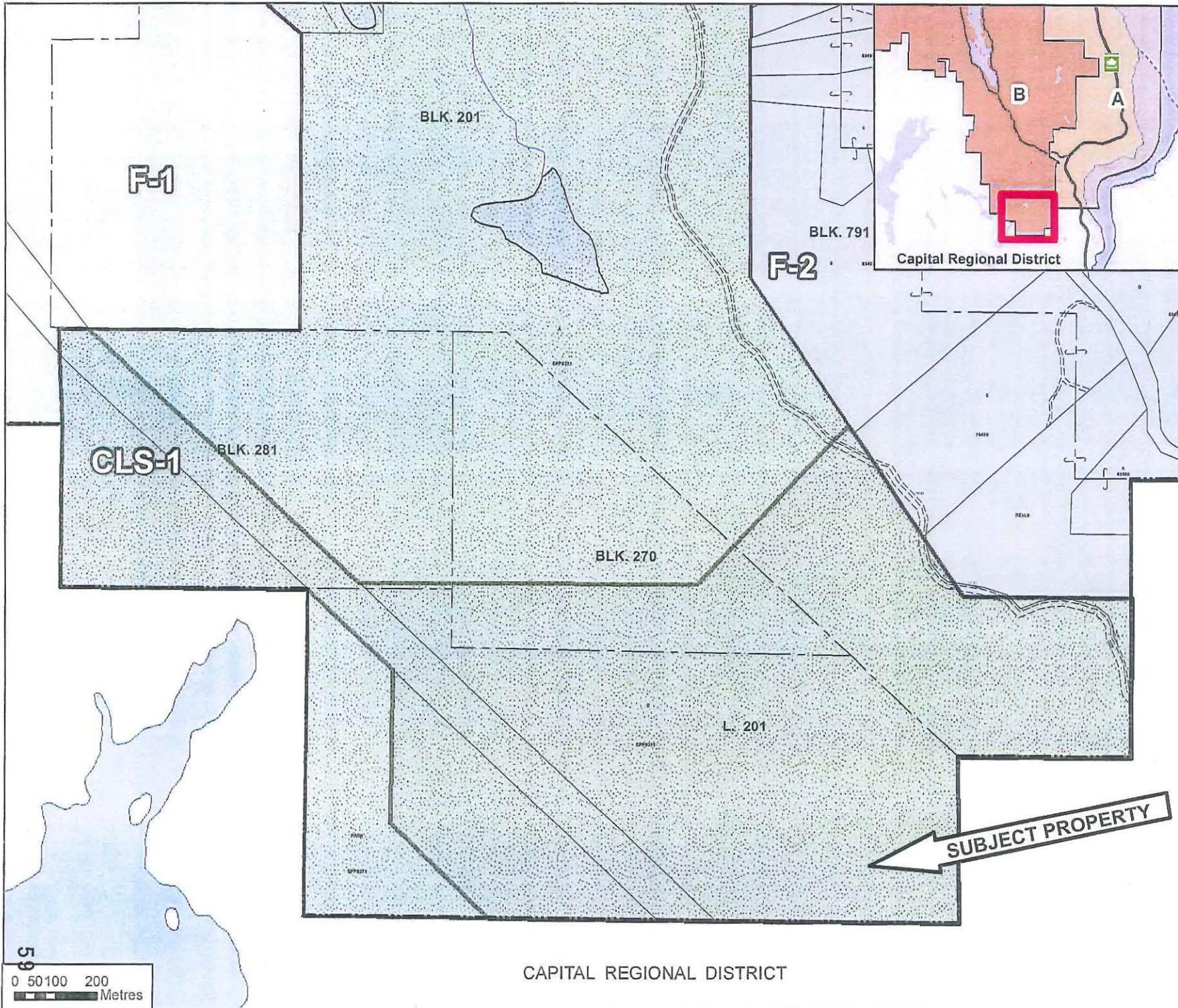
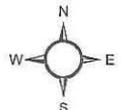
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-B-12-RS

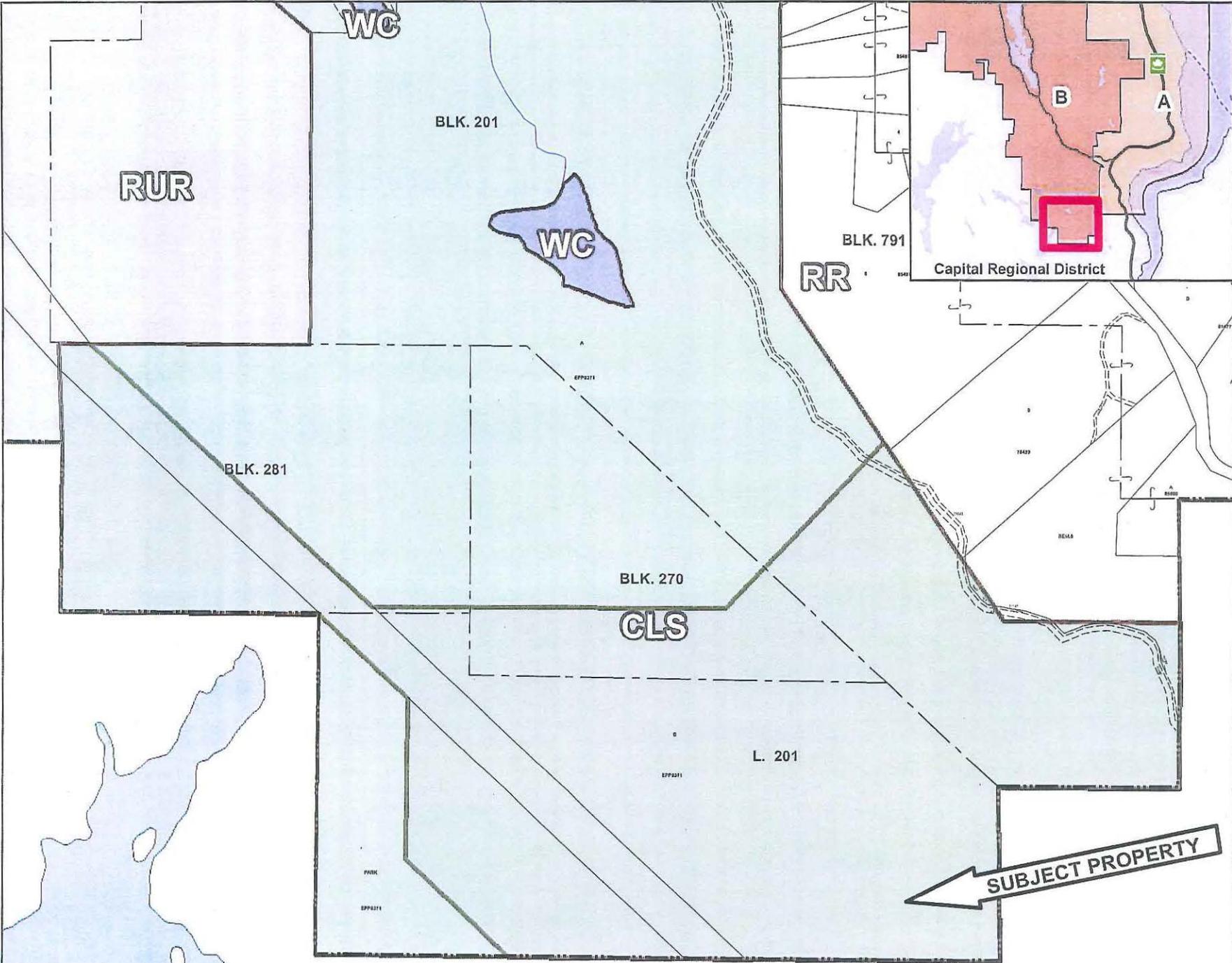
ZONING

Legend

-  Subject Property
-  Zoning B



CAPITAL REGIONAL DISTRICT



**Cowichan
Valley
Regional
District**

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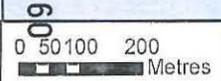
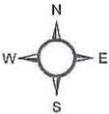
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-B-12-RS

OCP

Legend

-  Subject Property
-  OCP Areas ABC



CAPITAL REGIONAL DISTRICT

12.0 Comprehensive Zones

12.1 Community Land Stewardship Zone

General Regulations

1. The following general regulations apply in the Community Land Stewardship Zone:
 - a) Within the CLS Zone, there are five distinct sub-zones as identified on the CLS-1 Sub-Zone Map. The five sub-zones are: Ecological Conservation Sub-Zone, Eco-Forestry Sub-Zone, Agro-Forestry Sub-Zone, Low Density Sub-Zone(A,B and C), and Hamlet Sub-Zone.
 - b) Forestry industrial uses, including timber processing, sawmill, planer mill and secondary wood processing and manufacturing, and accessory uses, shall not exceed 2 hectares for the entire Community Land Stewardship Zone;
 - c) Agro-forestry processing, greenhouses and accessory buildings shall not exceed 1500 m² for the entire Community Land Stewardship Zone;
 - d) Not more than one community centre facility is permitted within the entire Community Land Stewardship Zone.
 - e) Not more than one retail commercial area shall be permitted within the entire Community Land Stewardship Zone.
 - f) Not more than one Guest Lodge shall be permitted within the entire Community Land Stewardship Zone.
 - g) No more than six guest lodge tree top canopy units are permitted within the entire Community Land Stewardship Zone, and no Guest Lodge tree top canopy unit is to be located more than 300 metres from the Guest Lodge, the main building of which is permitted within the Hamlet Sub-Zone.
 - h) Kitchen facilities are prohibited in the guest lodge tree top canopy units.
 - i) Ecological education and interpretive structures shall not exceed 160 sq metres in total floor area for the entire Community Land Stewardship Zone.
 - j) Excavation and extraction of gravel, soil, fill and rock, shall be used only within the Community Land Stewardship Zone and shall not exceed 2 hectares in total land area;
 - k) A fire hall is permitted in any sub-zone within the Community Land Stewardship Zone.

12.2 Ecological Conservation Sub-Zone

1. The following uses and no others are permitted in the Ecological Conservation Sub-Zone:
 - a) Trails for use by pedestrians, bicyclists and emergency and security vehicles;
 - b) Management of forests for the purpose of maintaining the health of the forest, and minimizing the risk of wild fire, wind throw, or spread of invasive species.
2. Conditions on Use for Ecological Conservation Sub-Zone
 - a) Setbacks from watercourses and natural features shall be a minimum of 30 meters or as otherwise determined by the Riparian Areas Regulation.

12.3 Eco-Forestry Sub-Zone

1. The following uses and no others are permitted in the Eco-forestry Sub-Zone:
 - a) Silviculture;
 - b) Horticulture;
 - c) Management, harvesting and cultivation of non-timber forest products and agro-forestry products;
 - d) Trails for use by pedestrians, bicyclists and emergency and security vehicles;
 - e) Timber processing, including sawmill, planer mill and secondary wood processing and manufacturing;
 - f) Excavation and extraction of gravel, soil, fill and rock, for use only within the Community Land Stewardship Zone;
 - g) Guest Lodge tree top canopy units;
 - h) Non-habitable ecological education structures.

2. Conditions on Use for Eco-forestry Sub-Zone
 - a) Buildings and structures shall be set back a minimum of 15.0 metres from parcel lines, where the abutting parcel is not zoned as CLS-1 (Community Land Stewardship 1 Zone);
 - b) Buildings and structures shall be set back a minimum of 15.0 metres from lands outside of the Eco-forestry Sub-Zone;
 - c) The buildings and structures associated with permitted wood processing, sawmills, timber manufacturing, agro-forestry, greenhouses, and educational and recreational facilities shall be limited to a maximum height of 10.0 m, and a building footprint of 2000 m² in area, within the entire Community Land Stewardship Designation;
 - d) Setbacks from watercourses and natural features shall be a minimum of 30 meters or as otherwise determined by the Riparian Areas Regulation;
 - e) No ecological education structure shall exceed 40 m² in floor area;
 - f) Soil, fill and rock excavated and extracted on site shall only be used within the Community Land Stewardship Zone and shall not exceed 2 hectares in total land area;

12.4 Agro-Forestry Sub-Zone

1. The following uses and no others are permitted in the Agro-forestry Sub-Zone;
 - a) Silviculture;
 - b) Horticulture;
 - c) Management, harvesting and cultivation of non-timber forest products and agro-forestry products, including horticulture;
 - d) Agro-forestry processing, greenhouses and accessory buildings;
 - e) Trails for use by pedestrians, bicyclists and emergency and security vehicles;
 - f) Timber processing, including sawmill, planer mill and secondary wood processing and manufacturing;
 - g) Excavation and extraction of gravel, soil, fill and rock, for use only within the Community Land Stewardship Zone;
 - h) Guest lodge tree top canopy units.

2. Conditions on Use for Agro-forestry Sub-Zone
 - a) Buildings and structures shall be set back a minimum of 10 metres from parcel lines, where the abutting parcel is not zoned as CLS-1 (Community Land Stewardship 1 Zone);
 - b) Buildings and structures shall be set back a minimum of 10 metres from lands outside of the Agro-forestry Sub-Zone;
 - c) The non-habitable buildings and structures associated with permitted wood processing, sawmills, timber manufacturing, agro-forestry, greenhouses, and educational and recreational facilities shall be limited to a maximum height of 10.0 m, and a building footprint of 2000 m² in area;
 - d) Agro-forestry processing, greenhouses and accessory buildings, shall not exceed 1500 m² for the entire Community Land Stewardship Zone;
 - e) Setbacks from watercourses and natural features shall be a minimum of 30 meters or as otherwise determined by the Riparian Areas Regulation.
 - f) Soil, fill and rock excavated and extracted on site shall only be used within the Community Land Stewardship Zone and shall not exceed 2 hectares in total land area.

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

1. The following uses and no others are permitted in the Low-Density Sub-Zone;
 - a) Management of forests for the purpose of ensuring the practice of ecosystem based forestry and maintaining the health of the forest, and minimizing the risk of wild fire, wind throw, or spread of invasive species;
 - b) Trails for use by pedestrians, bicyclists and emergency and security vehicles;
 - c) A maximum of five (5) single family dwellings within Low-Density Sub-Zone A, a maximum of eight (8) single family dwellings in Low-Density Sub-Zone B, and a maximum of 14 dwellings in Low-Density Sub-Zone C. For the purposes of this section, a dwelling does not include a secondary suite;
 - d) Home Occupation;
 - e) Secondary Suites;
 - f) Bed and Breakfast (B & B) accommodation;
 - g) Guest lodge tree top canopy suites.

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

12.6 Hamlet Sub-Zone

1. The following uses and no others are permitted in the Hamlet Sub-Zone;
 - a) Management of forests for the purpose of ensuring the practice of ecosystem based forestry and maintaining the health of the forest, and minimizing the risk of wild fire, wind throw, or spread of invasive species;
 - b) Trails for use by pedestrians, bicyclists and emergency and security vehicles;
 - c) Single Family and multi-family dwellings, to a maximum density of one dwelling per 4.5 ha land total land area, and where no more than a total of 77 dwellings are permitted in the combined Hamlet Sub-Zone and the Low-Density C Sub-Zone, and no more than 90 dwellings are permitted within the entire Community Land Stewardship Zone. For the purposes of this section, a dwelling does not include a secondary suite;
 - d) Home Occupation;
 - e) Secondary Suite;
 - f) Bed and Breakfast (B & B) accommodation;
 - g) Community centre building or structure;
 - h) Convenience store;
 - i) Guest Lodge, including tree top canopy units;
 - j) Ecological education and interpretive recreational facilities, including tree top and ground based structures;
2. Conditions on Use for Hamlet Sub-Zone
 - a) The maximum height of all dwellings shall be 12 meters;
 - b) The maximum floor area of a dwelling shall not exceed 370 m²;
 - c) Setbacks for structures or buildings shall be a minimum of 1.5 m from side and rear parcel boundaries, not including strata property lines;
 - d) Setbacks from watercourses and natural features shall be a minimum of 30 meters or as otherwise determined by the Riparian Areas Regulation.
 - e) The total number of dwellings permitted in the in the combined Low-Density and Hamlet Sub-Zones, is limited to a maximum of 90 dwelling units, not including secondary suites. The average overall density will not be greater than one dwelling unit per 4.5 hectares of land, based on a land area of 411 hectares as shown in the Community Land Stewardship Sub-zone Map;
 - f) Secondary suites shall be located within the footprint of the principal dwelling;
 - g) Not more than one secondary suite shall be permitted within a dwelling;

- h) Dwellings will not exceed 200 m² in footprint.
- i) The community centre facility shall not to exceed 100 square meters in floor area.
- j) The Guest House shall have a maximum floor area of 2000 sq metres, including the treetop canopy suites and the spa and wellness facility;
- k) The Guest house is intended solely for the temporary accommodation of tourists, and shall consist of:
 - i. not more than 12 Guest Lodge accommodation suites within the main Eco-Tourism Guest Lodge;
 - ii. a Spa and wellness facility accessory to the Guest Lodge, to a maximum of 400 sq m in floor area;
 - iii. a maximum of 6 treetop canopy suites (for the entire Community Land Stewardship Zone, where each treetop canopy suite shall not exceed a total floor area of 40 sq m, and shall not be located more than 300 m from the main Guest Lodge;
- l) Kitchen facilities are prohibited in guest house tree top canopy units.
- m) The convenience store shall not exceed 100 square meters in floor area.



R4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 18, 2012

DATE: September 12, 2012 FILE NO: 2-B-10 RS
 FROM: Rachelle Rondeau, MCIP, Planner I BYLAW NO: 985 and 1010
 SUBJECT: Rezoning Application No. 2-B-10RS (Conner)

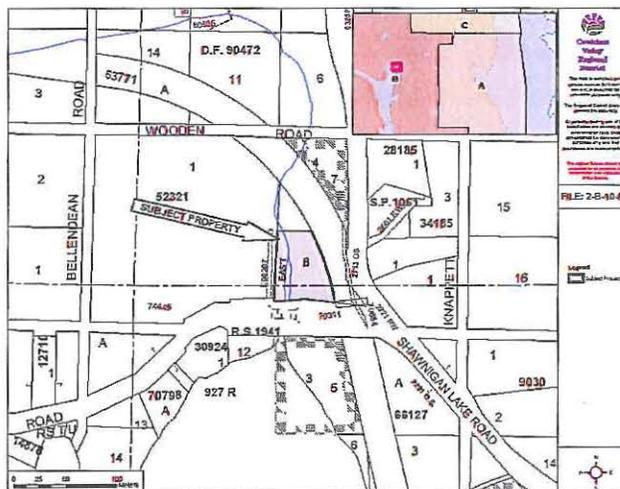
Recommendation/Action:

That a public hearing be scheduled with Directors Fraser, Giles and Morrison appointed as delegates of the Board.

Relation to the Corporate Strategic Plan: n/a

Financial Impact: (Reviewed by Finance Division: n/a)

Background: Please see EASC report from the May 31, 2011 meeting for a full background report.



At its meeting on June 8, 2011, the Regional Board made the following resolution:

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

For reference, Zoning Amendment Bylaw No. 3502 and Official Community Plan (OCP) Amendment Bylaw No. 3501, respecting this application were also granted 1st and 2nd reading by the CVRD Board at this meeting.

In regards to satisfying condition number 3 noted above, the applicant has provided the attached parking plan designed by Chatwin Engineering which provides 11 parking spaces. Based on the proposed seating capacity of 22 seats for the restaurant and 8 seats for the coffee shop/ice cream bar, 13 parking spaces are required and one loading space. This is calculated using the requirements for a restaurant, however, it is not expected that all patrons to the coffee shop/ice cream bar will be driving. The applicant expects that the majority of patrons to the ice cream bar will be pedestrian passerby.

Of the proposed parking spaces, 1 is a disability parking space, 2 are small car stalls, and 8 are normal car stalls. Additionally, the CVRD has the ability through a Development Variance Permit to vary the required number of parking spaces.

Policy Context

Zoning

Amendment Bylaw No. 3502 proposes a limited local commercial zone on this property that would permit:

- Retail stores excluding convenience stores and external storage of goods;
- Offices, banks, credit unions, and other financial establishments;
- Restaurants, catering, excluding drive-through;
- Personal Service Establishment¹
- Bed and Breakfast; and
- Single family dwelling.

Currently, the draft South Cowichan Zoning Bylaw proposes to zone this property C-5 (Village Commercial 5 Zone), which provides a variety of commercial uses.

Official Community Plan

The Shawnigan Village Plan has designated this property Commercial, and it is within the Shawnigan Village Development Permit Area.

Planning Division Comments

The proposed application is consistent with the policies of the Shawnigan Lake Village Plan, and the proposed South Cowichan Zoning Bylaw. The site appears to be well-placed in terms of its ability to provide commercial opportunities:

- It fronts a major road;
- Does not detract from views;
- Is adjacent to existing commercial property;
- Is within proximity to the Shawnigan Village and residential areas;
- There is an established crosswalk connecting this side of the road to Mason's Beach Park.

However, provision of parking on site has been a concern. The Ministry of Transportation and Infrastructure (BC MoT) has reviewed the proposed parking plan, and is not supportive of the commercial use of the property given the current parking and access/egress. As noted above, the CVRD has the ability to vary the minimum parking standards, however in order to operate a commercial use on the property, an access permit will be required from the BC MoT.

¹ Personal service establishment means a commercial establishment which provides direct personal goods or services to persons such as barber shops, hairdressers, drug stores, doctor and dentist offices, laundromats, and fitness studios.

The Regional Board provided the direction to host a public hearing upon submission of an acceptable parking plan. The Board resolution had also delegated former Director Ken Cossey to the public hearing, therefore should a public hearing be recommended the resolution should be modified to specify that Director Bruce Fraser be delegated to the hearing, in addition to Directors Giles and Morrison.

Staff recognize that the proposed parking layout is not ideal, but the subject property has constraints that make an improved layout challenging. Staff recommend the application proceed to a public hearing where any and all concerns can be considered. Should the zoning amendment bylaw be considered for approval, parking requirements can be further assessed prior to adoption or through a Development Permit/Development Variance Permit process.

Options:

Option A:

1. That a public hearing be scheduled with Directors Fraser, Giles and Morrison appointed as delegates of the Board.

Option B:

1. That Application No. 2-B-10RS (Conner) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

Option A is recommended.

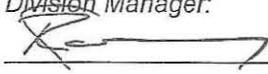
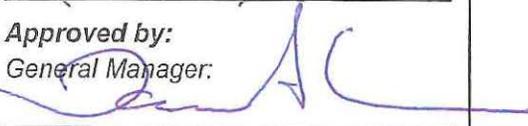
Submitted by,



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

RR/jah

Attachment

<p>Reviewed by: <i>Division Manager:</i> </p> <hr/> <p>Approved by: <i>General Manager:</i> </p>
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1:200

PART 7
BLOCK 4
PLAN 218

8 PARCEL A
(DD 42057-1)

PART 8
UNTITLED
E & N LAND

BLOCK 4
PLAN 218

PARKING IN BACK
WILL BE
RESTRICTED IN
MORNING TO ALLOW
DELIVERY & GARBAGE
VEHICLE ACCESS.

PERMEABLE
PARKING
SURFACE.

UNDER
GLASS
SEWER
TANKS.

MOTORCYCLE &
BICYCLE PARKING
UNDER DECK.

CARPORT TO BE
REMOVED

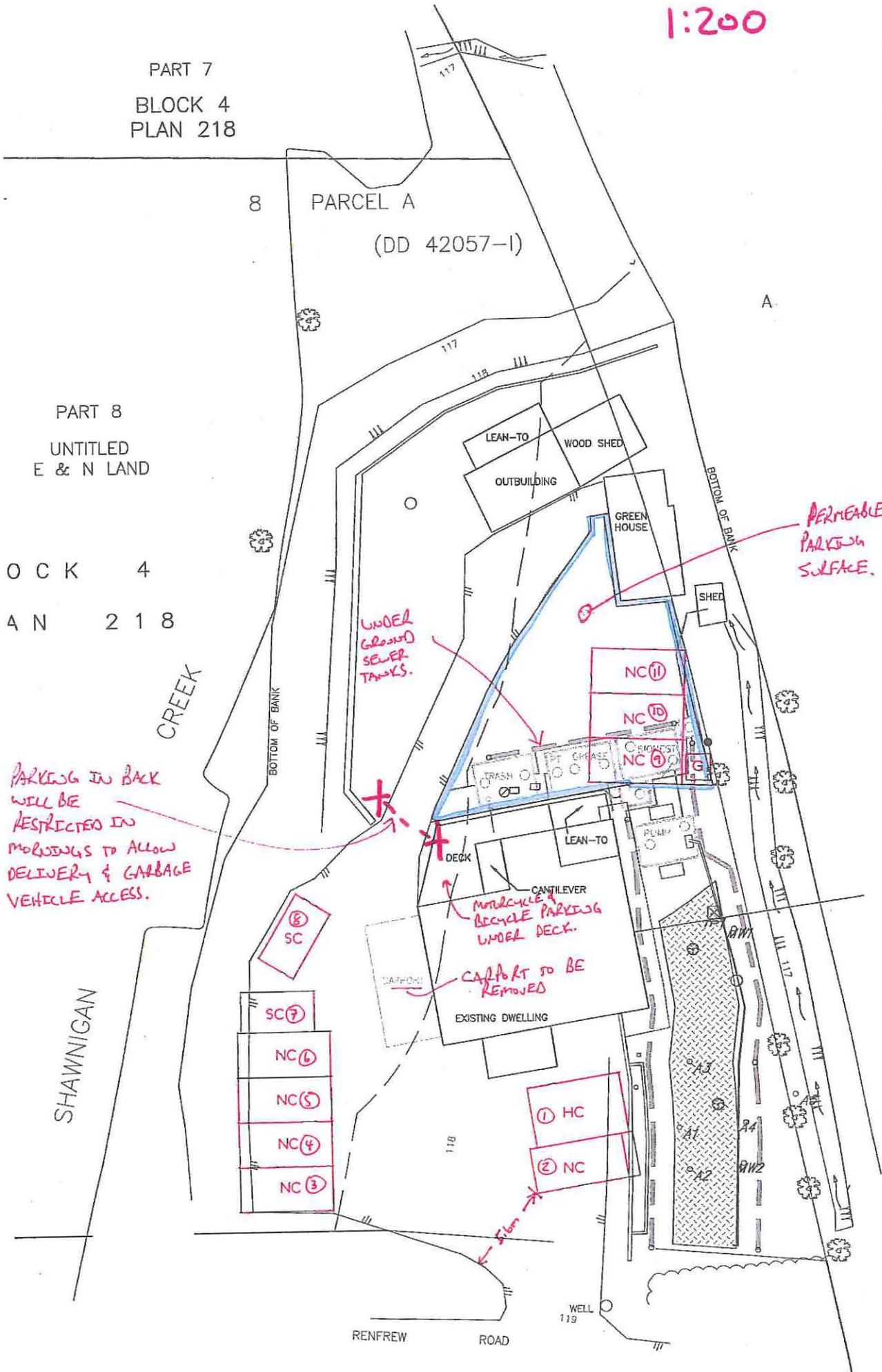
SHAWNIGAN
CREEK

BOTTOM OF BANK

BOTTOM OF BANK

RENFREW ROAD

WELL
119





R4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 31, 2011

DATE: May 24, 2011 FILE NO: 2-B-10 RS
FROM: Rachelle Moreau, Planner I BYLAW NO: 985 and 1010
SUBJECT: Rezoning Application No. 2-B-10RS (Conner)

Recommendation/Action:

1. That CVRD Bylaws No. 3501 and 3502 – Electoral Area B – Shawnigan Lake Official Community Plan and Zoning Amendment Bylaws (Conner), 2011 be granted First and Second Reading;
2. That the application referrals to the Ministry of Transportation and Infrastructure, Shawnigan Lake Fire Department, Lidstech Holdings, and Vancouver Island Health Authority be accepted;
3. That a public hearing be scheduled with Directors Cossey, Giles and Morrison appointed as delegates of the Board, following review by CVRD and Ministry of Transportation and Infrastructure of a professionally designed parking plan that satisfies the requirements of the CVRD Parking Standards Bylaw No. 1001.

Relation to the Corporate Strategic Plan: N/a

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

Background:

Location: 1845 Renfrew Road

Legal Description: Parcel A (DD42057) of Lot 8, Block 4, Sections 3 and 4, Range 4, Shawnigan District, Plan 218 (PID: 009-240-624).

Date Application and Complete Documentation Received: August 13, 2010

Owner: Daryl and Deborah Conner

Applicant (Agent): As above

Size of Parcels: Approximately 0.11 ha (0.28 acres)

Contaminated Site Profile Received: Declaration signed

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Single Family Residential (Urban Residential – R-3)
South: Mason's Beach Park and Shawnigan Lake
East: Railway (Railway Transportation – T-1)
West: Store (Local Commercial – C-2)

Agricultural Land Reserve Status: Outside

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas has identified Shawnigan Creek, a TRIM Stream with confirmed fish presence, along the western edge of the property.

Archaeological Site: None have been identified

Existing Plan Designation: Urban Residential

Proposed Plan Designation: Commercial

Existing Zoning: Urban Residential (R-3)

Proposed Zoning: Local Commercial (C-2)

Minimum Lot Size - Existing Zoning: 1.0 ha (for parcels not served by community water or sewer systems)

Minimum Lot Size - Proposed Zoning: 0.8 ha (for parcels not served by community water or sewer)

Services:

Road Access: Renfrew Road

Water: Two wells: One shallow well for non-potable uses, and one deep well.

Sewage Disposal: Currently on septic system, proposed to upgrade to a treatment plant

Property Context:

The subject property is an approximately 0.11 ha (0.28 acres) property located on Renfrew Road at the intersection of Shawnigan Lake Road within Electoral Area B – Shawnigan Lake. Currently on the property is the original approximately 1920's era dwelling and several accessory buildings.

The land use surrounding the subject property consists primarily of single family residential properties to the north and east, with Shawnigan Lake and Mason's Beach Park to the south. There are several commercially zoned properties nearby including a store (C-2 – Local Commercial) on the adjacent parcel to the west, a pub (C-5 – Neighbourhood Pub), and C-4 – Tourist Recreation Commercial property.

Proposal:

This application proposes to rezone the property from R-3 (Urban Residential) to C-2 (Local Commercial) for the purpose of establishing a restaurant, coffee bar and ice cream shop within the existing building. The applicants have described their intention for the property and restaurant within their attached proposal, and they are proposing local, organic food, based on the slow food tradition. They also plan to maintain and restore the heritage elements of the home, and to promote its history within Shawnigan Lake.

No new construction is planned for the property, with the restaurant being proposed within the main floor of the current building and the ground floor being proposed for the ice cream shop and coffee bar. The grounds on the property will be improved to provide parking, gardens and picnic table seating.

Parking and Access

Access is provided from Renfrew Road, and an access permit from the Ministry of Transportation and Infrastructure (MoTI) will be required for the commercial use. The MoTI has indicated that access onto the property is adequate, however, sufficient on-site parking will need to be provided for the commercial use.

CVRD Parking Standards Bylaw No. 1001 specifies the number of parking spaces required based on the use of the property. For a restaurant, the number of parking stalls required is based on the number of seats, and the applicant is estimating that they will have approximately 22 seats for the restaurant and 10 seats for the coffee shop/ice cream parlour. Therefore, 14 parking spaces will be required.

Although there appears to be sufficient land area to supply the required parking spaces, consideration to the layout and turn-around space on the site is required. A professionally designed parking plan should be required to ensure that sufficient parking is available on the site.

Servicing

Currently, potable water and sewage disposal are provided on site; however, the owners will be upgrading the septic system to a treatment plant. Additionally, the Vancouver Island Health Authority (VIHA) has advised that a Permit to Operate will be required in order to use the existing well for potable water for the commercial use.

Heritage

The CVRD established a Community Heritage Register in order to identify properties having heritage value or heritage character. Being included on the local government heritage register does not constitute heritage designation or permanent heritage protection.

This dwelling was constructed in 1922 and the applicants are interested in preserving and promoting the heritage value of the building, and would like it be considered for inclusion on the CVRD Heritage Register.

Riparian Areas Regulation

As noted above, Shawnigan Creek is located on the west side of the subject property, and any new development proposed within 30 metres of Shawnigan Creek will require a Riparian Areas Regulation Development Permit to ensure protection of Shawnigan Creek. However, existing uses and buildings (lawn, gardens, the main residence, and accessory buildings) within 30 metres of the creek can be maintained.

To convert some of this area to parking (which may be required depending on the parking plan), a Riparian Areas Regulation assessment will be required. Although no new construction is proposed, any new development within 30 metres of the stream will require an assessment.

Policy Context

Zoning

While the intention of the current application is to permit a restaurant, coffee bar and ice cream shop, the proposed Local Commercial – C-2 Zone permits a range of commercial uses beyond the proposed food services. For reference, the adjacent property to the west (Mason's store) is also zoned C-2. Please see the attached C-2 Zoning description for a complete list of permitted uses in the C-2 zone.

Official Community Plan

The Official Community Plan outlines a number of relevant policies for consideration when evaluating proposals for new commercial development.

Policy 7.3

Shawnigan Village shall continue to function as the principal shopping and service centre of the area. To this end, future commercial growth shall be encouraged to locate within or immediately adjacent to existing commercial development in the Village.

Policy 7.6

The development of lands outside of the Shawnigan Village core for local commercial purposes may only be considered where the following criteria are met:

- a) It must be clearly demonstrated that the purpose of the proposed commercial operation is to provide a service to areas which are difficult or inconvenient to serve from the existing commercial core of Shawnigan Village;*
- b) The site must be accessible to a major local road (but need not front on one);*
- c) The proposed use will not generate excessive levels of traffic on minor local roads;*
- d) Existing views of surrounding properties will not be affected any more than they would be by residential use;*
- e) Public access to water shall not be reduced;*
- f) The site is to be developed in harmony with the character of the surrounding area (i.e. small in size, unobtrusive signage and lighting, adequate landscaping and screening, etc.);*
- g) The site is to be adequately serviced by a potable water source, sewage disposal system and off-street parking.*

Referral Agency Comments

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

- Shawnigan Lake Volunteer Fire Department – *Interests unaffected;*
- Lidstech Holdings – *No response received.*
- Vancouver Island Health Authority (VIHA) – *No objections to the proposed amendment, however a Permit to Operate must be issued from VIHA. If the applicants wish to use the existing wells as their source of drinking water, they will have to undergo source approval for the wells and a Permit to Operate a Water System will be required.*
- Ministry of Transportation and Infrastructure – *MoTI would like the well on the existing right-of-way decommissioned, and a survey plan showing all proposed uses, parking stalls, and access.*
- CVRD Public Safety Department – *Approval recommended subject to conditions*
 - *Minimum two points of access/egress to the proposed commercial establishment should be considered to provide citizenry and emergency services personnel secondary evacuation route.*
 - *The water system for the development must be compliant with “NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting” to ensure necessary firefighting water flows.*
- CVRD Parks and Recreation Department – *The Electoral Area B Parks Commission originally desired dedication of a 3 metre trail along Renfrew Road in front of the subject property to facilitate a roadside trail. However, a site visit conducted with Parks Department staff and the MOTI indicated that this will not be possible. Therefore, no trail is required. Currently, there is a paved shoulder on Renfrew Road, and a pedestrian crossing over Shawnigan Creek separated from the road by a guard rail.*
- CVRD Engineering and Environmental Services – *Not within any CVRD Water or Sewer Area*

In order to convert the dwelling to a commercial use, upgrades will be required to the building in accordance with the requirements of the BC Building Code. For example, these will include a review of the existing access for firefighting, ensuring adequate water supply for firefighting purposes, and sprinkling systems.

Advisory Planning Commission Comments

Recommendation:

That application 2-B-10 RS be approved subject to the following:

- *Limited C-2 Zone which would take into consideration the environmental sensitivity of the lot, and with allowable uses from the Bylaw limited to 1, 2, 3 (with limiting to table service only), 4, 14, and 15.*
- *Shawnigan Village Commercial DPA should extend to this area;*
- *MOTI communication and recommendations be completed in regards to entrance and egress and speed zones.*

Planning Division Comments

The proposed application is largely consistent with Policy 7.6 which specifies the criteria to be considered when rezoning property to commercial outside the Shawnigan Village area. The site appears to be well-placed in terms of its ability to provide commercial opportunities:

- It fronts a major road;
- Does not detract from views;
- Is adjacent to existing commercial property;
- Is within proximity to the Shawnigan Village and residential areas;
- There is an established crosswalk connecting this side of the road to Mason's Beach Park.

Additionally, while Policy 7.3 emphasizes the Shawnigan Village areas as the commercial core, this property is directly adjacent to an existing commercial property and will be within the vicinity of the Shawnigan Station development. Its location directly across from Mason's Beach makes it attractive for small-scale commercial uses provided that access from Mason's Beach to the subject property can be safely accomplished by pedestrians.

The OCP does not specify whether re-designation to commercial use warrants creation of a new development permit area (DPA). For reference, development permit areas may be established in order to guide the form and character of commercial development. It would not currently be directly applicable as no new construction or changes to the exterior of the building are proposed. However, if the property is redeveloped in the future, the DPA guidelines could specify guidelines for the appearance of the building including heritage elements, as well as landscaping and signage.

The draft South Cowichan OCP and Shawnigan Village Plan designate this property as Village Commercial, which is intended to provide for a diverse range of small-scale commercial uses. Within the draft plan, properties designated Village Commercial will also be subject to the guidelines of the Shawnigan Village Development Permit Area.

In the meantime, the Village Core Commercial Development Permit area could be applied to this property to ensure that any redevelopment occurs in harmony with the aesthetics of the surrounding lands.

In accordance with the APC's recommendation, a new zone (C-2C Local Commercial) has been drafted limiting the use to smaller-scale personal service and food service establishments. While retail stores are permitted, staff are suggesting that convenience stores and automotive parts, and accessory sales be removed from the list of permitted uses.

Options:

Option A:

1. That CVRD Bylaws No. – Electoral Area B – Shawnigan Lake Zoning and Official Community Plan Amendment Bylaws (Conner), 2011 be granted First and Second reading;
2. That the application referrals to the Ministry of Transportation and Infrastructure, Shawnigan Lake Fire Department, Lidstech Holdings, and Vancouver Island Health Authority be accepted;
3. That a public hearing be scheduled with Directors Cossey, Giles and Harrison appointed as delegates of the Board, following review by CVRD and Ministry of Transportation and Infrastructure of a professionally designed parking plan that satisfies the requirements of the CVRD Parking Standards Bylaw No. 1001.

Option B:

1. That Application No. 2-B-10RS (Conner) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

Option A is recommended.

Submitted by,



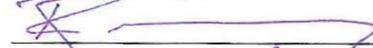
Rachelle Moreau
Planner I
Development Services Division
Planning and Development Department

RM/jah

Attachments

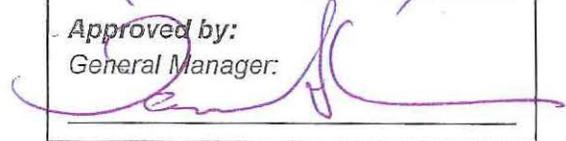
Reviewed by:

Division Manager:



Approved by:

General Manager:





**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.

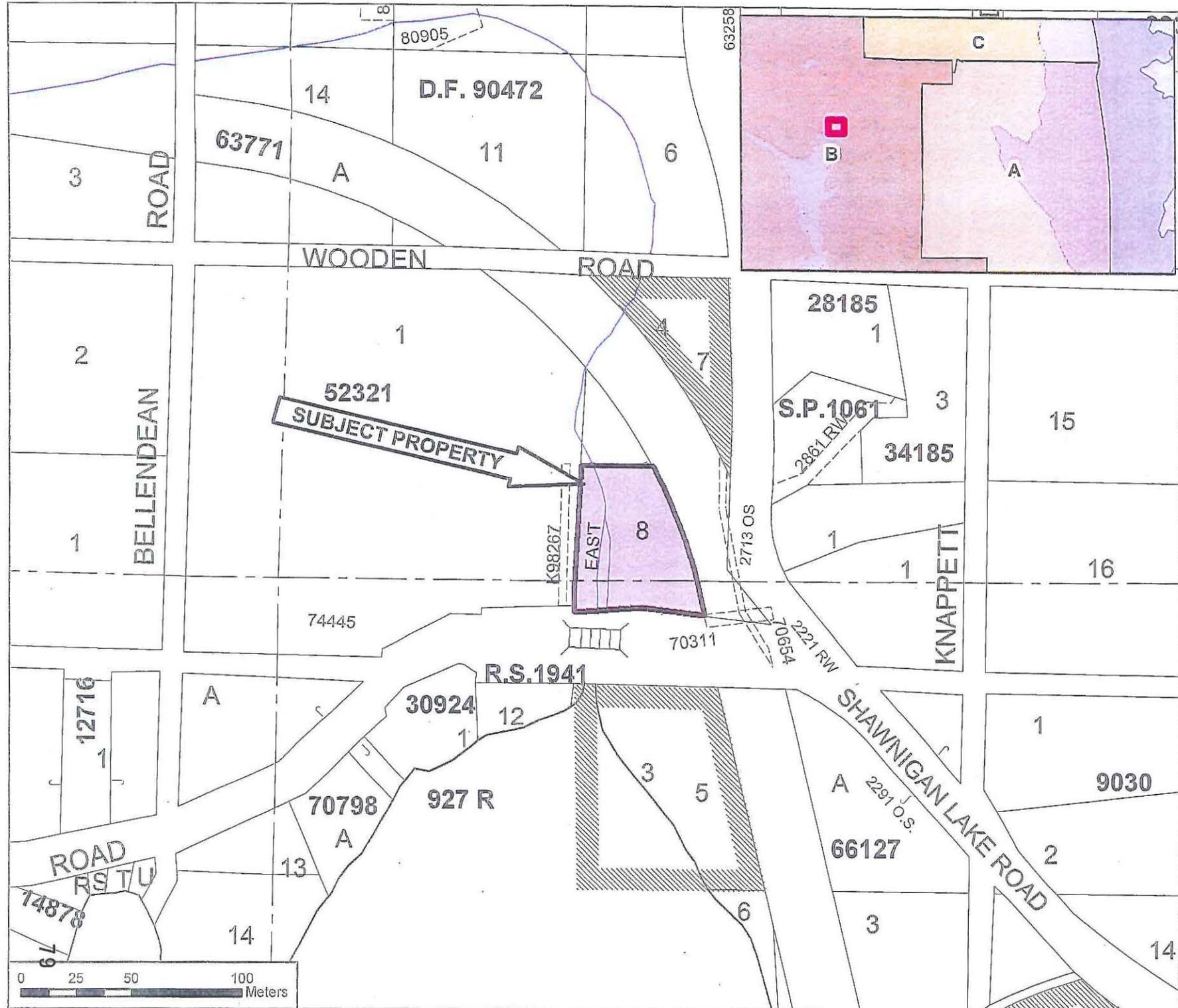
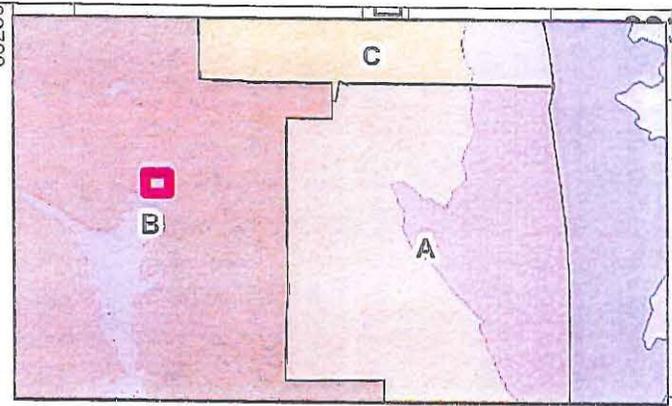
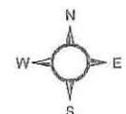
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

FILE: 2-B-10-RS

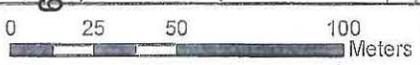
Legend

 Subject Property



52321
SUBJECT PROPERTY

EAST 8





Cowichan Valley Regional District

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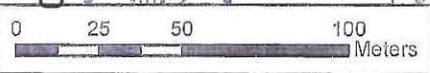
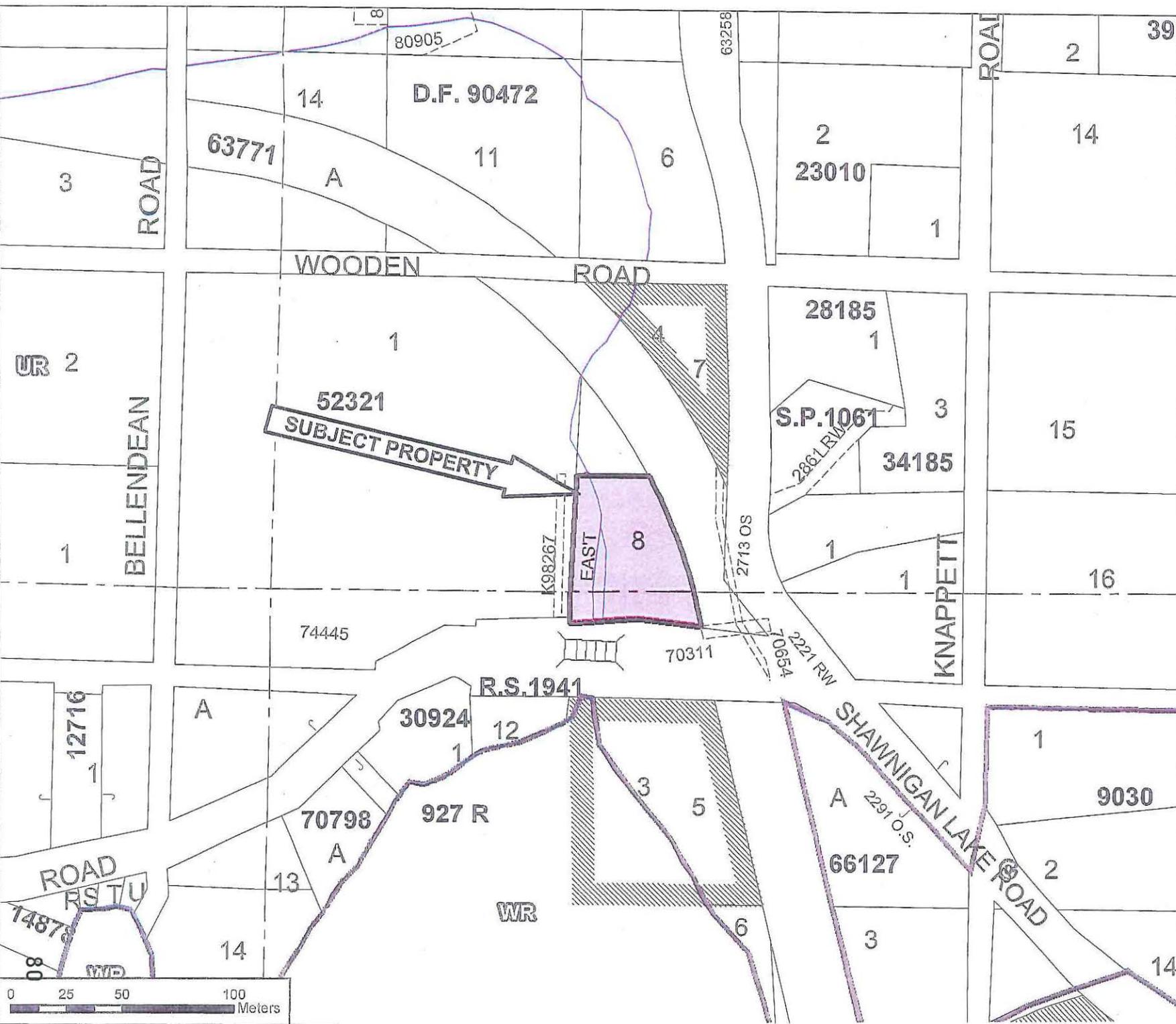
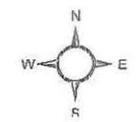
The original Dylaws should be consulted for all purposes of interpretation and application of the Dylaws.

FILE: 2-B-10-RS

OCP

Legend

-  Subject Property
-  OCP Electoral Area B





**Cowichan
Valley
Regional
District**

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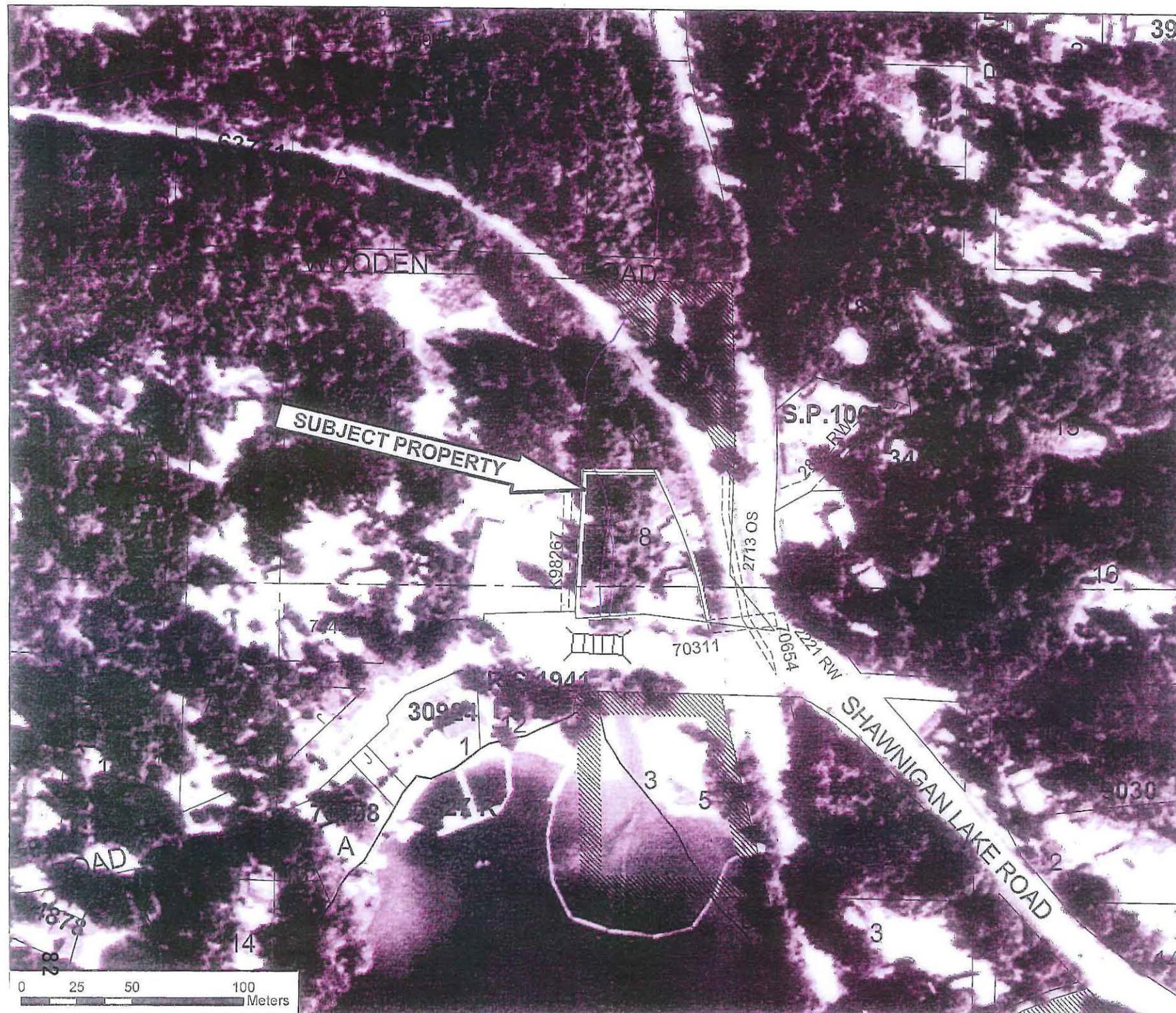
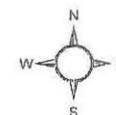
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FILE: 2-B-10-RS

**Orthophoto
(2002)**

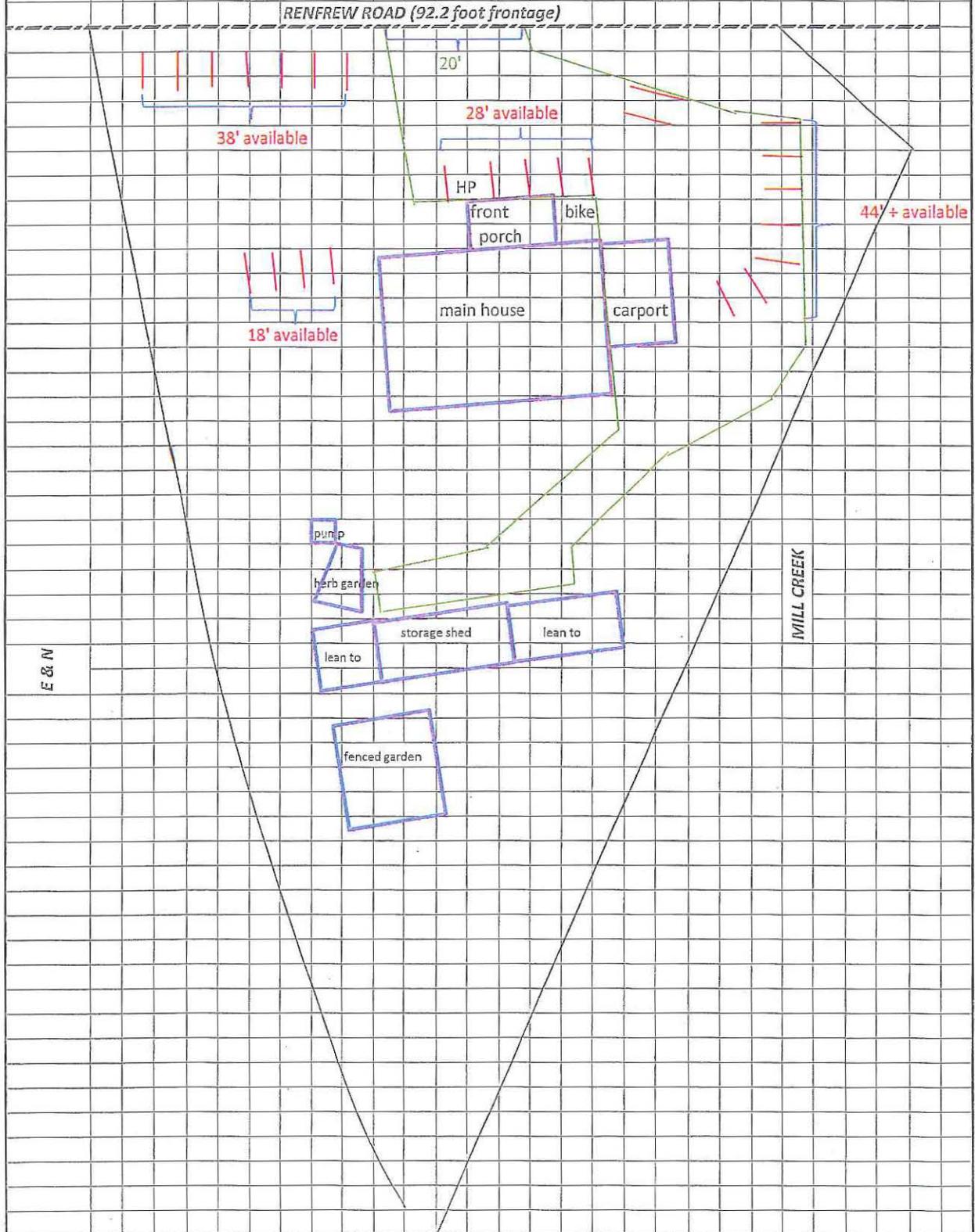


1845 Renfrew Road, Shawnigan Lake

Proposed Parking Plan

Green Lines - current paved parking

Red lines - proposed parking spaces



Looking east along Kennewick Rd.



Looking west along Kennewick Rd. Bridge crossing with rail.

9.4 C-2 ZONE - LOCAL COMMERCIAL

(a) Permitted Uses

The following uses and no others are permitted in a C-2 Zone:

- (1) retail stores including convenience stores and automotive parts and accessory sales but excluding external storage of goods;
- (2) offices banks credit unions and other financial establishments;
- (3) restaurants catering including drive-in restaurants;
- (4) personal service establishments;
- (5) repair and servicing of personal and household goods and power tools electric and electronic equipment;
- (6) bowling alley arcade billiard and games room;
- (7) hardware and camping supply sales excluding storage yards;
- (8) ancillary wholesale sales and warehousing;
- (9) funeral parlours;
- (10) printing and publishing;
- (11) veterinary clinic;
- (12) parking garages and lots bus depots;
- (13) commercial plant nurseries horticulture retail sales of gardening supplies and produce ancillary outdoor storage;
- (14) bed and breakfast accommodation; and
- (15) one single family residential dwelling per parcel accessory to a use permitted in Section 9.4(a)(1) to (13) above;

(b) Conditions of Use

For any parcel in a C-2 zone:

- (1) the parcel coverage shall not exceed 50 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;
- (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 II:

COLUMN I Type of Parcel Line	COLUMN II Buildings & Structures
Front	7.5 metres
Side (Interior & Exterior)	4.5 metres
Rear	6.0 metres

ENHANCING SHAWNIGAN VILLAGE

Our vision is to provide an affordable family eatery, filling the current void of a breakfast, lunch and dinner venue in the heart of Shawnigan Lake.

It is our hope to open Riverside Restaurant on the main floor of the "Riverside" house, located at 1845 Renfrew Road. The unique home of 88 years will be refurbished, removing the 1970's style gold shag carpets in preference to the original fir floors waiting to be brought to their former glory. All other heritage aspects of the home and its history (owned originally by Mrs. Bloomquist followed by a period as a United Church Manse), will be featured as part of the charm of the restaurant and its location in the heart of Shawnigan Lake. We will be investigating the possibility of having the home listed as a heritage home and will maintain it as such.

Riverside cuisine will focus on healthy, locally sourced, organic meals for breakfast, lunch and dinner that feature the culinary gifts of the Pacific Rim. (For example. . . breakfast will feature innovative, low fat, highly artistic creations with fruit, yogurt, waffles, crepes, etc. Lunch will be a mix of savoury crepes, quiches, local cheese & gourmet crackers, unique salad combinations and light entrees. Dinner will focus on fresh market produce, preferably organic, locally grown chicken and locally harvested wild seafood.) We plan on growing our own herbs in the already established garden, and placing our own cut flowers throughout the restaurant. Our vision is of excellence in guest services, culinary enjoyment, and fair pricing nestled in the quaint and friendly village of Shawnigan Lake.

The ground floor of the "Riverside" House will feature the Beach House, an upscale specialty coffee house, and organic ice cream bar, offering frozen desserts and confections. This venue will be of particular benefit to the many public beach goers (across the street) and students of Shawnigan Lake School. Once again, décor will be in keeping with the heritage aspects of the building, and will feature photos of the various watersports and activities on Shawnigan Lake over the years. We are members of the Shawnigan Lake Museum, and are eager to work with the curator to procure copies of some of these unique photos.

Organic Ice Cream flavours will be used in seasonal dessert cakes to be sold as take-home, by the piece in the café ice cream bar or as a dessert in the Riverside Restaurant. Confections will include hand-dipped chocolates, and fancy squares, available for enjoyment on site, for take-home, or packaged in seasonal gift boxes. Bakery items will include cheesecakes, shortbread, and European pastries for take-out or consumption in the café ice cream bar, or to complement a meal in the restaurant. All items will be artisan - made fresh on the premises, using local, organic ingredients as a first choice. We will provide a boutique café ice cream, dessert and confection experience, blending unusual flavours to delight the senses.

Our menu, service and culture will embrace the “alimento lento” – slow food tradition – where pleasure, delight, taste, place and conviviality allow patrons to share with friends and honour the earth. Food is at the heart of cultural identity – the South Island Region is developing a *culinary* identity and we wish to feature Shawnigan Lake, while becoming a defining partner in that movement.

We believe that Shawnigan Lake is the perfect location for such a venture due to demographics, growth, proximity to the beach, and vibrancy of the tourist industry in the area. While there are currently two specialty coffee outlets, most of the venues are rustic, and very small. We will not compete as a rustic cafe, but rather, provide a warm, vibrant, jazz infused, laid-back and lingering coffee house where one can enjoy an organic espresso or an organic tea with organic desserts such as Chocolate Hazelnut Swirl Cheesecake, Frozen Banana Bombe or Lemon Lavender Shortbread.

It is our intention to serve all take-out product in compostable containers; to have a net energy use of \$0 as we hope to purchase wind power offset credits, and finally, we will donate a percentage of our profits to promote both social and environmental justice.

We hope to provide some unique activities to patrons:

- We plan to open our doors to clubs and charitable groups when possible, for both meeting space and activities.
- We will feature Island musicians when possible to enhance the dining experience.
- Young families will enjoy flexible menu selections, in addition to a children’s play area in the Beach House. We will also engage preschool locals in story time once per month, with an opportunity for children to dress in costumes.
- We wish to offer game nights in the Beach House, providing organized social activity.
- Our location will provide work to students, and a venue for them to hang out in. Currently, there are no indoor spaces within walking distance for Shawnigan Lake school students. We hope to make the Beach House their favorite gathering spot.

Mission:

To share expressive, joyful creativity and honour for the earth and all beings through the delivery of exceptional, unique and alternative food products which celebrate and

inspire the *alimento-lento* (slow food) movement. Our desire is to inspire each of our patrons to live 'in the moment'.

Values:

We believe that quality products and services can only be produced by service-centred individuals, whose level of responsibility, punctuality, honesty, integrity, patience, loyalty, compassion and kindness are reflected in the choices they make each and every moment of every day, regardless of where they are and what they are doing. We value peace, harmony and team.

Vision:

Our vision is to inspire Cowichan locals to live consciously 'in the moment'; becoming the top of mind innovator of exceptional, unique and alternative food experiences. We wish to develop a sought after product and provide a value add to the tourists of Cowichan, enhancing their experience and encouraging them to make a return trip in the future.

Additional Information

- 31 years ago, Mr. Ettema, a previous owner of "Riverside", made a request to have the property at 1845 Renfrew rezoned commercial because he had heard from the CVRD that all the land between Shawnigan Garage and Mason's Store would eventually be commercially zoned. He made a second request six years after his first, as he was told that the "settlement plan" was to be reviewed. His correspondence and CVRD reply are included with this application. We are hopeful that after 31 years of waiting for commercial on this property, that Mr. Ettema may see it be rezoned in his lifetime. He is still living in Shawnigan, although he is now in his late 80's.
- We are upgrading the septic field to a treatment system. The current septic field, while still working, will not be adequate for commercial use.
- We have other options for water, as the current wells (2 of them) are not appropriate for commercial use.
- In the future, we plan on developing a garden area for patron enjoyment, and calling it the Bloomquist Rail Garden, maintaining the theme of the era and honoring the first owner of the property.
- We will have adequate parking per seating (including staff, delivery and handicapped) and adequate bathrooms per seating.
- We will have handicapped access to the building, in addition to handicapped bathroom facilities.
- We have had initial conversations with BC Hydro for 3 Phase power, which is readily available.
- We have a group of young people from Shawnigan and Duncan who are interested in working in the Beach House and/or the Riverside Restaurant when we finally open.

- We will pursue Heritage status.
- We plan to live upstairs in the loft, making this property multi-use.

The Riverside Story

In the early 1900's, three sisters came to Shawnigan with their families - Mrs. Koenig (later Kingsley) to start Koenig's Hotel; Mrs. Hartl to farm at the end of Hartl Road; and Mrs. Bloomquist, whose husband was a river pilot in the north and subsequently died in 1918 in the Sofia disaster.

Mrs. Bloomquist lived first in the River's house. In 1922 she built Riverside and moved there. In the early 1930's Mrs. Bloomquist put Riverside up for rent and she moved over the The Knoll. The final renter of this era was Mr. & Mrs. P.G. Cudlip. One of the other tenants was Constable Bobby Ross, who was there in 1937.

In 1952 Mrs. Bloomquist sold Riverside to the United Church for a Manse, and she once again moved, this time to the Tower House. United Church Ministers living in Riverside were Reverend Bernard Knipe, Reverend Howard Turpin and Reverend Leander Gillard.

In 1961 Riverside was sold to Mr. and Mrs. Barry, parents of Eileen Mason and again in 1976 it sold to Mr. and Mrs. Ettema. Mrs. Ettema used the ground floor as an art studio where she taught many Shawnigan residents how to paint.

Riverside briefly sold again in 2009 to Mr. and Mrs. Vreden of Victoria, and finally was purchased in 2010 by the current owners, Deborah and Daryl Conner.

In 88 years, Riverside has had many lodgers, but only six owners. We plan on seeing Riverside through its Centenarian celebration.



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3501

A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. 1010, Applicable To Electoral Area B – Shawnigan Lake

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

AND WHEREAS the Regional District has adopted an official community plan bylaw for Electoral Area B – Shawnigan Lake, that being Official Community Plan Bylaw No. 1010;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 1010;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3501 – Electoral Area B – Shawnigan Lake Official Community Plan Amendment Bylaw (Conner), 2011**".

2. **AMENDMENTS**

Cowichan Valley Regional District Official Community Plan Bylaw No. 1010, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. CAPITAL EXPENDITURE PROGRAM

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

READ A FIRST TIME this _____ day of _____, 2011.

READ A SECOND TIME this _____ day of _____, 2011.

READ A THIRD TIME this _____ day of _____, 2011.

ADOPTED this _____ day of _____, 2011.

Chairperson

Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No.

Schedule A to Official Community Plan Bylaw No. 1010, is hereby amended as follows:

1. That Parcel A (DD 42057I) of Lot 8, Block 4, Sections 3 and 4, Range 4, Shawnigan District, Plan 218, as shown outlined in a solid black line on Plan number Z-XXX attached hereto and forming Schedule B of this bylaw:
 - a. Be redesignated from Urban Residential to Commercial;
 - b. Be designated within the Village Core Commercial Development Permit Area; and

that Schedule B to Official Community Plan Bylaw No. 1010 be amended accordingly.



C.V.R.D.

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3502

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

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

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area B – Shawnigan Lake, that being Zoning Bylaw No. 985;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 985;

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

1. CITATION

This bylaw shall be cited for all purposes as "CVRD Bylaw No. 3502 - Area B – Shawnigan Lake Zoning Amendment Bylaw (Conner), 2011".

2. AMENDMENTS

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

- a) Schedule B (Zoning Map) to Zoning Bylaw No. 985 is amended by rezoning Parcel A (DD 420571) of Lot 8, Block 4, Sections 3 and 4, Range 4, Shawnigan District, Plan 218 – which is identified by shading on Schedule Z-XXXX attached hereto and forming part of this Bylaw, from R-3 (Urban Residential) to C-2C (Local Commercial).
- b) Part 9.0 is amended by adding a new Section 9.4 C-2 C (Local Commercial) and re-numbering subsequent sections.

9.4 C-2C – LOCAL COMMERCIAL

(a) Principal Permitted Uses

The following uses and no others are permitted in a C-2C Zone:

- (1) retail stores excluding convenience stores and external storage of goods;
- (2) offices, banks, credit unions, and other financial establishments;
- (3) restaurants, catering, excluding drive-through;
- (4) personal service establishment;
- (5) bed and breakfast;
- (6) one office and one single family dwelling per parcel accessory to the uses permitted in Section 9.4(a)(1) to 9.4(a)(5).

(b) Conditions of Use

For any parcel in a C-2C zone:

- (1) the parcel coverage shall not exceed 50 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;
- (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 II:

COLUMN I Type of Parcel Line	COLUMN II Buildings & Structures
Front	7.5 metres
Side (Interior & Exterior)	4.5 metres
Rear	6.0 metres

c) Amend Part 14.1 to include the following minimum parcel sizes:

Zoning Classification Under Zoning Bylaw	Parcels Served by Community Water and Sewer Systems	Parcels Served by Community Water System Only	Parcels Neither Served by Community Water or Sewer
C-2C Local Commercial	1100 sq. m	1675 sq. m	0.8 ha

3. FORCE AND EFFECT

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

READ A FIRST TIME this _____ day of _____, 2011.

READ A SECOND TIME this _____ day of _____, 2011.

READ A THIRD TIME this _____ day of _____, 2011.

ADOPTED this _____ day of _____, 2011.

Chairperson

Secretary



R5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 18, 2012

DATE: September 12, 2012 FILE NO: 4-C-12 DP
 FROM: Alison Garnett, Planner I BYLAW NO: 3510
 SUBJECT: Application No. 4-C-12 DP
 (Ingham for Robbins)

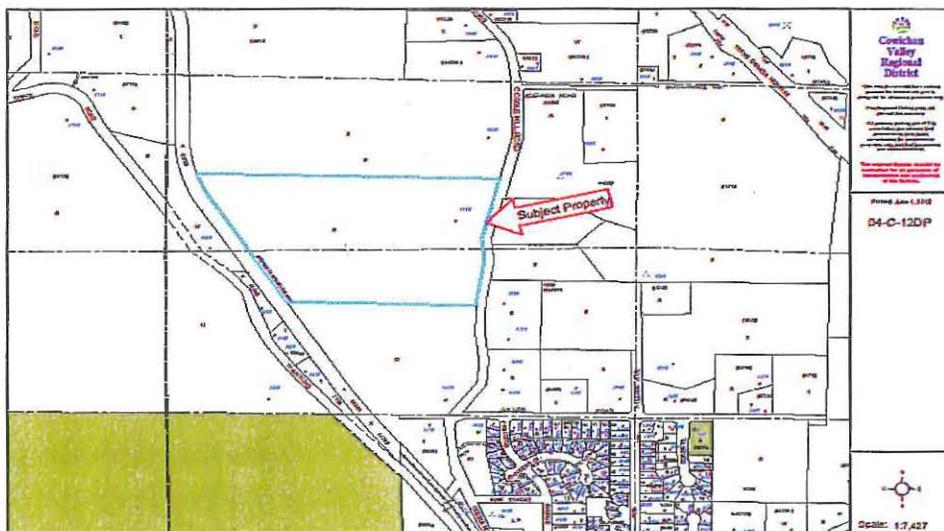
Recommendation/Action:

That Application No. 4-C-12DP submitted by Arthur Ingham for George Robbins on Parcel B (DD366161) of Sections 14 and 15, Range 5, Shawnigan District (PID 009-462-333) 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. 2506;
- 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.

Relation to the Corporate Strategic Plan: N/A

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



Background:

<u>Location of Subject Property:</u>	3770 Cobble Hill Road
<u>Legal Description:</u>	Parcel B (DD 36616I) of Sections 14 and 15, Range 5, Shawnigan District (PID 009-4620333)
<u>Date Application Received:</u>	June 1, 2012
<u>Owner:</u>	George Robbins
<u>Applicant:</u>	Arthur Ingham
<u>Size of Parcel:</u>	16 hectares (40 acres)
<u>Existing Zoning:</u>	A-1 (Primary Agricultural)
<u>Minimum Lot Size:</u>	12 ha
<u>Existing Plan Designation:</u>	Agricultural
<u>Existing Use of Property:</u>	Residential and Agricultural
<u>Use of Surrounding Properties:</u>	Agricultural
<u>Road Access:</u>	Cobble Hill Road
<u>Water:</u>	On site
<u>Sewage Disposal:</u>	On site
<u>Agricultural Land Reserve:</u>	The property is located in the ALR. The ALC approved a Section 946 subdivision of this property (ALC resolution #426/2011)
<u>Environmentally Sensitive Areas:</u>	There is a watercourse located on the subject property which drains into Dougan Lake.
<u>Fire Protection</u>	Cowichan Bay Volunteer Fire Department
<u>Archaeological Site:</u>	We do not have record of any archaeological sites on the subject property.
<u>Urban Containment Boundary:</u>	Property is located outside of the Village Containment Boundaries

The Proposal:

The applicant has applied for a development permit for a 2 lot subdivision. The subdivision application is being made pursuant to Section 946 of the *Local Government Act*, in order to provide a residence for a relative.

The subject property is a 16 hectare (40 acre) lot, located on Cobble Hill Road. The property is zoned A-1, is designated for Agricultural use in the South Cowichan Official Community Plan, and is located in the Agricultural Land Reserve (ALR).

The property is currently used for residential and agricultural purposes. The sketch plan of subdivision shows a single family home, barn, and garage on the parcel, with agricultural fields and garden areas on the remainder of the property. A watercourse is also located on the subject property, therefore an assessment 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: a 0.8 hectare lot to be retained by the current owner, and a 15 hectare remainder which is intended for residential and farm use by the owner's family. The Agricultural Land Commission approved the subdivision proposal in 2011.

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, as part of the CVRD's subdivision review process. The Vancouver Island Health Authority is responsible for approving septic disposal.

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. We note that the ALC provided input on the location of the future home, in order to minimize impact on the agricultural use of the subject property and adjacent farm. The future house location will be in the northeast corner of the parcel.

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 are not yet at the stage where building plans for the new lot have been prepared and submitted. There is no anticipated tree removal, as the site is already cleared for agricultural uses.

Managing increased rainwater flows should not be difficult on this site due to the large proposed lot size. Since the adoption of the South Cowichan OCP and implementation of these development permit guidelines, it is becoming standard practice for Planning staff to recommend rainwater management plans for newly subdivided lots. On a large rural parcel such as this, we recommend 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. 2506 was prepared by Steve Toth, and is attached to this report. Report 2506 identifies a ditched watercourse on the subject property, which drains north and discharges to Dougan Lake. A Streamside Protection and Enhancement Area of 10 metres is recommended, although no residential 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. The location of the proposed residence, as approved by the ALC, is well away from the ditched watercourse. We note that agricultural practices are exempt for the RAR.

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 C Advisory Planning Commission has not reviewed this development permit application. However they did review the ALC application July 14th, 2011, and recommended that the application be forwarded to the ALC.

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 1).

Options:

1. That Application No. 4-C-12DP submitted by Arthur Ingham for George Robbins on Parcel B (DD366161) of Sections 14 and 15, Range 5, Shawnigan District (PID 009-462-333) 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. 2506;
 - 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. 4-C-12DP submitted by Arthur Ingham for George Robbins on Parcel B (DD366161) of Sections 14 and 15, Range 5, Shawnigan District (PID 009-462-333) for subdivision of one new lot be revised.

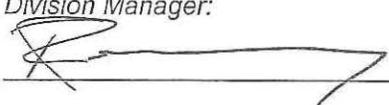
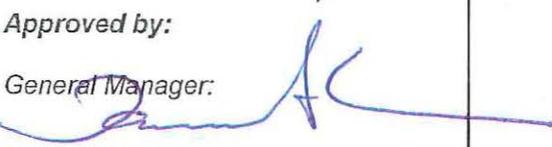
Submitted by,



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

AG/jah

Attachments

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



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

FILE NO: 4-C-12 DP

DATE: September 11, 2012

REGISTERED PROPERTY OWNER(S):

George Robbins

3770 Cobble Hill Road RR#1

Cobble Hill BC V0R 1L0

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):
Parcel B (DD 366161) of Sections 14 and 15, Range 5, Shawnigan District (PID 009-4620333)
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):
 - a) Subdivision will be in substantial compliance with the approved plans and RAR report No. 2506;
 - 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.
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. 2506, dated September 1, 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



C.V.R.D.

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

The Cowichan Valley Regional District does not warrant the accuracy.

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

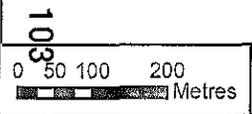
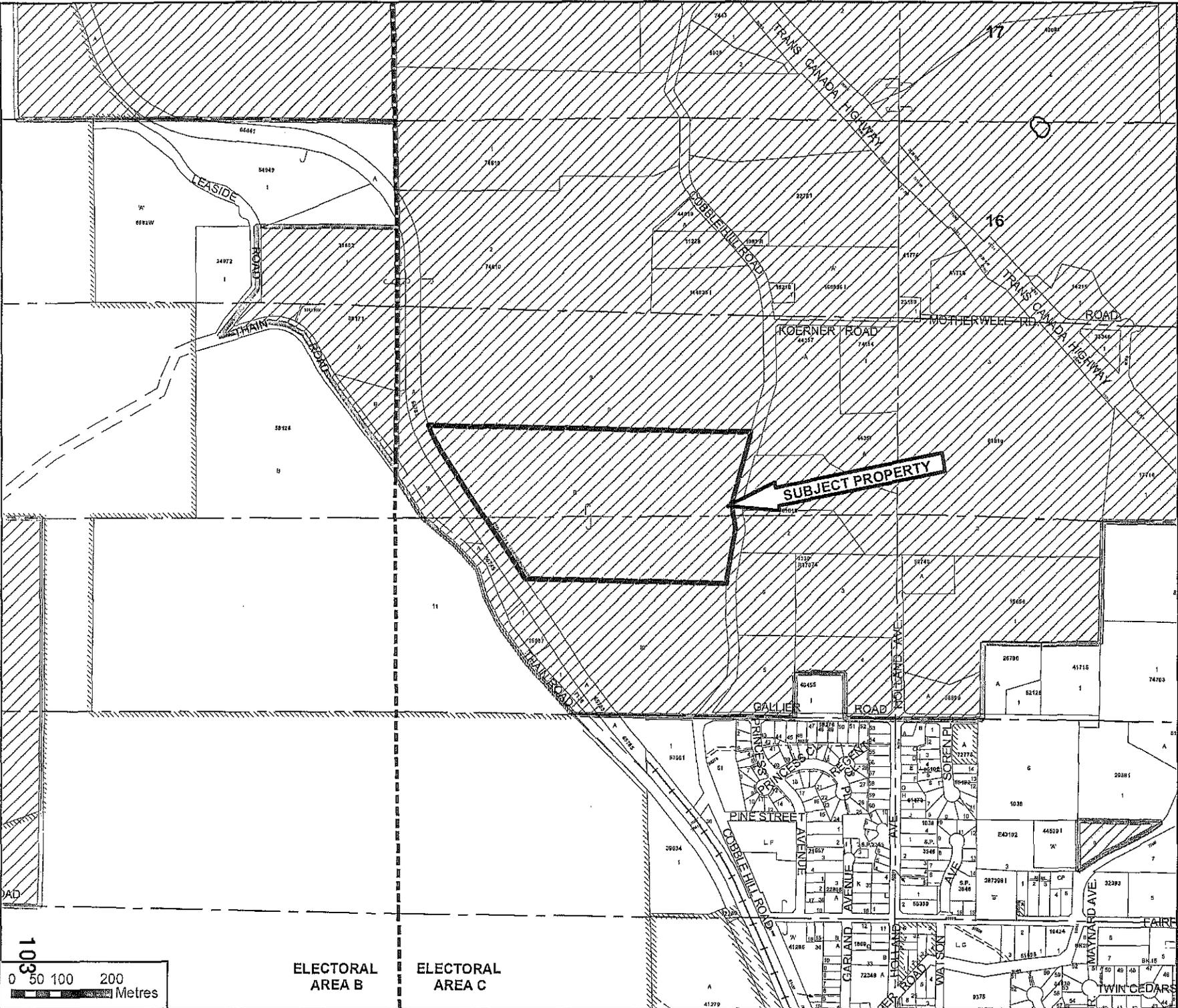
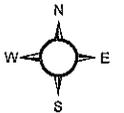
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 04-C-12-DP

ALR

Legend

- Subject Property
- ALR C



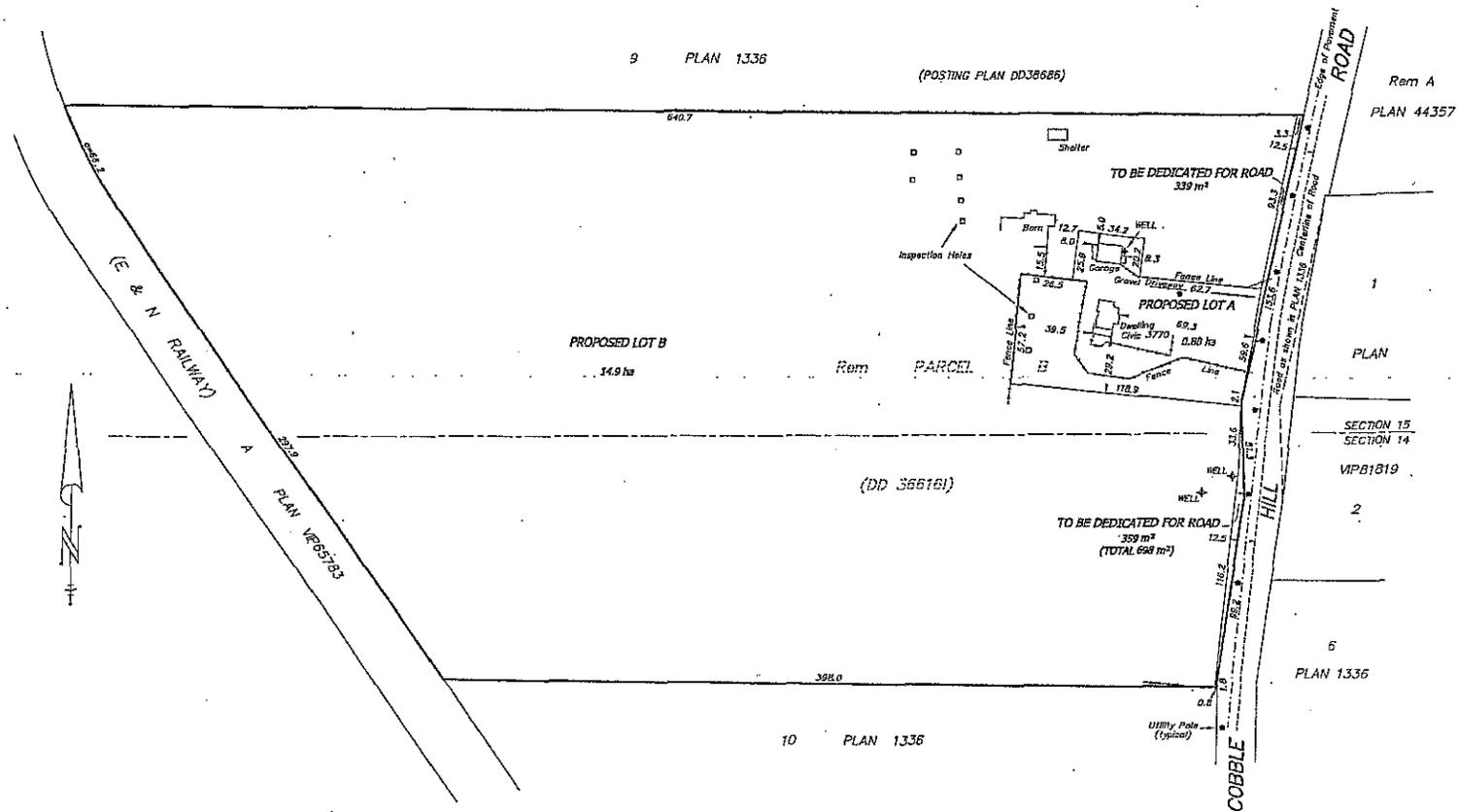
ELECTORAL AREA B ELECTORAL AREA C

2012-01581

PLAN OF PROPOSED SUBDIVISION OF PARCEL B (DD 366161) OF SECTIONS 14 AND 15, RANGE 5, SHAWNIGAN DISTRICT.

SCALE 25 0 25 50 75 100 metres
All distances are in metres and are subject to change upon approval and legal survey.

Note: Parcel B lies within the C.V.R.D. Area C and is Zoned A-1. Bylaw setback requirements are as follows:
Residential and Accessory Use
Front 7.5 m
Side (Interior) 3.0 m
Side (Exterior) 4.5 m
Rear 7.5 m



KENYON WILSON PROFESSIONAL LAND SURVEYORS
FILED: 12-7289_PRO.dwg
DATE: March 12, 2012
227 Glenora Avenue
Dundas, Ont. L9G 2T7 (416) 748-4745

RECEIVED
APR 05 2012

MINISTRY OF TRANSPORTATION
SAANICH AREA OFFICE

Riparian Areas Regulation: Assessment Report

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

Date **September 1, 2012****RAR# 2506****I. Primary QEP Information**

First Name	Steve	Middle Name	
Last Name	Toth		
Designation	R.P.Bio	Company	Toth and Associates Environmental Services
Registration #	1788	Email	stoth@shaw.ca
Address	6821 Harwood Drive		
City	Lantzville	Postal/Zip	V0R 2H0
Prov/state	BC	Country	Canada
		Phone #	250-390-7602

III. Developer Information

First Name	George	Middle Name	
Last Name	Robbins		
Company			
Phone #	250-743-5348	Email	G.Robbins@shaw.ca
Address	3770 Cobble Hill Road		
City	Cobble Hill	Postal/Zip	V0R 1L5
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Subdivision of ALR lands		
Area of Development (ha)	18	Riparian Length (m)	170
Lot Area (ha)	18	Nature of Development	Redevelopment
Proposed Start Date	2012-09-20	Proposed End Date	2013-12-31

V. Location of Proposed Development

Street Address (or nearest town)	3770 Cobble Hill Road						
Local Government	Cowichan Valley Regional District			City Cobble Hill			
Stream Name	Unnamed						
Legal Description (PID)	009-462-333			Region Vancouver Island			
Stream/River Type	Ditch			DFO Area South Coast			
Watershed Code	NA						
Latitude	48	41	52	Longitude	123	36	37

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Section 1. Evaluation of a ditch on 3770 Cobble Hill Road for a proposed subdivision of ALR lands.

Toth and Associates Environmental Services conducted a site survey of a drainage feature on 3770 Cobble Hill Road (PID 009-462-333), Section 14&15, Range 5, Shawnigan Land District on July 26, 2012. The survey was conducted to evaluate whether an assessable watercourse under the provincial *Riparian Areas Regulation* (RAR) pertaining to the proposed subdivision of the ALR property was present on, or adjacent to the subject property (Figure 1). An assessable ditched watercourse as defined within the RAR was observed on the subject property.

The south – north oriented ditch is located in the central part of the parent property. The ditch drains a low-lying forested swamp area located south of the subject property and runs northerly approximately 170m to the adjacent farmlands on the north side of the subject property (3810 Cobble Hill Road). The ditch continues north across the adjacent parcel for approximately 160m before running into a forested ravine area. The watercourse continues northerly within the forested ravine for approximately 550m before running onto farmlands at 3920 Cobble Hill Road where it again forms a ditch. The ditch flows northwest for approximately 1350m and discharges to Dougan Lake.

It is likely that the ditch was created to drain low lying forested swamplands / seasonal wetlands, but it is not known if there was a pre-existing natural connection between the headwater wetland and Dougan Lake prior to construction of the ditch network. Where ditches are connected to fish habitat they are considered streams under the *Riparian Areas Regulation* and require an assessment and SPEA determination. Ditches are characterized as being manmade and straight with no significant headwaters or springs. As the ditch on the subject property originates from a headwater wetland it would be considered a ditched watercourse under the RAR.

The RAR does not apply to farming activities as defined under the *Farm Practices Protection Act* on ALR lands. However, while the RAR does not apply to farming activities themselves, it does apply to non-farming activities on lands that may otherwise be used, designated, or zoned for agriculture. It was the Cowichan Valley Regional District's determination that this ALR subdivision is subject to the RAR. As the ditch may provide seasonal flows to the fish-bearing waters of Dougan Lake the RAR would apply to any proposed development as regulated under the *Municipal Act* (including subdivision) proposed within 30m of the ditch.

Based on the site survey it is our opinion that the ditch on the property does not support fish. The ditch was almost dry at the time of survey and the available mapping suggests the presence of significant stream gradient downstream on 3920 Cobble Hill Road. It is possible that at some point downstream the ditch may contain fish; however this was not verified as part of this assessment.

Section 2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: **September 1, 2012**

Description of Water bodies involved (number, type)

1 – Ditched watercourse

Ditched watercourse

Number of reaches **1**

Reach # **1**

Channel width and slope and Channel Type

Channel Width(m)		Gradient (%)		I, <u>Steve Toth</u> (<i>name of qualified environmental professional</i>), 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>George Robbins</u> (<i>name of developer</i>); c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
starting point				
	2.5			
	2.5			
	2.5			
	2.5	1		
	2.5			
	2.5			
	2.5			
	2.5			
	2.5	1		
	2.5			
	2.5			
Total: minus high /low	22.5			
mean	2.5	1		
Channel Type	R/P <input checked="" type="checkbox"/>	C/P <input type="checkbox"/>	S/P <input type="checkbox"/>	

Site Potential Vegetation Type (SPVT)

SPVT Polygons	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
---------------	------------------------------	--	---

I, Steve Toth, 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 George Robbins;
 c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
 d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Polygon No:	1	Method employed if other than TR
SPVT Type	LC <input type="checkbox"/> SH <input type="checkbox"/> TR <input checked="" type="checkbox"/>	

Zone of Sensitivity (ZOS) and resultant SPEA

Segment **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	South bank	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Litter fall and insect drop ZOS (m)	10					
Shade ZOS (m) max	NA					
SPEA maximum	10	(For ditch use table3-7)				

Segment **2** 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	South bank	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Litter fall and insect drop ZOS (m)	10					
Shade ZOS (m) max						
SPEA maximum	10	(For ditch use table3-7)				

I, Steve Toth, 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 George Robbins;
 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.

Figure 1. Subject property and drainage network

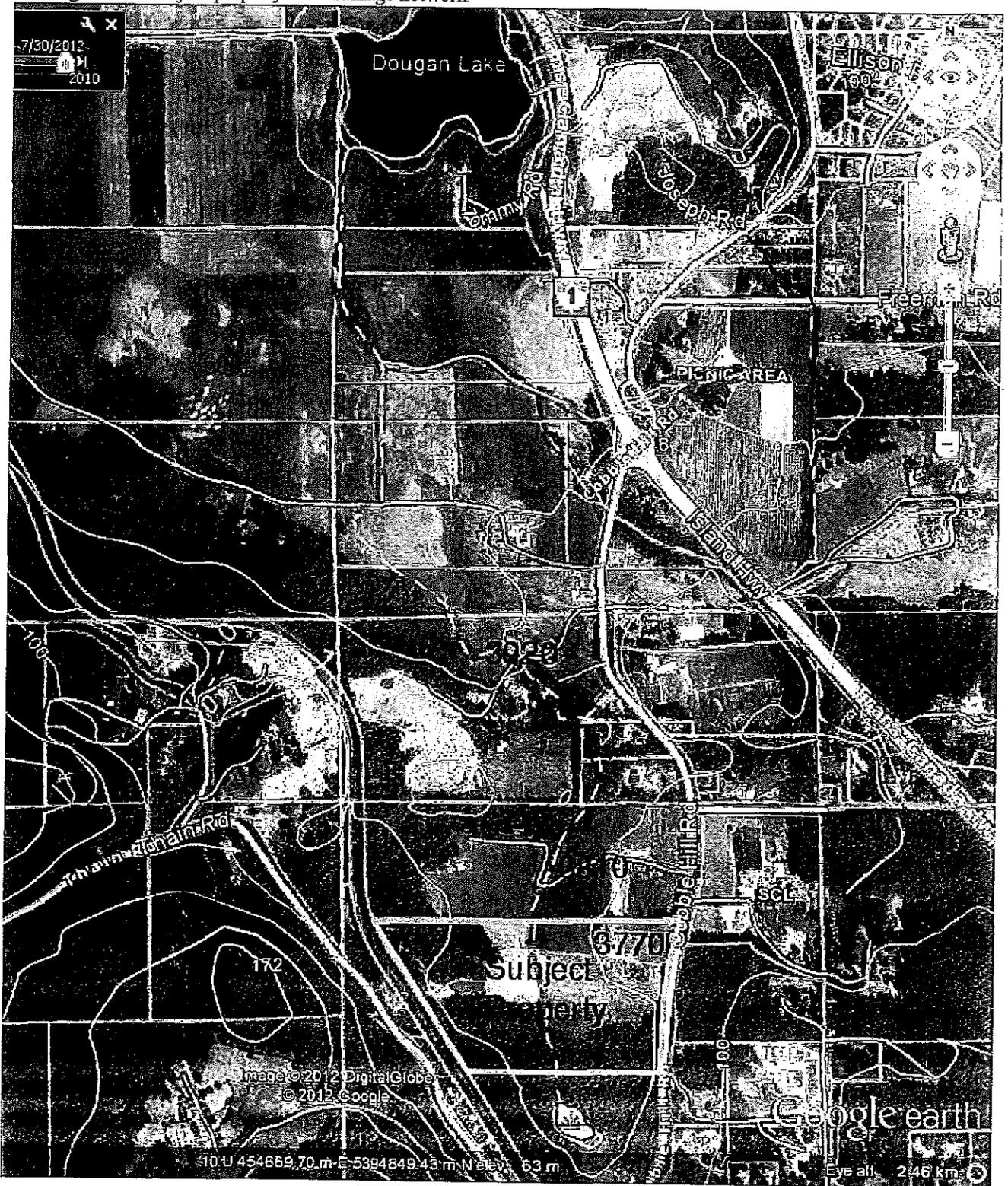
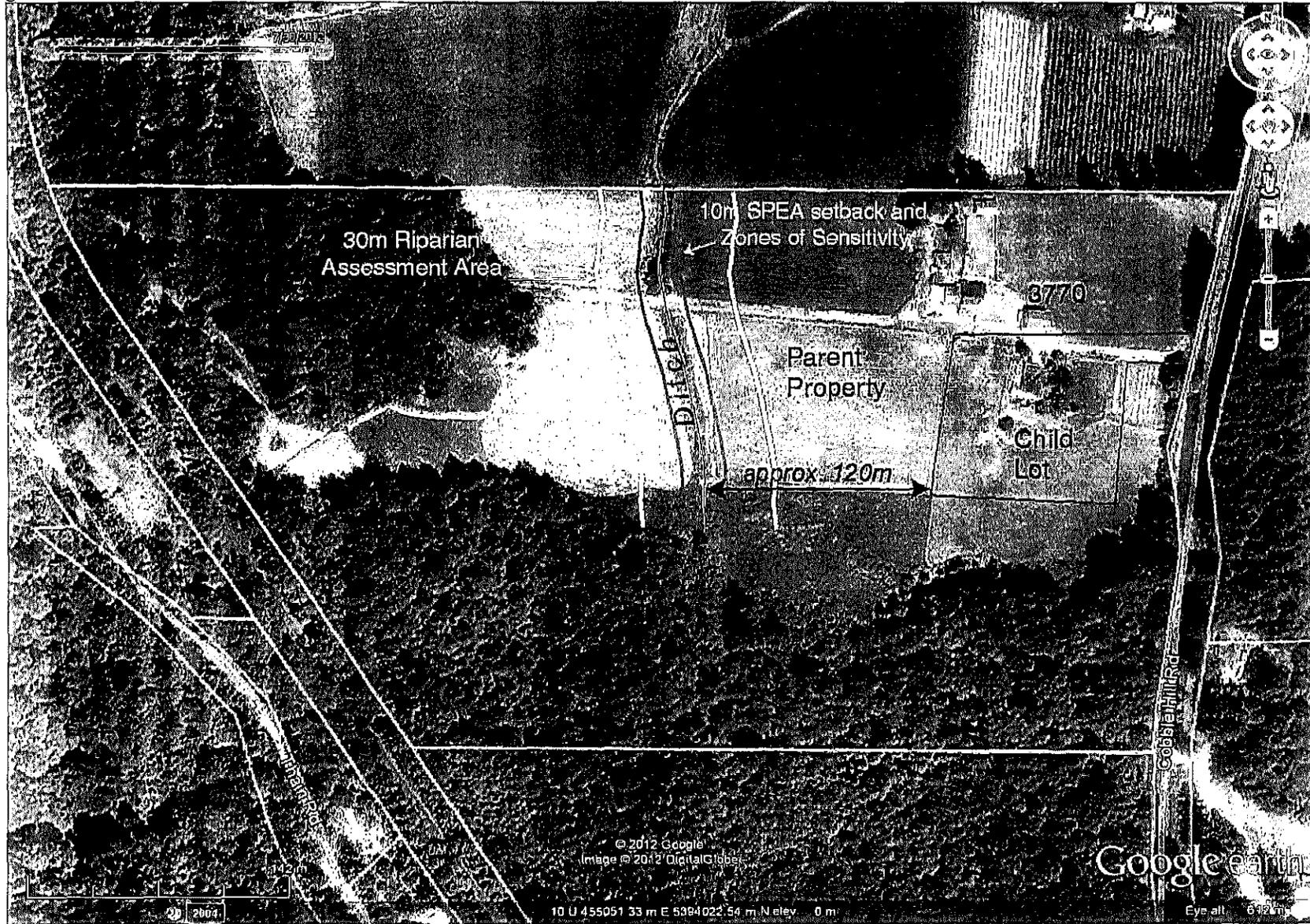


Figure 2. Setbacks and Features



Section 4. Measures to Protect and Maintain the SPEA

1. Danger Trees	There were no danger trees within the assessment area during the survey.
<p>I, <u>Steve Toth</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>George Robbins</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>	
2. Windthrow	The proposed development is subdivision and therefore will not affect windthrow potential within the SPEA.
<p>I, <u>Steve Toth</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>George Robbins</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
3. Slope Stability	There are no steep slopes within the assessment area
<p>I, <u>Steve Toth</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>George Robbins</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>	
4. Protection of Trees	The proposed development is subdivision and does not involve physical alteration of the subject property.
<p>I, <u>Steve Toth</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>George Robbins</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>	
5. Encroachment	The proposed development is subdivision and does not involve physical alteration of the subject property.
<p>I, <u>Steve Toth</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>George Robbins</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	The proposed development is subdivision and does not involve physical alteration of the subject property.
<p>I, <u>Steve Toth</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>George Robbins</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	The proposed development is subdivision and does not involve physical alteration of the subject property.
<p>I, <u>Steve Toth</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>George Robbins</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)	There are no identified floodplains on the subject property. There is no physical development proposed within the 30m riparian assessment area.
<p>I, <u>Steve Toth</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>George Robbins</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

The proposed development does not involve physical alteration of lands within the 30m riparian assessment area, therefore environmental monitoring of the proposed development and post-development reporting are not required.

Section 6. Photos



Photograph 1. View from boundary of proposed child parcel to ditch on parent property.



Photograph 2. View south along ditch line.



Photograph 3. View from farm bridge crossing on ditch to child parcel boundary (far fence-line).

Section 7. Professional Opinion

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

Date

1. I/We Steve Toth

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 George Robbins, 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.



R6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 18, 2012

DATE: September 12, 2012 **FILE NO:** 3-E-08 RS

FROM: Alison Garnett, Planner I **BYLAW NO:** draft bylaws attached
Development Services Division

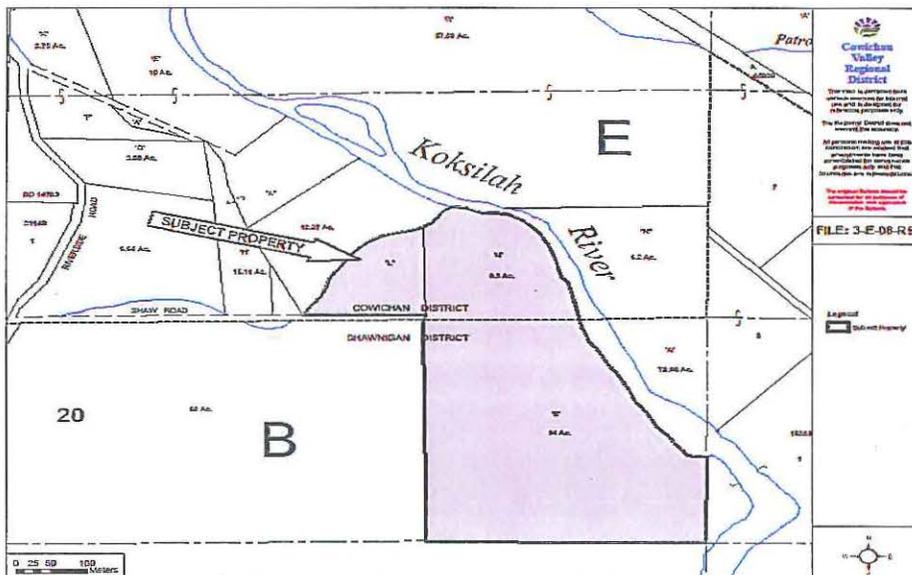
SUBJECT: Rezoning Application 3-E-08RS - CVRD for Camp Creina

Recommendation:

1. That draft bylaws for Rezoning Application 3-E-08 RS (CVRD for Camp Creina) be forwarded to the Board for first and second reading;
2. That a public hearing be scheduled for the amendment bylaws, with Directors Duncan, Fraser and Giles appointed as Board delegates;
3. That application referrals to the Ministry of Transportation and Infrastructure, the Vancouver Island Health Authority, Ministry of Community Services, Ministry of Forests, Ministry of Environment, Cowichan Tribes, Cowichan Bay Volunteer Fire Department, and Agricultural Land Commission be accepted.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: Development application fees waived. Cost of a public hearing may be reduced by combining with another public hearing or meeting.



Background:

Location of Subject Property: Shaw Road, Cowichan Station

Legal Description: Parcel L, Section 1, Range 1, Cowichan District, PID 008-933-642 and Parcel M, Plan DD822731, Section 1, Range 1, Cowichan District, PID 009-476-431

Date Application Received: August 12, 2008

Owner: Girl Guides of Canada
Applicant: CVRD

Size of Parcel: Parcel L \pm 1.8 ha (\pm 4.4 acres)
Parcel M \pm 3.6 ha (\pm 8.8 acres)

Current Zoning: A-1 (Primary Agriculture)
Minimum Lot Size A-1 zone: 12 hectares

Proposed Zoning: A-4 (Agricultural Institutional)

Min Lot Size Under Proposed Zoning: 2 hectares

Existing Plan Designation: Agricultural

Proposed Plan Designation: unchanged
Existing Use of Property: recreational camp

Use of Surrounding Properties:

North: Agricultural, Neel Creek
South: Agricultural
East: Agricultural, Koksilah River
West: Agricultural/Residential

Road Access: Shaw Road, off Riverside Road
Water: Wells
Sewage Disposal: Latrines. On-site septic is proposed

Agricultural Land Reserve : Subject property is located in the ALR

Contaminated Sites Regulation: No Schedule 2 activity has occurred on the subject property

Environmentally Sensitive Areas: The Koksilah River and Neel Creek bound the subject properties to the north and east. Koksilah River is a provincially designated sensitive ecosystem.

Archaeological Site: None identified

Application Update

The subject properties, located on Shaw Road, are owned and operated by the Girl Guides of Canada. Camp Creina consists of three separate parcels that were purchased by the Girl Guides of Canada in 1964. Parcel 'M' and 'L' are located within the boundaries of Electoral Area E- Cowichan/Koksilah, and Parcel 'B' is located within Electoral Area B- Shawnigan Lake. Since the purchase of the subject properties in the 1960's, the Girl Guides of Canada have operated a recreational camp.

In December 2007, Girl Guides representatives contacted the CVRD regarding their intention to expand Maple Lodge, one of two buildings on site. Their proposal was to build a 32-bed bunkhouse with bathroom facilities. At this time it became evident that Camp Creina is zoned A-1 (Primary Agriculture) in both Electoral Areas B and E. Though the use of the properties as a recreational camp for Girl Guides predates CVRD bylaws, our bylaws do not reflect the historical recreational use. A continuation of the existing uses of the subject properties was permitted, as they are considered legal non-conforming under both CVRD zoning and the *Agricultural Land Commission Act*. However, any proposed expansion, such as that of Maple Lodge, was problematic.

To expedite the Girl Guides' immediate building plans, the Board of Variance granted approval for the expansion of the camp's non-conforming use on May 21, 2008. Additionally, the Agricultural Land Commission (ALC) approved the application for a non-farm use on August 7, 2008. The ALC stated in their decision that the Camp has existed since before the ALR was instated, and furthermore, the Commission did not believe the proposal would impact existing or potential agricultural use of surrounding lands.

The CVRD Board decided on May 14, 2008 to initiate a rezoning of the subject properties in order to legalize the Camp's use. The Girl Guides of Canada support the rezoning of the subject properties in Electoral Area E, to ensure the land use conforms to CVRD bylaws. The zoning of Parcel 'B' will be addressed in the South Cowichan Zoning Bylaw review currently underway. Girl Guides representatives have indicated the Camp use has a low impact on natural environment, and future plans include only modest growth and improvements.

Site Context

The site is located off Shaw Road, near Cowichan Station. The parcels are forested and relatively undeveloped. Currently on the site are two buildings called Maple Lodge and Kakaleetza, which provide kitchen, dining and activity areas. The addition to Maple Lodge now provides 32 beds for campers, in addition to bathroom facilities. There are six tenting sites and permanent outdoor latrines distributed throughout the subject properties. The entrance gate and driveway access are located on the smallest parcel, Parcel 'L', which is 1.8 hectares in size. Maple Lodge building is located on the 3.6 hectare Parcel 'M'. The majority of facility and activity areas are located on Parcel 'B', within Electoral Area 'B'.

Neel Creek and the Koksilah River create a natural buffer for the subject properties, as they are located to the north, northwest and east of the parcels. Surrounding properties are zoned A-1 (Primary Agriculture), are within the ALR, and range in size from approximately 3 hectares to 24 hectares.

Policy Context

Official Community Plan

The Area E OCP polices to consider in the rezoning are as follows:

Policy 4.1.1

All lands within the Agricultural Land Reserve (ALR) as well as other lands considered to be agricultural in character or supportive of agricultural lands shall be designated Agricultural in the Plan Map.

Policy 4.1.2

Subject to the policies contained within this Plan, Agricultural pursuits shall be given priority within the agricultural designation and the only uses permitted are those which shall not preclude future agricultural uses.

The above policy gives clear direction that lands within the ALR, such as Camp Creina, should be designated Agricultural in the Plan. This policy is consistent with the Girl Guides' preference that the subject properties remain in the ALR. Furthermore, a re-designation of the subject properties, to an Institutional designation for example, would interrupt the otherwise consistent land use designation in the area (see attached Plan map). Though the Agricultural designation will be maintained, a new zone is proposed that incorporates the Girl Guides' institutional camp use.

The future zoning of the subject properties should consider Policy 4.1.10, which states:

Policy 4.1.10

All lands within the Agricultural Land Reserve shall be zoned Primary Agriculture wherein the minimum parcel size shall be 12 hectares. However, in cases where Agricultural designated land is not in the ALR or the B.C. Agricultural Land Commission has passed a resolution authorizing subdivision into smaller sized parcels or has excluded land from the Agricultural Land Reserve, the Regional Board may consider zoning these lands as Secondary Agriculture, wherein the minimum parcels shall not be less than 2.0 hectares.

An amendment to the OCP is required to permit a new zone within the Agricultural Plan designation. This amendment proposes criteria appropriate for agricultural/institutional uses which balances the historical recreational use and protection of the Area agricultural lands. The proposed OCP amendment is attached to this report for review.

Zoning

Electoral Area E Zoning Bylaw No. 1840 presently has six agricultural zones, none of which permit recreational use; therefore a new agricultural/institutional zone is required. A copy of the proposed A-4 Zone (Agricultural Institutional) is attached to the report for review. The following section provides a description of the proposed A-4 Zone.

Considering the subject properties' agricultural designation and location with the ALR, *agriculture* is a primary permitted use in the proposed zone. *Environmental protection and conservation* are activities that the Girl Guides currently practice and promote, and therefore are provided. The Girl Guides have indicated their interest in providing a caretaker's residence on the subject properties in the future; therefore provision for one single-family dwelling accessory to a principal use has been made.

Regarding the camping and activities component of the zoning, Electoral Area E Bylaw No. 1840 provides the following definitions:

"Campground" means a use in which campground spaces are provided, occupied and maintained for temporary accommodation of the travelling public in tents, trailers or recreational vehicles;

"Campground space" means an area within a campground, used or intended to be used, rented or leased for occupancy by the travelling public in tents, trailers, or recreational vehicles;

The definition of campground and campground space is not appropriate for Camp Creina: firstly, bunkhouses are the existing form of accommodation, but would not be permitted within the campground definition, and secondly, trailers and recreational vehicles are not necessarily desirable. To address this issue, staff propose a new term “institutional camping” to replace “campground” and “campground space” for the A-4 Zone, in order to clarify that overnight stays are limited to accommodation of groups and individuals in tents and bunkhouses.

The subject properties’ location within the ALR will provide restrictions for future growth in density or increase of activity areas, as any expansion of their current non-agricultural uses will require the Commission’s approval under a Non-Farm Use application.

In terms of density limitations, the intention is not to overly restrict the Girl Guides’ use of the property, but rather to provide some long-term certainty to the community as to the type and scale of the use permitted in the A-4 Zone. As outlined above, the only camping accommodation currently provided on Parcels ‘M’ and ‘L’ are Maple Lodge bunkhouse, which provides 32 beds for campers. Kakaleetza building and all tenting sites are located on the 13.4-hectare parcel in Area B. The density provision for Parcel’s ‘M’ and ‘L’ have been created in collaboration with Girl Guides representatives in order to determine a maximum number of campers permitted at Camp Creina that balances modest growth and a low impact on the land.

Advisory Planning Commission Comments

The Electoral Area E Advisory Planning Commission discussed this application at its meeting of September 17, 2008 and passed the following motion:

It was moved that we support the application as presented to rezone the property from A-1 to A-4. Motion Carried.

Referral Agency Comments

This application was sent out to eight referral agencies in September of 2008.

Cowichan Bay Volunteer Fire Rescue- Interests unaffected.

Agricultural Land Commission- Interests unaffected, as per ALC Resolution # 411/2008 which allowed the request for expansion of the camp facilities as requested on the grounds that there was no negative impact to agriculture.

Ministry of Transportation and Infrastructure – Interests unaffected.

Vancouver Island Health Authority – Approval recommended subject to conditions:

Camp Creina does not currently have a water supply system that has been approved under the Drinking Water Protection Act. Vancouver Island Health Authority approval of the proposed water system is required before we could support this proposal.

In addition, we would recommend that suitability for onsite sewage disposal for Maple Lodge be demonstrated prior to final approval of the zoning application.

Development Services Division Comments

A recent update from the VIHA states that Camp Creina now has an approved water system under the *Drinking Water Protection Act*. Maple Lodge’s onsite sewage disposal was demonstrated prior to the issuance of building permit. As there are no outstanding issues involved in the proposal, staff recommend these proposed amendments be considered by the community at a public hearing.

Options:

Option A

1. That draft bylaws for Rezoning Application No. 3-E-08RS (CVRD for Camp Creina) be forwarded to the Board for first and second reading;
2. That a public hearing be scheduled for the amendment bylaws, with Directors Duncan, Fraser and Giles appointed as Board delegates;
3. That application referrals to the Ministry of Transportation and Infrastructure, the Vancouver Island Health Authority, Ministry of Community Services, Ministry of Forests, Ministry of Environment, Cowichan Tribes, Cowichan Bay Volunteer Fire Department, and Agricultural Land Commission be accepted.

Option B

1. That draft bylaws for Rezoning Application No. 3-E-08RS be revised and presented to at a future EASC meeting.

Staff recommend Option A

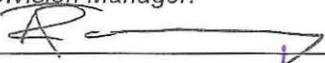
Submitted by,



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

AG/jah

Attachments

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



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 31XX

A Bylaw for the Purpose of Amending Zoning Bylaw No. 1840
Applicable to Electoral Area E – Cowichan Station/Sahtlam/Glenora

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

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area E – Cowichan Station/Sahtlam/Glenora, that being Zoning Bylaw No. 1840;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 1840;

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

1. CITATION

This bylaw shall be cited for all purposes as "CVRD Zoning Amendment Bylaw No. 31XX, 2012, Area E – Cowichan Station/Sahtlam/Glenora (Girl Guides of Canada, Camp Creina), Amendment to CVRD Bylaw No. 1840".

2. AMENDMENTS

Cowichan Valley Regional District Zoning Bylaw No. 1840, as amended from time to time, is hereby amended in the following manner:

- a) That Part Six – Creation and Definitions of Zones, Section 6.1 be amended by adding the following to the Zones Table:

"A-4 Agricultural Institutional"

- b) That Part Seven – Forestry and Agricultural Zones, be amended by adding the following as Section 7.7 and that existing Sections 7.7 to 7.8 be renumbered accordingly:

"7.7 A-4 ZONE – AGRICULTURAL INSTITUTIONAL

- (a) Permitted Uses

The following *uses*, *uses* permitted under Section 4.4, and no others are permitted in an A-4 zone:

- (1) agriculture;
 - (2) institutional camping*;
 - (3) environmental protection and conservation;
 - (4) one single-family dwelling accessory to a permitted use.
- *subject to Land Reserve Commission approval.

(b) Definition

Notwithstanding the definitions of *campground* and *campground space* in Section 3.1 of this Bylaw, the following definition applies in the A-4 Zone:

Institutional camping means the temporary accommodation of persons or groups in tents and bunkhouses, and associated recreational activities.

(c) Conditions of Use

For any *parcel* in an A-4 Zone:

- (1) The *parcel coverage* for *buildings* and *structures* will not exceed 20 percent;
- (2) The height of all *buildings* and *structures* will not exceed 7.5 metres;
- (3) The minimum *setbacks* for all *buildings* and *structures* is 6 metres to all *parcel* lines;
- (4) Bunkhouses are only permitted on *parcels* that are at least 3 hectares in area;
- (5) Notwithstanding the density provisions in this zone, an event may be held for the duration of three days, which exceeds the maximum number of individuals permitted per *parcel*, subject to receipt of a special events license from the CVRD, in accordance with Bylaw No. 40.

(d) Density

In the A-4 Zone, the following density provisions apply:

- (1) The maximum density of camping sites will not exceed 1 site per hectare of *parcel* area
- (2) The maximum number of individuals accommodated in a camping site will not exceed 36
- (3) The maximum number of individuals accommodated in a bunkhouse will not exceed 40
- (4) Where both a bunkhouse and camping spaces are located on the same *parcel*, the maximum number of individuals accommodated on a *parcel* will be 70.

(e) Minimum Parcel Size

Subject to Part 12, the minimum *parcel* size is 2.0 ha.

- c) That Schedule B (Zoning Map) to Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840, is further amended by rezoning Parcel L, Section 1, Range 1, Cowichan District, PID 008-933-642 and Parcel M Plan DD822731, Section 1, Range 1, Cowichan District, PID 009-476-431, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered 31XX, from A-1 (Primary Agriculture) to A-4 (Agricultural Institutional).

d) That the following new zone be added to the legend of Official Zoning Map of Zoning Bylaw No. 1840: A-4 (Agricultural Institutional).

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



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 31XX

A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. 1490, Applicable To Electoral Area E and Part of F – Cowichan Koksilah

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

AND WHEREAS the Regional District has adopted an official community plan bylaw for Electoral Area E – Cowichan Station/Sahtlam/Glenora, that being Official Community Plan Bylaw No. 1490;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 1490;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Official Community Plan Amendment Bylaw No. 31XX, 2012, Area E and Part of F – Cowichan Koksilah (Girl Guides of Canada, Camp Creina), Amendment to CVRD Bylaw No. 1490**".

2. **AMENDMENTS**

Cowichan Valley Regional District Official Community Plan Bylaw No.1490, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. **CAPITAL EXPENDITURE PROGRAM**

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

READ A FIRST TIME this	_____	day of	_____	, 2012.
READ A SECOND TIME this	_____	day of	_____	, 2012.
READ A THIRD TIME this	_____	day of	_____	, 2012.
ADOPTED this	_____	day of	_____	, 2012.

Chairperson

Secretary

.../2



C·V·R·D

SCHEDULE "A"

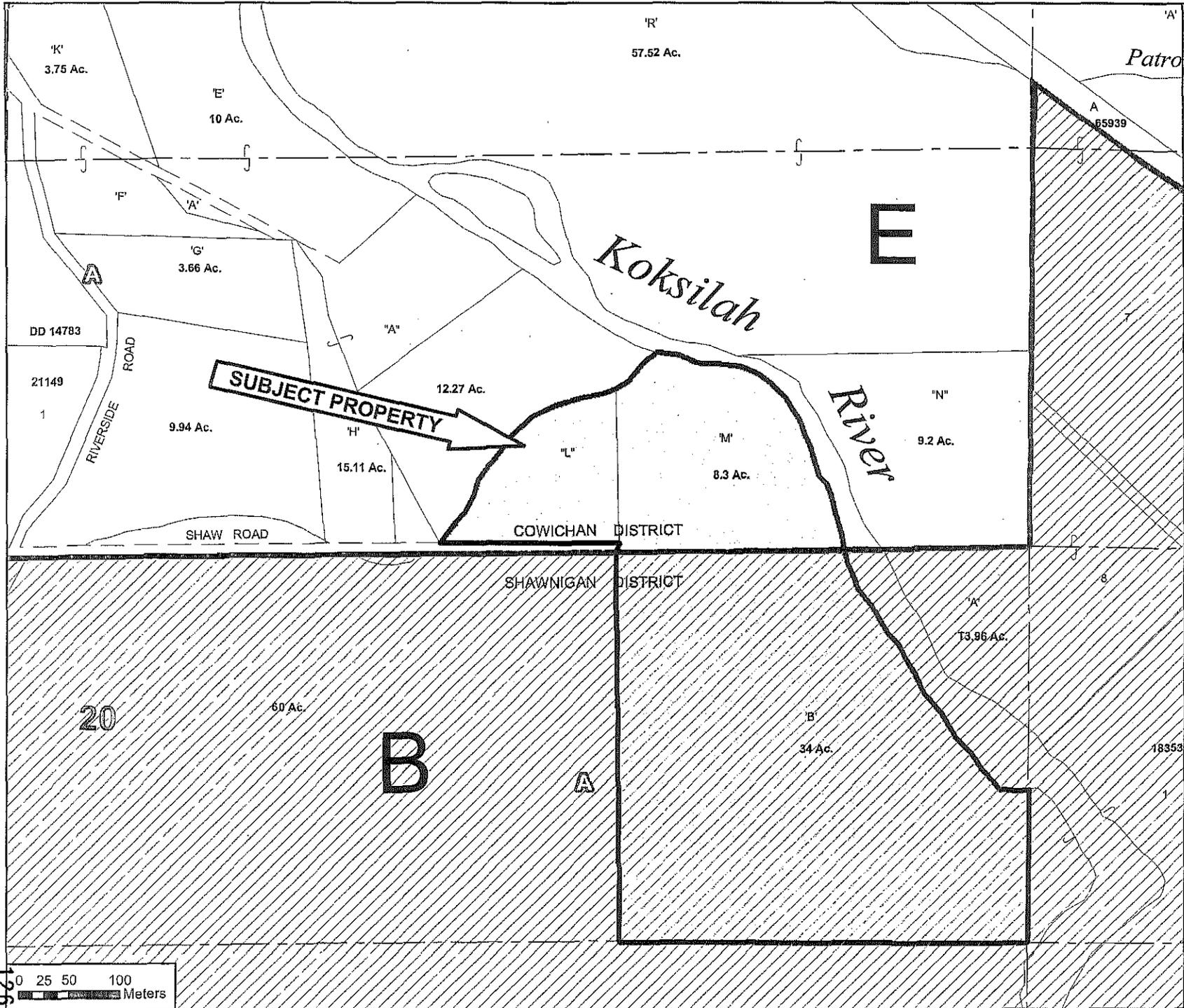
To CVRD Bylaw No 31XX.

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

Policy 4.1.22

Notwithstanding Policy 4.1.10, the Regional District may give favourable consideration to the establishment of an agricultural/institutional use on lands within the Agricultural designation. In reviewing a proposal for an agricultural/institutional use, the Board will consider the following criteria:

- (a) The property should be zoned agricultural, and prior approval of the Agricultural Land Commission must be obtained if the parcel is in the ALR;**
- (b) The proposed agricultural/institutional use should be consistent with adjacent uses and minimize the likelihood of disturbance to adjacent property owners;**
- (c) The proposed agricultural/institutional use will have a limited impact on the land through density restrictions commensurate with the level of servicing, and will permit agricultural uses.**



Cowichan Valley Regional District

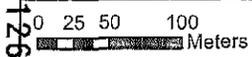
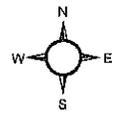
This map is compiled from various sources for internal use and is designed for reference purposes only. The Regional District does not warrant the accuracy. All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries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

FILE: 3-E-08-RS

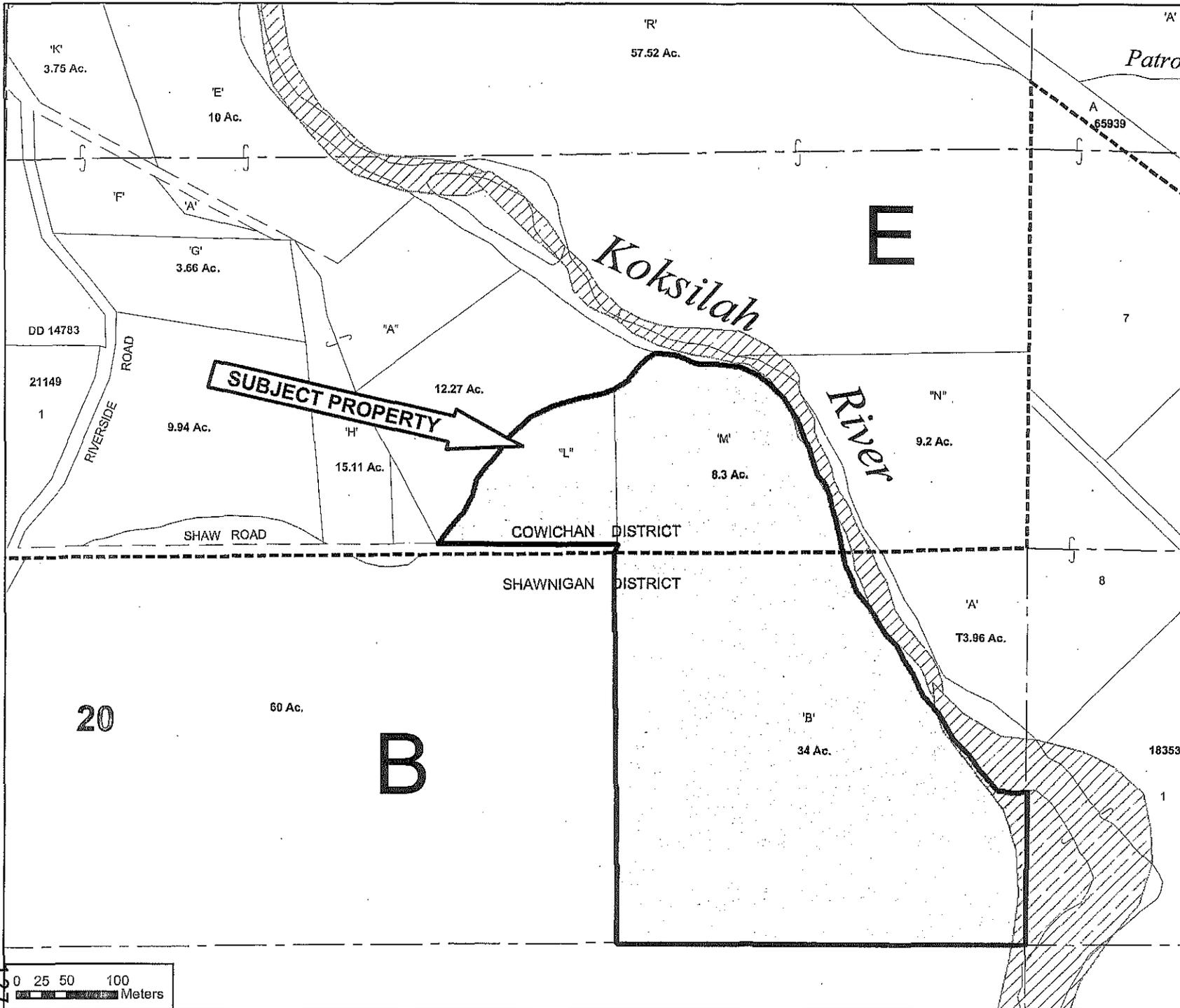
OCP

Legend

-  Subject Property
-  OCP Electoral Area B
-  OCP Electoral Area E



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Cowichan Valley Regional District

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The Regional District does not warrant the accuracy.

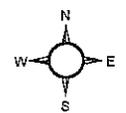
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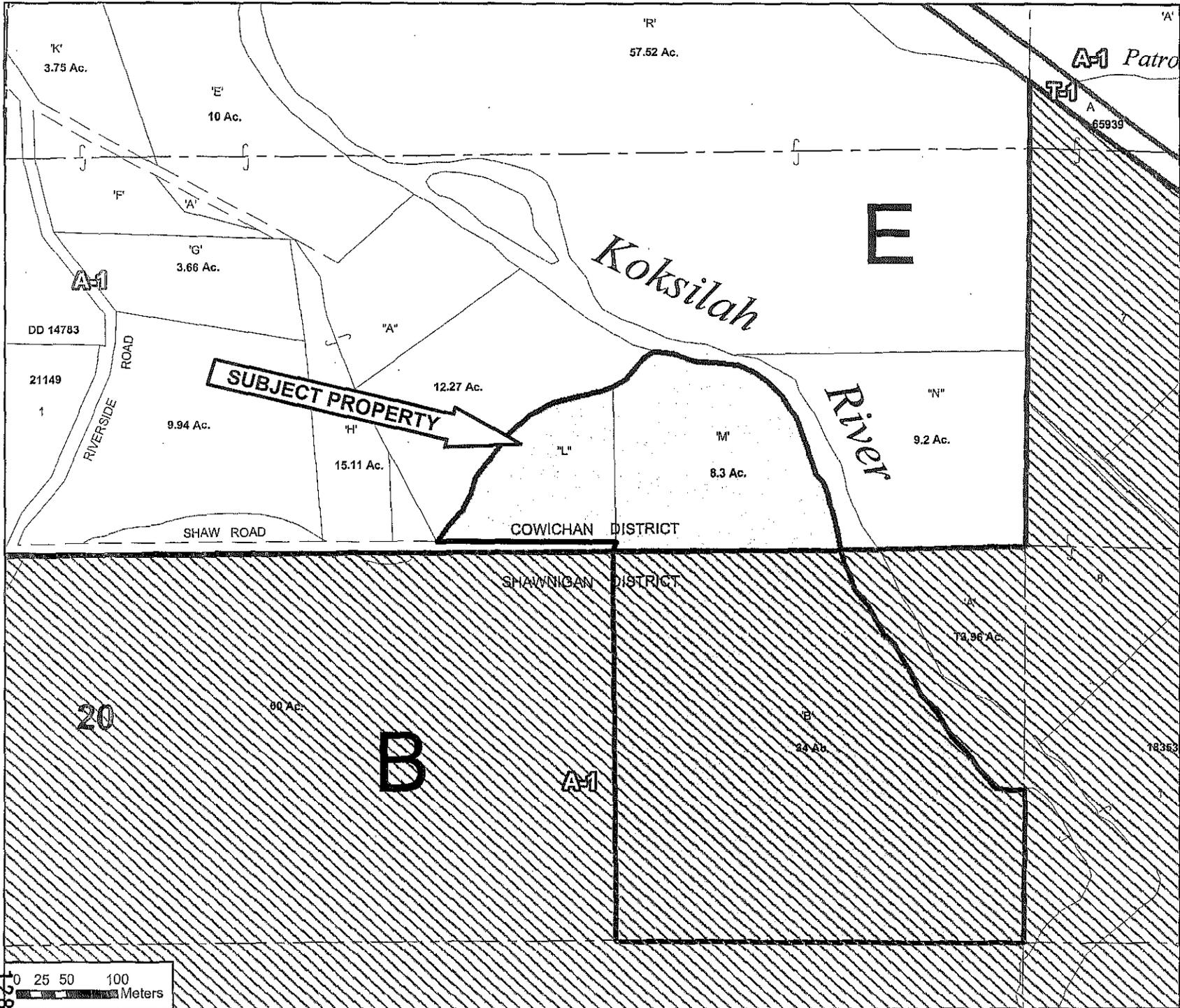
FILE: 3-E-08-RS

Sensitive Ecosystem Inventory

- Legend**
- Subject Property
 - SEI 2004



0 25 50 100 Meters



Cowichan Valley Regional District

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The Regional District does not warrant the accuracy.

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

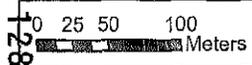
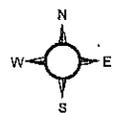
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 3-E-08-RS

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area B
-  Zoning Electoral Area E



*

9. That the request by Girl Guides of Canada that the CVRD initiate a rezoning application to have their property (Camp Creina, Shaw Road) rezoned to permit recreational camp use be approved, and that the appropriate amendment bylaws be prepared.

MOTION CARRIED

7:06 p.m.

Director Cossey left the Board Room at 7:06 p.m.

(08-319)

It was moved and seconded that:

(Amended from original Committee recommendation):

7. 1. That Rezoning Application No. 2-C-07RS (Arbutus RV - Little), be approved to rezone Lot 1, Sections 10 and 11, Range 7, Shawnigan District, Plan 20128; and That part of the west 40 acres of Section 11, Range 8, Shawnigan District, lying to the south west of the Island Highway as said highway is shown on Plan 1288 O.S., Except part in Plan 46300, from C-4 and C-7 to new C-9 Mixed Use Commercial Zone; and that the appropriate amendment bylaws be prepared and forwarded to the Board for consideration of 1st and 2nd readings.
2. That a detailed site survey be drawn by a BCLS showing parcel boundaries, fence lines, building footprints and RV display area and submitted prior to September 1, 2008 following which a public hearing will be held with Directors Giles, Cossey and Tansley delegated to the hearing.
3. That the application be referred to the Ministries of Community Services, Transportation and Environment, the Vancouver Island Health Authority and the Mill Bay Improvement District (Volunteer Fire).

MOTION CARRIED

7:08 p.m.

Director Cossey returned to the Board Room at 7:08 p.m.

(08-320)

It was moved and seconded:

(Amended from original Committee recommendation):

8. That Application No. 2-F-07DVP by Danielle Burden and Darren Charles, to vary Sections 3.6 and 3.23 of Zoning Bylaw No. 2600 by increasing the maximum height of fencing from 1.2 metres to 2 metres, and by eliminating the required "sight triangle" on Lot 8, Section 31, Renfrew Land District, Plan 22333, not be approved.

MOTION CARRIED

Soil Classification:

Revised CLI Maps:

± 29% 7T;

± 8% 5A(5A);

± 22% 5 T⁶ – 7 T⁴

± 41% 3A(3A)

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
3	41%	41%
5	21%	8% (+ 13% not improvable)
7	38%	(38% not improvable)
TOTAL	100	100

Explanation of Land Capability Classifications:

- Class 3 lands have moderate limitations for Agricultural Production
- Class 5 lands have limitations that restrict capability to produce perennial forage crops
- Class 7 lands have no capability for arable culture

Explanation of Land Capability Sub Classifications:

- Subclass "A" indicates soil moisture deficiency, improvable by irrigation
- Subclass "T" indicates topography limitations, not improvable

The Canada Land Inventory soil classification identifies the agricultural capacity of the subject property to be 38% Class 7, 21% Class 5 and 41% Class 3. Generally, the subclasses noted are soil moisture deficiency and topography limitations. Improvements such as irrigation will not result in soil class improvements. Additionally, 51% of the soil is not improvable due to topographical limitations.

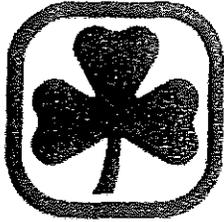
Camp Creina - History

- 1915 – Cowichan Valley registered unit. Girls and Leaders camping at Maple Bay
- 1920 – Cowichan Station registered unit
- 1923 – Guide Hall – Duncan built
- 1935 – Lady Baden Powell visits – 354 attend
- 1940 – 1st Ladysmith unit opens
- 1946 – Lady Baden Powell visits Nanaimo
- 1951 – Provincial Annual Meeting for Girl Guides held at Queen Margaret's School – Duncan Lady Baden Powell visits.
- 1954 – Motion “monies be set aside for campsite “Old camping sites are being swallowed up by housing developments and it is becoming clear to all that if camping was to continue to take its proper place in the Guide program a permanent site be found”.
- June 1959 – Fundraising begins.
- March 31, 1960, three parcels of land were assembled - property @ Shaw Road [Parcel “L” (D.D. 51319-I) of Section 1, Range 1, Cowichan District, Parcel “M” (D.D. 82273-I), Section 1, Range 1, Cowichan District & Parcel “B” (D.D. 82273-I) Section 20, Range 1, Shawnigan District] – was assigned by Harold Shaw to R.W. Uzzell final payment was made May, 1964 and deed registered.
- Site & trail building were carried out establishing several camping areas on site.
- 1964 - 1967 – Building Fund established for the building of Brownie Hideaway (Kakaleetza)

Norah Creina Denny – 1930

Girl Guide Leader and teacher;
Queen Margaret's School,
Duncan





Mid Island Area 2007-2008 Census
Girls - ages 4 -15+ - 920
Leaders/Senior Branches 245.
http://www.midislandgq.com/camp_creina.htm

Camp Creina

- Mid Island Area 47 acre campsite

Residential Buildings (2) Maple Lodge - Kakaleetza

- kitchen with wood & propane stoves, refrigerator
- separate dining/activity and sleeping areas
- Electricity

Tenting Sites (6)

- kitchen shelter, wood stove
- covered area with tables for eating and activities
- tent pads (6-9 per site)...gravel (4 sites) / raised wooden platforms (2 sites)

Amenities at buildings & sites

- cold potable water tap
- cooking equipment
- picnic tables
- woodshed
- permanent outdoor latrines
- flagpole
- cement campfire ring

General campsite amenities

- nature trails and display cupboard
- Guide's Own place
- telephone
- refrigerators and freezer in cooler room
- swimming in river (Waterfront personnel required)
- obstacle course

Statistics – Campers Using Camp Creina

CAMP CREINA STATISTICS as at June 2007

	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997	1996	1995
CAMP USED													
Weekends	19	30	27	36	32	32	25	25	29	23	20	24	30
Nights	37	58	54	80	59	67	54	58	63	65	56	52	69
Days/Evenings	2	8	3	6	10	15	9	6	4	2	5	3	
CAMPERS(to Aug 31)													
Children	332	913	1006	1248	1149	1468	1005	1234	942	889	740	979	1337
Guiders	107	211	325	371	361	396	249	286	216	176	230	204	317
Other Adults	37	80	92	83	163	195	113	215	193	164	49	126	116
	476	1204	1423	1702	1673	2059	1367	1735	1351	1229	1019	1309	1770
SITE USE													
Maple Lodge	19	16	18	19	25	31	26	27	24	13	14	21	21
Kakateetza	16	25	20	29	27	22	15	26	18	19	13	18	21
Khenipsen	8	8	7	10	9	9	6	9	6	10	8	8	10
Sail-O-Quas	8	9	7	5	10	8	7	9	6	16	9	9	10
McBryan	5	10	7	10	7	11	6	3		1			5
Hecate	8	10	10	6	10	10	6	8	2	8	3	8	9
Naomona	6	10	5	9	11	10	7	10	8	10	7	7	11
Lamalcha	3	10	5	6	9	9	13	9	9	13	8	11	13
Kaatza			1	1		1							
	73	98	80	95	108	111	86	101	73	90	62	82	100
GROUP USE													
Sparks	2	4	2	1	2	1	3			2	1		
Brownies	7	12	7	13	16	13	18	17	16	13	15	23	26
Guides	14	16	9	28	21	21	18	19	12	29	22	21	24
Pathfinders	10	15	13	19	14	16	13	15	4	8	6	15	16
Senior Branches	1		2	3	1	1	1						1
Trex	1		1		1								
Districts	5	5	4	4	4	4	3	4	4	3	2		
Division			2		2	4	1						
Guiders	1		2	1	2	4		1	5		2	1	1
Trefoil Guild		1	3	1	2	2	2	1	2		1	2	1
Non Guiding	6	6	5	8	7	11	10	12	10	6	2	10	10
	47	59	50	78	72	77	69	69	53	61	51	72	79
BOOKINGS													
Beaufort Division					1	1							
Georgia Strait Division		7	4	4	9	8	6	11	1	7	8		
Mount Benson Division		11	6	9	10	5	4	8	8	9	9		
Stuart Channel Division		11	8	11	8	11	11	11	11	10	10		
Cowichan Valley Division		21	14	28	23	24	24	13	14	18	14		
Mid Island Area		2	5	3	2	4	1	4	6		3		
Mid Island Area units	36	52	37	55	53	53	46	47	40	44	44		
Southern VI Area	5	1	6	14	10	11	12	9	2	11	5		
Vancouver Island			1			1							
Province			1	1	2	1	1	1	1				
Non Guiding	6	6	5	8	7	11	10	12	10	6	2		
Non MIA units	11	7	13	23	19	24	23	22	13	17	7		
Total bookings	47	59	50	78	72	77	69	69	53	61	51		



R7

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 18, 2012

DATE: September 11, 2012 FILE NO:
FROM: Rob Conway, Manager BYLAW NO: 1840
SUBJECT: Requested Amendment to Area E Zoning Bylaw

Recommendation/Action:

1. That staff be directed to prepare a zoning amendment bylaw that would add "funeral home" to the I-1 Zone of the Electoral Area E Zoning Bylaw and that the amendment bylaw be forwarded to the Regional Board for consideration of first and second reading;
2. That the public hearing for the zoning amendment be waived.

Relation to the Corporate Strategic Plan: N/A

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

Background:

The owner of Greg's RV recently completed construction of a new building at 5267/5285 Boal Road, in Electoral Area E. The owner is relocating the RV business from a smaller building on the same site. Once the move is completed, the owner intends to lease the older building to a commercial or industrial tenant.

A prospective tenant is a local funeral home operator. However, as the subject property is zoned Light Industrial (I-1) and the I-1 Zone does not identify "funeral home" or a comparable use in the list of permitted uses, a text amendment would be necessary before the funeral home business could occupy the building.

The owner of the subject property will be submitting an application for the text amendment in the near future. In order to expedite the rezoning process, Director Duncan has requested this matter be brought to EASC to obtain direction for staff to proceed with drafting amendment bylaws. The proposed bylaw change would simply add "funeral home" as a permitted use in the I-1 Zone and define "funeral home" in a manner that excludes crematorium. As the amendment is consistent with the Area E OCP, it is also proposed that the public hearing be waived in favour of a public notice.

If appropriate direction is given, staff would present the zoning amendment bylaw at the October Board meeting for consideration of first and second reading.

Options:

Option 1

1. That staff be directed to prepare a zoning amendment bylaw that would add "funeral home" to the I-1 Zone of the Electoral Area E Zoning Bylaw and that the amendment bylaw be forwarded to the Regional Board for consideration of first and second reading.
2. That the public hearing for the zoning amendment be waived.

Option 2

That a staff report and draft amendment bylaw to add "funeral home" to the I-1 Zone of the Electoral Area E Zoning Bylaw be presented at a future Electoral Area Services Committee meeting.

Option 1 is recommended.

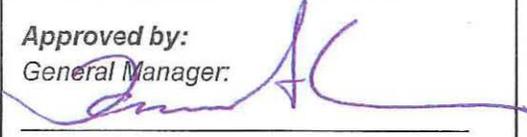
Submitted by,

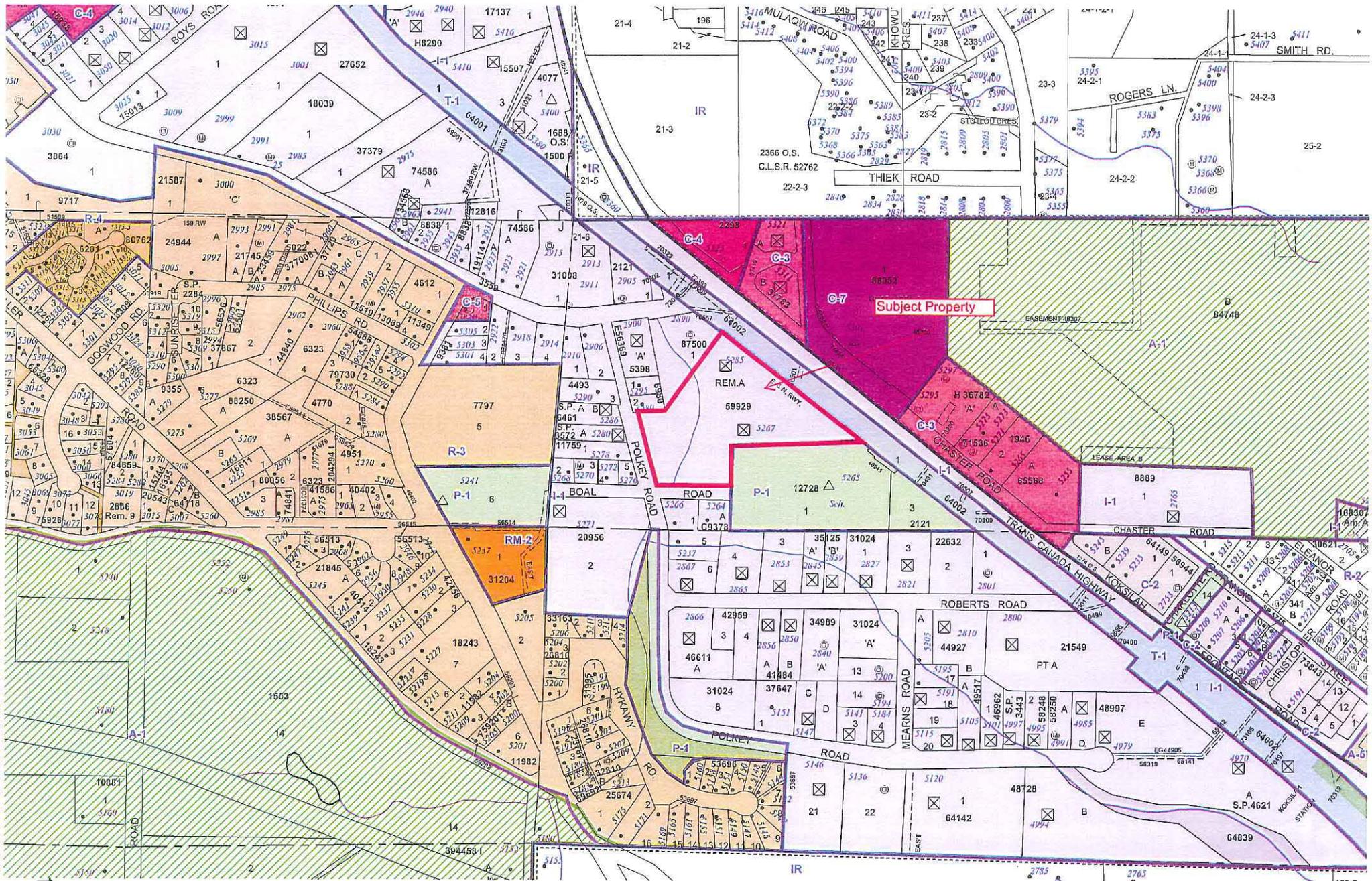


Rob Conway, MCIP
Manager, Development Services Division
Planning and Development Department

RC/jah

Approved by:
General Manager:







R8

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 18, 2012

DATE: September 13, 2012 **FILE NO:**

FROM: Kate Miller, Regional Environmental Policy Manager **BYLAW NO:**

SUBJECT: Area E OCP compliance with Bill 27

Recommendation/Action:

1. That the Province 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 types in order for the CVRD to comply with provincial energy and greenhouse regulations, *OR*,
2. That the Cowichan Valley Regional Board request the Province to immediately consider under concurrent authority allowing the CVRD to develop a modified building code that will require an increased level of energy efficiency and/or specific heating typologies in order for the CVRD to comply with provincial energy and greenhouse gas regulations.

Relation to the Corporate Strategic Plan: Core component of Sustainable Land Use and Healthy Environment imperatives

Financial Impact: not at this time

Background:

As a requirement of Bill 27 the CVRD and other local governments have been required to develop Greenhouse Gas reduction targets, policies and actions in all Official Community Plan documents. All electoral areas other than Area E have established targets based on provincial guidelines; however Area E is currently seeking to establish specific mechanisms or action indicating how they will achieve those targets. The Director for Area E has been working extensively with CVRD staff and legal counsel over the past two years exploring ways in which to take specific on the ground actions required to achieve those targets. This has resulted in an extensive review of the associated policies with a climate mitigation (GHG reduction) and climate adaptation (preparation for future climate instability) lens.

The draft plan which has been presented to the area APC on a number of occasions includes: bylaw amendments for species at risk, and increased wetland protection; social sustainability and energy efficiency; and a proposed zoning amendment designed to increase the energy efficiency of new housing. It is the proposed zoning amendment and its implications that is the focus of this report.

The OCP update seeks to ensure that all new residential buildings in the electoral area use the highest efficiency heating systems possible as well as limiting their use of fossil fuel based sources of energy in order to achieve GHG emissions targets. An evolving approach during rezoning in the electoral area over the past few years has resulted much discussion at the Board and an unwritten policy of requiring the incorporation of heat pumps into new proposed zoning in electoral area E. As the Committee is aware local governments have no control of building parameters within the building envelop as that falls to the province under the building code. There are two options at this time:

1. Re define the definition of a residential dwelling unit in zoning bylaws to include specific language that defines a residence as including a heat pump.
2. Request that the province allow the CVRD to modify the building code for selected electoral areas.

The Director has meet with his APC on numerous occasions on this matter as well as referring the issue to the Environment Commission for their input. Early discussions with these groups have been positive on the objectives but strong concerns have been expressed with the impacts of the redefinition of a "residence" which would result in all the existing building stock without heat pumps summarily becoming non-conforming.

This issue has resulted in an interdisciplinary team being struck at the CVRD to address the issue and to seek alternative mechanism for resolution. A number of alternatives came forward as a result of the groups discussions including the above noted recommendations.

If either of these where achievable it would be possible for the CVRD sign onto the modified options for select electoral areas thereby not impacting the existing residents of the electoral Area E community.

Based on subsequent discussions with provincial staff it was their recommendation that the Regional District send a request to the ministry to work with them on the proposed requested changes as soon as possible.

Submitted by,

Kate Miller
Regional Environmental Policy Manager
Engineering & Environmental Services Department

KM/ca

<p><i>Approved by:</i> <i>General Manager</i></p> <hr/>



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.

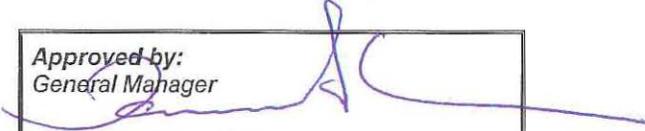
The CVRD and other local governments have been working with the Province and industry on a number of programs and initiatives examining a comprehensive approach to these issues for a number of years. The focus of which has been an examination of a number of issues such as:

- 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



STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 4, 2012

DATE: September 4, 2012 **FILE NO:**
FROM: Kate Miller, Regional Environmental Policy **BYLAW NO:**
Manager
SUBJECT: Area E OCP Energy Efficiency Issues

Recommendation/Action:

1. That the Cowichan Valley Regional District 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 in order for the CVRD to comply with provincial energy and greenhouse regulations, *OR*, if the request is not possible in a timely manner, That the Cowichan Valley Regional Board request the Province to immediately consider under concurrent authority allowing the CVRD to develop a modified building code that will require an increased level of energy efficiency and/or specific heating typologies in order for the CVRD to comply with provincial energy and greenhouse gas regulations.
2. That the Province recognize that without this requested change to legislation that the CVRD, and specifically Electoral Area E Sahtlam/Glenora, will have to use other legislative tools such as development permits, zoning and other regulatory bylaws. This will result in the definition of a residence being redefined to include heat pumps or other specific heating apparatus resulting in existing building stock being deemed as non-conforming use with potential resulting impacts on the public.
3. That the Board and directed staff work with the Province and other local governments as a priority to develop appropriate and meaningful legislation in this area which meets the unique requirement of our communities with respect to safety, energy efficiency and affordability, by way of meetings, consultations and workshops. Specifically that staff be directed to arrange a meeting to discuss this request as well as the provinces past commitments with regards to the Green Building Code Initiative and the Modernizations Strategy for discussion with Honorable Rich Coleman, Minister of Energy and Mines at the UBCM Convention, September 2012.

Relation to the Corporate Strategic Plan: Core component of Sustainable Land Use and Healthy Environment imperatives

Financial Impact: not at this time

Background:

The CVRD and other local governments have limited jurisdiction to require energy efficiency or renewable energy improvements to buildings required to meet local government commitments to provincial mandates (including Bill 27 - Greenhouse Gas Reduction Targets Act; Green Communities Statutes Amendment Act; and Clean Energy Act).

The Province is responsible for developing and maintaining the BC Building Code, which sets the standards for the province's building regulatory systems. The federal government sets the standards for energy efficiency by way of codes and standards for appliances, and housing components. The federal government also sets the National Energy Code for buildings and building components which is referenced within the BC Building code.

Under the Community Charter, the Concurrent Authority provision requires that local governments consult with the Province before establishing bylaws that regulate building construction. It has also meant that the Province needs to consult with local government before taking action in this area. This framework for partnership between local governments and the province allows a local government to respond to an issue that may not be a current or future provincial priority but be of interest to the community. Without this mechanism or changes to the building code to which local government can opt in local government cannot directly control building design or construction necessary to achieve provincial goals and mandates.

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. Foremost among these is a focus on energy efficiency in the residential sector in line with the provincial mandates and building on recent CVRD Regional Energy Mapping and Analysis. 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 Area E Director is currently seeking to respond strategically to these issues by way of a regulatory framework focused on new development in electoral area E 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 Areas APC and CVRD Environmental Policy Division and senior administration. 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 existing building code.

While it is unlikely that the removal of some code barriers will create significant immediate change; some level of well-designed prescriptive legislation will likely have the most beneficial effect over time and when linked to other policy levers such as incentives for transformation of the existing building stock and market maturity in technology and affordability. A good example of previous change in this regard is the Water Conservation Plumbing regulation 2005 amendment that required 6 liter low flush toilets in all new construction instead of the previously allowed 13 liter toilets. This had neutral capital costs implications, generated little liability or safety concerns, and created significant water conservation benefits. But could only be realized once industry and supply chain issues were resolved. The new proposed Federal Energy Efficiency Act would provide the fundamental underpinning for the codes and standards required for construction and equipment dealing effectively with supply chain issues. This act is scheduled to be tabled in fall of this year and is anticipated to be in place by next year. Local policy development within a federal and provincial regulatory framework could effectively be staggered in implementation removing potential liability concerns for the CVRD.

The CVRD and other local governments (green building leaders working group) have been working with the Province and industry on a number of programs and initiatives examining a

comprehensive approach to the issues noted above for a number of years. The focus of which has been an examination of a number of challenges 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 working group was submitted to UBCM in 2011. The resulting motion 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 in its ongoing review and modernization of the BC Building Code.

The Provincial Building Code which has a minor focus on energy efficiency is anticipated to be released this September with tentative implementation by end of year. The Federal Energy Efficiency Act has gone through a number of consultation rounds and is expected to be released this fall with implementation next fall. It is anticipated that the next round of building code changes (building on the federal act) will result in increased energy efficiency requirements but a date for that release has not been set. Finally the Provinces Modernization project is awaiting provincial sign-off contingent on legislative calendars. A copy of the DRAFT UBCM white paper is *attached* which highlights many of the proposed changes as a result of the Modernization Project and implications to local government autonomy in this regard and which underscore the both the reduction of autonomy and the importance of immediately working with the province to ensure that local government and Area E concerns are integrated into the unified building code proposed.

Submitted by,

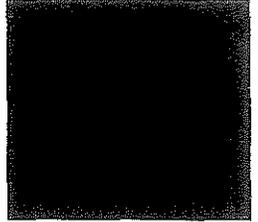


Kate Miller
Regional Environmental Policy Manager
Engineering & Environmental Services Department

KM/ca

<p><i>Approved by:</i> <i>General Manager</i></p> <hr/>

Modern Building Regulatory System



Background

British Columbia's building regulatory system oversees a dynamic construction sector that in 2010 accounted for 2.9 per cent of provincial GDP and 4.7 percent of provincial employment.

The Province adopts a Building Code ("the Code") that applies throughout BC (except in the City of Vancouver) and is administered and enforced by 140 local government building departments, each with its own policies and procedures, levels of capacity and ways of interpreting Code provisions. The concurrent authority provisions of the *Community Charter* require local governments to obtain Provincial approval of local building standards that vary from the Code; however, it also provides a mechanism for building standards to be adopted under other authorities.

The building regulatory system has been the subject of several major Provincial reviews over the past 25 years. Reviews have led to more accountability for complex building design and construction on the part of architects and engineers and better protection for homeowners.

The Modernization Strategy, which began in 2004, made recommendations to improve the system's effectiveness after extensive stakeholder consultation. However, as priorities shifted to 'greening' the Building Code and developing new Code provisions for mid-rise wood-frame construction, implementation of these recommendations was deferred.

2 | Modern Building Regulatory System

In consultations that began in spring 2011, stakeholders confirmed that major issues raised in previous reviews are still unresolved and continue to produce major impacts. These include:

Issue	Impacts
Inconsistent Code interpretations between and within local government jurisdictions	Complicates development and construction; a major cause of increased costs to business
Local government building standards that go beyond the Code	Complicates development and construction; can create delays and increase costs Complicates compliance with international and interprovincial trade agreements, which promote uniform standards
Lack of centralized decision making on Code matters , with each local government making its own decisions on a new product or technology	Results in wide variation in decisions, with each jurisdiction evaluating the same issue Can result in local government decisions not to approve new technologies and products (due to risk aversion), limiting flexibility and innovation
Poor compliance with Code provisions such as fire protection in some high-rise residential, commercial and other large complex buildings	Can jeopardize the health, safety and/or energy efficiency of buildings
Lack of skills or Code knowledge among some system participants	Contributes to poor quality construction and poor compliance with Code provisions, which jeopardizes the health, safety and/or energy efficiency of buildings

Appendix B describes research that further substantiates some of these issues.

In other jurisdictions, such as Alberta and Ontario, provincial governments play a more active leadership role. Specific building-related legislation defines these jurisdictions' roles and responsibilities as well as those of other system participants.

A uniform Building Code gives these jurisdictions sole authority to adopt building standards, so that the standards are the same wherever buildings are built. Provincial bodies provide support services such as binding interpretations of Code provisions; product evaluation and approval; qualification and registration of practitioners; training; building department accreditation; dispute resolution and review of Code change proposals. In Alberta, some of these services are funded by levies on the construction sector that are collected with building permit fees.

Provincial Leadership in a Modern Building Regulatory System

Provincial leadership, in partnership with local governments and the construction sector, is the foundation for a modern, streamlined building regulatory system. Both local governments and industry have asked the Province to step up its involvement in the system to resolve longstanding issues.

Based on previous consultation, advice and recommendations, the Province has developed a set of interdependent actions and proposals that establish Provincial leadership and work together to support a modern building regulatory system. Appendix A describes the actions and proposals in detail.

A uniform Building Code would give the Province sole authority to adopt building standards, ensuring that standards are substantially the same throughout BC. Both binding and non-binding Provincial Code interpretations provide necessary support for the uniform Code.

As building construction becomes increasingly complex, technology advancements lead to more proposals for alternative solutions and the use of new products and assemblies that can decrease costs and improve affordability. A Provincially-established **alternative solution and product evaluation body** would be available to assist building departments with these decisions, creating efficiencies by eliminating multiple review processes. Decisions on alternative solutions and a registry of acceptable products and assemblies would be made available to all building departments.

Third-party random audits would provide information on the level of Code compliance and the effectiveness of Code administration, establishing a valid evidence base for changes to improve safety and increase efficiency.

Development of an **online portal** is being considered to streamline the building regulatory process and provide a single comprehensive information source.

Minimum qualification requirements for residential builders of four units or less and for building officials would improve the competency of key system participants.

How Could This Be Funded?

One option for funding the proposals would be a levy on construction. The levy could either be a percentage of the cost of construction or a flat rate and would be collected when the building permit is issued. User fees would also be considered to cover part of the costs of alternative solutions and product evaluations.

The Building and Safety Standards Branch of the Office of Housing and Construction Standards is leading this initiative. If you have any comments you would like to share, please contact us at:

Building and Safety Standards Branch,
Office of Housing and Construction Standards
Ministry of Energy and Mines
PO Box 9844, Stn Prov Govt, Victoria, BC V8W 9T2
Email: Building.Safety@gov.bc.ca

Appendix A: Proposals for a Modern Building Regulatory System

Uniform Building Code

Under a uniform Building Code, the Province would have sole authority to adopt building standards. The Province would review any proposed variation; if approved, the variation would be implemented through either a Code change or a Provincial regulation. This is consistent with the building regulatory framework in other jurisdictions.

Existing local bylaws that include building standards would have a transition period to achieve uniformity with the Building Code. During the transition period, the Province would work with local governments and the construction sector to find solutions to key issues like fire sprinklers that would increase consistency while addressing local needs.

Code Interpretations

The Province will expand its capacity to provide credible, non-binding interpretations at Code users' request. The Province will issue binding interpretations (directives) on topics of concern to Code users. A directive clarifies the meaning of a Code provision that may commonly be interpreted in different ways.

Alternative Solutions

The number of alternative solution submissions has grown since BC introduced objective-based requirements in the 2006 Building Code. While an alternative solution may be the intellectual property of the individual who developed it, the vast majority are simply different applications for a relatively small number of principles, often related to use and egress or combustibility. Removing the current uncertainty about the acceptance of these applications of underlying principles from one jurisdiction to the next could greatly expedite innovation and the acceptance of approaches that have been successful elsewhere.

The Province is developing a guide to alternative solutions. It will help proponents develop alternative solution submissions and assist local governments in the evaluation of alternative solution submissions and associated risk assessment. Standardized schedules for alternative solution submissions are also under development.

The Province would establish an independent alternative solution evaluation body of technical experts. Local governments uncertain about the acceptability of alternative solutions or those without necessary expertise could refer submissions to this body of experts.

Building Products and Assemblies

It has been difficult for new products and assemblies to gain acceptance in many BC jurisdictions. Defining acceptable products and assemblies for use in BC construction would go a long way towards creating market certainty and a level playing field.

Establishing a credible, multi-stakeholder process for considering products and assemblies for acceptance would be a key to success. The alternative solutions body of experts referred to above could also determine what evidence would be required for considering a product or assembly for acceptance and could rule on the adequacy of evidence presented.

A registry of acceptable products and assemblies could significantly reduce the number of contentious alternative solutions by accepting the principles behind elements of assemblies involving unconventional products. It would also likely generate a significant amount of BC research activity by building product manufacturers.

Third-Party Random Audits

In order to fulfill its leadership role in the system, the Province needs access to quality information on the level of Code compliance and the effectiveness of Code administration. Currently, this information is largely unavailable. Third-party random audits are a necessary tool for supplying this information. It is expected that 60 audits would be sufficient to produce statistically valid data.

Initially, audits would focus on high-risk aspects of complex (Part 3) building design and construction, establishing a baseline for Code compliance. Audits would pinpoint areas of non-compliance and ineffective administrative processes and help develop targeted measures to address them. Subsequently, audits would be used to selectively monitor the system and measure its performance.

Audits would consist of a combination of site visits during construction and review of project documentation, including design drawings. Code compliance would be measured through a review of “key indicators” that would identify issues in high-risk areas of Parts 3, 4, 5, 6 and 7 of the Building Code. Audits would also include observations on local government and registered professional Code administration processes.

Where non-compliance is observed during an audit, this information would be provided to the general contractor, the registered professional and the local building department for action. If any key indicators are negative, this could potentially trigger a more thorough audit.

Online Portal

Experience from other jurisdictions indicates that successful online portals are built in collaboration with stakeholders. The first step in development of an online portal would be consultation to determine what system participants need.

An online portal could potentially include:

- “One Window” online, interactive access to all Provincial codes, standards and regulations.

Ultimately, the portal could also provide access to:

- a repository providing historical and current information for individual sites including the state of progress on development projects;
- local government permits and policies related to construction, renovation and demolition;
- interactive instruction/training modules on how to comply with relevant regulations;
- “One Permit” – an e-fileable application to begin a development project, initially including all Provincial permits required, and ultimately extending to permits of participating local government jurisdictions. The intention would be to enhance the complete chain of construction-related transactions to make them all transparent and trackable, including e-filing of inspection reports and sign offs; and
- enhanced e-engagement with stakeholders, including forums for exploring issues and development of new regulatory requirements.

Stakeholder Advisory Body

Minister-appointed construction sector and local government representatives would advise on matters related to the building regulatory system.

Qualification Requirements

Based on task force recommendations from the “Raising the Bar” collaborative process, increased competency for residential builders of four units or less will be achieved through mandatory qualifications for licensing, including continuing professional development (CPD). It is proposed that increased competency for building officials be achieved through mandatory certification, including CPD. The Building Officials Association of BC, an accredited certification body, would administer the program.

The need for Code knowledge or skills qualifications of other system participants would be determined through the proposed third-party audit program.

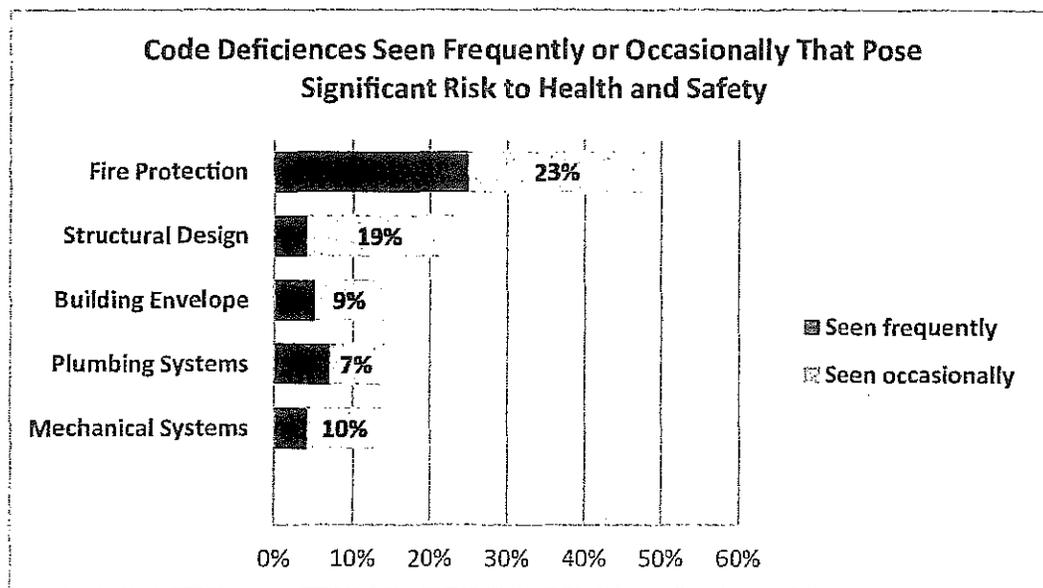
Appendix B: Research Results

Stakeholder survey: Highlights

The Ministry conducted a survey of key stakeholder groups (architects, engineers, technologists, contractors, building officials) in summer 2011 for their views on Code compliance and Code administration processes such as reviews of building design, inspections, Code interpretations, etc.

Code compliance:

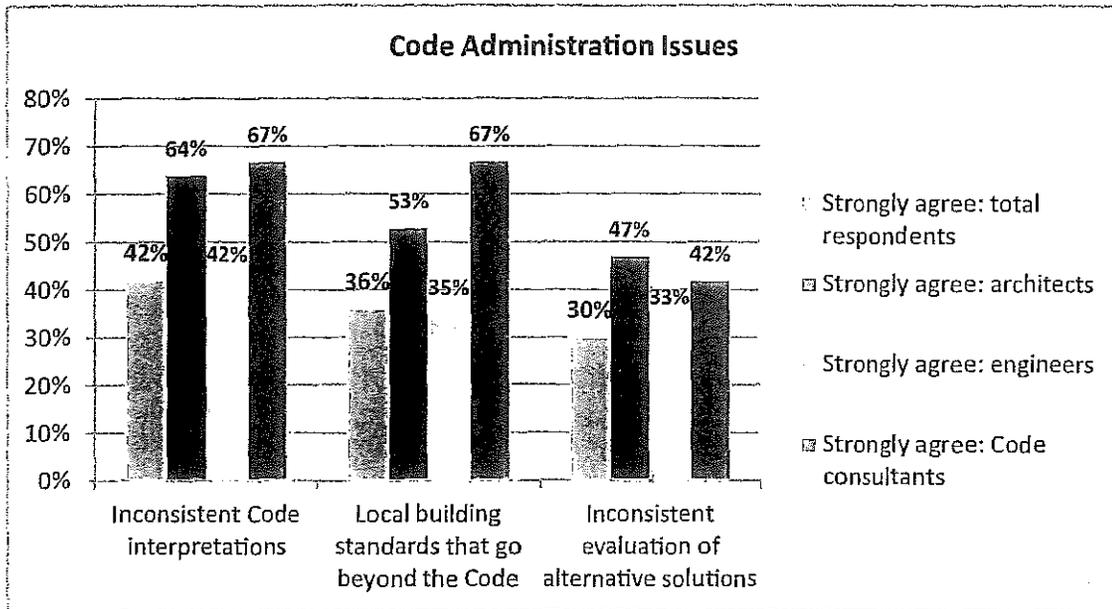
The survey asked stakeholders how frequently they saw Code deficiencies in large complex building projects, and how much risk the deficiencies they saw posed to health and safety. Responses related to Code requirements for fire protection are cause for concern—over 47 per cent of 304 respondents occasionally or frequently saw Code deficiencies that they think represent a significant risk to health and safety. Survey respondents see fewer significant Code deficiencies related to structural design, building envelope and mechanical and plumbing systems.



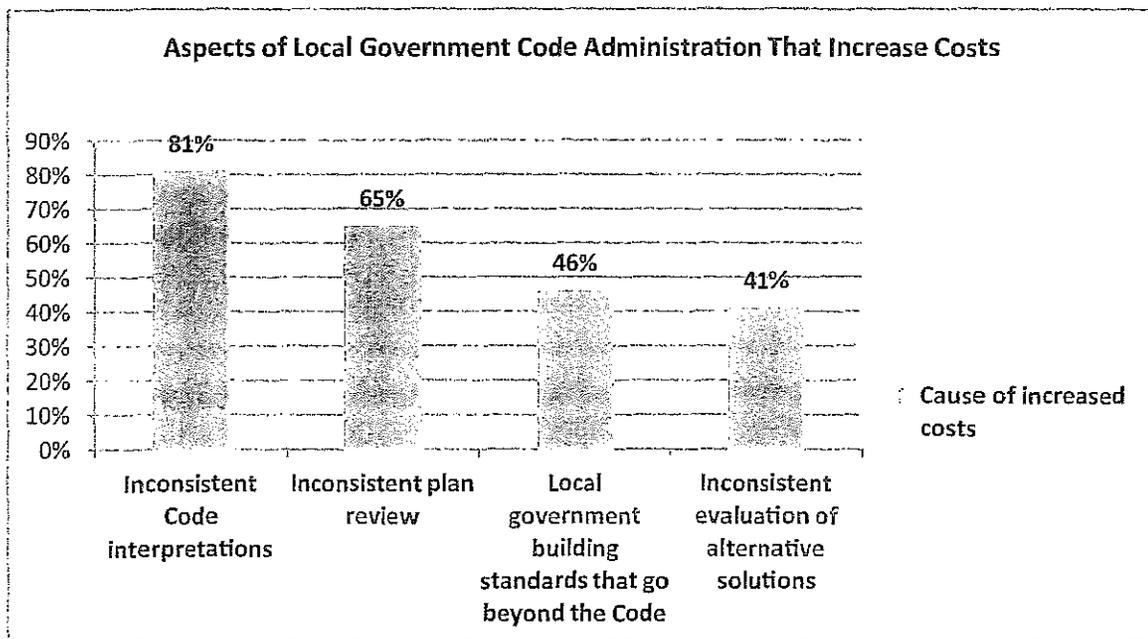
Code administration:

The survey also asked stakeholders if they had issues with any aspects of Code administration. In addition to architects, engineers and Code consultants¹, the 395 respondents included building officials and architectural and engineering technologists and technicians. The table below shows the percentages of the total respondents and the percentages of responding architects, engineers and Code consultants that strongly agree that inconsistent Code interpretations, varying local building standards and inconsistent evaluation of alternative solutions are issues for them.

¹ Code consultants are architects or engineers who provide consulting services such as Building Code compliance review, fire protection engineering analysis and development of alternative solutions to building projects. They are considered to be the Building Code experts of the construction sector.



Respondents were also asked if inconsistency in Code administration practices had increased the costs to a business they owned or were involved with. For the 138 stakeholders who responded to this section, inconsistent Code interpretations were the principal cause of increased costs. Inconsistent plan review procedures and requirements, local building standards that go beyond the Code and inconsistent evaluation processes for alternative solutions also increased costs.



While some respondents said it was difficult to quantify the costs to business of inconsistency, others gave specific examples. Costs were expressed either in dollar amounts, ranging up to tens of thousands of dollars per project, or as an overall percentage of costs, ranging from 5 percent to 35 percent. A few respondents indicated that the costs to business were not simply dollar amounts, but included the impact of missed opportunities in markets with shorter building seasons, project bankruptcies due to delays and the cost to professional reputations when projects were delayed and costs increased. A number of respondents also stated that the costs to their businesses were simply passed on to the building owners, and in turn, on to the final consumer.

Code Deficiency Analysis: Highlights

In a review of condition assessments performed by consulting engineers on buildings completed since 1999, 30 percent of 40 buildings had fire or structural deficiencies that could represent a major safety risk. Since these buildings are occupied, these are deficiencies that building departments and architects and engineers involved in design and construction did *not* detect.

The Ministry is also collecting data from a sample of local government building departments that use standardized design review and inspection checklists, to track how many and what kind of Code deficiencies they find over a set timeframe.

Online Public Review Responses: Highlights

There were 41 responses to the questions on proposals for audits and an alternative solution evaluation body. The majority of respondents were either building officials (39 percent) or architects / engineers (25 percent). 100 percent of building officials and 60 percent of architects / engineers supported the audit proposal, while 81 percent of building officials and 70 percent of architects / engineers supported an alternative solution evaluation body.

Appendix C: Previous Reviews of BC's Building Regulatory System

Previous Reviews:

The reviews listed below illustrate the extent to which systemic issues have been studied, stakeholders consulted and recommendations made over the past 24 years.

Commission of Inquiry, Station Square Development (Closkey Commission), 1988: The Commission was prompted by a roof collapse in Burnaby, and largely focused on issues related to the practice of structural engineering. One of the commission's major recommendations was the province-wide use of standardized Letters of Assurance, in which architects and engineers assure that the design and construction of complex buildings are Code-compliant. This recommendation was implemented in the 1992 BC Building Code.

Options for Renewal, 1994-1996: This review was intended to solicit stakeholder feedback on issues in the system and to recommend actions in response to the issues raised. In 1995, Options for Renewal was merged with a parallel review, which focused on building systems such as electrical and gas equipment, in a single ongoing review of the entire safety system, the Safety Systems Review. Work on the recommended actions was never completed.

Safety Systems Review, 1995-1997: Its recommendations were intended to apply to the entire safety system, including building construction, but were ultimately applied only to a group of specific safety technologies such as gas, electrical and elevators. The transformation of the safety system is in some respects a model for change to the building regulatory system.

Commission of Inquiry into the Quality of Residential Condominium Construction in BC (Barrett Commission), 1998 and 2000: The Commission was appointed in response to the "leaky condo" crisis. A major outcome was the creation of the Homeowner Protection Office (HPO) in 1998, but numerous recommendations related to increased oversight of construction and the competency of system participants were never implemented.

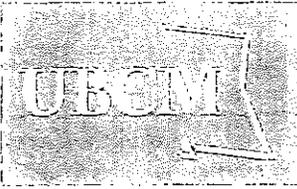
Modernization Strategy, 2004-2007: After extensive stakeholder consultation, this review made proposals for major changes to Building Code application and enforcement; liability; information management and system performance; and competency. While Cabinet approved the changes in principle, which led to some minor legislative amendments in 2007, fundamental change was deferred as priorities shifted to 'greening' the Building Code and provisions for mid-rise wood-frame construction.

Raising the Bar: Enhancing Professionalism in BC's Residential Construction Industry, 2005-2008: A 2005 HPO discussion paper asked stakeholders for feedback on a proposal for minimum qualifications for residential builders. The HPO subsequently convened an industry task group that made recommendations for a new qualification system. Work on the recommendations is in progress.

Key Components of a Modern, Effective Building Regulatory System: Implementation

The table below lists key components of a modern, effective building regulatory system, grouped by topic. For each component, the table shows when previous reviews recommended its implementation and whether it is included in these proposals. Note that recommendations made in 1997 by the Safety Systems Review were intended to apply to building construction, but were ultimately implemented for safety technologies only.

Key Components of a Modern, Effective Building Regulatory System	Previously Recommended in:	Included in These Proposals
Uniform Building Code and supporting services:		
Uniform Building Code	1996, 1997	✓
Directives (binding Provincial Code interpretations)	1996, 1997, 2007	Legislative authority has been enabled; implementation is in progress
Consistent Code interpretations and evaluation of equivalencies (alternative solutions)	1996	✓
Provincial-level product approval	1996, 1997	✓
Code administration:		
Centralized, uniform administration and application of codes and standards	1997	Audits will identify what changes may be needed to strengthen Code administration and professional review
Improved enforcement tools	1997*	
Additional third-party inspections to augment architects' field reviews of construction	1998	
Mandatory Code administration and enforcement by local governments or other third parties	2007	
Consistent Code administration processes	2007	
Provincial role in the building regulatory system:		
Provincial leadership and coordination of the safety system	1997	✓
Qualifications and licensing/registration/certification:		
Qualification requirements for all system participants	1996, 1997	Audits will identify what changes may be needed to ensure participant competency
Minimum mandatory education for multi-family residential design and construction, including testing architects, engineers, and registered builders on the basics of building science and the Building Code	1998	
Development, implementation and enforcement of trade qualification requirements	1998	
Requirement for designers and builders to demonstrate Code knowledge	2004	
Skills certification for building officials	2004	✓
Education and experience requirements for new residential builders of four units or less	2008	✓
Continuing professional development (CPD) to requirements for builder license renewals	2008	✓



MEMBER RELEASE

June 28, 2012

TO: Chief Administrative Officer; Director of Planning; Building Inspector
FROM: UBCM Secretariat
RE: **Draft Policy Paper: Modernizing Building Code Safety Regulations**

Request for Review

Attached is a draft policy paper entitled "Modernizing Building Code Safety Regulations" that UBCM is proposing to take forward to the 2012 UBCM Convention for consideration.

UBCM would ask for senior staff assistance in reviewing the draft policy paper by providing comments and any background information on the issues.

UBCM would appreciate copies of any reports that you may have prepared for your Council on this matter or documents that may have been developed for staff.

We wish to ensure that the report accurately reflects the issues that local government may have with the provincial proposal to modernize the building regulatory system.

Please submit your comments and background materials by email to kvance@ubcm.ca by **July 17, 2012**.

UBCM Contact

If you have any questions regarding this communication please contact:

Ken Vance
Senior Policy Advisor
Email: kvance@ubcm.ca
Tel: 604-270-8226 ext. 114

TO: UBCM Members
FROM: UBCM Executive
DATE: September 26, 2012
RE: **Modernizing Building Code Safety Regulations**

POLICY PAPER

1

2012 CONVENTION

1. DECISION REQUEST

That the UBCM members approve the recommendations outlined in response to the provincial proposal to modernize the building regulatory system.

2. BACKGROUND

Over the last 25 years, the Province of British Columbia has undertaken a number of different reviews on the building regulatory system, with incremental changes pursued through each. In 2004, a modernization strategy was established but was not implemented, as government priorities shifted to focus on "greening" the Building Code and mid-rise (6 storey) wood-frame construction provisions.

The Province is responsible for developing and maintaining the BC Building Code, which sets the standards for the province's building regulatory system. Local governments are able to adopt the Building Code through their bylaws and are responsible to administer, interpret and enforce the Code. Local governments must decide whether they want to enforce the Code and how to enforce the Code.

In 2007 the Building and Safety Policy Branch which is part of the Office of Housing and Construction Standards consulted with over 300 people – owners, developers, designers, builders and trades, local governments, the insurance sector and consumers – about the enforcement of the BC Building Code as part of its Modernization Strategy.

The Building and Safety Policy Branch during discussions with stakeholders heard about the following problems:

- existing defects in buildings – some buildings with significant defects;
- shortage of skilled labour;
- lack of or limited code enforcement – some jurisdictions have cut back or discontinued plan review and building inspection and some rural areas have no regime for regulating construction;
- lack of consistency and predictability – plan review and inspection can be very different from one jurisdiction to another; and
- lack of coordination – building officials, fire officials, safety officers and warranty company inspectors may be poorly coordinated.

Some of the key concerns raised by local governments at these consultation sessions were:

- liability – need to address joint and several, need to narrow the ‘duty of care’ local government has when currently inspecting buildings, some local governments indicated that they may withdraw from code enforcement to reduce their chances of being sued if claims are made for building defects;
- need to ensure competency of builders;
- lack of capacity – technical expertise; some local governments just do not have the staff and/or resources to enforce the code effectively, especially with the increasing complexity of design and technology of large buildings;
- lack of resources – staff, cost to expand building inspection role;
- shortage of qualified building inspectors.

3. CURRENT STATUS

The Building and Safety Standards Branch has released two white papers:

- “A Modern Building Regulatory System”
- “Certification of Local Government Building Officials”

The provincial government is proposing that it be given the sole authority to adopt building standards and ensure that the standards are the same throughout the province. To implement this measure the Province is requesting that local governments review their bylaws and remove any ‘technical building standards’ that do not conform to the provincial standards. The white paper proposes to give the Minister the authority to override any local government bylaw that the Province determines goes beyond the ‘technical building standards’ established.

The Province is also proposing to:

- implement random third-party audits of local government approvals and administrative practices related to building decisions;
- expand its capacity to provide Code interpretations, provide evaluations of alternative solutions, and establish a registry of acceptable building products and assemblies;
- establish mandatory training requirements for building inspectors; and
- introduce a new levy on the value of construction as part of the local government permit process – the levy would be collected by local government and remitted to the Province to pay for the new changes.

In 2011 the Office of Housing and Construction Standards undertook an online survey focused on code compliance and code administration. It is an anecdotal survey of potential problems and/or issues that those involved in the process may have. A total of 300 people responded, the majority were architects, engineers and technicians that work for or are employed by the building industry, a total of 40 or more building inspectors also responded to the survey.

The industry stakeholders indicated that the major building regulatory concerns were the following:

- inconsistent Code interpretation by local government – complicates development and construction and is a major cause of increased costs to business;
- local government building standards that go beyond the Code – complicates development and construction and can create delays and increase costs;
- lack of centralized decision making on Code matters – results in wide variation in decisions and can result in local government decisions not to approve new technologies and products (due to risk aversion);
- poor compliance with code provisions – such as fire protection in some high-rise residential, commercial and other large complex buildings; and
- lack of skills or Code knowledge – contributes to poor quality construction and poor compliance with Code provisions.

In 2012 the Office of Housing and Construction Standards undertook a second survey that focused on the issues outlined in the two white papers. A total of 500 people responded, the survey was directed at architects, engineers and technicians, and local government, a total of 220 local government representatives responded to the survey this included 140 building inspectors, 18 administrators, 8 elected officials and a number of others.

The provincial government is proposing the following measures:

- Uniform Building Code – giving the Province sole authority to adopt building standards and ensure that the standards are the same throughout the province. The Province is requesting that local governments review their bylaws and remove any 'technical building standards' that go beyond what is required in the provincial Building Code. The Province has suggested it would have a transition period to achieve uniformity with the provincial standards and that the Minister would then have the power to declare any local government bylaw or measure that was viewed to go beyond the Building Code as null and void;
- Code Interpretations – Province will expand its capacity to provide credible, non-binding interpretations at Code users requests and will issue binding interpretations (directives) on topics of concern to Code users;
- Alternative Solutions – Province will establish an Alternative Solution and Product Evaluation Body to assist local governments in evaluation of alternative solutions, develop a guide to alternative solutions and local governments uncertain about the acceptability of alternative solutions could refer submissions to this body of expertise;
- Products and Assemblies – the Province would establish a registry of acceptable products and assemblies throughout the province;
- Third-Party Random Audits – provide information on the level of Code compliance and the effectiveness of the Code administration. The Province has suggested that:

Initially, audits would focus on high-risk aspects of complex (Part 3) building design and construction, establishing a baseline for Code compliance. Audits would pinpoint areas of non-compliance and ineffective administrative processes

and help develop targeted measures to address them. Subsequently, audits would be used to selectively monitor the system and measure its performance.

- Online Portal – one window online permit application to begin a development project – including all Provincial permits required and ultimately extending to permits of participating local governments;
- Stakeholder Advisory Body – creation of a provincially appointed advisory body to advise on matters related to the building regulatory system;
- Qualification Requirements – the Province is proposing to introduce minimum qualification requirements for residential builders of four units or less; and
- Financial Costs – the Province has suggested that the proposal could be funded by a levy on construction. The levy could either be a percentage of cost of construction or a flat rate and would be collected when the building permit is issued. User fees would also be considered to cover part of the costs of alternative solutions and product evaluations.

The Province is proposing a system of mandatory certification of building officials, including continuing professional development. The Province is partnering with the Building Officials' Association of BC (BOABC) to deliver the program. This proposal would:

- require all building officials employed by local governments to meet qualifications and obtain certification from the BOABC;
- limit local governments to employing only certified individuals as building officials; and
- limit the functions that building officials could perform to their level of certification.

Three levels of certification are proposed:

- Level 1 – one and two family dwellings;
- Level 2 – small buildings regulated under Part 9 of the Code with a footprint of not more than 600 m and not more than 3 storeys; and
- Level 3 – larger and more complex buildings regulated under Part 3 of the Code.

The time frame for implementing the new measures is not clear at this point and the process for further input is not known. It would appear that it could be the fall of 2012 or the spring of 2013.

4. DISCUSSION

The Province is proposing to change how the building approval process will work in the future. Under the Provincial proposal any discussions related to 'technical building standards' will be shifted from the community level to the provincial level.

The current proposal raises some issues, in the following areas:

- local autonomy 'one size fits all approach': concern that the proposed changes might undermine local government efforts to respond to community needs;

- third party audits: concern as to the intent of the audit process and the impact it might have on local government, such as a requirement in the future to implement mandatory building inspections;
- liability – need to address local government concerns regarding “joint and several liability”;
- building inspection standards – need to understand the training costs to local government of meeting mandatory standards and how this could impact the availability of building inspectors;
- financial costs – concern about the impact of the new “provincial building tax” levy on development and the cost of reviewing local government bylaws to ensure that they do not contain “technical building standards” which would be in contravention of the new provincial mandate.

Outlined below is a discussion of each of the issues identified and local government concerns related to them.

a) Local Autonomy – “One Size Fits All Solution”

The Province is proposing that it have the sole authority to adopt building standards. Under this proposal the Minister would have the authority to determine whether or not a local government bylaw dealt with ‘technical building standards’ that fall under the Building Code. Local government bylaws that dealt with “technical building standards” would be need to be changed or would be declared invalid.

Under the *Community Charter*, the Concurrent Authority provision requires that local governments consult with the Province before establishing bylaws that regulate building construction. It has also meant that the Province needs to consult with local government before taking action in this area. This is different to a number of other provinces in Canada where the provincial government has the sole authority to adopt building standards without having to work with their local governments. The *Community Charter* has created the framework for partnership between local government and the province and this would be eliminated under the new initiative.

Local government would be concerned about the elimination of all local government building regulatory bylaws, as outlined in the provincial proposal. This change would limit local governments flexibility in responding to specific community needs. As one local government pointed out:

Many local government jurisdictions have pursued local bylaws to address specific community needs, as well as to respond to important issues where the provincial government was unable to find a solution that could be applied uniformly across the province. For example, the establishment of supplementary fire sprinkler system requirements were developed locally to address needs, without the necessity of having requirements forced on all other areas that do not have those same needs or objectives. This local approach, also allows for a response to an issue that may not be a current or future provincial priority.

Local governments look at a broad range of community amenities in their Official Community Plan or Zoning Bylaw to address neighbourhood issues. To meet

community objectives local governments have requested that local builders undertake measures that may in some cases be considered “technical building standards” that go beyond what is identified in the Building Code. Outlined below are examples of some community objectives that have been addressed in this way:

- Protection of seniors through the use of fall protection in bathrooms;
- Protection of families from fire hazards through the use of sprinklers in new houses;
- Protection of young children from accidental drowning by requiring fencing around swimming pools;
- Protection of buildings to reduce the risk from wildfires – requirements that specific construction materials be used in homes to minimize wildfire risks and avoid wildfire issues like those that took place in Kelowna and other areas of the province;
- Measures to increase the sustainability of local communities by implementing ‘green building standards’ – requirements for LEED Gold standards in constructing new building offices; and
- Measures to enhance community safety – crime prevention measures to enhance safety around buildings and in public spaces.

Local government concern is that the measures proposed by the Province may limit local governments ability to use these tools in the future to address community objectives and in some cases may prevent local government from using these types of planning tools at all to respond to neighbourhood issues.

Other agencies have also raised concerns in this area. For example, the BC Fire Chiefs Association has indicated its opposition to the Province’s Building Code strategy. The Fire Chiefs Association is concerned is that it would limit local governments ability to implement a sprinkler protection program in local communities.

Local government also has concerns about the impact of the provincial proposal on construction projects that are being constructed in different phases. For example, it could mean that the first stage of development would have sprinklers or fall protection for seniors and the remaining stages would not as the Minister would have determined that they were “technical building standards” and the requirements are inconsistent with a uniform Building Code.

In addition, local government would have concerns that the new process may create potential conflict, uncertainty and delays in the building approval process. The Province has only provided limited information as to what it means by “technical building standard” and where local government bylaws might conflict with the new policy being proposed. The Province would need to provide more detailed information as to its intentions in this area and a detailed list of what “technical building standards” would be included under its proposal so as to ensure that local government bylaws did not conflict with it. This information is also needed to fully understand the scope of the provincial initiative and to ensure a full understanding of its implications.

The provincial proposal could also create uncertainty as to who is responsible for making decisions about building construction at the local level and what type of

decisions can be made. The outcome could mean increasing delays in the construction process as everyone waits for a decision from Victoria as to what “technical building standards” mean and who has jurisdiction to issue permits and/or approve construction. At the present time, the Building Code provides scope for interpretation and there currently is some give and take in the field around the use of construction techniques, the removal of this flexibility could have unforeseen consequences.

The Provincial proposal would appear to centralize building construction decisions at the provincial level. Local government in general has not supported a “one size fits all” approach to building development decisions. This process would remove local governments ability to respond to neighbourhood needs, cause delays in the approval of construction projects, as seeking provincial code interpretations could prove time consuming, and would not meet the day-to-day needs of the industry.

b) Third Party Audits – Mandatory Building Inspection

The proposal is to conduct 60 audits of building projects that involved complex building design and construction. The provincial paper suggests that these audits are necessary to ensure the safety of public buildings and to ensure uniform building standards across the province. The audit process would be designed to include a review of the role of local government officials and registered professionals in the administration of the Code processes. The results of the audit would be used to determine if further changes are required to the Code administration process and to establish a baseline for future action.

In the past, the Province when discussing a third party audit process for building inspection has linked it to a larger plan to implement a mandatory building inspection program. The audit program, in that case, was intended to ensure that local government met provincial objectives in its building inspection program. A third party audit process could be useful in assisting local government in delivering better service to the public. However, their needs to be clear objectives for the audit process to work and it is not clear what the intended purpose of the provincial proposal for a third party audit is at this time.

Currently, the implementation of code administration and compliance processes is under the sole discretion of local government. The level of detail and involvement of local government is set by each jurisdiction in relation to local need, resources and interests. It is not clear how a provincial audit process might be established to ensure that local objectives were being met in the most efficient and effective manner.

If the intent of the Province is to implement a mandatory bylaw inspection program in the future then there should be consultation on this issue. However, before such a measure is implemented there are a number of practical issues that need to be considered when looking at the application of province wide building standards and the use of third party audits. A number of these points were raised in the UBCM discussion paper entitled “Enforcement of the BC Building Code and Related Issues” that was endorsed at the 2007 UBCM Convention:

- *Consistency* – need to ensure consistent interpretation of the Code on a province wide basis and that the focus should be on the outcome of the building regulation, namely the construction of safe buildings and not on the consistent implementation of a province wide building permit application process.
- *Competency* – need to ensure an ongoing partnership between the development industry, local government and the Province. Competent building trades reduce the amount of oversight that is required on a construction site and ensure that safe buildings are constructed in accordance with the requirements of the Building Code. It is important that each partner understand the role that they play in the process and the responsibility they have in making the process work.

A further justification in the provincial proposal for implementing an audit requirement is a concern that a public safety issue may exist in relation to complex buildings (Part 3 Buildings under the Code). The proposal does not provide any details as to the extent of the safety issue with respect to complex buildings and it is not clear how reviewing local government administrative practices would fix this problem. Local governments in the majority of cases rely on professional architects and engineers to review the plans for complex buildings and to indicate whether or not they meet Building Code standards. The link between the safety concern and the need for an audit process is further obscured by the fact that the City of Vancouver is exempt from the measures being proposed by the Province and a large number of the complex buildings constructed in the province are located in Vancouver.

c) Liability Issues

The provincial proposal does not mention the liability issue. However, the liability issue is a significant concern to local government. Local government continues to take on risk when making decisions with respect to the building projects.

The Province has taken some significant steps in addressing local government liability issues with recent amendments to the *Limitations Act*. However, there is still the need to address the issue of “joint and several liability” which would require amendments to the *Negligence Act*.

The issue of “joint and several liability” will continue to be a concern to local government when approving the design and construction of buildings and undertaking inspections. As one local government described the problem:

Under joint and several liability, any one defendant found responsible for even a small degree of fault can be called upon by the successful plaintiff to pay 100% of the damages. In a typical defective building case, such as a leaky condo, defendants would include the architect, the builder, the consultants and the subcontractors and the municipality. All of the private sector defendants are capable of insulating themselves from judgments through numbered companies, minimal insurance, bankruptcy etc. whereas the municipality has essentially unlimited deep pockets and exists in perpetuity. If a court finds that negligent municipal inspections were responsible for 5% of the damages, the municipality can be called upon to pay 100% of the damages if the other defendants have no ability to pay.

It is the unfairness of the principle of joint and several liability in defective building cases which has been driving municipalities away from building code enforcement [...].

UBCM has long advocated the reform of joint and several liability. The failure to acknowledge this concern is generally seen as a shortcoming in the process. In response to a discussion paper in 2002 on Civil Liability by the Attorney General, UBCM made the following recommendations related to the principle behind liability and the issue of joint and several liability:

A Fundamental Principle

That civil liability reforms should be guided by the fundamental principle that individuals and organizations should be responsible for the consequences of their actions, not for the actions of others; and their liability should be commensurate with their degree of responsibility.

Joint & Several Liability

That the concept of joint and several liability for property damage and economic loss is inappropriate in a modern society and should be abolished.

That joint and several liability be replaced by a system of pure several or proportionate liability (such as now exists in cases of contributory liability) under which defendants are responsible only to the degree to which they contributed to the loss.

The liability issue has had a major impact on how local governments have dealt with building inspection as was pointed out in the UBCM discussion paper entitled "Enforcement of the BC Building Code and Related Issues" that was endorsed at the 2007 UBCM Convention:

- *Liability* – local governments have been withdrawing from Building Code enforcement because they face a liability burden disproportionate to their actual responsibility for defective buildings.
- *Alternative Solutions* – currently local governments have sole decision-making authority and a major deterrent to accepting alternatives for local governments is liability.

d) Building Inspection Standards

The provincial government has proposed to deal with this issue in two ways:

- administrative process to provide more direction in the building inspection process – interpretative bulletins, alternative solutions panel, etc.
- mandatory training requirements for Building Inspectors and the requirement that a Building Inspector be a member of the Building Officials Association of BC (BOABC).

The Province has proposed to provide more information to assist in the decision-making process related to building construction and local government has supported the following measures in the past:

- Code Interpretations – the Province will expand its capacity to provide credible, non-binding interpretations at Code users requests and will issue binding interpretations (directives) on topics of concern to Code users;
- Alternative Solutions and Product Evaluation – the Province would establish a guide to alternative solutions and a registry of acceptable products and assemblies throughout the province;
- Online Portal – one window online permit application to begin a development project – including all provincial permits required and ultimately extending to permits of participating local governments.

i. Code Interpretations

The Province amended the *Community Charter* in 2008 to allow it to issue binding interpretations of the Building Code. However, the Province has not implemented this authority to this point.

The establishment of approved interpretations at the provincial level would be of assistance to all local governments. The collection of these interpretations at the provincial level would provide a valuable resource to facilitate permit issuance and resolution of construction issues in the long term.

ii. Alternative Solutions & Product Evaluation

At the present time, compliance of the Building Code can be achieved by either following the prescriptive requirements in the Code or by proposing alternative solutions that meet the intent of the Building Code. Specific building products and assemblies that are developed to meet the intent of the Building Code are required to be tested and listed by a recognized testing/certification agency, such as the Underwriter Laboratory of Canada (ULC) or Canadian Construction Materials Centre Association (CSA). This process ensures building safety while allowing for the development and application of technologies that can decrease costs and allow for the introduction of alternate solutions to meet Building Code requirements. However, at the present time each jurisdiction must consider and determine whether to accept an alternate solution that requires some level of expertise and multiple evaluations across jurisdictions.

The creation of a provincial body to evaluate alternate solutions and new building products and the establishment of a registry of approved alternate solutions would assist local governments and builders. Provincial review and acceptance of new building products and assemblies would remove the requirement to review alternate solutions at the local level and enable alternate solutions to be shared or transferred between jurisdictions. A provincial process would reduce the time and cost of industry in achieving certification of new products, the resources needed by local government to review new products and local government liability that may occur when accepting the use of alternative solutions.

iii. Mandatory Training Standards

The proposal by the Province to require mandatory certification of building officials, would assist local government in promoting safer builders and potentially reduce its liability. In general, the development of common qualifications and training standards would benefit the regulatory system.

The mandatory certification of building officials, however, will create some potential issues for local government in meeting the objective. The Province will need to carefully consider how the certification process will be implemented and support it with the necessary resources to achieve the desired outcome.

The implementation of these new measures will raise some concerns with respect to the status of existing staff and how these staff will be treated under this new process if they do not obtain the necessary certification. The Province will need to address how these employment and contract issues will be dealt with when moving forward.

The new requirements will also impact the ability of local government to find and recruit certified staff to meet the demands of the construction industry for service. The requirements for certification will result in a reduction of the pool of potential employees that will be available to local government to provide service.

There is currently a general shortage of qualified building inspectors in the province. Local governments outside of the Lower Mainland are having difficulty in finding qualified officials who wish to work in their area and have been forced to hire people qualified in the building trades in order to maintain the building inspection function, which would not meet the new standards being proposed. In the case of local governments in the Lower Mainland, it may hinder the ability of local governments to hire part-time plan checkers and inspectors to provide coverage during peak work load periods or to provide coverage in response to retirements, sick, vacation or other work availability issues.

The proposal will add additional costs to both local governments and/or individuals in meeting the new certification requirements. Costs associated with the certification process are approximately \$500 to obtain each of the Level 1 and Level 2, and \$2,100 for level 3; \$448 for annual membership in the BOABC. Other costs associated with the training, include travel and accommodation costs for those outside the Lower Mainland, courses through BCIT and other institutions, and on-going professional development.

The Municipal Insurance Association (MIA) has indicated its support for the proposed mandatory building inspection program outlined by the Province. The MIA has suggested that it may be able to assist small communities in training bylaw inspectors through its Risk Management Grant program. The MIA feels that this initiative may help reduce the number of cases related to building inspections and may assist in reducing its overall liability in this area.

It would also appear that provincial support for the implementation of the certification program is required to ensure its success. Financial assistance from the Province to

offset the new costs, at the local government and individual level, from the application of the certification proposal would appear to be a key component to making sure that the desired outcome is achieved.

e) Financial Costs

The Province is proposing that a new “provincial building tax” be introduced. It is not clear whether this new tax would be a percentage of construction costs or a flat fee added to the building permit fee that is charged by local government to review and approve building applications. The proposal is for local government to collect the fee on behalf of the provincial government.

The proposed approach would appear to raise a number of concerns. The first concern is that it would impose a new levy on the building industry and increase the cost of construction. The second concern is that it would transfer the revenue responsibilities of the provincial government to local government. The third concern is that the process would require a duplication of revenue collection processes across local government, draw on the resources of local government to collect and transfer the funds and add additional layers to the audit and accounting processes required for the collection and remittance of the levy.

As a general rule, local government would not support collecting a levy on behalf of the provincial government. The process would appear to be more efficient if the Province funded its role in the building regulatory system directly from provincial sources.

5. CONCLUSION

The *Community Charter* currently provides a framework for a partnership between local government and the Province in the development of building bylaws and there is a need to strengthen this relationship going forward.

There is also a need to ensure that the ongoing partnership between the development industry, local government and the Province is maintained.

Local government flexibility with respect to building regulations has allowed it to:

- respond to important issues where the provincial government is unable to find a solution that could be applied uniformly across the province; and
- respond to an issue that may not be a current or future provincial priority.

Local government ability to meet community objectives in its planning and building approval process has allowed it to respond to neighbourhood needs, such as:

- protection of seniors through the use of fall protection in bathrooms;
- protection of families from fire hazards through the use of sprinklers in new houses;
- protection of young children from accidental drowning by requiring fencing around swimming pools;

- protection of buildings to reduce the risk from wildfires – requirements that specific construction materials be used in homes to minimize wildfire risks and avoid wildfire issues like those that took place in Kelowna and other areas of the province;
- measures to increase the sustainability of local communities by implementing ‘green building standards’ – requirements for LEED Gold standards in constructing new building offices; and
- measures to enhance community safety – crime prevention measures to enhance safety around buildings and in public spaces.

Liability remains an ongoing issue for local government and plays a major role in how it deals with building inspection matters. There needs to be further discussion around the liability issue and more specifically around ways to address the issue of “joint and several liability” which continues to be a concern for local government when approving building permits.

The development of common qualifications and training standards would assist local government in the building inspection process. However, the Province and local government will need to work together around the certification process and support it with the necessary resources. There is a need for further discussion around a number of issues related to the certification process and the general shortage of qualified inspectors.

Finally, the paper identifies the need for the Province to provide the resources needed to implement a number of the changes proposed. Both financial and staff resources will be needed to ensure that the Province can provide an interpretation code, a guide for alternative solutions, a registry of acceptable products, and assist local government in meeting the new training standards that are required. There also needs to be discussion around some of the financial aspects of the proposed changes, such as the “provincial levy” on construction costs and the impact this might have on the construction industry and on local government.

6. RECOMMENDATIONS

- a) UBCM request that the Province work with local government to strengthen the current partnership in the building approval process and request that no changes be made to the *Community Charter*.
- b) UBCM request that local governments continue to have the flexibility to address neighbourhood issues and the ability to implement measures too:
 - protect seniors through the use of fall protection in bathrooms;
 - protect families from fire hazards through the use of sprinklers in new houses;
 - protect young children from accidental drowning by requiring fencing around swimming pools;
 - reduce the risk from wildfires by requiring that specific construction materials be used in homes to minimize wildfire risks and avoid wildfire problems;

- increase the sustainability of local communities by implementing 'green building standards' – requirements for LEED Gold standards in constructing new building offices; and
 - enhance community safety by requiring crime prevention measures to be implemented around buildings and in public spaces.
- c) UBCM request that the implementation of code administration and compliance processes continue to be at the sole discretion of local government and that a third party audit process not be implemented.
- d) UBCM request that the *Negligence Act* be amended to address the issue of 'joint and several liability'. UBCM would propose the following recommendations related to the principle behind liability and the issue of joint and several liability:
- i. *A Fundamental Principle*
That civil liability reforms should be guided by the fundamental principle that individuals and organizations should be responsible for the consequences of their actions, not for the actions of others; and their liability should be commensurate with their degree of responsibility
 - ii. *Joint & Several Liability*
That the concept of joint and several liability for property damage and economic loss is inappropriate in a modern society and should be abolished.

That joint and several liability be replaced by a system of pure several or proportionate liability (such as now exists in cases of contributory liability) under which defendants are responsible only to the degree to which they contributed to the loss.
- e) UBCM request that the Province implement the following measures:
- Code Interpretations – Province provide credible, non-binding interpretations at Code users requests and issue binding interpretations (directives) on topics of concern to Code users;
 - Alternative Solutions and Product Evaluation – Province establish a guide to alternative solutions and a registry of acceptable products and assemblies throughout the province;
 - Online Portal – One window online permit application to begin a development project.
- f) UBCM support the need for qualified building inspectors and request that the Province work with local government to address the following implementation concerns – employment and contract issues, the reduction in the number of potential employees available to local government to provide service, and the shortage in qualified inspectors.
- g) UBCM request that the Province provide financial assistance for training and other related costs to implement the new program, particularly for smaller communities.

-
- h) UBCM request that if the Province introduces a new provincial levy on construction costs that it collect the levy directly from the construction industry.
 - i) UBCM request that the Province provide the resources, both financial and staff, needed, to ensure that it can provide an interpretation Code, a guide for alternative solutions, and a registry of acceptable products.

DRAFT



R9

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 18, 2012

DATE: September 7, 2012 **FILE NO:** 2012/2013 Budgets

FROM: Jason Adair, Operations Superintendent Recycling & Waste Management

SUBJECT: 2012 YTD Curbside Collection Budget Status Report and 2013 Budget Discussion

Recommendation: This report is submitted for information purposes only.

Relation to the Corporate Strategic Plan:

Financial Impact: (Reviewed by Finance Division: **NOT REQUIRED**)

Please find below a brief summary of the Curbside Collection Solid Waste management budget:

Function 515 provides for curbside residential collection in Electoral Areas. General operating expenditures are on target for the 2012 budget.

The Board approved moving curbside collection to an in house service effective June 1, 2013, subject to a successful Alternative Approval Process, with the purchase of three automated trucks and 17 000 totes. Staff are currently completing a Communications Plan prior to the Alternative Approval Process, which is expected to take place in October 2013. The Communication Plan involves a media campaign, radio and print advertising, direct mail campaign, website and Open Houses for all Electoral Areas.

The following are 2012 and projected user fees for 2103:

Electoral Area	2012 User Fees	2013 Projected User fees
A	\$48	\$47
B	\$48	\$47
C	\$52	\$47
D	\$155	\$154
E	\$155	\$154
F	\$181	\$170
G	\$155	\$154
H	\$52	\$47
I	\$181	\$170

Background: Financial update only.

Submitted by,

Jason Adair, Operations Superintendent
Recycling & Waste Management Division

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

INI

Jennifer Hughes

From: momsbandb@shaw.ca
Sent: Wednesday, September 12, 2012 7:08 AM
To: Jennifer Hughes
Subject: Fw: resignation

From: [Marlyn](#)
Sent: Wednesday, July 11, 2012 7:16 PM
To: [momsbandb@shaw.ca](#)
Cc: [darmar7@shaw.ca](#)
Subject: Re: resignation

To: Marcia, Chairperson Youbou Parks Board

This is my official resignation from the parks board as I am moving out of the area.

Best of luck to you all.

Dave Charney

From: [momsbandb@shaw.ca](#)
Sent: Saturday, July 07, 2012 7:03 PM
To: [Dave Charney](#)
Subject: resignation

Good evening Dave ~

Just one last thing you need to do to make your getaway – could you please drop me a line giving your official resignation? You can send it to Marcia if you wish.

Thanks and the best to you and Marlyn in your new adventure!

Tara

Jennifer Hughes

From: momsbandb@shaw.ca
Sent: Wednesday, September 12, 2012 7:06 AM
To: Jennifer Hughes
Subject: Fw: meeting

From: [Gillian and Allan](#)
Sent: Friday, September 07, 2012 3:14 PM
To: momsbandb@shaw.ca
Subject: Re: meeting

Hello Tara,

Lots of changes have happened this last year, health wise. The next change is Allan and I will be moving to Maple Bay on the 20th of this month!! Next Tuesday we shall be moving boxes over to our new house, so there won't be as much to move on the moving day, so unfortunatley I will not be able to attend, so I shall take this oppertunity to thank you all for the great experience of being on the Parks commission and would like to stand down from my position. Wishing you all the best for the future.

Your friend in Parks, Gillian.

INA2

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



DATE: July 09, 2012

TIME: 7:01 pm

MINUTES of the electoral Area "G" Parks Commission Meeting held on the above noted date and time at the Water Board Office, 10705 Chemainus Rd, Saltair, BC.

PRESENT:

Chairman: Harry Brunt

Secretary: Jackie Rieck

Members: Hans Nelles, Tim Godau, Paul Bottomley, Christine Nelles, Kelly Schellenberg, and Glenn Hammond.

ABSENT:

Member: Dave Key

ALSO PRESENT:

Director: Mel Dorey

APPROVAL OF AGENDA:

Motion to approve agenda as submitted.

MOTION CARRIED

ACCEPTANCE OF MINUTES:

It was moved and seconded that the Minutes of Area "G" Parks Commission Meeting of June 11th, 2012 be accepted.

MOTION CARRIED

STANDING REPORTS:

CVRD:

-No report.

DIRECTOR'S REPORT:

-Mel processed the notion of associating our "Welcome to Sunny Saltair" signs with, plant a "Palm Tree Theme". Mel came across an opportunity to purchase 40 five year old palm trees at \$2.00 each with the idea of promoting and then selling them to Saltair residents, thus giving Saltair the image that we have a very temperate climate.

MOTION:

It was moved and seconded to purchase 40 palm trees at \$2.00 each in keeping with Saltair's image of being the sunniest place on Vancouver Island.

MOTION CARRIED

****Discussed safety issue** at North Watts Trans Canada trail head. Trail should be carried on to reach Glen Rd as the public is having to cross Chemainus Rd at a blind curve on the highway.

-Reviewed and discussed Nadi Bottomley's email from July 08, 2012, regarding two tax budget headings: "Saltair Recreation" and Saltair Community Parks". Question was raised: "How much money was collected yearly out of the Recreation Budget and where did it go? Harry will request balance and email, members an accounting of the Recreation Budget in September 2012 or at the next meeting.

CENTENNIAL PARK:

-Reviewed Mike Miller's email of June 29th regarding basketball hoop upgrade costs.

MOTION:

It was moved and seconded to install a new post and two 9ft commercial hoops and backboard and paint two keys in the smaller court.

MOTION PASSED

-Harry to look into replacement of 2 X6 baseboard trim on smaller court.

-Future tennis court maintenance plans were discussed. Two new "Court Rules" signs are on order.

**** Kelly Schellenberg left meeting at 8:05 pm.**

-Mid-Isle Soccer request to use ball fields for a tournament on August 17th to August 19th was approved as long as they follow CVRD rules and regulations.

PRINCESS DIANA PARK:

- Harry is working on arranging bark mulch delivery
- Still awaiting cost estimates for Sign/Kiosk displaying Map of trails from CVRD.

STOCKING CREEK PARK:

- Reviewed Stocking Creek Park Trail Assessment plan drafted by Dan Brown. Mel to clarify with Dan work priorities and work plans for the students.

BEACH ACCESSES:

- Stuart Road trail is being currently worked on.
- Discussed obtaining permission from Dept. of Highways to begin working on clearing a trail from Parkinson trail to connect to Cliffcoe Rd.

MOTION:

It was moved and seconded to have CVRD apply for a lease from Dept. of Highways to access and build a trail connecting Parkinson's trail with Cliffcoe Road.

MOTION CARRIED

- Discussion was held regarding the feasibility of a beach access at the end of Shannon Drive or at Beggs Road

MOTION:

It was moved and seconded for CVRD to look into the feasibility and cost estimate of building a beach access at the end of Shannon Drive or at Beggs Rd.

MOTION CARRIED

LADYSMITH PARKS AND RECREATION:

- No report.

BASEBALL:

- No report.

SPECIAL EVENTS:

Halloween event is scheduled in October with same budget as last year.

NEXT MEETING:

The next Park's meeting is scheduled for Monday, September 10th, 2012, 7:00 pm at the Water Board Office on 10705 Chemainus Road, Saltair, BC.

ADJOURNMENT:

Meeting was adjourned at 8:38 pm.

IN3

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



DATE: September 10th, 2012

TIME: 7:00 pm

MINUTES of the electoral Area "G" Parks Commission Meeting held on the above noted date and time at the Water Board Office: 10705 Chemainus Rd, Saltair, BC.

PRESENT:

Chairman: Harry Brunt

Secretary: Jackie Rieck

Members: Hans Nelles, Christine Nelles, Paul Bottomley. Dave Key (arrived at 7:05pm) and Tim Godau (arrived late at 7:30 pm).

ABSENT:

Members: Kelly Schellenberg and Glen Hammond.

ALSO PRESENT:

Director: Mel Dorey

Guest: Brian Farquhar (CVRD)

APPROVAL OF AGENDA:

Motion to approve agenda as submitted.

MOTION CARRIED

ACCEPTANCE OF MINUTES:

It was moved and seconded that the Minutes of Area "G" Parks Commission Meeting of July 09th, 2012 be accepted.

MOTION CARRIED

STANDING REPORTS:

CVRD:

-Special guest Brian Farquhar presented the 2013 Community Park Budget Planning Draft for Area "G". The preliminary Draft was reviewed and revised accordingly.

-Closed session – Land acquisitions.

-Discussed 2013 "Saltair Recreation" Tax requisition.

-Discussed plan to develop Parkinson Trail to connect to Clifcoe Rd

DIRECTOR'S REPORT:

-Mel provided information regarding the CVRD's new plan for modernizing Curbside Collection and stabilizing user fees. There will be an upcoming Electoral Area Open House on Monday, September 17th, 2012 from 7:00 pm to 9:00 pm at the North Oyster Community Hall, 13467 Cedar Road.

-Palm tree sales are going well. To date a total of 40 trees have been sold to Saltair residents.

CENTENNIAL PARK:

-The new basketball hoop systems are currently in the process of being installed. Commission members have some concerns regarding installation specifications and have asked Brian to follow up.

-The large hazardous willow tree has been cut down, however, arrangements need to be made to remove the stump.

-Some sprinkler adjustments are required in and around the Picnic Shelter area. The lawn has become very muddy and soggy. Also, a suggestion was made to turn off sprinklers for the fall/winter season.

-Large flood lights require bulb replacement. Brian to follow-up with Ryan Dias.

-Ceilings in the public washrooms have a chronic mold issue. Brian will follow-up

-Hans will arrange a washing of the Tennis Courts.

PRINCESS DIANA PARK:

-Harry requested CVRD staff arrange a walk-thru with Don to assess any hazardous trees requiring removal.

-Cost estimate is required for one 4X6 sign kiosk with trail map and commemorative information to be placed either at the Olsen Rd Entrance or in the middle open area where all the trails intersect.

STOCKING CREEK PARK:

-Kelly Schellenberg and Shirley Blackstaff are still working on flora and fauna signage.

-Dan Brown has requested a work group be organized to complete some leftover trail maintenance. Mel will liaison with Dan to confirm a date for a volunteer work party.

BEACH ACCESSES:

-Bezan Access staircase has a few loose boards that require some maintenance.

-Clifcoe Beach Access- (see Minutes from June 11th Meeting for further description). The very last set of stairs are in need of attention. It looks as if they maybe shifting or twisting due to erosion of the bank. Once repaired they would also require a top up with cart path material. Brian to follow-up.

-Clifcoe Rd staircase which leads to Nebel Rd was scheduled to be topped up with cart-path. At the time of meeting, Commission members were unsure if the job had been completed.

-The trail at the end of Stuart Rd leading to Clifcoe Rd still needs to be properly defined so public users know where to walk and not be confused by the neighbouring private driveway. See Minutes from June 11th, 2012 Meeting. Brian to follow up.

LADYSMITH PARKS & REC:

-No report.

BASEBALL:

-August 17 - 19th baseball tournament was canceled.

-Concession stand was broken into and \$250.00 worth of merchandise was stolen. Saltair Slo-Pitch league compensated concession stand operator for her loss. Damage to concession has been repaired.

SPECIAL EVENTS:

-Dave Key will be handling the Halloween Party and fireworks display.

NEXT MEETING:

Next Park meeting is scheduled for Monday, October 1st, 2012, 7:00 pm at the Water Board Office on 10705 Chemainus Rd, Saltair, BC.

ADJOURNMENT:

Meeting was adjourned at 9:30 pm.