



ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
November 20, 2012
Regional District Board Room
175 Ingram Street, Duncan, BC
3:00 p.m.

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7. <u>NEW BUSINESS</u>	

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 November 6, 2012

164-166

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, November 6, 2012 at 3:00 p.m. in the Regional District Board Room, 175 Ingram Street, Duncan, B.C.

PRESENT

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

ALSO PRESENT

Tom Anderson, General Manager
 Warren Jones, Administrator
 Rob Conway, Manager
 Brian Duncan, Manager
 Nino Morano, Bylaw Enforcement Officer
 Rob Harris, Bylaw Enforcement Officer
 Rachelle Rondeau, Planner I
 Alison Garnett, Planner I
 Tanya Soroka, Parks and Trails Planner
 Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included adding seven items of listed New Business.

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

MOTION CARRIED

M1 - Minutes

It was Moved and Seconded that the Minutes of the October 16, 2012, EASC meeting be adopted.

MOTION CARRIED

BUSINESS ARISING

Director Fraser distributed new information respecting Application No. 3-E-12ALR (Matthews) which was discussed at the October 16th EASC meeting and requested that further take place prior to forwarding a resolution to the Board.

It was Moved and Seconded
 That EASC resolution respecting Application No. 3-E-12ALR (Matthews) from the October 16, 2012 EASC meeting, be referred to a future meeting for further discussion, and that the applicant be advised.

MOTION CARRIED

DELEGATIONS

D1 - Brigel

Paul Brigel was present regarding vacation rentals. He distributed further information to Committee members. Mr. Brigel stated that he owns a residence at 9766 Miracle Way in Youbou, and that he occasionally uses his property for vacation rental purposes. He requested that the Board consider permitting short term rentals.

The Committee directed questions to the delegate.

The Chair thanked Mr. Brigel for appearing.

D2 - Hall

Colin Hall was present regarding his request to amend Land Use Contract Bylaw 357 to allow backyard chickens to be permitted at 2882 Gregory Road in Shawnigan Beach Estates. Mr. Hall distributed further information to Committee members and stated he would like the bylaw amended to allow a maximum of eight chickens, and further noted that other districts have amended their bylaws to allow backyard chickens.

The Committee directed questions to the delegate.

Mr. Anderson advised that the South Cowichan Zoning Bylaw Committee will be reporting on the new draft zoning bylaw which deals with this issue in the new year.

The Chair thanked the delegate for appearing.

STAFF REPORTS

R1 - Dix

Rob Conway, Manager, reviewed staff report dated October 30, 2012, regarding Application No. 4-I-12DP/RAR/VAR (Michael Dix) to reduce the footprint of a proposed dwelling on Bill Goat Island #4.

Michael Dix, applicant, was present.

The Committee directed questions to staff.

It was moved and seconded

That Application No. 4-I-12DP/RAR/VAR (Michael Dix) be referred back to staff and the Area I Advisory Planning Commission.

MOTION CARRIED

R2 – Mill Bay Marina

Dana Leitch, Planner I, reviewed staff report dated October 31, 2012, regarding Application No. 1-A-12DVP (Mill Bay Marina) to vary parking requirements by reducing required parking stalls from 65 stalls to 53 at the Marina development at 740 Handy Road in Mill Bay.

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

The committee directed questions to staff and the applicant.

It was Moved and Seconded

That Application No. 1-A-12DVP by Mill Bay Marina to vary the parking requirements outlined in Table 1 of CVRD Bylaw No. 1001 be approved with the number of required parking stalls on Block "C", Sections 1 and 2, Range 9, Shawnigan District, Plan 1720, except part in Plans 29781 and 30142 (PID: 001-027-433) and Foreshore Lease Lot 459 (Lease No. 112643) reduced from 65 to 51 parking stalls.

MOTION CARRIED

R3 – Whitaker

Alison Garnett, Planner I, reviewed staff report dated October 30, 2012, regarding Application No. 3-E-12DVP (Travis Whitaker) to increase the maximum permitted length of a small suite mobile home from 13 metres to 20 metres to allow the existing mobile home to remain at 5355 Omega Road.

The Committee directed questions to staff.

It That Application No. 3-E-12DVP by Travis Whitaker to vary Section 5.23 of Zoning Bylaw No. 1840, by increasing the maximum permitted length of a small suite mobile home, from 13 metres to 20 metres on Lot 1, Section 7, Range 10, Sahtlam District, Plan VIP52637 (PID 017-420-423), be approved.
was Moved and Seconded

MOTION CARRIED

R4 – Bill 27, Area E

It was Moved and Seconded

That staff report dated October 30, 2012, from Alison Garnett, Planner I, regarding Area E OCP Compliance with Bill 27, be received and filed.

MOTION CARRIED

**R5 – Fire Department
Appointments**

It was Moved and Seconded

That the following appointments to the CVRD Volunteer Fire Departments for a two (2) year term to expire December 31, 2014, be approved:

- Mesachie Lake VFD: Gary Eve, Fire Chief; David Middlemost, Deputy Fire Chief
- Youbou VFD: Orest Smycniuk, Fire Chief; Stu McKee, Deputy Fire Chief
- North Oyster VFD: Jason deJong, Fire Chief; Jason Layman, Deputy Fire Chief
- Honeymoon Bay VFD: Keith Bird, Fire Chief; Brian Peters, Deputy Fire Chief

- Malahat VFD: Rob Patterson, Fire Chief; Tanya Patterson, Captain; Nick Patterson, Lieutenant
- Sahtlam VFD: Allan Reid, Fire Chief; Mike Lees, Deputy Fire Chief

MOTION CARRIED

**R6 – Parks & Trails
Master Plan**

Tanya Soroka, Parks and Trails Planner, reviewed staff report dated October 30, 2012, regarding Community Parks and Trails Master Plan for Area C.

It was Moved and Seconded

That the Cobble Hill Community Parks and Trails Master Plan be received as the basis to define the future direction, policies, priorities and actions of the Community parks and Trails program in Electoral Area C over the next 10 to 20 years (2012-2032), and that the Parks and Trails Master Plan Bylaw be forwarded to the Board for three readings and adoption.

MOTION CARRIED

**R7 – Covenant
(Perrett)**

Tanya Soroka, Parks and Trails Planner, reviewed staff report dated October 31, 2012, regarding Release of Covenant (Perrett) for subdivision at 1994 West Shawnigan Lake Road.

It was Moved and Seconded

That the appropriate documents be executed to release Covenant FB227735 (1994 West Shawnigan Lake Road/Perrett) in favour of the Cowichan Valley Regional District registered November 6, 2008, as the subject conditions within the covenant referring to the dedication of 611.2 sq.m. of land for park purposes to the CVRD, will be appropriately executed at the time of subdivision approval and will no longer be relevant within the covenant terms and conditions.

MOTION CARRIED

**R8 – Covenant
(Baranti)**

Tanya Soroka, Parks and Trails Planner reviewed staff report dated October 31, 2012, regarding Partial Release of Covenant (Baranti) for completion of Phase 1 of subdivision at the end of Rozen Road.

It was Moved and Seconded

That the appropriate documents be executed for a partial release of Covenant CA1851109 (Rozen Road/Baranti) over the new Lot A, Lot B, Lot C, and Lot E, District Lots 77 and 80, Malahat District, Plan EPP21145, as the subject conditions within the covenant referring to the dedication of land for park purposes to the CVRD, over this portion of the property will be appropriately executed at the time of subdivision approval and will no longer be relevant within the covenant terms and conditions.

MOTION CARRIED

R9 – CIIF, Area I

Tanya Soroka, Parks and Trails Planner, reviewed staff report dated October 31, 2012, regarding community infrastructure improvement grant application for revitalization of Arbutus Park in Area I.

It was Moved and Seconded

That the submission to the Western Economic Diversification Canada Community Infrastructure Improvement Fund (CIIF) for \$117,500 in grant funding towards the revitalization of Arbutus Park in Electoral Area I – Youbou/Meade Creek, be supported; and that a Reserve Fund expenditure bylaw be prepared authorizing expenditure of no more than \$117,500 from the Electoral Area I Community Parks Capital Reserve Fund for the purpose of capital improvements to Arbutus Park; and further, that the bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

R10 – Fundraising Event

Brian Farquhar, Manager, reviewed staff report from Dan Brown, Parks and Trails Technician, regarding request to use Glenora Trailhead Community Park for a fundraising event.

It was Moved and Seconded

That the application from Miles and James Cutt, backed by the Cowichan Valley Stingrays Club, to host the Fast, Food Run in support of the Cowichan Valley Food Bank at Glenora Trailhead Park on Sunday, November 25, 2012, be approved subject to the following conditions:

1. Proof of the \$5,000,000 liability insurance that the event organizer has to cover the event which also identifies the CVRD named as additional insured;
2. Confirmations that there will be notices of the even posted along the trail in advance of, and during the day of, the event that will advise other trail users of the race; and,
3. Confirmation that the proposed running route on the Cowichan Valley Trail has been approved by the Province of British Columbia, as owners of the former railway corridor.

MOTION CARRIED

R11 – Short Term Rental Policy

Rob Conway, Manager, reviewed staff report dated October 31, 2012, regarding short term rental enforcement policy.

It was Moved and Seconded

That the draft Short Term Rental of Single Family Dwellings Policy be maintained with enforcement action commencing after a single complaint, and that the Policy be adopted by the Board as proposed.

MOTION CARRIED

**R12 – Delegations
Policy**

Tom Anderson, General Manager, reviewed staff report dated November 1, 2012, regarding delegations to the EASC.

It was Moved and Seconded

That staff be directed to prepare the appropriate policy/amendment that would:

- Limit presentations to the EASC by delegations to a total of 10 minutes, unless agreed to by a unanimous vote of the committee (same as Regional Board).
- Establish a maximum number of delegations per committee meeting (Same as Regional Board).
- Do not allow delegations regarding development applications that require public hearings/meetings as part of the regular process. Individuals are invited to attend the public hearing/meeting and submit their comments personally or in writing at that time.
- Delegations requesting to appear on an issue that has already been decided by the Committee or Board may only appear if they have "new information" to present. An individual or group is limited to one appearance with new information. This is to reduce the possibility of an individual or group returning numerous times to say the same things regarding decisions that have already been made.

MOTION CARRIED

NEW BUSINESS

**NB2 – Fireworks
Amendment Bylaw**

Brian Duncan, Manager, provided a report to the Committee regarding the past Halloween night around the regional district.

Mr. Duncan, Manager, and Mr. Morano, Bylaw Enforcement Officer, reviewed staff report dated November 6, 2012, regarding proposed fireworks amendment bylaw.

The Committee directed questions to Mr. Duncan and Mr. Morano.

It was Moved and Seconded

That CVRD Bylaw No. 39 – Fireworks Sale and Discharge Regulation Bylaw, 1970 (as amended), be further amended to include the following sentence to Section 4(c): "Special request dates must be approved by the CVRD Board", and that the amendment bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

NB3 – Fireworks Permit

Mary Marcotte declared a perceived conflict of interest respecting NB3 as she is a member of the Ladysmith Harbour Christmas Lights Cruise Committee.

Nino Morano, Bylaw Enforcement Officer, reviewed staff report dated November 6, 2012, regarding request for a fireworks discharge permit.

It was Moved and Seconded

That a Fireworks Discharge Permit be issued to the Ladysmith Harbour Christmas Lights Cruise to discharge fireworks on December 8, 2012.

MOTION CARRIED

Director Marcotte returned to the meeting at this point.

CORRESPONDENCE

C1 – Grant in Aid

It was Moved and Seconded

That a grant in aid, Area D – Cowichan Bay, in the amount of \$750 be given to Cowichan Estuary Nature Centre, to purchase a recycle bin and craft supplies.

MOTION CARRIED

C2 – Canada Post

It was Moved and Seconded

That the letter dated October 18, 2012, from Canada Post regarding installation of community mail boxes in new developments, be received and filed.

MOTION CARRIED

C3 – Telus cell Tower proposal

It was Moved and Seconded

That the letter received October 16, 2012, from Dorothea Banman regarding Telus cell tower proposal on the Trans Canada Highway, be referred to a future EASC meeting when Telus representatives are present.

MOTION CARRIED

INFORMATION

IN1 to IN6 - Minutes

It was Moved and Seconded

That the following minutes be received and filed:

- Minutes of Area B Parks meeting of September 13, 2012
- Minutes of Area A Parks meeting of June 21, 2012
- Minutes of Area A Parks meeting of September 20, 2012
- Minutes of Area D Parks meeting of September 17, 2012
- Minutes of South Cowichan Parks Commission meeting of October 1, 2012
- Minutes of Area D Parks meeting of October 15, 2012

MOTION CARRIED

IN7 – Building Report It was Moved and Seconded
That the September 2012 Building Report be received and filed.

MOTION CARRIED

NEW BUSINESS

NB1 – Add-on to R1 Add-on material regarding Application No. 4-I-12DP/RAR/VAR was received for information.

NB4 – Sidewalk Authority It was Moved and Seconded
That a meeting be arranged with the new Minister of Community Sport and Cultural Development to discuss the CVRD's request for additional service authority for sidewalks within the Regional District.

MOTION CARRIED

NB5 - Minutes It was Moved and Seconded
That the minutes of the Cobble Hill Parks Commission meeting of October 23, 2012, be received and filed.

MOTION CARRIED

NB6 and NB7 – Grants in Aid It was Moved and Seconded
That the following grants in aid be approved:

1. That a grant in aid, Area F – Cowichan Lake South/Skutz Falls, in the amount of \$1,100 be given to Cowichan Lake and District Chamber of Commerce, to assist with producing their 2013-2015 desktop maps.
2. That a grant in aid, Area I – Youbou/Meade Creek, in the amount of \$1,100 be given to Cowichan Lake and District Chamber of Commerce, to assist with producing their 2013-2015 desktop maps.

MOTION CARRIED

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

MOTION CARRIED

The Committee moved into closed session at 5:37 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 5:50 p.m.

Chair

Recording Secretary



Location of Subject Property: 2721 West Shawnigan Lake Road

Legal Description: Parcel A (DD A36174) of Lot 2, Shawnigan Lake Suburban Lots, Shawnigan District, Plan 7889 (PID: 002-516-152)

Date Application and Complete Documentation Received: October 15, 2012

Owner: Trent Abbott and Moira Baird

Applicant: Lorin Inglis

Size of Parcel: Approximately 300 m²

Zoning: R-2 (Suburban Residential)

Existing Plan Designation: Rural Residential

Existing Use of Property: Residential (Summer cabin)

Existing Use of Surrounding Properties:

North:	Residential (R-2)
South:	Residential (R-2)
East:	Shawnigan Lake (W-1)
West:	West Shawnigan Lake Road/Residential (R-2)

Services:

<u>Road Access:</u>	West Shawnigan Lake Road
<u>Water:</u>	Provided from the lake
<u>Sewage Disposal:</u>	Septic system on property across the road registered by easement

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: The proposed cabin is within 30 metres of Shawnigan Lake, which is within the Riparian Areas Regulation Assessment area.

Archaeological Site: None Identified

Proposal

To consider an application to reduce the minimum setback from a watercourse from 15 metres down to 2.0 metres and to allow replacement of a cabin on its existing footprint within the Streamside Protection and Enhancement Area (SPEA).

The subject property is located at 2721 West Shawnigan Lake Road. An existing cabin and deck was recently removed from the property, and the owners would like to construct a new cabin on the same footprint. The proposed cabin is 50 m² (540 sq. ft), with dimensions of 20ft x 27ft. The property is approximately 300 m², and is entirely within the 30 metre Riparian Areas Regulation Assessment area. Currently, on the property is an accessory building and a series of stairs to access the lower portion of the property.

A Development Permit with Variance is required, as the proposed cabin is within the Riparian Areas Regulation Development Permit Area, and Zoning Bylaw No. 985 specifies a setback of 15 metres from the high water mark of Shawnigan Lake.

Property Context:

As noted above, the subject property is only approximately 300 m², and is entirely within the Riparian Areas Regulation (RAR) Assessment area and Streamside Protection and Enhancement Area (SPEA). At the boundary of the lake, the property is relatively flat and consists of sandy beach with limited vegetation. Midway through the property, it slopes up sharply towards West Shawnigan Lake road. There are existing trees and native vegetation on the bank and the upper edge of the property adjacent to West Shawnigan Lake Road. Scattered throughout the property and SPEA are mature Douglas fir, Western red-cedar, and Big-leaf maple. The shrub layer consists of Red huckleberry, Salal, and Dull Oregon grape.

As the site is small, and limited by topography, there is no suitable building site other than the former site of the cabin.

Policy Context:

Section 911 of the *Local Government Act* regulates buildings that are non-conforming to siting regulations, however the former cabin was not on an existing foundation and was in such poor repair that it necessitated removal. Since the cabin was removed, any right to that siting has been lost, and it falls under the regulations for new development. Therefore, the applicant has requested a Development Permit with Variance under the South Cowichan Rural Development Permit Area.

South Cowichan Rural Development Permit Area

In accordance with the guidelines and the RAR, the applicant has engaged the services of a Qualified Environmental Professional (QEP) to conduct a report and outline measures to protect the SPEA. As the property is on the south bank of Shawnigan Lake, the QEP has determined the SPEA to be 30 metres encompassing the entire property. As the riparian area has historically been disturbed and due to the limited area available for development, the QEP has recommended the new cabin be placed on the same footprint as the former.

The QEP recommends some minor restoration of portions of the SPEA, indicating that the restoration would provide a natural defense against wave erosion, stabilize the bank, and provide leaf litter/insect drop and shade over fish habitat. In instances where restoration is recommended, it is typical for the CVRD to request a restoration plan and deposit of financial security to ensure the restoration is completed and successful.

Zoning

The minimum setback from the high water mark of Shawnigan Lake is 15 metres, and the applicants are proposing to construct a new cabin on the same footprint of the former cabin 2.0 metres from the high water mark.

Surrounding Property Owner Notification and Response:

A total of 9 letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 3275. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. To date, no letters have been received.

Planning Division Comments:

The applicant intends to construct a modest summer cabin on this property which is limited in size and topography. There is no other suitable location for a recreational cabin on the property, and the QEP has recommended some restoration in accordance with the RAR, and to support an improved riparian area on this historically disturbed site.

Staff are recommending approval of the Development Permit with Variance.

Options:

1. That Application No. 17-B-12 DP/RAR/VAR by Lorin Inglis on behalf of owners Trent Abbott and Moira Baird for a variance to Section 5.14 of Bylaw No. 985 to reduce the required setback from a watercourse from 15 metres down to 2.0 metres on Parcel A (DD A36174) of Lot 2, Shawnigan Lake Suburban Lots, Shawnigan District, Plan 7889 (PID: 002-516-152) **be approved** subject to:
 - a) Submission of a letter of credit or other security in a form acceptable to the CVRD in the amount of 125% of the costs of the riparian restoration;
 - b) Compliance with the recommendations in Riparian Areas Regulation Assessment No. 2591 prepared by Justin Lange, A.Sc.T September 28, 2012.
2. That Application No. 17-B-12 DP/RAR/VAR by Lorin Inglis on behalf of owners Trent Abbott and Moira Baird for a variance to Section 5.14 of Bylaw No. 985 to reduce the required setback from a watercourse from 15 metres down to 2.0 metres on Parcel A (DD A36174) of Lot 2, Shawnigan Lake Suburban Lots, Shawnigan District, Plan 7889 (PID: 002-516-152) **be denied**.

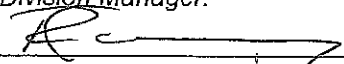
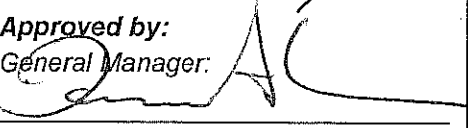
Option 1 is recommended.

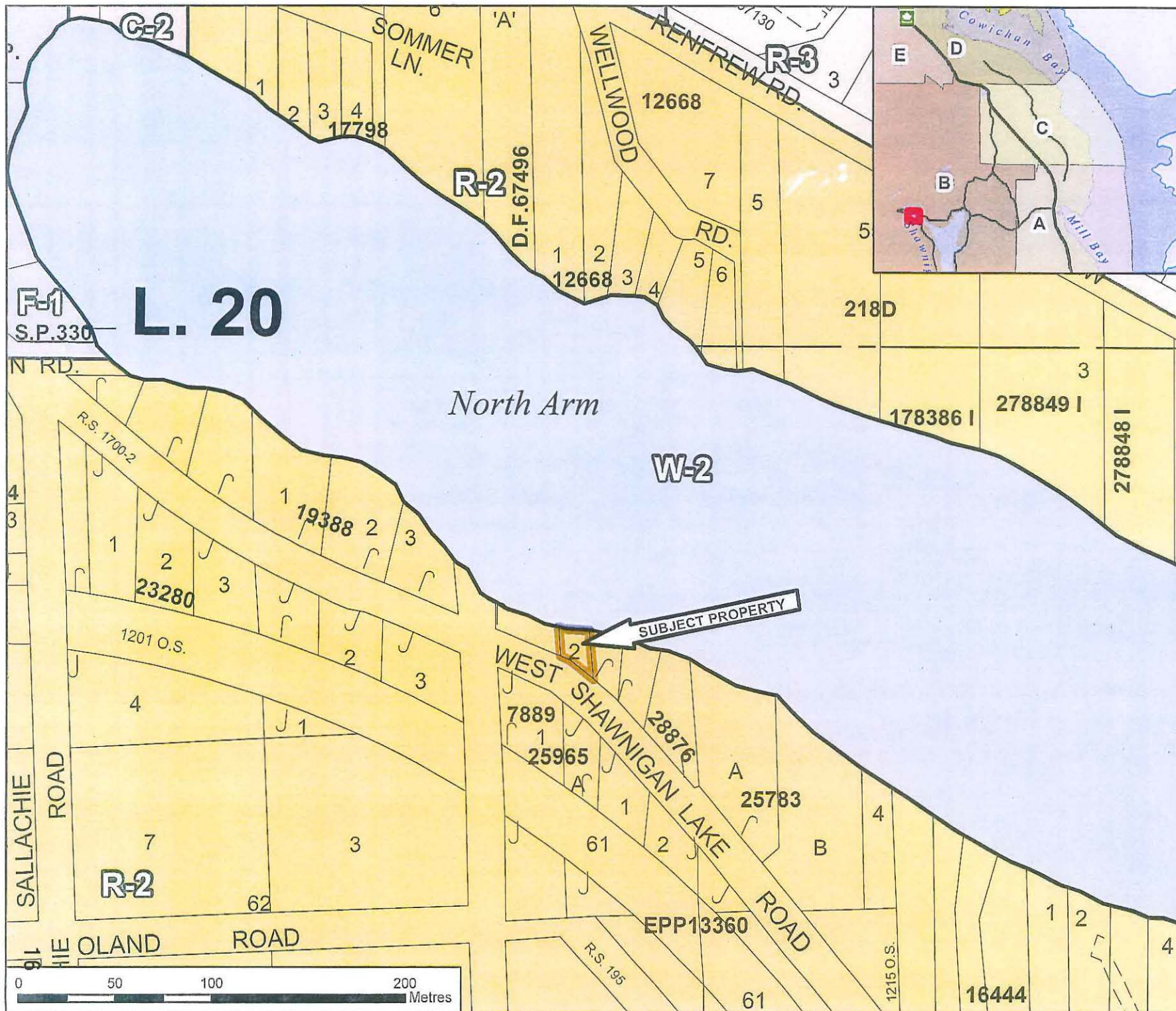
Submitted by,



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

RR/ca

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



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.

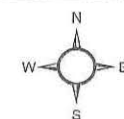
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File:17-B-12-DP-VAR

ZONING

Legend

- Subject Property
- Zoning B



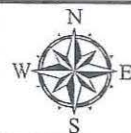


PROJECT: RAR Assessment
2721 West Shawnigan Lake Road

LOCATION:
Shawnigan Lake, BC

CLIENT:
Lorin Inglis

DOSSIER NO:
12.0271



MAP SCALE:
1:200

Shawnigan Lake

Existing Dock

2.5m (approximate)

Existing Deck

Existing Cabin/
Proposed Cabin

Existing
Stairs

Proposed Cabin will be constructed
on the same footprint as Existing Cabin

LEGEND

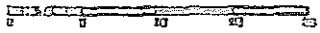
- Property Boundary
- Parcel Boundary
- High Water Mark (Lake Edge)
- Existing Cabin/Proposed Cabin
- Deck/Stairs
- Dock
- Riparian Assessment Area (30m)
- Maximum SPEA (30m)
- Zones of Sensitivity**
 - Shade (30m) - extends off property
 - Large Woody Debris (15m)
 - Insect Drop / Litterfall (15m)

0 2 4 6 8 10 m

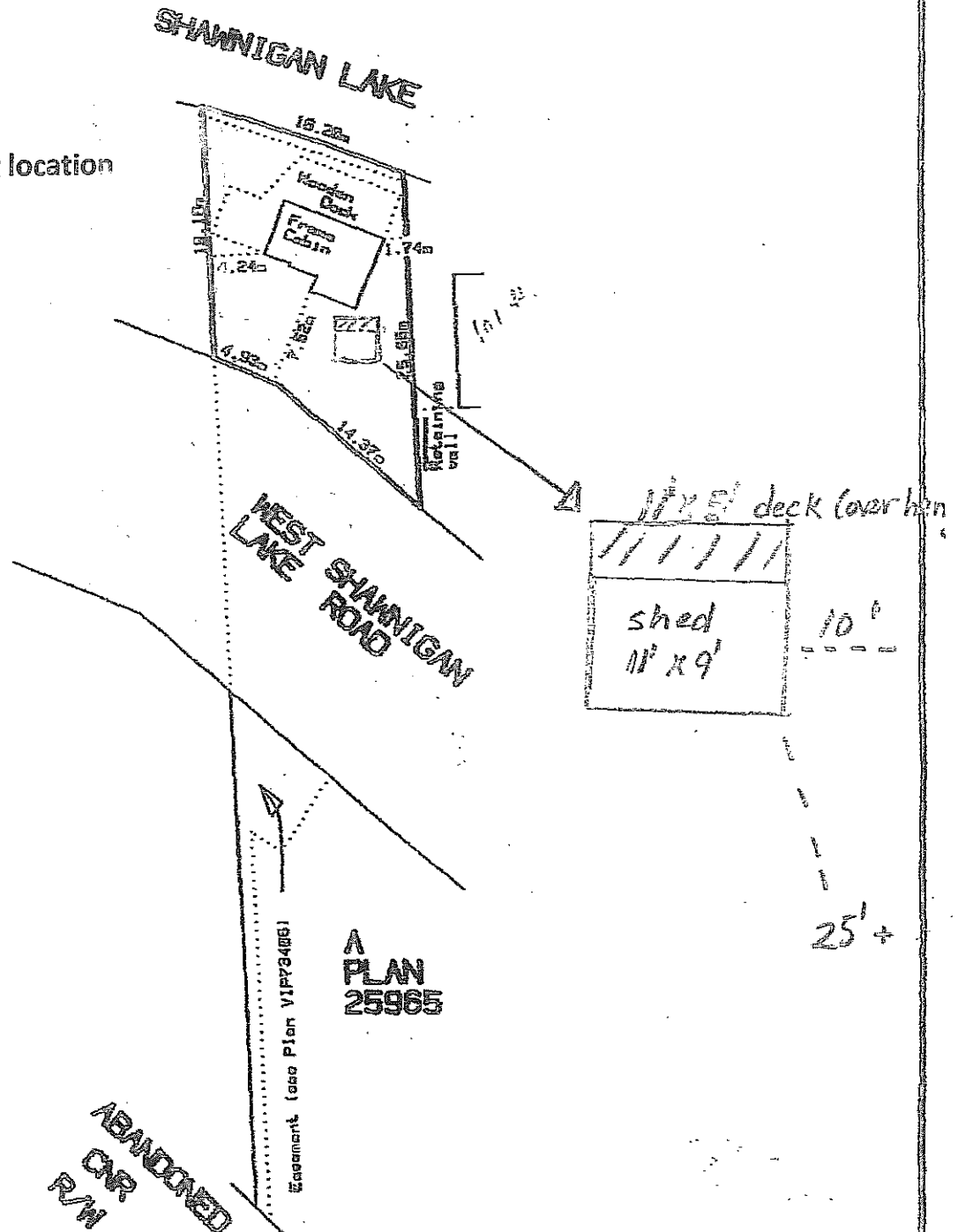
All features on this map are approximate. Features measured in the field were located using a handheld GPS and accuracy can only be guaranteed to 15m

SITE SURVEY SHOWING IMPROVEMENTS ON PARCEL A (DD A36174) OF LOT 2, SHAWNIGAN LAKE SUBURBAN LOTS, SHAWN. DIST., PLAN 7089.

Scale 1:500 (All dimensions are in metres.)



Site Plan showing location of former cabin



All clearance distances are shown to an accuracy of plus or minus 0.03 metres. This is to certify that the structure on the above lot lies wholly on the said lot and does not encroach on any adjoining lot or road. Certified correct this 4th day of September, 2002.

© *[Signature]*

Robin L. Moffat, P.E., Land Surveyor
No. 1961 (March 1998) - 1998
Columbia, Md., U.S.A. - 21046
Phone: 410-326-0000

B.C.L.S.

Zone R-2: Minimum Set-Backs		
	Principal	Accessory
Front	7.5	7.5
Side	1.5	1.5/1
Rear	15	15



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

FILE NO: 17-B-12DP/RAR

DATE: _____

REGISTERED PROPERTY OWNER(S):

TRENT ABBOTT AND MOIRA BAIRD

1. This Development Permit is issued subject to compliance with all of the bylaws of the Cowichan Valley Regional District (CVRD) 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 A (DD A36174) of Lot 2, Shawnigan Lake Suburban Lots, Shawnigan District, Plan 7889 (PID: 002-516-152)
3. Authorization is hereby given for construction of a dwelling in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following condition(s):
 - *Section 5.14 of Zoning Bylaw No. 985 is varied by reducing the setback from a watercourse from 15 metres to 2.0 metres;*
 - *Development shall be carried out in strict compliance with RAR Report No. 2519 prepared by Justin Lange, A.Sc.T, prepared September 28, 2012;*
 - *The Streamside Protection and Enhancement Area (SPEA) must remain in its natural condition, and no further development within the SPEA is permitted;*
 - *Specific measures to protect the SPEA, including sediment and erosion control, are outlined in the RAR report (pages 8 – 13).*
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 – Riparian Areas Regulation Assessment Report No. 2519 by Justin Lange, A.Sc. T prepared September 28, 2012.*

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

Riparian Areas Regulation: Assessment Report

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

Date 2012-09-28

I. Primary QEP Information

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

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

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

III. Developer Information

First Name	Lorin	Middle Name
Last Name	Inglis	
Company	N/A	
Phone #	(250) 516-8533	Email: ingliscm@hotmail.com
Address	2871 Park Place	
City	Shawnigan Lake	Postal/Zip V0R 2W1
Prov/state	BC	Country Canada

IV. Development Information

Development Type	Single Family Residential		
Area of Development (ha)	0.01	Riparian Length (m)	16.09
Lot Area (ha)	0.0302	Nature of Development	Re-development
Proposed Start Date	September 2012	Proposed End Date	September 2013

V. Location of Proposed Development

Street Address (or nearest town)	2721 West Shawnigan Lake Road		
Local Government	Cowichan Valley Regional District	City	Shawnigan Lake
Stream Name	Shawnigan Lake		
Legal Description (PID)	002-516-152	Region	1
Stream/River Type	Lake	DFO Area	South Island
Watershed Code	920-235800		
Latitude	48	39	9.8
Longitude	123	39	55.77

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

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

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

Nature of Development/Specific Activities:

Plans to re-develop residential lot 2721 West Shawnigan Lake Road, Shawnigan Lake, BC, have triggered the Riparian Areas Regulation (RAR) process. The lot is located on the northwest arm of Shawnigan Lake (refer to site plan). The initial phase of the development proposal involves manually dismantling an existing cabin and using a crane to hoist the pieces upslope to be transported to a disposal site. Removal of the cabin is necessary as its structural integrity is poor due to the fact no permanent foundation was installed. Rather, the existing cabin was constructed by mounting wood beams to removable cement blocks. Recently, numerous beams have separated from the cement blocks and there is potential for the cabin to collapse. For that reason it is important to complete the demolition process as soon as possible. Once the old cabin has been removed, the plan is to pour a new foundation and construct the new building on the same footprint.

Prior to the implementation of the RAR, the subject property was subdivided from the lot immediately to the east (2719 West Shawnigan Lake Road). As a result, the subject property is small (approximately 15 m wide and 20 m long). The property is bound by Shawnigan Lake in the north, West Shawnigan Lake Road in the south and residential properties to the east and west. Due to the limited property size, the proposed work will take place within the Streamside Protection and Enhancement Area (SPEA). It was noted that the property has been subject to anthropogenic influences for a long period of time as development in the area is extensive. Construction footprints onsite include; a cabin, a set of wooden stairs, a deck and dock.

Fish Species Present in Shawnigan Lake

Shawnigan Lake is known to contain both native and introduced (invasive) fish species. On an annual basis, the Freshwater Fisheries Society of BC hatchery program stocks the lake with both Rainbow Trout (*Oncorhynchus mykiss*) and Coastal Cutthroat Trout (*O. clarkii clarkii*) to support a recreational fishery on the lake. It should be noted that the lake contains a hatchery-based population of Coho Salmon (*O. kisutch*). These anadromous fish are introduced into the watershed as fry and smolts, and then migrate down to the ocean. When returning as adults, the salmon are captured at an impassable set of falls in Mill Bay and then transported to spawning areas upstream. Invasive fish species known to occur in the lake include pumpkinseed fish (*Lepomis gibbosus*), yellow perch (*Perca flavescens*) and smallmouth bass (*Micropterus dolomieu*).

Description of Riparian Area/Connectivity/Fish Habitat

Onsite, very little functioning riparian vegetation currently exists. The upper (southern) portion of the property consists of wooden stairs, constructed into the slope that leads steeply down from the road to the lake (70-75% grade). Most of the vegetation growth is concentrated in the southern portion of the property as the slope discourages any construction; therefore, minimal vegetation removal has taken place. The lower portion of the property, including the foreshore of the lake is relatively flat (5-10% grade). As a result, vegetation near the lake is limited due to past

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installation of the cabin, deck and dock.

Scattered within the SPEA are Douglas-fir (*Pseudotsuga menziesii*), western redcedar (*Thuja plicata*) and bigleaf maple (*Acer macrophyllum*). The shrub layer is dominated by red huckleberry (*Vaccinium parvifolium*), salal (*Gaultheria shallon*), and dull Oregon-grape (*Mahonia nervosa*). Herb species documented include vanilla-leaf (*Achlys triphylla*), and slough sedge (*Carex obnupta*). Due to the lack of vegetation, there is minimal input along the natural boundary of the lake related to shade, leaf litter/insect drop or large woody debris. In addition, the lack of foreshore vegetation and large woody debris results in no refuge habitat for juvenile salmonids from the introduced/invasive piscivorous species that exist in the lake.

Following the construction process, some opportunities will exist for enhancement of the riparian area, albeit very few. This will help offset historical degradation of the site as a result of anthropogenic influences (including the existing cabin, deck and stairs). No detailed re-vegetation plan has been formulated to date, but a planting plan can be produced upon request.

One of the main aims of replanting would be to replace the vegetation along the seasonally flooded foreshore and immediate riparian zone. In a natural state, this type of habitat would contain dense growth of hydrophytic plants such as hardhack (*Spiraea douglasii*), willow (*Salix* sp.) and red-osier dogwood (*Cornus stolonifera*). This vegetation provides a natural defence against wave erosion, stabilizes the bank, and provides leaf litter/insect drop and shade over fish habitat. It also provides security habitat for fish, especially juvenile salmonids. Due to the physical location of the site in a sheltered bay, an enhanced foreshore would be of particular benefit to rearing salmonids.

Section 2. Results of Riparian Assessment (SPEA width)

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

2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date:

2012-09-28

Description of Water bodies involved (number, type)

1 Lake

Stream	
Wetland	
Lake	1
Ditch	
Number of reaches	N/A
Reach #	N/A

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

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

I, Justin Lange, 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 Lorin Inglis;

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

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

Site Potential Vegetation Type (SPVT)

	Yes	No
SPVT Polygons		X

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

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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:			
	LC	SH	TR
SPVT Type			X

Method employed if other than TR

PART 1 — INTERPRETATION

Definitions and Interpretation

1 (1) In this regulation:

"**Act**" means the *Agricultural Land Commission Act*;

"**aggregate**" includes sand, gravel, crushed stone, quarry rock and similar materials used in the construction and maintenance of civil and structural projects;

"**agroforestry**" means a land use that involves deliberate retention, introduction or mixing of trees or other plants in crop and animal production systems to provide an economic return;

"**agri-tourism**" means a tourist activity, service or facility accessory to land that is classified as a farm under the [Assessment Act](#);

"**applicant**" includes a reference to the agent of the applicant;

"**aquaculture**" has the same meaning as under the [Fisheries Act](#);

"**compost**" means a product that is

- (a) a stabilized earthy matter having the properties and structure of humus,
- (b) beneficial to plant growth when used as a soil amendment,
- (c) produced by composting, and
- (d) derived only from organic matter;

"**farm**" means an occupation or use, for farm purposes, of one or several parcels of land or tenured areas of Crown land;

"**farm product**" means a commodity that is produced from a farm use as defined in the Act or designated by this regulation;

"**immediate family**" means, with respect to an owner, the owner's

- (a) parents, grandparents and great grandparents,
- (b) spouse, parents of spouse and stepparents of spouse,
- (c) brothers and sisters, and
- (d) children or stepchildren, grandchildren and great grandchildren;

"**jurisdictional area**" means,

- (a) in relation to a local government, the land over which that government has legislative authority,
- (b) in relation to a treaty first nation government, the treaty settlement lands for that first nation, and
- (c) in relation to a pre-treaty first nation government, the proposed treaty settlement lands for that first nation;

"**managed organic matter**" means Class A or Class B biosolids or Class B compost as those things are defined in the [Organic Matter Recycling Regulation, B.C. Reg. 18/2002](#);

"**newspaper**" has the same meaning as in [section 5 of the Local Government Act](#);

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

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

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons			
LWD, Bank and Channel Stability ZOS (m)	15				
Litter fall and insect drop ZOS (m)	15				
Shade ZOS (m) max	30	South bank	Yes	X	No
SPEA maximum	30	(For ditch use table3-7)			

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

Comments

The subject property is one of many on Shawnigan Lake that was subdivided and developed prior to the implementation of the RAR. As the parcel of land is situated on the south bank, RAR protocol suggests that a 30 m SPEA must be enforced. Due to the overall size (approximately 300 m²) and the fact the property is on the south shore of the lake, there is a case for an undue hardship as the whole property is contained within the SPEA. In this particular case, the amount of usable land is such that adjustments to the SPEA are impractical and not recommended. Rather, we are requesting the new cabin be placed in the same location as the existing cabin (refer to site plan).



PROJECT: RAR Assessment
2721 West Shawnigan Lake Road

LOCATION:
Shawnigan Lake, BC

CLIENT:
Lorin Inglis

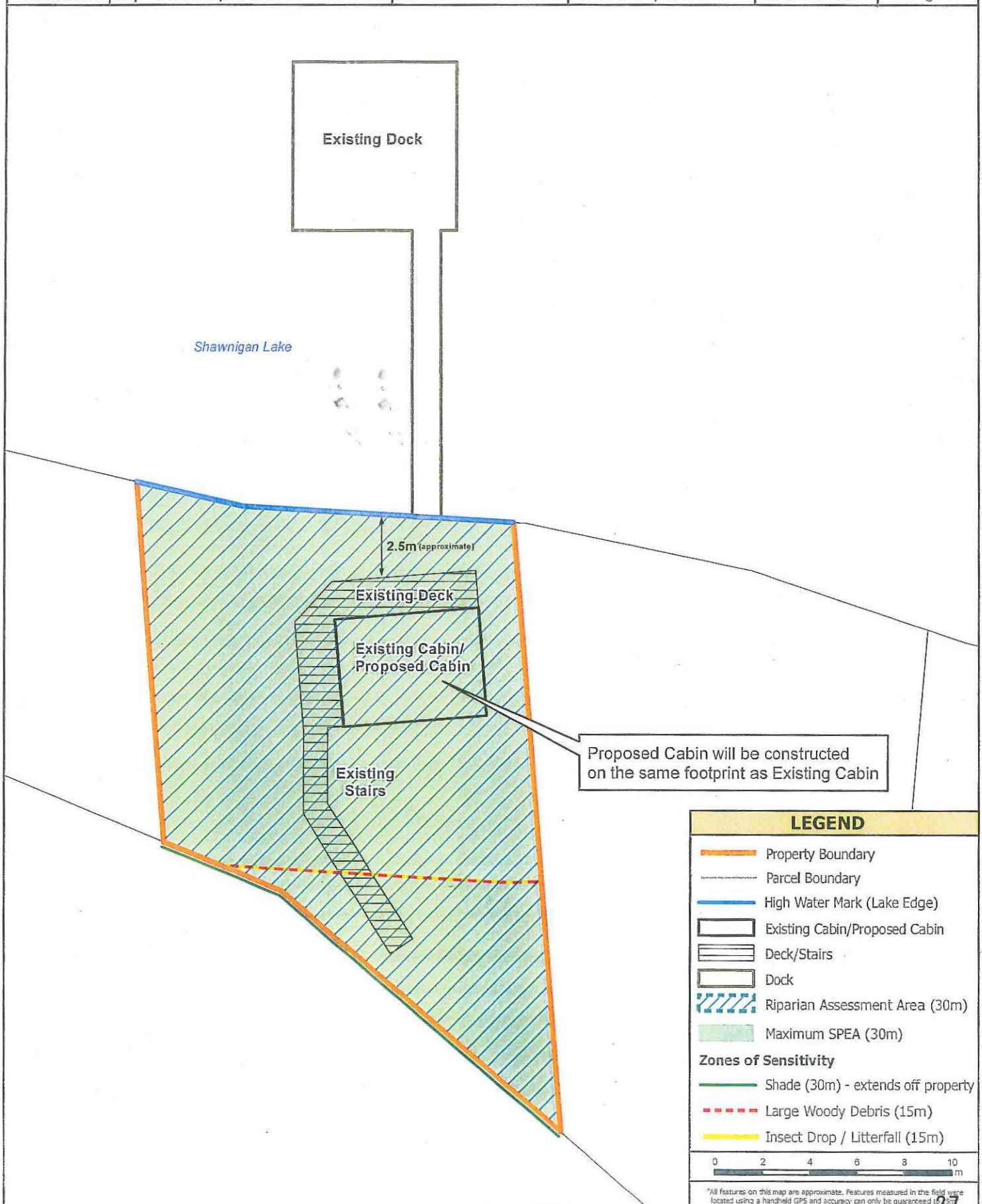
DOSSIER NO:
12.0271

FIELD VISIT:
September 13, 2012

MAP SCALE:
1:200

MAPPING DATE:
October 24, 2012

DRAWN BY:
Anna Jeffries



Section 4. Measures to Protect and Maintain the SPEA

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

1. Danger Trees	At the time of the assessment it was noted that all of the trees within the 30 m SPEA are healthy, mature second growth conifers. There was no indication of any hazard trees onsite, and it is unlikely that any trees will be removed from the SPEA. The client is aware that no vegetation is to be removed from the SPEA and in this particular case no vegetation removal is required to complete the proposed development. If in the future the developer considers trees located within the SPEA to be a potential danger to human welfare or buildings onsite, a Certified Wildlife/Danger Tree Assessor must formally assess the trees. Prior to removal of any danger trees all appropriate documentation must be completed.
<p>I, <u>Justin Lange</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Lorin Inglis</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	Windthrow is typically the result of creating exposed forest "edges" by removing large expanses of trees within an area. Therefore, remaining stands of trees become subjected to increased wind velocities. It is unlikely that trees within the SPEA will be made susceptible to windthrow as no trees will be removed during construction of the cabin. During the assessment, it appeared all of the trees within the SPEA were wind-firm. The proposed development will be completed in the same location as the existing cabin.
<p>I, <u>Justin Lange</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Lorin Inglis</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	The new development is proposed in the same area as the existing cabin, on a portion of the property with subdued terrain. However, immediately adjacent to the cabin, a steep (75% grade) slope extends south up to West Shawnigan Lake Road. Provided the development is completed in the proposed area, it is unlikely there will be any risk to the SPEA due to slope instability. If any

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	disturbance to the slope is incurred, a geotechnical engineer must be retained to prevent a slope failure.
<p>I, <u>Justin Lange</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Lorin Inglis</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	<p>There are no trees growing within the SPEA that are likely to be disturbed during development. Although the cabin will be constructed within the SPEA, the proposed future development will occur in the footprint of the current cabin. Activities that should not take place adjacent to trees include:</p> <p>a. changing the ground level around trees;</p> <p>b. allowing pollutants to contaminate the soil around trees;</p> <p>c. allowing excavation equipment to travel near or park adjacent to trees; or</p> <p>d. storing construction materials around trees.</p>
<p>I, <u>Justin Lange</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Lorin Inglis</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	<p>The client is aware that all current structures and uses inside the SPEA are "grand-parented" – i.e. they are legally non-conforming, except for the existing cabin. The cabin is not "grand-parented" as it was not constructed on a permanent foundation, rather it is positioned on removable cement blocks. Currently the condition of the existing cabin is such that it must be replaced. There is potential that the structural integrity may become so poor that the cabin collapses onto the foreshore of the lake. In this particular case the proposal will be considered "new development"; however, due to the fact the property is small and entirely within the SPEA, the client has a case for undue hardship and plans can proceed. Although development will take place in the SPEA, a residential lot cannot be "sterilized" based on the RAR process. It is the responsibility of the Qualified Environmental Professional (QEP) to guide the proponent on the best course of action so as to not create a Harmful Alteration Disruption or Destruction (HADD) of fish habitat.</p>

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	As previously stated, enhancement of the SPEA, especially the immediate foreshore area is encouraged.
<p>I, <u>Justin Lange</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Lorin Inglis</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<p>6. Sediment and Erosion Control</p>	<p>Sediment resulting from construction activities can become mobilized during rainfall and transported into water bodies (i.e. creeks, ditches, lakes and wetlands). Sediment is a deleterious substance under the Federal Fisheries Act, and its introduction into watercourses can lead to negative impacts to adjacent and connected downstream fish habitat. Due to the fact that site preparation for the cabin is occurring in relative proximity to the high water mark (HWM), sediment and erosion control measures must be implemented. The measures listed below take into account the footprint of the proposed construction as it relates to the proximity of the lake.</p> <ul style="list-style-type: none"> - installing a silt fence along the lower edge of the construction site prior to any development activities occurring. The silt fence needs to be installed properly in order for it to be effective. The fabric of the fence must be dug into the ground and backfilled to prevent water / sediment from passing underneath it (refer to Figure 1). The silt fence must be installed in a way that effectively encloses the work site to prevent sediment from entering the immediate foreshore of the lake; - covering all exposed soil with tarps, or surrounding them with silt fencing; - carrying out excavation activities during dry periods; - applying temporary covers, such as seeding or geotextiles to bare areas; - ensuring that disturbed areas are kept to an absolute minimum and that construction activities are staged in such a way that minimizes the length of time that surfaces are exposed; - restricting high-frequency movement of heavy machinery; and - regularly sweeping (as opposed to washing, which mobilizes sediment) any impermeable surfaces.

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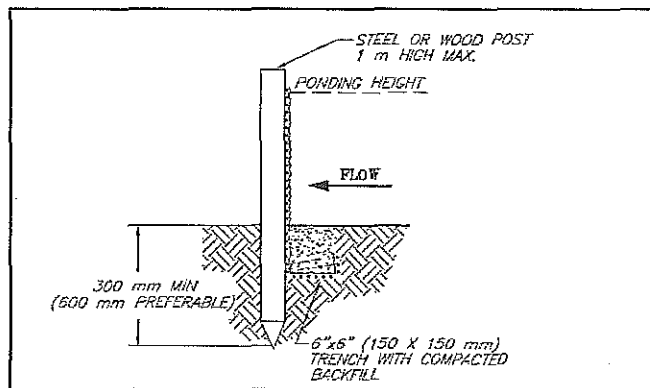


Figure 1. Schematic diagram for proper installation of a silt fence.

I, Justin Lange, 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 Lorin Inglis;
- 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

7. Stormwater Management

Construction of new developments usually leads to an increase in surface water run-off and a decrease in natural infiltration as a result of the general increase in impermeable surface cover (i.e. rooftops). The goal of stormwater management is to return runoff to natural hydrological pathways. In this particular case no net increase of stormwater runoff will be incurred as the impermeable surface of the new cabin will not increase. The surrounding area will remain naturally vegetated (i.e. tree and shrub growth), which will help mitigate any excess stormwater flow by encouraging natural infiltration.

In addition, installation of a small rock-lined drain or infiltration chamber would be sufficient in addressing any increase in stormwater flow.

8. Floodplain Concerns (highly mobile channel)

Floodplain concerns related to the area delineated for construction of the cabin are unlikely. Although construction will take place in close proximity to the HWM, the northern piece of the cabin will be situated on posts. In addition, Shawnigan Lake water levels are now closely regulated with the recent installation of a weir at the confluence with Shawnigan Creek. As a result, water levels remain more consistent throughout the year, typically avoiding large flood events on the lake.

I, Justin Lange, 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 Lorin

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Ingilis:

- 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

Section 5. Environmental Monitoring

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

For the proposed development, disturbance inside the SPEA is expected to be minimal. However, due to the proximity of the proposed work to the lake, the monitoring schedule should be focused on sediment and erosion control and also the proper management of machinery to prevent the potential release of hydro-carbons into the riparian zone. Sediment and erosion control measures have already been described for the project. Fuel management measures are detailed here:

For the construction process, the machinery needs to be clean (i.e., free from leaks and excessive grease/oil on the body) and in good working order. All refuelling must occur outside of the riparian zone (at least 30 m from the high water mark of the lake) to prevent any potential for fuel to enter the lake. In addition, bio-degradable oil is recommended for the hydraulic system in the excavator to decrease the impacts should a leak occur. An appropriate spill kit is also recommended for the excavator during the construction process, and the excavator operator must know how to deploy the kit effectively. The spill kit must be on the machine at all times and should contain the following items:

- 20 absorbent pads (for oil, gas and diesel);
- 2 x 3"x 4' absorbent socks;
- 2 disposal bags; and
- 1 pair of Nitrile gloves.

The proponent is responsible for contacting the QEP at least ten days prior to the beginning of construction, which will allow for regulatory agencies to be notified in advance. Prior to construction activities occurring, the QEP will check the measures that are in place regarding control of sediment and erosion and hydrocarbon management. The QEP will visit the site and document activities with photographs on the first day of operations, mid-way through the project and upon project completion.

At the end of the project, the QEP will visit the site to ensure that the longer-term sediment/erosion control measures are in place and that all areas are left in an appropriate condition. A post-construction report will be completed, which will include a chronological description of the project, with site photos. The report will be provided to DFO for review.

Section 6. Photos



Photo 1. Looking south at the existing cabin. Plans involve constructing the new cabin on the same footprint.



Photo 2. The western side of the cabin. Note the areas marked with red arrows, as they indicate zones of structural instability for the deck and cabin.



Photo 3. Looking southwest at the foreshore of the subject property.



Photo 4. Topography of the subject property for the southern portion of the property



Photo 5. Typical composition of vegetation observed on the subject property. It should be noted that vegetation growth was sparse over the extent of the property.



Photo 6. Looking west at the access road positioned between the subject property and the adjacent property to the west (2723 West Shawnigan Lake Road). If excavation activities are required, a mini-excavator can access the site via the access road and prevent damage to vegetation within the SPEA.

Section 7. Professional Opinion

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

Date 2012-09-28

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

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

hereby certify that:

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

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

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

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

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

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

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

Subject: FW: Shawnigan RAR

From: Rachelle Rondeau [mailto:rrondeau@cvrd.bc.ca]
Sent: 2012\10\31 Wednesday 10:58 AM
To: Trystan Willmott
Cc: justin.lange@madrone.ca; ingliscm@hotmail.com
Subject: RE: Shawnigan RAR

Thanks for the email Trystan. Please be advised that I have reviewed a draft of the Riparian Areas Regulation report, which indicates that the entire lot is pretty well within the SPEA. I have visited the site, and the portion near West Shawnigan Lake Road is a steep bank, the lot is approximately 300m² and only 17 metres deep.

The Zoning Bylaw for Shawnigan Lake requires a 15 metre setback, and the applicants have applied for the required variance. There was previously a cabin on the property, which had to be removed as it was in a state of disrepair and was a safety hazard. The applicants would like to build on exactly the same footprint, and since there is no existing foundation, we required a Riparian Areas Regulation Assessment and a variance to the setback (for new construction).

I understand the RAR process requires a letter of support from the local government in instances like this, however staff cannot provide support until it has been authorized by the Regional Board. However, given the site constraints and the previous cabin footprint, it would appear reasonable to locate the building as proposed.

The application will be reviewed by the Electoral Area Services Committee (EASC) at their November 20th meeting, along with any comments from adjacent property owners through the variance process. Following that, the final Board resolution considering the development permit will be December 12.

It would assist the EASC in considering this application if we have the RAR report submitted to the notification system, as the Riparian Areas Regulation and the RAR Development Permit rely heavily on the opinion and recommendations of the Qualified Environmental Professional. Without this information, we can't really move forward to the EASC. Hope this helps, if you have any questions or require further information please let me know.

Thanks,
Rachelle

Rachelle Rondeau, MCIP
Planner, Development Services Division
Planning and Development Department
Cowichan Valley Regional District
175 Ingram Street, Duncan, BC V9L 1N8
E-mail: rrondeau@cvrd.bc.ca
Tel: 250.746.2620 Toll Free: 1.800.665.3955 Fax: 250.746.2621



R2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF NOVEMBER 20, 2012

DATE: November 14, 2012

FILE NO: 16-B-12 DP

FROM: Rachelle Rondeau, MCIP Planner I

BYLAW NO:

SUBJECT: Application No. 16-B-12DP
(Logan/Hayes)

Recommendation/Action:

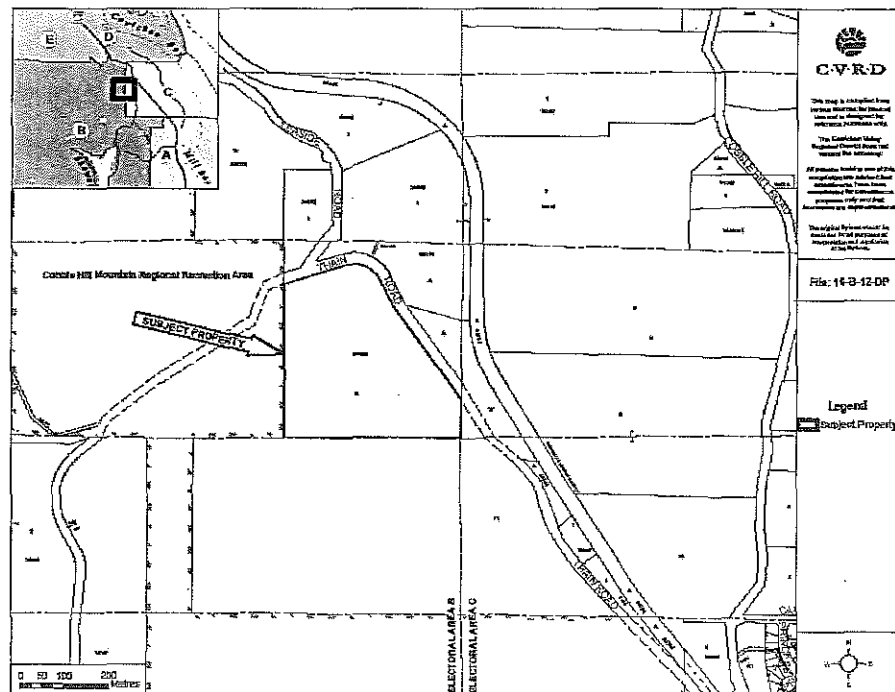
That Application No. 16-B-12DP by Jacqueline Logan and William Hayes to subdivide Lot B, Section, 15, Range 4, Shawnigan District, Plan VIP58126 (PID: 018-606-300) **be approved** subject to:

- a) Tree removal being limited to the general building site and driveway locations;
- b) Ongoing invasive species removal; and
- c) All rainwater to be managed on site, with confirmation at the time of building permit that post-development rainwater runoff does not exceed pre-development runoff.

Relation to the Corporate Strategic Plan: N/A

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

Background:



Location of Subject Property: 1714 Thain Road

Legal Description: Lot B, Section 15, Range 4, Shawnigan District, Plan VIP58126 (PID: 018-606-300)

Date Application and Complete Documentation Received: September 17, 2012

Owner: Jacqueline Logan and William Hayes

Applicant: As above

Size of Parcel: 11.07 ha

Zoning: F-2 (Secondary Forestry)

Existing Plan Designation: Rural Resource

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North:	Gravel pit (ALR A-1 Zone)
South:	Agriculture/Residence (F-1)
East:	Agriculture/Residence (W-1)
West:	Cobble Hill Mountain Recreation Area

Services:

<u>Road Access:</u>	Thain Road
<u>Water:</u>	Well
<u>Sewage Disposal:</u>	Septic system

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: No streams or environmentally sensitive areas have been identified.

Archaeological Site: None Identified

Proposal

To consider an application for a Development Permit to subdivide the property into two parcels: one 4.05 ha parcel consisting of the existing residence and a 6.70 ha remainder. A 0.32 ha lot dedicated to the CVRD for a trail is also proposed on the west side of the property, which was a condition of the rezoning from F-1 (Primary Forestry) to F-2 (Secondary Forestry) that was approved in July, 2012.

Property Context:

The subject property is forested, and has a single family dwelling on the proposed 4.05 ha lot. The remainder property is vacant. The site is approximately 8 kilometres from the Cowichan Bay firehall and 1.5 kilometres from Cobble Hill Village.

The applicants have submitted a report by Lowen Hydrology Consulting discussing the topography, drainage and likelihood of obtaining potable water on the property. The report indicates that the property ranges in topography, with the steepest areas being located on the east side. The dominant soil types are gravelly sandy loam, which are well drained and suitable for implementation of a stormwater drainage system.

No streams or environmentally sensitive areas have been identified by the CVRD Environmental Atlas, and the applicants have no intention of removing any trees during the subdivision process, except as required by the BC MOT for driveway access.

Policy Context:

The South Cowichan Official Community Plan designates this property as Rural Resource, and includes it within the South Cowichan Rural Development Permit Area (DPA). This DPA was established for the purpose of protecting the natural environment, its ecosystems and biodiversity; and the establishment of guidelines for energy and water conservation.

South Cowichan Rural Development Permit Area

This Development Permit Area specifies different types of guidelines depending on the nature of the site and the proposed development. The following section outlines how the development proposal complies with the guidelines of this Development Permit Area.

General Guidelines

The parcels are large, and will remain mostly forested with no new tree clearing being proposed. The applicants have indicated that there is some Scotch Broom on the site, which they have been removing every year. Removal of invasive species requires ongoing management, and can be a condition of the Development Permit.

Agricultural Protection Guidelines

These guidelines are intended to protect agricultural lands and apply to lands within 30 metres of properties designated Agriculture. Lands within the ALR exist on the north and east sides of the property, however as this lot is large and forested, locating a house on the remainder lot would not be expected to affect the agricultural capability on neighbouring parcels.

Habitat Protection Area Guidelines

No eagle, hawk, osprey, owl, peregrine falcon, or great blue heron nests have been identified. Through Provincial legislation, nest trees are protected however these Development Permit guidelines are intended to provide an additional buffer area around nest trees where identified.

Landscaping, Rainwater Management and Environmental Protection

These guidelines encourage rainwater to be managed onsite and that runoff from the development must be strictly limited to prevent rainwater flows from damaging roads, surrounding properties and sensitive watershed features. Given the size of the proposed lots, the well-drained native soils, and maintenance of natural forest cover on the site, the property will likely be capable of handling any increased rainwater flows resulting from development of a single family home.

The applicants have indicated that there is a large man-made pond on the property which currently receives the rain water.

Subdivision Guidelines

The proposed subdivision includes dedication of land to the CVRD for parks purposes, and in accordance with these and other guidelines, trees will not be removed as part of the subdivision except as required for driveway access.

Zoning

The minimum parcel size for the F-2 (Secondary Forestry) zone is 4 ha.

Advisory Planning Commission Comments:

This application was not referred to the Electoral Area B Advisory Planning Commission (APC). Currently, the Development Services Division is reviewing the procedure for referring Development Permit applications to the APCs in order to maintain a timely and efficient process. As the Committee is aware, all subdivision applications in the South Cowichan OCP are required to obtain a Development Permit.

Planning Division Comments:

At its July 11, 2012 meeting, the Regional Board adopted amendment Bylaw No. 3274, which rezoned the subject property from F-1 (Primary Forestry) to F-2 (Secondary Forestry). This change in zoning reduced the minimum parcel size for subdivision from 80 ha to 4 ha.

The applicants would like to subdivide the parcel and sell one of the lots. As noted above, the proposed lots are large and will generally remain in their natural state. One of the principal requirements of this Development Permit Area is retention of natural vegetation, and managing rainwater onsite. Due to the nature of the site, the size of the proposed lots and the intention to maintain the natural vegetation on the site, staff recommend approval of the Development Permit. As a condition of the Development Permit, confirmation that rainwater is managed on the site can be provided at the time of building permit.

Options:

1. That application No. 16-B-12 DP submitted by Jacqueline Logan and William Hayes for subdivision of Lot B, Section 15, Range 4, Shawnigan District, Plan VIP58126 (PID: 018-606-300) **be approved** subject to:
 - a) Tree removal being limited to the general building site and driveway locations;
 - b) Ongoing invasive species removal; and
 - c) All rainwater to be managed on site, with confirmation at the time of building permit that post-development rainwater runoff does not exceed pre-development runoff.
2. That application No. 16-B-12 DP submitted by Jacqueline Logan and William Hayes for subdivision of Lot B, Section 15, Range 4, Shawnigan District, Plan VIP58126 (PID: 018-606-300) not be approved, and that the applicants be directed to revise the proposal.

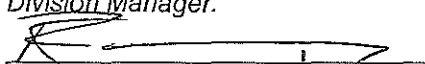

Option 1 is recommended.

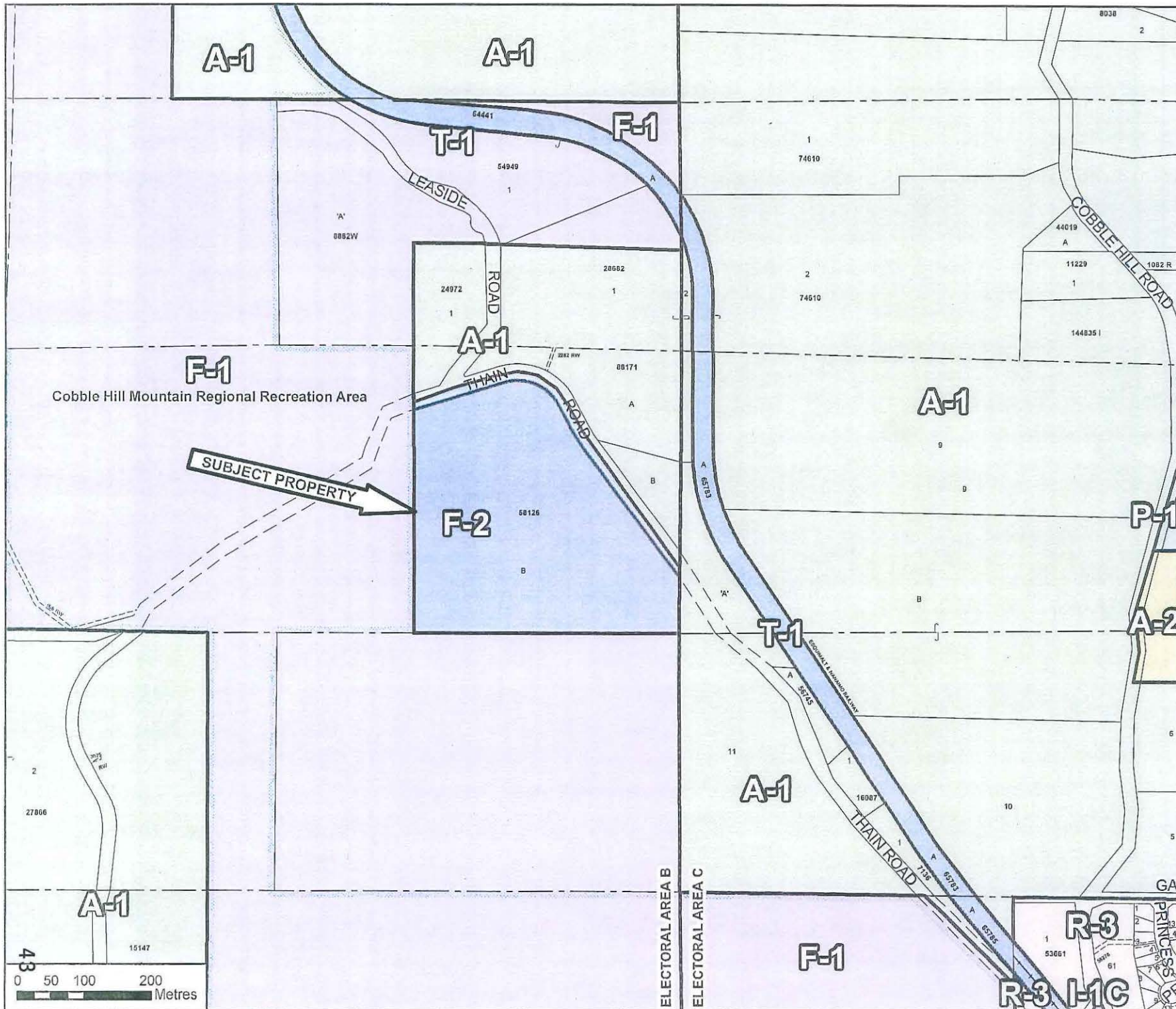
Submitted by,



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

RR/ca

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



C.V.R.D.

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

The Cowichan Valley Regional District does not warrant the accuracy.

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

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

File: 16-B-12-DP

ZONING

Legend

- Subject Property
- Zoning B



C.V.R.D.

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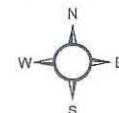
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File: 16-B-12-DP

Orthophoto (2010)

Legend

 Subject Property





C.V.R.D

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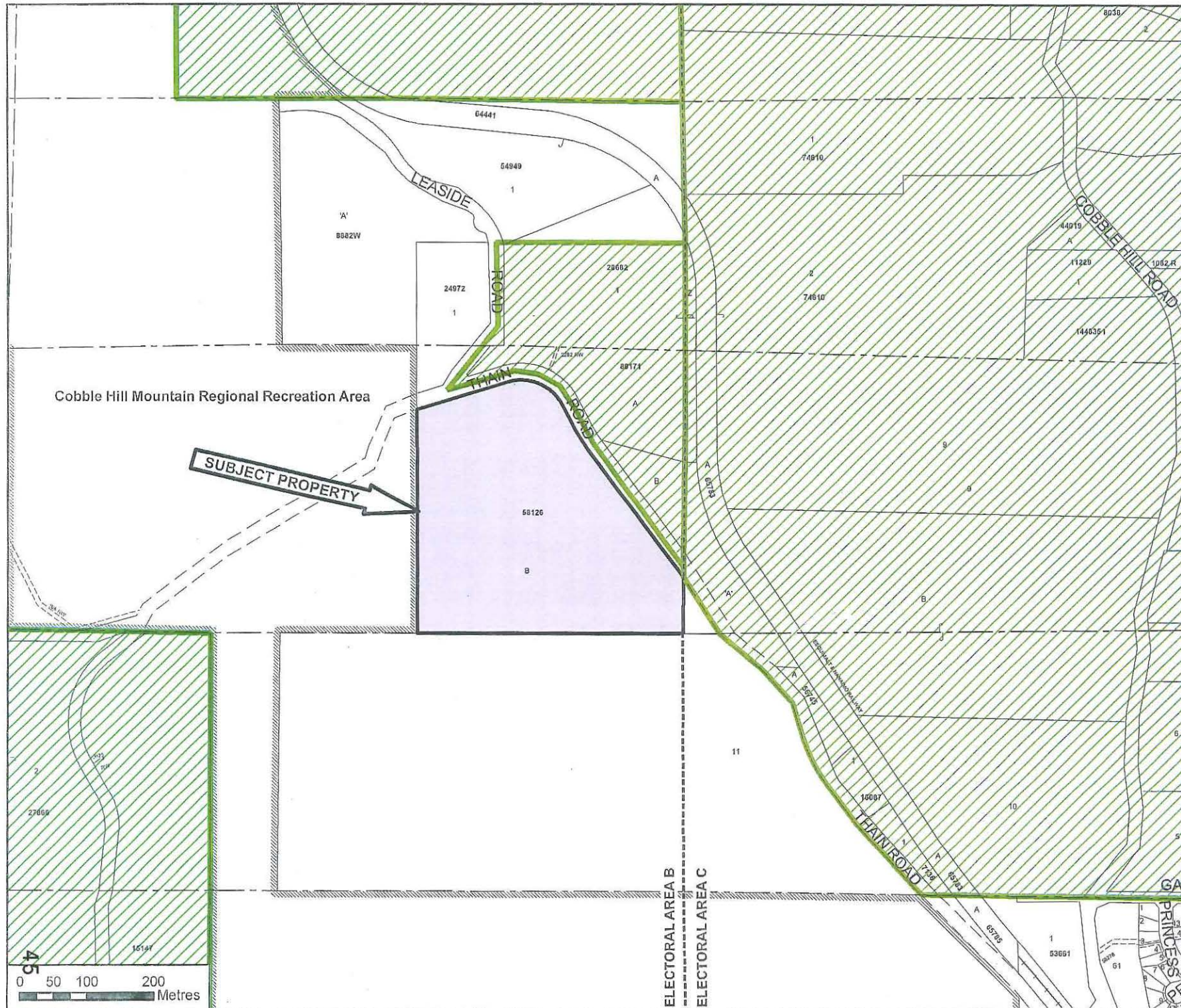
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File: 16-B-12-DP

ALR

Legend

- Subject Property
- ALR B



SKETCH PLAN OF PROPOSED SUBDIVISION
LOT B, SECTION 15, RANGE 4
SHAWNIGAN DISTRICT, PLAN VIP58126.

Scale = 1:2000

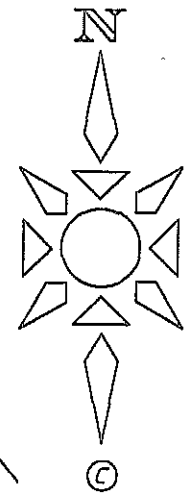
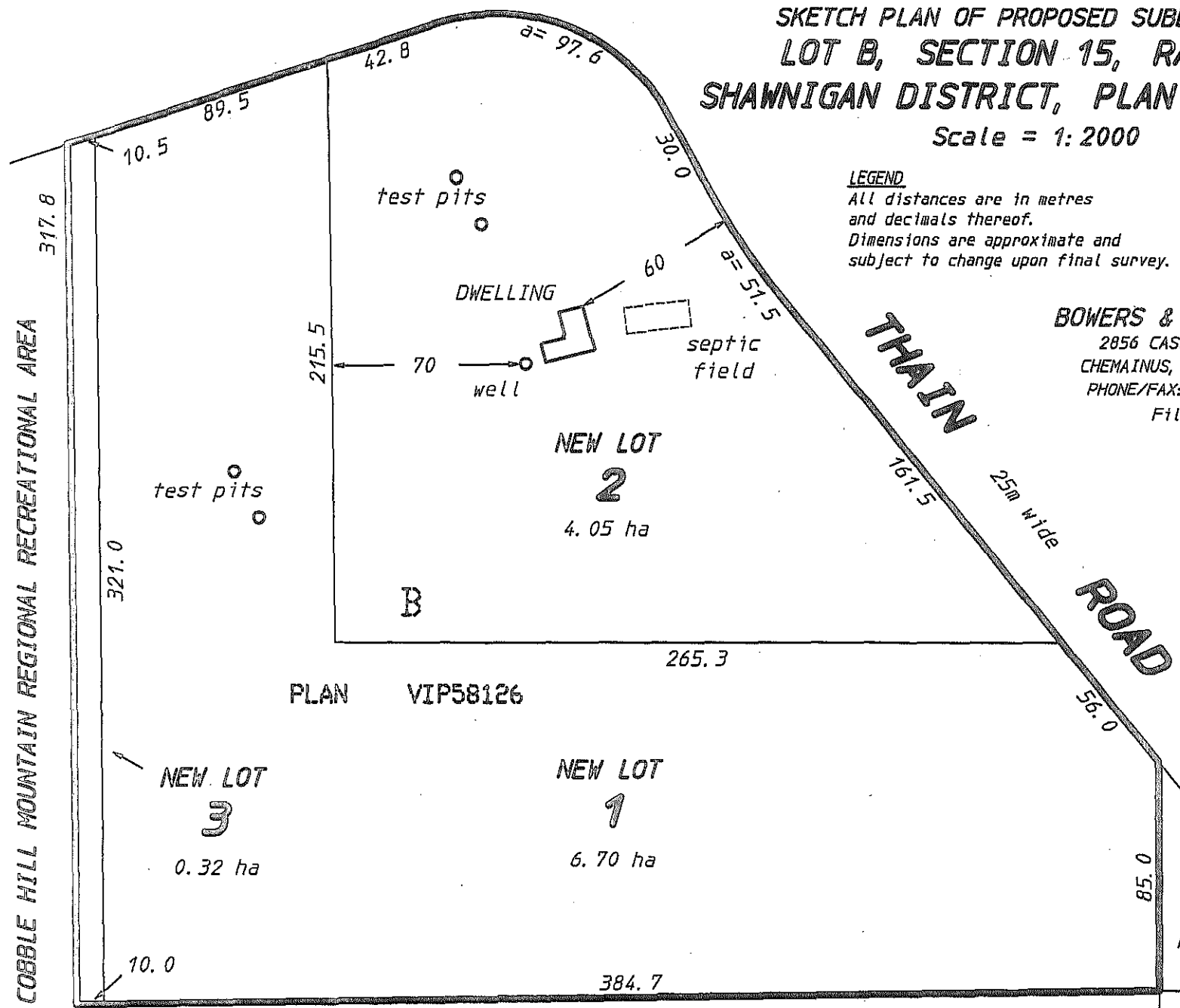
LEGEND

All distances are in metres
 and decimals thereof.
 Dimensions are approximate and
 subject to change upon final survey.

BOWERS & ASSOCIATES

2856 CASHWELL STREET,
 CHEMAINUS, B. C., V0R 1K3
 PHONE/FAX: 250-246-4928

File: 4240





C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

FILE NO: 16-B-12DP

DATE: 2012

REGISTERED PROPERTY OWNER(S):

JACQUELINE LOGAN AND WILLIAM
HAYES

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

Lot B, Section 15, Range 4, Shawnigan District, Plan VIP58126 PID: 018-606-300
3. Authorization is hereby given for subdivision of the subject property in accordance with the conditions listed in Section 4, below, provided approval is granted by the Ministry of Transportation and Infrastructure.
4. The development shall be carried out subject to the following conditions:
 - Development must be in substantial compliance with the site plan;
 - Tree removal will be limited to the general building site and driveway locations;
 - Invasive species will be removed on an ongoing basis;
 - Rainwater will be managed on site, with confirmation at the time of building permit that post-development runoff does not exceed pre-development runoff.
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedule is attached:
 - Schedule A – Site PlanAnd it forms part of this permit.
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Planning and Development Department.



R3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF NOVEMBER 20, 2012

DATE: November 15, 2012 FILE No: 3-E-12 ALR
FROM: Rachelle Rondeau, MCIP Planner I BYLAW No: 1840
SUBJECT: ALR Application
3-E-12 ALR (Matthews)

Recommendation/Action:

Committee direction is required to either re-affirm the October 16th Committee resolution or rescind that motion and provide new direction.

Relation to the Corporate Strategic Plan: N/A

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

Background:

At the October 16th Electoral Area Services Committee meeting, the following resolution was made:

That Application No. 3-E-12ALR (Lawrence and Jane Matthews), made pursuant to Section 20(3) of the Agricultural Land Commission Act to construct a small suite on Part of Section 6, Range 1, Cowichan District (PID: 002-214-296), be forwarded to the Agricultural Land Commission with a recommendation to deny the application.

Correspondence from Director Fraser requesting reconsideration of the Matthews application (3-E-12 ALR) was distributed at the November 6, 2012 meeting, and the Committee passed a resolution to further discuss the application at a subsequent meeting, and to advise the applicants.

Following the negative recommendation at the October 16th meeting, the applicants withdrew their application for a non-farm use within the Agricultural Land Reserve (ALR), and have elected to construct a simpler agricultural building instead of the residential accessory building originally proposed. The approved Agricultural Protection Development Permit (9-E-12 DP) authorizes a new dwelling and residential accessory building.

The portion of the application fee allocated to the Agricultural Land Commission (ALC) has been refunded to the applicant in accordance with *Agricultural Land Commission Act*, as the application was withdrawn prior to being reviewed by the ALC.

Direction from the Committee is required in regards to this application. Please note that should a new, favourable recommendation to the ALC be made, the applicant will need to re-initiate their application and re-submit the refunded fees.

For the Committee's reference, a copy of the letter requesting reconsideration and the original staff report are attached.

Submitted by,

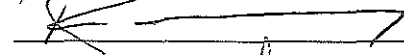


Rachelle Rondeau, MCIP
Planner I
Development Services Division
Planning & Development Department

RR/ca
attachment


Reviewed by:

Division Manager:



Approved by:

General Manager:



Reconsider the Denial of the Mathews Application

I believe that our discussions surrounding the Mathews application at the October 16th EASC meeting led us to a wrong conclusion. I think that we did a disservice to the applicant and showed a less than welcoming approach to a new resident of our region. For the following reasons it would be worthwhile reconsidering our previous judgment:

1. Director Duncan's initiative to enable small suites in Area E is appropriate because it will increase the stock of affordable housing, particularly for young families that are starting out, the kind of capacity that we need in this region as our population otherwise ages. Whether the small suites are used in this manner as they are first built is less important ultimately than creating the expanded affordable housing stock for the future.
2. Small suites increase the likelihood that young people will initially be able to afford properties due to the mortgage helper aspect or that seniors will be able to stay in their home as taxes rise and incomes fall.
3. The Mathews are creating a retirement home. Being able to live on the property while this is taking place is a reasonable request. The fact that the suite might first be used later for visiting family does not prevent it from being used in the future for farm labour (family, farmhands or woofers) as the land is developed into a small farm by them or a subsequent owner. We should be looking at the long-term viability of the unit, not just its first use.
4. Most small farms are supported by outside income, especially during the start-up phase when earnings are small and expenses are large. We need many small farms of the dimensions of the Mathews property for local food self sufficiency in the long run and the configuration of the property envisioned will facilitate such development. Affordability and a suitable configuration of buildings will be critical for attracting young farmers into the business.
5. As determined in our original discussions, the outbuilding that the Mathews will build will already create a footprint on agricultural land, so an upper level suite will not decrease the land capability beyond what is already approved for construction.
6. We are correctly concerned if good agricultural land, capable of being commercially worked, is converted to "estates with a view". What is being planned in this case is a farmstead with contracted hay fields and a small orchard/vineyard. None of this degrades the agricultural potential of the property. What we should be watching out for is the wholesale conversion of such land parcels into subdivisions or into purely recreational uses that limit the production of food.

In summary, I believe that we should be taking the long view. The proposal creates a viable small farm unit that increases its affordability and workability. We should approve the application as it stands and not be diverted by a short-term usage pattern that does not compromise the property's agricultural value.

*Distributed @ EASC Nov. 6 2012 by Director
Fraser*



STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF OCTOBER 16, 2012

DATE: October 10, 2012

FILE No: 3-E-12 ALR

FROM: Rachelle Rondeau, MCIP, Planner I

BYLAW No: 1840

SUBJECT: A.L.R. Application No. 3-E-12ALR (Matthews)

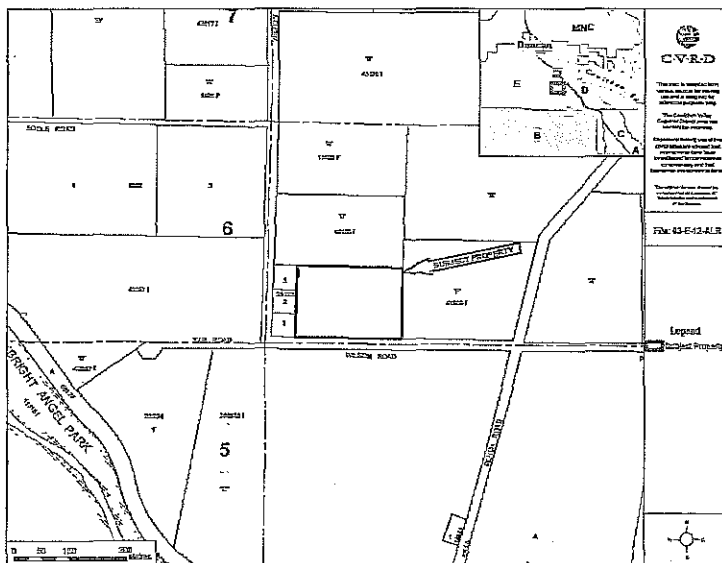
Recommendation/Action:

That Application No. 3-E-12ALR, submitted by Lawrence and Jane Matthews, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a small suite, be forwarded to the Agricultural Land Commission with a **recommendation to deny** the application.

Relation to the Corporate Strategic Plan: N/A

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

Background:



Location of Subject Property: Wilson Road

Legal Description: That Part of Section 6, Range 1, Cowichan District, Lying to the South of Parcel D (DD 661281) and to the West of Parcel F (DD 419081) Except The West 0.25 Chains and Except the South .50 Chains and Except that Part in Plan 25122 (PID: 002-214-296).

<u>Application Received:</u>	August 13, 2012
<u>Owner:</u>	Lawrence and Jane Matthews
<u>Applicant:</u>	As above
<u>Size of Parcel:</u>	2.59 hectares (12.1 acres)
<u>Existing Zoning:</u>	A-1 (Primary Agricultural)
<u>Existing Plan Designation:</u>	Agriculture
<u>Use of Property:</u>	Agricultural and Residential
<u>Use of Surrounding Properties:</u>	
	North Horse Farm (A-1)
	South Dairy Farm (A-1)
	East Hobby Farm (A-1)
	West Residential (A-1)
<u>Services:</u>	
	Road Access: Wilson Road
	Water: Well
	Sewage Disposal: On-site septic
<u>Fire Protection:</u>	Cowichan Bay Improvement District
<u>Archaeological Sites:</u>	There is no record of any archaeological sites

Environmentally Sensitive Areas (Environmental Planning Atlas 2000):

No environmentally sensitive areas have been identified on the subject property.

The Proposal:

An application has been made to the Agricultural Land Commission, pursuant to Section 20(3) of the *Agricultural Land Commission Act* for the purpose of constructing a small suite (non-farm use).

The Agricultural Land Reserve Use, Subdivision and Procedure Regulation permits a number of farm uses which are always permitted in the Agricultural Land Reserve (notwithstanding local government regulation), and a number of uses that are permitted only if they are permitted by the local government. The Agricultural Land Commission (ALC) permits only one single-family residence on lands within the ALR, and any subsequent residences require an application to the ALC for a non-farm use.

The applicants would like to construct the accessory building with a suite above (shown on the plan as the proposed shed), which they will live in during construction of the residence, and following that would be used as a guest suite for family or friends.

Property Context:

Currently the property is vacant land, zoned A-1 (Primary Agricultural), which has been used as a hay field for the neighbouring dairy farm. The applicants intend to construct a residence and an accessory building, with the remaining portion of the land to continue being used for growing hay for the dairy farm, a vegetable garden, and an area for a personal vineyard and orchard near the front of the property. For reference, please see the attached site plan.

Soil Classification:

Canada Land Inventory Maps: 3A⁸-4W² (2D⁸- 2D²)
W

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
1	-	-
2	-	100
3	80	-
4	20	-
5	-	-
6	-	-
7	-	-
TOTAL	100	100

Explanation of Land Capability Classifications:

- Class 1 lands have no limitations for Agricultural Production
- Class 2 lands have minor limitations, can be managed with little difficulty
- Class 3 lands have moderate limitations for Agricultural Production
- Class 4 lands have limitations that require special management practices
- Class 5 lands have limitations that restrict capability to produce perennial forage crops
- Class 6 lands suitable for domestic livestock grazing, may not be suitable for cultivation
- Class 7 lands have no capability for arable culture.
- Subclass "A" indicates soil moisture deficiency, improvable by irrigation
- Subclass "C" thermal limitations
- Subclass "D" indicates low perviousness, management required
- Subclass "P" indicates stoniness, improvable by stone picking
- Subclass "R" indicates bedrock near the surface or rock outcrops
- Subclass "T" indicates topography limitations, not improvable
- Subclass "W" indicates excess water, may be improvable by drainage.

Agricultural Capabilities:

The subject property is classified as being approximately 80% Class 3 and 20% Class 4. The soil is improvable to 100% Class 2. In terms of agricultural capability, this area is highly rated farmland, which is supported by the good soil classification.

Policy Context**Official Community Plan**

The Official Community Plan (OCP) designation for this property is Agricultural, and the following policies from Section 4.1 of the OCP are relevant:

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 further agricultural uses.

Policy 4.1.18 Home occupation, small suite, group home and public park uses may be permitted in any agricultural land use category, however if the land is in the Agricultural Land Reserve, all uses must comply with the Agricultural Land Commission Act.

Agricultural Protection Development Permit Area

This Development Permit Area was created to ensure that construction of residential buildings and structures does not compromise the agricultural capability of land designated Agricultural. A Development Permit was issued which would permit construction of a dwelling and accessory building (proposed shed).

Following issuance of the Development Permit, the applicants have requested that the accessory building be permitted a suite on the second floor.

Zoning

As noted above, the zoning for the subject property is A-1 (Primary Agricultural), which permits a small suite on parcels 2 ha or larger subject to ALC approval.

CVRD Board Policy

For development applications taking place in the Agricultural Land Reserve, it is CVRD Board Policy to forward the applications to the ALC only if the proposed development complies with CVRD bylaws.

Advisory Planning Commission Comments:

This application was not referred to the Area E Advisory Planning Commission. Development Applications and Procedures Bylaw No. 3275 states that ALR applications will not be sent to an APC unless the Director of the area specifically requests it.

Planning Department Comments:

The Agricultural Land Commission issued a statement in August of this year reaffirming the Commission's mandate to place agriculture first within ALR land, and that the use of lands for agriculture should take priority over other uses. CVRD Official Community Plans also emphasize the protection of ALR land for agricultural uses.

Local governments have been encouraged by the ALC to consider the agricultural merits of applications as well as other planning and zoning considerations, and have advised that in considering applications, they will be prioritizing those that support agricultural uses.

Requests for small suites in the ALR are often to support extended family living and working on the farm, or to support agricultural use of the property by providing accommodation for farm labourers.

Although the Zoning permits the small suite, CVRD must consider the request in the context of agricultural protection, and as shown by the Agricultural Capability Soil Classification maps, the land is within an area of high quality agricultural land.

As there does not appear to be a benefit to agriculture associated with this application, staff are recommending that the application be forwarded to the Agricultural Land Commission with a recommendation to deny the application.

Options:

1. That Application No. 3-E-12ALR, submitted by Lawrence and Jane Matthews, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a small suite, be forwarded to the Agricultural Land Commission with a ***recommendation to approve*** the application.
2. That Application No. 3-E-12ALR, submitted by Lawrence and Jane Matthews, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a small suite, be forwarded to the Agricultural Land Commission with ***no recommendation***.
3. That Application No. 3-E-12ALR, submitted by Lawrence and Jane Matthews, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a small suite, be forwarded to the Agricultural Land Commission with a ***recommendation to deny the application***.

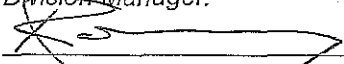

Option 3 is recommended.

Submitted by,

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

RR/jah

Attachments

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

REN PARCEL D
IDD 66128-U

PID: 002-214-296

HOUSE

HOUSE

HOUSE

EASEMENT

UNREGISTERED
EASEMENT

12

PART
SECTION 6
RANGE 1
COWICHAN DIST

CONTINUED
DAIRY USE

PROPOSED RESIDENCE
TOTAL FOOTPRINT = 348 SQ. M.
TOTAL FLOOR AREA = 235.5 SQ. M.

PROPOSED SHED

32.51

16

10.973

VEGETABLE
GARDEN

12.192

4

AGRICULTURAL AREA

FRUIT TREES
GRAPE VINES

63

50

DRIVEWAY

58

194.211

WILSON

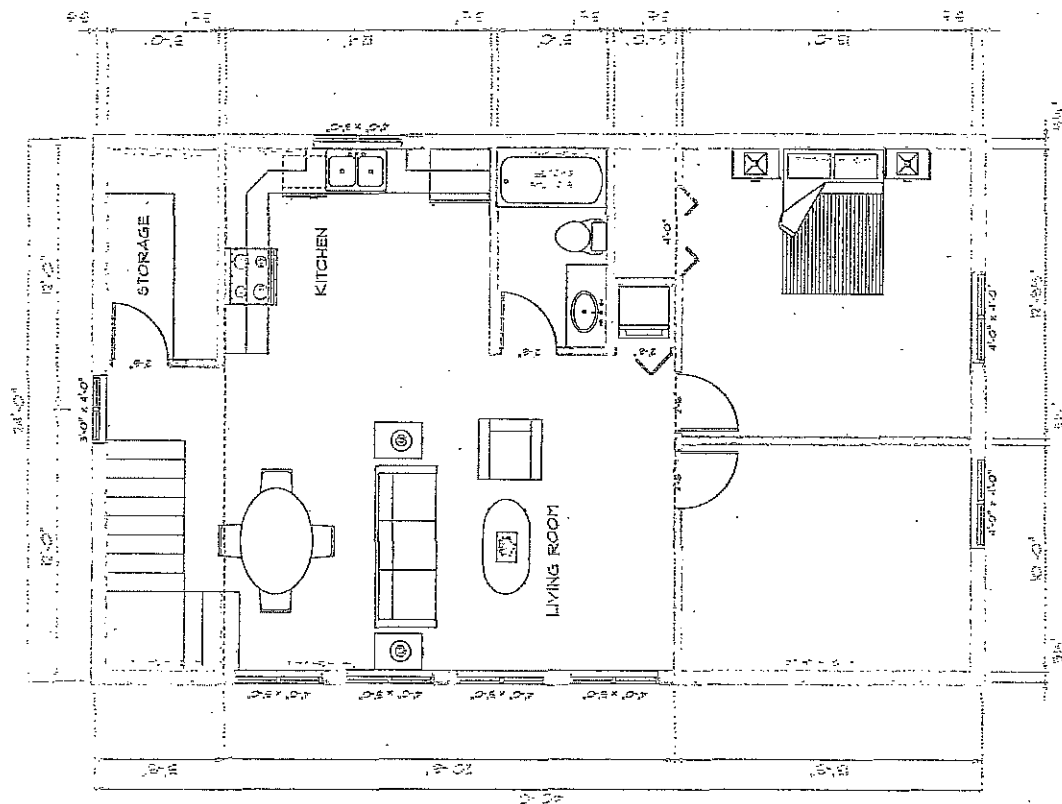
ROAD

PARCEL F
IDD 41808-U

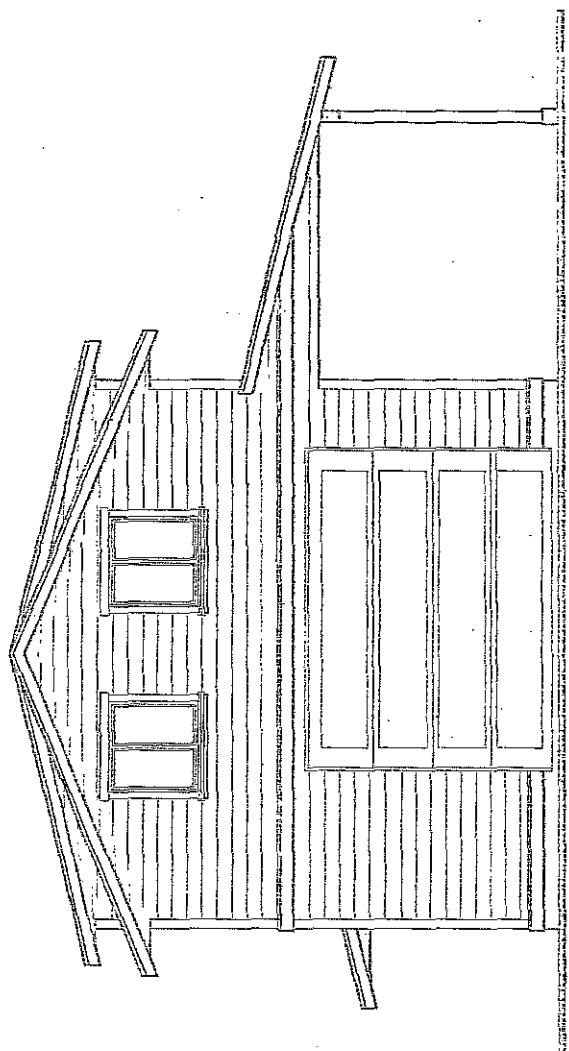
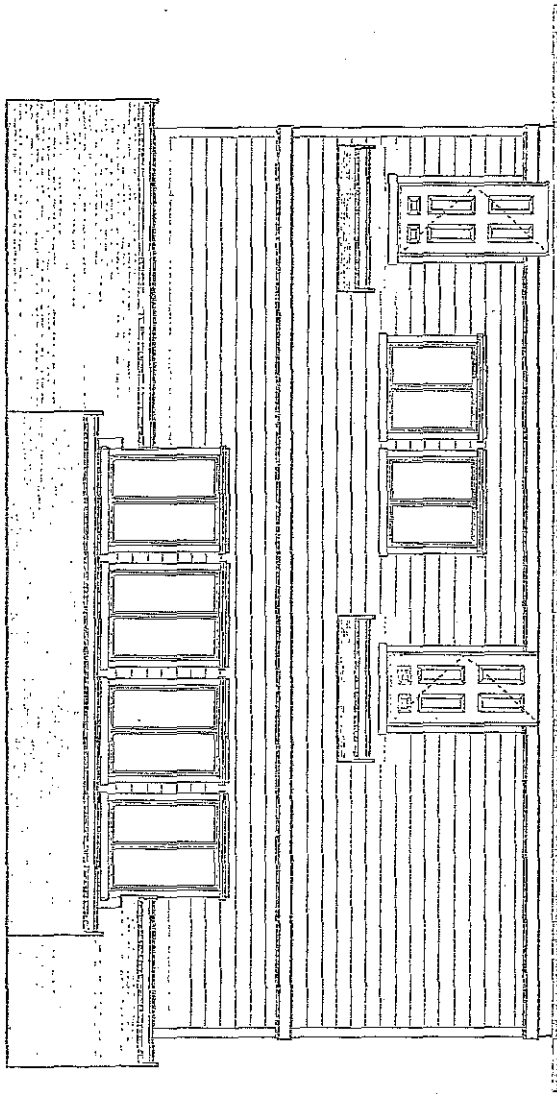
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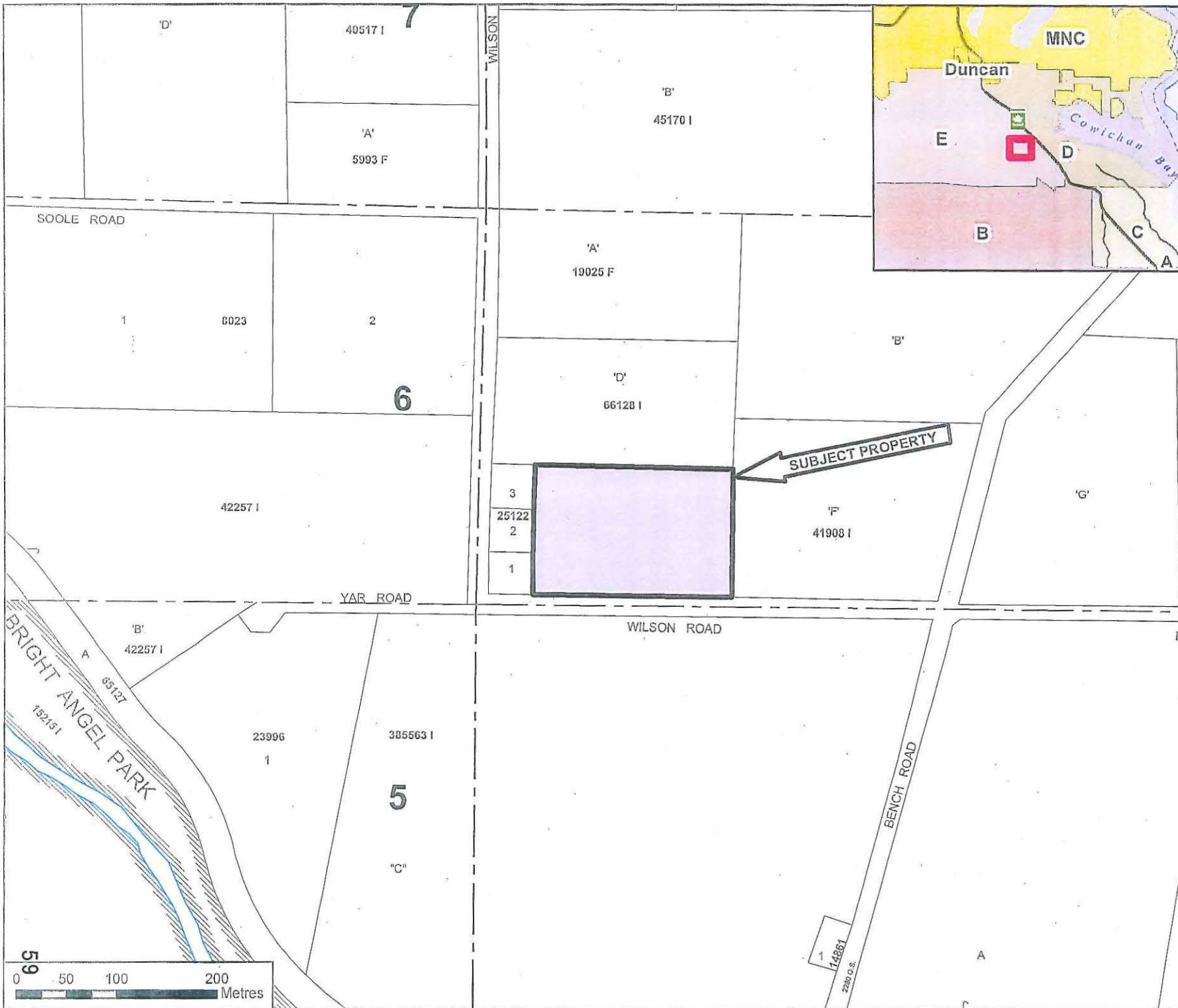


SMALL HOLDING



UPPER FLOOR PLAN
960 SQ. FT.





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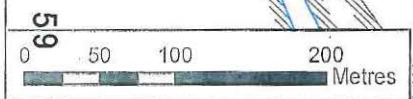
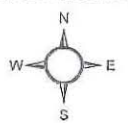
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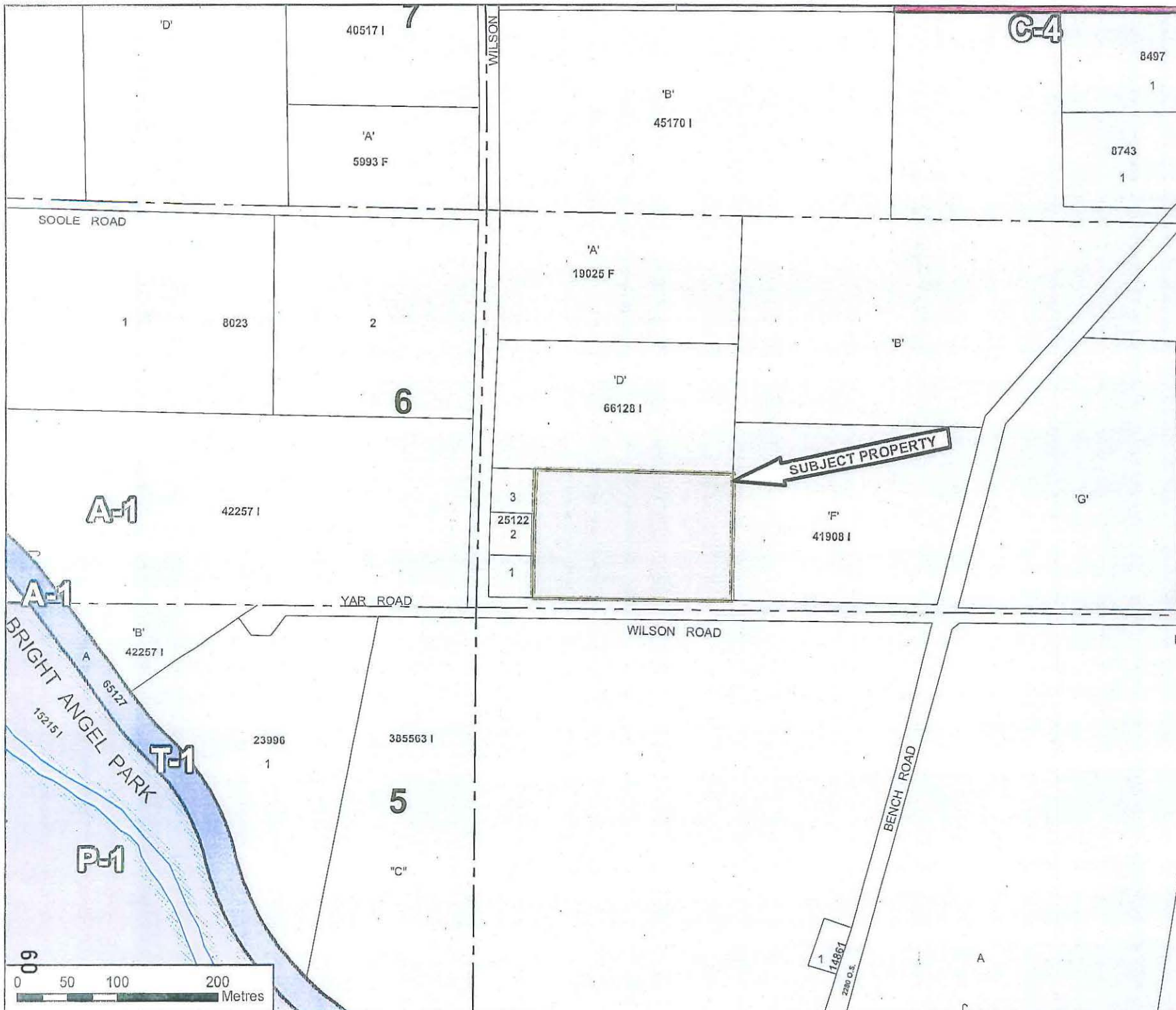
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File: 03-E-12-ALR

Legend

Subject Property





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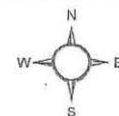
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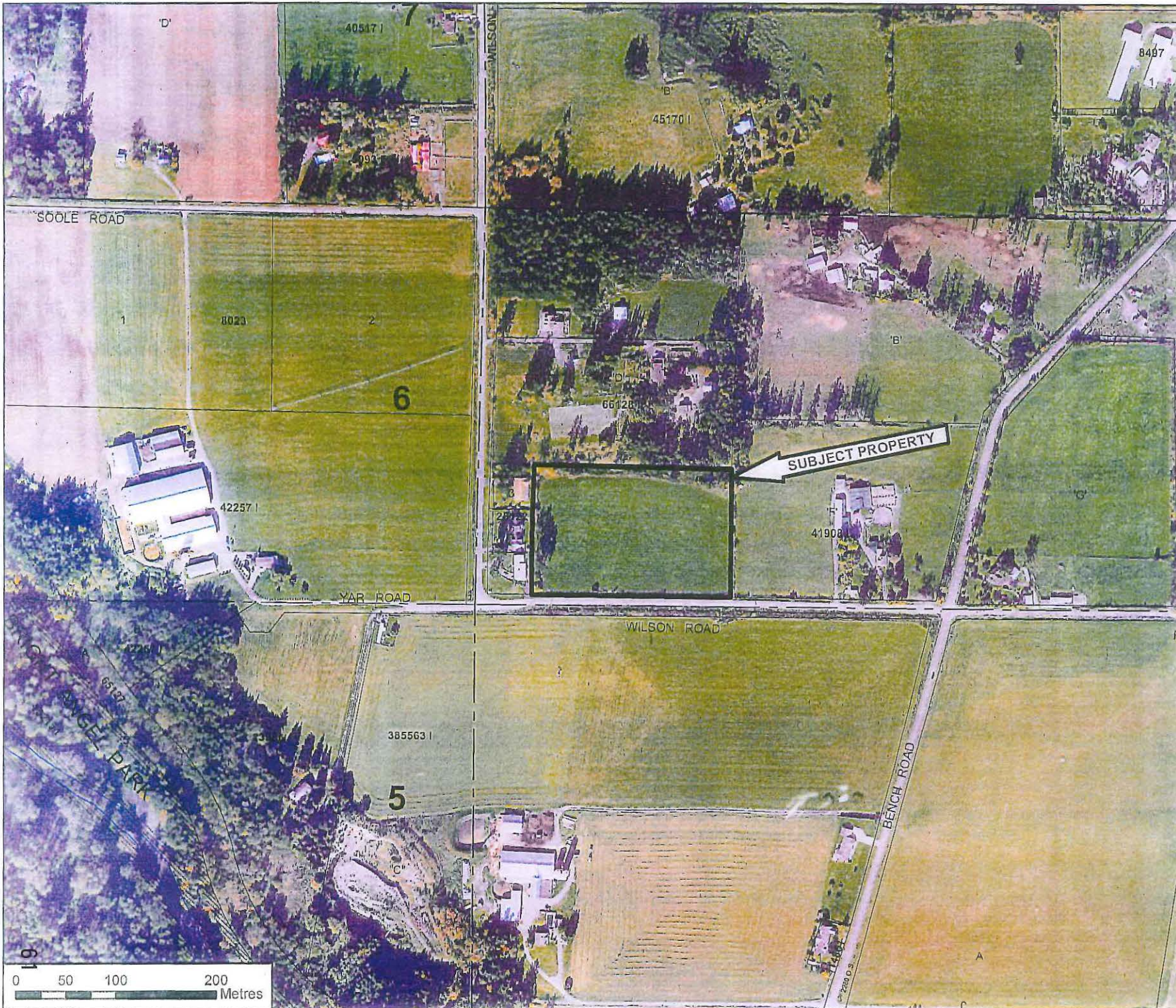
File: 03-E-12-ALR

ZONING

Legend

- Subject Property
- Zoning E





CVRD

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

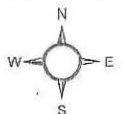
The Cowichan Valley Regional District does not warrant the accuracy.

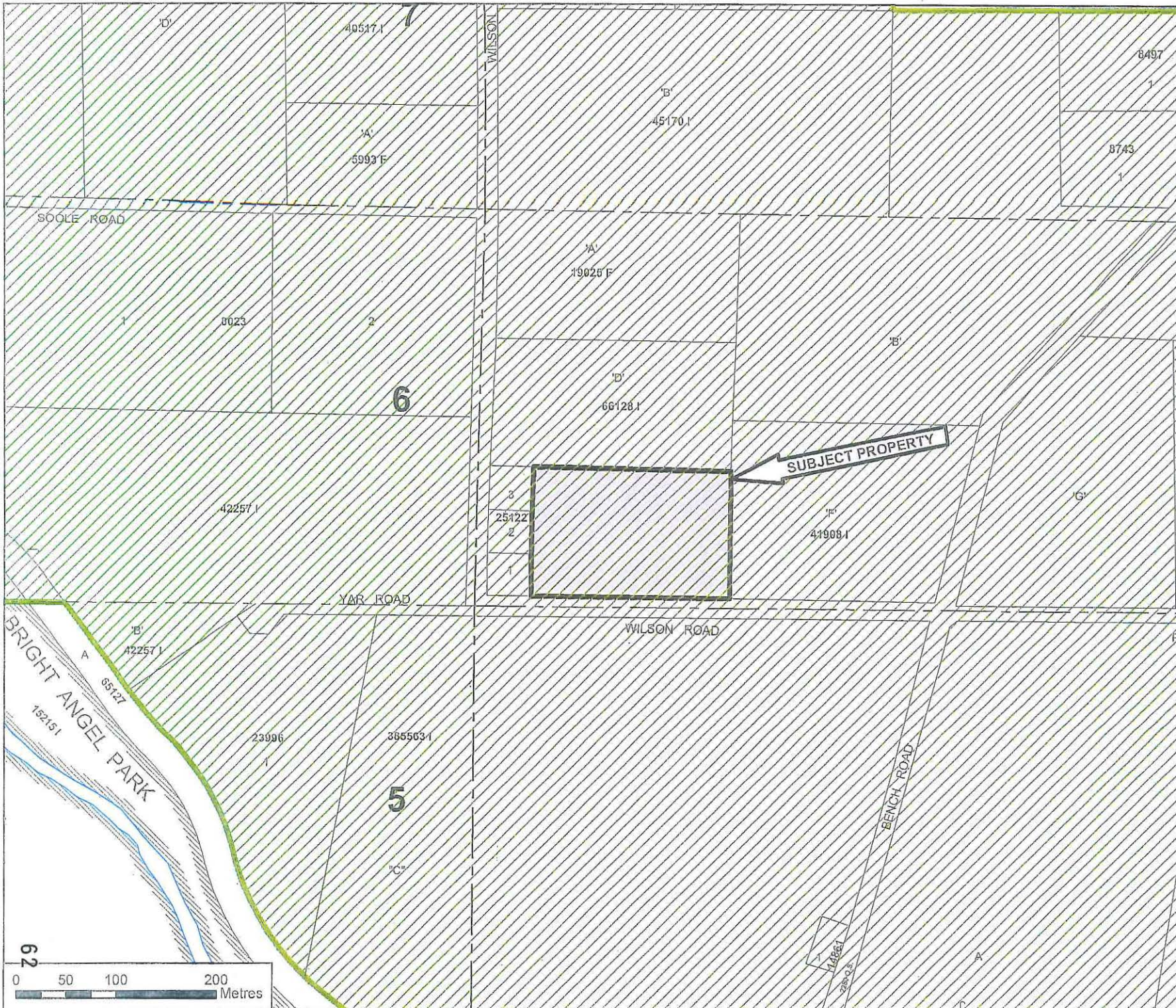
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

File: 03-E-12-ALR

Orthophoto
(2010)





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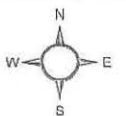
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 03-E-12-ALR

ALR

Legend

- Subject Property
- ALR E





STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING of November 20, 2012

DATE: November 14, 2012 **FILE No:** 4-I-12 DP/RAR/VAR
FROM: Rob Conway, Manager **BYLAW No:**
Development Services Division
SUBJECT: Development Permit Application No. 4-I-12 DP/RAR/VAR (Dix)

Recommendation/Action:

That application 4-I-12DP/RAR/VAR by Michael Dix for a single family dwelling and associated development at Island #4, Cowichan Lake (Block 1455, Cowichan Lake District, as shown on Plan 40413) be approved subject to the following conditions:

1. Re-submission of an RAR assessment report based on the revised dwelling location confirming compliance with the Riparian Area Regulation prior to issuance of the development permit;
2. Strict compliance with the recommendations of the revised RAR Assessment Report;
3. Submission of a post-development report prepared by a Qualified Environmental Professional confirming compliance with the recommendations of the revised RAR Assessment Report and development permit conditions prior to issuance of a certificate of completion by the CVRD's Planning and Development Department;
4. Installation of a "Type 3" or better sewage disposal system, authorized by the Vancouver Island Health Authority;
5. Procurement all necessary approvals from Fisheries and Oceans Canada and the Ministry of Environment for the proposed dock.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: N/A

Background:

Date Application Received:

Application received November 25, 2011
Application amended to include variance on July 16, 2012
Application further amended November 6, 2012

Owner and Applicant:

Michael Dix

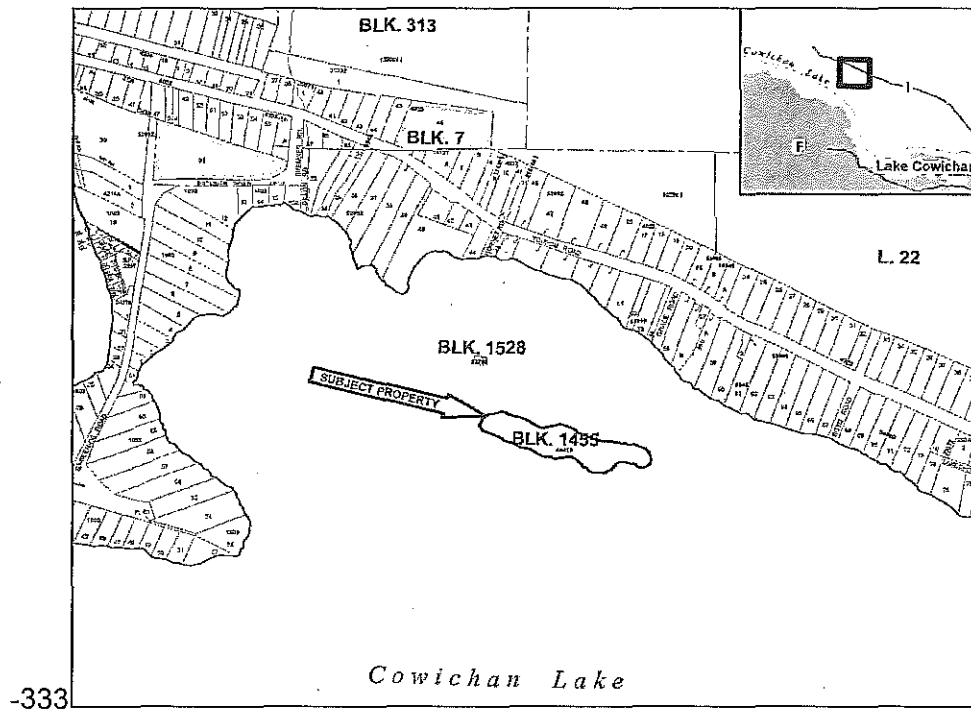
Size of Parcel:

±1.46 hectares (3.6 acres)

Zoning:

Lakefront Residential 1 (LR-1)

Location of Subject Property: Island #4 (Billy Goat Island)



<u>Minimum Lot Size LR-1 zone:</u>	1 hectare
<u>OCP Designation:</u>	No designation
<u>Existing Use of Property:</u>	Vacant
<u>Road Access:</u>	Water access only
<u>Water:</u>	Cowichan Lake
<u>Sewage Disposal:</u>	On-site
<u>Agricultural Land Reserve Status:</u>	The subject property is not within the ALR.
<u>Environmentally Sensitive Areas:</u>	The subject property is located adjacent to Cowichan Lake, and is therefore subject to the Riparian Area Regulation and the Watercourse Protection Development Permit Area.
<u>Archaeological Sites:</u>	None identified.

Application Context:

The subject application is for a development permit and variance for a dwelling and associated development on Island #4 or "Billy Goat Island", located south of Youbou and east of Sa-Seen-Os Point on Cowichan Lake. The Island is approximately 1.46 hectares in area and is comprised of east and west lobes that are separated by a low area that floods in winter. As the width of the island varies between about 25 and 47 metres, and the Riparian Area Regulation establishes a Streamside Protection and Enhancement Area (SPEA) of 15 metres from the south shore of the island and a 30 metre SPEA from the north shore, almost the entire island is covered by the SPEA.

As the Island is zoned Lakeside Residential (LR-1), the owner is permitted to construct a single family dwelling. However, as the Island is within the Watercourse Protection Development Permit Area, any development is expected to comply with applicable guidelines. In addition, since the applicant is proposing structures within 15 metres of the high water mark of Cowichan Lake, a relaxation of the 15 metre zoning setback from the high water mark of the Lake is requested.

The Proposal:

The proposed single family dwelling is to be located on the east lobe, at the widest and highest part of the Island. The dwelling was originally proposed at the south side of the island to maximize southern exposure and to move development away from the north side of the island where fish habitat values are higher (see Schedule 3). The dwelling that was originally proposed had a building footprint of approximately 3,600 square feet. This proposal was reviewed in a staff report presented at the November 6th EASC meeting.

The applicant recently amended the application to reduce the footprint of the proposed dwelling and to move it towards the interior of the island to provide a greater setback from the high water mark of Cowichan Lake. The revised building site plan showing the new building location and the floor plan is provided in Schedule 4.

The revised proposal has a building footprint of approximately 2,400 square feet. The setback from the high water mark varies, with the dwelling located 6 metres from the high water mark at the closest point.

Watercourse Development Permit Area:

The subject property is within the Watercourse Protection Development Permit Area (DPA). This DPA has multiple justifications and objectives, including:

- Implementation of the Riparian Area Regulation;
- The protection of Cowichan Lake, its tributaries, and associated riparian areas for fish, aquatic animals, plants and land-based wildlife;
- Flood management, erosion and sediment control, and groundwater recharge;
- Protection from hazardous conditions;
- Protection of Cowichan Lake as a domestic water source;

In order to obtain a development permit, the applicant is expected to demonstrate compliance with the applicable development permit guidelines. The Watercourse DPA includes "General Guidelines" that apply to all development in the DPA, and "Riparian Area Regulation Guidelines", that are targeted to implementation of the Riparian Area Regulation. It is noteworthy that the Watercourse DPA includes objectives and guidelines that are broader than just the objectives of the RAR. The development permit area requires applicants to

demonstrate compliance with the RAR by obtaining an RAR assessment report from a Qualified Environmental Professional, but also requires compliance with guidelines that are not directly related to the RAR. Compliance with the development permit guidelines should be the primary criteria for evaluating the development permit application.

The Watercourse Protection development permit guidelines along with staff comments highlighted in red are provided in Schedule 6 .

Zoning Setback from Watercourse:

Area "I" Zoning Bylaw No. 2465 (s. 3.20) establishes a 15 metre setback from the high water mark of Cowichan Lake with the high water mark defined in the bylaw as the 164.0m elevation. This setback was likely established for multiple purposes, including riparian area protection, flood protection and for maintaining the natural aesthetic of the lakefront.

The *Local Government Act* allows zoning to be varied through a development permit. Section 13.8 of the Watercourse Protection Development Permit Area includes the following provision for variances to zoning and other bylaw requirements:

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

Adjacent Property Owner Notification:

CVRD Development Application Procedures and Fees Bylaw No. 3275 requires notification of the application to be sent to adjacent property owners within 60 metres of the subject property. As the only property owner within 60 metres is the lake bottom owner (Timberwest), only one notice was sent. A development application notification sign was also posted on the property, as required by Bylaw No. 3275. To date, no public correspondence regarding the application has been received.

Advisory Planning Commission Comments:

The Area I Advisory Planning Commission reviewed the subject application on October 2, 2012, where the following motion was passed:

That the Area I (Youbou/Meade Creek) Area Planning Commission recommend to the Electoral Area Services Committee to support Application 3-I-11DP/RAR (Dix) only if the following conditions are met:

- ***Only a single story building with a total square footage capped at 1500 square feet be built on Billy Goat Island;***
- ***Although the current owner also owns property which would allow for parking, they are not connected; parking in perpetuity needs to be addressed; and***
- ***Written proof that the septic system has been approved by the Department of Health.***

The APC recommendation was provided with respect to the applicant's original proposal. EASC, at the November 6th meeting, had recommended that the revised proposal be referred back to the APC for further comment. However, following the meeting the Area I Director informed staff that she is supportive of the amended application proceeding to EASC without further APC input. Staff have brought the application back to EASC without further APC input based on the Director's request, but defer to the Committee to determine if further APC comment is needed.

Staff Comments:

Issues associated with the subject application were reviewed in depth in the November 6, 2012 staff report. Since that report was prepared, the applicant has amended the application to significantly reduce the footprint of the proposed dwelling and to adjust the siting of the dwelling to increase the setback from the high water mark.

Although the adjustments made to the application are not entirely in accordance with the APC's recommendation, they do demonstrate a willingness on the part of the applicant to address the APC's concern and concerns of staff and others about the extent of development and the watercourse setback variance that was requested.

Staff believe the revised proposal strikes a reasonable balance between the owner's right to construct a dwelling and the public interest in protecting fish habitat and the natural environment around Cowichan Lake. Staff also believe the applicant has made credible effort to comply with applicable development permit guidelines in the development and construction plan.

If the Committee is supportive of the revised proposal, it will be necessary for the applicant to update the RAR assessment report based on the new building location and footprint. This has not been done yet, because the applicant needs to know if the CVRD Board will support the revised proposal before the report can be amended. The recommended resolution addresses this by making the revised RAR report a condition of the development permit.

Staff recommend Option 1.

Options:

Option 1:

That application 4-I-12DP/RAR/VAR by Michael Dix for a single family dwelling and associated development at Island #4, Cowichan Lake (Block 1455, Cowichan Lake District, as shown on Plan 40413) be approved subject to the following conditions:

1. Re-submission of an RAR assessment report based on the revised dwelling location confirming compliance with the Riparian Area Regulation prior to issuance of the development permit;
2. Strict compliance with the recommendations of the revised RAR Assessment Report;
3. Submission of a post-development report prepared by a Qualified Environmental Professional confirming compliance with the recommendations of the revised RAR Assessment Report and development permit conditions prior to issuance of a certificate of completion by the CVRD's Planning and Development Department;
4. Installation of a "Type 3" or better sewage disposal system, authorized by the Vancouver Island Health Authority;
5. Procurement all necessary approvals from Fisheries and Oceans Canada and the Ministry of Environment for the proposed dock.

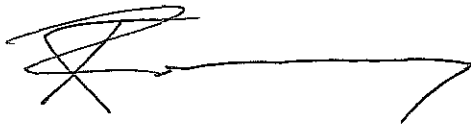
Option 2:

That the applicant be requested to amend application 4-I-12DP/RAR/VAR to reduce the proposed encroachment into the 15.0 metre watercourse setback by reducing the footprint of the proposed dwelling to no greater than 1500 square feet (or as otherwise specified by the committee) and that consideration of the application be referred to a future meeting.

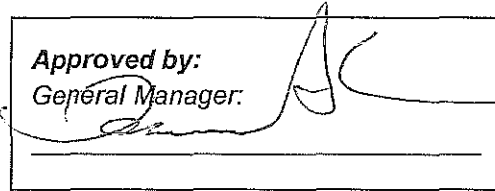
Option 3:

That application 4-I-12DP/RAR/VAR by Michael Dix for a single family dwelling and associated development at Island #4, Cowichan Lake (Block 1455, Cowichan Lake District, as shown on Plan 40413) be denied due to the excessive encroachment into the 15.0 metre watercourse setback.

Submitted by,



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



RC/ca

- Schedule 1 – Subject Property and Zoning Map
- Schedule 2 – Lidar Map
- Schedule 3 – Site Plan for Original Proposal
- Schedule 4 – Site Plan for Amended Proposal
- Schedule 5 – Development Application Information
- Schedule 6 – Watercourse Protection DPA Guidelines and Staff Comments
- Schedule 7 – LR-1 Zoning and Watercourse Setback
- Schedule 8 – APC Minutes
- Schedule 9 – Draft Development Permit



C.V.R.D.

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The Cowichan Valley Regional District does not warrant the accuracy.

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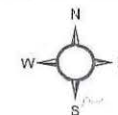
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File:
04-I-12-DP-RAR-VAR

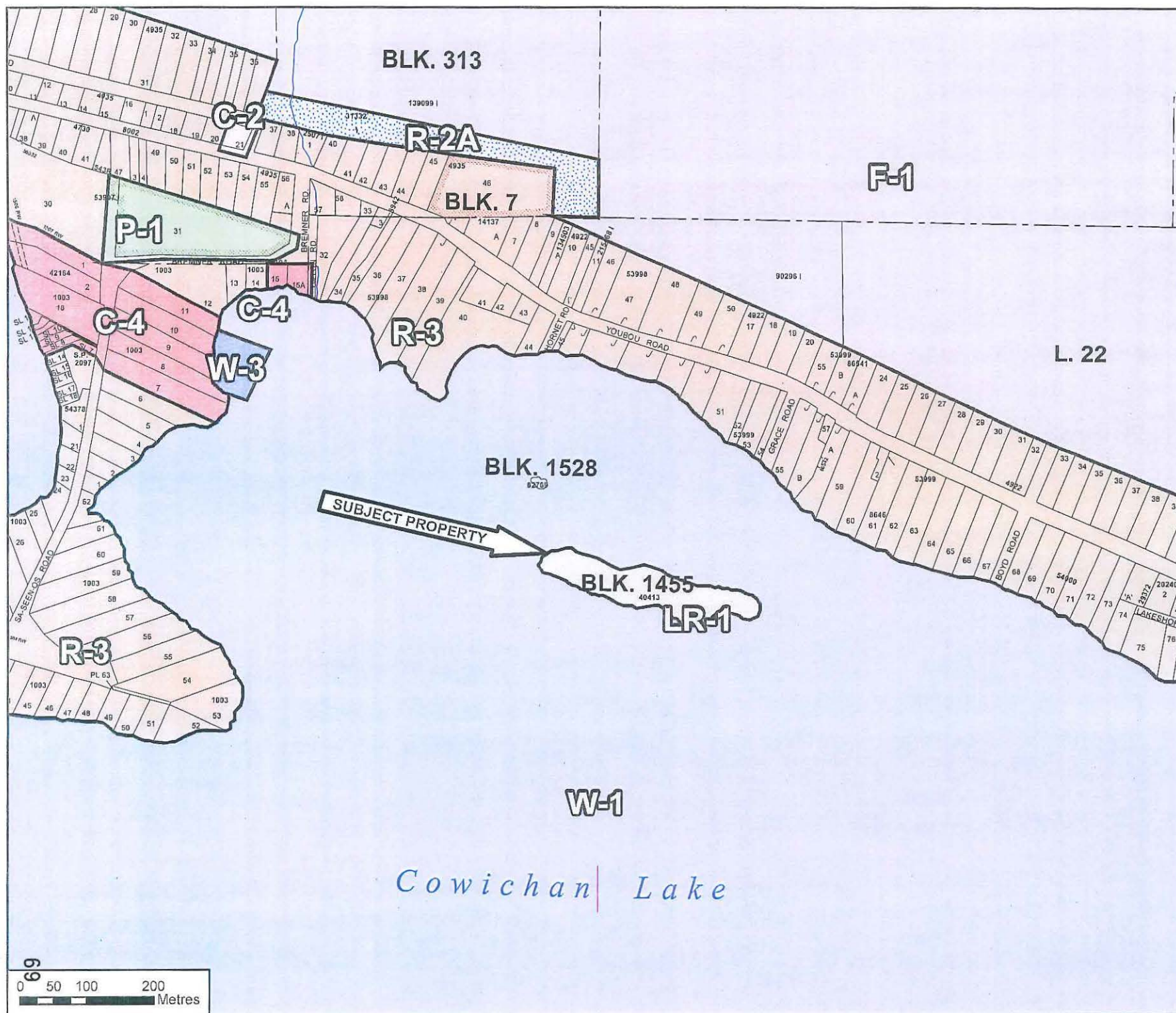
ZONING

Legend

- Subject Property
- Zoning I



Schedule 1 – Location and Zoning Map



Billy Goat Island
PID: 000-121-924



Contours
 — 200yr Flood Level (167.3m)
 — HWM (164m)
 30cm Interval
 165m

Elevation
 167.3 - 195.65
 164 - 167.3
 162.6 - 164
 162.25 - 162.6

50 40 30 20 10 0 50 100 150 200
Meters



Schedule 2 – Lidar Map

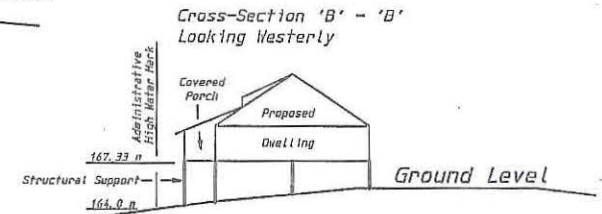
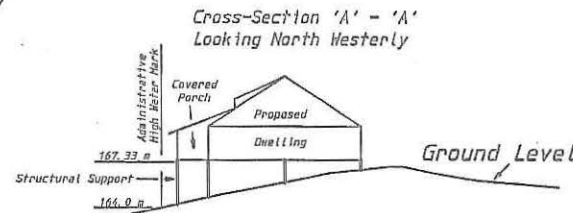
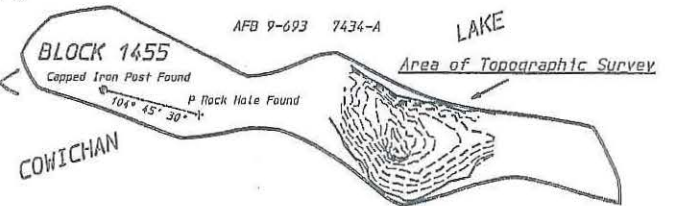
TOPOGRAPHIC PLAN OF PART OF
BLOCK 1455, COWICHAN LAKE DISTRICT,
AS SHOWN ON PLAN 40413.

SCALE 1 : 250

All distances & elevations are in metres unless otherwise indicated.
Elevations were derived from DC Water Management Branch Monument B 730 with a
published elevation of 546.01 ft (167.03 m).

- Natural Boundary, June 2012
- 164m. High Water Mark
- Building Footprint
- 15 m. HWM Setback

BLOCK 1455 OVERALL
Not to Scale



Billy Goat Island

BLOCK

COWICHAN LAKE

COWICHAN

AFB 9-693 7434-A

Present Natural Boundary
Measured June 19, 2012
by Allen L. Cox BCLS

Natural Boundary per 1906 Survey
as shown on PLAN 40413

1455

Present Natural Boundary
Measured June 19, 2012
by Allen L. Cox BCLS

Natural Boundary per 1906 Survey
as shown on PLAN 40413

LAKE

TREE REFERENCE TABLE							
#	Size / Type	#	Size / Type	#	Size / Type	#	Size / Type
105	0.35 m Cedar	122	Twin 0.30 m Arbutus	153	0.60 m Cedar	193	0.45 m Fir
108	0.30 m Cedar	127	0.50 m Fir	155	0.60 m Fir	218	0.50 m Fir
115	0.60 m Arbutus	136	1.2 m Fir	157	0.40 m Fir	235	0.50 m Fir
116	0.30 m Fir	140	0.45 m Fir	169	0.40 m Fir	237	0.00 m Fir
117	1.1 m Fir	144	0.30 m Fir	173	0.50 m Fir	247	0.00 m Fir
110	0.25 Arbutus	145	0.60 m Fir	186	0.40 m Fir		
121	0.30 m Fir	146	0.40 m Fir	191	1.1 m Fir		

Note: Only Select Trees were measured in course of Field Survey

TOPOGRAPHIC PLAN OF PART OF
BLOCK 1455, COWICHAN LAKE DISTRICT,
AS SHOWN ON PLAN 40413.

SCALE 1 : 250

All distances & elevations are in metres unless otherwise indicated.
Elevations were derived from BC Water Management Branch Mapsheet N 739 with a
published elevation of 542.91 ft (167.02 m).

- Natural Boundary, June 2012
- 164m. High Water Mark
- Building Footprint
- 15m. FWM Setback

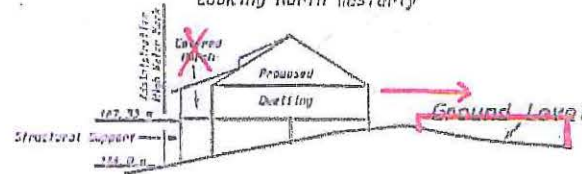
BLOCK 1455
Capped from Past Flood

AFB 9-693 7434-A

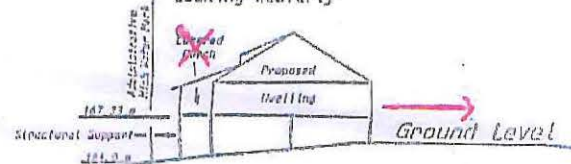
LAKE

Area of Topographic Survey

COMPROMISE
FOOTPRINT AND LOCATION
Cross-Section 'A' - 'A'
Looking North Westerly



Cross-Section 'D' - 'D'
Looking Westerly



Billy Goat Island

BLOCK

COWICHAN LAKE

Present Natural Boundary
Measured June 19, 2012
by Allen L. Cox BCLS

Natural Boundary per 1906
as shown on PLAN 40413

1455

COWICHAN

AFB 9-693 7434-A

Present Natural Boundary
Measured June 19, 2012
by Allen L. Cox BCLS

Natural Boundary per 1906 Survey
as shown on PLAN 40413

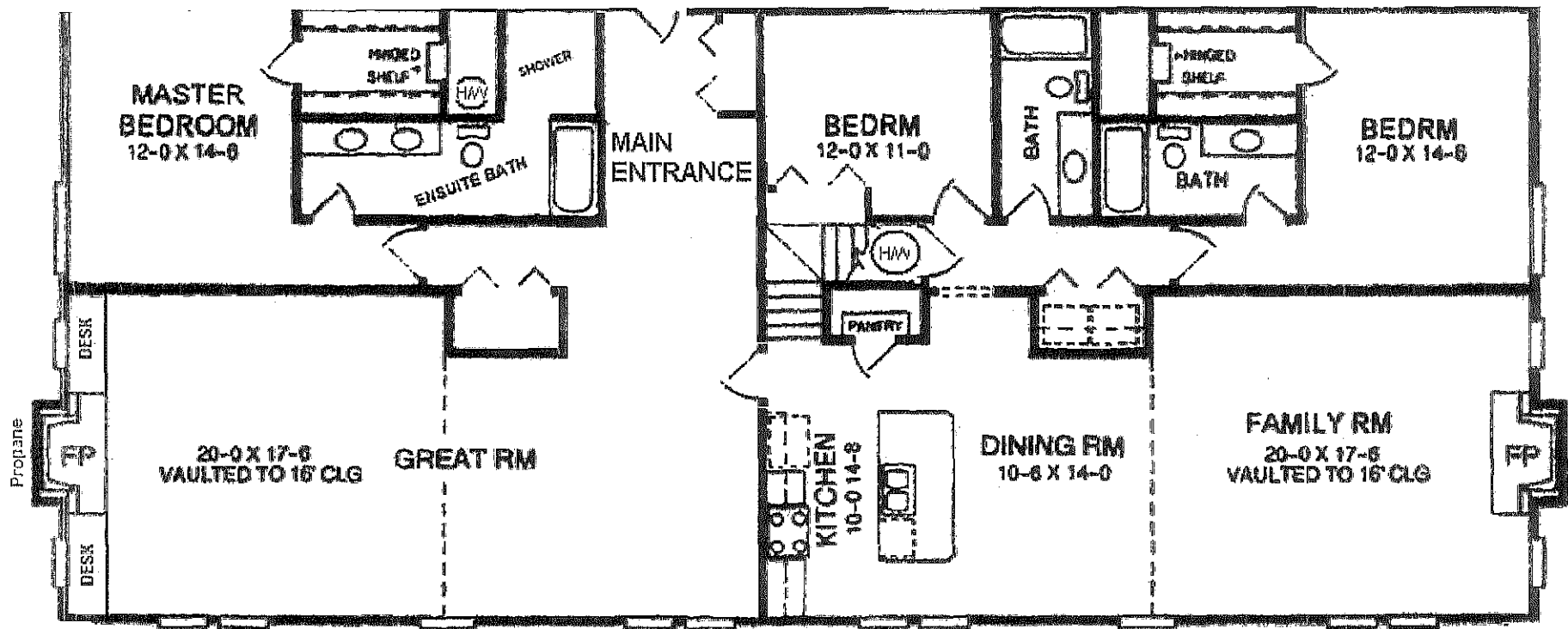
LAKE

TREE REFERENCE TABLE

#	Size / Type	#	Size / Type	#	Size / Type	#	Size / Type
100	0.30 m Cedar	122	Tulip 0.30 m Arbutus	152	0.40 m Cedar	172	0.45 m Fir
104	0.30 m Cedar	127	0.30 m Fir	155	0.40 m Fir	210	0.30 m Fir
115	0.60 m Arbutus	135	1.2 m Fir	157	0.40 m Fir	235	0.50 m Fir
116	0.30 m Fir	145	0.45 m Fir	169	0.40 m Fir	237	0.80 m Fir
117	1.1 m Fir	146	0.30 m Fir	173	0.50 m Fir	247	0.60 m Fir
118	0.25 Arbutus	147	0.40 m Fir	180	0.40 m Fir		
121	0.20 m Fir	148	0.40 m Fir	191	0.1 m Fir		

Note: Only Select Trees where measured in course of Field Survey

Schedule 4 - Site Plan for Amended Proposal



Proposed Building Footprint (v7)

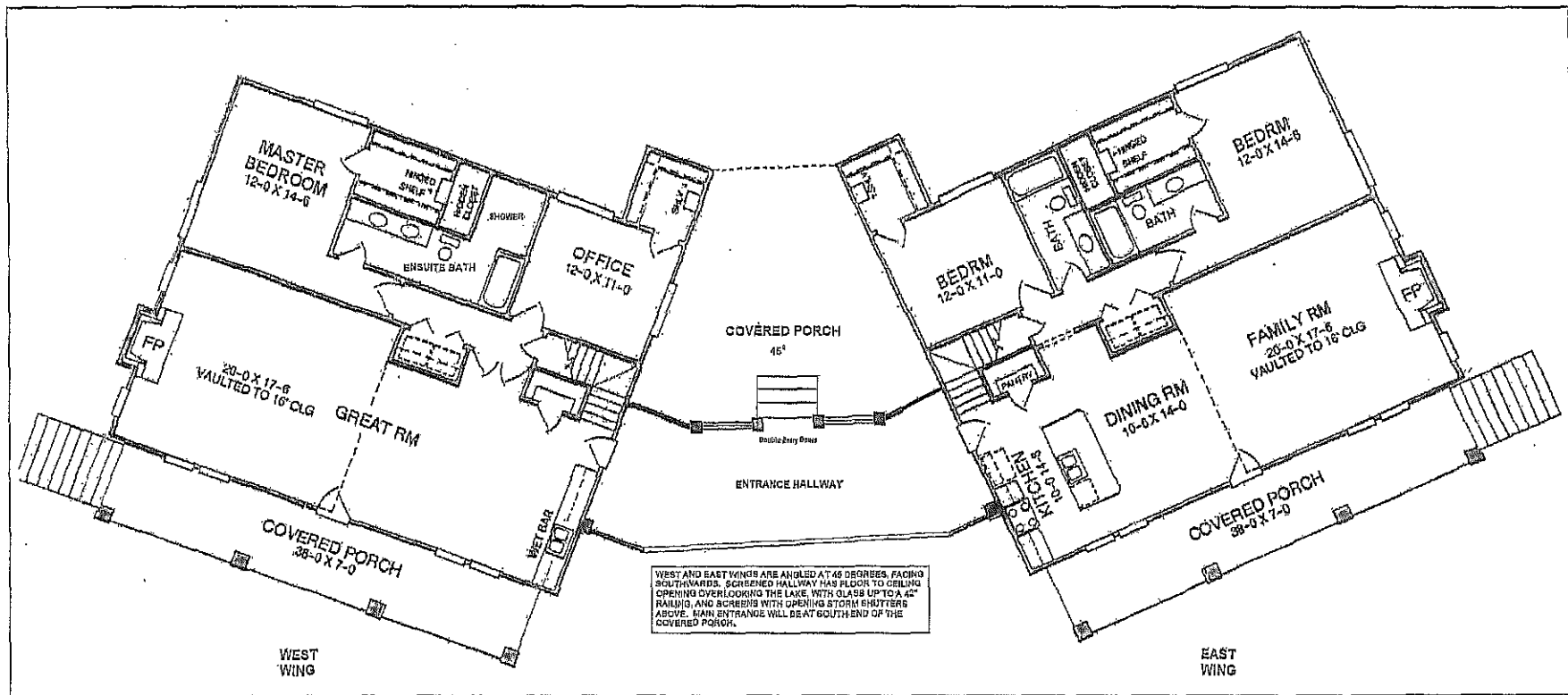
Living Area: 2,397 Sq. Ft.
75' Long x 32' Wide
(224.4 Sq. m)
(22.9m x 9.8m)

REDUCTIONS:

- * REMOVED THE LARGE COVERED ENTRY PORCH AND THE SCREENED HALLWAY
- * REMOVED 'V' SHAPE
- * REDUCED LENGTH AND WIDTH
- * REMOVED THE OFFICE AND ADDED BUILT-IN DESKS TO THE GREAT ROOM
- * REMOVED ONE INTERIOR STAIRWELL AND THE WET BAR
- * REMOVED FRONT DECK, STAIRS, AND ROOF

Schedule 5

Development Application Information



Specifications

Country Bungalow

Main Level: 1,404 Sq Ft Each Wing
Total Living: 2,808 Sq Ft Plus

Covered Porch and
Entrance Hallway

Bedrooms: 3

Baths: 3

Width: 42.5' Each Wing

Depth: 34.5' Each Wing

Stories: 1

Foundation: Post and Pier

Justification for Variance:

The shape of the island makes it impossible to build without encroaching on the 15m watercourse setback. Even with the dwelling pushed as far south as possible against the southern 164m line, the northwest corner of the building still encroaches on the northern 164m line. The applicant requests relaxation of the 15m watercourse setback from the 164m line, as follows:

West wing

Northwest corner: 1.5m relaxation from northern 164m line

Southwest corner: 10m relaxation for the living space, and 12m relaxation for the porch

Southern corner: 12m relaxation for the living space, and 14m relaxation for the porch/stairs

East wing

Southwest corner: 11m relaxation for the living space, and 13m relaxation for the porch

Southeast corner: 13m relaxation for the living space, and 14m relaxation for the porch/stairs

The shed (boats, backup propane tanks, generator, and emergency equipment storage) needs to be between the house and the dock, and this too is impossible to build without encroaching on the 15m setback. The applicant requests relaxation of the setback as follows:

Northwest corner: 10m relaxation

Northeast corner: 4m relaxation

Southwest corner: 12.5m relaxation

Southeast corner: 7m relaxation

Key Elements of the Development Footprint Design, as proposed:

1. Consistency with the RAR report.
2. Best fits the natural topography (shoreline/164m line, the natural slope, and taking advantage of the highest land point).
3. Has the least encroachment on the approved septic field, enables the 'dwelling to tank to field' slope to allow gravity feed, and still enables the field and works to be above 164m line for year-round usage.
4. Minimizes the visibility of the dwelling from the Youbou shoreline, protecting the natural views of those property owners.
5. Protects more of the mature trees located in the center and northern area.
6. Maximizes the solar gain, and optimizes the angle of attack/tree canopy shade reduction for the solar heating and PV panels.
7. Enables a grade-level main entry to avoid stairs, thereby making it disability friendly.
8. No encroachment below the 164m, and still has a 5m average setback of the habitable floor area (not including porch/stairs).
9. Single level reduces visibility from Youbou shoreline, and boaters' views of the southern shore of the island.
10. All habitable floor area is above the 167.33m line.
11. The closest point of habitable area is 10m +/- setback from the present natural boundary (the practical boundary for the island, rather than the arbitrary 164m mark), and up to 16m +/- setback.
12. Noise/privacy separation between the B&B guest area and the owners' master bedroom.
13. Maximize the distance between the dwelling and the true riparian area on the north shore.
14. The dwelling footprint is the minimum area required to effectively operate as a B&B.
15. The precedence set by the DP approved for Island #3 (encroachment into the 15m setback from the 164m line was permitted without a variance being required).
16. Denial of a variance will effectively down-zone or sterilize the land.

Billy Goat Island

Proposed Construction Plan

(February 8, 2011)

Billy Goat Island is a 3.65 acre cigar-shaped land mass, approximately 340 metres in length, and comprised of two upland forested lobes separated by a marshy area at the approximate halfway point. The island is located in Cowichan Lake approximately 250 metres from the north shore of the lake off Youbou.

The current owner has maintained the island in its natural pristine state during his 5 ½ years of stewardship. The owner desires to keep the island in as much of a natural state as possible, but now desires to construct a primary dwelling. It is proposed to build on the East Lobe of the island. The primary source of power will be solar PV, with a backup generator. Hot water and in-floor radiant heat will be by solar thermal heating. Potable water is proposed to be sourced from the lake.

The East Lobe of the island has professional survey markers (wooden stakes nailed to trees) in place identifying the 164 metre and the 167.33 metre marks. Ted Burns (QEP) has also conducted a RAR survey and the draft report has been prepared. The survey indicates the East Lobe of the island has a long narrow strip (approximately 2 metres wide) of upland outside of the SPEA, but this is too narrow for a desirable building design and septic disposal field. The entire West Lobe appears to be within the SPEA. A bend in the SPEA is requested for a building site on the East Lobe, for the primary dwelling, utility shed, dock, pathway for dock access, and for the septic system and field.

The following is the plan for low impact and soft touch construction methods proposed for the project. The plan is designed to avoid damage to fish and fish habitat. The construction will be performed in such a manner as to result in no harmful alteration, disruption or destruction of fish habitat, and the QEP will be used to monitor and ensure compliance.

Timing and Duration of Build

The project is planned to commence in May/June 2011 when the lake level permits full access to the natural rock and gravel beaches. A natural solid rock beach adjacent to the proposed construction envelope will enable the landing of heavy materials and a small excavator by barge, with minimal impact on the natural foreshore and fauna. The project completion is planned for the end of September 2011, well in advance of the rainy season and the natural lake level rise that typically occurs in November. In order to mitigate the risk of sediment runoff into the lake, work that creates dust or staining applications will be avoided during wet and rainy periods.

Site Preparation

The building site will be professionally surveyed to lay out the exact position and perimeter of the building site footprint, and the location of the SPEA around the building site footprint will be marked with snow fencing. A registered arborist will be used to consult on any hazardous/problem trees and to advise on proper protection of trees around the

construction envelope. An access path will need to be cleared between the access beach and the building site, to permit the ingress/egress of materials and machinery. The removal of select plants may be necessary to access the construction site. This removal will be kept to a minimum.

The clearing of the land for the building site will be kept to a minimum, but will require some degree of clearing to prepare a safe building envelope. A combination of manual labour and an excavator will complete the preparation of the building site. Standard safety and environmental protection procedures will be used in delivery, refueling and excavation practices to minimize the effect on the lake water, foreshore, and upland.

Effective sediment and erosion control measures will be installed before starting work to prevent the entry of sediment into the lake. These control measures will be inspected regularly during the course of construction and all necessary repairs will be made if any damage occurs.

Use of existing natural and deer trails will be used wherever possible to avoid disturbance to the riparian vegetation (vegetation that occurs adjacent to the lake).

Site Access

Construction material and machinery will be delivered by barge and pontoon boat from the private boat launch at Cowichan Lake RV Resort, located on Sa-Seen-Os Road in Youbou. The primary site for unloading on the island will be the nearest rock beach on the south shore, and material will be stored in front of the proposed building site above the HWM.

The storage of material and equipment will be done in a manner that takes advantage of natural clearings, thereby minimizing the need to clear salal and other vegetation. A secondary construction access point for ingress/egress to the island via pontoon boat is proposed at the nearest natural clearing on the north shore. Existing deer paths will be used where possible and widened to a maximum width of 2 metres, from the shore location to the building site. Eventually it is proposed to construct a permanent dock on the north shore, where it is protected from the prevailing winter winds, has suitable bank formation to accommodate a year-round ramp, and also has sufficient water depth at late summer lowest lake level.

Machinery Operation

Machinery will be operated primarily on land above the HWM or on water (from the barge) in a manner that minimizes disturbance to the banks or bed of the lake. Machinery will arrive on site in a clean condition and will be maintained free of fluid leaks, invasive species and noxious weeds. The washing, refueling and servicing of machinery and storing of fuel and other materials for the machinery will be away from the water to prevent any deleterious substance from entering the lake. An emergency spill kit will be kept on site in case of fluid leaks or spills from machinery. Banks will be restored to original condition if any disturbance occurs.

Foundations

A concrete pad/pier system will be used for the construction of the foundations. This will minimize the amount of concrete required, will reduce the amount of excavation required to a minimum, and will protect against extreme high lake levels. The excavator will be used to dig the pad footings, and excavator movement will be restricted to the construction envelope. All concrete will be mixed on site in a temporary enclosure designed to prevent the wind blowing dry pre-mixed concrete materials onto the lake surface, and prevent any run-off of concrete or sediment into the lake.

Structural Framing, Electrical and Plumbing

A proposed Structural Insulated Panel (SIP) house is planned for the primary dwelling. This includes the floor, walls, and roof system. This construction method will minimize the amount of on-site raw materials and waste, and will minimize the time to build this dwelling, thus again minimizing the effect on the island environment. Standard construction practices as per BCBC 2006 will be used for electrical and plumbing systems.

Servicing the Dwelling

Lake water will be used as the primary water source. A submerged foot valve will need to be located off the shore, with piping installed in a trench up to the dwelling. During dry land trenching for the water pipe, the material that is moved from the bank of the lake (below the HWM) will be stockpiled and returned to its original location once the pipe is installed.

Drinking water will either be from treated lake water or brought in by 5-gallon containers. Eagle Engineering has identified a suitable Type 3 septic field site, and the system will be built as per provincial regulations. Some sand will likely be needed to be brought in for a traditional Type 3 septic system, but the owner is also considering an alternative septic system from Germany which is even more environmentally friendly (this system has recently been approved by DFO and will be installed on the Mainland this Spring on the banks of the Fraser River, and safely discharges directly into the river). Electrical service will be via a combination of solar panels, backup generator, and possibly a wind turbine for winter use. A solar hot water system is also planned for heating water and for in-floor heating. The primary source of fuel for cooking, heating and the backup generator is proposed to be propane. A high efficiency wood stove is proposed for secondary heating.

Exterior Finishing

Construction-grade timber removed from the building envelope will be cut on site and used for the build where feasible, for exterior trim and siding details. Environmentally friendly stain treatments will be utilized.

Interior Finishing

The interior of the SIP skins will be either skim coated and then primed/painted or covered in wood paneling. All finishes will conform to BCBC 2006.

Site Cleanup and Reparation

All construction waste will be removed from the surrounding area to the building site and disposed/recycled at the CVRD's Meades Creek or Duncan facilities. Any temporary

structures for the preparation of concrete, staining, and cutting of wood, will be removed and the area restored to the original state of the site. Any disturbed areas will be re-vegetated by planting and seeding with native trees and shrubs. All planting will follow the DFO guidance on Riparian Re-vegetation.

Use of the QEP

Ted Burns has been procured as the QEP for this project and he will be involved in monitoring and ensuring compliance during site preparation, construction, and at project conclusion. The SPEA and proposed alternative building sites have already been marked with survey tape by the QEP.

Request for CVRD and DFO Approval

The owner respectfully requests the CVRD and DFO to approve of the proposed construction envelope and plans, under the above listed conditions.

Schedule 6

SECTION 13. WATERCOURSE PROTECTION DEVELOPMENT PERMIT AREA

13.1: CATEGORY

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

13.2: SCOPE

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

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

13.3: DEFINITIONS

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

13.4: JUSTIFICATION/OBJECTIVES

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

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

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

13.5: APPICABILITY

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

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

13.6: GENERAL GUIDELINES

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

- (a) Sites shall be retained in their natural state where possible, preserving indigenous vegetation and trees. If adequate, suitable areas of land for the use intended exist on a portion of the parcel located outside of the Watercourse Protection Development Permit Area, the proposed development should be directed to those areas in order to minimize development in the DPA. The precautionary principle will be applied, whereby the onus will be placed with the applicant to demonstrate that encroaching into the Watercourse Protection Development Permit Area is necessary due to circumstances such as topography, hazards or lack of alternative developable land, and that every effort is made to minimize adverse impacts.

As all but a small area in the centre of the island is in the development permit area and SPEA, there is no alternative but to develop in the DPA. The owner is taking precautions to leave much of the island undisturbed and to limit tree and vegetation removal to the house site.

- (b) Where a parcel of land is entirely within the Watercourse Protection Development Permit Area, the development should be sited so as to maximize the separation between the proposed building/land use and the most sensitive area. In cases where the appropriate course of action is unclear, the applicant may be required to prepare, at his/her own expense, a report by a qualified professional biologist, which will identify the area of lowest environmental impact that is suitable for the use intended.

The QEP report that was provided with the original proposal did not identify any negative impacts associated with the proposed development. A revised RAR assessment will be necessary to confirm the new location is acceptable, but it is not expected that there will be any objections to the reduced building foot print and revised dwelling location.

- (c) Any work done in the Watercourse Protection Development Permit Area must be carried out in a manner that minimizes the need for vegetation clearing. An arborist should be consulted, to ensure that trees and shrubs in the riparian buffer area are carefully pruned, where necessary to enhance views, rather than removed. In order to control erosion and to protect the environment, the development permit may specify the amount and location of tree and vegetative cover to be planted or retained. Where a development proposal calls for the removal of vegetation within this Development Permit Area, the Regional Board may require the preparation of a report by a qualified biologist, payable by the developer, indicating measures required to achieve no net loss of habitat and appropriate implementation measures. The Board may require the re-vegetation of land in a Development Permit.

The applicant is not proposing to remove trees to enhance views. Trees will only be removed where necessary for the home site and associated development. A report indicating measures to achieve no net loss of habitat was not provided with the application.

- (d) Recommendations in the Ministry of Water Land and Air Protection's Best Management Practices (*Storm Water Planning – A Guidebook For British Columbia*) should be applied, to reduce areas of impervious surfaces and increase natural groundwater infiltration. On-site stormwater management techniques that do not impact surrounding lands, should be used, rather than the culverting or ditching of stormwater runoff.

As the subject property is a small island, the volume of storm water runoff and the impact of runoff on adjacent property is not an issue. However, the quality of water draining into the lake from the proposed development is a potential issue. The applicant is proposing a number of storm and rainwater precautions during the construction, including sediment and erosion control measures, control of concrete dust and runoff, and scheduling heavy construction to occur in the dry season.

- (e) The creation and implementation of a silt and sediment control plan and/or an integrated stormwater management plan, by qualified professionals may be required to permit the controlled release of runoff from the development and to buffer streams from the loading of sediment and nutrient materials. The Regional Board will require that a drainage study be completed by a licensed, professional engineer to determine the extent of the works required and to establish criteria for eliminating or minimizing storm flows from the developed site.

The applicant has proposed silt and sediment control measures and stormwater management techniques, but has not provided a specific plan. Such plans are not usually requested for construction of single family dwellings. Should the EASC feel a silt and sediment control plan and stormwater management plan are necessary, these could be made conditions of the permit.

- (f) Figures for total imperviousness on sites within this development permit area should be calculated by the proponent and submitted at the time of development permit application. The Board may specify maximum site imperviousness or effective imperviousness in a development permit.

The only impervious surfaces proposed are the buildings, which cover less than 2% of the site. This is significantly less than the percentage of impervious surface most residential properties.

- (g) Where a subject property is located within a floodplain as shown on the “Cowichan Lake Floodplain Maps”, buildings and structures will be subject to the flood construction levels specified on the floodplain maps, administered under Section 56 of the *Community Charter*.

The proposed dwelling will be elevated above the 200 year flood elevation.

- (h) Roads and driveways should be located as far as possible from the edge of a bank or from a shoreline, so as to keep sand, gravel, leach oils and fuels, and road salt out of runoff. Driveways should be angled across the hill’s gradient, where possible, and be composed of porous materials such as road mulch, small modular pavers or pre-cast concrete lattice, to keep runoff to a minimum. For driveways that are already paved, a portion of the runoff can be diverted by the use of speed bumps in regular intervals. Settling pools can be installed in runoff ditches that slope to water.

No roads or driveways are proposed.

- (i) Footpaths to a shoreline should be planned to avoid erosion, using slope contours rather than a straight downhill line, and be narrow to minimize impacts on drainage patterns. Impacts to a slope can be minimized by elevating stairs above the natural vegetation.

The footpath between the dock and dwelling location will be constructed at a grade that does not result in erosion.

- (j) Retaining walls will be limited to areas above the high water mark, and to areas of active erosion. Backfilling behind a wall, to extend the existing edge of a slope, is not permitted unless it can be clearly demonstrated that the fill is necessary to prevent further erosion or sloughing of the bank.

Retaining walls are not proposed.

- (k) Where a retaining wall is proposed, bioengineering – using native plants, will be encouraged. The use of concrete, rip rap, unsightly construction debris like broken concrete, bricks and shot rock are discouraged as materials to improve bank stability. The use of vegetation such as willows and/or deadfalls or logs are encouraged as alternatives to minimize erosion and reduce the velocity of stream flows. Natural materials such as wood and stone, particularly darker colours that blend in with the natural shoreline and are less obtrusive when seen from the water. In cases where hard armouring, such as using solid concrete or heavy rocks or rock

in wire cages, is necessary, the planting of native vegetation should be done to soften its impact, and the base of the wall should be constructed to be habitat friendly; Large, fortress like, uniform walls should not be permitted unless composed of pervious materials and stepped or softened to provide for water absorption.

Not applicable.

- (l) Where a fence is constructed on, or in conjunction with, a uniform retaining wall or the highest uniform section of a retaining wall, the retaining wall or portion thereof should be considered to be an integral part of the fence for the purpose of determining height.

No fences or retaining walls proposed.

- (m) Cultural/heritage features of a site must be undisturbed.

There are no known cultural or heritage features on the subject property.

- (n) Pilings, floats, or wharves should be consistent with the current Operational Statement of Fisheries and Oceans Canada.

As the proposed dock is over 24 square metres, DFO approval is required for the dock design and construction. Ministry of Environment approval is also required.

- (o) For subdivision proposals, where a sensitive area is proposed to be covenanted for conservation purposes or dedicated to a public body or conservation group, the parcel lines may abut or follow the boundaries of the sensitive area. In other cases, the appropriateness of proposed parcel line locations should be reviewed with respect to site-specific considerations and the overall goal of minimizing environmental impacts.

Not applicable.

- (p) All development proposals subject to a development permit should be consistent with "Develop With Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia", published by the Ministry of Environment.

The proposed development does not appear to conflict with Develop with Care guidelines.

- (q) The draining of wetlands or watercourses, and the land filling or dredging of a watercourse, including a lake, to increase a property size, create a sandy beach area, or restrict the public use of an area beyond property lines, is prohibited.

No such works are proposed.

- (r) Development proponents must ensure that the proposed development does not cause a harmful alteration, disruption or destruction to habitat.

The RAR assessment report provided with the application confirmed the development will not result in a HADD. The amended report will also need to confirm this.

13.7: RIPARIAN AREA REGULATION GUIDELINES

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

- (a) A qualified environmental professional (QEP) will be retained at the expense of the applicant, for the purpose of preparing a report pursuant to Section 4 of the *Riparian Areas Regulation*. The QEP must certify that the assessment report follows the assessment methodology described in the regulations, that the QEP is qualified to carry out the assessment and provides the professional opinion of the QEP that:
 - (i) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area; and
 - (ii) the streamside protection and enhancement area (SPEA) that is identified in the report is protected from the development and there are measures identified to protect the integrity of those areas from the effects of development; and
 - (iii) the QEP has notified the Ministry of Environment and Fisheries and Oceans Canada, both of whom have confirmed that a report has been received for the CVRD; or
 - (iv) confirmation is received from Fisheries and Oceans Canada that a harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area has been authorised in relation to the development proposal.

The RAR assessment report provided with the application has been filed with the Ministry and the CVRD has received notification from the Ministry of Environment. The revised report will need to be amended and re-filed with the Ministry.

- (b) Where the QEP report describes an area designated as Streamside Protection and Enhancement Area (SPEA), the development permit will not allow any development activities to take place therein, and the owner will be required to implement a plan for protecting the SPEA over the long term through measures to be implemented as a condition of the development permit, such as:
 - a dedication back to the Crown Provincial,
 - gifting to a nature protection organisation (tax receipts may be issued),
 - the registration of a restrictive covenant or conservation covenant over the SPEA confirming its long-term availability as a riparian buffer to remain free of development;
 - management/windthrow of hazard trees;
 - drip zone analysis;
 - erosion and stormwater runoff control measures;
 - slope stability enhancement.

As all but a narrow strip of land 2-3 metres wide in the centre of the island is identified as SPEA, it is not possible to undertake development on the island without some encroachment into the SPEA.

Protection measures identified in the assessment report include the demarcation of construction with snow fencing and the permanent marking of SPEAs upon completion of construction.

The QEP does not expect windthrow to be an issue, and because the island is relatively flat, slope stability is also not a concern.

- (c) Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit will only allow the development to occur in strict compliance with the measures described in the report. Monitoring and regular reporting by professionals paid for by the applicant may be required, as specified in a development permit;

The QEP report identifies the development area and mitigation measures. Monitoring and a post-development report is recommended by the QEP.

- (d) If the nature of a proposed project in a riparian assessment area evolves due to new information or some other change, a QEP will be required to submit an amendment report, to be filed on the notification system;

As the application has been changed, a revised report is recommended as a condition of the development permit.

- (e) Wherever possible, QEPs are encouraged to exceed the minimum standards set out in the RAR in their reports;

The QEP report provided with the application did not indicate if the proposed development "exceed" the minimum standards of RAR.

- (f) Cowichan Lake is subject to natural water level fluctuations on an annual basis. Winter water (high) levels often flood shoreline areas of the lake. These shoreline areas provide important fish habitat, especially during winter periods. The QEP assessment must pay special attention to how the site may be within an active floodplain; the QEP should also assess the existence of floodplain plant species that are important fish refuge areas during high water, and clearly delineate exactly where the high water mark is on the site.

The QEP report indicates that the eastern most 35 metres of the west lobe of the island is subject to flooding. As development is not proposed on this part of the island, the report does not contain specific recommendations regarding flood issues. A deficiency with the report is that it does not provide comment or recommendations regarding the close proximity of the proposed development to the high water mark of the lake.

- (g) The mean annual high water mark on Cowichan Lake has been calculated by the Ministry of Environment as being 164 metres above mean sea level, so Qualified Environmental Professionals are very strongly encouraged to incorporate this into their reports, as being the point from which the SPEA will be measured.

The QEP report did not use the 164 metre elevation as the high water mark. Instead, the observed high water mark was used.

13.8: EXEMPTIONS

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

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

13.9: VARIANCES

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

13.10: FLOOD CONSTRUCTION LEVELS

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

13.11: CONCURRENT DEVELOPMENT PERMIT AREAS

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

13.12: VIOLATION

(a) Every person who:

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

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

13.13 PENALTY

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

13.14: SEVERABILITY

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

13.15 APPLICATION REQUIREMENTS

(a) Before the CVRD authorizes the issuance of a development permit for a parcel of land in the **Watercourse Protection Development Permit Area**, the applicant must submit a development permit application, which at a minimum includes:

1. A written description of the proposed project;
2. Reports or information as listed in the relevant Development Permit Guidelines;
3. Information in the form of one or more maps, as follows:
 - Location/extent of proposed work;
 - Location of watercourses, including top of bank;
 - Topographical contours;
 - Location of slopes exceeding 25 percent grade;
 - Location of lands subject to periodic flooding;
 - Percentage of existing and proposed impervious surfaces;
 - Existing tree cover and proposed areas to be cleared;
 - Areas of known sensitive or rare native plant communities;
 - Areas of known wildlife habitat;
 - Existing and proposed buildings;
 - Existing and proposed property parcel lines;
 - Existing and proposed roads, vehicular access points, driveways, and parking areas;
 - Existing and proposed trails;
 - Existing and proposed stormwater management works, including retention areas and drainage pipes or ditches;
 - Existing and proposed erosion mitigation/watercourse bank alterations;
 - Existing and proposed septic tanks, treatment systems and fields;
 - Existing and proposed water lines and well sites.

4. A Qualified Environment Professional's report, prepared pursuant to Section 13.7.

(b) In addition to the requirements listed above, the applicant may be required to furnish, at the applicant's expense, a report certified by a professional engineer with experience in geotechnical engineering which includes:

1. A hydrogeological report, which includes an assessment of the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition;

2. A report on the safety of the proposed use and structures on-site and off-site, indicating that the land may be used safely for the use intended; and/or
3. A stormwater management plan, which includes an assessment of the potential impact of the development on the groundwater resource;
4. To ensure that all of the applicable DPA guidelines are met, the CVRD may require, by Resolution of the Board, the deposit of a Security to be held until the requirements of a Permit have been met to the Board's satisfaction. Should a Development Permit holder fail to fulfill the requirements of a Development Permit, the CVRD may undertake and complete the works required at the cost of the Permit holder and may apply the Security in payment of the cost of the work, with any excess to be refunded to the Permit holder. Should there be no default as described above, the CVRD will refund the Security to the Permit holder.

Schedule 7

LR-1 Zoning and Watercourse Setback

5.3 LR-1 LAKEFRONT RESIDENTIAL 1 ZONE

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

1. Permitted Uses

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

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

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

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

2. Minimum Parcel Size

The minimum parcel size in the LR-1 Zone is 2500 m² if the parcel is connected to a community water system, and 1 hectare where the parcel is not connected to a community water system.

3. Number of Dwellings

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

4. Setbacks

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

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

5. Height

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

6. Parcel Coverage

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

7. Parking

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

3.18 Secondary Dwelling Unit

For zones in which it is permitted use, the secondary dwelling unit shall:

1. be either free-standing or attached to a residential accessory building;
2. not be a manufactured home, modular home, park model mobile home or recreational vehicle;
3. be legally constructed and inspected in accordance with the *British Columbia Building Code* and the CVRD Building Bylaw, and have the approval of the authorities responsible for domestic waste disposal and domestic water supply;
4. not have a gross floor area in excess of 74 m²
5. not be located on a parcel that is less than 0.4 hectares in area;
6. not be located on a parcel of land that has another secondary suite or secondary dwelling on it;
7. not be located on a parcel of land unless an owner of the parcel resides on the same parcel;
8. have two additional on-site parking spaces;
9. the secondary dwelling unit shall not be subdivided from the parcel upon which it is situated, nor shall a strata plan of any kind be registered upon a building or parcel containing a secondary suite, and the owner must enter into and register a restrictive covenant to this effect on the property's title in the Land Title Office.

3.19 Setback Exceptions

1. Except as otherwise provided in particular zones, the setback requirements of this Bylaw do not apply with respect to:
 - a. A pump house
 - b. Bay windows, belt courses, chimneys, exterior finish, heating equipment, sills, sunlight control projections, sunshades, unenclosed stairwells, and ventilating equipment, if the projections do not exceed 1 m measured horizontally;
 - c. Eaves, canopies, cornices, gutters, sunshades, and unenclosed stairwells if the projections, measured horizontally, do not exceed:
 - i. 2 m in the case of a rear yard;
 - ii. 1 m in the case of a front yard or side yard;
 - d. Signs;
 - e. Open fences; and
 - f. Closed fences and landscape screens that are less than 2 metres in height.
2. Notwithstanding any other provision of this Bylaw, the consent of the Ministry of Transportation is required to place any building or structure closer than 4.5 m to a property line adjacent to a highway;
3. No other features may project into a required setback area.

3.20 Setbacks from a Watercourse

Notwithstanding any other provision of this Bylaw, no building or structure shall be located within 15 metres of the high water mark of any watercourse or a lake, unless specified in a Development Permit. →

Schedule 8

APC Minutes

Schedule 8 – APC Minutes

Minutes of the Regular meeting of the Area I (Youbou/Meade Creek) Area Planning Commission held in the Upper Community Hall, 8550 Hemlock Street, Youbou BC, on Tuesday, October 2, 2012 at 7:01 pm.

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

ALSO

PRESENT: Recording Secretary Tara Daly

ABSENT: Mike Marrs

GUESTS: Rob Conway, Planner, CVRD
David and Beth Kidd, Jack Fife, Alfonso Vega, Michael Dix

APPROVAL OF AGENDA

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

NB2 Definition of "Rustic Campground"

NB3 Bylaw Enforcement and Policing; and

that the agenda, as amended, be approved.

MOTION CARRIED

ADOPTION OF MINUTES

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

MOTION CARRIED

BUSINESS ARISING FROM MINUTES

Dillon Road – the son of the former owner of the SaSeeNos Bay Motel further investigated the Dillon Road access and has determined that the family only purchased the motel; the road access was already in place; DFO and Cowichan Lake and River Stewardship Society have investigated riparian destruction with the current occupants.

DELEGATIONS

D1

Application 3-I-11DP/RAR (Dix) was considered.

It was moved and seconded that the Area I (Youbou/Meade Creek) Area Planning Commission recommend to the Electoral Area Services Committee to support Application 3-I-11DP/RAR (Dix) only if the following conditions are met:

- Only a single-story building with total square footage capped at 1500 square feet be built on Billy Goad Island;
- Although the current owner also owns property which would allow for parking, they are not connected; parking in perpetuity needs to be addressed; and

- **Written proof that the septic system has been approved by the Department of Health.**

MOTION CARRIED

NEW BUSINESS

NB1 ~~Short-term Vacation Rentals in Residential Zoning was considered.~~

It was moved and seconded that the Area I (Yubou/Meade Creek) Area Planning Commission support the Creekside Community Association with their quest to enforce current zoning in Creekside Estates that doesn't allow for short-term vacation rentals in residential zoning.

MOTION CARRIED

NB2 Rustic Campground definition in the Area F (Cowichan Lake South/Skutz Falls) OCP was received for information.

G. deLure will contact Director Weaver to ask that she contact Director Morrison to clarify the definition of Rustic Campgrounds.

NB3 Bylaw Enforcement and Policing was received for information.

There are several vehicles close to or on road allowance causing a Safety Issue. The APC asks that Director Weaver investigate into any avenues that can be taken by Bylaw Enforcement and/or Policing to alleviate the problem.

ADJOURNMENT

8:45 pm **It was moved and seconded that the Regular Area I (Yubou/Meade Creek) Area Planning Commission meeting be adjourned.**

MOTION CARRIED

The meeting adjourned at 8:45 pm

Schedule 9

Draft Development Permit



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 4-I-12DP/RAR/VAR

DATE: November 20, 2012

TO: MICHAEL DIX

ADDRESS: 4596 BONNIEVIEW PLACE

VICTORIA, BC V8N 3V6

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:

*BLOCK 1455 COWICHAN LAKE DISTRICT, AS SHOWN ON PLAN 40413
(PID 000-121-924)*

3. Authorization is hereby given for the land to be subdivided and developed in accordance with the plans and conditions listed in Section 4 below.
4. The development shall be carried out subject to the following conditions:
 - a) Strict compliance with the recommendations and protection measures of RAR Assessment Report # XXXX;
 - b) Submission of a post-development report prepared by a Qualified Environmental Professional confirming compliance with the recommendations of RAR Assessment Report #XXXX and conditions of this permit prior to issuance of a certificate of completion by the CVRD's Planning and Development Department;
 - c) Installation of a "Type 3" or better sewage disposal system, authorized by the Vancouver Island Health Authority;
 - d) Procurement of all necessary approvals from Fisheries and Oceans Canada and the Ministry of Environment for the proposed dock.
 - e) Installation of a "Type 3" or better sewage disposal system authorized by the Vancouver Island Health Authority.

5. The following schedules are attached:

- Schedule A – Site Plan
- Schedule B – Proposed Construction Plan
- Schedule C – RAR Assessment Report #XXXX

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

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. 11-062.10 PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE XXth DAY OF December 14, 2012.

Tom Anderson, MCIP
General Manager,
Planning and Development Department

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

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

Signature of Owner/Agent

Witness

Print Name

Occupation

Date

Date



STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 20, 2012

DATE: November 14, 2012

FILE NO:

2-B-11RS

(Amended
Application)

FROM: Dana Leitch, Planner II

BYLAW NO:

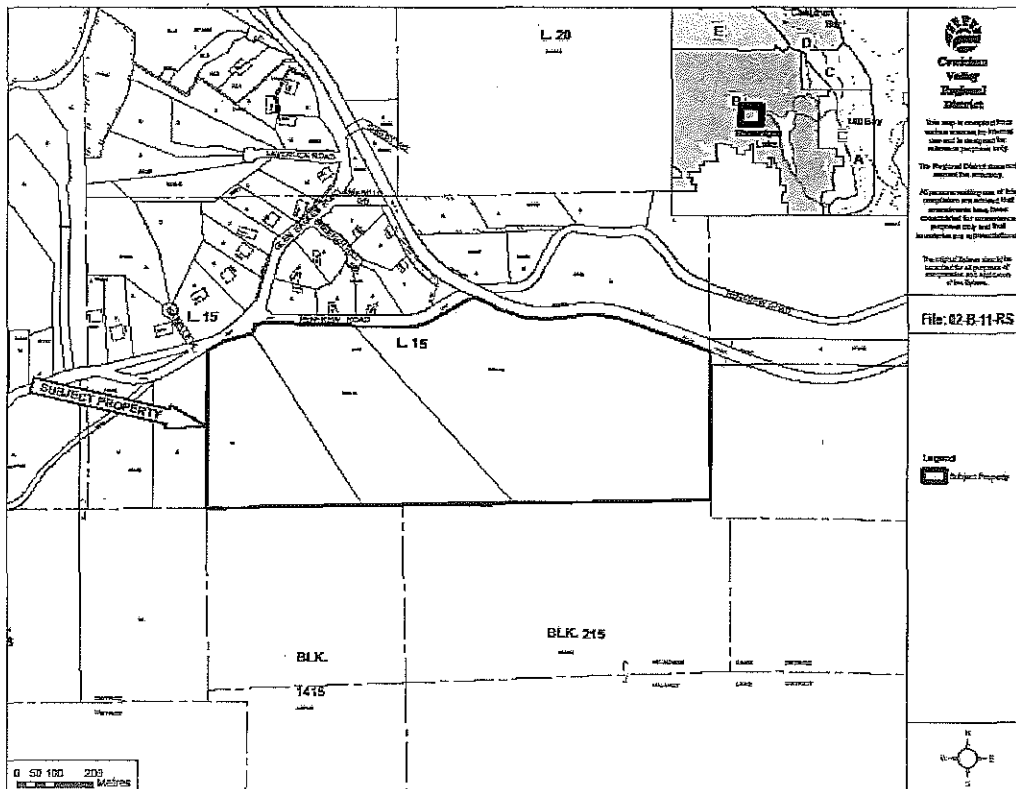
985 & 3510

SUBJECT: Rezoning Application 2-B-11RS
(Shawnigan Lake Investments)

Recommendation/Action:

That Amended Application No. 2-B-11RS (Shawnigan Lake Investments) be referred to a future EASC meeting after the following conditions have been met:

- That the amended application be referred to the Electoral Area B Advisory Planning Commission for comment;
- That the amended application be referred to the Electoral Area B Parks and Recreation Commission for comment;
- That the amended application be referred to CVRD Departments and External Government Agencies for comment; and
- That draft Zoning and OCP amendment bylaws be prepared by Planning staff and presented at a public meeting.



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

To rezone three properties to permit a residential subdivision of 31 fee simple lots ranging in size from 1.0 ha (2.5 ac.) to 1.6 ha (4.0 ac.)

Location: 2920, 2922, 2930, 2932, 2868, & 2872 Renfrew Road, Shawnigan Lake.

Legal Description(s):

Lot 10, District Lot 15, Helmcken District, Plan 2210, Except Parts in Plan 47997 and VIP76565 and Lot 12, District Lot 15, Helmcken District, Plan 2210 (PID: 006-410-022)

Lot 11, District Lot 15, Helmcken District, Plan 2210, Except Parts in Plan 47997 and VIP76565 and Lot 12, District Lot 15, Helmcken District, Plan 2210 (PID: 006-410-031)

Lot 12, District Lot 15, Helmcken District Plan 2210 (PID: 006-410-049)

Date Application and Complete Documentation Received: May 27, 2011

Owners: Lot 10: Craig Partridge and Ron Sharpe
 Lot 11: 705537 B.C. Ltd., Inc. No. BC0705537
 Lot 12: 0705537 B.C. Ltd., Inc. No. BC0705537

Applicants: Craig Partridge and Ron Sharpe

Size of Parcels:

Lot 10 is \pm 34.2 hectares (84.5 ac)

Lot 11 is \pm 15.8 hectares (39 ac)

Lot 12 is \pm 11.7 hectares (29 ac)

The total land area is \pm 61.7 hectares (152.5 ac)

Contaminated Site Profile Received: Declaration pursuant to the *Waste Management Act* signed by the property owner. No "Schedule 2" uses noted.

Existing Use of Properties: Residential; a total of 6 residential dwellings and an accessory building exist on the three properties.

Existing Use of Surrounding Properties:

North: Suburban Residential Subdivision (zoned R-2) & Rural Residential (zoned R-1)

South: Forestry (zoned F-1)

East: Forestry (zoned F-1)

West: Forestry (zoned F-1)

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

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas (2000) identifies a stream planning area with possible fish presence on lots 10 and 11 as well as wetlands on the southern portions of lots 11 and 12.

Archaeological Site: None identified in CVRD mapping

Fire Protection: The property is located within the Shawnigan Lake Fire Protection Service Area

Existing Plan Designation: Rural Resource

Proposed Plan Designation: Residential

Existing Zoning: F-1 (Primary Forestry)

Proposed Zoning: R-2 (Rural Residential)

Min lot size under existing zoning: 80 hectares

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: Renfrew Road

Water: Wells

Sewage Disposal: On-site sewage disposal

Property Context

The subject properties are located on Renfrew Road, between Shawnigan Lake Road and Koksilah River Park. The three properties total approximately ± 61.7 ha (152.5 ac) and there are 6 residential dwellings and an accessory building on the parcels. The topography of the property is moderately rolling to steeply sloping with some irregular surfaces, and the property has been logged in the past. The properties are located outside of the Shawnigan Lake Village Containment Boundary.

Lands to the west, east and south of the subject property are predominantly zoned F-1, with typical lot sizes of between 14 and 40 hectares. A majority of lands to the north, on the opposite side of Renfrew Road are suburban residential parcels mixed among a few rural residential and forestry zoned parcels with lot sizes ranging between 1.0 and 4.0 ha.

Although the immediate area is still characterized by forestry uses, some smaller lot residential subdivisions have developed in this area. For example, a majority of the lots to the north on Glen Eagles Road (which are zoned R-2) were rezoned in 2008 and subdivided in 2009. The rural residential parcels to the northeast along Renfrew Road were subdivided in 2004 and the lots directly northwest of Glen Eagles Road were subdivided in 1999.

The Proposal

The applicants are requesting the subject properties be rezoned in order to subdivide the property into 31 residential fee simple lots. The proposed parcels range in size from 1.0 ha to 1.6 ha. The property has no subdivision potential under the current zoning.

Site Access

The conceptual subdivision plan submitted by the applicants indicates that the proposed lots will be accessed off of Renfrew Road in two locations. The two existing internal roads are gravel logging roads and they will need to be paved and constructed to the Ministry of Transportation and Infrastructure (BC MoT) standards.

Fire Protection

The subject properties are located within the Shawnigan Lake Fire Protection Improvement District and the Shawnigan Lake Volunteer Fire Department provides fire protection for the properties.

Water and Sewer Servicing

The existing 6 residential dwellings are serviced by 2 wells and 4 septic systems. The accessory building on the site also has its own well and septic system. The applicant has indicated that the 3 wells on the property produce 70 gpm, 25 gpm, and 5 gpm. An additional 28 wells and 27 septic systems will be required to service the remaining subdivision. Requirements for on-site sewage disposal will be established by VIHA at the time of subdivision.

Wildland Urban Interface Assessment

Because the subject property is rated as a high risk for wildfire, if this application moves forward to the bylaw amendment stage, Planning staff will be recommending that the applicant complete a Wildland Urban Interface Fire Hazard Assessment for all three properties because recommendations of the assessment report may need to be incorporated into the development approval should the Board decide to approve the bylaws.

Sensitive Areas

The property contains some wetlands and small seasonal streams that naturally drain the water away and feed the north-western arm of Shawnigan Lake.

Parkland Dedication

If the proposed Zoning and OCP amendment is granted and the land is subdivided, park land dedication or cash-in-lieu under Section 941 of the *Local Government Act* is required. Sixty-one acres of park land is being proposed to be dedicated to the CVRD. This will be a combination of a large park on the western portion, additional parkland on the southeastern portion of the site as well as a trail corridor that will run in an eastern direction from the southeast corner of the park to the eastern park area, then north towards Renfrew Road. The 61 acres (34.7 ha) of park land represents approximately 40% of the total land area.

The CVRD Parks and Trails Division and the Shawnigan Lake Parks Commission has not been formally referred a copy of the amended application. Because there has been an amendment to this application within the past month staff are recommending that this referral take place if the EASC decides to move the application forward.

Policy Context

Zoning

This proposal involves rezoning the subject property from F-1 (Primary Forestry) to R-2 (Suburban Residential) to permit a 31 lot residential subdivision.

In order for the property to be subdivided, a zoning bylaw amendment is required. The applicant is proposing that the property be rezoned to R-2 which 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 1.0 ha without community water or sewer

The size of the proposed lots in this application (1.0 ha to 1.6 ha) complies with the minimum lot size requirements for suburban residential zones. 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 12.21: Forest lands within the South Cowichan are rated high to extreme for wildfire interface potential. Lands within the Rural Resource Designation (RUR) are subject to the *South Cowichan Rural Development Permit Area*, in Section 24, to reduce the potential for loss of life or property during a wildfire interface event.

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 13.1.3: Lands within the Rural Residential Designation (RR) may be zoned as:

- a. LR-1 “Large Holding Rural Residential Zone”, to provide a rural residential lifestyle option with a minimum parcel size of 4 ha;
- b. R-1 “Rural Residential Zone”, to provide a rural residential lifestyle option with a minimum parcel size of 2 ha; or
- c. CR-1 “Country Residential Zone” to provide a rural residential lifestyle option with a minimum parcel size of 1ha and, where a community water system is provided, a minimum parcel size of 0.4 ha.

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 13.1.5: To encourage tourism opportunities, bed and breakfast operations will be permitted within the Rural Residential Designation (RR), provided that the bed and breakfast accommodation is contained within a principal single family dwelling and limited to not more than three rooms for guest accommodation.

Policy 13.1.6: Daycare centres for up to 8 persons, within single family residences, will be permitted within the Rural Residential Designation (RR), in accordance with the *Community Care Facilities Act*.

Policy 13.1.7: To provide an additional affordable housing option, one single family dwelling and one secondary suite or a secondary dwelling unit will be permitted in the Rural Residential Designation (RR), provided that:

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

Policy 13.1.8: The implementing Zoning Bylaw will allow for a home occupation on a parcel within the Rural Residential Designation (RR), where a principal single family dwelling is located, provided that the home occupation use is in keeping with the residential character of adjacent residential areas. Uses that may be unsightly or create a nuisance by noise, dust, and odour will be prohibited.

Policy 13.1.10: The implementing Zoning Bylaw will allow a maximum of six chickens, excluding roosters, in an enclosed area with setbacks of 7.5 metres from all parcel lines, on any parcel within the Rural Residential Designation.

Policy 13.1.11: Large Holding Rural Residential parcels are intended to accommodate a rural residential lifestyle, while providing a buffer between resource lands and residential lands. These large holding residential parcels will not be considered for rezoning to R-1 Rural Residential Zone (2.0 ha lot), or CR-1 Country Residential Zone (0.4 ha lot with water or a 1 ha lot), due to their location in peripheral locations that are automobile dependent and inefficient to service.

Referral Agency Comments

This rezoning application has recently been amended. The applicants were previously proposing a new residential zone to permit a residential subdivision of 11 fee simple lots and 4 strata lots. If the Committee sees merit in this proposal and the application moves forward staff are recommending that the amended rezoning application be referred again to the following agencies:

- Malahat Volunteer Fire Department
- Ministry of Forests
- Shawnigan Lake Volunteer Fire Department
- Vancouver Island Health Authority (VIHA)
- Ministry of Transportation and Infrastructure
- BC Transit
- 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
- Ministry of Forests, Lands and Natural Resource Operations

Advisory Planning Commission Comments

The Electoral Area B Advisory Planning Commission was referred a copy of the applicant's original application prior to it being amended and it was discussed at their meeting on August 9, 2012. The APC made the following recommendation:

The APC recommends that application 2-B-11RS not be approved.
MOTION CARRIED.

Since this application has been amended recently staff are also recommending that the amended rezoning application be referred back to the Electoral Area B Advisory Planning Commission for comment.

Neighbourhood Response:

Fifty-three letters were submitted along with the rezoning application in support of the development concept. They have been placed within the rezoning file.

Development Services Division Comments

The South Cowichan Official Community Plan establishes well defined boundaries (i.e. Village Containment Boundaries) for lands intended for infill, 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 in character. 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 these policies, the South Cowichan Official Community Plan contains a specific policy and related criteria, Policy 12.9, that applies to applications made for residential development on lands designated as Rural Resource. In evaluating this proposal against the criteria listed in the policy it is the opinion of Planning staff that the proposal in its current form meets some but not all of the criteria listed.

For instance, the proposed development contains a mix of land uses including residential use and recreational use in the form of parkland and a trail corridor (OCP Policy 12.9(a)). The applicant is creating housing aimed at different income levels through the provision of rental suites and by varying lot sizes within the subdivision (a mix of 1.0 ha and 1.6 ha parcels) (OCP Policy 12.9 (b)).

The applicants plan on phasing the development, they intend on building out 10 lots per year over a period of 3 years (OCP Policy 12.9 (e)).

Regarding OCP Policy 12.9(f) (i) and (iii), the applicants are dedicating watercourses, riparian areas, and wetlands to the CVRD. These sensitive areas are located within the 24.7 ha (61 ac) proposed park area located on the western portion of the site and on proposed lots 25, 26, and 27. The applicants are dedicating 40% of the total land area as park.

Regarding OCP Policy 12.9(e), the applicants have retained Lowen Hydrogeology to conduct an assessment of the water supply and environmental impacts of the development. Within this report the Engineer examines water quantity and states that the property has a surficial layer of gravelly-sandy soil and all of the soil materials on the site are gravelly to very gravelly, sand and loam all of which are well draining soil types. CVRD staff have had several recent discussions with the Engineer who wrote this report and the Engineer has indicated that there is 32 wells in the vicinity of the properties that give a minimum yield of 600 US gallons per day and argues that there would be enough water supply to sustain the proposed development of 31 lots (Lowen Hydrogeology Consulting, 2012).

The Engineering report also discusses the protection of ground and surface water and suggests that historically the Shawnigan Lake has suffered negative impacts from septic disposal systems employing in-ground dispersal of effluent. The major negative impacts are caused by bacteria and nutrients (nitrate and phosphorous). These contaminants were introduced into the lake because of three contributing factors:

- (1) Septic system failure due to a lack of maintenance;
- (2) Close proximity of septic systems to the lake;
- (3) Marginal or poor soil conditions in which dispersal fields were built.

With respect to the subject properties, none of the three factors above apply and sewage disposal on the property is not expected to have a negative impact on Shawnigan Lake. This is because it is now mandatory to inspect septic tanks, and system failures will be rectified. The site is also remote from the Shawnigan Lake, situated 1.1 km to the east. The site soils are excellent for renovation of sewage effluent. All the potential contaminants will meet or exceed MOE standards (30 metres) downstream from the dispersal fields (Lowen Hydrogeology Consulting, 2012).

With regards to OCP Policy 12.9 (i) the applicants are offering to pay for the construction and installation of a transit shelter along Glen Eagles Road or Renfrew Road. The applicants are also integrating a pedestrian trail corridor along the southern perimeter of the property.

Rainwater management planning has been integrated into the development (OCP Policy 12.9(k)) This plan consists of a rainwater infiltration network within the developed area which will maintain the wetlands in their natural conditions; allow rainwater to infiltrate at different locations within the built-up area; control runoff and preserve the soil structure and maintain a natural groundwater table beneath the development site.

The key objective for the design of the rainwater infiltration system will be to infiltrate almost all runoff from the developed area, but also from non built-up areas. The rainwater management plan consists of every single family home having gutters draining rainwater down to a rock pit down slope of the house. The rock pit overflow will be drained along private driveways by bio-swales. Each private bio-swale will be connected to a main bio-swale. On each side of the driveways and access roads a pre-infiltration gravel trench will be designed. If overflow occurs, the water would flow into the bio-swale (Lowen Hydrogeology Consulting, 2012).

A popular and effective practice for stormwater runoff management is construction of rain-gardens which facilitates runoff retention, treatment and infiltration. This site includes a natural wetland which has all the attributes of a rain-garden (Lowen Hydrogeology Consulting, 2012).

Other Criteria --OCP Policy 12.9

In evaluating this proposal against the other criteria listed in OCP Policy 12.9 it is the opinion of the Planning staff that the applicants have not demonstrated to CVRD staff there is a need for housing in the Renfrew Road area of Shawnigan Lake; that an affordable non-market or subsidized housing component of 10% is provided and the property is located outside of the Shawnigan Lake Watershed boundaries (OCP Policies 12.9 (b)(c)(f)(h)(j)).

OCP Policies 13.1.12

OCP Policy 13.1.12 states that "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. The applicant's proposal is consistent with this policy as the proposed lot sizes of 1.0 to 1.6 ha are considered to be rural in character and they provide a rural residential housing option outside of the Shawnigan Lake Village Containment Boundary. The larger parcels of 1.6 ha on the southeastern portion of the subdivision are intended to provide some buffering between the forestry parcels to the south and the residential lands.

OCP Policy 8.1 and 8.2 Amenity Zoning

A fundamental theme of the South Cowichan OCP is that new residential development help contribute to community amenities. In order to meet these policies the applicants are proposing the following amenities with this application:

- One parcel gifted to the CVRD for Kerry Park Recreation Centre;
- One parcel gifted to the CVRD for the Shawnigan Lake Community Centre;
- One parcel gifted to an Affordable Housing Initiative in the Cowichan Valley (to be determined);
- One parcel gifted to the Shawnigan Lake Fire Department;
- One parcel gifted to the Shawnigan Lake Community for development and improvements to the waterfront area located on Renfrew Road between the Government Wharf and Masons Beach Park;
- Offering free firewood from the properties to residents in the immediate area;
- Offering to pay for the construction and installation of a public transit shelter along Glen Eagles Road or Renfrew Road (if deemed necessary by BC Transit);
- Donating of 80-100 loads of gravel (valued at approximately \$16,000-\$20,000) to the CVRD Parks and Trails Division to be used towards either the Historic Kinsol Trestle or other park and trail improvements within Electoral Area B;
- Providing affordable housing by offering 5 of the 6 residents already on the properties the opportunity to purchase their homes and land for between \$299,000 and \$350,000. A one acre parcel with the home on it on the property was appraised for \$385,000 (see attached appraisal); and
- The gifting of 61 acres of parkland to the CVRD.

Staff's experience in the past has been that developer's commitments normally change when they are made binding and enforceable. The CVRD's lawyer generally advises that any legal documents used to secure amenities and commitments and amenities be available prior to a public hearing so that they are fully disclosed to the public and the developer is fully aware of his/her obligations.

If this rezoning application moves forward and the EASC decides to recommend a that a public hearing be scheduled, staff recommends the CVRD engage a lawyer to prepare legal documents that the cost be borne by the applicant. Staff is also recommending that any legal documents utilized to secure amenities be drafted prior to the scheduling of a public hearing.

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

This development is contrary to the OCP Policies regarding redesignating Rural Resource lands to Rural Residential land use. However, the applicants are proposing a number of amenities for the Shawnigan Lake Community that partially comply with OCP Policy 8.1. Because of the proposed number of amenities and the value of these amenities, Planning staff considers the proposal to have some merit. In order for the application to proceed there are some procedural and administrative tasks that need to be completed with this application. For example, the recently amended application should be referred back to the Electoral Area B Advisory Planning Commission and various CVRD Departments and External government agencies. Staff are recommending that these administrative tasks be completed and that this application move forward to a public process and that a public meeting be held for this application to help gauge if there is public support for the application.

Option 1 is recommended.

Options:

Option 1:

That Amended Application No. 2-B-11RS (Shawnigan Lake Investments) be referred to a future EASC meeting after the following conditions have been met:

- e) The amended application be referred to the Electoral Area B Advisory Planning Commission for comment;
- f) That the amended application be referred to the Electoral Area B Parks and Recreation Commission for comment;
- g) That the amended application be referred to CVRD Departments and External Government Agencies for comment; and
- h) That draft Zoning and OCP amendment bylaws be prepared by Planning staff and presented at a public meeting.

Option 2:

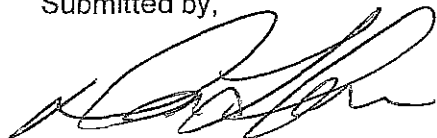
1. That the Zoning and OCP amendment bylaws for Application No. 2-B-11RS (Shawnigan Lake Investments) be drafted forwarded to the Board for consideration of 1st and 2nd reading after the following conditions have been met:
 - a) The amended application be referred to the Electoral Area B Advisory Planning Commission for comment;
 - b) That the amended application be referred to the Electoral Area B Parks and Recreation Commission for comment;
 - c) That the amended application be referred to CVRD Departments and External Government Agencies for comment;
 - d) The submission of draft legal documents in a form acceptable to the CVRD securing the park land dedication and amenities; and
 - e) The submission of a Wildland Urban Interface Fire Hazard Assessment completed for all three properties in a form acceptable to the CVRD.
2. That a public hearing be scheduled with Directors Fraser, Walker, and Weaver as delegates.

Option 3:

That Application No. 2-B-11RS (Shawnigan Lake Investments) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

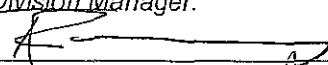

Option 1 is recommended.

Submitted by,



Dana Leitch
Planner II
Development Services Division
Planning & Development Department

DL/ca

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

**PROPOSED DEVELOPMENT OF LOTS 10, 11 & 12, DISTRICT LOT 15,
HELMCKEN DISTRICT, PLAN 2210, EXCEPT PARTS IN
PLANS 47997 AND VIP76565.**

NOTE: This plan is for conceptual review only.
Dimensions and areas are subject to very close field survey.
The lot layout & design concept are subject to vary based upon
approving authority requirements.
Total project area = +/- 61.6 Ha.
Proposed Park Dedication = +/- 24.7 Ha. (+/- 40%)

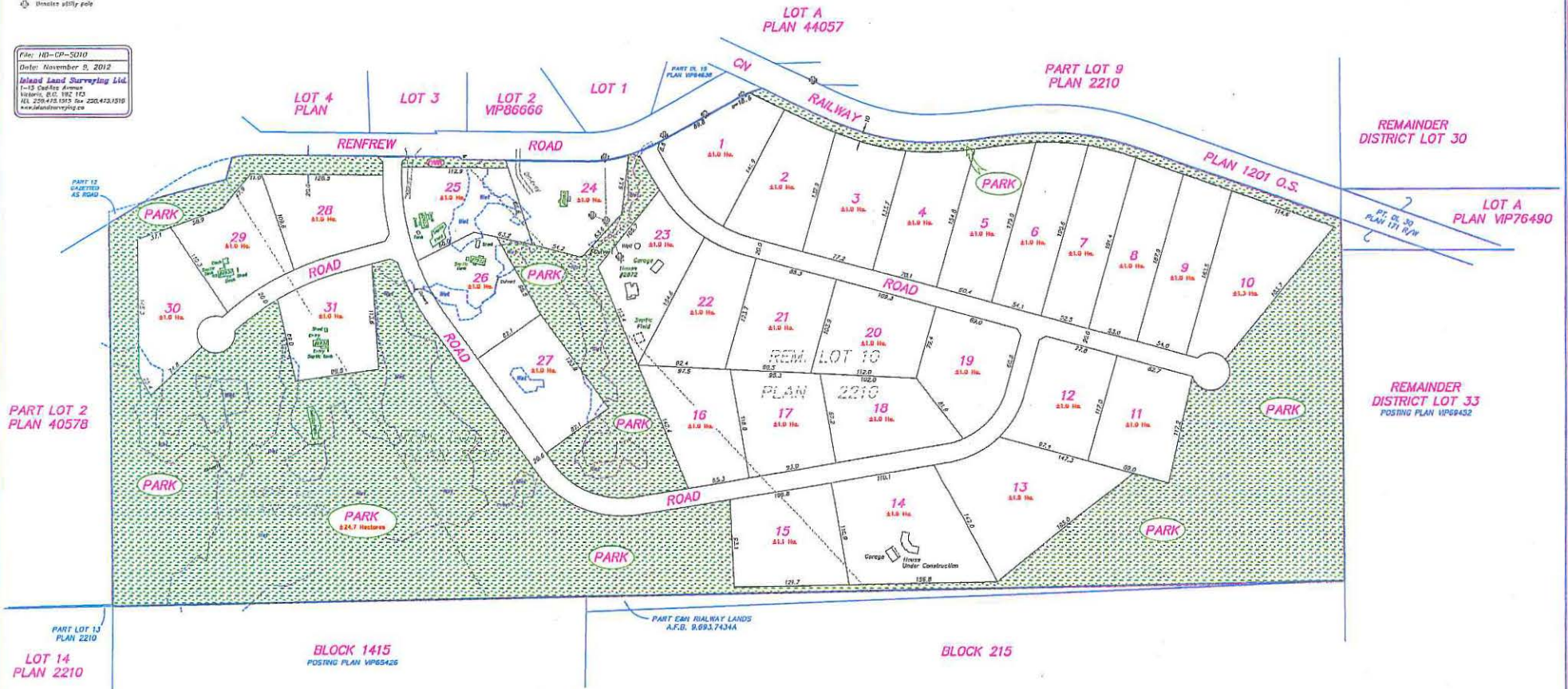
Lots 11 & 12 are subject to:
Statutory Right of Way FB236224, FB236225 & FB234505
Lot 10 is subject to:
Statutory Right of Way FB333953 & FB333954

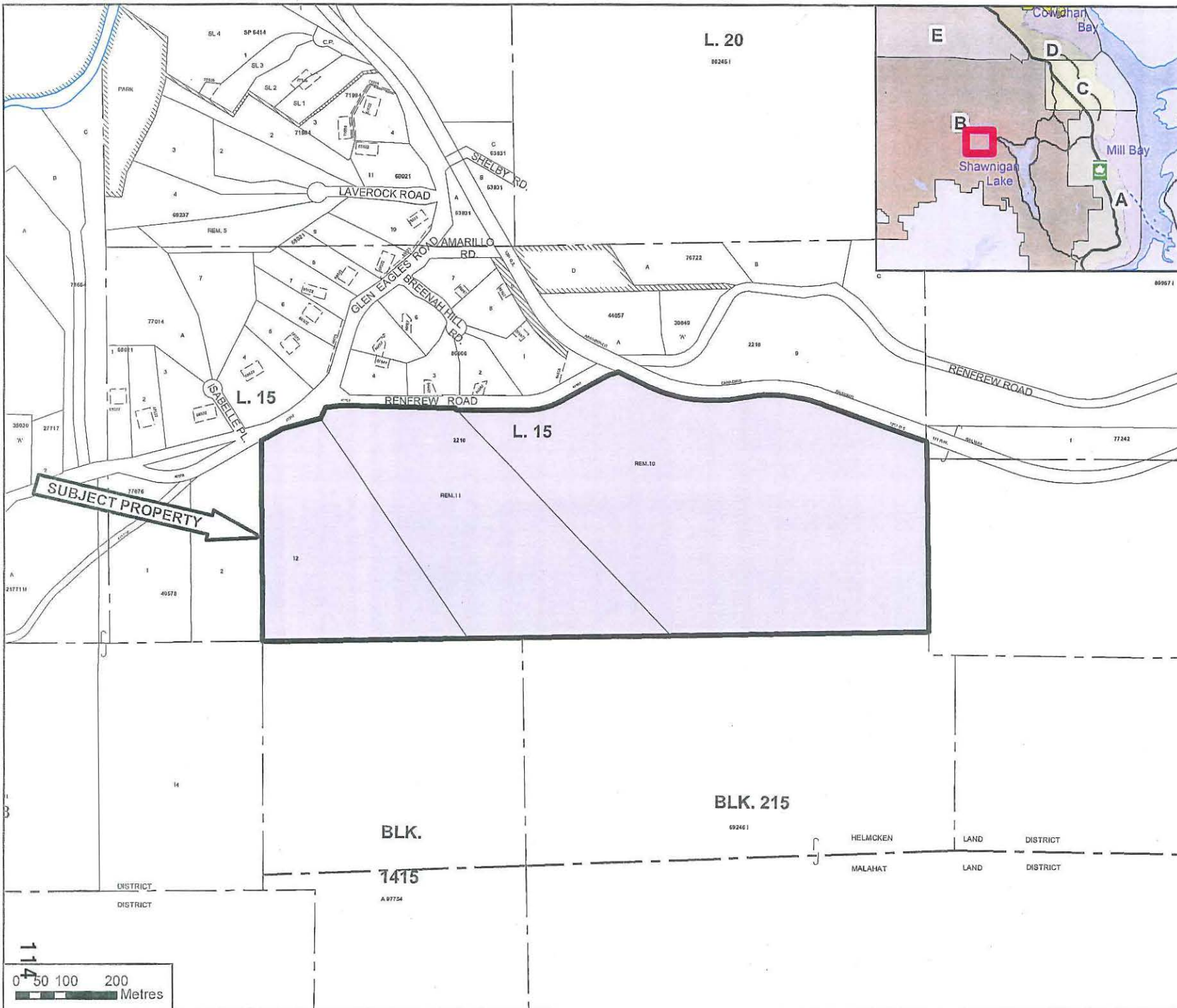
SCALE=1:2000. All distances are in metres.

LEGEND

Discrete utility pole

File: HD-CP-2010
Date: November 8, 2012
Inland Land Surveying Ltd.
1-13 Oakley Avenue
Victoria, B.C. V8C 1G2
Tel: 250.415.1915 Fax: 250.415.1918
www.inlandlandsurveying.ca





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.

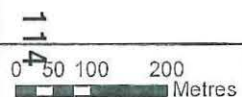
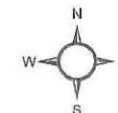
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

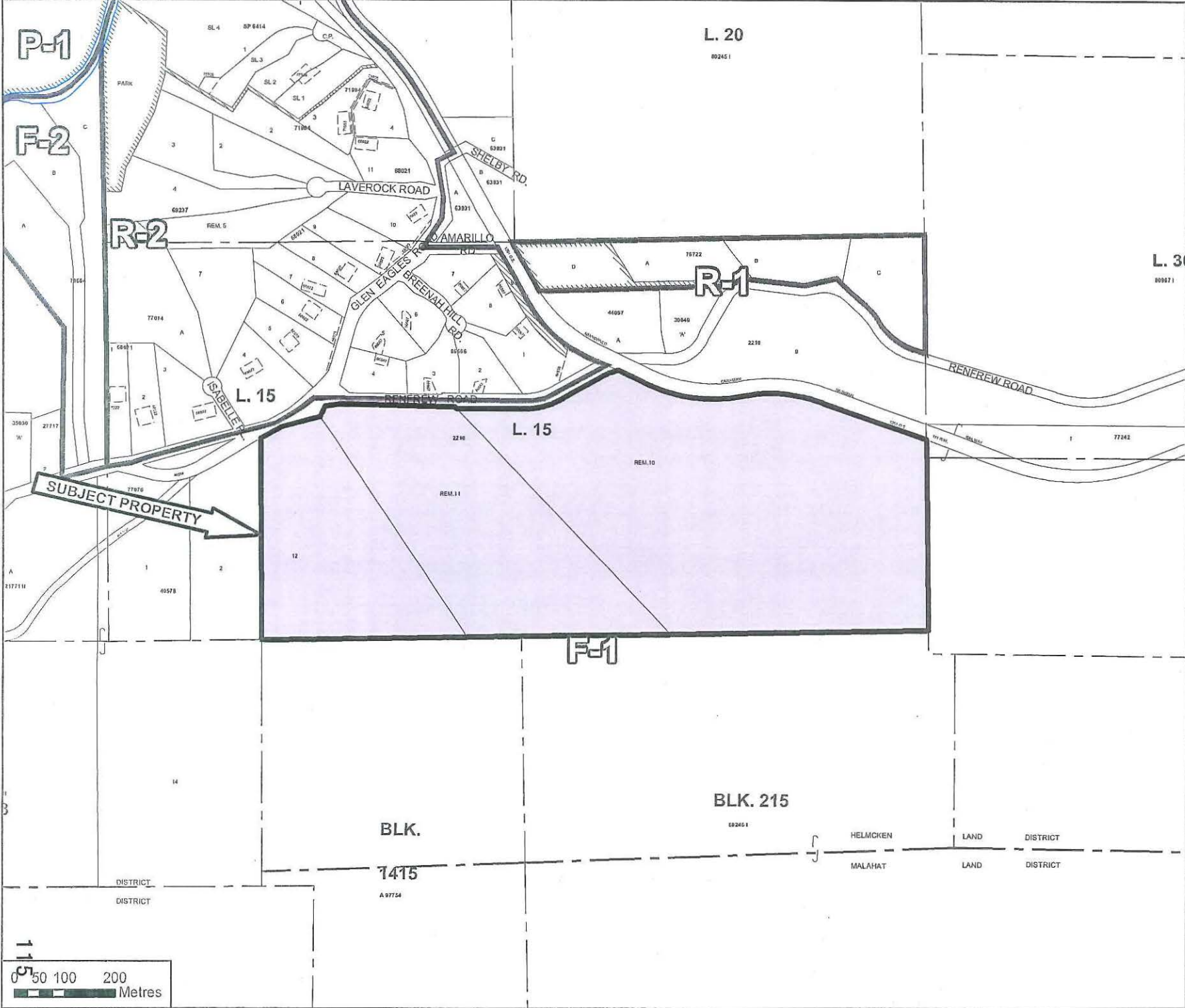
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 02-B-11-RS

Legend

 Subject Property





**Cowichan
Valley
Regional
District**

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

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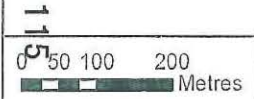
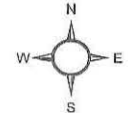
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

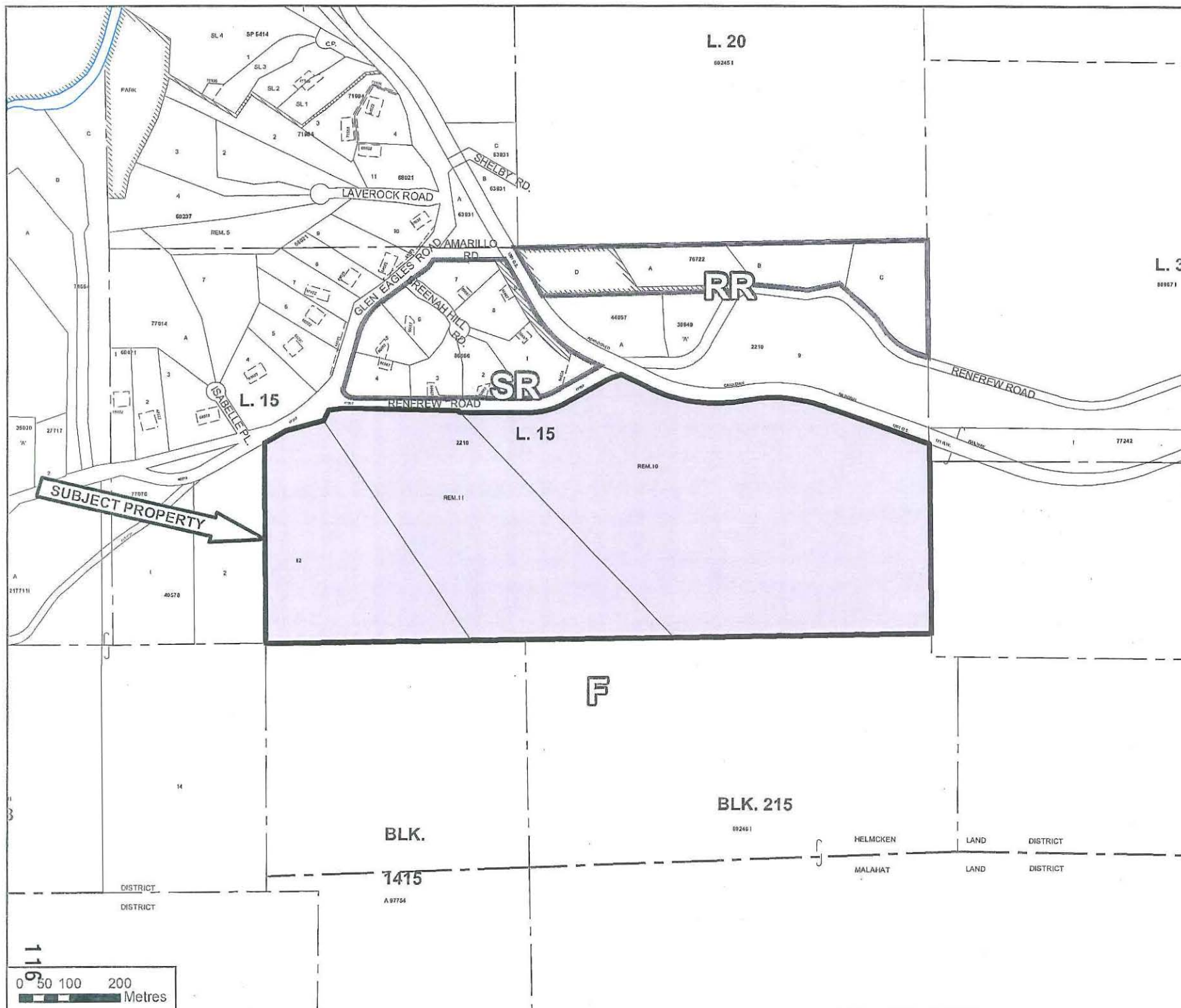
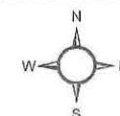
File: 02-B-11-RS

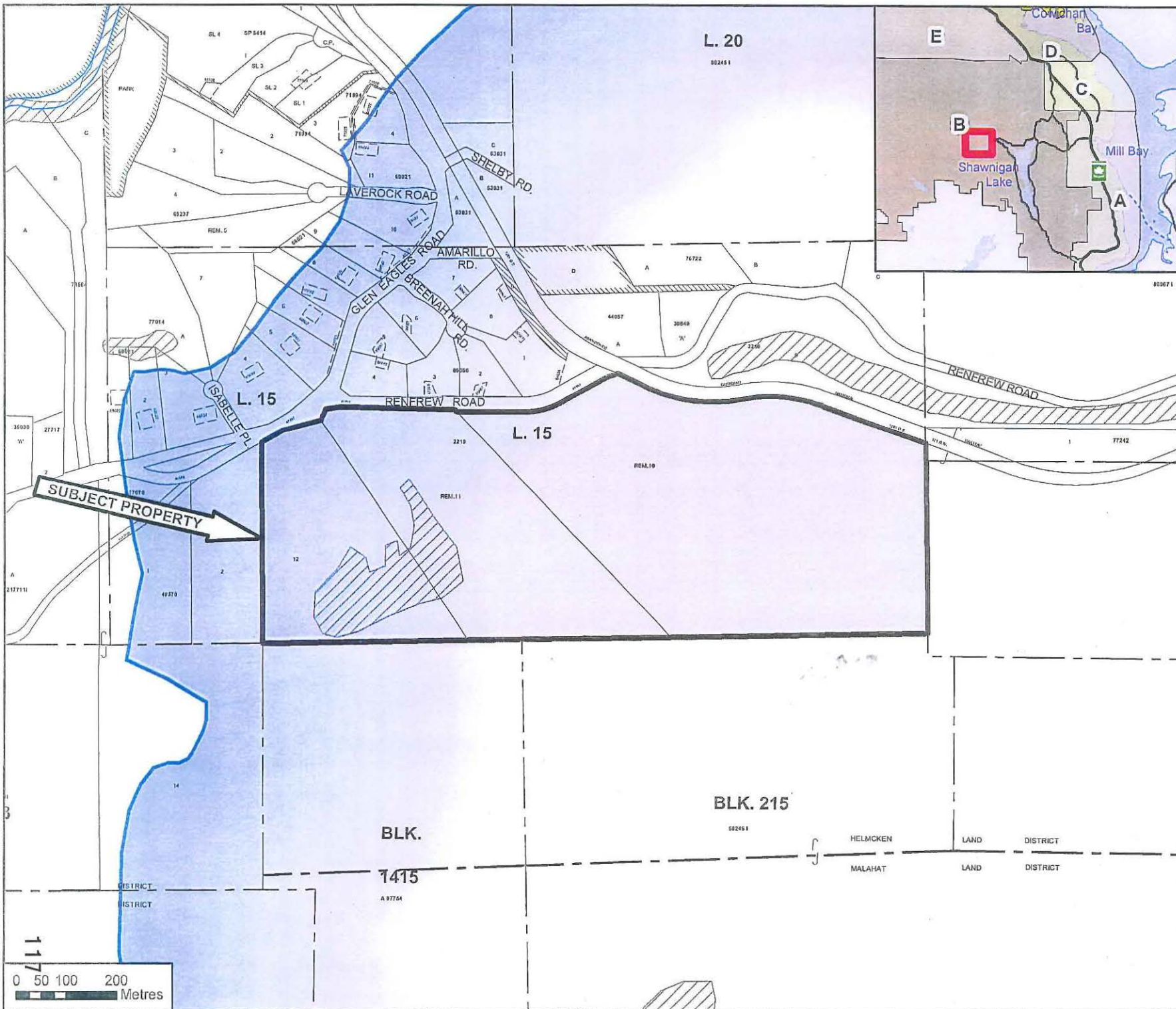
ZONING

Legend

-  Subject Property
-  Zoning Electoral Area B







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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.

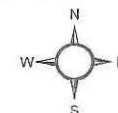
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 02-B-11-RS

Shawnigan Watershed

Legend

-  Subject Property
-  SEI 2004
-  Shawnigan Watershed





**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: 02-B-11-RS

**Google Earth
Photo
(2004-2006)**

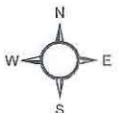
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Image © 2011 DigitalGlobe

©2010 Google



Imagery Dates: Sep 24, 2004 - Sep 12, 2006 49°39'10.59"N 123°41'37.95"W elev 490 ft

Eye alt 6765 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

Benson Appraisals
P.O. Box 936, Station A,
Nanaimo, BC V9R 5H0

Date: April 17, 2012

Lender: Lakeshew Holdings Ltd.

Property Address: 2932 Renfrew Road
Shawnigan Lake, Bc

The purpose of this appraisal report is to determine the market value, as defined in this appraisal report, of the subject land and improvements thereon, in fee simple, for the function of mortgage financing.

Fee simple is an absolute fee, a fee without limitations to any particular class of heirs or restrictions, but subject to the limitations of eminent domain, escheat, police power, and taxation. It is an inheritable estate.

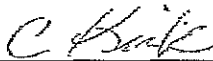
I have personally viewed the subject property on 04/17/2012 and have gathered and analyzed all the data obtained from the local real estate board, the Multiple Listing Service, the public record, and the appraiser's own files. I have further completed a sales comparison approach analysis and a cost approach analysis. Further, the appraiser has omitted the content of Standard Rule #1-4(c), with respect to an income analysis, in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP) and with prior knowledge of the client.

It is my opinion the market value of the subject property as of 04/17/2012, is:

Three Hundred Eighty-Five Thousand Dollars

\$385,000

THIS REPORT CONTAINS AND IS SUBJECT TO specific terminology descriptions, conditions, and special limitations which affect the stated opinion of market value, the use, and the intended user of the report. Please carefully read, and pay particular attention to all of these descriptions, conditions, and special limitations.



Connie Kirk
DAR, Certified Appraisal Reviewer (CNAREA)

Draft Report

Renfrew Road Subdivision Shawnigan Lake, BC

Well Water Supply and Environmental Impacts

File No. 1206
Date: May 2012



Lowen Hydrogeology Consulting Ltd.

PO Box 45024 Victoria, B.C. Canada V9A-0C3 Phone: 250-595-0624, Fax: 1-855-286-8001

SUMMARY

The development of a new residential area at Shawnigan Lake requires a hydrogeologic assessment to evaluate the well water supply feasibility and the potential water related impacts associated with the development. The new development encompasses 15 Lots and a Park area where natural wetlands occur. The built-up area will represent less than 10% of the property area.

The subject property lies over a surficial layer of gravelly-sandy soil which is particularly well-drained. This unconsolidated layer is underlain by fractured and water bearing bedrock. The local topography is bedrock controlled. The topography slopes down to the North and is characterized by a series of steep slopes and a flat area, where wetlands occur at topographic breaks.

The development of a built-up area will slightly lower the natural infiltration process of rainwater, causing runoff on roofs, driveways, roads and other impervious features. An infiltration network has been proposed by LHC to prevent excess rainwater runoff that could lead to soil erosion, wetland expansion and contamination of local creeks. A rock pit infiltration system is proposed downstream from each house, draining the water from the roofs down to the underlying sand and gravel. The excess of water as well as runoff from the driveways is proposed to be discharged into a gravel infiltration trench along each driveway and access road. The excess of water from the gravel trench will flow towards bio-swaes designed to accept all excess runoff and to infiltrate it evenly across the site.

The bedrock aquifer present under the property is able to sustain the development of 15 Lots and could provide at least 500 Imperial gallons per day per well (0.42 USgpm), as required by the CVRD. Statistics on 32 wells in the vicinity of the subject property give a minimum yield of 600 lgpd (0.5 USgpm). A supply vs. demand analysis has been undertaken by LHC considering a development of the whole area in the future and therefore an increase of the water demand. This scenario is sustainable.

The conceptual stormwater runoff plan and sewage disposal on-site will produce a negligible impact on surface water and ground water quality. The plan will constitute a net positive impact for surface water flow and groundwater flow volumes as rainwater infiltration will increase with the proposed plan. Interflow and deep groundwater flow will be increased.

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Well Water Supply and Environmental Impacts Renfrew Road Subdivision, Shawnigan Lake, BC

1.0 INTRODUCTION

In April 2012, Lowen Hydrogeology Consulting Ltd. (LHC) was hired by Shawnigan Lake Investments Ltd. to carry out a groundwater supply assessment as well as an environmental (hydrology) impact report on the development of 15 Lots with individual water wells and sewage disposal fields. This assessment indicates that the subject area is underlain by a productive bedrock aquifer. The subject wells are shown in Figure 1 and a plan of the development in Figure 2. A large wetland area occupies the west side of the property and this area will not be developed. Some very small seasonal streams also are evident. A plan of rainwater management is proposed to mitigate any potential impacts on these natural features.

2.0 PHYSICAL SETTING

2.1 Climate

The Shawnigan Lake region is within the West Coast Temperature Zone, with an average annual precipitation of 1,247.6 mm, of which 75.5 cm falls as snow. The rainy season is generally between October to March, where precipitation averages greater than 100 mm per month. The coldest months are typically from December to February where daytime highs are lower than 5 degrees C. From June to September daytime temperatures are typically in the 15 degrees C range.

2.2 Topography and Surface Water Drainage

The subject property is located in a moderately rolling to steeply sloping topography, with irregular surfaces (multiple slopes). The North boundary of the property is at lower elevation than the Southern side as well as the neighbouring Lots to the North.

On the North-western side of the property a series of culverts are found to drain water from the North to the South (Photo 1). The Lots located North of Renfrew Road drain their wetlands onto the subject property, feeding the subject wetlands (Photo 3). At least 3 culverts were observed along Renfrew Road, all draining from North to South (see Figure 2 for location). The wetlands do not appear to be drained by any stream and drain primarily by infiltration on-site. Of the 3 culverts observed, most westerly one was draining a small amount of water from neighboring property. The two others were dry. It is likely that these culverts drain water during storm events, and this drainage has to be considered for the development.

On the North-Eastern side of the property, the topography is even more irregular, forming a series of sinks or micro valleys and high points or ridges. At least two small streams were located on proposed Lot 1, draining water from South to North and discharging through a culvert on the North boundary of the property (Photo 2). The Trans-Canada trail bounding the North-east side of the property is at lower elevation so natural drainage of the eastern Lots occurs via these streams.



Photo 1: Culvert draining water on the subject property



Photo 2: Stream on proposed Lot 1, draining from South to North



Photo 3: Wetland on Western side of the property fed by the culvert of Photo 1

Photo locations are shown in Figure 1

Legend

- Subject property
- Water well
- Topography
- Photo location

LHC Lowen Hydrogeology Consulting Ltd

Modified from:

CVRD

2.3 Vegetation and Soil Type

The area of study is located within the coastal western hemlock zone and the coast Douglas-fir subzone, typically found at elevations from 0 to 500 m ASL.

The soils on which the property lies are a mix of colluviums, moraine and marine deposits. Colluvium deposits are dominant. All of the soil materials are described as gravelly to very gravelly, sand and loam and are well drained soil types.

3.0 SURFICIAL GEOLOGY

The Shawnigan Lake area is located within the Georgia Depression Physiographic subdivision. Surficial geology maps show that the property is located within a long arm of gravelly material that appears to fill a narrow and thin channel. This channel connects to the western side of Shawnigan Lake. The bedrock is found at shallow depth on each side of the channel. The analysis of the type of fill material within the channel suggests that it would have been carved by glaciers (moraine deposits) and mixed with colluvium from the high slopes bounding the channel to the north and the south. Finally, after glacier retreat, some coarse marine material would have been deposited.

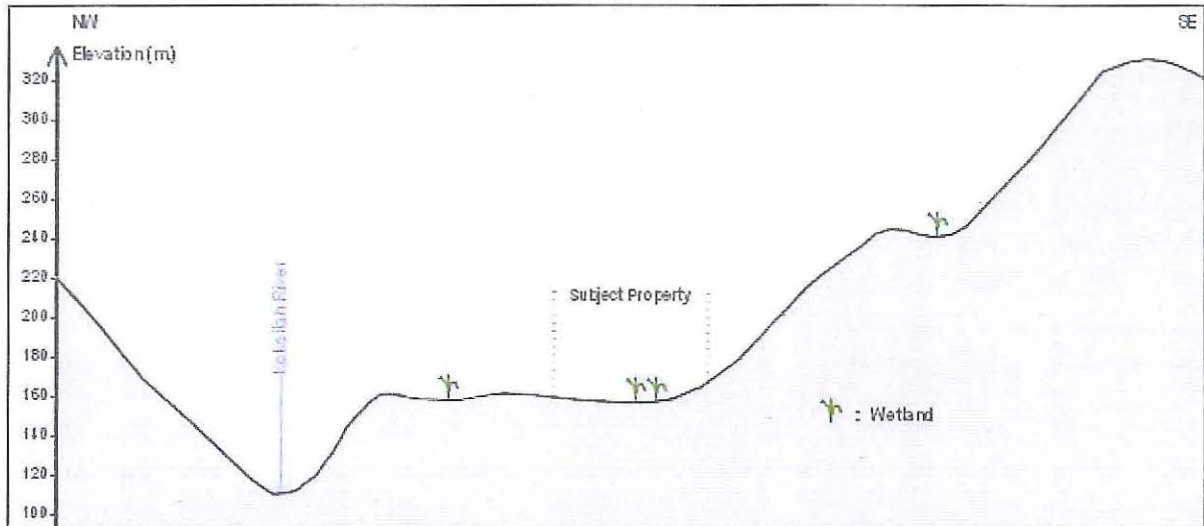
4.0 BEDROCK GEOLOGY

The quaternary deposits in which the area of study stands, lie over limestone of the Sicker Group. This bedrock unit contains the oldest rocks on Vancouver Island, from the Paleozoic Era, Devonian Period and dated at 370 m.y. Bedrock maps show a large scale contact zone between two bedrock formations, materialized by a fault. Locally, the sediments would have been carved by glaciers and then streams, still seasonally flowing within a topographical depression reaching Shawnigan Lake. Figure 4 shows the relation between bedrock elevation and ground surface topography. The topographic high points are directly linked to bedrock topography. At lower elevations, the surficial sediments become slightly thicker, however with an average thickness of only 6 m.

5.0 HYDROLOGY

The major closest river is the Koksilah River, flowing North-Eastward. The topographic maps show that this feature is not connected at surface to the streams and wetland at the subject property. The property contains some wetlands and very small seasonal streams that naturally drain the water away and feed the north-western arm of Shawnigan Lake. The wet zones were mapped in detail on the subject property by Island Land Surveying Ltd. and can be reviewed in Figure 2. The particular topography in the area of study shows alternating steep slopes and flat plateaus. Wetlands occur at the topographic breaks, as shown in Figure 3. Wetland issues and land development strategies will be discussed in further section.

Figure 3 - Wetland occurrence linked to the topography



6.0 HYDROGEOLOGY

No aquifer has been mapped in the area of study, however a good amount of wells exist within the surrounding area. Of the 34 wells reviewed, 32 tap a bedrock aquifer and 2 tap a sand and gravel aquifer. Aquifer mapping has been done in the area of study and the closest bedrock aquifer is Aquifer #202 (Bonanza and Sicker Groups). The aquifer boundary has been limited to an unnamed creek due to a lack of data beyond this natural feature. The bedrock wells in the vicinity of the subject property are likely to belong to Aquifer #202. Yields of the local bedrock are good, with average of 9 USgpm, a minimum yield reported of 0.5 USgpm and a maximum of 40 USgpm. Statistics are reported in appendix A. Well yield data are mapped in Figure 5. The sand and gravel aquifer is located along the Koksilah River, where deeper bedrock is reported (see Figures 4 and 5). The average yield of this sand and gravel aquifer is 17.5 USgpm. The water table is shallow and becomes locally artesian at the slopes breaks (evidenced by the wetlands). Figure 6 presents a piezometric map of the area of interest.

The hydraulic conductivity of the Aquifer #202 has been assessed by Newton and Gilchrist (2010) and gives value of 1.35×10^{-5} m/s or 1.17 m/d. The aquifer transmissivity is 3.58×10^{-5} m²/s. A recharge rate to the main bedrock aquifer of 25 percent of precipitation, or $0.25 \times 1,247.6$ mm/yr = 312 mm/yr, has been estimated by LHC based in these rock conductivities and the well drained sand and gravel soils. The aquifer underlies the entire development site.

7.0 WATER WELL DEVELOPMENT

7.1 Potential Supply vs. Demand

The development of 15 Lots would require the drilling of one water well per lot, i.e. 15 wells. Wells for each newly subdivided land parcel in the CVRD must be capable of producing 2,273 litres per day (500 Imperial gallons per day or 0.42 US gallons per minute). Please refer to the "Cowichan Valley Regional District Subdivision Bylaw No.1215, 1989" Section 8 - Services - water Supply, 8.3 (b) ii. The local geology has shown the presence of productive bedrock underlying the subject property with average yield of 9 USgpm. The well No. 103259 is located within the property boundary and has a yield of 25 USgpm for a depth of

152.5 m. (500 ft.). It is likely that the yield will increase with the drilled depth as it is the case for well No. 103259. These data show that the bedrock aquifer is more than adequate to supply the proposed lots. CVRD bylaws permit individual well supplies to be approved with a confirmation letter provided by a qualified drilling contractor.

7.2 Well Water Abstraction Rate vs. Recharge Rate

The renewable groundwater resource has been determined by LHC in this assessment to be sustainable for the proposed development. Based in the estimated annual groundwater recharge rate of 312 mm/yr in the region, the groundwater system is replenished at a rate of approximately 3,120 m³/ha/yr.

The current configuration of the land in the region is approximately 0.2 Lot/ha. Considering a development of twice this density in the future, the following estimation will take in consideration 0.5 Lot/ha for project sustainability. The requirement for one Lot is 829 m³/ha/yr. Therefore the water demand in the region will be 415 m³/ha/yr or $415 / 3,120 = 13\%$ of the natural discharge. The well water supply scenario is sustainable.

7.3 Well Drawdown Interference

As is always the case, the water levels of the aquifer in the subdivisions will be drawn down by the production wells and consequently this drawdown effect on adjacent or nearby wells must be considered in the assessment. Given the hydraulic conductivity of the aquifer at the site and the anticipated pumping rates, the significant drawdown effect from a production well will not extend beyond 150 m., radial distance. This would be a recommended separation distance between neighboring wells.

Figure 4 - Bedrock Elevation / Ground surface Elevation

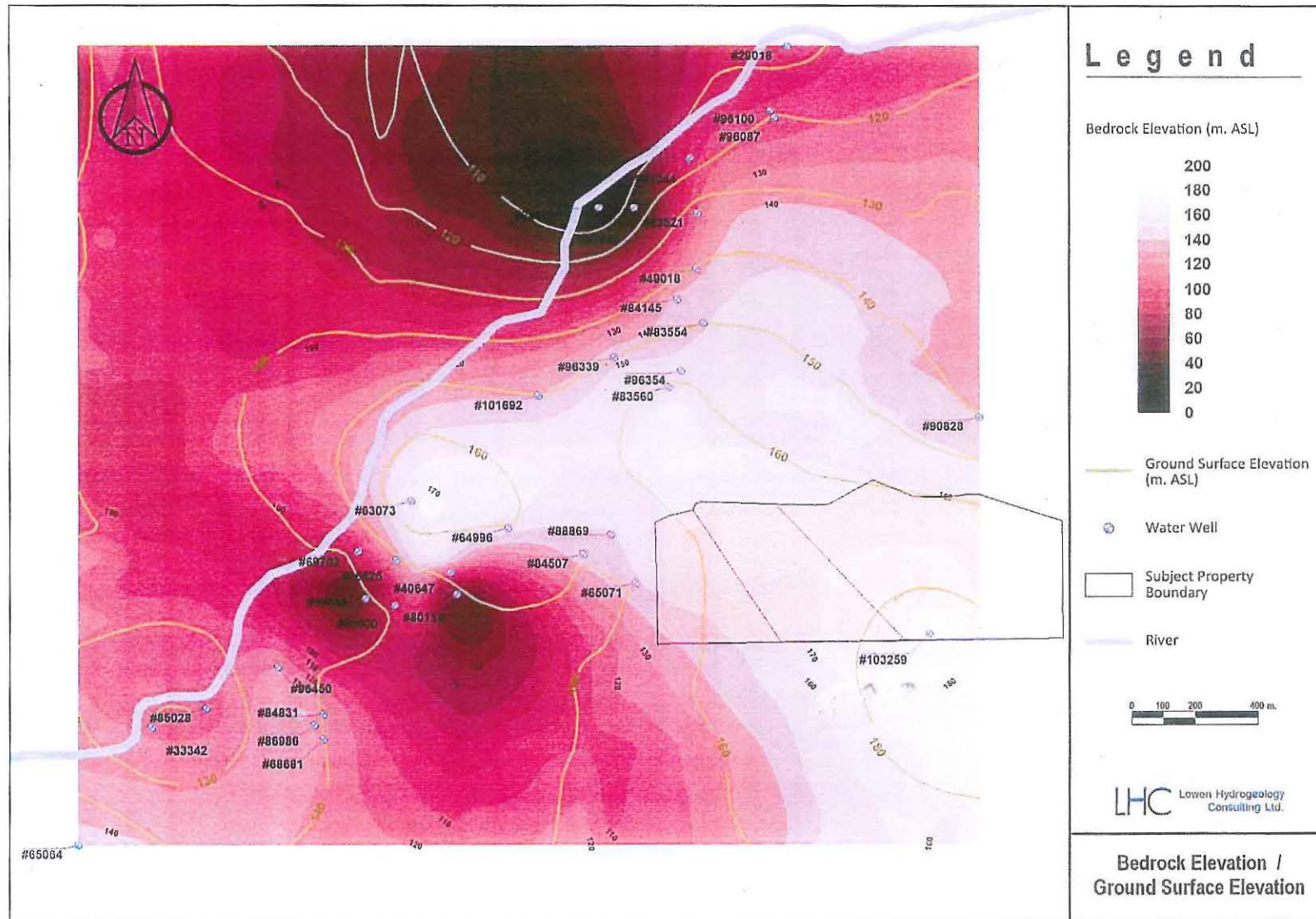


Figure 5 - Neighboring well yields

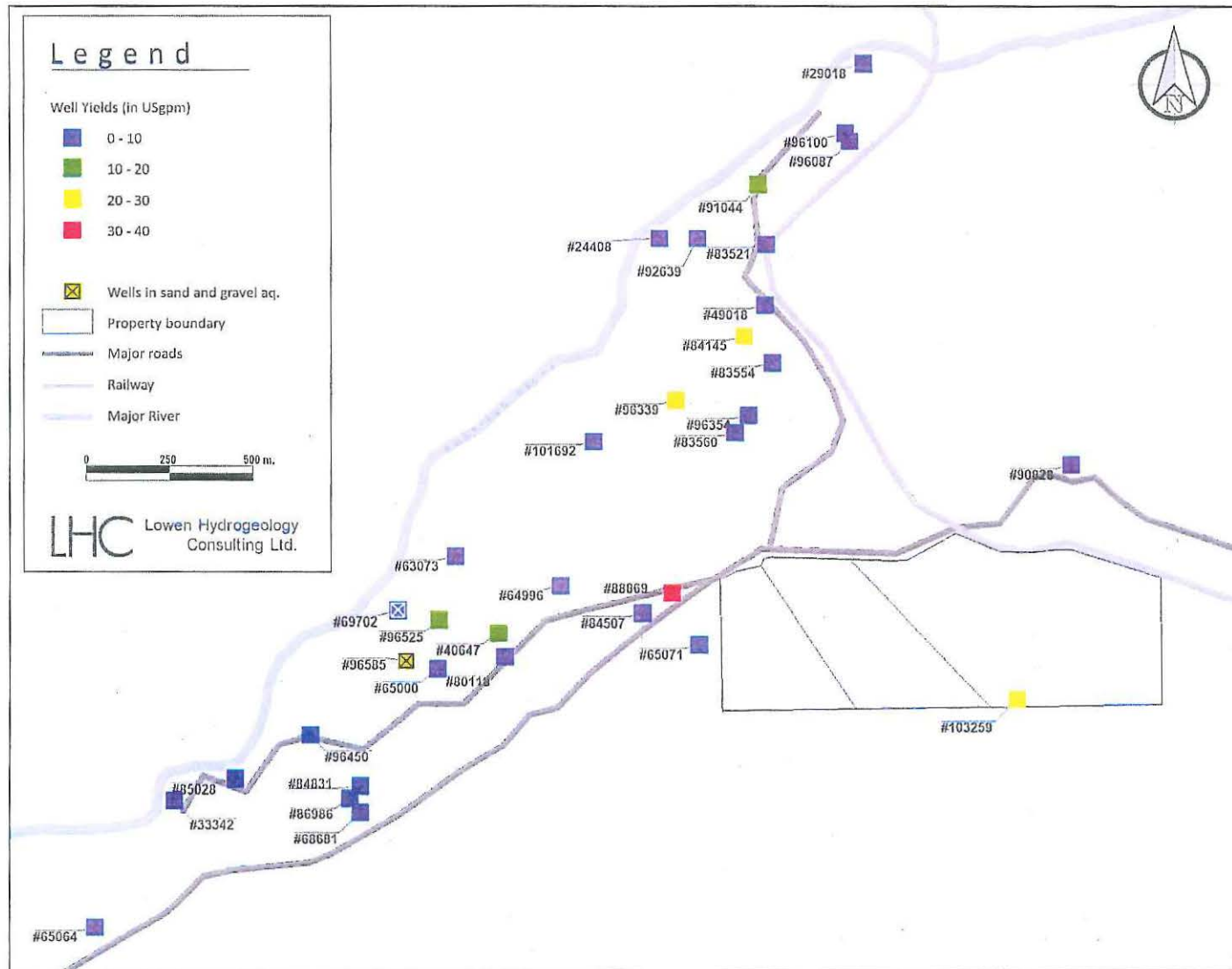
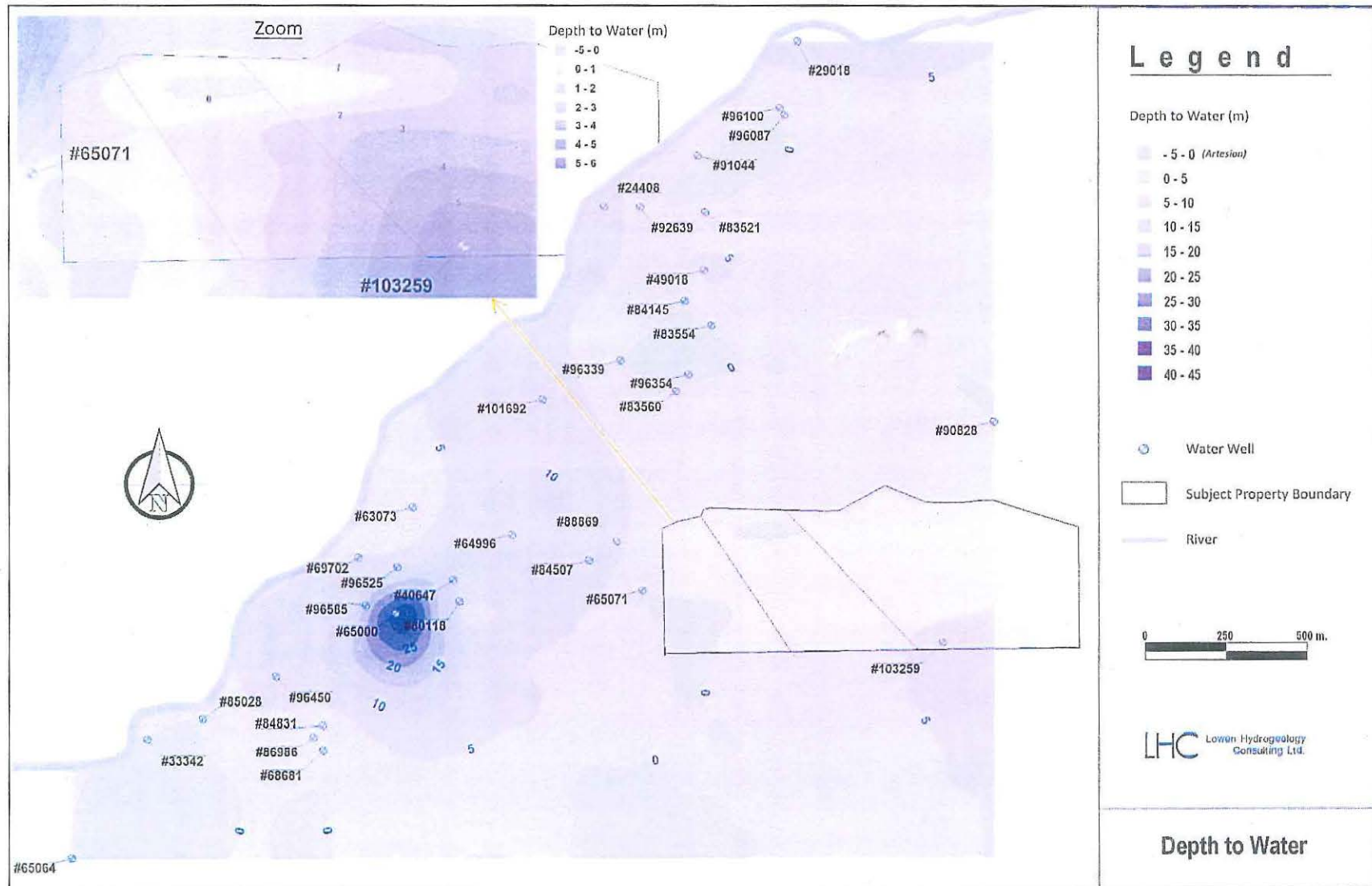


Figure 6 - Depth to Water



8.0 WETLANDS AND LAND DEVELOPMENT STRATEGIES

8.1 Potential Issues Caused by Development

The natural water table in the subject property causes local groundwater emergence, especially in the western part of the property. The creation of a park at this location will facilitate preservation of these wetlands. The developed area will lower the infiltration capacity from precipitation, due to a reduction of soil exposure (houses, road concrete, etc.). As a result of this development, the amount of runoff water will increase and concentrate towards infiltration areas (likely the park). The water table will locally mound and expand these wet areas.

Developing a rainwater infiltration network within the developed area is recommended to:

- Maintain the wetlands in their natural conditions;
- Allow rainwater to infiltrate at different locations within the built-up area;
- Control runoff and preserve the soil structure;
- Maintain a natural groundwater table beneath the development site.

8.2 Water Infiltration Volumes

Due to the development of the area, the area of infiltration will be reduced, and therefore more water will runoff to reach infiltration zones. This runoff must be managed to mitigate negative impacts. The amount of water required to be injected can be approximated considering the following parameters:

- Total area of subject property = $\pm 60 \text{ ha} = 600,000 \text{ m}^2$
- Projected built-up area* = $\pm 4 \text{ ha} = 40,000 \text{ m}^2$

* The projected built area encompasses Lots SL A, SL B, SL C, SL D @ 0.5 ha each; Lot SL E @ 0.6 ha, 1 house per Lot (20 m x 20 m) = 0.04 ha on 10 Lots and 1 ha of driveways, paved areas, etc. (See Figure 2 for location).

Precipitation data are used in the model to assess the amount of water infiltrating every month within the property boundary. By reducing the infiltration area but keeping the same water inflow, the amount of water that has to be artificially infiltrated can be assessed. Table 1 gives the detail of all data and calculations. Results are presented in Figure 7 as follow:

Figure 7 - Amount of Water to Infiltrate Artificially

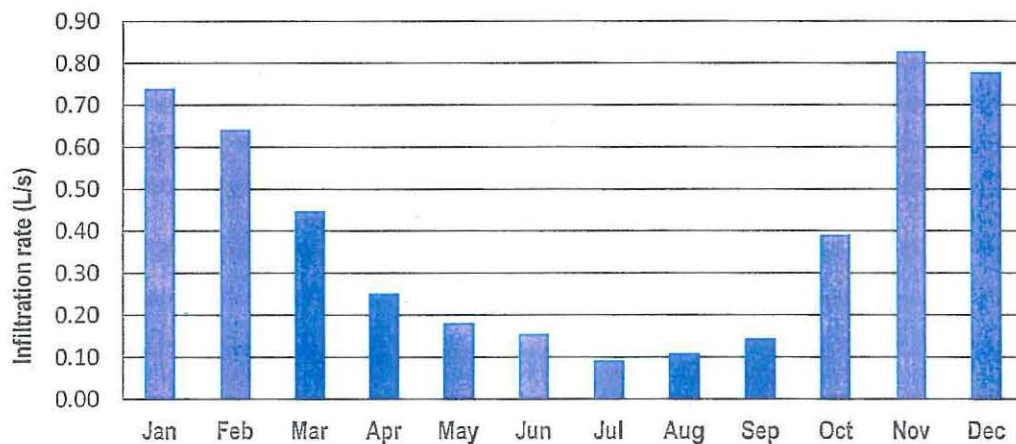


Table 1 - Monthly Volumes to Inject Artificially

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Year
Precipitation (mm)	198.3	155.3	120.2	65.2	48.7	40.2	24.7	29.3	37.6	104.8	214.6	208.7	1,247.6
Precipitation (m)	0.198	0.155	0.120	0.065	0.049	0.040	0.025	0.029	0.038	0.105	0.215	0.209	1.248

*Shawnigan Lake Climate Station

Infiltration : 25% of Precipitation

Volume of natural infiltration <u>before</u> development (m ³)	29,745	23,295	18,030	9,780	7,305	6,030	3,705	4,395	5,640	15,720	32,190	31,305	187,140
Volume of natural infiltration <u>after</u> development (m ³)	21,762	21,742	16,828	9,128	6,818	5,628	3,458	4,102	5,264	14,672	30,044	29,218	174,664

After Development : Volume to inject artificially

Flow (m ³ /month)	1,983	1,553	1,202	652	487	402	247	293	376	1,048	2,146	2,087	1,040
Flow (m ³ /day)	64.0	55.5	38.8	21.7	15.7	13.4	8.0	9.5	12.5	33.8	71.5	67.3	35
Flow (L/s)	0.74	0.64	0.45	0.25	0.18	0.16	0.09	0.11	0.15	0.39	0.83	0.78	0.40

Where:

(1) Volume of natural infiltration before development:

$$\text{Precipitation (m)} \times \text{Area of property (m}^2\text{)}$$

$$\text{Ex: January: } (0.198 \text{ m} \times 600,000 \text{ m}^2) \times 0.25 = 29,745 \text{ m}^3$$

(2) Volume of natural infiltration after development:

$$\text{Precipitation (m)} \times (\text{Area of property} - \text{Built Area}) (\text{m}^2)$$

$$\text{Ex: January: } (0.198 \text{ m} \times (600,000 - 40,000) \text{ m}^2) \times 0.25 = 21,762 \text{ m}^3$$

$$\Rightarrow \text{Volume to inject artificially} = (1) - (2)$$

The rainwater infiltration works will have to be designed for infiltration rates ranging from 0.09 L/s (July) to 0.83 L/s (November), with an average flow of 0.40 L/s on an annual basis. This amount is considering no other inflow than the runoff due to the development. However, if bio-swales are constructed across the property some runoff from the non-built area will be intercepted by the swales. The best rainwater infiltration design would therefore consider that the bio-swales would infiltrate almost all the runoff within the property boundary. This would lead to a higher replenishment of the aquifer and therefore a positive impact on the local water features; that is increased interflow and deep groundwater recharge.

8.3 Water Budget

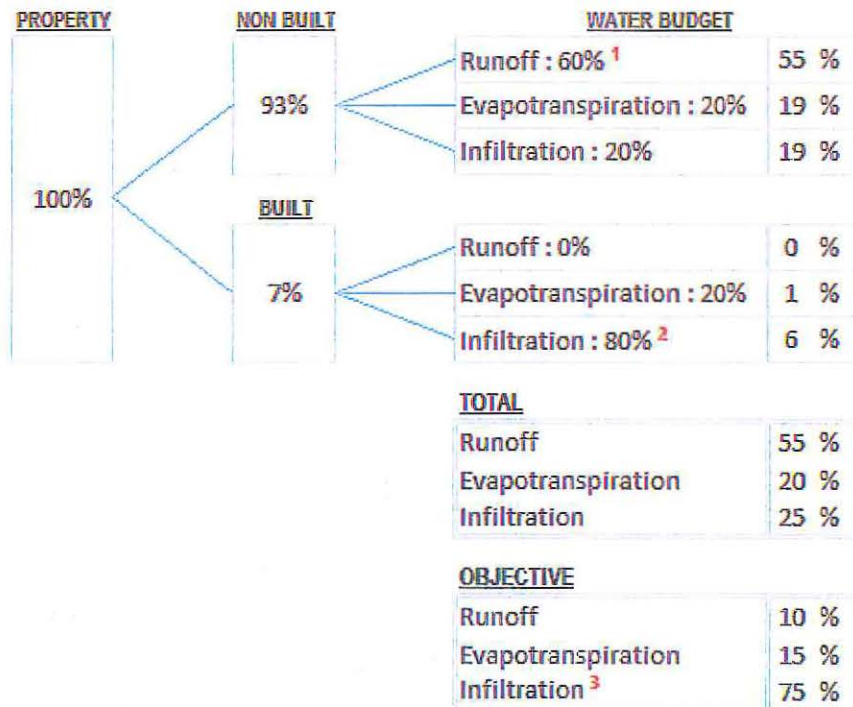
Before development, the water budget within the property is as follows:

$$\text{Precipitation} \approx \text{Runoff} + \text{Evapotranspiration} + \text{Infiltration}$$

Where

- Precipitation = $1.25 \text{ m/yr} \times 600,000 \text{ m}^2 = 750,000 \text{ m}^3/\text{yr}$
- Runoff (50%) = $0.50 \times 750,000 \text{ m}^3/\text{yr} = 375,000 \text{ m}^3/\text{yr}$
- Evapotranspiration (25%) = $0.25 \times 750,000 \text{ m}^3/\text{yr} = 187,500 \text{ m}^3/\text{yr}$
- Infiltration (25%) = $0.25 \times 750,000 \text{ m}^3/\text{yr} = 187,500 \text{ m}^3/\text{yr}$

After the development, the built and non-built area will be divided as follows:



¹ Cutting trees leads to less evapotranspiration and facilitates soil compacting i.e. more runoff

² Roof drainage to rock pits and roadways to infiltration trenches

³ Bio-Swales facilitate infiltration of any excess flow

The objective for the design of the rainwater infiltration system will be to infiltrate almost all runoff from the developed area, but also from non built-up areas. The natural overland drainage would therefore be intercepted by the bio-swales and infiltrated on site. This will result in a better replenishment of the aquifer under the property, increasing interflow and leading to a positive water budget impact. The wetlands located on the proposed Park area will still be fed by the Northern properties and therefore will not be affected; however, they would not tend to be flooded during exceptional storm events. The eastern side of the property does not contain wetlands. The streams will still exist but water will be discharged into the bio-swales at several points of the property. A more detailed description of the design of the rainwater infiltration system is described in the following section.

8.4 Rainwater Control Design

Considering the lot density for the region (0.2 Lot/ha), and therefore the expected percentage of built-up area (6.7%), only small-scale infiltration systems will be needed. Every house should have gutters draining rainwater down to a rock pit downslope of the house. The rock pit overflow should be drained along the private driveways by a bio-swale. Each private bio-swale should be connected to a main one. On each side of the driveways and access roads a pre-infiltration gravel trench should be designed. If overflow occurs, the water would flow to the bio-swale. Figure 8 shows the design and possible locations of these rainwater control works.

Considering the topography, most of the rainwater will flow either to the North, North-East or North-West. A large-scale topographic map gives an idea of the flow direction on each lot:

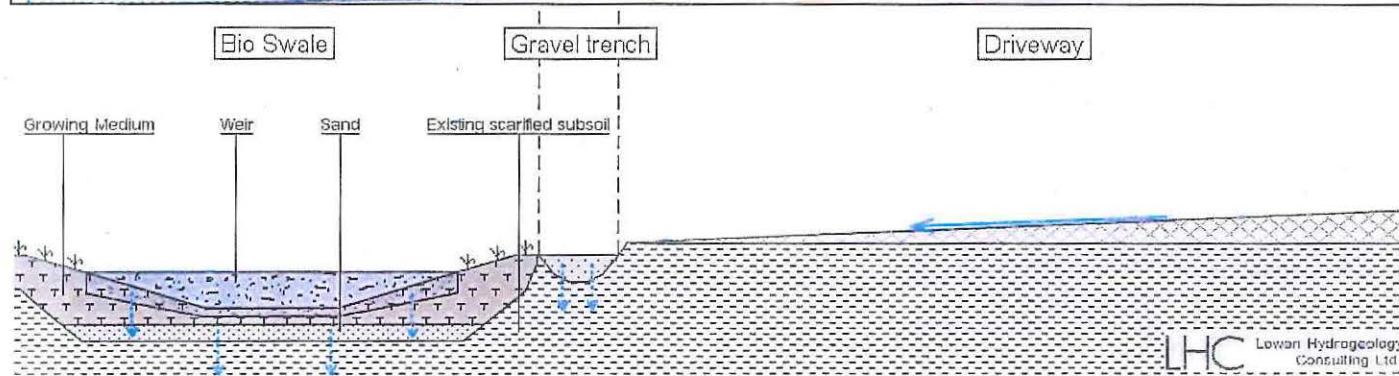
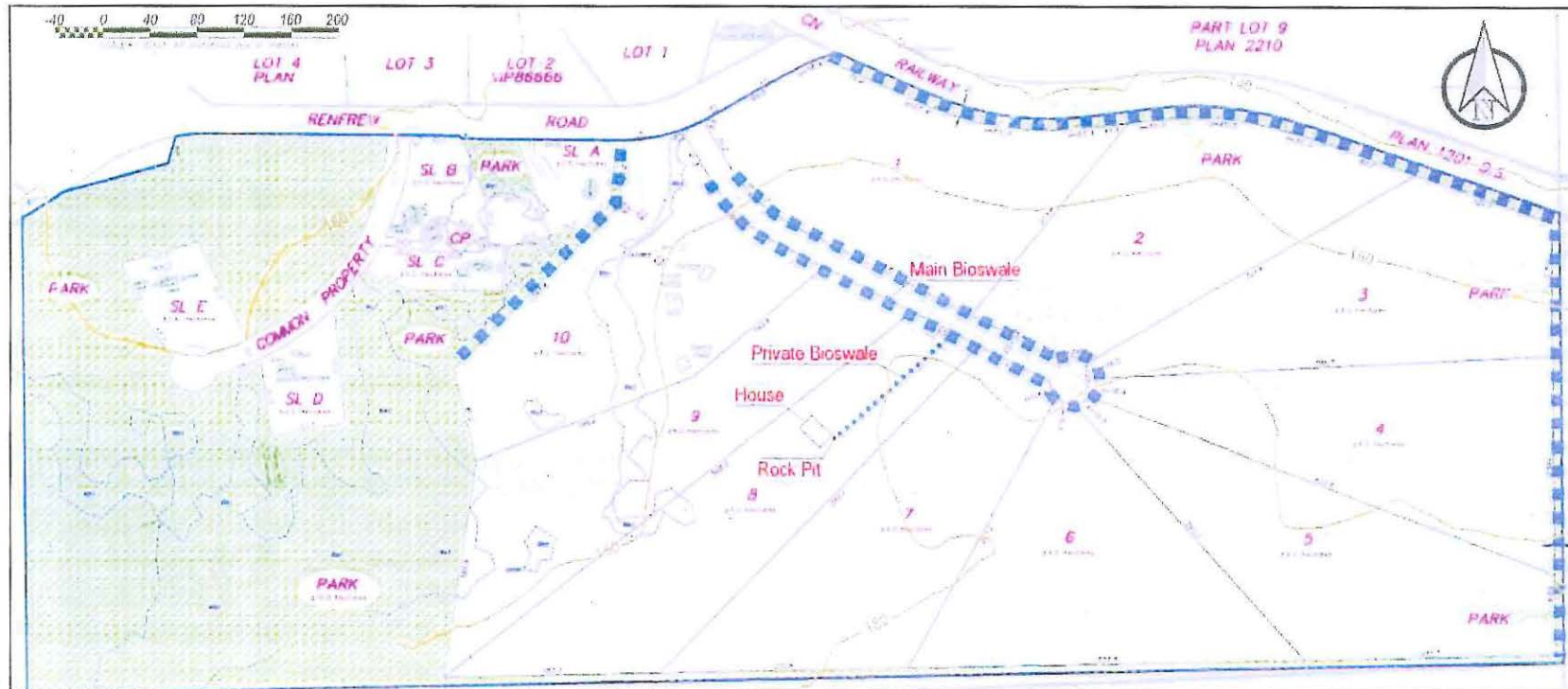
- Northward flow: Lots 1, 2 and 6
- North-Eastward flow: Lots 3, 4 and 5
- North-Westward flow: Lots 7, 8, 9 and 10

Figure 8 shows an example of the proposed swales connection from a private swale to a main swale (Lot 8). The system will operate as follows:



The infiltration swale is a system utilizing sand / gravel infiltration trench combined with grass swales. It consists of a series of small reservoirs inter-connected on a slope (Figure 9). The rainwater is received by a reservoir and is contained behind a weir. Rainwater infiltrates slowly to the underlying soils. The excess of water discharges into the next reservoir downstream. The swale system is particularly well adapted for residential areas and can be designed on profiles up to 10 % slope (*Lanarc Consultants Ltd. et al., 2005*).

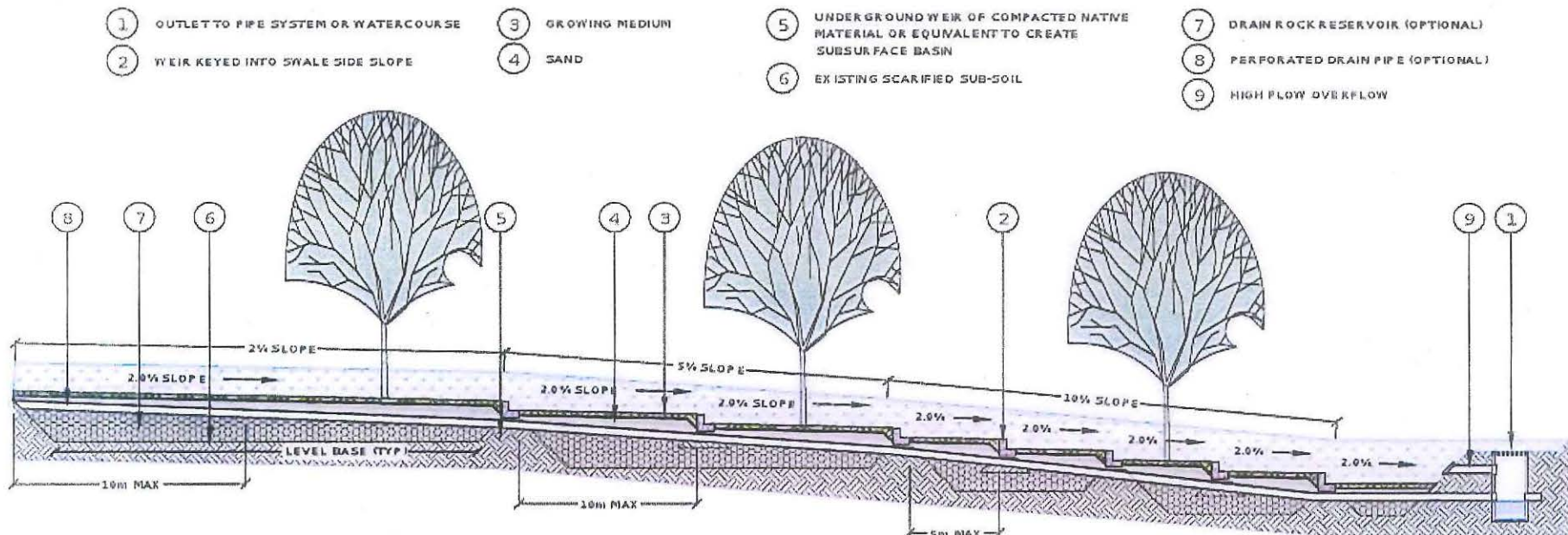
Figure 8 - Infiltration Swales System and Possible Locations



NOT AT SCALE

Bio swale design from:
Lanarc Consultants Ltd.
Kerr Wood Leidal Associates Ltd.
Goya Ngan - (2005)
Stormwater Source Control
Design Guidelines 2005
Greater Vancouver Regional
District

Figure 9 - Infiltration Swale on a Longitudinal Section



2 INFILTRATION SWALE
A Not To Scale

Longitudinal Profile

Source:

Lanarc Consultants Ltd.

Kerr Wood Leidal Associates Ltd.

Goya Ngan - (2005)

Stormwater Source Control Design Guidelines 2005

Greater Vancouver Regional District

A rough estimation of the total swale length needed can be assessed as follows:

$$A = Q / (K_v \times CF)$$

Where:

- A = Area of swales in m^2 (standard average width = 1.5 m)
- Q = Flow discharging to the swales = $1,540 m^3/day^*$
- K_v = Vertical hydraulic conductivity = $[5 - 10] m/day$
- CF = Clogging Factor = 0.8

* 75 % of the total precipitation

Therefore:

$$\begin{aligned} A_{min} &= 1,540 / (10 \times 0.8) = 193 m^2 & \Rightarrow & L_{min} = 193 / 1.5 = 129 m \approx \underline{130 m} \\ A_{max} &= 1,540 / (5 \times 0.8) = 385 m^2 & \Rightarrow & L_{min} = 385 / 1.5 = 257 m \approx \underline{260 m} \end{aligned}$$

The length that would be required is between 130 to 260 m according to the hydraulic conductivity of the soil at depth. This length is calculated without taking in consideration the rock pits and gravel trenches pre-infiltration work. This is therefore an over estimation of the actual length necessary.

9.0 ON-SITE SEWAGE DISPOSAL IMPACT AND MITIGATION

It is understood that the proposed development property lies within the watershed of Shawnigan Lake. We have been working on sewage disposal and groundwater supply issues in this important watershed since 1978. Historically the lake has suffered negative impacts from septic disposal systems employing in-ground dispersal of effluent. The major negative impacts are caused by bacteria and nutrients (nitrate and phosphorous). These contaminants were introduced into the lake because of three contributing factors:

- (1) Septic system failure due to a lack of maintenance
- (2) Close proximity of septic systems to the lake
- (3) Marginal or poor soil conditions in which dispersal fields were built

With respect to the subject property none of the three factors above apply and sewage disposal here will not have a negative impact on Shawnigan Lake. It is now mandatory to inspect septic tanks, and system failures will be rectified. The site is remote from the lake, situated 1.1 km to the east. The site soils are excellent for renovation of sewage effluent. All the potential contaminants will meet or exceed MOE standards 30 m downstream from the dispersal fields. See Table 2 below for a summary of wastewater effects on surface water. On-site sewage dispersal systems will be located at a minimum of 30 m from any streams.

Table 2 - Effect of Sewage Disposal on Local Surface Waters

	Effluent Type 1	Estimated Concentrations of Treated Effluent		MOE Standards	
		At Water Table	30 m. D/S	Drinking Water*	Aquatic Life
BOD (mg/L)	150	<10	0	N/A	N/A
TSS (mg/L)	60	<10	0	N/A	10
FC (MPN/10 mL)	10 ⁴	<10 ²	0	0	14
pH	7.1 - 8.3	7.0 - 8.0	7.0 - 8.0	6.5 - 8.5	6.5 - 9.0
Total Nitrogen (mg/L)	70	<70	<10**	N/A	20
Nitrate (mg/L)	35	<35	<5**	10	40
Turbidity (NTU)	20	<5	0	1	8
Phosphorous (mg/L)	20	<20	Background***	N/A	0.005 - 0.015

* Guidelines for Canadian Drinking Water Quality (2008)

** Dilution with natural flow and removal in soils

*** Phosphorus Removal Reference

Percolation through natural soil materials is a very effective method of removing Phosphorus (P) from wastewater. P removal processes in the subsurface include vegetation uptake, other biological processes, absorption and precipitation. Of these adsorption is the most important. Scientific studies (Natural Treatment Systems for Waste Management and Treatment; Reed, Crites, Middlebrooks; 1995) have shown P removal of 99% with application rates from 2.0 to 9.0 mg/L P, and travel distances greater than 30 m.

Abbrev:

D/S - Downstream
MOE - Ministry of Environment
BOD - Biological Oxygen Demand
TSS - Total Suspended Solids
FC - Fecal Coliform
N/A - Not Applicable or No Standard Set

Ref:

Crites and Tchobanoglous, *MOH Sewage System Standard Practice Manual, Vers. 2, 2007. Type 1 System - Septic Tank with Bio-Filter*

10.0 CONCLUSIONS AND RECOMMENDATIONS

- 10.1 The underlying bedrock aquifer is able to sustain the development project, with water wells yielding not less than 500 l/gpm (0.42 USgpm).
- 10.2 The potential supply vs. Regional demand scenario has been realized taking in consideration development of the region in the future and therefore higher water demand. The water supply scenario is readily sustainable when increasing the development from current 0.2 Lot/ha to 0.5 Lot/ha.
- 10.3 Natural wetlands occur on the western side of the site. The development will lower the infiltration area and may increase runoff towards these wetlands. To prevent such a situation a rainwater infiltration system has been designed and includes the design of rock pits, gravel trenches and bio-swales to allow even infiltration across the area and preserve the wetlands.
- 10.4 The technical drawings for the infiltration system are a conceptual design only. It would be recommended to consult a specialist to design the infiltration network.
- 10.5 With the design of a rainwater management system and sewage disposal fields, and due to the particularly good hydraulic conductivities of the native soils and bedrock, all the water runoff from the development will be collected and treated on site. By re-injecting rainwater to the aquifer beneath the property, this will create a closed system sustainable on its own, that will not interfere with the natural surrounding features such as Shawnigan Lake.

- 10.6 A popular and effective practice for stormwater runoff management is construction of rain-gardens which facilitates runoff retention, treatment and infiltration. This site includes a natural wetland which has all the attributes of a rain-garden. The wetland on-site will be maintained.
- 10.7 The proposed rainwater infiltration on-site will benefit shallow groundwater flow (interflow) which sustains creek flow as well as treating the stormwater by infiltration and adsorption process in the soil.

CLOSURE / DISCLAIMER

This report has been prepared in accordance with generally accepted engineering practices. The opinions expressed herein are considered valid at the time of writing. Changes in site conditions can occur, however, whether due to natural events or to human activities on these, or adjacent properties. In addition, changes in regulations and standards may occur, whether they result from legislation or the broadening of knowledge. This report is therefore subject to review and revision as changed conditions are identified.

Well yields and water quality can vary over time due to climate change, recharge area modification, or earth movements (earthquakes and blasting). Therefore water level and regular water quality monitoring for drinking water wells is essential.

In formulating our analyses, conclusions and recommendations we have relied on information supplied by others; previous reports, studies and mapping, well drilling contractors, pumping test contractors and a certified water testing laboratory. The information provided by others is believed to be accurate but cannot be guaranteed. If the recommendations in this report are not implemented, we assume no responsibility for any adverse consequences that may result.

If you have any questions or require any further information, please contact the undersigned.

Respectfully Submitted,

DRAFT

LOWEN HYDROGEOLOGY CONSULTING LTD.

Dennis A. Lowen, P. Eng., P.Geo.
DAL/MLD/hmr

Web: www.lowenhc.ca

REFERENCES

Maps

Cotic, J. Jungen (1978)

Soils of South Vancouver Island, BC; Soil Survey Report No.44, Sheet 1 - *Sc. 1:100,000*

J.E. Muller (1980)

Map 1553A - Geology of Victoria, BC; *Sc. 1:100,000 - Geological Survey of Canada*

Reports and Publications

Environment Canada

Canadian Climate Normals British Columbia 1961 - 1990

Lanarc Consultants Ltd., Kerr Wood Leidal Associates Ltd., Goya Ngan (2005)

Stormwater Source Control Design Guidelines 2005 - *Greater Vancouver Regional District*

Web

BC Water Resource Atlas (WRBC)

http://www.env.gov.bc.ca/wsd/data_searches/wrbc/

CVRD Atlas

<http://maps.geocortex.net/imf-5.2.0/imf.jsp?site=cvrdbasic>

Environment Canada National Climate Data and Information Archive

www.climate.weatheroffice.gc.ca

The Partnership for Water Sustainability in BC

<http://www.waterbucket.ca>

Appendix A

Water Well Statistics

Well Tag No.	Depth to Bedrock (m.)	Depth to Water (m.)	Yield (USgpm)
65064	6.1	Unknown	0.75
33342	2.4	Unknown	9
85028	7	Unknown	0.5
68681	7.6	Unknown	4
86986	0	3	6
84831	4.6	Unknown	7
96450	4.9	9.1	8
65000	0.6	42.7	1
80118	Unknown	Unknown	1.5
40647	7	14.3	20
96525	5.5	6.1	20
63073	1.2	6.1	7
64996	4.3	15.2	4
84507	4.3	9.1	2
65071	0	Unknown	6
88869	7.6	6	40
103259	6.1	6.1	25
101692	10	91	2
83560	7	Unknown	10
96354	2.7	Unknown	6
96339	2.4	Unknown	30
83554	1.8	Unknown	8
84145	1.2	Unknown	30
49018	4.3	8.2	2
90828	0	Unknown	5
83521	8.5	Unknown	1.5
92639	Unknown	Unknown	1.5
24408	Unknown	10.7	0.9
91044	6.3	Unknown	14
96087	8.8	Unknown	5
96100	5.5	Unknown	4
29018	5.6	8.5	4

STATISTICS

Minimum	0.1	3.0	0.5
Maximum	10.0	91.0	40.0
Average	4.6	16.9	8.9
Geometric Mean	2.9	10.6	5.0

Appendix B

Well Log Record



R6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF NOVEMBER 20, 2012

DATE: November 14, 2012

FILE No:

FROM: Alison Garnett, Planner I

BYLAW No:

SUBJECT: Rainwater Management Guideline Amendments

Recommendation/Action:

For information, and to seek direction from the EASC.

Relation to the Corporate Strategic Plan: N/A

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

Background:

The South Cowichan Official Community Plan contains development permit guidelines that require applicants of commercial, industrial or multifamily development, as well as applicants of subdivision, to provide a rainwater management plan and to demonstrate that runoff from the proposed development will not cause a negative impact to surrounding properties or the natural environment.

These development permit guidelines are consistent with the following principles from the South Cowichan OCP:

1. Conserve, manage and protect water;
2. Preserve open spaces, natural beauty and environmentally sensitive areas;
5. Utilize smarter, cheaper and greener infrastructure;
13. Protect and enhance wildlife habitat and biodiversity.

The Development Services Division has found implementation of these guidelines challenging, particularly when applied to large lot subdivisions. It has been our practice to require, as a condition of a permit, an engineer's report that provides recommendations on rainwater management measures that can be used to encourage onsite rainwater infiltration and ensure that post-development rainwater flows do not exceed pre-development rates. We also encourage applicants to minimize site alterations where possible.

The difficulty in implementing this portion of the OCP is in part due to the fact that the guidelines do not differentiate between various scales of development. For example, a 2 hectare lot with native soils, vegetation and tree cover will likely be capable of handling increased rainwater flows resulting from development of a single family home, and not necessitate an engineer's rainwater management plan. However, a 0.2 hectare village infill subdivision could benefit from professional advice on low impact development techniques or infiltration/detention systems.

Planning staff believe that a revision of the development permit guidelines would create a more efficient process for staff and development applicants, and streamline local government service. The intention of amending the guidelines is to provide broader justification and education on the objectives of rainwater management, to clarify requirements for applicants based on the type of application, and to reduce the cost of hiring professionals where feasible.

At this point the Division is seeking direction from the Electoral Areas Services Committee as to whether staff time should be devoted to amending these development permit guidelines, for more effective implementation of the Plan's principles. It is somewhat timely to initiate this work now, as the draft Cowichan Bay OCP is proposing rainwater management development permit guidelines. Research on proposed amendments to the South Cowichan Plan would be shared with staff developing the Cowichan Bay OCP.

Options:

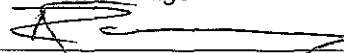
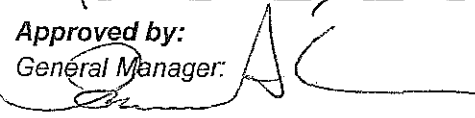
1. To direct staff to research ways to amend the South Cowichan OCP's guidelines relating to rainwater management.
2. To continue working with the existing development permit guidelines of the South Cowichan OCP.

Submitted by,



Alison Garnett
Planner I
Development Services Division
Planning & Development Department

AG/ca

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



R7

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 20, 2012

DATE: November 14, 2012

FILE NO:

FROM: Tom R. Anderson, General Manager

BYLAW NO:

SUBJECT: Landscape Security Resolution to AVICC

Recommendation/Action:

That the Committee give consideration to the Draft AVICC Gold Star resolution.

Relation to the Corporate Strategic Plan: N/A

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

Background:

As part of a discussion regarding landscape security deposits being required as part of land development applications, the following motion was passed by the Electoral Area Services Committee at their October 16, 2012 regular meeting.

That an appropriate resolution for submission to AVICC be drafted respecting "landscape security" issues.

In general, the issue revolves around the fact that while a local government can take a landscape security deposit as a small measure of ensuring compliance with the conditions established as part of the development application, in reality a local government is unlikely to move on to the private lands and actually undertake the work if the developer does not do complete the work required. In the end, the local government may be holding security deposits in trust for years after with no practical ability to actually expend the funds on what they were secured for. And, as we have seen in many cases, the funds are not of significant value to be enough incentive for the developer to complete the work. As a way of adding a little more incentive to have the work completed, and as a way for local government to recoup funds for staff time expended on pursuing completion of the landscaping required through conditions of development applications, the following draft resolution is proposed to be forwarded for consideration at the 2013 AVICC convention.

LANDSCAPE SECURITY

WHEREAS Section 925 of the *Local Government Act* permits the collection of security for the performance of specified development permit conditions;

AND WHEREAS it is administratively costly for local governments to pursue compliance and impractical to use security to undertake required works or construction on private land;

THEREFORE BE IT RESOLVED that the provincial government amend Section 925 of the *Local Government Act* in order to allow local governments to collect 5 percent per month as an Administrative Fee on conditions of a development permit that are deemed to be in default in order to provide further incentive for the developer to satisfy the conditions of a Development Permit.

Submitted by,

A handwritten signature in black ink, appearing to read 'Tom R. Anderson', followed by a long horizontal line extending to the right.

Tom R. Anderson,
General Manager
Planning & Development Department

TRA/ca



FEDERATION
OF CANADIAN
MUNICIPALITIES

FEDERATION
CANADIENNE DES
MUNICIPALITÉS

C1

October 24, 2012

Dear Members of Council:

It's time to renew your annual membership with the Federation of Canadian Municipalities (FCM).

The past year has been very productive for FCM and our members, as we have worked together to influence federal policies and pave the way for a new long-term infrastructure plan. This all-important plan for municipalities will replace nearly \$2 billion in federal funding due to expire in 2014.

Working alongside our provincial/territorial association partners, FCM is advocating strongly for a formal announcement of the new long-term infrastructure plan in Budget 2013. This will ensure the federal government meets its commitment to have the plan and related programs in place for the 2014 construction season.

We hope you keep FCM's vital work on long-term infrastructure funding in mind as you prepare to renew your membership. We are also dedicating time and resources to focus on other key areas of interest for your community over the coming year. These include:

- Policing and public safety – reforming the national policing system to establish a fairer distribution of responsibilities and resources.
- Rural, remote and northern – improving life in these communities through dedicated federal programs that address economic and social issues.
- Transit and transportation – addressing transportation, commuting and public transit issues in the long-term infrastructure plan.

The Cowichan Valley Regional District will benefit from FCM-driven programs by receiving about \$6,865,913* in revenue from GST rebates and the Gas Tax Fund this year. Your 2013–2014 FCM membership renewal is only \$5,088. Your renewal fee is based on 2011 Census data.

Your membership in FCM makes a difference. As our member base has doubled over the past decade, we have become more influential in Ottawa. The result: federal investments in municipalities grew from \$125 million to \$4.75 billion annually, and this doesn't include the \$12 billion from the recent Economic Action Plan.

As we work with the federal government on long-term, sustained infrastructure funding and other priorities, we need your support to ensure our continued success in advocating for programs that directly benefit your community.

FCM gives your municipality the strength of close to 2,000 communities across the country to overcome the challenges you face. **Keep our voice strong – renew your membership today.**

Yours sincerely,

Karen Leibovici

Karen Leibovici
FCM President
Councillor,
City of Edmonton

Original: <i>file</i>	Copies to:
Board:	
<i>by</i>	
Date: <i>Nov. 9/12</i>	
File #	

* This amount is an estimate based on an average national allocation of federal funds.

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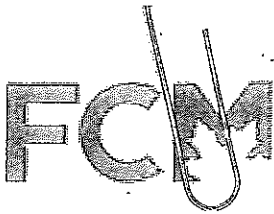
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Membership Invoice
2013-2014
Facture d'adhésion

24, rue Clarence Street
Ottawa, Ontario K1N 5P3
T. 613-241-5221
F. 613-241-7440

Mr. Warren Jones
Cowichan Valley Regional District
175 Ingram Street
Duncan, BC V9L 1N8
Canada

INVOICE/FACTURE: 25064
DATE: 10/11/2012
ACCOUNT/COMPTE: 17783
DUE DATE/DATE LIMITE: 03/31/2013

ITEM/DESCRIPTION	AMOUNT/MONTANT
Membership Fee for April 1/13 to March 31/14 / Frais de cotisation du 1 ^{er} avril 2013 au 31 mars 2014 Municipal Dues Calculated with a base fee of \$320.00 plus per capita fees of \$4,217.98(fee population of 31,454 x 13.41 cents).	\$4,537.98
Optional contribution towards a travel fund that supports the participation of elected officials from small communities in FCM's National Board of Directors (fee population of 31,454 x 1.75 cents).	\$550.45
<div data-bbox="324 1092 779 1449"><p>CHKD MGR APD AMOUNT \$4,537.98 01.2.1923.2395.250 GST CODE AUD APP POSTED</p></div>	
TOTAL:	\$5,088.42
PAID AMOUNT/MONTANT PAYÉ:	\$0.00
BALANCE DU/MONTANT DÙ:	\$5,088.42

Please include a copy of this invoice with your payment.
Veuillez retourner une copie de la facture avec votre paiement.
Thank You/Merci

/NI

CVRD AREA F PARKS ADVISORY COMMITTEE
October 4th, 2012 MINUTES

Called to Order at 1900 hours. David Lowther in the Chair.

Present:

Chair: David Lowther

Vice Chair: David Darling

Secretary: Katherine Worsley

Members: Bill Bakkan, Brian Peters, Thor Repstock, and Raymond Wear

Also Present:

Director: Ian Morrison

Guest: CVRD Staff Ryan Dias

ACCEPTANCE OF AGENDA:

MSC: to approve the Agenda.

CARRIED

ACCEPTANCE OF PREVIOUS MINUTES:

MSC: As the June 7th 2012 minutes were not available, it was **MSC** to approve the Previous Minutes at next meeting.

CARRIED

REPORTS:

Area Rep: Area Director attended the UBCM, met with cabinet ministers, attended the daily forums, it was a lot of work being in sessions all day and networking. The common theme was we will work with each of the governing bodies however there is no money so don't ask, It wasn't until the Premier's speech where it was talked about the monies saved due to the cutbacks made and how the money would go into twinnpng the highways towards Alberta. Progress is being made on the contaminated soil in the South Cowichan area. Area F & I and Town will be hosting a Cowichan Lake area Fam Tour, where the other CVRD Area Directors will tour our area and view our assets as well we will be looking at issues of illegally develop lands, the Weir and the water level. At

this point the Weir is releasing water at 5.5 cubic metres per seven second when normally it should be 7 cubic metres. The water levels in the river are at an all time low and there are plans under way to improve and remedy the situation.

MSC: to accept Area Directors Report.

CARRIED

CENTRAL PARK: Update - dead cottonwood tree on the south side of park has been removed.

CENTRAL BEACH: Update - The beach received 10 yards of gravel.

MAYO LAKE PARK: Update – sign has been refurbished as well as a new dock to allow more fishing opportunity, weeds and blackberry bushes have been cut.

MSC: to accept the updated reports on Central Park, Central Beach and Mayo Lake.

CARRIED

Letters:

MSC: to accept letter of Resignation of Area F Parks Member due to move out of the area.

CARRIED

NEW BUSINESS:

2013 Budget: Staff Ryan Dias was in attendance to review the proposed budget for 2013. After discussion a line item for Green Parking was added and budget numbers readjusted to balance.

MSC: to approve the 2013 proposed budget.

CARRIED

ADJOURNMENT:

MSC: to adjourn at 20:30

IN2

MINUTES OF ELECTORAL AREA "G" (SALT AIR/GULF ISLANDS)
PARKS COMMISSION MEETING

NOV 11 2012

DATE: November, 5th, 2012

TIME: 7:04 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: Tim Godau, Paul Bottomley, Kelly Schellenberg, and Glen Hammond

ABSENT:

Members: Dave Key, Hans Nelles and Christine Nelles

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 October 4th, 2012, be accepted.

MOTION CARRIED

STANDING REPORTS:

CVRD:

-No report.

DIRECTOR'S REPORT:

-Saltair Ratepayers met with Mel, Dave L. and Alina at the CVRD to discuss possibilities of upgrading the Water Works Building to make it more attractive and useful. Mel will form a volunteer committee to get together to come up with plans/drawings to present to Parks members for approval to release some potential funds towards this upgrade. Harry Brunt volunteered to be part of the Upgrade committee.

-In camera session

CENTENNIAL PARK:

-Mel will look into finding a tree to replace the dead red maple near the picnic shelter.

-Dave Key will be making a bracket for the newly installed basketball hoop mounted against the concrete wall in small sport court.

-CVRD needs to replace temporary plastic zip ties with proper chain link fasteners in small sport court.

-Harry to follow up on mold issues in public washrooms

-Mel received several complaints regarding the sonic boom-like firework noise during the Halloween Event.

-Hose adapter has been installed.

-All gate and building locks have been changed.

PRINCESS DIANA PARK:

-No report.

STOCKING CREEK PARK:

-No report.

BEACH ACCESSES:

-No report.

LADYSMITH PARKS AND REC:

-No report

BASEBALL:

-No report.

SPECIAL EVENTS:

-A very big thank you to Dave/Cindy Key, and their gang for another successful Saltair Halloween Party!!

NEXT MEETING:

Next Park's meeting is tentatively scheduled for Monday, December 3rd, 2012, 7:00 pm at the Water Board Office on 10705 Chemainus Rd, Saltair, BC.

ADJOURNMENT:

Meeting was adjourned at 8:30 pm.

INC

Area A Parks & Recreation Commission

Meeting Oct 18th, 2012 at Brentwood College boardroom

Present: Joan Pope, Greg Farley, Dave Gall, Cathy Leslie, Director Walker, April Tilson, Ron Parsons

1. Ongoing Business:

A. Mill Springs Park

1. Report from Chairperson Dave Gall: Park is 'up and running' now. Reports of people are not picking up after their dogs.

2. Discussion:

PRC members wondering if there will be signage re: picking up after dogs or 'poop' bags provided. Also, park needs garbage receptacles. There is also some erosion in the open lot next to the park where there is now irrigation pipes exposed. Also, could the construction of the gazebo be potentially finished by Spring 2013?

Recommendations to CVRD staff:

1. That there be proper garbage receptacles at the park.
2. That there be signage and 'poop' bags for dog owners, reminding them to pick up after their dogs.

B. Trails by waterworks in the Mill Springs neighbourhood

1. Report from Chairperson: Ryan Dias told Dave that the staff have agreed to make a proper trail by the waterworks and retention ponds. Gerald Hartwick has been involved as the trail designer.

2. New Business:

A. Bright Angel Park

1. Report from Chairperson: Bright Angel Park is to be considered for a Sub-regional park. Dave attended a tour and presentation at the park recently. The park may get grant funding (from federal gas tax) for upgrades.

3. Area Director Report and Updates:

A. Properties

1. Garnet - waiting for a commercial tenant before they propose something.
2. Partridge Rd - parks will receive money in lieu for any potential development.
3. The Marina - boat launch & walkway construction to continue as planned, letter of credit in place.

B. Christmas party - December 1st, 6 pm, dinner at 6:30 pm, Kerry Park, (summer parks students to receive invitations?).

Next Meeting: Nov 15th, 2012, 7 pm at Brentwood College

CVRD AREA F PARKS ADVISORY COMMITTEE

November 1st, 2012 MINUTES

IN4

Called to Order: at 1905 hours

Present:

Chair: David Lowther

Vice Chair: David Darling

Secretary: Katherine Worsley

Members: Brian Peters, Thor Repstock, and

Regrets: Bill Bakkan, Raymond Wear and Director Ian Morrison

ACCEPTANCE OF AGENDA:

MSC: to approve the Agenda.

CARRIED

ACCEPTANCE OF PREVIOUS MINUTES:

MSC: to approve the October 4th, 2012 Area F Parks Advisory minutes.

CARRIED

REPORTS:

Area Rep: no report

CHAIR REPORT: no report

CENTRAL PARK: no report

CENTRAL BEACH: no report

MAYO LAKE PARK: no report

Letters: Area Director forwarded correspondence via email to the secretary of information on the 2012 Area Appreciation Dinner for discussion under New Business.

MSC: to accept Area Directors email correspondence of 2012 Area Appreciation Dinner information for discussion under New Business.

CARRIED

NEW BUSINESS:

2012 Area Appreciation Dinner: The committee discussed the information that was forwarded via email from the Area Director. Out of the discussion it was decided that this year's area appreciation dinner would be a great opportunity and a welcoming effort to jointly celebrate both Area "F" and Area "I". The date for the 2012 Appreciation Dinner has been set for December 22nd, 2012 and to be held at the Cowichan Lake Sports Arena in the Curling Lounge at 6:00pm.

MSC: to approve Areas "F" & "I" Joint Appreciation Dinner for 2012.

CARRIED

NEXT AREA F PARKS ADVISORY COMMITTEE MEETING: Thursday December 6th, 2012

ADJOURMENT:

MSC: to adjourn at 19:19

CARRIED