



C·V·R·D

ELECTORAL AREA SERVICES COMMITTEE MEETING

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

3:00 p.m.

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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 20, 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
 Director G. Giles
 Director R. Hutchins, Board Chair

ALSO PRESENT

Tom Anderson, General Manager
 Warren Jones, Administrator
 Rob Conway, Manager
 Mike Tippet, Manager
 Brian Duncan, Manager
 Rachelle Rondeau, Planner I
 Alison Garnett, Planner I
 Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included adding six items of listed New Business and two items of listed Closed Session items.

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 November 6, 2012, EASC meeting be amended by moving "was Moved and Seconded" to the beginning of the motion under item R-3 on page 3, and that the minutes, as amended be adopted.

MOTION CARRIED

R1 - Inglis

Rachelle Rondeau, Planner I, reviewed staff report dated November 14, 2012, regarding Application No. 17-B-12DP/VAR (Lorin Inglis) to reduce the required setback from a watercourse from 15 metres to 2.0 metres to allow replacement of a cabin on its existing footprint at 2721 West Shawnigan Lake Road.

Lorin Inglis, applicant, was present.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

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.

MOTION CARRIED

R2 - Logan

Rachelle Rondeau, Planner I, reviewed staff report dated November 14, 2012, regarding Application No. 16-B-12DP (Logan/Hayes) to subdivide property at 1714 Thain Road into two parcels.

The applicant was present.

There were no questions from Committee members.

It was Moved and Seconded

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.

MOTION CARRIED

R3 - Matthews

Rachelle Rondeau, Planner I, reviewed staff report dated November 15, 2012, regarding Application No. 3-E12ALR (Matthews) that was referred back to Committee for further discussion at the October 16th EASC meeting.

It was Moved and Seconded

That the October 16, 2012 EASC resolution respecting Application No. 3-E-12ALR (Lawrence and Jane Matthews), be rescinded.

MOTION CARRIED

R4 - Dix

Rob Conway, Manager, reviewed staff report dated November 14, 2012, regarding Application No. 4-I-12DP/RAR/VAR (Michael Dix) to locate an approximately 2,400 sq. ft. family dwelling on Billy Goat Island #4 on Cowichan Lake six metres from the high water mark.

Michael Dix, applicant, was present.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

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.

MOTION CARRIED

R5 - Partridge

Agenda item R5 (Application No. 2-B-11RS, Shawnigan Lake Investments) was removed from the agenda at the request of the applicant.

R6 – Rainwater Management

Alison Gamett, Planner I, reviewed staff report dated November 14, 2012, regarding rainwater management guideline amendments.

It was Moved and Seconded

That staff be directed to research ways to amend the South Cowichan OCP guidelines relating to rainwater management.

MOTION CARRIED

R7 – Landscape Security Resolution

That the following Landscape Security resolution be accepted and forwarded to AVICC:

"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* to allow local governments to collect a 5 percent per month 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."

MOTION CARRIED

CORRESPONDENCE

**C1 – FCM
membership**

It was Moved and Seconded
That the annual FCM membership be renewed and that the 2013-2013 renewal
fee of \$5,088 be approved for payment.

MOTION CARRIED

INFORMATION

IN1 to IN4 - Minutes

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

- Minutes of Area F Parks meeting of October 4, 2012
- Minutes of Area G Parks meeting of November 5, 2012
- Minutes of Area A Parks meeting of October 18, 2012
- Minutes of Area F Parks meeting of November 1, 2012

MOTION CARRIED

NEW BUSINESS

NB1 – R1 add-on

Add on material regarding Application No. 17-B-12DP/VAR (agenda item R1)
was received as information.

NB2 – R1 add-on

Add on material regarding Application No. 17-B-12DP/VAR (agenda item R1)
was received as information.

NB3 – R3 add-on

Add on material regarding Application No. 3-E-12ALR (agenda item R3) was
received as information.

**NB4 – Building
Report**

It was Moved and Seconded
That the October 2012 building report be received and filed.

MOTION CARRIED

NB5 – Grant in Aid

It was Moved and Seconded
That a grant in aid, Area F – Cowichan Lake South/Skutz Falls, in the amount of
\$900 be given to Honeymoon Bay Lawn Bowling Society to assist with society
start up costs and to purchase fencing to secure lawn bowling green area.

MOTION CARRIED

NB6 – Grant in Aid

It was Moved and Seconded
That a grant in aid, Area I – Youbou/Meade Creek, in the amount of \$250 be
given to LCSS Dry Grad to assist with costs associated with their 2013 dry grad.

MOTION CARRIED

RECESS

The Committee adjourned for a five minute recess.

CLOSED SESSION

It was Moved and Seconded

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

MOTION CARRIED

The Committee moved into closed session at 4:30 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 5:05 p.m.

Chair

Recording Secretary

D1



CVRD

REQUEST TO APPEAR AS A DELEGATION

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

REQUEST TO ADDRESS:

CVRD BOARD

✓ EASC

COMMITTEE

at the meeting of 4. December, 2012 at 15:00 pm

APPLICANT NAME Cox Goetz Schuerholz (Chair)

REPRESENTING: CERC Cowichan Estuary Restor. + Conserv. Alliance
(name of organization if applicable)

AS:

Chair CERC

(capacity/office)

NUMBER ATTENDING: _____

Applicant mailing address: 1069 Khenipsen rd, Duncan BC, V9L 5L3

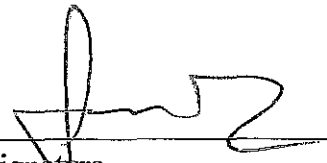
Applicant Telephone: 250 (748-4878) Fax: _____

Applicant email: taesco@shaw.ca

PRESENTATION TOPIC and NATURE OF REQUEST:

Vision + Mission of CERC (Society)
for the Cowichan Estuary and
CERC priority action plan

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


Signature

25 Nov, 2012
Date

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

Background Paper on the Cowichan Estuary Restoration and Conservation Alliance --CERCA

1 Who we are and why we organized

The Cowichan Estuary Restoration and Conservation Alliance, in short CERCA, was formed at an *ad hoc* meeting, called upon to brainstorm future use options for Westcan Terminal and associated dock facilities to be compatible with the long-term conservation and restoration goals for the Cowichan Estuary. The meeting took place on the 9th of August 2012 at the new Nature Centre located at Hecate Park. The meeting was attended by 15 residents from the Cowichan Bay area and the CVRD, concerned about the well-being of the estuary. There were no Government representatives at the meeting. CERCA is in the process to be incorporated under the BC Society Act.

The concerns of group members organizing the meeting had been prompted by increasing uses of the original lumber storage and shipping area of the Westcan Terminal and the dock/port facilities that do not appear to conform to the stipulations of the Cowichan Estuary Environmental Management Plan (CEEMP). Attendees of the meeting expressed concerns about the continuing impact of industrial uses on the estuary and the absence of restoration in these industrial areas. It was also noted that large portions of industrial leases used formerly mainly for log storage and boat moorage are no longer being used or not being used for the purposes identified in the Lease agreements. In general, the current industrial activities are considered not compatible with the overriding conservation priorities of one of BC's most important estuaries.

The current leaseholder operating in the target area is "Tidal Harmony Holdings and Western Stevedoring" as subsidiaries of Carrix Inc. headquartered in Seattle Washington. Recently the lease accommodated drag racing events, automobile club meets from Victoria and Duncan, and recreational vehicle events without authorization by the CVRD, Cowichan Tribes and/or lessor, the provincial Ministry of Forests, Lands and Natural Resources (MLFNR).

2 What we wish to achieve

Long-term Vision:

In the long-term we envision the estuary as a fully rehabilitated ecosystem, free of harmful industrial uses, zoned for biodiversity conservation, compatible recreation and the sustainable traditional use of renewable resources such as shellfish, herring and salmon which have provided the livelihood of local First Nations for centuries. We wish to see the ecological integrity of the estuary restored for the benefit of First Nations people, Cowichan Valley and provincial residents and the growing number of tourists visiting this unique area for its scenic beauty, wildlife viewing, and nature-based activities and for our children and grand-children. We want to see a responsible, transparent and shared stewardship of the Cowichan Estuary involving all major stakeholders.

3 Background

The Cowichan Estuary Environmental Management Plan

The Cowichan Estuary Environmental Management Plan (CEEMP) was ratified in 1987 and implemented under the auspices of the former Ministry of Environment which had spearheaded the participatory inter-agency CEEMP planning process. The CEEMP constituted a key document guiding the Cowichan Bay Estuary management for the past 25 years. The Plan has not been updated for the past 25 years, although it has been subject to a review in 2005 that has not been acted upon comprehensively.

Key achievements and elements of the CEEMP are:

- The stratification of the estuary into the following six use zones:
 - Industrial/Commercial
 - Agriculture
 - Habitat Management
 - Possible Mixed Use
 - Conservation/Recreation
 - Log Storage
- The allocation of distinct areas to forestry companies for well-defined uses;
- Concrete lease agreements between the Ministry of Environment and CNR and well defined lease agreements between CNR and the forestry companies operating in the estuary.

The review report of the CEEMP states that the CEEMP had been a compromise between environmental concerns for the well-being of the estuary, the CNR and the four forest-related companies extensively using inter-tidal areas of the estuary for log storage/sorting and the Westcan facilities for lumber storage and shipping. Although it is widely recognized that the compromise reached for the CEEMP clearly favored the powerful forestry lobby at the time, it is equally recognized that the participatory planning process leading to the consensus agreement of the plan did result in an overall improvement over the formerly unacceptable levels of adverse environmental impacts mostly caused by the forestry companies operating in the estuary.

The Canadian National Railway as the owner (deeded land) of Lot 160 comprising 731 acres of prime estuary inter-tidal area, and Doman Industries who owned the area which today accommodates the Cowichan Bay Saw Mill were the two major stakeholders at the time the management plan had been negotiated. The Cowichan Bay Saw Mill is currently owned and operated by Western Forest Products Ltd.

Shortly after the CEEMP came into effect (late 1980s) the Canadian National Railway turned over all 731 acres of Lot 160 and the related leases to the Government. In December 1990 District Lot 160 was officially acquired by the Ministry of Environment. The leases at the time associated with Lot 160 and honored by The Government on taking over the property, were split amongst the following five leaseholders:

- Doman Industries: leases related to intertidal log storage areas and the canal serving log transport to the mill pond;
- British Columbia Forest Products (BCFP): leases related to intertidal log storage area and log dumping/sorting;
- McMillan Bloedel (M&B): leases related to intertidal log storage area and log sorting;

- Falt Towing Ltd.: lease related to a 6 acre intertidal log storage area adjacent to the Westcan dock and the lumber storage area;
- Tidal Harmony Holdings: leases related to the Westcan Terminal and the loading dock/harbor facility;

BCFP and M&B meanwhile ceased to exist. Falt Towing Ltd. is still in operation but does not appear to use its lease of the six acres adjacent to Westcan for log storage.

The original lease agreement related to the Westcan Terminal between Tidal Harmony Holdings and the CNR (as land owner when the lease agreement was first established) reads as follows:

“ the leaseholder to operate the lumber loading port facility accessed by truck along the private industrial land road constructed by M&B and the CNR and (related area) to be operated for the storage and shipping of lumber only...”

According to the CEEMP all new project proposals for the estuary have to be approved by the MLFNR after review by the Environmental Assessment Committee which is composed of the MLFNR, the CVRD and Federal Fisheries & Oceans. It was noted in the CEEMP review report that the approval process of project proposals involving new estuary projects and activities has generally been cumbersome, lengthy and lacked transparency.

The approval process still applies today regardless of the nature of the proposal. All new projects are subject to ministerial approval. Any re-zoning has to be approved by B.C. Legislature. The Municipality of North Cowichan and the CVRD are mandated to create Bylaws and policies guiding the use within the different zones described in the CEEMP.

The Review of the Cowichan Estuary Management Plan (CEEMP) clearly indicates that the CEEMP does not reflect the Zeitgeist any longer due to the dramatic changes that have taken place during the past 25 years; changes in estuary use pattern, changes in the forestry industry and leaseholders, demographic changes in Cowichan Bay and -very important- changes in public perception of appropriate use of an estuary, growing environmental awareness, and the realization of the need for checks and balances. The overall recommendation of the CEEMP review is to generate a new management plan for the estuary based on a holistic approach that includes the water catchment areas of the Koksilah and Cowichan Rivers in compliance with current public environmental expectations.

There is a precedent that once those portions of industrial Leases in the Estuary not used for industrial purposes will be transferred to the Ministry of Environment for estuary management and conservation as stipulated in the Land Act Subsection 101 (2) (quoted herein), which was attached to Map ID 1405538 of the Leases transferred to the Ministry of Environment for estuary management and conservation in December 1990:

“District Lot 160 was acquired by the Ministry from the CN in December 1990. This site is characterized by a mix of salt marsh, mud flats, river channels and open water and has in the past, been used for industrial purposes. It is also, however, is of prime importance for anadromous fish rearing and migratory wild fowl feeding, stopping and wintering. As a result, the entire lot was acquired by the Crown with the ultimate intent of transferring all those portions no longer used for industrial purposes to the Ministry of Environment for estuary management and conservation.”

Past and current efforts to improve the health of the Cowichan Bay Estuary

Full credit is due to the numerous efforts by civil society, government and non-government organizations and individuals who in the past and present have actively been involved with projects related to estuarine habitat enhancement and who never tired lobbying for a sound stewardship of the estuary in full recognition of its ecological, cultural, sociological and economic values against strong opposition from commercial and industrial interests.

It is widely recognized that the **Cowichan Estuary Preservation Society** as one of the Key environmental groups in the past played a major role in the development of the CEEMP and the following decades, relentlessly fighting industrial expansion, industrial trespassing and non-compliance with the rules and guidelines established for and governing the estuary management.

The enormous efforts by **Ducks Unlimited**, **The Nature Trust** and The Cowichan Land Trust in purchasing most of the marshlands adjacent to the estuary for habitat protection deserves special mention. Also the efforts by Cowichan Tribes, The Cowichan Valley Naturalists' Association in conjunction with the DFO and Environment Canada, who have conducted surveys and restoration projects in the estuary (e.g., Stoltz slide rehabilitation, salmon enhancement, eel grass planting, juvenile fish surveys, backchannel development etc.) should be given full recognition.

The newly established **Cowichan Bay Nature Centre** created with the assistance of the Cowichan Land Trust and many volunteers is also a significant achievement by the local community. . It is expected to serve a vital function in the much needed environmental education and awareness building process with focus on the Cowichan Bay Estuary.

Another effort worth mentioning is the on-going planning in context with the **Cowichan River Basin Water Use Management Plan** with the establishment of the **Cowichan Watershed Board in 2010** and the watershed targets and projects it is developing at this time.

The **Somenos Marsh Plan** covering the Somenos wetlands and adjacent uplands is another laudable effort to be noted in this context. It is hoped that in the future a physical link can be established between the Somenos area and The Cowichan Estuary.

In this context the recently adopted holistic approach to a more responsible and sustainable estuary management is reflected by the "**Draft Cowichan Recovery Plan**", a **First Nation Initiative** addressing the water catchment areas of the two tributaries of the Cowichan Estuary. This Plan is expected to provide a sound basis for a watershed management plan that also addresses upstream root causes of adverse environmental impacts on the Cowichan Bay Estuary. This is a progressive spatial land use planning approach that significantly differs from the comparatively narrow scope of the CEEMP planning area. The Cowichan Tribes formulated at their 2003 workshop clear objectives for the estuary:

- Water quality improvement
- Eel grass health
- Removal of wood waste from log booming
- Focus on entire watershed feeding the estuary
- Reduction and removal of industrial users
- Biophysical inventories and monitoring the recuperation process

Conclusions

The Cowichan Estuary Environmental Management Plan may well have been the best compromise to be achieved at the time the Plan came into effect; and the CEEMP also may have served planners of the CVRD and the Municipality of North Cowichan (MoNC) as a good planning guideline; however, it insufficiently or failed to address numerous problems and issues that have and continue to result in adverse ecological, environmental, social/cultural and economic impacts, some of which are just a nuisance but affecting the life quality of Cowichan Bay residents. To name a few:

- Severe loss of eel grass habitat and the ecosystem it supports due to log booms and tugboat activity for the sawmill in the estuary
- Water and Soil Contamination:
 - Run-off from creosoted and sapstain-treated lumber and timber currently or previously stored at the Westcan terminal;
 - Contaminated material falling into the estuary and deep sea from a deteriorating dock;
 - mill pond contamination from hydrogen-sulfide, discarded used oil and lubricants from the dismantled sawmill stored at the Western Forest Product mill site;
 - Contamination and nutrient loading from fertilizer and liquid manure originating from the Dinsdale Farm and the Blackley's Farm in particular (i.e., livestock manure from Blackley's Farm freely drains into the estuary when the low-lying meadows and farm are flooded).
- Noise issues:
 - Noise from the Cowichan Bay sawmill with negative impacts on Cowichan Bay First Nation- and Khenipsen road residents;
 - Waterfowl hunting during the fall hunting season;
 - Non-authorized motor sports on water and the Westcan Terminal;
 - Increasing use of powered paragliding;
 - Generators in large ships docked in the Bay;
- Light pollution:
 - Illumination of Cowichan Bay Sawmill and Westcan Terminal obscuring night sky, irritating bird life and adversely impacting on nocturnal invertebrates.
- Visual Impacts:
 - Unsightly contemporary buildings on Westcan Terminal, decrepit houseboats and docks tied to the dock at the Terminal, industrial waste littering the Westcan terminal and lumber storage area;
 - Industrial Waste on Westcan Area;
 - Deteriorating Dock and Westcan loading facility;
 - Corn growing on Dinsdale Farm blocking the view from the Cowichan Bay road into the estuary.

It should be recognized that:

- the Cowichan Bay Estuary is owned by the Province of British Columbia in trust for the people of the province and includes the mandate to responsibly manage this fragile ecosystem for sustainable biodiversity conservation for the benefit of Cowichan First Nations and Cowichan Bay residents who have the largest stake in the Estuary.
- Stewardship for the estuary should be a shared responsibility of all stakeholders to be based on a common long-term vision aptly expressed by the Cowichan Watershed Council under the heading:

**“To restore traditional and sustainable shellfish harvest in the Cowichan Estuary”
(by the year 2020)**

The CEEMP review report which was conducted by Vis-à-vis Consulting in 2005 on behalf of the BC Ministry of Environment highlighted the following key issues of concern related to the implementation of the management plan:

- Overlapping mandates and insufficient legal framework
- Lack of transparency of project proposal review process
- Lack of transparency regarding lease transfers
- Lack of regular inter-agency meetings
- Poor inter-agency cooperation
- Lack of long-term vision and clear objectives
- Poor communication
- No citizen involvement
- No local government ownership
- No periodic updating of the plan
- Poor linkages to other planning activities

Following Key recommendations resulted from the report:

- Clear goals, principles and objectives
- Prioritized activities
- Leadership but common stewardship
- Representative pro-active Steering Committee
- Adequately funded and accountable administrative body
- Efficient project review process
- Community and First Nation involvement also in the decision making process
- Strong linkage to other plans

It is evident that a new estuary plan taking all these factors into consideration must be elaborated to meet the demands and expectation of today's society.

4 CERCA: The way forward

Learning from the Campbell River and Courtenay Estuary Restoration Experience the only acceptable long-term option for the Cowichan Estuary will be phasing out of all forestry-related and other harmful industrial activities from the Cowichan Bay Estuary, thus removing one of the prime sources responsible for the continuing deterioration of the estuary's ecological integrity.

This option requires political will and a commitment by all stakeholders. In the case of the Campbell River Estuary, the Municipality, pertinent Ministries and Industry worked together to successfully phase out all industrial activities in the estuary. This was made possible by jointly locating alternative on-shore sites for industrial operators willing to re-locate, and/or by phasing out lease agreements for other areas to be re-integrated into the estuary recovery program. The clean-up and removal of waste such as asphalt surfaces, concrete, contaminated soil, structures etc. was a highly successful joint effort. The recovery of the estuary following the clean-up was swift and effective, a clear indication of ecosystem resilience if given a chance.

The first step in this process will be the removal of what is left of industrial activities related to the Westcan Terminal, the dock facilities, the lumber storage area and adjacent inter-tidal leases.

Dr. Goetz Schuerholz
Chair CERCA



R1

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF DECEMBER 4, 2012

DATE: November 29, 2012

FILE NO: 6-E-10 ALR

FROM: Rachelle Rondeau, MCIP
Planner I

BYLAW NO:

SUBJECT: Application No. 6-E-10 ALR
(Ronald Taylor)

Recommendation/Action:

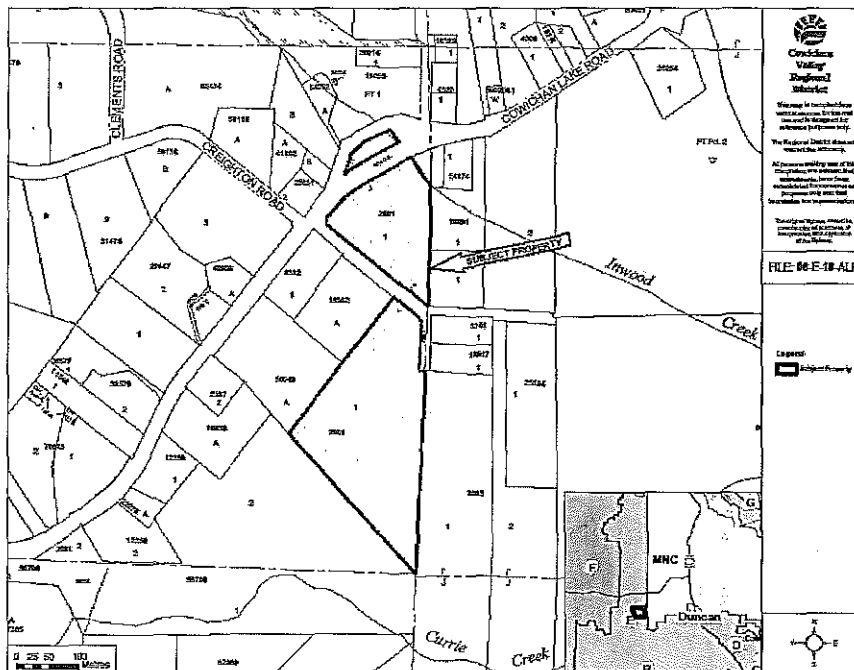
That Application No. 6-E-10ALR, submitted by Kenyon Wilson Professional Land Surveyors on behalf of Ronald Taylor, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide, be forwarded to the Agricultural Land Commission with a **recommendation to approve** the application subject to:

- (a) Registration of a covenant prohibiting building and driveway construction within 20 metres of the wetland; and
- (b) Dedication of the 0.14 ha piece of land north of Cowichan Lake Road to the CVRD as proposed by the applicant.

Relation to the Corporate Strategic Plan: N/A

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

Background:



Address: 4350 Creighton Road

Legal Description: Lot 1, Section 9, Range 9, Sahtlam District, Plan 2681 except Parts in Plans 8392, 15582, 24174, 33857, and VIP56040 (PID 006-319-319)

Date Application and Complete Documentation Received: Received December 21, 2010 – Has been on hold at the applicant's request

Owner: Ronald Taylor

Applicant: Ed Wilson of Kenyon Wilson Professional Land Surveyors

Size of Parcel: ± 7.0 ha (17.3 acres)

Existing Zoning: A-1 (Primary Agricultural), with the 0.14 ha portion north of Cowichan Lake Road Zoned A-1 (Secondary Agricultural)

Minimum Lot Size Under Existing Zoning: 12 ha

Existing Plan Designation: Agriculture

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North:	Rural residential (A-2 Zone)
South:	Agricultural/Residential (A-1 Zone)
East:	Agricultural/Residential (A-1 Zone)
West:	Residential/ Sahtlam Firehall (A-2, P-1 Zone)

Services:

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

Agricultural Land Reserve Status: In

Soil Classification:

3P⁶ – 5W⁴ (3P⁶ – 2P⁴) ; 5T (5T) ; 4A (3P) ; 4A⁷ – 5A³ (3A⁷-5A³)
 A A W P P P A P P

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
1		
2		4
3	6	43
4	37	
5	57	53
6		
TOTAL	100	100

Explanation of Land Capability Classifications:

- Class 1 lands have no limitations for Agricultural Production;
- Class 2 lands have minor limitations for Agricultural Production;

- 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 is non-arable but is capable of producing native and/or uncultivated perennial forage crops;
- Class 7 lands have no capability for arable culture.

- Subclass "A" indicates soil moisture deficiency;
- Subclass "D" indicates undesirable soil structure and/or low perviousness;
- Subclass "P" indicates stoniness;
- Subclass "T" indicates topography limitations;
- Subclass "W" indicates excess water.

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas has identified a TRIM¹ stream with confirmed fish presence (Inwood Creek) on the north east portion of the subject property. Additionally, a large pond/wetland has been excavated on the property. The applicant has engaged the services of a Qualified Environmental Professional (QEP) who has indicated that the pond/wetland is not subject to the Riparian Areas Regulation as there is no direct surface connection from the pond/wetland to Inwood Creek. The RAR report indicates a Streamside Protection and Enhancement Area (SPEA) of 26.4 metres from Inwood Creek (and portions of the pond are within this SPEA).

Archaeological Site: None identified.

The Proposal:

An application has been made to the Agricultural Land Commission (ALC) pursuant to Section 21(2) of the *Agricultural Land Commission Act* (application to subdivide).

Property Context

The subject property is located on Creighton Road in Electoral Area E, is approximately 7 ha in size, zoned A-1 (Primary Agricultural), and is located within the Agricultural Land Reserve (ALR).

The property is split in two by Creighton Road, with 2.05 ha on the north side (proposed lot A), and approximately 5.0 ha located on the south side of Creighton Road (proposed remainder lot). Currently, there is one residence and several accessory buildings on the proposed remainder lot, and the owner is intending to subdivide the property to create a new parcel.

There is a small, 0.14 ha portion of the property north of Cowichan Lake Road that the owner has proposed to donate to the CVRD for public purposes.

Agricultural Capabilities

As was noted above, the Canada Land Inventory soil classification identifies the agricultural capability of the subject property to be 57% Class 5 and 37% Class 4, with soil moisture deficiency, stoniness, and excess water limitations (in the area of the creek). With soil improvement methods, the soil is improvable to 43% Class 3 and 53% Class 5 with the same limitations (soil moisture deficiency, stoniness, and excess water limitations).

Currently the remainder lot is generally forested, and has one dwelling and accessory buildings located on it. The proposed new lot is vacant, and there is a large man-made pond/wetland that was created in 2010.

The majority of the proposed remainder lot (within the southern portion of the subject property) is Class 5, which is limited to the production of perennial forage crops. On proposed Lot A, portions of the property can be improved to Class 3, however this area also coincides with the

¹ TRIM refers to a map series produced by the Province using aerial photographs. Due to the scale of the mapping, there are some streams that are not identified through TRIM maps, and these are identified as non-TRIM streams.

location of the now pond/wetland, and prior to the excavation, the soils were noted having subclasses soil moisture deficiency, stoniness, and in areas near the creek, excess moisture.

Therefore, it would appear that agricultural capability on the subject property is limited.

Policy Context

Official Community Plan

The Official Community Plan Bylaw No. 1490, supports the designation and retention of agricultural lands.

The Agricultural Objectives for Electoral Area E, as specified in Section 2.2.3 of Official Community Plan Bylaw No. 1490, are as follows:

- (a) Protect and foster agricultural land resources of the Plan Area for present and future food production.*
- (b) Recognize and preserve the Agricultural heritage and character of Cowichan-Koksilah while minimizing conflicts between agricultural and non-agricultural objectives.*
- (c) Prevent the development of agricultural land for non-agricultural uses or those uses which would preclude use of the land for future agricultural production.*
- (d) Recognize and encourage the needs and activities of agricultural operations when considering the development of residential uses on adjacent lands.*

Zoning

Although, the minimum lot size of the A-1 Zone is 12 ha, Section 12.5(a) of the Zoning Bylaw states that where a parcel is severed by a road, it may be subdivided along the road boundary provided that the lots are a minimum of 1 ha when not served by community water. As the proposed lots are 2.05 ha and approximately 5 ha respectively, the proposed subdivision would comply with the requirements of the Zoning Bylaw.

Riparian Areas Regulation

As a result of the previous subdivision in 1993, there are two covenants registered to the property prohibiting vegetation removal and disturbance, as well as prohibiting construction within 15 metres of Inwood Creek. There are no buildings within 15 metres of the creek, and the newly excavated pond is not within 15 metres of Inwood Creek. However, it is within the 30 metres Riparian Areas Regulation (RAR) Assessment area. As a result of the pond excavation, an RAR report was required which identified a 26.4 Streamside Protection and Enhancement Area (SPEA) for Inwood Creek. The Qualified Environmental Professional (QEP) has determined that the RAR is not applicable to the pond itself as there is not sufficient direct connection by surface flow to Inwood Creek. Additionally, the Qualified Environmental Professional has advised that the pond/wetland itself does not provide fish habitat.

Advisory Planning Commission Comments/Parks Commission Comments:

In accordance with CVRD Procedures and Fees Bylaw, ALR applications are only required to be referred to the APC at the specific request of the Director, and this application has not been referred to the APC.

In regards to the proposed land dedication, the Electoral Area E Parks Commission reviewed the application, and made the following recommendation:

"That the Commission would be receptive to acquiring the 0.14 hectare piece of land on the north side of Cowichan Lake Road, and, in addition, the Commission wishes to see all the wetland area protected, as per the Regional District's requirements, for the rest of this parcel south of the road."

Planning Department Comments:

For the Committee's reference, this property was previously a 9.0 ha property which encompassed additional land on the southwest of Creighton Road. In 1990 the Agricultural Land Commission (ALC) approved subdivision of a 2.0 ha lot from the subject property (now legally described as Lot A, Plan 56040 shown on the attached subject property maps). At that time, the CVRD Board had recommended denial of the subdivision as it was felt that the property had fair to good agricultural capability and subdivision within the Primary Agricultural zone would encourage further development within this area. As an alternative, it was recognized that splitting the property along the Creighton Road boundary (as is currently proposed) would have been a better subdivision of land.

However, the application was approved by the ALC, and in 1992, the applicable portion of the subject property was rezoned from A-1 to A-2 (Secondary Agricultural) to permit subdivision of the 2.0 ha property (now known as Lot A, Plan 56040).

The current subject property is the remaining 7.0 ha property resulting from the above-described subdivision.

As noted above, the property previously consisted of a low lying wet area adjacent to the Inwood Creek floodplain, and the Zoning Bylaw specifies a 20 metre setback for buildings and driveways from any watercourse or wetland. As noted, the original wet area was excavated to create a large pond, some of which has been found to be within the SPEA for Inwood Creek. Therefore, should the application be approved, in order to provide protection for the wetland from future development, a covenant should be requested prohibiting building within 20 metres of the wetland.

As this property is within the ALR, agricultural activities will continue to be permitted on the land. However, there is limited available area due to the extent of the pond/wetland, as well as location of the building site.

The applicant has indicated that should the application be approved, the pond will be available as a reservoir to the Sahtlam Fire Department which is directly across Creighton Road.

For subdivision in the ALR applications, it is CVRD Board Policy to forward the application to the Agricultural Land Commission (ALC) if the proposed subdivision complies with the minimum lot size specified in CVRD bylaws.

Options:

1. That Application No. 6-E-10ALR, submitted by Kenyon Wilson Professional Land Surveyors on behalf of Ronald Taylor, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide, be forwarded to the Agricultural Land Commission with a **recommendation to approve** the application subject to:
 - (a) Registration of a covenant prohibiting building and driveway construction within 20 metres of the wetland; and
 - (b) Dedication of the 0.14 ha piece of land north of Cowichan Lake Road to the CVRD as proposed by the applicant.
2. That Application No. 6-E-10ALR, submitted by Kenyon Wilson Professional Land Surveyors on behalf of Ronald Taylor, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide, be forwarded to the Agricultural Land Commission with **no recommendation**.

3. That Application No. 6-E-10ALR, submitted by Kenyon Wilson Professional Land Surveyors on behalf of Ronald Taylor, made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide, be forwarded to the Agricultural Land Commission with **a recommendation to deny the application.**



Option 1 is recommended.

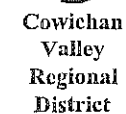
Submitted by,



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

RR/ca
Attachments

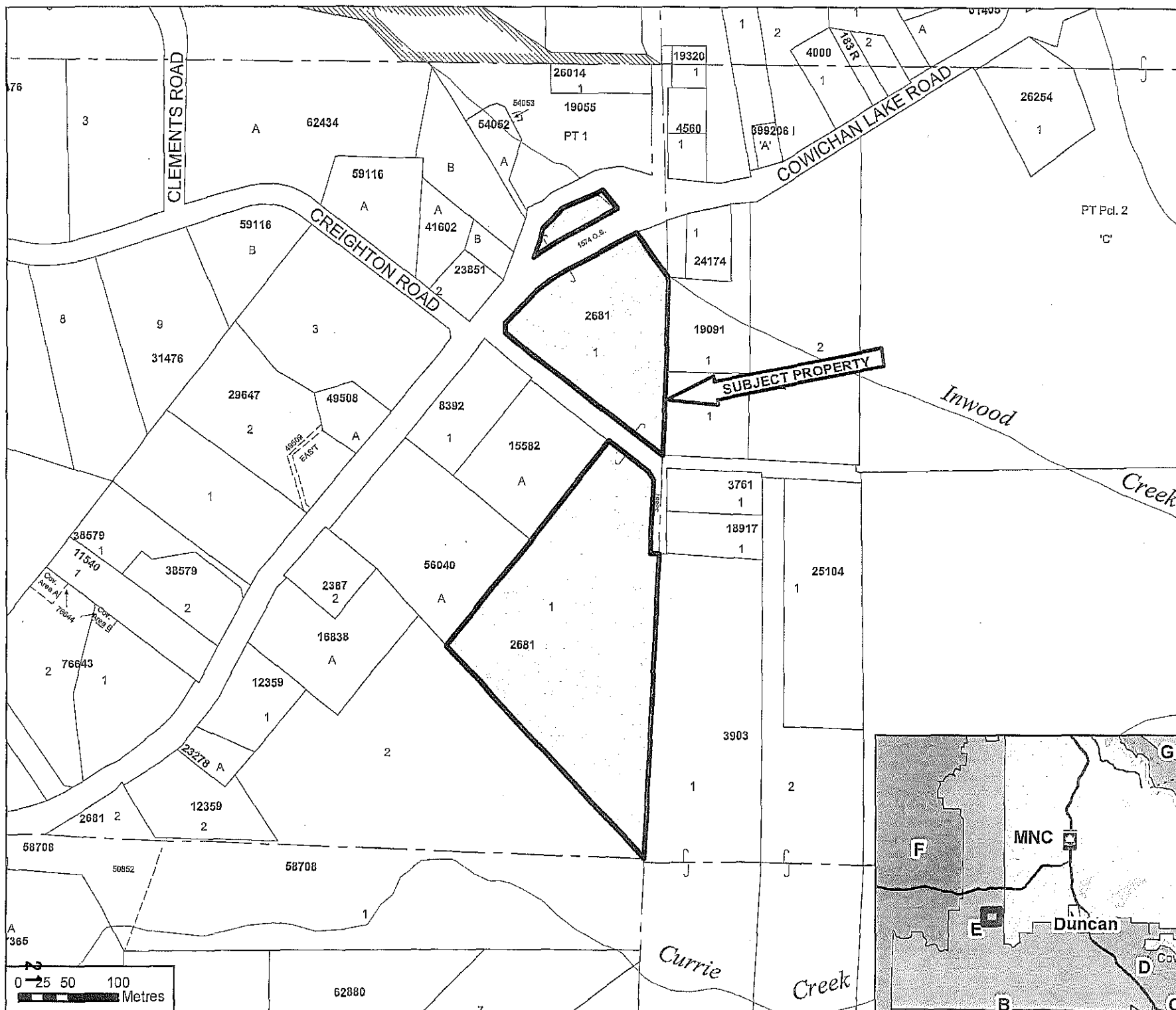
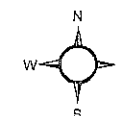
Reviewed by: <i>Division Manager:</i> 
Approved by: <i>General Manager:</i> 

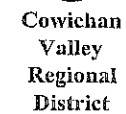


The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 06-E-10-ALR

Legend





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.

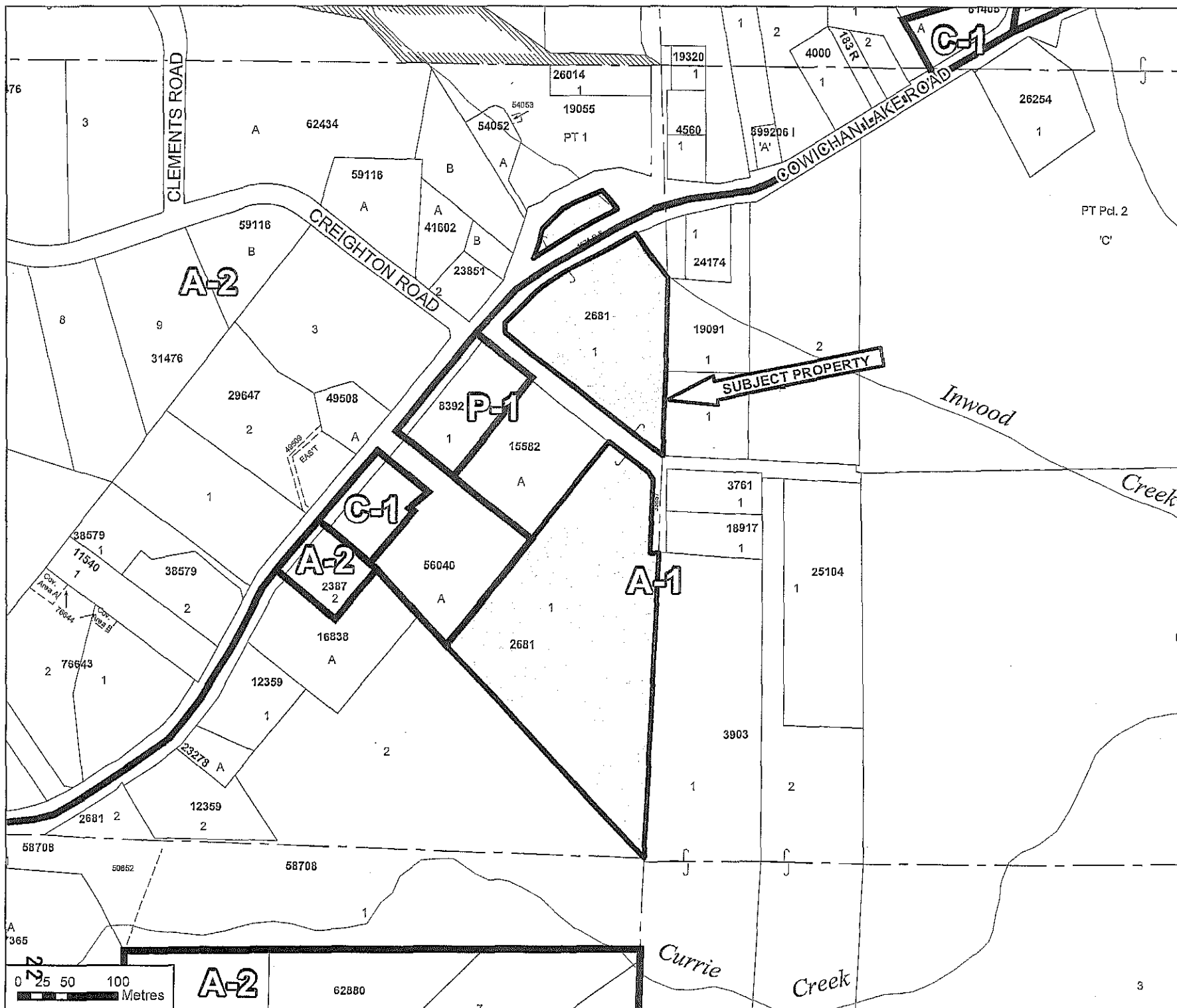
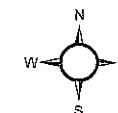
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 06-E-10-ALR

ZONING

Legend

Subject Property
Zoning Electoral Area E





**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.

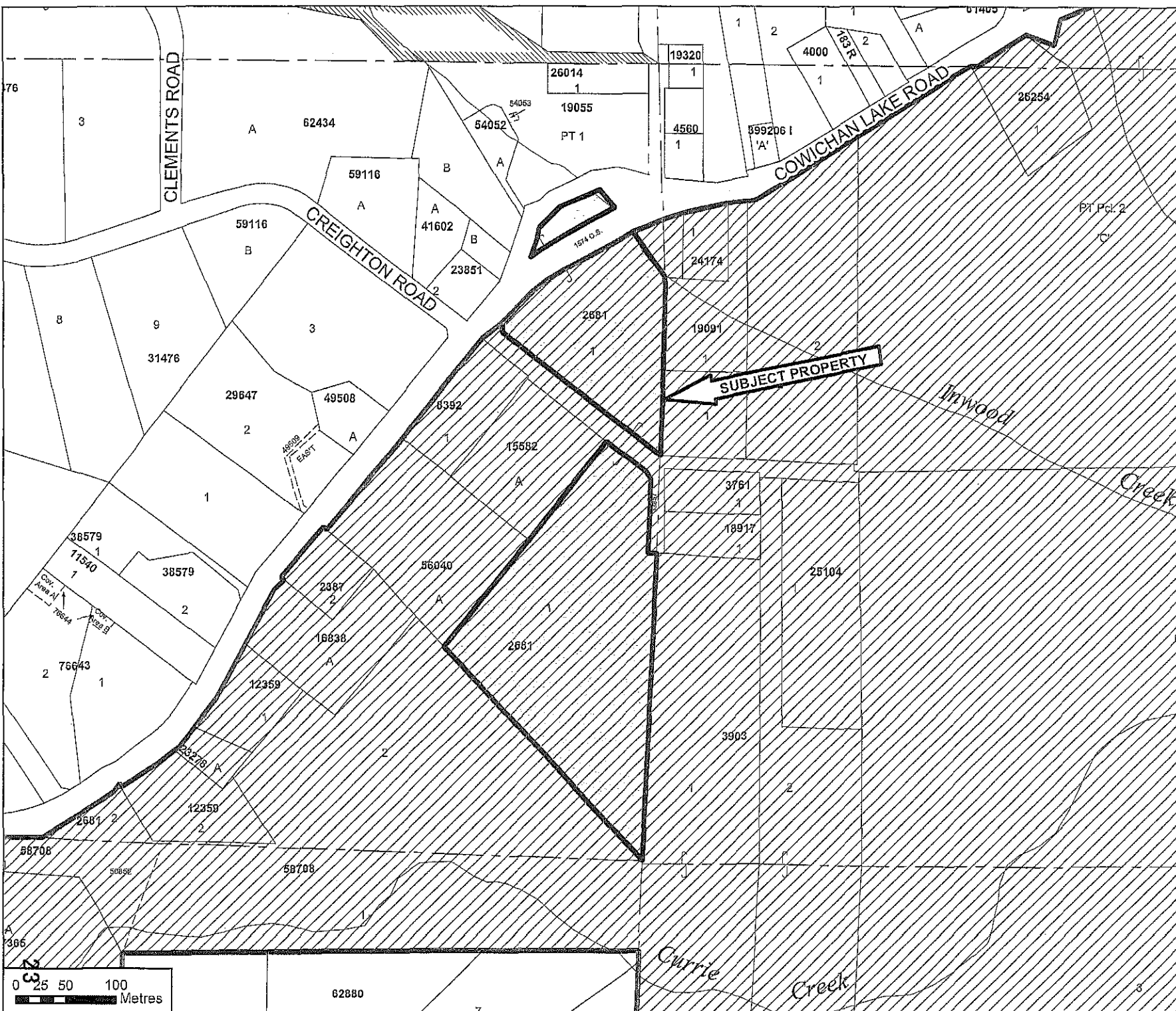
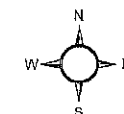
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

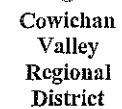
FILE: 06-E-10-ALR

ALR

Legend

-  Subject Property
-  E ALR





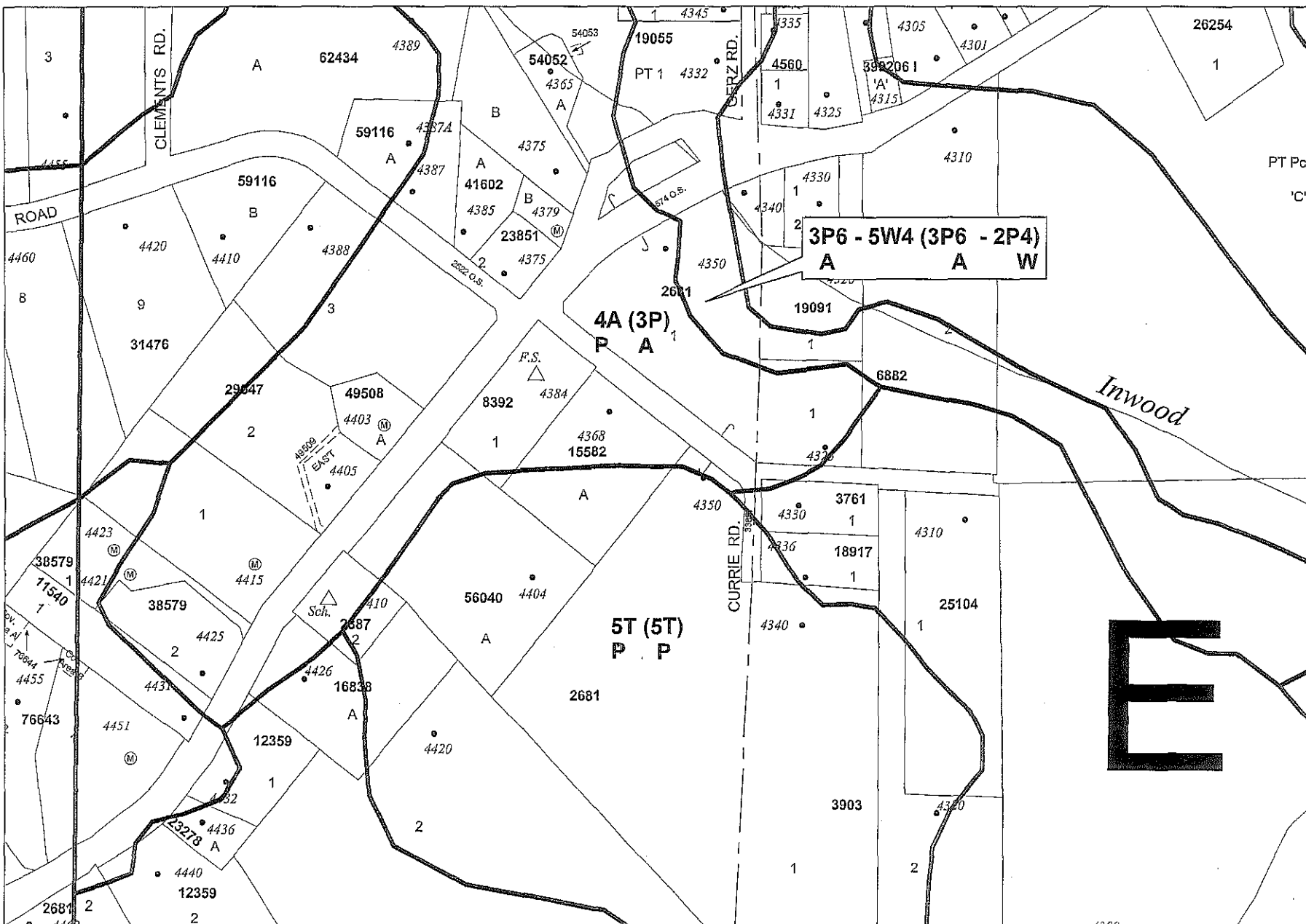
The Regional District does not warrant the accuracy.

The Regional District does not warrant the accuracy.

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

Printed: October 31, 2011

Scale: 1:2,864





Cowichan Valley Regional District

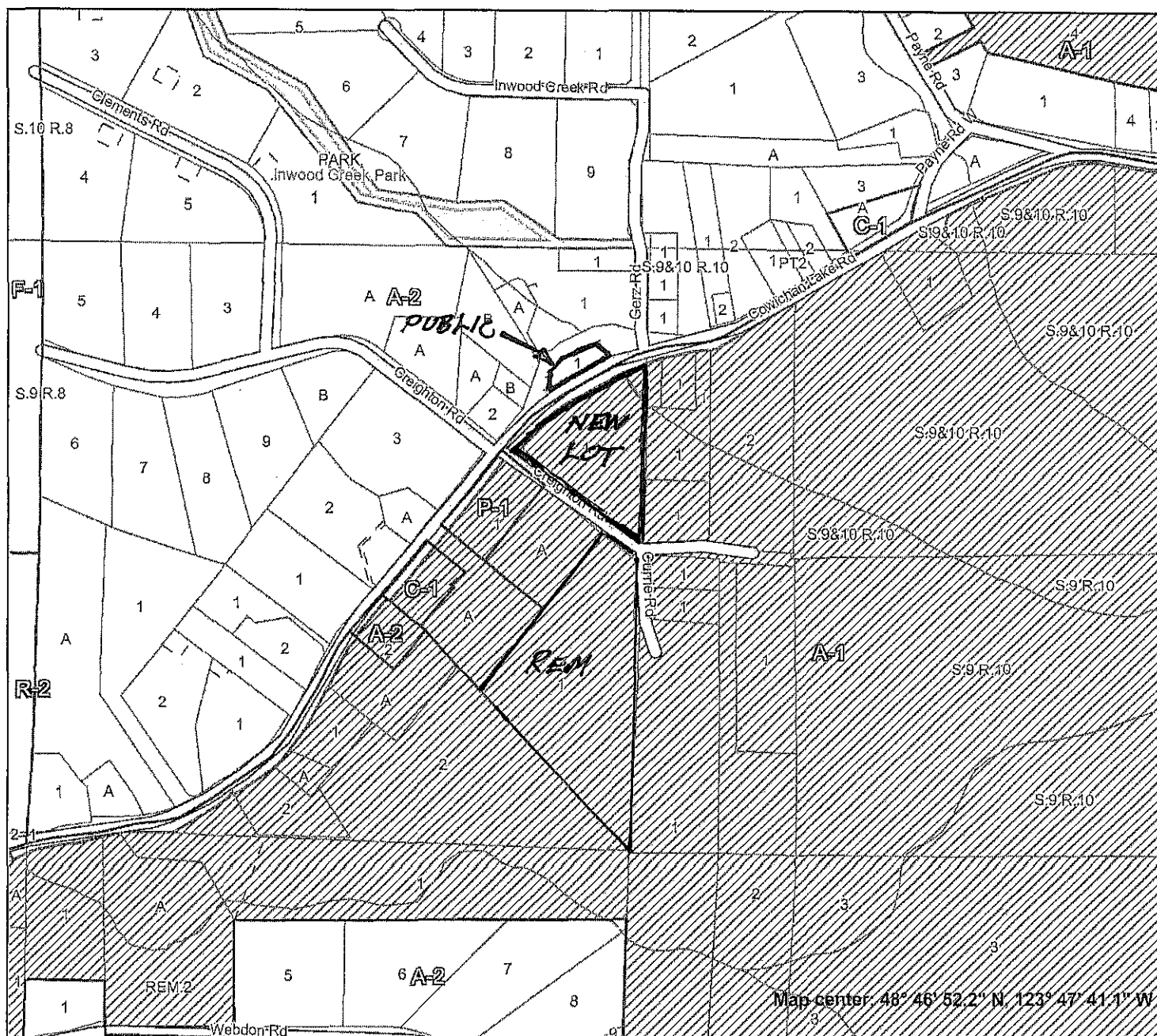
The original Bylaws should be consulted for all purposes of Interpretation and application of the Bylaws.

Legend

- Zoning Outline
- Roads
 - Highway
 - Road
- Foreshore
- PARCEL_ARC
- BDEALNS
- BDRDLNS
- RDOTHNGZ
- Parcel Arcs
- Agricultural Land Reserve
- First Nations
- Parks by Community
- PARKS
- Park Boundaries



Date Printed: 7/12/2010 09:10:25



Map center: 48° 46' 52.2" N, 123° 47' 41.1" W

0 225 450 675 m.

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

PROPOSED SUBDIVISION OF
 LOT 1, SECTION 9, RANGE 9,
 SAHTLAM DISTRICT, PLAN 2681,
 EXCEPT PARTS IN PLANS 8392, 15582,
 24174, 33857, AND VIP56040.

SCALE 1 : 1500

0 25 50 75 100 metres

All distances are in metres and are subject to approvals and legal survey

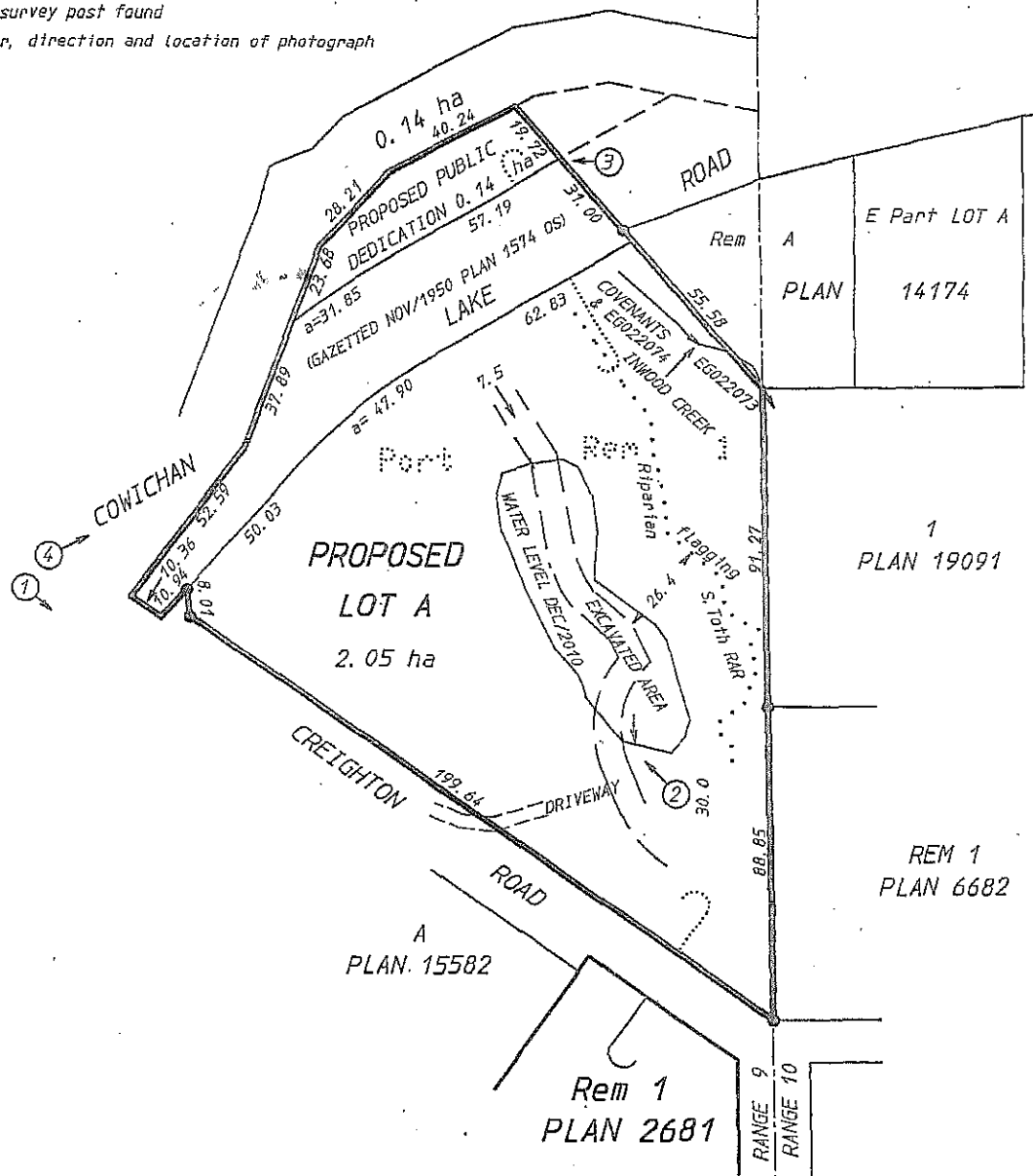
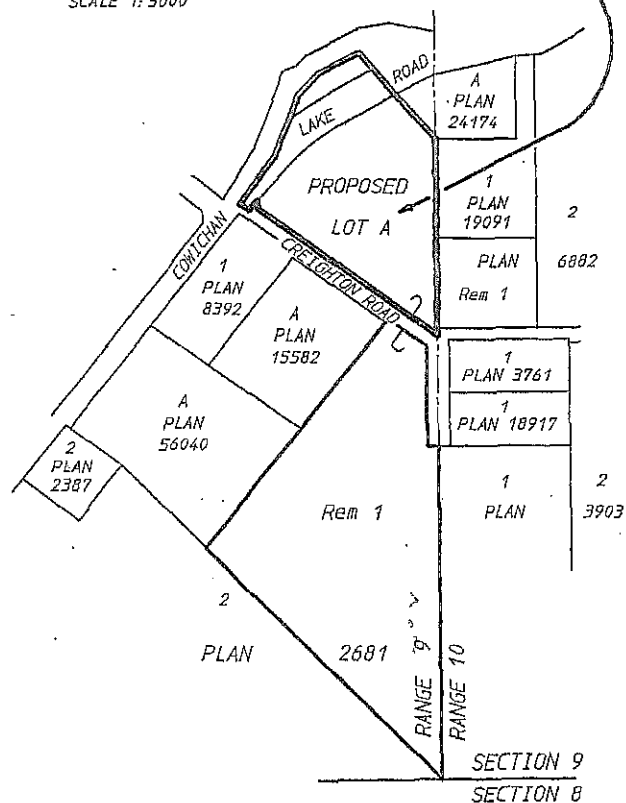
⊙ denotes iron survey post found

① denotes number, direction and location of photograph

INSET

SCALE 1: 5000

SUBJECT PROPERTY

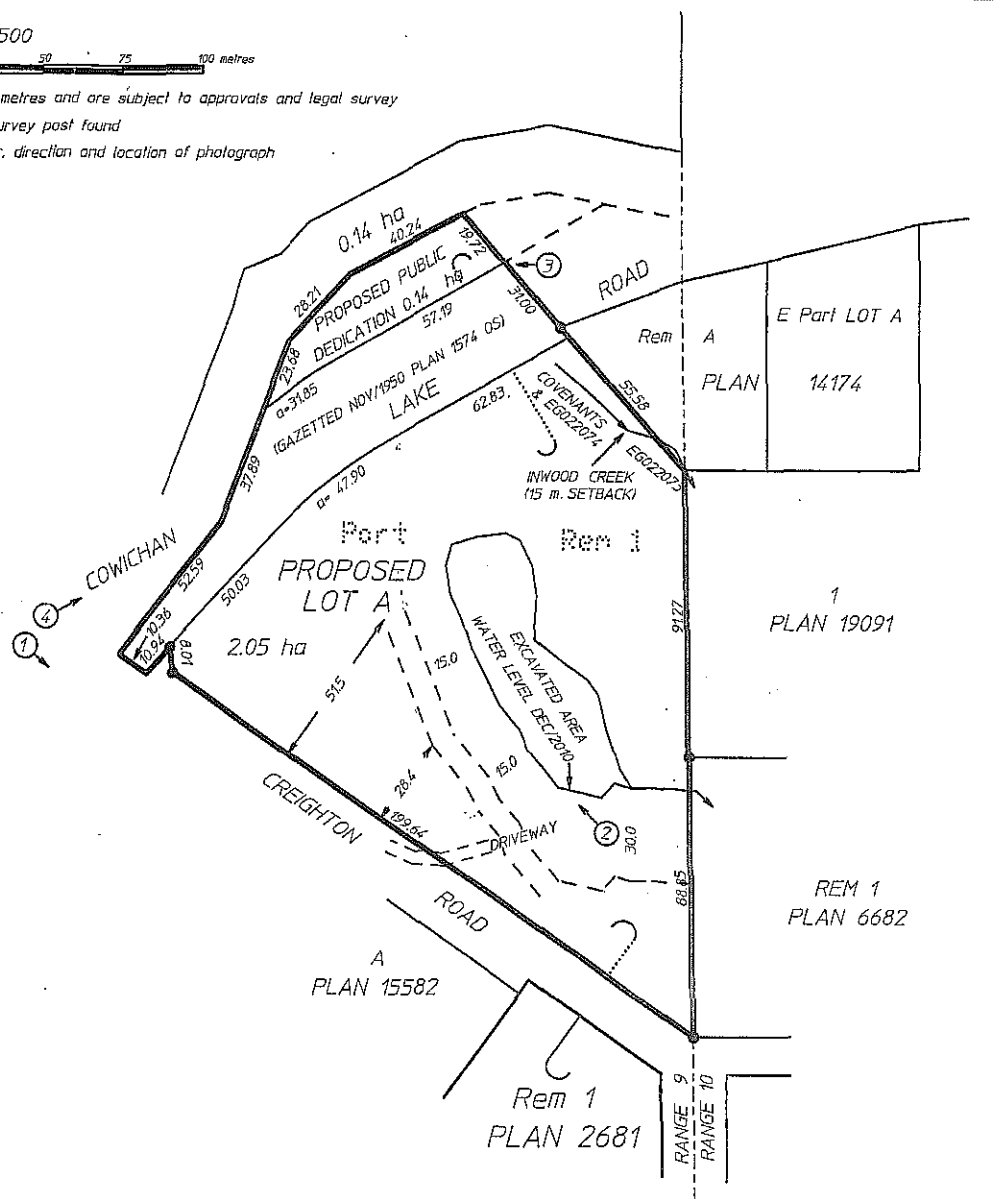
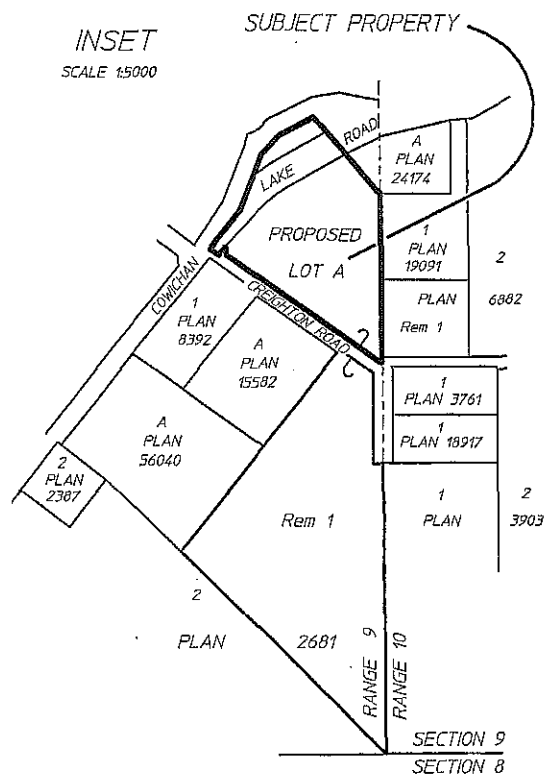


KENYON WILSON
 PROFESSIONAL LAND SURVEYORS
 221 CORONATION AVE.
 DUNCAN, B.C. V9L 2T1 (250) 746-4745
 FILE 07-6653C PRO
 FEB 24/2012

KENYON WILSON
PROFESSIONAL LAND SURVEYORS
221 CORONATION AVE.
DUNCAN, B.C. V9L 2T1 (250) 746-4745
FILE 07-66538.PRO
JUNE 30/2011

0 25 50 75 100 metres

② denotes iron survey post found
① → denotes number, direction and location of photograph



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 February 28, 2012

I. Primary QEP Information

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

III. Developer Information

First Name	Mike	Middle Name	
Last Name	Buttle		
Company	NA		
Phone #	250-949-1561	Email	linda.buttie@lincsat.com
Address	General Delivery		
City	Minstrel Island	Postal/Zip	V0P 1L0
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Subdivision		
Area of Development (ha)	2.05	Riparian Length (m)	130
Lot Area (ha)	2.05	Nature of Development	New
Proposed Start Date	2011-10-15	Proposed End Date	2012-12-31

V. Location of Proposed Development

Street Address (or nearest town)	4350 Creighton Road		
Local Government	Cowichan Valley Regional District	City	Electoral Area E
Stream Name	Inwood Creek		
Legal Description (PID)	006-319-319	Region	Vancouver Island
Stream/River Type	Stream	DFO Area	South Coast
Watershed Code	920-257700-14900-20000		
Latitude	48	46	56
Longitude	123	47	40

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Section 1. Riparian Area Assessment of 4350 Creighton Road, Sahtlam.

Introduction

Toth and associates Environmental Services conducted a detailed *Riparian Area Regulation* (RAR) Assessment of 4350 Creighton Road in the Sahtlam area of the Cowichan Valley Regional District (CVRD) on September 20, 2011. Inwood Creek lies adjacent to the east side of the property. The proposed development plan includes subdivision (Figure 1). The property is currently zoned ALR.

Fisheries and Riparian Description

The Fisheries Information Summary System (FISS) indicates that Inwood Creek sustains populations of cutthroat and rainbow trout (steelhead), coho and chum salmon. Juvenile salmonids were noted during the field survey. Inwood Creek adjacent to the property contained good quality pool, riffle and side-channel habitat (Photographs 1 and 2), but bedload aggradation was apparent, especially downstream of the Cowichan Lake Road culvert (Photograph 3). The raised channel profile created by deposition of primarily gravel substrates has resulted in localized widening of the stream channel and floodplain downstream of Cowichan Lake Road.

The floodplain consisted of mature western redcedar, bigleaf maple, black cottonwood and red alder. Flood channels with evidence (i.e. scour / deposition) of past surface flows were noted as well as depressional areas with evidence (i.e. semi-aquatic plant community on organic soils) of seasonal inundation due to high water table. Under the RAR the high water mark includes the "active floodplain". The active floodplain is based upon the presence of floodplain plant species and coincides with approximately the 1:5 year flood level. The edge of active floodplain was flagged with orange flagging tape at approximate 5-10m intervals.

SPEA Determination

The Streamside Protection and Enhancement Area (SPEA) setbacks determined from this RAR assessment are 26.4m as measured from the flagged High Water Mark (Figure 2).

Streams under the Riparian Areas Regulation (RAR)

The RAR defines a stream as any watercourse – natural or human-made – that provides fish habitat, that contains water on a perennial or seasonal basis, is scoured by water or contains observable deposits of mineral alluvium, or has a continuous channel bed including a watercourse that is obscured by overhanging or bridging vegetation or soil mats. A watercourse may not itself be inhabited by fish, but may provide water, food and nutrients to streams that do support fish."

"RIPARIAN AREAS REGULATION definition - stream "includes any of the following that provides fish habitat:

- a) a watercourse, whether it usually contains water or not;
- b) a pond, lake, river, creek, brook;
- c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b);"

According to Section 1.4.2 of the RAR Assessment Methods "the key question in determining if a watercourse is a stream is whether it is connected by surface flow to a stream that provides fish habitat. If so, then it is a stream under the Riparian Areas Regulation".

Man-made Pond and the RAR

A recently constructed (2010) pond on the subject property (Photographs 4 and 5) located adjacent to the active floodplain of Inwood Creek was determined to not represent a RAR assessable watercourse as there was no evidence (i.e. scour or evidence of alluvium) of a sustained surface flow connection with Inwood Creek. The pond's closest point to the active floodplain measured 0m at the southeast corner where the berm of the pond abuts a wetted side-channel of Inwood Creek. The steep side slope of the berm of the pond adjacent to the side-channel would have provided clear evidence in the form of erosion or scour if a sustained surface water connection had occurred between the pond and the side-channel.

Madrone Environmental Services Ltd. had previously conducted a survey of the subject property to determine the applicability of the RAR to the constructed pond on the property. Madrone indicated in their report (May 19, 2011) that due to the "lack of reasonable connectivity to fish habitat the pond should not be a "stream" under the RAR."

Construction of the pond had been designed to abide by the two existing covenants registered on title and therefore occurred outside the 15m setback covenant area on Inwood Creek. However, while the pond is located outside the 15m setback / covenant from the *high water mark* (as defined under the *Land Act*) of Inwood Creek, the RAR includes the *active floodplain* within its definition of high water mark. As indicated on Figure 2, the seasonal side-channels associated with the active floodplain of Inwood Creek extend the high water mark considerably on the property. Therefore the location of the pond does represent an intrusion within the SPEA setbacks required under the RAR, but in our opinion does not represent a RAR assessable watercourse.

Monitoring of the pond by Ed Wilson, B.C.L.S., B.Sc. of Kenyon Wilson undertaken to document any evidence of a surface water connection between the pond and Inwood Creek through the fall / winter of 2011 / 2012 did not document any overflow from the pond to Inwood Creek. These monitoring visits were timed to coincide with high precipitation / flood events.

Ministry's Review

Marlene Caskey, B.Sc., R.P.Bio. Senior Urban Ecosystem Biologist for the Ministry of Forests, Lands and Natural Resource Operations (formerly Ministry of Environment) conducted a review of our original assessment report for this property in October, 2011. In the audit report Ms. Caskey indicated that she had reviewed Madrone's preliminary report earlier and, in consultation with headquarters had determined that the man-made pond should be considered an assessable watercourse under the RAR.

Upon request for further clarification Ms. Caskey indicated that Madrone's preliminary report stated that water from the pond was "collecting in shallow depressions within the floodplain of Inwood Creek, which infers a direct connection".

The audit report also requested changes / clarification to the “Measures” section, including slope stability, remediation planting, encroachment, erosion control and floodplain concerns.

Regulatory Scheme for Riparian Area Development Approvals in B.C.

Fisheries Act. The DFO derives its regulatory powers over project development in riparian areas from the *Fisheries Act*. Section 35(1) of the Act makes it an offence for any person to cause harmful alteration, disruption or destruction (HADD) of fish habitat. Section 35(2) provides that no person contravenes s. 35(1) if the HADD was authorized by the DFO. In this respect, an authorization under s. 35(2) is a statutory defence to causing a HADD and nothing more. It does not create a federal licensing scheme for non-HADD developments. In other words, s. 35 is not engaged by non-HADD developments, and the DFO has no authority to authorize or seek changes to them.

Riparian Areas Regulation. The RAR is a regulation under the B.C. *Fish Protection Act*. It provides that any proposed development within a riparian assessment area may not proceed without approval from the local government. Section 4 of the RAR sets out the pre-conditions for obtaining local government approval. As the Court points out in *Yanke vs. Salmon Arm*, the RAR makes a key distinction between proposed developments that would result in a HADD and those which would not. Development proposals which will not cause a HADD proceed under s. 4(2) of the RAR, which provides that a local government may approve the development once the MOE has confirmed that the MOE and the DFO have been notified of the proposal and have been provided with an opinion by a Qualified Environmental Professional (QEP) that the development would not result in a HADD. The local government cannot give its approval until all notice requirements have been satisfied, but **there is no requirement for approval from the DFO or the MOE.**

The Court held that the City’s deferral of its decision-making authority to the DFO with respect to non-HADD developments was both unnecessary and improper.

Conclusion and Recommendations

We do not consider the proposed development of the subject property which includes subdivision and future house construction to represent a harmful alteration, disruption or destruction (HADD) of fish habitat. The potential for the man-made pond to represent a HADD of fish habitat is outside the scope of this RAR assessment, as this feature is not part of the current proposed development and had been constructed prior to this assessment. Future siting and construction of a house on the property would occur outside the 30m Riparian Assessment Area (RAA) and in our view is primarily a geotechnical stability issue. The RAR can only address proposed development within the 30m RAA.

The process used by the Ministry to decree that the pond represents a RAR assessable watercourse circumvents the RAR process, which relies on the results and submission of a riparian area assessment undertaken by a Qualified Environmental Professional (QEP).

Form 3 Detailed Assessment Form
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

The Ministry's auditor indicated that Madrone's preliminary report stated that water from the pond was "collecting in shallow depressions within the floodplain of Inwood Creek, which infers a direct connection". In our opinion and based on our understanding of the RAR this scenario does not automatically infer a direct surface flow connection between the pond and Inwood Creek, as it is quite likely any such ponded water could infiltrate into the ground without ever realizing a direct connection with the creek.

Monitoring of the pond undertaken by Ed Wilson, B.C.L.S., B.Sc. of Kenyon Wilson to document any evidence of a surface water connection between the pond and Inwood Creek through the fall / winter of 2011 / 2012 did not document any overflow from the pond to the floodplain of Inwood Creek.

We recommend to the landowner that if application of the RAR process alone prevents the development of a future building envelope, that the landowner seek legal counsel on the matter.

Section 2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: September 25, 2011

Description of Water bodies involved (number, type)

1 - Inwood Creek

Stream

X

Number of reaches

1

Reach #

1

Channel width and slope and Channel Type

Channel Width(m)	Gradient (%)	I, <u>Steve Toth</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer: <u>Mike Buttle</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
starting point	1.5	
9.0		
7.6		
6.3		
7.1		
12.8		
8.4		
14.1		
8.8		
9.5		
7.9	1.5	
8.3		
Total: minus high /low mean	79.4	
	8.8	
R/P	C/P	S/P
Channel Type	X	

Site Potential Vegetation Type (SPVT)

Yes	No	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
	X	
SPVT Polygons		I, <u>Steve Toth</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer: <u>Mike Buttle</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
Polygon No:	1	Method employed if other than TR
	LC SH TR	

Form 3 Detailed Assessment Form
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

SPVT Type

		X
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Zone of Sensitivity (ZOS) and resultant SPEA

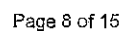
Segment	1	If two sides of a stream involved, each side is a separate segment. For all water				
No:		bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	26.4					
Litter fall and insect drop ZOS (m)	15					
Shade ZOS (m) max	26.4	South bank	Yes		No	X
SPEA maximum	26.4	(For ditch use table3-7)				

I, Steve Toth, hereby certify that:

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

Comments

Seepage spring water drains from a pond access road cut-slope near the south end of the pond to a wetted side-channel of Inwood Creek (Figure 2). Our RAR assessment noted apparent chronic siltation within a pool of the side-channel at the base of the pond berm near the southeast end of the pond (Photograph 6). The source for the fine silts was not evident, but it was suspected that groundwater upwelling or seepage through the berm of the pond may be the cause. Monitoring of the pond undertaken by Ed Wilson, B.C.L.S., B.Sc. of Kenyon Wilson to document any evidence of a surface water connection between the pond and Inwood Creek through the fall / winter of 2011 / 2012 revealed that the siltation was not likely due to sedimentation, but rather due to iron bacteria that oxidize dissolved ferrous iron. While these orange coloured bacteria are relatively widespread and common they do not necessarily negatively impact water quality. However, they quite often are indicative of low dissolved oxygen levels.



Section 4. Measures to Protect and Maintain the SPEA

1. Danger Trees	No danger trees were identified within the 30m riparian assessment area during the field survey.
<p>I, <u>Steve Toth</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer: <u>Mike Buttle</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	Subdivision and future development of the property are unlikely to result in increased windthrow potential within the SPEA. Clearing of the pond area in 2010 did not result in new windthrow within the adjacent SPEA.
<p>I, <u>Steve Toth</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer: <u>Mike Buttle</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	No new signs of slope instability were noted on the property. The road cut-slope near the south end of the pond had some signs of slumping apparently from the time of construction or shortly thereafter and is comprised predominantly of clays. Some green-up of this slope has occurred since construction, and no new slumping was evident but further grass-seeding is recommended.
<p>I, <u>Steve Toth</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer: <u>Mike Buttle</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>The RAR permits only the removal of hazard trees (as determined by a certified hazard tree assessor) and invasive introduce plant species within the SPEA. The construction of the pond has resulted in loss of vegetation within the SPEA. The field survey indicated that the berm on the east side of the pond is densely covered by a natural stocking of red alder seedlings.</p> <p>In this case we recommend that red alder seedlings on the berm on the east side of the pond be selectively thinned over time to reduce competition between seedlings and other naturally seeded tree / shrub species. The presence of mature deciduous and coniferous tree adjacent to the pond should ensure ample natural seeding of the pond area.</p> <p>To provide soil stability and habitat until a natural plant community is formed we recommend that additional grass-seed be applied to exposed soils and pond banks on the property.</p>
<p>I, <u>Steve Toth</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer: <u>Mike Buttle</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	Encroachment within the SPEA has occurred as a result of pond construction. The encroachment area will need to be remediated as indicated in (4) above and no further encroachment is permitted. As there is the potential that the Sahtlam Fire Department will utilize the pond as a water source, the access road is to be maintained as a decent quality gravel-capped pond access route.
<p>I, <u>Steve Toth</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer: <u>Mike Buttle</u>;</p>	

Form 3 Detailed Assessment Form
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

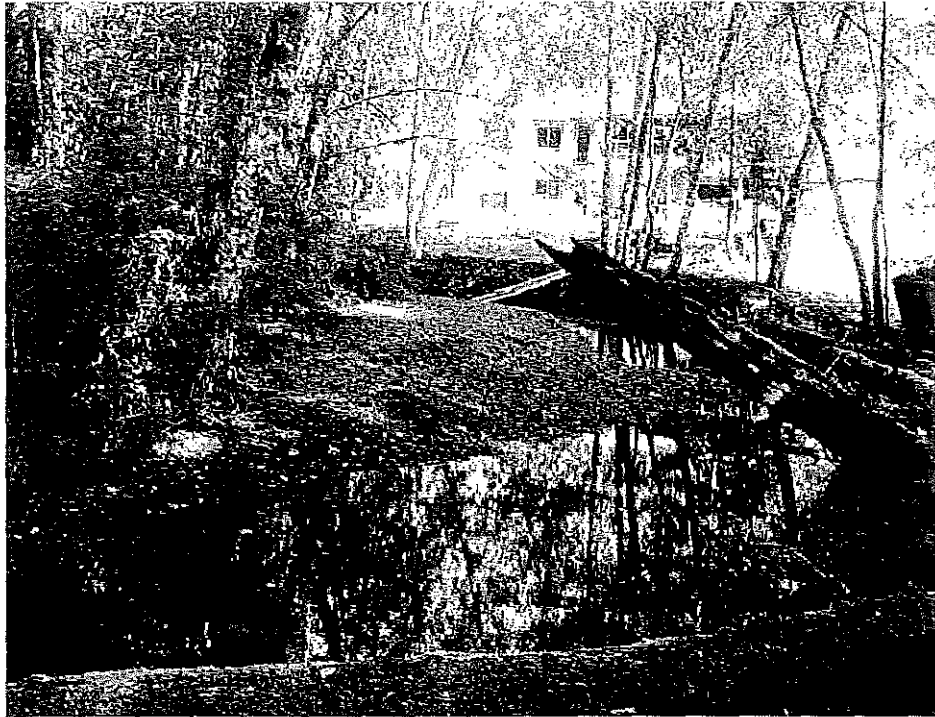
c.	I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation
6. Sediment and Erosion Control	All exposed soils within the 30m RAA should be grass seeded. The pond access road cut-slope should be monitored for any further signs of slumping. If slumping is evident we recommend that the cut-slope be pulled back from the top of slope to create a gentler cut slope angle and then re-seeded with grass seed.
I, <u>Steve Toth</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer: <u>Mike Buttle</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
7. Stormwater Management	it is expected that any future house construction will include traditional techniques for stormwater management including drain fields and rock chambers for infiltration of down-spout and hard-surface run-off.
I, <u>Steve Toth</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer 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	
8. Floodplain Concerns (highly mobile channel)	<p>There are no designated floodplains identified by the CVRD on the property. The presence of frequent side channels on the floodplain of Inwood Creek adjacent to the property indicates a past history of lateral channel movement. All of the side channels on the property were old, which likely indicates that the side channels were created due to a past disturbance history (i.e. logging, road building, etc.).</p> <p>The berm around the pond is quite robust and is unlikely to be prone to erosion from any potential pond overflow. However, it is the landowner's responsibility to monitor the berm for any signs of failure, as potential liability for loss or damage to downstream properties could result in the event of berm failure.</p>
I, <u>Steve Toth</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer: <u>Mike Buttle</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	

Section 5. Environmental Monitoring

A post development report will be needed after the subdivision has been approved and prior to house construction to ensure that the SPEA is marked on the ground and that there has been no further intrusion.

No further intrusion is to be permitted within the SPEA. We advise the landowner to maintain contact with us and provide us with photographic documentation of green-up and vegetation management of the pond and road access cut-slope area for monitoring purposes.

Section 6. Photos



Photograph 1. View upstream on Inwood Creek.



Photograph 2. View downstream on Inwood Creek.



Photograph 3. View downstream on Inwood Creek from below Cowichan Lake Road.



Photograph 4. View south to north of pond.



Photograph 5. View from east side of pond to south end and pond access road cut-slope.



Photograph 6. View of iron bacteria at head of side-channel.

Section 7. Professional Opinion

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

Date February 28, 2012

1. I/We Steve Toth

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

hereby certify that:

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

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

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

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

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



R2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING of December 4, 2012

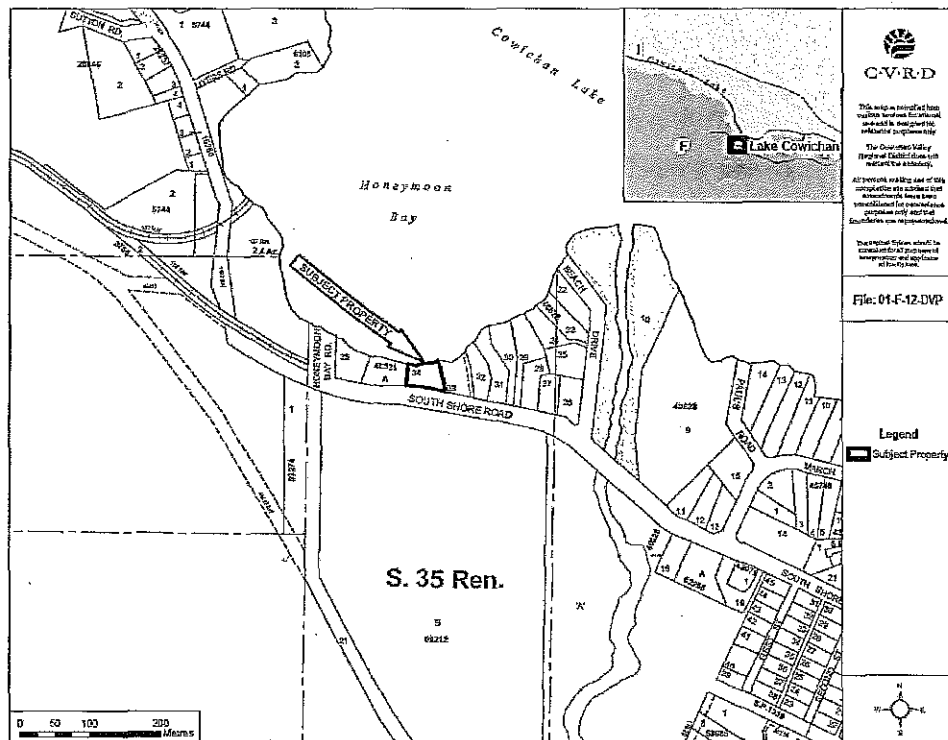
DATE: November 29, 2012 **FILE NO:** 1-F-12 DVP
FROM: Maddy Koch, Planning Technician **BYLAW NO:** 2600
SUBJECT: Development Variance Permit Application 1-F-12 DVP
(Stan Van Basten)

Recommendation/Action:

That the application by Stan Van Basten for a variance to Section 5.12(5) of Zoning Bylaw No. 2600 by increasing the permitted maximum height of a dwelling from 7.5 metres to 7.8 metres for Lot 34, Section 35, Renfrew District, (Situate in Cowichan Lake District), Plan 40628 (PID: 000-204-854), be approved.

Relation to the Corporate Strategic Plan: N/A

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



Background:

<u>Location of Subject Property:</u>	10143 South Shore Road
<u>Legal Description:</u>	Lot 34, Section 35, Renfrew District, (Situate in Cowichan Lake District), Plan 40628 (PID: 000-204-854)
<u>Date Application Received:</u>	October 5, 2012
<u>Owner & Applicant:</u>	Stanley & Tina Van Basten
<u>Size of Lot:</u>	±0.16 ha
<u>Existing Zoning:</u>	R-3 (Urban Residential)
<u>Minimum Lot Size:</u>	0.2 ha for lots connected to community water
<u>Existing Plan Designation:</u>	Urban Residential
<u>Existing Use of Property:</u>	Residential
<u>Use of Surrounding Properties:</u>	
North:	Cowichan Lake
East:	R-3
South:	A-1
West:	R-3
Road Access:	South Shore Road
Water:	Honeymoon Bay Local Service Area
Sewage Disposal:	On site
<u>Environmentally Sensitive Areas:</u>	The subject property is entirely within the Watercourse Protection Development Permit Area, as the entire lot is within 30 metres of the high water mark of Cowichan Lake. An RAR report associated with a separate application identifies a 30 metre SPEA from the high water mark for the subject property.
<u>Archaeological Site:</u>	None have been identified

The Proposal:

The subject property is zoned R-3 (Urban Residential) and is located on Cowichan Lake in Honeymoon Bay. The lot is approximately 1600 m² in size, and a single family home is currently being restored on the property. The existing home is stepped down from South Shore Road, and the lot slopes towards Cowichan Lake.

As noted above, the entire property is located within the watercourse protection development permit area and the dwelling is within the 15 metre setback from a watercourse. Most of the works to the existing dwelling are taking place pursuant to Section 911(9) and (10) of *The Local Government Act*, which allows maintenance, extension and alteration of buildings and structures which have legal non-conforming siting, so long as these works do not result in further contravention of the bylaw. While most of the planned works are permissible under this Section, Development Variance Permit No. 2-F-11DVP was issued in April, 2012, to allow construction of a set of dormers and a cantilevered deck which did not previously exist in the 15 metre setback.

The building plans submitted by the applicant indicated that the dwelling would comply with height regulations. However, after the roof trusses were installed by the applicant's contractors, it was suspected that the 7.5 metre maximum dwelling height had been exceeded. A height survey confirmed that the trusses had been constructed to a height of 7.64 metres from the average natural grade, which is 0.14 m over the permitted height. It is estimated that, following completion of roof construction, the peak of the roof would be up to 7.8 metres high. To avoid deconstructing the roof, the applicant has requested a variance to increase the maximum permitted height by 0.3 metres (± 1 ft).

As the proposed expansion would take place entirely above the foundation of the dwelling, the Riparian Areas Regulation does not come into effect.

The property whose view would be most affected by the height variance appears to be vacant of buildings. Tall deciduous trees border the front parcel line of the subject property, making the house quite visible from the road during the winter months. In the summer months, however, the house is well-concealed by the trees' foliage.

Surrounding Property Owner Notification and Response:

A total of 12 letters were mailed out or hand delivered to adjacent property owners, pursuant to CVRD Development Application Procedures and Fee Bylaw No. 3275, which described the purpose of this application and requested comments on the variance within a specified time frame. One email and one phone call in support of the variance have been received to date. The email is attached to this report.

Staff recommend the variance application be approved, due to neighbour support for the proposal, the undesirable alternative of removing the roof and the relatively low impact a higher roof would have on adjacent properties' views.

Options:

1. That the application by Stan Van Basten for a variance to Section 5.12(5) of Zoning Bylaw No. 2600 by increasing the maximum permitted height of a dwelling from 7.5 metres to 7.8 metres for Lot 34, Section 35, Renfrew District, (Situate in Cowichan Lake District), Plan 40628 (PID: 000-204-854), be approved.
2. That the application by Stan Van Basten (1-F-12 DVP) be denied.

Option 1 is recommended.

Submitted by,

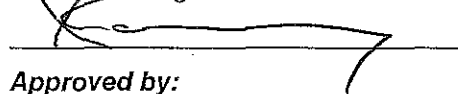


Maddy Koch,
Planning Technician
Planning and Development Department

MK/ca

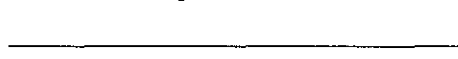
Reviewed by:

Division Manager:



Approved by:

General Manager:



5.12 R-3 URBAN RESIDENTIAL 3 ZONE

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

1. Permitted Uses

The following principal uses and no others are permitted in the R-3 Zone:

- a. Single family dwelling;

The following accessory uses are permitted in the R-3 Zone:

- b. Bed and breakfast accommodation;
- c. Buildings and structures accessory to a principal permitted use;
- d. Home-based business;
- e. Horticulture
- f. Secondary dwelling unit or secondary suite.

2. Minimum Parcel Size

The minimum parcel size in the R-3 Zone is:

- a. 695 m² if connected to a community water system and a community sewer system;
- b. 0.2 hectares if connected to a community water system;
- c. 2 hectares if not connected to a community water system.

3. Number of Dwellings

In the R-3 Zone, not more than one dwelling is permitted on a parcel, under 0.4 ha in area. For parcels 0.4 ha or more in area, one additional secondary dwelling or secondary suite is permitted.

4. Setbacks

The following minimum setbacks apply in the R-3 Zone:

Type of Parcel Line	Residential Buildings and Structures	Accessory Buildings and Structures
Front parcel line	4.5	4.5
Interior side parcel line	1.0	0
Exterior side parcel line	4.5	4.5
Rear parcel line	3.0	0

5. Height

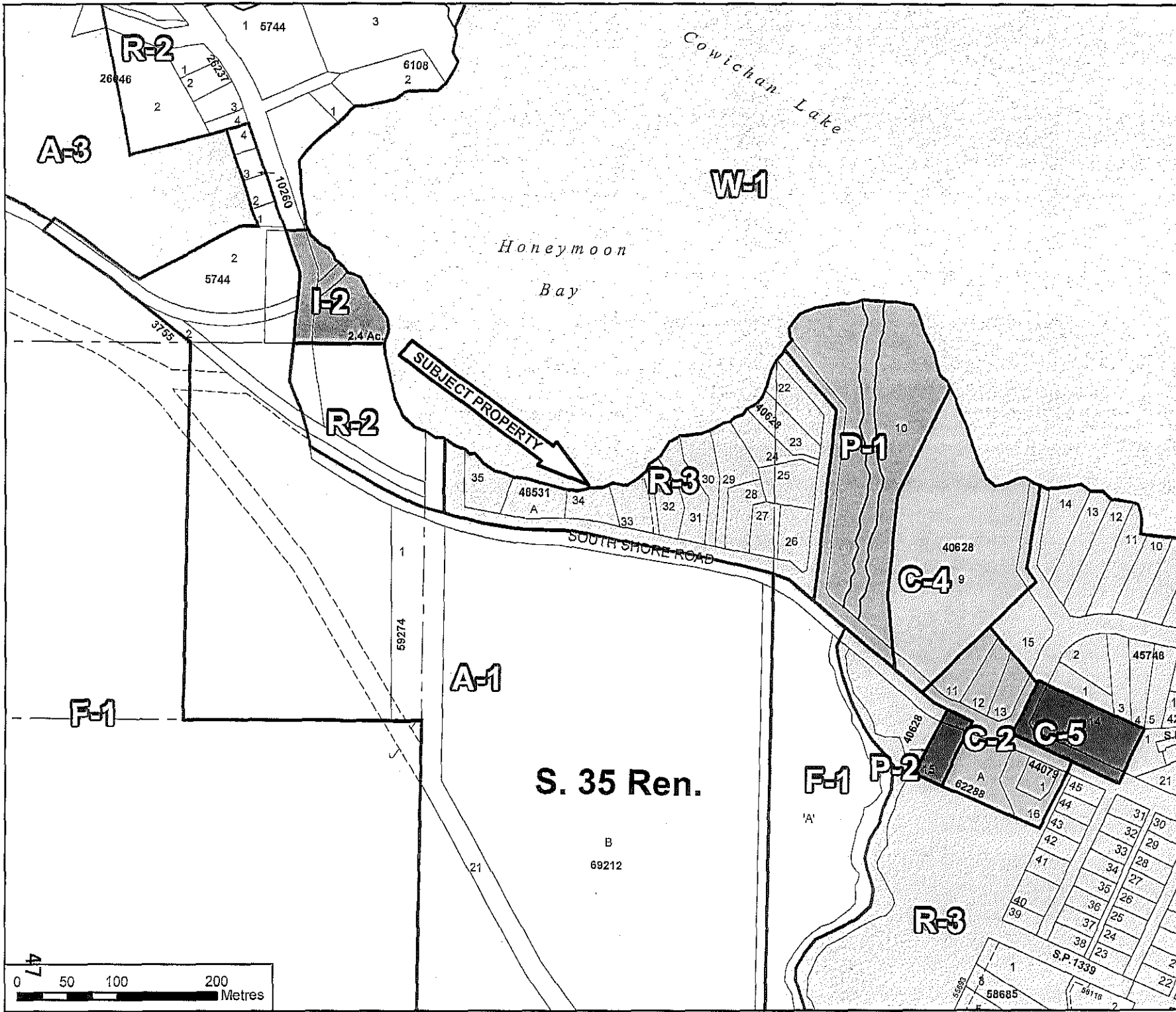
In the R-3 Zone, the height of all principal buildings and structures shall not exceed 7.5 metres, and the height of all accessory buildings shall not exceed 6 metres, except in accordance with Section 3.9 of this Bylaw.

6. Parcel Coverage

The parcel coverage in the R-3 Zone shall not exceed 25 percent for all buildings and structures.

7. Parking

Off-street parking spaces in the R-3 Zone shall be provided in accordance with Section 3.15 of this Bylaw.



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.

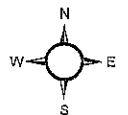
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-F-12-DVP

ZONING

Legend

-  Subject Property
-  Zoning F



Maddy Koch

From: Maddy Koch
Sent: Monday, November 19, 2012 2:50 PM
To: Maddy Koch
Subject: FW: file # 1-F-12DVP (Van Basten)Honeymoon Bay

-----Original Message-----

From: Chris Friesen [<mailto:fivefriesens@shaw.ca>]
Sent: Friday, November 09, 2012 11:11 AM
To: Planning and Development
Subject: file # 1-F-12DVP (Van Basten)Honeymoon Bay

This is to say that Alvin and Chris Friesen are FOR granting the variance request. Our understanding is that .14 meters is 5 inches, and will not affect the view/aesthetic value of the neighbourhood in a negative way as it is today, November 9, 2012.

Regards,

Alvin and Chris Friesen



COWICHAN VALLEY REGIONAL DISTRICT

DRAFT DEVELOPMENT VARIANCE PERMIT

FILE NO: 1-F-12 DVP (VAN
BASTEN)

DATE: NOVEMBER 19, 2012

TO: STAN VAN BASTEN & TINA
MARIE VAN BASTEN

ADDRESS: 1785 BALDY MOUNTAIN ROAD
SHAWNIGAN LAKE BC, V0R
2W2

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below:
*Lot 34, Section 35, Renfrew District, (situate in Cowichan Lake District),
Plan 40628*

3. Zoning Bylaw No. 2600 applicable to Section 5.12(5), is varied as follows:

The maximum height for a dwelling is increased from 7.5 metres to 7.8 metres.

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

- Schedule 1 – Site Plan

5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Planning and Development Department.

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

Tom Anderson, MCIP
General Manager, Planning and Development Department

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

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

Owner/Agent (signature)

Witness

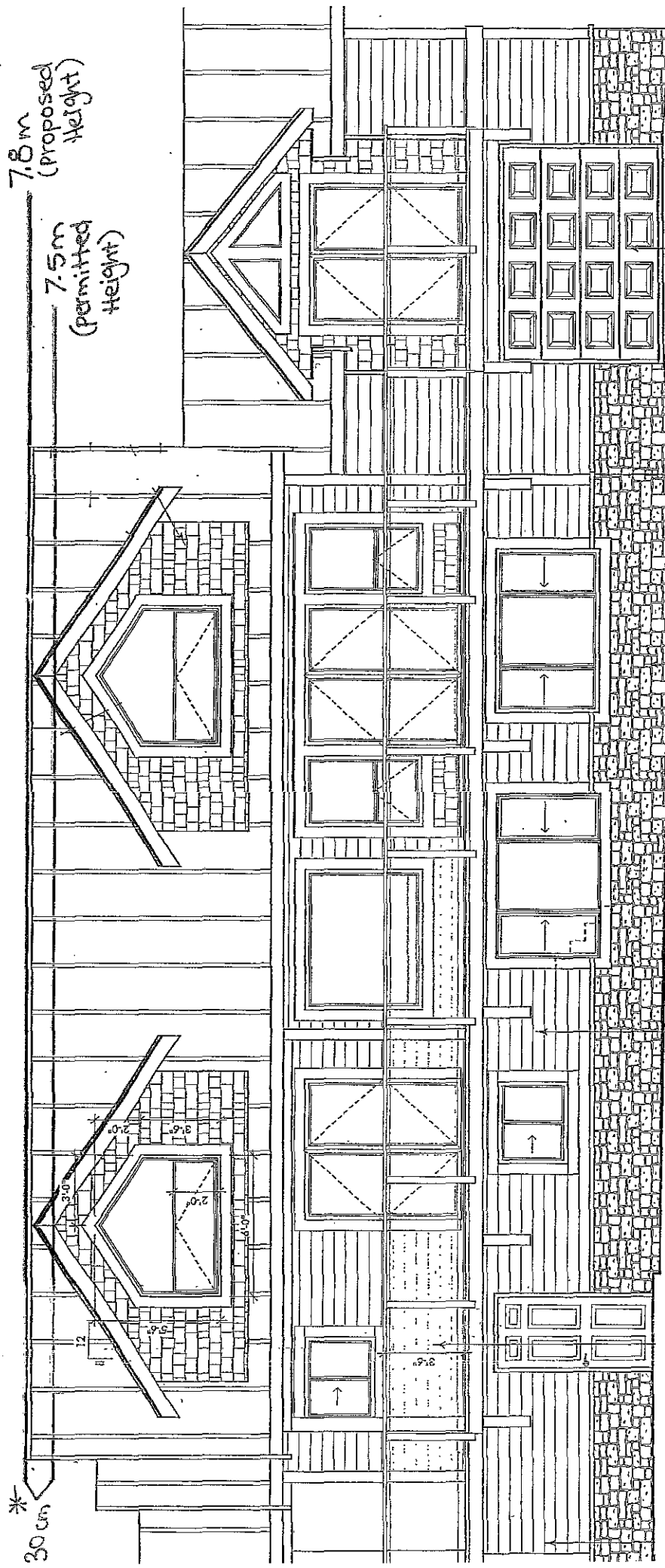
Print Name

Occupation

Date

Date

Proposed Height Variance



* Not to scale

NORTH ELEVATION



R3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF DECEMBER 4, 2012

DATE: November 28, 2012

FILE NO:

6-C-12 DP

FROM: Maddy Koch, Planning Technician

BYLAW NO:

3510

SUBJECT: Application No. 6-C-12 DP
(Bennefield)

Recommendation/Action:

That application No. 6-C-12DP submitted by Blue Bennefield for Lot 4, Section 14, Range 8, Shawnigan District, Plan 23783 (PID 003-143-180) for subdivision of two new lots be approved subject to:

- Confirmation from a Qualified Professional Engineer, at the time of building permit application, that post-development rainwater runoff will not exceed pre-development rainwater runoff;
- Removal of all invasive plants on the property and;
- Connection to community water.

Relation to the Corporate Strategic Plan: N/A

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



Background:

Location of Subject Property: 1000 Braithwaite Drive

Legal Description: Lot 4, Section 14, Range 8, Shawnigan District, Plan 23783 (PID 003-143-180)

Date Application Received: October 5, 2012

Owner: Bennefield Construction Ltd. Inc. No. BC0852348

Applicant: Blue Bennefield

Size of Parcel: ±1.3 hectares (3.2 acres)

Existing Zoning: R-2 (Suburban Residential)

Minimum Lot Size: 0.4 hectares with connection to community water

Existing Plan Designation: Rural Residential

Existing Use of Property: Residential

Use of Surrounding**Properties:**

North: A-1/ ALR/ Braithwaite Drive

South: R-2

East: A-1/ALR/ Telegraph Road

West: R-2

Road Access: Braithwaite Drive and Telegraph Road

Water: On site (currently pursuing inclusion into the Braithwaite Estates Improvement District)

Sewage Disposal: On site

Agricultural Land Reserve: The property is not located in the ALR, but is located in close proximity to the ALR.

Environmentally Sensitive None identified

Areas:

Fire Protection: Cowichan Bay Volunteer Fire Department

Archaeological Site: Staff received a call from the archaeology branch, prior to a subdivision application being made. A neighbour had reported an archaeological site on the property; however it was suspected that the report was being made in an attempt to prevent development of the property. The Branch does not have record of any archaeological sites on the property, but recommended that the applicant be watchful for potential sites during lot development.

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

Property Context:

The subject property is approximately 1.3 hectares (3.2 acres) in size, zoned R-2 (Suburban Residential) and located outside of the Village Containment Boundary. A single family dwelling and an accessory building are located on the lot, along with a large lawn and a number of garden beds. The lot slopes towards Telegraph Road, and has significant tree cover (the majority of proposed lot 3 is forested, while the rest of the property has sparse tree cover in

some areas). The land across Braithwaite Drive, to the north and the land across Telegraph Road to the east are zoned A-1 and located within the ALR. Land to the west and south is zoned R-2.

The Proposal:

The applicant proposes to subdivide the subject property into three lots, each approximately 0.4 hectares in size. Subject to community water service connection, the subdivision proposal is supported by CVRD Zoning Bylaw No. 1405. However, as the subject property is within the rural area of Electoral Area C, a South Cowichan Development Permit is required prior to final subdivision approval. This particular application triggers the General Guidelines as well as the Agricultural Protection and Landscaping, Rainwater Management and Environmental Protection Guidelines of South Cowichan Official Community Plan Bylaw No. 3510.

Please note that the subject property is not yet included in the Braithwaite Estates Water District. An application for inclusion has been made to the Province and the Improvement District is in favour of expanding their service area. It should also be noted that OCP bylaw No. 3510 does not anticipate expansion of the service area to include the subject property, however, OCP amendment bylaw No. 3604 will support expansion of the improvement district. Until the OCP is amended- either by Bylaw No. 3604 or an OCP amendment application- expansion of the water district cannot be supported by the CVRD, and until the water service is secured, the subject property is not eligible for subdivision.

Policy Context:

Development Permit Guidelines

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

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

24.4.1 (A) General Guidelines

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

During staff's site visit, very few invasive species were observed, however a large cluster of English Ivy was noted in close proximity to the existing single-family dwelling. A few broom plants and holly plants were also noted, but most of the vegetation appeared to be native species.

24.4.2 (A) Agricultural Protection Guidelines

- 7. Any subdivision next to agricultural land should be designed to gradually reduce densities and the intensity of uses toward the boundary of the Agricultural land.*

9. A continuous 15 metre wide buffer area should be provided between lands in the Agricultural Designation (A) and adjoining land uses. Buildings and structures should not be located within the buffer area, in order to reduce potential for land-use conflicts to arise. A restrictive covenant, registered in the Land Title Office, may be required to ensure that the required buffer is maintained.

10. The landscape buffer provided on lands adjoining the Agricultural Designation (A) will include trees as major landscaping component, as well as dense vegetation. Mature trees existing at the time of application should be preserved. A majority of the plant material selected should be low maintenance, indigenous vegetation and should be able to survive with little or no fertilizers. Guidelines contained in the B.C. Agricultural Land Commission's report: Landscaped Buffer Specifications should be respected.

Agricultural land is located to the north and the east of the subject property. The above guidelines are not considered to be applicable to the application, due to the fact that a road runs between the subject property and the agricultural property on both sides.

24.4.6(A) Landscaping, Rainwater Management and Environmental Protection

3. Runoff from the development must be strictly limited to prevent rainwater flows from damaging roads, surrounding properties and sensitive watershed features. Pervious surfaces should predominate, to encourage infiltration of water. The removal of trees should only be allowed where necessary and where alternate vegetation and water retention measures can be achieved.

A preliminary drainage assessment was prepared by Anita Davey of Davey Consulting and Agrology. The assessment includes calculations of the amount of water that must be infiltrated onsite, to ensure that post development flows do not exceed pre-development flows. These calculations were made based on build-out of the maximum 30% lot coverage allowed in the R-2 zone.

The applicant has indicated that he is interested in installing rainwater capture systems for the new dwellings post-subdivision, and this idea is supported by Anita Davey's report.

24.4.14(A) Subdivision Guidelines

1. The removal of trees should only be allowed where necessary and where alternate vegetation and water retention measures can be achieved.

The applicant has indicated that some tree removal on proposed lot 3 would be necessary in order to allow for a building envelope. There are no plans to remove trees on either proposed lot 1 or proposed lot 2.

Advisory Planning Commission Comments:

The Area C Advisory Planning Commission did not review this development permit application.

Planning Division Comments:

This application appears to meet the relevant South Cowichan Development Permit Area guidelines, and therefore the staff recommendation is to approve the application (option 1).

Options:

1. That application No. 6-C-12DP submitted by Blue Bennefield for Lot 4, Section 14, Range 8, Shawnigan District, Plan 23783 (PID 003-143-180) for subdivision of two new lots be approved subject to:

- a) Confirmation from a Qualified Professional Engineer, at the time of building permit application, that post-development rainwater runoff will not exceed pre-development rainwater runoff;
- b) Removal of all invasive plants on the property and;
- c) Connection to community water.

2. That application No. 6-C-12DP submitted by Blue Bennefield be denied.

Submitted by,

Maddy Koch

Maddy Koch
Planning Technician
Planning & Development Department

MK/ca

Reviewed by:
Division Manager:

[Signature]

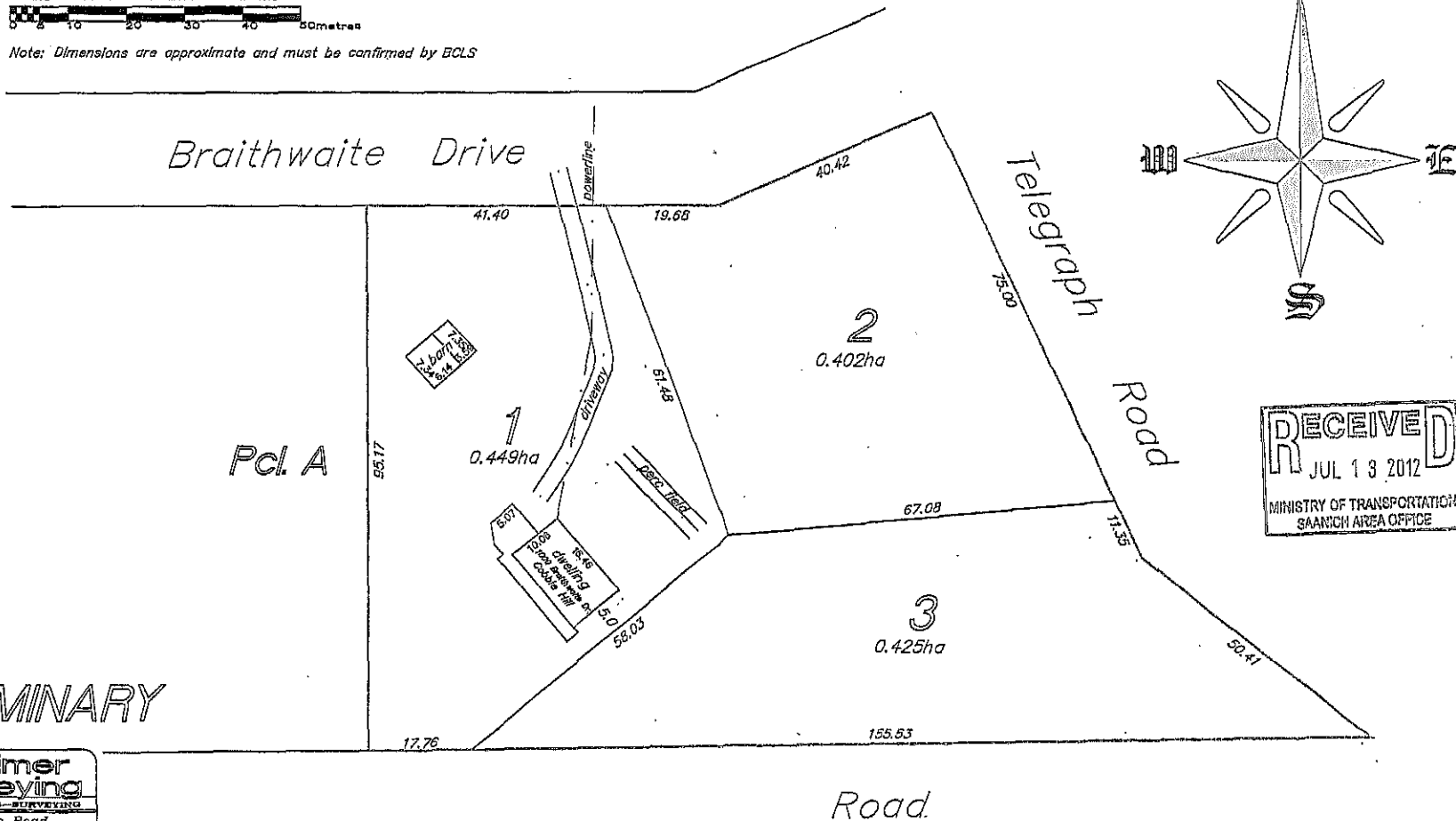
Approved by:
General Manager:

Sketch Plan of Proposed Subdivision of
Lot 4, Sec 14, R 8, Shawnigan District, Plan 23783.

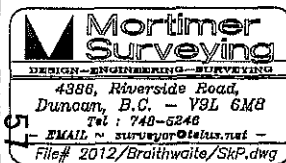
SCALE = 1:750 - distances are in metres



Note: Dimensions are approximate and must be confirmed by ECLS

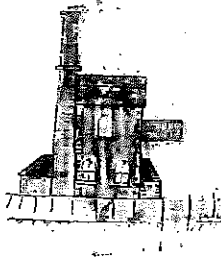


PRELIMINARY



Dated: June 25, 2012

DAVEY CONSULTING AND AGROLOGY



Div of Davey Holdings Ltd. Associated company: Advanced Environmental Inc.
2881 Virago Place Phone 250-722-3906
Ladysmith 1-800-838-9887
British Columbia
V9G 1C8 Fax 250-722-3950
e-mail daveyconsult@shaw.ca
WEBSITE <http://www.daveyconsulting.com>

Mr. Blue Bennefield
1415 Cherry Point Road
Cobble Hill
BC
V0R 1L0



October 2, 2012

Dear Mr Bennefield;

Re: Drainage Calculations for
Proposed Subdivision of Lot 4, Section 14, Range 8,
Shawnigan Land District, Plan 23783,
1000 Braithwaite Drive, Cobble Hill, BC

Our company has been retained to effect several aspects of a proposal to complete the subdivision of the above land base and to comply with the Cowichan Valley Regional District's bylaws concerning the storm water management of the land base.

Correspondence concerning aspects of the subdivision have been reviewed and discussed, however an overall view of the ground water hydrology is normally required to address the environmental impacts of possible infiltration or exfiltration of water collected by the addition of new residential buildings on the subdivided land base.

We have included a brief description of the soils that we have inspected, to identify the origins of these soils, and the influence that the soils play on water flow and overland environmental aspects of the management of this water.

Relating to the particular area under consideration, previous regional geotechnical mapping has characterized the lot as sand probably derived from glacial and marine action followed by deposition on a granitic basal complex, or in other words a raised beach formed by wave action. Isostatic rebound has elevated the area beyond contemporary sea levels. However, the surficial soils are sufficient to effect drainage of

the developed additional water occasioned by the catchment of proposed residences post subdivision approval without major impact on the surrounding environment and area.

Design Criteria

For an objective approach to the development, we have reviewed our files and similar projects and the technical basis for a drainage study with the applicable coefficients of the soil conditions, surrounding topography and vegetation.

Therefore, in the creation of a proposed subdivision, it has been generally established that one of the controlling factors in an area of subsurface glacial soils has been the disposal of water from residential dwellings, and the general rule that post development flows from the total land base after development shall not exceed pre-development flows.

The calculation of these volumes can be based on several formulae but a commonly used formula for small rural catchment areas is the Rational Formula obtained from Beard, L.R., 1962, "Statistical Methods in Hydrology", and both the pre-existing and post-development flows are calculated and identified below.

The actual drainage flow calculations are predicated on several standard conditions and these are summarized as:

- 1) The increased and often sheet flow from the additional construction will be held within the individual development area and within the soil conditions of the previously un-developed area.
- 2) Retention time within the proposed lot is based on a minimum soil depth of 1.20 m of percable sand material before being released into the ground water system.
- 3) The underlying or subsurface water flows are considered part of the regional drainage system, however with the percolation rates observed and proven volumes of absorbing soils, retention time will be addressed and must be adequate to ensure that all post development flows within property will not exceed pre-development flows, or if a large volume of water is to be collected any flow from a storage area or retention pond will not impact any environmentally sensitive habitat that may cross the land base.

Therefore, based on the rationalisation of the local catchment area and subdivision development on the lot we provide the following calculation to ensure that the retention volumes that will be constructed, as a retention area if required, will be installed to provide temporary storage for all natural flows within the post-developed lot.

The basis for the determination of these volumes and the Rational formula is:

Calculation based on the undeveloped lot size of approximately 1.276Ha
 Residential enclosed areas of 240m², i.e., there is presently a dwelling and an ancillary building on the land base
 Minimum porous soil depth of 0.8m on each lot
 Post development flows to equal predevelopment flows at boundary of presently undivided lot.

Small regional watershed volumes predicated on an established criteria and based on the Rational Formula of $Q = 0.0028CiA \text{ m}^3/\text{sec}$

Where:

C = Runoff coefficient

i = rainfall intensity in mm/hr for a storm whose duration is equal to the time of concentration

A = effective area of drainage basin in hectares.

a) Pre-development flow of total area

The run-off coefficient **C** is based on the absorption of the ground to precipitation and the value assigned to the surface to allow the water to be shed from the soils. In the present state of undeveloped land this coefficient is high and assumed to be 0.10 as it is based on sand with turf and limited standing water. With a 5-year storm conditions J.K. Searcy in 1965 in his "Design of Roadside Drainage Channels" recommended a multiplying factor of 1.0 to be applied to this coefficient and therefore the resultant is a weighted factor of 0.1.

Rainfall intensity from the "Upland" method of determination flows on a pasture and cleared land where the slope has an overall grade of 4% with an overland flow rate of the precipitation of 0.48m/sec to the furthest distance of the property produces a time of concentration of 1.5 minutes, and using both the Victoria airport station rainfall 5yr intensity chart of Victoria-Gonzales, and the charts produced by the North Cowichan station and averaging them as outlined in the table below, we have calculated a precipitation intensity of 2.78mm/hr.

Table 1: 24 HOUR RAINFALL DATA (mm)

<u>Return Period</u>	<u>Victoria Airport</u>	<u>North Cowichan</u>	<u>Average</u>
2 yr	49.4	53	51.2
5 yr	64.0	69.1	66.6
10 yr	73.6	79.7	76.7
25 yr	85.8	93.1	89.5
50 yr	94.9	103.0	99.0
100 yr	103.9	112.9	108.4

The above total rainfall amounts are for a 24-hour period storm

A = The individual area of the lot or the total undeveloped area. As we are striving to arrive at an overland flow calculation for the total predevelopment area; the area has been determined as 1.276Ha from the legal survey of the property provided; therefore the flow

across the parcel of land before development can be calculated by using unadjusted coefficients for the system as

Raw land: $C = 0.10$ times the area of raw land

C becomes

$$[0.10 \times 1.252\text{Ha}] + [0.95 \times 0.024] \text{ or}$$

$$C = 0.148$$

$$Q = 0.0028 \times 0.148 \times 2.78 \times 1.276 = 0.00147\text{m}^3/\text{sec}$$

b) Post development flows over the same area:

This is a combination of both the natural ground and the improvements made to the land, and is a combination of the raw land and the run-off coefficients of the improvements.

The increases in coefficients are offset by the reduction in the area to which these coefficients apply. The maximum total area subject to sheet flow of the lot would be the 30% impermeable coverage allowed by the R-2 zoning to an area of 3828m^2 of residential area. Therefore the total area subjected to a high flow rate will be 0.3828Ha .

Using unadjusted coefficients for the separate systems as

Raw land: $C = 0.10$

Sheet flow from paved areas, roof and other impervious material: $C = 0.95$

A new and composite C now becomes

$$[0.10 \times 0.8932] + [0.95 \times 0.3828] \text{ divided by the total area of } 1.276\text{Ha or}$$

$$C = 0.355$$

Where the reduced undeveloped land base is now 0.8932Ha and the developed area is 0.3828Ha

With a 5-year storm conditions a factor of 1.0 is applied to this base coefficient factor and therefore the overall resultant coefficient is 0.355

Rainfall intensity will diminish slightly as the water will flow at a slightly faster rate during the storm period; however, for all practical purposes it will remain at 1.5mins and the total intensity of rainfall will be kept at 2.78mm/hr for a 5-year event.

Post development flows will now be

$$Q = 0.0028 \times 0.355 \times 2.78 \times 1.276 = 0.003538\text{m}^3/\text{sec}$$

The difference in the two volumes is the effect of the development on the parcel of land and this water has to be contained within the soils of the proposed development. This difference, $0.00353 - 0.00147 = 0.00206\text{m}^3/\text{sec}$ for the duration of the storm and is equivalent to a total flow of: $0.00206\text{m}^3/\text{sec} \times 60\text{secs/min} \times 5\text{mins}$, or 0.62m^3 or 620L where 5minutes is the percolation rate of the surficial nascent soils into which the flows will be discharged.

This total volume will need to be retained within the developed lot and allowed to dissipate naturally into the soils at the percolation rates observed during the septic percolation tests. This may be accomplished by directing the rainwater in catchment devices, i.e. roof drains, and either stored on the proposed subdivided property for later use as agricultural or even potable augmentation of the natural water system during dry seasons, or discharged directly into the subsurface environment through exfiltration

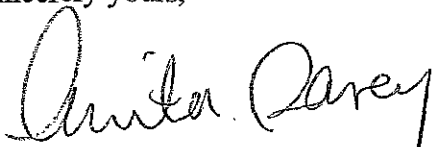
devices as the underlying sands are extremely permeable and no breakout or slope movement, or flooding would occur to the post-developed or surrounding terrain or properties.

Closure

With the calculations provided and based on generally accepted literature and the information provided to us we feel that the subdivision as proposed will meet the criteria of post development flows minimising the environmental impact on the storm drainage system in the regional area.

When this drainage system is accepted and subdivision is approved, a lot-specific rainwater catchment and disposal may be designed and incorporated into that specific development plan. If further details are required, please contact our office and we will be pleased to submit a report and plan that meets these objectives.

Sincerely yours,



Anita Davey, P.Ag.

Davey Consulting and Agrology

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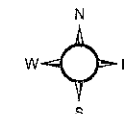
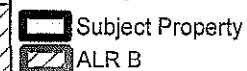


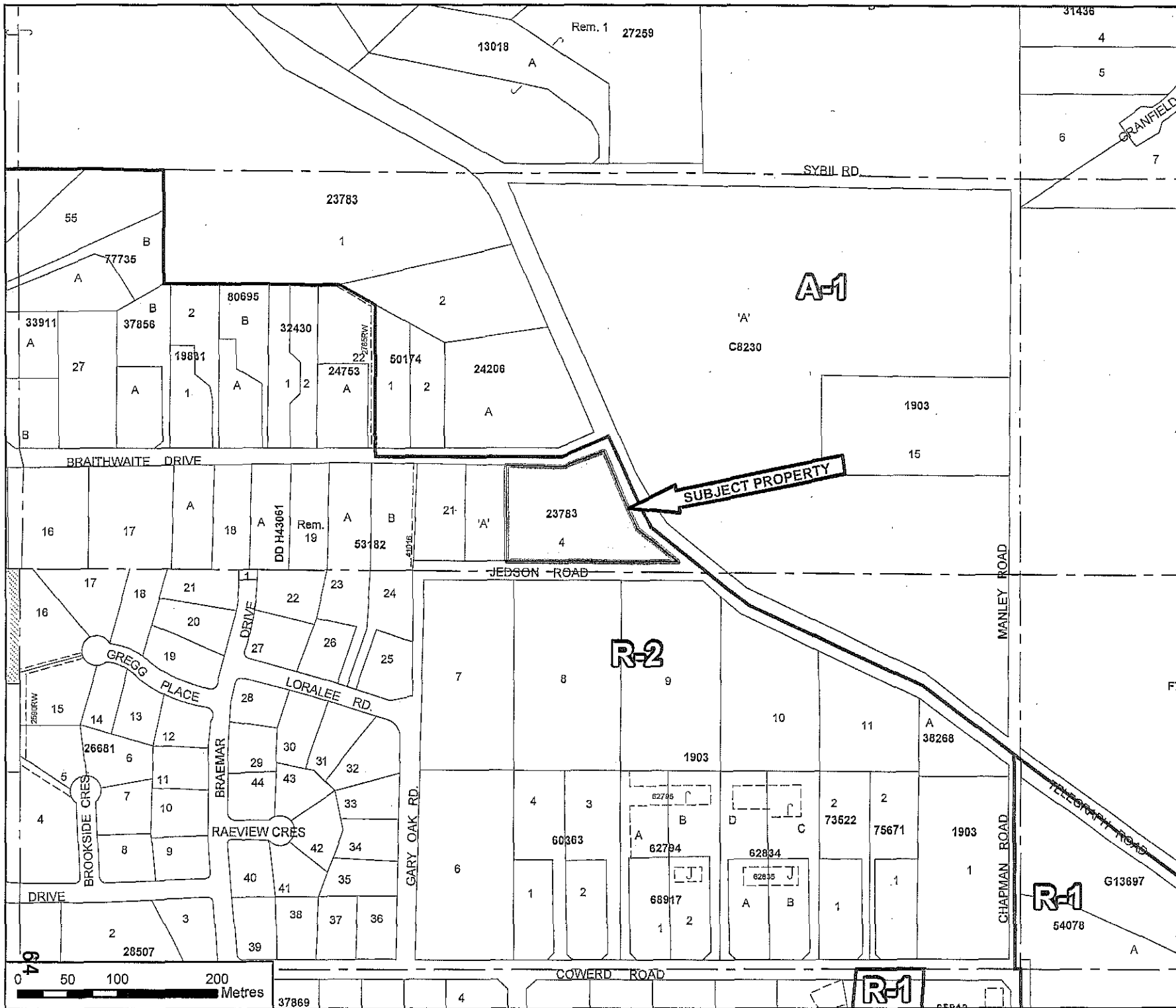
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 06-C-12-DP

ALR

Legend





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.

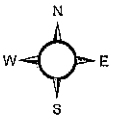
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 06-C-12-DP

ZONING

Legend

- Subject Property
- Zoning B





C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

FILE

6-B-12 DP

NO:

DATE: DECEMBER 4, 2012

REGISTERED PROPERTY OWNER(S):

BENNEFIELD CONSTRUCTION LTD. INC. No. BC0852348

1415 CHERRY POINT ROAD

COWICHAN BAY, BC, V0R 1N2

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 4, Section 14, Range 8, Shawnigan District, Plan 23783 (PID: 003-143-180)
3. Authorization is hereby given for subdivision of the subject property in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following condition(s):
 - a) Substantial compliance with the drainage assessment report by Anita Davey dated October 2, 2012, which recommends a lot-specific rainwater catchment system being incorporate into lot development plans following subdivision ;
 - b) Removal of all invasive plants on the property and ;
 - c) Maintenance of a 15 metre wide agricultural buffer along the front and exterior side parcel lines of the lot, within which no buildings or structures may be located and vegetation must be retained, except for invasive plants;
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 Schedules are attached:
Schedule A – Drainage assessment report by Anita Davey, dated October 2, 2012.
Schedule B- Subdivision plan
7. This Permit is not subdivision approval. Final subdivision approval will not be recommended until all items of this Development Permit have been complied with to the satisfaction of the Planning and Development Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. *[fill in Board Resolution No.]* PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE *[day]* DAY OF *[month]* MAY *[year]*.

Tom Anderson, MCIP
General Manager, Planning and Development Department

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

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

Owner/Agent (signature)

Witness (signature)

Print Name

Print Name

Date

Date

7.4 SHAWNIGAN VILLAGE DEVELOPMENT PERMIT AREA: GUIDELINES AND EXEMPTIONS

Prior to commencing any development, including subdivision, construction or land clearing, on lands within the Shawnigan Village Development Permit Area, the owner will submit information that demonstrates how the proposed development meets the guidelines in the following sections.

7.4.1A General Guidelines

1. In all cases where a development permit is required, the eradication of invasive weeds, such as English Ivy, Scotch Broom, Gorse, Himalayan Blackberry, Morning Glory and Purple Loosestrife, and other non-native invasive weeds listed by the Coastal Invasive Plant Committee and the BC Landscape and Nursery Association, will be a requirement of the development permit.
2. In all cases where a development permit is required, the best management practices within the Ministry of Environment's *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia* will be encouraged.
3. Where the Regional District considers that construction would be on land that is subject to or is likely to be subject to flooding, mud flows, debris flows, debris torrent, erosion, landslide, rock falls, subsidence or avalanche, the applicant may be required to provide a report certified by a professional engineer with experience in geo-technical engineering indicating that the development will not result in property damage or the loss of life on the site or in the surrounding area.

7.4.1B General Guideline Exemptions

The General Guidelines do not apply to development that does not require a develop permit under Sections 7.4.2 through 7.4.11.

7.4.II A Subdivision Guidelines

The Subdivision Guidelines apply to the subdivision of land, regardless of the land designation.

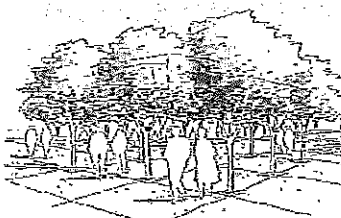
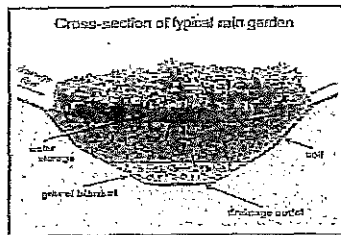
1. A trail system should link neighbourhoods to amenities and, where possible, provide corridors of native vegetation that can provide for groundwater infiltration.
2. The removal of trees should only be allowed where necessary and where alternate vegetation and water retention measures can be achieved.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

7.4.II B Subdivision Guideline Exemptions

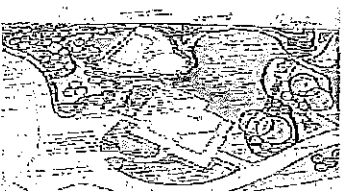
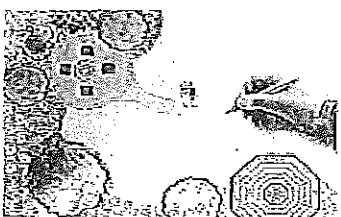
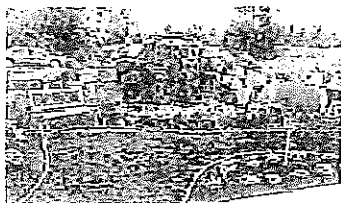
The Subdivision Guidelines do not apply to proposed boundary adjustments between two or more parcels of land.

24.4.6 A: Landscaping, Rainwater Management and Environmental Protection Guidelines

The Landscaping/Rainwater Management/Environmental Protection Guidelines apply to the subdivision of land, and to commercial, industrial, multiple family and intensive residential development and their accessory uses.



1. Preparation of a landscaping plan by a British Columbia Society of Landscape Architects (BCSLA) or BC Landscape and Nursery Association (BCNTA)-certified landscape architect is preferred. Any landscaping plan submitted with an application for a development permit, whether professionally prepared or not, will be assessed by the CVRD according to BCSLA/BCNTA guidelines.
2. All required landscaping plans should be integrated with a rainwater management plan, which should favour natural solutions to drainage such as rain gardens and bio-swales, and should contain measures to limit impervious surfaces. The rainwater management plan must be prepared by a professional engineer with experience in drainage and submitted with the application for any commercial, mixed use or multiple family residential development proposal.
3. Runoff from the development must be strictly limited to prevent rainwater flows from damaging roads, surrounding properties and sensitive watershed features. Pervious surfaces should predominate, to encourage infiltration of water. The removal of trees should only be allowed where necessary and where alternate vegetation and water retention measures can be achieved.
4. For subdivision, where appropriate, lands should remain in a natural state, with landscaping measures used to provide rainwater infiltration.
5. All public areas should be landscaped, including entrances, building peripheries, parking and pedestrian areas, and open space areas, in a way that is complementary to both the site and surrounding lands.
6. Streetscape design should incorporate treatments that enhance the pedestrian experience and create a sense of local identity. Public streetscape amenities including walkways, benches, planters, and bike racks should have a high quality of design.
7. The appearance of large buildings should be enhanced using plants, shrubs and trees, and where necessary, hard landscaping treatments such as terraced retaining walls,



planters, gardens, special features such as a courtyards or fountains, outdoor seating and decorative paving or lighting.

8. Developments should incorporate and emphasize native landscape materials, and use drought resistant plants to reduce irrigation needs.
9. Industrial and commercial development visible from the Trans Canada Highway or major network roads should be screened and landscaped, including entrances, building peripheries, parking and pedestrian areas, and open space areas. The landscaping should consist of a mix of coniferous and deciduous vegetation, with low plantings and taller tree species at intervals.
10. Sites should not be dominated by areas of bark mulch, gravel or other similar materials.
11. Walkways or trails must be developed to encourage walking and cycling and to connect the development with surrounding areas. Public ocean views and access are encouraged.
12. A landscape buffer should be provided on industrial lands that adjoin a parcel within a residential land use designation. For industrial parcels with a potential for noise, smell or sight impacts, the minimum width of the landscape buffer should be 20 metres.

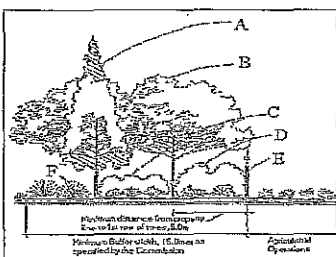
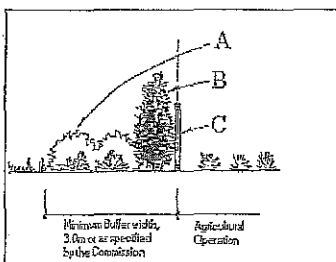
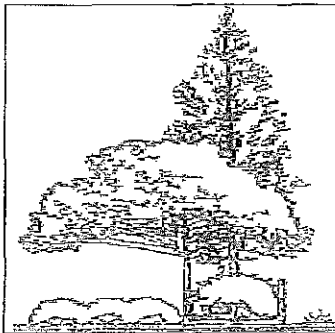
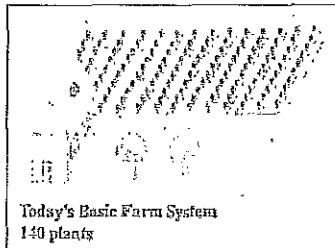
24.4.6 B Landscaping, Rainwater Management and Environmental Protection Guideline Exemptions

The Landscaping, Rainwater Management, and Environmental Protection Guidelines do not apply to:

- a. single family residential subdivision if the subject property is located within a CVRD Drainage Control Area;
- b. Construction of single family dwellings.

24.4.2 A Agricultural Protection Guidelines

The Agricultural Protection Guidelines apply to development of non-agricultural uses, buildings and structures that are located on lands designated as Agricultural, or within 30 metres of a parcel of land designated as Agricultural.



1. Residential buildings will be located in such a way as to not impinge on the ability to farm the land. This means that the residence will not be centrally located in the middle of a highly productive soil polygon as shown on the agricultural capability mapping or as evidenced in a field observation, but rather will be located on soils that have lower agricultural potential. This will result in homes being located close to the fronting public road, with minimal driveway intrusion into and across the parcel. It may also mean that a residence is located on higher ground which has lower agricultural potential, wherever on a parcel this may be located.
2. Accessory buildings will be located similarly to residential buildings, except for agricultural accessory buildings, which are exempt from this development permit process.
3. Driveways will be placed on the land in such a way as to minimize the impact upon present and potential future farming.
4. The footprint of the proposed non-farm buildings may be limited if they are to be located on lands with high agricultural capability.
5. Non-native, invasive plants are unsightly and are a threat to agriculture. The management or elimination of the invasive plants, as listed by the Coastal Invasive Plant Committee and the BC Landscape and Nursery Association, will be required.
6. Principal buildings and structures adjacent to lands designated as Agricultural (A) should be located as far away from the edge of the Agricultural Designation as possible, without unduly impacting on the usefulness of the lot.
7. Any subdivision next to agricultural land should be designed to gradually reduce densities and the intensity of uses toward the boundary of the Agricultural land.



R4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF DECEMBER 4, 2012

DATE: November 29, 2012

FILE NO: 12-B-12DP

FROM: Maddy Koch, Planning Technician

BYLAW NO: 3510

SUBJECT: Application No. 12-B-12DP
(Teunissen)

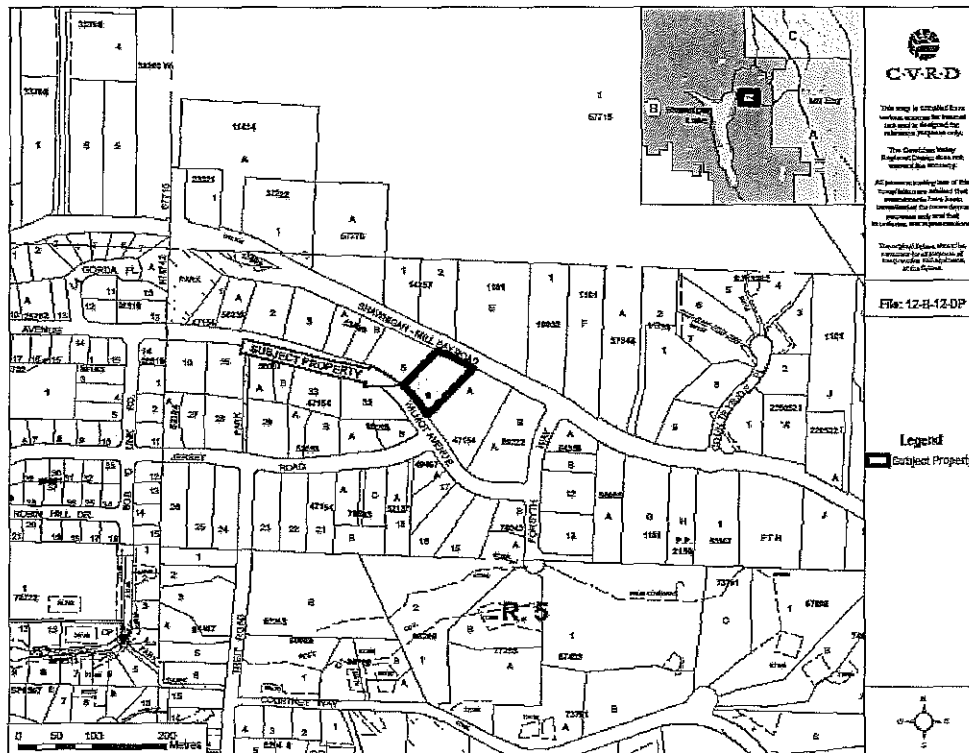
Recommendation/Action:

That application No. 12-B-12 DP submitted by Helmut and Vickie Teunissen on Lot 6, Section 2, Range 5, Shawnigan District, Plan 47154 (PID: 001-850-736), for subdivision of one new lot be approved subject to:

- Substantial compliance with the rainwater management plan prepared by Dennis Lowen, dated October 4, 2012;
- Removal of invasive species, and their replacement with native vegetation, in accordance with the report prepared by Jennifer Morgen on September 21, 2012.

Relation to the Corporate Strategic Plan: N/A

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



Location of Subject Property: 1578 Shawnigan Lake- Mill Bay Road.

Legal Description: Lot 6, Section 2, Range 5, Shawnigan District, Plan 47154 (PID: 001-850-736)

Date Application Received: May 10, 2012

Owner: Helmut and Vickie Teunissen

Applicant: As above

Size of Parcel: ±0.4 hectares (±1 acres)

Existing Zoning: R-3 (Urban Residential)

Minimum Lot Size: 0.2 ha with connection to a community water system

Existing Plan Designation: Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: R-2 (Suburban Residential)

South: R-3 (Urban Residential)

East: P-1 (Parks and Institutional) (Church)

West: R-3 (Urban Residential)

Services:

Road Access: Shawnigan- Mill Bay Road and Wilmot Avenue

Water: Lidstech Holdings Improvement District (pending connection)

Sewage Disposal: On site

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

Environmentally Sensitive None identified.

Areas:

Fire Protection Shawnigan Lake Improvement District

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

Urban Containment Property is located within the Shawnigan Village Containment

Boundary: Boundary

Property Context:

The subject property is approximately 0.4 hectares in size, and is located between Wilmot Avenue and Shawnigan- Mill Bay Road. A single family dwelling, an accessory building and a small greenhouse are located on the subject property. The accessory building, and potentially the greenhouse, will need to be removed prior to final subdivision approval, in order to ensure compliance with the required setbacks from the new property line.

The lot slopes down from Wilmot Road to Shawnigan-Mill Bay Road, and a drainage ditch crosses the southern corner of the subject property. Madrone Environmental Services Ltd. assessed the watercourse and determined that it is not subject to the Riparian Areas Regulation.

The lot is treed adjacent to Shawnigan – Mill Bay Road and the western interior side parcel line. Himalayan blackberries have infested the portion of the lot adjacent to Wilmot Road.

The Proposal:

The applicants propose to subdivide the lot into a 0.2001 ha (0.49 ac.) lot and a 0.2047 ha (0.51 ac.) lot.

As the subject property is within the Shawnigan Village Containment Boundary, a Shawnigan Village Development Permit is required prior to final subdivision approval. This particular development triggers the General Development Permit Area guidelines, as well as the guidelines for Subdivision, and Landscaping, Rainwater Management and Environmental Protection.

Policy Context:

Development Permit Area (DPA) Guidelines

The following is intended to summarize the pertinent guidelines, and describe how the proposal addresses them. The full wording from the DPA is attached to this report.

7.4.5A Landscaping, Rainwater Management and Environmental Protection Guidelines

3. "Runoff from the development must be strictly limited to prevent rainwater flows from damaging roads, surrounding properties and sensitive watershed features. Pervious surfaces should predominate, to encourage infiltration of water. The removal of trees should only be allowed where necessary and where alternate vegetation and water retention measures can be achieved."

The owners have secured a Rainwater Management Report from Dennis Lowen of Lowen Hydrogeology Consulting Ltd. (attached), which makes recommendations on how the development can be carried out in a way that does not result in increased water runoff from the property following lot development.

4. "For subdivision, where appropriate, lands should remain in a natural state, with landscaping measures used to provide rainwater infiltration"

Dennis Lowen has recommended using Bioswales as a means of providing rainwater infiltration.

7.4.11A Subdivision Guidelines

2. "The removal of trees should only be allowed where necessary and where alternate vegetation and water retention measures can be achieved"

The applicant has indicated that they do not foresee the need to remove more than a few small trees to allow for house construction.

7.4.1A General Guidelines

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

The subject property is prone to Himalayan Blackberry infestation. Jennifer Morgen of Madrone Environmental Services Ltd. has recommended removal of the blackberries, and replacement with native plants including salmonberry, red-osier dogwood, Nootka rose, Pacific ninebark, Indian plum and oceanspray.

Advisory Planning Commission Comments:

The Area B Advisory Planning Commission did not review this application, upon the director's request.

Recommendation:

This application appears to meet the relevant Shawnigan Village Development Permit Area guidelines. Dennis Lowen's report provides reasonable assurance that, if his recommendations are followed, rainwater will be sufficiently managed onsite. Invasive species will be removed and native vegetation, including the existing stands of trees, will be retained and supplemented. Subdivision of the property is supported by Zoning Bylaw No. 985. Given that the application seems to align with relevant CVRD bylaws, staff recommend the application be approved, subject to conditions.

Options:

1. That application No. 12-B-12 DP submitted by Helmut and Vickie Teunissen on Lot 6, Section 2, Range 5, Shawnigan District, Plan 47154 (PID: 001-850-736), for subdivision of one new lot be approved subject to:
 - c) Substantial compliance with the rainwater management plan prepared by Dennis Lowen, dated October 4, 2012;
 - d) Removal of invasive species, and their replacement with native vegetation, in accordance with the report prepared by Jennifer Morgen on September 21, 2012.
2. That application No. 13-B-12DP be denied.

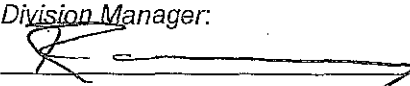
Option 1 is recommended.

Submitted by,



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

MK/

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



October 4, 2012
LHC Project File: 1223

H. Teunissen
1578 Shawnigan - Mill Bay Road
RR2 Shawnigan Lake, BC
V0R 2W2

Attention: Helmut Teunissen

Re: Rainwater Management System Feasibility - 1578 Shawnigan Mill Bay Rd., Shawnigan Lake, B.C.

As per your request we have assessed the potential for a rainwater treatment system on the above noted property. Our findings are presented in the following sections. A property plan is presented in Figure 1. The subject lot legal description is: Lot 6, Sec. 2, Range 5, Shawnigan LD Plan 47154.

1.0 PHYSICAL SETTING

1.1 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.

1.2 Topography and Surface Water Drainage

The regional topography is complex, with multiple slopes direction. The subject property lies at an elevation of approximately 150 m. ASL, and the surface slopes down to the North-East with a slope of 7%. Surface water is therefore likely to flow locally to the North-East. Figure 2 shows the regional topography as well as the main direction of the surface drainage over the subject property.

1.3 Soils

The dominant soil found in the subject property is the *Shawnigan* moraine soil unit. This soil is composed of gravelly sandy loam and is well drained. It is characterized with moderately to strongly cemented pans.

Considering the nature of the soils, a horizontal hydraulic conductivity of 1 m/day (gravelly sandy loam) can be used for this study.

Figure 1 - Property Layout

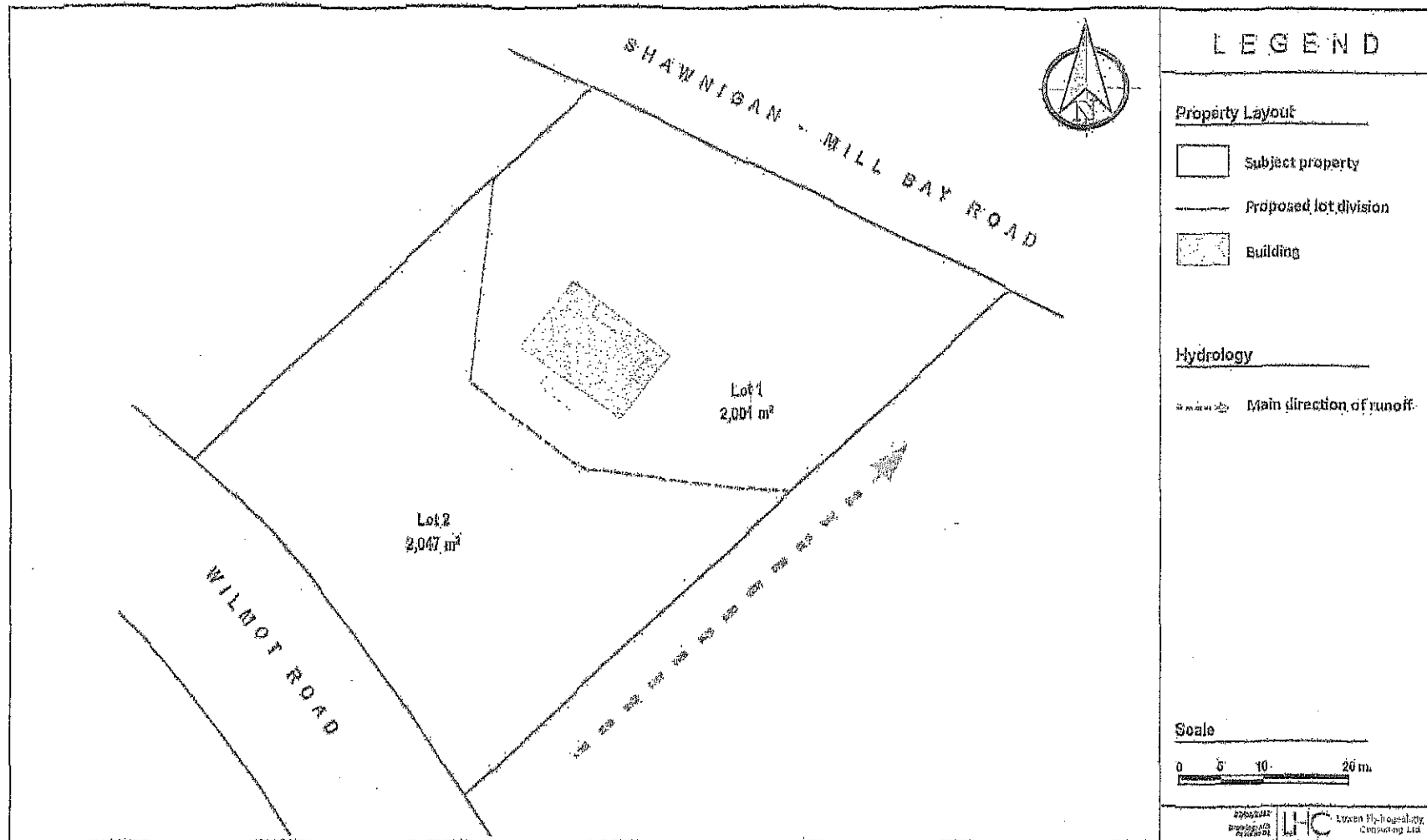
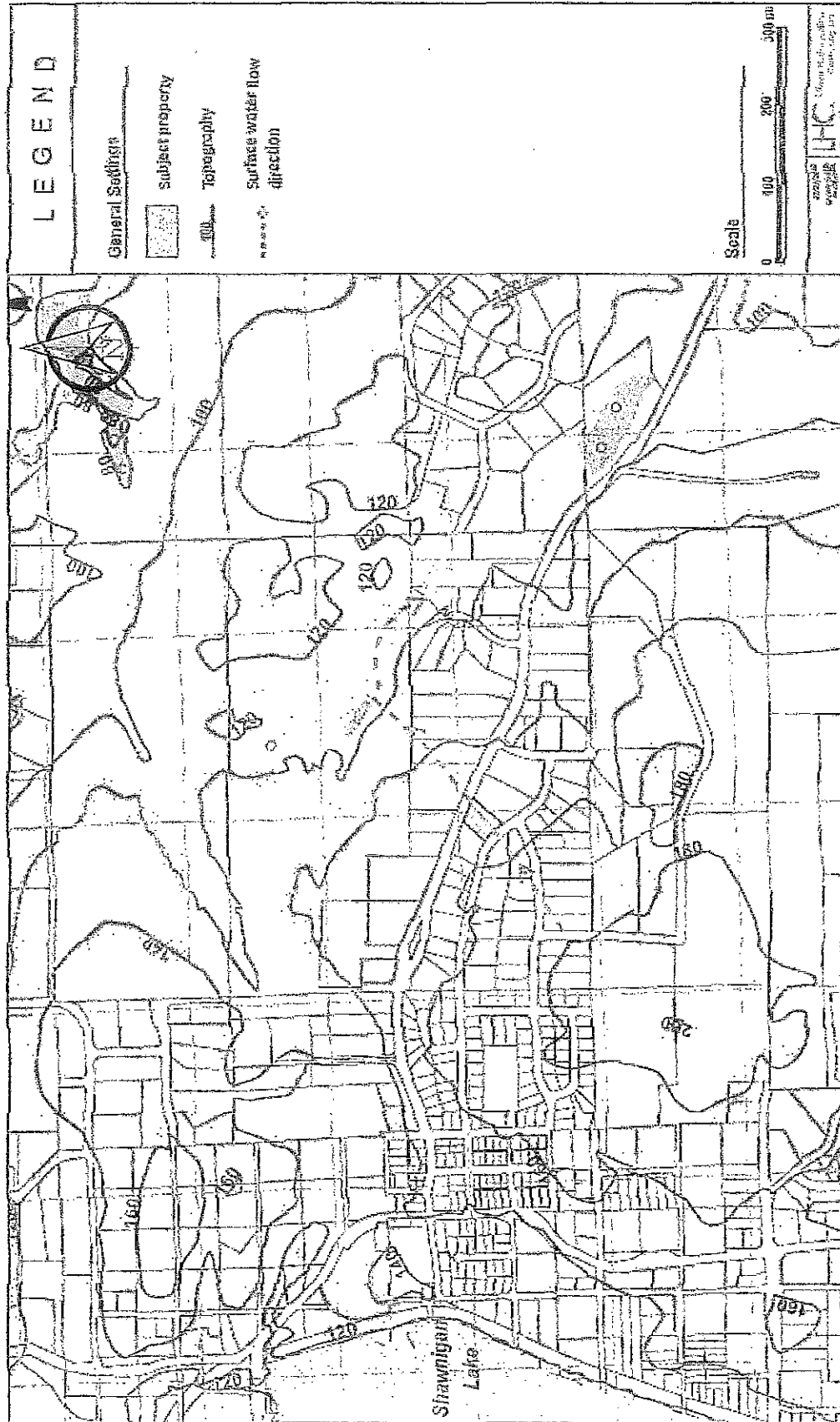


Figure 2 - Regional Topography and Water Runoff



2.0 RAINWATER MANAGEMENT SYSTEM DESIGN

2.1 Property Features

The property will be divided into 2 Lots (called in this report Lot1 and Lot 2). Lot 1 is located at the north and has an area of 2001 m². Lot 2 is located at the south and has an area of 2047 m². Therefore the total area of the property is 4047 m².

Lot 1 already contains a family dwelling of 156.1 m². This study considers the two lots to be developed on the model of one family dwelling and a driveway each. The total built-up area would therefore approximately be 500 m² (2 dwellings of 200 m² each, and 2 driveways of 50 m² each).

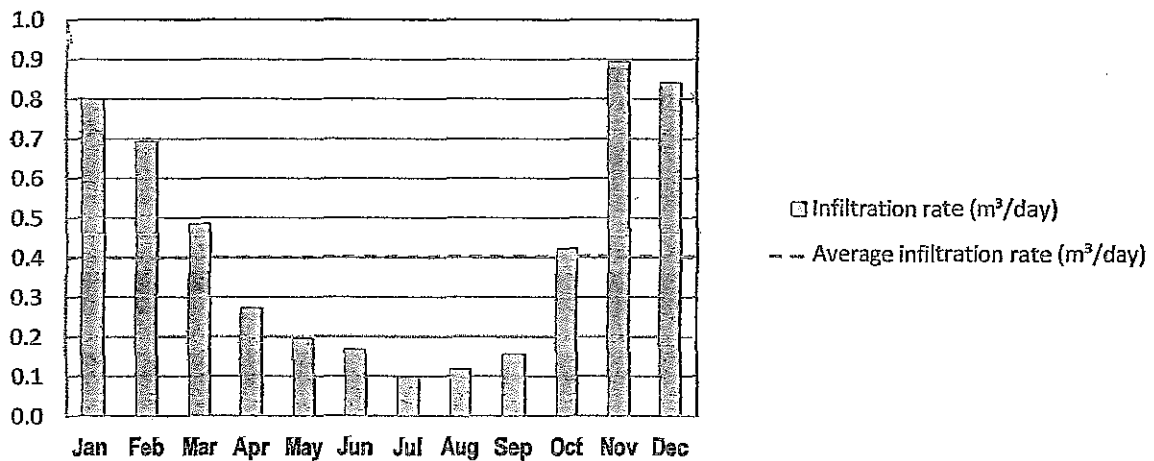
2.2 Water Infiltration Volumes

Due to the development, the area of rainfall 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 = 4047 m²
- Projected built-up area = 500 m²

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 provides all data and calculations. Results are presented in Figure 2 as follows:

Figure 2 - Amount of Water to Infiltrate Artificially



The rainwater infiltration works will have to be designed for infiltration rates ranging from 0.1 m³/day (July) to 0.9 m³/day (November), with an average flow of 0.4 m³/day on an annual basis. This amount is considering no other inflow than the runoff due to the development. However, if rock pits or bio-swales are constructed across the property some runoff from the non-built area will be intercepted by these features. The best rainwater infiltration design would therefore consider that the pits or 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.

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 before development (m³)	200.7	157.2	121.6	66.0	49.3	40.7	25.0	29.7	38.1	106.1	217.2	211.2	1,262.6
Volume of natural infiltration after development (m³)	175.9	137.8	106.6	57.8	43.2	35.7	21.9	26.0	33.4	93.0	190.4	185.1	1,106.6

After Development : Volume to inject artificially

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average
Flow (m³/month)	24.8	19.4	15.0	8.2	6.1	5.0	3.1	3.7	4.7	13.1	26.8	26.1	13.0
Flow (m³/day)	0.8	0.7	0.5	0.3	0.2	0.2	0.1	0.1	0.2	0.4	0.9	0.8	0.4
Flow (L/s)	0.009	0.008	0.006	0.003	0.002	0.002	0.001	0.001	0.002	0.005	0.010	0.010	0.005

Where:

(1) Volume of natural infiltration before development:

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

$$\text{Ex: January: } (0.198 \text{ m} \times 4,048 \text{ m}^2) \times 0.25 = 200.7 \text{ m}^3$$

(2) Volume of natural infiltration after development:

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

$$\text{Ex: January: } (0.198 \text{ m} \times (4,048 - 500) \text{ m}^2) \times 0.25 = 175.9 \text{ m}^3$$

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

2.3 Water Budget

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

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

Where

- Precipitation = $1.25 \text{ m/yr} \times 4,048 \text{ m}^2 = 5,060 \text{ m}^3/\text{yr}$
- Runoff (45%) = $0.45 \times 5,060 \text{ m}^3/\text{yr} = 2,277 \text{ m}^3/\text{yr}$
- Evapotranspiration (30%) = $0.30 \times 5,060 \text{ m}^3/\text{yr} = 1,518 \text{ m}^3/\text{yr}$
- Infiltration (25%) = $0.25 \times 5,060 \text{ m}^3/\text{yr} = 1,265 \text{ m}^3/\text{yr}$

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

PROPERTY	NON BUILT	WATER BUDGET		
100%	88%	Runoff : 45% ¹	40 %	
		Evapotranspiration : 30%	26 %	
		Infiltration : 25%	22 %	
	BUILT			
		12%	Runoff : 0%	0 %
			Evapotranspiration : 0%	0 %
Infiltration : 100% ²	12 %			
TOTAL				
		Runoff	40 %	
		Evapotranspiration	26 %	
		Infiltration	34 %	
OBJECTIVE				
		Runoff	10 %	
		Evapotranspiration	26 %	
		Infiltration ³	64 %	

¹ The runoff increases with the land clearance.

² Roofs and driveways drain to bio-swales for infiltration.

³ The bio-swales facilitate the infiltration of runoff from built-up and non-built-up areas.

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.

2.4 Bio-swales Preliminary Design

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 = $8.8 m^3/day$ ^{*}
- K_v = Vertical hydraulic conductivity = $0.1 m/day$ ^{**}
- CF = Clogging Factor = 0.8

^{*} Objective = 64% of the total precipitation: $0.64 \times 5,050 = 3,232 m^3/yr = 8.8 m^3/day$

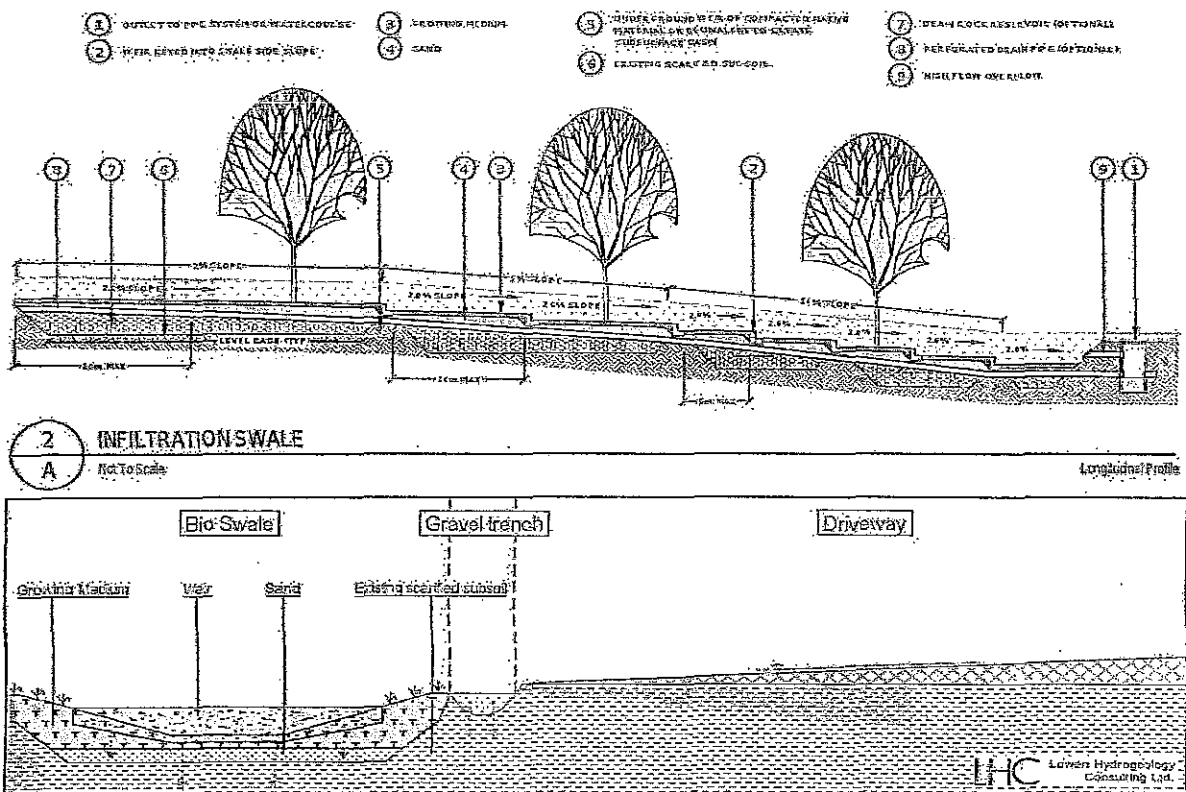
^{**} $K_v = 0.1 \times K_h$

Therefore:

$$A = 8.8 / (0.1 \times 0.8) = 110 m^2 \Rightarrow L = 110 / 1.5 = 73 m$$

The length required would be in total approximately 73 m according to the hydraulic conductivity of the soil at depth. See Figure 3 for the standard design of an infiltration swale.

Figure 3 - Infiltration Swale Standard Design



NOT TO SCALE

Bio swale design: Lanarc Consultants Ltd.; Kerr Wood Laidal Associates Ltd.; Goya Ngan - (2005) - Stormwater Source Control Design Guidelines 2005

3.0 CONCLUSIONS AND RECOMMENDATIONS

- 3.1 The estimation of the bio-swales length is considering a standard hydraulic conductivity from the tables. It would be recommended to perform percolation tests in order to confirm this value and refine the calculations. It would also be recommended to consult a specialist to design the infiltration network.
- 3.2 With the design of a rainwater management system, and due to the 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.
- 3.3 Due to the regional topography, all surficial flow will flow with the slope direction to the North-East, or away from the Shawnigan Lake.
- 3.3 The proposed rainwater infiltration on-site will benefit shallow groundwater flow (interflow) as well as treating the rainwater by infiltration and adsorption processes in the soil.
- 3.4 Due to the topography, it would be recommended to orientate the bio-swales North-West / South-East so they can catch runoff flowing towards the North-East (see Figures 1 and 2). The bio-swale length could be divided so each Lot contains the same amount, of swales. Trenches from the built areas should be designed in order to conduct the runoff water towards these bio-swales.
- 3.5 Bio-swales are just one of many strategies to manage drainage from developed areas. Other options include: absorbent landscapes, rain gardens, pervious paving, green roofs, infiltration trenches, rock pits and soakaway manholes. For more information on this subject, please see the following reference:

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

Stormwater Source Control Design Guidelines 2005 - Greater Vancouver Regional District

If an alternative method or combination of methods is selected then the infiltration capacity of these methods should be equal to the infiltration capacity of (8.8 m³/d) used for bio-swale design.

4.0 CLOSURE / DISCLAIMER

In formulating our analysis, we have relied on information provided by others. The information provided by others is believed to be accurate but cannot be guaranteed by Lowen Hydrogeology Consulting Ltd.

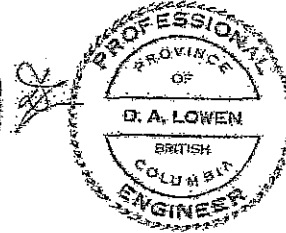
Furthermore, if the recommendations in this report are not implemented, the undersigned assumes no responsibility for any adverse consequences that may occur.

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

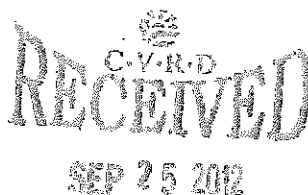
Respectfully submitted,

LOWEN HYDROGEOLOGY CONSULTING LTD.

Dennis Lowen



Dennis A. Lowen, P. Eng. P. Geo.
DL/MD/hr



1081 Canada Avenue
Duncan, BC V9L 1V2
P: 250.746.5545
F: 250.746.5850
www.madrone.ca
info@madrone.ca

September 21, 2012

Mr. Helmut Teunissen
1578 Shawnigan Lake-Mill Bay Road
Shawnigan Lake, BC, V0R 2W2

Dear Mr. Teunissen,

It is my understanding that you have submitted an application for subdivision and development at 1578 Shawnigan Lake-Mill Bay Road, Shawnigan Lake, BC. The initial phase of the proposal involves subdividing your one-acre lot into two 0.5 acre parcels. Phase two of the project involves constructing a single family dwelling on the southern-most parcel of land. As there is a roadside ditch drainage onsite, the Cowichan Valley Regional District (CVRD) has requested a Qualified Environmental Professional (QEP) conduct a Riparian Areas Regulation (RAR) assessment to determine whether the RAR process should be implemented. You have retained Madrone Environmental Services Ltd. (Madrone) to complete the RAR assessment and provide guidance to ensure all application requirements are met.

In most cases, any development activities within the Riparian Assessment Area (RAA) - 30 m from the edge of a "stream" - including lakes, wetlands, ponds, creeks, rivers and ditches, are subject to a RAR assessment by a QEP. The regulation applies to "development" along streams, as governed by local government regulation, or the approval of residential, commercial, industrial or ancillary activities under Part 26 of the *Local Government Act*.

There are some instances where development inside the 30 m RAA does not require the completion of an assessment under the RAR. For example, water-bodies that do not support fish or connect by surface flow to fish habitat are not considered "streams" under the RAR methodology.

Dossier 12.0273

In addition, a QEP can use professional judgment when assessing watercourses that are poorly defined, have poor connectivity and do not contribute to downstream fish habitat. These types of watercourses do not meet the definition of a “stream” and are, therefore, exempt from the RAR process, as per Section 1.4.2 of the RAR.

On September 19, 2012, Jennifer Morgen, M.Sc., B.I.T. visited the subject property and noted that the majority of property has been influenced by past anthropogenic activities. The existing construction footprints consist of a single family home, garden shed and greenhouse, manicured gardens and gravel driveway. The property is confined to the north by Shawnigan Lake-Mill Bay Road, the south by Wilmot Avenue, and the west and east by private properties. The topography of the property is such that it gently slopes northeast in the direction of Shawnigan Lake-Mill Bay Road.

With the exception of the existing structures, the landscape on the northern half of the property has been left relatively natural, with some large trees and an established understorey. Vegetation removal on the southern half has been extensive; the current landscape consists of an exposed dirt pathway and widespread growth of grasses and invasive weeds. However, a few trees were retained, and these occur near the southeast corner and along the west and east property boundaries.

It is important to note that this property also exists on the CVRD planning map as 1600 Wilmot Avenue. This is likely due to the fact that there are two access driveways to the property; the main access is from Shawnigan Lake-Mill Bay Road and the secondary access from Wilmot Avenue. The current residence is situated in the northwest portion of the property, with the driveway and shed immediately to the east. The proposed subdivision will split the property into two equally sized parcels, with the property boundary being positioned just south of the current residence. Once subdivided, the new residence will be constructed and situated in the central portion of the southern property and will be accessed from Wilmot Avenue. The road right-of-way (ROW) setback of 10 metres will be adhered to when developing the property.

At the southern edge of the property, a culvert was installed within the road ROW to manage for stormwater runoff from Wilmot Avenue. This culvert overflows onto the subject property and water is directed southeast via a shallow, likely man-made drainage channel. Water then flows onto the neighbouring

property, where it is directed northeast along the property boundary before entering the roadside ditch of Shawnigan Lake-Mill Bay Road.

The drainage channel is approximately 2 m wide and 50 m long. At the time of assessment, the depression was dry and the substrate composed of organic materials, with very little alluvium noted. It appears that during periods of high water, the geology and topography of the property encourage excess water to naturally infiltrate into the soil and/or flow east onto the neighbouring property. During high water events, there is potential for water flow to enter the roadside ditches downstream adjacent Shawnigan Lake-Mill Bay Road; however, these ditches do not support fish nor lead to fish habitat.

The property is relatively open, with a 5 m to 10 m strip of tall trees and developed understorey of native plant species along the northern boundary. Tree growth in this area is primarily comprised of Douglas-fir (*Pseudotsuga menziesii*), western redcedar (*Thuja plicata*) and big-leaf maple (*Acer macrophyllum*). The native shrub layer is dominated by salal (*Gaultheria shallon*), dull Oregon-grape (*Mahonia nervosa*), trailing blackberry (*Rubus ursinus*) and bracken fern (*Pteridium aquilinum*). There is also a cluster of tall big-leaf maple trees in the southeast corner of the property, with an understorey of regenerating maple, salmonberry (*Rubus spectabilis*), dull-Oregon grape, salal, trailing blackberry and bracken fern. However, non-native Himalayan blackberry (*Rubus discolor*) dominates over the native species. Some English holly (*Ilex aquifolium*), which is also invasive, was documented onsite during the assessment. The vegetation in the drainage channel is consistent with what exists on the remainder of the property and there are no hydrophytic plants.

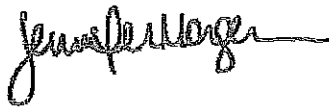
During the assessment it was determined that the drainage depression and outlet roadside ditch at Shawnigan Lake-Mill Bay Road do not support or contribute to downstream fish habitat. Due to the fact that these features are isolated from fish habitat and do not support salmonids, game fish or regionally significant fish species, the site does not qualify as a “stream” under the RAR, and therefore a RAR assessment is not required.

Although a setback from the culvert drainage is not required, we would recommend a 5 m setback be applied from the high water mark to protect the integrity of the drainage so as to not impact the management of stormwater. Finally, we recommend removing all invasive plant species, particularly the Himalayan blackberry, as this species is currently inhibiting the establishment of

native species. Once the blackberry has been removed, the area should be replanted with native species. Species such as salmonberry, red-osier dogwood (*Cornus stolonifera*), Nootka rose (*Rosa nutkana*), Pacific ninebark (*Physocarpus capitatus*), Indian plum (*Oemleria cerasiformis*) and oceanspray (*Holodiscus discolor*) would be appropriate for this site.

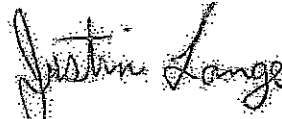
We appreciate your diligence in contacting me regarding this matter. If you have any questions, please do not hesitate in contacting the undersigned.

Prepared By:

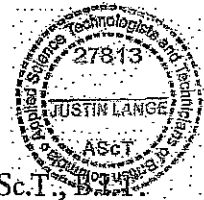


Jennifer Morgen, M.Sc., B.I.T.
Aquatic/terrestrial biologist

Reviewed By:



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





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.

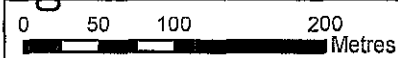
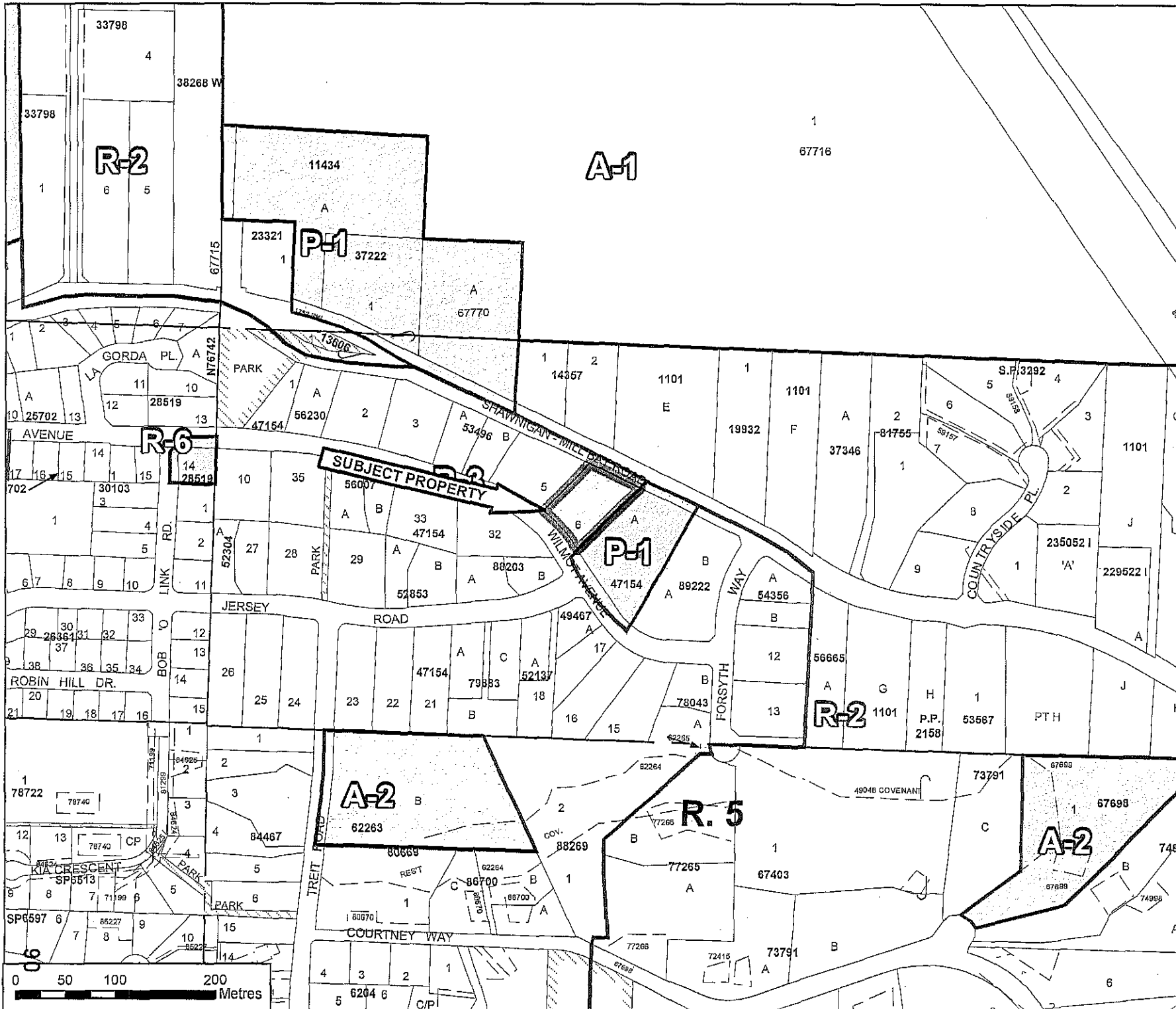
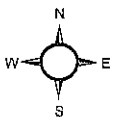
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 12-B-12-DP

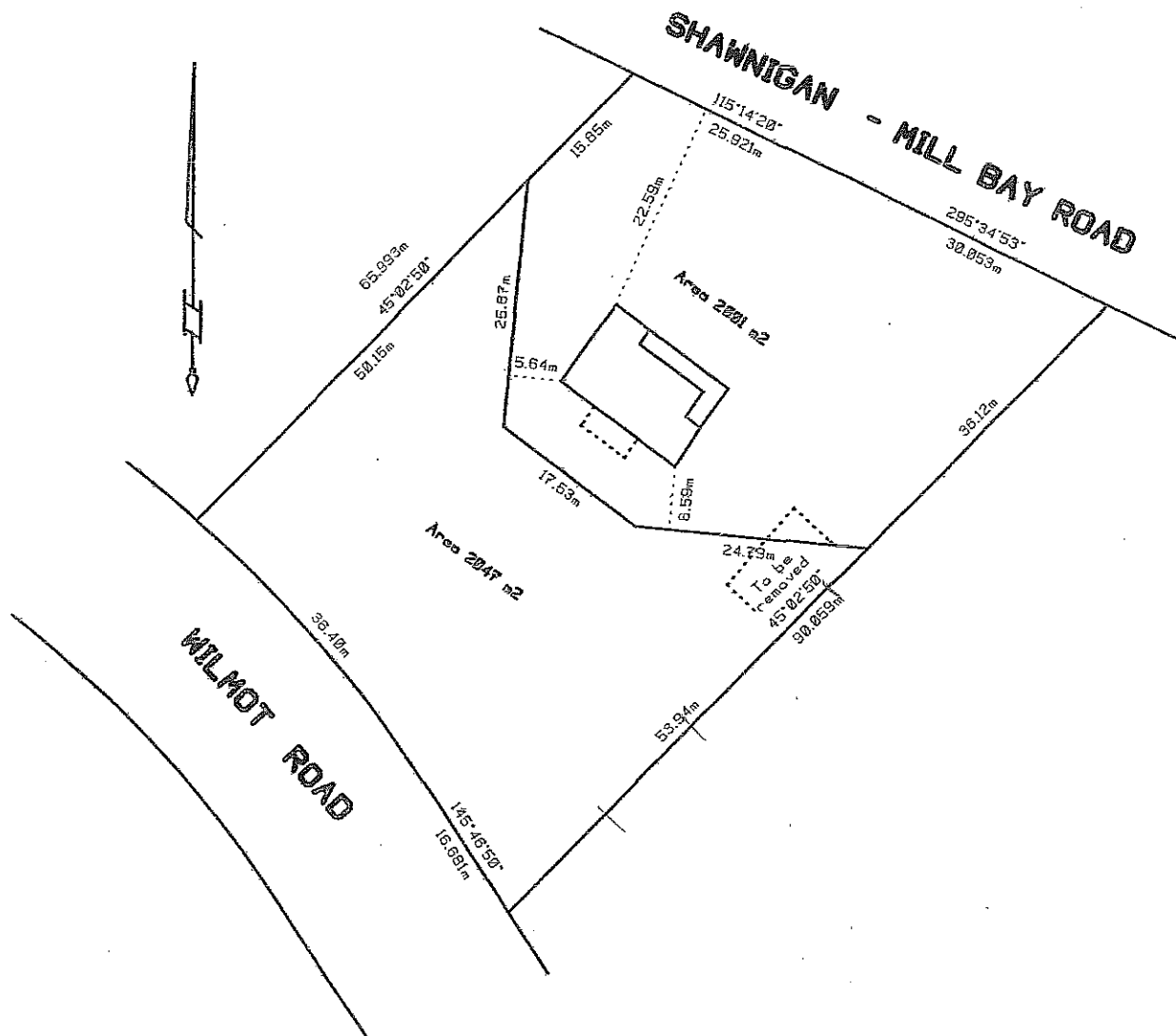
ZONING

Legend

-  Subject Property
-  Zoning B



**PLAN OF PROPOSED SUBDIVISION OF LOT 6.
SEC.2. RANGE 4. SHAWNIGAN DISTRICT.
PLAN VIP**



Robin LeBerff
56-1751 Northgate Rd.
Cobble Hill, S.C.
VER 1L6 Fax/phone 253-743-4912



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

FILE NO: 12-B-12 DP

DATE: DECEMBER 4, 2012

REGISTERED PROPERTY OWNER(S):

HELMUT & VICKIE TEUNISSEN

1578 SHAWNIGAN MILL BAY ROAD

SHAWNIGAN LAKE, BC V0R 2W0

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 6, Section 2, Range 5, Shawnigan District, Plan 47154 (PID: 001-850-736)
3. Authorization is hereby given for the 4 lot subdivision of the subject property in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the following condition(s):
 - a) Substantial compliance with the rainwater management plan prepared by Dennis Lowen, dated October 4, 2012 and;
 - b) removal of invasive plant species, and their replacement with native vegetation, in accordance with the report prepared by Jennifer Morgen on September 21, 2012.
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 Schedules are attached:

Schedule A – Rainwater Management Feasibility report by Lowen Hydrogeology Ltd., dated October 4, 2012

Schedule B – Riparian Area Regulation letter by Jennifer Morgen, dated September 21, 2012.

Schedule C- Subdivision plan

7. This Permit is not subdivision approval. Final subdivision approval will not be recommended until all items of this Development Permit have been complied with to the satisfaction of the Planning and Development Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. *[fill in Board Resolution No.]* PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE *[day]* DAY OF *[month]* MAY *[year]*.

Tom Anderson, MCIP
General Manager, Planning and Development Department

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

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

Owner/Agent (signature)

Witness (signature)

Print Name

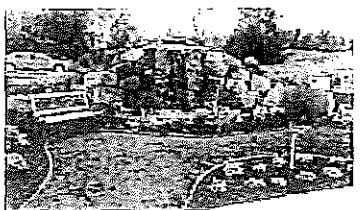
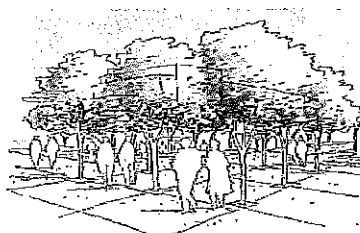
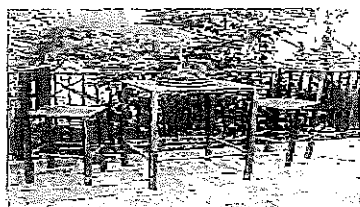
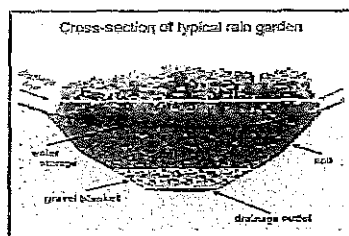
Print Name

Date

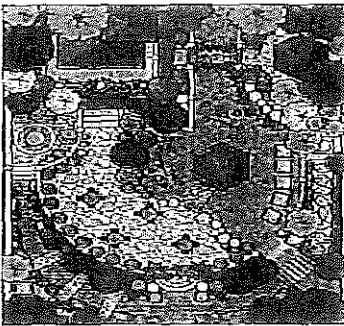
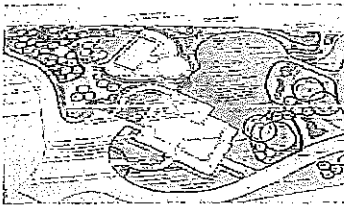
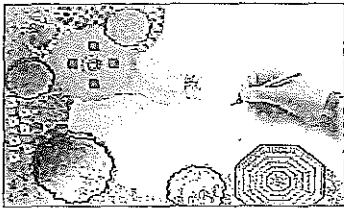
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7.4.5 A: Landscaping, Rainwater Management and Environmental Protection Guidelines

The Landscaping/Rainwater Management/Environmental Protection Guidelines apply to the subdivision of land, and to commercial, mixed use, multiple family residential and intensive residential development and their accessory uses.



1. Preparation of a landscaping plan by a British Columbia Society of Landscape Architects (BCSLA) or BC Landscape and Nursery Association (BCNTA)-certified landscape architect is preferred. Any landscaping plan submitted with an application for a development permit, whether professionally prepared or not, will be assessed by the CVRD according to BCSLA/BCNTA guidelines.
2. All required landscaping plans should be integrated with a rainwater management plan, which should favour natural solutions to drainage such as rain gardens and bio-swales, and should contain measures to limit impervious surfaces. The rainwater management plan must be prepared by a professional engineer with experience in drainage and submitted with the application for any commercial, mixed use or multiple family residential development proposal. The aim of the plan is to eliminate the potential for runoff into adjacent areas, and protect lake quality.
3. Runoff from the development must be strictly limited to prevent rainwater flows from damaging roads, surrounding properties and sensitive watershed features. Pervious surfaces should predominate, to encourage infiltration of water. The removal of trees should only be allowed where necessary and where alternate vegetation and water retention measures can be achieved.
4. All public areas should be landscaped, including entrances, building peripheries, parking and pedestrian areas, and open space areas, in a way that is complementary to both the site and surrounding lands.
5. Streetscape design should incorporate treatments that enhance the pedestrian experience and create a sense of local identity. Public streetscape amenities including benches, planters, and bike racks should have a high quality of design.
6. The appearance of large buildings should be enhanced using plants, shrubs and trees, and where necessary, hard landscaping treatments such as terraced retaining walls, planters, gardens, courtyards or fountains, outdoor seating and decorative paving and lighting.
7. Where appropriate, trees should be planted along street



- frontages to create a mature treed "boulevard" streetscape. Tree species that provide high quality bird habitat and do not grow to a size that would detract from the architecture are preferred.
8. Developments should incorporate and emphasize native landscape materials, and use drought resistant plants to reduce irrigation needs.
 9. The provision open space areas, pedestrian oriented street furniture and, for multiple family developments, the allocation of space for residents to garden and grow edible plants is encouraged, where feasible.
 10. Commercial and multiple family developments visible from major network roads should be screened and landscaped, including entrances, building peripheries, parking and pedestrian areas, and open space areas. The landscaping should consist of a mix of coniferous and deciduous vegetation, with low plantings and taller tree species at intervals.
 11. Sites should not be dominated by areas of bark mulch, gravel or other similar materials.
 12. Walkways or trails must be developed to encourage walking and cycling and to connect the development with surrounding commercial, mixed use, and residential areas.

7.4.5 B Landscaping, Rainwater Management and Environmental Protection Guideline Exemptions

The Landscaping, Rainwater Management, and Environmental Protection Guidelines do not apply to the construction of single family residential dwellings, or to single family residential subdivision where it is located within a drainage control area.

7.4.II A Subdivision Guidelines

The Subdivision Guidelines apply to the subdivision of land, regardless of the land designation.

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

7.4.II B Subdivision Guideline Exemptions

The Subdivision Guidelines do not apply to proposed boundary adjustments between two or more parcels of land.

7.4 SHAWNIGAN VILLAGE DEVELOPMENT PERMIT AREA: GUIDELINES AND EXEMPTIONS

Prior to commencing any development, including subdivision, construction or land clearing, on lands within the Shawnigan Village Development Permit Area, the owner will submit information that demonstrates how the proposed development meets the guidelines in the following sections.

7.4.1A General Guidelines

1. In all cases where a development permit is required, the eradication of invasive weeds, such as English Ivy, Scotch Broom, Gorse, Himalayan Blackberry, Morning Glory and Purple Loosestrife, and other non-native invasive weeds listed by the Coastal Invasive Plant Committee and the BC Landscape and Nursery Association, will be a requirement of the development permit.
2. In all cases where a development permit is required, the best management practices within the Ministry of Environment's *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia* will be encouraged.
3. Where the Regional District considers that construction would be on land that is subject to or is likely to be subject to flooding, mud flows, debris flows, debris torrent, erosion, landslide, rock falls, subsidence or avalanche, the applicant may be required to provide a report certified by a professional engineer with experience in geo-technical engineering indicating that the development will not result in property damage or the loss of life on the site or in the surrounding area.

7.4.1B General Guideline Exemptions

The General Guidelines do not apply to development that does not require a develop permit under Sections 7.4.2 through 7.4.11.



R5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF DECEMBER 4, 2012

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

FROM: Dan Brown, Trails Planning Technician **BYLAW NO:**

SUBJECT: Enter into a Permit to Construct with BC MoT at Clifcoe Road in Saltair;
Electoral Area G - Saltair;

Recommendation/Action:

That a Permit to Construct be approved with BC MoT for construction of a trail within the undeveloped portion of the Clifcoe Road right of way to be managed under the Electoral Area G Community Parks Budget.

Relation to the Corporate Strategic Plan:

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

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

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

Background:

The proposed trail connection between Clifcoe Road and Chemainus Road would provide residents of the Clifcoe Road area with a valuable connection to Stocking Creek Park (see attachment). This route would take advantage of the previously dedicated Parkinson Trail corridor and an undeveloped BC MoT road right of way. The trail would be constructed and maintained through the Electoral Area G Community Parks function.

Submitted by,

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

Dan Brown
Parks and Trails Division
Parks Recreation and Culture Department

Reviewed by:

Division Manager:

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

Approved by:

General Manager:



R6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF December 4, 2012

DATE: November 28, 2012 **FILE NO:**

FROM: Tanya Soroka, Parks and Trails Planner **BYLAW NO:**

SUBJECT: Enter into a Permit to Construct with the BC MoT for Chaster Road in Electoral Area D – Cowichan Bay;

Recommendation/Action:

That a Permit to Construct agreement be approved with BC MoT for a roadside trail and landscape trees in the section of Chaster Road right of way fronting Lot A, Section 13, Range 7, Quamichan District, Plan VIP84748 (Parhar Development) to be managed under the Electoral Area D Community Parks function.

Relation to the Corporate Strategic Plan:

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

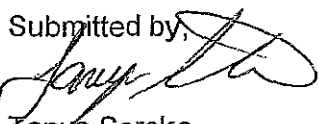
1. Promote a healthy lifestyle strategy to help residents live healthier lives through taking part in parks, recreation and culture services.
2. Promote pedestrian and cyclist friendly roadways and trails between communities and neighbourhoods.
3. Develop a partnerships strategy to ensure parks, recreation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

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

Background:

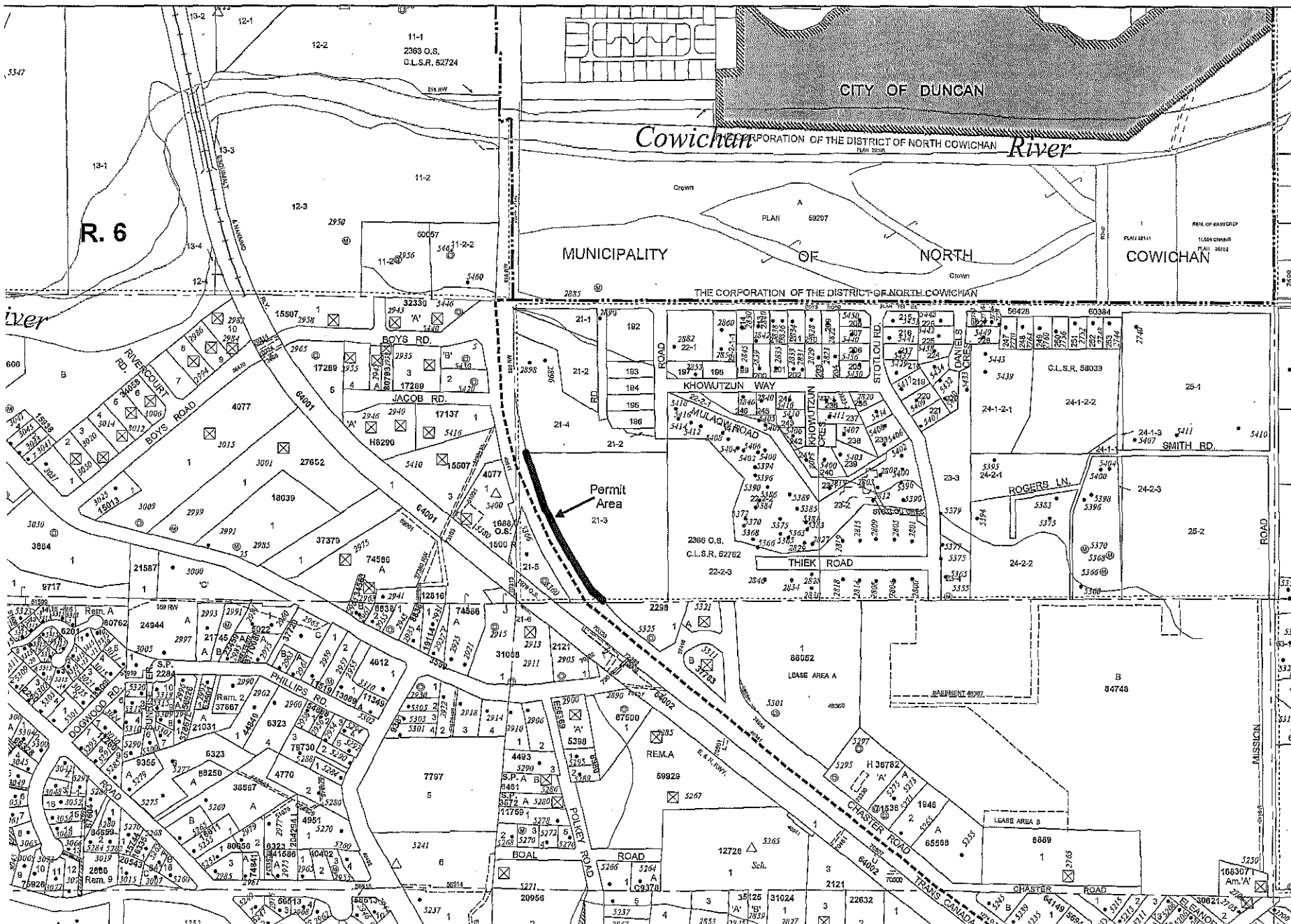
As part of Phase 1 of this development a roadside trail is to be constructed and paid for by the developer within the Chaster Road right of way. The trail will be built to CVRD trail standards and once approved by the CVRD Parks and Trails Division the trail will be turned over to the CVRD for management under the Electoral Area D Community Parks function. In addition to the trail, the developer will also be paying for and installing street trees within this corridor as agreed to by the CVRD subject to approval of the Permit to Construction from BC MoT. Highways is also agreeable to the trees being planted within the road right of way and included in the Permit to Construct. A permit to construct agreement between the CVRD and the BC MoT must be secured at this time as construction of the trail and installation of the trees will begin in early 2013.

Submitted by,


Tanya Soroka
Parks and Trails Planner
Parks and Trails Division
Parks Recreation & Culture Department

Reviewed by:
Division Manager:

Approved by:
General Manager:



Cowichan Valley Regional District

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

The Regional District does not warrant the accuracy.

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

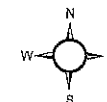
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

Printed: November 28, 2012

Electoral Area D - Cowichan Bay

Permit Area BC MoT

Chaster Road Right of Way



Scale: 1:4,651



R7

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF DECEMBER 4, 2012

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

FROM: Tanya Soroka, Parks and Trails Planner **BYLAW NO:**

SUBJECT: Release of Covenant CA2509073 for subdivision (Paul Cooper) located on Cowichan Lake Road in Electoral Area F, Cowichan Lake South/Skutz Falls

Recommendation/Action:

That the appropriate documents be executed to release Covenant CA2509073 in favour of the Cowichan Valley Regional District registered April 26, 2012, as the subject conditions within the covenant referring to the dedication of 2.6 hectares 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.

Relation to the Corporate Strategic Plan: N/A

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

Background:

The subject property is located on Cowichan Lake Road in Electoral Area F – Cowichan Lake South/Skutz Falls. In 2012, as a condition of rezoning approval, a Section 219 covenant was registered with Land Titles in favour of the Cowichan Valley Regional District (CVRD) on Part of the East Half of Section 9, Range 5, Sahtlam District except Part in Plan VIP55748 and Plan VIP85984, PID: 009-845-526 for a 2.6 hectare park to be dedicated to the CVRD. The majority of the park dedication is in the southwest portion of the property with a 7 metre wide trail corridor extending northeast across the property to link to the lands beyond (see attached plan).

The applicants have applied for subdivision and as part of the covenant requirements park dedication must come across to the CVRD as a fee simple titled lot registered with land titles at the time of approval and registration of the subdivision plan.

Submitted by,

A handwritten signature in black ink, appearing to read "Tanya Soroka", is written over a horizontal line.

Tanya Soroka
Parks and Trails Planner
Parks & Trails Division
Parks, Recreation & Culture Department

Reviewed by:

Division Manager:

A handwritten signature in black ink is written over a horizontal line.

Approved by:

General Manager:

PLAN EPP23419

50 0 50 100 150 metres

The intended plot size of this plan is 432mm in width by 550mm in height (C size) when plotted at a scale of 1:2500.

All distances are in metres.

⊙ denotes standard capped post found.
● denotes standard iron post found.
○ denotes standard iron post placed.
△ denotes traverse hub placed.
mm denotes millimetres.

NAD83 (CSRS) grid bearings are derived from differential carrier phase GNSS observations referred to the control meridian of UTM Zone 18 (123° West).

To obtain astronomic bearings referred to the meridian passing through traversa hub '471' subtract 0° 37' 52".

The UTM coordinates and estimated horizontal positional accuracy achieved are derived from differential GNSS observations to Integrated Survey Area No 10, The Corporation of the District of North Cowichan Geodetic Control Monument 788762.

This plan shows horizontal ground-level distances unless otherwise specified. To compute grid distances, multiply ground-level distances by the average combined factor of 0.99963002. The average combined factor has been determined based on an ellipsoidal elevation of 106 metres.

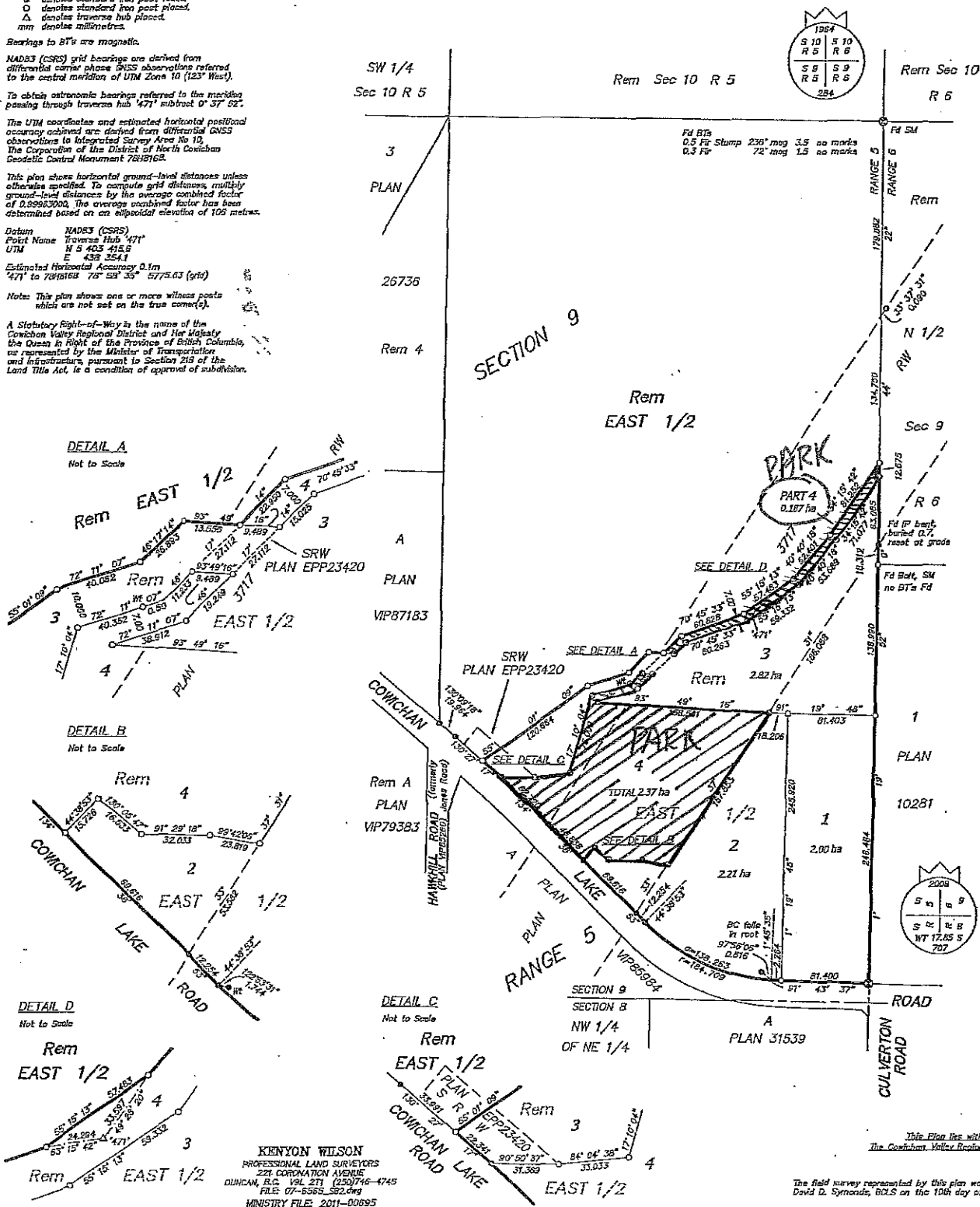
Date	NADE3 (CSRS)
Point Name	Traverse Hub '471'
UTM	N 5 403 415.6 E 438 354.1

Estimated Horizontal Accuracy 0.1m
'47' to 78°18'16" 78° 58' 35" 5775.63 (grid)

Notes: This plan shows one or more witness points which are not set on the true corner(s).

A Statutory Right-of-Way in the name of the Comox Valley Regional District and Her Majesty the Queen in Right of the Province of British Columbia, as represented by the Minister of Transportation and Infrastructure, pursuant to Section 218 of the Land Title Act, is a condition of approval of subdivision.

This plan lies within the jurisdiction of the Approving Officer for the Ministry of Transportation and Infrastructure.



This Plan lies within
The Coconino Valley Regional District.

The field survey represented by this plan was completed by David D. Synnolds, BOLS on the 10th day of August, 2012.



R8

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF DECEMBER 4, 2012

DATE: November 28, 2012 **FILE NO:**
FROM: Ryan Dias, Parks Operations Superintendent **BYLAW NO:**
SUBJECT: Bright Angel Park Caretaker Contract Extension Request

Recommendation/Action:

That the existing Bright Angel Park Caretaker Contract be extended with the incumbent caretakers, Daniel and Ruth Vandewildenberg, for a further two years commencing June 1, 2013, and completing on May 31, 2015, as per conditions of the existing Bright Angel Park Caretaker Contract dated June 1, 2010.

Relation to the Corporate Strategic Plan:

Safe and Healthy Community - Provide exceptional recreation, cultural and park services

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

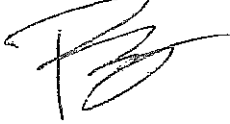
Background:

The current contract for caretaker services with Daniel and Ruth Vandewildenberg is for a 36 month period that commenced June 1, 2010 and is set to expire May 31, 2013. The contract provides the CVRD with security and maintenance services in exchange for free accommodation of the caretakers-residence at Bright Angel Park. The role of the caretaker is specific to park security, park bookings, washrooms and garbage, and has been an effective balance of duties over the past three years.

Parks Staff have reviewed the performance of the current caretakers and have received positive feedback from both park users and the South Cowichan Parks Commission. In addition, Daniel and Ruth have expressed a desire to continue as Caretakers beyond May 31, 2013. At the discretion of the CVRD this contract may be re-negotiated with the incumbent caretaker for renewal, on a yearly basis, for a maximum of (two) additional years beyond the original (three) year term. The extension term would be set to commence on June 1st, 2013 and expire May 31st, 2015.

Based on the positive review of performance and the mutual desire to continue with the contract under the extension terms, Parks Staff are recommending the Bright Angel Park Caretaker Contract be extended with the incumbent; Daniel and Ruth Vandenwildenberg, for an additional two additional years commencing June 1, 2013, and completing on May 31, 2015. If not approved, staff would initiate notice of tenancy termination in accordance with the *Provincial Tenancy Act* which requires a minimum three (3) month written notice of termination.

Submitted by,

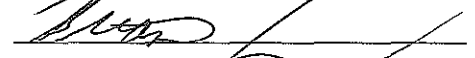


Ryan Dias
Parks Operations Superintendent
Parks and Trails Division
Parks, Recreation & Culture Department

RD/ca

Reviewed by:

Division Manager:



Approved by:

General Manager:





R9

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF DECEMBER 4, 2012

DATE: November 28, 2012 **FILE NO:** South Cowichan
Zoning Bylaw

FROM: Mike Tippet, Manager **BYLAW NO:** 3520
Community & Regional Planning

SUBJECT: Implementing the South Cowichan OCP with a new zoning bylaw

Recommendation/Action:

That the draft amendment zoning bylaw for Electoral Areas A, B and C be forwarded to the Board for consideration of first and second reading, and that a public meeting be held in lieu of a public hearing.

Relation to the Corporate Strategic Plan:

Implements South Cowichan Official Community Plan, which in turn implements key elements of the Corporate Strategic Plan.

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

Usual public meeting/advertising costs.

Background:

In July 2011, the South Cowichan Official Community Plan (SCOCP) was adopted, and with every new Plan comes the need to update or replace the zoning regulations. This is the principal way of implementing the Plan, so planners often refer to them as "implementing zoning bylaws".

In order to keep the content of the new zoning bylaw simple and well within the policy parameters of the new OCP, staff have decided that it is preferable to simply bring forward an implementing zoning bylaw that does not in any way require an amendment to the SCOCP as adopted in 2011. **This means that many of the adjustments to the OCP that were identified in the course of rewriting the zoning bylaw will be dealt with in a separate report to Committee, with a separate OCP amendment bylaw (3604), with a complementary zoning amendment bylaw (3656).**

Separating the amendments or fine-tuning from the implementing zoning bylaw also has the benefit of making the single purpose of the new bylaw crystal clear to the communities it will affect: this is only to implement the OCP. This kind of clarity of purpose would also open the possibility of the Board not holding a formal public hearing pursuant to Section 890 of the *Local Government Act*, but instead holding a public meeting with similar procedures, but without the administrative burden that formal public hearings are subject to. This is discussed in more depth later in the report.

Draft Zoning Bylaw No. 3520, attached under separate cover, is the result of the foregoing approach to implementing the SCOCP. Note: Draft Zoning Bylaw No. 3520 and zoning maps can be also be viewed on the CVRD website at: www.cvrld.bc.ca/index.aspx?nid=1487. OCP Amendment Bylaw 3604 and Zoning Amendment Bylaw 3656 are discussed later in this report. The following sections will examine the Bylaws in more detail, highlighting some of the features they contain, starting with the Implementing Zoning Bylaw No. 3520.

Important note: a careful read of the SCOCP will reveal that several zones named in that document have been renamed in Bylaw 3520. Although a pedantic approach could suggest that this is a conflict with the OCP, in the collective opinion of planning staff it is not, because all of the regulations under each of these zones will be strictly in conformity with the OCP provisions. Nevertheless, for clarity, the other staff report concerning OCP and zoning amendments will recommend changes to the zone nomenclature in the SCOCP to match that of the new zoning bylaw, in order to avoid confusion as time passes.

Implementing Zoning Bylaw No. 3520:

Pre-Zoning vs. Re-Zoning

There is some considerable flexibility with respect to which zones should be applied to lands within certain land-use designations under the SCOCP, especially in the Rural Resource and Village Residential areas:

Rural Residential (RR) – three levels of density are anticipated by the OCP within the RR designation: 4 hectare parcels, 2 hectare parcels and 1 hectare parcels (0.4 hectares if serviced with community water).

Village Residential (R) – two levels of density for each village area: serviced and unserviced, plus there are policies in each Village plan that allow the CVRD to permit higher density forms of residential use such as small multiple family dwellings.

The planning legislation in BC does not require a local government to immediately implement any or all provisions of a new Official Community Plan. To do so would be an example of pre-zoning. Usually such pre-zoning would involve “up-zoning”, so called because the new zone would carry more economic value with it. Pre-zoning could also be the case with “down-zoning” but because the SCOCP took some pains to prevent this from happening, it is not a question we face with this project.

The problem with pre-zoning, especially with an OCP such as that of Areas A, B and C, is that if there is an expectation that amenity be provided along with pre-zoning, this would not be achievable unless, in the process of drafting the zoning, staff were to identify required amenities on all sites that would be pre-zoned and write these amenity requirements into the zone regulation itself. This would be an onerous task, to say the least, to do so on a widespread basis! Therefore, in drafting Bylaw 3520, there was a general resistance against pre-zoning on a wide scale.

That said, there are a few exceptions to this general rule:

1. Goldstream Heights – In the very first draft of Bylaw 3520, these lands were to be zoned as RR-1, with a 4 hectare minimum parcel size. Some of the parcels in this subdivision are presently zoned as F-2, which has a 4 hectare minimum parcel size, but others have F-1 zoning with an 80 hectare minimum parcel size. The first draft would have uniformly zoned all parcels in this subdivision as RR-1 (4 hectares). Staff and Director Fraser met with a number of the owners of parcels of land in this Rural Residential-designated subdivision some months ago. The owners are seeking to establish fire protection in

their area and they propose that this would be more likely to come to pass, and more affordable, if further subdivision is allowed, and to this end they have requested RR-2 zoning, with a 2 hectare minimum parcel size. The Bylaw map before you this evening proposes RR-2 zoning throughout this subdivision, with a special amenity clause to ensure that a defined public amenity (**\$10,000 per new parcel that is under 4 hectares, directed to the Capital Reserve Funds of either Electoral Area B Community Parks or Shawnigan Lake Recreation**) is achieved despite these lands being pre-zoned.

2. The SCOC indicates that chickens may be permitted in any zone that allows single family residential use; however, in this implementing zoning bylaw, these uses will only be permitted in zones that allow limited agriculture. In particular, the R-3 zones will not permit the keeping of chickens and anyone wishing to do so will have to apply for an amendment. This approach is based upon feedback from the Advisory Planning Commissions.
3. In the Village areas, for the most part, multiple family dwelling use is possible under the SCOC through a rezoning process. An exception to the no pre-zoning rule is applied in Cobble Hill Village, where a future development site (presently in the R-3 Zone) is placed into a Comprehensive Development Zone (CD-10), the provisions of which would allow multiple family use if a defined amenity (60 metres buffer against adjacent industrial lands) is provided to the CVRD.

Alterations to Zoning

Under the zoning bylaws that are presently in force in Electoral Areas A, B and C, large tracts of unserviced rural land are in the R-2 (Suburban Residential) zone. This zone permits a nominal minimum parcel size of 0.4 hectares (1 acre) if a community water service is present. Many of the areas that are zoned as R-2 have no prospect of a community water service coming into being, and so the approach that we have taken in drafting this bylaw is to create a new RR-3A zone for such areas, which will have the same 1 hectare minimum parcel area requirement for unserviced parcels. The SCOC indicates in its servicing maps where it would be appropriate for water services to be brought into being, or to be expanded, but some amendment to these service area maps will be proposed shortly, which will assist us in planning CVRD water and sewer expansions. Meanwhile, a couple of areas in Bylaw 3520 will retain zoning that is similar to the present R-2, despite not having nearby water systems, or being identified in the OCP as a future water service area at this time:

1. TimberWest/Couverdon lands to the southeast of Shawnigan Lake – these lands are presently zoned R-2, and although the nearest community water service is at Shawnigan Station, the owners of this large tract (about 45 hectares of which is presently R-2 and would be RR-3 under the proposed bylaw) indicates that they would propose to construct a community water system in this area, and perhaps 75 or 80 parcels could be subdivided if a community water service is created – which is over the 50 unit CVRD threshold for new systems. In this respect, this particular site is unique among all properties that are presently zoned R-2. Staff recommend that this site be zoned RR-3.
2. In the course of processing an application on a nearby property, a duplex strata development dating from 1981 was identified at Shawnigan Lake. The Village Residential designation permits more intensive zoning than single family residential, so this site is proposed to be pre-zoned as RM-1 (Duplex Residential 1).
3. Following the successful appeal to the CVRD's rezoning process on the former Cobble Hill I-1 lands on Fisher Road, a new zone has been introduced that applies to these two parcels, which is virtually identical to the zoning that the Court of Appeal restored to this site in its decision. If the Board is inclined to make adjustments to this zoning, staff would recommend that it be done as a single, separate initiative.

4. A number of lands to the west of Mill Bay Village in the OCP would be zoned RR-3, which has the 0.4 hectare density incentive for parcels that are connected to community water services. Many of these lands are not within the OCP as a future water service expansion area, but OCP Amendment Bylaw 3604 will propose that this be changed. Despite the service area maps not being aligned with the area proposed to be RR-3 in this area, we believe that the proposed RR-3 Zone is consistent with the plan due to the land use designation explicitly allowing for this zone – with a 0.4 hectare minimum lot size – to be used.
5. A similar situation to that described in 4 above exists in the area of the Burnham water utility. The CVRD is aiming to eventually assume responsibility for this service area, and it is a larger service area (already) than is shown on either our GIS or the Service Area Map in the SCOC. In order to set the stage for this, lands in the vicinity are all proposed to be zoned as RR-3, which does permit the 0.4 hectare minimum parcel size. The boundaries of the RR-3 Zone in this area were determined with Engineering Services staff. The Service Area Map in the SCOC would be corrected with Bylaw 3604 (the subject of a separate report).

General provisions:

We have tried to redevelop the format of the typical CVRD zoning bylaw, with a view to making it easier to understand, both in the office and for anyone who is reading it. One of the ways in which we have done this is in the separation of the general regulation component into four sections:

- General Regulations for Uses, Buildings and Structures
- General Regulations for Siting
- General Regulations Respecting the Subdivision of Land
- General Regulations for Parking and Loading

Having a theme to each of these sections should make it easier to find a general regulation.

There are also some new measures contained within the bylaw. An example is (for Areas A, B and C) the imperviousness limits. What we have done is take the parcel coverage figure from the old zoning and add between 5 and 15% (depending upon type of land use) for other impervious surfaces such as paved parking and driveways, patios and similar items.

In addition, there is for the first time a minimum parcel frontage requirement for waterfront lots in a couple of key zones. There is also a Section 946 subdivision regulation that specifies a 25 hectare minimum (or 80 hectares if the land is in an RUR zone). Parking regulations are for the first time incorporated into a zoning bylaw for Electoral Areas A, B and C.

Procedural Consideration:

Staff recommends that Implementing Zoning Bylaw 3520 proceed to a public meeting, which during the meeting, would be handled similarly to a hearing. An advantage of holding a meeting as opposed to a hearing is that the same opportunity for public input on this technical implementation bylaw will be there, but the parallel process (possibly a few weeks or a month behind this one) for SCOC amendment and Zoning Amendment Bylaw 3656 will not interfere with the procedure regarding Bylaw 3520 adoption.

In other words, if Bylaw 3520 was to go to hearing, the Board would be prevented from receiving any input on Bylaw 3520 after the close of its hearing, until it has adopted it (or not); meanwhile, with a parallel process happening for Bylaw 3604 and 3656, it would be virtually impossible to discourage the public from talking about Bylaw 3520 at that later hearing. This problem would be avoided with a public meeting process and the public would be free to talk

about Bylaw 3520 at the hearing for 3604 and 3656, even if Bylaw 3520 has not been adopted at that point in time.

Advisory Planning Commissions:

The summertime draft of Bylaw 3520 was forwarded to the advisory planning commissions for each electoral area in the summer, and staff was able to meet with each APC at least once to discuss the project and receive input from these highly valued community volunteers. While the details of the suggestions brought forward from each of the three APCs will not be indicated in this report for the sake of brevity. The input was highly useful and many changes were made to the draft after APC input was collected. An example of this was the restriction of domestic fowl in the R-3 Zone of Village areas, requiring instead that anyone in these areas apply for a temporary use permit or rezoning in order to keep some chickens in a residential neighbourhood.

Referral Agency Comments:

On May 14, 2012, the draft South Cowichan Zoning Bylaw was referred out to a number of agencies. The deadline for response was given as June 29th for the government agencies and July 13th for First Nations. We continued to accept any comments after these dates. All of these are listed below, with any particularly interesting comments noted. Each response is attached as an appendix to this report.

Agricultural Land Commission: Rob Conway had correspondence (attached) with Roger Cheetham, Planner at the ALC, when Mike Tippet was out of the office. The matters mentioned in Roger's summertime email were addressed without having to amend the draft. In the middle of November, Roger replied to another email from Mike Tippet concerning the ALC's position on permitting Accessory dwelling units ("small suites" under most older CVRD bylaws) in the ALR, and Roger made it clear that the ALC would rather not see this as a permitted use in the zoning due to the very low likelihood of an ALC approval. Accordingly, staff have removed accessory dwelling units from the A-1 Zone (though secondary suites are still permitted, which is in line with ALC regulations).

Mill Bay Waterworks District: Interests unaffected.

Cobble Hill Improvement District: No comments received.

Braithwaite Improvement District: no comments received.

Lidstech Holdings Limited: no comments received.

Meredith Road Improvement District: no comments received.

Oceanview Improvement District: OID sent a letter to the CVRD dated June 29, 2012. This letter is attached, and it relates ongoing concerns about the effect that Bamberton's industrial zoning near John's Creek could affect their water service area, noting that the Covenant that the CVRD has in respect of this matter is helpful.

Sylvania Improvement District: no comments received.

Mill Springs Sewer Utility: No comments received.

Wace Creek Improvement District: We received a letter from Wace Creek Improvement District, after which staff called ID to confirm that their service area is slightly larger than it appears in the OCP, but no concerns respecting the draft zoning bylaw were passed onto staff.

Burnham Utility: Staff did not get a reply to our referral from Burnham, however, Engineering and Environmental Services staff met with planning staff to resolve some service area (and related zone boundary) issues in the draft.

Miller Water Supply: no comments received.

Garnet Water Supply: no comments received.

Carlton Improvement District: no comments received.

Strata Plan 1601 Arbutus Ridge: The Strata corporation responded as "interests unaffected". However, staff met with a resident of Arbutus Ridge a couple of times to discuss the particulars of the proposed comprehensive development zone that would replace the existing zoning there. These discussions enabled us to make refinements to the structure of the CD-1 Zone, which improved on the first draft.

Malahat First Nation: Staff met with a representative of the Malahat Nation on two occasions – the main subject was matters other than the new zoning bylaw; however, a referral response on the proposed zoning bylaw was also requested, although this never materialized. Staff also telephoned the administration offices twice to offer to meet with Chief Harry.

Cowichan Tribes: no comments received. However, staff met with CT staff twice concerning the proposed bylaw, however, no written or verbal recommendations or comments have come back to us thus far.

Tseycum First Nation: no comments received.

Tsawout First Nation: no comments received.

Tsartlip First Nation: no comments received.

CVRD Engineering and Environmental Services: Approval recommended. Staff met several times with E&ES staff during the development of the Zoning Bylaw, in order to ensure that regulations were appropriate. One adjustment to the bylaw as a result of these meetings was the removal of the "50" minimum connections from the definitions of community water and community sewer systems. This will still leave the CVRD in control of whether it will take over new systems, and CVRD ownership of such systems will still be a requirement to ensure that parcels of land become eligible for subdivision due to "community water" or "community sewer" being present. But also provides much-needed flexibility for the implementation of phased systems (such as Bamberton Business Park, Shawnigan Village Sewer, lands to the east of Mill Bay).

Regional Agricultural Advisory Commission Chair: No comments were received. Staff met with the RAAC in May 2012 and one issue we worked on was whether there was consensus on the matter of multiple dwellings in the ALR. There was not and therefore the draft bylaw, for this and other reasons, does not permit separate extra dwellings on single parcels of land in the ALR.

Shawnigan Lake RCMP Detachment: no comments received

Capital Regional District: The CRD indicated in the attached letter a preference for the two parcels in the Sooke Lake Watershed that they own being in a zone other than Rural Resource. This matter will have to be considered in the later report concerning Bylaws 3604 and 3656.

City of Langford: Interests unaffected.

Ministry of Community, Sport and Cultural Development: The Ministry sent us a form letter with direction concerning identification of First Nation engagement and related mapping.

Ministry of Forests Lands and Natural Resource Operations – Ecosystems Branch: The Senior Urban Ecosystem Biologist recommended that the setback from watercourse regulation contain a cross-reference to the *Riparian Areas Regulation*.

Ministry of Agriculture: Staff received comments from the Regional Agrologist indicating that he has concerns with multiple dwellings being permitted in the ALR. These concerns were reiterated in November by Roger Cheetham of the ALC.

Ministry of Transportation and Infrastructure: The Provincial Approving Officer responded to the referral with a short note on sidewalks requiring provincial approval.

Ministry of Energy and Mines – Housing Branch: No comments received.

Where the interests or concerns of a referral agency would have required an amendment to the SCOC to address, we have referred the matter to the later amendment package (OCP Amendment Bylaw 3604 and Zoning Amendment Bylaw 3656), which will be dealt with in detail in a separate report, likely in January 2013.

Public Meetings/Public Comments:

A few public information open houses were held in two of the three electoral areas during the late spring and summer. We have not held one to date in Mill Bay; Shawnigan Lake had two main Zoning Bylaw Open House sessions that were appended to APC meetings, and staff (Mike Tippett and Dana Leitch) was present at the Cobble Hill Fair with the proposed zoning bylaw. At the Fair, we spoke with many residents of all three electoral areas. In a few cases, we received information from the public that was very helpful in improving upon the first draft. Staff has also had meetings with many interested parties concerning the proposed bylaw, and most of those discussions have also been useful in bylaw development.

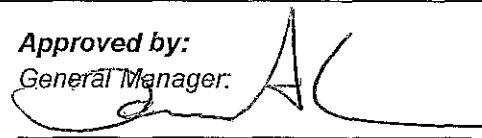
Four emails concerning Bylaw 3520 were received by staff, and these are also attached to this report. Some contain very specific suggestions, for example, about the Mill Bay Marina property having a 50% parcel coverage standard which the writer believes to be too high. This along with other site-specific concerns may have been addressed in the development permit that was issued for that site. Development Services staff could assist in answering that if there are any questions. Couverdon also sent the attached letter, which caused us to propose revised zoning on their lands to the southeast of Shawnigan Lake.

Submitted by,



Mike Tippett, MCIP
Manager
Community and Regional Planning Division
Planning & Development Department

Approved by:
General Manager:



MT/ca
attachments

Oceanview Improvement District
1757 Prospect Road
Mill Bay BC V0R 2P4

June 29, 2012

Mike Tippet
Manager, Community and Regional Planning Division
Cowichan Valley Regional District
175 Ingram Street
Duncan BC V9L 1N8

RE: South Cowichan Zoning Bylaw No. 3520 and South Cowichan OCP Amendment Bylaw 3604

The Oceanview Improvement District has reviewed the above-noted bylaws with respect to its interests to protect its drinking water source and maintain a high quality and sustainable water supply into the future.

The OID remains concerned about any policies contained in and/or any land and water uses permitted by Bylaws 3604 and 3520 that could have an adverse effect on the quality and quantity of its water supply. The rezoned Bamberton lands are of direct interest to the OID. The OID acknowledges the Water Protection Covenant that is registered against those lands that requires submission of a report prepared by a qualified professional to assess the potential impacts of development on groundwater and Johns Creek before development occurs. The OID also acknowledges CVRD's commitment to refer assessment reports to the OID as part of the development review process (CVRD letter to OID dated June 18, 2012 - attached).

It is OID's expectation that the CVRD will uphold its commitment and ensure the interests and concerns of the residents being serviced by the OID are addressed.

Thank you for referring the bylaws to the Oceanview Improvement District for comment.

Yours truly,



Greg Farley
Trustee and Chairperson
Oceanview Improvement District

Attachment



June 18, 2012

File: 1-A-11RS

Oceanview Improvement District
1757 Prospect Road
MILL BAY BC V0R 2P4

Attention: Greg Farley, Chair Person

Dear Greg Farley:

Re: Water Protection Covenant – Bamberton Lands

On April 11, 2012, the Cowichan Valley Regional District (CVRD) Board adopted Bylaw No. 3511 and 3498, which rezoned part of the Bamberton Lands for business park and light industrial use. Prior to adoption of the bylaws, covenants were registered against the lands that established obligations and requirements for development of the rezoned lands. One of the covenants, the Water Protection Covenant, establishes development requirements for the I-3A zoned area and requires submission of a report prepared by a qualified professional to assess potential impacts of development on ground water and Johns Creek before development occurs. I have attached a copy of this covenant for your information and reference.

I recently discussed the Water Protection Covenant with one Oceanview Improvement District (OID) trustee and a resident and have received a request to refer assessment reports received as a requirement of the covenant to the OID.

The covenant does not contain any provision for review or approval of the required assessment reports from the OID. However, the CVRD is agreeable to forwarding a copy of the report to the OID for information purposes as requested, provided it is understood that the OID would not have a role in the review and acceptance of the report. We also must qualify this commitment by advising that the CVRD is subject to the *Freedom of Information and Protection of Privacy Act* and any information released through this office is subject to that legislation.

Lastly, since the referral of technical reports to the OID is not a part of the formal development review process, there is a risk that the referral step could be missed. We intend to establish a procedure to refer assessment reports to the OID as part of our development review process on the Bamberton Lands, but we can only commit to making a best effort to refer the documents.

I trust this letter adequately outlines our intentions. Should you have any questions regarding this letter or future development of the Bamberton Lands, please contact me at your convenience.

Yours truly,

Rob Conway, MCIP
Manager, Development Services Division
Planning & Development Department
RC/jnl

Enclosures

pc: Director M. Walker, Electoral Area A – Mill Bay/Malahat

\\Cvrdstore2\IT\GIS\Devservices\DS_Apps\RS\2011\A\01-A-11RS (Bamberton Light Industrial-Business Park)\Documents\OID Water Letter - June 18 2012.docx

Cowichan Valley Regional District
175 Ingram Street
Duncan, British Columbia V9L 1N8

Toll Free: 1.800.665.3955
Tel: 250.746.2500
Fax: 250.746.2513

cowichan
www.cvrd.bc.ca

Mike Tippett

From: Schmidt, Heike CSCD:EX [Heike.Schmidt@gov.bc.ca]
Sent: Wednesday, June 13, 2012 9:19 AM
To: Mike Tippett; Ann Kjerulf
Cc: Baker, Tierra CSCD:EX
Subject: RE: Referral CVRD Bylaws No. 3520, 3604 and 3605

Dear Mike and Ann,

Thank you for referring South Cowichan Zoning Bylaw No. 3520, South Cowichan OCP Amendment Bylaw No. 3604 and Bylaw No. 3605 – Electoral Area D - Cowichan Bay – Official Community Plan to the Ministry of Community, Sport and Cultural Development (MCSCD) for comment. Please consider this email as MCSCD's response to your referral.

As the Cowichan Valley Regional District (CVRD) is participating in Regional District Approval Exemption pilot project, the CVRD is not required to submit most OCP and land use regulatory bylaws to the Ministry. However, we would like to provide you with some helpful information as you continue your new South Cowichan Zoning and Official Community Plan Amendment process as well as the development of the new Cowichan Bay Official Community Plan.

Please ensure that you have referred these bylaws to the appropriate ministries and agencies and that you keep a detailed record of the results of your referral efforts (i.e. no comment received, resolution of concerns/ objections, etc).

The Ministry expects that you will follow the actions for First Nations engagement as outlined in the Interim Guide to First Nations Engagement on Local Government Statutory Approvals (Guide). Please be sure to complete and initial Appendix F of the Guide and retain it for your records. Here is the link to the Guide. http://www.cscd.gov.bc.ca/lgd/library/First_Nations_Engagement_Guide.pdf

To help identify First Nations who have/may have rights or title on the land base, the provincial Consultative Areas Database (CAD) now has a public map service component for use by local government. The CAD Public Map Service is an interactive mapping tool. Please be sure to check the CAD and to keep a record of your findings. Here is the link to the CAD.

<http://webmaps.gov.bc.ca/imfx/imf.jsp?session=673103456444&sessionName=Consultative%20Areas%20Database%20Public>

You may also wish to consider the commitment your regional district has made by signing the Climate Action Charter, specifically in the area of developing compact, complete communities. In the case of Official Community Plan updates or amendments, please ensure that the bylaw meets the requirements of Local Government Act Section 877(3) - targets, policies and actions for the reduction of greenhouse gas emissions.

Under the Exemption pilot project, there may be circumstances where Regional Districts still wish to have ministerial approval. If this is the case for your Regional District, please contact me as soon as possible.

I trust this will help you with your ongoing work.

Best regards,
Heike Schmidt

Heike Schmidt, Registered Planner, MCIP, DIPL. ING. (GER)
Senior Planner | Ministry of Community, Sports and Cultural Development
Local Government Department - Intergovernmental Relations and Planning Branch

Phone 250.356.0283 | Fax 250.387.6212
Email heike.schmidt@gov.bc.ca

Mike Tippett

From: Wylie, Bob TRAN:EX [Bob.Wylie@gov.bc.ca]
Sent: Thursday, June 28, 2012 12:41 PM
To: Mike Tippett
Subject: South Cowichan Zoning Bylaw No. 3520 and OCP amendment No. 3604

Mike, thank you for the referral package.

The Ministry has no objection to the proposed zoning bylaws, subject to the following:

Proposed Zoning Bylaw No. 3520 – Sec 10.14(7)(e)

- Any works (i.e. sidewalk or walkway) within the public road right-of-way require a valid permit, with BC MoT review and approval. Typically, the CVRD would accept liability and responsibility for ongoing maintenance of these works.

Proposed Amendment Bylaw No. 3604

- The Ministry's interests are unaffected by the proposed amendments.

Note: From a subdivision approval perspective, there are concerns regarding implementation of Rural Development Permit Areas (Sec 24) of the South Cowichan OCP.

If you have any questions or wish to discuss further, please feel free to contact me.

Bob Wylie
Provincial Approving Officer
MoT, Vancouver Island District
3rd Floor, 2100 Labieux Road
Nanaimo, BC V9T 6E9
ph. (250) 751-3278
cel (250) 616-6048
bob.wylie@gov.bc.ca

Mike Tippet

From: Caskey, Marlene FLNR:EX [Marlene.Caskey@gov.bc.ca]
Sent: Thursday, June 28, 2012 5:41 PM
To: Mike Tippet
Cc: Nap, Nancy R ENV:EX
Subject: Draft South Cowichan Zoning Bylaw 3520 and OCP Amendment Bylaw 3604; our Referral ID 97394
Attachments: Picture (Device Independent Bitmap) 1.jpg

Thank you for the opportunity to comment. I have the following suggestion:
Zoning Bylaw:

- 5.4 – Setbacks from Watercourse – I recommend that you have a reference in here to the RAR. Perhaps state '....except where wider setbacks have been determined through a Riparian Areas Regulation Assessment process'. Another approach would be to say '....RAR SPEA, or 15M, whichever is greater'. This will help avoid conflicts between the two distances, where they vary.

Again, thank you. I have only done a quick scan of the text and have not reviewed the map in detail.

P. Marlene Caskey, B.Sc., R.P.Bio
Senior Urban Ecosystem Biologist
MFLNRO, West Coast Region
Nanaimo (250) 751-3220



Mike Tippet

From: Cheetham, Roger ALC:EX <Roger.Cheetham@gov.bc.ca>
Sent: Wednesday, November 21, 2012 3:14 PM
To: Mike Tippet
Subject: RE: A couple of ALR questions

Hi Mike, With regard to question 1 our position has not changed. The comments in our letters dated 19th February and 21st May 2008, following the meeting between the Commission and EA Director Lorne Duncan in your offices on the 18th March 2008 are still relevant and convey our present position with regard to these small suites.

With regard to question 2 Brian Underhill recalls communicating with someone from TimberWest and I think I have also spoken to them in the past. As you will appreciate it is difficult to provide comments on the proposals shown on the plan without us having a fuller picture of the land use situation relating to this area. The ag capability in the area as a whole varies but includes significant areas with prime soil capability ratings as well as some with limited potential. If there was a strong case for extending into ALR land at the junction of South Shore Road and the Circle Route and the area had limited ag potential it is possible that the Commission might be prepared to consider such proposal but there would have to be a strong case to be made unless the soils were of such limited capability as to raise questions as to whether or not the area is correctly placed in the ALR. I note, though, that there is a lot of non-ALR land that, prima facie appears, to be more than adequate.

The Commission would be very unlikely to support the development of those areas with prime soils (including much of the Mesachie Lake area) within the Future Development areas identified on the map. If this area includes a site related to the improvements to the community sewerage system for Mesachie Lake the case for locating the facility in the ALR might be stronger than it would be for other uses but even so the Commission would want to see that no other sites were available, and even then it might still not be willing to allow the land to be used for this purpose. In any event it would only do so if measures were taken to ensure that there was no negative impact on agricultural interests as a whole.

With regard to the Honeymoon Bay sewage facility there is probably a greater chance of the Commission agreeing to this as the soils are probably less productive but even here it would have to be shown that it was not possible to site the facility outside the ALR.

The Commission's preference is that overall land use issues are dealt with through the planning process rather than via ad hoc applications. We therefore appreciate your advising us of the RD's ideas relating to this area and suggest that we continue to liaise with a view to arriving at proposals that are more likely to meet with the Commission's support.

Please feel free to give me a call to discuss the matter further.

Regards

Roger Cheetham, Regional Planner
Ph 604 660 7020
FAX 604 660 7033

From: Mike Tippet [mailto:mtippet@cprd.bc.ca]
Sent: Thursday, November 15, 2012 9:02 AM
To: Cheetham, Roger ALC:EX
Cc: Underhill, Brian ALC:EX; rconway@cprd.bc.ca
Subject: A couple of ALR questions

Hello Roger,

I have a couple of ALR questions for you, the first about accessory dwelling use in the South Cowichan Zoning Bylaw that was referred to you some months ago, and the second is about a proposal we've received from Timber West.

1. Accessory dwellings in ALR – we note that in 2008, with respect to your file number J-13109, you provided clear advice against proceeding with an amendment to the Electoral Area E Zoning Bylaw that would purport to permit accessory (free-standing) dwelling units in the ALR, through the A-1 zone. Despite your advice in this regard, the amendment was approved. Now that it has been in place for about 4 years, the first ALR application pursuant to this permitted use has been made, and our Board has directed (last night) to forward this application to the ALC, with a recommendation to deny. The particulars of this application have caused some of our directors to reconsider whether the correct decision was made in 2008. In other words, is the existence of "small suites" (accessory free-standing) dwelling units in the ALR a good thing? Since we already have your comments in this regard, I don't think any further assistance from your office is needed, but I just wanted to give you a heads up about how this whole initiative has panned out to date.

Related to the above, regarding the proposed South Cowichan Zoning Bylaw No. 3520 that was referred to your office in June 2012, I note that your comments on the wording of the bylaw did not take note of the fact that the A-1 Zone of this bylaw would also permit accessory dwelling units in the ALR (Subject of course to ALC approval). Wayne Haddow did pick up on this point and recommended against it in his written comments to us. Since our Board seems to have nearly come full circle on this issue, I have provisionally removed from the draft A-1 Zone the "Accessory Dwelling Unit" permitted use; however I would certainly appreciate a comment on this matter in respect of Bylaw 3520 from the ALC. I presume that it would be similar to your advice from 2008. I am asking for this because when the South Cowichan Zoning Bylaw is presented to the Committee on December 4th, I would like to specifically address all changes made to the draft since it was first released early in 2012, and your comments on this point would be most welcome.

2. On another matter entirely, TimberWest has approached the CVRD with a proposal to offer some of its private forest land to the CVRD for community sewer services in the Honeymoon Bay area of Electoral Area F. Presently, Honeymoon bay has no community sewer system (but it needs one), and Mesachie Lake does have a seriously non-performing community sewer system that the CVRD operates. This is a quid-pro-quo type of offer, and the upshot of TimberWest's proposal is that they would like two things to happen with respect to some other of their land holdings in the south Cowichan Lake area: namely, the rezoning of some of their private forest land for residential and light industrial purposes. A portion of these lands are in the ALR, although no residential or industrial development is proposed on the ALR portion, there could be a sewer field area in this ALR. They also wish to have some land that is in the ALR at the southern end of Mesachie Lake identified in the Cowichan Lake South/Skutz Falls (Area F) OCP as a Future Development Area. The lands in question are shown on the attached maps, with all of the TimberWest lands involved in this proposal being outlined in a thick brown line on the second map in the attached pdf file.

Normally, all of this would come to us (and you) as an application from the landowner, and that may yet happen with respect to the zoning issue near Honeymoon Bay. However, the CVRD is engaged at the moment in an omnibus amendment to the Area F OCP, and TimberWest is encouraging our Area F Director to incorporate the Future Development Area for the Mesachie Lake portion of their land into that bylaw. I think it is fair to say that staff is inclined not to do this through an omnibus amendment, however we may receive direction from our Board to add this to the amendment, in which case we will have to ask the ALC's position on designating ALR land as a Future Development Area.

The site in question is at the junction of South Shore Road and the Circle Route, a relatively new public, paved road that goes to Port Renfrew. It is not the best ALR land, given its generally north-facing aspect, and the fact that some of the area was historically used as a maintenance yard for logging machinery and is contaminated.

If you could provide us with some preliminary input concerning the designation of some of TimberWest's ALR lands as a Future Development Area, as well as the zoning concept for the other TimberWest ALR land at Honeymoon Bay (sewage disposal use), we would appreciate it. Your response would help us provide appropriate advice to our Board on this matter.

Roger, thanks for your attention to this!

Mike Tippett MCIP, RPP

Manager, Community and Regional Planning Division
Planning and Development Department
Cowichan Valley Regional District
175 Ingram Street, Duncan BC V9L 1N8

Telephone: (250) 746-2602 or 1-800-665-3955 toll-free in BC

Mike Tippet

From: Mike Tippet
Sent: Thursday, November 15, 2012 9:02 AM
To: Cheetham, Roger ALC:EX (Roger.Cheetham@gov.bc.ca)
Cc: 'Brian.Underhill@gov.bc.ca'; Rob Conway (rconway@cvr.d.bc.ca)
Subject: A couple of ALR questions
Attachments: TimberWest2012.pdf

Hello Roger,

I have a couple of ALR questions for you, the first about accessory dwelling use in the South Cowichan Zoning Bylaw that was referred to you some months ago, and the second is about a proposal we've received from Timber West.

1. Accessory dwellings in ALR – we note that in 2008, with respect to your file number J-13109, you provided clear advice against proceeding with an amendment to the Electoral Area E Zoning Bylaw that would purport to permit accessory (free-standing) dwelling units in the ALR, through the A-1 zone. Despite your advice in this regard, the amendment was approved. Now that it has been in place for about 4 years, the first ALR application pursuant to this permitted use has been made, and our Board has directed (last night) to forward this application to the ALC, with a recommendation to deny. The particulars of this application have caused some of our directors to reconsider whether the correct decision was made in 2008. In other words, is the existence of "small suites" (accessory free-standing) dwelling units in the ALR a good thing? Since we already have your comments in this regard, I don't think any further assistance from your office is needed, but I just wanted to give you a heads up about how this whole initiative has panned out to date.

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Roger, thanks for your attention to this!

Mike Tippet MCIP, RPP

Manager, Community and Regional Planning Division
Planning and Development Department
Cowichan Valley Regional District
175 Ingram Street, Duncan BC V9L 1N8

Telephone: (250) 746-2602 or 1-800-665-3955 toll-free in BC



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

19th February 2008

Please reply to the attention of Roger Cheetham
ALC File: # J - 13109

Catherine Tompkins, MCIP
Planner III, Development Services Department
Cowichan Valley Regional District
175 Ingram Street
Duncan, BC V0E 2N0

Dear Madam:

**Re: Proposal to allow small Suites on A-1 Parcels in EA E – Cowichan
Station/Sahtlam/Glenora**

Thank you for your referral dated 29th January 2008.

The Commission is generally opposed to the erection of additional dwellings on farmland except where clearly justified having regard to the present and foreseeable future farming activity. It has found that there is a tendency for dwellings originally built to accommodate farm help over time to become rental accommodation occupied by persons not engaged in the farming activity. The resulting increase in rural residents brings with it a concomitant increase in the potential for conflicts between farming and residential activities, in particular the disturbance of livestock by domestic pets and trespass on farm land to the detriment of agriculture. The additional dwellings also increase the pressure on the Commission to permit further subdivision of agricultural land.

In this light we have reservations regarding the proposed bylaw amendment to allow small suites on parcels 2 ha or larger in the Primary Agricultural Zone. Our initial reaction is that the proposal is not in the interests of agriculture and might run the risk of inconsistency with the Agricultural Land Commission Act.

Time has precluded the consideration of this proposed bylaw by the Island Panel of the Commission. It is suggested that in the event that the Regional District wishes to pursue the proposal a meeting be arranged with the Panel to discuss the matter further.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in dark ink, appearing to read 'Erik Karlson', written over a horizontal line.

Erik Karlson, Chair

cc: Wayne Haddow, Regional Agrologist, Duncan

RC
i/13109m4

Mike Tippet

From: Cheetham, Roger ALC:EX [Roger.Cheetham@gov.bc.ca]
Sent: Monday, June 25, 2012 3:23 PM
To: Mike Tippet
Subject: South Cowichan Zoning Bylaw 3520

Hi Mike, Our comments are as follows:

✓ 6.6, page 32 While the Commission is generally in favour of large lot sizes within the ALR there have been some instances where the Commission has approved smaller residential subs for either a retiring farmer under its Homesite severance policy or occasionally for a son or daughter who wish to take over the farm. In these instances the Commission has sought to limit the size of the residential parcel. We therefore suggest that you add a qualification to accommodate these situations for land within the ALR.

✓ 6.8 and 6.9, page 33 The Commission is wary of permitting subdivision for land within the ALR because of physical separation by a road, another parcel, topography, railway line or other reason (e.g jurisdictional boundary line). As many subdivisions within the ALR exist throughout BC that are so separated this policy has significant implications for land within the reserve. It is important that a qualification be added that, for land within the ALR, ensures such subdivisions are only permitted where the physical separation is sufficiently serious to make it impractical to farm both sides as one unit.

✓ 9.1, A-1 and A-2 Agricultural Resource 1 and Small Lot Agricultural 2 Zones, page 44 -46

Permitted Uses: The asterisk relating to kennel is unnecessary as kennels are permitted under Part 2 (3)(h) of the ALC Regs

Setbacks: These are significantly more than those recommended for many farm uses in the Ministry of Agriculture's Guide for Farmland Development. It is suggested that these be adjusted to provide more flexibility according to the recommended set back distances in the guide. In addition your attention is drawn to the Ministry's recently released bylaw standards relating to the siting and size of residential uses in the ALR. It is suggested that the standards be integrated into the provisions for this zone.

Parcel Coverage: Section 7.1.6 a should be corrected to 9.1.6.a. We are pleased to note that this provision permits an increase in coverage for greenhouses to 50% which we anticipate is probably sufficient although less than the recommended 75% in the guide. With some slight misgivings we are prepared to go along with the proposed 50% provided that there is some willingness on the part of the Regional District for it to be reviewed should it become a factor in limiting greenhouse expansion in the future.

Regards

Roger Cheetham, Regional Planner

Ph 604 660 7020
FAX 604 660 7033

Mike Tippet

From: Haddow, Wayne AGR:EX [Wayne.Haddow@gov.bc.ca]
Sent: Monday, May 28, 2012 3:50 PM
To: Mike Tippet
Cc: Cheetham, Roger ALC:EX
Subject: South Cowichan Zoning Bylaw No. 3520

Dear Mr. Tippet,

It is nice to see the South Cowichan Zoning Bylaw proceed. However the BC Ministry of Agriculture has concerns regarding the placement of second residences or secondary suites within the Agricultural Zones. Multiple residences on agriculturally zoned parcels can increase the risk of concerns and complaints regarding agricultural operations. It would also be appreciated to see policy regarding the placement and footprint of residences located in the agricultural zones.

Thank you for this opportunity to comment .

Wayne Haddow P.Ag.

Regional and First Nations Agrologist

BC Ministry of Agriculture

5785 Duncan Street, Duncan B.C.

V9L 5G2

250-746-1212 wk

Mike Tippet

From: Cheetham, Roger ALC:EX <Roger.Cheetham@gov.bc.ca>
Sent: Wednesday, August 01, 2012 9:10 AM
To: Mike Tippet
Subject: RE: CVRD OCP amendment bylaw 3604

Thanks Mike, In the light of your info. we have nothing to add to my previous e-mail to Rob – our interest are not affected by the proposed amendments.

Cheers

Roger Cheetham, Regional Planner
Ph 604 660 7020
FAX 604 660 7033

From: Mike Tippet [mailto:mtippet@cvrd.bc.ca]
Sent: Wednesday, August 1, 2012 8:57 AM
To: Cheetham, Roger ALC:EX
Cc: rconway@cvrd.bc.ca
Subject: CVRD OCP amendment bylaw 3604

Hi Roger,

Rob Conway passed onto me that you had some questions concerning which parcels were proposed to be redesignated in the OCP by our draft Amendment Bylaw 3604 and whether they are in the ALR. Following is a list of these sites, ALR status and why the designation is changing:

1. Lot 1, District Lot 96 Malahat District, Plan VIP 44822 – located at Shawnigan Lake on Baldy Mountain Road – not in ALR (650 metres distant from nearest ALR boundary) – map error in original OCP
2. Lot A, District Lot 96 Malahat District, Plan VIP 57925 – same as above, although it's only 550 m from the ALR boundary
3. Lot 8, District Lot 68, Malahat District, Plan VIP 38439 – on Whittaker Road high on the Malahat; RR-2 is likely what these lands will be zoned as, which is more in line with their present F-2 zoning – nearest ALR is many km away
4. Lot 1, District Lot 68, Malahat District, Plan VIP 20409 – same as above
5. Lot A, District Lot 68, Malahat District, Plan VIP 52377 – same as above
6. Lot 1, District Lot 68, Malahat District, Plan VIP 35232 – same as above
7. Lot A, District Lot 68, Malahat District, Plan VIP 26977 – same as above
8. Lot 1, District Lot 68, Malahat District, Plan VIP 26801 – same as above
9. Lot B, District Lots 140 and 183, and Blocks 341 and 422, Malahat District, Plan VIP 72123 – site of Aerie Hotel, mis-designated in OCP as General Commercial – many km from ALR
10. Lot 3, District Lots 140 and 183, Malahat District, Plan VIP 55199 – same as above
11. Part of Lot A, District Lots 140 and 183, and Blocks 341 and 422, Malahat District, Plan VIP 72123, comprising 0.47 hectares, more or less – same as above
12. Strata Lots 1, 2, 3, 4 and 5, Sections 1 and 2, Range 7, Shawnigan District, Plan VIS 1337 – Kerry Village Manufactured home park (stratified) in Mill Bay – these 5 lots were mis-designated as Village Residential instead of Manufactured Home Park in OCP – 100 m from nearest ALR, these 5 lots have been developed for decades
13. Common property of Strata Plan VIS 1337 that is contiguous with Strata Lots 1 through 5 – same as above
14. The eastern portion of Lot F, Section 13, Range 5, Shawnigan District, Plan VIP 1809, comprising 0.38 hectares more or less – located in Cobble Hill Village, this is the eastern part of a church property that was rezoned to Residential a few years ago, therefore an OCP map error that is being corrected, 200 m from ALR boundary
15. (new correction since referral): Lot B, Plan VIP 58126, Section 15, Range 4, Shawnigan District is redesignated from Rural Resource to Rural Residential – successful rezoning in July 2012, property is on Thain Road in Cobble Hill and is across the road from ALR

To date these are the redesignations that would be occurring if Bylaw 3604 is adopted in its present form. If you have any questions or comments, please let me know.

Cheers,

Mike Tippett MCIP, RPP

Manager, Community and Regional Planning Division
Planning and Development Department
Cowichan Valley Regional District
175 Ingram Street, Duncan BC V9L 1N8

Telephone: (250) 746-2602 or 1-800-665-3955 toll-free in BC

**CVRD**

COWICHAN VALLEY REGIONAL DISTRICT
175 Ingram Street, Duncan, B.C. V9L 1N8
Tel: (250) 746-2620 Fax: (250) 746-2621

BYLAW REFERRAL FORM

Date: May 14, 2012

CVRD Files:

South Cowichan Zoning Bylaw No. 3520

South Cowichan OCP Amendment Bylaw No. 3604

Attached is a report concerning the proposed new Zoning Bylaw for the southern three Electoral Areas of the Cowichan Valley Regional District as well as the following:

- The text of proposed Zoning Bylaw No. 3520 with a zoning map covering the entire area that would be subject to this bylaw. The new Zoning Bylaw would implement the policies and provisions within the South Cowichan Official Community Plan, which was adopted in July 2011.
- Official Community Plan Amendment Bylaw No. 3604, which is a package of small adjustments to the South Cowichan Official Community Plan that were identified as being advisable or otherwise required during the development of the new zoning bylaw.

General Property Location: Electoral Area A – Mill Bay/Malahat, Electoral Area B – Shawnigan Lake, and Electoral Area C – Cobble Hill.

You are requested to comment on this proposal for potential effect on your agency's interests. **We would appreciate your response by June 29, 2012 (July 13th for First Nations).** If no response is received within that time, it will be assumed that your interests are unaffected. If you require more time to respond, please contact: **Mike Tippett MCIP, Manager, Community and Regional Planning Division** at (250) 746-2602 or at mtippett@cvrd.bc.ca as soon as possible.

Comments:☐ Approval recommended for reasons outlined below☒ Interests unaffected☐ Approval recommended subject to conditions below☐ Approval not recommended due to reasons outlined below

Name: _____

(sign & print)

Title

PRESIDENT

(print)

Your File #

N/A

Date:

JUNE 14, 2012**This referral has been sent to the following agencies:**

- ☒ Agricultural Land Commission
- ☒ Mill Bay Waterworks District
- ☒ Cobble Hill Improvement District
- ☒ Braithwaite Improvement District
- ☒ Lidstech Holdings Ltd.
- ☒ Cowichan Bay Waterworks
- ☒ Meredith Road Improvement District
- ☒ Oceanview Improvement District
- ☒ Sylvania Improvement District
- ☒ Mill Springs Sewer Utility
- ☒ Wace Creek Water Users

- ☒ Burnham Utility
- ☒ Miller Water Supply
- ☒ Garnet Water Society
- ☒ Carlton Improvement District
- ☒ Strata Plan 1601 – Arbutus Ridge
- ☒ Malahat First Nation
- ☒ Cowichan Tribes
- ☒ Tseycum First Nation
- ☒ Tsawout First Nation
- ☒ Tsartlip First Nation

- ☒ CVRD Engineering & Environmental Services
- ☒ CVRD Regional Agricultural Advisory Commission Chair
- ☒ Shawnigan Lake RCMP Detachment
- ☒ Capital Regional District
- ☒ City of Langford
- ☒ Ministry of Community, Sport & Cultural Development
- ☒ Ministry Forests Lands & Natural Resource Operations – Ecosystem Branch
- ☒ Ministry of Agriculture
- ☒ Ministry of Transportation & Infrastructure
- ☒ Ministry Energy/Mines - Housing Branch

CVRD

COWICHAN VALLEY REGIONAL DISTRICT

175 Ingram Street, Duncan, B.C. V9L 1N8

Tel: (250) 746-2620 Fax: (250) 746-2621

BYLAW REFERRAL FORM

Date: May 14, 2012

CVRD Files:

South Cowichan Zoning Bylaw No. 3520

South Cowichan OCP Amendment Bylaw No. 3604

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Comments:

☒ Approval recommended for reasons outlined below

☐ Interests unaffected

☐ Approval recommended subject to conditions below

☐ Approval not recommended due to reasons outlined below

Name: Louise Knodel-Lay
(sign & print)

Title: Sp. Engineering Technology Your File # _____
(print)

Date: June 26, 2012

Engineering
Water Management

This referral has been sent to the following agencies:

☒ Agricultural Land Commission
☒ Mill Bay Waterworks District
☒ Cobble Hill Improvement District
☒ Braithwaite Improvement District
☒ Lidstech Holdings Ltd.
☒ Cowichan Bay Waterworks District
☒ Meredith Road Improvement District
☒ Oceanview Improvement District
☒ Sylvania Improvement District
☒ Mill Springs Sewer Utility
☒ Wace Creek Water Users

☒ Burnham Utility
☒ Miller Water Supply
☒ Garnet Water Society
☒ Carlton Improvement District
☒ Strata Plan 1601 – Arbutus Ridge
☒ Malahat First Nation
☒ Cowichan Tribes
☒ Tseycum First Nation
☒ Tsawout First Nation
☒ Tsartlip First Nation

☒ CVRD Engineering & Environmental Services
☒ CVRD Regional Agricultural Advisory Commission Chair
☒ Shawnigan Lake RCMP Detachment
☒ Capital Regional District
☒ City of Langford
☒ Ministry of Community, Sport & Cultural Development
☒ Ministry Forests Lands & Natural Resource Operations – Ecosystem Branch
☒ Ministry of Agriculture
☒ Ministry of Transportation & Infrastructure
☒ Ministry Energy/Mines - Housing Branch

**CVRD****COWICHAN VALLEY REGIONAL DISTRICT**
175 Ingram Street, Duncan, B.C. V9L 1N8
Tel: (250) 746-2620 Fax: (250) 746-2621**BYLAW REFERRAL FORM****Date:** May 14, 2012**CVRD Files:**

South Cowichan Zoning Bylaw No. 3520

South Cowichan OCP Amendment Bylaw No. 3604

Attached is a report concerning the proposed new Zoning Bylaw for the southern three Electoral Areas of the Cowichan Valley Regional District as well as the following:

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You are requested to comment on this proposal for potential effect on your agency's interests. **We would appreciate your response by June 29, 2012 (July 13th for First Nations).** If no response is received within that time, it will be assumed that your interests are unaffected. If you require more time to respond, please contact: **Mike Tippet MCIP, Manager, Community and Regional Planning Division** at (250) 746-2602 or at mtippet@cvrd.bc.ca as soon as possible.

Comments:☐ Approval recommended for reasons outlined below☒ Interests unaffected☐ Approval recommended subject to conditions below☐ Approval not recommended due to reasons outlined belowName: *D. Michiel*(sign & print) **D. MICHEL**Title: ADMINISTRATOR

(print)

Your File # _____

Date: JULY 27/2012**FAXED**
JUL 27/12**This referral has been sent to the following agencies:**

☒ Agricultural Land Commission
☒ Mill Bay Waterworks District
☒ Cobble Hill Improvement District
☒ Braithwaite Improvement District
☒ Lidstech Holdings Ltd.
☒ Cowichan Bay Waterworks
☒ Meredith Road Improvement District
☒ Oceanview Improvement District
☒ Sylvania Improvement District
☒ Mill Springs Sewer Utility
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☒ Tseycum First Nation
☒ Tsawout First Nation
☒ Tsartlip First Nation

☒ CVRD Engineering & Environmental Services
☒ CVRD Regional Agricultural Advisory Commission Chair
☒ Shawnigan Lake RCMP Detachment
☒ Capital Regional District
☒ City of Langford
☒ Ministry of Community, Sport & Cultural Development
☒ Ministry Forests Lands & Natural Resource Operations – Ecosystem Branch
☒ Ministry of Agriculture
☒ Ministry of Transportation & Infrastructure
☒ Ministry Energy/Mines – Housing Branch

CVRD

COWICHAN VALLEY REGIONAL DISTRICT
175 Ingram Street, Duncan, B.C. V9L 1N8
Tel: (250) 746-2620 Fax: (250) 746-2621

RECEIVED
MAY 18 2012

ADMINISTRATION & FINANCE
CITY OF LANGFORD

BYLAW REFERRAL FORM

Date: May 14, 2012

CVRD Files:

South Cowichan Zoning Bylaw No. 3520

South Cowichan OCP Amendment Bylaw No. 3604

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Comments:

- | | |
|---|---|
| <input type="checkbox"/> Approval recommended for reasons outlined below | <input checked="" type="checkbox"/> Interests unaffected |
| <input type="checkbox"/> Approval recommended subject to conditions below | <input type="checkbox"/> Approval not recommended due to reasons outlined below |

Name: *[Signature]* Title: CITY PLANNER Your File # _____
(sign & print) MATTHEW BROWN, MCIP (print)

Date: MAY - 18 - 2012

This referral has been sent to the following agencies:

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Agricultural Land Commission | <input checked="" type="checkbox"/> Burnham Utility | <input checked="" type="checkbox"/> CVRD Engineering & Environmental Services |
| <input checked="" type="checkbox"/> Mill Bay Waterworks District | <input checked="" type="checkbox"/> Miller Water Supply | <input checked="" type="checkbox"/> CVRD Regional Agricultural Advisory Commission Chair |
| <input checked="" type="checkbox"/> Cobble Hill Improvement District | <input checked="" type="checkbox"/> Garnet Water Society | <input checked="" type="checkbox"/> Shawnigan Lake RCMP Detachment |
| <input checked="" type="checkbox"/> Braithwaite Improvement District | <input checked="" type="checkbox"/> Carlton Improvement District | <input checked="" type="checkbox"/> Capital Regional District |
| <input checked="" type="checkbox"/> Lidstech Holdings Ltd. | <input checked="" type="checkbox"/> Strata Plan 1601 – Arbutus Ridge | <input checked="" type="checkbox"/> City of Langford |
| <input checked="" type="checkbox"/> Cowichan Bay Waterworks | <input checked="" type="checkbox"/> Malahat First Nation | <input checked="" type="checkbox"/> Ministry of Community, Sport & Cultural Development |
| <input checked="" type="checkbox"/> Meredith Road Improvement District | <input checked="" type="checkbox"/> Cowichan Tribes | <input checked="" type="checkbox"/> Ministry Forests Lands & Natural Resource Operations – Ecosystem Branch |
| <input checked="" type="checkbox"/> Oceanview Improvement District | <input checked="" type="checkbox"/> Tseycum First Nation | <input checked="" type="checkbox"/> Ministry of Agriculture |
| <input checked="" type="checkbox"/> Sylvania Improvement District | <input checked="" type="checkbox"/> Tsawout First Nation | <input checked="" type="checkbox"/> Ministry of Transportation & Infrastructure |
| <input checked="" type="checkbox"/> Mill Springs Sewer Utility | <input checked="" type="checkbox"/> Tsartlip First Nation | <input checked="" type="checkbox"/> Ministry Energy/Mines - Housing Branch |
| <input checked="" type="checkbox"/> Wace Creek Water Users | | |

Wace Creek Improvement District
c/o 471 Goulet Road
Mill Bay, BC V0R2P3

May 25, 2012 (DELIVERED BY HAND)



Mike Tippet
CVRD
175 Ingram Street
Duncan, BC
V9L 1N8

RE: South Cowichan Zoning

Dear Mr. Tippet:

This will acknowledge receipt by the Wace Creek Improvement District of the proposed South Cowichan Zoning Bylaw documentation, dated May 14.

Having reviewed the materials, we note that the new bylaws specifically target electoral Areas A, B and C, however, the WCID is outside of those boundaries: an area just north of Area A, serving Kilipi and Goulet Roads under RR3 and RR3A zoning. So we are wondering if you might provide guidance as to what, if anything, in these draft bylaws we might need to review.

I would be pleased to receive your response via Email, if that is easier for you, at susanelo@shaw.ca.

Thanks for your attention to this matter.

Sincerely

A handwritten signature in cursive script, appearing to read 'Susan Elo'.

Susan Elo, Secretary-Treasurer
Wace Creek Improvement District

c.c.
Bill Herring, Chair
Carmen Stanek, Trustee
Joann Cain, Trustee



SUSAN ELO
471 Goulet Rd RR-3
Mill Bay BC V0R 2P3

Mike Tippet

To: susanelo@shaw.ca
Subject: Draft South Cowichan Zoning Bylaw
Attachments: Wace Creek.pdf

Dear Ms. Elo,

Thanks for your letter, received today.

The attached map shows that Wace Creek Improvement District lies within Electoral Area A – Mill Bay/Malahat of the CVRD, therefore the draft Zoning Bylaw No. 3520 would affect the lands that lie within WCID's service area.

The large colour map that was enclosed with your referral package in the mail indicates what the proposed zoning would be within the WCID service area. The proposed zoning of all lands within WCID is Rural Residential 3 (RR-3); and the lands immediately outside of the WCID service area would mostly be in the proposed RR-3A Zone, with one adjacent parcel being zoned Agricultural Resource (A-1).

The text of the draft Zoning Bylaw 3520, again part of the referral package, indicates the regulations that would accompany those proposed zones. I can say that from the perspectives of both land use and minimum parcel size regulations, there would be no significant change from the present zoning of R-2 under the 13 year old Zoning Bylaw No. 2000, compared to the proposed RR-3 Zone of draft Zoning Bylaw No. 3520, that encompasses lands within the WCID boundary. The minimum parcel size of the existing R-2 Zone and proposed RR-3 Zones are identical, at 1 hectare where no community water service connection is available, and 0.4 hectares where "community water service" connection, as defined in the Bylaw, is available.

The RR-3A Zone that would apply to most neighbouring parcels to WCID does not provide for a smaller parcel size if community water connections are present, so this would reinforce the South Cowichan Official Community Plan's policy of not further expanding the service areas of most smaller Improvement Districts and utilities. In any case, under both the current Zoning Bylaw No. 2000 and draft Zoning Bylaw No. 3520, WCID does not have enough service connections (minimum of 50) to be considered a community water system for the purposes of subdivision.

For those parcels upon which secondary suites or dwelling units may be permitted at present, the maximum size of these units would remain at 85 square metres.

So - in short - the draft Zoning Bylaw 3520 does not represent a notable change to the status quo in your area.

If I can be of any further assistance, don't hesitate to reply or telephone me.

Best regards,

Mike Tippet, MCIP

Manager, Community and Regional Planning Division
Planning and Development Department
Cowichan Valley Regional District
175 Ingram Street, Duncan BC V9L 1N8

Telephone: (250) 746-2602 or 1-800-665-3955 toll-free in BC

July 4, 2012

Mr. Mike Tippett
Manager of Community and Regional Planning
Cowichan Valley Regional District
175 Ingram Street
Duncan, BC V9L 1N8

Dear Mr. Tippett,

Re: Proposed South Cowichan Zoning Bylaw and related Implementing Bylaws

Thank you for circulating the Proposed South Cowichan Zoning Bylaw and related implementing bylaws for review and comment. Regional Planning has reviewed the document relative to the current Regional Growth Strategy (RGS) and also with a view to the proposed policy directions of the Regional Sustainability Strategy (RSS) in addition to recent regional transportation documents. The draft was also circulated to other departments for review and comments at the CRD including Environmental Sustainability, Regional Parks, Community Planning and Integrated Water Services (IWS). The comments from these departments have been incorporated into this letter.

The proposed bylaw is in keeping with the current RGS, and will not affect interests in the Juan de Fuca Electoral Area. Overall no major changes were suggested by other departments, however, a number of suggestions and requests regarding the future land use have been included. From the perspective of our IWS department, the CRD requests the consideration of reclassifying the two parcels of regional parkland adjacent to the Greater Victoria Water Supply Area to Park/Community Forestry 4. From the perspective of CRD Integrated Water Services the areas could potentially be opened to recreation in the future and the CRD would like to be consulted as to the location of trails approaching the property and catchment boundaries of the Water Supply Area. If the areas are harvested in the future, the CRD would like to be consulted to discuss location of access roads in relation to the boundary of the Water Supply Area property and catchment boundary and how post-harvest fuel hazard will be addressed.

CRD IWS appreciates the change in zoning from Industrial to Light Industrial for the parcel near the Water Supply Area boundary on Sooke Lake Road. Given the proximity of the parcel to the catchment boundary of the Water Supply Area, IWS would appreciate consideration of potential impacts to groundwater and surface water in the types of uses that will be established in the light industrial area or if the parcel is converted to residential use as provided for in the zoning bylaw.

CRD IWS appreciates the measures in place to ensure that the density and types of uses in adjacent property zoned CD-4 Comprehensive Development 4 Forest Stewardship remain

Mike Tippet

From: LORNE ADAMS <nolaandlorneadams@gmail.com>
Sent: Monday, September 03, 2012 11:49 AM
To: Mike Tippet
Subject: INPUT - SOUTH COWICHAN ZONING BYLAWS

Mike Tippet,
Manager of Community and Regional Planning
CVRD
250-746-2620

PROPOSED SOUTH COWICHAN BYLAWS AND ZONING CD-5 - Clearwater Resort

It would seem a misuse of commercial zoning to allow developments to use this type of zoning to avoid environmental oversight.

This property is situated on the banks of the Koksilah River within the Koksilah River Corridor. Historically this property was given commercial zoning for a small, family run, commercial campsite providing access to the Koksilah River for the general public. It was nicely wooded, well run and environmentally friendly. This property now has more dwellings on the bank of the Koksilah River than all the lots within the entire RC-3a zone. Given the density of this development and the placement of its dwellings the environmental oversight should be more not less than adjoining residential lots. Clearly neighboring properties are no more environmentally sensitive than the Clearwater Resort property.

Parking

Although there is potentially more than fifty cars and one hundred people on this small property, parking and pavement are not specifically dealt with.

Density

It would seem reasonable that any increase in population and dwelling density be limited to the recommendations of an independent environmental assessment. The proposed increase in density does not appear to be in keeping with the OCP or congruent with restrictions on adjacent properties sharing the same environmental footprint.

Sewage system

The housing density of this site was originally determined by using a campsite designation for its sewer system. This designation allowed higher than normal population density without independent oversight. The proposed zoning recognizes a change in use with potentially fifty dwellings capable of year round occupation. The sewage collection tank for those dwellings is situated at the top of the Koksilah river bank. In an area where it is not uncommon to have five day power outages it would seem reasonable that a proper backup system be maintained and have independent inspections on a regular basis. If the zoning is changed to reflect the actual usage of this property it should also contain regulations assuring proper maintenance and independent environmental oversight of this sewage system. Neighbors were assured that this would occur should dwellings be put on these campsites. The issue of seasonal usage appears to be unenforceable in practical application and therefore should not be a factor used to avoid Independent oversight.

Air pollution

This is already a problem for residents and the site is not fully built or occupied. Wood campfires pollute the summer air and wood stoves pollute the winter air. This site is in an inversion area and the smoke does not dissipate but rather lingers over the adjoining residences. Banning wood fires in this type of development is not uncommon and

can be done at little cost to the developer. Studies from all over the world support the CVRD view that this type of pollution not only threatens the health of residents but also their lives. Surely this must be a priority in implementing any new bylaws.

Concessions

We would like to see a continued effort to accommodate this development within the OCP. Any change in the zoning should be given with concessions to protect the river water quality and health of downstream neighbours. Independent oversight of the sewage system is a key component and should be required. We request a complete ban on any form of wood burning. This ban supports the CVRD position on woodsmoke. The concessions that we are requesting, supporting public health and safety, are not unusual in the bylaw process.

Please acknowledge you have received this letter.

LORNE & NOLA ADAMS
3008 Glen Eagles Road
Shawnigan Lake, B.C.
nolaandlorneadams@gmail.com



August 7, 2012

Via Email: mtippett@cverd.bc.ca

Mike Tippett
Manager of Community & Regional Planning
Cowichan Valley Regional District
175 Ingram Street
Duncan, BC V9L 1N8

Dear Mr. Tippett:

RE: South Cowichan Zoning Bylaw No. 3520

This letter is in response to the recently released Draft South Cowichan Zoning Bylaw No. 3520. TimberWest has reviewed the proposed Bylaw and is concerned that it unduly removes development entitlement opportunities currently available to landowners under the existing zoning bylaw. In specific reference to TimberWest land holdings, we are opposed to the down-zoning of the western 46ha portion of Blk 1239 from Suburban Residential (R-2) Zone to Rural Residential (RR-3A) Zone.

The current R-2 zoning makes provision for subdivision of 1ha, with the ability to reduce the minimum lot area to .4ha if connected to a community water system. In contrast, the proposed RR-3A zoning restricts the minimum subdivision lot area to 1ha, regardless of whether a property is connected to a community water system or not. ✓

As you are aware, TimberWest met with Regional District engineering and planning staff, as well as the former electoral area director (Ken Cossey), regarding a proposed subdivision of the aforementioned lands. While no formal application has been submitted, we are exploring the opportunity to connect to the community system currently servicing the neighboring modular home park (South Cowichan Station); which we understand the CVRD now fully owns and operates. Subject to connecting with the neighboring system, the current R-2 zoning would allow for the creation of +/- 100 parcels, taking into account areas of dedication for roads, parks and storm detention. Under the proposed RR-3A zoning, a maximum of +/- 40 parcels can be accommodated through subdivision, regardless of whether the parcels are connected to a community water system.

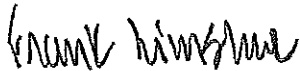
Couverdon

As outlined in the South Cowichan OCP, protection and management of groundwater use and aquifer recharge are a principal objective, and distribution of residential growth across the community can be better managed through the ability to connect to water servicing. While we support these OCP objectives, the proposed zoning changes contradict the OCP objectives, as the proposed changes effectively remove any incentive to connect and contribute toward expanding smaller systems. As a result, areas outside current water service boundaries will experience a greater number of private groundwater wells.

We believe the proposed zoning changes outlined in Bylaw No. 3520 have a significant impact on TimberWest land holdings, as well as the other parcels surrounding Shawnigan Lake whose entitlement rights are being similarly taken away. We urge your Regional District Staff to review the impact of the proposed zoning changes and re-establish the .4ha minimum lot area provision.

Thank you very much in advance for your consideration. Please do not hesitate to give me a call should you have any questions on any of the above.

Sincerely,



Frank Limshue
Director of Planning and Zoning
Couverdon Real Estate

cc. Bruce Fraser, Area B Director

Mike Tippet

From: Planning and Development
Sent: Wednesday, August 01, 2012 2:50 PM
To: Mike Tippet
Subject: FW: zoning - draft Bylaw 3520

-----Original Message-----

From: Christine Gollner [mailto:ninig@telus.net]
Sent: Wednesday, August 01, 2012 2:46 PM
To: Planning and Development
Subject: Fwd: zoning - draft Bylaw 3520

>
> Dear Mr . Tippet,
>
> Thank you for your response to my questions about Sol Sante on Cameron Taggart Road.
>
> I do not object in any way to this Club . They are good neighbours and I like the way that this large tract of land is kept from over development; however, I know that these good folks are under some financial difficulty. This situation could lead to them having to sell. This area is truly sensitive - swamp, river and woodland and should be protected.

Regarding the P-2 zoning, in the OCP there are some organizations that should not be under the same zoning. Societies/Clubs: non profit and profit, Churches, schools, private institutions and public institutions. Some have public funding, some not and some receive public grants. To me , P-2 is a bit of a catch all. Could you not put all Private Clubs into another zoning, say P-3?

> These are my thoughts on this matter.
>
> Thanks again for your time and consideration.
> Christine Gollner
>
>
> Sent from my iPad
>
> On Jul 12, 2012, at 9:22 AM, "Planning and Development" <ds@cvrd.bc.ca> wrote:

>
>>
>>
>> -----Original Message-----
>> From: Mike Tippet
>> Sent: Thursday, July 12, 2012 9:06 AM
>> To: Planning and Development
>> Subject: RE: zoning - draft Bylaw 3520
>>
>> Dear Christine Gollner,
>>

>> The subject lands have been zoned for institutional use (P-1) since
>> the present zoning bylaw was adopted in 1986. The draft zoning bylaw No.
>> 3520 continues with this institutional designation. The P-2 Zone in
>> the draft zoning bylaw 3520 is similar. The proposed P-2 zone
>> permits not-for-profit outdoor recreation use, which is close to what
>> is the actual use on that property. The definitions related to the
>> P-2 zone do not indicate that only taxpayer-supported uses are permitted.

>>

>> If you have some suggestions regarding the actual uses there and how
>> these could be better reflected in the new zoning bylaw, I would be
>> pleased to receive them.

>>

>>

>> Mike TIPPETT, MCIP
>> Manager, Community and Regional Planning Division Planning and
>> Development Department CVRD

>>

>> -----Original Message-----

>> From: Planning and Development
>> Sent: Monday, July 09, 2012 8:35 AM
>> To: Mike Tippet
>> Subject: FW: OCP zoning

>>

>>

>>

>> -----Original Message-----

>> From: Christine Gollner [<mailto:ninig@telus.net>]
>> Sent: Sunday, July 08, 2012 3:35 PM
>> To: Planning and Development
>> Subject: OCP zoning

>>

>> Dear Mr. Tibbett,

>>

>> In the new OCP plan, the plans indicate new zoning for Sol Sante on
>> Cameron Taggart Road. This change is to 'institutional'.
>> Your present definition of 'institutional' zoning are places open to
>> the public and paid for or supported by the tax payer. What
>> justifies you making this private property an 'institutional' zone?

>>

>> Thank you for your time. I look forward to this information.

>> Sincerely,

>> Christine Gollner

>>

>>

>> Sent from my iPad

>

Mike Tippett

From: Mike Tippett
Sent: Thursday, August 02, 2012 2:00 PM
To: 'Beverly Suderman'
Subject: RE: CAS feedback re proposed South Cowichan ZB

Hi Bev, I am combing through the inputs and comments received on the draft South Cowichan zoning bylaw in order to effect an update to it. I have reviewed the comments from the Cowichan Agricultural Society's general meeting which you kindly forwarded to me, and have the following information that you could take back to them if you desire:

1. Moving land from A-2 to A-1 if it's in the ALR should not really be confusing. The appropriateness of various agricultural activities on those lands are probably best decided by the owners/farmers, and besides, the A-2 zone under the present zoning bylaws permits the exact same range of agricultural uses as A-1. The only real effect of going to A-1 from A-2 is to remove the dangled carrot of 2 hectare parcels being created within the heart of the ALR.
2. The non-ALR A-2 lands were reviewed by me today. A total of 44 parcels would be changed from A-2 to RR-2 or RR-3A. Below is a summary of the situation on those parcels:
 - a. 7 parcels in Area C on Cheeke Road – all are BCAA Actual Use 1 (residential)
 - b. 9 parcels in Area B on Lovers Lane – all but one are BCAA Actual Use 1 or 38 (residential); the other one is mixed farming
 - c. 4 parcels in Area B on Empress Road/Avenue – one is BCAA A.U. 60 (residential) and 3 are BCAA A.U. 180 (mixed farming)
 - d. 1 parcel in Area B on Treit Road – BCAA A.U. 180 (mixed farming)
 - e. 23 parcels in Area B in the vicinity of Baldy Mountain Road – 14 are in BCAA Residential A.U. codes; 9 are in BCAA farming A.U. codes (6 in Code 180, 1 in code 170 and one in Code 190).

The vast majority of these parcels will be RR-2 under the new bylaw (with the exception of the Lovers Lane parcels, which would be RR-3A) and RR-2 permits agriculture as an accessory use to residential. Given the prevailing parcel sizes (1-4 ha), it's unlikely that many of these would be used exclusively for agriculture, without a residence. Provided a residence is present (GIS indicates they do), none of the parcels upon which agricultural uses are presently occurring that would become RR-2 would be rendered legal non-conforming by Zoning Bylaw 3520 and those that don't presently have agricultural uses (and the BCAA farm classification) would be eligible for it under the proposed zoning. The minimum parcel size in RR-2 is the same as A-2 so the suggestion that this change somehow contradicts the Agricultural Plan or opens the door to further development is incorrect. Only if one gets hung up on the name of the zone could this be perceived as an issue. With specific respect to Lovers Lane parcels, they were proposed to be RR-3A, and so the one parcel that is in mixed farming use would possibly be permitted to continue under RR-3A zoning under the limited agriculture provision; if not, then it would be the only parcel among the 44 that would have legal non-conforming status. But in this case I think I erred in making those 9 parcels RR-3A, so this area could be changed to RR-2, to alleviate that possibility. It is true that the other 8 parcels on Lovers Lane would only be permitted to have limited agricultural pursuits if their owners decided to do so, and on balance I think it would be appropriate to redesignate these parcels to RR-2, which I will propose.

3. Slaughterhouses are not automatically permitted in any zone, so a proposal to do so would require an application for a zoning amendment. This is prudent approach considering the difficulties the RD has had with industrial land use conflicts in the past. Processing of food products that do not involve abattoirs is permitted in a number of zones: I-1, I-1C, I-1D, I-2, I-6. We have a zone in an adjacent electoral area that permits a poultry processing plant.
4. I haven't had any satisfactory ideas about farm labour housing either. We could certainly entertain an application from a farmer for this type of accommodation if a farmer needed it, and I imagine that the Board would be open-minded on the matter.

5. It is becoming likely that the "open discussion" period for this rather large bylaw will be longer than I originally thought. There are some complexities with Shawnigan Lake and other things that probably mean that we won't get to a hearing in October, maybe not even in November. So there appears to be more time for informal comment. Meanwhile we will look at the possibility of producing some more information about before/after zoning. We did one such exercise for the APCs (see attached) but if it will help the community understand better what we're up to, we should do some more of that. We have to bear in mind that the OCP from 2011 has set a lot of initiatives into motion that are manifesting themselves in this draft zoning bylaw and we only have a certain amount of flexibility when implementing the OCP, without re-inventing it, which we are not going to do.

Best regards,

Mike Tippett MCIP, RPP

Manager, Community and Regional Planning Division
Planning and Development Department
Cowichan Valley Regional District
175 Ingram Street, Duncan BC V9L 1N8

Telephone: (250) 746-2602 or 1-800-665-3955 toll-free in BC

From: Beverly Suderman [<mailto:bsuderman2005@gmail.com>]
Sent: Thursday, July 05, 2012 7:39 AM
To: Mike Tippett
Subject: CAS feedback re proposed South Cowichan ZB

Hi Mike --

Didn't have the right email address for you the first time ... trying this again.

Bev

----- Forwarded message -----

From: Beverly Suderman <bsuderman2005@gmail.com>
Date: Thu, Jul 5, 2012 at 7:25 AM
Subject: CAS feedback re proposed South Cowichan ZB
To: mtippet@cprd.bc.ca
Cc: Bob Crawford <ba.crawford@shaw.ca>

Hi Mike --

As I discussed with you, I brought the proposed South Cowichan ZB to the Cowichan Agricultural Society's general meeting yesterday evening. Unfortunately we did not have a large group, and few of the farmers present were actually from the South Cowichan. Nevertheless, it is within the CAS mandate to address anything with implications for agriculture in the Valley, and so were interested in the discussion. That being said, this is the input that they would like to provide to the CVRD's process at this point:

1. They respect the CVRD's attempt to discourage development and subdivision of agricultural lands, but are concerned that there may be unintended consequences or confusion by reclassifying all A2 lands in the ALR to A1. A1 permits "heavy" farming uses, which may not be appropriate on smaller lots, even if they are in the ALR.

2. They are concerned with the CVRD's decision to reclassify all A2 zoned lands outside of the ALR to RR2 (with the exception of some lots to the north of Shawnigan Lake) because of potential implications for agricultural activity in those areas. They wanted to know how many parcels are affected by this change, and whether any of them currently are in agricultural production. Wayne Haddow tells us that the results of this summer's work won't be available until next year, but as you indicated, you could get fairly current information from the BC Assessment database. ... This change seems to imply a contradiction to the CVRD's agricultural area plan intent, as well as the intention behind the CVRD's official signing of the Cowichan Food Charter, and does not seem supportive of the South Cowichan OCP's overall intentions with regard to food security. It appears to open the door to development in the rural areas.
3. Where in the proposed ZB are slaughterhouses and other food processing operations permitted?
4. No ideas emerged in response to your concerns about farm labour housing ...
5. From a process point of view, it would be helpful to have clearer documentation about the proposed changes (from what currently is in place) and their implications for agriculture, together with a statement of intent behind the changes ... That would assist with focusing the discussion. It would also be helpful to extend the consultation process beyond the end of August, since the height of the growing season is the very worst time of year to be trying to consult farmers.

Anyway, that's what they said ... No doubt the questions will be discussed again at the August meeting. If you wish to discuss this input with me further, please let me know.

Cheers,

Bev

--

Any transformative idea needs three things to create widespread change: the right timing (timing is indeed everything), the right message artfully delivered and the right platform. -- Jason McLennan

--

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Terry Parker
746 Handy Road
Mill Bay, BC V0R 2P1

Nov. 18, 2012

Mike Tippet
Manager, Community & Regional Planning
Planning and Development Department
Cowichan Valley Regional District
175 Ingram Street
Duncan, BC V9L 1N8

Dear Mr. Tippet:

Re: Draft Zoning Bylaw No. 3520

Further to my email to you dated May 22, 2012 objecting to changes to marina parking requirements (clause 14.9.4) I still stand by that objection, but I would like to register my objection to changes proposed to the RM-3 zone that I had somehow missed on my initial reading of the Draft Zoning Bylaw No. 3520.

As you likely know, the RM-3 zone was created for the "Waterfront at Mill Bay Marina" townhouse development. My family's home is immediately to the west of that development and our property is the one most severely impacted by it. On the whole, we find the proposed changes to this zone to be regressive in terms of protecting taxpaying homeowners from large developments. We also find it astonishing that all the thought, consideration and planning that ideally should have gone into the creation of this brand-new zone would be overturned so quickly. It makes us even more certain that much of what happened during the rezoning process for the "Waterfront at Mill Bay Marina" townhouse development was just a sham.

Parcel Coverage (section 10.14.2)

The Draft Bylaw would increase RM-3 parcel coverage from 40% to 50%, I find that coverage too high. During the South Cowichan OCP Public Hearing process, I raised the issue that building height restrictions alone are not enough to protect the views and solar access of neighbouring properties in low-lying areas. I argued that horizontal coverage is also important. Then-chair Gerry Giles acknowledged this was indeed an issue. Despite that, the RM-3 zone implemented a doubling of lot coverage from the previous C-4 zone's 20%. Further increasing the coverage to 50% would be yet another step backward in protecting homeowners from large developments on neighbouring properties.

Accessory Buildings (section 10.14.3)

The Draft Bylaw would increase the allowable height of RM-3 accessory buildings from 4.5 to 6.0 metres. We object to this as it will invite abuse of the purpose of these accessory buildings. The definition in section 3.1 of the draft bylaw states that accessory means:

... ancillary or subordinate to, customarily incidental to ...

A 6.0 metre height will allow for a two-story building. It stretches all imagination to see the need for a two-story building that is "subordinate" or "incidental" to a condo unit or small business limited to a gross floor area of 150 m square. Allowing for two-story "accessory" buildings is just inviting illegal suites and businesses much larger than the Draft Bylaw intends. It's like you're building conflict into the zone itself. I don't want that going on in the lot next door.

On a broader note, for the same reason as above, I also object to 6.0 metre accessory buildings included in any of the other zones, including the R-3 zone that applies to my own property. Do you really want to make it easier for illegal suites to be built in just about every residential zone? From my experience, the normal zoning/rezoning process has enough holes in it that allow neighbours to be cruel to each other for their own profit. Allowing for two-story "accessory" buildings would bring that sad game to a whole new level.

Setbacks (section 10.14.4)

The Draft Bylaw proposes to decrease the interior side parcel line setback from 6.0 to 3.5 metres. In creating the new RM-3 zone for the Marina Townhouse developers, CVRD staff claimed to have established setbacks that would at least minimally protect my family's interests. The following is from the staff report to the Electoral Area Services Committee included in the agenda for the Nov 1, 2011 EASC meeting (report by Rob Conway dated Oct 25, 2011)

An effort was made by the Regional District to consider the potential impact of development on adjacent property owners by limiting building height to 7.5 metres and by maintaining a 6.0 metre building setback on all property boundaries. These development criteria were included in the new RM-3 zone, to reduce the 10 metre building height that was previously possible on the property under the C-4 zoning and to achieve a setback from the west property boundary that is twice what it would be under single family residential zoning. Although the current application does not propose any variance to these standards, the development will still undoubtedly have impacts on adjacent properties.

The west property boundary mentioned is the lot line between my home and the marina/townhouse property. The 7.5 metre height restriction east of the highway has been a *de facto* standard in our neighbourhood for years and has factored into previous decisions. The following is from the staff report to the Electoral Area Services Committee regarding an earlier development proposal for this property. It was included in the agenda for Jan 19, 2010 EASC meeting (report by Mike Tippet dated Jan 11, 2010)

... ironically the building height limits are too high for the tastes of the neighbourhood, based upon previous applications in the area. So the only appropriate solution with respect to permitting residential use here would be to create a new zone that would at the same time allow more density on the site (about 50% more than our present highest density zone) and also a height limit of 7.5 metres.

This leaves us with the RM-3 zone's original 6.0 metre setback being the only protection -- minimal as it was -- offered to us against the marina's townhouse development. Now, so soon after its offering, the CVRD is proposing to remove that minimal protection. Even if the 8-unit marina townhouse block is built before this draft bylaw passes, future construction or renovation could place a 25 foot tall, 200 foot long building less than 40 feet from my kitchen windows and less than 50 feet from my front door and livingroom windows. I strongly object to that.

Implication

As above, I'm astonished at the changes being proposed for this brand-new RM-3 zone so soon after its creation. The RM-3 zone was created in the backdrop of the approval of the new South Cowichan OCP - along with all the happy-talk from the CVRD about community input and planning for the future. If I assume the CVRD makes decisions in and proceeds through public process in good faith, I would also assume the brand-new RM-3 zone was be created with the future in mind. To make so many changes to this new zone so soon after it's creation seems to admit either that forward thinking wasn't applied, or that what was presented to the public for approval during the marina rezoning process was done with the CVRD knowing full well that it would all be changed in the near future in this more general process that might be missed by those directly affected.

So far, the CVRD's decisions regarding the Mill Bay Marina Townhouse development have seriously harmed my family's use and enjoyment of our property as well as reduced the monetary value of our property. In effect, the CVRD has allowed the developers to rob us of equity, impinge on our "green" eco-friendly lifestyle and sour the home environment I saw as a reward for decades of hard work. It was bad enough when the CVRD held me down while the developer robbed me. Now the CVRD -- presumably on its own without direction from other parties -- is trying to kick me and my family while we're down.

After my presentation to the EASC on Nov 1, 2011, several Directors told me they would not tolerate this happening to them and their homes, and that they felt sorry for us. They offered us no other consolation or compensation. The only thing we had as mitigation on or off record was the 6.0m setback in the RM-3 zone which, even at the time, did not seem nearly enough. To have that setback now reduced is simply cruel.

You could argue that isn't the intent but it certainly would be the effect -- and I would still be left wondering about the intent. Wondering if the proposed change is just punishment for our having had the gall, as mere homeowners and taxpayers, to protest the "Waterfront at Mill Bay Marina" townhouse development application that the CVRD so staunchly supported from the moment of its application.

The RM-3 zone was created for the "Waterfront at Mill Bay Marina" townhouse development and as far as I know, the marina townhouse lot is the only RM-3 zone currently in the CVRD. The neighbour to the south of that property, who's solar access and view is unaffected by the development, who's privacy is slightly affected having a few relatively small side windows facing the side of one duplex unit and who's driveway exits on to Mill Bay Road and is therefore unaffected by the traffic problems caused by the development did not object to the project and is now to be rewarded with an increase from 6.0 to 7.5 metres in the setback that effects the side of her house.

Then there is my family, whose solar access will be significantly reduced, whose view will be completely cut off, whose driveway opens on to the traffic problems and whose privacy will be infringed on by having all of our large main living area windows facing several units directly in front of our house. We did complain and are now being punished for it by having the setback that affects the front of our house cut almost by half from 6.0 to 3.5 metres.

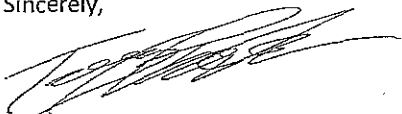
The changes proposed to the RM-3 zone answer a question that has been brewing for me recently. The marina townhouse developers have complained all along they can't construct their townhouses soon enough. Indeed they have been successful in getting the CVRD to back down on the original Development Permit requirement that the sewer forcemain for the townhouses be fully built before the townhouse construction can begin. They have now begun laying the foundations for the front row of three duplex units but they are not even doing the excavation for the back row of townhouses that would border the interior side parcel line setback.

I have been wondering why the construction of the back row of townhouses is not going ahead – especially given that in August 2011 one of the developers told us that if he couldn't build his townhouses as soon as possible he would simply stack a row of shipping containers 4 high across in front of us. It seems pretty clear now they are waiting for the setback to be reduced. That makes me wonder if there has been collusion between the developers and the CVRD in this from the start.

It makes me sick that even though CVRD Directors told us the impacts on us would be intolerable for them the CVRD is now working to allow those impacts on us to be even worse. To proceed with those zoning changes would feel like the CVRD is attacking us through this zoning bylaw change.

At the *very minimum*, we want to see the setback that applies to the marina townhouse's RM-3 zone western lot boundary be at least 6.0 metres, lot coverage limited to at most 40% and accessory building be limited to no more than a 4.5 metre height. Furthermore we would like to see this apply going into the future against all renovation and reconstruction in any zone that applies to that property. That seems to be the very least that good faith would demand.

Sincerely,

A handwritten signature in black ink, appearing to read 'Terry Parker', with a stylized, cursive script.

Terry Parker

Mike Tippet

From: Kathy Lachman
Sent: Wednesday, June 27, 2012 10:54 AM
To: Mike Tippet
Subject: RAAC comments

Hi Mike, it was in the minutes from our May 29th RAAC that regarding the South Cowichan bylaw referral comments from the RAAC were to come to me and I was to forward them to you. Just so you know that I did not receive any comments from the RAAC on this issue. Thanks, Kathy

Kathy Lachman,
Business Development Officer,
Economic Development Cowichan,
135 Third Street,
Duncan, BC V9L 1R9
E-mail: klachman@cvrd.bc.ca
Tel: 250.746.7880 Ext. 248
Fax: 250.746.7801



R10

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF DECEMBER 4, 2012

DATE: November 28, 2012 **FILE NO:** South Cowichan Zoning Bylaw

FROM: Mike Tippet, Manager Community & Regional Planning **BYLAW NO:** 3604, 3656

SUBJECT: Amending the South Cowichan OCP and the South Cowichan Zoning Bylaw

Recommendation/Action:

This report is for informational purposes only.

Update:

In a separate report to this Committee, a new zoning bylaw for South Cowichan is introduced (Bylaw 3520).

In the course of its preparation, staff and Directors found certain elements of the 2011 South Cowichan Official Community Plan (SCOCP) and zoning that they feel should be modified for various reasons. Dealing with these possible edits, redesignations and other aspects of the SCOCP and Zoning Bylaw 3520 separately from the implementing zoning bylaw is intended to provide maximum clarity to the Board and the public.

Aside from that, until the Committee had given direction on the procedure for the adoption of Bylaw 3520 (public hearing or public meeting), it was not advisable to prepare detailed reporting on other amendments. This is because the procedure respecting amendments would have to be significantly modified if a hearing for Zoning Bylaw 3520 is chosen.

For this reason, staff is in the process of preparing a report detailing, by type of proposed amendment, a list of all proposed changes to both the OCP and zoning bylaw. This report will be structured so the Committee can choose which amendments it is prepared to proceed with, by seeking individual resolutions on all distinctive aspects of the proposed amendments. In that way, the Committee will not be faced with an "all or nothing" choice.

This detailed report will be presented to Committee early in 2013, most probably in late January or the very beginning of February.

Submitted by,

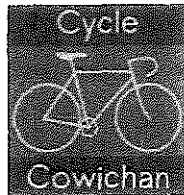
A handwritten signature in cursive script, appearing to read "Mike Tippet".

Mike Tippet, MCIP
Manager
Community and Regional Planning Division

Approved by:
General Manager:

A handwritten signature in cursive script, appearing to read "Mike Tippet", written over a horizontal line within a rectangular box.

Cycle Cowichan
Cowichan Green Community
360 Duncan Street
Duncan, B.C.
V9L 3W4



RECEIVED
NOV 1

C1

Regional Environmental Commission
Cowichan Valley Regional District
175 Ingram Street
Duncan, British Columbia
V9L 1N8

RECEIVED
NOV 15 2012
Engineering &
Environmental Services

8 November 2012

Dear Environment Commission members and staff,

Reducing greenhouse gas emissions and reducing our dependence on fossil fuels are essential components of environmental responsibility and the focus of your idea 5. As you already know, transportation by private automobile is a major source of greenhouse gas emissions in our Region. Public transit and carpooling are improvements over private vehicles, but walking and bicycling are far better alternatives, reducing emissions to the level of breathing.

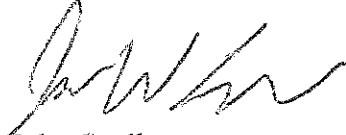
A major barrier to the use of bicycles for commuting, errands, or recreation is the perception that cycling is a dangerous mode of transportation. Bicycle accidents can have a number of causes: automobile driver error, an error by the cyclist, or poor highway design. Cycle Cowichan is involved with a number of initiatives to make cycling safer through education for drivers and cyclists, but we need the regional government to do something about the roads.

Our community needs a network of bicycle-friendly routes between important destinations if the use of bicycles is to increase. There are a few safe places to cycle in our region: The Cowichan Valley Trail and some other trails, roads, and connectors. For a number of years North Cowichan has had an active program of widening roads and adding marked bicycle and pedestrian lanes.

In view of this, we were startled and disappointed that when Cowichan Bay Road was improved between the Trans Canada Highway and Tzouhalem Road, no bicycle or pedestrian lanes were added. This road is a major route for commuters, recreational riders, and tourists, but with fairly heavy truck traffic and no shoulder, it is extremely dangerous and unpleasant for cyclists or pedestrians.

An active program of creating safe bicycle routes would be ideal. But as a minimum, we are asking the CVRD and Department of Transportation to implement a policy that all new roads, road restorations, and road improvements include safe routes for bicycles and pedestrians. With safer roads, the number of cyclists will increase, reducing emissions of greenhouse gases from motor vehicles.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Scull', written in a cursive style.

John Scull
for Cycle Cowichan

cc: Andrew.Newall@gov.bc.ca
Renee.Mounteney@gov.bc.ca



ENVIRONMENT COMMISSION REPORT

OF THE MEETING HELD NOVEMBER 15, 2012

DATE: November 16, 2012

To: Electoral Area Services Committee

The Environment Commission reports and recommends as follows:

1. To refer the letter from Cycle Cowichan to the Environment Commission, dated November 8, 2012, to an upcoming Electoral Areas Services Committee meeting.

RE C2



C.V.R.D

Financial

Department

COWICHAN VALLEY REGIONAL DISTRICT

SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS)

Submitted by Director Gle Area C

Grantee: Grant Amount \$ 500

NAME: Cowichan Foundation

ADDRESS: 202-58 Station St

Nanaimo BC V9L 1M7

Contact Phone No: _____

PURPOSE OF GRANT: assist with further

educational opportunities in

Cowichan

REQUESTED BY: Gerry Gle
Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0107 - 113	500.00	10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL _____

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____

COWICHAN FOUNDATION

President

Rollie Rose

Vice President

Daniel Varga

Secretary

Debbie Williams

Treasurer

Michael G. Coleman

Directors:

Michael Coleman

Cam Drew

Dave Ferguson

Gerry Giles

Dr. John Philp

Rollie Rose

Daniel Varga

Debbie Williams

Lance Steward

November 8, 2012.


Ms. Gerry Giles

1115 Braithwaite Drive

Cobble Hill, BC V0R 1L4

Dear Ms. Giles:

RE: COWICHAN FOUNDATION

A donation to the Cowichan Foundation is a good investment in our community.

Our ongoing programs include financial support to Cowichan students attending Vancouver Island University.

Many of these awards have been named as permanent annual memorials of \$1,000.00 each in the names of supporters who made significant contributions to the Cowichan Foundation – Chief Dennis Alphonse, Jean Gillespie, Dr. Owen Gloster, Art Mann, Don Morton, and Roger Stanyer.

The Cowichan Foundation also assists our community by such contributions as providing charitable receipts for the Cowichan Wheels Association (formerly Rick Hansen, Wheels in Motion) wheelchair rugby event held in Duncan each June, as well as for the Kinsol Trestle rehabilitation project.

For further information, we invite you to visit our website (the cost of which was largely funded by Island Savings Credit Union).

The Cowichan Foundation has become a considerable and positive contributor to the Cowichan Valley and its residents. And it must be said this could not have come about without your continuing generosity!

.../2

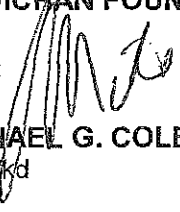
Page 2

We ask that you consider a contribution to support our ongoing work. Funds received before December 31, 2012 will be eligible for charitable tax receipts.

Yours truly,

COWICHAN FOUNDATION

PER:


MICHAEL G. COLEMAN
MGC/kd

IN 1

Minutes of the Cobble Hill Parks and Recreation Commission held at 7 p.m. on Thursday, November 23rd 2012 in the Youth Hall on Watson Avenue.

Those present: John Krug - Chair, Alan Seal, Jennifer Symons, Annie Ingraham, Dennis Cage (7:50), Lynn Wilson, Gord Dickenson and Gerry Giles - Director.

Apologies: Ruth Koehn

Guest: Rob Polsum

The meeting was called to order at 7 p.m. with the adoption of the agenda.

Moved/second
that the Minutes of October 23, 2012 be adopted as circulated.

RECEIVED
NOV 24 2012

MOTION CARRIED

Old Business

Updates were provided on the following items:

- The concrete pad for the Kiosk in the Common has been poured, the material for the Kiosk has been cut and is now being stained and the berm has been planted with about 800 Kinnikinnick plants with the help of students from Shawnigan Lake School.

Moved/second
that a letter be sent by the CVRD Board to Ms. Jenny Ferris and the students of Shawnigan Lake School thanking the students for their help with this planting.

MOTION CARRIED

- The water issue at the Common should be resolved before the Historical Wall proceeds but in the meantime John will construct a replica section of the wall. A few issues about the height and safety of the wall have been raised. The parks commission along with parks staff will be consulted about the final design prior to any work taking place.
- The new birds eye material in the dog park seems to be working well. The material for the new fountain has been secured so it will be built soon. The ashtray needs tending to on a regular basis. Gerry will email Ryan Dias about Easy Living doing this work.
- It was agreed by commission members that we should see if the mural prepared by Evergreen Independent School could be mounted on the side of the Telus building. It was also suggested that room be left for more panels to be added in the future.
- The Age-Friendly meeting will be held in the Cobble Hill Hall on Thursday, November 29th. Parks commission members should attend if possible. A general discussion took place on the study. The consensus was the study was well done and the consultants had listened to what was said by community members. Concern was again expressed about too much of the property being used for housing. If this happens the rest of the site will become de facto front yards for the units. After considerable discussion it was

Moved/second

that the Cobble Hill Parks Commission supports the concept of a mixed park/age-friendly use on the Common property subject to the housing units taking up no more than 20 per cent of the 1.6 acre site and parking either being accommodated within that 20 per cent or on Fairfield Road behind the housing units.

MOTION CARRIED

- The Bench School Playground opening was a success and the Cobble Hill parks commission received an expression of appreciation for the \$10,000 contribution to the project. Gerry to send photos of the opening.
- Flooding may occur on the new Watson Avenue trail so this situation will need to be watched in the future and a culvert installed if need be. The anticipated cost of \$10,000 to top dress the trail was questioned.

New Business

1. Refurbishing Boatswain Park was discussed in some detail. It was agreed that Rob, Lynn, John and Gerry would develop a draft community questionnaire to be sent to CVRD staff for final approval and formatting. One of the questions needing to be asked up front is whether the Satellite Park community wants Boatswain Park to become a destination park or remain a quiet community park designed to serve the immediate neighbourhood. It was also agreed to have a tick box beside a variety of different options including, but not limited to, covered picnic area, tennis court, basketball hoop, skating rink and BBQ area. It was further agreed the questionnaires would be hand delivered to residents in the area.
2. The trail down Lefran Road over to Cherry Point Road will be followed up on by Peter Yates. Parks members did walk this trail and agreed it would be an asset to the community.
3. It is believed Easy Living Landscaping will take over the maintenance of the hedge at Farnsworth Park between the park property and the residential property next door.
4. The Parks Commission members are waiting for the final washroom design at Quarry Nature Park.

Moved/second

that the Cobble Hill Parks and Recreation Commission approve the installation of a bike wash station in Quarry Nature Park subject to costs and that it be planned in conjunction with the installation of the new washroom facility.

MOTION CARRIED

5. Drain rock needs to be installed at the Common to stop some of the flooding.
6. The CVRD is proposing a facilitated workshop for Park Chair, Park Staff, Key Personnel and Directors to discuss what works and what does not. The commission felt this was a great opportunity and perhaps the Vice Chair or one other parks commission member could attend.

Director's Report

Director Giles reported on the chip damage being done to the Cenotaph from either bikes or skateboards. Also she indicated there were complaints received about cars travelling on Fisher, Heigh and Holland during the Remembrance Day ceremony and in particular the two minutes silence. It was agreed cars should be stopped for the fly pass and the ceremony.

Gerry reported that Robin Bond had offered space at Good Used Cars for a Cobble Hill sign also that he would make a cash contribution to the sign. This is a high traffic location at the corner of Fisher Road and the Trans Canada Highway.

An update was provided on the sewer and purple pipe installation and the washroom at Quarry Nature Park.

At 9:10 p.m. it was

Moved/second

the commission resolve into closed session.

MOTION CARRIED

The meeting adjourned at 9:30 p.m.

John Krug, Chair