



NOTICE OF ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
April 7, 2009
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 pm

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9. **INFORMATION**

10. **NEW BUSINESS**

11. **PUBLIC/PRESS QUESTIONS**

12. **CLOSED SESSION**

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

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13. **NEXT MEETING**

Tuesday, April 21, 2009

14. **ADJOURNMENT**

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

Director B. Harrison
Director K. Cossey
Director I. Morrison

Director M. Marcotte
Director G. Giles
Director K. Kuhn

Director L. Iannidinaro
Director L. Duncan
Director M. Dorey

000002

M1

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, March 17, 2009 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC

PRESENT

Director B. Harrison, Chair
Director M. Marcotte
Director L. Iannidinardo
Director G. Giles
Director M. Dorey
Director L. Duncan
Director I. Morrison
Director K. Kuhn
Absent: Director K. Cossey

CVRD STAFF

Tom Anderson, General Manager
Mike Tippet, Manager, Community & Regional Planning
Rob Conway, Manager, Development Services Division
Brian Duncan, Chief Building Inspector
Brian Farquhar, Parks and Trails Manager
Brian Dennison, General Manager
Joe Barry, Corporate Secretary
Warren Jones, Administrator
Cathy Allen, Recording Secretary

**APPROVAL OF
AGENDA**

The Chair noted changes to the agenda which included two items to Correspondence, one item to Parks, one item to APC, and two items of New Business.

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

MOTION CARRIED

**M1 & M2 -
MINUTES**

It was Moved and Seconded
That the minutes of the March 3, 2009 EASC meeting be accepted.

MOTION CARRIED

It was Moved and Seconded
That the minutes of the Special March 3, 2009 EASC meeting be accepted.

MOTION CARRIED

BUSINESS ARISING

There was no Business Arising.

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DELEGATIONS

D1 – Geoff Millar

Geoff Millar, Economic Development Officer, was present to provide a review and update regarding UBCM Funding Program.

Mr. Millar provided a PowerPoint presentation to Committee members.

A question and answer session ensued.

D2 – Jarvis

Rob Conway, Manager, Development Services Division, presented Application No. 7-A-08DVP (Tom Jarvis) to decrease the setback front lot line and exterior side lot line to allow an accessory building at 1695 Sandy Beach Road.

Note: The Regional Board, at their February 11th meeting, referred Application No. 7-A-08DVP back to the EASC.

Tom Jarvis, applicant, was not present.

Discussion and questions ensued.

It was Moved and Seconded

That Application No. 7-A-08DVP be reconsidered.

MOTION CARRIED

It was Moved and Seconded

That Application No. 7-A-08DVP by Tom Jarvis for a variance to Section 8.3(b)(3) of Zoning Bylaw No. 2000, to decrease the setback to a front lot line to 0.02 m. (0.06 ft.) and decrease the exterior side lot line to 0.0 m. (0.0 ft) on Lot 3, District Lot 79, Malahat District, Plan 13099, PID004-716-655, be approved, subject to a fence being constructed along the edge of the property, and submission of a structural engineer's report if required.

MOTION CARRIED

D3 – Van de Mortel

Rachelle Moreau, Planning Technician, presented Application No. 2-D-09ALR (Anthony Van de Mortel) to place a small suite at 2258 Cowichan Bay Road.

Ms. Moreau noted corrections to the Staff Report wherein the property is served by the Cowichan Bay Waterworks system not a well; and that a previous subdivision application was simply a boundary adjustment.

The applicant, Anthony van de Mortel, was present.

Questions were directed to the Planning Technician and the applicant.

It was Moved and Seconded

That Application No. 2-D-09ALR by Anthony Van de Mortel made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to place a small suite on the subject property be forwarded to the Agricultural Land Commission with a recommendation to approve the application.

MOTION CARRIED

Note: Director Marcotte arrived to the meeting at this point.

D4 - Stokes

Rachelle Moreau, Planning Technician, presented Application No. 1-E-09ALR (Brian & Josephine Stokes) to allow a second dwelling at 4805 Wilson Road.

Brian & Josephine Stokes were present. They had nothing further to add to the report.

The Planning Technician and applicant answered questions from Committee members.

It was Moved and Seconded

That Application No. 1-E-09ALR by Brian and Josephine Stokes made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to place a second dwelling on the subject property be forwarded to the Agricultural Land Commission with a recommendation to approve the application.

MOTION CARRIED

D5 – Johnston

Rob Conway, Manager, Development Services Division, presented Application No. 2-D-08RS (Wessex Inn/Mark Johnston) to rezone 0.9 hectares at 1846 Cowichan Bay Road to allow an existing motel building to be converted to 34 affordable rental housing units.

Questions were directed to the Manager from Committee members.

The applicant, Mark Johnston, was present. Mr. Johnston provided further information to his application and answered questions from Committee members.

It was Moved and Seconded

1. That Zoning Amendment Application No. 2-D-08RS (Wessex Inn) be presented at a public meeting to obtain community input and that the application be reviewed at a future EASC meeting with a report documenting public input and draft bylaws and a draft housing agreement.
2. That the applicant provide confirmation from the Engineering and Environmental Services Department that the subject property has a sufficient number of sewer units to service the proposed residential conversion prior to scheduling and notification of the public meeting.

000005

3. That dedication of the land south of RW1961 to the CVRD for protection of Blue Heron habitat be a condition of rezoning approval.

MOTION CARRIED

D6 - Motherwell

Mike Tippet, Manager, Community and Regional Planning Division, presented Application No. 1-C-09RS (South Cowichan Storage Ltd.) to change the permitted uses of the Light Industrial B Zone by adding outdoor storage. Mr. Tippet noted that the APC recommends requirement of a restrictive covenant.

Questions were directed to the Manager from Committee members.

The applicant, Bill Motherwell, was present. He stated that he had nothing further to add to the staff report. There were no questions to the applicant.

It was Moved and Seconded

1. That Application No. 1-C-09RS by South Cowichan Storage Ltd be approved subject to the following:
 - That a restrictive covenant be registered on title to ensure all outdoor storage uses discontinue by the year 2015;
 - That a screen slat be inserted into the chain link fence;
 - That the landscape buffer between the subject property and School District 79 property be provided;
 - That diapers and drip pans be utilized and maintained on all RV's;
 - That outdoor storage be limited to RV's and boats only.
2. That "outdoor storage" be added as a permitted use in the I-1B Zone in proposed Zoning Amendment Bylaw No. 3142; that second reading of Bylaw 3142 be rescinded, and that Bylaw 3142, as amended, be presented to the Board for consideration of second reading.
3. That a Public Hearing be arranged respecting Official Community Plan Amendment Bylaw No. 3141 and Zoning Amendment Bylaw No. 3142, and that Directors Giles, Cossey and Harrison be delegated to the hearing.
4. That the referral of the proposed amendments to the Ministry of Transportation and Infrastructure, Ministry of Community Development, and also Cobble Hill Improvement District, be accepted.

MOTION CARRIED

STAFF REPORTS

SR1 – Post Election

Joe Barry, Chief Election Officer, and Warren Jones, Administrator, were present for discussions regarding post-election concerns.

Electoral Area Directors shared their concerns with the Chief Election Officer. Mr. Barry advised that in the Spring of 2011 he will be coming forward with election changes.

**SR2 – Park
Dedication
amendment, Area A**

It was Moved and Seconded

1. That Mill Bay/Malahat Zoning Bylaw No. 2000 be amended by replacing the present Public Land Dedication regulation for the purposes of parklands in fully serviced areas with a new one that would grant up to 50% reductions in lot area requirements, provided appropriate servicing is in place, where lands over and above the 5% Section 941 park requirement are accepted by the CVRD as either community or regional parkland; and that the amendment bylaw be forwarded to the Board for consideration of 1st and 2nd readings;
2. That a public hearing be arranged and that Director B. Harrison, Director K. Cossey, and Director G. Giles be delegated to the hearing;
3. That referral of the proposal to the Ministries of Transportation and Community services, and the Vancouver Island Health Authority, be approved.

MOTION CARRIED

**SR3 – Procedures &
Fees Bylaw
Amendment**

It was Moved and Seconded

That CVRD Development Application Procedures and Fees Bylaw No. 2255 be amended by raising the supplementary fee schedule for residential, commercial and industrial land uses from \$100 per dwelling unit or 1000 square metres of commercial/industrial lot area proposed to \$120, and that the appropriate amendment bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

**SR4 – Ticket Bylaw
Update**

Staff Report dated March 11, 2009, from Nino Morano, Bylaw Enforcement Officer, regarding Ticket Information Authorization Bylaw Update was discussed and received as information only.

**SR5 – Southside Inn
Liquor License**

It was Moved and Seconded

That the Liquor Control and Licensing Branch be advised that it is the decision of the Cowichan Valley Regional District not to provide comment respecting the application by the Southside Inn to extend their hours of operation, and that the LCLB undertake the process of determining resident views of the proposed change.

MOTION CARRIED

000007

**CORRESPOND-
ENCE**

**C1 to C6 – Grants-in-
Aid**

It was Moved and Seconded

That the following grants-in-aid be approved:

1. That a grant-in-aid (Electoral Area D – Cowichan Bay) in the amount of \$750 be given to Cowichan Secondary School to provide a bursary to a student residing in Area D.
2. That a grant-in-aid (Electoral Area D – Cowichan Bay) in the amount of \$750 be given to Frances Kelsey Secondary School to provide a bursary to a student residing in Area D.
3. That a grant-in-aid (Electoral Area B – Shawnigan Lake) in the amount of \$250 be given to Pacific Coast Masters Curling Association to assist with fundraising to hold a senior men's curling competition.
4. That a grant-in-aid (Electoral Area B – Shawnigan Lake) in the amount of \$350 be given to bard@ brentwood to assist with their 2009 play production costs.
5. That a grant-in-aid (Electoral Area A – Mill Bay/Malahat) in the amount of \$250 be given to bard@ brentwood to assist with their 2009 play production costs.
6. That a grant-in-aid (Electoral Area A – Mill Bay/Malahat) in the amount or \$250 be given to Pacific Coast Masters Curling Association to assist with fundraising to hold a senior men's curling competition.

MOTION CARRIED

PARKS

PK1 - Minutes

It was Moved and Seconded

That the minutes of the Area G Parks meeting of March 2, 2009, be received and filed.

MOTION CARRIED

PK2 - Minutes

It was Moved and Seconded

That the minutes of the Area A Parks meeting of February 19, 2009, be received and filed.

MOTION CARRIED

PK3 - Minutes

It was Moved and Seconded

That the minutes of the Area C Parks meeting of February 26, 2009, be received and filed.

MOTION CARRIED

**PK4 – Bylaw 1238
Amendment**

It was Moved and Seconded
That CVRD Bylaw No. 1238 – Electoral Area D Cowichan Bay Parks and Recreation Commission, 1989, be amended by deleting the requirement for one member to be appointed from the Cowichan Bay Waterworks District, and that the appointed members by the Electoral Area Director be increased from two (2) to three (3) members; and further, that the amendment bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

APC

AP1 - Minutes

It was Moved and Seconded
That the minutes of the Area A APC meeting of February 7, 2009, be received and filed.

MOTION CARRIED

AP2 - Minutes

It was Moved and Seconded
That the minutes of the Area C APC meeting of March 12, 2009, be received and filed.

MOTION CARRIED

INFORMATION

IN1 – Building Report

It was Moved and Seconded
That the February 2009 Building report be received and filed.

MOTION CARRIED

NEW BUSINESS

1 – MOT Fencing

Director Harrison stated that the previous wooden fencing located along the Trans Canada Highway in Mill Bay has been replaced with inappropriate chain link and vinyl fencing. Director Harrison asked for support from the Board to request the Ministry of Transportation to replace it with proper concrete fencing.

It was Moved and Seconded
That the Ministry of Transportation be requested to replace the inappropriate chain link and vinyl fencing along the Trans Canada Highway through Mill Bay with proper concrete sound barrier fencing.

MOTION CARRIED

Director Marcotte stated that she would also like to ask for Board support in requesting that the Ministry of Transportation install appropriate concrete fencing along the train station underpass in Area H.

It was Moved and Seconded

That the Ministry of Transportation be requested to install appropriate concrete sound barrier fencing along the Diamond Bridge area.

MOTION CARRIED

2 – Section 946 ALR Applications

Director Duncan expressed concerns with ongoing problems associated with Section 946 subdivisions in the ALR, and stated that he would like to see standard rules put in place when dealing with these applications.

General discussion ensued.

It was Moved and Seconded

That staff be requested to investigate the issue of Section 946 subdivisions within the Agricultural Land Reserve and provide a Staff Report to the Committee with possible solutions, suggestions, and policies with respect to consistency and standardizing rules when presenting staff reports and recommendations on ALR Applications to the EASC; and further that the report also provide recommendations to amend the existing Procedures & Fees Bylaw.

MOTION CARRIED

CLOSED SESSION

It was Moved and Seconded

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

MOTION CARRIED

The Committee moved into Closed Session at 5:35 pm.

RISE

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 6:12 pm.

Chair

Recording Secretary

000010



D1

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 7, 2009

DATE: March 31, 2009 **FILE NO:** 2-E-09DVP
FROM: Rachelle Moreau, Planning Technician **BYLAW NO:** 1840
SUBJECT: Application No. 2-E-09 DVP (Budding/Pakulak)

Recommendation:

That the application by Paul Budding on behalf of Andrew and Cindy Pakulak for a variance to Section 5.2(e) of Zoning Bylaw No. 1840 to increase the maximum size of an accessory building from 100 m² to 222 m² on Lot A, Section 8, Range 9, Sahtlam District, Plan VIP60591 (PID 023-017-376) be approved.

Purpose:

To consider a request by Paul Budding on behalf of Andrew and Cindy Pakulak to vary Section 5.2(e) to increase the maximum size of an accessory building.

Background:

Location of Subject Property: 4409 Akira Road

Legal Description: Lot A, Section 8, Range 9, Sahtlam District, Plan VIP60591
PID 023-017-376

Owner: Andrew and Cindy Pakulak

Applicant: Paul Budding

Size of Parcel: 2.34 ha

Existing Zoning: R-2 (Suburban Residential)

Minimum Lot Size Under Existing Zoning: 2 ha

Existing Plan Designation: Suburban Residential

Existing Use of Property: Residential

000011

Existing Use of Surrounding Properties:

North: Residential and Hobby farms
 South: Residential
 East: Residential
 West: Residential

Services:

Road Access: Akira Road
Water: Well on site
Sewage Disposal: Septic on site

Agricultural Land Reserve Status: Property is not located within the ALR

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas has not identified any environmentally sensitive areas. However, there is a covenant registered to the property identifying an area to be used as a stormwater detention pond. A site visit conducted on March 26, 2009 confirmed that this area is a marsh or wetland and that the location of the proposed accessory building is in excess of 30 metres from this wet area.

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

The Proposal:

An application has been made to: The Regional Board to vary Section 5.2(e) of Zoning Bylaw No.1840.

For the purpose of: issuing a Development Variance Permit for the construction of an accessory building 222 m² in size.

Planning Division Comments:

The applicant has purchased the property and will be taking possession in April. He would like to build a workshop on the property which is large enough to house his collector cars, boat and RV. In order to provide storage for these vehicles, an accessory building larger than that currently permitted by Zoning Bylaw No. 1840 is desired. Currently on the property there is a single family home, a shed and a large temporary structure. As shown on the attached site plan, the new accessory building is proposed to be located at the rear of the property in the northwest corner. As the property is well treed and the building is set back from the road, it is not anticipated that the accessory building will be easily viewed from Akira Road or adjacent properties.

The proposed accessory building is a one storey structure with a foot print of 222 m² (2400 sq. ft.). As shown on the attached drawing the "shop area" itself will be approximately 111 m² (1200 sq. ft.). This "shop area" will be an enclosed work shop, and there will be two covered areas on each side of the "shop area" for boat/RV/car storage approximately 55.7 m² (600 sq. ft.) each. These will be open at the front but be enclosed along the sides.

000012

The structure is designed to appear like a barn and will have HardiePlank siding in order to fit in with the existing dwelling on the property.

The purpose of Section 5.2(e) is to try to ensure that non-residential buildings are accessory and subordinate to the principal residential use, and that they are not constructed to a size that will facilitate non-permitted uses. Overly large accessory buildings can also detract from the residential character of neighbourhoods. The maximum permitted size for accessory buildings provides an upper limit that generally ensures that accessory buildings are smaller than residential dwellings. For the Committee's reference, the 100 square metre limit does not apply to agricultural buildings or other structures used for a permitted principal use.

Surrounding Property Owner Notification and Response:

A total of 11 letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 2255. The notification letter described the purpose of the application and requested comments regarding this variance within a recommended time frame. As of writing this report, we have received three e-mails from adjacent property owners indicating they have no objection to the proposed variance.

If any additional written comments are received by the time of the Electoral Area Services Committee meeting, these will be distributed at the time, and if any more comments are received prior to the Regional Board meeting, we will do the same at the Board.

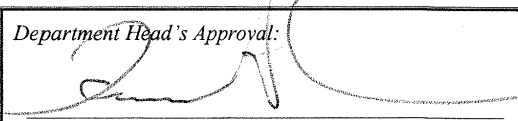
Options

1. That the application by Paul Budding on behalf of Andrew and Cindy Pakulak for a variance to Section 5.2(e) of Zoning Bylaw No. 1840 to increase the maximum size of an accessory building from 100 m² to a building with a footprint of 222 m² Lot A, Section 8, Range 9, Sahtlam District, Plan VIP60591 (PID 023-017-376), be denied.
2. That the application by Paul Budding on behalf of Andrew and Cindy Pakulak for a variance to Section 5.2(e) of Zoning Bylaw No. 1840 to increase the maximum size of an accessory building from 100 m² to a building with a footprint of 222 m² Lot A, Section 8, Range 9, Sahtlam District, Plan VIP60591 (PID 023-017-376), be approved.

Submitted by,



Rachelle Moreau,
Planning Technician
Planning and Development Department

Department Head's Approval:  Signature
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RM/jah

Attachments



**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.

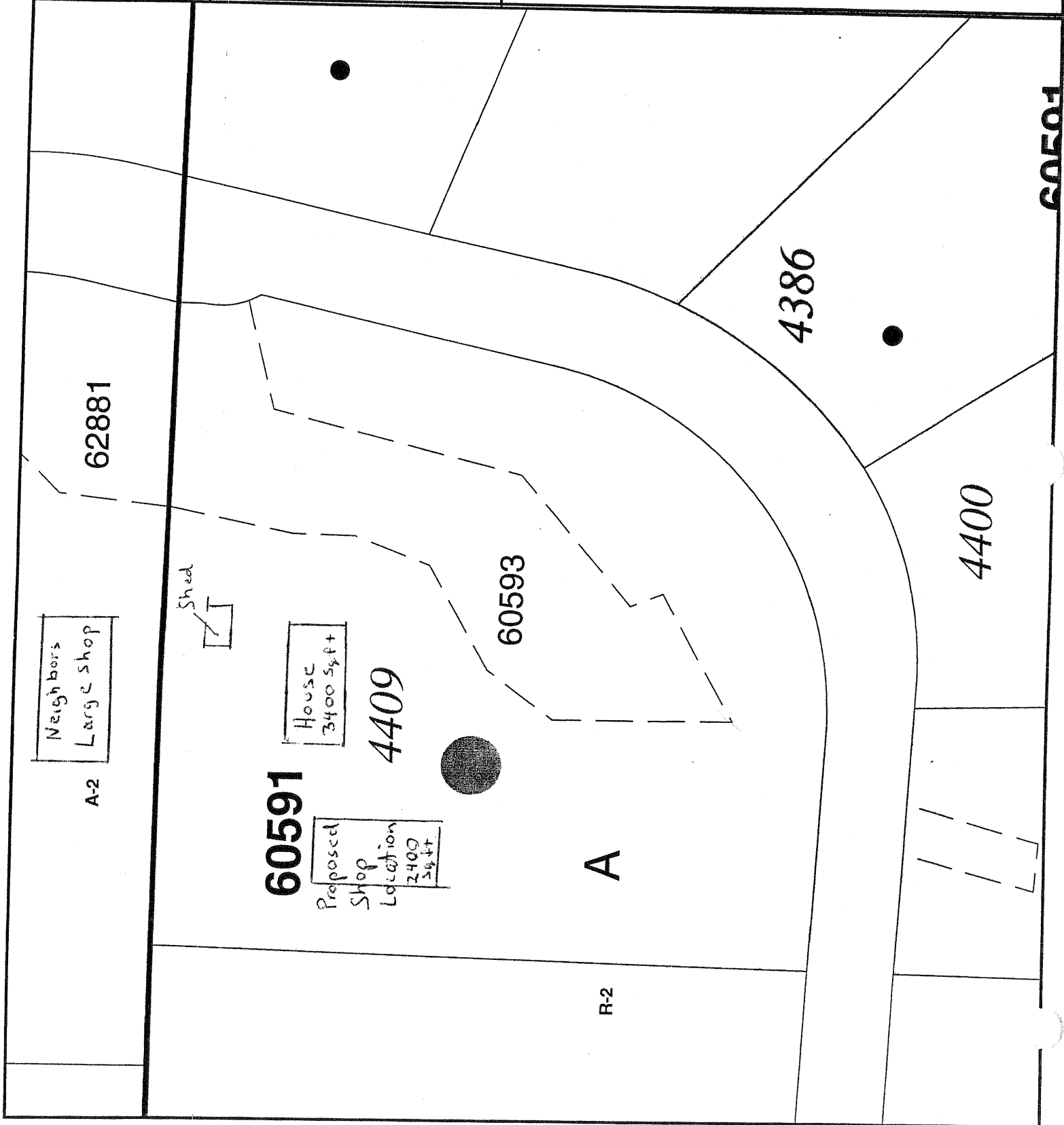
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

Printed: February 25, 2009

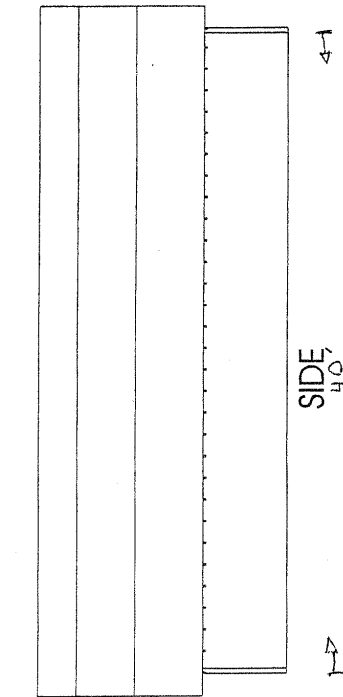


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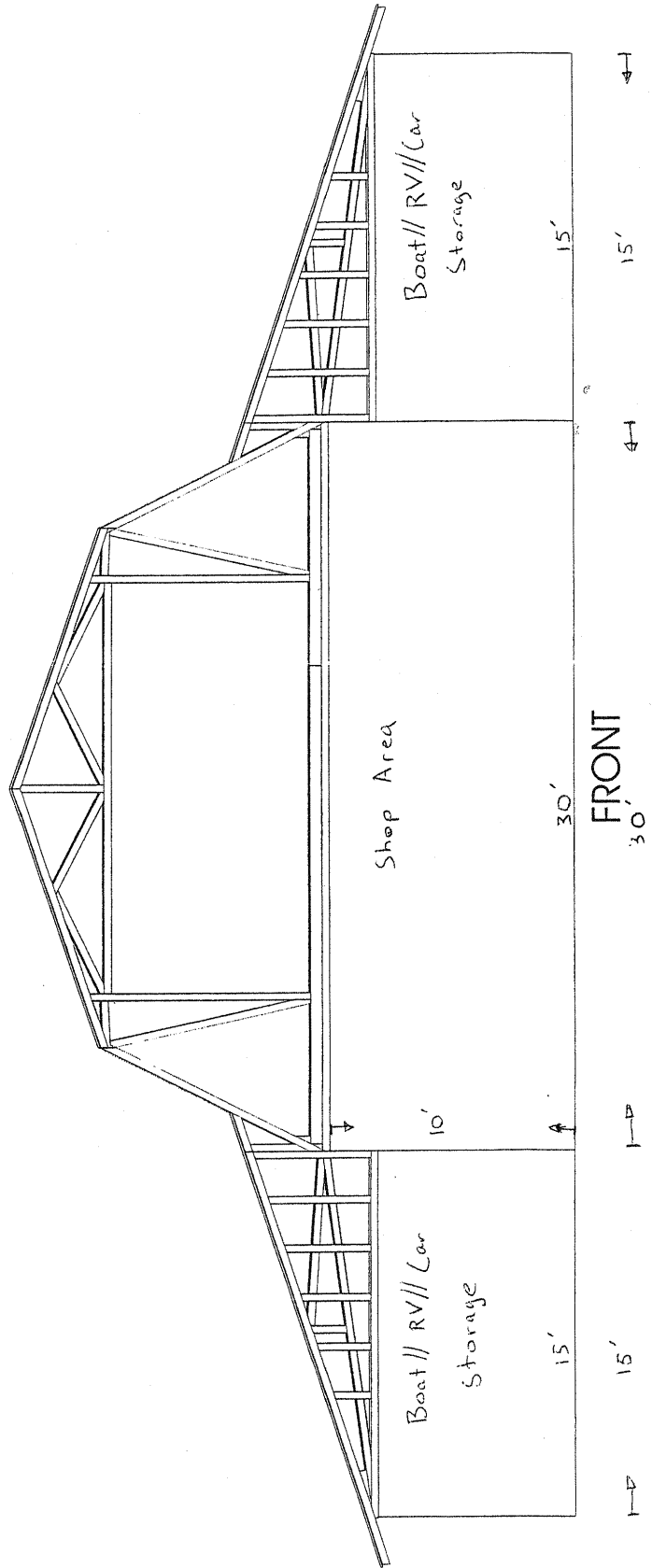
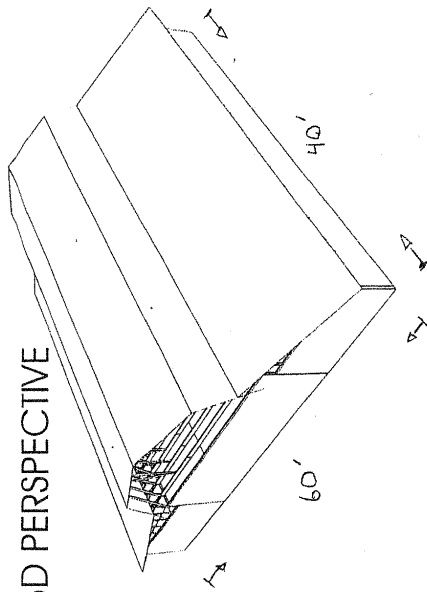


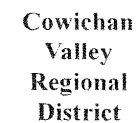
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Under 24'



3D PERSPECTIVE





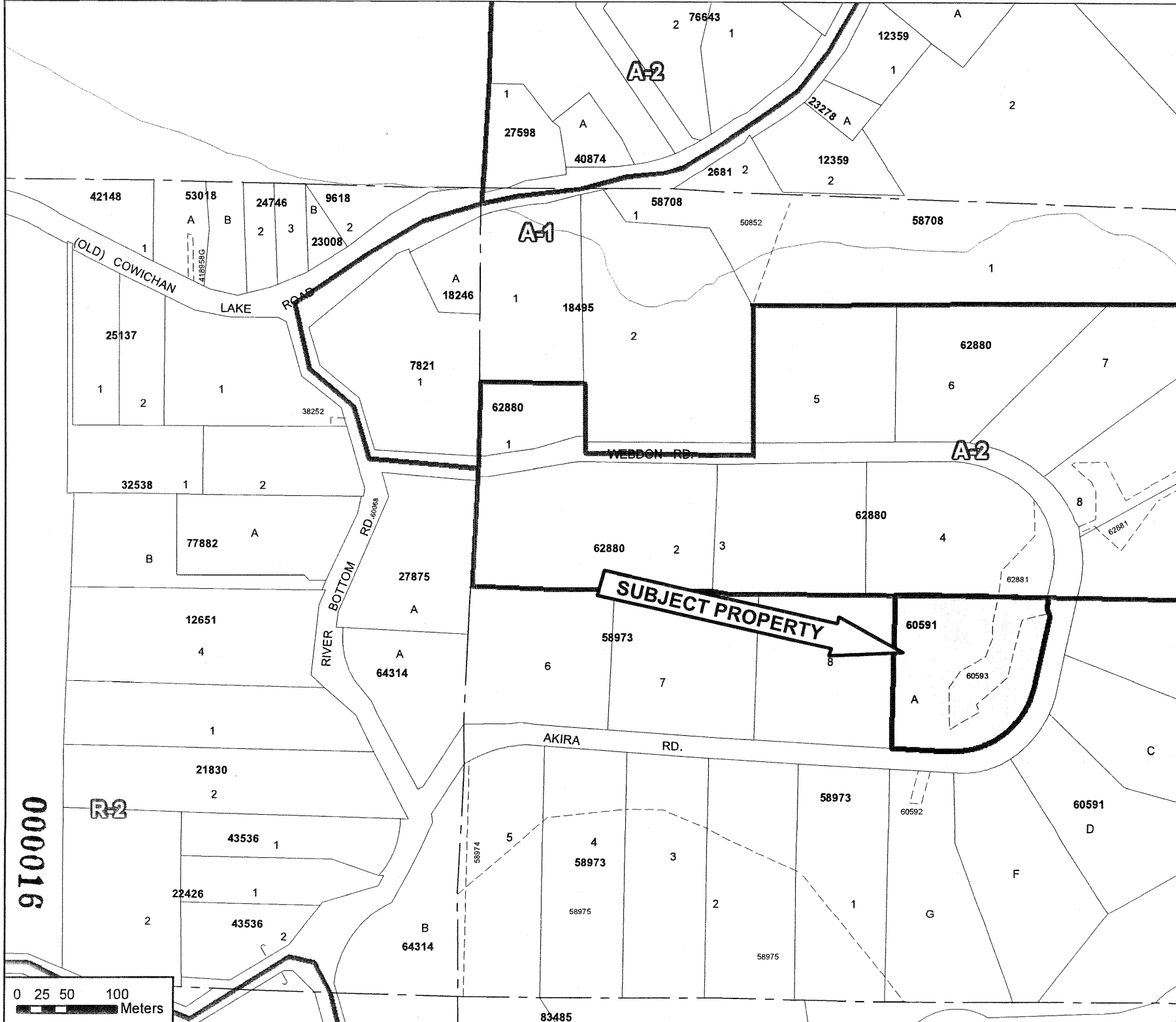
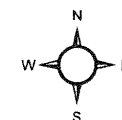
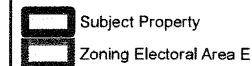
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**FILE: 2-E-09-
DVP**

ZONING

Legend





Cowichan
Valley
Regional
District

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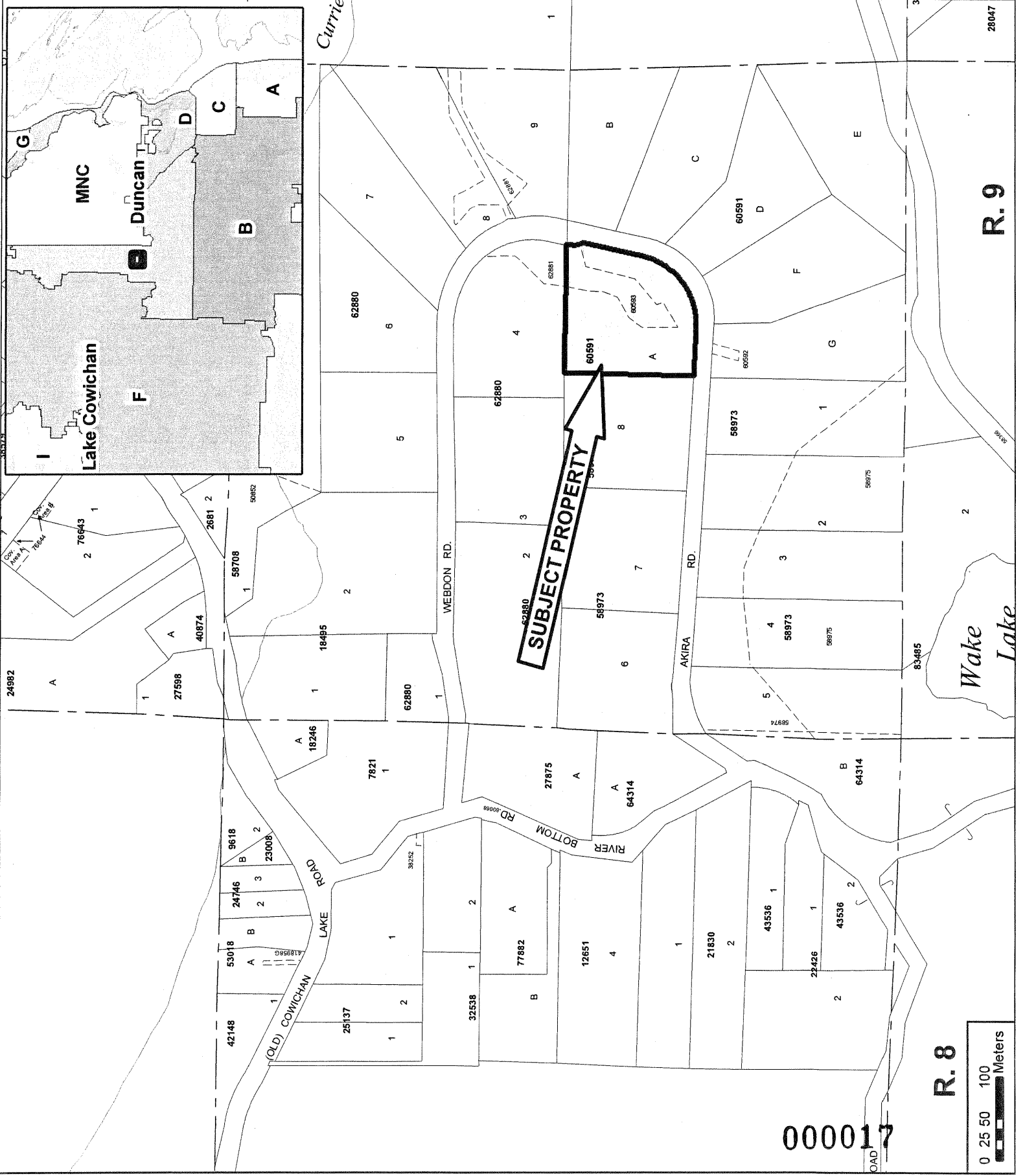
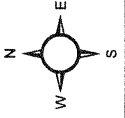
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FILE: 2-E-09-
DVP

Legend



Subject Property



R.9

Wake
Lake

R.8



000017



Cowichan
Valley
Regional
District

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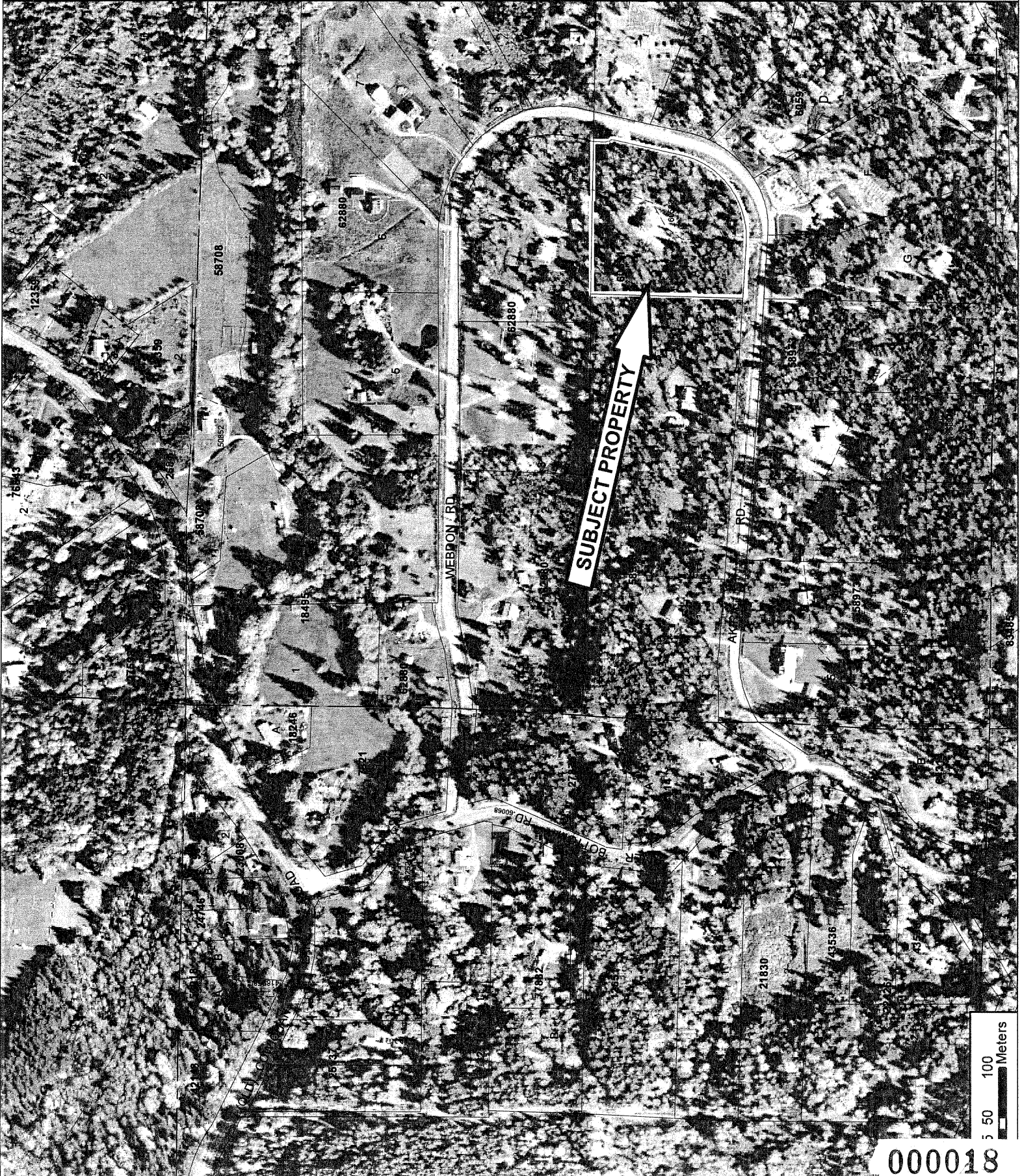
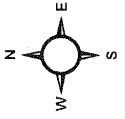
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FILE: 2-E-09-
DVP

Orthophoto
(2004)



Rachelle Moreau

From: David M. Hebden [dmhebden@shaw.ca]
Sent: Wednesday, March 25, 2009 8:58 PM
To: Rachelle Moreau
Subject: File# 2-E-09

My name is David Hebden.

With reference to file number 2-E-09 a variance to build a larger than permitted barn/shop on the property at 4409 Akira rd.

I live at 4442 Webdon road. My back property line is adjacent to and overlaps the subject property.

My wife and I have no objection to the proposal. We have spoken with Paul and understand that the building would be a barn style and consructed so as to fit in with nearby buildings and architecture.

We also understand that it is to be a workshop and storage building for his car collection and not a living area.

Sincerely,

David M.Hebden

Rachelle Moreau

From: CVRD Development Services
Sent: Tuesday, March 31, 2009 8:30 AM
To: Rachelle Moreau
Subject: FW: Re 4409 Akira Road, Duncan. File # 2-E-09DVP (Pakulak).

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

From: Mike FLATT [mailto:mike.flatt@rcmp-grc.gc.ca]
Sent: Monday, March 30, 2009 7:04 PM
To: CVRD Development Services
Subject: Re 4409 Akira Road, Duncan. File # 2-E-09DVP (Pakulak).

Sir/Madam,

Regarding the application by Paul Budding to construct a workshop on Lot A, Section 8, Range 9 Sahtlam District, Plan VIP60591, I wish to advise that I have no objection with the variance as it is proposed.

For your information, I reside on property to the immediate north of the subject property.

Mike & Terry Flatt.
4411 Webdon Road,
Duncan. BC
V9L 6J5.

Rachelle Moreau

From: crosson family [crossonfamily@shaw.ca]
Sent: Tuesday, March 31, 2009 9:44 PM
To: Rachelle Moreau
Subject: File 2-e-09

Hello, we understand that our new neighbours, Paul and Jennifer @ 4409 Akira, are proposing to build a new shop. We have no problem with their proposal and think it would a good addition to their property.

Dwayne and Tammy Crosson
4439 Akira rd.



D2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF APRIL 7, 2009

DATE: March 31, 2009 **FILE NO:** 1-A-09DVP
FROM: Rachelle Moreau, Planning Technician **BYLAW NO:** 2000
SUBJECT: Development Variance Permit Application No. 1-A-09DVP (Cantwell)

Recommendation:

That Development Variance Permit Application 1-A-09DVP by Robert and Jodi Cantwell for a variance to Section 8.4.A(b)(2) of Zoning Bylaw No. 2000, by increasing the maximum permitted height of a single family dwelling from 7.5 metres (24.61') to 10 metres (32.81') on Lot 51, District Lot 80, Malahat District, Plan VIP83417 (PID 027-128-300), be denied.

Purpose:

To consider an application to vary the maximum permitted building height for a principal structure by 2.5 metres (8.2 feet).

Financial Implications: N/A

Interdepartmental / Agency Implications: N/A

Background:

Location of Subject Property: Cooper's Hawk Rise (Sentinel Ridge)

Legal Description: Lot 51, District Lot 80, Malahat District, Plan VIP83417 (PID 027-128-300)

Date Application and Complete Documentation Received: February 2, 2009

Owner: Robert and Jodi Cantwell

Applicant: As above

Size of Parcel: 0.203 ha. (0.5 ac.)

Zoning: R-3A (Urban Residential – Limited Height)

Maximum Height Permitted by Zoning: 7.5 metres (24.6')

000022

Proposed Principal Building Height: 10 metres (32.8')

Existing Plan Designation: Urban Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North:	Residential
South:	Residential
East:	Residential
West:	Residential

Services:

<u>Road Access:</u>	Cooper's Hawk Rise
<u>Water:</u>	Community Water
<u>Sewage Disposal:</u>	Community Sewer

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: None Identified

Archaeological Site: None Identified

Proposal:

An application has been made to: The Regional Board to vary Section 8.4.A(b)(2) of Zoning Bylaw No. 2000.

For the purpose of: Issuing a Development Variance Permit for construction of a single family dwelling with a maximum height of 10 metres.

Planning Division Comments:

The applicants propose to construct a dwelling on this currently vacant property. The lot slopes down from the northwest at the road to the south east (rear) of the property, and as noted in the applicants' letter this results in the subject property being significantly lower than the two neighbouring properties. With the variance application, it is intended to bring the main floor elevation of Lot 51 to that of Lot 52 so that there is no significant drop in elevation between the homes on this portion of the cul-de-sac, thereby achieving a consistent building elevation on the cul-de-sac. Without the variance, primarily the roof of the home will be visible from the road, so it would appear somewhat unusual with three homes being at such different elevations.

The surveyor has indicated that the average natural grade calculated for Lot 51 at the house location is 81.2 metres geodetic, and that in order to comply with CVRD Bylaws the maximum main floor elevation would be 83.3 metres geodetic. However, it is desired to raise this level to 85.3 metres. With this elevation, the maximum height of the dwelling would be 9.5 metres. The applicants have applied for 10 metres, however, in discussion with them we understand that 9.5 metres would be sufficient.

Based on a site visit, it is clear that this lot is much lower than the adjacent properties, and it also appears that the requested variance would negatively affect the view of adjacent properties, in particular Lot 52. It should be noted that likely some loss of view will occur as a result of the new house construction regardless of the variance request. Whether a property will be negatively affected by a variance is a determination usually best made by property owners and residents as they are most familiar with the particular circumstances of the subdivision.

Surrounding Property Owner Notification and Response:

A total of 24 letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 2255. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. As of writing this report, we have received five letters objecting to the proposed variance.

If any additional written comments are received by the time of the Electoral Area Services Committee meeting, these will be distributed at the time, and if any more comments are received prior to the Regional Board meeting, we will do the same at the Board.

Options:

1. That Development Variance Permit Application 1-A-09DVP by Jodi Cantwell for a variance to Section 8.4.A(b)(2) of Zoning Bylaw No. 2000, by increasing the maximum permitted height of a single family dwelling from 7.5 metres (24.61') to 10 metres (32.81') on Lot 51, District Lot 80, Malahat District, Plan VIP83417 (PID 027-128-300), be approved.
2. That Development Variance Permit Application 1-A-09DVP by Jodi Cantwell for a variance to Section 8.4.A(b)(2) of Zoning Bylaw No. 2000, by increasing the maximum permitted height of a single family dwelling from 7.5 metres (24.61') to 10 metres (32.81') on Lot 51, District Lot 80, Malahat District, Plan VIP83417 (PID 027-128-300), be denied

Option 2 is recommended as we have received five letters of objection.

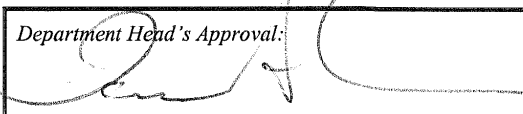
Submitted by,



Rachelle Moreau,
Planning Technician
Planning and Development Department

RB/jah

Attachments

<p>Department Head's Approval:</p> 
<p>Signature</p>

Robert and Jodi Cantwell
280 Baillie Ave
Victoria BC Canada
V9C-1E2

Jan 30, 2009

**Letter for application for development variance permit lot 51 Copper Hawk Rise Mill Bay
Plan VIP83417.IAW SECTION 8.4a**

To Variance board Members .

This letter is to convey our concerns to the board in reference to the main floor height of the proposed building on lot 51 Cooper Hawk Rise the main floor height at present is 83.33m. After having JE Anderson and Associates survey our property and changing our house plans twice to find a solution to the main floor height I have exhausted all reasonable avenues to increase my floor height to Lot 52 ,85.3m.After discussing this with the survey company and my builder we have researched all avenues to discover that the reason for the conflict for the height is because of the extreme decrease in elevation on lot 51 in the location of the proposed home on the property. I'm requesting a height variance from 7.5m to 10m

As shown in the attached doc the elevation are not consistent to lot 52 which our property joins with a main floor height of 85.3 .I want to increase my main floor height to meet the same elevation as lot 52(85.3m) in getting the variance to increase our main floor height this will ensure the both homes at the end of the Cooper Hawk Rise are visually the same height .This will give lot 51 the needed height to level my drive way entrance to the home/garage increase my roof to app 7/12 from 5/12 ensure that the septic system flows properly to the main sewer and make the front of the property at the street the same height for landscaping This will also ensure that I can tie into Lot 50 Much easier which is much higher than lot 51 also. The last concern is the main height on lot 37 which I look over its peak height is 83.04m that's app .29m difference between my main floor height and his peak height.

In conclusion I hope that the information that we have presented to the board is sufficient .I have taken in consideration lot 52 future concerns and have moved my home as close to the road as possible this is my second set of plans and my third survey to ensure they have as much of the view as possible. In looking at the site plan ref 25611 the proposed height variance will not effect lot 52 any more than where my home is now it will only ensure that the homes on both lots are at the same elevation of 85.3m. We will be starting construction spring 2009.The home plans that have been supplied show only the proposed MFE of 84.2 but as stated in this letter we are requesting a height variance from 7.5 to 10m this will give us the flexibility to balance to main floor level and roof pitch. As a member of the Canadian Navy I will be away on deployment with NATO on operation from Feb 2009 to Aug 2009.Any question or presentation requirements for this variance will be conducted by my spouse Jodi Cantwell who will have power of attorney ,For your consideration. Thank you.


Robert and Jodi Cantwell

000025



COOPERS HAWK
RISE

LOT 52

EXISTING HOUSE LOCATION
MFE = 85.30m

DECK

PLAN

EASEMENT No. FB72907 PLAN VIP83418

EXISTING HOUSE LOCATION
MFE = 88.6
ROOF PEAK = 94.9
BFE = 85.55 (FROM BLDG PLANS)

LOT 50

VIP83417

LOT 51

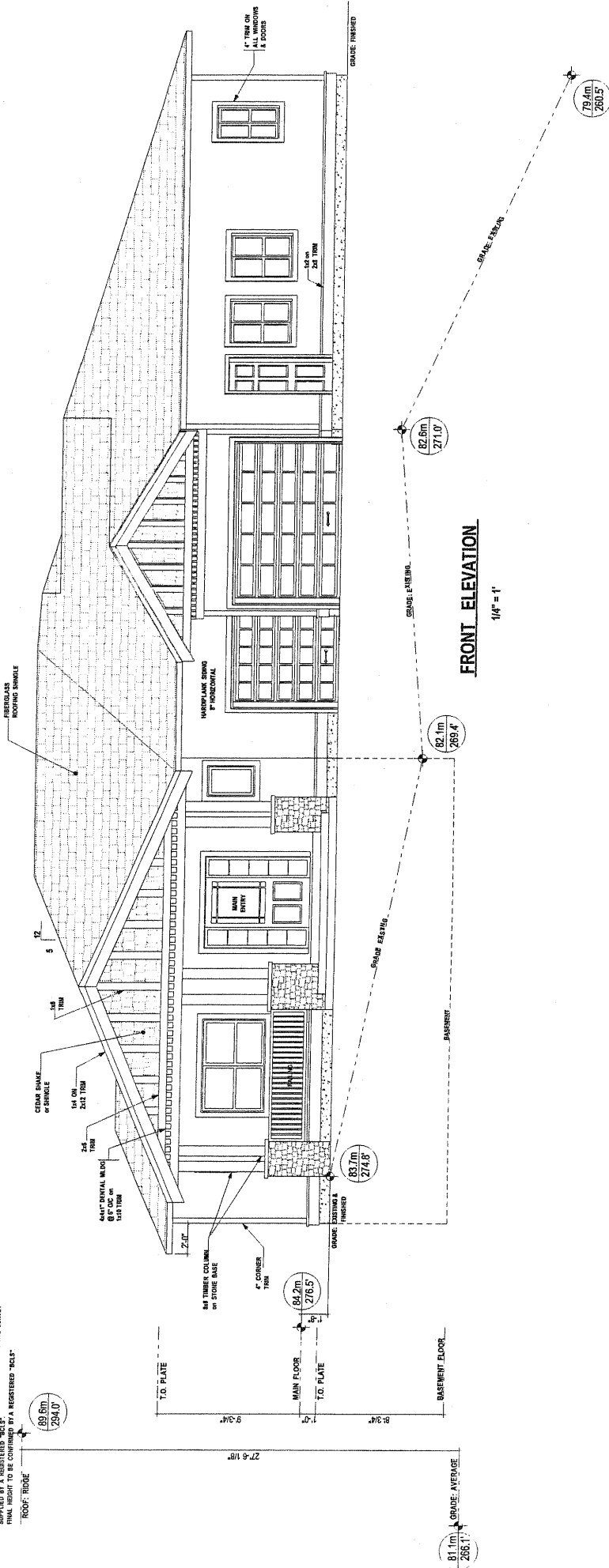
PROPOSED HOUSE LOCATION

DECK

000026

NOTE:

BUILDING IS OVER MAXIMUM ALLOWABLE HEIGHT (75m-347)
 BOARD OF VARIANCE APPROVAL WILL BE REQUIRED.
 BUILDING HEIGHT DETERMINED BY GEODETIC DATUM AS PER SITE SURVEY
 SUPPLIED BY A REGISTERED "C.E.T."
 FINAL HEIGHT TO BE CONFIRMED BY A REGISTERED "C.E.T."



000027

PERGLASS
ROOFING SHINGLE

4" HIGH RAILING
AS PER OWNER
SPECIFICATIONS
TEMPERED GLASS
PANELS SHOWN

HARDPLANK SING
8" HORIZONTAL

HARDPLANK SING
8" HORIZONTAL

RETAINING
WALL

1/2" x
2x8 TRIM

8x8 TIMBER COLUMN
on STONE BASE

GRADE FINISHED

81.0m
265.7'

GRADE EXISTING

REAR ELEVATION

1/4" = 1'

78.2m
256.8'

GRADE EXISTING

79.4m
260.5'

GRADE FINISHED

000030



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.

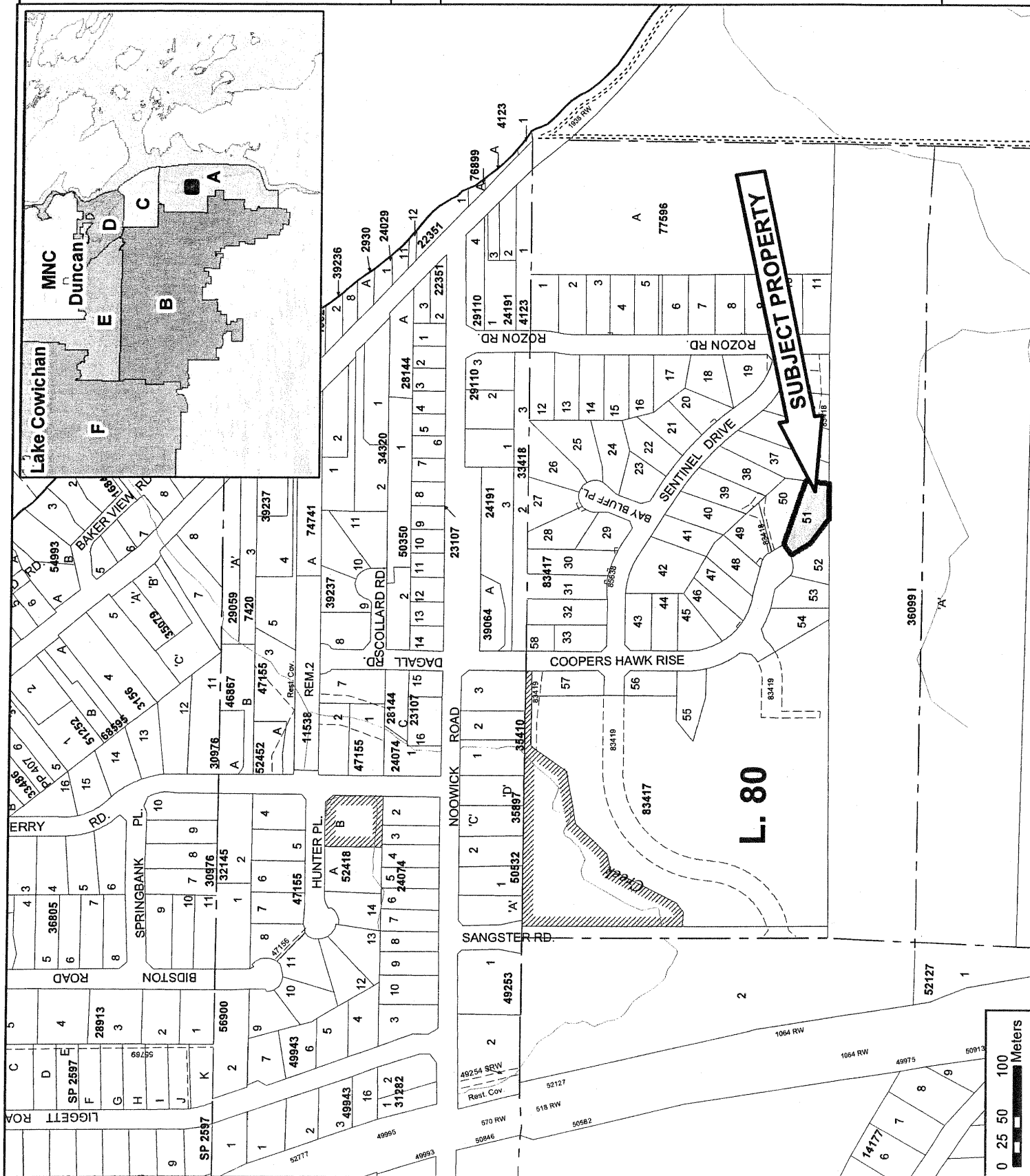
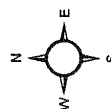
The original Bylaws should be
consulted for all purposes of
interpretation and application
of the Bylaws.

FILE: 1-A-09-
DVP

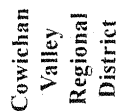
Legend



Subject Property



000031



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

The Regional District does not warrant the accuracy

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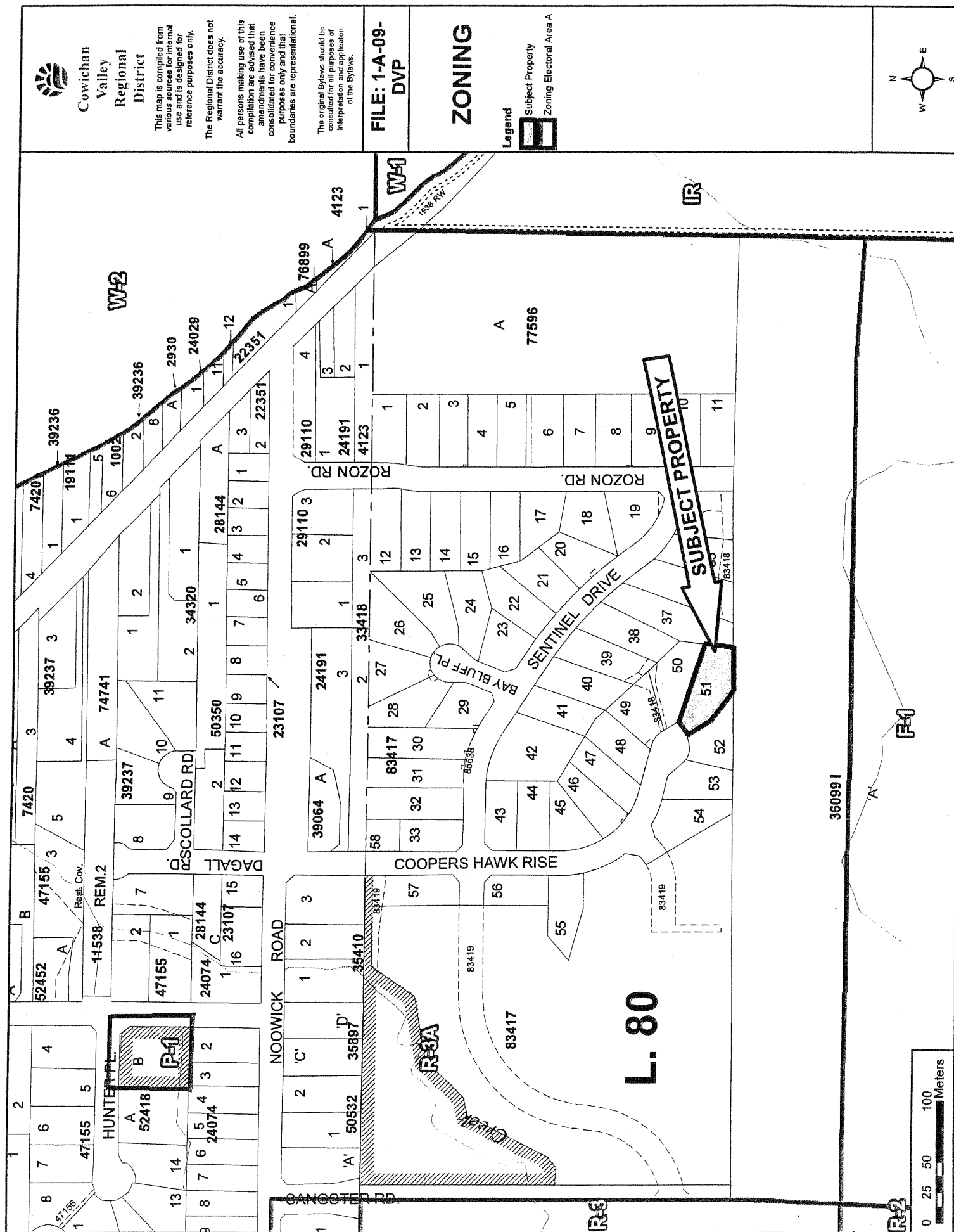
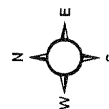
FILE: 1-A-09-DVP

ZONING

Legend



Subject Property
Zoning Electoral Area



000032

Rachelle Moreau

From: Ross Parker [ross_parker@transcanada.com]
Sent: Thursday, March 26, 2009 7:30 PM
To: Rachelle Moreau
Cc: Nancie Parker
Subject: Response to "Request for Variance" Lot 51, Sentinel Ridge

Mar 26th, 2009...7:30pm PDT

Dear Sir/Madam;

We are the owners and occupants of Lot 50, 2318 Coopers Hawk Rise. We have spoken with Jodi and Rob Cantwell about this matter, and at least Jodi is aware of our decision and the reasons for it.

In response to your file number 1-A-09DVP, my wife Nancie and I wish to vote against granting the variance.

Our reasons include....we believe that all parties in the Subdivision should live with the standards set out by CVRD, and we don't see an "extreme circumstance" in this case.

We also believe we would experience a loss of privacy and have a partially obstructed view, if the request were granted.

Thank you for considering our opinion.....we are available at via e-mail or phone at 250-929-4997 to discuss further if required.....Ross and Nancie Parker

This electronic message and any attached documents are intended only for the named addressee(s). This communication from TransCanada may contain information that is privileged, confidential or otherwise protected from disclosure and it must not be disclosed, copied, forwarded or distributed without authorization. If you have received this message in error, please notify the sender immediately and delete the original message. Thank you.

Rachelle Moreau

From: CVRD Development Services
Sent: Friday, March 27, 2009 8:34 AM
To: Rachelle Moreau
Subject: FW: file 1-A-09DVP (Cantwell)

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

From: Omid Mashinchi [mailto:omashinc@sfu.ca]
Sent: Friday, March 27, 2009 12:36 AM
To: CVRD Development Services
Subject: file 1-A-09DVP (Cantwell)

Hello Rachelle,

I am the owner of the house located at 2336 Coopers Hawk Rise Mill Bay. I have a pending sale on this house and on behalf of the new owners who may take possession in June we do not support this application. In our point of view all homes should be the same height. A house with a 10 meter height will stand out and therefore affect our house. We believe that this will impact the value of all homes that will be located around this home located on lot 51.

Sincereley,

Omid Mashinchi
President

Shore Island Developments Ltd.

www.shoreisland.com

Tel: 604-771-6996
Cell: 250-589-2552
Fax: 250-391-6989

E-mail: info@shoreisland.com

Mail: Unit 2104-1255 Seymour, Vancouver, BC Canada V6B 0H1

Cowichan Valley Regional District
Planning & Development Department
175 Ingram Street, Duncan, BC V9L 1N8

To Whom It May Concern,

Re: File 1-A-09DVP (Cantwell)

As a homeowner of Lot 52 in Sentinel Ridge (2327 Coopers Hawk Rise) I would like to note my official opposition to the variance application of Robert Cantwell of Lot 51 Sentinel Ridge, requesting permission to increase the height of his home.

I oppose the application on the following grounds:

1. Each person purchasing a lot in Sentinel Ridge purchased the lot with the full knowledge that they were also agreeing to build their home to a predetermined height. This height was based on the natural elevation of the lot and gave us confidence that if we built our home according to the plan of the subdivision, everyone else would also build according to that same plan. The assigned elevation agreed to by the purchaser should not be renegotiated.
2. The integrity of the subdivision is based on each person abiding by the assigned height restriction. If Lot 51 builds higher than the assigned elevation it dramatically changes the value, views and appreciation of our home and our investment. One homeowner should not benefit at the expense of another homeowner.

If the property owner of Lot 51 is concerned about the grade of the driveway and drainage, this should and can be addressed by an architect/designer and engineers at the design phase of the house, not by a variance application.

We searched for a year for a home or property on which to build a home that would allow us views and space. We found that property in Sentinel Ridge and while we would have loved to increase the height of our home to capture a better view, we respected the guidelines of the development and building scheme.

Part of the charm of this subdivision is that homes has different elevations—it's not a cookie cutter subdivision. Some are dramatically higher and some are dramatically lower, calling for creativity on the part of architects and builders.

I respectfully request that you deny this variance application.

Regards,
Diana Barton
2327 Coopers Hawk Rise
Mill Bay, BC V0R 2P4

000035

Rachelle Moreau

From: CVRD Development Services
Sent: Wednesday, March 25, 2009 8:30 AM
To: Rachelle Moreau
Subject: FW: file number 1-A-09DVP (Cantwell).

From: DIANNE HENSON [mailto:rdhenson@hotmail.com]
Sent: Monday, March 23, 2009 7:24 PM
To: CVRD Development Services
Subject: file number 1-A-09DVP (Cantwell).

RE: Lot 51, District Lot 80, Malahat district, Plan VIP83417 (PID: 027-128-300)

File number 1-A-09DVP (Cantwell).

Thank you for your letter dated March 23, 2009. In response to the above noted Development Variance Permit Application, we are opposed to allowing anything beyond the 7.5 metre maximum building height as it would obstruct or partially obstruct our current views of the ocean and Mount Baker.

Thank you for your consideration in this matter.

Rick and Dianne Henson (Lot 53)
2333 Cooper's Hawk Rise
Mill Bay BC

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Cowichan Valley Regional District
Planning & Development Department

Re: file number 1-A-09DVP (Cantwell)

To Whom It May Concern:

I am one of the home owners of Lot 52 in the Sentinel Ridge (2327 Coopers Hawk Rise) development of Mill Bay. I would like to note my official opposition to the variance application of Robert Cantwell of Lot 51 and his request to increase the height of his home.

I am opposed to this variance application for the following reasons:

I am a quadriplegic. When we decided to move from Alberta to the Cowichan Valley, our plan was to build a wheelchair accessible home that would provide the special needs and comforts I require and desire. Because of my injury I spend most days at my home. We specifically purchased Lot 52 because it provided a level entry home, we could build a beautiful wheelchair accessible home, but especially because it had beautiful views that are very therapeutic for someone who has been denied many other things normal people expect in life.

If this variance is allowed I will lose a significant portion of the view that we had expected to enjoy when we purchased and built this home. We made a careful study of what height restrictions were being allowed in this subdivision, and whether variances were something easily granted. From all the information we were able to gather it appeared clear that homes would have to be built based on assigned elevation levels and variances would not be accepted, and to this end the views I had hoped to enjoy would, for the most part, remain in place.

We purchased this lot on the assurance that it was a "view lot". Our builder, who also sold Lot 51 to the Cantwell's, has advised us that the Cantwell's were advised that the Lot they were purchasing was a lot with "glimpses" of the ocean, but was not a "view" lot. If this variance is allowed, their Lot becomes a "view" lot, and we are left with "glimpses". This is a total reversal of expectations and what both of us paid for.

I respectfully request that you deny this variance application.

Thanks in advance for your consideration.

Norm Dueck
2327 Coopers Hawk Rise
Mill Bay, B.C.
V0R 2P4

PS: You have also been sent a letter from my sister-in-law Diana Barton, who shares this house with my wife and I. I'm just letting you know this so that you know why there are two letters coming from the same address under different names.

000037



D3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF APRIL 7, 2009

DATE: April 1, 2009

FILE NO: 7-E-07RS

FROM: Rob Conway, Manager
Development Services Division

**BYLAW
NO:**

SUBJECT: Application No. 7-E-07RS
(Cherry Blossom Park)

Recommendation:

1. That OCP and Zoning Amendment Application No. 7-E-07RS (Cherry Blossom Park) be approved and that staff be directed to prepare amendment bylaws with Directors Duncan, Morrison and Kuhn appointed as Board delegates for the public hearing.
2. That the applicant provides a traffic impact assessment, a hydrological assessment and a preliminary riparian area assessment for the amended application prior to scheduling of the public hearing.
3. That the applicant provides confirmation of a certificate of compliance or approval in principle for remediation of the subject property from the Ministry of Environment prior to consideration of bylaw adoption.

Purpose:

1. To review minutes and correspondence from the public meeting held on February 24, 2009 regarding a proposed 88 unit strata title manufactured home park at 5611 Culverton Road.
2. To review amendments to application 7-E-07RS submitted by the proponent following the February 24, 2009 public meeting.
3. To consider if application 7-E-07RS should proceed to the bylaw preparation stage.

Financial Implications: N/A

Interdepartmental / Agency Implications: N/A

000038

Background:

An application to amend Cowichan-Koksilah Official Community Plan Bylaw No. 1490 and CVRD Electora Area "E" – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 to allow the subject property to be developed for an 88 unit strata title manufactured home park at 5611 Culverton Road was reviewed at the January 20, 2009 EASC meeting. The Committee passed the following resolution regarding the application, which was subsequently endorsed by the Regional Board on February 11, 2009:

- 1. That OCP and Zoning Amendment Application No. 7-E-07RS (Cherry Blossom Park) be presented at a public meeting to obtain community input and that the application be reviewed at a future EASC meeting with a report documenting public input and draft bylaws;*
- 2. That the applicant provide a traffic impact assessment, a revised site plan showing an expanded agricultural buffer, buffer and boulevard landscape standards, a hydrological assessment and a preliminary riparian area assessment prior to public hearing;*
- 3. That the applicant obtains a certificate of compliance or approval in principle for remediation of the subject property from the Ministry of Environment prior to bylaw adoption.*

Application Update:

A public meeting regarding the application was conducted at the Sahtlam Fire Hall on the evening of February 24, 2009. A report documenting input received at the public meeting is attached.

Following the public meeting, the proponent submitted amendments to the application to address various issues and concerns that were raised by those who attended. Changes to the application include:

- Reducing the number of strata lots and manufactured homes proposed for the site from 88 to 50.
- Providing a green space buffer around the perimeter of the property with an average width of 30 metres.
- Providing a shared green space area in the centre of the development for an outdoor amenity area.

The applicant is still proposing a strata-owned amenity building, which was part of the initial application. The size of the building, however, has been reduced from three storeys to two, due to the reduced density and anticipated occupant load. The swimming pool that was part of the previous proposal has also been removed. The total floor area of the proposed amenity building is now approximately 650 square metres (7,000 sq.ft.). Drawings of the amended site plan and amenity building are attached.

Other aspects of the application, including a proposed minimum lot size of 5,000 sq.ft., a "Class A" sewage treatment system to be owned and operated by the CVRD and a two acre public park dedication, remain unchanged.

Development Services Division Comments:

Many of the speakers at the public meeting expressed concerns about a high density residential development in a semi rural location, and the potential impacts the proposal may have on adjacent properties, wells and traffic. Others, however, acknowledged that many industrial uses now permitted on the property are incompatible adjacent residential and agricultural properties and that residential zoning is preferred to the heavy industrial zoning that now applies to the property.

Staff believes the amended application will partially address concerns raised at the public meeting while still maintaining enough density on the site to fund site remediation, services, park land and amenities. If further work by the applicant is done to assess traffic, well and ground water impacts and possible riparian areas, staff recommend the application proceed to bylaw preparation and public hearing.

It is anticipated the amendment bylaws will define the uses and density permitted on the site, development criteria, green space and buffer requirements, obligations for park dedication, the strata amenity building, green space and landscaped buffers, servicing standards, and development permit requirements and guidelines. As the amendment bylaws are expected to be complex, drafting of them has been deferred pending direction from the Committee and Board. Should staff be directed to proceed with drafting the bylaws, they would normally be presented to the Regional Board for first and second reading and would not be reviewed by the EAS Committee.

The January 20, 2009 Committee resolution cited previously in this report required the applicant to provide a traffic impact assessment, a revised site plan showing an expanded agricultural buffer, buffer and boulevard landscape standards, a hydrological assessment and a preliminary riparian area assessment prior to public hearing. The resolution also required the applicant to obtain a certificate of compliance or approval in principle for remediation of the subject property from the Ministry of Environment prior to bylaw adoption. Staff recommends that these conditions continue to apply, with the exception of the requirement for the expanded agricultural buffer and buffer and boulevard landscape standards. These have been addressed in the amended site plan and are less critical now that the green space around the perimeter of the site has been expanded and because the landscape standards will be established in the development permit guidelines that will be included in the amendment bylaws.

The Committee should also be aware that Area "E" Parks Commission reviewed the subject application on January 29, 2009 and supported the two acre park dedication proposed by the applicant.

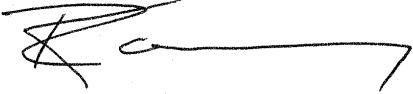
Options:

- A. 1. That OCP and Zoning Amendment Application No. 7-E-07RS (Cherry Blossom Park) be approved and that staff be directed to prepare amendment bylaws with Directors Duncan, Morrison and Kuhn appointed as delegates for the public hearing.
2. That the applicant provide a traffic impact assessment, a hydrological assessment and a preliminary riparian area assessment of the amended application prior to scheduling of the public hearing;

3. That the applicant obtains a certificate of compliance or approval in principle for remediation of the subject property from the Ministry of Environment prior to consideration of bylaw adoption.
- B. That OCP and Zoning Amendment Application No. 7-E-07RS (Cherry Blossom Park) be denied.
- C. That the amended Application No. 7-E-07RS (Cherry Blossom Park) be presented at a second public meeting to obtain community input on the amended application and that the application be reviewed at a future EASC meeting with a report documenting public input.

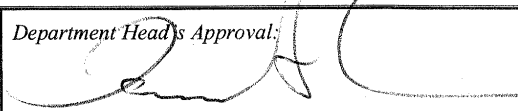
Option A is recommended

Submitted by,



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

RC/ca

Department Head's Approval:

Signature



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.

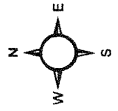
FILE: 7-E-07-RS

ZONING

Legend



Subject Property
Zoning Electoral Area E



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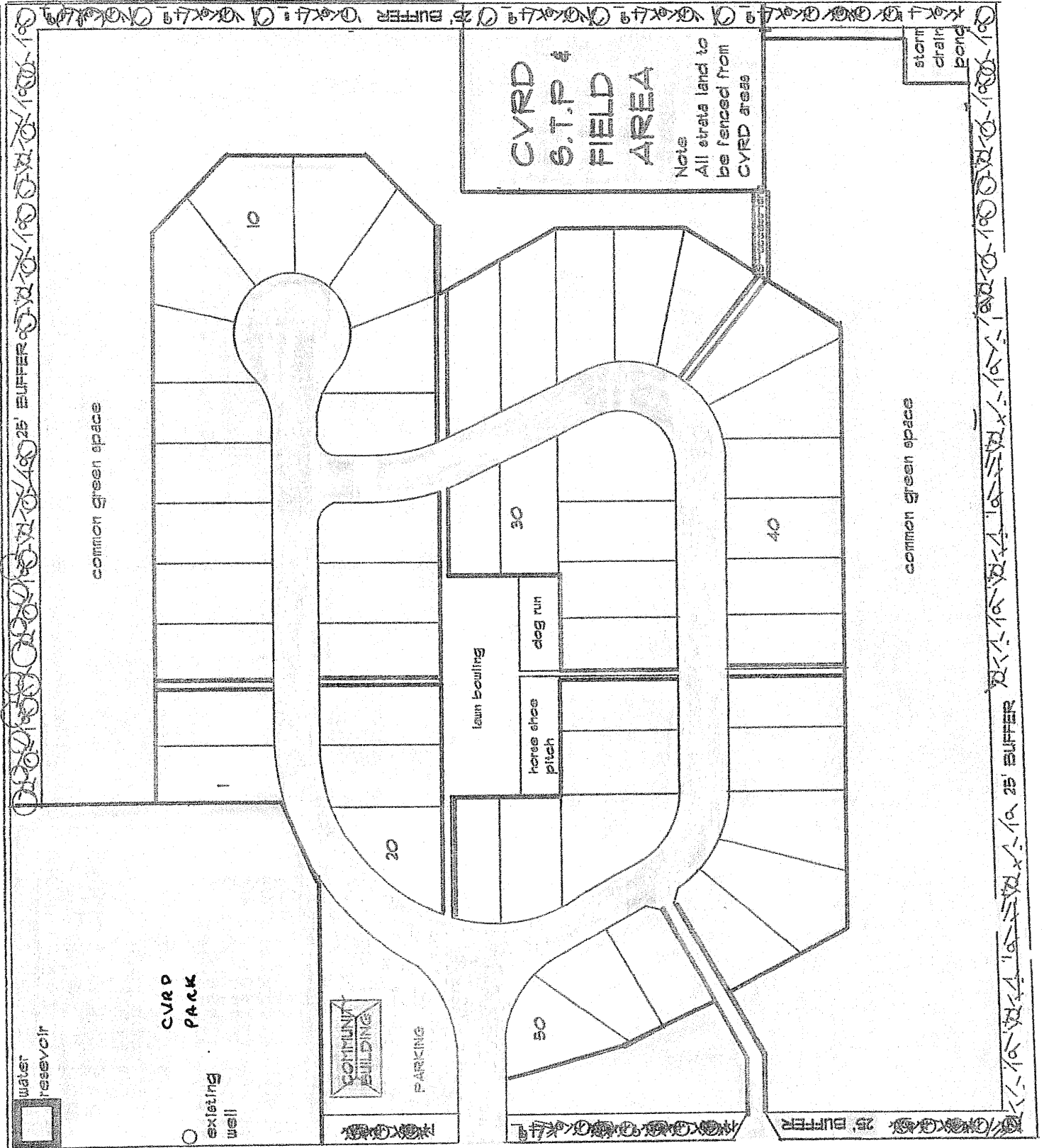
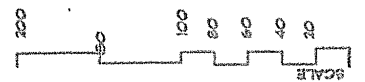
CHERRY BLOSSOM ESTATES

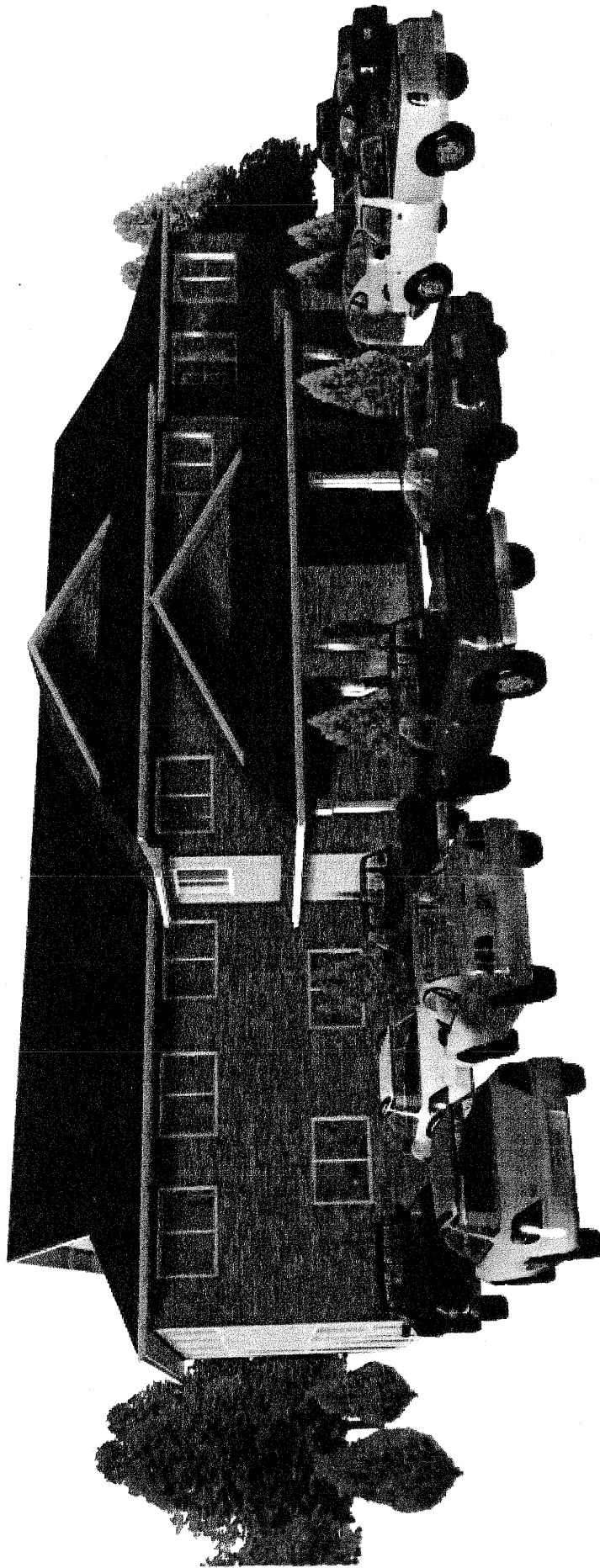
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LOT LAYOUT PLAN

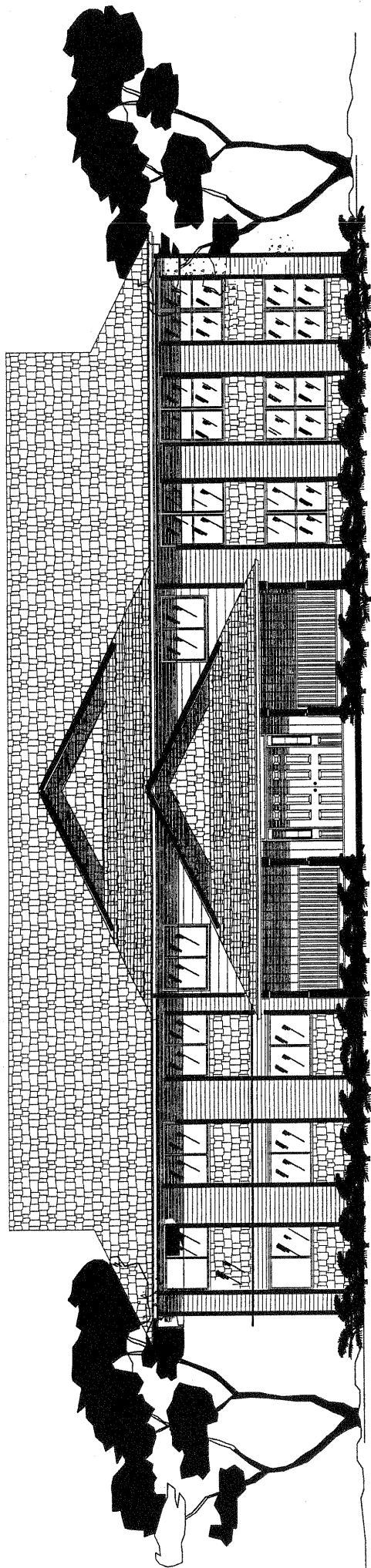
CULVERTON ROAD

NORTH



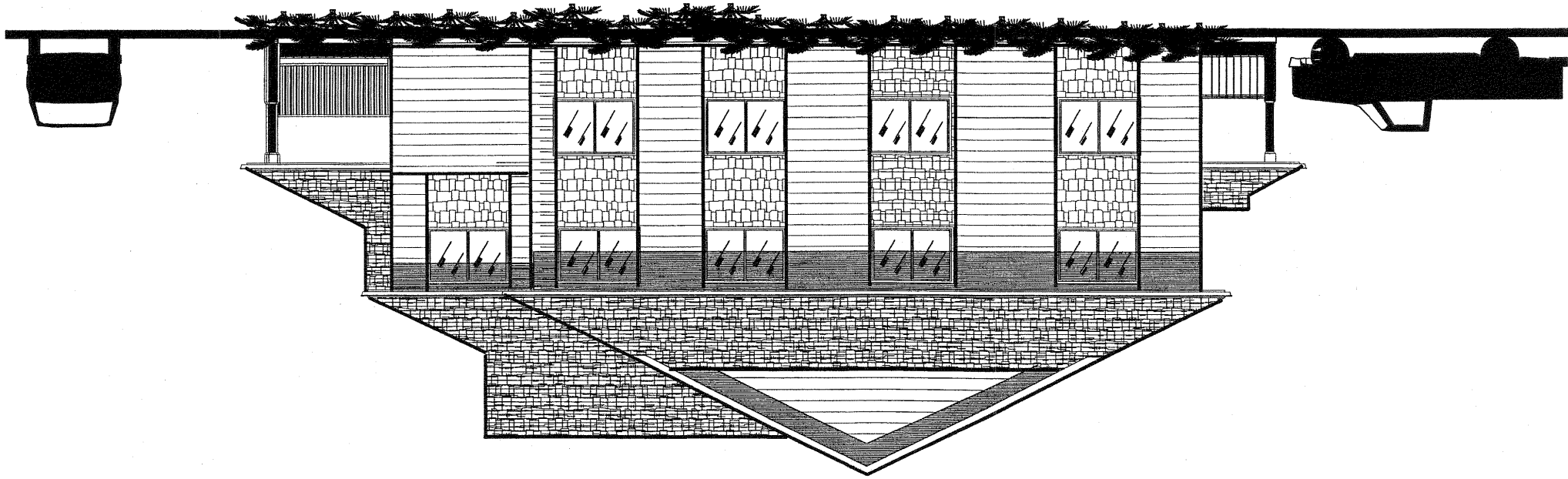


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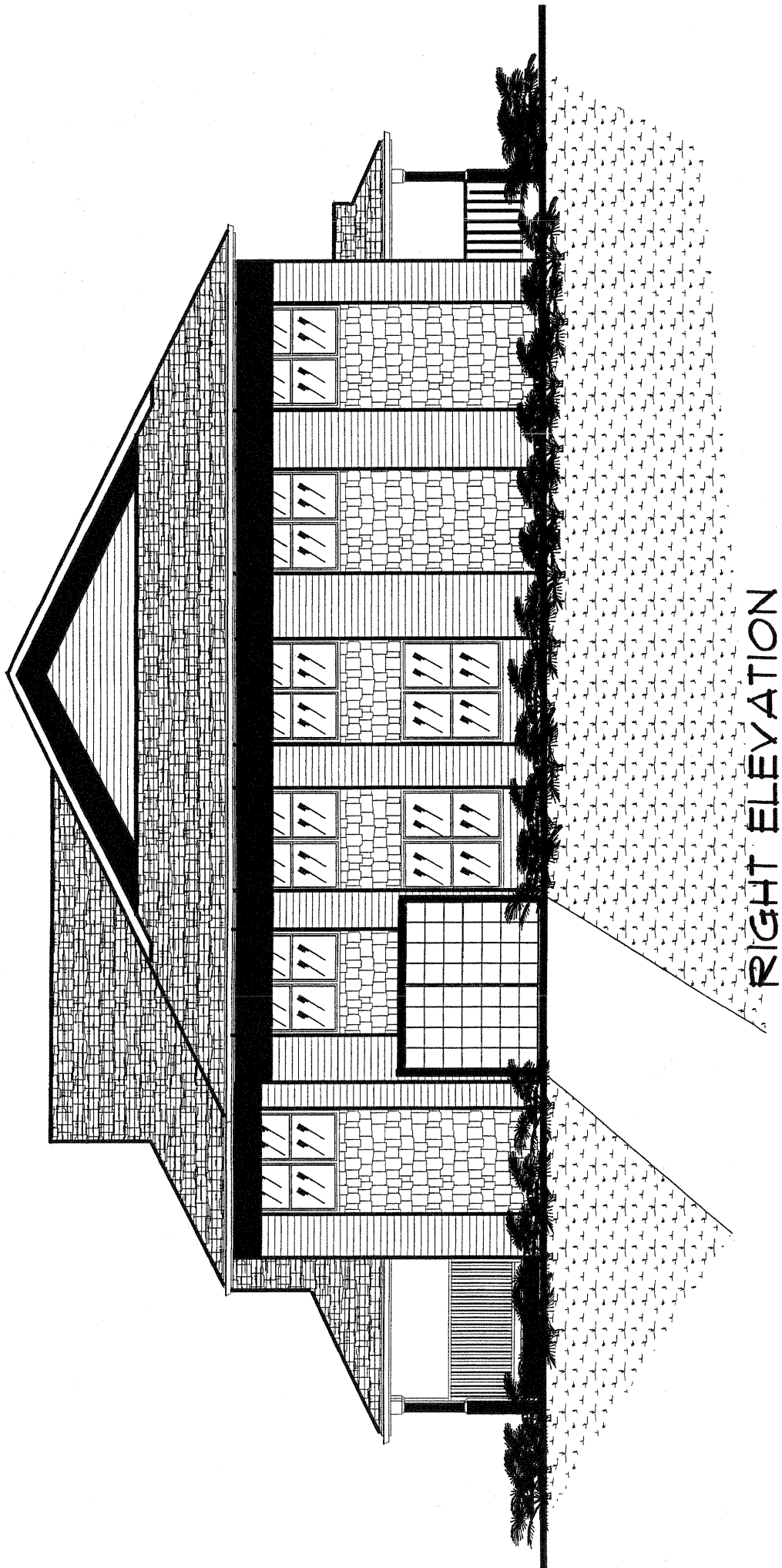


CHERRY BLOSSOM ESTATES GREAT HALL

CHERRY BLOSSOM LEFT ELEVATION

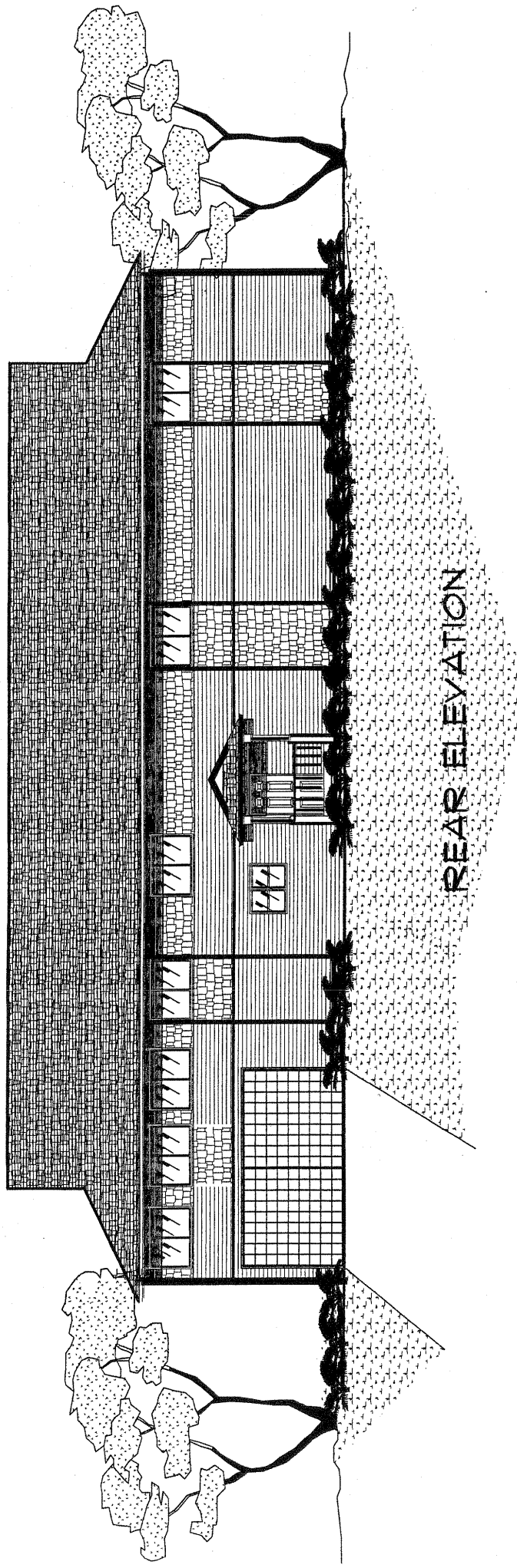


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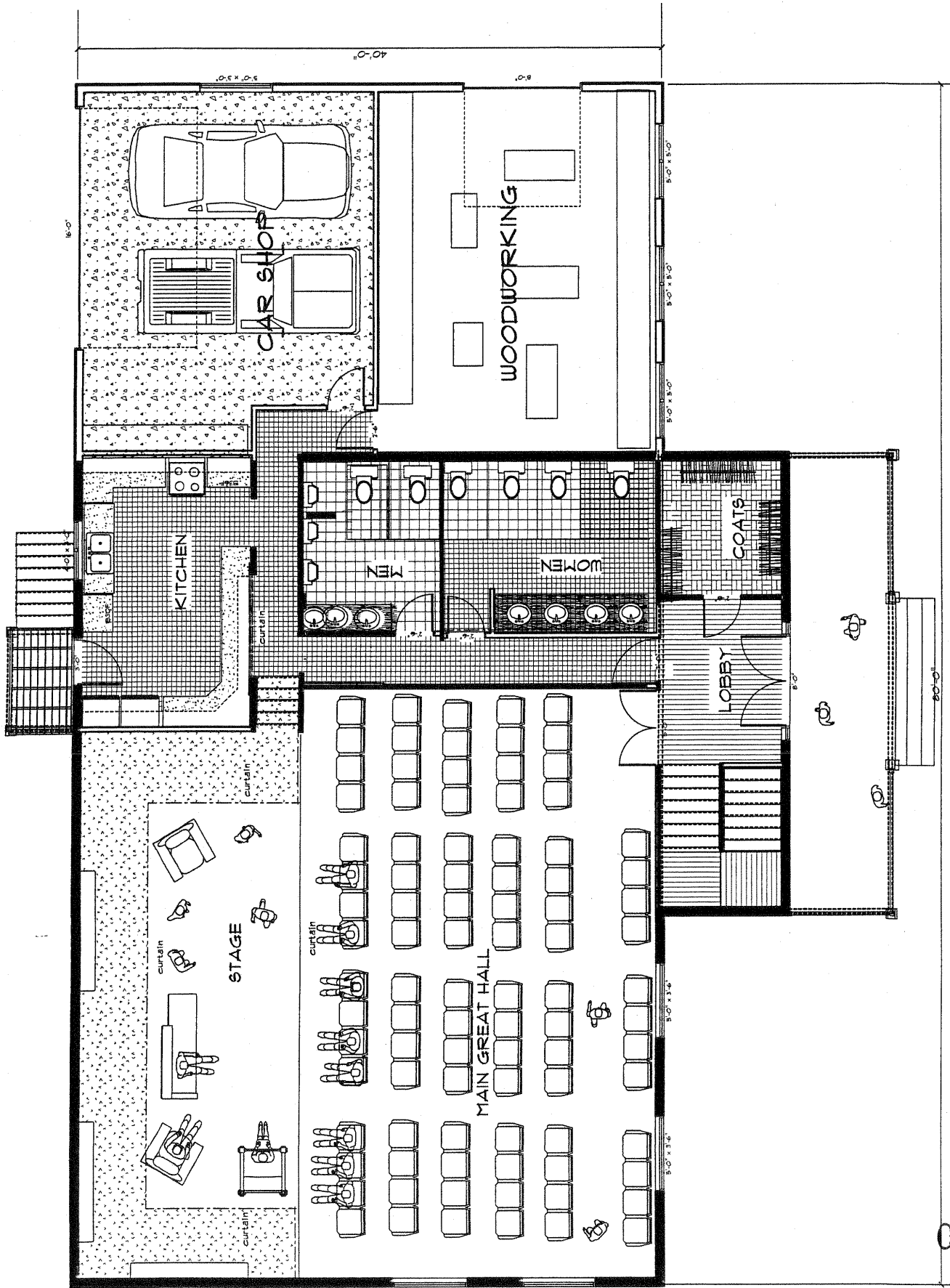


RIGHT ELEVATION

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CHERRY BLOSSOM COMMUNITY HALL MAIN FLOOR

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Frequently asked questions

1)- Will the pumping of water from the well affect the surrounding lands?

The Provincial Government of B.C.'s Supt. Of Water Rights Office have stringent regulations in place that requires a professional Hydrologist to arrange for a sustained water pump test to assure quality and sustainable quantity of water for the intended usage that does not adversely affect the surrounding wells. All surrounding wells must be monitored during the pump test to assure that they are not being depleted during the sustained pumping.

It has been ascertained that the well on this property is in a different aquifer than the surrounding wells.

CVRD has required the developer to post a bond to assure that no other wells are affected or will be in the future.

It is anticipated that there is a surplus of water in the existing well to provide other adjacent properties with fire protection and possible connection to the project water system that will be taken over and maintained by the CVRD upon completion by the Developer.

2). Will there be problems from the sewage system or any odor problems for adjacent properties?

The Provincial Minister of the Environment has extensive requirements and regulations pertaining to any sewage system over five thousand gallons of discharge per day and all these requirements will be monitored and inspected to insure compliance. The system will be designed in accordance with the CVRD Engineering Dept. specifications and approved by that Authority prior to installation and will, upon completion by the developer, be taken over by, and maintained by, the CVRD.

The system has to be of the highest standard, which is a class A system, and will be equal to the latest systems now successfully owned and operated by the CVRD. These systems are odor free and are in continuous operation in other areas of the Regional District with a proven excellent sustained success. They are inspected and maintained on a regular schedule by CVRD staff and the discharge effluent is tested for compliance in an appropriate laboratory on a scheduled ongoing basis as required by the Provincial Authority.

3). Will this project adversely affect the local traffic situation ?

This project is to be restricted to persons 55 years of age or older and it is anticipated that most of these Owners will be retired which will mean that they will not be required to be in the work place at an early hour or returning home during the same period of time that those still working are utilizing. Most of the vehicular traffic emanating from this property will be between 10 a.m. and 3 p.m on an intermittent very variable random pattern that should not overly affect the current situation, as these time periods do not ordinarily carry any heavy traffic.

4). *If I have property adjacent to or abutting this project will it be adversely affected?*

The plan of this single family retirement development shows that over fifty percent of the property is to be left in a green state of grass and landscaping. The residential area is centralized and the common green areas are completely surrounding the dwelling areas, of which 60% of those private properties are also to be landscaped and maintained by the strata corporation at all times. There is a dedicated 2 acre CVRD public park at the northwest corner, a disposal field at the east boundary which will be covered in grass at all times and maintained by the CVRD, there is an original perimeter strip around the boundaries that will have the present tree cover maintained, plus a common landscaped area, or pitch and putt golf course, between the trees and the dwelling units, on all the three sides that would be adjacent to the abutting residential or farm lands.

IMPORTANT It is to be noted that this project will be a much improved use of the land than the existing non maintained, non cosmetic, use that has been previously been the case of this property. The present allowable usage of the land could see heavy equipment, continuous non ending power saw usage, logging trucks in and out on the local roads, many neighborhood non friendly Industrial usages that could be allowed under the present zoning.

Removal of the above noted existing potential condition, plus the addition of the amenities that would be available to the adjacent neighbors of the project, should increase desirability of nearby properties and hence increase the value of same.

5). *What advantages are there in this project for the neighborhood?*

1/. A two acre public park is being donated to the CVRD for public use.

2/. A Community building housing

- a). Arts, crafts, lessons, woodworking shop, auto work shop
- b). Meeting rooms, banquet rooms, teaching rooms
- c). Stage facilities, kitchen facilities
- d). Gym, exercise equipment
- e). Community events, pot luck suppers
- f). Devotional meeting areas

3/. Installed areas for

- g). pitch and putt golf
- h). lawn bowling green
- i). horse shoe pitch
- j). safe interior jogging track
- k). fenced in dog park

These facilities will be made available by the Strata Corporation on a free or on a small fee for usage basis but more likely free for local youth use.



C·V·R·D

PUBLIC MEETING MINUTES **Rezoning Application No 7-E-07RS (Cherry Blossom Estates)** **Electoral Area E – Cowichan Station/Sahtlam/Glenora**

Following is a summary of the proceedings of the Public Meeting for Rezoning Application No. 7-E-07RS (Cherry Blossom Estates), applicable to Electoral Area E – Cowichan Station/Sahtlam/Glenora, held on Tuesday, February 24, 2009, in the Sahtlam Fire Hall, 4384 Cowichan Lake Road, Duncan, BC at 7:03 pm:

- CHAIRPERSON** Director L. Duncan, Electoral Area E – Cowichan Station/Sahtlam/Glenora, Chairperson
- CVRD STAFF PRESENT** Mr. R. Conway, Manager, Planning & Development Department
Ms. J. Hughes, Recording Secretary, Planning & Development Department
- Members of the Public:
There were approximately 80 members of the public present.
- CALL TO ORDER** Director L. Duncan, Chaired the Public Meeting and called the meeting to order and introduced the CVRD Staff present. Director Duncan introduced Director Ian Morrison, Electoral Area F – Cowichan Lake South/Skutz Falls, who was sitting within the audience as an observer.
- Director Duncan stated that the meeting was a Public Meeting and not Public Hearing.
- CORRESPONDENCE** The following information was received:
1) 2 Public Meeting Comment Sheets
- APPLICANT, Anasona Investments Ltd.** Robin Mayo and Wayne Allen were present on behalf of the Applicant, Anasona Investments Ltd., and stated the following with regard to the Cherry Blossom Estates Rezoning Application:
- Mr. Mayo stated the following:
- Subject property is the old Dogwood Lumber property which was a long time industrial site and because of the location it has only attracted the worst of the worst industrial users over the past years and that he does not see the property in its present state as a benefit to the community in any way and only as a nuisance to the neighbouring properties;
 - Proposing to convert the subject property into a very nice residential development;
 - Applied for rezoning over 1½ years ago and they have met with the CVRD's Planning and Engineering Departments and Director Duncan and they feel they have planned the best development for the property;

- Proposing a Class A sewage system that will have fully treated effluent to drinking water standards prior to being dispersed into the drain field;
- They have their own well with more water than what they need for their development;
- All services, after they are constructed by them, will be turned over to be owned and operated by the CVRD;
- Proposing a community building with small swimming pool, banquet hall, meeting rooms and small gym;
- All new homes are proposed on site;
- Donating two acres to the CVRD for parkland;
- They have to carry out a traffic assessment study and complete a hydro geological study which will include pump testing their well and monitoring all the neighbouring wells to ensure they are not affecting anyone else's water;
- They will be required to place a bond to ensure no surrounding wells are affected;
- Feels the time has come to change the site from an industrial site into a nice residential development;
- Subject property is presently zoned I-2 Heavy Industrial;
- Perc testing has been carried out on site and they have test pits dug;
- Working with the CVRD's Engineering Staff and they have received approval in principle from the CVRD and the CVRD will ensure the systems are good systems as they will be taking them over when completed.

Mr. Allen stated the following:

- His experience is in developing single family residences and he has worked with the CVRD and other local jurisdictions;
- Working with Mr. Mayo on the project as he would like to see an affordable housing project that is of good quality and at the same time affordable for young people or retired people who cannot afford today's costs;
- To get affordable the cost of land needs to be spread over a wider area which is what they are trying to do;
- Proposing a development with a heavy density on site but pointed out that under the present zoning they could put in 75 industrial sites on the subject property;
- They are proposing a development consisting of single family quality homes;
- Smaller lots are proposed on site that are heavily serviced;
- Preliminary pollution and reports have been carried out along with preliminary perc testing if approved further studies will have to be carried out;
- They are not proposing trailers on site they are proposing quality units that are mobile homes that range in price up to \$300,000 and when they are talking affordable housing it does not have to be substandard housing;
- They are also proposing a community building that will be open to the public and it will contain a swimming pool, meeting rooms and gym but

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noted that there will be cost for it as it has to be maintained.

**Greta Tar,
5020 Culverton
Road**

- She lives approximately ½ km from the proposed development and she moved from Port Hardy to her property approximately seven years ago;
- Stated that previously in Coal Harbour which is close to Port Hardy development occurred where a sewage treatment plant was installed and nobody looked at it from the Regional District and stated that sewage treatment plants do smell;
- Stated that the developer is proposing after two years it be turned be over to the CVRD and stated that everyone will then pay for maintenance and any problem that will arise;
- Feels that the developer should be responsible for running the system for the rest of their life.

Director Duncan

- Some sewage treatment plants do have odour issues but noted that the standards the CVRD Engineering Department is proposing a Class A sewage treatment plant which is the highest standard and stated odor is not an issue on Class A system as a rule;
- CVRD requires all sewage treatments and water plants that are built as part of development to be turned over to CVRD upon completion and the CVRD does not accept faulty or weakly designed or substandard water and sewer treatment plants;
- CVRD has taken over some of the lower systems in the region and stated they are a problem as they were under designed but noted that the Engineering Department does not want any more such systems and any new developments have to be designed at high class standards;
- When there are problems with community sewer and water systems in the CVRD it is directly charged to the users and they have to pay for it and no one who is not a water or sewer user of that specified area will not pay into that.

Greta Tar

- CVRD should check with Mt. Waddington Regional District as development occurred within the last five years ago and noted the houses are very expensive in that area and the smell is terrible.

Dave MacCaroy

- Lived in the area for 20 years and noted he has dug ditches on the subject property and asked if the developers would be cleaning up the site before developing the land and where the water would be coming from?

Robin Mayo

- They have to clean up the property and they have their own well on site.

Dave MacCaroy

- He wants to see the property cleaned up and 2 acre parcels developed on site which he feels would be better than an 80 unit development.

**John Willow,
5010 Culverton
Road**

- He has reviewed the developer's site plan and stated that he felt it is a propaganda sheet with a common lack of dimensions missing from it, there is no north direction on the top of the sheet and there should be technical information provided on it;

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- Estimation of ratio is important as he advised there is a difference between one and two bedroom homes and that he felt the building drawings are misleading. Asked how wide the building areas and what the square foot is as there is no scale or dimensions of area shown on the plan;
- Feels the swimming pool proposed is an image in a desert;
- What are the benefits of inhabitants of the development and what impact will there be on surrounding homes in the area;
- Must have technical details as he feels wells in the area will suffer. Most wells are 75 ft deep and if someone drills down 200 ft deep the water level will sink down and those other wells will have to drill down further;
- Pollution is another concern to him and stated it is a sewage disposal field and that on the plan it shows three little squares which is supposed to be the sewage treatment facility;
- Area under the industrial classification has been examined and the soils have been examined and are extremely porous.

Director Duncan

- Sewage, water, wells and site cleanup are all important issues.

Speaker

- Where is the drainage going?

Director Duncan

- Proposal is to go to ground;
- Application was received at the CVRD office to rezone the subject property and the application has been going through the rezoning process;
- Proposed sewer is to be treatment plant Class A system with treatment going into the ground;
- CVRD Engineering Department has many conditions that the applicant must meet prior to them taking over the plant.

Dave MacCaroy

- Concerned about Class A sewage disposal plant.

Director Duncan

- Dockside Green in Victoria is an example of a membrane Class A sewage treatment plant and further stated that water that discharges from a Class A treatment plant is of very high quality standards as technology has grown significantly over the last 10-15 years.

Robin Mayo

- Understands the concerns of the residents as he was born in the area, grew up in the area and is now raising his children in the area and hopes they will also stay within the area;
- They are trying to do everything the right way but noted there are no guarantees with the aquifers in the Valley and they are required to pump test their well for 72 hrs. to ensure they are not affecting any wells in the area;
- They will also be posting bond to ensure other wells are not affected in the future;
- Presently people living in the area dispose untreated waste into the ground and their proposal is to treat the waste;
- They have a disposal field and they are also proposing a retention pond to re-circulate the water for watering lawns and washing cars which will draw

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less from their water well and will use a lot of the drainage;

- He owned the property for 10 years and stated the previous Area Director came to him and asked him to buy it and develop it and stated now is the time to change an ugly eye sore not into a mobile home park but into a really nice modular home park village;
- Stated that people should drive through Tzouhalem Village which is located in the area and stated it is a beautiful development.

Wayne Allen

- Ministry of Environment and the CVRD Engineering Department have reviewed the site;
- Michael Payne has carried out a full engineering report and they will be installing a proven plant;
- If there is any smell from the proposed plant that means the plant is not functioning well and it needs to be repaired;
- Drawings are drawn exactly to scale and the lots are scaled at 50 ft. x 100 ft. In comparison lots in Vancouver are 33 ft. x 100 ft. and they sell at approximately \$300,000.;
- There is no requirement to have a north scale on drawings;
- They have carried out extensive tests, Ministry of Environment has reviewed the project along with the CVRD Engineering Department and stated that the sewage plants do work and it can be proven that they work.

Director Duncan

- Regarding contamination issues a Certificate of Compliance is required from the Ministry of Environment for any rezoning of property from industrial to any other use including residential;
- Certificate of Compliance states that the Ministry of Environment has agreed that the property is safe to have people living on it and it can be very expensive and time consuming;
- Applicants have agreed and the CVRD has agreed that unless the application goes forward they will not put the money out to carry out any clean up of the site. If the application is approved the process stops at a certain point until that Certificate of Compliance has been issued by the Ministry of Environment;
- There are contamination issues that have to be dealt with through the rezoning process.

**Neil Dean,
5040 Ellison Road**

- Asked for clarification with regard to hooking up to the proposed system if their wells are affected?

Director Duncan

- If the application is approved there is a bond that would be in place that states if the wells on the site affect the neighbouring wells it would be the applicants responsibility to connect that residence to the CVRD's water system;
- CVRD has seen through previous applications that there were impacts from new wells on affecting neighbouring wells and those people had to get hooked onto that community water system.

Norman Knodel,

- Ad in the newspaper was the first indication to him of the rezoning

**4775 Old Lake
Cowichan Road**

- application;
- He noticed in the brochure that the Area F Advisory Planning Commission (APC) recommended approval of the application and the Area E APC recommended approval of the application subject to certain conditions and stated he did not understand from the information he read that Director Duncan was not selling the application as he has approved it with recommendations;
- The proposed project will have a major effect on his life;
- At the proposed density the applicants will earn a profit from the proposed development and stated he feels his property values will be greatly diminished;
- Major density challenges as the existing road is already far too busy and with another 88 units there could be another 500 cars coming and going down Old Lake Cowichan Road;
- He stated he would prefer to see a 2-3 acre lot subdivision created on site instead of the proposed high density.

Director Duncan

- He is not selling the application and stated the application process has been presented the correct way;
- The application falls within part of Electoral Areas E and F OCP's and the the applicant spoke with both of those APC's which are comprised from members of the community and stated that both APC's commented that the application should move forward in the rezoning process;
- APC's make recommendations back to the CVRD.

Speaker

- Asked if the property would be fenced around all sides as he stated it looks like a prison to him;
- Feels the property would be better suited as a 2-3 acre subdivision and not a congested development;
- Does not want to see lower income families living on site as that could lead to other problems like crack houses.

Robin Mayo

- He has lived in the area for many years and stated he is not only in it for the money;
- At the present time he could sell the property as a heavy industrial site and walk away from it and who knows what could happen on site;
- He is looking at an existing ugly industrial site and he would like to it turned into something beautiful.

Speaker

- Will the applicants live in the park?

Robin Mayo

- He will not be living in the park but noted that he does not want to see crack houses in the development;
- Hopes that it will be a retirement village and that he feels he is doing a good thing by developing the existing ugly industrial development;
- He cannot sell the property as 2-3 acre lots as the property does not perc as the whole centre of the property had been previously scraped out;
- The proposed development will work due to the proposed community

- water and sewer systems;
- Before any disposal goes into the ground it is treated at a 10/10 standard.
- Lynette Stanyer,
4635 Old Lake
Cowichan Road**
- Brenen Court homes have run out of water in the past and asked if they run out of water will they pay for their water to be trucked in or will a person have to prove cause as to why they ran out of water?
- Robin Mayo**
- They will be placing a bond to ensure there is water.
- Lynette Stanyer**
- If their water is affected will they be paying for their water and will they be paying to hook them up into CVRD water?
- Director Duncan**
- At that point the Regional District would be operating the water system and if someone runs out of water they would be hooked into CVRD water by the applicant through the applicant's bond.
- Lynette Stanyer**
- Her property has a well on it and presently she does not pay for water and asked if she is forced to hook up to CVRD water because of the proposed development affecting her well by taking away her water, why should she then have to pay tax for it?
- Wayne Allen**
- The well on site is 127 ft. deep with 150 gallons per minute and noted that they have hit a separate aquifer that has sufficient water for the proposed development;
 - Their proposed development requires approximately 25-30 gallons per minute and the pump tests have proven 150 gallons per minute.
- Colleen Freeman,
5000 White Road**
- If the developer's company goes bankrupt who do they get the money from to guarantee the bond?
- Robin Mayo**
- The bond is a Letter of Credit and they will have to get financing from an institution to put up that bond.
- Director Duncan**
- Letter of Credit is registered with the Regional District.
- Lynette Stanyer**
- What happens if everyone in the area needs water and it exceeds the amount of the bond?
- Linda,
Old Lake Cowichan
Road**
- How big will the bond be and asked if 100 houses run dry and all need water can the bond run dry too and the people at the end of the line will not get any coverage.
- Wayne Allen**
- They have to pump the well for five days until it is dry and monitor it to see how fast the water comes back in and at the same time they have to monitor every well in the immediate area to ensure their water does not go down one inch while they are pumping theirs.
- Speaker**
- When will the tests be carried out and where is the well located?

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- Wayne Allen**
- Not sure when the testing will occur and stated it has to be a continuous test;
 - Well is located at Culverton Road on the right side of the entrance to their property.
- Speaker**
- How deep is the well?
- Robin Mayo**
- Well is 126 ft deep and pumps approximately 150 gallons per minute and further advised that the testing has not been completed and if the water fails the project fails.
- Hans,
5651 Culverton
Road**
- He and his brother Ben moved to their property which is located right next door to the mill and stated that his concern was with regard to increased traffic travelling through the area.
- Robin Mayo**
- Understands there will be an impact to the area but noted he would like to see as little impact as possible and that a Traffic Impact Assessment Study still has to be carried out.
- Gerry Harbroken,
5000 White Road**
- He looks at the subject property from his front porch as he is a next door neighbour and stated that he is absolutely against the proposed development due to the number of houses proposed on site;
 - Well located at the right side of the gate has not been secured and it has been damaged;
 - Size of the proposed development is against all customary lot sizes in the area;
 - Water and perc are of concern;
 - Traffic would be horrendous and noise generated would be great from the proposed development;
 - He is opposed to the proposed development;
 - Suggested that the applicants review the idea of a 2½ acre lot subdivision instead of the proposed development.
- Norman Knodel**
- Asked if a strata sewer system could be installed for 2½ acre lots?
- Robin Mayo**
- The existing zoning allows for 75 industrial lots with a community water and sewer system and stated that they feel they are not asking for a huge difference with the proposed zone;
 - He is not an out of town big developer who wants to make money and move away as he plans to live in the area and he wants to see a classy development on the site;
 - In 2005 they had preliminary layout approval for six industrial lots and he could have hit the peak of the market at that time but noted that he did not want to drive by the site and see those six industrial sites. He wants to drive by the site and see a development he can be proud of;
 - He will not put something through that nobody wants to see on the site;
 - The site is zoned Heavy Industrial and if the proposed development does

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not go ahead he will be putting the land up for sale and he will have no control after it has been sold as it will still be zoned Heavy Industrial.

Director Duncan

- Stated that a development permit area covers the heavy industrial sites in Electoral Area E and noted that there are significant requirements within that development permit area that states there will not be intrusive industrial uses on site;
- Water issues must be addressed under the development permit area;
- Subject property is presently zoned Heavy Industrial which also permits the Light Industrial uses.

**Elizabeth Cage,
5600 Jordan's Lane**

- A major portion of the subject property backs her property and stated that the proposed septic field will be along her property line which is adjacent to her well;
- She has lost some respect in the previous zoning process as she was originally told the trees would remain on site but noted many of those trees have since been taken down;
- Concerned about her privacy on her property;
- She has grape plants on her property and has lots of water that she cannot pump dry but asked if the area does go dry how many people can hook up to the proposed system and how much water is available?
- Density is a concern that needs to be addressed.
- Wants a guarantee that it would be a senior's development because if it is not she fears for the neighbourhood with regard to theft and vandalism.

Robin Mayo

- Not sure if he is legally permitted to stop somebody from purchasing a unit due to their age.

Speaker

- Can it be a gated senior's community?

Robin Mayo

- Does not believe it should be gated and that he would also like to see it as a senior's retirement village.

**Clayton Edwards,
5202 Wimmer Road**

- There are other developments in the Duncan area that are 55⁺ with no kids and he felt that would be more acceptable for the proposed development.

Robin Mayo

- He would like to see the development set at age 55 and up.

**Mike Lees,
4948 Arla Court**

- His property backs right on the old mill site and in 1971 the road for the industrial lot ran through the back of his property and for five years he fought to have that removed and blocked off and move the entrance onto the other side of Culverton Road;
- Understands the concerns of the community but noted that living adjacent to the subject property is harassment;
- He enjoys the community and he has seen many industries come and go on that site and all of them have been eyesores;
- He has discussed his concerns over the years with Mr. Mayo and stated he wants to hear what will be a reasonable solution for that property other than

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what has happened in the past;

- All he has heard at the meeting so far with regard to the proposed development is not in my backyard and he stated he wants to see a reasonable solution to get rid of that eyesore I-2 Zone.

**Laura Elliott,
4916 Cowichan Lake
Road**

- Concerned that an old age pensioner's village could generate more traffic as they could require more visits from care people and family members.

**Dean Mac,
4920 Cowichan Lake
Road**

- Grew up at the end of Ellison Place, then moved into town and he has now moved back to Sahtlam as he likes the privacy, low density population and his children can play in their backyard;
- Asked if there would be street lights within the proposed development?

Robin Mayo

- Not proposing conventional street lights it will be aesthetic street lights;
- Felt that if the site had been operating the ugly industrial uses on the site for the past 10 years people would be more in support and have a different reaction to the proposed application.

**Chuck Jordan,
5555 Culverton
Road**

- All his property runs along the south side of the subject property and stated he looks at junk cars on the industrial portion of the property;
- Concerned about water and asked why Tofino ran out of water a few years ago;
- Increased vehicle traffic is of concern to him especially at the Culverton intersection and further noted that over years he has had over 30 cars going over the bank at his corner.

Mike Lees

- When the property was first zoned it was non-conforming with a small millsite located on it and rezoning was applied for but noted that the applicants did not apply for I-2 zoning they applied for Light Industrial and stated that somehow at the end of the rezoning process that property was rezoned to I-2. He stated he supported the original light industrial zoning but not the heavy industrial zoning.

Director Duncan

- When the property was rezoned there were also development permit requirements passed and noted that they were never implemented within the Official Community Plan or Zoning Bylaw;
- He did have the CVRD's Corporate Secretary go through the files and they were found but never implemented and he then brought forward the Development Permit requirements in 2004 and put them back onto that property trying to correct the mistake and error;
- Street lights are paid through Area E funds and stated that if safety is an issue at the Culverton and Old Lake Cowichan Roads intersection the public could bring a petition to him and a street light could be installed.

**George,
5640 Jordan's Lane**

- Asked if the people really want a 88 unit development in the area or would they prefer to see something else on site and noted he would prefer to see a park on the site;

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- Feels a couple of subdivision lots could make the developer some money rather than the proposed development.
- Ben Wade,
Culverton Road**
 - Asked if 32 lots each being ½ acre in size with septic could be developed on the 18 acres as he felt 88 homes was far too much?
- Director Duncan**
 - To create that type of subdivision sewer and water is required and the Ministry of Health does not encourage any development of lots with well and septic if they are smaller than 1 ha. (2.5 acres).
- Robin Mayo**
 - They have to put in a community water and sewer system as the subject property does not perc at the present time and to have the water and sewer system they have to have a minimum of 75 units;
 - Site has been ugly for 40 years and stated that he wants to clean it up and make it a nice looking development;
 - The previous Area Director approached him to purchase the property and stated the residents wanted to see it developed and changed from the present zoning.
- Speaker**
 - Why can a serviced water and sewer strata subdivision not be created on the subject property?
- Robin Mayo**
 - Community water and sewer system operated by the CVRD cannot be less than 75 units.
- Rob Conway**
 - CVRD does have a policy where smaller strata-owned systems are discouraged as they are expensive to maintain and further advised that the Area E community sewer system is defined as 100 units or more but noted that the Regional Board could possibly make an exception. The minimum threshold size specified by the CVRD's Engineering Department is 50 units.
- Norman Knodel**
 - He is a CVRD Building Inspector and he is aware of a 15 lot strata system operated within Electoral Area D but noted it is not owned by the CVRD.
- Rob Conway**
 - Stated that there are a number of older strata systems that are problematic and the CVRD is not generally permitting new development based on privately owned sewer and water strata systems.
- Norman Knodel**
 - If the members of that 15 lot strata community can afford that sewer system why can the CVRD not afford to run that sewer system?
- Rob Conway**
 - If that system was to fail there are only 15 owners to manage and fix that system which could become very expensive.
- Director Duncan**
 - Area "E" Zoning Bylaw specifies 100 units, CVRD Engineering Services Department recommended 100 units for a system as that was felt to be a good number to operate a viable system;

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- Times have changed and the cost, quality and technology has changed significantly and stated that most of the CVRD's Electoral Areas now have a number of 50 units as a threshold;
 - If a developer was to ask for rezoning for less than 50 units that rezoning would likely not be supported;
 - Costs for taking over the smaller systems are huge as well as there being liability issues and further advised that all of the small systems have costs that are borne by the people connected to it.
- Leslie,
5740 Ellison Place**
- On the Gulf Islands before she could sell her Father's property they had to install an engineered system and that system was adequate to service four houses and stated that if a person is a part owner of a private sewer system you are very careful how you use it and the system lasts longer;
 - The smaller units do work and do not count them out as she feels if they are working properly they are only a gain;
 - Asked if there are any green alternatives proposed within the development?
 - Lots of questions have been answered and the community has given a lot of their comments on the application that the applicants should be thinking about.
- Colleen Freeman,
5000 White Road**
- Asked if the CVRD would take nothing less than 50 units as that is a big jump between 50 and the proposed 88 units.
- Director Duncan**
- In order to approve 50 units the existing policy would have to be amended.
- Speaker**
- Asked what green standards are being planned within the development?
- Robin Mayo**
- Re-circulating as much of the water as they can through a retention pond and re-pump it to a separate system for all outside taps for car washing and lawn watering.
- Speaker**
- Will the applicants be directly involved with the property as a strata holder or would they be privately owned lots?
 - Who would be running the community hall?
- Robin Mayo**
- Privately owned lots;
 - Strata group will run the community hall and there will be a strata payment that will include maintenance of all the properties. If somebody chooses to look after their own lot they could but noted that it would be paid for under the strata fees.
- Speaker**
- Will there be an education program for the proposed water and sewer system users to teach them how to use it properly?
 - People moved to the area for its rural beauty and larger acreages and felt that the proposed 88 units was too high a density.
- Robin Mayo**
- People must understand that when he purchased the property he inherited the existing industrial zoning and stated that it allows for 75 industrial units

and that he felt he is not really asking for more than what is already permitted under the present zoning.

- Speaker** ➤ Everyone appreciates that Mr. Mayo owns the property and he is trying to figure out the best thing for the property but noted the community is worried about what could be coming onto the property.
- Robin Mayo** ➤ The mobile home park zoning they are requesting would permit 112 units on site and stated that he is asking for 88 units which is way less in density;
➤ They are giving up almost 40 percent of the property in parkland, common areas and walkways.
- Mel Garside** ➤ Lives across from the proposed development and asked what stopped the previous trailer park zoning change?
- Robin Mayo** ➤ Stated that it was not shut down. He decided to not proceed with the application as there was not a market at that time.
- Mel Garside** ➤ Asked how the proposed sewage treatment will work on site when the previous application would not work?
- Director Duncan** ➤ The applicant is proposing a designated area for a Class A sewage treatment system and disposal field.
- Robin Mayo** ➤ Stated that during the first application they hired hydrogeologists and they tried perc testing in the centre of the property and none of those areas were able to perc and nobody thought at that time about perc testing in the untouched treed area;
- Mel Garside** ➤ Will they be permitted to build on the existing contaminants or will it be cleaned up, which he also noted will be a huge expense.
- Robin Mayo** ➤ They have to carry out an Environmental Assessment on the entire property and holes will be drilled over the entire site and they will have to clean anything that needs cleaning.
➤ The lots that surround the property are all on their own separate water and septic fields and that he felt the proposed community sewer and water system was the better way to go as they were proposing to have a Class A treatment system.
- Wayne Allen** ➤ Costs for the proposed Class A system are approximate at \$475,000.
- Director Duncan** ➤ Enquiries into a Class A system can be made at the CVRD's Engineering Department.
- Speaker** ➤ Asked if the property can be rezoned from its present zoning?
- Robin Mayo** ➤ He has applied for rezoning to MP-1.

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- Speaker** ➤ Asked if he could apply to rezone to another zone rather than Mobile Home Park?
- Robin Mayo** ➤ He would like to see a retirement modular home village which would be affordable housing created on site;
➤ The cost of a brand new home and lot with all the amenities would be under \$250,000.
- Speaker** ➤ Asked if he could create a strata subdivision on the subject property?
- Robin Mayo** ➤ When he first purchased the property their plans were for 1-2 acre lots but noted that the property does not perc for septic fields and wells;
➤ The only way the property will develop is with a community septic system;
➤ Under the proposed zoning the maximum number is 112 units and noted that they are not taking the maximum number they could be getting under the zoning they only applied for 88 units.
- John Willow** ➤ How many of the manufactured houses are single width and how many are double width?
- Robin Mayo** ➤ All lots are designed for 5,000 sq ft double wide lots but noted that did not mean a single wide would not be permitted on a lot.
- John Willow** ➤ How many bedrooms are proposed within the proposed units?
- Robin Mayo** ➤ The units would be 2-3 bedrooms.
- John Willow** ➤ What is the daily requirement for water for a single unit and what is the daily amount of sewage discharge for a single unit?
➤ He further stated that he understood a new development must demonstrate a minimum of 800 gallons per day for single family dwelling.
- Rob Conway** ➤ 800 gallons per day is for domestic water and for fire fighting purposes.
- John Willow** ➤ Will the well be pumped dried out or be repeated throughout the year every day?
- Rob Conway** ➤ Well water tests will have to be proven and stated that the CVRD's Engineering Department requires a proven 800 gallons per day from that well.
- John Willow** ➤ Asked the calculated maximum for demand on the water?
➤ Asked for clarification on the sewage discharge rates of 200 and 250 gallons per day?
- Rob Conway** ➤ 200 gallons a day is the base rate that the CVRD uses for charging and the 800 gallons a day includes fire fighting;

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- 250 gallons per day requirement for sewage flows come from the Municipal Sewage Regulation and the CVRD's policies regarding water establishes it at a 200 gallon per day base rate and anything above that pays a higher rate for it.
- John Willow** ➤ How many bedrooms are involved with the proposed development and what is the amount of sewage per day?
- Wayne Allen** ➤ They have to meet all Municipal and Provincial requirements with the proposed development;
➤ 250 gallons for each 2 bedroom home, 300 gallons for each 3 bedroom home and 350 gallons for every 4 bedroom home.
- John Willow** ➤ What is the expected volume of daily sewage treatment?
- Wayne Allen** ➤ Based on 3 bedroom homes throughout the development it would be 350 gallons times 88 units is what they have calculated on the maximum.
- John Willow** ➤ Those details should be made available to the public prior to the CVRD taking over the system.
- Director Duncan** ➤ If the application goes forward those details will be worked out between the applicant and the CVRD's Engineering Department and that they were not designing a sewer treatment plant at tonight's public meeting.
- Darrell Robinson,
4928 Cowichan Lake
Road** ➤ His property backs on the subject property and stated he does not like the present I-2 zoning and he would like to see it rezoned residential but not at a density of 88 units and hoped that something sensible can be brought back to the public for consideration.
- Deena Nickerson,
5595 Jordan's Lane** ➤ Nearly everyone at the meeting is in support of residential but they do not want the high density that has been proposed as there will be an impact on water and traffic in the area;
➤ Three bedroom homes is not geared at seniors and that she felt they would prefer a 1-2 bedroom smaller home;
➤ Feeling of the public after listening to the comments made is that they do not want the industrial zoning on site they would like to see it rezoned to a residential zoning.
- Robin Mayo** ➤ It is too bad the property does not have good soil on site for perc testing for 1-2 acre lots.
- Director Duncan** ➤ Purpose of a public meeting is for the developer to hear the communities concerns;
➤ He is personally struggling with the community not being friendly for families and children and stated a strong rural community requires younger people in the community with children.

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- Mandy McKenzie,
4964 Brenen Court** ➤ Asked what will happen to the existing creek on the site and stated she is also concerned about the wildlife in the area?
- Mike Lees** ➤ That is a drainage ditch not a creek that runs through the back of his property.
- Wayne Allen** ➤ No extra stormwater will be put into that drainage ditch.
- Mandy McKenzie** ➤ Her property is low lying and floods every winter and stated that drainage is a concern to her.
- Director Duncan** ➤ If the application does go forward a drainage study will be required to be prepared by a professional engineer.
- Robin Mayo** ➤ The whole area will have to be addressed properly.
- Liz** ➤ Something has to happen on that site and she wants to see the trees replanted on site.
- Robin Mayo** ➤ If an industrial operation was operating presently on site people who moved into the area over the last 10 years would be complaining about it.
- Val Burnside,
5090 Culverton
Road** ➤ Just purchased property over a year ago as the area is quiet and there are no street lights;
➤ She has nothing against families being raised in the area but feels that it is not a wonderful idea to raise children in an 88 unit modular home park;
➤ She has planted very large trees and plants along her property boundary for privacy;
➤ She understands the developer wants to make some money but noted that she felt something else should be looked at instead of the proposed development.
- Charles Jordan** ➤ He has lived in the area of 70 years and asked if he will have to dig his drainage ditches on his farm down further to handle the volume of water that will be coming out of the septic field?
- Wayne Allen** ➤ 85 percent of it will evaporate.
- Charles Jordan** ➤ The whole area on site was skimmed and the chemically treated soil and hog fuel was pushed into the swampy area and noted that is where the modular homes are being proposed.
- Robin Mayo** ➤ An environmental assessment and drilling will have to occur to test the soils to find out what is on site and the bog area will have to be cleaned up.
- Charles Jordan** ➤ There are tires in a hole on the property located near his driveway and asked if that will also be cleaned up.

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Robin Mayo

- That would also be part of the environmental assessment.

Director Duncan

- Stated that the Public Meeting Minutes will be prepared and forwarded to the CVRD's Electoral Area Services Committee and if a significant change is proposed to the application he will request that another Public Meeting be held.

Liz

- Asked if there was another way to notify adjacent property owners of another meeting?

Director Duncan

- Notification is placed within the local newspapers and he also personally placed a notice of tonight's Public Meeting on the mailboxes in the area.

ADJOURNMENT

Director Duncan asked for public comments or questions from the public present regarding the Rezoning Application No. 7-E-07RS (Cherry Blossom Estates).

Director Duncan thanked the public for attending the Public Meeting and declared the Public Meeting closed at 9:43 pm.



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STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF APRIL 7, 2009

DATE: April 1, 2009

FILE NO: 3-B-08RS

FROM: Dana Beatson, Planner

**BYLAW
NO:**

SUBJECT: Application No. 3-B-08RS
(Bill Hays & Jacqueline Logan)

Recommendation:

Option 1 is recommended.

1. *That Rezoning Application 3-B-08RS (Bill Hays & Jacqueline Logan) be approved;*

That a Zoning Amendment Bylaw to rezone Lot B, Section 15, Range 4, Shawnigan District, Plan 58126 from F-1 (Primary Forestry) to F-2 (Secondary Forestry) be prepared and forwarded to the Regional Board for first and second reading;

That prior to a public hearing being scheduled that the property owners provide in writing to the Cowichan Valley Regional District their commitment regarding park land dedication.

That a public hearing be scheduled for the Zoning Amendment Bylaw with Directors Cossey, Giles, and Iannidinardo named as delegates.

Purpose:

To amend Shawnigan Lake Zoning Bylaw No. 985 to allow the subject property to be subdivided into two parcels.

Financial Implications: None identified

Interdepartmental / Agency Implications: None identified

Background:

Location of Subject Property: 1714 Thain Road, Shawnigan Lake

Legal Description: Lot B, Section 15, Range 4, Shawnigan District, Plan 58126 (PID: 018-606-300)

Date Application and Complete Documentation Received:

February 13, 2008

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Owner: Jacqueline Logan and Bill Hayes

Applicant: Same as above

Size of Parcel: \pm 11.07 hectares (\pm 27.35 acres)

Current Zoning: F-1 (Primary Forestry)

Proposed Zoning: F-2 (Secondary Forestry)

Minimum Lot Size Under Existing Zoning: The minimum parcel size in the F-1 zone is 80 hectares.

Minimum Lot Size Under Proposed Zoning The minimum parcel size in the F-2 zone is 4.0 hectares.

Existing Plan Designation: Forestry

Proposed Plan Designation: No changed proposed.

Existing Use of Property: Residential; a residential dwelling is situated on the northern portion of the subject property.

Existing Use of Surrounding Properties:

- North: The two parcels located immediately north are zoned A-1 (Primary Agriculture). The parcel to the northeast is within the ALR.
- South: Land immediately to the south is zoned Primary Forestry (F-1) and contains residential and forestry uses. There is also an agricultural parcel located to the southeast of the property which is zoned A-1.
- East: Lands immediately to the east are zoned Primary Agriculture (A-1) and are within the ALR.
- West: Land immediately to the west is zoned Primary Forestry (F-1) and contains forestry uses. There is a private woodlot licence on this parcel.

Services:

<u>Road Access:</u>	Thain Road
<u>Water:</u>	Drilled well
<u>Sewage Disposal:</u>	On-site sewage disposal

Agricultural Land Reserve Status: Not within ALR; ALR abuts property on the northern boundary and the eastern boundary.

Contaminated Sites Regulation: Declaration pursuant to the *Waste Management Act* signed by the property owners. No "Schedule 2" uses noted.

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Environmentally Sensitive Areas: None identified on site.

Archaeological Site: None identified.

Proposal:

The owners have applied to rezone the subject property to allow it to be subdivided into two parcels. The objective of the rezoning and subdivision is to create a new building, which the owners intend to sell. If the property is successfully rezoned, the owners intend to subdivide into two parcels of approximately of 4.0 ha (10 ac) and 7.0 ha (17 ac). Proposed Lot B on the east side of the property would accommodate the existing single family dwelling, the existing well and septic and garage. Proposed Lot A would be created as a new lot on the west side of the property and would accommodate a single family dwelling, an accessory building, a drilled well, onsite sewage disposal, and possibly a small suite if the owners of the lot decide to build a suite. A subdivision sketch plan showing the approximate subdivision configuration is attached to this report. The actual subdivision boundaries and lot areas, however, will be confirmed through the subdivision application review process.

Access to the proposed new lot is from a private driveway located on Thain Road west of the existing private driveway that is currently used to access the single family residence on the property.

A disposal field is proposed along the eastern boundary of proposed Lot A and the well and building envelope are proposed on the western portion of the lot. Proposed Lot B already has a well and septic field located on it. The Cowichan Bay Volunteer Fire Department provides fire protection for the entire property.

Approval of this application would result in a subdivision application. Parkland dedication or cash in lieu during the subdivision process under Section 941 of the *Local Government Act* would not be required. Section 941 of the *Local Government Act* states that an owner of land being subdivided must provide parkland in the amount of 5%, and in a location acceptable to the local government if the smallest parcel created is 2.0 ha or less in size and 3 or more new parcels are being created. Based on the information provided to us by the applicant (i.e. a subdivision of the parcel into two lots of approximately 7.0 ha and 4.0 ha) there are fewer than three new parcels being created and the smallest parcel being created is greater than 2.0 ha, therefore, park dedication or cash-in-lieu is not required.

Site Context:

The subject property is located at 1714 Thain Road in Shawnigan Lake on the eastern most boundary of Electoral Area 'B'. The site is approximately 8 kilometres from the Cowichan Bay firehall and 1.5 kilometres from Cobble Hill Village. There is a train stop and transit bus stop about 1.5 kilometres from the subject property.

Surrounding land uses are primarily agricultural and forestry. Agricultural lands to the immediate east and north, which have access from Thain Road, range in size from 1.5 ha to 5.0 ha (4 ac. to 8 ac.). Properties to the west and south are larger forestry parcels, with sizes between

23 ha and 26 ha (57 ac. to 64 ac.). Lands to the northeast, east and southeast are in the Agricultural Land Reserve and range in size from 7.0 ha (17 ac.) to 17 ha (42 ac.) and an agricultural parcel to the northeast abuts the subject property. The site itself is 11.07 hectares (27 ac.) in area with approximately 500 metres of road frontage on Thain Road.

Policy Context:

Official Community Plan:

The OCP for Area 'B' (Bylaw No. 985) designates the subject property and lands to the south and west as Forestry. Lands to the north and east are designated Agriculture in the Plan. The Forestry designation is primarily intended for forestry use with minimum lot sizes of 80 ha (200 acres) for primary forestry uses and a minimum lot size of 4.0 for secondary forestry uses. Residential uses are permitted on individual parcels within the Forestry designation. The following OCP policies are applicable to the Forestry designation:

Policy 2.1: Forestry related uses shall be given priority on lands designated Forestry in the Plan, however, the following subordinate uses may be permitted in the Electoral Area B Zoning Bylaw:

- a) Mineral and aggregate extraction and processing;*
- b) Outdoor recreational activities, not involving permanent structures;*
- c) Residential, agricultural and horticultural uses.*

Policy 2.6: It is the Board's Policy that further residential development should be discouraged in the areas designated Forestry.

Policy 2.10: The primary purpose of the F-2 (Secondary Forest) Zone, with a minimum parcel size of 4 hectares is to provide a buffer between large forestry parcels and residential land designations, as a means of limiting the potential for land-use conflicts. In considering applications for rezoning of Primary Forestry (F-1) to Secondary Forestry (F-2), the Regional Board will give preference to proposals that meet the following criteria:

- a) The subject lands are designated for forestry use in the Official Community Plan;*
- b) The subject lands are adjacent to residentially-designated lands or between forestry land and residentially-designated lands;*
- c) A very substantial dedication of public park and/or community forest (a public amenity) is a component of the application, and the proposed dedication is in a location and of a character considered by the Board to be beneficial to the community and region.*

From an administrative viewpoint, the proposed zoning change does not require an OCP amendment. The property is designated as Forestry in the Plan and does not require a designation change for the proposed zoning amendment will remain under this designation.

Zoning Bylaw:

Area 'B' Zoning Bylaw No. 985 zones the subject property F-1 (Primary Forestry). In addition to Forestry and silviculture, the F-1 zone permits agriculture, a single family residential dwelling

or mobile home, home occupation – domestic industry, bed and breakfast accommodation, a secondary suite or small suite on parcels that are less than 10.0 ha in area and a secondary suite or a second single family residential dwelling on parcels that are 10.0 ha or larger in area.

The F-2 zone is similar to the F-1 zone in that it allows the management and harvesting of primary forest products, a single family residential dwelling or mobile home, a second single family residential dwelling on parcels that are larger than 10.0 ha, agriculture, silviculture, and horticulture, a home occupation – domestic industry, bed and breakfast accommodation, and a secondary suite or small suite on parcels that are one acre or larger and less than 10.0 ha in area. The main differences between these two forestry zones is that that F-1 zone permits the extraction, crushing, and milling of mineral resources and that F-2 zone does not. Another key difference is the minimum permitted lot size, which is 4.0 ha for the F-2 zone and 80 ha in the F-1 zone.

It is worth noting that under the current F-1 zoning the applicant is permitted to have either a secondary suite or a second single-family dwelling because the parcel is larger than 10.0 hectares. As an alternative to the placement of a second dwelling on the parcel, the owners have opted to rezone the land to F-2 so that the parcel can be subdivided into two lots as they intend on selling proposed Lot A.

A copy of the current F-1 zone and the proposed F-2 zone has been attached to this report.

Advisory Planning Commission Comments:

The application was reviewed by the Area 'B' APC on January 26, 2009. The Area 'B' APC recommended approval of the application with the subdivision of the subject property into two lots with a minimum parcel size of 4.0 ha each. They also stated that park dedication, although not required at the rezoning stage, would be a fitting offering. The APC expressed concerns that a successful rezoning might set a precedent for rezoning small F-1 parcels in the area but felt that this particular property, due to its steep slopes and its close proximity to Cobble Hill Village, would be inappropriate for commercial forestry.

Government Agency Comments:

This application was referred to government agencies on December 22, 2009. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation & Infrastructure – *Interests unaffected.*
- Cowichan Bay Volunteer Fire Department – *Interests unaffected.*
- Central Vancouver Island Health Authority – *This office has no objection to the proposed rezoning application at this time. A full assessment for subdivision can be done upon receipt of a referral from the approving officer.*
- Cowichan Tribes – *No comments received.*
- CVRD Parks Department – *The application has been referred to the Shawnigan Lake Parks and Recreation Commission and formal comments are pending.*
- Ministry of Forests: *Interests Unaffected.*
- Ministry of Environment: *The property is subject to the Riparian Areas Regulation prior to subdivision approval. The development of these large lots for residential use should be subject to the guidelines for site development and management found in the Ministry of Environment's document "Development with Care." The opportunity to plan and design*

the development to ensure protection of local environmentally sensitive areas that may exist on the property (beyond watercourse protection) should be promoted.

- Malahat First Nation: *No comments received.*
- School District No. 79: *No comments received.*

Planning Division Comments:

Land Use:

In looking at the Shawnigan Lake OCP for direction with respect to lands designated as forestry in the Plan, Policy 2.1 states that *forestry related uses shall be given priority on lands designated Forestry in the Plan*. Policy 2.6 states that *it is the Board's Policy that further residential development should be discouraged in the areas designated Forestry*.

With respect to the F-2 (Secondary Forestry) zone, the OCP states that *the primary purpose of the F-2 zone, with a minimum parcel size of 4.0 ha, is to provide a buffer between large forestry parcels and residential land designations, as a means of limiting the potential for land-use conflicts. In considering applications for rezoning of Primary Forestry (F-1) to Secondary Forestry (F2), the Regional Board will give preference to proposals that meet the following criteria:*

- a) The subject lands are designated for forestry use in the Official Community Plan;*
- b) The subject lands are adjacent to residentially-designated lands or between forestry land and residentially-designated lands;*
- c) A very substantial dedication of public park and/or community forest (a public amenity) is a component of the application, and the proposed dedication is in a location and of a character considered by the Board to be beneficial to the community and region.*

Regarding the criteria above, the land uses adjacent to the property are forestry and agricultural and the subject property is not adjacent to residentially designated land or on the fringe of a residential neighbourhood. As such, property does not meet the primary purpose of the F-2 zone (i.e. to act as a buffer between large forestry parcels and residential land designations as a means of limiting land use conflicts).

If a rezoning from F-1 to F-2 were to take place within this part of Shawnigan Lake, it would be the first parcel in the immediate area to be zoned to F-2 and it would likely set a precedent for similar applications in the future. The APC expressed concerns regarding the approval of the application in setting a precedent with respect to F-1 parcels but still recommended approval of the application.

The Secondary Forestry (F-2) zone was a new zone that was introduced in the Shawnigan Lake Zoning Bylaw No. 985 in 2006. This occurred when an application was approved for rezoning F-1 land to F-2 land within the Goldstream Heights subdivision in Shawnigan Lake. Prior to 2006, a secondary forestry zone did not exist within the Shawnigan Lake zoning bylaw and secondary forestry policies were not addressed in the OCP, therefore, it could be argued that the F-2 zone was not anticipated when the current zoning bylaw was adopted in 1986 and when the current OCP was adopted in 1987.

The subject property is designated forestry in the OCP and the lands are proposed to remain under the forestry land designation. The subject property is currently being utilized for residential purposes and has been since 1994, which is a permitted use within the F-1 zone. The owners have applied for this amendment for the purpose of subdivision. The owners would prefer to achieve one new parcel in addition to the existing parcel for a total of two parcels rather than placing a second single family residential dwelling on the parcel which is permitted under the current zoning. The owners are proposing to maintain relatively large lots sizes of 7.0 hectares and 4.0 hectares and these lots sizes are similar to surrounding land densities to the north. Lands to the west, east and south are slightly larger in size ranging between 15 ha to 23 ha.

The proposed zoning amendment would not significantly change the current use of the property, as the intent is that it continues to be used for larger lot rural residential purposes if it is rezoned and subdivided. The intensity of use on the property, however, would be increased marginally with the construction of a new single family dwelling and possibly the construction of a small suite or secondary suite on proposed Lot A.

OCP Policy 2.10(c) states that the Regional Board will give preference to proposals where a substantial dedication of public park and/or community forest (a public amenity) is a component of the application. On March 17, 2009 staff from the Development Services Division and Parks and Trails Division met with members of the Electoral Area B Parks and Recreation Commission and conducted a site visit in order to obtain preliminary comments regarding possible public land dedication. During the site visit the Area B Parks Commission indicated that they would like to see a 10 metre corridor dedicated along the western boundary of the property as public land for future trail use and linkages to Cobble Hill Mountain. The Parks Commission will be making formal comments on this application at their meeting in April 2009. CVRD staff have spoken with the owners and have been informed that the owners are willing to work with the CVRD Parks and Trails Division in negotiating the details of the trail corridor such as size and access. The only concern the owners expressed was that the trail location identified by the Area B Parks Commission is the same approximate location the owners intended on siting the access driveway for proposed Lot A. It should be noted that there is no firm commitment between the Cowichan Valley Regional District and the property owners regarding park land dedication and staff are recommending that the owners provide their commitment in writing to the CVRD prior to the scheduling of a public hearing.

Because the applicant is proposing to provide public land dedication as part of the rezoning application and because the community (as represented by the APC) recommended approval of the application, staff feel there is some merit to the application and are interested to see if the proposal would achieve broader community support at a public hearing. Therefore, staff are recommending that the application be approved, that the appropriate amendment bylaw be written and forwarded to the Regional Board for first and second reading by the Board, and that application proceed to a public hearing.

Finally, the EASC should also be aware that Electoral Area B is currently undergoing an OCP review. During this process broader planning matters such as land and growth management are being reviewed. In the meantime, the EASC may wish to consider if an informal public meeting should be held specifically about this site so that the community can provide feedback on the proposal.

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Options:

1. That Rezoning Application 3-B-08RS (Bill Hays & Jacqueline Logan) be approved;

That a Zoning Amendment Bylaw to rezone Lot B, Section 15, Range 4, Shawnigan District, Plan 58126 from F-1 (Primary Forestry) to F-2 (Secondary Forestry) be prepared and forwarded to the Regional Board for first and second reading;

That prior to a public hearing being scheduled that the property owners provide in writing to the Cowichan Valley Regional District their commitment regarding park land dedication.

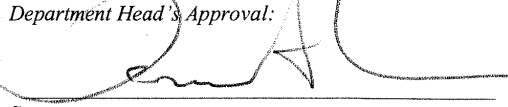
That a public hearing be scheduled for the Zoning Amendment Bylaw with Directors Cossey, Giles, and Iannidinardo named as delegates.

2. That a public meeting be held to obtain community input on the proposed bylaw amendment.
3. That application 3-B-08RS (Bill Hays & Jacqueline Logan) be denied, and a partial refund be given to the applicant in accordance with CVRD Development Applications Procedures and Fees Bylaw No. 2255.

Submitted by,



Dana Beatson
Planner
Planning and Development Services Department

<p>Department Head's Approval:</p> 
<p>Signature</p>



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No.

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

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

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

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

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

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

1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. xx - Area B – Shawnigan Lake Zoning Amendment Bylaw (Hayes), 2008**".

2. AMENDMENTS

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

- a) That Schedule B (Zoning Map) to Electoral Area B – Shawnigan Lake Zoning Bylaw No. 985 is further amended by rezoning Lot B, Section 15, Range 4, Shawnigan District, Plan VIP58126, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-, from F-1 (Primary Forestry) to F-2 (Secondary Forestry).

.../2

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3. FORCE AND EFFECT

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

READ A FIRST TIME this _____ day of _____, 2009.

READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

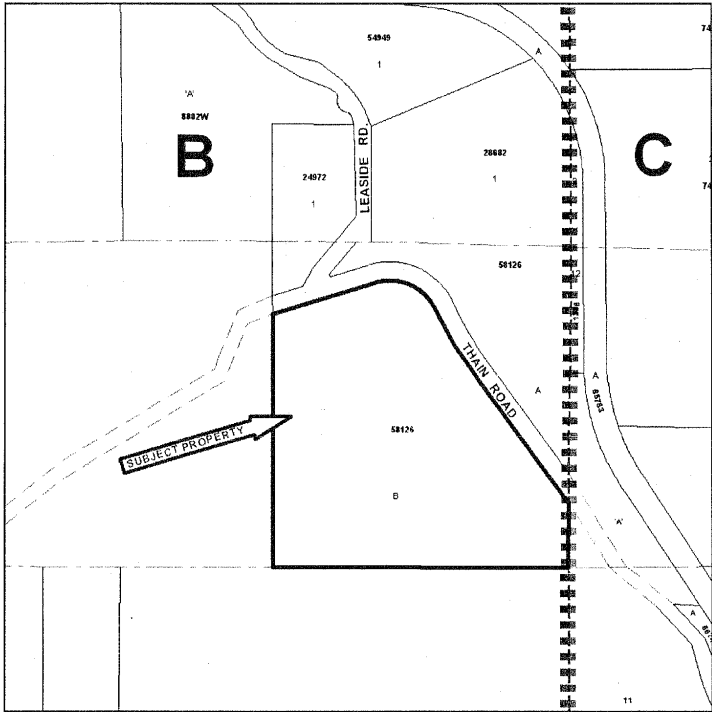
ADOPTED this _____ day of _____, 2009.

Chairperson

Secretary

PLAN NO. Z-

SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO. _____
OF THE COWICHAN VALLEY REGIONAL DISTRICT

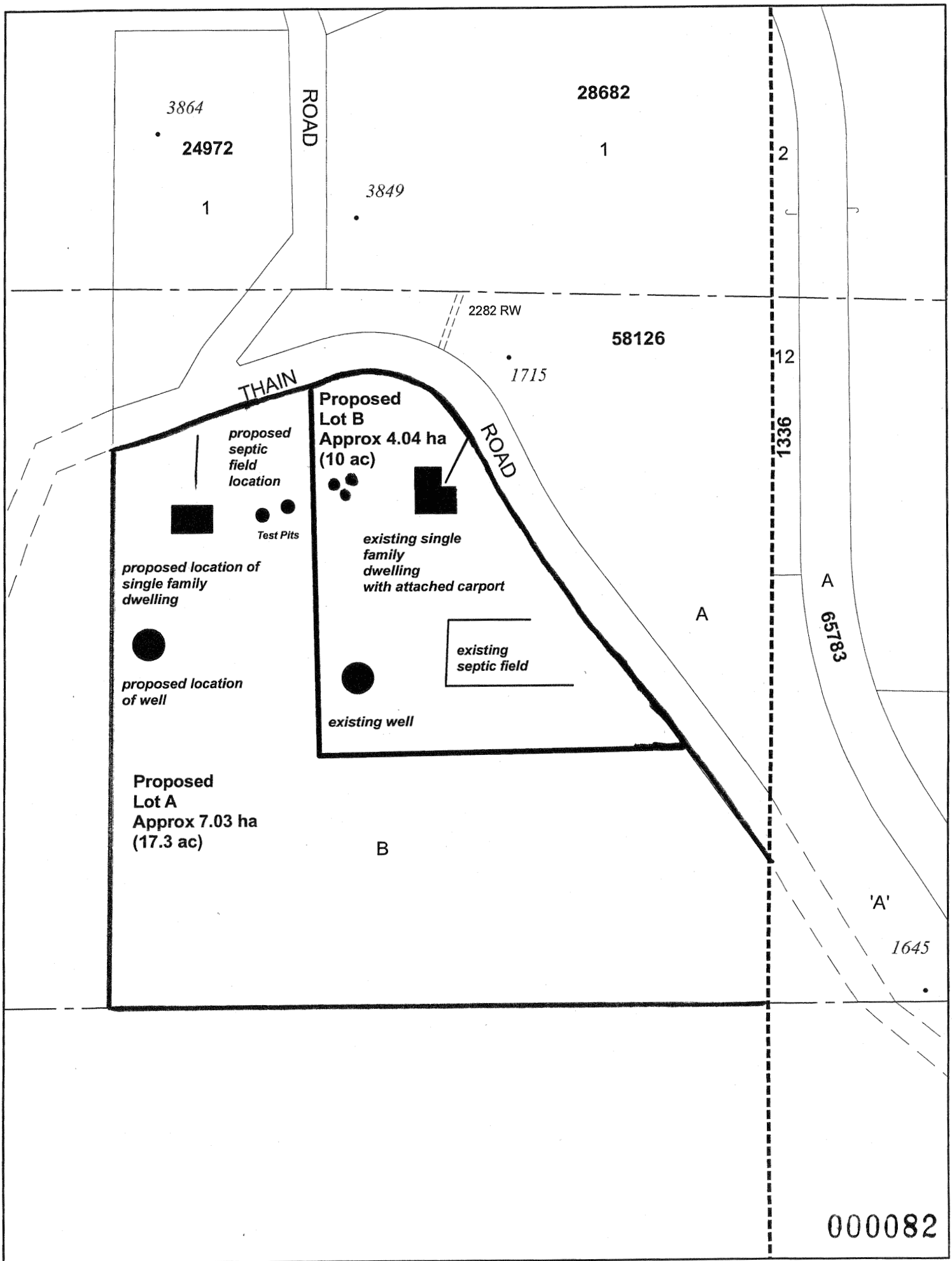


THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

F-1 TO

F-2 APPLICABLE

TO ELECTORAL AREA _____





Cowichan
Valley
Regional
District


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

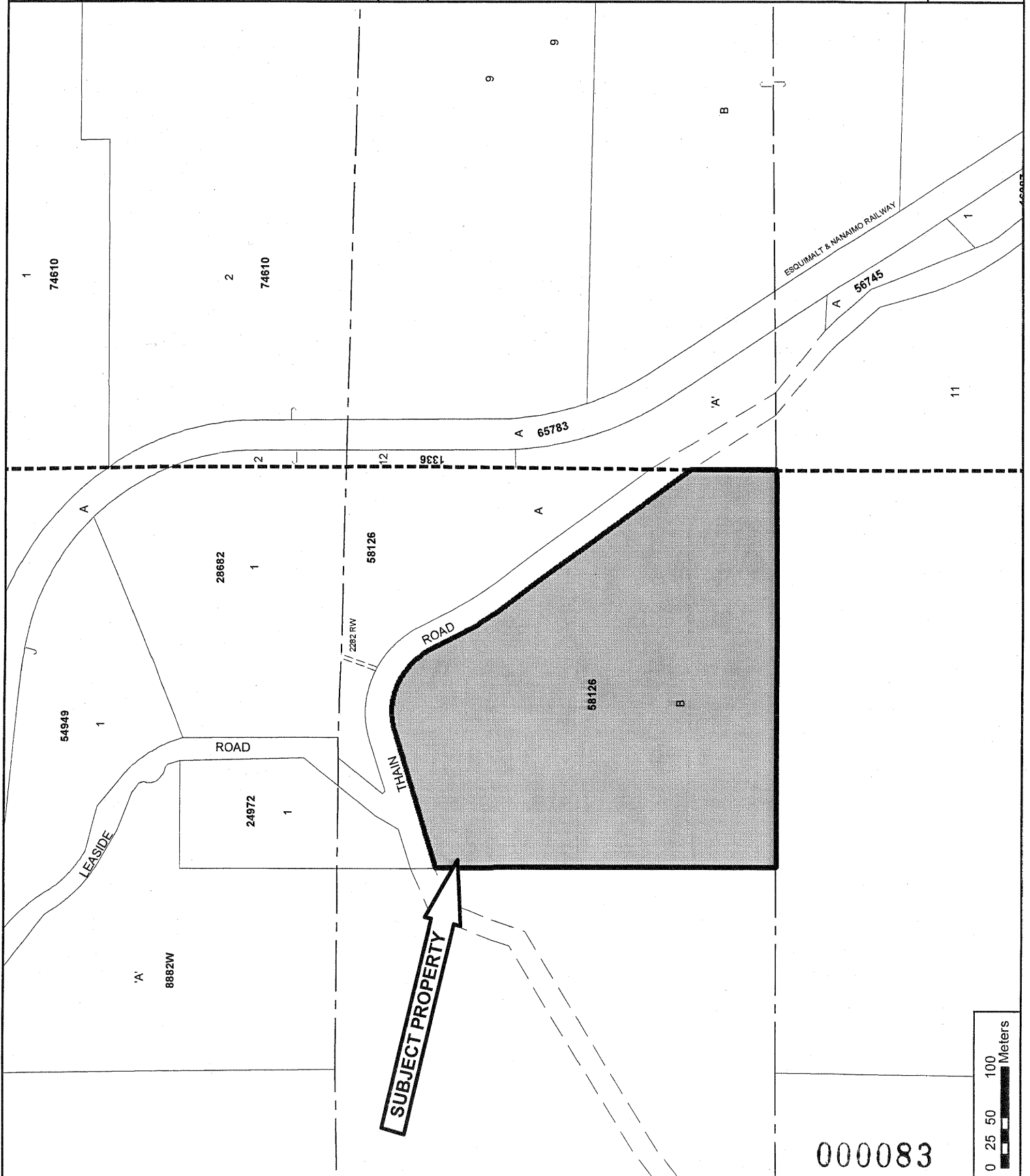
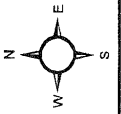
The Regional District does not
warrant the accuracy.

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

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

FILE: 3-B-08-RS

Legend
 Subject Property



000083



**Cowichan
Valley
Regional
District**

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

The Regional District does not warrant the accuracy.



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

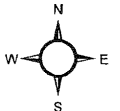
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 3-B-08-RS

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area B





Cowichan
Valley
Regional
District

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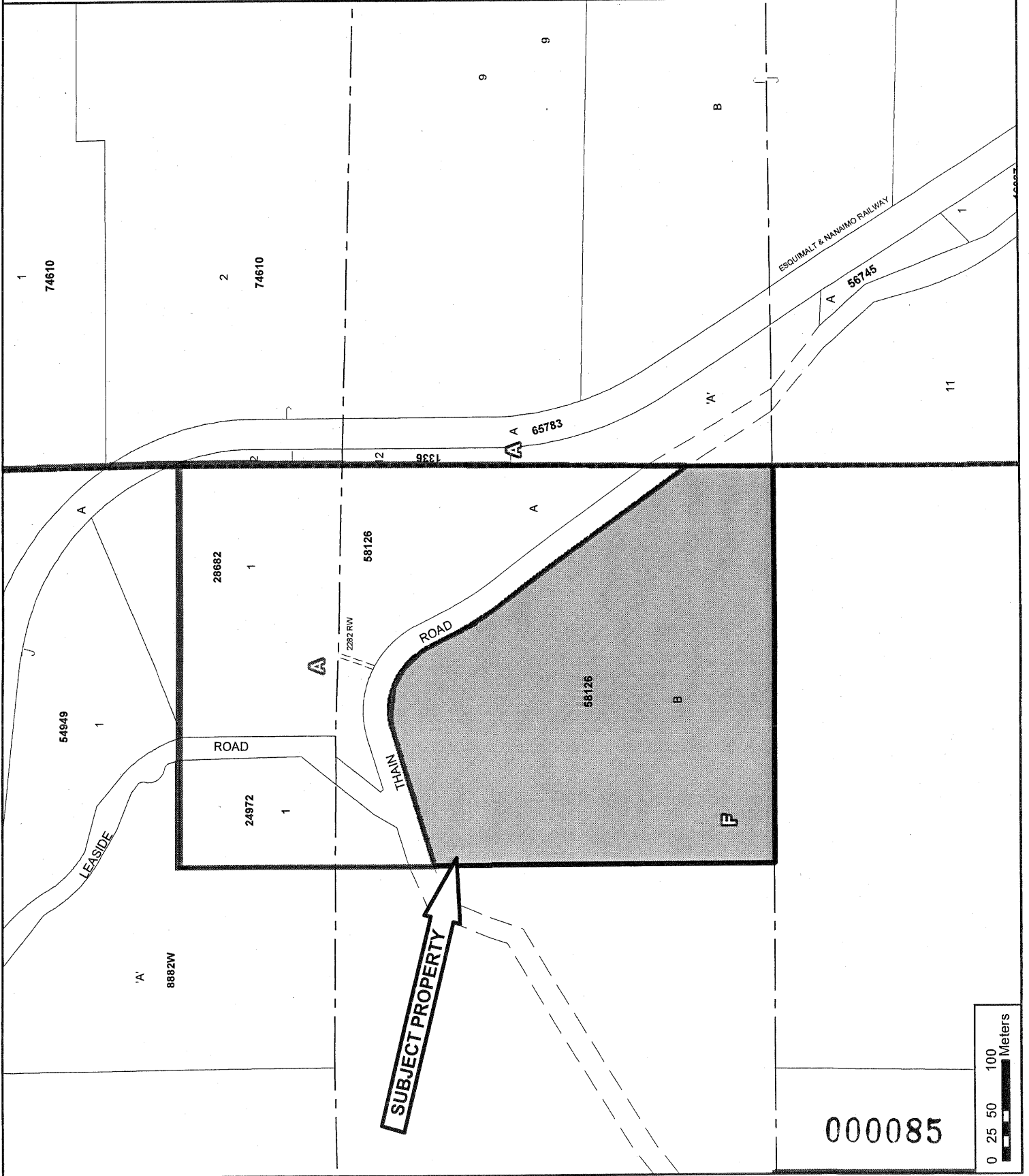
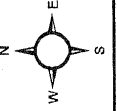
FILE: 3-B-08-RS

OCP

Legend



Subject Property
OCP Electoral Area B



000085





**Cowichan
Valley
Regional
District**

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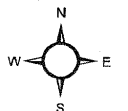
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 3-B-08-RS

**Sensitive
Ecosystem
Inventory**

Legend

-  Subject Property
-  SEI 2004



SUBJECT PROPERTY

980000

0 25 50 100
Meters



**Cowichan
Valley
Regional
District**

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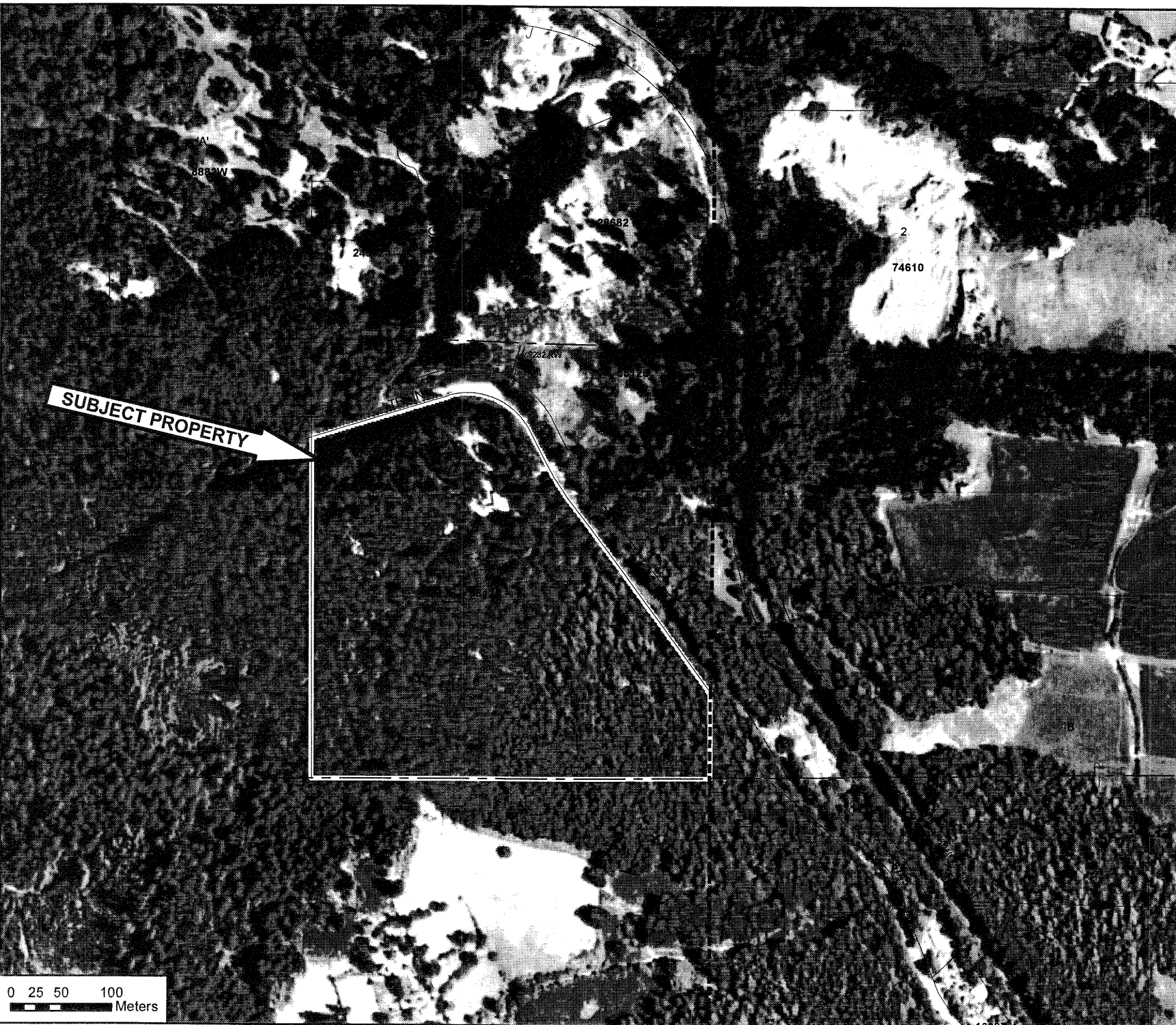
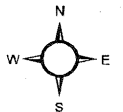
The Regional District does not warrant the accuracy.

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

FILE: 3-B-08-RS

**Orthophoto
(2002)**



0 25 50 100
Meters

000087

7.4 F-1 ZONE – PRIMARY FORESTRY

(a) Permitted Uses

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

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

(b) Conditions of Use

For any parcel in an F-1 Zone:

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

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

000088

7.6 F-2 ZONE - SECONDARY FORESTRY

(a) Permitted Uses

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

- (1) management and harvesting of primary forest products excluding sawmilling and all manufacturing and dry land log sorting operations;
- (2) single family residential dwelling or mobile home;
- (3) two single family residential dwellings on parcels 10.0 ha. or larger
- (4) agriculture silviculture horticulture;
- (5) home occupation – domestic industry;
- (6) bed and breakfast accommodation;
- (7) secondary suite or small suite.

(b) Conditions of Use

For any parcel in an F-2 zone:

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

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

000089

PART THIRTEEN**AREA SHAPE AND DIMENSIONS OF PARCELS**

- 13.1 With respect to the zones identified in Column I of Section 6.1 and briefly described in Column II the minimum parcel size shall except to the extent as varied by the provisions of Sections 13.2 13.11 and 13.12 be in accordance with the following table based on the method of sewage disposal and water supply:

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

PART TWO – PLAN OBJECTIVES

1. GENERAL OBJECTIVES OF THE PLAN

This Plan is to guide the development of Electoral Area “B” of the Cowichan Valley Regional District. The Plan notes the unique forests, recreational and scenic resources of Electoral Area “B” and its waters, and aims to preserve these amenities. At the same time the Plan notes the pressures for residential growth. The overriding goal of this Plan is to reconcile these two aspects: “to accept a reasonable share of Vancouver Island growth while protecting and enhancing Electoral Area “B” recreational, scenic, and forest resources”.

The Plan takes into account the capacities and limitations for development of Electoral Area “B” in terms of topography, existing land use, land ownership, soils, environmental features, existing public utilities, public services and transportation network. The Plan, on the basis of this material, sets forth policies, a schedule of land use categories and a plan map which should help to achieve the objectives of good technical planning as well as those aspirations expressed by Advisory Planning Commissions and citizens. This Plan is not seen as a static or unchanging document, but rather is intended to provide a sound framework upon which to base planning decisions in the future.

Specific Plan Objectives

1. To provide for a variety of residential accommodation and different lifestyles while preserving the essential rural character of Shawnigan.
2. To ensure the harmonious and economical integration of existing and future land use and services by means of orderly and phased growth primarily in and around existing developed areas.
3. To discourage intensive commercial and residential development that would erode the present rural and resort character of the area.

4. To promote the wise use and conservation of agricultural, recreational, and resource lands, historical sites and ecologically sensitive areas.
5. To ensure that Shawnigan Lake is maintained as a dependable bulk source of potable water by strictly regulating all development within its watershed through regulatory bylaws.
6. To encourage Shawnigan Village to continue to develop as the primary commercial, social and cultural centre of the Shawnigan area.
7. To favour Shawnigan Village and the existing high density residential areas in the immediate vicinity if and when improved community services are to be installed. (i.e. water, sewer, sidewalks).
8. To promote the improvement of the area's transportation system for all modes of travel and specifically to enhance the major road system in order to provide ease of access for travellers while preserving the amenities of residential areas.
9. To permit Shawnigan to develop as a unique rural community, distinct from the nearby communities of Cobble Hill and Mill Bay.
10. To ensure that the overriding consideration in any development is the preservation of the natural qualities and recreational amenities of land and water areas, especially Shawnigan Lake.

2. FORESTRY POLICIES**

POLICY 2.1:

Except where otherwise provided for in this plan, forestry related uses shall be given priority on lands designated Forestry in the plan map, however, the following subordinate uses may be permitted in the Electoral Area "B" Zoning Bylaw:

- a) mineral and aggregate extraction and processing;
- b) outdoor recreational activities, not involving permanent structures;
- c) residential, agricultural and horticultural uses.

POLICY 2.2:

Within the Shawnigan Lake watershed, the Board strongly encourages the Province of BC, private forest companies and individual land holders to utilize careful logging practices in order to reduce the risk of local flooding, nutrient loading of the lake, and siltation of the lake bottom.

POLICY 2.3:

The potential for outdoor recreation that exists in some forested uplands of this area shall be protected for continuous use by future generations in conjunction with the management of the forest.

POLICY 2.4:

Pursuant to the policies of the major forest companies, controlled use of private logging roads and areas for public recreational activities shall be permitted where possible, except during times of high or extreme forest fire hazard.

POLICY 2.5:

Forestry or mining related structures and buildings or the storage of machinery on lands within the Forestry designation shall be designed and sited to minimize noise, visual and environmental impact.

POLICY 2.6:

It is the Board's Policy that further residential development should be discouraged in the areas designated Forestry. Furthermore, linear residential growth along the Renfrew Road, Koksilah River, and other natural waterways shall be discouraged in order to preserve the wilderness features of these areas.

POLICY 2.7:

The minimum lot size in the Forestry designation shall be not less than 20 hectares (50 acres).

POLICY 2.8:

Notwithstanding the Forestry Policies of this Plan, the lands described as Lot 152, King Solomon Mineral Claim, Helmcken District, and Parcel A (DD613701) of Lot 153, Blue Bell Mineral Claim Helmcken District and Lot 157, Koksilah Mineral Claim, Helmcken District, except that part thereof shown coloured red on Plan 1201 O.S., may be designated as Secondary Forestry in the Plan and zoned to a new F-2 zoning category in the Electoral Area "B" Zoning Bylaw. The F-2 Zone shall require a minimum parcel size of 4.0 hectares.

* Where policies in this section relate to matters beyond the jurisdiction of the CVRD, they serve only as "broad objectives: to help guide senior governments in their decision making process.

POLICY 2.9

Parcels of land in the Forestry designation that are under 10.0 hectares in area will be subject to Policy 6.7A of this Plan. Parcels of land in the Forestry designation that are 10.0 hectares in area or greater may be permitted to have a second free-standing dwelling unit on them, but shall not be permitted to also have a small suite.

POLICY 2.10:

The primary purpose of the F-2 (Secondary Forestry) Zone, with a minimum parcel size of 4 hectares, is to provide a buffer between large forestry parcels and residential land designations, as a means of limiting the potential for land-use conflicts. In considering applications for the rezoning of Primary Forestry (F-1) to Secondary Forestry (F-2), the Regional Board will give preference to proposals that meet the following criteria:

- a) the subject lands are designated for forestry use in the Official Community Plan;
- b) the subject lands are adjacent to residentially-designated lands or between forestry lands and residentially-designated lands;
- c) a very substantial dedication of public land for park and/or community forest (a public amenity) is a component of the application, and the proposed dedication is in a location and of a character considered by the Board to be beneficial to the community and region.

3. MINERAL AND AGGREGATE RESOURCES POLICIES *

POLICY 3.1:

The potential for the extraction and process of mineral and aggregate resources including sand and gravel shall be considered on all lands designated for agricultural or forestry use prior to those lands being approved for redesignation to any other use.

POLICY 3.2:

Recognized resource management techniques, especially with regard to conservation and reclamation, should be required by all mining, extractive and quarrying operations in order to permit sequential use of the land after the mineral aggregate resources are extracted.

POLICY 3.3:

The siting and development of all buildings and equipment for quarrying, excavation, drilling, and processing shall be undertaken in such a manner as to minimize the impact of the operation on adjacent properties.

POLICY 3.4:

All open-pit extraction sites shall, when reclaimed, be restored so that they are suitable for subsequent uses *which are compatible in scale and character with the surrounding properties.

POLICY 3.5:

Processing activities which are directly related to mineral or aggregate extraction and which are temporary in nature (i.e. asphalt batch plants, etc.) may be considered by the Regional Board pursuant to the Temporary Use policies of this plan.

* Where policies in this section relate to matters beyond the jurisdiction of the CVRD, they serve only as "broad objectives" to help guide senior governments in their decision making process.



D5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 7, 2009

DATE: April 2, 2009
FROM: Dana Beatson, Planner
SUBJECT: Rezoning Application No. 1-F-06RS (Paul Cooper)

Action:

Direction from the Committee is requested.

Purpose:

1. To review minutes from the public meeting held on October 7, 2008 regarding a proposed Official Community Plan amendment applicable to Area 'E' and Part of Area 'F' and a proposed Zoning amendment applicable to Area 'F' that would allow residential uses on the subject property.
2. To consider if the proposed bylaw amendments for application 1-F-06RS should be given first and second reading and a public hearing scheduled.

Financial Implications: N/A

Interdepartmental / Agency Implications: N/A

Background:

An application to amend the Area 'F' Zoning Bylaw and Area 'E' and Part of Area 'F' Official Community Plan to permit residential uses on the subject property located at the junction of Kapoor Road and Old Cowichan Lake Road was considered at the August 5, 2008 EASC meeting. The Committee recommended that the application be forwarded to a public meeting. The purpose of the public meeting was to gauge community response to the application before the CVRD Board decides if the application should proceed to the bylaw amendment stage.

A public meeting for the application was held on October 7, 2008 at the Sahtlam Fire Hall and approximately 18 members of the public attended. The minutes of the meeting is attached to this report for the Committee's information and consideration. Public correspondence has not been attached to this report because no correspondence was received regarding this application.

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Planning Division Comments:

The staff report that was considered by the Committee on August 5, 2008 is provided as an attachment to this report. Drafts of the proposed amendment bylaws are also attached.

Shortly after the public meeting was held, the applicant indicated to Planning staff that he was considering making amendments to his rezoning application. The applicant was considering changing the proposed zoning on the northwest portion of the property from F-2A (Forestry/Residential) to R-1 (Rural Residential 1). This amendment to the zoning could have lead to increases in the density permitted on the northwest portion of the property from approximately 7 lots to 12 lots. Planning staff did not forward the public meeting notes to the Committee in October 2008 because there was a strong possibility that the application was going to be amended. If this application was amended at that time, the application would have required reconsideration by the Committee and possibly another public meeting. Planning staff determined the best course of action was to place the application on hold until the applicant made a decision regarding amendments to the application. In late February 2009, Planning staff were informed that the applicant would not be amending the application. As such, the public meeting minutes and amendment bylaws are now being forwarded to the Committee for their consideration.

On October 30, 2008 the Area F Parks and Recreation Commission reviewed the application and recommended that an access trail be dedicated that would run from the south of the property at Old Lake Cowichan Road along the BC Hydro right-of-way and exit on the northeast side of the property. The application was also reviewed by the CVRD Parks and Trails Division. On March 10, 2009 CVRD Parks and Trails Division staff provided the following recommendations (see attached):

- 1) If a public road dedication runs through a portion of the property as per the most recently submitted proposed subdivision plan, then a 7 metre trail corridor is recommended to extend from the end of the road and run northeast to the border of the property, as identified on the plan dated February 19, 2009 (see attached).
- 2) If the road is to be changed to a non-public road or if no road is put in then a 7 metre wide trail corridor extending from Old Lake Cowichan Road is recommended to run under the Hydro R/W, to the northeast end of the property.

Planning staff are supportive of the Parks and Trails Division's recommendations.

The committee should be aware that the applicant owns land on the northern and southern side of Old Lake Cowichan Road and in August 2008 and when the Committee last viewed this application, these two parcels of land were registered under the same land title. This rezoning application only applies to the property located on the north side of Old Lake Cowichan Road. In November 2008 the applicant subdivided off the 2.49 ha (6.15 ac) property located to the south of Old Lake Cowichan Road creating a situation where the northern and southern parcels are now registered under separate land titles. When separate land titles were established the legal description of the property on the north side of Old Lake Cowichan Road changed. Planning staff have incorporated this change in the legal description of the property into the amendment bylaws attached to this report.

At the end of March 2009 the CVRD Parks and Trails Division was informed that the applicant was no longer proposing park land dedication as part of this rezoning application. The main reason for this change is because the applicant may be required to dedicate 5% park land at time of subdivision in accordance with Section 941 of the *Local Government Act*. If Mr. Cooper applies to subdivide the two 2.0 ha parcels on the east side of the BC Hydro right-of-way within five years of his previous subdivision he will be required to dedicate 5% park land in accordance with Section 941 of the *Local Government Act*, as this would be Mr. Cooper's second subdivision within a five year period (see attached conceptual site plan dated February 19, 2009). If Mr. Cooper's subdivision occurs more than 5 years after his previous subdivision, park dedication will not be required.

Options:

1. That Rezoning Application 1-F-06RS (Cooper) be approved;

That a Zoning Amendment Bylaw to rezone a portion of the East 1/2 of Section 9, Range 5, Sahtlam District, Except Part in Plan VIP85260 and VIP85984, from Forestry Resource 1 (F-1) to Rural Residential 1 (R-1) be prepared and forwarded to the Regional Board for first and second reading;

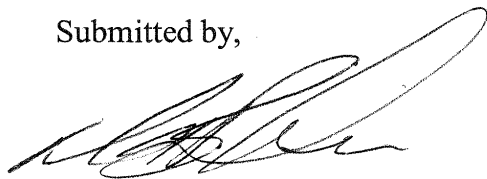
That a Zoning Amendment Bylaw to rezone a portion of the East 1/2 of Section 9, Range 5, Sahtlam District, Except Part in Plan VIP85260 and VIP85984, from Forestry Resource 1 from Forestry Resource 1 (F-1) to Forestry/Residential (F-2A) be prepared and forwarded to the Regional Board for first and second reading;

That an amendment to the Cowichan Koksilah (Electoral area E and Part of Electoral Area F) Official Community Plan Bylaw No. 1490 be made redesignating a portion of the East 1/2 of Section 9, Range 5, Sahtlam District, Except Part in Plan VIP85260 and VIP85984 from Forestry to Suburban Residential be prepared and forwarded to the Regional Board for first and second reading;

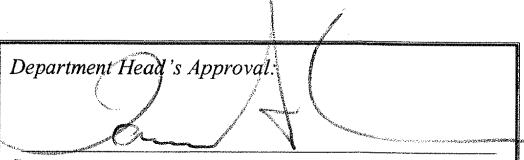
That a public hearing be scheduled for the Zoning and OCP Amendment Bylaws with Directors Morrison, Marcotte, and Dorey named as delegates.

2. That application 1-F-06RS (Cooper) be denied.

Submitted by,



Dana Beatson,
Planner
Development Services Division
Planning and Development Department

Department Head's Approval:

Signature

DB/jh

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STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF AUGUST 5TH, 2008

DATE: July 29, 2008

FILE NO: 1-F-06RS

FROM: Dana Beatson, Planner

SUBJECT: Rezoning Application No. 1-F-06RS
(Paul Cooper)

Recommendation:

Option 1 is recommended:

"That application 1-F-06RS (Cooper) be approved, and that an amendment to the Cowichan Koksilah (Electoral Area E and Part of Electoral Area F) Official Community Plan Bylaw No. 1490 be made redesignating a part of The East 1/2 of Section 9, Range 5, Sahtlam District from Forestry to Suburban Residential, and that an amendment to the Cowichan Lake South/Skutz Falls Zoning Bylaw No. 2600 be made to rezone a part of The East 1/2 of Section 9, Range 5, Sahtlam District from Forest Resource 1 Zone (F-1) to Forestry/Residential Zone (F-2A) and a part of The East 1/2 of Section 9, Range 5, Sahtlam District from Forest Resource 1 Zone (F-1) to Rural Residential 1 Zone (R-1), and that Official Community Plan and Zoning Bylaw amendment bylaws be given first and second reading, and that Directors Hodson, Allan, and Duncan be delegated to attend the public hearing, and that the application be referred to the Electoral Area F Parks and Recreation Commission for comment and that these comments be received by the CVRD prior to the public hearing, AND FURTHER THAT the Committee agrees to the referral of this application to the Vancouver Island Health Authority; Ministry of Transportation; Ministry of Forests; Ministry of Environment; Ministry of Community Services, Cowichan Tribes; School District No. 79; Hul'qumi'num Treaty Group and the Sahtlam Volunteer Fire Department."

Purpose:

To amend the Area 'F' Zoning Bylaw and the Area 'E' Official Community Plan to permit residential uses on a portion of the subject property.

Financial Implications: none identified.

Interdepartmental/Agency Implications: not apparent.

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Background:

Location of Subject Property: Near Kapoor Road and Old Lake Cowichan Road

Date Application and Complete Documentation Received: November 16, 2006

Owner: Paul Cooper

Legal Description: The East 1/2 of Section 9, Range 5, Sahtlam District (PID 009-845-526)

Size of Parcel: \pm 31.5 hectares (\pm 77 ac)

Size of Parcel Proposed for Zoning and OCP Amendment: \pm 29 hectares North of Old Lake Cowichan Road.

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

Existing Zoning: F-1 (Forest Resource 1 Zone)

Proposed Zoning: The applicant is proposing to rezone \pm 25 hectares of land north of Old Lake Cowichan Road west of the BC Hydro right-of-way to F-2A and is proposing that \pm 4.0 hectares of land north of Old Lake Cowichan Road east of the BC Hydro right-of-way be rezoned to R-1.

Existing Plan Designation: Forestry

Proposed Plan Designations: The lands west of the hydro right-of-way will remain designated as Forestry in the plan and the land east of the hydro right-of-way is proposed to be designated as Rural Residential.

Minimum Lot Size Under Existing Zoning: Minimum Lot Size Under Existing Zoning:
The minimum parcel size in the F-1 zone is 80 hectares (despite the level of servicing).

Minimum Lot Size Under Proposed Zoning: F-2A (Forestry/Residential Zone)
The minimum parcel size in the F-2A zone is 3.5 hectares.

R-1 (Rural Residential)

2.0 hectares for parcels neither served by a community water or a community sewer system;
2.0 hectares for parcels served by a community water system only; and
2.0 hectares for parcels served by a community water and a community sewer system.

Existing Use of Property: The subject property has been logged previously and is vacant.

Existing Use of Surrounding Properties:

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North: Lands directly to the north are zoned F-1 and is used for forestry purposes

South Lying directly south is zoned R-2 and is used for residential purposes.

East The lands lying directly east are zoned R-2 and F-1 and is used for residential and forestry purposes.

West: The parcels lying to the west are zoned F-2A, R-1, and R-2 and is used for forestry and residential purposes.

Agricultural Land Reserve Status: The subject property is outside of the ALR.

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas (2000) identifies two stream planning areas on the subject property. The first stream planning area is a TRIM stream with possible fish presence and the second stream planning area is a Non-TRIM stream with possible fish presence. The approximate location of the watercourses were confirmed by CVRD staff during a site visit in August 2007. The applicant has hired a Qualified Environmental Professional and has completed a Riparian Areas Assessment (RAA) for the subject property (see attached).

Services:

Road Access: Cowichan Lake Road

Water: None currently. The applicant is proposing drilled wells for the residential lots.

Sewage Disposal: None currently; On-site sewage disposal is being proposed.

Property Context:

The subject property is located east of the junction of Cowichan Lake Road and Kapoor Road, southeast of the Paldi town site.

The property is zoned F-1 (Forest Resource 1 Zone) and this rezoning application only refers to the northern portion of the site, north of Old Lake Cowichan Road, which is identified on the zoning map (see attached).

The applicant also owns \pm 2.5 ha of F-1 zoned land on the south side of Old Lake Cowichan road which is not part of this application. The property owner is in the process of subdividing this parcel in accordance with Section 3.12(3) of Zoning Bylaw No. 2600 which states:

"Notwithstanding the minimum parcel size provisions of each zone, where a portion of a parcel is physically separated from the remainder of the parcel by a public road or another parcel, the physically separated portion may be subdivided from the remainder of the parcel provided that the physical separation of the parcel would be resolved using the right-of-way or other parcel as the subdivision boundary." The applicant has the ability to subdivide this part of the land without rezoning approval.

There are utility lines, namely a BC Hydro right-of-way, which bisects the property forming a division of the property into western and eastern sections. It should be noted that the applicant has informed CVRD staff that he owns the land occupied by the BC Hydro right-of-way. A majority of the property has been logged and is vacant.

A residential neighbourhood is located close to the subject property, east of Culverton Road. Lands immediately surrounding the property are mostly 5 acres or larger and are used for forestry and rural residential purposes.

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The Proposal:

The owner purchased the subject property with the intention of subdividing the property. In order to do this amendments to the Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Bylaw No. 2600 and the Cowichan-Koksilah (Electoral Area E and Part of Electoral Area F) Official Community Plan Bylaw No. 1490 are required.

A conceptual site plan has not been submitted with the application showing the intended layout of the residential lots. The applicant has informed CVRD staff that he plans to subdivide the subject property into two 2.0 hectare lots on the land east of the BC Hydro right-of-way. The applicant is proposing that the northern section of the subject property be split-zoned between secondary forestry (F-2A) and rural residential (R-1) uses. Specifically, \pm 25 hectares of land north of Old Lake Cowichan Road west of hydro right-of-way is proposed to be F-2A and the \pm 4.0 hectares of land north of Old Lake Cowichan Road east of hydro right-of-way is proposed to be R-1.

Site Access

The principal access to the proposed residential lots would be via Old Lake Cowichan Road. The northern section of the property already has two access points. There is one access point west of the hydro right-of-way which runs north through the property and a second access point to the land east of the hydro right-of-way. If we take into consideration the future development of this property and the number of lots that could be created during a subdivision, an internal road network would likely be required on the land west of the hydro right-of-way depending on how many lots were created for example, if only 2 lots were created then it may be possible to configure these lots around the existing road that runs through the property. It may also be possible to configure the proposed 2 lots east of the hydro right-of-way without creating an internal road network. It is important to note that road dedication will be determined at the time of subdivision after the Regional Board has granted the rezoning approval. Road dedication will be determined by the Ministry of Transportation, the subdivision approving authority in the CVRD.

Servicing and Fire Protection

The applicant is proposing wells and onsite sewage disposal for the residential lots. There is fire protection for the property which is provided by the Sahtlam Fire Protection Service Area.

Parks and Trails

As part of the rezoning application, the applicant is not proposing any parkland dedication. The CVRD Parks Department will be receiving a copy of this report for review and the matter of park dedication should be referred to the Electoral Area F – Cowichan Lake South/Skutz Falls Parks and Recreation Commission for their comment. It should be noted that CVRD staff have had preliminary discussions with the Chair of the Area F Parks Commission and have been informed that there is currently no Parks and Trail Master plan for the area and the Area F Parks Commission is interested in exploring opportunities for future trail corridors and other opportunities for park dedication on the property. The Commission would like the opportunity to review the development application in more detail if the bylaws receive first and second reading.

Environmentally Sensitive Areas

The subject property north of Lake Cowichan Road includes three RAR watercourses (streams) and three wetlands. Prior to undertaking the site planning, a Riparian Areas Assessment (RAA) was completed to determine the setback requirements for residential development. The applicant has indicated that all proposed residential development will comply with the setback requirements outlined by the QEP within the RAA. In past development applications, the CVRD has recommended that all Streamside Protection and Enhancement Area's (SPEAs) identified in the RAR be registered as covenants however, the CVRD has been unsuccessful in obtaining third party organizational support and more recently has not been requiring that SPEAs be covenanted. In order to protect these sensitive areas, CVRD staff are recommending that the applicant gift the riparian areas to the CVRD to ensure they are protected. The management of the wetlands onsite will have to be dealt with through a separate process involving the Ministry of Environment under Section 9 of the Water Act. The applicant will have to go through the development permit process to obtain a Riparian Areas Development Permit after the rezoning stage, prior to the issuance of building permits.

A RAR Development Permit was recently approved by the CVRD and issued to the applicant for his subdivision of the 2.5 ha south of Lake Cowichan Road which includes two wetlands and one creek. It should be noted that this 2.5 hectares is not part of this rezoning application.

Policy Context:

Official Community Plan:

The Cowichan-Koksilah Official Community Plan (pg. 7) states that the overriding goals of the Plan are "to foster and retain the rural setting of the community and a diversity of lifestyles by permitting orderly rural development and to retain the agricultural character of the community while encouraging sustainable forest and mineral resource production." Among specific objectives of the Regional Board (pg. 8) is "to protect watercourses and other environmentally sensitive areas (pg. 10), to ensure that residential development does not conflict or preclude the utilization of resource lands (pg. 10), and to ensure the area's forest lands are sustained and protected against activities which may disrupt their resource potential (pg.9)." The protection of forest lands is reinforced through other policies and directives that support forestry uses as primary land uses on lands designated 'forestry' in the plan. Forestry policies that relate to the subject application include:

Policy 5.1.2 – Land in the Forestry designation where continuous forestry is envisioned shall be zoned primary forestry.

Policy 5.1.3 – Notwithstanding Policy 5.1.2, those lands which are designated Forestry in the Plan Map but are not suitable for forestry use due to poor forest growth capabilities or proximity to conflicting land uses may be zoned Secondary Forestry with an applicable minimum parcel size of 4.0 hectares, or Forestry/Residential with an applicable minimum parcel size of 3.5 hectares.

Policy 5.1.8 – Except as stated in Policy 5.1.4 the Regional Board shall not rezone the following types of lands from Forestry to any other zoning category:

- (a) Lands currently within a Tree Farm License;*
- (b) Lands currently classified as private Managed Forest under the Assessment Act;*

- (c) *Lands that were classified as private Managed Forest under the Assessment Act within years of the date of application for rezoning such lands; or*
- (d) *Provincial Forest Lands.*

The subject property is not within a tree farm license, has not been classified as Managed Forest under the *Assessment Act* within 5 years of the date of application for rezoning, nor is it Provincial Forest Land.

The applicant proposes to change the zoning on the western and eastern portions of the property from F-1 to F-2A and R-1 and also proposes to change the OCP designation on the east portion of the property from Forestry to Rural Residential. The western portion of the property will remain designated forestry within the OCP.

The OCP designates a large area to the south and east of the property as Suburban Residential. A recent plan amendment (2004) also applied the Suburban Residential designation to two parcels to the north of the site, immediately south of Kapoor Road. Also a Rural residential designation was recently applied (2008) to one parcel directly east of the site. Rural Residential Policies in the OCP that are applicable to the subject application include:

Policy 7.2.1 – Land designated rural residential on the plan map shall comply with the following criteria:

- i) *The land must be reasonably accessible to existing community facilities such as schools, shopping, and fire protection services. Distance to isolated parcels are not considered appropriate for rural residential densities.*
- ii) *The development of the land will not disrupt or interfere with productive agricultural or forestry uses;*
- iii) *The land is not anticipated to be service with community water for at least twenty years; and*
- iv) *The land must be outside of the ALR.*

Policy 7.2.2 – lands designated rural residential shall be subject to a maximum density of one parcel per 5.0 hectares.

Other OCP Policies related to this application are:

Policy 7.1.1 – The Regional Board shall not approve any bylaw which would designate additional lands for residential use or increase the permitted density of existing residential lands prior to a review of residential land availability in the planning area.

Policy 11.2.4 – Any development west of the Sathlam area will be conditions upon an upgrading of the level of fire protection offered by the Sathlam Volunteer Fire department.

The property includes RAR watercourses and is in the Riparian Area Regulation Development Permit Area. Therefore, a development permit will be required before the property is subdivided or altered, and prior to structures being constructed on the land. In accordance with OCP Policy 3.1.4 the applicant should be made aware that in order to sustain fish-bearing watercourses, the

rezoning of land adjacent to the watercourse is conditional upon the dedication of a protective setback area of 20 metres from the natural boundary of a watercourse.

Zoning:

The Area 'F' Zoning Bylaw zones the property F-1 (Forest Resource 1 Zone). The F-1 zone has a minimum parcel size of 80 ha and permits agriculture, silviculture, and a single-family dwelling as principal uses. Accessory uses, including bed and breakfast accommodations, buildings and structures accessory to a principle permitted use, home-based business, and a secondary dwelling unit or secondary suite are also permitted.

A copy of the F-1 zone and proposed R-1 and F-2A zones have been attached to this report for your reference.

APC Comments:

The Electoral Area F – Cowichan Lake South/Skutz Falls APC met and discussed this application on June 21, 2007 and the following comments were made:

“Following lengthy suggestions and recommendations to the applicant, a motion was brought forth. It was moved and seconded that we as the Area F Advisory Planning Commission, recommend the acceptance of the proposal for the rezoning as submitted by Paul Cooper with the amendment as follows: the portion of lands west of the a line to be yet determined as the midpoint of the BC Hydro right-of-way, be rezoned to F-2A, and that the portion of lands east of a line to be yet determined as the midpoint of the BC Hydro right-of-way, be rezoned to R-1 thereby enabling the applicant to obtain the best advantage for the applicant's purposes. The forgoing is with the provision that the above recommendation be applicable to all lands proposed north of the “Old Lake Cowichan Road. CARRIED UNANIMOUSLY.”

The Electoral Area E - Cowichan Station/Sahtlam/Glenora APC members met on May 17, 2007 and the meeting minutes indicated that:

“The OCP directs against such rezoning within Area E.” The APC minutes also indicated that the *“applicant withdrew his application for rezoning.”*

During subsequent conversations with Paul Cooper, it was determined that the applicant did not withdraw his application for rezoning. This issue was brought forward to the APC chair and CVRD staff requested that the meeting minutes be amended at the September 12, 2007 meeting to reflect that the applicant denies withdrawing his application. The CVRD was hoping to see a further motion or additional information from the Area E APC after the September 12, 2007 meeting. CVRD have not yet received a copy of the amended September meeting minutes and no further comments have been received by the APC. The CVRD felt it was timely to move the application forward for consideration by the Electoral Area Services Committee (EASC) so the application was reviewed at the November 5, 2007 meeting.

At its November 5, 2007 meeting the EASC made a recommendation “that this application be referred back to staff for consideration of including conditions respecting parkland and Riparian

Area Regulations and that the application be brought back to the next EASC meeting; and further that the application be referred to the Area F Parks Commission."

After this meeting, CVRD staff requested that the applicant complete an RAA to determine the number of riparian watercourses and other environmentally sensitive areas on the property. The applicant had a RAA completed in May, 2008 which identified three RAR watercourses (streams), three wetlands, and outlined the watercourse setbacks for these environmentally sensitive areas.

As mentioned previously, in past development applications, the CVRD has recommended that all SPEA's identified in the RAR be registered as covenants however, the CVRD has been unsuccessful in obtaining third party organizational support and more recently has not been requiring that Streamside Protection and Enhancement Area's (SPEA's) be covenanted. In order to protect these sensitive areas, CVRD staff are recommending that the applicant gift the land occupied by the SPEA's to the CVRD to ensure their protection. Staff are also recommending that the applicant respect all watercourse setbacks outlined by the QEP. The management of the three wetlands onsite will have to be dealt with through a separate process involving the BC Ministry of Environment.

Area F Parks and Recreation Commission:

This application was referred by the Parks Manager to the Chair of the Area F Parks and Recreation Commission in December 2007. CVRD staff had a follow up meeting with the Chair in April, 2008. He provided the following general comments regarding watercourses and parks and trails dedication:

"The Commission would like the SPEAs covenanted and turned over to the CVRD to ensure watercourses are protected.

In the absence of a Parks and Trails Master Plan for this area, the Area F Parks and Recreation Commission is interested in exploring a linear trail network on this subject property and the Commission would like the opportunity to review the application in more detail when the bylaws receive first and second reading."

Referral Agency Comments:

The application was refereed to the following agencies, and to date, the following comments have been received:

Ministry of Transportation: *"We have no objection to the land use proposed, however, this is not to be construed as approval of any subsequent subdivision proposal."*

Ministry of Community Services: No comments received.

Ministry of Forests: *Interests unaffected.*

Ministry of Environment: No comments received.

Hul'qumi'num Treaty Group: No comments received.

School District No. 79: No comments received.

Sahlam Volunteer Fire Department: No comments received.

Vancouver Island Health Authority: *"Based on our knowledge of the general area, conditions may be only marginally suitable for on-site sewage disposal. While soil conditions might be capable of meeting the Vancouver Island Health Authority Subdivision Standard for 2.0 hectare*

parcels. The soil typically would not meet Vancouver Island Health Authority requirements for 0.4 hectare lots (i.e. parcels served by community water). We recommend that proof of suitability for on-site sewage disposal be a condition of approval."

Cowichan Tribes: "This general area is traditional hunting location for the members of the Cowichan Tribes, and some of the local streams are used seasonally for cultural purposes. We have reviewed the proposal plan and have identified the following issues.

- This general area provides important valley bottom habitat for Kwewe'uts (Elk) and Smuyuth (Deer) and Bear.
- Water issues are unresolved, and there is uncertainty, even among hydrologists, about how much water is present in local aquifers.
- Given the other development proposals in the area, it is important the CVRD engage in some long range planning for this general area. For example, is it the intention of the CVRD that the whole Cowichan Valley be Suburban areas from Duncan to Lake Cowichan? Or will the CVRD adopt measures to ensure that a large, forested rural area remains intact between the Sahtlam area and the village of Lake Cowichan. It is the policy of the Cowichan Tribes that "the city should stay in the city, and country should stay in the country".
- This area was zoned as forestry in the Official Community Plan (OCP) due to the historical forestry activities in this area and rural nature of the area. The initial rezoning was based on considerable public input. Therefore, the zoning should remain F-1.
- Given the above issues Cowichan does not approve the proposed rezoning. If rezoning does proceed, it should only be rezoned to F-2, permitting 4-hecatre lots, which is more in keeping with the rural nature of the area."

Planning Division Comments:

The property is located south of the Paldi town site and west of the suburban residential area near Culverton Road. The larger lot residential use the applicant is proposing is typical in the Sahtlam area. The subject property is surrounded by residential neighbourhoods to the west, east, and south.

Although the OCP strongly supports the retention and protection of forestry uses, it is debatable as to whether the forestry policies in the Plan should apply to the subject property. The size of the parcel is approximately 31.5 ha and the portion that is being proposed to be rezoned is 29.0 hectares. Additionally, the property is located on the fringe of both suburban and rural residential neighbourhoods. These factors suggest that forestry may not be viable on the property. Conversely, larger lots in this area do help in buffering the forest lands to the north of the property.

Another consideration with this application is the Paldi town site proposal and two development applications for lands southwest and southeast of the subject property for rezoning to residential use. Should the application for either the Paldi town site or adjacent properties be approved, either as currently proposed or in some other form, the subject property could reasonably be considered as an extension of residential neighbourhoods to the east and south of the property.

As the current parcel is too small for mechanized forestry and the proposed subdivision lot sizes are still large enough to maintain the rural character of the community, the Planning Division is

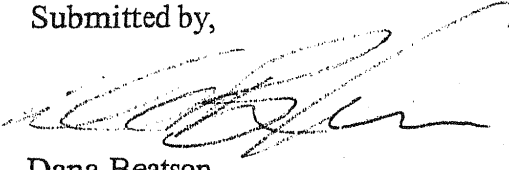
supportive of rezoning the a portion of the property to F-2A and a portion of the property to property to R-1.

OCP Policy 7.1.6, states that "where a zoning proposal would result in the creation of five or more parcels, a neighbourhood plan shall be required outlining the overall subdivision concept that would permit efficient use of land and outline possible impact on surrounding land uses and a public meeting shall be held prior to first reading." When applicants propose the subdivision of land that would result in the creation of five or more parcels it is the normal practice of the Planning Division is to recommend that a public meeting be held prior to first reading of the bylaws. However, with this particular application, the applicant is not proposing to subdivide the land into 5 or more parcels. More specifically, the applicant is not proposing to subdivide the land (proposed to be F-2A) on the west side of the BC Hydro right-of-way and the applicant is only permitted to have a maximum two 2.0 ha lots on the lands proposed to be R-1 on the east side of the BC hydro-of-way. CVRD staff feel that policy 7.1.6 does not directly apply to this particular application because 5 or more parcels are not being proposed. Planning staff feel it is a reasonable approach to recommend that the bylaws receive first and second reading in the absence of a public meeting.

Options:

1. That application 1-F-06RS (Cooper) be approved, and that an amendment to the Cowichan Koksilah (Electoral Area E and Part of Electoral Area F) Official Community Plan Bylaw No. 1490 be made redesignating a part of The East 1/2 of Section 9, Range 5, Sahtlam District from Forestry to Suburban Residential, and that an amendment to the Cowichan Lake South/Skutz Falls Zoning Bylaw No. 2600 be made to rezone a part of The East 1/2 of Section 9, Range 5, Sahtlam District from Forest Resource 1 Zone (F-1) to Forestry/Residential Zone (F-2A) and a part of The East 1/2 of Section 9, Range 5, Sahtlam District from Forest Resource 1 Zone (F-1) to Rural Residential 1 Zone (R-1), and that Official Community Plan and Zoning Bylaw amendment bylaws be given first and second reading, and that Directors Hodson, Allan, and Duncan be delegated to attend the public hearing, and that the application be referred to the Electoral Area F Parks and Recreation Commission for comment and that these comments be received by the CVRD prior to the public hearing, AND FURTHER THAT the Committee agrees to the referral of this application to the Vancouver Island Health Authority; Ministry of Transportation; Ministry of Forests; Ministry of Environment; Ministry of Community Services, Cowichan Tribes; School District No. 79; Hul'qumi'num Treaty Group and the Sahtlam Volunteer Fire Department.
2. That Rezoning Application No. 1-F-06RS (Cooper) proceed to a public meeting to receive input from the community, and that the draft Official Community Plan Amendment Bylaw and draft Zoning Amendment Bylaw be presented to the community at the public meeting, and that the application be further reviewed at a future EASC meeting, AND FURTHER that the application be referred to the Electoral Area F Parks and Recreation Commission for comment and that these comments be received by the CVRD prior to the public meeting.
1. That Rezoning Application No. 1-F-06RS (Cooper) not be approved, and a partial refund be given to the applicant in accordance with the CVRD Procedures Bylaw.

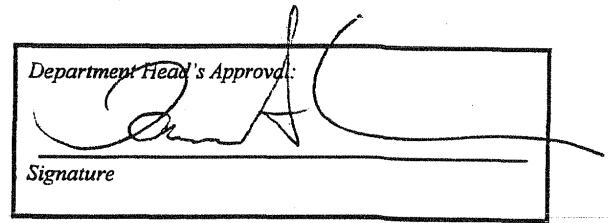
Submitted by,



Dana Beatson,
Short Range Planner
Development Services Department

Department Head's Approval:

Signature



000108



Cowichan
Valley
Regional
District

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The Regional District does not warrant the accuracy.

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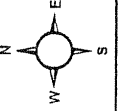
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 1-F-06-RS

Legend



Subject Property



12309

22890

5 6 7

8

ARLA COURT

25003

4

9

BRENAN CRT.

1 2

31359

A

SUBJECT PROPERTY

3

ROAD

4

(OLD) COWICHAN LAKE ROAD

80098

B

A

79383

B

C

D

0 25 50 100 Meters

000109



**Cowichan
Valley
Regional
District**

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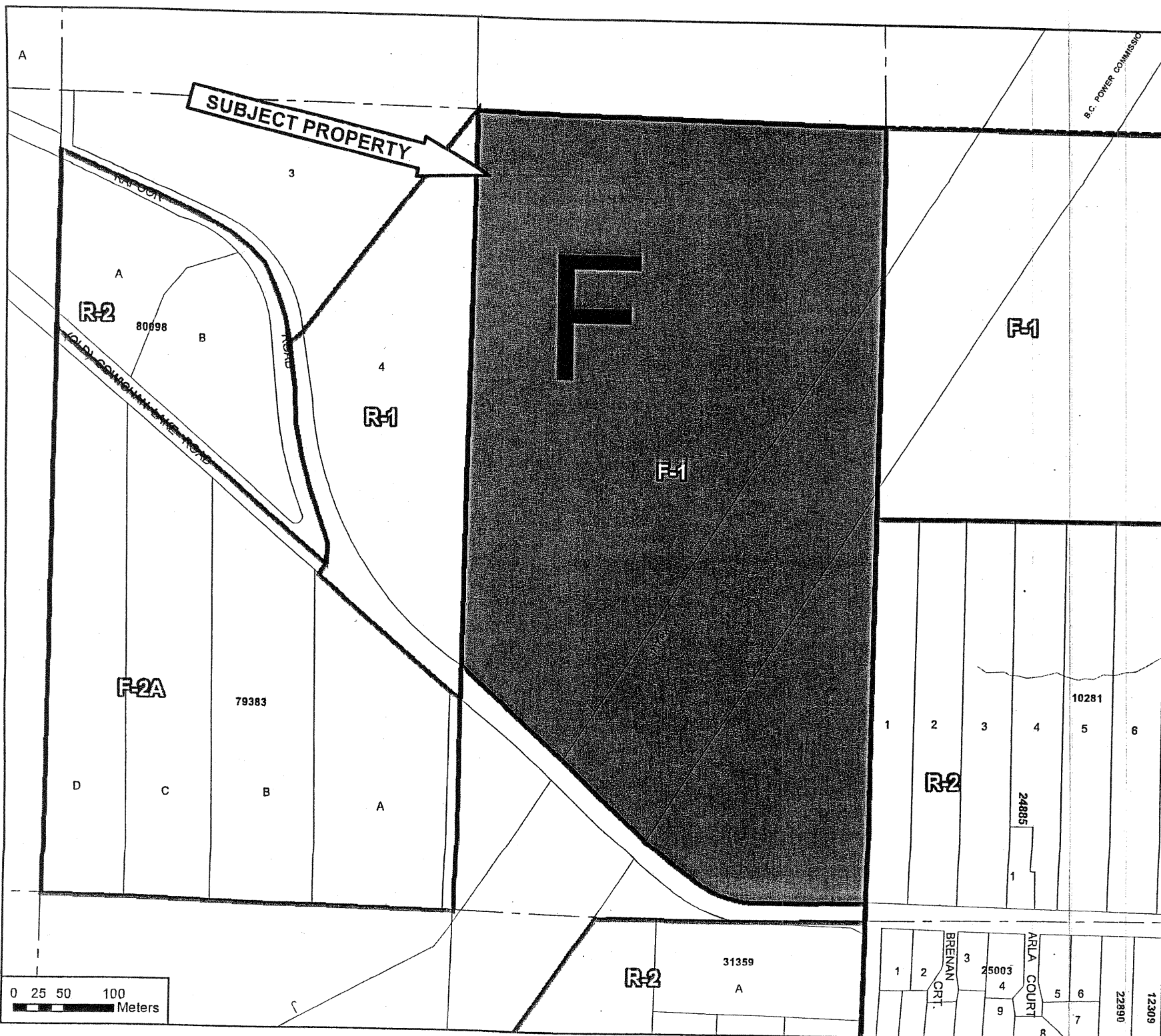
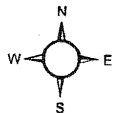
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 1-F-06-RS

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area F



SUBJECT PROPERTY

F

F-1

F-1

R-1

R-2

F-2A

R-2

R-2

000110



**Cowichan
Valley
Regional
District**

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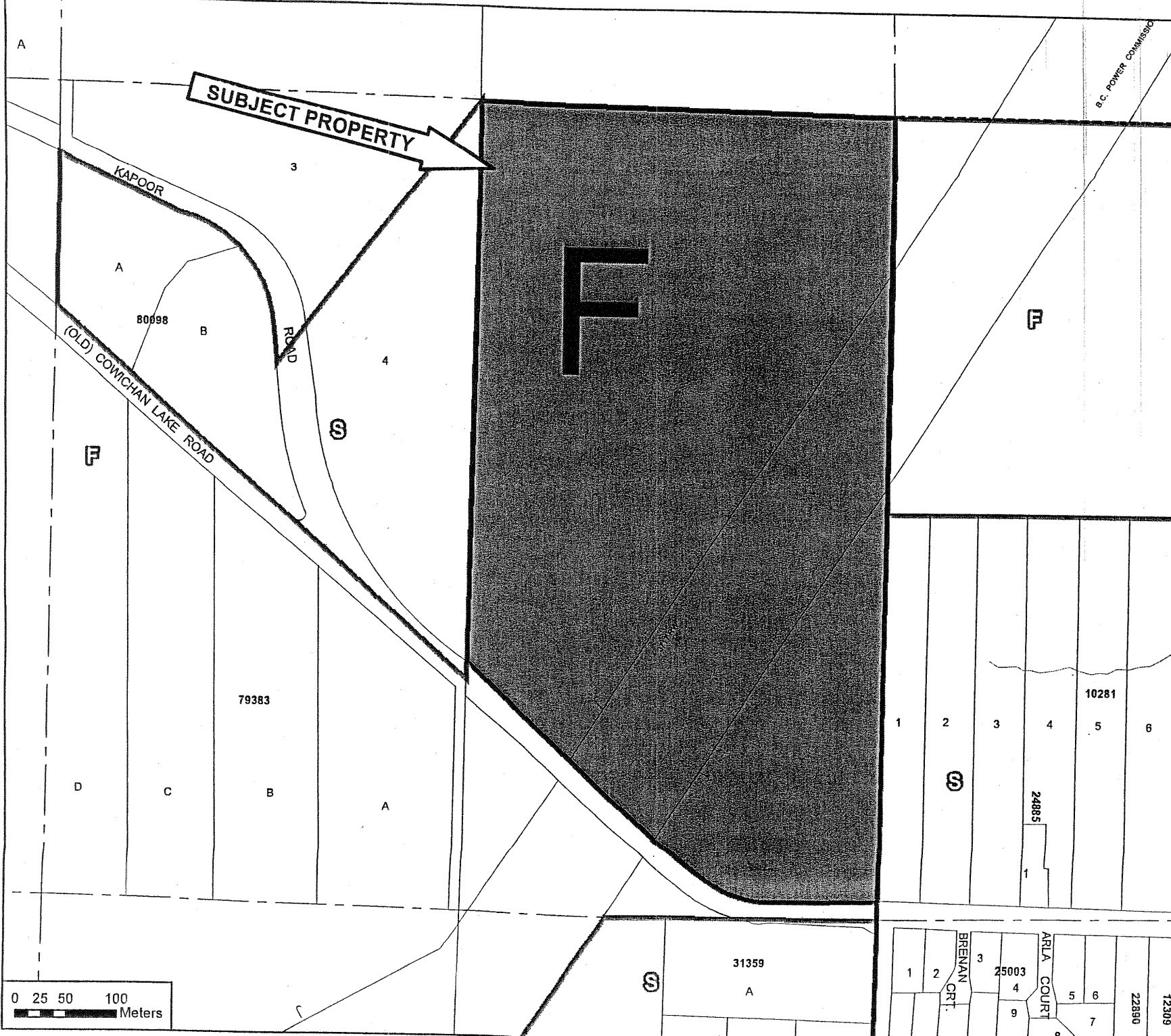
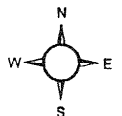
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FILE: 1-F-06-RS

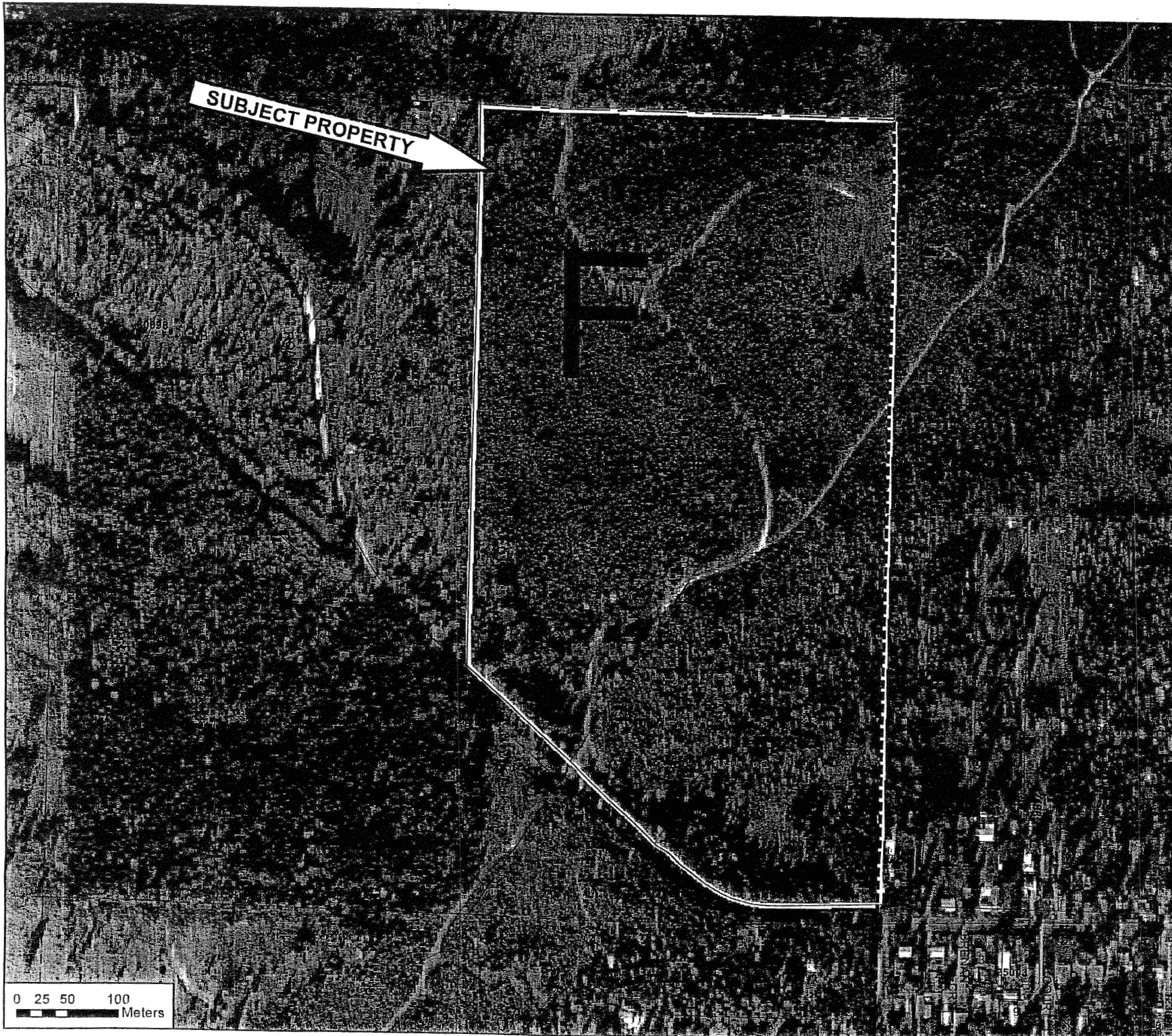
OCP

Legend

-  Subject Property
-  OCP Electoral Area F



000111



**Cowichan
Valley
Regional
District**

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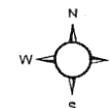
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FILE: 1-F-06-RS

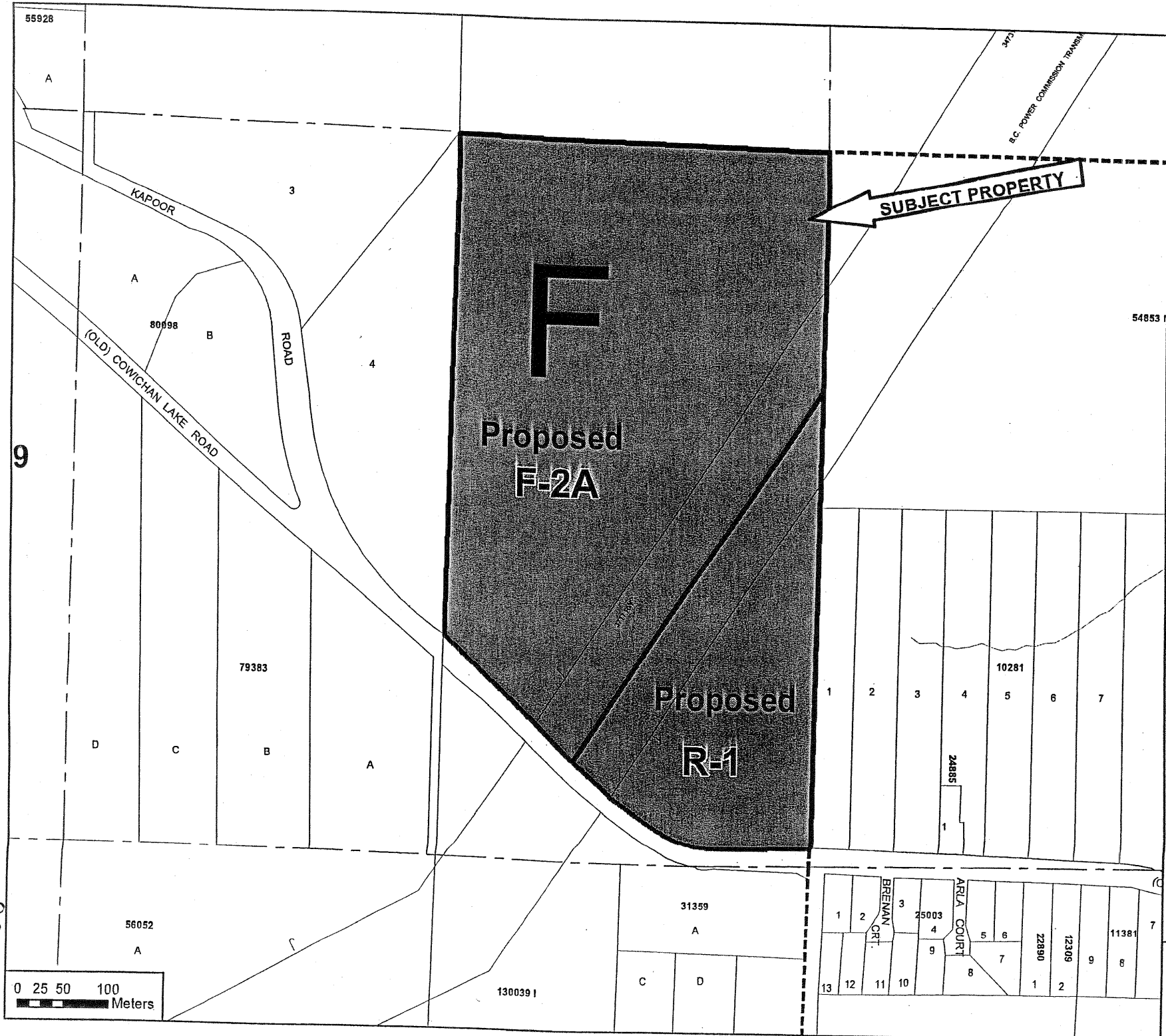
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(2004)**

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Cowichan Valley Regional District

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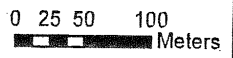
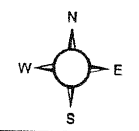
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FILE: 1-F-06-RS

Proposed Zoning Map





Cowichan
Valley
Regional
District

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use and is designed for
reference purposes only.

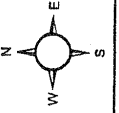
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consolidated for convenience
purposes only and that
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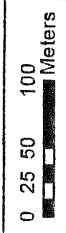
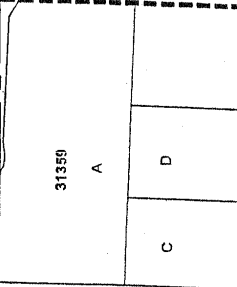
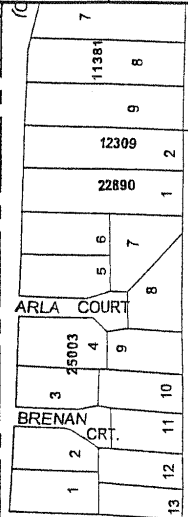
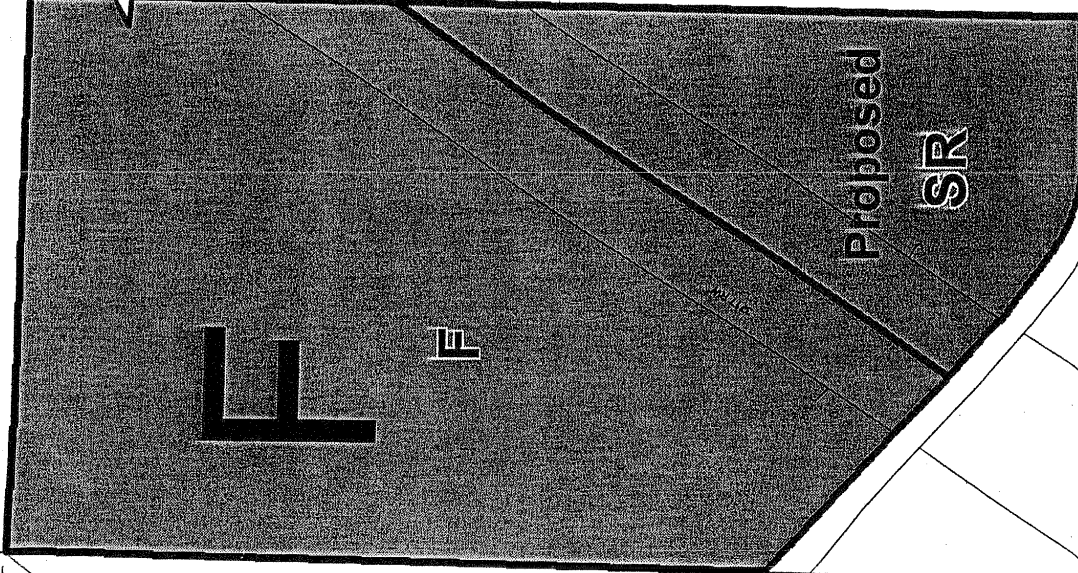
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interpretation and application
of the Bylaws.

FILE: 1-F-06-RS

Proposed OCP Map



SUBJECT PROPERTY



000114

5.3 **F-1 FOREST RESOURCE 1 ZONE**

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

1. **Permitted Uses**

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

- a. Agriculture;
- b. Silviculture;
- c. Single-family dwelling;

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

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

2. **Minimum Parcel Size**

The minimum parcel size in the F-1 Zone is 80 hectares.

3. **Number of Dwellings**

Not more than one dwelling is permitted on a parcel that is zoned as F-1.

4. **Setbacks**

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

Type of Parcel Line	Forestry and Agricultural Buildings and Structures	Residential Buildings and Structures
Front parcel line	30 metres	7.5 metres
Interior side parcel line	15 metres	3.0 metres
Exterior side parcel line	15 metres	4.5 metres
Rear parcel line	15 metres	7.5 metres

5. **Height**

In the F-1 Zone, the height of all buildings and structures shall not exceed 10 metres, except in accordance with Section 3.9 of this Bylaw.

6. **Parcel Coverage**

The parcel coverage in the F-1 Zone shall not exceed:

- a. 20 percent for all buildings and structures;
- b. Notwithstanding Section 5.3.6.a, the parcel coverage may be increased by an additional 20% of the site area for the purpose of accommodating greenhouses.

7. **Parking and Loading**

Off-street parking and loading spaces in the F-1 Zone shall be provided in accordance with Sections 3.14 and 3.15 of this Bylaw.

5.5 F-2A FORESTRY/RESIDENTIAL ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the F-2A Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the F-2A Zone:

- a. Management and harvesting of primary forest products, excluding sawmilling, all manufacturing and dry land log sorting operations;
- b. Single-family dwelling or mobile home;
- c. Agriculture, silviculture, horticulture;

The following accessory uses are permitted in the F-2A Zone:

- d. Home occupation;
- e. Bed and breakfast accommodation;
- f. Secondary dwelling unit.

2. Minimum Parcel Size

The minimum parcel size in the F-2A Zone is 3.5 hectares.

3. Number of Dwellings

Not more than one dwelling is permitted on a parcel that is zoned as F-2A.

4. Setbacks

The following minimum setbacks apply in the F-2A Zone:

Type of Parcel Line	Forestry and Agricultural Buildings and Structures	Residential Buildings and Structures
Front parcel line	30 metres	7.5 metres
Interior side parcel line	15 metres	3.0 metres
Exterior side parcel line	15 metres	4.5 metres
Rear parcel line	30 metres	7.5 metres

5. Height

In the F-2A Zone, the height of all buildings and structures shall not exceed 10 metres, except for accessory buildings, which shall not exceed a height of 7.5 metres, both except in accordance with Section 3.9 of this Bylaw.

6. Parcel Coverage

The parcel coverage in the F-2A Zone shall not exceed 30 percent for all buildings and structures.

7. Parking and Loading

Off-street parking and loading spaces in the F-2A Zone shall be provided in accordance with Sections 3.14 and 3.15 of this Bylaw.

5.10 R-1 RURAL RESIDENTIAL 1 ZONE

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

1. Permitted Uses

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

- a. Single family dwelling;

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

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

2. Minimum Parcel Size

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

3. Number of Dwellings

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

4. Setbacks

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

Type of Parcel Line	Agricultural (including accessory buildings and structures)	Residential (including accessory buildings and structures)
Front parcel line	30 metres	7.5 metres
Interior side parcel line	15 metres	3.0 metres
Exterior side parcel line	15 metres	4.5 metres
Rear parcel line	15 metres	4.5 metres

5. Height

In the R-1 Zone, the height of all principal buildings and structures shall not exceed 10 metres, and the height of all accessory buildings shall not exceed 7.5 metres, except in accordance with Section 3.9 of this Bylaw.

6. Parcel Coverage

The parcel coverage in the R-1 Zone shall not exceed 30 percent for all buildings and structures.

7. Parking

Off-street parking spaces in the R-1 Zone shall be provided in accordance with Section 3.15 of this Bylaw.



PUBLIC MEETING MINUTES
Rezoning Application No 1-F-06RS (Paul Cooper)
Electoral Area F – Cowichan Lake South/Skutz Falls

Following is a summary of the proceedings of the Public Meeting for Rezoning Application No. 1-F-06RS (Paul Cooper), applicable to Electoral Area F – Cowichan Lake South/Skutz Falls, held on Thursday, October 7, 2008, in the Sahtlam Fire Hall, 4384 Cowichan Lake Road, Duncan, BC, at 7:10 pm:

- CHAIRPERSON** Director J. Allan, Electoral Area F – Cowichan Lake South/Skutz Falls, Chairperson
- CVRD STAFF PRESENT** Ms. D. Beatson, Short Range Planner, Development Services Department
Ms. J. Hughes, Recording Secretary, Development Services Department
- Members of the Public:
There were 18 members of the public present.
- CALL TO ORDER** Director J. Allan, Chaired the Public Meeting and called the meeting to order and introduced the CVRD Staff present. Director Allan introduced Director Loren Duncan from Electoral Area E – Cowichan Station/Sahtlam/Glenora who was sitting within the audience.
- CORRESPONDENCE** No correspondence was received.
- APPLICANT, Paul Cooper** Mr. Cooper stated the following with regard to his Rezoning Application:
- Purchased the subject property approximately 2½ years ago from TimberWest, the property had been logged approximately 20 years ago and then replanted;
 - Property is approximately 78 acres and it is the northern 72 acre portion is subject for rezoning;
 - Property is dissected by road;
 - He and his neighbour have dedicated a strip of property for road access into the back portion of the subject property;
 - Hydro r/w is approximately 14 acres it is not approved for residential building but could be cleared and used for grapes or pasture but noted that it is somewhat quite limited in use;
 - Riparian Areas Regulation Study has been carried out for property and stated there is not a beautiful lake on the site as shown on the picture;
 - All riparian areas will be protected and cannot be built on but noted to carry out trail building or other uses approval would have to come from the CVRD and Department of Fisheries;
 - There is a buffer from the road to the property;

- His proposal is to rezone approximately 10 acres on the right hand side of the Hydro r/w to R-1 to subdivide that parcel into 2 lots which is opposite Culverton Road and sell himself;
- Remaining 50 acre parcel, not including the part under the Hydro r/w, is proposed to be rezoned F-2A;
- Originally he requested R-2 zoning as that is what is surrounding the parcel but noted under advice from the CVRD they would prefer the split R-1 and F-2A Zones;
- Not his intention to subdivide the proposed F2-A property at this time as he would like to build a new home on that site and leave the remainder as a legacy for his family;
- Entrance to the site would be through the existing Hydro gate as it is an existing Hydro road and he would not be disturbing any existing riparian areas;
- Sewage disposal would be by way of septic;
- Two wells have been drilled on site each producing approximately 5 gallons per minute and added that he also supports rainwater collection;
- Feels proposal will fit well into the existing zoning and OCP in the area as fire protection is located approximately 5 minutes away, the hospital is approximately 10 minutes away, schools are nearby, the transit bus travels right by the property, it is on a major road artery and the active forestry has moved into a less residential area;
- Discussions have been held with regard to park dedication and trail systems and he will be meeting further in the future with the Parks Department;
- Parks Department have indicated they would like a trail system through the area but noted that still needs to be addressed;
- He lives and works in Victoria, where he has owned his own business for 23 years, his house is on the market as he would like to move to the area. He likes the area as it is community oriented, it is a beautiful piece of property and he does not want to dig up the property and walk away from it;
- Proposal is to rezone a portion of the property in order for him to subdivide and sell it and to rezone the remaining parcel for his own personal use.

Director Allan

- Rezoning Application has been referred to the Area F Parks Commission for discussion and it will be dealt by them within the next two weeks.
- Asked for questions from the public present.

Joan Mayo

- Asked for clarification on the septic system?

Paul Cooper

- Bylaw will dictate what is permitted within zoning and he is proposing very low density on large pieces of property;
- He has dug some perc holes on site and advised that an area on the south side of the property has been covenanted for the septic field as it has been tested and approved.

Joan Mayo

- Will there be enough water for the property?

- Paul Cooper**
- Presently the two wells are each producing 5 gallons per minute and he will be drilling another well on the main part of the property;
 - He also supports rainwater collection, storage tanks and ponds for water conservation.
- Director Allan**
- No person is able to receive a building permit until water and sewer have been approved.
- Al Sigurdson**
- Asked the proposed size of the north-west portion of the property?
- Paul Cooper**
- If permitted to be subdivided under F2-A the minimum parcel size is 8¼ acres.
- Al Sigurdson**
- Asked the size of the north-east portion of the property?
- Paul Cooper**
- F-2A zoned parcel is the larger parcel and the remainder would be zoned R-1 which allows 5 acre minimum parcel sizes.
- Joan Mayo**
- Asked if he had seen any Elk on the property?
- Paul Cooper**
- He has not personally seen any Elk on the property.
- Paul Slade,
4184 Wheatley Road**
- What is the reason to rezone to the F2-A Zone?
- Paul Cooper**
- He would like to eventually subdivide the F2-A parcel for his kids and possibly his brother;
 - He originally applied for R-2 zoning but after discussions with CVRD the F2-A Zone decided upon.
- Mike Lees,
4948 Arla Court**
- Public access is presently on site through the Hydro r/w and asked if there are any plans to preserve that historical access under the Hydro lines?
- Paul Cooper**
- Trail issues are discussions still to be carried out with the Parks Department;
 - He thinks the Hydro road on site will stay as road;
 - He has not stopped anyone from going through his property but noted that he was trying to police the garbage that was being dumped on site which he has had to clean up;
 - He hopes that with more activity on the site the dumping of garbage will stop.
- Mike Lees**
- The community has paid for infrastructure and equipment for the Fire Department and felt there should be some sort of kick back from new developments for the Fire Department to make it easier on the taxpayers.
- Director Duncan**
- What parkland would be dedicated?
- Director Allan**
- Reviewing trails as parkland dedication and noted it is perfect for linear

trails but that still has to be discussed with the Area F Parks Commission.

- Chris Kuhnke** ➤ He understood that if only two lots were proposed there was no requirement for parkland dedication.
- Dana Beatson** ➤ No parkland dedication requirement for two parcels created under Section 941 of the *Local Government Act* and further stated that three or more new parcels created at 2 ha or less in size required statutory parkland dedication at the time of subdivision.
- Chris Kuhnke** ➤ No requirement for parkland dedication with the proposed rezoning?
- Director Allan** ➤ That was correct.
- Paul Cooper** ➤ Any environmentally sensitive wetland areas would be protected.
- Chris Kuhnke** ➤ A permit could be applied for those sensitive areas for development to carry out and that he felt there are portions of the property that cannot be used and he would like to see those areas protected.
- Director Duncan** ➤ The CVRD has been trying over the last 10 years with the F-1 zoned larger blocks of land of 100 acres in size to have between 40-50 percent of the land dedicated to the CVRD;
➤ In the past some developments dedications have been large and others have been small and advised it is very much up to the Directors and the community to recognize that rezoning F-1 zoned land is not a privilege and it may cost a developer.
- Director Allan** ➤ CVRD Staff and Directors work with a developer on proposed parkland dedications.
- Chris Kuhnke** ➤ During his rezoning process he ran into a frustrating process with regard to park dedication and he encouraged Mr. Cooper to meet with the Area F Parks Commission and Staff to discuss the dedication process.
- Mike Lees** ➤ He sees lots of people using the trails on the property but noted that 90 percent of those people he meets are not local area residents.
- Director Allan** ➤ Next step of the Rezoning Application is to go to the Area F Parks Commission for discussion and then onto the Electoral Area Services Committee and Regional Board for consideration.

ADJOURNMENT

Director Allan asked for public comments or questions from the public present regarding the Rezoning Application No. 1-F-06RS (Paul Cooper).

Director Allan thanked the public for attending the Public Meeting and declared the Public Meeting closed at 7:47 pm.



FILE COPY

MEMORANDUM

DATE: March 10, 2009

FILE NO:1-F-06RS

TO: Dana Beatson, Short Range Planner

FROM: Tanya Soroka, Parks Planning Technician

SUBJECT: Proposed rezoning of East ½ of Section 9, Range 5, Sahtlam District (Paul Cooper) – Proposed Park Dedication

The Parks Department and the Area F Parks and Recreation Commission have reviewed this rezoning application for the proposed rezoning on Old Lake Cowichan Road. Parks and Planning staff also met with Ian Morrison, Area F Director on March 6, 2009, to discuss the standard 7 metre trail corridor width that Parks staff is recommending as opposed to the 3 metre width previously discussed. In a rural setting a 3 metre corridor is an insufficient amount of area to build a trail. The CVRD's current trail standards used in the other 8 Electoral Areas of the Regional District is 7 metres. The Area F Director agrees with maintaining this 7 metre corridor width for this proposed rezoning application. Parks staff proposes the following recommendations:

- 1) If a public road dedication runs through a portion of the property as per the most recently submitted proposed subdivision plan, then a 7 metre trail corridor is recommended to extend from the end of the road and run northeast to the border of the property, as identified on the plan dated February 19, 2009.
- 2) If the road is to be changed to a non-public road or if no road is put in then a 7 metre wide trail corridor extending from Old Lake Cowichan Road is recommended to run under the Hydro R/W, to the northeast end of the property.

Thank you,

Tanya Soroka
Parks Planning Technician

TS/lag

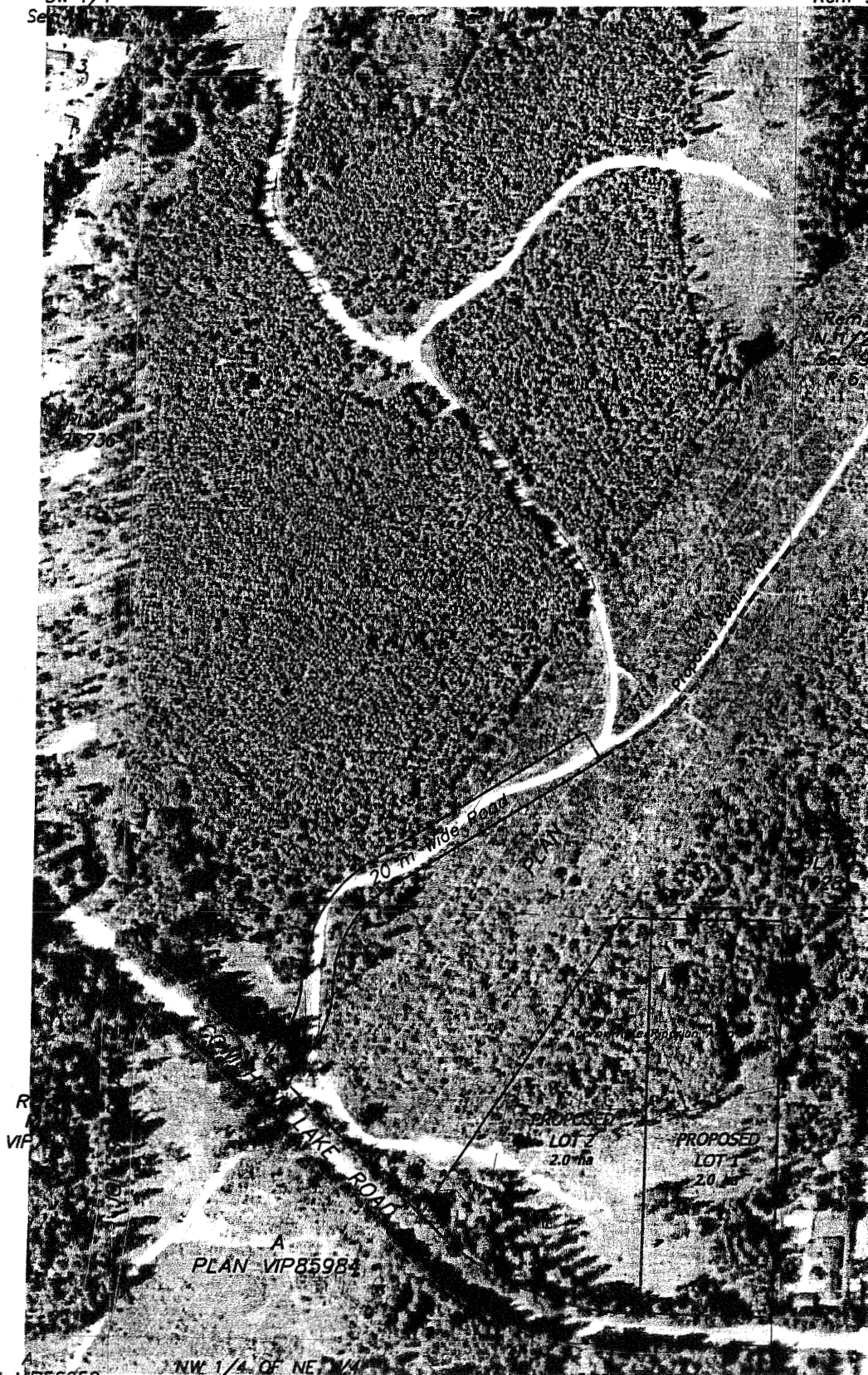
pc: Director I. Morrison, Electoral Area F – Cowichan Lake South/Skutz Falls
Ray Wear, Electoral Area F Parks and Recreation Commission Chair

**SKETCH PLAN OF POTENTIAL SUBDIVISION OF
THE EAST HALF OF SECTION 9, RANGE 5, SAHTLAM DISTRICT,
EXCEPT THAT PART IN PLANS VIP85260 AND VIP85984.**

SCALE 1:2500 50 0 50 100 150 metres

SW 1/4
Sec 9

Rem Sec 10
6



PLAN VIP56052

NW 1/4 OF NE 1/4

PLAN 31539



DRAFT

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO.

A Bylaw For The Purpose Of Amending Zoning Bylaw No. 2600 Applicable To Electoral Area F – Cowichan Lake South / Skutz Falls

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

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area F – Cowichan Lake South / Skutz Falls, that being Zoning Bylaw No. 2600;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 2600;

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

1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. - Area F – Cowichan Lake South / Skutz Falls Zoning Amendment Bylaw (Cooper), 2009**".

2. AMENDMENTS

Cowichan Valley Regional District Zoning Bylaw No. 2600, as amended from time to time, is hereby amended in the following manner:

.../2

000124

- a) Schedule A (Zoning Map) to Electoral Area F – Cowichan Lake South / Skutz Falls Zoning Bylaw No. 2600 is further amended by rezoning a part of the East 1/2 of Section 9, Range 5, Sahtlam District, Except Part in Plan VIP85260 and VIP85984, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-, from Forestry Resource 1 (F-1) to Rural Residential 1 (R-1); and that Schedule A to Zoning Bylaw No. 2600 be amended accordingly.
- b) Schedule A (Zoning Map) to Electoral Area F – Cowichan Lake South / Skutz Falls Zoning Bylaw No. 2600 is further amended by rezoning a part of the East 1/2 of Section 9, Range 5, Sahtlam District, Except Part in Plan VIP85260 and VIP85984, as shown outlined in a solid black line on Schedule B attached hereto and forming part of this bylaw numbered Z- , from Forestry Resource 1 (F-1) to Forestry/Residential (F-2A); and that Schedule ~~A~~ to Zoning Bylaw No. 2600 be amended accordingly.

3. FORCE AND EFFECT

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

READ A FIRST TIME this _____ day of _____, 2009.

READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

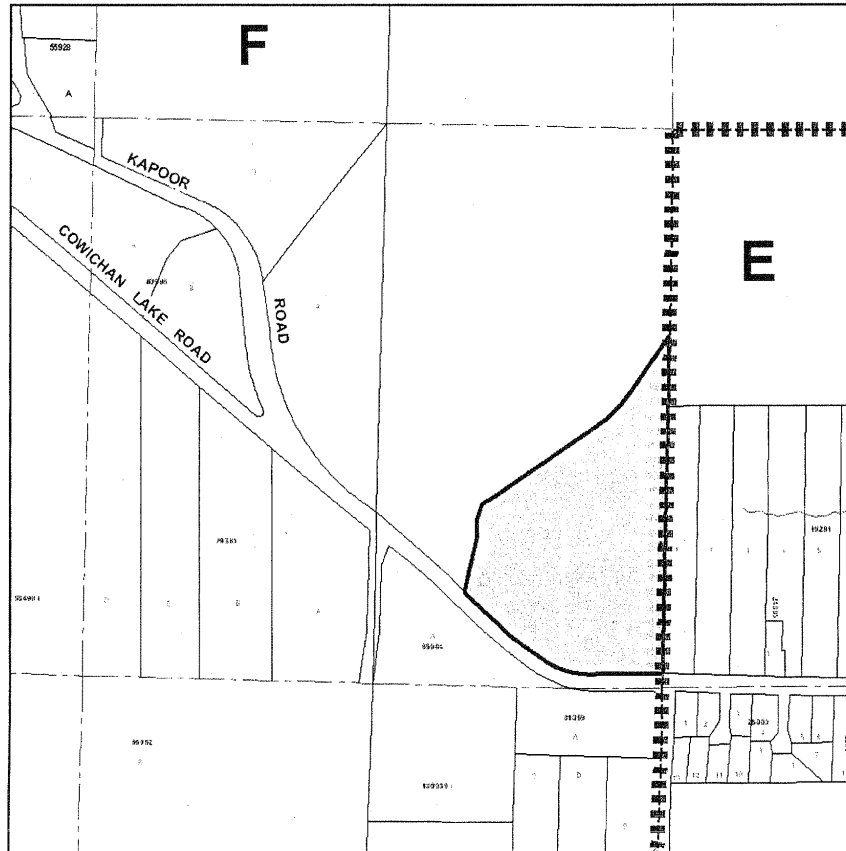
ADOPTED this _____ day of _____, 2009.

Chairperson

Secretary

PLAN NO. Z

**SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO.
OF THE COWICHAN VALLEY REGIONAL DISTRICT**



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

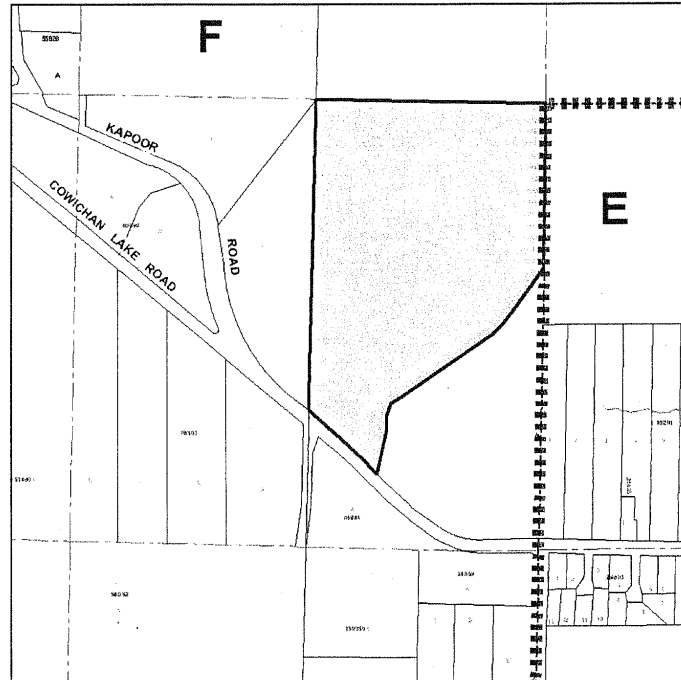
 F-1 **TO**

 R-1 **APPLICABLE**

TO ELECTORAL AREA

PLAN NO. Z-

**SCHEDULE "B" TO ZONING AMENDMENT BYLAW NO.
OF THE COWICHAN VALLEY REGIONAL DISTRICT**



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

F-1 TO

F-2A APPLICABLE

TO ELECTORAL AREA

000127



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No.

**A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. 1490
Applicable To Electoral Area E – Cowichan Station/Sahtlam/Glenora and Part of
Electoral Area F – Cowichan Lake South / Skutz Falls**

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

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

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

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

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. - Area E – Cowichan Station/Sahtlam/Glenora and Area F – Cowichan Lake South/Skutz Falls Official Community Plan Amendment Bylaw (Cooper), 2009**".

2. **AMENDMENTS**

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

3. CAPITAL EXPENDITURE PROGRAM

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

READ A FIRST TIME this _____ day of _____, 2009.

READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

I hereby certify this to be a true and correct copy of Bylaw No. _____ as given Third Reading on the _____ day of _____, 2009.

Secretary

Date

APPROVED BY THE MINISTER OF COMMUNITY, ABORIGINAL AND WOMEN'S SERVICES UNDER SECTION 913(1) OF THE *LOCAL GOVERNMENT ACT* this _____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No.

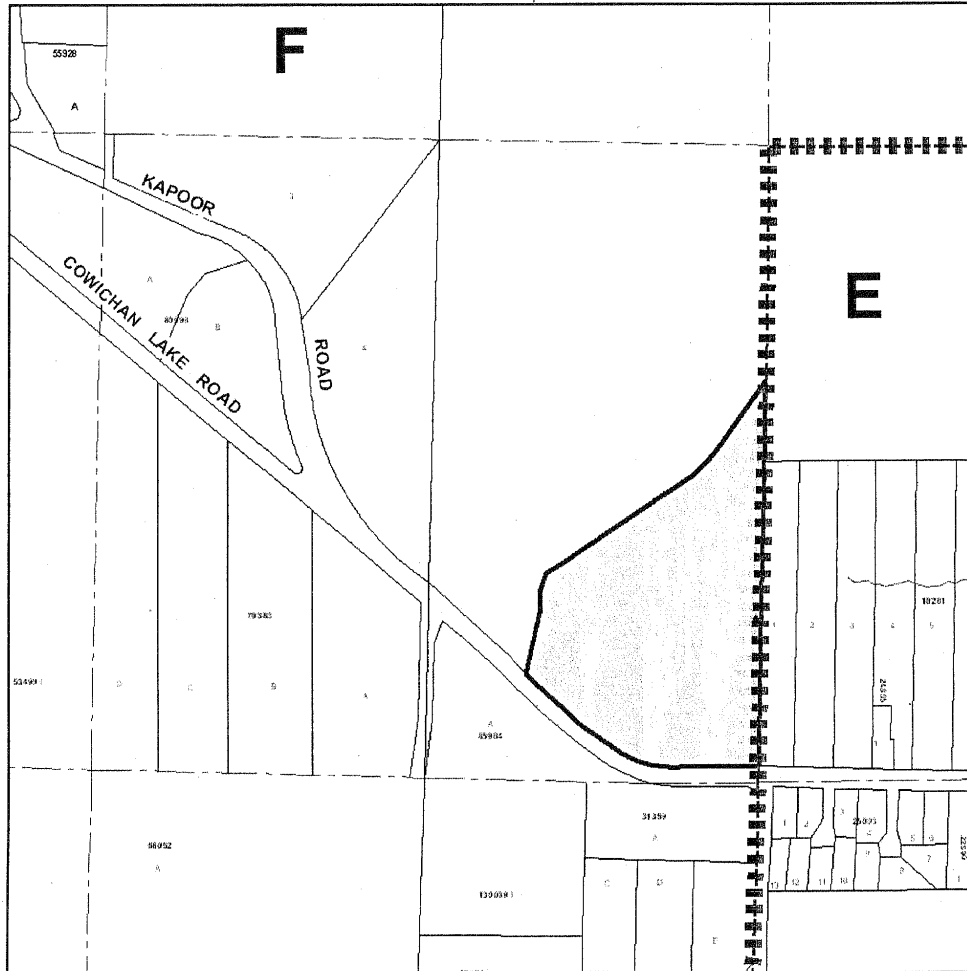
Schedule B (Official Community Plan Map) to Official Community Plan Bylaw No. 1490, is hereby amended as follows:

1. That a part of the East 1/2 of Section 9, Range 5, Sahtlam District, Except Part in Plan VIP85260 and VIP85984, as shown outlined in a solid black line on Plan number Z-, attached hereto and forming Schedule A to this bylaw, be redesignated from Forestry to Suburban Residential; and that Schedule B to Official Community Plan Bylaw No. 1490 be amended accordingly.

000130

PLAN NO. _____

**SCHEDULE "B" TO PLAN AMENDMENT BYLAW NO.
OF THE COWICHAN VALLEY REGIONAL DISTRICT**



THE AREA OUTLINED IN A SOLID BLACK LINE IS REDESIGNATED FROM

Forestry _____ **TO**

Suburban Residential _____ **APPLICABLE**

TO ELECTORAL AREA _____



SRI

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 7, 2009

DATE: March 30, 2009 **BYLAW No.:** 3260

FROM: Kathleen Harrison, Legislative Services Coordinator

SUBJECT: Area E Community Parks Service Amendment – Requisition Limit Increase.

Recommendation:

That "CVRD Bylaw No. 3260 – Electoral Area E Community Parks Service Amendment Bylaw, 2009", be forwarded to the Board for consideration of three readings and adoption.

Purpose:

To introduce CVRD Bylaw No. 3260 that amends the Area E Community Parks Service Establishment Bylaw No. 2672, by increasing the maximum requisition limit pursuant to CVRD Board Resolution 07-722-2.

Financial Implications:

The maximum amount of money that may be requisitioned annually in support of this service will increase from \$0.35 to \$0.43/\$1,000 of net taxable value of land and improvements. If the maximum amount is requisitioned the annual cost to homeowners with a residential property assessed at \$200,000.00 will increase from \$55.17 to \$67.78 per year.


Interdepartmental/Agency Implications:

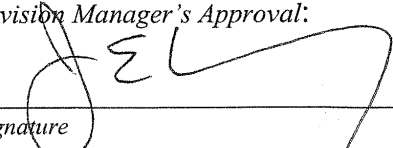
This amendment bylaw requires the approval of the service area voters before it can be adopted. Voter approval may be obtained by the Electoral Area Director consenting, in writing, to the adoption of the Bylaw. Pursuant to *B.C. Reg. 113/2007*, this bylaw also meets the criteria for exemption from obtaining the Inspector of Municipalities approval.

Background:

At its meeting held October 10, 2007, the Board ratified Resolution 07-722-2 that authorized an increase to the Electoral Area E Community Parks Service Requisition limit after March, 2008. Staff have been advised that this amendment may now proceed and therefore the attached bylaw was drafted for consideration.

Submitted by,


Kathleen Harrison
Legislative Services Coordinator
Corporate Secretariat Division

Division Manager's Approval:

Signature

000132



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3260

A Bylaw to Amend Electoral Area E Community Parks Service Establishment Bylaw No. 2672

WHEREAS the Board of the Cowichan Valley Regional District established the *Electoral Area E Community Parks Service* under the provisions of CVRD Bylaw No. 2672, cited as "CVRD Bylaw No. 2672 – Electoral Area E Community Parks Service Establishment Bylaw, 2005;

AND WHEREAS the Board of the Cowichan Valley Regional District deems it desirable and expedient to increase the maximum annual tax requisition from \$0.35/\$1,000 to \$0.43/\$1,000 of net taxable value of land and improvements in the electoral area;

AND WHEREAS the Area Director for Electoral Area E – Cowichan Station/Sahtlam/Glenora, has consented, in writing, to the adoption of this Bylaw;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3260 – Electoral Area E Community Parks Service Amendment Bylaw, 2009**".

2. **AMENDMENT**

That CVRD Bylaw No. 2672 be amended as follows:

- a) That the Section 6 "Maximum Requisition" text be deleted and replaced as follows:

The maximum amount of money that may be requisitioned annually in support of this service shall not exceed \$0.43 per \$1,000 of net taxable value of land and improvements within the service area.

READ A FIRST TIME this _____ day of _____, 2009.

READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary

000134



SR2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 7, 2009

DATE: March 19, 2009

FROM: Daniel J. Derby, General Manager Public Safety

SUBJECT: Replacement Water Tender for Sahtlam Fire Protection Service Area

Recommendation:

1. That it be recommended to the Board that staff be directed to draft a loan authorization bylaw for an amount up to \$130,000, financed over a ten year period, for the purpose of purchasing a new mobile water tender for the Sahtlam Fire Protection Service Area and that the bylaw be forwarded to the Board for consideration.
2. That it be recommended to the Board that staff be authorized to prepare the necessary Request for Proposal documents for the purchase a new mobile water tender for the Sahtlam Fire Protection Service Area following voter approval for the Loan Authorization Bylaw.
3. That it be recommended to the Board that a reserve fund expenditure bylaw be prepared authorizing the expenditure of \$70,000 from Sahtlam Fire Protection Specified Service Area Capital Reserve Fund Bylaw No. 1452 for the purpose of assisting with the purchase a new mobile water tender, and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

Purpose: To obtain Board approval for the purchase of a new fire truck (CAN/ULC – S515-04 Mobile Water Tender Firefighting Apparatus) for the Sahtlam Fire Protection Service Area.

Financial Implications: The new truck is expected to cost approximately \$200,000. Of this, \$70,000 is to come from reserves, and up to \$130,000 to be financed by borrowing over a ten-year period following voter approval being obtained through an alternative approval process (AAP). The cost of borrowing is estimated at \$.0807 per thousand (\$8.07 per \$100,000. assessed value, annually, for ten years).

Interdepartmental/Agency Implications: The CVRD Board may, by a loan authorization bylaw, borrow money for any purpose of a capital nature. Before the Board can adopt a loan authorization bylaw, it must receive the approval of the Province and the service area voters. Voter approval may be obtained by way of referendum or an alternative approval process.

Background: Household insurance ratings are based on a number of factors including the age and maintenance records relating to primary fire response vehicles. Sahtlam VFR Tanker #59 built by the department is a 1600 gallon water tender. The department has kept the vehicle in

exemplary condition however ratings dictate that we must update our fleet to ensure continuity of insurance premiums for the residents of the Sahtlam area. The fire department anticipated this replacement and has been building a reserve in expectation of a 2009 change out.

The members of the Sahtlam department working with Public Safety staff recently completed a detailed Request for Proposal for a replacement vehicle. It will have a minimum 1650 gallon water tank and seating for three members.

Once the new vehicle is in service Tanker #59 will be disposed of as per CVRD policy.

Submitted by,

A handwritten signature in black ink, appearing to read 'D. Derby', with a long, sweeping horizontal line extending to the right.

D. Derby
General Manager, Public Safety Department



SR3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 7, 2009

DATE: March 20, 2009

FILE NO:

FROM: Brian Duncan, Chief Building Inspector

BYLAW NO:

SUBJECT: Board Policy – Relocated Modular and Mobile Homes

Recommendation:

The direction of the Committee is requested.

Purpose:

To consider the Board's referral of this matter to EASC.

Financial Implications:

N/A

Interdepartmental/Agency Implications:

N/A

Background:

This matter was originally discussed at the February 17th EASC meeting (see original Staff Report attached). The Committee passed a recommendation that was subsequently amended at the March 11th Board as follows:

“That the following Regional Board Policy be adopted:

That relocated modular and mobile homes must be manufactured under the CSA Z-240, Standard for Mobile Homes, or A-277, Standard for Manufactured homes. Further, that homes manufactured under the A-277 Standard, when relocated within the CVRD electoral areas, must be placed on a permanent foundation. Z-240 Mobile Homes, single and doublewide, are permitted to be placed on strip footings and blocking.’

The Regional Board then passed the following motion:

09-117 It was moved and seconded that the proposed Regional Board Policy be referred back to the Electoral Area Services Committee.

Opposed: Directors Marcotte and Morrison

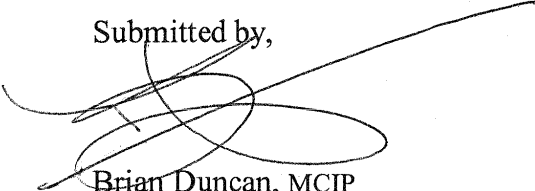
MOTION CARRIED

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Comments:

This matter is before Committee for discussion and further direction.

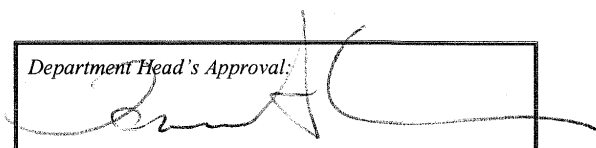
Submitted by,



Brian Duncan, MCIP
Chief Building Inspector
Planning and Development Department

/ca
attachment

Department Head's Approval:



Signature



STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF FEBRUARY 17, 2009

DATE: February 9, 2009

FILE NO:

FROM: Brian Duncan, Chief Building Inspector

BYLAW NO:

SUBJECT Relocated Modular and Mobile Homes

Recommendation:

That relocated modular and mobile homes must be manufactured under the CSA Z-240, Standard for Mobile Homes, or A-277, Standard for Manufactured homes. Further, that homes manufactured under the A-277 Standard, when relocated within the CVRD, must be placed on a permanent foundation. Z-240 Mobile Homes, single and doublewide, are permitted to be placed on strip footings and blocking.

Purpose:

For many years it has been an unrecorded, unwritten policy of the CVRD Building Department not to permit mobile and manufactured homes built before these Standards came into existence (pre 1973). With this recommendation, once approved, it will be added to our new Building By-law, which is currently being drafted.

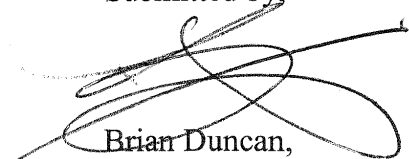
Financial Implications: N/A

Interdepartmental/Agency Implications: N/A

Background:

Due to the closure of several mobile home parks on Vancouver Island, we are seeing the relocation of several within the CVRD as primary and second dwellings. These homes may or may not have the above listed certification for manufactured and mobile homes. Therefore we have no idea of their construction relating to water and drainage piping, wiring or insulation. Permitting these could open us up to possible liability. The BC Building Code does not apply to Z-240 and A-277 homes, therefore we are responsible only for set-up and connection to services. Structural add-ons and features not covered by either Standard require additional permit fees and a structural engineer's report.

Submitted by,


Brian Duncan,
Chief Building Inspector
Development Services Department
BD/ca

Department Head's Approval:


Signature

000139



SR4

STAFF REPORT

ELECTORAL AREA SERVICES COMMEETT MEETING OF APRIL 7, 2009

DATE: March 31, 2009

FILE NO: 4-B-09BE

FROM: Nino Morano, Bylaw Enforcement Officer

BYLAW NO: 3032

SUBJECT: Dog Control

Recommendation:

Information only

Purpose:

To inform the EASC of a significant dog control matter in Shawnigan Lake.

Financial Implications:

n/a

Interdepartmental/Agency Implications:

n/a

Background:

This report is intended to inform the EASC of a positive outcome to a dog control matter that occurred at/near 2651 Shawnigan Lake Road (Acacia Ty Mawr – Intermediate Care Facility). As you may appreciate, we are most often reminded of complaints of service rather than compliments. A reminder now and again may be refreshing to understand that good things do happen more often than not in dog control.

On March 6, 2009 the SPCA and RCMP responded to complaints of two dogs (Rottweiler mix & Rhodesian Ridgeback mix) attacking numerous people near 2651 Shawnigan Lake Road. Upon arrival the SPCA, with the help of the RCMP, managed to convince the owner of the dogs, who made it back home, to hand over the dogs to allow for time to assess the situation before any decisions were made. As it turned out, at least five people were bitten/attacked by these dogs during this spree including children on their way to school. The SPCA also had recent reports of two aggressive dogs in this neighborhood matching their description. Once the investigation was complete, and after collaborative discussion with the Bylaw Enforcement Official and the General Manager of Planning & Development, it was clear that these dogs would not be given back to their owner without being legally motivated. The owner did indicate a desire to have them back but has since signed them over to the SPCA.

000140


The SPCA dealt with this issue in an efficient and professional manner and should be congratulated for that. Attached is an article of this event as reported by the "Shawnigan Times". It is not often that time is taken to inform the EASC of positive news on enforcement of any kind and this is a reminder that things do work and the safety of the public is always a priority.

Submitted by,

Nino Morano,
Bylaw Enforcement Officer

NM/jah

Attachment

<i>Department Head's Approval</i>

<i>Signature</i>

000141

Shawnigan Times

Issue #17

Information – 250-743-2197 – Chris

Circulation – 200

March 22, 2009

Roaming dogs cause morning chaos

A quiet walk early on a Friday morning has made one local lady rethink her approach to man's best friend.

Two dogs, a rottweiler and a lab cross roaming free in the 2600 block of East Shawnigan Lake road confronted our victim during her walk. Working together they attacked her simultaneously, each biting an arm as they attempted to pull her to the ground unsuccessfully. They also took a bite at her leg leaving her with four puncture wounds on her calf. Fortunately a car with 2 young men on their way to school came by in time and offered assistance by stopping, at which point the victim quickly entered the rear seat of the car and closed the door. (cont'd on page 3)



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250-743-4822

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THRIX
SALON



2740 Dundas Rd
Upstairs in the Purple Building

250 733-2231

(cont'd from cover) After the victim left the scene of the attack it was reported that further aggression by the pair of dogs took place.

A cyclist was bitten seriously enough that they had to be transported by ambulance to Cowichan Hospital for attention. Also, a group of school children waiting for their morning transport to school were threatened.

Within an hour of the attacks the animals were seized by the SPCA and are currently being held at their facility in Duncan. After a period of 10 days during which they will be observed for any health issues they will be assessed by an animal behaviour professional who will then determine the fate of the

animals.

Our victim understands that the dogs themselves are not to be blamed. The owners are the responsible party. Her concern now is, have the animals developed a pack mentality.

Let us hope that the correct decision is made.



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Shawnigan Lake, BC V0R 2W0**



SR5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 7, 2009

DATE: April 1, 2009
FROM: Catherine Tompkins, Planner III
SUBJECT: Capital Regional District Referral – Official Community Plan and Land Use Bylaws

Recommendation:

The Community and Regional Planning Branch has reviewed the CRD bylaws, and recommends Option 3 – “Interests unaffected”

Purpose:

The CVRD is requested to comment on an official community plan and a land use bylaw for the Juan de Fuca Electoral Area, within the Capital Regional District.

Financial Implications:

Not applicable

Interdepartmental/Agency Implications:

Not applicable

Background:

The CRD has requested the CVRD to comment on proposed CRD Bylaw No. 3591, Rural Resource Lands Official Community Plan, CRD Land Use Bylaw No. 3602. The bylaws affect approximately 114,200 ha of land in the Juan de Fuca Electoral Area.

CRD OCP Bylaw 3591 provides objectives and policies related to the future use and development of land within the jurisdiction of the Capital Regional District, including a focus on heritage, transportation, greenhouse gas reduction targets, development approval information areas, land use designations, and development permit areas. Bylaw 3602 is intended to implement OCP Bylaw 3591.

The CVRD Development Services Department has reviewed the proposed Bylaws, and does not have any objections to their adoption. CVRD interests appear to be unaffected. The bylaws are excessively long to attach to this report, however, a copy can be requested from the Planning and Development Department.

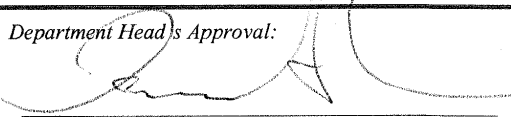
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Options

The CRD has requested that the CVRD complete a form by choosing one of the following options:

1. Approval recommended for reasons outlined on form;
2. Approval recommended subject to conditions outlined on form;
3. Interests unaffected
4. Approval not recommended due to reasons outlined.

Submitted by,

<i>Department Head's Approval:</i> 
<i>Signature</i>

Catherine Tompkins,
Planner III
Community and Regional Planning Division
Planning and Development Department

CT/ca



SR6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 7, 2009

DATE: March 31, 2009 **FILE NO:**
FROM: Tom R. Anderson, MCIP, General Manager **BYLAW NO:**
SUBJECT: CVRD Air Pollution Control Service Establishment Bylaw No. 3258

Action:

This report has been placed on the agenda for information and discussion.

Purpose:

To allow Electoral Area Directors and opportunity to discuss the implications of approving the CVRD Air Pollution Control Service Establishment Bylaw No. 3258 prior to the Regional Board giving final consideration to the Bylaw on April 8, 2009.

Financial Implications:

Unknown

Interdepartmental/Agency Implications:

Unknown

Background:

The Board of the Cowichan Valley Regional District passed the following motion at their March 11, 2009 regular meeting:

- “1. That “CVRD Bylaw No. 2942 – Air Pollution Control Service Establishment Bylaw, 2007”, not be proceeded with.*
- 2. That staff prepare a new bylaw for air pollution control with the nine electoral areas as the participating areas.*
- 3. That “CVRD Bylaw No. 3258 – Air Pollution Control Service Establishment Bylaw, 2009”, be forwarded to the Board for consideration of three readings, and following Provincial approval, adoption.*

Opposed: Directors Marcotte and Cossey

MOTION CARRIED”

000146

While the above motion passed, it should be noted that a previous motion to forward recommendation 2 above to the Electoral Area Services Committee was defeated in a very close vote. Chair Giles has requested that the Bylaw be placed on the Electoral Area Services Committee agenda so that Electoral Area Directors may give further consider the implications of the Bylaw in a non-Regional Board setting. Attached please find a copy of Bylaw No. 3258 along with the February 17, 2009 Staff Report that had been forwarded to the Engineering and Environment Services Committee.

Submitted by,

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

Tom R. Anderson, MCIP
General Manager
Planning & Development Department

TRA/jah

Attachments



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3258

A Bylaw for the Purpose of Controlling and Regulating Air Pollution within the
Cowichan Valley Regional District

WHEREAS pursuant to Sections 796 and 800 of the *Local Government Act*, a regional district may, by bylaw, establish and operate any service that the Board considers necessary or desirable for all or part of the regional district;

AND WHEREAS pursuant to Section 797.1(1)(d) of the *Local Government Act*, the Regional Board of the Cowichan Valley Regional District wishes to establish a service to control and regulate air pollution, nuisances, unwholesome or noxious materials, odours and disturbances in relation to the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia within the regional district;

AND WHEREAS the Cowichan Valley Regional District may, pursuant to Section 725(1)(g) of the *Local Government Act*, require the owners or occupiers of real property, or their agents, to eliminate or reduce the fouling or contaminating of the atmosphere through the emission of smoke, dust, gas, sparks, ash, soot cinders, fumes or other effluvia; and prescribe measures and precautions to be taken for this purpose; and establish limits not to be exceeded for those emissions;

AND WHEREAS the Regional Board of the Cowichan Valley Regional District wishes to promote the preservation of air quality for all residents within the regional district;

NOW THEREFORE the Regional Board of the Cowichan Valley Regional District enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as "CVRD Bylaw No. 3258 – Air Pollution Control Service Establishment Bylaw, 2009".

.../2

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2. SERVICE BEING ESTABLISHED

- 1) The service being established is the control of pollution, nuisances, unwholesome or noxious materials, odours and disturbances in relation to the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia within the service area (the "service").
- 2) The purpose of the service is to do one or more of the following: require the owners or occupiers of real property, or their agents, to eliminate or reduce the fouling or contaminating of the atmosphere through emissions referred to in subsection (1); to prescribe measures and precautions to be taken for this purpose; and to establish limits not to be exceeded for those emissions.

3. SERVICE AREA BOUNDARIES

The boundaries of the service area are coterminous with the boundaries of the electoral areas of the Cowichan Valley Regional District.

4. PARTICIPATING AREAS

The participating areas for the Service are: Electoral Areas A – Mill Bay/Malahat; B – Shawnigan Lake; C – Cobble Hill; D – Cowichan Bay; E – Cowichan Station/Sahtlam/Glenora; F – Cowichan Lake South/Skutz Falls; G – Saltair/Gulf Islands, H – North Oyster/Diamond; and I – Youbou/Meade Creek.

5. METHOD OF COST RECOVERY

The annual costs for providing the Service shall be recovered by one or more of the following:

- a) the requisition of money to be collected by a property value tax to be levied and collected on the net taxable value of land and improvements within the service area;
- b) the imposition of fees and other charges that may be fixed by separate bylaw; and
- c) revenues raised by other means authorized by the *Local Government Act* or another Act.

6. APPORTIONMENT OF COSTS

The annual costs of providing this service shall be apportioned among the participants on the basis of the converted value of land and improvements within the participating areas.

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000149

READ A FIRST TIME this _____ day of _____ , 2009.

READ A SECOND TIME this _____ day of _____ , 2009.

READ A THIRD TIME this _____ day of _____ , 2009.

I hereby certify this to be a true and correct copy of Bylaw No. 3258 as given Third Reading on the _____ day of _____ , 2009.

Corporate Secretary

Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this _____ day of _____ , 2009.

ADOPTED this _____ day of _____ , 2009.

Chairperson

Corporate Secretary



STAFF REPORT

R2

ENGINEERING & ENVIRONMENTAL SERVICES COMMITTEE MEETING OF FEBRUARY 25, 2009

DATE: February 17, 2009

FILE NO: Bylaw No. 3258

FROM: Harmony Huffman, Environmental Technologist II

SUBJECT: Establishment of Air Pollution Control Service within CVRD Electoral Areas

Recommendation:

1. That it be recommended to the Board that "CVRD Bylaw No. 2942 - Air Pollution Control Service Establishment Bylaw, 2007", not be proceeded with.
2. That it be recommended to the Board that staff prepare a new bylaw for air pollution control with the nine electoral areas as the participating areas.
3. That "CVRD Bylaw No. 3258 - Air Pollution Control Service Establishment Bylaw, 2009", be forwarded to the Board for consideration of three readings, and following Provincial approval, adoption.

Purpose: To adopt an establishment bylaw for air pollution control within CVRD electoral areas. This bylaw is required prior to introduction of any future regulatory bylaw(s) to address sources of air pollution.

Financial Implications: None at this time.

Interdepartmental/Agency Implications: None at this time.

Background:

Air pollution and its impacts on human health have long been a concern within the Cowichan Valley. Open burning in particular is a concern given local topography and air flows that can 'trap' smoke and particulates within the region. In 2007, staff drafted "Bylaw No. 2942 - Air Pollution Control Service Establishment Bylaw" to address local air quality and open burning. This bylaw allowed the CVRD to provide the service of pollution control, essentially opening the door for later, regulatory bylaws that could specifically address various sources of air pollution.

It was originally envisioned that Bylaw No. 2942 would apply within CVRD electoral areas *and* member municipalities. The reasoning behind this somewhat unusual approach was to provide a seamless border for the regulation and management of air pollution. On December 12, 2007, the CVRD Board gave three readings to Bylaw No. 2942, with the understanding that the bylaw would be adopted following provincial approval and written consent from CVRD member municipalities.

..../2

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Despite initial support from several municipal committees, the majority of member municipalities have yet to consider participation in Bylaw No. 2942 at the Council level. Furthermore, the unusual approach of adopting a bylaw that would apply across municipal borders has created significant doubt and confusion amongst municipal staff regarding the coordination of enforcement, administration, and cost recovery. These issues have resulted in further delays to the adoption of Bylaw No. 2942 and the CVRD's ability to address local sources of air pollution.

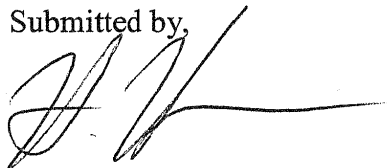
Discussion: In order to overcome these issues, staff suggest that the original Bylaw No. 2942 be changed to apply within electoral areas only. In practice, not having this bylaw apply within their borders makes very little difference to those municipalities that already have full burning bans in place (such as the City of Duncan and the Town of Ladysmith). Other jurisdictions, (i.e. the District of North Cowichan) have indicated at the staff level their reluctance to engage in a 'shared' bylaw with the CVRD, and are instead adopting their own approaches to the regulation of open burning. The Town of Lake Cowichan Council has passed a resolution consenting to the adoption of Bylaw No. 2942, but has since adopted its' own Outdoor Burning Regulation Bylaw No. 851-2008, which effectively prohibits large-scale open burning.

Rather than attempting to have one bylaw apply across borders, the CVRD can instead keep member municipalities apprised of progress in dealing with air pollution by sending 'templates' of various regulatory bylaws to the municipalities. This more common approach not only facilitates consistent regulation throughout the Valley but also promotes open and effective communication between jurisdictions.

A new service establishment bylaw that applies within electoral areas only is attached. Aside from changes to the service area and a new number, the bylaw remains the same as the original, and functions to establish the service of pollution control within electoral areas, and to allow the CVRD Board to adopt regulatory bylaws that will deal with specific sources of air pollution. For a region as widely varied as the CVRD, the flexibility allowed by this approach is particularly beneficial. Unlike concentrated urban centres where the sources of air pollution are relatively limited and outright burning bans may be effective, the wide range of urban and rural populations within electoral areas means that air pollution can be generated by many different sources. An approach that allows the CVRD to target specific activities with specific bylaws better reflects the variety of activities that take place within the electoral areas as a whole.

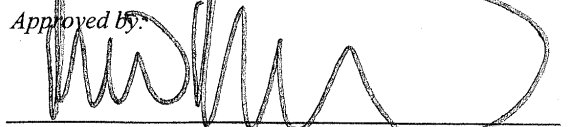
Because the adoption of regulatory bylaws addressing specific sources of air pollution would be a relatively straightforward process once the service is in place, a spring 2009 adoption of this bylaw (following Provincial approval) would allow regulatory bylaws to be adopted well in advance of the fall 2009 burning season. As per previous direction, staff are currently working on the development of regulatory bylaws that would address the large scale burning of land clearing debris and backyard burning within electoral areas. These regulatory bylaws will be addressed by way of separate staff reports.

Submitted by,



Harmony Huffman
Environmental Technologist II

Approved by:



Brian Dennison, General Manager,
Engineering and Environmental Services



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3258

A Bylaw for the Purpose of Controlling and Regulating Air Pollution within the Cowichan Valley Regional District.

WHEREAS pursuant to Sections 796 and 800 of the *Local Government Act*, a regional district may, by bylaw, establish and operate any service that the Board considers necessary or desirable for all or part of the regional district;

AND WHEREAS pursuant to Section 797.1(1)(d) of the *Local Government Act*, the Regional Board of the Cowichan Valley Regional District wishes to establish a service to control and regulate air pollution, nuisances, unwholesome or noxious materials, odours and disturbances in relation to the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia within the regional district;

AND WHEREAS the Cowichan Valley Regional District may, pursuant to Section 725(1)(g) of the *Local Government Act*, require the owners or occupiers of real property, or their agents, to eliminate or reduce the fouling or contaminating of the atmosphere through the emission of smoke, dust, gas, sparks, ash, soot cinders, fumes or other effluvia; and prescribe measures and precautions to be taken for this purpose; and establish limits not to be exceeded for those emissions;

AND WHEREAS the Regional Board of the Cowichan Valley Regional District wishes to promote the preservation of air quality for all residents within the regional district;

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

1. CITATION

This Bylaw may be cited for all purposes as "**CVRD Bylaw No. 3258 – Air Pollution Control Service Establishment Bylaw, 2009**".

.../2

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2. SERVICE BEING ESTABLISHED

- 1) The service being established is the control of pollution, nuisances, unwholesome or noxious materials, odours and disturbances in relation to the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia within the service area (the "service").
- 2) The purpose of the service is to do one or more of the following: require the owners or occupiers of real property, or their agents, to eliminate or reduce the fouling or contaminating of the atmosphere through emissions referred to in subsection (1); to prescribe measures and precautions to be taken for this purpose; and to establish limits not to be exceeded for those emissions.

3. SERVICE AREA BOUNDARIES

The boundaries of the service area are coterminous with the boundaries of the electoral areas of the Cowichan Valley Regional District.

4. PARTICIPATING AREAS

The participating areas for the Service are: Electoral Areas A – Mill Bay/Malahat; B – Shawnigan Lake; C – Cobble Hill; D – Cowichan Bay; E – Cowichan Station/Sahtlam/Glenora; F – Cowichan Lake South/Skutz Falls; G – Saltair/Gulf Islands, H – North Oyster/Diamond; and I – Youbou/Meade Creek.

5. METHOD OF COST RECOVERY

The annual costs for providing the Service shall be recovered by one or more of the following:

- a) the requisition of money to be collected by a property value tax to be levied and collected on the net taxable value of land and improvements within the service area;
- b) the imposition of fees and other charges that may be fixed by separate bylaw; and
- c) revenues raised by other means authorized by the *Local Government Act* or another Act.

6. APPORTIONMENT OF COSTS

The annual costs of providing this service shall be apportioned among the participants on the basis of the converted value of land and improvements within the participating areas.

..../3

000154

READ A FIRST TIME this _____ day of _____ , 2009.

READ A SECOND TIME this _____ day of _____ , 2009.

READ A THIRD TIME this _____ day of _____ , 2009.

I hereby certify this to be a true and correct copy of Bylaw No. 3258 as given Third Reading on the _____ day of _____ , 2009.

Corporate Secretary

Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this _____ day of _____ , 2009.

ADOPTED this _____ day of _____ , 2009.

Chairperson

Corporate Secretary



SR7

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 7, 2009

DATE: April 1, 2009 **FILE NO:** 2-I-07RS

FROM: Mike Tippet Rob Conway **BYLAW NO:** 3213, 3214, 3242
Manager, Community Manager,
& Regional Planning Development Services
Division Division

SUBJECT: Youbou Lands hearing delegation and minor housekeeping updates to the OCP,
Zoning amendments and Phased Development Agreement

Recommendation:

1. That the previous delegating resolution No. 08-541 for the hearing for Bylaws 3213, 3214 and 3242 be rescinded and that Directors Kuhn, Morrison and Giles be named as delegates to the hearing for Bylaws 3213, 3214 and 3242 And Further That a public meeting be held a few weeks prior to the public hearing, to give the public an opportunity to become familiar with the proposed bylaws;
2. That Bylaws 3213, 3214 and 3242 be amended by removing the following extraneous legal descriptions from the list of legal descriptions in each of those bylaws:
 - i) Block A, District Lot 64, Cowichan Lake District;
 - ii) Section 46, Renfrew District (situated in Cowichan Lake District), except that part shown coloured red on Plan 1210 OS;
 - iii) That Part of District Lot 31, Cowichan Lake District, containing 6.24 acres, more or less, and shown coloured red on Plan Deposited under DD 31052I.

Purpose:

To finalise some changes to the proposed Zoning, Official Community Plan and Phased Development Agreement in preparation for the upcoming public meeting and hearing.

Financial Implications:

None apparent

Interdepartmental/Agency Implications:

None apparent

000156

Background:

In preparing for a public hearing in May and possibly a public meeting before that, CVRD staff and the proponent of the Youbou Lands development have been reviewing the three bylaws related to this application to ensure that they are all ready for these next steps. In the course of these reviews, we have identified a few items which are significant and require amendment prior to the formal hearing. Additionally, the public hearing delegating resolution from 2008 delegates the hearing to three directors, two of whom no longer sit at the CVRD Board table. Accordingly, we have to delegate the hearing to sitting Directors.

Planning and Development Department Comments:

The surveyor acting on behalf of the Youbou Lands group identified three extraneous legal descriptions that are at present incorporated into Bylaws 3213, 3214 and 3242. These three legal descriptions were all extinguished when the latest subdivision Plan No. VIP84672 was registered; however they remained in the CVRD GIS and so we were under the false impression that they still existed when the bylaws were drafted in 2008. The GIS has been updated now to reflect the current status of the legal descriptions. Accordingly, these three legal descriptions are proposed in this report to be eliminated from each of the above-mentioned bylaws.

In late 2008, a delegation resolution (08-541) was passed that named former Directors Hodson, Allan and current Director Duncan to sit at the public hearing. Directors Kuhn and Morrison have replaced Hodson and Allan, and Director Duncan has declared himself in the past to be in a potential conflict with respect to the applicants. Therefore we will require three new hearing delegates. Staff would suggest that Directors Kuhn, Morrison and Giles be appointed as hearing delegates. We would also recommend that all other Directors who can attend the hearing do so.

Staff has discussed with the Ministry of Community Development the public review process for an application of this nature, particularly the Phased Development Agreement (PDA) and the proposal to seek leave to extend it from the ten year term to the maximum of 20. The Ministry officials are emphasizing that the CVRD should have additional public process particularly respecting the PDA and proposal to extend it to a 20 year term, because this extension effectively immunizes the development from zoning changes for a period of 20 years. Part of this extra process will be a public meeting, to be held about three weeks before the hearing. We also propose to mail to property owners in Electoral Area I and people with mailboxes in Electoral Areas F, I and the Town of Lake Cowichan a notice respecting the proposed bylaws. These extra steps may be sufficient for the Province to grant a 20 year term to the proposed PDA.

We also wish to clarify the exact nature of the proposed "Industrial use" in the business park zone under Bylaw 3214. This will be provided at the Committee meeting. The intent is simply to narrow down the list of potential uses that could possibly be allowed under the "industrial" category. We will propose a specific list of uses which collectively would replace "Industrial use" in the proposed I-3 Zone.

Some clarifications of wording and timing of matters in the Phased Development Agreement updates are also proposed. These too will be distributed at the Committee meeting. They are all minor and do not significantly affect the intent or effect of the PDA.

Submitted by,



Mike Tippett, MCIP

Manager

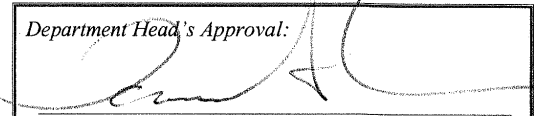
Community and Regional Planning Division
Planning and Development Department



Rob Conway, MCIP

Manager

Development Services Division
Planning and Development Department

<i>Department Head's Approval:</i> 
<i>Signature</i>

MT/RC/ca

000158

Amended April 1, 2009

PHASED DEVELOPMENT AGREEMENT

This Agreement dated for reference the _ day of _____, 2009 is

AMONG:

COWICHAN VALLEY REGIONAL DISTRICT, a regional district incorporated under the *Local Government Act* having an office at 175 Ingram Street, Duncan, B.C. V9L 1N8

(the "District")

AND: **0741817 B.C. LTD.** (Incorporation No. 0741817), a corporation having an office at _____

(the "Developer")

AND: **TIMBERWEST FOREST II LIMITED** (Incorporation No. 459438), a corporation having an office at 7th Floor, 700 West Georgia Street, Vancouver, B.C. V7Y 1A1

("Timberwest")

(the Developer and Timberwest are referred to collectively as the "Owner")

WHEREAS:

- A. The Developer is the registered owner of land legally described in Schedule A (the "Developer's Land");
- B. Timberwest is the registered owner of Block 113, Cowichan Lake District, except parts containing 6.34 and 0.54 of an acre more or less shown coloured red on plan marked 'B' (DD 40883I); Except part shown outlined in red on plan 283R; and except parts in plan 20033, 31184 and VIP63536 and That part of District Lot 35, Cowichan Lake District, lying to the north of the right of way of the Canadian Northern Pacific Railway as said right of way is shown on Plan 172 RW, portions of which (the "Timberwest Development Lands") are shown in Schedule A1;
- C. Timberwest intends to subdivide and sell and the Developer intends to purchase the Timberwest Development Lands;
- D. The Developer has applied to the District for an amendment to CVRD Zoning Bylaw No. 2465 by way of CVRD Bylaw No. 3214 – Area I – Youbou/Meade Creek Zoning Amendment Bylaw (Youbou Lands), 2009 (the "Zoning Amendment Bylaw") to permit the development on the Developer's Land and the Timberwest Development Lands (referred to collectively as the "Land") of a range of residential and non-residential uses;
- E. The Owner wishes to provide certain amenities and features in the development of the Land, and the parties wish to ensure that the provisions of the District's zoning bylaw as amended by the Zoning Amendment Bylaw continue to apply to the Land for the period more particularly set out in this Agreement; and

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- F. The Board of the District has given notice and held a public hearing and has, by bylaw, authorized the execution of this Agreement;

NOW THEREFORE in consideration of the mutual promises set out in this Agreement, the parties agree pursuant to section 905.1 of the *Local Government Act* as follows:

APPLICATION OF AGREEMENT

1. This Agreement applies to the Land, including any parcels of land into which the Land may be subdivided. This Agreement applies to the Land and to no other land.

BYLAW AMENDMENTS NOT TO APPLY

2. For the term of this Agreement, any amendment or repeal of the following sections of Cowichan Valley Regional District Zoning Bylaw No. 2465 as amended by the Zoning Amendment Bylaw shall not apply to the Land, except:

- (a) as provided in section 905.1(6) of the *Local Government Act*; or
- (b) to the extent that the Owner of any parcel comprising the Land agrees in writing that the amendment or repeal shall apply to that Land:

Lakefront Residential 3 (LR-3) Zone

Residential 8 (R-8) Zone

Residential 9 (R-9) Zone

Multiple Family Residential 6 (RM-6) Zone

Single and Multiple Family Residential 7 (RM-7) Zone

Village Core 1 (VC-1) Zone

Business Park / Light Industrial 3 (I-3) Zone

Institutional and Community Facilities 4 (ICF-4) Zone

3. For certainty, and without limiting section 2, the District agrees that any development permit or building permit that would be issuable in respect of the Land on the date of adoption of the Zoning Amendment Bylaw will be issued throughout the term of this Agreement in accordance with CVRD Official Community Plan Bylaw No. 2650, 2005, Electoral Area 1 – Youbou/Meade Creek and Building Bylaw No. 143 respectively and the provisions and terms of this Agreement, despite any amendment or repeal of the bylaw provisions specified in section 2 that would otherwise prevent the issuance of the permit.

TERM OF AGREEMENT

4. The term of this Agreement is ~~ten~~ twenty years from the date of adoption of the Zoning Amendment Bylaw.
5. The parties may terminate this Agreement at any time by written agreement.

6. If the amenities and features of the development are not provided to the standards and at the times set out in Schedule B, on which question the opinion of the District shall be determinative provided that the District may not act unreasonably, the District may at its option terminate this Agreement by providing notice in writing to the Owner, provided that the District has at least two (2) months prior to giving such notice advised the Owner in writing of any alleged failure (the "Default Notice") to provide such amenities and features in accordance with this Agreement and the Owner has not corrected the deficiency to the reasonable satisfaction of the District, or if such default reasonably requires longer than two (2) months to remedy, the Owner has failed to substantially commence remedying such default within two (2) months after receipt of the Default Notice to the reasonable satisfaction of the District, or has failed to substantially complete remedying the default within six (6) months after receipt of the Default Notice to the reasonable satisfaction of the District. The Owner acknowledges that, in the event that this Agreement is terminated under this Section, the District may further amend its zoning bylaw to reverse or modify the effect of the Zoning Amendment Bylaw, without compensation to the Owner.

AMENITIES AND FEATURES OF THE DEVELOPMENT

7. The Owner shall provide the amenities listed in Schedule B at the times specified in Schedule B.
8. The Owner acknowledges that the amenities described in Schedule B are not "excess or extended services" as defined in section 939 of the *Local Government Act*, and are not works or services included in the calculations used to determine the amount of any development cost charge.

PUBLIC LAND USE DESIGNATIONS

9. The Owner acknowledges that the Zoning Amendment Bylaw designates certain portions of the Lands for public uses only, in contemplation of those portions being transferred to other parties pursuant to this Agreement, and agrees that such designations do not, considered together with the provisions of the Zoning Amendment Bylaw in respect of other portions of the Lands, effect any reduction in the value of the Owner's interest in the Lands. The Owner agrees that such designations accordingly do not entitle the Owner to compensation under s. 312 of the *Local Government Act* or otherwise, and irrevocably waives any entitlement to such compensation.

VILLAGE CORE NEIGHBOURHOOD PLAN

10. Prior to any development permit, building permit or subdivision approval being granted for development or subdivision of portions of the Land within the Village Core zone designated in the Zoning Amendment Bylaw, the Owner shall prepare a Village Core neighbourhood plan defining the layout of the Village Core area, including the location of roads, plazas, pedestrian walkways, building footprints and massing and view corridors. The neighbourhood plan must consider waterfront and mountain views and solar access and promote a human-scale, pedestrian oriented site layout and built form. The plan should be conceptual in nature and need not exhibit the level of detail necessary for subsequent site-specific development permit applications. Development standards such as building setbacks and height and design guidelines may be established through the neighbourhood planning process and land uses and densities may be assigned to particular locations within the area. The Village Core neighbourhood plan must be adopted as an amendment to the Official Community Plan and Zoning Bylaw prior to the issuance of development permits, building permits or subdivision approval within the Village Core area.

DENSITY OF DEVELOPMENT

11. Residential and hotel density on the Land shall not exceed that specified on Schedules C and C1.
12. The Land shall not be subdivided unless, concurrently with the subdivision,
 - (a) the Owner grants to the District a covenant under section 219 of the *Land Title Act* restricting the residential and hotel density of the parcels being created by the subdivision such that the restrictions in Schedule C and C1 are made applicable to the parcels in a manner satisfactory to the District, acting reasonably; or
 - (b) prior to the approval of the subdivision, the District has amended Zoning Bylaw No. 2465 to establish density limits in respect of the parcels being created,

unless the District determines, in its sole discretion, that such additional density regulation is not required in view of the nature and effect of the proposed subdivision.

PHASING OF DEVELOPMENT

13. The phases of development shown on Schedule B1 must be developed in numerical order, ~~and the phases of development within each numbered phase must be developed in alphabetical order,~~ except that at least 1000 square metres of gross commercial floor area must be developed in Phase 3b prior to the subdivision or development of any portion of Phase 2a, at least 1000 additional square metres of gross commercial floor area must be developed in Phase 3b prior to the subdivision or development of any portion of Phase 3a, and the balance of the permitted commercial floor area in Phase 3b may be developed at any time subject to the remainder of this Agreement.
14. No portion of the Land shall be subdivided or development permit application made for a residential use until the Ministry of Environment has issued a certificate of compliance in respect of the Land under the *Environmental Management Act*, unless the Ministry of Environment has expressly authorized the subdivision or development in advance of the issuance of the certificate of compliance.

ASSIGNMENT OF AGREEMENT

15. Any Owner may assign this Agreement in whole or in relation to any parcel into which the Land of that Owner may be subdivided, if the District, acting reasonably, consents in writing to the assignment and the assignee has executed and delivered to the District a notice of assumption and has entered into an assignment agreement with the Owner assigning the Agreement. In consenting to such assignment, the District may require the Owner and the assignee to enter into further agreements with the District concerning the performance of the obligations contained in this Agreement in relation to the parcel of which the assignee is or will become the owner.

AMENDMENT OF AGREEMENT

16. The parties may in writing agree to minor amendments to this Agreement, and for that purpose a "minor amendment" is an amendment to Schedule B or to Schedule B1 except that areas of land to be transferred or dedicated to the District for public use as park, trail, or walkway or for conservation or environmental protection purposes may not vary in area from the areas specified in Schedule B by more than 10% and such amendments may not reduce the total area of such areas to less than 121.4 ha (300 acres). For certainty, an amendment to Schedule B1 undertaken

to reflect adjustment of the boundaries of the zones established by the Zoning Amendment Bylaw by further zoning bylaw amendment is a "minor amendment".

17. The District may, prior to agreeing to such an amendment, convene a public hearing or other proceeding for the purpose of determining the opinion of members of the public to such amendment, notwithstanding that such a hearing or other proceeding is not required by the *Local Government Act*, and the Owner agrees to participate in such proceeding for the purpose of providing information to the public on the proposed amendment.

SPECIFIC PERFORMANCE

18. The Owner agrees that the trails, walkways, riparian and elk habitat areas, Arbutus Park expansion, and other park areas described in Schedule B are uniquely located properties and if the Owner fails to dedicate such lands to the District, as described in Schedule B, the Owner agrees that the District shall be entitled to an order of specific performance for the dedication, but the District is not precluded from claiming an award of damages for the Owner's breach.

GENERAL TERMS AND CONDITIONS

19. The obligations of the parties comprising the Owner shall be joint and several. The parties acknowledge and agree that as between the District and the parties comprising the Owner, the Developer may carry out all responsibilities, obligations and covenants under this Agreement on behalf of the Owner and any decision, agreement, or act by the Developer with respect to the terms and conditions of this Agreement shall bind each of the parties comprising the Owner. The Developer and Timberwest may make agreements between themselves as to their obligations under this Agreement.
20. Any notice permitted or required by this Agreement to be given to either party must be given to that party at the address set out above, or to any other address of which the party has given the other party notice in writing expressly for the purposes of this Agreement.
21. Except as expressly set out in this Agreement, nothing in this Agreement shall prejudice or affect the rights and powers of the District in the exercise of its functions under the *Community Charter* or the *Local Government Act* or any of its bylaws, or those of the approving officer of the Ministry of Transportation and Infrastructure or the District, as the case may be, under the *Land Title Act*, *Strata Property Act* or Bare Land Strata Regulations.
22. Any opinion, decision, act or expression of satisfaction or acceptance provided for in this Agreement may be taken or made by the District's General Manager of Planning and Development, unless expressly provided to be taken or made by another official of the District.
23. No provision of this Agreement is to be considered to have been waived by the District unless the waiver is expressed in writing by the District. The waiver by the District of any breach by any of the other parties of any provision is not to be construed as or constitute a waiver of any further or other breach.
24. Whenever in this Agreement the District is required or entitled to exercise any discretion in the granting of consent or approval, or is entitled to make any determination, take any action or exercise any contractual right or remedy, the District may do so in accordance with the contractual provisions of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice or otherwise, shall have any

application in the interpretation or implementation of this Agreement except to the extent that such duty arises as a matter of public law.

25. The Owner shall indemnify and save harmless the District, its officers, employees, Council members, agents and others (the "District Representatives") from and against any and all actions, causes of action, liabilities, demands, losses (but not loss of profits), damages, costs, expenses (including actual fees of professional advisors), remediation of contamination costs, fines, penalties and other harm of any kind whatsoever, whether related to death, bodily injury, property loss, property damage, property contamination or consequential loss or damage, suffered or incurred by the District or any of the District Representatives, directly or indirectly, arising from, resulting from, connected with or related to:
 - (a) death, bodily injury, damage to or loss of any property or other incident or occurrence during the construction or provision of the amenities and other development contemplated by this Agreement;
 - (b) any default or breach of this Agreement by the Owner; and
 - (c) any wrongful act, omission or negligence of the Owner or its directors, officers, employees, agents, contractors, subcontractors, licensees, or others for whom they are responsible in law with respect to the covenants and obligations of the Owner pursuant to this Agreement.
26. This indemnity shall survive any conclusion or other termination of this Agreement, in relation to any matter arising prior to it.
27. If any Owner is delayed or prevented from the performance of any covenant or agreement required hereunder by reason of any unavoidable cause, then performance of such covenant or agreement shall be excused for the period during which such performance is delayed or prevented and the time for the performance thereof shall be extended accordingly. For the purposes of this section, "unavoidable cause" means any event or contingency beyond the reasonable control of the Owner, including without limitation a delay caused by weather conditions, power failure, fire or other casualty, governmental laws, regulations or controls, civil commotion, insurrection, sabotage, invasion, rebellion, military or usurped power, war or war-like operations and acts of God, but excluding a delay caused by lack of funds.
28. Time is of the essence of this Agreement and will remain of the essence notwithstanding the extension of any dates.
29. The Owner acknowledges and agrees that the District, acting reasonably, may, despite any public law limitations on the withholding of development permits, building permits and occupancy permits, withhold such permits for the purpose of ensuring compliance with and administering the terms of this Agreement.
30. The District may, during the construction of any amenity required by this Agreement, appoint from time to time an employee or official to represent the interests of the District under this Agreement and advise the Owner in writing of such appointment, and the Owner shall for that purpose provide to the District's representative reasonable access to all documents related to the construction including but not limited to plans, permits, specifications, Building Code analyses, receipts, waybills, shipping documents and contracts, and reasonable access to the site of construction and all construction facilities. The Owner agrees that the viewing of this documentation by the District's representative does not create any legal obligation, in tort or

otherwise, on the part of the District or its representative whether or not comments are given to the Owner and whether or not the Owner chooses to act on comments that are given.

31. This Agreement may be executed in counterparts.

COWICHAN VALLEY REGIONAL DISTRICT

By its authorized signatories:

TIMBERWEST FOREST II LIMITED

By its authorized signatories:

0741817 B.C. LTD.

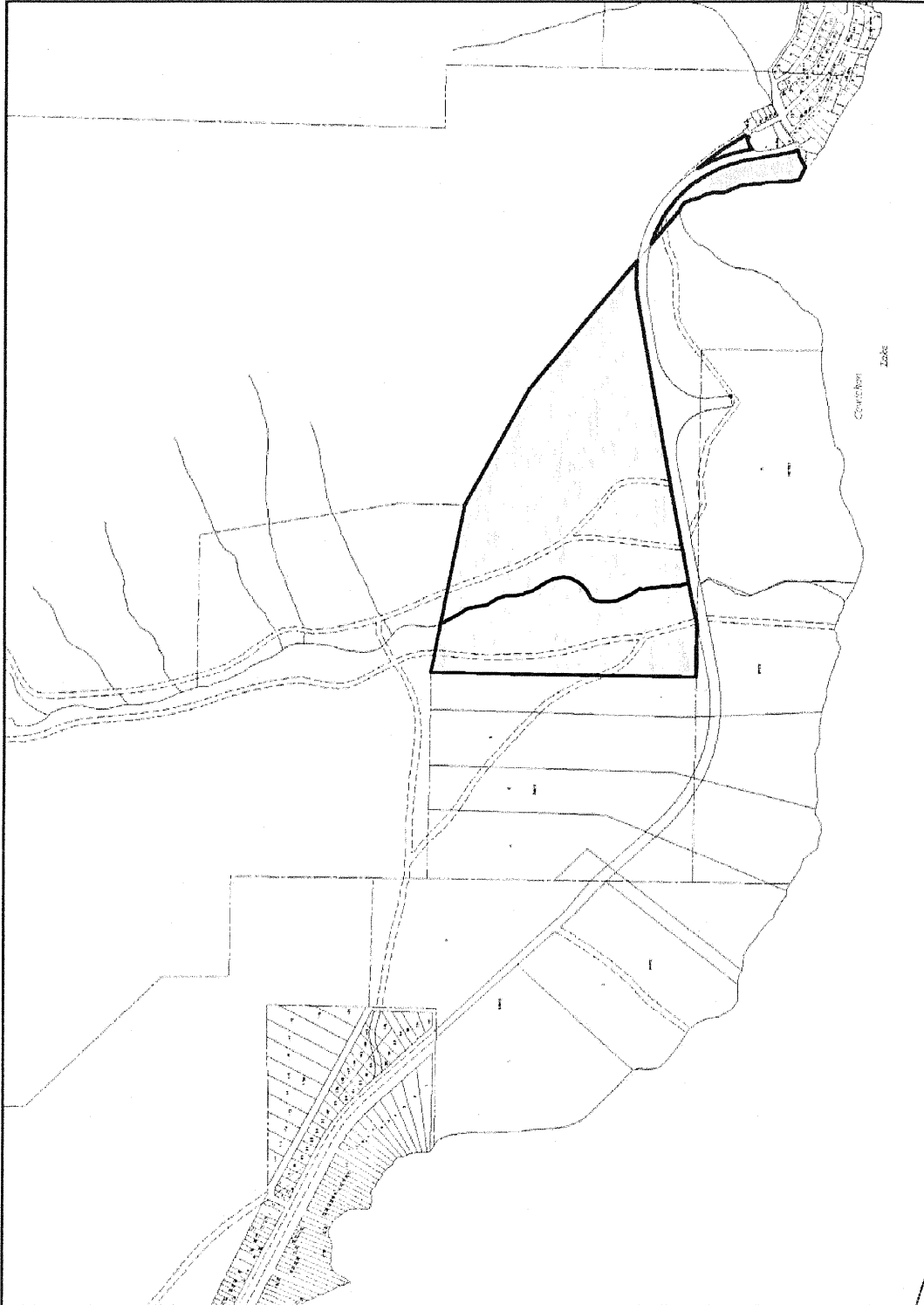
By its authorized signatories:

SCHEDULE A

1. Lot 1, Section 46, Renfrew District (situate in Cowichan Lake District), Plan VIP84672
2. Lot 2, Section 46, Renfrew District (situate in Cowichan Lake District), Plan VIP84672;
3. Lot 3, Section 46, Renfrew District (situated in Cowichan Lake District) and District Lot 64, Cowichan Lake District, Plan VIP84672;
4. Lot 4, District Lots 31 and 64, Cowichan District and Section 46, Renfrew District (situated in Cowichan Lake District), Plan VIP84672;
5. Lot 5, District Lots 31 and 64, Cowichan Lake District, Plan VIP84672;
6. Lot 6, Section District Lots 31 and 64, Cowichan Lake District, Plan VIP84672;
7. Lot 7, District Lots 31 and 64, Cowichan Lake District, Plan VIP84672;
- ~~8. Block A, District Lot 64, Cowichan Lake District;~~
- ~~9. Section 46, Renfrew District (situated in Cowichan Lake District), except that part shown coloured red on Plan 1210 OS;~~
10. Those Parts of District Lot 35, Cowichan Lake District lying south of said Plan 172 RW;
11. That Part of District Lot 35, Cowichan Lake District, outlined in red on Plan 172 RW lying to the west of a straight line drawn at right angles to the centre line of Plan 172 RW from a point thereon distant 610.8 feet easterly from the intersection of said centre line and the northerly boundary of District Lot 31;
12. That Part of District Lot 35, Cowichan Lake District, outlined in red on Plan 172 RW lying to the east of a straight line drawn at right angles to the centre line of Plan 172 RW from a point thereon distant 610.8 feet easterly from the intersection of said centre line and the northerly boundary of District Lot 31;
13. Parcel A, Plan (DD 163332I), of Lot 31 Cowichan Lake District;
14. That Part of District Lot 31, Cowichan Lake District, outlined in red on Plan 172 RW lying to the east of a straight line drawn at right angles to the centre line of Plan 172 RW from a point thereon distant 610.8 feet easterly from the intersection of said centre line and the northerly boundary of District Lot 31;
- ~~15. That Part of District Lot 31, Cowichan Lake District, containing 6.24 acres more or less as shown coloured red on Plan Deposited under DD 31052I;~~
16. That Part of Block 113, Cowichan Lake District, containing 0.54 acres, more or less, and shown coloured in red on Plan Marked 'B' Deposited under DD 40883I;
17. That Part of Block 113, Cowichan Lake District, containing 6.34 acres, more or less, and shown coloured red on Plan Marked 'B' in DD 40883I, except those parts in Plans 20033 and VIP54704;

SCHEDULE A1

[MAP OF PORTIONS OF TIMBERWEST LANDS]



SCHEDULE B

AMENITIES AND FEATURES OF THE DEVELOPMENT

(References to Phases are references to phases described on Schedule B1.)

PARKS AND TRAILS

Youbou Beach Parkway and trail

1. In developing the major east-west extension of Youbou Road through the Lands, the Owner must provide a parallel multi-use trail of between 3 and 4 metres in width for pedestrians, cyclists and other non-motorized traffic, to the south of vehicle traffic lanes and physically separated from such lanes by a landscaped buffer, constructed to District standards. The multi-use trail must be linked at its westerly limit to the waterfront trail described in Section 3 and at its easterly limit to the Village core area. The Owner must also provide, to the north of vehicle traffic lanes and physically separated by another landscaped buffer, a stormwater bio-swale and elk corridor adjacent to the elk habitat described in Section 19. The aggregate width of the highway right of way, multi-use trail right of way and habitat corridor must be at least 60 metres. The trail must be constructed from the Village core area to the westerly edge of Phase 1a prior to the deposit of a subdivision plan of that phase; to the westerly edge of Phase 2a prior to the deposit of a subdivision plan of that phase; and to the westerly edge of Phase 3a prior to the deposit of a subdivision plan of that phase. In addition, the portions of the multi-use trail right of way on which the trail is constructed, and the portions of the stormwater bio-swale and elk corridor immediately adjacent to such constructed portions of the trail, must be transferred to the District in fee simple prior to or concurrently with the deposit of such subdivision plans. Landscaping must comprise native, drought-tolerant species and the Owner must maintain the landscaping for at least one year following completion of the works, replacing any plant specimens that do not survive transplant during that period. Prior to dedication or transfer to the District of the trail areas, buffer areas and elk corridor, the Owner must restore the land to the standard reasonably required by the District, including any reforestation and removal of invasive species specified by the District.

Lakefront walkway east of Cottonwood

2. The Owner must construct in the area described in Section 12 and 17 a hard-surfaced multi-use trail 3 to 4 metres in width, between the ~~westerly~~ easterly boundary of Arbutus Park and Cottonwood Creek, complete with low level lighting, seating, landscaping, interpretive signage, and three viewing platforms, all as approved in writing by the General Manager of Parks, Recreation and Culture of the District. The portion of the walkway from Arbutus Park west to the boat launch facility must be constructed not later than the date of transfer to a purchaser by the Owner of the 101st building lot in Phase 1a, and the remaining portion prior to the date of registration of the last subdivision in Phase 1a. For the purpose of this Section, the Owner must notify the District of the transfer to purchasers of the 26th, 51st, 76th, and 101st building lots in Phase 1a within five business days of the deposit of the transfer in the Land Title Office, and upon any failure of the Owner to do so, the Owner shall be obliged upon receiving notice from the District to such effect, to forthwith construct such portions of the trail required by this Section as the District may specify in the notice. The Owner acknowledges that the District may, in giving such notice, require the construction of all portions of the trail remaining to be constructed at the time the notice is given.

Lakefront walkway west of Cottonwood

3. The Owner must provide in the area west of Cottonwood Creek to the western boundary of Phase 3a and extending along the western boundary of Phase 3a to connect with the Youbou Beach Parkway trail described in Section 1, a hard-surfaced mixed-use trail 3 metres in width, complete with low level lighting, landscaping including street trees, and irrigation works, all as approved in writing by the District. The portion of the walkway adjacent to each phase or sub-phase of the development must be constructed no later than the date of deposit of the subdivision plan creating the lots in that phase or sub-phase, and all walkway areas must be dedicated as highways where the Ministry of Transportation approves the walkway within the road allowance, and otherwise transferred to the District in fee simple. Driveway crossings over the walkway shall not be permitted and the District may require restrictive covenants at the time of subdivision prohibiting driveway crossings.
4. The alignment of the walkway may be landward of any single-family dwelling lots abutting Cowichan Lake, but must be between the Lake and any multi-family dwellings in Phase 1a or Phase 2a. Where the walkway does not abut Cowichan Lake, it must be located on the north side of the most southerly road in the subdivision approximately paralleling the natural boundary of the Lake.

Public parks west of Cottonwood Creek

5. The Owner must transfer to the District in fee simple, park areas south of Youbou Beach Parkway between Phases 1a and 2a and Phases 2a and 3a having an aggregate area of at least 10.1 ha, and prior to transfer must improve the park areas by reforestation and similar restoration of natural areas; the development of washroom facilities in each park area; the development of picnic areas, grassed areas, picnic tables and benches, barbecue pits, District Parks signage, information kiosks, parks access controls and irrigation works, integrating into the design the lakefront walkway described in Section 3, all as approved by the District in writing prior to construction.
6. The first such park area must be transferred prior to the registration of any subdivision plan of Phase 2b and must be developed with at least twelve motor vehicle parking spaces, and the second park area must be transferred prior to the registration of any subdivision plan of Phase 3a and must be developed with at least six motor vehicle parking spaces to a design and standard approved by the District in writing prior to construction.

Local neighbourhood parks

7. The Owner must transfer to the District five local neighbourhood parks having an aggregate area of at least 1.6 ha, at the time of subdividing the portion of the Lands in which the park is located, and must not subdivide any parcel comprising the Lands until the District has approved in writing the approximate location of each of the five parks. Prior to transferring each park, the Owner must undertake basic site preparation work including grading, irrigation and basic landscaping, and must construct on the park such improvements as may be approved in writing by the District.
8. The Owner is not obliged to expend more than \$425,000 on park improvements under Section 7, apart from basic site preparation work and subject to Section 28.

Youbou Road multi-use trail

9. The Owner must, subject to Section 28, provide to the District the sum of \$1,000,000.00 to be used for the development of a multi-use trail for non-vehicular traffic on Youbou Road to the

east of the Lands, including design and acquisition of additional highway right-of-way as deemed necessary by the District. The Owner must provide to the District a completed design of the works approved by the District prior to the deposit of a subdivision plan of Phase 2a; must pay to the District 1/3 of the funds not expended on the design prior to deposit of a subdivision plan of Phase 2a; must pay 1/2 of the remaining funds prior to deposit of a subdivision plan of Phase 3a; and must pay the balance prior to deposit of a subdivision plan so as to create more than 50% of the lots proposed in Phase 3a.

10. The construction of the trail contemplated by this Section is subject to the approval of the Ministry of Transportation and Infrastructure and timing of construction shall be at the discretion of that agency and the District.

Cottonwood Creek pedestrian crossing

11. The Owner must, prior to the deposit of a subdivision plan of Phase 2a, construct a pedestrian crossing over Cottonwood Creek to the south of the Youbou Beach Parkway highway crossing, to connect the trails described in Sections 2 and 3. Design of the crossing including specification of materials shall be subject to the approval of the District, which in granting approval may take into consideration the recommendations of the Ministry of Environment and Department of Fisheries and Oceans. In the event that the District determines that the Owner cannot comply with this requirement because either the Ministry of Environment, the Department of Fisheries and Oceans or any other authority having jurisdiction will not issue required approvals for construction of the crossing, the Owner must provide alternative pedestrian network improvements for a creek crossing approved by the District prior to the deposit of a subdivision plan of Phase 2a.

Expansion of Arbutus Park

12. The Owner must, prior to the deposit of the subdivision plan creating the 101st parcel from the Lands, transfer to the District an area of land having a minimum area of 2.8 hectares to the northwest of and abutting Arbutus Park, shown as Phase 1c on Schedule B1, for park expansion and fire department facilities. ~~Prior to the transfer, the Owner must construct on the land the multi-use trail described in Section 2.~~

Youbou Village beach and green

13. The Owner must transfer to the District in fee simple prior to the deposit of any subdivision plan for Phase 3a, a park area south of Youbou Beach Parkway between Phases 2b and 3b, and having an area of at least 4.45 hectares and a waterfront frontage of at least 200 metres. Prior to transfer the Owner must improve the park area by the development of a water park feature and children's playground; the development of picnic areas, grassed areas, picnic tables and benches, barbecue pits, basic washrooms and irrigation works, integrating into the design the lakefront walkway described in Section 2, all as approved by the District in writing prior to site preparation and construction. The improvements shall, subject to Section 28, have a value of \$400,000.00 inclusive of the cost of site preparation work.

COMMUNITY USES AND AFFORDABLE HOUSING

Community use/affordable housing site

14. Prior to or concurrently with the deposit of any subdivision plan of Phase 2, the Owner must transfer to the District in fee simple, free and clear of all encumbrances other than those approved by the District, for community park, affordable housing, seniors' housing, school or other public use, a portion of the Lands adjacent to Youbou Beach Parkway shown as Phase 1c on Schedule B1, having a minimum area of 6.5 hectares.
15. The transfer may be made subject to a right of first refusal in favour of the Owner exercisable in the event of any proposed sale of the site to any party for purposes other than a purpose mentioned in the foregoing paragraph, such right of first refusal to expire within 25 years of the transfer.

ENVIRONMENTAL PROTECTION

Lakeshore riparian area

16. Concurrently with the deposit of any subdivision plan of any portion of the Lands abutting Cowichan Lake west of Cottonwood Creek, the Owner must grant to the District and any third party conservation organization nominated by the District a covenant under s. 219 of the *Land Title Act* providing for the conservation of the riparian area whose width at each point is the greater of 15 m measured from the 164 metre contour around Cowichan Lake, measured from mean geodetic sea level, and the width of the Streamside Protection and Enhancement Area as determined in accordance with the Riparian Areas Regulation. The terms of the covenant shall provide a high level of protection to the area and may differ in accordance with whether the lands charged by the covenant are private building lots or lands dedicated to the public.

Riparian area Arbutus Park to Cottonwood Creek

17. Concurrently with the deposit of any subdivision plan of any portion of the Lands abutting Cowichan Lake east of Cottonwood Creek, the Owner must transfer to the District in fee simple, subject to a covenant under s. 219 of the *Land Title Act* in favour of any third party conservation organization nominated by the District providing for the conservation of the area, an area upland of Cowichan Lake whose width is the width of the Streamside and Protection Enhancement Area as determined in accordance with the Riparian Areas Regulation. In addition, an uninterrupted 7.0 metre corridor on the upland side of such area, for the walkway corridor described in Section 2, shall be transferred in fee simple to the District.
18. Notwithstanding Section 17, the Owner may maintain ownership of the lakefront at two locations to accommodate access to a boat launch and marina. Each access may have a width of up to 20 metres and shall be in a location approved by the District. The Owner shall grant the District a statutory right of way with a minimum width of 7 metres over the access to accommodate the lakefront walkway described in Section 2, and the location of the right of way shall be suitable, in the opinion of the District, to provide safe public access across any ramp or other boat launch facility by all users of the walkway, including those with reduced mobility.

Environmental Conservation Area

19. Prior to or concurrently with the deposit of a subdivision plan creating Phase 2a north of Youbou Beach Parkway, the Owner must transfer to the District in fee simple, an area of the Lands comprising at least 48.6 hectares, generally to the north of Phases 3a, 2a and 1a, connecting Cowichan Lake at the northwest boundary of the Lands and the Cottonwood Creek riparian corridor. Prior to dedication of the area the Owner must restore the area to the standard reasonably required by the District, including any reforestation and removal of invasive species that may be consistent with the management of the area as an environmental conservation area. The area must be free and clear of all utility easements, corridors, statutory rights of way and other encumbrances other than those approved in writing by the District and those in existence on the date of this Agreement. The parties acknowledge that up to 6.5 ha of the area may, concurrently with or prior to the transfer of the area to the District as an environmental conservation area, be transferred to the District in fee simple as a site for a wastewater treatment plant and disposal area.
20. The Owner must provide to the District, concurrently with the transfer or dedication of the environmental conservation area and subject to Section 28, the sum of \$10,000 to be used for elk habitat stewardship programs which may include access control, community education, interpretive signage, and wildlife viewing platforms.

Cottonwood Creek riparian corridor

21. Prior to or concurrently with the deposit of a subdivision plan creating Phase 1a, the Owner must transfer to the District in fee simple or otherwise dedicate to the public a riparian corridor comprising an area on each side of Cottonwood Creek at least 30 metres wide measured from top of bank of Cottonwood Creek within the Lands, and comprising at least 34.4 hectares in total area. Prior to dedication of the area the Owner must restore the area to the standard required by the District, including any reforestation that may be consistent with the function of the area as fish habitat and any removal of invasive species and industrial debris required by the District.

Cowichan Lake environmental protection

22. The Owner must provide to the District the sum of \$200 per single-family dwelling lot and \$100 per multi-family dwelling unit permitted by the Zoning Amendment Bylaw on a lot, subject to Section 28, for deposit to the reserve fund established by the District's Bylaw No. 2805 for the protection of waters and riparian areas on Cowichan Lake. Prior to or concurrently with the deposit of a subdivision plan creating any lot in Phase 2a, the Owner must provide contributions in respect of Phase 1 development, and prior to or concurrently with the deposit of a subdivision plan creating any lot in Phase 3a, the Owner must provide contributions in respect of all Phase 2 development and Phase 3 development.

SERVICING AND INFRASTRUCTURE

Sewage treatment for existing development

23. The Owner must make available to the District, in providing sewage treatment facilities for the Lands to be owned and operated by the District, sufficient sewage disposal capacity (land only) to accommodate up to 300 single-family dwellings not located on the Lands. The determination as to the capacity of the works shall be in the discretion of the District, acting reasonably in accordance with generally accepted civil engineering standards.

Youbou Road safety improvements

24. The Owner must carry out the Youbou Road safety improvements that are recommended in the Boulevard Transportation Group's May 25, 2008 Traffic Impact Study and required by the Ministry of Transportation and Infrastructure. Such improvements must be carried out prior to the deposit of a subdivision plan creating Phase 1, except that improvements recommended in the study or required by the Ministry may be deferred to future phases where agreed to in writing by the Ministry.

EMERGENCY SERVICES

Fire protection review

25. The Owner must, prior to the deposit of a subdivision plan creating any part of Phase 1, prepare and provide to the District at the Owner's cost a fire protection review of the Land and the Youbou Fire Protection Area, prepared by ~~a qualified person~~ an accredited professional approved by the District, to identify the level of increased fire protection services and fire protection infrastructure required as a result of the Owner's development of the Land. Before undertaking the review, the Owner must submit proposed terms of reference for the District's approval.
26. The Owner must not subdivide any portion of the Land or construct any building or structure on the Land unless the Owner has provided, at the Owner's cost, all fire protection infrastructure and improvements recommended in the fire protection review and approved by the District's General Manager of Public Safety in respect of the particular phase of development of which that subdivision or portion of the Land forms a part. The Owner acknowledges that required fire protection infrastructure and improvements may include the dedication of land referred to in Section 44 12 of this Schedule; construction of an addition to the Youbou fire hall to the District's specifications; and the procurement of one or more fire trucks or other fire fighting apparatus and equipment and communications equipment complying with the specifications of the General Manager of Public Safety.

Secondary access

27. The Owner must provide, prior to the subdivision of land to the west of Phase 1a, a secondary access to the Land for emergency purposes only, connecting the east-west extension of Youbou Beach Parkway to a publicly accessible forestry road northwest of the westerly boundary of the Land. The secondary access must be constructed to a standard appropriate for the year-round travel of emergency vehicles, as determined by the General Manager of Public Safety of the District.

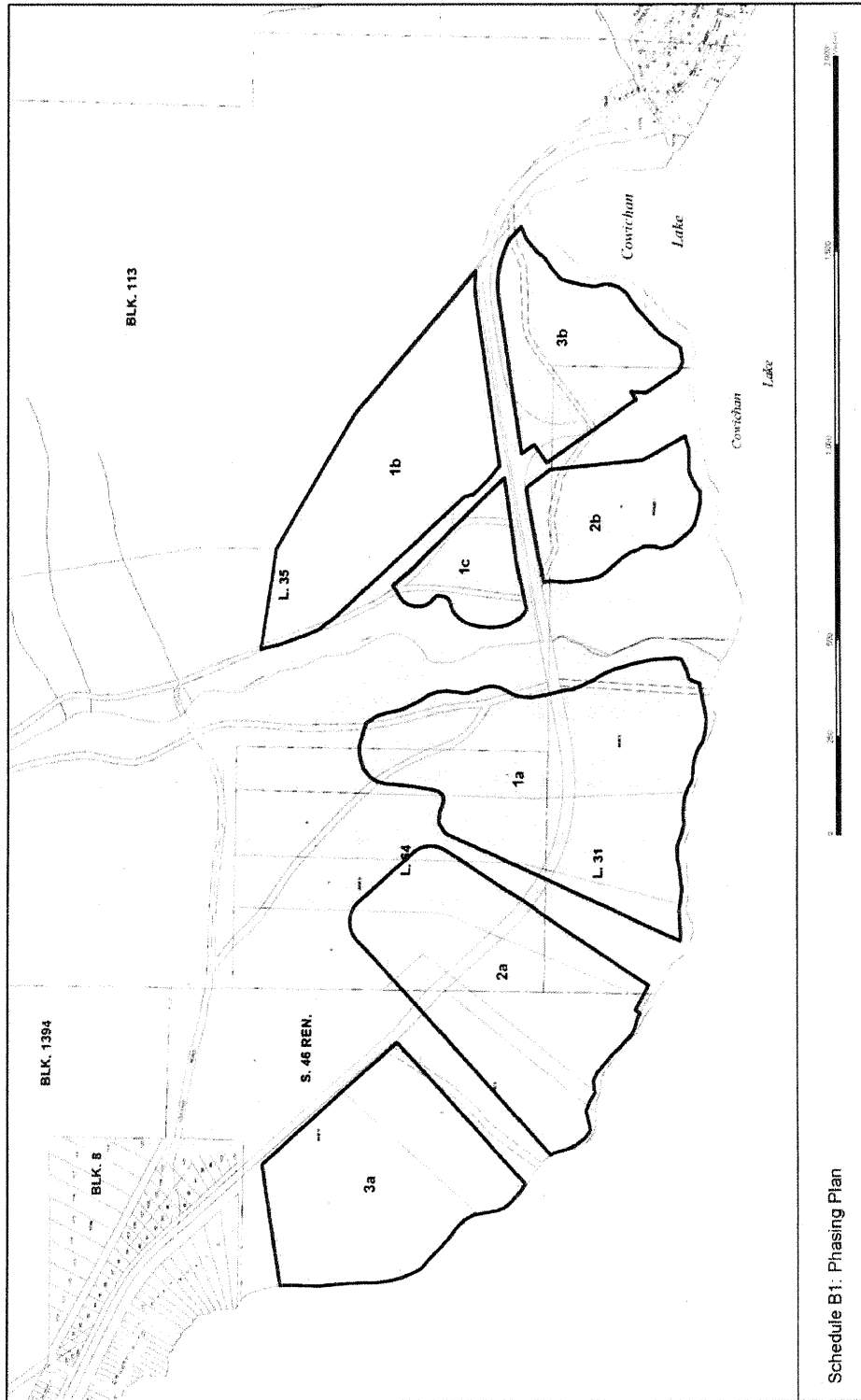
GENERAL PROVISIONS

28. Where in this Schedule the Owner is obliged to provide a sum of money to the District, the sum shall be the sum specified plus, commencing in December 2010, an additional amount in respect of construction cost increase calculated on the basis of the Non-Residential Building Construction Price Index compiled by Statistics Canada for Metropolitan Vancouver for the quarter immediately preceding the date on which the sum is to be provided to the District.
29. Where this Agreement provides for the transfer of land to the District for park, environmental conservation, riparian area protection, or trail corridor purposes, the following procedure shall apply:

- (a) the Owner must, prior to the transfer and the undertaking of any work required by this Agreement, submit to the District for review and approval plans and drawings of the proposed areas and improvements prepared by a member of the B.C. Society of Landscape Architects;
 - (b) the plans and drawings shall be in sufficient detail to demonstrate compliance of the areas and any proposed alterations and improvements with this Agreement, the standards and guidelines of the BCSLA and the District, and where the planning or design of proposed alterations or improvements require, in the District's opinion, the services of an engineer or other professional, the Owner must engage such person at the Owner's cost to provide such services;
 - (c) all park improvements must be constructed at the Owner's cost in accordance with the approved plans and any alterations that are approved in writing by the District during the construction process, as well as any applicable federal, provincial or local government regulations; and
 - (d) the Owner must notify the District on completion of construction, and must not transfer the land to the District until the District has inspected the works and accepted them in writing.
30. Where this Agreement requires the Owner to undertake works for the benefit of or to be transferred to the District, the parties may enter into further agreements obliging the Owner to provide the works by a specified date, which agreement the District may require to be registered in the form of a covenant under s. 219 of the *Land Title Act*, if the Owner provides security in a form and amount acceptable to the District to secure the Owner's performance of such obligations in accordance with the agreement. Such further agreements must enable the District to draw on the security to undertake the works if the Owner fails to do so by the date specified in the agreement.
31. In lieu of paying to the District the amounts specified in Section 9, the Owner may propose to undertake the works described in that Section by submitting to the District a plan of the works in sufficient detail that the District may have the plan reviewed by a quantity surveyor or similar consultant in order to advise the District on the fair market value of the work. The District may approve the plan if the works are satisfactory to the District and have a fair market value of at least \$1,000,000, and upon such approval being given in writing the Owner shall construct the works to the satisfaction of the District. Any costs incurred by the District in reviewing and approving the Owner's proposal for the works or inspecting the construction of the works shall be paid by the Owner, and may form part of the cost of the works.
32. Prior to the deposit of any subdivision plan of the Lands, the Owner shall prepare and provide for review and approval by the District an overall plan identifying the location and areas of all land to be transferred or dedicated to the District under this Agreement for public use as park, trail or walkway corridors, or conservation or environmental protection purposes, the total area of such areas to be not less than 121.4 hectares (300 acres), and the District shall approve the plan provided that it complies in all respects with this Agreement. Thereafter, upon the deposit in the Land Title Office of any subdivision plan or other instrument transferring or dedicating land to the District under this Agreement, the Owner shall provide a further copy of the approved plan indicating the amount of land that has been, is being, and remains under this Agreement to be, transferred or dedicated to the District.

SCHEDULE B1

PHASING PLAN



SCHEDULE C

DENSITY RESTRICTIONS

(References to zones and sub areas described on Schedule C1)

1. The total number of residential lots that may be created within the LR-3 Zone and LR-3 sub areas are as follows:

- a. LR-3A: 26 lots
- b. LR-3B: 16 lots
- c. LR-3 C: 21 lots

Total Lots: 63

2. The total number of residential lots that that may be created in the R-8 Zone and R-8 sub areas are as follows:

- a. R-8 A: 95 lots
- b. R-8 B: 163 lots
- c. R-8 C: 158 lots

Total Lots: 416

3. The total number of residential lots that may be created in the R-9 Zone and R-9 sub areas are as follows:

- a. R-9 A : 159 lots
- b. R-9 B: 118 lots
- c. R-9 C: 50 lots

Total Lots: 327

4. The total number of residential dwelling units that may be created in the RM-6 Zone and sub areas are as follows:

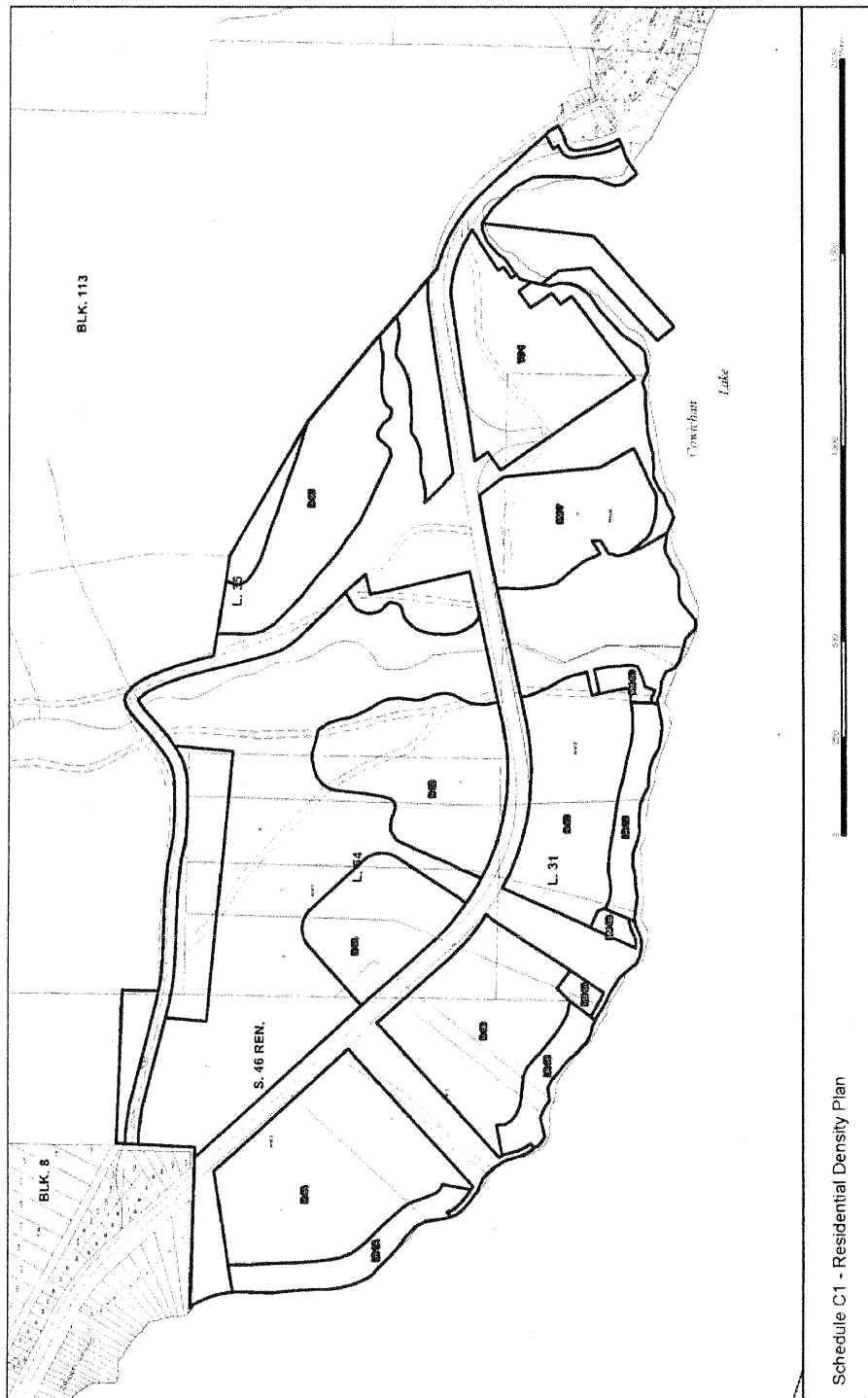
- a. RM-6 A: 21 units
- b. RM-6B: 21 units
- c. RM-6 C: 22 units

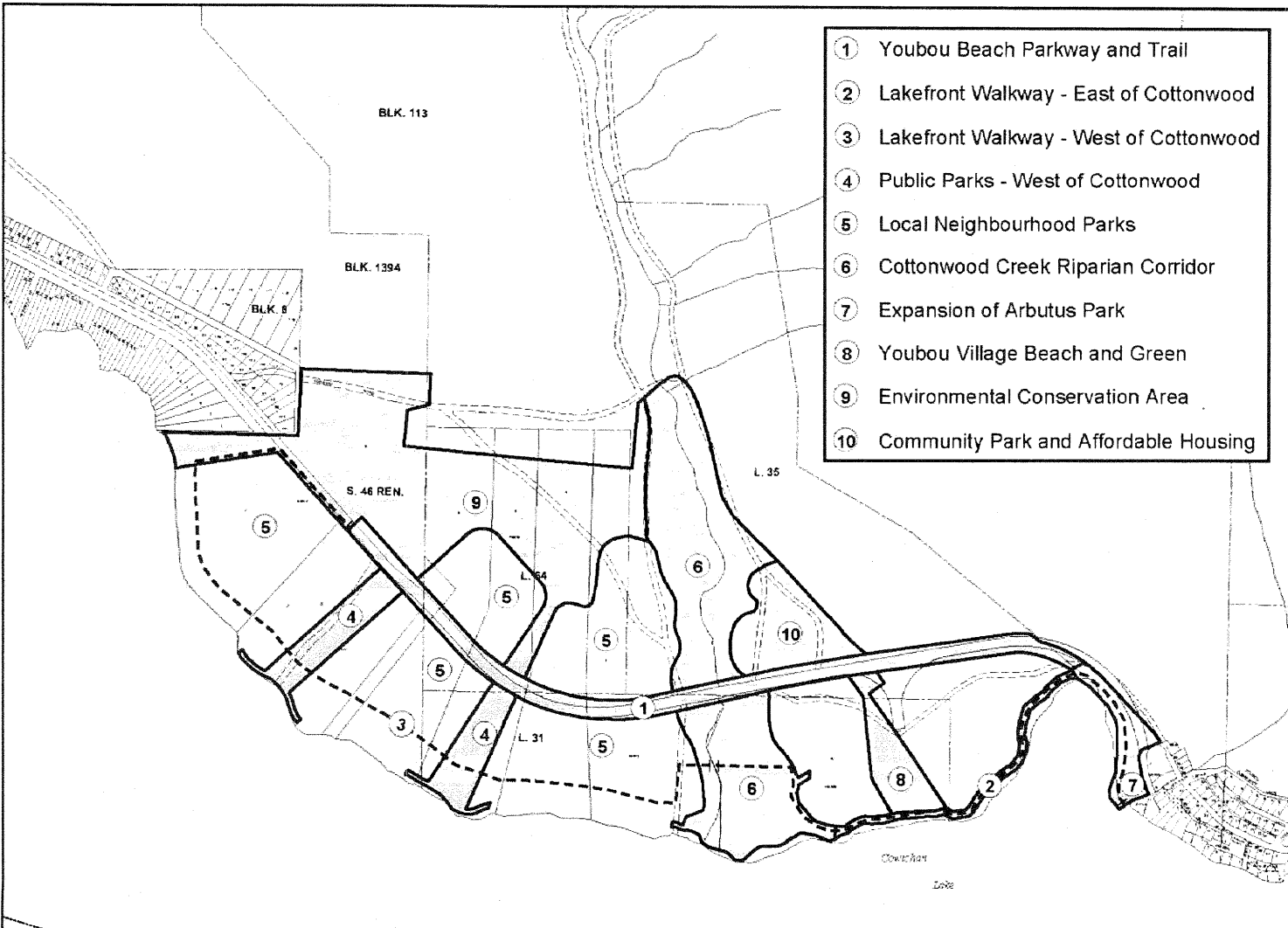
Total Units: 64

5. The total number of residential dwelling units that may be created in the RM-7 Zone is 330.
6. The total number of residential dwelling units that may be created in the VC-1 Zone is 750.
7. The total number of hotel rooms that may be created in the VC-1 zone is 225.

SCHEDULE C1

DENSITY PLAN







COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director Ken Cossey Area B

Grantee:

Grant Amount \$ 200.00

NAME: Kerry Park Men's Curling League

ADDRESS: _____

472 Thetis Drive

Ladysmith, Bc V9G 1V9

Contact Phone No: (250) 245-0338

PURPOSE OF GRANT: To assist with travel cost to attend Pacific International Playdowns.

REQUESTED BY: _____

Director Requesting Grant

See attached email

ACCOUNT NO.	AMOUNT	GST CODE
<u>01-2-1950-0354-112</u>	<u>200.00</u>	<u>10.0</u>

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 _____

Mark Kueber

From: Ken Cossey [kcossey@seaside.net]
Sent: Sunday, March 29, 2009 3:31 PM
To: Reg Blackmore; Lori Iannidinardo; Gerry Giles; briger@shaw.ca
Cc: Heather Broughton; Mark Kueber
Subject: Re: Grant-in-Aid Kerry Park Men's League
Attachments: Leaves Bkgrd.jpg; aleabanr.gif

Mark,

Please arrange for two grants from Area B; one to the men's group for \$200 and one for the ladies group for \$200.

I believe both cheques can be mailed to the Kerry Park Men's Curling League.

The contact name is Mr. Dave Wuttunee and he can be reached at (250) 245 0338.

Cheers

Ken

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

From: Reg Blackmore
To: Ken Cossey ; Lori Iannidinardo ; Gerry Giles ; briger@shaw.ca
Sent: Saturday, March 28, 2009 1:31 PM
Subject: Grant-in-Aid Kerry Park Men's League



I finally got my act together (age was a factor) and 'officially' make the request for assistance to the Area Dirs. under the Admin. of A, B, C and D. Ken and Lori have indicated their concurrence.

PACIFIC INTERNATIONAL CURLING PLAYDOWNS:

On behalf of the Men's (the Kerry Park Ladies ALSO won their Playdown).

A Kerry Park Rink skipped by Randy Zinkiew (Dave Wuttunee, Graeme Service and Brent Anderson) won the Men's Championship of the Kerry Park Curling...this enabled them and made them eligible to compete in South Island competition (Nanaimo to Victoria incl.) to determine which Team from all the Curling Clubs would represent the South Island in the Pacific International Playdowns to be held at the Richmond Curling Club Apr. 15/19...they Won!!

The next step then, will be them meeting the representative Rinks from Curling Clubs all over BC and those International Reps. from the U.S., Australia etc.

Besides having to take time from work.....there will be considerable accomodation, Meal(s) and Travel expense and it was not thought inappropriate to seek financial aid from the Areas supporting and Administrating Kerry Park. A grant-in-aid (each Area) of \$200.00 is respectfully requested in respect of the Men's participation. This is one of those situations where one could not envision an outcome and thus give greater notice.

The Kerry Park's Teams (both Men and Women) is no small feat in the Curling World.

In order to consolidate and facillitate the request, it is suggested that any approved Funding can jointly be made to the KERRY PARK MEN'S CURLING LEAGUE, their address being c/o the Kerry Park Arena.

On behalf of the Men's Team.....'sincere Thanks'

**Reg Blackmore
Past President KPCurling Club**

No virus found in this incoming message.

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Version: 8.5.283 / Virus Database: 270.11.31/2028 - Release Date: 03/28/09 07:16:00

C2



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director Ken Cossey Area B

Grantee:	Grant Amount \$ <u>200.00</u>
NAME: <u>Kerry Park Women's Curling League</u>	
ADDRESS: _____	
<u>472 Thetis Drive</u>	
<u>Ladysmith, Bc V9G 1V9</u>	
Contact Phone No: <u>(250) 245-0338A</u>	
PURPOSE OF GRANT: <u>To assist with travel cost to attend</u>	
<u>Pacific International Playdowns</u>	
REQUESTED BY: _____ <div style="display: inline-block; width: 150px; text-align: right;"> see attached email </div>	
Director Requesting Grant	

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0355-112	200.00	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 _____

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Sent: Saturday, March 28, 2009 1:31 PM
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**Reg Blackmore
Past President KPCurling Club**

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 8.5.283 / Virus Database: 270.11.31/2028 - Release Date: 03/28/09 07:16:00



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director BRIAN HARRISON Area A (Mill Bay - Malahat)

Grantee:

Grant Amount \$ 2,000.00

NAME: FRANCES KELSEY SECONDARY SCHOOL

ADDRESS: P.O. BOX 279, MILL BAY, B.C. V0R 2P0
c/o MRS. NORMA WHEELER

Contact Phone No: 250-743-6916

PURPOSE OF GRANT: 4 - BURSARY AWARDS @ \$500

REQUESTED BY:

B. Harrison
Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
01-2-1950-0103-111	2000.00	10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____



FRANCES
KELSEY
SECONDARY SCHOOL

C.V.R.D.
RECEIVED
NOV 03 2008

P.O. BOX 279 MILL BAY, BRITISH COLUMBIA, V0R 2P0 TEL (250) 743-6916 • FAX (250) 743-6915
SCHOOL DISTRICT 79 (COWICHAN VALLEY)

November 2, 2008

Cowichan Valley Regional District Electoral Area B Shawnigan Lake
Mr. Ken Cossey
175 Ingram Street
Duncan, BC, V9L 1N8

Dear Mr. Ken Cossey :

At this time, our attention is once again focused on scholarships and bursaries, which are awarded annually to our graduating students.

We take this opportunity to thank you for the steadfast support shown our students in the past. The importance of these awards increases as the cost of further education escalates. There is no doubt that this help often makes a significant difference to many individual students.

Please let us know if your organization will be able to donate to the program again this year. If so, please initial that all information is correct or revise the attached information sheet and return it by mail or fax (250-743-6980) to Ms. Norma Wheeler by Friday, January 23, 2009.

Thank you for your support.

Sincerely,

Mr. Mike Martin
Scholarship and Bursary Chairperson

MM/njw
Encl.

Original:	Frances	Copies to:	Ken Cossey
Board:			
Committee(s):			
Disseminated by:	John	Date:	Nov 4/08
File #			

000186

1 PK1

**Area A Parks & Recreation Meeting
March 19th 2009
Held at Brentwood College**

Present: David Gall, Clyde Olgivie, June Laraman, Joan Pope, Paris Webster,
Mario Iiannidinardo
Regrets: Greg Farley, Sandilea Vollet, Brian Harrison, Roger Burgess
Meeting Minutes: It was moved and seconded
That the meeting minutes for February 19th be accepted.

MOTION CARRIED

Agenda: It was moved and seconded
That the meeting agenda for March 19th be accepted.

MOTION CARRIED

Area A Director Expectations

David Gall stated that the Area A priorities for 2009 were clearly stated in the Mill Bay Malahat Parks & Trails Master Plan. As David had a copy of the draft, these priorities were reviewed and it was agreed that these were valid. In addition, after review of the 2009 budget it was agreed that available dollars should be spent on:

- 1) Completion of the Briarwood/Limac Trail to connect it to the Mill Springs trail along Handeysen Creek.
- 2) To develop signage for all existing trails in Area A.
- 3) To develop and distribute Parks & Trails maps for Area A to key locations for use by area residents.

Note: The Mill Bay Malahat Parks & Trails Master Plan has not yet been released.

Existing Business:

Shore Rd & Inlet Dr: The CVRD report and recommendations provided by Dan Brown, Trails Planning Technician were reviewed.

It was moved and seconded that the CVRD recommendation for Site 2 (Inlet Drive) be recommended for approval and that the estimated costs for this project should be provided to the Area A PRC for evaluation.

MOTION CARRIED

Site Reviews:

Mill Springs: Agreed to meet March 25th at 5pm at the Mill Springs sales office. Tanya Soroka, CVRD Parks Planning Technician, to provide updated maps.

Sentinel Ridge: The report provided by both Brian Farquar, CVRD Parks Manager and Mike Tippet, CVRD Deputy Manager, Development Services, on the commitments and status of the Sentinel Ridge Parks and Phase II developments were reviewed.

The PRC stated several concerns re the development:

- 1) It was understood that the culvert would be removed before the development started. This did not occur.
- 2) Lots are being developed near the creek bed and although there are no fish in the creek there is concern that the creek will be further contaminated.
- 3) A raptor tree, designated to be conserved, was lost in the course of the development. There is ongoing concern that further infringement on the ecosystem and environment will occur.

The Area A PRC requests that the CVRD provide feedback on what is occurring at the site as there appears to be no recourse once the damage is done.

Budget Review:

It was noted that Director Harrison had advised that the CVRD Board had passed the "return of funding". There was limited discussion of the budget as the issues raised were being pursued by Director Harrison who was unable to attend.

In review of the line items within the budget, a question arose as to what was included under Miscellaneous Equipment of \$27, 406. It was agreed that this should be clarified before the next meeting.

New Business:**Park Maintenance:**

The CVRD request from Ryan Dias, Parks Operations Superintendent, for input on summer student priorities was distributed and discussed.

It was agreed that the best use of the summer students' time would be on an Area A priority, specifically:

Completion of the Briarwood/Limac Trail to connect it to the Mill Springs trail along Handeysen Creek.

This will be communicated to Ryan Dias as soon as the Area minutes are finalized.

**Individual Park
Donations:**

David Gall, Area A PRC Chair, recommended that we solicit individual donations from Area residents. The PRC agreed in concept that this was a good idea but stated that advertising dollars would be required. More discussion is required as to what form of advertising is appropriate and how much should be spent in and in what time frame.

This item will be carried forward to the next PRC meeting for further discussion.

Funding Grants:

David Gall, Area A PRC Chair, had determined that there were Federal funds available via 'Green Grants'. He recommended that the PRC consider that we request that the CVRD submit a request on our behalf to acquire 'Green Grant' funds to utilize professional unemployed loggers and tradesmen in general to do trail clean-up and parks maintenance.

It was moved and seconded

That a request be submitted to the CVRD to apply for this funding on our behalf.

MOTION CARRIED

Other:

PRC Appointees: David Gall announced that Sandilea Vollett had resigned on March 19th as she no longer lives in Area A.

The PRC agreed that more PRC members are required and David Gall encouraged the commission to contact Director Harrison directly should they have a candidate.

All commission members must be cleared and approved by Director Harrison.

**Lazier Rd/
Meredith Rd:**

Question as to whether the dollars received for this development would go into the reserve fund. It was agreed that this would be researched and discussed at the next PRC meeting.

Adjournment:

It was moved and seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 8:30pm.

Next meeting: April 16th, 2009 at 7pm at Brentwood College

R
PK2

Minutes of the Cowichan Station/Sahtlam/Glenora Parks and Recreation Comr Meeting, held on March 5th, 2009 at 7:30 p.m. at the Glenora Community Hall.

Present: Director Loren Duncan, Frank McCorkell, Paul Slade, Howard Heyd, Irene Evans.
Ron Smith, Larry Whetstone, Phil Gates, John Ramsey

Call to Order:

The meeting was called to order at 7:25p.m. The Chair welcomed the two newly appointed members to the Commission.

Minutes

The Minutes for the January 29th, 2009 Annual General Meeting and the January 29th, 2009 Commission meeting were distributed and reviewed. One typographical error was corrected in the AGM minutes

Business Arising

Cherry Blossom Strata Development: Director Duncan provided the Commission with an update of the public meeting, which ran from 3pm to 10 pm On February 24th. There were extensive comments from the public including the fact that some believe the development's density, as presented, was too high while others were in favour of the proposal as opposed to having the existing spot industrial zone remain adjacent residential and agricultural zones.

The developer will now be reviewing the development plans in light of the public input.

Correspondence

1. Ron Smith reported that he had e-mailed Jennifer Brownlow regarding setting up an on site meeting with the valley riding clubs at the Glenora Staging Area Community Park in May. Jennifer replied that there is to be a meeting of the Cowichan District Riding Club in mid March and she will bring up the proposal with them and report back to me.

2. Letter of March 3rd from Brian Farquhar regarding the CVRD Board's approval of the appointments of John and Phil to the Commission.

Old Business

a) **2009 Budget Update**

There was a quick review of the proposed 2009 parks and recreation budget. A requisition of \$140,000 will be made to cover operational costs. The Commission was also made aware of the amount of funds in the reserve.

b) **Cowichan Station School**

Director Duncan briefly outlined what happened at the meeting with Ron Austin in early February. There was discussion on the possible future uses of the facility and all agreed that far more information will need to come forth before and Commission can make any assessments as to upgrades needed, ongoing costs, community input and potential users.

c) **Caromar Development**

The large parkland transfer should be completed within the next 60 days.

**Minutes of the Cowichan Station/Glenora/Sahtlam Parks and Recreation Commission
Meeting of March 5th, 2009 continued:**

New Business:

a) B.C. Hydro request for underground service right-of-way through Maplewood Park

The underground service would extend down Hykaway Road to Maplewood Community Park then cross the park to extend through a gated roadway between this road and Polkey Road and the industrial park.

The Commission recommended that approval in principal be provided from the CVRD at this time so the preliminary work can be undertaken by the crown corporation. In addition, the Commission believed BC Hydro should contribute some funding to Maplewood Park in recognition of the 'value' of the easement requested. Once the final proposal is provided to the CVRD, parks staff should review this and outline all restoration work needed for the park to be undertaken by B.C. Hydro.

b) Insurance for Commission Members

A request was made for information on the type of limitations of any insurance coverage there was for Commission members. To date nothing was received either by the Commission or the Director. As a result the Commission request written information from the CVRD on this matter for the next meeting, and further that the CVRD look at having adequate Work Safe B.C. Insurance for their volunteers (e.g. Park Commission members, APC members etc.).

c) Dumping of Debris in Fairbridge Common Community Park

The Commission was brought up to speed on the most recent problem that was brought to the attention of the Parks Commission and the actions taken to date. Past problems were also mentioned. Director Duncan was hoping to do an on site inspection late this afternoon but unfortunately it was too dark to do this prior to our meeting. This will be done in the near future and will discuss the matter further with the parks department.

d) Boys Road/Island Highway Boulevard Improvements

This proposal has been on the 'work to do' list by the Commission for a number of years and there was general agreement that it must be completed this spring or early summer. There will be a major landscaping improvement and signage indicating where the many local business are located. Director Duncan indicated that he had sent a memo to staff to get the necessary agreements with the Ministry of Transportation in place now so this work can start.

e) Summer Student Projects

There was discussion in two areas:

First, the Commission wanted to know exactly what work was to be undertaken by the caretaker at the Glenora Staging Area Park vs. what work could be undertaken by summer staff. A memo to the Commission is requested from staff.

The following projects for summer staff were mentioned:

Sunrise Road: -improvements and signage at the parking area as mentioned last year
-cleaning up of windfall debris on the trail and resurfacing where needed
-clearing any steep bank material in certain areas of the trail and putting some ground cover or seed the banks with appropriate material.

**Minutes of the Cowichan Station/Glenora/Sahtlam Parks and Recreation Commission
Meeting of March 5th, 2009**

Glenora Staging Area Park

- make a walkway to the washrooms, likely with a crushed rock surface or of other suitable material
- trail improvement from the Glenora Staging Area parking area to the Trans Canada Trail. This may include some resurfacing work but also the removal of small alders and broom adjacent the trail.

Fairbridge Park Trail

- adding an appropriate surface to the trail, some brushing
- removal of any debris behind adjacent strata lots, make a small park area in the west corner. This may or may not be a job for the contracted parks maintenance firm.

Other Business

a) Handicapped tot lot/playground at the Glenora Staging Area Park

Director Duncan mentioned that an application for funding for this project has been submitted and to date there has been no word whether or not the application was successful.

b) Needed Trans Canada Trail Improvements

There was considerable discussion regarding the deplorable condition of the Trans Canada Trail in the Glenora area (basically from the Koksilah River to Holt Creek). The trail is becoming overgrown with alders and broom and the deep pot holes make it looked like a war had taken place along the trail with the holes created by an air bombardment. The problem with dog excrement on the trail is also of concern and needs attention. Is this situation covered in any parks bylaw with adequate fines?

c) Signs

Some Commission members have noticed the signs directing people to the parks are missing. One is the sign at Indian Road/Allenby and Miller Roads. Evidently it may be in the ravine. It was also suggested there be a sign made near main intersections in Glenora to direct people to the Glenora Staging Area Park, the Cowichan River Provincial Park etc.

Next Meeting

The next meeting will be in mid April at the call of the Chair.

Adjournment

The meeting adjourned at 10 p.m.



MAR 23 2009

Minutes of the annual general meeting of the Area H Parks Commission held at North Oyster Community Hall on February 19, 2009 at 7:00 PM.

PRESENT: Chairperson Bruce Mason, Don Pigott, Mary Marcotte, Snuffy Ladret, Brad Uytterhagen, Murray McNab, Secretary Barbara Waters.
Two members of the public.

**APPROVAL OF
AGENDA**

Moved:
Seconded:

PK 3

That the agenda be approved.

MOTION CARRIED

**REVIEW OF
MINUTES FROM
FEB. 28, 2008**

The minutes of the annual general meeting of February 28, 2008 were reviewed for information purposes.

**BUSINESS
ARISING FROM
THE MINUTES**

None.

REPORT

The Area H Parks Commission year-end report was circulated and reviewed. A copy is appended to these minutes.

ELECTIONS

Mary Marcotte assumed the chair for the purpose of conducting elections, and explained the related procedures and qualifications.

Don Pigott was re-elected for a further two-year term by acclamation.

Bruce Mason resumed the chair and asked if there were questions from the public. There were none.

ADJOURNMENT

Moved
Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting was adjourned at 7:45 p.m.

Barbara Waters, secretary
March 9, 2009

000193



PK 4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 7, 2009

DATE: April 2, 2009

FILE NO:

FROM: Brian Farquhar, Parks and Trails Manager

BYLAW NO:

SUBJECT: 2009 Community Parks and Trails Program Priority List

Recommendation:

Directors are requested to provide any further direction on the 2009 Community Parks and Trails Program Priority List if desired.

Purpose:

To receive Committee input and direction on 2009 community parks and trail program priorities, including projects and issues identified through the fall budget and planning process with individual Parks Commissions and Electoral Area Directors.

Financial Implications:

Dependent upon the direction of the Committee.

Interdepartmental/Agency Implications:

Dependent upon individual projects.

Background:

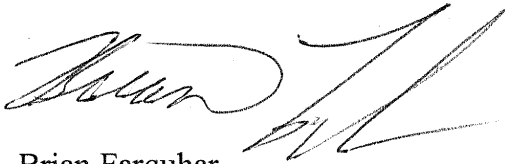
The Parks and Trails Division provides staff administrative, planning, parkland acquisition, maintenance supervision and project management services in the delivery of the Electoral Area Community Parks and Sub-Regional Parks (Bright Angel and South Cowichan Parks) Programs. Sites managed and developed under the Community Parks Program within the nine Electoral Areas have expanded over the years to not only include local and neighborhood parks with grass fields with playgrounds, swimming beaches, boat launches, picnic areas and other typical park amenities, but more extensive natural parks and greenbelts, community pathways, historic buildings, cairns, and historic cemetery sites are now managed through the program. The number of community park sites has also grown over this period, from approximately 64 sites in 1997 to over 150 sites in 2009, the majority of which are owned by the CVRD, but include sites that are managed through agreements (i.e. leases, licenses, permits) with either private land owners or other government agencies (i.e. public beach accesses or pathways within Ministry of Transportation and Infrastructure road rights of way).

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During this time of growth in the program staffing resources supporting the program has been through the Parks Planning Coordinator and Parks Planning Technician positions, with the addition of the Parks Operations Superintendent position in November 2008, which (as a jointly funded position) includes responsibilities for the Regional Parks and Trails program.

The attached 2009 Community Parks Program Priority List is inclusive of input from individual Community Parks and Recreation Commissions during the 2009 budget planning process throughout the Fall of 2008. It is proposed the attached list be approved by the Electoral Area Services Committee as the work program for Parks and Trails Division staff in 2009, inclusive of any further direction given by the Committee on amending listed priorities. Parks staff also recommend the work program approved by the Committee be brought forward to the next joint meeting of the Electoral Area Community Parks Commission Chairs for review with the Parks and Trails Manager as a means of communicating the overall 2009 community parks work program of the Parks and Trails Division to the Commissions.

Submitted by,



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

BTF/ca

Attachment

CVRD COMMUNITY PARKS AND TRAILS

2009 PROGRAM PRIORITIES

A. Community Parks and Trails Operations and Maintenance Program

Contract set-up, supervision, weekly task identification/assignments and regular monitoring of contract deliverables (completion of required maintenance tasks, adherence to standards and performance maintenance expectations, quality of work, etc.).

Area A thru E Community Parks and Trails Maintenance Contract

Area F Community Parks and Trails Maintenance Contract

Area G Community Parks and Trails Maintenance Contract

Area H Community Parks and Trails Maintenance Contract

Area I Community Parks and Trails Maintenance Contract

Park Caretakers Maintenance/Security Contracts (Bright Angel and Glenora Staging Area)

Term Maintenance Contract Work and Park Gatekeeper Contracts

(Daily park gate opening/closing, minor contract work as specified for various community parks in Electoral Areas B, D, F, G and H)

Parks Summer Student Work Crew Maintenance/Minor Capital Projects Program (May–August)
Review RFP's/Maintenance Contracts

Ongoing/timely response and action(s) to reports on potential hazard trees, vandalism, park/trail condition reports/complaints, broken/damaged park facilities/amenities, storm/flood damage, encroachments onto park property/greenspace areas, installation/replacement of park regulatory/information signage and regular park facility inspections as part of risk management/corporate liability risk reduction.

Update CVRD Parks Tree Inspection/Hazard Bylaw and Procedures.

Effort in 2009 to include work on parks and trails maintenance standards and requirements as basis for development of corporate policy to address inherent parks maintenance management risks/liabilities.

B. Community Parks Planning Projects

Community Parks and Trails Master Plans

Mill Bay/Malahat Community Parks and Trails Master Plan – complete Spring 2009

Shawnigan Lake Community Parks and Trails Master Plan – complete Spring 2009

Cobble Hill Parks and Trails Community Parks Master Plan – complete Spring 2009

Cowichan Bay Community Parks and Trails Master Plan – complete Spring 2009

Rezoning and Section 941 Subdivision Applications, Parkland Acquisition Negotiations

Community parks program applies required staff resources to rezoning applications with parks, trails and open space opportunities and subdivision applications subject to Section 941 requirements of the Local Government Act, including preparation of reports to Parks and Recreation Commissions, site visits and assessments, negotiation with applicants, preparation of formal documents (i.e. Section 219 Covenant park/trail dedication conditions) and working with Development and Planning staff.

Response and time commitments of Parks staff resources will be dependent upon the number and complexity of application referrals received during the year.

Current larger applications received through the Planning and Development Department with community parks, trails, and open space issues anticipated to require major effort of Community Parks and Trails staff resources in 2009 include:

- Area A – Bamberton Rezoning Application
- Area A – Limona (Garnett Property) Rezoning Application
- Area B – Elkington Estates Rezoning Application
- Area B – Shawnigan Station Rezoning Application
- Area D – 4 Ways Subdivision Application
- Area E – Innwood Estates Phase II Rezoning Application
- Area E – Culverton Road Rezoning Application
- Area F – Honeymoon Bay Log Sort Rezoning Application
- Area H – Diamond Area Rezoning Application
- Area I – Youbou Lands Rezoning Application

Community Parks and Trails staff also engage in parkland acquisition negotiations as opportunities arise for purchase or receipt of lands through donation/bequests. There are presently several open files on potential community parkland gifts and a further several open files on active negotiations underway for the purchase of lands for community parks purposes.

Community Park Management Plans

- Area H - Yellowpoint Park Management Plan (MOE Lease Agreement Requirement)
- Area E - Sahtlam Bluffs Conservation Area and Trails Management Plan (Covenant)
- Bright Angel Park - Park Management Plan

Community Park Detailed Site Plans

- Area C - Cobble Hill Village/Liberation Park Cenotaph Revitalization Detailed Site Plan
- Area C - Cobble Hill Station Improvements Detailed Site Layout Design Plan
- Area E - Cowichan River Pedestrian River Crossing Study (Project Engineering Division)
- Area B - Shawnigan Hills Phase I Upgrade Site Design
- Area D - Hecate Park Western Expansion Detailed Site Plan (includes playground)
- Area I – Woodland Shores Waterfront Park South: design review/approval

Area I – Woodland Shores Playfield: design review/approval
Area I – Woodland Shores Boy Scout Camp: design review/approval
South Cowichan - Historic Mill Bay Church Site Plan and Building Rehabilitation

Community Parks Environmental Stewardship and Enhancement Projects

Area B – Silvermine Trail Fuel Management Reduction Project (Grant Funding)
Area I – Woodland Shores Forestry Road Deactivation: review/approval (Dev. Covenant)
Area I – Woodland Shores Upland Park Reforestation: review/approval (Dev. Covenant)

C. 2009 Capital Projects Program (Funded by CVRD and/or Others)

Preparation of the 2009 Capital Projects Program is inclusive of input from individual Parks and Recreation Commissions during the 2009 budget planning process initiated in Fall 2008, in addition to successful grant applications bringing additional capital project funding (i.e. UBCM Tourism Funding, Trees for Tomorrow Grant Program, Veterans Affairs Grant) for a number of capital projects in various parks. The cumulative budget value of the approved Community Parks Capital Program in 2009 (inclusive of approved grant funding) is: approximately \$968,000.

Priority One Projects – Capital Replacement (Public Safety/Asset Management)

Spring Projects

Area F – Bear Lake Park Swim dock replacement and ramp upgrades - COMPLETED
Area I – Nantree Park boomstick relocation and repairs - COMPLETED
Area A – Mill Bay Nature Park pedestrian bridge replacement
Area C – Manley Creek Park pedestrian bridge replacement
Area G – Saltair Centennial Park tennis court resurfacing
Area B – Swimming Area boomstick replacement (Masons, Shawnigan Wharf, Old Mill)
Area F – Central Park Tennis Court Fence and Surface Repairs

Summer Projects

Area D – Coverdale Watson Park Tennis Court resurfacing

Fall Projects

Area F – Mesachie Lake Park field expansion Phase I
Area G - Saltair Centennial Park field irrigation installation
Bright Angel Park – Minor park improvements
South Cowichan – Mill Bay Historic Church Phase I rehabilitation/upgrade work

Priority Two Projects - Partnership and/or Commitment by Others Capital Projects

Spring Projects

Area I – Mile 77 Park Font Board Sign – COMPLETED
Area C – Bike Skills Park construction – COMPLETED
South Cowichan – Dog Park Water Service Installation – COMPLETED
Area E – Cowichan Station Historic Signage (UBCM Funding)
Area I – Woodland Shores South Shore Community Park Construction (Developer Commitment)
Area I – Woodland Shores Community Playfield Park (Developer Commitment)
Area I – Woodland Shores Upland Park Boy Scout Relocation (Developer Commitment)

Summer Projects

Area C – Liberation Park Cenotaph Revitalization/Town Square Improvements
Area C – Cobble Hill Train Station “Trees for Tomorrow” Revitalization Project

Fall Projects

None scheduled at this time

Priority Three Projects – 2009 Capital Projects Identified by Parks Commissions

Spring Projects

Area D – Cees and Mief Hof Park Sign Installation – COMPLETED
Area E – Glenora Staging Area Caretaker Residence gas fireplace - COMPLETED

Summer Projects

Area D – Hecate Park Western Extension
Area D – Hecate Park Play Structure Installation
Area F – Bear Lake Park – Phase II Swim Float extension
Area F – Central Park - Memory Lane Lighting Project

Fall Projects

Area B – Shawnigan Hills Athletic Park Phase I Improvements
Area C – Quarry Nature Park historic compressor relocation/stabilization
Area F – Mesachie Lake Sign Replacement
South Cowichan Parks – Dog Park small dog enclosure

Priority Four Projects – Unscheduled 2009 Capital Projects

(Not scheduled at this time due to insufficient project scope, additional direction required from Parks Commission, lands not yet secured for completing project, etc.)

Area E – Boys Road Information Signage (UBCM Funding)
Area E – Glenora Staging Area Community Park Improvements (UBCM Funding)
Area E – Glenora Staging Area Community Park playground
Area F – South Shore Circle Route Tourism Pullout (UBCM Funding)

Area G – Saltair Signage (UBCM Funding)
South Cowichan Parks – Cowichan Bay Boat Launch Improvements
South Cowichan Parks – Mil Bay Historic Church Interior Renovations/Adaptive Uses

D. Community Trail Projects

Spring Projects

Area B – Bob O’link Community Pathway (Phase II)
Area H – Yellowpoint Park Upper Horse Crossing Trail/Bridge Relocation

Summer Projects

Area A – Mill Springs Trail Upgrades and Extension
Area B – Silvermine Trail Extension Phase III
Area D – Wilmot Road Community Pathway
Area A – Inlet Drive Public Beach Access

Fall Projects

Area A – Hollings Creek Trail Extension
Area D – Kennedy Lane Pathway Upgrade
Area D – Tom Bannister Development Pathway (Developer)

E. Agreements/Leases/Bylaws

Area A – Lilmac Road Trail Extension (Brentwood College)
Area A – Beach Access Permit (location to be prioritized by Commission)
Area B – Memory Island Permit Renewal (BC Parks)
Area C – Cobble Hill Train Station License Agreement (ICF)
Area C – Galliers Park R/W Agreement (Cobble Hill Improvement District Wellhead)
Area D – Cowichan Bay Road MoTI Permit – Hecate Park Extension
Area D – Beach Access Permit (location to be prioritized by Commission)
Area E – Boys Road and Jacob Road MoTI Permits – public pullouts
Area G – Lagoon Bridge Beach Access Permit
Area H – Yellowpoint Park creek crossing permit and management agreement
Area I – Marble Bay Road Pathway Improvements Permit (Woodland Shores)
Area I – Meade Creek Road East Side Pathway Permit (Woodland Shores)
South Cowichan Parks – Mill Bay Historic Church Cemetery Bylaw

F. Community Parks Programs and Events

Areas A thru D – Summer Playground Program (July/August)
Area G – Saltair Summer Daycamp Program
Parks staff resource support for Parks Commission’s AGM’s, Open Houses and Special Events

G. Community Parks Administration, Policies, Bylaws, Etc.

CVRD Trail Standards and Guidelines Manual
South Cowichan Parks – Mill Bay Historic Church Cemetery Bylaw
CVRD Parks Regulatory Signage Standards Policy
Attend Community Parks Commission Meetings (As required)
Parks Commission Chairs Meeting(s)
Scheduling 2010 Community Parks Budget Fall Planning Process with Parks Commissions



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March 25, 2009

File: 85000-40/Cowichan River Park
85000-40/Koksilah Park

Brian Farquhar, Parks Manager
Cowichan Valley Regional District
175 Ingram Street
Duncan BC V9L 1N8

Dear Brian Farquhar:

I am writing as a follow up to our recent discussions regarding closures of the campgrounds at Koksilah Park and Skutz Falls in Cowichan River Park.

Skutz Falls Campground

BC Parks is working with Cowichan Tribes and the federal government to address a need to ensure appropriate legal requirements at this site as our present situation does not allow us to continue to operate the campground. We will continue to work with Cowichan Tribes and the federal government to determine the future use of this site, which meets our legal obligations and the needs of the parties.

BC Parks is working proactively to inform park visitors, the RCMP, the Ministry of Forests and local agencies such as the Sahtlam Volunteer Fire Department to ensure they are aware of this situation. We appreciate your assistance in providing information on alternate camping opportunities in the area, including our Stoltz Pool Campground in Cowichan River Park and Gordon Bay Park campground at Honeymoon Bay.

Koksilah River Park Campground

As mentioned, I have discussed the closure of this campground with Electoral Area B Director, Ken Cossey. Over the past several years BC Parks has been working with local residents, government agencies and stakeholders to address concerns with the ongoing unauthorized activities (parties, vandalism, and garbage) at this site.

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Through ongoing meetings and discussions with the above groups it was determined that removal of the camping opportunities and maintaining the area as a day use area would assist in decreasing or preventing the unauthorized activities associated with the park and adjacent road corridor (Renfrew Road). In an effort to address these concerns and our Ministry's budget pressures, BC Parks will no longer provide overnight camping opportunities at Koksilah River Park. The park will remain open as a day use area with operation and maintenance continuing to be provided by our park facility operator. Camping opportunities will be available at a private campsite approximately 2 km along Renfrew Road.

Thank you for sharing this information with the interested parties at the Cowichan Valley Regional District (CVRD) and others who may be affected. Please contact me at 250 391-2319 if you or anyone else at the CVRD has any questions regarding the closures of these campgrounds. Once again, thank you for your understanding and assistance.

Yours truly,



Don Closson, Cowichan Area Supervisor
Parks and Protected Areas (PPA)
Vancouver Island Region

pc: Andy Macdonald, Section Head – South Vancouver Island Region, PPA
Dick Heath, Regional Manager – Environmental Stewardship and Parks and Protected Areas Divisions
Sydney Martin, Recreation Services Officer
John Keating, Cowichan Tribes
Fire Chief, Sahtlam Volunteer Fire Department
Sgt. Dave Voller, RCMP Lake Cowichan Detachment
Clive Baudin, Compliance and Enforcement, Ministry of Forests, Cobblehill

API



MINUTES OF ELECTORAL AREA I (Youbou/Meade Creek) AREA PLANNING COMMISSION MEETING

DATE: March 5, 2009

TIME: 7:00pm

MINUTES of the Electoral Area I Planning Commission meeting held on the above noted date and time at the Youbou Upper Community Hall, Youbou, BC. Called to order by Director Kuhn at 7:00pm.

PRESENT:

Chairperson:

Vice-Chairperson:

Members: Shawn Carlow, George deLure, Erica Griffith, Gerald Thom, Pat Weaver, Kim Windecker

ALSO PRESENT:

Director: Klaus Kuhn

Alternate Director: Alex Marshall

Recording Secretary: Tara Daly

ABSENT: Jeff Abbott

GUESTS:

BUSINESS:

✕ Director Kuhn welcomed everyone to the inaugural meeting of the 2009-2010 Area Planning Commission; the meeting continued with introductions around the table

m/s/c that the agenda be adopted as circulated.

✕ Election of Officers

*m/s/c that **Kim Windecker** be elected as chairperson, **George deLure** be elected as vice-chairperson, and **Gerald Thom** be elected as second vice-chairperson.*

✕ Director Kuhn gave an overview of some upcoming issues:

- 1) Youbou Lands has proceeded through first and second readings, Public Hearing possibly in May, Phased Development Agreement (PDA) should be discussed at a public meeting beforehand (PDA is a legal document put in place to protect both the developer and the community for a time period of twenty years)
- 2) Annual General Meeting of Parks Commission and Fire Protection Commission will be held on March 29, 2009 at 1:00pm in the lower Youbou Community Hall
- 3) Director Kuhn wishes to bring Area I (Youbou/Meade Creek) electorate together more through involvement in social activities and by promoting a pride in the area we live; a 'Dance Committee' has met a couple of times

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- 4) Woodland Shore is proceeding; Director Kuhn, Scouts representatives, and the CVRD Parks Planning Department recently toured the site; power poles are being installed to accommodate the planned 350 units
- 5) Mann property is at a stalemate
- 6) Area F, Area I, and the Town of Lake Cowichan are forming an adhoc committee to work together on protecting the lake; three owners: TimberWest, the provincial and federal governments; currently \$70 000 in a fund collected from Creekside development for lake enhancement/protection ~ education? enforcement? gas? ~ all questions that need to be pursued
- 7) Cowichan Lake area amalgamation meeting on March 12, 2009 ~ many questions to be answered

✕ Meeting Schedule ~ it was decided the monthly meetings would be on the first Tuesday starting at 7pm in the Upper Youbou Hall

ANNOUNCEMENTS:

- next regular meeting is April 7, 2009 at 7:00pm in the Upper Community Hall in Youbou

ADJOURNMENT:

The meeting was adjourned at 8:15pm.

/s/ Tara Daly
Secretary

000205

Area A Advisory Planning Commission Meeting
04 March 2009
Held at Francis Kelsey Secondary School
Minutes

AP2

Present: David Gall, Archie Staats, Dola Boas, Cliff Braaten, June Laraman, Deryk Norton, Ted Stevens, Margo Johnston, Brian Harrison (Director Area A), Roger Burgess (Alternate Director Area A)

CVRD Staff: Rob Conway

Meeting called to order at 5:35 pm

Agenda:

It was moved and seconded the agenda be approved.

MOTION CARRIED

Previous minutes:

It was moved and seconded the minutes of 7 February 2009 meeting be adopted.

MOTION CARRIED

Meeting Time:

It was moved and seconded the meeting time for APC meetings would be 6:30 pm.

MOTION CARRIED

New business:

Rezoning application 1 - A - 08RS

Nikolaus Pfaffe was present regarding the rezoning application 1 – A –08RS.

Mr. Conway, Assistant Manager CVRD, presented an overview of R2 and R3 zoning for the area surrounding the applicant's property.

- Servicing and road access all depends on the Sangha property development
- The CVRD Planning Department would need direction from the CVRD Board to take on preparation of a detailed plan for future development of the area. If approved, a plan would possibly be ready in 2010

Mr. Pfaffe provided details on his property, its current zoning and his subdivision plans.

There was a question and answer session that was directed to both Rob Conway and Mr. Pfaffe.

Members expressed concerns regarding:

- Servicing: 1) Lot size depends on availability of community sewer and water.
2) Amount of available water in Butterfield area.
- Roads: 1) Future developments impacting this area
e.g. property north of Boulding Road and the Sangha properties.
2) Parkland designation – no plan in place.
- Drainage: 1) A study is needed

The Area A APC recommendation to the CVRD was moved and seconded

1) That Rezoning application 1 - A - 08RS, not be approved.

2) That the APC will ask the CVRD Planning Department to prepare a neighborhood study of this region in the Urban Containment Boundary recommended in the OPC for R3 zoning. There is potential for 300 lots in the area thus a detailed neighborhood study plan is needed to provide direction and structure for future development applications in the area. A study for the area would provide homeowners an opportunity for input.

MOTION CARRIED

000206

Proposed Amendment to Area A – Mill Bay Malahat Zoning Bylaw for Park Dedication in Strata Plans

Director Harrison used an architectural drawing of a Strata plan to assist APC members to understand the proposed amendment bylaw for park dedication.

Discussion centered on:

- 1) If the CVRD controls the dedicated parklands in Strata plans, the public would have access.
- 2) Higher density could happen with or without approval of this zoning bylaw.
- 3) The CVRD is not under any obligation to take over the dedicated parklands.

The Area A APC recommendation to the CVRD was moved and seconded

- 1) That the Proposed Amendment to Area A – Mill Bay Malahat Zoning Bylaw for Park Dedication in Strata Plans be approved.

MOTION CARRIED

Continuing business:

Bamberton Update – the final report from TRILLIUM for the Regional Impact Assessment not yet available to the APC

Report from Area A Director:

-Stonebridge Concept public meeting on 12 March 2009 at Mill Bay Community League starting 6:00 pm

Adjournment:

It was moved and seconded the meeting be adjourned.

MOTION CARRIED

Notice of next meeting: April 1st, 2009 at 6:30 pm at Francis Kelsey Secondary School

The meeting adjourned at 7:45 pm