



NOTICE OF ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
April 21, 2009
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 pm

A G E N D A

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6. **CORRESPONDENCE**

C1 Letter dated March 27, 2009, from Cowichan Tribes regarding Sale of
Timberwest Private Forestry Lands86-88

7. **PARKS**

PK1 Minutes of Area D Parks Commission meeting of March 31, 200989-91

8. **APC**

9. **INFORMATION**

IN1 Building Report from March 200992

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.

CSM1 Minutes of Closed Session EASC meeting of April 7, 200993-94

13. **NEXT MEETING**

Tuesday, May 5, 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. Iannidinardo
Director L. Duncan
Director M. Dorey

M 1
Minutes of the Electoral Area Services Committee Meeting held on Tuesday,
April 7, 2009 at 3:00 pm in the Regional District Board Room, 175 Ingram
Street, Duncan, BC

PRESENT

Director M. Marcotte, Acting Chair
Director L. Iannidinardo
Director G. Giles
Director L. Duncan
Director I. Morrison
Director K. Kuhn
Alt. Director R. Burgess
Alt. Director M. Dietrich
Absent: Director B. Harrison, Director M. Dorey

CVRD STAFF

Tom Anderson, General Manager
Mike Tippet, Manager, Community & Regional Planning
Rob Conway, Manager, Development Services Division
Rachelle Moreau, Planning Technician
Dana Beatson, Planner
Brian Duncan, Chief Building Inspector
Nino Morano, Bylaw Enforcement Officer
Brian Farquhar, Parks and Trails Manager
Ron Austen, General Manager
Dan Derby, General Manager
Cathy Allen, Recording Secretary

**APPROVAL OF
AGENDA**

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

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

MOTION CARRIED

M1 - MINUTES

It was Moved and Seconded
That the minutes of the March 17, 2009 EASC meeting be accepted.

MOTION CARRIED

BUSINESS ARISING

There was no Business Arising.

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DELEGATIONS

D1 – Budding

Rachelle Moreau, Planning Technician, presented Application No. 2-E-09DVP by Paul Budding (Pakulak) to increase the maximum size of an accessory building located at 4409 Akira Road, from 100 m to 222 m.

Paul Budding, applicant, was present, and provided further information to the application.

It was Moved and Seconded

That Application No. 2-E-09DVP 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, subject to registration of a restrictive covenant prohibiting home occupation use in the accessory building.

MOTION CARRIED

D2 - Cantwell

Rachelle Moreau, Planning Technician, presented Application No. 1-A-09DVP (Robert & Jodi Cantwell) to increase the maximum permitted height of a single family dwelling on Cooper's Hawk Rise in Sentinel Ridge, from 7.5 m to 10 m.

Mrs. Nagy, was present on behalf of Jodi and Robert Cantwell, applicants, and provided further information to the application.

A question and answer session ensued.

It was Moved and Seconded

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.

MOTION DEFEATED

It was Moved and Seconded

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 approved subject to restricting the height elevation to not higher than height of Lot 52

It was Moved and Seconded

That Application No. 1-A-09DVP (Robert Cantwell) be referred back to staff for clarification.

MOTION CARRIED

D3 – Cherry Blossom

Rob Conway, Manager, presented Application No. 7-E-07RS (Cherry Blossom Park) to permit development of an 88 unit strata title manufactured home park at 5611 Culverton Road.

Robin Mayo, applicant, was present, and provided further information to the application.

A question and answer session ensued.

It was Moved and Seconded

1. That the appropriate amendment bylaws be prepared respecting OCP and Zoning Amendment Application No. 7-E-07RS (Cherry Blossom Park) and that the bylaws be forwarded to the Regional Board for consideration of first and second readings.
2. That a public hearing be arranged and that Directors Duncan, Morrison and Kuhn be delegated to the public hearing.
3. That the applicant provide a traffic impact assessment, a hydrological assessment and a preliminary riparian area assessment for the amended application prior to scheduling of the public hearing.
4. That the applicant provide 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.

MOTION CARRIED

D4 – Hayes/Logan

Dana Beatson, Planner, presented Application No. 3-B-08RS (Bill Hayes/Jacqueline Logan) to allow the subject property located at 1714 Thain Road to be subdivided into two parcels.

Bill Hayes, applicant, was present and provided further information to the application.

There were questions directed to staff from committee members

It was Moved and Seconded

1. That the appropriate amendment bylaws be prepared regarding Rezoning Application No. 3-B-08RS (Bill Hayes & Jacqueline Logan) and that the bylaws be forwarded to the Regional Board for consideration of first and second readings.
2. 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.

3. That a public hearing be scheduled and that Directors Cossey, Giles, and Iannidinardo be delegated to the hearing.

MOTION CARRIED

D5 - Cooper

Dana Beatson, Planner, presented Application No. 1-F-06RS (Paul Cooper) to permit residential uses on a portion of the property located near Kapoor Road and Old Lake Cowichan Road.

Paul Cooper, applicant, was present and provided further information to the application.

There were questions directed to staff and the applicant.

It was Moved and Seconded

That Rezoning Application 1-F-06RS (Cooper) be approved subject to park dedication;

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 (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.

MOTION DEFEATED

It was Moved and Seconded

That Application No. 1-F-06RS (Paul Cooper) be referred back to staff for further clarification.

MOTION CARRIED

STAFF REPORTS

**SR1 – Area E Parks
Service Bylaw**

It was Moved and Seconded

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.

MOTION CARRIED

**SR2 – Sahtlam Fire
Area**

It was Moved and Seconded

1. That a loan authorization bylaw be prepared 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 the necessary Request for Proposal documents be prepared 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 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.

MOTION CARRIED

**SR3 –Relocated Home
Policy**

It was Moved and Seconded

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.”

MOTION CARRIED

SR4 – Dog Control

It was Moved and Seconded

That the staff report dated March 31, 2009, from Nino Morano, Bylaw Enforcement Officer, regarding dog control (File 4-B-09BE) be received and filed.

MOTION CARRIED

RECESS

The Committee recessed for a short break.

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SR5 – CRD Bylaws

It was Moved and Seconded

That the Capital Regional District be advised that the CVRD Planning and Development Department has reviewed the CRD proposed Rural Resource Lands OCP Bylaw No. 3591 and proposed Land Use Bylaw No. 3602, and resolve that our Interests are Unaffected.

MOTION CARRIED

**SR6 – Air Pollution
Bylaw**

Staff Report dated March 31, 2009, from Tom Anderson, General Manager, regarding Air Pollution Control Establishment Bylaw No. 3258 was received for information purposes only.

**SR7 – No. 2-I-07RS
(Youbou Lands)**

Director Iannidinardo left the meeting due to perceived conflict of interest as her son is the Executive Director for Timberwest.

It was Moved and Seconded

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 second reading of Bylaws 3213, 3214 and 3242 be rescinded.
3. 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.
4. That Bylaw No. 3214 be amended by deleting the permitted uses of the proposed I-3 Zone and replace with permitted uses that list more specific industrial uses.
5. That Bylaw No. 3242 (Phased Development Agreement) be amended as follows:
 - a) Change the term of agreement from 10 years to 20 years;
 - b) Delete the alphabetical phasing requirement;
 - c) Schedule B - Adjust the timing for construction of the trail through the Arbutus Park extension
 - d) Schedule B – Clarify that “alternate pedestrian network improvements” referred to in Section 11 are for crossing of Cottonwood Creek
6. That Bylaws 3213, 3214 and 3242, as amended, be considered for second reading.

MOTION CARRIED

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Director Iannidinardo returned to the meeting at this point.

**C1-C5 and NB1-3
Grants-in-Aid**

It was Moved and Seconded

That a grant-in-aid (Electoral Area B – Shawnigan Lake) in the amount of \$200 be given to Kerry Park Men's Curling League to assist with travel costs to attend the Pacific International Playdowns.

That a grant-in-aid (Electoral Area B – Shawnigan Lake) in the amount of \$200 be given to Kerry Park Women's Curling League to assist with travel costs to attend the Pacific International Playdowns.

That a grant-in-aid (Electoral Area A – Mill Bay/Malahat) in the amount of \$2,000 be given to Frances Kelsey Secondary School to provide four bursaries to graduating students at \$500 each.

That a grant-in-aid (Electoral Area D – Cowichan Bay) in the amount of \$400 be given to Kerry Park Men's Curling League to assist with travel costs to attend the Pacific International Playdowns.

That a grant-in-aid (Electoral Area F – Cowichan Lake South/Skutz Falls) in the amount of \$500 be given to Honeymoon Bay Community Society to help with costs to host the 2009 Heritage Days event.

That a grant-in-aid (Electoral Area C – Cobble Hill) in the amount of \$300 be given to Bard@ Brentwood to assist in production of the Bard at Brentwood.

That a grant-in-aid (Electoral Area C – Cobble Hill) in the amount of \$500 be given to BC Coalition for Health Promotions to assist in building healthy communities.

That a grant-in-aid (Electoral Area C – Cobble Hill) in the amount of \$800 be given to Cobble Hill LERN to assist with costs of their emergency preparedness program.

MOTION CARRIED

**CORRESPOND-
ENCE**

PARKS

PK1 & PK3 - Minutes

It was Moved and Seconded

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

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

MOTION CARRIED

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PK2 - Minutes

It was Moved and Seconded

That the minutes of the Area E Parks Commission meeting of March 5, 2009, be received and filed.

MOTION CARRIED

PK4 – Priority List

It was Moved and Seconded

That the staff report dated April 2, 2009, from Brian Farquhar, Parks and Trails manager, regarding 2009 Community Parks & Trails Program Priority List, be received and filed.

MOTION CARRIED

**PK5 – Campground
Closures**

It was Moved and Seconded

That a letter be forwarded to the Ministry of Environment responding to their letter dated March 25, 2009, regarding closure of Skutz Falls Campground and Koksilah River Campground, stating that there was a lack of consultation process respecting the closures and that the CVRD requests that the subject campgrounds be re-opened.

MOTION CARRIED

PK6 - Minutes

It was Moved and Seconded

That the minutes of the Area D Parks Commission meeting of February 24, 2009, be received and filed.

MOTION CARRIED

APC

AP1 to AP3 - Minutes

It was Moved and Seconded

That the minutes of the Area I APC meeting of March 5, 2009, be received and filed.

That the minutes of the Area A APC meeting of March 4, 2009, be received and filed.

That the minutes of the Area H APC meeting of March 12, 2009, be received and filed.

MOTION CARRIED

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NEW BUSINESS

1 – Mclay Gravel Pit

It was Moved and Seconded

That a letter be forwarded to the Ministry of Energy, Mines and Petroleum Resources reiterating the concerns noted in the CVRD's letter dated February 16, 2006, respecting the proposed extraction of gravel on Lot 1, Section 11, Range 4, Quamichan District, Plan 41787 (McLay Gravel Pit).

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 6:25 pm.

RISE

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 6:40 pm

Chair

Recording Secretary

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DI

COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

REQUEST FOR DELEGATION

APPLICATION DATE: April 15, 2009

NAME OF APPLICANT: CMID MASHINCHI Lot #47

ADDRESS OF APPLICANT: 2336 Coopers Hawk Rise, 568 Sentinel Dr, Lot #41

PHONE NO.: 250-589-2552 Lot #40

REPRESENTING: +Home Owner (Legal council)
Name of Organization

MEETING DATE: April 21, 2009

COMMITTEE/BOARD NAME: CVRD

NO. ATTENDING: 2

NO. WISHING TO MAKE A PRESENTATION: 1

TOPIC TO BE PRESENTED:

Variance application requested by Lot #51,
Coopers Hawk Rise and our opposition to this
request.

NATURE OF REQUEST/CONCERN:

Possible acceptance of variance application
by Lot #51, Coopers Hawk Rise. Will they
see a Hoared concerns.

Note: Once the request for delegation application has been favourably considered, presentations will be restricted to ten (10) minutes, unless notified otherwise.

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D2

COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

REQUEST FOR DELEGATION

APPLICATION DATE: April 15, 2009
NAME OF APPLICANT: Norm Duck
ADDRESS OF APPLICANT: 2327 Coopers Hawk Rise, Mill Bay
PHONE NO.: 50-029-9231
REPRESENTING: Home Owner
Name of Organization
MEETING DATE: April 21, 2009
COMMITTEE/BOARD NAME: CVRD
NO. ATTENDING: 2
NO. WISHING TO MAKE A PRESENTATION: 1

TOPIC TO BE PRESENTED:

Variance application requested by
Lot 51, Coopers Hawk Rise and
our objection to this request.

NATURE OF REQUEST/CONCERN:

Possible acceptance of variance
application by Lot 51, Coopers Hawk
Rise, Mill Bay. See attached
re: Concerns.

Note: Once the request for delegation application has been favourably considered, presentations will be restricted to ten (10) minutes, unless notified otherwise.

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APR 15, 2009 15:09

2509293661

April 15, 2009

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. It has been brought to our attention on very short notice that this variance application is being considered for approval. I would like to once again 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 remain 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.

From what I understand the main concern is the steepness of the driveway the Cantwell's will have. A simple look around this neighborhood shows that numerous other houses have as steep or steeper driveways than Lot 51. Our builder, who has built numerous homes in this development, has indicated that these were all previously approved by the CVRD and exceptions were not allowed so why is there a change in policy and procedure being considered with this application? The steepness of the driveway can be addressed through architectural design rather than a variance. If the

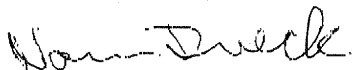
000014

Cantwell's had done their homework prior to purchasing their Lot they would have known exactly what they were getting. By allowing them to come in after their neighbors have built their houses and then changing their plans to suit their requirements is not something we should have to bear the repercussions of. They can build a really nice home based on the existing approved elevation plans without denying us what our expectations were with the Lot we purchased.

Further to that, this entire development was built based on CVRD plans that clearly outlined elevations. For people to come in after others have built their houses and not have to follow pre-approved rules undermines the whole purpose of having these plans in the first place.

I respectfully and strongly request that you reconsider and deny this variance application.

Thanks in advance for your consideration.



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

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APR 15, 2009 15:12

1998626061

COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

REQUEST FOR DELEGATION

D3

APPLICATION DATE:

April 15/09

NAME OF APPLICANT:

Dianne Barton & Nancie Parker

ADDRESS OF APPLICANT:

Dianne - Lot 52 Nancie - Lot 50

PHONE NO.:

929-8231

and legal counsel.

REPRESENTING:

Self

Rob Sheer plus Shore

Name of Organization

Island Developments

MEETING DATE:

April 21/09

COMMITTEE/BOARD NAME:

NO. ATTENDING:

2

NO. WISHING TO MAKE A PRESENTATION:

1

TOPIC TO BE PRESENTED:

Confirm opposition to the variance
application File 1-A-09DVP Robert Cantwell

NATURE OF REQUEST/CONCERN:

We purchased our lot with full confidence
that all people purchased their lots with
the assigned elevations. Now, after the fact
a change with dramatic impact is being considered.

Note: Once the request for delegation application has been favourably considered, presentations
will be restricted to ten (10) minutes, unless notified otherwise.

000016

fax: 250-746-2621

Cathy Allen

Supplement to delegation application

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)

Request for delegation standing at the April 23 meeting

I have just learned that the CVRD directors are giving further consideration to the above application for a height variance.

As a home owner of Lot 52 in Sentinel Ridge (2327 Coopers Hawk Rise) I would like to reiterate my strong opposition to the variance application of Robert Cantwell of Lot 51 Sentinel Ridge.

To vary the height of a new home, directly in our site lines and view, after our home has been built means that our investment and enjoyment is diminished. Each lot in this subdivision presents its own set of challenges. Those challenges can and should be addressed through engineering and design without negatively impacting other properties.

Several properties in this subdivision have steep driveways. Many properties in this subdivision are lower than others. The owners of Lot 51 knew their elevation when they purchased their property and like us, they can build a home that works with the lot.

I moved to this subdivision from Langford, fully confident that the subdivision plan approved by the CVRD would be adhered to, and that my property and that of my neighbours would be treated equally....That what we purchased and agreed to would be respected.

I respectfully request that you not approve this application. To approve it undermines the integrity of the subdivision and calls the entire planning process into question.

I would like to attend your meeting April 23, 2009 to present my concerns in person to the directors.

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



250 929-8231

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D4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF APRIL 21, 2009

DATE: April 15, 2009 **FILE NO:** 1-A-09 DVP
FROM: Rachelle Moreau, Planning Technician **BYLAW NO:** 2000
SUBJECT: Application No. 1-A-09DVP
(Robert and Jodi Cantwell)

Recommendation:

Direction of the Committee is sought.

Purpose:

To present additional information as requested by the Electoral Area Services Committee at their meeting of April 7, 2009.

Financial Implications: N/a

Interdepartmental/ Agency Implications: N/a

Background:

The applicants, Robert and Jodi Cantwell, have applied for a variance to vary the permitted height specified in the R-3A Zone (Urban Residential – Limited Height). They propose to raise the level of the land on the subject property, Lot 51, such that the main floor elevation is permitted to be increased from 83.3 metres geodetic to 85.3 metres. Please note that the application form states a variance request of 2.5 metres from the 7.5 metres maximum height specified in the Zoning Bylaw in order to be permitted to build up to 10 metres. However a review of the application materials indicates that a 2 metre variance is required, which would permit a building height of 9.5 metres.

Within Zoning Bylaw No. 2000, height “*means the vertical distance from the existing natural grade (or surface water at high water) at the perimeter of a building or structure, to the highest point of the building or structure.*” In this case, the lot slopes down from the northwest at the road to the south east (rear) of the property which results in the subject property being lower than the neighbouring properties.

With the variance request, it is intended to bring in fill to raise the level of the land by approximately 2 metres so that the residence can be constructed at a higher elevation. The intent is not necessarily to construct a taller dwelling but to bring the land up higher so that the main floor elevation of Lot 51 (the subject property) is the same as that of Lot 52 (the neighbouring property to the west). Please see the attached Electoral Area Services Committee Staff Report of

000018

April 7, 2009 for the background information and the correspondence received from neighbouring property owners. Additionally, please find enclosed one new piece of correspondence received since the April 7, 2009 meeting.

Planning Division Comments:

At the April 7, 2009, Electoral Area Services Committee meeting, the Committee requested more information with regards to the finished height of the neighbouring dwelling to the west. In consultation with the Chief Building Inspector, staff have reviewed the building permit file for Lot 52, and the building elevations and site survey for the proposed dwelling and can offer the following information:

	Lot 51 (Subject Property) No variance	Lot 51 (Subject Property) With variance	Lot 52
Average natural grade	81.2 metres	81.2 metres	84.3 metres
Main floor elevation	83.3 metres	85.3 metres	85.3 metres
Roof peak	88.7 metres	90.7 metres	91.4 metres (91.8 metres permitted)

In order for the applicants to build at the same main floor elevation of Lot 52, a 2 metre variance to allow a building height of 9.5 metres is required. Without the variance, the maximum roof peak would be at 88.7 metres, 2.7 metres lower than the roof peak of Lot 52. If the variance were approved, there would be very 0.7 metre difference between the roof peaks. Please note that these elevations are based on the currently proposed house location, and if the house was moved closer to the road, where the elevation is higher the average grade might also be increased.

Options:

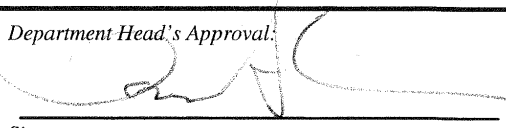
1. That application 1-A-09 DVP by Robert and Jodi Cantwell for a variance to Section 8.4.A(b)(2) of Zoning Bylaw No. 2000, by increasing the maximum permitted height of a single family dwelling from 7.5 metres (24.61') to 9.5 metres (31.17') on Lot 51, District Lot 80, Malahat District, Plan VIP83417 (PID 027-128-300), be approved.
2. That application 1-A-09 DVP 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 9.5 metres (31.17') on Lot 51, District Lot 80, Malahat District, Plan VIP83417 (PID 027-128-300), be denied.

Submitted by,



Rachelle Moreau,
Planning Technician
Planning and Development Department

RM/ca

Department Head's Approval:  Signature
--

000019

Rachelle Moreau

From: DIANNE HENSON [rdhenson@hotmail.com]
Sent: Wednesday, April 15, 2009 8:09 PM
To: briger@shaw.ca
Cc: Rachelle Moreau; Cathy Allen; mayor@duncan.ca
Subject: RE: file number 1-A-09DVP (Cantwell).

Importance: High

RE: file number 1-A-09DVP (Cantwell).

We wish to confirm our very strong opposition to the above noted variance file contrary to the information the CVRD seems to have been given that all oppositions have been withdrawn.

The lot we initially purchased in Sentinal Ridge is not the lot we ended up with (Lot 53). We extended our budget to a great extent knowing that when the subdivision was done we would have some lovely views of the ocean from our porches and in particular from the upstairs rooms. We did our homework very extensively, knew the height restrictions in place and felt that in the end it would be worth the extra cost.

Allowing the above noted lot owner to vary these restrictions will dramatically effect the results of our decision both financially and esthetically. Allowing this variance would be contrary to the very reason this height restriction was made in the first place.

The Cantwell's purchased their lot with their eyes wide open just as the rest of us did. There were no secrets nor was there any fine print. It was spelled out loud and clear. As a matter of fact Mr. Cantwell at one point asked us if he were to apply for a variance, would we oppose it. After very careful consideration doing measurments, looking at his plans etc. we did tell him that it would indeed affect us and that we would definately oppose any variance application. He knew before he even began his excavation that we would oppose it and to be very clear we still oppose it.

Thank you for your consideration in this matter.

Best Regards

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

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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')

000021

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.

000022

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.

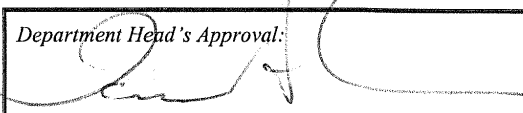
Submitted by,



Rachelle Moreau,
Planning Technician
Planning and Development Department

RB/jah

Attachments

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

000023

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

000024



COOPERS HAWK
RISE

LOT 52

EXISTING HOUSE LOCATION
MFE = 85.30m

DECK

EASEMENT No. FB72907 PLAN VIP83418

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

LOT 50

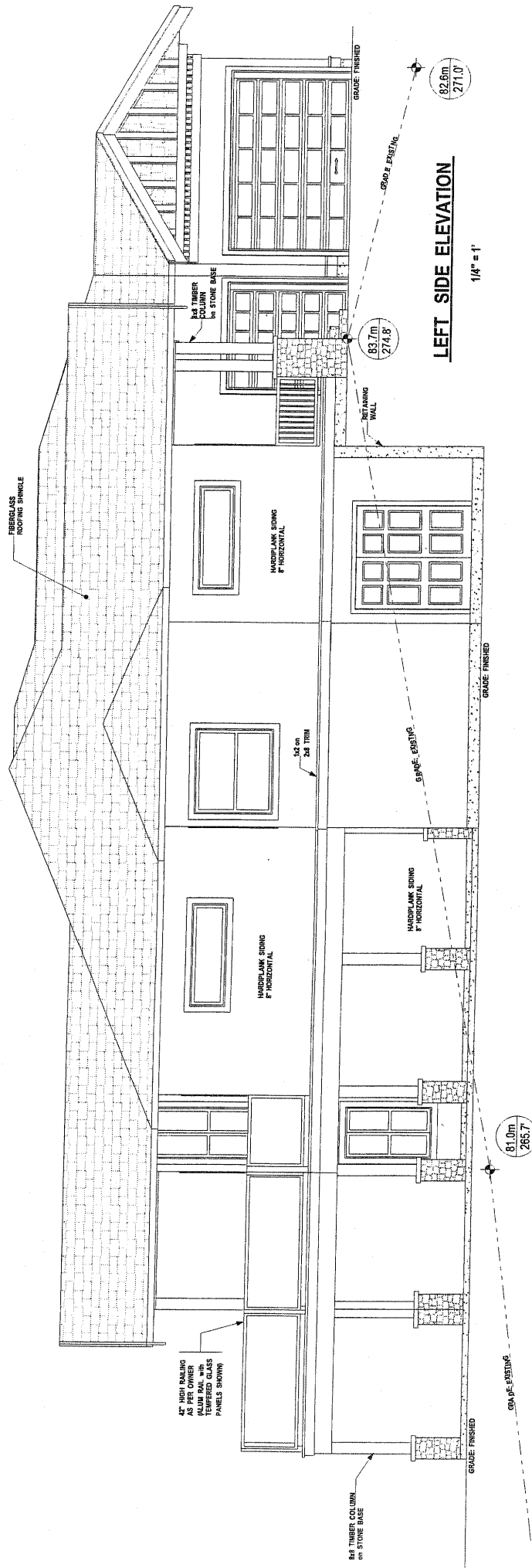
VIP83417

LOT 51

PROPOSED HOUSE LOCATION

PLAN

0000025



LEFT SIDE ELEVATION

1/4" = 1'

PERGLAS
ROOFING SHINGLE

4" HIGH RAILING
AS PER OWNER
TEMPERED GLASS
PANELS SHOWN

HARDPLANK SIDING
8" HORIZONTAL

HARDPLANK SIDING
8" HORIZONTAL

8x8 TIMBER COLUMN
on STONE BASE

1x2 on
2x8 TRIM

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

RETAINING
WALL

000029



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.

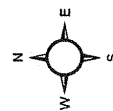
The original Bylaws should be
consulted for all purposes of
interpretation and application
of the Bylaws.

FILE: 1-A-09-
DVP

Legend



Subject Property



000030



Cowichan
Valley
Regional
District

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various sources for internal
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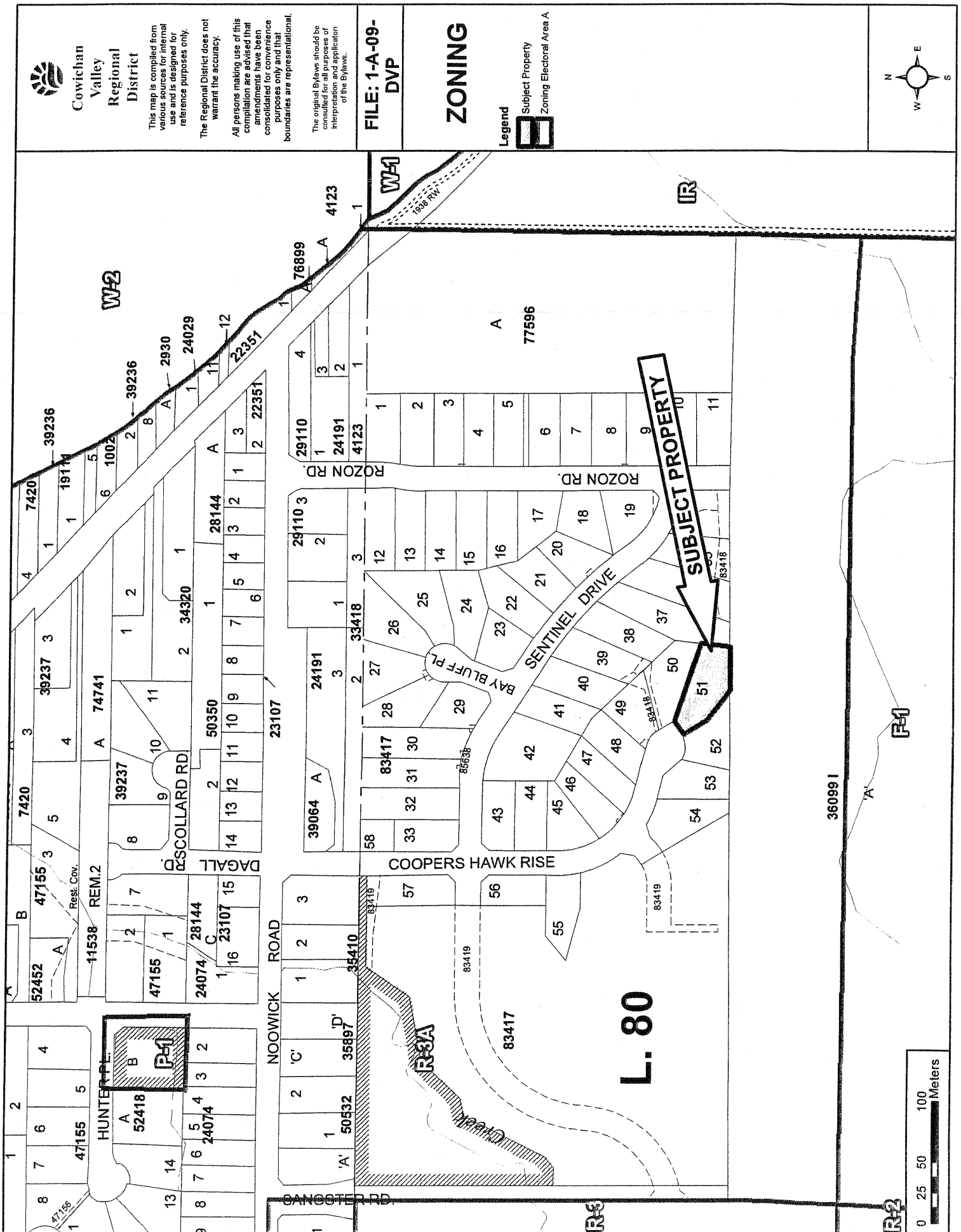
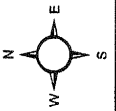
FILE: 1-A-09-
DVP

ZONING

Legend



Subject Property
Zoning Electoral Area A



000031

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

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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

000034

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.

000036



05

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 21, 2009

DATE: April 15, 2009 **FILE NO:** 1-I-09 DP/1-I-9
DVP
FROM: Rachelle Moreau, Planning Technician **BYLAW NO:** 2650
SUBJECT: Application No. 1-I-09 and No. 1-I-09DVP
(Charles Ricketson)

Recommendation:

That application No. 1-I-09 DP and 1-I-09 DVP be approved, and the Planning and Development Department be authorized to issue a development permit and development variance permit to Charles Ricketson for the construction of an addition to the dwelling on Lot 41, District Lot 32, Cowichan Lake District, Plan 1003, Except Part in Plan 1584 RW (PID: 002-477-882) that would permit the addition to be 1.5 metres from the side parcel line and subject to:

- Compliance with RAR Report No. 1251 by Trystan Willmott;
- Flagging of the 15 m Streamside Protection and Enhancement Area prior to construction;
- Construction is located outside the 15 metre Streamside Protection and Enhancement Area, measured from the 164 metre high water mark.

Purpose:

To consider the issuance of a development permit and development variance permit for an addition to a dwelling on the subject property 1.5 metres from the interior side parcel and in accordance with the provisions of the Watercourse Protection Development Permit Area.

Financial Implications:

N/A

Interdepartmental/Agency Implications:

N/A

Background:

Location of Subject Property: 8140 Sa-Seen-Os Crescent

Legal Description: Lot 41, District Lot 32, Cowichan Lake District, Plan 1003 Except Part in Plan 1584 RW (PID:002-477-882)

Date Application and Complete Documentation Received: March 3, 2009

000037

Owner: Janice Ricketson

Applicant: Charles Ricketson

Size of Parcel: Approximately 0.24 ha (0.6 acres)

Existing Zoning: R-3 (Urban Residential)

Minimum Lot Size Under Existing Zoning: 0.2 hectares with community water

Existing Plan Designation: Residential

Existing Use of Property: Summer cottage

Existing Use of Surrounding Properties:

North:	Residential (R-3 zone)
South:	Cowichan Lake
East:	Summer cottage (R-3 Zone)
West:	Residential (R-3 zone)

Services:

<u>Road Access:</u>	Sa-Seen-Os Crescent
<u>Water:</u>	Community water
<u>Sewage Disposal:</u>	Septic

Agricultural Land Reserve Status: Out

Contaminated Sites Regulation: Declaration signed

Environmentally Sensitive Areas: The Environmental Planning Atlas 2000 has identified the portion of the property along Cowichan Lake as a Stream Planning Area. The property is also within the 30 metre Riparian Areas Regulation assessment area.

Archaeological Site: No archaeological sites have been identified.

Policy Context:

The subject property is within the Watercourse Protection Development Permit Area within Official Community Plan (OCP) Bylaw No. 2650. This Development Permit Area coincides with the Riparian Areas Regulation (RAR) assessment area, and requires a Riparian Areas Assessment be conducted by a Qualified Environmental Professional (QEP).

Zoning Bylaw No. 2465 specifies minimum setbacks for residential dwellings, and requires a 3.0 metre setback from the interior side parcel line.

000038

In many instances, a Development Permit can include a variance request, however in this case it was determined that the nature of the variance was too far removed from the scope of the development permit (protection of a watercourse) to be included within the Development Permit application. Therefore, separate applications for both a Development Permit and Development Variance Permit were made.

Planning Division Comments:

The subject property is a 0.2 ha waterfront lot located off Sa-Seen-Os Crescent, and is used as a recreational property by the owner. The lot is in an area used for a mixture of full and part-time residential dwellings and is zoned R-3 (Urban Residential).

The applicant would like to renovate the existing dwelling and construct an addition on the east side of the property (please see the attached letter). A new garage is also proposed, however, this is outside the Riparian Areas Regulation assessment area. Construction of the addition on the east side is the ideal location as there would be no trees to remove, and it would not interfere with the location of the existing septic system. Additionally, this is the preferred location as determined by the QEP and the geotechnical engineer who have attended the site. However, as the addition in this location would be within the required 3.0 metre side setback area, a variance to the setback requirement is necessary to permit the proposed siting. The applicant has requested a relaxation to 1.5 metres, although the site plan shows a 1.63 metre side setback.

As noted above, the subject property is located in the Watercourse Protection Development Permit Area, and therefore, prior to construction of a building the applicants must receive a Development Permit issued by the CVRD. The principal requirement of the Watercourse Protection Development Permit is a Riparian Areas Regulation Assessment Report, prepared by a Qualified Environmental Professional. Attached is Report No. 1251 by Trystan Willmott of Madrone Environmental Services, which was accepted by the Ministry of Environment on April 6th, 2009. Through the assessment, it was noted that there is a steep slope from the dwelling down to the beach, and as a result, a geotechnical engineer was engaged to address slope stability. The geotechnical report was prepared by Richard Brimmell, P. Eng, and is included as part of the RAR report.

The RAR report outlines measures to mitigate the effects of building in close proximity to Cowichan Lake, and delineates a 15 metre Streamside Protection and Enhancement Area (SPEA) for the lake, measured from the 164 m high water mark. For the Committee's reference, a SPEA is an area where no development activities including construction, destruction of vegetation, and deposit of fill can occur – it is meant to be left completely natural to protect the riparian function of the lakefront.

Additionally, site specific recommendations made by the QEP and the geotechnical engineer include the following:

- The 15 metre SPEA will be surveyed and clearly marked in the field;
- Planting additional native vegetation along the base of the slope is recommended;
- To prevent material from sliding or rolling into the riparian zone during construction, disturbance of the slope is to be avoided by keeping equipment at least 2 metres back from the top-of-slope when excavating for the addition; and

- Excavated soil and other construction materials are kept out of the 2 metre setback from the top-of-slope.

Surrounding Property Owner Notification and Response:

A total of 15 letters were mailed out and/or otherwise hand delivered to adjacent property owners, as required pursuant to CVRD Development Application Procedures and Fee Bylaw No. 2255, which described the purpose of this application and requested comments on this variance within a specified time frame. During the 2-week period provided for a written reply, we received no letters with regards to this application.

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.

Government Agency Comments:

This application was not referred to the Electoral Area I Advisory Planning Commission (APC), as it was felt that the Watercourse Protection Development Permit Area, and the requirement for a Riparian Areas Assessment is of a technical nature that is not required to be reviewed by the APC.

Options:

1. That application No. 1-I-09 DP and 1-I-09 DVP be approved, and the Planning and Development Department be authorized to issue a development permit and development variance permit to Charles Ricketson for the construction of an addition to the dwelling on Lot 41, District Lot 32, Cowichan Lake District, Plan 1003, Except Part in Plan 1584 RW (PID:002-477-882) that would permit the addition to be 1.5 metres from the interior side parcel line and subject to:


- Compliance with RAR Report No. 1251 by Trystan Willmott;
- Flagging of the 15 m Streamside Protection and Enhancement Area prior to construction;
- Construction is located outside the 15 metre Streamside Protection and Enhancement Area, measured from the 164 metre high water mark.

2. That application No. 1-I-09 DP and 1-I-09 DVP be denied.

Submitted by,



Rachelle Moreau,
Planning Technician
Planning and Development Department

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

RM/ca

000040

March 2, 2009.

Development Services
CVRD
175 Ingram St.
Duncan, BC

Dear Sir or Madam:

Re: Development Variance Permit
Lot 41, District Lot 32, Cowichan Lake District
Plan 1003.

This letter is to expand on my application for a Variance Permit. We have owned our lakefront property and 3-bedroom cottage since 1991. It has served as our summer home most years since then. We are looking to renovate and expand the building, specifically to accomplish the following:

1. Renovate the kitchen
2. Expand the living area for sitting out the inevitable rainy days
3. Add a study so I may bring some work to the lake
4. Add a bathroom
5. Expand one of the 3 existing bedrooms
6. Add a garage

We plan to build a 14' x 30' extension on one and one half levels to the east of our building and a garage to the north. In order to get the 14' width on the east side we would have to build to 1.63M of the property line so we are asking for a 1.5M setback instead of the 3M setback outlined in the bylaws. We have already reduced the width from 15', but any further reduction below 14' would leave a very narrow and deep front living area.

We have considered building our extension on the west side but it is not as suitable for a number of reasons:

1. We would be too close to or destroy the existing septic bed. This is the only location for a gravity drainage septic field on the property.
2. We would have to remove a number of mature fir and arbutus trees above the septic field. No trees would require removal on the east side.
3. An extension on the west side would not have any view without the removal or topping of mature trees downhill between the building and the lake. The view from the east side is great and would not require any tree removal.
4. The terrain is more sloped, would require more difficult excavation and provision for erosion control.

000041

5. An extension on the west side would be more expensive, requiring significant alterations to the existing deck to support the structure.

Before considering this application, I have spoken with Dick van Wiltenburg, the owner of the property to my east, confirming this variance is acceptable to him. I have enclosed a copy of his email correspondence. In addition I have contracted Madrone Environmental Services Ltd. to provide a RAR assessment as we are within the 30M distance from the 164.0M high water mark but not within 15M.

Please do not hesitate to call me if you have any further questions about this application.

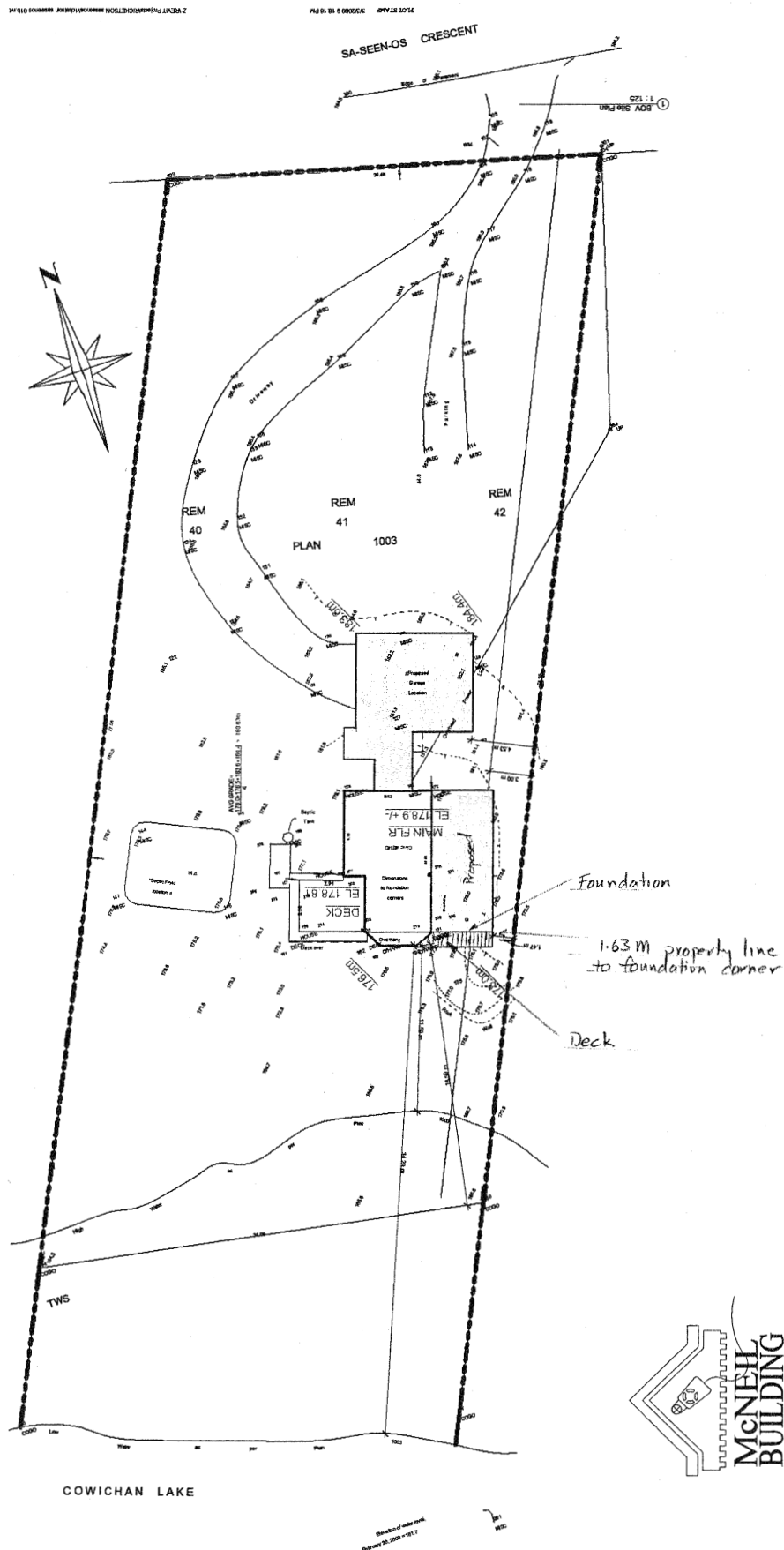
Sincerely,



Charles Ricketson
4564 Pheasantwood Tce.
Victoria BC
V8X 5E9

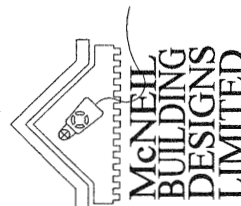
Home 250-477-0865
Cell 250-415-5257

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Proposed Residence for :

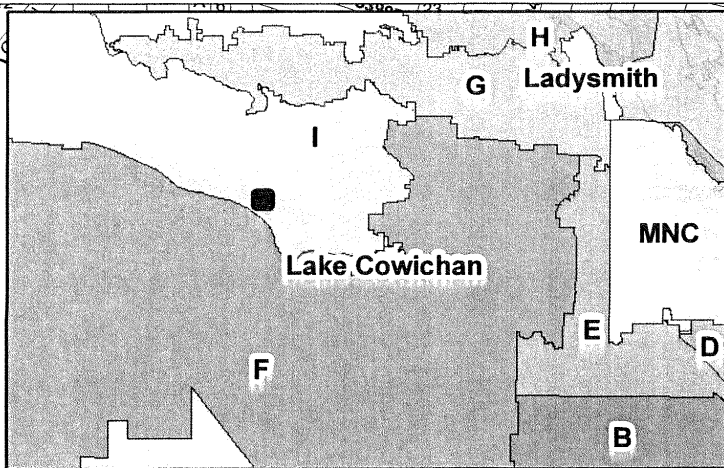
Charlie & Janice RICKETSON
8140 Sa-Seen-Os Crescent, Youbou, BC



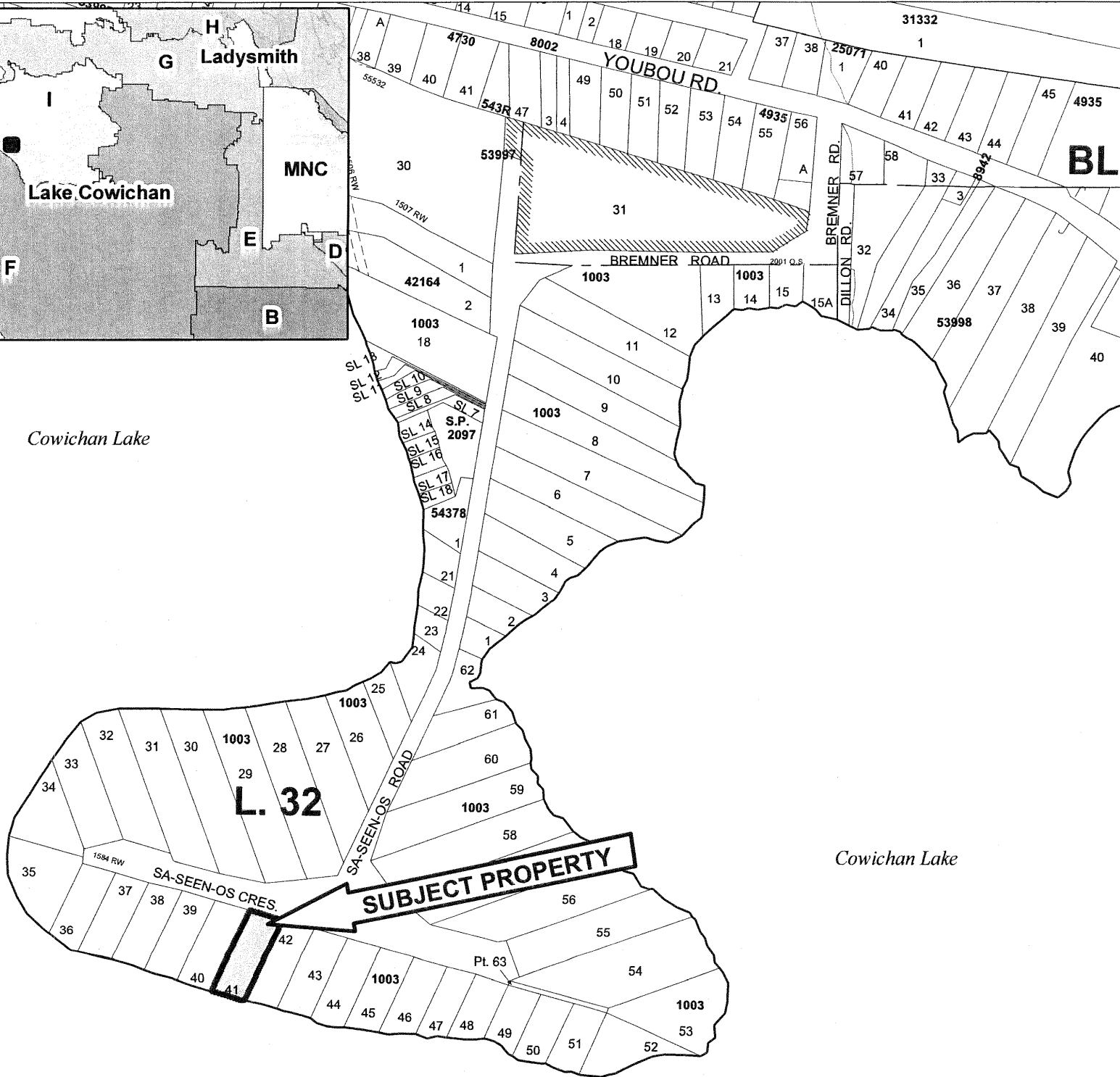
RON McNEIL, BD.AIBC,AScT
2272 Millstream Road,
Victoria, BC V9B 6H2
Phone/Fax: 250.474.2360
info@mcneildesigns.bc.ca

Fl

DATE P1 OF P1



Cowichan Lake



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.

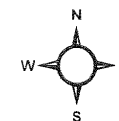
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 1-I-09-DVP

Legend

 Subject Property

0 25 50 100
Meters



000044



**Cowichan
Valley
Regional
District**

000045

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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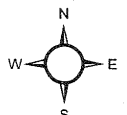
FILE: 1-I-09-DVP

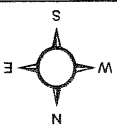
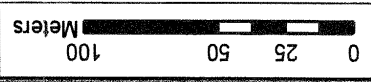
ZONING

Legend

-  Subject Property
-  Zoning Electoral Area I

0 25 50 100
Meters





Orthophoto
(2004)

FILE: 11-09-DVP

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.

Cowichan
Regional
District
000046

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

Riparian Areas Regulation: Assessment Report

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

Date 2009-03-26

I. Primary QEP Information

First Name	Trystan	Middle Name	Mark
Last Name	Willmott		
Designation	Applied Science Technologist	Company	Madrone Environmental Services Ltd.
Registration #	25491	Email	trystan.willmott@madrone.ca
Address	1081 Canada Avenue		
City	Duncan	Postal/Zip	V9L 1V2
Prov/state	B.C.	Country	Canada
		Phone #	250 746 5545

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

First Name	Richard	Middle Name	
Last Name	Brimmell		
Designation	Professional Engineer	Company	R. Brimmell Engineering
Registration #	12949	Email	brimmell@uniserve.com
Address	971 Bank Street		
City	Victoria	Postal/Zip	V8S 4B1
Prov/state	B.C.	Country	Canada
		Phone #	250 592 7645

III. Developer Information

First Name	Charlie	Middle Name	
Last Name	Ricketson		
Company			
Phone #	250 477 0865	Email	cjricketson@shaw.ca
Address	4564 Pheasantwood Terrace		
City	Victoria	Postal/Zip	V8X 5E9
Prov/state	B.C.	Country	Canada

IV. Development Information

Development Type	Construction: single family residential		
Area of Development (ha)	0.005	Riparian Length (m)	31.0
Lot Area (ha)	0.252	Nature of Development	Re-development
Proposed Start Date	2009-04-10	Proposed End Date	2009-10-15

V. Location of Proposed Development

Street Address (or nearest town)	8140 Sa-Seen-Os Crescent		
Local Government	Cowichan Valley Regional District	City	Youbou
Stream Name	Cowichan Lake		
Legal Description (PID)	002 477 882	Region	1 - Vancouver Island
Stream/River Type	Lake	DFO Area	South Coast
Watershed Code	920 257700		
Latitude	48	51	54
Longitude	124	12	07

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

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

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

Cowichan Lake represents very high fishery resource values. Cowichan Lake, the Cowichan River, and connected tributaries support a range of anadromous and resident fish species, including: chinook salmon (*Oncorhynchus tshawytscha*); coho salmon (*O. kisutch*), chum salmon (*O. keta*), steelhead and rainbow trout (*O. mykiss*), coastal cutthroat trout (*O. clarkii clarkii*) – including anadromous form, brown trout (*Salmo trutta*) – including anadromous form, bull trout (*Salvelinus confluentus*) – including anadromous form, Dolly Varden (*S. malma*) – including anadromous form, brook trout (*S. fontinalis*), and kokanee (*O. nerka*).

On-site fish habitat values are marginal, given that there is a general lack of fish habitat diversity along the shoreline (e.g. lack of cover/security habitat). The site is moderately exposed to wind and wave action coming off the lake, leading to low overall suitability for rearing fish. Along the immediate high water mark, vegetation consists of sparse slough sedge (*Carex obnupta*), hairy manzanita (*Arctostaphylos columbiana*), nootka rose (*Rosa nutkana*), small shore pine (*Pinus contorta*) and western dogwood (*Cornus nuttalli*). Above the high water mark inside the SPEA boundaries, vegetation consists of occasional Douglas-fir (*Pseudotsuga menziesii*), yellow cedar (*Chamaecyparis nootkatensis*) and arbutus (*Arbutus menziesii*), with Oregon grape (*Mahonia nervosa*), salal (*Gaultheria shallon*), red huckleberry (*Vaccinium parvifolium*), oceanspray (*Holodiscus discolor*), hairy manzanita and Himalayan blackberry (*Rubus discolor*) dominating the shrub layer. Broom moss (*Dicranum scoparium*), hoary rock moss (*Racomitrium lanuginosum*), hair cap moss (*Polytrichum commune*) and slough sedge comprise the moss/herb layer.

The lower portion of the property, beginning at the high water mark, is gently sloping (10% grade) and composed of weathered bedrock. Moving up the property into the 15 m SPEA, the slope increases significantly (50-60% grade) and is composed of very shallow soils over weathering bedrock. Near the top of the property the slope is minimal (< 10% grade) and composed mainly of shallow soils and bedrock.

There is an existing cottage on site that is within the 30m Riparian Assessment Area (RAA). Within the 15 m SPEA, existing structures and features include a switchback trail, reinforced with tires and 2"x12" lumber and a wooden housing containing a water pump and associated piping.

The developer is proposing to build an addition onto the eastern side of the existing cottage (refer to site plan). This side of the property is favourable for development, given the lack of functioning riparian vegetation. Any development on the west side of the house would result in the need to remove vegetation inside the RAA. Despite not being inside the SPEA, vegetation removal in this part of the RAA may lead to slope stability concerns. From an ecological perspective and in consideration of potential impacts to the SPEA, development would be more suited to the eastern side of the existing cottage.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Polygon No:
 LC SH TR
 SPVT Type ☒

Method employed if other than TR

Polygon No:
 LC SH TR
 SPVT Type

Method employed if other than TR

Polygon No:
 SPVT Type

Method employed if other than TR

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No: If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons

LWD, Bank and Channel Stability ZOS (m)
 Litter fall and insect drop ZOS (m)
 Shade ZOS (m) max South bank

Ditch Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)
 Ditch Fish Bearing If non-fish bearing insert no fish bearing status report

SPEA maximum (For ditch use table3-7)

Segment No: If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons

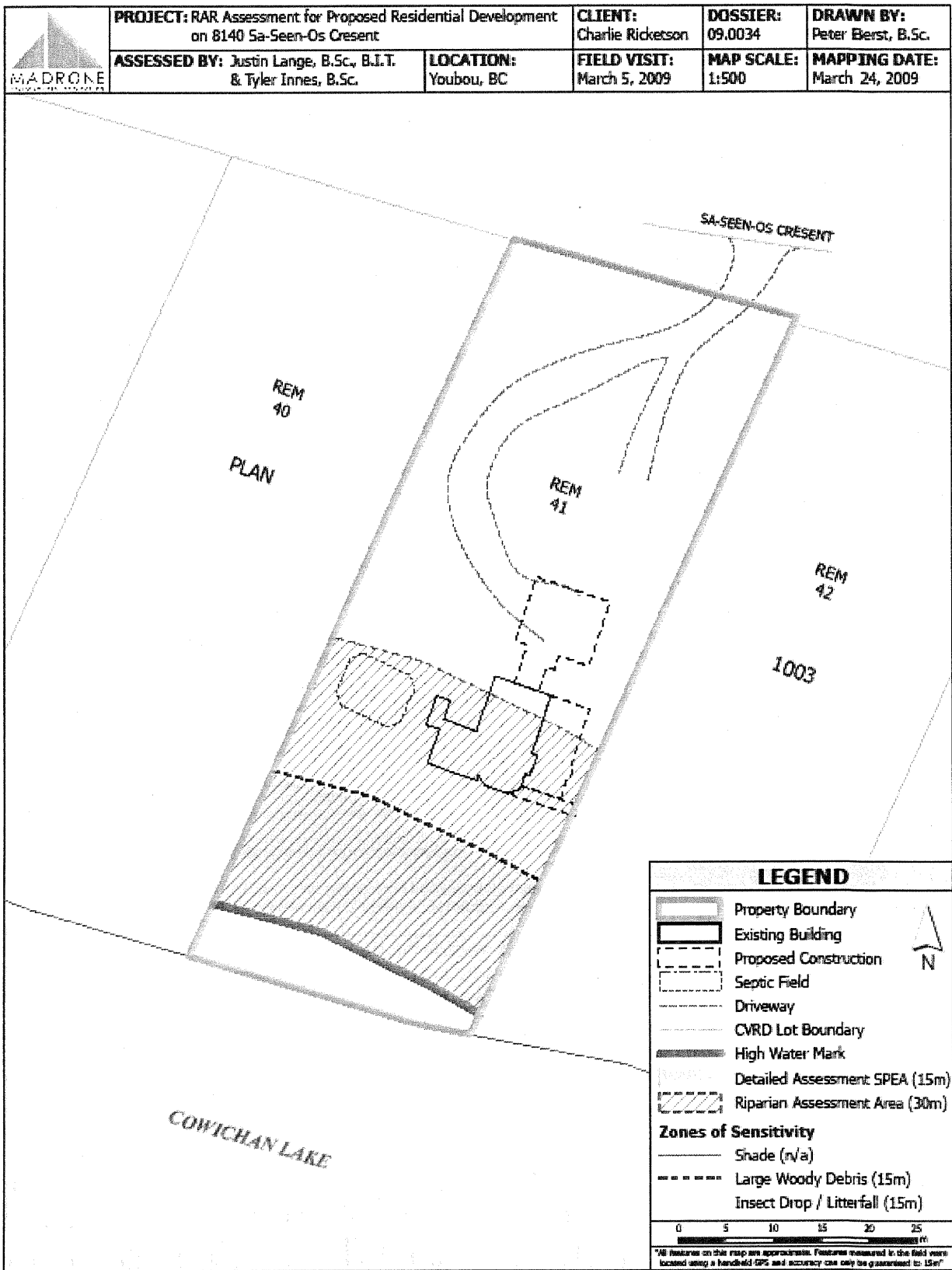
LWD, Bank and Channel Stability ZOS (m)
 Litter fall and insect drop ZOS (m)
 Shade ZOS (m) max South bank

SPEA maximum (For ditch use table3-7)

Segment No: If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons

LWD, Bank and Channel Stability ZOS (m)
 Litter fall and insect drop ZOS (m)
 Shade ZOS (m) max South bank

SPEA maximum (For ditch use table3-7)



FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

	<p>It is important that the recommendations contained in the geotechnical assessment are followed during the construction process, especially regarding the implementation of the suggested 2m buffer from the top of slope. The results of the geotechnical review are included here:</p>
--	--

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

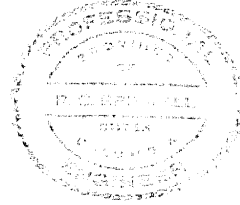
8140 Saseenos Cres, Yubou

I trust that this information meets your present requirements. Please do not hesitate to call if there are any questions.

Yours truly,



Richard Brimmell, P. Eng



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

4. Protection of Trees	
<p>I, <u>Trystan Willmott</u> (<i>name of qualified environmental professional</i>), hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Charlie Ricketson</u> (<i>name of developer</i>);</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
	<p>The client is aware that no trees are to be removed from the SPEA. Due to the disturbed nature of the proposed development footprint and the lack of trees inside the immediate SPEA, it is unlikely that any trees inside the SPEA will be damaged during construction. One mature Douglas-fir exists inside the SPEA in front of the proposed development footprint, but it is situated on the downslope side of the existing retaining wall. Due to the distal location of this tree to the proposed construction activities, damage to the tree will not occur during construction (including potential root damage).</p> <p>If development were to occur on the western side of the cottage, it is possible that trees inside the SPEA would be damaged during construction. The treed nature of the SPEA in this location would result in trees being directly adjacent to any development activities. It would be difficult, therefore, to protect them from damage (e.g. trenching through roots). It is also worth noting that trees in the SPEA are helping to maintain the integrity of the slope.</p>
5. Encroachment	
<p>I, <u>Trystan Willmott</u> (<i>name of qualified environmental professional</i>), hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Charlie Ricketson</u> (<i>name of developer</i>);</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
	<p>Despite having a SPEA identified on the site, the property owner (developer) can continue to use the land as he has done in the past. There is an existing switchback trail on the west side of the property that runs down to the lake. Any of the existing land-uses are considered legally non-conforming. The client is aware that any "new" development activities that take place are not permitted inside the SPEA. Prior to development occurring, the outer edge of the 15m SPEA must be clearly marked with high-visibility fencing (e.g. snow fencing).</p> <p>The introduction of any native trees or shrubs to the site is encouraged, especially along and immediately below the high water mark. Vegetation along the shoreline would help return biological function to the site, especially regarding bank stability, insect drop onto fish habitat and leaf litter input.</p>
6. Sediment and Erosion Control	
<p>I, <u>Trystan Willmott</u> (<i>name of qualified environmental professional</i>), hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Charlie</u></p>	

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

<u>Ricketson</u> (name of developer) ;	
c.	I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation
	Cowichan Lake represents a dynamic system, with fluctuating water levels being the norm. The developer will be constructing beyond the 200 year flood level in recognition of the dynamic nature of the adjacent habitat.

Section 5. Environmental Monitoring

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

Specific Actions Required:

- making sure that a sediment and erosion control plan has been formulated for the site, prior to development proceeding (as per section 6 of the measures);
- completion of on-site monitoring visits throughout the construction period;
- carrying out a site inspection at the beginning and end of construction activities to ensure that the SPEA has been respected;
- completing and submitting a post-construction monitoring report via the RAR notification system.

Monitoring Schedule:

- on the first day of operations, an on site meeting will be held to discuss the proposed development plans and to ensure that the suggested measures for sediment and erosion have been implemented. In addition, the correct placement of high visibility fencing (e.g. orange snow fencing) along the outer edge of the SPEA should be checked;
- the 2m slope stability buffer must also be identified in the field during the initial site visit;
- mid-way through the development operations, the QEP will visit the site to ensure that the development is going ahead in the proper manner;
- carrying out a final site visit following the cessation of construction activities. This final visit can be carried out before the finishing work inside the structure has been completed.

Communication Plan:

- the developer is responsible for contacting the QEP to schedule a site visit on the first day of operations;
- the developer will also contact the QEP mid-way through the development, to allow for the QEP to have the opportunity to



Photo 2: Looking north from the top edge of the SPEA along the eastern property boundary towards the area where the proposed development will take place.

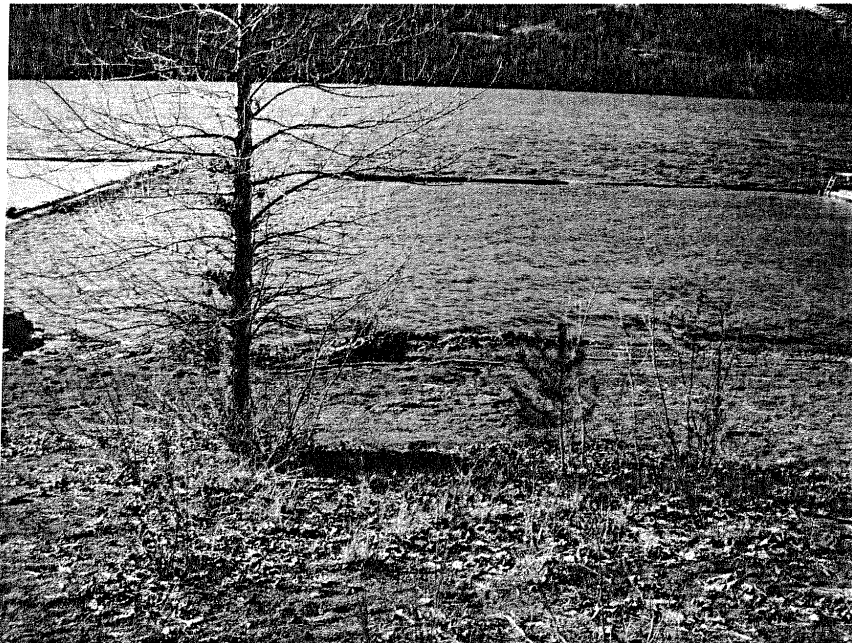


Photo 3: Looking south at the beach area from the lower edge of the SPEA. Note the sparse vegetation on the foreshore and lack of cover for fish.

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



Photo 6: Looking east at a middle portion of the switchback trail that is located within the SPEA. Note the 2"x12" boards that are used to reinforce the trail.



Photo 7: Looking northwest at the upper portion of the switchback trail and slope, both of which are in the SPEA. Note the old tires that are being used to reinforce the stability of the bank.



Photo 10: Treed nature of the area on the western side of the cottage. Any development here would involve removing trees within the RAA, leading to potential slope stability concerns. The adjacency of trees within the SPEA may also lead to inadvertent damage to trees inside the SPEA during construction.



Photo 11: Approximate footprint of proposed development adjacent to the eastern side of the cottage. Note lack of trees in this area, and in the immediate SPEA, in comparison to the western side of the cottage. The Douglas-fir in the centre of the photo represents the closest tree inside the SPEA to the proposed development. This tree is on the downslope side of an existing retaining wall and it will not be damaged during construction activities.

Submission Instructions
Riparian Areas Regulation – Qualified Environmental Professional – Assessment Report
RAR-QEP-AR

Forms you will need to complete are

- Form 1 which has the database information, the description of the fisheries resources, development site plan, measures to protect and maintain the SPEA, and environmental monitoring.
- Form 2, if more QEPs are part of the project team.
- Either Form 3 the detailed assessment form(s) or Form 4 simple assessment form(s) which is for the results of the riparian assessment (SPEA width). Use enough copies of the form to complete the assessment of the site.
- Form 5 is the photo form(s). Duplicate for additional photos.

NB: See the Guidelines and the Assessment Methods for detailed instructions on the information required for completing the Assessment Report.

A complete Riparian Assessment Report based on the template forms must be converted to a single Portable Document Format PDF file prior to uploading onto the Notification System.

The Assessment Report must be complete, by submitting the information specified, and posted to provide notification to the local government, Ministry of Water, Land and Air Protection and the Department of Fisheries and Oceans Canada.

Tips for working with MS Word Template Forms

Using the forms

- Before beginning, print a hard copy of the form and the guidance files for reference
- Open the template
- Enter data into the shaded fields on the form
- Use TAB to move from one field to another; SHIFT-TAB to go in reverse
- Text and digital photos may be inserted from other applications
- The amount of text that can be entered in each box is limited and cannot be changed by the user; boxes with date information, for example, require input like: yyyy-mm-dd.

Saving the completed form

- Assign name to the completed form
- Save a word document (*.doc file)
- Do not overwrite the Template (*.dot file) with your completed form
- If you do overwrite the template, you can download a new copy from this web site



D6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 21, 2009

DATE: April 15, 2009 **FILE NO:** 1-F-09DP
FROM: Rob Conway, Manager
Development Services Division **BYLAW NO:** 2600
SUBJECT: Application No. 1-F-09DP
(Tina and Wayne Verch)

Recommendation:

That application No. 1-F-09DP be approved, and the Planning and Development Department be authorized to issue a development permit to Tina and Wayne Verch for the reconfiguration of exterior decks at 6770 Forestry Road (Lot A, Section 29, Renfrew District, Plan 38780), including a variance to Section 3.22 of Zoning Bylaw 2600 to reduce the minimum setback of from a watercourse from 15.0 metres to 8.0 metres, subject to:

- Acceptance of RAR report #1167 by the Ministry of Environment.
- Strict compliance with RAR report #1167, prepared by Kelly Schellenberg, RFP
- Protection of 15 metre Streamside Protection and Enhancement Area (SPEA), other than the permitted encroachment, with high visibility fencing or temporary flagging prior to construction.
- Planting and protection of the proposed compensation area in accordance with RAR report #1167.

Purpose:

To consider issuance of a development permit and variance for the reconfiguration of exterior decks in accordance with the Riparian Area Regulation Development Permit Area.

Financial Implications:

N/A

Interdepartmental/Agency Implications:

N/A

Background:

Location of Subject Property: 6770 Forestry Road, located between Bear Lake and Mesachie Lake.

000059

Legal Description: Lot A, Section 29, Renfrew District, Plan 38780

Date Application and Complete Documentation Received: January 6, 2009

Owner: Tina and Wayne Verch

Applicant: Same

Size of Parcel: 4,679 square metres (1.16 ac.)

Zoning: Suburban Residential 2 (R-2)

OCP Designation: Suburban Residential

Current Use of Property: Residential

Use of Surrounding Properties:

North:	Residential
South:	Residential
East:	Residential
West:	Bear Lake

Services:

<u>Road Access:</u>	Forestry Road
<u>Water:</u>	Community system
<u>Sewage Disposal:</u>	Community system

Agricultural Land Reserve Status: Out

Contaminated Sites Regulation: declaration signed

Environmentally Sensitive Areas: Lake front

Archaeological Site: none identified

The Proposal:

The applicants are in the process of completing extensive renovations on a residential dwelling located on the subject property. Since the dwelling is located within 30 metres of the high water mark of Bear Lake and is within the Riparian Area Regulation (RAR) assessment area and RAR Development Permit Area, a development permit is required.

Prior to commencing the renovations, the owners commissioned a Riparian Area Assessment from a Qualified Environmental Professional. The assessment established a 15 metre Streamside Protection and Enhancement Area (SPEA) from Bear Lake and determined that most of the existing dwelling and the majority of renovations work would be outside of the SPEA. A development permit application was submitted and approved for the works that were either outside of the SPEA or which were permitted within the SPEA because they were within the footprint of the existing building. However, as a small portion of the proposed renovation are

000060

within the SPEA, the applicant has submitted a second RAR assessment report and development permit application that proposes a “bending” of the SPEA.

The subject application proposes to “bend” the SPEA by permitting a partial deck replacement and construction of new deck on the west side of the existing dwelling with a SPEA encroachment area of 41.6 square metres. The applicant proposes a compensation area of 41.6 metres near the southern boundary of the property that would be enhanced with native plantings including salal and swordfern. The QEP who prepared the assessment report identified the compensation area as “highly suitable”.

The application proposes to remove 26.5 m² of existing deck from the SPEA area, retain 24.5 m² of existing deck within the SPEA and add 19.0 m² of new deck within the SPEA. The application will therefore reduce the net area of deck within the SPEA by 7.5m². A plan showing the proposed deck alterations and compensation area is attached to this report.

Policy Context:

CVRD West Cowichan Official Community Plan Bylaw No. 1945 designates all lands within a Riparian Area Regulation assessment area as a development permit area. As the subject property has frontage on Bear Lake, any development within 30 metres of the high water mark of the lake (164 m contour) is within the RAR assessment area and requires a development permit. The RAR Development Permit Area includes guidelines regarding development with the RAR assessment area. Although the DP guidelines do strongly discourage development with the SPEA, guideline 15.6(c) suggests there may be circumstances where development with the SPEA. The guideline states:

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

Although the guidelines for development permit may permit development in SPEAs, the CVRD Board, on February 28, 2008, passed the following resolution regarding development within SPEAs.

That the CVRD only provide support to a modification of the Streamside Protection and Enhancement Area (SPEA) in situations in which use of the lot would otherwise be extinguished, with the exception of a pathway to provide waterfront access of up to 1.5 m in width or development which was in process prior to implementation of RAR.

In addition to development permit requirements and the above-mentioned policy, Section 3.22 of Area ‘F’ Zoning Bylaw 2600 requires that no structure be located within 15 metres of the high water mark of any watercourse, including Bear Lake. As the proposed deck alterations are within 15 metres of the high water mark, the requested development permit will require a relaxation to Section 3.22 in order for the alterations to proceed as proposed.

Development Services Division Comments:

Although CVRD bylaws and policies strongly discourage development within SPEAs, staff believe the encroachment proposed in this application offers an environmental benefit that warrants consideration by the Board. The primary justification for the application is that it offers a net decrease in the amount of deck that will be included within the SPEA. If the application is denied, the applicant could maintain the decks that are presently in the SPEA. Approval of the application would not only decrease the deck area within the SPEA, but it would result in additional riparian area planting and an expanded SPEA width at the south side of the property.

Since this application includes a proposed variance, a notification letter was sent to property owners, which is the standard procedure for development variance permit applications. A total of 15 letters that described the application and variance request were either mailed or hand delivered to adjacent property owners within 60 metres of the subject property. No responses regarding the application have been received to date. Should any written comments be received by the time of the EASC meeting, these will be distributed at the meeting. Any comments received prior to the Regional Board meeting will be provide to the Board.

Options:

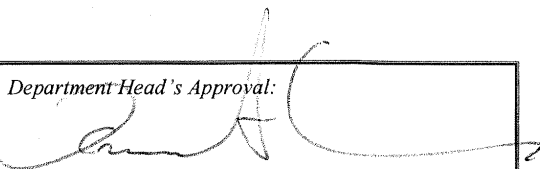
1. That application No. 1-F-09DP be approved, and the Planning and Development Department be authorized to issue a development permit to Tina and Wayne Verch for the reconfiguration of exterior decks at 6770 Forestry Road (Lot A, Section 29, Renfrew District, Plan 38780), including a variance to Section 3.22 of Zoning Bylaw 2600 to reduce the minimum setback of from a watercourse from 15.0 metres to 8.0 metres, subject to:
 - Acceptance of RAR report #1167 by the Ministry of Environment.
 - Strict compliance with RAR report #1167, prepared by Kelly Schellenberg, RFP
 - Protection of 15 metre Streamside Protection and Enhancement Area (SPEA), other than the permitted encroachment, with high visibility fencing or temporary flagging prior to construction.
 - Planting and protection of the proposed compensation area in accordance with RAR report #1167.
2. That application No. 1-F-09DP be denied.

Submitted by,

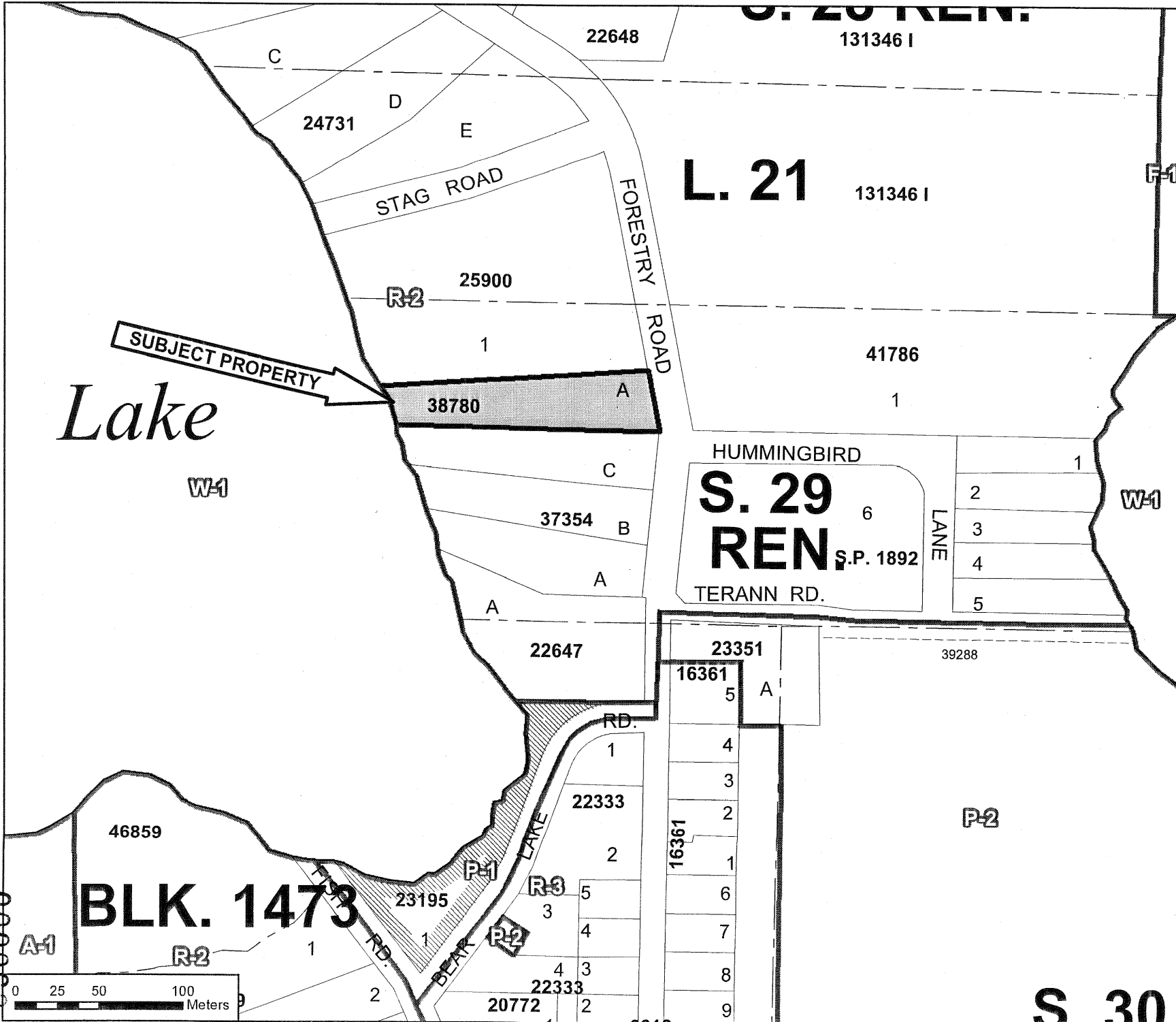


Rob Conway, MCIP
Manager,
Development Services Division
Planning and Development Department

RC/ca

Department Head's Approval:  Signature
--

000062



**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.

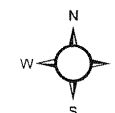
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

**FILE: 1-F-09-DP
-RAR**

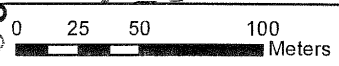
ZONING

Legend

-  Subject Property
-  Zoning Electoral Area F



000003





Cowichan
Valley
Regional
District

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

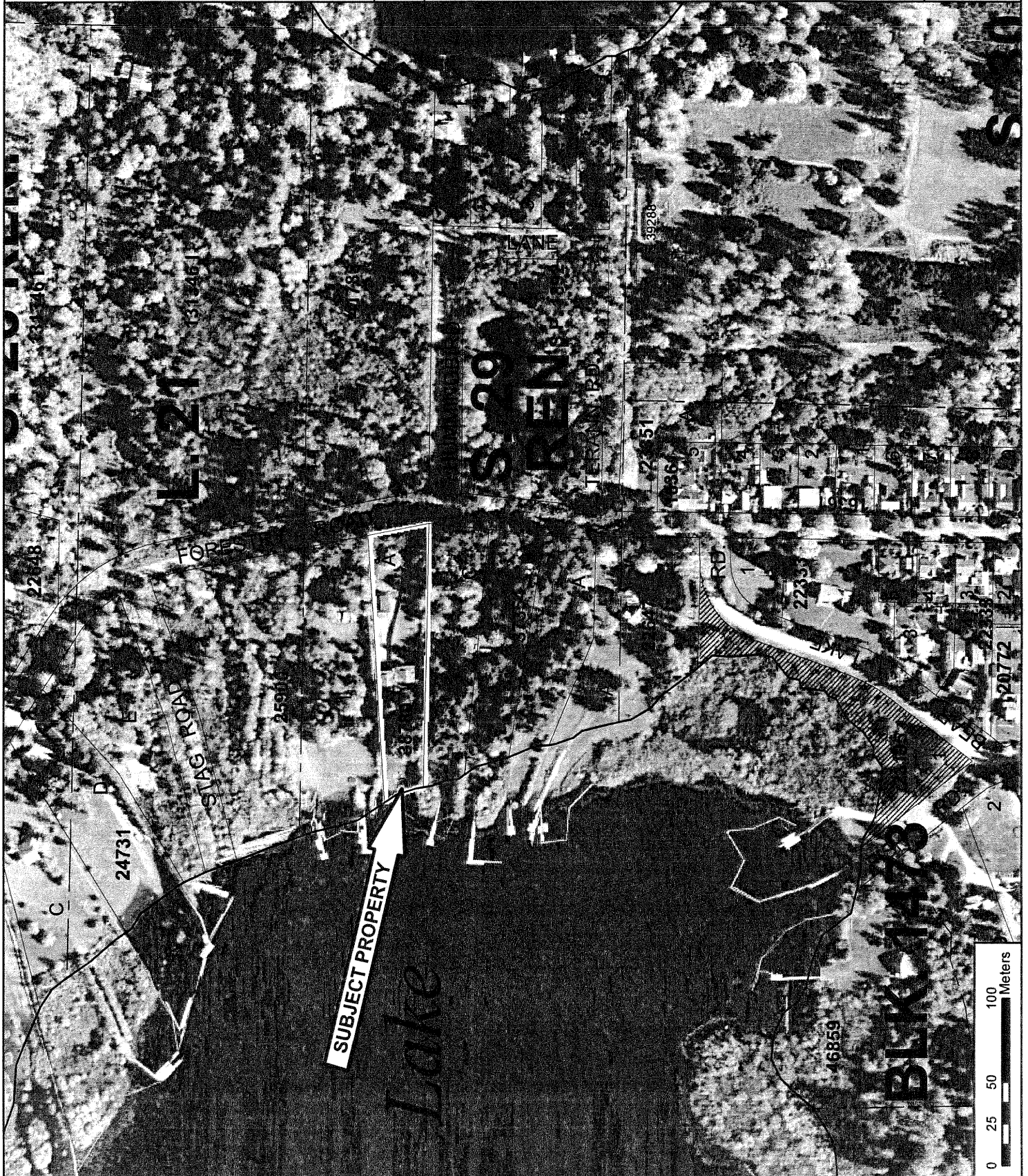
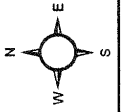
The Regional District does not
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boundaries are representational.

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

FILE: 1-F-09-DP
-RAR

Orthophoto
(2004)



000064

PROJECT: Amendment #1 - Proposed Bent SPEA
Riparian Area Regulation Assessment - 6770 Forestry Road (DECK)

CLIENT:
Tina & Wayne Verch

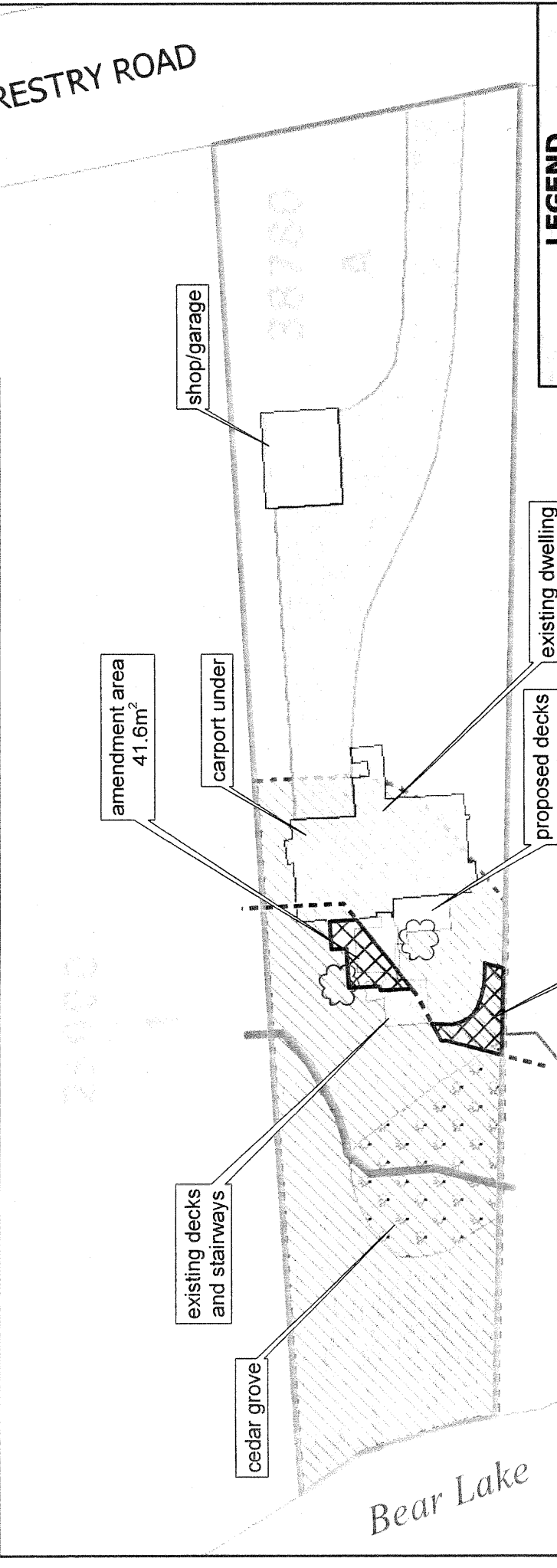
DRAWN BY:
Peter Berst, B.Sc.

ASSESSED BY:
Kelly Schellenberg, B.Sc.F., R.P.F.

LOCATION:
Mesachie Lake, BC

FIELD VISIT: MAP SCALE:
Sep. 22, 2008 1:200

MAPPING DATE:
January 30, 2009



LEGEND
Property Boundary
Existing Building
Existing Deck
Proposed Deck
High Water Mark (164m elev.)
SPEA (15m)
Riparian Assessment Area (30m)

Zones of Sensitivity
Shade Line (30m)
Large Woody Debris (15m)
Insect Drop / Litterfall (15m)

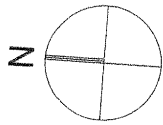
0 10 20 30 40 m

0000065

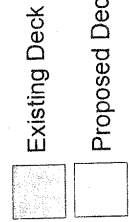
Table of Proposed Deck Additions and Deletions Inside and Outside the SPEA

Within SPEA		Outside SPEA		Net Area of deck outside of SPEA
Area of existing deck to be removed	(26.5 m ²)	Area of existing deck to be removed	(1.3 m ²)	
Area of existing deck that will be retained	24.5 m ²	Area of existing deck that will be retained	9.5 m ²	
Area of proposed new deck	19.0 m ²	Area of proposed new deck	29.3 m ²	
Reduction of deck area in SPEA	7.5 m²			37.5 m²

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



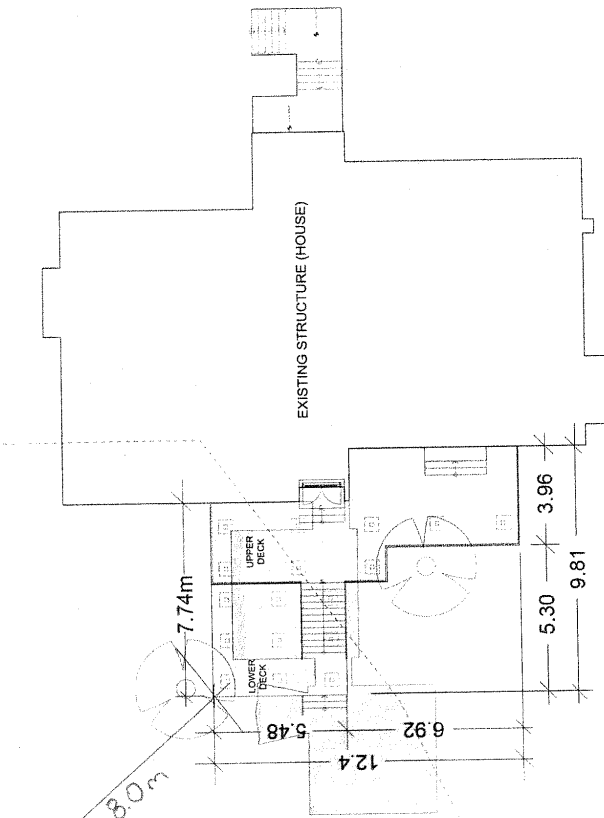
Scale 1 : 200



Existing Deck

Proposed Deck

PROPERTY LINE



PROPERTY LINE

6770 Forestry Rd.
Proposed New Deck 2008.09.15

Chris Foyd
MArch / Architect MAA

2771 Burdick Ave.
Victoria, B.C.
CANADA V8R 3L8
Tel.: +1(250) 598 3172
Fax: +1(250) 598 3172
e-mail: cfoyd@shaw.ca

~80m contour

Grove

Cedar

164 metre

Covenant

Restrictive

K114208

000066

3.21 Setback Exceptions

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

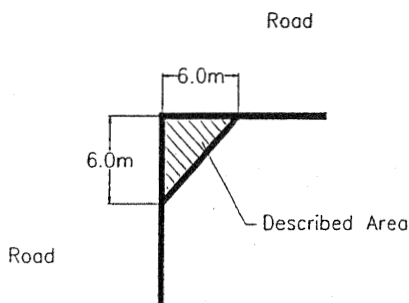
3.22 Setbacks from a Watercourse

Notwithstanding any other provision of this Bylaw, no building or structure shall be located within 15 metres of the high water mark of any watercourse, or a lake, or the sea, or 30 m of the Cowichan River, unless specified in a Development Permit.

3.23 Sight Triangle

No person being the owner, occupier or lessee of any land located at the intersection of any two streets, shall place or permit to be placed, construct or grow any tree, plant, shrub, fence or other structure greater than 1 metre in height within a sight triangle bounded by the intersecting lot lines at a street corner and a line joining points along said lot lines 6 metres from their point of intersection. For greater certainty, a diagram shown as part of this section and labeled "Figure A" depicts the area described in this section.

Figure A



3.24 Storage of Junk or Wrecks

Unless specifically permitted by this Bylaw, no parcel shall be used for a junkyard or for the external storage, collection or accumulation of all, or part, of any automobile wreck, derelict motor vehicle, or all or part of any motor vehicle that is not:

- a. a validly registered, licensed and insured in accordance with the *Motor Vehicle Act*; and
- b. capable of motivation under its own power.



SRI

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 21, 2009

DATE: April 15, 2009
FROM: Grant Breckenridge, Senior Building Inspector
SUBJECT: Solar Hot Water Systems

Recommendation:

This report is presented for information purposes.

Purpose:

To advise the Committee of information respecting solar hot water systems.

Financial Implications: N/A

Interdepartmental/Agency Implications: N/A

Background:

On March 8, 2009, I attended a solar workshop at the Island Savings Center. Several hundred people attended and discussed numerous energy saving ideas. There is a group of approx 50 people that are organizing to bulk-buy solar hot water systems and have them installed in their homes in the Cowichan Valley. Our concern as Building Officials is to insure that the solar system meets the BC Plumbing Code and the correct safety measures are in place to protect the potable water in the dwelling whether it is supplied by a private or public water system. Most solar systems are a closed loop system that is filled with glycol antifreeze to protect the roof collector from freezing. The solar heated water is circulated through a heat exchanger that preheats the water prior to entering the hot water tank. The heat exchanger is the area where there is the greatest potential to contaminate the drinking water with the anti-freeze in the solar system. There are two types of heat exchanges. The first one is a single wall, which, if it leaks, the liquids on each side of the single wall heat exchanger mix and the drinking water becomes contaminated. The second is a double wall heat exchanger with visible leak path. If there is a leak it will drain to the floor and there is no contamination to the drinking water.

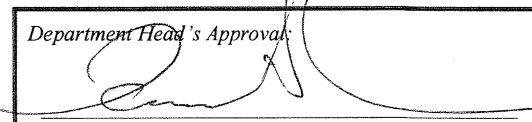
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In an effort to have a consistent approach within the Valley, I organized a meeting of the local inspectors of the CVRD, North Cowichan, City of Duncan, Town of Ladysmith, Town of Lake Cowichan, the SolarBC Director, CRD water cross control officer, and the Senior Plumbing Inspector from Saanich who has inspected some of these systems. Several items were discussed regarding safety and code compliance.

Another meeting on solar heating systems was held March 26, 2009 in Vancouver. The Building Standards Branch (who write the Building Code) will be issuing a Bulletin on solar systems soon. See attached letter from BCWWA who hosted the meeting.

One concern voiced was that getting a plumbing permit was a potentially frustrating impediment to installing a solar system. It should be noted that some areas such as Tofino, Saanich, and Kelowna are issuing permits for solar systems but waiving the fees.

Submitted by,

Department Head's Approval

Signature

Grant Breckenridge,
Senior Building Inspector
Planning and Development Department

GB/ca

000069



BCWWA Cross Connection Control Committee Position ***Heat Exchanger connected to potable water systems***

March 24, 2009

PREAMBLE

The British Columbia Water and Waste Association (BCWWA) Cross Connection Control Committee is comprised of regulators, industry personnel, trades people, educators, water suppliers, and general interest individuals (approximately 25 people across the province). Several committee members also sit on other standards committees and associations relating to plumbing, including the CAN/CSA B64.10 standard for selection and installation of backflow devices and Plumbing Officials of BC. The Cross Connection Control Committee has a wealth of knowledge about backflow and can provide valuable subject-expertise for cross connection control issues.

Solar power energy use is increasing, due in part, to availability of federal and provincial support and grants for installation of solar power energy systems. The CAN/CSA F379.1 recommendation for installation of a backflow preventer between the potable water distribution system and the inlet to the solar domestic hot water system does not address the risks associated to the potable water use downstream of the solar domestic hot water system (domestic hot water distribution system).

Representatives of the solar industry approached BC regulators for help in finding a uniform cross connection control solution to address the potential cross connection risks related to backflow in domestic residential hot-water solar-heating systems.

Regulators across the province inspecting domestic hot water solar-heating systems are seeking guidance for inspecting these systems to address potential cross connection risks.

The Building & Safety Policy Branch, Office of Housing and Construction Standards Ministry of Housing and Social Development, has indicated that they would like the industry to work together to find a solution to the cross connection control issue and have requested guidance from the cross connection control subject experts

DISCUSSION

Many residential solar domestic hot water heating systems have single-wall heat exchangers using liquid to liquid heat transfer fluid. The risk to the drinking water distribution system, when using the single-wall heat exchangers with liquid to liquid heat transfer fluid, has been identified as follows:

1. Heat transfer fluids used in heat exchangers may be subject to a wide range of operating temperatures and pressures;
2. There is a potential for altering the chemical composition and/or toxicity of the heat transfer fluid; and
3. Toxic chemicals could potentially come into contact with the potable water, due to mechanical wear and tear/corrosion, etc., contaminating the potable water supply without the knowledge of the consumer.

As a result, many new domestic residential hot-water solar-heating systems are not being approved by regulators. There is a need for consistency in requirements for appropriate backflow preventers to ensure the potable water supply is protected.

The International Association of Plumbing and Mechanical Officials (IAPMO) 2006 Uniform Solar Energy Code for the installation of heat exchangers used in solar systems, section 405.1, recommends installing double-wall heat exchangers with leak detection for all domestic hot water systems using heat-transfer fluids. Consideration has been given to alternative solutions for engineered solar systems for use of a single-wall heat exchanger from other jurisdictions including that of the State of Oregon and the Province of Alberta. The province of Alberta position relating to single-wall heat exchanger does not apply to solar domestic hot water systems.

The BCWWA Cross Connection Control Committee is not in the position to provide alternative solutions without any quantitative and qualitative technical data for using single-wall heat exchangers in domestic solar hot-water systems. Although requests have been made for published, independent technical data comparing the performance of single and double wall solar heat exchangers, it has not been made available at this time. Until independent third-party data is made available. The BCWWA Cross Connection Control Committee does not anticipate the development of alternative solutions.

At this time, the BCWWA Cross Connection Control Committee recommends that a heat exchanger connected to a potable water system shall be an approved double-wall heat exchanger with visible leak path/detection. It is the position of this committee that the use of a heat exchanger, other than a double-wall with visible leak path/detection, presents an unacceptable risk to human health.

NOTE: This position applies not only solar heat exchangers, but to all heat exchangers,

POSITION

The British Columbia Water and Waste Association (BCWWA) Cross Connection Control Committee (CCCC) recommends that a heat exchanger connected to a potable water system shall be an approved double walled heat exchanger with visible leak path/detection. It is the position of this committee that the use of a heat exchanger other than double walled with visible leak path/detection, presents an unacceptable risk to human health.

RATIONALE

Heat transfer fluids used in heat exchangers may be subject to wide ranges of operating temperatures and pressures, potentially altering the chemical composition and/or toxicity of the heat transfer fluid. In a single-wall heat exchanger, toxic chemicals could potentially come into contact with the potable water, due to mechanical wear and tear/corrosion etc., contaminating the potable water supply without the knowledge of the consumer.

Robert Sochowski, Chair
BCWWA Cross Connection Control Committee



SR2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 21, 2009

DATE: April 14, 2009

FILE NO:

FROM: Tanya Soroka,
Parks Planning Technician

BYLAW NO:

SUBJECT: Cobble Hill Train Station "Trees for Tomorrow" Revitalization Project

Recommendation:

That the Board Chair and Corporate Secretary be authorized to sign the necessary documents with the Island Corridor Foundation (ICF) and Ministry of Transportation to permit improvements upon ICF lands and within existing road rights of way around the Cobble Hill Train Station as part of the Cobble Hill Train Station "Trees for Tomorrow" Revitalization Project.

Purpose:

To request approval to enter into land use agreements with ICF and Ministry of Transportation to allow improvements to lands around the Cobble Hill Train Station as part of the Cobble Hill Train Station "Trees for Tomorrow" Revitalization Project.

Financial Implications:

Funding for the Cobble Hill Train Station "Trees for Tomorrow" Revitalization Project is being provided through an approved Provincial "Trees for Tomorrow" Grant in the amount of \$50,000 with matching funds/in-kind contributions from the Cobble Hill Community Parks budget, CVRD Parks staff time, volunteers and donations.

The Cobble Hill Train Station "Trees for Tomorrow" Revitalization Project is identified as a Priority Two Project (Partnership and/or Commitment by Others Capital Project) on the 2009 Community Parks and Trails Program Priorities list reviewed at the April 7, 2009 EASC meeting, with a target for project completion in Summer 2009.

Interdepartmental/Agency Implications:

N/A

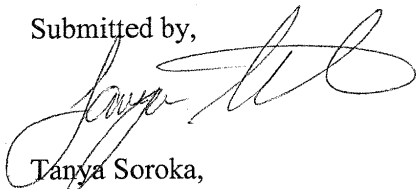
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Background:

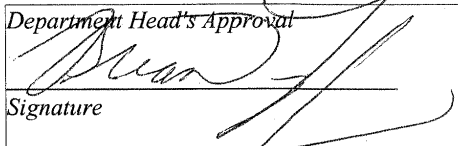
The Provincial "Trees for Tomorrow" grant program has approved the \$50,000 application from the CVRD for the Cobble Hill Train Station "Trees for Tomorrow" Revitalization Project which aims to improve the livability of the Cobble Hill Village community core. These improvements will create a people and environmentally friendly space on currently vacant lands between Cobble Hill Road and the Cobble Hill Train Station through the planting of trees, shrubbery, grass, built pathways and a parking lot. This area has historically been used as an informal dirt/gravel parking lot for temporary storage of large machinery and vehicles, causing dust problems and runoff from vehicles being washed down. Over the years the impacted area at the main turnoff from Cobble Hill Road has detracted from the "village look and appeal" of Cobble Hill Village and backdrop of Quarry Nature Park/Cobble Hill Mountain.

The Regional District requires agreements with both the Island Corridor Foundation (ICF) and the Ministry of Transportation and Infrastructure (MoT) to complete the works proposed in upgrading the industrial parking area and the train station that is adjacent to Quarry Nature Park and the Cobble Hill Village. The proposed area lies within the E&N Rail corridor which is managed under the Island Corridor Foundation. The ICF was aware of the submission of the application for Grant funding and helped prepare the initial concept design of the revitalized area (see attached concept). Discussions with MoT have been underway in regards to the entrance from Empress Road into the parking lot and exit onto Cobble Hill/Shawnigan Lake Road. Some works will take place within the MoT road right of way, requiring a "permit to construct agreement" for these works.

Submitted by,

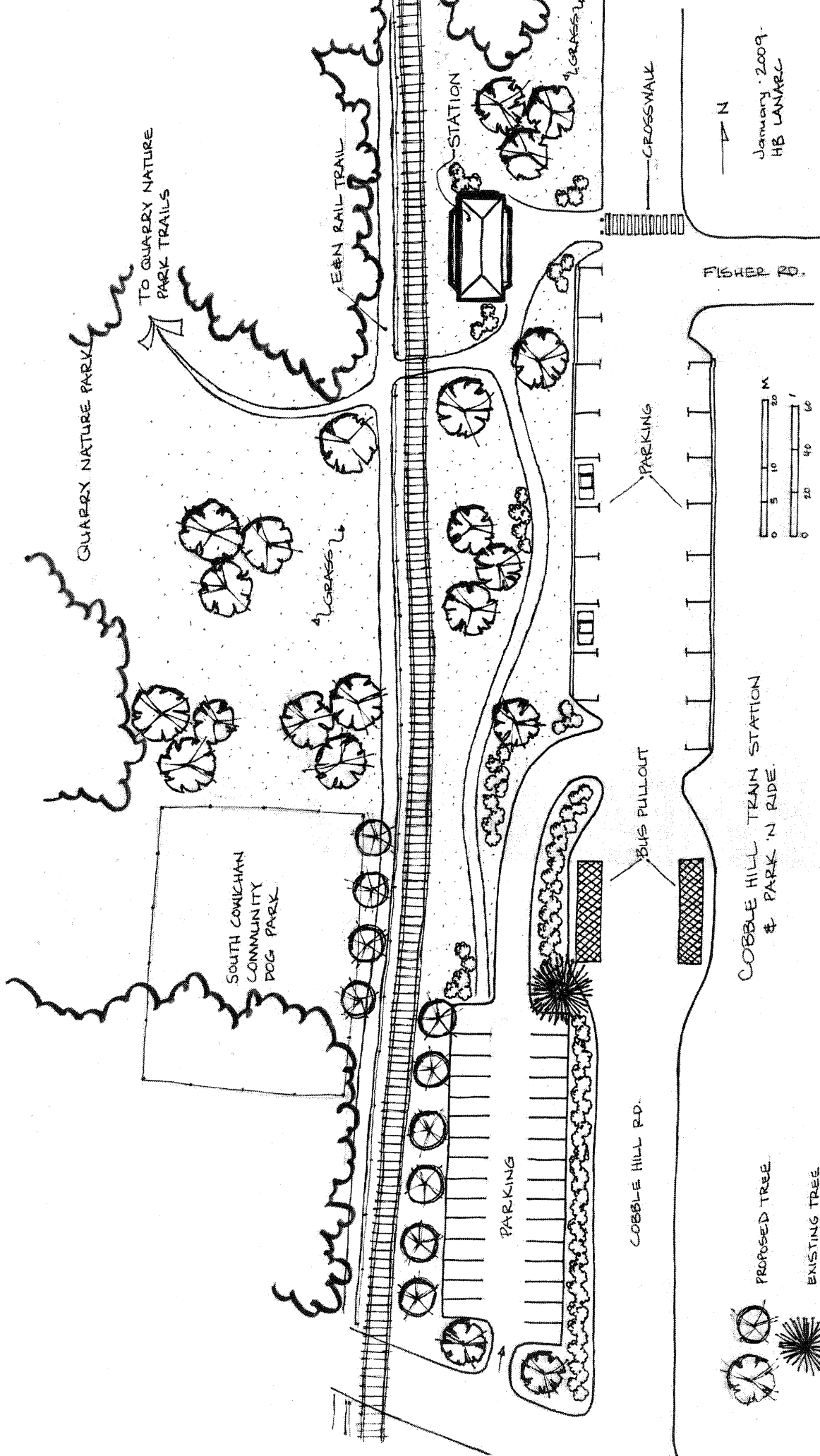





Tanya Soroka,
Parks Planning Technician
Parks, Recreation and Culture Department

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

TS/ca

000073



-  PROPOSED TREE
-  EXISTING TREE
-  PROPOSED SHRUB

000074



SR3

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 21, 2009

DATE: April 9, 2006⁹ **BYLAW No:** 3272
FROM: Kathleen Harrison, Legislative Services Coordinator, Corporate Secretariat Division
SUBJECT: Sahtlam Fire Protection Service Area – Loan Authorization Bylaw

Recommendations:

1. That "CVRD Bylaw No. 3272 – Sahtlam Fire Protection Service Area Loan Authorization Bylaw, 2009" be forwarded to the Board for consideration of 3 readings and following provincial and voter approval, be adopted.
2. That it be recommended to the Board that voter approval for CVRD Bylaw No. 3272 be obtained through an alternative approval process over the entire service area.

Purpose:

To introduce Bylaw No. 3272, which authorizes the borrowing of no more than \$130,000. to help finance the purchase of a new mobile water tender firefighting apparatus for the Sahtlam Fire Protection Service Area.

Financial Implications:

Should the maximum amount \$130,000. be borrowed, the cost for a residential property assessed at \$100,000. is estimated at \$8.07 annually (residential tax rate of \$.0807 per thousand).

Interdepartmental/Agency Implications:

This bylaw requires the approval of the service area voters and the Inspector of Municipalities before it can be adopted. Pursuant to Section 797.5 of the *Local Government Act* and Section 84 of the *Community Charter*, voter approval may be obtained through an alternative approval process over the entire service area. The service area includes a defined portion of Electoral Areas E – Cowichan Station/Sahtlam/Glenora and F – Cowichan Lake South/Skutumpah Falls.

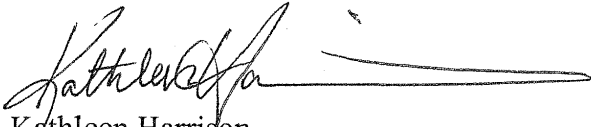
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Background:

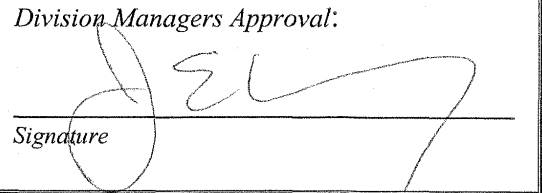
At it's regular meeting held April 8, 2009, the Board endorsed Resolution No. 09-215-1-1 that a loan authorization bylaw be prepared for borrowing up to \$130,000. Dollars to assist with financing the purchase of a mobile water tender firefighting apparatus for the Sahtlam Fire Protection Service area. Therefore, the attached bylaw was drafted for consideration.

Submitted by,



Kathleen Harrison
Legislative Services Coordinator
Corporate Secretariat Division

Division Managers Approval:



Signature



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3272

**A Bylaw to Authorize the Borrowing of Funds to Help Finance the
Purchase of a new Mobile Water Tender Firefighting Apparatus for the
Sahtlam Fire Protection Service Area**

WHEREAS the Board of the Cowichan Valley Regional District established the *Sahtlam Fire Protection Service Area* under the provisions of Bylaw No. 1773, cited as "CVRD Bylaw No. 1773 – Sahtlam Fire Protection Service Establishment Bylaw, 1997", as amended;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to borrow money to help finance the purchase of a new mobile water tender firefighting apparatus for the Sahtlam Fire Protection Service Area;

AND WHEREAS the estimated total cost of the new mobile water tender firefighting apparatus, including expenses incidental thereto, is Two Hundred Thousand Dollars (\$200,000.);

AND WHEREAS the sum to be borrowed is not to exceed One Hundred and Thirty Thousand Dollars (\$130,000.), which is the amount of debt to be created by this bylaw;

AND WHEREAS the authority to borrow under this bylaw expires five years from the date on which it is adopted;

AND WHEREAS the Board of the Cowichan Valley Regional District has obtained the approval of the service area electors in accordance with the *Local Government Act* and *Community Charter*;

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. 3272 – Sahtlam Fire Protection Service Loan Authorization Bylaw, 2009."

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2. LOAN AUTHORIZATION

The Cowichan Valley Regional District is hereby empowered and authorized to purchase a new mobile water tender firefighting apparatus for the Sahtlam Fire Protection Service in general accordance with the plans on file in the Regional District office, and to do all things necessary in connection therewith and, without limiting the generality of the foregoing, to borrow upon the credit of the Regional District a sum not exceeding One Hundred and Thirty Thousand (\$130,000.) Dollars.

3. TERM OF DEBENTURES

The maximum term for which debentures may be issued to secure the debt created by this Bylaw is 10 years;

4. SERVICE TO WHICH THE LOAN AUTHORIZATION RELATES

This Bylaw relates to the *Sahtlam Fire Suppression and Prevention Service Area* established pursuant to Bylaw No. 1773, as amended, cited as "CVRD Bylaw No. 1773 – Sahtlam Fire Protection Service Establishment Bylaw, 1997".

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. 3272 as given Third Reading on the _____ day of _____, 2009.

Corporate Secretary

Date

RECEIVED the approval of the Inspector of Municipalities this _____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary

000078



SR4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 21, 2009

DATE: April 8, 2009 **FILE NO:**
FROM: Sharon Moss, Manager, Finance Division **BYLAW NO:**
SUBJECT: Insurance Coverage for Regional District Volunteers

Recommendation:

That this report be received for information.

Purpose:

To update the Committee on the insurance coverage the CVRD provides to volunteers engaged in performing services under the direction of the Regional District.

Financial Implications:

The cost of the Volunteer Insurance Premium (\$2.50 per volunteer) is charged to the various Department functions which engage volunteers annually in CVRD-directed activities, programs and events.

Interdepartmental/Agency Implications:

N/A

Background:

While a Regional District Volunteer is performing a service for or as part of a CVRD program or function (i.e. Community Parks), the Regional District's primary Liability Insurance provider (Municipal Insurance Association) policy coverage protects our volunteers against personal liability. It does not provide first party accident coverage. Thus, injured volunteers are unfortunately on their own, unless we provide additional coverage. Volunteers performing services for the Regional District are most often working on Regional District property. When injured, they will incur medical cost, loss of wages if employed; rehabilitation costs and their dependents will also suffer. The C.V.R.D. therefore also provides a volunteer accident insurance program to provide a degree of coverage to injured volunteers.

A volunteer is defined as any volunteer who participates in the delivery of Regional District Services under the supervision of an officer or employee of the Regional District. The names and addresses of volunteers must be recorded along with the department supervisor to whom

000079

they would normally report and kept on file (with CVRD Deputy Treasurer). Coverage under this plan is limited to those under the age 75, and only while the individual is performing volunteer services for the Regional District.

The cost is \$2.50/volunteer per year. The coverage runs from January 1 - December 31, and cannot be pro-rated for the year.

The coverage is as follows:

1. Accidental Death \$40,000
2. Loss of Use Benefits Up to \$40,000 depending on the nature of the disabling accident, ie. loss of use of eye, leg, quadriplegic, paraplegic, etc
3. Weekly Accident Indemnity Benefits
 - a) Employed persons
 - \$300.00 per week for 52 weeks (Temporary total disability)
 - \$150.00 per week for 26 weeks (Temporary partial disability)
 - b) Not employed volunteers
 - \$100.00 per week for 52 weeks (Temporary total disability)
 - \$50.00 per week for 26 weeks (Temporary partial disability)

Benefits are paid to Insured Persons if injury wholly and continuously disable and prevents them from performing each and every duty pertaining to their regular occupation, or if they have no occupation, prevents them from attending to any of their usual duties, and immediately and continuously confines them to their house. Insured Persons must be under the regular care and attendance of a legally qualified physician or surgeon.

4. Accident Reimbursement Compensation for hospital costs, ambulance costs and other expenses not covered by B.C. Medicare to a maximum of \$2,500.

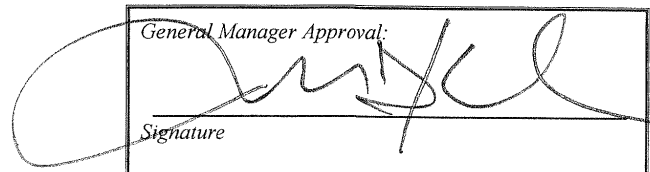
The volunteer accident insurance plan is privately insured and separate from the M.I.A. itself, M.I.A. only acts as program coordinator.

Submitted by,



Sharon Moss, C.G.A.
Manager, Finance Division

000080

General Manager Approval:

Signature



SR5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 21, 2009

DATE: April 21, 2009 **FILE NO:**

FROM: Brian Farquhar, Parks and Trails Manager **BYLAW NO:**

SUBJECT: Community Parks Commission Chairs Meeting

Recommendation:

That a meeting be organized between the Chairpersons of the Electoral Area Community Parks Commissions and the Manager, Parks and Trails Division, to review the 2009 Community Park and Trails Program Priorities.

Purpose:

To request direction from the Committee on scheduling a meeting between the Electoral Area Community Parks Commission Chairpersons and the Manager, Parks and Trails Division to review the 2009 Community Park and Trails Program Priorities.

Financial Implications:

Funding for individual Electoral Area Community Parks budgets for 2009 has previously been approved by the Board.

Interdepartmental/Agency Implications:

N/A

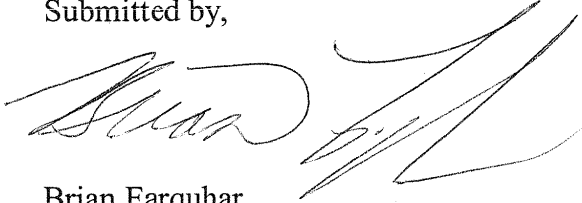
Background:

Previous meetings of the Electoral Area Community Parks Chairpersons and the Manager, Parks and Trails Division have been organized under the direction of the Committee to review annual work program priorities for the Community Parks program. These meetings have also provided the opportunity for Parks Commission Chairs to share information on individual community parks projects and success stories, issues of common interest (i.e. increasing trail opportunities), challenges and where opportunities may exist to collectively pursue common objectives. These meetings have also provided the Parks and Trails Division Manager an opportunity to update Parks Commission Chairs on items of collective interest or relevance to all Parks Commissions. This provides an opportunity for clarification and consistency of information being distributed, as the Chairs can ask questions or for more details, with the benefit of all Chairs in attendance receiving the same feedback from staff. Feedback from individual Parks Commission Chairs on

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prior meetings have been both positive and supportive of future such meetings. If the Committee is supportive, a meeting of the Parks Commission Chairs and the Manager, Parks and Trails Division would be organized for early May. Previous meetings were held at the Ingram Street office, given the central location, but another venue could be organized if more convenient for Parks Commission Chairs.

Submitted by,

A handwritten signature in black ink, appearing to read 'Brian Farquhar', written over a horizontal line.

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

BF/ca



SR6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 21, 2009

DATE: April 16, 2009

FILE NO:

FROM: Tom Anderson, General Manager

SUBJECT: Thetis Island Wharf

Recommendation:

That the Regional Board proceed with a bylaw to prohibit overnight moorage at the Thetis Island Wharf.

Purpose:

To obtain Regional Board approval to proceed with a bylaw to prohibit overnight moorage at the wharf.

Financial Implications:

N/A

Interdepartmental/Agency Implications:

N/A

Background:

In 2003 the Regional District acquired the Federal government wharf from Transport Canada under the Federal Wharf Divestiture Program. Federal grant money was then used to renovate the structure to make it easier for emergency services to access as well as make it more user friendly. Since its renovation, it has become a popular spot for residents and boaters to use for access to the water and a place to tie a boat up for a short stay. Unfortunately, there have been a few boaters that have seen fit to overstay their welcome by tying up to the wharf for weeks at a time.

The Thetis Island Port Commission (TIPC) which oversees the operations and maintenance of the structure, passed a resolution and have erected signs at the wharf stating that there is no overnight moorage allowed. However, in order to allow CVRD Enforcement personal to take action on someone who refuses to move, we need more than a simple resolution from a Commission, we must pass a formal bylaw prohibiting overnight moorage. While there was insufficient time to attach the draft bylaw to this report, it will be placed on the late agenda for Director's consideration.

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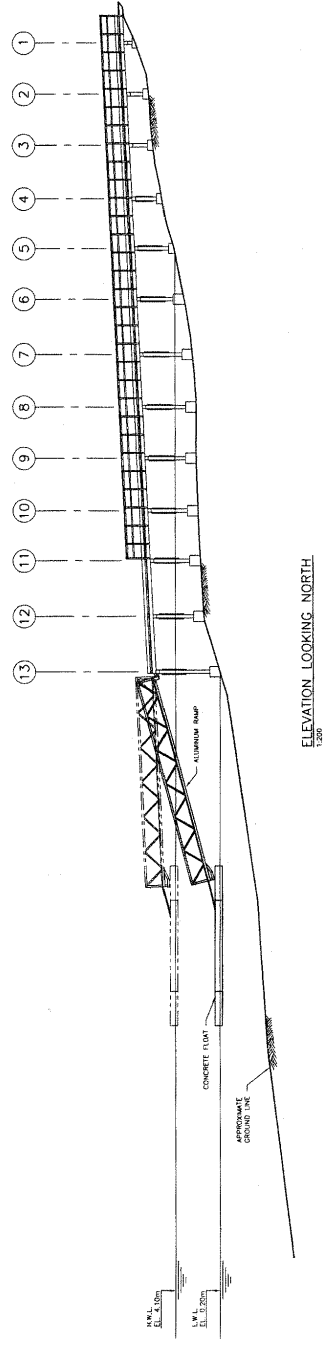
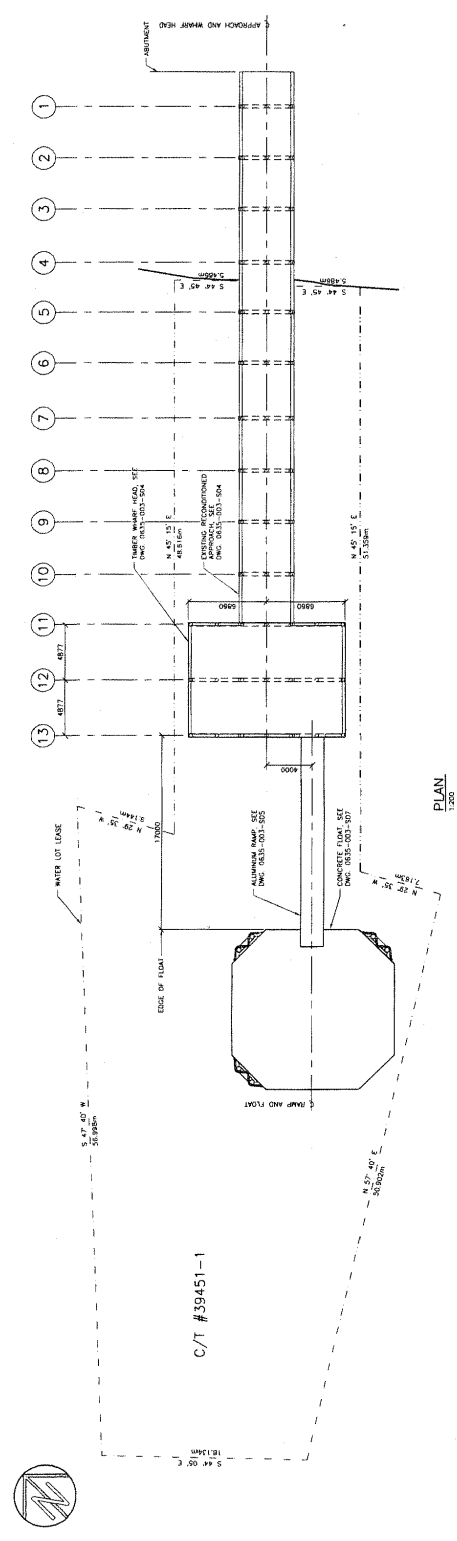
As it is the desire to have this bylaw in place for the long weekend in May, the bylaw will be on the Regional Board agenda in May for all readings and adoption.

Submitted by,

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

Tom Anderson,
General Manager
Planning and Development Department

TA/ca



NOTES:
1. SEE GENERAL NOTES, SEE SHEET 000085-001.

GENERAL ARRANGEMENT			
REVISION NO.	REVISION	DATE	BY
1	AS SHOWN	15/04/2024	BB
2	AS SHOWN	15/04/2024	BB
3	AS SHOWN	15/04/2024	BB
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GENERAL ARRANGEMENT			
REVISION NO.	REVISION	DATE	BY
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13	AS SHOWN	15/04/2024	BB

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Cowichan Tribes

5760 Allenby Road Duncan, BC V9L 5J1

Telephone (250) 748-3196 Fax: (250) 748-1233

Our File No. 714

March 27, 2009

Municipality of North Cowichan
Planning Department
Box 278
Duncan, BC V9L 3X4
Fax #: 250-746-3154

Cowichan Valley Regional District
Development Services
175 Ingram St
Duncan, BC V9L 1N8
Fax #: 250-746-2621

Attention: Chris Hall, Manager

Attention: Tom Anderson, Manager

Dear Chris Hall and Tom Anderson;

Re: Sale of Timberwest Private Forestry Lands

This letter is to inform you of Cowichan Tribes' concern regarding the sale of Timberwest private forestry lands. As you are aware, in the late 1800's these lands were divested without consultation or accommodation of First Nations' interests through the E & N Land Grant. The grant created a unique challenge within Cowichan's Traditional Territory in that there is very little Crown land remaining in our Traditional Territory available for Treaty Negotiations. For this reason, we have a keen interest in the sale of private lands in our Traditional Territory.

Once these private forest lands are sold and the new owners make application to develop them, your government offices will be contacted for permits to rezone them for that purpose. It is after this step in the process that Cowichan Tribes receives (should receive) referrals with respect to rezoning these formerly privately held forest lands.

We register here our negative response to any such rezoning, especially in view of the fact that there is no Regional Growth Strategy for this area. How long can development continue within Cowichan's Traditional Territory before there remains no suitable natural area available for our members' aboriginal practices and rights? Many of the private forestry lands for sale are important for traditional hunting and gathering activities despite the fact that much of these lands have already been logged. Designated forestry lands continue to support forests at all successional stages, maintaining their long-term value as native plant and wildlife habitats and, therefore most significantly, our ability to practice our culture and traditions.

Cowichan members have shown concern over at least one particular parcel that is up for sale, located in the vicinity of Mount Prevost. This area is extremely important for Cowichan's cultural activities, which would be extirpated if the lands are sold and developed. Cowichan Tribes therefore requests a process of consultation be established.

We would like to bring to your attention to some significant court decisions that guide the process of consultation with First Nations.

First. The courts have identified that the first stage in any consultation process, is to set up the process itself.

Board	Chair
Committee	
April 18/09	

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Cowichan Tribes Land Office

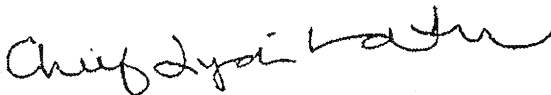
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- Second. The courts have identified that public processes are *not* suitable for the discharge of the Crown's duty with regard to First Nations consultation.
- Third. The courts have identified that some private land uses and aboriginal uses are *not mutually exclusive*, meaning that both activities may cooperatively or collaboratively share the same land base. This court decision was specific to forestry zoned lands.
- Fourth. The courts have identified that it is at the strategic stage that governments must consult; in this case it is the application for rezoning that is strategic.
- Fifth. The courts have identified that land use decisions affect First Nations title and rights, and local governments make land use decisions.
- Sixth. The courts have identified that an impact to the ability of First Nations to practice their culture and traditions in their preferred place *is an infringement* of their rights.
- Seventh. The courts have identified that consultation lies along a spectrum, from simple letter contact to deep and meaningful contact. The matters Cowichan has disclosed in this letter clearly indicate that a deep and meaningful consultation is necessary with respect to any rezoning applications that would in effect stop the Cowichan Mustimuhw from access and use of lands previously enjoyed.
- Eighth. The courts have identified a justification standard for governments to employ when there is a strong potential to infringe a First Nation's title and rights. This standard starts at *avoidance of the infringement*; when *avoidance* cannot be achieved, then the courts direct governments to employ *mitigation to effect the least potential for adverse impact* to a First Nation's title and rights; and if avoidance and mitigation may not be employed but the project must proceed, then in some cases *compensation* may be necessary.
- Ninth. The courts have identified that consultation is iterative, which means there will be repeated communications exchanged to investigate and resolve matters identified. Additional matters often come to light during and throughout iterative consultation.

Therefore and in accordance with the above court decisions, we want to emphasize that a process must be established as the first step to resolve your duty to consult with Cowichan Tribes.

I would like to suggest that our government representatives meet to discuss this issue further. Please contact Larry George, Manager of the Lands and Governance Department, at the telephone number above.

Yours truly,



Chief Lydia Hwitsum

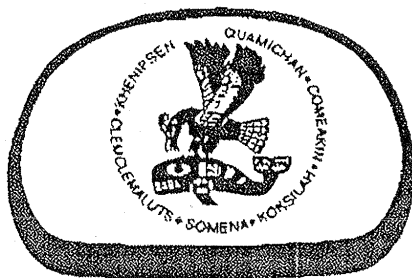
LH/hr

pc: Kathleen Johnnie, Hul'qumi'num Treaty Group
Renee Racette, Hul'qumi'num Treaty Group
Tom Walker, Mayor, North Cowichan (VIA fax# 250-746-3133)
Gerry Giles, Chair, CVRD Board of Directors (VIA email: ggiles12@shaw.ca)
Alec Drysdale, Manager, Crown Lands and Resources, ILMB (VIA fax#: 604-586-4419)

APR.01'2009 14:19 2366

Cowichan Tribes Land Office

#5385 P.002/002



Cowichan Tribes

5760 Allenby Road Duncan, BC V9L 5J1

Telephone (250) 748-3196 Fax: (250) 748-1233

March 17, 2009

Our File No. 714

BC Hydro and Power Authority
Aboriginal Relations and Negotiations
6911 Southpoint Drive (E16)
Burnaby, BC V3N 4X8

Attention: James Ross, Senior Negotiator

Dear Mr. Ross,

Re: Interior to Lower Mainland (ILM) Transmission Project – Interim Capacity
Funding for participation in the Environmental Assessment

This letter is to acknowledge the receipt of your letter dated March 6, 2009. We have reviewed the Interior to Lower Mainland Transmission Project Assessment Report dated February 17, 2009. And, we note that the project is located outside of Cowichan Tribes Traditional Territory.

Our main concerns pertain to potential impacts that this project may have on fish, particularly salmon, in the Fraser River. Cowichan Mustimuhw have had a very strong presence on the Fraser River and continue to claim rights and title to these areas. The Salmon have been a staple for our people for millennia and we need to be assured that this project will not present any further detriment to their habitat.

The report states that there is the potential for effects on fish populations. We have noted the measures BCTC have committed to take to mitigate the destruction or alteration of in-stream habitat, including: construction measures to limit riparian habitat disturbance, measures to mitigate changes to channel morphology, and measures to mitigate the effects of sediment deposition. We also understand that an Effects Monitoring program for fisheries and aquatic habitat will be implemented upon the completion of the project construction activities.

We trust that the measures committed by BCTC will be adhered to and that the monitoring program will be fully implemented. We look forward to receiving the results from the monitoring program when they are available

Yours truly,

Chief Lydia Hwitsum

HR/lh

pc. Katheleen Johnnie, Hul'qumi'nun Treaty Group

DATE	TA	Copies to:
FILE		Chair
CHECK		KM/ler
FILE		Apr 18/09

000088

RE PKI

Area D Parks Commission General Meeting Minutes
Oceanfront Grand Resort Hotel, Cowichan Bay
March 31, 2009

Meeting called to order: 5:40pm

Present: Steve Garnett, Kerrie Talbot, Donna Einarsson, Lori Iannidinardo, Val Townsend, Megan Stone

Regrets: Danica Rice

Commission Business

Elections:

1. Appointed Chair for Area D Parks Commission: Kerrie Talbot
2. Secretary for Area D Parks Commission: Megan Stone, Val Townsend

Minutes from last meeting (February 23, 2009):

1. Corrected for forwarding to CVRD, Parks and Recreation Department.

Meeting Format:

1. Length of meetings to be 1 ½ hours
2. Meet the third Monday of the month, except for May. Will meet on the fourth Monday in May, which is May 25th, 2009, at 5:30pm
3. Next meeting is April 20th, 2009 at 5:30pm
4. Lori to book Bench School multipurpose room for next meeting due to Mapping Project presentation

Recent Events

Report on Treffery Creek – Streamkeepers & Park signage:

1. Successful event, well attended. Hope that Treffery Creek project can continue its good work
2. Resolved to send thank you card to Holly Stroes-Miller for her speech at our last AGM on behalf of the Young Naturalists and their work at Treffery Creek

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Report on Urban Development Workshop on March 28, 2009, put on by APC:

1. Encourage the APC to continue to invite us as it was great for education, networking, and community involvement
2. Suggest to APC that instead of a one day long workshop that information would be better absorbed if broken down into smaller increments over different days

Upcoming Events

Green Mapping Project:

1. Would like to attend one of our meetings to present project and receive feedback.
2. Resolved that they will be invited to attend our April 20th, 2009 meeting

Hof Trail:

1. Kiosk is now fixed and facing the correct way
2. Community clean-up scheduled for May 7th, 2009, at 10:00am unless otherwise stated
3. Volunteers from Area D Parks Commission encouraged to go.

Stephanie's Stroll/ Coverdale Watson gravesite/ Bartlett Trail Dedication Ceremony:

1. Dedication ceremony scheduled for June 6th, 10:00am -1:00 pm
2. Family Fun day event: scavenger hunt or other activity planned for kids.
3. Walk planned between three sites, ending with hotdogs at Coverdale Watson park.
4. Kerrie to contact South Cowichan Rotary re: cooking hotdogs at park

New Business

South Cowichan Parks Commission:

1. Need two representatives from Area D. Lori is one, and we need another volunteer

2. Kerry to get more details on role and present to Area D commission at next meeting

Requests for Student Worker for South Cowichan Parks Commission (May – August):

1. “Hecate Park” sign is incorrectly positioned where “Cowichan Bay Boat Launch” sign should be. Hecate Park sign needs to be repositioned to appropriate/ accurate location
2. New “Cowichan Bay Boat Launch” sign to be made.
3. Boat Launch Etiquette/ Rules sign is a great idea
4. Education signs needed, i.e. Estuary, Eel Grass

Identified Needs in Area D:

1. Doggy bag dispenser needed in Hecate Park
2. Ensure that Hecate Park sign is repositioned to accurate location.
3. Encourage Cowichan Bay Boat Launch sign to be installed
4. Need to approach South Cowichan Parks for two speed bumps or calming devices of full width in the Cowichan Bay Boat Launch Park parking lot to stop the racing at night

Ongoing Business

Adopt-A-Park:

1. Meet at Hecate Park at 2:00pm on April 10th, 2009, for a drive around to identify each park in Area D
2. Each member to choose a park and report to committee as a volunteer ‘minder’ of chosen park

Park Bench Inventory:

1. Donna to email inventory to Megan, Steven and Val.

Meeting adjourned at 6:55pm on March 31st, 2009

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MEMORANDUM



DATE: March 6, 2009

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

FROM: Brian Duncan, Chief Building Inspector

SUBJECT: **BUILDING REPORT FOR THE MONTH OF MARCH, 2009**

There were 36 building Permits and 0 Demolition Permit(s) issued during the month of March, 2009 with a total value of \$ 3,335,470

Electoral Area	Commercial	Institutional	Industrial	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"				608,150		8	16	608,150	4,957,490
"B"				425,450		5	24	425,450	1,939,525
"C"				824,995		6	10	824,995	1,178,975
"D"	11,500			0	25,000	3	8	36,500	180,875
"E"				260,250		4	7	260,250	507,370
"F"				35,520		1	3	35,520	60,480
"G"				138,700		2	3	138,700	411,240
"H"				655,045		5	11	655,045	1,066,815
"I"	300,000			50,860		2	9	50,860	1,199,380
Total	311,500	0	0	2,998,970	25,000	36	91	3,335,470	11,502,150
NEW RESIDENTIAL					TOTALS TO DATE				
March	2009	(15)		\$ 2,169,380	March	2009	(36)		\$ 3,335,470
March	2008	(22)		\$ 3,029,392	March	2008	(48)		\$ 4,343,744
3 Months	2009	(37)		\$ 5,493,110	3 Months	2009	(91)		\$ 11,502,150
3 Months	2008	(60)		\$ 8,209,531	3 Months	2008	(128)		\$ 11,121,213

B. Duncan, RBO
Chief Building Inspector
BD/db

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INT.